CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, SECOND SESSION.

VOLUME XVI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1885.

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VOLUME XVI, PART I.

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FORTY-EIGHTH CONGRESS, SECOND SESSION.

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PROCEEDINGS AND DEBATES OF THE FORTY-EIGHTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December* 1, 1884.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Forty-eighth Congress commenced this day.

The Senators assembled in the Senate Chamber in the Capitol at Washington city.

The President *pro tempore* (Mr. GEORGE F. EDMUNDS, a Senator from the State of Vermont) took the chair and called the Senate to order at 12 o'clock noon.

PRAYER.

Rev. E. D. HUNTLEY, D. D., Chaplain to the Senate, offered the following prayer:

Let us pray. Almighty God, we adore Thee as King of kings and Lord of lords, infinite in wisdom, power, and goodness.

Permit us to draw near with reverence, and honor that Name which is high over all, blessed forever.

We come to thank Thee for the many mercies with which Thou hast been pleased to favor us, and to humbly ask that Thou wilt continue to regard us as the objects of Thy care.

While we have rested Death has been at work, and the ripened grain has fallen by the hand of the great Harvester. Not the Senate only, but the Cabinet and the House of Representatives have received the stroke of the Destroyer, and the nation has been reminded that in the midst of life we are in death.

May we profit by the example of the lives of those now gone, and in their decease read once more the ever salutary lesson of our own mortality. We thank Thee that Thou dost still preserve our country from foreign invasion and intestine war. Surely Thy banner over us is love; and we pray that we may use the opportunity afforded by these pacific times, by such a conserving of fraternal intercourse and by plans for mutual helpfulness, that sectional ambition may be known only in that praiseworthy rivalry by which each desires to outdo the other in benefiting all. Graciously regard all those who are in authority among us, the President of the United States, the Speaker and the House of Representatives, and in an especial manner do Thou be pleased to give Thy blessing to the members of this Senate; continue health and wisdom, strength and fidelity to its presiding officer, and during the entire session may the lives of all its employés be precious in Thy sight. In the performance of their duties may they so yield themselves to the suggestions of Thy Holy Spirit that when done with the management of public affairs now committed to their hands they may be greeted with Thy smile and rest beneath Thy benediction. We ask these mercies in the name of Jesus Christ, our Mediator and Redeemer. Amen.

SENATORS PRESENT.

The following Senators were present:

From the State of—

Alabama—John T. Morgan and James L. Pugh.
Arkansas—Augustus H. Garland and James D. Walker.
California—John F. Miller.
Colorado—Thomas M. Bowen and Nathaniel P. Hill.
Connecticut—Joseph R. Hawley.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Florida—Charles W. Jones.
Illinois—Shelby M. Cullom and John A. Logan.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—William B. Allison and James F. Wilson.
Kansas—John J. Ingalls.
Kentucky—James B. Beck.
Louisiana—Benjamin F. Jonas.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman and James B. Groome.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger and Thomas W. Palmer.
Minnesota—Samuel J. R. McMillan and Dwight M. Sabin.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Charles F. Manderson and Charles H. Van Wyck.
New Hampshire—Henry W. Blair and Austin F. Pike.
New Jersey—John R. McPherson and William J. Sewell.
New York—Elbridge G. Lapham and Warner Miller.
North Carolina—Matt W. Ransom and Zebulon B. Vance.
Ohio—George H. Pendleton and John Sherman.
Oregon—Joseph N. Dolph.
Pennsylvania—James Donald Cameron and John I. Mitchell.
Rhode Island—Nelson W. Aldrich.
Tennessee—Isham G. Harris and Howell E. Jackson.
Texas—Richard Coke and Sam. Bell Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Wisconsin—Angus Cameron and Philetus Sawyer.

NOTIFICATION TO THE HOUSE.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee, consisting of two members, be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Messrs. SHERMAN and GARLAND were appointed.

HOUR OF MEETING.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of William P. Sheffield, appointed by the governor of the State of Rhode Island a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the death of HENRY B. ANTHONY; which were read and ordered to be filed.

RECESS.

The PRESIDENT *pro tempore*. The Chair will state that under the rules petitions and memorials are now in order. The Chair understands that the custom has been not to receive ordinary [illegible] the fact of the assembling of the House of Representatives [illegible] communicated to the Senate. Therefore, if there be no objection, the Chair will not make the ordinary call.

Mr. COCKRELL (at 12 o'clock and 10 minutes p. m.). I move that the Senate take a recess for thirty minutes.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 40 minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

Mr. JOHN B. CLARK, jr., the Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I have been directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

I am further directed to inform the Senate that the House has passed a resolution that a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

I am also directed to announce that the House has appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. SAMUEL S. COX of New York, and Mr. THOMAS M. BROWNE of Indiana the committee on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. Mr. President, I see no reason why the Senate should not proceed with the reception of the ordinary morning business. If it is now in order, I shall present a petition.

The PRESIDENT *pro tempore*. The Chair will receive petitions, if there be no objection.

Mr. SHERMAN presented the petition of Israel W. Andrews and other citizens of Marietta, Ohio, praying that certain relief be granted Charles Morris Blake, post chaplain, United States Army, retired; which was referred to the Committee on Military Affairs.

Mr. LAPHAM presented a petition of citizens of New York, praying that certain relief be granted Charles Morris Blake, post chaplain, United States Army, retired; which was referred to the Committee on Military Affairs.

Mr. MORRILL presented the petition of Emily L. Alvord, widow of Brig. Gen. Benjamin Alvord, late Paymaster-General United States Army, praying for a pension of $50 per month; which was referred to the Committee on Pensions.

Mr. MILLER, of California, presented the petition of Charles M. Blake, post chaplain, United States Army, retired, praying for certain relief; which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the California State Grange, favoring an appropriation of $15,000 for two years for establishing and conducting two agricultural experiment stations in California and one in Oregon; which were referred to the Committee on Agriculture and Forestry.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2369) declaring certain Indians to be citizens of the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 2370) dividing the Pottawatomie reservation in the Indian Territory, and authorizing patents to issue to the tribes of Absentee Shawnee and the Citizen Band of Pottawatomie Indians; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 2371) to hereafter prohibit distinctions being made in the military service of the United States against any class of American citizens; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2372) to enable officers of the Army who were promoted for gallant and distinguished services in the war of the rebellion to be retired with the rank and full pay of the grade to which they were so promoted; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2373) to facilitate promotions throughout the Army, by retiring from active service, upon their own application, officers of the Army who served in the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2374) to authorize the lighting of the navigable rivers of the United States with electricity; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; which was read twice by its title, and referred to the Committee on Finance.

Mr. LOGAN introduced a bill (S. 2376) for the relief of Joseph F. Wilson; which was read twice by its title.

Mr. LOGAN. This bill passed through Congress at the last session, but failed, for some reason, I do not know why, to receive the signature of the President. There is a report accompanying it. I ask that the bill lie on the table, so that I may call it up hereafter.

The bill was ordered to lie on the table.

Mr. MORRILL introduced a bill (S. 2377) granting a pension to Emily L. Alvord; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2378) to prevent the obstruction of navigable waters and to protect public works against trespass or injury; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2379) to authorize the transfer of one of the vessels of the Greely relief expedition to the Treasury Department for a revenue-cutter and the retention of the other two for use in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LAPHAM introduced a bill (S. 2380) to resubmit the claims of Ira D. Warren, receiver of the New York and Virginia Steamship Company, to the Court of Commissioners of Alabama Claims; which was read twice by its title.

Mr. LAPHAM. In connection with the bill I ask to submit a synopsis of the facts and the opinion of the court when the case was before it. I move the reference of the papers with the bill to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 2381) to amend "An act providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July 4, 1884; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

ILLEGAL FENCES ON THE PUBLIC DOMAIN.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be directed to report such legislation as may be necessary to authorize the Secretary of the Interior to summarily remove all fences illegally constructed on the public domain of the United States.

RECESS.

Mr. HAWLEY (at 12 o'clock and 55 minutes p. m.) I move that the Senate take a recess for half an hour.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 25 minutes p. m.) the Senate reassembled.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN and Mr. GARLAND, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. SHERMAN said: The joint committee on the part of the two Houses to wait upon the President of the United States and inform him that a quorum of the two Houses of Congress has assembled and that Congress is ready to receive any communication he may be pleased to make, have performed their duty, and the President requests us to say to the Senate that he will immediately communicate a message in writing.

PRESIDENT'S ANNUAL MESSAGE.

At 1 o'clock and 35 minutes p. m. Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar of the Senate and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the Secretary and handed to the President *pro tempore*.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate (Mr. ANSON G. MCCOOK) read the message, as follows:

To the Congress of the United States:

Since the close of your last session the American people, in the exercise of their highest right of suffrage, have chosen their Chief Magistrate for the four years ensuing.

When it is remembered that at no period in the country's history has the long political contest which customarily precedes the day of the national election been waged with greater fervor and intensity, it is a subject of general congratulation that after the controversy at the polls was over, and while the slight preponderance by which the issue had been determined was as yet unascertained, the public peace suffered no disturbance, but the people everywhere patiently and quietly awaited the result.

Nothing could more strikingly illustrate the temper of the American citizen, his love of order, and his loyalty to law—nothing could more signally demonstrate the strength and wisdom of our political institutions.

Eight years have passed since a controversy concerning the result of a national election sharply called the attention of the Congress to the necessity of providing more precise and definite regulations for counting the electoral vote.

It is of the greatest importance that this question be solved before

conflicting claims to the Presidency shall again distract the country, and I am persuaded that, by the people at large, any of the measures of relief thus far proposed would be preferred to continued inaction.

Our relations with all foreign powers continue to be amicable.

With Belgium a convention has been signed whereby the scope of present treaties has been so enlarged as to secure to citizens of either country within the jurisdiction of the other equal rights and privileges in the acquisition and alienation of property. A trade-marks treaty has also been concluded.

The war between Chili and Peru is at an end. For the arbitration of the claims of American citizens who during its continuance suffered through the acts of the Chilian authorities a convention will soon be negotiated.

The state of hostilities between France and China continues to be an embarrassing feature of our Eastern relations. The Chinese Government has promptly adjusted and paid the claims of American citizens whose property was destroyed in the recent riots at Canton. I renew the recommendation of my last annual message, that the Canton indemnity fund be returned to China.

The true interpretation of the recent treaty with that country, permitting the restriction of Chinese immigration, is likely to be again the subject of your deliberations. It may be seriously questioned whether the statute passed at the last session does not violate the treaty rights of certain Chinese who left this country with return certificates valid under the old law and who now seem to be debarred from relanding for lack of the certificates required by the new.

The recent purchase by citizens of the United States of a large trading fleet heretofore under the Chinese flag has considerably enhanced our commercial importance in the East. In view of the large number of vessels built or purchased by American citizens in other countries and exclusively employed in legitimate traffic between foreign ports under the recognized protection of our flag, it might be well to provide a uniform rule for their registration and documentation, so that the *bona fide* property rights of our citizens therein shall be duly evidenced and properly guarded.

Pursuant to the advice of the Senate at the last session, I recognized the flag of the International Association of the Congo as that of a friendly government, avoiding in so doing any prejudgment of conflicting territorial claims in that region. Subsequently, in execution of the expressed wish of the Congress, I appointed a commercial agent for the Congo Basin.

The importance of the rich prospective trade of the Congo Valley has led to the general conviction that it should be open to all nations upon equal terms. At an international conference for the consideration of this subject called by the Emperor of Germany, and now in session at Berlin, delegates are in attendance on behalf of the United States. Of the results of the conference you will be duly advised.

The Government of Corea has generously aided the efforts of the United States minister to secure suitable premises for the use of the legation. As the conditions of diplomatic intercourse with Eastern nations demand that the legation premises be owned by the represented power, I advise that an appropriation be made for the acquisition of this property by the Government. The United States already possess valuable premises at Tangier as a gift from the Sultan of Morocco. As is stated hereafter, they have lately received a similar gift from the Siamese Government. The Government of Japan stands ready to present to us extensive grounds at Tokio whereon to erect a suitable building for the legation, court-house, and jail, and similar privileges can probably be secured in China and Persia. The owning of such premises would not only effect a large saving of the present rentals, but would permit of the due assertion of extraterritorial rights in those countries, and would the better serve to maintain the dignity of the United States.

The failure of Congress to make appropriation for our representation at the autonomous court of the Khédive has proved a serious embarrassment in our intercourse with Egypt; and in view of the necessary intimacy of diplomatic relationship due to the participation of this Government, as one of the treaty powers, in all matters of administration there affecting the rights of foreigners, I advise the restoration of the agency and consulate-general at Cairo on its former basis. I do not conceive it to be the wish of Congress that the United States should withdraw altogether from the honorable position they have hitherto held with respect to the Khédive, or that citizens of this Republic residing or sojourning in Egypt should hereafter be without the aid and protection of a competent representative.

With France the traditional cordial relationship continues. The colossal statue of Liberty enlightening the world, the generous gift of the people of France, is expected to reach New York in May next. I suggest that Congressional action be taken in recognition of the spirit which has prompted this gift and in aid of the timely completion of the pedestal upon which it is to be placed.

Our relations with Germany, a country which contributes to our own some of the best elements of citizenship, continue to be cordial. The United States have extradition treaties with several of the German states, but by reason of the confederation of those states under the imperial rule the application of such treaties is not as uniform and comprehensive as the interests of the two countries require. I propose, therefore, to open negotiations for a single convention of extradition, to embrace all the territory of the empire.

It affords me pleasure to say that our intercourse with Great Britain continues to be of a most friendly character.

The government of Hawaii has indicated its willingness to continue for seven years the provisions of the existing reciprocity treaty. Such continuance, in view of the relations of that country to the American system of States, should, in my judgment, be favored.

The revolution in Hayti against the established government has terminated. While it was in progress it became necessary to enforce our neutrality laws by instituting proceedings against individuals and vessels charged with their infringement. These prosecutions were in all cases successful.

Much anxiety has lately been displayed by various European governments, and especially by the government of Italy, for the abolition of our import duties upon works of art. It is well to consider whether the present discrimination in favor of the productions of American artists abroad is not likely to result, as they themselves seem very generally to believe it may, in the practical exclusion of our painters and sculptors from the rich fields for observation, study, and labor which they have hitherto enjoyed.

There is prospect that the long-pending revision of the foreign treaties of Japan may be concluded at a new conference to be held at Tokio. While this Government fully recognizes the equal and independent station of Japan in the community of nations, it would not oppose the general adoption of such terms of compromise as Japan may be disposed to offer in furtherance of a uniform policy of intercourse with Western nations.

During the past year the increasing good-will between our own Government and that of Mexico has been variously manifested. The treaty of commercial reciprocity concluded January 20, 1883, has been ratified, and awaits the necessary tariff legislation of Congress to become effective. This legislation will, I doubt not, be among the first measures to claim your attention.

A full treaty of commerce, navigation, and consular rights is much to be desired, and such a treaty I have reason to believe the Mexican Government stands ready to conclude.

Some embarrassment has been occasioned by the failure of Congress at its last session to provide means for the due execution of the treaty of July 29, 1882, for the resurvey of the Mexican boundary and the relocation of boundary monuments.

With the Republic of Nicaragua a treaty has been concluded, which authorizes the construction by the United States of a canal, railway, and telegraph line across the Nicaraguan territory.

By the terms of this treaty sixty miles of the river San Juan, as well as Lake Nicaragua, an inland sea forty miles in width, are to constitute a part of the projected enterprise.

This leaves for actual canal construction seventeen miles on the Pacific side and thirty-six miles on the Atlantic. To the United States, whose rich territory on the Pacific is for the ordinary purposes of commerce practically cut off from communication by water with the Atlantic ports, the political and commercial advantages of such a project can scarcely be overestimated.

It is believed that when the treaty is laid before you the justice and liberality of its provisions will command universal approval at home and abroad.

The death of our representative at Russia while at his post at St. Petersburg afforded to the Imperial Government a renewed opportunity to testify its sympathy in a manner befitting the intimate friendliness which has ever marked the intercourse of the two countries.

The course of this Government in raising its representation at Bangkok to the diplomatic rank has evoked from Siam evidences of warm friendship and augurs well for our enlarged intercourse. The Siamese Government has presented to the United States a commodious mansion and grounds for the occupancy of the legation, and I suggest that by joint resolution Congress attest its appreciation of this generous gift.

This Government has more than once been called upon of late to take action in fulfillment of its international obligations toward Spain. Agitation in the island of Cuba hostile to the Spanish Crown having been fomented by persons abusing the sacred rights of hospitality which our territory affords, the officers of this Government have been instructed to exercise vigilance to prevent infractions of our neutrality laws at Key West and at other points near the Cuban coast. I am happy to say that in the only instance where these precautionary measures were successfully eluded the offenders, when found in our territory, were subsequently tried and convicted.

The growing need of close relationship of intercourse and traffic between the Spanish Antilles and their natural market in the United States led to the adoption, in January last, of a commercial agreement looking to that end. This agreement has since been superseded by a more carefully framed and comprehensive convention, which I shall submit to the Senate for approval. It has been the aim of this negotiation to open such a favored reciprocal exchange of productions carried under the flag of either country as to make the intercourse between Cuba and Porto Rico and ourselves scarcely less intimate than

the commercial movement between our domestic ports, and to insure a removal of the burdens on shipping in the Spanish Indies, of which in the past our ship-owners and ship-masters have so often had cause to complain.

The negotiation of this convention has for a time postponed the prosecution of certain claims of our citizens which were declared to be without the jurisdiction of the late Spanish-American Claims Commission, and which are therefore remitted to diplomatic channels for adjustment. The speedy settlement of these claims will now be urged by this Government.

Negotiations for a treaty of commercial reciprocity with the Dominican Republic have been successfully concluded, and the result will shortly be laid before the Senate.

Certain questions between the United States and the Ottoman Empire still remain unsolved. Complaints on behalf of our citizens are not satisfactorily adjusted. The Porte has sought to withhold from our commerce the right of favored treatment to which we are entitled by existing conventional stipulations, and the revision of the tariffs is unaccomplished.

The final disposition of pending questions with Venezuela has not as yet been reached, but I have good reason to expect an early settlement, which will provide the means of re-examining the Caracas awards in conformity with the expressed desire of Congress, and which will recognize the justice of certain claims preferred against Venezuela.

The Central and South American Commission appointed by authority of the act of July 7, 1884, will soon proceed to Mexico. It has been furnished with instructions, which will be laid before you. They contain a statement of the general policy of the Government for enlarging its commercial intercourse with American states. The commissioners have been actively preparing for their responsible task by holding conferences in the principal cities with merchants and others interested in Central and South American trade.

The International Meridian Conference, lately convened in Washington upon the invitation of the Government of the United States, was composed of representatives from twenty-five nations. The conference concluded its labors on the 1st of November, having with substantial unanimity agreed upon the meridian of Greenwich as the starting point whence longitude is to be computed through one hundred and eighty degrees eastward and westward, and upon the adoption, for all purposes for which it may be found convenient, of a universal day, which shall begin at midnight on the initial meridian and whose hours shall be counted from zero up to twenty-four.

The formal report of the transactions of this conference will be hereafter transmitted to the Congress.

This Government is in frequent receipt of invitations from foreign states to participate in international exhibitions, often of great interest and importance. Occupying as we do an advanced position in the world's production, and aiming to secure a profitable share for our industries in the general competitive markets, it is a matter of serious concern that the want of means for participation in these exhibitions should so often exclude our producers from advantages enjoyed by those of other countries. During the past year the attention of Congress was drawn to the formal invitations in this regard tendered by the governments of England, Holland, Belgium, Germany, and Austria. The Executive has in some instances appointed honorary commissioners. This is, however, a most unsatisfactory expedient, for without some provision to meet the necessary working expenses of a commission it can effect little or nothing in behalf of exhibitors. An international inventions exhibition is to be held in London next May. This will cover a field of special importance, in which our country holds a foremost rank, but the Executive is at present powerless to organize a proper representation of our vast national interests in this direction.

I have in several previous messages referred to this subject. It seems to me that a statute, giving to the Executive general discretionary authority to accept such invitations, and to appoint honorary commissioners, without salary, and placing at the disposal of the Secretary of State a small fund for defraying their reasonable expenses, would be of great public utility.

This Government has received official notice that the revised international regulations for preventing collisions at sea have been adopted by all the leading maritime powers except the United States and came into force on the 1st of September last. For the due protection of our shipping interests, the provisions of our statutes should at once be brought into conformity with these regulations.

The question of securing to authors, composers, and artists copyright privileges in this country in return for reciprocal rights abroad is one that may justly challenge your attention. It is true that conventions will be necessary for fully accomplishing this result, but until Congress shall by statute fix the extent to which foreign holders of copyright shall be here privileged, it has been deemed inadvisable to negotiate such conventions. For this reason the United States were not represented at the recent conference at Berne.

I recommend that the scope of the neutrality laws of the United States be so enlarged as to cover all patent acts of hostility committed in our territory and aimed against the peace of a friendly nation. Existing statutes prohibit the fitting out of armed expeditions and restrict the shipment of explosives, though the enactments in the latter respect were not framed with regard to international obligations, but simply for the protection of passenger travel. All these statutes were intended to meet special emergencies that had already arisen. Other emergencies have arisen since, and modern ingenuity supplies means for the organization of hostilities without open resort to armed vessels or to filibustering parties.

I see no reason why overt preparations in this country for the commission of criminal acts, such as are here under consideration, should not be alike punishable, whether such acts are intended to be committed in our own country or in a foreign country with which we are at peace.

The prompt and thorough treatment of this question is one which intimately concerns the national honor.

Our existing naturalization laws also need revision. Those sections relating to persons residing within the limits of the United States in 1795 and 1798 have now only a historical interest. Section 2172, recognizing the citizenship of the children of naturalized parents, is ambiguous in its terms and partly obsolete. There are special provisions of law favoring the naturalization of those who serve in the Army or in merchant vessels, while no similar privileges are granted those who serve in the Navy or the Marine Corps.

"An uniform rule of naturalization," such as the Constitution contemplates, should, among other things, clearly define the status of persons born within the United States subject to a foreign power (R. S. sec. 1992) and of minor children of fathers who have declared their intention to become citizens but have failed to perfect their naturalization. It might be wise to provide for a central bureau of registry, wherein should be filed authenticated transcripts of every record of naturalization in the several Federal and State courts, and to make provision also for the vacation or cancellation of such record in cases where fraud had been practiced upon the court by the applicant himself or where he had renounced or forfeited his acquired citizenship. A just and uniform law in this respect would strengthen the hands of the Government in protecting its citizens abroad and would pave the way for the conclusion of treaties of naturalization with foreign countries.

The legislation of the last session effected in the diplomatic and consular service certain changes and reductions which have been productive of embarrassment. The population and commercial activity of our country are steadily on the increase, and are giving rise to new, varying, and often delicate relationships with other countries. Our foreign establishment now embraces nearly double the area of operations that it occupied twenty years ago. The confinement of such a service within the limits of expenditure then established is not, it seems to me, in accordance with true economy. A community of 60,000,000 of people should be adequately represented in its intercourse with foreign nations.

A project for the reorganization of the consular service and for recasting the scheme of extraterritorial jurisdiction is now before you. If the limits of a short session will not allow of its full consideration, I trust that you will not fail to make suitable provision for the present needs of the service.

It has been customary to define in the appropriation acts the rank of each diplomatic office to which a salary is attached. I suggest that this course be abandoned, and that it be left to the President, with the advice and consent of the Senate, to fix from time to time the diplomatic grade of the representatives of this Government abroad as may seem advisable, provision being definitely made, however, as now, for the amount of salary attached to the respective stations.

The condition of our finances and the operations of the various branches of the public service which are connected with the Treasury Department are very fully discussed in the report of the Secretary.

It appears that the ordinary revenues for the fiscal year ended June 30, 1884, were—

From customs	$195,067,489 76
From internal revenue	121,586,072 51
From all other sources	31,866,307 65
Total ordinary revenues	348,519,869 92

The public expenditures during the same period were—

For civil expenses	$22,312,907 71
For foreign intercourse	1,260,766 37
For Indians	6,475,999 29
For pensions	55,429,228 06
For the military establishment, including river and harbor improvements and arsenals	39,429,603 36
For the naval establishment, including vessels, machinery, and improvements at navy-yards	17,292,601 44
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	43,939,710 00
For expenditures on account of the District of Columbia	3,407,049 62
For interest on the public debt	54,578,378 48
For the sinking fund	46,790,229 50
Total ordinary expenditures	290,916,473 83
Leaving a surplus of	57,603,396 09

As compared with the preceding fiscal year there was a net decrease of over $21,000,000 in the amount of expenditures. The aggregate receipts were less than those of the year previous by about $54,000,000. The falling off in revenue from customs made up nearly $29,000,000 of this deficiency, and about $23,000,000 of the remainder was due to the diminished receipts from internal taxation.

The Secretary estimates the total receipts for the fiscal year which will end June 30, 1885, at $330,000,000, and the total expenditures at $299,620,201.16, in which sum are included the interest on the debt and the amount payable to the sinking fund. This would leave a surplus for the entire year of about $39,000,000.

The value of exports from the United States to foreign countries during the year ending June 30, 1884, was as follows:

Domestic merchandise	$724,964,852
Foreign merchandise	15,548,757
Total merchandise	740,513,609
Specie	67,133,383
Total exports of merchandise and specie	807,646,992

The cotton and cotton manufactures included in this statement were valued at $208,900,415; the breadstuffs at $162,544,715; the provisions at $114,416,547, and the mineral oils at $47,103,248.

During the same period the imports were as follows:

Merchandise	$667,697,693
Gold and silver	37,426,262
Total	705,123,955

More than 63 per cent. of the entire value of imported merchandise consisted of the following articles:

Sugar and molasses	$103,884,274
Wool and woolen manufactures	53,542,292
Silk and its manufactures	49,949,128
Coffee	49,686,705
Iron and steel and manufactures thereof	41,464,599
Chemicals	38,464,965
Flax, hemp, jute, and like substances, and manufactures thereof	33,463,398
Cotton and manufactures of cotton	30,454,476
Hides and skins other than fur-skins	22,350,906

I concur with the Secretary of the Treasury in recommending the immediate suspension of the coinage of silver dollars and of the issuance of silver certificates. This is a matter to which in former communications I have more than once invoked the attention of the National Legislature.

It appears that annually for the past six years there have been coined, in compliance with the requirements of the act of February 28, 1878, more than twenty-seven million silver dollars. The number now outstanding is reported by the Secretary to be nearly one hundred and eighty-five million, whereof but little more than forty million, or less than 22 per cent., are in actual circulation. The mere existence of this fact seems to me to furnish of itself a cogent argument for the repeal of the statute which has made such fact possible.

But there are other and graver considerations that tend in the same direction.

The Secretary avows his conviction that unless this coinage and the issuance of silver certificates be suspended, silver is likely at no distant day to become our sole metallic standard. The commercial disturbance and the impairment of national credit that would be thus occasioned can scarcely be overestimated.

I hope that the Secretary's suggestions respecting the withdrawal from circulation of the one-dollar and two-dollar notes will receive your approval. It is likely that a considerable portion of the silver now encumbering the vaults of the Treasury might thus find its way into the currency.

While trade-dollars have ceased, for the present at least, to be an element of active disturbance in our currency system, some provision should be made for their surrender to the Government. In view of the circumstances under which they were coined and of the fact that they have never had a legal-tender quality, there should be offered for them only a slight advance over their bullion value.

The Secretary, in the course of his report, considers the propriety of beautifying the designs of our subsidiary silver coins and of so increasing their weight that they may bear their due ratio of value to the standard dollar. His conclusions in this regard are cordially approved.

In my annual message of 1882 I recommended the abolition of all excise taxes except those relating to distilled spirits. This recommendation is now renewed. In case these taxes shall be abolished the revenues that will still remain to the Government will, in my opinion, not only suffice to meet its reasonable expenditures, but will afford a surplus large enough to permit such tariff reduction as may seem to be advisable when the results of recent revenue laws and commercial treaties shall have shown in what quarters those reductions can be most judiciously effected.

One of the gravest of the problems which appeal to the wisdom of Congress for solution is the ascertainment of the most effective means for increasing our foreign trade and thus relieving the depression under which our industries are now languishing. The Secretary of the Treasury advises that the duty of investigating this subject be intrusted in the first instance to a competent commission. While fully recognizing the considerations that may be urged against this course, I am nevertheless of the opinion that, upon the whole, no other would be likely to effect speedier or better results.

That portion of the Secretary's report which concerns the condition of our shipping interests can not fail to command your attention. He emphatically recommends that, as an incentive to the investment of American capital in American steamships, the Government shall by liberal payments for mail transportation, or otherwise, lend its active assistance to individual enterprise, and declares his belief that unless that course be pursued our foreign carrying trade must remain, as it is to-day, almost exclusively in the hands of foreigners.

One phase of this subject is now especially prominent, in view of the repeal by the act of June 26, 1884, of all statutory provisions arbitrarily compelling American vessels to carry the mails to and from the United States. As it is necessary to make provision to compensate the owners of such vessels for performing that service after April, 1885, it is hoped that the whole subject will receive early consideration, that will lead to the enactment of such measures for the revival of our merchant marine as the wisdom of Congress may devise.

The 3 per cent. bonds of the Government to the amount of more than $100,000,000 have since my last annual message been redeemed by the Treasury. The bonds of that issue still outstanding amount to little over $200,000,000, about one-fourth of which will be retired through the operations of the sinking fund during the coming year. As these bonds still constitute the chief basis for the circulation of the national banks, the question how to avert the contraction of the currency caused by their retirement is one of constantly increasing importance.

It seems to be generally conceded that the law governing this matter exacts from the banks excessive security, and that upon their present bond deposits a larger circulation than is now allowed may be granted with safety. I hope that the bill which passed the Senate at the last session permitting the issue of notes equal to the face value of the deposited bonds will commend itself to the approval of the House of Representatives.

In the expenses of the War Department the Secretary reports a decrease of more than $9,000,000. Of this reduction $5,600,000 was effected in the expenditures for rivers and harbors and $2,700,000 in expenditures for the Quartermaster's Department.

Outside of that department the annual expenses of all the Army bureaus proper (except possibly the Ordnance Bureau) are substantially fixed charges, which can not be materially diminished without a change in the numerical strength of the Army. The expenditures in the Quartermaster's Department can readily be subjected to administrative discretion, and it is reported by the Secretary of War that as a result of exercising such discretion, in reducing the number of draught and pack animals in the Army, the annual cost of supplying and caring for such animals is now $1,108,085.90 less than it was in 1881.

The reports of military commanders show that the last year has been notable for its entire freedom from Indian outbreaks.

In defiance of the President's proclamation of July 1, 1884, certain intruders sought to make settlements in the Indian Territory. They were promptly removed by a detachment of troops.

During the past session of Congress a bill to provide a suitable fire-proof building for the Army Medical Museum and the Library of the Surgeon-General's Office received the approval of the Senate. A similar bill, reported favorably to the House of Representatives by one of its committees, is still pending before that body. It is hoped that during the coming session the measure may become a law, and that thereafter immediate steps may be taken to secure a place of safe deposit for these valuable collections, now in a state of insecurity.

The funds with which the works for the improvement of rivers and harbors were prosecuted during the past year were derived from the appropriations of the act of August 2, 1882, together with such few balances as were on hand from previous appropriations. The balance in the Treasury subject to requisition July 1, 1883, was $10,021,649.55. The amount appropriated during the fiscal year 1884 was $1,319,634.62, and the amount drawn from the Treasury during the fiscal year was $8,228,703.54, leaving a balance of $3,112,580.63 in the Treasury subject to requisition July 1, 1884.

The Secretary of War submits the report of the Chief of Engineers as to the practicability of protecting our important cities on the seaboard by fortifications and other defenses able to repel modern methods of attack. The time has now come when such defenses can be prepared with confidence that they will not prove abortive; and, when the possible result of delay in making such preparation is seriously considered, delay seems inexcusable. For the most important cities—those whose destruction or capture would be a national humiliation—adequate defenses, inclusive of guns, may be made by the gradual expenditure of $60,000,000; a sum much less than a victorious enemy could levy as a

contribution. An appropriation of about one-tenth of that amount is asked to begin the work, and I concur with the Secretary of War in urging that it be granted.

The War Department is proceeding with the conversion of 10-inch smooth-bore guns into 8-inch rifles, by lining the former with tubes of forged steel or of coiled wrought iron. Fifty guns will be thus converted within the year. This, however, does not obviate the necessity of providing means for the construction of guns of the highest power, both for the purposes of coast defense and for the armament of war vessels.

The report of the gun-foundery board, appointed April 2, 1883, in pursuance of the act of March 3, 1883, was transmitted to Congress in a special message of February 18, 1884. In my message of March 26, 1884, I called attention to the recommendation of the board that the Government should encourage the production at private steel works of the required material for heavy cannon, and that two Government factories, one for the Army and one for the Navy, should be established for the fabrication of guns from such material. No action having been taken, the board was subsequently reconvened to determine more fully the plans and estimates necessary for carrying out its recommendation. It has received information which indicates that there are responsible steel manufacturers in this country who, although not provided at present with the necessary plant, are willing to construct the same and to make bids for contracts with the Government for the supply of the requisite material for the heaviest guns adapted to modern warfare if a guaranteed order of sufficient magnitude, accompanied by a positive appropriation extending over a series of years, shall be made by Congress. All doubts as to the feasibility of the plan being thus removed, I renew my recommendation that such action be taken by Congress as will enable the Government to construct its own ordnance upon its own territory, and so to provide the armaments demanded by considerations of national safety and honor.

The report of the Secretary of the Navy exhibits the progress which has been made on the new steel cruisers authorized by the acts of August 5, 1882, and March 3, 1883. Of the four vessels under contract, one, the Chicago, of 4,500 tons, is more than half finished; the Atlanta, of 3,000 tons, has been successfully launched, and her machinery is now fitting; the Boston, also of 3,000 tons, is ready for launching, and the Dolphin, a dispatch steamer of 1,500 tons, is ready for delivery.

Certain adverse criticisms upon the designs of these cruisers are discussed by the Secretary, who insists that the correctness of the conclusions reached by the advisory board and by the Department has been demonstrated by recent developments in ship-building abroad.

The machinery of the double-turreted monitors Puritan, Terror, and Amphitrite, contracted for under the act of March 3, 1883, is in process of construction. No work has been done during the past year on their armor for lack of the necessary appropriations. A fourth monitor, the Monadnock, still remains unfinished at the navy-yard in California. It is recommended that early steps be taken to complete these vessels and to provide also an armament for the monitor Miantonomoh.

The recommendations of the naval advisory board, approved by the Department, comprise the construction of one steel cruiser of 4,500 tons, one cruiser of 3,000 tons, two heavily armed gunboats, one light cruising gunboat, one dispatch vessel armed with Hotchkiss cannon, one armored ram, and three torpedo-boats. The general designs, all of which are calculated to meet the existing wants of the service, are now well advanced, and the construction of the vessels can be undertaken as soon as you shall grant the necessary authority.

The act of Congress approved August 7, 1882, authorized the removal to the United States of the bodies of Lieut. Commander George W. De Long and his companions of the Jeannette expedition. This removal has been successfully accomplished by Lieutenants Harber and Schnetze. The remains were taken from their grave in the Lena Delta in March, 1883, and were retained at Yakutsk until the following winter, the season being too far advanced to admit of their immediate transportation. They arrived at New York February 20, 1884, where they were received with suitable honors

In pursuance of the joint resolution of Congress approved February 13, 1884, a naval expedition was fitted out for the relief of Lieut. A. W. Greely, United States Army, and of the party who had been engaged under his command in scientific observations at Lady Franklin Bay. The fleet consisted of the steam-sealer Thetis, purchased in England, the Bear, purchased at St. John's, Newfoundland, and the Alert, which was generously provided by the British Government. Preparations for the expedition were promptly made by the Secretary of the Navy, with the active co-operation of the Secretary of War. Commander George W. Coffin was placed in command of the Alert, and Lieut. William H. Emory in command of the Bear. The Thetis was intrusted to Commander Winfield S. Schley, to whom also was assigned the superintendence of the entire expedition.

Immediately upon its arrival at Upernavik, the fleet began the dangerous navigation of Melville Bay, and in spite of every obstacle reached Littleton Island on June 22, a fortnight earlier than any vessel had before attained that point. On the same day it crossed over to Cape Sabine, where Lieutenant Greely and the other survivors of his party were discovered. After taking on board the living and the bodies of the dead the relief ships sailed for St. John's, where they arrived on July 17. They were appropriately received at Portsmouth, N. H., on August 1, and at New York on August 8. One of the bodies was landed at the former place. The others were put on shore at Governor's Island, and, with the exception of one which was interred in the national cemetery, were forwarded thence to the destinations indicated by friends. The organization and conduct of this relief expedition reflect great credit upon all who contributed to its success.

In this the last of the stated messages that I shall have the honor to transmit to the Congress of the United States I can not too strongly urge upon its attention the duty of restoring our Navy as rapidly as possible to the high state of efficiency which formerly characterized it. As the long peace that has lulled us into a sense of fancied security may at any time be disturbed, it is plain that the policy of strengthening this arm of the service is dictated by considerations of wise economy, of just regard for our future tranquillity, and of true appreciation of the dignity and honor of the Republic.

The report of the Postmaster-General acquaints you with the present condition and needs of the postal service.

It discloses the gratifying fact that the loss of revenue from the reduction in the rate of letter-postage recommended in my message of December 4, 1882, and effected by the act of March 3, 1883, has been much less than was generally anticipated. My recommendation of this reduction was based upon the belief that the actual falling off in receipts from letter-postages for the year immediately succeeding the change of rate would be $3,000,000. It has proved to be only $2,275,000.

This is a trustworthy indication that the revenue will soon be restored to its former volume by the natural increase of sealed correspondence.

I confidently repeat, therefore, the recommendation of my last annual message, that the single-rate postage upon drop letters be reduced to 1 cent wherever the payment of 2 cents is now required by law. The double rate is only exacted at offices where the carrier system is in operation, and it appears that at those offices the increase in the tax upon local letters defrays the cost not only of its own collection and delivery, but of the collection and delivery of all other mail matter. This is an inequality that ought no longer to exist.

I approve the recommendation of the Postmaster-General that the unit of weight in the rating of first-class matter should be one ounce instead of one-half ounce, as it now is. In view of the statistics furnished by the Department it may well be doubted whether the change would result in any loss of revenue; that it would greatly promote the convenience of the public is beyond dispute.

The free-delivery system has been lately applied to five cities, and the total number of offices in which it is now in operation is one hundred and fifty-nine. Experience shows that its adoption, under proper conditions, is equally an accommodation to the public and an advantage to the postal service. It is more than self-sustaining, and for the reasons urged by the Postmaster-General may properly be extended.

In the opinion of that officer it is important to provide means whereby exceptional dispatch in dealing with letters in free-delivery offices may be secured by payment of extraordinary postage. This scheme might be made effective by employment of a special stamp, whose cost should be commensurate with the expense of the extra service.

In some of the large cities private express companies have undertaken to outstrip the Government mail-carriers, by affording for the prompt transmission of letters better facilities than have hitherto been at the command of the Post-Office.

It has always been the policy of the Government to discourage such enterprises, and in no better mode can that policy be maintained than in supplying the public with the most efficient mail service that, with due regard to its own best interests, can be furnished for its accommodation.

The Attorney-General renews the recommendation contained in his report of last year touching the fees of witnesses and jurors.

He favors radical changes in the fee-bill, the adoption of a system by which attorneys and marshals of the United States shall be compensated solely by salaries, and the erection by the Government of a penitentiary for the confinement of offenders against its laws.

Of the varied governmental concerns in charge of the Interior Department the report of its Secretary presents an interesting summary. Among the topics deserving particular attention I refer you to his observations respecting our Indian affairs, the pre-emption and timber-culture acts, the failure of railroad companies to take title to lands granted by the Government, and the operations of the Pension Office, the Patent Office, the Census Bureau, and the Bureau of Education.

Allusion has been made already to the circumstance that, both as between the different Indian tribes and as between the Indians and the whites, the past year has been one of unbroken peace.

In this circumstance the President is glad to find justification for the policy of the Government in its dealing with the Indian question, and confirmation of the views which were fully expressed in his first communication to the Forty-seventh Congress.

The Secretary urges anew the enactment of a statute for the punishment of crimes committed on the Indian reservations, and recommends

the passage of the bill now pending in the House of Representatives for the purchase of a tract of 18,000 square miles from the Sioux reservation. Both these measures are worthy of approval.

I concur with him also in advising the repeal of the pre-emption law, the enactment of statutes resolving the present legal complications touching lapsed grants to railroad companies, and the funding of the debt of the several Pacific railroads under such guarantees as shall effectually secure its ultimate payment.

The report of the Utah commission will be read with interest.

It discloses the results of recent legislation looking to the prevention and punishment of polygamy in that Territory. I still believe that if that abominable practice can be suppressed by law it can only be by the most radical legislation consistent with the restraints of the Constitution.

I again recommend, therefore, that Congress assume absolute political control of the Territory of Utah, and provide for the appointment of commissioners, with such governmental powers as in its judgment may justly and wisely be put into their hands.

In the course of this communication reference has more than once been made to the policy of this Government as regards the extension of our foreign trade. It seems proper to declare the general principles that should, in my opinion, underlie our national efforts in this direction.

The main conditions of the problem may be thus stated:

We are a people apt in mechanical pursuits and fertile in invention; we cover a vast extent of territory rich in agricultural products and in nearly all the raw materials necessary for successful manufacture; we have a system of productive establishments more than sufficient to supply our own demands; the wages of labor are nowhere else so great; the scale of living of our artisan classes is such as tends to secure their personal comfort and the development of those higher moral and intellectual qualities that go to the making of good citizens. Our system of tax and tariff legislation is yielding a revenue which is in excess of the present needs of the Government.

These are the elements from which it is sought to devise a scheme by which, without unfavorably changing the condition of the workingman, our merchant marine shall be raised from its enfeebled condition and new markets provided for the sale beyond our borders of the manifold fruits of our industrial enterprises.

The problem is complex, and can be solved by no single measure of innovation or reform.

The countries of the American continent and the adjacent islands are for the United States the natural marts of supply and demand. It is from them that we should obtain what we do not produce or do not produce in sufficiency, and it is to them that the surplus productions of our fields, our mills, and our workshops should flow, under conditions that will equalize or favor them in comparison with foreign competition.

Four paths of policy seem to point to this end.

First, a series of reciprocal commercial treaties with the countries of America, which shall foster between us and them an unhampered movement of trade. The conditions of these treaties should be the free admission of such merchandise as this country does not produce in return for the admission free or under a favored scheme of duties of our own products—the benefits of such exchange to apply only to goods carried under the flag of the parties to the contract; the removal, on both sides, from the vessels so privileged of all tonnage dues and national imposts, so that those vessels may ply unhindered between our ports and those of the other contracting parties, though without infringing on the reserved home coasting trade; the removal or reduction of burdens on the exported products of those countries coming within the benefits of the treaties; and the avoidance of the technical restrictions and penalties by which our intercourse with those countries is at present hampered.

Secondly, the establishment of the consular service of the United States on a salaried footing, thus permitting the relinquishment of consular fees not only as respects vessels under the national flag, but also as respects vessels of the treaty nations carrying goods entitled to the benefits of the treaties.

Thirdly, the enactment of measures to favor the construction and maintenance of a steam-carrying marine under the flag of the United States.

Fourthly, the establishment of a uniform currency basis for the countries of America, so that the coined products of our mines may circulate on equal terms throughout the whole system of commonwealths. This would require a monetary union of America, whereby the output of the bullion-producing countries and the circulation of those which yield neither gold nor silver could be adjusted in conformity with the population, wealth, and commercial needs of each. As many of the countries furnish no bullion to the common stock, the surplus production of our mines and mints might thus be utilized and a step taken toward the general remonetization of silver.

To the accomplishment of these ends, so far as they can be attained by separate treaties, the negotiations already concluded and now in progress have been directed, and the favor which this enlarged policy has thus far received warrants the belief that its operations will ere long embrace all, or nearly all, the countries of this hemisphere.

It is by no means desirable, however, that the policy under consideration should be applied to these countries alone. The healthful enlargement of our trade with Europe, Asia, and Africa should be sought by reducing tariff burdens on such of their wares as neither we nor the other American States are fitted to produce, and thus enabling ourselves to obtain in return a better market for our supplies of food, of raw materials, and of the manufactures in which we excel.

It seems to me that many of the embarrassing elements in the great national conflict between protection and free trade may thus be turned to good account—that the revenue may be reduced so as no longer to overtax the people; that protective duties may be retained without becoming burdensome; that our shipping interests may be judiciously encouraged, the currency fixed on firm bases, and above all such a unity of interests established among the states of the American system as will be of great and ever-increasing advantage to them all.

All treaties in the line of this policy which have been negotiated or are in process of negotiation contain a provision deemed to be requisite under the clause of the Constitution limiting to the House of Representatives the authority to originate bills for raising revenue.

On the 29th of February last I transmitted to the Congress the first annual report of the Civil Service Commission, together with communications from the heads of the several Executive Departments of the Government respecting the practical workings of the law under which the commission had been acting. The good results therein foreshadowed have been more than realized.

The system has fully answered the expectations of its friends in securing competent and faithful public servants and in protecting the appointing officers of the Government from the pressure of personal importunity and from the labor of examining the claims and pretensions of rival candidates for public employment.

The law has had the unqualified support of the President and of the heads of the several Departments, and the members of the commission have performed their duties with zeal and fidelity. Their report will shortly be submitted, and will be accompanied by such recommendations for enlarging the scope of the existing statute as shall commend themselves to the Executive and the commissioners charged with its administration.

In view of the general and persistent demand throughout the commercial community for a national bankrupt law, I hope that the differences of sentiment which have hitherto prevented its enactment may not outlast the present session.

The pestilence which for the past two years has been raging in the countries of the East recently made its appearance in European ports with which we are in constant communication.

The then Secretary of the Treasury, in pursuance of a proclamation of the President, issued certain regulations restricting, and for a time prohibiting, the importation of rags and the admission of baggage of immigrants and of travelers arriving from infected quarters. Lest this course may have been without strict warrant of law I approve the recommendation of the present Secretary that the Congress take action in the premises, and I also recommend the immediate adoption of such measures as will be likely to ward off the dreaded epidemic and to mitigate its severity in case it shall unhappily extend to our shores.

The annual report of the commissioners of the District of Columbia reviews the operations of the several departments of its municipal government. I ask your careful consideration of its suggestions in respect to legislation—especially commending such as relate to a revision of the civil and criminal code, the performance of labor by persons sentenced to imprisonment in the jail, the construction and occupation of wharves along the river front, and the erection of a suitable building for District offices.

I recommend that, in recognition of the eminent services of Ulysses S. Grant, late General of the armies of the United States and twice President of this nation, the Congress confer upon him a suitable pension.

Certain of the measures that seem to me necessary and expedient I have now, in obedience to the Constitution, recommended for your adoption.

As respects others of no less importance, I shall content myself with renewing the recommendations already made to the Congress, without restating the grounds upon which such recommendations were based.

The preservation of forests on the public domain, the granting of Government aid for popular education, the amendment of the Federal Constitution so as to make effective the disapproval by the President of particular items in appropriation bills, the enactment of statutes in regard to the filling of vacancies in the Presidential office, and the determining of vexed questions respecting Presidential inability are measures which may justly receive your serious consideration.

As the time draws nigh when I am to retire from the public service, I can not refrain from expressing to the members of the National Legislature with whom I have been brought into personal and official intercourse my sincere appreciation of their unfailing courtesy and of their harmonious co-operation with the Executive in so many measures calculated to promote the best interests of the nation.

And to my fellow-citizens generally I acknowledge a deep sense of obligation for the support which they have accorded me in my administration of the executive department of this Government.

CHESTER A. ARTHUR.

WASHINGTON, *December* 1, 1884.

The PRESIDENT *pro tempore*. If there be no objection, the message will be printed and laid upon the table.

DEATH OF SENATOR ANTHONY.

Mr. ALDRICH. Mr. President, the credentials which you have this morning laid before the Senate, and the absence of the familiar and conspicuous figure of our late senior associate, publish the sad event whose shadows pervade this Chamber, filling every heart with sorrow, but they do not relieve me from the painful duty of making a formal announcement of the death of my late colleague, HENRY B. ANTHONY, who died at his home in the city of Providence on Tuesday, the 2d of September last.

On some proper occasion, later in the session, my colleague and myself will ask the Senate to give expression in fitting terms to their appreciation of the distinguished public services and private virtues of our deceased friend.

I move, as a mark of respect to his memory, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 1, 1884.

This being the day designated by the Constitution, the members of the House of Representatives of the Forty-eighth Congress assembled in their Hall for their second session.

At 12 o'clock noon the Speaker, Hon. JOHN G. CARLISLE, a Representative of the State of Kentucky, called the House to order.

Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The roll was then called, and the following members answered to their names:

ALABAMA.

James T. Jones.
Hilary A. Herbert.
William C. Oates.
Goldsmith W. Hewitt.
William H. Forney.
Luke Pryor.

ARKANSAS.

Poindexter Dunn.
James K. Jones.
John H. Rogers.
Samuel W. Peel.

CALIFORNIA.

Charles A. Sumner.
John R. Glascock.
William S. Rosecrans.
James H. Budd.
Pleasant B. Tully.

CONNECTICUT.

William W. Eaton.
Charles L. Mitchell.
John T. Walt.
Edward W. Seymour.

DELAWARE.

Charles B. Lore.

FLORIDA.

Robert H. M. Davidson.

GEORGIA.

Thomas Hardeman.
Henry G. Turner.
Charles F. Crisp.
Hugh Buchanan.
Nathaniel J. Hammond.
James H. Blount.
Judson C. Clements.
Seaborn Reese.
Allen D. Candler.

ILLINOIS.

Ransom W. Dunham.
George R. Davis.
George E. Adams.
Robert R. Hitt.
Thomas J. Henderson.
William Cullen.
Lewis E. Payson.
Nicholas E. Worthington.
William M. Springer.
Jonathan H. Rowell.
Joseph G. Cannon.
Samuel W. Moulton.
William R. Morrison.
Richard W. Townshend.
John R. Thomas.

INDIANA.

Thomas R. Cobb.
Strother M. Stockslager.
William S. Holman.
Courtland C. Matson.
Thomas M. Browne.
William E. English.
John E. Lamb.
Thomas B. Ward.
George W. Steele.
Robert Lowry.

IOWA.

Jeremiah H. Murphy.
David B. Henderson.
James Wilson.
William H. M. Pusey.
Adoniram J. Holmes.
Isaac S. Struble.

KANSAS.

Lewis Hanback.
Samuel R. Peters.
John A. Anderson.
Edward H. Funston.
Thomas Ryan.

KENTUCKY.

Oscar Turner.
John E. Halsell.
Thomas A. Robertson.
Albert S. Willis.
John G. Carlisle.
Philip B. Thompson, jr.
William W. Culbertson.
John D. White.
Frank L. Wolford.

LOUISIANA.

Carleton Hunt.
E. John Ellis.

MAINE.

Thomas B. Reed.
Nelson Dingley, jr.
Charles A. Boutelle.

MARYLAND.

J. Frederick C. Talbot.
Fetter S. Hoblitzell.
John V. L. Findlay.
Hart B. Holton.
Louis E. McComas.

MASSACHUSETTS.

Robert T. Davis.
John D. Long.
Patrick A. Collins.
Henry B. Lovering.
Eben F. Stone.
Theodore Lyman.
William W. Rice.
William Whiting.
Francis S. Rockwell.

MICHIGAN.

William C. Maybury.
Nathaniel B. Eldredge.
George L. Yaple.
Ezra C. Carlton.
Julius Houseman.
Roswell G. Horr.
Byron M. Cutcheon.

MINNESOTA.

Milo White.
Horace B. Strait.
William D. Washburn.
Knute Nelson.

MISSISSIPPI.

Henry L. Muldrow.
Hernando D. Money.
Otho R. Singleton.
Henry S. Van Eaton.
Ethelbert Barksdale.

MISSOURI.

Armstead M. Alexander.
Alexander M. Dockery.
James N. Burnes.
John Cosgrove.
Aylett H. Buckner.
James O. Broadhead.
Lowndes H. Davis.

NEBRASKA.

James Laird.

NEVADA.

George W. Cassidy.

NEW HAMPSHIRE.

Ossian Ray.

NEW JERSEY.

Thomas M. Ferrell.
J. Hart Brewer.
John Kean, jr.
Benjamin F. Howey.
William McAdoo.

NEW YORK.

Henry W. Slocum.
Perry Belmont.
William E. Robinson.
Darwin R. James.
Felix Campbell.
Nicholas Muller.
Samuel S. Cox.
William Dorsheimer.
John J. Adams.
John Hardy.
Abram S. Hewitt.
Orlando B. Potter.
Waldo Hutchins.
John H. Ketcham.
Lewis Beach.
Thomas J. Van Alstyne.
Frederick A. Johnson.
Edward Wemple.
George W. Ray.
Charles R. Skinner.
J. Thomas Spriggs.
Newton W. Nutting.
Frank Hiscock.
Sereno E. Payne.
Stephen C. Millard.
Halbert S. Greenleaf.
Robert S. Stevens.
William F. Rogers.

NORTH CAROLINA.

Risden T. Bennett.
Thomas G. Skinner.
James E. O'Hara.
William R. Cox.
Alfred M. Scales.
Clement Dowd.
Tyre York.
Robert B. Vance.

OHIO.

John F. Follett.
Isaac M. Jordan.
Robert M. Murray.
Benjamin Le Fevre.
George E. Seney.
William D. Hill.
James E. Campbell.
J. Warren Keifer.
James S. Robinson.
Frank H. Hurd.
John W. McCormick.
Alphonso Hart.
George L. Converse.
George W. Geddes.
A. J. Warner.
Beriah Wilkins.
Joseph D. Taylor.
Jonathan H. Wallace.
Ezra B. Taylor.
David R. Paige.
Martin A. Foran.

OREGON.

Melvin C. George.

PENNSYLVANIA.

Charles O'Neill.
Samuel J. Randall.
Alfred C. Harmer.
James B. Everhart.
I. Newton Evans.
Daniel Ermentrout.
A. Herr Smith.
William Mutchler.
Daniel W. Connolly.
George A. Post.
William W. Brown.
Jacob M. Campbell.
Louis E. Atkinson.
Charles E. Boyle.
James H. Hopkins.
Thomas M. Bayne.
Samuel H. Miller.
Samuel M. Brainerd.

RHODE ISLAND.

Jonathan Chace.

SOUTH CAROLINA.

Samuel Dibble.
George D. Tillman.
D. Wyatt Aiken.
John J. Hemphill.
George W. Dargan.
Robert Smalls.

TENNESSEE.

Augustus H. Pettibone.
Leonidas C. Houk.
Richard Warner.
Andrew J. Caldwell.
George G. Dibrell.
Benton McMillin.
John G. Ballentine.
John M. Taylor.

TEXAS.

John H. Reagan.
James H. Jones.
David B. Culberson.
James W. Throckmorton.
Olin Wellborn.
Thomas P. Ochiltree.
James F. Miller.
Roger Q. Mills.
Samuel W. T. Lanham.

VIRGINIA.

John S. Wise.
Harry Libbey.
George C. Cabell.
John Randolph Tucker.
Charles T. O'Ferrall.
John S. Barbour.

WEST VIRGINIA.

Nathan Goff, jr.
William L. Wilson.
Charles P. Snyder.
Eustace Gibson.

WISCONSIN.

Daniel H. Sumner.
Burr W. Jones.
Gilbert M. Woodward.
William T. Price.
Isaac Stephenson.

The following is the list of Delegates from the Territories:

ARIZONA.

Granville H. Oury.

MONTANA.

Martin Maginnis.

NEW MEXICO.

Francisco A. Manzanares.

UTAH.

John T. Caine.

WASHINGTON.

Thomas H. Brents.

WYOMING.

Morton E. Post.

The SPEAKER. It appears from the call of the roll that two hundred and twenty-five members are present, which is more than a quorum.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that a quorum of that body was assembled and ready to proceed to business; also, that Mr. SHERMAN and Mr. GARLAND had been appointed a committee to join such committee as should be appointed by the House of Representatives to wait on the President of the United States and inform him that a quorum of each House was assembled, and that Congress was ready to receive any communication he may desire to make.

SWEARING IN OF A MEMBER.

Mr. HOLMAN. Mr. Speaker, I present the credentials of Hon. Benjamin F. Shively, from the State of Indiana, elected to fill the unexpired term of Mr. William H. Calkins, resigned.

The SPEAKER. The credentials will be read.

The Clerk read as follows:

I, Albert G. Porter, governor of the State of Indiana, do hereby certify that at the general election held in this State on the 4th day of November, 1884, Benjamin F. Shively was elected a Representative to the Forty-eighth Congress for the thirteenth Congressional district, composed of the counties of La Porte, Saint Joseph, Elkhart, Starke, Marshall, and Kosciusko, to fill the unexpired term of William H. Calkins, who resigned his office on the 20th day of October, 1884.

In witness whereof I have hereunto subscribed my name and caused to be affixed the seal of the State, at Indianapolis, this 25th day of November, 1884.

ALBERT G. PORTER.

By the governor:

W. R. MYERS,
Secretary of State.

Mr. SHIVELY then appeared at the bar of the House and was qualified by taking the oath prescribed by law.

NOTIFICATION TO THE SENATE.

Mr. MORRISON submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. RANDALL submitted the following resolution:

Resolved, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

The resolution was agreed to.

The SPEAKER appointed as such joint committee on the part of the House Mr. RANDALL, Mr. COX of New York, and Mr. BROWNE of Indiana.

DAILY HOUR OF MEETING.

Mr. MATSON offered the following resolution; which was read, considered, and agreed to:

Resolved, That until the further order of the House the daily hour of meeting of the House be 12 o'clock noon.

And then, on motion of Mr. HOLMAN, the House (at 12 o'clock and 35 minutes p. m.) took a recess for fifteen minutes.

AFTER THE RECESS.

The recess having expired, the House (at 12 o'clock and 50 minutes p. m.) resumed its session.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. RANDALL. Mr. Speaker, the joint committee appointed to wait upon the President of the United States and inform him that the two Houses of Congress were ready to receive any communication he might be pleased to make have discharged that duty, and the President desired us to say that he will communicate to the two Houses in writing immediately.

PRESIDENT'S ANNUAL MESSAGE.

A message in writing was received from the President of the United States by Mr. PRUDEN, one of his secretaries.

The SPEAKER. The Chair lays before the House the annual message of the President of the United States.

The message was then read. (See Senate proceedings.)

Mr. MORRISON submitted the following resolution; which was read, considered, and adopted:

Resolved, That the message of the President be committed to the Committee of the Whole House on the state of the Union and, with the accompanying documents, printed.

Mr. MORRISON also submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed —— thousand copies of the President's last annual message for the use of the House.

TEMPORARY APPROPRIATIONS FOR THE NAVY.

Mr. HUTCHINS, from the Committee on Appropriations, reported a bill (H. R. 7510) making temporary provision for the naval service; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HUTCHINS. I desire to give notice to the House that I will bring this bill up for consideration to-morrow morning immediately after the reading of the Journal.

DEATH OF HON. WILLIAM A. DUNCAN.

Mr. ERMENTROUT. Mr. Speaker, on me has devolved the sad duty of announcing to the House of Representatives the death of our late lamented colleague WILLIAM A. DUNCAN, recently representing the nineteenth district of the State of Pennsylvania, composed of the counties of Adams, York, and Cumberland, which occurred at Gettysburg on the 14th of November last.

It is not my purpose now to make any remarks commemorative of the qualities and character of the deceased. Upon some future occasion that will be my sad duty. But on behalf of our delegation and of the constituents whom he represented I offer the following resolutions, and ask their adoption by the House, with this qualification, that action be not taken upon them until a Representative from the State of South Carolina shall have presented resolutions of a similar character in relation to the death of our late colleague Mr. EVINS, from that State.

The SPEAKER. The resolutions submitted by the gentleman from Pennsylvania will be read.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of WILLIAM A. DUNCAN, late a Representative from the State of Pennsylvania.

Resolved, That the Clerk communicate the foregoing resolution to the Senate.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

DEATH ON HON. JOHN H. EVINS.

Mr. AIKEN. Under instructions of the delegation from the State of South Carolina, which State I have the honor in part to represent on this floor, it is my sad duty to announce to the House the death of our late colleague Mr. JOHN H. EVINS, and to ask the adoption of the resolutions which I send to the Clerk's desk.

The SPEAKER. The resolutions will be read.

The Clerk read as follows.

Whereas death has taken from our midst the Hon. JOHN H. EVINS, of South Carolina, a member of this House:

Resolved, That we have heard with much sorrow of this bereavement to his family and loss to his State and country.

Resolved, That the clerk communicate the foregoing to the Senate.

Resolved, That as a mark of respect to the memory of the deceased this House do now adjourn.

The SPEAKER. In the absence of objection the question will be taken upon the adoption of both series of resolutions at the same time.

The resolutions were unanimously agreed to; and in accordance therewith the House (at 2 o'clock and 55 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: The petition of James G. Field, administrator of Edmund Bickers, Gordonsville, Va., to correct error in the decision of the Southern Claims Commission, and to refer the same to the Court of Claims—to the Committee on War Claims.

By Mr. S. S. COX: Five petitions of business men and seamen of New York city, for a modification of the shipping law to admit seamen giving an allotment note to creditors for any past debt owing by them occurring before engagement—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. KETCHAM: Petition of L. G. Dodge and W. C. Fonda, vice-president and cashier of the Merchants' National Bank, Poughkeepsie, N. Y., asking that authority be given the Secretary of the Treasury to issue a duplicate bond in place of one destroyed—to the Committee on Banking and Currency.

By Mr. ROSECRANS: Petitions of Gerard Russell, captain Third United States Cavalry; of B. H. Grierson, colonel Tenth Cavalry, and others; of L. H. Gangee, captain Seventeenth Infantry; of colonel Sixth Infantry; of Henry E. Noyes, major Fourth Cavalry, and others; of J. H. Bradford, captain Nineteenth Infantry; of Edward P. Grumley and others; of C. M. Burley and others; of H. S. Foster and others; of B. G. Heiner, captain First United States Infantry; and of Leslie Smith, major Second Infantry, in favor of a bill to facilitate promotions throughout the United States Army—severally to the Committee on Military Affairs.

By Mr. SINGLETON: Petitions of William J. McGowan, and also of William B. Sims, respectively of Marshall and LaFayette Counties, Mississippi, to correct errors in the decisions of the late Southern Claims Commission, and to have each case referred to the Court of Claims—severally to the Committee on War Claims.

By Mr. STOCKSLAGER: Papers relating to the pension claim of Jacob Ging—to the Committee on Invalid Pensions.

Also, a paper to accompany bill for the relief of Lieut. J. W. Manington—to the Committee on Claims.

Also, a statement to accompany bill for the relief of L. C. Orrill—to the Committee on Military Affairs.

By Mr. VANCE: Papers relating to the payment of salaries of postmasters under act of March 3, 1883—to the Committee on Appropriations.

SENATE.

TUESDAY, *December* 2, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

M. C. BUTLER, a Senator from the State of South Carolina; ALFRED H. COLQUITT, a Senator from the State of Georgia; JAMES Z. GEORGE, a Senator from the State of Mississippi; JOHN E. KENNA, a Senator from the State of West Virginia; PRESTON B. PLUMB, a Senator from the State of Kansas; JAMES H. SLATER, a Senator from the State of Oregon; and JOHN S. WILLIAMS, a Senator from the State of Kentucky, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF A SENATOR.

Mr. ALDRICH. Mr. President, my colleague Mr. SHEFFIELD, whose credentials were presented to the Senate yesterday, is now present in the Chamber, and I ask that the oath of office may be administered to him.

The PRESIDENT *pro tempore*. If the Senator appointed from Rhode Island will attend at the desk the oath will be administered to him, if there be no objection.

Mr. SHEFFIELD advanced to the desk of the President *pro tempore*, escorted by Mr. ALDRICH, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

REPORT OF SECRETARY OF SENATE.

The PRESIDENT *pro tempore* laid before the Senate the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from December 19, 1883, to June 30, 1884, and a full and complete account of all property in his possession belonging to the United States December 1, 1884, and of the amounts received from the sale of waste paper; which was ordered to lie on the table and be printed.

REPORTS OF SERGEANT-AT-ARMS.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Sergeant-at-Arms of the Senate, communicating, in obedience to law, a full and complete statement of all the property in his possession belonging to the United States December 1, 1884; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Sergeant-at-Arms of the Senate on the subject of the sale of waste paper, old carpets, and condemned furniture; which was ordered to lie on the table and be printed.

FINANCE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year 1884; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF COMPTROLLER OF THE CURRENCY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Comptroller of the Currency, pursuant to section 333 of the Revised Statutes, transmitting his annual report; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF COURT OF CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the clerk of the Court of Claims, transmitting, in pursuance of section 1057 of the Revised Statutes, a statement of all judgments rendered by the Court of Claims during the year ending November 30, 1884; which was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair lays before the Senate for reference sundry bills from the House of Representatives which were received at the very end of the last session, and which were not then presented to the Senate:

The bill (H. R. 191) for the relief of L. S. Ensel was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 411) granting a pension to Elizabeth Connor was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 652) for the relief of Brannin, Summers & Co. was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims, if there be no objection.

Mr. BECK. The bill ought to be referred to the Committee on Finance. That committee reported a bill similar to it, which the Senate passed and sent to the other House. It is a matter that has been considered by that committee a number of times, and it properly belongs there.

The PRESIDENT *pro tempore*. On the suggestion of the Senator from Kentucky, if there be no objection the bill will be referred to the Committee on Finance.

The bill (H. R. 847) for the relief of Francis B. Von Hoesen was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs, if there be no objection.

Mr. HARRISON. I suggest that the reference should be to the Committee on Pensions. The bill relates to the subject of pensions for a certain class of disabled soldiers.

The PRESIDENT *pro tempore*. The bill will be referred, then, if there be no objection, to the Committee on Pensions.

The bill (H. R. 6712) to remove the political disabilities of John Randolph Hamilton, of North Carolina, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution of the General Assembly of the State of Vermont in the nature of a memorial, which will be read.

The joint resolution was read, and ordered to lie on the table, as follows:

Joint resolution.

Resolved, That the thanks of the Vermont senate and house of representatives are due and are hereby tendered Hon. JOHN W. STEWART for the earnest and able manner in which he has urged upon the attention of Congress the importance of national control of "interstate commerce;" and

Be it further resolved, That the Vermont senate and house of representatives most earnestly request our Senators and Representatives in Congress to use all honorable means to secure the passage of some suitable measure concerning the subject-matter of "interstate commerce" by national legislation.

JAMES K. BATCHELDER,
Speaker of the House of Representatives.
E. J. ORMSBEE,
President of the Senate.

The PRESIDENT *pro tempore*. The Chair presents the petition of Richard Woodham, who alleges himself to be illegally confined in the insane asylum at Concord, N. H., claiming that his constitutional rights under the Constitution of the United States are thereby violated. The petition will be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* presented a memorial of William Gardner, of Washington, Ill., regarding the rights of the veterans of the North, and the act to relieve certain soldiers from the charge of desertion, approved July 5, 1884; which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. Mary A. Bryant, of Medford, Mass., praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Nancy A. Wilson, of Nixa, Mo., praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Thomas Kennedy, of Norwich, Conn., a soldier in the Florida Indian war, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of the Second Corps Club, Brooklyn, N. Y., praying for passage of amendments of section 1754 of the Revised Statutes, giving preference in appointments to civil offices to honorably discharged Union soldiers and sailors; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MILLER, of New York, presented a petition of over 2,200 citizens of the city of New York, praying for the repeal of all acts fixing the term of many administrative offices at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of bankers and merchants of Buffalo, N. Y., praying for the passage of an act for the redemption of the trade-dollar; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. COKE. On the 30th of June last, by direction of the Committee on Commerce, I reported back to the Senate the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico, which had been referred to that committee, giving notice that I should subsequently file a written report to accompany the bill. I now ask leave to present that report.

The PRESIDENT *pro tempore*. If there be no objection, the report will be received, and printed in accordance with the rule.

Mr. CAMERON, of Wisconsin, submitted the following report; which was ordered to be placed on file:

The Committee on Claims, to whom was referred Senate bill 1592 for the relief of Franklin S. Whitney, have carefully considered the same; and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

PRINTING OF TESTIMONY.

Mr. DAWES, from the Committee on Indian Affairs, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the testimony taken by a subcommittee of the Senate Committee on Indian Affairs concerning the condition of certain Indian tribes in the State of California, under resolution of the Senate of July 4, 1884, be printed for the use of the committee only.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2382) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LAPHAM introduced a bill (S. 2383) in relation to the salaries of those chaplains in the Army who served one year or more as officers in the line or as privates in the war of the rebellion; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOAR. I ask leave to introduce a bill granting a pension to Jennette S. Kent, which I desire to have lie upon the table, to be referred to the Committee on Pensions when appointed.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Massachusetts that, under the rules adopted at the last session, the Chair thinks that the committees of the Senate as appointed at the last session are still in existence.

Mr. HOAR. Then let the bill be referred at once.

The bill (S. 2384) granting a pension to Jennette S. Kent was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENDLETON (by request) introduced a bill (S. 2385) for the relief of R. G. Huston & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 2386) granting a pension to John I. Weir; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2387) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MILLER, of New York, introduced a bill (S. 2388) for the protection and improvement of the harbor of New York; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2389) for the relief of E. Remington & Sons; which was read twice by its title, and referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. JACKSON, it was

Ordered, That Thomas P. Jordan, of Henderson County, in the State of Tennessee, have permission to withdraw his papers from the files of the Senate, no adverse action having been had thereupon.

LEASES OF INDIAN LANDS.

Mr. VEST submitted the following resolution; which was read:

Resolved, That the Committee on Indian Affairs be instructed to inquire what leases of lands in the Indian Territory for grazing or other purposes have been made by the tribes of Indians therein, the number of acres embraced by each of said leases, the terms thereof, and the persons, corporations, or associations named therein as lessees; also, that the committee inquire as to the circumstances under which said leases were made and the means used for obtaining the same, and whether said leases are authorized by existing legislation or are conducive to the welfare of the Indians in said Territory.

That the committee have power to send for persons and papers, and shall report by bill or otherwise.

Mr. VEST. Mr. President, I propose to ask for the immediate consideration of the resolution, and I should like to have the attention of the chairman of the Committee on Indian Affairs in regard to it.

By a provision of the Revised Statutes now in force a direct prohibition is in existence as to the making of leases of any portion of any Indian reservation. In 1881 my colleague and myself indorsed the application of a citizen of Missouri who had made such a lease with one of what are known as the five civilized tribes of the Indian Territory. The reply of the Secretary of the Interior was that the Revised Statutes absolutely prohibited any such lease, and I considered that a finality. I find now, however, in a document which comes from the Interior Department, information to the effect that there are now leases in this same Indian Territory for 3,117,880 acres of land. These leases seem to have come to the knowledge of the Interior Department, and while they do not meet the approval of that Department, still the Secretary of the Interior in a public letter declares that he will protect the lessees, and that while he will not approve such a lease he will see that persons who have no leases do not interfere with those who have them. The result is that this enormous amount of land is to-day, notwithstanding a direct prohibition of the Revised Statutes, in possession of lessees, and their names are given on page 124 of the document which I hold in my hand.

I have information since the last session of Congress, which I should be glad to lay before the committee, coming from responsible persons, to the effect that these leases have been procured by corruption, fraud, and bribery; that some of the worst practices which have obtained in civilized communities with regard to legislation have already reached to an alarming degree of corruption among the Indian councils. I have before me a letter coming from Mr. Augustus E. Ivey, directed to the Secretary of the Interior, Mr. Ivey being a gentleman who is editor of a newspaper at Vinita, in the Indian Territory, in which he says:

I must again say that the lease—

That is, the lease of what is called the "Cherokee strip"—

was gotten through by the most corrupt and vile schemes, in order to allow a monopoly to enrich themselves, for which privilege they did not spare any money about our council. Could the inside of the scheme be seen through—and it can—I dare say no more vile a swindle was ever perpetrated upon our people. Five times the amount could have been realized for the lands if our council had went at it in a proper way. I have been connected with the press of the Cherokee Nation for the last half dozen years, in fact ever since I have been grown. I have yet a more burning shame to chronicle than the leasing of the "Cherokee strip."

This gentleman I understand to be an entirely responsible party. In addition to his name, I will say to the chairman of the Committee on Indian Affairs that whenever requested I am prepared to lay before him names, amounts, and dates, which show that as widespread a scheme of corruption is to-day in existence in that Territory as ever obtained in the worst times and under the worst methods known to the States of the United States or any other community.

Mr. DAWES rose.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. DAWES. I should like to hear the resolution read.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. The resolution will be again read.

Mr. CONGER. I was about to object to its consideration to-day.

The PRESIDENT *pro tempore*. On that question the Senator from Massachusetts has a right to have the resolution read. It will be again reported.

Mr. CONGER. I ask that it may lie over a day.

The Chief Clerk read the resolution.

Mr. DAWES. I inquire of the Senator from Michigan if he objects to my making a statement before the resolution goes over?

Mr. CONGER. Not at all. I withdraw the objection for that purpose.

The PRESIDENT *pro tempore*. All this debate proceeds by unanimous consent. If there be no objection, the Senator from Massachusetts will proceed.

Mr. DAWES. I should like to state to the Senate that the fact of the existence of these leases came to the knowledge of the committee some time ago. Their attention was called to the subject at the last session by a resolution introduced by the Senator from Indiana [Mr. VOORHEES], if I mistake not. The committee were impressed with the seriousness of the condition of things, not only in the Indian Territory but in other reservations outside of it—the spirit that seemed to have got hold of the white people to take the earliest opportunity and the largest means to appropriate the reservations of the United States throughout, as well outside the Indian Territory as within it.

Upon the passage of the resolution of the Senator from Indiana the committee sought to get a joint committee, a subcommittee of both Houses, to enter into this examination in a serious and thorough manner, and thought that whatever could be done would be best done on a report from such a committee, giving both Houses the advantage of the information at the same time. They were unable to bring about such a result. Just at the close of the session the committee authorized its chairman to report a resolution, which was adopted by the Senate, instructing the committee to visit the Indian Territory and examine into this subject. After the adoption of that resolution, and against the wishes, with the opposition, of the committee, the Senate imposed upon that committee another duty during the vacation, to visit California and examine into the condition of a particular Indian reservation in that State. The committee found it impossible to discharge both of those duties during the vacation. They did execute the resolution imposed upon them by the Senate as well as they could by a subcommittee, but the engagements of the members of the committee as well as of other members of the Senate during the vacation were such that it was im-

possible to get the committee to visit the Indian Territory. They hope to execute that resolution hereafter. If they do not do so during this session of Congress they hope to do it hereafter.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. DAWES. Certainly.

Mr. BECK. I desire, having heard something about leases outside the Indian Territory, to ask the Senator from Massachusetts and the Senator from Missouri whether it would not be better to enlarge the scope of the resolution, so as to apply to all Indian reservations, without confining it to the Indian Territory.

Mr. DAWES. Since the Senate adopted the resolutions to which I have referred, and since the efforts on the part of the committee to execute them, there has come to their knowledge an attempt to appropriate other Indian reservations, especially the Crow reservation, by such a lease as this. The committee are impressed with the idea that serious consequences are connected with these efforts, and that something more than a resolution instructing a committee is necessary to check this proceeding.

If it is not improper, I will state that the committee made inquiry with reference to the Crow reservation leases within a few days, and they ascertained that there is in the treaty with the Crows a special provision authorizing the Crow Indians to do this very thing without the sanction of the Interior Department; at least it is so alleged; I do not know the fact is; but unless something is done every foot of land in these reservations will be taken in the manner described by the Senator from Missouri. I hope that Congress will have their attention called to this matter in a manner that will enlist the active effort of Congress to put an end to it.

The suggestion of the Senator from Kentucky [Mr. BECK] imposes a duty upon the committee which he will see at once it would be impossible for them in this short session to perform. I do not know what it would involve. I certainly know that the committee are desirous of finding some way to put a stop to these leases.

I ought to say in justification of the Interior Department, in response to what was said by the Senator from Missouri, that I have understood the decision of the Interior Department to be this: While no lease can be valid without their sanction, yet withholding their sanction, so long as leases exist there with the consent of the Indians in the Indian Territory which do not appear to the Interior Department to be injurious and unjust, they will not interfere, but will let the Indians manage their own affairs. This condition of things has grown up in the Indian Territory by the Interior Department omitting to interfere, under the impression—a mistaken one, I think—that on the whole these leases are beneficial to the Indians.

Mr. VEST. The Senator from Massachusetts will pardon me for saying a word further. I stated very deliberately, and I will state again, that while the Secretary of the Interior says that he will not approve these leases, virtually he does approve them, because he protects the lessees against the world. I will quote his language:

> While the Department will not recognize the agreement or lease you mention, nor any other of the like character to the extent of approving the same, nor to the extent of assuming to settle controversies that may arise between the different parties holding such agreement, yet the Department will endeavor to see that parties having no agreement with the Indians are not allowed to interfere with those who have.

That is substantially an approval of the lease; and the whole military force of the Government of the United States is used to protect these lessees under an agreement that the Revised Statutes absolutely prohibits. That is what I state upon this floor, and there is no question about it.

Mr. DAWES. I agree with the Senator as to the legal effect disclosed. I only stated the position as it has been stated to me, and as the Committee on Indian Affairs have understood the position of the Interior Department up to this time. I would call the attention of the Senator from Missouri to the resolution under which the committee were instructed to make their investigation, to see whether it does not cover just what the Senator proposes in his resolution, so that his resolution is not necessary.

Mr. VEST. I think not, Mr. President.

Mr. DAWES. If not, I have no objection to the passage of this resolution.

Mr. BECK. Without being prepared to say that anything has yet been done in the matter of the Crow reservation, for that was the subject I was thinking about when I asked the question, I fear from what I see in the papers that efforts are being made to have leases made ostensibly with the Crows which virtually get possession of that territory and destroy very much of the good that the Committee on Indian Affairs by their recent action have done, settling the matter so far as the Crows are concerned. It can do no harm to enlarge the scope of the resolutions, so as to embrace that great reservation which the Crows are now occupying and which they will continue to occupy unless leases are made to cattle-men in Montana, foreign and domestic companies, who will make the same leases that they are now making and to which I endeavored to call the attention of the committee last summer. I hope the Senator from Missouri will enlarge the resolution so as to embrace the Crow reservation.

Mr. DAWES. I think it is due to the committee for me to state that, agreeing with the Senator from Kentucky as to the policy of the Government toward the Crow reservation in all particulars as I understand his position, for he is quite as familiar with it as any Senator, I can conceive of nothing more unjust to those Indians than to attempt to appropriate all the land in that reservation which is thrown out of their particular occupation by the late statute—removing them to another part of the reservation—than these leases. The moment it came to my knowledge I assumed to act for the Committee on Indian Affairs and sought to stop any further effort to get those leases into legal shape, and besought the Secretary of the Interior to do it by telegram if in no other way. I do not think that the committee should be considered as derelict in any particular, for they have done all in their power to put a stop to those leases.

Mr. MAXEY. I ask the Senator from Massachusetts if, in his judgment, the resolution passed at the last session authorizing the committee to inquire into the condition of affairs in the Indian Territory, and to report such legislation, if any, as might be necessary, is sufficiently broad to cover the inquiry proposed by the Senator from Missouri?

Mr. DAWES. I have not that resolution before me. It was passed on the 11th day of June. My impression is that it contained everything that is in the resolution of the Senator from Missouri. I do not object to that resolution, however.

Mr. MAXEY. Nor do I; but I wish to make a suggestion to the Senator, if he will pardon me. I happen to know, from living in close contiguity to that country, that there is an immediate and pressing necessity for an investigation, not only of this but of other important matters, by the Committee on Indian Affairs. Now, can that be done without sending a committee or a subcommittee to the Indian Territory? Can it be done here during the present session? If so, I think it ought to be done by all means.

Mr. DAWES. My colleague on the committee [Mr. CAMERON, of Wisconsin] suggests that the resolution adopted in June required this examination to be made during the recess.

Mr. MAXEY. Then I ask the Senator if the time of that committee would justify an examination during the session?

Mr. DAWES. I ask the Chief Clerk to read the resolution to which I referred.

Mr. MAXEY. The question I asked was, Will the time of the committee justify an investigation during the session?

Mr. DAWES. I do not think it possible for the committee to make a thorough examination into that subject without visiting the Territory. Whether it is practicable to visit it during this session or not, Senators more acquainted with the Indian Territory than myself are better able to answer. The Chief Clerk will read the resolution.

The PRESIDENT *pro tempore*. If there be no objection, as this debate is proceeding by unanimous consent, the paper sent to the desk will be read.

The Chief Clerk read as follows:

> *Resolved*, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the several tribes and bands of Indians in the Indian Territory, the tenure by which the lands in the several reservations in said Territory are now held, and the character of their actual occupation and use, the condition and rights of the freedmen among said Indians, and the relation of said tribes to the United States and to each other, and the need, if any, of legislation in respect to the same; and for that purpose shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer, and sit during the recess of the Senate at such times and places as the committee may determine; and shall report their proceedings and any recommendations they may see fit to make to the Senate at its next session; and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of the said committee, out of the contingent fund of the Senate.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. DAWES. I yield the floor entirely.

Mr. HARRISON. It seems to me, as a member of the Committee on Indian Affairs, that it would be probably impracticable during this short session to conduct as thorough and searching an investigation of this important matter as it ought to have, and that the facilities of the committee for such an investigation would be greatly increased if the members could be upon the ground and come in contact with the existing state of things there. If it be true as the Senator from Missouri has stated—and I have no doubt it is, for he is apt to be accurate in such examinations—that these leases are in open defiance of an express provision of the Revised Statutes of the United States, and if it be true, as he intimates, that the Secretary of the Interior has by any indirection given some sanction and force to the leases—if we may take those two things to be established, one as a matter of law and the other as a fact, I do not see why we may not by a resolution, without any investigation, take such prompt steps as will prevent the continuance of that state of things or the recognition in any way of any future leases which may be made.

If we should do that, then the matter, it seems to me, might well be left until the next vacation, when the Committee on Indian Affairs

could make, on the ground, a searching inquiry into this question. The only thing to be lost by delay might be the making of new leases, or some increase of investment, or tightening of the grip of those who have got hold of some of the lands; and it seems to me that might be prevented, if the Senator from Missouri would present some resolution relating to this matter, either of instruction to the Secretary of the Interior or declaratory of the law in some way, and let us pass it promptly; and then let the investigation follow, and be conducted in a way that should be thorough and searching.

Mr. VEST. There are a good many difficulties which will present themselves to the Senator from Indiana after he has given his attention more fully to this subject. I have looked into it more closely, perhaps, than he has, for the reason that my State, the State of Missouri, is near the Indian Territory, and many citizens of the State are interested in this matter. As the Revised Statutes now stand, no lease is permitted with any Indian tribe for a single acre of their reservations. Notwithstanding that fact the anomalous condition is found now in the Indian Territory of nearly four million acres of land leased with the knowledge of the Interior Department; and the Secretary holds that it is not his duty to go into the question at all, but that he will simply protect the lessees and allow them to remain in possession, and not examine the question in the slightest degree.

In regard to this resolution, all I desire to know is the status of the law, the manner in which these leases have been obtained, and whether the Congress of the United States proposes to allow a few corporations or individuals to go into that Territory and take under leases millions of acres of land and accumulate millions of dollars, for the rent is simply nominal, while the rest of the people of the United States are excluded by the military authorities.

Mr. HARRISON. If the Senator from Missouri will allow me, my suggestion I thought was calculated to apply a prompter remedy than was suggested by the Senator from Missouri. I agree with him that it is a wrong and an outrage—or you may use the strongest terms in its description you please, and I agree with him—but if the Secretary of the Interior thinks it is not his business to interfere, then let us make it his business by some brief joint resolution on the subject which we can pass at once.

Mr. VEST. As I understand the position of the statutes to-day in regard to the Indian Territory, that entire Territory is under the supervision and absolute control of the Interior Department. If that be so, then no additional legislation is necessary, but it is our duty to ascertain why these leases are permitted, why it is that this great Department of the Government ignores the statute, which is as plain as any upon the statute-book, and says that this thing shall still continue to exist. I understand from the report of the Secretary of the Interior that he defends this system, and says it is proper and right and ought to be continued. Out of deference to him and to his practice under the law I thought it was better for the Committee on Indian Affairs to examine the whole subject and make a report.

In regard to the suggestion of the Senator from Texas [Mr. MAXEY] that the subject-matter of my resolution is covered by an antecedent resolution, he will find upon examination that he is mistaken. The first resolution upon this subject was one offered by the Senator from Arkansas [Mr. WALKER] December 4, 1883, and is as follows:

> *Resolved*, That the Secretary of the Interior be, and he is hereby, directed to furnish, for the information of the Senate, copies of all documents and correspondence in his office relating to leases of lands in the Indian Territory to citizens of the United States for cattle-grazing and other purposes.

The report in response to that resolution is the document from which I have read this morning to the Senate. It does not cover the manner in which the leases were made; it does not touch the legality of the leases.

Following that resolution came another, offered by the Senator from Indiana [Mr. VOORHEES], and the date of that, as shown by the Journal, is February 25, 1884. That resolution does not cover this point as I understand it. It reads:

> Whereas in compliance with Senate resolution of December 4, 1883—

Which I have just read—

> Whereas in compliance with Senate resolution of December 4, 1883, the honorable Secretary of the Interior has transmitted copies of documents and correspondence relating to leases of lands in the Indian Territory to citizens of the United States for cattle-grazing and other purposes; and
>
> Whereas it appears from Executive Document No. 54 of the present session of Congress, containing said copies of correspondence, &c., that several million of acres of land in the Indian Territory have been leased to citizens of the United States for cattle-grazing purposes: Therefore,
>
> *Be it resolved*, That the Committee on the Judiciary be, and they are hereby, instructed to investigate the matter of said leases; whether the same have been made in conformity to law; whether any money paid by any of the lessees under the terms of said leases have been covered into the Treasury; whether any of said lessees have attempted to survey any of the lands in said Indian Territory belonging, secured, or granted by treaty with the United States to any Indian tribe, or has designated any of the boundaries of said lands by marking trees or otherwise; and that said committee be instructed to report by bill or otherwise at any time.

That simply affects the legal status of this case. Now comes the resolution which was sent to the desk by the Senator from Massachusetts, and which reads:

> *Resolved*, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the several tribes and bands of Indians in the Indian Territory, the tenure by which the lands in the several reservations in said Territory are now held, and the character of their actual occupation and use, the condition and rights of the freedmen among said Indians, and the relation of said tribes to the United States and to each other, and the need, if any, of legislation in respect to the same; and for that purpose shall have power, &c.

By some construction it might be said that this last resolution would cover the subject, but I desire to put it so specifically and so directly before the committee and the country that there can be no mistake about it.

In regard to the suggestion of the Senator from Kentucky [Mr. BECK] I have simply to say that I understand the Senator from Michigan [Mr. CONGER] to object to the present consideration of this resolution. If so, I will ask that it lie on the table and be printed, and we can amend it when it comes up.

Mr. BECK. That is right.

Mr. VEST. I have no objection to extending the inquiry to the Crow reservation.

Mr. MAXEY. I was of the impression, from my recollection of the resolution which we adopted during the last session, that it was sufficiently broad to cover the investigation proposed by the Senator from Missouri. That was my opinion, and, having just now re-examined it, I am of that opinion yet. At the same time if it is not broad enough I desire the inquiry to extend fully and completely to the questions presented by the Senator from Missouri, because they ought to be inquired into. I have heard a great many criticisms about the leases in the Indian Territory just north of me. Lands are rented there for a price greatly less than is paid for corresponding grazing lands in my State; and I think there is much dissatisfaction among the Indians growing out of the leasing of the lands in such large bodies, as well as at such low figures. How those leases were procured I do not know; but I do know that the lands in the Indian Territory are as fine grazing lands as there are in America, and that they are rented to-day at very small figures as compared with corresponding grazing lands elsewhere.

That ought to be looked into. But that is not the only question which I desire to have inquired into. I call the attention of the chairman of the Committee on Indian Affairs to the fact that there are many questions of great moment to the welfare of the Indians, which I called to the attention of the Senate last session, that need prompt action. I did say at the last session, as the Senator will remember very well, that I was exceedingly anxious that the committee should visit the Indian Territory in person and make examination for themselves, send for books, persons, and papers, and make a complete and exhaustive report to this body for our action, not only upon this question, but upon many others that I could name which need to be examined, to the end that the Senate in then pending legislation should act advisedly.

If the committee could at the present session make these examinations, which I regard as important and urgent, I should be very glad. If they can not do it, of course that settles it for the present Congress. I only desired to call the attention of the chairman of the Committee on Indian Affairs to the fact that there ought to be an examination, rigid and thorough, into the affairs of that Territory. I do not know much about the reservations, and am willing to act as the investigations may show to be right as to them.

Mr. CONGER. I asked that the resolution might go over until to-morrow because I desired to see whether the Committee on Indian Affairs and the Committee on the Judiciary, which have been instructed by resolutions, direct and positive, to make reports upon particular subjects connected with this general topic, had made any reports, and what they were.

Mr. GARLAND. Allow me to interrupt the Senator for a moment.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield?

Mr. CONGER. For an inquiry.

Mr. GARLAND. The resolution to which the Senator from Missouri referred as having been introduced by the Senator from Indiana [Mr. VOORHEES] to instruct the Judiciary Committee was amended, and in place of the Judiciary Committee it was directed to the Committee on Indian Affairs. So that resolution went to them also.

Mr. CONGER. Then there have been two or three resolutions directing the Committee on Indian Affairs (instead of the Committee on the Judiciary as to one) to make a report upon a particular subject. Now, I suppose it is known to every man who has had any familiarity with Indian reservations, not only in the Indian Territory but throughout other parts of the country, that grazing lands and lands for meadows where the grass could be cut on the Western prairies and all over that region have been either seized upon by cattle-dealers, ranchmen, or under some pretended lease—such lands have been taken, been pastured, the grass cut, all for a mere nominal price of no value to the Indians and with no regard for their rights.

I had hoped that there would be a report upon some of these resolutions which at least would give some information to the Senate upon these subjects. I am in full accord with the Senator from Missouri in having this investigation made, if it would be any better than the resolutions which have already been passed by the Senate. The resolution

of the Senator from Missouri gives power to send for persons and papers. It gives no authority to send agents or examiners to find what on the ground the particular condition of affairs is. I will venture to say that there is not a reservation on the whole Western border where the Indian lands suitable for meadows and for mowing the grass have not been used by cattle-men or by those living near there, and the grass cut or the lands pastured without any valuable compensation to the Indians throughout hundreds and thousands and hundreds of thousands of acres. Some of these things I know myself by inquiry for two or three years in succession, and I have called attention to them heretofore.

I desire to have the resolution go over, so that its scope may embrace an inquiry in regard to all these trespasses upon the reservations and rights of the Indians, that the actual condition of the Indian reservations, not only in the Indian Territory but throughout all the West, may be ascertained, and, if necessary, some legislation may be had which shall protect the Indians against the encroachments of the whites. That is the only object I have in desiring that the resolution shall go over, until I can see what reports have been made, if any, and how much answer has been made to the inquiries which the Senate has ordered heretofore.

Mr. BECK. Mr. President, the debate is going on by general consent, I believe, and so I suppose I may be allowed a word. As the Indian matter is being discussed—in which the Senator from Massachusetts takes great interest, and I know he desires to do everything he possibly can to correct evils in connection with the leasing of lands and the purchasing of stock in the Indian Territory, and I believe it exists elsewhere—I hope the committee who are to investigate the subject will see how far these things are carried on.

We have been purchasing large numbers of milch cows and other stock to aid Indians, and have asked them to convert their ponies into cattle so as to have a market for them, and we permit by law or by sufferance or something "squaw-men" to settle among them—that is, white men who pretend to have married squaws; and while we do not allow white people to trade with the Indians, the "squaw-men" can trade with them. Cases were brought before the Committee on Appropriations last year where men claiming to have married squaws, and so having a right to trade, were buying cattle by the hundreds from the Indians at ten or twelve dollars a head, and white men outside were furnishing the money to make the purchases of cattle that the Government paid thirty, forty, or fifty dollars a head for. They were stripping the Indians of cattle under the claim that having married squaws they had the right to trade with them, and outside white men were furnishing the money and the cattle were being taken away. When an Indian agent thought of stepping in in the Indian Territory he was brought here for reproval, but the Secretary of the Interior took his side and said he was right; but the Commissioner of Indian Affairs was unable to find any law that prevented the "squaw-men" from doing this.

I hope the Indian Committee will find some way very promptly to stop that condition of things as well as the leasing of lands, for there is no use in our buying cows at $40 a head for the Indians and letting white men outside furnish the "squaw-men" $10 apiece and take them all away from the Indians, as is being done.

Mr. DAWES. I hope the Senator from Michigan will allow me——

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. CONGER. I do. I thought unanimous consent was given to everybody to speak.

Mr. DAWES. The Senator from Kentucky, as well as myself, went into the very question to which he calls attention.

Mr. BECK. We stopped it in the appropriation bill for this year, but not by a general law. We provided only that that money should not be so used.

Mr. DAWES. That went as far as the Committee on Appropriations could go.

Mr. BECK. Yes; but now let the Committee on Indian Affairs present a general law.

Mr. DAWES. The Committee on Appropriations in that regard have done all that it was in their power to do. The transactions to which the Senator from Michigan alludes are trespasses on the Indian lands, altogether different from the transactions to which attention has been called this morning. In respect to those transactions the Indian Bureau have called the attention of Congress time and again to the necessity of legislation giving that office power to prevent these trespasses. The only power they have now is the imposition of a fine upon an irresponsible man, who has nothing to do but to go the next day and take the poor debtor's oath and repeat his trespass. This man Payne has done that over and over again in the courts in Arkansas, and atoned in that way for his trespasses upon the Indian lands. The Committee on Indian Affairs have reported time and again to this body a bill giving sufficient authority to the Indian Bureau to put a stop to these trespasses. At the last session the Senate passed that bill. If the bill shall become a law before the expiration of this Congress, the Indian Bureau will be clothed with authority sufficient to put an end to this kind of trespass if they have the disposition.

These leases of the Indian lands are no more outrageous than leases of the public lands which have been going on before the eyes of Congress and the administration for two or three years past. Almost all the public lands are fenced in now by wire fences and appropriated by the cattlemen; they have gone from the Indian lands to the public lands, and from the public lands to the Indian lands. The Committee on Indian Affairs visited during the recess, under the instructions of the Senate, a reservation of 102,000 acres, 85,000 of which are in the absolute and exclusive possession of outsiders with their herds of cattle and their flocks of sheep, consuming everything that grows upon that land, while the Indian Bureau has been obliged to advertise for contracts to furnish beef to support the Indians on the reservation and has bought the beef of the men who fattened it upon the Indian reservation itself to feed the Indians, when if they could have had their own reservation they would not only have been self-supporting Indians, but would have had an income—Indians who sold in one year 17,000 bushels of wheat from a reservation which is now occupied entirely or almost entirely by private individuals without any power on the part of the Government to dispossess them.

Such is the spirit not only about the Indian reservations, but the public lands generally. There is abroad in the country a disposition on the part of private individuals to appropriate public lands as well as Indian lands; and the barbed-wire-fence mania which has taken possession of our people, and the great profits growing out of the raising of cattle and sheep upon this large domain, imposed upon Congress a serious and imperative duty to find some remedy, or the public lands and the Indian lands will pass irrecoverably into the possession of large landholders, foreigners as well as citizens of the United States.

I hope that this matter will not end in talk, nor will it be confined alone to the Indian reservations. As alarming a condition of things exists on the public lands without regard to the Indians as exists today in the Indian Territory and on the reservations. Here is the Crow reservation, from a large portion of which Congress by legislation withdrew the Crow Indians to a place where they could support themselves, leaving for disposition by legislation or by treaty a large tract, two or three hundred thousand acres, more or less, to be disposed of for the benefit of the Indians. In this vacation cattle-men have got their influence over the Indians and have obtained a lease for thirty or more years of that whole territory, and I understand the Crows have the authority to make this lease by virtue of their own treaty.

It is necessary for Congress to do something. I think we have evidence enough here, evidence enough without sending a committee out upon these reservations, to require of us immediate, prompt action, clothing the Indian Bureau with the authority and imposing upon it the duty to restore the Indian lands to their rightful occupants and the public lands to the public domain, to be appropriated for the benefit of the United States and of the Indians, rather than to the profit of those who are engaged in raising cattle.

Mr. CONGER. Will the Senator state the reservation which has been visited this year, and whether the committee have made a report on the condition of that reservation?

Mr. DAWES. The reservation to which I alluded is the Round Valley reservation in California. The committee have not made a report, because the investigation was during the recess, and this morning only has the Senate ordered the testimony to be printed for the use of the committee.

Mr. CONGER. From some information I have had I supposed the committee found there that the Indian land of the Round Valley reservation in California had been leased by Government officials.

Mr. DAWES. There are no leases in that valley. It is occupied by private individuals by sufferance, and they have occupied it for ten or fifteen years—eighty-five or more thousand acres out of one hundred and two thousand—and have absolute control of it.

Mr. CONGER. Mr. President, I know that in getting timber from Indian reservations, either cutting down trees or taking away timber that has been cut in some way on reservations, with which I am somewhat familiar, where there are meadow lands, white men have gone in with their mowing-machines and taken in some instances the entire meadow lands and cut the grass from them, so as to leave the Indians, who have their own machines, without any land to mow, without any grass, without any meadow to cut. That has been going on within my observation and knowledge for some three or four years inside of States and Territories on our Western border and under the immediate observation of Government officials and Indian agents. It was in reference to such a condition of things that I desired a resolution of this kind to be large enough to meet what I conceive the demands of justice toward the Indian and toward the Government.

Let the resolution go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over until to-morrow. If there be no objection it will be printed. Resolutions are still in order.

CAPTAIN WHEELER'S REPORT.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the report of Capt. George M. Wheeler, Corps of Engineers, United States Army, on the Third International Geographical Congress and

Exhibition at Venice, Italy, with the accompanying illustrations, transmitted to the Senate by the Secretary of War on December 10, 1883, be printed for the use of the Senate.

Mr. COCKRELL. I hope the Committee on Printing will take cognizance of the subject and act upon it promptly.

WILLIAM H. FENTON.

Mr. CAMERON, of Pennsylvania. I ask that the vote by which Senate bill No. 1103, to remove the charge of desertion from the military record of William H. Fenton, was indefinitely postponed be reconsidered and that the bill be referred back again to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the vote of the Senate taken, as the Chair sees, on the 15th of February last, indefinitely postponing the bill (S. 1103) to remove the charge of desertion from the military record of William H. Fenton be reconsidered. The bill was reported adversely and postponed indefinitely on the 15th of February. Is there objection to the reconsideration proposed? The Chair hears none, and the vote postponing the bill is reconsidered. The bill is now before the Senate.

Mr. CAMERON, of Pennsylvania. I move that the bill be now referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COCKRELL. Let the report be recommitted with the bill.

The PRESIDENT *pro tempore*. The report will be recommitted also, if there be no objection.

ADMISSION OF DAKOTA.

Mr. HARRISON. I desire to give notice that on Tuesday next I will call up and ask the Senate to proceed to the consideration of the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government and for the admission of the State into the Union on an equal footing with the original States, and for other purposes. I shall hope to have the attention of the Senate to the measure at that time. I believe there is no other special order for that day.

Mr. VEST. It is only a notice that is given, I believe.

Mr. HARRISON. I give the notice because I want my friend from Missouri to have a little time for reflection, in the hope that he will by that time see the great injustice of refusing longer to admit to full national citizenship this great and enterprising population.

Mr. VEST. I am very much obliged to the Senator from Indiana.

GOVERNMENT'S INTEREST IN ENCUMBERED PROPERTY.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed. The Senate proceeds to the consideration of the Calendar in pursuance of Rule VIII. Order of Business 314 is the first in order. This bill was under consideration under Rule VIII, and by a vote of the Senate its consideration was proceeded with notwithstanding an objection. The bill is now before the Senate as in Committee of the Whole and will be read for information.

The Chief Clerk read the bill (S. 1733) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest.

The PRESIDENT *pro tempore*. The pending question is on an amendment offered by the Senator from Alabama [Mr. MORGAN] when the bill was under consideration on the 23d of May last, which will be read.

The CHIEF CLERK. In line 17, after the word "made," it is proposed to insert:

Provided, That if the lien, incumbrance, or mortgage to be paid off or removed is upon the property of a railroad company, the same shall not be paid by the United States until after the validity and amount of such lien, mortgage, or incumbrance shall have been ascertained and settled by the judgment or decree of a court of competent jurisdiction.

Mr. MORGAN. The Senator from Arkansas [Mr. GARLAND], who has charge of this bill, I believe, is not in the Chamber at this moment. I would much prefer that the consideration of it should proceed while he is here. I will therefore suggest that it be postponed until to-morrow at the expiration of the morning hour and be made the special order at that time, so that the Senator from Arkansas may come in and take charge of it.

Mr. HOAR. Why not let it go over by unanimous consent, holding its place on the Calendar? I think it can be disposed of under the five-minute rule.

Mr. MORGAN. I prefer that course if the Senate will agree to it.

The PRESIDENT *pro tempore*. The Senator from Alabama suggests that this bill be passed over for to-day, retaining its place on the Calendar.

Mr. MORGAN. I see that the Senator from Arkansas is now in his seat.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his suggestion.

Mr. MORGAN. I withdraw the suggestion if the Senator from Arkansas wishes to go on with the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. GARLAND. In view of some general action on the subject to which this bill relates, I ask permission of the Senate to pass it over without losing its place.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that this bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none.

W. C. MARSH.

The next bill on the Calendar was the bill (S. 1031) for the relief of W. C. Marsh; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the word "dollars," to strike out "in gold coin;" so as to read:

That the Secretary of the Treasury of the United States be authorized and directed to pay W. C. Marsh, of Tennessee, $2,054, the same being the amount taken from him on or about the 10th day of February, 1863, by the officers commanding the gunboat New Era, and turned into the Treasury of the United States.

Mr. COCKRELL. Mr. President, let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DOLPH March 5, 1884:

The Committee on Claims, to which was referred the bill (S. 1031) for the relief of W. C. Marsh, respectfully reports:

That the said claimant, William C. Marsh, who was at the time a citizen of the United States and a resident of the county of Tipton, in the State of Tennessee, on or about the month of January, 1863, obtained permission from the military authorities at Memphis, Tenn., to ship a quantity of cotton to Saint Louis, in the State of Missouri, and that in accordance with such permission he shipped his cotton—about eighteen bales—to Saint Louis, and sold it for $3,500 in United States currency, which he converted into $2,228 in gold coin, and then took passage on a regular steam transport plying between the cities of Saint Louis and Memphis, and started on his return, via Memphis, to his home in Tipton County; that when said steamer had reached a point at or near Island No. 10, in the Mississippi River, which was on or about the 10th day of February, 1863, the Federal forces upon the United States gunboat New Era seized said transport and took charge of her and the passengers on board, and seized and took from the said claimant the sum of $2,054 in gold coin, which was taken to the city of Cairo, where the same was duly libeled by the district attorney of the southern district of the State of Illinois in the district court of said district, as forfeited to the United States, for the reason that the same at the time of the seizure was being transported from a portion of the United States, to wit, the State of Missouri, to another portion of the United States, to wit, the State of Tennessee, contrary to the act of July 13, 1861, which libel was filed June 2, 1863; and afterward the said claimant appeared and filed a bond and stipulation in the said court, and the said gold coin was delivered to him; that afterward and on the 28d day of January, 1864, the cause coming on to be heard in the said court, the said claimant appeared, by his proctor, J. O. Broadhead, esq., and confessed the allegations of the libel to be true; and it was thereupon ordered, adjudged, and decreed by the court that the libellant (the United States) have and recover from the said claimant the sum of $2,054, the amount of his bond and stipulation filed in said cause, and that execution issue against the said claimant and Jacobs Burns, his surety, therefor. On the same day the claimant filed in said court a petition praying for the remission of the forfeiture of said gold coin, and the district attorney having consented that the same might be heard, the court proceeded to hear the proofs in support of said petition, and ordered that the execution of the decree of forfeiture should be staid until the action of the Secretary of the Treasury in the premises, and proceeded to hear the evidence, and made the following findings of fact:

"First. That the claimant, William C. Marsh, is an illiterate man, unable to read or write, and that he is a poor and honest laboring man.

"Second. That said Marsh is no trader or speculator, and his business is that of a farmer, and that he rents the lands cultivated by him.

"Third. That the $2,054 gold coin found on the person of said claimant Marsh was his own property, no other person having any interest in it, it being the proceeds of certain cotton raised and sold by him.

"Fourth. That said claimant Marsh was carrying said gold coin home with him for the use of himself and family in good faith, without any intention of fraud, he being ignorant of any law, order, or regulation forbidding the carrying of coin into said State of Tennessee.

"Fifth. That said claimant Marsh is and ever has been loyal to the Government of the United States, and that while Tipton County, Tennessee, the home of said claimant, was under rebel rule, he persistently and continuously avoided giving them any aid or comfort or in any way recognizing their authority.

"Sixth. No proof was taken in support of the libel or against the petition of the owner.

"S. H. TREAT, *District Judge*."

The petition and findings having been presented to the Secretary of the Treasury, the Acting Secretary of the Treasury, on April 20, 1864, addressed the following communication to the Solicitor of the Treasury:

"TREASURY DEPARTMENT, *April 20, 1864*.

"SIR: Application has been made by William C. Marsh, of Tipton County, Tennessee, for the remission of a forfeiture of $2,054 in gold coin, seized at Island No. 10, in the Mississippi River, and libeled in the United States district court for the southern district of Illinois, for violation of an act of Congress approved July 13, 1861.

"After a careful review of the summary examination had before the judge of said court, I see no sufficient reason to grant the prayer of the petitioner. You will accordingly please instruct the United States district attorney for said district that the application for the remission of the forfeiture in said case has been denied.

"Respectfully,

"GEORGE HARRINGTON,
"*Acting Secretary of the Treasury*.

"EDWARD JORDAN, Esq.,
"*Solicitor of the Treasury*."

While the facts found by the district judge upon the summary hearing of the petition for a remission of the forfeiture would seem to have justified the Secretary of the Treasury in granting the prayer of the petitioner, there may have been circumstances which are unknown to your committee which rendered a strict enforcement of the act of July 13, 1861, necessary. Your committee is of the opinion that the claimant is equitably entitled to relief, and recommends

that the bill be amended by striking out the words "in gold coin," in line 5 of the bill, and that the bill as amended do pass.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD HAWLEY & SONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1170) for the relief of Richard Hawley & Sons. It proposes to direct the Secretary of the Treasury to refund to Richard Hawley & Sons, of Detroit, Mich., $473.20, collected of them as duty on malt in excess of the amount authorized by law.

Mr. COCKRELL. I see that there is a report there. Let it be read.

Mr. PALMER. I would call for the reading of the report.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Missouri has called for its reading. It will be read.

The Secretary read the following report, submitted by Mr. FAIR March 5, 1884:

The Committee on Claims, to whom was referred the bill (S. 1170) for the relief of Richard Hawley & Sons, respectfully report as follows:

The evidence before the committee shows that Richard Hawley & Sons, of Detroit, imported from Canada in July, 1870, three lots of malt, amounting in all to 6,415 bushels, or 230,940 pounds. In Canada an excise tax of 1 cent per pound was imposed on all malt consumed in that country, and malt out of bond, or in the market for consumption or use, was worth 1 cent per pound more than malt in bond. The petitioners bought this malt in bond, and therefore the excise tax of 1 cent per pound was never paid or demanded in that country. The entry was duly made in this case at the Detroit custom-house at the price actually paid for the malt in Canada.

But it was claimed by the collector of the port of Detroit, in accordance with a decision previously made by the Secretary of the Treasury, that duty must be paid upon this malt according to its value in Canada out of bond at the time of its purchase; and that this value must be ascertained by adding to the price actually paid the excise tax of 1 cent per pound. This valuation of the collector increased the value of the malt, and commission included, $2,367.13, and upon this increased valuation duty was exacted at the rate of 20 per cent., or to the amount of $473.42.

Hawley & Sons paid the duties so imposed, verbally protesting against the exaction, and declaring their intention to appeal to the Department. They were told by the collector that they had the right to do so, but that the Department would undoubtedly reaffirm its decision; and then read to them the decision which had been made by the Secretary.

The United States court in Chicago, in November of that year, rendered a decision on the identical question, in a cause then pending in said court, annulling the ruling of the Secretary of the Treasury and in favor of the importer. The court held that the price paid gave the dutiable value. This decision of the court was thereafter recognized by the Secretary of the Treasury, and he thereafter refunded all duties so illegally collected where protest was made and appeal taken by the importer, but refused to refund the excessive duties collected in this case because no appeal was taken, he having no authority to refund except in cases in which protest and appeal had been duly taken, or failure to appeal was shown to be owing to causes beyond the control of the importer.

There has never been any controversy between the petitioners and the officers of the Government in relation to the facts in this case.

The officers of the United States have illegally collected from the petitioners the sum of $473.42, and aside from the fact that they had no right to collect and the United States have no right to retain this sum, the committee are of opinion that the facts of this case bring the petitioners within the spirit of the remedial statute, and equitably entitle them to relief. They agree perfectly with the court as to the true rule for the valuation of property so imported into this country, and are of opinion that the money so paid into the Treasury in excess of the requirements of the law should be refunded. The petitioners made a mistake of 22 cents in making up the amount improperly collected of them. The committee recommend that the bill do pass.

Mr. COCKRELL. I should like to inquire if this does not involve a very important principle. As I understand, under the customs laws there are thousands of cases now pending in the Treasury of applications for the refund of customs duties. The law is very explicit; it points out exactly the steps that shall be taken when there is any controversy in regard to the payment of customs duties; and unless the parties take these necessary steps they are entitled to no relief. Now, as I understand, in this case they did not take the steps. If they had, they would have had a perfect legal remedy.

Mr. CAMERON, of Wisconsin. The Senator will permit me to say that if they had followed the statute and taken an appeal, as the statute says they may do, the Secretary of the Treasury would have refunded to them the amount.

Mr. COCKRELL. That is precisely the point. There is no question about that.

Mr. CAMERON, of Wisconsin. Not having done that, the committee were of the opinion that their equitable right to relief existed, and that Congress having authority to grant that equitable relief, the committee would recommend the passage of the bill.

Mr. COCKRELL. Then why not pass a general law authorizing refunds in all cases? Is there anything in this case that renders it an exception to the rule? That is the question. If there is nothing in this case to render it an exception, it is a gross injustice to other persons who have failed to make an appeal and whose cases were afterward decided to be on the same footing.

I understand that there are thousands of cases where, after a lapse of years, a decision has been rendered by which customs dues would be refunded if the parties had appealed; but they, not having appealed, have no remedy. Now, if we are going to give relief to one class of these persons, ought we not to give it to the others? Do the committee say that wherever a man has paid customs duties and has failed to take the appeal prescribed by law, and the courts afterward decide that he would be entitled to a refund if he had taken the prescribed steps, he shall have relief, or do they make exceptions?

Mr. CAMERON, of Wisconsin. That question was not presented to the committee. The question presented to the committee was, whether or not, in this case, the committee would recommend that these parties have relief. The question as to whether a general act should be passed embracing the thousands of cases, if there be thousands of cases, now pending before the Treasury Department which are somewhat analogous to this was not presented to the Committee on Claims. The question presented to that committee was simply whether or not, these parties having been required by the collector of customs at Detroit to pay the sum of four hundred and odd dollars in excess of the amount which under the law they ought to have been required to pay, the committee would recommend the passage of this bill for their relief.

Mr. COCKRELL. Then I understand that the committee would in all cases——

Mr. CAMERON, of Wisconsin. The Senator does not understand me.

Mr. COCKRELL. It is a very important question, an exceedingly important question, and if the committee has not considered that question it ought to have considered it. That is the point I make, because we can not afford to lay down the bars in that way. There are millions—yes, $20,000,000 involved in this identical principle, at least $20,000,000, and the reports of the Secretary of the Treasury will show it.

Mr. CAMERON, of Wisconsin. The Committee on Claims has enough to do to consider the questions presented to it. The question presented by the Senator from Missouri, as I have already stated, was not submitted to that committee at all. This bill was introduced and referred to that committee, and it became the duty of the committee to consider this bill. It considered it without regard to any other claims that are or may be pending against the Government.

Mr. CONGER. This occurred in the spring of 1870. A protest was made against it on the ground that 1 per cent. extra duty was charged. Before that time the Treasury Department had ruled that that should be the measure of the duty. The only point here is that the persons mentioned in the bill, Hawley & Sons, did not appeal within the proper time; but in November of that same year a case was carried up from Chicago embracing the same state of facts, involving the same judicial question, and the court decided that the proportion of the value of malt which would be called export charges was not a proper item in calculating the duty, and after that the Treasury Department acquiesced in that decision, and collected no more tax on that account; but the time for an appeal had passed.

This matter was presented to Congress almost immediately after that. I think I introduced the bill in the House some years ago and it passed the House, but never passed both Houses during the same Congress.

There is no doubt about the equity of this bill, and there is no doubt about the practice of Congress to refund money which has been paid by an improper decision of the Treasury Department. It can not affect other cases. Every case of that kind stands on its own merits.

Mr. MORRILL. Mr. President, I agree with the Senator from Missouri that to pass this bill would be setting a dangerous precedent, going back fourteen years; and if we may go fourteen years we may go twenty. And he has not overstated the amount that would be liable to be drawn from the Treasury if this should be established as a precedent.

This bill, I think, was before the Committee on Finance, and it was virtually there rejected; and I may say that at the last session a bill by some accident involving the same principle, that is, where a party had failed to take an appeal within the proper time, got through our committee, but afterward it was reconsidered and the bill was withdrawn from the files of the Senate.

I hope that no precedent will be established to-day on a question of this kind, as it will undoubtedly revive some thousands of claims. Perhaps five thousand cases would not begin to approximate the number that would be brought here for revision by Congress if this should be established as a precedent.

Mr. CONGER. The statute-books are full of just such cases as this at every session, where Congress does justice to a person who has been compelled to pay unjust duties. I am surprised at gentlemen. It is because the Department has not the power to do what is equitable and right that men come to the law-making branch and ask it to do what is right. This is one of those cases—nothing new, nothing unusual. All the time that any man has spent in the Senate or in Congress there has never been a session but that the same class of relief has been furnished by Congress.

Mr. ALLISON. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 44 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 2, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

The following additional members appeared: Messrs. BAGLEY BLANCHARD, BRUMM, FIEDLER, GARRISON, MORSE, PERKINS, PHELPS, SPOONER, CHARLES STEWART, STORM, WAKEFIELD, WILLIAMS, GEORGE D. WISE, and WEAVER.

SWEARING IN OF A MEMBER.

Mr. WILSON, of Iowa. Mr. Speaker, I present the credentials of Hon. Hiram Y. Smith, elected from the seventh Congressional district of Iowa, to fill the vacancy caused by the resignation of Hon. John A. Kasson.

The SPEAKER. The credentials will be read.

The Clerk read as follows:

To whom it may concern:

This is to certify that at a general election holden on the 4th day of November, A. D. 1884, Hiram Y. Smith was elected to the office of Representative in Congress from the seventh Congressional district of said State for the term of two years from the 4th day of March, A. D. 1883, to fill the vacancy occasioned by the resignation of John A. Kasson.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa.

Done at Des Moines, this twenty-eighth day of November, in the year of our Lord one thousand eight hundred and eighty-four, of the Independence of the United States the one hundred and ninth, and of this State the thirty-eighth.

[SEAL.] BUREN R. SHERMAN.

By the governor:

J. A. T. HULL,
Secretary of State.
W. T. HAMMOND,
Deputy.

Mr. SMITH appeared at the bar of the House and was qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

CHARGES AGAINST MARSHAL OF SOUTHERN DISTRICT OF OHIO.

Mr. FOLLETT. As a privileged question, I submit what I send to the desk and desire to have it read.

Mr. REED. I reserve all points of order.

The SPEAKER. The paper will be read subject to the right of objection.

The Clerk read as follows:

I do impeach Lot Wright, United States marshal of the southern district of Ohio, of high crimes and misdemeanors.

I charge him with usurpation of power and violation of law:

In that he appointed a large number of general and special deputy marshals to serve at the several voting precincts in the city of Cincinnati, in the State of Ohio, at an election for members of Congress held in said city on the 14th day of October, A. D. 1881, and armed said deputy marshals with pistols and other deadly weapons said to have been furnished by the War Department of the United States Government;

In that a large number of the deputy marshals so appointed and armed were notorious criminals and men of known vicious and brutal habits and reputation, and many of them non-residents of said city of Cincinnati and of said State of Ohio;

In that the said deputy marshals, acting under his orders and directions, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and gross outrages upon the elective franchise and the rights of the honest voters of said city in furtherance of the interests of a political party and its candidates: Therefore,

Resolved, That the Committee on Expenditures in the Department of Justice be required and directed, as soon as the same can reasonably be done, to investigate such charges and report to this House.

First. How many deputy marshals, general and special, were appointed and authorized by said United States marshal for the southern district of Ohio to serve at the several voting precincts of said city at said election, with the name and residence of each and the voting precinct to which each was assigned.

Second. What citizens, if any, of said several precincts asked for the appointment of such deputy marshals, with the names of such citizens and the reasons, if any were assigned, for such request.

Third. Whether any, and, if so, how many, of such deputy marshals have, prior to such appointment, been accused or convicted of crime, or were men of known vicious and brutal habits and reputations.

Fourth. Whether said deputy marshals were under the direction and control of partisans, and used the powers vested in them in the interest of any political party, and aided, countenanced, and encouraged fraudulent and illegitimate voting in the interest of such political party and its candidates.

Fifth. What number and what kind of pistols or other deadly weapons were put into the hands of said deputy marshals, who furnished the said weapons, from whence were they received, why furnished, and how many of such weapons have been returned, together with the names of such deputy marshals as have failed to return the weapons furnished them.

Sixth. What amount of money has been paid to such deputy marshals, and by whose order was the same paid, and at what rate per day.

Seventh. Any other matter or thing connected with or germane to the general subject of such investigation.

Resolved, That in making such investigation the said committee be empowered to appoint a subcommittee of three, consisting of the chairman of said committee and such other two members thereof as he may select, which subcommittee shall have full power to meet and hold its sessions at such times and places as may seem proper, to send for persons and papers, to compel the attendance of witnesses and to require them to testify, to employ a stenographer, and to incur any and all such necessary and reasonable expenditures as may be deemed requisite for the purposes of such investigation, such expenditures to be paid out of the contingent fund of the House.

Mr. KEIFER. I make the point of order that those resolutions are not in order at this time. It may be understood that in the discussion of this question of order we are not called upon to go into the merits of the proposition presented. Under what rule it could be in order I am unable to guess. It is a proposition to investigate charges against an officer of the United States. It is not a question of impeachment. That is not presented. It will not make the resolution in order to say that it looks to impeachment, for that does not meet the question of privilege. If articles of impeachment were preferred under the Constitution of the United States, this rule, I have no doubt, would prevail.

The present occupant of the chair has passed upon this question and decided that a proposition to investigate charges against an officer of the United States is not a question of privilege; although it was claimed, I believe, by the gentleman who submitted that proposition at the first session of this Congress that his proposition looked to the question of impeachment. I now desire to call attention to the decision of the Chair on that occasion. Referring to the Journal, in the appendix to the Journal of the last session, page 1789, I find that on the 4th of February, 1884, the gentleman from Illinois [Mr. SPRINGER] submitted a resolution in many respects similar to this, looking to the investigation of charges that had been preferred by the petition of a gentleman named Webb against the chief-justice of the Territory of New Mexico. It was proposed by the gentleman from Illinois to have the Committee on the Judiciary investigate the charges preferred in the petition that accompanied the resolution, and they were required specifically to investigate and report upon these matters. There was given also to that committee by the terms of the resolutions submitted the right to send for persons and papers and conduct an examination to the close. The gentleman from Iowa, Mr. Kasson, made the point of order that that resolution did not present a question of privilege, and the Journal shows—I have not consulted the CONGRESSIONAL RECORD, but the Journal shows that the Speaker sustained the point of order on the ground that the resolution proposed an investigation of certain charges set forth in the memorial and accompanying papers against the said chief-justice and did not specifically propose articles of impeachment. The resolutions now submitted do not specifically propose articles of impeachment; and hence, following the ruling held by the present Speaker, these resolutions must be held not to be in order.

It will be time enough to discuss the questions presented on the merits when we reach that matter in the proper way and at the proper time. I have accomplished all I desire now by submitting the point of order as against these resolutions.

Mr. FOLLETT. In the preparation of these resolutions I adopted a form furnished by the records of the Thirty-ninth Congress, that form being embraced in resolutions or charges preferred by James M. Ashley, as a question of privilege, against Andrew Johnson, then Vice-President and Acting President of the United States, those resolutions or charges being in substantially the same form as the charges here made, being first charges, followed by a resolution of inquiry, the inquiry in that case being directed to the Judiciary Committee as the proper committee, while in this case it is directed to the Committee on Expenditures in the Department of Justice as the proper committee. The question as to the committee named in the resolutions as the organ for making the inquiry is not a matter affecting the question now before the Speaker. In the case to which I have referred the resolutions proposed simply that the Judiciary Committee proceed to inquire and report with a view to impeachment; and the object of the resolution now presented is the same. The charges are made specifically, and the resolutions of inquiry are directed to furnishing the House with facts either disproving those charges or corroborative of them, as preliminary to the preferring of articles of impeachment.

Now, it strikes me that this question has been settled by precedent in this House and is no longer open to the point of order made by my colleague [Mr. KEIFER], and I do not desire to discuss any further the precedents on this subject.

Certainly this House has a right in every case to inquire into the conduct of any officer of the United States with a view to impeaching that officer if it has the right to impeach him. And it has that right with reference to every such officer, whether appointive or elective—to inquire into the manner in which he has discharged his official duties, and especially whether the discharge of those duties has been attended with any conduct in violation of law.

The SPEAKER. The present occupant of the chair decided during the last session of Congress that a mere proposition to investigate the conduct of a public officer, without proposing to impeach him, was not a matter of privilege under the rules of the House or under the Constitution of the United States; and the Chair has seen no reason to change that opinion. But the gentleman from Ohio [Mr. KEIFER] is mistaken in his statement that the resolution now offered does not contain a proposition for impeachment. The resolution begins with an impeachment of this officer; and all that follows is a mere specification under the general charge made, together with a direction to a committee to make the investigation usual in such cases. The proceeding corresponds precisely with that adopted in the Twenty-seventh Congress when an attempt was made to impeach the then President, John Tyler, and adopted afterward in the Thirty-ninth Congress, when Mr. Ashley, then a member from Ohio, rose in his place on the floor, made charges against the then President, Andrew Johnson, and asked for an investigation.

In both those cases the question was held by the Speaker to be a matter of privilege.

Mr. REED. Will the Chair permit a suggestion in regard to this matter?

The SPEAKER. Certainly.

Mr. REED. I understand that the point has not yet been decided.

The SPEAKER. The Chair has intimated that inasmuch as this resolution does propose directly an impeachment of an officer of the United States, it comes within the previous rulings on the subject. The Chair will be glad to hear the gentleman, however.

Mr. REED. I shall be glad to submit a suggestion or two to the Chair.

I do not understand that either of the precedents which are cited here are like the present case. In neither of the cases which have been referred to as precedents was there any such direction to the committee as is here proposed in regard to their method of examining into the question. I understand it to be conceded on all hands, and very properly, that a declaration of intention to impeach, coupled with a direction to a committee to inquire whether there are sufficient facts existing upon which an impeachment can be founded, is properly a question of privilege. But the point I make with regard to this resolution is that while it contains a declaration of impeachment, it is in substance merely a resolution for the purpose of investigating certain points. It proposes to direct the committee to discover certain facts—not to take in charge the question whether there are facts sufficient to found an impeachment upon—and to report the same to the House.

Now I want to call the attention of the Chair to the very incongruous character of this proposition.

In the first place, under the rules of the House the committee which has jurisdiction of all civil or criminal proceedings is the Judiciary Committee. Consequently if this is a motion looking toward impeachment it must necessarily under our rules go to the Committee on the Judiciary. But if it is an investigation looking to expenditures in the Department of Justice, then it very properly goes to the Committee on Expenditures in the Department of Justice. And the statement of those two facts reveals to the Chair and the House the character and nature of this proceeding. From one point of view it pretends to be with reference to impeachment, and in the other to an investigation into expenditures. Now I submit to the Chair that in order that this may be privileged it must be throughout and solely looking to the question of impeachment. The question of investigation must simply be with reference to finding facts upon which to found an impeachment.

Now, under the rules of this House questions of impeachment are within the jurisdiction of the Committee on the Judiciary; and yet this resolution proposes under the guise of privilege to change the rules of this House, and to make a matter which under the rules goes to the Committee on the Judiciary go to the Committee on Expenditures in the Department of Justice. Well, now, why is it sent to the Committee on Expenditures in the Department of Justice? Because the main purpose and object of the transaction is to investigate expenditures. I submit this resolution as it is now presented is not a privileged question.

Mr. COX, of New York. Mr. Speaker, I imagine that the reason why the case of Chief-Justice Axtell, of New Mexico, went to the Committee on the Judiciary was this: that the Committee on the Judiciary had control and jurisdiction of all judicial matters, and the impeachment being that of a judge, the resolutions would naturally go to the Committee on the Judiciary. But in the case of Belknap, if I remember rightly, the preliminary resolution went to the Committee on Expenditures in the War Department. Perhaps I am wrong.

Several MEMBERS. No, you are right.

Mr. COX, of New York. That is my impression, and I find that I am right about it.

But, Mr. Speaker, the point was already decided in the last session in the case of Chief-Justice Axtell. As the Speaker intimated a moment ago it was decided plainly, and in the very language quoted by the Speaker himself, that the point of order was sustained on the ground that the resolution proposed an investigation of certain charges set forth in said memorial and accompanying papers against said Axtell and did not specifically propose articles of impeachment. Let the Clerk read the beginning of this proposition presented by my friend from Ohio.

The Clerk read the first portion of the pending resolutions.

Mr. COX, of New York. It is not necessary to read all of the resolutions, but from what the Clerk has read it will be seen that the pending proposition is clearly an impeachment. It looks forward to it. It prepares the way by investigation, or rather by obtaining the data toward beginning an impeachment in this House.

I was a member of this House and objected to the proposition of the gentleman from Illinois [Mr. SPRINGER] against Judge Axtell at the last session because it was simply a proposition of investigation that did not look to impeachment, and I did not think it fair to begin a case of such magnitude, a case of impeachment against a judge or anybody else, unless there was first an investigation of fact as a foundation for the solemn action of Congress.

It seems to me that the gentleman from Ohio could not have brought the pending case more clearly within the ruling of the Speaker at the last session as well as in accordance with the precedents of prior Congresses.

Mr. KEIFER. Mr. Speaker, I will occupy but a little time further on this question. I think with all due respect that whatever may have been decided in reference to this character of proposition it can not be said because the paper presented by the gentleman from Ohio, by the use of the form of expression, to wit, I do impeach so and so, that that brings it within the clause of the Constitution which authorizes the House of Representatives to impeach—that because the gentleman from Ohio who presents these resolutions himself personally proposes to impeach it does not follow in any sense that that is an impeachment on the part of the House. And I submit further that a careful scrutiny of the whole of the papers before you at this time, Mr. Speaker, will show that they do not even propose to require the committee to which they are to be referred to report articles of impeachment. It is only another mode of getting at an investigation, an unauthorized step in the direction of impeachment.

Even if the gentleman from Ohio who presents this proposition should succeed in having it adopted, it is not in any sense an impeachment of this United States marshal by the House of Representatives. The House of Representatives, by the second section of the first article of the Constitution of the United States, is given the sole power of impeachment. It rests nowhere else. If this were a proposition by the House of Representatives to impeach this United States marshal, then it might be said it was something more than a mere charge against a United States marshal. I do not believe because the gentleman in this resolution uses the words, "I do charge Lot Wright with the following things," that therefore that determines the power of impeachment under the Constitution. Suppose the resolution is adopted—it does not impeach anybody. It is only a proposition of a gentleman outside of the House to impeach a man of certain high crimes and misdemeanors. It is therefore purely technical to undertake to allege that this is a proposition on the part of the House to impeach. The resolution indicates to the committee to which it is to be referred that it is to investigate certain charges and specifications recited in the resolution. It is therefore not a proposition to impeach, but a mere proposition, as was the case in that of Chief-Justice Axtell, of New Mexico, to investigate charges and report to the House, which, as the Speaker rightfully decided then, was a mere proposition to investigate charges alleged against a person, and that such a proposition did not bring it within the rule. I think the present case is equally objectionable and upon precisely the same ground. It is not material in what form the proposition is drawn when its clear intent is to violate the rules.

Mr. HAMMOND. Mr. Speaker, the distinction made by the gentleman from Maine is not well taken. As to what committee shall have the charge of this resolution the House will determine. The only question now is whether it is a matter of privilege, and there is a distinct charge upon which there is a proposition to impeach. That makes a privileged question. The House will take care as to where the investigation shall be made, to what committee shall be referred the particular details. It seems to me at present the only thing for the Chair is to determine whether there is enough to make it privileged and then submit the other questions to the House.

The SPEAKER. The Clerk will read the proceedings in the second session of the Thirty-ninth Congress in relation to the impeachment of President Andrew Johnson.

The Clerk read as follows:

Mr. JAMES M. ASHLEY, as a question of privilege, submitted the following:

"I do impeach Andrew Johnson, Vice-President and Acting President of the United States, of high crimes and misdemeanors;

"I charge him with a usurpation of power and violation of law:

"In that he has corruptly used the appointing power

"In that he has corruptly used the pardoning power;

"In that he has corruptly used the veto power;

"In that he has corruptly disposed of public property of the United States;

"In that he has corruptly interfered in elections, and committed acts which, in contemplation of the Constitution, are high crimes and misdemeanors: Therefore,

"*Be it resolved*, That the Committee on the Judiciary be, and they are hereby, authorized to inquire into the official conduct of Andrew Johnson, Vice-President of the United States, discharging the powers and duties of the office of President of the United States, and to report to this House whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow, subvert, or corrupt the Government of the United States, or any department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes or misdemeanors, requiring the interposition of the constitutional power of this House; and that said committee have power to send for persons and papers and to administer the customary oath to witnesses."

Mr. REED. Mr. Speaker, so far as that goes I do not understand that there is to be any objection to this resolution. But the resolution goes further, and the two last sheets of it add to the resolution, which is in form like that just read by the Clerk, a series of instructions which practically turn this into an investigation instead of a committal to a committee for the purpose of impeachment; and that is the point I make in regard to it.

The SPEAKER. It seems to be conceded on all sides that a proposition to impeach a public officer who is impeachable under the Constitution is a privileged matter. In deciding the question of order at the last session of Congress in the case of Judge Axtell, to which reference has been made, the Chair used this language, which he will direct the Clerk to read in the hearing of the House.

The Clerk read as follows:

If a member on the floor should prefer articles of impeachment against a public officer, the Chair has no doubt that it would be a privileged matter under the Constitution, because this House possesses the power of impeachment. But this is not a resolution proposing to impeach any one; it simply instructs the Committee on the Judiciary to inquire into the truth or falsity of certain charges made against a public officer in a memorial which has been presented. The inquiry may result in an impeachment or it may not; but the doubt which the Chair has arises upon the distinction between a mere proposition to investigate charges against a public officer and a proposition to impeach that officer.

The SPEAKER. It is admitted that the resolution now offered does contain a proposition to impeach a public officer who is impeachable under the Constitution; but it is insisted that it does not present a matter of privilege under the Constitution or rules of the House, because, in the first place, it contains other matter; that is to say, it directs the committee to take certain evidence in the case which it is claimed is not pertinent to the charges made.

It may be, or it may not be, that the resolution does direct the committee to take what the House might afterward decide to be incompetent evidence upon a charge of this character. But that, of course, is not a question for the Chair to determine. It is the province of the House to decide, when the resolution comes before it, how far it shall direct the committee to proceed in the investigation or as to what charges it shall investigate.

Again, it is objected that this inquiry should be made by the Committee on the Judiciary, and not by the Committee on Expenditures in the Department of Justice. Of course, if a proposition to impeach a public officer should be submitted to the Chair for reference, the Chair, under the rules of the House, would send it to the Committee on the Judiciary; but it is always in the power of the House itself to determine what committee shall conduct an investigation or consider and report upon any matter. So it seems to the Chair that under all of the rulings heretofore made this presents a matter of privilege, and the House can determine for itself how far the committee shall proceed in the investigation, what committee shall have charge of it, and what matters shall be investigated.

Mr. FOLLETT. I do not desire, Mr. Speaker, to discuss the merits of this proposition at this time. The charges are made, and the proposition submitted in the resolutions which have been read from the desk is simply a proposition to ascertain the truth or falsity of these charges, and the questions that it is asked of this committee to investigate and report upon are each of them questions reflecting upon not only the conduct of this officer, but upon the fact as to whether or not he acted willfully and purposely in violation of law.

The committee is asked to inquire in the first place the number of deputy marshals who were appointed to serve at an election and the reasons for their appointment. The law is specific that the marshals have no power to act in any case except upon the request of citizens. The resolutions still further ask that the investigation shall ascertain whether or not that request was made; and, if so, by whom, and why the request was made.

Mr. KEIFER. Will the gentleman yield to me for a moment, as I desire to make a suggestion?

Mr. FOLLETT. Certainly.

Mr. KEIFER. I do not know that the resolutions will be objected to, but my suggestion is only that we would like to have a little time to examine into them, as we heard them read here in some confusion. It may be that there are some important amendments or modifications of them that should be made before they are adopted, and we can perhaps facilitate the matter if an opportunity is allowed us to look at them with a view to suggest such modifications as they may seem to require. I will therefore suggest that they be allowed to go over, say, until to-morrow morning.

Mr. FOLLETT. I prefer, Mr. Speaker, to have them acted upon now. If there were anything in them that the House did not understand then it would present a different question.

Mr. KEIFER. But you are judging for everybody else.

Mr. FOLLETT. I am judging from the resolutions themselves, and from nothing else. In other words, Mr. Speaker, what this committee is asked to investigate is a simple matter embraced within the provisions of an act of Congress. It simply calls upon this committee to investigate the conduct of this officer with reference to the question of whether or not in the performance of what I regard as the highest possible duty of any officer of the Government, to wit, the protection of the ballot—whether or not he acted in pursuance of the law or acted in violation of the law. That, and that only, do I desire to investigate; that, and that only, do I desire that this House shall be informed upon; and that this House ought to and will require from every officer of the Government intrusted with such a duty the strictest compliance with this duty and the laws passed in furtherance of it.

Now, Mr. Speaker, I do not want this proposition encumbered with anything but that simple question—that this officer, in the performance of his duty, acted in pursuance of or in known violation of law. And, as I said, I do not see why every member of this House is not prepared at this moment to have this investigation made. I should be more than delighted to know that that officer had performed the duty conscientiously and legally if this investigation discloses that fact. Gentlemen upon the other side should feel equally delighted to know and to visit the proper punishment upon an officer if it should be disclosed he has not thus acted.

Mr. Speaker, I call the previous question.

Mr. KEIFER. I hope the gentleman from Ohio is not going to insist on making his speech and allowing no reply at all.

Mr. FOLLETT. I will divide the time that is left after the previous question is ordered.

The SPEAKER. The gentleman from Ohio [Mr. FOLLETT] who has the floor is entitled to it for an hour under the rules of the House. He can use the whole of his time himself or yield to other gentlemen.

Mr. KEIFER. I think he should allow reasonable discussion.

Mr. FOLLETT. How much time does the gentleman want?

Mr. KEIFER. I can hardly say. I thought if this could go over until to-morrow we could have an opportunity to investigate the scope of this proposition.

Mr. FOLLETT. I will give the gentleman from Ohio a half hour to dispose of as he sees proper.

Mr. KEIFER. I should like the gentleman to agree to my suggestion to let the matter lie over till after the reading of the Journal to-morrow.

Mr. FOLLETT. I can not consent to that.

Mr. KEIFER. This is not so terribly pressing and we have no special matter for to-morrow, but we have to-day an important matter that ought to go through immediately.

Mr. FOLLETT. Does the gentleman from Ohio want to discuss the resolution?

Mr. KEIFER. I do, and I want to amend it.

Mr. FOLLETT. I will give the gentleman half an hour.

Mr. KEIFER. I would like to see the resolution in print and think I can help the gentleman from Ohio to amend it. I expect to vote for it, but I think it needs amendment.

Mr. FOLLETT. I renew my motion for the previous question.

Mr. CANNON. A number of us have come in since this matter was brought up and have not heard the resolutions read. It occurs to me the request of the gentl man from Ohio [Mr. KEIFER] is perfectly reasonable that this matter go over till to-morrow. I hope the gentleman from Ohio [Mr. FOLLETT] will assent to that proposition. There is no disposition to unduly delay or embarrass the gentleman in the adoption of his resolution.

The SPEAKER. The gentleman from Ohio [Mr. FOLLETT] has demanded the previous question.

Mr. FOLLETT. I want to say this: These are charges against an officer of the United States. The investigation that is sought is an investigation into the conduct of that officer with a view of impeaching him, if the investigation shall disclose the fact that the charges made are substantiated. Unless the gentlemen upon the other side of the House want to add to them, there is nothing in this investigation other than that. The resolution provides that the subcommittee shall investigate any matter germane to the subject of this investigation; and if gentlemen upon the other side of the House desire to add to the charges that have here been made, they will have an opportunity to call the attention of the subcommittee to them for that purpose.

I can not, therefore, consent to the postponement of the consideration of these resolutions. But I will renew my proposition to the gentleman and will give him an hour and at the end of that time move the previous question.

A MEMBER. You mean half an hour.

Mr. FOLLETT. No; I mean an hour.

Mr. KEIFER. That is more time than I desire. But, of course, if the gentleman will not agree to what I have suggested we will have to accept his proposition.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] has the floor.

Mr. KEIFER. We will necessarily have to say some things without having had time to consider or deliberate upon them. The gentleman from Ohio [Mr. FOLLETT] presenting these propositions that he calls propositions to impeach has doubtless been reflecting and brooding over them a long time and he is himself prepared to act upon them. There may be many others here who are in the same situation that I am, not quite able to vote for these resolutions without knowing all that is intended to be included within the proposed investigation.

I apprehend, Mr. Speaker, that it will be no great risk at prophecy to say that when these resolutions are adopted and when the committee goes to work, when the subcommittee is sent out to the city of Cincinnati or to the southern district of Ohio to commence this investigation, that committee will commence a political investigation from the first and that it will there end in just such an investigation. Feeling that that is all that is going to be accomplished, we were very desirous that there might be considered here by means of the report that would come from that committee the whole situation as it appeared in that great panorama that was exhibited in Cincinnati on the 14th day of October last and the few days prior to that time. I think it would be very important before we are prepared in this House to impeach the United States marshal at Cincinnati that we should know the whole situation surrounding that officer at the time he undertook what I al-

lege to be all that he undertook to do, to wit, to provide that there should be a peaceable election, that all persons of all races properly citizens of the United States might go and cast their ballots. I would like it to appear, if such be the case, that at the very time these deputy marshals were appointed in Cincinnati there were going about the streets of that city officers, claiming at least to be officers of that municipal corporation, seizing men simply because they were colored men and carrying them off and putting them in the station-houses and locking them up by the hundred, keeping them there until the polls closed on the 14th day of October and then turning them out without any charges of any kind against them. I may not be entirely correct, but the newspapers undertake to tell us that there were in one station-house over three hundred colored men at one time against whom there was no charge alleged at all, and that they lay there in that station-house all through election day, being kept there in order that they should not go to the polls and vote.

Now, it ought to be known what was the condition of things surrounding this United States officer who had certain duties cast upon him under the laws of the United States, and I would like this investigation to be broad enough and full enough to bring to us and lay before us all the circumstances that surrounded him. This might help us to determine whether or not he acted wisely and prudently, in the light of the great responsibility which was thrown upon him, when he appointed an unusually large number of special deputy marshals. It might also enable us to tell whether or not this officer acted within the proper scope of his legal power when he directed his special deputy marshals to go to the polls and do their duty resolutely under all circumstances. While I am not going to object in any sense to the investigation here proposed, I would like it to be thorough and complete. It might be well enough for this committee when they go out to Cincinnati, when they are taking this testimony, to find how many persons have been indicted for violating the laws of the United States in the manner which I have indicated—how many persons a grand jury, having as its foreman a distinguished Democrat of Cincinnati, has indicted for seizing men on the street and imprisoning them for no other reason and no other purpose in the world than to prevent them from voting—how many have been convicted after fair trial for this kind of crime. A presentation of such facts might enable us to tell whether or not an honest, able, resolute officer of the United States, clothed with power under the law, acted wisely in appointing a very considerable number of men to go to the polls and see that peace, quiet, and order were preserved there.

Mr. Speaker, I am one of those who believe that no peaceable, quiet citizen of the United States, North or South, is ever injured by having a strong peace power around the ballot-box on election day. Only such persons as go to the polls to create riot and disorder and prevent others from voting peaceably and quietly ever object to a strong power at the polls on election day for the protection of voters. In years gone by I have raised my voice here and elsewhere in favor of such protection to the rights of voters. I have voted in the direction of having a strong power to protect the quiet, peaceable voter everywhere in the United States.

I believe in the power of the United States in all national matters. Gentlemen on the other side of the House have but recently upon the public rostrum boasted of their readiness and willingness to go, with all the power and strength of the United States, into foreign lands and upon foreign seas to protect a citizen of the United States whenever he should be wronged or harmed in any way. I would go as far as he who goes the farthest in that direction. But I also believe in protecting a citizen of the United States under the flag of the United States and within its boundaries. Therefore I believe in an honest, fair, resolute power exhibited, when the law authorizes it, to preserve peace and quiet and order at elections in the United States; and whether violations of law of a character to prevent a peaceable citizen from voting may exist in Ohio, in Mississippi, or in South Carolina, I would apply everywhere the same rule and the same power.

Now, if the gentleman on the other side who has been so kind as to yield to me desires to be heard, I would like to reserve the remainder of my time.

Mr. CANNON. Will the gentleman allow me before he takes his seat to ask a question?

Mr. KEIFER. Certainly.

Mr. CANNON. I have not heard the resolutions read; and I would be glad to know whether they are broad enough to enable and direct this committee to make full investigation touching the Federal election in Cincinnati on the 14th day of last October.

Mr. KEIFER. If I am to answer, Mr. Speaker, I should say that is the very thing they avoid. They undertake to provide for an investigation of a specific, special character, without giving us all the surrounding circumstances and the facts under which the particular officer acted. I have asked for time in order that I might have an opportunity to look more carefully into these resolutions, to see their scope, and to propose amendments which I hope the gentleman offering the resolutions would accept.

Mr. CANNON. If the resolutions as now presented are not broad enough to show the circumstances under which the marshal and his deputies acted—to show the whole machinery in play at the Federal election at that time—then I hope the gentleman from Ohio will take the necessary steps to at least take the sense of the House upon an amendment which shall broaden the scope of inquiry and enable this committee to ascertain and report the exact facts which existed on that day touching the Federal election; otherwise the investigation would be a farce.

Mr. KEIFER. How much time have I left of the hour allotted to me?

The SPEAKER. Forty-seven minutes.

Mr. KEIFER. Then I will reserve that time for the present.

Mr. FOLLETT. Mr. Speaker, the resolutions were intended to be, and I insist are, broad enough to give this officer full opportunity to show his surroundings, to show every condition that contributed in any way whatever to the conduct with which he is charged in the resolutions and in the charges here made.

Now, sir, I am not here to-day nor do I desire to-day to make a statement personally of all that occurred at that election. I prefer to do that after this investigation shall have been had, and when it will no longer be necessary for any gentleman on this floor to defend the position which he occupies by the extreme charges of partisan papers or partisan people. I prefer to let the facts speak and to have the facts before we speak of the conduct of that election and of these officers.

The gentleman has said something with reference to indictments and prosecutions. There have been indictments and prosecutions on one side only. There can be obtained no indictments or prosecutions upon the other side. I propose that the people of this country shall, upon proper investigation, be informed of the actual condition of things.

The gentleman has said that men were arrested and discharged without there being preferred against them any charge of crime. I am not here to-day to speak for those gentlemen. They did not belong to my district; they came from surrounding States, and they were arrested simply because it was known the purpose for which they were there and the reason why they came. So the charges are and so I believe the facts to be, but, as I said, I do not desire to discuss these questions until such time as the testimony shall be brought into this House.

Now, Mr. Speaker, as I said before, there is and can be but one purpose in these resolutions and in these charges. If an officer of the Government has been guilty of what I believe this investigation will show that he was guilty of, if for the purpose of securing a peaceable election, quiet at the polls where there were no armed men, it was necessary to select men who could neither write nor read, known for their brutality and armed with British bull-dog revolvers, to say to them, "You have your weapons; go out and use them"—if that is the method to secure a peaceable, quiet, and orderly election in the United States, then in the name of God let us know it. We have statutes prohibiting the Army of the United States from coming near the polls. Who shall say that a drilled officer—a man who has been accustomed to obey and enforce law—is not a more suitable person, if armies are to be brought to the polls, than men selected, just from the penitentiary, just from the work-house, for their known brutality and criminality, with arms put in their hands and sent to the polls!

Sir, this is not a thing which was done under cover. It was done in broad day. I regret to say that these deputy marshals took possession of our United States court-room, the temple of justice, dedicated to the enforcement and protection of the rights of citizens. These arms were placed in their hands in that court-room, coming I know not from whence, but with nine cases of British bull-dog revolvers. The man selected to preside as temporary chairman of the first Chicago convention, but repudiated by the convention itself, was there from morning until after night to give orders to these people to secure a peaceable, quiet, honest, fair election!

Now, sir, I say these charges are made in good faith. I desire if this is not true that the country should know it. In God's name let us wipe out this stain of a charge if made without foundation. If made with good ground, if substantiated by the evidence thus obtained, this House can not hesitate for one moment to say that an officer thus derelict of duty, thus violating the public trust placed in his hands, is no longer fit to be a servant of the United States, or have placed in his hands another opportunity to give us an honest, quiet, peaceable election, such as my friend from Ohio so much desires.

Now I say, Mr. Speaker, this investigation ought to be made in the interest of the public and of good order. We ought to know whether these charges are true or false, the country ought to be advised by what methods peaceable, quiet elections are to be secured, and how they are to be conducted; and if this is the process, then I say let us at once abandon the ballot and submit our necks to the yoke of the men so ready to resort to such extreme measures for the purpose of accomplishing an object.

Mr. COX, of New York. Will the gentleman from Ohio yield to me for a moment?

Mr. FOLLETT. Yes, sir.

Mr. COX, of New York. Mr. Speaker, the House will remember the trouble we had some years ago in relation to the appointment of United States marshals. There was always a doubt as to whether or not the United States Government could interfere with elections. The doubt still remains in the minds of the body of our people. However,

the matter has been settled in a Federal way. These officers now regulate elections. I am not sure but that in New York city, at least occasionally, these Federal supervisors and officers may be of some good in determining a just election. But, certainly, whether that question be still open or not, it is of the greatest importance we should have a fair and decent experiment in reference to these Federal officers and their interference in our suffrage. And when the gentleman from Ohio presents a resolution having unity, having but one object, the impeachment of an officer under the Constitution and the law, I believe that any amendment such as suggested by the gentleman from Ohio, to use a lawyer's expression, is bad on demurrer for multifariousness. [Laughter.]. It has no business in a matter of impeachment. This is a proposition for impeachment only. The investigation looks only to impeachment. No charges are made *aliunde*. [Laughter.] The impeachment only is to be considered in the investigation which is to be made, and therefore when the gentleman from Ohio writes out an amendment to this proposition he goes outside of the object, and I am not sure but it is subject to a point of order. It is about the last session my friend from Ohio [Mr. KEIFER] will have to make these points of order. [Laughter.]

Mr. KEIFER. Oh, no.

Mr. COX, of New York. But it is not all of life to live, nor all of death to die. [Laughter.] These gentlemen on the other side should understand it is magnanimity on our part to give them an opportunity to vindicate themselves in the recent elections. [Great laughter and applause.] Let them show, if they can, in this investigation that their marshals have acted honorably, and how much more glorious and more beautiful and more lovely is our victory when they show they have acted decently and we have got a triumph. I thank the gentleman from Ohio for giving me this opportunity. [Cries of "Vote!"]

Mr. KEIFER. I did not occupy the whole of my time, and now wish to yield a portion of it to my colleague [Mr. JOSEPH D. TAYLOR], who desires a portion of my time.

Mr. JOSEPH D. TAYLOR. I wish to inquire of the gentleman from Ohio if he did not consent that this resolution should be so amended as to meet the demands of other gentlemen from Ohio, that this investigation should be wide enough to cover all the circumstances under which the marshal acted.

Mr. FOLLETT. I did not hear my colleague's question.

Mr. JOSEPH D. TAYLOR. Did I not understand you to say that you would consent to an amendment of the resolutions which would widen their scope and enlarge the field of investigation if the resolution is not now wide enough for that purpose?

Mr. FOLLETT. I have not consented to any amendment at all to the resolutions, nor do I propose to, nor had I intended to be understood as consenting to it.

Mr. JOSEPH D. TAYLOR. Then I understand the gentleman from Ohio objects; that he objects to having this investigation made wide enough to show the circumstances under which the marshal of the southern district of Ohio acted.

Mr. FOLLETT. If the gentleman will permit me I will tell him why.

Mr. JOSEPH D. TAYLOR. I would be glad to have the gentleman do so.

Mr. FOLLETT. I wish to state one fact, that the law does not permit him to go except upon the application of citizens. The resolutions especially point to the fact that he is to be inquired of as to whether or not this request was made by citizens and the reasons given therefor. It covers everything that under the law could be embraced by your amendment.

Mr. JOSEPH D. TAYLOR. I presume that the marshal would be required to act not solely in response to a request made by one, two, or three citizens. I presume the number of citizens making the request would not control his conduct entirely. It seems to me that the circumstances surrounding the marshal, the circumstances then existing in that city, the fact that there were hundreds of colored men fleeing from the city, fleeing from the State, escaping for their lives, men who were threatened in various ways, threatened with menace and violence, threatened with loss of employment, intimidated with the threat that their children would have to go hungry and naked, that their property would be taken and destroyed—I say that such circumstances would have and ought to have weight in influencing the action of the marshal. If it be shown that there were hundreds of colored men in the city of Cincinnati who had taken refuge in cellars and were there trembling with fear, who did not dare to go out in the open day, did not dare to go upon the streets because their lives would be in danger—if this condition of terrorism be true, as I understand it to have been, as I have been informed was the fact by people who live in that city and who have been in business there for more than forty years, then I want these facts showing the condition of things in that city and the situation of the colored people to appear in whatever testimony may be brought out in reference to this matter.

What is the object of this investigation? Is it to show all the facts, or is it to show a part and suppress a part? It seems to me that its scope should be wide enough to show all the facts and circumstances under which the marshal acted. There were circumstances existing there, organized circumstances too, the very object of which was to prevent hundreds of colored men from voting at the October election. We have no fear, sir, in regard to this investigation, but we ask that it shall go far enough to show the necessity and the wisdom of the marshal's action. The investigation should not be confined to specified points only, but should go far enough to put the House in possession of the information on which the marshal then acted, and which may or may not, as the facts will show, justify the steps taken by him to secure a fair election. Our only desire is to show from the testimony of the people, if it be true, that this officer acted from a strict sense of duty and from an honest desire to give to the people of our State a fair, full, and honest ballot. The character of the marshal is involved in this investigation, and if it be gone into let it be gone into far enough to develop all of the facts in reference to it.

Mr. REAGAN. Mr. Speaker, it has been urged that an amendment should be admitted to this resolution to enlarge the scope of the investigation, to inquire into the action of a United States officer, as well as of other officers and the people of Cincinnati in this election. I submit that it would not be germane to the object of the resolution proposed by the gentleman from Ohio. It would simply enlarge the scope of the investigation, thereby embracing a different subject-matter from impeachment, which is the prime object of the resolution presented, and would simply go into a general political examination and inquiry—a subject entirely different from the precise object had in this resolution. I repeat, sir, the object of such an amendment would be to go into a general political investigation, to draw out facts probably without any necessary bearing upon the question submitted by the resolution.

Any fact that would serve as a defense for a person impeached can be brought out under the scope of the investigation as proposed. Every lawyer on this floor will understand that any fact which may be necessary to the defense can be brought out without any such amendment as is proposed, and consequently the only effect of the amendment would be, as I have said, to open up a political investigation, which perhaps would not be concluded within the next year. I submit, therefore, that it is not the proper way to embarrass this suggestion; which I take it for granted is made in good faith, for the impeachment of a public officer for a manifest violation of law, if the charges alleged be true.

Mr. KEIFER. I now yield ten minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Mr. Speaker, it affords me very great pleasure to see gentlemen upon the other side of this House apparently so anxious and so earnest to provide for a free election in one section of our country, as well as a fair count of the ballots. I only regret, sir, that the investigation proposed stops at the Ohio River. If it would only pass beyond the confines of that stream, if the proposed investigating committee could wend their way down the Mississippi and in a general way through the South, spending as they go a few days in Mississippi, a few more in the State of Louisiana, a few in the State of Alabama, a few in the State of South Carolina, and a few more in some of the other Southern States where no regard is paid to how a ballot is cast or how counted so that it is counted for the Democrats, I must confess I would be supremely delighted.

Mr. GEORGE D. WISE. May I interrupt the gentleman from Pennsylvania for a moment?

Mr. MILLER, of Pennsylvania. Certainly.

Mr. GEORGE D. WISE. I only wish to say to the gentleman that we do propose an investigation into one of these Southern States, and I have a resolution to that effect ready now, to which I hope there will be no objection from that side of the House when it is presented.

Mr. MILLER, of Pennsylvania. I am glad to hear it.

It has been my duty in the last three years to investigate matters connected with elections in the Southern States; and while I believe in recent years they have measurably ceased to destroy life, while the shotgun has been laid temporarily aside, they still manage in some way, notwithstanding majorities against them, to count the representatives of the Democracy in without regard to the manner in which the ballots were cast.

In the first session of this Congress a Democratic election committee, in the investigation of a contested-election case from the State of Alabama, found the result as certified to the House so farcical and fraudulent, that the subcommittee having the case in charge, with but a single exception, decided to displace the holder of the certificate occupying a seat on this floor and returned here by a majority running into the thousands, and when the case came before the full committee, and after full investigation, there was but one dissenting voice against seating the contestant, although the committee stood nine Democrats and six Republicans.

Mr. McMILLIN. That shows that we are fair.

Mr. MILLER, of Pennsylvania. I am glad that you propose an investigation, and only hope that its scope will be further extended. I hope the gentleman from Ohio [Mr. FOLLETT] will not take umbrage at the amendment proposed to be offered by his colleague [Mr. KEIFER], but will permit the investigation to be made broad and wide, so that all these matters can be laid before the country by a committee ap-

pointed by the Chair, and that the elections held in many of the Southern States, which are a farce and a fraud on popular suffrage, may be laid bare.

Mr. KEIFER. Mr. Speaker, replying to the very proper suggestion made by the gentleman from Texas [Mr. REAGAN], and also to the suggestion made by the gentleman from New York [Mr. COX], that any amendment to the proposed resolutions would be out of order, I have to state that those gentlemen were exceedingly astute and apparently anxious to get in an objection before the form of an amendment to be submitted was known to them, doubtless for fear that such objection would not be good afterward.

Now I will try to make myself clear as to this matter. I take it that if a United States marshal were to undertake, wherever he had the legal power, to appoint a very large number of special deputy marshals for service at elections where there was no shadow of charge of any sort of irregularity or violation of law or any disorder, that that officer might be assailed for appointing unnecessary officers and for appointing men at an unnecessary expense to the Government and for doing that which would be exceedingly improper in the light of good conduct. But, on the other hand, I apprehend that if a United States marshal was to find that at the several polling places or a large number of them within his jurisdiction there was assembled armed men, bad men, men who had in years gone by been in the habit of seizing the ballot-boxes, taking possession by violence of the boxes, striking down or maltreating the officers of election simply because they tried to protect the ballot-boxes from violence, and assaulting citizens simply because they tried to get access to the polls to cast their ballots—I say if such an officer was apprised and advised by everything around him that the condition of things was such as I have described, it would justify him in the appointment of a larger number of persons to perform that duty.

And what I desire is that this resolution may be so broadened and enlarged that we may be told, when the report comes in here, the circumstances under which these officers were selected and appointed.

The gentleman from Ohio presenting these resolutions in his remarks seems to object to the fact that stalwart, strong, resolute men were appointed to go to the polls. He rather thinks that slender-fingered clerks, or ministers of the Gospel, or professors in colleges ought to have been sent into the seventh ward and some other localities, there to compete with the worst style of plug-uglies that ever gathered into bodies on the face of the earth. That is one of the gentleman's troubles. He thinks the marshal ought to be impeached by the House of Representatives and found guilty by the Senate of the United States because he exercised his judgment in selecting men who were capable of competing physically and otherwise with the character of men they were to meet.

I propose at the proper place, Mr. Speaker, to submit an amendment in some such language as this, to be added to the resolutions:

And the said committee are authorized to fully investigate all the circumstances attending the election of members of the House of Representatives at the recent October election in the first and second districts of Ohio at which said United States marshal appointed deputy marshals.

This does not propose to go into any political matter at all, but to see what state of things existed there at the time these deputy marshals were chosen and appointed. I would like to know what kind of organizations had prepared themselves to seize the polls, and if you please under whose directorship. I would like to know whether the men gathered there were only confined to citizens of Cincinnati, or whether they included some citizens of the State of Kentucky and of the State of Indiana. Ohio was having an election at that time alone, Kentucky and Indiana assisting a little on the outside and sometimes coming within. We would like to know how much of this work was going on that had to be counteracted by this United States marshal. If gentlemen believe, if anybody believes, that the action of these special deputy marshals had anything to do with preventing men from voting or with making them cast votes in a direction that they would not otherwise have cast them, let them test that by a comparison of the vote on the 14th of October last with the vote on the 4th of November. That will show that the election in October was not one to prevent men from voting, but it was held under such auspices as allowed a great many men to vote who could not otherwise have voted. There were some that could not vote because they were in prison, presumably because they were colored and Republicans.

I was sorry to hear the gentleman from Ohio [Mr. FOLLETT] say that the indictments were all on one side. By implication he meant to charge that the United States court, the United States officers, the law officers of that court, and the grand jury charged with the duty of investigating these cases were engaged in simply finding indictments against one side. I think the gentleman will take pains to deny that he wanted to go that far. I say that a majority, as I am informed, of the grand jury—and it was a good one—that found these indictments were not men of the same political party as I belong to; and the foreman of the grand jury that found these indictments, which the gentleman chooses to call one-sided indictments, was a distinguished Democrat. It is true it hit a certain class of politicians that perhaps the gentleman would call one-sided—fellows all on one side.

The little pleasantry, Mr. Speaker, that the gentleman from New York undertook to display here at the expense of my colleague from the Cincinnati district and myself needs no reply from me. When the gentleman from New York could no longer in Ohio get a seat in the Congress of the United States he, wisely perhaps, pulled up stakes and went where he could find some congenial constituents to elect him to Congress. Some of us will not follow that example. We will stay where we were born, and not abandon our friends there. The gentleman was a very distinguished Representative when he represented me in the House of Representatives many years ago, and I am thankful to him for his many kindnesses; and what I have said now is certainly said purely in pleasantry.

Now I think, unless some gentleman on this side desires to be heard, I will occupy no more time. How much time have I left?

The SPEAKER. The gentleman has twenty-seven minutes of his time remaining.

Mr. KEIFER. I will reserve the time which remains to me, but am not sure that we will occupy it.

Mr. FOLLETT. I will say to the gentleman that I should prefer his occupying the whole of his time now. I want the right to close discussion.

Mr. KEIFER. I do not know that I will occupy any more time. Some gentlemen, however, on this side may still desire to be heard. Before the previous question is ordered I ask the gentleman from Ohio to allow me formally to present this amendment.

Mr. FOLLETT. I shall object to the offering of any amendment, and shall at the close of my remarks demand the previous question.

Mr. KEIFER. Will the gentleman allow the amendment to be read for information in my time?

Mr. FOLLETT. I have no objection to that.

Mr. KEIFER. I understand it is not in order to offer the amendment during the discussion.

The SPEAKER. The Chair understood the gentleman from Ohio [Mr. FOLLETT] to demand the previous question. Thereupon he was appealed to to admit amendments and postpone the further consideration of the resolution. He declined to admit the amendments, but agreed there should be one hour more for debate. The Chair understands that to be the situation.

Mr. KEIFER. I understand that to be the effect of it. I desire to have my amendment read.

The Clerk read as follows:

And the said committee are authorized to fully investigate all the circumstances attending the election of members of the House of Representatives at the recent October election in the first and second districts of Ohio at which said United States marshal appointed deputy marshals.

Mr. HISCOCK. If the gentleman from Ohio will allow me a moment——

Mr. FOLLETT. The other gentleman from Ohio [Mr. KEIFER] has not yet consumed all his time.

Mr. KEIFER. I will yield to the gentleman from New York.

Mr. HISCOCK. I understood the gentleman from Texas [Mr. REAGAN] to make the point against the amendment suggested by the gentleman from Ohio that the United States marshal could enter into his defense fully under these resolutions, and that any facts tending in that direction would be proper evidence in the way of rebuttal. Do I state the gentleman's position correctly?

Mr. REAGAN. Yes, sir.

Mr. HISCOCK. Now, as I heard these resolutions read, it seemed to me they were presented here in the form of interrogatories, limiting the investigation to particular questions, particular facts to be reported, and excluding the opportunity on the part of the marshal to enter into any rebuttal or give any excuse for his action. It appears to me that by the resolutions the committee is directed to report certain facts and is limited to a report of those facts, the questions being sent to them, as I said a moment ago, in the form of interrogatories. Now, I ask whether the gentleman who submits the resolutions would not be willing to accept a proposition which I desire to offer and will read:

Resolved, That said committee further investigate and report if there were any facts or circumstances or action on the part of any State, county, or municipal authorities that justified the action of said marshal or may excuse his action.

It seems to me there is involved in this matter of impeachment the question of the intent of the marshal, whether he acted criminally or not, whether he acted in good faith or not; and in view of the fact that the questions are put so pointedly and distinctly to guide the investigation of the committee, I suggest whether there ought not to be an amendment allowing the marshal opportunity to present his defense directly—authorizing him to introduce his defense, if he has any, but limiting it to a justification of the acts on his part. I would not go so far as is suggested in the proposition of the gentleman from Ohio [Mr. KEIFER], but would simply authorize the marshal to introduce such evidence as he may have in the way of rebuttal, or justification, or apology, or excuse, if you please, to repel the supposition of any criminal intent on his part. It seems to me that in justice, in fairness, something of this kind ought to be incorporated in these resolutions, since they are so specific in limiting the investigation to the ascertainment of particular facts.

I will send to the Clerk's desk the amendment I have suggested. All I desire in this case is to allow this officer an opportunity to give to the

House any excuse he may have, if he relies upon an excuse; or apology, if he depends upon an apology; or defense, if he claims that there is a sufficient defense. I would not limit this investigation to simply ascertaining and reporting certain affirmative facts, which it seems to me is the intention of the resolution which has been read.

The SPEAKER. The proposition sent to the desk by the gentleman from New York will be read for the information of the House.

The Clerk read as follows:

Resolved, That said committee further investigate and report if there were any facts or circumstances or action on the part of State, county, or municipal authorities that justified the action of said marshal or may excuse his action.

Mr. HISCOCK. I will change the word "excuse" to "explain."

Mr. REAGAN. I think, Mr. Speaker, that the proposition of the gentleman from New York, as just read, instead of limiting the scope of investigation suggested by the gentleman from Ohio [Mr KEIFER] would in fact very much enlarge it. The proposition just read proposes that the committee shall enter into an investigation of the conduct of State and municipal authorities as a defense for an officer of the United States charged with the violation of law.

Now, no lawyer can believe that any such thing would be admissible by way of defense. If the State authorities of Ohio violated the law, if the municipal authorities of Cincinnati violated the law, such facts would furnish no excuse, no justification, no palliation for a violation of the law by a marshal charged with the official duties under the Government of the United States. I wish to suggest upon this point that if wrong has been done by State or municipal authority, the great State of Ohio has all the machinery, legislative, judicial, and executive, to secure the proper investigation of the conduct of its own officers and its own citizens relating to elections and to punish offenders. This can be appropriately done by the tribunals of the State, and no doubt will be done if the facts require such action.

But the question recurs—here is a proposition to impeach an officer of the United States for a violation of the law. Either of the amendments proposed would enlarge the scope of the investigation so as to bring in everything that occurred in connection with the election, thus indefinitely prolonging the investigation of the committee and delaying a report to the House as to whether this officer ought to be impeached or not.

I do not wish to be understood as throwing any impediment in the way of full and fair investigation or as doing anything which would deprive this officer of any defense which he has a right to make. No one will contend that he will not have such opportunity under the resolution as proposed by the gentleman from Ohio [Mr. FOLLETT], which is a little broader than suggested by the gentleman from New York [Mr. HISCOCK], who has said that it proposes simply to require an answer to certain questions. It does more than that. It requires an answer on the part of the officer as to his reasons for doing the acts he is charged with having done. Not only are certain questions to be answered, but under the resolution he can show, as I understand, the motives of his conduct. All that may be necessary in the way of his defense will be let in. I think we should make a mistake if we enlarged the scope of the resolution so as to turn this into a general political investigation, thereby prolonging the inquiry so as to defeat a proper determination of the question submitted.

Mr. HISCOCK. Mr. Speaker, if I believed that the committee when appointed would have the power which the gentleman from Texas seems to think they will have I certainly would not propose any amendment. But, sir, suppose this state of facts existed in Cincinnati, that there was an armed body of men who proposed to take possession of the polls and only to allow one class of men to vote, or rather men belonging to one party. That might afford an excuse to the marshal for making a large number of appointments of deputies and arming them for the protection of the people there in the exercise of their right of suffrage. Will the gentleman from Texas say that under these resolutions that state of facts can be proved?

Mr. REAGAN. I suggest to the gentleman from New York that if it were proved it would not be a defense to these charges, and therefore it would be improper.

Mr. HISCOCK. Then I understand the gentleman from Texas to say this: That if the United States marshal understood there was an organization and a purpose and design on the part of certain persons to defeat a fair election of Representatives in Congress the marshal would not be authorized to appoint deputies for the purpose of preventing such unlawful proceeding and protecting the rights of suffrage.

Mr. REAGAN. You certainly understand me as saying that he can do nothing unless in conformity and compliance with law, which he must take as his guide. The marshal can not make himself a dictator. He can not be judge of the circumstances when he has arbitrary and unlawful authority to appoint deputy-marshals and to arm them with deadly weapons.

Mr. HISCOCK. But suppose he appointed no more than he was technically authorized to appoint, and yet he exercised his discretion improperly, and you could show that he intended to so exercise it, it might afford cause for impeachment. The point I am aiming at is this: That if there was any unlawful combination there to prevent a free and fair election, why not let us go one step beyond proving that fact, and so broaden these resolutions that we will be able to prove the fact of that unlawful combination for an unlawful purpose? The United States marshal is presumably innocent of any unlawful intent. The municipal officers, the State officers, the county officers are presumably innocent of any unlawful intent. But suppose there was a combination of county officers to prevent the free exercise by the electors of their privilege, that would be justification on the part of the marshal to exercise the limit of his discretion as to the appointment and arming of deputy marshals for the protection of the people in the exercise of their just rights.

What I object to on the part of these resolutions is, as I stated awhile ago, to the limitation to answers to certain interrogatories. We are to be limited to the answers made to these interrogatories and the marshal is precluded under the very language of these resolutions from offering any evidence which will tend to justify his action. Now, if the sheriff of Hamilton County, in the State of Ohio, had appointed deputy sheriffs in needless number and armed them to take possession of the polls, it might then have been the duty of the United States marshal to do what he did, but he can not under these resolutions be allowed to prove that fact. He is entitled to have that fact before the House before we pass on any articles of impeachment. Yet, sir, these resolutions have been prepared with the greatest care for the purpose of excluding what it seems to me to be the right on the part of the United States marshal to introduce, whatever evidence he may have in justification of his action.

I am in favor of the broadest inquiry, of the widest investigation, on this question, but let us proceed in such a way that if the marshal has any justification, if he has any facts, provided the charges in the resolutions are true so far as they are indicated by these interrogatories—if he has a defense, then he should not be denied the opportunity of introducing testimony to show just exactly what that defense is.

Mr. KEIFER rose.

Mr. FOLLETT. I understand the gentleman from Ohio is entitled to ten minutes longer of his time.

Mr. KEIFER. Certainly, but I do not propose to use it now.

Mr. FOLLETT. It is my intention when I conclude what I have to say to call the previous question.

Mr. KEIFER. You will keep your agreement?

Mr. FOLLETT. Certainly, but I have the right to close the debate. If the gentleman wishes to occupy his ten minutes he must take it now. When I conclude what I have to say I shall move the previous question and close the debate.

Mr. KEIFER. I did not wish to speak at this time.

Mr. FOLLETT. If the gentleman wishes to occupy any more time he must do it now.

Mr. KEIFER. I will then take the floor and yield three minutes to the gentleman from Maine.

Mr. REED Mr. Speaker, I do not desire to occupy but a few moments. This discussion has led to what I endeavored to suggest to the Speaker on the point of order, and that is, under pretense of a resolution for impeachment a limited investigation is about to be ordered by the House. And I submit upon the face of it it is necessarily an unjust and one-sided investigation.

In the first place it is instigated by a gentleman who feels personally aggrieved by the situation as he found it upon the counting of the votes on election day. And then, instead of bringing here an impeachment or a foundation for impeachment coupled with a direction to the Committee on the Judiciary to consider the whole question of whether an impeachment ought to be ordered for malfeasance in office, the resolution has been seduously curtailed from the form which has been customary in such cases, from a resolution which allowed the whole matter to be gone into, into a resolution which confines the committee, as has been pointed out by the gentleman from New York, to particular points upon which information or misinformation is desired.

Now I submit to the House that such a resolution is not adequate to the subject. This proposes to impeach an officer of the United States for malfeasance in office, and yet at the same time the resolution of investigation on that subject is not broad enough and is not framed to be made broad enough to give a fair foundation, because we owe it as a House of Representatives to an officer against whom charges are made, against whom impeachment proceedings are about to be initiated, that the investigation shall be of such a character that the ground shall be sufficient to justify an impeachment on our part; and it seems to me that under the resolution as offered the only result would be an investigation merely for political purposes and not one which will lead to punishment for violation of law. It seems to me that the rules of the House have not been carried out in framing such a matter to be presented to the House under the guise of an attempt at impeachment.

Mr. ADAMS, of New York. I ask the gentleman from Ohio [Mr. FOLLETT] to yield to me long enough to ask for the reading of the second resolution, because it will show, as I think, a sufficient answer to all the objections stated by my colleague [Mr. HISCOCK].

The second resolution was again read by the Clerk.

Mr. HISCOCK. I do not see why this particular resolution covers the case to which I have referred at all; and it seems to me, if this investigation is to be entered into, that in a spirit of fairness some propo-

sition should be formulated so clear and explicit that there could be no question of its allowing the United States marshal to give his reasons for his action.

If he appointed an undue number of deputies, and if he armed them, if such be facts, make the investigation broad enough not only to cover the facts, but to enable him to give his reasons and excuses for his own justification.

I will say also to my friend from Ohio that no party advantage will be gained by this investigation if it is to be a one-sided matter.

Mr. FOLLETT. I now yield five minutes to the gentleman from Mississippi [Mr. BARKSDALE].

Mr. BARKSDALE. Mr. Speaker, it is not my purpose to participate in the discussion of this resolution, nor should I have submitted a single remark but for certain language of the gentleman from Pennsylvania [Mr. MILLER]. He asks that the scope of the prosecution be enlarged so as to embrace the States south of the Ohio River, and couples his proposition with sweeping and unfounded charges in reference to the conduct of elections in those States, naming among them the State of Mississippi, which I have the honor to represent in part upon this floor.

Mr. Speaker, such a proposition, of course, is not germane to the resolution before the House looking to the impeachment of a United States officer in Ohio for malfeasance. But I wish to say, and I can speak for the Representatives, I am sure, of all the States to which he refers—the Southern States; I know I can speak for my own State—that if it be proposed in good faith that this House shall within the limits of its constitutional functions institute such an investigation as will lead to a revelation of all the facts and to a verification or rebuttal of the unfounded charges he makes concerning the mode of conducting elections in those States, they will not throw an obstacle in the way, but on the contrary they will invite the fullest and freest inquiry.

Mr. FOLLETT. I now yield five minutes to the gentleman from Ohio [Mr. CONVERSE].

Mr. CONVERSE. Mr. Speaker, I think the country to-morrow morning will read with some surprise of the course pursued by the gentlemen upon the other side on this proposition to impeach an officer of the United States charged with official misconduct and crime. It is the first time in the history of the country when a political party has resorted to all sorts of machinery and technical objection to avoid an investigation of a public officer whom it is proposed to impeach for high crimes and misdemeanors. Gentlemen have even undertaken to arraign a sovereign State and propose to inquire whether that State has not been derelict in its duty, or whether such State attempted to interfere in some way with the election of members of Congress to prevent a fair and honest election.

Mr. KEIFER. Will you allow me to ask to what State you refer?

Mr. CONVERSE. I understand the gentleman himself to have stated that at the election in the city of Cincinnati the laws of the State of Ohio had been overridden, the rights of sovereign citizens had been invaded, that they were not permitted to vote their sentiments, and that it was necessary for this officer, the marshal, to arm the deputies that he sent to the polls with revolvers and bludgeons so as to preserve the purity of the election.

Mr. KEIFER. The gentleman has stated substantially what I did say, but he will perceive that I have said nothing against the State, but only that if there was violence there or threats of violence this officer acted only in pursuance of his duty in protecting the people against it.

Mr. CONVERSE. Not only does the gentleman charge this upon his State, but the statement made by my colleague from Ohio [Mr. JOSEPH D. TAYLOR], who also addressed the House upon this question, was one involving a more serious charge against his native State; and the two gentlemen sat there in their seats and heard without protest the gentleman from New York [Mr. HISCOCK] rise in his place and solemnly propose to investigate their State to see whether she as a State had undertaken to interfere with the purity of elections.

The gentleman's proposition was a general proposition to investigate and see whether the State of Ohio had not violated her duty and therefore justified the marshals and their deputies to take charge of the polls and override the constituted authorities of the State and the will of the people.

Mr. KEIFER. Oh, no. I said nothing against the State, only against a few individuals.

Mr. CONVERSE. The gentleman may disclaim his assertion; but the fact is, and nobody knows it better than my two colleagues to whom I have referred, that there never was a time in the State of Ohio when the humblest man, black or white, if he was legally entitled to vote, might not go to the polls in perfect safety and deposit his ballot on any election day, and his vote would be honestly counted. It is not true that the laws of my State have ever been overridden at elections and on election day, except as it has been done by the marshals of the United States and their deputies. It is only the men who wore the livery of the United States that came to our elections and undertook to interfere with them. The laws of our State, as these gentlemen well know, severely punish every infraction of the election laws, and our State officers rigidly enforce them. Every attempt at interference with the citizen who proposes to cast his vote and is entitled to vote is punished with great severity by our law. The penitentiary stares the man in the face, whether he be election officer or bystander, who undertakes to interfere wrongfully with our elections, and gentlemen know it very well.

The claim that the State of Ohio had designs against the purity and integrity of the ballot-box at the last October election, or that the county or city authorities had, or that the election officers or deputy sheriffs had, or that any other officers of the State had, is a mere pretense. The elections in Ohio when left under the control of State authority have always been fair and honest, and peace and good order preserved at the polls. But when men came to our polls clothed in the livery of the United States and armed with revolvers and bludgeons, then our citizens retired from the conflict and allowed them to take charge.

I simply rose for the purpose of repudiating this slander upon my State and upon her laws, expressed by my colleagues and implied in the proposition of the gentleman from New York [Mr. HISCOCK]. Gentlemen know that, if there was any combination of deputy sheriffs or anybody else to interfere with any election precinct or with the ballot-box, all they had to do was to make that fact known to some magistrate, when all persons implicated would be placed under arrest and under bonds, and the entire power of the county would be at his command to preserve order and decorum and the purity of the ballot-box, and the entire strength of the State, if needed, was at the command of the justice of the peace and of the sheriff of the county to enforce order at that single poll. The military of the State might be called out for any such purpose. It was not necessary to make the complaint ten days beforehand to a United States marshal in order to get protection. The remedy under State authority was simple, inexpensive, and efficient.

The fact is that the deputy marshals in Ohio have been used only as an electioneering machine to assist the Republican party to carry the elections. [Applause on the Democratic side.] That is all there is of it. They have been able to appoint this unusual number and pay them from $30 to $50 apiece for putting in several days helping the Republican party organize preceding the election and for voting and controlling the polls by force and fraud on election day. The process was simply one of procuring money out of the Treasury to assist the Republican party to carry the elections. That is all there has been of it except the murder of some and the wounding of others to accomplish that wicked purpose.

Mr. BRUMM. Will the gentleman permit me to ask him one question?

Mr. CONVERSE. Yes; if I have a moment remaining.

Mr. BRUMM. If the gentleman is so sure that the State of Ohio is so immaculate and pure, why not challenge investigation instead of objecting—

Mr. CONVERSE. The proposition is simply a slander upon my State——

Mr. BRUMM. Allow me to finish my question. I ask why, then, object to an amendment that will put the immaculacy of your State to the test?

Mr. CONVERSE. I would scorn to stand here without one word of protest and see my State arraigned by a petty marshal. [Derisive laughter on the Republican side.] I do not propose for one, as a Representative of my State, to do it. We have never called upon either the civil or military arm of the Government of the United States to protect either person or property in my State. We have power enough of our own, either civil or military, to preserve order and enforce the laws, and the independent, self-respecting spirit of our people will do it.

The SPEAKER. The time of the gentleman has expired.

Mr. HISCOCK. If the gentleman will allow me to make a single suggestion, I desire to say the form of my resolution was this: If there was any action on the part of any State, county, or city authorities that justified his action. I made no insinuation against the State of Ohio. I have the highest respect for that State. But if all of the authorities of the county of Hamilton or the city of Cincinnati were free from blame why not let them vindicate themselves, or if they were guilty of irregularities or an attempt to influence the election improperly why not permit that to be proven?

Mr. FOLLETT. I propose to reply to that position of the gentleman from New York [Mr. HISCOCK]. The marshal of the United States under the law can appoint deputies to serve at the polls only in pursuance of the law. I have the statute before me, and it is exactly that to which the second of these resolutions is directed:

> Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upwards the marshal for the district in which the city or town is situated shall—

When? Under what circumstances?—

> on the application in writing of at least two citizens residing in such city or town, appoint special deputy marshals, &c.

He has no power to appoint them except when the request is made in writing by at least two citizens. And what more, Mr. Speaker?

> No person shall be appointed a supervisor of election or deputy marshal under the preceding section who is not at the time of his appointment a qualified voter of the city, town, or precinct.

Now, what are the facts? These gentlemen, some of them from Ohio,

have said that the appointment of these deputy marshals was made necessary in consequence of the fact that in Cincinnati negroes were prevented from voting. I say the charge is without foundation. The negroes from Kentucky and from Virginia brought in there upon freight cars, locked into the box-cars like cattle, taken to the town, kept for days before the election, and there for the purpose of voting, were the only ones with whom there was any attempt to interfere on the part of any officers, and those men, sir, were decorated with the badges of deputy marshals.

Mr. JOSEPH D. TAYLOR. Why not have that investigated?

Mr. FOLLETT. That is exactly, with other conduct of the marshal, what these resolutions provide to investigate.

Now, Mr. Speaker, before this election was held this marshal was waited upon by citizens of that State, with the request that he should disclose what his intentions were for the election day and that he should co-operate with the State officers for the purpose of securing a fair and honest election. He said, in his immaculate dignity, as an officer of the United States, that if the mayor of our city and the other persons whose duty it was to see that there was a fair election saw fit to wait upon him his majesty would be at his office at certain hours in the day. One of these citizens, the president of one of our leading railroads, one of the most prominent citizens of Cincinnati, replied to him in strong and vigorous language: "Were I the mayor of Cincinnati I would see you in a hot place before I did so. Your little dignity assuming to control the affairs of the State of Ohio! And your office greater than that of the mayor of Cincinnati!"

Now, Mr. Speaker, there were there on that day, decorated with marshal's badges, men professing and glorying in the cognomen of the "Terror of Black Hills"—men just out of the penitentiary from the State of Kentucky—men who were seen and known to be residents of other States. It has been said here that the United States court is prosecuting one side only. That is true. The marshal of the United States knowingly brought persons from outside the State and decorated them with marshal's badges; but no Government officer prefers a charge against him or brings complaint before a grand jury. But, sir, here is a law of the United States. The majesty of that law is invoked; and any poor fellow who attempted to clear the road to the ballot-box, that he might get there and deposit his vote, if he interfered with one of these deputy marshals standing between him and the ballot-box, is immediately arrested, brought before the United States court, and punished in accordance with that law for interfering with the United States deputy marshals.

Now, I have very little care for what the distinguished gentleman from Maine [Mr. REED] sees fit to say about myself or my disappointment at the count upon the night of the election. I say to the gentleman that so far as the honest voters of my district are concerned, I had many more votes than I had two years ago when I was chosen to the seat I am now occupying—very nearly 2,000 more. But, sir, when appliances such as this investigation will disclose are brought into action, when Government officers from Kentucky, postmasters and revenue collectors, are brought into my town decorated with deputy marshal's badges and turned loose to vote from early in the morning till late at night, thank God I was not elected by such votes and I would not wish to be. [Applause on the Democratic side.]

Gentlemen on the other side say that we want to suppress investigation. On the contrary, these resolutions provide for the widest possible scope in this investigation. So far as the marshal is concerned, God knows I would not prevent him from making any excuse, if excuse he has, for the conduct which disgraced the city of Cincinnati and the election upon the 14th of last October. But, sir, when an officer of the United States puts himself into the hands and under the control of that distinguished citizen of New York John I. Davenport (my friend from New York knows who he is), and such distinguished citizens as Powell Clayton, of Arkansas, who was there the whole day giving instructions; such distinguished citizens as Mr. Filley, whose character is known to the gentleman from Missouri; such distinguished citizens as many who congregate about this Capitol during the sessions of Congress—such men as McElfresh; such distinguished citizens as one who, I blush to say, has been an officer of the United States, a man who has presided over the Pension Department of this Government, the chief detective of that department, who for two weeks was there setting up the job to do exactly what was done, to perpetrate a fraud upon the people, to make that fraud possible and successful—when such men as these control and govern an officer of the United States for the purpose of accomplishing such results, when by such means as these, I say to the gentleman from Maine, I am counted out of a seat in Congress, it is not my loss that is to be considered—for that I care not—it is the country's threatened destruction, the stab at liberty which you have given by that act. [Derisive cries on the Republican side.] Oh, those gentlemen begin already to groan. Thank God, their time has come; their eyes are beginning to close in death. [Laughter on the Democratic side.]

I have said all I desire to say on this occasion, and I now demand the previous question upon the adoption of the resolution.

Mr. KEIFER. Will not the gentleman allow me to offer my amendment? Will he not consent to include that in his motion?

Mr. FOLLETT. I move the previous question upon the adoption of the resolutions.

Mr. KEIFER. Will not the gentleman allow my amendment to be incorporated?

Mr. FOLLETT. Not at all. I have said so several times. My language is plain.

Mr. KEIFER. Then I want it distinctly understood that the gentleman does not desire a full investigation, one that will cover the whole case. [Cries of "Regular order!"]

The SPEAKER. The question is upon ordering the previous question on the adoption of the resolution.

The previous question was ordered, and under the operation thereof the resolution of Mr. FOLLETT was adopted.

Mr. FOLLETT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION IN RICHMOND, VA.

Mr. GEORGE D. WISE. I ask unanimous consent to offer for present consideration the resolution which I send to the desk. I hope nobody on the other side will object to it.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

> Whereas the United States marshal for the eastern district of Virginia and his deputies are alleged to have appointed a large number of general and special deputy marshals to serve at the several voting precincts in the city of Richmond, in the State of Virginia, at an election for electors of President and Vice-President of the United States and for member of Congress, held in said city on the 4th day of November, 1881, assuming to act in that regard in pursuance of an act of Congress of the United States; and
>
> Whereas it is further alleged that a number of the deputy marshals so appointed were men of known vicious and brutal habits and wholly unfit to be placed in positions of responsibility and to be clothed with the authority of the Government; and
>
> Whereas it is further alleged that the said marshal of the United States for the district aforesaid and his deputies, aided, assisted, and abetted by the United States district attorney for said eastern district of Virginia, did use and employ the powers assumed to be vested in them in the interest of a certain political party for the purpose of intimidation and to prevent a full and fair expression of the popular will at said election; and
>
> Whereas it is alleged that deputy marshals were appointed to serve in said State of Virginia at said election in certain localities in violation of the express provisions of an act of Congress: Therefore,
>
> *Resolved*, That the Committee on Expenditures in the Department of Justice be required and directed, as soon as the same can reasonably be done, to investigate such charges and report to this House—
>
> First. How many deputy marshals, general and special, were appointed——

Mr. REED (interrupting the reading). I demand the regular order.

The SPEAKER. The gentleman from Maine calls for the regular order, which is equivalent to an objection to entertaining the resolution.

Mr. GEORGE D. WISE. I give notice that I shall present an impeachment to-morrow.

Mr. REED. That is a very good way.

INTERSTATE COMMERCE.

Mr. REAGAN. Mr. Speaker, there is nothing before the House, and I therefore ask to take up for present consideration the special order, being House bill No. 5461 to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. GEORGE D. WISE. I do not understand that we have disposed of my resolutions. I ask, by unanimous consent, that they be printed in the RECORD.

The SPEAKER. They have been read by the Clerk, and, as a matter of course, they will go into the proceedings.

Mr. O'NEILL, of Pennsylvania. What is the regular order?

The SPEAKER. The regular order is the morning hour for the call of committees for reports, but the gentleman from Texas [Mr. REAGAN] calls up the special order, made during the last session, which the Clerk will read.

Mr. REAGAN. I also desire to submit some remarks on that bill.

Mr. O'NEILL, of Pennsylvania. I ask for the regular order of business.

The SPEAKER. The special order which the gentleman from Texas indicates takes precedence.

Mr. O'NEILL, of Pennsylvania. Has it precedence over the morning hour?

The SPEAKER. It has.

Mr. REED. But the gentleman from Pennsylvania can raise the question of consideration. Is not there unfinished business?

Mr. KEIFER. I should also like to inquire of the Chair whether this is a special order fixed for this day?

Mr. REAGAN. It was made the special order from day to day until disposed of.

The SPEAKER. It is a continuing special order.

Mr. KEIFER. But does it do away with Rule XXVII, which provides after six days from the commencement of the second or subsequent session of a Congress all bills and resolutions, &c., of the preceding Congress shall come up in their order? Can any special order come within those six days, is the proposition I submit to the Chair, unless the special order has been set apart expressly for a day within those six days? If made by unanimous consent, perhaps we might bring it within that time. But in the absence of any such special character given to this

special order, I would like to know whether it does away with the twenty-seventh rule of the House.

The SPEAKER. The Chair had some difficulty in determining what construction ought to be put upon that twenty-seventh rule, but found on examination it had been construed heretofore by Mr. Speaker Blaine, who held it did not prohibit the House from proceeding in its regular order. It made it imperative on the House, however, to proceed with the regular order after the expiration of six days.

Of course the question of consideration can be raised against this special order as against any other.

While there is some doubt as to the real meaning of the rule, the Chair feels disposed to adhere to the construction put upon it heretofore by Mr. Speaker Blaine.

Mr. KEIFER. What is that?

The SPEAKER. That it does not contain any negative proposition at all against the House proceeding in regular order. It is imperative, however, that after the expiration of the six days the House shall proceed with its regular orders.

Mr. O'NEILL, of Pennsylvania. I call for the morning hour, which, as I understand, is the regular order of business at this time.

The SPEAKER. But the gentleman from Texas calls up a special order, which has precedence over the regular order.

Mr. O'NEILL, of Pennsylvania. Had this special order ever been taken up before?

The SPEAKER. It had not. The gentleman from Texas called it up during the last session of Congress on several occasions, but in every instance the question of consideration was raised against it and it was not considered. As the Chair has already said, the gentleman from Pennsylvania can raise the question of consideration if he desires to do so.

Mr. O'NEILL, of Pennsylvania. Can we raise the question of consideration against it in any other way than by demanding the morning hour?

Mr. REAGAN. I ask unanimous consent to have the bill read.

Mr. O'NEILL, of Pennsylvania. I raise the question of consideration.

Mr. REAGAN. Let the bill be read.

Mr. O'NEILL, of Pennsylvania. I raise the question of consideration against this bill, and I do so because the House is not full at this time, and this is too important a subject of legislation to be acted on without a quorum. No one understands the importance of this subject more than the gentleman from Texas, and I am sure he will not ask to have it considered at a time when the House is thin.

The SPEAKER. The matter is not debatable.

Mr. REAGAN. I hope I may be allowed to proceed without further interruption.

The SPEAKER. The gentleman from Pennsylvania has raised the question of consideration.

Mr. ANDERSON. Did not the gentleman from Pennsylvania raise the question of consideration too late? The gentleman from Texas had previously called up the special order and was occupying the floor.

The SPEAKER. As soon as the gentleman from Texas called up the special order the gentleman from Pennsylvania raised the question of consideration, and the Chair thinks he was in time.

Mr. O'NEILL, of Pennsylvania. And I think the House had now better refuse to consider it.

The SPEAKER. The question is, Will the House proceed to the consideration of the special order indicated by the gentleman from Texas?

The House divided; and there were—ayes 130, noes 10.

So the House determined to proceed to the consideration of the special order.

Mr. REAGAN. I ask by unanimous consent of the House that the bill and substitute which I propose to offer for it shall be printed, for the convenience of members, in the RECORD.

Mr. HISCOCK. I wish to inquire of the gentleman from Texas when he expects to call for a vote?

Mr. REAGAN. Just as soon as the House will consent. I desire an early disposition of the question. It seems to me it can be disposed of in two or three days.

The SPEAKER. The bill has not yet been read.

Mr. REAGAN. Let the bill and my proposed substitute be read and go into the RECORD.

The Clerk read as follows:

A bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, shall be reasonable for such service.

SEC. 2. That it shall be unlawful for any person or persons so engaged as aforesaid directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of compensation or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling the same under substantially similar circumstances; and all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being considered as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered as aforesaid by him or them, which, under similar circumstances, are not allowed to all other persons.

SEC. 4. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads; and it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 5. That the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 6. That any railroad company, officer of such company, or other person who shall violate any of the provisions of this act shall be liable to any person injured for the actual damages caused by such violation, which may be recovered in any State or United States court of competent jurisdiction. The court before which any such action is tried, if it shall be found that the violation was willful, or continued after the notice provided by the tenth section of this act, shall make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees, and all expenses and disbursements in the action, including his own necessary personal expenses.

SEC. 7. That any corporation or person violating this act is guilty of a misdemeanor, and subject to a fine of not exceeding $1,000 for each violation. The courts of the United States shall have exclusive jurisdiction of all prosecutions arising under this section. It shall be the duty of district attorneys of the United States to institute and prosecute to effect criminal proceedings for all such violations. The provisions of this section shall not apply to the first section of this act.

SEC. 8. That there shall be appointed by the President, by and with the advice and consent of the Senate, three commissioners, of whom one shall be of experience in the law and one of experience in railroad business, who shall be collectively known as the commission of interstate commerce of the United States, and shall be charged with the duty of carrying into effect the provisions of this act in respect of interstate commerce. One of said commissioners shall hold his office for the term of two years, one for the term of four years, and the other for the term of six years, to be respectively designated by the President, and thereafter said commissioners shall be appointed for the term of six years, and a commissioner appointed to any vacancy shall hold office for the unexpired term. Any one of said commissioners may be removed by the President for cause, but not otherwise. Said commissioners shall devote their whole time and abilities to the duties of their office, and shall not accept or engage in any office or employment inconsistent with the provisions of this act. If either commissioner, after his appointment, shall be, or shall become by inheritance or operation of law, pecuniarily interested in any railroad or railroad security he shall, within thirty days, divest himself of such interest; and upon his failure to do so, or upon his voluntarily becoming interested in any such railroad or railroad security, his office shall become vacant. No commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest whatever. Each commissioner shall receive an annual salary of $7,500, payable like the salaries of the judges of the courts of the United States: *Provided*, That before entering upon the discharge of their duties they shall, in addition to the oath required of them by law, take and subscribe to an oath that they are neither directly nor indirectly interested in the ownership or earnings of any railroad company whatsoever.

SEC. 9. That the said commission shall exercise only the powers by this act conferred. Said commission may appoint a clerk, whose duty it shall be to keep a full and faithful record of the proceedings of said commission, and otherwise to assist the members thereof in the performance of their duties, and who shall receive an annual salary of $2,500; and also one accountant, at an annual salary of $2,500. The Secretary of the Interior, at the request of said commission, may also furnish the commission such additional clerical, engineering, expert, or other service as they may request and he shall deem proper. Actual and necessary traveling and other expenses incurred by said commissioners, or their employés under their orders, shall be allowed them, for which vouchers shall be rendered. The commissioners, their experts and clerks, may pass and repass over any railroad engaged in interstate commerce free of charge, whenever engaged in the performance of their duties under the provisions of this act, but neither shall accept any other pass, gratuity, or favor whatever from any railroad company.

SEC. 10. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commission by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts, and in his opinion the complaint is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceedings to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power, and in a proper case is required, to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and

under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act, by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of such commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation; and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 11. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction, requiring such railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

SEC. 12. That the commission may make, and from time to time amend, such general orders as may be requisite for the order and regulation of proceedings before it, including all forms for proceeding, notices and the service thereof, and for the prescribing, directing, or regulating any matters authorized by this act. All the proceedings before said commission shall be upon reasonable notice to all parties interested, and such forms shall conform as nearly as may be to those in use in the courts of the United States. Any party may appear and be heard in person or by attorney.

SEC. 13. That for the purposes of this act the commission shall, subject as in this act mentioned, have full power to ascertain and report upon all questions of fact arising under this act, and shall also have the powers following:

(a) They may, by subpœna or order to be served by a person by them authorized, require the attendance of witnesses, and of all such persons as they think fit to call before them, or before any person by them authorized to prosecute an inquiry.

(b) They may require the production of all books, papers, and documents relating to any matter before them, and to that end may invoke the aid of any court of the United States.

(c) Either of them may administer oaths and affirmations.

SEC. 14. That the principal office of the commission shall be in the city of Washington, where its general session shall be held and its records and archives be deposited. Whenever the convenience of the public or of the parties may be promoted, or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, or one of the persons named in the ninth section hereof, or by any person specially appointed by the commission, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact, and may specially delegate to the officer or person conducting such inquiry such powers to that end as are by this act conferred upon the commission and may be deemed necessary. Every vote and official act of either of the commissioners shall be entered of record. The commission may conduct its proceedings in such a manner as will most conduce to the dispatch of business and to justice; they may sit together or separately, and either in private or public, but any proceeding before them shall be public upon the request of either party thereto; and a majority of said commission may determine any question submitted. The commission shall prescribe a railroad year, and a system of reports covering said year to be rendered by railroad companies; examine the books and accounts of said companies at such times as may be deemed by them necessary; see that all United States laws relating to said companies are enforced; furnish such information to the several Departments of the Government, or the Government directors of any of said railroads, in regard to the tariffs of fares and freight, or the accounts of said railroads, as may be required of them or as they may deem expedient; make an annual report of their doings to Congress on or before the 1st day of January of each year; and otherwise endeavor to procure the data necessary to the gradual enactment of an intelligent system of national legislation regulating interstate railroad commerce.

SEC. 15. That the Secretary of the Interior shall provide suitable offices and a room for the public sessions of the commission in the city of Washington. Witnesses summoned before the commission shall be paid the same fees as witnesses in the Federal courts, and depositions *de bene esse* and under commission may be taken to be used before the commission in the same manner and upon the same conditions as in such courts. The salaries and expenses of the commission shall be provided for, audited, and paid in the same manner as the salaries of judges and other judicial expenses.

SEC. 16. That said board of commissioners shall inquire into that method of railroad management or combination known as pooling, and state the result of their inquiry in their first annual report, and whether, in their judgment, any, and if so what, legislation is expedient in relation thereto.

SEC. 17. That nothing in this act shall apply to the carriage, storage, or handling of property wholly within one State or Territory and not destined for continuous carriage beyond such State or Territory, or to property carried for the United States, or to the transportation of persons or articles free or at reduced rates for State or municipal governments or for charitable purposes, or to or from public fairs and expositions for exhibition thereat.

SEC. 18. That in the construction of this act the phrases "railroad corporation" and "railroad company" shall be held to be synonymous, and to signify a corporation which either owns or operates a railroad as aforesaid, and shall include receivers, lessees, and trustees operating railroads, and all persons named in the first section of this act. The word "person" in this act includes plurality of persons, corporate and incorporate, and all persons in any manner engaged in interstate railway commerce in whatever capacity, whether as principals, agents, or employés.

SEC. 19. That the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for the uses and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto.

Mr. REAGAN'S proposed substitute:

A bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend

to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers, in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

During the reading of the bill and substitute the following proceedings took place:

Mr. REAGAN (interrupting the reading). I would suggest that by unanimous consent the reading of the bill and substitute be omitted, and that they be published in the RECORD.

Mr. O'NEILL, of Pennsylvania. This is a most important bill, and ought to be read.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). Does the gentleman from Pennsylvania object?

Mr. O'NEILL, of Pennsylvania. I do.

The Clerk resumed and concluded the reading of the bill as above.

Mr. REAGAN. Mr. Speaker, the subject-matter to which the bill just read relates is of perhaps as great moment to the country as any other that can be brought to the attention of the Congress of the United States. This will be realized when it is considered that it relates to regulations affecting 125,000 miles of railroad in the carrying of the commerce—what is denominated the interstate commerce—of the country, an amount of commerce certainly not less than $10,000,000,000 annually. I do not propose, however, this afternoon to enter into the general discussion of the subject.

There are two bills pending before the House: one the bill authorized by the committee, the other a substitute offered by myself as a member of the committee. I thought that perhaps this evening I had better avoid any general discussion of the measure in its constitutional aspect—avoid any discussion of the constitutional authority of Congress over the subject—and simply call the attention of the members of the House briefly to the most clearly-defined differences between the two bills. The committee's bill has good provisions in it. It has provisions that commanded the approval of a majority of the committee. It will be for the House when the subject is presented to determine whether it also meets the approval of the House or whether it desires a bill in some other form.

The seventh section of the committee's bill makes the penalty for a violation of its provisions not more than $1,000, and provides that the provisions of this section shall not apply to violations of the provisions of the first section of the bill. The first section of the bill provides:

That all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, shall be reasonable for such service.

The only provision in the first section of the bill to which this relates is that the charges shall be reasonable. The committee's bill in fixing the penal part of the bill expressly exempts the first section from its operation, and, therefore, charges which are unreasonable and onerous, unjust or exorbitant, may be made without penalty and without a remedy upon the criminal docket against the offending party.

The substitute bill by its eighth section provides that all violations of its provisions are made penal, and the fine in any case shall be not less than $1,000. There are two differences between the two sections. The committee's bill makes the penalty not more than $1,000, while the substitute bill makes the penalty not less than $1,000. The committee's bill exempts the question as to the unreasonableness of the charges from the operation of the penal provision, while the substitute bill makes a violation of that provision a penal offense as well as the violation of any other provision of the bill.

This is the first difference to which I desire to call the attention of the House. Upon it I suggest that if we make a discrimination as to the allowance of rebates and drawbacks, and the pooling of freights and other matters named in the bill, an offense, why shall we say that unjust charges against shippers shall be less of an offense? The proposition seems to me so clear that the substitute bill is superior in its equities to the committee's bill that I do not deem it necessary to consume the time of the House by discussing that point any further.

Under the sixth section of the committee's bill the liability of a railroad company to any person suffering wrong by their action is the actual damages sustained; while under the seventh section of the substitute bill persons violating the provisions of the bill would be liable in three times the amount of damages sustained. This is a difference of some considerable moment, and I deem it best here to call attention to the reasons which induced me to believe that triple damages in such cases ought to be allowed. Wealthy litigants may be able to combat the railroad corporations in the courts of the country; but the great mass of persons who would be liable to injury by the discrimination and improper conduct of these corporations are unable to contest with them in the courts. They are unable to fee lawyers, pay their witnesses, and lose the time necessary to attend to courts if it can be avoided. But the railroad corporations have almost habitually, where suits were brought against them, undertaken to delay decisions and deter parties from the institution of suits by prolonging litigation. Their wealth, power, and influence are sufficient to enable them to do so. It is fair, therefore, it seems to me, when they provoke litigation by their conduct, to say that they shall pay three times the damages arising from their unlawful action. At the common law they would be liable for actual damages sustained; but at the common law, as has been found in the State of New York and elsewhere, private litigants are unable to contend with the railroad corporations; and it has been developed during past sessions of Congress, and was developed in the great legislative investigation in the State of New York, that men injured by the unlawful acts of these corporations were afraid to institute suits against them in order to bring them to justice for fear of their power to discriminate further against them and inflict upon them irremediable wrong. So that, all things considered, it seems to me that it is right and proper to give triple damages instead of simple common law damages to the actual amount of damage sustained. But I do not propose so much to elaborate these points now as simply to present the differences between the bills, so that gentlemen who participate in the discussion may consider them as we proceed.

Mr. LONG. Will not the gentleman refer to the provision in the committee's bill to meet just that point with regard to the allowing of costs?

Mr. REAGAN. I will read that provision of the committee's bill and will also read the provision of the substitute bill on the same subject. The committee's bill provides:

SEC. 6. That any railroad company, officer of such company, or other person who shall violate any of the provisions of this act shall be liable to any person injured for the actual damages caused by such violation, which may be recovered in any State or United States court of competent jurisdiction. The court before which any such action is tried, if it shall be found that the violation was willful, or continued after the notice provided by the tenth section of this act, shall make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees, and all expenses and disbursements in the action, including his own necessary personal expenses.

I will now read a part of the seventh section of the substitute bill:

That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited, and in case any person or persons as defined in this act engaged as aforesaid shall do, suffer, or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees.

Omitting the part about his personal expenses that is in the committee's bill, I have read the two sections, in order that the difference between them may be seen by members in proceeding with the discussion.

The committee's bill in its remedial provisions only provides legal remedies, while the substitute bill provides both legal and equitable remedies. There is a reference to equitable powers in the committee's bill, but that is not in relation to the remedial provisions of the bill, but only in relation to those provisions which concern a commission and the action of a commission in determining questions between the Government and wrongdoers and not between a citizen and a wrongdoer. I will call attention to a further part of the seventh section of the substitute bill, beyond what I have just read, in connection with this provision about conferring equitable powers in connection with the remedial provisions of the bill:

Any action to be brought as aforesaid may be considered, and if so brought shall be regarded as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or

person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him.

And it goes on then to extend the provisions of the Revised Statutes in regard to compelling the attendance of witnesses and the production of books, papers, and contracts, and generally gives all the powers of a court of equity for compelling discovery. I will not read the whole of the section. It is the seventh section of the substitute.

This provision that I have in part read I esteem a very important part of any legislation that may secure to the people proper remedies in cases like these. Some years back in looking to the action of State Legislatures I had occassion to see that very wholesome provisions of State legislation had not been carried into effect because of the difficulty of furnishing the testimony necessary to sustain actions. Violations of duty and the law by these corporations are generally within the knowledge of their agents and covered by their books; and in a proceeding at law against them if you call upon them or their agents to testify or to produce their books you can not compel it, unless some provision of the statute is made to enable the compulsion of such parties to testify and produce their books. You may enact the best possible provisions, but if you take away from the courts the power to compel the officers and agents of these corporations to testify, and take away from the courts the power to compel them to produce their books and papers, in many, perhaps a great majority, of the cases that would arise you could not procure convictions. But if you can open the mouths of their officers and agents and compel them to testify and go to their books for the facts which those books disclose, you may convict them of unlawful practices. So I have thought that this provision was an essential feature of any measure that would prevent a disregard of the rights of the people in connection with the transportation of their interstate commerce. At present I do not propose to enlarge on the subject, but simply to call attention to what is required in connection with these remedial provisions, and to the fact that such provision is not found in the committee's bill, as I remember it, connected with its remedial provisions.

It will be understood that I make a distinction between remedial provisions and those which relate to the action of a commission acting chiefly between the Government and the companies, and not between aggrieved individuals and the wrongdoers.

The fourth distinctive difference between the two bills is that the committee's bill does not prohibit the railroad companies from charging more for a shorter than for a longer haul, while the substitute bill does prohibit such charges. This is a very important difference, to which I wish to call especially the attention of the House. It is one that received a good deal of consideration on the part of the committee and upon which there was serious difference of opinion. It was in evidence before the Forty-fifth Congress that a car-load of ordinary freight sent from Omaha to San Francisco was charged for at the rate of $300 per car-load, while a car-load of like freight sent from Omaha to Virginia City or the Palisades, six hundred miles this side of San Francisco, was charged $800; so that for six hundred miles less haul $500 more was charged upon a car-load of freight.

It is only necessary to state this proposition in order that the monstrous wrong of such a system of charges may be realized. It will be seen that the only reason these extortionate rates were adopted was because there was no competition, and the people of Nevada were helpless to protect themselves. It appeared in evidence also that the rates between San Francisco and Virginia City or the Palisades were greatly more than the through rates between Omaha and San Francisco. I give this as a strong illustration of the wrong of the principle of allowing a corporation to charge more for a car-load of freight for a shorter than a longer distance. But, I take it, it is within the knowledge of every member of this House, I care not where he may come from, that it is habitual to charge more for short hauls than for long, where there is no competition to protect the people against improper exactions of that kind.

The argument made in answer to this proposition is that from competing points prices must necessarily be lower than from non-competing points, and that by allowing these discriminations in favor of the long as against short hauls, Western produce is brought nearer to the Eastern markets. Now, I want to call the attention of the House to a fact which I beg may be investigated by all who feel an interest in looking into this precise question. The substitute bill is based upon a principle which renders that description of discrimination unnecessary, and at the same time gives to the people whose freight requires a long haul all the advantages that they can reasonably desire. In the very first Congress in which we had proof on this subject before us the fact was disclosed that flour could be sent from Saint Louis or Chicago through Pittsburgh to the city of Philadelphia cheaper than it could be sent from Pittsburgh to Philadelphia; and a similar statement may be made with reference to points in the interior part of New York. The fact is now developed that it is the practice of the railroad corporations to attempt to grasp more business than legitimately belongs to them by low rates of freight from competing points. The substitute bill which I have offered means to prevent this and to compel these corporations to rely upon the business which legitimately belongs to them.

In connection with this matter I desire to put this question to the good judgment and common fairness of the House: Is it right that a man at a non-competing point shall pay two or three times the rightful cost of the transportation of his freights in order to enable a railroad corporation to procure business at competing points at lower rates than it can afford, thus procuring freight to which it has no legitimate right? To answer this question in the affirmative is to base one wrong upon another, instead of meeting the ends of justice. It can not be insisted that common fairness and common honesty require one man to pay for the freight of another. There is no justice, no fairness, no honesty in saying that one man shall be compelled to pay the cost of carrying the merchandise of another.

But the framework of the substitute bill obviates, as I have said, the very difficulties which here arise in the minds of gentlemen in opposition to it. In the first place, the provisions of the substitute bill require that for a given amount of freight of a given quality no more shall be charged for a shorter than for a longer distance. In settling upon this principle we have from the start found serious difficulty. This difficulty grew out of the impossibility of arriving at a precisely equitable basis on this subject. We recognize the fact that the railroad companies can not load and unload freight and carry it for short distances at as cheap a rate per mile as they can for long distances; and the object in framing the bill was, while protecting the people against wrong, to guard also these corporations against wrong. In the framework of the substitute bill, which in this respect is the same bill that passed the House during the Forty-fifth Congress, we allow the corporations to continue to discriminate in favor of long hauls, and to discriminate to the extent of the whole difference of distance. We simply say that the companies shall not charge more, for instance, for a given amount of freight for 100 miles or 500 miles than they do for 1,000 miles. But there is nothing in the bill which will prevent them from charging as much for the short haul as for the longer haul. Thus they will have all the latitude of discrimination that distance gives them; and justice can not require more. Indeed, the difficulty of getting a better basis of adjustment induced us to go further in allowing this measure of discrimination than we thought was equitable. To this I think there can hardly be a successful answer.

Mr. Speaker, I beg to call the attention of those gentlemen who have objected to the proposition on that ground that there is nothing in the substitute bill submitted by me which prevents the railroad companies from charging as low a rate if the bill shall become a law as they can charge now without the bill becoming a law. We do not pretend to regulate their rates, to say whether they shall charge much or little. We do not ask that. We do not propose in any way to embarrass them in their lawful and rightful action, but simply to abridge, to cut off, to do away so far as possible by legislation with the abuses which have characterized the exercise of their monopoly power.

It has been said this legislation was sought in hostility to the railroad companies. I wish to testify for myself, Mr. Speaker, and I think I can safely testify for every committee which has considered this subject and of which I have been a member, that there has not been any disposition to inflict injury upon these railroad corporations. In common with the members of those committees and with the members of the House I recognize the great value of railroads in the country toward the promotion of its prosperity and the welfare of the people, and toward the development and advancement of our civilization. It is not my intention or desire to advocate any measure of legislation which would cripple their usefulness or inflict loss upon those who have invested in these various railroad enterprises. I can not make this stronger than I would. I simply desire to protect the people against the abuse of the monopoly power of railroad corporations and not to injure them or their stockholders.

Now, then, I have said there was nothing in the bill preventing railroad corporations charging as low a rate for the transportation of freight as they may wish, but there is this provision in the bill: that they shall not between intermediate points charge a higher rate than for the whole distance. What right has Saint Louis or Chicago or Galveston or any other place in the Union to say that in their interest you must permit freights to be carried from those places to the great entrepôts of commerce for less rates, at a less price, at less cost than they can be carried for for one-fourth of the distance? In God's name when they can get them carried for those longer distances at as low a price as they can be carried for shorter and intermediate distances, when they can have their freights carried two or three times farther distance, they ought to be contented, it seems to me. They ought not to go further and demand that these railroad corporations shall carry their freights 1,000 or 2,000 miles at a cheaper rate than they can be carried for 100 or 200 miles.

I invite those who combat my views on this subject to meet me before the House. I invite the attention of all to the fact that we do not interfere with any charges which may be made by the railroad corporations, except that no more shall be charged for the transportation of freights for a shorter than for a longer distance on the same bulk and

quality of freight, and that these charges shall be reasonable. That is all; and surely a citizen of Chicago or a citizen of Saint Louis can not complain if he secures the carrying of freight from that point—that is, from Saint Louis to Philadelphia or from Chicago to New York—as cheaply as from Harrisburg to Philadelphia.

Surely the citizen of Chicago can not complain if he gets his freight carried from Chicago to New York as cheap as the citizen of New York can have his freight carried from Albany to New York. I do not forget in this matter, Mr. Speaker, that I am stating illustrations and giving places within the boundaries of a State, which cases do not come under the proposed law; but the illustrations in themselves furnish a complete and conclusive answer to anything which may be urged in opposition to this provision. They show the injustice of hauling freights for a longer distance, of the same kind and bulk, at a cheaper rate than for a shorter distance; that is, that freights for 1,000 miles or 2,000 miles should pay less rate than for 100 or 200 miles.

But I am dwelling upon this subject longer than I desired. I regard this as one of the great essential provisions of this bill; and if the House desires to promote the remedial legislation which will protect the 50,000,000 of our American people against the rapacity of these corporations, you will never do it successfully by saying that the corporations may charge greatly more for carrying a car-load of freight 100 miles than for carrying it 1,000 miles. Such a proposition will command the approval and sense of justice and propriety of mankind.

The next point of difference between the two bills is that the committee's bill in its third section only prohibits the allowance of rebates or drawbacks and other discriminations to any one person which are not allowed to any other person, while the substitute bill prohibits the allowance of rebates, drawbacks, or advantages of any kind in all cases.

I desire to call attention to the particular wording of this bill on this subject, because I wish the House to understand what is in the bill itself. The third section of the committee's bill provides:

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered as aforesaid by him or them, which, under similar circumstances, are not allowed to all other persons.

Instead of prohibiting the allowance of rebates, drawbacks, cut-rates, and other discriminating advantages, this bill goes on first to prohibit this and say then that if you allow them to one person you must also allow them to another. I submit that it simply opens the door to the whole wrong against which we are proposing to guard. And why, sir, should rebates be allowed to anybody? If they are allowed to all persons alike it simply amounts to a uniform reduction of the rates of freight to that extent. It amounts to that, and nothing else. It can not be anything else; and if, therefore, they make a uniform reduction of rates to all men, why not change the schedule and reduce the freight instead of saying that by this discriminating and swindling method of rebates and drawbacks we propose to swindle everybody alike? Have I not put the case fairly? Why permit this process at all? It amounts to saying that you shall not knock your neighbor down unless you knock some other neighbor down. You shall not steal your neighbor's hog unless you steal another neighbor's sheep. Why put it that way? Why not say that this discrimination in giving advantages to one shipper over another shall be absolutely prohibited?

In this connection I would invite the attention of the members of this House to the legislative investigation made a few years ago by the great State of New York, and contained in five large volumes, in which investigation it was shown, in the face of a written denial on the part of Mr. Vanderbilt and of Mr. Gould, that they allowed special rates. In answer to an inquiry from the chamber of commerce whether they did not make such discriminations Mr. Vanderbilt positively denied it, and the committee, members of the Legislature of New York, proceeded to take evidence, and proved the fact that within the last year preceding that time some thousands of contracts for rebates and drawbacks had been made by that company—not instances of rebates, but contracts for their daily allowance. There stands in these reports the written denial of the president of that corporation, and in opposition to it the proofs submitted to the Legislature of the State of New York. I submit this, Mr. Speaker, not to call attention to that particular man or to his road, but simply to illustrate what has been going on all over the country. If you give the power to a corporation or to the officers of a corporation to discriminate between the shippers, they will enrich their friends while they may impoverish those they do not like; and that investigation cited from New York furnishes the strongest, the amplest evidence of the truth of this statement. So I hold the substitute bill preferable to the committee's bill.

The committee's bill contains no provision requiring a railroad company to post up schedules of its rates of charges, while section 5 of the substitute bill does require such schedules to be posted up. And this is essential to secure fairness and equality in rates between shippers and as a means of evidence in determining whether discriminations have been made, and whether more than regular or schedule prices have been charged. If you leave that provision out and come to a trial in each case, you will have to prove what reasonable rates are. If you put the provision in requiring them to post up their schedules of rates, the law will presume they constitute reasonable rates, and the production of the schedules at a trifling expense would directly show the jury the amount of charges which the road had fixed, and it would then be for the court and jury to determine whether the schedule had been disregarded or not in the case under consideration. Perhaps I had better read this section of the substitute bill:

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

That last provision is as to the discrimination of rates and charges under the pretext of regulating the terminal charges. So I require by the substitute bill that the accounts shall state what portion of the amount is for freight and what portion is for terminal charges.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

You see this provision not only requires these schedules to be posted up so that the citizen when he goes to make his shipment knows what part of the product of his labor or capital belongs to him and what part must go to the common carrier, but it provides that a charging of more or less than the schedule rates shall be punished as a crime. It simply means to make them be honest and to treat all men alike. Who but the corporations can object to this? Who that seeks common fairness can object to this? The committee's bill limits its provisions to car-loads of freight, while the substitute bill extends its provisions to all amounts of freight. A bill formerly reported from the Committee on Commerce on this subject was the same in its provisions as the present committee's bill, limiting the amount of freight which should come under the influence of the bill to car-loads, but the jobbing merchants of all the great cities protested that it was unjust in not giving to them the same protection for smaller amounts of freight that was given to others for larger amounts. It seemed to me that their statement was so just and fair, that I chose to give up my former convictions and position on this subject in deference to what was demanded by justice. Therefore I submit that as one of the differences between the bills; and I think when we come to examine it we shall see that there is no just reason why we should not place all amounts of freight under the same wholesome influence of this legislation and protect the citizen against the rapacity and unfairness of the corporation.

The committee's bill requires a railroad commission to be appointed under it, and by its sixteenth section it directs said commission to inquire into the method known as pooling and to report what legislation is expedient in relation thereto, while the preceding part of the bill prohibits absolutely by its third section all pooling of freights by competing roads.

I ought to observe that the committee's bill prohibits pooling. After the provision prohibiting pooling was inserted in the bill, however, another provision was inserted in the latter part of the bill, the sixteenth section, directing the commission provided for by the bill to enter upon an investigation as to the propriety of permitting pooling.

I have but a single remark at this time to offer on that subject, and it is this: In early times the anxiety of the people to secure the advantages of railroad transportation and travel induced them to make very liberal charters, almost as liberal as could be at any time asked for. It was felt then, as we all know to be the case now, that each road was a monopoly for the transportation of the freights and carrying of the travel on its particular line. They felt that then, and they then supposed that transportation by water and by other modes of conveyance would furnish such competition as in some measure to relieve the people against the monopoly exaction of these corporations. They felt, too, that as new roads were built they would offer lines of competition with each other and by their competition reduce the rates of freight to a fair price for carriage. And they felt then, as the law authorizes us to feel and to say now, that in case water transportation and other modes of transportation and competing railroad transportation should fail to give the desired relief against the monopoly powers of these corporations—they felt and knew that they derived their life and being from the legislative authority of the country; and that the power which created them could regulate in a reasonable way their rates of charges as common carriers, as their charges and their actions have been regulated from time immemorial, just as turnpikes are regulated and as hack-drivers in cities are regulated. They derive their powers in the main from

legislative authority; and if their powers are not derived from legislative authority then the corporations are engaged in public employments, that is, employments in which the public has an interest, and on both grounds the courts of England and America have always held that the right to regulate followed the creation of such corporations; otherwise we would have to assume, if that power does not exist, that the legislative authority can create something superior to itself. No wise statesman or wise statesmanship could make any such admission. The Government can not create something superior to itself. It would not dare to create something superior to itself. But I do not choose now to elaborate this point. I simply desire to state it.

The substitute bill would omit the provision of the committee bill, which requires inquiry into the subject of the right of pooling. The substitute bill assumes that pooling is wrong. I assume that it is unlawful. I believe that at common law it can be shown to be unlawful. But I do not choose to discuss that question now. The question is simply one of power. The people of this country confer upon these corporations franchises without price—large and valuable privileges—and they have the right to say to such corporations, "You may charge a just and reasonable percentage upon your capital, but you shall not levy unreasonable and unjust exactions upon the people."

The course of the English as well as the American decisions goes to this point: that the power of regulation resides with the legislative authority, but must not be abused by such legislation as will destroy the corporation or take from the stockholders a reasonable dividend upon the capital invested by them. That is the extent and character of the power to regulate transportation charges as recognized in Great Britain and this country.

The right to free competition ought to be left to the people. Pooling simply means we shall make one great mammoth corporation out of a number of smaller ones that shall take from the people all hope of protection against extortionate charges, denying to them the rights which grow out of free competition.

One other point as to the difference between these bills. The greatest defect in the committee's bill is that for many injuries to individuals it does not give an adequate legal or equitable remedy, but refers such matters to a railroad commission which is to determine questions between the wrong-doing railroad companies and the Government, while in many cases no remedy is provided for wrongs done to individual citizens.

Mr. LONG. Will not the individual citizen get the benefit of the investigation?

Mr. REAGAN. He may in a remote degree—indirectly. The substitute bill, on the other hand, gives complete legal and equitable remedy without delay through the ordinary courts of the country to citizens for every injury within the purview of this bill done them by such corporations.

I wish to say a word in relation to the proposed appointment of a commission. If it is the judgment of the House that we should have a commission on this subject I shall of course bow to the decision of the House. But I doubt the expediency of providing for such a commission, and will state why. If we provide for the appointment of a railroad commission either by the President or any other authority (and if provided for it would seem most natural that the members should be appointed by the President), however honest and patriotic his intentions may be in making such appointments, we must remember that the railroad corporations, few in number as to the heads that control them, can easily combine their influence and bring to bear by indirection, if they dare not do it directly, influences which will be likely to control in the appointment of commissioners.

If we get commissioners appointed in the interest of these corporations we can hardly expect either recommendations or direct action that will materially benefit the people.

It has been said that it was difficult even to get the representatives of the people to act on this great question. We know the power of these corporations (with their experts and other officers filling the committee-rooms and corridors and often placing themselves upon the floor of this House with their attorneys, the ablest in the United States, all of them paid out of the people's money by levying a little more tribute upon the people) to secure or prevent legislation. If Congress has found now for nine years the impossibility of legislating upon this great question, what is to be the fate of the people if their interests are left in the hands of three men upon whom all these influences can be concentrated. I do not deny that it may be possible to secure men who will be faithful to the great trust committed to them; but to undertake to perform the duties of such a commission would expose any men to the severest trials that can be imposed upon them.

Mr. WILSON, of Iowa. Will the gentleman from Texas be kind enough to point out the difference between the difficulty of getting good commissioners and the difficulty of getting good judges of the Supreme Court?

Mr. REAGAN. My friend from Iowa asks me if I can point out the difference in point of difficulty between getting honest commissioners and the difficulty of getting honest judges. I do not know that I can point out the difference in such a way as will be satisfactory to him. But judges are appointed with reference to the general legal powers which they are to exercise, while these commissioners would be appointed with reference to the specific duties provided for in this act relating to railroads. Judges have many motives in connection with subjects of jurisdiction other than railroads to preserve their integrity. I have said I do not doubt that it is possible to get men who will act fairly in this capacity. But, in my judgment, when we look at what has occurred in the majority of the States that have appointed commissioners, when we remember that State Legislatures have been suborned, that courts of justice have been corrupted, that even governors of States have been improperly influenced in their action by the power of these corporations, we should rather trust the rights of the people in the hands of the courts of the country than commit them to three particular individuals, whose jurisdiction at most can only be partial.

But I propose now, Mr. Speaker, to antagonize this idea of a commission by providing that certain things shall not be done, and that the doing of them shall be a violation of the law, and that certain things shall be done, and the non-doing of these things shall be a violation of law. I propose to give a civil remedy to the party injured, in the State or Federal court where these parties or their officers can be found, in civil damages for the wrong done. I propose to give a criminal remedy in the courts of the United States for the same wrongs where the penalty on conviction shall be not less than $1,000. If you put the lowest penalty on these corporations they will laugh at you in most cases; but you must make them respect the law and teach them that you are passing laws that must be obeyed, and not such as will tempt them to wrongdoing first by want of vigor in its provisions——

The SPEAKER. The gentleman's time has expired.

Mr. REAGAN. I ask, Mr. Speaker, permission of the House to conclude what I have to say on this question, which I will be able to do in a few minutes.

Mr. DAVIS, of Illinois. I move, by unanimous consent, Mr. Speaker, that the chairman of the Committee on Commerce be allowed an extension of time sufficient to complete what he has to say on the subject.

Mr. REAGAN. I only wish to finish the sentence which I began.

The SPEAKER. What time does the gentleman ask?

Mr. REAGAN. Only for a few moments.

The SPEAKER. The Chair hears no objection, and the gentleman's time will be extended as he desires.

Mr. REAGAN. In opposition to placing this great interest in the hands of a commission, as I have already stated, the substitute bill declares what shall be done and what shall not be done. Among the things which it is declared shall be done the first is that the rates shall be reasonable, then that there shall be no discrimination in freight rates; that there shall be no rebate, no drawbacks, no cutting of rates, no discrimination. In the next place, more shall not be charged for a shorter than for a longer distance for the same amount and character of freight. In the next place, that there shall be no pooling of rates. And after giving all the necessary remedies on the criminal and civil docket, I propose to give equitable powers, so as to compel parties to testify and produce books and papers, in order that the ends of justice may be fairly attained and that our efforts at legislation shall not be thwarted by closing the mouths and the books of those who represent these corporations.

The effect of the substitute bill I propose is to make each court, to make every Federal court, a jurisdiction for the trial of the rights of parties concerned in this transportation or for the punishment of the violators of the law, and to make every State court a tribunal for the trial of civil cases, so as to make them a place where the citizens can go. For example, in a State like Texas or California or any of the large States, to require a citizen to go to a great distance to a Federal court results in giving him no remedy. By giving the citizen in the courts of his State this civil remedy, if he is unable to prosecute a criminal remedy in the Federal court, he can at least secure the civil remedy for the civil wrong done him in the court of his own State and vicinage.

In contrast, this, sir, has no provision creating a commission, and I prefer it to the creation of a commission. While I know there are others who agree with the majority of the committee in favor of a commission, I also know that all the railroad companies and railroad attorneys and railroad experts seek a commission instead of that legislation which will enable the citizen to go right directly to an honest court and an honest jury. They are all the time struggling to get up a commission and to clothe it with power to make reports about something, to make them investigate something. This bill provides they shall report information which will enable Congress to legislate advisedly on this subject. To my mind it is a wrong assumption that we have not now the information necessary to enable us to legislate properly.

If we were attempting to make regulations, if we were attempting to fix the price of freight, I agree with you a commission might be necessary; but we are trying to do no such thing; we are trying by conservative legislation to prohibit the abuses of monopolies and prohibit the corporations from doing the things which all men know ought not to be done. We do not propose to do anything in this Congress which requires, so far as I know, the assistance of any railroad expert. What we propose to do is that which is dictated by common honesty and demanded by a proper consideration for the rights of the American people—simply that there shall be no injustice, no inequality in the transporta-

tion of freight, no discrimination in charges of more for a shorter than a longer distance, no pooling of freights and denying to the people the rights growing out of competition.

Mr. Speaker, I have thus had occasion to go hurriedly through with as good a statement as I am able to make of the differences between the two bills; and I desired to do so at this point because others than the members of the committee might not at first sight observe the difference between them. I have chosen to take this course in order that the attention of the members of the House might be called to the provisions of the two bills, and I thank them most cordially for their kind attention and patience during the delivery of my remarks.

Mr. O'NEILL, of Pennsylvania. I want to ask the gentleman from Texas before he takes his seat if he will not ask consent of the House that this bill and the proposed substitute may be printed in bill form as well as in the RECORD, so that we may have them on our tables for comparison when we again come to the consideration of this question?

Mr. REAGAN. I think the suggestion is a good one, for many members are calling for copies. I have a few, but not enough to supply all.

Mr. O'NEILL, of Pennsylvania. I understand that the committee's bill is quite exhausted, and we should have a reprint of them.

The SPEAKER. Without objection there will be an order made for a reprint of the bill of the committee and also for the substitute proposed by the gentleman from Texas in bill form.

There was no objection, and it was so ordered.

Mr. REAGAN. Mr. Speaker, if no gentleman desires to go on with the discussion this evening I will move that the House adjourn.

The SPEAKER. Pending the motion to adjourn the Chair desires to lay before the House certain executive communications and requests of members.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

A bill (S. 1031) for the relief of W. C. Marsh.

REPORT OF EXPENDITURES BY THE CLERK OF THE HOUSE.

The SPEAKER laid before the House a report of expenditures by the Clerk of the House of Representatives; which was ordered to be printed, and referred to the Committee on Accounts.

REPORT OF BOARD OF VISITORS TO THE MILITARY ACADEMY.

The SPEAKER also laid before the House a report of the Visitors on the part of the House to the Military Academy, upon the discipline, instruction, police, administration, and fiscal and other affairs of the Military Academy at West Point, with accompanying reports thereon of the several committees appointed to consider the same; which was referred to the Committee on Military Affairs.

MAIL CONTRACTS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting a draught of a bill regulating the method of letting mail contracts, and recommending the same as a substitute for House bill 640, now on the Calendar; which was referred to the Committee on the Post-Office and Post-Roads.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The SPEAKER also laid before the House a letter from the Comptroller of the Currency, transmitting the twenty-second annual report of that officer, as required by section 333 of the Revised Statutes; which was referred to the Committee on Banking and Currency.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FINERTY, indefinitely.

To Mr. JOHN S. WISE, for the remainder of this week.

To Mr. CAMPBELL, for three days, on account of important business.

To Mr. WOOD, for one week, on account of important business.

COMMERCIAL CONVENTION BETWEEN UNITED STATES AND MEXICO.

On motion of Mr. HEWITT, of New York, from the Committee on Ways and Means, it was ordered that report No. 1848, to accompany the bill (H. R. 7366) to carry into operation the convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883, be reprinted and sent to the document-room for the use of the House.

And then the motion of Mr. REAGAN was agreed to; and accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CALDWELL: Petition of Saint Cecelia's Academy, Nashville, Tenn., to refer claim to Court of Claims to correct errors in the decision of the late Southern Claims Commission—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of George W. F. Lamkin, Floyd County, Georgia, for reference of his claim to Court of Claims to correct errors in decision of the late Southern Claims Commission—to the same committee.

By Mr. DUNHAM: Petition of T. H. Patterson, of Chicago, favoring passage of House bill 7492—to the Committee on Coinage, Weights, and Measures.

By Mr. EATON: Papers relating to the claim of James Evelette—to the Committee on War Claims.

By Mr. A. S. HEWITT: Petition of Mary F. Blake, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HOLTON: Papers relating to the claim of George Calvert—to the Committee on War Claims.

By Mr. HOUK: Papers relating to the pension claim of Julia A. Darrell—to the Committee on Pensions.

By Mr. LIBBEY: Papers relating to the claim of Nancy Brown—to the Committee on War Claims.

By Mr. OSSIAN RAY: Petition of George S. Stockwell and 43 others, of Lancaster, N. H., praying that a pension be granted to Mary L. Carr—to the Committee on Invalid Pensions.

By Mr. C. A. SUMNER: Petition of Stuart Taylor and others, relative to the claim of Chaplain C. M. Blake—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *December* 3, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

WILKINSON CALL, a Senator from the State of Florida; JOHNSON N. CAMDEN, a Senator from the State of West Virginia; ORVILLE H. PLATT, a Senator from the State of Connecticut, and HARRISON H. RIDDLEBERGER, a Senator from the State of Virginia, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

THE GARFIELD STATUE.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting the report of the commission designated to select a site and supervise the erection thereon of a pedestal for a statue of the late President Garfield; which was read, as follows:

WAR DEPARTMENT, *Washington City, December* 1, 1884.

The Secretary of War has the honor to inform the United States Senate that the commission, consisting of the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Garfield monumental committee of the Society of the Army of the Cumberland, designated by the act of Congress approved July 7, 1884, to select a site and supervise the erection thereon of a pedestal for a statue of the late President James A. Garfield, held a meeting on November 24, 1884, at which the following resolution was unanimously adopted:

"That the commission select as a site for the monument the circle at the foot of the Capitol grounds, situate at the intersection of First street and Maryland avenue southwest, in the city of Washington, D. C."

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT *pro tempore United States Senate.*

The letter, with the report, was ordered to be printed, and referred to the Committee on Public Buildings and Grounds.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore.* The Chair lays before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of April 18, 1884, the official report of Lieut. Frederick Schwatka, Third Cavalry, of his military reconnaissance in 1883, from Chilkaht Inlet to Fort Selkirk, on Yukon River, Alaska. If there be no objection the letter will be printed, and, as the accompanying papers are quite voluminous, if there be no objection the letter of the Secretary of War and the accompanying papers will be referred to the Committee on Printing for consideration in respect of printing the document.

PETITIONS AND MEMORIALS.

Mr. DOLPH presented a memorial of members of the Bar Association of the Counties of Spokane, Adams, Lincoln, and Douglas, in the Territory of Washington, calling attention to the necessity of certain amendments to the act entitled "An act providing for two associate justices of the supreme court of the Territory of Dakota, one additional justice of the supreme court of the Territory of Washington, and for other purposes;" which was referred to the Committee on the Judiciary.

Mr. LOGAN presented a petition of citizens of Canton, Ill., praying for the repeal of statutes affixing a tenure of four years to certain offices; which was referred to the Committee on Civil Service and Retrenchment.

Mr. FRYE presented the petition of Hannibal Hamlin and other citizens of Maine, praying that Charles Morris Blake, post-chaplain, United States Army, retired, be granted certain relief; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Timothy Ingraham Post, No. 121, Grand Army of the Republic, Department of Massachusetts, praying the publication of photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Mr. GROOME (by request) introduced a bill (S. 2390) granting an increase of pension to Joseph H. Potts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2391) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McPHERSON. I ask leave to introduce a bill, which, for information, being very short, I should like to have read at length, in order to call the attention of the Senate to it.

The bill (S. 2392) to suspend the coinage of the silver dollar was read the first time by its title and the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That on and after the passage of this act the coinage of the silver dollar shall be suspended.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed, on and after the passage of this act, not to reissue any United States notes of the denominations less than $5 then in the Treasury, or which may thereafter be received, and to cancel, destroy, and not reissue, all United States notes of a less denomination than $5 in the Treasury or thereafter received, and to cease engraving or printing all such notes.

SEC. 3. That the Secretary of the Treasury is hereby authorized, upon the deposit of silver bullion in such subtreasury as he shall designate, to issue to the depositor thereof silver certificates having upon their face the weight and market value of the metal so deposited, calculated in United States gold dollars, at the rate of 25.8 standard grains to the dollar.

SEC. 4. That the Secretary of the Treasury is hereby authorized and required, on the presentation of any silver certificates issued under the provisions of this act by the legal holders thereof, to redeem the same by delivering to the depositor silver bullion of the weight and fineness certified upon the certificate, and to immediately cancel and destroy said certificate.

Mr. ALDRICH introduced a bill (S. 2393) to change the name of the Slater National Bank, of North Providence, R. I.; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON introduced a bill (S. 2394) for the appointment of railway postal clerks, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GARLAND introduced a bill (S. 2395) to amend section 823 of the Revised Statutes of the United States touching certain fees in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MILLER, of New York, introduced a bill (S. 2396) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2397) to define and supplement an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the 'Geneva award,'" approved June 5, 1882; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LOGAN introduced a bill (S. 2398) granting a pension to Cyrus Reeser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, introduced a bill (S. 2399) for the relief of Maj. Michael P. Small; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a bill (S. 2400) granting an increase of pension to Eliza Willson Thornburgh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2401) for the relief of Joseph E. Moore; which was read twice by its title, and referred to the Committee on Finance.

LEASES OF INDIAN LANDS.

The PRESIDENT *pro tempore.* "Concurrent or other resolutions" being now in order, the Chair lays before the Senate the resolution submitted yesterday by the Senator from Missouri [Mr. VEST], which went over under the rule. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Indian Affairs be instructed to inquire what leases of lands in the Indian Territory for grazing or other purposes have been made by the tribes of Indians therein, the number of acres embraced by each of said leases, the terms thereof, and the persons, corporations, or associations named therein as lessees; also, that the committee inquire as to the circumstances under which said leases were made and the means used for obtaining the same, and whether said leases are authorized by existing legislation or are conducive to the welfare of the Indians in said Territory.

That the committee have power to send for persons and papers, and shall report by bill or otherwise.

The PRESIDENT *pro tempore.* The question is on agreeing to the resolution.

Mr. CONGER. With the consent of the mover of the resolution I move to amend, after the words "Indian Territory," in line 2, by inserting the words "or Indian reservation;" and at the end of the first paragraph, after the word "Territory," by inserting "or Indian reservation;" so as to embrace not only the Indian Territory, but the Indian reservations elsewhere.

The PRESIDENT *pro tempore.* The amendment will be reported.

The CHIEF CLERK. It is proposed, in line 2, after the word "Territory," to insert "or Indian reservation;" and at the end of the first paragraph to add the words "or Indian reservation;" so as to read:

Resolved, That the Committee on Indian Affairs be instructed to inquire what leases of lands in the Indian Territory or Indian reservation for grazing or other purposes have been made by the tribes of Indians therein, the number of acres embraced by each of said leases, the terms thereof, and the persons, corporations, or associations named therein as lessees; also, that the committee inquire as to the circumstances under which said leases were made and the means used for obtaining the same, and whether said leases are authorized by existing legislation or are conducive to the welfare of the Indians in said Territory or Indian reservation.

The PRESIDENT *pro tempore.* The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDENT *pro tempore.* The question is on agreeing to the resolution as amended.

Mr. VEST. On the suggestion of the chairman of the Committee on Indian Affairs, I move, in line 11, to strike out "shall report by bill or otherwise" and insert:

And employ a stenographer, and report by bill or otherwise, and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of said committee, out of the contingent fund of the Senate.

The amendment was agreed to.

Mr. PLUMB. Mr. President, I wish to make a suggestion to the chairman of the Committee on Indian Affairs about the scope of the investigation and the report to be made of the result of it to the Senate.

Undoubtedly the investigation itself, in view of the statements that have been made, and in any event, is very desirable and entirely proper to be made; but some result ought to grow out of it; something ought to be done or recommended by the committee to be done as the result of whatever discoveries they may make. I am not speaking now particularly about the allegations which were made by the Senator from Missouri yesterday as to the alleged fraudulent acts of which he spoke that led to the making of one of these leases; but I refer to the lands themselves. There are large areas of pasture lands, and probably agricultural lands also, embraced within Indian reservations, both inside and outside the Indian Territory, which are occupied by persons who have obtained in one way and another grazing and other privileges. Now, the question which presents itself at once is whether those lands are to remain the property of the Indians, and, if so, whether subject to their control solely or to their control in connection with the Executive Department of the Government; and, if the latter, under what regulation or rule of procedure they shall be occupied. This is a very important matter, which no mere investigation will settle, because, if it be determined that the occupancy now is illegal, the question comes at once, How shall occupancy be made legal, or shall there be a positive inhibition against any occupancy at all?

This is not a new question in any phase in which it is presented now, except in regard to the magnitude of it. For many years, and I think ever since there have been Indian reservations, those reservations have been used more or less for grazing purposes by white people, sometimes by white people of the character described by the Senator from Kentucky [Mr. BECK] yesterday as "squaw-men," that is, men who made the fact of their marriage, as they called it, into the tribe an excuse or opportunity for occupancy of the land, for the acquisition of privileges more or less valuable which other white men could not get; by other persons again who, under the guise of beef contractors or as public employés, in some way have been able to get a legal entry upon the reservations, and by means of that legal entry have made negotiation with the Indians in some shape or other whereby they were permitted to remain on the reservations with stock and perhaps for other purposes as well; and again by persons who by reason simply of negotiation made by the individual with an individual Indian or with more than one Indian but not with the whole tribe, have under the shelter of the right of the Indian with whom the negotiation was made gone upon the reservation and not only pastured cattle but cut timber and done various other things which were a profit to them and perhaps a damage to the reservation.

These things have been going on, as I have said, for many years, and what is being done now and what has been the subject of animadversion here and elsewhere, and which will be investigated under the pending resolution, is only a phase of this more or less general practice.

In addition to that I may say in regard to the particular reservation which was mentioned yesterday by the Senator from Missouri, the Cherokee reservation, the action of the present Secretary of the Interior is not out of keeping, in fact is directly in keeping, with that of one of his predecessors, and I think more than one. I know at all events that the Secretary of the Interior under the administration of Mr. Hayes, the question being presented to him, decided that the Cherokee tribe had the right to give licenses to graze upon those particular lands. They were not for any particular length of time, as I understood, but perhaps were for a year by fair intent; that is to say, the Indians charged the person pasturing stock so much per head per annum, and the payment of that sum would probably have carried the right to keep the cattle there for a year. The Interior Department held that the Chero-

kee tribe had the right to grant that privilege and to exact that tax, as, I think, it has in other cases held that the Indians have a right to exact a tax for driving cattle across the reservation, which is only another way of saying that the right to occupy the reservation for some time, long or short, may be granted by the Indians.

In the case of the Quapaw reservation in the Indian Territory, a question was presented somewhat similar to that under discussion here in connection with this resolution by the execution of certain leases to white men not members of the tribe by the council of that tribe of Indians for the occupancy for farming purposes of certain lands belonging to that tribe in the Indian Territory. After some consideration the Department decided that those leases, I do not know for what term of years, I am only speaking now from a somewhat general recollection, but I know the Department decided that the leases, such as they were, were legal and proper, and authorized the persons holding the leases to go upon the lands and occupy them. The leases were formally approved, and I presume such occupancy has been continued from that day until this. This was also under the administration of Mr. Hayes: and this was the condition in which the present Secretary found this question when he came into office. It may not be hard to say that these lands or any lands shall not be occupied: it is undoubtedly within the power of Congress to do that: but it would be hard to prevent under any rule of that kind some occupancy other than that of members of the tribe. On the other hand I undertake to say that that would not be a wise declaration. There is no reason why the lands of the various tribes of Indians, if they are to be held by Indians—the Indians themselves do not wish to cultivate or make other practical use of them—should not be occupied for useful purposes by other people any more than there is why the State of Texas should withhold the large body of its grazing lands from occupancy simply because it designed at some future time to do something else with them. It has been the policy of that great State, which leads all the States in the cattle interest, to lease its lands upon proper terms, subject to such conditions as it sees proper to impose, for grazing purposes, and it does that notwithstanding the fact that it designs ultimately to dispose of them to agricultural settlers.

An investigation will undoubtedly disclose the fact that many lands held by the Indians are lands which they do not need, lands which they will never make any beneficial use of, lands which, in a sense at least, are needed to-day for occupancy by settlers who wish to go upon them and make homes. I think when this question comes to be treated by the Committee on Indian Affairs, as I hope it will be, in a thorough and exhaustive manner, we shall have the benefit of the judgment of that committee in regard to the final disposition to be made of these lands; and, pending such final disposition, that we shall have their judgment also as to the regulations under which occupancy of the lands shall be either inaugurated or continued as now existing.

I wish to say one other thing about the action of the Secretary of the Interior. I have stated in substance that the present Secretary of the Interior has followed the action of his predecessor, except that he has not gone so far in approval of leases as his predecessor. The Secretary called the attention of Congress very promptly to what had occurred between persons claiming to lease these lands and the Indians themselves and asked for the direction of Congress on the subject. I do not think it is quite true, as the Senator from Missouri stated yesterday, that the entire Army of the United States has been used for the purpose of expelling persons who were there seeking to graze upon those lands, but who did not hold leases. It may be true that some expulsions have been made. I do not know of any such, however: but I call the Senator's attention to the fact that the position of the Secretary, as expressed in his annual reports, simply is that as between those who have the permission of the Indians to remain upon the reservation for the purpose of pasturage and who pay for the same and those who do not have such permission and who do not pay or propose to pay for the privilege they seek to exercise he will discriminate in favor of the former. He is constantly called on to exercise a discrimination between persons seeking entrance upon Indian reservations in order that the laws may not be violated and the rights of the Indians may be preserved.

As I understand, he regards these leases, so called, as simply temporary expedients, as giving temporary rights; that finding them in existence he simply says, "these persons being there in good faith and paying for the privilege, until some other arrangement is made I will not permit persons who do not propose to pay or who have made no arrangements to pay, who have not obtained permission of the Indians to go upon the lands, to disturb them," and with this he submits the whole matter to Congress for its direction. He does not say that he regards these persons as having rights there of a kind which he can not determine or which can not be determined by legislation, but recognizes simply the status, a condition of things which in the main has existed for a long time—except that now the Indians are receiving some value for the privilege instead of nothing, as heretofore—he permits the continuance of the arrangement until such time as Congress shall determine otherwise, or until it shall be seen that this is against the interests of the Indians.

It is true, as the Senator from Missouri says, that the law forbids a lease, so called, but at the same time there is a section of the statutes, the number of which I do not call to mind, which seems to imply that the Indians may give privileges of grazing, because the statute says that if a person shall graze cattle on Indian land without the consent of the Indians a certain punishment shall follow.

Mr. INGALLS. It is section 2117.

Mr. PLUMB. The number of the section, my colleague states to me, is 2117. There is a provision of the statutes, also, whereby leases made in a certain way, and under certain formalities, are recognized as legal and may properly be approved by the Secretary.

These various sections have been incorporated in the Revised Statutes to meet different classes of cases undoubtedly, and they involve, when they come to be grouped together, some contrariety. Now that this subject is up, we ought to have some rule established by law as the result of the proposed investigation, upon the recommendation of the committee or otherwise, which shall relieve the situation from doubt, and which shall either command all persons upon Indian reservations to leave entirely and dedicate forever the reservations to no use or which shall permit their use upon terms to be prescribed by Congress or the Executive wisdom.

But I am unwilling that this opportunity shall pass without calling attention to the fact that much of the land in the Indian Territory and elsewhere embraced within reservations is fit for agriculture; that they are lands not only fitted for agriculture, but such as the Indians themselves do not need; and that the time has come when by the exhaustion of the public domain it is proper for Congress to consider whether some of them ought not to be, and at a very early day, opened to settlement.

I have in mind now a tract of land in the Indian Territory which I think Congress has the undoubted right to open to settlement. The withholding of settlement from it any longer I regard as unwise and as unnecessary for the maintenance of faith with the Indians and as injurious in every respect. I refer to what is called Oklahoma, at all events the unoccupied portion of it. That land was acquired from the Creek Indians. It is true it was acquired for a specific purpose, for the location of freedmen or friendly Indians upon it, at a time when, in 1866, it was the policy of the Government apparently to locate all the Indians of the United States practically in the Indian Territory, for the purpose of bringing them together in a compact body, so that they could be better controlled and that ultimately the Indian problem could all be worked out in a small area of country. Subsequently, however, that idea was abandoned. The lands have never been required for such a purpose. They have been fully paid for, and the Creek Indians have no title to them. The title is in the Government. It may be said that it is burdened by a condition, having been acquired for a certain purpose, but I think when we come to that Congress has a perfect right to say that it will use the lands for settlement if in so doing the interests of the Indians are not imperiled. I think the time has come when Congress ought to make that declaration and ought by law to open those lands to settlement. I think so not only from the standpoint of those who seek to settle upon them, but from the standpoint of the Indian himself. The Indian Territory remains substantially as a barrier between great States of the Union. It is an anomaly in government and civilization which must in time disappear. It can not long remain. We shall either dispose of the question by degrees, that is to say, opening part of the lands at a time and adjusting the Indians to new relations from time to time and working forward, or we shall wait until population has grown to such a density on the borders of the Territory and the demand for the settlement of its land so overwhelming that the whole structure will disappear at once, and the adjustment of the Indians to the new relation be made under circumstances of great difficulty and with much less chance that full justice will be done them or that they will be fitted for the contact thrust upon them.

The time has come to commence the process of settling up the Indian Territory, and thereby settling that branch of the Indian problem. As the result of this investigation or of any other investigation which touches upon the *status* of things in the Indian Territory the Committee on Indian Affairs ought to address itself at once to this, at least as grave a portion of the problem as any other one that is presented.

In this connection I wish to call the attention of the committee to the fact that at the last session of Congress I introduced a bill having in view this very idea, the opening to settlement of Oklahoma, or a portion of it, such portion as is not occupied by the Indians, that portion which as we all know the Government never located Indians upon, and which it never will use for that purpose. I do not speak of this because I am wedded to that bill or because I think that in many of its features it is not subject to criticism. It may not go far enough; but it embraces the proper idea and is a starting point for the accomplishment of the object. The subject, of course, is not free from difficulty in the fact that some government perhaps would have to be provided for settlers there before the final break-up came; but at all events something can and ought to be done. A government could be improvised. The lands are there waiting for the occupancy of settlers. It is just as well that the settlers should be there to-day as to postpone it until to-morrow or until the next day or the next year. The country needs the

development of the fruitful resources of the Territory. There are men who by reason of their contiguity to those lands, by reason of the exhaustion of the public lands within reach in other quarters, are desirous of going upon them. Already invasions of the Territory have been made. I know they have been characterized harshly here and elsewhere, but I say that they are not more in violation of law or of the rights of the Indians than others which have been made heretofore and which Congress has recognized, if not as constituting a right, at all events as creating a necessity that called for and was followed by Congressional action.

Take the case of the Black Hills, for instance, a portion of the Sioux reservation. When gold was discovered thousands of people went in there. This was in violation of the treaty rights of the Indians, but Congress simply said you can not keep the people out of there any longer, and consequently made a treaty with the Indians whereby they relinquished their rights to those lands and they were opened to settlement. The lands in the Territory to which I have referred will never pass from the Government for any other purpose than that of settlement. They answer no good use in their present condition. Upon what ground, then, can there be any argument for delay? Better act now, and thereby prevent being some day in the near future confronted, if not with the necessity of acting under compulsion, at all events with a very grave situation, made so by the delay which, as I think, is without warrant.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

PRINTING OF THE PRESIDENT'S MESSAGE.

Mr. MORRILL. I ask to have the following order made:

Ordered, That there be printed for the immediate use of the Senate the usual number of the message of the President and the reports proper, without appendices, of the heads of the several Executive Departments.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. MORRILL. That is hardly necessary.

Mr. HAWLEY. It is a matter of form, being the usual resolution practically. There can be no possible objection to it.

The PRESIDENT *pro tempore*. It will not be referred unless there be objection. The question is, Shall the resolution be now considered? The Chair hears no objection. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSENGER TO COMMITTEE ON MILITARY AFFAIRS.

Mr. LOGAN. I ask for the adoption of the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to appoint an additional messenger, to be assigned to the Committee on Military Affairs; and that the Secretary of the Senate be authorized to pay him out of the contingent fund at the rate of $1,440 per annum.

I desire to state, so that the Senate may understand it, that the Military Committee, although having 37 per cent. of all the business of the Senate before it at the last session of Congress (and that is only a sample of what it has at every session of Congress), has never had a messenger, and it is the only important committee of seven, I think, which has not. I offered a resolution like this at the last session of Congress and it was referred to the Committee on Contingent Expenses, but I never could get it reported. I found no objection to it, but I could not get the resolution reported to the Senate. I now ask that the Senate may take action on this resolution. If they do not desire the committee to have a messenger, be it so; but if it is to have one, I want it provided for at the beginning of the session.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. CONGER. Let the resolution be reported again.

The Chief Clerk read the resolution.

Mr. INGALLS. I have no objection to the adoption of the resolution, but the rules require that all appropriations of money from the contingent fund shall be referred to the Committee on Contingent Expenses. I presume that unanimous consent could waive the effect of the rule, however.

Mr. LOGAN. I said that if any one objected to the resolution that would be sufficient. I referred, as I will state for the benefit of the Senator, to the fact that the Senate at the last session of Congress sent a similar resolution to the Committee on Contingent Expenses, and I think I applied to the chairman of that committee a dozen times to have it reported, but I could not get it brought before the Senate. No one objected to it, for it is certainly fair that a committee having the business which that committee has before it should have a messenger. Once or twice at the last session of Congress I asked openly to have the resolution reported, but I could not get it done. I desire now that the resolution shall be acted on unless there is objection to it. If there is, of course I do not desire to press it.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the paragraph of the twenty-fifth rule which requires, as the Senator from Kansas has suggested (the Chair had forgotten it), that all such resolutions as this, "directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same," shall be referred to the Committee on Contingent Expenses, be suspended for the purpose of passing this resolution. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE SERVICE.

Mr. MANDERSON. I ask the consent of the Senate at this time that I may be relieved from further service upon the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that he be relieved from further service upon the Committee on Claims. The question is, Will the Senate discharge the Senator from Nebraska from service upon that committee?

Mr. MANDERSON was excused.

Mr. SLATER. I ask the Senate to excuse me from further service upon the Committee on Fish and Fisheries.

The PRESIDENT *pro tempore*. The Senator from Oregon asks to be excused from further service upon the Committee on Fish and Fisheries. Will the Senate agree to this request?

The request was agreed to.

Mr. MORGAN. I ask the Senate to excuse me from further service upon the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Senator from Alabama asks to be excused from further service upon the Committee on Indian Affairs. The question is, Will the Senate agree to the request?

The request was agreed to.

Mr. DAWES. I ask to be excused from service on the Committee to Examine the Several Branches of the Civil Service.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks to be excused from further service upon the standing Committee to Examine the Several Branches of the Civil Service. Will the Senate agree to his request?

The request was agreed to.

MELISSA G. POLAR.

Mr. PIKE. I desire unanimous consent to call up House bill 2344, being No. 919 in the order of business on the Calendar.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to call up for consideration at this time Order of Business 919, being the bill (H. R. 2344) for the relief of Melissa G. Polar. Is there objection?

Mr. CONGER. There is a bill which was under consideration at the adjournment yesterday. I suppose it will not be displaced by this.

The PRESIDENT *pro tempore*. The bill under consideration at the adjournment yesterday became the unfinished business and will be laid before the Senate at 2 o'clock.

Mr. CONGER. All right.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the bill called up by the Senator from New Hampshire.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2344) for the relief of Melissa G. Polar, which provides for the issue of certain duplicate certificates of indebtedness of the District of Columbia amounting to $18.80.

Mr. PIKE. I desire to say that a bill to accomplish the purpose that this bill contemplates has already passed the House of Representatives and the Senate, but by some error in enrollment it was found ineffectual to accomplish the purpose intended, and this bill is merely to correct that error. This bill also contains some errors, and amendments have been proposed by the Committee on Finance to correct them.

The first amendment of the Committee on Finance was, in section 1, line 6, to strike out the word "huddred" and insert "hundred;" so as to read "eighteen hundred and eighty-four."

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the name "Polar," to insert "the duplicate certificates as provided for in section 1, she;" and in line 5, after the word "paid," to strike out "the duplicate certificates as provided for in section 1," and insert the word "and" in lieu thereof; so as to make the section read:

SEC. 2. That before said auditor shall deliver to said Melissa G. Polar the duplicate certificates as provided for in section 1, she shall furnish satisfactory proof to said auditor of the loss of said certificates, and that the same have not been paid, and the said Melissa G. Polar shall execute and deliver to said auditor her bond of indemnity, in double the amount of the said certificates, with two sufficient sureties, to be approved by said auditor, payable to the District of Columbia, which bond shall be filed by said auditor in the archives of said office.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAINT CROIX RIVER BRIDGE.

Mr. MCMILLAN. I ask unanimous consent of the Senate to take up Order of Business 897, being the bill (S. 2297) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn. This bill was reported at the last session and has been upon the Calendar since.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from Minnesota asked that the bill referred to by him be taken up by unanimous consent. Is there objection to the consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2297) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

Mr. MCMILLAN. Amendments were reported by the Committee on Commerce to conform to the recommendations of the War Department and to obviate all the objections made to this class of bills.

The first amendment reported by the Committee on Commerce was, in section 2, line 11, after the word "bridge," to strike out "and of such" and insert "and other;" and in the same line, after the word "works," to insert "provided for in this act;" so as to read:

And in order to secure compliance with these conditions the corporation, previous to commencing the construction of the bridge, or of the accessory works designed to secure the best practical channel-way for navigation and confine the flow of the water to a permanent channel at said point, shall submit to the Secretary of War a plan of the bridge and other accessory works provided for in this act, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile above and below the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of this act.

The amendment was agreed to.

The next amendment was, in section 2, line 40, after the word "boats," to insert "vessels and other water-craft;" so as to read:

Provided also, That said draw shall be opened promptly upon reasonable signal for the passing of boats, vessels, and other water-craft.

The amendment was agreed to.

The next amendment was, after the words "water-craft," in line 40 of section 2, to insert the following proviso:

Provided, however, That no bridge shall be built under the provisions of this act except there also be built, at the time of the erection of the piers, proper sheer-booms or other proper protections to safely guide boats, vessels, rafts, and other water-craft through said draw-spans, and at the expense of the company or corporation erecting said bridge.

The amendment was agreed to.

The next amendments were, in section 3, line 10, before the word "accessory," to insert "other;" in the same line, after the word "works," to insert "provided for in this act;" in line 13, after the word "or," to strike out "said" and insert "other;" in the same line, after the word "works," to insert "provided for in this act;" and in line 16, after the word "War," to insert "not, however, to be in anywise inconsistent with the provisions or conditions of this act;" so as to make the section read:

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approve the plan and location of said bridge and other accessory works provided for in this act and notify the company of the same, the bridge shall not be built; and should any change be made in the plan of the bridge or other accessory works, provided for in this act, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; not, however, to be in anywise inconsistent with the provisions or conditions of this act.

The amendments were agreed to.

The next amendments were, in section 4, line 2, after the words "according to," to strike out "the terms and limitations thereof" and insert "its provisions and conditions;" and in line 13, after the word "bridge" at the end of the section, to insert "and the United States shall have the right of way for postal-telegraph and telephone lines, free of charge, across said bridge;" so as to make the section read:

SEC. 4. That any bridge and accessory works, when built and constructed under this act and according to its provisions and conditions, shall be a lawful structure; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge; and the United States shall have the right of way for postal-telegraph and telephone lines, free of charge, across said bridge.

The amendments were agreed to.

The next amendments were, in section 5, line 2, after the word "War," to strike out "on satisfactory proof that a necessity exists therefor;" and after the word "bridge," at the end of line 4, to insert "authorized by the provisions of this act;" so as to make the section read:

SEC. 5. That it shall be the duty of the Secretary of War to require the company or persons owning said bridge to cause such aids to the passage of said bridge authorized by the provisions of this act to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water-craft safely through the draw and raft spans, as shall be specified in his order in that behalf; and on the failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendments were agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMS ACCOUNT OF MONTANA.

Mr. HARRISON. I ask leave to call up Senate bill 1921, Order of Business 546. It is a little bill, adjusting the account for arms between the Territory of Montana and the United States. It is reported favorably by the Military Committee—a bill of a single section, recommended by the Secretary of War.

The PRESIDING OFFICER. The Senator from Indiana asks that the bill named by him may be considered at this time. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1921) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States.

Mr. COCKRELL. Let the report be read in this case. I believe it is not long.

The Chief Clerk read the following report, submitted by Mr. HARRISON April 30, 1884:

The Committee on Military Affairs, to whom was referred the bill (S. 1921) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States, respectfully report:

That, in response to a letter addressed to the Secretary of War upon the subject, the committee have received the following communications:

WAR DEPARTMENT, *Washington City, April 24, 1884.*

SIR: In response to your letter of the 16th instant, inclosing S. 1921, a bill "authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States," and requesting the views of the Department thereon, I have the honor to transmit herewith a report, dated the 22d instant, from the Chief of Ordnance of the Army, to whom the subject had been referred.

Attention is respectfully invited to the recommendation of the Chief of Ordnance with reference to relieving the Territory of Montana of the charge of $67,561.50 now standing against it on account of the issue of 1867, which is concurred in by me.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. BENJ. HARRISON,
Of Committee on Military Affairs, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., April 22, 1884

SIR: I have the honor to return letter of 16th instant, from Senator BENJAMIN HARRISON, inclosing bill S. 1921, "authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States," and to report:

In 1867 a large issue of arms, &c., was made to the Territory of Montana upon the recommendation of Lieutenant-General Sherman and General Grant, and the approval of the Secretary of War, amounting to $67,561.50. I inclose copy of these recommendations and approval, which show that the issue was to enable the people of Montana to "protect themselves" and relieve us (the Army) to that extent, and that the arms were "to be distributed under the directions of General Sherman."

Since that time arms, &c., to the value of $1,735.27 have been issued to Montana. The aggregate amount, $69,296.77, has been reduced by the credit of annual quotas for arming and equipping the militia, so that at the present time the indebtedness of the Territory is $39,551.97. There have since been issued to Montana 1,000 Springfield breech-loading rifles, caliber .50, &c., under the act of May 21, 1872, and 500 more under the joint resolution of July 3, 1876. These 1,500 arms, &c., are not included in the above, nor charged to the quota of the Territory, nor included in the above present indebtedness of $39,551.77.

The 1,200 old muzzle-loading guns stated by Senator HARRISON as being in possession of the Territory of Montana are a portion of the issue of 2,500 made in 1867. These arms are charged on our books at $11.91 each. The present market value of these arms is not more than one-fourth of that charged.

It will be noticed, however, that in 1872 and 1876 1,500 breech-loading rifles, with accouterments, and 225,000 cartridges were issued to the Territory. Although these were not of the latest caliber and model, they were excellent arms.

As the issue in 1867, amounting to $67,561.50, was for a special purpose, under an exigency, and was a relief to the Army in protecting the people of Montana, it would seem proper to relieve the Territory of that charge. In 1875 Congress relieved the different States of charges on their quota, under the law for arming and equipping the militia, for arms issued and which were used during the rebellion. This of Montana is in a sense a parallel case, and I recommend that the Territory be relieved of this charge of $67,561.50.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

[From Saint Louis.]

OFFICE UNITED STATES MILITARY TELEGRAPH,
WAR DEPARTMENT,
Washington, D. C., February 20, 1867.

To General U. S. GRANT:

I think very well of your proposition to let the governor of Montana have 2,500 stand of arms to arm the militia of the Territory. There is a good class of people in Montana, and if they can protect themselves it relieves us to that extent.

W. T. SHERMAN, *Lieutenant-General.*

HEADQUARTERS ARMY, *March 26, 1867.*

Respectfully forwarded to the Secretary of War, with the recommendation that 2,500 infantry arms and a battery of mountain howitzers be issued to the Territory of Montana, to be distributed under the directions of General Sherman.

U. S. GRANT, *General.*

MARCH 28, 1867.

Approved, and referred to the Chief of Ordnance for issue.
By order of the Secretary of War.

ED. SCHRIVER, *Major-General.*

Respectfully submitted to the Secretary of War, with the recommendation that the ammunition and also accouterments be issued.

A. B. DYER,
Brevet Major-General, Chief of Ordnance.

MARCH 29, 1867.

I would suggest that 300 rounds per gun, both small-arms and howitzers, be furnished on the within orders.

U. S. GRANT, *General.*

WAR DEPARTMENT, *March 29, 1867.*

Approved, as recommended by General Grant and the Chief of Ordnance.
By order of the Secretary of War.

L. H. PELOUZE,
Assistant Adjutant-General.

The committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SELECT COMMITTEES.

Mr. SHERMAN. I desire to submit a resolution respecting the organization of the Senate, which is privileged.

The Secretary read the resolution, as follows:

Resolved, That the select committees of the Senate in existence July 7, 1884, be revived and continued during the present session, with all the powers and authorities heretofore given by the Senate to each of the select committees on the respective subjects to which they relate.

Mr. COCKRELL. I would like to ask the Senator whether under the rules that order does not already exist.

Mr. SHERMAN. I will say that several Senators who have examined it think not. They think this order is necessary as to select committees, but the standing committees do remain during the Congress.

Mr. COCKRELL. I thought they were all on the same footing; but this can do no harm.

Mr. SHERMAN. I do not know that I am justified in quoting the opinion of the permanent presiding officer, but it is his opinion and the opinion of several Senators that committees which were made by special order have expired unless continued by some such resolution as this. I submit it for present consideration.

The PRESIDING OFFICER. The rule upon the subject will be read, that it may appear in the RECORD.

The Secretary read from Rule XXV as follows.

STANDING COMMITTEES.

The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution offered by the Senator from Ohio? The Chair hears none.

The resolution was considered by unanimous consent, and agreed to.

COMMITTEE VACANCIES.

Mr. SHERMAN. I desire to offer another resolution in the same line, to authorize the President *pro tempore* to fill any vacancies which have occurred in the standing committees by death or otherwise or that may occur within a few days. One of our members is dead and there are several vacancies. I make that motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the President *pro tempore* of the Senate be authorized to fill any vacancies that have occurred in the standing or select committees.

Mr. SHERMAN. That have occurred or that may occur during the present week.

The PRESIDING OFFICER. Or that may occur during the present week. Is there objection to the present consideration of that motion? The Chair hears none.

The motion was agreed to.

FORFEITURE OF OREGON LAND GRANT.

Mr. SLATER. I give notice that on Monday next I shall move to take up Order of Business 761, being the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon. I desire to say that I shall press the bill to a passage at as early a day as possible after it is taken up.

GOVERNMENT'S INTEREST IN ENCUMBERED PROPERTY.

The PRES'DING OFFICER. Resolutions are still in order. If there be no further resolutions, the Calendar under Rule VIII is now in order. Order of Business 314, being the bill (S. 1733) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest, was passed over yesterday. Order of Business 320, being the bill (S. 1170) for the relief of Richard Hawley & Sons, was under consideration yesterday, and became the unfinished business.

Mr. COCKRELL. The Senator from Arkansas [Mr. GARLAND], who reported Senate bill 1733, is here.

Mr. GARLAND. I understand that the committees by resolution have been continued as they were on the 7th of July. I desire to make a motion to recommit to the Committee on the Judiciary what is known as Order of Business 314, being Senate bill 1733, for further examination.

The PRESIDING OFFICER. The Senator from Arkansas moves that Senate bill 1733 be recommitted to the Committee on the Judiciary.

The motion was agreed to.

DEATH OF REPRESENTATIVES DUNCAN AND EVINS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate resolutions passed by the House on the announcement of the death of WILLIAM A. DUNCAN, late a Representative from the State of Pennsylvania, and like resolutions passed by the House on the announcement of the death of JOHN H. EVINS, late a Representative from the State of South Carolina.

EXECUTIVE SESSION.

Several messages in writing of an executive character were received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at 1 o'clock and 46 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 3, 1884.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

The following additional members appeared:

Messrs. BINGHAM, CLAY, DEUSTER, GREEN, GUENTHER, HENLEY, NEECE, RANNEY, RUSSELL, SHELLEY, WEAVER, WADSWORTH, and YOUNG.

WILLIAM S. HOWARD.

Mr. HOLMAN, by unanimous consent, introduced the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That William S. Howard, authorized to be employed as a page during the first session of this Congress and assigned to duty at the subcommittee-room of the Committee on Appropriations, be continued in such employment during the present session, and that he be paid out of the contingent fund of the House the same compensation as other pages of the House from December 1, 1884.

FIRST NATIONAL BANK, HILLSBOROUGH, OHIO.

Mr. HART. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, and is as follows:

Be it enacted, &c., That the name of the Hillsborough National Bank of Hillsborough, Ohio, shall be changed to the First National Bank of Hillsborough, Ohio, whenever the board of directors of said bank shall accept the new name by resolutions of the board, and cause a copy of such resolutions, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act.

SEC. 2. That all debts, demands, liabilities, rights, privileges, and powers of the Hillsborough National Bank of Hillsborough, Ohio, shall devolve upon and inure to the First National Bank of Hillsborough, Ohio, whenever such change of name is effected.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. I would like to ask the gentleman from Ohio if this bill has the approval of a committee of the House.

Mr. HART. It has the unanimous approval of the Committee on Banking and Currency.

There being no objection, the bill was taken from the House Calendar, ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. HART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAGE AT CLERK'S DESK.

Mr. COX, of New York, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk be authorized to employ Harry Blair Smith as a page at the Clerk's desk in the Hall, and pay him at the rate of $2 per day out of the contingent fund of the House until further ordered.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUT. JAMES M. BLADES.

Mr. TOWNSHEND, by unanimous consent, introduced a bill (H. R. 7511) granting an increase of pension to Lieut. James M. Blades, Company H, Sixth Regiment Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF HEALTH OFFICER OF THE DISTRICT OF COLUMBIA.

Mr. TOWNSHEND, by unanimous consent, also introduced a joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. WASHBURN. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That the Minneapolis, Sault Sainte Marie and Atlantic Railway Company, a corporation organized under the laws of the State of Wisconsin, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Saint Croix River, between the States of Minnesota and Wisconsin, at the most accessible point between the city of Stillwater and the village of Taylor's Falls, on said river. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions the corporation, previous to commencing the construction of the bridge, or of the accessory works designed to secure the best practical channel-way for navigation and confine the flow of the water to a permanent channel at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile above and below the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge when built will conform to the prescribed conditions of this act. That said bridge shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted: *Provided*, That as to any bridge built under this act, if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than one hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and not less than one hundred and fifty feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and ten feet in length in the clear on each side of the central or pivot pier of the draw: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Secretary of War shall prescribe.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plan and map and other information and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approves the plan and location of said bridge and accessory works and notify the company of the same, the bridge shall not be built; and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 4. That any bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be a lawful structure; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

SEC. 6. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read?

Mr. GIBSON. I object.

Mr. WASHBURN. I will state to the gentleman from West Virginia [Mr. GIBSON] that this bill has been unanimously reported by the Committee on Commerce and that it has all the provisions found in any bridge bill. This railroad is nearly built, and it is very important that the bill should be promptly passed.

Mr. GIBSON. I observe that the spans provided for are very much less than those provided for in the case of other streams.

Mr. WASHBURN. But this is a very small stream and the navigation is very unimportant; only small boats navigate it. This bill was fully considered by the Committee on Commerce on that very point, and on investigation they were satisfied the spans were sufficiently wide. I will state also that the bill is recommended by the Secretary of War.

Mr. GIBSON. Is it unanimously recommended by the Committee on Commerce?

Mr. WASHBURN. It is.

Mr. GIBSON. I withdraw the objection.

The SPEAKER. Is there further objection? (After a pause.) The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. COBB. I ask unanimous consent to take from the Speaker's table the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, with Senate amendments, for the purpose of moving non-concurrence in the Senate amendments.

The SPEAKER. The amendments of the Senate will be read, after which the Chair will ask for objections.

The amendments of the Senate were read, as follows:

Strike out all after the word "forfeited," in line 19, on page 1, down to and including line 7, on page 2, and insert:

"And the title thereto resumed by the United States and said lands declared to be part of the public domain, but not subject to disposal under the general laws of the United States until after the termination of the legal proceedings prescribed by this act."

Page 2, at the end of line 7, insert:

"*Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant."

Page 2, after line 7, insert the following sections:

"SEC. 2. That jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

"SEC. 3. That it shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, immediately to proceed, in the circuit court of the United States for the said district, by bill in equity in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable."

"SEC. 4. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands or any part thereof which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath, and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in said cause, the court shall direct that such further proceeding be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

"SEC. 5. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States in the same manner and under the same conditions as are prescribed by law and the rules of said court of appeals in equity cases. And the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined. But no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

"SEC. 6. Nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory or claim thereto on condition or otherwise, except the right of way and land for stations."

Page 2, change "Sec. 2" to "Sec. 7."

There being no objection, the amendments of the Senate were non-concurred in.

Mr. COBB moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBB. I now move that a committee of conference on the disagreeing votes of the two Houses be asked for by the House.

There being no objection, it was so ordered.

The SPEAKER subsequently announced as the members of the committee of conference on the part of the House, Mr. COBB, Mr. HENLEY, and Mr. PAYSON.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. I ask unanimous consent to take up for present consideration the bill which I have sent to the Clerk's desk.

Mr. REAGAN. I shall have to object.

Mr. HENDERSON, of Iowa. This will take but a moment; it is a very brief bill.

Mr. REAGAN. That may be so, but time is precious.

Mr. RANDALL. With consent of the gentleman from Texas——

The SPEAKER. The regular order has been called for.

Mr. RANDALL. I would like to make a motion to dispense with the morning hour in order to reach in Committee of the Whole House on the state of the Union the consideration of the bill making temporary provision for the naval service.

Mr. REAGAN. I will give way for that purpose, if thereby the regular order is not displaced.

Mr. RANDALL. The order in regard to the gentleman's bill makes exception in favor of appropriation bills; and of course the consideration of the bill I desire to bring up will not displace the measure in which the gentleman from Texas is interested.

The SPEAKER. Not at all. That bill will retain its place. The gentleman from Pennsylvania [Mr. RANDALL] moves to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

TEMPORARY APPROPRIATIONS FOR NAVAL SERVICE.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill I have indicated.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair, and proceeded to the consideration of the bill (H. R. 7510) making temporary provision for the naval service.

The Clerk having read the bill the first time for information,

Mr. RANDALL. Mr. Chairman, unless some member of the House desires to discuss this bill at length I shall ask unanimous consent that general debate may be regarded as closed. For my own part I feel that under the five-minute rule I shall be able to explain the provisions of the bill without consuming time under the hour rule.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate on this bill be regarded as terminated. Is there objection? The Chair hears none.

The Clerk, proceeding to read the bill by paragraphs for amendment, read the following:

Be it enacted, &c., That for the purpose of providing for the expenses of the naval service for the six months ending June 30, 1885, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one-half, or 50 per cent., of the sums of money (and for the like purposes and continuing the same provisions relating thereto) as were appropriated for the service of the fiscal year ending June 30, 1884, by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," approved March 3, 1883 (except as hereinafter declared), subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriations made by said act: *Provided*, That nothing is appropriated by this act for the purposes set forth in said act making appropriations for the naval service for the fiscal year 1884 under the heading "Increase of the Navy" and preceding the heading "Naval Academy," "For special ocean surveys and the publication thereof," or "For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same;" nor is there reappropriated any balance of the appropriation made for commencing the manufacture of steel rifled breech-loading guns, with carriages and ammunition, that remained unexpended during the fiscal year 1883; but in lieu of such reappropriation there is hereby appropriated for such manufacture, during the six months herein provided for, the sum of $25,000; and that the clause under the heading "Bureau of Yards and Docks" commencing "For general maintenance of yards and docks" is amended so as to appropriate for the six months herein provided for the sum of $110,000.

Mr. BLOUNT. I would like to inquire of the gentleman from Pennsylvania what is the balance of the appropriation made for the fiscal year 1883 for the manufacture of steel rifled breech-loading guns. I see that in lieu of the reappropriation of that balance this bill proposes to appropriate $25,000.

Mr. RANDALL. I think a brief recital of the history of the original appropriation for this purpose may prove to be a satisfactory response to the very proper inquiry of the gentleman from Georgia.

Mr. BLOUNT. I shall be glad to hear such a statement.

Mr. RANDALL. There was originally appropriated by the act for the fiscal year 1883 $100,000 for the manufacture of rifled guns, with carriages and ammunition. By the act for the fiscal year 1884 there was made a reappropriation of any unexpended balance of the sum of $100,000. I believe $82,000 remained unexpended, which sum was subsequently expended. So that this was the amount reappropriated by that act. When the act providing appropriations for the naval service for the first six months of the present fiscal year came to be administered some doubt arose as to the effect of the 50 per cent. clause on this item in the act for 1884 reappropriating the balance of the $100,000 originally appropriated. That question was left to the judgment of the First Comptroller, who decided that the act known as the six-months act had the effect of creating an appropriation of $41,000—a sum equal to one-half of the unexpended balance which had previously been reappropriated. Under that construction of the law, to which as a layman I do not give my entire acquiescence, there has been or will be expended about $25,000 of the $41,000. There is therefore remaining unexpended of the $41,000, which the Department has claimed the right to expend under the six-months act, about $16,000. But the committee did not feel desirous to confirm the construction of the law which actually gave the Department, based upon the original appropriation of $100,000, $141,000, of which $125,000 have been expended. The committee preferred to revoke all past legislation bearing on this subject and start afresh with a distinct appropriation, thus avoiding this technical if not doubtful construction.

The effect is to save $16,000 on the first six-months act, and again to use language no longer capable of the construction placed on said act.

Twenty-five thousand dollars will be a sufficient sum, as we understand, to meet fully the requirements of the Navy Department for work in progress. It is true the Department has asked for $25,000 more for the purpose of purchasing foreign steel to be used in the manufacture of a type-gun of 12-inch caliber. But the committee preferred to postpone any legislation on that subject until Congress should have the benefit of the opinion of the gun-foundery board and also the opinion of a committee of the Senate and a committee of the House in relation to that subject.

Mr. BLOUNT. Then, as I understand, the effect of the provision in this bill is the reduction of the appropriation to the extent of about $32,000 for the year.

Mr. RANDALL. Yes. The effect of this entire legislation, to wit, the original appropriation of $100,000, together with the reappropriation in the act of the following year, taken in connection with the construction placed upon the six-months law of last session, would be an appropriation during the three years of $150,000, the six-months act having been construed as creating an appropriation of $41,000, based on one-half of the amount fixed as an unexpended balance which was before reappropriated. We propose by this bill a new appropriation of $25,000 for the next six months, the Department having already expended or contracted to expend for this purpose during the first half of the current fiscal year $25,000. We gave a like amount for the last six months of the current fiscal year. The aggregate amount appropriated for and expended for this purpose during the entire year up to June 30, 1885, will probably be about $50,000.

Mr. BLOUNT. I understand the gentleman from Pennsylvania to say that under the act of 1884 some eighty-odd thousand dollars was left.

Mr. RANDALL. Under the law for 1884 known as the reappropriation clause there were $82,000 left that had to be reappropriated, or otherwise under another general law they would have lapsed or gone back into the Treasury.

Mr. BLOUNT. I understood further they claim that by operation of the act of 1884 a sum of money equal to eighty-odd thousand dollars was appropriated, and that for the first six months they could expend forty-one-odd thousand dollars, and that they had actually expended about $25,000. This bill provides they shall not exceed $25,000 additional for the last six months, which would make for the year a saving of about thirty thousand odd dollars.

Mr. RANDALL. I understand they did expend all of that $82,000, or nearly so. They did claim the right during the first six months of this fiscal year to expend $41,000, but have expended only about $25,000 of that amount. The Committee on Appropriations deem that during the second six months the amount already expended, or that is likely to be expended, during the remainder of this first six months would be sufficient for the next six months. I do not understand any one in the committee or any one of the officials of the Navy Department objects to this, only that they ask an additional $25,000 for the purchase of foreign steel.

Mr. BLOUNT. I was not asking with a view of dissenting, but I could not tell from the language of the act what it meant.

Mr. RANDALL. The interpretation placed on the law has had the effect of making it difficult to explain in terms exactly what was meant. I have endeavored to do it.

The CHAIRMAN. The Chair does not understand there is any amendment pending on which this debate is proceeding.

Mr. RANDALL. I have no substantial amendment to offer.

The CHAIRMAN. Then debate is not in order.

Mr. RANDALL. I move, then, to strike out the last word.

Mr. WARNER, of Ohio. I desire to ask the gentleman from Pennsylvania whether I correctly understood him to say there is here an appropriation for the purpose of purchasing foreign steel?

Mr. RANDALL. The amount asked for of $25,000 in excess of what is herein appropriated for the second six months was, as we were informed, for the purpose of purchasing foreign steel to be used in the manufacture of a 12-inch breech-loading gun. The committee did not think, in the presence of a report not yet made to the House but which

I noticed the President referred to in his annual message as to the capability of American manufacturers to make steel for this purpose, it was necessary to make any appropriation for the purchase of foreign steel, and it has therefore omitted to do so.

Mr. WARNER, of Ohio. That was the question I wished to ask, whether the rumor we have heard is true that we are not able in this country to supply the steel required for the manufacture of breech-loading guns.

Mr. RANDALL. The committee were not willing by indirection or in direct words to affirm anything in connection with that matter. We were not willing to anticipate the conclusions of the two or three organizations now making investigation into the subject. I join with the gentleman from Ohio in the expression of the hope that it will be made conclusive that American manufacturers can produce as good steel for any purpose as any foreign steel which can be brought into the United States.

As there seems to be no further questions to be asked, Mr. Chairman, I will by unanimous consent now withdraw my formal amendment.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

That all appropriations made by the act of July 7, 1884, making temporary provision for the naval service for the six months ending December 31, 1884, or any balances thereof that may be unexpended at that date, except any balance for the manufacture of steel rifled breech-loading guns as aforesaid, be, and they are hereby, reappropriated, continued, and made available for the remainder of the fiscal year ending June 30, 1885.

Mr. RANDALL. I move to strike out the last word for the purpose of saying a word. This clause reappropriates and continues all balances, except for steel rifled breech-loading guns, that may remain unexpended December 31 of the appropriations made for the six months ending that date to June 30, 1885.

It is for the purpose of making the two six-months acts come together, or merging the first with the last, and thus avoid a settlement of the books at the end of the first six months of the fiscal year. In other words, sir, the effect of this clause is to make these two appropriation bills as though but one appropriation bill for the maintenance of the Navy had been passed, and that for the entire year. I withdraw the formal amendment.

The CHAIRMAN. The Clerk will now read the third and concluding paragraph of the bill.

The Clerk read as follows:

That the whole amount appropriated by this act for the support of the naval service for the six months herein provided for shall not exceed, exclusive of the amounts herein reappropriated and the amount payable from the income from the naval pension fund for the support of the Naval Asylum at Philadelphia, the sum of $6,734,717.11.

Mr. RANDALL. I will now move to strike out the last word, so as to say, in order, that the total amount appropriated by this act for the six months ending June 30, 1885, is $6,734,717.11; amount appropriated for six months ending December 31, 1884 (including $2,150,100 for steel cruisers and $41,632.50 under reappropriation for steel rifled breech-loading guns), $8,901,449.61; total amount for 1885, $15,636,166.72; amount of law for 1884, $15,894,434.23; reduction of 1885 under 1884, $258,267.51. I withdraw the formal amendment, and now move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7510) making temporary provision for the naval service, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. RANDALL demanded the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. This being a general appropriation bill, under the rule the vote on its passage will be taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 235, nays 0, not voting 87; as follows:

YEAS—235.

Adams, G. E.	Brumm,	Culbertson, W. W.	Fiedler,
Adams, J. J.	Buchanan,	Cullen,	Findlay,
Aiken,	Buckner,	Curtin,	Foran,
Alexander,	Budd,	Cutcheon,	Forney,
Anderson,	Burnes,	Davidson,	Funston,
Bagley,	Cabell,	Davis, G. R.	Geddes,
Ballentine,	Caldwell,	Davis, L. H.	George,
Barr,	Campbell, J. M.	Davis, R. T.	Gibson,
Bayne,	Candler,	Dibrell,	Glascock,
Beach,	Cannon,	Dockery,	Goff,
Belmont,	Carleton,	Dowd,	Green,
Bennett,	Clay,	Dunham,	Greenleaf,
Bingham,	Clements,	Dunn,	Guenther,
Blanchard,	Cobb,	Eaton,	Halsell,
Blount,	Connolly,	Eldredge,	Hammond,
Boutelle,	Converse,	Ellis,	Hardeman,
Brewer, F. B.	Cosgrove,	English,	Harmer,
Brewer, J. H.	Cox, S. S.	Ermentrout,	Hart,
Broadhead,	Cox, W. R.	Evans,	Haynes,
Browne, T. M.	Crisp,	Everhart,	Hemphill,
Brown, W. W.	Culberson, D. B.	Ferrell,	Henderson, D. B.
Henderson, T. J.	Matson,	Reese,	Taylor, J. D.
Henley,	Maybury,	Rice,	Taylor, J. M.
Herbert,	Millard,	Robertson,	Thomas,
Hewitt, A. S.	Miller, J. F.	Robinson, J. S.	Thompson,
Hewitt, G. W.	Miller, S. H.	Robinson, W. E.	Throckmorton,
Hill,	Milliken,	Rockwell,	Tillman,
Hiscock,	Mills,	Rogers, J. H.	Townshend,
Hitt,	Mitchell,	Rogers, W. F.	Tucker,
Hoblitzell,	Money,	Rowell,	Tully,
Holman,	Morrill,	Russell,	Turner, Oscar
Holmes,	Morrison,	Ryan,	Van Alstyne,
Holton,	Morse,	Scales,	Vance,
Hopkins,	Moulton,	Seney,	Van Eaton,
Horr,	Muldrow,	Seymour,	Wadsworth,
Houk,	Muller,	Shelley,	Wait,
Houseman,	Murphy,	Singleton,	Wakefield,
Howey,	Murray,	Skinner, C. R.	Wallace,
Hunt,	Mutchler,	Skinner, T. G.	Ward,
James,	Neece,	Slocum,	Warner, A. J.
Johnson,	Oates,	Smalls,	Warner, Richard
Jones, J. H.	Ochiltree,	Smith, A. Herr	Weaver,
Jones, J. K.	O'Ferrall,	Smith, Hiram Y.	Wemple,
Jordan,	O'Hara,	Spooner,	White, Milo
Kean,	O'Neill, Charles	Spriggs,	Whiting,
Keifer,	Paige,	Springer,	Wilkins,
Ketcham,	Payne,	Steele,	Williams,
Lacey,	Peel,	Stephenson,	Willis,
Laird,	Perkins,	Stevens,	Wilson, James
Lanham,	Peters,	Stewart, Charles	Wilson, W. L.
Lawrence,	Post,	Stewart, J. W.	Winans, E. B.
Le Fevre,	Potter,	Stockslager,	Wise, G. D.
Long,	Price,	Stone,	Wolford,
Lowry,	Pusey,	Storm,	Woodward,
Lyman,	Randall,	Strait,	Worthington,
McAdoo,	Ray, G. W.	Struble,	Yaple,
McComas,	Ray, Ossian	Sumner, C. A.	York,
McCormick,	Reagan,	Talbott,	Young.
McMillin,	Reed,	Taylor, E. B.	

NAYS—0.

NOT VOTING—87.

Arnot,	Covington,	Jeffords,	Phelps,
Atkinson,	Dargan,	Jones, H. W.	Pierce,
Barbour,	Deuster,	Jones, J. T.	Poland,
Barksdale,	Dibble,	Kelley,	Pryor,
Belford,	Dingley,	Kellogg,	Rankin,
Bisbee,	Dorsheimer,	King,	Ranney,
Blackburn,	Elliott,	Kleiner,	Riggs,
Bland,	Ellwood,	Lamb,	Rosecrans,
Bowen,	Finerty,	Lewis,	Shaw,
Boyle,	Follett,	Libbey,	Shively,
Brainerd,	Fyan,	Lore,	Snyder,
Breckinridge,	Garrison,	Lovering,	Sumner, D. H.
Breitung,	Graves,	McCoid,	Turner, H. G.
Burleigh,	Hanback,	Morgan,	Valentine,
Campbell, Felix	Hancock,	Nelson,	Washburn,
Campbell, J. E.	Hardy,	Nicholls,	Wellborn,
Cassidy,	Hatch, H. H.	Nutting,	Weller,
Chace,	Hatch, W. H.	O'Neill, J. J.	White, J. D.
Chalmers,	Hepburn,	Parker,	Winans, John
Clardy,	Hooper,	Patton,	Wise, J. S.
Collins,	Hurd,	Payson,	Wood.
Cook,	Hutchins,	Pettibone,	

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. DINGLEY with Mr. DIBBLE, on all political questions, for this day.

Mr. BRECKINRIDGE with Mr. VALENTINE, for this day.

Mr. PRYOR with Mr. BELFORD, for this day.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

The SPEAKER. The House now resumes the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce. The gentleman from Connecticut [Mr. SEYMOUR] is entitled to the floor.

Mr. SEYMOUR. Mr. Speaker, if the importance of this bill is to be measured by the number of bills concerning interstate commerce which were referred to the Committee on Commerce at the last session, then the remark of the distinguished gentleman from Texas [Mr. REAGAN] that it is one of the most important bills now pending was fully justified. The committee have appreciated its importance and have given the subject patient and careful consideration for many weeks. As the result of their deliberations they have presented the bill reported by them with the understanding, perhaps the unusual understanding, stated in the report, that it shall be considered no mark of disrespect toward the committee for its individual members to offer such amendments as may make it conform to their individual views.

Taking advantage of that understanding, I shall at the proper time submit at least one amendment, which it seems to me will tend to perfect the bill and make it more acceptable to the House.

But at this point I desire to call attention to the scope and object of the bill as it stands. Briefly and generally, its purport is to declare certain specified acts of interstate railroads unlawful, to furnish sundry remedies, to provide sundry penalties, and to create a railroad commission, with power to prevent and put a stop to such unlawful acts, to

assist in applying the remedies and enforcing the penalties, and also (and herein lies the chief merit of the bill, in my opinion) to investigate all grievances brought to its notice, with power, after careful examination, to make such recommendations to Congress for future legislation respecting interstate commerce as may reach all well-founded complaints and remedy the evils complained of, thus taking the detailed examination of the complaints upon which the demand for legislation is based out of Congress in the first instance, and placing it in the hands of commissioners, who have not only more time to devote to it, but who, by the inspection of books and papers, schedules and contracts, by the investigation of real instead of hypothetical cases of complaint, can act more intelligently than a committee of Congress can possibly do.

These objects which the bill seeks to accomplish certainly ought to be accomplished in some way. But too much faith must not be put in any legislation aiming to govern the operations of trade and commerce. Over legislation respecting details attempts to regulate every particular act by special statute, instead of relying upon an enforcement of those general principles which are the sure foundation of our common law, aided and re-enforced by such general statutes as may from time to time be necessary, are to be avoided as far as possible.

And there is danger that in attempting to interfere too minutely with the methods of trade more harm than good will result. There are certain natural "laws of trade" which will, in a country where competition is open and capital for new enterprises abundant, in the main and in the end prevail, combinations and selfishness to the contrary notwithstanding. If this bill seems to lose sight of these principles in any of its provisions, and I think it does in one particular at least, to which attention will presently be called, it can easily be amended, and should be amended so as to conform to them. Its general object is beneficent, namely, as I have already said, to declare certain indefensible acts unlawful, to provide specific remedies for evils which it is claimed exist, together with penalties for its violation, and to create a board of commissioners with powers and duties as provided in the bill.

Now permit me to explain more particularly the provisions by which it is sought to carry out these objects, that the House may judge of their efficiency and determine whether all of them are wise and expedient, or whether some had better be omitted or amended. The bill begins by re-enacting the common-law principle that all charges for services by persons engaged in interstate commerce shall be reasonable. The purpose of this re-enactment is twofold: first, to emphasize the principle, as the keynote of the proposed legislation; and, second, to make the bill harmonious and symmetrical. It is, then, made unlawful for those affected by the act to charge or receive any greater or less amount of compensation from one person than they charge or receive from any other person for like and contemporaneous services rendered under substantially similar circumstances. They are required to furnish, without discrimination, equal facilities to all for the carriage, receiving, delivery, storage, and handling of all property of like character carried by them, and to perform with equal expedition like services for all.

No one can justly find fault with these provisions, which it was represented to the committee are necessary for the protection of freighters, nor with the one which follows them, making it unlawful in the transportation of property directly or indirectly to allow any rebate, drawback, or other advantage in any form upon shipments made or services rendered which under similar circumstances are not allowed to all other persons.

It was urged by some that no rebate or drawback should be allowed to any one under any circumstances. But it is a sufficient answer to such claim that a rebate or drawback which is allowed to all, if to any, ceases to be a discriminating rebate. It can not harm customers, but may help them and the railroad alike. If, for example, after freight has been shipped from Chicago to New York upon schedule rates over one of the trunk lines, it is discovered that one of the other lines is carrying upon cheaper terms, there is no unfairness in permitting the former line to rebate enough from its schedule rates to make its charge conform to that of the latter line, and so retain its customer, doing injustice to no one.

Without provisions permitting such action a statute forbidding rebates altogether would be unjust to carriers and customers alike. We should strike at unjust, unequal rebates, but not at those which are entirely justifiable, as are those in the supposed case.

The bill reported by the committee then goes on to make it unlawful for the railroads embraced in the act to enter into any contract or combination for the pooling of freights, or to, in fact, pool the freights of different and competing railroads by dividing between them the aggregate or net proceeds of the earnings of such railroads or any portion of them.

The pooling proposed to be legislated against is pooling by the division between competing railroads engaged in interstate commerce of their aggregate or net proceeds. The term "pooling" has become somewhat odious.

It has been assumed that the pooling of earnings by railroads is necessarily hostile to the interests of freighters and consumers. Such assumption is unwarranted, in my judgment.

It was shown to the satisfaction of a portion at least of your committee, in the course of this investigation, that there may be a pooling of freights or earnings, so called, which inures to the advantage of freighters and consumers.

It was argued that it may be and often is a powerful means of preventing railroad wars and the cutting of freights; that whatever may be the momentary and seeming result of railroad wars and freight cutting, its ultimate effect is to the disadvantage of freighters; that freighters are interested in having uniform rates; that their contracts are based upon existing rates, and that fluctuations created by railroad wars are necessarily injurious to freighters as a class, even though individual freighters may gain temporary advantage in consequence of them.

Then, again, it may be suggested, and experience warrants the suggestion, that the losses to the railroads occasioned by such wars are uniformly made up by increased rates, or in some other way, when peace is restored, so that, as I have already said, freighters as a class, and in the long run, and consequently consumers also, are losers by these railroad disturbances. These and other arguments, leading me to distrust the soundness of any claim that real honest advantage can be gained by any class through business disturbances, force me to believe that our true policy lies in so regulating these pooling contracts as to make only those unlawful the intent, purpose, and effect of which are to raise charges above reasonable rates and are calculated to divide earnings on any other basis than a reasonable accordance with service to impair reasonable competition. And to provide against any evasion of this wholesome restriction it should be enacted that every such contract shall be open and in writing, and that a copy thereof shall, as soon as executed, be sent by the parties thereto to the board of commissioners created by this act.

At the proper time I propose to offer an amendment to carry out these suggestions, which, if passed, will prevent the evils which are attributed to pooling, and preserve to the public any advantages claimed in its behalf. And if it should turn out, upon full investigation of the subject by the commissioners, that pooling for any purpose is incompatible with public policy, they will so report, and Congress will no doubt hasten to forbid it.

All through its text the bill is guarded by provisions, in different sections and parts of sections, against its evasion by collusive or unnecessary breaks, stoppages, or interruptions, made to prevent the carriage of any property from being continuous, or to make it appear to be local traffic when in fact it is interstate traffic, such as the bill is intended to effect.

For the violation of any of the provisions of the act any railroad company, officer of such company, or other person is made liable to the injured party for the actual damages, and when the violation is found to be willful the court may allow, by way of additional costs, a sufficient sum to cover his counsel fees and his expenses, charges, and disbursements.

Now, the gentleman from Texas animadverted upon this bill as not being sufficiently strong in its penal provisions, as you will remember. I think he had forgotten—I had, I am sure, at that time—the full scope of the bill in respect to the additional costs which might be allowed for any breach of the provisions of the bill.

In addition the offender is held guilty of a misdemeanor and subject to a fine of not more than $1,000 for each violation. And it is made the duty of the district attorneys of the United States to institute and prosecute to effect all violations within their jurisdiction to prosecute; it being provided, however, for manifest reasons, that these penal provisions shall not apply to the first section of the act, which enacts that charges for service shall be reasonable, it being thought inexpedient to expose persons to a penalty for a mistake in judgment regarding a charge for services rendered.

I wish to call the attention of the House to the argument made by the distinguished gentleman from Texas [Mr. REAGAN] upon that particular clause of the bill. He finds fault specifically with the bill of the committee, for the reason that the first section was taken out from the operation of the penal provisions of the bill. Now, I ask my distinguished friend, and I ask other gentlemen of the House who may give attention to this subject, to answer me whether in their judgment it would be a fair and proper measure to subject the directors of a railroad company to the highly penal clauses of this bill simply for what may be a mistake in judgment in fixing the rate for carrying an article of freight from Chicago to New York, for instance? I should be glad if they would point out to me the rule or criterion of judgment which would enable a jury to arrive at the reasonableness of the charge; and I ask them if there is anybody better qualified to understand what would really be the reasonableness or unreasonableness of such charges than the directors of the roads themselves, who are enabled by their position to inform themselves of the various items of cost which enter into such transportation and all of the various elements which go to make up the sum total of the expenditures of the road in performing such service? To enforce a penalty upon them under the provisions of this bill would be simply imposing a penalty for what might be a mistake in judgment; and there is this further objection, that a jury in one State might hold that a charge against which objection was made was unreasonable, while a jury in another and neighboring State might hold

that it was not unreasonable. Who is to decide between the two? It is an attempt to make that a criminal offense which in the very nature of things ought not to be so made.

The honest judgment of the directors of the road may be that the charge for carrying that freight was entirely reasonable, and it seems to me that nobody would under the provisions of this Reagan bill, as I call it by way of distinction from the committee's bill, be willing to accept the office of directorship of any railroad company being subject to its penalties; for any mistake in judgment which he may make in fixing the rate for carrying the produce of a shipper from one State into another, which rate the jury may find was extortionate, would subject him to all the penalties prescribed. For these reasons the committee, or a large majority of the committee as I remember now, thought the provisions of the first section should be taken out of the operations of this penal provision.

So much for the declaratory, remedial, and penal provisions of the bill. Its further effect is to create a board of three commissioners of interstate commerce, one, at the first appointment, to hold office for two, one for four, and one for six years, and thereafter each for six years. They are removable only for cause, are not to be interested pecuniarily in any railroad or railroad security, are given a salary of $7,500 a year and actual and necessary traveling and other expenses incurred by them. They may appoint a clerk with annual salary of $2,500 and an accountant at annual salary of $2,000. The Secretary of the Interior is authorized to furnish such additional clerical, engineering, expert, or other service as the commissioners may request and he deem proper. In the performance of their duties the commissioners, their experts, and clerks may pass over any railroad engaged in interstate commerce free of charge, but shall accept no other pass, gratuity, or favor from any railroad company.

The commissioners are charged with the duty of carrying into effect the provisions of this act in respect to interstate commerce. Persons complaining of any violation of this act may, in addition to the other remedies provided, apply to the commissioners in writing, briefly stating their complaint. If the petition is authenticated, as provided in the act, the commissioners *shall*, and in other cases *may*, entertain and investigate the same. The modes of such investigation are pointed out in the bill. There is not time, nor is there need, for me to recapitulate them. The question in this part of the discussion will be upon the policy of creating a board of commissioners at all. If they are to be appointed, I confidently submit that the provisions regarding their powers and duties are thoughtfully drawn and carefully guarded. That portion of the act relating to commissioners seems to me the best part of the proposed legislation. They are given ample powers to examine witnesses, books, and papers in order to decide upon the merits of the complaints made to them. They may issue orders to offenders to desist from violating the provisions of this act. If the offender refuses to obey the order and to desist from its violation, it is made the duty of the district attorney to apply to the proper circuit court of the United States to grant an order upon him to show cause why he should not be enjoined against continuing such violation, and the power of the court to enjoin is ample. All the machinery is provided, and, best of all, a capable board is created to hear and examine, as no Congressional committee can, all complaints; to listen to all excuses and defenses, and year after year to intelligently advise Congress what legislation is actually needed in order to settle, upon an equitable basis the relations between carriers and their customers in this vast system of interstate commerce.

Of all the bills before your committee this seems the best. Some went too far in their restrictions and their penalties. They assumed that the directors and managers of our great railroad system were banded together to willfully cheat and defraud the public.

No allowance was made for the difficulties necessarily incurred by honest and honorable men in managing a business so vast and intricate to the satisfaction of all the conflicting interests. I do not suppose that any one thinks this bill perfect in its present shape nor likely to be made so by amendments.

But two or three amendments which are proposed to be offered will make it as good, perhaps, as a committee with limited time and no opportunity to thoroughly test complaints could make it, and at any rate it serves by its very imperfections to emphasize the necessity of a commission to investigate before violent changes in legislation are attempted. It is a tentative measure, therefore, looking to further legislation upon the subject, and I trust it will commend itself to the consideration of the House. Such, in brief, are the provisions of the bill reported by the committee.

In contradistinction to this bill we have what is known as the "Reagan bill," which was offered by the distinguished gentleman from Texas yesterday as a substitute for the bill now pending before the House. This substitute bill is in my judgment too strict and too minute in all of its particulars to be a practical measure. It is so minute in its details as to interfere materially with the very laws of trade, and so strict as to defeat the very object of the bill itself, which is of course a good object. That is the criticism I would make upon the bill of the gentleman from Texas, and that is the criticism that I know other members of the committee made upon it, and which will necessarily arise in the mind of every member of the House who examines closely its provisions. In conclusion I want to say a word in regard to the name of the two bills pending before the House, as confusion will be apt to arise in the minds of gentlemen because of the fact that the bill reported from the committee was reported by the distinguished gentleman from Texas the chairman of the committee, and is therefore known as the "Reagan bill," while the substitute which is pending before the House is also known as the Reagan bill. The bill reported by the committee, was, as will appear by its title, a substitute for a number of bills which had been referred to the committee; among others, the "Reagan bill" itself, strictly so called. When that was brought up before the House on yesterday the gentleman from Texas proposed his bill as a substitute for the committee's bill, and both are now pending for consideration.

The bill which is reported from the committee as a substitute for all the bills before it, including the Reagan bill, is House bill No. 5461, to establish a board of commissioners of interstate commerce and to regulate such commerce. And the House will remember that last night, after that bill was read, the gentleman from Texas [Mr. REAGAN] then offered as a substitute what was known in the committee as the Reagan bill. But the bill I have been discussing is the substitute bill, on which the committee agreed, with the condition, as I have said, that every individual member of the committee was at liberty to offer such amendments as he might see fit.

How much of my time remains?

The SPEAKER *pro tempore* (Mr. OATES in the chair). The gentleman from Connecticut has thirty minutes of his time remaining.

Mr. SEYMOUR. I reserve the remainder of my time.

Mr. LONG. Mr. Speaker, the Committee on Commerce agree that legislation is demanded and is desirable on the subject of interstate railroad transportation. They differ only as to the method of procedure. In discussing the bill which they have reported it is as important not to get up steam against evils which it is not our province to remedy as to consider how most effectually to cure those which we ought to reach. There is no subject of easier declamation, or at which the impassioned orator can fire his gun with a louder report on a small charge of powder than the railroad system of the country. But for the purpose of this debate I do not believe it is profitable to call that system either an angel of beneficence or a monster of iniquity. We all know that it has developed our country, turned the wilderness to a garden, peopled our great territorial domain into flourishing States, belted the Republic together, cheapened transportation, and, best of all, laid at the feet of the poorest citizen by means of mutual and prosperous exchange the products, whether of shop or farm, of every section of the Union. On the other hand, we all know that it has been the raw material, if that term shall offend no sensitive ear, of wild and ruinous speculation, and that the red blood of its stocks has often been watered till in too many cases it has only swashed a bloated corpse, offensive to the nose and damaging to health.

But the question before us is not a question of speculation in railroad investments or of watered stocks. Be the evils that thence arise as grievous as the plagues of Egypt, they are not for us to remedy. Thanks to our Federal Constitution of blessed memory, they lie within the jurisdiction of the States which create railroad corporations and regulate their existence and financial operation.

Nor is it a question directly of political power or of local monopolization. Nor is it ours to attempt any Utopian scheme of leveling the inequalities of human fortune. These exist by natural laws, which are practically beyond our legislative and artificial control.

It is certainly a good rule in legislation to let alone as much as possible, not to contend against but to co-operate with natural laws—especially the laws of competition—and to leave them to work out their own results till the necessity of interference is plain. I take it we are not here to make a raid on railroads simply because, as a sort of public institution, they are accessible and easy of assault, any more than on any of the great private businesses of the country, which often quite as sharply affect the pockets of the people and even more brutally burden them. Indeed, in this whole matter of the railroad hearing, which for two months during the winter we had before our committee, what struck me more than anything else was not only the entire absence of any outcry against the railroads from the people at large, but also the limited complaint from anybody else.

There has been complaint, and, let me say, just complaint, especially in former years, but it has generally come from the middlemen of commerce, who stand between the producer and the consumer, and who, having to share profits with the railroad carrier, naturally and properly incline to reduce as much as possible his charges in order, as he flings back, to increase their own.

The National Board of Trade, which met in this city last winter, expressly, and with hardly a dissenting vote, declared against what is known as the Reagan bill, and recommended a commission such as the bill we have reported provides for. The fact is that the agitation for the last ten years of this railroad question, while it seemed ineffectual at the time because it resulted in no act of Congress, has shown how much more effective is public opinion, open debate, and full exposure than an arbitrary and rusty statute. The very discussion of the problem has half solved it, and many of those who knocked at your doors in former years are now indifferent, because content.

The statistics show a steadily improving diminution of rates in the interest of the people. Look at some of the figures. The $6,000,000,000 or more invested in the 125,000 miles of railroads in the United States pay only about 3 per cent. per annum to their stockholders. The rate of freight ten years ago was 2½ cents per ton per mile. This year, under what is charged as the enormities of the railroad monopoly, it has come down to less than 1 cent per ton per mile. We were told that in Belgium and France it is nearly twice that, and in England still more. Under the operation of natural laws evils have tended to cure themselves, rates have come down, discriminations have lessened. This has happened because it is found with public institutions as with individuals that the nearer the approach to square and fair dealing the better it pays in the long run, although human selfishness and corporate soullessness both learn the lesson slowly and reluctantly. There are no saints running our railroads. On the contrary, there is there as everywhere else a body of selfish, timid—as capital subject to legislation is always timid—but prudent men, and in obedience to their own interest, if to nothing else, they are wisely more and more consulting and more and more meeting every year the public demand and doing more justice to the public.

As Edward Atkinson, a good statistical authority, says, the voluntary reduction in railroad rates in the last twelve years, not forced by law but resulting from natural causes, is greater than the whole sum of the public debt. The development of the West, the value of its herds and farms and crops, the rescue of its corn from voluntary commission to the flames and its transfer to the remunerative markets of the world, are due to the cheap transportation of the railroads; a cheapness for the great realms of the Western people which has been secured somewhat indeed at the cost of local high rates, especially in the East, but in the main has aided in the distribution and cheapening of food for all the people, who buy it and who in exchange for it find a market for their own manufactured products. Our railroads, says the United States Railroad Commissioner, employ nearly 2,000,000 persons in their operation and construction, thus furnishing vast employment to labor. We were told that they cost less per mile for construction, even with the tariff on railroad iron and steel rails, than those of any of the great European countries; about one-fourth of those of England, and one-third of those of France. A barrel of flour is hauled from Chicago to New York, 1,000 miles, for 30 cents. If a man eats one pound a day, the transportation charge for him is less than $1 a year. The freight on meat from Chicago to New York is 32½ cents per 100 pounds. If a man eats one pound a day its transportation costs him $1.20 a year, or about one day's wages for the transportation of his year's bread and meat.

In other words, Mr. Speaker, the evil is not that of general extortion upon the country, except as those discriminations and preferences, to which I shall afterward refer as the real grievance, increase the general cost, as perhaps they do to a slight extent, by favoring some at the expense of others. The competition of railroads among themselves and the abundant water ways which it ought to be the sagacious policy of Congress to develop and improve reduce the general rates of freight to a reasonable price, which still goes on constantly diminishing; and the United States Railroad Commissioner says in his report that ours is the cheapest railroad transportation in the world.

THE REAL GRIEVANCE.

What is the evil, then, at which we should direct legislation? It is the evil of unjust discrimination and undue preferences. Rates are generally reasonable and on the whole generous to the people. But there have been, less now than formerly as and for the reasons I have stated, unjust, indefensible, harassing, and impolitic discriminations, which, so far as they affect interstate commerce, it is our province to correct. While I have less faith than some in the utility of legislative restrictions, I yet believe the time has arrived when, in obedience to public sentiment as well as to the actual demands of business, especially the demands of our mercantile houses and middlemen, something can be done by statutory enactments.

Shippers make complaints, with which every community is familiar and which are well established, that they suffer from unjust discriminations and from rates which, though low, are not uniform or equal. They complain that by favoritism on the one hand and discrimination on the other, in the form of special rates, drawbacks, private contracts, &c., they are wronged; that thereby one mercantile house is enriched at the expense of the ruin of another; that one local shipper is bolstered up and his neighbor crushed out by the malice or the interest of the railroad company, and that the natural and fair competition of commerce and trade is destroyed by the artificial and partial preferences and discriminations of these great overriding public carriers. And, Mr. Speaker, these complaints have in too many cases been well founded. Grossest injustice has been done. Certain shippers have had undue preferences. Certain others have suffered loss by unjust discriminations. Certain places have withered in their local prosperity from unequal rates, and certain others have been favored and stimulated by special indulgences. This evil, so far as it is involved in interstate commerce, we are in duty bound to meet, and so far as that I have very little question of our constitutional power to throttle it.

THE BILL LIMITED TO RAILROAD TRANSPORTATION.

The first question is, How far shall we go in our legislation? Shall we limit our scope to railroads, or embrace in it water ways, transportation by lake and coast, river and canal? It would seem at first as if consistency required the latter. But it is evident that there should be some limit. Undue preferences and unjust discriminations may exist in express companies or in ordinary horse or ox carriage transportation. But there is this distinction: your highways and your water ways are free to all, and carry with their very existence their own unbounded freedom and facility of competition for all alike. But your railway is exclusive. By right of eminent domain it has been invested with the absolute sole use of its road-bed, monopolizing usually the best and shortest cut between two given points. Highways and water ways can well be left to the laws of the free competition which they invite.

The railroads alone are of such monopolistic sort as, in the judgment of your committee, to justify legislative interference at this time. We have therefore submitted a bill which deals only with railroads. I know that it is plausibly and perhaps logically urged that it should embrace the whole subject of interstate transportation, and not that only which is by railroad. But I am certain that if we attempt that we shall involve so many complications and array so many interests, that we shall fail altogether and be knocked out of accomplishing anything. And it is possible that the wish for such a result may be with some who oppose any legislation at all the father of the thought.

THE QUESTION STATED.

We come, then, to this question. Granted a system of interstate railroads, doing the great carrying business of the country, with its inestimable effect upon the prosperity and welfare of the people—the value of its freight $15,000,000,000, or ten times that of our whole foreign commerce; given also the fact that in this business there is more or less of injustice in the way of undue preferences and unjust discriminations, which pervert the natural and healthy development of trade, and which subject not only individuals but municipalities themselves to the caprice or arbitrary pleasure of railroad corporations—how shall we promote a remedy? There are two methods suggested. The first is to enact remedial statutes, prohibiting under severe penalties certain specified injustices and wrongs and leaving the injured party in every case to bring his action in the courts for the enforcement of his statutory remedy and for the recovery of damages, or to depend on the ability or zeal of a criminal prosecuting attorney.

This is the cast-iron, inflexible, perfunctory method, terrible on paper as an army with banners, but practically as ineffectual as a Chinese gong. In my judgment it would avail little or nothing. In the first place, hardly any remedy of this sort is proposed that does not already exist at common law or that has not been enacted into the statutes of various States, and in either case been hitherto found wanting, insufficient, and inefficient. In the second place, no such statute can be made specific and close-fitting and all-fitting enough to reach all cases or even a large part of them or strong enough to elude the ingenuity of railroad counsel and railroad devices. In the third place, the law's delays and the courts' weary and expensive litigation, guard against them as you may, practically bar in all such cases the poor man or any man who is dependent on the good-will of a railroad from getting that prompt, immediate, equitable, constant, and self-recurring relief which is alone of any value to the business community.

It is for these reasons that I regard the bill introduced by Judge REAGAN, and which he asks to substitute for the one reported by the committee, as *brutum fulmen*—attacking the evils of railroad injustice as the Irishman did the fly—when he put his finger on it and it was not there. I understand how taking and simple his bill seems at first sight, carrying with it the impression that it is the long-sought curb which at last will bring down the high horse of the railroad to obedient and docile service. But I predict it would be a dead letter, so far as being of any use to the people, from the day of its passage if it stood alone; or that, if enforced except through the elastic and automatic adaptation of the commission recommended in the bill of the committee, it would only embarrass business, increase rates, and add to the burden of the people's cost of transportation. Let me read what the present United States Commissioner of Railroads says on that subject:

> The universal use and absolute dependence of interstate commerce upon railroads give constant rise to new questions under new conditions, which only experience can properly solve. It would seem that true wisdom would hasten slowly in dealing with this great problem, seeking the fullest information as the only true basis for wise legislation. The solution must lie in the just application of the laws of trade and commerce, with such authoritative regulation by law as will hold abuses in check, and this power can be derived only from Federal law of universal application. I have felt it to be my duty to again call attention to this subject, although I have not thought it appropriate to discuss the question in detail.
>
> Any law not based upon full information might work great injustice to the companies and be inadequate to the proper protection of the people. Experience has shown that unreasonable laws can not be enforced, and in many instances have worked such great embarrassment to transportation as to become inoperative by common consent. Many such laws hastily enacted have been quickly repealed.
>
> I therefore respectfully renew my former recommendation, that a commission be appointed to take into consideration the whole subject and report to Congress the facts necessary for intelligent and efficient action upon the subject.

THE BILL OF THE COMMITTEE.

It is for these reasons that a majority of the Committee on Commerce, desirous to find some real and effective remedy, guided by careful study of the problem and following the lead of the best authorities who have investigated it, as well as the example of those States which have

done most to solve it, agreed that the only way to meet this Protean, this ever-shifting and recurring danger and pest of railroad discriminations, is to adopt certain remedial provisions somewhat after Mr. REAGAN's plan, but instead of leaving them to rust on the statute-book, to establish for their application and elastic enforcement an interstate commission, which shall have close, constant, immediate supervision of interstate railroad commerce; which shall obtain that "full information" which our present Commissioner says is necessary as a basis for legislation; to which complaints may be made, not under the tedious and expensive forms and delays of court practice, but informally and freely and without expense, at any time, anywhere, by any person, however humble or remote; which shall expose to the sunlight of public gaze every infraction of its regulations and every wrong against fair and uniform dealing, and which shall have power to investigate each case, bring parties to explanation and account, obtain injunction and compel steady obedience and speedy justice. Its very existence and impendence and the right to invoke its interference at any time would make the cause and need of invoking it less frequent, and so enable it to do its work, which at first thought might seem too extensive for any one commission. Let me read some of the provisions of the bill.

It provides—

That there shall be appointed by the President, by and with the advice and consent of the Senate, three commissioners, of whom one shall be of experience in the law and one of experience in railroad business, who shall be collectively known as the Commission of Interstate Commerce of the United States, and shall be charged with the duty of carrying into effect the provisions of this act in respect of interstate commerce.

Then follow provisions as to tenure, qualifications, and salary, which are matters of detail. It then further provides—

SEC. 10. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commissioners by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts and in his opinion the complaint is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceedings to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power, and in a proper case is required, to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act, by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of such commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation, and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 11. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction, requiring such railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

Then follow provisions empowering the commission to summon witnesses, require the production of books and papers, and to administer oaths; also requiring them to have public sessions, to examine the accounts of railroad companies, to make reports to Congress, to investigate "pooling," and, in short, to be the eyes, ears, and fingers of Congress in the work of supervising in the interest of the people and under constant and immediate responsibility to their representatives the doings, charges, accounts, and conduct of these great interstate railroad carriers.

All this is a simple, equitable, and speedy system of relief. It has been tried in Massachusetts for nearly twenty years and has worked with unqualified success. In that State, too, it has no such powers as we give in the present bill—indeed no power at all. All the railroad commissioners of Massachusetts can do is to investigate and recommend. And yet I believe that in no case has any railroad company dared to resist or failed to comply with the mere recommendation of the railroad commission. To show how close this system comes to the personal convenience and little wants of the body of the people, I recall that it has been applied successfully even to the matter of carrying the small parcels of suburban passengers. In short, the great remedy for all such wrongs is to let on light, more light.

A corporation may be as powerful as an ancient baron, it may laugh at statutory penalties, but it goes on its knees, it trembles with terror at entire exposure. Nothing can stand the illumination of the public gaze. This has been the tendency in Massachusetts, and it is to be remembered that the board there has been made up of men from the ordinary walks of life, so that the success has been more in the system than in the men who work it, important and vital as is the choice of these. Mr. Adams, now a distinguished railroad authority, was nothing of the sort when he went upon that board. To-day one member sits upon it, who, to his credit, was promoted as a practical man, representing the railroad operatives, from the cab of a locomotive. And that commission, of which Judge Russell is now the able chairman, is a safeguard and protection to our people such as mere cast-iron statutes—and we have them lying rust-eaten and forgotten on our statute-book—could never effect. Indeed, I do not recall an instance where these statutes, with their idle thunders, have been invoked, while the commission is constantly called upon to express its quiet but ever-obeyed influence.

I admit that in some States a commission has not succeeded, while in more it has, thus showing that in the former the conditions and not the principle have been at fault. I also admit that in so great a sphere as the interstate commerce of the whole country this system will not fulfill its work if the best men be not selected to constitute the board. But in view of the vast importance of the trust and its jurisdiction, I know and you know that public sentiment will demand and find such men, whoever be the appointing power. Thank God, an independent public opinion has secured a hold in this country that compels, in the great business interests of the people, something more than favoritism or partisanship. With such a choice as Adams, Cooley, Thurman, and a score of others who might be named this bill would furnish a remedy that would set in motion the true diagnosis and cure of the railroad evil. Much as I differ on many points from the distinguished chairman of our committee, Judge REAGAN, I would sooner, as a measure of legislative relief, constitute him sole railroad commissioner, responsible to Congress, than merely enact his list of bristling and fulminating prohibitions and penalties and nothing more.

In the one case we should at least have honest and attentive regulation and oversight; in the other, only the echo of a threat as empty as the dungeon of a mediæval castle. If we are to put the railroads under restraint against unjust discriminations and undue preferences, as I think we should, I want it to be a restraint that means something and that is constantly in operation. Such would certainly not be the result if we merely passed a penal statute and left it to execute itself in rare spasms.

Consider the great value and advantage of the reports to Congress and the country of a commission made up of such men as I have suggested, of the steady growth of the science of remedial regulation, and of the gradual subordination of the railroad power to salutary and beneficent obedience to the supremacy of the popular will as expressed and manifested by these responsible agents of the National Government.

Compare with this elastic, self-adjusting, and sufficient system the stunted and utterly ineffectual method of a dormant statute, too expensive and too like a boomerang for any poor shipper, whose property is at the mercy of the humor of the railroads, to set in motion. To furnish him only that would be to give the people a stone when they cry for bread, a serpent when they ask for fish. Better to give him the constant backing of a commission. I believe that those who best appreciate the necessity of reform and most thoroughly have studied the problem have little faith in Judge REAGAN'S plan of an iron-clad statute, with its overweight of prohibitions and penalties, through which the railroad lawyer would drive his coach-and-six, and to which the people, especially the men of small means, would no more resort than they would risk their fingers in a chopping-machine to save a runaway nickel. And yet, in order to give the people a bill, in order to make sure of having every string to our bow, in order to meet every aspect of the case and give the railroads no rope or quarter, the Committee on Commerce have united in prefacing to the sections establishing a commission with full powers a number of sections embracing as many of Judge REAGAN'S provisions as a majority of us regarded practicable. We have omitted none that we think the judgment of the country will demand in this new and tentative measure of legislation. We have admitted one which I trust we shall strike from the bill and thereby amend it.

THE COMMITTEE'S BILL COMPARED WITH THE REAGAN BILL.

Let me read these two remedial sections of our bill and compare them with the bill which Judge REAGAN proposes to substitute. Section 1 provides that all charges—and it will be remembered that all this proposed legislation applies only to interstate railroad transportation—shall be reasonable. Section 2, that no discrimination shall be permitted in favor of one shipper against another under similar circumstances, and that transportation shall be continuous from shipment to destination. These two sections are practically the same as Judge REAGAN'S first section except in form—the provision that charges shall be reasonable—which is simply a declaration of the common law, having been taken out and made a section by itself.

REBATES AND DRAWBACKS.

Our third section is:

That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form upon shipments made or services rendered as aforesaid by him or them, which, under similar circumstances, are not allowed to all other persons.

This is the same as Judge REAGAN'S second section, save that in forbidding rebates and drawbacks it excepts those "which under similar circumstances are * * * allowed to all other persons." Now, why do we add this exception? Or rather, so plain and just is the provision it makes, why should we strike it off? In the first place, by adding it we simply carry out the very plan of equal dealing with all parties and the very purpose of the bill. There ceases to be any discrimination if the same rebate is allowed to one man that is made to another.

In the second place, experience shows that there must sometimes from the necessity of the case be rebates and drawbacks. Our revenue laws are full of provisions for such cases. Suppose the case of a mistake or of a sudden great fall in rates and prices by reason of some glut in the market or some local calamity or riot or flood; suppose some instance of special hardship falling upon a whole mercantile community; in short, suppose the plainest possible case conceivable in which, as often happens, an allowance on the contract price of transportation would be not only innocent but necessary if made alike to all in the same circumstances. Is it wise, is it statesmanlike, to be prevented from this by a statute which fitted to one set of circumstances is unfitted to every other?

It is argued that if there be the least let-up advantage will be taken by secret arrangements to evade the law. But this will occur any way, only it will certainly occur all the more if in addition to your prohibition of what is wrong you prohibit just as inflexibly what is right, and thereby fail to meet natural and honest contingencies. When you do that you are taking the very steps to invite and tempt the secret evasions and preferences you would avoid.

In the third place, it was in evidence before our committee that a drawback or rebate is sometimes desirable in order to aid in exporting to foreign markets the products of American labor. For instance, staves are imported into England from the United States and from Norway. In the competition for this trade the American producer of staves is at a disadvantage, and he has asked of the railroads a rebate on their freight charges to aid him in paying his way across the ocean and in meeting his Norwegian competitor. If the railroads are willing to make a rebate in such a case when staves are transported for export and to extend to all who under similar circumstances transport them for the same purpose, it is a positive good, because it helps American labor and products to a larger market. It does no harm. No one is injured. Not the stave manufacturers, certainly, for they sell more goods; nor any one of them, for they all are treated alike. Not the American consumers of staves, for the slight rebate on railroad transportation is balanced by the charge for ocean carriage. Among themselves the American consumers fare alike, and as against the English consumers the ocean charge to them balances the slight rebate on the railroad transportation of which they get the advantage. How unstatesmanlike and impolitic would be a statute that should forbid uniform and honest rebates in such cases for the encouragement of American industry.

In the fourth place, the existence of competing lines between the same two centers of interstate commerce frequently makes rebates just and necessary. There are three or four such lines between New York and Chicago. They are sharp competitors. Suppose a grain merchant in New York receiving his goods by one line finds that another merchant in exactly the same business is receiving exactly the same goods at the same time and under the same circumstances at a less freight-rate by another line. Unless his own carrier allows him a rebate and thereby puts him on a level in the market with his competitor he suffers an injury and an unjust discrimination, which is the very thing we are seeking to avoid. And yet the Reagan section would forbid the allowance of a rebate to him in this most just case, while our bill grants him relief on the one sole equitable condition that it be extended also to all others who are dealing with the same line under the same circumstances. Which provision is most sensible, most valuable to the mercantile interests and to the people, most in accord with fair dealing? The very necessities of commerce require elastic provisions of law, that will regulate rather than congest, and that will adapt themselves to the public convenience and interest, and not by offering temptation to violation of law wrench everything out of gear.

But admit, as admit we must, that under either form of the section the cupidity and selfishness of human nature will seek to evade the statute and to permit preferences to one shipper over another. Yet, surely, the elastic provision will permit less of this than the other; and, inasmuch as the need is of some constant regulation and control, how can these in any way be so well obtained and applied as by the commission which we propose, which can hear and investigate each complaint and meet and answer its demands at once. The commission makes our section entirely safe. The last thing I would do is to fail to recognize the danger and injustice of unequal discriminations, or fail to correct them so far as we can. But I am confident the best and most complete correction will be in an elastic remedy under steady and responsible supervision.

RECOVERY OF DAMAGES.

Section 6 of our bill gives to an injured party, in addition to his right of resort to the commission, an action for damages for violations of the provisions of the bill, and in case of recovery allows costs sufficient to cover all his expenses in obtaining it. The object of this is, of course, to enable those who have suffered perhaps great and repeated annoyance but small pecuniary loss, to bring and maintain their suits and be vindicated in their rights; for it is claimed that now no man of small means can afford to prosecute a small claim against the railroads because of its expense and especially the delays to which he is subjected. Mr. REAGAN'S bill gives triple damages; but the committee are of opinion, first, that it is indefensible and bad principle to give to a party in a matter of contract three times the amount of his damage; second, that three times the damage where the damage is small—say, $20, $30, or $50—would often not meet the expense; and third, that the actual damage and the actual expense of getting it, which our bill gives, would be such an exquisite fitness of compensation as to reach the very ideal of poetic justice on a very prosy matter.

PENALTIES.

And it is because this remedy which we give in the court is so full, and exact, and, so far as a mere statute goes, so punitive upon the railroads, that I would make an amendment to the bill and strike out section 7, with its fine of a thousand dollars. This section is a mere cumulation of the agony and piles it up at the risk of destroying the whole effect. To the inquisitorial powers of the commission, to the right to recover all damages and all expenses, including personal expenses and counsel fees, it further adds, in case a single one of the provisions of our bill are violated, a criminal action and a fine of not exceeding $1,000 for each violation. This, in homely phrase, is running the thing into the ground. I think Judge REAGAN'S bill, as he originally introduced it, piled successive Ossas even upon this Pelion, and tempted a new swarm of spies and informers by offering them half the fine recovered. The bill will be much wiser and more practicable if we strike section 7 from it. It is going a good ways to make a party liable in damages and full remunerative costs because he charges one man more than another for the same work, but to make him a criminal is extravagant.

With this amendment, and perhaps other minor ones, this will be, I am inclined to believe, not by any means a perfect piece of legislation or beyond criticism, but a good beginning. I believe the people at large and the railroads and merchants who are more particularly affected will see in it an honest purpose to solve the problem that has so long vexed them and knocked at our doors.

THE REAGAN BILL.

It only remains to consider section by section the Reagan substitute.

Section 1 of the Reagan bill is substantially sections 1 and 2 of ours.

Section 2 forbids drawbacks and rebates, and only lacks the words which in our bill forbid only those which under similar circumstances are not allowed to all other persons. I have already discussed this section.

THE LONG AND SHORT HAUL.

Section 4, which is omitted in our bill, forbids a larger charge for a longer than for a shorter haul, and is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance in one continuous carriage; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated under a contract or lease by such corporation.

For one I am not inclined to deny the abstract correctness of the principle here stated. But, like all abstract principles, its application depends upon the circumstances of each case. A similar provision is in the statutes of Massachusetts, though there limited to cases where the comparative hauls are in "the same direction." Last winter it passed the Connecticut house of representatives and was defeated in

the senate. It is better adapted perhaps to the narrow limits of a State than to the whole country, in which its too rigid enforcement might operate very severely against the great grain and meat producing regions of the West.

If a less-than-a-through rate must never under any possible circumstances exceed a through rate, then the West must give up the present marvelously cheap transportation of its products and the people of the East must pay the increased freight-cost of their provisions. This question becomes by no means a simple one when this broader view of the consequences to the whole country are considered. If we were to have no interstate commission there would be more reason for this provision, but with that to investigate, sift, and correct every instance of unreasonable discrimination, the provision is in the judgment of your committe not desirable. It exists, as I have said, in Massachusetts and perhaps in some other States. But there, as would be the case in the Federal statutes, it is, I believe, practically a dead letter. I do not recall an instance where in my own State any injured party has resorted to it in the courts of law, though such may have occurred.

Nor is this requirement altogether free from difficulties. Take some instances. The Saint Louis bridge cost, say, $12,000,000. Ought no more to be charged, either as a practical or an abstract proposition, for a haul over it a distance of one or two miles than over a dozen miles of the continuous road to Chicago or Kansas City, which cost, say, one two-hundredth as much per mile? Is it unjust to charge more for a haul of five miles through the Hoosac tunnel, which cost, say, $4,000,000 a mile, than for a haul of ten miles over another part of the same road that cost a hundred times less per mile? Take a more ordinary and appropriate illustration. By river from Memphis to New Orleans a bale of cotton is carried for, say, $1. Meantime a railroad is built from New Orleans to Winona, in Mississippi. It is a great public benefaction It makes an outlet for Mississippi cotton, and takes it from Winona to New Orleans for, say, $2.50 a bale—a great reduction on former charges. Everybody is happy. An increasing spirit of enterprise extends the railroad to Memphis, and Winona has now two arms. But lo! discontent and unhappiness. For as the river freight from Memphis to New Orleans is $1 a bale, the railroad, if it would get any through carrying business, must also take it for $1 a bale.

What follows, if you enforce this proposed provision of law? This: if the railroad charges $1 from Memphis to New Orleans, then it must practically, in view of intervening points, charge no less than $1 from Winona to New Orleans. But it can not do business at that rate. It must therefore stop running, or else it must keep up its former local rates and increase its through rates from Memphis to New Orleans to, perhaps, $3 or $4. But if it does that, the competition and cheaper rates of the steamboats leave it no through business to do at all. It at first seems, of course, unjust that it should charge more from Winona to New Orleans than from Memphis to New Orleans, the longer distance. But Winona made no complaint and was happy so long as the railroad ran only to her threshold; in other words, as long as she had only half her present facilities. The through line having its track and equipment can, if it maintains its local rates, afford to take through freight at a very low figure, at a mere fraction above cost. Competition is in that way promoted in the interest of the general public if not of Winona, and all transportation is cheapened. But this proposed provision of law would forbid all this because of the special wrong to Winona. But stop! What wrongs Winona? Is it the railroad? No; for without it she would be at her original disadvantage. What wrongs her is not the railroad but the river, the natural advantage which Memphis has of water communication.

Understand me, I use Winona only as an illustration, and beg her pardon for the presumption. I do not know that I state the exact figures, or that she makes any complaint; nor do I undertake to say in such case whether the railroad is right or wrong, whether the charges are fair or unreasonable. It serves only to illustrate the difficulty of this whole problem, and to suggest the accidental and varying elements that enter into all cases and forbid the indiscriminate application to them of one unyielding iron-clad rule. Suppose a city set on a hill. It withers because it is inaccessible. At enormous cost a railroad is carried to it from the port of Jericho, at the foot of the mountain. Its grateful people willingly pay the heavy charges which the expensive building of the railroad necessitated. Inspirited, they extend their new railroad down the other side to Jerusalem on the plain, which has, fortunately for itself, a river winding around the mountain to the same port at Jericho. The mountain road pays its way with its local rates. But if it would compete with the river in carrying freight over the mountain from Jerusalem to Jericho it must carry for the same price, thereby instituting a competition with the river which would be of great benefit to the poor people of Jericho and Jerusalem. Ah! if you do that, say the hill people, you must do our work for less, for we on the summit are only half way on your through line. But, answereth the railroad, I must either give up this through business and surrender it to the river and confine myself to your local business, charging you for it what you know it is worth and were at first glad to pay, or you must let me do this through business at through river rates and without reduction of your local rates except so far as any slight profit I may get from this additional through business may enable me gradually to favor you. In such a case who discriminates against the hill folk? Is it the railroad? No. Is it the hill? Yes. In other words, we must not, as we are sometimes inclined to do, charge against the public carrier what is really the natural disadvantage of local situation. No statute, no penalty, can ever make up for an interior village in New York the magnificent natural advantage which the Hudson River gives to Albany, even if that village be half way to the ocean on some circuitous through railroad line running between Albany and the seaboard. The same difficulty occurs where our trunk lines come in competition with the lakes and the Canadian railroads.

As I say, I do not undertake to go into the right or wrong of each case. You can multiply instances of all sorts of wrongs in this matter. Their very infinity and variety show at once the impossibility of a single statute that will meet them all, and the absolute necessity of a general, constant, automatic supervision. I do not pretend that any one illustration covers even a fraction of the ground. There are cases where gross, rank, outrageous injustice is done by the railroads in charging more for a short haul than for a long one, such as Judge REAGAN referred to in opening this debate. They ought to be brought up with a round turn, and a commission would bring them up. There are other cases where they must charge less for a long through haul than for a short local one, or else give up all through competition, which is the very life and safety of the people—the great body of consumers—who must have every aid to cheap transportation. What then? Shall we permit the outrages? No. Shall we forbid the benefit? No. The ends of our noses are too convenient to justify us in cutting them off. We will regulate. We will leave the matter as a part of that reasonable freight-charge provided for in our first section to the interstate commission, who will have full power to act and to do justice in each case. Here is just one of those cases where an iron-clad law would only work mischief and where a commission with elastic powers can do justice and conserve all interests.

SCHEDULES OF RATES.

The fifth section of Judge REAGAN'S proposed substitute bill is in the opinion of most of the committee impracticable. It requires the posting of all schedules of freight-rates in two places in every depot five days before going into effect. Add to this period the time necessary for the actual posting, which in a great trunk road would not be inconsiderable, and you have a week or more during which rates are as absolutely invariable, whatever exigency occurs, as the revolutions of the planets. In other words, all competition between different domestic interstate roads is impossible, while during that period the rival water lines and Canadian railroads can, by reducing their charges a fraction take away not only all business from our own trunk lines but also all chance for them to compete for it. Railroad companies of course should publish their tariffs and not vary from them capriciously; but here again it is better, in the interest of wholesome competition and reasonable rates, to put them under the supervision of the commission than to manacle them; better to regulate than to incarcerate.

Section 6 of the Reagan bill is the same as section 5 of the committee's bill.

Section 7 of the Reagan bill is that relating to penalties, the objections to which I have already referred to.

CONCLUSION.

For one I am satisfied that the Reagan bill as offered by its author is insufficient and would be ineffectual, defeating itself. The committee's bill is by no means perfect. We offer it as the best practical step that can be taken at this time. We, too, would control the railroads and stop their exactions, but not, on the other hand, cripple their usefulness by restrictions that would injure them less than they would the public. We have no pride of opinion. We have adopted all the remedial clauses of Mr. REAGAN'S bill that did not seem positively impracticable. We have annexed to them the system of a commission with full powers. We want to make the railroads the agents of the law, not its violators; the servants of the people, not their defiant adversaries. We have meant business. Our single purpose has been to consummate the passage of an act and not to have another session of Congress go by with no other result than the report of a measure certain to be defeated. We believe the people will see in our action an earnest of our purpose to meet their demands. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 2344) for the relief of Melissa G. Polar.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 1921) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. PETERS. Mr. Speaker, for every wrong legislation should furnish a remedy. I am aware that there are some wrongs for which general legislation can not furnish a remedy. What are the wrongs properly chargeable to common carriers in connection with the subject of this bill? Let me precede the answer to this inquiry by the statement that the cost of transportation is a tax upon production. Let me illustrate.

Take, for instance, the article of wheat in the market of Liverpool. What is it that fixes the price of a bushel of wheat in the market of Liverpool? It is the demand for and the supply in that market of that article. What fixes the price of a bushel of wheat in the city of New York? It is the price of the bushel of wheat in Liverpool, less the cost of transportation of that bushel of wheat from New York to Liverpool. The grain merchant in the city of New York has no power absolutely to fix the price of a bushel of wheat in that city. He must take into consideration the price of a bushel of wheat in Liverpool and the cost of the transportation of a bushel of wheat from New York to Liverpool.

Then carry it out farther to the West. What fixes the price of a bushel of wheat in Kansas City? It is not the grain merchant in Kansas City who fixes it. He takes the price of a bushel of wheat in New York and deducts from it the cost of transportation from Kansas City to New York; and that is the price of a bushel of wheat in Kansas City. And then what is the price of a bushel of wheat in the granary in Kansas? Kansas has raised this year 48,000,000 bushels of wheat. She can consume only about 8,000,000 bushels of wheat; perhaps I should say in round numbers 10,000,000 bushels of wheat, including all that she can eat and all that she can plant. There is a surplus of 38,000,000 bushels of wheat that must find a market outside of her borders. How is the price for a bushel of wheat in the granary of Kansas fixed? It is not fixed by the producer. It is fixed by the price of the bushel of wheat in Kansas City, less the cost of transportation from the granary of Kansas to Kansas City.

After all, we are brought right back to the proposition that the cost of transportation is a tax upon production, and that the producer must pay for the transportation of a bushel of wheat. In short, wherever the market for the excess of any product is located, the demand and the supply—the demand for that article and the supply of that product—fixes its value at that point; and the cost of transportation from the field of production to that point, deducted from its value at that point, is the price realized by production. To state the proposition in a shorter form, the producer, as I said before, must pay the cost of the transportation of his article to market. It is so not only in relation to wheat, but it is so in relation to any manufactured product in the eastern portion of the United States. The manufacturer, either directly or indirectly, must pay the cost of the transportation of his manufactured product to the market which it must seek. The producer can not fix the price upon his product; and it is perhaps well that he can not. It is a wise dictate that the demand for and the supply of a product fixes the price of the product. The common carrier should not be allowed to fix the price of a product. Neither should he be allowed to have any voice in the fixing of the price of that product. Every one will assent to that proposition, it seems to me, who will consider it for a moment. It is much more reasonable that the producer should have the power to fix the price upon his product than that the common carrier should have the power to fix the price upon the product which the producer produces.

The law of demand and supply in its relation to the value of a product is an arbitrary one. It takes no notice of the cost of transportation; it takes no notice of the cost of production. But if the common carrier charges unreasonable rates for transportation it does not change the price of the product in the market, but it simply lessens the compensation which the producer receives for the production of that product. It does not benefit the consumer, but, on the other hand, it injures the producer. In short, it increases the tax upon production, not for the benefit of the producer or consumer, but for the benefit of the common carrier.

We can then return to the answer to the question which I before stated: What are the wrongs properly traceable or chargeable to common carriers in relation to this subject? And I answer: First, an unreasonable tax upon production; second, an unjust discrimination between shippers; and third, an unjust acquisition of power by combinations. And under these three general classes every single wrong, every single complaint that has ever been made or that can be made against a common carrier, can be brought. Every single wrong is embraced within one of these general classes which I have stated.

I need not stop to argue that an unreasonable tax upon production is wrong. I need not stop to argue that unjust discrimination between shippers is wrong. I need not stop to argue that an unjust acquisition of power by reason of the combination of railroad interests or common-carrier interests is wrong. The very statement of these propositions in the language used leads the unbiased mind to the conclusion that these are wrong. The disputing, if any there be, must be as to the reasonableness or unreasonableness of the tax upon production; as to the justice or injustice of the discrimination between shippers; as to the justice or injustice of the acquisition of power by combinations. First, then, as to the reasonableness or unreasonableness of the tax upon production.

Fair and reasonable compensation for the transportation of a product is right. Such a compensation is a just tax upon production. Against such a tax the producer has no right to complain. More than this the common carrier has no right to demand. An unreasonable charge for transportation by a common carrier is an unreasonable tax upon production. The evidence that unreasonable charges are demanded and received is overwhelming. Legislation by almost every State in this Union upon the subject is evidence of the existence of this wrong. Twenty of the States of this Union, perhaps more, have adopted laws in relation to this question; and the very fact that twenty States of this Union have had their attention called to the necessity for legislation upon this question is of itself an evidence that these wrongs exist. The fact that one of the important committees of this House has for years had this subject before it is of itself evidence that these wrongs have existed in the past and do exist in the present. The very fact that this House to-day under a special order is considering this very bill is of itself evidence that these wrongs have existed in the past and do exist in the present. There must be some power behind this body that brings this question forward and asks of the House a consideration of it; otherwise we should not consider it in the nature and under the rulings of a special order.

I might cite the numerous instances that were presented to the Committee on Commerce showing the existence of these wrongs. I might cite instances that have come under my own observation. But I will not take the time of the House to do that. I will say that if there is a single instance in the United States where a single railroad charges an unreasonable rate for the transportation of a single article, then legislation of the nature of this bill is demanded. And why? Because legislation in the nature of this bill can not injure any railroad that is not engaged in making unreasonable charges. The common carrier that is not guilty can not be injured by judicious legislation on this subject. Ay, more, the common carrier that is not guilty, that does not make unreasonable charges for the transportation of freight, will desire the passage of a law which will prevent its competitor from charging unreasonable rates. The common carrier that is dealing honestly and squarely with the producer and the shipper will not oppose remedial legislation on this subject. It is the guilty common carrier that "feels the halter draw with poor opinion of the law."

I pass now to the second proposition, and ask, Are there instances of unjust discrimination between shippers? That discriminations have been made and are now made is admitted. Railroad authorities claim that discrimination is necessary, but claim also that there is such a thing as just discrimination in transportation. I seriously question whether there can be such a thing as a just discrimination between shippers; but I will not argue upon that proposition. I do assert, however, without the fear of successful contradiction, that there can be no just discrimination for like and contemporaneous service under substantially similar circumstances. I assert that this proposition can not be successfully refuted. Here, again, I may say that the common carrier that is not guilty of unjust discrimination need not fear and will not oppose the passage of a judicious law upon this subject.

I come now to the third class of wrongs—the unjust acquisition of power by combination of interests. Combination of interests always weakens and oftentimes destroys competition. Competition is an important feature in all commercial transactions. The producer takes it into consideration in his plans and his promises. The merchant considers it in fixing the prices upon his merchandise. The professional man considers it in fixing the compensation for his professional services. The absence of competition means the presence of extortion. Competition is the friend of the masses and the foe of monopolies. It is the friend of honest toil and the foe of luxuriant idleness. It is the friend of fair-dealing and the foe of swindling. It is the friend of honest accumulation and the foe of gambling. It is an element that has always entered into all business transactions until its enemy, "pooling," was discovered by the genius of the common carrier.

I must differ with the position taken by my distinguished friend from Connecticut [MR. SEYMOUR] in relation to this question of pooling. I am opposed to allowing it as a right or as a discretion to the common carrier. I believe, as I have already stated, it either weakens or destroys competition, and whatever does that is injurious to the large productive and consuming interests of the United States. What community in an American town would for a moment knowingly submit to the pooling of any business interest in its midst? Is there any reason why the railroad interest or the common-carrier interest should be allowed to eliminate this factor from its business transactions? Is there any reason why this interest should be allowed to "hamstring" this friend of honest endeavor? Whatever tends to destroy competition in any class of business is an unjust discrimination against the patrons of that interest.

One of the objects of pooling is to secure better compensation for transportation than could be secured without it. Otherwise there would be no object in the railroad interests pooling.

Another object of pooling is to enable the railroad interest to fix its rates of compensation arbitrarily and without reference to other busi-

ness interests or conditions. In short, it is to obtain a power which does not legitimately belong to it and which can not in the nature of things be obtained by other business interests. It divorces this railroad interest from the laws and usages and influences of trade and commerce, and makes the trade and commerce of the country subject to its whims, its caprices, and its avariciousness. It can by pooling destroy competition; it can place its clutch upon the throat of production.

I will not now, Mr. Speaker, enter into any discussion of the merits or demerits of pooling. I will not discuss the necessity of some such system to insure the prosperity of the common-carrier interest. It is enough for me to know it places the interest of production to some extent at least in the power of the interest of transportation. It is enough for me to know that permission to exercise this power cripples production. If I must choose between crippling production and crippling transportation, then I am ready in the face of the 55,000,000 consumers in the United States to submit to the annoyances of crippled transportation.

It may be urged that if charges for transportation are reasonable, and if this is required to be enforced by legislation, there would then be no necessity for laws prohibiting pooling. Now, this at first blush seems tenable, but it will not bear investigation. The reasonableness of charges for transportation can not be determined alone by the cost of transportation. What is asked and received for transportation of an article must always be taken into consideration in the absence of law. Custom in the absence of law may become law itself. The customary price for transporting an article may, in the absence of law, become a reasonable price for transporting that article. By destroying competition the railroad interest might make customary its rate, and if not notoriously in excess of the cost of transportation such rate might be deemed by the courts reasonable. With competition such a rate might not be customary, and in the absence of this potent factor in judicial construction the courts would deem the same rates unreasonable. But, aside from all this, I deem the destruction of healthy competition in any class of business as wrong. This general proposition, it seems to me, can not be successfully controverted.

The wrongs, then, to be remedied are:

First. Unreasonable tax on production.

Second. Unjust discrimination between shippers; and,

Third. Unjust acquisition of power by combination.

Now, how shall these wrongs be remedied? And this brings me to an analysis of the bill presented by the Committee on Commerce. I refer to House bill No. 5461, which was reported by the chairman of the committee under the instructions of that committee and as representing the sense of the majority of its members.

I am aware that this bill stands before this House in a very peculiar position. It is, if you will allow me the expression, an orphan. It has neither father nor mother in that Commerce Committee. I believe that I was the only member of that committee that was in favor of the bill as reported from beginning to end. I am in favor of it without changing the dotting of an "i" or crossing a "t."

My friend from Massachusetts [Mr. LONG] has so thoroughly presented its features to the House that I need not carry my analysis into detail. It will be apparent from the arguments presented by that gentleman that he regards the commissioner part of the bill as the most important. In this I do not agree with him. I regard the features of the bill outside of those connected with the commissioner system as of equal importance with those connected with that system. The two features of the bill are necessary to each other. They should go together and should stand together.

The first section of the bill, and the most important in my judgment, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, shall be reasonable for such service.

It provides that the charges for transportation shall be reasonable charges. That declaration includes in its scope almost everything in connection with the wrongs I have enumerated. If charges are reasonable, then there can be no unjust discrimination between shippers. If charges are reasonable, then there can be no unjust acquisition of power by combination. If charges are reasonable, then there can be no destruction of competition. If charges are reasonable, then there can be no objection to a rebate. In short, if the charges for transportation are reasonable in the United States there would not be a single individual in all the length and breadth of this land who would complain.

The second section is as follows:

SEC. 2. That it shall be unlawful for any person or persons so engaged as aforesaid directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of compensation or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling the same under substantially similar circumstances; and all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding shall be made to prevent the carriage of any property from being and being considered as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

It declares that like charges for like articles under substantially similar circumstances shall be made in all cases. That is a fair and equitable proposition, and one that should receive, I think, the recognition and support of the common carrier himself.

The third section is as follows:

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered as aforesaid by him or them, which, under similar circumstances, are not allowed to all other persons.

It prohibits rebate or drawback unless granted to all alike. Can there be any objection to this? If there is a rebate granted to a citizen in my town on a certain article I have no right to complain if the same rebate is granted to me on the same article.

The fourth section is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads; and it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

That section of the bill demands continuous carriage and prohibits pooling. But I have already adverted sufficiently to the question of pooling. I believe that to be one of the most important features of the bill. I am opposed to striking out of the section that portion which prohibits pooling, as is contemplated by my friend from Connecticut [Mr. SEYMOUR].

The fifth section is as follows:

SEC. 5. That the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

That section provides that the provisions of this bill shall apply to all property and to all common carriers. But I need not touch upon that question further than I have already done.

Now we come to the penalties by which the remedies in this bill are enforced; and to this I wish to call the attention of the members of this House. I glory in the fact there is within this bill the power to enforce its provisions.

The sixth section is as follows:

SEC. 6. That any railroad company, officer of such company, or other person who shall violate any of the provisions of this act shall be liable to any person injured for the actual damages caused by such violation, which may be recovered in any State or United States court of competent jurisdiction. The court before which any such action is tried, if it shall be found that the violation was willful, or continued after the notice provided by the tenth section of this act, shall make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees and all expenses and disbursements in the action, including his own necessary personal expenses.

That section gives a civil remedy for actual damages and punitive remedy in case of willful violation. This punitive remedy is not given where there is not a willful violation of the provisions of this law. Nor do I believe that it should be given where there has been no willful violation of the provisions of this law; but wherever there has been a willful violation, then the punitive damage can be enforced, including costs, expenses of attorneys' fees, and expenses of attendance on trial, &c. This is in addition to allowing the party to recover the actual damage sustained by the violation of the law. This is one provision for the enforcement of the remedies provided by this law. In addition to this there is a provision for the enforcement of all the provisions of the bill with the exception of the first section, which is criminal in its nature.

The seventh section makes a violation of the provisions of this law, with the exception of the first section, a misdemeanor, and subjects the party to a fine of not exceeding $1,000. That section is as follows:

SEC. 7. That any corporation or person violating this act is guilty of a misdemeanor, and subject to a fine of not exceeding $1,000 for each violation. The courts of the United States shall have exclusive jurisdiction of all prosecutions arising under this section. It shall be the duty of district attorneys of the United States to institute and prosecute to effect criminal proceedings for all such violations. The provisions of this section shall not apply to the first section of this act.

As has been well stated, the reason why the first section was exempted from the provisions of this criminal section was that a man might by error of judgment make an unreasonable charge for the transportation of an article from one place to another, and it was not deemed just or equitable to punish a man criminally for an error of judgment on his part. That is certainly right; that is certainly equitable; that

is certainly fair between man and man, and what is fair between man and man is fair between men and corporations.

Now, then, after the splendid argument which has been offered by my friend from Massachusetts [Mr. LONG] in relation to the commissioner system, I need not dwell on that part of the subject any further. He has so forcibly and so succinctly presented the reasons for the adoption of the commissioner system, in connection with part of the bill I have given, that I know of nothing I could add further in support of it.

For a few moments I will call the attention of the House to some objections which were presented by the distinguished gentleman from the Committee on Commerce [Mr. REAGAN] on yesterday to this bill, in the speech which he made on the floor in opening the pending discussion.

One of the first objections that was made to this bill by the chairman of the committee is the exemption of the provisions of its first section from the operation of the penalty clause of the bill. I have already adverted to that in the course of my argument and will not now refer to it again. One of his original objections was in relation to the amount of the penalties imposed. There is this difference, it will be observed, between the bill as proposed by the committee and the one that is proposed by the chairman, namely, that the bill reported by the committee provides that the penalty for a violation of its provisions shall not exceed $1,000, while the substitute proposed by the chairman provides that the penalty shall not be less than $1,000.

My experience and observation in relation to the penalty for violation of law lead me to the conclusion that it does not depend so much upon the amount of the penalty as upon the certainty of its enforcement. I therefore believe, as we have given under the provisions of this bill a remedy in the way of a civil action, a remedy in the way of a criminal action, and also an additional remedy by an appeal to the commissioners, and, if found good and sustained by them, by calling in the aid of or to the aid of the parties aggrieved the courts in granting an injunction to stay and enjoin the further doing of this wrong—I believe that with all of these remedies we have sufficient to enforce the provisions of this bill.

Another objection made by the chairman to the bill was that it does not confer enough power upon the courts. Now, I beg to call the attention of the House to the provisions of the bill in relation to that specific point, and to state in brief that courts, as a matter of course, have the power to compel the attendance of witnesses and to compel the production of all books and papers, and there is no necessity for the passage of any law to enlarge that power.

The only additional power conferred by this bill is the power that is given to the commissioners to compel the attendance of witnesses, as well as to compel the production of all books and papers in an investigation that may be brought before that board. So that it seems the objections to the bill as made by the gentleman from Texas do not properly apply to it in that regard.

Mr. REAGAN. If my friend from Kansas will allow me to interrupt him for a moment, I desire to call his attention to a point which I made in that connection, and it was that the provisions referred to are only invoked by your bill in cases between the Government and the railroads, and not in favor of the aggrieved individual, which was my objection to it. I want to do something that will help the citizen.

Mr. PETERS. The provisions of this bill, so far as they apply to the commissioner system, are only invoked between the railroads and the Government, but other provisions apply the remedies to be enforced by the courts, in which cases the same provisions apply as apply to all other cases and that are inherent in the power of the courts themselves—namely, the power to compel the attendance of witnesses, the production of books and papers, and everything of that kind necessary and relevant in an investigation before them.

Mr. REAGAN. But I beg to call the attention of my friend from Kansas to the fact that I think he is totally mistaken. There is no such power in the bill in the case of private litigation.

Mr. PETERS. I do not assert that these powers are specifically enumerated in the bill, but that they are powers that do exist inherently in the courts themselves, and it is unnecessary by a provision of this bill to undertake to confer them.

Mr. REAGAN. But my friend from Kansas will pardon me for interrupting him, as I desire to call his attention again to what, in all respect for his ability as a lawyer, I must regard as a mistake on his part. In a suit at law you can not invoke the powers of an equity court, and therefore the bill of the committee fails in affording relief in cases of private litigation, while in the substitute bill there is a power expressly given to invoke the equity powers of the court as a remedy in cases of private wrong. Now, the committee's bill provides no such remedy. You make no provision in such a suit at law for invoking equity jurisdiction and discovery as a remedy between the individual and the corporation.

Mr. PETERS. Suppose that in an action for civil damages, as provided by the sixth section of this bill, it should be necessary for the court to require the attendance of witnesses on the trial and it should be necessary to summon the production of books and papers in the trial, would not a court have the power to enforce such a provision inherently in itself? Would not any court have that power, whether a court of the United States or any court operating under a code?

Mr. REAGAN. Of course all courts of sufficient jurisdiction can by subpœna compel the attendance of witnesses; but courts at law, as I understand, can not compel, without statutory authority and without invoking the rules of equity, the production of books and papers.

Mr. PETERS. With all due deference to the distinguished gentleman from Texas, the chairman of the committee, I must still adhere to my original proposition, that when a suit has been brought under the provisions of this bill by a party who has been damaged by a violation of the law there is inherent in the courts themselves, and in the United States courts especially, the power to enforce not only the attendance of witnesses, but also the power to enforce the production of all books and papers necessary to the completion of the litigation before the court.

Now, then, the fourth point of difference is that the bill does not prohibit charging a greater rate for a shorter haul than for a longer haul, and upon this question the distinguished gentleman the chairman of the committee made a very strong and very plausible argument. But I desire to call attention again to the importance of the provisions of the first section in this bill. I agree with that distinguished gentleman that it is a wrong to charge a citizen in Albany as much for the transportation of an article from Albany to New York as is charged for the transportation of an article from Chicago to New York. But how would such a charge be determined to be a reasonable charge?

Suppose that a charge is made for the transportation of an article from Pittsburgh to New York that is equal to a charge that is made for the transportation of an article from Saint Louis to New York, would such a charge be adjudged to be a reasonable charge? Concede that it would be adjudged to be a reasonable charge, the Pittsburgher has no right to complain.

I say that the question of legislation upon short or long hauls should all be left under the legislation enacted by the first section of this bill. It is enough for me to know that if a charge is reasonable, the shipper has no right to complain of that charge, regardless of what the charge may be from some other point to some other point.

I believe, Mr. Speaker, I have now about covered the objections that have been made to this bill and the points that I had prepared in relation to its discussion. I believe that all legislation that is initiatory in its nature upon any subject should be conservative and not radical. I believe that one of the great injuries that result from initiatory legislation is that it is nearly always too radical in its terms. Legislation of this kind at all events, which is initiatory in its character, which is but beginning to cover the ground, should be conservative, so that as we obtain experience and knowledge upon the question we may add to its provisions and thereby strengthen its power and its force to do good. I therefore glory in the fact that one of the important elements of this bill is its conservatism upon this great question of interstate commerce. I glory in the fact that the interests of the transporter or of the common carrier are carefully guarded as well as the interests of the shipper and the producer. I glory in the fact that it is legislation not in the interest of the shipper and producer alone, but that it is legislation in the interest of the common carrier as well as in the interest of the producer and the shipper. I am not one of those who believe in decrying the grand and glorious results that have accrued to this country by reason of the successful building of railroads throughout its borders. I am not one of those who believe in losing sight of the immense interest that is in this country invested in railroad property; but I desire to take all measures relating to this question and consider them in the same light that I would consider all measures which relate to any other business interests. I desire to treat the question of railroad interests as it bears upon other interests the same as I would treat the manufacturing interest as it bears upon other interests. And that I believe has been the steady purpose of the language as well as the very substance of this bill.

I believe, so far as my judgment goes, there is not a single amendment to the provisions of this bill that I would propose. I therefore ask the members of this House to carefully read and examine it in detail, and I believe they will be prepared to vote for it just as it was reported to this House by the committee. I thank the House for its attention.

Mr. ANDERSON was recognized.

ADJOURNMENT OVER.

Mr. MORRISON. The gentleman from Kansas [Mr. ANDERSON] yields to me that I may make a privileged motion. I move that when the House adjourns to-morrow it stand adjourned until Monday next.

The question being taken on Mr. MORRISON's motion, there were—ayes 102, noes 41.

So (further count not being called for) the motion was agreed to.

INTERSTATE COMMERCE.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] has been recognized.

Mr. REAGAN. If the gentleman from Kansas will give way I will move that the House do now adjourn.

Mr. ANDERSON. I am willing to yield for that motion. I would rather wait.

Mr. REAGAN. I move that the House do now adjourn.

ORDER OF BUSINESS.

The SPEAKER. Pending the question on the motion to adjourn the Chair desires to lay before the House certain exeecutive communications.

There was no objection.

ACCOUNTS SETTLED BY FIRST COMPTROLLER.

The SPEAKER laid before the House a letter from the Treasurer of the United States, transmitting copies of accounts rendered to and settled with the First Comptroller for the fiscal year ending June 30, 1884; which were referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REPORTS OF DISBURSING OFFICERS OF WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of disbursing officers to accompany annual report of the inspector-General for the year 1884; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

ZUÑI INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House of Representatives of June 24, 1884, reports from the Office of Indian Affairs and the General Land Office, with accompanying papers, relating to alleged claims to portions of the Zuñi Indian reservation in New Mexico and Arizona; also transmitting copies of letters from the Department of the Interior to Hon. JOHN A. LOGAN in reference to the order setting apart said reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. REAGAN] that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: Memorial of Church E. Gates, E. Christian Körner, and others, citizens of New York, asking Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, &c.—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE: Petition of Hannibal Hamlin and others, for the relief of Chaplain C. M. Blake—to the Committee on Military Affairs.

By Mr. CUTCHEON: Petition of citizens of Allegan, Mich., praying for a branch of the National Soldiers' Home in the State of Michigan—to the same committee.

By Mr. DIBRELL: A bill making an appropriation to complete the improvement in the Tennessee River at Muscle Shoals—to the Committee on Rivers and Harbors.

By Mr. A. S. HEWITT: Petition of the board of commissioners of the pilots of New York, for a resurvey of the harbor of New York—to the same committee.

Also, the petition of citizens of New York, for election of President and Vice-President by the people and limiting the term of office to six years—to the Committee on the Judiciary.

By Mr. HITT: Memorial of the survivors of the Fifty-fifth Regiment Illinois Volunteer Infantry, for the passage of an act authorizing the honorable discharge or muster-out of Capt. Francis H. Shaw, Company C, Fifty-fifth Illinois—to the Committee on Military Affairs.

By Mr. MATSON: Petition of William Allen, for a pension—to the Committee on Pensions.

By Mr. CHARLES O'NEILL: Petition of Mary E. Fillebrown, widow of Thomas Scott Fillebrown, for a pension—to the Committee on Invalid Pensions.

By Mr. W. F. ROGERS: Memorial of Wilson & Adams, Manchester & Philbric, and others, citizens of New York, asking Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, &c.—to the Committee on Rivers and Harbors.

Also, the petition of George E. Fell, M. D., to establish the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ROCKWELL: Papers relating to the claim of Lester Noble—to the Committee on War Claims.

By Mr. YOUNG: Petition relating to the claim of C. B. Bryan & Co.—to the Committee on Claims.

SENATE.

THURSDAY, *December* 4, 1884.

RANDALL L. GIBSON, a Senator from the State of Louisiana, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. WILSON, on his own motion, was excused from further service upon the Committee on Mines and Mining.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of July 3, 1884, a report from Col. A. F. Rockwell, United States Army, in charge of public buildings and grounds in the District of Columbia, in relation to a comprehensive system of telegraph and telephone for Government service in Washington on the Waring or other systems of underground cable; which was ordered to be printed, without the map, and referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Ordnance, submitting report of tests of iron and steel and other materials for industrial purposes, made by Maj. F. H. Parker, commanding Watertown arsenal, with the United States testing-machine, during the year ending June 30, 1884, and stating the necessity for another machine, if work for private parties is to be continued. If there be no objection, the letter will be printed, and, with the accompanying papers, some of which are quite voluminous, referred to the Committee on Printing for consideration in relation to the question of printing voluminous documents.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasurer of the United States, transmitting, in compliance with the requirements of section 311 of the Revised Statutes, copies of the accounts rendered to and settled with the First Comptroller for the fiscal year ended June 30, 1884.

The communication was ordered to be printed, and, with the accompanying papers, was referred to the Committee on Printing.

REPORT OF VISITORS TO WEST POINT.

The PRESIDENT *pro tempore* laid before the Senate a communication from W. S. ROSECRANS, president of the Board of Visitors to West Point Military Academy, transmitting the report of the board appointed to examine the affairs of the United States Military Academy at West Point; which was read.

The PRESIDENT *pro tempore*. The letter, together with the report, if there be no objection, will be printed and referred to the Committee on Military Affairs.

Mr. CONGER. Would it be proper to ask that the maps referred to be also printed with the report?

The PRESIDENT *pro tempore*. The maps are not in the possession of the Senate. The president of the board informs the Senate that the maps were transmitted to the War Department, to be there printed.

Mr. CONGER. They should be published and distributed with the report in order to make it intelligible.

The PRESIDENT *pro tempore*. The Chair thinks that could only be regularly accomplished by a resolution calling on the Secretary of War to transmit the maps or copies of them here so that they may be printed under the direction of the Senate.

Mr. CONGER. Does that need a resolution?

The PRESIDENT *pro tempore*. The Chair thinks so.

Mr. CONGER. Or a motion?

The PRESIDENT *pro tempore*. The motion might as well be in the form of a resolution. Of course the Chair would not insist upon its being made in writing.

Mr. CONGER. I will submit a resolution in this form: That the Secretary of War be instructed to furnish to the Committee on Printing a copy of the maps accompanying the report of the Board of Visitors to West Point.

The PRESIDENT *pro tempore*. The resolution will be reduced to writing by the Secretary.

Mr. CONGER. Having called attention to it, at the suggestion of members of the Committee on Printing that either from that Department or otherwise they will procure the maps to be printed with the report, I shall not press the motion.

PETITIONS AND MEMORIALS.

Mr. MAXEY presented the petition of Fenwick & Lawrence, of Washington, D. C., representing certain patentees and inventors, praying for an amendment to the patent law; which was referred to the Committee on Patents.

Mr. HOAR presented the petition of Mary Sullivan, of Worcester, Mass., praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of Mary E. Williams, of Clinton, Mass., praying for a renewal of her pension; which was referred to the Committee on Pensions.

He also presented a petition of the survivors of the Fifty-fifth Regiment Illinois Infantry, praying for the passage of an act authorizing the honorable discharge or muster-out of Capt. Francis H. Shaw, formerly captain of Company C, Fifty-fifth Illinois Infantry; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles Devens Post, No. 27, Grand Army of the Republic, Department of Massachusetts, praying for the publication of photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Military Affairs.

Mr. DAWES presented the petition of John Bidwell, of California, praying that certain relief be granted Charles Morris Blake, post-chaplain, United States Army, retired; which was referred to the Committee on Military Affairs.

FRENCH AND AMERICAN MEDALS.

Mr. MORRILL introdnced a bill (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American medals; which was read the first time by its title.

Mr. MORRILL. I ask that the bill may be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the sum of $75 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to procure duplicates of certain French and American medals presented to Congress by George W. Erving for the use of the National Library, A. D. 1822, which, being shipwrecked and lost, were replaced by Mr. Erving, and which were destroyed by the fire in the Library in 1851.

Mr. MORRILL. I desire to say that in 1822 Mr. Erving, our former minister to Spain, procured from the French Government a very valuable series of medals and presented them to the Library of Congress. They were executed during the Napoleonic era and were undoubtedly some of the finest specimens of engraving and of medals. This gentleman shipped them, and they were lost in consequence of shipwreck. After that, at his own expense, he procured duplicates of the same and sent them here; and those were destroyed in the Library by fire in 1851. At the last session of Congress I procured a correspondence on the part of the Secretary of State and the French Government, and the French Government offered to supply them to us at the cost, I believe, of the bare metal, amounting to about $75, which was very generous on their part and would be a very low charge. An amendment was sent by the Committee on Finance to the Committee on Appropriations, having the unanimous consent of the Finance Committee, and the amendment proposing to procure these duplicates at the expense of $75 had no opposition that I am aware of from the Committee on Appropriations, but by some inadvertency it was not included in the sundry civil appropriation bill, and therefore was not acted upon.

I merely make this statement, proposing at some time hereafter to call up the bill, to which I think there will be no objection on the part of any Senator, in order to procure so important and valuable a set of medals, executed as they were and will be in the very highest style of art.

Mr. HARRIS. Why not consider it now?

Mr. MORRILL. If there is no objection, I will ask that the bill be put on its passage at the present moment.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill, which has been read at length on its second reading, be now considered. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole and open to amendment. It will be read for amendment.

The bill was read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GROOME introduced a bill (S. 2403) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;" which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MITCHELL introduced a bill (S. 2404) granting a pension to Ulysses S. Grant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON introduced a bill (S. 2405) granting a pension to E. D. Partridge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND introduced a bill (S. 2406) to provide for an additional judge of the district court of the United States for the southern district of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GIBSON introduced a bill (S. 2407) to provide for the erection of a public building in the city of New Orleans, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2408) to authorize and direct the Secretary of the Treasury to cede the abandoned marine hospital buildings and grounds at New Orleans to the board of administrators of the Trelane University of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN introduced a bill (S. 2409) for the relief of H. W. Hubbard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

AMERICAN SHIPPING TRADE.

Mr. CAMERON, of Pennsylvania, submitted the following resolution; which was read:

Whereas the shipping trade in American vessels is and has for years been depressed, and the export trade in American produce is languishing for want of a market that might be reached if the shipping trade was in the hands of citizens of the United States: therefore,

Resolved, That the Committee on Finance be, and is hereby, directed to inquire whether it would be expedient to expend the surplus revenue of the United States, or any portion thereof, for the purpose of reviving the shipping and export trade, by allowing a rebate from tariff duties on foreign goods imported in ships built and owned in the United States, and by also allowing a premium on American-grown products and articles of American manufacture exported in American vessels, and report by bill or otherwise.

Mr. CAMERON, of Pennsylvania. I ask that the resolution may lie on the table, and I shall call it up at some future time.

Mr. VEST. Before the resolution goes over, I call the attention of the Senator from Pennsylvania to the fact that that subject is now before the Committee on Commerce. I see that his resolution makes it the duty of the Committee on Finance to make the inquiry, which of course takes the question away from the standing committee of the Senate which is now considering that very subject.

Mr. CAMERON, of Pennsylvania. The resolution can lie upon the table for the present, and when I submit a few remarks upon it, which I expect to do at a future time, I can change the direction to the Committee on Commerce. It makes no difference to me to which committee the inquiry is directed.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

SILVER COIN AND SILVER CERTIFICATES.

Mr. HILL submitted the following resolution; which was read:

Resolved, That in the existing depressed condition of the industrial interests of the country, and in presence of the great fall which has taken place and is still in progress in the wages of labor and in the prices of the products of farms, workshops, mills, and mines, the recommendations of the President and of the Secretary of the Treasury that the coinage of silver dollars and the issue of silver certificates shall be immediately and unconditionally prohibited are calculated to create alarm and thereby aggravate the difficulties of the situation, and that, to the end that the public mind may be quieted by the assurance that if the total volume of the currency is not to be enlarged in correspondence with the increasing population and exchanges of the country, it shall at least not be reduced by suspending the coinage of silver dollars.

The Senate declares its opinion to be that no valid reason exists at the present time for imposing any new and additional restrictions upon either the coinage of silver dollars or the issue of silver certificates.

Mr. HILL. I shall at some day in the early future ask the indulgence of the Senate to submit some remarks on the subject of the resolution. Therefore I ask that it may lie on the table and be printed.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be printed and lie on the table.

COMMITTEE SERVICE.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Will the Senator from Maine withhold that motion for a moment until the Chair makes an announcement?

Mr. HALE. Certainly.

The PRESIDENT *pro tempore*. Pursuant to the authority conferred upon the Chair yesterday by the Senate, the Chair appoints to fill the vacancy upon the Committee on Claims the Senator from Rhode Island [Mr. SHEFFIELD];

To fill the vacancy on the Committee to Examine the Several Branches of the Civil Service, the Senator from Minnesota [Mr. SABIN];

To fill the vacancy on the Committee on Mines and Mining, the Senator from Rhode Island [Mr. SHEFFIELD];

To fill the vacancy on the Committee on Naval Affairs, the Senator from Massachusetts [Mr. DAWES];

To fill the vacancy in the chairmanship of the Committee on Printing—the Chair calls attention to the parliamentary rule, that without the authority of the Senate the direction of appointments to fill vacancies on committees does not make the chairmen—the Chair understands it to be the desire of the Senate that the Senator from Nebraska [Mr. MANDERSON] should be appointed chairman. The Chair appoints the Senator from Nebraska to be the chairman of the Committee on Printing.

To fill the vacancy on the Committee on Revolutionary Claims the Chair appoints the Senator from Rhode Island [Mr. SHEFFIELD].

To fill the vacancy on the Committee on Woman Suffrage the Chair appoints the Senator from Rhode Island [Mr. SHEFFIELD].

To fill the vacancy upon the Committee on Indian Affairs, the Senator from Oregon [Mr. SLATER].

To fill the vacancy upon the Committee on Fish and Fisheries, the Senator from Alabama [Mr. MORGAN].

INTERSTATE COMMERCE.

Mr. HALE rose.

Mr. CULLOM. I ask the Senator from Maine to withhold for a few

moments his motion to proceed to the consideration of executive business.

Mr. HALE. I withdraw the motion. I understand there is some business which needs to be done this morning. I will renew the motion by and by with the leave of the Chair.

Mr. CULLOM. On the 5th of July the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, was under consideration by the Senate. I supposed that the bill was postponed to and made the special order for to-day, but it seems that on the Calendar it has not been set down as a special order. Upon looking at the RECORD containing the proceedings of that day I find that the understanding seems to have been that it was made a special order for to-day. In view of the misunderstanding or the failure of the Calendar to show any special order, I should like to call up the bill and have it considered or set down for consideration at some future time.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate now proceed to the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. It has been read at length. What motion does the Senator from Illinois desire to make?

Mr. CULLOM. I desire to have the bill considered at this time if the Senate is ready to proceed with its consideration. I have no speech to make upon it at present, nor at any other time for that matter.

Mr. COCKRELL. Has the bill been read in full?

The PRESIDENT *pro tempore*. It was read on a former occasion, the Chair is informed. The bill is open to amendment as in Committee of the Whole. If no amendment be proposed, it will be reported to the Senate.

The bill was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. If no amendment be proposed, the question is, Shall the bill be engrossed for a third reading?

Mr. COCKRELL. Let it be read in full the third time.

The PRESIDENT *pro tempore*. The order for third reading has not yet been made. The Chair will direct that it be read in full for information.

The Secretary began to read the bill.

Mr. McPHERSON. I see on reading the Calendar that this bill, which is a very important measure, was postponed until the first Thursday after the first Monday in December, which is to-day. I take it that not many Senators have given this matter much consideration at this session, and I suggest to the Senator having it in charge that the bill go over until next week, attention now having been called to it, and we may then act upon it with more intelligence, certainly more than I can give it this morning.

Mr. CULLOM. I am unable to hear the remark of the Senator.

Mr. McPHERSON. I was only asking that the Senator from Illinois would allow the bill to go over until next week, as I think little attention has been given to the subject at this session; and as it was postponed last session to a special day, to-day being the time fixed for its consideration, for one I have not given it the consideration which I desired to give it. As it is a very important measure and there is no other particular business pressing for a few days, I ask the Senator to let it go over until next week, say next Thursday, if that suits the Senator. The same subject-matter is now under discussion in another place, although in a different form, as I understand. I suggest that the bill go over until next week, because we shall then have time to consider all that is being said about the matter here and elsewhere. I ask, with the consent only of the Senator from Illinois, that the consideration of the bill be postponed until one week from to-day.

Mr. CULLOM. The Senate has just voted to take up the bill for consideration. It was postponed until to-day at the latter part of the last session of Congress. It is a very important subject, to say the least, and its importance ought to entitle it to as early consideration as possible. The fact that the subject of the bill is being considered in another place, as the Senator remarks, ought not to be any reason why it should not be considered here at this time. Of course I am not disposed to be captious in pressing the bill upon the consideration of the Senate, but I think that the Senate can commence the consideration of it to-day, and if we do not get through with its consideration to-day we can finish it next week.

Mr. McPHERSON. I do not desire to interfere at all with the wishes of the Senator from Illinois regarding the bill, as he has it in charge, but it is now before the Senate for amendment. I am quite sure in my own mind that some amendments can be offered which would be a betterment of the bill, but I am not prepared this morning to offer them. For that reason, and only for that reason, I desire its postponement.

Mr. CULLOM. Will the Senator from New Jersey consent that the bill should be made the special order for next Tuesday?

Mr. HARRISON. I suggest to the Senator from Illinois that I gave notice that I should move to take up the Dakota bill on next Tuesday, and I hope he will not let this measure interfere with that one.

Mr. CULLOM. I hope the Senate will proceed with the consideration of the bill to-day, and if we do not conclude its consideration it can be taken up again as unfinished business next week. In the mean time the Senator from New Jersey will have an opportunity to prepare his amendments, if he desires to do so. I have myself no speech to make upon the bill to-day or at any other time.

Mr. McPHERSON. Upon consultation with Senators around me I find that they also are not ready to proceed with the consideration of the bill to-day, and I ask a postponement for one week from to-day, next Thursday.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from New Jersey moves that the further consideration of the bill be postponed until one week from to-day.

Mr. CULLOM. Unless the Senator will consent to the bill being made a special order for that day, I must resist the motion.

Mr. McPHERSON. Most assuredly I consent to that.

Mr. BAYARD. I suggest to the Senator from Illinois that the Calendar contains no note of this special order at all, and it would be very well——

Mr. CULLOM. If the Senator from Delaware will allow me, I stated that the Calendar had failed to note, as I think, what it should have done. That I may be justified in calling up the bill to-day I will read what the RECORD shows occurred during the last session. The Senator from New York [Mr. MILLER] moved to postpone the consideration of the bill——

Mr. BAYARD. From what is the Senator reading?

Mr. CULLOM. I am reading from the RECORD of the 6th of July last the proceedings of the 5th. The RECORD shows that it was the intention of the Senator from New York as well as myself that the bill should be made the special order for to-day, but the Calendar does not seem to have made it such.

Mr. BAYARD. I observe that on the Calendar, page 14, this bill, reported by the Senator from Illinois, is found, being Order of Business No. 533, but it was not made a special order. The consideration of the bill was "postponed until the first Thursday after the first Monday in December," but that does not make it a special order.

Mr. CULLOM. I understand that; but the RECORD shows a different state of facts. The Senator from New York [Mr. MILLER] moved that the further consideration of the bill—

be postponed until 2 o'clock on the first Thursday after the first Monday of December next.

The PRESIDING OFFICER (Mr. PLATT). The Senator from New York moves that the further consideration of the bill be postponed until 2 o'clock on Thursday after the first Monday of December next.

Mr. CULLOM. I have been and still am very anxious that this bill should pass during this session of Congress, but it seems to be the judgment of many Senators that it is impossible for it to become a law at any rate during the present session of Congress; and while I do not consent to a postponement of it, yet I am willing to yield to the judgment of the Senate on the question, provided it is made the special order for Thursday after the first Monday of December next.

The PRESIDING OFFICER. That is the motion.

The motion was agreed to.

That is what the RECORD of last July shows, and I supposed that the Calendar would show that the bill was made the special order for to-day.

Mr. McPHERSON. To satisfy the Senator, I will move a postponement of this matter until next Thursday, the bill to be made a special order for that day.

Mr. BECK. At 2 o'clock.

Mr. McPHERSON. At 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the bill be postponed until next Thursday, at 2 o'clock in the afternoon, and be made a special order for that time. The question is on agreeing to the motion.

Mr. COCKRELL. I will ask the Chair to state what condition the consideration of the bill is in, whether when it comes up on Thursday it can be amended or not?

The PRESIDENT *pro tempore*. The bill is open to amendment, it not having been read the third time. It has passed from consideration as in Committee of the Whole, but is still open to amendment. The question is on agreeing to the motion of the Senator from New Jersey, that the bill be postponed until Thursday next at 2 o'clock in the afternoon, and be made a special order for that time. Is the Senate ready for the question? [Having put the question.] In the opinion of the Chair two-thirds of the Senators present have voted in the affirmative, and the motion is agreed to.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio;

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; and

A bill (H. R. 7510) making temporary provision for the naval service.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes," asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. T. R. COBB of Indiana, Mr. BARCLAY HENLEY of California, and Mr. L. E. PAYSON of Illinois managers at the conference on the part of the House.

RICHARD HAWLEY & SONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule, commencing at Order of Business 320, being Senate bill 1170.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1170) for the relief of Richard Hawley & Sons.

Mr. COCKRELL. I hope, under the circumstances surrounding this case, that the bill will be recommitted to the committee and that they will take into consideration the effect that it will have. It will invite hundreds and thousands of claimants to come to Congress for relief. It opens wide the door to the class of claims I spoke of the other day, and it will involve many millions of dollars. There is no government of which I have any knowledge that ever refunds revenue paid in the way this was paid. There is not, I presume, a State in the Union, nor a county, that would refund a tax paid under the same circumstances under which this was paid. Here the Treasury Department laid a certain tariff tax under the law, according to their interpretation of it, honestly and justly. They believed that a certain article should pay a certain rate of tax. It was paid. There was no protest, there was no remonstrance, there was no opposition to it. The money went into the Treasury and was paid out for the expenditures of the Government, supposed to be legitimate Treasury funds. After the lapse of years some one contested this rate of tax, alleging that it was more than ought to have been imposed, and brought suit to determine whether it was correct or not. The courts finally decided that the tax was greater than the law authorized, and the man who brought the suit recovered back his amount because he took the steps necessary to entitle him to recover. These parties took no steps at all, but they say "we ought to have our money back."

There are thousands upon thousands and perhaps hundreds of thousands of cases of that kind from the foundation of this Government. It has never been the policy of the Government to refund such taxes. Go into a State and into a county where a tax is paid without any protest or any remonstrance and it is afterward discovered that it was too much, or possibly that it was placed upon the wrong property; the man goes to the county court and the court refuses to refund it. The State never acknowledges any liability to refund in such cases. I think it one of the most dangerous precedents we have had before the Senate in a long time. I should be very glad if the bill could be recommitted to the Committee on Claims, so that they may give further consideration to the effect it may have.

Mr. CONGER. Mr. President, the Senator from Missouri is usually so fair, candid, and exact in his statements, that I marvel very much at the statement just made by him. The Senator cannot have read the report of the committee, or if he has read the report of the committee he must have forgotten it when he made the broad statement which he has just made to the Senate. The Senator says this was a duty or tax paid without remonstrance and without protest. He says that it remained several years as a paid tax without any effort to recover it, and after a lapse of years the claim is brought. The Senator does not mean any such thing as that, or else the report of the committee is all false.

Mr. COCKRELL. What I meant to say was simply that the parties did not pursue the remedy prescribed by the statute, and did not take the steps which entitled them to a recovery. It does not make any difference whether the delay was one month or six months or twelve months; they are in the same category. All who do not take certain steps are not entitled under the law to recover. That was what I meant by the statement I made.

Mr. CONGER. If it did not make any difference I would prefer that the Senator in making his statement had said that within one month after the payment of this tax vigorous efforts were made to recover back the money. That would suit my case better than a postponement for years.

This is so simple a case and it is so usual a matter, that I venture to say that with a little leisure I could find twenty or thirty cases of the kind passed upon by the Senate on all fours with this in the reason for them since the Senator has been a member of this body. I have no doubt of it. This is a case where the valuation on which the duty was imposed embraced 1 cent a pound export tax of Canada on the malt to be added to the market value ascertained under the law as the value of the property upon which duties should be paid. This property never had paid the export tax. The property was bought in bond in Canada. There had been no export tax of 1 cent a pound paid on it, and that statement was made to the collector of customs, and he still decided that although there had been no payment of 1 cent a pound, although that had been no part of the expense making up the valuation upon which to assess duties, still he would assess it. The proportionate duty upon that 1 cent a pound was paid, and was paid under protest. After this amount was paid Hawley & Sons came to the collector to make an appeal to the Secretary of the Treasury, and the officer of the Government said to them: "This was decided by the Department within a few days past, and I have a copy of their decision, and it will be of no use for you to appeal." The report shows this, which the Senator has not read but which I hope he will. The officer read to them the letter of the Secretary of the Treasury giving the decision upon which he acted, and thus induced these importers to believe that an appeal under the law would be useless.

This was in the spring of 1870. A case arose of a similar kind in Chicago in the summer or fall of that year or was then pending, and the United States court, upon the issue made whether that 1 cent a pound export duty upon malt should enter into the taxable valuation, decided that the ruling of the Treasury Department was erroneous and that it should not be reckoned. As soon as that decision was made the Treasury Department altered their ruling in regard to the duty, and these parties and all other parties importing malt were notified that the former ruling was wrong and that thereafter they could import their malt without paying the duty assessed upon the additional valuation of 1 cent a pound. Immediately Hawley & Sons presented their request for a refund of this money, and were informed by the Treasury Department that the money having gone into the Treasury, it was beyond their control under the law to refund.

And here, Mr. President, I call the attention of the Senator from Missouri to this fact, and I wish he would notice it—for my argument is more for him, because I doubt whether any other Senator has such views on this subject. Immediately upon the decision of the court the Treasury Department made an open ruling, which, if made five months before, would have admitted this malt at the rate of duty claimed by Hawley & Sons, and from that time to this that ruling has been followed.

The Senator says that it would open the way for innumerable claims and frauds and all those things to have an example of this kind. I say there are hundreds of them where the action of Congress has been had giving relief in such cases, and they can be found if it is necessary. What is the spirit of the law? We have in our statute-book a law that if after paying under protest, as this was paid, the party shall go through the formality of an appeal to the Secretary of the Treasury and that appeal is sustained by the law, the money which is in the Treasury may be drawn out without any further action of Congress or the Department and paid back. To-day and through all days that is the law. It is a simple question whether an appeal has been taken, under protest, to the Department. Here the appeal would have been taken, as the record shows, if the collector of customs, the officer of the Government, had not shown to the parties desiring to take the appeal that it was useless and induced them not to take the appeal. That is all there is of it. If the appeal had been made the money under the law would have been refunded just as soon as the Treasury Department changed its decision—just as soon as the court rendered its judgment.

The judgment of Congress is that such money paid illegally and in excess of what the law requires in the way of taxation should in some way be refunded. It provides that it may be by an appeal and a review. If a Government officer, by reading a decision of the Department lately made, prevents a party claiming to have been wronged from taking an appeal, then he comes to Congress. That I understand to be this case exactly, and that is the report of the committee.

If that be the condition, and if the law is in that situation, that by a simple appeal the money can be refunded under the law as it stands now, and this party was prevented from making an appeal, that merely formal step in the proceedings, by the collector of customs, by the officer of the Government, telling him that he had in his possession a recent decision, and it would be no use to appeal, this Government will not take advantage of the wrong of the officer, whether the amount be this small sum of $400 or $4,000 or $40,000.

Mr. CAMERON, of Wisconsin. Mr. President, the Senator from Michigan has accurately stated the facts in this case. To recapitulate, the facts are simply these: In 1870 Richard Hawley & Sons, who at that time were doing business in the city of Detroit, Mich., purchased in bond in Canada 230,940 pounds of malt. At that time, under the Canadian law, an excise tax of 1 cent a pound was imposed on all malt consumed in that country. Malt out of bond or in the market for consumption or use was consequently worth 1 cent a pound more than malt in bond. The petitioners, as I have stated, bought the malt in bond, and therefore the excise tax of 1 cent per pound was never paid or demanded in Canada. The entry was duly made in the Detroit custom-house at the price actually paid for the malt in Canada. It was, however, claimed by the collector of the port of Detroit, in accordance with a decision then recently made by the Secretary of the Treasury, that the duty must be paid upon the malt according to its value in

Canada out of bond at the time of purchase, that the value must be ascertained by adding 1 cent per pound excise duty to the actual value of the malt in bond, and the aggregate was the sum on which the collector claimed that duties must be paid by the purchaser.

These claimants paid the duty according to the erroneous construction given to the law by the Secretary of the Treasury and the collector of the port at Detroit. The additional duty amounted to the sum which it is proposed by this bill to refund to the claimants, that is, $473.42. The claimants at the time of the payment of this additional tax thus erroneously imposed protested verbally against its payment, but, as has been stated by the Senator from Michigan, the collector called their attention to the fact that this identical question had then been recently decided by the Secretary of the Treasury. He not only called the attention of these claimants to that fact, but he produced the decision and read it to them, and informed them that they could, if they chose, take an appeal in accordance with the statute, but that it would be useless, inasmuch as the identical question had then recently been decided by the Secretary of the Treasury. In consequence of that representation thus made to the claimants by the collector no formal appeal was taken.

As has been stated by the Senator from Michigan, a similar case was either then or soon thereafter pending in Chicago. It was brought before the circuit court of the United States, and decided by that eminent jurist Judge Drummond, he holding that the decision of the Secretary of the Treasury was erroneous and that this additional tax thus levied ought not to have been levied. That was in 1870.

The claimants did not sleep upon their claim, but presented a petition in the House of Representatives to the Forty-third Congress asking that this sum be refunded to them. It was referred to the Committee on Claims of the House of Representatives. It was subsequently reported back by that committee, and referred to the Committee of Ways and Means. A favorable report was made by the Committee of Ways and Means to the House on the 8th day of May, 1874, and a bill providing for the repayment of the sum which it is proposed by the bill now under consideration to refund to these claimants was passed by the House of Representatives on the 8th day of May, 1874. No action was taken during that Congress upon the bill in the Senate.

The bill was again introduced in the House of Representatives in the first session of the Forty-fourth Congress. It was referred to the Committee on Claims in the House, and favorably reported from that committee to the House on the 29th day of June, 1876. No further action appears to have been taken upon it during that Congress. The bill was again introduced in the House during the first session of the Forty-fifth Congress, and referred to the Committee on Claims in the House. It was favorably reported from that committee, and passed the House in June, 1878. No action was taken upon it in the Senate during that Congress. It was again introduced in the House during the first session of the Forty-seventh Congress, referred to the Committee on Claims, and again favorably reported from that committee during the first session of the Forty-seventh Congress.

It was introduced in the Senate during the first session of the Forty-sixth Congress, and referred to the Committee on Claims. During the second session of the Forty-sixth Congress it was reported back to the Senate by the Committee on Claims, and upon the motion of a member of that committee was referred to the Committee on Finance. It does not appear that any action was taken upon the bill by the Committee on Finance; at least it was not reported by that committee to the Senate. It probably was allowed to sleep in that committee.

Now I submit that in view of the legislative history of the bill it does not appear that one House of Congress at least was very much afraid of the immense amount——

Mr. COCKRELL. Will the Senator permit me?

Mr. CAMERON, of Wisconsin. I was simply going to say that it does not appear that one House of Congress was very much afraid that Congress would be overwhelmed by a flood of similar bills which were only waiting for favorable action upon this one.

Mr. COCKRELL. I do not know whether the Senator stated in his Congressional history of this case the fact that this bill was reported adversely in the Senate in the Forty-third Congress, second session. The first time it ever appeared in the Senate it was reported adversely by the Finance Committee and killed. That was in the Forty-third Congress, second session. I do not know that the Senator stated that.

Mr. CAMERON, of Wisconsin. I have not a memorandum of it.

Mr. COCKRELL. I have the history of the claim, and that is the fact. The first time it came here it was killed.

Mr. CAMERON, of Wisconsin. That is, it was indefinitely postponed?

Mr. COCKRELL. Adversely reported by the Committee on Finance.

Mr. CAMERON, of Wisconsin. During that same session it was favorably reported from the Committee of Ways and Means of the House and passed the House of Representatives.

Mr. COCKRELL. It was a House bill that came to the Senate and was reported adversely after it had passed the House. In the second session of the Forty-third Congress it came from the House and was reported adversely by the Finance Committee.

Mr. CAMERON, of Wisconsin. That may be so. I do not know whether it is or not.

Mr. COCKRELL. That is the record.

Mr. CAMERON, of Wisconsin. If the Senator has the record before him, he is probably correct about it.

Mr. COCKRELL. It is House bill 2279 of that Congress.

Mr. CAMERON, of Wisconsin. But, entirely outside of the legislative history of the bill, I say that equitably these parties are entitled to have this money refunded. I have heard the Senator from Missouri—I was going to say five hundred times—warn the Senate that if such a measure were favorably considered the Congress would be overwhelmed by similar claims which the claimants were only holding in abeyance until favorable action was taken upon some pending claim by the Senate. Now, we all know that precedents are of no anthority whatever in this body. I venture to say that the Senator from Missouri never voted in favor of any measure because a similar measure had been favorably considered in the Senate either in that Congress or in any preceding Congress; and I venture to say that he never voted against a measure because a similar measure had been unfavorably acted upon by the Senate. This is the one body in which precedents are of no authority whatever. They are not even of any authority upon questions of order. So this bugbear—that is the expression I will use—which is held up before us by the Senator from Missouri absolutely amounts to nothing. Every case stands upon its own facts, and no bill, I venture to say, since I have been a member of this body has ever been favorably considered by the Senate because a similar bill had previously been favorably considered by the body.

It is admitted that this tax was illegally assessed upon the malt and the claimants were illegally required to pay it, and they did pay it in pursuance of an erroneous decision of the Secretary of the Treasury. Now, I would not care if there were twenty millions of these claims lying in the Treasury. I do not think there are. I think that the amount of these claims in the Treasury is very inconsiderable. If the Senator from Missouri has any statement of these claims I should be pleased to have him present it to the Senate. It is a very easy matter to say that there are thousands, hundreds of thousands, or millions in amount of these claims now lying in the Treasury. If he has any statement of the amount of these claims the Senate would be more enlightened by having that statement presented to it than by having his unsupported allegation in regard to the amount.

Mr. COCKRELL. If the Senator will take the trouble to read the finance reports showing the number of such claims from year to year he will get a good deal of information therefrom.

Mr. CAMERON, of Wisconsin. Quite likely. But I say on general principles of equity these parties are entitled to have this amount refunded to them; and, beyond that, there are special reasons in this particular case. Those special reasons have been referred to by the Senator from Michigan. The claimants proposed to take an appeal in accordance with the statute; but they were dissuaded from doing so by the representation of the collector of the port of Detroit. They have been persistent in endeavoring to have justice done to them and to secure the repayment of the tax illegally exacted from them.

Mr. MORRILL. Mr. President, when the Senator from Wisconsin states that this body is one that does not pay any attention to precedent——

Mr. CAMERON, of Wisconsin. The Senator will allow me a moment. The case that I referred to was decided in the circuit court of the United States for the seventh circuit at Chicago by Judge Drummond. The Government acquiesced in that decision. It took no appeal. It admitted that the construction given to the statute by the court was correct, and it has since, as I am informed, conformed to that decision.

Mr. MORRILL. Mr. President, I rather regretted to hear the Senator from Wisconsin state that this was a body that paid no attention to precedent, for it would seem to include him at least, as chairman of the Committee on Claims, as one of those who paid no attention to the precedents of this body.

This particular claim of $400 is about a sample of many of those that come before us. They are first sent to one committee, and if they get an adverse report then the partisans of the claim seek out some other committee where they may obtain a more favorable consideration. This claim was sent years ago to the Committee on Finance and reported upon adversely and the bill was rejected. I confess that once since then when the bill was before the Finance Committee, by the importunity of some gentleman—I think a Senator from Michigan, it being known that the committee would report upon it adversely—the good nature of the committee was so far overcome as to withhold any report and let the bill die in committee.

This claim is one of those classes of claims that rest upon the regular proceedings of the claimant at the time. It is necessary for any claimant for a refund of duties to take an appeal and prosecute it. If we pass this claim, then we overrule the existing law, and that law bars numerous claims, as asserted by the Senator from Missouri, from consideration.

Mr. CAMERON, of Wisconsin. Will the Senator from Vermont allow me there?

Mr. MORRILL. Certainly.

Mr. CAMERON, of Wisconsin. If these claimants had a legal remedy it would not be necessary for them to come to Congress, and so it is with all other claimants. Claimants who come to Congress come

because they have no legal remedy in the courts or before any judicial tribunal, but they claim that they have an equitable right and one which ought to be recognized by the law-making power of the country.

Mr. MORRILL. But this claim comes here and can not pass unless we break down one of the leading statutes in relation to the government of the Treasury Department.

I wish to say also that if this claim had been submitted to any Secretary of the Treasury that we have had for twenty years he would have acted adversely upon it.

Mr. CAMERON, of Wisconsin. Of course the Secretary of the Treasury would. He had no authority to pay it.

Mr. MORRILL. The Secretary of the Treasury is bound to obey the law.

Mr. CAMERON, of Wisconsin. Certainly.

Mr. MORRILL. And the law that we have made about this matter is one of general propriety. We can not get along at all without such a law to bar these claims. Now, this claim comes up here fourteen years old. The claim amounts to only $400. Is it to be supposed that a claim of that kind would be so persistently pursued here in the face of the many adverse reports that have been made against it if there was not something more behind it, if there were not other and larger claims that would be admitted upon the payment of this?

Mr. President, I should think it very unwise for us to pass favorably upon this claim after the treatment it has had for the last fourteen years in the Senate.

Mr. CONGER. Mr. President, in less than six months after these proceedings before the collector of customs in Detroit, and in less than six months after the written decision and opinion of the Treasury Department which prevented the appeal being taken when read to Hawley & Sons, the Department acknowledged the correctness of the decision of the court, as they were bound to do, and from that day to this the importations of malt, to the extent of hundreds of thousands, if not millions of dollars, from Canada have been admitted without charging for the one cent a pound export duty.

Within six months the Department and the courts said that the Treasury decision was wrong and that money was exacted from these importers contrary to law; and not only exacted contrary to law, but by the action of the collector himself, not intentionally, but in fact misleading these claimants as to their rights and as to the probable decision of the Treasury Department upon their appeal, so as to prevent their appeal.

To Hawley & Sons, great importers of barley and of malt, the $400 may not be material; but to Hawley & Sons, and to every other citizen of the United States, the collection of a tax contrary to law, enforced contrary to the subsequent decision of the courts, is important; and any good citizen is willing to present his claim to Congress where the law itself has been violated by an erroneous construction, and he may come to the Senate of the United States notwithstanding the dignity of my friend from Vermont and his adhesion to precedents, and ask this Government to do right by him. That is what Congress is for; and this Senate is the body which should take up and do right in this and in every other case where the law has been strained to an improper purpose and taxes collected of the citizen improperly, as appears by the decision of the courts and by the subsequent decision of the Treasury Department itself. That is all that is asked here.

Why, sir, our Committee of Ways and Means will not take these claims, and they report unfavorably because they come before them. They say, "It is a new claim; the matter has not been where the Secretary of the Treasury could pay the money according to law, and if it is a claim it must go to the Committee on Claims." That is what my venerable friend tells me when I go to him, that that committee ought not to allow such a bill to pass from them. They deal with money which may be in the Treasury as a thing pending where the law authorizes them to decide that the money should be paid.

Mr. MORRILL. Will the Senator yield to me for a moment?

Mr. CONGER. And if the claim is a past claim, it must go through the Committee on Claims and not the Committee on Finance.

Mr. MORRILL. I merely desire to say to the Senator that claims for the refund of duties have been heretofore usually referred to the Committee on Finance.

Mr. CONGER. I know, and the Committee on Finance, or the guardian of that committee and the guardian of the Treasury, in the person of my friend from Vermont, has invariably, especially of late years, said, "That is an old claim; let it go to the Committee on Claims." To me and every other man who comes before the Finance Committee to urge such a claim as this they say, "It is an old claim; go to the Committee on Claims; there is no money to meet it now; there must be an appropriation." That is what I am told, when I go to the chamber of the Committee on Finance, by its venerable chairman. He turns me away, with courtesy enough, with kindly manner enough, but he holds before me the rule of the committee of which he is chairman, forbidding him to listen even to a just and equitable claim before that committee, because we have another committee that manages that kind of thing.

Mr. MORRILL. I do not remember that my handsome and juvenile friend ever appeared before the Committee on Finance with a claim.

Mr. CONGER. I know the forgetfulness in that is the same as the forgetfulness about the allowance of this kind of claims before. I do not impute it as a fault. I think the memory my friend has now is remarkable. He is always lively and wide-awake to watch the Treasury. His whole life, his whole political and Senatorial life, is tinctured with that grand success by which he became the nominal father, not only the putative father but the nominal recognized father, of that method which he proposed and which was adopted by Congress of bringing money into the Treasury, the "Morrill tariff bill," and with reasonable pride he may say, "My place in this world and in Congress and in the Senate is to crowd money into the Treasury, and by consequence my place is to stand and guard the door so that none shall come out, no matter how I have got it in." That is a position which any member of the Senate might envy.

There is something serious in what I am charging the chairman of the Committee on Finance with as far as I dare make any allusion to him or find any fault whatever with his course here, for it is so uniformly for the right that I wonder at its being wrong now. What does he care about taking out these $400 from the Treasury as long as that bill, which pours in millions and millions more than we can use, remains on the statute-book?

Sir, I conclude by saying that by the reports of committees, by the history of this case, by the knowledge of it which I had personally while a member of the other House—introducing bills there, the first, I think, after this decision and after this money was secured, to have it repaid—it is plain that the judgment of the House on a full statement of the facts thirteen years ago was that it ought to be paid. Then we have the affirmative and favorable reports of a House committee from that time to this on two or three or more occasions; and against it there is only the report of one committee, which itself says it has no power to meet such claims, and therefore throws them aside whenever they come before it. I present this case on its own merits, and I say, much as I oppose drawing from the Treasury by speculation or by any improper means any moneys that have come there through the law, that this case, from my knowledge of it for so many years and my examination of it, is a case where the money ought to be refunded; where the Treasury Department has said so; where the courts of the United States have said it ought to be refunded; where the House of Representatives has said so by the passage of a bill; where different committees have reported favorably upon it, and where, in my judgment, the careful examination of any man upon the statement of the facts would see that the equities are all with the claimants in this case.

[Several messages in writing of an executive character were received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 4, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. DUNN. I ask unanimous consent that the regular order be suspended in order that the States and Territories may be called for the introduction of bills and resolutions for reference.

There being no objection, it was ordered accordingly.

The SPEAKER. The Chair, before proceeding to execute the order just made, will, if there be no objection, lay before the House several executive communications.

There was no objection.

SUSPENDED ENTRIES OF PUBLIC LANDS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a list of suspended entries of public lands acted on by the Commissioner of the General Land Office in the year ending June 30, 1884; which was referred to the Committee on the Public Lands, and ordered to be printed.

STATUE OF PRESIDENT GARFIELD.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the site for the statue of the late President James A. Garfield; which was referred to the Committee on the Library, and ordered to be printed.

ANNUAL REPORT OF ATTORNEY-GENERAL.

The SPEAKER also laid before the House the annual report of the

Attorney-General of the United States for the year 1884; which was referred to the Committee on the Judiciary, and ordered to be printed.

ANNUAL REPORT OF SECRETARY OF THE TREASURY.

The SPEAKER also laid before the House the annual report of the Secretary of the Treasury on the state of the finances for the year 1884; which was referred to the Committee on Ways and Means, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. NICHOLLS, by unanimous consent, obtained leave of absence until Wednesday next, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed, in pursuance of the order of the House, to call the States and Territories for the introduction of bills and resolutions for reference.

Mr. WARNER, of Ohio. I suggest that the execution of this order might be postponed for awhile, as many members who have bills to introduce are not now in their seats.

The SPEAKER. The order has already been made by unanimous consent.

COURT OF APPEALS.

Mr. OATES introduced a bill (H. R. 7512) to establish a court of appeals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET B. HARWOOD.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 7513) granting a pension to Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE W. PHILLIPS.

Mr. PEEL introduced a bill (H. R. 7514) to pay George W. Phillips, of Madison County, Arkansas, for property taken from him by the United States Army in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. J. WOOLUM.

Mr. PEEL also introduced a bill (H. R. 7515) to pay A. J. Woolum for carrying United States mails from Blue Mountain, Ala., to Rome, Ga., in 1865, by order of the military authority of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES CROWELL.

Mr. PEEL also introduced a bill (H. R. 7516) to pay Charles Crowell for property taken from him by the United States Army during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARION D. STEEL.

Mr. PEEL also introduced a bill (H. R. 7517) to pay Marion D. Steel for property taken from him by the United States Army during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARKANSAS RIVER COMMISSION.

Mr. DUNN introduced a bill (H. R. 7518) to provide for the creation of the Arkansas River commission, and for other purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. GLASCOCK introduced a bill (H. R. 7519) to declare the meaning of certain provisions of the Chinese restriction act of 1884, and for other purposes; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

APPLICATION OF SURPLUS REVENUE.

Mr. MORRISON introduced a bill (H. R. 7520) to apply surplus revenue in excess of $100,000,000 to the payment of United States bonds redeemable at the pleasure of the Government; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING IN PEORIA, ILL.

Mr. WORTHINGTON introduced a bill (H. R. 7521) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH F. WILSON.

Mr. WORTHINGTON also introduced a bill (H. R. 7522) for the relief of Joseph F. Wilson; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

DUTIES OF SUPERVISING ARCHITECT.

Mr. STOCKSLAGER introduced a bill (H. R. 7523) defining the duties of the Surpervising Architect, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAVISA HETH.

Mr. STOCKSLAGER also introduced a bill (H. R. 7524) for the relief of Lavisa Heth, widow of Wilford S. Heth, late a private in Company F, Forty-ninth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB GING.

Mr. STOCKSLAGER also introduced a bill (H. R. 7525) for the relief of Jacob Ging; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTINCTIONS IN THE MILITARY SERVICE.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 7526) to hereafter prohibit distinctions being made in the military service of the United States against any class of American citizens; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MELVIN M. DAVIS.

Mr. MATSON introduced a bill (H. R. 7527) for the relief of Melvin M. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID WARD.

Mr. MATSON also introduced a bill (H. R. 7528) for the relief of David Ward; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. D. PARTRIDGE.

Mr. HOLMES introduced a bill (H. R. 7529) granting a pension to E. D. Partridge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PREVENTION OF WHISKY FRAUDS.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. 7530) to further secure the Government against fraud in the sale of whisky and the public against duplicate warehouse receipts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN H. MERRILL.

Mr. REED (by request) introduced a bill (H. R. 7531) for the relief of John H. Merrill; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

MARTHA A. F. TERRITT.

Mr. FINDLAY introduced a bill (H. R. 7532) for increase of pension of Martha A. F. Territt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CONDEMNED GUN-CARRIAGES FOR MONUMENTAL PURPOSES.

Mr. MORSE introduced a bill (H. R. 7533) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., condemned gun-carriages, to be used for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. E. L. NOTT.

Mr. LONG introduced a bill (H. R. 7534) granting a pension to Mrs. E. L. Nott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPECIAL DEPUTY MARSHALS AT ELECTIONS.

Mr. DOCKERY introduced a bill (H. R. 7535) to repeal all acts and parts of acts authorizing the appointment of special deputy marshals at the polls; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUPERVISORS OF ELECTION.

Mr. DOCKERY also introduced a bill (H. R. 7536) to repeal all acts and parts of acts authorizing the appointment of supervisors of elections; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BURDENS ON AMERICAN MERCHANT MARINE.

Mr. COX, of New York, introduced a bill (H. R. 7537) to amend the tenth section of "the act to remove certain burdens on the American merchant marine," &c.; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

CONTINUATION OF CENSUS WORK.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work of the Tenth Census; which was referred to the Committee on the Census, and ordered to be printed.

ACTING REAR-ADMIRALS.

Mr. COX, of New York, also submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved, That the President be requested to furnish this House, as early as convenient, with the necessary information showing the authority of law by which certain commodores of the Navy have been given the rank of acting rear-admirals when, as is alleged, no vacancy existed to justify such action.

RELATIONS WITH MEXICO.

Mr. COX, of New York, also submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

Resolved, That the President be requested to communicate to this House, if in his opinion not incompatible with the public service, any correspondence or other information in his possession or in the possession of any of the Departments in regard to the present condition of our relations with our sister republic the United States of Mexico.

MARY F. BLAKE.

Mr. HEWITT, of New York, introduced a bill (H. R. 7538) granting an increase of pension to Mary F. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREST OF AMERICAN CITIZENS.

Mr. ROBINSON, of New York, submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

Resolved, That inasmuch as this House has the right and the desire, never yet fully granted or gratified, to obtain full information concerning the imprisonment of all American citizens recently arrested and imprisoned by the British Government as "suspects," the President is hereby requested to communicate in full to this House all correspondence, by mail, telegram, and cable, whether in cipher or otherwise, between the State Department and our minister at London, and between the Department, our minister, and our consuls, to and from each other, and to and from the persons so arrested and imprisoned, claiming to be American citizens—concerning the arrest and imprisonment more particularly of the following American citizens, to wit, Michael P. Boyton, William Brophy, Joseph Dallon, James F. Daly, M. B. Fogerty, John L. Gunon, Henry George, Michael Hart, M. Hickey, James Lynam, John R. McCormick, John McEnery, Daniel McSweeny, D. Hayes O'Connor, Henry O'Mahony, Philip O'Sullivan, Patrick Slattery, Joseph B. Walsh, and James L. White, and any others whose cases are known in the Department of State, with the dates of their several arrests, the specific charges, if any, against each, the dates when the attention of our minister or consuls was called thereto, the demands, if any, with dates, made for their trial or release, as provided in the law of July 27, 1868, the answers made thereto, the dates of their final release, with reasons therefor; whether any one of them was ever brought to trial or found guilty; whether any demand for apology or indemnity has been made by any one of these citizens, or by their Government, for their unjust and lengthened imprisonment; what reply was made to the instructions given to our minister, as stated by the Secretary of State under date of August 5, 1882, the latest information vouchsafed to this House on this subject, when four of our citizens were still held without accusations because they refused to accept their release on degrading conditions, to wit, O'Mahony, McSweeny, Slattery, and Gunon, of whose release we have even now no official information; and that the President is hereby requested to communicate to this House the telegram the publication of which at the last-mentioned date the Secretary informed us was not "deemed compatible with the public interest."

DISTRICT OF COLUMBIA LOTS.

Mr. SPRIGGS (by request) introduced a bill (H. R. 7539) authorizing the District of Columbia to convey the alley, fifteen feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots, &c.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MICHAEL P. SMALL.

Mr. ADAMS, of New York, introduced a bill (H. R. 7540) for the relief of Michael P. Small, United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ACCOUNTS OF POSTMASTERS, ETC.

Mr. VANCE introduced a bill (H. R. 7541) making an appropriation to pay accounts of postmasters adjusted under the act of March 3, 1883, and for compensation of ten temporary clerks to be employed in adjusting claims under said act from January 1, 1885, to June 30, 1885; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE W. COLE.

Mr. VANCE also introduced a bill (H. R. 7542) for the relief of George W. Cole; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. J. LOFTIS.

Mr. VANCE also introduced a bill (H. R. 7543) for the relief of A. J. Loftis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS A. WESTON.

Mr. VANCE also introduced a bill (H. R. 7544) for the relief of Thomas A. Weston; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FURNIFOLD MERCER.

Mr. O'HARA introduced a bill (H. R. 7545) for the relief of Furnifold Mercer, of Jones County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

K. R. PENDLETON.

Mr. SKINNER, of North Carolina, introduced a bill (H. R. 7546) for the relief of K. R. Pendleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELISHA COLBERT.

Mr. SKINNER, of North Carolina, also introduced a bill (H. R. 7547) for the relief of Elisha Colbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNION SOLDIERS, ETC.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 7548) to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or the widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States, except for specified causes; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

GOVERNMENT ARCHITECT.

Mr. HOPKINS introduced a bill (H. R. 7549) to establish the office of Government Architect and provide for the construction, inspection, preservation, alteration, and repair of public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HOPKINS also introduced a bill (H. R. 7550) to establish the office of Government Architect; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CATHOLIC CHURCH, CARROLLTOWN, PA.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOSEPH H. POTTS.

Mr. HARMER introduced a bill (H. R. 7552) granting an increase of pension to Joseph H. Potts, late acting second assistant engineer of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHINEAS GOODWIN.

Mr. BRUMM introduced a bill (H. R. 7553) granting a pension to Phineas Goodwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. ROULSTON.

Mr. DIBRELL introduced a bill (H. R. 7554) for the relief of James W. Roulston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS M'CARDELL.

Mr. BARBOUR introduced a bill (H. R. 7555) for the relief of Thomas McCardell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF MALT AND OTHER LIQUORS, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 7556) to regulate the manufacture and sale of spirituous liquors in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SALE OF CERTAIN PROPERTY, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 7557) to provide for the sale of certain real property in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DISTRICT OF COLUMBIA JAIL.

Mr. BARBOUR (by request) also introduced a bill (H. R. 7558) relating to persons sentenced to jail in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CODIFICATION OF STATUTES.

Mr. BARBOUR (by request) also introduced a bill (H. R. 7559) to correct errors in the codification of statutes and the supplement thereto; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

WILLIAM PORMANN.

Mr. DEUSTER introduced a bill (H. R. 7560) for the relief of William Pormann, late of Company I, Forty-eighth Wisconsin Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE F. WEST.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 7561) to allow a

pension to George F. West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. WIGGINS.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 7562) to increase the pension of William W. Wiggins, Company E, Fifth Wisconsin Infantry, from $30 to $50 per month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

P. C. DAVIS.

Mr. OURY (by request) introduced a bill (H. R. 7563) for the relief of P. C. Davis; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BVT. MAJ. GEN. WILLIAM W. AVERELL.

Mr. MAGINNIS introduced a bill (H. R. 7564) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH H. POTTS.

Mr. MANZANARES (by request) introduced a bill (H. R. 7565) granting an increase of pension to Joseph H. Potts; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ASSOCIATE JUSTICES IN THE TERRITORIES.

Mr. BRENTS introduced a bill (H. R. 7566) to amend an act entitled "An act providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July 4, 1884; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MAJ. MICHAEL P. SMALL.

Mr. ROSECRANS introduced a bill (H. R. 7567) for the relief of Maj. Michael P. Small; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADMISSION OF CERTAIN ARTICLES FREE OF DUTY.

Mr. DUNHAM introduced a joint resolution (H. Res. 290) providing for the admission of articles from foreign countries placed on exhibition at the world's exposition of the arts, &c., by the colored race, to be held in Chicago in September, 1885; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WATERMAN CLIFT AND ROBERT MAY.

Mr. WAIT introduced a bill (H. R. 7568) for the relief of Waterman Clift and Robert May; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. GEORGE introduced a bill (H. R. 7569) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. JAMES introduced a bill (H. R. 7570) to change the limit of the appropriation for the public building at Brooklyn, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CORNELIA V. BLACKMAN.

Mr. PETERS introduced a bill (H. R. 7571) granting a pension to Cornelia V. Blackman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS M'DOWELL.

Mr. PETERS also introduced a bill (H. R. 7572) granting a pension to Amos McDowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M'KINNEY.

Mr. PETERS also introduced a bill (H. R. 7573) granting a pension to David McKinney; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PROMOTIONS IN THE ARMY.

Mr. SPRINGER (by request) introduced a bill (H. R. 7574) to facilitate promotions throughout the Army by retiring from active service upon their own application officers of the Army who served in the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETIRING OF ARMY OFFICERS.

Mr. SPRINGER (by request) also introduced a bill (H. R. 7575) to enable officers of the Army who were promoted for gallant and distinguished services in the war of the rebellion to be retired with the rank and full pay of the grade to which they were so promoted; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COL. B. H. GRIERSON.

Mr. SPRINGER also introduced a bill (H. R. 7576) to correct and complete the record of Col. B. H. Grierson, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARATOGA MONUMENT.

Mr. WEMPLE. I ask unanimous consent to take from the Speaker's table the bill S. 1309, to provide statuary and historical tablets for the Saratoga monument.

The bill was read, as follows:

Be it enacted, &c., That the sum of $40,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Saratoga Monument Association in statuary and historical tablets within and upon the monument now erected at Schuylerville, N. Y., commemorative of Burgoyne's surrender.

SEC. 2. That said money shall be paid by the Secretary of the Treasury to the said association upon the certificate and receipt of the president of the association.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REAGAN. If the bill can be voted on without debate there will be no objection so far as I am concerned.

There being no objection, the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WEMPLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

By unanimous consent, leave was granted to Mr. WEMPLE, and to Mr. COX of New York, to have printed in the RECORD remarks on the bill just passed. [See Appendix.]

FIRST NATIONAL BANK OF LARNED, KANS.

Mr. HENDERSON, of Iowa. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000.

The bill was read, as follows:

Be it enacted, &c., That the First National Bank of Larned, located in the city of Larned, in the State of Kansas, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding $250,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of increase of the capital stock of the First National Bank of Larned, Kans., at the amount of $250,000.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMINISTRATION OF OATHS BY NOTARIES PUBLIC.

Mr. ADAMS, of New York. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6865) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public in the district of New York. This is a bill merely to allow notaries public to administer oaths.

The bill, which was reported with amendments by the Committee on the Judiciary, was read as proposed to be amended. It is as follows:

Be it enacted, &c., That section 2805 of the Revised Statutes of the United States be, and the same hereby is, amended so that the said section shall read as follows:

"SEC. 2805. All oaths to be taken upon making of any of the reports or entries or respecting any of the acts mentioned in this chapter, whether by a master of any vessel or the owner or consignee of any merchandise, his factor or agent or by any other person, shall be administered by the collector or officer to or with whom the report or entry is made or by any notary public, and shall be reduced to writing and subscribed by the person taking and by the person administering the oath."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REAGAN. If a vote can be taken on the bill no objection will be made. If there is to be debate, I will have to call for the regular order.

Mr. BROWNE, of Indiana. Has the bill been reported by a committee?

Mr. COLLINS. It has been reported unanimously by the Committee on the Judiciary.

The amendments proposed by the Committee on the Judiciary were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public."

Mr. ADAMS, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DENTON & SAGE.

Mr. DUNHAM. I ask unanimous consent to take from the Private Calendar and put upon its passage the bill (H. R. 1735) to refund to Denton & Sage, of Chicago, Ill., the sum of $1,549.67 duties paid on sixty hogsheads of sugar destroyed in the great Chicago fire.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAGLEY. I object.

Mr. DUNHAM. If the gentleman from New York will allow me I would like to explain the bill.

Mr. BAGLEY. I call for the regular order.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted indefinitely to Mr. CONNOLLY, on account of serious affliction in his family.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. ROGERS, of New York. I desire to make a privileged report from the Committee on Printing.

The report was read, as follows:

The Committee on Printing, to whom was referred the following resolution—"*Resolved*, That there be printed —— thousand copies of the President's last annual message for the use of the House"—
have considered the same, and recommend the printing of 25,000 copies for the use of the House. With this amendment, the committee recommend the adoption of the resolution. The estimated cost of printing will be about $475.

The amendment filling the blank so as to provide for the printing of 25,000 copies was agreed to.

The resolution as amended was adopted.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business, unless the special order is called up——

Mr. REAGAN. I do call up the special order, as I understand that the gentleman from Kansas [Mr. ANDERSON], who is entitled to the floor, is ready to proceed.

INTERSTATE COMMERCE.

The SPEAKER. The House now resumes the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce. The gentleman from Kansas [Mr. ANDERSON] is entitled to the floor.

Mr. ANDERSON. Mr. Speaker, in common with members generally, the promptness with which this bill has been taken up for consideration after the recess finds me unprepared to present such facts and in such form as I should like and as the importance of the subject merits. I would much prefer time for further investigation, and also for a more careful presentation of the matter than is possible in extemporaneous speaking.

Interstate commerce embraces all traffic and travel between States, and touches every article and animal raised on the farm which is not consumed in the State where produced, and every manufactured article which is not finally used near the factory, in this whole nation. The result is that the question as to the reasonableness of freight charges is one which affects every man in America who raises and sells or buys and uses almost anything.

MAGNITUDE OF THE RAILWAY TRAFFIC OF THE UNITED STATES.

The magnitude of the traffic may be stated, or rather hinted at, in figures, but can not be realized. There were at the close of the calendar year 1883 121,592 miles of railroad in the United States, of which 120,552 miles had been completed at the close of the fiscal year of the companies. The average mileage operated was 110,414 miles. The amount of money alleged to be invested in these roads is stated as being in share capital $3,708,060,583; in funded debt, $3,455,040,383; in floating debt, $332,370,345; making a total of $7,495,471,311. The service performed by these corporations during that period consisted in transporting 312,686,641 passengers, or more than six times the total population of the United States in 1880; for the performance of which work the companies received $215,287,824.

And it is interesting by way of comparison to notice the difference in the rate of charge in the different groups of roads. For the purpose of comparison reduce the passenger traffic in each group to the equivalent number of persons hauled one mile, as is customary in railway statistics, and you will find that in New England there were 1,187,719,657 passengers moved one mile at a charge of 2.15 cents each; in the Middle States 2,489,766,204 persons moved at a charge of 2.17 cents each. Now, the number moved in the Western group of States was still larger, being 3,834,082,895, but the charge was still higher per passenger, being 2.56 cents. In the Southern group there were 613,891,085 persons, at 2.82 cents; and in the Pacific group 415,849,833, at 2.84 cents. So that the total passenger traffic of the United States in that year was equivalent to 8,541,309,674 persons moved one mile at a charge of 2.42 cents each.

Coming to the more important element of traffic, that of freight, we find the whole number of tons moved that year by railroad to have been 400,453,439, probably worth $15,000,000,000, for the performance of which service the companies received $549,756,694. Reducing the distance which this freight was carried to its equivalent of tons moved one mile, and we have 44,064,923,445, at an average charge of 1.24 cents per ton per mile. I give here the statistics of the separate groups: The number of tons moved one mile in the New England States was 1,807,112,979, at a charge of 1.7 cents per ton per mile; in the Middle States, 16,100,054,154 tons, at a charge of 1.04 cents; in the Southern, 2,546,941,900, at 1.78 cents; in the Western, 22,548,598,390, at 1.23 cents; in the Pacific group, 1,062,216,022, at a charge of 2.2 cents. It will be noticed that though the volume of traffic in the Western group is greater than that of the Middle group the rate is higher.

Any one, Mr. Speaker, who will examine these and kindred facts, as presented in Poor's Manual of 1884, will find the greatest inequality in charges in the several groups, and that of itself is a question fairly challenging the attention of this House. The gross receipts of these roads were $823,772,924; an increase of $53,563,025 over the previous year. Their net earnings were $336,911,884. Of this latter amount they paid interest $173,139,064 and dividends $102,052,548. I also quote a statement of the gross and net earnings per mile for the last five years, which may be of value:

Earnings per mile of road.

Year.	Gross.	Net.
1879	$6,652	$2,761
1880	7,475	3,318
1881	7,548	3,078
1882	7,377	3,005
1883	7,461	3,051

THE RAILROADS PAYING 10 PER CENT. PROFIT ON THEIR PRESENT VALUE.

Now the profit on the capital actually invested, that is, on the real worth of the roads, was not less than 9 and probably over 10 per cent. I am aware that the esteemed gentleman from Massachusetts [Mr. LONG] yesterday left the impression, at least on my mind, that this profit was only about 3 per cent. I suppose he meant on the amount of the face value of the bonds and stocks. His language was:

Look at some of the figures. The $6,000,000,000 or more invested in the 125,000 miles of railroads in the United States pay only about 3 per cent. to their stockholders.

The inference naturally follows that the charges of the roads must necessarily be so low as to be wholly reasonable. In contravention of this proposition I shall cite the highest of all authorities on railroad statistics, Poor's Manual, to show that the amount of money actually to-day invested in these roads and the amount of earnings reported will indicate a profit to them of at least 9 per cent. and perhaps over 10 per cent. Furthermore, the question as to what a road is really worth enters into the question as to what is a reasonable charge for the freight carried over it; and I maintain that a road is worth just what it can be duplicated for. Take any road in the United States—one reported, we will say, as having cost for its construction $100,000 a mile, but which could now be built for $25,000 a mile—and that road is worth to-day no more than $25,000, because it can be duplicated with this expenditure. It is entitled to charge a fair interest upon its actual worth, but in fact at this time, and for years past, the whole country is being taxed for the purpose of enabling men controlling these roads to draw 3 per cent. interest on double, treble, or quadruple the real value of the roads, by means of fictitious stocks. Let me quote two paragraphs bearing on this question:

The preceding statement shows that since 1880, a period of three years, there have been opened in the United States 28,405 miles of railroad, and that 6,091 miles were opened the past year up to the close of the fiscal years of the several companies. The increase of share capital and indebtedness of all the companies for the three years ending December 31, 1883, was $2,063,433,054, the cost of the new mileage as represented by share capital and debt being about $70,000 per mile. The increase in the three years of the funded debts of all the companies was $924,165,440; of their floating debts, $169,880,406; of the two, $1,094,045,846. It is not probable that the cost of the mileage constructed in the three years equaled the increase of funded and floating debts by at least the sum of $200,000,000. The cost of the mileage constructed certainly did not exceed $30,000 to the mile. The whole increase of share capital, $999,387,208, and a portion of the funded debt, was in excess of cost of construction.

Again:

If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from

their accounts, their success as investments would have no parallel. If to net income be added the advantages that flow from them, the result would be a matter of especial wonder. Our railroads the past year transported over 400,000,000 tons of freight. At $25 the ton the value of this freight would equal $10,000,000,000.

THE FARMER PAYS THE FREIGHT ON WHEAT SHIPPED TO EUROPE.

Here, then, we have these corporations collecting from somebody over $823,000,000 during the last year, and in each year increasing the sum of their collections, and the pertinent question for us now is: Who pays that money?

I take as an illustration on this branch of the subject the one chosen by my colleague on yesterday, namely, the transportation of wheat; and I concur in his remarks, able, clear and convincing as they were, upon that point. Any difference between us is solely of judgment as to means, and not of spirit or final object. The price, as every one knows, of wheat, the great product of the farmers of the West, as is cotton that of the farmers of the South, is determined in Liverpool; simply for the reason that there England, acting as a buyer for those who must consume the surplus of all wheat-growers, has the benefit of competition between them. Assume, then, that after this competition the price of wheat in England is fixed at 100 cents a bushel. The price in New York will be about 88 cents a bushel, because it costs 12 cents a bushel to take it from New York to Liverpool. At Kansas City the price will be about 55 cents a bushel, since the roads charge 33 cents for carrying it from Kansas City to New York, and in my district the price will be 40 cents, for the reason that the roads charge 15 cents for carrying it to Kansas City from a point one hundred and fifty miles within the State of Kansas. Of course these figures also include the relatively small charges for commission, &c., say 2 cents.

Now, in response to the question as to who really pays that freight, it is perfectly clear that the farmer pays it. Because if his bushel of wheat were at Liverpool he would receive $1 for it, but being at Abilene he receives just what is the Liverpool price, less the cost of transportation to Liverpool. In other words, the farmer in my district who sells his wheat at 40 cents in accepting that price pays a freight rate of 60 cents a bushel for carrying it from Kansas to Liverpool.

THE PRESENT FREIGHT CHARGES EXTORTIONATE.

That raises, then, the question whether this charge is a reasonable charge. There is no one, Mr. Speaker, upon this floor who is not entirely willing to give to the common carrier a fair interest upon his investment and a fair compensation for the service performed by him, and I am the very last man to take any other position than that either here or anywhere. But in taking that position I take also the position that, at least in my own judgment, I would be recreant to my duty in consenting that these corporations, no matter what their power or what their wealth, should extort from the farmer even one mill more than that which is fair, reasonable, and just. Are they doing this? Let us see. We will take the charge of 15 cents for carrying a bushel of wheat one hundred and fifty miles in Kansas. You will find that the rate from Kansas City to New York is about two and a half cents per bushel per hundred miles, which, at the same proportion, would make the rate from Abilene to Kansas City about four cents per bushel.

But the actual charge, as I have said, is 15 cents. In other words, they charge 11 cents a bushel more for a one hundred and fifty mile haul than the rate at which they make a profit in carrying it from Kansas City to New York, and they excuse this increased charge upon the alleged grounds that a short haul costs more than a long one. Well, say it does, to a certain extent. But, bless my life, is it not longer from New York to the center of Kansas than it is from New York to the border of Kansas? And therefore are not these farmers entitled to the long-haul rate as distinguished from the short-haul rate? In my own judgment there is not a shadow of doubt that the 33-cent rate on wheat from Kansas City to New York is not less than 10 to 12 cents over and beyond a reasonable profit per bushel, and from Abilene to New York not less that from 20 to 24 cents beyond a fair profit.

Now, suppose that by a reduction of rates effected by legislation a difference in favor of the shipper of 20 cents had been made, what then? Why, the wheat that sold at Abilene at 40 would have sold at 60 cents per bushel manifestly. On the wheat crop of Kansas alone, say 48,000,000 bushels, a difference, say, of only 20 cents a bushel would amount to $9,600,000, and make just the difference between this profit to the farmer, enabling him to accumulate something for a rainy day, and that poverty which, receiving no profit, can accumulate nothing.

To show the rates charged by Eastern roads I quote a statement of the freight charged per ton per mile: On the New York Central, 9 mills; the Pennsylvania, 8 mills; Erie and Western, 7.8 mills; the Boston and Albany road, 1.19 cents. That is a Massachusetts road, and Massachusetts is a State where they rely upon "moral suasion," upon "publicity," upon the effect produced by a railroad commission which is not clothed with any particular power by law, and which chiefly desires only to turn up the wick of the lamp of truth in order that the light of "publicity" may be thrown upon the conduct of its railroads. And yet that road is charging a good deal more than other important roads. Contrast this Boston and Albany rate of 1.19 cents with Philadelphia and Erie, .62; Lake Shore and Michigan Southern, .73; Michigan Central, .83; and with Pittsburgh, Fort Wayne and Chicago, 8 mills per ton per mile.

THE SOUTHERN FARMER PAYS THE FREIGHT ON COTTON SHIPPED TO EUROPE.

But let us turn to the crop which is the great product of the South—cotton. Like wheat, its price is made in Europe. Eighty-four per cent. of the cotton used by all Europe last year was raised in the United States. During that year the whole of Europe used 6,930,000 bales, and received from the United States of that amount 4,497,000 bales. The crop in this country in 1882–'83 was 6,949,756 bales. It was raised from an acreage of 16,276,000, and was worth, I suppose, over $400,000,000. That is a crop which is almost universally marketed outside of the area of production. Ninety-six per cent. of the whole cotton crop of the South was sent to Northern mills and to foreign countries; 32 per cent., or 2,225,712 bales, being used in the United States, and the rest, or 68 per cent., being exported.

Now, it is quite clear that since the price of that article is determined in Europe, the cost of transporting it from the field to its final market is paid, not by the man who buys and ships the cotton, but by the man who raises the cotton, just as in the case of wheat; and therefore that, since the raiser of the cotton pays the freight, any difference in the amount of freight affects, of course, the amount of profit which he makes upon his crop. The following table shows the production of cotton by States:

	Bales.
Alabama	810,000
Arkansas	697,000
Florida	62,000
Georgia	942,000
Louisiana	560,000
Mississippi	1,064,000
North Carolina	463,000
South Carolina	630,000
Tennessee	337,000
Texas	1,326,000
All other States	66,000
	6,957,000

SHIPPERS NO LONGER PROTECTED AGAINST HIGH FREIGHTS BY COMPETITION BETWEEN RAILROADS.

We are often told that the great safeguard of the grower of products shipped by rail is the competition between carriers. It is alleged that competition is the safeguard of all trade; that almost from time immemorial this fact has been one of the laws of trade and recognized as a fundamental principle of political economy. And that statement was formerly correct. But any gentleman who will look at the effect which the building of railroads, which the employment of steam as a motor on water in the transportation of freight, which electricity, which the printing-press have had upon capital, upon labor, upon the great trade movements of the world, will find that these are factors which have very largely eliminated competition as a real force in commerce. And the question is to-day whether the farmer who raises wheat or who raises cotton, or any one else who is compelled to pay freights for rail transportation, actually possesses the safeguard of competition; whether the competition between the Pennsylvania Central and the Baltimore and Ohio and the New York and Erie and the New York Central, as rival carriers, secures to him the lowest rate at which the service can profitably be done.

What are the facts in regard to that? The canny Scotchman who invented, or at least used, the first locomotive and built the first railroad, enunciated a sound though in his day a ridiculed proposition when he stated that "where combination is possible competition is impossible." To-day that proposition has supplanted competition as a safeguard. If you will stop a moment to think of the extent to which combination has been carried and of the vast area over which competition has been abrogated you will be startled. Take one-half of this continent, that west of the Mississippi River; with the Northern Pacific, with the Union Pacific, with the Atchison, Topeka and Santa Fé, with the Texas Pacific, one would think that certainly so vast an area would in competition find a safeguard against all extortion by these companies. But what are the facts? Every single one of those roads is pooled with the others for the express purpose of preventing competition. And to such a degree is the perfection of these pools carried that they do substantially prevent competition. And you find that the people who control these lines, that Jay Gould, Dillon, Huntington, the Boston parties, and a few more men whom you could count on the fingers of your two hands, are in such combinations that they actually do collect from the whole area of half a continent precisely what rates they please, and that the farmers in that area who raise and ship their products, or who buy manufactured articles, are forced to pay the rate which, under their pool and by its abrogation of competition, these men are enabled to extort.

THE OCEAN COMMERCE THROTTLED BY RAILROAD POOLS.

But we are told that the water ways of the country are our safeguard. I used to think they were. It seemed to me that at least upon the waves of the Atlantic and the heaving billows of the Pacific Ocean, where no rail could be spiked and no locomotive run, there assuredly and eternally would be an open highway in competition with the transcontinental lines. But what are the facts? Why, sir, that the California roads are to-day in pool with the ocean steamers, and have wiped out competition by compelling the steamship lines to form the pool or be run out of the trade. So that not only does Huntington own all California in that sense, not only do these few men control the whole half of the continent in that sense, but they control the Pacific Ocean in so

far as by steamship lines it comes in competition or may come in competition with their roads. And why? Because they have the capital to do it. Where do they get it from? They get it from the men who raise the crops and ship them over their roads, and use that precise money in building steamship lines to prevent these very men from having the benefit of competition that a beneficent Creator designed when placing the oceans.

Take the case with respect to the Atlantic Slope, which largely furnishes our cotton-fields. Before the war the great avenues of cotton shipment were down the Ohio and Mississippi Rivers and abreast the Atlantic coast. How is it to-day? Have you the competition which one would naturally suppose should result from these geographical conditions? Let me read a paragraph or two upon this point. I read from a paper by Joseph Nimmo, Chief of the Bureau of Statistics of the Treasury Department:

The railroads of the country have become with respect to all "through traffic" virtually one system of transportation, and their efficiency as highways of commerce has been enormously increased. Between the years 1852 and 1875 several great east and west trunk lines were constructed from the Atlantic seaboard to the Mississippi River, connecting subsequently to the year 1864, at Cincinnati, Louisville, Cairo, and Saint Louis with great railroad systems extending into all parts of the "cotton belt." It was not, however, until after the late war that the managers of the great east and west trunk lines, and of the trunk lines extending southward from the Ohio River and from Saint Louis, were led to believe that they could successfully compete with water routes for the transportation of cotton to Northern mills and to Northern seaports, even from the southern part of Tennessee and from Arkansas; but the northward "overland" all-rail movement amounted during the year ended August 31, 1883, to 1,178,560 bales, or 17 per cent. of the entire cotton crop. Not only is cotton thus transported from Tennessee and Arkansas, but also from points far down toward the Gulf, in Alabama, Mississippi, Louisiana, and Texas, and from the northern portion of Georgia. The eastward movement by rail in connection with that northward overland has had the effect of reducing the receipts at Gulf ports from 3,427,585 bales in 1860 to 2,945,149 bales in 1883.

There are the facts, and the following paragraph reveals how these marvelous charges were effected:

One of the most noticeable features of the cotton movement of the present day is the fact that the transportation of a very large proportion of the cotton grown in the Southern States is now controlled and directed by great railroad systems and pooling arrangements. All the railroads engaged in the transportation of cotton to the Atlantic seaboard in the States of Virginia, North Carolina, and Georgia, as well as the several lines of steamers plying coastwise between the ports reached by such railroads and the ports of Boston, New York, Philadelphia, and Baltimore, have, in so far as relates to competitive traffic, united in a pooling agreement. This copartnership arrangement, known as the Southern Railway and Steamship Association, was organized in the year 1875 by Mr. Albert Fink.

RAPACITY OF THE TRUNK-LINE POOLS.

Coming to the region north of the cotton belt and east of the Mississippi River, and we find that competition has here also been eliminated by two great pools, which control the whole area and traffic; that their joint executive committee, of which this same Mr. Fink is chairman, regulates all rates, putting them up or putting them down as they see fit. I read from the July report of the Department of Agriculture, made by J. R. Dodge, statistician:

At a meeting of the joint executive committee, held in the office of the chairman, Albert Fink, 346 Broadway, New York city, June 13, it was agreed that the following articles in car-loads, which have heretofore been in the eighth class, be placed in a special class, namely: Grain, flour, feed, bran, meal, middlings, oil cake and meal, and cotton-seed cake and meal, and that, taking effect June 24, the rates thereon shall be on the basis of 20 cents per 100 pounds, Chicago to New York; and taking effect Monday, July 21, proximo, the rate be advanced to the basis of 25 cents per 100 pounds. Also that, taking effect same date, rate on seventh class and live hogs will be on the basis of 25 cents per 100 pounds, and on ninth class 30 cents per 100 pounds, Chicago to New York; and taking effect July 21, proximo, the rates on these classes will be further advanced to the basis of 30 cents on seventh class and 35 cents on ninth class.

The following statement shows the rates that took effect June 24, and the advanced rates to take effect July 21, Chicago to New York: June 24, 1884, special class, grain, &c., 20 cents; seventh class and live hogs, 25 cents; eighth class 25 cents; and ninth class 30 cents. July 21, 1884, special class, grain, &c., 25 cents; seventh class and live hogs, 30 cents; eighth class, 25 cents; and ninth class, 35 cents.

This advance in the basis of rates, Chicago to New York, increases the rates on the articles named which are destined for Eastern markets from all points east of the Mississippi River.

What was the effect of that? Simply to increase the charge of transporting wheat 5 cents on the hundred pounds or 3 cents on the bushel. In other words, it took just 3 cents per bushel out of the pocket of the farmer who had raised the wheat and had it for sale. I have no doubt that similar arbitrary increases have been made of rates on cotton and all other products. There is no pretense that the rates were so low prior to June as not to give the roads a fair compensation. They were high enough before the increase to be "reasonable" as to the companies. They raised the rate just because they had the power and could make more money; that was the only reason.

THE BENEVOLENT ORDER OF "AMERICAN THUGS."

I wish to look a little at the moral side of that act. This high-joint executive committee, or, rather, these high-joint executioners, by raising the rate 5 cents a hundred pounds, simply because of the plethoric crop of wheat which was coming in, reduced its value 3 cents per bushel to the owner of the crop—took 3 cents out of the pocket of each of those men for each bushel of wheat. It was done by pooling—by an organization of gentlemen who wield power as the officers of the pool, and who individually are said to be very respectable men. They are employed to do this business, and sell their services as such agents for large salaries. But what difference is there in the effect of their action upon the farmer of my State or the cotton-raiser of your State, between taking 3 cents a bushel from the value of the wheat, or going to that farmer and taking 3 cents out of his pocket? That action reduced the value of wheat in my State $1,440,000.

For one, I can not see a shade of difference morally between these high-joint executioners, acting as willing agents for Jay Gould, Vanderbilt, the Boston interest, and the other owners of roads, converting that one million and a half of dollars from the pockets of the farmers of Kansas into their pockets, and these same executioners going directly to the pockets of the farmers in Kansas at midnight and robbing them of $1,440,000. If any other gentleman can see the difference I can not.

Oh, it is more "prudent," perhaps, to regard the power, the wealth, the influence in politics, the influence of such papers as they own, the "respectability" of these men owning these roads and employing "respectable" men to do this thing. But morally I can see no difference between that action and absolute, naked, bald-headed robbery; and I wish to suggest that the day may come, before a Supreme Court which neither Jay Gould nor Mr. Vanderbilt can possibly influence—the day will come after their death—when they and their pool executioners in their individual capacity, not as incorporated partners nor as official thugs, will have the moral side of that act justly passed upon. The thousands of toiling men who raised and owned that wheat will be witnesses.

SHALL AN AMERICAN CONGRESS PROTECT THE AMERICAN PEOPLE?

There is, however, to be considered by this House that other question, whether these men shall be permitted to do this thing while the people who pay these $823,000,000 have not the protection which under competition they ought to have, and while railroads are public highways? That is a question for us to settle, just as New York may limit the charges of Niagara hackmen. You would not have any doubt as to the legality of regulating their rates; and I do not know any three or four or five hackmen in Niagara or elsewhere who are more rapacious, more conscienceless, than Mr. Gould, Mr. Vanderbilt, Mr. Huntington, and you may throw in a half-dozen more of that ilk with my full consent.

That is precisely the point which the bills we are considering purport to secure, to protect the people. Yet we are told in the outset that we must be "conservative," that we must not go too fast, that we must be very cautious, that we must rely upon moral suasion; that we must let the light of publicity, as it does in Massachusetts, illuminate the minds of these men and the public. Just how much does Jay Gould care for the light of publicity? He has had a great deal of that. And when you find in actual fact that the raising of 5 cents a bushel in the rate of transportation of the wheat of the United States is equivalent to the transfer of millions and millions of dollars from the people of this country to the pockets of these men, just how long are you to be "conservative?" *How* slow are you to go? If we have not been going slow enough, and if either of these bills, for that matter, does not propose action that is sufficiently conservative, then I am occupying a different standpoint from that of the gentleman who thinks otherwise.

DIFFERENCES BETWEEN THE REAGAN BILL AND THE COMMITTEE BILL.

Take up these bills. What is the difference between them? The Reagan bill says the charges shall be reasonable, which is the law now, and it imposes a penalty when the charges are not reasonable. The committee's bill says the charges shall be reasonable, and expressly exempts that section from any penalty. This matter of reasonable charges I have only illustrated in that 5-cent raise on the transportation of the wheat of the country, and its importance to the people is almost infinite.

But we are told we must not impose a penalty because these men might have formed an erroneous judgment. How many erroneous judgments do Albert Fink and the high-joints form? If they do form erroneous judgments, and if those erroneous judgments are always for the benefit of their employers and never for the benefit of the people—and that has been a fact ever since they began pooling—is it not now time to let the people have a little bit of benefit, by a penalty imposed as against their erroneous judgments? Because, sir, everybody is satisfied as to their general cussedness—at least I am. [Laughter.]

Now, Mr. Speaker, I criticise no man's opinion who differs from me on this floor. I impugn no man's motives. I recognize the difficulty of this subject, and recognize the fullest liberty of conscience and judgment and purity of action in every man; but to my mind the exemption from penalty for violation of that section as to reasonable charges is just simply a railroad dodge, and I would not be surprised if some railroad attorney had written it. Perhaps that is a clause of the old Charles Francis Adams bill; he is now, by the way, president of the Union Pacific Railroad—a tropical plant from frigid Boston! [Laughter.]

REBATES.

The next difference is that the Reagan bill prohibits rebate, and the committee's bill says it does, and then says it does not. And it does not. The exact difference between the two bills on that point is this:

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered as aforesaid by him or them.

That is the Reagan bill and that is an express prohibition. But the committee's bill qualifies it in this way: "and which under similar cir-

cumstances are not allowed to all other persons." That is, that they shall not allow rebates, but if they do they shall not allow any rebate which under similar circumstances is not allowed to all other persons. They shall not do a given thing; but if in spite of the law they do it, then they shall do it universally!

I would like to hear a railroad attorney, if that clause were enacted and the question were before a court upon the phrase "similar circumstances"—I should like to see how many kind of circumstances his ingenuity would suggest. He might say this, for instance: We could allow rebate to a manufacturing company or to the owner of a lumber mill somewhere for the reason that he did a large business, that he was one of the most prominent men in his community, that he exercised large political influence, which might be useful in the event of any attempt at State legislation or national legislation, and that to him as the only man in that county we may lawfully allow rebate; that at the next county seat they would allow the same thing to only one man because the circumstances were "similar," and so on in every county in the State.

Now, Mr. Speaker, in just this rebate dodge you find the parentage of the Standard Oil Company. It is there you find the means by which the railroad power of the United States elevates itself and hopes to exercise ultimately, if not yet, absolute power in every State in this Union. If they can make rebate to one man they can make it to another. The Reagan bill says they shall not rebate. The committee bill says yes, you shall not rebate—unless you do it!

I am opposed absolutely and unqualifiedly to any form of rebate. I can see no justice in it; and even if there be cases that are equitable, I can see on the other hand infinitely greater dangers to the liberty and purity of this Republic by permitting any such unjust policy to be legalized by granting rebate to anybody; and for that reason I prefer the Reagan bill on that point.

POOLING.

The next provision is in regard to pooling. The committee's bill says that you shall not pool, but that the commission shall report upon the question whether you ought not to pool! That is what it amounts to. Any man who will look to-day at the effect of these pools—not at an exhibit as made up by railroad experts and attorneys, Mr. Albert Fink, for example, but from the standpoint of the people and their welfare—will see that these pools are a wrong to the public. I think so, at any rate, and for one I shall support any legislation that we may formulate which will absolutely prohibit this pooling thuggery, and make every violation of such prohibition a criminal offense, for I regard it as a mode by which there is perpetrated a sheer robbery of the people.

THE "COMMISSION" COMEDY.

Then comes this commission arrangement. The committee, in formulating their bill, say that we shall have a commission. Very well. If you will enact the provisions of the Reagan bill and *then* establish a commission, that would not be created in the interests of the railroads and pass a law which does not expressly provide the appointment of a railroad man—for that is just what they might all be in the end, every one of them—but take your railroad commission and order them to enforce the provisions of the Reagan bill, I am ready to have a railroad commission. But, gentlemen, it seems to me that, in the examination I have given to this bill—and of course I may be incorrect, and therefore I criticise the judgment and conclusions of no man which differ from my own—it looks to me as if the committee had taken up the Reagan bill, and felt as it they must report against pooling, rebates, and the rest of these outrages, because a storm was beginning to break, and then as if some railroad attorney, with his ingenuity, had sought how best to break the force and effect of the storm, how best to extract the teeth of the Reagan bill, and gotten up the commission. I say I may be wrong, but it strikes me that way, as the usual dodge of the corporations; and in so saying I do not in the least reflect upon any member of the committee.

But, Mr. Speaker, what power has that commission? Why, it is expressly limited; the committee's bill says:

Said commission shall exercise only the powers by this act conferred.

What are they?

That for the purposes of this act the commission shall, subject as in this act mentioned—

not otherwise—

have full power to ascertain and report upon all questions of fact arising under this act, &c.

I shall not go into the details, but if I understand the bill correctly, and I may not have done so, the only way that the commission can obtain knowledge upon which it can act at all is through a complaint made by some one. If it ascertains a violation of the law by any one company, if I understand it, the commission cannot of itself institute proceedings upon that information alone. It must wait until some man somewhere, and for some cause under the law, makes a complaint of its violation, and his complaint is attested before a United States district attorney.

If such a complaint amounts to anything, then the commission may hear it and institute proceedings under the act or take steps to examine into the matter. But in the first instance it is necessary that a complaint shall be made, as I understand it. In other words, Mr. Speaker, it is very much like a commission of a similar character established in my own State, a portion of the framework of which original bill was drawn by railroad attorneys connected with the Santa Fé and other railroads in their interest and for the express purpose of preventing anything being done. But their scheme was defeated.

NO GREATER CHARGE FOR A SHORTER THAN FOR A LONGER DISTANCE ON ANY ONE RAILROAD.

Now we come to the question as to the prohibition against charging any greater compensation for a shorter than for a longer distance on any one railroad. When I read that I thought it meant that they must prorate. For instance, if there is a rate from Kansas City to Denver and the charges are so much, then from Kansas City to Topeka the charge must be in ratio. This Reagan bill does not say that. I, for one, would not accept the provisions of a bill that did so, as far as my vote goes. What it does say is just this, and the committee's bill has no such provision:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the roads in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

That is all. They shall not charge, for instance, more for freight from Kansas City to Topeka than from Kansas City to Denver. They shall not charge more for freight from Pittsburgh to Columbus than they do from Pittsburgh to Saint Louis, but they may charge as much for the shorter distance as for the longer; and I am frank to say that that principle, or rather the one it suggests, is an important one both for the West and for the South. I am ready to recognize the difference in cost, as a factor in the reasonableness of charges, between a long and a short haul, but this provision does not touch the question further than that they shall not charge *more* for one hundred miles than on that same road for five hundred miles; and there is no gentleman, it seems to me, from the West or the South who can doubt that this is for the interest of his section, and as far as that interest is concerned, that such a provision would be advisable.

DIRECT REGULATION OF RAILROAD CHARGES.

Now, Mr. Speaker, on a comparison of these two bills, though neither of them purports to regulate rates, as between the Reagan bill and the committee's bill I am unquestionably in favor of the former. As between either of them and a bill which created, say, a commission, or which by a direct act regulated the rates of the railways of the United States, I should prefer the latter. My objection to these two bills is that it can only be said of them that either of them is better than nothing. The committee's bill is mighty little better. The Reagan bill is a good deal better. Yet I doubt whether you can effectively prohibit "pooling" and "rebate." I doubt whether prohibition will be found to prohibit in that matter. But if it should, then you have only relied upon the force of a competition which does not exist, and which you can not restore to its original status and upon publicity; while, because of your conservatism or tender-footedness, you do not affirmatively regulate the rates of these lines.

Looking from the standpoint of the people and their interest as I see it, I for one am not only ready but anxious to engage in any legislation which shall go much further than either of these bills goes, and which shall be affirmative action regulating the rates of these roads.

Objection was made yesterday to the Reagan provision as to the posting of schedules, and it was alleged that it would take five days, perhaps ten, for a trunk line under that provision to change its schedules. If that should be so, what of it? Is it not better that the people should have such notice than that a high potentate Albert Fink shall, by a simple twist of the wrist, extract $10,000,000 out of the pockets of the farmers of my State and many more millions of dollars out of the people of the nation? Are these roads imperial in the sense that in addition to having gone beyond the realm of justice to the people they are also beyond the confines of ordinary propriety and decency? It will take, forsooth, five days or ten days to distribute the schedules! A nice idea! Sticking in the bark, gentlemen! Too thin!

THE CONTROL OF RAILWAYS BY THE NATION ESSENTIAL TO THE SAFETY OF THE REPUBLIC.

Now, Mr. Speaker, in conclusion I wish to state what, in my judgment, will be the effect upon the prosperity of the people of this nation and upon the purity and perpetuity of the Republic if, on the one hand, these railroads be not regulated in their charges, and, on the other hand, if they be so regulated. I have shown, I think, that it is within their power to charge the traffic all that it will bear; in other words, to take from the farmers, the producers of this country, their legitimate profit. That is the reason they made the raise of 5 cents on wheat. Suppose now that for twenty-five years you continue a process by which the profit of the agricultural labor of this land, instead of being given to the farmer, is given to Mr. Gould and Mr. Vanderbilt and the other owners of roads, what will be the result? These men will become voluminously rich. No doubt of that; because they will be receiving the profits of the farming labor of the country.

But what about your farmers? They will be poor. Each year will

find them in the same state of poverty. They will not get ahead. They will not be able to provide for their families, to educate their children, or to accumulate something to leave them. Then what, gentlemen? Then will come riot! Why? Because you will have vast masses of poor, discontented men, who would be the majority of the voters of our country. That will be the result if the success of the attempt made heretofore by the railroad corporations of this country shall be continued; if they shall still prevent legislation by States; if they shall prevent legislation in this House; if they shall use the exact money extorted from the people, for the express purpose of preventing such legislation as shall prohibit them from extorting that money; if they shall in this way control this House, or—a much easier body because a smaller one—if they shall control the United States Senate; if finally, as their last triumph, they shall enter the Supreme Court; and thus through a period of years legislation giving relief to the people shall, by their corrupt, most infinitely damnable, practices, be defeated. Then what? Then capital must come face to face, not with the thinking men of the country but with the mob. So that capital itself has more at stake in securing efficient railway legislation than even the farmers have.

New England manufacturers who sell their products to the West and South have a greater interest at stake in this legislation than all New England capital invested in roads. New York's imperial position can only be maintained twenty-five years hence by cheap railroad rates—in no other way—because it will be but a few years until there will be fifty millions of people west of the Mississippi River, and when they are there they will have their own railway system and their own water transportation. The distance from Topeka, Kans., to the Gulf of Mexico is just the same as from Topeka, Kans., to Columbus, Ohio, and the haul from Columbus to New York is just that much extra. In my judgment, either we must regulate these roads, either a fair share of the profit must go to the men who raised the crop, or within twenty-five years, either peaceably if a law can be passed, if not, which I deplore, by means that no man could approve, there will some day be a great settlement and a final and just decision of that question which was raised 1,800 years ago, aye, 6,000 years ago, whether the man who does the work may have his share of the profits, or whether some more powerful man may throttle him and take that share from him!

Mr. HOPKINS. Mr. Speaker, I think I can justly claim that the agitation of this question of railroad discriminations began in the district which I represent. Individual rights were so completely ignored, corporate power was so arrogantly and unfairly exercised, that the patience of our people was utterly exhausted, and they cried out for relief.

In the first session of the Forty-fourth Congress I introduced a bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers. And soon thereafter I secured the passage of a resolution instructing the Committee on Commerce to investigate the charges of favoritism and combinations by railroad companies. That investigation proceeded far enough to prove specific acts of gross discrimination. But by some process, never yet explained, the investigation was smothered at a critical juncture, and the testimony already taken disappeared from the committee-room. I feel sure that what I state will be corroborated by my distinguished friend the chairman of the Committee on Commerce, who was then a member of that committee. The gentleman from Texas (Judge REAGAN), to whom I refer, took a lively interest then in the effort to protect the people against the wrongs inflicted by corporations. And I am glad to know that ever since then he has labored faithfully, zealously, and ably to secure the legislation necessary to that end.

I am willing to admit that there is less ground for complaint now than existed nine years ago. But I apprehend the reason is that during that time eight States have embodied in their Constitution clauses prohibiting discriminations, and the further reason that bills have been pending in each Congress since to place the strong hand of the Government upon the offending corporations. If a wholesome fear of penal statutes has wrought so much good, it is fair to presume that the enactment of a law upon the subject will accomplish still greater results. And it is also fair to presume that the defeat of this bill will remove all restraints and cause a repetition of the wrongs so earnestly complained of. For the nature of corporations has not changed. They are as rapacious, remorseless, and selfish as they were nine years ago. They are as ready as ever to benefit their friends and favorites at the expense of the general public.

I think, Mr. Speaker, that this view is confirmed by the action of the great railroad companies in reference to the pending measure. Their opposition is earnest, persistent, and bitter. Whenever this question has been before Congress these corporations have appeared, represented by the ablest and most distinguished counsel whom money could employ. I have here one hundred and eighty-nine closely-printed pages of argument delivered before the Committee on Commerce in opposition to the Reagan bill. It is true that certain features of the bill are especially attacked; but it is equally true that the spirit of all these arguments is against any bill asserting the authority of Congress over the subject-matter and prescribing penalties for violations of the law of common carriers.

If no wrongs are practiced or contemplated, why this intense opposition? Just and law-abiding men have no fear of penal statutes. Corporations which intend to deal fairly and equitably with all men will not object to measures of relief to those who may be unfairly and unjustly dealt with.

While I think this is a legitimate inference from the hostility of the railroad companies, we are not left to inference as to the substantial fact of the existence of great wrongs which this bill is intended to redress.

It is boldly and specifically charged that an arrangement exists by which the transportation of live-stock is controlled by an association called the board of eveners, who receive a bonus of at least $15 per car upon all live-stock shipped over certain lines of traffic. This sum is, of course, taxed upon the customer, and is a grievous burden to the poor, to whom nutritious and cheap meat food is so essential.

Besides this, boards of trade, chambers of commerce, agricultural societies, and individual shippers in all parts of the country have sent up resolutions, memorials, and protests against the policy of discrimination practiced by most of the leading corporations. These are practical men, who have personal knowledge and experience of the injuries done them; and having failed to secure redress, they earnestly and emphatically demand that Congress shall throw its shield over them and lay a rod on the backs of those who have oppressed them. All this goes upon the assumption that Congress has the constitutional power to grant the relief prayed for. Can there be any doubt of that? The Constitution expressly declares that Congress shall have power "to regulate commerce with foreign nations and among the several States."

And judicial decisions may be piled upon text-books monument-high, and on every side may be read in the clearest language a construction of these words so plain and simple in themselves.

Commerce means more than the mere barter of goods. It embraces everything by which purchase and sale can be effected, including transportation.

In his Commentaries upon the Constitution, Story, reviewing the clause already quoted, says:

It may, therefore, be safely affirmed that the terms of the Constitution have at all times been understood to include a power over navigation as well as trade, over intercourse as well as "traffic."

And the highest judicial tribunal in the land has again and again affirmed this doctrine, and maintained the complete power of Congress to control "the subject, the vehicle, and the agent" of commerce.

For sixty years this question has in various forms been before the Supreme Court of the United States, and I believe in every instance the power of Congress to regulate or control commerce in its broadest and fullest sense has been clearly and unequivocally sustained.

Chief-Justice Marshall said "a power to regulate navigation is as expressly granted as if that term had been added to the word 'commerce.'"

Whether or not this great jurist foresaw that other methods would be used for conducting commerce than by navigation, his arguments and illustrations apply with equal force to commerce by means of railroads. He says:

Commerce among the States can not stop at the external boundary line of each State, but may be introduced into the interior. * * * And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? (Gibbons vs. Ogden, 9 Wheaton.)

And, as if to emphasize the power of Congress and sweep away all restrictions with which the ingenious counsel of railroad companies might seek to hedge in this power, Justice Marshall adds:

This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

And the only limitation is that contained in section 9 of article 1, to wit:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

And yet we find to-day railroad corporations undertaking to do, ay, and boldly and persistently doing, that which Congress is expressly prohibited from doing.

The student of the Constitution is constantly compelled to pay reverence to the inspiration which guided the framers of that matchless document. They framed an instrument adapted to all circumstances and to last for all time. They looked far into the future, and foresaw and provided for new and then unknown conditions. They saw the growth of corporate power, the exercise of franchises injurious to the people, and yet beyond the control of State authority. And they provided that Congress should "control commerce among the States," and in that control that "no preference shall be given" to any locality. The current of trade was to flow in its natural channels, and no artificial chutes were to be permitted to turn it aside for selfishness or avarice.

To any unbiased mind it must seem clear that the pending bill is in the exercise of a power expressly granted and is to correct abuses expressly prohibited.

For the benefit of those who have any doubt as to the powers of Congress in this regard, and for the convenience of those who wish to in-

vestigate the train of judicial thought upon this question, I refer to Gibbons vs. Ogden, 9 Wheaton; Steamship Company vs. Port Wardens, 6 Wallace; Passenger Cases, 7 Howard; United States vs. Coombs, 12 Peters; Redfield on Railways; The Clinton Bridge Case, 16 Am. Law. Reg.; The Clinton Bridge Case, 10 Wallace; Brown vs. Maryland, 12 Wheaton; The City of New York vs. Miln, 11 Peters; Grover vs. Slaughter, 15 Peters; Corfield vs. Coryell, 4 Wash. C. C. Rep.; Wilton vs. The State of Mo., 1 Otto; License Cases, 5 Howard; Erie Ry. Co. vs. Pennsylvania, 15 Wallace; The Granger Cases (4), 4 Otto; Railroad Co. vs. Richmond, 19 Wallace; Cooley vs. Board of Wardens, 12 Howard; Thomas vs. Railroad Co., 11 Otto.

From these authorities it will be learned that the power to regulate commerce means the power "to prescribe the rule by which commerce is to be governed." "And this intercourse"—which is covered by the grant of power and embraced in the definition of commerce—"must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States or by a passage overland through the States." "The power to regulate it embraces all the instruments by which such commerce may be conducted." Transportation of passengers or merchandise through a State or from one State to another is of this nature.

"The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely within one State and some acting through two or more States, does not affect the character of the transaction."

"I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has become part of one of those lines of interstate communication."

The power being settled beyond all controversy, why should Congress hesitate to exercise it? For years there has been a universal demand from the people that the abuses complained of should cease. But thus far corporations have defied the people. It remains to be seen whether or not they will respect the supreme law of the land.

During the present session, as during prior Congresses, delegations have come up from the people demanding Congressional aid against a power grown arrogant by long impunity. So far as I know, not a single association or individual has objected to the pending measure, except the officers and counsel of railroad companies. Even the shareholders of these corporations realize the importance to them of legislation which will prevent a recurrence of "railroad wars," so disastrous to all interested.

Jealousy and rivalry, and often the imprudent and unauthorized act of a subordinate official, cause the bitterest hostility between these companies, and they rend and tear each other like mad giants and unsettle all commercial business during the struggle. They become reckless of the loss they inflict upon themselves, provided they can injure their opponents. Hence they need to be protected against each other. Their stockholders need protection from the ruinous policy of their officers. And the wise provisions of this bill will accomplish that result. Pools and combinations—which are only made to be broken, and broken with disaster to all—are herein prohibited; and each company will be required to act upon business principles of healthful rivalry, which stimulates trade and rewards energy and diligence when exercised in accordance with judgment and experience.

The corporations opposing this bill in a general way admit their duty as common carriers, and in doing so they admit a constant violation of their duty; for common carriers are bound to receive and carry the goods of all alike, upon the same terms, and with equal facilities. (See Chitty's Commercial Law on this subject.) And yet the companies attempt to justify a policy in direct violation of this fundamental doctrine.

The law of common carriers is older than the Constitution. The duty of perfect fairness and impartiality to all shippers is clear and imperative. No discrimination, no favoritism can be tolerated.

Forced to admit that this is the law, the violators of it want to compel the victims to seek redress through the slow and inadequate remedies of the common law. They well know their vast advantage in such an unequal contest. The companies, with counsel employed by the year and with a well-organized force of witnesses, would be more than a match for any individual opponent. And they would worry and utterly crush out small shippers, whose damages might be serious to themselves but too little to justify protracted and expensive litigation. In the interest of all, but especially of the poor and those of moderate means, it is necessary that there should be other remedies than the common law affords.

The pending bill provides some of these needed remedies, all of which sections I cordially support. But I propose to offer an amendment giving an additional and, in my judgment, a more effective remedy. Under it a railroad company can be compelled by a writ of peremptory mandamus to receive, transport, and deliver all goods offered for shipment upon equal terms and with equal facilities. The fear of imprisonment for contempt of court will have far more effect than any possible penalty contingent upon a verdict by jury. And, besides this, shippers can make contracts for the delivery of goods with a reasonable certainty that compliance will not be defeated by the arbitrary act of some railroad official. A compulsory enforcement of right is far more efficacious and satisfactory than even punitive damages for the wrong done. This remedy is prompt and vigorous, and I think adds much to the completeness of the bill.

The clauses in this bill creating a commission and prescribing its power and functions are, as I understand it, merely auxiliary to the general purpose. The rights and remedies of individuals can not be impaired by the commission. But, on the contrary, supplemental guarantees are herein provided for the maintenance of rights and enforcement of their remedies. There is a well-grounded fear in the public mind that the insidious power of corporations might control public officers charged with the oversight and partial regulation of those corporations. So that the usefulness and efficacy of the commission will depend upon the character of the men who may be appointed, upon their intelligence, zeal, courage, and incorruptibility. If redress could be had only through these commissioners, the injured people might well conclude that we were giving them but a barren scepter. I greatly prefer the substitute offered by the gentleman from Texas [Mr. REAGAN], but believing that no harm can result, and hoping for much good from the creation of the commission, I see in these provisions no sufficient ground for opposing the bill in case the substitute should not be adopted.

It is urged as an objection to this bill that it is another effort to centralize power in the Federal Government. I admit, Mr Speaker, that this argument would be potential with me if I believed it had any substantial basis. I have seen with no little alarm the bold disregard of old-time rules of interpretation of the Constitution and the open attempt to absorb all power in the General Government, and to justify it in the name of patriotism. Surely the men who laid the foundations of the Republic and cemented them with their blood, the men who reared the magnificent superstructure, strengthened every beam and arch and column and architrave with their prayers—those inspired builders knew how to adapt the several parts in perfect symmetry and strength, so that the completed whole presented a marvelous model without an omission or an excess. I can follow blindly, and with implicit faith, the guidance of the patriot fathers. And wherever they have indicated a limit of Congressional power, that is to me the *ultima Thule* of our jurisdiction.

But, Mr. Speaker, I have endeavored to show, and I think I have shown conclusively, that one of these powers especially given to Congress in the Constitution is the very power sought to be exercised in this bill. And, aside from that, this bill contemplates no exercise of power by the Federal Government against the people. But it is an intervention in behalf of the people against corporations which oppress and defy them.

The wrongs are grievous and have at times been intolerable. The State authorities are powerless. Will Congress afford relief, or will an enraged people be left to seek that redress which is born of despair? I solemnly believe that this grave issue is presented, and it is the part of wise statesmanship to give it grave consideration.

While this bill guarantees but simple justice to the shipper, it is in no sense hostile to the railroad companies. I verily believe it will prove beneficial to them also. As soon as they adjust themselves to the requirements of the law they will realize the wisdom of its provisions, and the increased value and stability of their securities will justify the measure which their fear and their pride condemn.

Every sensible man recognizes the incalculable benefits which railroad companies have conferred upon the public. By prudent and just action these companies can quiet the angry discontent which prevails and awaken a kindly feeling toward them. There is no individual or corporation too powerful to despise or defy this sentiment. I trust that Congress will aid in promoting it by the passage of this bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American models; and

A bill (S. 2297) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. SHIVELY Mr. Speaker, in all points of agreement as between the committee bill and the substitute bill offered by the gentleman from Texas [Mr. REAGAN] I most cordially approve both. In all points of difference between the committee bill and the substitute bill I emphatically indorse the latter. And for the present, waiving all discussion of the general principles underlying these measures and the constitutional prerogative involved in legislation on this subject, I would briefly emphasize two or three of the points of merit contained in one of the bills as compared with the other.

It is under the force of public opinion that this question is being pressed to a vote. This public opinion has been aroused and rendered

aggressive by certain abuses in the railway management of the country. In the calendar of these abuses are mentioned extortionate rates, discriminations, rebates, drawbacks, cut-rates, pooling, and kindred irregularities destructive to the productive and distributive interests of the people. And certainly any measure of corrective legislation should embrace, to say the least, proper remedies for the more conspicuous of these abuses. In the light of these facts I approach a discussion of the peculiar, rather than the general, features of the respective measures now pending. Turning to the first section of the committee bill, we find this provision:

> That all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, shall be reasonable for such service.

This section recognizes the existence and injustice of unreasonable charges, and would seem prophetic of a purpose to remedy the evil. And, as if in pursuance of this purpose, the opening clause of the penal section, or section 7, is made to read as follows:

> That any corporation or person violating this act is guilty of a misdemeanor, and subject to a fine of not exceeding $1,000 for each violation.

But hope is dispelled, and suspicion as to the genuineness of the purpose is naturally aroused by the language of the concluding clause of this section:

> The provisions of this section shall not apply to the first section of this act.

Now, I respectfully submit that this exemption of section 1 from the operation of the penal provisions of the bill renders that section only a morsel of gratuitous advice to the transportation companies of the country. It in fact goes further, and practically legalizes in a negative sense the very abuses which section 1 should prohibit. It is, however, urged on the contrary that the substitute bill makes no express provision for the regulation of rates, and that, on the point of reasonable or unreasonable charges, the merits and demerits of the respective measures are equally distributed. True the substitute bill contains no express provision contemplating an arbitrary regulation of rates. It may be inexpedient at this stage of progress on the subject to go to this extent, though I have not the slightest doubt of the right and power of Congress to do so. But, in addition to containing no direct remedy against unreasonable charges, the committee bill does not even guarantee to the shipper the benefits arising from properly regulated competition. It contains no provision whatever against charging more for a shorter than for a longer distance. This is an important point and merits special attention. It involves a form of discrimination both dangerous and far-reaching in its results. To illustrate: A shipper at Bourbon, Ind., is compelled to pay a higher rate per car-load of freight to Philadelphia than is paid by the Chicago shipper over the same line, though Bourbon is situated ninety miles east of Chicago. Two years ago the railway management operating lines through Michigan City, Ind., granted the Chicago lumber merchants a lower rate than that granted the Michigan City merchant, though the latter city is situated nearer the market than is the former. A very striking illustration of this form of discrimination was developed by an investigation before the Forty-fifth Congress, which elicited the fact that for transporting a car-load of ordinary freight from Omaha to San Francisco the company charged $300, while for transporting a car-load of similar freight by the same line from Omaha to Virginia City, six hundred miles east of San Francisco, the company charged $800. In other words, the charge for the shorter distance was $500 more than for the longer distance.

I might go on multiplying cases illustrating this point, but these will suffice. By this discrimination, Chicago, regardless of the circumstance of greater distance, was placed nearer the market than Bourbon or Michigan City, and San Francisco was moved east of the Rocky Mountains in its relations to the Eastern markets. Now, in the presence of this species of favoritism, there can be no fair trading, no honest distribution of the commodities of commerce, no equitable exchange of the products of labor, between different and distant parts of the country. Yet concerning this dangerous factor in railway management the committee bill is entirely silent.

This silence is especially significant when considered in connection with the exemption of section 1 of the bill from the operation of the penal provision. Where do we find these railways practicing their most violent forms of extortion? Of course, at non-competing points. What is the method employed by the railways at these points in their levy of unjust tribute? The charging of more for the shorter than for the longer distance, as illustrated by actual cases just cited. What is the remedy for this evil? This question is answered by section 4 of the substitute bill, which makes it "unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance on any one railroad."

This provision protects non-competing points against unjust discrimination, and, together with the provision against pooling, renders the benefits of competition universal. The abuse aimed at by this clause is so glaring and the remedy offered so just to both shipper and carrier, that it deserves the unqualified support of every member friendly to the people's side of this controversy.

The substitute bill provides for the complete abolition of the whole system of rebates and drawbacks. The committee bill declares against rebates and drawbacks to any particular person "which, under similar circumstances, are not allowed to all other persons." If the words "similar circumstances" mean simply circumstances of time and place, this section, instead of preventing rebates and drawbacks, opens up the way to discrimination, and in its most violent form. While it might possibly prevent discrimination as between two merchants in the same city, it guarantees no safeguard against discrimination as between two merchants in different cities.

For instance, the Chicago merchant, who gets a nominal rate of $500 per car to New York, is granted a rebate of $200, making the actual rate $300. The South Bend merchant, located eighty miles east of Chicago, gets a nominal rate to New York city of $450 per car, is granted a rebate of $75, making the actual rate $375, or an advantage of $75 to the Chicago merchant. Now, in this case the provision of the law is complied with. All other South Bend merchants must have a $450 rate with a $75 rebate, and all other Chicago merchants must have a $500 rate with a $200 rebate, providing all circumstances connected with and surrounding the various transactions are precisely "similar!" South Bend would be at an absolute disadvantage, as compared with Chicago, in her commercial relations, but as the circumstance of place, to say the least, would not be "similar," there would be no redress. It would be interesting to observe a judge who has agreed to go "to the very verge of judicial discretion" to befriend the roads, as was the case in New York not long since, construe the expression "similar circumstances." If rebates are granted alike to all it amounts to a uniform reduction of rates, and no possible benefits can accrue to roads from surrounding their management by all this red tape.

The whole system of rebates and drawbacks is but a cunning scheme to secure the benefits of discrimination under the color of fair dealing. Wherever it has been practiced the worst results have followed. By granting the Standard Oil Company a rebate of $1 on each barrel of oil shipped over their lines, four companies in the short time of seventeen months paid into the treasury of the Standard Company the immense total of $10,151,000. This monstrous discrimination against all competitors bankrupted and absorbed 95 per cent. of all competition and has made the Standard Oil Company the light despot of the civilized world.

And what is true as between the railway companies and the Standard Oil Company is true in a greater or lesser degree in other directions. And no legislation less radical than that contemplated by the bill offered by the gentleman from Texas [Mr. REAGAN] will meet the exigencies of the occasion. The "conservative" legislation of which gentlemen speak will only by its impotency retard rather than advance the settlement of existing difficulties. While the committee bill embraces many commendable features, its defects are of a most fatal nature.

Indeed, in view of the exemption of the first section from the operation of the penal clause, its implied indorsement of the rebate system, its uncertain tone on the question of pooling, the absence of any provision against discriminations in favor of the longer as compared with the shorter distances, its limiting the highest penalty for its violation to $1,000, all coupled with the complicated machinery governing the proposed commission, it should be entitled "A bill to not regulate interstate commerce."

In addition to the peculiar features of these respective distinctions already noticed, I would lend special emphasis to the importance of the proposition embodied in the committee bill to create a railway commission, consisting of three men, to be appointed, and one, at least, of whom must be a practical railroad man. If this House, after due deliberation, decides to create this commission, I shall accept that judgment with becoming grace, at the same time seriously questioning the wisdom and practicability of such policy.

I do not share the great expectations professed by the gentlemen who support this measure. While I make the most charitable allowance for the predominance of patriotism over selfishness in the mind of the average citizen who might be appointed on such commission, I am not blind to the plain and palpable facts of the peculiar and overshadowing influence that must surround the board of commissioners.

The railway interests of the United States, representing a capital of $7,000,000,000, operating 125,000 miles of road, moving $15,000,000,000 worth of commerce annually, reaching into every avenue of trade, extending over every field of enterprise, embracing every department of industry, and affecting every fiber of our political and national life, would be placed in the scales held by this commission over the rights and liberties of the people. I am opposed to such a mighty concentration of power in any appointed body of men.

If the railway management of the country was strong enough in its infancy to dispossess the American people of a quarter of a billion acres of public lands; if this management has been able to stifle legislation on the floor of this House for the past ten years; if it could expend $235,000 in a single year to purchase legislation in a single State; if it has, as has been charged and frequently proven, gone into our legislative bodies and broken down the virtue of some of our strongest and best men; if it has, as charged and frequently proven, gone into the courts

of the country and defiled the judicial ermine; if, as charged on reasonable evidence, this railway management has gone into the executive mansions and compelled executive favors, and with the wake of Congressional investigation strewn with political skeletons bleaching under the uncooled wrath of public opinion, I am not ready to vote to place this mighty power for good or evil in the hands of any three men, however far above reproach they may be.

No, I prefer the comprehensive, practical, convenient, and, as I believe, potent remedy of the bill presented by the gentleman from Texas [Mr. REAGAN]. I trust this latter measure may become a law. The time has come, the hour has certainly struck, for this House to take a decisive step forward on this great question of public policy. The 250,000 products of American inventive genius have solved the question of production. By the intelligent application of steam, heat, electricity, and other forces of nature we have multiplied our productive power in the various departments of productive industry from ten to one-thousand fold, so that we are able to produce wealth to-day at a rate not dreamed of fifty years ago. By this means we have solved the great problem of production.

Now the American people are confronted by the problem of exchange and distribution. We must face the fact that progress in improving our systems of production has outrun progress in the development of our systems of exchange and distribution. This condition of things can result only in increased inequalities in the community, which for the want of adequate and proper systems of distribution breed discord and discontent.

This measure is at least a step in the direction of improvement. The problem has been partially solved. By the intelligent application of electricity all considerations of time and distance are eliminated from human calculation and the nations of the earth brought face to face. To improve our facilities for the transportation and distribution of the products of labor is the living issue. Pass the substitute bill. The productive and distributive interests of the country demand it. Public opinion will sanction it. The public conscience will approve it.

I reserve the remainder of my time.

Mr. REAGAN. I do not know whether any other gentleman desires to speak on this question to-day, but there are some members of the Committee on Commerce, some from having been absent and others from indisposition, who have been unable to be heard, who wish to continue the debate for another day; and I shall therefore move to adjourn.

INTERNATIONAL MERIDIAN CONFERENCE.

The SPEAKER, by unanimous consent, laid before the House the following message of the President of the United States:

To the House of Representatives.

I transmit herewith a communication from the Secretary of State, submitting the text, in the English and French languages, of the proceedings of the International Meridian Conference, provided for by the act of Congress approved August 3, 1882, held at Washington during the month of October, 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, December 4, 1884.*

The message and accompanying papers were referred to the Committee on Foreign Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. VALENTINE for ten days, on account of sickness in his family.

And then, on motion of Mr. REAGAN (at 2 o'clock and 30 minutes p. m.), the House, in pursuance of a previous order, adjourned over until Monday, December 8, 1884.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: The petition of trustees of the Cumberland Presbyterian church—to the Committee on War Claims.

By Mr. BARKSDALE: The petition of Milton S. Haire, to have his claim referred to the Court of Claims to correct errors in the decision of the late Southern Claims Commission—to the Committee on War Claims.

By Mr. CALDWELL: A bill for continuing the improvement of the Cumberland River, Tennessee—to the Committee on Rivers and Harbors.

By Mr. CLEMENTS: Petition relating to the claim of Eli H. Dickson; also, petition relating to the claim of Harriet Gordon; also, petition relating to the claim of Samuel Harper—severally to the Committee on War Claims.

By Mr. S. S. COX: Memorial of P. Cudmore, with regard to the claims of volunteer soldiers—to the Committee on Invalid Pensions.

By Mr. W. R. COX: Petition of President Battle and others, in behalf of an agricultural experimental station at the University of North Carolina—to the Committee on Agriculture.

By Mr. ELLIS: Petition relating to the claim of A. Verrett—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Resolutions and petitions for the relief of Capt. F. H. Shaw, Company C, Fifty-fifth Illinois Infantry—to the Committee on Military Affairs.

By Mr. JEFFORDS: Petition relating to the claim of Mary J. Parker; also, petition of James C. Newman, to refer claim to Court of Claims to correct errors in decision of late Southern Claims Commission—severally to the Committee on War Claims.

By Mr. LYMAN: Petition of Timothy Ingraham Post, No. 121, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. McMILLIN: A bill for the continuance of the improvement of the Cumberland River above Nashville, Tenn., by locks and dams—to the Committee on Rivers and Harbors.

By Mr. MILLARD: Petition of the Co-operative Labor and Land Improvement Association, relative to the public lands—to the Committee on the Public Lands.

By Mr. CHARLES O'NEILL: Petition of R. D. Wood & Co. and others, asking Congress to establish the metric system of weights and measures in the Departments of the Government—to the Committee on Coinage, Weights, and Measures.

By Mr. PETERS: Petition of members of the Eighth Kansas Volunteers, for a pension for Mrs. Blackman—to the Committee on Invalid Pensions.

By Mr. PRYOR: Memorial of John D. Inman, administrator, &c., of Argy L. Garner, for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. ROSECRANS: Petition of William P. Graves, captain Second Artillery, and others, in favor of a bill to facilitate promotions throughout the United States Army—to the Committee on Military Affairs.

SENATE.

MONDAY, *December* 8, 1884.

Prayer by Rev. J. M. REID, D. D., of New York city.

JOSEPH E. BROWN, a Senator from the State of Georgia; WADE HAMPTON, a Senator from the State of South Carolina; and LUCIUS Q. C. LAMAR, a Senator from the State of Mississippi, appeared in their seats to-day.

The Journal of the proceedings of Thursday last was read and approved.

INTERNATIONAL MERIDIAN CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith a communication from the Secretary of State, submitting the text, in the English and French languages, of the proceedings of the International Meridian Conference provided for by the act of Congress approved August 3, 1882, held at Washington during the month of October, 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, December 4, 1884.*

The PRESIDENT *pro tempore*. If there be no objection the message will be printed, and, together with the accompanying documents, referred to the Committee on Printing for consideration of the question of printing the voluminous report.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a statement of the expenditures at the Springfield armory, and of the arms, components of arms, and appendages fabricated, altered, and repaired thereat during the fiscal year ended June 30, 1884; which was ordered to be printed with the accompanying report, and referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting the report of the armament board convened under the provisions of an act approved July 5, 1884, for the purpose of determining the various calibers, lengths of bore, greatest and least admissible weights of guns for each caliber, &c., of all ordnance required for the service; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Postmaster-General, recommending an additional appropriation for clerks in post-offices for the current fiscal year; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico in the case of the private land claim of Antonio de Salazar, No. 132; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico in the case of the New Mexico private land claim of Sebastian de Vargas, No. 137; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

NAVAL APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate bills from the House of Representatives for reference.

The bill (H. R. 7510) making temporary provision for the naval service was read twice by its title.

Mr. HALE. Mr. President, before any disposition is made of the bill the title of which has been read by the Secretary I desire to call the attention of the Senate to the condition and status of the naval appropriations for the present fiscal year, beginning July 1, 1884.

The regular naval appropriation bill for the current fiscal year during the last session gave rise to material differences between the two Houses. In endeavoring to adjust those differences in conference the time of the session was consumed, and the House and Senate found themselves confronted on the very last days with an impossibility on the part of the conferees of the two bodies to agree. Under those conditions a bill was introduced in the House of Representatives and passed making what I may call a lump appropriation for the Navy Department for one half the year, running to the 1st of January next. No attempt was made in that bill to particularize, but the appropriations for the preceding year were taken, and 50 per cent. of them given in bulk to the Navy Department. That bill came to the Senate, and after some debate and some amendment, which the House rejected, was agreed to.

Under that lump appropriation—for I continue to call it by that name as describing it—the Navy Department has been run. The old bill, the regular appropriation bill, with all the subjects of difference which gave in terms to the Department and in detail to each bureau, still remains where it was left, the conferees having reported it, the bill itself being now bodily either with the Senate or the House. It is an appropriation bill framed in the usual manner, giving particular appropriations for the fiscal year ending June 30, 1885. It was my belief when the temporary appropriation was passed that on Congress reassembling in December that bill, the regular appropriation bill, would be taken up, new conferees appointed, and that they would proceed to consider it and report to the two Houses. Instead of that the House bill, which has just been announced from the table of the President, renews the lump appropriation for the rest of the year, thereby by the two bills simply continuing the appropriations for the year ending June 30, 1884, into the year ending June 30, 1885.

With all due respect to the bill that is now before the Senate, I may say that I do not for one like that method of appropriating money. I do not think there should be a resort to an appropriation of this kind unscrutinized, simply depending on last year's appropriations, except in cases where we are obliged to do it by the imminence of an adjournment or by some cause that can not be removed. I do not think that Congress ought in any case where it is not obliged to embark upon that method of making appropriations of public money, and I should much prefer that the regular appropriation bill, regularly framed last session in the House, discussed and amended there, reported to the Senate and discussed at length and amended here, should be taken up, put into a new conference, and reported as the bill for the rest of the year. I should much prefer that to taking this form of appropriation.

There is another thing which by this measure is entirely taken away from our consideration now. Senators will remember that upon the naval appropriation bill last year was ingrafted the proposition for more new ships. That provision is upon the bill in the form of a Senate amendment. The House refused to accept it. The House conferees took ground upon the action of the House, and the Senate maintained its ground; and, therefore, the bill lodged in conference and was reported to the Senate in that way. But to my mind the sooner now the Senate deals with that great subject which was put upon that bill the better. If we consider the bill with the new ships upon it, and are able in conference with the House conferees to agree upon some proposition which shall accelerate the enterprise of building up our Navy, that will be a work desirable to be done. Under this bill, unless radically amended, all of that is still further postponed either to the next Congress, or to the bill which makes appropriations for the next fiscal year, which does not take effect until July 1 next. If the old bill can be taken, the bill now before the Houses, which contains that feature, whatever is finally agreed upon, will take effect, so that the time between now and July 1 will be utilized in this enterprise.

I simply wish to call the attention of Senators to this matter before the bill is referred. I presume it will go to the Appropriations Committee.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Appropriations.

HOUSE BILLS REFERRED.

The bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., was read twice by its title, and referred to the Committee on Commerce.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes," asking a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointing Mr. T. R. COBB of Indiana, Mr. BARCLAY HENLEY of California, and Mr. L. E. PAYSON of Illinois managers at such conference on the part of the House.

On motion of Mr. MORGAN, the Senate insisted on its amendment, and agreed to the conference asked for by the House.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MORGAN, Mr. BLAIR, and Mr. PLUMB were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting a letter of the Surgeon-General inclosing petitions from hospital stewards of the Army for increase of pay, recommended by medical officers of the Army; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also presented the petition of Mrs. Kate Morgan Smith, widow of Edward W. Smith, late major in the Twenty-second United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WILSON presented a petition of C. P. Searle and 40 other citizens of Iowa, praying for the passage of a special act of Congress granting a pension to Isabella Higgins, late hospital matron Eighth Regiment Iowa Volunteer Infantry; which was referred to the Committee on Pensions.

Mr. SHERMAN. I present the petition of John James Crutchett, formerly a citizen of this city, proposing to furnish the United States Government in the District of Columbia carbon gas at a very low figure. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. HALE presented a memorial of the president and trustees of the Maine State College of Agriculture and Mechanic Arts, in favor of House bill 7498 to establish agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. PLUMB presented a petition of citizens of Kansas, ex-Union soldiers and sailors, praying for the passage of certain legislation favorable to soldiers and sailors; which was referred to the Committee on Pensions.

Mr. McMILLAN presented the petition of P. Cudmore, late private Company H, Tenth Minnesota Infantry Volunteers, praying for a modification of the pension laws; which was referred to the Committee on Pensions.

ULYSSES S. GRANT.

Mr. MITCHELL. Some days ago I introduced a bill (S. 2404) granting a pension to Ulysses S. Grant. A day or two ago I received from him a letter, an extract from which I will read. He says:

> I learn through the press that you have introduced a bill in the Senate placing me on the pension-list of the nation. I understand the motive which has prompted this action on your part and appreciate it very highly. But I beg you to withdraw the bill. Under no circumstances could I accept a pension, even if the bill should pass both Houses and receive the approval of the President.

I was led to introduce the bill because a recommendation on the subject was made by President Arthur, and because it happens that I am chairman of the Committee on Pensions, and I have been frequently spoken to on the subject. I confess that it did not appear to me to be the proper thing to do in this case. I have always felt that General Grant ought to be placed where he was when he laid down the great office which he won in the late war to accept the Presidency, and that he should be compensated accordingly from the time when he left the office of the Presidency. Therefore, and in view of what General Grant desires in this matter, I ask the unanimous consent of the Senate that the Committee on Pensions be discharged from the further consideration of the bill, and that I may have leave to withdraw it from the Senate.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the Committee on Pensions, to whom was referred a bill introduced by him providing for a pension for Ulysses S. Grant, be discharged, and that he have leave to withdraw the bill from the files of the Senate. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2296) for the relief of Thomas A. McLaughlin, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2410) for the relief of the legal rep-

resentatives of Francois Fournier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Private Land Claims.

Mr. PLATT (by request) introduced a bill (S. 2411) for the relief of Thomas A. Weston; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 2412) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry W. Benham, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2413) for the relief of Edward S. Kearney; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 2414) to amend an act entitled "An act in relation to courts and judicial officers in the Territory of Utah;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BLAIR introduced a bill (S. 2415) for an appropriation to promote the colored peoples' world's exposition, to be holden at the city of Chicago, commencing on the first Monday of September, 1885; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. MORGAN introduced a bill (S. 2416) for the relief of H. M. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS. I introduce a bill to amend section 993 of the Revised Statutes, relating to the District of Columbia, the purpose being to make the day of the inauguration of President of the United States a legal holiday. I ask that it may be read twice and referred to the Committee on the District of Columbia.

The bill (S. 2417) to amend section 993 of the Revised Statutes relating to the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS (by request) introduced a bill (S. 2418) to incorporate the Washington Central Railroad Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL introduced a bill (S. 2419) for the relief of James Filor, William Curry, and William Pinckney; which was read twice by its title, and referred to the Committee on Claims.

Mr. PALMER (by request) introduced a bill (S. 2420) to provide for the establishment of evening schools in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2421) for the relief of John Snyder; which was read twice by its title, and referred to the Committee on Pensions.

ORGANIZATION OF SIGNAL SERVICE AND OTHER OFFICES.

Mr. ALLISON introduced a joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report; which was read the first time by its title.

Mr. ALLISON. I ask unanimous consent that the joint resolution may be considered now.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That the joint commission appointed under the act of Congress approved July 7, 1884, to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with the view to secure greater efficiency and economy of administration of the public service in said bureaus, shall report on the first Monday in January, A. D. 1885, or as soon thereafter as practicable, in lieu of the third Monday in December, 1884, as required by said act.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BLOCK ISLAND HARBOR.

Mr. SHEFFIELD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to communicate to the Senate, without unnecessary delay, whether there exists a public necessity for the enlargement of the basin or harbor inside the breakwater at Block Island, Rhode Island, for the proper accommodation of the shipping seeking refuge at that place; and, if so, to what extent should such enlargement be made, and what would be the probable cost thereof.

PURCHASE OF THE MURRAY PAPERS.

Mr. GARLAND. In behalf of the Senator from Indiana [Mr. VOORHEES], who was called away from the city for a day or two, I ask leave to submit a resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Joint Committee on the Library be, and are hereby, instructed to inquire into and report on the expediency of purchasing, for the use of the Congressional Library, the six volumes of manuscript diplomatic correspondence of Hon. William Vans Murray, minister to the Netherlands in 1797, and envoy to France from 1799 to 1801.

PACIFIC RAILROAD SETTLEMENT.

Mr. GARLAND. Senate bill 2123, in reference to the settlement of the indebtedness of the Union and Central Pacific Railroad Companies, was reported on the 29th of April last by myself from the Committee on the Judiciary. Afterward a bill came from the House of Representatives on the same subject and involving other matter, being a bill of much wider scope than the Senate bill. The House bill was referred to the Committee on the Judiciary; they have it now under consideration, and I ask that Senate bill 2123 be recommitted to that committee to be considered with the House bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that Order of Business 540 being the bill (S. 2123) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, be taken from the Calendar and referred to the Committee on the Judiciary. Is there objection? The Chair hears none, and it is so ordered.

NATIONAL EDUCATION.

Mr. LOGAN. I move that the bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States, being the first bill on the Calendar, which was introduced by myself and laid upon the table, be referred to the Committee on Education and Labor. A bill relating to the subject of national education was passed at the last session of Congress, and I merely desire to get this bill off the Calendar.

The PRESIDENT *pro tempore*. The Senator from Illinois asks that the bill indicated by him be taken from the Calendar and referred to the Committee on Education and Labor. Is there objection? The Chair hears none, and it is so ordered.

FRANCES M'NEIL POTTER.

Mr. WILSON. I ask unanimous consent to take from the Calendar the bill (H. R. 4822) for the relief of Frances McNeil Potter, being an adverse report from the Committee on Pensions, in order that it may be recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. WILSON. I move the recommittal of the bill.

The motion was agreed to.

SPOKANE FALLS AND CŒUR D'ALENE RAILWAY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII, commencing at Order of Business 325.

Mr. DOLPH. I ask unanimous consent for the present consideration of the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company. In order that there may be no misunderstanding in regard to it, I will state that the only object of the bill is to incorporate a local railway company in the Territory of Idaho, and for the reason that there is no general law of the Territory authorizing such an incorporation. The Legislature of that Territory will not meet until next year. When it does meet it can only act by enacting a general law by which corporations may be formed. The bill itself makes no grant, the company is asking no aid, and there certainly can be no objection to it. It was taken up during one of the last days of the last session, but upon the objection of one of the Senators from Nebraska [Mr. VAN WYCK] it went over. I think there will be no objection to the bill, and that upon the reading of the report it will be passed without discussion.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate now proceed to the consideration of the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. CONGER. There is a bill now under consideration in the order of business of the Senate which has precedence, and I object to the consideration of this bill.

The PRESIDENT *pro tempore*. Under Rule VIII it is in order for the Senator from Oregon to move, and for the Chair to put the question, that "the Senate otherwise order," as the phrase of the rule is, and take up some other bill. That motion is not debatable under the rule, the Chair understands.

Mr. CONGER. My colleague [Mr. PALMER] is prepared to make some remarks on the bill now pending on the Calendar, and desires an opportunity to do so. I hope the Senator from Oregon will not interfere with the regular order of business until my colleague has had an opportunity to be heard.

The PRESIDENT *pro tempore*. Does the Senator from Michigan refer to the bill (S. 1170) for the relief of Richard Hawley & Sons?

Mr. CONGER. Yes, sir.

The PRESIDENT *pro tempore*. That is the unfinished business, and will come up at 2 o'clock as unfinished business. It does not come up under Rule VIII. It having been the unfinished business at the last adjournment of the Senate, it will supersede all other business at 2 o'clock.

Mr. CONGER. Then I withdraw any objection to the consideration of the bill moved by the Senator from Oregon.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon, that the Senate now consider Senate bill 1642, the title of which has been announced.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill has been read.

Mr. COCKRELL. Let it be read again, Mr. President.

The PRESIDENT *pro tempore*. The bill will be again read for information, on the request of the Senator from Missouri, after which the first amendment recommended by the Committee on Railroads will be reported.

The Secretary read the bill.

Mr. COCKRELL. I see there is a report in the case. I ask that it be read.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The report of the committee will be read.

The Secretary read the following report, submitted by Mr. SAWYER March 26, 1884:

The Committee on Railroads, to whom was referred the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company, adopting the language of the report made by the Committee on Pacific Railroads of the House of Representatives, submit the following:

The purpose of the bill (S. 1642) is to incorporate the Spokane Falls and Cœur d'Alene Railway Company, a road proposed to be built from Spokane Falls, in Washington Territory, to the Cœur d'Alene mining region, in the Territory of Idaho, a section of country now wholly without railroad or other transportation facilities.

As there is no Territorial law in Idaho under which a railroad company can be incorporated, and as there can be no session of the Legislature until 1885 at which a general incorporation law can be passed, the incorporators of the proposed road are compelled to come before Congress for a charter.

The company ask no aid or help from the United States. They simply ask the privilege of building the railroad at their own risk under the sanction of law, so that when built they can be protected in their rights.

Your committee are of the opinion that the privilege asked for should be granted them, and therefore report back the accompanying bill, with amendments, and recommend that it do pass.

The PRESIDING OFFICER. The Secretary will report the first amendment recommended by the Committee on Railroads.

The SECRETARY. At the end of section 5 the committee report to add:

Provided, That no Territory, or county, or municipal corporation shall take stock, or buy or guarantee stock or bonds, or in any manner lend or give its credit to said company.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 11. That before commencing to build the road said company shall file a copy of the survey and location thereof in the offices of the secretaries of Washington and Idaho Territories, and submit a like copy to the Secretary of the Interior, who shall advertise the fact of such submission in a prominent newspaper in each of said Territories, and delay action on said survey and location for at least two months. Without his approval said company shall not proceed.

The amendment was agreed to.

The PRESIDING OFFICER. The Chief Clerk calls the attention of the Chair to the fact that in line 4 of section 1 the letter "L" ought to be stricken out and the letter "S" inserted, so as to read, "H. S. Cummings." If there be no objection, that change will be made. The Chair hears none, and it is so ordered.

Mr. HARRISON. Mr. President, my attention has not before been called to this bill, but from a hasty examination of it I think it contains some provisions that are dangerous. I think that unless some special exigency exists legislation of this kind should be left to the proper Territorial Legislature. The members there will be familiar with the incidents and circumstances and conditions under which a corporate organization is asked for this company. We are here entirely ignorant of all those things.

The Senator from Oregon suggests that there will be some delay incident unless Congress takes this step and legislates for the Territory. It can hardly be that the exigency to which he refers can extend to all of the branches which seem to be contemplated by the bill. I have not had an opportunity to look at the map of that country, but it seems to me probable from the number of branches which are authorized to be built by the bill that the company has probably monopolized all the passes through the mountains in that region, and that if we pass the bill as it is we shall practically confer a monopoly of the railroad business in that section upon this corporation.

In addition to the main line of road, which is described as one beginning at Spokane Falls, in the Territory of Washington, and proceeding by way of Fort Cœur d'Alene, in the Territory of Idaho, by the most direct and eligible route, to an intersection with the Northern Pacific or Utah Northern Railroad, in Western Montana—in addition to that, which is described as the main line, the bill authorizes the corporation to construct branch lines from suitable points on the main line in Idaho Territory up each of three rivers, which are named here, to points near their source; and also a railroad and telegraph line from at or near the city of Spokane Falls to a point at or near Moscow, in the Territory of Idaho.

The bill also authorizes the corporation to construct, furnish, maintain, and operate on Lake Cœur d'Alene and the Spokane, Saint Joseph, Saint Mary's, and Cœur d'Alene Rivers a line or lines of steamers, vessels, steamboats, tugboats, towboats, barges, and other water-craft, with the appurtenances. Now, that is a very wide grant. It can not be that there is any exigency which would justify Congress in bestowing such a grant upon any corporation. If there is such an interest in some portion of the railroad in the main line as that its construction is likely to progress immediately, some argument might be made in favor of Congressional legislation upon the subject; but I submit that unless we intend to tie the hands of the Legislatures of Idaho and Washington Territory altogether and absolutely to invest the corporation with power to occupy the whole Territory, possibly every mountain pass, every river valley in it, and not only that but to authorize placing upon the navigable waters their lines of steamboats, barges, and towboats, and to operate telegraph lines—unless we are prepared to do that this bill ought not to pass. I submit we are not prepared to do so, and that when Senators give their consideration to the bill they certainly will not be ready to pass it in the breadth in which it is suggested here.

Not only this, but there are some extraordinary powers granted. I think it has been the policy of all State Legislatures in their general laws regulating railroad corporations to limit the power of consolidation and of purchase by one corporation of the franchise and road of another; and yet section 4 of this proposed act confers upon the railroad company authority to purchase the stock, lands, franchises, and appurtenances of, and to consolidate on such terms as may be agreed upon between the parties with any railroad company or companies heretofore chartered, or that may hereafter be chartered by Congress, or that may hereafter be chartered by the Territorial Legislature, so that so far as this company goes it is emancipated from any limitation which the Territory may undertake to place upon the consolidation of corporations within that Territory.

There is one wholesome provision upon this subject in the interest of shippers which I think is found in the legislation of nearly all our States where consolidations are permitted, and that is an inhibition against the consolidation of parallel lines. Here is a power granted that would enable this corporation to absorb every railroad that might be built in the Territory, to buy up the stock and to get the control of any competing line which might be established in the Territory, even if it were parallel to this main line or some of its branches. I submit that the fourth section is entirely out of harmony with the most recent and intelligent and conservative railroad legislation as we have it in the different States.

The PRESIDING OFFICER. The Chair notifies the Senator from Indiana that his five minutes have expired.

Mr. COCKRELL. Mr. President, I submit that this is not under that rule.

The PRESIDING OFFICER. The Senate is proceeding under an order of the Senate to consider this bill. The Chair supposes, therefore, the five-minutes rule does not apply.

Mr. COCKRELL. It does not apply.

The PRESIDING OFFICER. The Chair was supposing at the moment that the Senate was acting under Rule VIII.

Mr. HARRISON. I call attention also to the very sweeping provision in section 5 of the bill, by which the company is authorized—

to purchase lands or to accept donations or grants of lands or other property from individuals or corporations for the purpose of aiding in carrying out the objects of this company.

The right of a railroad company to hold land ought to be strictly limited to its right of way and to the requisite ground for its depots, shops, and other necessary buildings. I think the grant is wide enough here to enable this corporation to enter into the business of absorbing the public domain as a land speculator. I shall, therefore——

The PRESIDING OFFICER. Will the Senator from Indiana suspend a moment? On looking at the rule the Chair is of opinion that the five minutes' limitation of debate does apply. This bill was not proceeded with notwithstanding an objection, but it was taken up upon the order of the Senate within the time that the rule imposes the five-minute limitation on debate.

Mr. HARRISON. I had about concluded all I intended to say, but before sitting down I make a motion to strike out all after the word "Montana," in line 21 of section 1, to the end of the section.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be read by the Secretary.

The SECRETARY. It is proposed to strike out, in section 1, line 21, after the word "Montana," the words:

Together with branch lines from suitable points on the main line, in said Idaho Territory, up each of the following rivers: Cœur d'Alene, Saint Mary's, and Saint Joseph Rivers, to near the sources of the same; and also a railroad and telegraph line from at or near said city of Spokane Falls to a point at or near Moscow, in the said Territory of Idaho; and said company is also authorized and empowered to build, construct, furnish, maintain, and operate on Lake Cœur d'Alene and the Spokane, Saint Joseph, Saint Mary's, and Cœur d'Alene Rivers a line or lines of steamers, vessels, steamboats, tugboats, towboats, barges, and other water-crafts, with the appurtenances, and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act.

Mr. DOLPH. Mr. President, I hardly thought, after the appropriate committee of the Senate had carefully examined this bill and made a favorable report on its merits, and after it appeared from that report that the bill had been favorably reported from the appropriate committee of the House, it would be made the subject of such an attack as has just been made upon it.

I agree with the Senator that he is not familiar with this subject. It has been the custom of Congress to incorporate railroad companies in the Territories. This is a bill intended for the purpose only of incorporating a local company in the Territory of Idaho for the purpose of constructing a railroad and certain branches in that Territory.

The necessity of this legislation arises from the fact that there is no existing general law of the Territory of Idaho by which a railroad or other incorporation can be formed, and Congress has provided that no Territory shall pass a special law creating a corporation. The only way that a corporation can be formed in a Territory for any purpose is under a general law of that Territory. Before this enterprise can be undertaken, if this bill does not become a law, these parties will have to wait until the Legislative Assembly of the Territory of Idaho meets and has time to pass a general incorporation law.

Now, whenever the Territory has passed a general incorporation law, any limited number of persons, usually three or four, can file articles of incorporation for the purpose of building this proposed railroad line with all its branches, and those articles may contain all the powers conferred by this bill. And more than that, they could be duplicated to any number, and any number of corporations formed for the purpose of building precisely the same road and branches, and whenever a corporation or any number of corporations had been formed for constructing this precise road and its branches, under the general act of Congress of March 3, 1875, by complying with certain regulations of the Interior Department, filing a copy of the act under which they were incorporated, filing a record showing that they had been duly organized, and a list of officers, and a map of the location of the road, they could obtain a right of way over the public lands for the purpose of building their roads. That is all that is asked by this bill for this incorporation, that they be granted the rights and privileges secured by the general right of way act of Congress of March 3, 1875. By that act if, after filing the map of location of any twenty miles of the road, the road is not constructed within a limited time—twelve months I believe it is—the right of way would be forfeited, and any other company could occupy it. It seems to me this disposes of the whole of the Senator's argument in regard to this being an attempt to secure the mountain passes and tie them up for a period of years.

Mr. COCKRELL. Will the Senator permit me to ask a question?

Mr. DOLPH. Certainly.

Mr. COCKRELL. This report was made last year, and the principal reason for urging the passage of the bill then was that the Legislature of Idaho, and probably of Washington Territory too, would not be in session until 1885, and therefore it was absolutely necessary that the parties should apply to Congress because they could not apply to the Legislatures. Eighteen hundred and eighty-five will soon be here, the Territorial Legislatures will be in session, and will be authorized to grant all the relief that ought to be granted. Now, why is there any necessity for the attempt to pass the bill at this session?

Mr. DOLPH. I do not now remember at what time the Territorial Legislature of Idaho assembles. If it is the latter part of the coming year, it would prevent the commencement of this enterprise for an entire year. That is the answer to the Senator from Missouri.

Mr. COCKRELL. Does not the Legislature of the Territory of Washington meet this winter?

Mr. DOLPH. Washington Territory has already passed a general incorporation law, under which any three citizens of the Territory can incorporate for building a railroad through any portion of the Territory.

Mr. COCKRELL. Then there is no necessity for this bill to apply to Washington Territory.

Mr. DOLPH. It does not necessarily apply to Washington Territory. I am not certain whether any part of this road is within the Territory of Washington. If it is——

Mr. COCKRELL. The bill so states.

Mr. DOLPH. That may be. But that would not avoid the necessity of an incorporation in the Territory of Idaho.

Mr. COCKRELL. Spokane itself is in Washington Territory.

Mr. DOLPH. That is true. But that would not prevent the necessity of an incorporation in the Territory of Idaho, and I presume Congress would not attempt to incorporate a company to build part of the road, leaving it to apply to the Territorial Legislatures for the rest of the charter.

Mr. COCKRELL. Montana Territory has a general law in regard to corporations, has it not?

Mr. DOLPH. I am not certain about that.

Mr. COCKRELL. So that two of the Territories through which this road is to run have ample provision already made.

Mr. DOLPH. They would have no authority, however, to incorporate a company to build a railroad in Idaho Territory. As I said before, I presume Congress would not undertake to grant a charter to apply to one Territory and leave the company to apply to other Territories for the authority to construct the road in part. The provisions of this charter, I think, are the ordinary provisions. If they are not, as I said before, under the existing laws of Washington Territory or Montana or under any future general incorporation law of Idaho Territory, a corporation may be formed with all the powers that are provided for in this act. The last section of the act provides that Congress shall have the power "to alter, amend, or repeal this act whenever, in its judgment, the interest of the people may require it."

Not only is this company not asking more in regard to the right of way than all companies incorporated under general railroad laws or special laws, State or Territorial, can obtain by compliance with the act of March 3, 1875, but an additional burden has, by the report of the committee, been placed on the company, by providing that before the company shall commence to build the road it shall file a copy of the survey and location thereof, not only in the office of the Secretary of the Interior, but in the offices of the secretaries of Washington and Idaho Territories, and submit a like copy to the Secretary of the Interior, and that that fact shall be advertised. I see no good reason why this little bill should have been made the occasion of such objections, and I hope it will pass.

Mr. HARRISON. Mr. President, I professed at the outset a lack of any familiarity with the subject presented by this bill, but there are some features of it, I think, that require very little study in order to understand them, and the one feature is that to which I alluded, that here is a railroad proposed to be constructed between two points, and with some five or six branches running up, so far as I know, and so far as any one here knows or has informed us, through every one of the streams in that region, and occupying all the passes.

The Senator from Oregon tells us that if the Territory of Idaho should pass a general railroad law, which he says has not been done up to this time, then some other company incorporated under it could occupy this same line; but under existing legislation no railroad company can do it. We have no assurance that the Territory of Idaho will pass such a law, that there may not be influences against its passage, and, if so, then Congress is conferring an exclusive right upon this company to occupy these lines of road.

Mr. DOLPH. Will the Senator allow me to ask him a question?

Mr. HARRISON. Certainly.

Mr. DOLPH. May not Congress at any time incorporate another company or repeal this act?

Mr. HARRISON. Undoubtedly Congress could incorporate another company, but the trouble about that is that Congress moves in matters of this kind upon suggestion simply, and the likelihood, if this corporation were to acquire the powers that these grants seem to imply, that Congress would interfere is remote, I think. But the point I make is that this legislation is appropriate legislation for the Territory. It is a field of legislation which, according to the statements of the Senator from Oregon, the adjoining Territories have entered upon and covered by their legislation, of course not to the exclusion of legislation by Congress; and my point is that Congress should do nothing in a matter of this kind except upon an exigency, and that it should do no more than the exigency requires.

Now, the amendment I have proposed leaves the charter for the main line of this road from Spokane Falls to Cœur d'Alene; it simply cuts off from it the power granted here to construct half a dozen branches, to enter generally into the steamboat business on certain lakes and rivers. Certainly that is more than will be accomplished before the Legislature of Idaho meets and has an opportunity to consider this question and to pass some general legislation covering the subject.

Let me take the case upon the proposition put by the Senator from Oregon, that after the passage of this act this corporation, by filing its survey with the Secretary of the Interior, would only acquire an exclusive use for twelve months to the line which it had thus surveyed and the profile of which it had filed. Then we are granting a right which may be of great value to be bartered out to other companies. For twelve months we are granting to them the exclusive right to occupy these river valleys for the construction of lines of road that the Senator will not pretend, I think, at least he has not said so, are likely to be entered upon at all before the Territory of Idaho will have an opportunity to act upon this question. We are laying out a scheme here that looks to years for its completion, if it is ever completed at all, and we are doing it upon the suggestion that the Legislature of Idaho does not meet for a year. My point is that, if it is a question of exigency legislation, we should confine ourselves to the exigency, and it is enough if we give this company, under ordinary restrictions, the right to build this main line of road.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. PLATT. Mr. President, while this amendment is under consideration there are some other features in this bill to which I would like to call the attention of the Senate, which I think are of considerable importance. I know nothing about this proposed railroad except what I learn from the bill; but it is proposed to charter a railroad which is to be built, as it has become the fashion of late to build roads, without any cash capital, and I think the Congress of the United States had better stop granting such railroad charters. It is proposed that a

company may be organized "when 1,000 shares, amounting to $100,000, shall have been subscribed, and 10 per cent. actually paid thereon in money." That is to say, when $10,000 have been paid in money the company may be organized. It is evidently all that it is expected will ever be paid in cash toward this enterprise.

Section 3 provides that, after the organization of course, the capital stock may "be fixed by the board of directors at a sum not exceeding $2,500,000, in shares of $100 each."

Section 8 provides—

> That said company shall be, and they are hereby, authorized and empowered to mortgage, in the usual manner, their franchises, road-bed, and all property belonging to said company, to an amount not exceeding $25,000 per mile for the entire length of said roads, including said branch lines, upon such terms as may seem to said company best.

Now, I submit, Mr. President, that it is quite time that the Congress of the United States should cease lending its sanction to the practice of building railroads without any cash subscribed for that purpose. The practice, which has sprung up in this country, of building railroads upon paper is working infinite mischief and is creating the transportation problem which now excites so much attention. With this charter passed, of course the railroad is to be built on borrowed money, or the building of the railroad is to be paid for by the issue of stock and bonds, and every Senator knows that a railroad built in that way costs twice as much as a railroad built for cash should cost; and the result is that having been so built, the people have to be taxed twice as much for freight as they would be if the railroad were built for cash, in order that the company may earn dividends upon the amount of capital stock. And when I say this, I have but begun to enumerate the methods which are employed for the purpose of inflating the capital, and thereby entailing additional burdens upon the people who have to pay the money for freight and passage to raise a sufficient amount to make dividends secure.

I think we ought to go very slow in granting such charters as this. I have but just looked at the bill. I have nothing to suggest in the way of amendment, but I can not vote for a bill for a railroad charter which is so loosely drawn as this.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. VAN WYCK. I ask that the amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment of Mr. HARRISON.

Mr. CALL. Mr. President, I concur with the remarks made by the Senator from Indiana in regard to the inexpediency of the passage of this bill without the amendment. The grant of a power, a monopoly in fact, of transportation over three of the rivers of this Territory is one that ought not to be made by Congress. The bill provides that this railroad company shall have the right "to build, construct, furnish, maintain, and operate on Lake Cœur d'Alene and the Spokane, Saint Joseph, Saint Mary's, and Cœur d'Alene Rivers a line or lines of steamers," &c. It not only provides for the right of transportation by rail, the construction of a railroad that is practically a monopoly of the transportation within a limited area of country, but it also provides for the maintaining of a line of steamers upon these different rivers—transportation by water. It is a power granted to a corporation, into which private enterprise can not enter; one which, I think, ought not to be granted to a railroad without the most extreme care and without provision for the protection of those who may be engaged in water transportation against the monopoly. For that reason, sir, I shall vote against the bill, unless the amendment of the Senator from Indiana is adopted.

Mr. DOLPH. I will simply say that the amendment would destroy the bill, and it would be as well to postpone it indefinitely as to strike out that portion of the charter. None of these branches are more than a very few miles in length, as I understand, running up these rivers into some mining regions. The entire road is not very long; I am not able to state the extent of it.

I am very glad to see that there are so many Senators who are so very jealous for the interests of the people of that new community. It has a sparse population, which is in great need of transportation. Here come persons who propose to incorporate as a local company for the purpose of constructing a necessary road in a Territory where there is no existing law under which they may be incorporated. They come asking no aid whatever from the Government except that they may enjoy the benefit of the general act already passed by Congress, by which every railroad company can obtain a right of way over the public lands. They are asking no monopoly. Congress can at any time incorporate another company, or a company can be incorporated at any time by any of these Territories, or at least under a general incorporation act, by which this road may be constructed over its entire route—the main line and all its branches.

If there are unusual provisions in this charter, I have not seen them. I think they are the customary provisions which will be frequently found in charters granted by Congress. Now, if the Senate does not desire to incorporate these individuals, to give them an opportunity to build at their own expense and without any cost to the United States a road in that new Territory and afford the people there the means of transportation, or at least give them an opportunity to try it, let it vote the bill down.

Mr. COCKRELL. Will the Senator permit me to ask one question?

Mr. DOLPH. Certainly.

Mr. COCKRELL. I should like to know if there has ever been a bill passed by the Senate in its whole history containing the provision in lines 27 to 34 inclusive, giving this company the right to run steamboats on the free navigable waters of the United States.

Mr. DOLPH. Not exclusive.

Mr. COCKRELL. I want to know if any company ever asked such a privilege of the Senate.

Mr. DOLPH. I think so. I think there are navigation companies incorporated to run steamboats. It is not an exclusive right.

Mr. COCKRELL. Is there any prohibition in any law of the United States against any individual or incorporation running a vessel upon its navigable waters?

Mr. DOLPH. There is not.

Mr. COCKRELL. Then why do you want a right to do that which no earthly law in existence prohibited, unless it is to be a monopoly?

Mr. DOLPH. Because this is to be an incorporation. An incorporation can do nothing except what its charter provides that it may do, and if it proposes to own and navigate steamboats its charter must provide for that. It is not because any individual can not build and run a steamboat, in compliance with the laws of the United States or the local laws, on any navigable rivers of the United States, but it is because this bill is simply to create a company and to define its power, and that company desires to build not only these short lines of railroad, but to navigate the adjacent rivers; and to enable it to do so that provision must be incorporated in its charter. It is no exclusive privilege and it is no monopoly. It is simply granting the power to the company to build and operate steamboats.

Mr. VAN WYCK. I should like to ask the Senator one question. I ask what is the length of this main line as proposed?

Mr. DOLPH. I think perhaps some member of the Committee on Railroads can tell that. The bill was before the committee. They had a map and examined it carefully. I never did examine the map carefully. Some gentlemen with whom I am acquainted, and in whom I have confidence, came here with the bill, told me that they desired to undertake this enterprise, and I introduced the bill. I do not profess to be very familiar with it; but I am somewhat familiar with the provisions in ordinary railroad charters, and I do not see anything unusual in this charter. If persons proposing to form a company for the purpose of constructing a railroad ask only to be incorporated, ask no aid from Congress or from any State or Territory, I think they should be allowed to get their money where they can and build their road where they can, and as much of it as they can.

Mr. VAN WYCK. What committee reported the bill?

Mr. DOLPH. The Committee on Railroads in the Senate, and the Committee on Pacific Railroads in the House.

Mr. VAN WYCK. Will some member of the committee inform us of the length of the proposed line? Is the Senator from Indiana on that committee?

Mr. HARRISON. I am not.

Mr. VAN WYCK. Is any member of the Railroad Committee present in the Senate? I would very much like to know the length of this proposed road.

Mr. DOLPH. The Senator from Wisconsin reported the bill.

Mr. SAWYER. I can not state its length. It is a very short road. My impression is it is not over one hundred miles altogether.

Mr. HARRISON. I think the Senator is mistaken about that. It may be that the distance from Spokane Falls to Cœur d'Alene is not more than that, but this bill authorizes the company to go on and intersect the Northern Pacific or intersect the Utah Northern, which would certainly be much longer than the distance suggested.

Mr. VEST. I should like to ask the Senator from Oregon who has charge of the bill if W. H. Armstrong, named here as one of the corporators, is the Commissioner of Railroads of the United States.

Mr. DOLPH. I am unable to answer that question. I do not know who he is. There is, I think, a man of the same name who was register or receiver of the land office at Spokane Falls, in Washington Territory, and recently defeated on the Republican ticket for Congress. I am mistaken. The name of the Armstrong at Spokane Falls is J. M. Armstrong.

Mr. VEST. This is the same name as that of the Commissioner of Railroads. We had some experience in the last session of Congress with a railroad project engineered and managed by this same W. H. Armstrong, if it be the same person who was then and is now the Commissioner of Railroads of the United States. It is a remarkable fact that he should be connected with a railroad scheme while he holds a position which gives him supervision and a certain sort of control over all the railroads in the Territory.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

The question being put, there were on a division—ayes 19, noes 12; not a quorum voting.

Mr. VEST called for the yeas and nays; and they were ordered.

Mr. HAWLEY. The Senator who made this motion will perceive that he leaves in the bill the right to continue this road from Fort Cœur d'Alene over to Western Montana. Now, I may say that is the only uncertain element in this section of the bill to me. I can see no serious objection to the part which he proposes to strike out. I can see no difference between a railroad of one hundred miles in its single main line and a road of fifty miles in its main line with fifty miles of spurs or branches running up the valleys which are feeders. The map shows, and my recollection in the Railroad Committee justifies me in saying, that the real main line from the city of Spokane Falls to Fort Cœur d'Alene is not a long one, but that there are valleys running down into this main valley which it is desirable to supply and get the freights of.

Mr. HARRISON. Does the Senator know what the existing fact is as to whether in these valleys there is any present demand for a railroad?

Mr. HAWLEY. There are settlers there, and it is a good deal like a large part of the Western country; railroads get there as early as other things. This railroad is intended to develop these valleys, and will do so. I see no objection, I say, to a railroad with fifty miles in the main line and with branches of fifty miles running down and feeding it. I see no reason why that is any more objectionable than a road of one hundred miles main line. When this bill was considered in the Railroad Committee, and considered with a good deal of care, I remember suggesting some amendments to it. I do not remember how far it is from Fort Cœur d'Alene over to the Northern Pacific road by any route they propose to use. That matter remains quite indefinite in my own mind; but to the rest of it I see no particular objection. I see no objection whatever to the main line up these valleys, and no objection to giving this corporation the right to use steamboats, tugboats, or towboats on these rivers, even if they should never build the branch roads up the valleys.

Mr. COCKRELL. The Senator says he sees no objection to granting this railroad company the right to own and run steamboats, barges, &c., on these rivers. Now, does the Senator not know that if this railroad company which owns the railroad also owns the steamboats and transportation on a river, that is an absolute and unqualified monopoly of the entire freight transportation on that river, because the railroad company will not give one pound of freight to any other than its own vessels, and it will practically and absolutely drive from these rivers every solitary individual vessel? It will drive from them every vessel not owned by this company, and you had just as well grant it the exclusive right and privilege of running vessels of all kinds on these waters as to retain this clause in the bill.

Mr. HAWLEY. I do not see that that is in the nature of an inquiry addressed to me. It seems to have been an argument injected, which the gentleman might just as well have made in his own time.

Of course I would do some things in opening a new Territory that I would not under other circumstances. I do not see any objection to permitting a railroad, for example, which is to come down and strike the Potomac at the city of Alexandria, to run some steamboats in connection therewith down to the harbor at Fortress Monroe. I think you will find plenty of such examples in the history of railroads. Here is a complete line of transportation proposed. The railroad itself is a monopoly up the valley from the city of Spokane Falls to Cœur d'Alene. It is not likely that any one else will build a parallel road there. It is not likely that anybody else will set up a line of steamboats if this company should set up one on these rivers. Of course there would be to some extent a monopoly, but the railroad is the same thing, a monopoly to Cœur d'Alene, and it would undoubtedly be of great value to the land-owners and aid in the development of that Territory.

The only thing that remains doubtful in my mind is the length of the line from Cœur d'Alene to the connection with the Northern Pacific, which is not distinctly pointed out. The route of it is not clearly pointed out. I would rather, before chartering a railroad, know something near the line it is to take; and with a view to partly correct these things or avoid any evil that might arise under them, there is an amendment in one of the later sections which requires that the location and route of this road and branches shall be filed with the Secretary of the Interior and publication thereof made, and that no operations shall be commenced until a certain time shall have elapsed after the filing.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON], on which the yeas and nays have been ordered.

Mr. COCKRELL. I hope that amendment will be agreed to. It does seem to me that the amendment proposed by the Senator from Indiana is eminently just, right, and equitable. If this bill is to be passed at all, the clause which he proposes to strike out should be stricken out. There is, in the first place, no necessity now for the passage of the bill at all. We, the Senator from Connecticut [Mr. HAWLEY] and others, are assuming to know more about the wants and necessities of those three Territories than the people living there and electing their representatives and delegates to the Territorial General Assembly. The Territory of Washington has already enacted laws on the incorporation of railroads. The Territory of Montana has, as I am advised. It is only the Territory of Idaho through which this company wants the right to run its road by act of Congress.

The pretext made at the last session was that the Territorial General Assembly of Idaho would not meet until 1885. Now we are within a few days of 1885. The Territorial General Assembly will be in session, and can grant the charters which are necessary and proper. It meets in January, my colleague says. Now, within a month of the meeting of the Territorial Legislature Congress takes up and passes this anomalous and, as I say, monstrous bill.

The yeas and nays were taken on the amendment.

Mr. FRYE (after having voted in the negative). I withdraw my vote, and announce my pair with the Senator from Indiana [Mr. VOORHEES].

The result was announced—yeas 37, nays 16; as follows:

YEAS—37.

Beck,	Groome,	McMillan,	Slater,
Brown,	Hampton,	McPherson,	Vance,
Call,	Harris,	Maxey,	Van Wyck,
Camden,	Harrison,	Morgan,	Vest,
Cockrell,	Hoar,	Morrill,	Walker,
Coke,	Ingalls,	Pendleton,	Williams,
Colquitt,	Jackson,	Platt,	Wilson.
Edmunds,	Jonas,	Pugh,	
Garland,	Jones of Florida,	Ransom,	
George,	Kenna,	Sherman,	

NAYS—16.

Blair,	Dawes,	Mitchell,	Sabin,
Cameron of Wis.,	Dolph,	Palmer,	Sawyer,
Conger,	Hawley,	Pike,	Sewell,
Cullom,	Miller of Cal.,	Riddleberger,	Sheffield.

ABSENT—23.

Aldrich,	Fair,	Hill,	Manderson,
Allison,	Farley,	Jones of Nevada,	Miller of N. Y.,
Bayard,	Frye,	Lamar,	Plumb,
Bowen,	Gibson,	Lapham,	Saulsbury,
Butler,	Gorman,	Logan,	Voorhees.
Cameron of Pa.,	Hale,	Mahone,	

So the amendment was agreed to.

Mr. COCKRELL. I offer the following amendment, to come in at the end of the bill——

Mr. HARRISON. Will not the Senator allow me to move an amendment which precedes his?

Mr. COCKRELL. Yes, sir; certainly.

Mr. HARRISON. I move to strike out the fourth section of the bill. It is the section which confers unlimited power on this corporation to buy all other railroads and all their lands and all their stock and all their franchises. I do not think that power ought to be granted to any railroad company.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be read.

The SECRETARY. It is proposed to strike out section 4, as follows:

SEC. 4. That the Spokane Falls and Cœur d'Alene Railway Company shall have power and lawful authority to purchase the stock, lands, franchises, and appurtenances of, and consolidate, on such terms as may be agreed upon between the parties, with any railroad company or companies heretofore chartered or that may hereafter be chartered by Congressional, State, or Territorial authority.

The amendment was agreed to.

Mr. WILSON. Mr. President, I do not find in the bill any limitation upon the power of the company to contract indebtedness. It is usual in bills of this kind to place a limitation upon that power. I therefore offer the following amendment to the third section of the bill. After the word "each," in line 4 of section 3, I move to insert:

And the indebtedness of the company, except as hereinafter provided, shall not exceed one-half of the capital stock.

Mr. President, the eighth section authorizes the company to issue bonds to the extent of $25,000 per mile. That, of course, would be a limitation upon the bonded indebtedness of the incorporation; but there is no limitation upon the power to create a floating debt, so called. I think there should be some limitation upon that, and therefore offer the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. HARRISON. In section 5 of the bill power is granted—

To purchase lands or to accept donations or grants of lands or other property from individuals or corporations for the purpose of aiding in carrying out the objects of this company.

An amendment proposed by the committee was intended to prevent the involvement of the Territory or the counties or other municipal corporations in any liability on account of this corporation. I do not think the amendment effects that end. Express authority is granted to receive donations in lands, money, or property from individuals or corporations, and the restrictive provision which is appended simply restrains the municipal corporations, the Territory and counties, from taking stock or from buying or guaranteeing stock or bonds or from lending credit to the railroad company. So far from prohibiting, it really suggests that donations by these municipal corporations may be made and may be taken by this railroad corporation. We certainly ought to provide that no donation should be made by any of these corporations; otherwise there is full power to burden them in the interest of this railroad company.

I move to strike out, beginning with the word "also," in line 5 of section 5:

Also to purchase lands or to accept donations or grants of lands or other property from individuals or corporations.

Perhaps I ought not to strike out the whole clause; I will move to strike out, in section 5, line 5, the words "to purchase lands or"——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 1170) for the relief of Richard Hawley & Sons.

Mr. VAN WYCK. I ask leave to submit amendments to the bill the Senate has just been considering with the view that they may be printed.

The PRESIDING OFFICER. If there be no objection, the proposed amendments will be received, printed, and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census; in which it requested the concurrence of the Senate.

RICHARD HAWLEY & SONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1170) for the relief of Richard Hawley & Sons.

Mr. PALMER. Mr. President, when, by request, I introduced this apparently innocent bill, I had no idea that its consideration would invoke such an exhaustive discussion. I think if I had known how it would be regarded by the distinguished Senators who oppose it I should have shrunk from introducing it, even with the qualification that it was done "by request." I am not versed in legislation, and experience has not shown to me the possible dangers which may lurk in a bill of this character, and yet—looked at from a moral or business standpoint—Messrs. Hawley & Sons are entitled to relief. By two errors of two officers of the Treasury they have been deprived and kept out of their property. To any one who has carefully read the lucid report of the committee it seems to me but one conclusion is possible, and that is that the claimants are entitled to relief. What that relief may involve indirectly I leave to Senators of riper experience to determine.

The Treasury is prevented from giving relief by a statute wisely enacted for its protection, but I can not believe the animus of it to be to enable the Government to retain moneys improperly and illegally collected from our citizens; and when it works an injustice there is, I understand, no other course open to the victim but to come to Congress for redress. I have no doubt that if such cases as the one before us could have been foreseen a method of relief would have been provided other than by a bill in Congress, if one could have been devised that would not have been subject to abuse and opened the way to frauds.

The ruling of the Secretary of the Treasury that an excise duty imposed upon malt by a foreign government, which duty never became operative on this importation and which therefore never contributed to the enhancement of its commercial value, should be added to the price paid for it in Canada to increase the dutiable value was an absurdity to the commercial mind and so evident an error that I should feel ashamed that the Government should take advantage of it even if it had been sustained by the courts.

However, when the importation had been made and this crude and erroneous ruling appeared, what could the importer do? He had to pay. These parties did pay, but under protest, and were about to take an appeal when they were met by a second error made by an officer of the Government—the collector at Detroit—who dissuaded them from it, read them the ruling of the Department, and showed to them, as they believed, the futility of such appeal.

Messrs. Hawley & Sons did not wish to incur the expense and chances of a legal contest, for they considered it an unequal one and the outcome adversely assured—the Government, with unlimited means and able counsel, to whom time was no object, on one side, and men following a precarious business, which demanded all their time and all their means, on the other. They preferred the lesser evil and submitted to the wrong, which was none the less a wrong because they did not resist.

It will be said, however, that if they had taken an appeal their rights would have been conserved. I would answer that if this importation had been entered at New York or Chicago, then an appeal would have been made, and long before this Messrs. Hawley & Sons would have had their money back. Customs brokers, who swarm in the corridors of the custom-houses of those ports, would have been at their elbows, and all the technicalities which attend upon importations would have been observed.

At Detroit, however, in 1870, there was not a customs broker. The collector there was and is regarded not only as the guardian of the interests of the Government, but generally as the adviser of the people in the matter of importations. What he said in regard to duties was accepted as law, and when he emphasized it by reference to the rulings of the Department, the average importer looked upon it as law and gospel.

As I said before, Messrs. Hawley & Sons submitted, and the return of this money, wrongfully exacted, would never have been applied for had it not been that some party in Chicago—probably making a larger importation—was stimulated by a customs broker to make an appeal and bring his case into court.

As the committee reports, the court held that the price actually paid for the malt was the dutiable value. The decision of the court was thereafter recognized by the Secretary of the Treasury. It has been the rule of the Department ever since. All the duties thus illegally collected, where protest was made and an appeal taken, were refunded, but in this case, where no appeal was taken, he considered he had no authority to refund.

The Secretary of the Treasury did not reject this claim because he considered that it was not an equitable one, but because he had no authority to refund. His decision does not affect the merits of the case, but is merely an indication of his conception of his authority in the premises.

I suppose it is necessary that limitations should be fixed to the discretionary powers of all public officers, but all these limitations disappear when a party comes to Congress for relief.

The things, in my opinion, to be considered are, first, did the Government illegally and wrongfully take the money of Messrs. Hawley & Sons? Second, did Messrs. Hawley & Sons use due diligence in asserting and protecting their rights?

All will concede that the Government did wrongfully and illegally take the money, and I think when the report of the committee is carefully read, and the circumstances and conditions under which the protest was made and the appeal not taken, with the reasons shown therefor are fully considered, most persons will conclude that this is a meritorious bill.

While I have the highest respect for the opinions of the distinguished Senators from Vermont and Missouri and the zeal and solicitude they evince for the interests of the Treasury, I feel that individuals have rights as well as the Government. The objections made by those honorable gentlemen would, I am sure, never have been interposed by them were they personally the parties against whom a like claim was made. They would scorn to retain moneys which came into their hands by an error of others, much more so if the error was their own. They would scorn to urge the statute of limitations, or any other technicality, to avoid or retard payment. None would be swifter than they to make restitution when the facts were laid before them. I ask that they apply those rules to the dealings of the Government with its citizens which have marked their own long and honorable careers.

The honorable Senator from Missouri urges against the passage of this bill his opinion that the principle involved may lead to the return to similar claimants of $20,000,000.

If our citizens have been illegally mulcted of $20,000,000, or any other sum, we can not too soon set about the work of restitution. Every such claim should be considered here upon its own equities and every citizen has the right to such consideration.

The just pride of Americans in an overflowing Treasury should not be marred by the knowledge that any part of its surplus is made up of illegally wrung and wrongfully retained domestic contributions.

I hope, Mr. President, that this bill may pass as recommended by the Committee on Claims and the $473.42 which these claimants have asked of Congress time and again, since its extortion, may be returned to its rightful owners.

Mr. ALLISON. Mr. President, I think this bill ought not to pass unless the case for which it provides can be brought within some exception to the existing statute. I notice that the Committee on Claims endeavor to so bring it by showing that the fault rests with the collector of customs in Detroit. If that be true, it may be a reason for the passage of this bill; but otherwise it seems to me the bill ought not to pass, because the claim comes within the provisions of the statutes which absolutely exclude the payment of this class of claims, as I understand.

Mr. CAMERON, of Wisconsin. The statute to which the Senator from Iowa refers simply prohibits an executive officer of the Government from paying this or any similar claim.

Mr. ALLISON. That is true, and it provides certain processes by which duties may be refunded; but in this instance these processes were not adopted by the person paying the duties. If we are to refund to every person who pays duties whatever sum a court may say ought to be refunded, there will be no end to the refunding of duties. A few years ago the Secretary of the Treasury required by an order of his that the polariscope should be used as a method of testing the rates of duties upon sugar. The Supreme Court decided some three or four years afterward that that was not a proper ruling of the Secretary of the Treasury, then Mr. SHERMAN, and that those duties were improperly exacted. If every duty thus improperly exacted at the time should be refunded, that single decision would cost the Government three or four million dollars. There is no question of the fact that the amount of duty paid was added to the price of the sugar, and the consumer paid it. Now, is there any equity, is there any justice, in an importer of sugar requiring from the Government a refund of that amount of duty? That may not be so in every case, but I think it will be found to be notably so in this malt case.

The duty upon malt imported from Canada was 20 per cent. ad valorem. The Secretary of the Treasury decided that a certain measure of value should be the true value, namely, the market price of malt in Canada, there being an excise duty of 1 cent a bushel upon it there. I do not know that it is true, but I have no doubt of the fact that this importer of malt added that sum to the price, and therefore I see no equity in refunding to him this money, and I do not know of a single instance where the Government has refunded money, either through the Secretary of the Treasury or by legislative enactment, in cases where there has not been a formal protest made as required by law.

Mr. HOAR. There was a protest.

Mr. ALLISON. If there was a formal protest, then of course there ought to be no question.

Mr. HOAR. The Senator will pardon me. I understand the facts are these, and I should like to submit them to him: The law requires a protest and an appeal to the Secretary. Then if the Secretary does not grant the appeal the remedy is open by application to a court. In this case the man made his formal protest and was about to take his appeal when the collector of the port told him that he had better not be at the trouble of making his appeal; it would be of no use to him, because the question was settled in the Treasury Department, and he could receive no benefit from making the appeal. So, for that reason, under the advice of the officer, he failed to take what was a technical, not a substantial step. Under the decision of the courts the other men got their duty back.

Mr. ALLISON. So I said in the beginning of my remarks that if this case was put on the idea that there was an actual protest, but by the fault of the collector of customs or some officer of the Government this man was misled so that he did not make the protest in accordance with the statute, then there might be some reason why he should be paid. But I desire, for one, to know that this excuse is clearly and distinctly set forth as a reason for payment, because if that be not done, we are bound to refund to every man who has wrongfully paid duties when a court shall decide that those duties have been wrongfully paid; and if that be true, we shall be practically receiving money through the Treasury and paying it out through the courts, because under our system the courts frequently decide that the Secretary of the Treasury or the collector of customs is wrong in his rulings, and when those cases arise the statute comes in and protects the Government, by saying that an importer shall be required to make formal protest at the time he pays the duty, and must commence a suit within sixty or ninety days to recover the same, in order that a statute of limitations may be placed upon the importers preventing them from coming in eight, ten, or twelve, or fourteen years afterward, and exacting, either through the courts or through Congress, a refund of duties after the articles imported have gone into consumption and use, and the price in many cases, as notably in the sugar cases, has included the excess of duty and has been paid by the consumer. That is the reason why I desire that this case shall be placed clearly upon some construction which will give Congress the authority to pass this bill because of the dereliction of its own officers, and not because of anything relating to the decision made in Chicago whereby the 1 cent per bushel should be taken from the valuation of the malt in Canada, and that was the question decided.

Mr. HOAR. Mr. President, I am sorry to find myself in a matter of principle differing with my friend, whom I have followed so often, the chairman of the Committee on Claims. I do not agree with him in what he said the other day, that this is a body which is not bound by precedents, or which ought not to be bound by precedents. I think that the Senate, and every legislative body, in dealing with citizens, especially in regard to a matter of private claim, should establish, as the courts do, general rules, which it will act upon in all possible cases, and which it should depart from rarely. I do not agree with the Senators who have thought it our duty to refund to the citizen all duties which have been illegally exacted of him. The process of taxation is of necessity a clumsy and inexact process. It must be so at best. We can not have the ordinary processes by which private property is taken for public use in regard to taxes, and each generation ought, as a general rule, to be left to bear its own burden, and it would be an undue and improper burden upon the people in any year to require them to go back and correct all the mistakes and informalities of the past.

Take the question of the cotton tax, where the Supreme Court I think was evenly divided as to the legality of the assessment. Suppose at some time there should be a change of one person in the court, and a majority should hold that it was illegal. It seems to me there would be no justice or propriety in requiring us to go back and take upon ourselves this burden which belonged to a past generation, and restore to everybody the tax that had been assessed upon him. So this case, as the Senator from Iowa has very properly and clearly stated, ought to fall, unless it can stand upon some ground which gives this citizen a special equity.

Now I understand that there were a considerable number of cases like this, and one of the persons having such a case brought his suit and tested it. This individual was not cognizant probably of that fact, but he made his protest and he was proceeding as I understand the report made by the committee—I think it was made at a meeting when I was not present; I do not remember hearing of the case before—but as I understand it he made his protest in due form, so that the Government had the proper notice and the notice required by the statute of his objection to the legality of the tax and his purpose to resist it. Then the collector, whom any citizen might fairly suppose to be specially acquainted with the law on that subject, advised him not to make his appeal to the Treasury, on the ground that it would be a mere useless formality and a waste of trouble and expense, because the question had been amply and finally settled in the Treasury Department, and accordingly he did not take the appeal. Soon after, the court deciding that he was right in his claim that the tax was illegal, he came shortly after the fact—I do not know how long, but very shortly after—to Congress for relief. Under these circumstances, does the absence of this second step, which would have done no sort of good to the Government, which was a mere formality, nothing more, of carrying his appeal to the Treasury, when it was occasioned by the advice of an intelligent Government officer to whom any citizen would reasonably and properly look for advice and information on that subject, make the case an exception to the ordinary rule?

The bill was reported to the Senate without amendment.

Mr. ALDRICH. As I understand the argument of the Senator from Massachusetts a member of the Committee on Claims, he now places the position of that committee in favor of this bill upon the ground that an officer of the Government advised these claimants not to take a step which was essential to preserve their rights before the collector and in the courts of the United States. Now I should like to ask the Senator from Massachusetts whether he would apply that rule to all cases of this kind.

Mr. HOAR. The Senator will pardon me. His question gives me the opportunity to say one thing which I omitted. The Senate has repeatedly since I have been a member of the Committee on Claims, where one case of a number has gone up as a test case, the others having refrained from suing solely to abide the result of that, treated that as a sufficient compliance with the statute for the purpose of legislation.

Mr. ALDRICH. Under the revenue laws?

Mr. HOAR. No, I do not mean a particular compliance; but I say we have excused the burdening of the Government with a hundred suits where one suit would raise the entire question and the others had abstained from suing in order to abide the result.

Mr. ALDRICH. Does the Senator mean to say that there has ever been a case of that kind where the construction of the revenue laws was involved?

Mr. HOAR. Yes.

Mr. ALDRICH. Then I am certainly mistaken about the facts. I have never known a case of that kind, and I think the Senator will have hard work to point to such a precedent.

The statement made by the Senator from Massachusetts involves two things. In the first place, he assumes that this officer of the customs had a right to represent the Government in the way which he did and that oral proof of his statement—because there seems to be no other proof except the assumption on the part of the friends of this bill of such an oral statement—was sufficient to exempt these claimants from prosecuting their claim in a legal manner.

I want to call the attention of the Senator from Massachusetts to the fact that under an order of the Secretary of the Treasury a rule was established for exacting duty upon sugar which was afterward declared erroneous by the Supreme Court of the United States. If the precedent established in this case should be followed in those cases, duties which have been assessed and collected, amounting to $200,000,000, would be open to question.

Mr. HOAR. Will the Senator permit me to ask him a question in my turn?

Mr. ALDRICH. Certainly.

Mr. HOAR. Does the Senator say that in regard to that tax he knows or has heard of a single case where a party paid his tax under protest and then proceeded after doing that to abandon the technical step of taking an appeal under the advice of an officer of the United States? That is this case.

Mr. ALDRICH. I do say that precisely that case exists at the present time, and parties are now before the Committee on Finance pressing a bill to give relief and remedy in precisely the case which the Senator supposes.

Mr. HOAR. After an officer of the Government had advised them not to take an appeal?

Mr. ALDRICH. Where they had made a formal protest but neglected to follow that formal protest by an appeal as required by the statute.

Mr. HOAR. The sugar case, as stated by the Senator from Iowa, was a case purely and simply of an overvaluation by reason of an error of the polariscope test, and not of an erroneous construction of the law; a totally distinct case.

Mr. ALDRICH. In the sugar case the Secretary of the Treasury, to avoid frauds upon the revenue, made an order which prescribed an entirely different method of ascertaining the valuation of sugars and assessing the duties upon sugars from that provided by law. The Supreme Court of the United States afterward decided that the order was not warranted by law, and was erroneous and void. Now, there come

some parties after the lapse of fourteen years and claim that they too made a formal protest, but did not follow up the steps required by law, and they ask the Senate to refund to them duties erroneously assessed upon statements made that some officer of the customs, perhaps, told them it was not necessary to do what the law required them to do.

The law in this case prescribes in the first place that a man shall file a protest within ten days; that within thirty days he shall take an appeal, in case the decision is made in the first instance by the collector of customs, to the Secretary of the Treasury, and upon the decision of the Secretary of the Treasury being made if it is adverse to his interest he must within ninety days commence suit in some court of competent jurisdiction. There is no pretense that in this case these steps, made essential by the revenue laws of the United States, were taken. It is said that these claimants did not take them because some collector of customs stated that it would not be necessary or that it would do no good.

Mr. COCKRELL. Will the Senator permit me to read that clause of the report, so that we may see the application of the point he is making?

Mr. ALDRICH. Certainly.

Mr. COCKRELL. The report of the Committee on Claims says:

> Hawley & Sons paid the duties so imposed, verbally protesting against the exaction, and declaring their intention to appeal to the Department. They were told by the collector that they had the right to do so, but that the Department would undoubtedly reaffirm its decision; and then read to them the decision which had been made by the Secretary.

Mr. ALDRICH. So that the collector merely called the attention of the claimants to the fact that the Secretary of the Treasury had made an adverse decision in this very case.

Mr. COCKRELL. Certainly; did not advise them to take an appeal.

Mr. CAMERON, of Wisconsin. Here is the statement made in the report which, if the Senator from Rhode Island will permit me, I will read:

> Hawley & Sons paid the duties so imposed, verbally protesting against the exaction, and declaring their intention to appeal to the Department. They were told by the collector that they had the right to do so, but that the Department would undoubtedly reaffirm its decision; and then read to them the decision which had been made by the Secretary.

Mr. COCKRELL. That is precisely the sentence I read.

Mr. ALDRICH. If I understand the position just taken by the members of Committee on Claims, speaking through the Senator from Massachusetts, it is this: They propose to substitute in place of the legal requirement of the law, of the various steps which must be taken in order to give a claimant any standing in court at least, a verbal statement that some officer of the United States had said that it would not perhaps be well or it would do no good to take the appeal which the law required. Now I say that if this bill is passed and this precedent is established it will be the thin end of a wedge which will open wide the door of the Treasury of the United States to a mass of claims of this kind which no man can number and the amount of which no man can foretell.

As I have said, in the sugar cases there is a question of $200,000,000 that have been collected under a ruling which was afterward declared erroneous, and if you allow these claimants to come to the Senate and make the Senate a court to consider such questions and allow them to prove what some officer of the customs, acting without any authority either of statute or otherwise, said to a claimant fourteen years ago, you are opening a door that I believe the Senate would be very unwilling to open if they understood fully all the facts.

Mr. CONGER. Mr. President, from the beginning these parties have asserted their right to come before Congress and ask a return of money which confessedly was exacted from them contrary to law. There is no question about that. They were charged as the proper valuation for the assessment of duties, in addition to the market price, or the rule that would obtain, 1 cent a pound for excise duties levied by the Canadian Government, when the fact was that there was no excise duty upon this malt. These parties bought it in bond; there had been no excise duty, and its price in bond was the amount upon which the duty should have been laid, as I understand. There is no pretense by any of the Senators who have talked here but that these four hundred and odd dollars were taken contrary to law, to right, to equity, to justice, from these men, Hawley & Sons; that the amount was paid under protest; the reason given and the reason assigned when it was paid; and after it was paid Hawley & Sons went to make their appeal, and while they were engaged in that—for the report is not as full as the facts are on that subject—while they were present to make an appeal, as they might under the law, the collector of customs said to them: "You can take your appeal, but here within a few days I have received this letter from the Department, saying that they still persist in their ruling, that this cent a pound should be a part of the valuation upon which duties should be levied." He showed it to them there—Collector Bell, of Detroit.

Mr. McPHERSON. May I ask the Senator from Michigan a question?

Mr. CONGER. Yes, sir.

Mr. McPHERSON. Does he know whether at that time there were any suits pending against the Government for the return of like duties?

Mr. CONGER. I do not know whether there were; but there was at that time or there was within six months afterward a decision rendered in the courts in Illinois upon this very question, whether that 1 cent a pound export duty formed a part of the valuation of malt bought in bond just as this was, and the court decided that it was not a proper subject of valuation on which to levy duty.

Mr. ALLISON. The Secretary decided the other way.

Mr. CONGER. The Secretary had decided the other way. Immediately upon that decision of the United States court the Secretary of the Treasury, by circular and by order sent out to all the collectors, declared that he followed the decisions of the courts and that they were not to collect duties on this percentage.

Mr. McPHERSON. If the Senator will bear with me one moment longer, I will state that the reason for my asking the question was because of the fact that the Senator from Iowa and the Senator from Rhode Island both compared this case to the sugar cases. I have not watched the argument in this case closely, but I would like to make a suggestion with regard to the sugar cases, if those be like cases, and perhaps it will assist the Senator a little in his argument. I should like to know by what process of right this Government, because it has the power to do it, will play upon the rights and the liberties of its citizens which they have under the law? For instance, a Secretary of the Treasury makes a ruling which the courts decide to be contrary to law. Now take the sugar cases. In most of those cases the sugar had absolutely been purchased before the ruling was made. The Secretary of the Treasury imposes a new rule for the collection of the duty. When the sugar arrived in the port of New York, one importer protests, enforces it by every step that the law requires—by appeal, first to the Secretary and then to the courts. A second one does the same thing and a third and a fourth. A case was made before the courts. The case was then pending and likely to be decided at any moment. Other cases arose under like circumstances. The collector of the port simply states to the parties importing, "These cases are pending and will be decided in a few days; what is the use of your going to the expense of going through this formal protest when certainly this great Government will be equitable and treat you all alike?"

Mr. ALLISON. Was that the case with all the sugar importers?

Mr. McPHERSON. I do not know what the Senator means by "all."

Mr. ALLISON. Or with many of them?

Mr. McPHERSON. I suppose after a few cases appeals would not be taken.

Mr. ALLISON. But I understand the Senator that some of the importers made protests as required by law. Further, I understand the Senator from New Jersey to say that some others did not do so simply because the collector of the port said, "The question is now pending in the courts, and you had better not do it."

Mr. McPHERSON. Well, I claim in the first place that protests were made according to law. The importer protested first to the collector, then to the Secretary, and afterward brought suit, and a second importer did the same thing, and a third one, until four or five of the parties did it. The collector of the port did say in many of the cases to the aggrieved parties, "Suits are pending; they will be decided, and when they are decided as a matter of course you will be paid in common with others." If I understand it, this is almost a like case, and certainly the equities of the case are with a man who is not supposed to understand all the requirements of the law, and I do not see how it can be made to apply to $200,000,000 or to any particular sum except that which absolutely occurred from the time the first protest was made till the decision of the Secretary was reversed by the courts.

Mr. ALDRICH. Mr. President——

Mr. CONGER. I prefer going on with my remarks, as I can very well get along with one interruption, and I do not with too many of them, especially from Rhode Island.

Mr. President, there is no comparison or analogy between the sugar cases and this case. In this case it is admitted that the valuation assessed upon the 1 cent a pound more was either right or wrong. The court said that it was wrong. The Secretary of the Treasury immediately revoked his order and said it was wrong, but he got the money of these men and put it in the Treasury, and the gentlemen here who seem to have charge of the Department are seeking to keep in the Treasury money which was assessed contrary to law, contrary to the decision of the courts. It was paid in July, and in November of that same year—of course there were suits pending, because there could not have been a suit brought to issue from July to November, as any one knows—the decision of the court was rendered, and in November, too, the decision of the Secretary of the Treasury himself was reversed. In the sugar cases the Secretary of the Treasury undertook to make a new way of computing the saccharine qualities and strength of sugars, contrary to law, as was said. He said not. We have heard him say it here often. He said he merely brought in the polariscope as an additional means of detecting fraud. There is no question of fraud in this case. It is a simple, plain question of the Secretary of the Treasury, by a construction taking four hundred and odd dollars from a citizen which he himself in four months thereafter admitted was wrong; and when he was asked to refund that, he said, "You must go to Congress to get the money; it has gone into the Treasury and I can not pay it out."

Hawley & Sons in good faith (for they are great importers of malt) had been importing malt for years and years and are to-day.

This kind of a case arose just at that time: The Canadian Government that same winter and spring, for the first time, had laid by law an export duty of 1 cent a pound on malt, and all these cases had arisen after February 10, if I remember the date aright, when this export duty was laid by the Canadian Government. It all came together in Chicago, Detroit, and other ports where malt was introduced, and the Secretary of the Treasury made this unjust ruling, as the court said, and took money which the Government ought not to have taken. That is a plain question of fact and of law. There was no law ordering this. It was supposed by the Secretary of the Treasury that the 1 cent a pound had been added to the purchase value of the malt in Canada, whereas this was bought in bond, the malt being then in the city of Detroit.

Mr. MORRILL. May I ask the Senator for information a single fact in relation to this case?

Mr. CONGER. Yes, sir.

Mr. MORRILL. Did not the seller and purchaser of the malt understand at the time that this 1 cent was an addition to the cost, and did not the seller obtain a price accordingly? In other words, did he make any loss on the malt?

Mr. CONGER. I can not say from my own knowledge or from my recollection of the facts, but I think this malt was imported into Detroit before the law took effect making the 1 cent export duty, for I think it was that very spring or winter that the law of Canada was passed laying the export tax of 1 cent a pound, and it never had attached to this property. This property was in bond in Detroit; it was bought there in bond at a given price in the market.

Mr. ALLISON. Why "in bond?"

Mr. CONGER. Just as all other goods may be stored in bond until taken out and the duties paid. Our warehousing law provides especially for that. Our laws provide that goods may be kept in the warehouse a certain length of time. My colleague says I am mistaken about this being in bond in Detroit; that it was in bond in Canada.

Mr. ALLISON. I thought so.

Mr. CONGER. I accept the correction, but the proper amount paid on purchasing under our laws was the amount upon which the duty should be levied. There is no question about that.

Now, I pass along down to the point where these parties, large importers of malt, wished to test this question, and when they came to make the appeal, to take the proper steps, they were met by Collector Bell with the last letter from the Department, saying that they ruled upon this, that their ruling should stand, and he said: "You can appeal, but there is no use; here is the last letter that I have received within a week. You are not going to get the Department to change it;" and they did not change it until the courts directed it to be changed. Hawley & Sons ought not to have listened to the collector; but they ought not to be robbed because they were misled by the collector. This Government does not need to take and keep the money of its citizens illegally and unlawfully and by force collected against law. That is not the kind of Government we have. And whether it takes one thousand or ten thousand or a million dollars out of the Treasury, it is better for the Government of the United States that it deal fairly by its citizens than it is to get a great surplus revenue into the Treasury for my friend from Vermont to boast of.

Mr. ALDRICH. Mr. President, I protest against the assumption and assertion of the Senator from Michigan that this duty was improperly and illegally assessed and collected. Under the construction of the law given by the Secretary of the Treasury, whose duty it was to construe the law, this duty was properly and legally assessed and collected from these parties. There can be no question whatever about that; and there was no question about the legality of his construction until it was decided by a court of competent jurisdiction, and of course that decision did not apply to cases which had occurred before that time.

The Senator might as well say that the duties assessed and collected under the order of the Secretary of the Treasury in the sugar cases were all illegal and in fraud because the Supreme Court afterward decided that that order was not according to their construction of the law. All these steps were properly and legally taken, and these duties were as properly and as legally collected as any which were ever assessed and collected by the customs officers of the United States. I care not what representations were made—and there is conflicting testimony as to what they were—these parties neglected to take the only steps which would give them a right to pursue their remedy against the Government of the United States.

Mr. ALLISON. Mr. President, I am myself becoming somewhat confused about the facts in this case. The Senator from Michigan [Mr. CONGER] spoke of this malt being in bond in Detroit.

Mr. CONGER. I corrected that before I sat down. I admitted that I was mistaken about that. My colleague told me it was in bond in Canada.

Mr. ALLISON. The Senator called attention to the fact that this was an export duty and one which had been recently imposed under the laws of Canada, and said that therefore there was a very natural confusion along the border, both in Canada and in the United States, with reference to this business. Now I find in the report that there was an excise tax and not an export tax of 1 cent per pound upon malt. It seems to me that is rather an excessive tax, but if it was an excise tax, of course it was to be included in the cost of the malt sent here by the people who manufactured it in Canada in competition with our own malsters in the United States—in Detroit and Buffalo and New York and elsewhere—whom we supposed we had protected by a duty of 20 per cent. ad valorem, in order that the Canadians might not be permitted to come in and sell their malt in competition with ours unless they paid 20 per cent. ad valorem, which meant 20 per cent. of the value of the article in Canada, and did not mean the value of the article in bond, which could thereby exclude itself from paying the 1 cent excise tax, but meant the market value of the malt in Canada, where it was to be consumed.

Now the Senator from Michigan says that this is acknowledged to have been on the part of the United States an improper exaction of duty. For one I do not believe it. I beg leave to differ, humbly of course, from the decision of a subordinate court in the State of Illinois with reference to what was the true measure of valuation in Canada of the malt there. It is understood under our import laws that where we exact an ad valorem duty upon articles imported into this country we mean to levy it on the valuation of those articles in the markets of the country from whence they are exported, and not that the people who export articles to this country can, by devices of their own, reduce the valuation of those articles at the place of production, and thus by the intervention of their laws change our existing laws in reference to import duties. The facts are that this decision of Judge Drummond in Chicago had the effect to reduce the duty on malt to 19 per cent., instead of 20 per cent. ad valorem, as we supposed we had placed it.

I did not make this case absolutely analogous to the sugar cases. I only made allusion to the sugar cases for purposes of comparison and illustration. The Secretary of the Treasury discovered that instead of the sugar importers importing their sugars according to the Dutch standard of value, they were manipulating the Dutch standard of value, and injecting into it saccharine matter, although the color made a low rate of duty, whereas in fact the saccharine strength would have justified the Secretary of the Treasury in exacting a higher rate of duty. Thereupon he said this new instrument, the polariscope, might be used for the purpose of protecting the Government against this artificial coloring of sugar, and the Supreme Court, I believe, though I have not the decision before me, took a somewhat technical view of the subject, and decided that the order of the Secretary of the Treasury was improper. I only used the sugar cases as an illustration.

I remember very well that many years ago we passed a law with reference to the number of threads of silk or cotton or linen that should be included in a textile fabric imported from another country. The then Secretary of the Treasury decided that that meant one thing, and some importer, being a little more dexterous than his neighbor, made a protest in writing, as the law requires, and carried that case to the Supreme Court of the United States, and the court decided that the Secretary of the Treasury was wrong. In the mean time millions upon millions of dollars' worth of these goods had been imported under the decision of the Secretary of the Treasury and no protest made, and meanwhile all these textile fabrics had gone into the markets and into the consumption of our country with the duty or at least a portion of the duty added to the price and paid by the consumers. Will anybody tell me that this Government is bound either in justice or in equity to go back and pay all those importers the amount of excess of duty which had been exacted from them when they themselves did not comply with the particular provisions of the statutes in this regard? If we do that, then there is no statute of limitations in reference to our tariff laws.

Here is a case that arose fourteen years ago. There are other cases of equal importance and greater magnitude that arose more than twenty years ago or thirty years ago. Can it be said that there is any principle of justice or equity which requires us to go back and pay a man the amount of excess of duty collected because a court has decided that that was an unjust exaction? I say that in our revenue laws, and especially in our tariff laws, there must be an end to these things, and that that end must come quickly and speedily. Your statute (I do not remember the number of the section of the Revised Statutes) requires that when the man who pays the duty objects to the rate of duty and to the valuation fixed by the appraisers and the collector of the port, as he must pay the duty in order to secure his goods, he pays under protest, and he shall make a protest in writing that the valuation is excessive, and it shall be the duty of the collector of customs to send that protest to the Secretary of the Treasury, and the Secretary of the Treasury either reverses or upholds the decision of his subordinate officer; and if he does uphold that decision and the importer desires to pursue the matter further he must within thirty days bring his suit in the circuit or district court of the United States. Now, why is all that exact promptitude required of the importer? It is for a purpose, so that at some time and in some way the question of the amount of duty shall be closed up as between the importer and the Government of the United States.

Therefore it is I say that unless we can plainly bring this case within some exception to these general provisions it is a great mistake for us

to undertake here in this way to pay Hawley & Sons even the trifling sum of $473. So in the remarks I have made I have not undertaken to assimilate this case to any particular thing, but only to call the attention of the Senate to the fact that we are opening a door here which if we follow and follow the logical arguments made by Senators on this floor that because a court has decided that the Secretary of the Treasury is wrong with reference to the amount to be exacted under the revenue law, we must refund the money, there will be no end to the claims that will come before Congress for adjudication under the statute with reference to import duties.

Mr. COCKRELL. I want to get at the foundation of this case exactly. In this report (and it is a very anomalous report, I must confess, when we consider the original papers which I have had now the pleasure of examining) it is claimed that these parties paid the money to the Secretary of the Treasury in July, 1870, and that in November, 1870, the United States court made the decision that the ruling of the Treasury Department was incorrect. In July, 1870, the tax was paid. In November, 1870, the United States court rendered a decision which they say (and which we have not before us) reversed or overruled the prescription or rule of the Treasury Department.

Now, when did Messrs. Hawley & Sons undertake to recover this money? What steps did they take? Let us look at it just as it is. It is an old, stale claim, and nothing else. The officer of the United States made no misrepresentation to them. He practiced no deception; they do not pretend it. There is not a Senator here who will dare to say that the United States officer misrepresented one solitary thing to Hawley & Sons. The United States collector simply told them that the Secretary of the Treasury had decided in a certain way, and read the decision; that was all. He told them the truth. It was so decided; it was the truth. He made no concealment and no misrepresentation.

What did Hawley & Sons do? They laid perfectly dormant until 1874, four long years after this occurred. Not a step did they take to recover this money back until after the lapse of four years, and that fact is not disclosed in the report. We would infer from the report that these gentlemen had been diligent in recovering the money; that immediately, just as soon as the decision of the United States court in Chicago had been made, they came in and asked for the refund. I have before me the papers in this case. Here is what is called the petition that was first presented in Congress, the inception of the claim in Congress. I want the members of the Committee on Claims to notice it. Here it is:

DETROIT, MICH., *January* 19, 1874.

DEAR SIR: We want the United States to refund us an overcharge of duty which the collector of customs here illegally collected from us on three lots of malt imported by us in the month of July, 1870, and we will be obliged to you for any assistance you can give us in this matter. The facts are as follows:

We imported on July 6, 1870, from James Slater, London, Ontario, 99,736 pounds of malt, being 2,770¼ bushels, which at 80 cents per bushel cost us $2,116.40, and on which we paid duty $660.75—

That is July 6, 1870, remember. Now—

On July 16, 1870—

Ten days later—

we imported from Labatt & Co., London, Ontario, 41,976 pounds, being 1,166 bushels, which cost us at 79 cents per bushel $912.14, and on which we paid duty $289.40. On July 28, 1870—

Twenty-two days after the first importation—

we imported from George Kains, St. Thomas, Ontario, 89,296 pounds, being 2,480½ bushels, which cost us, at 79 cents per bushel, $1,959.55, and on which we paid duty $565.80.

As we bought this malt in bond in Canada we at first proposed to pay duty only on what it cost in bond, but the deputy collector, Mr. D. V. Bell, would not consent to this. He informed us that in order to get the malt we would have to pay duty on its value in Canada out of bond. We objected to this, and proposed to protest against it. He replied—

I am reading the statement that was made here by this man himself.

He replied "that in justice to us he would inform us that it would do us no good, as the Department had lately decided that duty must be paid on goods out of bond, and if we protested the Department would only reiterate the decision."

Seeing no other way to get possession of the malt than to pay the duty according to the decision of the Department, we paid the duty as assessed on the three lots of malt as above stated.

The excise tax of Canada on malt is 1 cent per pound, and consequently in Canada malt out of bond is worth 1 cent per pound more than it is in bond. In these three lots there were 231,008 pounds. One cent per pound on this would be $2,310.08, and on this $2,310.08 we had to pay duty besides the duty we had to pay on the cost of the malt in bond. We understand—

Now, this is very instructive—

We understand that the Department has since then acquiesced in the decision of the United States court that duty should only be collected on the cost or value in bond, and that other parties who imported malt have had the excess of duties paid by them refunded by the Department.

We think that we, too, should have the excess of duty, $462.01, that we paid refunded to us, and hence we would be obliged to you for any advice you can give us as to the steps for us to take to have this overcharge refunded to us.

Yours, truly,

R. HAWLEY & SONS.

To Hon. J. W. BEGOLE,
Washington, D. C.

It seems that when this letter was received the advice given was to present the claim to Congress, and it was presented, this letter as a petition, four years after the taxes were paid, without one solitary thing having been done.

I have here a copy of an affidavit of Mr. Hawley which was made in 1880. It seems they did not file the evidence until long afterward. It goes on and states the amount that was paid, &c. Here is a copy of a letter of the collector giving the whole transaction:

CUSTOM-HOUSE, DETROIT, MICH., *February* 4, 1874.

Four years after the transaction—

Messrs. R. HAWLEY & SONS:

GENTS: In reply to your request for a statement in writing of the facts connected with the entry at this office by you of certain three lots of malt imported from Canada in the month of July, 1870, I submit the following:

Four years after this thing had occurred they go back and try to find out what transactions actually occurred and what were the facts at the time. They had taken no step; they had no intention of bringing a suit to test this matter; they had no intention to appeal from the decision of the Secretary of the Treasury and took no steps to do it for four long years, and then they write a very polite note to the collector of customs to have their memory refreshed as to what took place, as to what were the facts.

In reply to your request for a statement in writing of the facts * * * I submit the following:

On July 6, 1870, you presented to the entry clerk in this office a certified invoice of 2,770¼ bushels malt, valued at 80 cents per bushel, upon which you desired to make entry and pay duties. When asked by said clerk if the value expressed in the invoice included the Canadian excise tax of 1 cent per pound, you replied that it did not, but was the price paid for the malt in bond in Canada. Said clerk then informed you that the entry should express the market value of the malt in Canada out of bond, to which you objected, but in order to obtain possession of the malt made your entry in accordance with the clerk's suggestion and paid duties.

Just what occurs every day in every custom-house in the United States. A question arises as to valuation; the clerk tells the rule of valuation; the man says, "Oh, no; my other rule ought to prevail;" the clerk says, "No; I can only receive it this way," and acquiescence is made. It is just what occurs nearly every day in almost every custom-house in the United States.

Afterward, on the same day, I think, you called upon me for a fuller explanation of the matter, verbally protesting against the exaction of duty as aforesaid, and expressing your intention to appeal to the Department against the decision of this office—

The local office.

To this I replied in substance, to the best of my recollection, that of course you had a perfect right to do so, but that the question had been already decided by the Department, and in my opinion would reaffirm its former decision on the subject if again appealed to.

That was the truth; he simply told him the regulation of the Department.

At the same time I showed or read to you the decision referred to, as follows——

Here is the decision:

The dutiable value of goods, &c., imported into the United States is the value at which such goods enter into consumption in the country of export. A drawback allowed by a foreign government on the exportation of any article does not affect the value in the markets of that country, for the drawback is not paid or allowed until after the goods have ceased to form a part of the common stock of the country whence exported. (Collector, New York, June 12, 1869.)

On July 16, 1870, and July 28, 1870, you imported respectively 1,167 and 2,478 bushels malt, invoiced at 79 cents per bushel, but on entry increased the value 1 cent per pound and paid duty accordingly.

The duty paid by you on the three said importations was as follows: 6,415 bushels, value, commissions included, $7,662, at 20 per cent., equal to $1,532.40. I do not remember any conversation between us on this subject, excepting the one herein referred to, on the occasion of any importation by you.

Yours, &c.,

D. V. BELL, *Deputy Collector.*

There is not one solitary fact in this case that can not be found in every case where there has been any dispute at all between the importer and the collector. It is exceedingly doubtful whether the Treasury Department ought to have acquiesced in the decision of the United States court in Chicago in the interpretation of that law. It is still a question as to whether the Department was not right in its rule and regulation in regard to the rate of duty that ought to have been imposed.

Mr. CAMERON, of Wisconsin. Who makes that question now?

Mr. COCKRELL. I make it now, and the Senator from Rhode Island [Mr. ALDRICH] made it. The question now is whether, without any final decision having been made in that case by the Supreme Court of the country, we are to follow that decision.

Mr. CAMERON, of Wisconsin. The decision was final until an appeal was taken.

Mr. COCKRELL. I know it was final; but are we bound by it? I say we are not bound by it.

Mr. CAMERON, of Wisconsin. We are not bound by any decision.

Mr. COCKRELL. We should be bound by a decision of the Supreme Court.

Mr. CAMERON, of Wisconsin. By no means.

Mr. ALDRICH. Will the Senator allow me to read an extract from the Revised Statutes which I think covers the case?

Mr. CAMERON, of Wisconsin. That is always interesting reading. I should like to hear it.

Mr. ALDRICH. It covers, I think, the point made by the Senator from Iowa [Mr. ALLISON] very distinctly. Section 2906 provides that

the value shall be the "wholesale price thereof," that is, of goods assessed for ad valorem duty:

Wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same has been imported.

Of course the value in this case would have been the value in the principal markets of Canada at the time when the malt was imported into the United States.

Mr. CONGER. Will the Senator allow me to ask him a question?

Mr. ALDRICH. Let me finish my point, and then I shall be glad to answer the Senator. That malt could not have been sold in Canada unless the excise tax had been paid. The value in the principal markets of Canada would have been with the excise tax added, and could never have been less the excise tax.

Mr. CONGER. The question I wanted to ask the Senator is this: Under our law whisky has a tax of 90 cents a gallon, and under our law if exported it has no tax of 90 cents a gallon. That 90 cents a gallon is added to the value of whisky in the markets of the United States. If exported to a country where there is a duty similar to ours on its value, does the Senator claim that the 90 cents which was not taxed if exported would form part of the market value in the United States?

Mr. ALDRICH. Undoubtedly it would if they had the same statutes, because it could only be sold in the principal markets of this country with the tax paid.

Mr. CONGER. Then, as I understand the Senator, the 90 cents a gallon would be added to the valuation, although our law says, if exported, that it shall not be added, that it shall not be paid.

Mr. ALDRICH. The law of the country in which the duties were paid of course would control, and, if their statutes were precisely the same as ours, I think, undoubtedly, that rule would apply.

Mr. CAMERON, of Wisconsin. Mr. President, I suppose no Senator has any question in regard to the facts of this case. They are correctly stated in the report which was made to the committee by the junior Senator from Nevada [Mr. FAIR]. If any Senator had any doubt in regard to the correctness of the facts, that doubt would have been removed by the documents just read by the Senator from Missouri. It is quite unnecessary to repeat the facts. The Senator from Rhode Island admits the correctness of the facts as stated in the report, but he dissents from the decision made by Judge Drummond, and which has since been acquiesced in by the Secretary of the Treasury. The decision, as has already been stated, was made by Judge Drummond, the circuit judge for the seventh circuit, a judge of great learning and great experience in this particular class of cases. If the Government were dissatisfied with that decision, an appeal might have been taken and a decision ultimately obtained by the highest judicial authority in the country; but the Government was satisfied with the decision of the circuit judge of the seventh circuit, and, as has already been stated by the senior Senator from Michigan, the Treasury Department immediately notified collectors to impose the tax in accordance with that decision. I say that it is too late for the Senator from Rhode Island to claim——

Mr. ALDRICH. I know that the Senator from Wisconsin does not desire to do me an injustice.

Mr. CAMERON, of Wisconsin. Not at all.

Mr. ALDRICH. The point was raised by his neighbor, the Senator from Iowa, and I merely read the statute to show that I thought there might be some force in his statement.

Mr. CAMERON, of Wisconsin. I understood that the point was acquiesced in by the Senator from Rhode Island. But no matter about that, the legal question was decided by competent judicial authority, and that decision was acquiesced in by the Secretary of the Treasury, and has been acquiesced in from that time to this.

Mr. SHERMAN. The amount involved in this bill on the face of it is very limited, being only some $400, and is scarcely worth the discussion that has been had upon it; but the number of cases that will depend upon the decision of this case is infinite. The number may be so great that any number I could name would probably fall within the lines. The law upon this subject is perfectly well understood. It has been in existence almost since the customs laws have been in operation. I should like to read to Senators the law, to show that this applicant had not complied with the law in any sense, in any part of it. The law requires the notice to be in writing. This notice is alleged to have been verbal. A verbal notice opens the door to fraud constantly. I will read the law; it is very short, and it has been the law, I believe, almost from the beginning:

SEC. 2931. On the entry of any vessel, or of any merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchandise, in the case of duties levied on merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objections thereto, and shall within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury. The decision of the Secretary on such appeals shall be final and conclusive; and such vessel or merchandise, or costs and charges, shall be liable to duty accordingly, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel or on such merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the Secretary.

Then section 3010 of the Revised Statutes provides that—

All money paid to any collector of the customs, or to any person acting as such, for unascertained duties or for duties paid under protest against the rate or amount of duties charged, shall be placed to the credit of the Treasurer of the United States, and shall not be held by the collector, or person acting as such, to await any ascertainment of duties or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectible in any case where money is so paid.

* * * * * * *

But no recovery shall be allowed in such action unless a protest and appeal shall have been taken as prescribed in section 2931.

That law of the United States has always been the law in regard to the collection of duties. It is applicable alone to the collection of duties, and the reason is because the taxes imposed upon importations enter into the cost of the article, which at once becomes an article of merchandise, and are refunded by the consumer. That is a principle which I believe is conceded by every one. It does not always hold good, but that is the general rule upon which the customs laws are based. It is absolutely necessary to have the decision definite and final before the goods enter into consumption. If the appeal is made, it must be made in writing, by filing a protest with the collector of customs. The collector of customs has no right or authority to waive this rule. If the notice which is given is merely verbal, it is not a compliance with the law. Every intelligent merchant knows the law, as I have no doubt the merchants named in this bill knew very well what the law was, because they did make a protest. They made a verbal protest, which could not be communicated to the Secretary of the Treasury. It was merely a declaration that they did not think the decision was right. Nor has the collector any power whatever to waive this formal notice. It would not be right or safe for the interests of the United States to allow him that power and to permit verbal proof to be given as to a conversation between the importer and the collector of customs.

When the importer makes his appeal to the Secretary of the Treasury he must do it promptly within ten days. The case goes to the Secretary of the Treasury and it is again decided, first by the collector and then again by the Treasury Department. The law then is peremptory that within thirty days after that time suit must be brought. The reason for that is apparent. The collection of customs could not go on safely unless upon some strict rule which required a prompt assertion of a right.

There must necessarily be in the administration of customs laws a great variety of opinion. In the first place, the collector decides. The importer is not bound to listen to that decision. He may take the decision to the Department. He is not bound to listen to the decision of the Department. Those decisions are made promptly and summarily upon the face of the law. Whether the decision is right or wrong it must be made promptly. The decisions are made immediately in the ordinary course within thirty days, and then the law expressly requires an appeal to be made from that decision and a suit to be commenced in the proper tribunal of the United States. If you waive these provisions of law, which are intended as a safeguard to the Treasury in a class of claims like this, the number of claims would be infinite. To open the door for the benefit of this $400 claim would be to involve the Government and involve Congress in all sorts of claims of this kind.

The custom has always been, so far as I have known, that this class of claims has gone to the Committee on Finance, and they have uniformly enforced the requirements of the law. I suppose that no case could be found, there is no case to my knowledge in the history of the Government, where Congress has undertaken to waive every provision of the law. Here no protest was made. The protest must be in writing. Here was a verbal declaration. The collector said there was no use in appealing to the Secretary of the Treasury, because he had already decided. That does not at all relieve the importer from taking the formal proceeding required by the law. Suppose the Secretary of the Treasury decided against him, that would not be the end of his remedy; he could take his appeal, and then he might immediately commence his suit.

It would not be just, it would not be right or prudent, it would not be safe to waive the full, strict, legal application of this rule. Otherwise an infinite variety of suits would spring up and claims would be made upon Congress almost infinite in number.

The importers know this provision as well as any provision of the law. These parties seem to have been the importers of malt from Canada. They were probably brewers. They no doubt converted their malt into beer, and the beer was sold and consumed, and probably the parties who drank the beer are dead long, long ago. Now, to allow them to come here and open up this question on a claim of this kind would be very unsafe. The amount involved may be infinitesimal in this particular case, but the multitude of cases would be so great that the bills would overload your Calendar. There are similar bills now pending in committee, I am told by the Senator from Vermont [Mr. MORRILL], where they will be fairly considered and fairly presented.

Mr. CONGER. I feel thankful for the revelation of the Senator,

knowing that we may have the benefit of the advice and the suggestions of Senators who for years have been at the head of the Treasury Department and are familiar with all the workings there to instruct us Senators who have not had the benefit of that experience, that if we had followed certain provisions of law we could have got back our money without coming to Congress. That is a revelation which it is desirable to have made here. That is all that the Senator has said, that if these parties had followed the law, made a written protest within so many days, made an appeal if the decision was against them, gone to the courts and waited until after a decision should have been made, after the Chicago decision, they could have got their money without coming to Congress.

Now, I venture to say, and I hope I am not immodest in the assertion, that I knew myself, and I doubt whether there is a Senator here who did not know, that if Hawley & Sons had pursued that course they would not have had to come to Congress. But what do men come to Congress for and ask for the enactment of a law for their relief? Because they have been in default or in neglect or ignorant of some other remedy. That the Senator knows as well as I do. It gives me no information to say that we had not complied with the law, for the report says we had not complied with the law. The report says we were required to come to Congress for a new law. Will the Senator tell me or tell his brother Senators that a citizen of the United States may not come in a proper way and ask Congress to pass a new law for his relief when he has been wronged? That is what I want the Senator to tell me. If the position of the distinguished Senator from Ohio is correct we ought immediately to pass a law, or perhaps prepare the way for a constitutional provision, that no man should come to Congress to ask for a new law who had failed to pursue his remedy under the then existing law. By constitutional provision or by law we should shut the door against every citizen who sought the passage of a law for his relief.

That is all there is in the argument. The argument is against permitting a citizen to come to the law-making power for relief at all for fear somebody else may come. Has it come to this, that the Senator will not trust the discretion of his fellow-members of the Senate of the United States and the House of Representatives on each particular case for fear we shall be misled? Are we of necessity to bar the doors of Congress against any applicant coming here for relief? That is all there is of the Senator's argument.

If this case on its merits deserves relief, then under the law, the Constitution, and the institutions of the United States the Senate and the House of Representatives are the proper bodies to make new laws to give relief. That is all there is of it. Is this such a case, or should gentlemen stand up here and wave the uncertain and the unknown millions that are floating around in the empty space of their imaginations to prevent the Senate from doing what is right? That is the argument of the Senator from Rhode Island [Mr. ALDRICH]; that is the argument of the Senator from Ohio [Mr. SHERMAN]; that was the argument with which our revered friend from Vermont [Mr. MORRILL] started into this debate, but with his usual judgment and with his usual good sense he has withdrawn from such a position, as we always expect him to withdraw from any position which he takes contrary to justice and to equity and to right. It is for that I admire my venerable friend from Vermont, for although with the injustice and the rashness of youth he sometimes makes assertions here, when the falsity of his position is exposed he has too much pride of character to persist in them when he sees that he is wrong and doing wrong to citizens of the United States. I would to God other Senators would profit by the distinguished and illustrious example of this father of the Senate, who has withdrawn his objection to this bill.

Mr. MORRILL. Mr. President, the statement of the Senator from Michigan in relation to my position on this bill is just as much warranted as his argument for the bill and no more.

The PRESIDENT *pro tempore*. The question is, Shall the bill be ordered to be engrossed for a third reading and read the third time? [Having put the question.] The noes appear to have it.

Mr. CAMERON, of Wisconsin. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SEWELL. I am paired on this question with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote against the bill and he would vote for it.

The result was announced—yeas 19, nays 29; as follows:

YEAS—19.

Blair,	Coke,	Jackson,	Sawyer.
Bowen,	Conger,	Kenna,	Van Wyck,
Cail,	Cullom,	Palmer,	Williams,
Camden,	Dolph,	Pike,	Wilson.
Cameron of Wis.,	Frye,	Riddleberger,	

NAYS—29.

Aldrich,	Garland,	Morgan.	Sheffield,
Allison,	Hampton,	Morrill,	Sherman,
Beck,	Harris,	Pendleton,	Slater,
Brown,	Jonas,	Platt,	Vance,
Butler,	Jones of Florida,	Plumb,	Walker.
Cameron of Pa.,	Maxey,	Pugh,	
Cockrell,	Miller of Cal.,	Ransom,	
Edmunds,	Mitchell,	Saulsbury,	

ABSENT—28.

Bayard,	Gorman,	Ingalls,	Mahone,
Colquitt,	Groome,	Jones of Nevada,	Manderson,
Dawes,	Hale,	Lamar,	Miller of N. Y.,
Fair,	Harrison,	Lapham,	Sabin,
Farley,	Hawley,	Logan,	Sewell,
George,	Hill,	McMillan,	Vest,
Gibson,	Hoar,	McPherson,	Voorhees.

So the bill was rejected.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

Mr. CONGER. I ask the Senator to withdraw that motion. I desire to give notice that I shall ask for a reconsideration of the vote just taken.

The PRESIDENT *pro tempore*. Does the Senator from Vermont withdraw his motion?

Mr. MORRILL. The Senator from Michigan has already given the notice. I think that it is important that we should have an executive session.

The PRESIDENT *pro tempore*. The Chair will state that the notice has no operation as a notice. Any Senator voting with the majority may during to-morrow or the next day's sitting, the Chair thinks—certainly to-morrow—move to reconsider without any notice.

Mr. CONGER. Yes, sir.

Mr. SLATER. I appeal to the Senator from Vermont to allow me to call up a bill so that it may be the unfinished business for to-morrow.

Mr. MORRILL. That can be done just as well to-morrow.

Mr. SLATER. I prefer to do it to-night, because there may be a struggle to-morrow and I wish to make it a matter of record. I gave notice that I should call the bill up to-day and I wish to get it out of the way of other business.

Mr. MORRILL. It is so late.

Mr. SLATER. I do not propose to proceed with the bill to-night, but ask that it may be taken up so as to be the unfinished business for to-morrow.

Mr. MORRILL. I prefer to insist on my motion for the present.

The PRESIDENT *pro tempore*. The Senator from Vermont declines to withdraw the motion. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 8, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

CHAPLAIN CHARLES M. BLAKE (RETIRED).

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition and other papers in behalf of Chaplain Charles M. Blake (retired), United States Army; which was referred to the Committee on Claims.

CONTINGENT FUND OF INTERIOR DEPARTMENT.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting, as required by law, a statement of the expenditures of the contingent fund of that Department for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

SPRINGFIELD ARMORY.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting, in compliance with section 1665 of the Revised Statutes, a statement of the expenditures, &c., at the Springfield armory for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the War Department.

ADDITIONAL APPROPRIATION FOR POST-OFFICE CLERKS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the First Assistant Postmaster-General, recommending an additional appropriation for clerks in the Post-Office Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

GUNS AND PROJECTILES.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting the report of the board of officers of the Army appointed by the provisions of the act of July 5, 1884, of the various calibers, the length of bore, the greatest and least admissible weights of guns and projectiles for each caliber, and of all calibers required for the service, and the number of each caliber required; which was referred to the Committee on Military Affairs, and ordered to be printed.

UMATILLA INDIAN RESERVATION, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting report of the Commissioner of Indian Affairs relative to the establishment of a definite northern boundary to the Umatilla Indian reservation in Oregon, and submitting an amendment to Senate bill No. 66, now on the Speaker's table; which was referred to the Committee on Indian Affairs.

APPROPRIATIONS FOR INDIAN SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting supplementary estimates of the Indian Department for appropriations for the Indian service for the fiscal year ending June 30, 1886; which was referred to the Committee on Appropriations.

ENGRAVING, PRINTING, AND FUNDING NATIONAL-BANK NOTES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Comptroller of the Currency correcting his former estimates for expenses of the national currency, and submitting an additional estimate of $110,000 for the expense of engraving, printing, and funding national-bank notes for the fiscal year ending June 30, 1886; which was referred to the Committee on Appropriations.

COMPENSATION OF INFORMERS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, a detailed report of awards of compensation to informers and seizure officers in customs cases for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Treasury Department.

LAND CLAIM, ANTONIO DE SALAZAR.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico in the case of the New Mexico private land claim No. 132, Antonio de Salazar; which was referred to the Committee on Private Land Claims.

RAILWAY POSTAL-CAR SERVICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, recommending an additional appropriation of $100,000 for the railway postal-car service for the remainder of the current fiscal year; which was referred to the Committee on Appropriations.

PURCHASES FOR INDIANS IN OPEN MARKET.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a statement from the office of the Commissioner of Indian Affairs of purchases exceeding in amount $500 made in open market, without advertisement, from February 1, 1884, to June 30, 1884; which was referred to the Committee on Expenditures in the Interior Department.

JUDGMENTS, COURT OF CLAIMS.

The SPEAKER also laid before the House a report from the clerk of the Court of Claims, containing a list of judgments rendered by said court for the year ending June 30, 1884, with the amounts thereof and the parties in whose favor the same were rendered; which was referred to the Committee on Appropriations.

PRIVATE LAND CLAIM, SEBASTIAN DE VARGAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico in the case of the New Mexico private land claim No. 137, Sebastian de Vargas; which was referred to the Committee on Private Land Claims.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction and reference of bills and joint resolutions.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. I rise to make a privileged report from the Committee on Appropriations.

The SPEAKER. The gentleman will send the report to the desk.

Mr. KEIFER, from the Committee on Appropriations, reported a bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. KEIFER. I give notice that on to-morrow I shall call up this bill for the consideration of the House.

Mr. BEACH. I trust the gentleman will not insist upon that course, and that the consideration of this bill will be deferred at least until Wednesday, so that we can have an opportunity of examining it.

Mr. KEIFER. I will furnish the gentleman with a copy of the bill to-day.

The SPEAKER. There is nothing before the House.

JAMES A. PATTERSON.

Mr. PRYOR introduced a bill (H. R. 7578) for the relief of James A. Patterson for property taken by and for the use of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. W. BOUTWELL.

Mr. HEWITT, of Alabama, introduced a bill (H. R. 7579) granting a pension to H. W. Boutwell, of Pickens County, Alabama; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES H. HAMILTON.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 7580) for the relief of James H. Hamilton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PETER COOK.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 7581) for the relief of Peter Cook; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RANE C. HUTCHINSON.

Mr. ROSECRANS introduced a bill (H. R. 7582) to enable the Secretary of War to adjust, settle, and pay the accounts of Rane C. Hutchinson for services and expenses incurred in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AGUSTINE OLVERA.

Mr. BUDD (by request) introduced a bill (H. R. 7583) for the relief of Agustine Olvera; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. B. MONTGOMERY.

Mr. CLEMENTS introduced a bill (H. R. 7584) for the relief of A. B. Montgomery; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM GARDNER.

Mr. CLEMENTS also introduced a bill (H. R. 7585) for the relief of William Gardner; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRISON introduced a bill (H. R. 7586) to amend section 5 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, &c., and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HIRAM W. HUBBARD.

Mr. TOWNSHEND introduced a bill (H. R. 7587) for the relief of Hiram W. Hubbard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TREATIES.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 291) proposing an amendment to the Constitution providing that treaties shall be made by and with the advice and consent of the House of Representatives as well as the Senate; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM GEETING.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 7588) for the relief of William Geeting; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH A. ROCK.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 7589) granting a balance of pension to Sarah A. Rock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. SHERWOOD.

Mr. CULLEN introduced a bill (H. R. 7590) granting an increase of pension to William T. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TOWING VESSELS.

Mr. DUNHAM introduced a bill (H. R. 7591) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDUSTRIAL AND COTTON EXPOSITION.

Mr. MOULTON introduced a bill (H. R. 7592) to amend "An act to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition," approved May 21, 1884; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS M. DICKSON.

Mr. ENGLISH introduced a bill (H. R. 7593) granting a pension to Thomas M. Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SUTTON.

Mr. STEELE introduced a bill (H. R. 7594) to increase the pension of John Sutton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE J. KRAUSE.

Mr. MURPHY introduced a bill (H. R. 7595) for the relief of George J. Krause; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELOS L. ROBINSON.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7596) granting a pension to Delos L. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. PUSEY introduced a bill (H. R. 7597) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HOMESTEAD SETTLEMENT IN INDIAN TERRITORY.

Mr. RYAN introduced a bill (H. R. 7598) to open to homestead settlement certain portions of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELI W. CAMPBELL.

Mr. RYAN also introduced a bill (H. R. 7599) to grant a pension to Eli W. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. SHAWBILL.

Mr. RYAN also introduced a bill (H. R. 7600) to grant a pension to John G. Shawbill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DYE.

Mr. RYAN also introduced a bill (H. R. 7601) to grant a pension to James Dye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M. BAILY.

Mr. RYAN also introduced a bill (H. R. 7602) to grant a pension to Harriet M. Baily; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREELY EXPEDITION.

Mr. ELLIS introduced a bill (H. R. 7603) making an appropriation for the erection of a monument to the officers and men who perished in the discharge of their duty in the Greely expedition; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

IRA D. WARREN.

Mr. ELLIS also introduced a bill (H. R. 7604) to resubmit the claims of Ira D. Warren (receiver) to the Court of Alabama Claims commissioners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WASHINGTON CENTRAL RAILROAD.

Mr. ELLIS also introduced a bill (H. R. 7605) to incorporate the Washington Central Railroad; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LAND CLAIMS IN LOUISIANA.

Mr. HUNT (by request) introduced a bill (H. R. 7606) to provide for the confirmation of certain private land claims in the State of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LABORERS AT NAVAL ACADEMY.

Mr. FINDLAY introduced a bill (H. R. 7607) for the relief of certain laborers, workmen, and mechanics heretofore and at present employed at the United States Naval Academy at Annapolis, Md.; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

ALABAMA CLAIMS.

Mr. STONE introduced a bill (H. R. 7608) relating to the Alabama claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZABETH SULLIVAN.

Mr. MORSE introduced a bill (H. R. 7609) granting a pension to Elizabeth Sullivan, widow of John Sullivan, late a private in Company H, Third Massachusetts Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVAL AND MILITARY REPORTS.

Mr. MORSE also introduced a joint resolution (H. Res. 292) authorizing the printing of certain naval and military reports; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MARY PARROTT.

Mr. LOVERING introduced a bill (H. R. 7610) granting a pension to Mary Parrott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. CARLL.

Mr. LOVERING also introduced a bill (H. R. 7611) granting a pension to Mary B. Carll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS WITHAM.

Mr. LOVERING also introduced a bill (H. R. 7612) granting a pension to Nicholas Witham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. MORSE.

Mr. LOVERING also introduced a bill (H. R. 7613) granting a pension to William H. Morse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC H. CHILDS.

Mr. LOVERING also introduced a bill (H. R. 7614) granting a pension to Isaac H. Childs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELBRIDGE SMITH.

Mr. LOVERING also introduced a bill (H. R. 7615) granting a pension to Elbridge Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK N. GRAY.

Mr. LOVERING also introduced a bill (H. R. 7616) granting a pension to Frank N. Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN E. GRIDLEY.

Mr. ELDREDGE introduced a bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley, of Hillsdale, Mich.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRY H. G. KISLINGBURY AND OTHERS.

Mr. MAYBURY introduced a bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively children of the late Frederick F. Kislingbury, lieutenant in the Eleventh Regiment United States Infantry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REVERSIONARY RIGHT OF THE GOVERNMENT.

Mr. MAYBURY also introduced a bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, MINNEAPOLIS, MINN.

Mr. WASHBURN introduced a bill (H. R. 7620) to increase the appropriation for the erection of the public building at Minneapolis, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. ELIZABETH M. LEWIS.

Mr. STRAIT introduced a bill (H. R. 7621) for the relief of Mrs. Elizabeth M. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. JEFFORDS introduced a joint resolution (H. Res. 293) to provide for the settlement of the accounts with the Mobile and Ohio Railroad Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIGHT-HOUSES ON WESTERN RIVERS.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 7622) to enable the Light-House Board to increase the number of the light-house districts on the western rivers, and making appropriation therefor; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PETER RHOADS.

Mr. BURNES introduced a bill (H. R. 7623) for the relief of Peter Rhoads; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSPENSION OF SILVER-DOLLAR COINAGE.

Mr. BUCKNER introduced a bill (H. R. 7624) to suspend the coinage of standard silver dollars, and for other purposes; and moved its reference to the Committee on Banking and Currency.

The SPEAKER. The practice has been to send such bills to the Committee on Coinage, Weights, and Measures, but the Chair will entertain the motion of the gentleman from Missouri.

Mr. BUCKNER. I move, then, that the bill be referred to the Committee on Banking and Currency.

Mr. MILLS. And I move that the bill be referred to the Committee on Coinage, Weights, and Measures.

The SPEAKER. The Chair thinks it goes to that committee, and that motion is unnecessary. If the House declines to refer it to the Committee on Banking and Currency, the Chair will send it to the Committee on Coinage, Weights, and Measures under the rules of the House.

Mr. MILLS. I wish to make the issue so sharp the House can understand it.

Mr. BUCKNER. While I think the bill should be referred to the Committee on Banking and Currency, I do not care to press a vote upon it. I will, however, submit the question to the Chair.

The SPEAKER. The Chair will hear the gentleman from Missouri.

Mr. BUCKNER. There were several bills introduced at the beginning of this Congress——

The SPEAKER. The Sergeant-at-Arms will request members in the rear of the seats to suspend conversation, as it is impossible to hear what is transpiring on the floor.

Mr. BUCKNER. It is not because I feel any interest as to where this bill goes so much as to have a correct ruling on this subject. If the Chair will consider the subject properly I think he will see that it has been the universal practice heretofore, up to within the last two or three years, to refer bills of this character to the Committee on Banking and Currency. Why, sir, the original bill itself, which passed this House by a two-thirds vote, came from the Committee on Banking and Currency. At that time every bill on the subject, so far as my recollection goes, was referred to that committee. I take it the distinction is this, that so far as the fabrication of coins is concerned, that is exclusively within the jurisdiction of the Committee on Coinage, Weights, and Measures; but when the coins are fabricated and go into circulation, they are then as much a part of the general circulation of the country as the bank notes themselves, and being currency, matters referring to them should be referred to the Committee on Banking and Currency.

The SPEAKER. To what original bill does the gentleman refer when he says it came from the Committee on Banking and Currency?

Mr. BUCKNER. The original bill known as the Bland bill was ordered to be reported by the Committee on Banking and Currency. That is a part of the legislative history of this country, and every bill at that session in reference to the coinage of the standard dollar was referred to that committee.

Mr. WARNER, of Ohio. I understood that bill came from the Committee on Mines and Mining.

Mr. CASSIDY. And that is my understanding, that that bill originated with the Committee on Mines and Mining.

Mr. BUCKNER. The gentleman is mistaken altogether. The record will bear me out that the Bland bill was reported by the Committee on Banking and Currency. It was put into the hands of Mr. BLAND by myself, and in that form was reported and passed. The records will show I am correct.

Mr. CASSIDY. It has been my impression that that bill came from the Committee on Mines and Mining.

Mr. BUCKNER. The gentleman is mistaken.

The SPEAKER. Clauses 5 and 6 of Rule XI, which regulate the jurisdiction of the several committees of the House, provide that all matters relating to proposed legislation shall be referred to the committees named in the preceding rule, as follows:

5. To banking and currency: to the Committee on Banking and Currency.
6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures.

Now, it seems to the Chair this relates to coinage, and nothing else.

Mr. BUCKNER. It is not a metal, but a currency.

The SPEAKER. The Chair has understood the fifth subdivision of that rule to refer the business relating to bank paper currency of the country to the Committee on Banking and Currency, and all matters relating to the metallic coinage to the Committee on Coinage, Weights, and Measures.

Mr. BUCKNER. That has not been the construction of former Speakers, as I understand it, though I bow to the ruling of the Chair.

The SPEAKER. In the first place the present rules were not in force at the time that the Bland bill, so called, was reported from the committee and passed by the House. The Chair thinks that under the present rules it is his duty to refer this bill to the Committee on Coinage, Weights, and Measures, subject, of course, to the right of the House to direct a different reference if it sees proper to do so.

The bill was accordingly referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN P. DEATON.

Mr. HATCH, of Missouri, introduced a bill (H. R. 7625) granting a pension to John P. Deaton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN FOUTS.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 7626) granting a pension to Benjamin Fouts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. DORNER.

Mr. HATCH, of Missouri (by request), also introduced a bill (H. R. 7627) for the relief of William A. Dorner, of Macon, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CATHARINE HAMMER.

Mr. FIEDLER introduced a bill (H. R. 7628) granting a pension to Catharine Hammer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW MANTLE.

Mr. FIEDLER also introduced a bill (H. R. 7629) granting an increase of pension to Andrew Mantle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. J. SIMONSON AND OTHERS.

Mr. KEAN introduced a bill (H. R. 7630) for the relief of H. J. Simonson and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PEDESTAL FOR BARTHOLDI STATUE.

Mr. ROBINSON, of New York, introduced a joint resolution (H. Res. 294) providing for the completion of the pedestal for the Bartholdi statue; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

INAUGURAL CEREMONIES.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. Res. 295) providing for the restoration of inaugural ceremonies to Jeffersonian republican simplicity; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COUNTERFEITING LETTERS PATENT.

Mr. COX, of New York, introduced a bill (H. R. 7631) to amend section 5416 of the Revised Statutes of the United States in relation to counterfeiting letters patent; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BURDENS ON AMERICAN SHIPPING.

Mr. COX, of New York, also introduced a bill (H. R. 7632) to amend section 10 of the act to remove certain burdens on the American merchant marine, &c., approved June 26, 1884; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

DUTIES ON FOREIGN IMPORTATIONS.

Mr. COX, of New York, also introduced a bill (H. R. 7633) supplementary to "An act amendatory of certain acts imposing duties upon foreign importations," approved March 3, 1863; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 296) to aid in the completion of the pedestal for the statue of Liberty enlightening the World; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. COX, of New York, also submitted the following resolution of inquiry; which was read, and referred to the Committee on Labor:

Resolved, That the Attorney-General of the United States be respectfully requested to report to this House whether in his opinion section 3738 of the Revised Statutes, with reference to eight hours' employment constituting a day's labor for all laborers, &c., employed on behalf of the United States, applies to the letter-carriers of the United States.

CHARLES W. LAMBERT.

Mr. WEMPLE introduced a bill (H. R. 7634) to amend the military record of Charles W. Lambert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECRECY OF THE BALLOT.

Mr. BEACH introduced a bill (H. R. 7635) to maintain the secrecy of the ballot in the election of Representatives and Delegates in Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

S. S. EIGHMY.

Mr. STEVENS introduced a bill (H. R. 7636) for the relief of S. S. Eighmy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH SCOTT.

Mr. STEVENS also introduced a bill (H. R. 7637) granting an increase of pension to Josiah Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHAUNCEY S. PETTIBONE.

Mr. STEVENS also introduced a bill (H. R. 7638) granting an increase of pension to Chauncey S. Pettibone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KIMMERLING.

Mr. STEVENS also introduced a bill (H. R. 7639) granting an increase of pension to John Kimmerling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM S. ROWLEY.

Mr. STEVENS also introduced a bill (H. R. 7640) granting a pension to Hiram S. Rowley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW AND HEIRS OF WILLIAM S. CARR.

Mr. HARDY introduced a bill (H. R. 7641) for the relief of the widow and heirs o William S. Carr, deceased; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. VAN ALSTYNE introduced a bill (H. R. 7642) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXTRA WORK IN THIRD AUDITOR'S OFFICE.

Mr. VANCE introduced a bill (H. R. 7643) to compensate the clerks and employés of the Third Auditor's Office for extra work done at night in the months of April, May, June, and July, 1883; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MARTIN BARRINGER.

Mr. LE FEVRE introduced a bill (H. R. 7644) to amend the military record of Martin Barringer, late of Company I, Fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CURRENCY CONTRACTION.

Mr. WARNER, of Ohio, introduced a bill (H. R. 7645) to prevent the contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EVENING SCHOOLS, DISTRICT OF COLUMBIA.

Mr. FOLLETT introduced a bill (H. R. 7646) to provide for the establishment of evening schools in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SUPERVISORS OF ELECTIONS, ETC.

Mr. FOLLETT also introduced a bill (H. R. 7647) to repeal sections 2011 to 2031 inclusive, also sections 5521 and 5522 and part of section 689 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN STAAB.

Mr. JORDAN introduced a bill (H. R. 7648) to grant a pension to John Staab; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BALTHASAR KITT.

Mr. JORDAN also introduced a bill (H. R. 7649) to grant a pension to Balthasar Kitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP SPANGLER.

Mr. JORDAN also introduced a bill (H. R. 7650) to grant a pension to Philip Spangler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRAWBACK ON IMPORT DUTIES.

Mr. GEORGE introduced a bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ASTORIA AND WINNEMUCCA RAILWAY.

Mr. GEORGE also introduced a bill (H. R. 7652) to grant to the Astoria and Winnemucca Railway Company the right to construct bridges over navigable water courses; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES F. PLEASANTS.

Mr. GEORGE also introduced a bill (H. R. 7653) granting a pension to Charles F. Pleasants; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CAMPBELL.

Mr. GEORGE also introduced a bill (H. R. 7654) for the relief of John Campbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

Mr. BOYLE introduced a bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CATHERINE MARY HEIGHLEY.

Mr. KEIFER introduced a bill (H. R. 7656) granting a pension to Catherine Mary Heighley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK J. BURROWS.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 7657) for the relief of Frank J. Burrows, postmaster at Williamsport, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JESSE A. BROWN.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 7658) for the relief of the estate of Jesse A. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. EMILY L. ALVORD.

Mr. POLAND introduced a bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord, widow of the late Paymaster-General Benjamin Alvord; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. LYDIA W. WEBSTER.

Mr. POLAND also introduced a bill (H. R. 7660) granting a pension to Mrs. Lydia W. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. POLAND also presented resolutions of the Legislature of the State of Vermont, in favor of national legislation on the subject of interstate commerce, and also of thanks to Hon. JOHN W. STEWART for his efforts in favor of such legislation; which were referred to the Committee on Commerce.

SUFFERERS BY WRECK OF TALLAPOOSA.

Mr. LIBBEY introduced a bill (H. R. 7661) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NANCY BROWN AND OTHERS.

Mr. LIBBEY also introduced a bill (H. R. 7662) for the relief of Nancy Brown and the heirs of William W. Brown, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILTON R. MUZZY.

Mr. LIBBEY also introduced a bill (H. R. 7663) granting a pension to Milton R. Muzzy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING AT HARRISONBURG, VA.

Mr. O'FERRALL submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this House as follows:

First. Whether he has purchased a site for a suitable building for the accommodation of the United States courts, post-office, and other Government offices at Harrisonburg, State of Virginia, as authorized and directed by an act entitled "An act for the erection of a public building at Harrisonburg and Abingdon, State of Virginia," approved July 7, 1882.

Second. What price was paid for said site, if purchased, and whether a valid title has been vested in the United States, and whether the State of Virginia has ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Third. What amount of the money appropriated for the purchase of said site and the commencement of the erection of a suitable building has been expended, and how and for what expended.

Fourth. The estimated cost, including site, of said building and the amount necessary to be appropriated, in addition to the sum already appropriated, to complete the same.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. GUENTHER introduced a bill (H. R. 7664) to pay the awards for damages for flowage caused by the building of dams by the United States in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SWEARING-IN OF A MEMBER.

Mr. AIKEN. Mr. Speaker, I present the credentials of Hon. John Bratton, elected in the fourth Congressional district of South Carolina as successor of my late colleague Mr. JOHN H. EVINS. I ask that Mr. Bratton be now sworn in.

The SPEAKER. The credentials will be read.

The Clerk read as follows:

THE STATE OF SOUTH CAROLINA.
By the Secretary of State.

To the honorable the House of Representatives of the United States of America in the Forty-eighth Congress:

Whereas, in pursuance of the constitution and laws of the State of South Carolina and the Constitution and laws of the United States of America, an election was duly holden on the 24th day of November, in the year of our Lord 1884, in the said State of South Carolina, in the fourth Congressional district thereof, for Representative of the said State of South Carolina from the said fourth Congressional district thereof in the House of Representatives of the United States of America in the Forty-eighth Congress to fill the vacancy occasioned by the death of the late JOHN H. EVINS; and

Whereas upon the examination of the returns of the said election, and by the determination and declaration of the board of State canvassers from the said State, filed and of record in my office, it appears that John Bratton was duly elected at the said election by the highest number of votes Representative of the State of South Carolina from the said fourth Congressional district thereof in the House of Representatives of the United States of America in the Forty-eighth Congress:

Now, therefore, I, the secretary of state of the said State of South Carolina, by virtue of the power in me vested by the acts of the General Assembly of the said State in such case made and provided, do hereby certify that the said John Bratton, at the election aforesaid, was duly elected Representative of the State of South Carolina from the fourth Congressional district thereof in the House of Representatives of the United States of America in the Forty-eighth Congress.

Given under my hand and the great seal of the State of South Carolina, in Columbia, this 5th day of December, in the year of our Lord 1884, and in the one hundred and ninth year of the Independence of the United States of America.

[SEAL.] JAMES S. LIPSCOMB,
Secretary of the State of South Carolina.

Mr. BRATTON appeared at the bar of the House, and was duly qualified by taking the oath prescribed by law.

MARCUS A. RENO.

Mr. THOMPSON, of Kentucky. Mr. Speaker, I ask leave to introduce a bill at this time.

The SPEAKER. If there be no objection the Chair will recognize gentlemen who were absent when their States were called for the introduction and reference of bills. The Chair hears no objection.

Mr. THOMPSON, of Kentucky (by request), introduced a bill (H. R. 7665) for the relief of Marcus A. Reno; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PRYOR. I ask unanimous consent for the purpose of taking from the Speaker's table and have referred at this time a Senate bill.

The SPEAKER. The Chair is now recognizing gentlemen for the introduction of bills, but if there are no further bills to be introduced the Chair will submit the gentleman's motion to the House.

PUBLIC BUILDING, HUNTSVILLE, ALA.

Mr. PRYOR. There is a bill upon the Speaker's table (S. 505) for the erection of a public building at Huntsville, Ala., which I ask may be taken up and referred to the Committee on Public Buildings and Grounds.

There was no objection, and the bill was taken up, read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COMMITTEE-ROOMS.

Mr. WEMPLE. I offer the following resolution for present consideration:

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire whether this House requires any more rooms for its committees, and, if so, where they can be procured, with leave to report to this House at any time.

There was no objection, and the resolution was received and adopted.

Mr. WEMPLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE-COMMERCE INFORMATION.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I ask by unanimous consent to offer a resolution for present consideration in reference to printing a document.

The Clerk read as follows:

Resolved, That the expert testimony taken by the Committee on Commerce and the arguments before that committee on the question of interstate commerce be printed for the use of the House.

Mr. HOLMAN. I do not object provided the resolution is introduced for reference to the Committee on Printing.

Mr. O'NEILL, of Pennsylvania. I will suggest to the gentleman from Indiana, if he will withdraw his motion for reference for a moment——

Mr. HOLMAN. Certainly, sir.

Mr. O'NEILL, of Pennsylvania. The object of this resolution is simply to get at an early day—to-morrow if possible—the arguments and testimony submitted before the Committee on Commerce, so that members may have the information before them when they are called upon to vote upon the pending interstate-commerce bill. I know if the members of the House could have those arguments and that testimony before them they would enlighten those who have so far had no opportunity of seeing in print that testimony and those arguments presented to the Committee on Commerce. The members of that committee of course have had that advantage, and it is important that the other members of the House shall be equally favored by possessing all the information possible on this very important subject. The Committee on Commerce had a few copies printed for the use of that committee, and, I presume, as this debate goes, we regret we did not present a resolution to the House at the beginning asking for the printing of the testimony and arguments for general distribution to members of the House. Then each one would have had a copy before him and would be enabled to understand all phases of this interstate-commerce question.

The resolution is not introduced for the purpose of delay, but merely for the purpose of supplying information to members as the debate goes on and will go on. If my resolution be adopted, I have no doubt by to-morrow morning each member can have a copy of this very valuable document. I can not see why there should be any objection to its being printed. It consists of arguments and expert testimony, as I have already stated, the testimony of men who thoroughly understand the subject and arguments upon the various provisions of the bill and on the whole subject, in fact, generally. I ask the gentleman from Indiana to withdraw his objections, so that the resolution may come before the House for adoption.

Mr. REAGAN. The document referred to by the gentleman from Pennsylvania and which he asks to have printed is made up of arguments and testimony covering about three hundred pages of print. There were a considerable number of copies printed which have not yet, I believe, been distributed. The arguments and testimony are by lawyers and railroad officers who appeared before the Committee on Commerce.

The SPEAKER. There is nothing before the House, objection having been made to the introduction of the resolution.

Mr. O'NEILL, of Pennsylvania. I understand, Mr. Speaker, there were about fifty copies printed for the use of members of the Committee on Commerce. I was not aware that there were any of those copies left. I understood they were distributed long ago. They were not indeed sufficient, so far as I remember, to go around. The members were asked for copies in many instances when they were unable to supply them. If the resolution be allowed to come before the House for adoption it will inure to the benefit of the House.

The SPEAKER. Does the gentleman from Pennsylvania desire to have the resolution referred to the Committee on Printing?

Mr. O'NEILL, of Pennsylvania. If I can not have the resolution come before the House in any other way, why I must consent to its introduction for reference to the Committee on Printing. I should prefer of course, however, to have the resolution submitted for adoption.

The SPEAKER. There is so much confusion in the House that it is almost impossible to hear what is going on.

Mr. HOLMAN. Mr. Speaker, I wish to say that inasmuch as I do not understand the value of this paper, I will for the present withdraw my suggestion as to its reference to the Committee on Printing, and leave the matter to the gentleman from Texas, who knows not only the document referred to but the necessity for its further printing.

Mr. REAGAN. The document which is requested to be printed is a very large pamphlet, covering some three hundred pages of print, and composed of arguments made by counsel of certain railroads before the Committee on Commerce.

There were a large number of copies more than were needed. I believe copies remain undistributed in the committee-room, and if there are members desiring copies at this time I have no doubt they can get them by going to the committee-room.

Mr. O'NEILL, of Pennsylvania. I am sorry to say that the gentleman from Texas is mistaken as to there being any copies left over for distribution in the committee-room. My sole object in introducing the resolution is for the purpose of securing information for the members of the House while we are discussing this important subject of interstate commerce, which will be voted on in a few days. I know that I have not been able to get copies for those who desire them, and I should be glad by the adoption of the resolution to be the means of furnishing copies to those members who wish to act intelligently on the subject. I believe that the type still remains undistributed, and all the expense there would be would be for the paper and printing, so that if the resolution were adopted the information could be furnished by to-morrow or the day after.

The SPEAKER. Is there objection?

Mr. REAGAN. I do not wish to waste time further on this subject, and believing that sufficient numbers already have been printed and distributed, and that if any more were ordered they would not be read, I object to the introduction of the resolution.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. The regular order is the consideration of business coming from the Committee on the District of Columbia.

Mr. BARBOUR. As I understand the Chair states to the House at this time the business in order is that coming from the District of Columbia.

The SPEAKER. Under the rule the second and fourth Mondays of each month are set apart for the consideration of business reported from the Committee on the District of Columbia.

Mr. BARBOUR. I have been requested by that committee to waive their claim for the consideration of their business to-day, as it is not sufficiently advanced, or rather there is not enough ready to take up the time of the House, but the committee will be ready on the fourth Monday, to go on regularly with their business.

ORDER OF BUSINESS.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. Is it not in order to call up the Mexican pension bill at this time?

The SPEAKER. The bill known as the Mexican pension bill is upon the Speaker's table, and can only be reached at the proper time by a motion to go to the business on that table.

Mr. STEELE. I was under the impression that it had been made a special order for the 26th.

Mr. TOWNSHEND. No; it was not. At the proper time, Mr. Speaker, I have intended to move to go to the business on the Speaker's table for the purpose of taking up that bill. For the present I have been waiting for the disposal of the interstate-commerce bill.

CENSUS BUREAU.

Mr. COX, of New York. Mr. Speaker, I ask by unanimous consent to report back from the Select Committee on the Census joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census for action at the present time. I send the joint resolution to the Clerk's table to be read. It extends the Census Bureau, without further expense, until the 1st of July. It dies out on the 1st of January. No further appropriation is asked for.

Mr. McMILLIN. Is it intended to ask for an appropriation hereafter?

Mr. COX, of New York. If they do, it will be time then for decision on the matter. I do not ask for it.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes," approved July 7, 1884, as provides that the Census Bureau shall be closed on January 1, 1885, be, and is hereby, repealed; and the Superintendent of the Census is authorized to continue the work of the Tenth Census until the further action of Congress: *Provided*, That in no case shall any expense be incurred under this resolution, either for salaries or other items, in excess of the balance of appropriations heretofore made for the work of the Tenth Census which shall remain unexpended on January 1, 1885.

The SPEAKER. Is there objection?

Mr. BLOUNT. I would like to ask the gentleman from New York if this comes from any committee?

Mr. COX, of New York. I ask unanimous consent.

Mr. RANDALL. Let us understand what the fact is before unanimous consent is given.

The SPEAKER. If there be no objection the gentleman can make a statement subject to the right to object.

Mr. BLOUNT. I wish to ask whether there is any of the previous appropriation remaining over?

Mr. HOLMAN. About $15,000.

Mr. COX, of New York. I can make that clear so everybody can understand it if the Clerk will read a communication from the Superintendent of the Census. The Superintendent asked for a larger sum than the bureau got. They did not get enough by $45,000. They do not ask any more now. They ask that the balance now remaining of what the committee gave them at the last session be used until the 1st of July. No further appropriations are asked for now.

Mr. MILLS. Will any more be required?

Mr. COX, of New York. I shall not for myself or the committee. I do not ask for any more appropriation. That depends on the Committee on Appropriations, which are not in favor of giving any more.

Mr. RANDALL. The Committee on Appropriations recommended what was put into the law, and the bureau was to be discontinued after the 1st of January.

Mr. COX, of New York. Yes, the committee recommended the discontinuance of the bureau on the 1st of January, but they can not close up the business at that time, although they have money unexpended.

Mr. McMILLIN. How much?

Mr. COX, of New York. About $15,000 or $20,000.

Mr. RANDALL. The effect will be to repeal the law providing for the closing of the bureau, and continue it without limit.

Mr. COX, of New York. Without any further expense.

Mr. RANDALL. I ask the gentleman if he expects a bureau can be run by this Government without expense.

Mr. McMILLIN. If there is a plan for doing it it ought to be patented. [Laughter.]

Mr. COX, of New York. Gentlemen are facetious in advance of the facts. The money now remaining on hand is all they ask to run the bureau to the 1st of July next. I ask to have the statement of the Superintendent read.

Mr. RANDALL. Then the gentleman should ask that the money remaining on hand should be reappropriated and the bureau continued.

Mr. COX, of New York. I will do so.

Mr. MILLS. Let us facilitate the work of the Superintendent in finishing his report and make the appropriation he asks.

Mr. COX, of New York. I can not do that.

Mr. MILLS. I ask the House.

Mr. COX, of New York. That depends on the Appropriations Committee. I leave that to them.

Mr. MILLS. Here we are in the fourth year of the next decade, and that work has not yet been completed.

Mr. COX, of New York. This is for continuing the bureau. The gentleman inquires in relation to printing. The law which was passed is being executed. This is only to authorize the bureau to wind up its affairs upon the money already remaining unexpended and on hand.

Mr. MORRISON. Amend the bill, then, by providing for winding up the bureau when the money has been expended.

Mr. COX, of New York. I have no objection to doing that.

Mr. MILLS. That ought to be done.

Mr. BLOUNT. I wish to ask the gentleman from Pennsylvania chairman of the Committee on Appropriations a question.

Mr. RANDALL. With pleasure.

Mr. BLOUNT. I wish to ask the gentleman from Pennsylvania if I did not understand him to say the Committee on Appropriations, after consideration, had provided in the law that this bureau should be discontinued on the 1st day of January?

Mr. RANDALL. They did, and both Houses approved of their action by passing the law. It seems, however, under the statement of the gentleman from New York, that the entire amount of money appropriated has not been expended, and as he proposes to amend the joint resolution it will provide for continuing the bureau and reappropriating the money now remaining unexpended.

Mr. McMILLIN. It would be unfortunate, of course, to stop the bureau before the money was expended. [Laughter.]

The SPEAKER. The Chair hears no objection, and the joint resolution is before the House.

Mr. COX, of New York. I move to amend by adding to the resolution the following:

Provided, That the said bureau shall be closed with the expenditure of the money heretofore appropriated.

The amendment was agreed to.

Mr. COX, of New York. I ask by unanimous consent that the letters of the Superintendent be printed in the RECORD.

The SPEAKER. The Chair hears no objection.

Mr. COX, of New York. As to the matter of printing, ordered by this House by a separate law, in order that members may understand what progress is being made I ask to have printed the following:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., December 3, 1884.

SIR: With reference to the subject of your verbal inquiries made on Saturday last, I beg to say that the monographs of the Tenth Census, whose republication was ordered by Congress at its last session, are being prepared for printing as rapidly as the facilities of the Government Printing Office will permit. That matter is wholly in the hands of the Public Printer, whose usual energy and push are being brought to bear to secure its earliest publication.

By the same act as provided for the issue of a second edition of the several monographs it was ordered that a new edition of 25,000 copies of the Compendium be printed, all changes necessitated by errata in the former edition to be first made by the Superintendent of Census.

The Compendium was originally published under very high pressure, and went to the public without having received that careful revision which is essential for the prevention of errors in all statistical work, and for lack of which many corrections have been found necessary in preparing the copy of the Compendium for the second edition. Such corrections and changes required a force wholly incommensurate with our clerical and financial resources, the additional work of preparing these several reports having been thrown upon the office not only without any additional appropriation therefor, but upon the heels of a serious reduction in the amount asked for the current expenses of the office exclusive of the extra labor thus imposed.

We have therefore been unable to make as rapid progress as we had hoped with the work of republication in addition to the labor involved in the preparation and publication of several quarto volumes of new matter for the final report. But we shall make every effort to furnish the revised copy during the present month, so that the additional copies of the Compendium can be printed at an early day.

I take this opportunity of again calling your attention to the subject-matter of my communication of the 28th ultimo.

If early provision for the continuation of the work of the census is not made by Congress this office will be closed by operation of law January 1, 1885. By a joint resolution the limitation of time now enjoined could be removed, and without further appropriation the work of the office could be continued until Congress shall have had time to consider and determine whether the report shall be abandoned or a further sum of about $55,000 shall be appropriated to complete a

work which has, it is true, cost some $5,000,000, but whose real value to the country could not be overstated in a much larger sum, if, indeed, its value could be stated in dollars at all.

If the report is to be abandoned January 1, 1885, some provision should at least be made for the disposal of the records looking to their preservation for future reference, and for attention to current and future correspondence, which must otherwise be neglected.

Very respectfully,

C. W. SEATON,
Superintendent of Census.

Hon. S. S. COX, M. C.,
House of Representatives.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., November 28, 1884.

DEAR MR. COX: As I understand the provision of law relating to this office which is contained in the sundry civil bill approved July 7, 1884, all work on the Tenth Census must cease January 1, 1885, unless in the mean time further legislation shall extend the time for the completion of our work, and this without regard to any balance of appropriation for the work which may then remain unexpended.

You will remember that I asked an appropriation of the sum of $75,000 for the completion of the report on the Tenth Census, to be expended within the current fiscal year. Congress appropriated $30,000 only, and provided that the office should be closed January 1, 1885. This action necessitated an immediate reduction of our clerical force as constituted at the date of the passage of that legislation, and a consequent postponement of the date at which the completion of our work was possible. Even with the continued services of all employés on our roll July 1, 1884, it would have been impossible to complete the report by the 1st of January proximo. The large reduction of force, made imperative by the insufficient appropriation, has still further delayed us. I have therefore already submitted to the Secretary of the Interior a request that he will ask the further sum of $55,000, of which $45,000 shall be available for the completion of all compilations and other original matter for the report during the present fiscal year, and $10,000 to be used after July 1, 1885, in such work of proof-reading, revision, &c., as may be required in this office in conjunction with the office of the Public Printer while the remaining volumes are going through the press.

It is not likely, I presume, that any Congressional action can be had on this request before January 1, 1885, at which date we shall be compelled to suspend work and close the office, unless some provision is made for continuance; and I write now to inquire whether it would, in your judgment, be advisable to submit to Congress a joint resolution giving authority to the Superintendent of Census to continue the work of this office without further appropriation from January 1, 1885, for such time only as may suffice to exhaust the unexpended balance of appropriations heretofore made, or until Congress shall, by subsequent action, make further provision for the work. On the 1st of January, 1885, there will remain a small unexpended balance of appropriation for this office. The reason for the non-exhaustion of the entire appropriation is as follows: In July last, when the appropriation of $30,000 was made, the current expenses of this office were larger than the above sum of appropriation would justify, and a consequent reduction of our force was made, by transfer principally to other bureaus. But the apparent or seeming disposition on the part of Congress to close this office and leave the report on the Tenth Census unfinished alarmed our remaining clerical force, many of whom sought and obtained transfers to other and more permanent bureaus, thus depleting us to a point even lower than would have been required by the condition of our appropriation. A sufficient force remained, however, to co-operate with the Public Printer in pushing through the press such volumes as could be printed, and it was not deemed advisable to employ any further force than was necessary for this purpose until further action of Congress could be had with relation to the unfinished compilations. We shall therefore have on January 1 an unexpended balance sufficient to continue our present minimum force for perhaps forty or fifty days after that date, provided the consent of Congress can be obtained. In this way we can get through the press much matter for the report now complete in manuscripts, and in the mean time we should hope that Congress will not suffer the remainder of this magnificent report to be lost to the public for lack of the small concluding appropriation already asked at its hands.

I inclose a rough draught of a joint resolution for your consideration, with the request that it or a similar one may be submitted in the House immediately on its reassembling, if such action is not inconsistent with your own views.

Very truly, yours,

GEO. W. RICHARDS,
Acting Superintendent.

Hon. S. S. COX, *No. 1 Du Pont Circle.*

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., November 13, 1884.

SIR: I have the honor to submit the following report of the operations of this office during the past year. At the date of the last annual report of the Superintendent of Census, September 15, 1883, there had been published only the Compendium of the Tenth Census, consisting of two octavo volumes of 923 and 856 pages, respectively. During the year which has since elapsed the following numbered volumes of quarto size have been published:

Vol.	Subject.	Pages.
1	Population	1,050
2	Statistics of Manufactures	1,248
3	Statistics of Agriculture	1,149
4	Agencies of Transportation	809
5	Cotton Culture in the United States	924
6	Cotton Culture in the United States	848
7	Valuation, Taxation, and Public Indebtedness	919
8	Miscellaneous volume, containing four reports, namely:	
	On Newspapers and Periodicals	
	On Alaska, its Resources, &c.	1,111
	On the Alaskan Fur-seal Islands	
	On Ship-Building	

Volume 9, a quarto of 620 pages, devoted to the statistics of forestry and the lumbering interests of the country, and supplemented with a portfolio of maps, showing the distribution of the forests in the several States, will be published in the month of November. It is now in the hands of the Public Printer, and all printed except the index, which is being rapidly prepared.

Volume 10, a quarto of 868 pages, will contain the following-named monographs: (1) Quarries and Building Stones; (2) Petroleum; (3) Coke. This volume is stereotyped, and the entire edition has been printed. It only awaits the receipt of a few illustrations before being bound and published. It will doubtless appear simultaneously with or immediately after the issuance of volume 9.

The little work remaining to be done by special agents is as follows:

The text of the report on the defective, dependent, and delinquent classes of the population is being prepared by Mr. F. H. Wines. A like labor is being performed by Surg. J. S. Billings on the mortality of the population. Mr. J. R. Dodge is similarly engaged on the report relating to sheep-husbandry, and an introductory chapter to the report on the production of the precious metals is being prepared by Mr. Clarence King. This latter report, which will be comprised in two volumes, is otherwise ready for the printing-presses, having been put in type and stereotyped some months ago.

The report of Surg. J. S. Billings on the mortality of the population has in the main been stereotyped, a few small tables, the introductory text, and the index only remaining incomplete. The two volumes containing this report can readily follow the publication of the volumes devoted to the report on the precious metals.

The report by Professor Raphael Pumpelly on the production of minor and base minerals lacks only the introductory text before being placed in the hands of the Public Printer for publication.

The manuscript of the several monographs, constituting a report on the water-power of the country, is all in hand, with illustrations, and ready in turn for the printer.

The report on the fisheries of the United States, by Professor G. Brown Goode, is also complete and in hand, as is also the report on the social statistics of cities, by Col. George E. Waring, jr.

A monograph by Professor F. R. Hutton on the manufacture of shop and machine tools, vividly illustrated, has been stereotyped and is at the Government Printing Office ready for publication. It will form part of a volume devoted to the statistics and history of the manufacture of mechanical contrivances. The remainder of the matter for this volume is also in hand, and only requires arrangement for the printer.

A report by Special Agent J. D. Weeks on wages paid in manufacturing industries in the United States is substantially completed.

The publication of this paper has already been ordered by the House of Representatives to be issued as a miscellaneous House document. It will, therefore, first be given to the public in this form.

A volume devoted to the statistics of fire and of life insurance will form part of the final report. The manuscript is in hand, and only requires arrangement for the printer.

Statistics relating to the manufacture of gas are complete and await publication. A report on the ice crop and its consumption is also finished.

With the exceptions heretofore noted the only unfinished work in the preparation of our report relates to the tabulation of statistics of schools, churches, and libraries. These completed, the entire force would be employed in revision, proof-reading, &c., necessary, in co-operation with the Public Printer, while the several volumes are going through the press. Estimates of the amount required to bring the complete report to publication have already been submitted. By the terms of the act of July 7, 1884, making appropriations for sundry civil expenses, it was provided that the sum of $30,000 should be appropriated "for the work of taking the Tenth Census and closing the bureau on January 1, 1885." Even with the retention of the entire force employed at the date of the passage of this bill it would have been impossible to complete the final report within the limitation of time therein prescribed; but the inadequate sum appropriated necessitated a heavy reduction in our clerical force, and has thereby correspondingly delayed the work of the office.

Furthermore, the same act authorized the printing of additional copies of the Compendium of the Tenth Census and of various monographs, thus devolving upon the Superintendent and his already crippled force a serious burden of extra labor, which was not considered in fixing the limitation of time and of appropriation prescribed by this act.

I have, therefore, the honor to request that a recommendation may be submitted to Congress that the time for the completion of all tabulations and the preparation of all original matter for the final report on the Tenth Census be extended until July 1, 1885; that the additional sum of $45,000 already submitted in estimate for a deficiency in the present fiscal year be appropriated, and that the further appropriation of $10,000 be made for the expenses of such force as shall be required in this office during the fiscal year ending June 30, 1886, for revision, proof-reading, &c., in co-operation with the office of the Public Printer, while the remaining volumes of the report are being published.

Very respectfully, your obedient servant,

C. W. SEATON,
Superintendent of Census.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN F. FOX.

Mr. SPRINGER introduced a bill (H. R. 7666) for the relief of Benjamin F. Fox; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LORENZO DURHAM.

Mr. SPRINGER also introduced a bill (H. R. 7667) for the relief of Lorenzo Durham; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

VENEZUELA AWARD.

Mr. SPRINGER submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Whereas on the 19th day of April last past there was reported from the Committee on Foreign Affairs, and passed by this House, a resolution of which the following is a copy:

"*Resolved*, That the Secretary of State be requested to furnish this House with a copy of the list of certificates issued by the late Venezuelan mixed commission, together with copies of all assignments or transfers of such certificates notified to the Department of State, and a statement showing to whom the several payments by the Department upon such certificates have been made; and also copies of all correspondence relating to requests for payments thereupon, or in respect to the hearing of all claimants before a new commission; and as by the joint resolution approved by the President on the 3d day of March, 1883, the moneys paid by the Venezuelan Government, and remaining in the hands of the Secretary of State and to be applied on such awards as may be made by the new commission provided for by said joint resolution, the Secretary of State is requested

to furnish this House with a statement of the amount now on hand applicable to the payment of such new awards;" and

Whereas the request contained in said resolution has not been complied with, nor any communication whatever made to this House by the Secretary of State in respect to the same,

Be it resolved, That the attention of the Secretary of State be called to said resolution, and that he be again requested to furnish the House of Representatives with the information called for therein, and also to state the cause of the delay in complying with the request of the House.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the further consideration of the interstate-commerce bill.

Mr. TURNER, of Georgia. Mr. Speaker, by order of the House at the last session the contested-election case growing out of the election of Mr. SKINNER, from the State of North Carolina, was postponed until this day, but the gentleman from Massachusetts [Mr. RANNEY] who has in charge the views of the minority is absent from his seat, and I am reluctant to proceed with the case in his absence. I will, therefore, submit to the order of business which the Chair has announced, and will endeavor to call up the election case at a later period.

INTERSTATE COMMERCE.

Mr. REAGAN. Before proceeding with the consideration of the pending measure I desire to modify the motion that I made to amend, so as to provide for striking out all after the enacting clause of the committee's bill from the first to the seventh section inclusive, and inserting the provisions of the substitute bill for those sections.

The SPEAKER. There having been no vote taken upon the gentleman's motion, he has the right to withdraw or modify it. The Chair would suggest that it had better, perhaps, be withdrawn and modified as he now contemplates.

Mr. REAGAN. The only modification is to substitute the provisions of the substitute for the seven sections which precede that portion of the committee's bill providing for the creation of a commission, instead of for the whole bill.

The SPEAKER. The gentleman, then, does not desire to offer the substitute for the entire bill?

Mr. REAGAN. No, sir; only for the first seven sections of that bill.

The SPEAKER. It will be so modified.

Mr. FINDLAY. Mr. Speaker, I am neither a friend nor an enemy of railroad corporations. While as a rule I believe they have been instruments of great good in facilitating and cheapening transportation, I have also knowledge of some conspicuous instances and shrewdly suspect the existence of others where they have abused the great powers intrusted to them. I have no disposition, therefore, either to praise Cæsar or to bury him. The questions which concern us in the measures now pending before the House are principally two: first, the right to legislate at all upon the subject; and, second, conceding the right, the proper scope and limitations of such legislation.

It has not been disputed, nor do I believe that a respectable argument can be made, that the functions of these bodies are not in some sense and to some degree fit subjects for public scrutiny and control.

This is a postulate which has been assumed in all the discussion which has taken place upon these bills, and I shall not therefore enlarge upon the proposition that quasi-public agencies affected with what the courts denominate a public employment can not in the nature of things emancipate themselves from public responsibility. The cognate question as to how far regulations of this kind fall within what is called the commercial clause of the Constitution seems also to be settled, and I shall therefore not attempt to enter upon that inviting field of discussion. The only remaining question, then, is how far ought this plain constitutional right be exerted; and that is a question to be solved by the extent and nature of the wrong which we propose to remedy.

It is absolutely necessary to have a clear perception of the grievance itself before we set about to devise the means to abate or remove it, for otherwise we run the risk, too common in legislation, of waging a profitless warfare against imaginary evils. What, then, is the just cause of complaint which has aroused public opinion upon this subject and which demands relief at our hands? It is simply this, that the rule of equality, which constitutes the bond of the social compact itself, has been systematically and persistently violated by some of the transporting agencies of the country in the bestowal of discriminating favors in behalf of one shipper against another.

It is not, as I understand the case, that these carriers charge more for a long haul than for a short haul or more for one service than another, but that for the same or similar service one man is made to pay more than his neighbor, engaged in the same and perhaps a rival line of business. It is perfectly obvious that the circumstances and conditions of traffic between given points may be such that the enforcement of a uniform tariff of rates would be fatal to the existence of the carrier. Take the familiar instance of two competing railroads which terminate at both ends in populous centers, but, reaching these by different routes, pass on the way intermediate points of shipment of varying degrees of commercial importance, both relatively and absolutely.

The proposition contended for by those who are disposed to take an extreme view of this subject is that a uniform rate per mile shall be prescribed for the carriage of goods between the termini themselves of these competing lines and between the termini and any intermediate station, as well as between stations along the route going and returning. That I understand to be the effect of the provision that there shall be no greater charge proportionately for a haul of a thousand miles or any fractional part of the distance.

This is an unreasonable requirement, because it ignores some of the most obvious considerations which control the movement of freights, and confounds two distinct classes of business, the through and the local, each subject to peculiar conditions, which the carrier is bound to respect or fail. In one case there is a fierce competition, coupled with the necessity of making long contracts based upon an uncertain, capricious, treacherous rivalry, but with no certainty that such contracts after they are made will be or can be faithfully observed without ruinous loss, as the observance of them depends not merely upon the good faith of the contracting parties, but also upon the contingent rapacity which, at an opportune moment for injuring a competitor in business, may seize the rival line. There are other differences, growing out of the return cargo and the intimate connection that may exist between it and the ingoing freight, which distinguish a through from a mere way service, and make it simply impossible to prescribe a proportionately uniform rate of carriage for each.

But the intermediate points of shipment scattered along these competing lines differ in commercial value to the carrier not only with the termini but also with themselves, and to say that these differences are not to be taken into account in determining the law is simply to assert that it would be wise to make laws without regard to the facts of the case. These differences may be further enhanced by the fact of local competitions between the through line and other roads which only cover a part of the distance between the principal termini or may touch at local points on the through line without leading from the termini at all, and this difficulty may be still further complicated by the necessity for making provision for a constantly varying volume of interdependent outgoing and incoming business.

Let me offer an illustration of what I mean. It will be a humble one, and will have none of those sacred associations to commend it in the use of which my distinguished friend from Massachusetts, in his masterly speech on Wednesday last, invested railroads with a new interest, although he left Jericho and Jerusalem, hitherto happy with a string of pack mules, in very doubtful company. My honorable friend Judge REAGAN, who has this matter so much at heart and who deserves the thanks of the country for his arduous, intelligent, and responsible labors in this behalf, hails, I believe, from Palestine, and it was just like my honorable friend from Massachusetts, whose kindness and courtesy are such marked features of his character, after giving the judge's bill a merciless overhauling, to restore the equilibrium and make him happy again by a thoughtful reference to these two central figures in the history of Palestine—Jericho and Jerusalem. It was a delicate compliment.

I shall not go so far afield for my illustration, but begin nearer, I may say right at home, upon the principle that the waters of Abana and Pharpar (I do not like to hurt the judge's feelings) are better than all the waters of Judea, the Jordan included. If anybody will take the trouble to observe, he will see between the Avenue and the Baltimore and Potomac depot, at the corner of Sixth and B streets, three apple and peanut stands, not the oriental kiosk with which New York proposes to adorn her streets, but the original, primitive, severely simple stand of the fakir, where the merchant stands himself and his wares rest in a basket or movable tray on the pavement. I will designate these merchants as numbers 1, 2, and 3, respectively, and locate number 1 at the corner of B and Sixth streets, at the entrance of the depot; number 2 on the opposite corner, made by the intersection of B with Sixth street, and number 3 at the corner of Sixth street and the Avenue.

Now, *a priori*, any person with an eye to business would say at once that the intermediate man, located midway between two giants in business, one intercepting all the through trade up and down the Avenue as well as the small inflow toward the depot, and the other catching in his big net all the custom from the depot outward to the Avenue, would, as between these contending forces, fare very badly on the purely local custom—the crumbs, as it were—from this lordly table, which might be scattered at his feet, *faventes auræ*, from the direction of B street; nor would this conclusion be incorrect, for on examination it would be discovered that the terminal merchants, so to speak, had a better stock, more of it, a higher grade of storage device, though short of a kiosk and all the other unfailing signs of a prosperous trade, than the poor monopoly-ridden intermediary, who could only boast of a peck-measure basket, with its scant contents, like Captain Jackson's feasts, arranged more for the imagination than consumption. Now, I would like to know whether there is any law of our devising which can supersede, modify, or repeal this dominant law of condition and reverse the positions of these merchants, from a commercial point of view, without at the same time compelling a change of stands, and with it of course a change of condition.

I might extend the scope of the illustrations still further, and show that one of these merchants, and that one, too, having the advantage of position, might have the additional endowment of keener insight, superior energy, more persistent endurance, than he of the simple basket and humble store, and then repeat the question, whether it lies in our

power to establish an equilibrium of forces when nature herself depresses the scale and destroys the balance?

I have not been altogether vainly wanton or eccentric in the selection of this homely illustration, for be assured that if this force, which I call the law of condition, is so universal and inexorable in its sweep that not even the humblest relations involving the simplest combinations can escape, then those higher and more complex adjustments with which we are now concerned must submit to the same imperious sway. The result of it all is, that there are inequalities created and continued by force of natural law which no legislation can change or destroy.

But what are these inequalities? Some are congenital, some acquired, and some accidental, and for all such there is no help. In the utter hopelessness of the case we mutter between our teeth, "God help them," or, with a deeper charity and a more genuine submission to His will, put our hands in our pockets and do what we can. But there is another class of inequalities entirely within the reach of remedial legislation, and which it is not only our right but our duty to remedy. They are such as do not spring from natural defects or from the automatic operation of natural law, but are forced into being by the rapacious greed of man, in the abuse of power conferred as a public trust, and yet treated as a private possession to be dealt with as the holder pleases.

The difficulty lies in the failure to distinguish between a mere private faculty, which its owner may exert to the utmost for his profit and advantage, and a public franchise which is held by title of popular will, and which is to be enjoyed not merely for the profit of the holder, but for the mutual advantage of both the grantor and the grantee. Let me recur again to my humble parable of the applemen. Each one of these merchants sells his wares by the same title that he enjoys the liberty of locomotion or any mere personal right. He is under no obligation to his fellow-merchants as to his hours of business, the character of his goods, the schedule of prices, or any other thing.

It is possible this great city may charge him a license for the privilege of selling on the street, but outside of this and a few perquisitial peanuts to the vigilant policeman on the beat for keeping a sharp eye on some predatory boot-black, he is as free to carry on an unrestricted commerce, without regard to the interest, the feelings, wishes, prejudices, or tastes of his rival, as he is to go to market or to church. Not so with the corporation operating a railroad. It has no natural, original, underived powers. It is the creature of the State, and can enjoy just such franchises and perform just such offices and in the mode and manner prescribed for their performance as the State may allow, and no more and in no other way.

It is affected with a public duty and is invested with one of the sovereign functions of the State for the purposes of acquiring the necessary ground for its road-bed, stations, and other purposes. It takes the place of the State in the ownership of the highway, and, in my judgment, is to be charged with the same general responsibility toward shippers using this highway, either in rolling-stock provided by themselves or the corporation, precisely as if the State itself was the owner of the highway.

If this is a sound proposition it will help to classify the subject very much. It will be clear that the first rule governing freight charges which a State operating a railroad would be bound to prescribe must, in the nature of things, be based upon absolute equality between shippers of the same general class, and relative or comparative equality between all others. Discrimination by the State in favor of one of its citizens shipping over the road and against another would be tolerated just so long as it would take to reap in legislation the fruits of an aroused and indignant public opinion. The injustice of such a discrimination would be so patent, and the dangerous consequences to flow from it so serious, that the wrong would provide its own remedy.

To those who are familiar with the genesis of railroads both in this country and in Great Britain it is well known that the original design of these structures was to carry freights on trucks owned by the shipper as well as by the railway company, and in the earlier stages of railroad development it was quite common to witness this joint use of the tracks by foreign in common with proprietary owners. The difficulties, however, of this joint occupation and divided dominion became rapidly apparent, and in a very short time, both in the United States and in Great Britain, the railway companies were charged with the full responsibility for the management of their lines, and in consequence were permitted to exercise exclusive control over the road-bed and all its appurtenant equipment. But the fact that such joint ownership of the right of way existed clearly shows the public character of the railway function and upon what equal terms all customers were required to be received. Equality, therefore, is at the base of the duty which these semi-public agencies owe to the public, and any systematic violation of this duty is in its nature radical and fundamental.

The railway company, substituted in part for the State, performing a vicarious service for the State, and in order to enable it to perform this service invested by the State with the sovereign right of eminent domain, can no more lawfully establish unequal rates between the same classes of shippers and for the same or similar services than the State itself could if it had not transferred this power and was operating the railroad itself. I do not care to repeat what I have already said upon the subject of relative and absolute equality; but as this question has been repeatedly before the courts both here and in England, it may be just as well while I am laying down general principles and before I come to the discussion of the provisions of the bill to refer to one or two of these cases.

In a leading English case, construing what was an undue or unreasonable preference or advantage under the English railway and canal traffic act, 17 and 18 Victoria, the court held that the interests of the railway as well as the interests of the shippers were to be taken into account, and enforced an injunction to enjoin the railway company to desist from giving special rates upon the distinct ground that the cost of the service and the volume of business which one shipper could bring as against another were both to be considered in determining whether a rate was reasonable or not. (*In re* Ransome and another *vs.* The Eastern Counties Railway Company, 3 Jurist, N. S., page 217.)

Relief, however, was granted to the complainant as to that part of his bill which prayed for an injunction requiring the company to desist from giving an undue preference to other shippers and to carry the freight of the complainant on equal terms with others, having due regard to the circumstances of each case. (*Ibid*, page 219.)

So in a leading case in this country it has been held that while the charge must be reasonable, yet it may vary in amount according to circumstances, without being, therefore, necessarily unreasonable. If reasonable, it may, though unequal, be unobjectionable, but in general equality is the standard of both reasonableness and impartiality. Equality, however, is a relative term, and is to be distinguished from simple ratable equality, to be regulated by weight or bulk, and, I may add, or by other considerations affecting the volume of the business and the cost of the service. (See Cambless *vs.* the P. & R. R. R., 4 Brewster, page 563.)

Such, then, is the construction of what is reasonable and what constitutes undue preference by the courts. It is not that A gets a different rate from B, or that the rate charged to one is relatively lower than the rate charged to the other, but upon the ground of absolute inequality and partiality between shippers who stand upon an equal, or proximately equal, footing of commercial value to the carrier, that the courts can be prevailed upon to interfere. Let me illustrate this still further by a case which has been tried within the last month in one of our courts against a prominent and powerful railroad corporation.

The plaintiffs in this case were wholesale grocers, and on the 24th of January, 1879, agreed to give all their New York freights to the defendant for one year, to date from the 1st of January. The company, through its Baltimore agent, agreed to carry these freights at as low a rate as it was then charging, or would thereafter charge, any Baltimore house engaged in the same line of business during the existence of the proposed contract. The rate for sugar was then fixed at 12 cents on the hundred pounds, and the representation was made by the agent of the company that this was the lowest rate it was then charging other wholesale grocers in Baltimore or would charge them while this contract continued with the plaintiffs. The contract was renewed for the year 1880, and the conditions of it on the part of the plaintiffs faithfully observed. About the close of the year 1880 the plaintiffs discovered that prior to the 24th of January, 1879, the date of the first contract and continuously since to the date of the discovery, the defendant had been carrying sugar for another house from New York to Baltimore at the rate of 10 cents on the hundred pounds. During this period the company had carried for the plaintiffs 5,011,875 pounds of sugar.

An action on the case for the deceit was then brought by the plaintiffs, in which the above facts were set forth and the allegation distinctly made that the plaintiffs were induced to enter into the said contracts by the false and fraudulent representations of the defendant; that the plaintiffs' business, owing to the closeness of competition and the narrow margin of profit realized on sugar, had been seriously impaired, and that this injury had further been increased by the ignorance of this discriminating rate in favor of a rival house in which the plaintiffs had been kept by the fraudulent conduct of the defendant.

At the trial of the case the proof was clear and specific that the representation was not only false, but that the defendant knew it was so. The plaintiffs in this state of case contended that the jury in making their allowance for damages should not be restricted to the mere difference of 2 cents on the hundred pounds, but should allow punitive damages for the fraud which had been committed and compensate the plaintiffs for injury to business. This instruction, however, the court refused; and, after instructing the jury that in order to find for the plaintiffs they must first believe from the evidence that the representation was both false and fraudulent, confined them to the allowance of mere damages for the breach of the contract; that is, 2 cents on the hundred on the 5,011,875 pounds of sugar carried. The jury found for the plaintiffs this sum with interest.

Here, then, is a case where the jury have found from the evidence that a public carrier has practiced a deliberate and most injurious cheat upon a shipper; the shipper has waived the contract, and brought his action in tort for the deceit, the breach of the contract being a part only and a small part of his injury, and yet is no better off nor the company any worse than if the action had been grounded on the contract alone. The plaintiffs contended that this was an invitation to the transportation lines of the country to commit what frauds they pleased, as the only penalty they would suffer if caught would be the payment of the mere difference between discriminating rates.

As deriving these franchises from the public and as affected by a public employment, it was contended that the same principles of public policy which hold railroad companies to the strictest care and courtesy in the carriage of passengers and visited them with heavy exemplary damages for even very slight breaches of duty should be prescribed in enforcing the obligations which these corporations owe to the shippers of freights; that, in fact, considering the ease with which frauds of this kind could be practiced and the difficulty of detecting them, there was greater reason to hold these companies to a stricter line of duty in the carriage of freights than of passengers, and that unless the courts of the country took high ground with reference to these questions the business of every man would be at the mercy of the railroads.

Mr. HORR. Has that point been decided?

Mr. FINDLAY. Yes, sir; it is a case that I tried myself.

Mr. HORR. But has it been decided by a court of last resort?

Mr. FINDLAY. No, sir; by the court below.

Mr. HORR. You do not believe it is good law?

Mr. FINDLAY. And let me say in passing, in reply to the suggestion of the gentleman from Michigan, that the judge who sat upon the bench in that case was an upright, fearless, and conscientious man as well as a learned jurist, and he could not find sufficient authority to justify him in granting the instruction asked, although I believe he was sorry for it, and was forced to say that such wrongs must be remedied by the Legislature where we are now.

I allude to this case for two reasons: first, because it illustrates the nature and kind of inequality of which I have been speaking, and also because it has a direct connection with some of the provisions of these bills which I now propose to discuss. To make the case perfectly intelligible, however, I should state in addition that the nominal, the schedule rate was 20 cents on the hundred pounds, and the discrimination was effected by a rebate in the one case of 8 cents and in the other of 10 cents on the hundred, making the actual charge 12 and 10 cents, respectively.

The second section of the Reagan substitute provides that there shall be no rebates of any kind whatsoever allowed, and the third section of the committee's bill contents itself with a prohibition against discriminating rebates. One prohibits them altogether; the other, recognizing the rule of equality, which I have attempted to show is the only rule applicable to the case, allows them, but requires that they shall be impartially bestowed. Just as original rates are to be reasonable, as required by the first section of both bills, and as the common law itself, independently of statute, requires, and to be reasonable of course must be relatively equal, so if exigencies arise when the contrivance of rebate can be brought into useful and harmless requisition, the principle of equality, which is all that can be justly demanded, shall be rigidly enforced. It seems to me that in this respect the provision of the committee's bill has been cast in a wiser and more practical mold than the provision of the substitute bill.

It may be argued with great force that the recognition of the system of rebates is an evil in itself, and that the only possible way to get rid of it is to prohibit it altogether. But experience seems to have confirmed this as a necessary commercial contrivance; and recognizing experience as my only guide in legislation, I think we had better regulate the use of the contrivance than attempt to abolish it altogether. And, besides, our ability to regulate may be conceded when our power to prohibit may be very well doubted, and I believe it to be a wise course in legislation to do what we can, not what we would.

The bill of the committee differs from the substitute in another important particular, and that is in providing for the appointment of a commission, the most important duty of which will be the prosecution of those companies for breaches of the law through the agency of the courts and with the aid of the public prosecutor. This I regard as the most valuable provision in the bill. The honorable gentleman from Kansas fell into an error the other day in discussing the bill when he stated that it was necessary in order to institute a prosecution by the commission for the party aggrieved to have his petition certified to by the district attorney or somebody of official or semi-official authority. Anybody may complain to the commission; and the commission may entertain the complaint and prosecute it to judgment. Whenever the complaint comes up officially certified to as above indicated, then in that case the duty of the commission to prosecute ceases to be discretionary and becomes compulsory. This is just what is needed.

Mr. REAGAN. Let me interrupt the gentleman from Maryland to ask if he means that that would give any actual or positive remedy to the injured party?

Mr. FINDLAY. I see no reason why it would not.

Mr. REAGAN. If the gentleman will read the provisions of the bill carefully he will see that it gives no actual remedy, but simply prosecutes the complaint to an inquiry.

Mr. FINDLAY. But I understand the commission is back of the United States district attorney in this matter.

Mr. REAGAN. But the district attorney can not give a remedy to the citizen who is aggrieved. The commission may involve the citizen in the costs of a suit if he fails to get a general principle established for the benefit of the public; but neither the commission nor the district attorney can give any judgment that amounts to a remedy for the wrong complained of.

Mr. FINDLAY. I do not so understand the scope of the bill. On the contrary, I understand that a remedy is provided by the bill.

Mr. REAGAN. The gentleman will find that he is incorrect.

Mr. FINDLAY. I have read carefully the provisions of the bill and they do not strike me as the gentleman from Texas seems to have understood them.

Mr. REAGAN. I would invite the attention of the House to it.

Mr. FINDLAY. I am unfortunate in having left my bills at home, but will not now pause in my argument to answer the objection of the gentleman from Texas further than by saying that I have read both of these bills very carefully, that reported by the committee and the substitute of my honorable friend from Texas, and the best construction I can give to the measure does not lead me to any such conclusion as he has reached.

I want to illustrate what I think would be the probable effect of some of these provisions. The ordinary litigant is powerless to cope with the organized machinery of these corporations, which generally manage to starve out a successful suitor in the lower courts by the interminable delays of appellate procedure; few men, too, are willing to incur the displeasure of an agency which can work him serious injury by corrupt and secret means difficult to detect and harder still to adequately punish.

But with a commission behind his back and with the organized machinery of the United States courts to carry on his suit he will be neither starved nor terrorized out of his rights. This provision has my most cordial support, and the want of it I regard as a very serious defect in the proposed substitute. But the substitute contains a provision in regard to the measure of damages which I think is more just than the committee's bill, which simply allows, in addition to the damages for the breach of contract, costs, expenses, and disbursements for counsel fees. When the violation of the contract has been willful, I think it would be much more just to allow, as Mr. REAGAN proposes, a sum equal to three times the amount of the damage sustained; and for this reason: the damage in these cases of secret discrimination is not merely the difference between rates, but it goes deeper than that, and does an injury of a subtle character difficult of analysis, and under the rules of evidence still more difficult of a specific pecuniary computation.

In the Baltimore case which I have cited there was complaint that the plaintiffs' business had been injured, and the plaintiffs offered to show that a difference of 2 cents on the hundred pounds of sugar was not only a considerable loss of profit in such transactions, but that a competitor in business enjoying this discriminating rate would gradually absorb the business and drive his rivals out of the market. But the court held that this evidence was too remote, and refused the offer. Now, suppose that this discriminating rate had been lower still, it is a matter of demonstration that the business of the plaintiffs might have been utterly destroyed, and yet under the rule of damage laid down all that they could recover would be the actual difference between rates. Again, systematic discrimination of this sort is necessarily a corrupt act. It is not bestowed without some corresponding advantage to the donor.

It would seem in such a case there would be justifiable cause for the infliction of vindicatory damages, through the medium of which the plaintiff might be compensated for such injuries as the rules of evidence prevented him from proving. This, in my opinion, is the true philosophy of exemplary or punitive damages, and the only ground upon which these allowances can be defended. They are not allowed merely to punish the defendant, but to compensate the plaintiff for such losses as are not legally reducible to some specific money value. But the court in the case to which I have referred restricted the jury to the actual pecuniary loss suffered by the plaintiffs and refused to allow smart money. Now, then, assume that the Reagan proposition had been law when this cause of action accrued and the plaintiffs could have availed themselves of the triple damage clause, is there a man who now hears me who doubts for a moment that the infliction of damages in this amount would have promoted justice, not merely of a semi-penal character, but absolute compensatory justice, in the reparation of a wrong which was only half righted by the simple allowance for breach of contract?

In this age of rapid exchanges it should be the policy of the law to encourage the most absolute good faith in the levying of freight charges. The common carriers are partners in every business carried on by men. They take a part of everything that is made or grown. This profit is exacted before the article is ready for use or consumption.

The freight, therefore, is an item of original cost. It makes no difference whether you pay a few more cents for an article or whether they are taxed to you in the carrier's bill; the result is the same. To permit a carrier, therefore, to secretly establish unequal rates is in effect to give it control of the business of the country. But this secret inequality corrupts the beneficiary also. It makes him the subservient instrument of the carrier and degrades him from his position as a free-

man into the pliant tool of a corporation. In this way the corporation becomes mightier than the state; the creature is exalted above and defies the creator. As the area of state citizenship narrows and the field of corporate brotherhood expands the state necessarily weakens, and it is a mere matter of time before it will fall from sheer exhaustion. But the recipient of these favors is corrupted in another way. Humility and equality go together; they are republican virtues and a democracy can not survive without them. A special privilege for the person or a diminished rate for goods inflates the beneficiary with false pride and forces him into invidious comparisons with his less favored neighbor.

But consider the effect of this partiality upon the corporation itself. It is not unreasonable to presume that these favors are granted without consideration. It is not in the usual course of business to be the medium of a gratuitous bounty in the advantages of which the donor, in some form or other, does not contrive to share. All the reasons and all the analogies of the case point to a division of the spoil or a corrupt participation in the advantage. Is it not a monstrous phenomenon of our modern business life that a corporation owing all its franchises and its very existence to the public should be permitted to systematically rob a part of the public in order to enrich another part by enriching itself? Consider, too, the subtle character of this offense—how difficult it must be to detect, when the motive for concealment, both in the donor and the beneficiary, is so strong that exposure seldom comes, except as the result of accident—and I think, putting all these considerations together, I have made out a case for which even the allowance of triple damages falls short of a just compensation for the public and private wrong involved in discriminations of this character. For these reasons I shall give my hearty support to that feature of Judge REAGAN's substitute bill, and I hope that it may be offered in some shape as an amendment to the committee's bill so that I can also give it my vote.

With this exception, however, I am constrained to say that the bill of the committee commends itself to my judgment as a wiser and more practical measure in every respect. The first section of the committee's bill provides that the charge shall be reasonable. The substitute contains this requirement also, but nullifies it, in my opinion, by the prohibition contained in the fifth section against making a greater charge for a shorter than a longer distance. The conditions of through and local business, I have attempted to show, are essentially different; and, if so, an inflexible requirement that the rate per mile should be the same for each would, so far from producing a reasonable scale of charges, result in the establishment not only of an irrational but an impossible one.

Mr. REAGAN. Do I understand the gentleman from Maryland to maintain that the provisions of the substitute provide for any rate per mile?

Mr. FINDLAY. As I understand the provisions of the proposed substitute, it is contemplated that there shall be the same rate per mile for short as for long distances.

Mr. REAGAN. That is not contemplated by the substitute. On the contrary, I have labored time and again to demonstrate to this House that that was not the case. The substitute provides simply that there shall not be more charged for a given amount or quantity of freight for a shorter than for a longer distance—no more for a car-load, for instance, for one hundred miles than for five hundred miles.

Mr. FINDLAY. I am sorry that I have misapprehended my friend upon that point, but I do not construe that as the practical effect of his bill. It may be so.

If freight is a part of original cost, then it must be apparent that shippers as between themselves and in competition with persons belonging to the same or a similar class, are mainly interested in the establishment of a proximate relative equality, for if the conditions of competition are equalized between persons engaged in the same or a similar line of business, the fact that some non-competitive shipper of a different class and in another line may be charged a different and an apparently lower rate can not of itself constitute the offense of unjust discrimination.

Suppose all the merchants engaged in the flour trade at a particular place on the route of some through line are charged a rate which is higher in proportion to the distance carried than some through shipper is made to pay, but which is absolutely the same for each of these local dealers, without any distinction or discrimination whatever, then as between themselves and the carrier there would seem to be no substantial cause of complaint. Each man upon the hypothesis stated buying his transportation at the home price charged his competitor is placed by the carrier upon an equal footing, and if the obligation as to equality terminated here the carrier might be treated as having discharged the full measure of its duty. But there are obligations which concern the consumer as well as the vender of merchandise, and as the cost of an article in the last analysis is paid by the person using it, it is obvious that any schedule of freight charges which does not take the consumer into account will be unreasonable and unjust.

The conditions as to competition between the rival and conflicting interests of venders may be fully gratified by the prescription and enforcement of a relatively equal rate of freight, and yet that rate may be placed at such a high figure as to be ruinous to the consumers. Hence it becomes necessary to adopt some rule in the interest of this the most numerous and important class affected by these charges. A uniform rule seems be out of the question. That being the case, there is but one alternative, and that is to require that there shall be no discrimination between the same, or substantially the same, classes of shippers, and that all charges shall be reasonable.

If the rate charged be a reasonable one on the service performed, the reasonableness of it to be determined by the cost of the service, with a fair profit added, then the consumer can not complain that he is forced to pay an unreasonable price for the article he uses by reason of the extortionate freight charges levied upon the middleman or distributer from whom he buys. It is impossible to prescribe any fairer rule than this for the carrier, who has some rights I suppose, for the shipper, and all the distributing agencies, as well as the consumer. It is a rule which is in fact only declaratory of the common law, and would have no special significance in this bill if it was not connected with the efficient machinery of procedure devised for its enforcement, and which might be made more efficient still.

I do not subscribe to the doctrine that transportation is merchandise, to be sold like any other article for whatever price it will bring in the market, and with no restriction except what the traffic will bear, for such a doctrine ignores entirely the public character and function of the carrier, and, conducted to its logical results, would deny the right of the public through the law-making power to interfere to any extent, either in establishing fixed rates or in declaring the principles by which they shall be controlled. If that doctrine could be accepted, then the reasonableness of a rate would not only be exempt from judicial determination, but would be made to depend in every case upon the simple discretion of the carrier. On the other hand, I not only believe that a rule of absolute uniformity, based upon distance alone, to be inflexibly applied, without regard to overruling equities, is impracticable, but I am strongly inclined to doubt its legality. The very fact that you declare that rates shall be reasonable, and that that declaration is but the still small voice of the common law speaking here in statutory thunder, is a proclamation in itself that there is no power vested in this body or elsewhere to make rates unreasonable.

The man who travels to-day from New York to Chicago for $8 doubtless considers the rate an extremely reasonable one; but he is simply mistaking his own interest for the true conditions of the problem. Taking into account the cost of the service, it is, in fact, a very unreasonable one. It is obvious that what may be reasonable in the eyes of the passenger or the shipper may be unreasonable in the view of the carrier, and *vice versa*. The reasonableness of a thing between conflicting interests must necessarily be determined by considerations drawn impartially from both sides of the question. This inquiry is in its nature judicial, and any attempt to forestall or anticipate it by a legislative declaration approaches very near, if it does not overstep, the border line which separates these great functions of government.

It is perfectly legitimate to prescribe that a rate shall be reasonable and then leave it to the courts to determine what is and what is not reasonable, but to declare in advance not merely the principle by which the fixing of the rate shall be governed but to prescribe the rate itself by referring it to a fixed standard and apply the rule to the complicated system of interstate transportation, with all its vast ramifications and subtle competitions, is the exercise of a power which, if it be legislative in its nature, certainly ought to be sparingly and cautiously used. The bill of the committee keeps this distinction full in view in all of its provisions and is consistent and symmetrical throughout; but the Reagan substitute, as I have shown, is not only not distinguished by this unity and integrity of purpose, but is complex and contradictory in some of its essential features. It seems to me to confound the judicial with the legislative function, and seems also to leave in one section the question of reasonableness to be determined by the courts and then in another attempts the settlement of the same question by its own declaration.

Mr. REAGAN. Will my friend indulge me with a remark at that point?

Mr. FINDLAY. Certainly.

Mr. REAGAN. I know the gentleman's purpose is to be fair.

Mr. FINDLAY. It is.

Mr. REAGAN. But it would be understood from his reasoning that my bill not only requires rates to be reasonable, but fixes the rates. There is not a word in the bill having that effect.

Mr. FINDLAY. I used the words "fixed the standard" purposely, because I will say to my friend I have read his substitute most carefully and desire to do it exact justice. In some of its features and in one important particular it has not only my support but my hearty sympathy. In what I said on the subject of a fixed standard of rates I referred to the fifth section.

Mr. REAGAN. My substitute provides that the charges shall be reasonable, and if they are unreasonable it provides that the party charging them shall be punished; it provides both an equitable and legal remedy.

Mr. FINDLAY. Section 4 provides—

That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive

any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad.

Mr. REAGAN. That is just what I stated.

Mr. FINDLAY. What is the meaning of that?

Mr. REAGAN. If my friend from Maryland will allow me, I will state the meaning of it is this: If a railroad charges 50 cents for hauling a barrel of flour five hundred miles it can not charge 75 cents for hauling a barrel of flour on the same line half that distance; or if it charges a dollar for carrying a bale of cotton five hundred miles it can not charge $1.50 for carrying a bale of cotton half that distance. That is what it means.

Mr. FINDLAY. If that is the meaning of it, and if that is the construction that would be placed on it by the courts when it comes up for judicial construction, then I did not so read the bill and did not so understand it; and of course what I have said about the meaning of the provision of the bill fixing a specific rate based upon distance alone and prescribing that no more should be charged for a shorter distance than is charged for a longer distance—what I said in that connection would seem to have been a misapprehension of what the learned author of the bill intended, but I do not so read his bill.

I shall therefore reluctantly be compelled to vote against it, but if the House should be of the same opinion and should adopt the bill of the committee instead of his own, my distinguished friend from Texas will still have the consolation of knowing, and the country will understand that without his fearless, untiring, thankless, intelligent, and conscientious labors, pursued in the face of great difficulties and against immense odds, this wrong of wrongs would have continued to run unwhipped of justice. My friend from Massachusetts, Governor LONG, hands me the eleventh section of the committee's bill, which provides the penalty and also prescribes the powers of the commission proposed to be appointed by the bill. It is in these words:

That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction requiring such railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act.

Now there is the equitable remedy. The section proceeds:

Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested.

Mr. LONG. That is in addition to the legal remedy.

Mr. FINDLAY. Yes; as I understand, that is in addition to the legal remedy. I propose to vote for the section of the substitute of the gentleman from Texas which provides for the recovery of triple damages. I have distinctly said, so far as that feature of the substitute is concerned, it is better than the committee's bill. If you have the remedy by injunction to force the company to desist from these unlawful acts, if you have also a commission exercising a quasi-public authority, and if, in addition to that, you have a private suit by the aggrieved individual himself, in which he may recover triple damages, it seems to me about as great a right as we can confer upon these parties.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted upon its amendments to the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes, disagreed to by the House, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORGAN, Mr. BLAIR, and Mr. PLUMB as the conferees on the part of the Senate.

The message further announced that the Senate had passed a joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report; in which the concurrence of the House was requested.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. O'NEILL, of Pennsylvania. I desire to stete to the House in as frank and explicit a manner as I can the ideas of the Committee on Commerce upon the subject of interstate commerce and this bill and substitute. I will remark at the outset that the bill as presented by the chairman of the committee of course is not the specific bill of the chairman, and does not embrace, as a general thing, or even to any great extent, his ideas; he merely, as the medium of the committee, reported as instructed the bill agreed upon by the majority of the committee to the House. I will also state that the paternity of that majority bill should be given to the gentleman from Connecticut [Mr. SEYMOUR] who spoke a few days ago. It is not absolutely a bill of the majority of the members of the committee in all its parts. I will also state that when a vote comes to be taken on the substitute bill of the gentleman from Texas the chairman of the committee, I doubt very much whether it will receive the votes of more than a small portion of the members of the committee.

The House has thus for its consideration this great subject cut up in divers ways and with various and different suggestions presented. I, if I am permitted to refer to myself, would prefer simply a commission bill; and yet I preferred that the bill agreed to formally by the majority of the committee should get into the House, because I did not approve of the provisions of the substitute bill offered by the chairman of the committee.

Mr. Speaker, at the outset of my remarks I wish to say that the word "monopoly" is not to me a frightful word. It is an illy-understood word. It may mean one thing at one time or place and another thing at another, just as it refers either to individuals or corporations. Though corporations only are generally spoken of as monopolies, yet there are individuals who may be called monopolists, persons not in a corporate capacity, traders upon their own account, enterprising men, speculators, who have accumulated millions of dollars. Yet these are not designated as monopolists in the sense of the word as used on this floor to stigmatize railroad companies.

I am not in favor of monopoly which oppresses the people. I am not in favor of any legislation which will operate in that way. But while we are seeking to legislate in the interests of 55,000,000 people of this country, let us be exceedingly careful how we strike down or in any way affect injuriously the interests of incorporated capital, which in the case of railroads has proved itself to be for the benefit of the people.

But fifty-six years ago the first shovelful of earth was thrown up in the construction of a railroad in this country, and those who have ridden on the Baltimore and Ohio Railroad between Baltimore and Washington can not but have observed at the point where the main stem connects with the Washington branch a monument to the men of that day who conceived the great enterprise of connecting the waters of the Atlantic and of our Eastern rivers with the great rivers of the West. I refer to this fact because in the course of the remarks I may make I want to show—though members of the House in their intelligence can hardly have failed to see and understand it—that as railroads have been built in this country the country has not only increased in population but has advanced in every interest that a free people and a business people desire to see subserved. I wish to show by the reports of the census that this increase is to be seen in every State and in every great commercial city of this country proceeding *pari passu* with the building of railroad lines. I might refer to the State of the chairman of this committee [Mr. REAGAN], who has been for the past nine or ten years the great advocate in Congress of an interstate commerce bill. His State in 1871 had within its borders but 700 or 800 miles of railroad. To-day it has, I think, nearly 6,000 miles. Under the last census the representation upon this floor from that State has more than doubled; and if she does not push back capital, individual or incorporated capital, that State will soon be represented here by a still larger number of members; and before very long the day will come when in accordance with the provisions of the act admitting her to the sisterhood of States of this Union she will have population enough to demand that her territory be divided into some four or five States.

The views of the chairman of this committee have greatly changed within the past ten years. He has even to-day modified his proposition; I could not understand the exact effect of the modifications, for the House was not very quiet. As modified it does not propose such radical and extreme legislation to break down railroad corporations as did the proposition first introduced by him years ago. Why? Because, although as I must say he has, according to my conception, shown an undue prejudice against railroad corporations (which, I suppose, he will disavow), the intelligence which has been poured into his ears and the ears of members of the Committee on Commerce during the last few years by those who have practical knowledge of the working of railroads has changed his views, as it has changed the views of many others who have listened to gentlemen who practically understand the subject.

I sought to-day by a resolution to get before the House all the testimony and arguments that have been heard by the Committee on Commerce on this subject, because I knew there were no copies to be had by individual members of the House. I wanted the House to have the benefit of all the intelligence communicated by these railroad experts, communicated by persons who, although they may have been interested

perhaps as correct thinkers and practical men on the subject of railroads, have presented facts and logic which are incontrovertible, and would be so considered by every unprejudiced member when read from beginning to end and fairly considered before voting.

I must state frankly that I am in favor of railroad extension. I was born and brought up in a railroad State. Years ago, when the contest was going on for the extension of the Baltimore and Ohio Railroad through one corner of the State of Pennsylvania, I was a friend of railroad extension and desirous to afford facilitities for the employment in that way of capital voluntarily subscribed by many men in this country of great enterprise and ability, so that the people might be benefited by it.

A Pennsylvania man can not but favor railroads. What have they done for the State of Pennsylvania? The example of the early incorporation of the Baltimore and Ohio Railroad, organized by the wisdom of citizens of Maryland, was followed somewhat later by the State of Pennsylvania. Her public improvements of a different kind, her canal system combined with railroads, connected at last the waters of the Delaware and the Ohio. In New York the wisdom of De Witt Clinton and his contemporaries of that great Commonwealth recognized the necessity of connecting the waters of the Hudson with the lakes; and with this purpose the Erie Canal was constructed. Pennsylvania and New York did not rest with their canal communications, but built through railroad lines; thus having both canal and railroad transportation across their States. I wish to mention here, by way of tribute to a gentleman of Pennsylvania long deceased, Hon. George G. Leiper, who represented on this floor the district then embracing Delaware County, and who carried on a large business as proprietor of immense and inexhaustible quarries of stone, that when in Congress he could state that his father had laid down the first railroad in this country, running about the distance of a mile or more from a creek emptying into the Delaware River to these quarries. Perhaps I should except Massachusetts, which is always coming in to make a claim, and in this case claimed priority in the construction of a somewhat similar railway of a few months. But this question of priority will continue to remain in dispute.

I make this statement to show that the idea of railroads was in the minds of Pennsylvania people long ago; and a road from New Castle, on the Delaware, to Frenchtown, on an estuary of the Chesapeake Bay—a road of about sixteen miles, connecting the waters of the Delaware with those running into the Chesapeake Bay—was I believe the first road drawing passengers and freight upon it by a locomotive That road was not within the borders of Pennsylvania, but Pennsylvania capital was largely invested in it. The great State of Pennsylvania need not defend herself for voting down through her representatives any measure that trammels unfairly and unjustly railroad enterprise or any other enterprise seeking to develop, either directly or indirectly, the resources of the country. Citizens of Pennsylvania, most of them residents in Philadelphia, had sunk into the bowels of the earth millions upon millions in explorations for coal. This was in the line of railroads, as developments of veins of coal were made. It led to the building of the Reading Railroad, which for years was, if it is not now, the largest anthracite coal carrying company in the United States.

So, then, Pennsylvania stands here, or rather I stand here as a Pennsylvania Representative, proclaiming my adherence to anything that looks like a fair extension of railroads, a fair treatment of capital invested in railroads. You stigmatize railroads as monopolies and the owners of them as monopolists. I do not think it is fair in the broadest sense of the term to do anything of the kind. Why, sir, stocks in railroad companies as well as bonds in railroad companies can be subscribed for by any citizen. They can subscribe for them to any extent they may wish, whether for one share or a hundred or a thousand. They can acquire control in railroad companies as incorporated in the State of Pennsylvania. Does this prove them monopolies?

But, Mr. Speaker, when it is announced or argued here that railroad companies themselves do not want proper legislation, I wish to say that that is not so. It is not a fact that these railroad corporations in the different States have not sought for legislation not only to protect themselves, but to protect the citizens; not only to protect the citizen against any wrong being done to him, but also that justice may be done to all parties concerned, the citizens as well as the corporations.

I have here a copy of the Pennsylvania law on the subject passed in June, 1883, which in my judgment covers all that is necessary for the purpose of protecting the people against any injustice on the part of railroad corporations. It is short, and as it covers what I believe to be the points Congress in its wisdom should provide for in its legislation, I ask that it be read at the Clerk's desk.

The Clerk read as follows:

LEGISLATURE OF PENNSYLVANIA.

An act to enforce the provisions of the seventeenth article of the constitution relative to railroads and canals.

SECTION 1. *Be it enacted, &c.*, That any undue or unreasonable discrimination by any railroad company or other common carrier, or any officer, superintendent, manager, or agent thereof, in charges for or in facilities for the transportation of freight within this State, or coming from or going to any other State, is hereby declared to be unlawful.

SEC. 2. No railroad company or other common carrier engaged in the transportation of property shall charge, demand, or receive from any person, company, or corporation, for the transportation of property, or for any other service, a greater sum than it shall charge or receive from any other person, company, or corporation for a like service, from the same place, upon like conditions, and under similar circumstances; and all concessions in rates and drawbacks shall be allowed to all persons, companies, or corporations alike, for such transportations and service, upon like conditions, under similar circumstances, and during the same period of time. Nor shall any such railroad company or common carrier make any undue or unreasonable discrimination between individuals, or between individuals and transportation companies, or the furnishing of facilities for transportation. Any violation of this provision shall make the offending company or common carrier liable to the party injured for damages treble the amount of injury suffered.

SEC. 3. If any director, president, officer, agent, or employé of any canal or railroad company shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation, as a common carrier, of freight or passengers over the works owned, leased, controlled, or worked by such company, such director, president, officer, agent, or employé shall be guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of any county in which any overt act of such offense is committed such person so offending shall be fined in any sum not exceeding $2,000, and shall be imprisoned not more than two years in the proper county jail or in the penitentiary of the proper district.

Approved the 4th day of June, A. D. 1883.

ROBT. E. PATTISON.

Mr. O'NEILL, of Pennsylvania. The gentleman from Iowa tells me that they have had a law of that kind upon the statute-book of that State for ten years. In Massachusetts they have a law more in detail and have had for a number of years, and so have other States legislated. I do not know why here we as representatives in the Congress of the United States should seek to bring into the hands of the Government in the remotest degree the control of these railroad corporations.

I say this, Mr. Speaker, because I know by sad experience in the past action of other States, and especially in the State of Pennsylvania, to just what corruptions such a policy leads. In the State of Pennsylvania the management of the public works of that State was confided by law to the control of a board of canal commissioners, and it was not long before it became such a sink of corruption that the people rose in their might and by legislation abolished the board and drove those men out of office. Some fifteen or twenty thousand men were employed under those canal commissioners in the management of the public works, and they managed to secure for the party to which they belonged the absolute control of the State. I think the Whig party for one year or so had control of the board of canal commissioners, but for the rest of this long period the Democrats were in office and the Democratic party of Pennsylvania had control of them, and, as I have already said, it became so fearfully corrupt that it was entirely abolished.

I speak of this as a matter of history. I was one of those who helped to get rid of that great incubus of the board of canal commissioners which so seriously affected the prosperity of the State of Pennsylvania. I was one who helped by legislation to build up the great railroad corporations of that State and formed consolidations of connecting roads running into and through other States in order that we might in Pennsylvania have our business interests increased and have quicker transit for freight and passengers. The State of Pennsylvania has always been liberal on the subject of railroad corporations.

The gentleman from Texas [Mr. REAGAN] in opening his speech disavowed, as I have already stated, any idea on his part of injuring or distressing any one. He especially disavowed any intention of doing injustice to the railroads or of damaging unnecessarily in any way any one connected with them. He spoke of the 125,000 miles of railroad in the country and of the ten billions of business carried over those railroads. I wish to say to him that perhaps to-day is the saddest time which he could take to legislate on this subject, for at the present time throughout the country of the 1,000,000 employés of railroad companies from 15 to 20 per cent. have been discharged, as there was no work for them to do—nearly 200,000 men out of employment on railroads in this country.

The sensitiveness of capital invested in railroads is damaged by this agitation to-day. It has been heard in Congress for nearly ten years past. The complaints against railroads upon the subject of improper discriminations for freight traffic have almost entirely ceased. I would like to see the petitions of citizens of the different States which have been presented at this session to the House or the communications from boards of trade or other business boards complaining of the course of railroads in this regard, and the gentleman from Texas, the chairman of the committee, who reports the substitute, knows that the Board of Trade—the National Board of Trade—disapproved of his bill, as was stated by the gentleman from Massachusetts a few days ago, by distinctly voting down the propositions embodied therein. A greater light has been thrown upon the subject than formerly existed. Men have been called upon to give their views, large-minded men, fair men, statesmen, men known throughout the country and competent to give their opinion upon such a subject—such men as Charles Francis Adams, of Massachusetts, who, though he believes we should have some legislation, does not go to the extreme proposed by the gentleman from Texas.

I am going to quote here, sir, the name of a man who is very distinguished in this line, because he rose from early boyhood to prominence as years passed on in the railroad business. I refer to Mr. Albert Finck, a man who is competent to speak upon the subject. The statement comes to us from such men as he is that such legislation as proposed by the gentleman could not but be injurious, and from such statements I can not but come to the conclusion that we should beware

how we trample capital and injure these great vested interests and enterprises that are of so much benefit to the country.

The gentleman from Texas commenced by having views in opposition to the commission part of the committee's bill. I do not know whether by his present amendment as modified to-day he is willing to accept that provision of the bill, as I could not gather from what he said this morning exactly what his views were.

Mr. REAGAN. I am still opposed to the commission, but I did not want to bring that issue up now.

Mr. O'NEILL, of Pennsylvania. I could not hear the gentleman, as I have said. I now understand him that he still opposes the commission. Upon what ground he opposes it I can not understand.

Mr. CASSIDY (from his seat). His proposition is now to accept it, is it not?

Mr. O'NEILL, of Pennsylvania. Do I understand you to accept the sections of the committee's bill providing for the creation of the commission?

Mr. REAGAN. No; I merely stated that I offered the substitute for the first seven sections of the committee's bill.

Mr. O'NEILL, of Pennsylvania. Very well.

There has been a great deal of distrust exhibited on the part of these radical interstate commerce legislators and statesmen of men connected with railroads. Some have approved of putting the matter directly into the courts, or to form new courts for the consideration of disputed questions and complaints. Some approve of a commission. I, and I believe others of the committee which considered the matter, approve of the commission plan, a commission merely to examine into the matter, to gather information, and to give information to the Congress, so that in a few months from now when the next Congress meets with that information before it there may be enacted proper measures for relief, if relief be needed, upon facts presented on which might be framed a suitable bill. Not information derived from mere theorists who know nothing upon the subject; not information from men who have merely vague ideas that they want to have carried out by legislative enactment, but from men who understand the scope of the subject from the beginning to the end, and understand it as men can only understand a subject who have given long study to it, who have practical experience in its workings, and are interested in the business transactions involved.

Would this House hesitate if such a man as ex-Senator Thurman should be selected by the President as railroad commissioner? Would it hesitate if such a man as the distinguished Judge Cooley, known all over the country as a man who has investigated the subject? Would there be an objection to such a man as Mr. Adams, of Massachusetts, and many others that I might mention, as able to-day to take up the question and consider it as any men or set of men in the United States, men who are as clear-minded, as patriotic, and as honorable as any who ever sat upon the Supreme Bench of the United States, or occupied a judicial position in any court in any part of the country? I think, sir, for one, that what we want is information upon this subject. Of course the House can not but see that what the committee presents and the substitute suggests, at present at least, are very crude. The differences of opinion are so great among us that members must see that it would be better if we waited for a period of time, and then after this information is furnished to us adopt some plan which had been recommended upon investigation by the distinguished men selected for their knowledge of this subject.

It would not hurt us to postpone final action upon this subject for a few months. A postponement of one year would not do harm. On the contrary it would be a benefit. Every month of every year in the last ten years these great railroad corporations have been reducing rates, and are still considering the ways and means by which they can further make reductions in freight and passenger charges, until in fact to-day such charges are almost infinitesimal as regards freight. But that part of the subject was thoroughly explained by the distinguished gentleman from Massachusetts [Mr. LONG], so that I do not now wish to go over it. Why, the reductions in the charges of freight per ton per mile have been so great in the past few years that they can not be any burden upon any one, whether they be for a short or a long haul.

What can we look forward to in the next five years? If these reductions go on we will have freight carried at the rate of one-half cent per ton per mile. I think it will be so. Railroads are so rapidly extending, capital is being so largely invested in them, that at this moment, we have railroads extending to almost every village in all of the States and Territories throughout the whole country and branches running out from main lines in all directions where the population is sufficient to warrant the expense of railroad connection. The complaints that come here come from those who are not living upon the railroads. It is the expense of getting their goods, their articles, grain, or whatever it may be, to the railroad stations. And yet you are asked to legislate upon a subject that is so extremely sensitive as the vast amount of capital invested in railroads. The estimated amount is immense, absolutely immense. It is useless to state it here again; it is well known that it is between seven or eight billions of dollars. The mileage is immense. At the end of 1883, from Poor's Manual, we find that the railroads have increased nearly double in length of miles in a few years. There were 61,000 miles in operation in 1871 and 121,000 up to January 1, 1884.

Capital is extending these means of communication to our Territories, however distant they may be. If you look at the census tables, or if you look at this table in Poor's Manual, you will see the wonderful increase of capital finding investment in the railroads in the Territories. Some of those Territories are increasing rapidly in population. Some of them are knocking at our doors here for admission as States. How have they come into that prosperous position? By the increase of population, by the easy means of access to them by the railroad systems of the country. In the next ten years, if fairly dealt with, whatever may be the complexion of Congress, Democratic or Republican, we will have probably five Territories admitted as States in this Union. But that never can be unless you carefully legislate upon the subject of railroad enterprise and extension.

The early pioneers who went to California—and the commencement of the settlement of California is in the memory of many of us in this House—toiled on foot, some of them, across the deserts and through the valleys and over the hills; some of them went in wagons. Do you not suppose that those enlightened American men as they sat in their wagons moving slowly or traveling slowly on foot—do you not suppose they could see in the future a railroad connecting the Atlantic with the Pacific? Do you not suppose they saw that; and would you to-day, if you had the power under the law and the Constitution, take up those iron bonds between the East and the West, between the Atlantic and the Pacific, even if you could get back what Congress in its liberality appropriated in land for the establishment of rapid communication from the eastern seaboard to the Golden Gate?

When I look back upon the legislation of Congress for a few years I notice with pleasure the large appropriations which have been made for improving the navigation of our rivers and our harbors. I would not take back one vote that I have ever cast for such propositions. Those appropriations improve the water ways of the country. And yet to-day my friend the gentleman from Texas does not look with such a liberal view upon railroads and their interests as he has done, and I hope will continue to do, upon the appropriations for the improvement of rivers and harbors. I do not know, sir, but that this legislation was prompted originally by the river interests of the country. They are not willing to come within its provisions. We have tried that in the committee, and it has been tried upon this floor from time to time. Oh, no! You do not seek to regulate the interstate commerce that is carried on the rivers of the country. You do not require a steamboat-master or the owner of a steamboat to post up in his office and at the ports where the steamboat calls every five days a schedule of charges. Oh, no; let the railroad company do that, however expensive it may be, although it should add thousands of dollars to their expenses!

You do not go into the counting-house of a merchant or manufacturer and ask him to post up his prices or his charges a week before he changes them. You let the wholesale merchant trade and the retail merchant trade and regulate his prices as he may see fit. You do not require him to post up in his store a notice of what he will charge a week hence or five days hence, as is required of railroads in the provisions of the substitute offered by the gentleman from Texas. There are millions and millions of capital invested in merchandise and in manufacturing throughout the country, but you do not impose any such duty there. But you come upon the railroads which to-day give you comfort in carrying you and your families from your homes and back, and which have transported your merchandise and the products of your soil at almost no charge, if I may use that expression, the charge being so small. Oh, no! They are monopolies and we must legislate against them.

I do not propose to go into the details of the bill or to discuss the subject of pooling and the subject of rebate. No railroad company to-day wants to have a rebate that discriminates against any individual. My friend from Maryland [Mr. FINDLAY] quoted a case which lately occurred in his State. Some one man in the employ of some railroad might have used deceit; some dealer might have had his freight carried at a penny a pound or a dollar a ton less than some one else. It is a matter of contract. The remedy is at the common law, and always has been, and will continue to be, even though the strong iron-clad provisions of the substitute bill should prevail.

There has been a great deal said upon the subject of pooling. I only wish I understood those things practically. What I know of them I have learned from others who do understand them. I did not learn it from some chance man who comes from the city of New York, some man jealous of some railroad corporation, or some one who has capital invested in railroads, and who makes an individual complaint before a committee and asks the committee to pass an iron-clad bill such as would gratify the gentleman from Texas. I do not attach great weight to the action of any local board of trade that may come here and seek to represent that this legislation must be passed by Congress or that transporters will be destroyed. I take the voice of the aggregation of boards of trade when they meet in national convention, and I find there no approval of such ill-digested schemes as are embraced in the provisions of some of these bills.

There are, as I have said, several bills on this subject. There is a bill presented by the gentleman from Michigan [Mr. HOBE], there are some bills in the Senate—the bill of Senator CULLOM and one or two other

bills—that look to me as if they were measures prepared by statesmen, by men who wanted to be just, by men who wanted to subserve the interests of the people and at the same time not crush the just rights of capital. I approve the provisions of some of those bills; yet I am free to say that with the State legislation existing to-day on this subject I believe there is no need of legislation of the character proposed in the substitute. There can not be any great popular demand for such legislation. If there were, we would have heard it by petition and memorial.

I appeal to my fellow-members and ask them whether the people have been heard from to any extent in that way. I do not say that some petition on the subject may not have come here; but I undertake to state that there is no such public sentiment coming up from the people of this country to Congress as requires us to pass such a measure as the substitute bill of the gentleman from Texas. This country is too great, the people are too numerous and intelligent, to be misguided by what may be said. Our 55,000,000 people know their own wants; they understand what they require; they go on and transact their business. Although at one time in the western section of the State of Pennsylvania, about Pittsburgh, there were complaints of local charges on the main stem of the Pennsylvania Railroad, complaints that freight could be carried at a lower rate from points west of Pittsburgh to Philadelphia than from Pittsburgh to Philadelphia, yet to-day these have ceased, or if there are any they are so few that they have not been brought to the attention of Congress or the country.

I stand here in the interest of the people whom I represent. I stand here sharing in the interest which all members should feel in the success of the business enterprises of the country. I stand here to condemn unjust legislation—unjust because it touches incorporated companies only.

Let us deal justly by individuals and by corporations. Let us not as members of the Forty-eighth Congress pass a bill which when we find it upon the statute-book we shall regret having passed. I need only refer to the manner of rebate as proposed by the gentleman from Texas. By the system he proposes you will do absolute injustice to the shippers of freight. You bind the railroads so that they can not discriminate at all whether they shall take a load of perishable freight and leave a load of coal. You allow them no discretion. All freight must move on without discrimination, no matter what may be the character of the particular freight. I might refer to other instances of injustice. By such legislation you put chains upon the movements of the railroads of the country with their 121,000 miles. You embarrass capital—capital that went generously to the State represented in part by the chairman of the committee; capital that built 6,000 miles of railroad within that State; capital furnished by strangers, scarcely one hundred miles of road having been built within its borders by capital furnished by the people there.

Now look at the growth of the State; look at its railroad extension. Look at the extension of the railroad system into a sister republic (Mexico), millions of dollars having been contributed by American citizens to build railroads connecting the two countries. Such extension of railroad enterprise presents a grand prospect; and I propose to let these corporations alone yet awhile. The burdens they may have put upon the people are too slight to be compared with the good that has been done by the bravery and enterprise of men who put their capital into such enterprises and furnished us the means of transportation and passage from one end of the country to the other, North and South, and from the Atlantic to the Pacific.

Mr. WARNER, of Ohio, obtained the floor.

Mr. O'NEILL, of Pensylvania. Mr. Speaker, I believe I did not consume all my time.

The SPEAKER *pro tempore* (Mr. TOWNSHEND). The gentleman had fifteen minutes remaining, but he did not claim to hold the floor any longer.

Mr. O'NEILL, of Pennsylvania. I wish to yield five minutes to the gentleman from Massachusetts [Mr. ROCKWELL].

The SPEAKER *pro tempore*. The Chair, not being aware that the gentleman desired to reserve any part of his time, has recognized the gentleman from Ohio [Mr. WARNER].

Mr. O'NEILL, of Pennsylvania. Then I will reserve the residue of my time.

Mr. WARNER, of Ohio. Mr. Speaker, I believe it has come to be the settled judgment of thinking men in this country, and is conceded generally by railway owners and managers themselves, that the time has come when the General Government should assume the regulation of interstate traffic on our railways. The railroads of the country have grown to such proportions that States are admittedly no longer adequate to the needed regulation; and what ought to be done, and can not be done by the States separately, ought, if the constitutional power exists, to be done by the General Government.

That the constitutional power does exist to regulate interstate commerce on railways as well as on water ways will, I think, hardly be questioned. That the necessity of some regulation exists, and that the States are inadequate to provide the needed regulation, is manifest from the enormous extent of this traffic, affecting, as it does, the vast industrial and commercial interests of the whole country. Railways, at first constructed under charters obtained for the most part from the States as separate lines, have, by amalgamation and consolidation, grown into vast systems, embracing, some of them, half of the continent. State boundaries become to them but imaginary lines.

No doubt the public interest has been subserved, the cost of railway management greatly lessened, and the cost of carrying reduced by the consolidation of separate roads into systems; and it must, I think, be admitted that amalgamation has not brought with it the evils at first anticipated. A writer on this subject in the Fortnightly Review for July, 1875, says of English railways:

> The amalgamations which have been effected from time to time have in a large degree controlled the rates and fares, generally speaking, to the benefit of all concerned.

But while this is true, it is also true that the power of railroads over the trade, commerce, and productions of the country has been thereby vastly increased, and for this reason the necessity of regulation has increased.

It has, I know, been a favorite theory among railway operators that regulation should be left to competition alone. But competition has not proved sufficient. It is a saying of Stephenson's that "where combination is possible competition is impossible."

The report of the parliamentary committee of 1872 contains this entry:

> In looking back to the history of parliamentary inquiry and legislation from 1840 to 1872, it is evident that the predominant idea in the mind of the public has been that competition, which is so powerful a regulator of most commercial affairs, would also suffice to regulate railways; while, nevertheless, by a slow and gradual process of experiment, one form of competition after another has proved to be inadequate.

And the writer above quoted says:

> It was expected that competition would regulate railways, but instead of this the railways regulate competition.

Competition, then, has ceased to be an all-sufficient regulator of everything. Sometimes competition is little less than a war of one interest, one road, upon another. As an escape from the disastrous consequences of competition, the tendency in almost everything seems to be to combinations. Especially is this true of railways, making their proper regulation as common carriers the more necessary. Admitting, then, that regulation of interstate railway traffic is necessary and that Federal regulation alone is adequate, the first question that arises is, what is the object of regulation or what is to be secured by regulation?

Here we come at once upon common-law principles. The object of regulation is manifestly to secure to the public equal rights and equal facilities for traffic.

In the "suggested regulations" of the parliamentary committee of 1872 the following were laid down as the object of railway regulations:

1. Reasonable rates.
2. Reasonable facilities and equal facilities to all.
3. Security to the public against unjust discrimination and undue preference.

Or, as it may be stated, the public is entitled to regulations to prevent unjust discriminations, to compel reasonable facilities, and to enforce reasonable rates and carriage within reasonable time—"due and reasonable facility in the interest of the public."

But, first of all, the object of railway regulation should be to prevent discrimination and secure equality to shippers. Do this effectively and little else will remain to be done. Favoritism, unjust discrimination, has hurt more than all other wrongs connected with railway traffic. This is the root of the evil. Prevent unjust discrimination, secure equal advantages to all, and you will have accomplished the chief end of regulation.

The British railway commission, according to a recent decision of the court of queen's bench, has power to deal only with questions of "undue preference," "or the withholding of reasonable facilities." Railroads must be compelled to show due regard to the wants of the public.

The next question is, how can the needed regulation be best provided for?

Here gentlemen differ. Two different modes are before us, one contained in the committee bill, and one in the proposed substitute known as the Reagan substitute.

One plan is to enact laws, specify what may or shall and what shall not be done, fix penalties, and send the parties aggrieved to the courts for their remedy. The other, the committee bill, proposes only general regulations and a commission to investigate and report, but relying on the courts in the end for relief.

All prudent men will agree, I think, that it is better at the outset in a matter of such importance not to go far enough than to go too far and incur reaction. Fortunately we are not without some experience to guide us in a matter so important. Railways have been in operation half a century; a thousand questions have arisen, and as many laws enacted in this country and in England as remedies for as many evils. In 1873 England, after a parliamentary inquiry, passed a law establishing a commission. Up to that time it is said that there had been passed 3,000 acts, most of which were dead letters on the statute-books. It would seem as though the prediction of Sidney Smith had been realized: "If

Parliament," he said, "get out of temper with these metallic ways they will visit them with laws of iron and burst upon them with the high pressure of despotism." But even laws of iron alone did little good.

There is scarcely a State in the Union that has not pages of laws relating to railway traffic which the courts are open to enforce. But the plain truth is nobody enforces them. It is too costly and tardy as a remedy and falls too heavily on single persons.

A witness testifying before the parliamentary commission of 1872 says, "Whether the railway companies are compellable or not I do not know, but nobody compels them."

I am inclined myself to agree with a writer who says, "No trading interest, large or small, ought to be exposed to the risk of forcing from railway companies by legal process what ought to be granted without such trouble and expense"—that is, the responsibility of enforcing regulations, preventing discriminations, and compelling railways to furnish proper facilities, and to treat all under like circumstances alike ought not to be left entirely to those who are injured.

The assumption of control by the General Government, if no other means are provided for enforcing prescribed regulations than a right to go into the State or United States courts—which for the most part now exists under State laws—will, in my opinion, fall far short of the end it is desired to reach.

In 1873 an act passed the British Parliament providing for a railway commission; but I will read first from the act cap. xxxi, 17 and 18 Vict., passed in 1854, for the better regulation of the traffic on railways and canals:

> Every railway company, canal company, and railway and canal company shall, according to their respective powers, afford all reasonable facilities for the receiving and forwarding and delivering of traffic upon and from the several railways and canals belonging to or worked by such companies, respectively, and for the return of carriages, trucks, boats, and other vehicles, and no such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic in any respect whatsoever; nor shall any such company subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Then, as a remedy, section 3 of this same act (1854) provides:

> It shall be lawful for any company or person complaining against any such companies or company of anything done, or of any omission made in violation or contravention of this act, to apply in a summary way by motion or summons—

To any court or judge—

> and it shall be lawful for such court or judge to hear and determine the matter of such complaint. * * * And if it be made to appear to such court or judge on such hearing, or on the report of any such person, that anything has been done or omission made in violation or contravention of this act by such company or companies, it shall be lawful for such court or judge to issue a writ of injunction or interdict restraining such company or companies from further continuing such violation or contravention of this act, and enjoining obedience to the same; and in case of disobedience of any such writ of injunction or interdict it shall be lawful for such court or judge to order that a writ or writs of attachment or any other process of such court incident or applicable to writs of injunction or interdict shall issue against one or more of the directors of any company, or against any owner, lessee, contractor, or other person failing to obey such writ of injunction or interdict, &c.

I read this for the purpose of showing what powers are given to the railway commission subsequently created by the act of 1873, which gives the same powers to the commission. For after experimenting with laws innumerable, which were never enforced, for regulating traffic upon their railways, the Parliament of Great Britain passed an act providing for a railway commission. The powers of the commission, as prescribed in the act of 1873, are as follows:

> Any person complaining of anything done or of any omission made in violation or contravention of section 2 of the railway and canal traffic act of 1854—

That is a part of the section which I have just read—

> or of section 16 of the regulations of railways act, 1868, or of this act, or of any enactment amending or applying the said enactments respectively, may apply to the commissioners, and upon the certificate of the board of trade alleging any such violation or contravention, any person appointed by the board of trade in that behalf may in like manner apply to the commissioners.

Then follow the powers of the commission:

> And for the purpose of enabling the commissioners to hear and determine the matter of any such complaint, they shall have and may exercise all the jurisdiction conferred by section 3 of the railway and canal traffic act of 1854.

This is the section I have in part read, which prescribes the powers given by the act of 1854 to the courts.

The same powers are by this act conferred upon the commissioners. That is, the powers which under the act of 1854 were given to the courts by this act are given to the commissioners, for the act goes on to say:

> The commissioners shall have all the jurisdiction conferred on the several courts and judges empowered to hear and determine complaints under that act; and may make orders of like nature with the writs and orders authorized to be issued and made by the said courts and judges; and the said courts and judges shall, except for the purpose of enforcing any decision or order of the commissioners, cease to exercise the jurisdiction conferred on them by that section.

That is, they constitute a separate court, which is designated a commission, and to that court or commission is given full power to enforce the regulations prescribed in the act of 1854, and make it the duty of the commission to see that the regulations therein prescribed are carried out by the railroad companies.

In its report of 1882 the commission says:

> The number and variety of cases which have been before the railway commission, and upon which they have given just decisions, is proof of the value of the tribunal.

A writer in the Fortnightly Review says:

> The act of appointing the railway commissioners and the valuable work which has already been done may be taken as an indication that this act is more workable and more calculated to settle differences between the railways and the public and between the railway companies themselves than all previous legislation on the subject.

The British commission has power to adjudicate between railway companies as well as between railway companies and the public. The powers of this commission, it will be seen, are quite different from the powers of the commission provided for in the committee bill now before us.

I believe a few regulations—a few fundamental principles such as have been many times laid down—with a commission of men of ability and integrity, who would do justice alike to the railroads and the public, and with power adequate to their work, would best accomplish the desired object. I believe, too, that the public interest and that of the railroads in the long run, instead of being adverse, go together.

The tendency in modern civilization is to specialization, and I believe to secure proper regulation of railway traffic a court with jurisdiction over all questions arising out of railway transportation is necessary, and I would include in its powers the power to adjudicate between railways as well as between the railways and the public, with the right, of course, of appeal to higher courts.

How far regulations—and now I come to the substitute of the gentleman from Texas—should specify or assume to specifically control rates is not easy to determine; but I do not see how we can do better than leave the question of reasonableness of rates, as we must questions of discrimination, to be judged by the court to be established for that purpose.

As to the interference with rates, Mr. Walker, one of the witnesses before the British commission, says:

> All the witnesses have been falling back upon some natural rate that companies ought to charge, as if there were any means of getting at such a rate.

Lord Salisbury said that witnesses before committees have "an idea that when trade is bad the companies should take the loss, and when the trade is good the public take the advantage." What rates are reasonable or unreasonable can only be determined by the circumstances existing at the time. Rates must necessarily depend largely upon circumstances. The rule, however, laid down by the gentleman from Texas in his bill, namely, that no higher rate should be charged for a shorter than for a longer haul—the shorter being included always as a part of the longer—is in general a sound one, but not without exceptions.

The gentleman from Massachusetts gave some illustrations, but whether they would justify a departure from the rule or not I will not stop here to inquire. But a better illustration of an exception would be, I think, such a case as I have known to arise. Say two hundred miles from market is a coal deposit of good quality, and twenty-five miles farther away on the same road is another deposit not so good. If no lower rate can be allowed on the poorer coal than on the better grade the owner might be unable to work his mines at all, while lower rates to him might not hurt the owner of the better grade of coal. Nevertheless the interests of capital invested all over the country is so great, and the power of railroads is so limitless to break down in one place and build up in another, that, although a commission would have power to allow exceptions, the rule is a most important one as a general principle.

For instance, capital becomes invested in certain localities in manufacturing industries. If it is in the power of railways to grant without limitation lower rates of freight for a longer than for a shorter distance, they may make profitless the capital invested in one place while they induce the investment of capital in another, thus working great injustice to large industrial interests and affecting the property interests of whole towns. Regulations would be ineffective that did not embrace provisions which would protect the public interests in these respects, and there must be the power lodged somewhere to enforce regulations. The whole question then, Mr. Speaker, is this: Shall Congress prescribe regulations and leave the individual to go into the court to get his remedy, or is it better to organize a commission whose duty it shall be to see that just regulations are carried out?

I believe that a commission with power to adjudicate all questions arising out of interstate commerce on railways, both between the railways themselves and the railways and the public, and to enforce its decisions, orders, and decrees, ought to go hand and hand with the assumption of control over railway traffic. For whatever regulations are prescribed they will not enforce themselves, nor will they be enforced, except perhaps spasmodically, if left to the parties aggrieved to seek their remedy through the courts.

Our experience has been the same as the experience of England, and it will not, in my opinion, help the matter to have the right to go into the courts proceed from laws of Congress instead of from State Legislatures. The object of the laws in either case is to secure equal facilities and equal rates under like circumstances to all. Experience, both

in this country and in England, as far as it goes, shows that this end can most certainly be attained through a commission with power to judge and enforce equity. Not an iron rule inflexibly applied, but justice promptly enforced is what is needed.

Mr. ROCKWELL. Mr. Speaker, the manufacturing interest of the nation is the basis of its prosperity. Enact the principle of the second section of the Reagan substitute without the qualifying clause annexed to section 3 in the committee's bill, and you cripple the industries in every interior town in the United States. Railroads must be allowed to make certain just discriminations in favor of industries in interior towns, or the industries must be given up. Distant from markets, they can not compete with like business nearer the market without discrimination in their favor. Other elements than a blind theory of uniform rates enter into this matter. No cast-iron law should prevent railroads from benefiting their own and the business of interior towns alike by proper discriminations. It is far enough to go to say that the rates should be "reasonable" and alike "under similar circumstances." Given a manufacturing district among the hills where water-power is abundant, and until the industries get upon their feet they must be encouraged for the good of the district and as feeders for the railroad; and if when more firmly established the distance from market is found to be great, they must still ask for and receive discrimination, or oftentimes the business be abandoned.

It may be said that manufacturing must be carried on near the market or the seaboard; if so, then you must abandon the idea of ever developing the interior. The primal design of a railroad is the development of the country. That development not only aids the railroad by building up business along its line, but aids the whole country as well. Thriving villages all through the land make the country prosperous, and we should not tie up the railroads in the matter of proper freight discriminations; else we retard development. Diversified business is the nation's hope. To scatter the industries throughout our territory is a far better policy than to mass them. The railroads should have greater freedom in this matter than the second section of the Reagan substitute gives, not alone for their own interest, but for the public good.

The committee's bill provides a commission to be known as "the commission of the interstate commerce of the United States," and it is charged with the duty of carrying into effect the proposed act. In addition to the remedies by suit, any person aggrieved, with certain proper approval, can petition the commission in writing, who may examine the matter and may give notice to the railroad to desist from the violation of the law. If the railroad neglect or refuse to conform to the decision of the commission after notice, then the United States district attorney for the district in which the act complained of occurred shall apply by petition in the name of the party aggrieved to the circuit court of the United States for such district. If the court, after hearing, finds that the company has violated any of the provisions of the law, an injunction shall be issued, requiring the company to desist from such violation, and the court is given full power to enforce injunctions, orders, and decrees.

The advantage of a commission is obvious. It has the power to ascertain and report upon all questions of fact arising under the law. An independent body of men is created, whose suggestions will have weight and whose recommendations will be alike beneficial to the railroads and the public. It furnishes a place where information may be obtained and where the public interest may be conserved and protected. The necessity of such a commission becomes more apparent when we consider the many State lines our railroads cross and the immense business, yearly increasing, that they transact. A commission furnishes information, safeguards, recommendations, and, above all, it may suggest changes of law which shall bring to the public at large the results derived in individual cases.

The design of a national law is to regulate, not to cripple, the railroads, not to hamper their business and interrupt competition; nor delay the development of the country, but to secure reasonable charges for transportation under like circumstances, and to give an adequate and speedy remedy to any citizen who may be wronged by the action of the roads. Anything further than this, aside from the establishment of a commission with the power of suggestion and recommendation and the granting of reasonable rates and remedies, will only interfere with the business of the roads without benefit to the public, and will but hinder a progress based upon free action which can adjust itself to the wants of business.

The first step toward a national law should be as general as possible, broad in its view, free from perplexing detail.

The difficulty with the Reagan substitute bill is that it prevents proper and just discriminations under similar circumstances. In section 7 it gives triple damages, instead of actual damages with full costs and expenses, as provided by section 6 of the committee's bill, and it leaves out altogether the idea of a commission. For these reasons, Mr. Speaker, I support the committee's bill.

FORT HALL INDIAN RESERVATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs, with inclosures, relative to the compensation due Indians upon the Fort Hall reservation, Idaho, for right of way taken by the Utah and Northern Railway Company; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SUMNER, of Wisconsin, indefinitely, on account of important business.

To Mr. WELLER, indefinitely, on account of illness.

To Mr. KING, for the remainder of this week.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. RICE. Mr. Speaker, the gentleman from Texas in opening this discussion did not overrate the importance of the questions which it involves. One hundred and twenty-five thousand miles of railroad tracks lie like a net-work upon the surface of the country. Scarcely a line is wholly separate and distinct from the rest. They touch and interlace at a thousand connecting points—most numerous where population is densest and civilization most active. They stretch out over unsettled territory to open the way for immigration and make connection with new points of commerce or production. They represent nearly eight billions of money, including not only the contributions of the capitalist, but the savings of the middle and laboring classes, filtered through savings banks and other trust institutions into these vast reservoirs of investment. Many billion dollars' worth of commerce, a large portion of the entire wealth of the country, annually moves over them—wealth in healthy, productive activity. There is no person in the land who is not interested in whatever affects this vast internal commerce. Its movements are the pulsations of our national life.

These questions are delicate as well as important. The nervous system of the human frame is not more sensitive than the railroad system of the country. A storm, a drought, sunshine, frost, a panic, or a boom in business, all are noted by this unfailing barometer. A shock at a single point is felt to every extremity. A change of rates on the Erie Canal on freight to be transshipped to the South forces a corresponding change on every line from Saint Louis to Atlanta or Savannah. A change upon any one of the trunk lines of this country or of Canada forces an immediate readjustment on all the rest. The hand that uses the scalpel upon a system so vital, so intricate, so delicate, surely ought not to be rough or inexpert.

Before legislating for the regulation of railroads it is well to inquire how extreme is the necessity for such legislation. It is quite easy, as my colleague [Mr. LONG] has well said, to criticise railroad management, but it is altogether a different thing to decide whether that criticism is just or unjust. There are inequalities and inequities in all kinds of business. Everywhere the cunning outwit the simple, and the strong crowd the weak to the wall. The wise man succeeds where the foolish man fails, and industry and brains build colossal fortunes out of dry goods or pork as well as out of railroads. I do not question that there have been many instances of injustice and wrongdoing in railroad management, but I do not believe there are less in proportion in any other business of importance and complications.

I beg gentlemen who declaim eloquently about the oppression of the people by these monopolies, and recommend the application of what they call "heroic treatment" to curb their power and reform their practices, to consider what railroads have done for the public service unaided by Congressional wisdom and unrestricted by Congressional legislation.

English railroads average three times as many passengers to the mile as ours; their gross receipts are three times as great per mile. They are operated in a compact, thickly-settled country, teeming with business; yet our roads are operated for about the same per cent. of the gross receipts and charge but little more than half the rates. Our railroad service is already the cheapest in the world. This does not indicate an alarming degree of thriftlessness or extortion on the part of those who manage it.

We may be further relieved of apprehension by the undeniable fact that the Eastern and Western railroads are constantly reducing their already low rates, and that the average freight rate on the Eastern roads is now less than 1 cent per ton per mile and but little more than 2 cents per mile per passenger. We should be very confident of our own freedom from prejudice, accuracy of information, and correctness of judgment before we radically interfere with the details of a management which has afforded such results as these.

CENTRALISM.

We hear a great deal of talk nowadays about the growing tendency of this Government toward centralism. I doubt if there was ever a bill before Congress making a longer stride in the direction of centralism or involving a more absolute and far-reaching exercise of the national authority than the so-called Reagan bill. Certainly we can no longer question that this is a nation when Congress assumes jurisdiction over every ton of freight that crosses by rail one State line into another and attempts to regulate the charges of State roads confined within the State which chartered them.

I do not wish to controvert the arguments by which the power of Congress in this respect has been maintained, but I suggest that the possession of power by no means necessitates or makes advisable its active and intrusive exercise. The earth is surrounded and kept in place by an atmosphere of forces the very existence of which renders their patent and sensible interposition unnecessary if not dangerous. Admitting the existence of this national authority even to the extreme claimed by the learned gentleman from Texas, is it wise and practical to employ it in the regulation of the minute details of railroad management, rather than to leave them to the operation of the same laws by which other business matters are controlled, trusting to the existence and supervision of this supreme central power to be actively exercised only in extreme and exceptional cases? The committee in their bill have adopted the latter view. The Czar of all the Russias terrorizes his vast domain by a power scarcely more arbitrary and despotic than would be exercised by the Congress of the United States should it adopt the substitute moved by the gentleman from Texas.

POWER OF CONGRESS.

Still, admitting the power of Congress, whence does it come and how far does it extend? The fact that railroad corporations are chartered gives to the States which charter them no special power over them not reserved in the charter. We find corporations chartered or under general law engaged in almost every branch of business. Nor does the fact that the State exercises its power of eminent domain in behalf of railroad corporations add to its authority over them. A thousand manufacturing establishments all over the country depend upon the exercise of the same power for their water rights. The special power of the State over railroads is from the fact that they are public carriers, and of the United States that they are public carriers of United States commerce.

Now, it is plain, and even the gentleman from Texas, with all his tendencies to centralism, admits it, that Congress can not make regulations for railroad business done solely within a State. The New York Central can oppress the millers of Rochester and destroy the cities and towns upon its line, upon which it depends for its local business; the Pennsylvania Central can wholly disregard the wishes and even the rights of the oil producers of the western section of the State, can buy up the State Legislature, and cause riots which United States troops may be required to quell; but Congress can do nothing to remedy or alleviate the difficulties, because these railroads are operating solely within the States and under State laws.

But is it quite certain that Congress can interfere with the rates and charges of these great roads even as to interstate commerce? They are not obliged to make any contracts operative beyond their own States. What if they see fit to haul freight and make rates only within those States—the one to and from Buffalo, the other Pittsburgh? How can the gentleman reach them with the national arm and force them under the provisions of his bill? It is certain that all water freights from the West to Buffalo and thence by rail to the coast would be absolutely exempt from its provisions; and, if so, would not this give an advantage to the New York Central over its rivals which would enable it to defy all competition? In view of all these doubts and difficulties it would seem to be wise to feel our way somewhat cautiously and perhaps listen a little to expert advice before rashly attempting what we may not be able to accomplish.

HISTORY OF THE REAGAN BILL.

I have observed since being a member of Congress the progress and history of the Reagan bill. Mr. HOPKINS, of Pennsylvania, rightly claims its real paternity. He introduced in the Forty-fourth Congress a bill which seems to have been the germ of this. Mr. REAGAN introduced the same bill in the Forty-fifth Congress, and it was referred to his committee. A little later, January 21, 1878, Mr. Watson, of Pennsylvania, introduced a bill on the same subject, which was referred to the same committee; this bill slumbered in committee until May 2. On that day Mr. REAGAN rose to a personal explanation, and caused to be read extracts from the Pittsburgh Gazette, violently and most unjustly criticising him for holding the bill so long in his committee. On the same day he reported from the committee the bill introduced by Mr. Watson, which has since borne the name of the gentleman from Texas, although the bantling is his only by adoption.

This bill, introduced as above, with slight verbal differences, had its origin in the Legislature of Pennsylvania, and was the outgrowth of a fierce railroad competition for the transportation of petroleum. In debate upon it in this House the gentleman from Texas said it had been drafted with great care by a learned and expert railroad lawyer, and disclosing its origin and purpose, but disregarding his own better knowledge of law, repeatedly spoke of the necessity of preventing greater charges for freight from Pittsburgh to Philadelphia than from Chicago to Philadelphia. The learned and expert lawyer who drew the bill had paid more attention to the woes of oil producers than to the rules of language, and after considerable debate the chairman of the committee withdrew it for the purpose of grammatical revision. This accomplished, he again introduced it very nearly in the form in which it is now before the House.

And thus this bill, born of local passion and strife, discarded in the Legislature of the State where it had its origin, adopted by the gentleman from Texas and corrected and improved by his skillful hand, has worked its way into the national Congress, and seeks sway over the whole country. It would cramp the commerce of the nation into the straight-jacket designed for the petroleum traffic of Pennsylvania.

PROVISIONS OF THE REAGAN BILL.

The chairman of the committee has declared the purpose of his bill to be to establish four great principles:

First. That there shall be no discrimination in regard to freights.

Second. That there shall be no rebates or drawbacks.

Third. That there shall be no pooling of rates.

Fourth. That more shall not be charged for a short distance than for a long distance on the same haul.

It also provides that railroad companies shall post and keep posted, in all their depots, schedules of all rates and charges from the place where the schedules are posted to every other place to which freight can go thence, which schedule must remain in force until at least five days after others are posted in their place. The eighth section of the bill provides substantially that any director or officer of any railroad company violating any one of its many onerous provisions shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $1,000. The next step may well be to keep a director tied to the cow-catcher of every locomotive that draws a passenger train.

DISCRIMINATIONS AS TO FREIGHTS.

The first section of the bill is intended to provide against discriminations in regard to freight. If it merely prohibited unjust discrimination growing out of corruption or favoritism or any other cause, this section would be deserving of support. But it forbids, arbitrarily and absolutely, all discriminations in regard to freights.

But all discriminations in freights are not unjust or improper; they are sometimes really necessary and conducive to the interest of the very persons against whom at first thought they seem to press. A railroad must first pay the current expenses of its operation. If its business fails to do that for any considerable time it must stop. But when the gross receipts are equal to the regular and permanent expenses the business may be largely increased without a proportionate additional outlay. The locomotive that draws ten cars can draw twenty just as cheaply. Hence it is an object to find freight for the ten additional cars. The business that filled the first ten may well submit to the addition of the second ten at a less rate, because the greater proportion of every dollar paid by them will add to the net income of the road, and thus tend directly to the reduction of its own original rates.

A certain section produces ice for the city market, and can afford to pay $2 a ton to move it to the market. The same section produces iron, which can pay $1 a ton and no more. The ice dealer is not injured in paying $2, while the iron dealer sends his freight by the same train for $1. On the contrary, it is quite possible that the railroad is enabled to carry the ice for $2 a ton instead of $3 by the addition to its net income derived from carrying the iron for $1.

A certain district produces oil under the same conditions with another district, excepting that it is a thousand instead of five hundred miles from the common market. The railroad carries oil from the farther district for $10 a car-load, and charges $20 for all other freight from the same place. But it is quite possible that if the oil were not carried at low rates to compete with that nearer the market, but were left in the earth, that place would have no railroad at all, or only at most onerous rates.

Again, it is contrary to the laws of trade that the shipper who regularly loads a hundred cars a week with freight should pay the same rates as he who now and then loads but one. In every other business the large dealer, the wholesaler, has an advantage over the small dealer or the retailer. These illustrations are sufficient to suggest the practical difficulties and wrongs even of an arbitrary prohibition of all discriminations in regard to freight. It is sufficient and better to provide, as does the committee's bill, by a wise supervision against any which are corrupt or personal.

THE REAGAN BILL CREATES DISCRIMINATIONS.

But this bill claiming to prevent discriminations is the source and creator of them to an extent never before existing in this or any other country. It discriminates in favor of every railroad carrier who confines his operations to a single State; in favor of every one who can receive at the terminus of his road freight brought thus far by water; in favor of the carrier by water everywhere; and in favor of the carrier by a foreign road competing for freight with ours. The Dominion of Canada would not find it long difficult to complete its Pacific road when it can compete with our transcontinental lines hampered by these provisions as to rates and schedules, and the stockholders in those now existing competing with ours for east and west freight would soon rejoice in long-waited-for dividends. Nor can I understand why the framer of this bill has exempted water freights from its provisions. The committee bill has done the same. My colleague says it is because the difficulties of including water freight were insuperable, but it seems to me the difficulties of excepting it are greater. Interstate commerce moves on the water equally as on the rail. Why hamper the one class and leave the other free? And this in a bill professedly intended to prevent discriminations!

REBATES AND DRAWBACKS.

The second section of the bill prohibits absolutely and unqualifiedly all rebates and drawbacks. But these may sometimes be allowed without harm to anybody. A shipper contracts with a railroad carrier to carry all his freight at the lowest current rates. He finds that a rival shipper by another road is underselling him in the distant market owing to lower secret freights than he has paid. Is there any reason why he should not rely upon his contract with his road to rebate to him the late-discovered difference?

A railroad contracts with a shipper that if his shipments reach a certain amount in a certain time he shall have a reduced rate. It is not certain whether or not he will comply with the condition. He pays full rates until he has shipped the stipulated amount and then receives his drawback. Who is wronged by it?

Western producers pay one rate on freight which stops in New York and a lesson that which is transshipped to Liverpool. It is all shipped mingled in bulk. It is not known until the freight reaches New York, perhaps not until some time after, how much will remain there and how much or what will be transshipped. No one is harmed by allowing the rebate on that which primarily paid New York rates but is subsequently shipped to Liverpool. In this respect, as in discriminations, unqualified prohibition is unwise, while all the evils complained of would be obviated by a wise supervision, as provided by the bill of the committee.

POOLING.

The third section of the bill prohibits pooling. This was not contained in the original bill, but has been added to meet an evil since discovered. The word "pooling" suggests evil practices. It is an admirable catchword by which to stimulate unenlightened prejudice. But when we understand the practice the word is here used to signify, we shall find that the harm is chiefly in the word rather than in the practice. Pooling is simply an attempt by the managers of competing roads to secure by an agreement among themselves stability of rates, and, so far as may be, the advantages of consolidation of systems of roads serving areas too vast and various for the perfect application of that principle.

It is a popular delusion into which the supporters of this bill have fallen that the public interests are promoted by a constant and active competition as to freights. Really such competition frequently causes sudden and extreme fluctuations in prices, which do good to nobody, but harm to many. The most violent railroad wars ultimately result either in ruining one or both of the competing roads, or in an agreement by which they make up, and more, by higher rates the losses they have incurred by the lower.

These effects of unregulated competition were early experienced in England. The stronger roads bankrupted the weaker by their longer endurance, only to find in them fiercer and more reckless competition after the hope of dividends had passed. To avoid these results, soon found to be inevitable, railroad policy tended toward consolidation or amalgamation, which is pooling in principle. It was claimed that parallel roads or a system of roads could be operated together more economically and efficiently than separately. Railroads sought legislative authority to amalgamate; the unenlightened popular feeling was hot against this policy as it is here against pooling. It was declared to be in the interest of the railroads against the public. Under it a powerful road would absorb another, until, like Aaron's rod, it had swallowed all the rest. It would thus become a monopoly absorbing wealth and power, and ruinous to the public interests.

A parliamentary commission was appointed, composed of the ablest and most judicious statesmen of the kingdom, who should thoroughly investigate the subject. Their report settled the question in favor of the railroad policy and against the popular apprehension. Its wisdom has not since been questioned in England. The report says:

> English legislation for a long time discouraged amalgamation; but amalgamations have been effected with directly opposite results to those anticipated.

In support of this statement it cites the case of the Northeastern Railroad Company, as follows:

> The Northeastern is a striking illustration. That railway, or system of railways, is composed of thirty-seven lines, several of which formerly competed with each other. Before their amalgamation they had, generally speaking, high rates and low dividends; the system is now the most complete monopoly in the United Kingdom. From the Tyne to the Humber, with one local exception, it has the country to itself, and it has the lowest rates and the highest dividends of any large English railway.

It is possible that an examination into the workings of the practice of pooling, as provided by the bill of the committee, instead of its peremptory and unqualified prohibition as provided in the Reagan bill, would result in discovering some merit in it—perhaps even to giving it some of the credit of the great reduction of freights during the first few years on the roads practicing it wholly or in part.

The policy of consolidation or amalgamation has already made great progress in this country. First, State lines consolidated. Gradually the process was extended beyond State lines, until few great systems were established contending for the carrying trade of the country. These consolidations have promoted efficiency, convenience, and economy. Rates have been lowered by them and travel rendered more expeditious and convenient. At first the rivalry between them was intense; their wars were titanic, they depleted their own treasuries for the sinews of war, and then plundered the business of the country to replenish them. They were compared to the robber barons, who built their castles on the cliffs overhanging the public ways and plundered the traveler that they might war on each other.

But we have got into a more enlightened age than that of the robber barons. Public opinion called a halt, and common sense and English experience suggested a better way. Covering too vast an area and involving too various interests for consolidation into a single system, they sought to attain similar results by a federation between different systems. This plan has been in operation for seven or eight years under as able and honest management as was ever brought to the administration of vast and complicated business interests. The idea of a peace congress for the settlement of national difficulties has been anticipated and realized by this plan for railroad management. Differences between them are referred to an able board of arbitrators, whose decisions, worth no legal power, are accepted as binding by all parties. The policy means peace rather than war, unity rather than competition. It has worked out great results for good, both for the railroads and for the public. Instead of being prohibited, it should be encouraged. Re-enforced by legislative recognition and watched by Government supervision, it will ultimately furnish the true solution of the railroad problem. Federation in America, like amalgamation in England, will result in lower rates to the shipper and higher dividends to the stockholder.

LOWER RATES FOR LONGER DISTANCES.

The substance of the fourth section of the Reagan bill is condensed by the gentleman from Texas into a statement that "no more shall be charged for a shorter than for a longer distance on the same haul."

No railroad practice has caused greater outcry than that of charging more for a shorter than a longer distance. Its injustice seems obvious even to superficial observation. How can it be right for a road to charge less for carrying a barrel of flour a thousand miles than for another five hundred miles on the same line? On this point the supporters of the Reagan bill have concentrated their forces and thrown up their strongest fortifications. The gentleman from Texas has declared that there shall be "no discrimination against interterminal points." He lives at Palestine, two hundred miles inside from Galveston, and complains that the railroad charges more for freight from Saint Louis to Palestine than from Saint Louis to Galveston.

Mr. REAGAN. If the gentleman from Massachusetts [Mr. RICE] will allow me, I desire to remark that if I said at any time that I did not allow any discriminations I did not say what was in the bill or what I meant to say. I have repeated over and over again that I do allow all the discriminations which difference of distance gives.

Mr. RICE. I am trying to show that your bill does not allow them

Mr. REAGAN. All right.

Mr. RICE. I am perfectly aware of what the gentleman claims.

The gentleman from Illinois, Mr. Sparks, supporting this bill in the Forty-sixth Congress, echoed the declaration and complaint. He lives at Carlyle, forty-seven miles east from Saint Louis, and yet the railroad charges 88 cents for carrying a barrel of flour from Saint Louis to Baltimore and a dollar from Carlyle to Baltimore. Here is discrimination with a vengeance, which no one with half an eye can fail to see. And yet probably these charges are just and fair, and to reverse them and charge the same or less for the shorter distance would be unjust and unfair. Galveston fronts on the sea. Commerce comes to her not only by steam on the rail, but by steam and sail on the water from every part of the world. Nature, not the railroad company, has discriminated in favor of Galveston. The railroad must bring to her freight as cheap as it comes by water or not bring it at all. Palestine is an interior town, enjoying the great honor of being the residence of the chairman of the Committee on Commerce, but I doubt if it would enjoy the added advantage of a railroad were it not for the freight which passes through it *en route* to and from Galveston.

I have not been able to find Carlyle on any map. I doubt not it is a respectable town in Southern Illinois. The gentleman from Illinois said that it is a way station on the Ohio and Mississippi Railroad, forty-seven miles east from East Saint Louis. But Saint Louis is not a way station on a single line of road. She is the proud mistress of the Mississippi and the Missouri, and has five great railroads pointing east. Nature has discriminated against Carlyle in favor of Saint Louis.

Saint Louis gathers in the commerce from an imperial domain and distributes it to its various points of destination. She has all the facilities for doing this on a large scale and economically. Extensive grounds, full corps of experienced employés, elevators, cattle-yards, all the improved appliances of railroading. Carlyle has not these, and in the nature of things never will have them. The ingenuity of the gentleman from Illinois can not devise legislation which will make her the commercial equal of Saint Louis, or make it just that the railroad shall gather up her scattered and irregular car-loads of freight slowly and inconveniently, and transport them to Baltimore for the same price as from Saint Louis, although the distance were several times forty-seven miles less.

The gentleman from Texas says that he does not mean to take away but to limit this power of discrimination as to places; that he allows

them (the railroads) all the margins of the differences of distance, and provides that they shall not charge more for the shorter than the longer distance, while there is nothing in the bill to prevent them from charging as much. What does the gentleman mean by this rule? Where does the distance begin to run and where does it end? Does the distance begin at the western terminus of railroads on the Pacific, or at some middle point, at Kansas City, or Saint Louis, or Chicago? Are the grain freights to be reckoned from Bismarck or Saint Paul or Chicago? By what rule are these questions to be settled?

Mr. REAGAN. If the gentleman from Massachusetts will allow me I will answer that question. The bill defines explicitly where they are to be. All the road operated by one company is one haul; any railroad and all the road, controlled by it constitutes one haul.

Mr. RICE. There is no question but one corporation controls the road from Saint Louis to New York.

Mr. REAGAN. If that be so, that is one haul.

Mr. RICE. Then your bill provides there shall be no more charged for hauling to any point between San Francisco and New York than is charged——

Mr. REAGAN. There is no one road from San Francisco to New York.

Mr. RICE. But the entire line from San Francisco to New York is controlled by the same management.

Mr. REAGAN. The provision of the bill would require from each road, each separate road, that the charge should be no more for a longer than for a shorter distance.

Mr. RICE. That is not what the bill says. The provision applies to each road or each line of roads controlled by the same company. Now the same management, without a doubt, controls the line from Saint Louis to New York.

Mr. REAGAN. If the gentleman will allow me, what he says is against his own argument, because it would show freights can be taken as cheap from Saint Louis to New York as from any intermediate points.

Mr. RICE. But your position prevents any discrimination of freight between the terminal and interterminal points; that is, between the entire haul from Saint Louis to New York and shorter hauls, excepting that the rates shall not be greater anywhere than from Saint Louis to New York.

Mr. REAGAN. Yes, sir.

Mr. RICE. That is, you take a barrel of flour and carry it from Saint Louis to New York. You take another barrel of flour from Carlyle, forty-seven miles on this side of Saint Louis. Say one is a 2,500-mile haul and the other 2,453 miles. And yet, with all the inconveniences of stopping to take up the flour at a way station, you would not allow the company to charge more for that barrel of flour for a haul forty-seven miles less than for a barrel of flour carried from Saint Louis, with five competing roads and with all the advantages of grounds, elevators, force, and all the vast amount of freight taken from there.

Is it intended that freight may be charged as much from Buffalo to New York as from San Francisco to New York? If so, why not charge more from Chicago than from Buffalo and more from Denver than from Chicago? If this is allowed, more is charged from Chicago than from San Francisco, and the rule is broken; if not, the rule is simply ridiculous and would be laughed at in any country debating society. But there is another difficulty in the way. All the lines from San Francisco or Chicago to New York are not single lines or under a single management. The freight that is paid for a car-load of corn from Kansas to New York may be distributed among possibly twenty railroads. Each receives its share prorated according to agreed rule. The effect of this rule, then, would be to prohibit any single line from taking less for its share of the long freight than it takes for its local freight. The car-load of grain from Kansas or Iowa must pay just as much from the point where it strikes the New York Central as the car-load of grain, if not of any merchandise, taken at that point pays to the terminus.

Is it possible that the advocates of this bill believe that the produce of the West, the beef of Texas and the grain of Iowa, can pay the local rates through every State and still be sold in Liverpool in competition with that grown on the Black Sea and the Mediterranean? It is the sale of that vast production in the markets of Europe that has changed the balance of trade in our favor, and built up the imperial commonwealths of the West and Northwest. It is an advantage to the railroads to carry it at such rates as will sell it in Europe, because they add the amounts so earned to their gross receipts, and by so doing are able to decrease their local rates, not forced to increase them, as is argued, to make up their losses.

If the rule in the Reagan bill should be enforced, many of the railroads of the Northwest would suspend operation, the grain would rot on the prairies, and the cattle of Texas would multiply and die on their native plains in the untamed freedom of nature.

I scarcely believe that gentlemen desire this result, but it is clear as a mathematical demonstration that such is the end toward which they are laboring.

THE REAGAN BILL DESTROYS COMPETITION AND CREATES MONOPOLIES.

The gentleman from Texas seeks to prevent the people from being deprived "of the advantages of competition in freight charges and the rates of transportation on railroads."

No device for depriving them of these advantages could be conceived more admirably adapted to the purpose than his bill. Let us suppose three cities severally situated at the angles of a triangle; a railroad is built between the cities at the base angles. By and by another finds its way around through the city at the apex angle. That city alone has not business enough to support it, but it competes with the first railroad between the cities at the base. This affords them the advantages of competition which the gentleman seeks to promote; but the distance around is longer than on the base line, and the freight must be carried by the longer road at as low or even a less rate than is charged by the shorter.

This it can afford to do if it can charge the same local rates for interterminal points as are charged by its competitor, but this bill forces the scaling down of these also, and the second road would be ruined and the people lose the advantages of competition. There are twenty different possible routes by which freight may be moved between Atlanta and Saint Louis, but one line is shorter than all the rest, and shorter than the longest by more than a thousand miles. Atlanta is growing rapidly from the advantages of her position. This bill would deprive her of the advantages of competition between twenty routes to Saint Louis and place her at the mercy of one.

Mr. REAGAN. I regret to interrupt the gentleman so frequently, and hope he will pardon me. But there is nothing in the bill on which to predicate such a hypothesis as he has now stated; there is nothing to compare freights by competing roads; only they shall not pool freights. In the case the gentleman puts each road makes its charges, and all it has to do is not to discriminate for one as against another. As between the different roads there is nothing about comparing their rates with each other.

Mr. RICE. Will the gentleman allow me a moment? I desire we shall meet each other exactly. Here is a road between two cities two hundred miles long. Here is another road going another route between the same termini three hundred miles long. Now this second road can only carry freight between the terminal points as cheaply as the other does.

Mr. REAGAN. There is nothing in the bill requiring that.

Mr. RICE. It can not compete with the other road and carry the freight if it charges higher rates.

Mr. REAGAN. What I want to say is that any basis for the gentleman's hypothesis does not exist in the bill. It only provides that rates on each road shall not be discriminative.

Mr. RICE. Can the longer road carry the freight except at the same rate as the shorter road with any chance of competition?

Mr. REAGAN. In relation to that, I have gone all the time upon the theory that it was not right to make one set of persons pay for the freight of another.

Mr. RICE. That is just what I am arguing, that your bill destroys this competition—this opportunity for competition. I think we understand each other now.

But this is not the only way by which it contrives to deprive the people of the advantages of competition. The provision requiring the posting up of schedules in all the depots giving the rates to every place to which freight can go from that place, and keeping them in force in every particular for five days after notice of a change, under penalty of a fine of $1,000 upon every director or officer of any railroad violating the provision, would of itself strike a death-blow at competition, and force a combination of all competing roads. The managers of these roads are no longer robber barons, but practical and able business men of these United States. It would be practically impossible for them to do business, each watching for the chance to get five days' advantage of every other in a change of rates, and the result would inevitably be a pool or combination, not voluntary and elastic as now, but arbitrary and forced together by the iron links of law.

The gentleman from Texas is actuated by the highest purposes, and is honestly and ably striving to work out the public good by the measure of which he is the leading and acknowledged champion, but he is walking in a path which has been trodden before and never with success. Other governments have attempted to control by legislation the details of railroad management and have abandoned the effort in obedience to the very interests they sought to promote. The government of a free and civilized people must not govern too much. It may watch and develop, but it must not hamper and check by minute interference. The internal commerce of this nation is its life. Through many and various channels it ebbs and flows, diverse yet ever intermingling, "distinct as the billows, yet one as the sea." The gentleman from Texas will find any attempt to fetter or to curb it, to check or divert its natural currents, to be as impotent as the act of the Eastern despot when he flung his chains on the swelling waves of the Hellespont.

THE COMMITTEE'S BILL.

The bill of the committee follows in the main experienced advice and successful precedents. It declares certain general principles everywhere recognized as applicable to common carriers. It provides remedies for the violation of those principles and creates over the whole a supervisory commission to represent the Government, and, at its expense and with its authority, protect the people from these abuses of which they have too often with good reason complained.

This bill is based upon the principles and largely copied from the provisions of laws which have been in successful operation in England, in Massachusetts, and in some other of the States of the Union for several years past.

In 1873 a board of railway commissioners was established in England, with large powers of supervision and control over the railways of the kingdom. It was given larger powers than are provided in this bill or than are believed necessary in this country. Its workings have been satisfactory. Its experience proves the efficacy of single decisions to settle classes of similar cases, and goes far to dispose of the objection that a commission can not manage all the business to which it would be necessarily called to attend. Its reports show that it was called upon to decide during the first year of its organization, in 1875, six cases; in 1876, seven cases; in 1877, nineteen cases; in 1878, twenty-four cases.

These decisions were sufficient to settle all the disputes which were brought before it, and certainly show a light docket for a tribunal over 16,000 miles of railway, representing three billions of investment.

In 1869 a board of railroad commissioners was established in Massachusetts, whose powers, as in the bill now under consideration, were mainly only to supervise, advise, and report to the Legislature. No railroad corporation has yet been found in the State which has dared to face an adverse recommendation of that commission made in a legislative report. The people of a city where several roads center and have their several depots imagine that it would be better that all should join in a union depot; the railroads object; the commissioners concur in the opinion of the people, and the corporations leave their old plants and put themselves down at the common junction.

The most powerful railroad corporation in the State maintained for many years its depot in the city of Boston at a point where its trains incommoded the public ways. It had been there for fifty years and had created the very travel which complained of its obstructions. It was reluctant to incur the expense and inconvenience of removal. The commissioners examined the matter and informally suggested the advisability of a removal. The suggestion was unheeded. A formal hearing was then had, and a report prepared showing the reasons why the company should remove from its old depot and build a new one. No further action was necessary. The company began building operations at once, and the massive walls of a new depot have arisen in a spot where the public travel will not be incommoded. A short time since the grain-dealers of the State found themselves undersold by a competitor whom they suspected received special favors from the same corporation above referred to. They complained to the commissioners; an examination was had; the suspicions were confirmed; a report was published stating the facts, and I do not believe any more favors will be shown to favored dealers by railroads in future. The instrumentalities by which the great problem of railroad management, and the proper relations between them and the public they serve, are to be worked out are—

First. By federation among themselves, agreeing when they can, and when they can not submitting their differences to a board of arbitration.

Second. By the establishment of State boards of commissioners upon a common plan and in frequent communication with one another.

Third. By the establishment of a national board of commissioners, supervising the whole field, watching, suggesting, reporting, occupying to the public the same position which the agents agreed upon in the plan of federation occupy to the railroads.

I am aware that this plan does not adopt the "heroic treatment" so ardently advocated by some gentlemen and formulated in the Reagan bill, but I think it provides a remedy more quiet, more healthy, and far more efficient. It fixes the public eye upon these mighty agents of commerce and informs the public mind how they are discharging their vast and responsible duties. It lets "the bright sunshine of publicity" into every railroad office in the land, and creates a public opinion mightier than law, more potent to reform than fines or imprisonments, to which railroads as well as the earnest gentleman from Kansas and myself must yield. Before it, enlightened and stimulated by intelligent and authoritative information, monopolies, no matter how strong, must yield, and wrong, no matter how intrenched, give place to right.

Mr. BARKSDALE obtained the floor.

Mr. OATES. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Does the gentleman from Mississippi yield for that motion?

Mr. BARKSDALE. I do.

WITHDRAWAL OF PAPERS.

Mr. GREENLEAF, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Isaac F. Quinby, applying for a pension, no adverse report having been made thereon.

REPORT OF COMMISSION ON SIGNAL SERVICE, ETC.

Mr. LOWRY. I ask unanimous consent to have taken from the Speaker's table for present consideration joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report. The time fixed by the existing law for making the report will expire next Monday, and the extension proposed by this resolution is necessary.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the joint commission appointed under the act of Congress approved July 7, 1884, to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with the view to secure greater efficiency and economy of administration of the public service in said bureaus, shall report on the first Monday in January, A. D. 1885, or as soon thereafter as practicable, in lieu of the third Monday in December, 1884, as required by said act.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. LOWRY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC PROPERTY AT BANGOR, ME.

Mr. BOUTELLE, by unanimous consent, introduced a bill (H. R. 7668) for the protection of the public building and property at Bangor, in the State of Maine; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

The motion of Mr. OATES that the House adjourn was then agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to the claim of James G. Field, administrator of Edmund Backers—to the Committee on War Claims.

By Mr. BARKSDALE: Papers relating to the claim of Milton S. Haire—to the same committee.

By Mr. T. M. BROWNE: Petition of 108 citizens and ex-Union soldiers of Delaware County, Indiana, praying for the passage of the Mexican war pension bill and amendments—to the Committee on Pensions.

By Mr. CALDWELL: Papers relating to the claim of Ann Hanlon, "superioress" of St. Cecilia Academy, Davidson County, Tennessee—to the Committee on War Claims.

By Mr. CANNON: Petition of James Lucas and others, praying for the passage of the Mexican pension bill—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. CLAY: Petition of the pages of the House, for an appropriation to pay them salary due under resolution adopted unanimously by the House July 7, 1881—to the Committee on Appropriations.

By Mr. CLEMENTS: Papers relating to the claim of George W. F. Lamkin—to the Committee on War Claims.

By Mr. S. S. COX: Petition of ship brokers, masters, and seamen, &c., for the repeal of part of the Dingley law—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Thomas W. Robertson and 572 others, employés of the custom-house service of New York city, asking for an appropriation to reimburse them for 10 per cent. retained salary for the period of ten months from December, 1875, to October, 1876—to the Committee on Appropriations.

Also, petition of the chairman and executive committee of the American Industrial League; of merchants, brokers of New York and Boston, and of 1,350 workers on clocks, in favor of amending the tariff on foreign clocks and wraps of wool—to the Committee on Ways and Means.

By Mr. R. T. DAVIS: Memorial of citizens of New Bedford, on Indian affairs—to the Committee on Indian Affairs.

By Mr. DEUSTER: Petition of John Rising and others, asking a pension for Christian Hable—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of Frederick Robie and 900 officers and soldiers of Maine regiments in the war, that a pension may be granted to Mrs. Sarah S. Sampson—to the same committee.

By Mr. DOCKERY: Petition of citizens of Daviess County, Missouri, asking the passage of the Mexican war pension bill—to the Committee on Pensions.

By Mr. DUNN: Petition of citizens of Phillips County, Arkansas, in favor of a national bankrupt act—to the Committee on the Judiciary.

By Mr. GEORGE: A bill for the improvement of certain rivers and harbors on the Pacific coast—to the Committee on Rivers and Harbors.

Also, petition of merchants and salmon-packers of Oregon, asking for full drawback on imported goods manufactured and exported—to the Committee on Ways and Means.

By Mr. GOFF: Petition of Wheeling Iron and Nail Company, and M. Reiley, Augustus Pollock, and others, requesting the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of Miss Kate Monroe, of Dubuque, Iowa, praying for pensions to be granted to the destitute children of the soldiers of 1812—to the Committee on Pensions.

By Mr. HILL: Petition of J. T. Templeton and 100 others, citizens of Swanton, Ohio, asking for the passage of the Mexican pension bill and amendments—to the same committee.

By Mr. HOLMAN: Petition of J. H. Woolford, Ison Ross, T. J. Humphreys, and 17 others, citizens of Madison, Ind., in behalf of a just

and equitable system of bankruptcy—to the Committee on the Judiciary.

By Mr. HORR: Petition of ex-Union soldiers, for the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. KLEINER: Petition of David H. Eells, a soldier of the Seminole war, for a pension—to the Committee on Pensions.

By Mr. LEWIS: Petition of Lucius J. Seals, for reference of his claim to Court of Claims to correct errors in decision of late Southern Claims Commission—to the Committee on War Claims.

By Mr. LOVERING: Petition of General Landes Post, No. 5, Grand Army of the Republic, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. MAYBURY: Petition for the release of the reversionary rights of the Government of the United States to a certain block in the city of Detroit, State of Michigan—to the Committee on the Judiciary.

By Mr. MILLIKEN: Petition of members of the National Home for Disabled Soldiers, at Togus, Me.; also of members of the Grand Army of the Republic, for the passage of the Mexican pension bill and Senate amendments—severally to the Committee on Pensions.

By Mr. MURRAY: Petitions of William J. McPherson, Samuel Will, James Young, and William Crumley, for pensions—severally to the Committee on Invalid Pensions.

Also, the petition of Andrew J. Konkle, late major Seventh Regiment Ohio Light Artillery, for arrears of pension—to the same committee.

By Mr. O'FERRALL: Petition of Gabriel H. Hill, late lieutenant, &c., United States Army, for removal of disabilities, &c.—to the Committee on the Judiciary.

By Mr. CHARLES O'NEILL: An act for the improvement of the harbor of Philadelphia—to the Committee on Rivers and Harbors.

By Mr. POLAND: Petition of Emily L. Alvord, widow of the late Paymaster-General Benjamin Alvord, for a pension—to the Committee on Pensions.

By Mr. PRICE: Petition of A. W. Hubbard and 50 others, favoring the passage of the Mexican pension bill as amended—to the same committee.

By Mr. RICE: Petition of P. A. Beaman and others, Princeton, Mass., for the abolition of internal excise duties—to the Committee on Ways and Means.

Also, petition of Charles Devens Post, No. 27, G. A. R., Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. RIGGS: Papers relating to the pension claim (H. R. 7422) of Alexander Hall—to the Committee on Invalid Pensions.

Also, papers relative to H. R. 3155 for the relief of James T. Dodson—to the Committee on War Claims.

By Mr. RYAN: Petition of citizens of Kansas, for the passage of the Mexican pension bill and amendments—to the Committee on Pensions.

By Mr. SINGLETON: Papers relating to the claim of William B. Sims—to the Committee on War Claims.

By Mr. H. Y. SMITH: Petition of Mary J. Dickson, for a pension, &c.—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of Music Teachers' National Association and 1,419 others, citizens of several States, for the passage of the Dorsheimer bill, or similar bill, for an international copyright law—to the Committee on the Judiciary.

By Mr. SPRINGER: Memorial of Lorenzo Durham, for the passage of a bill for his relief—to the Committee on Military Affairs.

Also, memorial of Benjamin F. Fox, praying for the passage of a bill to confer jurisdiction on the Court of Claims to hear and determine his claim—to the Committee on War Claims.

By Mr. STEVENS: Petitions of citizens of Lockport, N. Y., asking for the passage of the bill granting pensions to soldiers in the war with Mexico as amended by the Senate—to the Committee on Invalid Pensions.

Also, petition of Josiah Scott, to be placed on the pension-rolls—to the same committee.

By Mr. CHARLES STEWART: Bill for continuing the work of harbor improvement at Sabine Pass and Blue Buck Bar, Texas; also, bill for continuing improvement of Buffalo Bayou, Texas—severally to the Committee on Rivers and Harbors.

By Mr. TOWNSHEND: Petition of 52 citizens of Ohio, praying for the passage of the Mexican pension bill—to the Committee on Pensions.

By Mr. VANCE: Statement giving names of clerks employed at night copying names of pensioners from old to new rolls, &c.—to the Committee on Appropriations.

Also, letters of honorable Third Auditor, relative to extra labor of clerks in his office in April, May, June, and July, 1883—to the same committee.

By Mr. A. J. WARNER: Petition of W. A. Adair, M. D., and others, citizens of Athens County, Ohio, praying that the bill pensioning Samuel D. Stiles may be passed—to the Committee on Invalid Pensions.

By Mr. E. B. WINANS: Petition of W. E. Hamilton, J. P. Tremler, and 75 other soldiers of Clinton County, Michigan, praying for the speedy passage of the Mexican pension bill—to the Committee on Pensions.

By Mr. YAPLE: Petition of Samuel B. Corbus, and others, citizens of Saint Louis, Mich., for the passage of the Mexican pension bill with amendments—to the same committee.

SENATE.

TUESDAY, *December* 9, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs relative to the failure of the Utah and Northern Railway Company to compensate the Indians upon the Fort Hall reservation, in Idaho, for the right of way and lands taken and used for the purposes of its road constructed through that reservation; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Indian Affairs.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

Mr. HALE. Before proceeding to the first order I ask to take up the naval appropriation bill so as to make a motion upon it.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, which is pending between the two Houses on amendments of the Senate, be now taken up for consideration. Is there objection? The Chair hears none. The bill is before the Senate. The last action of the two Houses will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 1, 1884.

Resolved, That the House further insist upon its disagreement to the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. HOLMAN, and Mr. Calkins be the managers of said conference on the part of the House.

IN SENATE, *July* 2, 1884.

Resolved, That the Senate further insist upon its amendments to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HALE, Mr. LOGAN, and Mr. BECK be the conferees on the part of the Senate.

The PRESIDENT *pro tempore*. It appears from the Journal of the Senate that on the 7th of July the Senate conferees reported that the conference committee had been unable to agree. The bill is now before the Senate for its action.

Mr. HALE. I move that the Senate further insist upon its amendments and that a new conference be appointed.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate further insist upon its amendments to the bill disagreed to by the House of Representatives, and ask for a further conference thereon with the House of Representatives.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. HALE, LOGAN, and BECK were appointed.

PETITIONS AND MEMORIALS.

Mr. MILLER, of California, presented a petition on behalf of the manufacturers and canners of fruits, &c., on the Pacific coast, who use imported materials in the manufacture of articles for export, praying that section 3019 of the Revised Statutes be so amended as to allow a drawback on articles wholly manufactured of imported materials equal in amount to the duties paid on such materials; which was referred to the Committee on Finance.

Mr. MILLER, of California. I present a petition of the Grand Lodge of Good Templars of California, officially signed, representing 18,873 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes. I do not know to what committee the petition should be referred.

The PRESIDENT *pro tempore*. The Chair is under the impression that this subject has hitherto been under the consideration of the Committee on Education and Labor, and if there be no objection this petition will be referred to that committee.

Mr. SABIN presented a petition of the Good Templars of Minnesota, officially signed, representing 4,516 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented a memorial of citizens of Nebraska, Utah, and Wyoming, remonstrating against the proposed governmental control of the telegraph; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES presented the petition of Mary A. Livermore and L. B. Barrett, president and secretary of the Massachusetts Women's Christian Temperance Union, with an aggregate membership of 10,000 women, praying for a constitutional amendment prohibiting the manufacture and sale of intoxicating liquors; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the board of managers of the National Temperance Society, officially signed, praying for the passage of the pending bill to provide for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. MITCHELL. I present a memorial of the National Window Glass Workers' Association of Pittsburgh, Pa., urging the passage of the bill to prevent importation of foreign labor under contract. I do not know whether the bill is in the committee or before the Senate.

Mr. MILLER, of California. The bill is on the Calendar, and the petition ought to lie on the table.

The PRESIDENT *pro tempore*. The petition will be laid on the table, if there be no objection.

Mr. MITCHELL. I also present a similar memorial from the Knights of Labor of Pennsylvania, which I move lie on the table.

The motion was agreed to.

Mr. MITCHELL presented a petition of the Women's Temperance Union of Pennsylvania, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

Mr. BLAIR presented a petition of the board of managers of the National Temperance Society, officially signed, praying for the prohibition of the liquor traffic in the District of Columbia and the Territories and for increased penalties for the illegal sale of intoxicating liquors to Indians; which was referred to the Committee on Education and Labor.

He also presented the petition of Mrs. Ann Atkinson, granddaughter of George Mason, of Virginia, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of Rhoden Mitchell, of North Carolina, praying compensation for services rendered by him as laborer under the Sergeant-at-Arms of the Senate; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago, reported it without amendment.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2422) for the erection of a statue to the memory of General La Fayette; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 2423) for the relief of Wilbur F. Hinman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2424) for the relief of Benjamin F. Scribner and John W. Beaman; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of California, introduced a bill (S. 2425) to amend section 3019 of the Revised Statutes, relating to drawback of duties on imported materials when manufactured and exported; which was read twice by its title, and referred to the Committee on Finance.

Mr. HAWLEY introduced a bill (S. 2426) to empower the President to reappoint not more than two persons as first lieutenants in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMDEN introduced a bill (S. 2427) granting a pension to William Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GARLAND introduced a bill (S. 2428) granting a pension to Margaret B. Harwood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2429) for the relief of Moses M. Bane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LAPHAM introduced a bill (S. 2430) to amend section 2805 of the Revised Statutes of the United States, so as to allow oaths to be administered by notaries public in the district of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of Enoch Spencer be withdrawn from the files of the Senate and referred to the Committee on Pensions.

GALVESTON HARBOR IMPROVEMENT.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are in order.

Mr. COKE. I move that the Senate at 2 o'clock on Monday, the 15th instant, take up and consider the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico.

The PRESIDENT *pro tempore*. The Chair understands the Senator to give notice that he will move to take up the bill at that time.

Mr. COKE. I make the motion now, if in order, to make the bill a special order for 2 o'clock on Monday, the 15th of December.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent—it requiring unanimous consent at this time—to take up, for the purpose of moving that it be made a special order at a future time, the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico. Is there objection to the present consideration of the bill for that purpose?

Mr. HARRISON. I gave notice last week that I should to-day call up for consideration the bill for the admission of the Territory of Dakota as a State. I therefore object to the consideration of the Senator's bill now, as it is brought forward in a shape to antagonize the bill of which I gave earlier notice.

Mr. COKE. I will state——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. COKE. This is a very important bill. I desire to appoint some time at which it shall be taken up and considered, and if I had the right of way for it on the Calendar I should be very accommodating in yielding to other measures.

Mr. HARRISON. I shall of course interpose no objection to the Senator naming some time when he will address the Senate upon the bill, but under the circumstances I can hardly consent to its being taken up now, unless the Senator intends to take it up and then postpone it to a particular day.

Mr. COKE. I simply ask that it be taken up now for the purpose of fixing the 15th day of this month, at 2 o'clock, as the time when it shall be considered.

Mr. HARRISON. To that, of course, I have no objection.

Mr. McMILLAN. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order. Is there objection to the present consideration of the bill?

Mr. McMILLAN. I do not desire that the bill shall be made a special order for any time so early in the session as the date suggested by the Senator from Texas. The report of the majority of the committee was laid upon the tables of Senators yesterday morning, and it is desirable that the minority of the Committee on Commerce shall have the privilege of looking at that report. Perhaps there may be some views of the minority submitted to the Senate if it should seem advisable.

The PRESIDENT *pro tempore*. It is the duty of the Chair to repeat that debate on the request of the Senator from Texas is not in order. Is there objection to the present consideration of the bill?

Mr. McMILLAN. Therefore I must object for the present.

The PRESIDENT *pro tempore*. Objection is made.

Mr. McMILLAN. If the Senator——

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are in order.

RICHARD HAWLEY & SONS.

Mr. COCKRELL. At the request of the Senator from Michigan [Mr. CONGER], and as a matter of courtesy which affords me a great deal of pleasure, I move to reconsider the vote taken yesterday upon the bill (S. 1170) for the relief of Richard Hawley & Sons, by which the Senate refused to order the engrossment and third reading of the bill. I desire to enter the motion in order that the Senator from Michigan may have an opportunity of presenting certain statistics and data in regard to it. I want the motion entered, and then I desire it to lie over until it is the pleasure of the Senator from Michigan to call it up. As a matter of course I do not in making this motion change my view at all in regard to the bill, nor shall I vote for the motion to reconsider when it comes before the Senate.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider made by the Senator from Missouri will be entered.

Mr. CONGER. I suppose while that motion is pending the bill will be restored to its place upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be restored to its proper place upon the Calendar under a motion to reconsider. The Chair is not advised at this moment where it will come in under the rule.

If there be no "concurrent or other resolutions" that order is closed, and the Chair lays before the Senate the Calendar under the eighth rule.

FORFEITURE OF OREGON LAND GRANT.

Mr. SLATER. I move that the Senate proceed to the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order on a motion of this kind under the rules.

Mr. HARRISON. I desire simply to repeat that there was notice given of another order——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Indiana making remarks upon this subject?

Mr. HARRISON. I hope the motion will be voted down.

The question being put, it was declared that the noes appeared to prevail.

Mr. SLATER. I must call for the yeas and nays on agreeing to my motion. It is a very important matter.

The yeas and nays were ordered; and having been taken, the result was announced—yeas 29, nays 30; as follows:

YEAS—29.

Bayard,	Colquitt,	Lamar,	Vance,
Beck,	Dolph,	McPherson,	Van Wyck,
Brown,	Garland,	Maxey,	Vest,
Butler,	Groome,	Morgan,	Walker,
Call,	Hampton,	Pendleton,	Williams.
Camden,	Harris,	Pugh,	
Cockrell,	Hill,	Ransom,	
Coke,	Jonas,	Slater,	

NAYS—30.

Aldrich,	Edmunds,	Logan,	Riddleberger,
Allison,	Frye,	McMillan,	Sabin,
Blair,	Hale,	Manderson,	Sawyer,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Sheffield,
Cameron of Wis.,	Hawley,	Mitchell,	Sherman,
Conger,	Hoar,	Morrill,	Wilson.
Cullom,	Ingalls,	Pike,	
Dawes,	Lapham,	Platt,	

ABSENT—17.

Bowen,	Gorman,	Mahone,	Sewell,
Fair,	Jackson,	Miller of N. Y.,	Voorhees.
Farley,	Jones of Florida,	Palmer,	
George,	Jones of Nevada,	Plumb,	
Gibson,	Kenna,	Saulsbury,	

So the motion was not agreed to.

ADMISSION OF DAKOTA.

Mr. HARRISON. I move that the Senate now proceed to the consideration of the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

The question being put, there were, on a division—ayes 33, noes 22.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 34, nays 25; as follows:

YEAS—34.

Aldrich,	Edmunds,	Logan,	Sabin,
Allison,	Frye,	McMillan,	Sawyer,
Blair,	Hale,	Manderson,	Sewell,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Sheffield,
Cameron of Wis.,	Hawley,	Mitchell,	Sherman,
Conger,	Hill,	Morrill,	Van Wyck,
Cullom,	Hoar,	Pike,	Wilson.
Dawes,	Ingalls,	Platt,	
Dolph,	Lapham,	Riddleberger,	

NAYS—25.

Bayard,	Coke,	Maxey,	Vance,
Beck,	Colquitt,	Morgan,	Vest,
Brown,	Garland,	Pendleton,	Walker,
Butler,	Groome,	Pugh,	Williams.
Call,	Hampton,	Ransom,	
Camden,	Jonas,	Saulsbury,	
Cockrell,	McPherson,	Slater,	

ABSENT—17.

Bowen,	Gorman,	Kenna,	Plumb,
Fair,	Harris,	Lamar,	Voorhees.
Farley,	Jackson,	Mahone,	
George,	Jones of Florida,	Miller of N. Y.	
Gibson,	Jones of Nevada,	Palmer,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now before the Senate as in Committee of the Whole, and it will be read at length.

Mr. SHERMAN. As what is called the Dakota bill is now taken up, I suggest that by unanimous consent we proceed with the Calendar until 2 o'clock, the usual time.

The PRESIDENT *pro tempore*. Pending the consideration of the bill now before the Senate, the Senator from Ohio asks unanimous consent that the Calendar be proceeded with under Rule VIII until 2 o'clock, without displacing the order now before the Senate. Is there objection? The Chair hears none, and it is so ordered. The first case on the Calendar under Rule VIII is Order of Business 325, being Senate bill 1742

ALBERT T. STREAM.

The bill (S. 1742) to authorize Albert T. Stream, keeper of life-saving station at Shoalwater Bay, Washington Territory, to accept a medal awarded to him by the British Government was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is a report.

Mr. COCKRELL. Let it be read, please.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MILLER, of California, March 6, 1884:

The British bark Lammerlaw, bound from Australia to Portland, Oreg., with a cargo of coal, stranded on the North Breaker, at the entrance of Shoalwater Bay, Washington Territory, at about 5 o'clock on the morning of October 30, 1881. A heavy southwest gale was blowing at the time, and the sea was very rough and swept over the vessel as soon as she stranded, so that the crew were forced, for the most part, to take to the rigging to save their lives. The point at which the vessel stranded was about nine miles from the shore. The facts, as stated in the official report of the affair to the Treasury Department, show that Albert T. Stream, keeper of the life-saving station at Shoalwater Bay, being without a crew, collected such volunteers as he could, and in the midst of the greatest perils and at the imminent risk of his life rowed out to the vessel and rescued the entire crew, comprising some fifteen persons. He was first apprised of the stranding of the bark at about 8.30 a. m. of the 30th of October, but, notwithstanding all of his efforts to secure the necessary assistance, it was not until the evening of the 31st that he succeeded in getting all of the crew off the wreck. During all of this time the storm raged without abatement, and shortly after the rescue was effected the bark sank, leaving nothing but her spars to mark the spot where she lay. The rescued seamen saved nothing but the clothing on their persons. The bark went to pieces and the cargo was entirely lost.

In recognition of the humanity and noble heroism displayed by Mr. Stream on this occasion the British Government has tendered him a medal, and the same is now in the hands of the Secretary of State, who has recommended that the Congress shall take the necessary action to enable Mr. Stream to accept the reward which he so manfully won.

The committee therefore report herewith a bill to authorize Mr. Stream to accept this medal, and recommend its passage by the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WIDOW OF GENERAL MOORE.

The joint resolution (S. R. 37) allowing the widow of General Jesse H. Moore, late consul at Callao, Peru, one year's salary was announced as next in order.

Mr. SHERMAN. There being an adverse report in that case, I ask that it may go over.

Mr. COCKRELL. That is an adverse report. I object to its consideration

The PRESIDENT *pro tempore*. This resolution was adversely reported by the Committee on Foreign Relations. It is now before the Senate as in Committee of the Whole.

Mr. COCKRELL. I object to its consideration.

Mr. SHERMAN. Let it be indefinitely postponed.

Mr. MILLER, of California. We may as well dispose of it, and I move——

Mr. COCKRELL. Certainly; I withdraw my objection if a motion is made to indefinitely postpone the measure.

Mr. MILLER, of California. I make that motion.

The PRESIDENT *pro tempore*. The Senator from California moves that the joint resolution be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument; and

A joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 5707) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000; and

A bill (H. R. 6865) to amend section 2805 of the Revised Statutes of the United States, so as to allow oaths to be administered by notaries public.

FORFEITURE OF OREGON LAND GRANT.

Mr. DOLPH. The Senate undoubtedly refused to take up Senate bill No. 428 on the motion of my colleague, for the reason that a majority of the Senate had determined to take up the bill of which notice was given by the Senator from Indiana [Mr. HARRISON], but Senate bill 428 evidently will come up soon. I now present, if in order, and if not I ask unanimous consent to present, an amendment to be printed to the bill.

The PRESIDENT *pro tempore*. The Senator from Oregon presents an amendment to Senate bill 428 which he intends to offer when the bill shall be under consideration. If there be no objection the amendment will be received and printed.

STEPHEN N. SMITH.

The bill (S. 180) for the relief of Stephen N. Smith was announced as regularly in order on the Calendar.

Mr. COCKRELL. Let that bill pass over.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

FORT WORTH AND DENVER CITY RAILWAY.

The bill (S. 1502) to grant a right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes, was announced as next in order.

Mr. HARRISON. I believe I will interpose an objection to that bill. We can not consider it under the five-minute rule.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

COLUMBIA AND COLVILLE RESERVATIONS INDIANS.

The bill (S. 1010) to accept and ratify an agreement between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, and to make the necessary appropriations for carrying the same into effect, was announced as next in order.

The PRESIDENT *pro tempore*. This bill was reported by the Senator from Massachusetts [Mr. DAWES] from the Committee on Indian Affairs on the 6th of March, 1884. It does not appear from the Calendar that the bill has been read the second time, but the filing on the bill shows that it has been. The Chair thinks that the filing is the correct entry. The bill will be read at length.

Mr. DAWES. I should like to have that bill passed over for the present. I think its substance was inserted in the Indian appropriation bill of last year.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. DAWES. I am not certain as to the fact I have stated, but such is my impression.

C. S. MOSS.

The bill (S. 493) for the relief of C. S. Moss was announced as next in order.

Mr. HARRIS. Let that be informally passed over if there be no objection. There is an adverse report, I see, and the bill was introduced by me.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that this bill be passed over, retaining its place at the head of the Calendar under Rule VIII. Is there objection? The Chair hears none.

TEXAS PACIFIC RAILROAD GRANT.

The bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, was announced as next in order.

Mr. MORGAN. That is, of course, a very important bill and there are a majority and a minority report upon it. The minority report in this case brings up a question that was considered by the Senate just before the conclusion of the last session upon the Atlantic and Pacific Railroad land forfeiture bill, and the Senate passed an amendment which I had the honor to offer referring some questions which arose in the case, and arise in this also, to the courts for adjudication. That bill went to the House of Representatives and the House refused to concur in the amendment of the Senate and asked a conference. The conferees have been appointed on the part of both bodies. The conference in that case will determine the question as to whether the Houses can come together upon the amendment that I offered to the other bill and which I shall, of course, offer to this. I ask the Senate to postpone the consideration of this bill for one week from to-day and make it the special order for 2 o'clock, because I believe by that time the conference committee can ascertain what the temper of the two Houses is upon this legal proposition, and we can then proceed with this bill with some degree of satisfaction and intelligence.

The PRESIDENT *pro tempore*. If there be no objection the Chair will entertain the motion to postpone before the reading of the bill.

Mr. ALLISON. Why not let it be laid aside informally?

Mr. MORGAN. I thought as the measure was one of such great importance Senators would like to know the time it was coming up and prepare themselves, and so I ask that it be postponed to a day certain.

The PRESIDENT *pro tempore*. The Chair hears no objection to the question being taken on the postponement of the bill and that it be made the special order before the bill is read. The Senator from Alabama moves that this bill be postponed until Tuesday next at 2 o'clock in the afternoon, and be made the special order for that time.

Mr. SHERMAN. I ask the Chair whether that would interfere with the unfinished business of the day before?

The PRESIDENT *pro tempore*. It would not.

Mr. SHERMAN. Then I see no objection to it.

The motion was agreed to, two-thirds of the Senators present voting in favor thereof.

THE VETO POWER.

Mr. LOGAN. I ask the consent of the Senate that Order of Business 509, being Senate joint resolution No. 18, be set down to be taken up on Wednesday (to-morrow) week, the day following that set for the bill suggested by the Senator from Alabama. It is a joint resolution proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power. It is a matter of very great importance and I should like to have it brought before the Senate as early as possible.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that Order of Business 500, being the joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power, be now taken up with a view of moving that it be made the special order for a week from to-morrow. Is there objection to its being now considered? The Chair hears none. The Senator from Illinois moves that this resolution be postponed until a week from to-morrow (Wednesday) at 2 o'clock in the afternoon, and be made the special order for that time. The question is on agreeing to the motion.

The motion was agreed to, two-thirds of the Senators present voting in favor thereof.

CHEROKEE RESERVATION IN ARKANSAS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1574) to provide for the sale of the Cherokee reservation in the State of Arkansas.

The bill was reported from the Committee on Public Lands with an amendment, in section 3, line 17, after the word "laws," to insert "or their applications under the homestead laws;" so as to read:

Provided, That all such parties shall file their declaratory statements under the pre-emption laws, or their applications under the homestead laws, within three months from date of receipt by the local land officers of instructions under this act from the Commissioner of the General Land Office, and make proof and payment as in other cases.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA AND COLVILLE RESERVATIONS INDIANS.

Mr. DAWES. I find on consulting the last Indian appropriation bill that I was correct in reference to Order of Business 331, that it has become a law in the Indian appropriation bill, and therefore with the consent of the Senate I ask that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that Order of Business 331, being the bill (S. 1010) to accept and ratify an agreement between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, and to make the necessary appropriations for carrying the same into effect, be now considered. Is there objection? The Chair hears none. The Senator from Massachusetts moves that this bill be indefinitely postponed.

The motion was agreed to.

RIGHTS IN LAND GRANTS.

The bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress was announced as next in order.

Mr. MORGAN. That bill involves the same question as the bill I referred to a few moments ago, and which was made the special order for this day week. I ask the Senate informally to pass over this bill.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that this bill be passed over without losing its place. Is there objection? The Chair hears none, and it is so ordered.

RETURN OF REGISTERED LETTERS AND MONEY-ORDERS.

The bill (S. 1018) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders, and providing for the return of the same, was considered as in Committee of the Whole.

The bill proposes to amend section 3929 of the Revised Statutes by striking out the word "fraudulent," in the second line of the section; so as to make it read:

The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post-offices at which registered letters arrive directed to any such person to return all such registered letters to the postmasters at the offices at which they were originally mailed, with the word "fraudulent" plainly written or stamped upon the outside of such letters; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. But nothing contained in this title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

The bill further proposes to amend section 4041 of the Revised Statutes by striking out the word "fraudulent," in the second line; so as to make the section read:

The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment, by any postmaster, to any such person, of any postal money-order drawn to his order or in his favor, and may provide by regulations for the return to the remitter of the sums named in such money-orders. But this shall not authorize any person to open any letter not addressed to himself.

Mr. HOAR. I heard the bill read, I believe, very imperfectly, but it strikes me that it is a very remarkable form of bill to leave to a post-office official to judge, without trial or any other method of procedure, without responsibility, whether a person is engaged in an unlawful business, and on that judgment to deny him all privileges of the mail whatever, whether they relate to that unlawful business or not. That seems to be the effect of the bill as I read it. I should like to ask the Senator who reported it to state what it is.

Mr. JACKSON. I will state to the Senator from Massachusetts that the whole purport of the bill is to amend sections 3929 and 4041 of the Revised Statutes by simply striking out the work "fraudulent." It does not modify or amend the existing law in any respect except to strike out the word "fraudulent."

Section 3894 of the Revised Statutes contains the word "illegal" in reference to lotteries, and by an act passed in July, 1876, that word "illegal" was stricken out of section 3894. The purpose of this bill is to harmonize the other two sections with that section 3894 simply by striking out the word "fraudulent" in relation to lotteries. It does not change the existing law in other respects.

Mr. HOAR. I am in favor, as I suppose all Senators are, of the purpose of the bill; and if it has been carefully considered by my honorable friend from Tennessee, who looks with great care into such matters I know, I shall not undertake on an imperfect hearing to criticise its provisions further.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. HAWLEY. I listened to the reading of the bill, not being familiar with its provisions, and not having heard of it before, and it strikes me that it is open to a criticism in this respect: that it amends an old statute; it provides for striking out a word from an existing statute, so that a certain section of the statutes shall read as follows, &c. It is better usually, it strikes me, to enact the section completely and then say that section so and so is repealed. It avoids confusion in the law.

Mr. JACKSON. That is just what this bill does; it is exactly in that form.

Mr. HAWLEY. I heard it read to this effect, I thought, that the word "fraudulent" is stricken out of sections so and so, so that the said sections shall read as follows.

Mr. JACKSON. Read as follows with that objectionable word stricken out.

Mr. HAWLEY. Does the bill repeal the old section?

Mr. JACKSON. Yes, sir. It says the law shall be as follows with that word stricken out.

Mr. HAWLEY. I make another inquiry. Is there provision made in this for pending prosecutions?

Mr. JACKSON. No, sir.

Mr. GARLAND. I wish to call the attention of the Senator from Tennessee to a point in the bill that I have not had time to examine and in which there may be nothing. It appears to be a penal statute, and there is no reservation as to offenses already committed. I think it would be better for the Senator from Tennessee to insert an amendment that offenses already committed under the existing law shall not be included in the provisions of this bill.

Mr. JACKSON. There will be no objection to that sort of an amendment if the Senator from Arkansas will propose it.

Mr. GARLAND. I will draw one in a moment.

Mr. MORGAN. I wish to ask the Senator from Tennessee whether it is the purpose of the Committee on Post-Offices and Post-Roads in reporting the second section of this bill to prevent the payment of money-orders drawn in favor of a person merely because he may be engaged in an unlawful business, or whether it is the intention of the committee that the money-order shall have some connection with the carrying on of that business? I will read that second section as it is reported here, and I presume I have the right print:

The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post-offices at which registered letters arrive directed to any such person to return all such registered letters to the postmasters at the offices at which they were originally mailed, with the word "fraudulent" plainly written or stamped upon the outside of such letters; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. But nothing contained in this title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

That does not appear to relate, of course, to the registered letters as the first section of the bill does, but as I understand the second section of this bill it defines a certain character of persons, classifies them by the sort of business they are engaged in. If a man "is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises," then the postmaster to whom this money-order may be presented for payment must, under this statute, refuse its payment, because the man is engaged in that class of business. If he is found to be raffling off a piece of church property, for instance, such as a cake, or some contribution to a benevolent purpose, and sends out through the post-office here letters of that sort, or if a person sends to one engaged in a benevolent enterprise, trying to build a church by a raffle or distribution of property, a postal order to make payment of a contribution he sees proper to give to the object, it is the duty of the postmaster, because the party is engaged in a business of this sort, to stop the payment and return the money-order and all letters of that kind.

I doubt very much our right thus to interfere with business between people and to assign to a man a character because he is engaged in a certain line of business which prevents him from receiving money or sending money by a postal order for the burial of his wife, or child, or to pay for a doctor's bill, or anything like that. This statute is too broad entirely, too radical, according to my understanding of it, if I am correct about it. I appeal to the Senator from Tennessee in charge of the bill to explain to the Senate whether it is not the meaning of this section necessarily that a person who is conducting the character of business that is mentioned in this statute is liable to have his money-orders refused payment, it makes no difference what the consideration of the orders may be or what the purpose which is intended to be accomplished by them.

Mr. JACKSON. Mr. President, as I have already stated to the Senate, the Committee on Post-Offices and Post-Roads simply propose to harmonize three sections of the Revised Statutes. In other respects these sections are already harmonized. Section 3894 originally used the word "illegal" as applied to lotteries. That was stricken out by an act passed the 5th of July, 1876. Now it is proposed to strike out simply the word "fraudulent" in the two other sections, 3929 and 4041. We are not legislating on the general subject of lotteries except so far as to harmonize these three sections of the statutes. My own construction of the statutes, and I think it is that of the Committee on Post-Offices and Post-Roads, is that they relate only to letters and circulars in and about the business of lotteries, and not concerning any other enterprise or business of the parties.

Mr. GARLAND. On examining the two sections of the statutes to which this bill refers I find that there is nothing specially relating to the point I suggested before, and therefore I have no amendment to offer to the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPTURED AND ABANDONED PROPERTY SUITS.

The bill (S. 64) to authorize suits in the Court of Claims in certain cases therein mentioned was announced as next in order.

Mr. CAMERON, of Wisconsin. That bill is adversely reported. It may as well go over.

The PRESIDENT *pro tempore*. Perhaps it can be got off the Calendar.

Mr. CAMERON, of Wisconsin. Very well; I withdraw any objection.

The bill was read, as follows:

Be it enacted, &c., That the right of action in the Court of Claims under the provisions of the captured and abandoned property acts be, and the same is hereby, revived and extended for two years from and after the passage of this act, including all cases of seizures under the said acts, or under color thereof, either before or after June 30, 1865, whether adjudicated by the Secretary of the Treasury or not, and without regard to any statute of limitations.

Mr. GARLAND. The Senator who reported the bill [Mr. MCMILLAN] is not in his seat, but it came from the Committee on the Judiciary with an adverse report. I believe the Senator from Georgia [Mr. BROWN] is particularly interested in it and introduced the bill. I move, however, in accordance with the report of the committee, that it be postponed indefinitely.

Mr. BROWN. On that motion I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill.

The motion was agreed to.

SUITS AGAINST THE UNITED STATES.

The bill (S. 1577) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases was announced as next in order.

Mr. GARLAND. That is a bill I reported of considerable importance, which can not be disposed of under the five-minute rule. I ask that it be passed over without losing its place.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that this bill be passed over, retaining its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

JOHN B. READ.

The joint resolution (S. R. 67) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, was announced as next in order.

Mr. CONGER. Let the report be read.

The PRESIDENT *pro tempore*. The Committee on Military Affairs report the resolution with an amendment, which will first be read.

The amendment of the Committee on Military Affairs was, in line 11, after the word "implied," to insert "whether he consented to the use of said projectiles by the confederate government against the United States, and whether his invention was used by the United States;" so as to make the clause of the joint resolution read:

That the Secretary of War be, and he is hereby, authorized and directed to organize a board of officers, of not less than three in number, selecting the same from the ordnance and artillery arms of the United States service, who shall examine all the facts relative to the said claim of Dr. J. B. Read, and ascertain whether the United States have made any use of any invention of the said Read in projectiles; whether the same, if so used, were used under any contract, express or implied; whether he consented to the use of said projectiles by the confederate government against the United States, and whether his invention was used by the United States; to what extent, if any, his invention was so used, and whether such use was valuable to the United States service, who shall any, under the circumstances of the use, the United States ought in justice to pay for the same; and that such board do make their report thereon with all convenient speed to the Secretary of War, to be by him transmitted to Congress for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by them.

The PRESIDENT *pro tempore*. The reading of the report is called for. It will be read.

The Secretary read the following report, submitted by Mr. HAMPTON March 11, 1884:

The Committee on Military Affairs, to whom was referred S. R. 67, "in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made," have considered the same, and beg leave to report the resolution amended, and in that form they recommend its passage.

PROPOSED AMENDMENT.

In line 11, after the word "implied," insert the following words: "Whether he consented to the use of said projectiles by the confederate government against the United States, and whether his invention was used by the United States."

Mr. HAMPTON. Mr. President, a joint resolution has come from the House of Representatives precisely similar to the one before the Senate. I move to substitute the House resolution for that of the Senate.

Mr. CONGER. I suppose the first question is that of consideration. If there be no further reports on that subject than have been read, no further information, I object to the consideration of the joint resolution.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The consideration of the joint resolution being objected to, it goes over.

Mr. CONGER. I find there is no report at all accompanying the House resolution.

Mr. HAMPTON. I did not hear what was the motion of the Senator from Michigan.

The PRESIDING OFFICER. The Senator objected to the consideration of the joint resolution, and it goes over.

Mr. HAMPTON. I hope the Senator will consent that it shall not lose its place on the Calendar.

The PRESIDING OFFICER. If there be no objection the joint resolution will retain its place on the Calendar.

Mr. CONGER. The resolution which the Senator offered as a substitute for this comes up a little further along in the regular order, and if the Senator offers that as a substitute for this we shall reach that as soon as we should this if it remains in its place.

The PRESIDING OFFICER. The joint resolution goes over.

SHOSHONES, BANNOCKS, AND SHEEPEATERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and make the necessary appropriations for carrying out the same.

The bill was reported from the Committee on Indian Affairs with an amendment, to insert as an additional section:

SEC. 4. That this act shall take effect only when the President of the United States shall have had presented to him satisfactory evidence that the agreement herein set forth has been accepted in conformity with the eleventh article of the treaty of July 3, 1868, with the Shoshones and Bannocks, and he shall have made proclamation thereof.

Mr. CONGER. I ask that the bill go over without prejudice, without its losing its place on the Calendar. There is no report with the bill, and I should like to examine it.

The PRESIDING OFFICER. If there be no objection the bill will go over at the request of the Senator from Michigan, retaining its place on the Calendar.

GEORGE W. BAUSMAN.

The bill (S. 283) to increase the pension of George W. Bausman was announced as next in order.

Mr. COCKRELL. That is adversely reported, and unless there is a desire to move its indefinite postponement I object to its consideration.

The PRESIDING OFFICER. Does the Senator from Missouri object to the consideration of the bill?

Mr. COCKRELL. I simply call the attention of the Senator from New Hampshire [Mr. BLAIR] to it. I suppose he will move its indefinite postponement.

Mr. PLUMB. I do not desire to have the bill indefinitely postponed.

Mr. COCKRELL. Then I object to its consideration.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PLUMB subsequently said: When the bill (S. 283) to increase the pension of George W. Bausman was called I stated that I did not desire to have it indefinitely postponed. I have examined the report since that time, and it discloses one fact which makes it proper that the bill should be indefinitely postponed. Therefore, for the purpose of ridding the Calendar, I ask unanimous consent that that action be now taken.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Kansas? The Chair hears none.

Mr. PLUMB. I move to indefinitely postpone the bill.

The motion was agreed to.

FRENCH SPOLIATION CLAIMS.

The bill (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, was announced as next in order.

Mr. HOAR. That bill passed the Senate last winter (if I may be permitted to make a brief statement before it is read) unanimously with the exception of one Senator's vote, I believe. It will take, however, some time to read the report if it is required. We have but twenty-five minutes now before 2 o'clock, and I think perhaps it would be more convenient to the Senate to have the bill go over, retaining its place on the Calendar, so that the Senate may deal with it hereafter. If it were objected to, I should deem it my duty to move to take it up.

Mr. MORGAN. I suggest to the Senator from Massachusetts that we proceed with its consideration to-day, and if it is not finished by 2 o'clock to-day it can go over.

Mr. HOAR. Very well; I only want to do what is most convenient in the order of business.

The bill was read, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER DELLA TERRE.

The bill (S. 294) for the relief of Frank Della Terre and Susan Della Terre, heirs of Peter Della Terre, deceased, was announced as next in order.

Mr. COCKRELL. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is a report by the Committee on Claims, but the amendment will first be read, and then the report of the committee.

The amendment reported by the Committee on Claims was, in line 7, before the word "thousand," to strike out "fifty" and insert "ten;" so as to make the bill read:

That out of any money in the Treasury of the United States the Secretary pay to Frank Della Terre and Susan F. Della Terre, heirs of the late district attorney of the northern district of California, Peter Della Terre, deceased, the sum of $10,000, in full consideration for extraordinary services rendered by said Peter Della Terre, during the years 1857, 1858, and 1859, in defending the title of the United States to public property in the State of California and recovery of 19,148 square miles of territory, valued at $150,000,000.

The PRESIDING OFFICER. The report will be read if the Senator from Missouri desires it.

Mr. COCKRELL. I do most certainly, unless the bill is abandoned.

The Chief Clerk proceeded to read the report submitted by Mr. DOLPH, from the Committee on Claims, March 12, 1884, but before concluding was interrupted by

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the regular order for this time, being the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

PRINTING OF INTERSTATE-COMMERCE BILL.

Mr. CULLOM. I ask the Senator from Indiana to yield until I make a motion that an additional number of copies of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, which was made the special order for next Thursday, be printed. There seem to be no copies of the bill for use by the Senate. I ask that the usual number of additional copies be printed.

Mr. GARLAND. Was there a report accompanying the bill?

Mr. CULLOM. No, sir: there was no report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois to print the usual number of additional copies of the bill.

The motion was agreed to.

LABOR CONTRACTS.

Mr. BLAIR. I ask also the indulgence of the Senator from Indiana to say, in connection with the statement of the Senator from Illinois [Mr. CULLOM] in reference to the special order for Thursday being the interstate-commerce bill, that there is also a special order, made at the last session, for the same time, to wit, Order of Business 863 on the Calendar, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDING OFFICER. The Chair understands from the Chief Clerk that the bill was not made a special order; there was merely a postponement until the day named.

Mr. BLAIR. The bill was postponed until that time, and I shall ask at that time for its consideration.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. HARRISON. I ask that the bill be read for the consideration and action of the Senate upon the committee amendments, which are only two or three in number, and also for some formal amendments in reference to dates which I shall propose as the reading progresses. I shall then ask to address the Senate on the general subject of the bill, and it will then be open to any amendment that any Senator may choose to offer.

The PRESIDING OFFICER. The bill will be so read.

Mr. GARLAND. I suggest to the Senator to have the report read first, or does he prefer to have the report read after the bill has been read?

The PRESIDING OFFICER. The reading of a bill usually precedes the reading of the report accompanying it.

Mr. GARLAND. That is the general custom, but in this instance I thought a different course might be pursued. Let it be done, however, just as the Senator from Indiana prefers.

Mr. HARRISON. I will state to the Senator from Arkansas that I shall in the course of my remarks present nearly all the facts mentioned in the report.

Mr. GARLAND. Very well.

The Secretary proceeded to read the bill, and read to line 19 of section 3.

Mr. HARRISON. There is a misprint or a mistake there. There are five commissioners provided for; and in line 19 "two" should be "three," being a majority of the five. I move to strike out "two" and insert "three;" so as to read:

That said apportionment shall be made by the governor, the chief justice, the associate justice for the first judicial district, the associate justice for the fourth judicial district, and the surveyor-general of the Territory of Dakota, or any three of them.

The PRESIDING OFFICER. If there be no objection the correction will be made.

The Secretary resumed the reading of the bill at line 19 of section 3, as follows:

And the governor shall, by proclamation, order an election of the delegates aforesaid to be held on the 4th day of November, 1884.

Mr. HARRISON. This bill was reported at the last session of Congress and contemplated that the proceedings for the admission of the State should be at once started. Therefore the 4th day of November, the day of the general Representatives election, was named here. That day having now passed, I propose, in line 21, that "November" shall be stricken out and the word "June" inserted; and in line 22, that the word "four" be stricken out and the word "five" inserted: so as to read:

To be held on the 4th day of June, 1885.

The PRESIDING OFFICER. If there be no objection the amendment stated will be made. The Chair hears none.

The Secretary concluded the reading of section 3 of the bill.

Mr. HARRISON. In section 4, line 3, I move to strike out "December" and insert "August," and to strike out "four" and insert "five" after the word "eighty;" so as to read:

That the delegates to the convention thus elected shall meet at the city of Yankton on the second Tuesday of August, 1885, and, after organization, shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States.

The PRESIDING OFFICER. That amendment will be made by unanimous consent if there be no objection. The Chair hears none.

The reading of the bill was resumed and continued to the end of section 8.

Mr. HARRISON. In section 8, line 7, after the word "eighty," I move to strike out "6" and insert "7;" so as to read, "on or before the 1st day of January, 1887," as this proceeding, if the bill should pass, would not bring the State into the Union until late next fall; it could not be done by the 1st day of January, 1886.

The PRESIDING OFFICER. The amendment will be made by unanimous consent, if there be no objection.

The Secretary resumed, and continued the reading of the bill to line 14 of section 14.

The PRESIDING OFFICER. The first amendment of the Committee on Territories will be reported.

The SECRETARY. In section 14, line 11, the committee report to strike out "North Dakota" and insert "Lincoln;" so as to read, "Territory of Lincoln."

The PRESIDING OFFICER. Does the Senator from Indiana wish to take a vote on the amendments of the committee now or to let them go over until after the reading of the bill is concluded?

Mr. HARRISON. I propose that we shall act on the committee amendments as we go along.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Territories just reported.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 14, line 15, after the word "of," to insert "Lincoln."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Territories was, in section 16, line 5, after the word "of," to insert "Lincoln;" in line 11, after the word "of," to strike out "North Dakota" and insert "Lincoln;" and in line 21, after the word "of," to insert "Lincoln."

The amendment was agreed to.

The next amendment was, in section 17, line 2, after the word "of," to insert "Lincoln."

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. HARRISON. I am told in regard to the bill now under consideration that the supply which was ordered to be printed has been exhausted and there are no more copies in the document-room. It may be that some Senators will desire to examine the bill in the progress of any debate which may ensue upon it, and before proceeding to make my remarks upon the bill I move that there be a reprint of the usual number of copies of the bill with the amendments as adopted. Let it be printed as amended.

Mr. ALLISON. Let the amendments which have been made be put in Italics.

Mr. HARRISON. I would say to the Senator that the amendments are entirely informal. They only relate to some dates and to the name of that part of the Territory which is left with a Territorial organization. But I have no objection that the reprint shall show the amendments which have been adopted. That would be practically to reprint the bill as it first stood, with one or two minor exceptions.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana, to reprint the bill.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be reprinted as amended. Does the Senator from Indiana desire to have the amendments in Italics?

Mr. HARRISON. Yes, sir; the amendments may be printed in Italics.

The PRESIDING OFFICER. That will be the course pursued.

Mr. HARRISON. Mr. President, it perhaps ought to be assumed, when a bill has been read at length as this has been, that the Senate is sufficiently possessed of the details of the bill to make unnecessary any further statement of its contents. I think, however, that this presumption is, in our ordinary experience here, perhaps a little violent. Therefore, with the hope that it may reach some of those who have not gathered from the reading of the bill its tenor and effect, I shall proceed to make a brief statement of what the bill is and what it proposes to do.

The bill proposes to divide the existing Territory of Dakota upon the forty-sixth parallel of north latitude, being very nearly an equal division of the Territory. It proposes to organize into a State that portion of the Territory lying south of the forty-sixth parallel, to continue for that portion of the Territory north of that parallel the present Territorial government, and to transfer to it the officers of the present Territory of Dakota. It gives to that part of Dakota which retains a Territorial organization the name of Lincoln. As to the State, it provides for a constitutional convention, and that the constitution framed by it shall be submitted to a popular vote. If the constitution is adopted, and is conformable to the requirements of the bill, which are those generally found in these enabling acts, the President is then required to make proclamation of that fact, and the State is to be thereupon admitted into the Union on an equal footing with the other States.

As to the land grants which are contained in the bill, they are substantially those which have been found, almost without exception, in all of the bills admitting the organized Territories of the country into the Union of the States. They are grants chiefly for school purposes. There are one or two smaller grants to the State for the purpose of erecting public buildings, and one grant which has been already made by Congress to the Territory as a Territory is revived and vested in the new State.

The movement for the admission of a new member into the sisterhood of States should originate with the people to be affected by it.

Such a movement should not have its initiative or its impetus outside of people of the State to be constituted. I do not need to say that this discussion, if it is kept up on the plane to which it belongs, can not degenerate into a partisan discussion; that we can not divide upon it on party lines; because to consider the application of this people for admission to the Union in its relations to the successes or reverses of a political party is to consider it from a level altogether below that of statesmanship

The movement for the admission of South Dakota into the Union had the origin that I have indicated as the proper origin. It originated in Dakota. The desire of that people for admission into the Union has been brought to the attention of Congress repeatedly in the last four or five years by resolutions and memorials from the Legislature of the Territory, by the expression of popular conventions in the Territory, organized without reference to party, and by the repeated declarations and resolutions of the political conventions of both parties from year to year.

The Legislature of Dakota as early as 1870 memorialized Congress for the division of the Territory, using this language:

Your memorialists would further represent in evidence of this our petition, that while the said new Territory is remote from the main line of travel in Southern Dakota, and is separated therefrom by a broad extent of unoccupied and wild country, yet the Northern Pacific and Saint Paul and Pacific Railroads will traverse the entire length of the proposed new Territory, giving it direct and easy communication with Minnesota and other States, by means of which several thousand people have already settled in the valley of the Red River of the North and other portions of the proposed new Territory, in which are established towns at a distance of fifteen hundred miles by the nearest traveled route from the capital and courts of Dakota.

This memorial and request for a division of the Territory, for the organization of the northern part into a separate Territory, was repeated by the Legislature at the session of 1872–'73, at the session of 1874–'75, and at other sessions since.

In 1882 a popular convention was assembled to consider the question of the admission of Southern Dakota as a State, the proceedings of which were submitted to the Committee on Territories of the Senate. The convention assembled at Canton on the 21st day of June, 1882, and among the resolutions adopted by it was the following:

Resolved, That it is the sense of this convention, and we believe it to be the general wish of the people of this Territory south of the forty-sixth parallel of north latitude, that the north boundary of the State of Dakota be the forty-sixth parallel, the other boundaries remaining as they now are.

This convention was very largely attended, representatives being present from some twenty or twenty-five organized counties of South Dakota.

The Legislature of Dakota in 1883 passed a bill providing for a constitutional convention to be assembled in South Dakota for the purpose of preparing and submitting to Congress a constitution for the government of that people as a State in connection with an application for admission. This bill passed the council of the Territory, which under the law is composed of twelve members, by a vote of 11 yeas and 1 nay. It passed the house, which under the law was composed of twenty-four members, by 22 affirmative votes to 2 negative votes. The bill, however, did not receive the approval of the governor of the Territory, and failed for want of his signature.

But notwithstanding this, upon a popular call a convention composed of representatives from the counties south of the forty-sixth parallel assembled at Huron in June, 1883, framed a constitution, and at the last session of Congress presented it, with a memorial asking admission upon the basis of that constitution. In the Forty-seventh Congress there was also presented a memorial which was brought in person to the Senate by a large and influential delegation of citizens of Northern Dakota, asking a division of the Territory upon the forty-sixth parallel. They did not, of course, assume to express an opinion as to whether this division should be accomplished by the admission of the southern part of the Territory as a State or by a simple division of the Territory into two organized Territories. They were, however, most emphatic and earnest in their representations to the committee and to the Senate that whether the southern part of the Territory was accepted as a State or compelled to continue under a Territorial form of government, the interests of the people would be subserved by a division of the Territory on the forty-sixth parallel.

As I have already said, the political conventions of both parties in the Territory have perhaps almost every year placed in their platforms a resolution in favor of division and in some cases for the admission of South Dakota as a State. It is a happy thought that political conventions representing opposing parties could find in Dakota in this subject a union of sentiment. In the report of the governor of Dakota recently submitted there is a reference made to the subject of division and to the sentiment of the Territory upon that subject. Governor Pierce says:

The sentiment in favor of division is practically unanimous; but very few in either section of the Territory oppose it. Whether this desire is wise or unwise is not a question it seems necessary to discuss; whether it will disappear under the effect of a closer acquaintance and relationship, engendered and promoted by the various lines of railway north and south now being built or surveyed, is a probability or contingency that can be estimated by others as well as myself, but it seems to be a rule that latitudinal and not longitudinal lines are the cementing and binding ones; that communities lying east and west of each other become by the laws of trade and commerce more closely allied and more readily assimilated than those lying north and south. In any event there scarcely seems an existing necessity for holding together in Territorial or Statehood two widely separated regions, both largely populated, both immense in area, and both sincerely desirous of division.

I ought, perhaps, to say that at the last session of Congress, from a committee of gentlemen who appeared before the Committee on Territories, all of whom I believe, or almost all of whom, were from the city of Bismarck, in North Dakota, the committee heard the first suggestions of any opposition to the division of Dakota into two political organizations. It was quite apparent to me at that time that the existing conflict between the two sections of the Territories over the question of capital location had much to do with the feeble protest which was lifted by these gentlemen against the division of the Territory. I do not believe that upon the evidence it can be questioned that 90 per cent. or more of the entire population of Dakota are desirous of a division of the Territory. I have been assured, as the committee has been, by men whose opportunity for knowing the sentiment of Dakota is very perfect, that the proposition to admit the whole Territory as a single State would not be accepted by her population.

Mr. President, in considering the question of the admission of Dakota it seems to me that three things must be found to be present in order to entitle this State to admission: First, the area of the State must be sufficiently large to give a guarantee that it will be able to maintain a ratio of growth compared with the other States which would reasonably preserve the equality of States; second, it should have sufficient population to justify its organization into a separate political community; and third, this population should be well disposed toward the institutions of our country, intelligent, and loyal. There should not be found to exist in the Territory by the popular consent any institution that was out of line with the civilization of the country.

The whole Territory of Dakota as now organized contains an area of 149,100 square miles. Divided on the forty-sixth parallel, North Dakota would contain 72,100 square miles and South Dakota 77,000 square miles. Only the States of California, Nevada, Colorado, Oregon, Kansas, Texas, and Minnesota would have a greater area than the proposed State of Dakota. It is nearly 28,000 square miles larger than the Empire State of New York. It is 20,000 square miles larger than the great State of Illinois. It is 7,500 square miles larger than the State of Missouri. It is 10,500 square miles larger than the combined area of the six New England States.

It seems to me, Mr. President, that this brief comparison of the area of the proposed State with that of some of the existing States justifies the statement that no objection can be taken to the admission of Dakota upon the ground that there is not sufficient area for the settlement and support of an enormous population. But after all it is not a question of square miles, I agree. It is rather a question of the producing capacity of the Territory proposed to be constituted into a State: it is a question of its ability to sustain a population. Now, judged by this standard Dakota is entitled to admission. In 1860 the improved land in farms in the whole Territory of Dakota was 2,115 acres; in 1870 it had increased to 42,645 acres; in 1880 to 1,150,413 acres. In 1870 the number of farms in Dakota was 1,720; in 1880 it was 17,439, an increase of 913 per cent. in that decade. The value of farms and farm improvements in 1880 was $22,400,000. Dakota produced, according to the statistics of the census of 1880, on 265,298 acres of land, 2,830,289 bushels of wheat. I find by a comparison that Texas, on 373,612 acres of land, produced in that year 2,567,760 bushels of wheat, or nearly 300,000 less than was produced in Dakota. Dakota produced in 1880 over 2,000,000 bushels of corn. An examination of the returns by counties shows that of these 2,000,000 bushels of corn South Dakota produced 1,975,881 bushels, and of wheat 1,092,616 bushels. From the report of the Commissioner of Agriculture for 1882 I have taken the following statistics:

Table showing the product of crops in Dakota, &c., for 1882.

Products.	Quantity produced in 1882.	Average yield per acre.	Number of acres in each crop.	Value per bushel, pound or ton.	Total valuation.
Indian corn ..... bushels	4,650,000	25	186,247	$0 51	$2,371,500
Wheat ..... do	11,660,000	15.9	729,000	80	9,168,000
Rye ..... do	79,167	13.8	5,724	75	59,375
Oats ..... do	3,600,000	25.7	140,000	38	1,368,000
Barley ..... do	471,621	16.7	28,273	55	259,392
Buckwheat ..... do	3,508	8.1	481	70	2,736
Potatoes ..... do	1,118,500	106.5	10,500	38	425,030
Tobacco ..... pounds	.....	.....	.....	.....	.....
Hay ..... tons	440,000	1.16	380,000	4 25	1,870,000
Total			1,471,225		15,524,033

The preliminary estimate of the Commissioner of Agriculture of the crop of 1883 in Dakota is as follows:

Number of acres in wheat, 1,068,000; average product per acre, 16 bushels; a total product of wheat of 16,128,000 bushels. Only twelve States in the estimate for that year are given a higher production than the Territory of Dakota. I notice in the report of the governor, just submitted, an estimate of the crop of 1884. He says:

The wheat crop for 1884 is variously estimated at from 20,000,000 to 25,000,000 bushels; flax, 3,000,000 bushels; corn, 2,500,000 bushels; barley, 2,000,000 bushels; oats, 10,000,000 bushels.

It seems from a report made by Mr. Charles B. Lamborn, of the land department of the Northern Pacific Railroad, which is given in a note to the governor's report, having been received after this estimate had been made, that the estimate of the governor is far below the truth. Mr. Lamborn's estimate is as follows:

It is probable—

He says—

that the estimate of 10,000,000 bushels for the wheat production of Southern Dakota is also too low, and you will, therefore, see that the estimate of 30,000,000 bushels of wheat for Dakota for 1884 would be a safe and conservative estimate.

Mr. President, in view of such facts can any one question that within the limits of the proposed State there is a soil capacity not only sufficient to maintain an enormous population within the State, but to furnish, as it already does, a large surplus for export?

In dealing with an agricultural country we are not assuming any of those risks as to population which are assumed when a State which is given largely to mining and which is devoid of agricultural land is admitted to the Union. Our experience with the great agricultural States in the West, which have come through a Territorial organization to Statehood, whether in that timbered region in which my own State was situated or in the prairie region west of it, is that in the productiveness of the soil there is a guarantee that the State will continue to increase in population.

I do not know whether there will be any one here in the assumed interest of the citizens of Dakota to suggest that the burdens of a State government would be oppressive to its people. If such a suggestion should be made by any one, the author of it would find it difficult to produce any commission from the Territory to make that objection. The people themselves feel that they are able to take upon themselves the burdens of a State government; and when we look at the property assessment for taxation in the Territory for the present year, which has just been returned, I think no one will doubt it.

The whole Territory in 1883 had an assessment for taxation of $69,154,609. In 1884 the assessment was $84,054,583, a gain of nearly $15,000,000 in one year in the total assessment of the whole Territory, of which $12,000,000 was in Southern Dakota. In 1880 the following States had a smaller valuation than Dakota has at the present time. I am contrasting now the present condition of Dakota with the condition of some of the States as returned in 1880: Delaware, as I have said, had a total valuation of $59,951,000; Florida, of $30,938,000; Colorado, $74,471,000; Nevada, $29,291,000; and Oregon, $52,522,000. We find, then, that in 1880 five of the States of the Union, one of them at least an original State, and others that have been long enjoying the benefits of a full participation in our Government, had not then for the support of their State government a valuation equal to that presented by Dakota this year. Of this assessment of $84,054,583 Southern Dakota had $44,594,000, or more than Florida or Nevada.

In 1883 the Territory of Dakota paid in the way of postal revenues in excess of all expenses for conducting the post-office service in that Territory $21,000. She paid of internal-revenue tax $86,875. The Territory of Dakota is now defraying practically all the expenses of her government, except the salaries of her executive and judicial and legislative officers. As to all taxes of a local character for school purposes, for roads, for police, for the various municipal purposes, Dakota is already paying these without aid from the General Government; so that, in passing from a Territorial condition into one of Statehood, the additional expense which would be laid upon her property would be comparatively small.

The next question which I think proper to consider is the one of population. I have looked with some interest to see whether in the admission of new States in the past Congress had established any rule as to population. The conclusion at which I have arrived, and the conclusion expressed by some of the leading Senators in the past debates which have taken place in the Senate on this question, is that no rule as to population has been established or adhered to by Congress.

It has been frequently suggested, it was suggested in the Committee of Territories in the Forty-seventh Congress, that a population equal to the unit of representation in the House of Representatives was essential, and in the bill for the admission of Dakota, reported in the Forty-seventh Congress, to meet this view an amendment was adopted by the committee providing for the taking of a census, and that if the result of that census should disclose a less population than the existing ratio of representation in the House of Representatives all further proceedings under the bill should at once cease. I do not think it will be found that any Senator has ever insisted that we should require of a Territory seeking admission to the Union a greater population than the ratio of representation in the House of Representatives.

The committee were furnished by Mr. BRENTS, the Delegate from Washington Territory, in an argument he made before them for the admission of that Territory, with a table which he had compiled, showing the date of admission, the representative ratio by the previous census, and the population by the previous and by the following censuses of the different States that have been admitted to the Union. It seems from this table that of the twenty States which passed through a Territorial form of organization to Statehood but six of them possessed by the previous census a population equal to the unit of representation in the House of Representatives. I find by looking at the table that no State admitted since Missouri in 1821 possessed this ratio by the census preceding its admission—not a single one.

If we were searching for a rule, then, we should say that it rested entirely in the discretion and good judgment of Congress, and that it had not been judged at all essential that the State should be shown to possess at the time of its admission a population equal to the unit of representation in the House.

The report which was submitted by the Senator from Missouri [Mr. VEST] in the Forty-seventh Congress in connection with the bill which was then reported for the admission of Southern Dakota seems to concede that the requirement can not go beyond a present population equal to the unit of representation in the House. That Senator in his report said:

While no other provision is found in the Constitution as to the admission of new States than that before quoted, and no law or rule binds or limits the action of Congress, it would be a manifest violation of the spirit and intendment of the Constitution to admit a State into the Union without at least the population requisite under the existing law of apportionment for a Representative in the lower House of Congress.

Mr. President, while the precedents are not that way, while they do not support the proposition of the Senator from Missouri, yet if that is to be the rule applied in the case of Dakota, I think it is an exceedingly easy task to demonstrate that Southern Dakota now has a population largely in excess of 151,000, the present basis of representation in the House of Representatives. There was a bill—I am not sure whether it came to the Senate or not; the report was laid upon our desks—a bill of the House of Representatives the object of which was to establish a rule. That bill provided that no State should be admitted into the Union unless it had a population equal to the existing ratio. It was favorably reported from the Committee on Territories in the House during this Congress, and I am not sure as to what its present status is.

It would be exceedingly unfair in the case of any one of these Western Territories, and especially in the case of Dakota, to judge her population by a census taken five years ago. All of the conditions of emigration have changed. The emigrant who is seeking a home in the West does not now use as his vehicle a pack-train, a Conestoga wagon, or even a broad-horn. The great bulk of the people who have gone into Dakota have gone upon the steam-car, many of them within sight of the home which they were to take up under the homestead laws of the United States. The steam-car, and even the palace Pullman car, is now the medium for transporting our enterprising people to their homes in the West, whereas in the case of the State of Indiana it was thirty years after the admission of that State into the Union before a single mile of railroad was built in its territory. The Ohio River and some of its tributary streams were the channels of emigration. Travel was slow, toilsome, perilous. But now the emigrant reaches his home in Dakota or in Montana surrounded by all those appliances of luxury in traveling which we enjoy here in passing from the capital to the great commercial metropolis.

Therefore it is, as we shall see, that the ratio of emigration and settlement in these new States outstrips almost beyond description the settlements of the earlier States in the West. Looking at some of the statistics upon this question, I find by the Railroad Manual of 1883 that Dakota had eleven railroads and nearly 2,500 miles of completed railway. Many of our States were thirty or forty years without a mile of railway within their borders; but here is this young Territory, organized, I believe, in 1860, still outside of the sisterhood of States, with nearly 2,500 miles of completed railway within her borders.

The population of Dakota at the last census was 135,177. The returns by counties, which I have had carefully analyzed, show that in Southern Dakota there was then a population of about 100,000; rather more than less. The Senator from Missouri, in his report, speaks of this population as embracing the Indians in South Dakota. In this he is entirely mistaken. The census report is of the white and colored population of the Territory, and does not include the Indians.

I desire to call attention to the ratio of increase in the Territory of Dakota. From 1860 to 1870, in that decade, the ratio of increase was 193.1 per cent. From 1870 to 1880 the increase of population in Dakota was 853 per cent., or more than 85 per cent. a year. It was more than twice as much as that of any other State or Territory. Now, if the ratio since has been only 40 per cent., if it has been less than one-half of the ratio between 1870 and 1880, it would show a present population in Southern Dakota of over 300,000. That would be 200 per cent. for the five years, and would show a population, as I have said, of over 300,000 in Southern Dakota—twice the number required for a Representative in Congress; and I pause to say that I have no doubt after a careful examination of the statistics that Southern Dakota now upon a fair census would show a population entitling her to two members in

the House of Representatives. If the increase of population, instead of being 40 per cent., less than one-half of the increase in the preceding decade, was only the absurd sum of 10 per cent.; if we assume that, having increased between 1870 and 1880 853 per cent., the increase of population for the five years succeeding has only been 10 per cent. a year, it would be 50 per cent. for the five years that have intervened, and having a population of 100,000 then, Southern Dakota would have now, if we allow her only 10 per cent. of an annual increase, more population than is required to give a member in the House of Representatives.

Let us look next as a basis of calculation to the vote of the Territory. In 1880 Dakota cast 28,426 votes; in 1884 she cast 86,000—an increase of 57,574 voters in the four years. If we look to some of the other States of the Union and to their vote as returned by the census of 1880, I think we shall feel that objections to the admission of Dakota coming from other States having such a voting population as I shall mention presently, contrasted with that of Dakota, are not well supported in justice and fairness.

In Delaware in 1880 the total vote was 29,333; in Louisiana it was 97,201, only 10,000 more than the Territory of Dakota, and yet upon that aggregate vote the State of Louisiana had six members in the House of Representatives. Will Louisiana, through her Representatives upon this floor, in view of a contrast like that, feel that it is preserving an equality between the citizens of this country for that State upon a vote only 10,000 greater than the vote just cast by the Territory of Dakota to have six members in the House of Representatives, and Dakota be denied a hearing there at all except by a Delegate who can not vote upon any question affecting the public interest?

Mr. JONAS. I should like to ask the Senator from Indiana if the basis of representation in the Congress of the United States is the vote as cast by the States?

Mr. HARRISON. Not at all; it is not the vote; it is population; though I think if you will study the statistics you will find that in some of the States the vote bears a very different ratio to the population.

Mr. JONAS. I will state that, if the Senator from Indiana will look at the census returns, he will find that Louisiana is entitled to the number of Representatives she has on the floor of the House of Representatives by population; and that she has the proper number of voters to correspond with her population. If in an election where there was no contest and a light vote the vote of Louisiana was but 98,000, as he says, it does not follow that Louisiana has not the number of legal voters which her population entitles her to according to the census. And her population according to the census entitles her to six members of Congress. Therefore I do not think the analogy is perfect.

Mr. HARRISON. The condition of the State of Louisiana was one of unusual felicity if in 1880 there was no political contest among her people. I had supposed that in a Presidential year all the States and all their people participated in the excitement and interest which is involved in the choice of a President; but, sir, I shall make another use of this presently. If 97,000 votes in Louisiana represent a population which entitles that State to six Representatives in the House, is it not probable that 86,000 votes in Dakota entitle that people to admission and to one Representative?

But I proceed. Mississippi in 1880 cast a total vote of 117,078; New Hampshire cast a vote of 86,363, nearly the same vote cast by the Territory of Dakota this year—only 300 more. Oregon cast only 40,816 votes in 1880; Vermont cast but 65,098 votes; West Virginia but 112,713 votes, and Rhode Island 29,235.

Mr. JONAS. I ask the Senator whether under the laws of the Territory of Dakota unnaturalized foreigners are not permitted to vote?

Mr. HARRISON. I think not.

Mr. JONAS. I think they are. I am not positively informed, but I think that is the case.

Mr. HARRISON. The laws of Dakota are liberal and her elections are free, I have no doubt, but I do not think that unnaturalized foreigners, that is, not those who have not declared their intention to become citizens, are allowed to vote. In my own State, as well as in many others, foreigners who have been resident one year in this country and have declared their intention to become citizens and have been six months resident in the State are voters. It is possible that some such provision has been adopted in Dakota.

Of these 86,000 voters two-thirds are in Southern Dakota. What is a fair basis upon which to calculate the number of inhabitants in Dakota if we have 86,000 voters there? Will any one contend that a ratio of four inhabitants to each voter is excessive? Will any one contend that as applied to the Territory of Dakota it is an unfair ratio? If there are four inhabitants to each voter it would show a population in Southern Dakota of 230,000.

But we have a basis upon which to arrive at a ratio in Dakota between the number of inhabitants and the number of voters. Take the basis of 1880, when the census furnishes us with the necessary statistics. The vote of Dakota in 1880 was 28,474; her population by the census of that year was 135,177, showing a ratio of 4.82 inhabitants to every voter. If that ratio, the ratio which prevailed in 1880, is maintained, we shall have in Southern Dakota about 250,000 population.

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> This number, on the ratio of 5 to 1, gives a population of 417,500—

> In the whole Territory of Dakota—

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> A confirmation of these figures is found in the report of the Territorial superintendent of public instruction. The returns in his office show 80,000 children in the Territory of school age (7 to 20 years). Estimating 5 to 1 (the census of 1880 gave 8 to 1) between the ages of 5 and 17), and we have 400,000, or nearly the number of inhabitants gained from a computation based on the number of votes.
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> It should be remembered, however, that there are a number of unorganized counties in the Territory where the census of school children is not taken and where no votes are cast, but which contain all the way from 100 to 1,000 population. No account is taken either of non-voters, though the percentage is probably quite as large here as in the older States. When these facts are taken into consideration it is quite evident that 417,000 is much below the actual number. I have very little doubt that a complete census of the Territory would show a population of 450,000, but estimating it at only 400,000, and then Dakota has a greater number of inhabitants than was shown by the last census in either Colorado, Delaware, Florida, Nevada, New Hampshire, Oregon, Rhode Island, or Vermont, while it about equals Connecticut, Maine, Nebraska, and West Virginia.

Mr. President, as to the question of the ratio of inhabitants to voters, I have shown what it actually was in Dakota in 1880. Let us look now to some of the other States. In 1880 the total vote of Florida was was 51,618 and her population 269,493, or a ratio of 5.22 inhabitants to each voter. Let us look at Georgia. The vote of Georgia in 1880 was 155,651; her population was 1,542,180, or a ratio of 9.27 inhabitants to every vote cast in the State. The vote of Mississippi was 117,078, her population was 1,131,597, or a ratio of nearly ten inhabitants to every voter in the State. Let us look at Louisiana. Her total vote was 97,201; her population was 937,946, showing a ratio of 9.67 inhabitants to every voter in the State. Alabama in 1880 cast a vote of 151,507 while her population was 1,262,505, showing a ratio of inhabitants to voters of 8.46. Missouri's vote in 1880 was 397,221 with a population of 2,168,380, or a ratio of 5.45 inhabitants to each voter. The average of these six States is a little more than eight inhabitants to each voter.

Mr. President, I shall leave to others to declare if there are any exceptional or unusual conditions existing in any of these States whose votes and population I have given which disturb, in any degree, the proper average between the number of inhabitants and the votes cast at their election. I shall leave it to some of the Senators from those States to explain.

Minnesota and Nebraska, two comparatively new States, and both bordering upon Dakota, show a ratio of inhabitants to voters of $5\frac{17}{100}$.

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If we take the number of votes cast in some of the States for members of Congress, I find that in Georgia the average vote in a Congressional district for every member of Congress in 1880 was 16,425; that in Mississippi it was 19,055; that in Louisiana it was 16,333; or an average in the four States of 17,578. If we take this Congressional vote to represent in each district 150,000 population, Dakota upon that basis would be entitled to nearly five members.

I have shown hastily the conditions as to population, area, and wealth which, according to precedent and, I think, according to reason and justice, entitle this Territory to admission into the Union. The people are intelligent and well disposed toward our institutions. I thought I had before me the statistics of illiteracy in Dakota. My recollection is that only three of the States and one of the Territories—Wyoming—show a less per cent. of illiteracy than is shown by the census in the Territory of Dakota; the per cent. in Dakota being something more than 3, perhaps 3.45 per cent., of the total population who can not write.

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committees of censorship and examination to exclude ignorance from their Territories. Certain it is that the ratio of illiteracy, which was once lowest in some of the Eastern States, now finds its lowest point in the new States and in the Territories.

The people of Southern Dakota have outgrown a Territorial organization. It is repressive and inadequate for their present needs. The judiciary system of the Territory proved to be so entirely inadequate, that the present Congress at the last session gave two additional judges to Dakota with the view of facilitating the disposition of the cases which encumber the dockets of the courts. I wrote during the last session to the chief-justice of the Territory once, as Senators will remember, a member of our own body, Mr. Edgerton, of Minnesota, upon this subject, and he addressed in turn the associate justices of the Territory for information as to their districts. I read a brief extract from the letter of Judge Palmer in response to an inquiry from Chief-Justice Edgerton. He says:

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> From this time my terms follow each other weekly till the close of the second week in July. Then commence again the first Tuesday in August, and continue without interruption (except supreme court in October) till July again. So much for the time.
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> As to the business, I need not say to you that it is a physical impossibility to perform it, to say nothing of the manner in which it must necessarily be done in the ceaseless rush from day to day and term to term.
>
> To give an important question a quiet thought in library or chambers is out of the question, and as a necessary consequence the work is far from satisfactory to me and I shrink from considering what it must be to the profession.
>
> Since I assumed the duties of my office I have usually opened court at 8 o'clock a. m., and in a large majority of the days it has not been adjourned earlier than 9 and often 10 and 11 p. m. You probably feel like asking me again "what I enlisted for."

I read this, and I might supplement it by reading from the answers of the other justices of the Territory, to show that the present judicial system provided under our laws is entirely inadequate to the settlement of the numerous and important questions of property and other more important questions involving life and liberty which come before the courts of that Territory. We have given them two more judges, and that is utterly inadequate. These people are still hampered and repressed by their Territorial organization and deprived of the power at their own expense to supply a judiciary which shall be acceptable to themselves and which shall promptly dispose of pending controversies.

We have found ourselves also under the necessity of legislating to increase the Territorial Legislature. Under our system of Territorial organization, framed for sparse and feeble communities, the council is composed of twelve members and the house of twenty-four. As applied to the great Territory of Dakota it was found to be an utterly inadequate representation, and the committees of this body having that matter in charge at the last session reported and Congress passed a law doubling the representation both in the council and house of representatives. I give these as instances to show that the present government, even as enlarged, is inadequate. We have patched the clothes, but they are still too tight.

I notice, Mr. President, that in the debate upon the Kansas bill the distinguished Senator from Massachusetts, Mr. Sumner, alluded to a stipulation in the treaty with France by which the territory west of the Mississippi River was acquired as having some force in considering the question of the admission of Kansas. The stipulation contained in that treaty was that the territory should, as soon as might be conformably with the Constitution and institutions of the country, be admitted to the Union.

In the minority report submitted by the Senator from Missouri [Mr. VEST] in the Forty-seventh Congress I find this statement:

> Nor is there any exceptional reason or necessity shown for the immediate admission of the new State into the Union. If the statements of the advocates and friends of the pending measure are to be received even with great allowance, the proposed State is now a Territorial elysium, and the people in the enjoyment of every possible blessing to be obtained from religion, education, or benign and just laws.

I conclude, Mr. President, that this was simply an ebullition of that facetiousness which in his lighter moments characterizes the Senator from Missouri. I take it that he would not seriously say that this community of two hundred and fifty or three hundred thousand American citizens, dwelling in the Territory of Dakota, have no need to have their political rights, or that they are now "in the enjoyment of every possible blessing to be obtained from religion, education, or benign and just laws."

Mr. President, I know too well the impulses of the Senator from Missouri. I know too well how highly he appreciates the full, complete equipment of American citizenship to think for one moment that he would regard it a light matter that 300,000 American citizens, as well entitled as he or I to the full enjoyment of the benefits of a national citizenship, should be deprived in any degree of the privileges of that citizenship beyond the time when the Territory in which they dwell has acquired the wealth and the population that fairly entitle them to admission to the Union.

Is it nothing, Mr. President, that the citizen of Dakota who is equally affected with the citizen of Missouri or Indiana by the laws which we enact here is absolutely without voice in their enactment? Is it nothing that in the choice of the Executive of this great nation the citizen of Dakota is as much disfranchised as the citizen of the District of Columbia? Is it nothing, sir, that when questions of tariff or revenue are to be affected by Congressional enactment or executive veto the inhabitants of a great Territory like this are absolutely deprived of all power to participate in the determination of those questions? Is it nothing, or is it a matter of joke or facetiousness, that this great population have no choice in the selection of the Executive who holds a first veto upon their legislation, while Congress reserves another to itself?

Is it nothing that in the case of the secretary of the Territory, who discharges the duties in many cases of auditor of a State, they have absolutely no voice in his selection? Is it nothing that the judges who are to preside when questions of property are to be settled between citizen and citizen, or when the higher questions of liberty and life are to be settled, are not of their own choice; that the people whose property and whose lives are to be adjudged in the courts have no choice and no influence in the selection of those who exercise these judicial functions?

Is it nothing, sir, or is it matter of joke or facetiousness, that the legislation of the Territory is absolutely in the control of Congress; that the representatives chosen by Missouri and by Indiana to sit in this Chamber, and by those and other States to sit in the House of Representatives, are the legislators who may frame if they please the laws of descent and of the alienation of property, who may frame if they please every criminal statute that is to affect that people?

No, Mr. President, I submit that when he turns his mind thoughtfully to the consideration of this question it will not be with the Senator from Missouri nor with any other Senator upon this floor a matter of joke or facetiousness. We do not need to show this to be an exceptional case. The man who desires to continue such a body of citizens in a condition of semi-citizenship and semi-vassalage should show why the exception should be made against them and why they should not be clothed with full citizenship.

As I said at the beginning, this question can not be approached from the low plane of party benefits or injuries. In the bill reported at the last session of Congress, in order to put this question entirely beyond any such influence, provision was made by which the admission of Dakota could not take place until after the Presidential election. That great issue has been determined and the executive control of this country has passed into the hands of the Democratic party. It must be four years more until Dakota, if she is admitted now, can have any participation in the electoral college. Will any man be so unjust as to suggest that she should stand for these four years more with her great population, her great resources, her intelligent people outside of the pale of the States?

Mr. President, I only intended in these opening remarks to set before the Senate, and if I could to get the attention of some of its thoughtful members, the statistics of the Territory of Dakota. I put my appeal to them now in her behalf upon the precedents and upon principles of equity and fair dealing. She has the requisite population, an ample area, abundant wealth, and a sure prospect of a growth that will speedily place her in advance of many of the older States. I shall probably not have anything further to say in the discussion of this bill unless the discussion should take a range wider than I have anticipated.

Mr. GARLAND. I wish to ask the Senator from Indiana a question. I did not care to interrupt him in the course of his remarks.

Mr. HARRISON. I am through, but I will answer any question I can.

Mr. GARLAND. On page 5 of the report there is an estimate of the population. I was once familiar with the matter, but I have not had occasion to renew my recollection of it. The report states that the present population is believed to be fully 350,000. Does that refer to the entire Dakota Territory, or only to the portion that is sought to be admitted as a State by the bill?

Mr. HARRISON. I think the estimate referred to there was of the whole Territory, perhaps 250,000 in the southern part and about 100,000 in the northern part: but the Senator must recollect when this report was made.

Mr. GARLAND. I understand that.

Mr. HARRISON. It was made in the absence of the statistics furnished by the recent vote of the Territory.

Mr. VEST obtained the floor.

Mr. SHERMAN. I suppose the Senator from Missouri hardly desires to go on to-night. If he will give way I shall move an executive session.

Mr. VEST. With pleasure.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned.

the House of Representatives. If the increase of population, instead of being 40 per cent., less than one-half of the increase in the preceding decade, was only the absurd sum of 10 per cent.; if we assume that, having increased between 1870 and 1880 853 per cent., the increase of population for the five years succeeding has only been 10 per cent. a year, it would be 50 per cent. for the five years that have intervened, and having a population of 100,000 then, Southern Dakota would have now, if we allow her only 10 per cent. of an annual increase, more population than is required to give a member in the House of Representatives.

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We have found ourselves also under the necessity of legislating to increase the Territorial Legislature. Under our system of Territorial organization, framed for sparse and feeble communities, the council is composed of twelve members and the house of twenty-four. As applied to the great Territory of Dakota it was found to be an utterly inadequate representation, and the committees of this body having that matter in charge at the last session reported and Congress passed a law doubling the representation both in the council and house of representatives. I give these as instances to show that the present government, even as enlarged, is inadequate. We have patched the clothes, but they are still too tight.

I notice, Mr. President, that in the debate upon the Kansas bill the distinguished Senator from Massachusetts, Mr. Sumner, alluded to a stipulation in the treaty with France by which the territory west of the Mississippi River was acquired as having some force in considering the question of the admission of Kansas. The stipulation contained in that treaty was that the territory should, as soon as might be conformably with the Constitution and institutions of the country, be admitted to the Union.

In the minority report submitted by the Senator from Missouri [Mr. VEST] in the Forty-seventh Congress I find this statement:

> Nor is there any exceptional reason or necessity shown for the immediate admission of the new State into the Union. If the statements of the advocates and friends of the pending measure are to be received even with great allowance, the proposed State is now a Territorial elysium, and the people in the enjoyment of every possible blessing to be obtained from religion, education, or benign and just laws.

I conclude, Mr. President, that this was simply an ebullition of that facetiousness which in his lighter moments characterizes the Senator from Missouri. I take it that he would not seriously say that this community of two hundred and fifty or three hundred thousand American citizens, dwelling in the Territory of Dakota, have no need to have their political rights, or that they are now "in the enjoyment of every possible blessing to be obtained from religion, education, or benign and just laws."

Mr. President, I know too well the impulses of the Senator from Missouri. I know too well how highly he appreciates the full, complete equipment of American citizenship to think for one moment that he would regard it a light matter that 300,000 American citizens, as well entitled as he or I to the full enjoyment of the benefits of a national citizenship, should be deprived in any degree of the privileges of that citizenship beyond the time when the Territory in which they dwell has acquired the wealth and the population that fairly entitle them to admission to the Union.

Is it nothing, Mr. President, that the citizen of Dakota who is equally affected with the citizen of Missouri or Indiana by the laws which we enact here is absolutely without voice in their enactment? Is it nothing that in the choice of the Executive of this great nation the citizen of Dakota is as much disfranchised as the citizen of the District of Columbia? Is it nothing, sir, that when questions of tariff or revenue are to be affected by Congressional enactment or executive veto the inhabitants of a great Territory like this are absolutely deprived of all power to participate in the determination of those questions? Is it nothing, or is it a matter of joke or facetiousness, that this great population have no choice in the selection of the Executive who holds a first veto upon their legislation, while Congress reserves another to itself?

Is it nothing that in the case of the secretary of the Territory, who discharges the duties in many cases of auditor of a State, they have absolutely no voice in his selection? Is it nothing that the judges who are to preside when questions of property are to be settled between citizen and citizen, or when the higher questions of liberty and life are to be settled, are not of their own choice; that the people whose property and whose lives are to be adjudged in the courts have no choice and no influence in the selection of those who exercise these judicial functions?

Is it nothing, sir, or is it matter of joke or facetiousness, that the legislation of the Territory is absolutely in the control of Congress; that the representatives chosen by Missouri and by Indiana to sit in this Chamber, and by those and other States to sit in the House of Representatives, are the legislators who may frame if they please the laws of descent and of the alienation of property, who may frame if they please every criminal statute that is to affect that people?

No, Mr. President, I submit that when he turns his mind thoughtfully to the consideration of this question it will not be with the Senator from Missouri nor with any other Senator upon this floor a matter of joke or facetiousness. We do not need to show this to be an exceptional case. The man who desires to continue such a body of citizens in a condition of semi-citizenship and semi-vassalage should show why the exception should be made against them and why they should not be clothed with full citizenship.

As I said at the beginning, this question can not be approached from the low plane of party benefits or injuries. In the bill reported at the last session of Congress, in order to put this question entirely beyond any such influence, provision was made by which the admission of Dakota could not take place until after the Presidential election. That great issue has been determined and the executive control of this country has passed into the hands of the Democratic party. It must be four years more until Dakota, if she is admitted now, can have any participation in the electoral college. Will any man be so unjust as to suggest that she should stand for these four years more with her great population, her great resources, her intelligent people outside of the pale of the States?

Mr. President, I only intended in these opening remarks to set before the Senate, and if I could to get the attention of some of its thoughtful members, the statistics of the Territory of Dakota. I put my appeal to them now in her behalf upon the precedents and upon principles of equity and fair dealing. She has the requisite population, an ample area, abundant wealth, and a sure prospect of a growth that will speedily place her in advance of many of the older States. I shall probably not have anything further to say in the discussion of this bill unless the discussion should take a range wider than I have anticipated.

Mr. GARLAND. I wish to ask the Senator from Indiana a question. I did not care to interrupt him in the course of his remarks.

Mr. HARRISON. I am through, but I will answer any question I can.

Mr. GARLAND. On page 5 of the report there is an estimate of the population. I was once familiar with the matter, but I have not had occasion to renew my recollection of it. The report states that the present population is believed to be fully 350,000. Does that refer to the entire Dakota Territory, or only to the portion that is sought to be admitted as a State by the bill?

Mr. HARRISON. I think the estimate referred to there was of the whole Territory, perhaps 250,000 in the southern part and about 100,000 in the northern part; but the Senator must recollect when this report was made.

Mr. GARLAND. I understand that.

Mr. HARRISON. It was made in the absence of the statistics furnished by the recent vote of the Territory.

Mr. VEST obtained the floor.

Mr. SHERMAN. I suppose the Senator from Missouri hardly desires to go on to-night. If he will give way I shall move an executive session.

Mr. VEST. With pleasure.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 9, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BUSINESS OF POST-OFFICE COMMITTEE.

Mr. MONEY. I desire consent to offer a resolution for present consideration.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Wednesday, January 7, 1885, be set apart, after the reading of the Journal, for the consideration in the House as in Committee of the Whole of such bills as may be presented by the Committee on the Post-Office and Post-Roads; this order not to interfere with the consideration of general appropriation and revenue bills.

Mr. HOLMAN. I must object to this resolution unless the bills to be considered be designated, and unless exception be made in favor of reports from the Committee on Public Lands.

Mr. MONEY. I am perfectly willing to designate the bills which the committee wish to consider on the day proposed, and am also willing to make the exception which the gentleman from Indiana [Mr. HOLMAN] indicates. The bills which the committee desire to consider are: one regulating contracts on star routes, to prevent speculative and ring bidding; one to regulate compensation of railroads for mail transportation upon a juster basis than the present; one to equalize postage on mail matter at the office of publication; and one to raise the weight of letters passing through the mails under a two-cent stamp from one-half ounce to an ounce. These are the bills which the committee has agreed to present if the House consents to designate a day for this business. The committee has not had a day in the House during the whole term of the present Congress.

Mr. HOLMAN. With the understanding that those measures alone are to be considered, and that exception is to be made in favor of business of the Committee on Public Lands—I do not see my colleague [Mr. COBB] now in the House——

Mr. RANDALL. I would like to have the agreement embraced in the resolution itself; and until that is done I object.

Mr. MONEY. I am willing to put it in. There may be other bills which the committee may desire the House to consider, but I am perfectly willing that they may be objected to at that time.

Mr. RANDALL. I think some of the bills named by the gentleman should be discussed in the Committee of the Whole House on the state of the Union. The resolution provides for bringing them up in the House.

Mr. MONEY. As in Committee of the Whole.

Mr. RANDALL. I object.

Mr. MONEY. Does the gentleman object if the bills are named in the resolution?

Mr. RANDALL. Before withdrawing my objection I would like to read the resolution as proposed to be adopted.

The SPEAKER. The gentleman from Mississippi can withdraw his resolution and offer it again after an agreement has been reached.

Mr. SINGLETON. I would have to object unless prior orders were excepted.

The SPEAKER. Objection is made.

DEFENSE OF NEW YORK HARBOR.

Mr. HEWITT, of New York, by unanimous consent, presented the following memorial of the Chamber of Commerce of the State of New York; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

This memorial of the Chamber of Commerce of the State of New York respectfully represents:

That by the representations of the honored Chief of Engineers of the United States in his annual report this harbor and port is practically without defense against existing war vessels, and, therefore, liable to be placed at any moment at the mercy of any inimical nation to be destroyed by bombardment, or under an exaction of a ransom of many millions of dollars to buy off the threatened injury; it is not to be deemed that the United States Government will suffer its greatest port and city to be subjected even to the possibility of such injury or humiliation.

The chamber therefore respectfully prays that your honorable bodies will promptly appropriate a sum of money which will accord with the suggestions of the Chief of Engineers on this subject and serve to carry out his views on this matter.

And your memorialists will ever pray.

[SEAL.] JAS. M. BROWN, *President.*
GEORGE WILSON, *Secretary.*

MISSISSIPPI.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R. 7669) to restore a republican form of government in the State of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MISSISSIPPI WATER-POWER AND BOOM COMPANY.

Mr. NELSON. Mr. Speaker, I move, by unanimous consent, to discharge the House Calendar and take up for present consideration the bill (H. R. 6764) to authorize the Mississippi Water-Power and Boom Company, of Brainard, Minn., to construct a dam across the Mississippi River.

The SPEAKER. The bill will be read subject to objection.

The bill was read *in extenso.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I trust before that question is determined the gentleman will make to the House some explanation of the provisions of the bill.

Mr. REAGAN. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. REAGAN. I demand the consideration of the special order, which has precedence over the regular order.

The SPEAKER. The special order is the unfinished business coming over from yesterday.

REPRINTING RESCINDED.

Mr. HEWITT, of New York, by unanimous consent, moved that the order made December 2 to reprint House report No. 1848 be rescinded.

The motion was agreed to.

INTERSTATE COMMERCE BILL.

The SPEAKER. The House resumes the consideration of the special order, which is the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce, on which the gentleman from Mississippi [Mr. BARKSDALE] was entitled to the floor.

Mr. BARKSDALE. Mr. Speaker, in the exercise of his constitutional functions to recommend to Congress such measures as he may deem necessary and expedient, the President, in his annual message of December 4, 1883, directed attention to the necessity of legislation to protect the public from acts of injustice and oppression committed by railroad corporations employed as the agents of commerce among the States. He used this strong and unequivocal language:

Complaints have lately been numerous and urgent that certain corporations, controlling in whole or in part the facilities for the interstate carriage of persons and merchandise over the great railroads of the country, have resorted in their dealings with the public to divers measures unjust and oppressive in their character.

In some instances the State governments have attacked and suppressed these evils, but in others they have been unable to afford adequate relief because of the jurisdictional limitations which are imposed upon them by the Federal Constitution.

The question how far the National Government may lawfully interfere in the premises, and what, if any, supervision or control it ought to exercise, is one which merits your careful consideration.

While we cannot fail to recognize the importance of the vast railway systems of the country and their great and beneficent influences upon the development of our material wealth, we should, on the other hand, remember that no individual and no corporation ought to be invested with absolute power over the interest of any other citizen or class of citizens. The right of these railway corporations to a fair and profitable return upon their investments, and to reasonable freedom in their regulations, must be recognized; but it seems only just that, so far as its constitutional authority will permit, Congress should protect the people at large in their interstate traffic against acts of injustice which the State governments are powerless to prevent.

The same recommendation is renewed in general terms by the President in his annual message of December 1, 1884.

It is proper to assume that the President did not act without due deliberation, and that he would not have called the attention of Congress to the subject in the earnest and vigorous language he has employed if the necessity for the legislation he proposes had not been urgent. The recommendation emanates from the executive head of the Government, and though he is the recognized chief of the political party to which he owes his elevation, the measure can not be considered from a partisan standpoint, to bias the minds and pervert the judgment of those whose duty it is to deal with it. It must be regarded from the higher plane of enlightened public policy unaffected by the narrow considerations of party. We have seen in the progress of the discussion that it is common ground upon which the North and the South, the East and the West, can meet; a domain into which the intolerant spirit of party and the still more illiberal spirit of sectionalism can not enter.

CONSTITUTIONAL POWER OF CONGRESS TO REGULATE INTERSTATE COMMERCE.

The question first to be settled in providing the remedial legislation for the acts of oppression and injustice referred to by the President, is whether it is within the scope of the duties confided to Congress by the Constitution. I will address myself the more readily to this point in view of the thorough and elaborate examination which other members who have preceded me in the discussion have made of the details and practical effect of the pending bills. The language of the Constitution is so plain, and the weight of judicial authority in favor of the right of Congress to exercise whatever power is needed for the regulation of commerce among the States is so overwhelming, that no loop exists to hang a doubt upon. It is that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." It is a historical fact that the predominant motive which induced the States to meet in convention "to frame a more perfect union" than existed under the Confederation was to regulate commerce among them and to place it under the protection of a uni-

form law. During the Confederation the States, each for itself, could regulate commerce, and there was constant peril of a conflict of jurisdiction.

It is significant that in the resolution of Virginia urging the assembling of the convention this was the chief object mentioned. Therefore the real intent of the clause of the Constitution "to regulate commerce among the States" can not be questioned. The design of the framers of the instrument is its true interpreter.

The line of judicial authority in support of the power to do what the President has so wisely and well recommended is unbroken from the earlier days of the Government down to the present time. It would be a work of supererogation to cite the authorities in support of the proposition if the power of Congress to do what he has advised had not been denied by the accredited attorneys and representatives of the corporations which are proposed to be placed under the wholesome restraints of law. In his argument before the Committee on Commerce a learned attorney, who announced himself as the accredited representative of over 6,000 miles of railroad, with a capital of more than $100,000,000, denied that the question had ever been judicially decided. He said:

What I maintain is that there has been no case before the Supreme Court of the United States in which the issue has been plainly and distinctly marked as to what the power of Congress is.

Another representative of the corporations, in his argument before the committee, with apparent sincerity, insisted that the power of Congress to regulate commerce was restricted to the navigable waters. He said:

That commerce among the States is necessarily a thing that floats upon the navigable waters, those highways that have their sources in one State and their waters in another, and which are boundaries between the different States, and which, if we had not the different States, would have been regulated by treaties among the several States as independent sovereignties. Commerce is commerce continued upon waters that are not within States, but on water ways that are upon no State.

In a colloquy with the chairman of the committee he expressed himself in this emphatic language:

The CHAIRMAN. Is it your understanding that Congress has no power to regulate the commerce or passenger traffic over the railroads from State to State?

Mr. SELLERS. Yes, sir; they have none whatever.

If these positions be correct, the Government is a failure in one of the main objects of its creation. The Constitution is a dead letter—a nullity—in one of its essential provisions. The corporations annually transporting products valued at not less than $15,000,000,000 are without control; they are a law unto themselves, and have as large a charter to impose whatever burdens their cupidity may suggest upon the labor and business of the country as the winds to blow where they list. If they are hedged by the divinity ascribed to them by their devotees the figure of speech employed by a New England statesman now no more has been verified, that they are like the barons of the feudal ages in their rocky fastnesses, levying tribute upon all the wayfarers of business and pleasure and duty, with none to molest or to make them afraid.

Judge Redfield, in his excellent work on the law of railroads, has this to say in refutation of this monstrous doctrine:

Those who assume that Congress has no power to regulate the traffic on these extended lines of railway, reaching from one end of the Union to the other, must, if they would meet the question fairly, either say the extended lines of railway, amounting to many millions annually, probably ten times as much as the entire commerce of the country at the time of the adoption of the Constitution, is not commerce at all, or if it be is not subject to any regulation or control whatever; for it is certain the States have neither the power nor capacity to regulate to any purpose or with any efficiency the interstate traffic. It must then come under the control of Congress or be left to its own devices and impulses—an experiment never tried in any other country. (Redfield on Railways, 720-722.)

The power of Congress to regulate commerce between the States by whatever agents carried on was asserted by the highest judicial tribunal of the United States, speaking through its greatest authority, Chief-Justice Marshall, in the celebrated case of Gibbons *vs.* Ogden. The Legislature of New York had granted to certain parties the exclusive navigation of all the waters within the jurisdiction of the State, with boats moved by fire or steam, for a term of years. Thomas Gibbons undertook to employ boats on the waters to the use of which the monopoly had been granted. Ogden, the chief beneficiary, prayed an injunction to restrain him from navigating them. The courts of New York decided to perpetuate the injunction. The case was brought before the Supreme Court, and it reversed the decision, on the ground that the act was repugnant to the clause of the Constitution which authorizes Congress to regulate commerce, so far as the said act prohibits vessels licensed according to the laws of the United States for carrying on the coasting trade from navigating the said waters.

Chief-Justice Marshall, in delivering the opinion of the court, after declaring that "the genius and character of the whole Government seemed to be that its action is to be applied to all the external concerns which affect the States generally, but not to those which are completely within a particular State," said:

The power to regulate commerce among the States is "to prescribe the rule by which commerce is to be governed." This power, like others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. (Gibbons *vs.* Ogden, 9 Wheaton.)

The court declared further:

Where each government exercises the power of taxation, neither is exercising the power of the other; but when a State proceeds to regulate commerce with foreign nations, or among the several States, it is exercising the very power that is granted to Congress, and is doing the very thing which Congress is authorized to do.

Chief-Justice Story, in the case of New York *vs.* Miln (11 Peters, 156), citing the foregoing decision, said:

From that time to the present the question has been considered at rest. The power given to Congress to regulate commerce with foreign nations and among the States has been deemed exclusive, from the nature and object of the power, and the necessary implications growing out of it.

This decision pronounced by Chief-Justice Marshall sixty years ago is a monument to his memory more lasting than marble. It has been accepted by all his successors in his great office as the true interpretation of the Constitution. It has stood in all the vicissitudes through which the country has passed, like a guiding pharos in a stormy sea, lighting up the pathway of the mariner amid rocks and shoals and quicksands and whirlpools to a port of safety. Since it was promulgated the country has taken a vast stride in the march of events. The agencies for the transportation of products have been increased; the railroad and the telegraph era has been inaugurated. But the doctrine is applicable to every vehicle of interstate commerce, whatever it may be. The power was conferred for the wise and beneficent purpose of protecting the labor of the country from extortion; of producing harmony among the States; of cementing the bond of their union; and it is exercisable wherever and in whatever fashion the instrumentalities of interstate commerce exist.

Daniel Webster, to whose name has attached the title of the great expounder of the Constitution, in his argument in the same case, held that "the power of Congress to regulate commerce among the States was complete and entire, and to a certain extent necessarily exclusive." He asked: "What is to be regulated? Not the commerce of the several States respectively, but the commerce of the United States. Henceforth" (from and after the adoption of the Constitution), he said, "the commerce of the States was to be a unit, and the system by which it is to exist and be governed must necessarily be complete, entire, and uniform. Its character is to be described by the flag which waves over it—*E Pluribus Unum.*" It was with reference to this masterly exposition of the Constitution that Justice Wayne, addressing its author, said:

The court felt the force and effect of your reasoning, and rendered a decision which has released every river and bayou, and lake and harbor, from the influence of monopoly.

Again, in the celebrated Passenger Cases (7 Howard), growing out of the acts of the New York and Massachusetts Legislatures authorizing the collection of toll from passengers arriving at ports within those States under the general denomination of health laws, the question of the power of Congress was raised. The tax was resisted on the ground that the statute was a regulation of commerce and therefore in conflict with the Constitution of the United States. The State courts affirmed the constitutionality of the law, and it was brought before the Supreme Court of the United States.

Justice McLean, in reversing the judgment of the State courts, cited the decision of Chief-Justice Marshall above quoted and numerous other decisions in support of the doctrine of the exclusive power of Congress to regulate commerce among the several States, and used this pointed language:

If these decisions are not to be taken as the established construction of the Constitution, I know of none which are not yet open to doubt.

And Justice Wayne adds:

Keeping then in mind what commerce is, and how far a nation may legally adjust her own commercial transactions with another State, we cannot be at a loss to determine from the subject-matter of the clause in the Constitution that the meaning of the terms used in it is to exclude the State from regulating commerce in any way, except their own internal trade, and to confide its regulation completely and entirely to Congress.

In the Passenger Cases, Norris vs. Boston, Chief-Justice Taney says:

It has always been admitted in the discussion upon article 8, section 3, of the Constitution that the power to regulate commerce includes navigation, and ship and crews, because they are the ordinary means of commercial intercourse.

In the same cases Justice Daniel said:

The power to regulate commerce includes the regulation of the vessel as well as the cargo, and the manner of using the vessel.

The celebrated case (13 Howard) of the State of Pennsylvania *vs.* The Wheeling Bridge Company, is directly in point. The bridge had been constructed under an act of the Virginia Legislature. The State of Pennsylvania undertook to enjoin the construction of the bridge, on the ground that it interfered with the free navigation of a navigable stream and inflicted a serious injury upon her citizens. Pending the trial of the case Congress passed an act declaring the bridge a lawful structure. The Supreme Court decided that the act of Congress was a legitimate exercise of the power conferred upon it to regulate commerce

among the States. Justice McLean, in delivering the judgment of the court, said:

The regulation of commerce includes intercourse and navigation, and of course the power to determine what shall or shall not be deemed, in judgment of law, an obstruction to navigation.

Justice Daniel, in coinciding with the decision of the court, expressed himself in this strong language:

Congress have by statute undertaken to regulate the commerce upon the Ohio River, so far as the matters in this controversy are concerned. And who shall question their power to do this? Does it belong to this court under any article or clause of the Constitution or of any statute to assume such a superiority? * * * They have regulated this matter upon a scale by them conceived to be just and impartial with reference to that commerce which pursues the course of the river and to that which traverses its channel and is broadly diffused through the country. * * *

In what has been done by Congress I can have no doubt that they have acted wisely, justly, and strictly within their constitutional competency.

In Brown *vs.* State of Maryland the court held:

It is not therefore matter of surprise that the commercial grant of power should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States. (12 Peters, 446.)

And further the court said:

The question was considered in the case of Gibbons *vs.* Ogden, in which the power was declared to be complete in itself and to acknowledge no limitations.

Pierce, in his excellent work on the law of railroads, cites the following as a case in which Congress has exercised its power to regulate commerce carried on among the States by railroads:

The act of June 5, 1866, United States Revised Statutes, section 5258, authorizes every railroad company in the United States to carry passengers, troops, government supplies, mails, freight, and property on their way from any State to another State, and to connect with roads of other States so as to form continuous lines of transportation therein. (Pierce on Railroads, 471.)

The following act, regulating the transportation of live-stock on railroads, was passed March 3, 1873 (Revised Statutes, section 4386), and its constitutionality remains unchallenged:

No railroad company within the United States, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine in the same cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, &c.

In the case of The Railroad Company *vs.* Maryland, Justice Bradley delivered the opinion of the court, which is a complete contradiction of the assumption of the railroad attorney before cited, that the power of Congress to regulate commerce among the States was restricted to the navigable waters. The court said:

No doubt commerce by water was principally in the minds of those who framed and adopted the Constitution, although both its language and spirit embrace commerce by land as well. (21 Wallace, 462.)

And here is another case still, directly in point against the same preposterous assumption, the case of the Pensacola Telegraph Company *vs.* Western Union Telegraph Company. Chief-Justice Waite, in delivering the opinion of the court, said:

Congress has power to regulate commerce with foreign nations and among the several States. The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or used when the Constitution was adopted, but they keep pace with the progress of the country, and adapt themselves to new developments of time and circumstance; they extend from the horse with its rider to the stage coach, from the sailing vessel to the steamboat, *from the coach and the steamboat to the railroad, and from the railroad to the telegraph, &c.* (6 Otto, 9.)

LEGISLATION IMPERATIVELY DEMANDED.

We have thus seen that the power of Congress to regulate commerce among the States, whatever may be its agency, unquestionably exists. If it has not been often exercised, it is, as has been well said, in consequence of the extreme sensitiveness of the States in reference to legislation affecting their interests, and especially of late in consequence of the persistent and unscrupulous efforts of corporations to prevent legislation. Nevertheless the power exists, and though it has been for the most part dormant, to borrow the metaphor of a learned counsel in the Passenger Cases, it has slumbered like electricity in the atmosphere, unseen and unfelt, until its forces are concentrated in the thunderbolt of the law. There is an avalanche of testimony invoking its vigorous exercise now.

There are 125,000 miles of railroad in the United States, representing a capital of $6,000,000,000. They penetrate every part of the country. They conduct a business which in one way and another is interwoven with every other interest of the country; and they are rapidly increasing in numbers, in resources, and in power. Their charges are not controlled by competition. It is a maxim of railroad corporations that when "combination is possible competition is impossible." And they have reduced the practice of combination to a science, thus placing every industry and every person who has business relations with them, of whatever kind, completely at their mercy. Twenty-four States of the Union have, to the extent of their capacity, provided legislation to protect the public against the extortions of these common carriers; but their jurisdiction is restricted to State lines. Most of the commerce of the country is interstate. Though State legislation is doing a great deal in protecting the public, it is powerless to correct the worst evils and accomplish the chief desideratum. The States acting separately can not establish a uniform system of regulation. That duty devolves upon Congress.

The question has been raised as to the extent to which State legislation can be carried. Lately there have been decisions by the supreme courts of two of the States directly opposite. The supreme court of Illinois holds that the State can regulate charges for transportation from points within to points without the State. The supreme court of Iowa has announced a different conclusion. These conflicting decisions show the necessity of a uniform system applicable to all the States. In Tennessee the United States district court has suspended the operation of the State law designed to regulate commerce within the State, on the ground that it overleaps State lines and is repugnant to the clause of the Constitution of the United States authorizing Congress to regulate interstate commerce. In Mississippi the operation of the act of the Legislature to carry into practical effect the doctrine of its right of supervision in the interest and for the protection of the people has been stayed by decisions of inferior State and United States courts. The necessity for general legislation is urgent and imperative. On this point I will again have recourse to the well-considered observations of Judge Redfield:

When it is considered that these corporations, possessing such vast capital, have engrossed almost the entire travel and traffic of the country, and that their powers and functions come in daily contact with the material interests of almost every citizen of this great empire, the importance of their being subjected to a wise and just supervision can not be overestimated. This can only be secured by wise and prudent legislation, and to be of much security to public interests it must be by general acts, as it is in many of the States and in England since 1845. (Redfield on United States Law of Railways, 53.)

THE ABUSES MOST IN VOGUE.

The practices most in vogue by the corporations which it is proposed to put under the restraints of law are pooling, unjust discrimination between different persons and different localities, rebates, and drawbacks—all in aid of overcharges and extortion.

Pooling is the most potent agent of extortions. It destroys competition and creates a centralized monopoly. It deprives the public of their right to transportation cheapened by competition, and compels them to pay whatever the monopoly demands. It is an agreement between the companies to fix the same prices, to force the public to pay them without regard to the cost of service, and to divide the profits among themselves. It is an odious combination, violative of public policy, and a conspiracy against public rights. Mr. Depew, the attorney of the New York Central Railroad Company, put it mildly in his argument before the Committee on Commerce when he said that "pooling seeks to secure to all the lines fair prices, and to prevent them from cutting each other's throats by bidding under." In plain language, pooling seeks to destroy competition, and while the corporations are sparing each other's throats they are cutting the throats of the public, from whom they derive their sustenance and support.

Not less contrary to public policy than pooling are discriminations between different shippers and between different localities.

ENGLISH SUPERVISION.

In England, whence we have derived the muniments of our freedom, monopolies of every kind have been dealt with as contrary to public policy; and it is a settled rule of English railway supervision not to permit a railway company to give "undue preference" to one class of shippers at the expense of others. The English books are full of decisions asserting this doctrine and putting down such abuses.

In the case of Diphwys Casson Slate Company *vs.* The Festinoig Railway Company, in which an application was made to compel the company to desist from giving "undue preference" to other shippers, it was held that the charge complained of was an "undue preference" within the meaning of the railway traffic act and must be discontinued. The company was required to pay the cost of the application (2 Neville & Macnamara, 81). Similar decisions were rendered in the cases of Woodger *vs.* The Great Eastern Railway Company; The Bellsdyke Coal Company and others *vs.* The North British Railway Company, and in numerous other cases, in which it was held that "undue preference for one class of shippers over others or for one locality over another, the cost of service being equal, was contrary to public policy and the law of England."

In Gaston *vs.* The Preston and Exeter Railway Company it was held that an agreement by a railway company to carry at a lower rate for certain individuals in consideration of their sending all their goods by the railway was not justifiable, such an agreement being against public policy. (2 Neville & Macnamara's Railway Cases, 76.)

But even in England, where the sphere of railroad operation is limited in comparison with the United States, it has been found necessary to agitate for additional restrictions for the protection of the public against the encroachments of the corporations. The following extract from the London Times, the great organ of British opinion, presents reasons for a more restrictive policy which are well worth the consideration of American lawmakers:

It is idle to contend that railways are in no need of the state interference, which they very naturally dislike. They are too powerful to be left without control to do just as they may please. From a small beginning they have risen to an importance and an influence too great by far to be left entirely in private hands. They have become an empire within the empire, or, more properly, a number of empires, competing, indeed, with one another, but bound together by common interests not necessarily coincident with the interest of the public and not seldom in antagonism with it. These corporations have portioned out the country among them. In its own district each claims to be supreme, and is capable in point of fact of exercising almost supreme powers. The tariff and train service of a great railway can be so arranged as to make or unmake a neighborhood, to favor a firm or to ruin it, to forbid an industry or to give it an undue advantage. Apart from the railway commission, there has been nothing to prevent the employment of railway influence for all these purposes, and it can hardly be contended that it is for the public good that so potent a force should exist without restraint. It is a matter of course that railway companies should take a different view, and should resent an interference which is imperatively called for in every interest but their own.

The time has come at which a more real superintendence is demanded. The railway commission must go on in an improved form and with more extensive powers than have as yet been intrusted to it. So only can a counter-influence be found to the greatest force that has arisen in modern times, which has long outgrown the restraints which were at first thought sufficient for it, and which bids fair to go on developing and increasing in the future without assignable bounds.

THE PREVALENCE OF ABUSES.

Probably there is no community in the United States where railroads exist that has not suffered from the abuses for which the pending bills will, to some extent, provide a remedy. When I assert that abuses injuriously affecting commerce, both State and interstate, in the State which I in part represent, I assert what every intelligent and observant citizen knows to be true. They are no more frequent nor more virulent in my State than in other States, and doubtless the same testimony can be borne by every Representative of States in which no remedial legislation has been provided. In seeking data for just and proper legislation from Mississippi I have obtained many examples of the manner in which the public are wronged by overcharges and discriminations.

POOL COMMISSIONER FINK'S EXPLANATION.

When Pool Commissioner Fink, who bears the reputation of being the ablest expert in railroad management in the United States, was delivering his argument before the committee against regulating interstate commerce, the following interrogatory and answer were propounded and given:

Mr. BARKSDALE. The cost of shipping a bale of cotton from Memphis to New Orleans, a distance of four hundred and fifty miles, is $1 a bale. The cost from Winona, Miss., a distance of two hundred and seventy-five miles, is $3.25. Now, I ask you if there is any just rule of transportation which would justify a discrimination like that?

Mr. FINK. That would depend a great deal upon the circumstances of the case. * * * Suppose, for example, you had built a road from Winona to New Orleans. Before that road was built what did it cost you to carry a bale of cotton to New Orleans? After you had put your money into this road have you not a right to charge at least a reasonable amount to reimburse you for the cost of carrying this bale, including the investment in that road? Suppose it cost you $3.25 to carry that bale of cotton from Winona to New Orleans, have not you a right to charge that? Would you be willing to do the work for less than cost? Now, if it cost $3.25, including interest on investment, that would be one of the conditions under which a charge of $3.25 would be perfectly justified. I do not, however, know the circumstances in the case you mention, and I would not like to express an opinion unless I knew them.

Mr. BARKSDALE. There are equal railroad facilities between the two points. What I ask is this: If the railroad can afford to transport cotton from Memphis to New Orleans for $1 a bale, the distance being four hundred and fifty miles between those two points, by what rule can it charge $3.25 a bale for the transportation of cotton from Winona to New Orleans, a distance of two hundred and seventy-five miles less, the facilities being precisely the same?

Mr. FINK. That I will try to explain to you.

Mr. TURNER. On the same rail route?

Mr. BARKSDALE. Yes; on the same rail route.

Mr. FINK. Let it be the same. You know the rate between Memphis and New Orleans on a bale of cotton is fixed by the steamboats. They take it for 75 cents, and sometimes 50 cents. The question for the railroad that wants to carry that cotton is to decide whether by taking it for $1 a bale, which is the highest the road can get, they can make a little profit out of it. If it costs that railroad 75 cents and it gets a dollar, that is an additional 25 cents profit per bale to the road. The road-bed is there, and the cars are there, and everything is ready to transport that bale of cotton to New Orleans. No new investment to do this work has to be made. Now, if the road could not get more than a dollar per bale from Winona to New Orleans, it would not pay sufficient interest on the investment, and perhaps not enough to pay the general expenses of the road, and in that case the road could not be operated at all. The road charges very little profit on the New Orleans cotton from Memphis. They charge nothing, perhaps, for the use or the investment in the road; but on the bale of cotton they carry from Winona to New Orleans they must charge for the use of the road, for the investment made in the road, because the road was built for the Winona, not for the Memphis, people. The latter could get along without the road. I can not determine whether or not the charge of $3.25 from Winona to New Orleans is justified; but the road is certainly justified in charging a great deal more than they charge on cotton from Memphis to New Orleans.

This was the confused and insufficient answer to a simple business proposition: If the railroad can afford to take cotton from Memphis to New Orleans, a distance of four hundred and fifty miles, for $1 a bale, how can it justify itself in charging $3.25 for two hundred and seventy-five miles? The real solution is that Memphis is a competing point and there is no pool to keep up freights. Winona is a non-competing point and there is no supervision to prevent the company from charging what the traffic will bear, and the answer resolves itself at last into the Rob Roy principle:

That they should take who have the power,
And they should keep who can.

RAILROADS ARE SERVANTS OF THE PEOPLE.

Mr. Fink in his argument before the committee in 1882 said that some of the railroad managers considered themselves autocrats in all that appertained to railroad matters; a significant declaration. Some of them have evidently forgotten, if they have ever learned, that railroads are servants of the people, and that they who build and operate them—in consideration of valuable franchises conferred—are charged with the duty of serving the public, for reasonable compensation, without discrimination, denial, or delay.

THE PENDING BILLS.

The bill reported by the committee prescribes that charges for transportation shall be reasonable. It prohibits discriminations between different persons and different localities under similar circumstances; also pooling, drawbacks, and rebates. It makes companies liable to persons injured by such unlawful acts for the actual damages, recoverable in any court of competent jurisdiction. It prescribes a fine of not exceeding $1,000 for every violation of the act, except that it shall not apply to the clause requiring that charges shall be reasonable. Where wrongs have been willfully committed the court is required to make allowance for cost for the benefit of the injured party at the expense of the company.

It provides for the appointment of a commission charged with the duty of hearing and investigating causes of complaint and instituting judicial proceedings if necessary.

The commission is required to examine the books and accounts of said companies at such times as may be deemed by them necessary; see that all United States laws relating to them are enforced; furnish such information to the several Departments of the Government, or the Government directors of any of said railroads, in regard to the tariffs of fares and freight, or the accounts of said railroads, as may be required of them or as they may deem expedient; make an annual report of their doings to Congress on or before the 1st day of January of each year; and otherwise endeavor to procure the data necessary to the gradual enactment of an intelligent system of national legislation regulating interstate railroad commerce.

It is also required to inquire into that method of railroad management or combination known as pooling, and state the result of their inquiry in their annual report, and whether, in their judgment, any, and if so what, legislation is expedient in relation thereto.

The bill has the double merit of providing remedial measures and appointing a commission armed with the power and authority and money of the Government to enforce them.

In some important particulars the substitute known as the Reagan bill is an improvement on the bill of the committee, notably the clauses which affix a penalty to unreasonable charges, which prohibit discriminations unconditionally, and which forbid a greater price for a shorter than a longer haul. I do not approve its omission of the commission feature.

THE VALUE AND USES OF A COMMISSION.

The plan of a commission has been thoroughly tested in England, and there is no voice in all the realm raised against it; and it has been tried successfully in a majority of the States of the Union.

The value and uses of a commission are conclusively presented in a letter of Hon. T. M. Cooley, the learned chief-justice of Michigan, from which the following extracts are taken:

Few things are more evident to the casual observer than the jealousy with which the railroad interest is regarded by the general public. Some of the reasons for this are as obvious as the fact. The enormous wealth which that interest represents, the rapidity of its growth, the vast numbers and the great ability it summons to its service, and its immense probabilities for evil as well as for good, can not fail most powerfully to affect the imagination, and to cause no little apprehension for the future even in the most thoughtful and well-balanced minds. The fact, too, that the managers of great lines or systems of competing roads are found agreeing upon rates, and perhaps upon apportionment of business, and thus apparently putting an end to competition, has the appearance of organizing those who should be competitors with one or more great monopolies, with which the public is compelled to deal on their own terms; and these terms will *prima facie* be taken to be unreasonable and offensive, for the reason that they are dictated exclusively by one of the parties concerned, irrespective of concurring will in the other. The railway interest being thus personified as a monopoly, all individual interests, as they come in conflict with it, seem to be placed at great disadvantage; none of them receives and disburses such vast sums of money; none of them has so many desirable places at its disposal; none of them without loss to itself can grant so many favors; none of them has so many means of affecting duly or unduly the legislation of the country. So great a power is certain to be more or less abused, and when it is wielded, as sometimes it will be, by men who are arrogant, overbearing, and reckless of the rights of others, the public are more likely to regard the abuse as naturally and inevitably pertaining to a system than as exceptional.

* * * * * *

The facts above stated indicate what seems to me the chief need of a railroad commission. The railroad interests and the public stand in apparent antagonism, which frequently and needlessly becomes real antagonism. But they ought to be in harmony and mutual prosperity. The more prosperous the railroads are the better are they able to perform the services for which they are created. To deny them reasonable compensation, to cripple or hamper them by needless and vexatious legislation, to load them down with unreasonable burdens will appear as impolitic from the standpoint of public interest as it would be for an employer to put his servant on short allowance, or to compel him to carry weight at his labor. If, on the other hand, as is not uncommonly believed, the railroad managers sometimes invite unfriendly treatment by assuming a mastery where their just position is one of agency, by disregard of law, by extortion, and by favoritism, the impolicy of conduct on their part is equally plain and equally mischievous.

The first and most important duty of a railroad commissioner will be to stand as a friendly umpire between the public on the one hand and the railroad interest serving it on the other. He should be given power to examine into all the details of railroad work, to investigate local complaints of unfair charges or discriminations, of unreasonable management of trains, or of delays, of obstruction of highways, and the innumerable annoyances and dangers of which the public has, or thinks it has, occasion to complain; to examine the condition of the road, the safety of bridges and other structures; whether proper regulations of police are established and enforced as a protection against calamities; and it should be his duty to bring to the attention of the railroad managers, in an authoritative way, any neglect, omission, or misconduct in which the public would be con-

cerned. He should prepare himself to give authoritative and reliable information as a basis for public judgment on railroad affairs, and his impartial position and standing should be such that his information will be accepted without any of the suspicion which is so likely to accompany that which is furnished by the railroad companies themselves.

It can not admit of doubt that a competent and suitable commission, occupying this position, could be of incalculable advantage, not only to the public but to the railroad interest.

A STEP IN THE RIGHT DIRECTION.

Perfection is not claimed for either of these bills, but either is a long step in the right direction. It must be remembered that no product of human hands or of human brain is perfect. None but Infinite Power and Wisdom can look upon his work and say, It is finished.

LET THE CONSTITUTION BE ENFORCED—THE RIGHTS OF THE PEOPLE BE MAINTAINED.

It has been said that there are irreconcilable differences between the corporations and the enormous capital they represent on the one hand and the American public on the other—the latter, for self-protection, claiming their right of control by legitimate legislation within constitutional limits; the former denying and defying such control. In the House of Representatives, on the 16th of December, 1869, the late President James A. Garfield, then a member of this body, submitted a report containing this striking language:

I am persuaded that the next great question to be confronted will be that of corporations and their relation to the interests of the people and to national life. The fear is now entertained by many of our best men that the national and State Legislatures of the Union, in creating these vast corporations, have evoked a spirit which may escape and defy their control, and which may wield a power greater than Legislatures themselves. The rapidity with which railroad corporations have consolidated during the past year is not the least manifestation of this power.

In the light of present surroundings, these words, uttered fifteen years ago, read like prophecy. If there is an "irrepressible conflict" between these tremendous forces—I trust there is not—whatever else shall fail, let the Constitution be enforced, let the rights of the people be maintained.

ORDER OF BUSINESS.

Mr. DAVIS, of Illinois, obtained the floor.

Mr. KEIFER. Mr. Speaker, I rise for the purpose of making a privileged motion.

Mr. DAVIS, of Illinois. Mr. Speaker, I am prepared to go on with my remarks on the special order, which is the interstate commerce bill.

Mr. KEIFER Yesterday I gave notice that to-day I would call up for consideration the Military Academy appropriation bill which I then reported from the Committee on Appropriations. In accordance with that notice I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering that bill.

Mr. DAVIS, of Illinois. But I raise the point of order, Mr. Speaker, that I can not be taken off the floor and be deprived of my right to proceed with the discussion on the special order without my consent. I was recognized by the Chair and am ready to proceed.

The SPEAKER. The Chair will state to the gentleman from Ohio that a motion to go into the Committee of the Whole House on the state of the Union is not in order until the morning hour has either been occupied or dispensed with.

Mr. KEIFER. I will make that motion, then, that the morning hour be dispensed with and that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Military Academy appropriation bill. It was the understanding that this special order should not interfere with the appropriation bills.

Mr. DAVIS, of Illinois. But I make the point, Mr. Speaker, that I was recognized by the Chair to continue this debate and can not be taken off the floor without my consent.

The SPEAKER. The gentleman will state his point of order.

Mr. DAVIS, of Illinois. The point I raise is this: That I can not be taken off the floor or deprived of my right after once having been recognized by the Chair.

The SPEAKER. For what purpose did the gentleman rise?

Mr. DAVIS, of Illinois. To discuss the question before the House.

Mr. CHACE. The interstate commerce bill.

Mr. KEIFER. But the gentleman had not entered upon the discussion.

Mr. DAVIS, of Illinois. But I received the recognition of the Chair, and was about to proceed when interrupted by the gentleman.

The SPEAKER. The motion made by the gentleman from Ohio is not in order until after the morning hour has either been occupied under the rules of the House or dispensed with. The gentleman from Ohio, therefore, rises for the purpose of making another motion, which is not privileged as against the consideration of the special order.

Mr. KEIFER. But I understand this special order was made not to interfere with the appropriation bills, and that being so, my right to make the motion to proceed to the consideration of one of the appropriation bills should not be cut off.

The SPEAKER. The special order made by the House in regard to the interstate-commerce bill is subject to the consideration of appropriation and revenue bills, but this difficulty arises in the administration of the rules: that it is not in order under the rules of the House to move to go into Committee of the Whole House on the state of the Union until after the morning hour has been occupied or dispensed with.

Mr. KEIFER. To that I agree.

The SPEAKER. Whereas under the special order made by the House it is in order to call up the interstate-commerce bill before the morning hour. It was called up this morning before the morning hour was occupied or dispensed with, and the House is now considering it.

Mr. KEIFER. I agree to that; but while that is all true, the reservation in the special order that it should not interfere with appropriation or revenue bills would not be operative under such circumstances.

The SPEAKER. That is the difficulty the Chair has.

Mr. DAVIS, of Illinois. This does not come out of my time, I suppose?

The SPEAKER. It does not.

Mr. KEIFER. This special order is for the consideration of the interstate commerce bill in the House. Although it may be brought up before the morning hour, yet by the very terms of the special order, that it shall not interfere with revenue and appropriation bills, as I am informed, presents this question to the Speaker: That if an appropriation bill is called up and the House is ready to proceed, it is not to be interfered with. While it is true, as stated by the Speaker, that the morning hour must be occupied or dispensed with before the motion to go into Committee is in order, yet under the circumstances, when the motion is submitted to go into Committee of the Whole House on the state of the Union for the purpose of taking up an appropriation bill, a case is presented where the Speaker should entertain that motion to dispense with the morning hour.

The SPEAKER. But the gentleman, in order to get at what he properly considers a privileged motion—that is, a motion privileged at a particular time—is compelled to make an intervening motion which is not privileged, to wit, the motion to dispense with the morning hour, which is not a privileged motion as against the special order heretofore made by the House. The Chair has stated already that there is some difficulty in administering the rule and the special order together, on account of the fact that the order of the House fixing the consideration of the interstate-commerce bill did not provide that it should be taken up after the morning hour or at any particular time during the day, and it was taken up after the reading of the Journal and before the morning hour had been occupied or dispensed with. It is now under consideration, and the gentleman from Illinois is entitled to the floor.

Mr. KEIFER. But whenever taken up under the special order the consideration was to be without interfering with appropriation or revenue bills.

Mr. DAVIS, of Illinois. Mr. Speaker, there is no disposition on the part of the Committee on Commerce to interfere improperly with appropriation or revenue bills, but we do protest upon an effort to take us off the floor when the special order is under consideration and I have been recognized to proceed with the debate. Satisfactory and proper arrangements can be made with the Committee on Commerce in the proper way and at the proper time, but it is not proper nor satisfactory in the way in which the gentleman now proposes to take me off the floor.

The SPEAKER. The gentleman from Illinois is recognized as occupying the floor. The Chair thinks he has no discretion whatever in the matter.

Mr. DAVIS, of Illinois. Mr. Speaker, the railway problem, or the question affecting that interest, industry, or institution, which has the carrying of our overland traffic, which is capitalized for nearly four times the amount of our national debt, and whose receipts annually exceed those of the United States by more than twice, is a subject that I enter upon with much trepidation and with a feeling of genuine uneasiness.

This very question has been discussed and legislated upon for scores of years by the legislative bodies of foreign countries relating to their several systems with not altogether satisfactory results; our Congress has given the subject much thought and discussion, and more than two thirds of the States have passed and repealed and subsequently passed other laws for its regulation, and yet the problem has not been satisfactorily solved.

The rights of the public and the duties of the management of the great system have not been sufficiently marked out and established to altogether allay the jealousy and sometimes bitterness with which each interest looks upon the other, or sufficiently to create that harmony and mutuality of interest which ought to prevail for the welfare of all.

Such observations, however, as I submit at this time are those toward which my judgment is inclined from the brief study which a member of this House can give to so important a topic and such experience as my duties in life have given me upon the subject.

The attempt to solve the question or to regulate interstate commerce, the through-railway traffic of this country, by arbitrary rules or by iron-bound and inflexible penal statutory provisions, as suggested in the substitute offered by Judge REAGAN, does not commend itself to me at this time as a wise thing to do, and I fear that it might, should it become a law, create more new evils than it proposes to correct.

For myself I would be content if at this session we could secure the passage of an act creating a commission, with advisory and visitation powers something like the commissions of New York and Massachusetts, the commission to report to the next Congress what legislation a careful and thorough study of the subject seemed to demand, and to leave the question right there until a full, exhaustive, and intelligent investigation was had and the report of the commission received thereon. But the committee has in its wisdom thought best to report the bill now before the House, which in the main meets my views, although I would have personally preferred simply a commission as a first step; for notwithstanding the arraignment given the committee for its conservatism by our friend from Kansas [Mr. ANDERSON], I am still of the belief that if there is any one question toward which we should move with extreme care and caution, it is the prescribing a rule of conduct for the government of the managers of the great railway systems of this country in the transportation of our supplies; and that is just what we are attempting to do.

The question is a too-important one for careless or ignorant handling, no matter how honest the motive, and this Congress should do no more as a first move than is absolutely demanded to correct existing evils and secure intelligent inquiry as to evils alleged to exist for future legislation.

I have no doubt in my mind that the power is vested in Congress to regulate interstate commerce, and possibly confine its action to that commerce carried upon the railroads alone, but the immense interest involved, the 125,000 miles of railroad, its great original cost—something like seven billions of money—with its employment of 250,000 of our people, the gigantic commerce carried, with all of its ramifications and peculiar conditions, all of which will be affected more or less by any law we may enact, the position this vast interest occupies as a vital factor in our national prosperity admonishes me to use such influence as I may possess to see that such power as Congress may have shall be exercised with great care. This from the firm conviction "that to exercise that power unwisely would derange the entire export trade of the country and destroy the agricultural and commercial interests of every Western State."

I believe that it is time for Congress to consider the subject, and am in favor of intelligent legislation. I stand as no apologist for the great wrongs which railway management has committed. I would visit with condign punishment scoundrelism in this as in any other business. I would demand that railways should not be permitted to unjustly ruin individuals or to wipe out of existence prosperous towns, the building up one section to the ruin of another, the gobbling up of whole sections of the country, and the stealing of eligible sites and locations, as is currently reported and generally believed is done; but I would first ascertain definitely what the evil to be corrected is, how best to cure it without creating new evils, and then apply the remedy.

Much of the discrimination and hardship complained of has already been relieved by the roads themselves in the absence of any national law, and complaints have become fewer, with increased intelligence on the part of the management, in the light of the steady, gradual, but regular reduction of the rates of transportation made by the railways themselves. The more intelligent the management the fewer will be the complaints. There is now but little complaint made to Congress by the producer or the consumer; few, if any, petitions come from them, but such as we have come mainly from the middlemen in commerce.

The several States have accomplished much by legislation to prevent unjust discrimination on local traffic, and the people and the management of railways, by reason of the discussion and agitation of the subject in the Legislatures, by reports of the State boards of commissioners, and by educating themselves on the subject, are beginning to understand that their interests are mutual, and that a reasonable, uniform, and regular rate for the transportation of supplies, that gives security and stability to business, is more to be desired than a fluctuating rate caused by railroad wars or by other abnormal conditions, which frequently is an unreasonable rate to either one or the other.

The management understand that the people demand honest and intelligent management of these properties; that railroad wars must cease; that the public shall be honestly and faithfully served; that the public has a right to know whether the charges it pays are reasonable and whether the service is properly performed. It does not expect rates lower than the cost of carriage, for it knows eventually it will have the difference to pay; but reasonable, uniform, and stable rates are demanded by the business interests of the country. The management recognize this fact as much as Congress does, and much improvement in this direction has taken place in the last few years.

Massachusetts, New York, and other States have established railway commissions, with advisory and visitation powers only, which have done much to establish friendly relations between the roads and the people, and these commissions are commended by the most zealous advocates for railway regulation who appeared before our committee last session. The favorable reports received, and the experience had, would seem to justify Congress in moving in the same direction. Mr. L. E. Chittenden, a prominent and conspicuous figure for several years in the advocacy of national railway legislation, spoke in strong terms of commendation of the New York commission.

Mr. Simon Sterne, representing the New York Board of Trade and Transportation, who appeared before the committee, urged the creation of a national commission. Mr. Andrew J. White, of New York, representing the commercial interests of New York, urged the creation of a commission, and read before the committee a resolution passed by the special committee of the Chamber of Commerce recommending a commission. Mr. J. G. Shepard, of New York, representing the farmers of the State of New York, also recommended a commission.

The English Government totally abandoned all confidence in the operation of the law of competition in relation to railways, and appointed in 1873, after the trial for many years of other experiments, a royal commission; and of this commission Mr. Chittenden says, in reply to a question from Mr. Seymour, of the committee, relating to a violation of the law, as follows:

Mr. SEYMOUR. Is there a penalty provided for the breach of that law?

Mr. CHITTENDEN. Only the ordinary penalty in England; but that is quite sufficient. Of course in England in any case of undue preference the citizen may apply to the railway commission, and the railway commission enjoins its continuance.

In this connection, and in support of a commission, I wish to read a paragraph from the report of the railroad commission of the State of Iowa. I read from their report for the year 1883, on pages 34 and 35:

There is at times a feeling that the through rates are too high, and again that they are too low; that Congress should interfere to protect the stockholder, guard the public against fluctuations, and should regulate railway transportation so as to prevent the extremes being reached. Whether the through commerce would be the gainer by the interference of Congress is a serious question, and one that it is not safe to assume affirmatively without investigation. While Congress has the power under constitutional authority to regulate commerce among the States, there certainly is a particular for argument whether this was intended to empower that body to fix the rates of common carriers.

The Supreme Court of the United States has held that States may do this—

that is, regulate rates—

and it is no unwarranted assumption to claim that the court would hold that Congress had the same power. To exercise it unwisely might derange the entire export trade of the country and destroy the agricultural and commercial prosperity of the central States in the interest of those nearer the seaboard.

Now, on the subject of a commission the report goes on to say:

We are inclined to the opinion that a commission created somewhat after the form of the State commissions, whose business it should be to investigate the whole subject of transportation by rail, might be of great service and be the means of furnishing Congress information that could not be readily acquired elsewhere. In our judgment, until this is done legislation that attempts to do more will probably affect injuriously our internal commerce.

That is, as I have said, an extract from the report of the Iowa railroad commissioners. I wish now in this connection to read two or three paragraphs from the report of the United States Commissioner of Railroads for 1883. I read from page 19:

Any law not based upon full information might work great injustice to the companies and be inadequate to the proper protection of the people. Experience has shown that unreasonable laws cannot be enforced, and in many instances have worked such great embarrassment to transportation as to become inoperative by common consent. Many such laws, hastily enacted, have been quickly repealed. I therefore respectfully renew my former recommendation, that a commission be appointed to take into consideration the whole subject and report to Congress the facts necessary for intelligent and efficient action upon the subject.

It will be noticed that I have quoted from no one who appeared before the committee in the interest of any railroad.

From these recommendations and authorities and in the light of what has already been accomplished in the experience of others, I am constrained to believe that a railroad commission with limited powers is the step for us to take first.

The argument that has been advanced and will be heard again, that we have not the men who could honestly protect the interest of the public, I care not to reply to. I have a better opinion of humanity than that; I have more confidence in my people; I have more confidence in my associates here upon this floor; I have more confidence in the public men of this country, than to believe that three men could not be selected, or five, or five hundred, who would execute a trust of this character honorably and with great fidelity.

There are many other reasons I might give for my belief in a commission, but I wish to point out some of the objections I have to this substitute and whereinas I believe a commission would be better without charging it with the execution of such laws.

No one can doubt that thousands of instances would arise where the application of the iron-bound, inflexible laws of penalties and prohibitions, as provided for in the Reagan substitute, would bring embarrassment and hardship upon the very service we hope to improve, and in my opinion they would be fatal to the execution of the provisions of the substitute should the bill become a law, for it is well established that unreasonable laws can not be enforced.

REBATES.

The Reagan substitute prohibits rebates. On principle I would be in favor of that provision, but we had many an illustration where freight carried to a certain point failing to find market for the property, the same might be carried to some other point, and certain rebate would be allowed, that the property might compete with like property shipped from a different point. It seemed to be in the interest of the miner and in the interest of the consumer, and appeared fair and equitable, and injured no one. The illustration given by Governor LONG of the

rebate allowed to the exporter of staves is another case in point, and thousands of illustrations could be given where the rebate was in the interest of every known law of trade; and yet a rebate of 2 cents on a bushel of grain given to one house handling that article in Chicago, and denied to another, would build up one house and destroy the other. Bankruptcy and failure, prosperity and wealth, would come and go at the instance of the railway management. In the one case a genuine benefit was gained and no one injured; in the other, ruin and bankruptcy. The committee have not prohibited rebates in their bill, but provide that all shall be treated alike. A commission would probably soon regulate this.

POOLS.

The next point to which I would call attention is to that provision in the substitute which prohibits the management of different lines to arrange for a division of freight at competing points, sometimes called pooling. This provision, like most of the others, appears plausible and would seem to be in the interest of the people; upon its face it would indicate that it would encourage competition; and yet many and long-continued bitter and wasteful wars were fought and millions of money squandered before this method of adjusting differences was adopted.

At first such an arrangement was not well understood, and was proclaimed against by the people, but it is now urged with much force by both the carriers and shippers that it has given greater uniformity and stability to rates; that in no instance is it resorted to for the purpose of raising rates, but on the contrary has actually reduced them, and secured greater efficiency to the service.

When there is strong competition a railroad will usually do one of two things: it will either secure its fair share of the traffic, or it will engage in a relentless warfare, ruinous to itself and demoralizing to all legitimate business affected by it.

The Iowa commission speak of it, on page 43, as follows:

In the pooling, whichever form is followed, it is claimed that the facilities for the transaction of business are more reliable and that a saving in the cost of conducting and managing the business is effected. We understand that experience shows that whether railway companies allow business to take its natural channels or compete strongly for it the result in percentage to each is about the same. Whatever the effect of pooling may be in the future, one thing is certain, that with all the pools, combinations, and consolidations that have been formed in the past twenty years the result has been a gradual reduction of rates from the great grain and stock raising regions to the ultimate market.

The English board of commissioners, with Gladstone as arbitrator, allowed roads reaching a central point to make a division of traffic.

The royal commission of England in 1872, composed of the then leading statesmen of England, concluded their report with the statement of the conclusions to which the commission had come: "That past amalgamations had not brought with them the evils which were anticipated; that competition, however, between railways exists only to a limited extent and can not be maintained by legislation."

The gentleman from Kansas [Mr. ANDERSON] in his speech quoted the remark of Stephenson, frequently used when this topic is discussed, "that where combination was possible competition is impossible." Now, what business wants is reasonable and stable rates, and competition in railroad traffic does not secure it. Albert Fink in his argument, speaking on this subject, said that were Stephenson alive to-day he would, in speaking on the same subject, say "that where competition is possible combination is necessary," and gives as a reason "that without combination between competing carriers it is impossible to carry out the intent and spirit of the common law, which requires 'that there shall be like charges for like service.'"

The committee's bill requires this matter to be considered fully by the commissioners and report made thereon. The Reagan substitute prohibits it without any discretion. The experience in the States and in England does not warrant us in prohibiting railroads to arrange for a division of freights at competing points. It does not appear to be against public policy as administered; and I am free to admit that I would prefer to wait the report of a competent commission before with one stroke I would strike down the one great remedy adopted by the railroads themselves to prevent relentless railroad warfare.

SCHEDULES.

The provision in the substitute requiring the posting of schedules for five days, like all of the provisions, is fair and plausible to look upon, and our friend from Kansas [Mr. ANDERSON] became indignant because objection was made to it. He believes the railroad attorneys drew up or might have drawn up many of the provisions of the committee's bill. I might say to him in reply that this provision is worthy of the most cunning attorney of the steamship lines or of the Canadian railroads.

Our genial friend from Kansas, whose heart is always right on all these great economic questions, asks, in his own dramatic style, "What objection can be made to this? Suppose it does take five days or ten days to have schedules posted and notice given to the public. Who is it to injure? What of it? Sticking to the bark, gentlemen. Too thin! Too thin!" Now, I believe to require this simple and innocent-appearing duty to be performed by each railroad coming within the provisions of this bill, and not to require it of the others, or of the competing lines of transportation by water and otherwise, so as to include all lines carrying through traffic, you perpetrate an outrage that is indefensible; you discriminate unjustly and outrageously in favor of foreign railroads against our own system, take away the only weapon of defense our great trunk lines have to protect themselves against the Canadian roads, and place a club in the hands of foreigners to beat out the life of your own industries.

Such is the effect that simple provision will be liable to accomplish, should it become a law and be enforced. To illustrate, using an illustration submitted to the committee, I think, by Governor BROWN: The route is from Galveston or Houston to Saint Louis. It will require, say, one day to determine and adjust the rate, one day to publish the schedules, and probably it would require three days to have them properly posted, two in each depot, from Galveston to Saint Louis. Now, the rate can not go into effect until the last schedule posted has been up five days. Here are ten days required in which to make a change in the rate of freight.

This line of road competes at Galveston with steamers and water craft for freight to Saint Louis. On the morning of the day the schedule is to take effect upon the railroad the water transportation lines not affected by this bill reduce their rates just enough to secure all of the desirable freight. Is not the railroad helpless? Do not the steamboat lines command the freight at that port for the next ten days? Do you not thereby prevent competition? Can not the water lines repeat this dose of medicine to the unwilling and emaciated patient every eight or ten days until a relentless war of rates is commenced, to the ruin of possibly both lines and the demoralization of legitimate business? Do you not encourage just this kind of mischief by this provision? Is it not direct discrimination against the railroad in favor of the boats, and to the benefit of no one save owners of water-craft stock?

Take the Canadian lines as another illustration. Could they not command by this means the traffic from Chicago for eight or ten days at a time against the Pennsylvania Central, Lake Shore, Baltimore and Ohio, and other lines? Most certainly they could.

Our lines are bound for eight or ten days; no change, no help, the iron-bound statute must be enforced; one thousand or ten thousand dollars penalty—for what? for whom? For the foreigner, that his line may be privileged that ours may be destroyed.

Such would be the practical working of this provision unless our lines and management go over to the Canadian lines and agree to their terms, whereas to-day the American lines can protect themselves by an instantaneous reduction to meet any warfare the foreign line might attempt.

Could not the steamboat and barge lines from Chicago to Buffalo and thence to New York by the New York Central, none of which lines are affected by this bill, do the same thing? And would not the Pennsylvania Central, Erie, Baltimore and Ohio, and other lines be at the mercy of the lines favored by this discriminating law?

Justice and equity would seem to demand that all transportation lines should be required to post schedules, if any are required to do so, for a definite time prior to a change of rates. It is a question which should be thoroughly considered by a competent board before its enactment into law.

LONG AND SHORT HAUL.

I now come to the long and short haul provision, of which much has been said upon both sides. The Reagan substitute absolutely prohibits more being received or charged for a short than for a long haul. Like all of the provisions of that substitute, they are fair to look upon, and this, as Governor LONG stated in his eloquent speech, as an abstract principle appears all right, theoretically correct; but is it correct in principle when applied to the workings of a railroad and the rights of the people geographically considered? I think not. It discriminates in favor of one locality against that of another. In one instance it would grant additional advantages, not local or natural to the place; in another instance it would take from the place that which nature had secured to it.

This provision pays no attention to the geography of the country, and seeks by statutory provisions and great penalties to place all towns and locations in the United States on the same level or equality, except in discriminating in favor of towns miles nearer the seaboard, thereby tearing down or overturning the natural laws and the laws governing trade and commerce. I therefore seriously object to the geography of this provision as applied to commerce.

The laws of trade and commerce do not recognize miles distant as the important factor; facilities, not miles, is the great item to be considered. And yet this provision would take away all the natural advantages possessed by one town to build up another which has no such advantages. It is contrary to the laws of nature, the law of commerce, and can not be successfully accomplished.

Chicago is much nearer the seaboard from a commercial standpoint than many an inland town located hundreds of miles east of her, simply because she has great natural facilities. The clear water in front of that city extends in an unobstructed volume to the docks of New York and Montreal, thereby enabling her without the aid of railroads to lay freight down in New York and Montreal at a cheaper price than is possible from a more eastern, inland, and mountain-locked city.

Water transportation is the natural regulator of railroad transportation. Improve your harbors, dredge your rivers, build your canals, and

increase the natural facilities, and tax the entire people to pay for it, but do not seek to lessen the value of those facilities enjoyed by others.

The increasing of the facilities for water transportation by improving the Illinois and Michigan Canal and the immediate construction of the Hennepin Canal will do more toward cheapening freights and regulating the railroad traffic from Kansas, Iowa, Nebraska, Minnesota, and other Western States than the passage of all the interstate-commerce bills that the wisdom of this House could formulate or that the courts would have the nerve to enforce.

Hear what Mr. Fink, who appeared before the committee, had to say on the factors which were considered in fixing rates on the leading trunk lines of the country:

Another very important rule of action has been adopted by the railroad companies located in the territory east of the Mississippi River, north of the Ohio and the Northern Atlantic seaboard, by which the influence of the low rates on the Erie Canal and the lakes is felt in determining the rail rates from all other points in this great section of the country.

When the rates of transportation between New York and Chicago have been regulated by the competition of the water routes, all the tariffs in this section of country are adjusted upon the basis of the relative distance of the various points from New York, using the distance from Chicago to New York as the basis. The agreed differences are again allowed from the same places to Boston, New York, Philadelphia, and Baltimore. In this case the popular pro rata principle can be, and is, permanently adopted in establishing the tariffs. The distance of Saint Louis, for example, from New York is 16 per cent. greater than the distance from Chicago to New York, and the rate from Saint Louis to New York is 16 per cent. higher. Can anything be fairer? The low rates established on the Erie Canal and lakes are thus extended to Saint Louis, and that city enjoys the full benefit of cheap railroad transportation the same as Chicago.

Chicago is the great focal point of transportation in the West; she has natural advantages which this provision of the substitute will, in my opinion, to a great extent, deprive her of; and yet without such natural advantages to this or some other point in the West no such rates as obtain to day would be secured.

The Western farmer by reason of water transportation can command a reasonable rate on his product to New York, and yet you propose to prohibit him the use of the railway unless the Pennsylvania, New York, West Virginia, and other farmers, with no such advantages, located hundreds of miles farther from New York commercially than the Western farmer, shall be allowed to send their crops to market on the basis of the Western farmer's advantages, to the detriment and increase of cost to the latter.

The point I wish to fix in this connection is this, that this substitute discriminates in favor of a town geographically near New York against our people of the West who are commercially nearer New York. You deprive us in the West of the use of the railroad; you take from the railroad the freight, in order to secure or attempt to secure to the man through whose town a railroad runs—now getting transportation at rates he could never dream of except for this through freight—even better rates than he now enjoys at our expense.

Who does it injure that a full train of our grain goes through your town on through bill of lading to Liverpool at a rate which will permit us to compete not with you but with the crop from India, Egypt, and Russia, thereby enabling our farmers to dispose of their surplus grain, instead of consuming it at home as fuel or letting it rot in the field, although you may, forsooth, in rare instances be required to pay a little higher rate upon one hundred pounds of oats to New York. Take as an illustration one made before the committee: On the route from New York to New Orleans the rate through was 70 cents per one hundred pounds. This was all that the merchant would pay. He could ship by water a trifle less. To compete—and competition it is said is what we want—to compete with water 70 cents was the maximum that could secure any freight. Now this route runs through Atlanta, and the rate to Atlanta was $1 per one hundred pounds, and this is regarded as an injustice. Why? Because Atlanta was geographically nearer New York than New Orleans, and yet New Orleans could ship at 70 cents regardless of the railroad, and Atlanta without the railroad would be a pasture-lot. Atlanta has freight cheaper than ever before, and yet it is demanded that Atlanta by arbitrary law shall be placed upon the same footing as New Orleans, with none of her natural advantages. To do so would possibly deprive New Orleans of the use of the railroad and increase the rate to Atlanta.

It is possible that this provision, should it become a law, might aid in equalizing freights to some points in Illinois and the West, but it can not accomplish more in this direction than will be secured by a commission; and to pass this as an arbitrary law will, in my opinion, reduce the value of every farm in the West. The next point that will arise and cause litigation under this provision will be the method of determining the rate of freights—what shall be the basis of adjustment. Chicago has 1,000 cars of wheat for Liverpool, the bill of lading is through, the rate may be subject to extra charge by waiting steamer in New York, but when the pro rata rate, Chicago to New York, per hundred pounds is ascertained on that shipment, will that be the maximum upon which each hundred pounds of like freight going either way or through or only to intermediate points shall thereafter be adjusted?

The substitute makes no allowance for quantity, and while I do not approve of discriminating against a small shipper, I would draw the line somewhere. It appears to me a little unjust to put the casual shipper of fifty or one hundred pounds of freight or a coop of chickens on the same basis with a regular car-load shipper, and yet this substitute goes on the assumption that there is no greater care required, risk carried, or expense incurred in dealing with one hundred shippers than with one shipper, provided the aggregate and kind of freight are the same.

I do not discover any well-defined business principle or a conformity with the rules of trade and commerce in any such transactions. But it is urged that the road will have all the discrimination there is in the difference in distance; that is, that you can charge as much from Boston to Albany as you do to Chicago, if you wish; that the substitute does not prohibit it. I do not believe that the provision would be so construed in court. The meaning of the provision is that the railroad shall not charge more for a short than for a long haul.

On one bill of lading the long haul would be, say, Boston to Springfield. All freight between Boston and Springfield would be governed by the long haul in this instance. The next bill of lading might read Boston to Pittsfield. That would be the long haul in that instance and govern intermediate shipments. The next bill of lading might read to Albany, the next to Utica, and so on to Buffalo, Cleveland, and to Chicago; it will make, and must make, on going west, every succeeding western station the long haul, affecting points intermediate, and going east every succeeding eastern station. So that we would find that the through rate Boston to Chicago would be the aggregate or sum of the local rate charged between stations. Having settled rates from Boston to Chicago and New York to Chicago, how are we to protect our roads against a rate established by the Canadian lines? How about the rate from New York to Buffalo and thence on New York Central boats to Chicago? This bill does not presume to touch that route, and could not, so far as the railroads are concerned, if it attempted to.

Having bound up the Pennsylvania Central, Lake Shore and connections, Erie, and Baltimore and Ohio on rates, can we protect them against the New York Central and the barges? Most certainly not. We thereby prevent competition and legalize discrimination. What will be the basis of the rate Chicago to New Orleans and intermediate points? The rate, of course, must be fixed by rail; yet the Illinois Central to Cairo and by boat to New Orleans, not affected by this bill, would receive the benefits of this act.

There are thousands of instances of inequalities, of discrimination, of legalized outrages that could be cited which would be possible under this provision not possible to-day; and no cast-iron provision of this character can be applied to correct existing evils with justice, equity, or common fairness.

Mr. Chittenden, the great New York advocate of the originial Reagan bill, did not approve of this provision, and cited English cases to show that a greater charge for a shorter than for a longer haul was not prohibited by the English law and was approved of by the royal commission.

Now, Mr. Speaker, I have thus hurriedly submitted some of the more prominent views which I entertain with reference to this subject as well as the objections which occur to me in opposition to the substitute of the gentleman from Texas. These views I present in advocacy of the features of the committee's bill. I believe it is our duty to look upon this question from a national standpoint instead of a local one. What may be applicable to the transcontinental lines may not be applicable to those east of the Missouri River. What may be applicable in a matter of national legislation with reference to the transportation of our supplies for domestic consumption may not be properly applicable to the transportation of supplies for export. What may be reasonable and proper in Illinois might not be in California.

But, as I have said, we must look upon the question from a national standpoint, and pass such laws as we believe will be practicable and of service; and in this connection I desire to say that the commission recommended by several States and adopted in England is, in my opinion, much fairer, much better, and will accomplish more good than any iron-clad statutes we can pass at this time.

I yield the remainder of my time to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Speaker, the gentleman from Pennsylvania [Mr. O'NEILL] reserved also fifteen minutes of his time, which he placed at my disposal.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The gentleman from Michigan is entitled to fifteen minutes remaining of the time of the gentleman from Illinois who has just taken his seat, and ten minutes of the gentleman from Pennsylvania, making twenty-five minutes in all.

Mr. HORR. Mr. Speaker, the twenty-five minutes allotted me is perhaps all the time I desire to occupy in this discussion.

In the Forty-seventh Congress this question of interstate commerce received long, patient, and careful consideration from the committee upon which I then served, hence I shall be compelled to speak to-day largely from impressions that I received at that time. I well remember that the question was one that I left after long investigation fully satisfied that I had by no means mastered it; indeed the feeling was strong that I had come nowhere near mastering it; still I do remember that while I was well satisfied of my inability to present a remedy for all the difficulties of the case, yet there were certain things sought to be done by the bills introduced which I was clearly of the opinion should never be attempted.

To begin with, the railroad system of this country is so extensive,

so complicated, so intricate, has to do with such a vast diversity of interests, that I defy any man, I care not how extensive or prolonged his study of the question may have been, to define or lay down any rule of action that will work exact justice in all cases. Indeed, I came to the conclusion that so varied were the circumstances, so peculiar the conditions that surround almost all these great commercial transactions, that really the only possible method to do justice to all the people and at the same time to permit that perfect freedom which is so essential to the carrying trade of the country, is to let each individual transaction stand or fall by itself.

This subject has been agitated constantly in this country for the past fifteen or twenty years. Legislation has been had in various States looking to the control of transportation by iron-clad rules, and if I am not misinformed, no State has attempted this work in that way that has not been compelled to retrace its steps and go back in the end to the commission plan, which is one of the features of the bill now before the House and reported to it by the Committee on Commerce. This result arises from the fact that no law can be devised which will take cognizance of all the peculiar relations that surround so many different transactions in the freighting business of this country.

The case referred to by my friend from Baltimore [Mr. FINDLAY] is one that no man can defend. In that case the railroad company carried sugar for one large dealer from Baltimore to New York for a cheaper rate than it did for another large dealer, and that too after it had agreed to give the first party as low a rate as it did any of its customers. These dealers were similarly situated, entitled to the same treatment, and had no bargain of the kind been made each shipper would have been, in common honesty and fairness, entitled to the same treatment; were all freighting transactions as simple and clear as that one, a bill could easily be framed that would reach the case. No one favors such unjust discrimination as that, and I do not complain of the Reagan bill, this substitute of the gentleman from Texas, on account of its effect upon that class of cases. His bill not only stops that kind of transactions, but it also prevents discriminations that are just and proper, and without which the business of the country would suffer, and it seems to me almost a matter of demonstration that to pass this substitute will increase the difficulties that the gentleman himself really desires to remove.

I do not claim to be able to solve this great question; let me go still further and say that in my judgment it is one of the questions that nothing but time and practical experience can solve. Men of great ability are devoting their entire time in faithful effort to devise a remedy for the inequalities and unjust discriminations of the carrying trade, and it behooves a body like this to move slow in the passage of any bill that shall in any way hamper any traffic, and especially when dealing with a business that we all know is so full of complications as to baffle the skill and ingenuity of the ablest experts. I would avoid every existing evil to the utmost of my ability, but I would be slow in approaching "evils that we know not of."

Let me state in the outset that I have no sympathy with that class of men who are constantly inveighing against railroad companies simply because they are corporations. I have no sympathy with the people who believe that the combined capital of the country has not been beneficial in its development.

I am aware, Mr. Speaker, that it has become quite common, and in some localities very popular, to rant against all combinations of capital made for the purpose of developing the resources of our common country. The gentleman from Kansas [Mr. ANDERSON] has caught this spirit of the age and is quite a master of its curdling vocabulary. How glibly he talks of "cold-hearted, blood-sucking corporations." It is as good as an ordinary tragedy to just hear him pronounce the word "monopoly," and when he utters the names of "Gould and Vanderbilt" it is almost equal to McCullough in "Virginius"—no, no; I should have said in the "Gladiator." [Laughter.] And in that respect my friend Judge REAGAN is but little behind him.

You shall take men who stand well among their neighbors, who are honored and respected by those who know them best, who are well spoken of by the entire community in which they live. So long as they carry on business as individuals they are all right, but let them put their heads and money together to dig a canal, build a railroad, erect a rolling-mill, put up a salt-block, or organize a bank, and if you can believe these modern critics they at once become a terrible set of "cut-throats," or, to use the classical and clerical language of my friend from Kansas [Mr. ANDERSON], "naked, bald-headed robbers." [Laughter.] I believe that the combined effort of capitalists in this country has done more to develop it than any other one agency since the foundation of the Government.

No agency has done more to build up the West than the great railroad system, save and except, perhaps, our common schools. Money has been poured out like water in constructing these great internal highways; men of means have invested their millions in extending them through sparsely populated States and through the very wilderness and over the mountains, with no immediate prospect of returns for their investment. Improvements, homes, civilization have followed in their track, and now I submit they are entitled to fair, honest treatment, and should not be dealt with in a spirit of bitterness and unreasonable hostility.

I introduced a bill very early in this session providing for a simple commission of inquiry, with power to examine into every complaint, to cause the production of books and papers, and thus to get at all the facts surrounding each and every transaction, and thereby enable them to report what was just in each case. It was, as I now understand it, an attempt to introduce into the management of interstate commerce, as nearly as possible, the plan now in existence in the State of Massachusetts, and which I am told has worked for years in that State with signal success. To do more than that at present does not seem to me to be wise or judicious.

I know this does not at all satisfy the gentleman from Texas [Mr. REAGAN]. He has been brooding over this subject so long, working at one idea connected with it through so many years, that it has become, as it were, a part and parcel of his very being. Yet, if you will examine the various bills he has introduced and advocated for ten years last past, you will find that even he has made some improvement. One item after another he has himself abandoned. As each new bill appears you will miss some familiar section, until to-day you will hardly recognize in his substitute the bill he pressed upon the country many years ago.

Why, sir, if you compare this bill with the one we worked at so laboriously in the Forty-seventh Congress, you will find he has stricken out the section which gave to informers and prosecutors one-half of all the money that should be collected from the railroads. As I recollect that bill it contained all the objectionable features of the moiety system, and I think the gentleman will admit that he then claimed that that was an essential part of this legislation, that it was really the "gist" of the whole bill.

Mr. REAGAN. The gentleman is a little extravagant in saying that I regarded that as the "gist" of the bill; it was only a small item.

Mr. HORR. I know the gentleman was very strenuous about that clause at that time, but it has gone into the attempted legislation of the past. So, too, in the early days of this measure the bill contained a clause making it apply to the water ways of the country. Am I not correct in that?

Mr. REAGAN. One bill did.

Mr. HORR. The bill, as I recollect, that you first tried to pass put all these restrictions upon the commerce that was carried over the water ways of the country and which comes in competition with the railroad freights; the same which you now attempt to apply to railroads alone. The water ways by the gentleman's substitute are left free from all the restrictions of this hostile legislation.

Thus year after year he has been compelled to abandon one of his outposts after another, to drop from the bill one great remedial clause after another, and if he would take my advice now and drop out the rest of his substitute and accept in its stead that consummation of human wisdom which I presented to the House on the first day of this session he would then have a splendid bill. [Laughter.] I say this with some assurance from the fact that that bill is not simply my own, but is precisely the one the committee in the Forty-seventh Congress agreed to with great unanimity after an extended examination of the entire question.

But what is the real difficulty with the Reagan bill? I use that term simply because the measure has come to be known all over the United States by that name. I know that gentleman denies that his bill is drawn in a spirit of hostility to the railroads of the land. If you take his word for it (and I can, for I know him to be upright and truthful) his affection for the railroad companies is really something quite touching and beautiful. True his bill, though he does not know it, is favored mainly by that class of people who work themselves into a furore the moment any corporation is mentioned. I have sometimes thought that the gentleman himself has mistaken this local clamor for genuine public sentiment, and that he has been so long working and tugging at his pet measure that it really does seem to him that it is a great work, and one essential to the happiness and prosperity of the country. Has it ever occurred to him that the mere fact of his inability to make others see it as he sees it himself should be sufficient to induce him to call a halt? Let me ask him one question. Have you ever, during your entire work here in Congress, presented this bill to a committee where it has been carefully investigated, testimony taken and arguments presented, and where you have been able to get a report of such committee in favor of your measure?

Mr. REAGAN. Yes, sir. I had the bill twice reported by consent of the committee and once passed by the House by a majority of 35. It was afterward strangled in an adverse committee against the judgment of the House.

Mr HORR. They may have consented to the report, but I was not aware that a majority of any committee ever adopted the gentleman's bill.

Mr. REAGAN. It was twice recommended and once passed in this House.

Mr. HORR. After an investigation and after proofs had been taken?

Mr. REAGAN. Oh, yes; after we had taken sworn testimony.

Mr. TOWNSHEND. Yes; it passed the House.

Mr. HORR. Which Congress passed it?

Mr. REAGAN. The Forty-fifth.

Mr. HORR. That was before my day here. I know the committees in the three Congresses in which I have served have rejected this bill, and to-day the gentleman is simply permitted to introduce it as a substitute; it is not the work of his committee.

Mr. REAGAN. I dislike to interrupt the gentleman, but he ought to confine himself to the exact facts.

Mr. HORR. I am anxious to do precisely that.

Mr. REAGAN. When the bill was beaten in the Forty-seventh Congress the case was not as the gentleman remembers it; it was an 8 to 7 case.

Mr. HORR. I beg your pardon. In the Forty-seventh Congress it was a case of 3 to 12. I was on that committee, and even one of the three did not really believe in many features of your measure.

Mr. REAGAN. The records will show that my bill failed to be reported by a vote of 8 to 7.

Mr. HORR. In the Forty-seventh Congress?

Mr. REAGAN. In the Congress in which you were on the committee.

Mr. HORR. I was on that committee in the Forty-seventh Congress, and the gentleman is certainly mistaken. I remember the circumstances distinctly, and if the rules of the House permitted could name each gentleman and tell how he voted.

Mr. REAGAN. The gentleman from Massachusetts [Mr. RUSSELL] corrects me. It was in the Forty-sixth Congress that the vote stood 8 to 7.

Mr. HORR. That I presume is true. But in the Forty-seventh Congress I well remember that while quite a number of the members went onto that committee, as I did myself, thinking that perhaps the gentleman's bill was right, after careful investigation and study they became convinced—that is, the most of them did—that the bill would aggravate and not cure the ills it was intended to reach.

Mr. REAGAN. If the gentleman will permit me to interrupt him——

Mr. HORR. Certainly, though my time is limited and fast slipping away.

Mr. REAGAN. I would like to state that in a committee of fifteen in the Forty-seventh Congress, fourteen of them were appointed to oppose the bill and one of them came over and joined me, and there were 2 to 13.

Mr. HORR. That is one worse for you than I had it.

Mr. REAGAN. The committee was 13 to 2, but was intended to be 14 to 1.

Mr. HORR. That is going into a statement of the constitution of that committee, which is beyond my knowledge and which is entirely new to me. I am certain that the gentleman is mistaken as to the facts given.

I know one member on that committee who was not put on with any such idea, for when I was appointed on that committee my feelings, so far as I had any, were in favor of the gentleman's bill, and it was only after careful study that I became fully convinced that the measure would defeat the very end sought to be accomplished, and consequently I abandoned it.

Mr. REAGAN. As to the facts of the case, which I always like to get at, whenever possible, I would like to ascertain the precise time when the gentleman was even in favor of any bill of that kind and the day at which he abandoned it.

Mr. HORR. I abandoned it when I got the testimony, and when I became satisfied that the bill would work harm instead of good. When appointed on that committee I had given the subject little attention; knew little about it; my impressions were in favor of some such legislation, but after careful examination, for the gentleman knows we gave two or three months' hard study to that question, it became apparent to me that the bill proposed by the gentleman would not be best for the people of this country. As the gentleman now admits, thirteen out of the fifteen members of that committee came to the same conclusion. They were mostly men of character. Many of them men of great business experience, and yet they almost unanimously rejected this substitute.

Now, the question I would like to ask the gentleman from Texas is this: If this bill of his is so clearly a good thing for the United States, how does it come about that men who are selected and set to work to examine this question carefully, cautiously, and who faithfully perform that duty, come to a conclusion so directly opposite from his own? I know the gentleman asserts that the committee in the Forty-seventh Congress was made up, packed, so to speak, in the interest of the railroad companies. I did not know that until I learned it here from the gentleman's lips. But how about the committee in this Congress? Was that constituted in the same way? I have heard it rumored that the gentleman had the selection of that committee, and that it was made up with a view of fixing his bill. Will he be kind enough to tell us how that committee stand now?

Mr. REAGAN. The gentleman will allow me to say that I did not know the name of one single man who was to be on that committee until the committee was announced at the Speaker's desk. I never named a man on that committee.

Mr. HORR. I presume the statement of the gentleman is correct, and that my intimation as to the gentleman having named the present committee is quite as accurate as what he has said about the committee of the Forty-seventh Congress being packed. I do not believe there was a single man put on that committee for any such purpose, nor do I believe that the gentleman has any knowledge to that effect. I can not think that any such thing ever occurred. But let us return to the committee of the present Congress.

Mr. REAGAN. I do not care to go into a discussion of the matter, but I could show you that I do know what I stated from the very highest authority.

Mr. HORR. Well, let that pass and we will come to the committee of this present House. That was not selected in the interest of the railroad companies, was it? Does any one claim that it was? It was named by the party to which the gentleman from Texas belongs. It is fair, is it not, to presume that this committee is a good, clean committee? How many of them are in favor of your bill, judge—this bill which you say is a remedy for these railroad evils? We have heard from almost all of them during this debate; and if there is one who agrees with you I wish he would stand up and speak. He certainly has not done so up to this date. Why is this? What explanation can be given? Let me make this point a little clearer. Why is it that, whenever a committee of good men, clear-headed, honest men, men who have the good of their country at heart, get together and examine this great question, they almost unanimously come to the conclusion that this pet measure of my friend from Texas is not such a measure as the country needs? Such has been the outcome at least in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses. What I desire to ask is this: Why is it so? Let me tell you why I think it turns out in that way. It is because when these men come to look into all the facts and study carefully all the details and intricacies of the great railroad system of the country, they come to the conclusion that such a measure is not needed and that good business rules will not warrant them in supporting such a bill. And I will try in a few moments to show you that their conclusion is correct.

The pet clause in his bill, the one on which he places the most stress and which he claims will be a remedy against the evils of local discriminations, is the one which provides that no company shall charge more for a short than a long haul. That clause out of this bill and he would abandon it at once, because he considers that the key to the whole situation. Now I believe any man who will carefully examine this question will be forced to come to the same conclusion that so many of these committees have reached, that that is the most dangerous provision in the bill, and that instead of preventing unjust discriminations it really creates them, and that in numerous instances such a rule would hamper trade and prevent the transaction of legitimate, profitable business. It is a strike right at the cheap through freights of to-day, because owing to the competition of the great water ways of the country through freights are as a rule much cheaper than way freights. It is both natural and proper that such should be the case. Railroads are built much more for the benefit of inland towns than for these competing points. These large cities have many ways of getting their products to the markets of the country and the world; the local place has only the one railroad, and is much more beholden to it than the cities that have so many other modes of egress; hence it should contribute more to this one road than can be required at the competing points.

Through freights are low because of the numerous lines that are seeking to procure them. My friend from Baltimore [Mr. FINDLAY] showed yesterday most conclusively that position determines certain commercial advantages and that no legislation can possibly change the natural advantages that arise from these favored situations. His "peanut" illustration should go down to history among the classics. [Laughter.] Among the ancient places of the East, Tyre was noted for its purples, Tarshish for its ivory, Arabia for its gold and its spices, and hereafter side by side with these will stand the peanuts of Pennsylvania avenue. [Laughter.]

And now let me show how completely this Reagan substitute would ruin this very peanut trade.

I hold here in my hand a map of a railroad running from Norfolk, Va., and making connections with a road running to Philadelphia and New York city. Now, this road is compelled to compete with boats carrying freight to Baltimore and thence to New York by rail, with those running directly to Philadelphia, and with others going direct to New York. You may be amazed to learn that at that point of Norfolk last year were shipped over two million dollars' worth of peanuts, the very nuts now made famous by my classical friend. [Laughter.]

The SPEAKER. The time of the gentleman from Michigan has expired. [Cries of "Go on!" "Go on!"]

Mr. RICE. I move that by unanimous consent the time of the gentleman from Michigan be extended indefinitely.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

Mr. HORR. I am greatly obliged to the House for its courtesy.

I had just stated to the House that at the point of Norfolk alone there were shipped last year over two million dollars' worth of peanuts, raised mostly in Virginia and North Carolina. This bill of the gentleman from Texas would prevent the railroad from carrying one single carload of that freight, provided that they charged from any intermediate

point on the line of their road more for a car of freight than they could get for this through freight.

Now, on the face of the proposition it looks fair and just; a mere statement of this provision looks all right. It is one of those things that seems proper if you do not look into it carefully. But I assure you it will not bear examination. Why not? Simply because at Norfolk the water competition is brisk, and in order to get this through freight at all the railroad is compelled to carry it for much less than the amount for which they can afford to do their other business.

But the gentleman from Texas says: "Why should they get any of it if they must carry it for less than it costs, and then turn around and charge the loss up to the local freight along their line?" Sure enough, if that were true then they should not touch a pound of it, and the gentleman would be correct. But neither proposition is true. They neither carry it at a loss nor do they increase their local rates on account of such through traffic. I well recollect that five or six railroad managers appeared before our committee two years ago, among them a Mr. Alexander, a very intelligent gentleman, who manages a line of Southern roads. He seemed as well posted on this railroad problem as any man I ever listened to. I do not know whether he was before your committee this year or not.

Mr. REAGAN. Not this year.

Mr. HORR. Two years ago he stated in reference to the railroad history of this country that no instance could be found, and he defied any one to point one out, where any railroad company had ever raised its local rates in consequence of carrying through freights at a low price. On this point every railroad manager agreed with him, and they all asserted, on the contrary, that a reduction of local rates almost always followed a reduction of through rates; and my friend from Texas will remember that their universal testimony was that a raise in local freight to make up for losses on through freight was unknown to the railroad business.

Now, Mr. Speaker, if that be true, then the gentleman's proposition falls to the ground. But let us examine this matter a little closer. Ought not a railroad company to be allowed to carry through freights at a less rate than they can afford to do local business? Why not? A railroad company, the same as any other company, ought to be permitted to earn all it can justly on its capital actually invested. It has a right to try and pay interest on the money used in the construction of its road. Local freights should always be carried at a fair and reasonable rate, because it is the only outlet these local points have for their products. If it fixes a fair and just rate for this local traffic, then I say it is not injustice to the people living in these local towns if the company does take through freights at a less rate.

Suppose they fix their local rates so as to pay a dividend of 6 per cent. a year on their investment. If they get any through freight, it is so much extra. If they carry none of the through traffic, other competing lines will, and that, too, at a low rate. They have their engines, their cars, their track on hand; and suppose, in addition to doing their local business, they can carry a portion of this through traffic, and can get it on a basis of paying only 2 per cent. on their investment instead of 6, ought they not to be permitted to do this extra work? Most clearly they should be. This extra 2 per cent. will aid in supporting the company, and in time will enable them to reduce the local rates to a basis of 5 per cent. instead of 6.

Mr. LONG. And finally to reduce them still lower.

Mr. HORR. Certainly such an arrangement will relieve the local traffic constantly, just as long as the through freight pays more to haul it than it actually costs. Can any one longer deny the right of any railroad company to engage in this through business, even though it must do so at a rate lower for a long haul than a short one?

But this clause of the bill in the substitute of the gentleman from Texas discriminates unjustly against all roads that run through more than one State and in favor of roads lying all within one State. It will discriminate in favor of the New York Central, which needs no aid, and against the Delaware and Lackawanna, the Erie, the Baltimore and Ohio, and all the roads of the country that have a continuous line through more than one State. How so? Because you can not formulate a law which will prevent the people of Chicago from sending their wheat to Buffalo as one separate transaction. Then the New York Central can take it as another separate transaction and carry it to the seaboard. This law can not prevent them from getting the best terms possible from Chicago to Buffalo, and the same will be true from Buffalo to the sea-shore. These are separate carriers and neither of them are reached by this bill. It will compel other competing roads to be governed first by the charge made for local freight, next it will prevent them from lowering their advertised rates without posting the new rate for thirty days, and any one can readily see that such routes would stand no chance in the competition for this business. They would be ruled out entirely the moment this law should go into operation.

Mr. REAGAN. Will the gentleman allow me?

Mr. HORR. Certainly, with pleasure.

Mr. REAGAN. It is not the railroad the bill regulates at all, but commerce. All commerce starting from Chicago to New York or other Eastern points is interstate commerce; when it strikes the railroad it is the same interstate commerce, and is under the operation of this law, whether it passes by water or by railroad.

Mr. HORR. Let us see about that. Suppose I have 100,000 bushels of wheat in Chicago, and I ship it to the city of Buffalo, or to some point in Canada. I may not know just what I will do with it. May sell it in Buffalo; may send it through Canada to the sea-shore; may send it on to New York. Now, your bill would not reach that wheat on its route to Buffalo or Windsor, would it? It is an individual right of mine to ship to any of these points and no law can interfere; at least your substitute would not touch it. Am I right?

Mr. REAGAN. My bill does help that very thing. That fraud on the law is provided for in my bill.

Mr. HORR. What fraud? I have proposed no fraud on your law or any other law.

Mr. REAGAN. The very object of the gentleman's argument is to demonstrate the possibility of defeating the law by fraud——

Mr. HORR. I say there is no fraud intended or committed. I should be simply keeping the law, not breaking it.

Mr. RUSSELL. You might sell your grain in Buffalo, for instance——

Mr. HORR. Of course I might. In that case the gentleman from Texas would admit that his law could not reach it. But I say to him further that I could take it to Buffalo with the honest intention of doing with it what should seem to me best after it reached that city, and then I could decide to send it on to New York or anywhere else I might wish, and your law could not touch it anywhere on its route. That is a right which every man possesses in this country, to do pretty much what he pleases with his own property, provided, of course, that he is lucky enough to have any property. [Laughter.]

Mr. Speaker, this bill not only discriminates in favor of all roads that lie entirely within one State, but it will also give the Canada roads an advantage over all the through lines touching more than one State. You could take grain from Chicago and send it to any point in Canada by boat and thence through the Canadian provinces to the seaboard, and this law would nowhere reach it. I ask the gentleman from Texas if his bill could prevent that? He will not claim that it could. There would be a route to the sea untrammeled by any law. They could bid under and secure freight at their pleasure. The products of the great West would be seeking transportation to the consumers of the East, and our country would present the strange spectacle of having a law so framed as to practically prevent our own companies from competing for the trade, and thus give it all to the roads of a foreign power. Hence I assert if this bill had been entitled "A bill for the benefit of Canadian railways, and to do as much harm to a large number of our own as possible," the title would have been appropriate and accurate.

Mr. Speaker, this short and long haul phrase, as I have already said, sounds well, but there is no practical merit in it. Freights are fixed as a rule upon principles which have been found best adapted to the growth and prosperity of all the business interests of the country. You can not charge freights simply according to weight, nor yet with reference only to the distance hauled. The moment this should be done the business of the country would suffer great loss. Disaster, and disaster only, would follow any such hide-bound rule. Many other conditions must be taken into account when you are fixing just rates for the transportation of the varied products of the land.

My friend from Baltimore [Mr. FINDLAY] who sits here before me knows very well that his city raised a great hue and cry at one time as to the comparative rates to Baltimore and New York. Philadelphia had a hand in the controversy. Finally a high commission, composed of Messrs. Cooley, Thurman, and Washburn, were selected to solve the problem. Baltimore, as I remember the contest, claimed that the grain of the West should be laid down by the railroads cheaper in that city than it should be in New York because of the less distance in reaching Baltimore. I speak only from memory. Am I right?

Mr. FINDLAY. Yes; and she got it.

Mr. HORR. New York claimed, I think, that though she was farther from the grain of the West, that still the "cost of the haul," owing to grades, &c., was less than to Baltimore, and therefore she claimed that the question should be settled upon the "cost" principle. After an investigation of the facts my memory is that it turned out that upon the "cost" principle, too, as well as "mileage," Baltimore had the advantage. But did New York give up the trade on that account? By no means. She continues to handle many times as much grain as Baltimore, and will continue to do so, simply because her people are live people, as much so as are the people of Baltimore. They have built and own their own railroads, have put their own money into them, and hence they will permit the people of no city to cut their business throats. They run their roads, they own them, and they will continue to carry grain at such a rate as will secure to them their immense trade in the cereals of the great West. Have they not a right to do this? Most clearly they have. It is a right they possess under the law of self-preservation, and any statute that tries to annul that great law of nature will always be a dead letter on the statute-book.

I remember some twenty years ago of standing on the banks of the Mississippi River when a steamer with a tow of grain barges floated down that stream. It was, I think, the first trip of the kind ever made. It had started on its way to New Orleans to open up the wheat trade by that route to Liverpool. I know I attended a meeting in Saint Louis commemorating the event, and though it is so long a time since, still

the speeches made on the occasion are even now fresh in my memory. They claimed that a new era had just then opened in the grain-carrying trade of this continent.

I recollect that in those speeches the Mississippi River became one mass of steamers and barges from Saint Louis to the Gulf, that Saint Louis itself grew so rapidly that it became the great inland city of this country, and that Chicago soon had grass growing in her streets—in those speeches I mean. [Laughter.] I remember they permitted her to still do a struggling, petty business, such as might be permitted a small hamlet situated as she would be outside the great busy line of the business of the country, and living only in the memory of her past greatness. [Laughter.] They proved by mathematical demonstration that wheat by that route could be landed in Liverpool at a large profit over that sent by the old route. I recollect they had a printed statement of a cargo that had been sent by this new route which showed a large percentage of profit over what could have been realized if it had been sent by Chicago, and from those figures they drew the pictures above referred to.

But, Mr. Speaker, twenty years have gone by, and to-day they are repeating in Saint Louis that same story about this cheap route to Liverpool for the wheat of the country. They are still asserting that that is the natural route for this grain to travel. Theoretically they seem to be right, but practically it does not work. The great bulk of the grain still goes by Chicago and the lakes, and that city is growing faster to-day than at any other minute of her existence. I do not say this to flatter the Chicago men here; they are vain enough already. [Laughter.] Still I will add that in my judgment no city has a greater or more certain future than Chicago. She will continue to be the center of the grain trade of the West and the great shipping point to the East for ages yet to come, and that, too, in spite of any law we may enact, but in accordance with the laws of commerce, which hold business in channels once established until at least a better reason for a change can be given than Saint Louis has yet been able to furnish.

The Saint Louis men in forming their opinion overlooked one fact that enters into this problem. The people of this country consume 90 per cent. of all the grain raised on our broad acres and only 10 per cent. of it goes abroad. The great mass of these home consumers live north of a line drawn through Saint Louis. Hence the northern route must always be the more extensive, and the problem most affected by this bill is the one relating to a cheap transportation for these products from the producers of the far West to the consumers of the East.

The main trouble with the restrictions attempted by the gentleman's substitute is that they will destroy the cheap through rates and increase the present low price of getting the wheat and flour of Kansas, Nebraska, and Minnesota to the mouths of the laboring men of New York, New England, and the entire East. I am not surprised that most of the men here from Kansas oppose this untimely legislation. Why, sir, you pass this bill, and you will reduce the value of every acre of land in Kansas, Nebraska, Minnesota, and Iowa, and in all our far-off Western States. Oh! you do more than that; you compel the teeming millions of workingmen in the East to eat dear bread instead of cheap food, and thus you strike a serious blow at the great cities and manufacturing centers of this country.

These complaints against the railroad companies when carefully examined will be found to be not that they charge too much for local freight, but that they carry through freights for too little money. It is only when comparing local rates with through rates that they get up this fever-heat about extortion. People overlook the great benefits that have come to them by means of this brisk competition of to-day. They forget that it has placed the products of the farm at the door of the consumer at a rate so low as to almost annihilate distance. Then why this constant cry of "monopoly" and "anti-monopoly?" Is it because it tickles the ears of unthinking men? I know it has come to be popular in this country to claim that the people are being ruined, ground to pieces by a few men who own everything; and yet wealth is more evenly distributed in the United States to-day than in any civilized nation under the sun. Not owning anything myself I can appreciate this feeling. [Laughter.] But let us reflect a little. Does it necessarily follow because a man has accumulated a little something that he should be called a "villain," a "heartless monopolist?" The gentleman from Texas is always drawing pictures of the havoc created in this country by a few men who, he claims, are accumulating vast fortunes at the expense of the laboring classes, and he is prone to instance the same men always named by my Kansas friend—Gould and Vanderbilt.

Mr. Speaker, some men do get very rich in these days and many more get to be well off. But does it follow that because they have made money, accumulated wealth, that they have necessarily stolen it? Is it not possible for a man to accumulate wealth faster to-day than could have been done a century ago, and still rob no one in doing it?

Why, sir, fifty years ago, or say one hundred years ago, a man who worked twenty men and made a profit of 50 cents a day on each man had a fine business. To-day a man with the same ability will work 1,000 men, and if he saves 10 cents a day on each man he will make ten times as much money as the man did a century ago, and take less out of the wages of each workingman. Men get rich in this age owing to the magnitude of their operations. Then is it just to base arguments against railroad corporations upon the simple fact that some of their managers have accumulated fortunes? No doubt some men who have come to be directors of railroads have also come to be bad men. Is it reasonable on that account that we should class them all as scoundrels? Can not two men join together in an enterprise and be almost or quite as decent jointly as each man is when acting by himself?

This is coming to be a serious question. One who has listened to this debate for a few days past will almost conclude that it is an utter impossibility for three or four men to associate themselves together for any business purpose, especially to build and manage a railroad, without commencing at once to cheat and wrong somebody. Take for example the two men Gould and Vanderbilt. I take them because they are the men who seem to be ever present in the minds of the gentleman from Texas [Mr. REAGAN] and the gentleman from Kansas [Mr. ANDERSON]. These men are said to have obtained vast wealth, but can any man here say that they have wrung it from the wages of the laboring masses. The roads they own and have built have been paid for. The men who did the work, who handled the shovel and the pick, who furnished the ties and laid the iron, have all been paid for their labor. These men have made money, and made it very rapidly in two ways. First, they have taken property that has been badly managed until it could be purchased cheap, they have bought it on the market, and then, by good management, by putting brains into the business, have made the same property valuable. What was worth but little, by their superior skill has come to be worth a good deal. Is not that legitimate gain? Such transactions benefit the owners, but they also benefit the country.

Again, these men have undoubtedly made large sums in another way. Scattered all over the country are men who come to the conclusion that they are fitted for careers of speculation, and with their money they rush into Wall street to take a bout with these old "bruisers of the ring." [Laughter.] They at once tackle stocks—"buy long and sell short." A few weeks or months and the contest is over. The "lambs are shorn" and the leaders of the flock return to their fold "fatter and better fed." [Laughter.] The money thus accumulated does not come from the poor people, and takes nothing from the workingmen. If you can show me that railroad companies are becoming rich by means of extortionate charges I will go as far as any man to correct the evil. But does my friend from Texas claim that the roads in his own State are at present charging these extortionate rates? Can he name to me a single road in that great Commonwealth, renowned for its vast territory and "magnificent distances," that has ever paid one cent to its original projector? Is there within the boundaries of the State a single road that has ever returned to the men of England, of Europe, of New England, or New York 1 per cent. interest on the capital they have furnished to build up the road and develop the State? I am informed upon good authority that up to this time you have never paid a shilling to any man who invested his money in those enterprises. The State needs those roads. These men have advanced their money for the purpose of benefiting that country. They have made your State richer, more prosperous. They expected no immediate returns; they depended upon the future. They are still waiting, hoping that the growth of the State, the increase of local business, may some day bring them a little interest on their hazardous venture.

Mr. REAGAN. The gentleman will allow me one moment. He seems to be very familiar with railroads and other matters in Texas; but I will say to him that the stock of the Central Texas Railroad is worth more in the market to-day than that of any other railroad I know of; the dividend-paying profit is larger.

Mr. HORR. You surprise me. I confess I am making my statement from memory. I put this very question to men two years ago in the committee, as the gentleman from Texas will remember, and was then told that up to that time not a single road in Texas had ever paid a single shilling of dividend on its original stock.

Mr. REAGAN. I have heard a hundred as false statements as that made to the committee since I have been on it.

Mr. HORR. I will state further—and the history of railroads in this country will bear me out—that over three-fourths of the railroads running to-day in the United States are not paying the men who invested their money in them one dollar of interest on their capital. And only a few large roads, like the New York Central, are to-day paying more than 6 per cent. This bill, if you put it in force, will help the New York Central (which now pays good dividends) to increase them, and will prevent the roads of the West and the South from paying dividends at all. Worse than that, it will prevent some of them from paying running expenses.

Mr. REAGAN. As the gentleman has had his time extended, I would like to ask him this question, which I asked the representatives of the New York Central Railroad before the committee: If this measure would benefit the New York Central road by discriminating in its favor against other roads, why is it that the officers and employés of the New York Central resist and oppose this bill as earnestly and persistently as does any other road?

Mr. HORR. It is not on account of your long and short haul provision at all.

Mr. REAGAN. It is disinterested benevolence.

Mr. HORR. It is because you propose to meddle with another branch of their trade. So far from its being the fact that the long and short haul provision is detrimental to that company, did not Mr. Depew state at the outset that that provision would not damage the New York Central?

Mr. REAGAN. I beg to correct my friend. Mr. Fink and the whole of them opposed that provision in the bill specifically and every other provision in it, and the published record shows it.

Mr. HORR. I beg the gentleman's pardon. The published record of the hearings before the committee will show that the New York Central did not object to the bill so much on that ground, but there were other provisions which they thought were an attempt to meddle with the railroads of the country in such a way as would do damage instead of benefit to them all, their railroad included.

Let me now examine the question of discriminations. This question of freight is a practical question. I remember, and my friend from Texas will remember, an instance given by Mr. Alexander, who was at that time managing a large line of roads in the South. He stated that every day in his business as a common carrier he was compelled to decide upon special cases. He said that at a point in North Carolina they had immense quantities of turpentine to ship over his road. He met the turpentine dealers, and they agreed on what would be a fair rate for the shipper from a certain point to the market place. Afterward one of the heaviest dealers came to him and stated this: That across the river through a long swamp there was an immense pine tract, and if he could get the turpentine from that tract he could make large shipments and build up a large business, but that if he went to the expense of corduroying the swamp and of getting the turpentine across the river he could not get a new dollar for an old one. He said to the railroad company, "If you will do this, if you will put a lower rate on the turpentine made beyond the swamp and beyond the river, which will enable me to get it, I will then build up that new business and I will make it a prosperous trade for that section." He made that contract. The men who were shipping turpentine paid no more than they first agreed to—paid no more than they were satisfied with.

This new business was not any more profitable to the man who made the turpentine than his old business. When he shipped the new he did not make any more out of it, but it enabled him to do more business and the railroad to do more business than they could otherwise have done, and so the agreement was adopted by which they discriminated in favor of the turpentine on that side of the river and beyond the swamp. Was that stealing? Was that wrong? And yet under this bill no such judgment could be exercised.

Why, sir, discrimination means to use judgment—it means to have a little common sense in business. But here is a bill which would deprive the people of the right to exercise their common sense; that is, to bring into their business the exercise of their ordinary judgment.

Now, sir, take another case: On one of the roads which runs through the pine country where I live there are two stations. At the station nearest the mills a gentleman owned a large tract of land near the railroad. He desired to cut the timber from that tract and put it on the railroad and get it to market. He went to the railroad officers and agreed on terms. The company granted what they considered a just and fair price. It was satisfactory to the lumberman. Now, another man, living twenty miles farther from the mills, had a tract of pine, which, instead of being on the line of the railroad, was two and a half miles from it. He could by hauling the logs four miles put them into the river and send them to the mills by that route. He could bring them to the railroad with a haul of only two and a half miles, but he could not do it and pay the rate which they were paying at the town twenty miles nearer the mills than he was. The railroad company saw the difficulty and they said, "Certainly, we will bear part of the burden;" and they contracted with him at a lower rate than that for which they carried the shorter haul. He did not make any more money out of it than the men on the shorter haul who paid more freight, but he made such a rate as enabled him to reach the mills and at the same time it gave additional business to the railroad company.

Mr. REAGAN. Will the gentleman permit me to interrupt him at this point for one moment?

Mr. HORR. Certainly.

Mr. REAGAN. As the gentleman from Michigan assumes it to be a portion of the business of the railroad company to equalize profits of competing business, I would like to ask him whether he thinks it is proper for us to make a law in favor of equalizing the rates of profit between cultivating small farms and large farms.

Mr. HORR. Not at all, sir; there would be no sense in doing that. That would be simply another attempt to legislate upon a matter that can not be reached by passing bills.

Mr. REAGAN. I understand that to be the gentleman's argument.

Mr. HORR. No; I am trying to provide for discrimination where it is right and just.

I now come to another point, but I fear that I am detaining the House on this subject too long. I would have a wise commission for the sole purpose of having every such case as those which I have pointed out examined carefully and fairly, and if the railroad officers did not use good judgment and proper discretion in this kind of contracts, to bring them to terms and to show to the people that railroads would not be permitted to make any very bad mistakes in such matters. In doing that you would not impair the business interests of the country. In passing this bill, which prevents discriminations and fixes the same rate on each class of freight, you prevent the exercise of that business judgment which is necessary in the management of any enterprise, and you take into account none of the conditions which should vary rates. Let me ask the distinguished chairman of the committee a question. Would you prevent railroads extending from Omaha to the Pacific Ocean from carrying one class of ore cheaper per ton than another?

Mr. REAGAN. I understand, in fact, that if the ore is valuable they charge all the profit there is in it, and the same with the inferior grades per ton, so that it amounts to the same thing.

Mr. HORR. That is not borne out by the facts. Do these men continue to work their mines and give all the proceeds away? No, sir.

Mr. REAGAN. And that statement has been submitted to the committee, and there is not a member on this floor from the State of California that will not verify it.

Mr. HORR. The simple statement of the gentleman's proposition refutes itself.

Why, Mr. Speaker, that is as good an illustration as I could have made up if I had sat up nights for that purpose and studied out a statement to show how extravagantly people inveigh against railroad companies without cause. The statement amounts to this: that the railroad companies—for they would have to do it—get an assay made of all the different ores on their lines, find out how much it will cost to produce them, and then carry them to their destination for the rest that the ore is worth, leaving nothing whatever to the owners of mines anywhere in the United States. Is it not absurd for any man to make such a statement? What is the fact? The fact is that the railroad companies found that there were a large number of mines in the West that could not pay the full rate for taking their ores to the smelters and live. If they did charge a full rate it would compel them to shut up the mines and stop the business. The railroad companies, not doing what my friend from Texas said they did, considered the subject in the light that it was presented to them, and said: "Here there are large amounts of ores in the West that are very rich; we will make these ores pay more for carrying them per ton because they can afford to do it, and we will carry the cheaper and poorer classes of ores for less than it is really worth to perform the business in order to keep the mines going."

Now, what is the result? You keep in employment thousands and hundreds of thousands of men all over the United States and at good wages. You furnish freight to the railroad companies so that they can employ all their rolling-stock in the business. You build up business instead of crippling it. You develop the country instead of impoverishing it; and I say it is right and proper that freight should pay according to its worth and value as well as its tonnage. Otherwise how would you get the coal of the world? How would you get the grain and fuel, everything that goes to feeding and housing and clothing the teeming millions of this country, if there should be a uniform standard of price by the ton fixed for carrying all of the articles that go into consumption? Extra freight should be put upon luxuries, upon things that can bear the extra charge, and that is the only way to build up the country and sustain our great railroad systems. No fixed rule can be invented. The necessaries of life, the heavy articles used for food and fuel, should be carried cheaply, and the carrier should be permitted to make good his business by charging extra rates for moving the silks and satins, the wines and plate, of his more wealthy customers.

But, Mr. Speaker, I have detained the House much longer than I intended. I do hope the men from the West, the men from the South, will think twice before they vote for the provisions of this substitute bill, for I say to you that if adopted the effect will be to increase the through rates without giving us any relief for local rates. I say to you that it will discriminate against rates that ought not to be discriminated against. It will throw the trade of the nation largely into the hands of foreign corporations instead of building up our own. I am not for treating the railroad companies with any degree of favoritism. I would have them do justice by all men, and I would have them run on business principles. But in a system so ramifying, so extended, so gigantic and diversified, it is impossible to fix any established iron-clad rule under which they can do the business of the country. It is a problem that must be governed in the future as it has been in the past, by those rules and laws of common business sense, those principles which are older than statutes, and more lasting than the enactments of any legislative body. [Applause.]

Mr. BOYLE. Mr. Speaker, it is not my purpose to discuss what may be considered the general questions involved in the legislation proposed by both the bill of the Committee on Commerce and the substitute for a part thereof proposed by the distinguished gentleman from Texas [Mr. REAGAN]. These have received very full consideration, and have been very exhaustively examined by the gentlemen who have preceded me in this debate. I shall undertake no more than to speak of some of the provisions of these bills, to inquire as to how far they may be efficacious toward remedying the evils against which they are directed and which are admitted to exist in some degree, and as to the probable results and consequences of the legislation proposed.

What are the provisions of these two bills, and what are the differences between them? Both are founded upon that clause of the Constitution which gives to Congress power "to regulate commerce with foreign nations, and among the States, and with the Indian tribes." And the advocates of both find in this clause warrant for the General Government to interfere between shippers and carriers by rail as to all traffic and commerce crossing State lines and to provide by statute what shall be the relations between them, what shall be the rates charged, in what manner the business shall be conducted, what shall be the measure of damages for breaches of duties imposed, and in what way the penalties and punishments provided for may be collected and inflicted. Regarding railroads carrying such freight as instrumentalities of commerce among the States, in the language of Supreme Court decisions, they assert the same power to control them, and, of course, to the same extent, that Congress has heretofore exercised over other instrumentalities of commerce.

Both bills require that all rates shall be reasonable, and so does the common law. Both bills prohibit discriminations between shippers "for like and contemporaneous services" in carrying freight, &c., "under substantially similar circumstances." So, in my judgment, does the common law, if such discrimination be unjust or unreasonable. The committee bill denies the right to allow rebates, drawbacks, &c., to one shipper which are refused to another "under similar circumstances." The substitute prohibits all rebates, drawbacks, &c., whatever. So does the common law, if such rebates and drawbacks are the means of producing unreasonable inequalities and discriminations among shippers. Both bills prevent the pooling of freights by competing railroads, "by dividing between them the aggregate or net proceeds of the earnings of such railroads or any portion of them." The common law does as much, and, in my judgment, much more.

The committee bill gives a civil remedy for actual damages sustained, and in case of willful violation of the law gives, in addition, to the party injured a sum "sufficient to cover all his counsel and attorney fees and all expenses and disbursements in the action, including his own necessary personal expenses." The substitute gives triple damages, and for willful violation a sum in addition sufficient to cover all counsel and attorney fees. The common law in these cases, as in all others, awards to the injured party actual compensation for the injury suffered, together with costs. The bill of the committee makes all violations of the law, except the charging of unreasonable rates, crimes, punishable by a fine not exceeding $1,000; the substitute makes no exception, and provides that the fine shall not be less than $1,000, without providing a maximum limit—a rule for punishments which I do not know to exist in any other case. The committee bill provides for a commission, and a remedy by injunction to prevent continuance of acts prohibited by the bill; the substitute goes only to the extent of supplying the first seven sections of the committee bill, leaving the provisions for a commission undisturbed; and as it also gives a remedy in equity, should the bill, with the substitute, be adopted, we will have double remedies in equity, which will probably be more than are desired. The substitute goes further, and prohibits the charging of more for a short than for a longer haul, and requires the posting of schedules and strict adherence to them. There may be other provisions which I now overlook, but they are not material to this discussion.

As I have said that the first section is only declaratory of the common law, I object to it only on the ground that it is an assertion of the power of Congress to regulate and determine the rates at which railroads shall carry what is called "interstate commerce." If Congress may require that rates shall be reasonable it may also determine what are reasonable and what unreasonable rates, and may thus fix rates and assume entire control of the whole matter. I may refer further to this before I conclude.

The second section of the committee's bill forbids discrimination in charges between one shipper and another engaged in interstate commerce "for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling the same under substantially similar circumstances;" and it also requires equal facilities to be given, subject to the same provisions. And the third section prohibits the allowance of rebates, drawbacks, or other advantages in any form to any one person which are not allowed under similar circumstances to all other persons.

Former bills on this subject, as I understand, were limited to freight by the car-load. These have no such limitation. Is it intended that all shippers of the same article are to have the same rates without regard to the quantity? Is the man who ships five barrels of flour to pay no more per barrel than the man who ships a car-load or ten car-loads? Must a single box of dry goods be charged for at the same rate as a car-load? Shall the firm which ships only five car-loads of coke a day from the Connellsville coke region pay no more per car than the firm which ships three hundred car-loads every day? Is the party who ships ten car-loads one day and ten car-loads some other day, irregularly and at uncertain times, to have the same rates and the same facilities as the party who is ready with his three hundred car-loads every day? In other words, are shipments of the same article in such different quantities and with such differences as to regularity "like and contemporaneous services, * * * under substantially similar circumstances?" If not, then matters will remain just as they are.

The complaint is that railroad companies discriminate by rebates, drawbacks, &c., in favor of large shippers and against small ones—in favor of regular customers and against those for whom they carry only occasionally. The chairman [Mr. REAGAN] has stated that he left out the provision as to car-loads at the instance of jobbers, so that the bill might apply to quantities less than car-loads. He must mean that the man who ships a car-load or less than a car-load is to be charged no more than the man who ships a much larger quantity, or he must allow discriminations to be made. Is it to be one hundred pounds against another hundred, one car-load against another, one ten car-loads against another? This is utterly impracticable. And if you allow discriminations on account of quantities and of regularity of shipments, where will you stop?

Mr. CHACE. Am I not right in saying that both bills use the term "like?" Are they not identically the same in that respect?

Mr. BOYLE. The substitute, as I remember, does not contain the qualifying clause "under substantially similar circumstances." The other clause is the same in both bills.

Mr. STEWART, of Vermont. The word "substantially" is included in the bill of the committee. There is a modification of the language of the bill itself. It is for "substantially like service."

Mr. FINDLAY. "Substantially similar service."

Mr. STEWART, of Vermont. Yes, sir; "substantially similar service."

Mr. CHACE. It is true, then, as I have stated, that both bills use the word "like."

Mr. STEWART, of Vermont. Yes, they use the word "like;" but the bill also uses the word "substantially," which enlarges its scope.

Mr. CHACE. The committee bill goes a little further in its application.

Mr. STEWART, of Vermont. It was so intended.

Mr. CHACE. Then it is open to the gentleman's criticism.

Mr. BOYLE. I do not know how that may be. It is difficult to distinguish between what is "like" and what is "substantially like." That will be matter for the courts; that is, if any person who thinks himself injured can, under the provisions of this bill, ever get into the courts.

The last clause of the fourth section is understood to prohibit pooling. It prohibits only one kind of pooling; that is to say, it forbids railroad companies to pool "by dividing between them the aggregate or net proceeds of the earnings of such railroads or any portion of them."

"Pooling," as I understand it, is resorted to by railroad companies for the purpose of preventing a reduction of rates by competition. The name and this particular manner of accomplishing that end are of modern origin. I have heard it said that the gentleman so frequently referred to in this debate, Mr. Albert Fink, is entitled to the credit of devising this particular form of combination. But the practice of combining to keep up rates is older than Mr. Fink, and is, as I have stated my belief, contrary to the common law. I know, sir, that "pooling" by men who earn their living by their labor, for the purpose of keeping up its price, has been held not only a civil wrong, but a crime. It may be that there is a different rule of law for railroad companies; but so far as I know, no court has yet undertaken to show wherein lies the difference, if difference there be.

Railroad-men are credited with a full share of ingenuity. Prevent them from keeping up rates by combining and dividing the aggregate or net proceeds of their earnings, and they will very quickly find some other means to accomplish the same result not within the terms of your bills. You leave them full liberty to combine together to keep up rates by any other means than this one. You might as well forbear all reference to the matter whatever.

HOW FOUR RAILROADS WILL BE AFFECTED.

Assuming that these bills go beyond the common law in the matter of the wrongs prohibited, as must be maintained by those who advocate them and as they certainly do in some other particulars, what will be their effect? Their avowed purpose is to establish equality between shippers. I presume it is not intended to establish inequalities between railroad companies and to impose burdens upon some from which others, under similar circumstances, will be relieved. Let us see what will be their effect in this respect.

The committee's bill provides "that all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States or to or from any foreign country, shall be reasonable." These words, as descriptive of the persons within the purview of the bill, are referred to in every other part of it, and are substantially the same as those used in the substitute.

Take four of the great trunk lines, which are largely engaged in carrying what is called interstate commerce. First, the New York Central road, alluded to by the gentleman from Michigan [Mr. HORR]. Its terminal points are Buffalo on the lake and the city of New York. It is

entirely within the State of New York. Of course to any business originating at or between these terminal points, and not going beyond them, the provisions of these bills will be inapplicable. But more than this, they will not in any degree affect any of the immense traffic from Chicago or any of the lake ports to Buffalo and from there to New York by the Central road, for the reason that this bill does not deal with interstate commerce carried by water, and so far as this railroad carriage is concerned it begins and ends within the State of New York, and does not go out of it. As to this enormous lake traffic, as to all the traffic originating at Buffalo and other points along the line and going east; as to all traffic originating at New York and along the line and going west to Buffalo, and thence by the lakes to Toledo, Detroit, Chicago, Milwaukee, or to any other point in the great West, the New York Central Company will be independent of this legislation. It may charge rates reasonable or unreasonable. It may grant rebates, drawbacks, or resort to any other device to give to one shipper preference over another. It may discriminate between shippers and between localities in any manner and to any extent it may deem proper so far as this legislation is concerned, and snap its fingers in the faces of your commissions and your courts.

Now consider the Erie Railway. Its terminal points are Dunkirk and Buffalo on the lake and New York at tide water. It is engaged in precisely the same kind of trade as the Central, and is practically a parallel road. But unfortunately it crosses a small corner of Pennsylvania. In the language of the bill it passes from one State through one other State; and by reason of that fact is made subject to all the provisions, pains, and penalties of this measure. What the New York Central may do legally, the Erie may not do without a breach of the law. What a Central director or a Central agent may do with impunity would make an Erie director or agent a criminal, and subject him to a fine of unlimited amount—by the substitute not less that $1,000—and his company to triple damages and to costs and expenses at the discretion of the complaining party.

There are two other roads in like circumstances, and which afford a like striking instance of the gross injustice which will follow this legislation—the Pennsylvania Railroad and the Baltimore and Ohio. The main line of the Pennsylvania runs from the Delaware at Philadelphia to the Ohio at Pittsburgh. The company owns or controls the Philadelphia and Erie from the port of Erie to its main line at Harrisburg. It controls the Allegheny Valley from the oil regions of Pennsylvania to its main line at Pittsburgh. All these are wholly within the State of Pennsylvania. It passes through the gas-coal region and the coke region of Western Pennsylvania. It connects with the Ohio River at Pittsburgh, and is there fed by the immense traffic which is gathered from all the great rivers of the West and brought to Pittsburgh. It connects those great freight-producing cities Philadelphia and Pittsburgh.

Now take the Baltimore and Ohio. Its main line runs from the bay at Baltimore to the Ohio River at Wheeling. It has a branch from Grafton to Parkersburg, also on the river. It practically owns and actually controls another line or branch from Cumberland to Pittsburgh. It also traverses the gas-coal region and the coke region of Western Pennsylvania, and connects the great freight-producing centers of Pittsburgh and Baltimore. It gathers traffic from the commerce of the Ohio River at Wheeling and Parkersburg. It also has connections with the oil regions of Pennsylvania by means of the Pittsburgh and Western. I need hardly say to gentlemen what quantities of freight originate at the points named and are carried by these companies. From the Connellsville coke region alone, when the ovens are in operation, there are sent nine hundred car-loads of coke a day; most of it, it is true, going West, but much of it going East over these roads. I can not state what goes from other points or from other sources, but I know it to be enormous.

As to all this traffic the Pennsylvania road will not be subject to any of the provisions of this bill, while the Baltimore and Ohio will be as to all and every part of it. The Pennsylvania may deal with shippers as it may please; it may discriminate as it may think proper, and grant such favors and impose such burdens as to it may seem good; it may build up one man and break down another, with no act of Congress to molest or make it afraid; while the Baltimore and Ohio, as to all this traffic, will be tied hand and foot. It must treat all this freight as interstate commerce. It must make it stand upon the same footing precisely as the freight which it carries from Chicago, from Saint Louis, from Cincinnati, from any part of the boundless West—giving to one no advantage over the other, and imposing no burdens upon one which it does not impose upon the other. It can not discriminate between these freights, while the Pennsylvania can. It can not distinguish between freights coming to it by rail from other States and those before referred to, while the Pennsylvania can. Its officers become criminals for doing what Pennsylvania officials may do without impairing their reputation as honest men.

And why this difference? The Pennsylvania road and its feeders I have named are all within the State of Pennsylvania, and the commerce which comes to it from the Ohio River comes by water and not by rail. The Baltimore and Ohio and its feeders, on the other hand, pass through Maryland, West Virginia, and Pennsylvania—they pass "from one State to or through one or more other States." And yet these bills are urged as measures which will prevent discriminations and secure equality in the shipments of freight by rail!

Mr. REAGAN. If my colleague on the committee will allow me I would like to ask him a question.

Mr. BOYLE. Certainly.

Mr. REAGAN. I wish to ask whether under the provisions of the bill he is criticising all commerce originating in another State than New York or another State than Pennsylvania, passing over the New York Central or the Pennsylvania Railroad, would not be subject to the provisions of this bill, whether it reached a terminal point on these roads by water or by land—whether we are not protecting commerce, not regulating railroads?

Mr. BOYLE. I understand the view of the chairman, and think I will be able to show that he is mistaken. I say this, I trust, in no improper spirit, but with due deference for his intimate and long acquaintance with this subject and for his great ability. This legislation is intended to affect only interstate commerce carried by rail. Although it may pass from one State to another, yet if carried outside of a State by water and wholly within it by rail it will not be subject to the provisions of these bills.

Mr. REAGAN. I see that we are not likely to agree, but I wish the House to understand my suggestion. It is that commerce which originates in one State and passes through another, whether by one or many railroads or by water a part of the way and by land another part of the way, is interstate commerce. But under the rule which my friend lays down it can not be protected.

Mr. BOYLE. Take the case I have stated, of commerce originating in Illinois, carried by water to Buffalo and there first carried by rail from Buffalo to New York by the Central Railroad. Is it within the provisions of this bill?

Mr. REAGAN. It is distinctly subject to the provisions of this bill. If you put a cargo of commerce on a ship at Chicago, land it at Buffalo, and there transfer it to a railroad, it is interstate commerce from the point of shipment to the point of destination; and when it goes upon the New York Central Railroad is to be controlled by the provisions of this bill like all other commerce between the States. I repeat, it is not the railroads that we regulate; it is the commerce which we protect.

Mr. BOYLE. The gentleman will understand that I do not deny that Congress has the same power to regulate commerce passing partly by water and partly by rail that it has to regulate commerce carried entirely by rail. All I have said and all I now say is that such commerce carried partly by water and partly by rail, where such rail carriage is wholly within one State, is not covered by the provisions of this bill. And the best evidence on the point of difference between the gentleman and me is the language of the bill itself. I will read it. It is the first section:

> That all charges by any person or persons engaged alone or associated with others in the transportation of property *by railroad* from one State or Territory to or through one or more other States or Territories of the United States or to or from any foreign country, shall be reasonable for such service.

The case I have put is one in which property does not pass by railroad from one State to another; it is a case in which persons are engaged neither alone nor associated with others "in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories." It is an association, if at all, between a carrier by water outside of the State and a carrier by rail wholly within one State. I do not differ with the gentleman as to what constitutes interstate commerce; my difference with him is only as to the meaning of this bill, and in support of my view I submit the bill itself.

THE COMMISSION.

I come now, Mr. Speaker, to that part of the committee's bill which provides for the establishment of a commission of interstate commerce. It is to this that many gentlemen give their most earnest support. It is to it I am chiefly opposed. The chairman of the committee [Mr. REAGAN] regards the charging of unreasonable rates, the allowance of rebates and drawbacks, and the maintenance of pooling, &c., as crimes, and he says so, and proposes to punish them as other crimes are punishable. He also regards them as civil injuries, and he offers to give to the injured party direct remedies in the way of damages, to be sued for by himself, and recovered as other recoveries are had for injuries done. His meaning and his purpose there is no misunderstanding. Another gentleman who supports the committee bill characterizes the chairman's plan as "the cast-iron, inflexible, perfunctory method, terrible on paper as an army with banners, but practically as ineffectual as a Chinese gong." He further says:

> But I predict it would be a dead letter so far as being of any use to the people from the day of its passage if it stood alone; or that if enforced except through the elastic and automatic adaptation of the commission recommended in the bill of the committee, it would only embarrass business, increase rates, and add to the burdens of the people's cost of transportation.

And he says further, after explaining the commission feature of the bill:

> Compare with this elastic, self-adjusting, and sufficient system the stunted and utterly ineffectual method of a dormant statute, too expensive and too like a boomerang for any poor shipper, whose property is at the mercy of the humor of the railroads, to set in motion.

Certainly this commission—this automatic, elastic, self-adjusting, sufficient commission, so enthusiastially described by my distinguished friend from Massachusetts [Governor LONG] which is to stand between the oppressor and the oppressed; which is to do for the poor shipper what in this free country, where the courts are open to all alike, he can not do for himself; which is to correct evils which have ruined individuals and communities—must be a very beneficent and a very powerful body. Let us see.

The commission is to consist of three persons, to be appointed by the President for the term of six years, and each commissioner is to receive a salary of $7,500. It is to have a clerk at a salary of $2,500, and an accountant at a like salary. It is also to have such "additional clerical, engineering, expert, or other service" as it may request and the Secretary of the Interior may be willing to furnish. Actual and necessary traveling and other expenses for the commission and its employés are to be paid, and they are to be allowed to pass and repass over any railroad engaged in interstate commerce free of charge; but whether with or without the consent of the railroad company is not stated. It is to be provided with an office in Washington, but may go into any part of the United States to discharge its duties, or it may send one of its own members or its clerk, or anybody else, into any part of the United States to perform and discharge its duties, and to this end may delegate to the person thus sent all the powers of the commission. Fortunately, with such liberality as to the delegation of power, the power to be delegated is not very great.

The establishment of a commission was urged by nearly every railroad man who appeared before the Commerce Committee, and I do not wonder. As provided for in this bill, it will not only be without power to aid the shipper, but will be an actual obstruction in his way when he seeks redress for injuries done him by a railroad company.

A private individual or a firm may complain to the commission. Unless a United States district attorney, or a State district or county attorney, or other corresponding officer, certifies that "he has examined the facts and in his opinion the complaint is well founded" (for which he must, of course, be paid by the party complaining), the commission may utterly ignore and disregard the complaint. If the complaint be made by a board of trade or other commercial body or be backed by a district attorney, the commission is required to proceed with an examination.

Mr. STEWART, of Vermont. Will you allow me one moment?

Mr. BOYLE. Certainly.

Mr. STEWART, of Vermont. The bill provides that the commission may take notice of such complaint.

Mr. BOYLE. Yes; but it is not obliged to do so unless the individual complaint is backed by a district attorney.

Mr. STEWART, of Vermont. Or a board of trade.

Mr. BOYLE. Yes; as I have said, or a board of trade.

From my knowledge of district attorneys I see no reason why we should interpose them between the injured individual and the commission. Why shall any person who feels himself aggrieved ask the permission of anybody to have his complaint inquired into? Why shall this commission not be open to all alike, the high and the low, the rich and the poor, as the courts of the country are? Why shall a district attorney be paid in order to secure a hearing?

Mr. LONG. Do I understand the gentleman from Pennsylvania to say that a person can not apply to the commission?

Mr. BOYLE. No; but that the commission may disregard the application unless backed by a district attorney.

Mr. LONG. That is to say, that the commission may exercise its judgment.

Mr. BOYLE. Yes.

Mr. LONG. It is not a fair presumption, is it, to say the commission would act unwarrantably?

Mr. BOYLE. I do not know what the commission might do. The failure to have the indorsement of the district attorney would itself discredit the complaint in the eyes of the commission at the outset. I maintain the right of all men alike to be heard—individuals as well as boards of trade, and individuals without a district attorney as well as with one. What would be thought of a court required to hear one man and not another, both complaining of a like wrong?

Say the commission concludes to examine. Say the wrong complained of occurred in California, or Nevada, or Texas, or Mississippi, or Maine. The commission would not go to the place unless the weather was suitable. It would exercise the power of delegation before referred to. Gentlemen who favor the commission seem to be largely influenced by the success of certain State railroad commissions. They forget that the United States is bigger than the State of Massachusetts, great as it is. They forget that an inquiry which might readily be made in a State by a State commission may be attended with very great difficulty when made in a remote State by a commission located at Washington.

Mr. MILLS. Let me ask the gentleman what are the powers of the commission for the correction of these evils.

Mr. BOYLE. I will state in a few minutes.

Mr. CHACE. If it will not interfere with the argument of my friend I wish to ask him a question, as he seems to be in favor of Judge REAGAN'S substitute.

Mr. BOYLE. I am not conscious of having said anything that would warrant that inference. In response to the inquiry of the gentleman from Texas [Mr. MILLS] I say that with enforcing the remedies given, with imposing the penalties proposed by this bill, the commission has nothing whatever to do. The wronged party must go into the courts single-handed and alone, as he would have to do if no commission existed, and meet these giant and terrible corporations face to face. He must employ an attorney and bring his action like other people who complain of wrong. He must make his information and prosecute for the crime committed just as he would without any commission.

The reason given for the establishment of a commission is that shippers are not able to contend with the railroad companies. Who are the shippers? They are the merchants, the manufacturers, the corporations of the country. You leave the widow whose husband and the children whose father has been killed by a railroad company, the poor employé who has been maimed and ruined while in its service, to sue those companies themselves and to meet and contend with them without the backing of the Federal Government or any other government, while you pretend to give to the capitalists of the country the moral backing at least of a great, imposing, well-paid commission. I do not agree that suitors with railroad companies are at a disadvantage in the courts of the country; much less do I agree that support shall be given to the strong which is denied to the weak.

Let it be understood that with what are called the remedial provisions of these bills, those portions giving remedies for injuries done and imposing punishments for wrongs committed, the commission has nothing whatever to do. All that is claimed for it is that it may aid in preventing the continuance of the wrong. Again, let us see——

Mr. PETERS. Will the gentleman permit me to ask this question: Does not the provision in relation to injunctions distinctively enjoin the railroads from doing the wrong against the individual?

Mr. BOYLE. I have said nothing to the contrary. But it is not done at the instance of or through the commission.

Mr. PETERS. You say there is no remedy to the individual.

Mr. BOYLE. No; there are remedies which he must himself seek. I say the commission does not intervene to give the individual a remedy.

Mr. PETERS. It gives it by injunction.

Mr. BOYLE. No; he must obtain that for himself also. The commission stops short of that. Nor does it intervene to enable him to obtain compensation for wrongs done.

Mr. PETERS. Other provisions of the law do compensate him.

Mr. BOYLE. Undoubtedly; but at his own suit, and without aid from the commission.

Mr. WARNER, of Ohio. That is, the commission has no power to enjoin.

Mr. BOYLE. No, nor any other power except to inquire. The commission upon complaint made has the power to cause a copy of it to be served on the party complained of and to require an answer. After answer, it may, "if it shall think fit," institute an inquiry as to the matters of fact alleged in the petition, "in such mode and by such persons or means as it shall think proper." If it finds the complaint sustained, it is to "make and record its report in writing." Within twenty days it is to serve a copy of its report and findings on the offending railroad company, with notice to desist from the wrong, and it is also to deliver to the United States district attorney for the district in which the act complained of occurred a similar copy.

And here the functions of the commission absolutely terminate.

If the offending company fails to comply with the commission's notice, the district attorney is to commence proceedings in the name of the injured party for an injunction. He is not compelled to do so; and, as no fees are provided for the service, it is not likely he will do so unless the injured party should compensate him. And if he is to pay he should be allowed to select his own lawyer, as he is permitted to do if the district attorney fails to proceed for ten days. And what is the court to do? Is it to enforce the finding of the commission? Not at all. Is the finding of the commission of any value before it as evidence or otherwise? Not at all. The court is to "proceed in a summary manner to ascertain whether the said report and findings are true." That is to say, a proceeding in equity is to be commenced and carried on in the ordinary way after the commission has reported, except that the inquiry is to be confined to the findings of the commission. Everybody must have notice and an opportunity to appear, and, as the question of fact is to be inquired into, everybody, including the railroad company, must be allowed to produce witnesses. In other words, the injured party is just where he was when the inquiry before the commission commenced, except that the scope of inquiry is limited by the findings of the commission, perhaps greatly to the prejudice of the injured party. And the proceeding is carried on at the risk of the injured party. District attorneys do not work for nothing. There is no provision here for paying them.

Mr. PETERS. If the law makes it the duty of the district attorney to do this the private party can not be made to pay him.

Mr. BOYLE. Nor can the United States.

Mr. PETERS. I agree with you there.

Mr. BOYLE. Nor can the district attorney be compelled to perform the labor without compensation. The bills do not undertake to so compel him.

Mr. MILLS. Suppose the party making the complaint loses—he pays the costs.

Mr. BOYLE. Yes; I have said that the proceeding is carried on at his risk. The bill provides that the "court may, in its discretion, award or deny costs to any party to such proceeding."

Where is the good of the commission? The injured party finds himself worse off at the end of its inquiry than at the beginning. Without it he might have commenced proceedings in equity for an injunction in any court of competent jurisdiction. He might have made the scope of his complaint and the subject of inquiry as broad and comprehensive as he liked. He could have had the whole subject disposed of, and not only a preliminary but a permanent injunction before the commission completed its utterly useless inquiry. Under the commission scheme he is confined to one court, the United States circuit court of the district in which the wrong is alleged to have been done. He must wait on notices to the railroad company; he must wait the pleasure of the district attorney, and then either pay him or employ his own lawyer. And then he must limit his inquiry to the findings of the commission.

Surely this scheme was devised by the railroad companies themselves. I have said that their attorneys advocated it. It seems hardly possible that any person other than a railroad manager could have suggested a device so entirely in the interest of the railroad companies. I can see how such a commission might be of great service to itself and its employés, but how it is to help the suffering shipper does not appear.

THE QUESTION OF POWER.

I do not intend to submit an argument as to the power of the Federal Government to enact this legislation. My respected friend before me, the chairman of the committee, entertains no doubt whatever of the existence of this power. My colleague from the Pittsburgh district [Mr. HOPKINS] is equally clear that the Federal Government has full power to enact the legislation here proposed; that is to say, that the Federal Government, under the clause of the Constitution giving Congress power to regulate commerce with foreign nations and among the States, has authority to control the entire railroad system of the country; for it comes to that. Let me make a suggestion—I make it only by way of suggestion, without committing myself irrevocably. Under this same clause of the Constitution the Federal Government has exercised all the power it has ever claimed in regard to the shipping of the country. It has prescribed, I believe, the manner of building ships, how they shall be manned, how they shall be commanded, how they shall enter, clear, &c.

Everything that Congress has enacted in relation to the shipping of the country has been based on that clause of the Constitution giving Congress the power to regulate commerce with foreign nations and among the several States. Control of the navigable rivers of the country is derived from the same provision; so, too, is the right to authorize bridges over navigable waters. Our entire regulation of shipping and seamen and steamboats and inspection of steam-engines and everything of that kind finds its warrant in this clause. Now, I ask gentlemen on this side of the Chamber whether they are willing to extend this power to the control of the railroads of the country? If the same clause which has warranted our legislation in regard to the shipping justifies the exercise of like power and control over the railroads, you may have Congress directing what kind of signal-lights the railroad trains shall carry, how the trains shall be manned, how they shall be run; in short, doing everything as to railroads and railroad trains that it has done and is doing as to ships upon the ocean and navigable rivers and the ships and boats thereon.

It is claimed broadly that Congress has the same power and control of the instrumentalities of interstate commerce as of the instrumentalities of foreign commerce, and that there exists in Congress the same power to control the railroads, because they are instruments of commerce, as the shipping of the country. Are you gentlemen willing to take this step toward centralization? Are you willing to confide to the Federal Government the control of the entire railroad system of the country? It will extend to every railroad in the United States, for there is not one, however short or inconsiderable, which does not at some time, and frequently, carry commerce passing from one State to another.

The Democratic party has seen with alarm the strides toward centralization made by the Republican party while it has had control of the Federal Government. It has labored zealously to preserve and maintain the rights of the States, and to confine the General Government to the exercise of the limited functions which were committed to it by the framers of the Constitution. But to my knowledge no movement has ever been made by the Federalists or their successors which would add so much to the power of the National Government as this, and no doctrine has ever been enunciated by them more destructive of State rights and local self-government.

Mr. WARNER, of Ohio. Will the gentleman yield for a question?

Mr. BOYLE. With pleasure.

Mr. WARNER, of Ohio. You admit, as I understand, that the General Government has the right to control interstate commerce except when it is carried on railroads.

Mr. BOYLE. I have made no such distinction.

Mr. WARNER, of Ohio. But is not that the logic of your position?

Mr. BOYLE. I have not gone so far. I wish to be held responsible for no more than I say. As I have said, it is a good deal by way of suggestion, and although I may use strong expressions, I am not to be understood as committing myself irrevocably to any particular view as to the powers of Congress over railroads as instrumentalities of interstate commerce.

Mr. REAGAN. I will ask my friend to allow me a suggestion. The courts of the country, State and Federal, have, without exception, decided that the States can not regulate commerce between the States. Now, the gentleman assumes that the Federal Government can not do it. Does he recognize the principle that the railroads are a power uncontrolled and uncontrollable by law, either State or Federal?

Mr. BOYLE. No; I am not an advocate or apologist for the railroads, and never have been in any public position I have had the honor to hold. I am not willing to concede that the railroads of the country, great as they are and strong as they are, can not be controlled by the law. I do not admit the correctness of the gentleman's statement. I believe that the humblest court in the country, State or Federal, can put its hand on a railroad company and control it within the limits of the law.

Mr. STEWART, of Vermont. You mean under the common law?

Mr. BOYLE. The courts are as strong to enforce the common law as the statute law. They have the same power, in this respect, as to both.

That the Federal Government has power to regulate commerce among the States I have never doubted. I could not question it without flying in the face of the plain letter of the Constitution. But what is this power; to what does it extend?

In all that the Federal Government has thus far done in the regulation of shipping, in the control of the foreign or interstate commerce of the country, it has never, so far as I am aware, undertaken to prescribe on what terms that commerce shall be carried. If Congress has ever said that ships carrying commerce to or from foreign countries shall do so at certain rates, I do not know it. If Congress has ever legislated at all with reference to the terms between the shipper and the carrier, I do not know it. It is assumed here that because Congress has power to regulate commerce among the States, therefore Congress has the power to prescribe the terms upon which the carrier shall be compelled to carry that commerce. But this is begging the whole question—it is assuming the very point in doubt and controversy.

Mr. REAGAN. Mr. Speaker, if the gentleman will allow me, I will state that if he refers to the Revised Statutes of the United States, he will discover that Congress has been exercising the right of regulation of transportation for many years. A law is now upon the statute-book upon that subject.

Mr. BOYLE. I am not cognizant of any legislation by Congress touching the matter to which I have been referring—the terms, as between shipper and carrier, upon which commerce shall be carried. It may be said this bill does not do that. But this bill, Mr. Speaker, asserts and is bottomed on the power to do it. This bill says in its first section that the rates for carriage shall be reasonable. Well, if Congress has the power to declare rates shall be reasonable, then Congress has the right to determine what are reasonable rates. One follows the other inevitably. That ground is taken by the gentleman from Kansas [Mr. ANDERSON], who has been so earnest in his advocacy of these measures. He maintains that Congress has the right to prescribe the price railway companies may charge for the transportation of commerce between the States.

Mr. Speaker, no case has been cited touching the power of Congress to regulate interstate commerce from which it can be gathered that any court has held that that power would warrant the Federal Government in interposing between shipper and carrier to the extent of prescribing how commerce shall be carried by rail or what rates shall be charged for its transportation. To my knowledge there is no such case. Congress has the right under the Constitution to regulate and control interstate commerce. That is, to facilitate it, and to prevent States from placing obstacles in the way of carrying it on. It has the power to prevent the imposition of burdens or taxes upon it by States.

Mr. REAGAN. If the gentleman will permit me I will again interrupt him.

Mr. BOYLE. Certainly; I yield for that purpose.

Mr. REAGAN. There have been repeated decisions, Mr. Speaker, in which the courts have said that under the provision of the Constitution granting to Congress the power to regulate commerce the whole power is given to Congress over that commerce, and that it is ample and complete in every respect. That as every State has the power to regulate the commerce within the boundaries of the State, Congress has like power under the Constitution to the regulation of interstate commerce. That has been decided over and over again by the courts.

Mr. BOYLE. The gentleman is not to understand me as dissenting from that proposition.

Mr. STORM. If my colleague will permit me to interrupt him for an instant I would like to ask him whether he takes into account the difference between commerce upon the high seas and navigable rivers and interstate commerce as carried on by railroads? In the former case, the channels of commerce are open to all the regulation of price would not be necessary, but in the other case it is not so, and it is important this distinction should be taken.

Mr. BOYLE. I may say to my colleague that the distinction he makes might afford a reason for Congress interposing, if it had the power; but it does not by any means determine that Congress has or has not the power to make the same provision in one case as in the other.

Mr. REAGAN. Let me go on a little further. The power to regulate in a State rests upon the common law principle that common carriers or persons engaged in any employment in which the public has an interest, and especially where the franchise is derived from the political authority, are subject to the control and regulation of that political authority, such as in the case of hackmen, public ferrymen, &c.

Mr. BOYLE. I am not disposed to dispute that. The States have the right to control common carriers within their borders, but it does not spring from any right to regulate commerce. They have the same power to regulate and control all persons engaged in a public or quasi-public business, whether relating to commerce or not. The States do this, because they possess general governmental powers. Where a man sets up to carry for the public generally, then he is subject to the control of the State to the extent, at least, that his charges shall be reasonable.

Mr. REAGAN. I only mentioned the point to show the authority in the State for the regulation of this subject. The courts have decided that Congress has the same power over interstate commerce that the particular States have over local commerce.

Mr. BOYLE. Let me suggest to the gentleman from Texas a palpable difference. The railroad companies of the country, to which this law is to be applied, did not derive their existence from the Federal Government. These railroads you intend to regulate by regulating the interstate commerce on them do not owe anything to the Federal Government as their creator. They were created by the States. The power which creates a corporation may impose such burdens and conditions upon it as to it may seem good. It is clear to me, therefore, that when the gentleman claims the same power for the General Government over State corporations exercised by the States which created them the reason for his claim utterly fails.

Mr. LEWIS. How about the Texas Pacific and the Northern Pacific Railroads?

Mr. BOYLE. I was alluding to the general system of railroads, not to these. But the principle I have stated applies to them, and they happily illustrate it. The Federal Government created them; it gave them all the powers they have; it is their sovereign. Will anybody say it can exercise like control over railroads entirely within a State, created by the State, because they engage in the carriage of interstate commerce, that it can over the Pacific roads?

Mr. REAGAN. If the gentleman will allow me, I will state that that doctrine would lead to the conclusion that a State, by creating a corporation, can take from Congress its constitutional power to regulate commerce between the States. I am satisfied my friend from Pennsylvania will hardly assent to that proposition.

Mr. BOYLE. By no means. The distinction is clear; it comes to this, after all: What is embraced within the regulation of commerce?

Mr. BARKSDALE. If my colleague will permit me a moment I will call his attention to a case in point, and cite a decision bearing directly upon this point.

Mr. BOYLE. Certainly; I will yield to my friend from Mississippi.

Mr. BARKSDALE. I refer now to the power of Congress to regulate commerce among the States, and cite the case of the Pensacola Telegraph Company against the Western Union Telegraph Company. Chief-Justice Waite, in delivering the opinion of the court, said:

> Congress has power to regulate commerce with foreign nations and among the several States. The powers thus granted are not confined to the instrumentalities of commerce, or the postal service, known or used when the Constitution was adopted, but they keep pace with the progress of the country, and adapt themselves to new developments of time and circumstance; they extend from the horse with its rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, &c.

Mr. HERBERT. And the telegraph company to which the gentleman alludes, and whose rates were in question, was a corporation created by a legislative act of the State of Florida.

Mr. BARKSDALE. Yes, sir.

Mr. BOYLE. That, however, is only, as the gentleman will perceive, a statement of the general principle involved. It amounts to saying that the power of Congress to regulate commerce is not confined to transportation by horses and mules, which were the principal modes in operation at the time the Constitution was framed and to a large extent were the only means used at that time for the carriage of commerce by land.

Mr. BARKSDALE. But it declares that the power exists in Congress.

Mr. BOYLE. Undoubtedly the power to regulate interstate commerce rests in the Federal Government under its Constitution, and is supreme and exclusive. I do not wish to be understood as denying the power of Congress in the premises; but I maintain that this power does not include the power to regulate the specific charges for freight by railroad companies created by States and exercising their corporate functions within the States which created them. A State in granting a charter to a railroad company may limit the rate of charges, but that being once done the State has no power to change that provision, unless the right to do so is reserved in the charter or by general law or constitutional provision.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. BOYLE. Certainly.

Mr. HENDERSON, of Iowa. When a railroad company accepts a charter from a State are not the powers conferred upon the road measured by the provisions of the Constitution of the United States?

Mr. BOYLE. Undoubtedly the Constitution of the United States is the supreme law of the land. That all understand.

Mr. HENDERSON, of Iowa. Yes; but in accepting a grant of privileges or powers from the State are they not bound by the provisions of the Constitution of the United States?

Mr. BOYLE. Yes; the Constitution of the United States may properly be considered a part of every charter ever granted by a State, because the charter and all State laws are subject to it.

And if you find in this clause of the Constitution (and this is, after all, a matter of interpretation) that Congress has power to regulate the charges which the carrier may make against the shipper, then the power exists, whatever may be in the charter, for the corporation takes its franchises subject to whatever power the Federal Government may have under the Constitution. But, what I tried to say is that the power to regulate the charges by a State stand upon an entirely different footing.

The corporations, I repeat, so that I may not be misunderstood, are not created by the Federal Government. They do not derive their franchises from it. They are subject, of course, to the Federal Constitution and laws made in pursuance of it; but the Federal Government is not its sovereign in that sense. The State government may fix the charter, and in fixing it put in such restrictions as it chooses; and of course the corporation takes the grant *cum onere*. More than that: in my judgment a State government, having created a corporation, might make such changes in its charter and subject it to such control as it thought proper, so long as it did not violate that clause of the Constitution which forbids a State to impair the obligation of a contract.

Now, sir, I recognize the existence of the evils complained of and the evils intended to be remedied by this bill. And if a plan can be devised within the powers of the Government, State or Federal, to prevent railroad corporations from making unreasonable charges or discriminations between shippers by granting one facilities or rates which are denied to another, it shall have my hearty support. I am most anxious to forward any such measure. But I entertain so much doubt at least as to the power of Congress to enact this legislation—and if the power exists, I see so much objection to giving to the Federal Government practical control of all the railroads of the country—that I hesitate to support either of the measures now before the House. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted upon its amendment disagreed to by the House of Representatives to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Messrs. HALE, LOGAN, and BECK as conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 1018) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders and providing for the return of the same;

A bill (S. 1574) to provide for the sale of the Cherokee reservation in the State of Arkansas;

A bill (S. 1742) to authorize Albert T. Stream, keeper of the life-saving station at Shoalwater Bay, Washington Territory, to accept a medal awarded to him by the British Government; and

A bill (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 3d day of July, 1801.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill relating to interstate commerce.

Mr. WEAVER. Will the gentleman from Pennsylvania [Mr. BOYLE] yield to me?

Mr. BOYLE. I yield whatever time I have remaining to the gentleman from Nebraska [Mr. WEAVER].

The SPEAKER. The gentleman from Pennsylvania has only five minutes of his time remaining.

Mr. WEAVER. Instead of speaking in the time of the gentleman from Pennsylvania I should prefer to be recognized in my own right.

The SPEAKER. The gentleman from Nebraska is recognized and will proceed.

Mr. WEAVER. Mr. Speaker, when we consider the vastness of the business sought to be regulated by the committee bill and the substitute bill, and the limited amount of knowledge possessed by those outside of railroad management on the questions under consideration, it becomes very important that we carefully consider every measure that shall be crystallized into law, to the end that we may have legislation to stop those abuses that are known to exist, and having once prohibited by statutory enactment the doing of those things concerning which there is no division of opinion as to their being absolutely wrong, then for the present should we stay further legislation until it becomes known that further abuses have crept into the railroad management.

I say that we should not attempt to correct any imaginary evils, but strictly to confine our legislation to the correction of evils that are known to exist. Neither do I think as to the subject sought to be covered by either of the bills but that the legislation offered is confined strictly to abuses that are known to exist, and the only question at present for consideration is which one of the bills before the House will best serve the purpose for which it is intended.

The first seven sections of the committee bill cover nearly the whole ground covered by the substitute bill; and by this I do not wish to be understood as saying that the first seven sections of the committee bill are similar to the substitute bill, but only that in the first seven sections of the committee bill we have provisions traversing nearly the whole ground traversed by the substitute bill; and if the bill were to end here, and leave the enforcement of the law to the courts entirely, the measures here would elicit little discussion. But after leaving the seven sections of the committee bill we have offered to us a board of commissioners, whose duties and powers are pointed out in the bill; and it becomes very important, after having carefully looked into the proposed system, to determine whether by the adoption of the committee bill we shall have lent our influence to the adoption of a system by which the alleged evils shall be more readily examined into and corrected or whether we will have placed in the road an ornamental stumbling-block.

But before entering into a discussion of the advisability of adopting the board of commissioners, it will be well for a few moments to point out the real difference between the committee bill and the substitute bill in the matters that relate to railroad regulation. As has been stated upon this floor, there is no substantial difference between the first and second sections of the committee bill and the first section of the substitute bill.

The third section of the committee bill covers the same subject-matter as the second section of the substitute bill, namely, the subject of rebates and drawbacks, the committee bill prohibiting any rebate or drawback upon shipments except such as under similar circumstances are allowed to all persons alike, while the substitute bill absolutely prohibits any rebate or drawback, and I have no hesitancy in saying that on this subject I favor the provisions of the substitute bill. No argument has been adduced tending to show that under any state of circumstances could it be to advantage to allow drawbacks and rebates even where under similar circumstances it must be allowed to all persons alike.

It was suggested by the gentleman from Massachusetts [Mr. LONG], in support of the allowance of rebate, that a railroad company in shipping goods from Chicago to a party in New York, upon being informed that another company had been shipping the same class of goods under similar circumstances at a lower rate, ought to have the opportunity to grant a rebate or drawback to the end that the said company might retain its business. We have another provision offered in the substitute bill, which, if it be adopted, will always be a standing notice not only to railroad companies and their agents but the world at large, as to just what charge can be made upon all the classified articles for shipment not only from Chicago to New York but from every place from which any company makes shipment to every and any place to which the shipment is made, so that the House can readily understand that the company that shall have exercised ordinary diligence in the carrying on of its business can not be misinformed as to what any other company is charging for similar service.

The question of allowing a rebate and drawback under similar circumstances is always a question of fact, and will lead not only to much cavil and dispute, but to much litigation and trouble. Another argument that has been made upon this floor in behalf of the drawback system is to the effect that in the case of shipment of goods where the charges had been prepaid and pending the shipment and before the delivery the property of the consignee had been destroyed by fire, it is urged in such case it would be but just to grant the consignee a rebate or drawback; to all of which argument it might be answered that the rebate or drawback given under such circumstances and for such a purpose is nothing more nor less than a donation, and that there is nothing in this bill that provides against the company making a donation under such or any circumstances.

The truth is that the retention of this drawback system as proposed in the committee bill is but to leave open the door to favoritism on the one side and oppression and destruction on the other.

Passing to the fourth section of the committee bill, we find that the same corresponds exactly with the third section of the substitute bill, each one of which makes it unlawful for railroad companies to pool their earnings. I am not prepared to say that this kind of legislation is wise, because we must remember that there should be some safeguards to the railroads, to the end that by reckless management they may not become bankrupt and destroyed, which might occur in a determined effort to destroy a competing line.

I say, Mr. Speaker, that the purpose of this legislation is not to injure railroads, but to prohibit them from taking any unjust advantage, as common carriers, of the people, who must necessarily depend upon them to make their commercial exchanges, and in determining the question as to what is a reasonable charge in fixing the schedule of rates—should that power ever be devolved upon the board of commissioners or be directly fixed by statutory enactment—it might become quite as important to fix a minimum rate as to fix a maximum rate, to the end that there might be protection to weak companies as against their stronger competitors. The people of this country want nothing more than such legislation as shall give to the railroad companies fair profit upon honest investment.

The gentleman from Massachusetts [Mr. LONG] calls attention to the small profit realized on railroad investments. He says:

> Look at some of the figures. The six billions or more invested in the 125,000 miles of railroads in the United States pay only about 3 per cent. per annum to their stockholders.

Now, sir, if this were true, that the 125,000 miles of railroads in the United States had cost $6,000,000,000, or if the present value of the 125,000 miles approximated to that amount, there might be something in the argument to justify a conclusion that rates are reasonable—or perhaps too low—at the present time. But what is the truth? We know that two-thirds of this capitalized stock is water. In other words, that they are receiving 3 per cent. of interest on $2 of watered stock for every dollar of actual outlay, and it is to this that the people of this country object.

What is it but watered stock that has made both Jay Gould and Vanderbilt this day worth more money than the whole assessed valuation of the States of Nebraska and Kansas—both real estate and personal—(the two States comprehending an area of one hundred millions of acres, and a population of over two millions of people), and all this wealth extorted from the honest industry of this country. And this is what is called railroad *business* and *railroad management*, and it is just this kind of management that has made it necessary to have railroad legislation. The people do not and never would object to fair profits upon actual and honest investment.

And, again, the gentleman from Massachusetts [Mr. LONG] says, "it was in evidence before our committee that a drawback or rebate is sometimes desirable in order to aid in exporting to foreign markets the product of American labor," and proceeds to argue that in the exporting of staves from the United States to England the American laborer without a drawback or rebate would be unable to compete with the Norwegian.

Mr. Speaker, I am unable to understand why $10 or any other amount of drawback or rebate on a car-load of staves *in transitu* for the seaboard, the ultimate destination of which is England, would be of any greater advantage to the shipper or place him in better condition than he would have been in had the $10 or amount to be drawn back or rebated never been charged and paid. Why should any amount of money be advanced to the railroad company as pay for freight only to be returned? The American shipper when he sends his car-load of staves knows that he will meet the Norwegian in England with his staves, and knows that unless certain rates be given him he can not compete, and the management of the railroad company knows it, and, to the end that the American laborer may be able to compete, arranges a system of rebates and drawbacks. And now I would like to have the gentleman from Massachusetts tell me why the rates could not just as easily have been so adjusted that it would not have been necessary for the railroad company to temporarily take charge of the shipper's money, a return of which had already been stipulated for, because had not this been so the American shipper would have kept his merchandise, knowing that he could not compete.

The truth seems to be that the rebate business is a fraud. In any event the stave argument of the gentleman from Massachusetts does not tend to show how it can aid the American producer in shipping abroad.

The gentleman from Massachusetts says:

> Section 6 of our bill—
>
> The bill of the committee—
>
> gives to an injured party, in addition to his right of resort to the commission, an action for damages for violations of the provisions of the bill, and in cases of recovery allows costs sufficient to cover all his expenses in obtaining it.

Now, if this were true I would most heartily approve and support the sixth section of the committee bill; but the gentleman from Massachusetts is mistaken when he makes this statement, because the sixth section only provides that the injured party can have an additional allowance by way of costs to cover his counsel and attorney's fees and expenses and disbursements in the action, including his own necessary personal expenses, when it shall be found that the violation was willful or continued after notice.

This is wrong, as any one can see by considering the most numerous class of cases liable to arise from overcharge and discrimination. Take, for instance, a violation of the provisions of the act in an overcharge (beyond a reasonable charge) of five or ten dollars, and who will contend that the aggrieved party, failing to procure settlement, should be required to pay twenty-five or fifty dollars attorney's fees—which would be very ordinary fees in a contested case—to secure the return of five or ten dollars justly due as an overcharge, unless it should be found that the violation was willful or after notice. The expense incident to the recovery of so small an amount without any certainty of recovering the costs would lead to an abandonment of many just claims.

No, sir; this section is not right, but should be just as the gentleman from Massachusetts claimed it to be. In every instance where there is a recovery for actual damage for the violation of this act the verdict should carry with it a reasonable attorney fee, to be allowed by the court, and all reasonable and necessary expense incident to the litigation, and I regret that upon this subject the seventh section of the substitute bill affords no better relief than the provision in the committee bill.

The substitute bill offers as a premium to every one who has sustained an actual damage a verdict for three times the actual damage sustained. This is wrong, and lies in the line of confiscation, and by some courts it has already been held that no such damage can be recovered.

I read from a decision made by the supreme court of Nebraska, Atchison and Nebraska Railroad Company *vs.* Baty, 6 Nebr., page 37, where under a statute it was provided that any railroad company liable to pay for injuring or killing stock should fail to pay the same within thirty days after notice should be required to pay double the value of the property so injured or killed:

> In this cause one question only is raised for determination by this court, and that is whether that part of the statute of June 22, 1867, which gives to the owner of live-stock "double the value of his property injured, killed, or destroyed" on a railroad track, in case the same is not paid within thirty days after demand therefor is made upon the company is "the law of the land." This question is one of importance. It involves an inquiry into the individual rights of property, the owner, and the question of legislative power over such property. The term "right" in civil society is defined to mean that which a man is entitled to have or to do or to receive from others within the limits prescribed by law.
>
> If, however, the Legislature has authority by enactment to declare that, for an injury of the kind in question, the injured party shall be entitled to receive "double the value" of the property injured, then does not the authority imply the power in the Legislature to make it a hundred times the value of the property? And the excess beyond the damages sustained, whatever it may be, is so much property taken from one person and given to another. If this legislative power exists in respect to the case under consideration, why shall it not, on the same principle, apply to simple debt? And therefore, if upon demand by the creditor the debtor fails to pay within a certain time, he may by legislative decree be compelled to pay double, treble, or a hundred times the amount of the debt, according as the Legislature may decree by legislative enactment. And whatever the object of such legislation may be, it eventuates in a decree taking property from one man and giving it to another; but such legislation is repugnant to the fundamental principles of individual rights, the maxims of the common law, and the constitutional limitations, and therefore it can not be "the law of the land." (Bay City and Sag. R. R. Co. *vs.* Austin, 21 Mich., 401; Lewis *vs.* Webb, 3 Greenleaf, 326, 330; Holden *vs.* James, 11 Mass., 396; James *vs.* Reynolds, 2 Texas, 251.)

Now, sir, by this same kind of legislation here we are liable from the courts to meet with a similar decision. But, Mr. Speaker, there is no necessity, for the ends of justice nor for the efficiency of the bill, to have a different measure of damages than that which might reasonably be given in any other class of cases, namely, that the injured party in every instance where he makes out his case shall be able to recover as additional costs his attorney's fees and all reasonable and necessary expense incident to the litigation. The provision to give every injured party who shall make out a case all his necessary expenses incident to the establishment of his case is much better for the majority of cases than either three or four times the amount of damages with his expenses dependent upon the finding as to whether or not the violation of the statute was willful, and then it has the advantage of being founded in justice and is not subject to being overturned by the courts. A statute like this, that compels the corporation that violates its provisions to pay all legitimate expense for its enforcement, will execute itself and needs no ornament of a board of commissioners, without power other than to make reports and draw a salary.

The fourth section of the substitute bill embraces a feature not included anywhere in the committee bill, as follows:

> That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation for a similar amount and kind of property, for the carrying, receiving, storing, forwarding, or handling of the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the roads in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

Even Governor LONG does not like "to deny the abstract correctness of the principle here stated," but argues against it by calling our attention to an imaginary town on a hill between Jericho and Jerusalem. He says:

> Suppose a city set on a hill. It withers because it is inaccessible. At enormous cost a railroad is carried to it from the port of Jericho, at the foot of the mountain. Its grateful people willingly pay the heavy charges which the expensive building of the railroad necessitated. Inspirited, they extend their new railroad down the other side to Jerusalem on the plain, which has, fortunately for itself, a river winding round the mountain to the same port at Jericho. The mountain road pays its way with its local rates. But if it would compete with the river in carrying freight over the mountain from Jerusalem to Jericho it must carry for the same price, thereby instituting a competition with the river, which would be of great benefit to the poor people of Jericho and Jerusalem. Ah! if you do that, say the hill people, you oust do our work for less, for we on the summit are only half way on your through line. But, answereth the railroad, I must either give up this through business and surrender it to the river and confine myself to your local business, charging you for it what you know it is worth and were at first glad to pay, or you must let me do this through business at through river rates and without reduction of your local rates, except so far as any slight profit I may get from this additional through business may enable me gradually to favor you. In such a case who discriminates against the hill folk? Is it the railroad? No. Is it the hill? Yes.

Now, Mr. Speaker, if we were inserting this provision for the purpose of regulating the through business of an imaginary railroad passing over an imaginary hill between Jericho and Jerusalem, the illustration might have some little force; but, as will be readily seen, it were better even then that the bill might go through for the salvation of Jerusalem. We know that the railroad could not carry the freight over the hill, as against the water competition around the hill, except at a heavy loss, which, of course, would be readily done by the railroad until the navigation company had been destroyed and taken off its barges and schooners, and then the day for cheap freights for Jerusalem has passed by, and Jerusalem will wish she had never had a railroad.

The truth is, Mr. Speaker, that railroad companies are not hunting for some town on a hill to save from withering. Nor are they on the road to Jerusalem. We would better apply this legislation to the situation of things in this country, where the railroad companies build along the streams by the most accessible routes to their ultimate destination. Take the great West as an illustration, and we who have lived there know well that the companies have paid but little attention to the towns, it being frequently necessary to give large subsidies by way of bonds to divert them but a short distance to the towns, the passing by of which would have much depreciated the property of the resident citizens; and frequently has it been necessary to divide the real estate of the town site with a ring formed inside the railroad company to secure railroad facilities, but more frequently has it occurred that town-site companies (inside the railroad management) have gone in advance of the building of the road and selected town sites, at which points the railroads have erected their stations, paying little or no attention to towns that had been started before the railroad was built, and thereby adding another great source of wealth to those whose only legitimate business should be that of aiding commerce for fair and reasonable compensation, such as is provided by the substitute bill.

I say that when we take into consideration the actual situation of things in this country, the imaginary hill railroad running from Jericho to Jerusalem seems a little far-fetched.

The gentleman from Massachusetts further suggests that the company ought to be allowed to charge a greater rate for a shorter than a longer distance, especially when that shorter distance covers a very expensive portion of the road, such as the bridge at Saint Louis or the Hoosac tunnel; but, unfortunately for his illustration, so far as the bridge part is concerned, most of the bridges, or at least those concerning which I have knowledge, have their separate tolls and charge for every freight-car carried over them, and to-day are paying a greater dividend on the money invested than any other portion of the road under railroad management; but in any event the tunneling through a hill or the erection of bridges over navigable streams is but a portion of the expense in the erection of any great railroad line, and would always be taken into consideration in arriving at the average value of a road from its different termini. In considering what would be reasonable charges under the provisions of this bill and let a car of freight be shipped a short or a long distance, the railroad company would always be receiving reasonable pay, taking into consideration the average cost of a road from end to end.

There is no provision in the substitute that prohibits any railroad company from charging and receiving as much for the carriage of freight for ten miles as it does for a hundred, or for a hundred miles as much as it does for a thousand, other than that provision which says all charges shall be reasonable, and I am much in favor of the provision in the fourth section which says that the charges in a shorter haul shall not be greater than for a longer.

I know of but one gentleman who has taken stronger grounds against the Reagan bill than the gentleman from Massachusetts. That gentleman is John C. Brown, accredited representative of over 6,000 miles of railway, and who made his argument before the committee.

Mr. Brown goes so far as to urge that Congress has no power to pass any bill interfering or regulating transportation of freight from State to State; but does make one strong admission, which forever ought to set the American people at ease, and operate as an estoppel against any railway seeking to gainsay the proposition, namely: "That Congress has the power to appoint its own agents for gathering statistical information in reference to any branch of industry;" so that if we never

succeed in passing this or any other bill, we at least have secured a concession of a representative of 6,000 miles of railroad that Congress may go into the statistics business in perfect safety. This gentleman evidently thinks that the creature is bigger than the creator, and has reversed the adage, *Vox populi, vox Dei*, and come to the conclusion that the voice of Vanderbilt, Gould, and Huntington is the voice of God.

The next argument that seems to have the most weight against the proposed legislation in the substitute bill, wherein it declares against a greater charge for the shorter than for the longer haul, is the argument of the gentleman from Massachusetts [Mr. RICE], and is illustrated by two railroads having the same termini, the one making the base of a triangle and the other the perpendicular and the hypothenuse, the base road being two hundred miles in length and the other road being three hundred miles in length. Now as both these roads start from the same point, and run to the same destination, it is urged by the gentleman from Massachusetts that in order to secure through freights the road which has one hundred more miles to travel must carry the through freight at the same rate as its competitor carries it or fail to secure any proportion of that business. This is true; but who is there who does not know that if the road that carries the freight only two hundred miles is making only a reasonable charge therefor the other road can not carry that freight without a loss, or at least, without profit, and that any loss sustained by the carriage of the through freight must necessarily be made up by overcharge on the local traffic, which overcharge must be just so much in excess of reasonable rates, because all such overcharge is for no other purpose than to enable the road with an indirect line between the two given points to compete with the road that has the direct line?

It is just such business as this that the substitute bill seeks to remedy, namely, that each and every road shall have a full and fair opportunity to do the business that legitimately belongs to it at reasonable and fair rates, and to prevent unjust discrimination and to relieve the people of one locality from paying the charges that naturally fall to those of another.

The fifth section of the substitute bill provides for the posting up of schedules giving the rates of freight and the prices of carriage between different places. This is obviously a very just requirement, to the end that every person who desires to make shipment of freight may be fully advised as to what the charges will be. It has been urged here that the provisions of this section are unreasonable, in that there must be given a notice of at least five days before any new schedule of rates can go into effect. I can readily see how the want of any notice of this kind might work serious injury to shippers, but can not see how the notice can do wrong to any one, either the company or shippers. Take one instance by way of illustration: Grain buyers at the different stations along the road, who have been purchasing large quantities of grain on a close margin, basing their purchases upon present rates charged by the railroad company for carrying the grain to market. Now, sir, if the railroad companies without a day's warning can raise the freights, they have the power not only to deprive these grain buyers of the profits to which they are legitimately entitled, having purchased their grain with reference to rates already fixed—I say they have the power not only to take away their profits, but to cause them great loss; but on the other hand, if they shall have five days' notice in the proposed raising of any freights, as this bill provides, they will have abundant time in which to send their grain to market. And especially is this section of advantage to the farmer, who may desire to send his own grain or stock to market without the intervention of the middleman, always being advised by the schedule rates as to just how much the middleman is making off of him in handling his property, namely, the difference between the freight to market and the market price. This section has my unqualified indorsement.

We come now to the consideration of that part of the committee bill relating to the commission, and it might be well for a moment to inquire into and ascertain how much of this commissioner system is of practical utility and how much is ornamental. We begin at the ninth section, and in that section find that the commission has the power to appoint a clerk at a salary of $2,500 a year, and an accountant whose salary is $2,500, and to make additional expenses by calling upon the Secretary of the Interior. We also find that they have power to accept a pass from any road engaged in interstate commerce, and armed with this weapon of self-defense they go out into the world in the discharge of their sacred duties of seeing fair dealing between the railroads and the people without any power to enforce fair dealing. This is the sum and substance of the ninth section.

Coming to the tenth section, we find that they have power to entertain a complaint made upon petition, and are required to do so when the complaint bears the certificate of any district attorney of the United States or of any district or county attorney or other officer or correspondent thereto of any State or Territory that he has examined the facts and that in his opinion the complaint is well founded. They have power to notify the railroad company of the complaint made, and in proper cases are required so to do, and cause a copy of the petition to be served on the company complained against; but the section fails to define a proper case. The commissioners have power to require the company to appear before them and answer said petition and to prosecute an inquiry and to form their own conclusion in respect to the matters charged in the petition, and it is made a duty of said commission to find whether or not there has been a violation of the statute and make a report in writing setting forth the fact, and if there has been a violation of the statute, within twenty days thereafter to serve a copy on the railroad company so found to have violated the act and to notify the said company to cease and desist from such violation, and also to deliver to the district attorney of the United States for the district a copy of such report, findings, and notice. This is the sum and substance of the tenth section.

In the eleventh section there are no powers conferred upon the commissioners or duty required, but the district attorney to whom the report has been made proceeds before a United States court by petition to secure an injunction, and notwithstanding the finding of facts that have been reported to him by the commissioners, the court is not authorized upon these findings to grant even a temporary order of injunction, but only to cite the company to show why the injunction should not be granted, and to proceed to investigate the same as in ordinary cases it would where the petition alleged a violation of the law where there had been no commission appointed. Now, will some one point out the utility of this commission, in that any citizen has a right at any and all times before the courts to ask for an injunction in case of an alleged violation of the law?

We have now arrived at that point where we have spent at least thirty or forty days with the commission—landed in the court (a place where we had a right to go in the first instance) for an investigation of the case *de novo*.

If this is not an ornamental board, and of as little use as the fifth wheel in a wagon, I have been unable to understand the provisions of the bill. We find further along in this bill that the commission may require the production of all books, papers, and documents relating to any matter before them, but nowhere do we find the power to compel an agent of a railroad company to disclose the facts within his knowledge, neither could he be compelled to do so where there had been a criminal violation of the statute, because the bill makes no provision against the disclosure being used against the party in a criminal case, as does the Reagan substitute, and in this the bill is very defective, because without the disclosure of the facts by the witness the real truth can not be arrived at. The last power conferred upon the commission is that of a notary public, namely, to administer oaths and affirmations, and here ends the power of this remarkable board sought to be thrust upon the public with no real power except to draw its salary and to go armed with the proper implements of its office, namely, a pocketful of railroad passes.

I am in favor of the Reagan substitute, and would like to see it modified only in one particular, and that in allowing the injured party to recover his real damages, with his necessary expenses, including attorney's fees, in every instance when he has made out his case; but in the event that the Reagan bill should fail to take the place of the bill reported by the committee, I shall support the committee bill, believing as I do that it is necessary to have some legislation upon this subject, and for the reason that it contains many provisions of utility aside from that part relating to the commissioner system.

Mr. STEWART, of Vermont, was recognized.

Mr. REAGAN. If the gentleman from Vermont will yield to me I will move that the House adjourn.

Mr. STEWART, of Vermont. I yield for that motion.

ENROLLED BILLS SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the Committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Commissioner of the Freedman's Savings and Trust Company, transmitting his report, as required by the act of February 21, 1881; which was referred to the Committee on Banking and Currency.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted Mr. DIBBLE for two days, on account of important business.

MRS. JANE E. COLE.

Mr. RAY, of New Hampshire, by unanimous consent, introduced a bill (H. R. 7670) granting a pension to Mrs. Jane E. Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY L. CARR.

Mr. RAY, of New Hampshire, by unanimous consent, also introduced a bill (H. R. 7671) granting a pension to Mrs. Mary L. Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELBERT HEWITT.

Mr. RAY, of New Hampshire, by unanimous consent, also introduced a bill (H. R. 7672) granting an increase of pension to Elbert Hewitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ADELINE E. CHADBOURNE.

Mr. RAY, of New Hampshire, by unanimous consent, also introduced a bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CEMETERY, BAXTER SPRINGS, KANS.

Mr. PERKINS. In the last session of Congress I presented a memorial pertaining to the national cemetery of Baxter Springs, Kans., which was referred to the Committee on Military Affairs. That committee has considered it and has the papers here. I ask that the Committee on Military Affairs be discharged from the further consideration of the same, and that, with the accompanying papers, it be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

JOHN T. WALSH.

Mr. McCOMAS, by unanimous consent, introduced a bill (H. R. 7674) granting a pension to John T. Walsh, of Alleghany County, Maryland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

And then, on motion of Mr. REAGAN (at 4 o'clock and 45 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. BOUTELLE: Memorial of the mayor and city council of the city of Bangor, Me., asking aid in the construction of works for the protection of the Government buildings and other property at that place—to the Committee on Appropriations.

By Mr. CUTCHEON: Resolutions of the Michigan State board of agriculture, in regard to experimental stations—to the Committee on Agriculture.

By Mr. DAVIDSON: Petition of certain citizens of Florida, asking the forfeiture of railroad lands—to the Committee on the Public Lands.

By Mr. DEUSTER: Petition and other papers relating to the pension claim of Capt. Lyman Mower—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial relative to the prevention of cholera in America—to the Committee on the Public Health.

Also, petition of cigar-makers of Boyertown, Pa., eighth district, to abolish revenue tax on tobacco and cigars—to the Committee on Ways and Means.

By Mr. HARMER: Petition of Martha McKeown, widow, &c., for arrears and increase of pension—to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: Petitions of cigar-makers of New York, in favor of a modification of the revenue laws affecting the sale of cigars—to the Committee on Ways and Means.

By Mr. PRYOR: Papers relating to the claim of James A. Patterson—to the Committee on War Claims.

By Mr. CHARLES STEWART: Bill for constructing a channel through the bar at the mouth of Cedar Bayou, in Galveston Bay, Texas—to the Committee on Rivers and Harbors.

By Mr. G. D. WISE: Petition of Henry Trimble, late second lieutenant Company K, Ninety-ninth Ohio Volunteers—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *December* 10, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. SHERMAN called the Senate to order, and the Secretary read the following letter:

WASHINGTON, D. C., *December* 10, 1884.

To the Senate of the United States:

Under and pursuant to the rules I do hereby name and designate Hon. JOHN SHERMAN, a Senator from the State of Ohio, to preside in the Senate during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

Thereupon Mr. SHERMAN took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of the proceedings of yesterday was read and approved.

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

The PRESIDING OFFICER (Mr. SHERMAN) laid before the Senate the following communication from the commissioner-general of the World's Industrial and Cotton Centennial Exposition; which was read, and ordered to lie on the table and be printed:

WASHINGTON, D. C., *December* 9, 1884.

SIR: I am instructed by the board of management of the World's Industrial and Cotton Centennial Exposition to invite the Senate of the United States to participate in the opening ceremonies in the city of New Orleans on the 16th of December, 1884.

In obedience to these instructions I have the honor to request that you communicate this invitation to the honorable body over which you preside.

I have the honor to be, your obedient servant,

F. C. MOREHEAD,
Commissioner-General of the World's Industrial and Cotton Centennial Exposition.

Hon. GEORGE F. EDMUNDS,
President of the Senate.

THE FORBES HISTORICAL ART COLLECTION.

The PRESIDING OFFICER laid before the Senate the following communication; which was read:

NEW YORK, *June* 17, 1884.

DEAR SIR: I have the honor to transmit the following extract from the proceedings of the meeting of the Army of the Potomac, held in Brooklyn, N. Y., June 11 and 12:

Resolved, That this society earnestly recommend the passage of the bill now pending in Congress providing for the purchase by the Government and preservation in the Government archives of the extensive and comprehensive series of sketches and etchings of the battles and campaigns of the Army of the Potomac known as "The Forbes Historical Art Collection," and that a copy of this resolution, duly certified by our president and secretary, be transmitted to the Senate and to the House of Representatives.

Respectfully, your obedient servants,

U. S. GRANT,
President of the Army of the Potomac.
HORATIO C. KING,
Secretary of the Army of the Potomac.

To Hon. GEO. F. EDMUNDS,
President of the United States Senate.

The PRESIDING OFFICER. If there be no objection the communication will be referred to the Committee on Military Affairs.

Mr. CONGER. I think it should be referred to the Committee on the Library.

The PRESIDING OFFICER. Does the Senator make that motion?

Mr. CONGER. I make that suggestion.

The PRESIDING OFFICER. A bill on the subject is now before the Committee on Military Affairs, the Chair is informed.

Mr. CONGER. The subject of purchasing for the use of the Library, the etchings and so forth?

The PRESIDING OFFICER. The Chair is informed that there is a bill before the Committee on Military Affairs embracing the subject-matter of the paper.

Mr. CONGER. I do not know what the process might be to have it considered; but the question of the purchase of the plates and the materials mentioned in the letter and the etchings which are now in Barlow's gallery should be referred to the Committee on the Library, as matters of that kind are always so referred.

The PRESIDING OFFICER. If the Senator submits such a motion the Chair will put the question to the Senate.

Mr. CONGER. I shall not make any motion. If the subject is already before the Military Committee, they can, perhaps, report upon it; but the purchase should be made upon the recommendation of the Committee on the Library.

The PRESIDING OFFICER. The Chair understands that the Senator from Michigan does not make any motion.

Mr. CONGER. No, sir; I simply call attention to it.

The PRESIDING OFFICER. The paper will be referred to the Committee on Military Affairs if there be no objection.

HOUSE BILLS REFERRED.

The bill (H. R. 6865) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000, was read twice by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. HILL presented a memorial of the Chamber of Commerce and Board of Trade of the city of Denver, Colo., favoring the improvement of Galveston Harbor, and praying that a contract be made with Captain James B. Eads for that purpose; which was ordered to lie on the table.

Mr. LAPHAM. I present the petition of Thomas W. Robertson and 572 others, formerly employés of the custom-house in New York, praying for an appropriation by Congress to reimburse them for 10 per cent. of their salaries withheld several years ago by reason of a deficiency of appropriation. They ask that Congress may make provision for the payment to them of the sum so withheld. It is an object already provided for by law, for which an appropriation should be made. I think this petition should go to the Committee on Appropriations and that

provision should be made for the payment in the deficiency appropriation bill. I move the reference of the petition to that committee.

The motion was agreed to.

Mr. CONGER. I present a memorial of citizens of Kalamazoo, Mich., a memorial of citizens of Coldwater, Mich., and a memorial of citizens of Flint, Mich., remonstrating against the ratification of the clause in the proposed Spanish treaty relative to the tariff on tobacco. I do not know where the proper place is to present such memorials.

The PRESIDING OFFICER. The Chair is advised that it is usual to present such matters to the Senate at another time.

Mr. CONGER. I will withdraw them, then.

Mr. MITCHELL presented a memorial of the Ale and Porter Brewers' Association of Pennsylvania, favoring the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. JACKSON presented the petition of Mary E. Fillebrown, widow of Commodore Thomas Scott Fillebrown, praying for a pension of $50 a month; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 2119) for the relief of Dudley D. Smith, in his own right and as administrator of Whitcomb Smith, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2314) for the relief of the legal representatives of Aquilla Lockwood, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SHEFFIELD, from the Committee on Claims, to whom was referred the bill (S. 2326) for the relief of Margaret T. Dugan, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HOAR. I am directed by the Committee on Claims to report back the bill (S. 1351) for the relief of the Continental Fire Insurance Company, Eagle Fire Insurance Company, City Fire Insurance Company, and Commercial Mutual Insurance Company, all of New York city, it being a bill to refund to certain insurance companies a tax which they claim to have been illegally exacted. The committee ask to be discharged from its further consideration, and that it be referred to the Committee on Finance.

The report was agreed to.

PRINTING OF PANAMA CANAL PAPERS.

Mr. MILLER, of California, from the Committee on Foreign Relations, submitted the following resolution; which was agreed to:

Ordered, That the dispatches of Mr. George Maney, formerly United States minister at the United States of Colombia, relative to the Panama Canal, furnished to the Committee on Foreign Relations by the Department of State on the 29th day of March, 1884, be printed for the use of the Senate.

COMMITTEE ON FOREIGN RELATIONS.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to ask the leave of the Senate for that committee to sit during the sessions of the Senate. The business of that committee has accumulated to such an extent that it can not be disposed of at the regular meetings. I make that motion.

The PRESIDING OFFICER. The Senator from California moves, on behalf of the Committee on Foreign Relations, that it have leave to sit during the sessions of the Senate.

The motion was agreed to.

THE TENTH CENSUS.

Mr. HALE. I am instructed by the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof to report without amendment the joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census. I should like to have it passed now if there is no objection.

The PRESIDING OFFICER. The Senator from Maine asks the immediate consideration of the joint resolution reported by him. It will be read at length for information.

The joint resolution was read.

Mr. COCKRELL. Is that a House resolution?

The PRESIDING OFFICER. It is a House resolution.

Mr. HALE. I hope there will be no objection to it; it is simply extending the time.

Mr. COCKRELL. It is just the House resolution?

Mr. HALE. It is just the House resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It repeals so much of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, approved July 7, 1884, as provides that the Census Bureau shall be closed on January 1, 1885; and authorizes the Superintendent of the Census to continue the work of the Tenth Census until the further action of Congress. But in no case shall any expense be incurred under this resolution, either for salaries or other items, in excess of the balance of appropriations heretofore made for the work of the Tenth Census which shall remain unexpended on January 1, 1885, and the bureau shall be closed with the expenditure of the money heretofore appropriated.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2431) for the relief of Miss Anna Ella Carroll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2432) to increase the appropriation for the erection of the public building at Minneapolis, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MAXEY introduced a bill (S. 2433) for the relief of Thomas F. Purnell; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VANCE introduced a joint resolution (S. R. 99) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MILLER, of California, introduced a joint resolution (S. R. 100) authorizing the printing of certain naval and military reports; which was read twice by its title, and referred to the Committee on Printing.

ERICSSON'S SUBMARINE GUN.

Mr. BLAIR submitted the following resolution; which was read:

Resolved, That the Committee on Naval Affairs be instructed to investigate the new system of naval defense for the seaports of the United States proposed by Capt. John Ericsson, especially with a view to ascertaining the efficiency of his new submarine gun and projectile torpedo for that purpose. Also, to ascertain whether the same is about to be purchased for the exclusive use of any foreign power, and whether or not the efficiency of the naval service and prudent provision for the national defense require the purchase and appropriation of this invention by the Government.

Mr. BLAIR. As that is simply a resolution of instruction to the committee, I should like, if there is no objection, that there be action upon it at the present time; but before action I desire indulgence to say a few words.

It appears evident at the present time that public sentiment is fast ripening up to a determination to rebuild the American Navy. Of course if the Navy is to be reconstructed and a navy made of capacity to compete with and meet in order of battle the navies of the world the expense must be simply enormous. I have never heard it doubted by any individual who was capable of making an estimate of the probable expense that sooner or later, and that within a very few years, it would be at least $500,000,000; and if we enter upon this course of expenditure at all we can hardly be justified in so doing unless we contemplate the ultimate result, for it is no use to half arm the American Navy or to half provide suitable defense against the aggression of foreign powers. Our seaports, as we learn from the reports of the Secretaries of War and of the Navy and from every source, are utterly defenseless at the present time as against the aggression of any of the first-class powers of the world or even of the second class or possibly the third.

Captain Ericsson has invented a submarine gun which it is claimed is of itself, with comparatively a slight expenditure, capable of meeting and destroying the combined navies of the world; at all events that it is valuable in the way of self-defense at a comparatively slight expenditure to the American people. It is stated in behalf of that invention that the harbor, for instance, of the city of New York could be provided at an expense of less than a million dollars with two, three, or four vessels armed with this submarine gun, and by means of that comparatively slight expenditure be able to resist an attack from any or all of the combined navies of the world.

The attention of the Navy Department has been called to this invention, and I presume the attention of the Committee on Naval Affairs has been arrested by it. There have been commendations of its efficiency from the highest naval authorities of the country, Admiral Porter and others, and there is every reason, I think, to believe that a fair investigation of this new system of defense will result in the appropriation of the invention by the Government and the saving of an enormous expenditure to the American people.

I have lately received, in reply to inquiries made by myself, from Captain Ericsson some account of the invention itself, in a letter which I desire to have printed in connection with the remarks I am now making, and also one or two other documentary matters, which throw a good deal of light upon the probable value of the invention. I desire to have this matter printed in connection with what I say, and that the whole shall either be referred directly to the committee for investigation, the resolution itself, as well as this matter, or that the resolution may be acted upon affirmatively and at once by the Senate. I will ask that the matter be printed and that the resolution go over until to-morrow.

The PRESIDING OFFICER. The Senator from New Hampshire asks that certain documents, referred to by him, be printed in the RECORD.

Mr. ALLISON. What is proposed to be printed in the RECORD?

The PRESIDING OFFICER. Certain documents referred to by the Senator from New Hampshire.

Mr. BLAIR. I ask that, rather than to take up the time of the Senate by reading them at the present time as part of my remarks. I am not particular, however. Let the letter of Captain Ericsson be read.

The PRESIDING OFFICER. The letter will be read as part of the Senator's remarks.

The Chief Clerk proceeded to read the letter of Captain Ericsson, dated New York, December 1, 1884, but before concluding was interrupted by,

Mr. ALLISON. I do not care to hear the paper read further.

The PRESIDING OFFICER. If there be no objection the paper will be printed in the RECORD.

The letter is as follows:

NEW YORK, *December* 1, 1884.

SIR: I am informed by my friend Mr. G. H. Robinson that you intend to introduce a resolution in Congress with reference to my new system of destroying hostile iron-clad ships by means of submarine artillery, carried in small, cheaply constructed vessels.

The Secretary of War, in his report for 1883, said: "Our seacoast, with its great cities and important harbors, is defenseless to-day against the attack of a modern ironclad, and it is humiliating even to imagine the mortification, loss of life, property, and prestige to which we would be subjected should war come suddenly upon us, as the history of nations shows may happen at any time." That no means have yet been proposed by our Government capable of preventing the destruction of our great seaboard cities by an enemy's iron-clad ships will be seen by reference to the accompanying "statement relating to the defense of the seaports of the United States."

Regarding the submarine gun, the principal feature of the Destroyer system, I have the honor briefly to call your attention to the fact that its explosive projectile, loaded with three hundred pounds of gun-cotton, is capable of shattering the hull of any ironclad whatever. Admiral Porter, in a letter to the Secretary of the Navy, says with reference to the Destroyer system: "My own opinion is that Mr. Ericsson has invented the most destructive principle known in naval warfare, and if there are objections to it, the objections are simply to mechanical details, which can be ascertained by careful trial. This Government is too poorly provided with means of defense against foreign aggression to allow it to treat lightly this invention of Mr. Ericsson." (See letter from the Secretary of the Navy to the Senate, February 20, 1884.) Since Admiral Porter's letter was written, the Destroyer has been completed, as you will find by referring to the accompanying report, "Trial of the Destroyer," dated October 31, 1883. No defects whatever having been discovered during this final trial of the system, I have offered to build a steel vessel of the Destroyer type, 132 feet long, 20 feet beam, 11½ feet deep, for the sum of $160,000, including submarine gun, projectiles, and all appurtenances complete for actual service. I have also forwarded to the Navy Department complete working drawings and specification of the vessel, steam machinery, submarine gun, and projectile.

Impressed with the importance of the subject, and apprehensive that the Navy Department may not see fit to recommend an immediate introduction of my submarine system for the defense of our unprotected harbors, I respectfully suggest that you introduce a resolution in Congress instructing the Secretary of the Navy to enter into a contract with me for building a steel vessel of the Destroyer type, in accordance with the foregoing particulars. Permit me to observe that such a contract and the acceptance of my offer involve no responsibility whatever on the part of the Department nor can the country suffer any loss, since the due performance of the vessel, submarine gun, and projectile is guaranteed by my sureties.

I beg to state for your information that I have declined to comply with Commodore Sicard's request to exhibit the operation of the submarine gun a second time before a naval board, my grounds for not complying with the demand being stated in the accompanying letter to the Department, dated September 29, 1884.

The report of the trial of the submarine gun on board the Destroyer by the naval board under Captain Selfridge (see letter of the Secretary of the Navy to the Senate, February 20, 1884) concludes thus: "Though the trials before the board have been very limited, sufficient has been shown to convince them that the Ericsson submarine torpedo is a projectile of the most formidable character within a limited range, and within that range whatever further experiments and improvements may prove such to be it is superior to any known form of torpedo." I respectfully submit that on the strength of this report and the facts contained in the accompanying printed documents, apart from my offering sureties guaranteeing the successful performance of my invention (as was the case when I built the original Monitor, which was not fully paid for until after the action at Hampton Roads), Congress will do well to instruct the Navy Department to enter into a contract with me for the construction of a steel vessel of the Destroyer type, armed with submarine artillery, agreeably to the plans and specifications now in the possession of the Navy Department.

I am, sir, your obedient servant,

J. ERICSSON.

Hon. HENRY W. BLAIR,
United States Senator, Washington.

Mr. BLAIR. In this connection I submit a "statement relating to the defenses of the seaports of the United States," and also a report relating to the record of the trial of this vessel, the Destroyer, in the form of an official report to the Secretary of the Navy by Captain Ericsson.

The PRESIDING OFFICER. If there be no objection, the papers presented will be printed as part of the Senator's remarks. The Chair hears none.

The papers referred to are as follows:

STATEMENT RELATING TO THE DEFENSE OF THE SEAPORTS OF THE UNITED STATES.

SIR: I have the honor to submit the following statement concerning my new system of naval defense by means of which the seaports of the United States can be effectually defended. The problem how to defend the seaports of the Union has engaged my attention during a series of years; but the improvements gradually introduced by the leading naval powers in their iron-clad ships have called for modifications which have retarded the execution of my plan of constructing vessels capable of defending harbors against those ships.

The completion of the Inflexible, Lepanto, and other ironclads carrying guns weighing from 80 to 100 tons, protected by armor of 18 to 22 inches in thickness, having at last arrested further increase of weight and size, we now possess a definite knowledge of the character of the ships we must be prepared to meet. But some of the naval powers of Europe have done more than merely increasing the weight of their guns and armor; they have fitted their ships with a protecting netting of wire-rope (readily applied on entering harbors), rendering defense by means of self-moving torpedoes absolutely useless. Moreover, a certain maritime power has elaborated efficient means for destroying stationary submarine torpedoes while passing through channels protected by that delicate and complex system of defense. Having thus briefly adverted to the formidable character of the armored ships possessed by other maritime nations, I propose to show that the United States is wholly unprepared to resist an attack by those ships directed against its seaports, and that at present no adequate means are being prepared for that purpose: (1) The stationary torpedoes intended to be placed in the ship-channels—hitherto supposed to offer an insurmountable barrier against hostile ships—can easily be destroyed by the enemy. (2) The guns of the various United States forts, although very useful for the purpose of destroying the enemy's torpedo-boats, are incapable of penetrating the armor of first-class armed ships, hence unable to resist their entrance into the harbors. (3) The movable torpedo recommended by the Bureau of Ordnance—supposed to be capable of piercing the vulnerable parts of an iron-clad vessel—is of no use, since it can not penetrate the netting which protects the assailant. (4) The turrets, protected by 12-inch steel-faced iron plates, now being built (to be mounted on light vessels insufficiently armored), are too small to admit of guns of sufficient caliber to make any serious impression on modern armor. At the same time the projectile of an 80-ton gun easily penetrates the 12-inch thick turret, besides utterly destroying its mobility, in virtue of the enormous impact of the projectile. It will be well also to bear in mind that conflict in harbors means short range and accurate aim; hence the light hulls of the turret vessels will inevitably be destroyed by the superior attacking ships.

The facts which I have thus had the honor to lay before you prove that, after the completion of the turret vessels now in course of construction, and notwithstanding the intended employment of movable torpedoes, the great cities on the seaboard may at any time be destroyed by a squadron of first-class iron-clad ships.

In view of the foregoing, it is demonstrable that submarine artillery capable of reaching the vulnerable parts of armored ships is the proper method of defending our harbors. Moreover, such a system of defense can be quickly and cheaply arranged. Impressed with the correctness of these assumptions, I have built a partially-armored iron vessel, the Destroyer, capable of navigating the coast in any weather, 130 feet long, 17 feet 4 inches wide, and 11 feet deep, the bow of which is protected by heavy inclined armor plates placed transversely and backed by timbers several feet in thickness. Below this inclined armor, near the bottom of the vessel, a submarine gun 30 feet long is applied, the muzzle of which passes through an opening in the stem. This formidable piece of ordnance has been thoroughly tested under varying conditions, the result being that it has not in a single instance failed to expel the submarine projectile with the required velocity. Its caliber is 16 inches, the projectile being 25 feet long, 15½ inches diameter. The weight of the latter is 1,450 pounds, including an explosive charge of 300 pounds. The hull of the vessel is provided with an intermediate arched iron deck extending from stem to stern below the water-line. The motive engine, 1,000 indicated horse-power, is located under the intermediate deck. During conflict the crew retire below this deck. The Destroyer, whose buoyancy and stability admit of inclined armor several feet in thickness being employed, is capable of resisting any ordnance whatever. It attacks bows on, the projectile being discharged at a distance of 300 feet from the opponent. The explosive charge is sufficient to shatter the hull of any iron-clad ship, thus rendering water-tight compartments of no avail.

I am, sir, your obedient servant,

J. ERICSSON.

Hon. S. S. COX,
Chairman of the Committee on Naval Affairs, House of Representatives.

NEW YORK, *January* 7, 1884.

TRIAL OF THE DESTROYER.

NEW YORK, *October* 31, 1883.

SIR: I have the honor to submit the following report relating to the trial of the Destroyer, its submarine gun and projectile torpedo, conducted during the last four months:

1. Commodore Sicard's apprehension has proved groundless, "that the comparatively low velocity and great length" of the projectile torpedo will cause a deviation of its course in the vertical plane, in consequence of the angular motion of the axis of the gun "while the projectile is passing out of the bore." Various tests were instituted in the course of the trial to ascertain if the deviation from the axial line of the gun in a vertical direction, imagined by the Chief of the Bureau of Ordnance, took place; but no such deviation could be detected. Among other expedients resorted to, a metallic outrigger was applied to the stem of the Destroyer, in order to determine the position of the projectile at the instant of leaving the bore of the gun. Apart from this practical method of proving that the apprehended difficulty does not exist, it may be shown, theoretically, that at the instant of leaving the muzzle the axis of the projectile coincides with the prolongation of the axis of the gun. The accompanying drawing of the projectile torpedo shows that although the tail end is six inches less in diameter than the central part, the four metallic wings attached to the former fit the bore of the gun exactly, thus forming guides which insure the parallelism of the axis of the gun and projectile until the latter leaves the bore. Nor can any appreciable strain take place, since the last three feet of the movement of the projectile within the gun occupies scarcely one one-hundredth of a second.

2. It was found, by repeated discharges during the trial, that although the projectile torpedo, as shown by the drawing, is perfectly symmetrical, it invariably descended on an inclined plane—the angle of deviation from the axial line of the gun at the instant of exit being constant. Various methods were adopted for the purpose of ascertaining whether the tail end of the projectile, as appeared probable, was lifted up by the rush of water accompanying the exit of the propelling piston. Satisfactory indication that such was not the case being furnished during the trial, a very simple expedient was resorted to for depressing the tail end of the projectile—namely, an adjustable inclined projection at the extreme aft end. This device has proved quite successful, and now affords certain means of causing the projectile to continue its course in the direction of the axis of the gun at the instant when the projectile leaves the bore, or at any desirable angle above or below the gun's axial line.

3. With reference to firing the submarine gun at the right time as regards vertical direction, I beg to call your special attention to the fact that far less accuracy is requisite on the part of the manipulator of this gun than that which the ordinary naval artillerist must possess. An error on the part of the latter of only one degree at the moderate range of 1,000 yards will send the shot 30 feet above or below the point aimed at, while an equal error on the part of the manipulator of the submarine gun, the range of which never exceeds 300 feet, will send the projectile torpedo only 5 feet above or below that line of the opponent's hull deemed most desirable to strike.

4. The important fact has been established by the trial that the outboard sea-valve of the submarine gun can be suddenly opened by steam-power while the vessel is running at maximum speed, and that the valve within the gun is capable of resisting the united pressure of the sea and that produced by the powerful current attending the onward motion of the vessel at the instant of opening the outboard sea-valve. As the inner valve should be so fragile that it may be broken by the projectile without sensible loss of energy, it was originally composed of wood; but the valve now employed is made of cast iron one-eighth inch thick, the form being semi-spherical. It proved during the trial to be more readily broken than the original wooden valve. The metallic valve has moreover

proved to be perfectly water-tight, a fact established by the following circumstance: The Destroyer having returned to the navy-yard at the conclusion of the trial of the valves, without firing the submarine gun, the inner valve of course remained in the bore. On going to the trial ground again, after the lapse of a week, it was found on opening the breech-plug that not a drop of water had entered through the fragile valve, which during the period mentioned had been subjected to the pressure of water between the two valves.

5. The propelling pistons of the submarine gun, which transmit the energy of the ignited charge to the projectile torpedo, performed their function without causing any trouble whatever during the entire trial. It is scarcely necessary to observe that one of these pistons, together with the ligner sea-valve, must be sacrificed for each shot, since, owing to their weight, they sink after leaving the gun. The projectile torpedo, however, the weight of which is somewhat less than that of the water it displaces, may be used during an indefinite number of discharges, as it floats to the surface after having spent a certain amount of its propulsive energy in overcoming the resistance of the water. It should be observed that the propelling piston is constructed like a steam-engine piston, with an expansive metallic ring at the circumference; hence, unlike the rifle shot, this piston fits air-tight in the bore of the gun. Consequently the whole energy developed by the powder gases is rendered available. Nor should it be overlooked that the great air space round the charge—the marked feature of the submarine gun—promotes a more perfect combustion than hitherto attained. In addition to this advantage, I have devised a new gas-check, composed of gum, which during the prolonged trial remained perfectly tight. This improvement, together with the close fit of the propelling piston and perfect combustion of the charge, satisfactorily accounts for the extraordinary amount of dynamic energy developed compared with the quantity of powder employed. The maximum charge during the trial, 12 pounds of prismatic powder, has proved adequate to propel a projectile 25 feet long, weighing 1,450 pounds, a distance upward of 300 feet in three seconds.

6. The following important question was completely set at rest during the trial: is the firing pin of the percussion lock, which ignites the explosive charge of the projectile, capable of penetrating the inner sea-valve and overcoming the external resistance of the water? The lock referred to being patented and its construction, therefore, well known, it will suffice to mention that the spiral spring which restrains the inward motion of the pin was adjusted to overcome an outward pressure of 700 pounds, its maximum resisting power being twice as great. It will be proper to add, that owing to the great velocity of the projectile the resistance of the water is upward of 400 pounds per square inch against the end of the firing pin. Now, in order to prove practically its capability to overcome the said resistance, besides the needed energy to penetrate the rubber which covers the central hole of the inner sea-valve, the firing pin was coated with paint just before the insertion of the projectile in the gun. Careful examination after each discharge showed that the paint was undisturbed, thus proving that the power of the spiral spring, although set to only half its tension, was adequate to overcome the resistance encountered by the firing pin in piercing the valve.

7. The firing pin of the percussion lock being an essential part of the new system of submarine attack, I have ascertained practically that when the projectile encounters a fixed or a very heavy movable body, while advancing at the rate of 8 feet per second (about 5 miles an hour), the firing pin is instantly pushed in, notwithstanding the resisting power of the spiral spring within the lock—the internal mechanism being such that a triple detonating fuse is exploded by the movement.

Regarding the vessel (the Destroyer) which carries the submarine gun, I have the honor to inform you that the increase of beam adverted to in my former communication has imparted the expected stability to the hull, the Destroyer being now emphatically a sea-going vessel. The mechanical device, before reported, by means of which the vessel is turned on the center without backing or going ahead, has proved very useful; while the present great stability and excess of buoyancy enables the Destroyer to carry inclined armor 2 feet thick backed by 5 feet thickness of wood.

In view of the foregoing it will appear that vessels of the Destroyer type, capable of defying ordnance of any caliber while attacking bows on, armed with submarine guns and projectile torpedoes, can effectually defend our harbors against iron-clad ships—more particularly since the projectile torpedo can not be stopped by the netting carried by European ships, which so completely protects against attack by the feeble self-moving torpedo.

I am, sir, your obedient servant, J. ERICSSON.

Hon. W. E. CHANDLER,
Secretary of the Navy, Washington.

Mr. BLAIR. I wish to say further in connection with this matter that I am informed and believe that the English Government is engaged in a negotiation for the appropriation of this invention. It is an American invention, made by the man who saved the commerce of the United States during the recent war, whose invention at that time effected a revolution in the system of naval warfare of the civilized world. I believe it probable that this new invention of his marks a like era; and it would be well for the Government of the United States to investigate this matter carefully, for it may be that other powers will be very soon appropriating an invention which might be exclusively our own.

The PRESIDING OFFICER. Does the Senator ask for the present consideration of the resolution?

Mr. BLAIR. Let it go over until to-morrow.

The PRESIDING OFFICER. The resolution will be printed and placed on the Calendar.

INTEROCEANIC SHIP-RAILWAY COMPANY.

Mr. VEST. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (S. 1690) to incorporate the Interoceanic Ship-Railway Company, and for other purposes, and that I may have leave to withdraw the bill from the files of the Senate. I have received a letter from Captain Eads, in which he says that certain changes made in the concession of Mexico necessitate the withdrawal of the bill.

The PRESIDING OFFICER. The Senator from Missouri moves that he have leave on behalf of the Committee on Commerce to withdraw a certain bill named by him.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

A bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument; and

Joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report.

CHICAGO COMMERCIAL NATIONAL BANK.

Mr. MORRILL. I desire to call up a bill reported yesterday from the Committee on Finance, the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago, which, I am informed by the Senators from Illinois, it is very desirable should pass and become a law before the 1st of January.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. MORRILL. It is suggested to me that there should be an amendment made to the bill. I move to add the following proviso:

Provided, That two-thirds of the stockholders shall consent thereto.

So as to read:

And the Comptroller of the Currency is hereby authorized to fix the limit of the increase of the capital stock of the Commercial National Bank of Chicago at the amount of $2,000,000: *Provided*, That two-thirds of the stockholders shall consent thereto.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORFEITURE OF OREGON LAND GRANT.

Mr. SLATER. I move that the Senate now proceed to the consideration of the bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings.

Mr. HARRISON. I suppose the Senator from Oregon does not intend that the bill shall displace the regular order at 2 o'clock.

Mr. SLATER. Certainly not. I do not wish to do that.

Mr. HARRISON. I think we can dispose of the bill in a little while, and in that case I have no objection to its consideration.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and to insert:

That so much of the lands granted by an act of Congress entitled "An act granting land to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, as are adjacent to and coterminous with the uncompleted portions of said road, and not embraced within the limits of said grant for the completed portions of said road, be, and the same are hereby, declared to be forfeited to the United States and restored to the public domain, and made subject to disposal under the general land laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

Mr. DOLPH. I desire to offer an amendment to the bill as reported by the committee, which would involve striking out the proviso of the committee's amendment. I understand that my amendment should be offered before action upon the amendment of the committee. Therefore, I offer now the amendment presented by me yesterday, and which was printed, and which I now send to the desk of the Secretary.

The PRESIDING OFFICER. The Chair understands that it is an amendment to the text of the bill.

Mr. DOLPH. It is an amendment to the amendment reported from the committee.

The PRESIDING OFFICER. It is in order, and will be reported.

The CHIEF CLERK. It is proposed to strike from the amendment of the committee the following proviso:

Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

And to insert in lieu thereof:

All persons who at the date of the passage of this act are actual settlers in good faith on any of the lands hereby forfeited, and who are otherwise qualified, on making due claim to such lands under the homestead, pre-emption, or other laws, within six months after the same shall have been declared forfeited, shall be entitled to a preference right to enter the same in accordance with the provisions of this act and of the homestead, pre-emption, or other laws, as the case may be, and shall be regarded as having legally settled upon and occupied said lands under said pre-emption, homestead, or other laws, as the case may be, from the date of such actual settlement or occupation; and in case any such settler may not be entitled to thus enter or acquire such land under existing laws, he shall be permitted, within one year after the passage of this act, to purchase not to exceed one hundred and sixty acres of the same, at the price of $1.25 per acre; and the Secretary of the Interior is hereby authorized and directed to make such rules and regulations as will secure to said actual settlers the benefit of these rights: *Provided*, That the price of the even-numbered sections within the limits of said grant and adjacent to and coterminous with the uncompleted portions of said road, and not embraced within the limits of said grant for the completed portions of said road, is hereby reduced to $1.25 per acre.

Mr. DOLPH. By the bill as it is reported by the Committee on Public Lands it is proposed to forfeit and restore to the public domain for settlement under the general land laws of the United States so much of the lands as were granted to the Oregon Central Railroad Company of

Portland by the act of May 4, 1870, as lie adjacent to and conterminous with the uncompleted portions of said road, and to fix the price of the odd sections so forfeited at $2.50 an acre. By the act of May 4, 1870, there was granted to said company, the Oregon Central Railroad Company of Portland, each alternate section of the public land not mineral, except coal and iron, designated by odd sections, to the amount of ten sections per mile upon each side nearest to the road except such as had been previously reserved or otherwise disposed of or held under valid homestead and pre-emption rights; and also the right to take materials from the public land for the construction of the road and the usual grant of land for depot and station purposes.

The Oregon Central Railroad Company of Portland had prior to the date of that grant projected a line of railroad from Portland westward to Forest Grove, thence along the west side of the Willamette Valley by McMinnville and other west side towns to the southern boundary of the State of Oregon, and had commenced the construction of that line. It had been engaged in a long contest with the Oregon Central Railroad Company of Salem for the lands granted by the act of Congress of July 25, 1866, granting lands to such company as should be designated by the State of Oregon to aid in the construction of a railroad and telegraph line from Portland, in Oregon, southerly through the Willamette Valley to a suitable point of junction with the line of the Central Pacific Railroad Company in California, and having been unsuccessful in that contest, had come to Congress for aid in the construction of its road.

The late Hon. Joseph S. Smith, of Oregon, then in Congress, introduced a bill to grant lands to the company to aid in the construction of its road as then projected, but before the bill was passed it was amended so as to limit the grant of land upon the projected line of the company's road to McMinnville, a point about fifty miles from Portland, and through the influence of the late Judge Olney, of Astoria, and other persons interested in getting a line of road from Portland to Astoria, the bill was amended so as to include a grant of land from Forest Grove to Astoria, a distance of about ninety-seven miles.

Shortly after the passage of that act the Oregon Central Railroad Company of Portland constructed about forty-eight miles of road from Portland to Saint Joe, a point about a mile and a half distant from McMinnville, and then failed, and have been unable to continue the construction of the road. The constructed road and the earned and unearned land grant was transferred to the Oregon and California Railroad Company, a company which has succeeded to the ownership of the grant under the act of July 25, 1866. That company has also acquired fifty miles of additional road from Saint Joseph southward upon the original projected line, and is devoting all its energies to the construction of its main line, and nothing has been done toward the construction of the line from Forest Grove to Astoria. Nothing in fact has been done in regard to the matter except to make preliminary surveys.

As I stated upon this floor on a previous occasion, I intend to vote for the forfeiture of this unearned grant; but as this is an important bill to the people of the State I have the honor in part to represent, and as, if it becomes a law, it will undoubtedly have no little effect upon the future settlement and development of portions of my State, I do not feel like letting the opportunity pass without saying that I have come to the conclusion to vote for the forfeiture of this unearned grant with a good deal of reluctance. I do not share in the views of some that the forfeiture of this grant will aid in securing the early construction of the road. I do not see how we can expect to secure the early construction of the road without Congressional aid when we have not been able to procure it with the aid of a Congressional grant. A railroad constructed from Forest Grove to Astoria would pass through a mountain-broken, timbered country; it will be difficult of construction, quite expensive to build, and when built will have to compete for its traffic with river transportation on the Columbia River.

When the bill making this grant was under consideration in the House Mr. Smith described that country, and I desire to quote briefly from his remarks on that occasion, both for the purpose of showing why the road has not been built and why my amendment as to the price of the lands and for the protection of settlers should prevail. I send the debate to the Secretary's desk, and ask to have the extract marked read.

The Chief Clerk read as follows:

This bill is in the interest of settlers or prospective settlers on the public lands through which this road is designed to pass. The road will be about one hundred and thirty miles long. Fifty miles of that distance the country is settled; for the remainder of the distance it is not settled, and is not susceptible of settlement, unless means of communication through it such as are proposed by this bill shall be provided.

* * * * * * *

The Willamette Valley, which contains two-thirds of the population of the State of Oregon, has no outlet to the sea but by the Columbia River. That river flows across the north end of this Willamette Valley. On the west, between that valley and the sea, a mountain range extends along its whole length. Through this range of mountains to the mouth of the river we have no road of any kind.

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We want this road to give us an outlet to the sea at all seasons; and we want to open up the pass we have found through these mountains to the settlement. It is not a question whether by the passage of this bill this land shall be withdrawn from settlement, but the question is whether by the passage of this bill you will open up to settlement a region of country which otherwise never would be settled. It is a question whether it shall be occupied by settlers under the provisions of this bill, or whether it shall remain a wilderness in the future as in the past; whether it shall be the home of a busy, thriving population, or continue to be the home of the elk and the bear.

For twenty-five years, Mr. Speaker, this land has been open to settlement, first under a donation law, and now under the homestead law; and yet no man has gone there to settle. No white men ever went there until they went to find this pass for a railroad to the sea. The red man never lived there. It is a forest, an Oregon forest, such as is found nowhere else, perhaps, in the world. And no settler will ever go there unless there is a railroad through the pass connecting this Willamette Valley with the sea. In that event some of the smaller valleys will be opened to settlement. The lands are rich; the timber is abundant; it is valuable. But the land and the timber would remain in the condition they now are for a hundred years to come if this road is not built.

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No man with a knowledge of the condition of the country and its future prospects would ever settle there in the absence of this railroad.

Mr. DOLPH. Mr. President, I think the description of that country given by Mr. Smith, just read, is somewhat overdrawn, but it is nevertheless true that the lands which will be restored to the public domain and subjected to settlement under the land laws of the United States according to this bill are not very desirable for settlers, and I might add that there have been very few homestead or pre-emption settlements on the even sections within the limits of the grant.

This bill is an important one, as I said before, to the people of my State, and I believe the best interests of the people would be served by holding on to the grant as long as possible, in the hope that it may prove an inducement to the construction of this road. But both political parties of the State have declared in their State conventions for the forfeiture of this unearned grant, and petitions were presented at the last session of Congress, and had been presented at previous sessions, praying for the forfeiture of the grant. I have concluded to accept these expressions as an announcement of the will of my constituents, and, as nothing has been done toward the construction of the road, and the present owners of the grant do not appear to have the ability or the disposition now to commence the construction of the road, to vote for the forfeiture. I do not think, either, that there is any great demand by settlers for lands for settlement within this grant, or that the settlement of the country has been greatly retarded by the withdrawal of these lands from market. From the description already given of the lands it is apparent they must be settled slowly, until the more desirable lands in the vicinity have been occupied.

Since this bill was reported, however, such information as has come to me has convinced me that there ought to be some amendment made to it in the interest of settlers on the land. I have learned that several settlers have gone upon the land supposing that the grant had lapsed. I am informed that settlers have gone upon the odd sections within this grant supposing that the grant had lapsed and become a part of the public domain; and although the officers of the local land office refused to receive and file their papers, they still reside there. Some have gone on the land with the expectation of securing their title from the railroad company.

Under this state of facts, I think their rights should be protected by some provision like the amendment offered by me. The amendment offered by me, except the provision fixing the price of the even sections at the minimum price, one dollar and a quarter an acre, is part of the House bill as it came to this body, and it appears to me is unobjectionable.

It will be observed that it is proposed to strike out the proviso of the bill as reported by the Senate Committee on Public Lands fixing the price of the even sections at two dollars and a half an acre, and from what I have said in regard to the quality and condition of those lands I think it is apparent that if the price of the land is now fixed at two dollars and a half an acre, or double the minimum price, it will retard the settlement of the lands and the development of the country. I know what reasons induced the committee to report the bill fixing the price of this land at two dollars and a half an acre. It was supposed that some persons had gone upon the even sections and purchased lands within the limits of the grant at two dollars and a half an acre, and that they would complain of the inequality should the odd sections be placed at a dollar and a quarter an acre, and come to Congress for relief. I have, however, taken pains to inquire into that matter, and while I could not examine the books in regard to all the townships embraced within this grant, I took two or three at random. One was 6 north, 4 west. I found that eighty acres only had been sold at two dollars and a half an acre. The next was 4 north, 6 west. I found that there had been no entry. The next was 8 north, 6 west, near the Columbia River, half way between Forest Grove and Astoria, and I found that there had been since the date of the passage of the act only 28.64 acres entered at two dollars and a half an acre. It will therefore be seen that the amount of land probably entered upon the even sections at two dollars and a half an acre is so very small, so inconsiderable, as to be of no consequence; and that the difficulty which the committee anticipated does not in fact exist. Besides, Congress has already provided a remedy for such cases by the act of March 3, 1875, which I ask to have read from the Clerk's desk, as it is only a few lines in length.

The Chief Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any actual settler who shall have paid

for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double-minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate on any unoccupied lands an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases: *Provided*, That when such location is upon double-minimum lands, one-half the amount only shall be taken.

Mr. DOLPH. It seems also reasonable to me that persons who have gone upon these lands in good faith as provided in this amendment should have their rights protected. They should have priority of right to purchase the same under the land laws of the United States; and if any persons have gone upon these lands under the railroad company who are not qualified to purchase under the general land laws of the United States and made settlement and improvement, no harm will be done by permitting them to purchase their land to the extent of 160 acres at the minimum price. I do not believe that the Government ought to recognize any contract, if any has been made, between the railroad company and the settlers or perfect their titles without payment of the price to the United States, and I have therefore not included in the amendment offered by me that provision of the House bill.

The amendment offered by me is broad enough to cover the legal and equitable rights of all settlers, and if any persons have made any payments to the railroad company they must look to the company for the return of the same and not to the Government. The amendment offered by me is intended to provide at once for the settlement of all claims of all persons on any of these forfeited lands, to prevent controversies between the settlers, to relieve the officers of the Land Office from trouble, and turn the matter over at once for adjustment to the Secretary of the Interior. It is not proposed to recognize the rights of any but settlers in good faith at the date of the passage of the act. The right recognized is a priority of right to purchase under the general land laws of the United States, a right to make actual settlement upon the land, a right if any settler is found not to be qualified under the general land laws to purchase one hundred and sixty acres at a dollar and a quarter an acre.

This amendment, it appears to me, is eminently just both as to the settler and as to the Government. I can see no objection to it. It is not to be wondered at when lawyers do not agree as to the question of the title to the lands within the limits of a railroad grant where the road is not constructed after the time limited for the construction of the road and before Congress has acted in forfeiting the grant, that the Western pioneers have gone on the lands under circumstances which require special legislation.

If Congress does not now provide for this class of persons it will undoubtedly do so in the future, for that has been the unbroken practice of Congress for nearly a century. I do not think there are many such settlers in this case, but be they few or many, it appears to me there is plain necessity for the legislation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH] to the amendment of the committee.

Mr. PLUMB. I wish to make an inquiry of the Chair in regard to a parliamentary matter. The amendment which has been proposed by the Senator from Oregon [Mr. DOLPH] is not objectionable to me except as to the proviso. I wish to know if it is in order now, before the amendment is acted upon, to move to strike out the proviso. Is that a proper motion to make?

The PRESIDING OFFICER. The Senator from Oregon proposes an amendment striking out a proviso in the committee's amendment and inserting what he has sent to the Chair.

Mr. PLUMB. My difficulty arises from the fact that it is usual in the Senate, acting as in Committee of the Whole, to adopt first the committee amendment, and I think that would be better in this instance, and then let the Senator from Oregon propose his amendment to the bill as it will then stand. I am not particular about that, but I object to the proviso incorporated in the amendment of the Senator from Oregon.

Mr. DOLPH. I do not understand the Senator from Kansas.

Mr. PLUMB. I will move to strike out the proviso in the amendment of the Senator from Oregon. It is in the language following:

Provided, That the price of the even-numbered sections within the limits of said grant and adjacent to and coterminous with the uncompleted portions of said road, and not embraced within the limits of said grant for the completed portions of said road is hereby reduced to $1.25 per acre.

The PRESIDING OFFICER. The Senator from Kansas will perceive that the amendment which he proposes now would be an amendment in the third degree. The proposition before the Senate is an amendment reported from the Committee on Public Lands, which is open to amendment, and an amendment is pending to that amendment, proposed by the Senator from Oregon. An amendment in the third degree would not now be in order.

Mr. PLUMB. I did not want to lose my right to move the amendment by submitting to the adoption of the amendment of the Senator from Oregon.

The PRESIDING OFFICER. If the amendment of the Senator from Oregon shall prevail, then it will be perfectly in order for the Senator in the Senate to move to strike out the proviso.

Mr. PLUMB. The trouble is in this case that the amendment of the Senator from Oregon strikes out the proviso reported by the committee in line 14 and following, and that proviso, I think, ought not to be stricken out. I do not object to a portion of what the Senator proposes to insert, but I do object to what he proposes to strike out of the report of the committee. Therefore, I am put in the attitude of asking the Senate to vote down the entire amendment, which I do not wish to do.

The PRESIDING OFFICER. The Chair is still of the opinion that the proposition as made by the Senator from Kansas would not be in order, being an amendment in the third degree. The Senator can vote against the pending amendment.

Mr. PLUMB. But I do not wish to vote against the amendment, nor do I wish to lose the proviso reported by the committee for very good reasons, which I shall submit to the Senate; and if that be stricken out for the purpose of inserting provisions which are proper in connection with some things that are improper, then I can not move to reinsert that which has been stricken out. I should like to have some way of procedure devised whereby this matter can be voted upon separately; that is to say, the question of striking out the proviso from line 14 to 16, reported by the committee, and then the propositions contained in the amendment of the Senator from Oregon separately, of which there are two.

Mr. SLATER. I would suggest to my colleague that in order to accommodate the Senator from Kansas he withhold his amendment until the Senate pass, in Committee of the Whole, upon the amendment of the Committee on Public Lands, and then offer his amendment in the Senate. That will give an opportunity to the Senator from Kansas to amend the amendment, which he can not now do.

Mr. PLUMB. If the Senator from Oregon who made this motion includes in it a motion to strike out so much of the committee's amendment as is found in the proviso, then I shall have to vote against the entire amendment, for I conceive that the amendment as a whole would be mischievous.

Mr. DOLPH. Striking out the proviso as reported by the Committee on Public Lands and inserting the proviso contained in the amendment offered by me is the vital part of my amendment.

I have been attempting to show that the character of these lands is such, that if their price in the absence of the construction of a road is now made two dollars and a half an acre, double the minimum price, it will retard the settlement of the lands and the growth of the country, and I see no reason for carving out a strip of land in that State through a mountainous, broken, timbered country, not desirable for settlement, and fixing the price thereof at two dollars and a half an acre, while the price of all the other public domain in the State not embraced in the limits of a grant is a dollar and a quarter an acre. I think this is an exceptional case. I think the lands embraced in the limits of this grant are not worth more than a dollar and a quarter an acre. As I have said before, their settlement must necessarily be slow, and I think and I know my colleague agrees with me in that opinion, that the price of these lands ought not to be increased, but ought to be the same as it was before the grant was made. Therefore I say that the striking out of the proviso which I propose to strike out of the bill reported by the committee and the insertion of the proviso in my amendment are both vital and important, so as to secure the fixing of the price of all these lands at a dollar and a quarter an acre, the same as all the other public lands within the borders of the State. If there had been a railroad constructed, if these lands had been benefited by the construction of a road already constructed, I would make no objection to the increase of the price to two dollars and a half an acre. I hope that the Senate will sustain the amendment as it is offered.

Mr. PLUMB. The Senator from Oregon is either oblivious of the point I made or he does not wish to disembarrass his amendment of the objectionable feature in order to obtain that which is without objection. I do not care to enter into a discussion of it, except to show to the Senate that his amendment, while some of it is good enough, when taken altogether is one which ought not to receive the favorable consideration of the Senate.

Mr. DOLPH. I should be glad to assent to anything that does not prevent me from having the amendment voted on. I understand if the bill as reported by the Committee on Public Lands be adopted the Senate will have voted for the committee's proviso, and I could not afterward move to strike it out. If the Senator will suggest any parliamentary course by which I can save my right to have a vote on the proposition to strike out the proviso of the bill as reported by the Committee on Public Lands and at the same time withdraw my amendment, I shall be most happy to do it.

Mr. PLUMB. That can be accomplished by withdrawing the amendment and moving to strike out the proviso reported by the Senate committee. If that is stricken out then the entire proviso of the Senator will be in order and probably be passed without any debate, but if the Senate shall adhere to that proviso then all except the proviso of the Senator's amendment would be in the same condition.

Mr. DOLPH. I have no objection to that course, and I withdraw

the amendment temporarily for that purpose, and instead of it I move to strike out the proviso reported by the committee.

The PRESIDING OFFICER. The Senator from Oregon withdraws the amendment proposed by him, and moves to amend the amendment of the Committee on Public Lands by striking out the proviso, which will be read.

The SECRETARY. It is proposed to strike out the proviso in lines 14, 15, and 16 of the committee's amendment, as follows:

Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

Mr. PLUMB. Mr. President, under this grant, as under all similar grants of public lands which have been made heretofore, the price of the sections retained by the Government was advanced to two dollars and a half an acre. If we were to restore the lands granted to this railroad company to the public domain without making any regulation in regard to the price at which they should be sold, we should have the spectacle of the Government asking $1.25 per acre for one section of land, and $2.50 for the adjoining section of land, without there being any perceptible difference or any ascertainable difference in their quality or their value. Therefore some action is necessary to unify the price; that is to say, the Government must either reduce the price of the land it has heretofore held at $2.50 an acre, being the alternate sections which it retained within the limits of the grant, or it must raise the price of the land which it now takes from the railroad company and restores to the public domain. Under either one of these operations there would be a uniform price.

If nothing is done but the forfeiture of this grant and the restoration of the land to the public domain, then the land restored, as I before said, would be sold at a dollar and a quarter an acre, as the land which had before belonged to the Government and within the limits of the same grant would be sold at two dollars and a half an acre. The committee adopted the plan of raising the price of the land to be restored to the public domain by means of the forfeiture to two dollars and a half an acre, the price at which the Government held lands which it had not granted and which were within the limits of the grant, and that was for the reason, in the first place, that there has been a large enhancement of the value of public lands. That, however, is the most inconsiderable of the reasons which operated on the committee, as I believe—certainly on my own mind. But there are persons who have purchased lands within the limits of the railroad grant from the sections which the Government retained the title to, paying therefor two dollars and a half an acre. Many of these purchases were made years ago. It is true the Senator from Oregon says there are very few such cases within the limits of this grant. But whatever number there may be, the moment we pass the bill with the amendment of the Senator from Oregon reducing the price of all the lands to a dollar and a quarter an acre, those persons who have heretofore purchased will have a good claim in equity upon Congress to repay to them a dollar and a quarter an acre in order to put them upon an equal footing with the persons who may purchase hereafter. That class of cases, as the members of the Committee on Public Lands very well know, is largely increasing, and it constitutes a claim of no mean proportions in regard to the amount of money at stake and is of a great deal of force from an equitable standpoint.

But the Senator from Oregon says that this land is not specially valuable, and that it would retard the settlement of that country if we were to fix the price at $2.50 an acre. In making that statement he entirely overlooks the fact that we do not touch the homestead law at all; that the man who wants the land for actual settlement, within the fair meaning of the public land laws of the United States, has only to go upon the land and settle and live there the requisite time to obtain the land for nothing.

Mr. DOLPH. If it does not trouble the Senator from Kansas to be interrupted, I should like to ask him a question: Would it not increase the fees to be paid by settlers for taking a homestead settlement? Would it not double the price of their lands if they were to commute their homesteads?

Mr. PLUMB. A commuted homestead is not a homestead. A commuted homestead is a pre-emption entry, and that is all there is of it. The moment a man performs the act called commutation under the general land laws he simply becomes a pre-emptor in place of a homesteader. He changes the entry from a homestead entry to a pre-emption entry.

The Committee on Public Lands have heretofore voted to report a bill, which is on the Calendar of the Senate, to repeal the pre-emption law entirely. They believe with the Commissioner of the General Land Office and with the Secretary of the Interior that the pre-emption law as it is now administered, and as it is bound to be administered, is the shelter for fraud in the entry of public lands. The Commissioner of the General Land Office has stated repeatedly in his reports to the Secretary of the Interior, and these statements have been indorsed by the Secretary of the Interior himself, that more of these entries were fraudulent than genuine, and that the system did not result in putting settlers upon the public domain, but did result in a speculation in the public domain of a character which has heretofore and always in point of fact been the subject of animadversion as against the spirit and intent of the public land laws of the United States. Now we leave in full force and vigor the homestead law, which permits every citizen of the United States who has not had this privilege to go upon the public lands and by making a genuine, *bona fide* homestead entry, that is, by making a home upon this land obtain a title for nothing. If a person does not want to make a home on the public lands I do not think he ought to have them, at least such as are proper to be acquired for that purpose; and if he does want to make a home on the public lands, how can he say it is a hardship to him to be required to live in that home for the space of five years, or, if he has been a soldier of the United States, live upon it five years minus the time which he served in the Union Army? Certainly he can not say that.

Then we come back to this proposition, that if the experience of the General Land Office is correct, or is correctly reported, the only benefit of the reduction of the price of these lands to a dollar and a quarter an acre would be to give the people who want to speculate on the public domain the benefit of speculation at that low price. Now, if there is to be a speculation in the public domain at all, I want it to be such a speculation as the Government will derive some benefit from, and I think the imposition of two dollars and a half an acre for pre-emption entries would largely tend to prevent speculation in the public domain and confine the settlements within the limits of this grant, or wherever else that rule was applied to persons who wanted to make homes upon the lands and were willing to manifest that intention to make a home by living on the land for five years.

As I said before, there is certainly no hardship in that; and if the public domain is to remain in fact for the purpose of settlement not only some measure as drastic as this, but some one of greater force, some one prohibiting legislative enterprise, will have to be passed in order to save what is left of the public domain from the grasp of speculators, who under the pretense of settlement make a nominal compliance with the land laws of the United States by means whereof they obtain large areas of the public domain. It is a notorious fact that in all portions of the West where lands adjoining water courses are valuable, and where that water is valuable by reason of the fact that it adjoins pasture lands, under the operation of the pre-emption act, and not by actual settlement but by the use of temporary expedient, cattle companies and persons seeking the use of cattle ranges without cost have made locations through the interventions of employés and others by the payment of a dollar and a quarter an acre and get the title and cut everybody else off from the water, thereby appropriating to themselves great fringes on either side of these streams which otherwise they would not be able to obtain.

If there is any virtue at all in the public land laws, if there is any virtue at all in the principle that there should be lands for the landless and homes for those who want homes on the public lands, it is to be found embodied in the homestead law—not necessarily the homestead law as it is now, but in the principle involved in the homestead law and in such wise and judicious amendments of that law as shall make it more stringent and more adequate to the requirements of the spirit of the law, which is that no man shall acquire title to the public domain unless he actually makes a home upon the land, not a home in name, not a home under a contract with somebody else to part with the legal title as soon as he has acquired the entry, but a home permanently, a home for a term of years; and that is the view the committee had in mind when it adopted this amendment, and also the view which it had in mind when it reported the bill repealing the pre-emption law; and in addition to that, as I said before, the idea of preventing the bringing in here of claims for compensation, or for the repayment of one-half the money that has been paid heretofore by men who, by reason of this land having been within railroad limits, have paid two dollars and a half an acre for it, and who would have a right to claim it if we opened up all the remainder of this great area at a dollar and a quarter an acre.

On these two grounds, involving, as I think, materially the administration of the public land laws of the United States, involving the retention to some extent of the remaining portion of the public domain to settlement only, the Public Lands Committee acted, after due consideration, not only in one case but in two or three and perhaps in half a dozen of them, as under their responsibility it seems to me they only could act; and therefore I think that the amendment proposed by the Senator from Oregon to strike out this proviso should not prevail.

I will read from the report of the Commissioner of the General Land Office, the last report not as elaborate as the former one, what is said about the question of fraud under the guise of pre-emptions.

Mr. MORGAN. Before the Senator proceeds to read what he has before him, I should like to ask him whether the lands in this railroad grant are subject to private entry.

Mr. PLUMB. I think they are not subject to private entry. That was a matter which was discussed in the committee, and information was obtained, or at all events it was alleged to have been obtained, from the General Land Office that no portion of these lands were lands that were subject to private entry, but they could only be acquired for the purpose of pre-emption except so far as they are timber lands, and those come under another provision of the statute, or stone lands, each of which character of lands is entitled to be purchased at a price irrespective of the question of settlement.

Mr. DOLPH. I will state in regard to that matter that prior to the date of the grant some portion of these lands had been for several years open to private entry at a dollar and a quarter an acre; but I understand that the Land Office holds (whether correctly or not I am not able to state) that having now been withdrawn from the market, should the grant be forfeited and the lands again restored to the public domain, they will not again be subject to private entry until they have been offered at public sale, and that it is not now the policy of the Interior Department to offer lands at public sale. Consequently there is no danger that they will be restored to private entry.

Mr. PLUMB. The report of the Commissioner of the General Land Office for 1883, upon the subject of "fraudulent pre-emption entries," is as follows:

Large numbers of fraudulent pre-emption entries have been and are being made by parties either for their own benefit or the benefit of others who furnish the money to them for that purpose. The reports of agents show that gangs of men, ranging from ten to fifty, are often employed to make as many entries; that these men are hired at so much a head for that purpose; and that they do not hesitate to perjure themselves in supplying proofs for each other showing that the law has been complied with in every particular. Such violations of law occur in many localities.

And the Secretary in his report for the same year says as follows:

The Commissioner again renews his recommendation that the pre-emption law be repealed. He says:

"In my last annual report I renewed the recommendation frequently made by my predecessors that the pre-emption law be repealed.

"Continued experience demonstrates the advisability and necessity of such repeal.

"The objection that much good has heretofore resulted from the pre-emption system, and that it should not be discontinued because abused, appears to me without good foundation under the changed conditions created by the homestead law.

"Before the homestead system was adopted the only method by which unoffered public lands could be obtained by settlers was by pre-emption. All the advantages of the pre-emption system are now embraced in the homestead laws. The same lands can be entered upon the same conditions and proofs and the payment of the same price under the homestead law as under the pre-emption law.

"We have simply a double system for the same purpose, employing two sets of machinery, two agencies of adjustment, and a duplication of records, when only one is required. The administration of the law would be simplified and the labor and expense lessened by a discontinuance of the now unnecessary system of pre-emption."

It may be asked why the committee in this particular case did not report in favor of restoring this land to entry under the homestead law only. That was for the reason that we had to deal with a great many grants, and it was thought that unless we could apply some general rule to the entire public lands of the United States we should not apply any; that is to say, we should not apply this provision to this grant and then refuse to apply it to the remaining public lands not embraced in any grant; and, therefore, we decided to relieve the Government from the possibility of the presentation of the character of claims that I have spoken of, and at the same time to put this obstruction in the way of fraudulent pre-emption entries. In addition to that, it was understood that the committee had already acted upon the question in a general bill and that that would be ample for that purpose. Therefore the committee did that which it deemed proper in this particular case and in pursuance of its general idea of limiting the entries under the pre-emption system and of actually or substantially confining them to the homestead law.

Mr. DOLPH. Mr. President, I do not desire to occupy more than a moment. I think the Senator from Kansas is mistaken in supposing that the Committee on Public Lands has reported in favor of the repeal of the pre-emption law. My recollection is that such a bill has not yet been reported. I am ready to vote for the repeal of that law at any time. Such repeal will affect all the public domain of the United States; but I am not in favor of repealing the law as the Dutchman cut off his dog's tail, by inches. I am not in favor of repealing the law as to this particular grant, as to a strip of land through the State of Oregon, and leaving it in force over all the other public lands in the State. In view of the character of the land that would be an injustice to settlers. The effect of increasing the price of the odd-numbered sections to two dollars and a half and leaving the price of all the even-numbered sections at two dollars and a half would be to increase the fees to be paid by homestead settlers to double the price of their land if they commuted their homesteads, and to double the price of land to all settlers under the pre-emption act. That would be a provision against the settler as to this particular strip of land. I think it would be safe to wait until Congress does repeal the pre-emption act and let the repeal take effect on all public lands of the United States. It appears to me that what has been said in regard to the frauds under the pre-emption act is hardly relevant to the question under discussion now, and, as I said before, I hope that the Senate will not increase the price of these lands. The road has not been built. The lands have not been benefited by the grant. There is no reason in the world why the price should be more than that of adjacent public lands or than the price was before the grant was made. The proviso in question was reported by the committee against the wishes and judgment of both my colleague and myself.

Mr. WILLIAMS. It seems to me that whenever lands are held for so long a period out of the public domain and kept from sale they must advance in value. It seems reasonable that when they are returned back to the public domain they ought to be in the same condition as other lands, provided they have not increased very greatly in value. Sometimes particular sections of land which are held out of the market have advanced to fifteen, thirty, or forty dollars per acre. I would ask the committee if all this difficulty might not be obviated by putting a proviso in the bill that these lands shall be put up at public sale, and if they do not bring beyond the Government price, then they shall be open to entry at a dollar and a quarter an acre to everybody. I ask the Senator from Kansas, who is perfectly familiar with this whole question, and is chairman of the Committee on Public Lands, if such a proviso would not obviate the whole difficulty—first put them up at public auction, and if they do not bring beyond the Government price, open them all at a dollar and a quarter an acre?

Mr. PLUMB. That is a practice which once obtained, and not with advantage either to the public domain or to the settlers. It resulted in plastering the public domain with land-warrants and withdrawing large areas from the opportunity of settlement. So far as I am concerned, I am not in favor of disposing of any acre of the public domain anywhere to anybody except it be to an actual settler, as far as the title goes, and I do not believe that it would be wise to put up these public lands or any other public lands to public sale. The Government has not disposed of its public domain, for many years at least, with the idea of obtaining a revenue; and the view of the committee was not that the Government should obtain a revenue here, but that by putting these lands at a price of two dollars and a half an acre it would more nearly represent their actual value, and if any one should take them under the pre-emption law with the opportunities that affords for speculation he would have to pay that much more, at the same time leaving in operation the homestead law, whereby the person seeking an adjoining home *bona fide* on the public domain may have the lands without cost except the payment of the necessary fees.

Mr. WILLIAMS. Do not speculators, capitalists, buy up homestead entries?

Mr. PLUMB. They do not, because under the homestead law the lands are only subject to disposal under laws which require settlement. Such entries can not be purchased by any one who does not enter for actual settlement; but under the pre-emption law, requiring only settlement for six months, there can be a conspiracy covering that period of time, which actually occurs according to the reports, which enables men who do not actually make homes upon the lands to obtain title under the pretense of having made settlement. But if you require a settlement of five years the proof is not so easily made; the evidence is more tangible of the continued occupancy and cultivation such as is necessary to show that a man has actually made his home on the lands before he can acquire title.

Mr. SLATER. Mr. President, I only desire to say a word in relation to this amendment. I am entirely in accord with my colleague in regard to this, and hope his amendment will prevail. I should not, however, myself have offered it, because I agreed with the committee on their general proposition, which I think ought to be accepted in this particular case. I think, however, this is out of the line of the character of grants of lands on which it is desired to place the other principle. This land will not be sought for settlement, being on the slope of the mountains, and the Government may consider itself fortunate if even at a dollar and a quarter an acre it can dispose of it to settlers. The lands are in the interior, remote from access to thoroughfares, and the settler who goes there has many difficulties to encounter. The fact that the even-numbered sections have remained unbroken since the grant was made, although offered at two dollars and a half an acre, shows that until a different condition shall prevail there these lands will not be sought to any large extent for settlement.

I am anxious that the bill shall pass, and therefore do not wish to take up the time of the Senate in discussing it beyond the points absolutely necessary to be brought to the attention of the Senate. I hope we shall have a vote.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH] to the amendment of the committee.

Mr. MORGAN. Mr. President, I concede that the arguments and statements made by both the Senators from Oregon are very persuasive to show that in this case the Senate might very well depart from the rule which the chairman of the Committee on Public Lands insists is the proper rule for the disposal of the public lands in general cases of forfeiture, but the Senate ought to be careful about this. It ought to be expressly understood here that this is an exceptional case, where the character of the country, on account of the very heavy forests which are upon it, is so unfavorable to settlement that the United States, with a view of encouraging settlement on these lands, can afford to price them down to a dollar and a quarter an acre.

A great many grants have been made to railroad companies and a great many lands have been disposed of by the Government of the United States on the even-numbered sections in different parts of the United States, and these grants are being assailed now in both Houses of Congress. If the right to the lands is declared to be forfeited by Congress, it would be a very dangerous thing for us to do to allow these lands to be disposed of to future settlers under pre-emption claims at a

lower price than that fixed in the law making the grant, which is uniformly, I believe, two dollars and a half an acre. I am willing that this amendment should be adopted if it be understood that this is an exceptional case, and that the exception is well founded upon facts stated by the Senators from Oregon. This land has been a long time in market now on the even-numbered sections and practically the great body of public domain in that country is as yet unbroken. The principle which is stated by the chairman of the committee is a very just one and it ought to be observed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH] to the amendment of the Committee on Public Lands.

Mr. PLUMB. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES].

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from South Carolina [Mr. BUTLER].

The result was announced—yeas 33, nays 19; as follows:

YEAS—33.

Bowen,	Garland,	Maxey,	Sheffield,
Call,	Gorman,	Miller of Cal.,	Slater,
Camden,	Hampton,	Mitchell,	Vance,
Cameron of Wis.,	Hawley,	Palmer,	Walker,
Coke,	Jackson,	Pike,	Williams,
Conger,	Jones of Florida,	Platt,	Wilson.
Cullom,	Logan,	Sabin,	
Dawes,	McMillan,	Sawyer,	
Dolph,	Manderson,	Sewell,	

NAYS—19.

Bayard,	Groome,	McPherson,	Ransom,
Beck,	Harris,	Morgan,	Saulsbury,
Blair,	Harrison,	Pendleton,	Sherman,
Brown,	Hill,	Plumb,	Van Wyck.
George,	Lamar,	Pugh,	

ABSENT—24.

Aldrich,	Edmunds,	Hoar,	Mahone,
Allison,	Fair,	Ingalls,	Miller of N. Y.,
Butler,	Farley,	Jonas,	Morrill,
Cameron of Pa.,	Frye,	Jones of Nevada,	Riddleberger,
Cockrell,	Gibson,	Kenna,	Vest,
Colquitt,	Hale,	Lapham,	Voorhees.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. DOLPH. Now I offer the rest of my amendment as an addition.

The PRESIDING OFFICER. The Senator from Oregon offers the amendment already read. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. PLUMB. I now move as a separate section what I send to the desk.

The PRESIDING OFFICER. The question is first on the amendment made as in Committee of the Whole. Does the Senator wish to move an amendment to that amendment?

Mr. PLUMB. No, sir; I wish to offer mine as a separate section.

The PRESIDING OFFICER. Then the question is on the amendment adopted as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The Senator from Kansas [Mr. PLUMB] offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert as an additional section:

SEC. 2. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

Mr. PLUMB. I want to call attention to the fact that this matter has been discussed heretofore, and to the legislation that is proposed to be repealed. Chapter 196 of the laws of 1875 is as follows:

That where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double-minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases: *Provided*, That when such location is upon double-minimum lands, one-half the amount only shall be taken.

That is a very vicious form of speculation in the public domain; it gives to every person who has heretofore taken eighty acres of land within the limits of this railroad grant the right to a piece of scrip for eighty acres more locatable on any of the public lands in the United States without any condition of settlement, and that upon the theory that indemnity is due to these people. What is that indemnity? Certificates of that precise character now are selling in this city for $18 an acre, and that is given to a man under pretense that he has been deprived of the right to enter one hundred and sixty acres of land and limited to eighty. Indemnity for the eighty acres he did not get at the rate of $18 an acre.

But that is not the worst of it, because the question of value, as I hold, is of no practical consequence in considering the disposition of the public domain. The main difficulty is that it enables that man to locate his eighty-acre warrant or scrip upon any unoccupied portion of the public domain without settlement—timber land, and choice bottom land, or any other land he may find—the best of course that he can find; and under the operation of this ill-advised law as heretofore passed, assuming to deal with the soldiers, hundreds of thousands of acres of the public domain have been withdrawn from settlement and put into the pockets of speculators in the public domain under a system which will be aggravated really by permitting to remain in force this law while we are forfeiting railroad grants. The moment the bill now under consideration shall be passed there will be dozens, perhaps hundreds, of cases where men have entered only eighty acres of land within the limits of this railroad grant—land worth now two, three, four, five, or six, or perhaps ten times what was paid for it originally—who will be entitled to a scrip location of eighty acres of land on any portion of the public domain, worth $18 an acre at the moment the scrip is issued.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. CONGER. Now let the act proposed to be repealed by that amendment be read.

Mr. PLUMB. I read the law a moment ago, but will ask the Secretary to read it again.

The Chief Clerk read as follows:

CHAP. 196.—An act for the relief of settlers on lands within railroad limits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double-minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases: *Provided*, That when such location is upon double-minimum lands one-half the amount only shall be taken.

Approved March 3, 1875.

Mr. CONGER. Mr. President, whether this amendment is right or wrong, it ought not to be attached to a private bill or to a bill relating only to a particular portion of the lands of the United States, and passed and become a law without any further discussion than it has received. In my opinion the effect of repealing that provision of law, if I understand it aright, will be, where soldiers have located on railroad lands with the expectation of receiving the benefit of a railroad near to or through the lands where they have located, when the Government takes back the lands and prevents the railroad being built, to leave those soldiers with their eighty acres of land instead of one hundred and sixty. Whether it reaches that case or not it at least reaches this case: Where citizens have bought land and paid 20 shillings an acre in anticipation of the benefit of a railroad, to which the other half of a certain body of land was given, when the Government recalls that grant, takes away the land, prevents the building of the railroad, it keeps the money, the 20 shillings an acre, of the settler who has paid that double price for some prospective advantage, keeps the money that has been given for eighty acres, which would have bought one hundred and sixty, prevents the company from building the road at all, and prevents any indemnity land or increased number of acres of land being granted. I think it will work great hardship to the soldiers; I think it will work great hardship to the settlers.

I do not know what kind of scrip is issued in such cases. If there is a kind of scrip issued that will enable the holder of the scrip to go far away from the lands he already has, from that Territory, from that district, and pick up more valuable lands elsewhere, there may be something wrong in it, something which would require legislation; but here, on what might almost be called a private bill, a bill to repeal a grant of land to a certain company, to take away all the rights of the soldier and all the rights of settlers who paid double price for their land with the expectation of profiting by the building of the railroad for which the lands were given, I think it wrong. I do not think that is legislation in favor of the citizen and the settler who has gone and occupied these wild lands in advance of the building of railroads.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. CONGER. I wish to make in this connection one further remark.

The PRESIDING OFFICER. If there is no objection, the Senator will proceed.

Mr. CONGER. While I am willing to vote for an amendment of the general law or to change its provisions so as to avoid abuses, I shall vote against the amendment of the Senator from Kansas on this almost private local bill.

Mr. PLUMB. I think if the Senator from Indiana——

The PRESIDING OFFICER. The Senator from Kansas will allow the Chair to lay before the Senate the pending bill, the title of which will be read.

The CHIEF CLERK. The unfinished business is the bill (S. 1682) to

enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. PLUMB. I ask the Senator from Indiana if he will not consent to have the special order laid aside, if that suits the convenience of the Senator from Missouri [Mr. VEST], who, I believe, is entitled to the floor? I think we shall vote on this land bill in the course of fifteen or twenty minutes at the outside, or perhaps sooner.

Mr. VEST. I shall not object.

Mr. HARRISON. I would not care to do that without some limit as to the time which this railroad bill is to have.

Mr. PLUMB. Say not later than half past 2 o'clock. I think it can be disposed of in ten or fifteen minutes.

Mr. BECK. Mr. President——

The PRESIDING OFFICER. Debate is by unanimous consent.

Mr. BECK. I have a right, I suppose, to object to unanimous consent being given to continue this matter; and, if I may be allowed to give the reason why, I will state that I desire to hear a little more fully the effect of the amendment now offered by the Senator from Kansas, and I do not think it can be disposed of in ten minutes. Therefore I would like it to go over until it can be discussed. I think that every word the Senator from Kansas said is true about allowing the men who have paid for land inside the grant to get scrip and enter land wherever they can. They will locate land where the scrip is worth a hundred dollars an acre, for scrip of that character is being sought for all over the country. This amendment, or something like it, ought to be passed. I would rather give the settlers money for their land than to give them scrip, which can be located on a military reservation or elsewhere. I believe the whole Fort Snelling reservation, which embraces much of the city of Minneapolis, was taken up by just that character of scrip.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to continue the consideration of the railroad bill. Is there objection?

Mr. CONGER. I think on further consideration I must object.

Mr. BECK. I have objected.

The PRESIDING OFFICER. Objection being made, the Dakota bill is before the Senate.

Mr. GARLAND. Let the amendment offered by the Senator from Kansas be printed.

Mr. PLUMB. This matter has been the subject of some discussion now, and I want to ask the Senate to proceed with the consideration of the bill at this time. It is an important measure. It has to receive the concurrence of the House of Representatives to become a law. The objection which the Senator from Michigan has made I can dispose of in a moment, I think, to his own satisfaction. The class about whom we are so solicitous are not concerned in the matter, because no soldier was ever prevented taking one hundred and sixty acres within railroad limits. I move now that the Senate proceed with the consideration of this bill.

Mr. HARRISON. I hope the Senator from Kansas will not undertake to displace the Dakota bill by a vote of the Senate at this time.

The PRESIDING OFFICER. Debate is not in order.

Mr. PLUMB. I ask the Chair when the bill will come up again?

The PRESIDING OFFICER. With the leave of the Senator from Missouri [Mr. VEST] the Senator from Kansas can gain the floor and submit a motion to postpone the pending bill and take up another bill.

Mr. PLUMB. I do not wish to inconvenience the Senator from Missouri at all, but I wish to know when this bill will come up next in order as the unfinished business.

The PRESIDING OFFICER. The Chair is informed that it has no priority.

Mr. PLUMB. Then I will not consent, so far as I am concerned, that it shall be permanently displaced. I must, therefore, move to lay aside the pending business.

Mr. BECK. I made the objection. I thought it would come up to-morrow, and I desired time until to-morrow to look into the amendment. If it does not come up to-morrow I shall withdraw my objection.

The PRESIDING OFFICER. The Chair is informed that the railroad bill can only come up on motion to-morrow during the morning hour as it did this morning. It has no priority; but it may be called up on motion at any time during the consideration of bills under Rule VIII.

Mr. HOAR. I inquire of the Chair whether it would not be in the power of a majority of the Senate to take this bill up at any time to-morrow after the reading of the Journal?

The PRESIDING OFFICER. Certainly, on motion.

Mr. PLUMB. I ask that this be the order on the conclusion of the morning business to-morrow.

The PRESIDING OFFICER. The Senator from Kansas asks that the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon be made the special order at the conclusion of the morning business to-morrow. Is there objection to that proposition? The Chair hears none, and that will be the order of the Senate.

Mr. GARLAND. Let the pending amendment be printed.

The PRESIDING OFFICER. The amendment will be printed.

CAPTURED AND ABANDONED PROPERTY SUITS.

Mr. BROWN. Before the regular order is proceeded with I ask the indulgence of the Senator from Missouri for a moment while I make a motion. Yesterday a bill introduced by me (S. 64) to authorize suits in the Court of Claims in certain cases therein mentioned was postponed indefinitely. I rose and asked for the yeas and nays on that motion, but I was too hoarse to be heard over the Chamber, and the indefinite postponement took place. I desire to be heard on that bill, and I ask unanimous consent that the action of the Senate taken yesterday be reconsidered and that the bill be placed on the Calendar to be called up at another time.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent of the Senate that the vote indefinitely postponing the bill named by him be reconsidered and that the bill be placed on the Calendar.

Mr. CONGER. Let the title of the bill be read.

The PRESIDING OFFICER. The title of the bill will be read.

The CHIEF CLERK. A bill (S. 64) to authorize suits in the Court of Claims in certain cases therein mentioned.

The PRESIDING OFFICER. If there be no objection the request of the Senator from Georgia will be considered as agreed to.

Mr. GARLAND. It was on my motion that this bill was postponed indefinitely, and I called the attention of the Senator from Georgia at the time. I am perfectly willing that the whole matter shall be reconsidered and the bill stand on the Calendar.

Mr. BROWN. That is all I ask.

The PRESIDING OFFICER. That order is made.

GALVESTON HARBOR IMPROVEMENT.

Mr. COKE. I desire to give notice that to-morrow I shall ask the Senate to take up the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico, with a view to make it the special order for Thursday, January 8, at 2 o'clock.

Mr. CULLOM. What is the Senator's motion?

The PRESIDING OFFICER. The Senator from Texas gives notice of a motion in regard to a certain bill.

Mr. CULLOM. I only rise to state that I shall not allow anything to interfere with the consideration of the special order for to-morrow at 2 o'clock.

The PRESIDING OFFICER. The Senator from Missouri is entitled to the floor on the unfinished business, which is Senate bill 1682.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. VEST. Mr. President, I do not propose, induced or tempted by any intimation or insinuation coming from any quarter, to be swerved from my honest judgment and conscientious conviction in regard to the bill pending before the Senate. The intimation that the motives which influence myself or any of my colleagues in opposition to this bill arise from partisan feeling is not sustained by anything that has happened in the history of this measure, which has been continuously before the Senate for thirteen years.

I do not pretend that I am not a partisan. I am devoted to the principles and the organization of the Democratic party, to which I belong. I would assert nothing unusual—I would confess to nothing that has ever been held disgraceful in the history of the admission of States into this Union—if I did state to-day that I come into this discussion as a member of the Democratic party and as a Democratic Senator. Even in the better days of the Republic, when men whose names are now historic and whose fame belongs to the world, not to this nation, were members of this body, no State was admitted, with but a few exceptions, except after a partisan struggle and after partisan debate.

But I have not considered this measure either as a member of the Committee on Territories or as a Senator from a partisan standpoint. I am here to discuss it without reference to its effect upon parties. I might fairly and honestly and logically answer any such insinuation or intimation by the simple statement that for twenty-four years Dakota and the other Territories of the Union have been under the tutelage, the political influences, of the Republican party exclusively; that Federal patronage, the prestige of success, almost historical success, has had its influence upon those Territories. I say what every public man now knows to be the truth when I assert that every Territory is influenced by the political complexion of the administration under which it exists. Under Democratic administrations the Territories have been Democratic; under Republican administrations they have been Republican. If I as a Democrat should openly avow here to-day that after twenty-four years of Republican rule, when the people of the United States have declared in favor of the party to which I belong, it would be only fair and just that for a few years Democratic influences and

teaching should be permitted before this Territory should be admitted as a State, I would say that of which no honest man need be ashamed. But, sir, I am here to discuss this question which I have considered from almost the day I came into the Senate and went into the Committee on Territories upon facts and upon legitimate deductions and conclusions from those facts.

There is no limitation in the Constitution of the United States upon the power of Congress in regard to the admission of new States into the Union. The framers of the Constitution put no limitation upon our power. I believe that the spirit and intent of the Constitution is that no State should be admitted into the Union unless it has at least the ratio of population which would give it a Representative in the popular branch of Congress. When the Constitution says that population and representation shall be in a just ratio to each other, I hold that although there is no express limitation upon the power of Congress, the spirit and intent of that provision is as I have stated. It is absolute injustice to the people of the rest of the Union when a State is admitted with two Senators upon this floor and at least one Representative in the House of Representatives, if it has not at the time the ratio which would give it a Representative in the popular branch of Congress.

In the first session of the Forty-seventh Congress, on behalf of the minority of the Committee on Territories, I had the honor to submit a report in regard to a bill which is identical, with one or two exceptions, with the measure now pending before the Senate. The reasons which the minority gave then in opposition to that measure apply equally to the bill pending before the Senate to-day, and I ask the Chief Clerk to read what I have marked in that report.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Chief Clerk will read from the report as indicated by the Senator from Missouri.

The Chief Clerk read as follows:

It is certainly the theory and object of our Constitution that representation should be equal, so far as possible, between the citizens of the United States. In section 2 of the Constitution it is provided that "Representatives and direct taxes shall be apportioned among the several States which may be included within the Union according to their respective numbers," &c., and in section 2 of article 14 of the amendments to the Constitution it is provided that "Representatives shall be apportioned among the several States according to their respective numbers," &c. These provisions manifestly apply to representation in the House of Representatives, and to States after they are admitted into the Union. Section 3 of article 4 of the Constitution provides that "new States may be admitted by the Congress into the Union," and this enactment leaves to the absolute and unlimited discretion of Congress the decision when the people within a certain Territory shall receive not only their equal representation with other citizens of the Union in the House of Representatives and coequal representation with the other States in the Senate, but also the right to appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

While no other provision is found in the Constitution as to the admission of new States than that before quoted, and no law or rule binds or limits the action of Congress, it would be a manifest violation of the spirit and intendment of the Constitution to admit a State into the Union without at least the population requisite under the existing law of apportionment for a Representative in the lower House of Congress.

To give to a smaller number of people than that fixed by the general law of apportionment a representation in the House would be to establish unequal representation; nor is the number of people in a Territory applying for admission as a State the only question to be considered by Congress. While there should be at least the population required by the general apportionment, and this without question, justice to the other States and other citizens of the United States requires that Congress should consider the necessity for creating a new State, the character of the population, and its probable future.

To ignore these considerations would be simply an abdication by Congress of its high constitutional discretion, and the placing in its stead the enumeration of a census. In our representative Government, based upon universal suffrage, every State and every citizen is directly interested in the question of admitting a new State into the Union—not only as to the simple inquiry in regard to the aggregate of population so admitted, but as to its character and probable influence upon the common destiny of all the States; for it is manifest that the danger to free institutions lies after all in vicious suffrage and its corollary of vicious representation. Besides, if Congress should look only to the amount of population, it is evident how shamefully party greed and ambition could, by filling up the sparsely settled Territories, swell the vote of the electoral college to any number required for party purposes.

In the earlier days of our history, when the great necessity seemed to be population, and when a continent offered its vast domain for settlement, precedents in Congressional action as to the admission of new States can be found at variance with the principles here stated. Out of the twenty-five States admitted into the Union since the adoption of the Constitution, six have been admitted without the ratio of population demanded by the existing apportionment for a member in the House of Representatives, but it must be remembered that the generally accepted proverb that "in numbers there is strength" then governed the action of Congress over and above all other considerations. Our vast domain seemed illimitable in its capacity for population, and it was only natural that Congress should regard with favor every proposition looking to the increase of the number of those who could develop the resources of the immense territory only awaiting the enterprise and toil of the pioneer. The tide of immigration now pouring upon us from all portions of the world has made the matter of population simply one of conjecture, and we must regard it only as a question of time when every foot of our vast possessions will be occupied and utilized.

There is no necessity now for rushing new States into the Union, unless that necessity is one of party. The welfare of the country does not require it, and unless there are exceptional reasons for admitting into the Union a sparsely settled Territory, the number of its population a matter of surmise, Congress should at least look with suspicion upon the hot haste with which the measure is being urged.

The area of the proposed State is 80,000 square miles, or 320,000 quarter sections of 160 acres each, or 51,200,000 acres; and upon this immense territory the friends of the measure claim that there is now a population of 175,000.

In 1880 the census enumeration showed within the limits of the proposed State a population of 100,500, including Indians, and as there has been no enumeration since, the increase to "175,000" is simply a matter of computation, based upon land office entries and the assessed value of property.

Mr. VEST. I have had this portion of the report of the minority of the Committee on Territories read principally in answer to the position of the Senator from Indiana [Mr. HARRISON], that the precedents existing in the legislation of the American Congress on the admission of new States were in favor of his declaration and his argument, that not even the ratio of representation required for a member of Congress in the popular branch was necessary or should be adopted as a rule in regard to the admission of new States into the Union.

Not even the spirit of prophecy, if it had been given our fathers when they made the Constitution of '89, could have forecast or foreseen the wonderful development of the country west of the Mississippi River, the unequaled rapidity with which that vast area has been settled up, and new communities brought into existence as if by magic. Conditions and circumstances have changed so radically since the past action of Congress in regard to the admission of States east of the Mississippi that no rule can be properly or logically instituted upon these precedents. As stated in the report which has just been read, the great idea then of the men who were upon the Atlantic seaboard was that centuries must elapse before the unbroken wilderness in the West could be populated and civilized. It requires a stretch of imagination to place ourselves in the position of the men who were legislating then for this virgin continent, whose conditions and circumstances have altered so much to-day. They did not dream, and could not have dreamed, that in a century 800,000 emigrants would yearly be poured from the continent of Europe upon our shores. They did not dream of the discovery of gold; they did not imagine even the existence of the great area of country now given over to the grazing of cattle, and the great American desert to-day blooming and blossoming like the rose.

All these things render the precedents quoted by the Senator from Indiana utterly inapplicable and illogical. To-day we do not need new States in order to strengthen the Union, in order to give us power at home or prestige abroad. To-day the great problem of the people and statesmen of the United States is how to meet the vast increase of population that is coming to us and the strain necessarily put upon our peculiar form of government, a form of government composite between State and Federal power, and without any precedent in the history of the entire world.

The circumstances surrounding our fathers were altogether different from those which surround us to-day. Now the question before us is what is the necessity for rushing new States into the Union? Ay, Mr. President, and more, what is the necessity, with thirty-eight sovereign States already in existence, of dividing up a Territory across which there is no natural dividing line, no range of impassable mountains, no deep or navigable river, a country which God has cemented together, and which is as much homogeneous as He has made any portion of the American continent.

The proposition here to-day is to divide the Territory of Dakota, to cut it in two, under some great and overruling necessity which I have never yet heard explained either in committee-room or upon this floor, to make two States, when there are already States of the Union larger in area than that of this entire Territory.

This proposition was brought into Congress in 1871. It has been pressed at every session with all sorts of argument and with all sorts of rhetoric. In 1876 the proposition passed the Senate, and it passed it by no party vote. The very same reasons that influenced Republican Senators then to vote against this bill exists to-day, the anomaly of dividing a Territory sparsely settled, with barely, if at all, the requisite population for a Representative in Congress. The bill passed the Senate in 1876 by no party vote, as I shall proceed to show. The vote in the Senate at that time, in 1876, in favor of the bill was Messrs. ALLISON, Bogy, Burnside, CAMERON of Wisconsin, Christiancy, COCKRELL, Cragin, Ferry, Hamilton, Harvey, Hitchcock, Howe, Jones of Nevada, Kelly, McCreery, McDonald, MCMILLAN, Mitchell, MORRILL, Oglesby, Paddock, Patterson, RANSOM, SHERMAN, Spencer, West, Windom, Withers, and Wright. Those voting in the negative were Messrs. Anthony, BAYARD, Boutwell, Conkling, Cooper, Davis, DAWES, Eaton, EDMUNDS, Frelinghuysen, Kernan, Key, Merrimon, Sargent, SAULSBURY, Stevenson, Thurman, Wallace, and Whyte. The Senate did not divide on party lines.

Mr. HARRISON. Will the Senator from Missouri allow me to interrupt him? I did not hear his statement as to what the bill was on which the vote he has just read was taken. My attention was diverted.

Mr. VEST. It was a bill dividing the Territory of Dakota and admitting the southern portion of it, the proposition which is now pending before the Senate. Of course the provisions were not identical in the different sections, but that was the leading and salient idea of the bill, and it passed in 1876 by the vote which I have read. The opposition to it then on the part of leading Republican Senators in this body was the idea of dividing the Territory, when no good or valid reason could be shown for it. The very same influences were at work then that are at work here to-day, and they have been at work during

the six years I have been in the Senate of the United States. Dakota labored then under the difficulty of Senators on this side of the Chamber to-day. There were more pegs than there were holes to put them in. In the southern part of the Territory was the city or town of Yankton, filled with adventurous politicians, who had been sent there by the Federal Government to hold Territorial offices. Fargo sprang up under the wheat emigration to the Red River of the North and became the rival to Yankton, and it became the nucleus of another set of ambitious politicians sent there to hold office in that portion of the Territory. The actual influx of emigration had not filled up the intermediate space between the projected North Pacific Railroad and the territory around Yankton and the Black Hills, and the result was that men ambitious to locate the government upon conjectural town sites, men who were rivals of each other both in the race for political power and wealth, men who were anxious to cut each other's throats politically and physically, in order to reach their own ambitious and personal ends, clutched each other by the throat; and they have been struggling and fighting from 1870 down to this hour as to whether one or the other faction should control that Territory and hold the offices.

General Grant is credited with a remark in regard to Dakota which I have from a gentleman who heard it from his own lips. When the secretary of state of Dakota was killed by a rival politician in a contest over a State or Territorial office, General Grant is credited with having said that Dakota gave him more trouble than all the other Territories in the Union put together; that the trouble was there were two streets in Yankton, and when one street got through a measure the other street rebelled; that the Territory divided upon those two streets, and that it required the Army and the civic power of the United States to preserve peace between the warring factions. That is the simple and the entire trouble to-day. There is not upon this continent a more homogeneous tract of territory than the Territory of Dakota. It is homogeneous in climate, homogeneous in soil, homogeneous in population. There is no line of mountains, there is no river, there is nothing to divide them except political ambition and personal rivalry.

Why, sir, take the State of Missouri. Missouri has running through its center a great river, the Missouri River, from east to west, dividing it absolutely and geographically from one side to the other. Missouri was admitted as one State; and to-day is there any North Missouri or South Missouri? To-day is there any division which engenders antagonistic feeling or interest between the two sections of the great State in which I live? Yet here is a Territory proposed to be a State which asks Congress to run an imaginary line through its middle at the behest of a lot of politicians, with no honest demand as I really believe on the part of the people of that Territory; and the governor of the Territory says to the people of the United States that sentiment and feeling all run from east to west and not from north to south.

It has been asserted by the Senator from Indiana that no feeling, no opinion, existed in the Territory against this division, and he has said here in the most emphatic and aggressive manner that if any Senator proposed to complain on the part of anybody, either of the division or of the burdens of Statehood, it would puzzle that Senator to find any such expression on the part of any one within the Territory. The Senator further said that he was astonished to hear at the last session of Congress from some gentlemen living in Bismarck a feeble protest against the division of the Territory. I desire the Chief Clerk to read a document placed before the Committee on Territories by as respectable a delegation of influential and intellectual citizens as exist in the Territory. It is the statement, as I honestly believe, of a large majority of the people of the northern portion of the Territory in regard to the matter of a division, and, without supplementing a single remark, I will leave the Senate to say whether that instrument is a feeble protest or not.

The PRESIDING OFFICER. The Secretary will read the paper.

The Chief Clerk read as follows:

To the honorable Committee on Territories of the Senate and House of Representatives:

Your attention is respectfully invited to the bill introduced in the Senate by Hon. ANGUS CAMERON, of Wisconsin, and in the House by Mr. MAGINNIS, entitled "A bill to enable the people of the Territory of Dakota to form a constitution."

Dakota is attracting more general attention than any of the other of the great Territories. This is due to various causes, among which may be mentioned her unprecedented development, caused by the large immigration during the last five years, and especially the past two years, and her applications to Congress to divide the Territory and admit a portion to Statehood, or to give some additional legislation necessary to protect and secure the personal and property rights of her citizens.

The question of the division of Dakota has been before Congress since 1871, when the bill was first introduced. At every session from that day to this the subject has been canvassed and decided adversely in one House or the other, although the strongest possible arguments have been presented in its favor. In 1876 the bill passed in the Senate by a vote of 31 to 19. Those voting in its favor were Messrs. ALLISON, Bogy, Burnside, CAMERON of Wisconsin, Christiancy, COCKRELL, Cragin, Ferry, Hamilton, Harvey, Hitchcock, Howe, JONES of Nevada, Kelly, McCreery, McDonald, MCMILLAN, Mitchell, MORRILL, Oglesby, Paddock, Patterson, RANSOM, SHERMAN, Spencer, West, Windom, Withers, and Wright.

Those voting "no" were Messrs. ANTHONY, BAYARD, Boutwell, Conkling, Cooper, Davis, DAWES, EATON, EDMUNDS, Frelinghuysen, Kernan, Key, Merrimon, Sargent, SAULSBURY, Stevenson, Thurman, Wallace, and Whyte.

Senator EDMUNDS was one of the leading opponents of the bill, and it will be seen it met with the almost solid opposition of the older States in the Union. The opposition was not on political grounds. Senators EDMUNDS, DAWES, Boutwell, and Conkling were found voting with Senators SAULSBURY, BAYARD, Thurman, EATON, and Kernan. They based their opposition upon higher ground than party or sectional advantage, and the causes that led them to oppose still exist.

The people have been, and now are, divided in their views as to whether the best interests of the Territory will be advanced by a division, and ultimately two States, or by admission as a whole as one State.

While the right of Congress to do what to them may seem best in regard to this matter is not questioned, it is believed that under the peculiar circumstances of this Territory it would be but justice to the 400,000 people, holding in the aggregate one hundred million dollars' worth of property, to give them an opportunity to express their sentiments upon a question which affects their interests so materially.

There are many questions bearing directly upon the matter which the citizens of the Territory ought to be permitted to settle for themselves, among which may be stated the just apportionment of the public debt, amounting to $400,000.

If the Territory is divided by Congress, what will be done with this? Will Congress apportion it? If so, upon what basis? Then there are seventy-two sections of land granted to the Territory for the university and the land granted for an agricultural college. These grants are to the whole Territory. Will Congress divide them or leave all to the old Territory? The question of boundary, if it is divided, will also be raised, and as an arbitrary line on the forty-sixth parallel will divide counties and farms, questions will arise in that respect. These are some of the questions which are of great interest to the people that should be left to them to settle for themselves. The bill now before you has this in view. It submits the whole subject to the people by giving authority to elect delegates to a convention, which will have authority to settle these questions so far as the people themselves are concerned.

If the bill is amended so as to provide that if the convention shall determine to divide the Territory, then only those delegates from that portion proposed to be erected into a State shall participate in the formation of the constitution for such State, and that the duties of the other delegates shall cease upon such decision, it will be fair and just, and it is believed the best settlement of this question, because it will give the people an opportunity to be heard for their own interest; and when they have given an expression of their views through the formation of a constitution for the whole or a part of the Territory, their action, whatever it may be, will be returned to Congress for approval, change, or modification, and the views of the people expressed in an authoritative manner will have been obtained.

Those believing in division have been represented in Washington at every session of Congress since the first introduction of the measure in Congress, and although every effort has been made by the friends of the measure it has failed, not because of opposition from those opposed to division in the Territory, but because of the opposition encountered in Congress, many of the leading men of both political parties opposing and voting against it. Although there has been at all times an earnest opposition to division in the Territory, those holding such views were willing to accept relief from the present condition of affairs in that form rather than not at all; but that having failed, they now ask that the voice of the people be heard upon this to them all-important question. But the causes that seemed to require division a few years ago have almost wholly disappeared.

When the division bill passed the Senate in 1876 it was shown that the average expense of the Territorial governments was but $27,266.87, and that 10,000 people in the north and 15,000 in the south demanded this consideration. It was shown that Mississippi with a population of but 8,850 was granted a Territorial organization; that Indiana had but 5,641 when organized; Michigan but 7,000; Wisconsin but 6,077; Washington but 1,201; Dakota but 4,837; Nevada but 6,857, and Arizona but 5,000.

It was claimed that our population was sufficient in the light of these precedents to justify division. It was shown by the report of the committee and the speeches of the advocates of the measure that an uninhabited and, it was believed, uninhabitable region divided the two sections; that there were no wagon-roads or mail-routes connecting them, and no prospective railways; that members of the Legislature, United States marshals, and judges were compelled to go via Saint Paul, and even Chicago and Dubuque in many instances, in traveling from the north to the south; that it required a less amount of time and expense to reach Washington than to reach the capital of Dakota. Two years ago it was shown that the population of the southern section had reached 175,000 and of the northern 90,000, and that the people still almost with one voice demanded division; but still division failed, because Congress doubted the policy of multiplying States and said that the causes that were then urged for division would pass away and that we would soon be a united people—united in common interests and by bands of iron in bonds of commerce.

Two years ago it was a fact that there was a large tract of country along the forty-sixth parallel which was uninhabited, which practically separated the settled portions of the Territory. But this is not the case now. Nearly if not quite 100,000 people have settled in Central Dakota during the past two years, and now there is no portion of the Territory lying east of the Missouri River, between what has heretofore been called North and South Dakota, that is unsettled or not rapidly being settled, and instead of the unbroken prairie of two years ago thriving villages and industrious farmers may be found in all portions of this section. It was also a fact that to go from the north to the south it was necessary to go outside of the Territory and travel through two States, namely, Minnesota and Iowa, because all the railroads in the Territory ran east and west. Such is not the fact now, because nearly all railroad building done in 1882 and 1883 was upon northerly and southerly lines, and at present, excepting twenty-seven miles' staging, you can go by rail from the extreme southern portion of the Territory to Devil's Lake or Pembina, in the extreme northern part, and by the completion of the Fargo Southern, which is all graded and partially ironed, the Jamestown Southern, which is nearly all graded, and the Bismarck extension of the Milwaukee and Saint Paul, partially completed, which will be accomplished early the coming season, the systems of railroads from the extreme southern part to the northern will be as complete as those running east and west, and every vestige of the difficulties in going from the north to the south not already removed will have been overcome.

All the various efforts for the division of the Territory, so far as the people are concerned, may be said to have culminated in the abortive attempt of those in the south favoring it to form, without authority of Congress, a constitution for South Dakota. This constitution was submitted to the people south of the forty-sixth parallel at the last annual election, and, if the active canvass of its promoters for weeks before the election, the indifference of the people shown by not voting, and the opposition of those who did vote may be taken as a criterion of the wishes of the people, they certainly were not very enthusiastic, to say the least, for division.

If no allowance is made for the increase of population during the year, but we compare the vote upon the constitution with the vote for Delegate in 1882, we will find that there were but 19,150 votes cast for and against the constitution, of which 12,336 were in favor of and 6,814 against, while the same counties in 1882 cast 30,972 votes; it will be seen that there were nearly as many persons who did not vote at all as there were in favor of the constitution, and in fact there were a great many more, because the immigration to this part of the Territory was very large during the year 1883. It is worthy of note that many of the oldest and most populous counties in the Territory voted against the adoption of the constitution, among which may be mentioned Union, which cast 969 votes against and 31 in favor; Clay, which cast 357 against and 210 in favor; Lincoln, which cast 668 against and 196 in favor; Minnehaha, which cast 863 against and 304 in favor. All of these counties are in the extreme southeastern portion of the Territory.

Nor is there anything in the character of the country or people which would tend in any way to make division desirable or necessary. There is no natural boundary which divides the north from the south. It is the same character of country for many miles upon both sides of the forty-sixth parallel, settled by the same people, mostly immigrants from the older States. The country is well adapted in soil and climate to remain together as one great State, possessing within its borders the elements necessary to support a dense population.

In view, however, of the sentiment so often expressed in favor of division on the part of Dakota, and the many interests involved by division, it would certainly be wise to give the people an opportunity to elect delegates to a constitutional convention, who shall have authority from Congress to consider that question. It will bring the wisdom and experience of the people to bear upon the framework of the proposed new government, whether it be for a part or the whole of the Territory. This framework will be returned to the two Houses of Congress to be corrected, strengthened, or adorned, as may appear necessary.

All of the safeguards may then be added which the accumulated wisdom of Congress can suggest, with a view to the protection of the interests of the people or to prevent the dissipation, as has been the case in some of the newer States, of the immense grants of the lands to be turned over to the State for educational and internal improvement purposes. If it is determined that division is not desired, the adoption of this or a similar bill will hasten the admission of the whole.

The agitation of the subject of division in Congress delays the admission of the whole and withholds self-government from our people. It withholds when most needed the use of the school funds arising from the sale of school lands, valued at $20,000,000, and prevents the application to the people's use of the internal-improvement funds which will accrue to the State (but not the Territory), amounting to about $3,000,000.

It keeps our people in an unsettled state and brings discredit upon the Territory, forcing high rates of interest, and robs us of all the advantages of State government.

All of which is respectfully submitted.

Mr. VEST. That argument was presented to the Committee on Territories by as intelligent and reputable a delegation of citizens as ever came before that committee from the Territory of Dakota or any other Territory, gentlemen who represent the wealth, the social position, and influence of the northern portion of the Territory of Dakota. It asserts what is absolutely true, and that is that the intermediate territory between Northern and Southern Dakota has received the largest amount of population in the last five years; that the system of railroads now projected and being built in the Territory runs from north to south; that great corporations, such as the Milwaukee road, the Saint Paul, the Northwestern, the Illinois Central are competing with each other in building railroads running from north to south and connecting together these two sections of Dakota. The old argument which has been made for the last ten years that persons wishing to come from Fargo to Yankton were compelled to go on the North Pacific to Saint Paul, and then on the Union Pacific in order to get to the southern portion of Dakota, has been exploded; it has disappeared under these railroad projects and under the increased immigration to the central portion of the Territory. Not one shadow exists for any such pretext to-day.

The Senator from Indiana spoke of what is known as the Huron convention, held in 1883, upon the 19th day of June, when four hundred delegates came together, adopted a State constitution out of hand, and declared that Southern Dakota should become a State, and that its admission into the Union should be demanded of Congress; but the Senator from Indiana did not read in this connection the proceedings and the unanimous resolutions of a convention larger than that, held at Fargo on the 11th of September following, which protested against the project of dividing the Territory and making a State government in the southern portion of it. I know that a so-called compromise has since been made between the politicians in Northern and Southern Dakota. I know that an agreement has been entered into, and that Northern Dakota is now in a sort of quasi-way willing that this bill should be enacted by Congress; but I do not believe, as the statement which has just been read by the Chief Clerk says, that the people of Dakota desire any such separation. If so, it is the first instance in the history of the States or of the people of the States of this Union. Texas was admitted into the Union with a territory sufficient to make five States. The public man can not live to-day in Texas who wants to divide that vast domain. There could not be enough votes obtained in Texas to divide its territory to elect a justice of the peace in the smallest township in the State. The people of Texas have learned what the people of this whole country know, that the power is with the large States, and that the area of territory and the amount of population give to a State political influence and prestige with sister States and in the councils of the nations. I do not believe the people of Dakota desire any such separation.

The Senator from Indiana commenced his argument by saying that the movement for a new State should originate with the people. I have in my possession letters from the people, not from politicians, but from persons without ambition politically so far as I know, who come to me accredited as persons of intelligence and respectability. Our late colleague in the Senate Judge Davis, of Illinois, handed to me a letter coming from a person whom he vouched for as a man of influence, respectability, and intelligence, and I ask the Chief Clerk to read it from the desk.

The PRESIDING OFFICER. The Secretary will read the letter.

The Chief Clerk read as follows:

TYNDALL, BON HOMME COUNTY, DAKOTA TERRITORY, *January 24, 1883.*

MY DEAR SIR: I do not know that you will remember me as a member of the Senate of Illinois up to the commencement of the war. It matters not, but I am tolerably acquainted with your history. I know that you are a native of Maryland, as well as myself. I have been a resident of Dakota for the last nine years. I claim to have a right to be heard in regard to the division and admission of the southern part as a State into the Union. You know that our Territory is sufficiently large for three States larger than Illinois. If it be divided on the line of forty-sixth degree north latitude it will furnish two large States. As to its division I have no objection to offer, but as to the admission of the southern half into the Union as a State at the present time I believe would be entirely premature, for the following reasons:

First. The population is not sufficient to entitle it to two Senators to equipoise such States as New York, Pennsylvania, Ohio, and Illinois, nor even to one full Representative in the lower House.

Second. The population is too poor at present to bear the expenses of Statehood. Many of the counties are burdened with heavy indebtedness, caused by the fraudulent bonds and consequent heavy taxation.

Third. The people are opposed to admission. The only persons urging it are aspirants for Senatorial and Representative and gubernatorial honors, as well as other distinctions of place and profit.

These are the self-constituted representatives appearing at Washington urging admission. As far as my knowledge extends, I know of no person of any party besides those mentioned who is in favor of Statehood. The people of Dakota do not wish Statehood at present. The majority of voters here are foreign-born, and do not yet understand the nature of our institutions, indeed not more than the colored people of the South. I trust that your influence and vote will be against admission. Will you show this note to Mr. VEST, of Missouri.

Yours, truly,

J. P. RICHMOND.

Judge DAVIS.

Mr. VEST. I have here another letter coming from a lady with whom I have no acquaintance, but when she declares in the first line of it that she is a Republican, I hope that it will meet with the respectful and serious attention of my friend from Indiana, the chairman of the Committee on Territories. I ask the Chief Clerk to read the letter It comes from another portion of the Territory, and from a person certainly of intelligence, whatever I may think of certain opinions which she expresses in regard to woman suffrage.

The Chief Clerk read as follows:

WEBSTER, *March 20, 1884.*

SIR: Will you please do a Dakota (Republican) citizen the favor of presenting to the United States Senate reasons why our Territory should not be admitted to the Union as a State, believing such action would be in direct opposition to every interest of our settlers.

First. It is not the voice of our people who are asking admission, which was clearly proven in the fact that so little interest was manifested at elections upon that subject. Many of the polling places were not opened at all; three in my own county (Day) were not, and as nearly as could be ascertained this was the average interest upon that occasion throughout the Territory.

Our country as yet is too new and sparsely settled, such wide distances between towns, that our people are comparative strangers to each other; besides, our actual residents are too poor to support any more officers than we now have, notwithstanding the assistance we have from the General Government.

As an illustration of officers to be supported by this poor struggling people, in this town (Webster, the county seat of Day County), which has not one hundred and fifty inhabitants, there are nine notaries public; six of these nine have all the following titles: land locating, loan agents, and notary public.

Any man, it matters not what his character may be, by sending $3 (and $4 for a seal) to our governor can be commissioned a notary public; then (his worthy (?) officer (through the extraordinary ruling of the Commissioner of the General Land Office) is armed with authority to take the testimony of witnesses in final-proof land cases (in many instances the witnesses never having seen the testimony they have sworn to).

This is irrelevant to the subject, and is merely to show you that Dakota's best interest would be served in having fewer officers instead of more.

In fact it is our politicians and not our people who are so anxious for Statehood; and, all things considered, they are really more to be pitied than to be blamed, because the Presidents have seen fit to use Dakota as a field for the appointment of unemployed politicians of the East to all of our Territorial offices, which gives to us a surplus of that class of ambitious, intelligent, and politician citizens, who should not be allowed to inveigle the unwary settlers into subserving their interests by forcing us into Statehood.

The tillers of the soil—our actual settlers—are all poor people; we can not afford the additional expense. Those of this class who favor admission positively do not understand their own interests any more than do poor people who advocate high tariff.

Division of our Territory upon the forty-sixth parallel would be desirable, and probably a benefit to our people.

The greatest detriment in making us a State at the present time would be in turning the tide of immigration to Territories beyond, where settlers would avoid the expense of State and the support of State officers.

We have not enough people here. In many places "Poor Los" are far more numerous than settlers.

Here is an illustration of how inhabitants are usually counted in this country: Time and again I have read in our town paper, "Webster, 600 inhabitants." Doubting this statement somewhat, I have counted every man, woman, and child who is an actual resident, and the exact number is 141 persons. My observation has taught me that this is the way other towns' inhabitants here have been estimated.

Yet with all the eagerness of our politicians to rush us into the Union unprepared, at their (not the people's) State constitutional convention they absolutely refused to acknowledge "as equal before the law" our most sober and industrious citizens—women.

For this and other good reasons herein assigned I pray your honorable body to deny them admission as a State until we are older and they are wise enough to know that a State constitution must be founded upon the true principles of right and justice to her most humble citizen as it does to her highest.

Yours, very respectfully,

MARIETTA M. BONES.

Hon. GEO. G. VEST, *United States Senator.*

Mr. VEST. I caused these letters to be read because they come from persons who are not members of the party to which I belong, because they are not politicians, but citizens of Dakota, and because they show in my judgment the real sentiment and opinion of the people of that Territory who are not influenced by political or personal considerations. As I said, it would require a vast amount of proof to make me believe that the non-political citizens of any State or Territory in this Union, in the light of the past history of the States of the Union, desire a division of their State or Territory.

Mr. MAXEY. Will the Senator from Missouri permit me to ask him a question?

Mr. VEST. Certainly.

Mr. MAXEY. It has been stated very often that the physical obstruction between the north and south portions of Dakota Territory would naturally divide that Territory into two divisions. How is that?

Mr. VEST. It is not at all true. As I said a few minutes ago, there is not a tract of territory upon this continent more homogeneous than the Territory of Dakota, including in the whole Territory this proposed State.

Mr. MAXEY. I believe that to be true, but I want it to go on record.

Mr. VEST. There is not a range of mountains running from east to west. There is not a great river running from east to west. There is no inland sea or lake which divides it or divides any two parts of it. The only river of any magnitude is a tributary of the Missouri, the Platte River, and that runs from northwest to southeast. There is no pretext for this division except political ambition. It is the desire of ruling political spirits of the northern and southern portions of Dakota to have the division in order to make more offices. That is the naked, the simple, and the absolute truth.

The Senator from Indiana indorsed the last governor of that Territory by quoting from his message. The preceding governor, Governor Ordway, who has engineered this matter since I have been a member of the Committee on Territories with an anxiety, a solicitude, and an industry which (and I attack not his motives) did him great credit, went out of office in the midst of a storm and tempest originating over the movement or rather the location of the capital, and I have not recently followed the course of the proceedings against him.

Mr. HARRISON. Do I understand the Senator from Missouri to say that Governor Ordway had been urging a division and the admission of the southern part of the Territory?

Mr. VEST. He urged the admission of the Territory.

Mr. HARRISON. If the Senator had noticed my remarks yesterday he would have seen that Governor Ordway refused to approve a bill passed by a majority of 22 to 2 in the house, and by a proportionate majority in the council, for the calling of a constitutional convention.

Mr. VEST. I understand that very well, and that was a portion of the conflict that was going on in regard to the location of the capital. I say that Governor Ordway has appeared before the Committee on Territories over and over again in favor of a bill admitting the Territory into the Union. Before the Senator from Indiana was the chairman of that committee Governor Ordway made repeated visits here. Afterward he became involved in the interterritorial strife and almost civil war over the location of the capital, and out of that arose his action when he vetoed the bill to which the Senator referred. I do not undertake to locate Governor Ordway upon this question in all its different phases, but I say emphatically that he has appeared before the Committee on Territories and has urged a bill for the admission of Dakota into the Union.

Mr. HARRISON. In that I think the Senator is mistaken.

Mr. VEST. Well, I think not. Here are my colleagues on the committee who can state whether it is so or not.

Mr. BUTLER. I certainly have seen the governor of Dakota before the committee.

Mr. HARRISON. Undoubtedly he has been before the committee several times; the Senator from South Carolina is right; but my recollection is that he was not taking part in this question at all. It was in relation to some other matter that he appeared before the committee, and my impression of his disposition was that he was not urging the bill.

Mr. BUTLER. Certainly, the impression made upon myself as a member of the committee was that he was there as one of the representatives from that Territory in that interest. Perhaps I may have been mistaken; I do not think I was.

Mr. VEST. Not only that, but if my memory has not failed entirely Governor Ordway has called upon me personally in regard to this matter of the admission of Dakota as a State. But the trouble has been in Dakota that no one measure has met with the support of the politicians of that Territory. There are too many statesmen there for the welfare and the quiet of the community and the people, and when a bill has originated with one faction it has been stabbed to death by another.

Governor Ordway—coming back to my line of argument—went out of his administration as governor of the Territory amidst a tempest of invective leading even to criminal prosecution. The incoming governor, who takes upon himself the exposition of the views of the entire Territory in which he has been but a short time, says:

> The sentiment in favor of division is practically unanimous; but very few in either section of the Territory oppose it.

And that in the face of the largest convention ever held in Fargo, in 1883, which passed resolutions against the measure now before the Senate bringing about the division. But the next declaration is even more remarkable. Says this gentleman:

> Whether this desire is wise or unwise is not a question it seems necessary to discuss.

Why, that is the very question now before the Congress of the United States. Are we here to record the edicts of a junta of politicians in a Territory of this Union, or are we here the representatives of sovereign States to declare whether a new State shall enter into the sisterhood of States and assume the sovereignty that becomes her? Are we here representing the States which have sent us to this Chamber, or are we here to record the edicts of a governor in a Territory and of a lot of politicians assembled in convention? This gentleman further says:

> Whether it will disappear under the effect of a closer acquaintance and relationship, engendered and promoted by the various lines of railway north and south now being built or surveyed, is a probability or contingency that can be estimated by others as well as myself; but it seems to be a rule that latitudinal and not longitudinal lines are the cementing and binding ones.

Mr. President, I have heard that declaration before on this floor from a higher authority. I heard the statement made here once by a distinguished Senator, one of the most eminent in this body, that railroads upon this continent, by force of nature, must be constructed from east to west, and could not run from north to south. Sir, I believe no such nonsense. I do not believe that nature has inflicted any such monstrosity upon the human family, or upon commerce, or commercial intercourse. Where is the authority for the statement that railroads running from east to west alone bind a people together? Is there nothing in the great lines of road which to-day run from the North to the South, and bring together the people of the respective sections? Is there nothing in the commercial intercourse that comes from the great river, the Father of Waters, that flows through Northern and Southern territory alike? Where is this law of nature? Where does it exist either upon this continent or elsewhere?

Sir, the statesman who makes this declaration mistakes the ephemeral and evanescent passions that came from an unfortunate war for permanent results, which will not and do not and can not, thank God, exist. The time will come, it is fast approaching and will come in a few years to the people of this country, when the great railroads of the country will cement and bind together with iron bands the North and South as much as the East and the West. To-day in a Southern State, in my judgment, is an enterprise now being inaugurated which will do more to bind together in common interest the people not only North and South in this Union, but the people of the northern and southern continents of this hemisphere, than anything else which has been inaugurated in this entire century.

The governor of Dakota says that a railroad running north and south by some magic and mysterious process does not convey human beings in common sympathy from one section to another; that only in railroads running from east to west is there any sympathetic or social connection. Where is the authority for this statement? Where is the proof of it? It does not exist. It is the dream simply of a politician, who seeks to bring about his own results.

The Senator from Indiana speaks of the area of this Territory, and says that it should be divided on account of the large number of square miles in the entire Territory, there being in the new State as proposed 77,000, against 149,000 square miles in the Territory. I want to call the attention of the Senate to the fact that California and Texas have both a larger area than this Territory united. I want to call the attention of the Senate to the fact that Colorado was admitted into the Union in 1876 with 103,925 square miles of territory. According to the census report Colorado has made a phenomenal advance in population, in resources, in civilization. The census report for 1880 puts Colorado at the head of the new States and Territories of the Union. Colorado was admitted, I grant, with 40,000 square miles less than the Territory of Dakota, but with the enormous amount still of 103,000 in 1876. It has the same sort of soil, the same sort of population, with this proposed State and with the Territory of Dakota as it now exists. Colorado to-day has only one Representative in the lower branch of the Congress of the United States. Her ratio of population has not increased so as to give her more than the original Representative that she had at the time she was admitted into the Union.

Take another Territory or State, that of Nevada. Nevada has now 116,700 square miles of Territory. Nevada was admitted before Colorado. Nevada to-day has about 60,000 inhabitants, a decrease in the number of inhabitants, with one Representative, of course, in the lower branch of Congress.

Here are two States that were located as Territories, with about the same surroundings, soil, climate, and beginning as this proposed State

of Dakota, and to-day one of these has but one Representative still in the lower House of Congress, and the other falls below the ratio nearly one hundred thousand. Now, Mr. President, what assurance have we that this new State is to go on in its phenomenal progress, as it has been termed on this floor and in the petitions of its citizens? What assurance have we that it will prove an exception to the same geographical and climatic influences which have brought about the results I have named in several States of the West?

To listen to my friend from Indiana one would imagine that the Territory of Dakota, and especially the southern portion of it, rivaled the fabled dreams of poesy in all that makes a state delightful as a residence or great in power and in wealth. Why, sir, it is the ordinary and average State that we find at the base of the Rocky Mountains and upon the great cattle plains of the West. It is simply this and nothing more. The southwestern portion of the Territory comprises the mining region of the Black Hills. It can never become thickly populated in the very nature of geographical logic. It is impossible that it should be so.

Where is the immense population to come from that the Senator from Indiana thinks in a very few years will cover all the cattle plains and all the wheat regions of Dakota? Dakota is even phenomenal in the fact that larger tracts of land are owned there than in any other of the Territories of the Union. The immense wheat farms, like the Dalrymple farm, which many Senators here visited, are found all over the Red River region of the North, and immense cattle ranches are found all over the southern portion of Dakota. It can never become the region of small farms and dense population like the States of the Atlantic seaboard or even the Western States upon the edge of the Mississippi. It has not the soil, it has not the climate, it has not the production, it will never have the population. Yet we are told to-day that Dakota should be divided, and the northern portion of it constructed into a Territory, which in a very few years will apply, like the southern portion does to-day, for admission into the Union.

There is no necessity for any such division. Even if the unanimity of sentiment exists in the Territory which has been spoken of here, that would be no warrant for us to divide the Territory under the circumstances presented to the Senate.

The Senator from Indiana has made an argument in regard to population based upon the increase of vote as shown by the recent election for Delegate in that Territory, showing an increase of some 56,000 or 58,000, and the Senator says that the ratio to be admitted in the calculation of population ought to be a family of four in population to each vote cast. The ratio adopted in all the States of the Union in the calculation of population is 5 to 1, but I submit with all deference to the Senator from Indiana that this rule should not and can not obtain in a calculation as to population in a Territory like Dakota. The census states (and it required no statement from even as high a source as that to make good what every Senator knows upon this floor to be true) that in the Western States and Territories there is a large excess of males over females. The immigration that goes there is in the main constituted of young adventurers, miners, cattle-men, and speculators. It is not men of families. This is mainly shown by the fact that while the proportion of females by the census of 1880 in the whole United States is 96,544 women to each 100,000 men, in the Territory of Dakota there are but 64,257 females to 100,000 men. In other words, there is in that Territory a difference of 30 per cent. between the males and females. I state what no one knows better than my friend from Indiana, for he has personally visited the West and knows as well I can what I state to be true, that the ratio of 4 to 1 is not a just ratio.

Mr. HARRISON. The vote in Dakota in 1880 shows a ratio of 4.82.

Mr. VEST. Yes, I understand, Mr. President, it shows that ratio because the immigration then going into that Territory was upon the lines of railroads and to the cities; but the immigration now is to the cattle ranches; the immigration now is to the interior portion of the country. The paper that I caused to be read from the desk to-day speaks of the large immigration to Middle Dakota. One hundred thousand people, according to the statement made before our committee and placed to-day before the Senate, have gone—not to Fargo, not to the towns and cities, but they have moved on to the cattle ranches of the interior portions of Dakota, and they are not people with families; they are young men. There was a time when the ocean invited the enterprise and the energy and the adventure of the young men of the United States; but now enterprise and adventure have gone to the plains of the West, and the adventurers are not men with families. The want of luxuries, the want of comforts, prevents females from seeking homes there as a rule, but men of adventure, in order to accumulate wealth rapidly, engage in the avocations and submit to the privations that are peculiar to that region.

But, Mr. President, one would imagine from the remarks of the Senator from Indiana yesterday that I had mainly opposed this measure in committee and that I had been one of the chief opponents to the passage of this bill in the Senate. The Senator delivered panegyrics eloquent, incisive, rhetorical, upon the blessings of American citizenship, and was pleased to say that in my lighter moods I had indulged in some facetiousness at the idea of admitting the people of the southern portion of Dakota to citizenship, and that he knew that my better nature would repudiate any such outrage.

Mr. President, if this boon of American citizenship is so valuable, if the people of this country are practically being disfranchised, if it is necessary for their happiness, their comfort, their respectability, that they should be citizens of the United States, why is it that for four long years with absolute political control of this body the Senator from Indiana and his colleagues have been unable to pass this bill, or even a bill which submitted to the people of that Territory the question whether they should separate or not? Why is it that since 1871, with delegation after delegation, with argument after argument, with all sorts of appeals coming from the oppressed people of Dakota, they have been refused any sort of relief in the direction indicated now by the Senator from Indiana? Mr. President, the objections to the admission of Dakota as a State have come from the Republican side of the Senate. The objections here made would have been impotent without the assistance we derived from the Republican side of the Chamber. The Senator from Indiana has not been properly giving the reasons why this State has not been admitted. The Republicans are in the absolute control of this Senate, and for a large portion of the time of the popular branch of Congress, and of the executive department, and let them answer why this great wrong has been committed on the suffering and oppressed people of this Territory. I repeat, the objections have come from the Republican side of this Chamber.

The Senator drew the picture of 300,000 American people practically disfranchised, and appealed to me to know why in my better moments I do not agree to the bill of the committee. Sir, it was stated by a Republican Senator that when these people learned the first lesson of common honesty and paid their just obligations they could then be admitted into the sisterhood of States, and not before. The opposition came from a Senator on that side of the Chamber, who declared that until these people paid their honest debts, until they learned the first principles of American citizenship and practically showed their respect for them, they could not be admitted into the American Union. A people whom the Senator represents to be practically disfranchised and who are panting to come into the Union for the glorious privileges of American citizenship even "as the hart panteth after the water brooks," these same American citizens repudiated a decision of the Supreme Court of the United States, trampled it under foot, and by legislative enactments of their own Territory sought to render it nugatory and void. Let any Senator look at the record, and he will find it put down *in extenso* and in detail in the minority report of the Committee on Territories.

Under senatorial coercion these people, who have so much regard for American citizenship—these gentlemen who can not live in the air of a Territory any longer, but must be clothed and dignified with the high attributes which the Constitution and laws give to every human being within the dominion of our States—these gentlemen in their Territorial Legislature did all that could be done to strike down a decision of the Supreme Court of the United States and to evade their honorable and just obligations, and it was not until they discovered that the only way to secure recognition at the hands of the Senate was by the payment of their bonds that they ever came to the conclusion that the debt should be discharged. It has not been any opposition on this side of the Chamber that has kept Dakota out of the Union. We were unable of ourselves to have done it without the assistance that was derived from the motive that I have stated.

Now, Mr. President, having said this much, I shall leave this question to the Senate with the single remark that I will never vote for any bill which attemps to divide this Territory upon the arguments and for the reasons which have hitherto been presented.

Mr. HARRISON. Mr. President——

Mr. MORRILL. I presume at this hour the Senator from Indiana will give way to a motion to proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Indiana yield to that motion?

Mr. HARRISON. I am entirely ready to go on now, but I have no disposition to press my own wishes against those of the Senate.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and nine minutes spent in executive session the doors were reopened.

RECIPROCITY CONVENTION WITH SPAIN.

In executive session the convention for commercial reciprocity between the United States and Spain, providing for an intimate and favored exchange of products with the islands of Cuba and Porto Rico, signed at Madrid November 18, 1884, was read the first time.

On motion of Mr. MILLER, of California, it was

Ordered, That the injunction of secrecy be removed from the text of the said convention, and that it be referred to the Committee on Foreign Relations, and, together with the message, be printed for the use of the Senate.

On motion of Mr. ALLISON, it was

Ordered, That the said convention be printed in the CONGRESSIONAL RECORD.

Mr. MILLER, of California, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 2,000 extra copies of said convention be printed for the use of the Senate.

Mr. MANDERSON, from the Committee on Printing, reported the resolution without amendment, and it was considered by unanimous consent and agreed to.

On motion of Mr. MORRILL (at 4 o'clock and 37 minutes p. m.) the Senate adjourned.

RECIPROCITY CONVENTION WITH SPAIN.

The President yesterday sent the following message to the Senate, which was read in executive session, and the injunction of secrecy was removed therefrom so far as to permit its publication, with the Convention, in the RECORD:

To the Senate of the United States:

I transmit herewith, for consideration by the Senate, with a view to advising and consenting to its ratification, a convention for commercial reciprocity between the United States and Spain, providing for an intimate and favored exchange of products with the islands of Cuba and Porto Rico, which convention was signed at Madrid on the 18th ultimo.

The negotiations for this convention have been in progress since April last, in pursuance of the understanding reached by the two governments on the 2d of January, 1884, for the improvement of commercial relations between the United States and the Spanish Antilles, by the eighth article of which both governments engaged "to begin at once negotiations for a complete treaty of commerce and navigation between the United States of America and the said provinces of Cuba and Porto Rico." Although this clause was by common consent omitted from the substitutionary agreement of February 13, 1884 (now in force until replaced by this convention being carried into effect), the obligation to enter upon such a negotiation was deemed to continue. With the best desire manifest on both sides to reach a common accord, the negotiation has been necessarily protracted owing to the complexity of the details to be incorporated in order that the convention might respond to the national policy of intercourse with the neighboring communities of the American system, which is outlined in my late annual message to the Congress, in the following words:

The conditions of these treaties should be the free admission of such merchandise as this country does not produce, in return for the admission free or under a favored scheme of duties, of our own products—the benefits of such exchange to apply only to goods carried under the flag of the parties to the contract; the removal, on both sides, from the vessels so privileged of all tonnage dues and national imposts, so that those vessels may ply unhindered between our ports and those of the other contracting parties, though without infringing on the reserved home coasting trade; the removal or reduction of burdens on the exported products of those countries coming within the benefits of the treaties, and the avoidance of the technical restrictions and penalties by which our intercourse with those countries is at present hampered.

A perusal of the convention now submitted will suffice to show how fully it carries out the policy of intercourse thus announced. I commend it to you, in the confident expectation that it will receive your sanction.

It does not seem necessary to my present purpose to enter into detailed consideration of the many immediate and prospective advantages which will flow from this convention to our productions and our shipping interests.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, December 10, 1884.

The United States of America and His Majesty the King of Spain, equally animated by the desire to strengthen and perpetuate the bonds of good friendship which happily exist between those States and the Spanish nation, and recognizing particularly that by reason of the Islands and Spanish Provinces of Cuba and Porto Rico being near the shores of the United States frequent and important commercial relations exist between their territories to the benefit of their inhabitants, and both powers equally believing that the community and harmony of their interests counsel that these relations should be stimulated and favored for the greater development and encouragement of commerce and prosperity both in those islands and provinces and in the United States, have decided to celebrate a treaty of commerce to that special end. For this purpose the President of the United States of America has conferred full powers on John W. Foster, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to his Catholic Majesty, and His Majesty the King of Spain has conferred full powers on His Excellency Don Salvador de Albacete y Albert, ex-Colonial Secretary and Senator of the Kingdom.

And said Plenipotentiaries, after having exchanged their respective full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

The United States of America, in reciprocity for the concessions and privileges stipulated by Spain in the present treaty, and as an equivalent therefor, agree to admit into all the established ports of said States, free of import duties, or with the duties fixed in the annexed Schedule letter A, all the articles or merchandise enumerated in said Schedule, provided that the articles or merchandise named in the said Schedule A be the natural product and industry or manufacture of the Islands and Spanish Provinces of Cuba and of Porto Rico, and provided further that the said articles or merchandise be carried directly from the said Islands to the United States in vessels owned exclusively by citizens of the United States or by Spanish citizens, and whose officers are also citizens respectively of said States or of Spain.

If during the existence of this treaty any reduction shall be made in the Customs Tariff of the United States on any article or articles named in Schedule A on which duties are fixed, the duties of said Schedule A shall be proportionally reduced on the aforesaid articles.

ARTICLE II.

Spain, in reciprocity for the concessions and privileges stipulated by the United States of America in the present Treaty, and as an equivalent therefor, agrees to admit into all the established ports of the Islands and Spanish Provinces of Cuba and of Porto Rico free of import duties, or with the duties fixed in the annexed Schedules letters B and C respectively, all the articles or merchandise enumerated in said Schedules, provided that the articles or merchandise enumerated in Schedules B and C be the natural product and industry or manufacture of the United States, and provided further that said articles or merchandise be carried directly from the United States to the aforesaid Islands in vessels owned exclusively by Spanish citizens or citizens of the United States, and whose officers are also respectively Spanish citizens or citizens of the United States.

If during the existence of this Treaty any reduction shall be made in the third column of the Customs Tariffs of Cuba or of Porto Rico, or in the column in force, in case said third column shall be substituted by another, on any article or articles named in Schedules B and C, on which duties are fixed, the duties of said Schedules B and C shall be proportionally reduced on the aforesaid articles.

The articles of merchandise which are the natural product and industry or manufacture of the United States, not embraced in the said Schedules B and C, shall pay on their importation into the Islands and Spanish Provinces of Cuba and of Porto Rico the duties fixed in the third column of the respective Customs Tariff at present in force, or the duties fixed in the column of the Customs Tariff which may be in force during the existence of this Treaty, without differential flag duty.

ARTICLE III.

The goods or merchandise which may be carried directly from the established ports of the United States, and which are not the natural product, industry or manufacture of the said United States, shall pay, on their importation through the established ports of the Islands of Cuba and of Porto Rico, no other duties than those which may be imposed and collected on similar or equivalent goods or merchandise, also carried directly in Spanish vessels from the first named ports which are not the natural product of the United States.

Reciprocally, the goods or merchandise which may be carried directly from the established ports of the Islands of Cuba and of Porto Rico in Spanish vessels, and which are not the natural product, industry or manufacture of the said Islands, shall pay, on their importation through the established ports of the United States, no other duties than those which may be imposed and collected on similar or equivalent goods or merchandise, also carried directly in vessels of the said United States, which are not the natural product of the aforementioned Islands.

ARTICLE IV.

The two High Contracting Parties respectively reserve the right to adopt the laws, ordinances and regulations which they may deem proper to protect their revenues and prevent fraud in the declarations and proof that the articles or merchandise enumerated in Schedules A, B and C annexed to this Treaty are the natural product, industry or manufacture of the United States, and the natural product, industry or manufacture of the Islands of Cuba and of Porto Rico, as the case may be, and are therefore entitled to the special privileges stipulated in the present Treaty and in the said Schedules.

The Government of each one of the contracting parties shall moreover have the right to amend, modify or amplify the laws, ordinances and regulations issued in the exercise of the power reserved to it by virtue of this article.

The said High Contracting Parties, however, mutually agree that the conductors or carriers of the merchandise which may not be of the origin required to enjoy the benefits of the Treaty, or with whose importation the attempt is made to violate the rules or measures established in virtue of this article to prevent fraud, shall not incur responsibility, fine, or imprisonment, unless the complicity of the said carriers in the attempt to commit it is proved. Vessels are also exempt from responsibility and fine if complicity on the part of the captains or owners of the vessels in the commission of the fraud is not proved.

ARTICLE V.

No export duty or charge new or superior to those established by the Tariffs at present in force shall be imposed in the Islands and Spanish Provinces of Cuba and of Porto Rico.

Any reduction which may be made in said Tariffs in the export duties shall be immediately applied to the merchandise mentioned in Schedule A.

Neither shall there be imposed in the United States any export duty or charge on the articles or merchandise mentioned in Schedules B and C.

ARTICLE VI.

None of the articles or merchandise enumerated in Schedules A, B and C nor any of the other articles the product of and proceeding from the United States or from the Islands and Spanish Provinces of Cuba and of Porto Rico, which may be imported into said Islands or States respectively, shall be subject to consumption duties or internal taxes of any kind, greater than those which are or may be imposed on equal or similar articles or merchandise of natural production of each one of the two contracting parties.

ARTICLE VII.

The manufacturers and merchants, as also the commercial travellers, of the Islands of Cuba and Porto Rico who may visit the United States on account of a house of said Spanish provinces; and reciprocally the manufacturers and merchants, as also the commercial travellers of the United States who may visit the Islands of Cuba and of Porto Rico on account of a house of the said States, may make, without being subject either in the United States or in the Islands of Cuba and Porto Rico to any duty, the purchases which their industry requires and receive orders of purchase, with or without samples, but without transporting merchandise.

ARTICLE VIII.

The articles upon which an import duty is paid which are used as samples, and may be brought into the Islands of Cuba and of Porto Rico by manufacturers, merchants or commercial travellers of the United States, and into the United States by manufacturers, merchants or commercial travellers of the Islands of Cuba and of Porto Rico, shall be admitted by each one of the contracting parties with temporary freedom of duties, under the customs formalities necessary to guarantee the re-exportation of the said articles or their return to the customs wharehouses. These formalities shall be established in common accord by the two governments.

ARTICLE IX.

For reasons of public order and safety, the two contracting parties respectively reserve the right to establish rules and ordinances, in virtue of which both in the United States and in the islands of Cuba and Porto Rico, the importation and exportation, as the case may be, of gunpowder, dynamite or other explosive matters, and of arms and munitions of war, may be subject to special authorization or inspection, for the purpose of preventing the illicit transportation or use of the same.

ARTICLE X.

Vessels of the United States which proceeding directly from any port or ports of the same with cargo whether wholly of articles or merchandise the natural product, industry or manufacture of said States, or in part of foreign origin, embarked or transhipped in said port or ports of the United States, or which may go in ballast, on entering into a port or ports of the island of Cuba or of Porto Rico shall be exempt from all tonnage dues of whatever kind; and as to light-house dues, expenses of pilotage, hospital, port and other customary local dues, they shall pay no other or higher dues than those exacted from Spanish vessels engaged in the trade between the said States and islands.

ARTICLE XI.

Reciprocally, Spanish vessels which proceeding directly from any port or ports of the island of Cuba or of Porto Rico with cargo, whether wholly of articles or merchandise the natural product, industry or manufacture of the said islands, or in part of foreign origin embarked or transhipped in said port or ports of the island of Cuba or of Porto Rico, or which may go in ballast, or entering into a port or ports of the United States shall be exempt from all tonnage dues of whatever kind; and as to light-house dues, expenses of pilotage, hospital, port and other customary local dues, they shall pay no other or higher dues than those exacted from vessels of the United States engaged in the trade of said islands and States.

ARTICLE XII.

Vessels which may have their cargo and port of departure under the conditions stated in the two preceding articles shall be free to go from one port to another in the country or island of their destination, unloading or discharging the cargo which they carry consigned in due form to such several ports, on the same terms as vessels engaged in the coasting trade of the nation to which the ports belong, provided they pay the duties of the customs tariff or of the schedule corresponding to the importation of the cargo, in accordance with the present treaty.

ARTICLE XIII.

Vessels which may come within the conditions expressed in Articles X, XI and XII, shall not have the right, whether vessels of the United States or Spanish vessels, to take on board or embark in any port of the nation of its destination any kind of cargo to be conveyed to another port of the same nation in the aforesaid States and islands; as the local coasting trade is exclusively reserved for the flag of each one of the two high contracting parties in their respective territories.

ARTICLE XIV.

Vessels of the United States with or without cargo, proceeding from foreign ports and entering into those of the Islands of Cuba and of Porto Rico, and Spanish vessels with or without cargo proceeding from foreign ports and entering into those of the United States, whatever may be the place of origin or the destination of their cargo, shall enjoy under all circumstances on their entry, during their stay and on their departure, the same treatment as national vessels and their cargo proceeding from the same countries and with similar cargo.

ARTICLE XV.

Vessels of the United States or Spanish vessels which enter into the ports of the Islands of Cuba and Porto Rico, or into the ports of the said States, as the case may be, voluntarily or in distress, with or without cargo, and depart from the said ports without having transacted any commercial operation, shall be exempt from all tonnage, navigation, port and customs clearance dues or charges.

In the case of forced arrival in distress the discharge as well as the reloading or transshipment occasioned thereby, the necessary expense for provisioning the crew, and the sale of the damaged merchandise, shall not be considered commercial operations, provided that the competent customs officials have previously and in legal form authorized them.

ARTICLE XVI.

The consular officers of the United States and those of Spain shall not exact or receive, while this treaty remains in force, any of the fees enumerated in the tariff of consular fees of the United States or of Spain as compensation for official services which may be rendered to the vessel of the United States or of Spain engaged in the trade between the said United States and the Islands of Cuba and of Porto Rico, or respecting the cargoes conveyed by said vessels.

The two powers respectively reserve the right to recompense the service rendered to the shipping, commerce and trade mentioned in this article by the consular officers, adopting for the same the measures which they may deem proper, but without any charge on the said shipping and commerce, or the cargoes.

ARTICLE XVII.

The two high contracting parties mutually stipulate by the present treaty that the fines and pecuniary penalties which may be imposed, and the product of the forfeitures which may result from violations of the laws and of the customs ordinances of the United States and of the Islands of Cuba and of Porto Rico, when the fines, penalties and forfeitures proceed from violations of said laws and ordinances committed in the commerce of importation or exportation of said States and Islands, shall be paid in full into the public treasury of said States and Islands and shall remain absolutely under the control of the respective governments, without being received directly and with any preferred or any other kind of right by any informer or by any other individual.

The laws and regulations of each one of the two contracting parties shall establish the manner of recompensing individually the services rendered by public officials in the prosecution of fraud.

ARTICLE XVIII.

The two high contracting parties mutually agree that no fines or penalties shall be imposed either in the custom-houses of the United States or in those of the Islands of Cuba and of Porto Rico on the vessels of Spain or of the United States or on the captains thereof, engaged in the commerce of importation or exportation between said States and Islands, on account of errors or omissions in the manifests of any part of the cargo of said vessels, if it shall appear that said manifests agree with the bills of lading of said cargo, unless it is proved that there has been complicity on the part of the captains or owners of the vessels in the attempt to defraud the Treasury by said omissions or errors.

ARTICLE XIX.

Vessels of the United States and Spanish vessels whenever referred to in this treaty shall be understood to be vessels *bona fide* owned exclusively by citizens of the United States, or by Spanish citizens, and it shall also be understood that their captains and officers or pilots are also citizens of the United States and of Spain respectively, and no excuse or pretext whatever shall be admitted for failing to comply with these conditions for the benefit of other vessels or other ship-owners.

ARTICLE XX.

The citizens of the United States in the Islands of Cuba and of Porto Rico, and reciprocally Spanish citizens in said States, shall enjoy for their professions, industries and business of whatever character it may be, whether individually or in the quality of associates or in a cooperative capacity, the same rights and privileges which the citizens of the territory of their residence enjoy, under the conditions, however, of their being subject to the laws of the country in which they reside.

They shall also have free and easy access to the tribunals of justice to maintain their suits and defend their rights and claims; and the high contracting parties ratify by the present treaty the principles and provisions set forth in the Protocol signed at Madrid on the 12th of January, 1877, it being understood that it shall be applied in all its effects to cases in which the accused are not more favored in respect to their defence and rights by the law for the application of the penal code in the Island of Cuba promulgated on the 23d of May, 1879, and that it shall be applied in the same manner provided that they are submitted to the military jurisdiction in virtue of the stipulation of said Protocol herein ratified.

ARTICLE XXI.

The citizens of the United States resident or temporarily residing in the Islands of Cuba and of Porto Rico, and reciprocally Spanish citizens resident or temporarily residing in the United States shall not be subject to other or greater taxes than those which may be exacted of the citizens of the nation to which the territory of their residence belongs. They shall be exempt from all personal service in the army, in the navy and in the national militia and exempt from all war tax, forced loans, charges and military contributions of whatever kind and their vessels, cargoes, merchandise or other property shall not be detained for any public use whatever, without previous indemnification fixed upon a just and equitable basis by experts designated by the parties and an umpire. They shall also reciprocally enjoy in said territories the privileges, immunities and favors of whatever kind granted or which may be granted to the citizens of a third power.

ARTICLE XXII.

Each one of the high contracting parties reserves exclusively for its nationality the right of fishing in their respective territorial waters; but fish procured by the vessels of one or the other power on the high sea or within the jurisdiction of a third power shall be held to be the product of the nation to which the vessel belongs.

ARTICLE XXIII.

Each one of the two high contracting parties binds itself to make extensive to the other in the United States and in the Spanish provinces of Cuba and of Porto Rico, reciprocally, all favors and concessions in regard to customs tariffs, commerce, navigation, property and persons, which either one of them may have conceded or may concede to a third power; it being understood that the favors and concessions granted to said third power shall be enjoyed gratuitously, if the concession shall have been gratuitous, or said other contracting party giving the same or other equivalent compensation if the concession be conditional.

ARTICLE XXIV.

The stipulations contained in this treaty shall not prevent either of the high contracting parties from making such changes in their customs tariffs and navigation dues as they may see proper, nor limit the liberty of action of either of the contracting parties to treat and agree with other powers as it may deem its interests require, in order to extend to the said powers by means of treaties, protocols or other international compacts, freedom of duties, reductions and favors equal or similar to those stipulated in the present treaty, under the same or similar conditions.

ARTICLE XXV.

The two high contracting parties agree that the doubts which may arise on the interpretation or execution of this treaty, or the claims which may be made in consequence of any violation of the same, shall be submitted, when the means to adjust them directly by friendly accord may have failed, to the arbitration of a single arbitrator who shall be a citizen of one or the other of the two nations chosen by common consent by the respective governments, or, in case of disagreement, a citizen of a third power selected by common accord by the said governments, and on failure of this accord, the nomination of the arbitrator shall be entrusted to the President of the Swiss Confederation.

Both contracting parties bind themselves to furnish to said arbitrator all the antecedents, data and evidence which may be pertinent to the facts and to the law of the case submitted to arbitration. The decision which is given by the arbitrator shall be binding and conclusive, and shall be complied with without evasion or delay. The expenses occasioned by the arbitration shall be paid conjointly in equal moities by the contracting parties.

ARTICLE XXVI.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Spain, in accordance with the law which authorizes its government to celebrate it, and it shall go into effect thirty days after having been officially published by the two governments by mutual agreement on the same day.

The publication shall not be made, however, until after the Congress of the United States shall have passed the laws necessary to carry it into effect and both governments shall have adopted regulations accordingly, which shall take place within six months from the date of signature.

ARTICLE XXVII.

The duration of the present treaty shall be for seven years, from the date on which it is put into force by both contracting parties in accordance with the preceding article, and shall remain in force so long as neither of the said contracting parties shall definitely, one year in advance, inform the other of its intention and decision to consider it at an end—at the expiration of the term of twelve months from the date when it may make known its resolution.

Each one of the contracting parties shall have the right, at the expiration of seven years, or at any time thereafter, to notify the other of the resolution to which the preceding paragraph refers.

ARTICLE XXVIII.

The ratifications of the present treaty shall be exchanged at Madrid as soon as possible after the approbation to which the preceding article refers.

In faith whereof the respective Plenipotentiaries have signed the present treaty, and have affixed thereto their respective seals.

Done in duplicate at Madrid the eighteenth of November, one thousand eight hundred and eighty-four.

JOHN W. FOSTER. [SEAL.] [SEAL.]
SALVADOR DE ALBACETE. [SEAL.] [SEAL.]

SCHEDULE A.

List of articles produced and manufactured in the provinces of Cuba and Porto Rico which shall be admitted into the United States under the conditions stated in the following schedule A:

SCHEDULE A.

Articles.	Unit.	Dollars. Cents.
1. Horses, only to improve the breed and all other animals, live, including land and water fowls.		Free.
2. Cocoa, crude, prepared, or manufactured, and fiber, leaves and shells of cocoa.		Free.
3. Coffee		Free.
4. Fish and shell fish, live, fresh, dried, salted, in brine, smoked and pickled.		Free.
5. Fruits, fresh, dried, and preserved, including almonds, walnuts, and filberts.		Free.
6. Cotton, hemp, flax, and all other vegetable fibers, raw.		Free.
7. Hides and skins, undressed, except sheep skins with the wool on.		Free.
8. Indigo		Free.
9. Dye woods and all other vegetable products used in dyeing and tanning.		Free.
10. Mineral and mineral ores, unrefined		Free.
11. Palm and cocoa-nut oil		Free.
12. All sugars not above No. 16 Dutch Standard in color, according to the tests now in force in the custom houses of the United States.		Free.
13. Tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses.		Free.
14. Cigars, cigarettes and cheroots of all kinds, one dollar and twenty-five cents per pound and twelve and one-half per centum ad valorem; but paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein fixed for cigars.		
15. Leaf-tobacco, of which eighty-five per cent. is of the requisite size and of the necessary fineness of texture to be suitable for wrappers, and of which more than one hundred leaves are required to weigh a pound, if not stemmed, thirty-seven and one-half cents per pound; if stemmed, fifty cents per pound.		
16. All other tobacco in leaf, unmanufactured, and not stemmed seventeen and one-half cents per pound.		
17. Tobacco stems, seven and one-half cents per pound.		
18. Tobacco, manufactured, of all description, and stemmed tobacco, not specially enumerated or provided for in this schedule, twenty cents per pound.		
19. Snuff and snuff flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented or otherwise, of all descriptions, twenty-five cents per pound.		
20. Tobacco, unmanufactured, not otherwise specially enumerated or provided for in this schedule, fifteen per centum ad valorem.		
21. Garden products and vegetables, fresh and dried, including potatoes.		Free.
22. Woods of all kinds, in logs or pieces, beams, rafters, boards, planks, round masts and flooring though cut, planed and tongued and grooved.		Free.
23. Iron, cast in pigs and all useless articles of iron and steel.		Free.
24. Eggs		Free.
25. Honey		Free.
26. Beeswax		Free.
27. Tallow		Free.
28. Sponges		Free.
29. Bones, horns, hiderope, tortoise shells, and animal remains unmanufactured.		Free.
30. Guano, manures and all substances expressly used for manure.		Free.
31. Rushes, esparto, vegetable hair, soft rushes, willow, fine straw, palm and other similar materials, unmanufactured.		Free.
32. Gold and silver coin		Free.

JOHN W. FOSTER. [SEAL.]
SALVADOR DE ALBACETE. [SEAL.]

SCHEDULE B.

List of articles produced and manufactured in the United States which shall be admitted into the Spanish Provinces of the Island of Cuba under the conditions stated in the following schedule:

Articles.	Unit.	Pesos. Cents.
CLASS A.—STONES, EARTHY MATTERS, MINERALS, GLASSWARE AND POTTERY PRODUCTS.		
First Group.—Stones, earthy matters and minerals.		
1. Marble, jasper and alabaster in rough or in pieces dressed, squared and prepared for taking shape.		Free.
2. Same, of all classes, cut into flags, slabs or steps of every size, polished or not.	100 kilograms	0.50
3. Same, worked or carved into all kinds of objects, polished or not.	100 kilogs	1.50
4. Other stones or earthy matters employed in building, arts and manufactures.		Free.
5. Minerals or mineral ores		Free.
6. Mineral waters		Free.
7. Ice		Free.
8. Coal, mineral and vegetable		Free.
Second Group.—Schists, bitumen and their products.		
9. Asphalt, schist, bituminous matter, pitch, tar and resin.		Free.
10. Petroleum, raw or crude		Free.
11. Same, refined and benzine	100 kilogs	1.00
Third Group.—Crystal and Glassware.		
12. Glassware, hollow, common or ordinary	100 kilogs	1.50
13. Crystal, hollow, and the glassware which imitates it.	100 kilogs	4.00
14. Plate and window glass	100 kilogs	2.50
15. Glass and crystal quicksilvered, silvered, platinized and crystals for spectacles and watches.	100 kilogs	10.00
Fourth Group.—Clay worked, earthenware and porcelain.		
16. Clay in tiles, brick and roof tiles unglazed for the construction of buildings, ovens &c.		Free.
17. Clay in tiles, large and small and mosaic for pavements, colored tiles, roof tiles glazed and pipes.	100 kilogs	0.60
18. Stoneware and fine earthenware	100 kilogs	2.50
19. Porcelain	100 kilogs	4.50
CLASS B.—METALS AND ALL MANUFACTURES IN WHICH METAL ENTERS AS A PRINCIPAL ELEMENT.		
First Group.—Gold and Silver.		
20. Gold and silver coin		Free.
Second Group.—Iron and Steel.		
21. Iron cast in pigs, and all useless articles of iron and steel.		Free.
22. Iron cast in pipes and ordinary manufactures.		Free.
23. Same, in fine manufactures or those polished, with coating of porcelain or part of other metals.		Free,
24. Iron forged or wrought and steel in bars of all kinds, plates, axles, tires, springs, and wheels for carriages, rivets, and their washers and anchors and chains for vessels.		Free.
25. Same, in wire, nails, screws, nuts and pipes.		Free.
26. Same, in ordinary manufactures and wire cloth unmanufactured.		Free.
27. Same, in fine manufactures or those polished, with coating of porcelain or part of other metals, not expressly comprised in other numbers of this schedule and platform scales for weighing.	100 kilogs	5.00
28. Tin plate in sheets	100 kilogs	2.00
29. Same, manufactured	100 kilogs	5.00
30. Needles, pens, pieces for watches and other similar articles of iron and steel.	Kilogram	0.50
31. Knives, table and carving, razors, penknives and scissors for sewing.	Kilogram	0.15
Third group.—Copper, nickel and their alloys.		
32. Copper, bronze, brass and nickel, in lump, bars, ingots and useless objects.	100 kilogs	2.00
33. Same metals in plates, nails, pipes, wire and wire cloth unmanufactured.	100 kilogs	5.00
34. Same, manufactured and all alloys of common metals in which copper or nickel enters, in articles varnished or not.	100 kilogs	13.00
35. Same, manufactured in gilt or silvered articles.	100 kilogs	35.00
Fourth Group.—Other common metals.		
36. All other common metals and alloys of the same, in lump, bars, ingots, and useless objects.	100 kilogs	1.50

SCHEDULE B—Continued.

Articles.	Unit.	Pesos. Cents.
37. Same, in plates, sheets, wire, nails and pipes.	100 kilogs	2.50
38. Same, manufactured in articles varnished or not.	100 kilogs	5.00
39. Same, manufactured in gilt, silvered or nickeled articles.	100 kilogs	15.00
CLASS C.—SUBSTANCES EMPLOYED IN CHEMICAL INDUSTRIES.		
First Group.—Simple drugs.		
40. Cotton and other oleaginous seeds and the products of the same, except oils.		Free.
41. Tanbark		Free.
Second Group.—Colors, inks, and varnishes.		
42. Colors prepared, inks of all kinds and shoe-blacking.	100 kilogs	1.25
43. Varnishes	100 kilogs	4.00
Third Group.—Chemical products.		
44. Salt, common (chloride of sodium)	100 kilogs	0.60
Fourth Group.—Various.		
45. Soap, common	100 kilogs	2.50
46. Parrafine, stearine, wax and whale sperm, in mass or manufactured.	100 kilogs	5.00
47. Tallow, common, manufactured into candles.	100 kilogs	3.00
48. Tallow and all other animal greases unmanufactured, not embraced in other numbers of this schedule.		Free.
CLASS D.—COTTON AND ITS MANUFACTURES.		
First Group.—Cotton, raw.		
49. Cotton, raw, with or without seed		Free.
Second Group.—Spun.		
50. Cotton, spun and twisted from one to three threads, unbleached, bleached or dyed.	Kilogram	0.15
51. Same, twisted, of more than three threads	Kilogram	0.30
Third Group.—Textiles.		
52. Textiles closely woven, plain, twilled, and satin faced, unbleached, bleached, and dyed, in pieces, handkerchiefs and ribbons, up to ten threads inclusive (A and B).	Kilogram	0.09
53. Same, from eleven to sixteen threads (A and B).	Kilogram	0.12
54. Same, from seventeen to twenty two threads (A and B).	Kilogram	0.20
55. Same, from twenty three to twenty eight threads (A and B).	Kilogram	0.30
56. Same, of twenty nine threads and upwards (A and B).	Kilogram	0.40
(A) The number of threads cited in these various numbers of the schedule will be determined by the half of the total of threads contained in a length of six millimetres in the weft and the same length in the warp of the cloth, the counting to be done with the instrument called "thread counter."		
In worked textiles the number will be determined by counting in the plain part.		
(B) When these cloths embroidered by hand or machinery, may have a mixture of metal or are sewn or basted, they will pay according to numbers 162, 163 and 164 of this schedule.		
57. Textiles closely woven, plain, twilled or satin-faced, printed, in pieces, handkerchiefs and ribbons, up to ten threads, inclusive (A and B).	Kilogram	0.15
58. Same, from eleven to sixteen threads (A and B).	Kilogram	0.20
59. Same, from seventeen to twenty two threads (A and B).	Kilogram	0.35
60. Same, from twenty three to twenty eight threads (A and B).	Kilogram	0.50
61. Same, of twenty nine threads and upwards (A and B).	Kilogram	0.60
62. Textiles light or transparent, smooth or worked, up to twelve threads inclusive (A and B).	Kilogram	0.25
63. Same, from thirteen to seventeen threads (A and B).	Kilogram	0.30
64. Same, from eighteen to twenty three threads (A and B).	Kilogram	0.45
65. Same, of twenty four threads and upwards (A and B).	Kilogram	0.65
66. Quiltings, blankets, moletons and shaggy textiles (B).	Kilogram	0.15
67. Corduroys and velveteens (B)	Kilogram	0.45

SCHEDULE B—Continued.

Articles.	Unit.	Pesos. Cents.
68. Tulles, lace edgings and crochet (B)	Kilogram	0.75
69. Textiles, knitted (B)	Kilogram	0.45
CLASS E.—OTHER VEGETABLE FIBRES AND THEIR MANUFACTURES.		
First Group.—Raw.		
70. Hemp, flax, manila hemp, hennequin, jute and all other vegetable fibres, raw.		Free.
Second Group.—Cordage.		
71. Rope and cordage of all kinds	100 kilogs	3.00
Third Group.—Textiles.		
72. Textiles of said fibres, alone, mixed with each other or with cotton, unbleached, although they may have colored stripes, plain or twilled, smooth, up to five threads inclusive (A).	Kilogram	0.08
73. Same, plain, smooth in pieces, handkerchiefs and ribbons, up to ten threads inclusive (A and B).	Kilogram	0.12
74. Same, from eleven to fifteen threads (A and B).	Kilogram	0.20
75. Same, from sixteen to twenty threads (A and B).	Kilogram	0.49
76. Same, of twenty one threads and upwards (A and B).	Kilogram	0.75
77. Textiles twilled and satin faced, unbleached or dyed (B).	Kilogram	0.18
78. Textiles twilled and satin faced, bleached or printed (B).	Kilogram	0.30
79. Laces, edgings and textiles knitted (B)	Kilogram	0.75
80. Carpets	Kilogram	0.04
CLASS F.—WOOLS, BRISTLES, HAIR, HORSE-HAIR AND THEIR MANUFACTURES.		
First Group.—Raw and Spun.		
81. Wools, bristles, hair, horsehair and their refuse, raw.		Free.
82. Yarns of all classes	Kilogram	0.40
Second Group.—Textiles.		
83. Carpets of pure wool or mixed with other materials.	Kilogram	0.20
84. Feltings of pure wool or mixed with other materials (B).	Kilogram	0.08
85. Blankets, baizes and other similar articles of pure wool or mixed with other materials, with hair, on one or both sides, which may not have been cleansed (B).	Kilogram	0.10
86. Textiles of hosiery mixed or unmixed with vegetables fibres (B).	Kilogram	0.75
87. Cloths and all other textiles of the cloth line, of pure wool, flock wool, hair or mixed with these materials (B).	Kilogram	1.50
88. Same, when they may have all the warp or all the weft of vegetable fibres (B).	Kilogram	0.75
89. Other textiles of pure wool, flock wool, hair, or mixed with these materials, plain and smooth, in pieces, handkerchiefs and ribbons (B).	Kilogram	0.70
90. Same, when they may have all the warp or all the weft of vegetable fibres (B).	Kilogram	0.50
91. Same, of pure wool, flock wool, hair or mixed with these materials, twilled and satin faced, and the plain worked in loom, brocaded or flowered (B).	Kilogram	1.50
92. Same, when they may have all the warp or all the weft of vegetable fibres (B).	Kilogram	0.75
CLASS G.—PAPER AND ITS APPLICATIONS.		
First Group.—For printing and writing.		
93. Paper continuous for printing, white or colored.	100 kilogs	1.80
94. Paper for writing, lithographing and stamping, and carboard.	100 kilogs	4.00
95. Paper cut in sheets for letters and envelopes, hand made, for cigarettes, ruled and blank books.	100 kilogs	6.50
Second Group.—Paper, printed, engraved or photographed.		
96. Paper, printed or lithographed, in sheets, newspapers, pamphlets and books, bound or unbound, and music paper.		Free.
97. Engravings, drawings, photographs, maps, labels and playing cards.	Kilogram	0.25
Third Group.—Paper for decorating rooms.		
98. Paper for decorating rooms	100 kilogs	4.00
Fourth Group.—Paper, various.		
99. Paper, brown, ordinary for packing, sandpaper and paste-board in sheets.	100 kilogs	1.80

SCHEDULE B—Continued.

Articles.	Unit.	Pesos.	Cents.
CLASS H.—WOOD AND OTHER VEGETABLE MATERIALS EMPLOYED IN INDUSTRY AND THEIR MANUFACTURES.			
First Group.—Woods.			
100. Woods of all kinds, in logs or pieces, beams, rafters, boards, planks, round masts and flooring, although cut, planed, tongued and grooved.		Free.	
101. Staves and wooden hoops		Free.	
102. Cooperage and wooden boxes, mounted or unmounted, for packing.		Free.	
Second Group.—Furniture and art manufactures.			
103. Wood, ordinary, manufactured into doors, window frames and shutters, white or without paint or varnish.		Free.	
104. Wood, ordinary, manufactured into all kinds of articles, turned or unturned, painted or varnished, except doors, window frames and shutters in white.		Free.	
105. Wood, fine, manufactured into all kinds of articles, those of ordinary wood, carved or veneered with fine woods, those upholstered, except with silk, textiles or leather, and gilt lists or borders.	100 kilogs		10.00
106. Same, in the same articles gilt, those which may be inlaid, veneered or ornamented with metal, ivory, tortoise shell or mother of pearl and those upholstered with silk textiles or leather.	100 kilogs		20.00
Third Group.—Various.			
107. Rushes, esparto, vegetable hair, soft rush, willow, fine straw, palm and other similar materials manufactured into articles which are not specifically enumerated in the tariff of the Island of Cuba.	100 kilogs		3.00
CLASS I.—ANIMALS, SKINS AND OTHER ANIMAL PRODUCTS EMPLOYED IN INDUSTRY AND THEIR MANUFACTURES.			
First Group.—Animals.			
108. Asses		Free.	
109. Mules		Free.	
110. Horses, imported for breeding purposes		Free.	
111. Cattle		Free.	
112. Swine		Free.	
113. Sheep and goats		Free.	
Second group.—Leather and skins.			
114. Hides and skins undressed		Free.	
115. Leather and skins varnished or japaned and calf skins tanned or dressed.	Kilogram		0.20
116. Other leather and skins tanned or dressed, including sole leather and belting for machinery.	Kilogram		0.08
117. Boots and shoes wholly or partially made of leather or skins.	Kilogram		1.20
118. Trunks, valises, travelling bags and hat boxes.	Kilogram		0.15
119. Other articles of harness and saddlery	Kilogram		0.30
Third group.—Other animal products.			
120. Manures, natural or artificial		Free.	
CLASS J.—INSTRUMENTS, MACHINES AND APPARATUS.			
First Group.—Watches and clocks.			
121. Watches, gold	Each		1.00
122. Other watches	Each		0.25
123. Clocks with cases of stone, gilt or silvered metal, wood inlaid or ornamented with metal, ivory, tortoise shell or mother of pearl, and chronometers.	Each		1.00
124. All other clocks	Each		0.25
Second Group.—Machines and apparatus.			
125. Implements, utensils and tools for agricultural arts and trades.		Free.	
126. Machines and apparatus, agricultural, motive, industrial and scientific, of all classes and materials, and loose pieces for the same.		Free.	
127. Material and articles for public works, such as railroads, tramways, roads, canals for irrigation and navigation, use of waters, ports, light houses, and civil constructions of general utility, when preceded by authorization of the Government or if free admission is obtained in accordance with special laws.		Free.	
Third Group.—Carriages.			
128. Passenger carriages for railroads and tramways, when the importers may not have obtained free admission, either by authorization of the Government or in accordance with special laws.	100 kilogs		2.00

SCHEDULE B—Continued.

Articles.	Unit.	Pesos.	Cents.
129. Other vehicles for railroads or tramways and the pieces of wood, iron and steel for the same, when the importers may not have obtained free admission either by authorization of the government or in accordance with special laws.	100 kilogs		1.00
130. Wagons, carts and hand carts and the pieces of wood, iron and steel for the same.	100 kilogs		1.00
131. Carriages for ordinary roads of two or four wheels, without top or hood.	Each		25.00
132. Other carriages for ordinary roads	Each		35.00
Fourth Group.—Materials for naval construction.			
133. Materials of all classes for the construction, repair or refitting of vessels, subject to the following rules: 1. The importers have necessarily to be owners, fitters out or constructors of vessels, machines or boilers. 2. The duties on the materials or effects shall be paid in advance, but shall be returned at the request of those interested, when the use of the materials or effects in the said construction or repair, has been proved by the proper proceeding. 3. It is an indispensable condition that there shall be among the proofs a survey of the vessel or work done or repairs made, by experts designated by the Intendency of Finance and the Naval authorities, accompanied by a surveyor of the customs, in which is stated the importance of the work done, the class and amount of the materials imported, used in it, and those which may have remained. And 4. For the return of the duties conditionally paid, the weight or bulk of the materials and articles shall be appraised accordingly as they are noted in the tariff, by the weight or bulk which may be shown by the work done or completed; so that the part of the duty corresponding to the waste or loss which result from the construction or transformation of the material, may remain to the benefit of the Treasury.		Free.	
CLASS K.—ALIMENTARY SUBSTANCES.			
First Group.—Meats and fish.			
134. Land and water fowls		Free.	
135. Meats, fresh, in brine, salted and smoked, except jerked beef.		Free.	
136. Pork and hams		Free.	
137. Lard and Butter		Free.	
138. Fish and shell fish, live, fresh, dried, in brine, salted, smoked and pickled.		Free.	
Second Group.—Grain and its preparations.			
139. Wheat	100 kilogs		0.50
140. Rice, hulled or unhulled		Free.	
141. Other cereals		Free.	
142. Wheat flour—			
During the first year of the duration of the treaty	100 kilogs		2.50
During the second year	100 kilogs		2.22
During the third year	100 kilogs		1.94
From the beginning of the fourth year	100 kilogs		1.65
143. Flour of the other cereals, except rice		Free.	
144. Pastes for soup, rice flour, starch and alimentary farinas	100 kilogs		2.00
145. Bread and common crackers	100 kilogs		2.00
146. Crackers, fine	100 kilogs		3.00
Third Group.—Fruits, vegetables, and garden products.			
147. Fruits, fresh, dried and preserved		Free.	
148. Garden products and vegetables, fresh and dried		Free.	
Fourth Group.—Drinks.			
149. Beer of all kinds		Free.	
Fifth Group.—Other alimentary substances.			
150. Preserved alimentary substances, sausages, mustard, sauces and pickles	Kilogram		0.06
151. Cheese		Free.	
152. Eggs		Free.	
153. Hay and straw for forage		Free.	
CLASS L.—VARIOUS.			
154. Rubber and gutta-percha in sheets, threads, pipes, hose, boots and shoes, and life preservers.	Kilogram		0.15
155. The same materials manufactured into other articles.	Kilogram		0.40

SCHEDULE B—Continued.

Articles.	Unit.	Pesos.	Cents.
156. Oil cloths and tarpaulin for floors and for packing.	Kilogram		0.05
157. Same, of other classes	Kilogram		0.13
158. Textiles of rubber mixed with other materials.	Kilogram		0.55
159. Tobacco in leaf and chewing	100 kilogs		3.50
160. Trees, plants, shrubs and garden seeds		Free.	
161. Sacks for sugar packing		Free.	
162. Cloths embroidered by hand or machinery out of the loom; and those mixed with metal, emoroidered or not embroidered. Will pay the duty corresponding to its class plus twenty-five per cent. of the same duty.		25%	
163. Clothing, made; including linen articles, whether both are completely finished or simply basted. Will pay on its total weight the duty named on the cloth of which the exterior part is composed, plus an additional thirty per cent. of the said duty.		30%	
164. Clothing made of embroidered cloth or mixed with metal. Will pay on its total weight the duty corresponding to the textile embroidered or mixed with metal, plus an additional thirty per cent. of the said duty.		30%	

Note to item Number 142 of Schedule B. During the time this schedule is in force, for the fulfillment of the Treaty to which it is annexed, and as soon as item Number 142 in regard to Wheat flour reaches the duty of one dollar and sixty five cents per one hundred Kilograms, all reduction which may be made on the duty which foreign flour now pays on its introduction into the ports of the Peninsula, shall be extended *ipso facto* to the duties of the Schedule B fixed for the fourth year in the aforesaid number 142.

The reduction of duties in the Peninsula which may be of a transitory character and made for a brief period on account of the failure of the crops, is excepted from the foregoing rule and from the application to Cuba of the reduction of duties on flour imported from foreign countries into the Peninsula. It shall be understood that the transitory reductions in such case and circumstances are those whose duration does not exceed the period of six months.

JOHN W. FOSTER. [SEAL.]
SALVADOR DE ALBACETE. [SEAL.]

SCHEDULE C.

List of articles produced and manufactured in the United States which shall be admitted in the Island and Spanish province of Porto Rico under the conditions stated in the following schedule:

Articles.	Unit.	Pesos.	Cents.
CLASS A.—STONES, EARTHY MATTERS, MINERALS, GLASSWARE AND POTTERY PRODUCTS.			
First Group.—Stones, earthy matters and minerals.			
1. Marble, jasper and alabaster in rough or in pieces dressed, squarred and prepared for taking shape.		Free.	
2. Same, of all classes, cut into flags, slabs or steps of every size, polished or not.	100 kilogs		0.50
3. Same, worked or carved into all kinds of objects polished or not.	100 kilogs		1.50
4. Other stones and earthy matters employed in buildings, arts and manufactures.		Free.	
5. Minerals or mineral ores		Free.	
6. Mineral waters		Free.	
7. Ice		Free.	
8. Coal, mineral and vegetable		Free.	
Second Group.—Schists, bitumen and their products.			
9. Asphalt, schist, bituminous matter, pitch, tar and resin.		Free.	
10. Petroleum, raw or crude		Free.	
11. Same, refined, and benzine	100 kilogs		1.00
Third group.—Crystal and glassware.			
12. Glassware, hollow, common or ordinary	100 kilogs		1.50
13. Crystal, hollow, and the glassware which imitates it.	100 kilogs		4.00
14. Plate and window glass	100 kilogs		2.50
15. Glass and crystal quick-silvered, silvered, platinized, and crystals for spectacles and watches.	100 kilogs		10.00
Fourth Group.—Clay worked, earthenware and porcelain.			
16. Clay in tiles, bricks and roof tiles unglazed for the construction of buildings, ovens &c.		Free.	
17. Clay in tiles, large and small and mosaic for pavements, colored tiles, roof tiles glazed and pipes.	100 kilogs		0.60
18. Stoneware and fine earthenware	100 kilogs		2.50
19. Porcelain	100 kilogs		4.50

SCHEDULE C—Continued.

Articles.	Unit.	Pesos.	Cents.
CLASS B.—METALS AND ALL MANUFACTURES IN WHICH METAL ENTERS AS A PRINCIPAL ELEMENT.			
First Group.—Gold and Silver.			
20. Gold and silver coin		Free.	
Second Group.—Iron and steel.			
21. Iron cast in pigs, and all useless articles of iron and steel.		Free.	
22. Iron cast in pipes and ordinary manufactures.		Free.	
23. Same, in fine manufactures or those polished, with coating of porcelain or part of other metals.		Free.	
24. Iron forged or wrought and steel in bars of all kinds, plates, axles, tires, springs and wheels for carriages, rivets and their washers and anchors and chains for vessels.		Free.	
25. Same, in wire, nails, screws, nuts and pipes.		Free.	
26. Same, in ordinary manufactures and wire cloth manufactured.		Free.	
27. Same, in fine manufactures or those polished, with coating of porcelain or part of other metals, not expressly comprised in other Numbers of this Schedule and platform scales for weighing.	100 kilogs		4.00
28. Tin plate, in sheets	100 kilogs		2.00
29. Same, manufactured	100 kilogs		5.00
30. Needles, pens, pieces for watches and other similar articles of iron and steel.	Kilogram		0.50
31. Knives, table and carving, razors, penknives and scissors for sewing.	Kilogram		0.15
Third Group.—Copper, nickel and their alloys.			
32. Copper, bronze, brass and nickel, in lump, bars, ingots and useless objects.	100 kilogs		2.00
33. Same metals, in plates, nails, pipes, wire and wire cloth unmanufactured.	100 kilogs		5.00
34. Same, manufactured and all alloys of common metals, in which copper or nickel enter, in articles varnished or not.	100 kilogs		13.00
35. Same, manufactured in gilt or silvered articles.	100 kilogs		25.00
Fourth Group.—Other common metals.			
36. All other common metals and alloys of the same in lump, bars, ingots and useless objects.	100 kilogs		1.50
37. Same, in plates, sheets, wire, nails and pipes.	100 kilogs		2.50
38. Same, manufactured in articles varnished or not.	100 kilogs		5.00
39. Same, manufactured in gilt, silvered or nickeled articles.	100 kilogs		15.00
CLASS C.—SUBSTANCES EMPLOYED IN CHEMICAL INDUSTRIES.			
First Group.—Simple drugs.			
40. Cotton and other oleaginous seeds and the products of the same, except oils.		Free.	
41. Tanbark		Free.	
Second Group.—Colors, inks and varnishes.			
42. Colors prepared, inks of all kinds and shoe blacking.	100 kilogs		1.25
43. Varnishes	100 kilogs		4.00
Third Group.—Chemical products.			
44. Salt, common (chloride of sodium)	100 kilogs		0.60
Fourth Group.—Various.			
45. Soap, common	100 kilogs		2.50
46. Paraffine, stearine, wax and whale sperm, in mass or manufactured.	100 kilogs		5.00
47. Tallow, common, manufactured into candles.	100 kilogs		3.00
48. Tallow and all other animal greases unmanufactured, not embraced in other Numbers of this schedule.		Free.	
CLASS D.—COTTON AND ITS MANUFACTURES.			
First Group.—Cotton, raw.			
49. Cotton, raw, with or without seed		Free.	
Second Group.—Spun.			
50. Cotton, spun and twisted from one to three threads, unbleached, bleached or dyed.	Kilogram		0.15
51. Same, twisted of more than three threads	Kilogram		0.08

SCHEDULE C—Continued.

Articles.	Unit.	Pesos.	Cents.
Third Group.—Textiles.			
52. Textiles closely woven, plain, twiled and satin faced, unbleached, bleached and dyed, in pieces, handkercheifs and ribbons, up to ten threads inclusive (A and B).	Kilogram		0.08
53. Same, from eleven to sixteen threads (A and B).	Kilogram		0.12
54. Same, from seventeen to twenty two threads (A and B).	Kilogram		0.17
55. Same, from twenty three to twenty eight threads (A and B).	Kilogram		0.25
56. Same, twenty nine threads and upwards (A and B). (A) The number of threads cited in these various Numbers of the Schedule will be determined by the half of the total of threads contained in a length of six millimetres in the weft and the same length in the warp of the cloth, the counting to be done with the instrument called "thread counter." In worked textiles the number will be determined by counting in the plain part. (B) When these cloths embroidered by hand or machinery, may have a mixture of metal, or are sewn or basted, they will pay according to Numbers 162, 163 and 164 of this Schedule.	Kilogram		0.30
57. Textiles closely woven, plain, twilled or satin faced, printed, in pieces, handkerchiefs and ribbons, up to ten threads inclusive (A and B).	Kilogram		0.14
58. Same, from eleven to sixteen threads (A and B).	Kilogram		0.18
59. Same, from seventeen to twenty two threads (A and B).	Kilogram		0.30
60. Same, from twenty-three to twenty eight threads (A and B).	Kilogram		0.45
61. Same, of twenty-nine threads and upwards (A and B).	Kilogram		0.52
62. Textiles light or transparent, smooth or worked, up to twelve threads inclusive (A and B).	Kilogram		0.20
63. Same, from thirteen to seventeen threads (A and B).	Kilogram		0.25
64. Same, from eighteen to twenty three threads (A and B).	Kilogram		0.35
65. Same, of twenty four threads and upwards (A and B).	Kilogram		0.60
66. Quiltings, blankets, moletons and shaggy textiles (B).	Kilogram		0.10
67. Corduroys and velveteens (B)	Kilogram		0.45
68. Tulles, lace edgings and crochet (B)	Kilogram		0.75
69. Textiles, knitted (B)	Kilogram		0.40
CLASS E.—OTHER VEGETABLE FIBRES AND THEIR MANUFACTURES.			
First Group.—Raw.			
70. Hemp, flax, Manila hemp, henequin, jute and all other vegetable fibres, raw.		Free.	
Second Group.—Cordage.			
71. Rope and cordage of all kinds	100 kilogs		3.00
Third Group.—Textiles.			
72. Textiles of said fibres, alone, mixed with each other or with cotton, unbleached, although they may have colored stripes, plain or twilled, smooth, up to five threads inclusive (A).	Kilogram		0.63
73. Same, plain, smooth, in pieces, handkerchiefs and ribbons, up to ten threads inclusive (A and B).	Kilogram		0.12
74. Same, from eleven to fifteen threads (A and B).	Kilogram		0.20
75. Same, from sixteen to twenty threads (A and B).	Kilogram		0.40
76. Same, of twenty-one threads and upwards (A and B).	Kilogram		0.75
77. Textiles, twilled and satin faced, unbleached or dyed (B).	Kilogram		0.18
78. Textiles twilled and satin faced, bleached or printed (B).	Kilogram		0.30
79. Laces, edgings and textiles knitted (B)	Kilogram		0.75
80. Carpets	Kilogram		0.04
CLASS F.—WOOLS, BRISTLES, HAIR, HORSE HAIR AND THEIR MANUFACTURES.			
First Group.—Raw and spun.			
81. Wools, bristles, hair, horse hair and their refuse, raw.		Free	
82. Yarn of all classes	Kilogram		0.40
Second Group—Textiles.			
83. Carpets of pure wool or mixed with other materials.	Kilogram		0.20

SCHEDULE C—Continued.

Articles.	Unit.	Pesos.	Cents.
84. Fettings of pure wool or mixed with other materials (B).	Kilogram		0.08
85. Blankets, baizes and other similar articles of pure wool or mixed with other materials, with hair, on one or both sides, which may not have been cleansed (B).	Kilogram		0.10
86. Textiles of hosiery mixed or unmixed with vegetable fibres (B).	Kilogram		0.75
87. Cloths and all other textiles of the cloth line, of pure wool, flock wool, hair or mixed with these materials (B)	Kilogram		1.00
88. Same, when they may have all the warp or all the weft of vegetable fibres (B).	Kilogram		0.40
89. Other textiles of pure wool, flock wool, hair, or mixed with these materials, plain and smooth, in pieces, handkerchiefs and ribbons (B).	Kilogram		0.50
90. Same, when they may have all the warp or all the weft of vegetable fibres (B).	Kilogram		0.37
91. Same, of pure wool, flock wool, hair, or mixed with these materials, twilled and satin faced, and the plain worked in the loom, brocaded or flowered (B).	Kilogram		1.00
92. Same, when they may have all the warp or all the weft of vegetable fibres (B).	Kilogram		0.50
CLASS G.—PAPER AND ITS APPLICATIONS.			
First Group.—For printing and writing.			
93. Paper, continuous for printing, white or colored.	100 kilogs		1.80
94. Paper for writing, lithographing and stamping, and cardboard.	100 kilogs		4.00
95. Paper cut in sheets for letters and envelopes, hand made, for cigarettes, ruled and blank books.	100 kilogs		6.50
Second Group.—Paper printed, engraved or photographed.			
96. Paper, printed or lithographed, in sheets, newspapers, pamphlets and books, bound or unbound and music paper.		Free.	
97. Engravings, drawings, photographs, maps, labels and playing cards.	Kilogram		0.25
Third Group.—Paper for decorating rooms.			
98. Paper for decorating rooms	100 kilogs		4.00
Fourth Group.—Paper, various.			
99. Paper, brown, ordinary for packing, sand paper and pasteboard in sheets.	100 kilogs		1.50
CLASS H.—WOODS AND OTHER VEGETABLE MATERIALS EMPLOYED IN INDUSTRY AND THEIR MANUFACTURES.			
First Group.—Woods.			
100. Woods of all kinds in logs or pieces, beams, rafters, boards, planks, round masts and flooring, although cut, planed, tongued and grooved.		Free.	
101. Staves and wooden hoops		Free.	
102. Cooperage and wooden boxes, mounted or unmounted, for packing.		Free.	
Second Group.—Furniture and art manufacture.			
103. Wood, ordinary, manufactured into doors, window frames and shutters, white or without paint or varnish.		Free.	
104. Wood, ordinary, manufactured into all kinds of articles, turned or unturned, painted or varnished, except doors, window frames and shutters in white.		Free.	
105. Wood, fine, manufactured into all kind of articles, those of ordinary wood carved or veneered with fine woods, those upholstered except with silk textiles or leather, and gilt lists or borders.	100 kilogs		10.00
106. Same, in the same articles gilt, those which may be inlaid, veneered or ornamented with metal, ivory, tortoise shell or mother of pearl and those upholstered with silk textiles or leather.	100 kilogs		20.00
Third Group.—Various.			
107. Rushes, esparto, vegetable hair, soft rushes, willow, fine straw, palm and other similar materials manufactured into articles which are not specifically enumerated in the tariff of the Island of Porto Rico.	100 kilogs		3.00
CLASS I.—ANIMALS, SKINS AND OTHER ANIMAL PRODUCTS EMPLOYED IN INDUSTRY AND THEIR MANUFACTURES.			
First Group.—Animals.			
108. Asses		Free.	
109. Mules		Free.	

SCHEDULE C—Continued.

Articles.	Unit.	Pesos.	Cents.
110. Horses, imported for breeding purposes		Free.	
111. Cattle		Free.	
112. Swine		Free.	
113. Sheep and goats		Free.	
Second Group.—Leather and skins.			
114. Hides and skins undressed		Free.	
115. Leather and skins varnished or japanned and calf skins tanned or dressed.	Kilogram		0.20
116. Other leather and skins, tanned or dressed including sole leather and belting for machinery.	Kilogram		0.08
117. Boots and shoes wholly or partially made of leather or skins.	Kilogram		0.50
118. Trunks, valises, travelling bags and hat boxes.	Kilogram		0.15
119. Other articles of harness and saddlery	Kilogram		0.30
Third Group.—Other animal products			
120. Manures, natural or artificial		Free.	
CLASS J.—INSTRUMENTS, MACHINES AND APPARATUS.			
First Group.—Watches and clocks.			
121. Watches, gold	Each		1.00
122. Other watches	Each		0.25
123. Clocks with cases of stone, gilt and silvered metal, wood inlaid or ornamented with metal, ivory, tortoise shell or mother of pearl, and chronometers.	Each		1.00
124. All other clocks	Each		0.25
Second Group.—Machines and apparatus.			
125. Implements, utensils and tools for agriculture, arts and trades.		Free.	
126. Machines and apparatus, agricultural, motive, industrial and scientific, of all classes and materials, and loose pieces for the same.		Free.	
127. Material and articles for public works, such as railroads, tramways, roads, canals for irrigation and navigation, use of waters, ports, light houses, and civil constructions of general utility, when preceded by authorization of the government or if free admission is obtained in accordance with special laws.		Free.	
Third Group.—Carriages.			
128. Passenger carriages for railroads and tramways, when the importers may not have obtained free admission, either by authorization of the government or in accordance with special laws.	100 kilogs		2.00
129. Other vehicles for railroads or tramways and the pieces of wood, iron and steel for the same, when the importers may not have obtained free admission either by authorization of the government or in accordance with special laws.	100 kilogs		1.00
130. Wagons, carts and hand carts and the pieces of wood, iron and steel for the same	100 kilogs		1.00
131. Carriages for ordinary roads of two or four wheels, without top or hood.	Each		25.00
132. Other carriages for ordinary roads	Each		55.00
Fourth Group.—Materials for naval construction.			
133. Materials of all classes for the construction, repair or refitting of vessels, subject to the following rules: 1. The importers have necessarily to be owners, fitters out or constructors of vessels, machines or boilers. 2. The duties on the materials or effects shall be paid in advance, but shall be returned at the request of those interested, when the use of the materials or effects in the said construction or repair, has been proved by the proper proceeding. 3. It is an indispensable condition that there shall be among the proofs a survey of the vessel or work done or repairs made, by experts designated by the Intendency of Finance and the Naval authorities, accompanied by a Surveyor of the customs, in which is stated the importance of the work done, the class and amount of the materials imported, used in it, and those which may have remained. And 4. For the return of the duties conditionally paid, the weight or bulk of the materials and articles shall be appraised accordingly as they are noted in the tariff, by the weight or bulk which may be shewn by the work done or completed; so		Free.	

SCHEDULE C—Continued.

Articles.	Unit.	Pesos.	Cents.
that the part of the duty corresponding to the waste or loss which result from the construction or transformation of the material, may remain to the benefit of the Treasury.			
CLASS K.—ALIMENTARY SUBSTANCES.			
First Group.—Meats and fish.			
134. Land and water fowls		Free.	
135. Meats, fresh, in brine, salted and smoked, except jerked beef.		Free.	
136. Pork and hams		Free.	
137. Lard and butter		Free.	
138. Fish and shell fish, live, fresh, dried, in brine, salted, smoked and pickled.		Free.	
Second Group.—Grain and its preparations.			
139. Wheat	100 kilogs		0.50
140. Rice, hulled or unhulled		Free.	
141. Other cereals		Free.	
142. Wheat flour:			
During the first year of the duration of the treaty.	100 kilogs		2.00
During the second year	100 kilogs		1.89
During the third year	100 kilogs		1.78
From the beginning of the fourth year	100 kilogs		1.65
143. Flour of the other cereals, except rice		Free.	
144. Pastes for soup, rice flour, starch and alimentary farinas.	100 kilogs		2.00
145. Bread and common crackers	100 kilogs		2.00
146. Crackers, fine	100 kilogs		3.00
Third Group.—Fruits, vegetables and garden products.			
147. Fruits, fresh, dried and preserved		Free.	
148. Garden products and vegetables, fresh and dried.		Free.	
Fourth Group.—Drinks.			
149. Beer of all kinds		Free.	
Fifth Group.—Other alimentary substances.			
150. Preserved alimentary substances, sausages, mustard, sauces and pickles.	Kilogram		0.06
151. Cheese		Free.	
152. Eggs		Free.	
153. Hay and straw for forage		Free.	
CLASS L.—VARIOUS.			
154. Rubber and gutta-percha in sheets, threads, pipes, hose, boots and shoes and life-preservers.	Kilogram		0.15
155. The same materials manufactured into other articles.	Kilogram		0.40
156. Oil cloths and tarpaulin for floors and for packing.	Kilogram		0.05
157. Same, of other classes	Kilogram		0.13
158. Textiles of rubber mixed with other materials.			0.85
159. Tobacco in leaf and chewing	100 kilogs		3.50
160. Trees, plants, shrubs and garden seeds		Free.	
161. Sacks for sugar packing		Free.	
162. Cloths embroidered by hand or machinery out of the loom; and those mixed with metal, embroidered or not embroidered. Will pay the duty corresponding to its class plus *twenty five* per cent. of the same duty.		25 %.	
163. Clothing, made; including linen articles, whether both are completely finished or simply basted. Will pay on its total weight the duty named on the cloth of which the exterior part is composed, plus an additional *thirty* per cent. of the said duty.			30 %.
164. Clothing made of embroidered cloth or mixed with metal. Will pay on its total weight the duty corresponding to the textile embroidered or mixed with metal, plus an additional *thirty* per cent. of said duty.			30 %.

NOTE to item Number 142 of Schedule C.—During the time this Schedule is in force, for the fulfilment of the Treaty to which it is annexed, and as soon as item Number 142 in regard to wheat flour reaches the duty of one dollar and sixty five cents per one hundred Kilograms, all reduction which may be made on the duty which foreign flour now pays on its introduction into the ports of the Peninsula, shall be extended *(pso facto* to the duties of the Schedule C fixed for the fourth year in the aforesaid number 142.

The reduction of duties in the Peninsula, which may be of a transitory character and made for a brief period on account of the failure of the crops, is excepted from the foregoing rule and from the application to Porto Rico of the reduction of duties on flour imported from foreign countries into the Peninsula. It shall be understood that the transitory reductions in such case and circumstances are those whose duration does not exceed the period of six months.

JOHN W. FOSTER. [SEAL.]
SALVADOR DE ALBACETE. [SEAL.]

FINAL PROTOCOL ANNEXED TO THE TREATY OF COMMERCE AND NAVIGATION CONCLUDED THE [18TH] DAY OF NOVEMBER EIGHTEEN HUNDRED AND EIGHTY-FOUR.

In the act of proceeding to sign the Treaty of Commerce and navigation concluded for the United States and the islands and Spanish provinces of Cuba and Porto Rico between the said States and Spain, the undersigned Plenipotentiaries of the President of the United States and of His Majesty the King of Spain, have made the following reservations and declarations, which shall form an integral part of said treaty.

1. By the present addition to the foregoing instrument it is agreed that the provisions and stipulations in article XXV of the Treaty which the undersigned Plenipotentiaries this day sign shall not apply to the decision of the questions which may arise while the said Treaty is in force, in respect to the understanding, fulfilment and effects of its articles XXIII and XXIV which shall be decided in a friendly manner between the two High Contracting Parties or with the third powers interested therein.

2. It is further agreed that, on the treaty which is this day signed going into effect, the Agreement of the thirteenth of February, eighteen hundred and eighty four, signed by the undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States and His Excellency the Marquis del Pazo de la Merced, Minister of State of Spain, shall terminate in all its legal effects, said effects ceasing both as to the High contracting Parties and as to the third powers to whom it was applied while in force.

Signed in duplicate at Madrid this eighteenth day of November, eighteen hundred and eighty four.

JOHN W. FOSTER. [SEAL.]
SALVADOR DE ALBACETE. [SEAL.]

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 10, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will lay before the House some executive communications.

There was no objection.

REMOVAL AND STORAGE OF PRINTING MATERIAL.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, asking an immediate appropriation for the removal and storage of material at the Government Printing Office, as provided for by joint resolution of February 6, 1883; which was referred to the Committee on Appropriations.

PRINTING LAWS OF WYOMING TERRITORY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a letter from the First Comptroller of the Treasury, with inclosures, relating to estimate of appropriation for printing revised laws of Wyoming Territory; which was referred to the Committee on Appropriations.

DAMAGES TO STEAMER DRUID.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of the appropriation required to pay owners of the steamer Druid for damages sustained by collision with United States steamer Powhatan; which was referred to the Committee on Appropriations.

CLAIM OF GEORGE BAGGS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs inclosing additional evidence in the case of the claim of George Baggs on account of alleged depredations by Ute Indians in 1879; which was referred to the Committee on Indian Affairs.

RESIGNATION OF HON. A. M. SCALES.

The SPEAKER also laid before the House the following communication; which was read and laid on the table:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 5, 1884.

SIR: Having been elected governor of the State of North Carolina, I have this day forwarded to his excellency the governor of that State my resignation of the office of Representative in the Forty-eighth Congress of the United States from the fifth district of North Carolina, to take effect on the 30th of December next.

With assurances of my high respect, I am, your obedient servant,

A. M. SCALES.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

COMMANDER JOHN W. QUACKENBUSH.

Mr. JORDAN. I desire unanimous consent to present for immediate consideration a bill which I ask may be read.

The SPEAKER. The bill will be read subject to objection.

The Clerk read as follows:

A bill touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein.

Whereas John N. Quackenbush, a commander in the Navy of the United States, was on the 9th day of June, 1874, in pursuance and in mitigation of the sentence of a court-martial, suspended by the President of the United States for six years on furlough pay; and,

Whereas W. S. Schley was on June 10, 1874, nominated by the President of the United States as commander, instead of the said Quackenbush, and was by and with the advice and consent of the Senate appointed such commander, and the said Quackenbush was thereby deprived of his rank and position in the Navy; and

Whereas it was not the intention to deprive said Quackenbush of his rank or position in the Navy or dismiss him therefrom, and said action was taken and said dismissal made by inadvertence and mistake and great injustice was thereby done to said Quackenbush, and provision ought to be made authorizing the correction thereof: Now, therefore,

Be it enacted, &c., That the President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a commander, who shall take rank and position in the Navy as and of the time of the suspension of said Quackenbush, any law now in force enacted since the date of said suspension notwithstanding; and such commander so appointed shall receive pay from the date when said suspension took place: *Provided, however*, That if the President shall nominate and, by and with the advice and consent of the Senate, appoint said Quackenbush as said commander he shall not receive any greater compensation for the period he was suspended than he did in fact receive during that time, but his rank and position shall be the same as if said dismissal had not been made.

Mr. BROWNE, of Indiana. In the absence of the gentleman from Massachusetts [Mr. LYMAN], and in order to give him an opportunity of being heard on this matter, I am compelled to object.

Mr. KEIFER. I do not desire to cut off applications for unanimous consent, but when such requests have been disposed of I desire to be recognized to make a motion with the view to bringing up for consideration the Military Academy appropriation bill.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia.

Mr. RANDALL. I must ask for the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. RANDALL. I desire not to lose the opportunity for the consideration of the Military Academy appropriation bill.

ORDER OF BUSINESS.

Mr. KEIFER. I move to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of taking up for consideration the Military Academy appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is in committee, and the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, will be read the first time for information.

Mr. KEIFER. I move by unanimous consent, Mr. Chairman, that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. KEIFER. I do not desire to occupy the time of the committee in any general discussion of this Military Academy appropriation bill. The appropriation I might say for this year, as reported by the Committee on Appropriations, is about $5,000 less than the bill which passed for the present fiscal year. The total appropriation for the year ending June 30, 1885, was $314,563.50, and the total amount reported in the pending bill is $309,771.64. I will observe further, Mr. Chairman, that the committee has reported an appropriation in this bill of $170,000 for the pay of cadets. This sum will provide for the pay of three hundred and fourteen cadets with a fraction over, but not sufficient for the pay of three hundred and fifteen cadets. The total number of cadets possible to be at the Military Academy is three hundred and forty-four. On the 1st day of September of the present year there were three hundred and fourteen cadets at the Military Academy. From various causes, failures, resignations, deaths, or otherwise, that number is always being reduced during the academic year. While there were three hundred and forty-four cadets at the beginning of the year, there is not likely to be that number during the year. The committee, therefore, from all circumstances were satisfied that the sum of $170,000 was sufficient for the fiscal year ending June 30, 1886.

A MEMBER. How much is paid to the cadets?

Mr. KEIFER. The amount that is paid to each cadet each year is $540.

Now, Mr. Chairman, unless some gentleman on either side of the House desires to submit some general remarks on the subjects embraced in this bill, I will ask that the bill be read by paragraphs for amendment under the five-minute rule.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

The Clerk proceeded with the reading of the bill, and read as follows:

For pay of cadets, $170,000; and no cadet shall receive more than at the rate of $540 a year.

Mr. KEIFER. At that point in the bill I desire to offer an amendment, which I desire the Clerk to read.

The Clerk read as follows:

And hereafter all appointments to the grade of second lieutenant in the Army shall be confined to the graduates of the Military Academy and to meritorious non-commissioned officers recommended for promotion in the manner now provided by law.

Mr. KEIFER. This amendment I will premise by saying, Mr. Chairman, has not been recommended by the Committee on Appropriations, from which this bill has come, but it has been recommended not only by the Superintendent of the West Point Academy, but also by the Secretary of War. In the report of the Superintendent of the Military Academy we find a statement made representing to the Committee on Appropriations that unless some change be made in the existing law there will be more graduates in the coming year than there will be vacancies in the Army to which they can be appointed.

Mr. HOLMAN. I suggest that the gentleman from Ohio send up to the Clerk's desk and have read the amendment which he proposes.

Mr. KEIFER. It has already been read at the Clerk's desk.

Mr. HOLMAN. There has been so much confusion in the House that I was unable to hear, and I ask that it be again read.

The CHAIRMAN. The Clerk will again read the amendment.

Mr. HOLMAN. That proposition is subject to a point of order, which I desire to reserve until the gentleman from Ohio is heard.

The CHAIRMAN. It is too late to reserve the point of order on the amendment, as it was offered and the gentleman from Ohio had proceeded to debate it for two or three minutes.

Mr. HOLMAN. I trust hereafter there will be a little more order in the House.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the disorder was in his immediate neighborhood. The Chair endeavored to call the House to order, but hereafter will see that better order and decorum are observed in that neighborhood. [Laughter.]

Mr. KEIFER. Let me say to the gentleman from Indiana, Mr. Chairman, that on examination he will find this amendment reduces the expenditures of the Government, and in that way is relieved from being subject to the point of order.

Now, the Superintendent of the academy calls attention to the large number of cadets, as we are told by the Secretary of War, in the class which will be graduated in June, 1886, the class now having eighty-three members, and he expresses the opinion that probably eighty will be graduated. Unless there shall be a change in the law it will not probably be possible for all of the class of 1886 to be appointed in the Army if any civilian appointments are made before their graduation, as the members of that class and the one which will be graduated next June, together with the non-commissioned officers to be appointed under existing laws, will probably be sufficient to take up all the vacancies which will occur in the two years. I will read from the report of the Superintendent of the Military Academy:

The class has now eighty-three members. Of these, making the usual allowances for casualties, from seventy-five to eighty, probably the latter number, will graduate and be for promotion. Unless something is done to hold open the vacancies in the Army from this time forward for the graduates of the academy a number of the class of 1886 will be required to go into civil life. If this were usual or necessary every year it could scarcely be considered a hardship, but occurring as it does once in a great length of time, through no fault of the class, but rather owing to ability, energy, and continuous application on the part of its members, something should be done to prevent their being unjustly affected by the law. A law permitting them to be attached to the Army as additional second lieutenants, provided that vacancies can not be reserved for them, would mitigate the hardship of the case.

The Secretary of War, calling attention to the same matter, says:

Under existing laws those cadets for whom there may be no vacancies existing in the Army at the time of their graduation must be discharged from the military service. For the last few years the law requiring that there shall be no civilian appointments into the Army until a sufficient number of vacancies exist to provide for the next graduating class has been literally complied with, civilian appointments into the Army having only been made to fill such vacancies as remained on July 1 of each year after the appointment of the graduating class of cadets and of meritorious non-commissioned officers recommended according to law, vacancies occurring on and after July 1 of each year being kept open. The Superintendent of the academy calls attention to the large number of cadets in the class which will be graduated in June, 1886, the class now having eighty-three members, and he expresses the opinion that probably eighty will be graduated. Unless there shall be a change in the law it will not probably be possible for all of the class of 1886 to be appointed into the Army if any civilian appointments are made before their graduation, as the members of that class and the one which will be graduated next June, together with non-commissioned officers to be appointed under existing laws, will probably be sufficient to take up all the vacancies which will occur in the two years.

Now, Mr. Chairman, the committee will observe it is not proposed to cut off from appointments to the Army non-commissioned officers now in the Army and who are recommended for promotion. But it is proposed to cut off by this amendment appointments purely from civil life, and to supply whatever vacancy hereafter may occur by graduates from the Military Academy at West Point. I wish to say these persons are graduated at a cost to the Government of the United States of $4,000 each, and it seems to me quite proper the Government of the United States should be entitled to their services by appointments in the Army.

Mr. RANDALL. Mr. Chairman, it is proper I should say that this amendment was not considered by the Committee on Appropriations.

Mr. KEIFER. That is true.

Mr. RANDALL. And it is all the more necessary I should say so from the fact that it is offered in the House by the gentleman from Ohio who is in charge of the Military Academy appropriation bill under the direction of the Appropriations Committee. I should much prefer the committee should have full time to consider the precise effect of such a change in the law than to have the whole subject precipitated in this informal way upon the House. I have no doubt in the world the gentleman's convictions prompt him to move action in this direction. The effect of this amendment, as he states it, is to cut off what no doubt has been maladministration in the past in respect to the character of men from civil life who have been appointed to positions in the Army to the exclusion, I believe, of the graduates from West Point.

It is a very delicate subject to deal with, taking away as it does from the President the power which he has heretofore exercised in the appointment of civilians to fill vacancies which may happen in the Army. Now, if that amendment had been considered by the Military Committee and we had had their judgment upon it, or even if it had been considered by the Committee on Appropriations, whence the bill comes, it might be moved with some propriety by them, but I think we should go slow in the matter of legislating as to the Army, and especially without some full understanding of the exact effect of the proposed legislation.

Mr. KEIFER. I suppose the debate is exhausted on the pending amendment, and for the purpose of adding a word to what I have already said I will move *pro forma* to strike out the last word.

It is true, as stated by the chairman of the Committee on Appropriations, the gentleman from Pennsylvania [Mr. RANDALL], that this matter was not brought before the whole committee. As a matter of fact, sir, my attention was not called to it until yesterday, and since then the committee had no meeting, so that it was impossible for me to submit it to them. The proposition is a plain and simple one, and therefore I felt at liberty to present it on my own motion to this committee. There is now a limitation of the right of the President to make appointments to the Army from civil life, and that is to fill vacancies in second lieutenancies in the Army existing on the 1st of July of each year by appointments from civil life. This is to take away that power, so that such vacancies hereafter shall be allowed to continue until the graduating class from West Point can supply them. And that is the whole of the proposition. If the graduating class is not sufficient, heretofore these positions have been filled by appointments from civil life; but it now appears that the cases are reversed, and that there are more graduates than there are vacancies to be filled. The amendment is recommended by the Superintendent of the West Point Military Academy and is also recommended by the Secretary of War. It is to avoid what may be humiliating to the cadets who may be graduated of being discharged at the very time when they have succeeded in passing their examination. It is to relieve them from any such humiliation of being discharged from the great military institution of the United States at the very moment they have passed all their trials and received their diplomas. The whole scope of the amendment is to prevent any such thing happening.

Mr. HOLMAN. I ask that the pending proposition may be again read.

The amendment was again read.

Mr. HOLMAN. Mr. Chairman, I rose when I first heard this proposition read for the purpose of making the point of order on it that it was not in order to this bill. Now that it is before the Committee of the Whole House I only desire to say this, that, as stated by the gentleman from Pennsylvania, this matter was not considered by the Committee on Appropriations when this bill was considered by that committee. It was for that reason, and that only, I desired to reserve the point of order on the proposition. As the subject is now before the Committee of the Whole House, however, I am not prepared to say, from a want of information on military questions of this kind and as the subject has not been heretofore considered, whether it is a measure which would be recommended by any committee of the House, the Committee on Military Affairs or the Committee on Appropriations, which reported this bill. But I trust, as the question is now up and inasmuch as it seems to be a fair and reasonable proposition, that gentlemen familiar with the subject, those familiar with the military organizations of the country and understanding the relations of the West Point Academy to the Army, will take occasion to express their views on the subject.

If it shall be found that this measure is in harmony with the views entertained by those familiar with this subject, although it has not been considered by the Committee on Appropriations, it might be found proper to give it a favorable consideration at this time. On its face it seems to be a reasonable proposition, but, as has been already intimated by the gentleman from Pennsylvania at the time the question of order was raised, because of the fact that it had not been considered by the committee having charge of the bill.

Mr. KEIFER. I withdraw my formal amendment.

Mr. ROSECRANS. I renew it; and I wish to say, Mr. Chairman, that the effect of this amendment will be to limit the appointing power of the President of the United States from civil life to the Army, so that whatever vacancies may occur shall hereafter be filled by appointments of graduates from West Point. I see no great disadvantage in that limitation in time of peace. As a matter of fact appointments which have been made from civil life have been generally favorites of

wealthy men and of influential men and of those who in no manner have been particularly distinguished or gifted for the discharge of the duties of army life. Inasmuch as the prospect now seems to be that the academy hereafter will graduate a sufficient number to supply all vacancies, in my judgment the amendment is one which ought to be adopted.

It will be noticed that ample provision is made by the amendment for the promotion of meritorious non-commissioned officers and soldiers who are recommended for promotion in the Army.

Mr. MAGINNIS. It ought to provide also for the promotion of privates.

Mr. RANDALL. I find the chairman of the Committee on Military Affairs favors this amendment. I would like to know from him whether the subject has been formally considered by the Committee on Military Affairs.

Mr. ROSECRANS. This matter has never been brought formally before our committee in any way. There has not been much conversation about it, but I was president of the Board of Visitors to the Military Academy when it was considered.

I do not remember any who dissented from the idea that it would be well, in view of the probable number of the next graduating classes of 1885–'86, that some provision should be made to cut off these civil appointments until the young men who had been prepared for the service had graduated and gone into service. The Military Committee, I will say to my honorable friend from Pennsylvania in response to his question, never had any formal consideration of the subject; but there were three members of the House, two of the Senate, and quite a number of distinguished gentlemen who were members of the Board of Visitors who did take into consideration the subject, and expressed the opinion that I now entertain.

I should like to move an amendment to the amendment of the gentleman from Ohio by inserting also after the words "non-commissioned officers" the words "and enlisted men," so that it will embrace meritorious privates; and also the words "except during a foreign war," to be incorporated at the proper place.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from California.

The Clerk read as follows:

Insert after the words "non-commissioned officers" the words "and enlisted men;" and insert at the end of the amendment the words "except during a foreign war;" so that as amended the proposed amendment will read:

"And hereafter all appointments to the grade of second lieutenant in the Army shall be confined to graduates of the Military Academy and to meritorious non-commissioned officers and enlisted men, recommended for promotion in the manner now provided by law, except during a foreign war."

Mr. KEIFER. I have certainly no objection to accepting the proposed modification of the gentleman from California.

The CHAIRMAN. The question then will be taken upon the amendment of the gentleman from Ohio as now modified.

The amendment as modified was agreed to.

The Clerk read as follows:

For clerk to the disbursing officer and quartermaster, $1,200.

Mr. BEACH. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 75 strike out the words "two hundred dollars" and insert "$650;" so that it will read:

"For clerk to the disbursing officer and quartermaster, $1,650."

Mr. KEIFER. I make the point of order against that amendment.

Mr. BEACH. I hope the gentleman in charge of the bill will reserve the point of order until I have an opportunity of making a very brief statement in reference to this amendment.

Mr. KEIFER. I have no objection to hearing a statement, but reserve the right to make the point of order.

Mr. BEACH. I would like to take the sense of the full committee upon the simple act of justice involved in this amendment. Here we have a clerk who has filled the same position in the service of the Government for thirty-seven years, and he has filled it honestly and faithfully. His services are so efficient and his duties are so arduous and so responsible that I doubt very much if there can be found in the country to-day another person who would fill his place.

In 1877 his compensation was reduced from $1,650 to $1,200. I now want to restore it by this amendment, and I wish to say that I am always opposed to any increase of salaries, because I think as a general thing the Government is paying for its services more than they are worth; but all rules have their exceptions, and this is one of them. I doubt very much whether there is a business man in the country who would reduce the salary of so old, efficient, and faithful a clerk. This clerk, I will say for the information of the House, is the clerk to the treasurer and to the quartermaster, and for thirty-seven years he has stood guard, and so zealous has he been in the discharge of his duties to the Government that he has earned for himself and commonly goes by the name at the academy of the "old watch-dog;" and yet we are told by this Committee on Appropriations that his salary should be only $1,200 a year—not as much as we pay policemen around this building.

In view of his long, arduous, and faithful services, as well as his present and future usefulness, I think he is certainly entitled to receive, and I trust he will receive through the action of this House, his former salary. I hope, therefore, the gentleman from Ohio will not press his point of order, but will permit me to have at least a vote of the committee upon the amendment.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. BEACH. Certainly.

Mr. DUNHAM. You say that we can not get along without this man?

Mr. BEACH. I said that it would be difficult for the Government to find a person to fill his place, certainly at that salary. He has been there, as I have said, for thirty-seven years, and his duties are not only of an arduous but peculiar nature.

Mr. DUNHAM. I misunderstood you, then. I thought the gentleman stated that we could not get along without this man, and I asked the question because I wanted to know in case this man should die where we would be. [Laughter.]

Mr. KEIFER. I would not object to the proposed amendment except for the precedent it would set in a large number of other cases. I feel bound, therefore, to make the point of order that it changes existing law and does not retrench expenditures.

The CHAIRMAN. The Chair observes that the amount fixed in this bill is the same as that provided by the last annual appropriation bill for this purpose. The proposed amendment increases this amount. It is therefore subject to the point of order, and the Chair must sustain it.

The Clerk will report the next paragraph.

The Clerk read as follows:

For department of drawing: For books of reference, periodicals on art and technology, $100; models for topographical, mechanical, architectural, and free-hand drawing, $250; rules and triangles, $30; repairs to desks, models, racks, stools, stretchers, $100; drawing material for use of instructors, card-board, tacks, brushes, sponges, glue, alcohol, transfer-paper, hectograph, cloth for screens, color-diagrams, and contingent expenses, $200; stationery, $10; photographic slides for use in lectures, $175; continuing the decorated frieze, paneling, and painting wall to correspond to rest of room, $250; in all, $1,234.50.

Mr. KEIFER. I offer the amendment which I send to the desk to come in at the end of line 134.

The Clerk read as follows:

For department of law: For text-books and stationery, and for books of reference for the use of instructors, $250.

Mr. HOLMAN. Mr. Chairman, that I believe is subject to the point of order.

Mr. KEIFER. I apprehend that there will be no objection to this amendment if it is understood.

Mr. HOLMAN. I will not press the point of order.

Mr. KEIFER. Last year there was a clause in the Military Academy appropriation bill for text-books and stationery and books of reference for the use of instructors, $250, for the department of law. That is the amendment just read by the Clerk.

The reason it was not in the bill in its original preparation, or was not put in the bill by the Committee on Appropriations, was that there was no estimate made for any appropriation for the law department at the academy. The attention of the committee was called to this fact, but for the reason I have assigned, namely, that there was no estimate, nothing was put in the bill. The Secretary of War advises me by letter that there was an accident about it somewhere—he did not know where when he wrote me the letter of the date of the 8th instant.

On yesterday I received from the Secretary of War a telegram reading thus:

I have just heard, by telegram, from the Superintendent of the Military Academy that the omission of the estimate of $250 for text-books for the law department was a clerical error.

And I am requested by the Secretary of War to have this inserted in the bill.

Mr. RANDALL. It is proper to say that, unlike the other amendment which has been agreed to, this proposition was considered in the committee; the other was not considered. This amendment was considered and was disagreed to. I hope it will be voted down. I do not think we need make that change on this bill. There is a professor there under large pay, and this is a proposition which results in making the office a permanent one.

Mr. FORNEY. I think the gentleman from Pennsylvania [Mr. RANDALL] is under a misapprehension. This is an estimate which was overlooked in making the original estimates.

Mr. RANDALL. I did not hear the amendment distinctly, and I supposed it related to an amendment which the gentleman from Ohio [Mr. KEIFER] has given me notice he means to offer.

Mr. HOLMAN. Let the amendment be again read.

The amendment was again read.

Mr. KEIFER. It is the usual appropriation. I think there will be no objection to it.

The amendment was agreed to.

The CHAIRMAN. The Chair suggests that the total at the end of the section be changed to correspond with the amendment just adopted.

Mr. KEIFER. That can be done. I now offer an amendment to come in immediately after the amendment just adopted; and this is

the amendment the gentleman from Pennsylvania [Mr. RANDALL] had in his mind.

The Clerk read as follows:

Add at the end of the paragraph the following:

"*Provided*, That hereafter the professor of law shall be appointed in the same manner as the other professors in the Military Academy."

Mr. HOLMAN. On that proposition I reserve the point of order.

Mr. KEIFER. There are now at the Military Academy eight professors. One is a professor of the department of law, and he is the sole professor that is a detailed or assigned officer. All of the other professorships are permanent appointments. This is the only department in the Military Academy where changes must of necessity take place very frequently, as there can not be any permanent appointment under existing law.

In 1874 the department of law was provided for by statute, but an officer from the department of justice of the Army was authorized to be detailed to fill that place, and since 1874 the place has been filled by a detail. There are seven other professorships, but they are permanent appointments, and those professors hold their appointments indefinitely, so that they can organize their departments and bring them to one harmonious system, making them permanent and valuable to the Government. The Secretary of War makes a recommendation in his report this year on this very subject and in this language:

One of the most important duties of an officer is the administration of justice under the military code. I believe that it would be highly beneficial to the Army if the instruction in legal principles given at the Military Academy were placed in charge of a professor of law of the same rank and tenure as is held by the other professors, and I recommend legislation which will accomplish that result.

Now, while we have permanent officers with a permanent tenure, as professor of drawing, professor of engineering, professor of modern languages, &c., we have merely a detailed officer for the department of law, and the whole purpose of this proposed amendment is to give us a professor of law whose tenure of office is exactly like that of a professor of drawing or of modern languages. We are creating no new office. If the point of order is to be debated, I reserve the right to speak upon it. But it is exceedingly important, I think, in view of the great dignity of the place, that this department should be at least presided over by a person of equal rank to that of the men who instruct in the departments of drawing and of modern languages. I believe that all the officers of the Army should be accomplished officers, and, as far as it is possible that such instruction can be given in a public institution, that they should be accomplished in the matter of law. These officers are often obliged to determine important questions of law. They may all be required at some time or other to sit as judges, if not to act as judge-advocates, and it is important that they should receive the necessary instruction from a permanent professor.

Mr. RANDALL. I desire to say, first, as to the point of order, that professors in the academy are now given the pay which attaches to the rank of a colonel, provided they have held their positions for ten years; if they have been there for less than ten years they are paid the salary of a lieutenant-colonel, which in almost every instance is an increase of pay. I say this much on the point of order to show that this is not a change in the direction of retrenchment.

As to the merits of the proposition, I wish to say in addition to what I have already said on the other amendment but pertinent to this one, that I agree that all officers of the Army should be well educated in international law. I hold that the existing provision of law is sufficient for that purpose. The officer detailed now to this professorship is, I believe, competent to give the necessary instruction to the cadets in international law.

This is a proposition, however, which goes to the extent of making, instead of a temporary detail, a permanent assignment—creating, in fact, a new professorship—making nine professors in all, instead of eight. The committee considered this matter and was adverse to the change proposed. I hope, therefore, that the amendment will not (at this time at least) prevail.

Mr. HOLMAN. Upon the point of order I wish to say that this proposition on its face appears neither to increase nor to diminish expenditures, so that as it is a change of existing law it must be subject to the point of order, because it does not retrench expenditures. In fact, however, from the statement made by the gentleman from Pennsylvania [Mr. RANDALL] it will be seen that the tendency of this proposition is to increase expenditures, inasmuch as it makes this officer permanent, giving him the full benefit of the longevity pay provided for by general law, while now the assignment is made for a term not exceeding four years.

It is very possible that this proposition, when it comes to be thoroughly considered, may be found to be a proper one. But it has not yet been properly considered. It has received but partial consideration by any committee of the House, so far as I am informed. Up to this time the lectures on law delivered at West Point have generally been regarded as emanating from competent and sufficient professors, although they have not been permanent professors, but assigned from time to time to this duty. The very fact of a temporary assignment may indeed be beneficial. Legal study in this institution embraces, of course, a comparatively limited field. I hardly think it would extend beyond international law and the duties of courts-martial. A long experience under the present system of making temporary assignments for instruction in this branch would indicate that up to the present time the existing system in this field of learning at that institution has been satisfactory. I shall, therefore, be compelled to insist on the point of order.

Mr. KEIFER. I desire to be heard on the point of order. The suggestion made against this amendment by the chairman of the Committee on Appropriations [Mr. RANDALL] is, as I understand, that if an officer were permanently appointed to this professorship it would lead to an increase of salary. That was the gentleman's statement, if I understood him aright. Now, I wish to say that such can not be the fact. This bill itself, in lines 7 and 8, appropriates for the payment of a professor of law at the Military Academy at the same rate that we appropriate for the other seven professors. So that the question now is simply whether we shall create a professor of law at that institution who shall have permanent tenure. In the present bill we appropriate for the payment of eight professors—professors respectively of engineering, drawing, chemistry, modern languages, ethics, mathematics, natural philosophy, and law. These professors, under section 1336 of the Revised Statutes, are all paid as lieutenant-colonels. So that the question now is not as to giving the officer any increased pay or establishing a new professorship, but simply as to making the professor of law a permanent officer, in accordance, as I have said, with the recommendation of the Secretary of War, the Superintendent of the Military Academy, and all other officers who have looked into this question. I am informed that the present professor of law recommends this change, although he expects himself to go out of the office; he does not desire to be continued. He suggests, however, various difficulties to which this department of study is now subjected.

If you will permit me, sir, I will call attention more particularly to the state of the law on this subject. In 1874 there was attached to the Military Academy appropriation bill a clause which read thus:

Provided, That the Secretary of War may assign one of the judge-advocates of the Army to be professor of law.

This professorship was then first created. In June, 1880, a clause in the following language was attached to the Military Academy appropriation bill:

For department of law, provided that the Secretary of War may in his discretion assign any officer of the Army as professor of law.

That opened the field so that assignments might be made otherwise than from the Department of Military Justice. The Secretary of War may now assign any officer of the Army to fill the chair of professor of law at West Point. What I desire to accomplish by my amendment is simply to give this officer a permanent tenure. He is now paid as the other professors are, under section 1336 of the Revised Statutes.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Mr. HOLMAN. On the point of order I wish to say one word in addition. It is conceded that this professor of law, if we make the professorship permanent, must be paid at least as much as the present compensation; so that though the proposition upon its face does not increase expenditure, it certainly does not diminish it.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] who offers this amendment has stated that its effect is to change the tenure of this office, making it permanent. This is a change of law. By Rule XXI, third section, second paragraph, it is not necessary that an amendment offered to a bill of this nature should increase expenditures in order to be obnoxious to the point of order. If it changes existing law and does not reduce expenditures it comes within the inhibition of the rule. This amendment proposes to change the law and makes no reduction of expenditures. Therefore the Chair sustains the point of order.

The Clerk resumed and concluded the reading of the bill.

Mr. KEIFER. I move that the committee rise and report the bill and amendments favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report the same back with a recommendation that it be passed with amendments.

Mr. KEIFER. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The Clerk will report the first amendment reported from the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

At the end of line 34 insert the following:

And hereafter all appointments to the grade of second lieutenant in the Army shall be confined to graduates of the Military Academy and to meritorious non-commissioned officers and enlisted men recommended for promotion in the manner now provided by law, except during a foreign war.

The question being taken on agreeing to the amendment, there were—ayes 55, noes 89.

Mr. KEIFER. We had better have the yeas and nays on this amendment, and I therefore make the demand for them.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 88, nays 152, not voting 83; as follows:

YEAS—88.

Adams, G. E.	Everhart,	McCoid,	Ryan,
Anderson,	Funston,	McComas,	Skinner, C. R.
Atkinson,	Goff,	McCormick,	Slocum,
Bayne,	Guenther,	Millard,	Smith, A. Herr
Beach,	Harmer,	Morrill,	Smith, Hiram Y.
Bisbee,	Hart,	Nelson,	Spooner,
Boutelle,	Hatch, H. H.	Nutting,	Steele,
Breitung,	Haynes,	O'Hara,	Stephenson,
Brewer, F. B.	Henderson, D. B.	Parker,	Stewart, J. W.
Browne, T. M.	Henderson, T. J.	Payne,	Strait,
Brown, W. W.	Hepburn,	Payson,	Struble,
Budd,	Hitt,	Perkins,	Taylor, E. B.
Campbell, J. M.	Holton,	Peters,	Taylor, J. D.
Cannon,	Jeffords,	Pettibone,	Thomas,
Cook,	Kean,	Poland,	Throckmorton,
Culbertson, W. W.	Keifer,	Price,	Wadsworth,
Cullen,	Kelley,	Ranney,	Wait,
Cutcheon,	Ketcham,	Ray, Ossian	Wakefield,
Davis, G. R.	Lacey,	Rockwell,	Weaver,
Dunham,	Laird,	Rogers, W. F.	White, Milo
Ellis,	Lawrence,	Rosecrans,	Wilson, James
Evans,	Long,	Rowell,	York.

NAYS—152.

Adams, J. J.	Dunn,	Lowry,	Singleton,
Aiken,	Eldredge,	Lyman,	Skinner, T. G.
Alexander,	Elliott,	McAdoo,	Snyder,
Bagley,	English,	McMillin,	Spriggs,
Barksdale,	Fiedler,	Matson,	Springer,
Belmont,	Findlay,	Maybury,	Stevens,
Bennett,	Follett,	Mills,	Stewart, Charles
Blount,	Foran,	Mitchell,	Stockslager,
Boyle,	Forney,	Money,	Storm,
Bratton,	Fyan,	Morrison,	Sumner, C. A.
Breckinridge,	Geddes,	Morse,	Talbott,
Buchanan,	Gibson,	Moulton,	Taylor, J. M.
Buckner,	Glascock,	Muldrow,	Thompson,
Burnes,	Graves,	Muller,	Tillman,
Caldwell,	Green,	Murray,	Townshend,
Campbell, Felix	Greenleaf,	Mutchler,	Tully,
Campbell, J. E.	Halsell,	Oates,	Turner, H. G.
Candler,	Hancock,	O'Ferrall,	Turner, Oscar
Carleton,	Hardeman,	O'Neill, J. J.	Vance,
Cassidy,	Hardy,	Paige,	Van Eaton,
Clardy,	Hatch, W. H.	Pierce,	Wallace,
Clay,	Hemphill,	Peel,	Ward,
Clements,	Herbert,	Post,	Warner, A. J.
Cobb,	Hewitt, G. W.	Potter,	Warner, Richard
Converse,	Hill,	Pryor,	Wellborn,
Cosgrove,	Hoblitzell,	Pusey,	Wemple,
Covington,	Holman,	Randall,	Wilkins,
Cox, S. S.	Houseman,	Rankin,	Williams,
Cox, W. R.	Hunt,	Reagan,	Willis,
Crisp,	Jones, B. W.	Reese,	Wilson, W. L.
Culberson, D. B.	Jones, J. H.	Riggs,	Winans, E. B.
Curtin,	Jones, J. K.	Robertson,	Winans, John
Dargan,	Jones, J. T.	Robinson, J. S.	Wise, G. D.
Davis, L. H.	Jordan,	Robinson, W. E.	Wolford,
Deuster,	Kleiner,	Scales,	Wood,
Dibrell,	Lamb,	Seney,	Worthington,
Dockery,	Lanham,	Seymour,	Yaple,
Dowd,	Lewis,	Shively,	Young.

NOT VOTING—83.

Arnot,	Davis, R. T.	Howey,	Phelps,
Ballentine,	Dibble,	Hurd,	Ray, G. W.
Barbour,	Dingley,	Hutchins,	Reed,
Barr,	Dorsheimer,	James,	Rice,
Belford,	Eaton,	Johnson,	Rogers, J. H.
Bingham,	Ellwood,	Kellogg,	Russell,
Blackburn,	Ermentrout,	King,	Shaw,
Blanchard,	Ferrell,	Le Fevre,	Shelley,
Bland,	Finerty,	Libbey,	Smalls,
Bowen,	Garrison,	Lore,	Stone,
Brainerd,	George,	Lovering,	Sumner, D. H.
Brewer, J. H.	Hammond,	Miller, J. F.	Tucker,
Broadhead,	Hanback,	Miller, S. H.	Valentine,
Brumm,	Henley,	Milliken,	Van Alstyne,
Burleigh,	Hewitt, A. S.	Morgan,	Washburn,
Cabell,	Hiscock,	Murphy,	Weller,
Chace,	Holmes,	Neece,	White, J. D.
Chalmers,	Hooper,	Nicholls,	Whiting,
Collins,	Hopkins	Ochiltree,	Wise, J. S.
Connolly,	Horr,	O'Neill, Charles	Woodward.
Davidson,	Houk,	Patton,	

So the amendment was rejected.

During the roll-call the following pairs were announced from the Clerk's desk:

Until further notice, on all political questions:

Mr. DIBBLE with Mr. BRUMM.

Mr. ARNOT with Mr. BELFORD.

Mr. NICHOLLS with Mr. HOOPER.

For this day only:

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. CABELL with Mr. WHITE, of Kentucky.

Mr. ERMENTROUT with Mr. OCHILTREE.

Mr. WOODWARD with Mr. PHELPS, on this vote.

The vote was then announced as above recorded.

The remaining amendment of the Committee of the Whole House on the state of the Union was then agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. This being one of the general appropriation bills the rule requires that the vote on its passage shall be taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 232, nays 0, not voting 91; as follows:

YEAS—232.

Adams, J. J.	Evans,	McCormick,	Skinner, C. R.
Aiken,	Everhart,	McMillin,	Skinner, T. G.
Alexander,	Findlay,	Matson,	Slocum,
Anderson,	Follett,	Maybury,	Smalls,
Atkinson,	Foran,	Millard,	Smith, A. Herr
Bagley,	Forney,	Miller, J. F.	Smith, H. Y.
Barksdale,	Funston,	Mills,	Snyder,
Barr,	Fyan,	Mitchell,	Spooner,
Bayne,	Geddes,	Money,	Spriggs,
Beach,	Gibson,	Morrison,	Springer,
Bennett,	Glascock,	Moulton,	Steele,
Bisbee,	Green,	Muldrow,	Stephenson,
Blount,	Greenleaf,	Muller,	Stevens,
Boutelle,	Guenther,	Murray,	Stewart, Charles
Boyle,	Halsell,	Mutchler,	Stewart, J. W.
Breckinridge,	Hancock,	Neece,	Storm,
Brewer, F. B.	Hardeman,	Nelson,	Strait,
Browne, T. M.	Hardy,	Nutting,	Struble,
Brown, W. W.	Harmer,	Oates,	Sumner, C. A.
Buchanan,	Hart,	O'Ferrall,	Talbott,
Buckner,	Hatch, W. H.	O'Hara,	Taylor, E. B.
Budd,	Haynes,	O'Neill, J. J.	Taylor, J. M.
Burnes,	Hemphill,	Paige,	Thomas,
Cabell,	Henderson, D. B.	Parker,	Thompson,
Caldwell,	Henderson, T. J.	Payne,	Throckmorton,
Campbell, Felix	Hepburn,	Payson,	Tillman,
Campbell, J. M.	Herbert,	Peel,	Townshend,
Cannon,	Hewitt, A. S.	Perkins,	Tully,
Carleton,	Hewitt, G. W.	Peters,	Turner, H. G.
Clardy,	Hill,	Pettibone,	Turner, Oscar
Clay,	Hitt,	Phelps,	Van Alstyne,
Clements,	Hoblitzell,	Poland,	Vance,
Cobb,	Holman,	Potter,	Van Eaton,
Converse,	Holmes,	Pryor,	Wait,
Cook,	Houseman,	Pusey,	Wakefield,
Cosgrove,	Hunt,	Randall,	Wallace,
Covington,	Jeffords,	Rankin,	Ward,
Cox, S. S.	Jones, B. W.	Ranney,	Warner, A. J.
Cox, W. R.	Jones, J. K.	Ray, Ossian	Warner, Richard
Crisp,	Jones, J. T.	Reagan,	Washburn,
Culberson, D. B.	Jordan,	Reed,	Weaver,
Culbertson, W. W.	Kean,	Reese,	Wellborn,
Cullen,	Keifer,	Rice,	Wemple,
Cutcheon,	Kelley,	Riggs,	White, Milo
Davidson,	Ketcham,	Robinson, J. S.	Wilkins,
Davis, G. R.	Kleiner,	Robinson, W. E.	Williams,
Davis, L. H.	Lacey,	Rockwell,	Willis,
Deuster,	Laird,	Rogers, W. F.	Wilson, James
Dibrell,	Lamb,	Rosecrans,	Wilson, W. L.
Dingley,	Lanham,	Rowell,	Winans, E. B.
Dockery,	Lawrence,	Russell,	Winans, John
Dowd,	Le Fevre,	Ryan,	Wise, G. D.
Dunham,	Lewis,	Scales,	Wolford,
Dunn,	Long,	Seney,	Woodward,
Eldredge,	Lowry,	Seymour,	Worthington,
Elliott,	Lyman,	Shelley,	Yaple,
Ellis,	McAdoo,	Shively,	York.
English,	McComas,	Singleton,	Young.

NAYS—0.

NOT VOTING—91.

Adams, G. E.	Collins,	Hooper,	Ochiltree,
Arnot,	Connolly,	Hopkins,	O'Neill, Charles
Ballentine,	Curtin,	Horr,	Patton,
Barbour,	Dargan,	Houk,	Pierce,
Belford,	Davis, R. T.	Howey,	Post,
Belmont,	Dibble,	Hurd,	Price,
Bingham,	Dorsheimer,	Hutchins,	Ray, G. W.
Blackburn,	Eaton,	James,	Robertson,
Blanchard,	Ellwood,	Johnson,	Rogers, J. H.
Bland,	Ermentrout,	Jones, J. H.	Shaw,
Bowen,	Ferrell,	Kellogg,	Stockslager,
Brainerd,	Fiedler,	King,	Stone,
Bratton,	Finerty,	Libbey,	Sumner, D. H.
Breitung,	Garrison,	Lore,	Taylor, J. D.
Brewer, J. H.	George,	Lovering,	Tucker,
Broadhead,	Goff,	McCoid,	Valentine,
Brumm,	Graves,	Miller, S. H.	Wadsworth,
Burleigh,	Hammond,	Milliken,	Weller,
Campbell, J. E.	Hanback,	Morgan,	White, J. D.
Candler,	Hatch, H. H.	Morrill,	Whiting,
Cassidy,	Henley,	Morse,	Wise, J. S.
Chace,	Hiscock,	Murphy,	Wood,
Chalmers,	Holton,	Nicholls,	

So the bill was passed.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. MILLER, of Texas, with Mr. WELLER, on this vote.

Mr. BLAND with Mr. VALENTINE.

The vote was then announced as above recorded.

Mr. KEIFER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF THE PRESIDENT'S MESSAGE.

Mr. MORRISON. I move, Mr. Speaker, that the Committee of the Whole House on the state of the Union be discharged from the further

consideration of the President's annual message with a view of offering a resolution to the House for its distribution to the several committees.

The motion was agreed to.

Mr. MORRISON. I move the following resolution for the distribution of the President's annual message to the several committees of the House.

The Clerk reads as follows:

Resolved, That so much of the annual message of the President and the documents which accompany it as relates to the public debt and the public revenue, to the national finances, to the revenue provisions of the reciprocity treaties with Hawaii, Mexico, and Spain, and to the commercial relations with foreign countries having connection with revenue questions, be referred to the Committee on Ways and Means.

That so much as relates to the appropriation and expenditure of the public moneys be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States be referred to the Committee on the Judiciary.

That so much as relates to the currency and to national banking associations be referred to the Committee on Banking and Currency.

That so much as relates to the coinage and to the mints of the United States be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the regulation of interstate commerce and to the regulation of international commerce be referred to the Committee on Commerce.

That so much as relates to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors.

That so much as relates to agriculture and the preservation of the forests be referred to the Committee on Agriculture.

That so much as relates to the treaty with Nicaragua authorizing the construction by the United States of a canal, railway, and telegraph line across the Nicaraguan territory, to affairs between the Government of the United States and the governments of foreign nations, the regulation of the consular and diplomatic service, and to the violation of the laws relating to Chinese immigration be referred to the Committee on Foreign Affairs.

That so much as relates to the Army and to providing an armament for defense on the seacoast be referred to the Committee on Military Affairs.

That so much as relates to the Navy and the reconstruction of the naval service be referred to the Committee on Naval Affairs.

That so much as relates to postal affairs and to the reduction of the existing rates of postage be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public lands be referred to the Committee on Public Lands.

That so much as relates to the care, education, and management of the Indians be referred to the Committee on Indian Affairs.

That so much as relates to the organization and government of the Territories be referred to the Committee on the Territories.

That so much as relates to the care and improvement of public buildings and grounds in the District of Columbia be referred to the Committee on Public Buildings and Grounds.

That so much as relates to the Pacific Railroads, except as herein otherwise provided, be referred to the Committee on Pacific Railroads.

That so much as relates to illiteracy and education be referred to the Committee on Education.

That so much as relates to patents be referred to the Committee on Patents.

That so much as relates to the pensions be referred to the Committee on Pensions.

That so much as relates to the District of Columbia be referred to the Committee on the District of Columbia.

That so much as relates to civil-service reform be referred to the Select Committee on Reform in the Civil Service.

That so much as relates to the revival of American ship-building be referred to the Select Committee on American Ship-building and Ship-owning Interests.

That so much as relates to legislation in reference to Presidential succession be referred to the Select Committee on Law Respecting the Election of President and Vice-President.

Mr. MORRISON. I move the adoption of the resolutions.

The resolutions were adopted.

Mr. MORRISON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIE S. HOWARD.

Mr. COVINGTON, from the Committee on Accounts, reported back the following resolution with the recommendation that it do pass:

Resolved, That Willie S. Howard, authorized to be employed as page at the first session of this Congress and assigned to duty at the subcommittee room of the Committee on Appropriations, be appointed to such employment during the present session, and that he be paid out of any contingent fund of the House the same compensation as other pages of the House from December 1, 1884.

The resolution was adopted.

Mr. COVINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPENSATION OF UNITED STATES ATTORNEYS, ETC.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. 7675) relating to the compensation and duties of the United States attorneys, marshals, and other court officials, and for other purposes; which was read a first and second time.

Mr. SPRINGER. I move that the bill be referred to the Committee on Expenditures in the Department of Justice and ordered to be printed.

Mr. KEIFER. I am under the impression that bill should go to the Committee on the Judiciary, which has jurisdiction of the whole subject.

Mr. SPRINGER. No; the subject has been under investigation for a long time by the Committee on Expenditures in the Department of Justice. At the last session on suggestion of that committee there was included in the sundry civil appropriation bill provisions covering the subject-matters of this bill.

Mr. KEIFER. I think properly under the ruling heretofore the bill should go to the Committee on the Judiciary. It certainly does not belong to the Committee on Expenditures in the Department of Justice. I ask the attention of the Chair to the subject.

Mr. SPRINGER. As I have already stated, this bill embraces precisely the same points contained in the sundry civil appropriation bill of the last session of Congress. In the distribution of the President's annual message the subject was referred to the Committee on Expenditures in the Department of Justice.

The SPEAKER. The rule of the House provides that—

The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments, as follows.

Now, this seems to relate to the pay of district attorneys, United States marshals, and other United States officers, and the Chair thinks under the proper construction of the rule the bill should go to the Committee on Expenditures in the Department of Justice.

The bill was referred to the Committee on Expenditures in the Department of Justice.

ANTWERP EXPOSITION.

Mr. PHELPS, by unanimous consent, introduced a joint resolution (H. Res. 297) to enable the people of the United States to participate in the exposition to be held at Antwerp in the year 1885; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REAR-ADMIRALS.

Mr. COX, of New York, from the Committee on Naval Affairs, reported back the following resolution, with the recommendation that it do pass:

Resolved, That the President be requested to furnish this House, as early as convenient, with the necessary information showing the authority of law for which certain commodores of the Navy have been given rank of acting rear-admirals when, as is alleged, no vacancy existed to justify such action.

The resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO MEXICAN SOLDIERS.

Mr. REAGAN. I now call up the interstate-commerce bill, which is the special order.

Mr. TOWNSHEND. Before the gentleman proceeds to the consideration of the special order I would like to inquire when he proposes to call the previous question.

Mr. REAGAN. There are four or five members of the committee who yet desire to speak on this subject, and I can not with justice demand the previous question until they shall be heard. At the furthest but little more time will be consumed in the discussion, and perhaps it may be disposed of to-morrow or the day after.

Mr. TOWNSHEND. I wish to give notice, then, that after the disposition of the interstate-commerce bill to-morrow or the day after, as it shall happen, I will move to go to the Speaker's table for the purpose of taking up and passing the bill pensioning soldiers of the Mexican war.

HOLIDAY ADJOURNMENT.

Mr. MORRISON. I ask by unanimous consent to submit the following resolution, for reference to the Committee on Ways and Means.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, December 23, 1884, they adjourn until Monday, the 5th of January, 1885.

The resolution was referred to the Committee on Ways and Means.

INTERSTATE COMMERCE.

Mr. REAGAN. I now call up the special order, which is the interstate-commerce bill.

The SPEAKER. The regular order of business being called for, the House resumes the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce, and the gentleman from Vermont [Mr. STEWART] has the floor.

Mr. STEWART, of Vermont. Mr. Speaker, I had supposed at this date in the nineteenth century that no question could be made as to the constitutional power of Congress to deal with the subject embraced in these bills before the House. It is too late for that. The Constitution has proved elastic enough to meet more urgent emergencies than this. The occupation of the strict constructionist is gone. If we hear anything from him now and then it comes with a qualification which yields gracefully whenever the Constitution is stretched for the benefit of his particular section. We have not only the specific clause of the Constitution un-

der which these bills are introduced, which gives to Congress the power to regulate interstate commerce, but we have that other general clause of the Constitution, to which in emergencies we can fall back—the general-welfare clause. We have, beyond that, the doctrine to which the Supreme Court has more than hinted in a recent decision that Congress has power to do anything which the Constitution does not forbid.

Now, Mr. Speaker, it is no part of my purpose to consume the time of this House in the discussion of any constitutional question, or the constitutional right of Congress to deal with this subject. It is a subject whose importance is commensurate with its magnitude, and its magnitude is as wide as the country itself. We have 125,000 miles of railway, represented by twelve hundred different corporations. With two or three exceptions, these corporations are the creatures of State Legislatures and subject to State laws.

These roads ramify and extend all over the continent. They touch the interests of every man, woman, and child in the country. There is not a producer, a manufacturer, a consumer, a laborer, however humble, that is not interested in the question before the House. Further than that, the securities of these 125,000 miles of railway, representing $7,000,000,000 of money at the actual cash value of the roads today, are in the savings institutions, in the stockings, in the depositories of securities in every hamlet in the land, and anything which affects the value of these securities, any legislation which can affect them in any way, ought to be most carefully drawn and cautiously considered.

How shall we deal with this great question? It is a most intricate problem, and though men may think otherwise, when they have come to give it careful study and investigation they will find serious difficulties involved in any attempt to regulate it by legislation.

How shall it be done? Two methods are proposed in substance by the two bills before the House. Both recognize the necessity of remedial legislation to correct existing abuses and, as far as may be, to overcome their liability to recurrence. The duty of the carrier may be expressed in a single sentence: His charges should be reasonable, and, as between his customers, just and equitable. And this comprises the whole of it.

The violation of this plain principle furnishes the only just ground of complaint. So far we all agree. The friends of the respective bills before the House are in disagreement as to the method, and as it seems to me the methods proposed by these two bills are radically different. The bill reported from the committee affirms and emphasizes the common law principle governing common carriers, forbids their violation, provides penalties, and affords sure and speedy relief therefor. It recognizes the existence of those natural principles of commercial law which antedate statutes, and which inspire all wise legislation; and it undertakes to work with and supplement them. On the other hand, the substitute bill thrusts into this intricate problem artificial, arbitrary, and inflexible rules not of universal application, and which in many cases, in my judgment, would work the very mischiefs sought to be remedied. I refer to the provisions of the substitute bill which forbid absolutely a greater charge for a short than for a long haul; which absolutely prohibit rebates and drawbacks, as well as the combinations denominated pools.

Mr. Speaker, there is no real antagonism between the carrier and the customer, and this fundamental truth should not be lost sight of. The real interest of the carrier is to stimulate production. His prosperity is but the echo of the general prosperity on his line of transportation. No man knows better than the intelligent carrier that his dividends depend upon the general thrift of the people whom he serves. If his rates are fixed so high as to depress business and discourage enterprise his next balance-sheet will make sure reminder of his error. This is the first law which applies upon this great subject and influences the result. There is a community and a reciprocity of interest—actual, real interest—between the carrier and the customer. Then come in the laws of competition, which are constantly at work to modify and correct injustice and to produce a correct result. The roads compete with one another, they compete with water ways, they compete with Canadian corporations, they compete in the market to which the product is sent. The competition in foreign markets of the product they carry is in itself an element which enters into the problem.

Now, these are the great regulators of railroad traffic: First, the reciprocal interest between the carrier and the customer, which is an ever-present existing fact which every intelligent man must recognize. Secondly, this law of competition which, like the law of supply and demand, is unceasingly at work. These, I say, are the two regulators, Mr. Speaker, of this great subject, the law of reciprocal advantages between the carrier and the customer. The laws of trade which flow from competition are as constant in operation as the law of gravity itself; and in spite of the greed of contending managers, in spite of the insolence and arrogance and the blind unwisdom of men, they are constantly and effectually at work to correct abuses and to make proper equation between apparent conflicting interests.

Mr. Speaker, the only healthy and wise system of law which can work successfully and effectively in the solution of this problem is that which works with the natural law. Men can employ the great agencies of nature—steam, electricity, and the like—and produce grand results, and they do it by working with the laws which govern these forces and not against them. There is what I might describe in this railroad system, as there is in every social system, a principle which answers to what the physiologists denominate the *vis medicatrix* in the human system; to paraphrase a famous saying of Matthew Arnold, there is a power in the social system which makes for health and for the correction of abuses. It is a constantly working force, and if men had patience oftentimes to await the solution of vexing problems through these natural laws, the cure, wrought slowly perhaps, but surely, as nature ever works, would be final and effective.

Now, Mr. Speaker, I desire to call the attention of the House for a moment to the reasoning, which seems to me unanswerable, applicable to those clauses which the distinguished chairman of the Committee on Commerce insists upon ingrafting upon our legislation. He says, in the first place, that no railway in this country in the conduct of interstate commerce shall charge more for a short than for a long haul. As has been said, that seems to be just; as a general rule or as a general principle applicable to railroad traffic it is just. But it is not universally true; and if it is not universally true it should not be applied as an inflexible rule of law to the government of railways. They should be left to the laws of trade and of commerce and to the natural and healthful operation of those laws for the correction of the abuse, if there is any abuse, growing out of the violation of this general principle. Its rigid application would often result injuriously both to carrier and shipper. There is a lurking fallacy in the principle contended for. It takes into account only a single factor in a complex problem, to wit, distance. Rates, either direct or relative, can not be fixed by that standard alone.

It is not true that the short-haul shipper is wronged because he pays a higher rate for a less distance than the more distant shipper who lives at the point of competition. He is only wronged when he pays more than a reasonable rate for the service rendered him, taking into account all the circumstances of the situation, the reasonableness of the cost of the service to the short-haul shipper, the undoubted right of the railroad to fix rates at a standard sufficient to defray expenses and pay a fair profit on the plant, the relative advantage of position of the short and long haul shipper through natural causes, the necessities which the law of competition at important points thrusts upon the carrier, a due consideration to the general good which may be advanced without wrong to the citizen or the railway—these are some of the many factors which enter into the problem presented.

Take the illustration referred to by my friend from Massachusetts [Mr. LONG]—and it is a very good one; one that was used before the committee. A railway from New Orleans to Memphis passes at an intermediate point an internal station called Winona. The Winona man pays, say, $2.50 per bale for the transportation of his cotton from that point to New Orleans. The railway company says to shippers of cotton at Memphis, "We will take your cotton at $1 per bale to New Orleans in competition with the river and make a small profit." The shipper there says, "I will not send my cotton by your railway unless you take it at that price, because I can send it by barge or by steamer at that price or less"—75 cents per bale, I think, was the rate.

Mr. WOODWARD. One dollar.

Mr. STEWART, of Vermont. Very well; what will the railway manager do under those circumstances? The application of the Reagan bill would say he shall not take that freight from Memphis. Does it do any harm to the shipper at Winona? Nobody pretends it harms him. If the railway charges no more than the service is actually worth to him, and no more than they are entitled to charge under their charter for the performance of the service, who is wronged? If the railway makes a small profit by taking this cotton from Memphis, it is for the benefit not only of the railway, but of the local shipper, because it enables the railway under those circumstances to give better terms to the local shipper. Everything which swells income, everything which gives increased competition to those who have cotton to ship, is an advantage to the State of Mississippi. And I say that where there is a general advantage in a railway policy, and nobody is hurt, the application of this principle would work disastrously. It is for that reason I am opposed to it.

Nor is it true universally, Mr. Speaker, that because railways under these circumstances can afford to carry that freight from Memphis for a dollar to New Orleans, therefore they can afford to carry the local freight at the same rate. That is not true. There is not a railway man in the United States that would not deny it. I do not suppose that the gentlemen on this floor who advocate this bill will stand up here and say that all the railway men in the United States who have uttered any sentiment on this subject, the most honorable men, the most upright men, as well as the most enterprising men, representing these great interests in this country, would come before this committee and stultify themselves and falsify for the sake of this advantage. These experts represent to us that they can take freight, for example in the instance I have named, from the city of Memphis to the city of New Orleans and can make a small profit on it, because they say, "We have our roadway, we have our plant, we have our cars, we have our employés, and we can take this, and make on the whole a small profit; now let us do it." But this bill reported as a substitute, omitting to take into account this matter of competition, omitting to take into account the general interests of all concerned, undertakes to put an absolute, arbitrary, and inflexible rule into this delicate and intricate machinery, a rule which will work the very wrong intended to be remedied.

There is another illustration cited to the committee. The railways from New York to the city of New Orleans dare to compete with coastwise carriers to that point. Do we not desire to encourage competition? Do you wish to destroy competition? How can those railroads compete? Only in one way—by putting the through rates from New York to New Orleans at 76 cents a ton. The railway rate from New York to Atlanta is $1 a ton. Has the Atlanta man any right to complain if the railroad company imposes only a reasonable charge for the service rendered him? That is all he has a right to claim; and no fair-minded man, it seems to me, who looks that proposition squarely in the face, can deny it. That is a just principle, which should govern the relations between the shipper and the railroad manager. The shipper at Atlanta will not get his freight any cheaper if you say the railroad company shall not carry freight for a little less to the city of New Orleans. On the contrary, the ability of the railroad to give him cheaper rates is cut off, and competition to New Orleans is rendered impossible.

It is not true that the local freight is taxed in order that the railroads may carry through freight at a less rate; and I undertake to say, Mr. Speaker, that in this widely extended country, where terminal points are so remote from each other, and where the transportation of a vast amount of freight at minimum rates is constantly necessary, the application of this rule will work nothing but injury to the great interests of the country.

Now, in regard to rebates, the clause in the bill reported by the committee is carefully guarded. It is said that rebates are always, absolutely and unconditionally, an evil—unjust and wrong in principle. Why, Mr. Speaker, there is not any abstract rule applicable to this subject anywhere. This is the most practical question that ever confronted human intelligence. If men straddle abstractions, if they insist upon resting in abstractions on this subject, they are likely to go astray. The question is, how does this matter work in practice? Is it true that a rebate is absolutely, essentially, and under all circumstances wrong? I deny it. Instances have been shown before the committee, and instances can be mentioned before this House, which absolutely disprove it.

Now here are eight or ten—I think eight—great trunk railroads running eastward from Chicago to the New York market. They compete with each other. There is no difficulty in each road making independently its own rates. I make a rate this morning with the Erie road for one hundred car-loads of pork from Chicago to New York with a narrow margin of profit. My friend from Massachusetts [Mr. RANNEY] makes a rate on the same day for the same kind and amount of freight to New York by the New York Central Railroad. I send mine at 75 cents a hundred; he sends his at 50 cents a hundred. There is no common understanding. The Reagan bill says there shall not be any. The Reagan bill says there shall be no combination which shall prevent this injurious competition, this competition which works the worst kind of discrimination between the dealers in the same article. What then? How can this matter be corrected? Shall I go to New York, and when I discover that another man has an advantage of 25 cents a hundred over me go to the railroad company and say, "I suppose you intend to do business on fair principles as regards your neighbors?" The company says, "Certainly." "Then I want you to give me a rebate which shall put me on an equality with my friend, who from another company has obtained a less rate." Is there any injustice in that? Does it not wipe out the very discrimination which is sought to be obviated in this bill? If you adopt the rigid rule of the Reagan bill the hands of the railroad companies are tied, and they can not correct such a wrong.

Again, take the matter of exports. The Reagan bill says that the railroad companies shall not vary from their published tariffs; that when they have agreed upon a tariff they must not change it. They can not change their tariff very often; they can not change it without notice. Now, suppose products designed for export go to New York, and then it is found they can not be exported and meet competition in foreign markets unless the rates are reduced, are you going to cut off the foreign market from the Western producer and say peremptorily, absolutely, and arbitrarily that the railroad companies shall not make a rebate in order that these producers may ship their freight to Liverpool? That is the effect of the provision of the Reagan bill—the inevitable effect of it. The testimony of every intelligent railroad-man goes to this point. Are you going to say in the first place that the railways shall not combine to fix rates, shall not form what is called a "pool," in order to avoid this injurious competition (of which I shall have a word to say presently), and then say further that when freight reaches the seaport from which it is designed to be shipped the companies shall not make a rebate in order that the producer may export it and find a market for it? Are you going to tie the hands of the railroad companies so that produce shall rot at the seaport or at the point from which it would be sent because it can not be exported? Is there any wisdom in the application of such an inflexible rule as that?

Take the case of staves, the case already referred to. These railroads carry staves to New York, all of them, at the same rate. They are not at liberty to vary their tariff, and ought not to do so. Now, suppose I am an exporter of staves in New York and my friend from Illinois [Mr. SPRINGER] is a dealer in staves there. I can not export those staves to compete with the European dealer in that article unless the railroad will give me a rebate. Does it hurt him if they give me a rebate under those circumstances, and allow me to find a market abroad when I can not get one at home?

Is this the encouragement of American commerce? Is this the proper regulation of interstate commerce? I deny it.

Mr. REAGAN. Will the gentleman allow me to ask him a question?

Mr. STEWART, of Vermont. Certainly.

Mr. REAGAN. Would it not be just to allow the same rebate allowed to one person to another person hauling the same goods over the same route?

Mr. STEWART, of Vermont. That depends. In the case I suppose it would be just, because the staves exported and on which rebate was allowed would not in any sense interfere with the regular market or prejudice any consignee.

Mr. REAGAN. Then why not give all persons interested in the same trade—and I do not wish to be considered as interfering with my friend's argument, but if he wishes to accomplish the object which he seems to seek, that of reduction of freight charges—why, let me ask, not give the same rebate to all persons engaged in hauling the same character of commodities? Why punish one part of the people by advantages bestowed upon all others?

Mr. DAVIS, of Illinois. The Judge should put his question this way: Would it not be unjust to not allow this rebate to another man shipping staves to the same market when it is allowed to one man?

Mr. STEWART, of Vermont. As I have stated in the case suggested, if rebate was given to the other man then it would be unjust.

Mr. REAGAN. On the principle for which I am contending the application of a rebate should be made to all persons at the same time doing the same sort of business. That places everybody on terms of equality and will allow advantage to no one person or persons to the disadvantage of any others. Let me ask the gentleman whether it would not be safer and better to reduce freights to all—that is, that the railways should make their schedules lower to the extent at least to which they allow rebate?

Mr. STEWART, of Vermont. That suggests the very difficulty of dealing with it by arbitrary legislation. If you put the freight so low so the exporter can export his staves, you put them so low the business at home is done at loss to the railway. As was in evidence before the committee, they gave an exporter of staves a rebate because they desired to encourage foreign commerce. They would have made more money by holding the exporter of staves to the tariff price, but they gave him a rebate not for their own advantage but for the general advantage, and it harmed nobody. Will it be pretended a principle which works practically in favor of an increased exportation, which widens the market of American commerce, is an injurious principle when it harms nobody? Tariffs are constantly fluctuating, because tariffs have to follow prices and prices fluctuate in the market. So far as the foreign markets are concerned they govern prices. You can not export wheat from Chicago to Liverpool without reference to the price of wheat in Liverpool. That is one of the elements which enters into the problem and helps to settle and regulate it, and it is one of the reasons why the railroads are unable to charge arbitrarily a high price. They are governed because they are under these laws which they can not repeal.

Now I come to the consideration for one moment of the subject of competition—a subject which I think is not thoroughly understood; I certainly never understood it until I turned my attention to it—I mean in its application to the railway traffic. Competition is a thing which we all desire. We want to cultivate it. The elements of competition in the railway system of this country are fixed and sure, and no legislation can repeal them. There is not a great transcontinental line from the seaboard to the Mississippi or from the lakes to the Gulf that is not controlled, absolutely controlled, by this competition in the fixing of the rates. The water rates control the railway, for they can not charge without reference to the water rates. The water rates compete with them. The railroads compete with the great water ways, the lakes, the Welland Canal, the Erie Canal, the Ohio River, the Mississippi River, the Cumberland River, and the Tennessee River. Everything that affects either one of these great lines affects them all.

The moment the price drops in Chicago it must drop at Indianapolis and at Saint Louis and at Louisville; and whenever the price drops in Liverpool it must drop all along the line or else the traffic will be diverted from them. Otherwise the great trunk lines running east would have the traffic diverted from them and shipments would run crosswise to the line which gives the cheapest rates. There is no doubt of that. It is an interlacing and interdependence of interests multitudinous and conflicting, and which the enactments of man in the cold, frigid, stern rules of law, I undertake to say, can not successfully control or govern.

Now, competition within certain limits is properly competition; but when such competition, so called, transcends certain limits it ceases to be competition in the proper sense of the word and becomes war, reckless and ruinous to all interests. Roads should and do compete down

to a point where they can carry traffic at the lowest rate which will enable them to pay a reasonable profit upon it; but the moment they go below that rate it ceases to be competition, and if it be called competition when it reaches a figure below that point, then it becomes an injury not only to the roads but to the business of the country. That is so obvious a proposition that it goes without saying. You make your rates to-day with one road, and under the circumstances I have suggested they are 40 cents lower before night, and somebody else gets the benefit of the different rate. The shipper of the same sort of goods on the same day—if you have a railroad war, which some denominate competition—the shippers of the same character of goods, the shippers of the same articles precisely on the same day, may get a rate varying from $1 to 10 cents, or nothing. That, I maintain, is not competition. It is not the competition that the Congress of the United States should encourage. It unsettles values; it induces wild speculation; it bankrupts railroads, and bankrupt railroads are of no service in this country. We have had 20,000 miles of such roads, of which the stock has been entirely wiped out.

Now, how shall we correct the evil? There is nothing in the Reagan bill, so called, to correct it. There is a principle there which, on the contrary, absolutely forbids every attempt to correct it. Now, I am not in favor, Mr. Speaker, of an unconditional and absolute surrender of this subject to a combination of railroad-men to do what they please in the way of pooling or otherwise. I am as well aware as any man can be that there is a possibility of combination (though it is extremely improbable and never yet has been done, in my judgment certainly there is no proof before the committee that it ever took place), but a possibility of combinations between railroads which would have the effect of raising prices of freights beyond a just and reasonable and proper charge for the service. If any such instances ever occurred, I say there is no evidence before the committee.

Mr. Speaker, how shall competition, which degenerates into ruinous and destructive wars on all interests, be overcome or prevented?

Well, I confess, sir, that, studying the problem for many months as I have, I can not see any possible way by which it can be overcome except by these very combinations. Combination within certain limitations is just as legitimate as competition; and these two opposing principles, if rightly balanced, will regulate the whole subject. There is no doubt of it. If you have eight trunk lines running from Chicago to the seaboard, and they are cutting rates and unsettling the market, unsettling values, inducing wild speculations where the chances can not be calculated, and bankrupting themselves, what is the result? It may be said that they do it voluntarily. Very well; that is the law of human nature. If one road cuts the rates it will get the freight unless the other roads cut the rates too; and then when another road cuts a little lower the others must follow or lose the business. What is the remedy? Why, there is no cure except in a common agreement between the roads as to the rates and a determined policy of standing by them without violation. If they do that nobody has the right to complain. If they abuse the power and fix exorbitant, unjust, unreasonable rates everybody has the right to complain. Why here come in and apply all of the principles to which I have already alluded—the competitive water way, the market abroad? Rival roads working together to establish and maintain reasonable rates form a combination of competitive elements. Such a combination, under the safeguards guaranteed by the amendment proposed by Mr. SEYMOUR, the gentleman from Connecticut, furnishes, in my judgment, the only practical method of prevention of railroad wars, which are admittedly ruinous and a most prolific source of unjust discrimination.

Now, the amendment proposed by the gentleman from Connecticut [Mr. SEYMOUR] meets my hearty concurrence, and I think if Congress would ingraft this upon these provisions of the bill that the pooling system could work no possible harm and might afford a solution of the problem which the railways themselves have been trying for a long time to solve. The amendment is designed to cure the evils of competitive strife.

Mr. LONG. It refers to the pooling of the business of the roads.

Mr. STEWART, of Vermont. Yes; to the pooling system. The amendment proposes in section 4, line 14, referring to this question of pooling:

> The intent, purpose, and effect of which is to raise charges above reasonable rates, or to divide the earnings on any other basis than a reasonable accordance with the service respectively rendered by such roads, or to impair reasonable competition; and every such contract shall be open and in writing, and a copy thereof shall, as soon as the original is executed, be sent by the parties thereto to the board of commissioners hereinafter created.

Now, if this provision is carefully guarded no harm can possibly come to the public thereby and no harm to the railway service.

You put on foot an instrumentality by which this destructive cutting of rates will be measurably prevented—not absolutely. It will not be in the power of legislation or anything else absolutely to prevent it. But all legislation is really approximation. I do not pretend the bill reported by this committee is perfect. I do not think it is in the power of man to frame a bill now in advance which will meet every requirement. It is what is called tentative; it is initiative. But I believe if this provision is ingrafted upon a permission to make a pool, everybody will be served and everybody will be secured, and there will be a remedy for the evil of which my friend from Texas [Mr. REAGAN] complains, and which I would avoid with as much earnestness as he, for I am as much opposed to unjust discrimination on the part of these powerful corporations injurious to the rights of any citizen as he is. But I differ with him essentially as to the methods by which this result is to be secured.

The rules, Mr. Speaker, which are applicable to this case must be elastic and should have genesis in the conditions of each case. These conditions which surround railway traffic are infinitely varied; they can not without injury to all interests concerned be subjected to artificial, unvarying rules imposed by the Government. The only solution, in my view, of the difficulties with which this great subject bristles is through the harmonious co-operation of the common law and the natural laws to which I have referred, re-enforced by legislation working with and never against them, which shall supply machinery for their sure and summary enforcement in case of need.

And this brings me, Mr. Speaker, to the consideration of what I regard as the most important feature in this bill. I do not claim to be wise above my day or above my fellows, but I must say that it seems to me so perfectly clear that the only effective way to remedy evils which are admitted to exist is through the influence and power of a railway commission, that any other legislation than that seems to me absolutely valueless and it may be mischievous.

I was somewhat amused at the criticisms made by my friend from Pennsylvania [Mr. BOYLE] yesterday. He, as we know, is a very acute lawyer, and he argued this question from the standpoint of an acute and an able lawyer. He made a very clear-headed presentation of the case from his standpoint. It was just such an argument as I have listened to many a time in court from a lawyer who carefully concealed everything that was valuable and strong in his adversary's case and directed all his efforts to expose its weakness. He took up the points one after another, instead of grouping them and looking at them as a whole, just as one might separate a bundle of sticks or the strands of a cable, each one of which considered by itself is a slender and weak thing, but when bound together you find it is a whole, having coherence and strength which can hold a tempest-tossed ship. Now, what is my friend's objection? Why, it is the same objection in substance that my distinguished friend from Texas, the chairman of the committee, stated in a general way, and that is that this commission is wholly insufficient. It has no power to do anything—that is to say, it does not afford any remedy to the party injured.

Why, Mr. Speaker, it is a remedy in addition to all the remedies which the gentleman affords in this bill. The party has the same right to go into court in the committee's bill as in his bill. He is subjected to not quite so severe penalties, but he is subjected to penalties in this bill for violation of the general principles which we say should govern railway managers. What is the trouble? The gentleman says it is not efficient enough; when you come to sum it up this commission has not power to render a final judgment and enforce its judgment by execution. That is the sum and substance of the objection. Now, both those gentlemen are too good lawyers not to understand that it is not in our power to create such a commission. We have given this commission more powers than any railway commission has ever had in this country; we give them full power to investigate. They are the ear of the Government, to listen to complaint; they are the right hand of the Government, to put in operation machinery in favor of the humblest and the weakest citizen of this Government who seeks redress.

My friend from Pennsylvania complains because the redress afforded is not full and sufficient. It goes just as far as the law will allow it to go. Commissions elsewhere in the States are clothed with no judicial or executive power. They do not render final judgment; they have no power to issue injunctions; they have no power to make any peremptory orders. Such a commission is a board of investigation, a board of inquiry, and a board of advice, representing the sovereignty of the State as this proposed commission would represent the sovereignty of 60,000,000 people.

It is idle, Mr. Speaker, for a gentleman to belittle the power and the influence of such a board as this bill contemplates. Any man who knows anything of the railway management in this country knows that railway managers may be arrogant; great power begets pride, and great power begets arrogance; it is a temptation to injustice. And it is for that reason, Mr. Speaker, that it has seemed to me wise, inasmuch as this great power, this *imperium in imperio*, has grown up in this Government and has excited the fears of many people because of its possible malign influence upon legislation and upon the judicial operations of the country—it has seemed to me proper, in view of the general feeling upon this subject, in view of the situation of affairs, that some representative of this Government should stand between the people and the railways impartial and not in a threatening or hostile attitude to the railways, but there simply as the watchful guardian of the rights of the people, or, as I have said, the ear and the arm of the Government, to hear and to guard.

Mr. WARNER, of Ohio. Will the gentleman allow me to ask him a question?

Mr. STEWART, of Vermont. Certainly.

Mr. WARNER, of Ohio. Do I understand the gentleman to take the

position that, in constituting a commission as proposed in the committee bill, Congress would go the full extent of its constitutional power; in other words, that it would give to this commission all the power it can exercise under the Constitution?

Mr. STEWART, of Vermont. I do not say that. I say that, as I understand the Constitution and the judicial system of our Government, Congress can not establish this commission as a judicial body without giving its members life-tenure. As I understand the Constitution of this Government, you can not give this board judicial power to hear and determine finally and to execute their judgment through final process unless you give the members of the commission life-tenure; and that we do not want to do.

Let me say here that this provision is drawn in conformity and analogy with the English practice. Let us review the order of procedure. Any man may make complaint. It is true that the commission is not bound to entertain the complaints of every man; and my friend from Pennsylvania [Mr. BOYLE] made a point in this regard. He said there might be cases where the commissioners would refuse to entertain a complaint, and then the party complaining would be turned over to a district attorney or a county attorney or some officer of that description in some State or Territory of the country. Upon this ground he thought the provision objectionable. I say that is one of the merits of the bill. I beg leave to differ with my learned friend on this point.

Suppose such a board of commissioners as this bill contemplates should be appointed by the Chief Magistrate of this country—President Cleveland, if you please, or by and by President Carlisle, perhaps—will my Democratic friends on this floor say that either of those gentlemen, knowing their action would be reviewed by the Senate, would appoint a board which would not properly exercise the discretionary power to judge as to the propriety of entertaining complaints of this character?

Mr. BOYLE. Is any court in this country armed with such discretion that it may hear the complaint of one man and refuse to hear the complaint of another?

Mr. STEWART, of Vermont. No court is armed with any such power. But this is not a court. That is the very point. It is not intended to be a court. It is intended to be a guardian, a watchful and impartial guardian of the rights of all. It is intended to listen and to investigate and to set this machinery in motion if in its judgment, upon consideration of all the circumstances of the case, it is wise to do so.

Now, my friend knows perfectly well that under this great system of railways there might be, and would undoubtedly be, a great many frivolous complaints; there would be a great many malicious complaints, and it is not that sort of complaints that the law is intended to meet; it is not that sort of difficulty that we are trying to cure. We are trying to cure real substantial evils existing in this country, and I say this machinery is adequate for the purpose. If you constitute such a board as this you may safely intrust to it the discretionary power to say whether it will entertain complaints or not.

That is the first point. Now, this board will have power to go on and investigate. It is true the investigation of the board does not ripen into judgment. Perhaps the bill should go a little further and say that where a man claims damages the commission should inquire and report its judgment as to the amount of damages that should be given. I should have no objection to such an amendment. I think on the whole it would be an improvement, although such a power would be in the nature of a final judgment.

Now, I understand perfectly well that a well-trained lawyer like my friend from Pennsylvania is very apt to pooh-pooh the judgment or finding of such a tribunal. We are accustomed to respect courts that not only have the authority to render judgments but are clothed with power to execute them; and we are disposed to say with reference to such a proposition as this: "This is nonsense; because it does not result in anything absolute and final." But I think my friend and gentlemen who think with him on this subject underestimate the moral power of such a board as this. I undertake to say that the very existence of such a board, representing the sovereignty of this Government and the concrete will and purpose of the American people to see that justice is done, would exercise a powerful and a controlling influence upon the great corporations of this country. I have not a doubt of it, and I do not believe my friend has. If Charles Francis Adams, who is an expert on this subject, a man whose character is above all possible reproach, should be associated with two other men competent to deal with this subject—if a board thus constructed should sit and hear complaints of this sort, listen to the evidence carefully and patiently, upon notice to both sides, and should then come to a finding, do you suppose, Mr. Speaker, that there is any railroad in this country that would not respect such a finding? There would never be any occasion to invoke the aid of a court after such a finding.

Again, I have heard it intimated by some gentlemen that you can not trust the President and the Senate to appoint a board of men who should be superior to the malign influence of the combined corporations of this country. I do not know that any such sentiment has found utterance upon the floor of this House. I should be sorry to hear that stated here as the deliberate conviction of any man who claims to be a democrat; for if a man comes to that he has lost faith in republican institutions and he has lost faith in the people. But it is not true, Mr. Speaker. The President and the Senate of the country, I believe, can safely be intrusted with (and I would as soon trust to the President of one party as to the President of the other party) the duty of selecting a board of able, fearless, impartial men who shall stand as the representatives of the country to keep these corporations within their proper limitations. That is all we ask, and it is all we ought to ask. It does not become the dignity of the American Congress to assail any great interest which has invested in it $7,000,000,000 of the hard-earned money of the people, and which employs 2,000,000 of citizens in its daily service.

They are entitled to the protection of their rights to the fullest extent, and I understand my respected friend the chairman of the Committee on Commerce—and I know his sincerity as well as his ability—has no desire or purpose to inflict any wrong on them. But believing, as I do, the measures he seeks to inaugurate are calculated to produce the very evil he would remedy, I would interpose this machinery, which has allied to it the whole judicial power of the United States. Any circuit-court judge anywhere, at any time, in chambers can be called upon promptly and summarily to entertain this subject. Some gentleman said he had not the power to issue a temporary injunction, but that gentleman had not carefully read the bill, and he is mistaken.

Mr. WILSON, of Iowa. I want to ask the gentleman from Vermont a question which involves a difficulty in the minds of a great many members upon the floor, and it is this: Why the Committee on Commerce did not so frame the bill that the commission might determine the amount of damages done to the complainant. If there be any reason why that should be omitted I should like to know it. The State commissioners are allowed the right to fix the damages.

Mr. STEWART, of Vermont. In answer to the gentleman from Iowa, I will say that I know no other reason except probably that it did not occur to the committee. I have already stated that in my judgment such an amendment would add an important feature to this commission. There certainly should be no objection to going one step further where a man claimed damages and allow the commission to give their judgment of the amount of damage sustained by the complainant. It would not be a judgment such as my friend from Pennsylvania [Mr. BOYLE] would have a great deal of respect for. He would say, perhaps, that it did not amount to much. But when he said that he would look at it from the standpoint of a lawyer and not from the standpoint of a moralist, he would leave out of consideration wholly the moral element. He knows the moral consideration would weigh as strongly with the railways of the country as any proceeding in chancery for injunction.

Now, Mr. Speaker, suppose the bill of my friend from Texas [Mr. REAGAN] is passed and it comes into operation as the law, and some poor fellow in his country starts out to get treble damages, how far do you suppose he would get in remunerating himself for his losses, which might be very small? The very imposition of treble damages imposes a duty on the railway to fight. The very fact the man is to be compensated more than he lost or has sustained is enough to put the railway on the defensive. I think the principle is vicious. It is inequitable and unjust, and I think any man in this country who undertakes under that bill to assert his rights will quite as soon come to grief as any man who should assume to pursue a common law remedy without any statute at all. It invites defense; it provokes a hostile war; and railways would carry such cases to the last extremity. They do not care so much for proceedings in court; they care a great deal more, as my friend from Massachusetts [Mr. LONG] has stated, for the blaze of public sentiment for the publicity of wrongs and outrages done by them than for any mere judicial proceeding.

Mr. Speaker, at the risk of repetition allow me to summarize my view upon this point. An intelligent, upright, and independent board, representing the Government of the people, standing between the people and the railways, charged with the duty of careful supervision of the relations between the two, and clothed with powers sufficient to preserve their just balance, would command the confidence of all parties, and its deliberate behests would challenge respectful attention and obedience by railway managers.

The bare fact of the existence of such a commission, whose action could be summarily invoked by any citizen, however humble, would exert a strong and constant tendency to bring and keep the management of the roads of the country within the limits of righteous dealing. Notice, too, that the Federal courts are brought into swift concurrent and auxiliary action with the board in the exercise of its functions.

Ample provision is made for speedy and intelligent investigation, while the roads are secured against hasty action by a provision for notice, which gives opportunity for retraction or correction of ascertained error.

The substitute bill leaves the wronged citizen to make alone such case as he may dare to undertake against a powerful and arrogant adversary, and attempts to fortify his weakness by severe penalties of doubtful expediency; while under the committee bill the machinery for redress is put in motion and controlled by a board which represents the sovereign will and purpose of the whole people, not for the enforce-

ment of rigid, artificial, arbitrary rules, often of injurious application, but for the wise enforcement of sound and just general principles, broad enough and flexible enough to meet all emergencies without injury or injustice to either citizen or carrier.

Mr. TURNER, of Kentucky. Mr. Speaker, after the elaborate and able presentation of the superior merits of the substitute offered by Mr. REAGAN over the bill under consideration, I deem it unnecessary to consume much of the time of the House. The gentleman from Texas [Mr. REAGAN], ever since the introduction of this question before Congress ten years ago, has given it his patient study and support, and a few days ago gave to this House the result of his investigation in the following substitute for the bill under consideration, which I do not contend is perfect, but is certainly preferable to the so-called committee bill:

A bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or, from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on an actually or substantially continuous carriage, or as part of the continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers, in or by chapter seventeen of title thirteen of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

Mr. Speaker, before I enter upon the argument I desire to correct an erroneous impression upon the minds of the members outside of the Committee on Commerce in regard to the bill under consideration. It is called the committee's bill by gentlemen who have referred to it in debate, leaving the impression upon the minds of the members that a majority of the Committee on Commerce have approved the provisions of the bill under consideration for which Mr. REAGAN offered his substitute. This is not true. I state here in the presence of the chairman of that committee, and I hope he will correct me if I am mistaken, that a majority of that committee has never approved the bill under consideration. There is but one member of the committee in favor of the bill, as far as I know, and it is wrong that the bill should have the prestige of a bill approved by a majority of the Committee on Commerce.

Mr. Speaker, I have never approved the bill under consideration as one of the committee, and I state again that there is but one of the committee who indorses the bill known as the committee bill, now under consideration, and it is not entitled to that consideration that is given to a bill approved by a majority of a committee. The Committee on Commerce heard the testimony and arguments of able representatives of many of the great trunk lines of railroads and of others not connected with railroads for more than two months at their sessions, and could not agree upon a bill; and finally it was agreed that the bill under consideration should be reported to the House with the privilege of every member to offer substitutes or amendments, and it is in this way it came before this House, and no one on the committee feels bound to support the bill, and I hope no member on this floor will give the bill any weight further than its merits in his judgment entitle it to. I hope gentlemen will give the bill under consideration close scrutiny, owing to the fact that it stands here without the approval of any committee of this House at all. I have said this much in justice to myself and the committee, and to remove a false impression resting on the minds of the members in regard to the bill under consideration known as the committee bill, giving it prestige over the substitute offered by Mr. REAGAN.

Mr. Speaker, what are the evils complained of for many years, that have oppressed the people under the present railroad system, and which have been brought to the knowledge of Congress by thousands of petitions from all parts of the country, and by numerous bills introduced and referred to the Committee on Commerce?

First. It is charged that the railroads have charged unreasonable rates, swallowing up the profits of the producers of this country.

Second. That they have shown favoritism to individuals and to communities, thereby building up some and breaking down others unjustly.

Third. That they had destroyed that just competition which is necessary to commerce and to protect the shippers by a system of pooling.

Fourth. That they covered up their unjust favoritism and discrimination as public carriers by a system of rebates and drawbacks.

These are the evils said to exist and that afflict the country, and no member on this floor has had the hardihood to deny that these evils do exist and need a remedy at the hands of Congress.

THE REAGAN SUBSTITUTE.

The substitute offered by the gentleman from Texas remedies all these evils—

It makes it a penal offense to charge unreasonable rates;

It makes it a penal offense to discriminate against shippers—

Charging one more than another for like service; and to carry out this provision it prohibits any railroad company from charging more for a short haul than for a longer one. It gives to the individual wronged a right of action in either the Federal or State courts, and entitles him to treble damages.

It secures that just competition which is the life of commerce and which protects individuals from monopolies by preventing pooling and making it a penal offense punishable by indictment and fine. It secures similarity of charges for similar work and prevents evasions by prohibiting rebates and drawbacks and making it a penal offense punishable by fine and indictment.

It requires the rates of freight to be posted up in the offices, that all may see and understand them. It gives auxiliary aid by bill of discovery, requiring exhibition of books and papers. It gives a remedy full and complete. What more could any one ask? Every evil complained of is remedied. What less could be given to protect the people from rapacious corporations, clothed with immense power by their charters, and wielding a great influence upon the legislation in many of the States, if not a controlling one?

JUSTICE TO RAILROADS.

Sir, I recognize the benefits conferred upon the country by the building of railroads. I admire the energy and the enterprise of our citizens engaged in railroading; but, sir, those from whom they draw their annual tribute, the people, the farmers, the producers, have rights that ought and must be protected. I would not deprive any railroad company of just, full, and adequate compensation, but let them be just to others. This substitute can not hurt railroad companies that are acting justly. It only forces those who do not want to act fairly and justly to regard the rights of the people.

But, sir, we are told by the distinguished gentleman from Massachusetts [Governor LONG] that this substitute is mere *brutum fulmen*, that it will be a dead letter on the statute-book; if so, it will certainly not hurt any railroad, and they and their friends ought not to object to it.

Mr. Speaker, I have not heard a single shipper object to this substitute. It comes from the other side, the railroad officials. They opposed it before the committee through able counsel, and not on the ground at all that it would prove to be *brutum fulmen*. Oh, no, sir! And, sir, the gentleman from Massachusetts [Governor LONG] is not willing to rely upon this objection, for he attacks one of the main features of the substitute bill, the long and short haul feature, contending that it is unjust; and to prove it he puts two cases—one of hauling freight over the costly bridge at Saint Louis for two miles and one for hauling freight a mile or two through a costly tunnel. Sir, these are delusive instances, and are not practicable objections at all, as every one sees, and which require no argument to show their fallacy. What the people complain of is that railroads charge more for hauling freight fifty miles than a hundred in the same direction, and charge double as much for hauling freight one hundred miles as two and three hundred in the same direction and on roads that cost on an average the same per mile. This is occurring all over the country in the West and South, and it is of this the shippers complain, and have a right to complain, because it is wrong, it is unjust. It is palpable, and requires no argument to show its injustice.

But, sir, the gentleman from Massachusetts [Governor LONG] with great complaisance, after denouncing the substitute of General REAGAN, points us to his remedy in the so-called committee bill, the railroad commission feature found in the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, and sixteenth sections of the bill now under consideration. This, in his judgment, is *par excellence*, and is held up by him as the cloud by day and the pillar of fire by night that is to lead the children of Israel into the promised land. [Laughter and applause.] This railroad commission is to give all the desired relief to the oppressed shippers, the relief from the wrongs that he admits exist. Sir, I want every member to read it and study it carefully. It is very lengthy, it is true, but when you come to analyze it it is simply this: That the President is to appoint three commissioners, one skilled in law, one skilled in railroad matters, and the other skilled, I suppose, in nothing, for the bill does not say—I suppose a sort of figure-head—but all to draw $7,500 apiece, to be provided with an office in Washington, to have free passes over every railroad in the United States and Territories, and to have all their necessary and other expenses paid out of the public Treasury, and two clerks at a salary of $2,500 each.

Now, if any poor farmer or shipper has been outraged by a railroad corporation trampling under foot his rights and disregarding the law, then he is to prepare a petition in writing addressed to this commission. If he is fortunate enough to get a board of trade or a United States attorney to examine into the facts and certify that the complaint is well founded, then the commission is to investigate it; and if they find that it is well founded and the petitioner's rights have been outraged and violated, what then? Are they to give judgment for damages? Oh, no, sir! They may communicate the same to the railroad company to afford them an opportunity of making such observation or taking such action as they (the company) may see fit. This is the language of the bill—section 10, lines 15 to 20, of the bill under consideration. Now, did ever any man outside of Massachusetts hear of such a moral-suasion remedy expressly against a soulless corporation? [Laughter and applause.] Why, sir, it does not even amount to "*brutum fulmen*," in the gentleman's own language, for there would be some satisfaction in that to the wronged individual; but in this remedy, after all his trouble, he gets nothing.

The gentleman from Massachusetts, [Governor LONG], in speaking of the Reagan substitute, after charging that it will be a dead letter, that it is mere *brutum fulmen*, says, "The people ask for bread and Mr. REAGAN gives them a stone; they ask for fish and he gives them a serpent." Sir, the rights of the people have been outraged for many years; they ask for a remedy commensurate with the evils that are acknowledged to exist, one that will give substantial relief, one that can and will be enforced in the courts of the country by honest judges and honest jurymen, and the gentleman instead of giving them that proposes to give them some of Mrs. Winslow's Massachusetts Soothing Sirup through his railroad commissioners who have no power. [Laughter.] Sir, it will not do—it will not satisfy the demands of the country.

But, sir, let us proceed with this remedy after this courtship between the railroad commissioners and the railroad company. If moral suasion should amount to nothing, then what? Why, in a proper case, says the bill, the commission may issue a notice to the railroad company requiring an answer, and thereupon the commissioners or some one else shall inquire into the facts of the case, and if the company has been found to have violated the law, then what are the commissioners to do? To give judgment upon this twice proved and established outrage? Ah, no! But they are to record their convictions in a book, and within twenty days afterward they are to cause a copy to be furnished to the railroad company, with a notice to cease and desist from such violations of the law, and also a copy to the United States attorney. Then, upon another notice that the company will not desist or refuses, the attorney is to file a petition in the name of the party aggrieved, and the court shall do what? Give a judgment on this long-delayed and twice-proven claim? Ah, no! But the court is then to begin for the first time and inquire into the matter, by requiring an answer showing why injunction, &c., should not issue, and upon proof for the third time the court is to act.

Now, why is all this rigmarole in favor of the railroad? Look, Mr. Speaker, at the Reagan substitute and contrast the two. It throws open the courts of the country, gives them jurisdiction at the outset, as in all other cases of violated rights of the citizen injured. Sir, it seems to me that the remedy is full, ample, and complete under the substitute offered by Mr. REAGAN. With all due respect to the gentleman from Massachusetts, for whom I entertain great regard, I think that every section of this bill in reference to the commission and creating one ought to be stricken out and the substitute adopted with some amendment. The tribunals created by the Constitution and the laws, the courts, State and Federal, can give all the relief to the citizens that any one asks for, without any additional expense to the people. There is no necessity for a commission at all—not the slightest.

Mr. Speaker, Congress has fallen into the modern habit of referring too many things to a commission or commissioners. We had our Presidential commission, that robbed the people of their victory; and then we had the tariff commission, and their report proved an abortion, a failure, and amounted to nothing. [Applause on Democratic side.] The railroad commissions in many if not all of the States have proved inefficient, and now it is proposed to create a new railroad commission of three—we already have a Federal railroad commissioner. I must confess that I see no use in creating this new commission, except to provide three splendid "sinee-curees." It certainly does this. It creates three officers with a salary of $7,500 and free passes on all railroads—all their expenses paid, necessary and other, and little or nothing to do; for surely no one in his senses would ever apply to this commission for relief.

Mr. Speaker, a friend of General Grant's told me that General Grant promised an old friend of his during the war that if ever he had the power he would give him some good position. Long afterward, when General Grant was President, the old man came to Washington and called upon General Grant. After the usual salutations the old gentleman said: "General, you remember your promise to give me a place?" The general, who never forgot his friends, replied familiarly: "Yes, Tom, I recollect my promise, and will fulfill it. What place do you want?" The old man hesitated and said: "Well, I don't know exactly, but I want a 'sinee-curee.'" The general said that was a new office. "What office is that?" The old man said: "It is an office with little or no work attached, and a damned sight of pay." [Much laughter and applause.]

Now, one of the berths provided for in this bill would have just suited him, $7,500, expenses paid, and little or nothing to do, and three of them at that—pretty good "sinee-curees," at the expense of the people, and no use or necessity for them whatever. But, Mr. Speaker, the gentleman from Massachusetts the other day in his able argument told us that these commissioners could make reports and investigate, &c. To give his identical language, he said: "These commissioners would be the eyes, ears, and fingers of Congress in the work of supervision," &c.

Well, sir, with all due respect, I think it would be much better if Congress would do its own "hearing, seeing, and feeling" in regard to the public matters that affect the right of the people. Sir, the great railroad companies brought before the Committee on Commerce during the last session of Congress their witnesses and experts and able lawyers. Their testimony was all taken down and their argument reduced to writing and revised, and the whole of it is already published and in the archives of the Government, and open to the inspection of every member of Congress who wants to see, hear, or feel. This question has been investigated for the last ten years, and I hope that Congress will now act and give the people the proper relief, and not create the new and useless offices of three railroad commissioners.

Mr. Speaker, the gentleman who has just taken his seat [Governor STEWART, of Vermont] stated that the great protection to the people would be competition; that they must look to competition between the railroads themselves as a remedy for the evils from which they are suffering, and that you must rely upon moral suasion to produce good results. Another distinguished gentleman from Massachusetts, who spoke within the last day or two, stated that no railroad could or would afford to stand up against public opinion in favor of the outrages reported by any board of trade.

I fully agree with the gentleman that competition is of itself a great remedy for unreasonable charges. Competition will stimulate commerce and afford relief for oppressed industries and to the citizens of the whole country. But these railroad-men have devised a means by which they can and do destroy competition. The railroad corporations, or many of them, have devised a pooling arrangement or system which of itself is calculated to destroy competition and in the nature of things must destroy it.

That is one of the very evils against which the bill or substitute of my friend from Texas desires to apply a remedy. What is the use, let me ask, to the people of this country if you have seven great trunk lines, extending from Saint Louis to the East, if these roads are allowed to pool their freights and divide the profits between them? Where is the healthy competition that my distinguished friend who just took his seat refers to if you allow pooling? Can not and does not every member of this House see that such an arrangement or pooling destroys that healthy competition which is the very life of commerce and the protection of the citizen? That is an evil that the Reagan substitute proposes to remedy. That substitute proposes to make it a penal offense for the roads to pool their freights. One of the main objects of the substitute is to strike down that very pooling system and protect the people from its oppression.

Another object, sir, is to prevent rebates and drawbacks. Why are rebates resorted to? It is to cover up a fraud practiced by the railroads themselves. They know under the common law that they are compelled to charge reasonable rates without discrimination between shippers as common carriers. They understand well enough what their duty is in the premises, but what do they do? They nominally charge all men the same rate for similar service, and in that respect make a literal compliance with the law. But that is not all. They give one man, a friend of the road, a rebate on his freight which they deny to another. They give one man a drawback and refuse it to another, or they give to one community a drawback on shipping rates which is denied to another, and thereby build up one fortune or one locality at the expense of others unjustly. That is one of the outrages that is proposed to be remedied by the substitute of the gentleman from Texas. It proposes to make such proceeding a penal offense, punishable by fine and indictment. But in opposition to that we have the so-called committee bill, that furnishes this useless commission, allowing rebates and drawbacks in the third section. Why, they say you shall give the same rebate to all alike. But why give a rebate at all? If the rebate is wrong, why allow it at all? Why allow it in any case?

It is a mere cover for a fraud. If a railroad company charges only just, reasonable, and uniform rates, and does not discriminate, is there any necessity for rebates at all? I repeat, it is simply a cover for the frauds practiced by the railroads upon the shippers of the country, and to enable them to unjustly discriminate.

Another thing that the substitute proposes is to require a schedule of rates to be posted up in some public place in every depot, to enable every man, every farmer or shipper to see what rates are charged, whether they are reasonable or not, and whether he is overcharged beyond the advertised rates. And yet in the face of these just provisions of that substitute gentlemen contend that the so-called committee bill is the best in every feature. That gives no protection to the citizen or to the shipper. They want by legislative enactment to ask the favor of these railroads to deal justly—to use nothing but moral suasion—soothing sirup to be administered by the railroad commission, and leave the shippers to the mercy of railroad corporations. Gentlemen, it will not do. The so-called committee bill does not give a remedy commensurate with the evils of which the people complain.

As I said before at the beginning of my remarks, and which I repeat, because I see that many members came into the Hall while I was speaking who did not hear my opening statement about the bill under consideration, and I desire the members on this floor to disabuse their minds of the erroneous impression that the bill under consideration is the judgment of a majority of the Committee on Commerce, and I, approved by them, repeat what I then said, that there is but one member of the Committee on Commerce in favor of the pending bill, and which has been erroneously called by every gentleman in debate on this floor "the committee bill." It came here, as I have stated before, on an agreement, after spending two months in a vain effort to agree upon a bill, that the bill should be reported but that no member of the committee should be bound to support it, every member reserving the right to offer a substitute for it or an amendment. The real object in reporting the bill was that Judge REAGAN might have an opportunity to bring before the House his substitute, on which he has labored for ten years, in order that we might have a vote upon the substitute in this Congress. That was the whole object, and the bill known as the "committee bill" is before this House without the indorsement of the Committee on Commerce. It stands here without the indorsement of a single committee of this House, and therefore is entitled to no prestige over the substitute offered by the gentleman from Texas. Let gentlemen scrutinize that bill, and I think after mature consideration they will reach the same conclusion that I have, that it merely creates a sinecure and affords no remedy commensurate with the evil for which this legislation is asked by the people.

Mr. Speaker, I desire to append to my remarks the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, and sixteenth sections of the bill known as the committee bill, now under consideration. They are the sections to which I have referred creating and regulating the proposed railroad commission. Such a commission, armed with no power except to draw their salaries and make reports, may be very effective in a land of moral suasion like Massachusetts, but I doubt its efficacy elsewhere.

Mr. Speaker, I return my thanks to you and the members of the House for the attention which has been given to me, and shall say no more at present, reserving the remainder of my time. [Loud applause.]

SEC. 8. That there shall be appointed by the President, by and with the advice and consent of the Senate, three commissioners, of whom one shall be of experience in the law and one of experience in railroad business, who shall be collectively known as the commission of interstate commerce of the United States, and shall be charged with the duty of carrying into effect the provisions of this act in respect of interstate commerce. One of said commissioners shall hold his office for the term of two years, one for the term of four years, and the other for the term of six years, to be respectively designated by the President, and thereafter said commissioners shall be appointed for the term of six years; and a commissioner appointed to any vacancy shall hold office for the unexpired term. Any one of said commissioners may be removed by the President for cause, but not otherwise. Said commissioners shall devote their whole time and abilities to the duties of their office, and shall not accept or engage in any office or employment inconsistent with the provisions of this act. If either commissioner, after his appointment, shall be or shall become by inheritance or operation of law pecuniarily interested in any railroad or railroad security, he shall within thirty days divest himself of such interest; and upon his failure to do so, or upon his voluntarily becoming interested in any such railroad or railroad security, his office shall become vacant. No commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest whatever. Each commissioner shall receive an annual salary of $7,500, payable like the salaries of the judges of the courts of the United States: *Provided*, That before entering upon the discharge of their duties they shall, in addition to the oath required of them by law, take and subscribe to an oath that they are neither directly nor indirectly interested in the ownership or earnings of any railroad company whatsoever.

SEC. 9. That the said commission shall exercise only the powers by this act conferred. Said commission may appoint a clerk, whose duty it shall be to keep a full and faithful record of the proceedings of said commission, and otherwise to assist the members thereof in the performance of their duties, and who shall receive an annual salary of $2,500; and also one accountant, at an annual salary of $2,500. The Secretary of the Interior, at the request of said commission, may also furnish the commission such additional clerical, engineering, expert, or other service as they may request and he shall deem proper. Actual and necessary traveling and other expenses incurred by said commissioners, or their employés under their orders, shall be allowed them, for which vouchers shall be rendered. The commissioners, their experts and clerks, may pass and repass over any railroad engaged in interstate commerce free of charge whenever engaged in the performance of their duties under the provisions of this act, but neither shall accept any other pass, gratuity, or favor whatever from any railroad company.

SEC. 10. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commission by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts, and in his opinion the complaint is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceeding to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power and in a proper case is required to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and

answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of such commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation; and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 11. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction, requiring such railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

SEC. 12. That the commission may make, and from time to time amend, such general orders as may be requisite for the order and regulation of proceedings before it, including all forms for proceeding, notices and the service thereof, and for the prescribing, directing, or regulating any matters authorized by this act. All the proceedings before said commission shall be upon reasonable notice to all parties interested, and such forms shall conform as nearly as may be to those in use in the courts of the United States. Any party may appear and be heard in person or by attorney.

SEC. 13. That for the purposes of this act the commission shall, subject as in this act mentioned, have full power to ascertain and report upon all questions of fact arising under this act, and shall also have the powers following:

(a) They may by subpœna or order, to be served by a person by them authorized, require the attendance of witnesses, and of all such persons as they think fit to call before them, or before any person by them authorized to prosecute an inquiry.

(b) They may require the production of all books, papers, and documents relating to any matter before them and to that end may invoke the aid of any court of the United States.

(c) Either of them may administer oaths and affirmations.

SEC. 14. That the principal office of the commission shall be in the city of Washington, where its general session shall be held and its records and archives be deposited. Whenever the convenience of the public or of the parties may be promoted, or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, or one of the persons named in the ninth section hereof, or by any person specially appointed by the commission, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact, and may specially delegate to the officer or person conducting such inquiry such powers to that end as are by this act conferred upon the commission and may be deemed necessary. Every vote and official act of either of the commissioners shall be entered of record. The commission may conduct its proceedings in such a manner as will most conduce to the dispatch of business and to justice; they may sit together or separately, and either in private or public, but any proceeding before them shall be public upon the request of either party thereto, and a majority of said commission may determine any question submitted. The commission shall prescribe a railroad year, and a system of reports covering said year to be rendered by railroad companies; examine the books and accounts of said companies at such times as may be deemed by them necessary; see that all United States laws relating to said companies are enforced; furnish such information to the several Departments of the Government, or the Government directors of any of said railroads, in regard to the tariffs of fares and freight, or the accounts of said railroads, as may be required of them or as they may deem expedient; make an annual report of their doings to Congress on or before the 1st day of January of each year; and otherwise endeavor to procure the data necessary to the gradual enactment of an intelligent system of national legislation regulating interstate railroad commerce.

SEC. 15. That the Secretary of the Interior shall provide suitable offices and a room for the public sessions of the commission in the city of Washington. Witnesses summoned before the commission shall be paid the same fees as witnesses in the Federal courts, and depositions *de bene esse* and under commission may be taken to be used before the commission in the same manner and upon the same conditions as in such courts. The salaries and expenses of the commission shall be provided for, audited, and paid in the same manner as the salaries of judges and other judicial expenses.

SEC. 16. That said board of commissioners shall inquire into that method of railroad management or combination known as pooling, and state the result of their inquiry in their first annual report, and whether, in their judgment, any, and if so what, legislation is expedient in relation thereto.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

INTERSTATE COMMERCE.

The House resumed consideration of the unfinished business.

Mr. BUDD addressed the Chair.

Mr. REAGAN. I understand that no gentleman on the committee desires to be heard this afternoon.

The SPEAKER. The Chair will then recognize the gentleman from California.

Mr. BUDD. Mr. Speaker, I understand that the efforts of Judge REAGAN and others to prevent corporation abuses and regulate the interstate commerce of the railroads of the United States have continued for eight or ten years without effecting the enactment of any law by Congress. It is the duty of Congress to pass some such law. To secure justice to all parties, Government supervision or regulation or ownership is indispensable.

RAILROAD ABUSES REQUIRE LEGISLATION.

True, the former glaring abuses of railroad mismanagement have been, without law, largely corrected. There are existing, however, glaring and outrageous abuses, extortions, and discriminations which demand corrective and stringent enactments. Just what enactments will remove these evils it is more difficult to determine than that a remedy is needed. The railroad problem is not as simple and easy of solution as is imagined by those who have never given it a patient study. To deal in generalities and denounce abuses is far easier than to correct them.

To correct and prevent extortions, overcharges, and discriminations laws have been passed by nearly every European people. Belgium, Germany, France, and the colonies have legislated on the subject.

In England for more than forty years the railroad problem has been thoroughly studied by leading statesmen; committee after committee of Parliament has investigated and reported thereon. Some governments have attempted to solve it by acquiring railroads within their borders. It is thus in Belgium, in New Zealand, and Australia. France has a present interest in its railroads and a future right to the sole ownership of them.

For forty years England has been puzzling over the problem. During the first thirty-three years no satisfactory result was reached and all efforts at restraint proved abortive.

In 1872 a committee of twelve of the ablest and best men in Parliament, six from each house, was appointed. After long and careful investigation it reported, in effect, that it could neither recommend nor draft a bill that would prevent all railroad extortions, nor the growth of the railroads as monopolies. It recommended, however, measures which would largely remove existing abuses and secure to the people greater benefits than had been theretofore enjoyed. The committee stated that railroad consolidation had in some cases, as that of the Great Eastern line, proved beneficial and caused a reduction of freights and fares and an increase in facilities. But I say that proper laws can and should give the relief demanded.

REDUCTIONS DURING PAST FEW YEARS.

Although the efforts in this House have not resulted in law, they have had a salutary effect. There has been a large reduction in rates and a modification of abuses in interstate railroad commerce that would have been deemed impossible when this agitation began. According to Joseph Nimmo, jr., the able Government statistician, from 1868 to 1883 there was a reduction in the cost of grain transportation from the West to the Atlantic seaboard of more than one-half. Had any member in 1868 introduced a bill reducing these rates 50 per cent., he would have been denounced as a crank and his bill been cited as proof of lunacy. I compile the following from Nimmo's official reports: To transport grain from Chicago to New York, cost, per bushel, in 1868: By water, 25.3 cents; by rail and water, 29 cents; by all rail, 42.6 cents. In 1873, all water, 19.2 cents; rail and water, 26.9; rail, 33.2; 1880, all water, 13.2; rail and water, 15.7; all rail, 19.7. In 1883 it ran, all water, from 7.2 to 11.3; water and rail, 10.7 to 11.9; all rail, 15 to 18 cents—seven months it being 15 cents. Edward Atkinson is authority for the statement that the saving to the people of the United States by reason of the railroad reductions is equal to the national debt.

In Europe, where labor and material are cheap, we expect to find rates much lower than here. The statisticians tell us that this is not the case, and that freights are lower in the United States than in Europe. They say:

In France, where the government regulates the railroads (or tries to regulate them), the average cost per mile of moving a ton of freight is about 1.6 cents; in Belgium, 1.5 cents; while in the State of New York the charge is only .9 cents per ton per mile on the average.

To show further these reductions in rates I will cite from the uncontradicted statement of Mr. Albert Fink before the House Commerce Committee, of which Judge REAGAN is chairman:

During the summer the railroads charge 50 cents for carrying 200 pounds of flour 1,000 miles, but now charge 30 cents. Supposing a man eats 1 pound of flour a day, he then pays on an average for 365 pounds of flour, say, about $1. If he also consumes a pound of meat per day, brought from Chicago to New York at

an average cost of about 32¼ cents per 100 pounds, amounting to $1.20 a year, he pays during a year $2.20, which is about equal to one and a half day's wages of a common laborer and less than a day's wages of a skilled laborer for the services rendered him by the railroads.

* * * * * * *

If you will go through the whole list of articles of consumption you will find that the charge for railroad transportation is very small compared with the cost of producing the articles, and much smaller than the profits which are generally charged by the middlemen, the merchants, who are constantly complaining of the railroads. Take, for example, a suit of clothes, shipped from New York to Chicago, weighing about ten pounds. At the present rates it is transported to Chicago for 7½ cents. The suit may cost from $20 to $50, and the cost of transportation is almost inappreciable. Or, take a calico dress, which is transported from New York to Chicago, a thousand miles, for about three-quarters of a cent a pound, or 2¼ cents for the dress. And yet we have complaints of dry-goods merchants calling upon the railroad commissioners of New York to reduce the cost of carrying these articles. Take a pound of coffee, which is carried from New York to Chicago for one-third of a cent a pound; and sugar for one-fourth of a cent a pound; the price being 30 cents per pound for coffee and for sugar 11 cents.

That there exist, however, abuses, extortions, discriminations, combinations, and poolings injurious to the public good, which must be corrected by law, no one can truthfully deny. In enacting such laws we should be certain that they secure the greatest good to the people without crippling the industries of the country. Railroads brought inestimable blessings; but with these blessings they also brought many evils. They often discriminate unjustly, and build up one man at the expense of another; they at times commit wrongs beyond the reach of law; they frequently place on the people's backs "all the traffic will bear" and more than prosperity can stand. In a thousand ways they may and do, with impunity and profit, violate the laws of trade.

Coming from California, which is known as a strong anti-monopoly State, I insist that in passing laws regulating and correcting the abuses of railroad mismanagement our enactment shall, in so far as it can be done by law, remedy the abuses that exist in interstate commerce.

In discussing these measures I desire to offer a few criticisms on the wording of the substitute, for of the two measures before us I favor the Reagan substitute generally, and desire to see it perfected before it is adopted. I will then pass to a discussion of one section of the substitute which I do not favor, and which, if adopted, would prove injurious to the far West, and especially so to California.

At the proper time I will move to insert, after line 9, on page 1, the words "by him or them."

The first and second sections of the bill are nearly the same as the first section of the substitute. By some oversight the words "by him or them" are omitted from the latter in a place where they are absolutely necessary to prevent injustice.

The only reasonable construction of the section now is, that no person shall charge for the same amount and kind of freight between any two places more or less than is charged by him or any other person, no matter what are the means of transportation.

In other words, a railroad carrying grain from Chicago, or any other point, to New York or any other point, can not charge more or less than is charged for the same amount and kind of freight by the water lines, the lakes, and canals; yet every one who has investigated this subject should know that this water transportation is to rail, in point of cheapness, as 4 to 1, or thereabouts.

The following arrangements throw light upon this subject. These were not poolings but proratings:

That between the Baltimore and Ohio Railroad and the Boston Steamship Company favored the water transportation as 4 to 1.

That between the Erie Company and boats from New York to Boston favored water transportation as 3 to 1.

That between the railroads and steamers from Parkersburg to Cincinnati favored river transportation as 2 to 1.

That between the Erie Railway Company and the lake steamers as 5 to 1.

That between the Vermont Railway and Northern Transportation Company favored water as 3 to 1.

That by Chesapeake and Ohio Railway and Ohio River vessels was as 2 to 1.

That of the Illinois Central and the Mississippi boats as 5 to 1.

A STRANGE OVERSIGHT.

The insertion by the committee in their second section of the words "under substantially similar circumstances" is in my judgment absolutely needless, except as giving a loop-hole for construction by judges or railroad attorneys; for if the words "like and contemporaneous services" in that connection do not express the same thing as "similar circumstances," then you can not get synonymous terms in the English language to do so. The committee have failed to insert in section 3 of their bill the word "substantially" as modifying similar circumstances, leaving the act to be construed with the words "substantially similar circumstances" in section 2 and "similar circumstance" in section 3. The omission of the word "substantially" in section 3 may mean much by legal interpretation, and as the bill is carefully drawn looks decidedly significant.

No two circumstances in human events can be exactly similar; they may be "substantially" so; and you provide by one section that if circumstances are "substantially" similar, certain things may be done, but in the other you have restricted the interpretation by the omission—apparent and glaring omission—of the same word. In the interpretation of this bill, under the rules governing legal construction, the omission of the word in one place and its insertion in another speaks volumes—speaks largely against section 3 of the committee's bill.

REBATES GENERALLY INJURIOUS.

Mr. Speaker, as a general rule the section of this substitute prohibiting rebates is correct. Through rebates and the violation of acts in this section prohibited most of the railroad abuses complained of have occurred. So I say, as a general proposition, rebates are improper and should not be permitted. I can imagine, however, certain circumstances under which rebates ought to be permitted, and under which no harm, but much good, would result. Nevertheless I am not willing to strike out a section prohibiting them, unless all necessary and proper restrictions and limitations are inserted, such as will protect the interests of the shipper and prevent unjust discriminations.

I will in due time offer such.

I can imagine a brick-yard at which a million of bricks are made annually. I can imagine that in such a case the railroad company might say to the manufacturer of bricks, "If you will make and ship over our line 3,000,000 bricks instead of 1,000,000, we will give you a rebate of 15 per cent. per car on all bricks shipped." I can see that in such a case the railroad company, by the larger volume of business, will get in the aggregate greater compensation. I can see that the increased quantity of business may allow the man who runs the yard a considerable saving in his freight. I can see that by the increased, the triple supply to the market, the consumer of bricks gets a reduction. In such a case as this I can see how a rebate may be proper and may yield a profit to the railroad, a profit to the manufacturer, and a profit to the consumer. Some of the States of the Union, as for instance Alabama, allow them occasionally for the purpose of "assisting in the development of any industrial enterprise."

I can see how the same thing might occur in such a coal-mine case as that stated yesterday by the gentleman from Michigan [Mr. HORR]. I can also understand a case in which one mine produces six-dollar ore and the other forty-dollar ore. I can see that in such a case it might not pay the railroad company to construct tracks and carry the six-dollar ore from the mine to the crushing mill if the quantity of ore were very limited; but at the same time, if it can get a few hundred thousand tons of such ore to be carried over the road at a low rate, it might make a profit. In that case and in a few others I can see how a rebate might be justifiable.

Mr. REAGAN. Is it the gentleman's view that the railroad companies should be empowered to discriminate in favor of the wealthy and strong against the poor and weak for like service?

Mr. BUDD. That is the very question that was asked another gentleman on this floor yesterday. I do not see that this case cited is a discrimination in favor of the wealthy as against the poor. I see, sir, that in this very case the discrimination would be in favor of the poor man, or rather the man owning a mine of poor ore, as against the man owning a mine the ore of which is worth $40 a ton. I can see, further, that in this entire substitute you allow discriminations. You allow the railroad companies to charge more for one kind of freight than for another. You do not by your bill regulate the charge upon the jacket of the poor man nor upon the silk of the rich. Under your bill you allow these companies to charge more for the transportation of calico, if they find it profitable to do so, than for silks. If the shipment of one thing is small and the shipment of the other is large, there may be by reason of this increased volume of business another and entirely different rate. Your bill does not prohibit discrimination in such a case.

Proper discrimination is the order of life and business; and in this substitute discrimination is allowed from the beginning to the end. There is not in this substitute by any clause a prohibition of discrimination as such. True, the railroad company must charge the same for the contemporaneous transportation of silks for one man as for another, but under your bill they may put a greater rate on the shovel of the poor man than on the silks of the rich; there is nothing prohibiting it. Directly answering the question, I am not in favor of the rich against the poor. I am against rebates in ninety-nine cases out of one hundred, and I would not vote for any act or any section that allowed them, unless there were proper restrictions and limitations in the same measure protecting all persons against these unjust discriminations. On that section I vote with the substitute, unless there is an insertion absolutely preventing such discriminations.

Speaking of discriminations, I would like to call the gentleman's attention to another point.

DISCRIMINATIONS OF SUBSTITUTE.

One of the most glaring discriminations ever contained in any bill is to be found in this substitute. There is a discrimination in this substitute against persons engaged in transportation which would not be allowed in the commonest affairs of life. If a person "willfully" carries freight at a rate that is unreasonable, or if he "willfully" violates this act in any manner, you can fine him a thousand dollars. There is no doubt about that. It is just. Imagine, however, a case that is

to be left to the courts, in which the question involved is whether the rate charged from San Francisco to Reno, or any other point out of the State of California, is reasonable.

The company or its agent insists that the charge made by it or him is reasonable—that it is worth $10 per ton. The other man says it should be less by $1 per ton. The matter goes into court. Now, we will say $1,000 is the damage claimed by the shipper. There was an honest difference of opinion. What is the result? You can recover three times the damage, or, in other words, for an honest difference of opinion you can recover from the railroad the sum of triple damages, $3,000, although it was not a "willful" overcharge. This substitute by one section provides that, should you arrest a man and try him, in such a case you could not even fine him. Why? Because it was not a "willful" overcharge. A judge sitting to hear and pass on the case would say, "This was not a 'willful' violation; this was an honest difference of opinion, and I can not allow the costs in the case, because it was not such a willful violation as the law contemplates." There the discrimination comes in, and you can not allow costs of $20, because it was not a willful violation, but you can amerce in damages to the extent of $3,000 or more.

Mr. REAGAN. The gentleman from California quotes different provisions in the bill strangely blended. He says you can not fine him in costs for willful violation of the law. There is nothing in the bill——

Mr. BUDD. That is what I say; you can not fine him except for a "willful" violation of the law.

Mr. REAGAN. I have said that.

Mr. BUDD. You can not even charge costs up to him without "willful" violation of the law.

Mr. REAGAN. How can you talk about costs in a criminal action?

Mr. BUDD. I mean for a civil action.

Mr. REAGAN. Unmix them, and I will answer.

Mr. BUDD. I will, and then the gentleman may answer. Under subdivision 8 of your substitute you allow a fine of $1,000 for "willful" violation of the law.

Mr. REAGAN. Yes, sir.

Mr. BUDD. Under section 7 of the same act, line 15, if the court before which any such action is tried shall be of opinion that the violation of the law was "willful" it should make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees.

Mr. REAGAN. In a civil suit.

Mr. BUDD. One moment. If there be a "willful" violation of the law additional costs to cover all counsel and attorney fees are allowed; but in section 7, lines 1 to 10, if any person be found violating the provisions of this act such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged. You can charge, therefore, under this act a fine of from $3,000 to $30,000 for an honest, conscientious difference of opinion as to what is a reasonable charge without there being any intention "willfully" to violate the act.

Mr. REAGAN. That would be according to the judgment of the court.

Mr. BUDD. Very good.

Mr. REAGAN. But the gentleman is talking as if the question were one of mistake in judgment by the railroad.

Mr. BUDD. Yes, sir; I am.

Mr. REAGAN. In the case of a civil suit there would not be a penalty, but only the assessment of damages.

Mr. BUDD. But let me imagine a case which will illustrate the point.

Mr. REAGAN. Take a real case, something that can exist, not a hypothetical one.

Mr. BUDD. I always desire to take cases that may be recognized by symbols, because you can then at any time put the proper facts in to suit any particular case. I will therefore suppose a case.

I desire to ship a certain number of car-loads, say *a* car-loads or a thousand car-loads, of grain from Stockton to San Francisco, imagining for the sake of illustration that one of them is outside of the State and the case comes under the rule of interstate commerce, and the transporting company say, "We will charge you $10 a ton." I reply, "I think $9 is enough," or any other supposable sum. There is an honest difference of opinion between us as to the value of the service, and the case goes to the courts.

It is found, on trial, that the company honestly believed the service to be worth the amount that they charged me, but that in point of fact I had been charged a thousand dollars too much. Now, under this provision of the bill the judgment of the court must be that the overcharge of $1,000, although it is honestly made, would entitle me to triple damages, and yet the judge sitting in that same case could not give the complainant $50 toward the expense of his attorney's fees.

Mr. REAGAN. If the gentleman will look at the provisions of the bill he will see that schedule rates are required to be posted up, and the law will assume that these are reasonable rates in the contemplation of law.

Mr. BUDD. No, sir.

Mr. REAGAN. And if the transportation company charges more or less than those rates it is made a separate offense by the bill. But on the hypothetical case he supposed it would be a question of law and of fact as to whether there was a willful violation of the law or not, and therefore I can not comprehend the exact ground of his criticism.

Mr. BUDD. Will you be kind enough to point me to any provision of the bill that makes the schedule rates so posted up reasonable rates *prima facie* in the courts?

Mr. REAGAN. There is a provision in the bill that they shall in the first place establish and post up their schedule rates in places designated by the bill, and if they charge more or less than the schedule rates they are themselves liable to the damages prescribed by the act. It is a finable offense under the terms of the bill.

Mr. BUDD. That is true, and would be all right and proper if there was a willful violation of the law; but if an overcharge were made honestly—honestly believing that the charge is simply what is right and proper for the service—if, in other words, they think the schedule is proper and it afterward turns out that it was not a proper rate, then, in the contemplation of this bill, although it were not a willful violation of the law, you can amerce them in three times the damages.

Mr. REAGAN. The gentleman talks about two things that are entirely dissimilar.

Mr. BUDD. Yes, sir, I agree with you; but you made them so by the bill that you propose here.

I say, Mr. Speaker, that it is a discrimination and an unjust one, and one that ought not to be permitted even though it be against a railroad corporation. I come from a State in which the feeling against monopolies is stronger perhaps than in any other State of this Union, and in which the Reagan bill is looked to as the great source of all remedy for the evils our people complained of. I know, sir, that any man may be criticised who dares to criticise adversely any provisions of this substitute, but when I, after careful study of this bill during the last session of Congress and during this, find these discrepancies and discriminations I feel it my duty to the people whom I have the honor to represent to present my objections in order that it may be so amended as to give the remedy we want.

No man is fit to be a representative of the people who fears to express his honest convictions on all public measures, or who keeps silent to avoid adverse criticism. I do not like certain provisions of this measure; I think them unjust, and therefore I oppose them.

LONG AND SHORT HAULS.

Now there is another section of the bill, and I only called this one up incidentally because it had been suggested by the question of Judge REAGAN himself. With the insertion of the word "willful" in subdivision 7 and of "by him or them" in section 1 I intend to vote for the entire substitute of Judge REAGAN with the exception of this long and short haul business. But I can not vote for that section.

Mr. REAGAN. I would like to ask the gentleman from California if he knows the fact that the constitution of California contains that precise provision that more shall not be charged for a short than for a long haul?

Mr. BUDD. I believe so. But we are dealing now with interstate and not with State commerce; and if the gentleman has studied the question as much as I think he has he would have found by this time that different rules prevail with reference to interstate and State commerce. Where a less charge for a long haul might be proper on a long line of road, running through several States, a thousand miles in length, it might not be proper within the limits of a little State whose extreme borders would not be three hundred miles apart. No more for a short than for a long haul? You make distance the sole measure of cost. You have stated in the first subdivision that all rates must be reasonable; and hence the elimination of section 4 would not allow a greater charge for a short than for a long haul unless the rates for a short haul were reasonably worth more. But you desire to prejudge it. You say, "It must be reasonable," and then prohibit it whether reasonable or not and shut the door against all power or courts so to declare it. You put in a rule that must meet all cases, and, like the bed of the robber Procrustes, if it does not fit you will stretch the man or clip him off; and yet I have figures to show that there are matters entering more largely into the cost of transportation than the mere length of the haul.

It is, under like circumstances, unjust to charge more for a short than for a long haul, but now we are passing upon a section proposed as a universal and inflexible rule under any and all circumstances—a rule without exception. In it the only element considered is distance. Now, unless this is the only or at least the greatest element entering into cost of transportation the section should not be adopted. If there be other elements of cost far more important than distance, the section would be unjust. If there be numerous cases in which the enforcement of the section would cripple or bankrupt railroads or prevent the laws of trade or competition from operating, then it should not be adopted. If under other sections of this bill all charges except such as are reasonable are prohibited and punished and ample remedy given to enforce them, then this section ought not to be adopted.

If it is reasonable to charge more for the short than for the long haul, who should complain? If it is not reasonable to charge more for the

short haul, the party injured has three remedies: First, by criminal prosecution and a fine of not less than $1,000; second, by a civil suit in State or United States courts; third, by an appeal to the commission, its order, or a suit instituted by it, should the commission sections be adopted. Hence there are three safeguards against any company charging more or less than is reasonable for any haul, long or short.

Let us suppose certain cases illustrating the injustice of this section. I have a diagram here that I do not suppose all can see, so I will take those four doors by way of illustration, because every one can see them. I insert my diagram; either illustrates my remarks, as I shall refer to the matter by letters, varying the same to meet the facts in each case supposed:

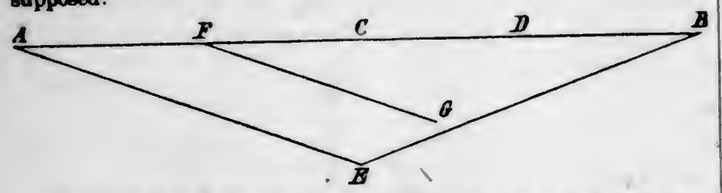

I will now take these four doors because every one can see them, and I will designate them by letters. The Speaker's desk is C, I am at E; F is where Washington's picture stands. Now, A and B represent cities, as also do the other letters. From city A to city B you can under this section charge the same as from A to C, a lesser distance, whenever competition or the laws of trade or increased volume of business or other causes make them reasonably the same. There is no doubt of that. The distances are unequal, but the charge the same. A to C is a short haul, A to B a long one, but over this short haul you may charge as much as over the long one, though the distance is but one-half. The substitute allows this. Half way between cities C and B is situated a town D, to which from C there is a grade of 60 feet to the mile. A locomotive can at the same cost do only about one-fourth as much work over a 60-foot grade as it can on the level; consequently it is worth more to haul from A to D than it is from A to C. Say it is reasonable to charge $1 per ton from A to C, hence the law allows it. It is also reasonable to charge from A to D more than from A to C because of the increased grade and other causes. The law allows it because reasonable. But you may under this section charge as little from A to B as from A to C; does it not follow that you might be allowed to charge less from A to B than from A to D in such cases? In other words, the charge from A to D may under section 1 be more than from A to C, and under section 4 the charge from A to B may be as small as from A to C.

Mr. REAGAN. The long haul embraces every part of the road, whatever the grade. You can not make the long haul without running over the worst part of the road.

Mr. BUDD. I do not dispute that in this case. I understand that proposition. But yet you allow the company to charge as little for the long haul, running over the entire road, as you do from A to C before you get to the heavy grade. This fault can be corrected by amendment, and hence is not serious. But the Reagan substitute does not say "over the same track;" it says over the railroad, and includes all branches and leased lines.

Now we will suppose another case. A road runs from A to D, but from D to B there is no road operated; B is a large seaport town from which there is water transportation to A, not, however, touching at D. Now the charge from A to D is worth $1 per ton; it is charged; freight can be carried by water from B to A at, say, 50 cents per ton. If the road operated to D could be extended and was permitted to carry freight at like rate from A to B it might get much through and return freight, nearly filling cars both ways, whereas from D to A there is but little return freight. To get this through traffic it must compete with water, however, and can not get any of it at a greater charge than 50 cents per ton. If it could carry this volume of through freight, it would justify operating, or building and operating, the line D B; for a small profit could be made which added to its other revenues would in so far forth relieve D. But under section 4 it can not charge less from A to B than A to D. It might charge the same, but at $1 it can get no through freight and 50 cents on the entire traffic would not pay. You must either abandon the local traffic or not take the through at obtainable rates. Now, this would in some cases retard railroad extension and in others prevent competition.

Again, suppose another case. Assume, this time, that A and B are large competing centers with water communication. From A to D is a heavy grade of sixty feet. The road is tunneled, the beds blasted, and the whole work very expensive. The road is built, of necessity, to connect these points, the through traffic being large, though the local traffic is unremunerative. Now, as heretofore stated, transportation over a grade costs much more than on a level. Another company is operating a line from A to B by the way of E, also a large business center. A E B is on a level, hence the company can and does charge less than is profitable for A C B. The law allows it to, and it may, charge less for the entire route than the first company can for any shorter distance on its line. But the first company lease or buy the line of the second, and at once this section 4 prohibits it charging for the shorter mountain grade or any intermediate points, as from A to D, more than it does for A E B. Or, the first company after building the first line may have discovered the second route. Any case in which a company owns two lines, one good and the other bad, can be made applicable to this illustration.

Suppose in this last case it snows heavily in the mountains between C and D. There are expensive snow-sheds, and on this line are a large force of men at high wages. Now, it is a fact that when there is snow the cost of transportation is greatly increased. Experts say the increase in cost is from 10 to 75 per cent. Nimmo gives it at from 15 to 25 per cent. The experts before the Senate committee of 1876 gave varying figures according to the road. Bliss, of the Boston and Albany Railroad, stated that cost of maintaining that road is 12½ per cent. greater, repairs to machinery 10 per cent. greater, loss of power in locomotive 10 per cent., but that the greatest loss was from the detentions. Kneass, of the Pennsylvania Railroad, gave cost there in winter as 12 per cent. greater than summer. On the Vermont Central, according to Millis, it was in winter from 70 to 75 per cent. more than in summer. On the Baltimore and Ohio it was from 5 to 20 per cent. greater from the same causes.

Now, the road must be kept open and the cities along it be supplied, yet over this rocky, mountainous, snow-shedded, and expensive road section 4 prohibits any charge being made that is greater than is made by the same company on a longer line along the level, open, pleasant country.

That there are such heavily graded, snow-shedded, blasted-out, and expensive lines of road all know who have crossed the continent.

Again, suppose that there is a branch line which runs off into the coal or mining regions to G. Though running into these regions on a grade of forty, sixty, eighty, or one hundred feet to the mile, over which a locomotive could carry from nine to twenty-one cars only, this section 4 prohibits the company from charging a greater amount over this branch than on the level from one terminus to the other because it is a little shorter than the main trunk. Or, suppose the trunk and branch are both level, but differ in the fact that on the trunk there is much traffic both ways; on the other it is almost all in one direction. Suppose, now, that the trunk is one hundred miles and the branch is ninety. Each freight car weighs ten tons, and full load is ten tons more. The locomotive weighs thirty-three tons. There is more than a ton of dead weight to every ton of freight carried. On the level the locomotive can draw seventy loaded cars. On the trunk it can get 70 per cent. return freight; on the branch but 10 per cent. It therefore might be compelled to charge more on the short than on the long haul to make the same rate of profit; this, however, is prohibited.

Were there a grade of forty feet on this branch the same power that hauled seven hundred tons freight over the main line would haul only two hundred and ten tons freight over the branch, and the wear and tear would be much greater. Still the company is prohibited by this section from charging more thereon for a like quantity and kind. This is equally true, no matter in what direction nor from what point the lines radiate. The cost on different systems owned by the same company vary greatly. On some branches a large profit is made, while on others a loss is sustained. The same company has to charge different rates on different branches of its roads to equalize these matters.

I will now give a further illustration. Suppose C and D represent two mines in California. C produces ore worth $40 per ton; D ore worth but $6 per ton, and it is some miles beyond C. To transport the forty-dollar ore it charges $5 per ton, which rate is necessary to pay a profit to the transportation company of 6 per cent. I wish to develop D. My ore is worth but $6 per ton. I can make a good profit on this if I can obtain a reasonable rate to the mills at A. I apply to the company for rates, but am informed that it could carry my ore for $1 per ton and make 15 per cent. on operating expenses, or 1½ per cent. upon its capital, because of the quantity shipped, but that it is by section 4 of this act prohibited from charging for a longer haul one cent less than for a short one, hence it must under the law charge me $5 per ton transportation. This I can not pay. I throw up my hands and say, "Very well; I must wait until nature puts forty-dollar ore into my mine, because you are prohibited from charging a less rate, as the haul is longer." The development of my mine and the locality where it is situated is thus retarded. It is so with other industries which might be developed; so with coal, and iron, and even factories.

Again, if from A to D, in order to compete with another rail line centering at D, a company had to increase its speed to, say, thirty miles per hour, and yet this same company had between A and D water competition only, it might in the latter case run its through freight by slow line. About ten miles per hour is the maximum that will give the greatest profit; as you increase in speed beyond this you nearly in proportion increase the cost of transportation. Now, though by reason of this high rate of speed and the better facilities required at D the cost of transporting a similar amount and kind of property from A to D is greater than from A to B, the company can not charge a cent more therefor, because the haul is shorter.

Why, if from A to B there were two parallel and competing lines owned by different parties, one stopping at D and the other not, the one line could not charge from A to B a cent less than it did from A to

D; and the other line, because not stopping at D, could charge from A to B half as much as the first line did from A to D, and thus run it out of the through business. There are hundreds of competing lines centering in competitive points, but not touching at the same intermediate points, in this very condition. This would not encourage and might prevent competition.

I could, had I time, give forty illustrations showing why section 4 should not be adopted. They rise like Banquo's issue, and with Macbeth I can exclaim:

> Yet the eighth appears, who bears a glass,
> Which shows me many more.

I will use one more illustration, however. Much is said about the charge from Chicago to New York being less than from Buffalo to New York, and it is charged that a high rate is placed upon the latter traffic to compensate the railroads for their losses on the through freight. Now I can see how from Chicago to New York a less charge than from Buffalo to the latter place would not only be no injury but really a benefit. Suppose a certain sum must be raised on freight to pay 6 per cent. upon the New York-Buffalo road, and there are but 9,000,000 tons of local traffic; this then must pay the profit on the road, and rates are fixed accordingly. Now, off in Chicago are the products of the great West awaiting transportation to the Atlantic seaboard. There is water transportation from Chicago to New York and Montreal, and several competing lines also center there.

There is much grain to be transported, but as it has already paid a heavy transportation charge from the West to Chicago, it must have the lowest rates from there to the seaboard in order to leave any profit to the farmer and justify him in further exertions. The water transportation is low; the rate to the East is fixed by it and by the competition of rail lines. If now the New York company desires any of this freight it can have it, but at a low rate, a rate that would not pay 2 per cent. upon its capital, but would pay 20 per cent. over its operating expenses. To get this freight it must take it at a rate lower than from Buffalo to New York. It has the cars. If it takes this freight it can obtain enough to give a gross revenue of $3,000,000, or, say, a net revenue of one million or seven hundred and fifty thousand, or any other sum. Who is injured? It is said the New Yorker must compete in the Liverpool market against the Western man, who has cheaper transportation and can therefore undersell him. This is not so, for the aggregate freightage paid by the Kansas or Iowa farmer to New York is greater than that of the New Yorker, for he pays two charges, to and from Chicago.

But I have said this low rate might be a benefit to the local traffic. Without it there is no outside income; with it is obtained this amount of money from the West, which is added to the receipts from local traffic, and thus assists in making the required percentage of profits, and in so far forth relieves the local shipper; it justifies a reduction of local rates.

The gentleman from Michigan [Mr. HORR], in his speech on this bill, speaking of the evidence of Mr. Alexander before the committee two years ago, said:

> Two years ago he stated in reference to the railroad history of this country that no instance could be found, and he defied any one to point one out, where any railroad company had ever raised its local rates in consequence of carrying through freights at a low price. On this point every railroad manager agreed with him, and they all asserted, on the contrary, that a reduction of local rates almost always followed a reduction of through rates; and my friend from Texas will remember that their universal testimony was that a raise in local freight to make up for losses on through freight was unknown to the railroad business.

From this it will be seen that in so far as the profits from the long haul tend to augment the gross revenue of the company they tend to decrease the local rates.

From these statements the House will understand the reasons why I think the long and short haul provision ought not to be adopted as a part of the substitute. We on the Pacific coast are directly interested in this matter. It is a long haul there. If the rule prescribed in this bill be adopted, and the companies can not make any reduction on the long haul, you simply say to California, "We discriminate against you." That is the effect of this section. There is no State in the Union more interested in having the long interstate hauls as cheap as possible, and should this section be adopted, making the aggregate charges to the intermediate points the measure of rates to California, it would badly cripple our through business. California is a large exporter to England, and prior to the completion of the Southern Pacific was compelled to ship in sailing vessels, owned generally by foreigners. Millions were thus annually sent as freightage-money to foreign countries. It is of interest to California and her farmers that this transportation be by the quickest means and at the lowest profitable rate, and that freightage be paid to American citizens, who will develop our country. This section tends to force an increased through rate, and thus cripple a competition that was of great benefit to California. It will tend to hamper the railroads in their competition for the products of the Orient, and force to foreign bottoms the commerce that otherwise might pour through the Golden Gate and pay tribute to our people.

Having used these illustrations, I will briefly state (and any one can verify these statements) some of the elements that enter more largely into the cost of transportation than the mere item of length of haul. From Newcastle, Cal., to Reno, Nev., is about 123 miles; there is a grade of over 7,000 feet to overcome—nearly a mile and a quarter. At some places the grade is 116 feet to the mile. Now, every one who has examined in regard to gradients can understand that the same power will move much less on this line than on a level—only about nine loaded cars per locomotive over this portion of the road. The wear and tear is greater, and large sums are annually expended on snow-sheds and for a large force of men. The same power that will haul nine cars from Newcastle to Reno can haul over sixty cars one hundred and seventy miles from Newcastle to San Francisco by way of Stockton, and at less expense. Yet, because the former is a shorter haul on the same line of road, section 4 will not permit the company to charge a cent less on the latter route. Examine the section. Direction, branches, physical aspect, snow, wear and tear, gradients, competition, cost of fuel, volume of traffic, and everything are all ignored, and distance made the sole consideration.

The following are a few of the many elements which enter into the cost of transportation; many of these are much more important than distance.

First, gradients. Of this I have spoken. I now append a table showing the hauling power of a 33-ton locomotive:

Grades.	Hauling power.	Loaded cars.
	Tons.	
On a level	1,400	70
20 feet to the mile	655	32
40 feet to the mile	415	21
60 feet to the mile	300	15
80 feet to the mile	230	11
100 feet to the mile	180	9

Second. Cost of road itself. All will understand that to make the same rate of profit on two roads of equal length and volume of traffic more must be charged upon the costlier one.

Third. Wages paid. These differ greatly. On the Pacific coast they are over one-third greater than the average on the railroads of the United States.

Fourth. Cost of fuel and materials, which vary greatly.

Fifth. The direction of the haul. This is a greater item than is generally supposed. It has been estimated that because the west-bound cars are generally empty freight can often be carried in them at a profit over operating expenses for from one-third to one-fifth of the east-bound charges. This was calculated a few years since over the Pittsburgh and Fort Wayne. It was also found by Morehouse, of the Illinois Central, that the average cost of freight transportation over that line per ton per mile was 15.8 mills, but that return freight could be carried for 3 mills per ton per mile, or at about one-sixth of this, and that if the cars traveled both ways loaded the freight charges could be reduced one-half and still yield the same profits. Under section 4, however, one could not charge less for a shorter haul of return than for a longer haul of through freight.

Sixth. Speed. The importance of this I have shown.

Seventh. Competition. The controlling influence of water and rail competition all understand. It is not only competiton between lines of transportation that determined their rates, but also the competition of places. The competition of foreign markets must be considered, and the price and volume of wheat in India and at Odessa have a large influence in determining the rates to the United States seaboard.

Eighth. Volume of traffic. This is one of the most important elements considered by railroad officials in the preparation of schedules of charges. Its importance can not be overlooked. Morehouse's figures show that on the Illinois Central, if the volume was only sufficient to fill the cars operated, a reduction of one-half in the charges would give the same profits. This being so, the effect of doubling the volume of traffic can be understood.

I take the following table from the Government reports, showing the cost of transportation at the time on lines operated by the Louisville, Nashville and Great Southern Railroad Company. The differences over the various branches are due mostly to the volume of traffic on each:

Line.	Cost per ton per mile.
	Cents.
Main stem	1.78
Memphis line	2.10
Nashville and Decatur Railroad	2.84
Knoxville branch	4.17
Bardstown branch	7.72
Richmond branch	9.60
Glasgow branch	19.10

There are many branch lines and feeders in the United States which barely pay their operating expenses at a higher rate than is charged over the main trunks to which they belong, but which must be run on account of the demands of trade and for the profits made on the trunks from the freight they pour into them. According to the last census

330 companies had no net income available for dividends or profits; 92 companies made under 1 per cent.; 116 between 1 and 3 per cent.; 182 between 3 and 7 per cent.; 114 between 7 and 10, and the remaining companies made over 10 per cent.

It thus appears that there are many companies that might be bankrupted by this section, although many now making a large profit would not be injured. It would cripple the weak and not the powerful.

But I will not dwell any further upon elements which enter into the cost of the running of railroad trains. Fink gives fifty-eight elements entering into cost of transportation.

I favor in general the bill of the gentleman from Texas [Mr. REAGAN] as a substitute for the first seven sections of the committee's bill, still I think it should be amended; that the first and seventh sections should be changed as indicated, the fourth section struck out, and the third strengthened. All remedies for railroad abuses other than Government ownership have elsewhere proved inadequate, and ultimately this will be the solution everywhere. I do not mean the ownership of all railroads, but of a few trunk tracks crossing the country and kept in order by the Government, over which, at a low toll and under proper regulations, any one can run a train of cars as now they can a boat upon the rivers.

I would have considered it far better for California, and for the people of the Pacific coast generally, if some Pacific railroad bill regulating the operations and charges on those roads which had received aid from the Government, and preventing extortions and unjust discriminations thereon, had been passed by this House, even amended if necessary, such as contemplated and introduced by my colleague [Mr. SUMNER], who has given this subject long study. But that not being the case, we should take the best we can get if so amended as to accomplish the result desired. I would like to point out and urge many of the good provisions of this substitute, but as others have done this and my time has expired I can not now do so. I desire to see amendments adopted to the first, second, third, fourth, fifth, and seventh sections of this bill, and I will offer them when in order. They are to perfect the bill, and in part prevent wars of rates and such pooling and combinations as are injurious to the people. How much time have I remaining?

The SPEAKER. The gentleman has five minutes of his time remaining.

Mr. BUDD. I desire to reserve the remainder of my time.

Mr. GLASCOCK was recognized.

Mr. REAGAN. If the gentleman from California does not desire to proceed this evening I will move that the House do now adjourn.

Mr. GLASCOCK. I will yield for that purpose.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed:

To the House of Representatives:

With reference to the recommendations on the subject in my recent annual message I transmit herewith a report from the Secretary of State of the 9th instant, showing the necessity for immediate legislation for the purpose of bringing the statutes of the United States into conformity with the international regulations for preventing collisions at sea, which have been adopted by all the leading maritime powers of the world except this country.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., December 10, 1884.

NEW ORLEANS COTTON CENTENNIAL EXPOSITION.

The SPEAKER also laid before the House the following telegram; which was read, and laid on the table:

NEW ORLEANS, *December* 9, 1884.

To the Speaker of the House of Representatives, Washington:

On behalf of board of management of the World's Industrial and Cotton Centennial Exposition, by resolution thereof, I am empowered to extend, with yourself, to the House an invitation to be present at the opening ceremonies of the exposition, which will take place on the 16th of December (Tuesday). Individual and collective invitations have already been forwarded by mail to yourself and to each member of the House.

EDMUND RICHARDSON, *President.*
RICHARD DIXON, *Secretary.*

WITHDRAWAL OF PAPERS.

On motion of Mr. HENDERSON, of Illinois, by unanimous consent leave was granted to withdraw from the files of the House papers in the case of Thomas G. Baylor without leaving copies on file.

And then the motion of Mr. REAGAN was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of widow of F. T. McLaurine, deceased, to have claim referred to Court of Claims to correct errors in adjudication of the Commissary-General—to the Committee on War Claims.

By Mr. BRENTS: Memorial of the Bar Association of Spokane and other counties, Washington Territory, relative to an amendment to the law appointing one additional justice of the supreme court of said Territory—to the Committee on the Judiciary.

By Mr. T. M. BROWNE: Petition of 50 citizens and ex-soldiers of the city of Muncie, Ind., for the passage of the Mexican war pension bill and Senate amendments—to the Committee on Pensions.

By Mr. GOFF: Petition of Eli Phillips and 62 others, asking for the passage of the Mexican war pension bill—to the same committee.

By Mr. HANBACK: Petition of Lebanon Post, No. 240, Grand Army of the Republic, Department of Kansas, for the passage of the Mexican war pension bill—to the same committee.

By Mr. HEPBURN: Petition of J. E. Teale and 50 others, citizens of Davis City, Iowa, asking for the passage of the Mexican war pension bill and amendments—to the same committee.

By Mr. A. S. HEWITT: Memorial of the Chamber of Commerce of the State of New York, relative to the defenses of the port and harbor of New York—to the Committee on Appropriations.

By Mr. LEWIS: Papers relating to the claim of Lucius J. Seals—to the Committee on War Claims.

By Mr. MATSON: Petition of James R. Fritts and 75 others, members of Winchester Post, No. 333, Grand Army of the Republic, Gosport, Ind., for the passage of the Mexican war pension bill as amended—to the Committee on Pensions.

By Mr. MILLIKEN: Petition of Thomas J. Lyon and others, for passage of bill to enforce the eight-hour law—to the Committee on Labor.

By Mr. NELSON: A bill for an examination and survey of the harbor of Duluth, &c.—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Petition of John Connell, to have the charge of desertion removed from his Army record—to the Committee on Military Affairs.

By Mr. RANNEY: Petition of Thomas G. Stevenson Post, No. 26, Grand Army of the Republic, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the same committee.

By Mr. ROSECRANS: Petition of August V. Kautz, Colonel Eighth Infantry, and other officers of the United States Army, in favor of a bill to facilitate promotions in the Army—to the same committee.

Also, petition of H. Brooks and others, citizens of San Francisco, requesting an early consideration of the bill for the relief of Charles M. Blake—to the same committee.

By Mr. STEELE: Paper relating to the pension claim of Col. E. W. Penney—to the Committee on Invalid Pensions.

By Mr. STRAIT: Petition of P. Cudmore and 250 others, praying that the statute of limitations be removed, and that the soldiers' right of pension shall commence at the date of discharge, &c.—to the same committee.

By Mr. J. M. TAYLOR: Papers relating to the claim of Archibald Thomas—to the Committee on War Claims.

Also, papers relating to the claim of Archibald Thomas, Madison County, Tennessee—to the same committee.

By Mr. WASHBURN: Papers relating to the claim of Chaplain Charles M. Blake for restoration to his former rank in the Army, with pay, &c.—to the Committee on Military Affairs.

SENATE.

THURSDAY, *December* 11, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PREVENTION OF COLLISIONS AT SEA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to be printed, and referred to the Committee on Commerce:

To the Senate:

With reference to the recommendations on the subject in my recent annual message I transmit herewith a report of the Secretary of State of the 9th instant showing the necessity for immediate legislation for the purpose of bringing the statutes of the United States into conformity with the international regulations for preventing collisions at sea, which have now been adopted by all the leading maritime powers of the world except this country.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, December 10, 1884.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bill and joint resolution, which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument; and

Joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report.

PETITIONS AND MEMORIALS.

Mr. MILLER, of New York, presented a memorial of the Chamber of Commerce of the State of New York, favoring the construction of suitable defenses for New York Harbor; which was referred to the Committee on Military Affairs.

He also presented the petition of E. A. Farr, of Washington, D. C., agent of the estate of S. O. Baker, deceased, praying compensation for supplies furnished United States troops during the late war; which was referred to the Committee on Claims.

He also presented a petition of over 2,000 citizens of the city of New York, praying the repeal of all acts by which the term of many administrative offices is fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. LOGAN presented a telegram from Mark L. Crawford, president of the Trade and Labor Assembly of Chicago, Ill., in behalf of 30,000 organized workmen of Chicago, in favor of the passage of the bill now pending before the Senate forbidding the importation of foreign laborers under contract; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2393) to change the name of the State National Bank of North Providence, R. I., reported it without amendment.

HILLSBOROUGH NATIONAL BANK.

Mr. MORRILL. I am instructed by the Committee on Finance to report favorably without amendment the bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio.

Mr. SHERMAN. That is simply the correction of the name of a bank. It is recommended by the Comptroller of the Currency, and I believe there can be no possible objection to it. I ask that the bill be put on its passage now.

The PRESIDENT *pro tempore.* The Senator from Ohio asks unanimous consent that the bill be now considered. It will be read for information.

The Chief Clerk read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2434) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON introduced a bill (S. 2435) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

ERICSSON'S SUBMARINE GUN.

The PRESIDENT *pro tempore.* "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution submitted yesterday by the Senator from New Hampshire [Mr. BLAIR], which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Naval Affairs be instructed to investigate the new system of naval defense for the seaports of the United States proposed by Capt. John Ericsson, especially with a view to ascertaining the efficiency of his new submarine gun and projectile torpedo for that purpose; also to ascertain whether the same is about to be purchased for the exclusive use of any foreign power, and whether or not the efficiency of the naval service and prudent provision for the national defense require the purchase and appropriation of this invention by the Government.

The PRESIDENT *pro tempore.* The question is on agreeing to the resolution.

The resolution was agreed to.

DEBATE ON SPANISH TREATY.

Mr. VAN WYCK. I ask for the consideration of the following resolution:

Whereas a commercial treaty of great importance has been negotiated between the United States and Spain, which was made public by the King of Spain to such extent that it was cabled from Madrid by the Times, of New York city, and given to the American people by that journal before the same was presented with becoming solemnity and secrecy to the Senate:

Whereas the provisions of said treaty materially affect the subject of revenues and taxation, involving no serious questions of diplomacy and state secrets, the discussions thereof should be in open session, so that the people may be fully apprised of the reasons why said treaty should be ratified or rejected: Therefore,

Resolved, That the Committee on Rules be directed to report an amendment or additional rule requiring that treaties which concern matters of revenue shall be considered in open session.

The PRESIDENT *pro tempore.* The Senator from Nebraska asks unanimous consent that the resolution be now considered. Is there objection?

Mr. WILSON. I object to the present consideration of the resolution.

The PRESIDENT *pro tempore.* Objection is made, and the resolution goes over.

GALVESTON HARBOR IMPROVEMENT.

Mr. COKE. I desire, with the concurrence of both the majority and minority of the Committee on Commerce, to have a day set for the consideration of the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico.

The PRESIDENT *pro tempore.* The Senator from Texas asks that the bill indicated by him be now taken up with a view to his moving its postponement to a day certain and that it be made a special order. Is there objection?

Mr. CULLOM. I should like to inquire of the Senator what day he proposes to fix.

Mr. COKE. Thursday, the 8th day of January next, at 2 o'clock.

The PRESIDENT *pro tempore.* Is there objection to taking up the bill for the purpose named by the Senator from Texas? The Chair hears none. The Senator from Texas moves that the further consideration of the bill be postponed until January 8, next, at 2 o'clock in the afternoon, and that the bill be made a special order for that time. Is the Senate ready for the question? Senators in the affirmative will say "ay"; the negative will say "nay." (Putting the question.) In the opinion of the Chair, two-thirds of the Senators present have voted in the affirmative, and the order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

FORFEITURE OF OREGON LAND GRANT.

The PRESIDENT *pro tempore.* If there be no further resolutions that order is closed. Pursuant to the order of the Senate of yesterday the Chair lays before the Senate the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon. The bill has been considered as in Committee of the Whole and reported to the Senate. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB], which will be read.

The CHIEF CLERK. It is proposed to insert as an additional section:

SEC. 2. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

Mr. SHERMAN. I should like to have the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. SHERMAN. Temporarily occupying the chair yesterday I was a good deal interested in the subject of the debate in so much as it affected the bill. The lands embraced in the bill are scarcely worth a dollar and a quarter an acre according to the concurring testimony of the two Senators from Oregon, but the precedent about to be set in regard to dealing with lands which have been forfeited and are now restored to public entry is so important, that the Senate ought to consider this question very carefully and vote understandingly.

It seems to me it would not be wise to set a precedent in this case that can not be followed in regard to other land grants when they are restored to public sale. The Senator from Alabama [Mr. MORGAN] made a suggestion that this case might be made an exception; but we can not make exceptions of this kind without doing a great deal of damage. It can do no harm to the people of Oregon to allow the land to be entered only under the homestead law. Under the law as it now stands when this land is restored to the public domain it is open to homestead entry. All the lands that are really needed by the people of Oregon can be acquired under the homestead law; but if the example is set of restoring lands that have long been reserved from sale to the old price of a dollar and a quarter an acre it will enable speculators under the pre-emption law and other laws to get possession of the lands, largely increased in value, and thus withhold them from general settlement.

I am therefore decidedly in favor of the amendment. Indeed, if it were not for introducing general legislation on a private or local bill, I should be in favor in this bill of repealing the pre-emption laws. They have long survived their usefulness; they ought to have been repealed long ago.

When the homestead law was enacted it was a new policy, which embraced all the public lands; and I myself will not vote for any bill that will open any portion of the public lands of the United States to disposition in any other way than under the homestead law. I believe that the homestead law is a wise provision for the disposition of public lands; and all wild lands, wherever they may be located, should be thrown open for settlement and occupation and acquisition only upon the basis of that law, except, as a matter of course, in special cases, where, as in military reservations and other lands which have been long withheld from the market, which have a largely increased value by the growth of settlements around them, in which case they should be sold at public outcry to the highest bidder under circumstances that would secure to the Government the highest price; but all public lands should only be acquired under the homestead policy.

I think the amendment of the Senator from Kansas is much more important as a precedent than it is so far as it affects this particular grant; but it seems to me that in every case where land, after long be-

ing withheld from public entry, is restored again to public disposition, it ought to be disposed of only under the homestead law.

Therefore I shall vote for the amendment, and I only make these remarks in order to call the attention of Senators to the importance of the question upon which they are now about to vote.

Mr. PLUMB. The position the Senator from Ohio takes exactly accords with my vote on yesterday. I should have been glad to have had his aid yesterday in support of the position of the Public Lands Committee, but the Senate, by a somewhat decided vote, disputed the position of the committee, and that has passed out of the jurisdiction of the Senate for the time.

Mr. SHERMAN. The Senator probably is not aware that I voted for his proposition. I was not in a position to speak, however.

Mr. PLUMB. I was going to say that the proposition now pending before the Senate on the motion to adopt the amendment which I proposed yesterday is in the same direction—that is to say, the direction of preventing speculation in public lands—and I hope there will be no dissent in the Senate as to its adoption.

Mr. LAPHAM. So far as I am concerned I am entirely ignorant of the policy which led to the passage of the act of 1875. But it is a general law enacted by Congress, and I rise merely for the purpose of suggesting that to repeal such a law by an amendment to a bill like this is improvident legislation, and we ought not to entertain the idea of doing it. If the law of 1875 is to be repealed let it be done by a bill, when its merits and the purpose of its enactment can be considered. If we repeal it by this amendment, we repeal it without really knowing anything about the policy which led to its enactment, and it seems to me we ought not to do it.

Mr. PLUMB. The Senator from New York is entirely mistaken. This amendment is not only entirely germane to the purpose of the bill, but it is an absolute necessity if speculation is to be prevented, because the occasion for speculation arises on the passage of the bill; that is to say, it then brings up the class of claims under the act of 1875, and unless we repeal the act at this time a repeal of it hereafter in reference to these claims will be entirely valueless. It is the handmaid, the necessary accompaniment, of this forfeiture bill. No forfeiture bill ought to be passed finally until the act is repealed.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DOLPH (when his name was called). I shall vote "nay" on this question, because I do not like to attach the repeal of the act to this bill.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. GARLAND. I am paired with the Senator from Vermont [Mr. EDMUNDS].

The result was announced—yeas 33, nays 11; as follows:

YEAS—33.

Blair,	Hampton,	Mitchell,	Sawyer,
Brown,	Harrison,	Morgan,	Sherman,
Call,	Hawley,	Morrill,	Slater,
Cameron of Pa.,	Hill,	Palmer,	Vance,
Cameron of Wis.,	Hoar,	Pike,	Van Wyck,
Cullom,	Ingalls,	Platt,	Vest.
Dawes,	McMillan,	Plumb,	
Frye,	Manderson,	Pugh,	
Groome,	Miller of N. Y.,	Riddleberger,	

NAYS—11.

Bayard,	Dolph,	Lapham,	Sheffield,
Coke,	Jackson,	Maxey,	Walker.
Conger,	Jonas,	Sewell,	

ABSENT—32.

Aldrich,	Edmunds,	Harris,	Miller of Cal.,
Allison,	Fair,	Jones of Florida,	Pendleton,
Beck,	Farley,	Jones of Nevada,	Ransom,
Bowen,	Garland,	Kenna,	Sabin,
Butler,	George,	Lamar,	Saulsbury,
Camden,	Gibson,	Logan,	Voorhees,
Cockrell,	Gorman,	McPherson,	Williams,
Colquitt,	Hale,	Mahone,	Wilson.

So the amendment was agreed to.

The PRESIDING OFFICER. If no further amendment be proposed, the question is on the third reading of the bill.

Mr. MORGAN. Before the bill goes to a third reading I desire to call the attention of both the Senators from Oregon to a question that may arise in this case. The same question, I will say, arose in committee and was there answered, but I wish to have it answered in the Senate. I wish to know whether there are any persons concerned in this land grant by purchase from the railroad company, or by mortgage of the railroad company upon the lands, whose rights would be affected by this forfeiture; whether there are any other parties to this forfeiture now than the Government of the United States on the one hand and the railroad corporation on the other; because if there are persons whose rights will be affected, their rights are totally unprovided for in the bill, and I should feel compelled to offer an amendment for the purpose of carrying the case into the circuit court of the United States for Oregon, there to have their rights determined, unless the Senators can give assurance to the Senate that there are no such rights.

Mr. SLATER. My understanding is that there are no such cases as those referred to by the Senator from Alabama. While I could not say there might not be a single case, my understanding is that there has been no effort to sell any part of the land by the company or to place any mortgages upon it. So it is a case absolutely and entirely between the Government of the United States and the corporation claiming the grant, and there is no occasion, it seems to me, to attach to the bill a provision sending the case to the courts, which would operate simply to cause unnecessary expense and long delay.

Mr. DOLPH. I believe that there are mortgages which embrace in their terms and description the entire grant earned and unearned, but I suppose that a mortgage of a railroad company or other grantee of a land grant which has been made upon a condition subsequent can only take such rights as the original grantee from the Government had, and that if the condition is not performed and the unearned portion of the grant is forfeited because of such non-performance, the mortagee would have no just claim as against the United States to the unearned portion of the grant; that is to say, that the mortgagee could take by the mortgage no greater rights than the mortgageor, and that if as against the company Congress has power to forfeit the grant, it also has the same power to forfeit the grant against its grantees and mortgagees. For that reason I do not conceive that in this case the amendment mentioned by the Senator from Alabama is necessary.

I thought when the bill was before the Committee on Public Lands that there were no cases of persons who had gone upon the lands claiming under the railroad company. I am informed by Mr. GEORGE, of the House, and heard something to that effect while in Oregon recently, that there are a few persons who have chosen to go upon the lands under the company; but there is no doubt, as I said in my remarks in regard to the amendment already adopted by the Senate, if they have made any payments to the railroad company those payments will be refunded. At all events, I do not see why Congress should undertake to recognize contracts between the railroad company and settlers on the land under it. But it is provided in the amendment that such settlers as are not qualified to purchase under the general laws of the United States may secure the land by paying the United States the minimum price for the same—a dollar and a quarter an acre. I think there are very few such cases. I do not think any question can be involved that will not be settled justly and equitably under the amendment already adopted by the Senate.

Mr. MORGAN. Does the Senator from Oregon say there is a mortgage upon these lands?

Mr. DOLPH. There is a general railroad mortgage and a deed of trust, according to my recollection, which embraces this grant.

Mr. MORGAN. There are two incumbrances on it, then?

Mr. DOLPH. It embraces this grant in terms, and of course if the lands were earned by the construction of the road, the mortgage would take effect upon the earned lands, but to the extent that these lands have not been earned I cannot conceive that the grantees of the railroad company or the mortgagees of the railroad company have any greater rights than the company itself, and when we forfeit the lands, and cut off the right of the railroad company to earn them by the construction of the road, we necessarily cut off the right of all persons claiming under the railroad company either as grantees or mortgagees.

Mr. MORGAN. I am compelled on this occasion to refer to something that occurred in the Committee on Public Lands. When this subject was under discussion and the bill was being prepared, I put the question to both the Senators from Oregon whether there was any incumbrance upon these lands, and I understood both Senators to say that there was not. I further put the question whether there were any persons who had taken land from the railroad company by purchase or under contract, whose rights would be affected by this forfeiture. I understood both Senators to say that there were none. Now, we are informed by one of the Senators at least that there are persons who have purchased land from the railroad company, whose rights are expected to be protected under an amendment which he offers to the bill. We are informed further that there is a mortgage upon the land, and perhaps also a deed of trust. I will say that if these facts had been known to the Committee on Public Lands (and I do not pretend that they were withheld from the committee improperly, but the Senators evidently did not know the facts at the time) a motion at least would have been made in that committee to have the principles applied to this bill which were applied by the Senate to the Atlantic and Pacific Railroad, which principles I think are applicable to every case of forfeiture where the question is not exclusively between the Government and the grantee corporation.

I hold to the doctrine, and the Senate has so voted by a very large majority of the body, that whenever we declare the forfeiture of a land grant and it is found that there are claims asserted in good faith on the part of mortgagees or on the part of other purchasers or contractors with the company to the lands, it is our duty to extend a remedy through the courts of the United States to the company and to these parties to litigate the extent and character and value of their claims, and that duty becomes absolutely incumbent upon the Congress of the United

States, because our system of laws prohibits really the Government of the United States from being sued by any private person unless it is done by the express consent of Congress. Now, to take the property of these mortgagees, about which we know nothing, and here to confiscate it (for that is the effect of it) in an *ex parte* proceeding, without due process of law and without giving them a hearing to show what their claims are, is something that I can not consent to. I was not put here for the purpose of sitting in judgment upon private rights between individuals in this country. My function here is to legislate, to make constitutional laws and none other, and not to invade private rights by the legislative action of this body of which I am a member.

Now, Mr. President, I ask that the further consideration of the bill be postponed until this question can be examined into and until the Committee on Public Lands can be informed as to when these mortgages were created, in whose behalf they exist, what the rights and equities of the mortgagees may be, for we are legislating here entirely in the dark. We are legislating upon a state of facts that I did not know or believe to exist.

Mr. DOLPH. Mr. President, I would not occupy the time of the Senate for a moment longer if the honorable Senator from Alabama had not referred to what was supposed to have taken place in the committee.

If I was ever questioned in regard to this matter of mortgages I certainly stated the fact as I understood it to be, that mortgages had been executed which in their terms embraced the grant and would take effect upon the earned portion of the grant; but if the road was not completed the unearned portion, I suppose, would fall with the forfeiture of the grant itself. I can not conceive why, if Congress proposes to act upon the rights of the grantor, the railroad company, it can not act in the same manner upon the rights of all persons claiming under the company as grantees or mortgagees of the company, and why the title of the company and all its grantees does not stand precisely on the same state of facts and is not governed by the same rules of law.

I think the Senator is mistaken in supposing that the statement was made either by my colleague or myself that the grant had never been mortgaged. I was not aware that there were any persons upon any of the unearned lands which it is proposed to forfeit at the time the matter was under consideration in the Senate Committee on Public Lands claiming under the railroad company. That is a matter of recent information to myself, but the number is very few, and their rights I think are sufficiently provided for by the amendment offered by myself.

I do not think there will be any legal controversy whatever over this unearned portion of the grant if the bill is passed as reported by my colleague from the committee. I think the construction of this road has been virtually abandoned by the company, at least nothing has been done recently, and there is no present disposition to commence its construction. I do not think this is a case requiring the amendment which was made to the Atlantic and Pacific Railroad bill. I speak from a knowledge of the circumstances and the facts of the case. I hope that the honorable Senator will allow the bill to come to a vote and be passed as it now stands.

Mr. MORGAN. Mr. President, if we pass this bill in the shape it now is, of course there will be no legal controversy between the United States Government and these mortgagees, whoever they may be, over this subject, for we shall have destroyed their rights entirely; they will be cut off without remedy; and I do not wish to do that until at least I understand what their rights may be and who they are that compose these mortgagees, and what the debt is that they were intended to secure. These railroad bonds have gone out—the coupon bonds especially have gone out into circulation in the community, and in those older portions of the country where the people have money treasured up they have bought these bonds, frequently at a considerable discount, as a permanent investment, and they look to the Congress of the United States to protect their rights, whatever they are.

Pass this bill, and if a question arises between one of the bondholders, who may hold a bond for a thousand dollars, and the United States Government as to whether that bondholder has some right or equity on these lands which we are now taking out of the possession of this company, what remedy can that bondholder have? None whatever. We destroy all hope of remedy, and we do not know what we are doing. We do not know the value of the claim, or the extent or the amount of it, that is alleged to be an incumbrance upon this property. In the case of Schullenberger *vs.* Harriman the Supreme Court of the United States have decided that the railroad corporation up to this hour is the owner in fee of these lands, subject only to be forfeited by an act of Congress or a judicial proceeding declaring that a ground of forfeiture exists. At this very moment of time when I am speaking upon this floor these mortgagees have a valid, legal subsisting incumbrance on these lands; and if the United States Government does not choose to deny the validity of that incumbrance nobody in this world can do it.

There is not any human being that exists in this world who can deny the validity of this mortgage upon this property to-day except the Congress of the United States or a court acting in pursuance of a proceeding of forfeiture, which I do not believe any court has jurisdiction under our Government to pronounce in a case of this kind. But, however that may be, here stand these mortgagees with legal rights under the laws of the land as palpable and as plain as the right of any gentleman in this body to the homestead that he may occupy, and that without knowing or seeming to care what is the character of that right and its extent and its value in law, and proceed to take it away from these mortgagees. We are the only body of men in the world that can do it, and we do it without an inquiry and without knowledge.

I reassert, sir, that I have not been informed—and I made due inquiry—of the existence of these mortgages at all until this morning. If I had been informed of it I should certainly have brought to the attention of the committee and also of the Senate the same provision which the Senate voted on the Atlantic and Pacific bill at the last session, which requires in a case of this kind that the Government of the United States shall become the actor and shall file a bill in the proper circuit court in the nature of a bill of interpleader, through which action every person claiming to have an interest in the property may be heard in court and have his rights adjudicated by that tribunal which the Constitution sets apart for this express purpose.

I can not conceive how we could go along and condemn and confiscate property without due process of law, as we are doing here to-day, when we are just informed that we are striking at rights of which we know nothing and people whose rights we do not at all comprehend.

I will change my motion, Mr. President, and I will ask that this bill be recommitted to the Committee on Public Lands, in order that it may be thoroughly understood.

The PRESIDING OFFICER. The Senator from Alabama moves that the bill be recommitted.

Mr. BLAIR. Mr. President, I am also a member of the Committee on Public Lands, and certainly have from the beginning understood that this bill proposing a forfeiture of a certain land grant in the State of Oregon had reference to one in which no questions arose, excepting such as might exist between the Government, the grantor, and the grantee, the railroad company; and I am confident that such was the understanding of the committee generally before action was taken on this bill favorable to its passage by the Senate.

I made due inquiry, as I thought, upon that point. I also understood further that this fact was found: that it was conceded upon all hands that no controversy could arise; that it was a fact that the company had abandoned absolutely and entirely all intention and all effort for the construction of the road, and therefore it was a clear case where the Government had a right to resume its control over the land grant. I did not know until this morning, and I learned it this morning by information coming from the other end of the Capitol, that there was a mortgage, and I learn still further by the declaration of the Senator from Oregon [Mr. DOLPH] there is also a deed of trust. Whether he means the same instrument by these expressions I know not, but I understand that there is an incumbrance on this land grant; and further, that questions may arise between individual settlers, and it may be other individual parties in addition to those that may arise under the mortgage and the deed of trust.

So it is conceded now that the necessity for the intervention of a court in determining whether in equity or in law there should be this forfeiture arises with reference to this land grant as to all the other grants the forfeiture of which is in question before this Congress.

Now, Mr. President, I am one of those who understand that the judiciary is one element of our form of government, and that it is no function of the legislative power to confiscate and destroy vested property rights, and I am unwilling myself (and I think such must be the sentiment of the Senate) that any bill should pass this body where it is conceded that there may be or must be controversies touching property rights between individuals, and between individuals and the Government, and there be no court of law to decide what those rights are.

It is with this view, and because I understand in the action of the Senate at the last session that to be the general judgment of the Senate that there shall be attached to all these bills proposing forfeiture a provision that the courts shall decide the rights and equities between all parties and because now it is apparent that this bill is like all the rest, that I trust the motion of the Senator from Alabama to recommit the bill will prevail.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama to recommit the bill.

Mr. SLATER. I trust that that motion will not prevail. This matter has been well and thoroughly considered by the committee, and while it may be true that I may have been misled in regard to the fact of there not being any mortgage, a moment's reflection, I think, would show that there was one, for all land grants were mortgaged; but it is also true, as a matter of law and equity, that a mortgageor can give no higher title than he possesses. He can only give a conveyance by way of mortage on what he holds, and not pass the absolute title. As a fact the mortgagee takes only such right as the mortgageor had at the time of the mortgage. It is a notorious fact that not a particle of this road has been constructed during ten years, and so far as any effort to construct the railroad is concerned the matter has been abandoned for ten years, and the act expired as far back as 1876, I think, or perhaps earlier.

The Senator from Alabama, I think, in this particular case is fight-

ing a shadow, that he will really find, when he comes to examine it, has no substance whatever. As a matter of course we know very well that Congress can not affect any vested rights. These rights can be presented in the proper court, if there be any. My understanding is that there are none that can be presented. Under the well-established decisions of the courts it would be simply foolish for the company or the mortgagees to present their alleged rights. They could not succeed if they were allowed to interplead, for the court would decide that they have no equity. Why, then, make this delay? Why have it attached to this bill? It can only end in one direction.

I think my colleague and myself understand this; and as I understand my colleague to-day there is no necessity for an amendment of this kind or an investigation of this kind. As a matter of fact we can not foreclose the rights of these parties if we should undertake to do so. It is only a question of the form of remedy. In one instance they come in under the direction of the United States and in the other they would have to come in against the individual citizen. As a matter of course my colleague and myself desire to look out for the interest of our constituents, and we would not wish them to be placed in an improper attitude; but we are satisfied there is no such case as this alleged, and there ought to be no delay in this matter.

Mr. DOLPH. Mr. President, I regret exceedingly that there should have been any suggestion that there is a necessity for a re-examination of any fact in this case before the Committee on Public Lands. I will state that my own recollection is, and I am very positive, that on one occasion, having some knowledge in regard to this matter, I stated to the committee the history of this grant among others, and on that occasion I mentioned the fact of these mortgages; and I did say, as I said before, that I did not think there were any persons on the land claiming under the railroad company.

I further say that my recollection is that the Senator from Alabama, when the bill was ordered to be reported from the committee, reserved his right of offering his amendment in the Senate if he saw fit to do so, and I have expected he would exercise his own pleasure in regard to that matter. But I certainly have withheld no information from the committee; neither has my colleague. It has been known to other members of the committee that these lands had been mortgaged, like every land grant in the United States, the land-grant mortgage being in general terms, with the understanding, of course, that the land could only be acquired by the mortgagee on the completion of the road by the mortgagor. I do not think a necessity for the amendment exists in this case. I hope at least that the bill will not be rereferred. There is certainly no necessity for it.

I am entirely in accord with my colleague in regard to the passage of this bill as it now stands. If any further amendments are to be put upon it I hope they will be made now and the bill passed and sent back to the House of Representatives in which it originated.

Mr. MORGAN. The Senator from Oregon on my left [Mr. SLATER] thinks I am fighting a shadow. That may be so. I am certainly fighting in very shadowy ground here, somewhat in the twilight, because we have not had information of the facts about this case, and I want to fight in the broad, open daylight. I want to know who it is that has this mortgage, and also the extent of it.

This road has been partly completed and the constructed part is now in operation. It is alleged by both Senators that the residue of the projected road between Portland and Astoria has been abandoned, and acting upon that statement, which I do not controvert at all, I am willing to vote for the forfeiture of the land grant on the ground of abandonment so far as the company is concerned. But it was not until this morning that I found there was another party concerned in interest in this mortgage who has a right to raise the question whether this land grant has been abandoned or not.

I am not quite familiar enough with the terms of the grant to be able to state the point in regard to it which has arisen in other cases, and I dare say arises in this. The mortgagees would have the right to oust this company of the possession of its property, take it into their own care, and go on and complete this road and earn the value of their bonds, or at least cause the road to earn the value of their bonds. I understand that a mortgagee has a right by a proceeding of foreclosure and sale to take the lands, or whatever rights the company has, into his possession, provided the franchises of the road were covered by mortgages, as I have no doubt was the case, and go on and complete the construction of the road under the franchises and in virtue of the assistance of the grant of land. Now, we find that there are mortgagees, and of course there is an unpaid debt.

We find the simple proposition stated here that the company has abandoned its right to complete the road. Suppose it has, have we a right to assume that the mortgagees do not intend to foreclose the mortgage and become possessed of the legal rights of this company and complete the road in accordance with the public use declared by Congress and in accordance with the provisions of this land grant? We declare the forfeiture out and out against the mortgagees and against the company, not upon the ground that the mortgagees have abandoned their rights, but upon the ground that the debtor company has abandoned its rights. At the moment when the debtor company abandons its rights and ceases to become an active factor in this matter then the rights of the mortgagees spring up, and they can go on doubtless under the provisions of the trust deed or of the mortgage, and they can foreclose and perhaps by a mere power of sale become possessed of the franchises of this company and conclude the building of this railway and earn money enough and property enough to redeem their bonds out and out. I am opposed to having this amount of property struck down by the Government of the United States claiming as against the company a technical forfeiture when there may be and doubtless are mortgagees whose interests the Government ought to look to.

Mr. INGALLS. Will the Senator permit me to ask him a question at that point?

Mr. MORGAN. Yes, sir.

Mr. INGALLS. Grant that mortgages and deeds of trust have been placed upon the land included within the limits of this grant; suppose, also, that there have been settlers upon the lands who claim to have purchased from the railroad company to whom the grant was made, does the Senator think that if we should pass this bill it would deprive them of any rights to which they would be entitled by virtue of existing law? In other words, can the constitutional protection to the rights of property which declares that it shall not be taken except by due process of law be impaired by a subsequent act of Congress? And if the view that I take is correct, what would be the practical difficulty following the adoption of the pending bill that is now before us?

Mr. MORGAN. Of course, Mr. President, any law passed here in violation of the Constitution or *ultra vires* by Congress is to be regarded and will be regarded as a nullity in any court before which it is brought, and there is not a court in the United States whose jurisdiction is so mean that, if it has judicial authority at all, it can not upset an unconstitutional law.

Mr. INGALLS. Has the Supreme Court not held repeatedly that an act of Congress in that sense is not due process of law?

Mr. MORGAN. I so understand. That is the basis upon which I am proceeding with my argument. It is a question of remedies. I suppose that a case could be made in one of the State courts; it might originate before a justice of the peace in an action of unlawful detainer perhaps, or in a circuit court in an action of ejectment or trespass to try title or some such sort as that, and that case involving a Federal question could after it passed through the supreme court of Oregon be appealed to and decided by the Supreme Court of the United States, and the action of Congress, if found to be unconstitutional and oppressive, or unconstitutional whether oppressive or not, could be annulled by the judgment of those courts; and after so long a time the parties who assert their rights against our action here to-day, if it is *ultra vires*, would have their remedy.

Now, let us look at the condition of things and see whether we ought to provide some other remedy than this collateral one—this back-door action, as I will call it—which may exist in favor of the holder of a bond or in favor of the purchaser of property from this railroad company. The Senators from Oregon inform us that this is an unpopulated country, and that in a few instances, and only in a few, the railroad company has sold lands to other persons; and the Senator in front of me [Mr. DOLPH] has said that it was one of the purposes of his amendment to compensate those persons and secure to them the same title from the Government of the United States that they would have obtained from the railroad company. That would clear out of the question, perhaps, that class of people, because they would be satisfied and they would make no contention.

Mr. DOLPH. They will secure their title only on payment to the Government for the land.

Mr. MORGAN. They may have paid the railroad company, and now if they pay the Government they can get their land—that is, on paying for it twice instead of once. Now, let us see what condition the bondholders would be in. They have got a mortgage on all these lands. This land, as I have argued, and as I think no Senator will dispute, as between the Government of the United States and every person in the world but the holders of this land, is a fee-simple estate in the hands of the company, and of course that fee-simple estate is mortgaged to the mortgagees. That is the situation to-day.

These mortgagees, having this sort of legal estate conferred upon them under the mortgage for the security of their bonds, could go into a State court, for they can not get into a Federal court unless we permit them to do it by express enactment of Congress. They go into a State court and file a bill of foreclosure. Who is the party defendant to that bill? It can not be this railroad company whom we have bereft of all rights under this very bill, for we have the right to take the property away from the railroad company by an act of entry and ouster, office found, or whatever you please to call it—a declaration by Congress of the forfeiture, which is the same thing.

The railroad company can not be sued for it, for the railroad company has no longer any estate in the property. Whom then will the bond-holder proceed against? Not the Government of the United States, for that Government can not be sued in an action by one of its citizens or by any other person without its express consent. These mortgagees must hunt up some person who is upon some part of this land under

color of title of some character in order to have a standing in court as against that party, and proceed by bill in equity to foreclose the mortgage. I can think of nothing so hopeless as a remedy of that kind.

We have destroyed the title of the mortgageor, the railroad company. By our bill we permit whatever the interest there may be there on the part of citizens to controvert with the Government to be taken up by allowing them to pay to the Government and by payment of money to obtain title to the land direct from the Government, which of course they would do in preference to having any litigation.

Now, sir, if I were an attorney practicing in Oregon and after this bill becomes a law some one should come to me and ask to employ me to file a bill to foreclose this mortgage and try to collect these bonds on these lands and to controvert with the Government of the United States the constitutionality of the law we are trying to pass this morning, I should be certain to say to my client, Go hence; do not send good money after bad money; do not undertake to fight the Government of the United States, which has put itself behind the barrier of legal fortifications which no man in the world dare assail. That is the situation.

It was for the purpose of remedying against this difficulty and giving to our people something analogous to the English petition of right, whereby any British subject may come in and question the Crown as to the ownership of a piece of property that it seeks to condemn by forfeiture, confiscation, or otherwise—it was to give to them some remedy analogous to that, so that the proud boast of American liberty should have some shadow of support at least in the nature of the statutes upon which we dispense and dispose of the rights of private individuals, that I proposed the amendment which the Senate inserted on the Atlantic and Pacific Railroad forfeiture bill.

Now, I hope that I have answered the question of the honorable Senator from Kansas. He and I proceed together upon this question until we come to the point of the remedy. I assert that if these mortgagees, these bondholders, who have a legal estate in this property to-day of a certain character, a legal right of satisfaction out of it, are to be disregarded entirely, and they are to have no opportunity to controvert with the Government in respect of how much of this land is still covered by the mortgage, we are leaving them in a forlorn condition that we ought not to do. I do not know who they are or where they live; I know nothing about them; but it is my duty to know before I legislate in this case.

I think, Mr. President, that the Senate would not be doing right to go along with the passage of this bill because the two Senators from Oregon happen to agree about it. They are both most worthy and excellent Senators, men of high ability as well as high character; but we have also an interest in this question, and the holders of these bonds, who are doubtless not all of them residents of the State of Oregon, have an interest in this matter that ought to be looked after. It can not be fairly looked after until this case can go to the committee and the committee be authorized upon the evidence to report how much these debts are and what is the nature of the lien.

The Senators from Oregon both assume that a railroad company has no right to mortgage more than it owns. Nobody will deny that proposition. Neither has a railroad company by its act a right to forfeit the rights of the bondholders to collect their money out of this property, and it is required here that the right of these bondholders shall be determined because the railroad company has simply abandoned the construction of this road. That is more than the railroad company had a right to do under the law.

Now, sir, I want to know and I want the Senate to know whether it is a shadow that I am fighting about here or not. I maintain that there are rights in favor of bondholders against railroad corporations that sometimes rise superior to the rights of the corporation, not perhaps to the rights of the Government, but certainly to the rights of the corporation. And these mortgagees, I repeat, if this mortgage is at all akin to the multitude that have been examined by this Committee on Public Lands, have the right to carry out the contract with the Government, to go on and build the road, to foreclose the mortgage and take the very franchises away from the corporation, assume the duties and obligations of its charter, build the road, and thereby satisfy the public policy in which this railroad grant was first founded. Shall we cut them off from all these rights? Have we a right to say here, upon what meager knowledge we have about this thing, that these mortgagees would not proceed to foreclose this mortgage, would not proceed to gather up what belongs to them under it, including the franchises of this company, and build this important road from Portland to Astoria down the Columbia River?

Sir, that is an important road. The time, perhaps, is not ten or twenty years distant when that will be looked upon as one of the great arteries of trade in this country, and one of the means of completing by competitive railroads access to the Pacific Ocean. While it may be that persons in Oregon desire to get hold of this right, or rather to get it out of their way so that they can proceed to build a road over the same territory—and that is the allegation which is made here; while it may be that it is one of the necessary conditions precedent that they shall get rid of this mortgage and this railroad and this land grant in order that they may have untrammeled access to this important region of country for the building of this road—while this may all be so, it is still true, I dare say, I believe it to be true upon the statement made here this morning, that these mortgagees have the right to do that same thing. If the right to build a road from Portland to Astoria down that river is so valuable that citizens of Oregon desire to avail themselves of the opportunity under some State charter, why is it not valuable enough to the holders of these mortgage bonds at least to give them a right to be heard on the facts before the Senate of the United States when we are about to take away from them this land grant and to confiscate it for the benefit of the United States?

Mr. President, I do not wish to express the shadow of an opinion here that would reflect in the slightest degree upon any person connected with this matter, for there is no reason for that. Senators are candid in their opinion, no doubt entirely so, that this subject is a matter of no concern to any person, and not to the bondholders, because there is no value in the grant, they say, and because they do not want to press this question as against the company, or against the Government. But before I act upon it I desire to have an opportunity of understanding it. Two members of this committee have assured the Senate that they were not informed as to the condition of this matter; and under these circumstances I do not see how the Senate will refuse to allow this subject to go before the committee, when it can be reported back again and taken up by the Senate and acted upon with a proper knowledge of the facts.

Mr. LAPHAM. Mr. President, the Senate at the last session, after very elaborate argument and with much deliberation and by a large majority, decided that where the Government was seeking a forfeiture of a railroad grant and it appeared there were mortgagees or bondholders interested in the question the Government should perfect a proceeding by a bill in equity, calling in all proper parties, and have a legal determination of the question involved. Now, believing in the wisdom and justice of that provision in all these cases, believing that the Government should be the actor instead of throwing private individuals to their remedies, imperfect as they would be, when this bill came up yesterday I went to the honorable Senator from Alabama and asked him whether it was necessary to have any such provision in this bill, and he answered me very frankly, "There is no occasion for it, because I have inquired and learned that there are no outstanding mortgages upon this road, that there are no rights of third persons involved in the question." I know that was the condition of mind of the Senator from Alabama and the reason why he said nothing upon the subject until this morning.

Now, Mr. President, I submit, whether the amount of the interest of bondholders or mortgagees be greater or less, whether it be one that can be maintained successfully or not, the mode of determining that question adopted by the Senate in the case of the Atlantic and Pacific Railroad Company is one from which we should never depart, and from which we ought not to depart in this case. It will require time. The amendment necessary to accomplish the object that was sought to be accomplished in the Atlantic and Pacific Railroad bill was an elaborate amendment. It will require hours to prepare it. It can not be prepared and offered now, and there is no other mode of reaching this remedy except to adopt the suggestion of the Senator from Alabama and recommit or postpone this bill.

Mr. VAN WYCK. Mr. President, I have been listening attentively to ascertain if I could the object to be gained by a recommittal of this bill. Now for the first time after the long discussion of this matter in the other House, as the RECORD shows, and its long delay and procrastination in this body, first in its committee and then here, an urgent appeal is presented on the part of the bondholders or mortgagees of this road, who have not for two years felt their interests so much imperiled or the duty of self-preservation so imperative as to come here by themselves or their attorneys and make an appeal on their behalf. Is not that a remarkable proposition?

Gentlemen have been relating what took place in the committee-room. I may go a little further and say that day after day, until midnight, and even beyond, did attorneys of different railroads appear before the Committee on Public Lands and enter all conceivable objections to any forfeiture. The gentlemen who have served on the committee will remember that those Senators who have spoken are correct in their own understanding, and they will remember that several of these railroads were placed together, particularly those in California and Oregon, for consideration and argument before the committee, and that learned attorneys came there, and I well remember (if I may be allowed to say it, although it is entirely out of order) that a question was propounded during the argument of some of the cases whether the mortgage of the railroad company covered all the lands embraced in the grant, and the question was answered affirmatively that it did.

I understand, and I think the Senator from Alabama will agree with me, that it must have been understood by every member of the committee who listened to and heard the arguments, the long tedious arguments on that matter, that it was the custom and, as far as any rule went, the rule of railroad companies about the first thing they did to issue bonds covering all the lands granted by the act. I think the Senator from Alabama and the Senator from New Hampshire can not call to mind a single land-grant railroad that did not place a mortgage on all the lands granted.

Mr. MORGAN. I will say, if the Senator will allow me, that I do call to mind this particular case in which I was informed, and believed, there was no mortgage of any kind.

Mr. VAN WYCK. Whether the case of this road was argued separately before the committee or in connection with certain other roads which were represented by the same interest and by the same attorneys I fail to remember; but my recollection is distinct that representations were made, not for the purpose of antagonizing the statement made by any member of the committee or any Senator here, but the impression was given to the committee at some stage of these deliberations and arguments that the railroads conveyed by mortgage all the lands embraced within the grants.

What is to be accomplished by the delay now proposed? The mortgagees did not seek to be heard. If they have any interest outside of the railroad itself, which probably controls the bonds, no mortgagees have appeared in this case asking to be heard, and I do not know that any one appears for them in the Senate to-day asking that they shall be heard on the ground that their rights are to be taken from them. If the position now taken be correct, a forfeiture by Congress will be impossible. If the position is correct that every mortgagee must be heard, then the position will be equally good that every judgment creditor should be heard. Why not? A judgment creditor of this railroad company would have the same right to come in and ask to be heard by Congress before a forfeiture could be declared. I suppose the Government of the United States is not required to ascertain by an examination of the county records who may be mortgagees or creditors of a railroad company.

I understand there was a condition in this grant. That condition runs with the land evidently, and every mortgagee who takes a mortgage on this land takes it subject to this condition. It is for Congress or the Supreme Court to say whether the condition has been broken; and if the fact be true that the condition has been broken and the land is subject to forfeiture, then the same reason applies to all mortgagees and judgment creditors, for neither can have any greater right to the land granted.

That is not the question in regard to this railroad grant. That question never has been raised in the committee or outside of it until this morning. The only question was how far this forfeiture should extend. The House by its bill said that the forfeiture should reach all the lands granted, as well those adjoining the road constructed as those adjoining the road not constructed. The House, if I may be allowed to say it, were more logical than the Senate in this matter, and the facts sustain their action more than that of the Senate, and in order that that point should not be pressed too far the Senate committee, on the only point in discussion on this railroad grant, thought it better to go no further than to declare a forfeiture of the lands adjoining the part of the road not constructed; and that is all the bill which we reported proposes.

The railroad company expressly declared that it abandoned this road. Mr. Villard, in 1883, when he was president of nearly all the roads in Oregon, wrote to the board of trade or commerce of Astoria a communication in which he figured up the cost of this railroad and said they must abandon it. He was president of this railroad company. Then it became evident that the House was right in the forfeiture which it declared, because here was a company organized to construct a road from Portland to Astoria, one hundred and twenty or one hundred and thirty miles, to which a land grant was given with a view to the construction of a road that distance, with a branch running off some twenty miles. The railroad company built twenty miles from Portland and then ran its branch in an opposite direction from Astoria, and there stopped. They had constructed the easiest portion of the road; they had built it through the most valuable part of the land granted, and then they stopped.

The condition of the grant was that if the road was not completed at the end of six years the grant should be forfeited, and they accepted the grant upon that condition, and the mortgagees accepted their mortgage upon that condition. Now it would seem to an ordinary jury, I think, that they had no right to any part of the land. It became evident that they did not intend to build the road from Portland to Astoria. They only got the grant with a view to build twenty miles from Portland and then diverge twenty miles down. That was the only question there was, and it is the only question to-day. This railroad company abandoned its road. It represented the bondholders evidently, and represented the mortgagees. There can be no possible question in regard to that matter. Did I understand my friend from Alabama to say that if these mortgagees proposed to foreclose the mortgage there was no person against whom they could bring a suit, not even the railroad company?

Mr. MORGAN. I do not understand the question.

Mr. VAN WYCK. My friend said that when the mortgagees wanted to foreclose their mortgage there would be no one they could arraign in court as the defendant, not even the railroad company.

Mr. MORGAN. Nobody; and if the Government of the United States now reclaim the land it would be useless to put in a party who would have no interest in the land.

Mr. VAN WYCK. That may be, but they could get a standing in court in that way. The only question is as to delay in this matter. The bill has been already nearly two years before one branch of Congress and the other, and this is the first time an application has been made by the mortgagees as the creditors of this road or any suggestion made in that direction.

Mr. MORGAN. Mr. President, I feel bound to say that this is the first time the fact has come to the attention of some members of the committee at all events, about this mortgage. I do not think I have been delinquent about it, though I certainly have inquired very assiduously; the Senator will bear me out in that; and I certainly gave notice that I would be prepared with an amendment if there was any question of that sort in this case.

This bill can go back to the committee, and we can consider it and ascertain precisely from evidence, I suppose here in Washington, what the extent of this mortgage is and who it is who owns it. The Senator from Nebraska intimates that the mortgage is owned by some railroad company. I do not know a word about that; he may; but I do not, for I never heard of it until it was suggested to me this morning by eminent gentlemen in the House of Representatives who have been inquiring into these matters very assiduously, and who informed me of the existence of these mortgages, very much to my surprise. I think the committee ought to have the opportunity of looking into this question to see what the facts are. Shall we sit as a court here in condemnation of a railroad company or of its mortgagees and adjudicate the property out of their hands by a reclamation of the title absolutely, when there is no Senator on this floor who can tell who the mortgagees are, what length of time the mortgages have to run, what rights they have got, or the amount of the debt? I think, sir, that it would be absurd for us to do it, and I do not see why Senators are in such a hurry to push this bill through this morning as to deny to the committee, or members of it who have not been informed about this matter, an opportunity to know what the real state of the facts is. We ought to be allowed to know it before we are compelled to act; and I protest that we ought to know it.

Mr. VAN WYCK. I did not mean to say absolutely in this case as a matter of fact that these mortgages and bonds were owned by this railroad company.

Mr. MORGAN. The Senator does not know who owns them, neither do I.

Mr. VAN WYCK. I can say as a matter of fact, however, that ordinarily the bonds and mortgages of a road of this nature are under the control of the managers of the railroad; and when their attorneys appeared before the committee to argue for their interest they would most naturally have argued for this interest if it was in peril at that time.

Mr. MORGAN. I do not care to try the rights of this company or of the mortgagees on a suspicion. I want to know what the facts are.

Mr. VAN WYCK. This fact was public, it was notorious; in April last, when the bill was discussed in the House of Representatives, it was there stated that mortgages existed on the line of this road. Senators may not be concluded by what took place in the other branch, but that was a fact which was made as notorious as a fact could be made in legislation. It appeared in the discussion; it was stated as a fact there that mortgages had been issued upon this railroad. That surprised nobody, for I supposed everybody knew that about the first thing a land-grant railroad company did was to issue mortgages upon its lands and put bonds upon the market. Every railroad company does that before it constructs a mile of road. It is done in all cases. These persons for many years have known of this. A person who owns a mortgage on a land-grant railroad is apt to know the history of legislation affecting that road. For many years the question has been before the American Congress, and nobody can presume that any mortgagee who would desire to be heard has not had an opportunity to present his case.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the motion to recommit the bill.

Mr. SLATER. This whole case it seems to me is in a nutshell. The question is, has this corporation failed to perform the conditions of the grant? Now, it is an admitted fact that for eight years this company has done nothing toward the prosecution of the grant, and has intimated through its president that it can not and will not undertake to build the remainder of the road. Then there is a condition broken in this case, and it has been broken for eight years. This bill has been pending before Congress ever since the second day of the last session of the Senate, the second day of the legislative session of Congress, and it is strange to me that we should not have heard somewhere at some time and in some place a plea for these mortgagees prior to just on the eve of the passage of the bill.

Mr. MORGAN. Will the Senator allow me to ask him a question? I ask the Senator when he first heard that there was a mortgage upon this property?

Mr. SLATER. I can not say that I have heard it before this morning. My impression was, and I was led to believe, that there was none in this case; and yet, as I said before, reflection should have taught me that perhaps in all these cases it was the custom, and I might say the unbroken usage, to put a mortgage on the land grants as a means of constructing the roads.

Mr. MORGAN. The Senator will allow me to say that reflection led me in the direction of supposing that there might be a mortgage until I asked the question and it was stated to me in the committee that there was none.

Mr. SLATER. I do not remember how that might be.

Mr. MORGAN. I do.

Mr. SLATER. But granting that there is a mortgage, I do not see that it is necessary for us to concern ourselves about that. The mortgagees stand on no higher plane, no broader basis, no higher right than the mortgageors themselves do. They can take no right that the mortgageors did not possess. The title of the mortgageors was one hampered and controlled and embarrassed by a condition. The mortgagees know the condition has been broken, and all we have to do now is to declare that condition broken and a forfeiture for that reason. These parties are not remediless. We only change the condition, the manner and mode of the procedure. One mode is proposed by the Senator from Alabama, and I do not see why he does not propose his amendment, as he did in the former case, instead of proposing to send the bill back to the committee, and let us pass on it at once if it is desirable. That amendment only changes the mode. In the one instance under the amendment parties would go into court by an interpleader at the instance of the United States. In the other case they would go into court in a suit against an individual citizen. There can be but few cases, if any at all, in which there would be any one to go into court in regard to this grant.

As I said before, as I understand this case there is no ground or basis for the application of the principle of the amendment as the Senator proposed to apply it to another bill; there are no rights which can possibly be brought into court in behalf of the original corporation, or of their subsequent purchasers, or of the mortgagees of the original corporation upon which they can or would have an equitable or legal standing in court. Why then proceed with it? It simply hampers the action of Congress; it simply ties up the matter of forfeiture an indefinite period and withholds these lands from occupation. It seems to me this is wholly unnecessary. If we had undertaken to forfeit the earned lands as well as the unearned lands, the question whether they would have rights would be a question which would go to the courts; but we avoid that by not agreeing with the House on that point. We treat that question as settled. In my judgment we can not touch the lands that have been earned, and can only touch the unearned portion of the grant.

I hope the Senate will now vote on the question and refuse to recommit.

Mr. BLAIR. The Senator from Oregon is arguing a question upon which the Senate has already pronounced its judgment. By a very large majority, in the discussion upon the bill proposing to forfeit the land grant of the Atlantic and Pacific Railroad during the last session of Congress, the Senate said that there should be a remedy provided in the courts for those whose rights were concerned, and proposed, by an amendment suggested by the Senator from Alabama, to constitute a specific kind of court to entertain and decide those rights.

The distinction between the Atlantic and Pacific case and this, as it has hitherto been supposed to exist, was simply that in the case now being considered by the Senate, that of the land grant in Oregon, there was no possibility of controversy arising with reference to any other rights than those between the General Government and the original grantee, and therefore that there was no case for the attaching of that amendment and the constitution of the proposed court in relation to this grant. But the Senate had before it no other case, unless it was this Oregon case, where that state of facts was supposed to exist; and therefore those who were in favor of the creation of such a tribunal were willing that this particular bill should proceed to forfeiture without any such condition or any provision for such tribunal being attached. And so the bill was going through; but a discussion arose this morning between gentlemen of both Houses who are engaged in the consideration of the amendments upon the Atlantic and Pacific bill, and there I first obtained information that this bill was understood by the other House of Congress to be just like the others, and that there was the same occasion for the constitution of such a court with reference to rights arising under this grant as in the other cases which are before Congress. And it will be understood, I know I understand, that if this bill now before the Senate passes without such an amendment, it is practically a committal of the Senate against the very policy which it adopted in its action on the Atlantic and Pacific bill, and therefore it is important.

This radical mistake with reference to the questions involved is one which leads to this discussion, and it seems to me perfectly apparent that unless the Senate proposes to stultify itself by its action upon these two different bills the motion of the Senator from Alabama should prevail, and this bill should return to the committee, that it may come from the committee under precisely the same conditions as the other bills where the Senate committee understands that there are questions of fact to be adjudicated by the courts. That is all I wish to say.

Mr. DOLPH. I desire to say again that I distinctly recollect on more than one occasion stating to the Committee on Public Lands from my knowledge of this matter that there were mortgages upon this grant. I distinctly recollect that counsel appeared for the company and so stated orally, and I think also in a printed argument filed in the case. And my recollection is in accord with the recollection of other members of the committee. I do not question the good faith or the correctness of the Senator who has just spoken, or the Senator from Alabama, as to what they understood in regard to the matter; but I will say that when it was agreed that this bill should be reported I understood that the privilege was reserved by the Senator from Alabama of offering his amendment in the Senate, and I understood the Senator to say no longer ago than the last session of the Committee on Public Lands, on Monday last, that he might do so.

I do not care anything about this matter any further than as to the suggestion made that there may have been some withholding of information on this subject. But whatever has been done in committee, I do not see the necessity of again referring the bill to the committee for information. It is now stated on all hands that there are mortgages. The amendment which was adopted by the Senate to the Atlantic and Pacific bill is in print; it can be offered to this bill, and the sense of the Senate tested on it at any time without delay.

I will say that I voted for the amendment referred to to the Atlantic and Pacific bill, but I distinctly stated that I did so because the bills making the grants to the Atlantic and Pacific Railroad Company, the Texas Pacific Railroad Company, and the Northern Pacific Railroad Company were peculiar and exceptional; that in my judgment Congress had undertaken to say what the remedy should be or what penalty should be inflicted if those companies failed to construct their roads within the time limited in the grant, and that was that Congress might take such steps as were necessary to secure the completion of the roads and at least one court had held that Congress could not forfeit these grants, but must apply them for the purpose originally intended. That was the reason why I thought that in those three cases the amendment referred to ought to be adopted, and I do not stultify myself in view of what I stated on the 3d of July last when the Atlantic and Pacific bill was under discussion by proposing to vote for this bill without the amendment when I voted for the amendment to the other.

Mr. MORGAN. I regret to appear so frequently in this matter before the Senate, but I have been led into some trouble about it unexpectedly. The Senator from Oregon on my left [Mr. SLATER] informs us that this morning was the first time he ever knew that there was a mortgage on this property. Well, Senators living in other States very far distant from Oregon are perhaps not expected to find out what neither of the Senators from Oregon knew or told the committee of so far as I know. When I made the motion to recommit I did it because I wanted the committee to examine the subject and to ascertain whether there was any necessity for putting on this bill the amendment which the Senate voted onto the Atlantic and Pacific bill. I do not want the Senate to go before the House of Representatives and before the world as voting an amendment onto a bill of the character which I had the honor to offer at the last session and it was passed by this body, and then refusing to put it upon another bill of precisely the same character. That would leave us in rather bad shape, and the committee of conference in which the two Houses are now represented would be very much embarrassed no doubt if the Senate should vacillate in its course from day to day, and on one day say that such a tribunal and such a jurisdiction was necessary to be created for the protection of private rights, and on another day neglect it entirely in a case of precisely the same character. Therefore I wanted the bill to go to the committee, to see if the committee could ascertain that there were in this case facts to excuse us from doing that which the Senators both agreed to. They say they do not want this subject drawn into litigation at all; that if we pass their bill just as it is there will be no litigation. Why will there be no litigation? I wish to know whether it is because by the passage of the bill we paralyze the people who have rights, or whether it is because there are no rights of a substantial character to advance. Therefore I want the committee to act upon it.

At the time I made my motion to refer I was not aware that I should have it in my power to get a print of the amendment which I offered at the last session of the Senate. Since that time I have obtained a copy of that print and I am now prepared to offer the amendment. At the same time I dislike to offer it without action of the committee, because the two Senators from Oregon, both members of that committee, assert here in this body that there is no occasion for having this amendment put upon this bill. Yet on the face of the case as presented by one of the Senators from Oregon at least who has some acquaintance with this mortgage matter, the other not having any acquaintance with it at all, it does appear that there are mortgagees (we do not know who they are) who have rights that ought to be protected in the courts of the United States. If the persons concerned in the Atlantic and Pacific, or in the Texas and Pacific, or in any of the other roads whose lands are sought to be forfeited need the protection of the jurisdiction and power of the Federal courts, then of course in this case it is needed, unless the Senators from Oregon are able to show the committee that there is some reason why this is an exceptional case. Therefore I wanted the bill to be recommitted to the committee, and I think that is the true course to take.

I am very much obliged to my friend from Massachusetts [Mr. HOAR] for calling my attention to a proposition in this case which I think I

ought to state, although I do not wish to abuse the patience of the Senate. It is that it is our duty in making the forfeiture of these land grants to protect the settlers upon the land and all persons interested in the railroad land grants that are being forfeited from a great number of lawsuits. Shall we so manage this business as to compel each one of these persons in the assertion of his rights to institute a suit and undergo the expense of attorney fees and costs of court, besides the other vexations and loss of time incident to litigation, when by providing a jurisdiction of competent authority, a bill to be filed in the name and on behalf of the United States for the settlement of all these questions in one suit, we can so readily determine it?

If there was no right involved in it, as a mere matter of public policy and public justice we ought to establish some means here through the authority of Congress by which these litigations can be consolidated and brought all into one suit. Now, let me illustrate. It bears some resemblance, if the Senate will bear with me a moment, to a creditor's bill. Here a creditor comes into a court of chancery and files a bill—his debt may not be more than $300—against a debtor who owes $100,000, and he says to the court of equity: "I want the assets of this insolvent man marshaled, and I want the preferences that exist according to law and according to contract between his creditors ascertained and secured by the decree of the court; I file this bill on behalf of myself and every other creditor, and I give to every creditor of this man an opportunity to come into the court and to prove his claim and to give to the court information of its precise character."

The court of chancery, upon the petition of a single creditor of a man who may owe $100,000, the debt of the particular man not being more than $300, will take jurisdiction in a cause like that, and proceed by publication or otherwise to call in the other parties and give them an opportunity to come into that record so that the whole estate may be administered and marshaled and settled. Now, here are a class of landholders who are scattered, as in some of these cases, over a territory 1,000 miles long and forty or fifty miles wide. One of these men comes in and files his application, his petition, setting up his peculiar rights. When his rights are decided, the court having made publication that the others may come in, every man can get the benefit of that decision. The court can order a consolidation of the petitions, so that the costs will be trifling, being only the costs of a single petition, and in that way the expenses of litigation and the harassment and embarrassment of it would be very much neutralized, almost entirely dissipated.

We can not forego an opportunity to do as good a thing as this is for the people, and we surely can not deny that the circuit courts of the United States will administer justice according to law to these people as well as any of the courts of this country; for after all when these collateral litigations come to be finally heard they go up from one appeal to another, from one step to another, from a county court to a supreme court, and to the Supreme Court of the United States, and after three or four or six years of delay then we have a question decided here which perhaps unsettles and rips up hundreds of titles and destroys hundreds of homes.

Mr. President, I can not conceive how it is that we can pass over a question of this kind without creating a jurisdiction to hear this entirely new right. Let me appeal to the Senate of the United States, and to every lawyer here, if this is not a question entirely without precedent, if it is not an affair *de novo*. When have we ever established a jurisdiction in the United States for dealing with forfeited land grants? We have made no forfeitures of land grants; the necessity for it has not heretofore arisen; but now that a great number of people seem to be bent and determined upon forfeiting the unearned land grants in this country, it behooves us when we are dealing with this question *in limine* to provide a tribunal and a method of procedure which shall save expense and cost and harassment to the people.

If that is not done those gentlemen, if there be any, who desire to prevent the forfeiture of land grants will carry their purpose, because of the very enormity of the injury and wrong that will be inflicted by a simple forfeiture, and relegating these people to their rights and remedies under the local courts. The very trouble which it will entail upon the country to carry out this litigation will be a sufficient reason in the minds of sensible and good men, many of whom would really like to have some of these land grants forfeited, why none of them should be forfeited.

If I were advising a scheme by which I would effectually prevent the forfeitnre of any of these land grants at all, it would be the very scheme which would be the result of passing a bill like this, without providing some Federal remedy for the administration of the right; for if we do convert these lands back into public domain—for that is the proposition, to carry them entirely out of the possession of these companies back into the public domain, and provide no remedy at all, but leave the face of the whole country to be swarming with private litigations between man and man growing out of it in a collateral way—we shall thereby so startle the sense of justice and propriety and policy of the Congress of the United States that no land grants will be forfeited.

That is the best means I know of to prevent the forfeiture of land grants. The gentlemen who are so eager and so hot about this matter, who seem to have no appetite for anything else until they have in the first place satiated their desires, like a before-breakfast toddy, by the destruction of a railroad—these gentlemen will miss their purpose entirely if they simply rely upon the idea that the Congress of the United States is going to forfeit land grants in order to fill up the country with useless and very expensive litigation.

I believe some of these land grants ought to be forfeited. I vote for their forfeiture. I vote for this forfeiture. I voted for the Atlantic and Pacific forfeiture, and perhaps it is not improper to say that I shall vote for the Texas and Pacific forfeiture, but I should hesitate to do that when I believed the evils that would be inflicted upon the litigants whose rights have sprung up under these different charters would be very much greater than the public good which could be accomplished by a relegation of these lands to the public domain.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. HARRISON. Mr. President——

Mr. SLATER. I ask the Senator from Indiana to yield to me for a moment.

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. HARRISON. I ask the Senator from Oregon for what purpose he desires the floor?

Mr. SLATER. I desire to have some understanding or agreement in regard to the future consideration of the bill just closed.

Mr. HARRISON. I yield for such a purpose.

Mr. SLATER. I ask unanimous consent that the bill may be proceeded with to-morrow morning immediately after the morning business has been concluded, as was done to-day.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent of the Senate that House bill 181, from the consideration of which the Senate has just passed, shall be taken up immediately after the completion of the morning business to-morrow.

Mr. SLATER. I will say at the next meeting of the Senate.

The PRESIDING OFFICER. At the next meeting of the Senate, after the completion of the morning business.

Mr. HOAR. I think we ought not to sacrifice the time devoted to the Calendar. There are a great many very important bills there, and that is the only time when they are in order.

The PRESIDING OFFICER. Does the Chair understand the Senator from Massachusetts to object?

Mr. HOAR. Yes, sir; I object.

The PRESIDING OFFICER. There is objection to the request of the Senator from Oregon.

Mr. SLATER. Then I move that the bill be made the order of business at the next meeting of the Senate immediately after the conclusion of the regular morning business.

Mr. HARRISON. I had no objection to yield the floor to the Senator from Oregon until he could make his request for the unanimous consent of the Senate, but if he asks me now that I shall yield further until he can submit motions to the Senate I must ask him to excuse me.

Mr. SLATER. Of course I must submit.

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. HARRISON. Mr. President, the Senator from Missouri [Mr. VEST] assumed that I had in my opening remarks upon this bill imputed to Senators upon the other side of the Chamber a disposition to be actuated in their votes upon it by partisan influences and motives. The Senator was entirely mistaken; I made no such imputation. On the other hand, everything I said was intended and I think calculated to lift the discussion upon this important measure above the level of partisanship. I supposed that if I could show that this area of country, which it is now proposed to constitute into a State, had now a population equal to the unit of representation in the House of Representatives; if I could show that it had now a larger population than any other Territory ever had at the time of its admission to the Union; if I could show this so clearly that not even the stingiest arithmetic could impeach the calculation; if I could show this people to be practically unanimous in their desire for admission into the Union; if I could show that this population, under the invitations of public law, had settled upon and occupied an area greater than any one of twenty-one States of the Union; if I could show that this Territory had a productive capacity which had already placed her in the actual achievements of her industrious people far in advance of many of the older States, and gave assured promise to place her very speedily in the front rank of the

States, I think I should then have made out a case which would appeal so strongly to the sense of justice of every Senator that no consideration as to the effects of this measure upon the weight of parties in the Senate of the United States or in the electoral college could influence any Senator in his vote.

Now, I claim to have established every one of those propositions. I assert that the Senator from Missouri has not successfully assailed any one of them. I am not yet authorized to anticipate that we are to have a party division upon the question of the admission of Dakota, although I am free to say that the indications seem to be all that way. I felt that I should be imputing a disgraceful thing if I charged any Senator with approaching the consideration of this question from a partisan standpoint or voting upon it from partisan motives.

But the Senator from Missouri says he would not regard it as disgraceful to declare that his vote was influenced upon this question by party feeling, though at the same time protesting that in this particular case no such feeling actuated his vote. He alluded to the debates which have taken place in the past upon the admission of States to the Union, and he said that the discussions and the votes upon those measures showed that the Senate in those olden and better times, I believe he called them, had been actuated by partisan motives. It is true that before the war and while slavery was still maintaining its aggressive and persistent fight for supremacy in the politics of this country and for an equipoise between the slave and free States, questions affecting freedom or slavery in the Territories did influence the votes of Senators, and that motive was confessed in debate. I had supposed, however, that that exigency which seemed to make it necessary, as the history of such legislation shows, to admit States by pairs, one slave and one free, had passed away with the destruction of the institution of slavery.

I am sure that the Senator from Missouri would feel that it was a disgraceful thing to say upon the floor of the Senate to 300,000 American citizens living in the Territory of Dakota that they should not be admitted to statehood because the prevailing opinion there was Republican. I am sure he would feel it to be so; and I feel very sure that no Senator on the other side of this Chamber will be bold enough to make that confession. Yet the Senator from Missouri suggests that it would be altogether a fair thing, seeing that the Territories of the United States have been so long under what he calls Republican influence, to keep them for a while longer under Democratic influence, in the hope that the Federal officers to be sent to the Territories as governors, secretaries, and marshals by the incoming Democratic administration might have sufficient influence by one means or another over the people of that Territory to change their political sentiments.

The Senator from Missouri greatly exaggerates the influence of the governor of Dakota, he greatly magnifies the power of a United States marshal in Dakota to influence political sentiment, he greatly underrates the intelligence and manhood of her population, if he supposes a complement of Democratic officers would be likely to change the political views of a majority of her citizens. A sentiment prevails in the Territories so hostile to the appointment of their officers from the States, that those who go there to discharge official functions are to a great extent robbed even of that degree of influence which their own ability and standing would give them if they were citizens of the Territory ni a private capacity.

But the Senator says he does not propose to vote against the admission of Dakota with a view of attempting to convert her Republican majority into a Democratic majority. He only suggests it as a fair thing to do, but one that his mind does not quite consent to at the present time.

The speeches of the Senator from Missouri are always sonorous and pleasing. But he does not always define himself with absolute clearness. I think he conspicuously failed in this respect yesterday, not because of any lack of ability to state his propositions clearly, but because the conditions of the debate were against that method of argumentation. I listened with interest, trying, as the Senator proceeded, to settle in my own mind one question, and as I failed I will ask him to settle it for me now. What rule does the Senator prescribe to himself in relation to the population which a Territory should possess before its admission to the Union? Does he consent that when it is shown to have a population equal to the unit of representation in the House of Representatives it is then entitled to admission? If he does not consent to that basis, what basis does he suggest? I should be pleased if the Senator would respond to this question now.

Mr. VEST. With the greatest pleasure, Mr. President. I have never assumed to prescribe for myself or others any rule in regard to the admission of any Territory as a State. I have said and say now that I believe the spirit of the Constitution requires that every new State admitted into the Union should have at least the ratio of population that would entitle it to a member in the popular branch of Congress. But even if that existed, that would not necessitate me to vote in favor of its admission. It would depend in each individual case upon the character of the population, of the institutions that I thought they would have, and of the effect of the admission generally upon the rest of the States in the Union.

Mr. HARRISON. The Senator is quite as indefinite in his answer as he was yesterday in his speech. He says the State should have at least the population requisite for a member of the House, but it may have that population and more, according to the answer of the Senator from Missouri, it might have twice that population, and still have no claim to admission, notwithstanding its population is entirely homogeneous, not only between its own parts, but a population homogeneous with that of the whole country.

Mr. VEST. If the Senator will permit me, I will propound a question to him.

Mr. HARRISON. Certainly.

Mr. VEST. If I understand the Senator correctly, he says that when a population exists over and above the ratio for a member of the lower House that is conclusive of the question, if the population is homogeneous. Is that his position?

Mr. HARRISON. Not at all; my proposition is that as to population it is conclusive.

Mr. VEST. As a matter of course.

Mr. HARRISON. And I ask the Senator whether he regards it so.

Mr. VEST. I state to the Senate emphatically, as I stated yesterday in my feeble way, and I can make it no stronger, that population of itself is not sufficient. Suppose Utah should apply here with a million inhabitants for admission, would the Senator vote for it? I undertake to answer for him "no." Therefore there are other considerations besides population.

Mr. HARRISON. I have not denied, but in my opening remarks asserted, the very proposition which the Senator now asserts. But my question related to population only. Supposing all other things, as to the character of the people, the institutions they have adopted, the civilization that prevails among them—suppose all those to be in line with the general civilization of our country; then, it being a question only of population, how much does he insist upon? That is the point. The Senator is too good a lawyer not to see it. All the other conditions that are essential to the admission of a State, and which assure us that when she takes her place among us it will be with institutions that are in harmony with the civilization of the other States; all that being assumed, how much population can we insist upon; and the answer I get from the Senator is at least the ratio of representation in the House of Representatives. He leaves the other limit entirely unfixed. He leaves himself free, as I understand, notwithstanding there are people enough to entitle the new State to a member in the lower House, notwithstanding all her institutions are right and unexceptional, to vote against her admission.

I showed in my opening remarks, from all the precedents, that no one had ever argued that a larger population than one equal to the ratio of representation could be demanded of any Territory seeking admission to the Union. Now, I ask upon this question of population, for I propose to take up these considerations one at a time and not have them massed upon me, why is it that Dakota is not to be admitted now?

I have not alluded to the prevailing political sentiment in the Territory of Dakota. I had not sought to find in that the cause of Democratic opposition to the admission of this Territory, but when we have such conclusive evidence of a sufficient population, I ask Senators on the other side of the Chamber either to give me some other rule or to pass with me favorably that part of the debate and let the discussion advance to some other question.

The Senator from Missouri rejects all precedents. Trained as a lawyer, trained to quote and to show respect to precedent, he wipes out with one rhetorical sweep the entire history in Congress of the admission of States. He tells us that some new, indefinite rule ought to be applied now, because settlement is so rapid in the new Territories, while formerly it was slow. Does it make any difference whether it takes ten years for one hundred and fifty thousand people to get into a Territory, or whether they all go in in one year, if they are *bona fide* settlers? It is not a question of the length of the journey; it is not a question of tediousness of settlement; it is a question of a *bona fide* resident population.

In that connection the Senator alluded to the fact that 800,000 foreigners were pouring in upon our country every year. I do not suppose that this suggestion came to the Senator's mind by reason of a reference made in one of the letters he read. One of the gentlemen whose letters he read alludes to the fact that there is a very large foreign population in the Territory of Dakota, and expresses the opinion that they are no more fitted to exercise the rights of American citizenship than the colored people in the South. I would not impute to the Senator a suggestion that Dakota should be delayed in her admission because a large per cent. of her population happened to be of foreign birth, and yet he alludes to the great immigration coming from abroad, to the suddenness and rapidity with which our own population, drawn from our best States, is throwing itself into the Western Territories, and he faintly suggests that by reason of this some different rule should be adopted on the subject of the admission of a State.

Now, I wish to say just a word or two as to the actual population in Southern Dakota. I want to show any Senator on the other side of the Chamber who will listen that when I say the stingiest arithmetic can not deny to the southern portion of Dakota a population equal to the present ratio of representation in the House of Representatives I

am fortified by the facts. In 1880 we had an opportunity of arriving at the exact ratio between inhabitants and voters in the Territory of Dakota. An enumeration was taken, taken by the same agencies which took the enumeration in the State of Missouri and in the State of Indiana, and the result is entitled to just as much credit in the case of Dakota as in the cases of the other States and Territories. We have the population given, we have the number of votes that year, and by making a division we find that the ratio of inhabitants to voters was four and eighty-two one-hundredths. Yet for some reason or other the Senator, while accepting this census ratio as applied to all the States and using it in his argument, repudiates the ratio as applied to Dakota, and for the very singular reason that, according to his idea of the course of emigration to Dakota, more women and children went into that Territory prior to 1880 when the only access to it was by the Missouri River or overland, when the travel was not only expensive but tedious and perilous, than have gone into it since, with its twenty-five hundred miles of railway in its own borders, connecting with all of our great east and west lines.

If there is anything perfectly clear, it is that the ratio found to prevail in 1880 instead of being diminished must have been increased from that time till now. The town population of Dakota has increased enormously. Railroads have penetrated the Territory from east to west and some spurs in a north and south direction, so that now there is no reason in the world why an emigrant to Dakota should not take his wife and children with him the very moment he has entered his homestead.

Does the Senator from Missouri think that a ratio of 3 is too much for Dakota? The census showed 4.82. Does he not think that it would be a very stingy arithmetic that would cut them down to 3? If there is a ratio of 3 inhabitants to a voter South Dakota has 165,000 population. I have here the official vote by counties of the Territory of Dakota, with the exception of a single county in Southern Dakota, which was not reported but which is estimated, showing 55,000 votes in Southern Dakota. Is there any Senator on that side of the Chamber who believes that it is an unfair thing to estimate 3 inhabitants to one voter?

I showed in my opening remarks that in some of the Southern States the ratio was 10 to 1; that in the States bordering on Dakota, the States of Nebraska and Minnesota, it was more than 5 to 1—I think 5.17 to 1, as I recall the figures. And it must not be forgotten that in Dakota, as Governor Pierce says in his report, there are quite a number of unorganized counties where the people do not vote, having from one hundred to a thousand population in each. No, Mr. President, no fair argument can be made against the presence in Southern Dakota of a population largely more than the 151,000 required as a basis of representation in the House of Representatives.

But the Senator himself has brought in some witnesses. He indulged in panegyric when he described the character of the gentlemen who brought here a protest against the division of Dakota. He said they were men of great intelligence and of high reputation; that they were men whose statements with reference to sentiment and fact in Dakota were to be accepted with the greatest respect. Did the Senator notice that those very gentlemen declare in their memorial that the Territory of Dakota had then 400,000 inhabitants—the whole Territory? The memorial was presented nearly a year ago. It is conceded that two-thirds or more of the population is in the southern part of the Territory. The very gentlemen whose sentiment upon the subject of division he regards as so influential, and whose character he describes as so high, tell us that at that time there were over 400,000 people in the whole Territory.

The Senator seemed to think that it was a great innovation, a grave departure from precedents, and a most outrageous and extraordinary thing that an artificial line, a parallel of latitude, should be established as a line of division between North and South Dakota. He said there was no great river there rolling like the turbulent Missouri does through his State. Why should it be divided? The Senator is too familiar with the map not to know that artificial lines are the frequent, and even the ordinary, boundaries of States in this country. His reason will show him that it is the best boundary, because it is certain and unfluctuating. It is well for the State of Missouri that she did not border on the Missouri River. That line would have been very difficult to define from year to year. If the middle thread of the stream had been one of her borders, some of her citizens would, very likely, have found themselves in another State without moving out of their houses. The low-water mark, the middle thread of a stream, particularly streams flowing through alluvial beds, is rather a bad boundary for a State, whereas a parallel of latitude is absolutely the most convenient, easily marked, and certain line that could be adopted.

But does the Senator think that it is an unusual thing to divide a Territory and admit one part of it as a State? No; he can not think that, because it was the course pursued with that great domain which we called the Northwestern Territory. It was first placed from Ohio to its extreme borders under one Territorial organization, and when the settlements in that part nearest to the States became sufficiently numerous and the population sufficiently great Ohio was carved out of the Northwestern Territory and constituted a State.

When the march of settlement had gone farther west, Indiana, which had embraced under that name as a Territory much territory west and north, was carved out and constituted into a State. So it will be seen that vast territories, section by section, divided more often upon artificial lines than by natural barriers, were constituted parcel by parcel into States. The same policy was pursued in connection with the great grant which we got under the treaty with France in the purchase of Louisiana. State after State was carved out of it. It never was thought before that because, for convenience in organizing a Territory, a vast sweep was included under one Territorial organization by force of that fact the whole Territory thus organized must come into the Union as a single State. No one suggested it when Ohio, Indiana, Illinois, Michigan, and Wisconsin came into the Union. It was simply a question whether the area of country proposed to be constituted into a State was sufficient to give the State a respectable standing among the great States of the Union. It was simply a question whether the divisions were convenient. It never was thought before to be a reprehensible thing to divide one of these great Territories.

If I were to look for an intimation in Congressional legislation as to what was about the right size of a State I should look at these States which have been thus carved off from a vast outlying country. Just as if I wanted to get the judgment of the carver at the head of the table as to how much venison or turkey would be good for my friend I should look at the work of his carving-knife. We see Congress constituting Ohio, Indiana, Illinois, Wisconsin, Michigan, and Missouri as States of the Union. They were not stinted for territory. Missouri might have been pushed westward indefinitely when she was admitted into the Union. Ohio might have been stretched westward to the Wabash or the Mississippi, and yet I am pleading here for the admission of a State that is larger than any one of the States thus constituted by the American Congress.

If I were to look for another suggestion in public legislation as to what was a reasonable size for a State I should look to the act admitting the great State of Texas into the Union. It was there provided that that State might be divided into not more than five States, which would give to each an area of about 52,000 square miles, or 25,000 less than the area of the Territory of South Dakota. Texas, California, Nevada, Colorado, Kansas, Minnesota, and Oregon would be larger than the State of Dakota, and only those. I do not think the Senator was so definite that I would be justified in saying that he had made the point that South Dakota did not have sufficient area for a State; but if that point is involved at all in his argument, I submit that a State which would be 7,500 square miles larger than the State the Senator so ably represents ought to be accepted as big enough.

But the Senator has a poor opinion of the productive capacity of Dakota. He has great doubt whether if it were divided it would be able to sustain in the divided portions such a population as would enable it to rank fairly with Missouri, for instance, among the States.

The soil of Dakota, he said, was very similar to and its agricultural adaptations very much like that of Colorado and Nevada. I do not think I misquote the Senator, though I do not pause to read his exact words. That certainly was a comparison which came into the mind of the Senator while he was upon his feet, and that he did not have an opportunity to verify by any reference to census tables of production or soil. Nevada is perched on the mountain-tops; Dakota is a great plain. If he had said that as to the great bulk of its lands Dakota was similar in its agricultural adaptation to the States of Nebraska and Minnesota, which border it on the east and south, he would have been nearer to the exact truth. Nevada was admitted into the Union of the States in 1864; Colorado was admitted in 1876. Now I want to show how unlike the Territory of Dakota is to the States of Nevada and Colorado, judged as agricultural States, and I do not mean at all to underrate the capacity at least of Colorado to maintain a great population.

In 1880 the State of Nevada, which was admitted into the Union of the States twenty years ago, had only 1,404 farms; Colorado, which has been a State for ten years, had 4,506 farms, while Dakota had 17,435, or 11,525 more farms than both those States put together. Dakota like those States! The eager searchers for agricultural lands, the restless men who shake off the limitations of a settled neighborhood, sell out their little farms, and go out to look for land, know good land when they see it, and the comparison which I have made between the number of farms taken up shows the judgment of the settlers. It is not a fair comparison to liken Dakota's capacity to sustain population to Nevada or Colorado.

But that is not all. Nevada had a total of land in farms of 530,862 acres, and Colorado had a total of 1,165,373 acres; while Dakota had 3,800,656 acres in farms in 1880, or over 2,200,000 acres more in farms than both of those States combined.

Let us look at their production and see how those States compare with Dakota. In 1880 Nevada raised 69,298 bushels of wheat, Colorado 1,425,000 bushels, the total of the two States being 1,494,312 bushels. In that same year Dakota produced 2,830,000 bushels of wheat.

Mr. FRYE. Dakota entire?

Mr. HARRISON. The entire Territory; I am speaking of that now

I should say to the Senator from Maine that of this 2,830,000 bushels somewhat less than half of it was raised in Southern Dakota, but I think Southern Dakota itself—I gave the exact figures in my opening remarks—was very nearly equal to the aggregate production of those two States in wheat. As I stated in my opening remarks, the wheat crop of Dakota for this year is estimated at 30,000,000 bushels.

Nevada produced 12,891 bushels of corn in 1880; Colorado produced 455,968 bushels; an aggregate of 468,859 bushels for the two States. Dakota produced 2,000,000 bushels of corn the same year, nearly all of it in Southern Dakota. So we have here in Dakota 1,400,000 bushels more of wheat and over a million and a half more bushels of corn raised in 1880 than in the combined States to which the Senator from Missouri likens Dakota as to its agricultural possibilities.

But the Senator said that this new Territory had become the abode of the agricultural monopolists; that its farms were great farms; and he alluded to the great Dalrymple farm, which many here have seen perhaps, though I have not. It has been made too much to stand as a sample Dakota farm. Would the Senator believe that the census shows the average acreage in each farm in Dakota to be only 218 acres? It is not a land of Dalrymple farms, where agricultural monopolists have absorbed the entire Territory and bring only in harvest-time fugitive workmen to reap the crop and then send them off. The average acreage of farms in Dakota is only 218. In North Carolina it is 212, and in Oregon it is 260.

I procured from the Commissioner of the General Land Office the statistics of homestead entries in the Territory of Dakota. I do not intend to put in the entire table, for it is not necessary, but I notice that the first homestead entry marked here in North Dakota was in 1871. The original homestead entries in South Dakota go back further than this table, which begins in 1863 with seventy-five homestead entries in South Dakota that year. The total number of original homestead entries in South Dakota is 62,400, and the number of acres taken up is 9,677,463.

The Senator seems to have the impression that the emigration to Dakota in recent years has been composed of amateur cowboys—men without families, who went out to ranches to live in huts on the hills and ride bronchos. Let me show the Senator the number of homestead entries made in Dakota in 1884 in a single year. In Southern Dakota the number was 10,117. I do not mean to say that every one of these implies a family. I believe it is true that some women have taken homesteads in Dakota, and I have seen some remarkable stories of their success as agriculturists. I should not be at all surprised if Miss Bones, whose letter the Senator read yesterday, was a homesteader in Dakota. These homestead entries imply not cowboys, not ranchmen, not cattle-herders on the public domain, but farmers, who have gone there to take up the moderate amount of land allowed by the homestead law and to make homes about which families are to be gathered.

The Senator argued at some length the question as to the sentiment of the Territory on the subject of division. I should be glad to ask the Senator whether if it were made clear to his mind that a very large per cent., largely more than a majority of the people of Dakota, favored division he would favor it. If not, it is idle for him to be arguing the question as to what the wishes of the people are. If that would influence him in the smallest degree, then I invite him to offer an amendment to the bill which shall provide for submitting the question of a division as a preliminary measure to a vote of the people of the Territory, and that the scheme for the admission of the southern half shall be staid unless a majority of the people vote for division.

As I say, there is no use discussing the question of the wishes of the people unless their wishes when they are known are to be in some degree influential with Senators; and yet as I understand the Senator if every voter in Dakota, if every inhabitant, man, woman, and child in the Territory, north and south, were to express here by petition their desire for a division on the forty-sixth parallel he would not vote for it. Then it is not very important to find out what their wishes are; but I want to look at that question for a moment, and I wish to say here that if any Senator would be influenced at all by such a vote as I have described I should not oppose an amendment to the bill which would ascertain in some authoritative way the sentiment of the people on that subject.

The Senator by way of showing opposition in the Territory to a division brought here a memorial presented by a delegation from Bismarck rather than from Dakota, and there is this peculiar thing about the representations of that memorial. It refers to a vote taken on a bill which the Senator from Missouri described as a bill dividing the Territory of Dakota and admitting the southern portion of it. The memorial refers to the bill as having been presented to the Senate in 1876, and it assumes to give the vote taken in the Senate upon the bill. I have had a careful examination made of the Journals of the Senate from 1871 to this time, and the experts in the document-room have been unable to find any trace of such a bill or of such a vote. It may yet be discovered, but up to this time it seems probable that these memorialists were mistaken; but if it is true, what would be its probative effect, I may ask?

The Senator from Missouri proves, if this is to be accepted as a journal record of the action of the Senate, that his own present colleague, my distinguished friend the senior Senator from Missouri [Mr. COCKRELL], and that his own distinguished predecessor, Senator Bogy, both voted in 1876 for a division of the Territory on the forty-sixth parallel and for the admission of the southern part of it as a State, and not only those Democratic Senators, but the Senator from North Carolina [Mr. RANSOM], and several others whose names I do not recall. Now, in the name of consistency, a jewel which I know my friend the senior Senator from Missouri highly values, for I know how he clings to precedent in the Committee on Military Affairs—in the name of the jewel of consistency, I beg at least the senior Senator from Missouri and the Senator from North Carolina and any surviving members here in the Senate of that noble band of Democrats who voted for the admission of Dakota in 1876 to stand by it now.

Mr. COCKRELL. Will the Senator yield to me for a moment?

Mr. HARRISON. Certainly; with great pleasure.

Mr. COCKRELL. Unfortunately I was not present during the first part of my colleague's speech yesterday, when a paper was read (my attention has been called to it this morning) in which it is stated that in 1876 there was a vote taken in the Senate on this question. I have the paper before me, but I have not examined it very carefully. I believe it states that the question was only on a proposed division of Dakota.

Mr. HARRISON. No; the Senator will find that his colleague, on page 143 of the RECORD, after an interruption by me, says it was a bill dividing the Territory of Dakota and admitting the southern half of it.

Mr. COCKRELL. The memorial only refers to a bill to divide the Territory. Now I desire to say simply that if a proposition was ever before the Senate to divide the Territory I should doubtless have voted for it. If there has ever been any proposition before the Senate for the admission of the Territory since I have been a member of it, from the 4th of March, 1875, to this time, I have certainly not voted for it. I am opposed on principle to the admission of new Territories with immense area and a small population, and I have persistently and consistently voted against any proposition for their admission as States in the Union.

I desire to say that I have searched every solitary Journal of the Senate from 1870 to 1883, and I can find no record of any such vote as is stated in the memorial. I can find no yea-and-nay vote upon that question at all. I have before me every bill that was introduced and printed so far as the Journal shows touching Dakota. The first one was in the Forty-fifth Congress. There were memorials presented previously, but this is a bill, Senate bill 144, reported by Senator Chaffee, February 28, 1878, accompanied by report No. 110. It was to establish the Territory of Lincoln and provide a temporary government therefor. I can not find that there was ever any yea-and-nay vote or any division taken upon that bill. That was the first paper in the shape of a bill. Then, in 1879, Senator Paddock, of Nebraska, introduced a bill. In 1880 Senator Saunders, of Nebraska, introduced a bill, and my colleague upon that bill made a minority report.

In 1881 a bill was introduced by Senator Windom to divide the Territory and form a Territorial government, but I do not find any vote taken upon it. I have a recollection that there has been a vote taken in the Senate since I have been a member of it upon the division of Dakota, but I have no recollection of any vote having been taken for the organization of the Territory of Dakota into a State, and I should like very much for the record of it to be found. I have examined the Journals myself. I understand the Senator from Indiana has also had some examination made, and I called upon the gentleman to whom we all look for information, our reporter, and he was not able, in the few moments he gave, to find it; so that there must be some mistake in regard to a portion of the memorial.

Mr. HARRISON. I am very sorry the record can not be found, because it would show that the Senator from North Carolina, the Senator from Missouri who has just spoken, and two or three other Senators, perhaps, on that side of the Chamber had given a very creditable vote. The Senator from Missouri who has just taken his seat says that he would vote at any time for a division; he thinks the Territory ought to be divided; he would vote now for a division. There is a conflict then between him and the junior Senator from that State, who turns his batteries most strongly, perhaps, upon the proposition for a division of the Territory, while the senior Senator from Missouri says he is constitutionally opposed to the admission of a State with a large area and a small population, and therefore he is going to vote against the admission of Southern Dakota. The area is large, ample, in his mind, for a State. May I ask the Senator whether he does not think that a population equal to a basis of representation in the House of Representatives is sufficient population for the admission of a State?

Mr. COCKRELL. No, sir; not if it had four times that much. That is no criterion at all.

Mr. HARRISON. The Senator is frank, perhaps, in that respect; without intending to indulge in any odious comparison, I might say franker than his colleague, because he says he would vote against the admission of Dakota if it had four times 150,000 population. The area in his mind is ample for a State. If a Democratic Territory with 600,000 inhabitants and a sufficient area, and the other necessary incidents of Statehood, were to ask his vote, I think he would change his mind. Mr. President, to refuse Dakota admission is one method of disfran-

chising men, and when the disfranchisement goes upon the ground of political opinion, and can find no other justification in precedent or reason, it is an outrage upon the rights of a free people.

The Senator from Missouri [Mr. VEST] fortified himself in his argument to sustain the proposition that the people did not desire admission as a State by two most extraordinary letters. He did not deal with the evidence furnished by conventions and Legislatures. He brought individual witnesses. I must say that I was surprised at the bitterness with which the Senator from Missouri talked about ambitious politicians, and attributed to the presence of a pernicious and pestiferous class of men whom he thus described all this agitation for a division and for Statehood in the Territory of Dakota.

Now, the common men, the grangers of this country, I think would be apt to speak of that large body of friends which the Senator has in his own State, who are active about election times, who are candidates for office and holding office, who forward and support his claims to the position which he occupies here—they would be apt to describe that class of men as politicians, and perhaps some might even apply to the Senator and myself the epithet "an ambitious politician;" so I think we should be a little careful not to let this word get down into the gutter.

Mr. VEST. I never used it in that sense.

Mr. HARRISON. All through the Senator's speech there is talk about the ambitious politicians who are misrepresenting the sentiment of Dakota. He imputes to these the low ambition to hold new offices to be created, and the low motive of seeking Statehood and a division of the Territory simply that they might increase the official list. All through the Senator's speech he was talking of such a class. Now, I desire to ask him does he include in that category, did he mean that these scornful words should apply to that large body of reputable Democrats in the Territory of Dakota who have made themselves very active in seeking this relief.

There has not a delegation come from Dakota to this capital to press her claims to Statehood that has not had in it many influential and respectable Democrats. Does the Senator think those men were after offices? Where did they expect to get them? Did they expect to get them by the popular vote in a Territory which gave at the last election 55,000 Republican majority? Did they expect to get them through a Republican administration here at Washington? No; I must defend these gentlemen of his own political household from the imputation that in asking him as a Democrat and in asking other Democrats on the opposite side of this Chamber to do justice to Dakota they were actuated by any low ambition or by any selfish purpose.

But these letters, the letter from Hon. J. P. Richmond and from Marietta M. Bones, which the Senator produced here, and on which he laid great stress, as showing that the people of Dakota were not really in favor of admission, let us look at them. The Senator said:

I caused these letters to be read because they come from persons who are not members of the party to which I belong, because they are not politicians—

There was some special value growing out of that—

but citizens of Dakota, and because they show in my judgment the real sentiment and opinion of the people of that Territory who are not influenced by political or personal considerations.

Mr. J. P. Richmond, whose letter comes first, addresses Hon. David Davis and requests him in a postscript to hand the letter to the Senator from Missouri. Now, I want to look at that letter for one moment. The Senator says the writer does not belong to his political party, but I think I can prove that he does. He says he is a native of Maryland to start with, and that he was a member of the Illinois Legislature before the war. So much for his nativity and history. Now let us look a little at his sentiments. He says:

These—

The people who are urging admission—

These are the self-constituted representatives appearing at Washington urging admission. As far as my knowledge extends, I know of no person of any party besides those mentioned who is in favor of Statehood.

He does not know a man except those who have been to Washington who favors admission. He lives in Bon Homme County, in the Territory of Dakota, and to ascertain how extensive his acquaintance is and how intimate he is with his neighbors I looked at the vote of that county when the Huron constitution was submitted in 1883 to a vote of the people, and I found that about 450 voters in Bon Homme County had voted for the Huron constitution. Yet this correspondent of the Senator does not know a man who favors admission, though there were 450 voters in his own county who voted for a constitution for the State in 1883. But that is only by the way. Listen now at this indication of political sentiment, upon which I base my opinion that he is a Democrat:

The majority of voters here are foreign-born, and do not yet understand the nature of our institutions, indeed not more than the colored people of the South.

Now, I take it that there is a Know-Nothing Democrat. He evidently entirely agrees with a sentiment that is prevalent, if not prevailing, at the South, that the colored man does not understand our institutions and is not a competent or fit voter. And then he declares that Dakota ought not to be admitted because a majority of her settlers are foreign-born. He has a prejudice against foreign-born people. I think he was an old Maryland Know-Nothing; he must have belonged to that old party, and, as my friend from Massachusetts [Mr. DAWES] suggests, that old party in Maryland, after some feeble protest, in great part consented to a lasting wedlock with the Democratic party.

But, Mr. President, the statement of this gentleman is just as wide of the truth when he alludes to the ratio of foreign and native born citizens in Dakota as it is when he says that he does not know a man who is in favor of Statehood. According to the census of 1880 there was a majority of over 30,000 of the inhabitants of Dakota that were native born; and yet this intelligent correspondent, upon whom the Senator puts his belief with so much confidence, declares that a majority of the population of the Territory are foreign born.

Now a word or two as to Miss Bones. I can see the bond of union between Miss Bones and the Senator from Missouri. It appears in this letter. She is a woman suffragist and she knows how ably and earnestly on every occasion the junior Senator from Missouri has stood up for woman suffrage. Mr. President, I do not deem it fair to avail of the privileges of debate here to say anything discourteous or disrespectful of any person whose name is brought into debate by the use of a letter. It would be enough for me to show what the argument of Miss Bones against Statehood is. She thinks they do not want any more officers in the Territory and that the number would be increased if the State was admitted to the Union. Hear her plea. She says:

As an illustration of officers to be supported by this poor struggling people in this town (Webster, the county seat of Day County), which has not one hundred and fifty inhabitants, there are nine notaries public; six of these nine have kil the following titles: land locating, loan agents, and notary public.

Miss Bones is opposed to the admission of Dakota as a State because she fears it would increase the number of notaries public in the State. Why, Mr. President, these notaries public are not a tax on anybody; they draw no salary; they derive fees from those who come to them for the acknowledgment of any paper or the administration of an oath; and yet this intelligent lady, whose discussion of this question is dragged in here to outweigh the sentiment of conventions composed of hundreds of the leading citizens of all parties, bases an argument on the number of notaries public in Dakota.

Sir, the real ground of opposition on the part of Miss Bones to the admission of the State appears toward the close of her letter. It is said that a lady always puts in a postscript the important part of her letter, and Miss Bones while not making this a postscript yet makes it the concluding paragraph of her epistle. She says:

Yet with all the eagerness of our politicians to rush us into the Union unprepared, at their (not the people's) State constitutional convention, they absolutely refused to acknowledge "as equal before the law" our most sober and industrious citizens—women.

For this and other good reasons herein assigned I pray your honorable body to deny them admission as a State until we are older and they are wise enough to know that a State constitution must be founded upon the true principles of right and justice to her most humble citizen as it does to her highest.

Here is the proposition. While the Senator from Missouri was a little modest in urging it, and while he has held back under cover his motive for opposing the admission of Dakota, perhaps we have discovered it here, and he means that Dakota shall be kept out of the Union until by a constitutional provision she adopts woman suffrage.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. VEST. In these and any other facetious remarks my distinguished friend will always find my sympathy. I know what he says can only be used as sarcasm, but I hope he will not permit this to pass without my statement that if any one has ever opposed the dogma of woman suffrage I think it has been the junior Senator from Missouri. With that explanation I have no objection to his remarks going.

Mr. HARRISON. If I should publish my remarks otherwise than in the CONGRESSIONAL RECORD, where, of course, the Senator's will appear, I will put a foot-note or I will embody in the text the statement he has just made; and, if he will allow me, I will add further that I think if he had not been under great stress in his argument against the admission of Dakota he never would have used in support of any proposition that he argued any communication which was tainted with the suggestion of female suffrage or which came from one of its advocates.

Mr. VEST. If the Senator will permit me, without interrupting him further, it was my duty as a Senator to lay that before the Senate in any event. Information from any State or Territory addressed to the Senate of the United States pertinent to the question under consideration should be communicated to the body. There is in the same communication a recommendation to the Senator from Indiana that he has overlooked. She says she is a Republican.

Mr. HARRISON. The Senator has not had this letter printed accurately. It begins "Sir," and the address at the conclusion is "Hon. Geo. G. Vest, U. S. Senator." It was a private communication, I am sure, and while the Senator did not, of course, violate any obligation of secrecy in producing it, it seems to have been intended for his own personal use.

Mr. VEST. It was addressed to "the Senate of the U. S."

Mr. HARRISON. It is not so printed.

Mr. VEST. It is so in the original.

Mr. HARRISON. Well, Mr. President, I accept the Senator's explanation, that he offered this under that compulsion which rests upon any Senator, when any citizen of the country, however humble, addresses a communication to this body in respectful terms, to present it, and that he would not have used it in his argument if it had not been for this obligation.

Mr. President, even this lady insists upon division, as does also Mr. Richmond.

Now, Mr. President, so far as I am concerned I propose to leave this question to the judgment of the Senate. I will not repeat the propositions which I have endeavored to maintain. I will only remind Senators that this population, which is entitled to their respect, which is entitled to the care of this body as charged with the enactment of public laws, is, by the testimony of men whose veracity you can not impeach, now hampered, restrained by an inadequate governmental organization; that the business of its courts is so delayed and encumbered as to amount to a denial of justice.

Let every Senator, then, answer to his own conscience. Let him remember that he is making a precedent so far as his vote and influence go that is to be applied in the future. Let him find some reason satisfactory to his own mind why a Territory that would be the eighth in size among the States if she were admitted, that has undeniably a population in excess of the ratio for a member in the House of Representatives, that has an intelligent, educated, Christian population, without an institution or a custom that is in any degree out of harmony with our civilization—let Senators answer to their own consciences and to their constituencies why such a community shall be longer denied access to the Union.

Mr. VEST. Mr. President——

Mr. SHERMAN. Will the Senator allow me to introduce a resolution?

Mr. VEST. I will yield the floor to the Senator from Ohio directly. It is not my purpose to detain the Senate.

Mr. SHERMAN. Very well.

Mr. VEST. The Senator from Indiana made an explanation about a letter.

Mr. HARRISON. Not at all. It was a letter that even if addressed to the Senator it was perfectly proper and according to custom to use in debate.

Mr. VEST. I only want to call the attention of the Senate to this letter. The first sentence of it reads:

Will you please do a Dakota (Republican) citizen the favor of presenting to the United States Senate reasons why our Territory should *not* be admitted to the Union as a State?

And in conclusion the prayer of the petition, for though in the form of a letter it is really a petition, is:

I pray your honorable body.

It is really addressed to the Senate of the United States. That is all I desire to say.

Mr. SHERMAN. I ask leave now without displacing the current business to introduce a joint resolution, which I will ask consent of the Senate to act upon at once if it meets no objection.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent of the Senate to introduce at this time a resolution which will be read for information.

THE WASHINGTON MONUMENT.

The Secretary read the joint resolution (S. R. 101) in relation to the ceremonies to be authorized upon the completion of the Washington Monument, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury is hereby directed to cause to be executed in the Bureau of Engraving and Printing such suitable cards of invitation as may be prescribed by the commission appointed by the joint resolution of May 13, 1884, to make arrangements for suitable ceremonies upon the completion of the Washington Monument, and the Public Printer is directed to furnish such necessary programmes and cards as may be required by said commission. And the ceremonies provided for by said commission shall take place on the 21st day of February, A. D. 1885. And to defray the expenses incurred under the provisions of said joint resolution the additional sum of $7,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. Is there objection to receiving the resolution at this time? The Chair hears none.

The joint resolution was read twice.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The joint resolution was considered as in Committee of the Whole.

Mr. MORGAN. I would ask the Senator from Ohio why he puts the celebration on the 21st of February?

Mr. SHERMAN. It happens that the resolution passed at the last session provided for it on the 22d, properly, but that happens to come on Sunday, and the commission were unanimously of opinion that it was not right to execute it, and therefore we changed the day to Saturday, the day before, the 21st of February.

Mr. MORGAN. I regret to differ from that opinion, but I think there is no day too sacred for that work of celebration on the part of this nation. I think that this is an event which rises quite as high as a national sabbath, as any other sabbath that may be ordained by law or may be recognized by Christianity.

Mr. SHERMAN. The Senate will remember that a large number of delegations are coming from different parts of the United States, some of them military in their character, and the commission felt unanimously that it was not wise to put those ceremonies in antagonism to a sentiment among the religious people of the country, and, therefore, it was deemed better to change the time. We did not feel at liberty to do it without the consent of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the committee on Appropriations.

IMPROVEMENT OF GALVESTON HARBOR.

Mr. COKE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer is instructed to procure 2,000 copies of the lithographic map prepared by Joseph Nimmo, Chief of the Bureau of Statistics, under the direction of the Secretary of the Treasury, to accompany his report on the improvement of Galveston Harbor, and incorporate the same in the majority report of the Committee on Commerce accompanying Senate bill No. 1652.

ADJOURNMENT TO MONDAY.

Mr. RANSOM. I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDING OFFICER. If there be no objection, the Senate will resume the consideration of the unfinished business, pending which the Senator from North Carolina moves——

Mr. HARRISON. Will the Senator defer that until we take a vote on the Dakota bill? I do not know whether there is to be any further debate.

Mr. RANSOM. I make the motion because the debate has been interrupted already.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. RANSOM. No, sir.

The PRESIDING OFFICER. The Senator from North Carolina moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. GARLAND. I wish to have printed an amendment that I propose to offer in the nature of a substitute to the bill now under consideration.

Mr. HARRISON. Did I understand the Senator from Arkansas to offer a substitute for the Dakota bill?

Mr. GARLAND. I wish to offer an amendment in the nature of a substitute for the Dakota bill. It involves several sections, and I have prepared it under some little confusion while sitting here. I wish, with the consent of the Senator from Indiana, that the bill may go over until Monday, and then we shall be prepared to take it up. This is not an amendment to the framework of the bill.

Mr. HARRISON. I have no objection to yielding to the request of the Senator from Arkansas. I suppose we might have an understanding that we shall vote on the question on Monday.

Mr. GARLAND. I shall be perfectly willing for one.

Mr. HARRISON. Then I ask unanimous consent.

Mr. BUTLER. I do not know that anything I may say will interfere with that arrangement, but it seems to me that it would be premature now to agree on Monday as the day for taking the vote.

Mr. HARRISON. I will not ask it if any Senator objects.

Mr. BUTLER. I think it is not at all unlikely that we may come to a vote on Monday or Tuesday, but I should not like to agree now to the vote being taken then.

Mr. HARRISON. I will not press the suggestion if there is objection.

The PRESIDING OFFICER. Does the Chair understand the Senator from Arkansas as offering at this time an amendment or giving notice of an intention to offer one?

Mr. GARLAND. I give notice of my intention, but I send it up now that it may be printed by Monday.

The PRESIDING OFFICER. If there be no objection the order to print will be made.

Mr. CULLOM. I rise more for an inquiry than anything else. Senate bill No. 2112, to establish a commission to regulate interstate com-

merce, and for other purposes, was made the special order for to-day. In case the bill is not reached to-day will it follow as the special order after the present pending bill is disposed of?

The PRESIDENT *pro tempore*. The Chair is of opinion that the special orders are to be taken up in the order for which they may be assigned, and not in the order at which the Senate made the direction.

Mr. CULLOM. The desire I have is that it shall follow the bill now under consideration.

The PRESIDENT *pro tempore*. The Chair thinks that it is his duty to lay the first special order before the Senate on the conclusion of the pending business, the time having arrived when it should be laid before the Senate.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 11 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 11, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

The following additional members appeared and took their seats: Mr. BLACKBURN and Mr. NICHOLLS.

ORDER OF BUSINESS.

Mr. REAGAN. Mr. Speaker, I call up the unfinished business coming over from yesterday.

The SPEAKER. Pending the demand for the regular order, the Chair will lay before the House certain executive communications.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with law, an abstract of claims on account of Indian depredations, presented to the Secretary of the Interior since February 20, 1884, together with the action taken thereon and the evidence on which the same is based; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PRINTING AND BINDING CODIFIED LAND LAWS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, asking an appropriation of $2,500 for printing, binding, and distributing the codified land laws and history of the public domain of the United States; which was referred to the Committee on Appropriations.

OFFICE OF THE SECOND AUDITOR.

The SPEAKER also laid before the House a letter from the Second Auditor, relative to additional accommodations required for his office, and making an increase of $1,200 in the estimates for rent of buildings; which was referred to the Committee on Appropriations.

REPRINT OF A REPORT.

On motion of Mr. HUNT, by unanimous consent, it was ordered that the report from the Committee on American Ship-building and Ship-owning Interests, accompanying House bill No. 4984, be reprinted for the use of the House.

WITHDRAWAL OF PAPERS.

At the request of Mr. OURY, by unanimous consent, leave was granted to withdraw papers in the claim of William Christy from the files of the House, there being no adverse report.

PUBLIC BUILDING AT WACO, TEX.

Mr. MILLS. Mr. Speaker, my colleague will, I hope, yield to me for a moment to make a request of the House to which I believe there can be no objection.

I desire to ask consent of the House to take from the Speaker's table and put upon its passage Senate bill No. 52, providing for the erection of a public building at Waco, Tex.; and I want to state to the House in this connection what will be remembered by all—if gentlemen will recall the action taken in reference to this matter when it was under consideration—that this bill, or rather I should say another bill, a House bill precisely similar and identical to it word for word, was considered by the Committee of the Whole on the state of the Union and recommended to the House for passage, and is now upon the Speaker's table, no action having been taken upon that recommendation by the House. I ask now that this Senate bill be taken up and passed. There has not been a bill of this character passed by this Congress; and gentlemen will recognize the fact that there is great and pressing necessity for the passage of certain of these bills through the House without delay.

Mr. REAGAN. I shall be very much pleased to gratify my colleague and yield for his request, but I can not consent to do so if the bill which he now calls up is likely to give rise to debate or consume much time in its consideration. It is all-important that speedy action should be taken upon the unfinished business.

Mr. MILLS. If it leads to any debate I will withdraw the motion.

Mr. REAGAN. With that understanding I shall not object to the request.

The SPEAKER. The bill to which the gentleman from Texas refers will be read, after which the Chair will ask for objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PERKINS. I object.

ORDER OF BUSINESS.

Mr. WEAVER. I ask unanimous consent to take from the Speaker's table for present consideration the bill S. 348.

Mr. TULLY. I call for the regular order.

PUBLIC BUILDING AT WACO, TEX.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] withdraws his objection to the request of the gentleman from Texas [Mr. MILLS]. Is the call for the regular order insisted on?

Mr. TULLY. I withdraw the call for the regular order.

Mr. THOMPSON. I wish to know whether this is to open the floodgates to all the bills for public buildings.

Mr. HOLMAN. Before action is taken upon this bill I hope the report will be read.

The SPEAKER. The Chair will state that this is a Senate bill.

Mr. HOLMAN. There is a corresponding bill which has been reported by the House committee. Let the report of the House committee be read.

Mr. BRUMM. I object to the present consideration of the bill. There are many others in the same condition as this. Let them all take their chance together.

PENSION APPROPRIATION BILL.

Mr. HANCOCK, from the Committee on Appropriations, reported a bill (H. R. 7676) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INTERSTATE COMMERCE.

Several members called for the regular order.

The SPEAKER. The regular order is demanded, and the House resumes the consideration of the special order, the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce. The gentleman from California [Mr. GLASCOCK] is entitled to the floor.

Mr. GLASCOCK. Mr. Speaker, in discussing a measure so fraught with moment to the great body of our industrial and commercial interests it is necessary to examine its approaches with some degree of caution. The railroad problem is not easy of access, much less of ready solution, to those who have not been charged with a close, constant, and practical study of its details. The many complexities that invest the latter-day railway transportation existence, the interdependence of its many parts, the delicate adjustment of its complicated machinery, its close connection with trade, and the stimulating and diversifying influence that it exercises upon all forms of industry, commend its careful and skilled supervision to a power that may be used to destroy when it should regulate.

We recognize in it a potential factor of civilization. It binds a continent and practically annihilates space in the diffusion of production. It tunnels the mountain and tracks the desert. It furnishes an outlet for the farm, the loom, and the forge. On the other hand, although itself the creature of trade, by combination it holds trade in an iron grasp, and where competition is wanting imposes its own terms upon production.

Transportation depends upon production for existence, as production depends upon it for profit. The connection between the two is so intimate that an injury inflicted upon one is an injury to the other. This is so manifest that one would suspect naught but the friendliest and most obliging relations between the two. And such would be the case were the millennium come and selfishness eliminated from human transactions. But the shipper must have the highest profit on production, and the carrier will, where not prevented by competition or controlled by law, assess traffic what it will bear. The constant warfare between these two great conflicting interests has given rise to the agitation that has resulted in constitutional enactments in twenty-two States regulating the operations of the railway carrier within State limits and now demands Congressional legislation to regulate commerce between the States.

It is conceded that much of the evil formerly complained of has been remedied. Many sharp angles have been smoothed by the friction of trade. Whether this has happened, as intimated by the gentleman from Massachusetts [Governor LONG] through a realization on the part

of the corporations that "the nearer the approach to fair and square dealing the better it pays in the long run," or through the sharp competition that has sprung in the carrying service from improved water ways and the rapid and enormous increase in population with the resultant increase in the area of production, it is immaterial for us to inquire. This might lead to a discussion of ethics and good morals which, although always in order, would at present be altogether unprofitable.

Suffice it that freight rates on the whole have decreased with us to such an extent that our freight is now carried at a less rate per ton per mile than in Belgium, France, and England; that our rates have fallen on the average, in a decade, from 2½ cents per ton per mile to less than a cent; that in the diminution of rate for through traffic, sometimes at the expense of way traffic, the food product of the great West has found its way to the populous East and the mill product of the East has turned to the West by rapid transit and at such cheapened rates that they are brought within easy reach of all consumers.

But with the consideration of these matters, while deserving of praise, we have nothing to do. The efforts of the committee were directed to the formulation of certain rules that would in a general way meet the complaints made and at the same time allow the carrier the fullest liberty of operation compatible with the protection of commerce. Unreasonable charges, taking into consideration the cost of service and the advantages accruing to the shipper by reason of increased facilities in rapid and safe shipment, unjust discriminations between contemporaneous shippers, actual and possible broader combinations between carriers by which competition is virtually destroyed and the power placed in the hands of the carrier to unreasonably tax production—these are the questions that now claim the serious attention of this body.

After much labor of analysis—many, I trust, profitable weeks of discussion by the ablest railroad talent in the country (whose arguments, printed by order of the committee, seem, judging from certain lines of reasoning adopted in the preceding part of this debate, to have found their way to the desks of others besides members of the committee on the floor of this House)—after long and mature deliberation, the committee rejected eighteen bills submitted to it and presented to the House in lieu thereof the bill now under consideration. This bill, I am happy to say, has found a champion in at least one member of the committee, who, while not claiming the paternity thereof, is yet willing to be placed in the category of foster-father to this orphan without dotting a bib or crossing a tucker.

In this diversity of opinion the committee but reflected the thought of the country at large upon this perplexing and fascinating question. Granted certain evils, how can legislation be brought to bear upon them so as to cure without injury? How can we formulate a rule of conduct for the carrier that will not prove harsh and iron-clad and will not fail to meet the shifting demands of a varying trade? We are told that if the Government lays its strong hand upon the carrying service trade will suffer. We learn among other things that a combination of competitors will not prevent competition; that it is just and fair to charge one shipper more than another for similar service, or, rather, to charge the same originally to both, and then by a secret rebate to one to create the inequality complained of.

Noli me tangere is the motto of transportation, to which might be justly added the *nemo me impune lacessit*, of sharper and truer significance. Is it right? Is it just that production should be tied hand and foot and handed over to the tender mercies of its great servant? Of course transportation is too astute to kill the industry that lays the golden egg; but why should it complain when the moderate though firm hand of authority is laid upon its efforts to force nature by demanding of an already overburdened production that it honor its double, and often treble, drafts for the golden product?

You who live in the East have not felt as we of the West the full measure of this evil. Nature has provided you with abundant water ways. Inland seas and magnificent rivers are the natural competitors of the railway. These water ways, furnishing a naturally cheaper means of transportation, control and fix the rates of carriage by land as well as on their own element. Besides this, a growing and restless people, stimulated by example and eager to acquire wealth, have dug costly canals and constructed other railways, until now the East is rife with competition in the carrying service. The supply of transporting agencies is in excess of the local demand, and in consequence transportation must stretch its arms to the boundless prairies and fertile valleys of the West.

There, however, the conditions are changed. With a population sparse in proportion to territory, the railway holds sway undisputed, save by rivals of its kind. We have no inland seas, no majestic rivers, to dictate terms of transportation to these gentlemen. We have no canals except those used for purposes of irrigation—adjuncts to production, not of transportation. When these railway carriers combine, pool, confederate, as they can and now do, what mercy can production expect? The farmer must, to get ahead in the world, ship his surplus product. Neighborhood consumption is soon exhausted and with small returns. If it be fed to live-stock, that in turn must be marketed.

In any event transportation must be had at any price above the cost of the article shipped. True, the carrier must live. He has a valuable and costly property in which his money has been invested and from which he must make a reasonable profit. This he is entitled to, and of this no reasonable man would deprive him. I would be the last to counsel or sanction the divorcing of any man from the legitimate fruits of his industry. It is the illegitimate fruits of unchecked power that we object to, and furthermore to the power itself that enables capital by combining to pluck the fruits of others labor without let or hinderance from lawful authority.

When a carrier under corporate authority invests his money in a carrying plant he dons the livery of public service, becomes an agent for the public, and renders himself amenable to public supervision and authority. His plant is his private property. He can give it away, sell it, destroy it. It can not be taken from him except by the laws of eminent domain upon full compensation paid. But so long as he uses it in the performance of the powers and privileges flowing from his charter, his service is a public service and he to that extent becomes a public servant, invested with the obligations of full and fair service for an adequate remuneration.

Is the public to sit idly by and see its servants confederating and combining with the intent and obvious result of exempting themselves from their proportionate share of the burdens of service? But, say the friends of the pool, unless the carriers are permitted to combine, competitive strife, cuts in rates, railroad wars, fluctuations in business, and unsettlement of securities will be the inevitable and disastrous result. It might, and the contingency is to be deplored. But we can not do evil that good may come of it. We can not permit the power given by combination to throttle production. Railroad wars occurred before the divine intricacies of the pooling system were evolved from the mental consciousness of the railroad expert. They have occurred since the pool has been in active operation, and the country still lives. They will occur so long as human cupidity backed by corporate soullessness holds the reins of the carrying power. There are no doubt many who conscientiously believe in the efficacy of the pool to cure the evils that so frequently result from sharp competition. But the fact is, in my humble judgment, no human power can prevent the precipitation of the conditions just mentioned so long as avarice and selfishness dominate the commercial world.

Trade will find its level wherever carried on, and railway as other corporations must render obedience to the law that dominates it—supply and demand. Railways spring from the necessities of the people, and like all other pursuits so originated offer a fair field to the investor. It is the effort to make them monopolies that proves baneful to the public and ruinous to the investor. The business that outrages the public by its charges must give way to some other in which the investor is satisfied with smaller returns, or it must absorb the new enterprise, and this can be done only at a price above cost. Every new absorption must be attended by increased fictitious capitalization to enable it to meet and conquer the next competitor. Either the process of absorption must continue or crushing must be resorted to. Either event is disastrous to the business public and to investors.

And right here lies the chief danger to be apprehended from this pooling system. The great pools are monopolies within their jurisdiction. If they are allowed to live and increase they will absorb or crush their weaker rivals, and the result will be the inthrallment of industrial enterprise and the establishment of a business oligarchy which will hold despotic sway over land transportation and practically control the waters of our country. This may seem visionary, but it is within the limits of possibility. When we reflect that forty great lines are pooled between Chicago and the Eastern seaboard, that the Mississippi Valley and the Southwest are under pool, and that the West is in similar condition, it does not appear such a remote contingency that some master hand may in the not distant future weave all these threads into the warp and woof of a great railway transportation personality, that will be a standing menace not only to the liberty of production but to the free institutions of our fair land.

Considerable has been said in the course of this debate concerning the English policy of railway amalgamations, and the impression has been conveyed, whether designedly or not, that in England pooling is recognized as lawful. Not so. On the contrary, whenever a pooling contract has come before the courts it has been declared void. The common-law doctrine that all contracts between companies to pool their earnings and divide the profits on other than a natural basis are void has been steadily adhered to, and is still the rule. One citation will answer for a dozen. There are two lines of railway between Rugby and Shrewsbury. These roads as to competitive traffic entered into a pooling contract. This contract came before the courts in the case of the Shrewsbury and Birmingham Railroad Company *vs.* The Northwestern Railroad Company (4 De G. & Macn., 134), and was held unlawful, on the grounds that it provided for an alienation by one of these companies of a portion of its traffic to the other, and that it was against public policy.

Mr. Gladstone's action in acting as an arbitrator to divide certain traffic from London among the roads, as evidence of the lawful estimation in which pooling contracts are held in England, has been cited with approval. But the citation is at fault. His arbitration was upon the division of traffic reaching a certain station, not upon a pooling contract which divides earnings.

Mr. Albert Fink, the great railroad authority, acknowledges the illegality at common law of pooling contracts when he asks us "to legalize the management of railroad property under this plan and to abandon the antiquated notion that a government or combination, as it is called, of this kind is against public policy."

In this country, wherever pooling contracts have been submitted to judicial investigation they have been uniformly held void, as against public policy. Notably the case of the M. R. R. Co. *vs.* Barclay Coal Mining Co. (68 Pa. St. Rep., 173), the careful perusal of which is commended to the gentleman from Pennsylvania [Mr. O'NEILL], and the famous case of the Atchison, Topeka and Santa Fé Railroad Company pool with the Denver and Rio Grande, by which the earnings of the roads were to be divided and all trespassers upon their territory crushed. The opinion was delivered by Judge Hallett, Judge McCrary concurring, and declares that it is enough to say that it is a conspiracy to grasp commerce and to suppress the building of railroads in two great States, citing decisions from Pennsylvania, New York, and other States in support.

Railway corporations are formed as free and independent entities for public service. How long would any legislative body tolerate a proposition to permit them to go into partnership? Yet the proposition involved in pooling is tantamount to such permission. The evil involved in a partnership of corporations is inherent in corporate combination for the purpose of dividing earnings, to wit, the power to oppress by aggregation of capital and to prevent fair and free competition among breadwinners. Thus the common law has always set its face against combination. An individual may set the price of his commodities at what rate he pleases, but when two or more enter into a combination to raise or lower the price of an article it becomes a conspiracy and is indictable. So men are allowed to join their fortunes under corporate law for the transaction of legitimate business. But here the line must be drawn. It should not be extended to the union of corporate power and wealth. The results upon public business would be too far-reaching, and public policy calls a halt. It is manifestly in the interest of the American shipper that the pooling system should be abolished and the carriers left to compete for traffic under the recognized and legitimate laws of trade.

This power is prohibited by both the committee bill and the Reagan substitute; the committee bill, however, does not seem to feel fully assured of its position, for it commends the subject to the careful investigation of the commission that it creates. The main differences in the bills lie in the questions of the short and long haul, the rebate and drawback section, the posting of schedules, and the establishment of a commission clothed with inquisitorial and quasi-judicial powers.

The second section of the Reagan substitute is as follows:

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

The third section of the committee bill adds to the section just cited the words "which under similar circumstances are not allowed to all other persons," thus allowing rebates and drawbacks, but making them applicable, where circumstances are similar, to all alike. Gentlemen who have addressed you in support of the committee bill have deprecated rebates, but have claimed that there are certain circumstances under which rebates are not only justifiable but are necessary to equalize and forward trade. I have listened with attention to the arguments used in this behalf, but am unable to subscribe to the doctrine there enunciated.

Mr. Depew, in his argument before the committee, stated that the system of rebates and drawbacks was resorted to by "one railroad for the protection of its customers against the attempt on the part of other railroads competing with it from the same point to the same point, giving low rates to their customers." And this refreshing declaration was made almost in the same breath with the statement that the efficacy of the pool now existing lay in its ability to prevent competitive strife and cutting of rates. If the pool does prevent cutting of rates, why the necessity of a rebate to provide against a contingency that can not arise? If the pool does not prevent competitive strife, then it stands convicted on its own testimony.

It is further contended by the gentleman from Massachusetts [Mr. LONG] that conditions of great business depression may be sprung upon us, some great calamity may happen; a glut in the market may occur; and he asks why, under these circumstances, should not an allowance on transportation be made by the carrier to the shipper? For the very reason that railways are not run on the sentimental basis. Charity has no place in a business creed. Rebates are purely matters of business. If the company desires to open up new lines of carriage or to increase those already developed it will sacrifice a little to gain more. The rebate is given not with the idea of conferring a boon upon humanity, but with the expectation of increased profit to the carrier. Take the case cited by Mr. Depew. The rebate is there given not to protect shippers, but simply because the system has become so universal that each carrier has to contend, in competing for traffic, not only with the open rates but the secret rebates and drawbacks of his rival. Destroy these special contracts, rebates, and drawbacks as nearly as you can, and according to the measure of success in that direction will trade return to the channels of legitimate competition.

Let us recur to the illustration on this point used by the gentleman from Massachusetts [Governor LONG], namely, the inability of the American stave-maker to compete with his Norwegian brother in the English market by reason of the refusal of the carrier, enforced through the enactment of the Reagan substitute, to allow a rebate on the charges of transportation sufficient to meet the expense of the ocean carriage. I refer thus often to the remarks of my brother on the committee because they are always interesting, always instructive, and nearly always correct. But in this instance he is at fault. His claim is that the enactment of this section of the Reagan substitute would compel the railroad to refuse the rebate so necessary to the exportation of American staves, and thus inure to the disadvantage of American production.

In the first place, the railroads are carrying the staves to New York for six-tenths of a cent per ton per mile. This we learn from Mr. Fink is very little above the actual cash cost of service. Very little additional reduction would reduce the price of carriage to the cost of service. Is the carrier to transport without compensation merely for the pleasure of seeing a foreign trade built up for a certain American product? Does he hold the same financial views as the party who expected to become wealthy by selling at cost price, simply from the enormous sales he made? Or does he expect to assess on other shippers the amount that he has failed to charge this particular one?

In this case competitive service does not enter into the problem. There are no natural advantages or disadvantages that would tend, by decreasing or increasing the cost of service, to lower or raise the carrying price. It is a case of pure patriotism or pure favoritism, and from our knowledge of the fact that railroad men are human, very human, we must incline to the latter view.

Who gives to the carriers the right to say to one man or one product, "We will build you up and exalt you above your neighbors, and your enemies shall become a footstool under your feet?" Who invested them with the power to determine what American product shall be exported and what shall not?

Besides, even under the committee bill how will the stave-exporter fare? No rebate, drawback, or other advantage can be extended to him which is not granted to all others under similar circumstances. Suppose a hundred stave-makers live in the same vicinity. One could not enjoy an advantage not possessed by all. The words "under similar circumstances" are broad. Would not shingle or shake makers come in this category? Must the "similar circumstances" apply only to shapers of wood? Would not iron and steel be included? In fine, are not the words broad enough to cover all articles manufactured or grown and susceptible, under the laws of supply and demand, of export? When this point is reached and all articles capable of exportation are brought within the sacred circle of this clause it is obvious that the stave-maker will stand small show of competing with his Norwegian brother in the English markets. This omnibus clause carries us back virtually to the letter of the Reagan substitute. Being surplusage, it should be stricken out.

The full measure of the evil of this system is felt nowhere so keenly as in sections where little or no competition exists. There it holds imperial sway. It builds up and tears down private business. It has its favorites to reward, its enemies to punish. It controls a host of spies and informers. Its special contracts are systematized and graded. The books of your merchant are subjected to examination and his private affairs laid bare to prying eyes that his good faith with the carrier may be verified.

This power is too great to leave in the hands of the carrier. It is secret, sly, and insidious. Its very secrecy—the fact that it works in the dark and dreads the light—carries with it a warning of a danger too imminent to pass unheeded. It should be met at once with the strong curb of the Reagan section.

The fourth section of the Reagan substitute provides that no more shall be charged for a short than for a long haul, and reads as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

The enactment of this section into law would, in my judgment, tend to impair rather than facilitate trade. As has been said, the proposition that no more should be charged for a short than for a longer distance looks well in the abstract and on paper. It would seem that, the carrying service being a public service, all men have a similar interest in it and are entitled to like benefits from its exercise under any and all circumstances. So they would be if the carrying charges are to be based on the cost of service alone.

But such is not the case. There is another element that enters into the proposition, namely, the value of the service to the shipper. The carrier guarantees and should be held strictly to a reasonable charge for service; but a reasonable charge is not a fixed quantity. It changes with the conditions of each case. The service rendered to a shipper living on a water way is less valuable to him than to others less fortunately

situated. He has ready and cheap transportation at his door. The railway carrier is here thrown into competition with a rival whose right of way and road-bed has cost him nothing. He must of necessity refuse to extend his service to that point, or, having so extended, must enter into competition with his cheaper and more easily equipped rival. This he can only do by putting his charges at a paying minimum. Who is injured? Certainly not the shipper at this point. He has now two strings to his bow, where formerly he had but one.

The introduction of a new and more rapid competing service has, in all probability, resulted in lowering the rates by water. Who complains? The shipper who lives a hundred miles inland, and who up to the time of the extension of the carrying service to his door has been compelled, at an expense of say 10 cents per ton per mile, to rely upon ox-team transportation. Now by rail he ships at a cost of 2 cents per ton per mile. Yet he is loud in denunciation of the outrage practiced upon him by the carrier in charging him 2 cents a mile while his friend at the competitive point a hundred miles away is charged only a cent. And this in the face of the fact that he has gained by the railway service 8 cents a ton over the team charges, while his so-called more fortunate friend has paid in all probability from a quarter to a half cent more per ton to the railway than would have been exacted of him by the water carrier in order to effect a more rapid transit of production to market.

Let us shift the conditions a trifle. Suppose the competitive point just mentioned to be a railway and not railway and river point of competition. The case now becomes stronger. The inland shipper still maintains his 8-cent margin; but the shipper at the competitive point instead of paying a little more for his shipment pays a little less, as the competing carriers are of the same ilk. Before the introduction of the competing road his transportation charges were at the same rate, though by a different route, as those of his inland friend. Now, under the influence of competition, his charges are reduced say 50 per cent., and he pays a cent per ton per mile. His cost of service to market is less than that of the inland shipper by the same road. But can the inland shipper be heard to complain of an injustice done him? He saves 8 cents per ton over his previous hauls, while the shipper at the competitive point saves only a cent.

Of course the figures used are arbitrary; but they are not far from accurate, and serve to illustrate the principle for which I am contending.

But my honored friend from Texas [Judge REAGAN] stoutly maintains that these inequalities result from the railway carrier's reaching out for business that does not legitimately belong to it. With due respect to his judgment—and there is none that I hold in higher estimation, especially upon a subject that has been his close and unremitting study for many years—I submit that he is in error. And this error lies in his confounding the natural advantages and disadvantages of the *locus* of the shipper with the inequalities of capricious and arbitrary railway exactions.

The carrier has an undoubted right to extend his lines of service to any and all paying points and to tax his carrying capacity to its full limit. Who is injured by his so doing? Certainly not the shipper. If he open up a new field of production the country at large is benefited, as are the producers along the line of service. The shippers at the competitive points will not complain—more roads, more competition; more competition, cheaper rates.

One of the mistaken ideas attending this question is that through freights are often taken at a loss which is made up on the way freight. In some few instances this may be true; and where it occurs it is generally traceable to some sudden and violent interruption of the ordinary course of business, such as virulent railroad wars, &c. The rule is to establish tariffs for long distances, which give the carrier less remuneration than for short distances; but they are paying tariffs. As long as any profit can be thus made it is proper, to meet the competition of water rates and other competing railways. These tariffs are proper as between the communities and the carriers as long as the carrier makes even a slight profit, for trains must be run, and it is better to run them at a minimum profit than that they should run empty. To quote Mr. Depew:

It is a well known fact that it is only the revolving wheel that makes a profit. There is nothing so dead as an idle car.

The terminal charges for shipment are the same whether the distance be a thousand or twenty miles. The road-bed is there, the plant is there, cars must be run at a loss or profit. Every ounce of through freight at minimum profit is just so much gained toward the relief of local rates, for it is the local traffic that must pay the expenses of the road, the taxes, and maintain and equip stations every few miles along its line.

We of the West have no reason to complain that through traffic is taxed less than local. It is this that has brought the extremities of our great country together. It sends our grain to the East and thence to the markets of the world. It has been the prime factor in the settlement and cultivation of our great prairies and valleys. It has made a common market for the North and South, East and West. It has made us a commercial unit, and in the mutual exchange of our varying products to meet reciprocal wants has, through its silent influence, done more to bring our people into a common brotherhood than could otherwise have been effected.

The fifth section of the Reagan substitute requires the posting of schedules by the carrier:

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivering, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

This section has encountered violent opposition both in the arguments before the committee and on the floor of this House. Yet the idea contained in the section is good. The provisions that a schedule showing the kinds of property to be carried, the places between which the carrying service shall be had, and the charges for such service is eminently proper, fitting, and just both to the carrier and shipper. It puts the shipper on notice of matters that he is desirous of knowing and that he ought to know. It may inflict some inconvenience on the carrier, it may work some at first at the point of competition on the interstate carrier and better the competitive status of the State and water carriers. But there is more cry than wool in the fear so loudly expressed. The State and interstate carriers are closely allied in business, and there are very few State roads that are not also interstate. Still fewer are the State roads, that do not engage in interstate commerce. As to the Canadian roads, the Canada Southern is under the control of the New York Central. The Grand Trunk line, through its connections at Detroit and with Boston, can indirectly be reached by laws governing interstate commerce.

Why are gentlemen so alarmed at the thought that the rates of the companies should be published and thus the shipper be partially at least exempted from the danger of unjust discrimination? Is five days' notice too long? If so, cut it down. It is a matter of detail. But give the shipper some notice; twenty-four hours at least. Let in some light upon this darkness.

The committee bill calls for a commission consisting of three commissioners, one of whom is to be a lawyer, one a railroad man, and the third anything you please. The latter has no business nor professional qualification annexed to his tenure of office. He is simply to be the third man on the commission. This mighty overshadowing commission, that is to make the transportation companies tremble when it nods its triple head, that is to be so flexible that it will fit the railroad question like a new glove and yet will be strong enough to grapple with our giant corporations—what is it? Is it a court? No. It has none of the elements of the English commission so potent to regulate railway abuses in Great Britain. It can not render a decision, can not enjoin, can not punish for contempt. It is not automatic. It can not be brought into even the most distant relations with the companies it is supposed to regulate, except through the medium of a petition and a quasi-investigation prosecuted through either itself collectively or individually or under delegation of full powers by a stranger who may not possess a single qualification required by law of the commissioners. The stranger delegate is not required to report in writing the result of his investigation into the matters of fact with which he has been charged. But by some means (incidental mention is made of a report) the commission acquires the information so gathered. It then makes out a report, with its findings of fact, and within twenty days thereafter serves it on the offending corporation, with a notice to the company to desist, and at the same time serves upon the United States district attorney another copy of said report and findings. Here the commission as a redressor of wrong apparently disappears; thenceforward the matter is prosecuted through the instrumentality of the district attorney and the Federal court. Various other powers and duties are laid upon the commission (not necessary to be enumerated) which properly belong to it as an inquisitorial body.

This is the body before the shake of whose gloved finger the great transportation companies of the country are to bow in humble submission. It might work wonders as a remedial agent; it probably would with the God-fearing carriers of Massachusetts, but the corporations of the Middle and Western States are made of sterner stuff. A little less of the dude and more of the man is required to meet and redress the wrongs complained of.

The committee bill, divested of its Reagan attributes—the penal and

remedial clauses of the original Reagan bill—is entirely valueless as a means of righting wrong. It can not give speedy relief. It is dilettant, deprecating, and apologetic. With the Reagan fire infused in it, it amounts to something. Some of its extreme flexibility has departed, and it has developed backbone enough to stand alone. The very section that gives it stability (section 5) is but a pale reflection of the strong remedial powers of the substitute bill, yet those same powers, the skeleton of which has served to fill out and give strength to the committee bill, have been denounced on this floor as hard, melastic, iron-clad, perfunctory, and *brutum fulmen*, unable to meet the shifting demands of trade, and furnishing a procrustean standard for the measurement of wrong.

If these criticisms be true the substitute should not pass. That they are made in good faith I have no doubt. That they are, with the exception I have already referred to, harsh and unmerited is obvious from an inspection of the measure. It proposes nothing new or radical. It reaffirms certain doctrines of the common law, declaring certain evils unlawful and prohibiting them under sufficient penalties to prevent their repetition. It provides a plain, adequate, and speedy method of relief accessible to and at the option of every injured party. If the party does not see fit to avail himself of it, the fault is his and not that of the system. The machinery of relief is full, simple, direct, and effective. Whatever faults it possesses can be cured by future legislation. The measure is tentative, experimental in its nature, and can not be expected at inception to exhibit that degree of perfection that is attained by experience in operation, careful supervision, and revision.

I hope that the substitute will be adopted, with the section concerning long and short hauls stricken out. A commission may be added to it. I do not understand that the gentleman from Texas [Mr. REAGAN] is opposed to a commission, although not advocating one. But he desires (and in this respect I entirely agree with him) that the bill requiring a commission shall contain substantially the remedies provided for in his substitute—that the commission should be inquisitorial and for the purpose of gathering information on the railroad problem, and should be an adjunct to rather than the main object of the bill.

I sincerely trust that this session will not be allowed to slip by without passing some adequate bill on the subject. It has knocked at the doors of Congress for ten years. The people want nothing rude, harsh, or violent. We would disturb no business interests, excite no animosity between production and transportation. Let us give with open and free hand justice alike to the shipper and the carrier. We have no battles to fight over, no quarrels to revive, no revenge to take. It is simply a cold proposition of business, affecting to its utmost ramifications the industrial interests of a great country, and as such it should be treated calmly, without rancor, hostility, or favoritism, in that large, candid, and honest spirit that will bring to the solution of this great problem the impartial and just investigation its importance deserves.

Having concluded the delivery of the above remarks,

Mr. GLASCOCK said: I had intended to give the remainder of my time to my colleague [Mr. HENLEY]. How much time have I remaining?

The SPEAKER *pro tempore* (Mr. CRISP). The gentleman has fifteen minutes of his time remaining.

Mr. GLASCOCK. My colleague is not at present in the House, and I reserve the remainder of my time.

Mr. DUNN. In the consideration of this question, Mr. Speaker, we are undeniably confronted with one of the gravest and most important questions affecting the internal administration of our Government that we are likely to be called to consider. I shall address myself in this general debate more particularly to the general question of the power and importance of regulating commerce than to the details of the bill. I am under no circumstances the advocate of a reactionary policy in anything. That policy is never wise. Cheap, safe, easy, and ample. Wisely and justly regulated facilities for the interchange of commodities between the widely separated sections of our country and with foreign nations constitute the prime conditions of prosperity and progress.

It is estimated by Henry V. Poor that there are now in the United States not less than 120,000 miles of railway, which, at the low estimate of $25,000 per mile, has cost $3,025,000,000, but upon which not less than $7,000,000,000 of capital stock and bonds have been issued; that they transport per annum more than 400,000,000 tons, of an estimated value of $15,000,000,000. Their gross receipts perhaps exceed $1,000,000,000, and their net earnings more than $100,000,000, and they employ probably more than 2,000,000 persons. Interests so vast and so necessarily and vitally bound up in the prosperity of the people can only be dealt with with the utmost caution and upon the fullest information.

Sir, no one more wonders at and admires the economic and civilizing power of our great American railroad system than I do.

Within a quarter of a century it has almost inconceivably increased our means of wealth, of civilization, and of peace both at home and abroad. In the extent of its commerce, the perfection of its organization, the skill of its handling and the might of its power it is the wonder and admiration of the world. It hourly flies with more than the speed of the wind over its 120,000 miles of iron and steel track. It sets in motion the mighty forces that clear our forests, cultivate our farms, dig our mines, and transport to the remotest corners of the earth the products of labor.

So far from jealousy crippling its power, or restricting its operations, society owes it to itself to grant every reasonable facility for the extension of its legitimate influence and for its development to its fullest extent. In speaking, therefore, as I purpose doing on this occasion, of the grounds and limits of rightful control over them by law, I insist that I am not to be reckoned as their enemy, but as a friend, who is jealous of the evil effects which may flow, both to the railroads and to society, from want of that timely and wholesome control which will preserve the just right of all.

The United States Commissioner of Railroads, in one of his annual reports, says:

> The enormous extent of this interest and the rapidity of its growth, both in the increase of mileage and tonnage, demand that its relations to the public shall be under some judicious legal control.

What it shall be and to what extent are questions upon which the wisest and most experienced differ, and as to which there is much popular misapprehension.

Railroad companies are private corporations, created by authority of a State or national Legislature for public purposes, and their property is to a large extent devoted to public uses.

They exercise, of necessity, part of the sovereign power—the right of eminent domain. They have the right to levy tolls and taxes on commerce for the benefit of the private purses of the stockholders. The profits which the private owners of the stocks derive from their railways are really a tax which they impose upon the circulation of goods and passenger travel. This taxation should not be oppressive it should be financially just and without undue discrimination. The interests of the country demand that railways, which have taken the place to a great extent of ordinary highways, should be managed solely as public highways, in furthering commerce, agriculture, and industry. The railways in this country are what may be termed *private* railways—that is, they are owned by private corporations or individuals, and not by the States or General Government. In all countries except England and the United States the railroads are mostly owned and operated by the government.

Prince Bismarck, the German chancellor, in a speech in advocacy of the acquisition and supervision of all German railways, in 1876, said:

> It is the misfortune of private railways that a privilege granted by the state, and a privilege that could not be made use of without the help of the state—we may say a monopoly granted by the government—should be exploited in behalf of private interests and private pockets.

How "far more exceedingly" unfortunate must it appear for this vast system of private railways in our country to be "exploited in behalf of private interests and private pockets" without any general laws or regulations for their government or for the protection of the people—the sovereign—by whom their privileges were granted against their rapacity and against undue discriminations and injustice. To me it is a matter of great and continuing astonishment that the prudence, forethought, and far-seeing wisdom which led the people of the States and of the United States to recognize the importance of railways should not at the same time have dictated to them (ever jealous as they are of their rights and authority) the necessity for judicious laws marking and defining distinctly and plainly the domain, powers, rights, and trusts conceded to them, and that which still remains and belongs to the sovereign, so that injustice be not done to either. The wisest and most careful, however, did not seem to have any adequate appreciation of the position which railways were soon to occupy in the world's economy.

We find here, as often elsewhere in political and economic science, an apparent anomaly. This stupendous fabric that webs our whole country over has sprung into existence without a statute of the General Government for its control or regulation. They not only have the unrestrained power to levy tolls and taxes on commerce, traffic, and travel for the benefit of "private purses," but they also carry on feuds and railway wars, as suits their good pleasure, like the old feudal lords. As has been said elsewhere, so here "we see to-day railway directors waging battles, not for the benefit of shareholders, but as a sort of noble sport."

It is unfortunate that the railway directors and managers of the country should have reached the conclusion, as they seem generally to have done, that they have absolute sovereign rights in railway matters. Most certainly they have rights, and it is not proposed by those who think as I do that any of these corporations shall lose one particle of their property or have any of their just rights impaired.

But the people also have rights and powers, and hence the apparently impending conflict. I shall support this measure, not because it is in every respect satisfactory to me, but in order that we may take the first step on the way leading to a goal which may not be attained in my lifetime; but if the development be slow, if the struggle for the recovery of just control by the public must be fought out in hard battles, let us not be discouraged. Nothing great was ever attained without fighting for it. However long and severe the battles may be, with the consciousness of contending for the right we should press forward unterrified and unwearied. A correct idea having once taken possession of

public opinion will not disappear until it is realized—until in this case the Constitution becomes as regards the regulation of commerce among the States a living truth.

So far as the bills pending are concerned, the bill of the committee and the substitute, I am now inclined to the opinion that the bill of the committee with all the provisions for a commission stricken out would be the wisest step to take. It does not contain all that I think it ought to contain; but I am satisfied that it is better in this first step that we do too little than that we do too much. I shall at the proper time move to strike out all that part of the bill providing for a commission, and if that motion fails I shall then support the substitute offered by the distinguished gentleman from Texas [Mr. REAGAN]. Legislation on this subject should be cautious. We should proceed with the greatest care and circumspection, and upon the fullest attainable measure of information.

The bill of the committee, as the substitute does, seeks first to declare certain rights, and also to declare certain things to be wrong. It seeks to enforce those rights and to prohibit those wrongs. That is, perhaps, as far as legislation ought to go. The railroads enjoy their privileges under franchises granted by the government with the sanction of the sovereign people. Every living soul who owes allegiance to these governments, State and Federal, participated equally in those grants, and is entitled to equal benefits from the use of those franchises. When private citizens or private corporations accepted those grants and invested their money in the construction of railroad lines they accepted all the conditions attaching to and connected with those grants expressed in the charters and existing in the common law and constitutions, State and Federal.

Among those existing common-law and constitutional rights was this: that every living soul who participated in those grants should share equally and impartially their benefits. Another was the right of public control. It is a well-settled doctrine of the law that whoever invests his money in any business affected with a public interest thereby agrees to accept public control and regulation of that business. No principle of the law is more definitely settled.

The authorities are numerous, but I select one leading and controlling case—Munn *vs.* Illinois (94 U. S. Rep., 124, *et seq.*).

In a most learned and exhaustive opinion delivered by Chief-Justice Waite the court say:

> When the people of the United Colonies separated from Great Britain they changed the form, but not the substance, of their government. They retained for the purposes of government all the powers of the British Parliament, and through their State constitutions, or other forms of social compact, undertook to give practical effect to such as they deemed necessary for the common good and the security of life and property. All the powers which they retained they committed to their respective States, unless in express terms or by implication reserved to themselves. Subsequently, when it was found necessary to establish a national government for national purposes, a part of the powers of the States and of the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation upon the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people. The reservations by the people are shown in the prohibitions of the Constitution.
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> When one becomes a member of society he necessarily parts with some rights and privileges which as an individual not affected by his relations to others he might retain. "A body-politic," as aptly defined in the preamble to the constitution of Massachusetts, "is a social compact, by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private (Thorpe *vs.* R. and B. Railroad Company, 27 Vt., 143), but it does authorize the establishment of laws requiring each citizen to so conduct himself and so use his own property as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim, *Sic utere tuo ut alienum non loedas.* From this source come the police powers, which, as was said by Mr. Chief-Justice Taney in the License Cases (5 How., 583) "are nothing more or less than the powers of government inherent in every sovereignty, * * * that is to say, * * * the power to govern men and things."
>
> Under these powers the Government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property.
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> With the fifth amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate * * * the rates of wharfage at private wharves, * * * the sweeping of chimneys, and to fix the rates of fees therefor, * * * and the weight and quality of bread" (3 Stat., 587, sec. 7); and, in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers" (9 *Id.*, 24, sec. 2).
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> From this it is apparent that, down to the time of the adoption of the fourteenth amendment, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. *Under some circumstances they may, but not under all.* The amendment does not change the law in this particular; it simply prevents the States from doing that which will operate as such a deprivation.
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> This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what is without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest it ceases to be *juris privati* only." This was said by Lord Chief-Justice Hale more than two hundred years ago in his treatise *De Portibus Maris*, 1 Horg., Law Tracts, 78, and has been accepted without objection ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to the control.
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> It is insisted, however, that the owner of property is entitled to a reasonable compensation for its use, even though it be clothed with public interest, and that what is reasonable is a judicial and not a legislative question.
>
> As has already been shown, the practice has been otherwise. In countries where the common law prevails, it has been customary from time immemorial for the Legislature to declare what shall be a reasonable compensation under such circumstances, or, perhaps more properly speaking, to fix a maximum beyond which any charge made would be unreasonable. Undoubtedly, in mere private contracts, relating to matters in which the public has no interest, what is reasonable must be ascertained judicially. But this is because the Legislature has no control over such a contract.
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> So, too, in matters which do affect the public interest, and as to what legislative control may be exercised, if there are no statutory regulations upon the subject, the courts must determine what is reasonable. The controlling fact is the power to regulate at all. If that fact exists, the right to establish the maximum of charge as one of the means of regulation is implied. In fact, the common-law rule which requires the charge to be reasonable is itself a regulation as to price. Without it the owner could make his rates at will, and compel the public to yield to his terms or forego the use.
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> But a mere common-law regulation of trade or business may be changed by statute. A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is more sacred than any other. Rights of property which have been created by the common law can not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstance. To limit the rate of charge for services rendered in a public employment, or for the use of property in which the public has an interest, is only changing a regulation which existed before. It establishes no new principle in the law, but only gives a new effect to an old one.
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> We know that this is a power which may be abused, but that is no argument against its existence. For protection against abuses by legislatures the people must resort to the polls, not to the courts.

It is clear, therefore, that the business of railroads, being "affected with a public interest," was from the beginning subject to the power of the body-politic to require them to conform to such regulations as might be established by the proper authorities for the common good. The non-user of a power is no evidence that it does not exist. Those who obtained grants of charters for that purpose and invested their private capital in the business entered upon it subject to this condition; and if they did not wish to submit themselves to such interference, they should not have clothed the public with an interest in their concerns.

Among all the eminent counsel and railway officials who have appeared before the Commerce Committee on behalf of the railroad corporations but one single one admitted the power or propriety of Congressional legislation to regulate interstate commerce. I refer to Hon. Chauncey M. Depew, of New York. He said:

> I do not think the representatives of railroads are disposed to object to the legitimate exercise of any power the United States may have in reference to them. We recognize that there can not be an investment of $6,000,000,000, that there can not be a business upon which every other business is in a measure dependent, without it being of the highest public moment to the people in the State and national Legislatures. We would be denying one of the manifest truths lying at the bottom of all republican government if we stood up to resist a statement of that kind or a principle which covers questions so broad as these.

This frank and sensible admission by this eminent and justly distinguished lawyer and railroad official was especially gratifying in the midst of the wholesale and sweeping denial of the power on the part of Congress to deal with the subject at all, and reflects credit upon him.

Article 1, section 8, of the Constitution confers upon Congress the "power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Fortunately no article of the Constitution has been more thoroughly adjudicated and its meaning more definitely settled than this. I will not tax the patience of the House by a review of the long line of decisions construing it and defining its true meaning, but will refer only to a few controlling cases. "The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land." Chief-Justice Waite, delivering the opinion of the court in Pensacola Telegraph Company *vs.* Western Union Telegraph Company (96 U. S. Rep., 9), said—

> A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict.

Since the case of Gibbons *vs.* Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government.

The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted; but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with his rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances. As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that inter-

course among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

* * * * * * *

The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole nation and is not embarrassed by State lines. Its peculiar duty is to protect one part of the country from encroachments by another upon the national rights which belong to all.

This would seem to be a complete answer and refutation of the various points of objection taken by the opponents not only of the pending measure, but of any legislation whatever looking to the regulation of interstate commerce, so far as the power and jurisdiction of Congress are concerned. It may be here remarked that there are two distinct classes of service performed by railways.

First. The transportation of interstate traffic, that which originates in one State or Territory and is transported into or through one or more other States or Territories. Over this class of traffic Congress has absolute control under the powers delegated by the Constitution "to regulate commerce with foreign nations and among the several States," as shown by the case already quoted.

Second. The transportation of State or domestic traffic, that which originates and is confined within the territorial limits of the State. Over this class of business the State governments have exclusive jurisdiction and control.

The meaning of the word "commerce" has been judicially defined by Chief-Justice Marshall in Gibbons vs. Ogden (9 Wheat., 188, 189):

The subject to be regulated is commerce, and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word. * * * Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches. * * * Commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term.

In a more recent case of the Philadelphia and Reading Railroad vs. Pennsylvania, December term, 1872, the Supreme Court says:

Beyond all question the transportation of freights or of the subjects of commerce for the purposes of exchange or sale is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States.

In construing the words "power to regulate," Chief-Justice Marshall, in the Gibbons vs. Ogden case, says:

This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are provided in the Constitution.

Congress has already exercised this power to regulate interstate railways. On June 15, 1866, the following act was passed, as is claimed, at the instance of railway companies (see Revised Statutes of the United States, section 5258):

Every railroad company in the United States whose road is operated by steam, its successors and assigns, is hereby authorized to carry upon and over its road, boats, bridges, and ferries all passengers, troops, Government supplies, mails, freight, and property, on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States, so as to form continuous lines for the transportation of the same to the place of destination. * * * And Congress may at any time alter, amend, or repeal this section.

Again, on March 3, 1873, the following act was passed (see Revised Statutes, section 4386):

No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, &c.

The same law provides that the animals so unloaded from cars "shall be properly fed and watered during such rests" by the railroad company, in case the owner or person in charge shall fail to do so. Any failure to comply with the provisions of this law renders the company liable to a penalty of from one hundred to five hundred dollars fine, and section 4389, Revised Statutes, provides that "it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge."

It appears, therefore, that Congress has full and ample power under the Constitution to regulate interstate railway companies, that this power has been judicially confirmed and clearly defined by the United States Supreme Court. It also appears that Congress has already exercised such power to the extent of granting permission to railway companies chartered by State governments to transport passengers and property "on their way from any one State to another State," to "receive compensation therefor," to "connect with roads of other States so as to form continuous lines," and has reserved to itself the right "to alter, amend, or repeal" the law giving such permission.

Congress has further exercised such power by fixing the length of time that live-stock shall be kept in cars without unloading, and the length of time such freight shall stop for rest, feed, and water, by requiring railway companies to properly feed and water such stock in case the owner shall neglect or refuse to do so, by fixing penalties for violations of the law, and requiring United States marshals and their deputies and subordinates to prosecute all violations which come to their notice or knowledge.

This action of Congress has been universally acquiesced in and accepted without protest by the States and by State corporations as within the scope of its powers. No State corporation can properly object to the exercise of such powers by Congress, as their charters were originally granted and accepted with a full knowledge that when their roads should be connected with those of other States, and continuous lines formed extending through more than one State, such lines would become channels for interstate commerce, and would thereby be subject to such commercial regulations as Congress in its wisdom should from time to time prescribe.

The bill of the committee, the first part of it and the substitute, declare that equal facilities shall be granted to all as nearly as may be in shipping and traveling privileges. That is right; and if it is right it ought to be enforced. Each of these bills declares that discriminations between individuals and places in the transaction of the business of the railroads is wrong; and if it is wrong, it ought to be prohibited.

The bill assumes that rebates are only the means of concealing undue discrimination, and for that reason should be prohibited. If that assumption be true, rebates ought to be prohibited. The bills assume that the pool is organized as a means of preventing competition and will be made the means of undue discrimination, and therefore shall be prohibited. If that be true, it ought to be prohibited. The pool, it is assumed and perhaps it is true, has grown and developed out of the fact that the Government has itself never exercised the constitutional power of regulating commerce; and in the absence of that regulation, which the Constitution enjoins upon Congress, the pool has arisen. Somewhat like a great star-chamber court, it has been constituted by the consent and agreement of the great railroad potentates of this country; and in that court the people have no representative and they have no day. I am not of the class of people who believe that the railroad managers of this country are criminals or bad men. I do not believe that.

In many cases railroad corporations have yielded to the temptations, that men always yield to on opportunity, to aggrandize themselves with too much power and an undue measure of wealth, perhaps, if they are not restrained. But all must confess that the ablest minds and many of the best men of this country have become interested in the development of the grand railroad system of this country and have linked their names to immortality. I object to the commission because I think it will prove a failure; it will not answer the purposes which the friends of the commission hope it will answer; and it is unnecessary. I believe that the correct principle in government was asserted when the courts, State and national, were ordained and created to enforce rights and to prohibit wrong. I believe that whatever rights they are incapable of enforcing will fail, and whatever wrongs they are incapable of prohibiting will go unprevented and unrestrained.

These courts have been ordained by the people as one of the co-ordinate branches of the Government. To them have been committed the great powers of judgment upon all laws that we enact. To their keeping are committed the hopes, fortunes, lives, and liberties of the people and the integrity of our laws. If we have come upon a time when any law that we enact declaring rights and prohibiting wrongs can not be administered through their agency, then indeed have we reached the beginning of the end of free government. If the day has or shall ever come in our country's history when the foul waters of political corruption shall rise high enough to touch and pollute the judicial ermine and so corrupt all the fountains of justice, then, I repeat, the end will be at hand and free government a demonstrated failure.

The commission provided for in the bill is not clothed with judicial powers. As stated by the gentleman from California who has just left the floor [Mr. GLASCOCK], it is not clothed with the powers conferred upon the English commission; for that commission can investigate, it can restrain, it can enjoin, it can render advice. But my objection to the English commission is that it is placed between the citizen and the court. Its opinion, its advice must be had upon the legality, the right and the wrong of any act complained of, before suit can be instituted in the English court to enforce the right, prohibit the wrong, or recover damages for mischief done. I will never give my consent in this country to place any body of men, any commission, between the suitor and the court in which his rights are to be adjudicated. No man, no set of men, shall ever, with my consent, stand between the citizen and justice, and hold the power to say whether his rights shall be adjudicated or not. Let no petty autocrat stand between the citizen and justice.

This commission does not stand in this case entirely between the citizen suitor and the court, but it performs a sort of advisory function. It will fail, as such commissions have failed in all other countries. We had better draw some lessons of wisdom from the experience of other governments in this respect. In Prussia, where legal control of railroad management has been pushed to further development than in any other country, the commission business has entirely failed. I will read to the House a speech delivered by the German chancellor, Bismarck, upon

the result of what was really a railroad commission in Prussia. This speech was delivered in 1876 in the Prussian Parliament. He says:

The imperial constitution attributes to the empire the duty of a general supervision over all German railways, a certain control over tariffs, &c. An imperial railway office has been called into existence with the view of carrying out the provisions of the constitution.

Just as we propose to do in this case.

The experience of the office has manifested, however, the impotence of the empire and the strength of the separate states. The imperial railway office has become a council, which gives good advice and prefaces its requests with "if you please." It writes a great deal and makes much ado, but no one heeds its behests.

So no one will heed the behests of our commission.

I had hoped for an imperial railway law before this.

He does not want a commission; he wants a law.

I had hoped for an imperial railway law before this, but the opposition of the states, not only that of Saxony but also that of Prussia, has proved too strong.

* * * * * * *

The rights of the empire are theoretical; those of Prussia are backed by a strong railway net, the influence of which is felt in all Germany.

And this notwithstanding the existence of a commission.

As imperial chancellor, it is my duty to contend against this state of affairs, to see that all parts of the constitution, even the railway articles, become realities, to fight against the development of Prussia at the cost of the empire. * * *

We have in Germany, I believe, sixty-three railway provinces—that is saying perhaps too little, they are more independent than provinces; I should rather say railway territories—of which forty perhaps are in Prussia. Each one of these sovereign territories is fully provided with the feudal rights of the Dark Ages, the right of staple, the right of levying tolls and taxes on commerce for the benefit of its own private purse; yes, even with the right of carrying on feuds and railway wars, as suits its good pleasure, like the old feudal lords. We see to-day railway directors waging battles, not for the benefit of the railways or shareholders, but as a sort of noble sport. This condition of affairs does not correspond to the ideal of the imperial constitution. Even Prussia has not a railway power strong enough to carry out this ideal within its own boundaries.

Now, he was advocating the ownership and control of all railways in the German Empire, that control to be vested in the imperial government, and not subdivided, as he found it, among the states. He says:

I think the state should have its own line between all principal points. * * * I do not regard financial competition as the *raison d'être* of railways. It were foolish to say the state should derive no financial benefit from this property.

The profits which states derive from their railways are really a tax which they impose upon the circulation of goods. This taxation should not be oppressive, and should be financially just. But profits, as I have said, are not the *raison d'être* of railways.

Now, Mr. Speaker, there was the experience of Prussia with a railroad commission. It was not called a commission; it was a great railroad office, such as we propose to construct here. This commission provided for in this bill is clothed with powers to hear complaints on notice, issue process, have it served, bring parties to complaints before the commission—one single commission located here in Washington—take testimony, have affidavits and depositions taken and brought here; and it is thought that through the agency of that one single tribunal located in Washington city all the rights of every little insignificant and every great and significant suitor may be adjusted, all their wrongs remedied, all their rights enforced, and all their damages ascertained and adjusted.

Does any one believe that? It is clothed with all the powers of the courts which has been found necessary to distribute all over this broad land; and we go on constantly designating new places for holding courts to suit the convenience of the people. Establish that great commission, locate it here in Washington, leave the people dependent on it for justice, and it will amount absolutely and substantially to a denial of justice, for scarcely any will ever be heard, and it will dwindle at last to the condition of the Prussian commission.

The wise thing to do, Mr. Speaker, is to declare what is right and enforce it; declare what is wrong and prohibit it. And it matters little what the measure of punishment is for wrong, it is the certainty rather than the measure of penalty that proves effective in the prohibition of wrong.

Dr. Ely says all those governments in Europe have ended with the ownership of railroads by the state, and that they are still gathering up, taking control of, and owning the railroads. In some of the states, in most of them in fact, they do not own all the railroads, but they own enough to maintain and foster that wholesome competition out of which the people find protection and large benefit.

The pool is objected to, and I find in this admirable article, written by Dr. Ely, fellow of Columbia College, in New York, who was for some years engaged in special studies in the operations of political economy as applied to the internal administration of Germany—I find here what is perhaps the origin or nursery out of which came the pool.

But before proceeding further as to the pool I will read from Dr. Ely's article a further evidence of the failure of commissions or department management of railroads:

In the Prussian Parliament, Dr. Lasker entered the lists in favor of state railways, and combated so vigorously and successfully for his cause that the part he then took in the contest will always form a noteworthy epoch in the development of German railways. He began by making serious charges against government, in particular against the minister of commerce, in matters of railway concessions. Early in the session the government demanded of the Parliament a credit of 360,000,000 marks; 150,000,000 for a road from Berlin to Wetzlar, the remainder for other railway undertakings, for rolling-stock, &c. The object was to connect the eastern and western parts of the monarchy by state railways. It was during the first reading of the bill that Lasker made his memorable speech of January 14, 1873. He asserted boldly that in matters of concession the point chiefly considered by the minister of commerce, Count Itzenplitz, was not the interests of the people and the state, but personal favor or personal ill-will; that Dr. Stronsberg, *e. g.*, was always granted the desired concession; that concessions had been granted to a high official and to members of prominent families, who from the outset had no intention of building railways; that these parties had derived profit by trading with the concessions (so-called *Gründergewinnen*).

The minister of commerce made an ill showing in his defense. The minister president, Count Roon, addressed a letter, under date of January 31, 1873, to the president of the house of deputies. He defended the above-mentioned official and attacked Lasker. The letter was read in the house February 7, but the utterances against Lasker were at once taken back. Deputy Lasker used this opportunity to continue his exposures, and produced such substantial proof of his statements that Count Roon, astonished at what had been going forward, withdrew the letter *in toto*, and promised to assist in every possible way in clearing up the "sad affair." A royal message, February 14, moved that a special commission be appointed to investigate the matter and to discover "what principles have been employed in granting railway concessions and the abuses which have grown up in connection with the exploitation (*ausnutzung*) of these concessions, in order that it may be seen (*a*) whether and in how far the existing laws and the rules of administration are fitted to secure the fulfillment of the intentions of government in granting the concessions and to protect the public against deceits and damages; (*b*) what changes in the existing legislation and administration are necessary to put a stop to the abuses which have crept in.

The commission of investigation held fifty-six sittings; the report was contained in three different manuscripts, embracing together 1,000 large quarto pages. The official documents of the ministry of commerce were examined carefully, numberless witnesses were heard, railway experts questioned, &c. The ability and thoroughness with which this so-called Lasker commission conducted the investigation have gained for it celebrity. The most noteworthy parts of the summing up of the report are as follows:

"An exclusive system of state railways is not at present realisable, but economic considerations favor such a system as the final goal to be striven for." "Railways are public highways, means of favoring traffic, resembling in essence and purpose other highways. The only means of justifying the government in relinquishing railways to private industry and speculation is the stringent financial necessity of the time." "It appears desirable to transfer to the empire a controlling power over all German railways."

Now I am not the advocate of the ownership of railroads by the State or by the General Government. I have read that to show the failure, the utter failure, of a railway commission which was raised to the dignity of a department of the government in Prussia.

I digressed to read that from what I was about to say in reference to the pool. This bill prohibits pooling. Various accounts have been given of the pool by the railroad people, and all lead to the one general conclusion, that the object of the pool is to maintain rates. All wise statesmen will agree that the best, the wisest, and the most wholesome regulator of commerce is healthy competition. Believing in that principle, I have always been an advocate of the broadest and most comprehensive system of the improvement of our water ways in order that they might compete with the railroads; for upon the water way, which is free to all and belongs to the Government, all men may run their boats in competition with each other and all the boats run in competition with the railroads. All the evidence taken, all the evidence given by the railroad experts, agrees upon the one single proposition that the great competitor of the railroads in the transportation of heavy freights in the water way. They harp upon that subject. They protest against the regulation and control by law of the railroad system unless the some fetters are put upon the water ways; and there is much force and logic in the argument. But it has never been thought necessary to do it, because the competition of the different kinds of vessels upon the water ways brings everything down to the desired basis.

But to the pool. Here is what Dr. Ely says about the pool. He does not speak of it as a "pool," but as a species of railroad management. It is the nursery out of which the pool came:

In Germany the traffic is usually divided among the different companies, and in such a manner that the bulk of it passes over one road one month and another the second. In his celebrated work, Englische Eisenbahn-Politik, Dr. Cohn has shown that in England a new railway between places already provided with one results almost inevitably in an understanding between the companies and a rise in the tariff.

That is the pool; that is its effect—a rise in rates. Where a new road is built between the same points that should be a competing road. It is pooled, and the rates are raised enough to give that new road an earning equal to the average of the roads already combined in the pool. Does not that suppress competition On that principle the more railroads we have the higher rates must go to maintain them.

The end of railway competition—

Dr. Ely says—

is railway monopoly—

That is the doctrine of the pool—

and this is urged as a ground for state ownership of the railroads there.

There, I take it, is the nursery out of which came the pool. That principle has been transplanted from Europe to this country, and the pool is formed here, they say, to maintain rates. If they would add "and to destroy competition" they would have told the whole story and all the truth. Now, if that be the truth about the pool, and glazed over and enameled and sugar-coated as the account of it is as given by the railroad officials and experts, there is the naked bitter that is in the pool as we have it in this country. That is the truth of it. It is organized for that purpose, so that inevitably the duty devolves upon the General Government to assume and exercise that power conferred upon Congress in the Constitution of regulating commerce. The non-

use of that power is no evidence that it does not exist. It has lain dormant for a long time. Railroad officials have apparently reached the conclusion that with their charters granting them the privilege to operate railroads they have conveyed to them as a part of the charter the right, the power, to regulate commerce. In the absence of the exercise of that power by Congress—which seems up to this time to have absolutely abdicated and surrendered it to the great associations of wealth operating the vast railroad system of this country, the roads having formed the pool—they formed their combinations, and they are regulating commerce to suit themselves.

We have been told in argument before the committee by the counsel of the railroads, who attempt to confuse this question, that the Government has no power, that the States which granted the charters have all the power over the subject. When they come before the State Legislatures they tell them that the States have no power, that all the power is vested in the General Government; that their roads, though constructed under State charters, have gone to the boundary lines of States, where they are connected with other roads which run through other States, and are, therefore, interstate railroads. So here they are State railroads; there they are interstate railroads. They make of them a sort of jointed snake. It is an entire snake so long as the Government does not touch it, but when the hand of the Government is stretched out and touches them they go to pieces, and then they are State railroads; but when the States go after them, then they reunite and become interstate railroads. It is almost a game of thimble-rig. [Laughter.]

We have been repeatedly told by the distinguished counsel and railroad officials who have appeared before the committee that we are attempting something new under the sun; that all our efforts have proved and will prove failures, as they have in all other civilized countries; and that the best intellects of all civilized nations have grappled with this subject, but they have not thus far succeeded in accomplishing the desired end. The "desired end" aimed at here has been in the main accomplished by legislation in almost every civilized country in the world except this, and we are now struggling to do only part of what they have long ago accomplished.

I find the following interesting statement of the laws of Prussia and other European states regulating railroad traffic and transportation, and of the policy of those governments, in Dr. Ely's report, before referred to:

Between the 21st of August and the 13th of November, 1837, concessions were granted for four short railways, namely, the Berlin and Potsdam, the Magdeburg and Leipzig, the Düsseldorf and Elberfeld, and a part of the Rhenish Railway. In the following year, when only one of the above-mentioned railways (the Berlin and Potsdam, 35.4 kilometers) was finished, the celebrated law of November 3, 1838, was enacted. This law, which is still valid, except in so far as certain parts have been rendered of no effect by subsequent legislation, formed the basis of all later Prussian railway laws, and is in many respects a model.

Its main points are as follows:

§§ 1 to 5. Every company having the intention of building a railway must apply to the ministry of commerce for a concession. The application must contain an exact statement of the principal points through which the road is to pass, and of the capital stock to be divided into shares. It must be accompanied by a plan of the road, stating clearly the manner in which the road is to be built, the materials to be used, the wagons, coaches, locomotives to be employed, &c.

If no objections on the score of safety, public interest, &c., are found against the plan after it has been carefully examined, the concession is granted, and a time is fixed within which it must be shown that shares have been taken to the full amount of the capital stock, and the shareholders have met and framed the statutes of the company. The statutes are not valid unless approved of by the government. All those who subscribe for shares are unconditionally responsible for 40 per cent. of the full amount. If afterward the regular payments for the remaining 60 per cent. cease, the company has the choice either to prosecute the subscribers and force them to fulfill their obligations or to release them from the same under loss of the 40 per cent. already paid in. No share may be given out before the full nominal value for which it reads has been paid.

§ 6. Additional shares may not be emitted without the consent of the government. No loan may be contracted without the approval of the ministry of commerce, which has the right to oblige the company to establish a satisfactory sinking fund for the payment of capital and interest.

§ 8. The company has the right of expropriating such property as is *necessary* to render the road capable of fulfilling its functions as a public *highway*.

This paragraph is of importance (1) because it establishes the character of railways as essentially public and not private undertakings; (2) because it justifies expropriation only upon grounds of public welfare.

§ 24. The company is obliged to keep the road and all appurtenances in a condition which insures, as far as possible, safety in the transport of goods and passengers.

§ 25. The company is responsible for all damage to persons and goods, unless it can prove that the damage was in no wise the fault of the company. The weight of proof, it will be observed, lies with the company. The dangers necessarily connected with railways do not free the company from this obligation.

§ 26. The railway tariff must be made known to the government and published. Changes in the tariff are not allowed to be made without notifying the government and the public. In case the change increases the rates, it must be published at least six weeks before it comes into effect. All parties are to be treated alike without partiality.

§ 27. The minister of commerce has the right to allow a second company to use any railway track which has been open three years. For this use the second company must indemnify the first. This provision, which it was thought would effectually protect the public against railway monopolies, has, for obvious reasons, never proved practical.

§ 32. When the profits of any railway exceed 10 per cent. of the capital invested the passenger and goods tariff must be reduced until the annual profits are no longer in excess of 10 per cent.

§ 36. Railways are obliged to carry all postal sendings and to transport postal wagons free of charge.

§§ 38 to 40. All railways must pay a tax in proportion to their receipts. The state is to use the income derived from this tax (1) as indemnification for the loss of the government occasioned by the railways—the government had formerly a monopoly of the transport of passengers in connection with the postal service; (2) for the amortization of the capital employed in building the railway tracks. When this capital is completely amortized in case of any railway track the receipts derived from said railway track shall not exceed the sum necessary to keep the same in repair and the cost of its administration; that is, that railway track would, in this case, become government property and be administered like a highway, from which the government raises sufficient toll to pay for keeping it in repair and to meet the expenses of administration.

§ 42. At the expiration of thirty years after the opening of any railway the state has the right of purchasing it. In case the government and the railway can come to no other voluntary agreement, the company receives twenty-five times the average yearly amount of dividends during the last five years.

§ 44. Before the expiration of thirty years after the opening of a railway no concession may be granted to a parallel line.

This paragraph was repealed in 1867 by article 41 of the constitution of the North German Confederation. Finally the right is reserved of enacting such further laws as experience shall show to be necessary.

The pending measure, it will be seen, falls far short of the stringent requirements of the laws of those countries. It is unfortunate that a wholesome and wise and uniform system of regulation of commerce had not been inaugurated and perfected as our railroad system progressed and developed. In the absence of any such public regulation the railroad managers have become accustomed to the exercise of unrestrained power, and many of them have seriously thought the power to regulate commerce generally was to be claimed and reckoned as among their charter rights, and they naturally feel shocked at any effort to interpose public control.

They must understand that the State or Government, as the case may be, establishes a highway not for the purpose of benefiting a corporation, but to serve the interests and convenience of the people, and its enjoyment must be open to all on just and equal terms, and the State must and does have powers to secure these results.

The corporation is used as an instrument of State service merely as a convenient way of carrying out a public object. This is the great and sole public good, for the accomplishment of which all other powers are given and duties imposed.

This is a people's government. They are our sovereign, and for them and for their protection this Government was ordained, and for them it must be administered in accordance with the Constitution. To those who love their country and who have faith in humanity and who desire that this Government shall be the scene of the progressive happiness of the many rather than an arena of combat of the strong against the weak, where the few only can attain demoralizing and excessive wealth and unstable pleasures at the expense of their brothers, the path of duty is plain and unmistakable.

Mr. WOODWARD. No one, I believe, Mr. Speaker, denies the power of Congress to legislate upon this subject. If there are any who deny the necessity for such legislation they are sufficiently answered by the public sentiment of the country, by the legislation of many of our greatest States, and by the number of bills introduced into Congress upon this subject. These premises being granted, it seems to me unnecessary to take up the time of the House in denunciations of railroads and passionate invectives which throw no light on the question before us.

The duty of the House is to consider soberly the various propositions before us and select from them all that which is safe, judicious, and most efficient to correct the evils of which the country complains.

This, sir, is no easy task. As a rule, those who are loudest in their clamors against the railroads are found least able to master it. The gentleman from Kansas [Mr. ANDERSON], who addressed the House on Thursday, and permitted himself to use language implying suspicion in his mind that the committee had allowed some railroad attorney to dictate the form of their bill, undertook to wrestle with this problem single-handed. At the opening of this Congress he introduced a bill disposing of the whole subject in two short sections so wonderfully concise and comprehensive that I will ask the Clerk to read the bill, or I will read it myself:

A bill to prevent unjust discriminations by railroad companies, and subjecting them to the control of the States under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases wherein any railroad or railway company has received grants of lands of the United States, or of the bonds of the Government of the United States, to aid in the construction of any such railroad or railway, the whole or any part of which runs into or through any State or Territory of the United States, such railroad or railway shall be subject to and controlled by the laws of the State or Territory into or through which such railroad or railway may run.

SEC. 2. That all legislation of any State or Territory of the United States, and regulations duly authorized and made in pursuance of such legislation, shall be operative upon all railroads and railways running into or through any such State or Territory, or such part of such railroads or railways as are within the limits of such State or Territory, and any such law or regulation, made in pursuance thereof, prescribing rates of charges by any such railroads or railways for the transportation of passengers, merchandise, or live-stock over any such railroads or railways, shall be effective and operative as to all shipments and transportation charges, whether such shipments originate and terminate within the limits of such State or Territory or originate in one State or Territory and terminate in another; and such legislation or regulations shall extend to all shipments of merchandise and live-stock which directly affect the people of the State or Territory where such legislation exists.

The first of these sections, sir, is entirely inoperative, because at law now the fact that a railroad has been aided by the bounty of the General Government does not withdraw it from the jurisdiction of the States through which it passes. The second section proposes to confer upon States a jurisdiction which Congress alone can exercise; to extend the operation of the laws of one State into the territory of other States, and

to subject one line of railroad at the same time to the operation of schedules adopted by two or more States or Territories and liable to differ in their rates for the same distances and between the same points. I venture to assert, Mr. Speaker, that if the railroad attorneys were permitted to name their choice among all the bills proposed here they would not hesitate a moment in giving the palm of preference to the bill of the gentleman from Kansas.

The Committee on Commerce spent a great deal of time in listening to arguments and testimony and discussing among themselves the various propositions referred to them. They could not agree upon an entire bill, and they reported the pending measure with the understanding that members of the committee should have the privilege of offering amendments in the House. I am in favor of all of its provisions except the one indicated by the gentleman from Connecticut [Mr. SEYMOUR], and I shall vote for the amendment which he intends to offer.

Those parts of the bill which establish a commission and prescribe its duties, giving it full power to investigate all complaints and to take all necessary action to correct them, to study the subject in the light of experience and report to Congress what further legislation may be necessary to perfect an intelligent system of railroad control, are in my judgment the most valuable. I shall not speak at length upon this feature of the bill, because other gentlemen have already fully explained it in debate and I concur in what they have said.

Those members of the committee who favored the plan of a commission consented to incorporate in the bill certain portions of the "remedial" legislation proposed in the Reagan bill. I have no confidence, Mr. Speaker, in the effectiveness of these provisions, but I am willing to put some of them on the statute-book and give them a trial. I am even willing now to amend section 6 of the committee bill so as to make the private action there authorized one of "equitable jurisdiction and discovery," giving to the court in every such case the power specified in section 7 of the Reagan bill, to compel discovery and the production of books and papers; and perhaps to carry out the intention of the committee itself this ought to be done. In the courts of some of the States that may be unnecessary by reason of the codes, which abolish wholly or partly the distinctions between courts of law and equity; but in other States where the old distinctions remain in force the provision might fail through mere defect of form.

With this exception the "remedial legislation" in the committee bill is all that can safely be adopted at this time. It declares that all charges must be reasonable for the service rendered. It makes it unlawful to discriminate between persons in the matter of rates and furnishing facilities for business. It makes it unlawful to allow rebates or drawbacks to one person which are not allowed under similar circumstances to all other persons. It gives to a party injured a right of action for his damages and an extra allowance for costs where the act complained of is willful. And it provides for a criminal prosecution, to be conducted by the district attorneys of the United States, and for a penalty, upon conviction, of not more than $1,000.

With these general remarks, Mr. Speaker, I pass to the consideration of the differences between the bill and substitute, those portions of the original Reagan bill which a majority of the committee declined to report favorably.

PENALTIES.

The first difference between the bill and substitute to which the gentleman from Texas calls attention is the provision of the committee bill which exempts unreasonable charges from penalty. I agree with the gentlemen who argue that an error of judgment should not be treated as a crime. But, sir, I have another objection to it. It is impracticable.

The question whether a charge is reasonable or not opens a range of investigation which is practically unlimited. The length of the whole road; the length of the haul; the cost of the entire road and its several sections; the indebtedness of the road and urgency of payment; operating expenses; the value and quality of the goods carried; the state of the weather; the amount of the risk; the income of the road in former years or months and in the current year or month; the prospects of future business; the value of the service; competition or the absence of competition; the amount and value of the article carried in the given instance compared with the whole amount and value of the same article ordinarily carried or produced, and with the whole amount and value of the tonnage; a comparison with the rates charged for the same service by other roads and water routes—all of these facts and circumstances, with many others, must be brought into view and fully considered in order to determine fairly whether a given charge is reasonable or not.

Think for a moment, Mr. Speaker, of the consequences of bringing such an issue as this to be determined by a grand or petit jury in a criminal cause. Every prosecution brought under it would furnish a repetition of the star-route trials—endless and unavailing. The gentleman from Texas criticises that portion of the committee bill which provides a suit for civil damages because it does not, in so many words, invest the court with equity powers. He says evidence sufficient for the purposes of such a suit can only be obtained in that way. I am inclined to agree with him, and, as already stated, am willing to amend the sixth section of the committee bill so as to confer such powers upon the court.

But, Mr. Speaker, the rules of evidence favor the civil suit rather than the criminal prosecution. In the civil suit the plaintiff can recover his damages upon a mere preponderance of evidence. In the criminal prosecution the court will instruct the jury that they must acquit the defendant unless the evidence of the prosecution excludes every reasonable doubt of his guilt. From what source and in what manner will you produce evidence of so high a grade in the criminal court if you must rely for discovery under the equity powers of the court to procure a much lower grade of evidence in the civil suit? Sir, if the gentleman's argument is good, you must, in order to make this provision effective, confer chancery powers and the right to enforce discovery upon the criminal court also. A bill of discovery in aid of the grand jury or tacked on as a rider to an indictment I am afraid would be regarded as an odious novelty in our criminal practice.

REBATES AND DRAWBACKS.

The substitute prohibits rebates altogether. The bill of the committee provides that they shall be given to all persons alike under the same circumstances. It has been shown that there are cases in which the allowance of rebates constitutes a necessary and beneficial feature of railroad management. It has also been shown that the practice is sometimes abused by allowing discriminations. Shall we stamp out the good and the evil together, or shall we endeavor to destroy the evil and preserve the good? The only evil lies in the discriminations. This evil the bill of the committee attempts to prohibit. If it is practicable to enforce the provision of the substitute, no one will pretend that it is not just as easy to enforce the provision of the bill of the committee. If enforced, it will remove the only evil complained of in connection with the allowance of rebates.

POSTING SCHEDULES.

The substitute of the gentleman from Texas provides for posting rates five days before they go into effect. I agree with everything said by the gentleman from Michigan [Mr. HORR] and others who have opposed this provision, and will add by way of supplement to their remarks some observations upon its relation to other provisions of the bill and substitute. Under the first sections of both all rates must be reasonable. It would seem to follow that the rates posted must be reasonable. I venture to say, Mr. Speaker, that it is within the knowledge of every member of this House that the conditions which must determine the reasonableness of a charge frequently change in the course of a single day. A railroad company may post its rates as required by the substitute bill, and then go on under its old schedule until five days have passed. On the morning of the sixth day a change in freights by lake, river, or other roads or other circumstances may make it necessary for that road to reduce its rates below the posted schedule or go out of business for five days until it can post a new schedule. This substitute forbids it to lower the rate. It is impossible for any railroad company to determine with certainty so far ahead what will be reasonable charges on all classes of goods.

Again, sir, under ordinary circumstances it is the legal duty of a common carrier to receive and transport goods offered for that purpose. Freight may be offered on a day when the carrier has concluded that his posted schedule contains unreasonable rates. He can not change them for five days. The freighter insists upon his obligation as a carrier. If he carries at all under this substitute, he must charge the rate in his posted schedule or subject himself to civil damages and criminal prosecution. If he refuses the freight, he is liable to another action for damages for violation of his common-law duty as a carrier, unless this statute absolves him from it, and no one, I think, will pretend that it does.

If I have read the substitute aright, sir, this would be among the most serious consequences of its passage and enforcement. But possibly the gentleman from Texas [Mr. REAGAN] is correct in the statement of its purpose and effect. I will ask the Clerk to read what the gentleman said on this subject in his opening speech.

The Clerk read as follows:

The committee's bill contains no provision requiring a railroad company to post up schedules of its rates of charges, while section 5 of the substitute bill does require such schedules to be posted up. And this is essential to secure fairness and equality in rates between shippers and as a means of evidence in determining whether discriminations have been made, and whether more than regular or schedule prices have been charged. If you leave that provision out and come to a trial in each case you will have to prove what reasonable rates are. If you put the provision in requiring them to post up their schedules of rates the law will presume they constitute reasonable rates, and the production of the schedules at a trifling expense would directly show the jury the amount of charges which the road had fixed, and it would then be for the court and jury to determine whether the schedule had been disregarded or not in the case under consideration.

Mr. WOODWARD. If the gentleman's language were less explicit, or, apparently, less carefully considered, I should be inclined to regard this all as a slip of the tongue. He says, without qualification, that the "law will presume" that the posted schedules of rates "constitute reasonable rates." All that the court and jury will have to do will be to "determine whether the schedule had been disregarded or not in the case under consideration." If the provision is to be interpreted with this gloss by its author, it will devour other provisions of the bill. They put such rates in the schedule as they please. Let them produce the schedule in court and prove that it has been adhered to; no further in-

quiry is then to be made. Your courts, Mr. Speaker, will not be crowded with suitors when they find themselves invited in the outset to traverse and combat a presumption of law.

The rates in the schedule may be more for a short than for a long haul. In fact they may be pool rates, and it is worth while to inquire whether the enforcement of this provision will not compel competing roads to pool. If each road acts for itself the immense advantage to the road posting the latest schedule will immediately bring on such disastrous railroad wars that the roads will be compelled to post their schedules at the same time and with the same rates, as well as to change them at the same time. I would like any gentleman who favors the substitute to explain what more the "pool" does or pretends to do.

RULE OF DAMAGES.

I am opposed to allowance of triple damages as proposed by the substitute. Triple damages are vindictive and punitory. They can not be understood in any other way. The substitute provides that the same act may be punished criminally by a fine of not less than $1,000—it may be a million. We can not justify to reason or conscience such an accumulation of penalties upon the same person for the same act.

Pooling and charging more for a short than for a longer haul are both methods of railroad management which are capable of abuse, but it does not follow that they are always abused, and I prefer to leave those subjects for the consideration of the commission to be appointed under the bill.

POOLING.

The ostensible purpose of the pool is to prevent railroad wars and discriminations. It is only attempted between roads with substantially the same termini. It is wrong and injurious for one road to discriminate between its own customers; but it is quite as injurious to the country to have one road charging less or more to its customers in Chicago or New York than is charged by a competing road between the same points. The effect upon trade is precisely the same whether the discrimination is made between the customers of the same road or the customers of half a dozen roads. Let the commission examine this subject and report what legislation is practicable to do away with the evils of pooling.

LONG AND SHORT HAUL.

The provision prohibiting a greater charge for the short than for the longer haul has been characterized by the gentleman from Indiana [Mr. SHIVELY] as an effort to make the benefits of competition universal; in other words, to give to South Bend all the commercial advantages of Chicago. This alone would be sufficient to determine my vote upon it. The powers of Congress are great, but they do not extend to a repeal of the laws of nature and of trade. Any attempt to do that, sir, can only lead to mischief. But, sir, I am opposed to it because it is wrong in principle and must inevitably prove injurious to the interests of my section. As a basis for what I shall say on this subject I recur to the illustration first brought to the notice of our committee by the gentleman from Mississippi [Mr. BARKSDALE].

This is the case: A railroad runs from New Orleans through Winona, Miss., to Memphis. The distance from New Orleans to Winona is two hundred and seventy-five miles, to Memphis four hundred miles. This road charges for carrying a bale of cotton from Winona to New Orleans $3.25; from Memphis to New Orleans, one hundred and twenty-five miles longer haul, $1. The first impression of almost every man will probably be that this is an outrageous discrimination against Winona, which ought not to be possible under any state of the law whatever. But examination of all the conditions of the problem will rarely fail to change this view. In this way the view of a majority of the Commerce Committee was changed; and I take the liberty of calling attention to another conversion which took place in the committee-room on this subject.

Hon. L. E. Chittenden, of New York, an able lawyer and business man of large experience, came before the committee to advocate the adoption of the original Reagan bill, which is the substitute now offered. His attention was called to this Memphis and Winona case, and he was asked to give his views upon it. After hearing all the circumstances, he declined to give an opinion and said he would look into it further. On the next day he appeared before the committee voluntarily and made a statement which I will ask the Clerk to read.

The Clerk read as follows:

Mr. CHITTENDEN. Mr. Chairman, I do not want to take up a moment's time of the committee. I have been giving the time since yesterday to the problem that was presented in the Memphis and Winona case, and that had led me to an examination of the decisions under the ninetieth section of the railway clauses act in England to which I had reference yesterday, and I find that that problem has given to the house of lords in England the same trouble that it certainly gives me. It may not give the committee any. In one case that I have found which went up from Scotland to the house of lords, the house of lords were divided upon the question whether under this ninetieth section such a similar discrimination as that mentioned here was authorized. In that case the road led from Derby to London. Its maximum rates, as all the rates in England are, are fixed by Parliament. It made a rate to a place called Hampton-on-Arden. They charged 8 shillings from Hampton to Derby, but on through-passenger traffic from Hampton to London the proportion would be only 2 shillings, and yet by a divided court the house of lords held that that was not contrary to the ninetieth section of the act which I read yesterday, and they held further that it was certainly doubtful whether it was practical to take away that power of discrimination from the railway companies. All I have to say is that I should hesitate myself some time before I committed myself absolutely to the provision of the Reagan bill which prohibits more for a short haul than for a long haul under all possible circumstances. There is a very serious question there that certainly is deserving the best examination of the committee. I say this because I thought to some extent differently yesterday. It is probably the most doubtful question there is involved in the bill.

Mr. WOODWARD. What is said in this statement in relation to the effect of the ninetieth section of the railway clauses consolidation act is not strictly pertinent, because both the rates there mentioned were within the maximum allowed by law. But the opinion of the house of lords and the opinion of Mr. Chittenden on the questions of policy and practicability are certainly worthy of attention.

Now, Mr. Speaker, what were the facts and arguments which changed Mr. Chittenden's view overnight, and which have influenced the views of a majority of your committee? Winona is distant from any landing on the Mississippi River and has no railroad connection save the one mentioned. Steamboat and barge lines running on the river from Memphis carry cotton to New Orleans for $1 or less per bale. The railroad, then, must carry the cotton to the same destination for $1 per bale or abandon the business entirely. The current expenses of the road, the wear and tear of its cars and track, will be substantially the same whether its trains return empty to New Orleans or go back laden with cotton. The rate of $1 per bale may not pay if we take into account interest upon the cost of the road, but, sir, if it pays operating expenses, or even a considerable portion of them, the road can not afford to lose it, and the people of Winona can not afford to have the road lose it, because any diminution of its net income will probably result in an increase of rates from that place.

But the gentleman from Texas insists that no harm can result from his bill because the road is permitted to charge as much for the long as for the short haul. Then, Mr. Speaker, the best that the company can do is to equalize the two rates. I venture to assert, sir, that in nine cases out of ten this will result in an increase of the through rate. Very many railroads in this country, especially in the South and West, enjoy large debts and have a very limited income. This road from Memphis to New Orleans, I believe, is one of that class. Stockholders may afford to wait indefinitely for dividends; but the road must derive sufficient income from the business on its line to pay operating expenses, repairs, and interest on its debt. It must do this, sir, or fall into bankruptcy. Its business on the present basis produces, perhaps, that amount of income.

Then, sir, an equalization of the rates, in order to produce the same income, must result in decreasing the rate at Winona and raising it at Memphis. To illustrate: Assume that its shipments from Memphis amount to 5,000 bales at $1 per bale; from Winona 1,000 bales at $3.25. Then it receives from its cotton business at these two points $8,250, and it must continue to receive that amount from that business or make good the deficiency by charging more at other stations or on other classes of freight. If it reduces the Winona rate to $1 it falls short of the necessary income. If it raises the Memphis rates to $3.25 it not only loses the Memphis business but inflicts enormous damage on the public at large. The very best it can do is to fix the rate at both places at $1.37½, which, if it can retain the Memphis business, will yield the same income which it now receives.

But, sir, the provision of this substitute almost literally places the railroad "between the devil and the deep sea." An increase of 1 cent in the rate from Memphis deprives them of the business there. An increase of 3 shillings not only throws the business to the barge lines, but enables those lines to advance their rates to $1.30 or even $1.35. This will incite and authorize railroads carrying cotton north and east from Memphis to increase their rates also, and this increase in rates of transportation will be paid by the producers. The practical effect of this provision of the substitute, Mr. Speaker, will be to levy a fine of from 1 to 3 shillings per bale upon every producer whose cotton is marketed at Memphis, and for no better reason than the simple geographical fact that the town of Winona is situated at a distance from the Mississippi River.

The same thing will occur, Mr. Speaker, at Chicago, but on a vastly greater scale. The great staples of the Upper Mississippi Valley, Wisconsin, Minnesota, Dakota, the northern portions of Illinois, Iowa, and Nebraska, must pass Chicago on their way to the seaboard. There they meet the competition between lake and rail. The railroads are compelled by the competition of the water routes to carry these staples to the seaboard at very low rates—rates which benefit immeasurably not only the millions of producers in the Northwest but the millions of consumers in the East. The roads have their option—they can carry at these low rates, or send their trains back empty to New York. Like the road at Memphis, they prefer to get what they can out of the business to pay or help to pay their current expenses. If they increase the through rates, as they must in any attempt to equalize the through with the local rates, they lose the business; the water routes and Canadian railroads advance their charges, and the increase of freight is paid by the producer. Upon all the producers of that vast region tributary to Chicago you levy a fine for every bushel of grain, barrel of flour, and pound of meat raised in a vain attempt to extend the benefits of competition to places where competition does not in fact exist—an attempt whose only result can be to hamper and restrict competi-

tion at those places where nature and the enterprise of man have established its necessary conditions.

Mr. Speaker, if I were well convinced of the soundness of the principle attempted to be expressed in this section of the substitute, I should hesitate long before voting to inflict its inevitable consequences upon the people whom I represent. Let the commission also examine into this subject and recommend to Congress such legislation as will tend to prevent abuses, and leave to the roads and to the people their natural right to the uses and advantages of competition.

The great difference between the substitute and the bill of the committee is found in the fact that the bill assumes that a complete code of railroad regulations can not be framed by any one Congress, and lays the foundation for the building of such a code in the light of practical experience and calm reflection. The substitute assumes that all the conditions of the problem are completely within our grasp, and proposes forthwith to lay the mailed hand of political power upon the most complicated and sensitive business adjustments of modern times. I believe the results of such action where not ineffective will be disastrous to the interests of the country, and I therefore support the bill of the committee. *Festina lente* should be our motto in a matter so delicate and important. We should proceed with caution and deliberation, groping outward toward the limits both of jurisdiction and expediency. In this way only can we secure to the country a wise, safe, and beneficent system of railroad control.

Mr. MCADOO. I am not of those to whom a railroad company, because it is a railroad company, is always and everywhere an object of attack. There are gentlemen to whom the interesting, useful, and civilizing locomotive is "a monster of such hideous mien that to be hated needs but to be seen" in connection with some proposed legislation. There are other gentlemen who, applauding the victories of this mighty monster, would abdicate all governmental functions in its favor. Between these contending hosts there must be a golden mean.

I have long observed that in discussing railroad legislation in the State Legislature or in Congress the advocates and opponents rapidly array themselves into two classes, the one drawing strong pictures of railroad benefits and asking liberal legislation or non-interference, and the other calling for restriction to protect the welfare and liberties of the people against railroad injustice and aggression. The one cries out, "You would have no country without railroads;" the other, "Restrict the railroads or you will soon have a country without liberty." Let it be ours to so legislate as to have a free country and great railroads, each aiding and harmonizing with the other. I am opposed to all legislation savoring of paternal government. Government is an umpire, to see fair play between the contending rivals in the game of life.

But in regulating railroads the Government is dealing with its own creations. The railroad company is a public concern—a governmental agent as it were—a public carrier upon a public highway.

In dealing with railroad companies there are legislators whose liberality makes them dangerous guides to follow. For the results of being too liberal and enthusiastic in legislating for railroads we need not accompany the amiable, interesting, eloquent, and distinguished gentleman from Massachusetts [Mr. LONG] to the Palestine of cooing winds and waving palms, but we can linger to learn in the no less heavenly, if less beautiful, precincts of Jersey City, N. J. To build up her railroad system New Jersey gave exemptions from local taxation to the companies. To-day the metropolitan city of the State has over $40,000,000 of property within her borders that does not share equally in the local burdens while benefiting fully from municipal government. These exemptions have been held by the United States Supreme Court to be in the nature of irrepealable contracts. The enactors of these statutes may have meant well, and when the giant genius of Webster procured the decision of this supreme tribunal in the Dartmouth College case he little thought he was but rearing a monument to his legal fame whose shadow would fall like blight on the cities of his country. On the college case has been based these decisions in favor of the irrepealability of such contracts.

In the light of experience I am opposed to railroad discrimination, rebate, pooling, and to centralizing, expensive, imposing, but worthless commissions, and so in favor of the substitute bill of the distinguished statesman from Texas, Judge REAGAN. Let us look at some of the evils this bill attempts to remedy.

At pooling, for instance. For many years the statute-books of the various States have been laden with penal statutes forbidding the combination of laborers and artisans to "strike" for higher wages. It was said to be a conspiracy against trade and commerce for them to so combine. But, while the printers or the brakemen could be cast into jail for combining to say how much shall constitute pay for a day's work, Messrs. Gould and Vanderbilt and Huntington can form a pool and say how much it shall cost the printer or brakeman to transport his barrel of flour or pork from Chicago. What wonder that such inequalities in legislation awaken popular discontent? What healthy competition does pooling admit of? Make pooling illegal, and an honest standard and fixed schedule will be the result. The people and the companies will both benefit.

A system of rebates encourages unjust discrimination and fraud. Under it one man's success is built up on the ruins of another man's business. In favor of rebates, the erudite and learned gentleman from Massachusetts [Mr. LONG] has attempted to harrow up the feelings of the great American Congress for an unfortunate owner of staves who is hobbling around creation on rebate-crutches looking for a market for his wares. Suppose this unfortunate and nomadic individual knew in advance that in no case could he get a rebate, would he not entirely stave off the evil day by either staying at home and saving his staves or send them to market when he knew there was no risk? What is the history of rebates? Have they not been used by a powerful company to crush its rivals and by great enterprises to ruin struggling competitors? Perfect equality should be the law. As to schedules of rates, I cannot see any possible injury to the companies from that. If trouble is found in carrying out this provision legislation can supply a remedy. Against proposed regulations of any kind captious objections will always be raised. You could stay here until the day of doom and make propositions to regulate the railroads, and every one would be met by some objection. They want unlimited freedom; the people reasonable restriction.

Nothing seems to me so unfair as the allowance in favor of the long haul as against the shorter one.

The fertile and oriental imagination of the gentleman from Massachusetts [Mr. LONG] illustrates his position by supposing the case of a railroad to Jericho on the hilltop without competition, to Jerusalem beyond with competition. He says the difficult grade of the hill makes Jericho pay for Jerusalem. The physical altitude of Jericho inures to the financial elevation of Jerusalem. The malarious vapors of Jerusalem are made bearable owing to the heavy toll on the tonic air of Jericho. To the wayfaring man who now as in Scripture falls among the rebate and pool thieves on his way to Jericho our benevolent friend from Massachusetts would give his sympathy, and our learned and able friend from Maryland [Mr. FINDLAY] would in his own language say:

In the utter hopelessness of the case we mutter between our teeth "God help them," or, with a deeper charity and a more genuine submission to His will, put our hands in our pockets and do what we can.

But neither would send an officer of the law after the robbers. Practically speaking, the illustration of the gentleman from Massachusetts is not a good one in this country; not even, I think, in mundane Jerusalem. Railroads are operated to make money. In making it let them not rob Peter to pay Paul.

Let us take an occidental illustration: Here is Chicago (not the old and certainly not the new Jerusalem), with many competing lines. Here is Paradise, Pa., on the most natural and easy route between New York and Chicago. Only one line of railroad passes through it. It is only two hundred miles from New York, and yet passage or freight under existing circumstances is liable to be greater to Paradise than Chicago. Of course I know Chicago and another similar place are both reached by down grade and easier of access than Paradise, but on what idea of justice should Paradise, Pa., pay up for Chicago, Ill.? This system is very unjust to the Eastern farmer. With higher taxes, dearer land, and higher cost of production, all paid on account of proximity to the seaboard, he can not compete with those thousands of miles inland. It is unjust to the Western and Southern merchant, because his Eastern rival, without breakage in transit, meets him in the inland towns with positive advantage.

The gentleman from Pennsylvania [Mr. HOPKINS] has very ably shown the constitutionality of this bill. As its distinguished author says, it is the commerce and not the railroads he aims to regulate. All admit the power to regulate the measure if regulation is alone in dispute. The substitute, by putting everything in the courts, prevents any unconstitutional interference being exercised.

Railroad commissions work well in many of the States. There they are invaluable in settling questions of taxation between the railroads and the people. Such is the case in my own State. But the commission proposed by the bill of the committee seems to me a useless institution. I should think the railroad managers would favor the commission. Very imposing but entirely impotent, it would be a harmless safety-valve for popular and individual discontent, without benefiting or hurting any one concerned. Their finding would be less potent than the editorial condemnation of a leading journal. Looking imposing from the respectability of his office and income and the princely freedom of his travel, a railroad commissioner under the committee bill could walk adown the sunny years of his official life amid the serried ranks of smiling railroad directors and all-attentive train conductors, tremendous in his processes and infinitesimal in his results—the stall-fed ox of the national farm, unable to plow and not merchantable in the shambles.

The complainants before the commission waite and watches like another Jarndyce, and finally possessed of their impotent finding is compelled to go into court on his own responsibility and at his own expense, for the committee bill gives him no counsel and less encouragement. The district attorney is not paid nor compelled to succor him. Even if the commission was powerful, I would still think an honest court and jury preferable. What influences might not control the appointment and action of the commissioners. The safety of our institutions and rights demands an honest and fearless judiciary, and if we can not depend upon our courts, then indeed is our condition a bad one. In view of the colossal wealth and great power of these companies, any

three men, however pure and good, holding in their power 125,000 miles of railroad and dealing with a commerce of not less than $10,000,000,000 annually, might indeed fervently exclaim, "Lead us not into temptation." Besides all this, the dangers which might occur in their appointment are too patent to be discussed.

As I said in opening, I have no desire to make indiscriminate warfare on railroads, and am only concerned that the welfare of the people shall be as much considered as the prosperity of these companies. I agree with much that has been said as to how far they have advanced the material growth of the country, but this great country and this free Government must not become totally subservient to their power. Our free Constitution banishes the feudal lords; let us see to it that they are not replaced by railroad monarchs who can control the election and selection of the representatives of the people and direct their actions to suit the interests of these great corporations. I applaud their achievements and would encourage their development, and at the same time protect the citizen from an undue exercise of their great power. So vast is our railroad system, that the locomotive has almost become the national emblem.

The shrill scream of the locomotive has startled the denizens of our virgin forests, and its gleaming light has cleared away the midnight shadows of our most distant hills. Before its swift approach the savage and the wild beast have fled like the hunted quarry before the swoop of the lordly eagle. In the wake of its streaming smoke and curling vapors towns and cities have arisen along its shining course. It has been the missionary of civilization and the apostle of prosperity. Forbid it, wise men and true; forbid it, Representatives of the people, that it should ever be prostituted to become the giant juggernaut of monopoly to crush the liberties, the hopes, and the happiness of our people; to ruthlessly fell the poor man's home and herald its approach with the wailing of its victims; to drag in its wake myriads of honest toilers like chained captives to the triumphant chariots of Roman victors.

Speed it on its way, but let it scatter blessings, instead of blight; let it minister to the wants and happiness of the people, instead of proving destructive to their liberties and their prosperity.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

A bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio; and

Joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. HEPBURN addressed the House. [See Appendix.]

Mr. WOOD obtained the floor.

Mr. REAGAN. I ask the gentleman from Indiana to yield to me for one moment so I may offer an amendment to be considered as pending to the bill of the committee.

The Clerk read as follows:

Amend the bill of the committee by striking out all after the seventh section.

Mr. REAGAN. Now I wish to ask the members of the committee and others interested whether we can have an understanding as to the closing of this general debate. To-morrow the gentleman from Missouri [Mr. CLARDY], a member of the committee, wants thirty minutes. I wish then to close debate by calling the previous question on the two amendments which have been suggested. The result will be to give us one of the bills, which then can be considered for amendment under the five-minute rule. If the substitute is adopted, that will be under the five-minute rule for amendment; and if the committee's bill is sustained, that will be under the five-minute rule for amendment. What I wish is to get some understanding when we shall get to the five-minute debate and to the disposal of this matter at an early day.

Mr. O'NEILL, of Pennsylvania. That will not preclude any one from offering amendments. Now the committee, when it presented its bill through the chairman, had an understanding it should be open to amendment in the House.

The SPEAKER. According to the rule and practice of the House the bill reported by the committee is first to be perfected by amendment and then the substitute before the vote is taken between the two. But of course there can be an understanding on the part of the House that a test vote shall be taken between the two opposing propositions, and that the one sustained by the vote of the House shall be considered under the five-minute rule.

Mr. REAGAN. It was from my knowledge that such was the practice of the House I have ventured to make the suggestion.

Mr. O'NEILL, of Pennsylvania. I do not know that it is necessary, but I wish to say that at some stage of the proceedings, if I can get the floor, I desire to make the motion to recommit the bill so that it may be improved.

The SPEAKER. That motion will be in order.

Mr. O'NEILL, of Pennsylvania. I wish to recommit the bill so that it can go back to the committee and be brought again into the House improved in many provisions.

The SPEAKER. The gentleman can not be deprived of his right to recommit the bill.

Mr. PETERS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. I wish to ask whether, after the previous question is ordered, any amendments could be offered to the bill other than those which had been presented prior to the demand for the previous question?

The SPEAKER. The gentleman from Texas announced his intention to move the previous question simply upon the two amendments he has offered, leaving the bill thereafter open to amendments.

Mr. PETERS. That will be satisfactory to me.

Mr. O'NEILL, of Pennsylvania. It might as well be stated, so that the House will not misunderstand it, that when this bill was authorized to be reported from the committee full opportunities were to be given to members of the committee to offer amendments in the shape of substitutes or otherwise.

Mr. KEIFER. I understand the gentleman from Texas proposes to move the previous question upon his substitute and another amendment which he has offered.

Mr. REAGAN. Upon the two amendments which I have offered, to call the previous question upon them and for the purpose of determining which of the two bills the House prefers, in order that it may go on without unnecessary delay and amend the one which may be selected, instead of two.

Mr. KEIFER. But does not the Speaker state a difficulty that may grow out of this arrangement, that is, that we might be forced to take the substitute?

Mr. REAGAN. I propose that the substitute itself shall be open to amendment.

Mr. KEIFER. Then that had better be clearly understood, and that we are simply voting as a matter of preference between the bill and the substitute; and after that is done leave it so that the one which is selected shall be considered in Committee of the Whole under the five-minute rule.

Mr. REAGAN. That is my suggestion.

The SPEAKER. The Chair so understands it.

Mr. KEIFER. I do not object, then, to that.

The SPEAKER. Without objection that will be considered as understood.

There was no objection.

Mr. WOOD. Mr. Speaker, railroads have been constructed over the country so rapidly in the few years past, and were so desired by the people in every part, that railroad companies were granted very liberal privileges, and in some cases extensive powers, in statutes and charters. These powers belonged to the government granting them, but they can not be forfeited or repealed, as vested rights have intervened. No industry has developed more than railroad building in the same time, the aggregate capital of which is placed at $6,000,000,000 and the number of miles at 125,000. This vast system is powerful for good to the people and the country, and is equally powerful for abuse and wrong, and we find that human rapacity is as strong in the conduct of railroads as in other kinds of business.

Ordinarily abuses and wrongs between individuals, business firms, or corporations can be remedied and redressed in the local courts, or if there is no existing remedy the Legislature may grant one; but here is a business so enormous as to span the continent and is penetrating the interior of every State in every direction, bringing along great good to the country, developing the waste and forest, building villages, enlarging towns to cities, and stimulating and starting useful industries among the people. Yet with all these great advantages following come also great abuses and gross wrongs to individuals and business, and necessarily there is no adequate remedy by resort to local authority. I think the General Government should exercise the power, which I believe is not denied now, to remedy the abuses charged to exist. The railroad companies need not fear Federal statutes and penalties as long as they conduct a fair and legitimate business, and a fair remedial statute can not menace capital in an honest undertaking.

The enactment of a fair law to remedy abuses charged can not harm honest railroad business or suppress new enterprises. The law can only affect such railroad corporations as are engaged in systematic wrongdoing, and it will have no force whatever against honest dealing and legitimate business.

It is contended that there is a difference of mind as to what is wrong or abusive in railroad practice and management. There is in all human conduct. The action of the law-making power, consistent with the organic law of the country, is decisive of that question. It is fair to say that no legislative power in this country would declare certain conduct in business a crime without just cause or reason for it.

I would only support a bill up to a law that would remedy abuses in railroad management. I would encourage all their legitimate traffic. Which measure is the better, the committee bill or the Reagan substitute? The main difference in them is, the committee bill provides for a commission while the substitute does not, and the substitute prohibits a greater charge per mile for a short haul than for a long one. I submit these are substantial differences, and I must favor the substitute for the committee bill.

There has been a good deal of declamation about the great benefits of a commission. They are mostly imaginary. Suppose a commission is established under the committee bill. It is to sit in Washington or adjourn to other parts when it deems it necessary. Very well. What is the practice? The shipper is to complain to the commissioners in writing. He lives in my district, nine hundred miles away, and he must send his complaint to Washington; or if he lives in the South or far West he must send his complaint to Washington. Then what? The commissioners investigate. How? Go where the shipper lives and does his business, and take testimony? Or require him to employ an attorney and send his deposition, and possibly hire an attorney in Washington to argue the merits of his case before the commission? After hearing his side then they are to send for the railroad company, perhaps doing business in Kansas, for such information as it has on the subject.

After this is done then the commission may send a copy of its decision to the United States district attorney of the State and one to the railroad company. Then the United States district attorney is to ask an injunction to stop the injustice. Here is litigation begun after waiting for the report of the commissioners. This is elastic. It is an india-rubber performance to stretch out the case in hand until the injured party falls from pure exhaustion. After the district attorney gets the matter before the United States court then real delay begins. Then time is asked for a hearing, trial, and argument; then an appeal to the Supreme Court of the United States, where errors are reviewed all through the case, and possibly the case will be reversed. A great remedy that.

Then see how impracticable the work of this commission. If it is to hear and investigate all grievances of every shipper complaining in the United States, as well as decide the protracted contests over pooling operations, then the work and the field is too large for it altogether, and it could not begin to examine the complaints made. A commission would be a farce. It is what the wrongdoing railroad companies suggest and want this House to pass. Why declare certain acts and practices of railroad companies wrong and a crime and then leave it out to a commission to investigate? Oh, what a farce! Make certain conduct a crime, then deal gently and name a commission to handle it carefully. Yes; by all means have a commission, to let the criminals have a chance before it, and then another chance before a court when the district attorney files his complaint.

I see no reason for allowing these corporations more leniency after the commission of crimes than the humblest citizen after he is indicted and brought before the court to answer at once. Declare certain acts wrong, unlawful, a crime, and then appoint a commission to investigate! Is that your tender policy? If so, it is a gross discrimination against the balance of mankind, who must answer directly to the proper authority for their crimes and misdemeanors. I say if we declare certain conduct of railroad companies a crime, then deal with it as a crime directly, as provided in the substitute. Why leave it to a commission to investigate? It would mean nothing in the end.

This brings me to the question of unjust discriminations. It is well known that certain railroad corporations enter into secret agreements with certain shippers, wherein they pay less rates on through or local freight than is paid by other shippers, and this is true whether there are competing lines of railroad or not. The effect of this preference is to build up one shipper at the expense of others, and thus affecting all the people—the producer, laborer, and shipper. It is safe to say that the preferred shipper does not pay less than reasonable rates; but if he did, then the company could not continue business unless it charged more than a reasonable rate to other shippers in order to make good the loss.

If this be done, then an unjust favoritism is granted, by which he reaps large gains not only at the expense of other shippers who pay his freight charges in the payment of their own unequal charges, but also at the expense of the laborer and producer from whom the preferred shipper buys, whether it be the product of the farm, the factory, mill, or the shop, for the price of all such products is fixed in part by the cost of shipment to a given point. Transportation charges are always considered in establishing the prices of commodities. Then we have the preferred shipper buying flour at $5.50 per barrel, the market price at the place of production, and shipping it to another point, the freight rate on which is 50 cents, regular schedule rate. This makes the barrel of flour worth $6 per barrel at place of delivery.

Now the farmer must pay labor and raise wheat at a price fixed after considering the cost of flour per barrel and cost of shipment to the given point. These fix the price of his bushel of wheat, and the price of his wheat fixes the price he pays for labor. Now if the preferred shipper only pays 25 cents per barrel by a secret contract for shipment to the given point when the regular schedule rate is 50 cents, clearly he derives 25 cents from the wheat-raiser, the laborer, and the flour-maker. It enables him to reap large gains from the laborer and producer in other useful industries for which he gives no equivalent, and it is an injustice that can not be defended. It enables him to continue a prosperous business, while other shippers feeding him all the while are not able to do so well, thereby injuring the growth of competitive industry.

In this instance the railroad company and the preferred shipper are doing a wrong to the producer and to the public by enabling the shipper to obtain money that he has no right to get. It is money obtained by a false pretense to all concerned that he pays the schedule rate, when in truth he does not; but through this secret arrangement he unjustly obtains the money of others without rendering unto them any equivalent. I do not hesitate to say that this conduct ought to be called a crime, and that a just penalty should be fixed for it. I know it is claimed that railroad property is individual and private property and that the owner has a right to use it in a way that best suits him; but that claim is no longer well founded, for the courts have declared railroads public ways so far as commerce and transportation are concerned, and their management in this respect is not only individual but for the best interest and safety of the public.

It is asserted here that rebates are proper and that railroad companies have a right to make them. Why, this is the same thing as the secret agreement in effect. The understanding in such cases is that the shipper shall pay the schedule rate, and upon production of his receipt for payment of it at the main or special office he shall have a certain amount refunded. Why is this done? To deceive other shippers? To deceive the public? It is the same false pretense and favoritism. Transportation charges over public ways is the same thing as a tax on all articles transported. Why tax one man more than another engaged in the same business? It would be no worse for the taxing power in any State to tax one man more than it taxes another, or that the tax-collector should collect the fixed rate of tax on a certain individual's property and afterward refund to him half of it on the ground that he was a big tax-payer and influential citizen. The act is so unfair and unequal as to become unconscionable, and I would make it a crime and declare a penalty.

There are instances of freight carriage that appeal strongly for rebates, and in such cases the law ought to permit the facts to come out fully before the court or jury hearing the case, and if it is found to be fair and reasonable it should be a good defense under the law. I would like to see section 8 of the substitute amended so as to allow the facts to come out, and let the court or jury determine whether they constitute a defense to the case or not.

I come now to the other question of pooling.

Pooling contracts between divers competing lines of railroads are made to cut off all competition in the hauling of freight. It does not benefit the people or the patrons of the roads; it does benefit the railroad companies, because the pooling contract establishes and maintains certain charges wholly fixed by the parties to the pooling contract. It is wholly one-sided in its execution and effect. Shippers and other patrons of the roads are not consulted at all; their interest is not considered in these contracts. The producer has no voice in making the pooling contract. It does prevent honest competition in freight hauling. I know it is claimed that competing lines can not survive without pooling contracts, that is, the strongest line will destroy the others, but that the pooling contract protects all the lines.

I think it does protect all the lines from reasonable competition, but I deny that competition would destroy any rival line of railroad. It would have the effect to reduce freights to reasonable rates, and it can not be presumed that any competing line of railroad would mark down freight charges below the reasonable limit to destroy adversary lines, as no profit could result from such methods to any line of road. I see no reason why the people, the shipper, and other patrons of railroads should be deprived of the benefits of honorable competition in railroad freights by pooling and combinations. One of the blessings of every trade is competition. Anything done to prevent competition establishes monopoly, and with it comes the cast-iron grip upon the earnings of honest industry. Pooling is a combination of railroad corporations to equally get the most from the farmer, the mechanic, the laborer. It is an agreement not to injure the chances of one another to get unjust money from all other people.

Why talk here persuasively and softly of this wrong? Are you afraid these railroad companies will take revenge upon you for combating their wrongs upon the public? Are you afraid of these corporations? They are in the hands of the people of this country, and their wrongs ought to be remedied by law just the same as other wrongs are remedied. Talk to me about turning on light to wipe out rascality and wrong! Why, since the Christian era light has been turned on every phase of wrong known to human annals, and is it wiped out by the extra light? Not at all. You may turn light on murder, rapine, and arson until the whole world knows how it is done, and they will not abate one jot or tittle. What does the evil spirit care for the light of exposure? That is no punishment and no preventive at all. Positive law, with penalties, is the only remedy.

It is urged in this discussion that it is right to charge more for a

short haul of freight on same line of road than for a long haul. Well, that is elasticity indeed.

Is it right, is it fair, is it honest to charge the same amount for hauling freight fifty miles as for three hundred miles? The haul of fifty miles is only one-sixth of the cost of steam, wear and tear, and time for the 300 miles. Why do they do this? Oh, they say there is river or lake competition in the long haul and none in the short haul. Ah! is that it? Then where there is competition they must come down to what? Destructive rates? Not at all. What then? Down to what the carriage of goods or produce can be done for. They say that is a loss to them. Who knows? Where is the proof? I want no bald assertions.

It is known that railroads have destroyed good river traffic and canal traffic. What destroyed the Wabash and Erie Canal? The railroads. Here the water traffic could not be done as cheaply as it could be done on the railroads. Greater speed and convenience of handling freight is on the side of the railroads. Take the statement as true that long hauls must be made at less figures than short ones, still is it right? If competition makes the long haul unprofitable, which is never true, is it right to double up the rate on the short haul where there is no competition? Is it right to overload the people and shippers of intermediate points on the road with high charges to make up the loss on long hauls of which other people and other shippers get the benefit?

Is that the beneficent system of railroading? Carry out the parallel, and, if necessary, the long haul must be made for nominal rates; but we will make the people in the back towns smart for it. They have no competing roads, and we will just make them sweat under the doubled-up rates in order that we may make big profits in railroading, though we will haul through freight for nominal rates. Do you call this system beneficent? Do you call it right? I do not. It is a wrong that the people will not much longer endure.

It is contended that every time a railroad runs through a hill, over a mountain, or across a stream, that the local shippers must pay rates in proportion to the extra cost of the road by reason of these contingencies, while the through shipper shall go free of charge for these causes. Well, that is real elasticity indeed. That is called masterly. It certainly is ridiculous, to say the least of it. Does not the through shipper get the benefit of the whole road, with all the hills it cuts, with all the mountains it tunnels, and with all the streams it crosses? Is he not benefited when he ships over the entire road the same as the shipper over part of it? Certainly he is. Then why charge him half what you charge the local shipper? The answer is only because it can be done without regard to justice, right, or reason. It is a matter of pure force and not of right. It is the old saying, that might makes right. I have no prejudice against railroads or their legitimate business; I am for them; but I say to them, do right with all people and there will be no complaint. [Applause.]

Mr. REAGAN. Before any other gentleman proceeds to address the House I desire there should be an understanding about what was agreed upon some time ago. I supposed I had got unanimous consent to proceed with the further consideration of this bill to-morrow. I have been told by some gentlemen that that was not understood. I desire now to know whether I had unanimous consent to go on in the morning.

The SPEAKER. The Chair did not state to the House that part of the request which the gentleman from Texas says he submitted and which the Chair failed to hear, a request for unanimous consent to proceed with the consideration of this bill to-morrow. Is there objection?

Mr. McMILLIN. I dislike to appear to antagonize in any way this bill, the importance of which I fully realize, by insisting on the Private Calendar to-morrow. But I think we should proceed to-morrow to the consideration of the Private Calendar. If thus early in the session we can not reach that Calendar there is no hope of reaching it at all. My friend from Indiana [Mr. HOLMAN] suggests that I should not insist on the consideration of the Private Calendar to-morrow if it placed this bill in jeopardy. But the bill can be completed on Saturday, while we can not go on with the Private Calendar on Saturday. I am as much for the consideration of this bill as any one, but I think it can be disposed of this week without interfering with the consideration of the Private Calendar.

The SPEAKER. Does the gentleman from Tennessee object?

Mr. McMILLIN. I shall have to object, Mr. Speaker.

Mr. REAGAN. Then I ask that the understanding heretofore come to as for to-morrow shall be the understanding for to-morrow or the first day the matter shall be considered, if that day be Saturday.

The SPEAKER. The Chair understands the request made by the gentleman from Texas, except that part in relation to the consideration of the bill to-morrow, has already been agreed to by the House.

Mr. REAGAN. I want it understood it is agreed that after voting on these amendments we proceed under the five-minute rule to consider that one of these bills which shall have the preference.

The SPEAKER. That was part of the understanding.

Mr. O'NEILL, of Pennsylvania. That is the understanding of what shall be done when the bill next comes up.

Mr. REAGAN. If no one desires to continue the debate this evening I shall move that the House do now adjourn.

NEW YORK CANALS.

Pending the question on the motion to adjourn,

Mr. HISCOCK, by unanimous consent, introduced a joint resolution (H. Res. 298) to appoint a committee to investigate the capacity of the canals of the State of New York, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. HISCOCK. I ask that the joint resolution be printed in the RECORD.

There was no objection. The joint resolution is as follows:

Be it resolved, &c., That a joint committee of eight members of the next Congress be appointed, to consist of five Representatives, to be appointed by the Speaker of this House, and three Senators, to be appointed by the President of the Senate.

Said committee shall confer with a committee of like power appointed by the Legislature of the State of New York and with the Governor and other State officers of said State, in regard to the maintenance of the canals thereof, and ascertain if said canals are sufficient for the requirements of interstate commerce or if they should be enlarged, and the cost of such enlargement.

And said committee shall ascertain upon what terms and conditions the United States can acquire the title to and jurisdiction of said canals, or of any of them.

Said committee is authorized to appoint one of its members chairman, and may hold its meetings at such times and places as it may appoint in the State of New York or the city of Washington, and to take testimony, and employ a clerk, who shall be a stenographer. The expenses of said committee shall be paid from the contingent funds of the two Houses of Congress, to be disbursed therefrom upon the order of the chairman of the committee and of two other members, one of whom shall be a Representative and the other a Senator; and said committee shall report in writing to the next Congress.

ADDITIONAL COMMITTEE CLERK.

Mr. WARNER, of Ohio, by unanimous consent, submitted a resolution authorizing the Select Committee on the Payment of Pensions, Bounty, and Back Pay to employ an additional clerk; which was referred to the Committee on Accounts.

FEES OF PENSION CLAIM AGENTS.

Mr. WARNER, of Ohio. I also submit a resolution directing the Secretary of the Interior to furnish certain information relating to fees of claim agents in pension cases. This is a report from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be directed to report to the House the number of contracts providing for the payment of fees of $25 in pension cases to claim agents under the act approved July 4, 1884, which have been filed in the Pension Office, and whether any of such contracts cover claims on file prior to the passage of said act; and also how many, if any, of such claims for fees have been allowed and paid, and if any fees so paid are for claims so filed prior to the passage of said act.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. KEIFER. That, I think, would take so much time that it would be necessary to provide a new corps of clerks.

Mr. WARNER, of Ohio, I am assured that this information can be very easily furnished.

Mr. KEIFER. I will not object.

The resolution was adopted.

Mr. WARNER, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOSES M. BANE.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. 7677) to reimburse Moses M. Bane, receiver of public moneys at Salt Lake City, for rent paid by him; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNATIONAL POLAR EXPEDITION.

Mr. THOMAS. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be requested to transmit to the House of Representatives, if not inconsistent with the public service, the report of the international polar expedition to Point Barrow, Alaska, by Lieut. D. H. Ray, United States Army, for the years 1881, 1882, and 1883.

Mr. KEIFER. I desire to reserve the right to object until we learn the reason for offering this resolution.

Mr. THOMAS. I will make a very brief statement. There were two expeditions organized at the same time, the Greely and the Ray expeditions, one to go up on the Atlantic side and the other on the Pacific. Lieutenant Ray, having charge of the Pacific expedition, discharged his duties, remaining in the Polar region at Point Barrow, the most northern point of Alaska, for two years, made the most accurate and exhaustive examination and observations, returned with all his men in good shape, and has prepared the most magnificent report of his observations in that section of the world. Under the law the Secretary of War has no authority to have this document printed; and we desire to call for it, simply for the purpose of bringing it to this House that it may be printed for the use of members and of the scientific world.

Mr. McMILLIN. Is this resolution reported by a committee?

Mr. THOMAS. It is not; it does not require any report.

Mr. McMILLIN. Let it be considered by a committee.

Mr. THOMAS. It is all right. The report is all ready to be transmitted here as soon as it may be called for. I hope the objection will be withdrawn.

The SPEAKER. Is there objection to the resolution?

Mr. McMILLIN. My judgment is that this matter ought to be considered by a committee. I have no objection to the introduction of the resolution for that purpose. If it is right the committee can soon report.

Mr. THOMAS. The report is all ready to be transmitted. The adoption of the resolution involves no expense at all. I hope no objection will be made.

The SPEAKER. Unless the objection be withdrawn the resolution will have to go to a committee.

Mr. McMILLIN. Do I understand that this report has already been printed?

Mr. THOMAS. It is all ready to be transmitted to the House. The adoption of this resolution will involve no expense at all.

Mr. McMILLIN. Is it not proposed to have the report printed by this House?

Mr. THOMAS. That is a matter to be determined hereafter when the report comes in—not now.

Mr. McMILLIN. If the object is simply to get the report before the House I have no objection to the resolution.

There being no objection, the resolution was considered and adopted.

Mr. THOMAS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The later motion was agreed to.

EDWARD S. KEARNEY.

Mr. GEORGE, by unanimous consent, introduced a bill (H. R. 7678) for the relief of Edward S. Kearney; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

NATIONAL AID TO EDUCATION.

Mr. LONG, by unanimous consent, presented the following resolution; which was referred to the Committee on Education, and ordered to be printed in the RECORD:

BOSTON, *December 6, 1884.*

DEAR SIR: At a convention of superintendents of public schools held at Boston, November 21, 1884, it was voted that the president forward to each member of Congress from this Commonwealth the following resolution adopted by the convention:

"*Resolved*, That it is the sense of this convention of superintendents that the Senate bill for national aid to education should become law by action of the present Congress."

Very respectfully, yours,

E. C. CARRIGAN, *President.*

To Hon. JOHN D. LONG, *Washington.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a joint resolution (S. R. 101) in relation to the ceremonies to be authorized upon the completion of the Washington Monument, in which the concurrence of the House was requested.

LABORERS IN CLERK'S DOCUMENT-ROOM.

Mr. HOLMAN. I am requested to submit, for reference to the Committee on Accounts, the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, That the Clerk of the House be empowered, and is hereby authorized, to continue in the service of the House the two laborers in the Clerk's document-room authorized under resolution of June 13, 1884, to arrange, sack, and ship the reserved calf-bound and special-bound documents belonging to members and to arrange the files; the said laborers to be paid out of the contingent fund of the House at the same rate heretofore named, under the supervision of the Committee on Accounts.

There being no objection, the resolution was referred to the Committee on Accounts.

PRINTING OF EXECUTIVE DOCUMENTS.

The SPEAKER. The Chair asks that an order be made for the printing of certain executive documents heretofore referred to the Committee on Appropriations without any order to print.

There being no objection, the following executive communications heretofore laid before the House and referred to the Committee on Appropriations were severally ordered to be printed:

A letter from the Secretary of the Treasury, transmitting supplementary estimates of the Interior Department for appropriations for the Indian service for the fiscal year ending June 30, 1886;

A letter from the Secretary of the Treasury, transmitting a communication from the Comptroller of the Currency correcting his former estimates for expenses of the national currency, and submitting an additional estimate of $110,000 for the expense of engraving, printing, and furnishing national-bank notes, for the fiscal year ending June 30, 1886;

A letter from the Acting Secretary of the Treasury, asking an immediate appropriation for the removal and storage of material at the Government Printing Office, as provided for by joint resolution of February 6, 1883;

A letter from the Acting Secretary of the Treasury, transmitting a letter from the First Comptroller of the Treasury, with inclosures, relating to estimate of appropriation for printing revised laws of Wyoming Territory; and

A letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of the appropriation required to pay owners of the steamer Druid for damages sustained by collision with United States steamer Powhatan.

The SPEAKER. If there be no objection the Chair will lay before the House certain executive communications.

There was no objection.

POSTMASTERS' CLAIMS FOR LOSSES BY FIRE, ETC.

The SPEAKER laid before the House a letter from the Acting Postmaster-General, transmitting, as requested by act of March 17, 1882, lists of claims allowed and disallowed for losses by postmasters from fire, burglary, and other casualties; which was referred to the Committee on Appropriations, and ordered to be printed.

FORBES'S HISTORICAL ART COLLECTION.

The SPEAKER laid before the House the following communication; which was referred to the Committee on the Library:

NEW YORK, *June 17, 1884.*

DEAR SIR: I have the honor to transmit the following extract from the proceedings of the meeting of the Army of the Potomac, held in Brooklyn, N. Y., June 11 and 12:

"*Resolved*, That this society earnestly recommend the passage of the bill now pending in Congress providing for the purchase by the Government and preservation in the Government archives of the extensive and comprehensive series of sketches and etchings of the battles and campaigns of the Army of the Potomac, known as the Forbes Historical Art Collection; and that a copy of this resolution, duly certified by our president and secretary, be transmitted to the Senate and to the House of Representatives."

Respectfully, your obedient servants,

U. S. GRANT,
President of the Army of the Potomac.
HORATIO C. KING,
Secretary of the Army of the Potomac.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

FIRST NATIONAL BANK OF OMAHA, NEBR.

On motion of Mr. WEAVER, by unanimous consent, the bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr., was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the First National Bank of Omaha, in the State of Nebraska, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding $2,000,000, notwithstanding the limit heretofore in its original articles of association, and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of increase of the capital stock of the First National Bank of Omaha, Nebr., at the amount of $2,000,000.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HELL GATE.

Mr. WILLIS, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Resolved, That the Secretary of War be directed to inform this House whether the amount appropriated by the act of July 5, 1884, for Hell Gate, New York, has been diverted from the purpose therein set forth.

And then, on motion of Mr. REAGAN (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALEXANDER: Petition of citizens of Carroll County, Missouri; also of citizens of Sullivan County, Missouri, for the passage of a Mexican war pension bill and amendments—severally to the Committee on Pensions.

By Mr. BARBOUR: Papers relating to the claim of Thomas McCardell—to the Committee on Claims.

By Mr. BLANCHARD: Petition relating to the claim of J. A. Lampite—to the Committee on War Claims.

By Mr. BRAINARD: Petition of citizens of Erie County, Pennsylvania, for the passage of the Mexican war pension bill—to the Committee on Pensions.

Also, petition of citizens of Venango County, Pennsylvania, for the enactment of a law taxing incomes—to the Committee on the Judiciary.

By Mr. CANNON: Petition of John S. Vesey and others; also of M. F. Davis and others, of Paris, Ill., asking for the passage of the Mexican war pension bill and amendments—severally to the Committee on Pensions.

By Mr. CASSIDY: Petition of Albert Arents, mechanical engineer, relative to the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. COLLINS: Petition of Elizur Wright and others, citizens of Massachusetts, for repeal of the act of July 12, 1876, known as the Comstock law—to the Committee on the Judiciary.

By Mr. W. W. CULBERTSON: Papers relating to the pension claim of Sarah T. Duke—to the Committee on Invalid Pensions.

By Mr. G. R. DAVIS: Petition of ex-soldiers of the war, for the passage of the Mexican war pension bill as amended—to the Committee on Pensions.

By Mr. DIBRELL: Papers relating to the claim of James W. Roulston—to the Committee on War Claims.

By Mr. DUNHAM: Petition of tug and vessel owners of Chicago, favorable to House bill No. 7591—to the Committee on Commerce.

By Mr. HILL: Petition of D. G. Britson and 100 others, citizens of Willshire, Ohio, for the passage of the Mexican war pension bill and amendments—to the Committee on Pensions.

By Mr. HOPKINS: Petition of 500 citizens of Massachusetts; also, of 500 citizens of Massachusetts; also, of 125 citizens of Massachusetts, for the passage of the resolution introduced by Mr. HOPKINS relative to the transportation of cattle—severally to the Committee on Agriculture.

By Mr. B. W. JONES: Papers relating to the pension claim of William N. Wiggins—to the Committee on Invalid Pensions.

By Mr. LORE: Petition of Joseph E. Vantine and 34 others, citizens of Delaware, for the passage of the Mexican war pension bill and amendments—to the Committee on Pensions.

By Mr. MAYBURY: Petition of citizens of Detroit, Mich., relative to the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. O'HARA: Papers relating to the claim of Furney Mercer—to the Committee on War Claims.

By Mr. T. G. SKINNER: Papers relating to the claim of K. R. Pendleton; also, papers relating to the claim of Elisha Colbert—severally to the same committee.

By Mr. H. Y. SMITH: Petition of citizens of Adair County, Iowa, for the passage of the Mexican war pension bill and amendments—to the Committee on Pensions.

By Mr. STOCKSLAGER: Petitions of citizens of Medora, Ind.; also of citizens of Seymour, Ind., for the passage of the Mexican war pension bill and amendments—to the same committee.

By Mr. VANCE: Papers relating to the claim of Andrew J. Lafter—to the Committee on Claims.

By Mr. WARD: Petition of Henry C. Applegate and 33 others, for the relief of John Osborn—to the same committee.

Also, two petitions of citizens of Indiana, for the passage of the Mexican war pension bill and amendments—severally to the Committee on Pensions.

By Mr. WEAVER: Petition of 125 citizens of Nebraska; also, of 83 citizens of Nebraska, asking for the passage of the Mexican war pension bill and amendments—severally to the same committee.

By Mr. E. B. WINANS: Petition of Jacob S. Smith, Abram Frick, and other citizens of Otisville, Mich.; also, of Silas T. Fern, Luman Beebe, and 100 other citizens of Oxford, Mich., for the passage of the Mexican war pension bill and amendments—severally to the same committee.

By Mr. YAPLE: Petition of A. Vanderheyden, and 130 others, citizens of Three Rivers, Mich.; of David Bacon and 69 others, and of William H. Smith and 118 others, citizens of Niles, Mich.; also, resolutions of George H. Thomas Post, No. 14, Grand Army of the Republic, Department of Michigan, for the passage of the Mexican war pension bill and amendments—severally to the same committee.

The following petitions, praying for the passage of the Mexican war pension bill with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. BEACH: Of citizens of Amity, Orange County, New York; of Rockland County, New York; of Cornwall and Newburg, N. Y.

By Mr. BOUTELLE: Of Isaiah N. Merritt and 60 others, of Addison, Me.

By Mr. W. W. BROWN: Of 62 citizens and soldiers of Kane, McKean County, Pennsylvania; of 61 citizens and soldiers of Potter County, Pennsylvania; of 91 citizens and soldiers of the same place; and of 102 citizens and soldiers of McKean County, Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Somerset, Pa.

By Mr. CARLETON: Of citizens of Peck and New Baltimore, Mich.

By Mr. DINGLEY: Of E. D. Heald and 50 others, of Buckfield, Me., and of P. P. Getchell and 200 others, of Lewiston, Me.

By Mr. EATON: Of John Girard and others, of New Britain, Conn.

By Mr. GREENLEAF: Of citizens of Medina, N. Y., and of Medina, Rochester, &c., N. Y.

By Mr. HART: Of John Landon and 125 others, Union soldiers of Ohio.

By Mr. HATCH: Of citizens of Knox and Scotland Counties, Missouri.

By Mr. HAYNES: Of Samuel Walker and 54 others, of Suncook, N. H., and of Charles A. Barrett and 161 others.

By Mr. HOLMAN: Of Julius C. Burgoyne and 64 Union soldiers and citizens of Franklin County, Indiana.

By Mr. HISCOCK: Of citizens of Virgil and other places in New York.

By Mr. HITT: Of 63 soldiers and citizens of East Dubuque.

By Mr. B. W. JONES: Of citizens of Wisconsin.

By Mr. JORDAN: Of citizens of Cadiz, Ohio.

By Mr. KEIFER: Of E. Sherrett and 139 others, soldiers of the late war.

By Mr. LACEY: Of M. D. Reed and 246 citizens of Barry County, Michigan.

By Mr. LAWRENCE: Of citizens of Beaver County, Pennsylvania.

By Mr. MORRISON: Of citizens of Du Bois, and of 70 citizens of Ashley, Ill.

By Mr. MOULTON: Of 500 citizens of Illinois, and 500 citizens of Nilwood, Ill.

By Mr. MUTCHLER: Of citizens of Bucks County, Pennsylvania.

By Mr. NUTTING: Of citizens of Cazenovia, N. Y.

By Mr. POLAND: Of William A. Chamberlain and others, of Stockbridge, Vt., and of F. H. Atherton and 300 others, of Waterbury, Vt.

By Mr. PARKER: Of citizens of Saint Lawrence County, New York.

By Mr. PAIGE: Of George L. Boult and others, of Medina, Ohio, and of Thomas F. Wright and others, of Cleveland, Ohio.

By Mr. PHELPS: Of citizens of Passaic County, New Jersey.

By Mr. NELSON: Of citizens of Melrose and Utica, Minn.

By Mr. REED: Of citizens of Maine.

By Mr. RIGGS: Of A. C. Merris and others; of William Elick and others; of William F. Connor and others; of J. C. Weiser and others; of E. L. H. Barry and others, and of S. H. Lambert and others.

By Mr. W. F. ROGERS: Of citizens of Springville, Erie County, New York.

By Mr. SENEY: Of James Berrington and 100 others, of Crawford County; of B. A. Thomas and 84 others, of Rushville; of George S. Meyer and 31 others, of Wyandot County; and of W. P. Wilson and 120 others, of Hancock County, all in Ohio.

By Mr. C. R. SKINNER: Of 85 citizens of Black River, N. Y.

By Mr. A. HERR SMITH: Of citizens of city and county of Lancaster, Pennsylvania.

By Mr. STEELE: Of Nathan Erhman and 50 others, of Adams County, Indiana; of John Coughlin and 100 others, of La Gro, Ind.; of John W. Miller and 75 others, of Dunkirk, Ind.; of F. N. Kellogg and 90 others, of Bluffton, Ind.; of Thomas E. Ream and 50 others, of Peru, Ind.; and of Alfred O. Briggs and 60 others, of Monroeville, Ind.

By Mr. STRUBLE: Of Charles Isbell and 18 others, of Sioux Rapids, Iowa.

By Mr. WILKINS: Of Franklin Myers and 42 others, of Licking County, Ohio.

By Mr. W. L. WILSON: Of B. J. Davis and 61 others, citizens of West Virginia.

By Mr. VANCE: Of sundry citizens of Macon County, North Carolina.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 12, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

NEW ORLEANS EXPOSITION.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to offer for present consideration the concurrent resolution which I send to the Clerk's desk to be read:

The Clerk read as follows:

Whereas the Congress of the United States has been formally invited to attend the opening ceremonies of the World's Industrial and Cotton Centennial Exposition to be inaugurated at New Orleans on Tuesday, December 16, 1884; and

Whereas the exigencies of the public service prevent their attendance on said day; and

Whereas the President of the United States has decided to open said exposition by telegraph and to start the machinery thereof by electricity from the Executive Mansion in the presence of his Cabinet and the representatives of foreign powers; and

Whereas the Congress of the United States entertains for said exposition the best wishes and desires to lend to its success its countenance and good-will: Now, therefore,

Resolved by the House of Representatives (the Senate concurring herein), That the President of the Senate, together with a committee of thirteen Senators, to be appointed by him, and the Speaker of the House, together with one Representative or Delegate from each State and Territory of the Union, to be selected by him, be requested to attend at the Executive Mansion on Tuesday, the 16th instant, at 12.30 p. m., to witness on behalf of the Congress of the United States the opening of said exposition by the President, and to adopt and forward thereto such address of congratulation as may seem appropriate to the occasion.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

Mr. ELLIS. I move its adoption.

The resolution was adopted.

Mr. ELLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVILEGED QUESTION.

Mr. WARNER, of Ohio. I rise to a privileged question. I am directed by the Committee on the Payment of Pensions, Bounty, and Back Pay to call the attention of the House to some matters which appear in the CONGRESSIONAL RECORD. The matter referred to is contained in the Appendix to the RECORD, page 494, volume 15, part 6, but which appeared first in the issue of the RECORD bearing date August 1, the last session having ended on the 7th of July. In order to bring the matter directly before the House I send to the Clerk's desk to be read the following preamble and resolution.

The Clerk read as follows:

Whereas Hon. JOSEPH D. TAYLOR, of Ohio, on the 5th day of July, 1884—the House being in session, and having under consideration the Mexican pension bill with Senate amendments—having obtained the floor, occupied the time of the House for six minutes in remarks upon said bill; and

Whereas on the 7th day of July said JOSEPH D. TAYLOR obtained leave to extend his remarks in the RECORD; and

Whereas instead of extending his remarks under said leave, said JOSEPH D. TAYLOR did, after the adjournment of Congress, have printed in a copy of the RECORD, bearing date of issue August 1, 1884, a written speech, or paper, not embracing his remarks in the House, but containing sentences and paragraphs reflecting upon members of the House in their representative capacity, upon committees of the House, and upon the House itself, and referring to and reporting, or purporting to report, the action of, and occurrences in, one of the committees of the Senate—all in violation of the implied obligation in his leave to extend his remarks in the RECORD, and in violation of the privileges and rules of the House: Therefore,

Be it resolved, That the parts of said speech reflecting upon members of the House, or of any committee of the House, or on the House itself, or relating to what took place in any committee of the Senate, are unparliamentary and an abuse of the privileges of the House and of his leave to print, and are hereby declared not to be a legitimate part of the official debates of the House.

The parts of said speech more especially referred to are as follows (see page 494, Appendix to CONGRESSIONAL RECORD, volume 15, part 6):

"We are asked why these amendments are not presented in a separate bill, when this House knows very well that numerous bills embracing every line of these amendments have been introduced, and were introduced at the opening of the session, and seven months have elapsed, and yet these bills in which the soldiers of this country, and in which the patriotic people of this country are deeply interested have been suppressed."

Again, same page:

"These bills have been throttled and a hearing denied. Democratic committees do not deign to consider such bills, nor do they dare to report against them."

Also, on page 495, referring to members collectively:

"There are people who would do well to talk less and think more. There is a great deal of ignorance among gentlemen who would like to be called statesmen in regard to the policy and organism of our Government."

On the same page is the following reference to a Senate committee and the action of the Senate:

"The Committee on Pensions in the Senate was composed of nine Senators, five of whom were Republicans and four were Democrats. For a long time Senator SABIN, of Minnesota, was absent, and this left the Pension Committee four and four. The RECORD will show the absence of Senator SABIN, and the further facts that during his absence pension bills were reported adversely by the Democratic subcommittees, and that no progress was made in passing pension bills. This hitch in pension legislation was removed by the resignation of Senator SABIN, who was still absent, and the appointment of Senator WILSON, of Iowa, in his place on the Pension Committee, since which time every pension bill that could be reached, including those reported upon adversely by Democratic members, has been passed by the Senate. The Senate has not only passed these bills, but it spent several weeks in maturing the bill now before this House, which provides not only for Union soldiers, their widows and orphans, but for Mexican soldiers and their dependents as well."

On the same page is the following arraignment of a committee of the House:

"He is the chairman of the Select Committee on Payment of Pensions, Bounty, and Back Pay, to which was referred the most important legislation of this session touching the soldiers and their dependents; and I regret to say that this committee has proved the graveyard of all this important legislation. It never reported but one bill, and this was so objectionable to soldiers that the Senate gave it no consideration.

"Early in the session I introduced a bill granting arrears of pensions, which went to this committee. Governor HART's bill granting pensions to all soldiers who had rendered a certain amount of service and who had arrived at a certain age, and scores of others of like character, were sent to this committee for consideration; but they have all slept the sleep that knows no waking. It seems to have been determined from the opening of this session to this hour that no bill in the interest of the Union soldiers should become a law, and that this end should be accomplished not by open and frank opposition, but by stealth and cowardice."

And on page 496 is the following denunciation of the House itself:

"While I denounce the attitude of this House toward these measures as an outrage upon justice"—

Mr. WARNER, of Ohio. I ask now to send to the Clerk's desk and have read——

Mr. BROWNE, of Indiana. I rise to a question of order, or rather to a parliamentary inquiry. Is this a question of privilege or is it being offered by unanimous consent?

The SPEAKER. The gentleman from Ohio states that he rises to a question of privilege. Of course the Chair has yet to decide whether it is or not.

Mr. BROWNE, of Indiana. I will hear the further paper read.

Mr. WARNER, of Ohio. It is a question of privilege.

Mr. BROWNE, of Indiana. I will hear the further paper read, reserving the right to raise the question.

The SPEAKER. The Chair will recognize the right of any member to raise the question.

Mr. WARNER, of Ohio. I will send to the Clerk's desk the remarks of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] made when he had the floor on the 5th of July last, as furnished from the notes of the reporter.

The Clerk read as follows:

Mr. JOSEPH D. TAYLOR. The letter read at the instance of the distinguished gentleman from Kentucky [Mr. BLACKBURN] claims that great injustice is done to the Mexican soldiers in the bill now before the House. As I understand, there is no objection on the part of anybody on the other side of the House because of the favorable quality of the pending bill. I want to say to the other side, and to the distinguished gentleman from Kentucky, that there are two marked differences in this bill between the provisions made for the Mexican soldier and those made for the Union soldier. In the first section of the bill it provides that a Mexican soldier shall receive a pension prior to the time when he becomes 62 years of age, if he had incurred a disability or if he is in a dependent situation. The words are coupled in the alternative.

In either event, in either contingency, the Mexican soldier draws a pension. But when you turn over to the section in regard to the Union soldier, you will find the very reverse is true. You will find the Union soldier must not only have incurred a disability, but he must also be in dependent circumstances. Both of these qualities must exist. The disability must have been incurred, and the dependency must be shown. Either one entitles the Mexican soldier to a pension, while it requires both of these concurrently to entitle a Union soldier to a pension.

That is not all; there is another marked difference. No Union soldier receives a service pension, although the contrary has been stated. When a Mexican soldier arrives at 62 he receives a pension; his name is placed on the pension-roll without either of these conditions being required.

It seems to have been presumed all the way through in this discussion that these Senate amendments provided for the Union soldier a service pension. That is not true; there is no service pension, as I understand it. When, where, and under what circumstances do you find any such provision? There is nothing of the kind, and yet the gentleman from Alabama [Mr. HEWITT] claimed at great length last night that he was opposed to these amendments, because he was opposed to service pensions.

This is true and no more; a soldier who is shown to have incurred a disability receives a pension. And why? Because he shows disability to exist, and this law only presumes—it gives the soldier the benefit of a legal presumption if he has a disability which could have been reasonably incurred in the service, so that he shall not be required to prove what he is now required to prove. This kind of proof is dispensed with. It is high time it was. He is not required to show that he was sound before he entered the service. I have seen pension claims rejected where I have seen the letters in which the claimants were called upon to show by their family physician they were in sound health and free from disease before they entered the service. Another is rejected because he failed to show he was sound at the time of enlistment. The presumption of law elsewhere in the courts is that no soldier is admitted anywhere into the Union Army without careful examination by some representative of the Government, and commonly he is now in all the States of the Union presumed to have done his duty and done it faithfully. That kind of testimony is dispensed with.

Hundreds of soldiers have been denied pensions because they failed to show hospital treatment, when perhaps the surgeon did not have the capacity to get a record, where records have been burned and destroyed. Yet I know hundreds of claims have been rejected because the soldier was not shown to have been in hospital and failed to show hospital treatment. Others failed because they failed to show treatment during the time they were in service, which sometimes becomes impossible. Other claims are rejected because they fail to prove the existence of disease or disability at the time of discharge. So that it is only a waiver of legal presumption, and these are not service pensions at all.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. JOSEPH D. TAYLOR. I ask leave to extend my remarks.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. BROWNE, of Indiana. Now, Mr. Speaker, I simply make the point, without stopping to discuss it, this is not a matter of privilege under the ninth rule of the House. It is not such as affects the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only.

It contains, as well as I can remember, a historical sketch of the course of national legislation in this House, and relates merely to what may be seen by reference to the RECORD. It animadverts, and I think properly, upon the conduct of the committees in reporting for action bills which have been referred to them by the House. If this is an attack upon the dignity of the House there is not a page of the RECORD which does not contain similar ones, and if the gentleman from Ohio is liable to censure, I think that the rule if applied would subject to like censure almost every gentleman of this body.

The SPEAKER. The gentleman from Indiana will allow the Chair to suggest that that is not the question the Chair is called upon to decide. That matter has passed beyond the province of the Chair. The gentleman from Ohio in this resolution asks for the judgment and action of the House itself as to whether or not this publication in the RECORD is a violation of the rules. The question the Chair has to decide is whether the gentleman has the right as a matter of privilege to ask the judgment of the House on a matter affecting the official record of its debates.

Mr. BROWNE, of Indiana. There is no question, I presume, Mr. Speaker, that the gentleman from Ohio has a perfect right at this time or at any other time to present a question of privilege to the House; but must not the Chair now determine whether the paper as read from the desk presents such a question, and is not my raising the question of order equivalent to a demurrer to the complaint by raising the question of its sufficiency, and upon which the Chair must pass?

The SPEAKER. It seems to the Chair, without deciding the question at this time either one way or the other, that the point made by the gentleman from Indiana has nothing whatever to do with the question of order as to whether or not the statement made by the gentleman from Ohio in the RECORD presents a question of the infraction of the privileges of the House. The question, and the only question, for the Chair to determine is whether it is not sufficient when a member rises in his place on the floor and suggests that certain things have been done in violation of the rules of the House and asks the judgment of the

House upon the statement he makes—whether it is not the duty of the Chair to submit that question to the House for its determination.

Mr. BROWNE, of Indiana. With that ruling of the Chair——

Mr. REED. I will submit to the Chair that it is very necessary, in order to ascertain whether the privileges of the House have been invaded or not by the gentleman from Ohio, to have the whole of the speech of the gentleman from Ohio read.

The SPEAKER. That may be.

Mr. REED. For it would seem as if the speech, a portion of which has been read, should be submitted to the House as a whole, in order that it may judge from the context for itself as to whether a question of privilege is presented. And I suppose the gentleman from Ohio has that in mind. [Laughter.]

Mr. WARNER, of Ohio. I did not understand the remark of the gentleman.

Mr. BROWNE, of Indiana. Mr. Speaker, I do not believe the House is in a condition now to discuss the question of privilege, and I move, therefore, that the whole matter be referred to the Committee on Rules.

The SPEAKER. The gentleman from Indiana may make a motion to refer a resolution to the Committee on Rules, but the Chair will suggest that that could only be done with the assent of the gentleman from Ohio on the right, who still holds the floor. The gentleman from Indiana had an undoubted right to raise the question of order and take the gentleman from Ohio off the floor for that purpose; but the right to do that would not give him the privilege of making a motion in reference to the matter without the consent of the gentleman from Ohio.

Mr. WARNER, of Ohio. I do not consent. I have taken the floor on a question of privilege and I must decline to yield for such a motion.

The SPEAKER. The gentleman from Indiana can submit his motion at a proper time.

Mr. BROWNE, of Indiana. I understand, then, the Chair to rule substantially that the question must be passed on by the House.

The SPEAKER. The Chair thinks so. If the gentleman from Ohio, Mr. TAYLOR, for instance, whose remarks are complained of, was on the floor addressing the House, any gentleman, although he might be speaking in entire accordance with the rules of the House, would have the right to rise to a question of privilege, and make a point of order that his remarks were not in order under the rules of the House, and the gentleman would be required to suspend until the matter had been passed upon by the Chair.

The difference between the two cases is simply this, that now the matter to which reference is made has passed beyond the control of the Chair, because it has gone into the official record of the debates of the House over which the Chair has no control, but over which the House has itself complete control.

The Chair thinks that although the complaint made by the gentleman from Ohio might prove to be entirely without foundation, yet it is his privilege to present the matter to the House, his right to call the attention of the House to it as a matter of privilege; and the Chair must submit the question to the House for its action under all the practice and rulings heretofore.

Mr. KEIFER. This is one point to which I think the attention of the Chair should be called in this connection in order that there may be a ruling upon that also. The gentleman from Ohio, in presenting his resolution in the first place, did not propose to present it as coming from himself, but stated that he was instructed by a committee of the House to present it. I therefore make the point of order that this subject never was before the committee, and consequently could not be presented, under any instructions or directions to its chairman, to the House as coming from the committee. If it is presented at all, it must be presented by the gentleman from Ohio as his own act, he assuming the responsibility for all the frivolousness that may be in it.

The SPEAKER. The Chair did not understand the gentleman from Ohio as having presented this as the report of the committee.

Mr. KEIFER. The gentleman from Ohio so stated. If I am wrong in my understanding he can correct me.

Mr. WARNER, of Ohio. I stated that I was advised by the committee, of which I have the honor to be chairman, to call the attention of this House to the matter. The question was before the committee, and by the unanimous vote of more than a quorum the chairman of the committee was instructed to call the attention of the House to the RECORD.

The SPEAKER. The Chair could not receive it as the report of the committee.

Mr. KEIFER. I thought so.

Mr. WARNER, of Ohio. I submit it, as I have said, in obedience to the instruction of the committee.

Mr. KEIFER. And I make the point of order that in such shape the gentleman can not do it. He must do it on his own personal responsibility, if at all.

Mr. WARNER, of Ohio. I think I am entitled to have all the advice that the committee chooses to give me on the subject.

The SPEAKER. This subject has not been referred to the committee; and the committee, under the rules of the House, has no general jurisdiction of the subject-matter. It can not therefore be received by the House as the report of the committee. Of course the gentleman from Ohio has the right to state the circumstances under which he presents it.

Mr. WARNER, of Ohio. I have already said that it is by the concurrence of the committee that I do present it.

Mr. REED. It seems to me the gentleman from Ohio has no right to present this matter as coming from the committee to which he belongs, nor from himself as acting under the orders of this committee. It must be an individual proceeding or a committee proceeding. If it is a committee proceeding it is out of order. The Chair has decided that if it is an individual proceeding it is in order; and I submit to the Chair that the gentleman from Ohio [Mr. WARNER] must take his stand upon his individuality as a member of the House.

Mr. WARNER, of Ohio. I take all the responsibility that may be necessary. It is no objection that I have also behind me the expression of the committee of which I am chairman.

It will be seen by the notes of the reporter which have been read at the desk that no part of the remarks made on the 5th day of July by the gentleman from Ohio is contained in this speech or purported speech in the RECORD, and that no part of what is now contained in the RECORD was delivered in the House on the 5th day of July, when the gentleman had the floor. The RECORD shows that on the 5th day of July Mr. TAYLOR had three minutes' time and that three minutes more were given him. That appears in the RECORD of July 5, page 6140. The RECORD of July 7, page 6174, contains this entry:

Mr. JOSEPH D. TAYLOR asked and obtained unanimous consent to extend in the RECORD the remarks made by him on the Mexican war pension bill.

Now, Mr. Speaker, I do not complain that Mr. TAYLOR printed a speech in the RECORD, or that he printed what he did not deliver in the House. That is not the question. What I complain of is that after the adjournment of Congress he printed in the RECORD a speech containing charges not true in themselves, arraigning a committee of the House, arraigning members of the House, relating what took place in a committee of the Senate, and arraigning and denouncing the House itself. If those parts of his speech had been delivered in the House they could and most certainly would have been objected to. They would certainly have been contradicted. But not having been delivered, the gentleman going instead to the Printing Office a week after Congress had adjourned and printing in the RECORD what nobody then could question and containing charges against members affecting them in their representative capacity—that is what I complain of; and my committee, Mr. Speaker, is not willing to rest under this charge.

This speech, as it now stands in the RECORD, appears on its face to have been delivered on the 5th day of July in the presence of the House and of that committee without contradiction. I have eliminated, designedly, all reference made to myself personally in the speech referred to, so that the personal element should not be the prominent one or the motive for calling the attention of the House to the speech.

The speech contains also in many other parts things that are not true; but the part that the House is asked to declare not to be a legitimate part of the official debates of the House contains this paragraph:

He is the chairman—

Referring to myself—

of the Select Committee on the Payment of Pensions, Bounty, and Back Pay, to which was referred the most important legislation of this session touching the soldiers and their dependents; and I regret to say that this committee has proved the graveyard of all this important legislation.

Now it is easy enough, and gentlemen on the other side may clap one who does it, to go to the Printing Office after Congress has adjourned and insert such a statement as that in the RECORD. But honorable gentlemen will hardly approve it or claim that it is consistent with the dignity of a member of the House if it be not true.

It—

Referring to the committee—

never reported but one bill, and this was so objectionable that the Senate gave it no consideration.

Now, Mr. Speaker, what are the facts? Besides the one bill which the gentleman referred to, a bill which I had the honor to report, and which passed this House and which is now pending in the Senate, my colleague on the committee, Mr. ROGERS, of Arkansas, reported a bill, which will be found on page 3236 of the RECORD, relating to the fees of claim agents, the substance of which bill was ingrafted on the pension appropriation bill and is now the law. Next, my colleague on the committee, Mr. GREENLEAF, reported a bill, House bill 6930, report No. 1516, containing four sections—one increasing the pensions of widows and minor children, one increasing the pensions of dependent parents, another continuing the pension of a soldier to his widow without requiring proof that he died from disability incurred in the service.

Mr. BROWNE, of Indiana. I rise to a question of order. It is, that the only question before the House is whether or not the paper sent to the desk contains a question of privilege; whether the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], in the speech which he put in the RECORD, has attacked the House in its dignity or some member individually. It does not raise the question of fact as to whether he stated

certain things that were, in the judgment of the House, not in fact so. That is not the question. If we are to make an inquiry into the facts here alleged let them go to a committee and be investigated in a regular way.

The SPEAKER. The Chair thinks the question before the House is whether or not the particular passages in this publication referred to in the resolution are or are not a violation of the privileges of the House. The Chair thinks the question whether or not the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] in his remarks stated the facts correctly or drew conclusions from the facts is not before the House. It is simply the question whether or not the particular passages, as printed in the RECORD and indicated in the resolution, are in violation of the rules and privileges of the House.

Mr. WARNER, of Ohio. And is not the fact whether the thing be true or not a part of the question?

The SPEAKER. The Chair does not understand the gentleman's resolution to refer to any part of the speech of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] which undertakes to state facts.

Mr. WARNER, of Ohio. My resolution deals with the part proposed to be stricken out; I am simply showing that what the gentleman from Ohio there printed is not true in fact.

Mr. REED. Is that a ground for striking it out of the RECORD?

Mr. BROWNE, of Indiana. That ought to have been alleged with a *scienter*, a declaration that he knew it was untrue. That is the rule in criminal proceedings.

The SPEAKER. The Chair finds upon further examination of the resolution that it contains an extract from the speech of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], stating that the Committee on the Payment of Pensions, Bounty, and Back-Pay never reported but one bill, and this was so objectionable to the soldiers that the Senate gave it no consideration. Of course it is a question for the House to determine whether this is or is not a violation of its privileges—not a question for the Chair.

Mr. WARNER, of Ohio. I am proceeding to show that that statement is not true, but that the committee reported various public bills——

Mr. BROWNE, of Indiana. The point I make——

Mr. WARNER, of Ohio. And the records of the House show that it is not true.

Mr. BROWNE, of Indiana. Mr. Speaker, it might not be true, and yet be no violation of the privileges of the House.

The SPEAKER. But the Chair is not deciding that anything which has been alleged here was done in violation of the privileges of the House. That is not now a question for the Chair to decide. It is one, on the contrary, which the gentleman from Ohio [Mr. WARNER] asks the House to decide; and he proposes to discuss it, as the Chair understands, and to show the House that it was a violation of its privileges.

Mr. WARNER, of Ohio. The bill referred to, reported by Mr. GREENLEAF, contained also a provision modifying the arrears act and removing the limitation in certain cases. My colleague on the committee Mr. WHITING, as shown by the RECORD, page 2174, reported a general bill for the relief of the Fourth Iowa Regiment. My colleague on the committee, Mr. CONNOLLY, of Pennsylvania, reported two bills, one for the relief of West Virginia troops, in which my friend from West Virginia is interested, and also a bill granting pensions to female nurses who acted as such during the war. There were a number of private bills also reported; and it is furthermore a fact that there were no bills referred by this House to that committee that did not receive attention, that were not assigned to subcommittees, that did not receive consideration before the committee. Two of the bills to which I have referred were bills reported in lieu of various bills referred to that committee.

Another error in the part of the RECORD referred to is the statement that certain gentlemen introduced bills and referred them to that committee, while the RECORD shows that no such bills were ever referred to the committee, but were referred to other committees of the House. Governor HART, of Ohio, was among the number thus mentioned.

Now, Mr. Speaker, I shall not make any comment upon the conduct of the gentleman from Ohio in waiting till Congress had adjourned and then laying aside the speech he had made, which contained nothing objectionable to anybody, and going to the Printing Office and inserting a speech arraigning a committee of the House and arraigning members of the House, and containing matter which the records of the House show not to be true. I shall confine myself to a statement of facts, unless something more is called out, and leave the question of correcting the records with the House.

Before taking my seat, however, I will read from Cushing's Law and Practice of Legislative Assemblies the rule respecting the reading of speeches in the houses of Parliament. In section 1553 this rule is laid down:

It is a general rule in both houses that a member in addressing the house is to do it orally and not by means of a written discourse, for the reason, as stated by Mr. Fox, that if the practice of reading written speeches should prevail, members might read speeches that were written by other people, and the time of the house be taken up in considering the arguments of persons who were not deserving of their attention.

Much greater is the danger, Mr. Speaker (if members may be permitted to go to the CONGRESSIONAL RECORD office after Congress adjourns and print speeches arraigning the House, or a committee, or the members of the House), that we might have published as part of our proceedings the production of other people to which we are not bound to pay any attention.

The SPEAKER. The Sergeant-at-Arms will request gentlemen on the floor and in the rear of the seats to stop conversation. It is impossible to hear what is transpiring.

Mr. WARNER, of Ohio. Whether the publication to which I have referred should be allowed to remain as a part of the official debates of the House when the records show that it was no part of the official debates at all, is a question of course which the House must decide. I desire to refer especially to certain parts of the language used. In one of the paragraphs which is objected to this language occurs:

And yet those bills in which the soldiers of this country and in which the patriotic people of this country are so deeply interested have been suppressed.

Mr. BROWNE, of Indiana. I make the inquiry whether the gentleman may now refer to a part of the speech not embodied in the resolution.

The SPEAKER. The gentleman may read the whole speech, if he so desires, in his own time.

Mr. BROWNE, of Indiana. He wants to get it out of the RECORD, and yet he is putting it in again himself!

The SPEAKER. That is a matter for the gentleman himself to determine.

Mr. WARNER, of Ohio. The gentleman from Indiana is overnice. I was reading from a part of the speech which it is proposed to strike out.

Mr. REED. We ought to have the whole speech.

Mr. WARNER, of Ohio. "These bills in which the soldiers of this country and in which the patriotic people of this country are deeply interested have been suppressed." That relates, I suppose, to the House. "These bills have been throttled and a hearing denied. Democratic committees do not deign to consider such bills nor do they dare to report against them."

Now, I suppose, Mr. Speaker, it took extraordinary courage to go to the Printing Office and insert that "objections of this kind are futile and groundless. In fact they are a mere pretense"—accusing the House or members of pretending merely. "There are people who would do well to talk less and think more. There is a great deal of ignorance among gentlemen who would like to be called statesmen in regard to the policy and organism of our policy." And my colleague goes to the Printing Office and undertakes to instruct them after Congress has adjourned. They ought to be thankful, perhaps, for that.

In regard to the reference made in the speech to the action of a committee of the Senate, it is well known that under parliamentary law a member of one House can not refer at all to what takes place in a committee of another House, even for the purpose of commending, much less of passing criticism on it or its action. The reason for that is given in the Manual:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (6 Grey, 22.)

That is clearly unparliamentary, and the gentleman would not have spoken it in the House. That he would not have been permitted to speak it is clear enough, I think. He would have been called to order if he had said any such thing.

But especial exception is taken to the following language, applied to the committee of which I have the honor to be chairman, a committee composed of five Democrats and four Republicans, and as conscientious Republicans I think as the gentleman from Ohio can claim to be. I do not know that I am paying my colleagues on the committee a very high compliment, but I will let it pass:

It seems to have been determined from the opening of this session to this hour that no bill in the interest of the Union soldiers should become a law, and that this end should be accomplished not by open and frank opposition but by stealth and cowardice.

What is the meaning of stealth and cowardice in that connection? Would the gentleman have used that language on the floor of this House and applied it to any committee or to any member of the House? It is quite another thing to go to the Printing Office, and from the safe ambush of that office send out a poisoned arrow like that weeks after Congress had adjourned. Do gentlemen on the other side of the House think that is in accordance with parliamentary usage; that that ought to stand in the RECORD, under the circumstances under which it was placed there, as a legitimate part of the official debates of the House? Will you put yourselves on record as indorsing language of that kind to be inserted in the RECORD in the manner in which this language was inserted, charging the committee virtually with theft and cowardice? If this, then, is not a privileged question, if it does not affect members in their representative capacity, I do not know what would. If it does not affect the honor and integrity of a committee of this House I do not know what could.

I said I should refrain from commenting—indeed I could not comment fitly—on conduct of that kind. I shall leave it to rest on the bare statement of the facts, that no part of this speech was delivered in the House, but that this arraignment of committees and members was inserted in the RECORD after Congress had adjourned and members had left the capital, and when there was no possible chance of calling the attention of the House to it until the succeeding session in the manner in which I have brought it up now.

I should have moved, Mr. Speaker, to expunge these parts from the RECORD, to strike them out, but under the advantage which was taken of inserting them in the RECORD during the recess of Congress the speech has become bound in all the copies and can not be expunged or stricken out. The only thing which can be done is to declare it unparliamentary, out of order, in violation of the rules of the House, an abuse of the leave to print, as it manifestly is, and let that go upon the record. The committee I represent is not willing to let such an arraignment go unchallenged, to be quoted by somebody in the future who would not know as well as this House does who inserted the speech in the RECORD.

Mr. BROWNE, of Indiana, rose.

Mr. WARNER, of Ohio. I reserve the balance of my time.

The SPEAKER. The gentleman has thirty-seven minutes of his time remaining.

Mr. JOSEPH D. TAYLOR. I hope the gentleman from Indiana will yield to me.

Mr. BROWNE, of Indiana. I will yield to the gentleman from Ohio.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I had no notice that anything of this kind was to be presented to this House to-day until yesterday during the session of the House. I have been furnished with no copy of this resolution. I said to the gentleman who informed me about it that I would like to have until the middle of next week for the purpose of getting some papers I desired, but he afterward informed me that the gentleman from Ohio declined to consent to a postponement of it; hence I am required to answer these charges without much time for preparation.

As I understand, Mr. Speaker, this question comes now to the House for its consideration. Perhaps it is only fair the House should know the circumstances which probably influenced the presentation of this resolution. The present Legislature of Ohio some time during last spring redistricted the State and threw the gentleman from Ohio and myself into the same district. We were both renominated and were candidates for the same office at the October election.

Mr. COSGROVE. Who was elected? [Laughter.]

Mr. KELLEY. Never mind; go on in your own way.

Mr. JOSEPH D. TAYLOR. I have abundant charity, and I trust the House will have for the motives which actuated the presentation of this resolution. I was taken from a Republican district, which usually gave a Republican majority of 2,000, and placed in the gentleman's district, which was supposed to be an impregnable Democratic district of not less than 1,500 majority. The present governor of Ohio had a majority in the five counties which compose this new district a year ago of 1,492. The secretary of state who was elected this year was the Democratic candidate two years ago and had a majority in these same counties of 1,509.

A MEMBER. Defeated this year, you mean.

Mr. JOSEPH D. TAYLOR. Yes, I should say defeated this year. So you can see that the Democratic majority in this new district was at least 1,500, and yet the gentleman from Ohio only claims to be elected, in that impregnable Democratic district—a claim which is much doubted by the people there, but he is said to be counted in [derisive laughter on the Democratic side]—by a majority of 217. I carried my own ward. I carried my own ward, town, township, and county by the largest majority ever given to any Representative. I carried the gentleman's ward, town, township, and county. I carried four of the counties out of the five which compose the district by a Republican majority of more than 2,000, the aggregate majority being between 2,100 and 2,200. I gained, over the vote of last year, in these four counties 1,558 votes. The gentleman from Ohio got his entire majority in the county of Monroe, 2,337.

Mr. WARNER, of Ohio. Good for Monroe. [Laughter.]

Mr. JOSEPH D. TAYLOR. The gentleman says, "Good for Monroe;" but yet the gentleman does not say that he ran 67 votes behind the head of the Democratic ticket even in Monroe. His majority was 67 less than the majority of the Democratic candidate for secretary of state.

Mr. REED. Good for Monroe. [Laughter.]

Mr. WARNER, of Ohio. Good for soap. [Renewed laughter.]

Mr. JOSEPH D. TAYLOR. It does not become the gentleman to talk about soap when the chairman of the Democratic committee of my county is to-day under indictment for buying votes which were cast for the gentleman from Ohio. [Laughter.]

Mr. BROWNE, of Indiana. Soap. [Renewed laughter.]

Mr. JOSEPH D. TAYLOR. The gentleman says, Mr. Speaker, "Good for Monroe!" I wish to say to this House, if the gentleman had not carried on his campaign in Monroe on the hypothesis that he had voted for Mr. RANDALL for Speaker he would not have carried Monroe. [Laughter and applause.] I would like to have read the gentleman's letter, and also an extract from the Democratic newspaper of that county.

Mr. WARNER, of Ohio. Let us hear the letter.

Mr. JOSEPH D. TAYLOR. It is going to be read.

HON. W. N. COWDEN'S LETTER.

QUAKER CITY, OHIO, *September* 19, 1884.

DEAR SIR: I have been appointed by the Ohio wool-growers' convention to ask your views for publication on the tariff on imported wool, and particularly an answer to the following question: Will you, if elected to Congress, support by voice and vote a bill for the restoration of the tariff of 1867, or its equivalent, on wool?

I am, sir, your obedient servant,

W. N. COWDEN.

Gen. A. J. WARNER, *Marietta, Ohio.*

GENERAL WARNER'S REPLY.

BELLAIRE, OHIO, *September* 25, 1884.

DEAR SIR: Your letter of the 19th, directed to me at Marietta, has just reached me at Bellaire.

In reply to your question as the representative of the Wool-growers' Association, I beg to say that my views on the tariff question, which have been outspoken both in and out of Congress, are, I think, pretty well known. My votes, too, in Congress on the tariff question generally and in favor of restoring the duty on wool are of record, and I think in every case my speeches and my votes will be found in accord.

I supported Mr. RANDALL for Speaker of the House because his views were in accordance with mine, and I voted against the Morrison bill for the reasons which I stated at the time on the floor of the House.

I may be permitted to add, that as a member of the committee on resolutions at the Democratic State convention of last year I presented the resolution denouncing the reduction of the tariff on wool as detrimental to the interests of wool-growers and unjust to the great agricultural class of the country. This resolution expressed my own convictions at the time, and I have seen no reason to change them, and of course I deem it my duty to act and vote in accordance with them in the future as I have in the past.

Very truly, yours,

A. J. WARNER.

Hon. W. N. COWDEN, *Quaker City, Ohio.*

Mr. WARNER, of Ohio. Now laugh. [Laughter and applause.]

Mr. JOSEPH D. TAYLOR. I ask to have read an extract from a Democratic paper published in Monroe County commenting on that, and insisting that the accusation that he had voted for CARLISLE for Speaker was false.

Mr. REAGAN. I rise to a question of order.

The SPEAKER. The Chair does not see that matters which transpired since the adjournment of Congress have any connection with the question before the House.

Mr. REED. It is a question for the House, and the House may see its bearing.

The SPEAKER. It is for the Chair to decide questions of order in the first instance, subject to an appeal to the House.

Mr. REED. It is a part of the gentleman's argument showing why the matters proposed to be stricken out should not be stricken out.

The SPEAKER. The Chair would not have interrupted the gentleman from Ohio had not the gentleman from Texas raised the point of order. [Cries of "Read!"]

The SPEAKER. If there be no objection the Clerk will proceed to read the extract.

Mr. REAGAN. I object. [Cries of "No!" "No!"]

Mr. REAGAN. I object.

The SPEAKER. The gentleman from Texas makes the point of order that the gentleman from Ohio is not confining himself to the question under debate.

Mr. WARNER, of Ohio. I hope the gentleman from Texas will not object.

Mr. REAGAN. I do object in the interest of the public business.

Mr. BROWNE, of Indiana. But, Mr. Speaker, the reading of the article demanded by the gentleman from Ohio will show and can only show whether it is in order or not.

The SPEAKER. The gentleman from Ohio will proceed, in order, to address himself to the question before the House.

Mr. JOSEPH D. TAYLOR. I now ask the Clerk to read the extract from the paper which I have sent to the desk.

The SPEAKER. The Chair will state that the gentleman from Ohio has already said that this paper contains a publication made during the campaign, and after the speech to which objection is made had been incorporated into the RECORD.

Mr. REED. Mr. Speaker, please permit me to remind the Chair that when the gentleman from Ohio began and asked the reading of the letters which have already been read, two of them, one from the other gentleman from Ohio, he announced also that he purposed to have this paper read, and if any objection was to have been made it should have been made at that particular time and when the subject was first introduced. But having been entered upon and the reading of the letters having taken place without objection he certainly should be permitted to have the remainder of the article read.

The SPEAKER. Perhaps the gentleman who makes the objection now upon the floor did not know to what subject these letters related.

Mr. REED. But he should have made his objection as soon as they were read.

The SPEAKER. Any gentleman has the right to make an objection

when the gentleman addressing the House is not proceeding in order to address himself to the question before the House. Of course the Chair does not know the contents of the paper about to be read, except from the statement of the gentleman himself that it is a publication from a newspaper which appeared during the canvass preceding the late election. The Chair does not see how that can bear upon the publication of these remarks in the RECORD. However, the Chair will allow this to be read so that the House may see what it is. The Clerk will read.

The Clerk read as follows:

The Bellaire Tribune of the 10th instant says that General A. J. WARNER voted for a free-trade organization in the House, by which all the committees were given to the free-traders.

The truth is, General WARNER voted for SAMUEL J. RANDALL for Speaker, and opposed Mr. CARLISLE, who *is* a free-trader, throughout the contest.

Colonel Poorman, in all fairness, should make the correction. He knows that RANDALL is not a free-trader now, and, farther, that he never was.

Mr. WARNER, of Ohio. The House does not understand what paper that is. It is taken from the Bellaire Tribune, a Republican paper.

Mr. JOSEPH D. TAYLOR. I do not yield the floor to the gentleman from Ohio.

The SPEAKER. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] is entitled to the floor.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, the word "is," as applied to the term "free-trader" in that article, is italicized. That extract is read from the Spirit of Democracy, the only Democratic paper published in that county, and I was branded for slander throughout that county because I represented in that district that the gentleman from Ohio had voted for Mr. CARLISLE for Speaker, and thereby contributed to the organization of a free-trade Ways and Means Committee. I made that statement, and because I had said that he had voted for Mr. CARLISLE I was branded throughout the district for slander, as this Democratic newspaper brands the Bellaire Tribune with slander for having published that the gentleman from Ohio had voted for Mr. CARLISLE.

On the eve of the election I found myself compelled to send here to Washington to obtain 5,000 copies of the CONGRESSIONAL RECORD, which I was only able to distribute in certain portions of the district, in proof of the fact which I had stated, and which had been denied by the Democratic papers throughout the district.

I have the most profound respect for the Speaker of this House. I have spoken of him in the warmest and highest terms on all occasions, and I have also the most profound respect for the chairman of the Committee on Ways and Means, of whom I have also spoken in the highest terms. I can understand a man who does not believe in protection and I can understand a man who does believe in protection, but I can not understand a man who is a trimmer, a go-between—neither one thing nor the other. [Laughter and applause on the Republican side.]

Now, Mr. Speaker, I want to come more directly to the point in issue. I think it would have been only fair and just that these remarks of mine in regard to which some question is now raised should have been read by the Clerk for the information of the House. No gentleman can understand this speech from the disconnected and garbled sentences read as a part of the resolution.

The gentleman stated correctly that I occupied on the 5th day of July six minutes in debate, and that on the 7th day of July I obtained by consent of the House a general leave to extend my remarks. These remarks were printed in this RECORD, covering almost two pages and three-quarters of it. I never attached very much importance to it. I never had the matter printed in pamphlet form for distribution, and never thought of distributing it throughout the district as a campaign document until there was some question raised about it in the district by the gentleman from Ohio. [Derisive laughter on the Democratic side.]

I want to say, Mr. Speaker, that when this speech is read all together and consecutively, when it is taken as a whole, it will be found to state the facts in the case, and it will be found that every line and every paragraph is directed toward the chairman of the Committee on the Payment of Pensions, Bounty, and Back Pay and his committee, over whom he dominates. I want to disclaim any intention of making reference to the Committee on Invalid Pensions. There are one or two sentences here which, when read alone, are doubtless wide enough to embrace that committee, but when the paragraphs are taken together it will be found that they are inapplicable.

If you will observe, the bills to which I make reference, all the bills that I enumerate and in regard to which I complain, are the bills that were referred to the committee of which the gentleman from Ohio is chairman. I said all over my district, and I am happy to say here and now, that no committee in this Congress or any other Congress, in my judgment, did more faithful, efficient, or earnest work than did the Committee on Invalid Pensions, from the top of that committee to the bottom. They sat here day and night and passed bills, two hundred of which became laws, and passed many of them over the head of the gentleman from Ohio, who was here night after night interposing obstacles and objections to bill after bill.

Now, the committee to which reference was made in these remarks never did report but two bills that were intended to be general acts. Sixty-eight bills were introduced in this House, introduced by Democrats and Republicans, all of which were referred to that committee; and there never came from that committee a single report, yea or nay, in regard to any one of these important bills to which I have made reference. They reported three local bills, the one in relation to the Fourth Iowa Infantry, the one in relation to the West Virginia State troops, and one in reference to female nurses. Those are local in their character and were not embraced within the scope of my remarks. One or two other similar bills were reported adversely.

Now, I want to know, Mr. Speaker, if that does not come very near establishing the fact that that committee was the graveyard of all this important legislation? These sixty-eight bills went to that committee and there they were "throttled," because they never came back. In addition, Mr. Speaker, I desire to say that while the reports began to pour in early in the last session from the other various committees of this House, and were placed upon the Calendar, which very soon became a large volume, no report of any kind came from this committee until the 11th day of April. All the preceding months were suffered to pass away and no report came from this committee until the day I have just mentioned, and that was a bill introduced by the gentleman from Ohio and put upon its passage on the 21st day of April, and was passed under a suspension of the rules and sent to the Senate.

I want to know, Mr. Speaker, whether it took four or five months for the chairman of that committee or for that committee to ascertain whether a soldier applying to this great Government for a pension must be denied his claim because he can not prove that he was sound when he entered the service? For that was the only feature in that bill that does not deserve the condemnation of this House. I know the gentleman may say the second section in that bill had some merit in it. The second section of that bill provided——

Mr. WARNER, of Ohio. I have not the least desire in the world to limit the gentleman; but really is this to be a discussion of the Mexican pension bill on its merits? Is that the question before the House?

The SPEAKER. The Chair supposes that the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] is endeavoring to show that the statement he made was correct and that it was not unparliamentary.

Mr. WARNER, of Ohio. I do not insist upon the point.

The SPEAKER. The gentleman from Ohio will proceed.

Mr. JOSEPH D. TAYLOR. The second section of the bill to which I have referred, bill No. 6535, provides that——

In considering the claims of dependent parents, the fact and cause of death, &c., having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent or parents is without present means of support.

That is the language of the bill—"without present means of support." If the pension examiner shall find an aged decrepit father or mother who has as much as a crumb of bread and a cup of cold water, he will hold that this is a "present means of support," and that such claimants are not entitled to the benefit of this act. The Senate amendment to the Mexican pension bill provides that these dependent parents shall be pensioned if they are "without other means of comfortable support"—a marked difference between any support and comfortable support.

There is another bill which came from that committee. I said there were two general acts that came from that committee. The second was reported by Mr. GREENLEAF on the 7th day of May. Five or six months had passed away before this report was made. Hundreds and thousands of soldiers were waiting with anxious hearts the results of the investigations which were supposed to be going on in that committee, and yet it took five or six months to report this bill of four sections only. It took five or six months for that committee to find out that a widow whose dead husband was sleeping somewhere in an unmarked grave should receive $12 a month instead of $8. It took them five or six months to make that discovery.

It took them five or six months to make another discovery which embraced another section—that a dependent parent who now receives $8 a month should receive $12 a month. It took five or six months to find out that when a pensioner dies the same pension which supported him and his wife and children while he was living shall go directly to his widow and children after his death without the widow and orphans being required as now to prove that the husband and father died from a disability incurred in the service.

It took five or six months to find out one other thing covered by that bill; that is, that a soldier who received a wound in the service from which he subsequently became totally disabled should be entitled to receive a pension from the time of his discharge or from the time of his total disability.

These are substantially the provisions of the bill reported on the 7th day of May. Now, my remarks in regard to there having been but one bill reported were intended to mean that but one bill was ever reported for the purpose of having it become a law. In my judgment this subsequent bill that came from the committee on the 7th of May was purely an afterthought; and you will come to the same conclusion if you will read the remarks made on the day when the Warner bill passed this House by a two-thirds vote under a suspension of the rules; you will find by a reference to those remarks that this bill which was

passed on the 21st day of April was the ultimatum of that committee in the judgment of its chairman. In his own remarks he declares that the committee went as far in the preparation of that bill as public sentiment would justify; that there were some people who desired to go further, and that there were others who did not desire to go so far; that they had endeavored to report a bill which would meet the public sentiment and do justice to all, and that this bill went as far as they felt authorized to go, and in their judgment it would be found to take the place of numerous bills now before their committee.

I challenge the gentleman to show that in that discussion, when gentlemen offered to make amendments and were shut off by the chairman and were prevented—I challenge the gentleman to show where in the remarks of any member of that committee there was made any allusion to the fact that that committee ever intended to report any other bill on that subject. The amendments then proposed would have naturally called out such fact if there had then existed any such intention, but all the remarks then made show that this Warner bill was supposed to meet the present demand in pension legislation.

Perhaps I should make a single remark in regard to the first section of the Warner bill, as I have commented on the other two. The first section of that bill made it odious to the soldiers of this country. From one end of the land to the other there came up one universal protest from the soldiers of this country against that bill, because it compelled every claimant for a pension, before he could avail himself of the provisions of this bill, before he could be relieved from making proof of prior soundness, to elect whether he would prosecute his claim under this law or the general law, and he is required to file this election that he would take only under this bill; and this election is made final.

An election was reqnired, and it was made final; while in the Mexican war pension bill, as amended by the Senate, while the claimant is required to make an election for the time being, that election is not required to be final. After a claimant has made his proof under the Senate amendment and has obtained his pension, and after he has been drawing his pension for years, if he discovers the necessary proof, or if less proof is required by new legislation, he can abandon this pension, and go back and perfect his old claim and obtain a pension under the general law, thereby obtaining his arrears of pension, which he could not obtain under this law. So it is now when a special act is passed pensioning a claimant. If in the future he shall perfect his old claim, he can abandon the benefit of the special act, get credit for the money received, and obtain his pension from the General Government under the general pension laws of the country and obtain all the arrears allowed by the general law.

In speaking a moment ago in regard to the Greenleaf bill, I said I did not believe it was expected that it should ever become a law, for the reason that it was never put on its passage. The Mexican pension bill and the Warner bill had both been passed on suspension days. Why was not this bill put on its passage on suspension day? The gentleman from Ohio was chairman of the Committee on the Payment of Pensions, Bounty, and Back Pay. He might have asked this House that a day be set apart for the consideration of the many bills that were referred to his committee. Other committees asked one day, two days, and sometimes three days, and the request was granted. The Committee on Territories, of which I am a member, asked this House for two days and the request was granted, and those two days were occupied in the passage of bills which came from that committee. That request was made by the chairman of the committee, and it was granted as a matter of course. I have never known such a reqnest as that, in my short experience, to be resisted.

Why was not some effort made to put this second bill on its passage? None was made; no question of consideration was ever made; no day was asked to be set apart for its consideration. This bill went upon the Calendar behind one hundred and twenty other bills of a general character then on the Calendar, and it never went there until five or six months of the session had expired, and then it embraced very few of the provisions for which the soldiers of the country had been so long and so earnestly pleading.

The bill reported by the gentleman from Ohio embraced the Indian wars, the Florida war, the Black Hawk war, and the Mexican war, although this House had previously passed a bill granting pensions to all the Mexican soldiers.

You see my objections to the Warner bill and you see why I made this statement, every word of which is true, that the bill never commanded the respect of the Senate or received its consideration. And this is the reason why the soldiers of the country denominated it a fraud and a cheat, as was done throughout the country.

Now, Mr. Speaker, I submit whether there was not good ground for this complaint. There were other reports of this committee—elaborate reports. The gentleman from Ohio can talk long and lond; but in all that long session of seven months the only report that he ever wrote or made was a report of three lines. He gave the soldiers of this country only three lines of his writing and of his report. This is the extent to which he pleaded the cause of the Union soldiers of this country, their widows and dependent relatives.

We were asked by the Grand Army of the Republic to enact another provision. We were asked to adopt a provision continuing pensions to the children of dead soldiers in cases where these children who had drawn pensions until they were 16 years of age, were blind, idiotic, or imbecile; but no report in favor of any such measure ever came from that committee. The soldiers of this country were asking another provision. They were asking that dependent parents should not, as now, be required to prove first that they had nothing at the hour of their son's death. If they are to-day without a farthing, without a roof to shelter their heads, without food or raiment, they are not asked, "What are your needs now; what are your wants at this hour?" but they are compelled to prove that their necessities existed at the hour of the death of their only son, who sleeps to-day in a soldier's grave. No such provisions came. I might go on and refer to others. The cry of the soldier was unheeded by this gentleman and by his committee. It was further asked to have a provision dispensing with proof that the dead son intended to support his aged and helpless parents; that, too, was denied.

Now, Mr. Speaker, in order to show that I am not mistaken in regard to this, I will ask to send up and have read three letters which were written by three of the members of the committee on pensions of the Grand Army of the Republic—three men who were in Washington last winter, who were before that committee, who talked with its chairman, who were sent here to represent the soldiers of this country, who came here with a memorial which they laid upon the desk of every member of Congress. I want this House to hear what these witnesses say in regard to the conduct of this committee, or rather in regard to the conduct of the chairman of this committee. These letters will establish the truth of the remarks called in question.

Mr. ROGERS, of Arkansas. I object to printing these letters in the RECORD as a part of the gentleman's remarks.

The SPEAKER. The Chair was occupied at the time and did not hear what it was the gentleman asked to have read.

Mr. JOSEPH D. TAYLOR. I wish to establish the truth of my statement by having read to the House letters written by a committee of the Grand Army of the Republic who were here last winter, representing the soldiers of the country, sent here by the Grand Army of the Republic to secure pension legislation.

The SPEAKER. The gentleman from Arkansas objects unless they are read as a part of the gentleman's remarks.

Mr. ROGERS, of Arkansas. And I object to them then even as irrelevant.

The SPEAKER. The gentleman further objects to them as irrelevant to the subject under debate.

Mr. JOSEPH D. TAYLOR. They are to prove what I have said and sustain my statements in regard to this committee.

Mr. ROGERS, of Arkansas. It is stated by the gentleman from Ohio that these letters have been written since the adjournment of last Congress. They can therefore have no bearing at all upon the issues presented by this resolution of the gentleman from Ohio on my left, and I therefore object to that part of it as being irrelevant to the subject under discussion.

The SPEAKER. The gentleman objects to the letters being read on the ground that they are not pertinent to the question under discussion. The Chair does not know whether they are or not until he hears them read.

Mr. JOSEPH D. TAYLOR. It is in regard to the question of fact which the gentleman from Ohio has raised. I will compromise, however, and ask that they be printed in the RECORD.

The SPEAKER. The only question before the House is whether or not the several extracts made from his remarks, or any of them, were printed in the official records of the House in violation of the rules of the House and in violation of the leave given to the gentleman from Ohio. The Chair is unable to see how any letters which may have been written by persons outside since that record was made up can have any bearing on that question. It is not a question what gentlemen elsewhere may think about these matters, but merely whether the rules of the House and the privilege extended to the gentleman from Ohio have been violated. It is a pure question of parliamentary law for the House to decide.

Mr. JOSEPH D. TAYLOR. Now, Mr. Speaker, the next question I wish to call the attention of the House to is whether I have violated the rules and the practice of the House in regard to the remarks I have printed in the RECORD. I will ask the Clerk to read a short transcript I have here showing the proceedings in the House during the Forty-fifth, Forty-sixth, and Forty-seventh, and the first session of the Forty-eighth Congress.

Mr. ROGERS, of Arkansas. I object.

The SPEAKER. The Chair does not know what they are, but the gentleman states they are from the official record of the House, which he desires to have read to show he has not violated the rules of the House.

Mr. ROGERS, of Arkansas. It can not be possible the records of the House of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses can have any bearing on a matter charged against the gentleman of having violated the rules of the House in the Forty-eighth Congress.

The SPEAKER. The Chair may not think it is a good reason, but the House and the gentleman may think otherwise.

Mr. BROWNE, of Indiana. It may show the uniform practice of the House and in other Congresses on the same subject.

The SPEAKER. And that is a question addressed to the House itself.

Mr. ROGERS, of Arkansas. What question?

The SPEAKER. The question whether the gentleman has violated the rules of the House is addressed to the House, and he proposes to show what has been done heretofore in Congress under like circumstances in support of his position.

Mr. ROGERS, of Arkansas. I do not think the Chair caught the remark of the gentleman from Ohio. I understood he proposes to present a synopsis touching this character of legislation in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses.

The SPEAKER. And that thereby a practice or custom may have been established.

Mr. JOSEPH D. TAYLOR. I trust the gentleman from Arkansas will permit me to go on.

Mr. ROGERS, of Arkansas. I only wish the gentleman to proceed in order.

Mr. JOSEPH D. TAYLOR. This does not come out of my time?

The SPEAKER. The time consumed by questions of order do not come out of the gentleman's time, of course.

Mr. JOSEPH D. TAYLOR. I ask now the reading of the paper which I send to the Clerk's desk, which is from the foreman of the CONGRESSIONAL RECORD at the Government Printing Office.

The Clerk read as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., August 23, 1884.

DEAR SIR: In compliance with your request of this date, I have the honor to hand you herewith a statement from Mr. Aven Pearson, foreman of the CONGRESSIONAL RECORD, in regard to the number of "leaves to print" and those "withheld for revision" in the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, as shown by the records in his office. I have examined and compared the statement with the RECORD, and find the same to be correct.

Very respectfully, yours,

S. P. ROUNDS, *Public Printer.*

Hon. J. D. TAYLOR, M. C.,
Washington, D. C.

GOVERNMENT PRINTING OFFICE,
OFFICE OF CONGRESSIONAL RECORD,
Washington, D. C., August 23, 1884.

DEAR SIR: In compliance with your direction to examine the book kept in this office showing the names of members of Congress who made speeches which they withheld for revision, and of those who obtained leave of the House to print in the RECORD speeches which had not been delivered in the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and report the number to you, I have the honor to say that I have made a careful examination, and find the following:

Forty-fifth Congress:
Speeches withheld for revision 240
Leaves to print 247

Forty-sixth Congress:
Speeches withheld for revision 803
Of this number Hon. A. J. WARNER had two.
Leaves to print 90
Of this number Hon. A. J. WARNER had one.

Forty-seventh Congress:
Speeches withheld for revision 382
Leaves to print 156

Forty-eighth Congress:
Speeches withheld for revision 258
Of this number Hon A. J. WARNER had two.
Leaves to print 76

It will be understood that "leaves to print" are speeches which are *not* spoken in the House, and "speeches withheld for revision" have been—in part at least. Sometimes a member of the House delivers a portion of a speech and asks leave to print the remainder.

In these four Congresses over twenty general leaves to print were given on different bills, on which any member of the House had the right to have remarks printed in the RECORD.

On May 3, 1879, Hon. A. J. WARNER delivered a speech in the House which was printed in the RECORD May 8.

On January 18, 1881, he had leave to print remarks on the funding bill, which were printed on the 27th of the same month.

On February 13, 1881, he spoke on the river and harbor bill. The speech was printed on the 17th of March.

On April 1, 1884, he delivered a speech on the trade-dollar, which was printed on the 15th.

On April 30, 1884, he delivered a speech on the tariff, which was printed on the 4th of May.

Four of these speeches were withheld by him for revision, and were set up from the manuscript returned by him.

Very respectfully,

AVEN PEARSON,
Foreman Congressional Record.

Hon. S. P. ROUNDS,
Public Printer.

During the reading of the above paper the following proceedings took place:

Mr. WARNER, of Ohio. I object, Mr. Speaker, to the further reading. What has this to do with the question presented to the House?

The SPEAKER. The Chair does not know what use the gentleman proposes to make of it. The resolution offered by the gentleman himself recites, among other things, the fact that the leave of the House was granted to Mr. TAYLOR to print on a certain day, and the remarks were not printed until about the 1st of August—some time afterward. Perhaps the gentleman may desire to show that it is the practice to print speeches some time after the leave is given. The Chair, of course, does not know the purpose for which it is presented; but the gentleman is using it as an argument, the Chair presumes, to show that he has not violated the privileges of the House.

The Clerk resumed and concluded the reading of the paper as above.

Mr. JOSEPH D. TAYLOR. You see from that transcript furnished me by the Public Printer what the uniform practice has been in this regard—to print speeches which were never made and to print speeches no part of which was ever spoken upon this floor. Back in the Forty-sixth Congress you will find by reference to page 1350 of the RECORD of the second session of that Congress that Mr. Hazleton had the gentleman from Ohio [Mr. WARNER] arraigned before the House for having suppressed from the RECORD offensive words which he had uttered in debate, and Mr. Hazleton then said that this was the custom of the gentleman from Ohio. Mr. WARNER said then and there in defense of his action that he had done in changing the RECORD only what everybody had done—followed the uniform practice and custom of all members of Congress in that respect.

Besides that, I hold in my hand another certificate from the Public Printer—from the foreman of the RECORD—showing that the gentleman had made a speech in the first session of this Congress on the trade-dollar, and that it made eighty-three pages of manuscript, and that he rewrote eighty-two pages of manuscript for the Public Printer, and that they set up in the office from his own manuscript eighty-two pages of the eighty-three. The eighty-third page, and the only page not rewritten, had on it only twelve words of his original speech, and he changed one of them. [Laughter on the Republican side.] I will read the letter:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., August 28, 1884.

SIR: I have carefully examined the manuscript of a speech made by Hon. A. J. WARNER in the House of Representatives on the 1st of April, 1884, and find that only one page of the reporter's manuscript has been furnished to this office, and that the whole speech, consisting of eighty-three pages, has been rewritten by General WARNER, and that we printed the speech from the manuscript made by him, with the exception of this one page, on which is found those words:

"The SPEAKER. The time of the gentleman from Ohio has expired.

"Mr. WARNER, of Ohio. Then I shall ask consent to elaborate my remarks in the RECORD.

"There was no objection."

Very respectfully,

AVEN PEARSON,
Foreman of Congressional Record.

Hon. J. D. TAYLOR, M. C.,
Washington, D. C.

But that is not all. I hold another certificate from the Public Printer, showing that in his remarks on the Mexican war pension bill he followed his remarks to the Printing Office, and there in his own handwriting attached to his remarks, which were only two or three minutes in length, new paragraphs, struck out over forty lines and inserted fifty lines, changing and reversing the meaning. This shows that his remarks as printed in the RECORD were never uttered upon the floor of the House. The manuscript shows that he falsified the RECORD by changing his remarks and giving them a different meaning, and there is the manuscript; you can send for it and it will prove itself. [Laughter on the Republican side.]

This letter or certificate reads as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., August 28, 1884.

DEAR SIR: I have examined the manuscript of a speech made by Hon. A. J. WARNER in the House of Representatives on July 2, 1881, on the Mexican pension bill, and find that the words "The other amendments I am in favor of, as they embrace substantially what I have indorsed and what the House has already in part passed upon" are not in the handwriting of the reporters, but were added by Mr. WARNER in his revision of his remarks. In his revision he added about fifty lines and struck out over forty lines; in one place striking out the words "these amendments" and inserting "this amendment."

Very respectfully,

AVEN PEARSON,
Foreman of Record.

Hon. J. D. TAYLOR,
Cambridge, Ohio.

That was done without any permission of the House. Further, the gentleman made a speech here on the tariff, and he revised that most thoroughly before it went into the RECORD, inserting additional pages and paragraphs and striking out pages and paragraphs. But when he came to print it in pamphlet form he was not content with the RECORD speech. Oh, no! He made another edition. He made another revision when he printed the speech in pamphlet form. I hold it in my hand now, and if you will compare it with the speech in the RECORD you will find that he made one hundred and thirty-eight changes in it—[laughter on the Republican side]; compare them for yourself—between his speech in the RECORD once revised and that sent out in pamphlet form. And then, besides that, he printed it in a job office—in Polkinhorn's job office—and sent it out under his own frank in violation of the statutes of this country. [Laughter and applause on the Republican side.]

Now, Mr. Speaker, I wish to have read an authority upon this subject. I submitted this speech, as printed in this CONGRESSIONAL RECORD, to Hon. Edward McPherson, for fourteen years Clerk and for many years a member of this House, and perhaps the ablest parliamentarian in this country, and I ask to have read some extracts from

his letter addressed to me, in which he said that upon examination there was nothing whatever in these remarks contrary to parliamentary law or the rules of this House. I am speaking now of my speech which has been called in question. In my letter I asked this question:

Please examine my printed remarks in the RECORD of August 1 and see whether you discover anything in them not authorized by the rules and practice of the House.

I will ask the Clerk to read the following extracts from his letter in answer to the question.

The Clerk read as follows:

It is the ordinary practice in the House for members to ask and the House to grant leave to print remarks not delivered. It is also not unusual for members, having outlined their arguments in the few minutes snatched for debate, to ask and get permission to extend their remarks and print them in the CONGRESSIONAL RECORD as if delivered as printed. This practice grows out of the necessities of our parliamentary life, &c.

I had occasion recently to examine the CONGRESSIONAL RECORD for the proceedings of an evening session devoted to debate on the Morrison tariff bill, and found that seventeen speeches purport to have been delivered in the four hours devoted to the sitting. Not one of these speeches was delivered in full as printed, and of some no portion was delivered.

I have no doubt that at least two hundred speeches will appear in the CONGRESSIONAL RECORD of the last session which were not actually delivered in full in the House.

I find further that you are especially fortified in your right to print in the circumstance that at the sitting of July 7 you asked and obtained unanimous consent to extend the remarks made by you on the Mexican war pension bill. This gave you ample authority to prepare and print a discussion of the pension bill, the Senate amendments thereto, and all proceedings of the House connected with that subject.

COX's speech, "Salt in politics," page 165, CONGRESSIONAL RECORD, July 8, was never delivered, nor any part of it, in the House, but was a reprint of his fourth of July speech before the Tammany Society of New York.

The rules prescribe no limit as to the right of the member to revise his speech after he has spoken five, ten, twenty, or more minutes.

Third. I have examined with considerable care your speech printed in the RECORD of the 1st of August, and do not think there is anything in it which violates the rules or practice of the House.

* * * * * * *

A criticism, parliamentary in terms, of the action of any portion of the House or any member of the House is always permissible, whether in the absence or presence of the person affected. If this were otherwise all that would be necessary for a member who desired to avoid criticism on his public acts would be to absent himself from the sittings until the opportunity for making the criticism had passed.

Mr. JOSEPH D. TAYLOR. And the House will remember that at the last session the distinguished gentleman from New York, than whom perhaps there is no higher authority on this floor, a gentleman who has occupied a seat here for twenty years—in that session when the bonded-whisky bill was under discussion, made a few remarks and then printed a speech upon the tariff. And yet nothing was said about it.

Have you forgotten the remarks of the distinguished gentleman from Illinois [Mr. TOWNSHEND], made at the last session, in which he said that the record of the Republican party was reeking with corruption; that it was destitute of all political virtue; that it had a damnable record; charged it with opening the vaults of the Treasury to the wickedest rings and thieves that ever cursed a free land? Charges of fraud and perjury and forgery dropped from his tongue like the oil from Aaron's beard, and all that was done about it was at the close of his remarks the gentleman from Maine [Mr. REED] arose and asked to have the gentleman's time extended. [Laughter and applause on the Republican side.]

Why, sir, the gentleman from Colorado [Mr. BELFORD] called the other side of this House a herd of political eunuchs, without manhood and virility, and you laughed at it and seemed to think it very funny. The mildest man in this House, and a man for whom I have great respect—the gentleman from Texas [Mr. REAGAN]—in a discussion last year used the word "outrages" when he was charging home on the Republican party its alleged vile record during the last fifteen years.

Mr. Speaker, I have been learning here from day to day the practice of this House. I have learned it from this side and from that side. I have read it in the RECORD and in the newspapers of the country. I want to know now if I am to be catechised or arraigned here because I happen to be speaking for the soldiers of this country.

[Here the hammer fell].

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to have five minutes more allowed me. I have been interrupted so that very much of my time has been consumed.

The SPEAKER. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] asks unanimous consent to be permitted to proceed five minutes longer. Is there objection?

Mr. GEORGE D. WISE. I object.

Mr. ROGERS, of Arkansas, rose.

Mr. GEORGE D. WISE. I withdraw the objection.

Mr. BROWNE, of Indiana. If the Chair will recognize me I will be glad to yield a portion of my time to the gentleman from Ohio.

The SPEAKER. The objection to the gentleman from Ohio proceeding is withdrawn. He is entitled to five minutes more.

Mr. JOSEPH D. TAYLOR. I want to print in the RECORD a letter from the Public Printer explaining that it was by accident my speech was printed as late as August 1, and taking on himself the entire responsibility for the delay and exonerating me from any blame in the matter.

The following is the letter of the Public Printer:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., August 22, 1884.

DEAR SIR: In reply to your inquiry in regard to the facts as to the publication of your speech on the Mexican war pensions, I find from the RECORD that a portion of it was delivered on the 5th of last July, and leave to print extended remarks in the CONGRESSIONAL RECORD was unanimously given by the House on July 7, and that you furnished this office the copy on the 11th of July. Inasmuch as there were several other speeches by different members, for which leave to print had been given, the copy for which had not then been furnished this office, I ordered the last number of the RECORD to be withheld until the 1st of August, in order to get as many of them as possible. Your speech will be found on page 7063, number 167 of the RECORD of the first session of the Forty-eighth Congress; and although the RECORD was withheld until that date, there were several other speeches for which leave to print had been granted that were not printed in that number of the RECORD.

I have the honor to be, very respectfully, yours,

S. P. ROUNDS, *Public Printer.*

Hon. J. D. TAYLOR, M. C.,
Cambridge, Ohio.

I want to say here and now that if gentlemen will read this speech from beginning to end, if they will take the whole speech and construe it as the old law books say we must do to construe a will, take it up by the four corners, which simply means to take it altogether, they will find no trouble in discovering its meaning or in discovering the truth of its allegations.

The charge of cowardice is referable to the members of the other side who persistently sat in their seats and refused to vote, when this was the only way to defeat the Senate amendments to the Mexican pension bill. Examine the RECORD if you would know how often this was done.

I have exonorated myself from the accusations that have been made. I have kept within what I understood to be the rules of this House. And I want to say to gentlemen that it is a matter of no great moment to me what disposition is made of this resolution. We all have some individual pride, of course. I am not like the gentleman from Ohio. I have the honor of representing now the district in which I was born and in which I have always lived, while he has been migrating from State to State, and from party to party, at his own pleasure.

I want to say in conclusion that anything that this House may do will be as nothing against me. The speech for which I am arraigned here was in behalf of the Union soldiers of this country, and if I am arraigned they are arraigned. If I have erred at all I have erred in a good cause. I have been, during my service in this House, pleading the cause of the Union soldiers, and it has been my endeavor to show that the pension laws of this country should be made more liberal; that there should not be so many widows and orphan children in this country hungry and destitute; that children of soldiers who died that this nation might live should not "be left to the organized charities of the State," as will be the case with thousands of them if this legislation is not secured, and yet your great Treasury is overflowing with money. I will say to you that for whatever vote you may cast in regard to this resolution, for whatever you may do, you will answer not to me, nor to this House, but you will answer to the soldiers of your districts if you represent districts in which there are Union soldiers.

I am willing that this question with this explanation be submitted to the intelligent judgment of this House, and in regard to it I shall make no further defense or explanation. I yield now to the gentleman from Indiana [Mr. BROWNE].

The SPEAKER. The time of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] has expired.

Mr. BROWNE, of Indiana. I ask to be recognized in my own right.

The SPEAKER. Is the gentleman opposed to the resolution or in favor of it?

Mr. BROWNE, of Indiana. I desire to submit a motion in connection with it.

Mr. WARNER, of Ohio, rose.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] reserved thirty-five minutes of his time.

Mr. BROWNE, of Indiana. But is not his occupying that time dependent on his being recognized by the Chair, and can he occupy it if other gentlemen desire to be recognized?

The SPEAKER. It is the universal custom that if a gentleman reserves a portion of his time and afterward desires to speak the Chair will recognize him.

Mr. BROWNE, of Indiana. I have no wish to have the gentleman from Ohio [Mr. WARNER] cut off. But I want to have this campaign question out of the House and before a committee.

The SPEAKER. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] having been recognized for an hour, the other gentleman from Ohio [Mr. WARNER] has now the right to occupy the remainder of his hour.

Mr. WARNER, of Ohio. I desire to reserve my time until other gentlemen are through.

The SPEAKER. The gentleman has thirty-seven minutes of his time remaining.

Mr. REAGAN. I should like to inquire how long this debate is to run.

The SPEAKER. Debate can only be stopped by ordering the previous question. Does the gentleman from Ohio [Mr. WARNER] yield to the gentleman from Arkansas [Mr. ROGERS]?

Mr. WARNER, of Ohio. I do not yield my time, but reserve the balance of it to be used at the close of the discussion. The gentleman from Arkansas [Mr. ROGERS] is a member of the committee, and desires to be recognized in his own right.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. ROGERS, of Arkansas. To my mind this is a most remarkable exhibition. A committee of this House, composed of Democrats and Republicans alike, unanimously request their chairman to present certain charges against the gentleman from Ohio for violation of the rules of debate at the last session and to ask that these objectionable features of the debate be expunged from the RECORD. What are the issues presented? First, that the gentleman from Ohio has been guilty of a breach of the rules of the House by making charges against a committee of the House, by making charges against individual members of the House, by making charges against the House itself—in plain language, denouncing the House; by repeating in his speech the proceedings of a Senate committee; by expressing in that speech false charges against the House and the Select Committee on the Payment of Pensions, Bounty, and Back Pay. With these grave charges pending against him he seems to be totally insensible of the attitude in which he is placed by this resolution; and instead of undertaking, if the charges are untrue, to establish their falsity, or, if they are true, then to apologize to the House in an honorable and manly way, he undertakes to go into a discussion of the Ohio campaign and to bring into this House records which he has obtained from the Public Printer, who, I suggest, might as well devote his time to the public service instead of answering inquiries for partisan purposes.

I say that, instead of undertaking either to establish the truth of his assertions, which the resolution charges to be untrue, or to confess his mistake as to the facts, the gentleman goes into the question of the Ohio campaign and various other matters totally irrelevant, and in no sense bearing upon the charges made against him.

Mr. Speaker, I do not propose to consume more than three or five minutes, and touching two of these charges only. In regard to one matter that the gentleman goes into in detail, namely, that part of his speech referring to the Senate proceedings, no one, I presume, will undertake to justify or defend his course, for the record is before this House. All that he says by way of defense bearing upon this point or upon the other matters of any importance is that if you will take the whole speech and read it you will find nothing objectionable in it. Yet, instead of undertaking to read the speech himself to the House and to explain away the objectionable features complained of, to which the attention of the House is called, he has, as I have said, devoted his attention to Ohio politics and Ohio statesmanship.

Now, Mr. Speaker, one other proposition and then I am through with this subject so far as I am concerned, for really, though a member of the Select Committee on Pensions, Bounty, and Back Pay, I myself do not care very much for what the gentleman has said, so far as it applies to me personally. But this is his proposition. I read his words:

He—

Alluding to the gentleman from Ohio [Mr. WARNER]—

is the chairman of the Select Committee on Payment of Pensions, Bounty, and Back-Pay, to which was referred the most important legislation of this session, touching the soldiers and their dependents; and I regret to say that this committee has proved the graveyard of all this important legislation. It never reported but one bill, and this was so objectionable to soldiers that the Senate gave it no consideration.

Mr. Speaker, there is a statement from the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] which he has not seen fit to retract. On the contrary, adding insult to injury, he substantially reiterates the charge in the presence of this House this morning.

I propose now, Mr. Speaker, to demonstrate, by a reference to the records of the proceedings of the first session of the Forty-eighth Congress, that the statement which the gentleman made when he published this speech and its reiteration here this morning in the presence of this body are both untrue.

The Warner bill was reported April 11, 1884. (RECORD, volume 66, page 2876.) The bill which I reported as a substitute, under the direction of the committee, for a provision in the pension appropriation bill, and which subsequently passed this House and became a law, was reported April 16, 1884, as will be found by reference to volume 66 of the RECORD, page 3011.

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me a moment?

Mr. ROGERS, of Arkansas. Certainly.

Mr. JOSEPH D. TAYLOR. That amendment, as the record shows, and I think you will admit, was considered in the Committee on Appropriations. It was so stated by the gentleman from Texas [Mr. HANCOCK]. That amendment was added on the statement of fact that it had been recommended by the Commissioner of Pensions originally—you said so and so did the gentleman from Ohio—and the statement of the gentleman from Texas, that it had been considered in the Committee on Appropriations and was recommended by that committee.

Mr. ROGERS, of Arkansas. Mr. Speaker, that is sufficient, I think, from the gentleman on that point. It is to the credit of this committee if the Appropriations Committee of this House deemed the measure of sufficient importance to give it consideration in that committee. But, sir, the fact is that long before the consideration of that amendment I, by unanimous consent, under the direction of the Committee on Pensions, Bounty, and Back Pay, submitted that bill, and it was printed in the RECORD for the consideration of this House. Subsequently, when the pension appropriation bill was under consideration, I offered that bill (which had been previously printed in the RECORD by unanimous consent) with some slight amendments, I think, as a substitute for certain provisions of the pension appropriation bill, and, to the credit of our committee, the Committee on Appropriations accepted it and it became a law.

Mr. Speaker, on the 12th of April, 1884 (I refer to the RECORD, volume 66, page 2902), Mr. CONNOLLY, of that committee, reported another bill. On the 7th of May, 1884 (RECORD, volume 67, page 3936), Mr. CONNOLLY reported another bill from that committee; and on June 21, 1884 (RECORD, volume 68, page 5450), he reported still another bill. On the 7th of May, 1884, Mr. GREENLEAF, of New York, a member of that committee, reported a bill to increase pensions, and for other purposes (Record, volume 67, page 3936); and on the 6th of June, 1884, Mr. GREENLEAF reported two other bills (RECORD, volume 68, page 4843). On the 22d of March, 1884, Mr. WHITING, of Massachusetts, a member of that committee, reported to this House another bill (RECORD, volume 66, page 2174). Yet in the face of the work of this committee the gentleman from Ohio says that he is substantially correct in the statement that the committee reported only one bill. He substantially reiterates that charge on the floor of the House this morning in his remarks.

Mr. JOSEPH D. TAYLOR. I will inquire if all those bills except two were not merely local and special cases.

Mr. ROGERS, of Arkansas. It makes no difference what kind of bills they were, for the gentleman says in broad terms we reported but one bill, while the RECORD shows we reported nearly a dozen bills.

Mr. JOSEPH D. TAYLOR. No; he has not.

Mr. ROGERS, of Arkansas. The gentleman now says he has not. Let us see again whether he has or not. I will read it again for his benefit:

He is chairman of the Select Committee on Payment of Pensions, Bounty, and Back Pay, to which was referred the most important legislation of this session touching the soldiers and their dependents, and I regret to say that this committee has proved the graveyard of all this important legislation. It never reported but one bill, and this was so objectionable to soldiers that the Senate gave it no consideration.

I challenge the record for the truth of the statement I make and for the untruth of the statement he makes.

Now, Mr. Speaker, it occurs to me that it would become the gentleman, who prides himself on his career in the State of Ohio, when these facts have been ascertained in a public body of the dignity of the American House of Representatives, to rise in his seat and confess he had been mistaken and make an apology to the House and submit willingly to the correction of the record. Brought face to face with this record, that, it seems to me, ought to be the course to be pursued by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] on the other side of the House. But, as I have said, instead of pursuing that course the gentleman has again reiterated his former statement, and he undertakes to discuss with the other gentleman from Ohio the local characteristics of the campaign in his district in Ohio. Now, I thought everybody was satisfied of one thing, namely, that if anything is settled in Ohio it is that that State is Republican and the gentleman's district Democratic. That fact, I thought, was settled in the recent election.

I may say there is one part of the gentleman's speech which I feel inclined to let remain, in view of what has taken place. It is as follows.

There are people who would do well to talk less and think more. There is a great deal of ignorance among gentlemen who would like to be called statesmen in regard to the policy and organism of our Government.

It seems to me, Mr. Speaker, that there are some gentlemen on this floor who do not know so much as they think they do about what took place in the Committee on Payment of Pensions, Bounty, and Back Pay during the last session of Congress. [Laughter.]

There is one other suggestion, and then I believe I am through, and I desire to emphasize the statement I am now about to make. The records show you that a number of bills went to our committee which were never specifically reported upon. I know that when the gentleman from Ohio [Mr. WARNER] on my left reported this bill that was discussed, and which passed the House of Representatives, he reported it in lieu of several others touching the same subject), and when he did so he re stated at that time, and it so appears in the RECORD (I do not quote the exact language, but it does appear that this bill was reported in lieu of the other bills on that subject); in other words, it was the crystallized opinion of that committee as to what legislation ought to take place on the subject covered by it. And the same thing is true about the bill reported by the gentleman from New York [Mr. GREENLEAF], although I discover by an examination of the official record that it does not so appear, from the fact, no doubt, that the gentleman neglected at the time to state that fact in making his report to the House.

One other thing and I am through. When I entered as a member upon the duties of the Committee on the Payment of Pensions, Bounty, and Back Pay I knew very little about the pension laws. I submit to my colleagues on that committee on the other side of the House—and they can speak for themselves on that subject—whether or not there was any period in the history of the work of that committee during the last session of Congress when there was anything like a political division in passing on these several measures. And I will submit another proposition, and it is whether or not at any period during the history of the work of that committee at the last session I was found wanting in any particular in the discharge of what was properly the duty of a Congressman on that committee.

Mr. Speaker, our committee was peculiarly harmonious, and these questions, when presented to the committee, had the highest consideration we could give them. We sought all sources of information, and I undertake to say here to-day no committee of this House, from the highest to the lowest, discharged its duty more industriously, more uprightly, more honorably, or with a higher sense of public duty, than that committee, of which I had the honor to be a humble member. And having said this much in vindication of the committee, feeling myself but little aggrieved so far as this thing is concerned, never having had my attention called to it until the beginning of the present session, I believe I will now yield the floor.

Mr. WARNER, of Ohio. I yield five minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, perhaps it had been better if this matter had not been brought before the House, but being here it is very important that we should dispose of it correctly. It is entirely immaterial who in the past has violated the privileges of the House under the leave to print. It is entirely immaterial how the election in the district of these gentlemen here was conducted or how it ended. The sole question is whether by the articles and extracts complained of the gentleman from Ohio [Mr. TAYLOR] committed a breach of the rules of the House and an infraction of its privileges.

The facts, as I understand them from himself, are these: He obtained leave to print. Afterward he was nominated as a candidate to represent that district in Congress, his competitor being Mr. WARNER, and after that nomination he printed a speech that was never made on the floor of the House, reflecting personally upon his opponent.

Mr. JOSEPH D. TAYLOR. The gentleman is mistaken; those were not the facts.

Mr. HAMMOND. And he stated this morning in debate that he did not mean to reflect upon the committee, but the sole purpose he had in view was to reflect upon the gentleman who was his opponent in that campaign.

Mr. JOSEPH D. TAYLOR. I presume the gentleman from Georgia wants to state the facts. The nomination was made before the Congress adjourned.

Mr. HAMMOND. That is just what I was saying, that the nomination was before Congress adjourned, and the printing was after the adjournment of Congress.

Now, the question is, when a man under the fourteenth rule of the House can not indulge in personality in debate when speaking upon the floor of the House, shall he under the privilege of delivering something he did not say in print indulge in personality when there can be no reply? I have argued the question when I have stated it; and I shall vote to expunge this matter from the official records of the House.

Mr. WARNER, of Ohio. Mr. Speaker, the gentleman on taking the floor stated that he had not had notice that this matter would be brought up until yesterday, and that, therefore, he had not time to prepare himself. Then he proceeds to deliver one of his very familiar campaign speeches heard so often in Ohio during the last campaign.

The gentleman refers to leaves to print granted to other members of the House, among them to myself. I make no complaint and have made none against the leave to print. That is not the question involved here. That is one thing. The gentleman made no allegation that in these leaves to print, or in printing under such permission of the House, anybody had printed or had said anything untruthful or had in an improper way availed himself of that right. Nor does he state that in such leaves to print there was any violation of the rules of the House, no abuses of the privileges of the House under leave to print.

It is not, then, a question of leave to print, but a question of the abuse of that permission. It is the taking advantage of that permission to print or insert in the RECORD what the gentleman would not have said and what he would not have been permitted to say on the floor of the House. That is the charge which I have made. Any member under a leave to print, or who withholds his speech for revision—and all know that is a common practice—may revise his speech as fully as he desires. He may prepare it beforehand just as he desires to have it appear in the RECORD, every sentence of it completed as he would have it, punctuation and everything else; or he may deliver his speech and afterward revise it, putting it subsequently in the form that he would have adopted had he written it all out beforehand. But in doing so he recognizes the fact that he must abstain from personality, and has no right, under leave to print, to insert what he would not have been permitted to utter in the House. He must not insert in his speech what affects the dignity or the honor of any other member of the House.

Mr. JOSEPH D. TAYLOR. I desire to ask a question.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. WARNER, of Ohio. I will yield for a question.

Mr. JOSEPH D. TAYLOR. In the last part of your tariff speech, as printed in the CONGRESSIONAL RECORD, you are talking about the Ohio platform. Now, in the last part of your pamphlet speech you will find printed the words "Great applause"——

Mr. WARNER, of Ohio. That is a very trivial matter, like the most of the gentleman's speech, and I do not yield for a trivial piece of nonsense like that.

A member has the right to circulate his whole speech or a part of it only, if he chooses. When I had completed my tariff speech I revised it somewhat, as is the custom in the House, and in printing it in pamphlet form I left out a portion of it; and as a matter of fact it should be stated that the part I left out was a part that was delivered in open House and which related to my colleague, Mr. HURD, but not caring to give that general circulation I struck it out, out of deference to him, although it was done not at his request.

That a member has his speeches printed elsewhere than at the Government Printing Office takes from him the right to circulate them under his frank is simply nonsense. The only question is, is it a part of the matter contained in the CONGRESSIONAL RECORD? He pays for the printing of it himself, and he may print it at the Government Printing Office or print it anywhere else that he chooses; and when the gentleman charges me with having made a hundred or more alterations he misstates the fact, and I challenge him or any one else to take the speech as it appears in the RECORD, compare the two, and point them out. There is no change, except such marginal corrections of punctuation, and minor things of that kind, as you may find upon the margin of every proof-sheet of every speech that is printed at the Government Printing Office or elsewhere.

The gentleman sends to the Clerk's desk to be read the opinion of a former Clerk of this House, but that opinion bears date some time late in August. It was called for and given during the Ohio campaign. I was never aware that the author of that letter was an authority on parliamentary law or anything else but partisan politics, of which he makes, I believe, a yearly publication by collecting and publishing what purports to be the doings of the House, but which are mainly the doings of the Republican side of the House.

But, Mr. Speaker, I wish to call the attention of the House back to the question, not to matters that were in the Ohio campaign. I carefully abstained from bringing anything into this discussion personal to myself or that pertained to matters between myself and my colleague. The question here is: did the gentleman abuse the privileges of this House and his leave to print when, after the House adjourned, he went to the Printing Office and inserted what I have sent to the Clerk's desk? I say, Mr. Speaker, I believe that speech to be without parallel in the proceedings of Congress; that no other case like it can be found. And it was from a full sense of the importance of such a precedent, and the importance of not permitting such a precedent to go unquestioned, that I have called it up.

As the gentleman has referred to politics in Ohio, I shall say nothing about that more than to contradict one or two things. He says that a chairman of one of the Democratic committees was indicted. He did not state what led to that indictment, and that as soon as it could be heard it was quashed. I am not going into the Ohio campaign. The people have settled that question there. The gentleman referred to the matter of the election of Speaker. What had all that to do here where we are considering a charge of the violation of the privileges of this House? But I will say, to go upon the records, that never was there a campaign carried on in that State or anywhere else where methods so corrupt, forbidden, and so abhorrent were resorted to as were resorted to by my colleague and his confederates, employed to circulate the very document which he had printed.

Mr. JOSEPH D. TAYLOR. I demand that the language of the gentleman from Ohio be taken down.

The SPEAKER. The gentleman from Ohio demands that the words of his colleague be taken down. The reporter will reduce them to writing.

Mr. DUNN. While the words are being taken down I ask that an order be made to correct the RECORD of this morning.

The SPEAKER. Nothing else is in order while this matter is pending. The Clerk will now read the words objected to as they have been taken down.

The Clerk read as follows:

> I will say, to go upon the records, that never was there a campaign carried on in that State or anywhere else where methods so corrupt, forbidden, and abhorrent were resorted to as were resorted to by my colleague and his confederates, his paid staff, scoundrels employed to circulate the very document which he had printed.

Mr. WARNER, of Ohio. I say that a part——

Mr. KEIFER. I submit that the gentleman from Ohio [Mr. WARNER] is not entitled to proceed until action is taken on the words which have been objected to.

The SPEAKER. The Chair understands that the gentleman from Ohio [Mr. WARNER] desires to make an explanation.

Mr. WARNER, of Ohio. I propose to withdraw the remarks, which I concede to be unparliamentary. I did not intend to say "his paid scoundrels." I will say this, that I do not think a campaign was ever carried on anywhere in which methods more corrupt, forbidden, and abhorrent were resorted to to achieve political ends than were resorted to in the seventeenth district of Ohio during the last campaign.

Several MEMBERS. By whom? [Laughter.]

Mr. WARNER, of Ohio. By and on the part of the Republican party. [Applause on the Democratic side.] I think that is parliamentary, and it is certainly true.

Mr. KEIFER. I do not desire to press this matter; but I do not think the gentleman exculpates himself by merely withdrawing the language. That is a privilege he has, but when he has exercised it, the matter is still left with the House.

The SPEAKER. Certainly; if any member desires to submit a motion on the subject he is at liberty to do so.

Mr. KEIFER. I do not want it to be taken for granted that the gentleman may withdraw the language and then go on with his remarks.

The SPEAKER. The Chair does not understand the rule to be that the gentleman can withdraw his remarks and then proceed, provided any gentleman desires to submit a motion with regard to the words which have been objected to. The Chair is ready to recognize any gentleman for that purpose.

Mr. KEIFER. I think the gentleman must have permission of the House to proceed after being called to order in that way.

Mr. HAMMOND. I submit that when the gentleman from Ohio [Mr. WARNER] stated he did withdraw the words and was allowed to go on without objection, it is now too late to raise the question.

Mr. KEIFER. But he was not allowed to go on without objection.

The SPEAKER. The Chair could not tell when the gentleman from Ohio rose whether he was to proceed to make an explanation of the language used or to proceed with the debate. That fact could not be ascertained until the gentleman had spoken perhaps a sentence or two.

Mr. HAMMOND. The gentleman from Ohio [Mr. WARNER] having withdrawn the words to which objection was made, I move that he be allowed to proceed in order.

The SPEAKER. The gentleman from Georgia moves that the gentleman from Ohio be allowed to proceed in order. Is there objection? The Chair hears none. The gentleman from Ohio will proceed.

Mr. WARNER, of Ohio. That is all I wish to say respecting the campaign in Ohio; because, as I have said and will repeat, this is not a personal matter purely. I have acted under the advice of my committee as well as upon my own judgment. And I must be permitted to refer again to the work of that committee. When the gentleman stands here and says it made no report but one of three lines, or that it made such a report, he again proves, if nothing more, his ignorance of what the records of the House show.

That committee, early in the last session, took up the question of pensions in the Department, called the Commissioner of Pensions before it, held sessions day after day and week after week, with the Commissioner of Pensions before it, questioning him as to the cause of delay in adjudicating upon the 250,000 or 300,000 claims now pending in that office, and which have been pending there some of them for the last twenty years. And, Mr. Speaker, in that office there can be found, I dare say, scarcely a Democrat from garret to cellar; every place of any consequence in that office is now held and has been held every hour of every day from the close of the war till this time by Republicans, and if there is any fault for not adjudicating and settling those pension cases where does that fault rest?

We undertook in that committee to modify the rules of evidence, so far changing the law as to enable the Commissioner to settle claims of that kind. I do not believe there is a committee of this House that worked more faithfully than did the committee over which I had the honor to preside.

How does the gentleman know what we did? Did he, though he had introduced a bill, step his foot in that room to inquire after any bill there or anything pending in the committee? No, Mr. Speaker; his interest in the question arose after Congress had adjourned, when there was an opportunity to put a speech in the CONGRESSIONAL RECORD. The report I allude to is in the form of an interview with Commissioner Dudley—this document which I hold in my hand, designated "Miscellaneous Document No. 43."

Now, the gentleman assumes that he is here on this floor as the representative of the Union soldiers, and is authorized to speak for them. Is it possible that the Union soldiers of this country have made that selection; that they have put him forward here to represent them? Did he represent them upon the field during the war? [Applause on the Democratic side.] I know something of the gentleman's record during the war. I know that after the war was well nigh over; after all the great battles had been fought; after the Army of Virginia had been rolled back across the Potomac and across the mountains, Vicksburg had been captured, Gettysburg had been fought, and the Mississippi River had been opened to the Gulf, then he enlisted in the Home Guard of the State of Ohio [applause and laughter on the Democratic side], and on conditions, too, for the condition of the regiment in which he served was that it should not go out of the State. [Renewed laughter and applause on the Democratic side.] A gentleman who has won the title of "Feather-bed Colonel" in the State of Ohio has been selected—has he?—to represent the Union soldiers upon the floor of this House! Indeed! indeed! Self-appointed, I think!

They would naturally, of course, select a gentleman of courage; and it certainly took courage after Congress had adjourned to go to the Printing Office and insert in the RECORD what I have alluded to; but it is a kind of courage, Mr. Speaker, which the assassin displays when, finding his victim is asleep, he approaches him to stab him. [Applause on the Democratic side.] That is the kind of courage displayed by the gentleman in going to the Printing Office days after Congress had adjourned to insert an attack upon myself and upon the committee which I represent—an attack which was circulated all over my district. The first I heard of this speech was that it had been circulated all over the district. And he has the face, you will allow me to say, to come here and say that he did not intend to attack a committee of the House, but to take advantage of the circumstances to make an attack upon me personally, and to print that speech which was circulated through that district and was printed and reprinted in every Republican paper within that district.

Mr. JOSEPH D. TAYLOR. I wish to ask the gentleman a question.

Mr. WARNER, of Ohio. But I come back to this question: Did the gentleman who introduces here a great mass of stuff relating to the campaign in Ohio, which has nothing to do with this issue at all, and which covers up the one charge of inserting in the CONGRESSIONAL RECORD after Congress had adjourned the language which has been referred to and is quoted in the resolution—did he abuse the privileges of this House? Did he insert in that publication words unparliamentary, which, if they had been uttered on the floor of the House, might have been questioned—as was done a moment ago in my own case—and be stricken out of the RECORD, as they certainly would have been?

Did he abuse the privileges of the House in taking advantage, after the adjournment of Congress, to insert that speech? Was it a violation of the rules of the House to allude to what took place and to criticise what took place in a committee of the Senate or was it not? That is the only question for this House to pass upon. It can not pass upon the Ohio campaign now; it is too late; it is all over, and I am satisfied with it myself. [Laughter and applause.] The only question to be passed upon is, Did my colleague abuse the privileges of this House under leave granted to him to extend his remarks? Did he insert in the RECORD matter not delivered on the floor of the House and which violated the privileges of the House? If he did not, after the showing I have made, then you may insert anything you may get leave to print, and after Congress adjourns, or any other time, insert what you please affecting the integrity, the honor, the character of members, and there is no way to question it.

I now, Mr. Speaker, move the previous question on the adoption of the resolution.

Mr. JOSEPH D. TAYLOR. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. If I have five minutes remaining of my time, Mr. Speaker, I will yield it to the gentleman from New York [Mr. COX].

Mr. JOSEPH D. TAYLOR. I rise to a question of privilege for the purpose of correcting the truthfulness of the statement last made by the gentleman from Ohio.

Mr. WARNER, of Ohio. I will withdraw my demand for the previous question and I will yield five minutes to the gentleman from New York.

The SPEAKER. The gentleman from Ohio states that he rises to a question of privilege.

Mr. JOSEPH D. TAYLOR. I do.

The SPEAKER. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. I wish to say, Mr. Speaker, that while the regiment to which I belonged was mustered in early in 1863, at a time of intense excitement in that State, and while some of them understood it was to be confined to that State, nevertheless it was not confined to that State but went into other States.

Mr. WARNER, of Ohio. Oh! Mr. Speaker, that is not a question of privilege.

Mr. JOSEPH D. TAYLOR. I remained with the regiment a year and a half, and was with the regiment outside of the State of Ohio.

The SPEAKER. The Chair thinks that is not a matter of privilege. It is in the nature of a personal explanation, to be made only by the consent of the House.

Mr. WARNER, of Ohio. I withdraw the demand for the previous question, and would like to inquire how much time I have left.

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. WARNER, of Ohio. Very well; then I will yield five minutes of that time to the gentleman from New York.

Mr. COX, of New York. Does the gentleman want the whole eight minutes?

Mr. WARNER, of Ohio. I will yield to the gentleman from New York seven minutes, retaining for myself only one minute.

The SPEAKER. The confusion in the Hall is so great that it is

almost impossible to hear what is being said. The Sergeant-at-Arms will request members to resume their seats, so that order may be observed on the floor.

Mr. COX, of New York. Mr. Speaker, I read the other day an account in a California paper of a man who (like the gentleman from Ohio, Mr. JOSEPH D. TAYLOR) got into a difficulty. His difficulty was with another man, who killed him and scalped him, and then he wrote to San Francisco that he did not want the encounter to get into the papers for fear it might be exaggerated. [Laughter.] That is the condition exactly of the scalped gentleman from Ohio.

That gentleman undertakes to defend the peculiar speech he published in the RECORD after the adjournment of Congress. It is indefensible, because there was no opportunity to answer it.

Now, sir, there is an ineradicable rule about publishing speeches. It is a good and golden rule. Every gentleman observes it. It is the rule of honor. It is this: that in publishing speeches after the adjournment according to the rules, and in the absence of members, there should be omitted absolutely all personalities and reflections upon the integrity of members or committees of Congress.

Mr. JOSEPH D. TAYLOR. I ask the gentleman from New York to point out a single personal utterance in that speech. There is not a single personal statement in it.

Mr. COX, of New York. Notwithstanding all we have heard, the gentleman now says there is not a personal statement in that speech. Why, sir, your speech is crammed and rammed and jammed full of personalities. [Laughter and applause.] The record made by his colleague will show it. I have seen it.

But the point I particularly rise to is this: The gentleman seeks the aid of a venerable expert as to the rules of this House; for what purpose? He calls on one of our ex-Clerks to show that others have abused this privilege. Now, this gentleman had better be engaged in better business. He volunteers to challenge my conduct. I have never printed, sir, anything after the adjournment reflecting personally on any member.

The gentleman from Ohio, I understand, referred to a speech I made on the whisky bill. I was not present when he spoke, being in the committee-room. But I beg to correct the statements made. I did make a speech on the whisky bill. The House consented that after a half-hour's talk the rest should be printed. It was a tariff speech. I connected the whisky tax with the customs. They are together in all economic and proper senses. I was advised by the Speaker that I was to be chairman of the Committee of the Whole on the tariff bill of Colonel MORRISON. Consequently I made my speech in advance. As it related to the revenue, I made it logical and orderly, for I had in mind the ultimate intent to couple them together. Any man of logic and intelligence will see that there is no excuse or pattern in this speech for the conduct of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

The gentleman from Ohio quotes the late Clerk of the House, Mr. McPherson, in support of a statement that I published a speech in the RECORD that was not delivered in the House. So far that statement is true. But when he gives the statement that this same speech had been delivered in Tammany Hall on the 4th day of July he does not tell the truth.

Here is what Mr. McPherson says:

COX's speech, "Salt in politics," page 165 CONGRESSIONAL RECORD, July 8, was never delivered, nor any part of it, in the House—

That is a falsehood to begin with [laughter]—

but was a reprint of his Fourth of July remarks before the Tammany Society of New York.

This is another untruth to end with. I have that speech here. I hold a copy of it in my hand. Two pages of it, at the start, never were spoken in Tammany Hall. Gentlemen can make the comparison for themselves. The circumstances under which it was delivered or printed were as follows: The river and harbor bill was under consideration by the Committee of the Whole. My then facetious friend from Kentucky [Mr. WHITE] offered an amendment to the bill appropriating the sum of $40,000 for the improvement of Salt River, Kentucky. It is an old but a good joke. He did it prophetically and with a view of the subsequent use of that stream by his party. [Laughter.] His party has gone up that mythic stream. He said that he wanted to improve that river for the benefit of the Democratic party. Well, we have not gone up Salt River—not far or much. [Laughter and applause on the Democratic side.] The magnetic statesman from Maine and his co-ordinates and companions have gone up—Salt River—with all the meanders thereof. [Renewed laughter.]

Mr. Speaker, I obtained leave to print a speech on "salt" at that time. I asked for it, because urged to it by gentle Republican provocations. Day after day my friend from Kentucky [Mr. WHITE] asked after my salt speech. I had made reference to the conservative element contained in salt as well as to Salt River, which was the subject the gentleman had introduced with a view to the future navigation of that river by his party.

In that published speech I used two or three pages which had pertinence to Salt River and the saline elements in our politics. These I did not deliver in Tammany Hall; but adding them to my pertinent speech in Tammany Hall, I printed a speech which is supposed to have been delivered here. In that speech I used the following language: It is the gravamen and index to the speech. Besides, it is prophetic:

But in its most remote and liquid meaning the word salt implies a retiracy from power, an exile up a stream where there may be no patronage, but much repentance. *Hinc lacrimæ!*

[Great laughter on the Democratic side.]

See, Mr. Speaker, the beauty and value of a vaticinatory speech printed in the CONGRESSIONAL RECORD after the adjournment!

Now, I ask my Republican friends, even though they may be ever so malignant toward us and cross over their defeat—and I see the defeated over there by scores and scores—I ask them, since they have lost their patronage and gone up their Salt River, to practice humility and patience. Let them give up their whole souls to repentance in sackcloth and ashes. [Great laughter.]

A word to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR]. He sought my record. I say to him, go back for twenty-five years or more and you will not find that I ever took advantage in printing a speech to make personal reflections upon any man. [Applause on the Democratic side.]

I talk openly when I talk at all. I may sometimes talk foolishly, and often audaciously, but I do not print speeches after no one can answer them. The man who does that, the man who prints reflections upon another when he can not answer—if I should characterize his conduct as I think it ought to be characterized, why my words would be taken down. [Laughter.] Is it brave to do an act of that kind?

My friend from Ohio [Mr. WARNER] says that the gentleman from Ohio is not now the accredited agent of the soldier in any relation.

Mr. WARNER, of Ohio. He never was, and never opposed or saw an armed enemy in his life.

Mr. JOSEPH D. TAYLOR. The CONGRESSIONAL RECORD of the Forty-sixth Congress shows that Mr. Hazleton charged you with being shot in the back. Why did you not have that suppressed or expunged?

Mr. COX, of New York. But I would like to read in this connection a little extract from the Congressional Directory:

JOSEPH D. TAYLOR, of Cambridge, was born in Belmont County, Ohio—

That county is a Quaker county, to my certain knowledge [laughter], and men never fight in Belmont County.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. COX, of New York. I would like to print the remainder of this biography after Congress adjourns; then I will print it. [Laughter and applause.]

Mr. WARNER, of Ohio. I now demand the previous question; but prior to that I wish to say just a word, as a minute remains of my time, in reply to the reflection made upon my record. Brave men have been shot in the back, but not in just the way that the gentleman from Ohio shoots them. But in my case it happens not to be true. The shot that disabled me was almost a direct front shot.

Now, I demand the previous question upon the resolution.

Mr. BROWNE, of Indiana. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. May I now be in order to move to refer this question to the Committee on Rules?

The SPEAKER. The present occupant of the chair has always held that the rule which allows one motion to commit with or without instructions applies as well to resolutions, after the previous question has been demanded or ordered, as to bills. Therefore, the Chair thinks that the motion of the gentleman is in order.

Mr. BROWNE, of Indiana. I submit that motion. I do not know whether the motion is debatable or not.

The SPEAKER. It is not.

Mr. BROWNE, of Indiana. I do not desire to debate it, but would simply suggest the reason for making it. It is because I am not able to determine as yet whether or not there has been a breach of privilege in the matter complained of.

Mr. HAMMOND. This is not debatable, I believe.

The SPEAKER. It is not debatable.

Mr. BROWNE, of Indiana. Then I move to refer it to the Committee on Rules, without instructions.

The SPEAKER. The gentleman from Indiana moves to refer the resolution under consideration to the Committee on Rules. The question is upon that motion.

The question having been taken, the Speaker stated that in the judgment of the Chair the "noes" seemed to have it.

Mr. BROWNE, of Indiana. I call for a division.

The House divided; and there were—ayes 90, noes 128.

Mr. BROWNE, of Indiana. I will be compelled to ask for the yeas and nays to show how completely non-partisan the vote is.

Mr. HAMMOND. Take the yeas and nays on the resolution.

Mr. DUNHAM. No; take them on this motion.

Mr. BROWNE, of Indiana. I want them on this motion to refer.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 161, not voting 68; as follows:

YEAS—94.

Adams, G. E.	Everhart,	Laird,	Robinson, J. S.
Atkinson,	Finerty,	Lawrence,	Rockwell,
Barr,	Funston,	Libbey,	Rowell,
Bayne,	George,	Long,	Russell,
Bisbee,	Goff,	Lyman,	Ryan,
Boutelle,	Guenther,	McCold,	Skinner, C. R.
Brainerd,	Hanback,	McComas,	Smalls,
Breitung,	Hart,	McCormick,	Smith, A. Herr
Brewer, J. H.	Hatch, H. H.	Millard,	Smith, Hiram Y.
Browne, T. M.	Haynes,	Milliken,	Spooner,
Brown, W. W.	Henderson, D. B.	Nelson,	Steele,
Campbell, J. M.	Henderson, T. J.	Nutting,	Stephenson,
Cannon,	Hepburn,	O'Hara,	Strait,
Chace,	Hiscock,	O'Neill, Charles	Taylor, E. B.
Chalmers,	Hitt,	Parker,	Thomas,
Culbertson, W. W.	Holmes,	Payne,	Wadsworth,
Cullen,	Holton,	Perkins,	Wait,
Cutcheon,	Horr,	Peters,	Wakefield,
Dargan,	Howey,	Poland,	Washburn,
Davis, G. R.	James,	Price,	Weaver,
Davis, R. T.	Johnson,	Ranney,	White, J. D.
Dingley,	Kean,	Ray, Ossian	Wilson, James
Dunham,	Keifer,	Reed,	
Evans,	Lacey,	Rice,	

NAYS—161.

Adams, J. J.	Elliott,	McAdoo,	Springer,
Alexander,	Ellis,	McMillin,	Stevens,
Bagley,	English,	Matson,	Stewart, Charles
Barksdale,	Ermentrout,	Maybury,	Stockslager,
Beach,	Ferrell,	Miller, J. F.	Storm,
Belmont,	Follett,	Mitchell,	Sumner, C. A.
Bennett,	Foran,	Morrison,	Talbott,
Blackburn,	Forney,	Morse,	Taylor, J. M.
Blanchard,	Fyan,	Muller,	Thompson,
Boyle,	Geddes,	Murphy,	Throckmorton,
Bratton,	Glascock,	Murray,	Tillman,
Breckinridge,	Green,	Mutchler,	Townshend,
Brewer, F. B.	Greenleaf,	Neece,	Tucker,
Buchanan,	Halsell,	Nicholls,	Tully,
Buckner,	Hammond,	Oates,	Turner, H. G.
Caldwell,	Hardeman,	O'Ferrall,	Turner, Oscar
Campbell, J. E.	Hardy,	O'Neil, John J.	Van Alstyne,
Candler,	Hatch, W. H.	Paige,	Vance,
Carleton,	Hemphill,	Patton,	Van Eaton,
Cassidy,	Henley,	Pierce,	Wallace,
Clardy,	Herbert,	Peel,	Ward,
Clay,	Hewitt, A. S.	Post,	Warner, Richard
Clements,	Hewitt, G. W.	Pryor,	Weaver,
Cobb,	Hill,	Pusey,	Wellborn,
Collins,	Hoblitzell,	Randall,	Wemple,
Cook,	Holman,	Rankin,	Whiting,
Cosgrove,	Hopkins,	Reagan,	Williams,
Cox, S. S.	Houseman,	Reese,	Wilkins,
Cox, W. R.	Hunt,	Riggs,	Willis,
Crisp,	Hurd,	Robertson,	Wilson, W. L.
Culberson, D. B.	Jones, B. W.	Rogers, J. H.	Winans, E. B.
Curtin,	Jones, J. H.	Rogers, W. F.	Winans, John
Davidson,	Jones, J. K.	Rosecrans,	Wise, G. D.
Davis, L. H.	Jones, J. T.	Scales,	Wolford,
Deuster,	Kleiner,	Seney,	Wood,
Dibrell,	Lamb,	Seymour,	Woodward,
Dockery,	Lanham,	Shively,	Worthington,
Dowd,	Le Fevre,	Singleton,	Yaple,
Dunn,	Lewis,	Skinner, T. G.	York.
Eaton,	Lore,	Snyder,	
Eldredge,	Lowry,	Spriggs,	

NOT VOTING—68.

Aiken,	Connolly,	Jordan,	Potter,
Anderson,	Converse,	Kelley,	Ray, G. W.
Arnot,	Covington,	Kellogg,	Robinson, W. E.
Ballentine,	Dibble,	Ketcham,	Shaw,
Barbour,	Dorsheimer,	King,	Shelley,
Belford,	Ellwood,	Lovering,	Slocum,
Bingham,	Fiedler,	Miller, S. H.	Stewart, J. W.
Bland,	Findlay,	Mills,	Stone,
Blount,	Garrison,	Money,	Struble,
Bowen,	Gibson,	Morgan,	Sumner, D. H.
Broadhead,	Graves,	Morrill,	Taylor, J. D.
Brumm,	Hancock,	Moulton,	Valentine,
Budd,	Harmer,	Muldrow,	Warner, A. J.
Burleigh,	Hooper,	Ochiltree,	Weller,
Burnes,	Houk,	Payson,	White, Milo
Cabell,	Hutchins,	Pettibone,	Wise, J. S.
Campbell, Felix	Jeffords,	Phelps,	Young.

So the motion to refer was not agreed to.

On motion of Mr. LORE, by unanimous consent, the reading of the names of members voting was dispensed with.

The following pairs were announced:

Mr. CAMPBELL, of New York, with Mr. HOOPER, on all political questions, until further notice.

Mr. ARNOT with Mr. BELFORD, until further notice.

Mr. BLAND with Mr. VALENTINE, until further notice.

Mr. DIBBLE with Mr. BRUMM, until further notice.

Mr. KING with Mr. MILLER, of Pennsylvania, until further notice.

Mr. JORDAN with Mr. JEFFORDS, until Monday next.

Mr. YOUNG with Mr. HARMER, until further notice.

Mr. AIKEN with Mr. ANDERSON, on this question.

Mr. FIEDLER with Mr. KELLEY, for this day.

Mr. MONEY with Mr. RAY, of New York, for this day.

Mr. POTTER with Mr. STRUBLE, for this day.

Mr. CABELL with Mr. ELLWOOD, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is now on ordering the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question now recurs on the adoption of the resolution.

The question being put, the Speaker stated that the "ayes" seemed to have it.

Mr. WARNER, of Ohio. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 62, not voting 97; as follows:

YEAS—164.

Adams, J. J.	Elliott,	Lore,	Skinner, T. G.
Alexander,	Ellis,	Lowry,	Snyder,
Bagley,	English,	McAdoo,	Spriggs,
Barksdale,	Ermentrout,	McMillin,	Springer,
Beach,	Ferrell,	Matson,	Stevens,
Belmont,	Follett,	Maybury,	Stewart, Charles
Bennett,	Foran,	Miller, J. F.	Stockslager,
Blackburn,	Forney,	Mitchell,	Sumner, C. A.
Blount,	Fyan,	Morrison,	Talbott,
Boyle,	Geddes,	Morse,	Taylor, J. M.
Bratton,	Glascock,	Muller,	Thompson,
Breckinridge,	Graves,	Murphy,	Throckmorton,
Brewer, F. B.	Green,	Murray,	Tillman,
Buchanan,	Greenleaf,	Mutchler,	Townshend,
Buckner,	Halsell,	Neece,	Tucker,
Caldwell,	Hammond,	Nicholls,	Tully,
Campbell, J. E.	Hardeman,	Oates,	Turner, H. G.
Candler,	Hardy,	O'Ferrall,	Turner, Oscar
Carleton,	Hatch, W. H.	O'Neill, J. J.	Van Alstyne,
Cassidy,	Hemphill,	Paige,	Vance,
Clardy,	Henley,	Patton,	Van Eaton,
Clay,	Herbert,	Payson,	Wallace,
Clements,	Hewitt, A. S.	Pierce,	Ward,
Cobb,	Hewitt, G. W.	Peel,	Warner, Richard
Collins,	Hill,	Post,	Weaver,
Cook,	Hoblitzell,	Pryor,	Wellborn,
Cosgrove,	Holman,	Pusey,	Wemple,
Cox, S. S.	Hopkins,	Randall,	Whiting,
Cox, W. R.	Houseman,	Rankin,	Wilkins,
Crisp,	Hunt,	Reagan,	Williams,
Culberson, D. B.	Hurd,	Reese,	Willis,
Curtin,	Johnson,	Riggs,	Wilson, W. L.
Davidson,	Jones, B. W.	Robertson,	Winans, E. B.
Davis, L. H.	Jones, J. H.	Rogers, J. H.	Winans, John
Deuster,	Jones, J. K.	Rogers, W. F.	Wise, G. D.
Dibrell,	Jones, J. T.	Rosecrans,	Wolford,
Dockery,	Kleiner,	Scales,	Wood,
Dowd,	Lamb,	Seney,	Woodward,
Dunn,	Lanham,	Seymour,	Worthington,
Eaton,	Le Fevre,	Shively,	Yaple,
Eldredge,	Lewis,	Singleton,	York.

NAYS—62.

Atkinson,	Guenther,	Lyman,	Russell,
Bisbee,	Hanback,	McCold,	Ryan,
Boutelle,	Hart,	McCormick,	Skinner, C. R.
Brainerd,	Hatch, H. H.	Morrill,	Smith, A. H.
Breitung,	Haynes,	Nelson,	Smith, H. Y.
Browne, T. M.	Henderson, D. B.	Nutting,	Spooner,
Brown, W. W.	Henderson, T. J.	O'Neill, Charles	Steele,
Cannon,	Hepburn,	Parker,	Stephenson,
Culbertson, W. W.	Hitt,	Perkins,	Strait,
Cullen,	Holmes,	Peters,	Taylor, E. B.
Cutcheon,	Horr,	Poland,	Wadsworth,
Davis, R. T.	Howey,	Price,	Wait,
Dingley,	James,	Ray, Ossian	Wakefield,
Everhart,	Lacey,	Reed,	Washburn.
Funston,	Laird,	Robinson, J. S.	
Goff,	Libbey,	Rowell,	

NOT VOTING—97.

Adams, G. E.	Converse,	Keifer,	Rice,
Aiken,	Covington,	Kelley,	Robinson, W. E.
Anderson,	Dargan,	Kellogg,	Rockwell,
Arnot,	Davis, G. R.	Ketcham,	Shaw,
Ballentine,	Dibble,	King,	Shelley,
Barbour,	Dorsheimer,	Lawrence,	Slocum,
Barr,	Dunham,	Long,	Smalls,
Bayne,	Ellwood,	Lovering,	Stewart, J. W.
Belford,	Evans,	McComas,	Stone,
Bingham,	Fiedler,	Millard,	Storm,
Blanchard,	Findlay,	Miller, S. H.	Struble,
Bland,	Finerty,	Milliken,	Sumner, D. H.
Bowen,	Garrison,	Mills,	Taylor, J. D.
Brewer, J. H.	George,	Money,	Thomas,
Broadhead,	Gibson,	Morgan,	Valentine,
Brumm,	Hancock,	Moulton,	Warner, A. J.
Budd,	Harmer,	Muldrow,	Weller,
Burnes,	Hiscock,	Ochiltree,	White, J. D.
Burleigh,	Holton,	O'Hara,	White, Milo
Cabell,	Hooper,	Payne,	Wilson, James
Campbell, Felix	Houk,	Pettibone,	Wise, J. S.
Campbell, J. M.	Hutchins,	Phelps,	Young.
Chace,	Jeffords,	Potter,	
Chalmers,	Jordan,	Ranney,	
Connolly,	Kean,	Ray, G. W.	

So the resolution of Mr. WARNER, of Ohio, was adopted.

Mr. WARNER, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATION FOR IMPROVEMENT OF HELL GATE.

Mr. WILLIS. I rise to a privileged question. Under instructions from the Committee on Rivers and Harbors I report back the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be directed to inform this House whether any part of the amount appropriated in the river and harbor act of July 5, 1884, for removing the reef at Hell Gate, New York, has been used for a different purpose, and, if so, by whom and under what authority.

The resolution was adopted.

Mr. WILLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEWERAGE FACILITIES FOR NEWPORT, R. I.

Mr. SEYMOUR, by unanimous consent, reported back from the Committee on Commerce, with a favorable recommendation, the bill (H. R. 7367) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island.

Mr. CHACE. I ask that this report be now considered and the bill put on its passage. It proposes merely to give to the city of Newport the right to carry a sewer through the breakwater to empty the débris into the outer harbor. The bill has been already passed by the Senate.

The SPEAKER. This appears to be a House bill, not a Senate bill.

Mr. CHACE. Then I ask unanimous consent that we now proceed to consider, in lieu of this bill, the Senate bill of the same tenor.

The SPEAKER. The gentleman from Rhode Island [Mr. CHACE] asks that this bill be laid aside, and that the House now take up for consideration a Senate bill of similar purport.

Mr. CHACE. The bill simply provides that the city of Newport may carry a sewer under the harbor and through the breakwater. The object is that the débris from the sewer now emptied into the inner harbor shall be carried out, so that the tides of the outer channel may wash it away.

Mr. SPRINGER. Does the bill involve any expense to the Government?

Mr. CHACE. None whatever.

Mr. COBB. Has this matter been considered by any committee of the House?

Mr. CHACE. The Committee on Commerce has just reported back favorably a bill similar to the Senate bill which I desire to have considered.

There being no objection, the House proceeded to the consideration of the bill (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island.

The bill was read, as follows:

Be it enacted, &c., That the city of Newport, R. I., is hereby granted the right to construct and maintain a sewer for drainage purposes through or across the breakwater at Goat Island, subject to such conditions as the Secretary of War may prescribe: *Provided*, That such conditions shall be accepted by the city of Newport before the work hereon authorized shall be commenced.

The bill was read three times, and passed.

Mr. CHACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. Before the House met this morning, there was an agreement between the gentleman from Texas [Mr. REAGAN] and myself—subject of course to the ratification of the House, if it should meet its approval—that to-morrow's session should be devoted to private business, and to-day to the further consideration of his bill in regard to interstate commerce. But to-day's proceedings have been interrupted by a little episode, the nature of which the RECORD will show, and which has consumed the entire day. Neither of us would now be disposed to hold the other to the agreement I desire to know whether there is any objection to going on with the Private Calendar to-morrow. This will meet the approval of the gentleman from Texas.

Mr. STOCKSLAGER. I object.

Mr. McMILLIN. As objection is made, I will not urge the proposition, but withdraw it.

ADJOURNMENT TILL MONDAY.

Mr. MORRISON. I move that when the House shall adjourn today it adjourn to meet on Monday next.

Mr. STOCKSLAGER. I hope not.

The question being taken on the motion of Mr. MORRISON, there were—ayes 119, noes 54.

Mr. BEACH. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 35, noes 167; less than one-fifth voting in the affirmative.

Mr. BEACH. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered, and the motion of Mr. MORRISON was adopted.

CEREMONIES ON COMPLETION OF WASHINGTON MONUMENT.

Mr. TUCKER. I ask unanimous consent to have taken from the Speaker's table for consideration and passage the joint resolution (S. R. 101) in relation to the ceremonies to be authorized upon the completion of the Washington Monument.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury is hereby directed to cause to be executed in the Bureau of Engraving and Printing such suitable cards of invitation as may be prescribed by the commission appointed by the joint resolution of May 13, 1884, to make arrangements for suitable ceremonies upon the completion of the Washington Monument, and the Public Printer is directed to furnish such necessary programmes and cards as may be required by said commission. And the ceremonies provided for by said commission shall take place on the 21st day of February, A. D. 1885. And to defray the expenses incurred under the provisions of said joint resolution the additional sum of $7,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There was no objection; and the joint resolution was taken from the Speaker's table and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT TO THE CONSTITUTION.

Mr. MILLARD, by unanimous consent, introduced a joint resolution (H. R. 299) proposing an amendment to the Constitution changing the terms of office of the President of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FOREIGN AFFAIRS.

Mr. CURTIN. I ask unanimous consent to present for present consideration the following resolution.

The Clerk read as follows:

Resolved, That January 14, 1885, after the reading of the Journal, be assigned to the Committee on Foreign Affairs for the consideration of such business as may be presented by said committee, this order not to interfere with general appropriation and revenue bills.

Mr. SINGLETON. I object unless it also includes prior special orders.

Mr. CURTIN. I have no objection to including that limitation in the resolution.

Mr. SINGLETON. Very well; then I withdraw my objection.

Mr. CURTIN. I ask unanimous consent that the resolution be considered as modified.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection; and the resolution as modified was received and adopted.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. H. ADAMS.

Mr. McMILLIN, by unanimous consent, from the Committee on Claims, reported a bill (H. R. 7679) for the relief of J. H. Adams; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ALLOTMENT OF LANDS TO INDIANS.

On motion of Mr. WELLBORN, by unanimous consent, the bill (S. 48) to provide for allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes, was taken from the Speaker's table, read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. COSGROVE. I move that the House do now adjourn.

Mr. MATSON. I ask that the House take a recess.

The SPEAKER. The Chair will state by order of the House a recess is provided on Friday from 5 o'clock until 8, so there may be an evening session for the consideration of pension bills. Does the gentleman insist on his motion to adjourn?

Mr. COSGROVE. I do.

Mr. MATSON. I move to take a recess for the consideration of pension bills under a former order of the House.

The SPEAKER. Before submitting that motion the Chair will lay before the House several executive communications.

BUREAU OF CATHOLIC MISSIONS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Interior, with inclosures, asking an appropriation of $2,000 for the bureau of Catholic missions for the support and education of Indian pupils of the Flathead reservations, Montana; which was referred to the Committee on Appropriations, and ordered to be printed.

GEORGE W. ELLIOTT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Commissioner of Internal Revenue in reference to Senate bill 535, for the relief of the sureties of

George W. Elliott, now on the Speaker's table; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio.

Joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census.

LEAVE OF ABSENCE.

Leave of absence by unanimous consent was granted in the following cases:

To Mr. STORM, until Monday next, on account of important business.

To Mr. DORSHEIMER, until Tuesday morning.

To Mr. MAYBURY, for ten days, on account of urgent business.

SOLDIERS' HOMES.

The SPEAKER. The Committee on Military Affairs asked by unanimous consent that preliminary copies of the report of the examination of United States military homes for disabled volunteer soldiers be printed for the use of members of the committee.

There was no objection, and it was ordered accordingly.

W. H. POWELL.

On motion of Mr. MORRILL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers of W. H. Powell without leaving copies on file, there having been no adverse report on the same.

MARTIN COUGHLIN.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. 7680) for the relief of Martin Coughlin, Company A, Thirty-fifth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TARIFF.

Mr. ADAMS, of New York, by unanimous consent, introduced a bill (H. R. 7681) to simplify the existing tariff and collection laws on imports; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The question recurs on the motion that the House take a recess until 8 o'clock this evening to consider pension bills.

Mr. GEORGE D. WISE. I call for a division.

The House divided; and there were—ayes 55, noes 14.

Mr. GEORGE D. WISE. No quorum.

The SPEAKER. No quorum having voted, the Chair will appoint as tellers Mr. MATSON and Mr. GEORGE D. WISE.

Mr. GEORGE D. WISE. I withdraw the call for a quorum, with the distinct understanding that if no quorum is present to-night I shall object to the consideration of any bill.

The SPEAKER. The motion is agreed to; and the Chair announces that Mr. BAGLEY, of New York, will preside this evening as Speaker *pro tempore*.

And accordingly (at 4 o'clock and 14 minutes p. m.) the House took a recess until 8 o'clock this evening.

EVENING SESSION.

The House at 8 o'clock resumed its session, and was called to order by Mr. BAGLEY, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Under the order just read, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar (Mr. HATCH, of Missouri, in the chair).

JOHN H. COOK.

The CHAIRMAN. The Clerk will read the first bill.

The Clerk read as follows:

A bill (H. R. 2635) granting a pension to John H. Cook; adverse.

Mr. HEWITT, of Alabama. Mr. Chairman, is not the unfinished business of the committee first in order? If so, the bill on page 44, for the relief of Emma De Long, is first to be disposed of.

The CHAIRMAN. The gentleman is correct.

EMMA DE LONG.

The first business on the Private Calendar was the bill (H. R. 3065) granting a pension to Emma De Long.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma De Long, widow of the late Lieut. Commander George W. De Long, United States Navy, who died in Siberia, while in the discharge of his duty as the commanding officer of the expedition and during the retreat of the officers and enlisted men of the exploring steamer Jeannette, after the wreck of that vessel in the Arctic seas, and to pay to the said Emma De Long a pension at the rate of $50 per month, commencing from the 23d day of March, 1882.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay to the said Emma De Long, out of any money in the Treasury not otherwise appropriated, the amount which shall, upon the passage of this act, have accrued to her under the provisions thereof.

Mr. SPRINGER. Let the report of the committee be read.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3065) granting a pension to Mrs. Emma De Long, have had the same under thoughtful consideration, and beg leave to report:

The original bill has been slightly amended, and, as amended, the committee recommend its passage. It is not deemed necessary to refer at length to the gallant services of the brave Lieut. Commander George W. De Long, who gave up his life while on duty in the frozen wilds of Siberia. The long and painful story of the Jeannette expedition; the gallantry and devotion of the men therein engaged: the horrible suffering to which they were subjected, and finally the death of a number of them in the ice-fields thousands of miles from the country they served so faithfully—all has gone to history, and become a shining chapter in the great record of human heroism. And now the faithful wife of the brave De Long asks at the hands of Congress a pension sufficient to supply the bare necessities of a life darkened and saddened by the Siberian tragedy of which the husband was the central figure.

The committee unanimously and earnestly recommend the passage of the bill as amended granting a pension to Mrs. Emma De Long.

The CHAIRMAN. When the bill was previously under consideration it was amended by striking out in the first section the words "commencing from the 23d day of March, 1882," and striking out the second section, as follows:

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay to the said Emma De Long, out of any money in the Treasury not otherwise appropriated, the amount which shall, upon the passage of this act, have accrued to her under the provisions thereof.

It was also amended by changing the amount from $50 a month to $30. The question is, Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. BENNETT. For one I desire to move a further amendment.

Mr. STEELE. My understanding is the bill went to the Speaker's table as it was reported from the committee.

Mr. SPRINGER. No; it did not, as no quorum was present.

The CHAIRMAN. The bill has not been acted on by the committee. The Clerk will report the amendment of the gentleman from North Carolina.

The Clerk read as follows:

Add the words: "And the mother of Assistant Surgeon Ambler."

Mr. SPRINGER. I make the point that it is not in order to amend a private bill by adding another name, as that makes another bill of it entirely.

The CHAIRMAN. The Chair sustains the point of order. It is a point on which he has ruled.

Mr. BENNETT. I wish to say a word.

The CHAIRMAN. The Chair will hear the gentleman from North Carolina.

Mr. BENNETT. I have nothing to add to what has been said already except that my recollection is the Chairman ruled in favor of such an amendment.

Mr. SPRINGER. Even if that were so it was an error, and would not be a precedent to govern the present occupant of the chair. It has been ruled by the chairman of the committee that such amendments are not in order, as the rule prohibits it.

Mr. BENNETT. The Chair so ruled, whether in order or not.

The CHAIRMAN. The Chair afterward found the practice of the House was otherwise.

Mr. STEELE. I demand the regular order.

The CHAIRMAN. The Clerk will read the paragraph of the rule.

The Clerk read as follows:

It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another.—*Journal* 2, 32, page 414.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Illinois.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. COOK.

The next business on the Private Calendar was the bill (H. R. 2635) granting a pension to John H. Cook; adverse.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John H. Cook, late a private in Company E, First Division, construction corps.

The report (by Mr. PATTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R

2655) granting a pension to John H. Cook, have had the same under consideration, and report as follows:

The committee find in August 16, 1861, Quartermaster's Office reports, that the records of this office show that J. H. Cook, carpenter, on United States military railroad, is reported, by Capt. F. P. Stockweather, A. Q. M., from June 1 to 30, 1864, twenty-three days, at $2.50, amounting to $57.50. While at work with his gang on the Chattanooga and Atlanta Railroad, he was sent by his foreman to Chattanooga for his box of tools. On his way back he was captured.

The committee find, by affidavit of William A. Clark and four of the Cook family, that when J. H. Cook returned home from the Army in June, 1845—

"He was then suffering from chronic diarrhea and rheumatism very much, and was reduced to a mere skeleton; that some of his friends did not know him, and that ever since he has been afflicted with the same trouble, and has suffered from a gunshot wound in his left leg, and we all know that, ever since his return, about once in every six weeks he has been prostrated by this chronic diarrhea and confined to bed, and said spells last from one to two weeks, and that in 1879 he was for over four months prostrate, and we all thought he was going to die; and for the first year after his return from the Army he was unable to do any work, and that before he went to the Army he was a stout, healthy man."

The committee find the following certificate from examining surgeon Calvin C. Halsey:

STATE OF PENNSYLVANIA,
Susquehanna County:

JUNE 15, 1881.

I hereby certify that I have carefully examined John H. Cook, late a private Company E, First Division Construction Corps, Quartermaster's Department, in the service of the United States, who is an applicant for an invalid pension by reason of an alleged disability, resulting from chronic diarrhea and rheumatism and effects. In my opinion the said John H. Cook is totally (8) incapacitated of obtaining his subsistence by manual labor, cause above stated. Judging from his present condition and from the evidence before me, it is my belief the said disability did originate in the service aforesaid in the line of duty. The disability is probably permanent. A more particular description of the applicant's condition is subjoined. I find large cicatrices on outer side of left leg, just above ankle-joint, produced by gunshot wound, and resulting in gangrene. The cicatrices interfere with action of muscles and cause lameness. There is muscular atrophy, and veins of foot are varicose; disability one-fourth, $2 per month. Diarrhea. I find tongue coated, moist, red edges, papillæ enlarged; abdomen full and tympanitic, and is so most of the time. States that diarrhea occurs severely about once a month; has twelve or more thin, slimy evacuations daily when he has attack of diarrhea. Disability three-eighths, $3 per month. Rheumatism most in both hips and back.

Has certificate from Army surgeon dated April 22, 1865, stating that he is unfit for service by reason of scorbutus and rheumatism, and was discharged soon after. Has rheumatism almost all the time in hips and back, shifting to other parts of body; worse on exposure or taking cold; not much that shows; disability three-eighths, $3 per month. Record good and claim appears meritorious.

The committee report the bill back with a recommendation that it do not pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do not pass.

JOSEPH RAIBLE.

The next business on the Private Calendar was the bill (H. R. 3947) granting a pension to Joseph Raible.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Joseph Raible, of Indiana, who lost an arm above the elbow during the war, while firing a salute, at the city of Indianapolis, Ind., under the direction of the quartermaster-general of Indiana; and that said Secretary be, and he is hereby, directed to pay him at the rate of $30 per month.

The report was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3947) granting a pension to Joseph Raible, report:

That Joseph Raible enlisted in the military service of the United States as a private in Company A, Thirty-second Regiment Indiana Volunteers, September 10, 1861, and was honorably discharged September, 1864.

October 2, 1862, he was placed on the pension-roll at $1 per month, for partial deafness of left ear, contracted in the military service of the United States.

July 3, 1865, after his discharge from the military service of the United States, while in the military service of the State of Indiana, and in pursuance of an order from General Stone, assistant quartermaster-general, at Indianapolis, while engaged in aiding in firing a salute in honor of the arrival home for muster-out of the Sixty-third Regiment Indiana Volunteers, by the fault of thumber, No. 3 at the gun (claimant being No. 1, rammer), there was a premature discharge of the gun, blowing off the soldier's right arm, which was amputated three inches above the elbow.

It is shown by the evidence in this case that the soldier was acting under orders from Assistant Quartermaster-General Stone, of the United States Army, on duty at Indianapolis, at the time of receiving the disability which resulted in the loss of his arm, and that he was performing a military duty at the time. Your committee therefore recommend that the bill be amended by the following, after the word month, in line 9: "in lieu of all other pensions now paid him;" and when so amended that the bill pass.

The CHAIRMAN. The question is on the committee's amendment.

Mr. GEORGE D. WISE. Mr. Chairman, I do not wish to detain the committee but a moment. Before the adjournment of the House for the recess I made a statement that was rather too broad—that I intended to object to all cases. I did not mean that. In the hurry I said more than I intended. There is no member on this floor who is more willing to vote a pension to Union soldiers in meritorious cases than I am. I believe it not only to be the duty of the Government, but that its honor requires proper provision should be made for those who have received disabilities in its defense; but I give notice here and now, not only to-night but on all proper occasions, I shall object to the granting of pensions in cases in which I believe they ought not to be granted.

It seems to me the statutes of this country are large enough to cover all meritorious cases. I will not say all cases. Perhaps there are some, no doubt many, exceptional cases of which this House ought to take notice, but it is well known to the members of this House that there are upon the pension-roll of this country to-day hundreds of names of persons who never heard the rattle of musketry and never saw the smoke of a battlefield.

Mr. FUNSTON. I desire to ask the gentleman a question.

Mr. GEORGE D. WISE. Certainly.

Mr. FUNSTON. It is whether you mean General Blair's widow?

Mr. GEORGE D. WISE. I do not mean any special name. I mean what you know to be true, that for political purposes by political influences names have been put on the pension-roll of this country of persons who never have rendered any service or received any disability in its service.

Mr. HENDERSON, of Illinois. Name them.

Mr. GEORGE D. WISE. I mean to condemn this system.

Mr. HENDERSON, of Illinois. Will the gentleman from Virginia permit a question?

Mr. GEORGE D. WISE. Yes, sir.

Mr. HENDERSON, of Illinois. I would ask you, in view of the statement you have made, why you do not name these persons?

Mr. GEORGE D. WISE. I am going to name them when the proper time comes for me to do so.

Mr. HENDERSON, of Illinois. We would be glad to know who they are. If there have been any men placed upon the pension-rolls for political purposes it is due to the country that the man who is aware of that fact should give publicity to it in order that we may know it and that their names may be stricken off the rolls. If there are members of the House who know of fraudulent pensions that have been granted to persons who have never seen service and are not entitled to them the country should know it; and I ask the gentleman now, for the sake of the country and for the sake of worthy pensioners, to define what he means and specify the persons to whom he refers.

Mr. GEORGE D. WISE. I am here, sir, to complain of a method of procedure. I am here to complain that these pension bills are considered and passed in night sessions of the House of Representatives when none are here except those who are interested in the passage of particular bills. I am here to say to the country, and I mean to say it, that there are laws broad enough to cover cases of most—I do not say all, but of most of those who are worthy of pensions, and I am here to protest against loose action in pension cases.

You, sir, in the last Congress or in the last year spent more money for pensions than was required for all the expenses of the Government prior to the war.

Mr. STEELE. You claim that we have too much money now in the Treasury. What better use can be made than to pay it out for pensions?

Mr. GEORGE D. WISE. We will not have any in the Treasury if we let you go on much longer.

I want to be understood, though, Mr. Chairman, in what I say. I repeat for the benefit of the gentleman from Indiana that I will go as far as he will go to give pensions in any meritorious case. I will vote the last dollar out of the Treasury to pay any Union soldier who is worthy of it and ought to receive it. I say that the honor of the Government requires that he should be paid, and I am here to do my share toward it; my people want me to do it; but I am here also to protest against this action in sessions of this House when hardly one-sixth of its membership is present.

Now as to the case here under consideration——

Mr. PETERS. Will the gentleman permit me to ask him a question?

Mr. GEORGE D. WISE. Certainly, with pleasure.

Mr. PETERS. I would like to ask the gentleman from Virginia if a single pension bill was passed during the last session that did not receive the scrutiny and recommendation of the Committee on Invalid Pensions or the Committee on Pensions.

Mr. GEORGE D. WISE. Yes; the bills that are passed here receive the scrutiny of those, and only those, who are interested in other bills behind them.

Mr. PETERS. Do I understand the gentleman as accusing the Committee on Pensions or Invalid Pensions of negligence in the discharge of its duties?

Mr. GEORGE D. WISE. No, sir; by no means. I am speaking only of the fact that these bills are considered on Friday evenings when these seats are empty.

Mr. DUNHAM. May I ask the gentleman a question?

Mr. GEORGE D. WISE. Yes, sir.

Mr. DUNHAM. Do I understand the gentleman from Virginia to say that the Committee on Invalid Pensions or the Committee on Pensions who have reported these cases to the House are interested in other cases behind them?

Mr. GEORGE D. WISE. Well, I expect if you look over this roll you will find a good many of the committee who are interested in these cases. Why, it happens that the very bill under consideration in this committee——

Mr. DUNHAM. But I wish to get an answer from the gentleman. Do I understand him to assert that the committee are interested in bills behind the bills which have been presented or passed here?

Mr. GEORGE D. WISE. I do not say that.

Mr. MATSON. Will the gentleman from Virginia permit me to ask him what he does say in reference to the committee?

Mr. GEORGE D. WISE. I have said nothing about the committee at all, except that the committee has made these reports to the House and has other bills favorably reported on the Calendar; and yet we are asked to take these bills under consideration in this House when practically no members are present except the members of the committee. We are asked to consider and pass them when the House is empty.

Mr. MATSON. I desire to know which committee is interested in these bills. If I have understood the gentleman correctly I would like to have him answer that question as to what he means.

Mr. GEORGE D. WISE. I do not know that the committee have any interest in the passage of the bills except in so far as they have been considered and reported by them. I alluded to the committee only in reference to the question of the gentleman on the other side.

Mr. DUNHAM. It is possible we have misunderstood the gentleman on this side, but it was clearly understood here that members who reported these bills to the House were interested in other bills behind them.

Mr. GEORGE D. WISE. Only in so far as they came from the committee. The gentleman must have understood my meaning if he had heard me correctly.

I only want to say in reference to the bill under consideration that if I understand the report, and I ask the gentleman from Indiana to correct me if I have mistaken it, this person is already receiving a pension. Is that much so?

Mr. MATSON. He is; a small pension.

Mr. GEORGE D. WISE. And now it is proposed to give him a pension—for what? For a disability incurred for firing a salute at Indianapolis after the termination of the war, not received in the service of the country at all. Now, I shall object, Mr. Chairman, so far as I am concerned; and I shall not only vote against but shall oppose this bill to the utmost extent of my power.

Mr. MATSON. This bill proposes to pension this man for the loss of an arm incurred by him while firing a salute at Indianapolis immediately after the war closed, and upon the occasion of the return of one of the Indiana regiments to be mustered out. This man belonged to the Thirty-second Indiana Regiment, and had served from the 10th day of September, 1861, to September, 1864. During that time he had served faithfully as a soldier, and he is now receiving a pension of $1 a month on account of partial deafness. The act he was performing at the time he lost his arm was a military act. He was not in the service of the United States at that time, but had prior thereto served, as I have already stated, three years as a private soldier, and was called upon by the quartermaster-general of Indiana, who had charge of these military demonstrations upon the occasion of the return home of the regiments to Indiana, to perform this military service; and while so performing it he lost his arm. That is this case. It is the case of a soldier——

A MEMBER. An ex-soldier?

Mr. MATSON. Yes, an ex-soldier——

Mr. CUTCHEON. Will the gentleman allow me to interrupt him for a moment?

Mr. MATSON. Yes, sir.

Mr. CUTCHEON. Let me correctly understand whether this pensioner or proposed pensioner was in the service of the United States at the time he lost his arm.

Mr. MATSON. He had been mustered out. He had belonged to another regiment but had been mustered out. That is the fact. He had been a soldier and had served three years, and is now an ex-soldier as suggested by a gentleman on my right; and he is an ex-one-armed soldier, having lost his arm in the performance of a military act. It seems to me that makes a case which appeals to the equitable feelings, the conscience, and the judgment of the members of Congress. This is not a case where there can be any question about the fact as to the manner of the incurrence of the disability or as to the fact of the disability. But the whole case is admitted to be one based upon military reasons, and is therefore a peculiarly strong case, appealing to Congress for its equitable interference because the law is deficient and he can not be pensioned under the law for this disability.

Now, Mr. Chairman, I desire to say nothing here in response to what the gentleman from Virginia [Mr. GEORGE D. WISE] has said in relation to the legislation at the last session of Congress more than this, that every bill of the four hundred and eleven that passed this House at the last session received the careful consideration of either the Committee on Pensions or the Committee on Invalid Pensions. Those bills, some of them, were passed perhaps when there were but few members present. But that is not the fault of those that were present. It is the fault of those that were absent. And the gentleman from Virginia, if he could have said during the last session of Congress "I am here" as often as he made that exclamation to-night, would have been less responsible for laches of that character.

Mr. GEORGE D. WISE. Allow me to say that I did not criticise the action of the committee. I was speaking of the method of passing these bills.

Mr. MATSON. I understand the gentleman, but he was criticising the action of the House in passing these bills when but few members were present, and I repeat what I have already said, that the fact that the House passed bills when few members were present was not the fault of those who were present but the fault of those who were absent. There can not be, I apprehend, a clearer proposition than that. And we have not undertaken to pass bills that were objected to here without a quorum. If any gentleman said he believed in his conscience that a bill ought not to pass and that it ought to have the judgment of a quorum of the House, nobody pretended at any time during the last session of Congress or at any other time to deny the right of having that judgment and the right to have the action of the House upon it on the succeeding Friday during the day session, when a quorum might pass on it or the right to have it passed over informally. Nobody has denied the right to any member to have that done, and nobody will deny that right now.

This bill, I want to say again, is certainly a bill that appeals strongly to the judgment as well as to the sympathy of every man that was ever a soldier. Here was a man who had served in the Army for three years, and then in performing a military act, although he had just been mustered out of the service, lost his arm and has carried with him forever afterward the visible badge of his disability. This man comes to Congress and asks Congress to pension him because of the loss of his arm. He now draws a pension of $1 a month on account of partial deafness, and this pension is to be paid to him in lieu of all other pensions now received by him. I ask my friend from Virginia as a soldier, and all the gentlemen present who were in the Army, if they do not believe that these men who carry empty sleeves and go upon crutches ought to be the favorites of Congress as well as of the pension laws.

Mr. HENDERSON, of Illinois. I was very much surprised indeed to hear the gentleman from Virginia make the charge here that it was within the knowledge of members of this House that there are hundreds of fraudulent pensioners upon the pension-rolls of the Government. I say that if there is a single member here to-night who is conscious that there is a single pensioner borne upon the rolls who is a fraudulent pensioner, or who has obtained his pension through fraud, it is his duty to make that fact known. The gentleman complains that we are passing these bills here when there are but few members present. Will the gentleman deny the claimants whose bills are reported from a committee of this House favorably any right whatever to be heard upon the merits of their claims? This whole day, which is the only day in the week that we devote to the private claims of citizens of this country, has been absolutely wasted, and I think worse than wasted, while a man who may have a claim, an honest claim, against this Government, and whose children may be absolutely suffering for the want of bread, is to be denied any hearing whatever.

We have not gone to the Private Calendar to-day, nor did we do so for many weeks during the last session of Congress. Some men of this House, for fear that some dishonest claim may be granted, would never allow us to go to the Private Calendar. I do not know but that it would be right if all these claimants were required to go into the Court of Claims to establish their claims. But we have not provided for any such hearing in these applications that come before us in behalf of men who are entitled to the bounty of the Government on account of services rendered it.

Now, the gentleman says that only members who are interested in particular bills come here at these night sessions. I have been interested, I believe, in but a solitary bill reported during the last session of Congress by the Committee on Invalid Pensions, and that was a case where the soldier whose widow asked a pension had lost his leg while a member of my own regiment, at the battle of Knoxville, on the 18th of November, 1863; and it was a question of doubt with the physicians whether the loss of his leg had contributed ultimately to his death. And wherever there is a doubt upon such a question as that I would extend the benefit of that doubt to the widow and the helpless children of the soldier who shed his blood and who lost his limb in the service of his country. That was, in my opinion, a righteous claim. I was not here when it was passed, nor did I look after it. I allowed the Committee on Invalid Pensions to consider and report the bill, as they did, without any solicitation on my part.

I do not think it just to members of this House to charge them with coming here on Friday nights for the purpose of putting men on the pension-rolls for political purposes. I say to the gentleman from Virginia that during eight years of the ten that I have had the honor to sit as a member of this House we have had a Democratic Committee on Invalid Pensions; and during that time there has been no bill passed, I think, that has not received the favorable report of at least a majority of that committee.

I think that the gentleman is a little reckless in his statements here. I would ask him whether he intends to deny to these claimants for pensions, whose bills are introduced here by members and referred to the Pensions Committee, any right whatever to be heard in this House? And if we can not give them such hearing on Friday nights we can not do it at all; and we might just as well deny them all justice.

I repeat, that if the gentleman from Virginia or any other member of this House knows of any pensioner who has been guilty of fraud in obtaining a pension, or whose pension is a fraud upon the Government, it is his duty to make the facts known; not to stand here upon the floor of this House and make these reckless charges; not to make assertions of this character, unless he has proof to substantiate them. [Applause.]

Mr. WOLFORD. Mr. Chairman, I wish to say a few words in relation to this case, and I hope that all gentlemen will as much as possible keep this whole question of pensions out of party politics. When I am voting for or against a pension, I do not feel that I am giving either a Democratic or a Republican vote; I feel that I am voting upon the justice or injustice of the application of the man who claims a pension from his country for services rendered to that country. And I do believe that after this little episode shall have passed by we shall do perhaps less talking and more work upon the subject of pensions.

In this case the man in whose favor the bill is reported is drawing a pension—not for having his arm shot off, but for deafness contracted in the service; for he was a soldier during three years, as I understand from the report, and during those three years' service for his country contracted the disease that made him deaf; and for this deafness he is drawing through the department under our laws.

Mr. GEORGE D. WISE. Will the gentleman allow me to interrupt him a moment?

Mr. WOLFORD. Yes, sir.

Mr. GEORGE D. WISE. For that injury this man is receiving already a pension.

Mr. WOLFORD. He is receiving a pension.

Mr. CUTCHEON. A pension of $1 a month—$12 a year.

Mr. GEORGE D. WISE. That is the amount fixed by law; change the law if the allowance is not just.

Mr. WOLFORD. I trust the gentleman from Virginia will have patience, and I hope my position will be satisfactory to him and every other member. It is now proposed by this bill, reported by the Committee on Invalid Pensions, to give this man an additional pension for the loss of an arm; but the injury was incurred when he was not a soldier of the United States. To grant a pension in such a case is, in the opinion of many gentlemen, carrying the doctrine a little to far. But it is not carrying it farther than I am willing to carry it, for I hold to the doctrine which I have advocated in this House, and propose to advocate, that a man who has served his country as a soldier and received an honorable discharge is entitled to a pension when afterward he becomes disabled; that in such a case he is as much entitled in equity and justice to a pension as if the seeds of disease had been sown or the injury incurred while he was in the service.

I know this is a new question; but I ask the candid attention of the gentleman from Virginia and everybody else interested in the question of pensions to a consideration of the question how far do we propose to go in granting pensions. I propose, so far as I am concerned, to go just as far as the necessities and the equities of the case demand. When a man who has served his country honorably and faithfully becomes after the war disabled for any cause other than his own negligent or unrighteous conduct, I am for giving him a pension. I am ready to settle that rule at any time—to-night or hereafter. I propose to vote for this bill not because it comes in the line of any precedent heretofore established, but because it appeals powerfully to my heart, as I believe it appeals to the sympathies of every man in this House.

Pensions must rest upon some principle of equity. We can not establish an iron-clad law upon this subject of pensions. I assume every gentleman here will admit that pensions must stop only where equity and justice stop—never till we reach that point. I believe that the justice and equity of this case demand a pension and I will vote for it. I will vote as cheerfully, and indeed a great deal more cheerfully, to give to every soldier who served his country in any war and afterward becomes disabled. I would vote for a general law on that proposition. I have said all I desire to.

Mr. POST, of Pennsylvania. Mr. Chairman, I do not desire to detain the House at any length, but it seems to me this bill, coming from the gentleman from Indiana [Mr. MATSON], chairman of the Committee on Invalid Pensions, is not entirely a proper one. According to his own statement of this case the injury received by this man was after he had been mustered out of the service of the United States and while executing an order of a State official of Indiana. Now, if there is any pension to be granted in this case let it be granted by the State of Indiana.

To a certain degree, Mr. Chairman, I sympathize with the doctrine which has been stated by my friend from Kentucky [Mr. WOLFORD], that it might be right, it might be proper, that we should pass a general law which would provide for soldiers who are now decrepit, who are now suffering from disease and unable to maintain themselves and their families, and whose disability is not traceable to their military service. But, sir, if you are going to have such a law, let it apply to everyone so situated, and not to one single individual who lives in Indiana, and in whose behalf our friend the chairman appeals to the generosity of the House. Let us have no special favorites here. I believe that all soldiers of the Union should be the favorites of Congress; but let our legislation treat all alike, and not favor one special individual as against others equally worthy.

I have in my mind a case in my own district where a man has had a claim similar to this pending, I believe, in two or three Congresses, a man incapacitated from any kind of labor, and who is told when he applies for a pension that his case does not fall within the law governing the granting of pensions. Here he has been denied year after year favorable consideration upon the equities of his case, and yet this man from Indiana it is proposed shall get a pension from mere gratitude and good nature. If such a course is to be taken I wish the rule to apply to such men as in the case I have mentioned who live in my district, as well as those who live in other districts represented by gentlemen upon this floor. Therefore I am opposed to this bill.

Mr. GOFF. It seems to me, Mr. Chairman, that the gentleman from Virginia [Mr. GEORGE D. WISE] entirely misconceives the character of the pension cases submitted to this House. The very reason they are brought here is because the cases themselves do not come within the meaning of the laws. Those laws are, like other laws of the country, to be construed strictly. They are by the Pension Department construed strictly and against the applicants. We here do not act in that respect. We give the applicant the benefit of the equities. We solve the doubt in his favor and not against him. Many of the cases submitted to the consideration of the House, in fact a majority of them, are cases which have already been submitted to the Pension Department and on account of the technical construction that department is required to give them have been rejected, and they must be before they can be considered by this House. If the evidence is full, if all the points are covered, the Pension Department allows the pension and it does not fall to Congress. In the years which have elapsed since the services have been rendered witnesses have died, officers have been lost sight of, and the applicants are unable to obtain testimony, and therefore they are not able to bring their cases within the law as it is interpreted. Those men are meritorious, those men are as well entitled to the gratitude of the Government as the men who have been more fortunate in collecting their evidence and who have received the favorable consideration of the Pension Department.

Now, when the gentleman says that many of these cases, as he himself demands, would not pass the scrutiny of the Pension Department he shows the reason why this House should give them favorable consideration and solve the doubt in their favor.

Now, the gentleman from Pennsylvania [Mr. POST] says this: that this case is not entitled to the consideration of this House because this man was not in the service at the time. The chairman of the Committee on Invalid Pensions has best given the reason for that. The man served three years and incurred disabilities during that time which follow him to-day, and for which he has been pensioned. There is not a gentleman who will say on this floor the provision made therefor is adequate. So far as I am concerned any man who served faithfully during the whole war as this man did and incurred disability as this man did and who then at the close of the conflict was wounded in firing a salute that brought back to this country the old flag and the old Government, a salute which was heard from one end of the land to the other, I say for one, Mr. Chairman, I will pension him for that disability. [Applause.]

Mr. GEORGE D. WISE. Mr. Chairman, I did not propose to address the House again to-night. I do not want to consume all of the time of this session in discussion. I want it to be devoted to the consideration of pension business. But as I have been alluded to by several gentlemen since I had the honor of addressing the House before, I wish to make in justice to myself a few remarks in reply.

I did not say, as represented by the honorable gentleman from Illinois, that I knew or that any member of the House knew, that pensions had been obtained by fraudulent means; but I did say that the granting of pensions in certain cases known to the members of the House is a fraud upon the country, and I gave a reason for it. It is well known that pensions are granted to numerous people who never heard the rattle of a musket or saw the smoke of a battlefield.

Mr. GOFF. May I ask the gentleman from Virginia a question?

Mr. GEORGE D. WISE. Certainly.

Mr. GOFF. May there not be many such cases as that, and yet be meritorious cases?

Mr. GEORGE D. WISE. Not many of them. I do not believe that men whose sole service was in driving a wagon or shoeing mules ought to be placed upon the pension-rolls of the Government.

Mr. GOFF. Still, sir, they had their duty to perform, and such duty, humble though it may have been, was just as essential for the success of the Union as that of men who carried the musket.

Mr. GEORGE D. WISE. It is not the duty which requires that a man should be treated as a hero. I have many such cases as that in my mind. I know some of them; and the gentleman from West Virginia is mistaken if he thinks that I do not understand this pension business.

I am well aware, as he says, that most of the cases which we are called upon to consider here are cases which are not of a character to fall within the limits of the broad acts of Congress, and that it requires, as he well expresses it, the mantle of equity to cover them. But that equity is to be stretched by an appeal to the member of Congress from the particular district, and if the Treasury of the United States is to be opened to cover all the cases which might be considered equitable in the judgment of gentlemen who want to retain their seats on this floor we will have an equity broad enough to cover every case that can be imagined.

Now, sir, as to the case under consideration; it gives an example of what equity will do. You have given or propose to give a pension in

this case for a disability incurred not in the service of the Government. The man is drawing a pension now for services performed for the Government; but what is proposed to be done in addition? You propose to enlarge the pension laws by a special act, to cover a disability received after he was discharged from the service of the Government, and when the pensioner was acting under orders of an officer of the State of Indiana. Adhere to that rule, and you can put and you ought to put 100,000 additional men on the pension-roll of the country. We must stop somewhere. If the pension for deafness is not large enough, then make the statute large enough to cover it.

Why, we have a Pension Bureau here in Washington with hundreds of employés. At the last session of Congress you added one hundred and fifty, I believe—and if I make a mistake I hope some member will correct me—you added one hundred and fifty new employés for special examiners to travel over the country and hunt up evidence; and yet you are not satisfied with that. The gentleman from West Virginia wants the Government to go beyond that. He wants law and he wants equity. I say, Mr. Chairman, it is time that we ought to come to some understanding as to how far we are going.

I am not going to be placed—and I wish all gentlemen present, the gentleman from Indiana and all within the sound of my voice, to understand it—I am not going to be placed in a false position. I repeat now, because it was mentioned by him a few minutes ago, that I will give the benefit of the doubt to the defenders of the Union if you will prove to me that they were defenders. Why, sir, the gentleman from Indiana can not make an appeal—a proper appeal—to me as a soldier to which I will not respond with alacrity. I will vote pensions to the last dollar for Union soldiers who fought and bled for the country. But I do not want to give pensions to those who went into bomb-proof positions or who lay around the quartermasters' wagons, and I will not do it if I can help it.

Twenty years after the day of Appomattox—twenty years—and we have men who after a course of dissipation trace back disease to the time when they drove wagons in the army, and their names are to be put on the pension-rolls! I strike at them, I strike at the laggards who want to go and stand side by side with the brave soldiers who faced the storm of battle and welcomed death upon the battlefield. I I say I strike at them, and not at the soldiers. I honor the soldier for his services, and if it is necessary to increase his pension, or if it is right to increase it for disabilities received in the army, I will vote to increase it, but I will never establish the doctrine by any vote of mine, and I warn the House that it is a dangerous precedent, of giving a pension when the applicant was not in the service of the United States.

Mr. HEWITT, of Alabama. Suppose, by way of illustration, that a faithful soldier had fired a salute in Indiana over the late victory and lost an arm, do you think he ought to have a pension?

Mr. GEORGE D. WISE. No, I do not.

Mr. HEWITT, of Alabama. That is precisely a parallel case with this. If he was a faithful and good soldier he is just as much entitled to a pension as the applicant in this case.

Mr. GEORGE D. WISE. Why, certainly. I say to my friend from Indiana if his committee will report that they find the disability was received in the service of the United States, that his pension ought to be increased, and if that be the deliberate judgment of that committee, I will vote to give it. But never, so help me God, to establish a precedent here will I vote to give a man a pension for disability incurred when he was not in the service of the Government. That is all I want to say. [Cries of "Vote!" "Vote!"]

Mr. MATSON. I wish only to say on the question of precedent that the gentleman from Virginia need not be uneasy on that account. There are many precedents for this case.

Mr. STEELE. I wish to ask my colleague a question. Did you ever see this man?

Mr. MATSON. No, sir.

Mr. STEELE. He is not in your district at all?

Mr. MATSON. No, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the bill the words "in lieu of all other pensions now paid him."

The amendment was adopted.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside and reported with the recommendation that it do pass?

The question being put, the Chairman stated that the "ayes" seemed to have it.

Mr. HEWITT, of Alabama. I call for a division.

The committee divided; and there were—ayes 51, noes 19.

Mr. HEWITT, of Alabama. I make the point in this case that a quorum has not voted. This is not a bill which ought to pass without a quorum.

Mr. MATSON. I ask the gentleman from Alabama to allow the bill to be reported to the House.

Mr. HEWITT, of Alabama. I am willing the bill should be passed over informally and retain its place on the Calendar. This is a departure from the practice that has heretofore prevailed, which I am not willing to make without a quorum.

Mr. MATSON. I have no objection to the suggestion of the gentleman from Alabama.

The CHAIRMAN. Does the gentlemana from Indiana make a motion?

Mr. MATSON. I do not. The gentleman from Alabama makes a request for unanimous consent.

Mr. HEWITT, of Alabama. I ask unanimous consent that this bill be laid aside informally, retaining its place on the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection, and it was so ordered.

ROBERT C. M'KEE.

The next business on the Private Calendar was the bill (H. R. 4012) to restore Robert C. McKee to the pension-roll; reported by Mr. MATSON from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Robert C. McKee, late a private in Company G, Twentieth Regiment Indiana Volunteers, subject to the provisions and limitations of the pension laws.

SEC. 2. That this act shall take effect from and after its passage.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4012) to restore the name of Robert C. McKee to the pension-roll, report:

That Robert C. McKee enlisted in the military service of the United States as a private in Company G, Twentieth Regiment Indiana Volunteers, July 6, 1861; and was discharged on surgeon's certificate of disability January 14, 1864, for total loss of vision of left eye and partial loss of the right. Also disability of left arm from a fracture, producing partial anchylosis of the elbow-joint, existing before enlistment.

December 1, 1866, he was pensioned at the rate of $6 per month for loss of sight of left eye and partial loss of right, which was increased to $8 per month July 23, 1870.

June, 1880, claimant was dropped from the pension-roll, by order of the Secretary of the Interior, on the charge that the disability for which the soldier was pensioned existed prior to and at the time of his enlistment in the military service of the United States.

The evidence taken by a special examiner of the Pension Office in support of this charge was *ex parte*, the claimant having no notice of the taking of such testimony, as is shown by the examiner's report to the honorable Commissioner of Pensions.

November 20, 1880, the claimant was indicted by a grand jury of the United States court at Indianapolis, under section 5438, Revised Statutes, for presenting false vouchers, &c., and on May 21, 1881, was tried by a jury of said court, and a verdict of "not guilty" rendered.

Hon. Charles L. Halstein, United States attorney at Indianapolis, in a letter to Attorney-General MacVeagh, says of the trial in this case: "The evidence was very conflicting, and on the evidence the verdict can not be complained of."

General J. J. Reynolds, a distinguished citizen of Indiana and a resident of La Fayette, Ind., during and since the war, in a statement before this committee, May 26, 1884, in support of the restoration of this soldier to the pension-roll, says that he mustered the Twentieth Regiment Indiana Volunteers into the United States service, and that from seeing the condition of this soldier at the time of his trial in the district court at Indianapolis he is satisfied he would not have mustered a man in such condition into the military service, and expressed the emphatic opinion that the disability of this soldier could not have existed at the time of his enlistment and muster into the service.

From an examination of all the evidence in this case, and the statement of General Reynolds to your committee, we are of opinion that a clear preponderance of the evidence is in favor of the restoration of this soldier to the pension-roll, and therefore report the accompanying bill to the House and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACKSON SHADDAY.

The next business on the Private Calendar was the bill (H. R. 5021) granting a pension to Jackson Shadday; reported by Mr. MATSON from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Jackson Shadday, late a private in Company B, One hundred and fortieth Regiment of Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The Clerk proceeded to read the report. Before he had concluded the reading,

Mr. BAGLEY said: I ask unanimous consent to dispense with the further reading of the report.

Mr. COX, of North Carolina. I object.

The Clerk resumed and concluded the reading of the report, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5021) granting a pension to Jackson Shaddy, report:

That Jackson Shaddy enlisted in the military service of the United States as a private in Company B, One hundred and fortieth Regiment Indiana Volunteers, September 15, 1864, and was honorably discharged July 11, 1865.

April 12, 1872, he filed a declaration for pension, alleging that while in the service and in the line of duty at Murfreesborough, Tenn., some time in the year 1864, a tumor was noticed on right leg, which caused a great deal of pain, and kept on getting worse until the 23d of October, 1869, when he was obliged to have it amputated; that prior to enlistment his leg was sound, and the disability was contracted wholly in the United States service. The application was rejected January 4, 1873, on the ground that present condition of soldier is not due to his military service.

Thomas B. McGregor, first lieutenant of claimant's company testifies, December 22, 1867:

"That he was present with the company from its muster-in until mustered out of service December 25, 1864; that claimant started with his company from Murfreesborough, Tenn., with other troops in pursuit of the rebel general Hood; marched to Clifton, Tenn., where we were placed on transports and sent to Washington, D. C.; from there to Fort Fisher, where we remained about ten

days, and then went to Wilmington, N. C.; from there to Goldsborough, thence to Raleigh; from there to Greensborough, and after remaining there about two months went to Indianapolis, Ind., to be discharged.

"While lying at Murfreesborough, Tenn., a few days before starting on the above-named march, claimant complained of a soreness in his right leg, a short distance above the ankle-joint, which he represented as a kind of stinging pain, and I have no doubt he was suffering as he stated, as I was present and heard his statement concerning said leg. After lying or sitting for a length of time it would appear very painful to him to stand or walk on it, and during all of said first day's march he seemed to suffer from said leg, and during the afternoon and evening of said day he suffered therefrom quite severely. Said march to Clifton occupied, as near as I can state, about fifteen days, and during the whole of said time his leg grew apparently worse, and from that time up to the time of his final discharge his leg grew worse. There were times when, by resting a few days, the pain would seemingly be a little less severe, but its general tendency was to grow worse. Some ten or fifteen days after he first complained of said pain there appeared a slight protuberance of the skin on the outside of the right leg about three inches above the ankle-joint, and at the point where he complained of pain. This protuberance continued to grow in size until his discharge. Knew claimant for two years immediately prior to enlistment, and have every reason to believe, and do believe, that he was never afflicted with any disability of the nature above mentioned prior to or at the time of his enlistment; that the disability was contracted in the service and in line of duty."

Dr. Joseph Cole certifies, December 22, 1873:

"That I well knew claimant, and was the family physician of his father's family from before claimant's birth up to the time of his enlistment, and during all of said time I resided within a mile of the family, and was on terms of intimacy with all of the family, and I have every reason to believe, and do verily believe, that at the time of claimant's enlistment he was in sound and perfect health, and entirely free from tumor and all other diseases in any manner affecting his legs, or either of them."

Dr. William C. Sweezy testifies, December 22, 1873:

"That he was surgeon of claimant's regiment in the Army; never treated him in the service, but believes the disease first made its appearance in the winter of 1864 and 1865, while claimant was in the service. He first applied to me for treatment for said disease of leg in the summer of 1867, and when first called upon I found a tumor growing out from between the tibia and fibula, about midway between the ankle and knee, and removed said tumor; and after the wound healed he was apparently free from the disease for about six months, when quite a number of cancerous tumors made their appearance on different parts of the leg below the knee. In the winter of 1868-'69, soon after these tumors began to slough and amputation became necessary, I amputated said leg on account of said disease."

February 14, 1874, Dr. Joseph Cole testified:

"That he saw claimant in a few days after his return from the Army and he showed me the sore or disease of his right leg, and I found the same quite sore; I saw said leg every few days, from the time he first came home from the Army until it was amputated by Dr. Sweezy. When I first saw said leg the same was affected as nearly as follows: There was on the outside of said leg, and about three inches below the knee, a protuberance, which appeared to be a tumor about the size of a hen's egg, and that the same continued to grow worse until the leg was amputated in the fall of 1869. I know from personal observation that claimant was suffering from the said disease of leg continuously from the time of his discharge and return home from the Army until his leg was amputated."

Dr. R. R. Ruter, late surgeon Ninety-third Indiana Volunteers, testifies, March 11, 1882, in support of an application for reconsideration of the case filed by claimant:

"That he was personally acquainted with claimant for some time prior to the year 1861, and saw him frequently, and is satisfied that he was a sound young man; that he examined claimant in the court-room at Columbus, Ind., on or about the last of August or 1st of October, 1864; that he was examining surgeon with Dr. Collier, of Columbus; that claimant was sound in every respect, and he is satisfied from the strict examination instituted that a disabled or unsound man could not have passed, as at that time they rejected many who might possibly have stood a soldier's life."

Benjamin F. Rogers and Abraham Montague, in a joint affidavit, filed March 11, 1882, testify—

"That for ten years prior to enlistment claimant was a farmer and lived in one and a half miles of them. Before and at the time of said enlistment he was of sound health. When he returned from the war he had a lump on his right leg, which was the cause of amputation."

Andrew J. Cole, George Cole, W. W. Colton, and Alexander L. Thompson testify in a joint affidavit, filed May 11, 1882, that they were neighbors of claimant, and saw his limb a short time before enlistment and know it was sound.

The reputation of the above witnesses is shown to be good by the postmaster at Bennington, Switzerland County, Indiana.

John P. Bute, M. D., United States examining surgeon, of Vevay, Ind., in an examination of claimant March 4, 1874, says:

"Jackson Shaddy's right leg has been amputated 4 inches below the knee joint. The stump is healthy. He can wear an artificial limb without difficulty. I recommend he be paid $18 per month."

February 20, 1874, Jordan Wainscott, a neighbor of claimant, addressed a letter to the Pension Office, in which he charged that the disease which caused the amputation of the soldier's leg was the result of injuries received while a child by a fall.

On receipt of this letter by the Pension Office the case was placed in the hands of Special Examiner L. C. Black for investigation.

In this investigation a number of witnesses, all neighbors of claimant, were examined, and in this number was Wainscott, the author of the letter, and his wife, and the foundation for the letter is, perhaps, best given in the language of the examiner, who, in summing up the testimony, says:

"I append the testimony of Jordan Wainscott and his wife, Susan. The latter witness testifies that she attended a quilting party at the home of the claimant's mother prior to the war, and while there Mrs. Shaddy told witness that her son Jackson had injured one of his legs by a fall while yet a child, and that the leg still was weak and painful."

We have carefully examined all the evidence in this case, including that elicited by the special examiner in his investigation, and find that both medical and lay testimony clearly establish the fact that the soldier was free from disease at the time of his enlistment, the evidence tending to show prior disability being confined to neighborhood rumors that at some time while yet a boy he had been in some way injured by a fall; that later on in life he had fallen from a horse or been run over. But all this is brushed away by the testimony of his father's family physician, who says that he treated him in 1850 for an injury to his leg; that he was a sound and healthy young man prior to and at the time of his enlistment. The first appearance of the disease was while in the service, and this fact is clearly shown, as well as the continuance of the disease to the time of his discharge, and the final amputation of the leg, as a result of the disability. Your committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH KALER.

The next business on the Private Calendar was the bill (H. R. 7169) granting a pension to Elizabeth Kaler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Kaler, foster-mother of George W. Kaler, late a private in Company E, Eighty-seventh Regiment Indiana Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5310) granting a pension to Elizabeth Kaler, respectfully report:

That the claimant in this case is Elizabeth Kaler, stepmother of George W. Kaler, who enlisted in the military service of the United States as a private in Company E, Eighty-seventh Regiment Indiana Volunteers, August 9, 1862, and was discharged December 6, 1862, on surgeon's certificate of disability. November 11, 1864, he again entered the military service of the United States as a private in Company E, Eighty-seventh Regiment Indiana Volunteers, and died in post hospital, Richmond, Va., May 16, 1865, of typhoid fever. The soldier was never married.

September 19, 1879, Elizabeth Kaler, the stepmother of said soldier, filed a declaration for pension, which was rejected December 15, 1881, on the ground "that claimant had no title to pension as stepmother of the said soldier."

The death of the soldier in the service from disease contracted in the line of his duty is shown by the records of the Adjutant-General's Office, by the sworn testimony of Peter S. Trontman, captain of soldier's company at the time of his death, and now a reputable citizen of Fort Wayne, Ind., and by Isaac H. Canon, a comrade of said soldier. It is shown that claimant was married to the father of said soldier in 1845; that claimant's husband died January 30, 1862, and that she has never remarried.

It is also clearly shown that the soldier prior to and during his military service contributed his means to the support of the claimant, who is without any means and was entirely dependent upon the said soldier for support.

This claim would certainly have been allowed at the Pension Office, except for the fact that her right to support by the soldier is not recognized by the law.

Your committee find claimant entitled in equity to a pension as the dependent stepmother of the deceased soldier, and therefore recommend the passage of the accompanying substitute bill.

Mr. GEORGE D. WISE. I want to call the attention of the honorable gentleman from West Virginia [Mr. GOFF] to a case of equity. The proposition here is to grant a pension to a stepmother whose claim could not be recognized under the pension laws because legally she was not entitled to support from the son. There was no relationship, no kinship; there was not a particle of her blood in the veins of the soldier. I shall oppose this bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

The question being put, the chairman stated that the "ayes" seemed to have it.

Mr. GEORGE D. WISE. I call for a division.

The committee divided; and there were—ayes 45, noes 7.

Before the result of the vote was announced,

Mr. GEORGE D. WISE said: I would like to ask one question before the announcement of the vote is made. How old was the soldier at the time of the marriage of his father to this claimant?

Mr. MATSON. This woman raised him from his infancy.

Mr. PETERS. The report shows that the claimant was married to the father of the soldier in 1845, and that his father died in 1862. The soldier was mustered into the service when very young.

Mr. GEORGE D. WISE. In view of the answer which has been given to my question, I shall make no factious opposition in this case.

The result of the vote was then announced as above stated.

Mr. MATSON. Before the bill is laid aside I ask unanimous consent to add this amendment:

And that the amount of the pension be the same as if she was the mother of the said deceased soldier.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HERRING.

The next business on the Private Calendar was the bill (H. R. 4752) granting a pension to William Herring; reported by Mr. MATSON from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William Herring, late a private in Company A, Thirteenth United States Colored Heavy Artillery, on the pension-roll, subject to the limitations and provisions of the pension laws.

SEC. 2. That this act shall take effect from and after its passage.

The committee recommended that the bill be amended by striking out the second section.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4752) granting a pension to William Herring, respectfully report:

That William Herring enlisted in the military service of the United States as a private in Company A, Thirteenth United States Colored Heavy Artillery, October 18, 1864, and was honorably discharged November 18, 1865.

July 25, 1881, he filed a declaration for pension, alleging that at or near Smithland, Ky., in December, 1864, he contracted small-pox, which settled in his eyes, causing disease of eyes, and finally destroying the sight of both eyes, which was rejected May 7, 1883, on the ground of no record and inability to satisfactorily connect the alleged disease of eyes with the service and line of duty.

Henry Bibb, colored, Jeffersonville, Ind., testifies, April 6, 1883:

"That he was a comrade of claimant; that the soldier contracted small-pox at Smithland, Ky., about Christmas, 1864. He was sent to the pest hospital, where he remained near two months; saw him when he was broke out and sent to hospital, and did not see him again until he returned to duty. When he re-

turned to duty he complained of his eyes hurting him. Seen him each year from the time of his discharge, and he always complained of his eyes hurting him; said his eyes were getting worse. About four years ago he told me one of his eyes had gone entirely blind, and about two years ago I saw him at his sister's, and he was then entirely blind; lived on the adjoining farm and played and went with him up to our enlistment in the Army. He never had any disease or sore eyes before enlistment."

W. C. Miller, colored, Louisville, Ky., testifies, April 11, 1883:

"That he knew claimant since he was a small boy; lived on adjoining farm, and was raised along with him; he was in good health and free from any disease of the eyes prior to and at time of enlistment; saw him at discharge; his eyes were weak; he complained a great deal of them; one of his eyes went blind about one year ago; he has been blind in the other eye for three years; seen him almost every year since his discharge."

John Scott, alias Parsons, of Louisville, Ky., testifies, April 3, 1883:

"Knew claimant ever since he was a child; lived close to him, and run with him before we enlisted; he was sound in health and free from sore eyes at time of enlistment; was bunking with him in the Army; he took the small-pox, and was taken to the hospital at Smithland, Ky., about December, 1864; he was in hospital two or three months; saw him while in hospital; he had the small-pox, and his head and face were swollen as large as a water bucket; after his return his eyes were red, and he complained of them up to the time of discharge; affiant and claimant returned to their home in Logan County, Kentucky, together after discharge, where claimant remained about one year, and then went to Louisville, Ky. Next saw claimant two years afteward at affiant's house in Jeffersville, Ky., where he staid two or three weeks; his eyes were then very bad; could hardly see at all; they looked sore, and as if they were running water all the time; saw him again a year ago; he was then blind as a bat."

It is shown by the testimony of intimate associates and neighbors of claimant that at the time of his enlistment he was free from any disease of the eyes; comrades in the Army testify to his having small-pox while in the Army and in line of duty as a soldier; the diseased condition of his eyes at the time of his discharge, and continuously to the loss of the sight of both eyes, is shown by witnesses who had the opportunity of knowing the facts testified to, and whose reputation for truth is certified to by the examiner charged with the investigation of the case.

Your committee are of the opinion that the testimony in this case entitles the soldier to a pension, and recommend that the bill be amended by striking out all of section 2, and, when so amended, that it pass.

The amendment recommended by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY ROYAL.

The next business on the Private Calendar was the bill (H. R. 5304) for the relief of Mary Royal.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Royal, widow of William Royal, deceased, late a private in Company I, Fifty-ninth Regiment of Indiana Volunteer Infantry, on the pension-roll, subject to the limitations and conditions of the pension laws.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5304) granting a pension to Mary Royal, having considered the evidence in the case, report:

That Mary Royal is the widow of William Royal, who enlisted in the military service of the United States as a private in Company I, Fifty-ninth Regiment Indiana Volunteers, June 27, 1862, and was honorably discharged July 17, 1865.

July 4, 1870, husband of claimant was pensioned for gunshot wound in left hip, received at the siege of Vicksburg, Miss., May 22, 1863, and was so borne on the pension-roll up to the time of his death, which occurred August 21, 1879, from dropsy of the bowels.

The application of Mary Royal, as widow of the said William Royal, for pension was rejected by the medical referee of the Pension Office May 14, 1883, on the ground that the death of the soldier was not due to his military service.

Dr. N. C. Burge, of Greene County, Indiana, testifies, October 1, 1880:

"That he was the family physician of William Royal from December 25, 1878, up to the time of his death. The soldier during this time was suffering from gunshot wound of left hip and with dropsy of the bowels, and continued to suffer with the same until death. It is his opinion that said wound caused dropsy of the bowels, of which he died. The soldier was confined to his bed most of the time he was treating him."

Dr. John M. Hanah, Greene County, Indiana, testifies September 11, 1880:

"That he attended William Royal in his last illness, and that he died August 21, 1879, and that his death was caused by gunshot wound of left hip; was his family physician from October, 1871, to the date of his death; that soldier was suffering from gunshot wound, and the ball was in his body, having entered the left hip, and having caused a condition which resulted in dropsy; soldier was gradually going down for the last two years of his life; the soldier had the ball in his body at the time of his death, and believes death was caused by the gunshot wound by keeping up a constant irritation of the system, as shown by constantly recurring boils, and so exhausting the system that general dropsy or anasarca supervened."

The condition of the wound and its resulting causes is shown by the report of the pension examining surgeon, December 13, 1875, who says:

"A ball struck him in the left hip about five inches back of the left hip-joint, and ranging backward about three inches, lodged against or in the left side of the lumbar vertebra, where it yet remains. It produces lameness and weakens his hip. When he takes cold it is very painful. I also find he has tenderness in the left kidney."

We have examined the evidence in this case and find that the medical evidence establishes the claim of his widow to a pension, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTA A. WELTON.

The next business on the Private Calendar was the bill (H. R. 298) granting a pension to Charlotta A. Welton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charlotta A. Welton, widow of John A. Welton, late second lieutenant of Company E, Fifty-first Indiana Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was refered the bill (H. R. 298) to restore the name of Charlotta A. Welton to the pension-roll, report:

That Charlotta A. Welton is the widow of John A. Welton, who was a second lieutenant, Company E, Fifty-first Indiana Volunteers, and who died May 8, 1872.

It appears that the deceased soldier was wounded April 30, 1863, in the right leg, which was amputated on the 4th day of May subsequent. He was discharged June 20, 1864, and died March 8, 1872. He was pensioned at $15 per month on account of loss of left leg.

March 9, 1872, the name of claimant was placed on the pension-roll at the rate of $15 a month as the widow of the deceased soldier, and continued to receive such pension until July 29, 1878, when her name was dropped from the rolls, by order of the Secretary of the Interior, on the ground that the soldier's death was not due to the military service.

Isaac Smith, of Lovely Dale, Knox County, Indiana, testified before Special Examiner Charles R. Connor, June 16, 1878:

"That he is the father of claimant, and that he was frequently at the house of said deceased soldier during his last illness, in March, 1872, and knows that he was sick and confined to his house for about two weeks immediately preceding his death; that during his last illness he complained all the time of his injured leg hurting him, and the pain extended up his side into his chest; that the attending physicians at the time stated that death resulted from a fever caused by the amputated leg."

James H. Welton testifies, June 17, 1878:

"That he is a brother of the deceased soldier; that by reason of wounds received in battle he had the left leg amputated about midway between the knee and ankle; that from the time he left the Army to the time of his death, March 8, 1872, his stump was healed entirely but twice; that when a running sore his general health was good, but when the wound healed he seemed to decline, and the first time it healed he had a hard spell of sickness; that for some six weeks preceding his death his stump was healed and never again broke out; that by reason of the irritated condition of his stump he was never able to wear his artificial limb with any satisfaction; that he was bedfast just two weeks in his fatal illness, and complained that his leg hurt him very much; that Drs. J. H. Barnett, N. B. Sparks, R. B. Jessup, Courtney, Harrington, and Rollins treated deceased during his last illness; that in conversation with Drs. Barnett, Courtney, and Rollins, they invariably stated to the affiant that if it were not for the condition of the amputated limb they would have no fear of his recovery."

Albert C. Falls testifies to being present with the deceased soldier frequently on Wednesday and Thursday before his death, which occurred Friday, March 8, 1872, and he complained of his injured limb hurting him severely.

Samuel R. Snyder and wife, of Lovely Dale, neighbors of the deceased, testify to his general good health and that he died from fever and pneumonia.

Hon. George G. Reilly, a leading member of the Vincennes (Ind.) bar, and a reputable gentleman, testifies, June 14, 1878:

"That he was personally and intimately acquainted with the husband of claimant from 1866 to 1872, and conversed with him frequently in reference to the condition of his amputated limb; that he complained very much of its hurting him, and on one occasion, when the stump was seen by the witness, it was red, sore, and suppurating some; that he was never able to wear the artificial limb made for him, but was compelled to wear a wooden peg, and bore his weight on his knee; that he was not confined to his house or bed, but was up and about attending to business most if not all the time, though he time and again expressed a desire to submit to a reamputation."

W. N. Denny, of Vincennes, Ind., late colonel Fifty-first Indiana Volunteers, testifies, June 12, 1878, to the wounding of claimant's husband in battle; to his general good health after his return home; that he at times complained of his amputated limb hurting him and making him very nervous from the shock to his system.

Dr. John H. Barnett, of Lovely Dale, Ind.; testifies, June 13, 1878, that December 11, 1872, he made an affidavit in support of claimant's application for pension, in which he said:

"It was then my opinion, and still is, that his disease and death were superinduced by the amputation of his leg."

In a subsequent affidavit the witness says that he pronounced the soldier's disease pleuritis, but had not the leg been amputated he would have pronounced it a well-marked case of acute pneumonia.

Dr. Nathan B. Sparks, of Lovely Dale, Knox County, Indiana, testifies, June 14, 1878, to his professional treatment of the deceased soldier prior to and during his fatal illness; that he frequently consulted him in reference to the pain from the stump of the amputated limb; that he attended the soldier during his last illness, and, in his opinion, the amputated leg was the exciting cause of the fever which produced his death.

Dr. Robert Jessup, of Vincennes, testifies to treating the deceased soldier during his last illness, and attributes his death to pneumonia.

The testimony in this case is voluminous and conflicting, but the preponderance of the evidence is clearly in favor of the claimant, and your committee recommend that her name be restored to the pension-roll, and that the bill be amended by striking out the words "place on," in line 4, and insert in lieu thereof the words "restore to," and by adding the following after the word "volunteers," in line 7, "to take effect from and after the passage of this act," and that when so amended the bill do pass.

The following amendments reported by the Committee on Invalid Pensions were read and agreed to:

In line 4, strike out the words "place on" and insert the words "restore to."

At the end of the bill add the words "to take effect from and after the passage of this act."

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

WILLIAM BOONE.

The next business on the Private Calendar was the bill (H. R. 374) granting a pension to William Boone.

Mr. MATSON. I ask that this bill be passed over informally. The circumstances are similar to those involved in the bill which was discussed so much this evening. While the two cases are not exactly alike, there is so much similarity that it would perhaps be a waste of time to enter upon the consideration of this bill to-night.

The CHAIRMAN. If there be no objection, the bill will be passed over informally.

There was no objection.

CAPT. ISRAEL STOUGH.

The next business on the Private Calendar was the bill (H. R. 1940) granting a pension to Capt. Israel Stough.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Israel Stough, late captain Company F, Forty-fourth Regiment Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1940) granting a pension to Israel Stough respectfully report:

That Israel Stough was mustered into the military service of the United States as captain Company F, Forty-fourth Regiment Ohio Volunteers, September 25, 1861, and was honorably discharged September 23, 1863, on account of physical disability.

November 23, 1879, he filed a declaration for pension, alleging that while in the service and line of duty at Barboursville, Ky., in the month of March or April, 1863, he was taken sick with camp fever, resulting in a partial paralysis of the lumbar muscles and sciatic nerves, causing chronic disease of the same, or lumbago and sciatica, which was rejected June 30, 1881, on record evidence that the disability existed prior to his entering the military service of the United States.

John H. Rodgers testifies, July 16, 1879:

"That he was assistant surgeon Forty-fourth Regiment Ohio Volunteers, and was well acquainted with claimant; that he verily believes said claimant at the date of his enlistment was a man of very good and sound health, and continued so up until affiant left the regiment, about January 15, 1863."

A. O. Mitchell, late major Forty-fourth Regiment Ohio Volunteers, testifies, March 15, 1879:

"That he was well acquainted with claimant; that at or near Barboursville, Ky., in March or April, 1867, said claimant was taken sick with camp fever of typho-malarial form, which seemed to affect him more or less afterward; he well remembers when said claimant was taken sick; that previous to that time he had always been a prompt and faithful soldier."

Henry Hinkle testifies, January 4, 1881:

"That he was well and intimately acquainted with claimant prior to and at the date of his enlistment; that at that time he was a man of remarkably good health in every respect, and especially free from lumbago and sciatica, or any disease of that character; that he has been intimately acquainted with claimant from the time he returned from the Army until about the month of May, 1871, and during that time soldier was and continued to be suffering with a partial paralysis of the lumbar muscles and sciatic nerves."

J. G. Arnold, M. D., testifies, April 13, 1881:

"That he has been the family physician of claimant since August, 1879, to the present time; that claimant was suffering from lumbago or sciatica; also functional disorder of the heart, caused by a chronic affection of the lumbar and sciatic nerves and general debility."

After having served in the campaigns of West Virginia and Kentucky, and participating in the battles of Fayetteville, Gauley, Charleston, Va., and Dutton Hill, Kentucky, the soldier was examined by a board of officers at Columbus, Ohio, August 13, 1863. The board say that claimant stated that when a boy he received an injury of the lumbar region by a fall on his back, and had since been subject to weakness.

Your committee have examined the evidence in this case very carefully, and find that the soldier was in good health at the time of entering the military service; that he performed the active duties of a soldier for nearly —— years, participating in the hardships and battles of a campaign in West Virginia and Kentucky; that while he may have been injured when a boy, he was regularly mustered into the service, and under the well-defined policy of the committee on the question of the physical soundness of the soldier at the time of enlistment your committee are of the opinion that he is entitled to the relief sought for, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

DANIEL H. ROSS.

The next business in order was the bill (H. R. 391) granting a pension to Daniel H. Ross.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Daniel H. Ross, late a private in Company B, First Regiment, subject to the provisions and limitations of the pension laws. This act to take effect from and after its passage.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 391) granting a pension to Daniel H. Ross, respectfully report:

That the claim in this case is based on disease of the eyes, resulting from cold contracted in the military service of the United States and in the line of duty.

It is shown that the physical health of the soldier was good prior to and at date of enlistment.

Captain Ruter, Patriot, Switzerland County, Indiana, testifies, August 7, 1880:

"That claimant was a member of his company, and while in line of duty on the Mississippi River, near Saint Louis, Mo., March 20, 1862, from exposure contracted a heavy cold, which settled in his eyes, causing inflammation, which became chronic. Knows these facts from personal knowledge."

Dr. O. L. Spooner testifies, May 17, 1880, that he treated claimant in 1873 for amaurosis of the eye, which has been his trouble since 1865.

Henry Mead and Aaron Z. Taylor testify, May 17, 1880, that they have been neighbors of claimant since 1867, during which time he has been suffering with partial blindness of the eye and continuous headache, and that he has been disabled by the same each year one-half.

Asa E. Siters and J. T. Calvin, Goldsmith, Tipton County, Indiana, testify, May 29, 1882, that they have lived neighbors to claimant since he came home, in 1865, and know that when he returned home he was badly injured by some eye disease, both eyes being affected from 1865 to 1878, and that he was wholly unable to work; he has been in same condition since 1881.

Dr. Thomas C. Whaldrill, Goldsmith, Tipton County, Indiana, testifies, May 30, 1882:

"That he was claimant's family physician in 1872, 1873, 1874, 1875, 1881, and 1882, and during those years he was troubled with his eyes, which is incurable, and he is unable to do manual labor one-half of the time."

June 13, 1881, claimant was examined by the United States examining board of Vevay, Ind., who report:

"Has double cataract. The left eye is most seriously affected. The lens of this eye is distinctly nebulous. The lens of the right eye is affected very slightly. Can distinguish near objects pretty well; can not read well, however; rated at $4."

"The records of the Adjutant-General show that Daniel H. Ross enlisted in the military service of the United States as a private in Company D, Eighteenth Regiment Indiana Volunteers, August 16, 1861, and was mustered out at Benton Barracks, Missouri, January 3, 1863, to enlist in the Mississippi Marine Brigade December 21, 1864, he was mustered out with the company at Vicksburg, Miss., by reason of his services being no longer required. January 26, 1865, he enlisted in Company E, One hundred and eighty-ninth Ohio Volunteers, and was honorably discharged September 28, 1865."

The records of the Surgeon-General's Office show the treatment of claimant in hospital for diarrhœa, and it is on this record that he is unable to complete his claim in the Pension Office, as he has been unable to find the surgeon or any of the officers of the steamer Diana, where he was on detached service at the time of being treated. And that he has been unable to find the surgeon or any commissioned officer of Company B of the Mississippi Marine Brigade, of which he was a member at the time of the incurrence of his said disability.

The examiner in charge of claimant's case in the Pension Office says, September 25, 1882:

"I have searched in the records of office, &c., of the Mississippi Marine Brigade. Can not obtain addresses," &c.

That by reason of these facts he can not complete his case in the Pension Office.

Your committee are of the opinion that the claim of the soldier is clearly made out, and recommend that the bill be amended by inserting after the word "Regiment," in line 6, the words "Mississippi Marine Brigade," and that, when so amended, the bill pass.

The following amendment, reported by the Committee on Invalid Pensions, was read, and agreed to:

After the words "First Regiment" insert "Mississippi Marine Brigade."

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALICE RILEY.

The next business on the Private Calendar was the bill (H. R. 6590) granting arrears of pension to Alice Riley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Alice Riley, of Troy, Rensselaer County, New York, mother of William Riley, late a private in Company B, First New Jersey Artillery Volunteers, in the war of 1861, a pension at the rate of $8 per month from the date of the stoppage of the pension of the said William Riley by reason of holding an appointment as clerk in the general service, War Department, March 5, 1865, up to the death of said William Riley, September 26, 1868.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6590) granting arrears of pension to Alice Riley, having considered the same, beg leave to make the following report:

The petitioner asks Congress to pass the accompanying bill, which gives her the amount that accrued to her son as pension, and which was withheld from him by reason of his holding an appointment as a clerk in the War Department, for the time for which his pension was suspended to the time of his death. Her petition to Congress states the case, and is as follows:

"Your petitioner, Alice Riley, of Troy, Rensselaer County, New York, respectfully represents that she is the mother of William Riley, deceased, private of Company B, First New Jersey Artillery Volunteers, in the war of 1861, who was a pensioner at the rate of $8 a month, by reason of wounds received at the battle of Gettysburg, Pa.

"Your petitioner represents that her said son received his pension until he was appointed a clerk in the general service of the War Department, when he was deprived of his said pension by said appointment; that since her son's death all clerks in said general service of the War Department have been paid all sums withheld from them by reason of being in said service, and that she now applies for the amount due her son from the date of his appointment, March 5, 1865, up to the date of his death, September 26, 1868, which he would have received had he lived.

"Your petitioner further represents that she applied to the Pension Office for the amount of pension which she claims is due her said son, and complied with all the rules and forms required."

She states that her son was not married, and that she depended upon him in her old age for support. She finally received a certificate, No. 28653, and was informed that the amount of pay was subject to provisions of section 25, act of March 3, 1873, which reads and provides payment only to the widow and children.

The mother asks that the amount of pension due her said son, as stated, may be paid to her, being an amount at the rate of $8 per month from March 5, 1865, when he was appointed a clerk, to the date of his death, September 26, 1868.

The committee think that this mother should have the amount asked for, although existing law does not give her a title. There is neither widow nor children to whom this amount would go under the law. The mother is clearly shown to have been dependent, and is now in needy circumstances. Her application for mother's pension was rejected on the ground that it is not known that the soldier died of any disease contracted in the service and line of duty. The amount she will receive is about $336. The committee think as the employés in the civil service received the amount withheld for the time being, that the amount which would have been paid to William Riley had he lived should now be paid to his mother, and therefore recommend the passage of the bill, and that the title be amended so as to read, "for the relief of Alice Riley."

Mr. HEWITT, of Alabama. Mr. Chairman, it appears to me this is not in fact a pension bill, and was not properly referred to the Committee on Invalid Pensions, though the House, of course, had power to make the reference. I will ask that the order under which the House is now acting be read. I wish to see whether we are confined this evening to pension bills. If so, I shall make a point of order upon this bill.

The CHAIRMAN. The Clerk will read the order.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. HEWITT, of Alabama. I see the bill is not subject to a point of order.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. HEWITT, of Alabama. Before that is done I would like to ask this question: If an administrator should be appointed upon the estate of this young man, could he not go before the Court of Claims and recover this amount which, as the committee say, was due the young man by the Government at the time of his death? If this young man had a claim against the Government for a pension during the years when he was working in the Department, and if he died without collecting the amount, the right to it would vest under the law in his administrator or executor—his personal representative, unless there is some provision in the pension laws which would operate to the contrary. I would like to hear from some gentleman on this subject.

The CHAIRMAN. Does the gentleman from Alabama submit the question to the Chair as a parliamentary question?

Mr. HEWITT, of Alabama. No, sir; I submit it to the gentleman who has charge of this bill.

Mr. MATSON. I refer the gentleman from Alabama to the gentleman from New York [Mr. VAN ALSTYNE], who introduced the bill.

Mr. VAN ALSTYNE. Mr. Chairman, I introduced this bill, and I copied it from a bill which had been introduced in the previous Congress, but at so late a day that it was not acted on. The facts are simply these: The son of the proposed beneficiary had been getting a pension by reason of wounds received in battle. By virtue of his qualifications and personal merits he received an appointment under the Government as a clerk in the War Department. The Pension Bureau, or the authorities controlling that question, had established a rule that all persons receiving a pension who were subsequently appointed to a Government office should not receive the pension so long as they were in the service of the Government.

Mr. WOLFORD. Allow me to ask the gentleman a question?

Mr. VAN ALSTYNE. Certainly.

Mr. WOLFORD. Had the Pension Department any authority for establishing such a rule?

Mr. VAN ALSTYNE. The law itself was to that effect.

Mr. HOLMAN. That was formerly the law.

Mr. VAN ALSTYNE. Subsequently that law was changed, so that all the persons serving the Government in a civil capacity who were entitled to pension received their back pay. After the death of this young man his mother applied to the Department for a pension on the ground of being dependent, and that the death of the soldier was in consequence of the wound he had received in the service. The proof, in the judgment of the department, failed to show that fact, and the application was denied. She then came to Congress for relief. Her bill was introduced, and by accident I happened to meet the member of the Committee on Invalid Pensions having this bill in hand while at the office of the Pension Department, and the matter was called to the attention of that department, and they stated that all the equities were in the interest of this woman, and that had the department the power they would not hesitate to grant the pension.

Now, as to the question which has been raised by the gentleman from Alabama [Mr. HEWITT] the law is this: The right not existing to this pension on the part of the deceased soldier at the time of his death no person under God's heaven had a claim to it. If an administrator had been appointed he could not have obtained it; and this woman is only entitled to it by the gracious act of this House.

I submit to you, sir, so far as equity and justice are concerned—you may call it charity if you please—this is a case which addresses itself with great force to the favorable consideration of the House. This soldier was faithful and brave, and received his injury in the service. His mother is a woman of refinement and culture. She is extremely poor, and her necessity demands that she should receive the recognition she asks. Therefore I hope any objection either to the form of the bill or its merits will be withdrawn, and that it will be permitted to be reported to the House with the recommendation that it do pass.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. BAGLEY] having resumed the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and had directed him to report back sundry bills with various recommendations.

Bills of the following titles, reported from the committee without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4012) to restore Robert C. McKee to the pension-roll;
A bill (H. R. 5021) granting a pension to Jackson Shadday;
A bill (H. R. 5304) for the relief of Mary Royal; and
A bill (H. R. 1940) granting a pension to Capt. Israel Stough.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 391) granting a pension to Daniel H. Ross;
A bill (H. R. 298) granting a pension to Charlotta A. Welton;
A bill (H. R. 4752) granting a pension to William Herring;
A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
A bill (H. R. 3065) granting a pension to Emma De Long; and
A bill (H. R. 6590) granting arrears of pension to Alice Riley.

The bill (H. R. 2635) granting a pension to John H. Cook, reported from the Committee of the Whole House adversely, was laid upon the table.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 5 minutes p. m.), the House, in compliance with a previous order, adjourned till Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Mary H. Bush, to have her claim referred to the Court of Claims to correct errors in the decision of Southern Claims Commission—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of the Louisiana Educational Society, in favor of the Blair educational bill—to the Committee on Education.

By Mr. FORNEY: Joint resolution of General Assembly, State of Alabama, relative to the completion of the work on the Muscle Shoals, in said State—to the Committee on Rivers and Harbors.

By Mr. A. S. HEWITT: Papers relating to the claims of Gustave Elsberg and Jacob Amberg—to the Committee on Indian Affairs.

By Mr. HOPKINS: Petition of 800 citizens of Massachusetts, for the passage of the resolution of Mr. HOPKINS relative to the transportation of cattle—to the Committee on Commerce.

By Mr. PAIGE: Petition of citizens of Summit County, Ohio, for a pension to Elizabeth Adams; also, for a general pension law—severally to the Committee on Invalid Pensions.

Also, of citizens of Summit County, Ohio, for the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. RIGGS: Petition of Post No. 289, Department of Illinois, for passage of H. R. 6463—to the Committee on Invalid Pensions.

By Mr. J. W. STEWART: Petition of Ensign Gilbert Morton, for relief—to the Committee on Naval Affairs.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ARNOT: Of soldiers of the late war, from the State of New York.

By Mr. BAGLEY: Of citizens of Greene County and of Prattsville, N. Y.

By Mr. BELMONT: Of C. A. Bates and 75 others, citizens of Queens County; of William Underhill and 51 others, citizens of Richmond County, and of Andrew Chickchester and 65 others, citizens of Amityville, N. Y.

By Mr. BOUTELLE: Of E. S. Frazier and others, of Milford, Me.

By Mr. BOYLE: Of citizens of Belle Vernon, Pa., of Fall City, and of Harrison City, Pa.

By Mr. BREITUNG: Of citizens of Crystal Falls and of Evart, Mich.

By Mr. T. M. BROWNE: Of citizens and ex-soldiers of the counties of Wayne, Randolph, Rush, and Delaware, Indiana.

By Mr. BRUMM: Of citizens of Clinton, Pa.

By Mr. COSGROVE: Of citizens of New Frankfort, Mo.

By Mr. CUTCHEON: Of citizens of Shelby, Mich.

By Mr. DINGLEY: Of Joseph Littlefield & Co. and others, of East Stoneham and Lowell, Me.

By Mr. DOCKERY: Of citizens of Daviess and Mercer Counties, Missouri.

By Mr. ELDREDGE: Of Horace Bisbee and 98 others, of Monroe County; of James F. Herrington and 82 others, of Washtenaw County; of Eli Winchell, and 63 others, of Hillsdale County; of Milo Smith and 117 others, of Washtenaw County, Michigan.

By Mr. ERMENTROUT: Of H. R. Anthony and others, citizens of the eighth Congressional district of Pennsylvania.

By Mr. FYAN: Of citizens of Seneca, Mo.

By Mr. GEDDES: Of W. F. Walcott and 51 others, citizens of La Grange, Ohio.

By Mr. GIBSON: Of citizens of West Virginia.

By Mr. H. H. HATCH: Of citizens of Indian River, of Elmira, and of Vassar, all in Michigan.

By Mr. HEPBURN: Of C. R. Ingraham and 40 others, citizens of Afton; and of S. S. Morrow and 20 others, of Thayer, Iowa.

By Mr. HILL: Of C. E. Reynolds and 50 others, of Henry County; of J. B. Wibel and 64 others, of Ashton; of H. B. Ferguson and 65 others, of Paulding County; of Washington Young and 150 others, of North Baltimore, and of C. M. Walling and 200 others, of Milton Centre, all in Ohio.

By Mr. HOUSEMAN: Of A. P. Meyer and others, of Sparta; of Frank Storms, Plainwell, Allegan County; of H. H. Hatliff and 100 others,

of Kiddville, Ionia County; and of George W. Rockwell and 100 others, of Allegan, Mich.

By Mr. HOWEY: Of citizens of Hunterdon County, New Jersey.

By Mr. JOHNSON: Of W. H. Tefft and others, of Ticonderoga; of W. H. Dunn and others, of Weaverton; and of S. A. Ormsby and others, of Horicon, N. Y.

By Mr. KEAN: Of 28 citizens of Kingston, N. J.

By Mr. KELLEY: Of 62 residents of Philadelphia, Pa.

By Mr. KETCHAM: Of citizens of Poughkeepsie, N. Y.

By Mr. LAMB: Of Bruce Post, No. 273, Grand Army of the Republic, Department of Indiana; and of 103 citizens of Crawfordsville, Ind.

By Mr. McCORMICK: Of citizens of Hoadley, Ohio.

By Mr. MILLARD: Of citizens of Lake Ridge, N. Y.

By Mr. MITCHELL: Of citizens of Ansonia and of Moodus, Conn.

By Mr. MURRAY: Of W. C. M. Brookins and 100 others, of Eaton; of W. H. C. Steele and 25 others, of Gratio; of James Woodward and 200 others, of Montgomery County; of W. D. McKemey and 100 others, of Dayton, and of 3,000 inmates of the National Soldiers' Home at Dayton, Ohio.

By Mr. PAIGE: Of Jacob Adams and others, of Summit County, Ohio.

By Mr. RANNEY: Of John H. Jackson and others, of Boston, Mass.

By Mr. REED: Of citizens of Yarmouthville, Me.

By Mr. ROCKWELL: Of George A. Shepard and eighty others, of Sandisfield, Mass.

By Mr. J. H. ROGERS: Of citizens of Arkansas.

By Mr. ROWELL: Of citizens of Kane and of Stanford, Ill.

By Mr. SEYMOUR: Of W. F. Bellany and others, of Woodbury; of Marshall W. Dowd and others, of Westminster; and of James R. Strout and others, of Fairfield County, Connecticut.

By Mr. SPRINGER: Of citizens of Springfield, &c., Ill.

By Mr. STEVENS: Of 209 ex-soldiers.

By Mr. STORM: Of soldiers and citizens of Pike County, and of Capt. C. B. Brockway and 150 others, of Bloomsburg, Pa.

By Mr. E. B. TAYLOR: Of William S. Wood and 56 others.

By Mr. THOMAS: Of 63 citizens of Belknap, and of 64 citizens of Pulaski County, Ill.

By Mr. TOWNSHEND: Of 327 citizens of Hamilton and other counties, Illinois.

By Mr. WASHBURN: Of 220 citizens and soldiers of Anoka, Minn.

By Mr. WHITE: Of 63 citizens of Rochester, Minn.

By Mr. WOOD: Of citizens of Delphi, Ind., and of Atar City, Ind.

By Mr. WORTHINGTON: Of J. S. Atherton and 63 others, of La Fayette; of L. W. Ewing and 62 others, of Oneida; of D. H. Holcomb and 60 others, of Ravenswood; of J. E. Thomas and 65 others, of Wataga; and of T. A. Boyd and 180 others, of Lewiston, Ill.

SENATE.

MONDAY, *December* 15, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Postmaster-General, transmitting, as required by law, lists of allowed and disallowed claims for losses by postmasters from fire, burglary, and other casualties. The Chair understands by a note at the foot of the letter that the documents referred to have been sent with a similar communication to the House of Representatives. The letter, if there be no objection, will be printed and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs upon the subject of the right of way required by the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation in Dakota; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs setting forth the embarrassment to the service growing out of the provision in the law requiring that the appropriation for the support of the Indian industrial school at Lawrence, Kans. ($50,000), shall be disbursed upon the basis of an allowance of not exceeding $175 for the support and education of each scholar; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs inclosing a claim for $2,000 of the bureau of Catholic missions of Washington, D. C., on account of the support, education, &c., of twenty additional pupils at the boys' school on the Flathead reservation in Montana under its control during the fiscal year ending June 30, 1884, in excess of their contract for that year.

The PRESIDENT *pro tempore*. The letter will be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VEST. I suggest that it should go first to the Committee on Indian Affairs. I think that would be the appropriate reference. I do not see the chairman of the committee here, but I know he takes considerable interest in that matter.

The PRESIDENT *pro tempore*. On the suggestion of the Senator from Missouri, if there be no objection, the reference will be changed from the Committee on Claims to the Committee on Indian Affairs. The Chair hears no objection.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Timothy Kibby, of Dayton, Ohio, praying for relief in the form of back pension; which was referred to the Committee on Pensions.

Mr. CULLOM. I present a memorial of James W. Smith, of Springfield, Ill., first vice-president of the International Federation of Trade and Labor Unions of the United States and Canada; a memorial of Mark L. Crawford, president of the Chicago Trade and Labor Assembly, on behalf of 30,000 workmen; a memorial of the Chicago Trade and Labor Assembly; and a memorial of Richard Powers, of Chicago, vice-chairman of the legislative committee of the labor organizations of the United States, urging the passage of the bill to prohibit the importation of foreign labor under contract. I move the reference of the memorials to the Committee on Education and Labor.

Mr. BLAIR. The labor bill to which the memorials presented by the Senator from Illinois [Mr. CULLOM] have reference was reported from the committee favorably and is upon the Calendar. I therefore suggest that the memorials lie on the table.

The PRESIDENT *pro tempore*. If there be no objection the memorials presented by the Senator from Illinois, instead of being referred to the Committee on Education and Labor, will be laid upon the table.

Mr. DOLPH presented the petition of Theodore J. Eckerson, major and quartermaster, United States Army, praying to be placed on the retired-list of the Army on January 22, 1885, with additional rank; which was referred to the Committee on Military Affairs.

Mr. MILLER, of California, presented a memorial of members of the Society of California Pioneers and others, praying that relief be granted Rev. C. M. Blake, chaplain United States Army, retired; which was referred to the Committee on Military Affairs.

Mr. MANDERSON presented a petition of citizens of Nebraska, praying that a pension be granted Polly Young, widow of Jesse Young, a soldier of the war of 1812; which was referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, presented the petition of Lincoln Post, No. 140, Grand Army of the Republic, Department of Pennsylvania, praying for the publication in the Official Records of the War of the Rebellion of photographic illustrations; which was referred to the Committee on Printing.

Mr. INGALLS presented a petition of citizens of Bourbon County, Kansas, praying for legislation relative to New York Indian lands in that county; which was referred to the Committee on Indian Affairs.

Mr. LAPHAM presented the petition of Sally C. Mulligan, mother of James S. Mulligan, late Company I, Twenty-first Regiment New York Volunteers, praying for arrearages of pension; which was referred to the Committee on Pensions.

Mr. BUTLER presented the petition of Hugh S. Thompson, governor of South Carolina, James F. Tylar, Ashbury Coward, Charles H. Simonton, George L. Buist, S. McGowan, H. McIver, F. W. McMaster, and the faculty of the South Carolina College, in relation to House bill 7498 to establish agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. LOGAN presented a petition of officers of the Army, praying for the passage of the bill to facilitate promotions throughout the Army by retiring from active service, upon their own application, officers of the Army who served in the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented the petition of Patrick Henry, commissary-sergeant United States Army, Fort Sidney, Nebraska, praying legislation favorable to private soldiers; which was referred to the Committee on Military Affairs.

He also presented a memorial of cigar-makers of Decatur, Ill; a memorial of cigar-makers of Peoria, Ill.; a memorial of cigar-makers of Springfield, Ill.; a memorial of cigar-makers of Jacksonville, Ill.; a memorial of cigar-makers of Morris, Ill.; a memorial of cigar-makers of Alton, Ill.; a memorial of August Schulze, of New York; a memorial of the Chicago Trade and Labor Assembly; a memorial of cigar-makers of Ottawa, Ill.; a memorial of tobacco-dealers and cigar-makers of Chicago, Ill.; and a memorial of the Illinois Peace Society, remonstrating against the ratification of the Spanish treaty; which were referred to the Committee on Foreign Relations.

Mr. LOGAN. I present a petition from soldiers resident in many parts of the United States making the following prayer:

We, the undersigned, ex-soldiers of the late Union Army, desirous of perpetuating in the best possible manner the memory of the late Maj. Gen. George H. Thomas, do most respectfully petition the Congress of the United States to purchase the faithful representation of him in Miss C. L. Ransom's full-length life-size portrait, and to give it a suitable place for preservation and exhibition in the Capitol in Washington.

I also present 241 petitions, signed by 7,608 discharged soldiers, to the same effect.

I desire to say in presenting these petitions that I have frequently examined the portrait referred to and I consider it a most excellent likeness of General Thomas. I hope the Committee on the Library will take action in reference to the matter and make a report either for or against the proposition. I should be very glad myself to see a favorable report made, for I think it is a very good portrait, and Congress ought to purchase it.

I move the reference of the petitions to the Committee on the Library.

The motion was agreed to.

Mr. BROWN. I present the petition of the National Eclectic Medical Association, asking the Congress of the United States to enact a bill to secure to the medical profession equal rights in the service of the United States as an act of justice to a large number of citizens, an improvement and reform of the former practice and demanded by the best interests of individuals, &c. I move that it be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. HAWLEY presented the petition of Arnold A. Rand and Albert Ordway, of Washington, D. C., praying that the Government purchase their collection of photographic negatives illustrating the war of the rebellion; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of F. D. Hammond Post, No. 141, Grand Army of the Republic, Department of Massachusetts; the petition of Moses Ellis Post, No. 117, Grand Army of the Republic, Department of Massachusetts, and the petition of Henry Bryant Post, No. 98, Grand Army of the Republic, Department of Massachusetts, praying for the publication in the Official Records of the War of the Rebellion of photographic illustrations; which were referred to the Committee on Military Affairs.

Mr. HOAR. I present certain papers which are not in the form of a petition, but which relate to a private bill now before the Committee on Military Affairs, being the bill (H. R. 263) for the relief of George F. Bicknell. I move the reference of the papers to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

A petition of members of the Stationers' Board of Trade of New York, praying for the passage of a national bankrupt law; and

A petition of business men of Des Moines, Iowa, in relation to the enactment of a bankrupt law.

Mr. SHERMAN, from the Committee on the Library, to whom was referred the bill (S. 2422) for the erection of a statue to the memory of General La Fayette, reported it with amendments.

Mr. McMILLAN, from the Committee on the Judiciary, to whom were referred the following bills, reported them adversely; and they were indefinitely postponed:

A bill (S. 1671) for the judicial ascertainment of the facts in private claims, and for other purposes; and

A bill (S. 1534) in relation to courts and judicial proceedings in the Territories.

Mr. INGALLS, from the Committee on the Judiciary, which was directed by a resolution of the 11th of February, 1884, to examine and report what legislation is necessary, if any, to restrict the appointment of special assistant attorneys and special agents or detectives in the Department of Justice, submitted a report thereon; which was ordered to lie on the table.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported a bill (S. 2436) to enable the President to accept invitations of foreign governments to international exhibitions and to appoint commissions thereto; which was read the first time by its title.

Mr. MILLER, of California. I am instructed by the committee to ask the unanimous consent of the Senate to consider the bill at this time.

Mr. COCKRELL. Let it be read at length for information, subject to objection.

The bill was read the second time at length.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object. Let it be printed, and it can be called up to-morrow morning.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

PORTS OF PORTLAND AND PORT TOWNSEND.

Mr. DOLPH. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2391) to amend the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, to report it favorably, without amendment, and to ask for the present consideration of the bill.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is there objection to the present consideration of the bill?

Mr. PLATT. I should prefer to have the bill read first for information.

The PRESIDING OFFICER. The bill will be read at length for information.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It extends to the port of Portland, Oreg., the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," and the privileges of the first and seventh sections of the act to the port of Port Townsend, in Washington Territory; the privileges in each case to be exercised on the same terms and conditions applicable to other ports as provided in the act of which this is amendatory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF OMAHA.

Mr. DOLPH. I am also instructed by the Committee on Commerce, to whom was referred the bill (S. 2269) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska, to report it favorably without amendment. The bill is favorably recommended by the Treasury Department, and I am directed to ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the bill reported by him be now considered. Is there objection?

Mr. INGALLS. Let it be read for information.

The Chief Clerk read the bill.

Mr. SHERMAN. The only criticism I have to make is that I do not see why the Senator does not have all these places named in one bill. We have already passed one in regard to Portland, Oreg. The original law, of which this is an amendment, embraced quite a number of ports. Probably it is proper that Portland and Omaha should also be named; but it seems to me that one bill would cover the whole.

The PRESIDENT *pro tempore*. The question is, is there objection to the present consideration of the bill?

Mr. SHERMAN. I do not object.

Mr. ALLISON. I do not object to the consideration of the bill——

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. ALLISON. I should like to know, as a matter of practical administration of the office at Omaha, how goods can be appraised there. There is no appraiser's office at Omaha, I understand.

Mr. MANDERSON. I will state to the Senator from Iowa that the surveyor of customs, there being such an official at Omaha, has the power of appraisement under the law and the rules of the Treasury Department. This bill in its present form is one that is recommended by the Treasury Department, and they say that no additional officer is needed at that port.

Mr. ALLISON. I am very glad to know that. That is probably true at present, but of course if these several ports are made ports where goods are to be regularly entered and appraised we shall soon have all the machinery of a custom-house found to be necessary at each place. I do not object to the consideration of the bill, however.

Mr. McPHERSON. I think I shall object to the further consideration of the bill at this time. While, as the Senator from Nebraska [Mr. MANDERSON] says, the law does permit the present customs officers to appraise goods, I think in the majority of cases where the operation of the law has been extended new officers have been appointed. Until I can examine more fully into the circumstances I should like to have the bill go over.

Mr. MANDERSON. I desire to say to the Senator from New Jersey that Omaha is one of the ports mentioned in the act of June 10, 1880. It was then admitted to the right of immediate transportation of dutiable goods, but was excluded by the action of the Secretary of the Treasury under the proviso to that act, which was construed by him to grant him that power. The matter has now been referred to the Treasury Department, and in the present condition of affairs, there being such a vast increase of importation of goods at that port, the Secretary now recommends that this privilege be granted to that port. I hope the Senator from New Jersey will withdraw his objection and allow the bill, which has passed the scrutiny of the Treasury Department and also of the Commitee on Commerce, to become a law.

Mr. McPHERSON. I wish to say further, that with respect to the scrutiny of the Treasury Department, of which the honorable Senator speaks, upon the question of appointing new officers, sometimes they do not scrutinize as closely as I should like to have them do. I think no harm will come, no particular damage can result to the interests of Omaha, if the bill should go over for a day or two, as it probably will under my objection.

The PRESIDENT *pro tempore*. The Chair will state that he called for objection, and stated (as the Senator from Iowa had taken the floor, he saying that he had no objection, and as the Chair heard no objection), that the bill was before the Senate as in Committee of the Whole; but inasmuch as the Senator from Iowa had risen, the Chair will treat the objection of the Senator from New Jersey as having been made at the time. The bill will be placed on the Calendar.

Mr. CONGER. I ask that the bill may come up as unfinished business to-morrow. It is important that the question should be decided for that port as soon as may be.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the bill objected to by the Senator from New Jersey may come up at the head of the Calendar under Rule VIII to-morrow morning. Is there objection?

Mr. McPHERSON. I do not know the necessity of this special and particular case. Perhaps I should be willing to have the bill come up to-morrow morning; perhaps I should make no objection to it then, but——

The PRESIDENT *pro tempore*. It is the duty of the Chair to state that debate is not in order.

Mr. McPHERSON. I only wish to explain the reason of my objection, if unanimous consent can be given for that purpose.

The PRESIDENT *pro tempore*. If there be no objection the Senator from New Jersey will proceed.

Mr. SHERMAN. I think we had better proceed with the regular order.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes on the Calendar.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2437) granting a pension to Mrs. Mary Gordon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2438) granting a pension to Rachel Fleming Cellar; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2439) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2440) for the relief of Benjamin F. Fox; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON introduced a bill (S. 2442) to increase the efficiency of the infantry branch of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2443) granting an increase of pension to Polly Young; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2444) granting an increase of pension to General S. W. Price; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 2445) to regulate the letting of mail contracts; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2446) for the relief of William M. Keightley; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. LAPHAM introduced a bill (S. 2447) to remove the charge of desertion against Daniel Morris, of Company F, Fortieth Regiment of New York State Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2448) for the relief of Sally C. Mulligan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON introduced a bill (S. 2449) to provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories; which was read twice by its title, and referred to the Committee on the Library.

Mr. WILSON. I have received a communication from the Secretary of the Interior approving the object of the bill. Although the communication is quite brief I shall not ask to have it read, but I ask that it may be printed in the RECORD, and referred to the Committee on the Library.

The paper was ordered to be printed in the RECORD, and referred to the Committee on the Library, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1884.

SIR: Replying to your communication of the 24th instant, regarding the supply of the Jefferson County library with certain public documents, I have the honor to say that no copies of the Statutes at Large or of Revised Statutes are furnished this Department for distribution. It receives only a sufficient number of copies for its own use and the use of its several bureaus and offices. These documents are now put at the disposal of the honorable the Secretary of State, under whose supervision they are distributed, and from whom it is possible that those needed to complete the set in the library above mentioned may be secured.

In this connection I beg to say that the only two important documents printed by the Government with which depositories of documents in the several States and Congressional districts of the Union are not supplied from this Department are the Statutes of the United States and the CONGRESSIONAL RECORD, provision having been made for furnishing said depositories with every other document ordered by Congress. It is very much to be desired that some provision should be made, without unnecessary delay, by which the RECORD and the statutes should also be included in the documents furnished these institutions, in order that there may be found at every depository of public documents a copy of these, among the most important of Government publications, as well as of those for the supply of which provision has already been made. A joint resolution embodying such a provision, submitted with a statement of reasons for the same, would doubtless be adopted by the Senate, as it would probably be admitted that if any documents are to be supplied to institutions as depositories of Government publications, these certainly ought to be included in the number.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

Hon. JAMES F. WILSON, *U. S. Senate.*

Mr. WILSON introduced a bill (S. 2450) to repeal the joint resolution approved June 14, 1878, authorizing the purchase of such plate-iron and other material as may enter into the construction of steam-boilers for the Navy without advertising for bids to furnish the same; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Naval Affairs.

Mr. WILSON. I desire to have the bill referred to the Committee on Expenditures of Public Money.

The PRESIDENT *pro tempore*. If there be no objection that reference will be made.

Mr. HALE. It seems to me that that is a matter which should go to the Committee on Naval Affairs.

Mr. WILSON. I desire to say that the Committee on Expenditures of Public Money has no disposition to encroach upon the jurisdiction of the Committee on Naval Affairs, but that committee is considering this subject. I wish to have the bill considered in that connection, and then if we come to a conclusion I shall have no objection to the bill being reported and sent to the Committee on Naval Affairs, if it is deemed proper.

Mr. HALE. The bill relates to a very important part of the operations of the Navy Department, and ultimately I think it should go to the committee representing that branch. If the Senator's committee is considering that subject, with the understanding that he has mentioned, I have no objection to its going to that committee first.

Mr. WILSON. I have certainly no desire to assume any jurisdiction belonging to the Committee on Naval Affairs, and if there should be in the course of the consideration of this subject any seeming encroachment I should be willing to have the subject, when resolved upon by the Committee on Expenditures of Public Money, go to the Committee on Naval Affairs.

Mr. HALE. I have no objection to the reference suggested by the Senator from Iowa.

The bill was referred to the Committee on Expenditures of Public Money.

Mr. MILLER, of New York, introduced a bill (S. 2451) for the protection of forests on the public domain; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. INGALLS introduced a bill (S. 2452) granting a pension to Mary M. J. Frank; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2453) to amend the act giving approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MILLER, of California, introduced a bill (S. 2454) to provide for the enlargement of the Yosemite Valley and Mariposa Big Tree Grove grants; which was read twice by its title, and referred to the Committee on Public Lands.

COINAGE OF SILVER DOLLARS.

Mr. MORRILL submitted an amendment intended to be proposed by him as a substitute for the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; which was read, and referred to the Committee on Finance, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury shall direct the suspension of the purchase of silver bullion and the coinage of standard silver dollars at the mints of the United States, under the act of February 28, 1878, whenever the amount of silver coin, in excess of silver certificates, shall exceed $70,000,000; and the purchase of bullion and coinage of standard dollars, as aforesaid, shall be resumed at any time when the same shall be required in order to keep and retain in the Treasury an amount of silver coin in excess of silver certificates of not less than $60,000,000.

"SEC. 2. That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase as bullion any trade-dollars which may be presented previous to the 1st day of February, 1885, in sums of not less than $20, and to pay therefor the market value of silver bullion when so presented, and in addition — per cent. premium. And the trade-dollars so purchased shall not again be reissued, but shall form a part of the silver bullion authorized to be purchased from time to time under the act of February 28, 1878."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4012) to restore Robert C. McKee to the pension-roll;

A bill (H. R. 5021) granting a pension to Jackson Shadday;

A bill (H. R. 5304) for the relief of Mary Royal;

A bill (H. R. 1949) granting a pension to Capt. Israel Stough;

A bill (H. R. 391) granting a pension to Daniel H. Ross;

A bill (H. R. 298) granting a pension to Charlotta A. Welton;

A bill (H. R. 4752) granting a pension to William Herring;

A bill (H. R. 7169) granting a pension to Elizabeth Kaler;

A bill (H. R. 3035) granting a pension to Emma De Long;

A bill (H. R. 6590) for the relief of Alice Riley; and

Joint resolution (H. Res. 300) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island;

A bill (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American medals; and

Joint resolution (S. R. 191) in relation to the ceremonies to be authorized upon the completion of the Washington Monument.

The message further announced that the House had passed a concurrent resolution concerning the opening ceremonies of the World's Industrial and Cotton Centennial Exposition at New Orleans, La., on the 16th instant.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio; and

Joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work on the Tenth Census.

DEBATE ON SPANISH TREATY.

The PRESIDENT *pro tempore*. If there be no further bills or joint resolutions that order is closed. "Concurrent or other resolutions" are in order, and the Chair lays before the Senate the resolution offered by the Senator from Nebraska [Mr. VAN WYCK], which went over under objection. The resolution will be read.

The Chief Clerk read the resolution, submitted by Mr. VAN WYCK December 11, as follows:

Whereas a commercial treaty of great importance has been negotiated between the United States and Spain, which was made public by the King of Spain to such extent that it was cabled from Madrid by the Times of New York city, and given to the American people by that journal before the same was presented with becoming solemnity and secrecy to the Senate;

Whereas the provisions of said treaty materially affect the subject of revenues and taxation, involving no serious questions of diplomacy and state secrets, the discussions thereof should be in open session, so that the people may be fully apprised of the reasons why said treaty should be ratified or rejected: Therefore,

Resolved, That the Committee on Rules be directed to report an amendment, or additional rule, requiring that treaties which concern matters of revenue shall be considered in open session.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. MILLER, of California. As the Committee on Foreign Relations has a similar resolution to this now under consideration, I move that this resolution be referred to that committee.

Mr. HOAR. I raise the question that that should be considered in secret session.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Massachusetts.

Mr. HOAR. I raise the question that this resolution should be considered in executive session.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that this resolution be considered with closed doors. Is that request seconded?

Several SENATORS. Yes, sir.

Mr. PLATT. May I be referred to the rule under which the request is made?

The PRESIDENT *pro tempore*. Rule XXXV is as follows:

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the presiding officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

Is there a second to the motion of the Senator from Massachusetts?

Mr. HAWLEY. I second the motion.

The PRESIDENT *pro tempore*. The motion is seconded. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate, with closed doors, proceeded to consider the resolution.

After sixteen minutes the doors were reopened.

THE NEW ORLEANS EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Whereas the Congress of the United States has been formally invited to attend the opening ceremonies of the World's Industrial and Cotton Centennial Exposition to be inaugurated at New Orleans on Tuesday, December 16, 1884; and

Whereas the exigencies of the public service prevent their attendance on said day; and

Whereas the President of the United States has decided to open said exposition by telegraph and to start the machinery thereof by electricity from the Executive Mansion in the presence of his Cabinet and the representatives of foreign powers; and

Whereas the Congress of the United States entertains for said exposition the best wishes and desires to lend to its success its countenance and good-will: Now, therefore,

Resolved by the House of Representatives (the Senate concurring therein), That the President of the Senate, together with a committee of thirteen Senators to be appointed by him, and the Speaker of the House together with one Representative or Delegate from each State and Territory of the Union to be selected by him, be requested to attend at the Executive Mansion on Tuesday, the 16th instant, at 12.30 p. m., to witness on behalf of the Congress of the United States the opening of said exposition by the President, and to adopt and forward thereto such address of congratulation as may seem appropriate to the occasion.

Mr. JONAS. Mr. President, I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks unanimous consent that the resolution of the House of Representatives be now considered. Is there objection? The Chair hears none. The question is on concurring in the resolution.

The resolution was concurred in.

RECIPROCITY TREATIES, SO CALLED.

Mr. SHERMAN. If the morning business is now through, I desire to call up a bill.

The PRESIDENT *pro tempore*. The morning business is not yet concluded. The call was for resolutions, opening with the resolution of the Senator from Nebraska [Mr. VAN WYCK], which came over from a previous day. Resolutions are still in order.

Mr. MORRILL submitted the following resolution; which was read:

Whereas the Legislature is the department of Government by which commerce should be regulated and laws of revenue passed; the Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. The representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employment and interests on which this description of measures will press, and may better discern what true policy prescribes or rejects than is within the competence of the executive department of the Government: Therefore,

Resolved, That so-called reciprocity treaties, having no possible basis of reciprocity with nations of inferior population and wealth, involving the surrender of enormously unequal sums of revenue, involving the surrender of immensely larger volumes of home trade than are offered to us in return, and involving constitutional questions of the gravest character, are untimely, and should everywhere be regarded with disfavor.

Mr. MORRILL. I ask that the resolution be printed and lie on the table. I may desire to submit under certain contingencies some remarks upon it.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Vermont? The Chair hears none, and the resolution will lie on the table and be printed.

SURVEY OF NICARAGUA CANAL ROUTE.

Mr. VEST submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate whether any orders have been issued by the Navy Department for the purpose of sending a surveying party to Central America in order to make a survey of the route for the proposed Nicaragua Canal, and, if so, under what authority of law such orders were issued; and if such orders have not been issued, whether any expedition for the purpose indicated is contemplated by the Navy Department or any preparation being made for the same, and, if so, the nature, extent, and cost of the arrangements made or contemplated.

BILLS RECOMMITTED.

Mr. INGALLS. Order of Business 785, being the bill (H. R. 2136) granting an increase of pension to Merlin C. Harris, was adversely reported from the Committee on Pensions and now stands on the Calendar. Additional evidence has been received, and I ask that the bill may be recommitted for the purpose of further consideration.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill indicated by him be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

Mr. INGALLS. In that connection I offer additional evidence in support of the claim, which I ask may be referred to the Committee on Pensions with the bill.

The PRESIDENT *pro tempore*. The papers will be received and referred to the Committee on Pensions.

Mr. INGALLS. I also ask that the bill (H. R. 2140) for the relief of Hugh Dougherty, which was indefinitely postponed at the last session, may be recommitted. I suppose I should first ask that the vote indefinitely postponing the bill be reconsidered, although the parliamentary period has elapsed, but additional evidence has been received in support of that claim also, and I desire to obtain further consideration.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate at the last session indefinitely postponing the bill (H. R. 2140) for the relief of Hugh Dougherty be reconsidered, and that the bill be recommitted to the Commit-

tee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDENT *pro tempore* subsequently said: The Chair begs to state to the Senator from Kansas in reference to the recent action of the Senate on the bill (H. R. 2140) for the relief of Hugh Dougherty, that it appears by the Journal of the Senate that the bill is still in the possession of the Committee on Pensions, and has never been reported.

Mr. INGALLS. I was otherwise advised. Let the matter remain open until it can be further examined.

The PRESIDENT *pro tempore*. That course will be pursued unless objection be made.

SPANISH RECIPROCITY TREATY.

Mr. INGALLS. I ask leave, out of order, to present a petition from a representative meeting of cigar-makers of Leavenworth, Kans., in relation to the proposed reciprocity treaty with Spain.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be received and referred to the Committee on Foreign Relations.

Mr. SHERMAN. I only object because objection was made the other day to similar petitions being presented in open session, and I therefore, as other Senators have, presented similar petitions in another place.

The PRESIDENT *pro tempore*. The Chair has received, without stating the question, some of these remonstrances, inasmuch as the Senate, by an order, had made public the text of the treaty. The Chair thought under those circumstances remonstrances might be received in open session, which otherwise the Chair would not have received without the direction of the Senate in a case where the secrecy of the text of the treaty had not been removed.

Mr. SHERMAN. Then I can only say that if that is concluded to be best I shall hereafter present such petitions in the open Senate, but it will open the door to the presentation of arguments and remonstrances and memorials, and will tend to bring about what I desire, the open discussion of the treaty. I merely call attention to the rule.

The PRESIDENT *pro tempore*. The Chair thinks the distinction is between the case of a treaty in respect to which the injunction of secrecy upon its text has not been removed and one in respect to which the injunction of secrecy has been removed. In the case of the Spanish treaty referred to, the Senate took off the injunction of secrecy and the text of the treaty was printed. The Chair therefore thought, the right of petition by a citizen of course being sacred in either case, that it might be made manifest by presenting a petition in such a case in open session, which the Chair would not have received had not the Senate ordered the injunction of secrecy to be taken off.

Mr. CONGER. I have two petitions from citizens of Michigan on the same subject, which I desire to present. I have presented, under what I supposed to be the ruling of the Chair heretofore, four or five in executive session——

The PRESIDENT *pro tempore*. The Senator is not entitled to state anything that took place in executive session.

Mr. CONGER. I will say then for the information of my constituents who send me these papers that I am very glad of the opportunity of presenting them in open session, as there is no other way in which they can be informed that I have presented their petitions and that the Senate has received them. That may be proper, I suppose.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Foreign Relations.

Mr. MILLER, of California. I ask leave to report a resolution from the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to make a report at this time from the Committee on Foreign Relations. Is there objection? The Chair hears none. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of United States consuls on labor in Europe, be printed, and that —— additional copies be printed for the use of the Senate, —— copies for the use of the House of Representatives; and for the use of the Department of State 5,000 copies, and 10,000 copies of the Secretary's letter.

Mr. MILLER, of California. I ask that the resolution be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from California moves that the resolution be referred to the Committee on Printing.

The motion was agreed to.

PUBLIC BUILDING AT AKRON.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII is now in order.

Mr. SHERMAN. At the last session of the Senate I believe all the bills reported in regard to the erection of public buildings except one were acted upon, so as to be sent to the other House. There is one bill for the erection of a public building at Akron, Ohio, on the Calendar, No. 870 in the Order of Business, reported from the Committee on Public Buildings and Grounds, which I ask the Senate to consider now, so that it may be placed in the same position as the other bills of that character. It was overlooked probably by oversight. I should like to have the action of the Senate upon it. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that Order of Business 870, being the bill S. (1838) for the erection of a public building at Akron, Ohio, be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. HOAR. I should like to inquire of the committee that reported that bill whether their exceptions as to the administration of the criminal law of the State would make the criminal law of the State operative as a law binding on the conduct of persons. For instance, if an assault be committed in the post-office, or a theft, or a robbery at night, and battery, the bill allows the administration of the criminal law of the State. That would seem to be merely confined to the right to make arrests there, and to hold a criminal court there, as the Senator from Rhode Island [Mr. SHEFFIELD] well suggests. I think we ought to go as far as to say that it may be lawfully done, and the precedents of the Senate seem to imply that it may. We ought to say that the criminal laws of the State shall be in force and operation. I do not see why all the laws of the State should not be; for instance, if a runaway match should take place and the marriage ceremony be conducted in the post-office, I do not see why it should not be binding according to the State law.

Mr. SHERMAN. The Senator from Missouri [Mr. VEST] reported the bill.

Mr. VEST. That matter has been very often discussed both in the Senate and before the Committee on Public Buildings and Grounds, particularly by the Senator from Florida [Mr. JONES]. This is the form which has been adopted in the committee, and we consider it ample to cover the case suggested by the Senator from Massachusetts. The bill is in the ordinary form. All the bills in regard to the construction of public buildings have this provision in them. We considered that distinctly to provide for the administration of justice within the limits of the building.

Mr. HOAR. The Senator will pardon me. I think he will find on examination that there is a great variety of phraseology used in limiting this cession of jurisdiction. There are several different forms in our legislation. I would suggest, beginning in the nineteenth line, to strike out the words "except the administration of the criminal laws of said State and the service of civil process therein" and to insert in lieu thereof, "that the criminal laws of said State shall be in force and its civil and criminal process may be served therein." I make that suggestion.

The PRESIDENT *pro tempore*. The Senator from Massachusetts proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the word "except," in line 19, and in lieu thereof to insert:

That the criminal laws of said State shall be in force and its civil and criminal process may be served therein.

Mr. VEST. With due deference to the Senator from Massachusetts, I do not think that amendment is necessary; but, not to be critical about it, I shall not make a point. The "administration of justice," as a matter of course, covers the whole subject. A law can not be administered unless it be in force within the limits of that building.

Mr. HOAR. Why not?

Mr. VEST. Because there would be no law there at all. If the position of the Senator from Massachusetts be correct, as soon as you enter one of these public buildings the laws of the State would not be in force. I say they would be in force there. There is no question in regard to their being in force there. There has been a point raised, and the Senator from Florida has repeatedly made it, especially in a case in which he was of counsel for the State of Florida, where a murder was committed in a public building. There this point was raised by him and the court decided against him. He raised the point that the laws of the State could not be administered there, that there was no jurisdiction of the State authorities. The point was overruled both in the circuit court of the United States and by the Supreme Court. Taking that decision—and the subject has been frequently discussed—we have always thought, in the Committee on Public Buildings and Grounds, that the words "administration of justice" covered the entire subject.

Mr. HOAR. Whether the Senator be right or not, the bills under which those cases went up had a different phrase; but I will not put my recollection against his on that point. I think he will agree with me that the proper phrase, where you wish to reserve that jurisdiction in the ceded territory, is to affirm the operation of the law of the ceding power; and to use the language that the administration of the criminal law of said power may be had therein or may exist therein is a very clumsy way of preserving the force of the law itself. It gives simply power to arrest and perhaps power to try. That would be the meaning of it. It seems to me my method is better to cover it entirely.

Mr. VEST. I make no objection.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORFEITURE OF OREGON LAND GRANT.

Mr. SLATER. I move that the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon be made the special order for Thursday, the 18th instant, at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate now proceed to the consideration of Order of Business 761, being the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

Mr. PLATT. Is that debatable?

The PRESIDENT *pro temport*. It is not debatable under the rules.

Mr. PLATT. Does an objection carry it over?

The PRESIDENT *pro tempore*. It does not. The Senator from Oregon is entitled to make the motion at this time.

Mr. SLATER. I think I was not understood by the Chair.

The PRESIDENT *pro tempore*. The Chair understood the Senator, but the Chair is obliged to put the question in the form known to the rules. The bill must first be taken up. Then the disposition of it proposed by the Senator will be proper. Perhaps the Senator from Connecticut did not hear the statement of the Senator from Oregon. The object of moving to take up the bill now is to move to make it a special order for a future day.

Mr. PLATT. Will that question be open to debate when the motion is agreed to?

The PRESIDENT *pro tempore*. It will be debatable when the bill is taken up. The question is now on the motion of the Senator from Oregon, that the bill be taken up for consideration.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

The PRESIDENT *pro tempore*. The Senator from Oregon now moves that the bill be postponed until Thursday next, at 2 o'clock p. m.

Mr. SLATER. And made the special order for that time.

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from Oregon.

Mr. HOAR. I object to the special order part of the motion. I do not think we can afford to make so many special orders at this short session.

Mr. PLATT. I rose for the purpose of saying that I hoped the Senate would make no more special orders except it should be with reference to such matters as are of great and overshadowing importance. We have now four special orders, I think, on the Calendar, and I have some matters which I consider of as much importance as any of these which have been made special orders—of as much importance as the matter which the Senator from Oregon desires to have made a special order—and I do not wish to have them displaced and those brought up before my matters which have priority upon the Calendar, and which I certainly think ought to be considered as much as any of those bills as have been made special orders. I do not think it is fair to the other business of the Senate to go on making special orders as we are making them.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon.

Mr. SLATER. Mr. President, we have had this bill up on two occasions in the morning hour, and desiring to avoid the consumption of the morning hour by this bill I thought it best to select some day in the near future when it could be considered. I do not think it will take long now to dispose of it; possibly an hour, perhaps less than that; and I selected Thursday as perhaps the most convenient day for the Senate and the less likely to interfere with other business. I think that no antagonism of a serious character can occur by fixing it for that time. Certainly it is an important measure and ought to be considered. It is a House bill, and if we are to have any legislation on this subject it is time that the Senate was considering and putting the bill in a shape to have some agreement between the two Houses. I shall insist on the motion.

Mr. CAMERON, of Wisconsin. Mr. President, I desire to ask a parliamentary question, and that is this: If this bill be made a special order for Thursday next, would it or would it not take precedence of the special order already made?

The PRESIDENT *pro tempore*. The Chair thinks it would not if the date assigned for them is before the date named by the Senator from Oregon.

Mr. CAMERON, of Wisconsin. The first special order on the Calendar is for the 11th of December at 2 o'clock; the second special order is for the 16th of December at 2 o'clock; the third special order is for the 17th of December at 2 o'clock, and the fourth special order is for January 8, 1885, at 2 o'clock. Each of these special orders but one is fixed for a day prior to the day mentioned by the Senator from Oregon. It is not at all probable that all these three special orders can be disposed of before that time, so that if the bill referred to by the Senator from Oregon were made a special order for the 18th there is no probability whatever that it can be considered at that time.

Mr. MORGAN. Mr. President, the Senate is aware that there is a disagreement between the two Houses in respect of a bill very similar in its character to this, one of the land-forfeiture bills, that of the Atlantic and Pacific Railroad Company—a very important bill, involving a great number of acres of land. The report has not yet been prepared so as to be submitted to the Senate. But this whole question relating to the Atlantic and Pacific, the Southern Pacific, and this Oregon road, and perhaps other roads, is before the Senate in such form that we are obliged to consider it some time during this session, and it ought to be at an early day. The pressure of the other branch of Congress for the forfeiture of these land grants, as indicated by the votes, is very heavy. The House seems to have strong opinions on this question, and of course the Senate must take up the matter and dispose of it; otherwise it must assume a rather unusual responsibility to public opinion. I hope that this whole subject will be considered together.

Perhaps before the 18th of this month, certainly I think before the 20th (though I suppose the 18th may be the day for beginning the recess), the Senate may have an opportunity to come to a final decision upon the question whether these land grants are to be forfeited outright without making any provision of law for having the rights of any persons disposed of or not; whether we are going to decree the forfeiture of these land grants and leave the parties to hunt up their remedies in various different courts of the country, or whether we are going to provide some remedy by which these cases can be speedily heard if not summarily heard.

I trust the Senate will set down the case for the 18th, because perhaps by that time a precedent will have been established by vote of this body upon a precisely similar question, which will enable us to dispose of it very speedily one way or another. Either the House will have receded or the Senate will have receded from the attitude they occupied at the close of the last session of this Congress, or these bills will have to go by the board. These are the three alternatives presented.

I hope the Senate will agree to make this case a special order because of the relation it has toward the other cases now pending before this body.

Mr. PLATT. I have no desire whatever to delay the consideration and settlement of the questions which arise upon this bill, and I would be perfectly willing that the Senate should go on considering it as it has been considered on former occasions, in the morning hour. It has to a certain extent the character of unfinished business which has been considered in the morning hour, and I think it is perhaps entitled to be finished in the way in which its consideration has begun. But it is perfectly manifest to Senators who represent measures of public importance here that if they consent to making these special orders from time to time, a few measures are to be considered out of their time and other matters of public importance are not to receive consideration. I do not think it an orderly and proper way of transacting the business of the Senate, and it is therefore that I am opposed to this order, not because I do not wish to have this bill considered and settled, but because I think it better for the entire business of the Senate that we should make no more special orders at present.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the motion of the Senator from Oregon, that the further consideration of this bill be postponed until Thursday next at 2 o'clock and made the special order for that time.

The motion was agreed to by a two-thirds vote.

SLATER NATIONAL BANK OF NORTH PROVIDENCE.

Mr. ALDRICH. I ask unanimous consent to take up Senate bill 2393, Order of Business 937, for present consideration. It is a bill to change the name of a national bank.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the Senate proceed at this time to the consideration of the bill indicated by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.

It provides that the name of the Slater National Bank of North Providence, R. I., shall be changed to the Slater National Bank of Pawtucket, R. I., whenever the board of directors shall accept the new name by resolution of the board, confirmed by a vote or the written consent of stockholders holding two-thirds of the stock of the bank, and cause a copy of such action, duly authenticated, to be filed with the Comptroller of the Currency.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE NEW ORLEANS EXPOSITION.

The PRESIDENT *pro tempore*. The Chair will announce the appointment of the committee, in pursuance of the concurrent resolution of the two Houses adopted to-day, in reference to the opening of the exposition at New Orleans. The Chair appoints the thirteen Senators required by that resolution to be the committee to attend at the Executive Mansion at half past 12 o'clock to-morrow, Messrs. LOGAN, DAWES, CAMERON of Wisconsin, CAMERON of Pennsylvania, HARRISON, MILLER of California, RIDDLEBERGER, PENDLETON, BUTLER, VEST, JONAS, SLATER, and WALKER.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had appointed certain mem-

bers of the House of Representatives the committee on the part of the House to attend at the Executive Mansion and witness the opening of the World's Industrial and Cotton Centennial Exposition by the President on the 16th instant.

ADMISSION OF DAKOTA.

Mr. HARRISON. I suggest that we proceed now to the consideration of the order for 2 o'clock, the Dakota bill. As it is understood that the Senator from Colorado [Mr. HILL] desires to address the Senate upon some resolution he introduced the other day, I ask that we may go at once to the Dakota bill with a view of completing it if possible before he asks to be heard.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Indiana asks unanimous consent of the Senate to proceed to the consideration of what is known as the Dakota bill at this time. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. GARLAND. If the Senator from Indiana has perfected his bill, or done all he desires to do in that direction, I now offer an amendment in the nature of a substitute for the bill, which I ask the Secretary to read at length. It is not long.

Mr. HARRISON. I ask the Senator from Arkansas whether it is as printed. Is the substitute as offered by him exactly as it was printed?

Mr. GARLAND. Yes, sir. I have not looked over it to see if there are any errors in it, but I offer it just as it is printed.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That all persons residing within the limits of the Territory of Dakota qualified by the laws of said Territory of Dakota to vote for representatives to the Legislative Assembly thereof are hereby authorized to vote for and choose delegates to form a convention; and the qualifications for delegates to such convention shall be such as by the laws of said Territory persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the Territory, in districts established by law, in proportion to the population in each of said districts, as near as may be, to be ascertained at the time of making said apportionment, by the persons hereinafter authorized to make the same, from the best information obtainable; that said apportionment shall be made by the governor, the chief-justice, the associate justice for the first judicial district, the associate justice for the fourth judicial district, and the surveyor-general of the Territory of Dakota, or any three of them; and the governor shall, by proclamation, order an election of the delegates aforesaid to be held on the 6th day of June, 1883, which proclamation shall be issued at least sixty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificate to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. The number of delegates to said convention shall be one hundred and twenty; and all persons resident in said proposed State who are qualified voters of said Territory, under the laws thereof, at such time as the constitution to be framed shall be submitted to the people for ratification or rejection, shall be entitled to vote upon the question of such ratification or rejection, under such rules and regulations as said convention may prescribe.

SEC. 2. That the delegates to the convention thus elected shall meet at the city of Yankton on the second Tuesday of August, 1883, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution for said proposed State.

SEC. 3. That in case a constitution shall be formed in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held at such time and places and under such regulations as may be prescribed by said convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution. The returns of said election shall be made to the secretary of the Territory, who, with the governor and chief-justice, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for said constitution, the governor shall certify the result to the President of the United States, together with a copy of said declaration, constitution, and ordinances; whereupon it shall be the duty of the President of the United States, if said declaration, constitution, and ordinances shall conform to the requirements of this act, to lay the same before Congress.

SEC. 4. That at the election at which the question of adopting the constitution is voted on there shall be submitted also, by ordinance of such convention, the question of the division of said Territory on boundary lines to be fixed by such ordinance; and the qualified voters of the Territory of Dakota shall vote directly for or against the division of said Territory; and the vote on such question of division shall be cast, canvassed, and ascertained and certified in the same manner and under the same rules and regulations as the vote on the adoption of the constitution is required to be by section 2 of this act.

SEC. 5. That the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of the said convention and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislature: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Mr. GARLAND. Mr. President, what is known as the Territory of Dakota was formed under an organic act approved on the 2d of March, 1861. It seems from the best information I can get that the word "Dakota," adopted at that time, signifies "leagued." Thus organized, this Territory has made rapid strides to prosperity and to a high state of civilization, as was indicated by the Senator from Indiana in his speech and also in the written report that he made. I do not controvert the fact of the great advancement of the Territory; and taking it by analogy to the previous cases where Territories have become States, so far as population is concerned and so far as all the materials of civilization, so to call them, are exhibited, they are exhibited to a very marked degree in the history of this Territory. Under this organic act of March 2, 1861, this Territory has remained unaltered or unchanged except in a few trifling instances of readjusting and changing the boundary line between it and Nebraska in one case, and between it and the Territory of Idaho, I believe, in another.

Mr. HARRISON. Will the Senator allow me to ask him, is it not true that in the original act for the organization of the Territory of Dakota her western line extended clear to Washington Territory?

Mr. GARLAND. Yes; that is so, as I recollect, though I have not examined it recently.

A question in reference to this Territory has been before the Committee on Territories of this body ever since I have been a member of it, and that is now nearly eight years, and it was before the Committee on Territories prior to the time when I came into the Senate, under a bill introduced by Senator Windom in 1876 to organize the Territory of Pembina in the northern portion of Dakota, and it was that proposition, as I take it, that the vote was had upon which was read the other day from the papers sent to the Chair by the Senator from Missouri [Mr. VEST]. There seems to have been afterward some confusion in ascertaining that vote, but from the examination I have made I believe that was the proposition on which the vote was taken.

Shortly after I came into the Senate Mr. Hamlin introduced a proposition to create the Territory of Pembina in the northern portion of Dakota. Mr. Windom afterward introduced another proposition. Shortly after that time Senator Saunders, who was then chairman of the committee, reported a bill in favor of organizing a Territory, to be created out of the northern portion of Dakota Territory, to be called Pembina, and leaving the southern portion of Dakota Territory, as it now stands, to be Dakota Territory. Subsequently to that, perhaps a year or more, Senator Saunders introduced and had referred to, and he reported from, the Committee on Territories a bill similar in many respects to the bill now under consideration; that is, to admit the southern portion of Dakota Territory as a State. He accompanied that bill with a written report, and the Senator from Missouri [Mr. VEST], as a member of the committee, speaking in behalf of the minority, composed of himself, the Senator from South Carolina [Mr. BUTLER], and myself, presented a written minority report against the admission of the southern portion of Dakota as a State, which report he used extensively the other day in the able remarks which he made on the bill now before the Senate.

Shortly after that the Senator from Indiana brought in the present bill, with his written report, to create a State of Lincoln, changing the name from Dakota, out of the southern portion of Dakota Territory.

Mr. HARRISON. The Senator is mistaken. The State is called Dakota and the Territory Lincoln.

Mr. GARLAND. I may be mistaken in that. These, in short, not being very precise or accurate as to dates, have been the propositions in reference to this Territory since its organization in March, 1861, so far as I am acquainted with them.

Pending all this inquiry before the committee numerous delegations have appeared, and I am free to say that a majority of them have been in the advocacy of the measure now proposed by the Senator from Indiana. Some of those delegations have been non-committal on the proposition, some have opposed a division of the Territory, and some have advocated the admission of the Territory as it now stands. As I stated before, I am frank to say that the sentiment of a majority of them, so far as they have spoken, has been in favor of the measure now before the Senate under the guardianship of the Senator from Indiana.

With all this contrariety of opinion, and with all this conflict of views in connection with the fundamental objection so strongly stated by the Senator from Missouri, I am not prepared to vote for the dismemberment of this Territory and for the erection of one portion of it into a State, and I know that I have considered the subject maturely, and I believe I have considered it impartially, with a view of acting with the strictest justice to all interests and all parties concerned. When Governor Ordway made his report after he was sent there as governor, a copy of which I have in my hand, he did not take sides in this controversy, but on the contrary, so far as he spoke, by fair and just implication he would seem to favor the admission of the Territory as it stands as one State. I will ask the Secretary to read portions of his report, commencing at the place marked on page 28 down to the mark on page 29.

The Chief Clerk read as follows:

The proposed division of the Territory from east to west on the forty-sixth parallel, each portion retaining the famous name of Dakota, with a suitable prefix, appears to be satisfactory to both sections. A still further division, cutting off all that portion of the Territory west of the twenty-fourth meridian of longitude west from Washington, which includes the Black Hills and mining districts, has been pretty fully discussed and still has strong advocates. If three divisions were made it would leave Southeastern Dakota, or that portion south of the forty-sixth parallel, with about 100,000 inhabitants and about 50,000 square miles of Territory; while Northern Dakota, or the wheat-growing region, would have from 60,000 to 70,000 inhabitants and an area of about 40,000 square miles. Both of these sections are being settled up so rapidly with such an enterprising and well-to-do class of settlers that each division will soon have the number of

inhabitants which will be required under the new apportionment to form a Congressional district. The third section, containing about 60,000 square miles, would be likely to remain as a Territory for a longer period.

The formation and admission of one new State from the vast territory now embraced in Dakota are questions so prominently engaging the attention of the Government and the general public that they must speedily be met and solved.

From a careful examination and consideration of these important questions, I am clearly of the opinion that the shortest and safest road to Statehood will be through a comprehensive enabling act, prepared by the most experienced members and committees of Congress. This act should contain ample provision for the future protection and safe-keeping of the 5,000,000 acres of school lands now held in trust by the Government to found a system of common schools. It should also provide for an increase of the membership of future Legislatures to not less than one hundred in the lower house and thirty-six in the upper branch, with corresponding membership in constitutional conventions. These members should be elected from single districts, formed and fixed in the enabling act by reference to the latest assessment rolls of polls and estates as well as the last census report, thus giving the people, many of whom are new settlers, an opportunity to select men whom they know and can safely trust to represent them in all the deliberative bodies which shall be charged with the high duties of laying the foundations and molding the institutions of the new State.

If these and other safeguards are thrown around the people through the enabling act, the transition from Territorial government to Statehood can be made easy and beneficial to the people.

If, on the contrary, the people are to be thrown into Statehood with all the hasty and imperfect enactments now existing unrevised, with the small membership in the Legislative Assembly, and with the present unequal and unjust apportionment of members—in some instances making legislative districts larger than some States—the bitter financial and other misfortunes entailed upon Minnesota and adjoining States by their small and irresponsible early Legislatures will be sure to overtake the people of Dakota and check real progress and development for several years.

Mr. VEST. Will the Senator allow me to make a statement in the nature of a personal explanation?

Mr. GARLAND. Certainly.

Mr. VEST. I stated the other day in speaking on this question that ex-Governor Ordway had appeared before the Committee on Territories and had advocated the admission of this Territory as a State. I did not say at that time that he advocated the division of the Territory, for I never so understood; and the report just read carries out my idea and my statement that he advocated the admission of the whole Territory as a State.

I make this statement now because mutual friends of Governor Ordway and myself have said to me that they thought I had misrepresented his position in what I said. The record shows—the CONGRESSIONAL RECORD, with my speech—shows that when he appeared before the Committee on Territories he advocated a bill for the admission of the Territory of Dakota. I never said he was in favor of the division of the Territory.

Mr. HARRISON. In that regard, as there was some difference of recollection between the Senator from Missouri and the Senator from South Carolina on the one side and myself on the other, as to the position of Governor Ordway, permit me to say that what the Senator from Arkansas has just said as to what he understands the governor's position to be from the report which he has had read at the desk, was exactly my understanding of the position of Governor Ordway with reference to the question of division, namely, that he was holding off from it. I do not know that I would go so far as to say, as the Senator from Arkansas has said, that he was opposed to it; indeed he has only stated that as an inference rather than as a fact.

Mr. GARLAND. Now, Mr. President, the purpose of reading this report of Governor Ordway was not with a view of getting up any controversy with reference to the facts about his position one way or the other, but it was to lay before the Senate some information which I desire to have in order to make the remarks which I intended to make in regard to this measure. I think the fair inference, as I said just now, is that Governor Ordway in his report made in 1881 was in favor of the Territory of Dakota being admitted as a State as it now stands. He says:

The proposed division of the Territory from east to west on the forty-sixth parallel, each portion retaining the famous name of Dakota, with a suitable prefix, appears to be satisfactory to both sections.

That is, he states what appears to him to be the view of the two sections of this Territory north and south in reference to their wish or desire to run this line and divide the Territory into two portions, north and south. Governor Ordway does not say in this report that he knows it to be a fact, but he states that it appears to be satisfactory to them, and he himself, I think it may be said, curiously avoids committing himself to one proposition or the other except that by fair and legitimate inference he is in favor of admitting the Territory of Dakota as it stands as one State.

This report was made, as I stated just now, in 1881. The showing made by the Senator from Indiana in his report is to the effect that certainly since that time the population of the Territory has increased from ten to fifteen, I might say probably twenty per cent., so that which may have been satisfactory in 1881 to both sections of the Territory might not be satisfactory now if the voice of the Territory was heard. There is no mistaking the facts that the Senator from Indiana has put in black and white before us, and there is no disposition to escape from them on the part of anybody that I know of. It is plain that this Territory has increased since that time in population 10 to 15 or possibly 20 per cent. We have no very recent data as to the population of that country, none in fact has been presented as far as I know since the report made by the Senator from Indiana; but the information is all the time that the Territory is increasing in population; and yet we have not had a fair and we have not had a certain expression of opinion from the people of the Territory as to whether they wish to be disintegrated and put into two Territories and ultimately two States.

The organic act of 1861 is very significant. The Territory was created for some purpose, and being thus leagued, the northern and southern portion of it, it has reached a high state of civilization and a most wonderful state of prosperity according to the reports made here; and at this long distance and this vast lapse of time since we had information from that country we are asked to pass an act of Congress to partition the Territory which in its combined northern and southern sections has attained such a high state of prosperity and advancement.

The mere fact of a north and a south natural division furnishes no reason for such a political division. In all the States nearly we have just such a natural division in territory. In my own State we have it—south or low lands and the north or the high lands. In one there is a fitness and adaptation for grain and stock, and in the other cotton is the staple. But this is no reason for making a South and a North Arkansas; in fact, this very diversity strengthens and makes more powerful the entire State as one. Such may be the case in Dakota, and indeed I am disposed to believe it is. The dismemberment may dwarf a large and powerful Territory into two insignificant States.

We are all in favor of admitting Territories as States with due regard to the Constitution and laws. I do not believe there is any party or faction of a party in this country that is not in favor of what is called and known so well in political language as "local self-government;" and what my amendment asks to be done in this respect is simply that the voice of the people be taken in legal method and by the proper and necessary appliances to ascertain the fact as to whether they wish to be disintegrated or partitioned and divided in this way.

Great questions come up to vex us about these matters. This Territory has stood thus for nearly a quarter of a century, lacking now not quite three months. It has been a Territory with these slight alterations of boundaries between Nebraska and the Territory and Idaho and the Territory, and has stood thus, lacking now only two or three months of a quarter of a century. In that time they have erected public buildings of various sorts; they have made vast improvements of different kinds; they have incurred a Territorial debt, the last information I have in regard to which was presented to the Committee on Territories by a committee of gentlemen who appeared here in 1882, in the form of a pamphlet prepared by them and submitted to the committee urging the admission of Dakota Territory as a State. There I find the following:

The financial condition of the proposed State is most excellent. The warrants are paid on presentation and there is no current indebtedness save such as is covered by the receipt of current taxes. The entire bonded indebtedness is $90,000, issued and to be issued for the penitentiary and insane asylum, in 5-20 bonds bearing 6 per cent. interest, which were sold at 3½ per cent. premium so far as they have been sold.

I have made efforts to ascertain whether that debt still exists or whether it is larger or less than it was then, but we may reasonably suppose that it is no less than it was at that time. I do not care what the debt may be and I do not care what provision you make in your enabling act or your admission act in reference to the assumption of this debt by one part of the Territory or the other, it is always a vexing and will continue to be a vexing question. Under the legal principle lying at the bottom of this question, the debt would follow every portion of the Territory as it was when the debt was contracted. It does not matter where the Territory may be sent by any law you pass, whether you institute one or more States or Territories, every particle of the debt attaches to every particle of that Territory. This is a question for the entire people of the Territory to determine whether or not they wish to be dismembered as to this debt or what disposition they will make of it. We know in the old State of Virginia what the question has been in reference to her debt. It has been adjudicated to attach to every portion of West Virginia as well as every portion of the soil of the old State, and we know that Mr. Blaine in his recent book in very strong and powerful language urged and advocated the policy of the General Government paying this large debt of $30,000,000, or more, because of the dismemberment of that State by Congress for the purposes of the General Government.

I instance this merely and for the purpose alone of showing that here is a question we do not get rid of; that we should have these people to speak upon, we should have these people express their voice upon, as to what they are to do with it, and where it is to be located. We know we had trouble here on this question formerly, when the Senators from Maine filed an earnest protest against this Territory being admitted until the debt of the county of Yankton in Dakota was properly adjusted. Difficulties having arisen out of the question it went to the Supreme Court in a case between some banker in the State of Maine and the county of Yankton.

This and other questions connected with this matter are questions on which we should have a free, frank, and open expression of opinion by the people of the Territory. They might two years ago have wanted a division and they may not want it now. It does not necessarily follow that they want it now because it was favored then. The latter

position of the amendment which I propose is to have the people pass upon the question of division.

There are three simple provisions in the amendment which I offer as a substitute. One is, that there shall be a convention of the entire Territory, the delegates thereto to be elected by the qualified voters of the Territory. That convention, when elected, shall make a constitution, that constitution to be submitted to the popular vote. Then, at the same time, by ordinance of the convention, the people of the Territory are to be called upon to vote on "division" or "no division." This vote taken upon the constitution and upon "division" or "no division," is to be certified and sent to the President of the United States, and he is to lay the same before Congress; and then, the whole matter having been voted upon by the people of the Territory, Congress will have it before it for action.

Mr. President, the only difficulty about this is that there may be some delay caused by it; but by this delay we make a certain and fixed rule by which to get at the popular voice as to the wish of the people of that Territory, a great and important Territory, that has achieved wonders in the march of civilization in the last quarter of a century. Ought they not to be heard upon the proposition? Ought they not to send here what they propose as their organic law for us to pass upon it and to pass too upon the question of division or no division? I can not see any objection to this in reason or in justice, and the Senator from Indiana will do me the justice to say that upon the Committee on Territories I have been in favor of adopting some means by which to get at the voice of the people upon the proposition. Take it to yourselves, Senators. What people would like to have this question disposed of for them by the Congress of the United States situated hundreds and hundreds of miles from the place, with these conflicting reports, these antagonistic statements made before the committee of this body, and with propositions here so repeatedly urged before the Senate, first to make a northern Territory called Pembina, then for the Statehood of the whole Territory, and then for the Statehood of the southern portion of the Territory?

Mr. President, without detaining the Senate, for I have said as much as I care to say upon this occasion, it seems to me the three propositions contained in my amendment must meet the approval of every Senator who has considered this question as I have considered it now for about eight years.

Mr. HARRISON. Mr. President, I took occasion to say the other day when addressing the Senate upon this subject, that if any Senators here felt that the expressed wishes of the people of Dakota upon the question of the division of the Territory would be influential with them on their votes upon this bill, I should not oppose a proposition to test the sentiment of the people of the present Territory of Dakota upon the question of division by a direct vote upon that question. I adhere to the proposition I made then, and if the Senator from Arkansas or any one feeling with him that the expressed wishes of the people of this Territory upon this question should be controlling, feeling with him that if there is a popular majority in the whole Territory in favor of this division, then Southern Dakota ought to be admitted as a State—if he or any holding that view will prepare an amendment to this bill reported by the committee providing that before a constitutional convention is assembled at all the distinct question, ay and no, upon the division of this Territory on the forty-sixth parallel shall be submitted to all the people and shall be voted upon, and that in case the vote shall be against division the convention provided for in this bill shall be called for the whole Territory, and in case the vote is in favor of division it shall be called for the southern half of the Territory, I will not oppose it. On the other hand, Mr. President, I should be glad to see that the Senators on the other side of the Chamber were willing to meet us upon such a proposition. I should be glad to see it, because it would give some hope of the passage of the bill through the other branch of Congress.

But the proposition of the Senator from Arkansas is not that at all. His substitute proposes to call a convention for the whole Territory, and it provides that that convention shall proceed to frame a constitution, I suppose for the whole Territory. It would be a novel thing for a constitutional convention to undertake to frame a constitution for only a part of the Territory from which they had been assembled. I take it then that his proposition is that they shall frame a constitution for the admission of the whole Territory of Dakota as a State. When they have framed that constitution, the amendment proposes that it shall be submitted to a popular vote; and that the convention shall frame, and submit with the constitution, an ordinance upon the subject of a division of the Territory upon a line to be determined by the convention. It is made imperative upon the convention to submit such an ordinance. It is left optional with the convention to name the line upon which the division shall take place, whether it shall be an east and west line, or a north and south line, or a northeast or a northwest line.

But suppose the Senator's scheme of organization to have progressed so far; suppose the delegates assembled from the whole Territory to have met, to have agreed upon the terms of a constitution, to have prepared the ordinance for its submission, and to have prepared an ordinance to be voted upon by the people providing for a division of the Territory on the forty-sixth parallel, and suppose at that election the people vote to divide the Territory on the forty-sixth parallel, will the Senator from Arkansas tell me what the next step under his amendment would be?

Mr. GARLAND. Yes, sir; there are two or three steps. We might adopt, as has been done in some cases, the necessary measure for the immediate admission of the one or the other division, or both, if we saw proper.

Mr. HARRISON. Upon the constitution framed?

Mr. GARLAND. Yes, sir; or we could pass—there are three different ways to meet it—an enabling act, properly speaking. We could adopt a measure something like the Senator now has, exactly like it if it suited the vote upon the question of division, and there need not be any further delay about it.

The Senator will bear in mind that in this amendment of mine, of course, in making provision for calling a convention it was not necessary, if it could have been done at all, to have made a provision for two conventions, one in the northern and one in the southern portion of the Territory. That is the difficulty that exists in the proposition to which I see the Senator's mind is directed; but taking the Territory as an entirety, there is one convention for the Territory to propose a constitution, and the people vote upon it and upon the question of a division. If the division does not carry, there is a constitution on which to admit the entire Territory as a State. If the division does carry, then we shall simply have to pass an enabling act to meet the two particular sections.

Mr. HARRISON. Precisely. I thought I understood the legal scheme of the Senator from Arkansas, and it is a subtle one, it seems to me. It provides that if the people vote against a division then the work of the constitutional convention is to be efficient, and then they are in a shape to be admitted as one State into the Union; but if they shall vote, exercising their choice, in favor of two States, the whole machinery up to that point falls to the ground; and then we must begin *de novo*, as the Senator says, with a new enabling act. Does the Senator think that leaves the question to be settled without Congressional influence or suggestion by the people of Dakota when he says to them, "If you vote against division the constitution which has been framed and submitted to you may be made the present basis of the admission of the whole State; but if you vote in favor of division we will put you back where you were at the beginning, and you may then come to Congress and ask an enabling act by which you can take the initial steps to organize a Territory?"

If they vote in favor of division, then they must come to Congress again as suppliants and ask for an enabling act. That is a direct suggestion bordering closely upon a command that they shall adopt the suggestion of bringing the State in under one constitution as one State. It does not leave the question to be settled in a free, unbiased, and untrammeled way.

Of course it would not do under the Senator's plan to say that the constitution thus adopted could be presented by a fraction of the Territory, whether the north half or the south half, as the basis upon which either might be admitted as a State, because it would be impossible for a convention representing the whole Territory to frame a constitution for one-half of it. It would be impossible for them to agree upon a seat of government until they could know whether the seat of government selected was to be one for the whole Territory or for the north half or for the south half of it.

So, under the scheme proposed by the Senator from Arkansas, these people are invited to call a constitutional convention; that convention is directed to go on and frame the fundamental law of the proposed State, and when they submit it to the people we say to them, "If you will come in as one State all of this machinery is made efficient and you may come in as now; but if you prefer to come in as two, you must await our pleasure in the future."

If it be the single purpose of any Senator on the other side of the Chamber to ascertain the sentiment of the people of Dakota upon the subject of division, if he feels that that sentiment would be controlling of his vote upon the question of the admission of the southern half, then I am entirely willing that there shall be incorporated in the bill a provision taking the vote of the people as a preliminary step to calling a constitutional convention. Let us settle it before we call the constitutional convention. Let it be known before those gentlemen assemble whether they are to frame a constitution for the whole Territory or for half of it. They can not do their work intelligently unless that question is settled for them in advance. But I must oppose the subtle proposition of the Senator from Arkansas, which enables the admission to go forward progressively from this act, provided the people vote to bring it in as one State, and cuts off the whole proceeding and makes it inefficient to advance the Territory one single step if they vote for a division.

Mr. President, I do not intend to repeat what I said on the subject of the sentiment of the people as to division, but I may remind the Senator from Arkansas that, since that distinguished delegation from Bismarck met with the committee a year ago, the Democratic Territorial convention of Dakota assembled this last summer and did its work, and adjourned, and I desire to remind him that those delegates in the Democratic convention, assembled as I may assume, upon a fair ratio and upon a fair distribution throughout the whole Territory, resolved that it was the wish of the people of the Territory that it should be divided upon the forty-sixth parallel. This simply completes the chain. All of the political conventions of both parties, all of the Legislatures, every popular convention that has spoken upon the subject, has spoken in favor of division.

Not only that, but the public buildings in the Territory which have been erected have been erected with reference to division. When a penitentiary was built in South Dakota one was built in North, and so with their normal schools and agricultural colleges and every public building. They have duplicated them, putting one in the southern part of the Territory and one in the northern part, so that the idea of division is thoroughly ingrained.

I have no sort of objection, however, as I said before, if the Senator will prepare an amendment which will bring out an expression of the people on this subject, and then let this proceeding go forward either in a convention of the whole Territory or a convention of the southern half of it. If he will do that, we shall not have any controversy about it at all.

As to the debt to which the Senator from Arkansas alluded, I cannot state now to the Senate the amount of it, but I have information from the highest sources in the Territory that the debt has been kept distinct; that if a public building was erected in South Dakota by a loan, the series of bonds was made to relate to that particular work and kept distinct; that if one was erected in the northern part of the Territory the same course was pursued; so that the provision in the bill that Southern Dakota shall assume the bonded debt for those public buildings erected in the southern part of the Territory completely equalizes and distributes the debt of the Territory, and there can be no room for any sort of controversy between the two sections of the Territory as to the amount of debt that each should assume.

Mr. VEST. Mr. President, I have not the slightest objection to ascertaining the public sentiment of the Territory of Dakota, upon the subject of division, but I must specifically and strenuously object to any vote taken in that Territory controlling my vote as a Senator on this floor. The Constitution devolves upon each Senator the duty, irrespective of the sentiment existing in any locality, in any Territory, of determining whether the interests of all the States and all the people of all the Union should admit that Territory as a State or not. I distinctly stated the other day that even if the requisite population existed (and I believe in every case it should be at least equal to that required for a member in the popular branch of Congress), that is not the end of the question. The question further presents itself, What are the institutions of the proposed State? What is its geographical locality? Is it to the interest of the people of the whole Union that a new member should be admitted? I do not care if every Democratic convention that ever has assembled, and every individual Democrat, man, woman, and child, in that Territory should tell me that they wanted it admitted, that does not settle this question at all. My oath is to be consulted and my opinion, and I have no right to try to escape from either.

For four years Dakota Territory has been kept out by gentlemen upon the other side of the Chamber; not upon the ground that there was not enough population, for they always claimed that there was; not upon any geographical ground; but upon the ground that the people were not fit for government as a State; that they did not pay their honest debts, and that they trampled upon a decision of the Supreme Court of the United States; that they were guilty of the great crime of nullification, and that therefore they were not fit to assume the dignity and the rights and the majesty of Statehood. Recent events in the Territory have not made the character of that people as a law-abiding people any higher or more reputable than it was then. It is true that that opposition is withdrawn upon the other side of the Chamber because the debts have been collected that they refused to pay—it was a question of money it seems—but the people of Dakota, according to the telegrams now flashed over the wires, are still in a state of rebellion, that terrible word out of which so much capital was made in the recent canvass. They are now rebelling against the constituted and local authorities. I have before me a Dakota paper just placed upon my desk, coming through the mails this morning. It says: "A bloody riot. One thousand men surrounding the town of Frankfort, in Spink County. The militia of the Territory on its way. The United States troops demanded by the governor" to enforce the mandate of a Territorial court which ordered certain records to be placed in the hands of the sheriff. For all that I know (the probabilities now are in that direction) there is open, flagrant war going on in the Territory of Dakota at this very instant. Because there is sufficient population, are we to admit this turbulent population as a State into the Union? I say that recent events have not removed the force of the argument that has been made for four years on this floor against admission.

But the Senator from Indiana used as his principal argument the other day the vote at the recent election, showing an increase of 58,000, and then putting the ratio of three in a family to each vote, he made out more than the ratio necessary in Southern Dakota for admission as a State. Mr. President, I have very little confidence in that vote. As I said the other day, I know the spirit of the men who controlled it. I have seen them before the Committee on Territories for six long years. I have seen the political adventurers who have got up this vote and have controlled it. I have had occasion to say before on this subject, and I repeat it, that they can vote, in my judgment, just as many as they please, if doing so would bring about the local objects they have in view.

Since the debate the other day, and before the telegraph brought the news of this war in Dakota, I received a private letter from a gentleman with whom I have very slight acquaintance. I do not choose to read his name in the Senate, because he is a citizen of Dakota, but any Senator can have the letter, the original of which I hold in my hand, if he chooses to inspect it. I will read a portion of it upon the subject of elections in Dakota and the enormous increase of vote of which the Senator from Indiana spoke. He is speaking in regard to the location of town sites; I had occasion to say the other day what recent events have most conspicuously proven to be true, that the gentlemen in Dakota who have been manipulating this whole thing were there to make money out of town sites; that the question was how much money and how many offices each one of them could accumulate for himself. Now, says this gentleman—

> On a proper showing counties were organized by the governor appointing three commissioners, who would locate the county seat and appoint the county officials. These commissioners were generally men who had a town site.

Everybody has a town site on the plains in the West, and all those who live in the mountains have a mine. That is a safe proposition:

> These commissioners were generally men who had a town site, and in locating the seat of government did not fail to remember the advantages of their town site. When there were several town sites in a county it took some time on the part of the governor to determine the proper persons for the office of commissioners; and when he finally selected the men the losers would charge bribery on the governor, stating what he received for selecting the other fellows. It was generally a half interest in the town site selected.
>
> At a general election a vote of the people would be taken on selecting the county seat and the "place" receiving the largest number of votes would be the victor. At the last election a large number of counties voted on that proposition. To illustrate, in Spink County—

The very county where this war is now flagrant—

> a vote was taken, and Frankfort received or rather returned her vote as voting for her site over 700 votes, when it is apparent that in that precinct there were not five hundred persons, counting men, women, and children; and the same is true in every county where a local question like the above was voted upon.

That sort of vote is the basis upon which the Senator from Indiana says that they made an increase of 58,000. Sir, in that remote locality where the law hangs but loosely upon the settlers, and where the instinctive idea of almost every man is to resort to force, to violence, in order to carry out his purposes, we can very well understand how this state of things should be found to exist.

I have now before me the debate from the CONGRESSIONAL RECORD upon the bill to make the Territory of Pembina out of the northern portion of the Territory of Dakota of which we spoke the other day. In that debate the argument that was made in favor of a division of the Territory, conspicuously by Mr. Windom, then a Senator and afterward Secretary of the Treasury, was, that there was an entire dissimilarity of relations, social, political, and commercial, between the northern and southern portions of the Territory of Dakota. I said the other day what is to-day the absolute fact, that this argument goes for nothing, because that state of things has ceased to exist; that a railroad system is now in existence in Dakota which binds together with iron bands the people of the northern and southern portions of that Territory, that they are homogeneous, and there is no great natural boundary line between Northern and Southern Dakota. I have in my hands a letter which I ask the Secretary to read. I shall not give the name of this gentleman, but I will say that he is the chairman of the Democratic county committee of one of the largest counties in that Territory.

Mr. HARRISON. Of what county, may I ask the Senator?

Mr. VEST. The county in which Bismarck is located.

Mr. HARRISON. That will identify him, I think.

Mr. VEST. I have no objection to giving his name myself. Let the Secretary read the portion of the letter that is marked. The latter part of it refers to another Senator, and I do not care to have that read.

The Secretary read as follows:

BISMARCK, DAK., *December* 11, 1884.

RESPECTED SIR: You are right. There is no valid, physical, or commercial reason for the division of Dakota. We are big, but not as big as California or Texas. The distance objection is fast becoming obsolete. We have one railroad, Fargo Southern (over which the militia passed to-day to quiet the rumpus in Spink County), connecting the so-called sections. We have another to Jamestown from the south, barring a gap of sixty miles ready for ties and rail. From Ellendale, Aberdeen, and Ordway, in Central Dakota, three surveys have been made to Bismarck, and the boast is daily that two or more roads will be built to the new capital next year or the year after at the latest. Only the times have prevented the Milwaukee and Saint Paul Railroad from being in Bismarck to-day. S. S. Merrill, its noted manager, purchased one hundred and twenty acres adjoining the town for the avowed purpose of getting a location for his roads, shops, &c. It is generally believed the Rock Island is coming. The country south of the Northern Pacific is all covered with settlements and a complete chain of civilization is established. Distance is no bar. Industrial interests, excepting the Black Hills' mines, are the same, and a more harmonious constituency for present or future government can not be found.

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Hon. GEORGE G. VEST.

Mr. VEST. The gentleman who wrote that letter is personally well known to the junior Senator from Ohio [Mr. SHERMAN]. He is a man

of high character and entire reliability. I stated that he was chairman of the Democratic county committee. I did it because the Senator from Indiana undertakes to say that the sentiment of the Democrats of that Territory is in favor of a division. That would not affect my vote; as I said before, but the salient point in this whole discussion exists and can not be controverted (and it exists there and will exist so long as the Territory itself exists), that those people are connected together as much as the two portions of my own State or the northern and southern portions of any State now in the Union. No reason exists for this separation; there is not a scintilla or shadow of pretext for it except the ambition of local politicians. As a matter of course, if it is to be left to the vote of those people, the politicians would by some means or other bring about a vote which would achieve the result that they have had in view for the last ten years.

The Senator from Indiana says they have built public edifices both in the northern and southern portions of the Territory. Have they built two capitols? Does the Senator pretend to say that all the public buildings which are necessary for a State government have already been constructed? Then I say if that has been done it is an additional argument why those people should not be admitted into the Union. If without consulting Congress, if with the idea that they could force this thing through in the shape that they wanted it, they have gone to work and expended the money of the people in erecting buildings in advance of the action of this body, it is an additional reason why they should not be admitted as a State.

Now, sir, a single word more and I am done with this question. I have discharged my duty in committee and out of it. I know it is charged by the partisan press, the Republican press, that every man who opposes this bill does it because he is a Democrat. Sir, in the light of recent political events I can bear that charge with equanimity. The people of the United States have settled the question as to whether the Democratic party is not entitled to as much consideration for patriotic motives as our political opponents. No amount of clamor, no amount of abuse or detraction will ever make me cast a vote here for a division of the Territory upon the facts and arguments as they have been produced. No living man can bring an argument here why the Territory should be divided, except it be upon the interested clamor of politicians and political adventurers who have crowded the Territory of Dakota.

Mr. HILL. I ask unanimous consent at this time to lay aside the pending order to take up the resolution I offered a few days ago, on which I desire to make some remarks.

Mr. HARRISON. The proposition is to lay the pending bill aside informally, I understand.

Mr. HILL. Informally, temporarily.

The PRESIDING OFFICER (Mr. HARRIS). The Senator from Colorado asks the unanimous consent of the Senate that the pending bill be informally laid aside in order that a resolution offered by him may be taken up for consideration. Is there objection? The Chair hears none.

INTERSTATE COMMERCE.

Mr. GEORGE. With the permission of the Senator from Colorado, I ask leave to submit an amendment intended to be proposed by me to the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes. I move that it lie on the table and be printed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4012) to restore Robert C. McKee to the pension-roll;
A bill (H. R. 5021) granting a pension to Jackson Shadday;
A bill (H. R. 5304) for the relief of Mary Royal;
A bill (H. R. 1940) granting a pension to Capt. Israel Stough;
A bill (H. R. 341) granting a pension to Daniel H. Ross;
A bill (H. R. 298) granting a pension to Charlotta A. Welton;
A bill (H. R. 4752) granting a pension to William Herring;
A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
A bill (H. R. 3065) granting a pension to Emma De Long; and
A bill (H. R. 6590) for the relief of Alice Riley.

The joint resolution (H. Res. 300) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month was read twice by its title, and referred to the Committee on Appropriations.

THE NEW ORLEANS EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *December* 15, 1884.

Ordered, That Mr. W. C. OATES of Alabama, Mr. J. H. ROGERS of Arkansas, Mr. BARCLAY HENLEY of California, Mr. J. B. BELFORD of Colorado, Mr. E. W. SEYMOUR of Connecticut, Mr. CHARLES B. LORE of Delaware, Mr. R. H. M. DAVIDSON of Florida, Mr. THOMAS HARDEMAN of Georgia, Mr. R. R. HITT of Illinois, Mr. C. C. MATSON of Indiana, Mr. D. B. HENDERSON of Iowa, Mr. B. W. PERKINS of Kansas, Mr. J. E. HALSELL of Kentucky, Mr. E. JOHN ELLIS of Louisiana, Mr. NELSON DINGLEY of Maine, Mr. G. W. COVINGTON of Maryland, Mr. THEODORE LYMAN of Massachusetts, Mr. E. B. WINANS of Michigan, Mr. H. B. SPRAIT of Minnesota, Mr. H. S. VAN EATON of Mississippi, Mr. J. J. O'NEILL of Missouri, Mr. W. J. GREEN of North Carolina, Mr. JAMES LAIRD of Nebraska, Mr. G. W. CASSIDY of Nevada, Mr. OSSIAN RAY of New Hampshire, Mr. JOHN KEAN, jr., of New Jersey, Mr. J. J. ADAMS of New York, Mr. D. R. PAIGE of Ohio, Mr. M. C. GEORGE of Oregon, Mr. H. H. BINGHAM of Pennsylvania, Mr. JONATHAN CHACE of Rhode Island, Mr. J. J. HEMPHILL of South Carolina, Mr. A. J. CALDWELL of Tennessee, Mr. J. W. THROCKMORTON of Texas, Mr. L. P. POLAND of Vermont, Mr. C. T. O'FERRALL of Virginia, Mr. EUSTACE GIBSON of West Virginia, Mr. JOSEPH RANKIN of Wisconsin, Mr. G. H. OURY of Arizona, Mr. J. B. RAYMOND of Dakota, Mr. THEODORE F. SINGISER of Idaho, Mr. MARTIN MAGINNIS of Montana, Mr. F. A. MANZANARES of New Mexico, Mr. JOHN T. CAINE of Utah, Mr. THOMAS H. BRENTS of Washington, and Mr. M. E. POST of Wyoming be the committee on the part of the House to attend at the Executive Mansion and witness the opening of the World's Industrial and Cotton Centennial Exposition by the President.

SPANISH RECIPROCITY TREATY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit herewith to the Senate a communication of this date from the Secretary of State, in relation to the reciprocity treaty recently signed between the United States and Spain. CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 11, 1884.

SILVER COIN AND SILVER CERTIFICATES.

The Senate proceeded to consider the following resolution, submitted by Mr. HILL December 4, 1884:

Resolved, That in the existing depressed condition of the industrial interests of the country, and in presence of the great fall which has taken place, and is still in progress, in the wages of labor and in the prices of the products of farms, workshops, mills, and mines, the recommendations of the President and of the Secretary of the Treasury that the coinage of silver dollars and the issue of silver certificates shall be immediately and unconditionally prohibited are calculated to create alarm, and thereby aggravate the difficulties of the situation; and that, to the end that the public mind may be quieted by the assurance that if the total volume of the currency is not to be enlarged in correspondence with the increasing population and exchanges of the country, it shall at least not be reduced by suspending the coinage of silver dollars, the Senate declares its opinion to be that no valid reason exists at the present time for imposing any new and additional restrictions upon either the coinage of silver dollars or the issue of silver certificates.

Mr. HILL. The recommendations in respect to silver contained in the recent annual message of the President and recent annual report of the Secretary of the Treasury are such as to require some expression of the opinion of this body. They are inopportune to an alarming degree when falling prices prove that money is deficient rather than too abundant. They are singularly ill-timed in view of the monetary conference of the Latin Union to be held on the 15th of next month, which must be influenced unfavorably to silver if this country shall indicate a disposition to abandon its support and shall actually depreciate it by ceasing to coin it. Furthermore, these recommendations are extraordinary and extreme in their character in this, that they advise the summary prohibition not merely of the further coinage of silver dollars, but of the further issue of certificates for the 187,000,000 of those already coined. As the certificates are daily paid into the Treasury for taxes they will disappear altogether from the circulation if there are no new issues or reissues, and with the inevitable result of making the Treasury the owner of one hundred and forty-seven millions of the one hundred and eighty-seven million silver dollars now coined. In this statement I assume that the channels of circulation will absorb only about forty millions of silver in the metallic form. The consequence must be that there will be no gold in the ownership of the Treasury. It is impossible that the Secretary does not foresee this result, and no motive for his recommendation can be suggested except the belief that the accumulation of silver in the Treasury to the exclusion of gold would lay a foundation for a future demand that the silver dollars already coined shall be demonetized, melted down, and withdrawn from use as money. It is plain that the real scope of the policy of the President and the Secretary of the Treasury is not merely to prevent a further issue of the silver-dollar money, but to insure the destruction of the amount now in existence, by depriving it of the facility of circulation which it acquires from the use of certificates and by forcing into the ownership of the Treasury the whole of it except the forty millions or thereabouts which will circulate in the metallic form.

In respect to the report of the Secretary of the Treasury it is keeping well within the bounds of a proper reserve in language to say that his several times repeated affirmations that the United States has outstanding "gold obligations" amount to an open defiance to the law-making power, to which he and all executive officers owe obedience.

There never was a gold obligation authorized by law in this country, and no obligation was ever issued by it expressed to be payable in gold. I am quite aware that during the discussions of 1876 and 1877 it was claimed that certain bonds expressed to be payable in coin were by the bondholders understood and expected to be paid in gold; but the law-making power in the act of February 28, 1878, directing the resumption of the coinage of the silver dollar, settled all doubts by declaring that such coin should be a "tender for all debts and dues, public and private," and in addition to that the great bulk of the bonds of the United States now in existence, that is, $906,297,103 out of a total of $1,182,147,100, have been issued and bear date since the law of February, 1878.

On this subject I prefer to give my views by quoting the language of an eminent citizen of New York who has filled the offices of Attorney-

General of the United States and minister to England, Hon. Edwards Pierrepont. In a letter to the New York Times of April 18, 1884, Mr. Pierrepont says:

> There is not an outstanding bond, coupon, or greenback issued by the United States which may not be lawfully paid in silver. Not one of them on its face or back, or in the statute authorizing the issue, or in declaration or resolution of Congress, has any proviso that they shall be paid in gold. And the act of February 28, 1878, directing the coinage of silver dollars, declares that such dollars "shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract."

It is asserted in both the President's message and the Secretary's report that one of the consequences of the payment by the Government of all its debts in silver would be the impairment of the national credit, although no explanation is given how a refusal to pay gold can injure the character of a country which has never promised to pay gold, and which has a law on its statute-books admonishing everybody who deals with it that the standard silver dollar is, and shall be, a tender for everything which it owes, unless it is "otherwise expressly stipulated in the contract."

To-day and always since the resumption of the silver-dollar coinage the Government has paid more or less silver dollars or silver certificates to its creditors of every description, including the holders of its bonds, and all the while its credit has been growing stronger instead of weaker. It is only in its clearing-house transactions with certain banks, notably the banks of the city of New York, that it pays nothing but gold or greenbacks as a matter of special favoritism. This is not in conformity with the spirit of the act of Congress passed in July, 1882, forbidding national banks being members of any clearing-house having a rule excluding silver and silver certificates from use in paying clearing-house balances. The New York Clearing-House had adopted such a rule in 1878, but abrogated it when the act of 1882 was passed. The abrogation was merely nominal, as there was substituted for it a tacit understanding that neither the United States assistant treasurer nor any other member should offer silver or silver certificates in payment of balances. Upon that understanding the United States assistant treasurer has acted to this day with the knowledge of the late and present Secretary of the Treasury. This is a practical nullification of a law of Congress and is the sole cause of there being any silver dollars held and owned by the Treasury. If the law of 1882 had been carried out, or if Congress can by new legislation compel the present administration to carry it out, or if the incoming administration shall voluntarily carry it out, every silver dollar now coined, or which can be coined for years to come under the act of 1878, will go into active circulation, in the certificate form, and thereby uphold prices and revive languishing industries.

The practice at the New York Clearing-House is described in the following extract from the late report of the Treasurer of the United States:

> As a consequence of the inability of the Treasury under the existing practice to use either the silver dollars or the silver certificates in its settlements with the New York Clearing-House, where by far the greater part of its disbursements is made, the available gold ran down from $155,429,600 on January 1, 1884, to $116,479,979 on August 12, 1884, while the silver dollars and bullion on hand, not represented by silver certificates outstanding, increased during the same period from $27,396,037 to $48,603,958.
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> As a temporary expedient to stop this drain of gold from the Treasury the assistant treasurer at New York was directed to use in payments to the clearing-house United States notes to the extent of one-half of the payments. But the amount of these notes in the Treasury, which at the time of the commencement of this mode of payment had accumulated beyond its needs, has now become so much reduced that they are no longer available for such payments to any considerable extent.

All debts due from the Government, which, when owned by the New York clearing-house banks and presented for adjustment at the clearing-house, are paid by the assistant treasurer in gold or greenbacks, and never in any part in silver or silver certificates, are precisely the same kind of debts which, if presented at the Treasury at Washington, or at any place where there is no clearing-house, are paid more or less, and sometimes wholly, in silver or silver certificates. A draft for the salary of a justice of the Supreme Court, or a coupon of a Government bond, if presented at the Treasury in Washington, is paid wholly or partly in silver or silver certificates; but if the same draft or coupon is transferred to a New York bank it is paid wholly in gold or greenbacks. In other words, it is not the character of the debt which determines under this practice in what medium it shall be paid, but it is the character of the party to whom the debt is transferred and by whom it is owned and presented. This practice is based upon the strange theory that the bankers of New York are entitled to the special prerogative of refusing any kind of lawful money to which they happen to have a dislike, and that to pay them in silver will ruin the public credit, while at the same time that credit receives no injury if the same silver is paid to other people upon identically the same claims against the Government.

There is not in either the President's message or in the report of the Secretary of the Treasury a single valid reason given for the discontinuance of the silver coinage or the issue of silver certificates. It is true that $40,000,000 out of the $187,000,000 already coined are now held and owned by the Treasury, but it is equally true that $138,000,000 in gold are held and owned in the Treasury, or three and one-half times as much as of silver dollars. No reason is given or can be given why the Treasury ownership of silver is more injurious to the public interests than its ownership of gold. It being the opinion of the Treasury officials that a certain amount of coin must be kept to protect the redemption of the greenbacks, it is plain that to give up the present ownership of forty millions of silver dollars would compel the locking up of forty millions more of gold. That there are now any silver dollars in the Treasury is caused solely, and, as I believe, intentionally, by the refusal of the administration to execute the act of 1882 according to its plain intent, by paying out silver and silver certificates at the New York clearing-house.

Both the President and Secretary predict that the continued coinage of silver dollars under the act of 1878 will at no distant day drive out all the gold which is now in circulation, but they do not affect to give any reasons for such an apprehension, and I shall endeavor to show before I close my remarks that there is no foundation for it whatever.

This great question of preserving the ancient and constitutional standard of money in this country, gold and silver, upon which depends the value of every species of property and the relative position of debtors and creditors of every class, is to be settled by the logic of facts and figures, and not by unsupported assertions and predictions, no matter from how high a source they may come.

I hope to convince the Senate that the measures proposed by the President and Secretary are so alarming and dangerous in their character that this body should adopt such declaratory resolutions upon the subject as will put the public mind at rest by assuring the country that there is no danger that these measures will receive the sanction of Congress.

If a further depreciation of the value of silver bullion, which would result from the stoppage of the coinage of silver dollars, affected only the interests of persons engaged in mining for silver or in extracting it from ores, it would be a question of local consequence and of no national importance; but it is inevitable that any action on the part of the United States which would produce a further disparity between the price of gold and silver bullion would be a blow at the very foundation of bimetallism.

It is not only good policy on the part of the United States to retain the use of both gold and silver as money metals, but it is one of the highest duties which rests upon our Government to so legislate as eventually to bring about and preserve a parity in the bullion value of the coins of the two metals.

The consumption of gold in the arts and for the purposes of luxury and display will divert more and more of that metal, and is at this time diverting its entire annual production from monetary use. This is a fact which receives in the discussion of the policy of coining silver much less consideration than it is entitled to. Furthermore, the rapidity with which the consumption of gold for other purposes than money has been enlarging in modern times is not generally known. No full and detailed exhibition of it was made till 1881, when Soetbeer published exhaustive presentations of the world's production of gold and of its consumption in the arts outside of Africa and Asia during the fifty years ending 1880. No European statistician enjoys a higher reputation, and as he was the most conspicuous leader of German silver demonetization he will not be suspected of a purpose to represent the situation as more unfavorable than it really is to the theory that gold alone can suffice for the monetary wants of mankind.

The statistics which he collected show that the average annual gold production of the world was $134,000,000 for the decade ending with 1860, and $113,000,000 for the decade ending with 1880. It fell to $101,000,000 in the year 1880.

Mr. Burchard, the Director of the Mint, gives as the gold production of the world for the calendar years—

1881	$103,028,078
1882	98,6 9,588
1883	94,027,801

Soetbeer has furnished extensive tables showing the consumption of gold in the arts. He shows that outside of Asia and Africa the consumption rose from $18,000,000 as the annual average of the decade ending with 1860 to $55,000,000 as the annual average for the decade ending with 1880.

In the last annual report of the Director of the Mint he estimates the consumption of gold in the arts in four countries, namely, United States, Great Britain, France, and British India, at $53,000,000.

It is safely deducible from the figures given by Soetbeer and the Director of the Mint that the annual gold consumption of the world, inclusive of British India, does not fall short of the production for the past year, namely, $94,000,000.

The consumption of gold in the arts and for luxurious display, according to the figures of Soetbeer, is three times what it was twenty years ago, more than four times what it was thirty years ago, and nearly five times what it was forty years ago. If the figures of the consumption in 1823, made by Chabral and adopted by Humboldt, are correct, it is to-day between eleven and twelve times greater than it was sixty years ago. Senator Hunter, of Virginia, said correctly in his report on the coinage in 1852, that "the demand for gold and silver in the arts will be very nearly in proportion to the wealth of society." Who will undertake to set bounds to the future increase of this demand, when it is

recollected that opulence, as a consequence of inventions and discoveries which give to man a constantly enlarging command over the forces of nature, is increasing by strides without example in the history of the human race?

Inasmuch as it is not within the limits of reasonable anticipation that the future yield of the mines can keep pace with the increase of the consumption, it is inevitable that the future demand for the arts will make a disastrous draft upon the gold now in monetary use.

An increase of the production of gold is of course possible, but there are no present indications of it, and there is no certainty that it will ever occur. Its decrease is equally possible and more probable. It has decreased largely, taking the whole period together, since 1856, and during no part of that period has it increased. Its consumption in the arts has fully overtaken the production, and there is nothing in the past history of the metal to induce us to hope that the future production can possibly keep up with such an increase of the consumption as is now plainly inevitable. There is, in short, as clear a certainty as is ever attainable in conducting human affairs by a forecast of the future that while increasing population and exchanges will be constantly requiring more metallic money, mankind are doomed to have constantly less of it if silver is stricken down from its immemorial position as one of the moneys of the world.

In addition to the certainty that the money of the world will be subjected to the drain of an increased consumption of gold, there is an imminent danger, if the policy of depreciating and thereby discrediting silver is persisted in, that it will be subjected to another drain of vast and unknown dimensions from the diversion of Asiatic hoardings from silver to gold.

The London Times of May 7, 1883, in the course of an article upon the rise, which it admits to have taken place, in the value of gold, says:

> The adoption of a gold standard for India, or, still more, the choice of gold in stead of silver for hoarding purposes in the East, would so change all the conditions of the problem as to upset all calculations.

It must be true from the nature of the case that the further divergence between the values of gold and silver bullion will tend to diminish the confidence of the people of Asiatic countries in silver, or, what is the same thing, to inspire them with a greater confidence in gold as the repository of wealth laid up for the future. The Times is right in speaking of the possible change of Eastern hoardings from silver to gold as of more consequence as affecting the relations of the two metals than the introduction of gold coinage into India.

This view illustrates the enormous risk of any such experiment on our part, hopeful in no aspect, as the closing of our mints to silver, upon the theory that we can bear the consequences better and longer than England and Germany, and thereby force them into a bimetallic treaty. England has the power, and will certainly exercise it, to close the India mints against silver when we close ours; but, aside from that calamity, the closing of our mints to silver would result in such a depression of the price of that metal that eastern nations would lose confidence in it and devote their hoardings to the other metal. With silver discredited and gold drained away to Asia to disappear forever among its hundreds of millions of people, as silver has disappeared for more than two thousand years, Europe will have nothing before it but an era of paper money, and America, by destroying the Eastern market for silver, will have thrown away in a mad experiment the everlasting resource of wealth which it possessed in the silver mines found everywhere in the great mountain range which stretches unbroken from Patagonia to Alaska.

All the conditions have changed since the beginning of the agitation for a single metallic standard. There was then a greater production of gold and a much less consumption in the arts.

To now contract the volume of money by one-half (which is the ultimate object of most of the persons who urge the stoppage of our silver coinage, and which would probably be the ultimate effect) by the method of demonetizing one of the metals which has heretofore constituted its mass is wholly indefensible. It must be some great object which induces those who originated such a policy to persist in it after the course of events has so clearly demonstrated the injury and injustice which it must inflict upon the world.

Certain classes, having the whole world as tributaries, by a system of national debts which has in itself reached fabulous proportions, and which is re-enforced by a vast amount of other public as well as corporate and individual indebtedness, seek to increase the tribute in the form of interest which they are enjoying by the noiseless and insidious process of increasing the value of the money in which it is paid.

Gold monometallism, which increases the value of credits and in a corresponding degree the burden of debts, is naturally a favorite policy in England, for the double reason that the creditor classes, by whom it is dominated, are enriched by that policy, as against the debtor industrial and tax-paying classes at home, and that the English people as a whole are enriched by it as against the rest of the world, which is involved in an enormous indebtedness to them.

The London Economist of April 21, 1883, closed its comments upon an address in which Mr. Goschen had pointed out the recent rise in gold and fall in general prices by saying:

> There is some consolation to us in the fact to which he directs special attention, that any increase in the purchasing power of gold is a benefit to creditors. Nearly every nation on the face of the globe is indebted to us, and the result of an appreciation of gold is that we obtain a larger quantity of their commodities in settlement of our claims.

H. H. Gibbs, an ex-governor of the Bank of England, says in an article in the British National Review for July, 1883, that the following ideas, being precisely those of the Economist, are constantly pressed upon the English public:

> England is a creditor nation. The scarcity of gold has made that metal more valuable, and she must needs be the gainer by this, and must continue to be still more the gainer if gold becomes scarcer still. Is it to be expected that she should throw away this advantage?

The same reasons which make gold monometallism a favorite policy in England make it a favorite policy in every country and in every section of all countries in which the creditor classes are dominant. Quite as naturally it is not a favorite policy in countries and sections of countries which are heavily loaded with public, corporate, and private debts.

It was not a fortuitous circumstance that when the silver coinage law was passed in the Senate over the President's veto by a vote of 46 to 19, 13 of the 19 votes were given by Senators from New England, New York, and New Jersey. These States have 16 Senators, and the 3 not voting were paired so as to neutralize the vote of 6 Senators who were friendly to the law, so that the entire Senatorial representation of the eight Northeastern States without regard to party lines (5 of the 16 being Democrats and 11 Republicans) supported the veto in one solid and unbroken column, either by voting or pairing.

We must be prepared to expect that the ramified pecuniary interests engaged in this scheme, stimulated as they are to the intensest efforts by the vastness of the profits which success in it will bring to them, controlling the policy of governments in some important countries and having numerous allies and adherents in every country in Europe and in this country, will maintain the struggle to the last moment. It is in the great power of the gold propagandists and in their persistency, arising from the vast interests at stake, that the difficulties of the question of the monetary standard lie.

No careful student of the subject can fail to arrive at the conclusion that the abandonment of the use of silver as a money metal must lead to one of the following results: Either the world must suffer an enormous contraction of the volume of money and a corresponding fall in prices, or it must resort to the use of irredeemable paper money.

It is a most extraordinary delusion to suppose that by closing our mints to silver, and by thus bringing on a great fall in the price of this metal, we can compel the countries of Europe to enter into a bimetallic treaty and resume its coinage. Such an expectation is based upon two propositions: First, that the financial distress which our stoppage of the coinage of silver and the consequent fall in prices of all commodities will bring upon Europe will compel its ruling classes to return to bimetallism; second, that it will so disarrange the Indian exchanges as to force England into bimetallism.

I may be pardoned in answering the first proposition by repeating a few words that I have before uttered on this floor:

> It is said sometimes that if the United States shall go to a gold standard by arresting the coinage of silver it will bring on such a contraction of money, fall in prices, and depression in trade and industries that Europe will be forced to restore bimetallism; while this country, from its greater natural resources, can better bear the strain and can afford to wait until commercial distress causes a change of policy on the other side of the Atlantic. But are we sure, or is there really any reason to believe, that any degree of enhancement of the value of money, or fall in prices, and of that commercial and industrial distress which is inseparable from a fall in prices, would have any other effect than to induce the interests which are now actually dominant in both England and Germany to cling to the gold policy with a more relentless perseverance? Did we find that the industrial distress in Europe from 1873 to 1879, unparalleled as it was in degree and duration, served in any manner to persuade those interests to relax that contraction of money which was not only the real but the avowed object of their gold policy?
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> How was it in the United States in 1878, when bankruptcies were multiplied on every side; when an enormous proportion of the property of the country was being foreclosed and auctioned off at sheriff's sale; and when the violence of starving and desperate tramps was restrained only by displays of the military force of the nation? Did the interests in this country to be benefited by a gold standard then relax in the slightest degree the tenacity and aggressive vigor with which they insisted upon it? Are the bankers of London and Frankfort so sensitive to tender and humane impulses, and so accustomed to prefer the good of others to their own, that they will forthwith abandon a policy, however much it may enrich themselves, as soon as they are satisfied by a trial of it that it is injurious to the community around them?
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> The monometallists of England and Germany manifestly have no apprehension of being driven into silver coinage by our abandonment of it. The fall in prices and the increased value of money which would result from the closure of our mints to silver are precisely what they desire. And after the trial they have had of their own power during the unprecedented commercial and industrial distress which followed the German silver demonetization they have no occasion to distrust their ability to compel submission among their own people to any degree of financial misery which may come from the practical adhesion of the United States to the policy of discarding silver as money.

As to the effect that such a step on our part would have upon the Indian exchanges, it can not be denied that we should depress the value of silver bullion by throwing our whole product upon the world's market; but we can not depress the value of the Indian rupee. England can prevent that by closing the Indian mints. The London Economist of June 24, 1882, says on this point:

> We admit that if the government, while other countries were slaughtering their silver wholesale, were to permit the unlimited coinage of the rupees the depreciation would take place, but what is to prevent the coinage of rupees under such exceptional circumstances being stopped? This would tend further to depreciate silver but to steady the rupee.

A well-informed European observer (Professor Lexis) says, in a paper translated from the German and printed in the New York Banker's Magazine of December 1, 1882:

> In my opinion the expectation would prove itself unfounded that England might be put at a disadvantage and forced into the bimetallic league by the cessation of American coinage. This measure would probably have the result of stopping the coinage in India.

The practicability of keeping a steady ratio of exchange between the English gold sovereign and the Indian silver rupee by limiting the coinage of the latter is shown by the fact that the silver florins of the Dutch East Indies, estimated at 220,000,000, which is equal to $88,000,000, are by the same method of limiting their coinage, as prescribed by a Dutch law passed in 1877, kept at a parity with the florins of gold and silver circulating in Holland.

The policy pursued by the United States in coining silver under the act of 1878 has checked, if it has not completely arrested, what seemed at one time a general movement throughout the world toward silver demonetization, notwithstanding the fact that the moral effect upon the world of the act of 1878 had been greatly weakened by the persistent efforts for its repeal and by mistaken anticipations abroad that its repeal was probable. The coinage of silver by the United States has sustained its price at a nearly uniform rate, notwithstanding the great and unprecedented falling off, owing to causes believed to be temporary, of the demand for silver in China. Further, if the Secretary of the Treasury had exercised the discretion given to him by the act of 1878 upon legitimate considerations, and with a proper regard to the large domestic industry of silver mining and to the importance of preserving bimetallism, as well as to the momentous interests involved in maintaining prices and saving the debtor classes from ruin, and had coined $3,000,000 instead of $2,000,000 per month, the whole of our silver production which is available for coinage would have been kept out of the markets of the world, and the old relation of market value between gold and silver bullion would, in all probability, have been restored. But in spite of all adverse circumstances it is undeniable that since we reversed our action of 1873, by passing the law of 1878 to resume the silver-dollar coinage, no single step in the direction of the demonetization of silver has been taken in any part of Europe.

Our silver legislation of 1878 would undoubtedly have produced by this time much greater effects abroad, and in all probability would have already resulted in an extensive international accord upon the coinage ratio of the two metals if the confidence of Europe in the steadiness of our policy had not been weakened by circumstances which are too well known and which have been most unfortunate in their consequences. From all the information within my reach I believe that the question of the monetary standards would have been satisfactorily settled before this time if doubts of the finality of the decision reached in 1878 by the American Congress, by extraordinary majorities and after the most thorough discussion, had not been inspired abroad by the persistent clamors of the newspapers of our Atlantic cities, which are the only ones read and quoted in Europe, and by the reiterated recommendations for the stoppage of the silver coinage which have been made by both Presidents and Secretaries of the Treasury.

In all European countries in which parliaments exist the opinions of cabinets not only follow but foreshadow legislation, because cabinets resign when they can not command legislative majorities. It is natural, therefore, that Europeans should attach to the recommendations of our executive officials a degree of importance as affecting and indicating legislation which they do not possess under our system of government.

However it may have been brought about, it is certain that an expectation has thus far prevailed in Europe that our silver coinage will be abandoned and that the influence of this country in favor of silver has been thereby for the time being nullified. After the lapse of some period, longer or shorter, the policy of this country, if it is persevered in, will come to be regarded abroad as one of the fixed facts of the situation, and it will then have the influence upon the actions of other countries which it ought to have.

I have briefly referred to some of the advantages which have accrued from the coinage of silver under the act of 1878. Now let us examine some of the objections which have been urged by the opponents of silver coinage to the continuance of this policy.

Much has been said about the accumulation of silver in the Treasury, which is denounced as an idle and costly waste in the loss of interest and otherwise. At the close of last month the total amount of silver dollars and silver bullion in the United States Treasury was $149,745,075. There were outstanding silver certificates to the amount of $104,988,531, so that the Government ownership of silver dollars and of silver bullion amounted to only $44,536,392.

At the same time the Treasury held in gold coin and bullion the sum of $231,389,361, and the gold certificates outstanding were $93,374,290, making the actual Government ownership of gold coin and bullion $138,015,071.

Thus after nearly seven years' experience under the silver-coinage act of 1878 it appears that of the total coinage of 187,180,829 silver dollars 147,424,285 were in active circulation in either the metallic or certificate form. The prediction that they would be a dead weight which must be carried by the Treasury and would exclude gold from it has been completely falsified. Of the metallic full-tender money belonging to the Treasury more than three-fourths is gold.

So long as the country believes it to be wise policy to hold a metallic reserve for the redemption of the greenback there must be coin of some kind accumulated and held unused in the Treasury, and how can it be said to be more idle or costly to pile up silver for that purpose than it is to pile up gold? The more silver dollars are owned by the Treasury, the more gold dollars can be spared from it and set free to sustain the trade and business of the country.

The objection that the Treasury has not vault room for the accumulation of silver dollars, if we continue to coin them and to receive them on deposit, is too frivolous for consideration. The bank of France held on November 13, 1884, 1,028,238,051 francs in silver money, equal to $200,000,000, which is largely in excess of the amount in all the Treasury vaults and mints of the United States, including standard dollars, fractional coin, and bullion.

In receiving silver on deposit and issuing certificates for it the Treasury realizes from the loss and destruction of certificates a direct profit which exceeds many times over the cost of providing storage room. But the cost of the storage room for either of the metals, even if there were no direct compensation for it, is a wholly unimportant consideration in comparison with the vital and overshadowing interests involved in maintaining a proper volume of the monetary currency, which determines the price of property, the wages of labor, the burdens of the tax-payer, the relations of creditor and debtor, and the prosperity or depression of industries. It is trifling with a question transcending nearly all others in its importance to complain of an expenditure of $200,000 on vaults for the custody of silver by a Government which has spent eight millions on a post-office in New York and four millions on a post-office in Boston (a large part of it in architectural and artistic displays), which is spending millions annually upon public buildings in every part of the country and for all sorts of purposes and with very little attention to economy in their construction, and which never lacks either money or disposition to use it in constructing in Washington monuments, museums, and hot-houses for the supply of bouquets to members of Congress and other officials.

Another objection to silver coinage, and a much more important one, is based upon the apprehension that its continuance will cause a depreciation of the silver dollar relatively to the gold dollar, a necessary result of which would be the expulsion of gold from circulation and its exportation from the country.

In a speech which I had the honor to deliver in this Chamber about two and a half years ago I presented somewhat at length the most important facts bearing upon this subject. I do not desire to traverse the same ground again, but a very brief reference to the views then presented may not be out of place at this time.

We had then coined 105,000,000 of full legal-tender silver dollars. There was no disparity of value between our silver and gold coins, and I think it was clearly shown that no disparity could occur until we should coin enough silver dollars to supply the total metallic money required by the country; that there can not be a discount on silver coins without such a premium on gold coins as will expel them from circulation, and that such an expulsion is impossible until the silver coined exceeds the amount below which our metallic circulation can not be reduced. In other words, that so long as specie payments are maintained silver dollars can not become the sole coined money of this country until they are struck at the mints in such numbers as to exceed the smallest figure to which the whole metallic currency of the country can fall.

The total metallic full-tender money of this country on the 1st day of last October, as stated by the Director of the Mint, was—gold $610,535,028, and silver $187,315,233; total, $797,850,261, including both gold and silver bullion in the mints for coinage. There is no reason for believing that this amount is more than our fair distributive share of the metallic money of the world, or that it is more than enough to maintain the equilibrium of prices in this country with the general range of prices in foreign countries. At the present rate of silver coinage we will not reach this amount in twenty years.

Our coined silver, under the act of 1878, has now reached $187,180,829, and notwithstanding it has been confidently asserted that the coinage of silver could not be pushed at the furthest beyond $100,000,000 without depreciation, there is not a symptom of lessening value or acceptability.

When the issue of gold certificates was resumed in October, 1882, it was predicted by the New York press that they would soon expel the silver certificates from use. This was also the unhesitating conviction of the late Mr. Folger, the Secretary of the Treasury, who said, in his annual report of December, 1882:

> The amount of silver certificates outstanding November 1, 1881, was about $66,000,000, and the amount outstanding November 1, 1882, was about $65,000,000. Inasmuch as by recent legislation the Secretary is required to issue gold certificates, it is to be looked for that the place of the silver certificates will be, to a great extent, supplied by gold certificates, as the latter are furnished in convenient denominations, and it is just to suppose that a certificate payable in a coin

worth but 88 per cent. of its nominal value will be displaced by one worth fully its nominal value.

But the fact is that since this prediction of the Secretary of the Treasury was made there have been constantly calls upon the Treasury for silver certificates in exchange for gold, dollar for dollar and cent for cent, and instead of the displacement of the silver certificates in circulation by the gold certificates, they have increased from $65,000,000 in November, 1882, to $74,000,000 in August, 1883, to $88,000,000 on the 5th of December, 1883, to $96,000,000 on the 29th of December, 1883, and to $105,000,000 at the end of last month.

Heretofore in discussing this question I have considered it sufficient to show that with a coinage of silver dollars limited to 28,000,000 per annum they could not depreciate relatively to gold dollars for many years to come. I will now submit to the Senate reasons for believing that, at the same rate of coinage, they will never depreciate.

The distinguishing financial circumstance in the case of the United States is the enormous excess of the growth of its population, wealth, and exchanges over the growth of other countries, and of Europe in particular. It may be stated, as a reasonable expectation, that at the end of this century, now only sixteen years distant, our population will equal the combined numbers of the German Empire and of the United Kingdom of Great Britain and Ireland. Our fractional share of the aggregate metallic money of the commercial world must, therefore, steadily and largely increase. This much is certain.

The absolute amount of our money must also largely increase if there is an expansion of the metallic and paper money of the commercial world corresponding with the general increase of population and trade such as will maintain existing prices.

In modern times the increase of wealth is more rapid than that of population. The least measure of the increase of money necessary to save prices from falling, which is proposed by any financial authority, is an increase proportioned to that of population, which would be for this country 3 per cent. per annum. If we compute the total volume of our money, gold, silver, and paper, at fifteen hundred millions, and most authorities make it more while none make it less, it requires now forty-five millions a year and will require more as the total volume becomes greater. The actual expansion of the currency since the resumption of specie payments in 1879 has been at a rate considerably larger than this, and the evidence is conclusive from the condition of our foreign trade, of which the balance is favorable, that our prices are not too high relatively to prices abroad, or, in other words, that our money is not in excess of our proper distributive share.

If the United States was an absolutely stationary country, it would be true that an annual coinage of 28,000,000 silver dollars would finally drive out some other kinds of money, but $28,000,000 is much less than the annual increase of our total money during the past five years. It is clearly less than the increase necessary to keep up our prices. It is less than the increase which we shall probably be able to obtain, and it is also less than the increase which it ought to be our policy to obtain. There is therefore no reason to suppose that an annual coinage of 28,000,000 silver dollars will ever of itself, and without an increase of our paper money, expel any of our gold money or even prevent some degree of its enlargement.

It is often said that in dealing with European nations we must liquidate in gold the balances of trade when they are against us, because silver has no rights of coinage, and is therefore not a money metal in Europe; and that, on the other hand, when the balances of trade are in our favor we will be paid in silver. Paying Europe in gold but being paid by Europe in silver would sooner or later transfer our gold to the other side of the Atlantic. But in truth Europeans can no more pay us in silver than we can pay them in that metal. They could pay us in our silver dollars if they possessed any, but they have none, and they can not get any except at the price of gold dollars. Their own silver coins can not be disposed of in this country at a better rate than 80 per cent. of their value at home. As to silver bullion, it is as commercially impossible that it should be sent here from Europe as that coals should be sent to Newcastle.

We are the chief silver-mining nation in the world, and our total home demand for silver in the arts and at the mints (with our annual coinage of $28,000,000) is less by about ten millions annually than the home production. The excess, whatever it is, must be sold abroad, and must always be, as it is now, put at a price which will force its sale in foreign markets. During the three fiscal years ending June 30, 1884, the excess of our exports of silver over imports was $29,584,783, or at the rate of about $10,000,000 annually. The flow of silver from the United States to the London market will continue constant until all the facts of the situation are changed. It is as idle to apprehend an import of silver coin or bullion from Europe as to apprehend an import from the same quarter of timber, wheat, petroleum, naval stores, or cotton. No silver from Europe will ever be "dumped" upon this country until commodities move from dearer to cheaper markets.

The necessary effect of the whole situation is what we know as a fact of observation, that the money balances due to us from Europe are received always in gold, and in nothing else. The other kinds of money which we use, namely, silver dollars, greenbacks, and national-bank notes, would be accepted by us with equal readiness, but foreigners possess neither, and can not obtain either at less than their face value in gold. Our position is precisely like that of France, in which silver francs are at home of the same value as gold francs, but are worth only four-fifths as much anywhere outside of the Latin Union. When the state of the exchanges requires the transmission of money from Paris to London or to New York, it is only gold which can be sent, because it is only gold which will be accepted. But it is equally true that when London and New York send money to Paris it can only be gold, because they have no French silver francs.

France is not drained of its gold, because the balance of its foreign trade is at least as often favorable as it is unfavorable. Nor does a temporary outflow of gold depreciate silver in France or impair the confidence of the French in silver. That was shown three years ago when the outflow of gold was on a very large scale. They know that the outflow must go to the length of exhausting, substantially, all their gold before a disparity between their gold and silver coins will arise, and of such an outflow they neither have nor need to have any apprehension. The experience of the Dutch has been precisely the same.

The official figures of the movement of the precious metals in our foreign trade since the silver-coinage law of 1878 went into operation show conclusively that there is no foundation for the theory that the coinage of silver must necessarily expel our gold.

Taking first the case of silver, it appears that there was a continuous net export (that is, an excess of exports over imports), including coin and bullion, during the six fiscal years ending June 30, 1884, as follows:

Year ending June 30—	Export of silver.	Import of silver.	Net export of silver.
1879	$20,409,827	$14,671,052	$5,738,775
1880	13,503,894	12,296,914	1,227,980
1881	16,841,715	10,544,238	6,297,477
1882	16,829,599	8,095,336	8,734,263
1883	20,219,445	10,755,242	9,464,203
1884	26,051,426	14,594,945	11,456,481

Taking next the case of gold (coin and bullion together), there was a continuous net import during the five fiscal years ending June 30, 1883, as follows:

1879	$1,037,334
1880	77,119,371
1881	97,466,127
1882	1,789,174
1883	6,133,261

The fiscal year ending June 30, 1884, was the first one since the passage of the silver-coinage law of 1878 to show a net export of gold. The export was $41,081,757; imports, $22,831,317; net export, $18,250,440. This is not a large export for a country with an annual production of about $30,000,000, and even with the proper allowance for the consumption of that metal in the arts it does not imply any decrease of our gold money. So far during the current fiscal year there has been a net import of gold.

During the four months ending October 31 last this net import amounted to $8,344,169, and was large during November, for which exact figures are not obtainable.

From figures furnished to me a year ago by the Mint Bureau, supplemented by the official figures to this date, it appears that between March 1, 1878, and November 30, 1884, there was a net import of $177,793,530 of gold; that between the same dates our gold mines yielded about $236,000,000, and that the consumption of gold in the arts in this country was about $63,000,000. The following table shows the increase of gold in this country from March 1, 1878, to November 30, 1884:

Net import	$177,793,530
Production of our mines	236,000,000
Total	413,793,530
Deduct for consumption in the arts	63,000,000
Net increase	350,793,530

The editors of a leading paper in the city of New York recently declared their opinion to be that "there is positively no limit to human stupidity and credulity in matters relating to finance." It can only be upon some such views of the illimitable gullibility of mankind that it can have been so persistently maintained that an annual coinage of 28,000,000 silver dollars must necessarily soon expel all our gold, in face of the fact that it has absolutely increased $351,000,000 since the coinage of silver was resumed.

An objection to our present silver coinage, which is perhaps urged more than any other, is the deficiency in respect to the weight of the silver dollar. Many persons who claim to be bimetallists, and to favor the continuance of the coinage of both metals, assert that they are opposed to making any more dollars of 412½ grains. They demand that

the coinage ratio of gold and silver should be made to conform to the market ratio of the two metals, which is now nearly 19 to 1.

When the present silver-dollar law was passed various attempts were made to change it so as to conform more nearly to the actual market ratio at that time, but all such attempts, after full consideration, were voted down in Congress. Our legislators at that time saw clearly that to make our ratio 17 or 18 or 19 to 1 would increase the difference, already somewhat embarrassing, between our ratio and that of the European countries (which was 15½ to 1 in all of them except Holland, in which it was 15⅝ to 1), and would render it impossible for them to resume the free coinage of both metals, because a ratio here above 16 to 1 would drive all our silver to their mints. Our legislators saw that no international arrangement would be possible in respect to the coinage of gold and silver except upon the same ratio, or very nearly the same, and that to establish and to adhere to a ratio above 16 to 1 would put an end to any hope of a monetary accord with Europe. This reason for not raising our ratio above 16 to 1 is as cogent to-day as it was in 1878.

The full-tender silver money in Europe (including French Algeria) is stated in the October report of our Mint Bureau for 1883 at $880,017,000, having now a bullion value of only 80½ per cent. in gold. If we should add silver enough to our dollar to make the bullion in it worth a gold dollar, the nations of Europe could not bring up their silver coin to the point required in order to conform to our new ratio except by incurring a loss of $172,000,000. Nobody believes that they would entertain for a moment the idea of submitting to a sacrifice so enormous.

It is not possible, under present circumstances, however important and desirable it may be, to have any steady equality between the bullion values of the gold and silver dollars. So long as the mints of the commercial world, including our own, are either closed entirely to silver, or coin it only in quantities limited as they are at present, a part of the production will be thrown on the markets, to be sold as a commodity, for use in the arts and for export to Asia, and, like everything else sold as a commodity, the price of it will constantly fluctuate. Nothing can be more absurd than the idea of governing our mint ratio by such a market price as that, up to-day and down to-morrow. If we should add 15 cents now to our silver dollars we may find next year that they are at such a premium as will carry them all to foreign countries, or to the melting-pot, and the year afterward that we must add another 5 or 10 cents to bring their bullion value up to their coin value.

It is possible to preserve a steady relation of value between the gold and silver coins of a country so long as the coins of the metal, cheaper for the time being, do not wholly expel from use the coins of the other metal. But we have no right to expect, and we shall never see, a steady relation of value between gold and silver sold as commodities, until some country, or combination of countries, having an importance relatively to the commercial world equal to that possessed by France in 1803, shall coin both the metals without limit. That would steady the relation now, as France steadied it for seventy-one years prior to 1874. There is no occasion for abandoning the expectation that a combination may be formed by the United States with European countries, or at any rate with American countries, of which several besides our own are rapidly rising into importance. It is only necessary that we should convince mankind by a firm perseverance in our present coinage of silver that we are inflexibly resolved that it shall remain one of the moneys of the commercial world.

The equalization of the mint and market relative valuations of the two metals is not a thing to be undertaken in a hurry. It is prudent to delay it until it can be seen whether existing divergences are permanent or only merely temporary, and also until it can be seen pretty clearly what the new market relative valuation is to be. Our predecessors in this Government have always acted upon that view. In 1821, in consequence of the resumption of specie payments in gold by the Bank of England, the silver price of that metal was everywhere enhanced, and in this country the premium on gold rose to from 6 to 8 per cent. The premium continued, although it gradually declined about one-half; but it was not till 1834, or after a lapse of thirteen years, that our mint ratio of the metals was changed by reducing the amount of gold in the gold dollar. The men of that day knew that the change in the market ratio of the two metals was caused by the English resumption in gold, and they waited to see what the ultimate effect of that resumption was to be. When afterward, as a consequence of the unprecedented gold yield in California and Australia, such a premium arose upon our silver coins as to cause their disappearance by melting and export, the measure adopted by Congress in 1853, upon the report made in 1852 by Senator Hunter, of Virginia, was limited to the reduction of the weight of our small silver coins, and to making such coins subsidiary and a tender for only $5. Adopting the views of Mr. Hunter in that respect, Congress thought it best to defer to a future day, when the new market ratio of the metals should be more definitely settled, the adjustment of a new mint ratio between gold and the silver dollar having a full-tender capacity. In fact, no further Congressional action took place, although the premium on the silver dollar continued for twenty years afterward and amounted to 3 per cent. in February, 1873, when an act was passed which, as was discovered three years later, stopped the minting of the silver dollar altogether.

There was no time for twenty years prior to 1874 when to have produced an equality of bullion value it would not have been necessary to have added to the weight of the gold dollar or to have reduced the weight of the silver dollar.

If our predecessors thought it proper, before acting upon the question of changing our mint ratio between the metals, to wait as many years in order to see the permanent effects of the gold resumption in England and of the Californian and Australian mining discoveries, we may well be slow and cautious now, when the market relation of the metals has been so violently disturbed by silver demonetizations and closures of mints to silver in Europe, and when debates, as yet uncertain in their outcome, are still in progress in so many European countries as to their future policy in respect to silver. No man can to-day fairly say of any proposed mint ratio that it can be relied upon to be in correspondence with the market ratios for six months to come. Until we can certainly better our condition by changing our mint ratio, we had better let it alone. We know that it values silver 3 per cent. lower than it is valued in $880,017,000 of European full tender silver coins. We know that if we raise our mint ratio above 16 to 1 it is a step which must be retraced if we ever come to a monetary treaty with France and other European silver-using countries.

It will cost us $31,000,000 to raise the weight of our silver dollar in the proportion of 83⅓ to 100, besides the considerable expense of recoining it, which is a large sum to venture upon a not very promising experiment.

Of all those in the Senate and House who say that they have no objection to what they call an honest silver dollar, I have not observed that any one of them offers a bill specifically prescribing how much more silver shall be put into the dollar. General denunciations of the present dollar are easy, but it is more difficult to define the exact change which they will take the responsibility of recommending.

It would certainly be inopportune to increase at this time the weight of the silver dollar and raise our minting ratio between the metals above 16 to 1, which would render a bimetallic treaty with European powers impossible, at the same moment when the opponents of silver are concentrating their forces in support of a measure to suspend its coinage, of which the alleged purpose is to drive Europe into bimetallism by the coercion of a distress in which we must necessarily become full participants. It is an affront to the intelligence of mankind to hold up bimetallism as an object to be sought by any measure however dangerous, and certain to be calamitous in its immediate effect, and at the same time to create, by putting more silver into the dollar, a new and insurmountable obstacle in the way of any monetary concert with other countries. In view of the dangers, foreseen and unforeseen, which must attend a change in the money which has been employed by mankind as far back as history goes, the following words, with which a debate on the monetary standard in the French Senate in January, 1876, was closed by Dumas, are as appropriate as they are impressive:

> Those who approach these questions for the first time decide them at once; those who study them with care hesitate; those who are obliged practically to decide doubt and stop overwhelmed with the weight of the enormous responsibility.
>
> The quantities of the precious metals which are now sufficient may become insufficient. Nobody can guarantee that the present vast production of gold will continue. The placers are found on the surface of the earth and may be exhausted by the very facility of working them. In presence of the unknown which dominates the future, we should practice a prudent reserve.

Within a year or two the opponents of the silver dollar instead of demanding absolutely, and in so many words, that its coinage shall be stopped, make the more plausible demand that it shall be coined only to the extent necessary to meet the call for it at the Treasury. Several bills to this effect were introduced into the last Congress, in both the Senate and House, and the measure was recommended in the annual report of 1882 of the Secretary of the Treasury. Nothing can be more ingenious than the phraseology in which this proposition is clothed, but it will not bear the test of a close examination.

The demand in this country for the coinage of silver was not based upon such a preference for silver over gold, and especially not upon such a preference for silver over paper kept equal to coin by convertibility, as would induce anybody having a warrant upon the United States Treasury to demand its payment in silver. It is notorious that the people of this country almost universally prefer to handle convertible paper rather than either of the metals. As between the two metals silver is the least convenient, by reason of its greater weight and bulk for the same value. It would only be in rare and exceptional cases that anybody would demand silver in preference to gold at the United States Treasury or anywhere else. It was not a preference for silver over gold which induced the support of the silver-coinage law of 1878.

It was the inadequacy of gold, in point of quantity, which led the country to demand that it should be supplemented by another metal, admitted to be less convenient, but the inconveniences of which could be mainly avoided by the use of certificates. What the country wanted was not silver money as a matter of preference, but more metallic money than could be obtained from the gold mines alone. It was the necessity of silver coinage, as a means of averting a contraction of money disastrous to mankind, and the general desire of the country, based upon that and other public considerations, that there should be

such a coinage, which constituted together that demand for silver dollars which induced Congress in 1878 to order them to be struck at the mints, and which has induced subsequent Congresses to continue the same policy. That is the only kind of demand, for any species of money, which can legitimately be taken into account by legislators, in either creating currencies or in regulating their volume. But according to the new rule proposed to be applied to silver dollars, the amount coined is to be regulated by the calls for them by a particular class of persons who may have the right to receive payments at the Treasury. On this plan the silver coinage will be dependent as to the amount of it, and indeed as to whether there shall be any at all, not upon the general public interest of the country or upon the law-making power, but upon the caprice and personal interests of individuals.

If this is the proper method of regulating the coinage of silver, no reason can be imagined why it is not equally the proper method of regulating the coinage of gold and the issue of greenbacks. If no more silver should be coined, why should any more gold be coined than there is a demand for at the Treasury? And if as much silver should be coined, why should there not be as many greenbacks issued as there is a demand for at the same place? If this new rule of issuing money was applied to gold and to greenbacks the coinage of gold would immediately cease altogether, while the issue of greenbacks would be enlarged. The holders of greenbacks have had them redeemed in gold since January 1, 1879, if they desired it, but have very rarely desired it. The total amount of gold demanded for their redemption has been absolutely insignificant. Since the same date very few persons, if any, having the right to be paid money at the Treasury have desired to be paid in gold in preference to being paid in any other money.

The Senator from Ohio, when he was at the head of the Treasury, was obliged, for the purpose of economizing the use of bank notes and greenbacks, to issue an order requiring persons having the right to payments to accept a part in silver and a part in gold. At no time during the past six years has there been any appreciable demand for gold at the Treasury. If the coinage of gold was subjected to the same rule that it is proposed to apply to the coinage of silver, the Secretary would not have the right to coin gold so long as he had enough already coined to meet demands upon him; and therefore, as there has been all the time a large amount of gold in the Treasury, the coinage of that metal must have ceased during the past six years, and there is no probability that there would be any coinage of it for years to come. But the fact that no preference has been shown for gold the past six years does not prove that there are not considerations of the highest public importance which require the coinage of gold.

The time is most inopportune for stopping the coinage of silver when our bank-note currency is undergoing a considerable contraction, and when it is by no means certain that Congress will be able to agree upon any measure which will avert its further and greater contraction. The situation in respect to our paper money is admitted on all sides to be a very grave one. The volume of the greenbacks is fixed absolutely by law, while the volume of bank notes tends to diminish from the cancellation of the Government bonds upon which they rest. Their contraction has not been seriously felt because their place has been supplied by silver.

Why should the United States, the principal silver-producing country of the world, attempt this dangerous experiment of stopping its coinage or of suspending for a time its purchase? What is there in the condition of the business of this country which demands it? At the present rate of coinage there is no possibility of depreciation of the silver dollar for years to come. The volume of money is not too large, as shown by a tendency to falling prices. There is no inflation of the currency, and it is contraction rather than inflation which is now threatened.

By the addition of $187,000,000 of silver to the money of the country we have increased its volume and have thereby in some measure sustained the wages of labor and the prices of the products of the soil and of the factory. Of the many and dire disasters predicted as the result of this addition it is not pretended that a single one has yet been realized, and the dates for the fulfillment of the prophecies of evil are constantly postponed. In this state of things the country will, I hope, conclude that it is wise to let the silver-coinage law alone so long as it works well, and that it is unwise to throw away its important and admitted advantages from a fear of prospective, certainly far-distaht, and perhaps wholly imaginary dangers, and for which, if they shall ever come, our successors may be trusted to find appropriate remedies.

Mr. SHERMAN. Mr. President, I have purposely for a number of years avoided discussion of the silver question because I regarded the act of February 28, 1878, as in the nature of an experiment, and I wished to see that experiment fairly tried and tested by the logic of experience. Therefore I have not sought directly to change the legislation as it stood on the statute-book, but chose to abide the experiment entered upon by the friends of silver. They no doubt thought the peremptory issuing of a limited amount of silver coin would restore the old ratio of value between silver and gold, and if that could be done it would, I confess, have been one of those desirable results that would greatly benefit all classes of our own people and be a benefit to mankind at large.

I suppose every Senator agrees with the proposition that bimetallism is the best public policy if it is attainable. It has been decided over and over again by the most intelligent nations of the world that silver and gold, traveling side by side, should be the standards of all values. They have changed in their relative market value, but the change has been met by the changing legislation of the times. Alexander Hamilton probably more tersely stated the necessity of bimetallic money than any writer who has followed him, by depicting the great evil it would be to confine the circulation of the world, the money standard of the world, to a single metal, the changes of which might cause a great fluctuation of values. The bimetallic standard of money is accepted by the great body of intelligent men in the United States as the wisest public policy; but this concession is always accompanied with the declaration that these two standards of coin should be made equal to each other according to their general market value, so that the market value of the metal in one tested by the legal ratio should be as near as practicable to the market value of the metal in the other.

It is impossible to make them exactly of the same value, because for two thousand years the relative value of these metals has been changing, but the changes were slow and for years imperceptible. In the last four hundred years a greater change has occurred. Four hundred years ago, prior to the discovery of America, eight ounces of silver were worth one ounce of gold. Now it requires eighteen ounces of silver to be worth one ounce of gold, and in the mutation of time the relative value of the two metals has been met by the laws of the intelligent nations from time to time. The general drift has been the fall of silver or, what is the same in effect, the rise of gold, but this variance has not always continued, for the discovery of gold in California caused gold to decline in relative value, and this continued until the Comstock mine caused a decline in silver. Even with these fluctuations, these two metals have maintained their relative value more nearly than any other two great national productions.

The act I have referred to was passed when from various causes the decline of silver became marked; and this act was designed to check the decline and to restore silver to its legal relation to gold; and now, Mr. President, I say the experiment has been tried. It was entered into for the highest possible object. It has been properly tested. Seven years, nearly, have passed away since the act of February 28, 1878, was passed. The law has been in full force during all that time. The total coinage since that time, by the last report of the Secretary of the Treasury, was $185,000,000, now about $187,000,000. The total amount of these silver dollars now in circulation among the people is $41,000,000, or less than one-fourth the amount coined. The balance belongs to the Government of the United States, and is in the Treasury of the United States.

What has been shown by this experiment? Let us see. In the first place, it has been shown that the law of Congress has not restored silver to its old relation to gold. When that law took effect the silver in the silver dollar was worth only 91 cents in gold. The hope of those who tried the experiment was that if we should give a substantial occupation to all the silver mined in our own country, or the great body of it, we should restore the relation so that the silver in the dollar of 412½ grains of standard silver would be equal to 25.8 grains of standard gold. That expectation has been disappointed. On the contrary, under this law from which so much was expected silver has steadily gone down year by year.

Although we have absorbed $2,000,000 a month to purchase silver bullion for coinage, and have coined 28,000,000 silver dollars a year, and in this way have withdrawn from the market the great body of the domestic production of this country, silver has steadily gone down in relative market value. I have looked at the prices paid; I have them before me. According to the reports of the Director of the Mint from the year 1878, the first year during which this law was in operation, it appears that in 1878 one ounce of fine silver was worth $1.18, or the silver in a silver dollar was worth 91 cents. In 1884, after seven years of experience, an ounce of fine silver is worth in the market $1.11, which means that the silver in the silver dollar is worth between 85 and 86 cents; so that now, instead of 412½ grains of silver being equal to a dollar in gold, it requires, as near as may be, one ounce, or 480 grains of standard silver, to be equal in market value to a gold dollar.

So, then, this first expectation of the friends of the bill has utterly failed. Not only has this law not restored silver to its former ratio, but it has gone down gradually in the face of a determined effort on the part of the United States to prevent that depreciation. It only shows that although the Government of the United States is very powerful in money affairs in this world, it is not powerful enough to prevent that inevitable and continuous depreciation of silver compared with gold that has gone on since the discovery of America, and no power on this continent can prevent that gradual widening of the margin between these two metals. The only question to me of practical politics is whether we ought not ourselves to respect what we can not resist, and not, like King Canute, wait until the tide overwhelms us. Should we not change our ratio, as other nations have done before us, and seek by adapting our coinage to the relative market value of the two metals to check the depreciation of silver, or at least to coin silver at the same value we pay for it, and not try to make a delusive profit out of our own citizens?

But there was another expectation which has not been realized. It is shown that the silver dollar will not circulate among the people. It was firmly believed when the law was passed that the silver dollar would be taken everywhere, and to a certain extent it is taken everywhere as a matter of convenience; but that this silver dollar will not be hoarded or laid away in the stockings of the most ignorant man in the United States, that it will not be received and held with confidence, is shown by the experience of the whole country. Only forty-one millions of silver dollars are now in circulation, and any attempt to force the circulation of silver dollars has proved utterly unavailing. Every Secretary of the Treasury who has been in office since the passage of that law has tried his utmost to induce the circulation of the silver dollar.

Mr. MORGAN. Will the honorable Senator allow me to inquire whether while he was Secretary of the Treasury he did not succeed—it was in the last year of his administration, I believe—in buying about eighty or ninety millions of gold coin with silver certificates?

Mr. SHERMAN. Undoubtedly. I will come to that presently.

Mr. MORGAN. Will the honorable Senator explain how he managed that?

Mr. SHERMAN. I will do that with the greatest pleasure, and if I do not answer the Senator I will give it up; but I want to go on now in the order which I have proposed to myself.

That this silver has not circulated is shown by the fact that but $41,000,000 of silver dollars are now held by the people, while the enormous sum of $334,000,000 of gold coin is now held by the people of the United States according to the last report of the Director of the Mint. Whether that is exactly the sum or whether it is more or less no man can tell; but that is the estimate of the Director of the Mint, who is known to be in favor of the silver standard. So that gold, which is measured by its market value in all the markets of the world, does circulate and is hoarded in large masses by banks and by private individuals, and yet the silver dollar, known to be of less market value, is not hoarded, but is kept in the Treasury of the United States.

That this silver dollar will not circulate as money except to a limited extent is shown by these figures. It is maintained at par with gold like paper money, by being received for all dues to the United States; and there is the answer to the inquiry, and the pertinent one, made by the Senator from Alabama. Why were we able to exchange silver certificates for actual gold coin and bullion? It was because we received those silver certificates as the equal of a gold certificate and of gold coin.

Mr. MORGAN. They were redeemable in silver.

Mr. SHERMAN. They were by law and on their face redeemable in silver, but in fact and by law they are redeemable in gold while we are at the gold standard. They are receivable for all public dues, they are receivable in payment for everything; and therefore a merchant or a man desiring to purchase wheat or cotton in the South (and most of these transactions occur at New Orleans, where the silver certificates were issued in exchange for gold bullion sent to buy cotton) received the silver certificates because they were convenient to handle, they could be paid out as an equivalent of gold, they were treated by the Government of the United States as gold, and they are now to-day the equal of gold—not that the money in which we agreed to pay them is equal to gold, but because all the people and Government of the United States receive them as gold, and as long as we treat them as gold they will be as good as gold. Why is the United States note the equivalent of gold coin? Because the United States has promised to pay its notes in coin and maintains a policy which keeps them at par in gold coin, although the United States has not in its vaults to secure their payment more than 30 or 40 per cent. of gold or silver coin to meet each paper dollar, and because a great country like ours treats them as gold, pedeems them as gold. This makes a paper promise that has no security behind it whatever in the present state of the money market as good as gold coin, because the people regard it and receive it as good as gold and convertible into coin if demanded. That is the reason why to-day gold is given for silver certificates. Gold is deposited, and as a matter of convenience rather than to handle the gold coin and bullion, especially coin of foreign countries sent here to purchase our domestic products, it is exchanged for that form of paper money which people can get and which they can use as the equivalent of gold.

Now, sir, this silver that we have coined and of which we have such an enormous stock can not be exported to any country in the world; not a dollar of our standard silver dollars floats any where. It is not exported. Why is that? The Senator from Colorado [Mr. HILL], in his carefully prepared speech, says the reason why the French silver will not go abroad is because it is not worth as much as the nominal equivalent in gold coin, and our silver dollar will not circulate as silver abroad in any country in the world because it is not worth as much in intrinsic market value as the gold dollar. Our silver bullion goes abroad; but when it goes abroad it goes at 480 grains of standard silver to the dollar—its market value—and not at the nominal value we put upon the coinage. And, sir, if anything should happen to this country, any adversity in trade, any change in the balance of trade, this dollar piled up in our Treasury would only be worth so much bullion by weight and tale, and not by what we choose to coin it at. The Government of the United States, in dealing with its citizens for silver bullion, deals by the same harsh rule. It buys of my friend the Senator from Colorado silver at its market value. My friend from Colorado buys the raw bullion which he refines at its market value. He does not allow a dollar for 412 grains of standard silver, nor does the Government of the United States. Both demand 480 grains for a dollar. In other words, we treat it as a merchantable commodity, and, like a merchant, we pay the price it commands in the market. The people have a right to take your stamped dollar or not, as they choose, and they do not take it freely, because in the markets of the world for export it is only worth one dollar for 480 grains, instead of one dollar for 412½ grains. That is what you pay for it, and yet you ask them a dollar for 412½ grains. You put your stamp upon it at a cost of less than one cent and offer your own people for one dollar what costs you eighty-six cents.

Mr. President, you must remember that in case of any adverse balance of trade—and such things have happened often; I trust it may not now, and I do not think there is any sign of it now—but whenever it does happen that there is an adverse course of trade or remarkable events should spring up in Europe to make a drain upon this country for money, what money could we send? Will it be silver coin? No; it will be gold. Every dollar of that balance of trade must be measured in gold coin of the standard of 25$\frac{8}{10}$ grains to the dollar. The Senator expresses surprise that people in New York, where nearly all their commercial transactions are based upon foreign values, should rather refuse to accept silver as the basis of their payments. When they are called upon to settle balances from New York to London those balances must be paid in gold, and your silver dollars are not worth anything but the commercial value of the bullion in them, while the gold coin and the gold bullion will pay these balances and travel all over the world.

Now, sir, suppose a state of affairs should come which would lead to the exportation of gold, what would be the inevitable result? The mass of gold now in the Treasury would be gradually drained away, how rapidly no man can tell; drained away silently, moving across the water. Suppose an alarm should be sounded that the gold will disappear from our country, and that all our standards of value were to be based upon silver which will not go abroad and will not be taken abroad, do not Senators know that that would create the most fearful contraction of the currency in this country that we have ever witnessed? The suspension of specie payment in 1837 brought this country to the very verge of bankruptcy, and because in the wild improvidence of those times they cared neither for silver nor for gold, they wanted red-dog money, paper money issued by banks all over the country. The result was that when the credit of these banks failed and their notes ceased to circulate as money and there was a demand for real money, there was no money to pay and the country was bankrupt. We can not be brought to such a position, because even if we were driven down to the silver standard we still should have a solid basis of coin to rest upon, but it would be coin worth 15 or 16 per cent. less than the par of gold.

What would be the effect of that upon all business? Laboring men who still would receive their dollar worth only 85 cents would think they were getting a dollar, while in fact they would be cheated out of the 15 per cent.; their wages would not advance so as to meet this premium, while sagacious and shrewd business men, knowing the exact relation of these moneys to each other, would make their commercial arrangements suit. They might not lose, but the men who labor, the smaller tradesmen of the country, the farmers of the country, who do not understand the mysteries of exchange, would certainly find a dollar worth only 85 cents, with a purchasing power of only 85 cents, substituted in place of the dollar of gold coin worth 100 cents on the dollar in all the markets of the world. What kind of a contraction would that be? The very moment that a gap of one half of 1 per cent. occurred between gold and silver, that moment the gold would be hoarded and exported and shipped to other countries, and that would make a sudden contraction of all that mass of money upon which our great business transactions rest.

It is this fear that excites the minds of business men, and it can not be eluded by any such reasoning as that of my honorable friend from Colorado. Business men in the world use weights and measures, not nominal coins; but weights and measures according to the values of the world. They would hoard and export and sell at a premium the gold of the country, leaving the silver to measure the ordinary transactions of life. And that would create a contraction more marked, as I said, than any other event in our history, perhaps, except the panic of 1837, when there was an entire dropping out of the whole system of paper money of the country and of all the money of the country.

Mr. President, look at the inevitable result of this thing if it should happen. The Senator says it will not happen. I hope to God it will not. It will not if Congress is wise and our people are strong. I do not think it will, because I think the strength of our country will enable us to carry more and more in the Treasury of the United States of this idle money which in an emergency is only good to sell at so much a pound. Because we are strong we are able to bear this load, but we can not go on indefinitely. If we come to the single silver standard, then a pound sterling of England's which is now $4.86 will be worth $5.56; a franc of France which is the second monetary standard of the world, instead of being a little less than 20 cents, would be

worth 23 cents. All the money arrangements of this country would be deranged by the sudden fall in the standards of value, which can not be measured except by a man shrewd and wise, a business man who studies out these decimal fractions to their last figure, while the mass of our people, believing still they have the dollar of the daddies, think they have as much purchasing power as they had in former times, but they will find they are deceived.

Mr. WILLIAMS. I should like to ask the Senator from Ohio a question for information. There is no Senator better informed on this subject than himself, and I should like him to answer me this question. According to his theory the coinage of silver will drive gold out of the country; if so, how does it happen that there is more gold in the country to-day than there was when the silver bill passed?

Mr. SHERMAN. The answer to that is very obvious, that for a number of years we have had the good fortune until the last two or three years of having the largest balance of trade in our favor probably in the history of mankind. At one time it amounted to enormous sums, and that brought gold, and nothing but gold, to pay that balance of trade. It only illustrates the argument I have made that where the balance of trade is in our favor it does not make any difference what we have for money; it is all the gold standard. When it is against us, then the gold goes off. But what was the condition of those countries which had to send us their gold in 1876, 1877, 1878, and along there? Many of those countries were brought almost to the verge of destruction when they had to send to us for food. We drained the Bank of France of gold, and at one time it appeared as if the Bank of France would totter to its fall, because it had an enormous accumulation of silver coin and the gold was steadily drained off.

Mr. WILLIAMS. Then I would ask the Senator if it would not be wisdom to wait until the balance turns against us before we venture to reverse our silver policy?

Mr. SHERMAN. Ah, it will then be too late. You must remedy these difficulties before they occur, and even before they begin to approach, because the very moment the balance of trade turns against us or some event occurs which demands enormous sums of money in a European war, or something of that kind which we cannot foresee, the drain comes. The drain comes from the gold of the country, because that is the only money that will circulate all over the world. That gold measures all values.

If we should ever come to a single silver standard we separate ourselves then from all the civilized and Christian nations of the world in our commercial transactions. Although France has a double standard like ourselves, yet she maintains with the utmost care the standard of gold, and whenever the gold begins to diminish she watches and strengthens her reserve, and so with Germany and all the powerful countries of the world; all their transactions are based upon the gold standard. If we go to the silver standard, we then recede from our association and fellowship with all these commercial nations and take our place by Japan—no; Japan is now a gold country—take our place with China and the South American republics, and we separate ourselves from the great, powerful, Christian, intelligent, and civilized nations of the world in our financial operations.

Mr. President, Senators may say to me it is easy to criticise, but what remedy do you propose, what have you to suggest. My friend from Colorado has said that we who are opposed to continuing the coinage of silver do not propose anything. Well, how foolish it would be for us to propose anything; how idle it is for the Secretary of the Treasury to say anything about it. You can not change this law, or speak of silver until a popular sentiment in this country demands it, or until some great danger which wise men like you ought to perceive threatens the country, when public opinion and the good sense of the people will compel a remedy. Therefore it would be idle for those who entertain my opinions about this matter to offer remedies until the time comes when the public mind will listen to some discussion on the subject.

My first idea is to stop the coinage of the silver dollar. The time the silver bill was proposed I happen to know, and I think my friend from Iowa [Mr. ALLISON] will bear me witness, that it was not expected then that the law would continue forever. It was not expected that this enormous accumulation of silver dollars piled up in the Treasury would be continued for all time. It was supposed a time would come when either the effect of this law would bring us back to the old ratio of 15½ or 16 to one, or else that we would adopt a new ratio, with the concurrence of foreign nations, and therefore the law introduced by the Senator from Iowa provided that while this coinage was going on we should commence an international negotiation to try and get a new ratio. Everybody felt that a new ratio was necessary. But that failed. Now, I do not know anything better than first to stop the coinage of the silver dollar and await events. The Senator from Colorado says that would create a still greater depreciation of silver. I do not believe it. I did not believe that the passage of the bill would appreciate silver, nor has it, nor do I believe the stoppage of the coinage of silver would depreciate the value of silver bullion to the miner.

I am as much bound to respect the interests and take care of and foster the people of Colorado as I am those of Ohio. I do not believe it, because the market will absorb the silver; at any rate, our owning it does not seem to prevent its depreciation, and our coining it has not stopped the slow and gradual decline. Indeed, sir, it has declined more since the passage of the law of 1878 than it has in any other period of fifty years before. So that has not helped it. I would, therefore, stop the coinage of silver.

Again, I have no objection whatever to continuing further negotiations, but I am sorry to say that I do not think this is a very hopeful project. I wish I could see it. I think that Great Britain at least has deliberately made up its mind that it will not change its coinage law, that it will treat silver simply as a subsidiary coinage and gold as the standard of value. But behind England is the enormous population of India, which absorbs more and more of silver and they still demand it. England is very much embarrassed by that question; her exchanges are constantly disturbed; her bonds and railroad securities based upon silver are constantly disappointing the expectation of the holders of those securities in England. So there is a growing feeling in that country that so far as India is concerned they are willing to negotiate, not for Great Britain but for India. They will negotiate just as Spain is negotiating for Cuba and Porto Rico and not for herself. There may be some hope with France also. The great trouble is that her silver standard is still lower than ours, 15½ to 1. To the French people the restoration of silver to its market value compared with gold would be an enormous loss. Probably the Senator does not overstate that, but they must see that the time is coming when they must meet this loss.

It may be asked what remedy do I propose. Why, sir, if I had the power I would enact this day in a law five lines long that every dollar hereafter issued from the Treasury of the United States should contain 470 or 480 grains of standard silver. I would recoin every silver dollar. What is the objection to that? It will cost us some money? No, it will not cost us any money, because we have made a nominal profit in the Treasury of the United States by buying bullion of our miners at market value and coining it at a nominal value. We have a great fund in the Treasury of the United States called the silver-coin profit fund. That silver-bullion profit fund is a fraud upon the miner. I say I would coin a silver dollar containing 470 or 480 grains. The precise market value of an ounce of standard silver, nine-tenths fine, now is one dollar and two mills. To coin a dollar weighing just one ounce troy would be to slightly underestimate silver, because that coin would be worth a little more than a dollar. I think that the silver dollar ought to be of a less value somewhat, but approaching the market value of a gold dollar, and contain from 470 to 475 grains.

That is a question which ought to be determined by a careful analysis of those values, by a careful study of the value of silver for a number of years, and even if the coin should be reduced so low as 460 grains, yet, as that approaches within 3 or 4 per cent. of the market value of silver, it would not be so objectionable. I would place it so low that the miner of this country would, when the new coinage was adopted, get more for his silver bullion than he does now. I would stake my reputation, what little I have—I would stake everything I have—that if the Government of the United would coin a silver dollar worth in market value a gold dollar, or within 2 or 3 per cent. of it, that silver dollar would be received as the silver dollar of mankind; then our silver dollar would go to China, it would go to India, it would go anywhere, because it would be measured by its market value.

Mr. ALLISON. Will the Senator allow me to ask a question?

Mr. SHERMAN. Certainly.

Mr. ALLISON. Would you then open the mints for the free coinage of silver at the ratio stated?

Mr. SHERMAN. I do not think I would, although I should not have much objection to it.

Mr. WILLIAMS. In that connection I should like to ask the Senator from Ohio a further question.

Mr. SHERMAN. I will hear the Senator.

Mr. WILLIAMS. If there is a necessity for increasing the amount of silver in a dollar to make it current, what is there to prevent the bankers and moneyed men of the world, in other words, the gold-bugs, from still discrediting it and requiring still more silver to be put into the dollar? We believe the fixed purpose of the men who advocate a monometallic system to be to discredit silver altogether and drive it out of the coinage of the world.

Mr. SHERMAN. I wish I could cure my friend from Kentucky of the idea that the bankers, or business men, or moneyed men of the world have the power to do what he supposes. They have no power over this question. The United States has no power over this question, but the United States Government is stronger than all the moneyed men of the world. The United States has tried this experiment to advance the value of silver and it has failed. No, sir; market values are mysterious qualities made up by a combination of circumstances, no man can tell how or when. If anybody could make market value he might soon become the richest man in the world or that ever was in the world. I think it could be quoted from the experience of those who have made great fortunes that when they undertook to reason merely about what the market value would be they have almost always been disappointed. Nobody can make the market value of an article that is circulated all over the world, that exists to the amount of three thousand millions of dollars of each metal. It is utterly idle. It is like the ocean, great and strong. The market value of gold and silver will seek its level, and

neither potentate nor power can change it, and the money kings are as weak as King Canute in resisting the tide.

Mr. President, the Government of the United States might do what I propose without loss. It so happens that we have bought silver in a constantly falling market from the rate I mentioned awhile ago from $1.18 an ounce fine down to $1.11, and the silver profit that we have in the Treasury is almost sufficient, yes, it is sufficient—I have had the computation made—excluding the forty-one millions outstanding and that ought to be redeemed and reissued to the full value undoubtedly—excluding this the money in the Treasury is more than sufficient to make every one of these dollars equal to the market value of gold.

Mr. INGALLS. What is the amount of that fund?

Mr. SHERMAN. I can not say without referring to the books, but I think it is twenty-odd millions. It is about 15 or 16 per cent. of the whole value. One hundred and eighty-four million dollars is the whole amount issued.

Mr. INGALLS. Fifteen per cent. of $184,000,000?

Mr. SHERMAN. Yes; that would make between twenty-five and thirty millions.

Mr. President, I would not undertake myself to fix the ratio of the gold or silver dollars, nor what market ratio it should have, whether 18 to 1 or not. That I think ought to be settled by a commission of experts. We know how it was done in times past. Alexander Hamilton, when he was called upon to pass on this very question, sent and procured the coins, both gold and silver, of all countries. They were melted in crucibles, and then he took the average as near as he could ascertain it—not he himself, but skilled experts selected by him took the average, to ascertain the relative value between these two metals, gold and silver, in actual circulation. He came to the conclusion that it was somewhere between 15 to 1 or 15½ to 1, and as it approached nearer to 15 to 1 than the other, he adopted 15 to 1 as the ratio of market value in those times. That was in 1791. In 1795 the French Government, being involved in the same difficulty, took the same method, and they ascertained that Mr. Hamilton had overvalued the silver, because there was more abrasion in the silver coin than in the gold coin used in the test.

No people in the world are more careful in scientific questions like this than the French, and they determined that 15½ ounces of silver were required to be equal to 1 ounce of gold in market value, and they adopted that standard, and that was the standard, of the world for fifty years. Up to that time it had varied in different countries. Great Britain, under the lead of Isaac Newton, in 1705 or 1706, had this same question before them. They did exactly what I propose now should be done. They paid out of the treasury of Great Britain enough money to make their defaced and worn silver coin good—equal to gold. It was believed at that time that that was the cause of riots. The people felt that they were aggrieved, and within one year after it was done Sir Isaac Newton became famous, not only for this financial operation, but for the great philosophic achievements of his mind. The history we are passing through is only the history of ages that have gone since silver was measured out to pay for the graves of Machpelah. It has gone on year by year, and these ratios have changed, and intelligent nations have adapted their coinage to the change.

Sir, I say again that if I had the power to-day to frame a law with a perfect consciousness that what I would propose would be right, I would ascertain by the best means I could the present market value of these two metals compared with each other, not as estimated by the United States or by my friend from Colorado, who deals in one of these measures, but by the sober judgment of mankind, taking the values of India and China, where coins go a great deal further than they do here, and ascertaining the exact market value of these two metals, and then open the doors of the mint and give to every silver dollar that bears the impress of the United States the weight of standard silver equal, as near as may be, in market value to 25.8 of standard gold.

It may be said they will vary. They will vary, but they will vary after we are dead and gone, as they have varied in former times. A well-considered arrangement of this kind would be acquiesced in by the civilized world. What would be the effect upon our miners? Then our silver dollar, no longer depreciated, no longer dishonored, no longer sneered at, would go everywhere at what it calls itself—a dollar, worth a dollar in gold, or in rice, or in wheat, or in the productions of any land or of any clime. Then we should not have to close the vaults of the Treasury on one hundred and forty-odd millions of silver dollars; then we should not have to buy of the miner like a miser, at the lowest market price, and sell our coin at 15 per cent. premium when we had expended three-fourths of a cent upon it.

It is said this would cost a good deal. Here the silver in our coins is already refined and reduced to the exact proportions required for coinage, and an expert tells me that all this silver could be converted into any other silver coin, containing a greater amount of silver, but of the same proportion of pure metal and alloy, for from a third to half a cent apiece, or less than that. I have no doubt the whole of this could be coined at an insignificant sum—less than we would appropriate for our posies in the Botanic Garden, or anything else.

My friend brings in all these little extravagances of Congress to illustrate his argument. I can say that for less than we expend in a single day uselessly we could pay the expense of this recoinage, and then our dollars, when paid out to our people, would be hoarded in the stockings of the country; hoarded in these little cribs, as the ancient dollar was in the olden times, when the silver in the stocking would be brought out in a time of emergency. Then our citizens, no longer fearful of the market value of this silver, would hold on to it as a sure reliance for a rainy day. They would not be so eager to carry this money to the savings banks and to other depositories where it may be wasted and lost. They would accumulate it in their own treasury, and it would be far safer in their hands than in the Treasury of the United States.

Mr. President, I think I have said all that it is necessary to say. The advantages of this system would be that we should have a sure market for all our silver. It would go abroad everywhere, and the very fact that the United States had openly and aboveboard weighed the scale between these two metals after advising with French scientists, if you please, and all kinds of people, after having conferred with Great Britain, if you please, as to what is best for India, we might make the coin of the world. I hope to live long enough to see the day when the silver dollar of the United States, improved just as our fathers would have improved it, made equal in value to gold, will travel side by side with our eagle and our double eagle, the standard of all the commercial countries of the world. I believe the result of this would be to give to our miners a better market for their silver. It would no longer be a hooted-at metal, pushed upon an unwilling people at less than its value; it would be exported, made available for foreign as well as domestic commerce. Another thing it would do, it would compel other nations to conform to our standard.

England coins her fractional silver far below its value, much more below its value than we do ours. France coins hers at much below its value. All the European nations do it, but by a kind of arrangement or treaty stipulation between them, they maintain the credit of their respective coins by redeeming them just as we maintain the credit of the standard dollar by redeeming it. But that does not relieve us from the difficulty when evil times come upon us that this money in our Treasury is simply hoarded bullion and can not now be exported. Then it would be exported and our silver money would float in every country in Europe where silver is greatly desired and greatly liked. In France itself, where silver has been the chief coin among the people, it is now beginning to be a little under color, because of its known depreciation.

Our silver dollars, if brought up to the market standard, would replace the silver of France, and they would be compelled by the law of self-preservation to make their coin something equivalent to the gold standard. So that effect would be produced.

Now, sir, I must say to my friend from Colorado—he may sneer at those who have my views on the subject of silver—that I am in every fiber of my body a bimetallist. I think that the attempt to establish gold alone as the monetary standard of the world would bring destruction upon millions and hundreds of millions of people; but to be bimetallists we must make our metals equal in market value. A man is not a bimetallist who would coin either at less than its market value and try to palm it off on his people for more than its market value. Put these two metals on their legs side by side with each other, measured by the judgment of mankind as to their market value, and I believe during the life of the longest liver of all who hear me, they will be regarded as the equivalent of each other; they will be bimetallic money in the broad sense of the term, and the United States will have had the honor of relieving the whole world of a difficulty that now agitates cabinets, countries, poor and rich, in all parts of the civilized and even of the savage world.

Mr. ALLISON. Mr. President, I had no expectation that this question would come before the Senate to-day, but I regard it as the most important question that has appeared or can appear during this term, and I desire to say a few words with reference to the present situation, and especially do I desire to present my own views upon one topic mentioned by the Senator from Ohio.

The Senator from Ohio says that the coinage act of 1878 was intended as an experiment. It was intended as an experiment in one sense, but the Senators and the men who intelligently considered that bill predicted at the time of its passage what would be the effect of it. It was not supposed then that the coinage of the silver dollar of 412½ grains would go on continuously. We all knew perfectly well that if it went on to an unlimited extent indefinitely the effect of it would be in time to make ours a silver country with respect to the standard of value. But we believed that if a sincere effort were made to secure an international relation between the two metals the effect would be to bring about the coinage of silver and gold at a par with each other within a reasonable time, and I remember perfectly well when that bill was under consideration in the Senate I had the honor to make a few remarks upon it, in which I said, as I say now, that the mistake we made was in coining a dollar of 412½ grains. We did that then in pursuance of a sentiment, which sentiment had grown up in this country, that the prohibition of the coinage of silver was surreptitiously passed through the two Houses of Congress, and the people cried for the 412½-grain

dollar and the House was in favor of that dollar. If we had coined a dollar of 400 grains and placed ourselves in relation with the rest of mankind upon silver we should by this time have had silver and gold at a par with each other.

The Senator from Ohio says that silver has been gradually depreciating in value for centuries. In 1873 when we ceased the coinage of silver it was 3 per cent. in value higher than gold in this country. Why? It was because we were then coining a 412½-grain dollar when France was coining a 400-grain dollar and the two were at par with each other; and this parity would have existed for all time between the gold and silver in this country. Why? Because our dollars of 412½ grains could be shipped to France and sold to their mints that were then coining free at 400 grains, and a profit of 3 per cent. would have been made.

It was not a natural cause that brought about the fall of silver in 1873. It was because Germany changed her standard from silver to gold, and publicly proclaimed that she would sell every dollar of silver in the hands of her people as fast as it could be redeemed at her mints or in her treasury, and she compelled the Latin Union, of which France formed a conspicuous part, to cease the coinage of silver free, as it had been coined for nearly a century before. That was the reason of the depreciation of silver.

The Senator from Ohio talks about the market value of silver. That is a mere surface view of the question. What is it that makes market value? It is the cost of production and use. The use of silver constitutes one of the chief elements of its market value. Let the mints of France and of Italy and of Germany, if you please, be opened to the free coinage of silver as well as the mints of the United States, and if we have a common standard the parity of value between silver and gold will at once be restored, as it existed for more than seventy years on the continent, from 1793 to 1871. Therefore, this question is an international question, and it can not be made anything else.

As to the Senator's idea that we can coin a 470-grain dollar or a 480-grain dollar, I asked the Senator from Ohio if he would open our mints to the free coinage of silver at that ratio. He said he would be perfectly willing to do it. What would be the effect of that? Germany would at once unload all the silver she has into the United States, and we should be coining 480-grain dollars, and would more rapidly come to a silver standard than we can possibly come with a restricted coinage of $28,000,000 per annum.

Every country in the world that has any silver in circulation, except the United States and Mexico, has it at the ratio of 15½ to 1. According to the report of the Director of the Mint which I have in my hand (I glanced at it) there are $550,000,000 in France to-day circulating at a ratio worth 3 cents less upon the dollar than our own. There are in circulation a thousand million dollars of silver, the rupees of India, coined by the mints of Great Britain, where they have free coinage of silver to-day in India, a thousand million dollars of it at the ratio of 15½ to 1. There are nearly $200,000,000 of coin to-day in Germany; and, although its circulation was interdicted in 1873, the German Government has never taken in these coins, and they are circulated there, between $150,000,000 and $200,000,000 of them, to-day at the rate of 15½ to 1, 3 per cent. less than our own, and they are a full legal tender in Germany for every debt due to every citizen of Germany; and so it is in France.

Mr. MORRILL. They are limited.

Mr. SHERMAN. They are limited in amount.

Mr. ALLISON. Undoubtedly they are limited in amount, but they have nearly as much silver in Germany to-day, although in 1873 they declared that the treasury should take in those German coins and coin marks instead, and do it upon a scale of so much per capita. Yet Germany has never done that. Why? Because her people are in hostility to the single standard of gold, and after selling $100,000,000 or $150,000,000 of her silver she ceased drawing in her silver. As those who have traveled in Germany know perfectly well, the German silver coins are there to-day in circulation and are a full legal tender. So it is in France.

Now, just when we are to cease coining silver is a question that we ought to consider. It is an important question, affecting all the people of this country and all our interests. I do not know but that we ought to do it this year; I do not know but that we ought to do it next year; but one thing we ought to do first in my judgment, and that is, make an honest, a sincere, and a persistent effort to see whether we can not come into relations with other governments with reference to this great question, in which they are interested as much as we are, save and except that they do not mine silver as we do. Has such effort been made? I do not know but that it has; and I do not know that it has. I have traced in vain the diplomatic correspondence upon this question, to ascertain whether our minister to Great Britain, our minister to France, our minister to Germany, have been instructed to see whether a common ratio could not be agreed upon. But even when we sent our distinguished representatives abroad for the special purpose, they were confronted at once with the question, what should be the ratio? They said they were not authorized to make any other ratio except that which was adopted by the Congress of the United States, namely, 16 to 1. What was the response of France and Italy? It was that they could not consider any other ratio except that of 15½ to 1, because they had $900,000,000 or $1,000,000,000 at that ratio. There was the difficulty met at the very threshold of the negotiation.

Now is the Congress of the United States ready to follow the Senator from Ohio in fixing a new ratio? If it is, then the diplomatic representatives of this country can say to foreign governments, we are ready to coin the silver dollar upon the ratio of 18 to 1, or 19 to 1, or 15½ to 1, and then we can see how much progress we can make in this international negotiation.

The Government of the United States can not continue to coin silver indefinitely without coming to a silver standard. No single nation can do it. Therefore this matter must be settled in the end by diplomatic arrangements with a sufficient number of countries who will make silver and gold at some ratio upon a par with each other.

That is all I desire to say upon this subject at this moment. I believe myself that the only way to secure international agreement is to adopt the ratio of 15½ to 1 and recoin our own dollars upon that basis; because I am perfectly sure, as the Senator from Colorado has said, that the governments abroad will not entertain the idea of paying out of their treasuries from $150,000,000 to $200,000,000 for the purpose of fixing a different ratio between gold and silver. I am very certain that Great Britain would not consent to a recoinage of a thousand million silver dollars in India upon a basis which would contemplate the loss of 10 per cent. or 15 per cent. of that thousand million. More certainly France would not do it, nor would Germany.

Mr. President, I did not expect to take part in this debate. I express no opinion now as to when I shall be willing to stop the coinage of silver. I may be willing to do it at this session if it is a practical question, because, whether we continue to coin silver or not, the only way to fix the relative standard of value of these metals is by international arrangement at most. So whatever we do must be done tentatively and for the moment, regarding our own interests for the time being. I believe it is our interest to make an honest and sincere endeavor to secure an arrangement with other countries with relation to the coinage of both silver and gold upon some parity of value.

Mr. BECK. Mr. President——

Mr. COCKRELL. Will the Senator yield for a motion to adjourn?

Mr. BECK. I will yield the floor in a minute. I do not propose to make a speech now, of course, but I desire, in connection with the remarks made by the Senator from Iowa [Mr. ALLISON], to say that this matter should be fully and fairly discussed at a very early day, and it should be opened up broadly, as it has been by the debate which has just taken place. I expect to show, and I think I can, that the silver dollar or the silver coinage of this country has never been treated by the administration, or any member of it, with anything like reasonable fairness, and that the reason why silver is to-day depressed as much as it is grows out of the hostility of our own Government, and no man has evinced that hostility more absolutely than the Senator from Ohio from his high place as Secretary of the Treasury. He was required by law and pledged himself, as he called it, to pay out all the coins received at the custom-house upon the interest of the public debt, and he made a report to this body in which he said that, although silver coin was paid to him as Secretary of the Treasury for customs dues and he was obliged to take it, he had never paid one dollar of it to a creditor of the United States as interest on the public debt, though the law required him to do it, but he had made an earnest effort all the time to depreciate it. He made the same speech that he made to-day—and I will read it the first time the question comes up—in regard to the coinage of the trade-dollar that he was going to float all over the world with "In God we trust" instead of the eagle or buzzard or anything else, to use his own expression, and it was to go as American coin everywhere; and yet he has been the worst enemy of that dollar ever since.

To-day we have only $194,000,000 of public debt that we can by possibility pay without going into market and buying bonds at any premium anybody may ask before 1891. That will all be paid in less than two years at the present rate of taxation, and no gentleman on the other side of the Chamber seems disposed to disturb that rate. The banks to-day hold $155,000,000 of that $194,000,000 as security for their circulation and have $136,000,000 of that circulation based upon those bonds. They tell us, and the Comptroller of the Currency tells us, that the charters of seven hundred and eighty-six banks will expire during the next year, nine-tenths of them before the 1st of July, with a capital of over $200,000,000 and a circulation of over $140,000,000. He tells us too that the banks retired their circulation to the extent of twenty-four and a half million dollars last year, and that the contraction will be $40,000,000 a year from this time on unless we change our laws. These are your official reports. Of course the very moment the United States becomes the purchaser of bonds and has to pay the premium that anybody desires, the banks will sell the fours and four-and-a-halfs they have and pocket the premium and withdraw their circulation, because they can carry on their banking organization with only $80,000,000 under the law we passed two years ago. So says the Comptroller, so says the Secretary of the Treasury; and the Senator from Ohio seeks now in the face of facts like these to destroy every substitute, and leave us at the mercy of a body of national banks who we are told must necessarily contract their currency $40,000,000 a year and have already contracted it $24,500,000 in the year just gone by.

Mr. SHERMAN. Mr. President——

Mr. BECK. The history of this—let me read before you interrupt——

Mr. SHERMAN. I should like to have——

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield.

Mr. BECK. I will yield in one second. I ask the Senator to listen to this. This is my opinion. The whole history of the silver question is written up thoroughly and well in the Croker papers. The memoirs will be found in the Library. I hope the Senator from Ohio will read them. In speaking of the Duke of Wellington, Mr. Croker said:

> What amused the Duke of Wellington most was the "boldness" of Talleyrand's duplicity. "Would you believe it that at Erfurt, when Bonaparte met the Emperor of Russia to persuade him to join in overwhelming Austria, Talleyrand, the minister for foreign affairs, who all day long labored under Bonaparte's vigilant eye to carry this object, used to visit Alexander secretly at night, and furnish him with every argument, reason, or pretense which he could discover or invent against Bonaparte's plan?" This, he said, was told him not only by Talleyrand himself, but also by "the Princess of Tour and Taxis," at whose house these private meetings took place."

That has been the history of the treatment of silver from the day that we ordered it to be remonetized. We have pretended to negotiate——

Mr. SHERMAN. I hope now my friend from Kentucky will allow me to interrupt him.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield?

Mr. BECK. Yes, sir.

Mr. SHERMAN. Where have I ever said anything against the silver certificate? Where have I said anything against the silver dollar, except to make it good? On the contrary, if I may be allowed to claim any credit for it, I claim to have done as much as any one could possibly do to keep the silver certificate in circulation. I believe that a gold and silver certificate is the best form of paper money that was ever devised. I hope, therefore, the Senator will——

Mr. BECK. I hope when this discussion comes up again I shall show from report after report of the distinguished gentleman as Secretary of the Treasury that he has denied that we had a right to pay our creditors in the silver coin of the country——

Mr. SHERMAN. Ah!

Mr. BECK. Although the act of July required, and it was written upon the face of the bonds, that it was to be paid in the coin of the country, which embraced both gold and silver of the standard value of that day.

Mr. SHERMAN. What was the date of that act?

Mr. BECK. If that was not hostility to silver, I do not know what was. Now, let me ask the Senator——

Mr. SHERMAN. I ask the date of that act.

Mr. BECK. Why did he fail to comply with the law, and pay the silver dollar received for customs dues, as the laws required him, on the interest of the public debt?

Mr. SHERMAN. To what act does the Senator refer?

Mr. BECK. The act of July 14, 1870, and the act of February 25, 1862, which pledged all the coin received from customs first to the payment of interest and then to the setting apart of a sinking fund. Did he ever pay a dollar received at the custom-house——

Mr. SHERMAN. The act to which the Senator referred by date a moment ago was passed a year or two after I ceased to be Secretary, and I have not had a chance to pay out any, except what I received as my salary.

Mr. BECK. The law remained unchanged and the Senator remained Secretary, and he refused to pay in obedience to law the silver coin received at the custom-house, though the law required him to do it.

Mr. SHERMAN. What law?

Mr. BECK. And it could have been done for no other purpose except to keep it out of the hands of men whose interest it would be to circulate it and make it good, and to keep it in the Treasury and raise the clamor that nobody would take it, when he would not pay it to anybody who was obliged to take it.

Mr. SHERMAN. On the contrary, the law required that to be done which was done. The Senator can certainly tell me——

Mr. BECK. I will get the Revised Statutes and read the very fundamental law which has been regarded all the time as the law that prohibits us from taking greenbacks——

Mr. SHERMAN. My impression is that there was no express law requiring the payment of silver certificates and silver coin on the interest of the public debt until after I ceased to hold the office.

Mr. BECK. I beg pardon. I will find it in a moment, I think.

Mr. SAWYER. Will the Senator give way for a motion to adjourn?

Mr. BECK. Yes, I will, and find it in the morning.

Mr. SAWYER. The Senator from Kentucky gives way, and I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Wisconsin?

Mr. BECK. Yes; I give way.

Mr. SAWYER. I move that the Senate adjourn.

Mr. HARRISON. Mr. President——

ADMISSION OF DAKOTA.

The PRESIDENT *pro tempore*. Pursuant to the understanding, as the Chair is informed, the Chair lays before the Senate the regular order, being the Dakota bill.

Mr. HARRISON. Will the Senator from Wisconsin allow me to make a statement?

Mr. SAWYER. Certainly.

Mr. HARRISON. To-morrow I shall ask the Senate to conclude the consideration of the Dakota bill. It has been dragging along nominally before the Senate for some days, but I think not four hours have been consumed upon the bill. I shall ask to-morrow at 2 o'clock that it be proceeded with without interruption until it is disposed of.

Mr. SAWYER. I renew my motion to adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 15, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Friday last was read and approved.

CONTINGENT FUND OF THE STATE DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting statement of the expenditures of the contingent fund of the State Department for the year ending June 30, 1884; which was referred to the Committee on Expenditures in the State Department, and ordered to be printed.

RIGHT OF WAY THROUGH DEVIL'S LAKE RESERVATION.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs, with accompanying papers, recommending the passage of a bill granting the right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation, Dakota; which was referred to the Committee on Indian Affairs, and ordered to be printed.

POSTAL-CAR SERVICE, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Postmaster-General of $100,000 for postal-car service, and $75,000 for pay of the clerks in post-offices, to supply deficiencies in the appropriations for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

COST OF COLLECTING CUSTOMS REVENUE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of the cost of collecting the revenue at each port of entry in the United States for the fiscal year ending June 30, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

FRANK W. LYNN.

Mr. DUNN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the widow of Frank W. Lynn, late an employé of the House, a sum equal to his salary for six months, and also the necessary funeral expenses, not to exceed $250.

O. W. STREETER.

Mr. WHITE, of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1821) authorizing the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860, and put the same on its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

Mr. GEORGE D. WISE. I call for the reading of the report accompanying that bill.

The SPEAKER. There is no report, the Chair is informed, accompanying this bill, it being a Senate bill on the Speaker's table.

Mr. HOLMAN. I think that had better go to the Committee on the Census.

The SPEAKER. The Chair must recognize the gentleman from Indiana as objecting to the present consideration of the bill. If there be no objection the bill will be taken from the Speaker's table and referred as indicated by him.

Mr. SPRINGER. I ask unanimous consent for the present consideration of a resolution which I send to the desk.

Mr. WHITE, of Minnesota. Mr. Speaker, this bill, I will say to the gentleman from Indiana, has already been reported unanimously by a committee of this House.

Mr. BROWN, of Pennsylvania. The Committee on Claims have reported it.

The SPEAKER. The Chair was informed that there was no report accompanying the bill.

Mr. WHITE, of Minnesota. There is a report accompanying the House bill.

Mr. GEORGE D. WISE. I ask for the reading of the report.

Mr. HOLMAN. If this has been passed upon by the Committee of Claims of this House, which is also a proper committee to consider this subject as well as the Census Committee, I ask for the reading of that report, and I presume it will be found to justify the action sought by the gentleman from Minnesota.

The SPEAKER. The report accompanying the House bill will be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STOCKSLAGER. It seems to me that this man has waited a long time before presenting his claim, and as this covers quite a large sum of money, I would therefore like to hear some explanation with reference to the matter before action is taken upon it.

Mr. WHITE, of Minnesota. There is no sum of money appropriated except such sum as the Secretary of the Interior shall find to be due to this man for the services performed.

Mr. STOCKSLAGER. Why has action upon it been so long delayed?

Mr. WHITE, of Minnesota. If the gentleman from Indiana had observed the reading of the report he would have seen that there were many reasons which necessitated it. The report was made to the Census Bureau in 1860. The claimant shows further that his vouchers and receipts were destroyed by fire in 1862, and also that his going into the war prevented him from presenting his claim where only he could get relief for several years afterward. The delay in prosecuting the claim seems rather to have been his misfortune, and not his fault. It has been pending in the House of Representatives ever since the second session of the Forty-third Congress.

Mr. GEORGE D. WISE. I demand the regular order.

The SPEAKER. The regular order having been demanded, is equivalent to an objection.

This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to appropriate committees.

Mr. ADAMS, of Illinois. I will ask the gentleman to withdraw his call for the regular order and simply object, if he desires to do so, to the bill called up by the gentleman from Minnesota, in order that I can get a bill referred to a committee, which I have been trying to do for some time.

Mr. GEORGE D. WISE. I will withdraw the demand for that purpose.

The SPEAKER. Does the gentleman withdraw his objection to the bill of the gentleman from Minnesota? If the demand for the regular order is withdrawn simply, that bill is now before the House for consideration.

Mr. GEORGE D. WISE. I object to that bill.

The SPEAKER. Does the gentleman withdraw his demand for the regular order?

Mr. GEORGE D. WISE. I do.

Mr. SPRINGER. Then I believe that I am entitled to recognition for the purpose of offering a resolution.

The SPEAKER. The Chair will recognize the gentleman from Illinois.

PAY OF HOUSE AND SENATE EMPLOYÉS.

Mr. SPRINGER. I ask unanimous consent to submit now for immediate consideration the joint resolution which I send to the desk.

The SPEAKER. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution (H. Res. 300) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month, was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHICAGO COMMERCIAL NATIONAL BANK.

Mr. ADAMS, of Illinois. I ask unanimous consent to take from the Speaker's table for reference to the Committee on Banking and Currency the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ASSISTANT FILE CLERK.

Mr. ERMENTROUT, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be authorized to continue in the service of the House during the remainder of the session the assistant file clerk appointed under resolution of March 3, 1881, and pay him out of the contingent fund of the House the same salary heretofore allowed.

GULF AND CHICAGO AIR-LINE RAILROAD.

Mr. OATES. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1909) granting the right of way over the public lands in Alabama to the Gulf and Chicago Air-Line Company and for other purposes.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARNER, of Ohio. I do not object to the bill. But I will say that no railroad in the world needs 200 feet in width as a right of way; and if the land is worth anything it ought not to be granted.

The SPEAKER. The bill is not yet before the House. Is there objection to its present consideration?

Mr. COBB. I object, and move that it be referred to the Committee on Public Lands.

Mr. OATES. I ask but one minute to give an explanation of the bill. I think there is no necessity for referring it.

The SPEAKER. If there be no objection, the gentleman from Alabama may make a brief statement.

There was no objection.

Mr. OATES. What this bill gives to the railroad company is nothing more than they can get under the general statute except the right to take from the adjacent public lands such necessary timber and stone as they might see proper to use in the construction of the road. The general statutes give them the right of way 100 feet on either side; so that the objection interposed by the gentleman from Ohio [Mr. WARNER] is one that would go to the repeal of the Revised Statutes in this regard. This in every particular as to the right of way corresponds to what would be given by the general statute, except in the particular I have mentioned; and as a compensation for that the bill obligates this company to carry for the Government mails, troops, munitions of war, &c., which it would not be obliged to do if it obtained a right of way under the general statute.

The SPEAKER. The gentleman from Indiana [Mr. COBB] objects to the present consideration of the bill and asks that it be referred to the Committee on Public Lands.

Mr. OATES. Very well; let it be so referred.

The bill was taken from the Speaker's table, read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FRENCH AND AMERICAN MEDALS.

Mr. COX, of New York. I ask unanimous consent to take up for present consideration a small Senate bill which involves only $75 and some medals. I ask this at the request of certain Senators, and desire that the bill shall be put upon its passage.

The bill was read, as follows:

A bill (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American medals.

Be it enacted, &c., That the sum of $75 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to procure duplicates of certain French and American medals presented to Congress by George W. Erving for the use of the National Library A. D. 1822, which, being shipwrecked and lost, were replaced by Mr. Erving, and which were destroyed by the fire in the Library in 1851.

Mr. JOSEPH D. TAYLOR objected, but subsequently withdrew his objection.

There being no further objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILKINS. I call for the regular order.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions.

JAMES M'PETERS.

Mr. PRYOR (by request) introduced a bill (H. R. 7682) for the relief of James McPeters for property taken by, and for the use of, the United States Army during the rebellion; which was read a first and second

time, referred to the Committee on War Claims, and ordered to be printed.

STEPHEN J. MATTHEWS.

Mr. PRYOR (by request) also introduced a bill (H. R. 7683) for the relief of Stephen J. Matthews for stores and supplies taken by and for the use of the United States Army during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REUBEN COPELAND.

Mr. PRYOR (by request) also introduced a bill (H. R. 7684) for the relief of Reuben Copeland for stores and supplies taken by and for the use of the United States Army during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ELIZABETH ANN PORTER.

Mr. HEWITT, of Alabama (by request), introduced a bill (H. R. 7685) granting an increase of pension to Mrs. Elizabeth Ann Porter, widow of the late Commodore William D. Porter, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. OATES introduced a bill (H. R. 7686) to declare forfeited to the United States all lands granted by act of Congress to aid in the construction of any railroad which have not been earned by the grantees, and to provide for the adjudication of controversies in relation thereto; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADAM HARDIN.

Mr. OATES also introduced a bill (H. R. 7687) for the relief of Adam Hardin, a citizen of Lee County, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOT SPRINGS RESERVATION.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 7688) to regulate the Hot Springs reservation, in the State of Arkansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF HOT SPRINGS CREEK.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 7689) making appropriation to complete the improvement of Hot Springs Creek, in Arkansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. H. T. MAIN.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 7690) for the relief of J. H. T. Main; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

KANSAS CITY, ARKANSAS AND FORT SMITH RAILROAD.

Mr. PEEL introduced a bill (H. R. 7691) to grant to the Kansas City, Arkansas and Fort Smith Railroad Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MERVIN J. SMITH.

Mr. CLEMENTS (by request) introduced a bill (H. R. 7692) for the relief of Mervin J. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DILLARD M. YOUNG.

Mr. CLEMENTS also introduced a bill (H. R. 7693) for the relief of Dillard M. Young; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF ALLEN BLACK.

Mr. HARDEMAN (by request) introduced a bill (H. R. 7694) for the relief of the estate of Allen Black, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH M'DONNELL.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 7695) granting a pension to Mrs. Sarah McDonnell, widow of Hugh McDonnell, late sergeant Company H, Second United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS D. FITCH.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 7696) granting a pension to Thomas D. Fitch, late surgeon Forty-second Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES M. BANE.

Mr. CANNON introduced a bill (H. R. 7697) for the relief of Moses M. Bane, receiver of public moneys in Utah; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARQUIS D. DAVIS.

Mr. TOWNSHEND introduced a bill (H. R. 7698) for the relief of Marquis D. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF MANNING HARRIS.

Mr. RIGGS (by request) introduced a bill (H. R. 7699) for the relief of Thomas J. Harris and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES P. JUDD.

Mr. ROWELL introduced a bill (H. R. 7700) for the relief of Charles P. Judd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. DEXTER.

Mr. KLEINER introduced a bill (H. R. 7701) for the relief of John H. Dexter, of Evansville, Ind.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. HANGER.

Mr. MATSON introduced a bill (H. R. 7702) for the relief of James A. Hanger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALLEN S. THATCHER.

Mr. MATSON also introduced a bill (H. R. 7703) for the relief of Allen S. Thatcher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALTHEA A. FRASNER.

Mr. WARD introduced a bill (H. R. 7704) granting a pension to Althea A. Frasner, widow of Milton Frasner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE PARISH.

Mr. COBB introduced a bill (H. R. 7705) for the relief of Caroline Parish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PEOPLE'S NATIONAL BANK OF INDIANA.

Mr. HOLMAN introduced a bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate to the People's National Bank of Indiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Whereas this House, by resolution of the 7th day of June, 1884, requested the Secretary of State to inform this House of the mode and manner, in detail, of the expenditure of the amounts appropriated by Congress for the expenses of the French and American Claims Commission, stating when, where, to what persons, and for what purposes the moneys so appropriated had been paid, and also what amounts had been paid by the French Government for the expenses of said commission; and

Whereas on the 25th day of June, 1884, there was laid before this House a message from the President of the United States, transmitting a report from the Secretary of State inclosing a statement of the expenditures of said commission under general headings, without stating the details of said expenditures, and without any statement as to the times when, places where, and persons to whom the moneys appropriated had been paid, as was required by the said resolution: Therefore,

Be it resolved, That the Secretary of State be directed to inform this House of the mode and manner, in full detail, of the expenditure of the sums, amounting in all to $625,000, appropriated by Congress for the expenses of said French and American Claims Commission, stating specifically when, where, to what persons, and for what purposes the moneys so appropriated have been paid, giving in each case the date and amount of the payment, the name of the person to whom such amount was paid, and the object for which the payment was made; and also whether the officers of said commission, or any of them, continued in the exercise of their functions after the date fixed by treaty for the conclusion of such commission, and of the labors thereof; and, if so, how long and by what authority of law they so continued, what services they performed, and what payments were made them for the same.

Mr. HOLMAN also submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Be it resolved by the House of Representatives, That the President be, and he is hereby, requested to furnish to this House, if not incompatible with the public service, a copy of all correspondence had with the Government of France in relation to the French and American Claims Commission, since the 23d day of November, 1881, the date of the first meeting of said commission, up to the present time.

Second. Also a copy of the communication or communications made by the two remaining commissioners to the Secretary of State on the resignation of Mr. L. de Geofroy, July 11, 1881, the date when he withdrew as commissioner on the part of the French Republic, and the 13th day of October following, in relation to the resignation of said commissioner; and a copy of the correspondence between the two governments relating to the same subject, and of the notice of the Government of France respecting said commissioner.

Third. Also a statement giving the name and number of each and every claim which was withdrawn by the agent of either government after the same had been duly filed before said commission, and the reasons for such withdrawal and a copy of all correspondence between the two governments relating thereto.

Fourth. Also a copy of all reports or other communications made by the American commissioner, Hon. A. O. Adee, to the Secretary of State relating to the business

ness of said commission or to any matter or thing pending before said commission from the 23d day of November, 1881 to the present date.

Fifth. And also a copy of the reports or other communications pertaining to the French and American Claims Commission or any matter pending therein made by Hon. George S. Boutwell, the agent and counsel for the United States, to the Secretary of State from the 23d day of November, 1881, to the present date. Also, a copy of the correspondence between the two governments relating to the recall of said Mr. L. de Geofroy, and the appointment and substitution by the Government of France of Mr. Alexis Albert Lafarve as commissioner on or about May 22, 1883.

SPEECHES NOT DELIVERED.

Mr. HOLMAN also submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That there be added to the rules of the House the following, namely:

RULE XLVII.

All speeches not delivered in the House but authorized to be printed in the RECORD shall be subject to and regulated by the rules governing debate; and the Speaker is charged with enforcement of this rule.

HOLDEN COOK.

Mr. FUNSTON introduced a bill (H. R. 7707) to pension Holden Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM THOMPSON.

Mr. MORRILL introduced a bill (H. R. 7708) granting a pension to William Thompson for services in the Black Hawk war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LOUISA A. ESTES.

Mr. MORRILL also introduced a bill (H. R. 7709) granting a pension to Louisa A. Estes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL V. HALLAND.

Mr. HALSELL introduced a bill (H. R. 7710) granting a pension to Samuel V. Halland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPOSITION, LOUISVILLE, KY.

Mr. WILLIS introduced a bill (H. R. 7711) to encourage the holding of a national agricultural, horticultural, mineral, timber, and live-stock exhibition at Louisville under the auspices of the Southern Exposition Company and the Department of Agriculture of the United States Government; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ELLEN RAY.

Mr. TURNER, of Kentucky (by request), introduced a bill (H. R. 7712) for the benefit of Ellen Ray; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COMPENSATION FOR EXTRA WORK.

Mr. ELLIS (by request) introduced a bill (H. R. 7713) authorizing the Secretary of the Treasury to compensate clerks and employés for extra work performed in the exchange of bonds in the Departments; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RED RIVER COMMISSION.

Mr. BLANCHARD introduced a bill (H. R. 7714) to provide for the creation of the Red River commission, and for other purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

CHARLES E. BOLLES.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 7715) granting a pension to Charles E. Bolles, Vineyard Haven, Mass.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. ELDREDGE introduced a bill (H. R. 7716) to amend the act giving approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SETH COLVIN.

Mr. HOUSEMAN introduced a bill (H. R. 7717) granting a pension to Seth Colvin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SNYDER.

Mr. HOUSEMAN also introduced a bill (H. R. 7718) for the relief of John Snyder, Company I, One hundred and twenty-ninth Indiana Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. ROBERTS.

Mr. MULDROW introduced a bill (H. R. 7719) for the relief of Henry M. Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFUNDING PUBLIC DEBT, ETC.

Mr. BUCKNER (by request) introduced a bill (H. R. 7720) to provide for refunding the public debt, and to secure stability of the national-bank circulation, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RODNEY D. WELLS.

Mr. BROADHEAD introduced a bill (H. R. 7721) for the relief of Rodney D. Wells; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALMIRA K. PARKER.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 7722) granting a pension to Almira K. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. CLARK.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 7723) granting increase of pension to George W. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA WETHERBEE.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 7724) granting a pension to Lydia Wetherbee, dependent mother of George L. Wetherbee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK M'KEAN.

Mr. HAYNES introduced a bill (H. R. 7725) granting a pension to Patrick McKean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. BEACH introduced a bill (H. R. 7726) to amend an act entitled "An act to prevent the introduction of contagious and infectious diseases into the United States, and to establish a national board of health; which was read a first and second time, referred to the Committee on the Public Health, and ordered to be printed.

SALLY C. MULLIGAN.

Mr. ROGERS, of New York, introduced a bill (H. R. 7727) for the relief of Sally C. Mulligan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARTEN H. MOREY.

Mr. BREWER, of New York, introduced a bill (H. R. 7728) for the relief of Parten H. Morey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPROPRIATION FOR PUBLIC BUILDING, ROCHESTER, N. Y.

Mr. GREENLEAF introduced a bill (H. R. 7729) to change the limit of appropriation for the public building at Rochester, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS ALLCOCK.

Mr. GREENLEAF also introduced a bill (H. R. 7730) granting an increase of pension to Thomas Allcock; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LOIS B. SMITH.

Mr. GREENLEAF also introduced a bill (H. R. 7731) granting a pension to Lois B. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD P. QUINN.

Mr. VAN ALSTYNE introduced a bill (H. R. 7732) granting an increase of pension to Edward P. Quinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT NELSON.

Mr. PARKER introduced a bill (H. R. 7733) for the relief of Robert Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. HORTON.

Mr. PARKER also introduced a bill (H. R. 7734) for the relief of James H. Horton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY N. HUGGINS.

Mr. PARKER also introduced a bill (H. R. 7735) for the relief of Henry N. Huggins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

Mr. KETCHAM introduced a bill (H. R. 7736) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RELIEF OF AMERICAN MERCHANT MARINE.

Mr. KETCHAM also introduced a bill (H. R. 7737) to amend an act entitled "An act to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

ESTATE OF ISAAC S. HILL, DECEASED.

Mr. SKINNER, of North Carolina, introduced a bill (H. R. 7738) for the relief of the estate of Isaac S. Hill, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. JAMES H. HAFFORD.

Mr. CONVERSE introduced a bill (H. R. 7739) granting an additional pension to Capt. James H. Hafford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK NICHOLAS.

Mr. MURRAY introduced a bill (H. R. 7740) granting a pension to Patrick Nicholas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CONNELL.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 7741) to authorize the Secretary of War to grant an honorable discharge from the Army to John Connell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FIRST LIEUT. ANSON G. CARPENTER.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 7742) granting a pension to First Lieut. Anson G. Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER CASKEY.

Mr. BAYNE introduced a bill (H. R. 7743) granting a pension to Alexander Caskey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH WATTS.

Mr. DIBBLE introduced a bill (H. R. 7744) for the relief of Sarah Watts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. MARSH.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 7745) for the relief of W. C. Marsh; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE E. WOOD.

Mr. POLAND introduced a bill (H. R. 7746) to increase the pension of George E. Wood, late a private in Company E, Second Regiment Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE SUPREME COURT.

Mr. POLAND also introduced a bill (H. R. 7747) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGES ACROSS THE GREAT KANAWHA RIVER.

Mr. SNYDER introduced a bill (H. R. 7748) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORLANDO T. SOWLE.

Mr. PRICE introduced a bill (H. R. 7749) granting a pension to Orlando T. Sowle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS, NEW MEXICO, ETC.

Mr. MANZANARES introduced a bill (H. R. 7750) to provide for ascertaining and settling private land claims in the Territories of New Mexico, Arizona, and the State of Colorado; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE H. OWEN.

Mr. STEWART, of Vermont, introduced a bill (H. R. 7751) making an appropriation to reimburse George H. Owen, United States consul at Messina, on account of necessary official expenditures; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PAY OF GRADUATES OF NAVAL ACADEMY.

Mr. THOMAS introduced a bill (H. R. 7752) to equalize the pay of graduates of the Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CONRAD SCHLEICHER.

Mr. KEIFER introduced a bill (H. R. 7753) granting a pension to Conrad Schleicher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. BENNETT.

Mr. PERKINS introduced a bill (H. R. 7754) granting a pension to J. M. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHALSEY BROTHERS.

Mr. PERKINS also introduced a bill (H. R. 7755) for the relief of Chalsey Brothers; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CAROLINE TRECKELL.

Mr. PERKINS also introduced a bill (H. R. 7756) granting a pension to Caroline Treckell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CRAWFORD.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7757) granting a pension to Elizabeth Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL MORRIS.

Mr. COX, of New York, introduced a bill (H. R. 7758) to remove the charge of desertion against Daniel Morris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK S. STRANG.

Mr. COX, of New York, also submitted the following preamble and resolution; which were read, and referred to the Committee on Naval Affairs:

Whereas it has been reported that Frederick S. Strang, late a cadet at the Naval Academy at Annapolis, has died in consequence of cruelties practiced upon him by senior cadets; Therefore,

Be it resolved, That the Secretary of the Navy be, and he is hereby, requested to communicate to this House any information he may have obtained in relation to the cause of death of the said cadet, Frederick S. Strang.

HOURS OF LABOR FOR LETTER-CARRIERS.

Mr. HOPKINS. I rise to make a privileged report. I am directed by the Committee on Labor to report back with a favorable recommendation the resolution of inquiry submitted by the gentleman from New York [Mr. COX] and which I send to the desk.

The Clerk read as follows:

Resolved, That the Attorney-General of the United States be respectfully requested to report to this House whether in his opinion section 3738 of the Revised Statutes with reference to eight hours' employment constituting a day's labor for all laborers, &c., employed on behalf of the United States applies to the letter-carriers of the United States.

The resolution was adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. WARD.

Mr. GEORGE D. WISE, by unanimous consent, introduced a bill (H. R. 7759) to remove the political disability of William H. Ward, of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday of the month, the regular order is the call of committees for motions to suspend the rules. The call rests with the Committee on Banking and Currency.

Mr. WILKINS. I am directed by the Committee on Banking and Currency to move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Thursday, January 15, 1885, after the reading of the Journal, be set apart for the consideration of the bill of the Senate No. 1188, to provide for the issue of circulating notes to national banking associations, now on the Speaker's table, and House bill No. 5048, authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national banking associations for the retirement of their circulating notes.

Mr. YAPLE. I demand a second.

Mr. SINGLETON. I do not object to the resolution if prior orders are excepted.

The SPEAKER. This is a motion under the rules of the House to suspend the rules and adopt the resolution. The gentleman from Michigan demands a second.

Mr. WILKINS. I ask unanimous consent that the second be considered as ordered.

There was no objection, and the second was ordered.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate; fifteen minutes in support of the motion and fifteen minutes against it. The gentleman from Ohio [Mr. WILKINS] is recognized to control the time in support of the resolution, and the gentleman from Michigan [Mr. YAPLE] to control the time in opposition to it.

Mr. WILKINS. I do not propose to take up the time of the House in discussing either of these propositions this morning. The question that we are called upon to consider is whether the House will permit the Committee on Banking and Currency to name a day for the consideration of two bills. The first bill is the one that has been sent to us from the Senate, and which is known as the McPherson currency bill. This measure permits national banks to receive from the Comptroller of the Treasury a circulation equal to the par value of the bonds deposited. It is a plain, simple, comprehensive proposition, and needs no explanation from me or from any other member upon this floor. I shall not take the time of the House any further in stating this proposition. I yield five minutes of my time to the gentleman from Maine [Mr. DINGLEY].

Mr. KELLEY. Before the gentleman from Ohio yields to his colleague I wish to ask him this question: Does not the bill also provide for the retirement of bank notes of certain denominations?

Mr. WILKINS. No, sir. This does not contemplate any part of that measure. I yield to the gentleman from Maine [Mr. DINGLEY] five minutes to explain the second proposition contained in the resolution.

Mr. DINGLEY. This resolution proposes simply to set apart a single day for the consideration of the only two bills of a public nature that have been reported by the Committee on Banking and Currency during the present Congress. The first bill, known as the McPherson bill, which has passed the Senate, has been explained by my colleague on the committee who offers the resolution. The second bill for the consideration of which it is sought to set apart a day proposes to authorize the Secretary of the Treasury to invest certain lawful money deposited in the Treasury by national banks which is being accumulated under the following circumstances: Under the law as it exists to-day, when national banks fail, when they go into liquidation, or when they propose to retire any part of their circulation, and to withdraw the bonds which have been deposited as security, they are required to deposit in the Treasury lawful money to the amount of their circulating notes outstanding. It should be borne in mind that this lawful money constitutes under the law a fund for the purpose of redeeming the outstanding circulating notes of the bank which deposits the lawful money; and when a bank has deposited the lawful money its responsibility for its circulating notes thereby ceases. The Government holds this fund for the purpose of redeeming these circulating notes, and whatever portion of the fund may remain after the circulating notes shall have been presented for redemption goes to the Government and not to the banks.

For many years this fund of lawful money in the Treasury was inconsiderable; but when in the progress of events it became unprofitable, to a certain extent, for banks to issue circulating notes they began to retire their circulation and to deposit lawful money for their redemption. September 30, 1880, the amount of this lawful money deposited in the Treasury was $19,746,955; in 1881 it had increased to $31,152,713; in 1883 it had increased to $36,415,358; and on the first day of the current month it had increased to $42,637,408, an increase of $6,000,000 and over in the last year.

But next August this amount will begin to increase more rapidly than ever before, because under the act of July 12, 1882, extending the corporate existence of certain banks those banks are required at the end of three years from the time of such extension to deposit in the Treasury lawful money to the amount of their old circulating notes which may be then outstanding. This will within two years increase this fund to nearly if not quite $75,000,000.

The SPEAKER. The gentleman's time has expired.

Mr. DINGLEY. I hope the gentleman from Ohio will yield me a minute more.

Mr. WILKINS. One minute more.

Mr. DINGLEY. It must be evident to the House that the accumulation of such a fund in the Treasury will seriously contract the currency and lose to the country the interest on a large volume of idle money.

The bill reported by the committee proposes to remedy these difficulties by authorizing the Secretary of the Treasury to invest so much of this fund as he may think proper in United States bonds, these bonds and the accruing interest to be held for the same purpose as the lawful money deposited. This will release the large amount of money so deposited and restore it to the channels of circulation; and as the Government is to leave whatever balance of the fund may remain after redeeming the notes, practically it will save to the people the interest on the fund.

It is evident, I think, to gentlemen that there should be some legislation on this subject, whether of the character proposed by the committee or as it may be amended when it shall come before the House. I hope, therefore, that the resolution presented by my colleague on the Committee on Banking and Currency may receive a passage.

Mr. WILKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seven minutes.

Mr. WILKINS. I reserve the residue of my time.

Mr. YAPLE. Mr. Speaker, this resolution fixes a day for the consideration of the bill known as the "McPherson currency bill," to provide for the issue of circulating notes to national banking associations to the par value of the bonds deposited to secure such notes. One reason why this bill should not receive consideration is that it comes discredited and dishonored by its own author and friends. They admit that it is only a temporary remedy—a mere makeshift, and a poor one at that. Its warmest supporters have confessed that it does not furnish a remedy for the disease; that it is wholly inadequate; that the ultimate effect of it will be to accelerate and intensify the evil results which it is intended to obviate; that something more is necessary to make it efficient. What then can be the reason for urging its consideration and passage unless it be thought that it will make necessary still further legislation in the interest of the national banks?

This bill simply gives the banks an opportunity to increase their circulation, or, as it has been expressed, it creates the capability of more national-bank currency. Suppose the banks do not exercise this capability, what then? Why, something more must be done for them to induce them to do so. They have the capability of increasing their circulation under existing law, but they do not exercise it; and why? Simply because they are waiting to be hired, and we must hire them at their own terms or tell them to go, and restore the issue and control of the currency to the Government where it belongs.

If the effect of the passage of this bill should be to induce the banks to increase their circulation $32,000,000, as some profess to think it would, it would practically be the gift of that amount to the banks without any additional security or further consideration from them. They would get the use and benefit of $32,000,000 without incurring any new or further obligation to the Government. What is the demand for this kind of legislation? None at all but the voracious greed of the banks. It is not necessary in order to provide against the evils of a contraction of the currency. Let the banks carry out their threat of surrendering their circulation, and let the Government thereupon issue legal-tender notes as a substitute. Substitute money for bank notes, which are not money.

I think that since the recent decision of the Supreme Court declaring the issue of legal-tender notes at any time constitutional, no one will question the power or the right of the Government to do this. It is no longer a matter of argument, but settled law. That decision is a fitting supplement to the proclamation of emancipation. It is one of the greatest triumphs for the people in all the ages, and it will never be nullified by any constitutional amendment. It is not only the right, but it is the duty of every national government to institute and regulate the medium of exchange. The power that controls the currency of a nation, the first great instrument of commerce, the medium of all exchanges, controls the nation itself. If a "government of the people, for the people, and by the people" is not to perish from the earth, that power must be sacredly kept in the hands of the people. The party that wages a war upon the provision of the Constitution that secures this power to the people will go down in defeat and death, and be buried in the grave of eternal infamy. No genuine Democrat will begin such a war. It will be the work of an enemy of the people, of a traitor to the Republic.

What the country demands to-day is no makeshift legislation, no toggling up of a tottering system, but a permanent solution of the currency question. The national banks are based on the national debt, and a perpetual debt is necessary to their permanence. The public debt is the bread of life to them, and they are making a fierce struggle to prevent its payment, to perpetuate it. This bill is a step in that direction. Unless it is supplemented by legislation refunding the debt for a long time, it is worse than useless. It will work positive injury. To perpetuate the debt! This is the object to be accomplished. This is the patriotic (?) purpose of its supporters.

There are advocates, even on the floor of this House, of the blessings of a national debt. The gentleman from New York [Mr. POTTER], who is the especial champion of the national banking system, desired an extension of the time for the payment of the tax on distilled spirits, for the reason that the tax when collected would have to be applied in payment of the national debt, and such a use of it would undermine and destroy the basis on which the national banking system rests. He saw a national bank in the bottom of that whisky bill. During the debate upon that bill this House was flooded with letters and telegrams from national bankers, urging members to vote to extend the time for the payment of that tax. Why? Because they understood that the money, when collected, would have to be applied in payment of the debt, and they can imagine no greater disaster to the country than the payment of its debt. It is one of the curses of this national banking system that its continuance makes a public debt necessary. It stands in the way of the discharge of the mortgage which the bondholders have on all the property of the nation. It stands in the way of a proper reduction of taxation. It stands in the way of industry securing its just rewards. It casts a deadly nightshade over every field and home of labor. Sir, think of our situation. We can not even pay our debt without unsettling the financial system of the country, and yet our Treasury

is full to overflowing. The national banking system is a solution of the problem how to maintain war taxes in times of peace, keep up a large surplus of revenue, and not pay the debt. It makes this condition of things possible.

Suppose this bill becomes a law and the banks increase their circulation 10 per cent.? Then, as the bonds are paid off, every time a bank goes out of business the retirement of the currency will be 10 per cent. greater than under existing law. It postpones only to aggravate the evils of contraction. It adds to the power of contraction, which the banks already possess. It is "jumping from the frying-pan into the fire." It is not reasonable, however, to suppose that the banks will take out more circulation, except upon bonds drawing interest at the rates of 4 and 4½ per cent. This would have the effect to greatly enhance the market value of those bonds, and thus compel the Government to pay a higher price for its debt, an unwarrantable and unjustifiable sacrifice of the interests of the tax-payers. The Government ought to be in better business than surrendering the control of its finances to capitalists and building a corner on itself.

The national banks promised the people a currency which would always adjust itself to the demands of business; which would increase or diminish in accordance with the natural laws which control trade—an elastic, expansive, self-adjusting currency. They have not kept their promise. Notwithstanding the constant increase of the number of banks, there has been an actual contraction of their circulation. The reports of the Comptroller of the Currency show that they take out the minimum amount allowed by law. The only reason they give is that there is not sufficient profit on their circulation. Increase their profit and they will increase their circulation. This bill is simply a proposition to hire the banks to increase their circulation. The proposition is an insult to the people, and its adoption by Congress would be a disgrace to the nation. The Comptroller of the Currency in his elaborate argument for the national banks, usually called his annual report, says that if this bill should become a law it would increase the profit to the banks on circulation from two-fifths to three-fifths of 1 per cent. per annum. He further submits "that the profit on circulation may be increased to a point which will induce the banks to keep their circulation to a maximum and stop the contraction of their circulation, which is now occurring, by repealing the law taxing their circulation one-half of 1 per cent. semi-annually."

The privilege of issuing notes equal in amount to the par value of the bonds deposited, and exemption from any tax on circulation, would, he thinks, be sufficient to induce the banks to keep their circulation to a maximum and stop contraction. The profit to the banks, then, is the factor that determines the amount of this elastic, self-adjusting currency. What profit? The banks determine that. The caprice and greed of the banks, not the demands of business, fix the amount of currency for the people. The country is at the mercy of the banks. The only thing for Congress to do is to obey the commands of the banks. We deceive ourselves if we think that the passage of this bill will satisfy them. They will not be satisfied until the tax on their circulation is repealed, the greenback retired, silver demonetized, and the debt perpetuated. They will not be satisfied until the dollar is crowned king and labor wears the collar of slavery. Capital is selfish and tyrannical. If the amount of circulating medium is to be determined by the profit it yields to the banks, the rights of labor are gone.

The national-bank currency circulates not on the credit of banks, but on the credit of the people. All the property of the people—every bushel of wheat and every blade of grass—is pledged for its redemption. The guarantee of the Government gives it all its value. To make it good is the part the people play. To absorb its profits is the part the banks play. There can be no such thing as a safe currency, a currency which adjusts itself to the wants of trade, when the existence and amount of circulation depend on the profit it yields to banks of issue.

Money is the mightiest instrument in the distribution of wealth. Without it commerce is impossible. It is the life-blood of the nation. It is not the fruit of individual effort, of private enterprise, but is exclusively the creation of law. More important as an aid to production and means of exchange than railroads, and yet it is insisted that the right to issue and the power to regulate the volume of currency shall be placed and kept in the hands of associations of private persons. It is the surrender of one of the essential attributes of sovereignty. The issue of currency, metallic or paper, belongs of right exclusively to the nation. It is a sovereign function which ought to be exercised only for the benefit and profit of the whole people. The profit to the people, not to the banks, should be the determining factor. The people constitute this Government, and to promote their welfare every law should be made.

The great evil of our national banking system is the union of banking functions with those of issue. The power of issue always exercised by the banks in the field of private interest renders them dangerous to the public interest. Banks are organized and conducted for private gain. They are not patriots more than mills, factories, and railroads. Clothed with public functions they exercise them exclusively for self-aggrandizement. The only way to remedy the evils born of this illegitimate union is to suppress the bastard bank currency and restore the circulation to the nation.

The introduction of this bill is a confession of the vice of the system, a confession that the banks have no concern or regard for the welfare of the people; that they are governed entirely by self-interest. If the national banks do furnish what currency is needed in response to the demands of business, what need is there for this kind of legislation? If they can and refuse to, then, instead of hiring them and thus dishonoring the Government, I say repeal their charters and take from them the power of contracting and expanding the currency at their own will.

The best thing that can be done for the country is to provide for the retirement of the national banking system with the payment of the public debt. Now is the time to settle the question what shall be the paper currency of the future. We must have a paper currency of some kind, and the question is, What shall it be? Shall it be a currency that enables a few to draw a double income from their capital, to borrow the credit of the people for nothing and loan it back to them at 10 per cent.; to live on the interest of what they owe? Or shall it be a currency bearing no interest; that discharges instead of perpetuating the mortgage which now covers every cottage of toil; that saves to the people the benefits of the nation's credit? Why should not the people enjoy all the gains and emoluments to be derived from the use of their credit? What great service have the beneficiaries of this bill ever rendered to the Government that they should receive this bounty of $32,000,000? There is not a page of their history but what is blotted with some act of treachery to the people. They have rendered the service of the burglar.

Sir, we have done enough for the banks. We have yielded to their demands until for very shame we ought to blush. The most humiliating spectacle ever presented to the world is that of an independent, sovereign nation truckling to corporations of its own creation. Banks of issue are relics of feudalism. We do not need them. Let them go. The only bank of issue we want is the people's bank, the Government. There can be no true democracy until every attribute of national sovereignty is exercised by the Government for the benefit of the governed.

Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. POTTER].

Mr. POTTER. How much time have I?

The SPEAKER. Six minutes.

Mr. POTTER. Mr. Speaker, the bill before the House might well be entitled a bill to increase the premium on the high interest bonds of the Government. The 4 per cent. bonds of the Government have been bearing for the last two or three years with some exception from 20 to 25 per cent. premium. Four and a half per cent. bonds have been bearing from 12 to 14 or 15 per cent. premium. The obstacle to the maintenance of a circulation up to the wants of the country has been again and again stated before the Committee on Banking and Currency that the premium is so high on these bonds that the banks are unwilling to carry the premium on their books with a certainty at the maturity of the debt they are to get back only the principal. They are carrying thus a fictitious capital. They say that they are taxed, and in the face of that they are unwilling to do the banking of the country.

It has been admitted on all sides, and never contradicted, that the passage of this bill will increase the premium on these bonds from 5 to 10 per cent. Exactly what it may be will remain to be shown by experience. If it increases the premium 5 per cent. it will increase the temptation to sell those bonds and go out of banking. It will contract the currency by exactly the extent that 5 per cent. increase of value of the bonds increases and makes effective the temptation to sell them. It will make what is now a temporary temptation a startling and an increasing temptation and coercion of interest on the banks to sell and retire circulation. It will be an appeal to their own interest to go out of banking and sell the bonds.

I have been told by one person at least who holds $600,000 of these bonds that he waits only to have the 25 per cent. premium touched again to sell his bonds and retire from circulation. It is not a single case; there are many such. If this bill passes it will have the effect not of enlarging the currency, not of keeping it up to the wants of the nation, but will have the inevitable effect of contracting the currency, and perhaps suddenly and fatally to the interests of the country.

This bill takes away from the business of the country whatever safeguard there is for conservatism in the 10 per cent. margin now deposited with the Government. If the banks use the credit of the Government they are at least called upon to leave 10 per cent. between themselves and the Government to protect the latter against fluctuations and the risks from the manner in which the banks may do their business. This wipes it away forever. From the time this bill is passed the Government takes the whole risk and responsibility without any margin and without any deposit of 10 per cent. by the banks to redeem their circulation under any circumstances of disaster which the mismanagement of the banks may bring upon the country. I say it takes away this safeguard at once and forever.

There is no more important provision in our banking system than that this 10 per cent. margin should at all times be continued in order to make the banks conservative, to keep them prudent, to let them know that any mismanagement on their part will fall first on the margin in the hands of the Government belonging to them.

Sir, I am not inimical to the national banks. I claim to have been the first to suggest the plan of national banks, but a part of the national

banking system, and in my judgment a very important part of it, is this 10 per cent. margin. And I say we should hesitate before passing this bill. There are other and certain measures which will reach the end sought here without any of these risks. I hope, Mr. Speaker, the bill will not pass. In extension of my remarks I desire to add the following from the New York Times of December 14:

THE M'PHERSON BANK BILL.

The bill passed by the Senate last session to permit national banks to issue notes up to the par value of the bonds deposited as security, provided the total amount of notes does not exceed the capital actually paid in, will probably be brought up in the Senate to-morrow. It is usually known as the McPherson bill from the fact that it fell to that gentleman to devise a scheme which should sufficiently appear to amount to something to make a good basis of opposition to other schemes, but which in reality amounts to nothing or next to nothing. The situation with which the Senate undertook to deal was a not very complex one. The use of the surplus revenue in the payment of the interest-bearing debt was steadily reducing the amount of bonds available for security for bank issues. The banks were being crowded to make their election between surrendering their circulating notes or buying high-premium bonds to secure them. The problem which the Senate undertook to solve was to make it profitable to the banks to keep up the circulation without stopping the payment of the bonds or reducing taxation.

It was a queer measure that they finally concocted for this purpose. They seem to have reasoned that if the banks could only issue 10 per cent. more notes than now there would be no further difficulty. But there is every probability that the difficulty would by this means be really increased. In the first place, supposing banks generally to avail themselves of the 10 per cent. increase, the amount which would have to be changed when the 3 per cent. bonds were called would be 10 per cent. greater, and the embarrassment in making the change would also be by so much greater. In the second place the increased demand for Government bonds which would doubtless follow from this new privilege of issuing notes on them to their par value would advance the price, and this in its turn would tempt to the surrender of the bonds by banks now holding them. The radical source of the interference with the circulation would not be removed. The surplus revenue would continue to flow in. The necessity for spending it as it gathered would continue to be felt as sharply and steadily as before. Contraction, and, what is the worst feature of it, sudden and arbitrary contraction, would be just as inevitable as ever.

It is our judgment that the so-called McPherson bill, so far from being a remedy for the ills inherent in the present situation, is calculated to aggravate and perpetuate them. The one defect in our system of bank currency—and it is a very grave one—is that, while it is elastic, its movements depend not solely or principally on the demands of trade, but upon the fluctuations of the bond market. Under the influence of these there may be contraction when expansion is needed, or *vice versa*. The McPherson bill leaves this source of confusion and danger untouched, or may even add to it. What the banks ought to have is a class of bonds to be used as security for their circulation, not liable to great or sudden fluctuations of market value, bearing a fair market rate of interest, and not subject to disturbance from the Treasury management of the surplus revenue. That such provision is feasible we have very little question. But if the McPherson bill is to be passed by the House, it is clear that nothing else will be done this session.

Mr. WILKINS. I now yield two minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, this resolution does not involve any discussion of the merits of the proposition. The only point for the consideration of the House now is, have we the courage to take up and discuss a question on which this nation is vitally interested? We have 2,672 national banks with an aggregate capital of $189,071,475, and in 1885 721 of these banks will have to surrender their charters. It appears during the year 1883 the currency was contracted $9,613,350. During the year 1884 the contraction amounted to $25,442,300, making a total reduction in two years of $35,055,650. The Secretary of the Treasury and the Comptroller of the Currency unite in saying there will be an increased contraction of the currency unless some remedy is speedily adopted, and the question now before the House is, will we set a day when we will bring to bear our wisdom and our courage to meet the pressing necessity which is upon us? My friend from New York [Mr. POTTER], who has just taken his seat, has his peculiar views; my friend from Michigan [Mr. YAPLE] has his peculiar views. This is only to set apart a time when we can meet and discuss all these questions.

It will not do to put this matter aside on the theory that this legislation is in the interest of national banks. That is not true. The currency that is in every man's pocket, whether he be rich or poor, demands legislation, and demands it now. Be it temporary or permanent, we ought to have the courage and the wisdom to set down a day to dispose of these matters, which involve not only the commercial interests generally, but the interest of every man in this nation. I say let us fix upon a day when we shall be able to meet the question squarely and fairly and like men.

The SPEAKER. The gentleman's time has expired.

Mr. WILKINS. I now yield five minutes to the gentleman from Missouri [Mr. BUCKNER].

Mr. BUCKNER. The gentleman from Iowa [Mr. HENDERSON] has stated the true position, or rather the true question before the House. It is not whether we are sure of the wisdom of the proposition known as the McPherson bill or of the bill presented by the gentleman from Maine [Mr. DINGLEY] and amended by the Committee on Banking and Currency. That is not the question, but the simple question is whether this House will set apart a day at the request of the Committee on Banking and Currency for the purpose of considering the proposition generally and taking such action as may be necessary in the premises. For myself I am free to say that the McPherson bill is not acceptable to me at all, and I shall not with my present views vote for it. But it is due to the Senate as an act of courtesy, it is due to the country at large, it is due to the majority of the Committee on Banking and Currency, that these two bills should be brought before the House. They are the only bills here of a general character which have been reported by this committee to this House during the present Congress. It is not required that any one shall vote for them. They will be open to amendment and to discussion. For myself, I propose to offer an amendment if the opportunity is afforded to me which will settle this difficulty for all time to come.

And the other bill is quite as important as this one, that is the bill known as the Dingley bill. This redemption is growing and growing continually, amounting to $42,000,000. It is provided where it can not be used that it shall be put out and invested in bonds of the United States. That is the proposition of the bill. The evil is going on increasing, and it must increase in the nature of things. It is that much taken out of the currency of the country of silver or gold or both, and locked up by the Secretary of the Treasury to redeem the notes of the national banks. For the difficulty of the circulation of the national banks does not proceed as I supposed from the fact that we are calling in 3 per cent. bonds annually. That is not the disease which affects the people. It was suggested by the gentleman from New York [Mr. POTTER] that it is a temptation to the holders of those high-priced bonds; it is a temptation to any bank holding the 4 and 4½ bonds to reduce their circulation and bring those within the minimum required by the law, which is $50,000 for the largest bank of the United States, by withdrawing and selling these bonds. They may call in the high-priced bonds, that is the 4 and 4½ bonds, and when the premium is increased it is the strongest possible temptation for the banks to sell them for the benefit of their stockholders. That is one of the great troubles we have to guard against, and that, in my opinion, will be increased.

These bonds may go higher, certainly; and in my judgment they will under the operation of the McPherson bill; but, whether they do or not, the time is near at hand when no bank in the United States will hold more than $50,000 of them on deposit, which of itself will be a reduction in the national-bank circulation to the neighborhood of about $100,000,000, instead of $287,000,000 as now.

That is the whole question that is presented. It is not to be decided now, but you are simply asked whether or not you will fix a day in the future when these bills may be discussed and some action taken upon them by the House, such as it may deem proper in view of the circumstances. I hope that the House, therefore, will at least give us a day when we may consider either or both of them, or the Dingley bill, which I consider of vast importance.

[Here the hammer fell.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

Mr. CASSIDY. Let us have the yeas and nays.

The yeas and nays were ordered, 45 members voting in favor thereof.

The question was taken; and there were—yeas 175, nays 87, not voting 61; as follows:

YEAS—175.

Adams, G. E.	Dibrell,	Keifer,	Rockwell,
Atkinson,	Dingley,	Kelley,	Rogers, W. F.
Bagley,	Dowd,	Ketcham,	Rowell,
Barbour,	Dunham,	Lacey,	Russell,
Bayne,	Elliott,	Laird,	Ryan,
Belmont,	Ellis,	Lawrence,	Scales,
Bennett,	Ermentrout,	Lewis,	Seney,
Bisbee,	Evans,	Long,	Seymour,
Boutelle,	Everhart,	Lore,	Shelley,
Boyle,	Ferrell,	Lyman,	Skinner, C. R.
Brainerd,	Findlay,	McComas,	Smith, A. H.
Bratton,	Finerty,	McCormick,	Smith, H. Y.
Breitung,	Follett,	Millard,	Snyder,
Brewer, F. B.	Foran,	Mitchell,	Spriggs,
Brewer, J. H.	Funston,	Money,	Stephenson,
Broadhead,	George,	Morrill,	Stevens,
Brown, W. W.	Goff,	Morse,	Stewart, J. W.
Browne, T. M.	Hammond,	Murphy,	Stone,
Buckner,	Hanback,	Murray,	Strait,
Burleigh,	Hancock,	Mutchler,	Struble,
Cabell,	Hardeman,	Neece,	Talbott,
Caldwell,	Hardy,	Nelson,	Taylor, E. B.
Campbell, J. E.	Harmer,	Oethltree,	Taylor, J. D.
Campbell, J. M.	Hatch, H. H.	O'Ferrall,	Thomas,
Candler,	Henderson, D. B.	O'Hara,	Turner, H. G.
Cannon,	Henderson, T. J.	O'Neill, Charles	Van Alstyne,
Chace,	Hepburn,	Parker,	Wadsworth,
Clay,	Hewitt, A. S.	Payne,	Wait,
Clements,	Hill,	Perkins,	Wakefield,
Collins,	Hiscock,	Peters,	Warner, A. J.
Converse,	Hitt,	Phelps,	Washburn,
Covington,	Hoblitzell,	Poland,	Weaver,
Cox, S. S.	Holmes,	Post,	Wemple,
Cox, W. R.	Hooper,	Price,	Whiting,
Crisp,	Hopkins,	Randall,	Wilkins,
Culbertson, W. W.	Horr,	Rankin,	Willis,
Cullen,	Howey,	Ranney,	Wilson, James
Curtin,	Hunt,	Ray, G. W.	Wilson, W. L.
Cutcheon,	Hurd,	Ray, Osmian	Winans, John
Dargan,	James,	Reed,	Wise, G. D.
Davidson,	Jeffords,	Reese,	Wolford,
Davis, G. R.	Johnson,	Rice,	Woodward,
Davis, R. T.	Jordan,	Robinson, J. S.	York.
Dibble,	Kean,	Robinson, W. E.	

NAYS—87.

Aiken,	Forney,	Matson,	Skinner, T. G.
Alexander,	Geddes,	Miller, J. F.	Springer,
Anderson,	Glascock,	Mills,	Stewart, Charles
Ballentine,	Graves,	Morrison,	Stockslager,
Barksdale,	Green,	Moulton,	Taylor, J. M.
Blount,	Halsell,	Muldrow,	Thompson,
Breckinridge,	Hatch, W. H.	Nicholls,	Throckmorton,
Buchanan,	Henley,	Oates,	Tillman,
Budd,	Herbert,	O'Neill, J. J.	Townshend,
Burnes,	Hewitt, G. W.	Patton,	Tully,
Carleton,	Holman,	Payson,	Turner, Oscar
Cassidy,	Houseman,	Peel,	Van Eaton,
Chalmers,	Jones, B. W.	Pierce,	Wallace,
Clardy,	Jones, J. H.	Potter,	Ward,
Cobb,	Jones, J. K.	Pryor,	Warner, Richard
Cook,	Jones, J. T.	Pusey,	Wellborn,
Cosgrove,	Kleiner,	Reagan,	Williams,
Culberson, D. B.	Lamb,	Riggs,	Winans, E. B.
Davis, L. H.	Lanham,	Rogers, J. H.	Wood,
Dockery,	Le Fevre,	Rosecrans,	Worthington,
Dunn,	Lowry,	Shively,	Yaple.
Eldredge,	McMillin,	Singleton,	

NOT VOTING—61.

Adams, J. J.	Ellwood,	Libbey,	Spooner,
Arnot,	English,	Lovering,	Steele,
Barr,	Fiedler,	McAdoo,	Storm,
Beach,	Fyan,	McCold,	Sumner, C. A.
Belford,	Garrison,	Maybury,	Sumner, D. H
Bingham,	Gibson,	Miller, S. H.	Tucker,
Blackburn,	Greenleaf,	Milliken,	Valentine,
Blanchard,	Guenther,	Morgan,	Vance,
Bland,	Hart,	Muller,	Weller,
Bowen,	Haynes,	Nutting,	White, J. D.
Brumm,	Hemphill,	Paige,	White, Milo
Campbell, Felix	Holton,	Pettibone,	Wise, J. S.
Connolly,	Houk,	Robertson,	Young.
Deuster,	Hutchins,	Shaw,	
Dorsheimer,	Kellogg,	Slocum,	
Eaton,	King,	Smalls,	

So (two-thirds voting in favor thereof) the motion was agreed to.

During the roll-call the following proceedings took place:

Mr. THOMAS. Mr. Speaker, I desire to record my vote in the affirmative. I did not respond to my name on the first roll-call——

Mr. HISCOCK. Was the gentleman's name called on the second roll-call?

Mr. THOMAS. I desire to say that my name was not called on the second roll-call and I did not vote on the first. I was standing here ready to respond to my name, but it was not called.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The Chair is informed that some one on the first roll-call responded to the name of the gentleman from Illinois [Mr. THOMAS]. He was, therefore, recorded as having voted in the negative, and his name was not called on the second roll-call. He states that he was listening in order to respond to his name on that call. It seems to the Chair, therefore, that under these circumstances the gentleman is entitled to the right of having his name recorded.

The Clerk will call the name of the gentleman from Illinois.

The roll-call was resumed and concluded as above.

Mr. HENDERSON, of Iowa. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WILKINS. I object.

The Clerk recapitulated the names of those voting.

The SPEAKER *pro tempore*. The Clerk will now read the pairs.

The following members were announced as being paired on all political questions until further notice:

Mr. CAMPBELL, of New York, with Mr. HOOPER.

Mr. ARNOT with Mr. BELFORD.

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. STORM with Mr. BRUMM.

Mr. BLAND with Mr. VALENTINE.

Mr. YOUNG with Mr. HARMER.

Mr. FIEDLER with Mr. STEELE.

Mr. MAYBURY with Mr. JOHN S. WISE.

Mr. PAIGE with Mr. SPOONER, until December 17.

The following were announced as being paired on all political questions for this day:

Mr. MCADOO with Mr. RUSSELL.

Mr. MULLER with Mr. LIBBEY.

Mr. VANCE with Mr. BINGHAM.

Mr. ENGLISH with Mr. HOUK.

Mr. ADAMS, of New York, with Mr. BOWEN.

Mr. WELLER with Mr. HOLTON.

The result of the vote was then announced as above recorded.

ISSUE OF TREASURY NOTES AND SILVER CERTIFICATES.

The SPEAKER *pro tempore*. The call rests with the Committee on Coinage, Weights, and Measures.

Mr. LACEY. Mr. Speaker, I am instructed by the Committee on Coinage, Weights, and Measures to move to suspend the rules to take from the House Calendar the bill (H. R. 7232) to prohibit the issue of Treasury notes of less denomination than five dollars, and to provide for the issue of one, two, and five dollar silver cetificates, and put the same upon its passage.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That on and after the passage of this act it shall be unlawful for the Secretary of the Treasury to print and issue Treasury notes of a smaller denomination than $5.

SEC. 2. That any holder of standard silver dollars or silver certificates may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums of not less than $10, and receive therefor silver certificates of the denomination, at the option of the holder, of $1, $2, or $5: *Provided*, That nothing in this act shall be construed to interfere with the issuing of silver certificates in other denominations, as now authorized by law.

Mr. COOK. Mr. Speaker, I think there should be some explanation of this bill, and for that purpose I demand a second.

Mr. LACEY. I ask unanimous consent that a second may be taken as ordered.

There was no objection, and a second was considered as ordered.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Michigan for fifteen minutes, and the gentleman from Iowa for the same length of time in opposition.

Mr. LACEY. Mr. Speaker, the effect of this bill if it becomes a law may be briefly stated as follows: It will gradually retire all Treasury notes below the denomination of $5, and the amount so retired will be reissued in notes of larger denominations under the provisions of existing law.

Its further effect will be to exchange the present large silver certificates for others of a smaller denomination, to wit, for one, two, and five dollar notes. It will not change the present volume of either Treasury notes, silver dollars, or silver certificates. It will eventually utilize silver coins or their representative certificates for the entire circulation below the denomination of $5.

The present silver certificates are of large denominations, the lowest being $10 and the highest $1,000. They are too large for the use of the great mass of people in the current daily transactions of life. For this reason they flow into the banks, from the banks into the custom-houses, and thence back into the Treasury of the United States.

About one hundred millions of notes and coins of the denominations of one and two dollars are now necessary for the convenience of our people; and by employing silver or its representative certificates exclusively within this field that large sum can be diverted from the great channels of trade. These smaller denominations, Mr. Speaker, of one and two dollar notes are seldom if ever deposited in banks, but unfortunately the silver certificates are issued in large denominations, nothing less than $10. The result is that for domestic use, for the current transactions of daily life, the silver certificates are too large. For instance, if a farmer takes a load of grain to market he may be paid in silver certificates, but there being none of these notes smaller than $10 he is unable to take them home to prosecute the business which it is there necessary to transact—to pay his laborers, to settle small transactions with his neighbors, or to be used as pocket-money. The consequence is he goes to the bank and exchanges these silver certificates for smaller notes.

The bank on the morrow, desiring to make its account good in New York or Chicago, immediately selects these silver certificates (as they do not count upon its reserve) to forward to those commercial centers. They are forwarded to Chicago, New York, Boston, or New Orleans, where custom-houses are situated; they go into the banks there; they can not be counted as part of the reserve of these banks, consequently they are the very first thing selected with which to pay United States customs duties. The result is shown in the report of the Treasurer of the United States. It is there shown that during the last two years and four months 25.6 per cent. of the customs duties paid in the city of New York (and nearly all our customs duties are there paid) were paid in silver certificates. It is further shown that during the last twelve months 28.8 per cent. of the customs duties in New York city were paid in silver certificates. It is shown that during the month of October last 32.1 per cent. of these customs duties were paid in these silver certificates.

Notwithstanding the fact that we have about one thousand eight hundred and six millions of circulation altogether in this country, and that the circulation of silver certificates on the 1st day of October was but $96,491,251, being only 5.3 per cent. of our total circulation, yet 32.1 per cent. of the customs duties of the United States received at the New York custom-house were paid in these silver certificates; and that, too, chiefly on account of the fact that these certificates are of such large denominations.

Mr. HISCOCK. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. HISCOCK. Is what the gentleman is now stating not due to the fact that silver is relatively cheaper than gold?

Mr. LACEY. It is not, and for this reason: The holder of a silver certificate knows that to-day a silver dollar or its representative is equal in purchasing and debt-paying power to a gold dollar, not on account of the intrinsic value of the silver dollar, but because the Treasury of the United States, which is the great national clearing-house, conducts its affairs upon the theory that gold is the real standard of value in this country. The effect is precisely the same as though silver was exchangeable at the United States Treasury for gold, at par of its coinage value.

Just so long as the Treasury of the United States treats gold as the real standard, and the money of account; so long as it uses gold in settling its daily balances in New York; so long as the Government uses gold in paying the principal of its called bonds; so long as it uses gold in paying the interest on the public debt; so long as it uses gold to redeem its greenbacks; just so long as the Treasury is able to do these things, so long will the silver certificate be worth to the holder 100 cents on the dollar. Therefore, knowing this, the holder of these certificates does not precipitate them into the Treasury because of their lesser value, but because they are of too large denominations for the ordinary domestic transactions of life, too large to be used as the pocket-money of the people.

When I introduced this bill I had in it a section which called for the suspension of the coinage of the Bland dollar. But the Committee on Coinage, Weights, and Measures struck out that section, and the bill as it stands to-day is the unanimous report of every member of the committee; and on that committee we have men of every shade of opinion—those who believe in a standard of gold alone, those who believe in a standard of silver alone, and those who believe in bimetallism—and every man on that committee, from the chairman down, is in favor of this bill as reported. And why? Simply because every man, no matter what his opinion may be as to the coinage of the Bland dollar, believes that silver should and must be utilized for the purposes of subsidiary coinage and for the current daily transactions of life. All the world over it must be so. And this bill, Mr. Speaker, provides for precisely that and nothing more. It utilizes the silver dollar, or its representative silver certificate, for the pocket-money of the people, for the current daily transactions of life in this country.

Now, whether we suspend the coinage of legal-tender silver or not, this bill ought to pass. I am one of those who believe that the further coinage at this time of the Bland dollar will bring us into great danger. If, with the present coinage, 32 per cent. of the customs duties are now paid in silver, before another Congress shall assemble and enact and put in operation a law to suspend the coinage of silver, more than 50 per cent., ay, I believe a much larger percentage of our customs duties than that will be paid in silver certificates.

When we remember that the Treasury has been gaining silver and losing gold steadily ever since we commenced the coinage of the standard dollar in 1878; when we remember that on the 30th of September, 1877, only 6.5 per cent. of the coin in the Treasury was silver, and that on the 30th of last September the percentage of silver had increased to 44.6 per cent., we can not but be apprehensive that we are approaching with accelerating pace a time when the Treasury of the United States must of necessity be forced to abandon its attempt to maintain gold as the actual standard, and must begin using silver as the money of account. This will bring about the settlement of the daily balances at the New York Clearing-House in silver; it will bring about the payment of the principal of the public debt in silver, the payment of the interest on the Government bonds in silver, the redemption of the greenback in silver; and thus the whole superstructure of currency in this country will descend to a silver standard based upon the Bland dollar, worth but 83.8 cents. This would retire $557,000,000 of gold coin from circulation and cause such a contraction of the currency as would prostrate all the commercial affairs of this country.

Mr. Speaker, I regret that the temper of this House, as shown at its last session during the consideration of the bill to retire trade-dollars, precludes the expectation of the passage of any measure suspending the enforced coinage of the Bland dollar. I greatly fear that we are drifting into a monetary condition from which our successors will find it a difficult matter to deliver us. We have undertaken single-handed to stem a tide which is submerging the whole commercial world. We seem to be so intent on making a market for the silver bullion of our bonanza princes that we fail to notice the dangers which beset our pathway. The relative production of silver is steadily increasing, while its use as coin is as steadily decreasing.

In 1878, when we began the coinage of the Bland dollar, the world's product of gold bullion was $114,000,000, while in 1883 it was but $94,000,000. In 1878 the world's production of silver bullion was only $78,000,000, while in 1883 it advanced to $114,000,000. In addition to this we see all the great commercial nations slowly turning their backs upon silver and preparing to adopt a gold standard. To-day but three countries are coining legal-tender silver in any quantity worthy of mention, to wit, India, Mexico, and the United States, and both India and Mexico long since adopted the silver standard. All this tends to show that the continued coinage of legal-tender silver in this country must at last result in our adopting the silver standard and taking our place among the third and fourth rate powers of the earth, so far, at least, as relates to our monetary affairs.

Why, sir, when we commenced coining the Bland dollar its bullion value was 93.46 cents; to-day it is worth but 83.81 cents. How long, I ask, must we continue on this road to bring it to a parity with gold? Have we not tried this method long enough? Would it not be wiser to try a suspension of its coinage, for a time at least, and see whether such a course will not lead to an agreement among the great powers of Europe and America which shall lead to the free coinage of both gold and silver upon a common ratio between the two metals, and thus correctly and permanently settle this great problem? I sincerely believe this to be the wisest policy, but I am morally certain that no such measure can become a law during the life of the present Congress. I accept the inevitable, and propose the present bill as likely to put off the evil day and protect us from overwhelming disaster until another Congress can assemble and deliver us.

Table showing increase of silver in the United States Treasury.

Date.	Gold.	Silver.
	Per cent.	*Per cent.*
September 30, 1876	90.2	9.8
September 30, 1877	93.5	6.5
September 30, 1878	83.0	17.0
September 30, 1879	76.2	23.8
September 30, 1880	63.3	36.7
September 30, 1881	64.7	35.3
September 30, 1882	55.4	44.6
September 30, 1883	58.5	41.5
September 30, 1884	55.4	44.6

Table showing proportions of world's production of gold and silver.

Semi-decades.	Average yearly production.		Proportion.	Average price of silver.*
	Gold.	Silver.		
1852-1856	$145,000,000	$40,500,000	100 to 28	61 1/4
1857-1861	127,184,000	41,220,000	100 to 32	61 1/4
1862-1866	123,843,000	49,755,000	100 to 39	61 1/4
1867-1871	123,251,000	53,115,000	100 to 43	60 1/4
1872-1876	111,383,750	69,490,682	100 to 62	57 1/4
1877-1878	113,892,083	78,338,158	100 to 69	53 1/4
1879	105,365,667	81,037,220	100 to 77	51 1/4
1880	106,346,786	96,704,978	100 to 90	52 3/4
1881	107,202,733	102,309,675	100 to 95	51 1/16
1882	103,161,532	109,446,595	100 to 106	51 1/4
1883	94,000,000	114,000,000	100 to 120	.....

* Pence per ounce in London.

GOLD VALUE OF STANDARD SILVER DOLLAR.

	Cents.
February 28, 1878 (date of passage of Bland bill)	93.46
March 12, 1884	87.5
December 12, 1884	83.81

How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. LACEY] has seven minutes of his time remaining.

Mr. LACEY. I reserve the remainder of my time.

Mr. COOK. I yield five minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. This is a proposition to withdraw from circulation all Treasury notes of denominations less than $5 and substitute for them silver certificates of equal or like denominations. I believe the time is at hand when unless we suspend the coinage of the silver dollar it will constitute the only metal currency of our people. We have been able to maintain it at par with gold simply because, so far as it has circulated at all, we have absorbed it at home. Whenever it goes abroad, whenever it becomes necessary that it be sent out of the country, it must be subjected to a discount. That discount, by its reflex action, will operate upon us, and we shall find that we have what is now not ascertained by our experience, a cheaper currency than either gold or paper; and I think all experience has shown that where there are currencies of unequal value, all business is done by the cheaper.

Unless we now, at least temporarily, suspend the coinage of the silver dollar, gold will disappear from circulation; it will become what it once was—simply an article of merchandise, upon which the gold gamblers will again begin their business in the money centers. So I think the very first thing we ought to do is to provide for a suspension of the coinage of the silver dollar, or provide at least that it shall not longer be obligatory on the part of the Secretary of the Treasury to coin so much per month. I am a bimetallist, but would have all dollars of equal value, so they will float together in our commerce. All dollars should be legal-tenders and worth the full sum of 100 cents.

But why should we withdraw from circulation the Treasury note? Is it to compel silver to circulate? If we desire to put silver in circulation why not suspend the use of bills of any description of a lower denomination than $5, and compel the country to do its business on this depreciated money? If we force it into circulation its use will as a matter of course tend to keep up its price.

But if a change is to be made at all I would prefer that we should continue the circulation of Treasury notes of these lower denominations and put by their side silver certificates of the denominations of one, two, and five dollars. The country needs these smaller denominations of money. There is a demand for them. There is scarcely a Representative on this floor who has not been importuned by his constituency to see that more of this character of currency is put afloat. Not long ago I introduced into this House a bill providing for the re-

issue of $10,000,000 of fractional currency; and I believe that ought to be done. At least it is important that we shall continue in the hands of the people (for the wants of business require it) the one and two dollar bills already in circulation; and I would be willing to add to them an equal volume of currency of like denominations in the form of silver certificates based upon silver deposits. I protest that there is no occasion for retiring these smaller bills, this favorite and necessary currency of the people.

[Here the hammer fell.]

Mr. COOK. Mr. Speaker, I am not opposed to the coinage of silver, but, on the contrary, am in favor of its unlimited coinage. I am opposed to this bill simply because it proposes to retire from circulation greenbacks and substitute something of a different character—something not a legal tender. I would not be opposed to the bill if it simply provided for the issue of these silver certificates without interfering with the greenbacks. The provision of this bill inhibiting the future printing of Treasury notes of a less denomination than $5 would eventually retire from circulation the legal-tender currency of this country below that denomination.

Mr. LACEY. I would like to ask the gentleman a question. Under this bill, will not a person have the choice between a legal-tender silver dollar and its representative certificate; and is not a legal-tender silver dollar just as good as a legal-tender greenback?

Mr. COOK. That is true so far as concerns the silver dollar; but it does not apply to your silver certificate. If a man has a debt of less than $5 to meet, his creditor may refuse to accept the silver certificates, and then he must go and obtain the silver dollars. In addition to this, to the value of the bullion in it, the silver dollar or certificate is more costly than the greenback dollar.

I believe, Mr. Speaker, that the only remedy for the present difficulties in the currency lies in our adopting a currency that shall be in all denominations a legal tender. I am in favor primarily of a legal-tender currency as against silver certificates and against bank issues of all characters.

One of the principal elements of strength in money, as it is one of its highest functions, is its debt-paying power. A knowledge that the money I have will at all times cancel my obligations gives me confidence in it and goes far toward making its purchasing power stable.

The Supreme Court having settled the doctrine of our right to issue legal-tender currency, it is only a question of time when Congress will accept the doctrine that all the currency of the country must be issued and its volume controlled by the Government, and that it must be a full legal tender for all debts, public and private. The sooner we come to this the sooner will we have a stable and permanent money.

I know that nine-tenths of you deride us Greenbackers, but the Supreme Court—the most conservative body in the land—has been converted, and necessity with the logic of events and time will bring you all to it.

Mr. LACEY. The gentleman understands, I presume, that the one-dollar and two-dollar notes which may be retired under this bill are to be reissued in other denominations, so that there will be no contraction of the greenback currency.

Mr. COOK. It is probable that under existing laws higher denominations would be issued to take the place of those retired, but the hasty examination I have been able to give this bill (I had no knowledge of its coming up) leaves me in doubt on this. Certainly, however, it retires all our legal-tender currency of small denominations, and to that I am opposed.

It seems so inexplicable to me that while everybody is satisfied with our greenback currency, and it circulates in preference to even gold itself, and costs the Government much less than any other money, yet here among those who ought to be its friends it is subject to constant menace and attack. It will take care of itself if only you will let it alone. If you want silver certificates, all right; let them stand by the side of the greenback dollar; it has demonstrated its superiority in the past. We Greenbackers have confidence in its future; if you will persist in doubting, stand by and be convinced. I yield to the gentleman from Nevada [Mr. CASSIDY].

Mr. CASSIDY. Mr. Speaker, I had not intended to discuss this question; and I take the floor chiefly for the purpose of replying to some of the assertions made by the gentleman from Indiana [Mr. BROWNE].

In considering this subject at this time we are met with the same old arguments that have always been presented against silver. It was predicted in the beginning that if silver should be remonetized and given a place among the money metals of the land we would attract here all the depreciated silver of the Old World and drive out from this country all of our gold.

The fact is, Mr. Speaker, ever since the remonetization in 1879 we have attracted to this country from the Old World more than three hundred millions of gold, and during the same period we have exported more than seventy-five millions of silver, contradicting every assertion and prediction made at the time, and since, by the enemies of silver; showing also that this metal among the people of this country is of equal dignity and of equal value with gold by the people everywhere.

So far as this bill is concerned, authorizing the issue of silver certificates in denominations of $1 and $2, if those opposed to silver would frankly admit that there is to-day ninety-six million of silver dollars in the Treasury of the United States in circulation among the people of the country through the medium of these silver certificates, then I would have no objection to the bill. But the effect of the bill when it becomes a law will be to place an additional amount of silver certificates in circulation, leaving the metal itself to accumulate in the Treasury, thus furnishing an argument at the same time to gentlemen who will not treat the question fairly that silver will not circulate among the people. I fear that its passage will mean the practical demonetization of the standard dollar, that it will drive all of the silver out of circulation.

I undertake to say, Mr. Speaker, that there is no form of paper money issued by the Government of the United States which is of higher character than that of these silver certificates. They are far preferable to any mere promise to pay, because every dollar of silver certificates has intrinsic value behind it. On the lowest estimate behind every dollar of the silver certificate there is to-day 92 per cent. of intrinsic value. In case of panic, in case of war, there never could be any depreciation of silver certificates below that sum, because in the bullion markets of the world this silver pledged for the redemption of the silver certificates would command 90 per cent. Everybody knows, in the case of a crisis, in the case of a foreign war, it is the universal rule for the metals to appreciate in value, whereas your mere promises to pay, your greenback circulation, as we have seen during the late war depreciated as low as 35 cents on the dollar. Yet gentlemen will undertake to say a silver certificate or the silver dollar itself is not a better form of money than these greenback promises to pay. Why, sir, it is the money of the Constitution, it is the money of the fathers, and I say that any legislation which seeks to displace it in this country should not be enacted by this House. The true theory is to discontinue the issue of all paper money below bills of $5, leaving the small transactions of the people to be conducted in silver—the hard metal itself.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. LACEY. I ask whether the time assigned to the opposition has been exhausted.

The SPEAKER *pro tempore*. It has.

Mr. LACEY. Then I will yield two minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Speaker, I consider the most important question before this House, or before Congress at this session, to be some measure to prevent a contraction of the volume of money. There is one feature of this bill which should be well understood, and if my understanding of it be correct I have no objection to the bill. And that feature is this: that as the one and two dollar notes are canceled there shall be a reissue of a like amount in five, ten, or other denominations of United States notes, so that there shall be no possibility of a contraction of the total volume of the circulation. With the understanding that this is the meaning of the bill, then the substitution of the silver certificates of one and two dollars in place of one and two dollar greenbacks is not to me objectionable. I see no reason why that should not be done, provided the total volume of money is not reduced. Its effect would be simply to mobilize the use of silver, by authorizing these silver certificates to circulate in place of the metal itself, in denominations of one and two dollars, as well as in tens and twenties, as now. Silver coin will probably not circulate any more than now, and perhaps no less than now. I can not see that this bill will make any change in that regard. It is a matter of convenience to have small notes of some kind, but whether greenbacks or silver certificates is not very material. But I have an amendment which I desire to offer to the bill.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WARNER, of Ohio. Let me present my amendment. It is as follows: Add to the end of the bill the following: "Nor the reduction of the total volume of United States notes;" so that if adopted the proviso in the bill will then read:

Provided, Nothing in this act shall be construed to interfere with the issuing of silver certificates in other denominations as now authorized by law, nor the reduction of the total volume of United States notes.

Mr. LACEY. I am perfectly willing to accept that modification of the bill.

Mr. WARNER, of Ohio. I think that makes it perfectly safe.

The SPEAKER *pro tempore*. It can only be done by unanimous consent.

Mr. WARNER, of Ohio. Then I ask unanimous consent that the amendment be agreed to.

The amendment was again read.

Mr. LACEY. I ask unanimous consent that that be inserted as an amendment.

Mr. HEWITT, of New York, Mr. BAYNE, and others objected.

Mr. CANNON. I submit, Mr. Speaker, that the objection has no force, because without the amendment of the gentleman from Ohio the law would be precisely as he desires it to be with the amendment.

Mr. HENDERSON, of Iowa. I would ask the gentleman from Ohio if he deems that to be true?

Mr. WARNER, of Ohio. I do not want to leave a possibility of doubt about it, and hence have proposed this amendment.

Mr. HENDERSON, of Iowa. Is there reasonable doubt, or is there any question of doubt?

Mr. WARNER, of Ohio. The question has been raised already. For myself I do not think the law is susceptible of any other interpretation than that put upon it by the gentleman from Iowa himself, that the total volume of greenback circulation can not be reduced.

Mr. HILL. I would like to ask my colleague a question.

The SPEAKER *pro tempore*. The gentleman from Michigan has the floor.

Mr. HILL. I hope he will yield to me for a question.

I wish to ask my colleague if the passage of this bill will not result in a reduction of the volume of Treasury notes?

Mr. TURNER, of Kentucky. Undoubtedly it will.

Mr. WARNER, of Ohio. As the bill stands I do not think it would myself; but, as I have already stated, I would rather place it beyond all peradventure, and hence have offered the amendment.

Mr. LACEY. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has three minutes.

Mr. LACEY. I only yielded two minutes of my time to the gentleman from Ohio.

The SPEAKER *pro tempore*. The gentleman from Ohio returned the floor to the gentleman, and the Chair must consider these interruptions as coming out of the time belonging to the gentleman from Michigan.

Mr. LACEY. I did not consent that such interruptions should be taken out of my time.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from Michigan will be recognized for five minutes.

There was no objection.

Mr. LACEY. I yield three minutes to the gentleman from Rhode Island [Mr. CHACE].

Mr. CHACE. One can hardly discuss with any satisfaction such a question within the limits of three minutes, but there are two or three propositions that I desire to state to the House before action is taken upon this bill. It embraces no great seminal principle. I wish it did. I wish it might have in some degree provided for a suspension of the coinage of silver or for a suspension of the circulation of it for a time. I have grave doubts in my own mind in regard to it, but have concluded to support the bill, and for these reasons, as the law stands at present, the result is to force the circulation of silver upon the people of this country. It is inconvenient and bulky and the people reject it.

Now, in so far as that objection exists to silver, this bill affords some amelioration. It is simply a matter of convenience for the people. It gives them the paper representative of the dollar; the paper dollar itself instead of the heavy, bulky silver dollar. This paper will be worth, just as the dollar itself is worth, only 83 cents on the dollar. Therefore, in that respect, the situation is not changed.

So far as regards the question as between bimetallism and monometallism there is no change. My own judgment, however, is that the gentlemen who have spoken upon the other side are mistaken in regard to the effect of this law. I believe it will reduce the greenback circulation by just as much as it issues silver certificates.

Now, I desired not to mislead. I will not take advantage of any misapprehension. If I vote for or support this bill I want to be distinctly understood as to the grounds upon which I do support it. I would not wish to convey any misapprehension or misimpression to the mind of any gentleman. It is my belief, therefore, that it will result in a reduction of the greenback circulation in the manner that I have stated.

[Here the hammer fell.]

Mr. LACEY. Mr. Speaker, I must confess that I am somewhat surprised that my friend from Rhode Island should have taken the view that he now takes in reference to the operation of the first section of this act. I certainly would not have introduced the bill nor would I have voted for it if its effect would be to diminish the volume of the greenback circulation one dollar. I never was clearer on any subject in my life than I am on this point, that it will not decrease the volume of the greenback circulation in any degree. I am perfectly willing, however, to accept the amendment of the gentleman from Ohio, which will settle the matter beyond controversy, if I am permitted to do so, and only regret that it is not in the original bill.

When we come to consider that the volume of greenbacks is now fixed by law at $346,000,000; that the Secretary of the Treasury is daily retiring the ones and twos, and issuing fives in their place; retiring tens and issuing twenties, and *vice versa*, under the present law, and thus changing the amount in circulation of each denomination every day in the year, I would like to know how a simple provision of law that he is not to issue any more one or two dollar notes is going to reduce the volume of the currency or prevent the issuance of fives or tens or other denominations in place of the ones and twos thus retired.

Mr. CHACE. Because this bill provides for the substitution of silver certificates for greenbacks of small denominations.

Mr. LACEY. It does not provide in terms for the substitution of silver certificates for greenbacks. The first section says it shall not be lawful after the passage of the act to issue Treasury notes of a smaller denomination than $5; and a subsequent section says that the Treasury may issue silver certificates of the denomination of one, two, or five dollars. I have consulted with the Treasurer of the United States and with the Director of the Mint, and they make no objection to this bill. It meets their approval. I will only add that there is no repealing clause in the bill, and nothing increasing or diminishing in any manner the volume of legal-tender notes as now fixed by law.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. The question is on the motion to suspend the rules and pass the bill.

Mr. NEECE. I call for the yeas and nays.

The yeas and nays were ordered, 56 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 50, nays 219, not voting 54; as follows:

YEAS—50.

Adams, G. E.	Davis, G. R.	Horr,	Reagan,
Alexander,	Dowd,	Houseman,	Rosecrans,
Barksdale,	Follett,	Jones, J. H.	Smalls,
Barr,	Foran,	Keifer,	Stewart, Charles
Blackburn,	Fyan,	Kleiner,	Stone,
Breitung,	Glascock,	Lacey,	Tillman,
Brewer, F. B.	Hanback,	Lanham,	Van Eaton,
Candler,	Hardy,	Lovering,	Wadsworth,
Cannon,	Hart,	Miller, J. F.	Washburn,
Chace,	Hatch, H. H.	Money,	White, J. D.
Chalmers,	Herbert,	Muldrow,	Wilson, W. L.
Culbertson, W. W.	Hewitt, G. W.	Oates,	
Cutcheon,	Holman,	Perkins,	

NAYS—219.

Aiken,	Dunn,	Lowry,	Seymour,
Anderson,	Eldredge,	Lyman,	Shelley,
Atkinson,	Elliott,	McComas,	Shively,
Bagley,	Ermentrout,	McCormick,	Singleton,
Ballentine,	Evans,	McMillin,	Skinner, C. R.
Bayne,	Everhart,	Matson,	Skinner, T. G.
Beach,	Ferrell,	Millard,	Smith, A. H.
Belmont,	Findlay,	Milliken,	Smith, H. Y.
Bennett,	Finerty,	Mills,	Snyder,
Bisbee,	Forney,	Mitchell,	Spriggs,
Blount,	Funston,	Morrison,	Springer,
Boutelle,	Geddes,	Morse,	Stephenson,
Boyle,	Goff,	Moulton,	Stevens,
Brainerd,	Green,	Murphy,	Stewart, J. W.
Bratton,	Greenleaf,	Murray,	Stockslager,
Breckinridge,	Guenther,	Mutchler,	Strait,
Brewer, J. H.	Halsell,	Neece,	Struble,
Broadhead,	Hammond,	Nelson,	Sumner, C. A.
Browne, T. M.	Hancock,	Nicholls,	Talbott,
Brown, W. W.	Hardeman,	Nutting,	Taylor, E. B.
Buchanan,	Harmer,	Ochiltree,	Taylor, J. D.
Buckner,	Hatch, W. H.	O'Ferrall,	Taylor, J. M.
Budd,	Hemphill,	O'Hara,	Thomas,
Burleigh,	Henderson, D. B.	O'Neill, Charles	Thompson,
Burnes,	Henderson, T. J.	O'Neill, J. J.	Throckmorton,
Cabell,	Henley,	Parker,	Townshend,
Caldwell,	Hepburn,	Patton,	Tully,
Campbell, J. E.	Hewitt, A. S.	Payne,	Turner, H. G.
Campbell, J. M.	Hill,	Payson,	Turner, Oscar
Carleton,	Hiscock,	Peel,	Van Alstyne,
Cassidy,	Hitt,	Pierce,	Wait,
Clardy,	Hoblitzell,	Peters,	Wakefield,
Clements,	Holmes,	Phelps,	Wallace,
Cobb,	Hooper,	Poland,	Ward,
Collins,	Hopkins,	Post,	Warner, A. J.
Converse,	Howey,	Potter,	Warner, Richard
Cook,	Hunt,	Price,	Weaver,
Cosgrove,	Hurd,	Pryor,	Wellborn,
Covington,	James,	Randall,	Wemple,
Cox, S. S.	Jeffords,	Rankin,	White, Milo
Cox, W. R.	Johnson,	Ranney,	Whiting,
Crisp,	Jones, B. W.	Ray, G. W.	Wilkins,
Culberson, D. B.	Jones, J. K.	Ray, Ossian	Williams,
Cullen,	Jones, J. T.	Reed,	Willis,
Curtin,	Jordan,	Reese,	Wilson, James
Dargan,	Kean,	Rice,	Winans, E. B.
Davidson,	Kelley,	Riggs,	Winans, John
Davis, L. H.	Ketcham,	Robinson, J. S.	Wise, G. D.
Davis, R. T.	Laird,	Rockwell,	Wolford,
Deuster,	Lamb,	Rogers, J. H.	Wood,
Dibble,	Lawrence,	Rogers, W. F.	Woodward,
Dibrell,	Le Fevre,	Rowell,	Worthington,
Dingley,	Lewis,	Ryan,	Yaple,
Dockery,	Long,	Scales,	York.
Dunham,	Lore,	Seney,	

NOT VOTING—54.

Adams, J. J.	Ellis,	Libbey,	Shaw,
Arnot,	Ellwood,	McAdoo,	Slocum,
Barbour,	English,	McCold,	Spooner,
Belford,	Fiedler,	Maybury,	Steele,
Bingham,	Garrison,	Miller, S. H.	Storm,
Blanchard,	George,	Morgan,	Sumner, D. H.
Bland,	Gibson,	Morrill,	Tucker,
Bowen,	Graves,	Muller,	Valentine,
Brumm,	Haynes,	Paige,	Vance,
Campbell, Felix	Holton,	Pettibone,	Weller,
Clay,	Houk,	Pusey,	Wise, J. S.
Connolly,	Hutchins,	Robertson,	Young.
Dorsheimer,	Kellogg,	Robinson, W. E.	
Eaton,	King,	Russell,	

So (two-thirds not having voted in the affirmative) the rules were not suspended.

On motion of Mr. LORE, by unanimous consent, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above stated.

LEAVE TO PRINT.

By unanimous consent, leave was given to Mr. CHACE, to Mr. COOK, and to Mr. LACEY to extend in the RECORD their remarks on the bill just voted upon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate agreed to the concurrent resolution of the House of Representatives, that the President of the Senate, together with a committee of thirteen Senators to be appointed by him, and the Speaker of the House, together with one Representative or Delegate from each State and Territory in the Union, to be selected by him, be requested to attend at the Executive Mansion on Tuesday, the 16th instant, at 12.30 p. m., to witness on behalf of the Congress of the United States the opening of the World's Industrial and Cotton Centennial Exposition at New Orleans by the President, and to adopt and forward thereto such address of congratulation as may seem appropriate to the occasion.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1838) for the erection of a public building at Akron, Ohio;

A bill (S. 2391) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

A bill (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.

OPENING OF NEW ORLEANS EXPOSITION.

The SPEAKER *pro tempore*. In accordance with the concurrent resolution which has been adopted by the two Houses the Chair announces the following committee on the part of the House to attend at the Executive Mansion to witness the opening of the World's Industrial and Cotton Exposition by the President: Mr. OATES of Alabama, Mr. ROGERS of Arkansas, Mr. HENLEY of California, Mr. BELFORD of Colorado, Mr. SEYMOUR of Connecticut, Mr. LORE of Delaware, Mr. DAVIDSON of Florida, Mr. HARDEMAN of Georgia, Mr. HITT of Illinois, Mr. MATSON of Indiana, Mr. HENDERSON of Iowa, Mr. PERKINS of Kansas, Mr. HALSELL of Kentucky, Mr. ELLIS of Louisiana, Mr. DINGLEY of Maine, Mr. COVINGTON of Maryland, Mr. LYMAN of Massachusetts, Mr. WINANS of Michigan, Mr. STRAIT of Minnesota, Mr. VAN EATON of Mississippi, Mr. O'NEILL of Missouri, Mr. GREEN of North Carolina, Mr. LAIRD of Nebraska, Mr. CASSIDY of Nevada, Mr. RAY of New Hampshire, Mr. KEAN of New Jersey, Mr. ADAMS of New York, Mr. PAIGE of Ohio, Mr. GEORGE of Oregon, Mr. BINGHAM of Pennsylvania, Mr. CHACE of Rhode Island, Mr. HEMPHILL of South Carolina, Mr. CALDWELL of Tennessee, Mr. THROCKMORTON of Texas, Mr. POLAND of Vermont, Mr. O'FERRALL of Virginia, Mr. GIBSON of West Virginia, Mr. RANKIN of Wisconsin, Mr. OURY of Arizona, Mr. RAYMOND of Dakota, Mr. SINGISER of Idaho, Mr. MAGINNIS of Montana, Mr. MANZANARES of New Mexico, Mr. CAINE of Utah, Mr. BRENTS of Washington, Mr. POST of Wyoming.

REVENUE-MARINE SERVICE.

Mr. PETERS. I am authorized and directed by the Committee on Commerce to move to suspend the rules and pass the bill (H. R. 6120) to promote the efficiency of the revenue-marine service.

The bill was read, as follows:

Be it enacted, &c., That section 2749 of the Revised Statutes be, and the same is hereby, amended so as to require the Secretary of the Treasury to place on waiting orders, with waiting-orders pay, all officers of the revenue marine who are or shall be totally disabled for regular duty, or who are or shall be 65 years of age, or who shall have served forty years; and vacancies created by placing such officers on waiting orders may be filled by promotions under the provisions of section 2752 of the Revised Statutes: *Provided*, That if the disability of any officer of the revenue marine be found to be not incident to his service, he may, in the discretion of the President, be placed on waiting orders, on one-half the pay of his grade, or may be dropped from the rolls, with not exceeding one year's full pay of his grade.

SEC. 2. That the President may, by and with the advice of the Senate, appoint from the list of captains in the revenue-marine service three post-captains, whose compensation shall be at the rate of $3,000 each per annum while on duty, and three-fourths of said sum while on leave of absence or waiting orders.

SEC. 3. That the provisions of sections 1262 and 1263 of the Revised Statutes be, and the same are hereby, extended so as to include commissioned officers of the revenue-marine service.

Mr. REAGAN. On the motion to suspend the rules I demand a second.

Mr. PETERS. I ask unanimous consent that a second may be considered as ordered.

Mr. REAGAN and others objected.

The SPEAKER *pro tempore*. Objection being made, the question on seconding the motion to suspend the rules must be taken by tellers; and the Chair appoints as such the gentleman from Kansas, Mr. PETERS, and the gentleman from Texas, Mr. REAGAN.

The House divided; and the tellers reported—ayes 77, noes 93.

So the motion to suspend the rules was not seconded.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. The next committee entitled to submit a motion to suspend the rules is the Committee on Rivers and Harbors; but before calling that committee the Chair will submit to the House some requests for leave of absence, some of which relate to the remainder of the present day.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, indefinitely, on account of important business.

To Mr. KING, for this week, on account of important business.

To Mr. VANCE, indefinitely, on account of illness in his family.

To Mr. BAYNE, indefinitely.

To Mr. BEACH, for the remainder of the day, on account of sickness in his family.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The next committee entitled to submit a motion to suspend the rules is the Committee on Rivers and Harbors.

Mr. NICHOLLS. I move that the House do now adjourn.

The question being taken on the motion of Mr. NICHOLLS, there were—ayes 103, noes 86.

Mr. WILLIS. I call for tellers.

Mr. WHITE, of Kentucky. I call for the yeas and nays. It is only half past 3 o'clock.

The yeas and nays were ordered, 61 voting in favor thereof.

The question was taken; and there were—yeas 85, nays 172, not voting 66; as follows:

YEAS—85.

Alexander,	Davis, L. H.	Lore,	Smith, A. H.
Ballentine,	Deuster,	McMillin,	Snyder,
Bennett,	Dowd,	Miller, J. F.	Spriggs,
Blackburn,	Eldredge,	Mills,	Stewart, Charles
Blount,	Elliott,	Mitchell,	Stockslager,
Brainerd,	Findlay,	Morrison,	Thomas,
Breitung,	Foran,	Mutchler,	Throckmorton,
Broadhead,	Goff,	Nicholls,	Tillman,
Buchanan,	Graves,	O'Ferrall,	Tully,
Buckner,	Green,	Potter,	Turner, H. G.
Carleton,	Hancock,	Pryor,	Turner, Oscar
Chace,	Hemphill,	Randall,	Van Alstyne,
Clardy,	Hepburn,	Rankin,	Van Eaton,
Cobb,	Hoblitzell,	Reagan,	Wadsworth,
Converse,	Holman,	Reese,	Wait,
Cosgrove,	Hurd,	Robinson, J. S.	Warner, A. J.
Covington,	Jones, J. H.	Rogers, W. F.	Wellborn,
Cox, W. R.	Jones, J. T.	Scales,	Wilkins,
Crisp,	Jordan,	Seymour,	Yaple.
Culberson, D. B.	Lamb,	Shively,	
Culbertson, W. W.	Lanham,	Skinner, T. G.	
Dargan,	Le Fevre,	Smalls,	

NAYS—172.

Adams, G. E.	Evans,	Ketcham,	Robinson, W. E.
Aiken,	Everhart,	Laird,	Rockwell,
Anderson,	Ferrell,	Lawrence,	Rogers, J. H.
Atkinson,	Finerty,	Lewis,	Rosecrans,
Bagley,	Follett,	Long,	Rowell,
Barksdale,	Forney,	Lovering,	Ryan,
Bayne,	Funston,	Lowry,	Seney,
Bisbee,	Fyan,	Lyman,	Shelley,
Blanchard,	Geddes,	McCold,	Singleton,
Boutelle,	George,	McComas,	Skinner, C. R.
Boyle,	Glascock,	McCormick,	Smith, H. Y.
Bratton,	Greenleaf,	Matson,	Springer,
Breckinridge,	Guenther,	Milliken,	Stephenson,
Brewer, F. B.	Halsell,	Morse,	Stevens,
Brewer, J. H.	Hammond,	Muldrow,	Stewart, J. W.
Browne, T. M.	Hanback,	Murphy,	Strait,
Brown, W. W.	Hardeman,	Murray,	Talbott,
Budd,	Harmer,	Neece,	Taylor, J. D.
Burnes,	Hart,	Nelson,	Taylor, J. M.
Cabell,	Hatch, H. H.	Oates,	Thompson,
Caldwell,	Hatch, W. H.	O'Hara,	Tucker,
Campbell, J. E.	Haynes,	O'Neill, Charles	Vance,
Campbell, J. M.	Henderson, D. B.	O'Neill, J. J.	Wakefield,
Candler,	Henley,	Parker,	Wallace,
Cannon,	Herbert,	Patton,	Ward,
Cassidy,	Hewitt, A. S.	Payne,	Warner, Richard
Chalmers,	Hewitt, G. W.	Payson,	Washburn,
Clements,	Hill,	Peel,	Weaver,
Collins,	Hiscock,	Perkins,	White, J. D.
Cook,	Hitt,	Peters,	White, Milo
Cox, S. S.	Holmes,	Pettibone,	Whiting,
Cullen,	Hooper,	Pierce,	Williams,
Cutcheon,	Hopkins,	Poland,	Willis,
Davidson,	Horr,	Post,	Wilson, James
Davis, G. R.	Houseman,	Price,	Wilson, W. L.
Davis, R. T.	Howey,	Pusey,	Winans, E. B.
Dibble,	Hunt,	Ranney,	Winans, John
Dibrell,	James,	Ray, G. W.	Wise, G. D.
Dingley,	Jeffords,	Ray, Ossian	Wolford,
Dockery,	Johnson,	Reed,	Wood,
Dunham,	Jones, B. W.	Rice,	Woodward,
Dunn,	Kean,	Riggs,	Worthington,
Ermentrout,	Keifer,	Robertson,	York.

NOT VOTING—66.

Adams, J. J.	Eaton,	Lacey,	Slocum,
Arnot,	Ellis,	Libbey,	Spooner,
Barbour,	Ellwood,	McAdoo,	Steele,
Barr,	English,	Maybury,	Stone,
Beach,	Fiedler,	Millard,	Storm,
Belford,	Garrison,	Miller, S. H.	Struble,
Belmont,	Gibson,	Money,	Sumner, C. A.
Bingham,	Hardy,	Morgan,	Sumner, D. H.
Bland,	Henderson, T. J.	Morrill,	Taylor, E. B.
Bowen,	Holton,	Moulton,	Townshend,
Brumm,	Houk,	Muller,	Valentine,
Burleigh,	Hutchins,	Nutting,	Weller,
Campbell, Felix	Jones, J. K.	Ochiltree,	Wemple,
Clay,	Kelley,	Paige,	Wise, J. S.
Connolly,	Kellogg,	Phelps,	Young.
Curtin,	King,	Russell,	
Dorsheimer,	Kleiner,	Shaw,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. HENDERSON, of Illinois, with Mr. TOWNSHEND, on all political questions, for the remainder of this day.

Mr. CLAY with Mr. KELLOGG, for the remainder of the day.

Mr. KLEINER with Mr. MORRILL, for the remainder of the day.

Mr. JONES, of Arkansas. I am paired with the gentleman from Massachusetts, Mr. RUSSELL, and therefore withdraw my vote.

The result of the vote was announced as above stated.

DEPARTMENT OF AGRICULTURE.

The SPEAKER *pro tempore*. If the Committee on Rivers and Harbors has nothing to present, the next committee is the Committee on Agriculture.

Mr. AIKEN. I am instructed by the Committee on Agriculture to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1457) to establish a department of agriculture, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That there shall be established in the city of Washington a department of agriculture.

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, a secretary of agriculture to preside over said department of agriculture, who shall equal in rank and pay the Secretaries now constituting the Executive Cabinet.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, an assistant secretary of agriculture, who shall receive a compensation of $4,000 per annum, to be paid in monthly installments, and whose official duties shall supersede those of the officer known as the Commissioner of Agriculture, which said office of Commissioner of Agriculture is hereby abolished.

SEC. 4. That the secretary of agriculture shall appoint a chief clerk of the department of agriculture, with a salary of $2,500 per annum, to be paid in monthly installments, whose duties shall supersede those of the chief clerk of the existing Bureau of Agriculture, which said office of chief clerk of the Bureau of Agriculture is hereby abolished.

SEC. 5. That the existing Bureau of Agriculture, with all its appurtenances, save its chief clerk and Commissioner, are hereby transferred to the department of agriculture, to be supervised by the chief clerk and assistant secretary of said department.

SEC. 6. That in addition to the divisions now existing in the Bureau of Agriculture there shall be organized, under the supervision of the secretary of agriculture, and in a manner similar to the organization of the existing divisions, a division of veterinary science, and a division of forestry.

SEC. 7. That all laws and parts of laws inconsistent with this act are hereby repealed.

The SPEAKER *pro tempore*. Is a second demanded on the motion to suspend the rules?

Mr. AIKEN. I ask unanimous consent that a second be considered as ordered.

Mr. NICHOLLS. I move that the House adjourn.

Mr. AIKEN. Is that motion in order?

The SPEAKER *pro tempore*. It is.

Mr. AIKEN. I hope the House will vote down the motion.

The question being taken on the motion of Mr. NICHOLLS, there were—ayes 71, noes 99.

Mr. NICHOLLS. I call for tellers.

Tellers were not ordered.

So the motion to adjourn was rejected.

Mr. AIKEN. I ask unanimous consent that the motion to suspend the rules be considered as seconded.

Mr. BLOUNT. I object.

The SPEAKER *pro tempore*. Objection being made, the question on seconding the motion to suspend the rules will be taken by tellers, and the Chair appoints the gentleman from South Carolina [Mr. AIKEN] and the gentleman from Georgia [Mr. BLOUNT].

The House divided; and the tellers reported—ayes 101, noes 71.

So the motion to suspend the rules was seconded.

Mr. HOLMAN. I make the point that no quorum has voted.

The SPEAKER *pro tempore*. Yes; a quorum has voted.

Mr. AIKEN. Mr. Chairman, I suppose that every member of this House has made up his mind in regard to this bill. It is no new thing in the Congress of the United States. A bill similar was presented in the Forty-fifth Congress. It reached the Calendar and there remained till the end of the term. In the Forty-sixth Congress another bill of like nature was introduced and reported favorably by the committee to which it was referred. It was put on its passage under a suspension of the rules and lost by one single vote, that negative vote being cast by the then chairman of the Committee on Agriculture. In the Forty-seventh Congress a similar bill was again submitted to the House under a suspension of the rules and received but 7 negative votes, there being 183 votes in favor of it. This is a repetition of the same bill; and I do not desire to detain the House at this late hour of the evening to discuss its merits. Unless there shall be some antagonism I am willing it shall be put on its passage at once without debate. I reserve the balance of my time to refute if possible any opposition that may be presented.

Mr. BLOUNT. I have, Mr. Speaker, I trust, as much regard for the interest of agriculture as the gentleman who is in charge of the present bill. I represent largely an agricultural constituency. I have endeavored to favor as far as I could a policy promotive of the interest of agriculture. But, sir, I do not consider that I shall accomplish anything in that way by simply multiplying offices and providing additional salaries in a bill with nothing else to recommend it. I listened as the Clerk read the bill, and I found nothing in it except in lieu of a Commissioner of Agriculture it creates a new office of secretary of the department of agriculture and an additional salary, and an additional office and salary for an assistant secretary. There are no provisions in the bill for additional duties to be assigned to these new officers. It simply provides for the creation of these new offices and the accompanying salaries. That is all there is in it. [Laughter.]

Heretofore there have been bills on the subject; but those bills added to the duties of the present Agriculture Bureau, but, as I have already said, in this case or in this bill we have nothing more than an increase of offices and an increase of salaries. It seems to me, therefore, that it is perfectly ridiculous. It is a cheat to talk about this bill being in the interest of agriculture. Not a single line is suggestive of any new field of operation. The old business of gathering seed and distributing it will make up the whole of this matter.

Now, I trust, Mr. Speaker, that we shall not undertake to pass any bill creating a new Cabinet officer unless we accompany it with provision giving him additional duties. As suggested by gentlemen on my left, if we propose to do nothing more than to create two or three new offices with additional salaries, it would be far better to take the money and with it buy seed in the old manner for general distribution. [Laughter.]

I reserve the balance of my time. [Cries of "Vote!" "Vote!"] I will yield five minutes of my time first to the gentleman from New York [Mr. POTTER].

Mr. BROWNE, of Indiana. I wish the gentleman to yield to me for a while.

Mr. BLOUNT. What side are you on?

Mr. BROWNE, of Indiana. Why, I am opposed to the bill.

Mr. BLOUNT. I would be glad to yield to you.

Mr. POTTER addressed the House. [See Appendix.]

Mr. BLOUNT. I yield now two minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, why not organize a department of manufactures? That is an industry almost equal in importance to that of agriculture in this country. Our manufactured products reach annually an amount equal in value to $6,000,000,000. Why not organize a department of mines and mining? Why not, after this is done, establish a secretary for each of them, with the powers proposed to be given here to this department of agriculture, and for every one of the other great industries of the country? There is as much necessity, in my mind, for the establishment of these as there is for a department of agriculture.

But I oppose this measure now as I have done heretofore for the reason that everything that is of value or can be of value to the great farming interests of the country is being done and well done through the Bureau of Agriculture. It comes nearer to the agricultural people than a department could possibly come. It answers all their wants fully; and because I believe that no good could be accomplished for the farming people of this country, and because I know they do not demand it in the section which I represent, for it is almost purely an agricultural people, and because they do not want or need it, I oppose the proposition.

[Here the hammer fell.]

Mr. BLOUNT. I reserve the remainder of my time.

Mr. AIKEN. I yield two minutes of my time to the gentleman from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa. Mr. Speaker, gentlemen misapprehend the objects and purposes of this bill. They have supposed that the farmers of this country are coming to Washington to be instructed in what they are going to do for their own interests by a secretary of agriculture. We have wider views. Five-sixths of all the exports of this nation go directly from the farm. These products do not stay in the State or the locality where they are raised; they go beyond the control of the State the moment they pass the State line. Consequently our exports become national and pass beyond State jurisdiction. Is it too much to ask Federal care of national commerce? Every nation on earth but ours watches jealously over the prosperity of the producer and gives national heed to its exports. What breadth of statesmanship to suppose the distribution of seeds the object of this bill!

Consider for a moment what keeps this country going financially; what brings the great annual balance of trade in our favor. Look at the great hog products of this country that go abroad defamed, lied about, discounted, depreciated, with no department of our Government that possesses facts to defend; and there is nobody in the great treaty-making powers of the United States to say a word for the interest of America in that respect. Everybody is the farmer's patron. An advocate is wanted, not a patron. The farmers of the country can take care of matters connected with the farm and at their homes. But there is nobody to watch their interests when farm products become national commerce. Farmers are not coming to Washington to learn of cattle or seeding or things of that kind. When they consider production, Congress would be sadly out of place taking a hand in the debates. A head is required for the national producers as a matter of protection when

American products are hostilely dealt with by foreign powers—an intelligent head, that will have a tongue in the councils of the Cabinet.

Bob Ingersoll said in his remarks last night, I have been told, in speaking sneeringly of Christianity, that he heard our Chaplain pray that Congress might have wisdom, and seemed to regard it as an utter impossibility that such prayers could be answered. [Laughter.]

I believe in the efficacy of prayer, but I do not believe in the power of the people about Washington to teach the farmers anything about agriculture. Never do they ask for lessons. Perfect machinery through which our products that become national commerce may have due credit abroad, and let it take the place of the dozen expensive bureaus that now deal with what pertains to agriculture. No step should be taken in any foreign treaty until its effect on our producers be intelligently determined, and that can not be done to-day. Our farmers have interests that are competing with the world to-day. We want a Cabinet officer who comprehends the drift and growth of this competition. We are competing now with the people of India in reference to the shipments and sale of our grain. We are competing with Australia and South America in our wool products. Treaties are being made with reference to these very matters that the House has nothing to do with, treaties made by the President of the United States with the approval and consent of the Senate, and agriculture has no hearing there. We want a finger in the treaty-making. We want a representative head that will comprehend the whole field.

[Here the hammer fell.]

Mr. AIKEN. Mr. Speaker, I am as anxious for a vote as the majority of the members of this House, who seem to be impatient, and I do not wish to delay action upon this measure; but I do desire to say a word in response to the remarks of gentlemen opposing this bill.

The gentleman from New York [Mr. POTTER] seems to anticipate a great centralization of power at Washington because of the fact that we ask for a secretary of agriculture. Does that gentleman see to-day, because there have been created one or more Cabinet positions, any undue centralization of power here? Does he not know the fact that under our Constitution there is no such thing as a Cabinet position? Is he not aware that every officer of the Cabinet has been placed there by statutory legislation and not by constitutional privilege or power?

I say to the gentleman from Indiana [Mr. BROWNE], too, that I am surprised to find him so ignorant of the action of his own State. Within the past few years more than 10,000 petitions have passed through the petition-box from the farmers of the United States asking the elevation of this department, and I hazard nothing in saying more than five hundred of these petitions have come from the State of Indiana; and, sir, they were signed, each of them, by from ten to one hundred adult men and women. Only within the past two months an organization representing thirty-two States of this Union has sent to the Committee on Agriculture the signatures of several thousand petitioners asking the passage of this bill.

I say, sir, that the people demand this legislation, and they are going to have it. If they do not get it now it will come at no distant day.

The gentleman from Georgia [Mr. BLOUNT] ridicules the bill forsooth because it does not go into details to show what are the duties of this officer. I will tell you what would be one of the duties of this officer, the attempted discharge of which has cost this Government more during the past six months than the secretary of agriculture will cost in a lifetime.

Mr. Speaker, a few months ago we became complicated with foreign nations upon the question of the importation of our meat products. We were charged with sending to European countries meats that were introducing fatal diseases among the people of those countries who consumed them. And what was our remedy? There was no one to investigate this matter. It belonged to the agricultural interests of this country, but they had not a friend anywhere to investigate the question so as to ascertain whether we were really liable to the charge brought against us.

The Secretary of the Treasury ordered an investigation to be made through the Marine-Hospital Service. I do not know what ever became of that order. It cost the Government several thousands of dollars. No report that I know of was ever made. But the question was considered of sufficient importance to induce the Secretary to issue another order, this time to Mr. Nimmo, of the Bureau of Statistics, to make investigation of the subject. That involved another expenditure of money, and I hold in my hand his report, comprising about fifty pages, almost the entire contents of which are extracted from the reports issued by the Department of Agriculture; the only original idea in the report being embraced in the statement on the first page, "that hogs are raised in every State of this Union." [Laughter.]

But, sir, this was not enough, for the President of the United States subsequently thought this international complication of sufficient importance to have the charges against us investigated through the State Department, which involved an additional expenditure, far greater than the salary asked for in this bill. As the result of this third inquiry a pamphlet, which I hold in my hand, was issued of one hundred and sixty-nine pages, and almost every word of it taken from the reports of the Agricultural Department; and the House has ordered the printing of 60,000 copies of this pamphlet as if it were something original and new. The prosecution of these investigations has cost the Government already more than would the expenses of the secretary of agriculture during a Presidential term.

Again, sir, during the last session we had a discussion in this House of a week's duration upon the constitutionality of the pleuro-pneumonia bill; and able lawyers on this floor split hairs so finely upon this subject that a microscope would scarcely develop what they were aiming at, contending for and against the constitutionality of the appropriation asked for. And what was the result? I believe we gave $150,000.

Sir, if we had a secretary of agriculture receiving the modest salary of $8,000, but invested with the power granted by this bill, there should never have been the necessity for this discussion or the introduction of a pleuro-pneumonia bill to this House. It would have been his duty, and would have been one of the details of his office, that there should have been no possibility of the introduction of pleuro-pneumonia into this country. But what is the fact now? We can not import a hide or a hoof, we can not export a head of cattle that the Treasury Department does not send on a lot of gentlemen to examine the importation, some of whom, I dare say, could scarcely tell the difference between a steer and a jackass. [Laughter.] Why, sir, the agricultural interests of this country, great as they are, have cost the Government but little.

We expend a vast deal of money here buying seed, and, as a practical farmer, a man who does not know much else than to farm, I say there is not a grander humbug in the American Union to-day than the expenditure of public money for that purpose. I might go, if I had the money, to Peter Henderson, or some other seedsman, and buy up all his stock of seed and scatter them by a gratuitous system more fairly than it is now done. But let there be a bill introduced to take from this House the scattering of those seeds, and my friend from Georgia [Mr. BLOUNT], I have no doubt, would object to it. Has not that thing been fought here during the last eight years? Twice or thrice I have myself tried to take it out of the hands of members of Congress and to put it into the hands of the Commissioner of Agriculture, and on two or three occasions the majority of this House have voted me down. Every man on this floor, nearly, wants to be a seed distributer.

If there were a secretary of agriculture, the office would give character, importance, and extended jurisdiction to this department of agriculture, and it would be what it ought to be, a representative department of the producers of this country, which now the Agricultural Bureau is not.

But, Mr. Speaker, I need not go further with this subject than to say this: Except the English nation there is not a nation in the civilized world that does not have a department of agriculture presided over by a secretary of agriculture. Ours is a republican form of government and I do not like to instance what other nations are doing as examples for us to follow. But it is a practical question, and if this has been an advantage to them it would necessarily be so to us. This question has nothing to do with the centralization of power in the hands of the Federal Government. It is simply organizing here a department presided over by a man with a jurisdiction equal to that of any other member of the Cabinet of the President, so that he will look exactly after the wants—the Federal wants, if you please to call it so—of the farmers of this country, not their individual wants. There is nothing in this bill proposing to teach the farmer how to hold a plow or drive a thrashing-machine or anything of that sort. It is simply a bill to give jurisdiction to that great agricultural interest of the country, and have a man to supervise it as a Federal matter entirely.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the President *pro tempore* had appointed Mr. LOGAN, Mr. DAWES, Mr. CAMERON of Wisconsin, Mr. CAMERON of Pennsylvania, Mr. HARRISON, Mr. MILLER of California, Mr. RIDDLEBERGER, Mr. PENDLETON, Mr. BUTLER, Mr. VEST, Mr. JONAS, Mr. SLATER, and Mr. WALKER as the committee on the part of the Senate under the concurrent resolution of the two Houses of Congress to witness on behalf of the Congress of the United States the opening of the World's Industrial and Cotton Centennial Exposition at New Orleans by the President on Tuesday, December 16, 1884.

DEPARTMENT OF AGRICULTURE.

Mr. AIKEN. I yield one minute to the gentleman from California [Mr. BUDD].

Mr. BUDD. In one minute I can add nothing to the remarks of the gentleman from South Carolina [Mr. AIKEN]. I can only do as did the Western man who got religion. When the cold weather came he tacked the Lord's Prayer to the wall, and at nights, speedily divesting himself of his clothes, he would jump into bed, draw the bedding around his chin, and, pointing to the prayer, say, "Oh, Lord, them's my sentiments. Amen." So I, pointing to the speech of Colonel AIKEN, say, "Those are my sentiments. Amen." Answering the gentlemen from Indiana and Georgia, I wish to state that all Cabinet offices have been created in the manner provided for in this bill and afterward the powers and details provided. It is so here. Create this office, then establish experimental stations or bureaus and such other machinery necessary to carry out its operations and better the condition of our farming classes.

The farming interest is the greatest in the United States and is entitled to this recognition, and its interests to the careful consideration of a separate department; and I therefore implore members to cast their vote for this measure in behalf of the farming interests.

Mr. AIKEN. I yield the remainder of my time to the gentleman from Georgia [Mr. HARDEMAN].

Mr. HARDEMAN. Mr. Speaker, the object of this bill is simply to dignify labor. Our purpose in supporting this measure is to make the labor of the country feel that, while the education of the country has ignored it, the Legislature of the country will come to its rescue. From the petitions which have been sent here by the laboring people of the country, I believe it is their wish that the General Government should so legislate as to dignify labor. By doing this you will make the agricultural regions of the country the home of an industrious population. Labor being thus encouraged, people will not be driven to the cities in search of employment, and for want of it increase the number of paupers or criminals.

In the short time allowed me I can only indorse every word that has been said by the gentleman from South Carolina. I know that many men in this House say to the country in their stump speeches that they are the friends of labor; but their votes as recorded here prove that "not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven." [Laughter and applause.]

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. BLOUNT] has five minutes of his time remaining.

Mr. BLOUNT. In these few minutes I wish to reply briefly to the gentleman from South Carolina [Mr. AIKEN]. In the beginning of his speech he rebuked the gentleman from Indiana [Mr. BROWNE] for not knowing that the people of Indiana want the Commissioner of Agriculture abolished and a "secretary of agriculture" appointed in his stead. Now, Mr. Speaker, the gentleman from South Carolina proves his own ignorance by the reference he has made to the petitions on this subject coming here through our petition-box. As a matter of fact, it is well known that those petitions were printed in the city of Washington under the direction of the Commissioner of Agriculture, and sent through the mails all over the country, to be brought back here with signatures, for the purpose of influencing Congress.

Mr. AIKEN rose.

Mr. BLOUNT. I do not consent to interruption. I state a matter of fact.

Mr. AIKEN. You can not prove it.

Mr. BLOUNT. I can prove it. I have been through my district for years and have never yet had any farmer ask me to support any measure of this sort. But from the time this proposition has been broached the Commissioner of Agriculture—the present Commissioner as well as other Commissioners—has been about this body and the Senate Chamber asking that this thing be done.

My friend from South Carolina grows eloquent on the subject of pleuro-pneumonia. We had at the last session a long discussion on that subject, and if we had had a "secretary of agriculture," receiving the salary of a Department officer without any duties additional to those now performed by the Commissioner (for this bill does not propose to impose on this officer any new duties), we would have had that debate going on still. So in reference to the hog cholera and other subjects of that kind which have been under investigation in the interest of agriculture. This bill, I repeat, does not confer on this proposed secretary of agriculture any greater power than has been exercised by the Commissioner; it does nothing but create this new officer with an enlarged salary as the representative of the agricultural interests of the country.

Mr. BROWNE, of Indiana. The gentleman will concede that this bill does two things—it changes the name of the Commissioner of Agriculture to that of "Secretary of Agriculture," and increases his salary.

Mr. BLOUNT. Certainly it does. And when the rank and salary of this officer has been thus increased, we are to have no more pleuro-pneumonia and no more hog cholera! That is the whole argument presented here. The bill provides nothing in the way of a reorganization of the present bureau—nothing in the way of imposing additional duties. I trust we are not going to enact the farce of passing this bill.

If we are to have a department of agriculture, let the measure be carefully considered; let the duties of the head of the department be defined; and let the matter be submitted here in fair debate, so that we may know what we are undertaking to do.

I yield the residue of my time to the gentleman from New York [Mr. COX].

The SPEAKER *pro tempore*. The gentleman from New York has one minute and thirty seconds.

Mr. COX, of New York. I can not do justice to this thing in one minute and a half. [Laughter.] I suppose gentlemen on the other side of the House desire to make a new cabinet place in order that it may be filled by the incoming administration. It will give Governor Cleveland some trouble. Here is a department that has the regulation of cows and rams and so on. [Laughter and applause.] How can he fill it? Will he say he will give it to a New Englander because maple sugar is a larger thing than the cowslip industry in the Southwest? [Laughter.]

Now I am opposed to any such bill here unless it can show some warrant for it in the Constitution. There is no more warrant for this than for a department of science.

Mr. AIKEN. Let me ask you a question.

Mr. COX, of New York. How can I when I have only one minute and a half? [Laughter.]

Mr. AIKEN. What warrant in the Constitution was there for the establishment of any one of these cabinet positions?

Mr. COX, of New York. A good deal as to some of them. The Navy Department no doubt could take care of the ram business. [Laughter].

The SPEAKER *pro tempore*. The gentleman's time is exhausted. The question recurs on the motion of the gentleman from South Carolina [Mr. AIKEN] to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, and pass it.

Mr. HATCH, of Missouri, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 166, nays 69, not voting 88; as follows:

YEAS—166.

Aiken,	Elliott,	Lamb,	Shively,
Alexander,	Evans,	Lanham,	Singleton,
Anderson,	Everhart,	Lawrence,	Skinner, C. R.
Atkinson,	Ferrell,	Le Fevre,	Smith, H. Y.
Ballentine,	Finerty,	Lewis,	Snyder,
Barbour,	Follett,	Lowry,	Springer,
Barksdale,	Forney,	McCold,	Stephenson,
Barr,	Funston,	McComas,	Stevens,
Bayne,	Fyan,	McCormick,	Stewart, Charles
Bisbee,	Geddes,	McMillin,	Strait,
Blanchard,	George,	Matson,	Struble,
Bouteile,	Glascock,	Milliken,	Talbott,
Breitung,	Goff,	Mills,	Taylor, J. D.
Brewer, F. B.	Green,	Money,	Taylor, J. M.
Brewer, J. H.	Greenleaf,	Muldrow,	Thompson,
Brown, W. W.	Guenther,	Murray,	Throckmorton,
Budd,	Halsell,	Neece,	Tillman,
Burleigh,	Hanback,	Nelson,	Tully,
Burnes,	Hardeman,	Nutting,	Van Eaton,
Cabell,	Harmer,	O'Ferrall,	Wakefield,
Caldwell,	Hart,	O'Neill, J. J.	Wallace,
Campbell, J. E.	Hatch, H. H.	Patton,	Ward,
Candler,	Hatch, W. H.	Payne,	Warner, Richard
Cannon,	Hemphill,	Payson,	Weaver,
Carleton,	Henderson, D. B.	Pierce,	Wellborn,
Cassidy,	Henley,	Peel,	Wemple,
Chace,	Hepburn,	Perkins,	White, J. D.
Chalmers,	Hewitt, G. W.	Peters,	White, Milo
Clements,	Hill,	Pettibone,	Whiting,
Converse,	Hitt,	Post,	Wilkins,
Cosgrove,	Holmes,	Price,	Williams,
Crisp,	Hooper,	Pusey,	Wilson, James
Culberson, D. B.	Horr,	Ray, G. W.	Wilson, W. L.
Cullen,	Houseman,	Ray, Ossian	Winans, E. B.
Cutcheon,	Howey,	Reese,	Winans, John
Davidson,	Jeffords,	Riggs,	Wood,
Davis, L. H.	Jones, B. W.	Robertson,	Woodward,
Dibrell,	Jones, J. H.	Rockwell,	Worthington,
Dingley,	Jones, J. T.	Rogers, W. F.	Yaple,
Dockery,	Jordan,	Rowell,	York.
Dowd,	Lacey,	Seney,	
Dunn,	Laird,	Shelley,	

NAYS—69.

Adams, G. E.	Davis, G. R.	Jones, J. K.	Reagan,
Bagley,	Davis, R. T.	Kean,	Rice,
Bennett,	Deuster,	Long,	Rogers, J. H.
Blount,	Dibble,	Lovering,	Scales,
Boyle,	Dunham,	Lyman,	Seymour,
Bratton,	Eldredge,	Millard,	Smalls,
Breckinridge,	Ermentrout,	Miller, J. F.	Stewart, J. W.
Browne, T. M.	Foran,	Morrison,	Thomas,
Buchanan,	Hammond,	Morse,	Turner, H. G.
Buckner,	Hancock,	Murphy,	Turner, Oscar
Cobb,	Herbert,	Mutchler,	Van Alstyne,
Collins,	Hewitt, A. S.	Nicholls,	Warner, A. J.
Cook,	Hiscock,	Oates,	Willis,
Cox, S. S.	Hoblitzell,	Potter,	Wise, G. D.
Cox, W. R.	Holman,	Pryor,	Wolford.
Culbertson, W. W.	Hunt,	Randall,	
Curtin,	James,	Rankin,	
Dargan,	Johnson,	Ranney,	

NOT VOTING—88.

Adams, J. J.	English,	McAdoo,	Skinner, T. G.
Arnot,	Fiedler,	Maybury,	Sloan,
Beach,	Findlay,	Miller, S. H.	Smith, A. H.
Belford,	Garrison,	Mitchell,	Spooner,
Belmont,	Gibson,	Morgan,	Spriggs,
Bingham,	Graves,	Morrill,	Steele,
Blackburn,	Hardy,	Moulton,	Stockslager,
Bland,	Haynes,	Muller,	Stone,
Bowen,	Henderson, T. J.	Ochiltree,	Storm,
Brainerd,	Holton,	O'Hara,	Sumner, C. A.
Broadhead,	Hopkins,	O'Neill, Charles	Sumner, D. H.
Brumm,	Houk,	Paige,	Taylor, E. B.
Campbell, Felix	Hurd,	Parker,	Townshend,
Campbell, J. M.	Hutchins,	Phelps,	Tucker,
Clardy,	Keifer,	Poland,	Valentine,
Clay,	Kelley,	Reed,	Vance,
Connolly,	Kellogg,	Robinson, J. S.	Wadsworth,
Covington,	Ketcham,	Robinson, W. E.	Wait,
Dorsheimer,	King,	Rosecrans,	Washburn,
Eaton,	Kleiner,	Russell,	Weller,
Ellis,	Libbey,	Ryan,	Wise, J. S.
Ellwood,	Lore,	Shaw,	Young.

So the bill was passed (two-thirds having voted in favor thereof).

During the roll-call the following additional pairs were announced at the Clerk's desk:

Mr. MITCHELL with Mr. WAIT, for the remainder of the day.

Mr. SKINNER, of North Carolina, and Mr. OCHILTREE, on all political questions, for the balance of this day.

Mr. STOCKSLAGER and Mr. BRAINERD, for the remainder of the day.

Mr. KEIFER and Mr. REED, on this question.

Mr. RYAN and Mr. TUCKER, on this bill. Mr. RYAN would vote for the bill and Mr. TUCKER against it.

The vote was then announced as above recorded.

CONTINGENT FUND POST-OFFICE DEPARTMENT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting a statement of expenditures of the contingent fund of the Post-Office Department for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

CHANGES IN SHORE LINE AT CALUMET, ILL.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting the report of Maj. W. H. H. Benyaurd, Corps of Engineers, relative to change in shore line of Calumet, Ill.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

J. B. HALE.

On motion of Mr. PETTIBONE, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. B. Hale.

A. L. ROGERS.

On motion of Mr. PETTIBONE, by unanimous consent, leave was also granted for the withdrawal from the files of the House of the papers in the case of A. L. Rogers.

FRANK G. STEVENS.

On motion of Mr. BREWER, of New York, by unanimous consent, leave was granted for the withdrawal from the files of the House of the bill for the relief of Frank G. Stevens; no adverse report having been made thereon.

SPEAKER PRO TEMPORE.

The SPEAKER *pro tempore* laid before the House the following communication.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, December 15, 1884.

Hon. WILLIAM M. SPRINGER is hereby appointed Speaker *pro tempore* for tomorrow, Tuesday, December 16.

J. G. CARLISLE,
Speaker House of Representatives.

And then, on motion of Mr. MORRISON (at 5 o'clock and 10 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of William Aymett; also papers relating to the claim of Elisha M. Shaddon—severally to the Committee on War Claims.

By Mr. BAYNE: Papers relative to the improvement of the Ohio River by means of locks and dams—to the Committee on Rivers and Harbors.

By Mr. BLACKBURN: Memorial and papers of Lizzie D. Clark, praying for relief for loss of steamer Belle while in the service of the United States under contract—to the Committee on the Judiciary.

By Mr. BLANCHARD: Petition of members of the bar of Shreveport and Monroe, La., for increase of pay of Federal judges—to the same committee.

By Mr. BRUMM: Petition of Clarence W. De Knight, praying for an appropriation for services rendered as page of the House of Representatives—to the Committee on Accounts.

By Mr. CHALMERS: Papers relating to the claim of Calvin Cheairo—to the Committee on War Claims.

By Mr. COLLINS: Petition of the National Druggists' Association of the United States, for the removal of all taxes on alcohol to be used in the arts and in the preparation of medicines—to the Committee on Ways and Means.

By Mr. S. S. COX: Petition of the Society of the Sons of the Revolution, that Congress make the necessary appropriation to complete the construction of the pedestal for the statue of Liberty Enlightening the World—to the Committee on the Library.

By Mr. R. T. DAVIS: Petition of Post No. 141, Grand Army of the Republic, Department of Texas, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

Also, memorial of the New Bedford Board of Trade, relative to the silver-coinage act of 1878—to the Committee on Coinage, Weights, and Measures.

By Mr. DEUSTER: Petition of Andrew Barton, praying for the removal of the charge of desertion standing against him on the records of the Navy Department—to the Committee on Military Affairs.

By Mr. DIBBLE: Papers relating to the claim of Sarah Watts—to the Committee on War Claims.

By Mr. EVERHART: Petition of citizens of Delaware County, Pennsylvania, favoring the passage of the bankruptcy bill—to the Committee on the Judiciary.

By Mr. FOLLETT: Petition of Richard Nevins, John F. Trentlen, and others, employés of the House of Representatives, in reference to their compensation—to the Committee on Accounts.

By Mr. FORAN: Petition of leading merchants and manufacturers of Cleveland, Ohio, praying for the enactment of a national bankrupt law—to the Committee on the Judiciary.

Also, petition of 160 merchants and citizens of Cleveland, protesting against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. GLASCOCK: Petition on behalf of certain Indians belonging to Mission San José, county of Alameda, California—to the Committee on Indian Affairs.

By Mr. GREEN: Petition of certain citizens of Brunswick County, North Carolina, for an appropriation for the improvement of Lockwood's Folly River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition and letters from citizens of Dubuque County, Iowa, asking that a pension be granted to Elizabeth Crawford—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition of 75 citizens of Massachusetts, mainly bank presidents and insurance companies; also of 200 citizens of the same State, requesting the passage of the resolution of Hon. JAMES H. HOPKINS relative to the transportation of cattle—to the Committee on Commerce.

Also, petition relating to the claim of V. H. Reno, and to have same referred to the Court of Claims—to the Committee on War Claims.

By Mr. JEFFORDS: Petition of George Hay, of William L. Rogers, of William L. Carnell, of Thomas D. Harkins, of H. G. Richardson, of F. Hodges, to have their claims referred to the Court of Claims—severally to the same committee.

By Mr. KLEINER: Papers relating to the bill for the relief of John H. Derter—to the same committee.

By Mr. LAIRD: Papers relating to the bill for the relief of Captain Shaw—to the Committee on Military Affairs.

By Mr. LONG: Petition of Henry Bryant Post, No. 98, Grand Army of the Republic, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the same committee.

By Mr. LOVERING: Petition of John A. Andrew Post, No. 15, Grand Army of the Republic, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the same committee.

By Mr. LYMAN: Petition of Moses Ellis Post, No. 117, Grand Army of the Republic, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the same committee.

By Mr. McMILLIN: A bill to continue the improvement of the Caney Fork River, Tennessee—to the Committee on Rivers and Harbors.

By Mr. MILLIKEN: Petition of Matthew A. Cullnan, for a pension—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Petition for a breakwater at Duck Island—to the Committee on Rivers and Harbors.

By Mr. MULDROW: Papers relating to the claim of H. M. Roberts—to the Committee on War Claims.

By Mr. MURPHY: Memorial of the hardware trade, in favor of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. O'FERRALL: Papers relating to the claim of George W. Taylor—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Statement and letters upon bill to grant an honorable discharge from the Army to John Connell—to the Committee on Military Affairs.

By Mr. J. J. O'NEILL: Petition of Ferdinand Hercher, for increase of pension—to the Committee on Invalid Pensions.

By Mr. POST: Petition of Anson G. Carpenter, for a pension—to the same committee.

By Mr. RANDALL: Petition of the Women's National Indian Association, to abolish the reservation system and grant lands to Indians in severalty—to the Committee on Appropriations.

By Mr. ROSECRANS: Petition of Daniel W. Burke and other officers of the Army, in favor of a bill to facilitate promotions throughout the Army—to the Committee on Military Affairs.

Also, petition of E. A. Koerper and others, assistant surgeons United States Army, relative to the construction placed by the War Department on a clause of the last Army appropriation bill—to the same committee.

Also, petition for the passage of a joint resolution for the relief of Lieut. George S. Grimes and other officers of the United States Signal Service—to the Committee on Claims.

By Mr. STOCKSLAGER: Papers relating to the bill for the relief of Louisa Heth—to the Committee on Invalid Pensions.

By Mr. J. M. TAYLOR: Papers relating to the claim of Isaiah Sweat—to the Committee on War Claims.

By Mr. TOWNSHEND: Papers relating to the bill for the relief of Hiram W. Hubbard—to the Committee on Claims.

Also, papers relating to bill for the relief of Marcus D. Davis—to the Committee on Invalid Pensions.

Also, petition of Thomas Harrington, for relief—to the Committee on Claims.

By Mr. VAN ALSTYNE: Petition of Edward P. Quinn, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of Sally C. Mulligan, for payment of pension-money due her—to the same committee.

By Mr. GEORGE D. WISE: Petition of Col. William H. Ward, for removal of political disabilities—to the Committee on the Judiciary.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of citizens of Everest; of 63 citizens of Salem; and of 62 citizens of Abilene, Kans.

By Mr. F. B. BREWER: Of citizens of Cattaraugus and of Chautauqua, N. Y.

By Mr. BURLEIGH: Of soldiers of Washington County, New York.

By Mr. CLARDY: Of John Rapp and 23 others, of Manchester, Mo.

By Mr. COBB: Of numerous soldiers of Indiana.

By Mr. CURTIN: Of citizens of Lewistown and of Paintersville, Pa.

By Mr. CULLEN: Of 24 citizens of Kendall County, Illinois.

By Mr. R. T. DAVIS: Of citizens of West Harwich and of South Chatham, Mass.

By Mr. DUNHAM: Of citizens of Barrington, Ill.

By Mr. FUNSTON: Of T. Blakeslie and 242 others, of Neodesha; of Cicero Rhodes and 68 others; of Riley Livingston and 62 others; of T. L. Elliot and 126 others, of Colony; of A. M. Ledman and 63 others, of Elk City; of James M. Picket and 114 others, of Galena; and of John Huff and 68 others, of Crestline, Kans.

By Mr. LACEY: Of J. H. Hamlin and 99 others, citizens of Eaton Rapids, Mich.

By Mr. LOVERING: Of Frederick Kelliher and 107 ex-soldiers, of Chelsea, Mass.

By Mr. LOWRY: Of 51 citizens of Lagrange County; of 64 citizens of Whitly County; and of 37 citizens of Lagrange County, Indiana.

By Mr. MATSON: Of Jacob W. Phillips and 100 others, citizens of Putnam County; of John S. Walton and 100 others, of Coatesville, Ind.; and of R. B. Abels and 100 others, of Greencastle, Iowa.

By Mr. MILLIKEN: Of Samuel Vose and others.

By Mr. MURPHY: Of 22 citizens of Low Moor, Iowa.

By Mr. J. J. O'NEILL: Of Mexican veterans living at Florisant, Mo.

By Mr. PATTON: Of citizens of Armstrong and of Clarion Counties, Pennsylvania.

By Mr. G. A. POST: Of 62 citizens of Canton; of 64 citizens of Thompson; of 63 citizens of Skinner's Eddy; of 61 citizens of Montrose; of 31 citizens of Scranton; of 113 citizens of Carney; and of 124 citizens of Canton, Pa

By Mr. SLOCUM: Of John Carty and others; of Edwin Kelley and others; and of B. A. Raymond and others.

By Mr. J. W. STEWART: Of citizens of Stamford, Brandon, and High Gate Falls, Vt.

By Mr. A. J. WARNER: Of F. P. Bryan and 306 citizens and ex-soldiers of Middleport; of Rufus C. Menzie and 62 citizens and ex-soldiers of Little Hocking and Centre Belpre; and of Fred. Grim and 43 others, of Clarington, Ohio.

By Mr. WEMPLE: Of 60 citizens and ex-soldiers of Saratoga County, New York.

By Mr. E. B. WINANS: Of W. L. Robson and 60 others, of Williamston Post, Grand Army of the Republic, Ingham County, Michigan.

By Mr. JOHN WINANS: Of Dr. J. B. Whiting and others, of Janesville, Wis.

By Mr. WOODWARD: Of E. C. Brainard and 36 others, citizens of Sauk County, Wisconsin.

SENATE.

TUESDAY, *December* 16, 1884.

Prayer by Rev. W. H. H. ADAMS, D. D., of Illinois.

NAMING A PRESIDING OFFICER.

Mr. INGALLS called the Senate to order, and the Secretary read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. JOHN J. INGALLS, a Senator from the State of Kansas, to perform the duties of the Chair in my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., 16 *December*, 1884.

Thereupon Mr. INGALLS took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. BAYARD. I present the petition of George W. Bush & Sons and several hundred other citizens of Wilmington, Del., praying for the redemption of the trade-dollar at the par value of 100 cents. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. ALDRICH presented a memorial of the Cigar-Makers' Union, No. 94, of Pawtucket, R. I., remonstrating against the ratification of the Spanish treaty; which was referred to the Committee on Foreign Relations.

Mr. SHEFFIELD. I present the petition of Capt. William P. Martin, military storekeeper, United States Army. The petition represents that the petitioner has been in the military service of the country for over forty-five years; that he lost a leg at the battle of Churubusco; and that he has not been absent from duty six months during the period of his entire service in the Army. He is now 63 years and 10 months old, and prays that he may be placed on the retired list with the full pay and allowances of his present rank, or with the retired pay of major. The prayer of the petition is united in by Brigadier-General Terry, Major-General Schofield, and by Major-General Hancock, Lieutenant-General Sheridan, and General Sherman, late General of the Army. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SHEFFIELD presented a memorial of cigar-makers of Pawtucket, R. I., remonstrating against the ratification of the Spanish treaty; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a memorial of cigar-makers of Elyria, Ohio, remonstrating against the ratification of the Spanish treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of a large number of ex-soldiers of the late Union Army, residents of Washington city, praying Congress to purchase Miss C. L. Ransom's full-length life-size portrait of the late Maj. Gen. George H. Thomas; which was referred to the Committee on the Library.

Mr. WILSON presented the petition of A. J. Purviance, of Keokuk, Iowa, praying that relief be granted him by an allowance of money in compensation for extra services rendered by him as postmaster at Mount Zion, Iowa; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Cigar-Makers' Union of Des Moines, Iowa, and a memorial of the Cigar-Makers' Union of Muscatine, Iowa, remonstrating against the ratification of the reciprocity treaty between the United States and Spain; which were referred to the Committee on Foreign Relations.

Mr. SEWELL presented a memorial of cigar-makers of Bridgeton, N. J., remonstrating against the ratification of the Spanish treaty; which was referred to the Committee on Foreign Relations.

Mr. LAPHAM. I present a memorial of the American Atlantic and Pacific Ship-Canal Company, protesting against the ratification of the proposed treaty between the Republic of Nicaragua and the United States. I ask that its reference to the Committee on Foreign Relations.

Mr. SHERMAN. That treaty has not been made public, and if we are to observe the rules it is proper that such papers should be presented in executive session. Indeed, I think the decision yesterday of the President *pro tempore* was wrong, although I did not take an appeal from it, in respect to the Spanish treaty. The Nicaragua treaty is not a public document.

Mr. LAPHAM. I withdraw the memorial, then.

The PRESIDING OFFICER (Mr. INGALLS). The Chair understands the memorial to be withdrawn.

Mr. LAPHAM presented a memorial of cigar-makers of Dunkirk, N. Y., and a memorial of cigar-makers of Oneida, N. Y., remonstrating against the ratification of the treaty between Spain and the United States; which were referred to the Committee on Foreign Relations.

He also presented a petition of Henry Franke, on behalf of the Pioneer Iron Works, of Brooklyn, N. Y., praying for the ratification of the proposed commercial treaty between Spain and the United States; which was referred to the Committee on Foreign Relations.

Mr. HOAR presented a memorial of Colonel and Brevet Major-General O. B. Willcox, and other statements favoring the passage of a bill for the relief of Charles Morris Blake, post chaplain, United States Army, retired; which were referred to the Committee on Military Affairs.

Mr. CONGER presented the memorial of J. A. Donaldson, of Michigan, favoring certain changes in the pre-emption and timber-culture laws; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CALL. I present a petition which is stated to be signed by 500 citizens of Hernando County, Florida. The petition is addressed to the Senate and House of Representatives, and is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners would respectfully represent that by act of Congress, approved 17th May, 1856, a grant of land was made to aid in building a railroad from Amelia

Island to the waters of Tampa Bay, on the Gulf of Mexico, with the provision that if the road is not completed in ten years the land shall revert to the United States. Near thirty years have elapsed since said grant was made, and the road is not completed.

Under this act a vast quantity of valuable land has been withheld from market, a very great hinderance to the settlement and prosperity of the country.

Your petitioners therefore pray your honorable body that an act be passed, taking effect from and after the 17th May, 1866, declaring said grant forfeited, and the land open to sale and settlement, as other public lands of the United States.

And your petitioners, as in duty bound, will ever pray, &c.

The petition is signed with the names of Thomas Barnes, J. B. Earnest, John J. Rogers, and purports to be signed by 500 other citizens of Hernando County, Florida, and I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. I also present a petition of citizens of Hernando County, Florida, on the same subject, and to the same purport, signed by J. G. Wallace, Horace Anderson, and a large number of prominent citizens of that county. The petition is also accompanied by the resolutions of a public meeting of citizens of the same county to the same effect. I move its reference to the Committee on Public Lands. The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I report back by direction of the Committee on Appropriations the bill (H. R. 7510) making temporary provision for the naval service with sundry amendments. I ask that the bill and the amendments be printed, and I give notice that I shall endeavor to call it up to-morrow morning.

The PRESIDING OFFICER. The order to print will be made, and the bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 3210) for the relief of Jacob Hoerth, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3382) granting a pension to Albert Brant, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Mrs. Catharine Page, praying for a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Elvira A. Maxey, praying for the enactment of a special law giving her arrears of pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to which was referred the bill (S. 2312) granting condemned cannon to McPherson Post, No. 16, Grand Army of the Republic, of Ohio, to report the same back to the Senate adversely, with a recommendation that the bill be indefinitely postponed. There are no condemned cannon on hand, and none, therefore, can be donated, as shown by sundry reports made at the last session of Congress.

The report was agreed to, and the bill was indefinitely postponed.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 2313) to remove the charge of desertion from the military record of George W. Rager, introduced by the Senator from Ohio [Mr. SHERMAN], have instructed me to report it adversely and to recommend that the bill be indefinitely postponed for the reason that on the 5th of July, 1884, we enacted a general law authorizing the removal of the charges of desertion in all proper and meritorious cases. The committee therefore decline to consider individual cases. The War Department has ample authority now to consider and adjust all meritorious cases.

The PRESIDING OFFICER. The bill will be postponed indefinitely if there be no objection.

Mr. CONGER. I ask whether the facts in this case come within the provisions of the law, and if not, why does it not need special action?

Mr. COCKRELL. We did not examine the case because the War Department has not examined it. We passed the law to which I have referred on the 5th of last July. This bill was introduced by the Senator from Ohio in June, prior to the passage of that act, and the House and the Senate have refused to consider any of the cases which had been introduced up to that time. This case has not been considered by the War Department; it has not been acted upon there; and we do not know whether the case comes within the provisions of the law or not, nor have we time, if we were to devote ourselves exclusively to it, to consider and pass upon the two hundred and odd thousand cases which would be flooded upon us here if we received and considered them. We must leave the Secretary of War to determine the various cases.

Mr. CONGER. In continuation of what I said, it seems to me that if there are meritorious cases where the charge of desertion lies against a citizen of the United States, and those cases are not provided for in the general law, the committee should take them into account, and either report a special bill, or propose to amend the law.

I do not like to see the petitions of men who are charged with desertion indefinitely postponed, because it is uncertain whether their cases come under the provisions of the general law or not. The very reason why they come to Congress for the removal of the charge in most cases is that their case is peculiar, and does not come under the general provisions of the law. There are many such cases undoubtedly, and it is very possible that the examination of just such a case would lead the committee to recommend an amendment of the law embracing this class. It may be that this case, as is suggested, having been presented before the general law was passed, would come under it; but I think the committee should find out which it is, and by referring this to the Secretary of War the officers in his Department will save the committee this excessive labor and trouble and will report whether it does come under the provisions of the law or not.

Mr. COCKRELL. I desire simply to say that it would be a useless labor for the committee to undertake now to consider every case which might be referred to it without first having had the War Department pass upon it under the law. We passed one general law. Then there were sundry cases that came to us in which relief could not be granted under the law we passed in 1882. We thereupon passed another general law on the 5th of July, 1884. The Senate and House refused to consider any of the special cases then pending, and, as a matter of course, expected them to make their applications to the War Department under the act of July 5, 1884. When they have made their applications and they have been considered, if there be another meritorious class not embraced within the provisions of that law, the committee will, as a matter of course, be perfectly willing to report a general bill covering such cases; but it would be impossible for us to take up and consider these cases in advance of any action by the War Department and determine whether or not they come within the provisions of that law. We should save no labor at all; we should still be entertaining all the cases just the same as if we had not passed the law.

We passed the law leaving the cases to go to the War Department first, and then, after there has been reasonable time for the action of the War Department, if there is any other just and meritorious class of cases not embraced within the provisions of that law, they will then be subject to full consideration by the Senate.

Mr. CONGER. The persons who apply for relief to Congress directly in such cases as these are not generally men who have either the ability or means to follow up cases with attorneys before any Department. Now, if this comes within the provisions of the law already passed, and if this man—I do not know who he is, I only speak in reference to that class of cases, in some of which I am interested myself—if this man can avail himself by applying to the War Department of the provisions of that law that is all that is required. What I want to know is whether there is a class of cases, bills pending here, as there frequently might be, not embraced in the general law?

I ask simply that the bill may remain on the docket until we or somebody who is interested in it can ascertain whether it does come within the provisions of the general law.

Mr. SEWELL. The general law passed last year was so liberal in its character that it will apply to this and every other honest case that can arise in this country to-day. In fact it will apply to everything except the case of a real deserter, a man who intended to desert.

Mr. CONGER. I supposed the law was pretty liberal. With the understanding that this case, with the usual consent, may be placed upon the docket and called up again, I desire to let it pass as the order is now.

The PRESIDING OFFICER. The Senator from Michigan asks that the bill may be placed on the Calendar with the adverse report.

Mr. COCKRELL. Certainly, let it go on the Calendar.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. FRYE. I desire to call the attention of the Senator from Michigan to the rule which has prevailed with the Committee on Pensions ever since I have been in Congress, which is that they will not consider a claim for a pension which has not been before the Commissioner of Pensions and been rejected by him.

Mr. BLAIR. I should like to say on that point, in allusion to the practice of the Committee on Pensions, that where a case seems to come under the provisions of the general law, and therefore to be within the jurisdiction of the Commissioner of Pensions, that is the rule; but there is a large list of cases which seem to be meritorious not embraced under any general law, and those come of course immediately to Congress for action in the first instance.

The PRESIDING OFFICER. The bill goes to the Calendar.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the petition of Samuel J. Kinna, of Frederick County, Maryland, praying for a modification of the law in regard to granting honorable discharges to soldiers charged with desertion, have duly considered the same, and report it back, recommending that the prayer of the petition be not granted, and that the committee be discharged from the further consideration of it. This petition was presented on the 4th of February, 1884, prior to the passage of the act to which reference has been made.

The PRESIDING OFFICER. If there be no objection the committee will be discharged and the petition will lie on the table.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred a resolution of the George Strong Post, No. 19, Grand Army of the Republic, of Fairfield, Iowa, under date of December 17, 1883, in which they set forth that—

Whereas the soldiers and sailors of the late civil war were paid for their services in a currency which was depreciated to the extent that they but real-

ized less than two-thirds of the amount agreed upon, namely, $13 per month; and

Whereas the depreciation of the currency occasioned a loss to the soldiers and sailors of nearly one-half of their monthly pay by the gold standard of the years 1862, 1863, 1864, and 1865; Therefore,

Resolved by the comrades of George Strong Post, No. 19, Grand Army of the Republic, of Fairfield, Iowa, That the United States Government is in equity and honor bound to make good by the gold standard the loss sustained by the soldiers and their families upon every dollar paid them in such depreciated currency, and that the redundant revenue in the Treasury should be used for this purpose—

have instructed me to report the same back adversely, and with a recommendation that the committee be discharged from the further consideration of the subject.

The PRESIDING OFFICER. If there be no objection the committee will be discharged and the memorial will lie on the table.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the petition of Zenas C. Robbins for reimbursement for expenses incurred for the public as register of wills for the District of Columbia, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

PRINTING OF TREASURY ACCOUNTS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the motion to print the letter of the Treasurer of the United States, transmitting, in compliance with the requirements of section 311 of the Revised Statutes of the United States, fair and accurate copies of the accounts rendered to and settled by the First Comptroller for the fiscal year ended June 30, 1884, and to ask to be discharged from its further consideration.

These reports which we are asked to print are very voluminous. They are so extremely voluminous that instead of sending to Congress copies of the books the originals are sent to Congress, under the requirements of section 311 of the Statutes. It has not been the custom of the Senate for a number of years to print the reports, and it seems entirely unnecessary that they should be sent here.

I notice that in 1882 the Committee on Printing recommended the repeal of section 311 of the Revised Statutes which requires that these documents shall be sent here, and the Committee on Printing again desire to report a bill for the purpose of repealing that section. The Secretary of the Treasury has stated that all the information contained in these cumbrous volumes is accessible much more readily by reference to the printed reports of the Treasury Department. It seems to me entirely unnecessary that these reports should come here for the purpose named.

I ask at this time to report from the Committee on Printing a bill to repeal section 311 of the Revised Statutes, and I ask for its present consideration.

The bill (S. 2455) to repeal section 311 of the Revised Statutes of the United States was read the first time by its title.

The PRESIDING OFFICER. If there is no objection the bill will be read the second time in full.

The bill was read the second time at length.

The PRESIDING OFFICER. The Chair understands the chairman of the Committee on Printing to ask for the present consideration of the bill.

Mr. MANDERSON. Yes, sir.

Mr. COCKRELL. Let the section of the statutes be read before the bill is considered.

The PRESIDING OFFICER. The Secretary will report the section of the statutes which the bill proposes to repeal.

The Chief Clerk read as follows:

SEC. 311. The Treasurer shall, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of accounts by him from time to time rendered to and settled with the First Comptroller, as also a true and perfect account of the state of the Treasury.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF NAVAL AND MILITARY REPORTS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back with amendments the joint resolution (S. R. 100) authorizing the printing of certain naval and military reports; and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported by the Committee on Printing was, in line 3, after the word "office," to strike out "for the use of the Navy Department;" so as to read:

That there be printed at the Government Printing Office 1,500 copies of each of the following reports.

The amendment was agreed to.

The next amendment was, in line 4, to strike out "one" before "thousand" and insert "four;" so as to read:

Four thousand five hundred copies of each of the following reports.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the reports described in the foregoing section be delivered to and distributed by the Secretary of the Navy.

And in lieu thereof to insert:

One thousand copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Navy Department.

The amendment was agreed to.

Mr. COCKRELL. Now let the joint resolution as amended be read in full.

The Chief Clerk read as follows:

That there be printed at the Government Printing Office 4,500 copies of each of the following reports: The report of Lieut. Commander C. F. Goodrich, United States Navy, on the "British naval and military operations in Egypt;" the report of Lieut. Fisher M. Wright, United States Navy, on the "Operations of the French navy during the recent war with Tunis;" the report of Lieut. Theodorus B. M. Mason, United States Navy, on the "War on the Pacific coast of South America between Chili and the allied republics of Peru and Bolivia;" 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Navy Department.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. ALLISON. From the Committee on Appropriations I report favorably and without amendment the joint resolution (H. Res. 300) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1457) to establish a department of agriculture; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 2456) for the relief of Mary F. Potts; which was read twice by its title, and referred to the Committee on Patents.

Mr. McMILLAN introduced a bill (S. 2457) to change the name of the National Bank of Winona; which was read twice by its title, and referred to the Committee on Finance.

Mr. SHERMAN introduced a bill (S. 2458) for the relief of David L. Brainard and others, non-commissioned officers and privates of the Greely expedition; which was read twice by its title.

Mr. SHERMAN. As the bill relates to persons in the employ of both the Army and Navy, non-commissioned officers and privates, I do not know which committee would be the most proper to consider it, but I suppose the Naval Committee would naturally take consideration of it.

The bill was referred to the Committee on Naval Affairs.

Mr. PLUMB introduced a bill (S. 2459) granting a pension to George W. De Motte; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2460) granting a pension to George W. Schell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILLIAMS introduced a bill (S. 2461) granting a pension to Nancy A. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2462) giving a military record to James King; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a joint resolution (S. R. 102) to remove the disabilities of H. Myers, a citizen of the State of Florida; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a joint resolution (S. R. 103) making an appropriation for the improvement of Tampa Bay; which was read twice by its title.

Mr. CALL. Before moving the reference of the joint resolution to the Committee on Commerce I desire to say that it is a work of very great and pressing importance. Tampa Bay is one of the far southern ports of the peninsula of Florida from which commerce is had to the West India islands. It is now the terminal point on the Gulf of Mexico of the railroad system of Florida which connects with all the Northern cities and States. It is beginning to be the place of entrance for passenger vessels from Cuba and for the intercourse between the citizens of the United States and the people of Cuba. The work in the bay has been suspended and the appropriation of the last session was entirely inadequate for the work. It is of the first importance to the commerce of this country and to its intercourse with the island of Cuba that this work should be prosecuted without delay in order that steamers

of a proper size may enter that port. It is easy of accomplishment, and it is within twenty-four hours of the island of Cuba and the port of Havana. A large and increasing commerce in cattle exported from Florida is growing up with Cuba, and the improvement of the Gulf ports of Florida is an object of national importance. There is no reasonable ground on which Congress can refuse this appropriation for the port of Tampa.

As the most southern terminus of the railroads on the Gulf of Mexico, I insist it is the duty of Congress to make such an appropriation as will be adequate to accomplish some useful result and enable passenger and other steamers to enter the bay and safely and easily go to the town of Tampa. I move the reference of the joint resolution to the Committee on Commerce.

The motion was agreed to.

Mr. HAWLEY introduced a joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications; which was read twice by its title, and referred to the Committee on Printing.

DISTRICT WATER SUPPLY.

Mr. MORGAN submitted the following resolution; which was read:

Resolved by the Senate, That the Secretary of War be directed to inform the Senate whether, in the construction of the new reservoir in the District of Columbia under the act approved July 15, 1882, any serious natural difficulties have been encountered not contemplated or adequately provided for in the plans for said work as approved; also whether any changes or modifications in or of the said plans have been made at any time during the progress of said construction; and, if so, on whose recommendation, and for what causes were such changes or modifications made.

2. That the Secretary of War be directed to furnish, at the earliest practicable date, for the use and information of the Senate, a topographical map of said reservoir, embracing as much of the contiguous terrain as may be rendered liable to the process of filtration through permeable strata by the establishment of a water-head such as is contemplated by the existing plans; the map to embody shadings and indices showing the location, area, and soundings of the several deposits of decayed vegetable matter, ooze, or quicksand known to exist within the flow limits of the reservoir; and also a report of chemical analyses of specimens of soil taken from each of said deposits; and also a report from the Chief of Engineers, United States Army, stating whether the existing plans for constructing the reservoir afford adequate expedients to deal with the said natural difficulties, and, if not, what modifications of the said plans are required to guarantee purity in the water to be supplied from the reservoir when completed, and security from leakage by filtration through permeable strata in the contiguous earth.

3. That the Secretary of War also send to the Senate an estimate of the cost of making any changes in the plan of constructing the reservoir that may be needed to make it more secure, and to give greater purity to the water supply.

Mr. MORGAN. Before the resolution is referred I wish to say that some of the citizens of this city have had conferences with me about the water supply from the new reservoir that we are now constructing. I believe that the act of July 15, 1882, contains an appropriation of $120,000 for the purpose of digging out a reservoir just north of the city at a point where two or three streams meet and form the Tiber Creek, which runs in an aqueduct just in the rear of the Capitol. Of that $120,000 about $80,000, I am informed, has been expended, and they have dug down until they have reached certain quicksands and certain deposits of muck, a formation of alluvial soil very moist from the decay of vegetation, &c. It is believed by some engineers with whom I have also conferred that the present plan will be insufficient for the purpose of containing within the twenty-five-acre area the water which will be brought into it through the aqueduct from the Potomac River, and that some modification of the plan will be necessary and some additional expenditure. Before that is done, I desire that the Committee on the District of Columbia shall consider the question as to the necessity for such additional appropriations and the manner of their expenditure.

The tunnel leading into this reservoir was estimated, I think, to cost $800,000. It is sunk down into the solid stone, being bored by blasting through the strata, and I think about $250,000 have been expended on it. It is perhaps now about one-fourth finished.

I would suggest also, merely for the purpose of calling attention to the subject, that it appears to me, and the opinion is supported by engineers, that the point of admission of the water into this twenty-five-acre reservoir and the point of its exit are so close together as to practically constitute no current. There is perhaps not more than 50 feet difference between the point of entrance and the point of exit for the water. That we know would leave, on an area of twenty-five acres, perhaps an average of ten or twelve feet deep, if not deeper, a great body of stagnant water which would have no circulation, no disturbance, no agitation except by the winds. It seems to me that it is well enough to call attention to the physical difficulties of getting the water into a condition where it will be self-purified by its flow and its agitation.

I simply desired to draw the attention of the committee and of the Senate to this subject before it went to the committee, and to say that I shall be prepared to submit to the committee certain data obtained from engineers which I think will be influential in their consideration of the resolution.

The PRESIDING OFFICER. What disposition does the Senator desire to have made of the resolution?

Mr. MORGAN. I ask its reference to the Committee on the District of Columbia.

The PRESIDING OFFICER. That order will be made.

CALENDAR OF HOUSE BILLS.

Mr. HOAR. I offer the following resolution:

Resolved, That when the Calendar of Bills and Resolutions is next taken up for consideration under Rule VIII, measures from the House of Representatives shall first be considered in their order, subject to said rule.

I should like to make a remark about the resolution now, and then it may either go over or be considered to-day; I have no choice.

An examination of our Calendar exhibits a very remarkable condition of things. It contains three hundred and six subjects for consideration in addition to those that have been reported this morning, which will probably bring the number up by six or eight or ten more. Of those, only twenty-two are measures that have come from the House of Representatives, and on examining those, with the exception of one or two land-grant forfeiture bills and bills relating to railroads, which would require some serious consideration by the Senate, I think substantially every one of them would be disposed of by the Senate without much discussion, without opposition or objection; so that everything in the way of legislation so far during this Congress that has been sent to us from the House of Representatives, except the appropriation bills which have come in, has been or can be in an hour or two by the Senate substantially disposed of and become a law or be rejected, as the Senate shall think fit.

It seems to me that it is absolutely hopeless for us to be busying ourselves about new legislation now to be introduced, or even about matters on our Calendar which are to be sent down to the House for consideration, because they all have to be gone over again in another Congress if they are to be brought up; they can not become laws in all probability this year.

Mr. HARRIS. I should like to ask the Senator if he has counted the number of House bills that are now reported and upon our Calendar?

Mr. HOAR. There are but twenty-two all told, House bills and resolutions, out of three hundred and six.

The PRESIDING OFFICER. The Chair understands the Senator from Massachusetts to ask for the present consideration of the resolution.

Mr. HOAR. No, sir.

Mr. GARLAND. Let it go over.

Mr. HOAR. I desired to call attention to this matter. Let the resolution go over.

The PRESIDING OFFICER. The resolution goes over under the rule.

Mr. HOAR. I shall call it up again to-morrow.

TRADE WITH FOREIGN AMERICAN STATES.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State is hereby directed to communicate to the Senate any information which he has or which may be accessible to him in regard to the extent and character of the foreign trade of Mexico, the Central and South American states, and the islands of Cuba, Porto Rico, and San Domingo; such information to include, if possible, a detailed statement of the value and character of the manufactured and other articles comprising the imports and exports of such states and islands, and also the share of the United States in the trade of each, and the portion of such imports and exports transported in vessels belonging to citizens of the United States.

JOSEPH F. WILSON.

Mr. PLUMB. On the first day of the present session the Senator from Illinois [Mr. LOGAN] introduced a bill (S. 2376) for the relief of Joseph F. Wilson. It is an exact copy of a bill which passed both Houses of Congress at the last session, and was presented to the President for his signature, perhaps on the last day of the session, but by some misadventure did not reach his attention, and so was not signed. It is a bill which, I think, has passed both Houses of Congress heretofore on separate occasions. The Senator from Illinois has requested me to bring it to the attention of the Senate, stating the facts, and to ask that it be passed now without reference to the appropriate committee, in view of the fact that it has already received the favorable consideration of both Houses of Congress.

The bill is simply to give to a party, who acquired by deed a piece of land in Indiana to the amount of eighty acres about the year 1875, on the faith of a patent from the Government to that amount, but which title was afterward set aside by a decree of a court in that State, the privilege of locating an equivalent amount of land upon the public lands of the United States, to-wit, eighty acres. I have in my hand the bill, and also the report of the House Committee on Private Land Claims, which was adopted by the Committee on Public Lands of the Senate on the same case. I ask unanimous consent to take up the bill. If any one has any curiosity about the matter I shall ask that the bill and report be read.

Mr. COCKRELL. Let the bill and report be read.

The PRESIDING OFFICER. What is the parliamentary stage of the bill to which the Senator from Kansas refers?

Mr. PLUMB. It was introduced by the Senator from Illinois [Mr. LOGAN] on the first day of the present session, and laid on the table.

The PRESIDING OFFICER. Was it read twice?

Mr. PLUMB. It was read twice.

The PRESIDING OFFICER. The Secretary will report the bill at length for information.

The Secretary read the bill, as follows:

Be it enacted, &c., That the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and required to issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by the said Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to pre-emption or homestead settlement, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which said tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by the said Josiah Smith, after his said entry, sold and conveyed to the said Wilson, and of the title to and possession of which the said Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, A. D. 1880, thereof, by reason of a prior disposal of or a prior equitable title in and to said tract of land, as the said court held and decided, to or in persons other than the said Josiah Smith; and the said Wilson, or his legal representatives or assigns, after the location of the said warrants on such lands as he or they may select, shall be allowed patents for the lands so located; and the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith, or any one claiming under him, may have, or may have had, under and by virtue of the provisions of the said acts of Congress, as well as in full satisfaction of any claim which the said Wilson, as assignee or grantee of the said Josiah Smith, may have, or may have had, against the United States touching said described tract of land.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. HALSELL in the House of Representatives January 30, 1884:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 275) for the relief of Joseph F. Wilson, have considered the same, and report it back with an amendment.

The committee, upon investigation, ascertained that, pursuant to the homestead laws, Josiah Smith, on March 22, 1875, entered the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, and that a patent was issued to him for the same May 15, 1875, and was duly recorded in the office of the recorder of deeds of said Porter County, Indiana. This tract of land was subsequently sold and conveyed by said patentee to said Wilson, and the deed of conveyance therefor recorded in the recorder's office of said Porter County, Indiana. Soon after said patent and deed were so recorded, the heirs of one Ruel Starr commenced suit against said Wilson, claiming to be the owners of said land, and alleging that said Starr had acquired title thereto by purchase from one Peter Wimmer. The bill, petition, and other papers in this case were referred by the Committee on Private Land Claims of the Forty-seventh Congress to the Commissioner of the General Land Office, who, in his letter of February 24, 1882, to the Secretary of the Interior, inclosing said papers, says:

"The records of this office show that Peter Wimmer made cash entry 1829 of the land in question at the La Porte land office, Indiana, June 5, 1835, which entry was canceled by this office October 17, 1836. It does not appear that the purchase-money was ever refunded, and the tract remained vacant until March 22, 1875, when Josiah Smith entered the same under section 2306 of the Revised Statutes of the United States, as an additional homestead, and said entry was patented May 15, 1875.

"It seems from the papers submitted to Congress by Mr. Wilson in his petition for relief, and which were filed in this office January 27, 1882, by Hon. Nicholas Ford, chairman of subcommittee Private Land Claims, House of Representatives, that the title to the land in question has been judicially determined in the litigation between Joseph F. Wilson, claiming by deed from the patentee, Josiah Smith, and the equitable owners, claiming, by descent, under Ruel Starr, who claimed, as assignee of the duplicate certificate of entry 1829, from Peter Wimmer. From the certified record of the case, herewith, it appears that the court on the 23d December, 1880, adjudged that the equitable title to said land was for many years in Ruel Starr, who at the time of his death was entitled to have the legal title conveyed to him by patent from the United States, and that at the death of Starr, intestate, in April, 1875, all of his right, title, and interest in the land vested in the equitable claimants under him, and the patent issued to Smith, from whom Wilson claims by deed, conveyed only the naked legal title, and Smith and those claiming under him were chargeable with the superior equitable title of Starr and those claiming under him, and Mr. Wilson was held to be a trustee for claimants under Starr, and it was decreed that the claimants under Starr were entitled to have the legal title conveyed to them by Mr. Wilson within thirty days, and in case of default a special commissioner, Willard C. Nichols, was appointed to make the necessary deed of conveyance; and it was further ordered and decreed that Wilson and all persons claiming under him were forever enjoined from setting up any claim to the land in question. As Mr. Wilson has been judicially deprived of the title to the land derived by him under Smith's entry, and as the favorable action of Congress in the case has heretofore been recommended by my predecessor, I deem it proper to concur in that recommendation."

The Secretary of the Interior, in his letter to the committee of February 28, 1882, transmitting a copy of the foregoing letter, says that he concurs in the views of the Commissioner. In view of the foregoing facts, and of the further fact that said Wilson having in good faith, for a valuable consideration, purchased said land from said patentee, relying upon the title so granted by the Government, and he being without notice of equitable title existing in others, the committee are of opinion that it is proper and just that he should receive other land belonging to the Government in lieu of that to which his title has failed.

The PRESIDING OFFICER. The Senator from Kansas moves the consideration of the bill at this time. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. GARLAND. The bill, so far as I have had time to examine it, I think is a very good one and very correct; but I suggest to the Senator from Kansas that possibly to meet some little restrictions which have been omitted, there should be, in the first place, provision in the bill that a copy of the decree by which Wilson was dispossessed of the land should be filed with the Commissioner of the General Land Office when application for new warrants is made, and also that the patent or patents to be issued upon these new warrants should contain the recital that they are in satisfaction of what is stated at the bottom of the bill.

Mr. PLUMB. There can be no objection to that, because I think that would ensue in pursuance of the practice of the Land Office itself. The office would require all that as a prerequisite to its own action, but still there will be no objection to its being incorporated in the bill.

Mr. GARLAND. I have drawn up roughly a proviso to come in at the end of the bill to this effect:

Provided, That a certified copy of the decree of the court dispossessing Joseph F. Wilson as aforesaid be deposited with the Commissioner of the General Land Office on the application for new warrants, and also the patent or patents issued under such new warrants shall recite what they are in satisfaction for.

It can be put in more definite shape.

The PRESIDING OFFICER. Is the Senator from Arkansas preparing his amendment?

Mr. GARLAND. Yes, sir.

Mr. BAYARD. While the Senator from Arkansas is preparing his amendment, I would suggest to the Senator from Kansas that it would be well to limit the location of this patent to some State or Territory, or if there be unoccupied land open to such pre-emption or homestead settlement in the same district where the land was of which the party was dispossessed it should be confined to that.

My reason for saying that is because no cases have created more injustice and given rise to more just dissatisfaction than those in which "floats," as they are termed, have been located, by which a man owning an open patent could locate it upon lands alleged to be public lands, there being no restriction as to the location, and in that way transfer claims, the subject of litigation, creating litigation and dispute, and sometimes seeking to absorb exceedingly valuable property.

Such cases have passed through the Senate inadvertently, and great wrong has been done, and I have understood that such claims have been sold for enormous prices, because they enabled the holder to invade private rights, and if not to recover land in possession, at least to throw a cloud upon the title and produce great losses to the holder. Therefore I suggest that there should be not only the limitation here stated that this warrant or warrants to the amount of eighty acres be limited to unoccupied and unappropriated public land of the United States subject to pre-emption or homestead settlement, but that the location of that land should be limited to a particular district, so that the unlimited choice of the whole territory of the United States should not be open to entry and settlement under this bill.

Mr. PLUMB. I agree entirely with all that the Senator from Delaware has said upon the general subject. I tried to enforce that on a bill which the Senator himself reported from the Committee on Private Land Claims in which I think the principle that he now objects to was more viciously asserted than ever before in any bill that ever passed this body. I only speak now to say that I concur with his present position, and regret that that was not his position three or four months ago.

This is to provide compensation practically for a man who entered eighty acres of land in Indiana. There are no public lands now in that State, and consequently he can not be limited to an entry to be made in that State if he is to have anything at all. In the next place, the land of which he was deprived by reason of the judgment of a court was of greater value probably than the average value at all events, and probably than the value of any single acre of the public lands of the United States open to pre-emption or homestead entry. Therefore we shall not allow, in giving to this person the privilege of entering eighty acres of land anywhere on the public domain, more than equal and exact justice requires. I do not think we shall by the passage of this bill give him more than he would be equitably and fairly entitled to; but still I have no objection myself to any limitation. If the Senator thinks that the eighty acres of land this party is to be entitled to under this bill are of too great value, and if, having passed a bill which authorizes the courts of New Mexico to certify scrip to the amount of millions of acres which shall be locatable on the public lands of the United States without any supervision by Congress or the Land Office, the Senate sees fit to strain at the gnat of this eighty acres, of course I have no objection to making the party locate it on the top of Mount Hood or elsewhere.

Mr. BAYARD. Mr. President, I regret that the Senator from Kansas should be in any degree disturbed by my suggestions to him. They were made entirely in the line of safety to the people of the United States, and not in the slightest degree with an intention on my part of invading measures which were under his charge.

But the Senator is mistaken in his facts in regard to my having voted for or favored the passage of a bill here at the last session freed from the checks which I now propose to put upon his bill. I am not an expert in the public land laws of the United States; but I do understand the abuses that have been perpetrated upon private holdings by acts of Congress making land claims valid; and therefore when as chairman of the Committee on Private Land Claims the question was before me as to what should be done with parties who held land grants from the United States and had been dispossessed in whole or in part of the land so granted to them by the public, the point was submitted to the law officers of the Government and to the Commissioner of the Land Office, and subject to his criticism the act which the Senator complains of was framed and introduced here and passed.

Now, as I remember the language of that act, not having the paper before me, for it is not yet a law, but is pending in the other branch of

Congress, the grant of certificates where the party was entitled to some public land in lieu of that which was subsequently taken from him by the action of the Government, or the title to which was changed by the action of the Government, applied only to lands open to public entry. That I take it was far more exclusive than the language of this bill, which gives a right to choose the eighty acres or whatever it may be from homestead lands and lands open to pre-emption. Therefore the honorable Senator is in error in supposing that I am suggesting for his bill a closer limit of exclusion than I favored for a more general bill.

I made my remark because I was attracted by the care of my friend from Arkansas [Mr. GARLAND] in the passage of all bills of this kind, and I respectfully proffered to contribute a small modicum of my experience on that subject, that we should not carelessly give to a citizen the right to obtain a patent that he might make the instrument of unjust demand and litigation upon other lands than were contemplated in the act. There has been mischief wrought by the inadvertent grant of patents by Congress. The holders of these patents have settled upon lands; and since I have been here I have seen the very heart of the city of Chicago proposed to be occupied by the holder of one of these floating grants by Congress. I have heard arguments for some acres of land in the heart of the city of Chicago under the color of the public land laws of the United States by the holder of a land warrant. My suggestion is not because the party holding can recover; but when I know that the claimant may blackmail occupants and possessors, throw clouds upon titles by pretended legislation, I wish to see no bill, whether for 80 acres or 8,000 acres or any other body of land, pass Congress unless from it is eviscerated the power to annoy honest private claimants in all parts of the United States. In other words, sir, Congress, in making grants from the general domain, should be as specific as to locality, as to the character of the lands, as to the right which they are giving in the shape of a patent, as words possibly can permit.

I will frankly say that if the bill of the honorable Senator had been sent to the Committee on Private Land Claims it would have been subjected by that committee to the criticism of the General Land Office before it was approved and brought back here, and that no bill at any time since I have been connected with that committee—and it has not been a short connection—containing language of grant in as general phrase as does this bill has been reported from that committee, except subject to the criticism and the approval of the land officers and the experts in land law of the administration.

Therefore I trust that, having suggested now the restriction of this bill, those who are more competent to advise in such matters by the general current of their action than I am—and I include the Senator from Kansas, or I would have included him prior to his last remarks in this case among those who are better informed than I as to the public land laws and the effect of the language used in an act like this—will propose a restriction that will prevent this present grant, whether of 8 or 80 or 80,000 acres, from becoming a float that may be used for the purpose of annoyance or of settlement upon lands other than those contemplated by those friendly to the passage of this bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas [Mr. GARLAND] will now be read.

The SECRETARY. At the end of the bill it is proposed to add:

Provided, That a certified copy of the decree of the court dispossessing Joseph F. Wilson, as aforesaid, be deposited in the General Land Office on application for a new warrant; and the patent or patents issued under such new warrant shall recite the fact that such entries are in satisfaction of all claim of right under the prior entry of Joseph F. Wilson.

Mr. PLUMB. I can say that the Committee on Public Lands never report such a bill as this without its first having been submitted to the scrutiny of the General Land Office. It has not during the period of time I have been connected with it reported a single bill which I can recall providing for the issuance of scrip except the one now before the Senate. The scrip of which the Senator speaks, and which has been so properly criticised by him and by other members of this body at various times, and which has been so vicious in its effect upon the disposition of the public domain, has always been provided for by legislation reported by the Private Lands Committee of the Senate.

Now, so far as these eighty acres of land are concerned, I called up the bill this morning at the suggestion of the Senator from Illinois. I am perfectly willing, as I said before, that it shall be locatable anywhere. I do not care if it can not be located at all, if that is the sense of justice which characterizes the Senate in dealing with a case of this kind; but the bill itself is entirely proper, and does not do more under any possible circumstances than equal and exact justice to a party who, relying on a patent of the United States, purchased eighty acres of land in the State of Indiana, of which he was after a number of years dispossessed by the decree of a competent court.

There are two ways to compensate him for that loss, for I take it no one would sit here and say that the Government of the United States, having issued a patent for a piece of land, and that land having passed into the hands of an innocent purchaser, whatever might be the condition of the original patentee, the Government should not compensate in some way the purchaser dispossessed. It can be done, of course, by money; but it is as easy a way and is subject to as little criticism and is just as fair to give him an equivalent amount of land elsewhere upon the public domain; and I think I do not need to draw on the credulity of members of this body when I say that land in Indiana is worth as much as land in the Territory of New Mexico or in the Territory of Wyoming or of Idaho or Montana or Washington, or elsewhere. If the Senator has in mind some particular Territory that he thinks above any other Territory ought to be endowed with the privilege of the location of these eighty acres of land, of course I am entirely willing it shall be permitted to be subject to that restriction.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

The amendment was agreed to.

The PRESIDING OFFICER. Did the Chair understand the Senator from Delaware to offer an amendment?

Mr. BAYARD. I move to amend the bill by striking out in lines 11 and 12 the words "pre-emption or homestead settlement," and inserting the words "general entry under the land laws of the United States."

The PRESIDING OFFICER. The amendment proposed by the Senator from Delaware will be read from the desk.

The SECRETARY. It is proposed to strike out, in line 11, after the word "subject," the words "to pre-emption or homestead settlement" and insert "to general entry under the land laws of the United States."

Mr. PLUMB. Will the Senator state to the Senate what would be the difference between a pre-emption or homestead entry and a general entry?

Mr. BAYARD. I can not tell the Senator, and he can scarcely wish to know from me, for he knows better than I; but I believe this to be the result: The lands subject to general entry exclude all reservations of any kind and would exclude a character of lands which may be occupied by pre-emption and homestead settlement; at least that is my belief, and, following my memory upon this subject, I believe the amendment I have offered is in the language of the limitation suggested by the General Land Office in respect of a general bill relating to private land claims in the Territories of New Mexico and Arizona and others resulting from the Mexican purchase and conquest, and, as that was land purchasable, I believe, at a dollar and a quarter an acre, farming lands exclusive of minerals, and exclusive, as I remember, of pre-emption and homestead settlement, I merely made the suggestion in the line of cautionary action in respect to this bill.

The PRESIDING OFFICER. Will the Senate agree to the amendment proposed by the Senator from Delaware?

Mr. PLUMB. That would be traveling in a circle. If I know anything at all about the public land laws of the United States, I do know that there is no such class of lands as those described as subject to general entry. If that language is to have any effect whatever, it would mean all the classes of entry that could be made by any person or with any character of land scrip or with money, and therefore would enlarge rather than limit the scope of the bill.

Mr. BAYARD. Perhaps I used the word "general," but I have since changed it. Let the Secretary read the amendment.

The SECRETARY. It is proposed to strike out, in line 11, after the word "subject," the words "to pre-emption or homestead settlement" and to insert "to private entry under the land laws of the United States."

Mr. PLUMB. That limits it to certain classes of lands; and I doubt whether there are any lands in the United States that can be located by it; but if that be the measure of justice in the Senator's mind, I shall make no objection.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Delaware.

The question being put, there were on a division—ayes 17, noes 5; no quorum voting.

Mr. BAYARD. To save a call by yeas and nays, by unanimous consent the question might be put again.

The PRESIDING OFFICER. Acting on the suggestion of the Senator from Delaware, the Chair will put the question again.

The question being again put, there were on a division—ayes 20, noes 7; no quorum voting.

Mr. HARRIS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER].

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR], who is temporarily absent, but if my vote shall become necessary to make a quorum I am at liberty to record it.

The roll-call having been concluded, the result was announced—yeas 29, nays 16; as follows:

YEAS—29.

Aldrich,	Colquitt,	Kenna,	Ransom,
Bayard,	Conger,	McMillan,	Sabin,
Blair,	Garland,	McPherson,	Saulsbury,
Brown,	George,	Maxey,	Sewell,
Call,	Gibson,	Palmer,	Vance.
Camden,	Gorman,	Pike,	
Cockrell,	Hampton,	Platt,	
Coke,	Jackson,	Pugh,	

NAYS—16.

Allison,	Hawley,	Manderson,	Sawyer,
Bowen,	Hill,	Mitchell,	Sheffield,
Dolph,	Ingalls,	Morgan,	Van Wyck,
Frye,	Lapham,	Morrill,	Wilson.

ABSENT—31.

Beck,	Farley,	Jones of Nevada,	Riddleberger,
Butler,	Groome,	Lamar,	Sherman,
Cameron of Pa.,	Hale,	Logan,	Slater,
Cameron of Wis.,	Harris,	Mahone,	Vest,
Cullom,	Harrison,	Miller of Cal.,	Voorhees,
Dawes,	Hoar,	Miller of N. Y.,	Walker,
Edmunds,	Jonas,	Pendleton,	Williams.
Fair,	Jones of Florida,	Plumb,	

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUNERAL OF SENATOR ANTHONY.

Mr. PLATT. I offer the following resolution, and ask for its present consideration, unless there be some rule which makes it improper to consider it to-day:

Resolved, That the actual and necessary traveling expenses of the officers and members of the Senate who attended the funeral of the late Senator ANTHONY at Providence, R. I., in September last, be paid out of the appropriation for miscellaneous items of the contingent fund of the Senate, on vouchers properly allowed by the Committee on Contingent Expenses.

The PRESIDING OFFICER. The Chair thinks that under the rules all resolutions appropriating money out of the contingent fund must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. PLATT. Let the resolution be referred, then.

The PRESIDING OFFICER. That order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6578) to amend section 3940 of the Revised Statutes, relating to the forwarding of mail matter; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution, that when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

C. S. MOSS.

The PRESIDING OFFICER. If there be no further resolutions, the order of morning business is closed, and the Secretary will report the first bill on the Calendar, under Rule VIII.

Order of Business No. 333, being the bill (S. 493) for the relief of C. S. Moss, was announced as first in order.

Mr. COCKRELL. That has been reported adversely, and I object to its present consideration.

The PRESIDING OFFICER. The bill will be passed over.

RIGHTS IN LAND GRANTS.

The bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress was announced as next in order.

Mr. COCKRELL. I do not see the Senator from Alabama [Mr. MORGAN]. He reported that bill. My recollection of the bill is that it is an exceedingly important one; it is a general law, and I do not think it can be considered in the morning hour under the five-minute rule.

Mr. McMILLAN. The Senator from Alabama is in the Chamber.

Mr. ALLISON. Let it be passed over without prejudice.

Mr. COCKRELL. I have no objection to its being passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over, and the next bill will be called.

Mr. COCKRELL. The Senator from Alabama is here to take charge of Senate bill 1445.

Mr. MORGAN. I desire the bill to lie over informally as I suggested the other day, because other measures that are in conference between the two Houses will bring up the whole subject involved in the bill. I ask that it be passed over informally.

The PRESIDING OFFICER. That order will be made unless objection be interposed.

SUITS AGAINST THE GOVERNMENT.

The bill (S. 1577) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases was announced as next in order.

Mr. GARLAND. I desire to have that called up at some other time. It can not be disposed of under the five-minute rule. Some day I shall call it up when it can be considered.

The PRESIDING OFFICER. The bill will be passed over.

SHOSHONES, BANNOCKS, AND SHEEPEATERS.

The bill (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and make the necessary appropriations for carrying out the same, was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that the Senator from Massachusetts [Mr. DAWES], the chairman of the Committee on Indian Affairs, desires this bill to lie over until his return to the Chamber. That order will be made.

PETER DELLA TERRE.

The bill (S. 294) for the relief of Frank Della Terre and Susan Della Terre, heirs of Peter Della Terre, deceased, was announced as next in order.

Mr. COCKRELL. That is a case which involves an important question, the payment of a United States district attorney compensation for services performed away back in 1857 or 1858; the case was about to be called up the other day, and I have given some attention to the question. It will necessarily involve a longer discussion than can be given to it under the five-minute rule, and there would not be much probability of its becoming a law at this session even if passed by the Senate. It strikes me that it would be rather a useless waste of time to devote to it to consider this bill when no good can come from it. It proposes to pay a tolerably large sum to the heirs of a deceased officer, who was United States district attorney in California in 1857 and 1858, and I do not think the report places the claim upon such ground that we should be justified in passing it at this time. Therefore I object to its consideration.

Mr. HAMPTON. I submit to the Senator from Missouri that the Senator from Oregon [Mr. DOLPH] who prepared the report and introduced the bill is absent on special duty on behalf of the Senate, and I suggest to him that the bill be passed over informally until that Senator is in the Senate, retaining its place on the Calendar.

Mr. COCKRELL. I have no objection to letting it be passed over informally, as the Senator from Oregon who made the report is absent.

The PRESIDING OFFICER. That order will be made.

CHESAPEAKE AND OHIO RAILWAY.

The bill (S. 1212) to authorize the extension of the Chesapeake and Ohio Railway to a point in the military lands at Fortress Monroe, Va., was announced as next in order.

Mr. HARRISON. I was informed by the Senator from Virginia [Mr. RIDDLEBERGER] that a bill in substance this bill which is now reached on the Calendar had been passed at the last session and that it was not necessary that any action should be taken on this bill. I think it would be as well to indefinitely postpone it, and I make that motion.

The PRESIDING OFFICER. The Senator from Indiana moves the indefinite postponement of the bill.

The motion was agreed to.

EDUCATIONAL FUND.

The bill (S. 1235) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education, was announced as next in order.

Mr. PUGH. That bill can not be considered in the morning hour, and may as well take its place on the Calendar under Rule IX.

Mr. MORRILL. Let it lie as it now is without prejudice.

Mr. PUGH. It is not material, and I have no objection to that suggestion.

The PRESIDING OFFICER. The bill will be informally passed over.

SOUTHERN MAIL CONTRACTORS.

The joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors, was announced as next in order.

Mr. ALLISON. That can not be considered in this morning hour. I object to it, but I am willing it shall remain on the Calendar.

The PRESIDING OFFICER. That order will be made.

OREGON CENTRAL RAILROAD GRANT.

The bill (S. 428) to forfeit certain public lands granted to the Oregon Central Railroad Company in the State of Oregon and the Territory of Washington was announced as next in order.

Mr. PLUMB. That has been made the special order for Thursday next at 2 o'clock, and therefore should go over.

The PRESIDING OFFICER. House bill 181 was made a special order.

Mr. PLUMB. They are the same thing, and Senate bill 428, I suppose, might in that case be indefinitely postponed; but I will not ask for that. Let it go over.

The PRESIDING OFFICER. To Rule IX?

Mr. PLUMB. To Rule IX.

The PRESIDING OFFICER. It will be so ordered.

Mr. PLUMB. The House bill exhausts the subject.

PETER TARGARONA.

The bill (S. 902) for the relief of Peter Targarona was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the claim of Peter Targarona for loss and damages alleged to have been sustained by him through the seizure and sale of the steamboat Live Oak, be, and the same hereby is, referred to the Court of Claims, with power to hear and determine the same upon the merits thereof; and any defense, set-off, or counter-claim may be pleaded by the United States as defendants, as in cases within the general jurisdiction of the court, and either party shall have the same right of appeal as in such cases; and the testimony of the claimant or of any party in interest may be admitted in evidence: *Provided*, That the liability of the United States shall be the same as if the acts done by the officers of the Government in the premises had been done by the agents of a public corporation.

Mr. McMILLAN. Can not this bill and amendment be explained by some person having knowledge of them? The Senator having charge of the bill I think is not in his place.

Mr. ALLISON. Let it be passed over.

Mr. McMILLAN. Let the bill be passed over for the present.

The PRESIDING OFFICER. Does the Senator from Minnesota object to the consideration of the bill?

Mr. McMILLAN. It may retain its place.

The PRESIDING OFFICER. That course will be pursued.

MARIA E. WARFIELD.

The next bill on the Calendar was the bill (S. 214) for the relief of Maria E. Warfield.

Mr. PLATT. There is an adverse report in that case.

Mr. HARRIS. The bill is adversely reported.

The PRESIDING OFFICER. The bill will be passed over.

JULIA A. NUTT.

The next bill on the Calendar was the bill (S. 1851) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased.

Mr. GEORGE. My impression is that since that bill was reported the substance of it was added to a House bill on that subject; and, in order to allow me to look into that, I ask that the bill lie over without prejudice, retaining its place

The PRESIDING OFFICER. That will be the order.

JOHN SILSBY AND OTHERS.

The next bill on the Calendar was the bill (S. 504) for the relief of John Silsby and others, purchasers of the "Weaver tract" lot of land in the city of Selma, State of Alabama.

The PRESIDING OFFICER. This is adversely reported.

Mr. FRYE. What becomes of the bills on this Calendar, unobjected cases, where there are adverse reports and no action is taken? What call do they come back to on the Calendar? As unobjected cases?

The PRESIDING OFFICER. The custom of the Senate has been to regard cases adversely reported by a committee as objected to.

Mr. FRYE. I notice that some of them still remain on this Calendar; and why should they remain on this Calendar?

The PRESIDING OFFICER. That is in cases where a request is made by some Senator that they shall retain their place.

Mr. FRYE. But the ordinary custom would be to have them go on the Calendar of objected cases.

The PRESIDING OFFICER. That would be the order unless special request were made.

LOST LAKE AND MOUNT HOOD IMPROVEMENT COMPANY.

The next bill on the Calendar was the bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company.

Mr. FRYE. The Senator who reported that bill and who takes a good deal of interest in it is absent on duty as a member of a committee, and I ask that it may be passed over without prejudice.

The PRESIDING OFFICER. That order will be made.

COLORADO INDIAN LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, line 5, after the word "reservation," to insert "in Colorado;" so as to make the section read:

That actual settlers on lands subject to pre-emption under existing laws within the late Uncompahgre and White River Ute Indian reservation, in Colorado, shall be entitled to purchase the same, in quantities not exceeding one hundred and sixty acres each, in accordance with the general principles of the pre-emption laws: *Provided*, That no *bona fide* settler as aforesaid shall be denied the right to purchase land under the provisions of this act on the ground that he may have previously had the benefit of pre-emption on other public land of the United States without said reservation, nor on the ground that he may have removed from his own land elsewhere within the State of Colorado to settle upon land in said reservation: *And provided further*, That proof of actual inhabitancy and improvement of the land for not less than one year shall be made to the satisfaction of the register and the receiver, under such regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "lands," to strike out "shall" and insert "may;" and in line 3, after the words "date of," to strike out "filing" and insert "entry;" so as to make the section read:

SEC. 2. That the payment for these lands may be made in three installments, as follows, to wit: Twenty-five cents per acre at the date of entry, and 50 cents per acre, respectively, in one and two years from such date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CONGER. There is no report accompanying this bill, and it changes the rule in regard to homestead entries entirely. I should like to have some explanation of the bill and why it is necessary to pass it.

Mr. HILL. Mr. President, the bill simply provides that settlers on the reservation may have the right to pre-empt one hundred and sixty acres of land. It is a fact that a large number of persons went upon this reservation with the expectation of making homestead entries, but the law under which this land became public land of the United States prohibits them making such entries. This bill provides that they may take a pre-emption of one hundred and sixty acres, and pay for the land in the regular way under the laws of the United States. The bill has been very carefully considered by the committee, and does not affect any rights of Indians or other persons.

Mr. CONGER. How long a residence is required of those who may pre-empt?

Mr. HILL. It requires a year's residence.

Mr. PLUMB. I wish to call the attention of the Senator from Michigan to the arrangement under which we sell these lands. By the agreement which was entered into by Congress and the Uncompahgre and White River Ute Indians, we agree to sell these lands for their benefit, they to get the entire proceeds. In the rush of people to that section of country there is a large number of settlers, and it was deemed a case where, in view of all the circumstances, an exception should be made to the general rule which prevails, limiting a party to one entry, and under the circumstances related by the Senator from Colorado, the committee agree to recommend a change of the rule in that particular; especially inasmuch as besides that we added to the requirements of settlement now made under existing law, that is, instead of six months, as now required, we require a settlement of twelve months.

Mr. CONGER. Prior to entry?

Mr. PLUMB. Prior to entry.

Mr. CONGER. But it seems they have resided there without any right.

Mr. PLUMB. It was also found that there were a large number of people on the lands who had gone in good faith, supposing that they had a right to enter, and inasmuch as they were Indian lands, and not public lands in the ordinary sense of the term, we thought this exception was allowable.

Mr. CONGER. Then if the lands are to be sold for the benefit of the Indians a prudent care for the interests of the wards of the United States might have required that they be first offered, as other lands are, at public auction, and have the benefit of competition.

Mr. PLUMB. But the agreement between the Indians and the United States was that the lands should be sold to actual settlers, and this is in exact accordance with the agreement; that is to say, it is for the benefit of actual settlers, waiving in this case that provision of the statute which applies to the ordinary public lands of the United States, that no person shall make more than one entry.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 1682, prior to which the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 1457) to establish a department of agriculture was read twice by its title, and referred to the Committee on Agriculture.

The bill (H. R. 6578) to amend section 3940 of the Revised Statutes, relating to the forwarding of mail matter, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

HOLIDAY RECESS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

The PRESIDING OFFICER. The Chair believes it is customary to refer such resolutions to the Committee on Appropriations. That order will be made in this case.

SILVER COIN AND SILVER CERTIFICATES.

Mr. BECK. Before the Senator from Indiana [Mr. HARRISON] proceeds regularly with his bill, I would ask him, without displacing it or laying it aside—for I do not want to interfere with it—to allow me to say a few words in conclusion of the remarks I was making yesterday when there was a disagreement as to facts and as to the law at the time of the adjournment, and I gave way with the assurance that I should have the right to put the matter correctly in the morning. I will take very little time.

Mr. HARRISON. I will not object to laying aside the pending business for fifteen minutes in order to accommodate the Senator from Kentucky. I would express the hope, however, that at that time unless further debate is desired we may have a vote upon the Dakota bill.

Mr. BECK. I shall be very brief and will not delay the Senator.

The PRESIDENT *pro tempore*. The Senator from Kentucky will proceed.

Mr. BECK. Mr. President, on yesterday, while I was attempting to reply somewhat to the Senator from Ohio [Mr. SHERMAN], I said that he as Secretary of the Treasury had failed to pay out the silver coin received at the custom-houses as the law required him to do, and that the administration had in many ways obstructed the use and thereby reduced the value of the silver coin. I said that he was not a friend to the present silver dollar, whatever he may be to such a dollar as he thinks ought to be coined. This occurred; I read from the RECORD:

Mr. BECK. I hope when this discussion comes up again I shall show from report after report of the distinguished gentleman as Secretary of the Treasury that he has denied that we had a right to pay our creditors in the silver coin of the country——

Mr. SHERMAN. Ah!

Mr. BECK. Although the act of July required, and it was written upon the face of the bonds, that it was to be paid in the coin of the country, which embraced both gold and silver of the standard value of that day.

Mr. SHERMAN. What was the date of that act?

Mr. BECK. If that was not hostility to silver, I do not know what was. Now, let me ask the Senator——

Mr. SHERMAN. I ask the date of that act?

Mr. BECK. Why did he fail to comply with the law, and pay the silver dollar received for customs dues, as the laws required him, on the interest of the public debt?

Mr. SHERMAN. To what act does the Senator refer?

Mr. BECK. The act of July 14, 1870, and the act of February 25, 1862, which pledged all the coin received from customs first to the payment of interest and then to the setting apart of a sinking fund. Did he ever pay a dollar received at the custom-house——

Mr. SHERMAN. The act to which the Senator referred by date a moment ago was passed a year or two after I ceased to be Secretary, and I have not had a chance to pay out any, except what I received as my salary.

Mr. BECK. The law remained unchanged and the Senator remained Secretary, and he refused to pay in obedience to law the silver coin received at the custom-house, though the law required him to do it.

Mr. SHERMAN. What law?

Mr. BECK. And it could have been done for no other purpose except to keep it out of the hands of men whose interest it would be to circulate it and make it good, and to keep it in the Teasury and raise the clamor that nobody would take it, when he would not pay it to anybody who was obliged to take it.

Mr. SHERMAN. On the contrary, the law required that to be done which was done. The Senator can certainly tell me——

Mr. BECK. I will get the Revised Statutes and read the very fundamental law which has been regarded all the time as the law that prohibits us from taking greenbacks——

Mr. SHERMAN. My impression is that there was no express law requiring the payment of silver certificates and silver coin on the interest of the public debt until after I ceased to hold the office.

Mr. BECK. I beg pardon. I will find it in a moment, I think.

I, however, at that point yielded for a motion to adjourn. I have found it; this is the law passed February 25, 1862.

Mr. SHERMAN. What page do you read from?

Mr. BECK. Page 735 of the Revised Statutes, section 3694. After providing that coin, and coin alone, should be received for customs dues, section 3694 provides:

The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

That was the law long before the Senator accepted the office of Secretary of the Treasury; it remained the law during all the time he was Secretary, and is the law to-day. Under that law large amounts of silver coin were paid into the custom-houses for customs dues while he was Secretary of the Treasury, and have been so paid ever since. Yet, although the law required him to pay out the coin thus received, silver coin as well as gold coin, to the creditors of the United States, first on the interest and next in the purchase of bonds for the sinking fund, neither he nor his successors have ever applied a dollar of the silver coin so received for the purposes prescribed by law; that coin has all been dumped into the Treasury of the United States and held there, and the clamor has been raised that nobody wants it.

I called upon the Senator when he was Secretary once for a report as to what silver coin had been received for customs up to that date and what he had paid out on the public debt under the act of 1862. On the 16th day of December, 1878, he sent a report, accompanied by a report from Mr. Gilfillan, the Treasurer, in which he showed that gold and silver coin was received for customs dues in large amounts, and that not one dollar of the silver coin thus received had ever been paid to any public creditor. I hope he will examine his own report of December 16, 1878, sent from the Treasury Department to the Senate in pursuance of a resolution that I had offered. In that report he said that he allowed the bondholder to determine what character of coin or draft he desired; and, as the creditor always preferred the gold to the silver coin, he allowed him to make the choice. The result was that he did not pay one dollar in silver coin out of the millions of it which were received for customs dues, although required by law to so apply it.

On yesterday I referred also to the act of July 14, 1870, as making the silver coin of the country of 412½ grains, the then standard value, payable in satisfaction of all the bonds of the United States. That act provided for the issuing of fifteen hundred million dollars of bonds, and this language was used. These bonds shall be "redeemable in coin of the present standard value, at the pleasure of the United States"—some in ten, some in fifteen, and some in twenty-five years, but all in "coin of the present standard value;" and the bond itself, thus making it plain, reads thus, and all the renewals of it are written on the face of the bond to the same effect:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, as amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, 1907—

I have one of the 1907 bonds, but they are all the same—

in coin of the standard value of the United States on said July 14, 1870, *with interest in such coin* from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly, on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

WASHINGTON, *July* 1, 1877.

This is one of the renewed bonds, as its date shows, but every one of them has the same indorsement. Therefore I said and repeat that the silver coin of the United States has never had fair play and has never been used as by our contracts and laws it could be and ought to have been; the law has never been complied with in regard to the payment of our debts with it, and it is for that reason, and that reason mainly, that whatever amount of it is now locked up in the Treasury is locked up there because, if our officials had paid it out as the law required them to do, it would have at once become the interest of the men who received it to make it as valuable as possible, instead of its being denounced and vilified at home and abroad in every form by our own officials.

The reason why we never have had any chance to negotiate on this subject with foreign nations is that all the efforts we seemed to make were under false pretenses. The illustration I gave yesterday of Talleyrand's conduct is exactly applicable. We had determined as early as 1870 that all the bonds we then issued (and there are yet outstanding a thousand millions or more) should be paid in gold and silver coin of the United States at the standard value of July 14, 1870. If we had attempted to alter that by making it 15½ to 1 with gold, or 400 instead of 412½ grains, which is the silver coin of Europe, every bondholder in the United States or elsewhere would have said, "You are bound to pay my bond in silver coin of the standard value of July, 1870, and you are giving me coin at 15½ to 1, or 400 grains of silver to the dollar instead of 412½; you are by this reduction repudiating your obligations." Other nations would not increase their coin, and we could not honorably reduce ours; therefore we could not obtain a uniform silver coinage, very much to the gratification of England and our executive officials.

I have called upon the Director of the Mint for information. I have looked at the statistics of other countries since we adjourned last night, and the silver coin of the United States bears a higher relation to its gold coin than the silver coin of any other country in the world bears to its gold coin, except Mexico and perhaps Japan. That is, our silver dollar is worth more in proportion to the gold coin, and bears a higher relation to it, than that of almost any other country in the world, yet we alone are abusing and denouncing our silver coinage. Other nations seem to be content with theirs. The complaint can not be made, therefore, that in paying our bondholders according to law—a law which has been on the statute-book ever since 1862—we are violating any contract, and the Secretary of the Treasury, I insist, has no right, when he is compelled by law to pay the coin received from customs, to say if the creditor wants something else he will not comply with the law. The Secretary knew very well what the law was; and at one time he entertained very just views in regard to the contract rights of the people of the United States, as I propose to show. When we sold our bonds we received for them greenbacks at par, and issued the bonds for an equal amount, and we wrote upon the back of every greenback what I will read. I believe I have a ten-dollar bill in my pocket this morning. This is the indorsement:

This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

That can not be taken off the back of that greenback; and yet a few years afterward the Senator from Ohio and all his colleagues repudiated that contract, and said the principal of the bonds should be paid in coin, gold and silver coin. The language of the repudiating act of 1869 mentioned gold and silver as the coin in which the principal of the bonds should be paid. Why, sir, before the Senator was Secretary—when he was first told that the bondholders were going to demand more than their contract, he wrote a very able letter in 1868 to a friend, which I will read for his edification now, and I will add that he seems to me to be pursuing the same course in regard to silver now that he there condemned in regard to the greenback:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would confirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal-tenders.

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by the law, I am right; if it is to be tested by Jay Cooke's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets. If under the law as it stands the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

Truly, yours,

JOHN SHERMAN.

I repeat and indorse those sentiments in their full force in regard to the silver coin. The cases are parallel. When we issued our bonds in 1870, payable in the coin of the country at its then standard value, which was 412½ grains of silver to the dollar, every creditor agreed to receive it, taking the chance of its rise or fall, and every public officer was obliged to pay it. In my opinion, the public officer who refuses to comply with the law, or the man who holds our obligation and refuses to receive what the obligation calls for, is violating his public duty in the one case and is an extortioner in the other. This people have a right to pay their debts in that coin; and the attempt to make the silver dollar 470 or 480 grains, as now proposed, is to give to the bondholders what by their contract they have no right to ask, and to place an additional burden on the people of the United States that nobody has a right to impose.

Every country in the world, as I have said, except perhaps Mexico, has a smaller proportion of silver in their silver coinage than we have. So the Director of the Mint says, and he has none of the apprehensions that the President and the Secretary of the Treasury and the Comptroller of the Currency seem to have about silver money. Read his report, and you will see that we produced 40 per cent. of all the silver produced in the world last year, and 33 per cent. of all the gold produced in the world; and he says, in substance, that all the gold produced in the world annually is, in his opinion, absorbed in the arts and manufactures. This is his language: The amount of coin and new gold used for the purpose of ornamentation and in the arts is $13,000,000 in the United States, $11,000,000 in France, and $10,000,000 in Great Britain and Ireland. These four countries alone withdrew from the stock of gold last year $53,000,000, out of a total product of $90,000,000.

The struggle now is to have gold and nothing but gold for our coinage. We are asked to destroy our silver, which of course means to destroy our silver certificates, which are based on coin deposited, and thus double the burden of every debt. True, you will double the purchasing power of the little gold which remains to the creditor class, for Mr. Burchard clearly shows that of all that is now produced $53,000,000 out of $90,000,000 is absorbed by four countries alone, without counting what all the rest of the world consumes or uses for purposes other than for coinage. In this condition of things, while we are producing 40 per cent. of all the silver produced in the world, we are now told at this late day that we must destroy or abandon it or add 60 more grains to each dollar by an administration that has never given it a chance. I repeat, no executive officer has given it fair play. Even the law forbidding our national banks from going into any association that would not receive silver certificates has been violated. The Senator from Ohio in his place in this body denounced that provision of law when we passed it. If the debate goes on I will read it all and show the fact to be as I state.

I took up the report of the Director of the Mint yesterday evening and found that France maintains a less valuable silver dollar than ours by 3 or 4 cents, or one of 400 grains against our 412½, in the proportion of five hundred millions of silver to eight hundred millions of gold coin. Switzerland maintains more than half her coinage in silver; Belgium maintains almost as much silver as gold; Spain more silver than gold; Germany one-fourth as much silver as gold—she has $414,000,000 of gold and $105,000,000 of silver in circulation. I do not want to take time, but if I had time I would read what Mr. KELLEY said Prince Bismarck said to him about the mistake Germany had made in demonetizing silver. Austria has more silver than gold; the Netherlands have four times as much silver as gold; Denmark has five times as much; Sweden has twice as much; Japan has half as much; Mexico has nearly all silver. The circulation, I believe, of Bolivia and the Sandwich Islands is nearly all silver. The last named are the countries whose trade we seek, yet we, producing 40 per cent. of the silver of the world, are now told that we must strike it down and proclaim to all other countries that we are not asking to maintain it any longer. As I said, I wrote to the Director of the Mint about the relative value of our silver coin as compared with other countries. His dispatch is handed to me this moment. He says:

TREASURY DEPARTMENT, *December* 16, 1884.

Hon. J. B. BECK, *Senate*:

Yes; Mexico and Japan are the only countries I now remember that give a higher valuation to silver relatively to gold.

HORATIO C. BURCHARD.

I asked him if I was correct in making the statement that our silver dollar came up to the proportion of gold more nearly than the silver coin of a majority of the countries of the world, and the answer is as you observe, yes, with the exception of Japan and Mexico, higher than any of them; yet we are told that we can not maintain our silver dollar, while they all maintain theirs. Sir, we have never tried to maintain it. I want to see an administration that will tell the silver-using countries of the world, as they are the countries we must trade with, such as South America, the West Indies, Central America, China, Japan, India, and others, now dominated by the commerce of England, "We will stand by you on the silver issue, and we will not allow England to dominate and control the trade of the world or bring all its coinages to her standard." I admit that her power is great. She has nearly 60 per cent. of the world's trade now, with the goods of all nations stored in her great warehouses and all the bills of exchange by which the commerce of the world is affected drawn upon London. We have surrendered nearly everything in that regard to her; and now are we going to allow her to drive our silver out of the markets of the world in order to make her the great creditor country, dominating and dictating to everybody else?

Mr. President, I believe that whenever silver is treated fairly and honestly and an earnest effort is made in conjunction with the great countries that are now using it, with whom we trade, England, because she has to maintain her position in trade and commerce if she can, will have to yield. But she will not yield as long as speeches like that of the Senator from Ohio are made to the effect that we are robbers and repudiators; that we are wrongfully maintaining a depreciated currency of 15 per cent., and while even our Comptroller of the Currency has the impudence (for no other word can be used)—a clerk dares to come and tell the Congress of the United States, as he does in his report, what I will read:

The law which stamps 412½ grains of silver and arbitrarily insists upon its circulation as a dollar, *with unlimited legal-tender qualities*, when its true value, as indicated by the market price of silver is but 85.2 cents, is unworthy of this nation, and will sooner or later bring upon us financial trouble and disgrace.

We are to be told by a man who I believe was a clerk a year or two ago, in an official report, that the legislation of Congress is disgraceful. That is the kind of support our silver money gets from those whose duty it is made by law to sustain it. That is the support it is getting from the Treasury officials; yet we are pretending to-day to be in sympathy with those nations who desire to maintain silver coinage. Our officials are not. England needs not to be told that; she will insist on gold as the standard so long as you make her the great storehouse of the goods of the world. So long as you surrender to her 60 per cent. of the carrying trade of the world, so long as you have to draw bills of exchange on her, she will demand gold and do all possible to cheapen silver when she can pay out silver to her 200,000,000 serfs in India, and to others, who are not much further removed from vassalage, in the way of trade. Of course she wants gold.

I am willing to do whatever may be necessary to be done in the way of regulating the silver coinage of this country and the silver certificates based upon it when the proper time comes, but I want that done through friendly and not through hostile hands. We can wait sixty days until the enemies of the silver bill disappear from the other end of the Avenue, and we can have an opportunity of letting the world know that what we propose we propose in good faith. I hope we will tell them that we intend to maintain the currency of this country and to pay our debts and our bonds according to our obligation, and that we will have Secretaries and other officers who will not dare to defy the law, men who will faithfully pay out the silver coin received for customs as the law requires them to do, and not fritter our laws away by executive constructions, and then come here and tell us either in reports or through their comptrollers that we are passing laws disgraceful to the people of the United States.

I have occupied much longer time than I intended. I will discuss these questions when the proper time comes, I hope, to the satisfaction of the Senate, and will endeavor to show, whatever we may do hereafter, that this is not the time and these are not the auspices to act under. With a President, a Secretary, and Comptroller and ex-Secretary wanting to reverse our silver policy, as they have repeatedly tried to do and failed up to this time, I think we had better let things remain as they are during the expiring hours of their power.

Mr. SHERMAN. Mr. President——

ADMISSION OF DAKOTA.

Mr. HARRISON. I call for the regular order.

The PRESIDING OFFICER (Mr. HARRIS in the chair). On the call of the Senator from Indiana the Senate resumes the consideration of the unfinished business, being the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

The question is on the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

Mr. SHERMAN. My friend from Indiana may think, probably, that I shall not be able to reply now to the Senator from Kentucky because the Dakota bill is pending before the Senate; but I do not know any rule that will prevent me from replying very briefly to the Senator from Kentucky.

The PRESIDING OFFICER. The Chair knows of no rule that would confine the Senator's remarks in any particular channel.

Mr. HARRISON. I perfectly understand that we have no rule of relevancy here in the Senate. At the same time I think it would be unfortunate to open upon the pending bill a discussion of the silver question. Rather than do that I confess, though it may detract somewhat from the gracefulness of my concession to the Senator from Kentucky under some intimidation for fear he might open the discussion of the silver bill on the Dakota bill, I consented to lay it aside for a little time. I am willing to do the same thing now, as it seems to be proper that the Senator from Ohio should make some response to the allusions which have been directed to him personally; but I would want in the first place to get unanimous consent of the Senate that we shall vote on the Dakota bill at some hour to be named.

Mr. BECK. I have only to say that I am not responsible for the discussion of the silver question. The Senator from Colorado [Mr. HILL] yesterday was allowed to make a speech. The Senator from Ohio [Mr. SHERMAN] thought it his duty to seek to destroy the effect of it; and the Senator from Iowa [Mr. ALLISON] and myself desired to make a few remarks to show that the Senator from Ohio was not altogether as correct as he thought he was. I do not think anybody ought to object to that. That is all we have done. If the silver question is to be opened, I am willing to go into it fully.

Mr. HARRISON. I was not at all criticising the Senator from Kentucky. I understand perfectly that Senators have it in their power to debate the silver resolution upon the Dakota bill while that is the pending business, but I want to avoid that. Now, I ask unanimous consent that we may vote upon the Dakota bill at 4 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana that the Senate vote upon the Dakota bill at 4 o'clock to-day?

Mr. GARLAND. The Senator from South Carolina [Mr. BUTLER] objected to an agreement being reached to vote at a certain time. I do not think he will urge that objection, though I do not see him in his seat.

Mr. HARRISON. I feel sure that he will not, for he said to me that he did not intend to speak on the bill.

Mr. GARLAND. I think myself, so far as this side of the Chamber is concerned, that we can take the vote immediately after this discussion is through.

Mr. HARRISON. Say not later than 4 o'clock.

The PRESIDING OFFICER. Is there objection to the arrangement proposed, to vote on the Dakota bill by at latest 4 o'clock to-day? The Chair hears no objection. That is the understanding. Is there objection to informally laying aside the bill in order that the Senator from Ohio may proceed?

Mr. SHERMAN. I do not ask that it be laid aside; but I have no objection.

Mr. HARRISON. I suggest that it be laid aside informally.

The PRESIDING OFFICER. If there be no objection the bill will be informally laid aside.

SILVER COIN AND SILVER CERTIFICATES.

Mr. SHERMAN. Mr. President, I do not propose to reply at any length to the observations of the Senator from Kentucky. What he has stated on this occasion he has stated, so a Senator tells me, fifteen times, but I do not know how many times he has repeated all these arguments, and he will probably repeat them many times again. I am always glad to hear him.

The only point I wish to direct the attention of the Senate to is the charge the Senator makes that the executive officers of this Government have not obeyed the law, that they have made a discrimination against the silver dollar or the silver coin of the United States. I say that that is not true, certainly in respect to myself when I was an executive officer, nor do I believe it is true as to any executive officers who have had charge of the enforcement of the law since its passage in 1862.

What are the circumstances? The law quoted by the Senator is as familiar as the Lord's Prayer, certainly it is about as often repeated; that is, that the coin of the United States received for customs duties should be applied in a certain way to the payment of interest on the public debt and to the sinking fund. From the passage of that law up to the date of the letter which he quotes from me there was no silver coin in the United States that could be applied to the payment of the public debt or interest upon it. The Senator must be forgetful of the most elementary ideas of our currency. From 1862, when that law was passed, until 1868 there was no silver dollar in circulation that could be applied to the payment of customs duties or that was paid for customs duties. Why, sir, there had been only eight million silver dollars issued from the foundation of the Government of the United States to the time of the passage of the law of February 28, 1878, and there was no silver dollar paid into the Treasury for customs duties. There was no such money that could be paid into the Treasury for customs duties, and consequently no discrimination could have been made. The whole of the eight million silver dollars that had been in existence from the foundation of the Government prior to the suspension of specie payments in 1862 had disappeared from circulation, and there was no coin in this country except the gold coin of the United States applicable to the payment of customs duties. It is true the statute speaks of "coin," but the only coin then in existence was the gold coin of the United States, and that was received and applied as the law directed.

Mr. President, let me say further that there was no period from 1862 to 1878 where the amount of revenues paid in under that law was not largely in excess of the interest paid on the public debt. When I became Secretary of the Treasury the interest upon the public debt was $95,000,000 a year; now it is about $50,000,000; and at that time the revenues of the Government, payable in gold coin only, because there was none other to pay them, amounted to $200,000,000, and that coin received into the Treasury was applied in express execution of the provision of the act.

There was quoted a letter written by me some time in 1878. Why, sir, at the time that letter was written there had not been fifteen million silver dollars coined. The coinage commenced in April, 1878, and the letter he quotes I believe was written in October or November, 1878, or thereabouts. Am I correct in the date? Will the Senator advise me what was the date of that letter from me?

Mr. BECK. The letter I have read?

Mr. SHERMAN. Yes, sir.

Mr. BECK. The letter I have read from the Senator was upon another subject altogether, but kindred to it. It was in 1868, when he was denouncing men who demanded the principal of their bonds in gold coin.

Mr. SHERMAN. I do not mean that letter. I mean the official letter as Secretary of the Treasury. It was written some time in 1878.

Mr. BECK. I think it was. I will give you the exact date. It was December 16, 1878.

Mr. SHERMAN. At that time there had not been and could not have been more than 16,000,000 of these silver dollars issued, and probably not a dollar of them had been paid into the Treasury of the United States for customs dues.

Mr. BECK. I beg your pardon. The Secretary himself announced that there had been at least $11,000,000 received, but they had not kept them separately.

Mr. SHERMAN. That is, from the passage of the law of 1862 up to that time $11,000,000 had been paid in.

Mr. BECK. I beg pardon; in the last year; it was only one year; the Secretary was inquired of as to how much had been paid during that year.

Mr. SHERMAN. The first silver coin issued under the act of February 28, 1878, was issued, I think, in April or May. It took some time to prepare for the issue of the silver coin. So between the date of the issue of the silver dollar and the date of that letter there could not have been more than 14,000,000 silver dollars issued.

I have not the official letter before me which the Senator read, but I probably did ascertain by official documents that from the time of the passage of that law some $11,000,000 altogether had been paid in silver coin into the Treasury of the United States in payment of customs duties and other revenue charges. During that time there had been paid in, say, in a period of sixteen years, probably $3,200,000,000 of gold coin. The Senator complains now that we did not force the public creditor instead of being paid out of the thirty-two hundred millions of gold coin collected from 1862 to 1878 to receive on the public debt and on the interest on the public debt the $11,000,000 in silver which we had received up to that time. How absurd a proposition that is! But no discrimination ever was made between the gold and silver coins of the United States of legal tender, nor could any be made, and the amount of silver received and paid into the Treasury was infinitesimal compared with the great mass of gold that had been received.

Mr. HILL. May I interrupt the Senator? I should like to ask a question at this point.

Mr. SHERMAN. Not now. Let me finish with one, and then I will turn to my friend from Colorado and give him a chance.

Mr. HILL. It was right on the point on which the Senator was speaking that I desired to put a question.

Mr. SHERMAN. I say, therefore, that it was utterly idle to complain that a discrimination was made by the Treasury Department, because none was made. Eleven million dollars in silver may have been paid into the Treasury in various forms, mainly from internal revenue, probably, because as a matter of fact silver was not paid into the Treasury for customs at so early a period as that, nor was it attempted to be paid; nor, indeed, as I imagine, was there ever any silver dollar paid in for customs duties, because it is not convenient to merchants in New York and in the importing cities to pay silver dollars. They will not carry great masses of heavy weight like silver dollars to pay customs duties, but they are paid in gold coin. At most, according to the statement, the Senator from Kentucky says $11,000,000 in silver were paid in, and probably largely in fractional currency in order to make change in sums under $5; and what was that as compared with the mass of gold that was paid in during that period of time?

Then the Senator does not show that any discrimination was made, nor has any been made ever since. I doubt very much whether in the course of the Treasury operations at the city of New York, where the great mass of our revenues from customs duties is collected, any silver is paid in there to-day to any considerable extent, certainly not to an extent to demand that it should be immediately forced out upon people who probably do not desire to receive it for interest on the public debt. No doubt silver certificates have been paid in large quantities, and are paid daily, but, as I showed yesterday, those silver certificates are treated by the Government of the United States as the equivalent of gold coin and are received now every day. It is said that some 30, 40, or 50 per cent. of our revenues is now collected in silver certificates, and they are received without discrimination and paid out in the ordinary course of business, not only in the payment of all public debts, but for all other purposes. The weighty silver dollar is not brought in, but the representative of the silver dollar, maintained by the Government of the United States at par with gold, is received and paid out without discrimination.

There is no law upon the statute-book (and I defy the Senator to show it to me) which requires that these silver dollars should be paid out in discrimination as against gold dollars, because the law treats the two as precise equivalents, and they are to be held in the Treasury as security for the payment of the interest on the public debt. But there is no law, there never has been a law, and Congress would not enact such a law, to require that the silver dollars should be paid out in discrimination as against the gold dollars. No such law exists; no such law has existed. The Treasury of the United States, in the ordinary discharge of its duty of paying the public creditor and paying all the demands made upon the Government, has usually given to the creditor that kind of money which he prefers, not as a matter of legal right, but as a matter of convenience—the same thing that is done by every bank in the country and by almost every person dealing with others. The Treasury pays the creditor that kind of money, all kinds being equal in the eye of the law, which he prefers. That is the general rule.

The large mass, probably the great body, of the interest on the public debt is not paid with money at all; it is paid through the clearing-house in New York, where the coupons of the Government come in the nature of demands against the Government and are there exchanged by the mode adopted by the New York Clearing-House. That is the ordinary mode of payment. The payment over the counter of gold or silver coin to any considerable extent is not adopted in the ordinary transactions of public business. Since the order adopted by the Treasury Department in December, 1878, when, by a construction which my friend from Kentucky so often criticised, I held that the United States notes, after specie payments had been resumed, must be considered as the equivalent of gold coin, nearly all the business of paying the interest and principal of the public debt has been carried on in United States notes; but if anybody desired gold coin it was given to him; and no discrimination in effect or in law has ever been made whatever between the different classes of legal-tender currency of the United States.

Payment is usually made either through the clearing-house or by the use of United States notes; and now all the revenues of the Government of the United States substantially are so paid. Gold may be paid here and there; silver may be paid here and there in small sums; but the great body of these transactions is conducted just like the transactions of private citizens, by the payment of United States notes and silver certificates, and there has been no discrimination by any officer of this Government between silver certificates and the silver dollar, and the gold dollar and the gold certificates, but all are received in the ordinary course of business on exactly the same footing.

There are but comparatively few silver dollars in circulation, only $41,000,000 all told, scattered all over the United States—less than one silver dollar to an individual inhabitant; and there are very few of them in New York. Inconvenient in bulk and size, as a matter of course they would not be brought to the Treasury of the United States in payment of customs duties or any other duties except for a very small matter. No doubt ten, twenty, thirty, forty, fifty, or sixty millions may in a period of years have been brought into the Treasury and been paid out; but usually they have been brought in the form of certificates, and not in the form of actual coin.

So the statement made by the Senator yesterday that the executive officers of this Government had discriminated in any way whatever against the silver dollar is not proven. It is not true in my judgment, for I know of no such discrimination there during the time when I held the office of Secretary, or by any of my successors or predecessors. Before the coinage of the silver dollar under the new law there was no silver to be tendered to the Government, and none could be.

Now, the Senator speaks of some of the officers of the Government with great contempt. He speaks of the Comptroller of the Currency—an officer of very high rank, who performs independent duties, who holds his office under a special tenure, who has been placed beyond, you may say, the ordinary pale of political warfare—with great contempt, and says he was a clerk, and was years ago in some of the Departments. Mr. Cannon was never a clerk in any Department of this Government. He is a man of the highest standing and character known in official circles, who was brought here from a distant city at the request of and upon the recommendation of his predecessor, never having been employed as a clerk by the Government. And because he comes here and in man fashion speaks his sentiments in regard to a matter of public importance he is to be sneered at as a man who was once a clerk, now lecturing Congress! Why, sir, he is bound to speak his opinions freely and fully, and he has done it frankly, and he is a man not to be hooted down in this way.

There is one other remark I wish to make. The Senator highly commends Mr. Burchard, and I underwrite all he says in regard to Mr. Burchard, who is a faithful, industrious, competent officer, long a member of the other House, who discharges his duties as Director of the Mint with singular fidelity. But Mr. Burchard, in the very report to which the Senator refers and which he commends so highly, recommends precisely what I recommended yesterday; that is, the stoppage of the coinage of the silver dollar. In the identical report which the Senator read, differing *in toto* from the views taken by the Senator from Kentucky, he says the time has arrived when the coinage of that dollar ought to be suspended in order to renew our negotiations with foreign powers.

So, then, Mr. Burchard, quoted by the Senator, is now bearing testimony against his ideas, and agrees with me entirely in the view I take of this question, although he probably would not go as far as I in the coinage of a new silver dollar, but he is in favor of the suspension of the present coinage.

There has been so much fog, so much demagogism thrown around this silver question that it is almost difficult to argue about it seriously. The question is whether the United States of America can stop the march of time, can stop the depreciation of silver, can turn the dial backward, and make two things that are unequal to each other the equals of each other. We can not do it. The only point is whether we shall still go on and go on coining this dollar to be piled up in our Treasury as idle money, or whether we shall suspend it for awhile with a view to talk with other nations who are interested in the question, or whether, failing an agreement, we would not confess what we can not prevent, that silver has depreciated, and coin it at the same rate that we buy it of our miners. That is the question, and no amount of demagogism, no amount of fume or bluster can prevent the sober inquiry being put to the people of the United States as to whether they will continue the process which has been going on of hoarding the silver dollar or whether they will in a statesmanlike way meet the question broadly, and coin a silver dollar upon the basis of its purchase from the miner. That is the question; and I know and acknowledge that within a few months a new administration will come into power, and I commend to that administration the settlement of this question. If what is said in the reports in the newspapers be true—and I can only speak in a general way, without any other knowledge—if my honorable friend from Delaware [Mr. BAYARD] is to assume the duties of chief financial officer of the Government, let him solve the question. If he can see a better way out of it than this, I shall follow him with great pleasure. It is for him to say whether or not this policy shall be changed, or for any other person who may be called upon to discharge the duties of that high office. I do not anticipate that our Democratic friends will find any less difficulty in solving the question than we have done, and I venture the prediction that whoever may be the chief financial officer of the next administration will be compelled to meet this question as we have, and I believe he will be able to solve it as we would solve it if we had the control of the future before us.

This is all the answer I desire to make to the Senator from Kentucky, except again to repeat that there is no law which requires the payment of silver coin in discharge of customs duties, but only that all customs duties shall be held, or a sufficient part thereof, to pay the interest on the public debt as it matures, and that no discrimination has been made so far as I know by any executive officer against the silver dollar.

Mr. BECK. One word——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. SHERMAN. I promised to allow the Senator from Colorado [Mr. HILL] to ask a question.

Mr. HILL. Mr. President——

Mr. BECK. If I have the floor I desire to say a word now.

Mr. SHERMAN. I have not yielded yet.

Mr. BECK. I was recognized.

Mr. SHERMAN. I have not yielded.

The PRESIDING OFFICER. The Chair understood the Senator from Ohio as yielding the floor, and recognized the Senator from Kentucky.

Mr. SHERMAN. I had promised to yield to the Senator from Colorado for a question.

Mr. HILL. I should like to ask my question now, before the Senator from Ohio takes his seat.

The PRESIDING OFFICER. The Chair hopes the Senator from Kentucky will yield temporarily.

Mr. BECK. I have no objection, except that I want the question of fact settled. The Senator said he had yielded.

The PRESIDING OFFICER. The Senator from Kentucky is entitled to the floor.

Mr. BECK. That is all I want.

The PRESIDING OFFICER. The Chair could not say that the Senator from Ohio had yielded; the Chair could only say that he understood the Senator from Ohio had yielded.

Mr. SHERMAN. I was through, but I had promised the Senator from Colorado to answer his question. I simply wish to do what I can toward his being allowed to put it.

Mr. HILL. If the Senator from Kentucky will yield to me for a moment I will put my question. I understood the Senator from Ohio to say that there had never been any discrimination made by any officer of the Treasury Department in regard to disbursements of gold and silver. I wanted to ask him whether the Treasury Department has not steadily refused since the passage of the silver coinage act to pay out any silver or silver certificates in settling its balances in the New York Clearing-House. Is it not true that nearly all the disbursements of the Government are made through the New York Clearing-House? And is it not true that the Treasury Department has never used one dollar in silver or silver certificates in making those payments?

Mr. SHERMAN. That may be so; I do not know; but I say that is not a discrimination against silver.

Mr. HILL. There is constant complaint of the accumulation of silver in the Treasury and that gold is drawn out. I made the assertion yesterday that in a very few weeks the Secretary of the Treasury could free the Treasury of every dollar of silver owned by the Government that is now hoarded (as the Senator from Ohio calls it) in the Treasury if he would pay the clearing-house balances even in part in silver or silver certificates, but he has steadily and constantly refused to do that, and that is the point which I made in my remarks yesterday.

Mr. SHERMAN. My answer to that is that no doubt the Secretary of the Treasury might, if he chose, make a discrimination in favor of the silver dollar and actually refuse to pay gold at all and pay all in silver, and thus precipitate a question which no man in this country desires to have made, that of a single silver standard, but no law has been violated and no discrimination has been made.

As to the contract between the United States and the clearing-house that was communicated to Congress, the terms of that agreement were fully known and have been acquiesced in now for six years. That arrangement was made in the fall of 1878. So far as I know no hostile movement of Congress has been made to change or alter that arrangement.

Mr. HILL. But we distinctly provided in the act of 1882 that no national bank should be a member of a clearing-house which refused to receive silver certificates in payment of balances. Here is what the Treasurer of the United States says himself on that subject:

As a consequence of the inability of the Treasury—

How was that inability created? There is no law for it—

As a consequence of the inability of the Treasury under the existing practice to use either the silver dollars or the silver certificates in its settlements with the New York Clearing-House, where by far the greater part of its disbursements is made, the available gold ran down from $155,429,600 on January 1, 1884, to $116,479,979 on August 12, 1884, while the silver dollars and bullion on hand, not represented by silver certificates outstanding, increased during the same period from $27,266,057 to $48,808,958.

Was not that entirely the fault of officers of the Treasury Department?

Mr. SHERMAN. Not at all. The drain made upon gold was for exportation, and it will be made upon gold only for exportation.

Mr. HILL. The Treasurer said it was on account of the inability of the assistant treasurer of the United States at New York to pay silver or silver certificates in the settlement of its clearing-house balances. It had nothing at all to do with exportation, as I understand.

Mr. BECK. Mr. President, a word or two. Let us get back to the original proposition. The Senator from Ohio is dissatisfied with the existing condition of things. He desires to change the silver dollar now existing of 412½ grains to one containing 480 grains, or somewhere about that. I oppose it, especially in the closing hours of a hostile administration and with a rapidly contracting national-bank currency.

I have endeavored to show, and think I have shown conclusively, that all the obligations of the United States are payable in coin of the standard value of 412½ grains silver to the dollar; that we have no obligations payable only in gold coin, and that we are under no obligation to pay any creditor a dollar which contains more grains in it than 412½. That is the bond; the terms are written upon the face of it; it was accepted by the creditors; indeed it was placed there at their request, as was understood at the time, for the very purpose of preventing us from making our coin contain any less quantity of metal; that being the case, I object to the Senator's proposition to add to the burden of the debt of this people by changing the contract and making a dollar for the creditors' benefit containing fifty, sixty, or seventy more grains than their contract calls for.

I again assert that the law of 1862 requires all the coin received for customs to be applied, first to the payment of interest on the bonds, and second to the purchase of 1 per cent. yearly of the entire debt of the United States for a sinking fund. It is not only for interest but for the sinking fund, which has year after year been provided for, that we had agreed to pay in coin from customs; and yet no dollar of silver coin received at the custom-house has ever been paid out as interest on the public debt or used to redeem a single outstanding bond for the sinking fund.

The Senator says I referred to his report made in December, 1878, which was only nine months after the silver coinage was restored, and that only $14,000,000 of it had then been coined, yet $11,000,000 of that had gone through the custom-house, and he thinks that is a very small matter. He may so regard it, but from that day to this, with all the coinage of silver and all the payments that have been made, the same system has been kept up that he inaugurated and avowed he would pursue, to give to the bondholders gold because they wanted it, and then to lock up the silver in the Treasury and raise a clamor because it was there, demand more vaults to keep it in, and denounce it as a repudiated and degraded coin, although it was the coin of the contracts of 1862 and 1870, a coin with which the people contracted to pay all outstanding obligations. It was a little thing then compared to what it is now; but the principle was just as bad then as it is now, and it has been maintained all the time, as the Senator from Colorado has shown in the remarks he made a few minutes ago.

The Senator from Ohio said, and said truly, that greenbacks became as good as gold the moment they were received at the custom-house, and they would have been as good as gold three years before they were if he had received them at the custom-house instead of clamoring for the right to sell, as we allowed him to do, ninety or ninety-five millions of bonds of the United States and lay the gold into the Treasury under pretense that it was needed to be kept there to guard these very greenbacks. The moment they were taken at the custom-house in violation of law (and he refused to let us make legal the illegal act by making it lawful to receive them at the custom-house) they were equal to gold. He left the law of 1862 to stand, saying that nothing but coin should be received, and yet by executive order he received greenbacks, and still votes against every proposition to make greenbacks receivable by law.

The moment he did so receive them, as I said, they were as good as gold, though they were at a heavy discount till they were received at the custom-houses, and he asserts now that the silver certificates are as good as gold and that they are receivable everywhere as gold or silver coin, and are preferred to either. Then since not a silver certificate can issue that is not supported by a silver dollar laid in the Treasury, why stop coining these silver dollars that are deposited in the Treasury, which alone support the silver certificates which he says are as good as gold and more convenient and more sought after, and are even bought with gold when they can not be otherwise had? The representative of the silver dollar is our best currency; its existence depends on the coin he seeks to destroy. The very moment he stops the coinage of the silver dollar he stops the issue of these certificates, because when you withdraw the silver dollar not another certificate can be issued.

He knows, because the Secretary of the Treasury reports it, the Comptroller reports it, and we all know it, that the national banks contracted their currency last year twenty-four and a half millions; and the Comptroller tells us that they will this year, and every other year, reduce it at an average of $40,000,000 a year. We know that if the law remains as it is in relation to national banks they will sell their bonds and withdraw their circulation from the people and their business. When you stop the coinage of the silver dollar and stop the issue of the silver certificates, and the national banks, as they have a perfect right to do, withdraw their circulation, because they will not pay the price that is demanded for other bonds, where is your circulation to come from? What obligation is there upon a national banker to issue circulation unless he can make a profit by it?

We have only, as I said yesterday, $194,000,000 of debt that we can pay before 1891 and only $250,000,000 then till 1907. We are paying off the national debt at the rate of $100,000,000 a year by our present system of taxation. Every dollar of that $194,000,000 will be paid in two years from this date unless we reduce taxation, which the Senator will not do, nor the gentlemen on his side of the Chamber. One hundred and fifty-five million dollars of that $194,000,000, which is subject to call to-day, is held by national banks to secure $136,000,000 of circulation now outstanding. The very moment we absorb this $194,000,000, as we shall in two years, we can not afford to lock up $100,000,000 of surplus revenue in the Treasury. That would be the most violent contraction imaginable; that process would soon bankrupt this country.

What then have we to do? We can not require men who hold bonds not due till 1891 or 1907 to sell them to us except at such premium as they see fit to ask. The fours of 1907 are worth 22 per cent. premium to-day. The moment the United States is compelled to buy bonds in order to get the surplus revenue lying in the Treasury again in circulation they can demand 44 per cent., and we must pay it or break the country. Every national banker will sell every bond he holds when the premium reaches 30 per cent., and it may reach 40 or 50, for we have to give whatever the holders ask. The banks will sell every bond they have not needed for organization, and only $80,000,000 is needed for that purpose, and take in the circulation now outstanding, leaving us nothing but what few greenbacks we have outstanding and the silver certificates, for the gold certificates are issued in amounts of $5,000, $10,000, and I believe some of them $20,000 each, and are not currency in any sense, and the gold coin is locked up and out of circulation, as everybody knows.

Now, if we withdraw the silver dollar from coinage, stop the issuing of the silver certificates, let the national banks sell their bonds at the premium they will get under our pressing necessities, and curtail their

currency, where are we? That danger is upon us in the near future, it is upon us to-day, and it is, in my judgment, absurd now even to talk of stopping the power to issue silver certificates upon the basis of silver coin when contraction is going on by the banks in the way it is doing, and with the assurance that it will continue to get worse, until they will refuse to buy bonds at all unless we change existing laws. Do you think a national banker looks to the good of the country in keeping out his circulation? Did the interests of this country require the banks to withdraw twenty-four and one-half million dollars last year? Does the business of this country require them to withdraw the $40,000,000 which the Comptroller of the Currency assures us will be withdrawn this year and every other year hereafter? Why is it done? Because it is more profitable for them to sell the bonds they have at the premium they can get for them, especially when the United States is forced to purchase them, than it is to take circulation upon the bonds.

These thriving gentlemen have no other interest except to make the most money they can for their stockholders. And is our Government to be at the mercy of a body of men of that sort or of any body of men? Is there a man on this floor who, if he were president of a national bank and could make 10 per cent. more by selling the bonds than he could by depositing them and taking circulation, would not feel bound to sell the bonds in the interest of his stockholders and would he not do it? The Senator from Ohio would do it, no matter what became of the currency of the country. And that is the condition toward which we are rapidly drifting now.

What I desire to do is this: Just as the greenbacks were as good as gold the moment they were received, even in violation of express law, at the custom-house, the silver dollar will become as good as gold the moment it has all the uses that gold has. The moment that the administration of this country, the executive branch and the Congress of the United States, will give it a helping hand instead of treating it as a step-child, will pay it out for interest, will pay the bonds with it, will use it to comply with existing contracts, every man who receives that silver dollar will be interested in keeping it in circulation, interested in keeping it as good as gold. Foreign nations will then unite with us in making it good, and we shall not be dependent upon England, and England alone, who of all the countries desires gold and only gold, as we have been and will continue to be under the policy sought to be pursued.

I did reflect on the action of the Comptroller of the Currency and I may have been mistaken in saying he was a clerk. I do not care whether he was a clerk or as great a man as the Senator from Ohio, and that is pretty near exhausting comparisons; but I deny the right of any Comptroller to speak thus of any act of Congress:

The law which stamps 412½ grains of silver, and arbitrarily insists upon its circulation as a dollar with unlimited legal-tender qualities, when its true value as indicated by the market price of silver is but 85.2 cents, is unworthy of this nation.

I deny that any Comptroller has a right to throw into the face of Congress an insult of that kind and tell us that our act is unworthy of this country. I said it was impudence. I repeat it, and I would apply that term to any other subordinate official who would be guilty of such impudence. It was none of his business to talk about it. Even when the coinage bill went before the House of Representatives—and I see my friend from Missouri [Mr. BUCKNER] sitting before me—so well satisfied was that great branch of the Government that it did not belong to banking and currency that they sent the whole matter to the Committee on Coinage, Weights, and Measures. Our coinage does not come under the Comptroller's jurisdiction, does not come under banking and currency jurisdiction; it did not come under anything the Comptroller has anything to do with or anything to say about, and I say it was impertinent in him to tell this Congress that anything we do is unworthy of this country, especially in a matter that he has no concern with and no right to advise us about.

Why, sir, if you turn to page 19 of the report of the Director of the Mint, you will find that we have $123,000,000 of silver certificates now out, $123,000,000 corresponding with that amount of silver coin lying in the Treasury of the United States. We have $120,000,000 of gold certificates, and $120,000,000 of gold coin, an equal amount, lying in the Treasury of the United States. Why not complain that your gold lies there to secure the gold certificates as well as complain that you have to build vaults for silver to protect the silver certificates? They are the security for the more convenient money.

I do not propose to discriminate against gold in favor of silver; there is no danger of that; but I deny the right of anybody as has been done and can not be denied that under a law which required every dollar to be used either to pay the interest on the debt or to go to the sinking fund of 1 per cent. requiring $50,000,000 more to be paid in the very coin that was received for customs of which there have been millions and millions of dollars in silver and silver certificates paid, and not one dollar in silver has been paid either to the extinguishment of the interest on the sinking fund or the redemption of the national debt.

I debated the question of the clearing house at the time it was up, and the action of the Senator from Ohio and his friends in regard to that. I have that debate before me. I do not believe I shall take time to refer to it. I will ask the reporter to take the amount of gold and silver in the different countries as I have noted it down here. I called out in a general way, but here it is a little more in detail than I stated. It shows how easy it is when a people are trying in good faith to keep up silver as other nations are doing to a much larger extent than we are, with coinage laws in proportion and far larger in proportion than ours; but I will hand it to him after awhile.

As I know the Dakota bill is up and this question will be before us again, I do not care to go into it any further at present.

ADMISSION OF DAKOTA.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes, is before the Senate as in Committee of the Whole. The pending question is on the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

Mr. ALLISON. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

Strike out all after the enacting clause of the bill and insert in lieu:

"That all persons residing within the limits of the Territory of Dakota qualified by the laws of said Territory of Dakota to vote for representatives to the Legislative Assembly thereof are hereby authorized to vote for and choose delegates to form a convention; and the qualifications for delegates to such convention shall be such as by the laws of said Territory persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the Territory, in districts established by law, in proportion to the population in each of said districts, as near as may be, to be ascertained at the time of making said apportionment, by the persons hereinafter authorized to make the same, from the best information attainable; that said apportionment shall be made by the governor, the chief-justice, the associate justice for the first judicial district, the associate justice for the fourth judicial district, and the surveyor-general of the Territory of Dakota, or any three of them; and the governor shall, by proclamation, order an election of the delegates aforesaid to be held on the 4th day of June, 1885, which proclamation shall be issued at least sixty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificate to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. The number of delegates to said convention shall be one hundred and twenty; and all persons resident in said proposed State who are qualified voters of said Territory, under the laws thereof, at such time as the constitution to be framed shall be submitted to the people for ratification or rejection, shall be entitled to vote upon the question of such ratification or rejection, under such rules and regulations as said convention may prescribe.

"SEC. 2. That the delegates to the convention thus elected shall meet at the city of Yankton on the second Tuesday of August, 1885, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution for said proposed State.

"SEC. 3. That in case a constitution shall be formed in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said Territory for their ratification or rejection, at an election to be held at such time and places and under such regulations as may be prescribed by said convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution. The returns of said election shall be made to the secretary of the Territory, who, with the governor and chief-justice, or any two of them, shall canvass the same; and, if a majority of the legal votes cast shall be for said constitution, the governor shall certify the result to the President of the United States, together with a copy of said declaration, constitution, and ordinances; whereupon it shall be the duty of the President of the United States, if said declaration, constitution, and ordinances shall conform to the requirements of this act, to lay the same before Congress.

"SEC. 4. That at the election at which the question of adopting the constitution is voted on there shall be submitted also, by ordinance of such convention, the question of the division of such Territory on boundary lines to be fixed by such ordinance; and the qualified voters of the Territory of Dakota shall vote directly for or against the division of such Territory; and the vote on such question of division shall be cast, canvassed, and ascertained and certified in the same manner and under the same rules and regulations as the vote on the adoption of the constitution is required to be by section 2 of this act.

"SEC. 5. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of the said convention and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislature: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States."

Mr. MORGAN. Mr. President, the attitude in which this question is now presented before the Senate is one that to my mind is very interesting and impressive. In looking over the condition of the Territories of the United States that are hereafter to be admitted as States, and which I desire shall come in as rapidly as will suit the convenience of this great body of people, I find that it is necessary that we should make some change in the method of our action hereafter. The Territories of the United States at this time unfortunately are not in the condition that the former Territories were at the time of the admission of some of the older States of the new class. We must deal, of course, with each one of these Territories just as we deal with every other, all alike. When we are preparing to admit States into the American Union on terms of equality with the original thirteen, we should treat the Territories, as we provide them with State governments or the means of establishing State governments, with perfect equality.

We can not safely or justly discriminate between them as to the manner or conditions of their admission.

But certain questions have arisen in some of the Territories of the

United States which make it no longer advisable or practicable that we should pursue the plan that we have heretofore pursued, and which is the plan provided for in the bill reported by the committee. That plan is to permit the Territories to adopt their constitutions and to be admitted into the Union as States by proclamation of the President after having passed an ordinance to accept the Constitution of the United States and after having embodied in their constitution certain fundamental features which are mentioned in this bill.

Now, sir, I will ask the question whether there is a Senator on this floor who would be willing to pass a law precisely in the terms in which this bill is couched for the admission of Utah into this Union as a State? If you were to strike out the name of this State and of this Territory where it occurs in this bill and insert "Utah," there is not one Senator, I think, on this floor who would vote for the bill in its present form. Yet Utah, so far as population is concerned, so far as commercial facilities are concerned, and the development of a valuable agricultural and a large mining interest, which are of value to the country, is quite as far advanced as Dakota. I may even call it an older and a more mature civilization. But into the Territory of Utah has crept a poison which we have been unable so far to eliminate and scarcely to modify.

During the nursing period of that Territory its early career has been so marred with a social question involving a criminal condition as that the whole country has been shocked with it, and the Congress of the United States has been engaged laboriously and in the most strenuous exercise of its highest powers for the purpose of stamping out that evil. So far we have only succeeded in giving to the people of Utah Territory certain legislative power and certain autonomy as a Territory which have aided in propagating a great crime. We have enabled them by the use of these powers to throw a shield of protection around the criminal condition which this Federal Government has been unable to modify even, and that Territory is to-day in such a condition as that we could not afford to vote for its admission into the Union, after it had adopted every provision contained in the Dakota bill, by a mere proclamation of the Executive. We would, in the case of that Territory, require its constitution and ordinances to be submitted to Congress for careful scrutiny before any Senator here would consent to its admission into the Union as a State.

Now, with the condition of Utah, and also of Idaho and of Montana, which have to some considerable extent absorbed the evil condition that has so poisoned up the community in Utah, we have to deal in the future. The time is approaching, it will probably soon arrive, when we have got to say to the Territories in which there is this open, public evil—for it is not a lurking and a hiding one—that we will adopt a different rule in respect of your admission from that which we have applied to the Territory of Dakota.

I maintain that no State ought hereafter to be admitted into the American Union until it has first adopted its constitution and that constitution has been laid before the Congress of the United States; and I maintain that as well in view of the evil to which I have adverted in the Territory of Utah and in other Territories as in view of a wise and sound public policy.

There is a provision in the Constitution of the United States that the Congress of the United States will guarantee to every State a republican form of government. The precise nature of that guarantee, perhaps, has never yet been tested by any actual event which required that the Congress should take action in a specific direction for the protection of the republican form of government of a State. We are prepared now to say, the country is prepared to say, that if the institutions of religion, or what is sacrilegiously called religion, that prevail in the Territory of Utah were placed in its constitution and under the protection of constitutional ordinances as a religion entitled to the shield and protection of the Constitution of the United States, we would not regard that State as presenting a republican form of government in the sense in which we understand that word as applicable to this great sisterhood of States.

Now, how are we to conduct ourselves, how are we to act in the future in order to give to these State governments the guarantee of the republican form to which I have just been alluding? And what other questions may arise in the Territories hereafter to be admitted growing out of the peculiarities of the societies which may dwell in them and have political control there which will also make it necessary for the Congress of the United States, either before the State is admitted or after it is admitted, to come to a declaration whether or not a constitution is republican in form according to the acknowledged meaning of that phrase in the Constitution of the United States?

At what time are we to give to these States the guarantee that they shall have a republican form of government? Is it before they are admitted, at the time of their admission, or afterward? It occurs to me that if there is any potency whatever in that guarantee in favor of the States of the American Union it should be applied at the time of their admission, because after they are admitted into the Union they reserve to themselves the right to change their constitutions according to their own will. I do not know how we would get rid of any State in the American Union if they should by a constitutional convention held in accordance with their own written constitutions hereafter ordain some feature that the Congress of the United States might consider a violation of that guarantee. I do not know how we should got about applying this guarantee of the Constitution to a State that is already in full possession of the power to ordain and to amend its own constitution. I can scarcely conceive of a case in which the Congress of the United States could by legislation exercise its power to reform a State constitution or by the use of the military or judicial power compel that State to reform itself so as to become within the understanding of Congress a State republican in its form of government.

Then at what time shall we apply this guarantee? When does it become our duty to look critically into this subject and to ascertain the organic basis upon which the State is to be admitted into the Union as being a republican form of government? I maintain that it must be done by Congress at the time that the proposed constitution is pronounced upon and at the time that the act is passed through these bodies admitting her as a State in the Union. That furnishes, according to my understanding of it, the only opportunity when the Congress of the United States can legislate upon a question of this kind with the slightest degree of force and efficiency.

If that position be a correct one, is not this bill wrong when it declares that a constitutional convention in the Territory of Dakota shall adopt a constitution suited to the thoughts and wishes of that body, and that after it has been ascertained that it contains an admission of the supremacy of the Constitution of the United States and contains the other features that are carefully put into this bill, then it shall be admitted into the Union by the proclamation of the President?

This reservation of power on the part of the Congress of the United States to consider the constitution of a proposed State, after it has been formed, must be a matter of immense consequence to this country under certain conditions. I have cited one dangerous fact in the history of one of the Territories of this country which should put the Senate on its guard in respect of its future line of action in reference to the admission of States into the Union. Let the Territories prepare their constitutions and bring them here; let us discuss the constitutions after they have come here; and if the thirty-eight sister States of the Union are not prepared to admit the State of Dakota with a constitution that she chooses to form, let us reserve to ourselves the opportunity thus to declare in advance of her admission, and not wait until after she has been admitted and thereby lose all power to control her action thereafter.

Mr. President, there is no occasion for being in haste about this business. The admission of States into this great sisterhood is a question of the most serious importance. It finds its first realization in the Senate of the United States. Here it has an effect in the disturbance of balances of power between the older States and the newer ones which is not felt so sensibly in any other branch of the Government. Here are the older thirteen States of the American Union and their younger daughters who now possess a wealth and a population equivalent to about ten times that of any average area in the western parts of the United States all on an equal scale of power. Here is a guarantee in the Constitution of the United States that is felt nowhere else as it is in the Senate, that no State shall be required to give up her representation in the Senate of the United States except by her own consent. No majority power in the Senate can disturb this guarantee of the perfect equality of representation.

I have noticed some allusion made in the newspapers to the falling away of the population in the new State of Nevada. Sharp reference is being made in various directions to the fact that she voted but little over 12,000 votes in the last Presidential election. Queries have been put out in respect of the methods by which a State may be dwarfed out of the Union, or expelled from it, or absorbed by some Congressional or other action. Amendments of the Constitution have been suggested in reference to the falling away of the power of that State. Now, sir, what does all this mean? It means that the rest of the people of the United States find that a population perhaps not exceeding 60,000 in the State of Nevada has as much power on the floor of the Senate as the empire State of New York.

But that power, unequal as it may be, is here to remain. That State is as safe as New York in the full weight of its representation.

When we come to distribute the political power, as we must do in admitting new States, in this country we have no right to do it in an unjust or profligate way. We have no right to do it for the purpose of advancing mere party or political considerations. We must not disregard the growth and power of this country in its older establishments and its older settlements, and disarrange that influence which they have gained legitimately and by a natural growth in the Senate of the United States by interjecting men with equal power here who represent mere pocket boroughs. The evil is one of startling consequences when we come to look at its effect upon the floor of the Senate. How often does it happen when the Senate is narrowly divided upon the very gravest question that may affect the interests of 20,000,000 people along the Atlantic coast that we find men representing 60,000 people or 200,000 people upon the floor of this body wielding as much power as that which at least 5,000,000 of the people in the older States and settlements enjoy.

Are we to go along in this hot haste merely for the purpose of building up new States or of gratifying a desire to have a certain political predominance in the Senate of the United States, and neglect the influence that these great questions may have upon the most material interests of the whole mass of the people of this country?

Sir, the Senate can afford to pause before she admits two additional members on this floor under any circumstances. The Senate can afford to wait until every incumbrance is cleared out of the path, until the whole subject has been balanced up and considered with reference to all the great interests of this country. I maintain that it is a dangerous evil to introduce with too great rapidity Senators upon this floor to take equal part and enjoy equal power with those who represent the older and the greater States of the American Union.

More than that, there is something in the physical geography of this country that has convinced me thoroughly that the arrangement of the Territories as originally provided by acts of Congress has been eminently wise. When we look to the West, over the vast area of territory included within the borders of the different Territorial organizations, we are sometimes led to exclaim, "These are too large; there is too much land included in these areas;" but the wisdom which caused those areas to be incorporated under Territorial governments, with distinctly marked boundaries and with all the vast area of land, is not to be sneered at or forgotten. I believe now, looking back over the history of these questions, that every Territorial government in the United States has been arranged considerately and diligently with respect to its future capacity to maintain population and with respect to the conditions under which that population is to exist and to thrive. Who that has traveled over the vast expanse of prairies lying at the foot of the Rocky Mountains has not seen that, while there are small areas of agricultural lands out there and large areas of mineral lands, the broad plains which lie at the foot of those mountains, stretched from the Gulf of Mexico to the Canada line, must necessarily and naturally fall under the dominion of State governments, ultimately, which incorporate together three great elements of prosperity, agriculture being the final reliance of these States for population, and mining and pastoral lands a source of growth in riches. These peculiar areas are bound by natural relations into the vast groups which demand a common government.

The Territory of Dakota has been represented here as being so entirely even, throughout its limits, in respect of its producing capacity as that it will hereafter accommodate as dense a population as any State in the American Union. I beg leave to differ with Senators who entertain that view. There are two conditions connected with it without which no country can sustain a very heavy population, and those are water and forests. The magnificent State of California has perhaps as large an area of valuable agricultural lands according to its immense territory as any other State in the Union, but it must nevertheless await centuries before it is developed into an agricultural country that can maintain a population equal to that per square mile which the State of Alabama can maintain to-day. They have not got the water, they have not got the springs, the running brooks, the gently broken areas of vast, magnificent forests that the people in the State of Alabama possess. It is an impossibility to sustain a population per square mile upon the territory of California equal to that which Alabama is capable of sustaining; and so of all the other Atlantic and Gulf States.

When the State of California was laid off it did not occur to any one that that State would be too much of an empire in respect of its population, and that therefore it must be divided. Why not? It has about seven hundred miles of seacoast, and its depth, I think, would average perhaps four hundred miles. Why did it not occur to some of the eminent men who preceded us in this body, when that State was to be admitted into the Union, that it should be divided up into two States or more? Because they saw, as we now realize, that it would be a great number of years before the State of California could sustain a population as dense as that of some of the older States on the Atlantic and Gulf slopes.

These facts have not been altered by experience; they have only been established. When the State of Texas was admitted into the Union a provision was put into the act of admission which was more the result of sectional zeal than of any wise precaution, that she might be divided into five States; yet Texas has not been divided, and the great-grandchildren of the youngest man in the Senate will not live to see the question seriously debated in Texas of dividing it. Why so? It is because Texas, like these other States, has only an equivalent proportion of pastoral lands compared with her agricultural lands and her forest lands. Out in the staked plains, out in the west along the borders of the Rio Grande and up in the north, as far east, I suppose, as Dallas, it may be said of Texas that it is one vast pasture, a merely pastoral region. Would you take that State and divide it?

Mr. COKE. I will state to the Senator that the pastoral portion of Texas is two hundred miles west of Dallas.

Mr. MORGAN. It is two hundred miles west. I was not careful in my geography. Would you take the State of Texas to-day, if you had the power and desired to promote the welfare of her people, and divide it into two States even by a north and south line, one on the east and one on the west? If you should you would have a very rich State on the east and a very poor one on the west. Would you divide it by an east and west line? You would scarcely benefit it in any degree. Although I have had some anxiety as a Southern man to see the power of my section (if we are to have sections here) increased in the Senate of the United States, I would not go to my brethren from Texas and ask them that they would divide their State into four or five great commonwealths, the reason being that the State of Texas, with its enormous area, has the duty devolved upon it of maintaining a vast outlying pasture ground along the Rio Grande by the agricultural power which she possesses farther east. I would not ask Texas to sacrifice the natural and mutual dependence and advantage in the Union of her agricultural fields and her pasture grounds even for the sake of the power it would give her people in the Senate of the United States.

So it is in Dakota. The eastern and the northern parts of Dakota we are informed are excellent for agriculture of certain kinds; a great wheat-growing country. How is it about the west, in the Black Hills, and in the vast grazing grounds out toward the Black Hills? If you were to cut off the Black Hills region and incorporate that into an American State (and it is as large perhaps as New England or nearly so) you would have a State there that would have nothing to depend upon except its mining resources and its cattle pastures.

Let the State of Dakota carry its burden of pasture grounds and its burden of mineral lands, and let its civilization and its power as a great civilized State be used from this time forward for the benefit of its pasture grounds and its mineral grounds as well as for the benefit of its agricultural grounds.

What will you do with Montana when it comes here with an application for admission; what with Idaho or Washington Territory? Will you split them up? What would become of us if we had split up Nevada and made two States there instead of one, that is perishing now for want of population?

Sir, it is unjust to the rest of the Union, and unjust to the people of that Territory, when we disregard the lines upon which these Territorial governments have been framed? It is a question that will come back to us with a visitation that we are not expecting now if we hurriedly move in the direction of admitting these States, cutting them up into small parcels for the purpose of bringing them into the American Union. We will live to regret it. Even men in the Senate will live to regret it, as many people in this country are to-day living to regret the haste with which Nevada was admitted into the American Union as a State. How much power would that country have to-day under a Territorial government? What advantage is her Statehood to her? What does it draw to her in the way of population and wealth? While I admire both the gentlemen who are Senators upon this floor, and have the best of relations with them, and the Senate of the United States admires them, there is not a Senator here from one of the older States who does not feel that the power which is voted against him in the Senate of the United States upon great emergencies from the State of Nevada is a power that is not fairly and justly distributed between the people of this country. Here, I repeat, is where it finds its great expression, here on the floor of the Senate, and we ought to hesitate long before we increase the representation of new and scattered communities in this body equal to those of the older States. We ought at least to hesitate until we see the constitutions that they are prepared to submit to us, and understand how they have composed the disputes and contentions that have been agitating them.

As to the question of division, we are informed by members of the committee who have looked narrowly into the question that there are subjects of confusion and controversy in the Territory relating to the distribution of the public debt and as to the precise boundary of division that may be adopted to sever the Territory into two bodies by an east and west line. We are informed of wrangles and contentions that have been going on in that Territory for some time. While I do not wish to make any expression of an invidious character toward the Territory of Dakota, I have known and every Senator upon committees that I have served upon has had occasion to know, the deep bitterness of feeling that exists in some localities between the people of that Territory, not simply of a political but of a personal character, much of which relates to this very question of the location of the state-house and various matters of that sort. A great deal has been said about their harmony, but I am not prepared to believe to-day that the people of the entire Territory of Dakota are one mass of brethren, living in harmony and unity and peace together without any disturbance between them. They do not come before the Senate of the United States, according to my observation, in that innocent and childlike character.

I would not vote against the admission of Dakota or any State because it might be Republican. I would not cast such a vote as that. The people who are Republican in the United States Territories have as much right to admission into the Union as those who are Democratic, and so it is on the other hand. It is not the part of statesmanship to consult a question of that kind in casting a vote upon a measure as momentous and important as this. But when I come to the point as to whether a Territory should be divided in twain, and made two States instead of one, I would, at least, submit that question to those people before I decided upon the admission of either part of that country into the United States as a State.

We are taking upon ourselves too much authority in this bill, if we propose to consult what we term popular sovereignty or popular suffrage in respect of the internal affairs of Dakota. We are shaping

matters here to suit ourselves in respect of the division of the Territory, without consulting the people of Dakota. We propose, first, to settle the question of division, and then, after we have done that, to admit one of the parts as a State, in the event that one-half of the Territory will adopt a constitution with certain prescribed features in it. Here is a man who lives on the Missouri River; he has property in the northern part of the Territory of Dakota, and that thing occurs continually. You ask the man in the southern part of the Territory to vote upon the division of the State, the division of the public debt, the division of the taxes, the relegation of a part of his property, or it may be a part of his family, into a Territorial form of government while the other part is admitted as a State. That man has a right to say what he thinks about this, if he has any rights at all. We ought by means of the amendment offered by the Senator from Arkansas, first, to take the opinion of those people upon the question of division, to take their opinions and their sentiments upon the question of the constitution, just as we would require the people of Utah to submit their opinions and their sentiments before we admitted them into the Union, and then, after they have brought up their constitution and submitted it to us and have displayed the vote in respect of the division of that Territory, we will have some solid basis of fact to go upon. We will not have merely the representations of interested parties made before a committee of this body coming by delegations to advance their private or political ends, but we will have the solemn and legitimate expression of the people of that country in respect of the division. The man in the northern part or southern part of the Territory would have the right to vote "no," if he chose, upon the subject of dividing his family and his estate, one part of it to be thrown into a Territory and another part into a State.

If we propose to act in respect of the fundamental idea of popular government in this country—that of following the will of the people when expressed in due legal form—let us delay the question of the admission of this State until after the proposition has been voted upon and acted upon by the whole people of Dakota that is presented in the amendment introduced by the honorable Senator from Arkansas. If those people decide that they want their Territory divided, and if they bring a constitution here which the Government of the United States is willing to accept as one republican in form, then I shall never vote against the admission of that Territory as a State because it may turn out in the next Presidential election or in any subsequent election to be a Republican State. I do not know how good I can make this pledge by a mere statement of this kind in advance. I can only express the conviction of my own heart upon the matter, and I do it without reserve. Still, I shall be slow to believe that two States should be formed of this Territory.

There are various other matters that would come up naturally in argument upon this phase of the question, but I suppose it is hardly worth while to go over them. Some of them have been touched upon by gentlemen who have preceded me. But I rose for the mere purpose of presenting to the Senate of the United States a plea for the consideration of the grave problems that are involved in the bill as reported by the committee, which decide my vote against it, and to ask the Senate to delay yet a little while until not only the people of Dakota but the people of the United States at large can become satisfied that one-half of this Territory is in a condition to be admitted as a State and to have an equal representation on the floor of the Senate with every other State of the American Union.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

Mr. GARLAND. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired on this question with the Senator from Vermont [Mr. EDMUNDS]. If he were present, he would vote "nay" and I should vote "yea."

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. Otherwise I should vote "yea."

Mr. HARRIS (when his name was called). I desire to inquire of the Senator from Massachusetts [Mr. DAWES] if he knows how his colleague [Mr. HOAR] would vote upon this question.

Mr. DAWES. I presume my colleague would vote "nay," though I have no knowledge upon that point.

Mr. HARRIS. You suppose he would vote "nay?"

Mr. DAWES. I think he would vote "nay."

Mr. HARRIS. I am paired with the Senator from Massachusetts [Mr. HOAR] who is absent, and will therefore withhold my vote. I should vote "yea" if I were not paired.

Mr. McPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. If he were here, he would vote "nay" and I should vote "yea."

The roll-call was concluded.

Mr. BUTLER. The Senator from Pennsylvania [Mr. CAMERON] is detained at home by sickness, and requested me to pair with him. I therefore announce that upon this subject I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. MILLER, of California. I desire to announce the pair between my colleague [Mr. FARLEY] and the Senator from Virginia [Mr. MAHONE].

Mr. BOWEN (after having voted in the negative). I am paired with the Senator from Arkansas [Mr. WALKER] and voted under a misapprehension. I withdraw my vote.

The result was announced—yeas 27, nays 31; as follows:

YEAS—27.

Bayard,	Colquitt,	Jones of Florida,	Saulsbury,
Beck,	George,	Kenna,	Slater,
Brown,	Gibson,	Maxey,	Vance,
Call,	Gorman,	Morgan,	Vest,
Camden,	Hampton,	Pendleton,	Voorhees,
Cockrell,	Jackson,	Pugh,	Williams.
Coke,	Jonas,	Ransom,	

NAYS—31.

Aldrich,	Frye,	Manderson,	Riddleberger,
Allison,	Hale,	Miller of Cal.,	Sabin,
Blair,	Harrison,	Mitchell,	Sawyer,
Cameron of Wis.,	Hawley,	Morrill,	Sheffield,
Conger,	Hill,	Palmer,	Sherman,
Cullom,	Lapham,	Pike,	Van Wyck,
Dawes,	Logan,	Platt,	Wilson.
Dolph,	McMillan,	Plumb,	

ABSENT—18.

Bowen,	Farley,	Ingalls,	Miller of N. Y.,
Butler,	Garland,	Jones of Nevada,	Sewell,
Cameron of Pa.,	Groome,	Lamar,	Walker.
Edmunds,	Harris,	McPherson,	
Fair,	Hoar,	Mahone,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in the Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. HARRISON and Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, he would vote "yea" and I should vote "nay."

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER], otherwise I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. BUTLER. On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON], who is detained at home by sickness. I should vote "nay" if the Senator from Pennsylvania were present.

Mr. MILLER, of California. I desire to announce the pair of my colleague [Mr. FARLEY] with the Senator from Virginia [Mr. MAHONE].

The result was announced—yeas 34, nays 28; as follows:

YEAS—34.

Aldrich,	Frye,	Manderson,	Sabin,
Allison,	Hale,	Miller of Cal.,	Sawyer,
Blair,	Harrison,	Mitchell,	Sewell,
Bowen,	Hawley,	Morrill,	Sheffield,
Cameron of Wis.,	Hill,	Palmer,	Sherman,
Conger,	Ingalls,	Pike,	Van Wyck,
Cullom,	Lapham,	Platt,	Wilson.
Dawes,	Logan,	Plumb,	
Dolph,	McMillan,	Riddleberger,	

NAYS—28.

Bayard,	Colquitt,	Kenna,	Saulsbury,
Beck,	Gibson,	McPherson,	Slater,
Brown,	Gorman,	Maxey,	Vance,
Call,	Hampton,	Morgan,	Vest,
Camden,	Jackson,	Pendleton,	Voorhees,
Cockrell,	Jonas,	Pugh,	Walker,
Coke,	Jones of Florida,	Ransom,	Williams.

ABSENT—14.

Butler,	Farley,	Harris,	Mahone,
Cameron of Pa.,	Garland,	Hoar,	Miller of N. Y.
Edmunds,	George,	Jones of Nevada,	
Fair,	Groome,	Lamar,	

So the bill was passed.

INTERSTATE COMMERCE.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Pending that motion I ask that the next special order, Senate bill 2112, be laid before the Senate as unfinished business.

The PRESIDING OFFICER. Before submitting the motion of the Senator from Vermont, the Chair will lay before the Senate the first of the special orders under the previous assignment. The Chief Clerk will report the bill by its title.

The CHIEF CLERK. A bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDING OFFICER. The bill remains the unfinished business for to-morrow.

ADMISSION OF TACOMA.

Mr. PLATT. I ask the Senator from Vermont to yield to me long enough to give a notice.

Mr. MORRILL. Certainly.

Mr. PLATT. I give notice that when the bill to establish a commission to regulate interstate commerce shall have been disposed of, I shall ask the Senate to take up the bill (S. 1898) to provide for the formation and admission into the Union of the State of Tacoma, and for other purposes.

IMPROVEMENT OF GALVESTON HARBOR.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer is instructed to procure 2,000 copies of the lithographic map prepared by Joseph Nimmo, Chief of the Bureau of Statistics, under the direction of the Secretary of the Treasury, to accompany his report on the improvement of Galveston Harbor, and incorporate the same in the majority report of the Committee on Commerce accompanying Senate bill No. 1652.

EXECUTIVE SESSION.

Mr. MORRILL. I renew my motion.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 16, 1884.

The House met at 12 o'clock m., Mr. WILLIAM M. SPRINGER, of Illinois, in the chair as Speaker *pro tempore*.

Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL PAGES.

Mr. THOMPSON, of Kentucky. I ask, by unanimous consent, to offer the following resolution for reference to the Committee on Accounts, as it relates to the pages of the House.

The SPEAKER *pro tempore*. The resolution will be read, after which the Chair will inquire for objection.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House of Representatives is hereby authorized to employ three additional pages during the present session, to be paid out of the contingent fund of the House at the rate of $2.50 per day.

There was no objection; and the resolution was received and referred to the Committee on Accounts.

DISTRICT CHARITABLE INSTITUTIONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting additional estimates from the commissioners of the District of Columbia of appropriations for the support of certain institutions of charity; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN SCHOOLS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs, with inclosure recommending the removal of certain restrictions upon the disbursements of funds appropriated for the support of Indian schools; which was referred to the Committee on Appropriations, and ordered to be printed.

FORWARDING OF MAIL MATTER.

Mr. SKINNER, of New York. Mr. Speaker, I ask by unanimous consent to take from the House Calendar for present consideration a bill (H. R. 6578) to amend section 3940 of the Revised Statutes, relating to the forwarding of mail matter.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That section 3940 of the Revised Statutes be, and the same is hereby, amended so as to read as follows, to wit:

"Letters and other articles of first-class mail matter prepaid with not less than one full rate of postage shall be forwarded from one post-office to another, at the request of the party addressed, without any charge for such forwarding; the balance of postage, however, if there be any due, to be collected at the office where the matter is delivered. All other mail matter, the postage on which as required by law has been fully prepaid, shall likewise be forwarded from one post-office to another, at the request of the party addressed, without any additional charge.

The SPEAKER *pro tempore*. Is there objection?

Mr. REAGAN. I do not object if the bill shall not give rise to debate.

Mr. SKINNER, of New York. It will not require any debate. I wish merely to say the bill gives authority to postmasters to forward second, third, and fourth class mail matter upon which the postage has been once fully paid in the same manner as the law now applies to letters. This would apply to newspapers and packages upon which the postage had been once fully paid.

Mr. BLOUNT. I wish to ask the gentleman from New York whether there is any other provision in it.

Mr. SKINNER, of New York. None at all.

There was no objection, and the House Calendar was discharged from the further consideration of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SKINNER, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. JANE VENABLE.

Mr. WARNER, of Tennessee. Mr. Speaker, I move by unanimous consent that the bill (S. 2280) for the relief of Mrs. Jane Venable be taken from the Speaker's table and put on its passage at this time.

Mr. REAGAN. I do not object if it shall give rise to no debate.

Mr. WARNER, of Tennessee. I do not think it will give rise to debate. It has already passed the Senate, and there is a unanimous report in favor of it from the House committee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Jane Venable, widow of William E. Venable, late minister of the United States to Guatemala, the sum of $5,636.87, balance of one year's salary.

Mr. HOLMAN. I ask that the report of the House committee be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 1548) for the relief of Mrs. Jane Venable, have had the same under consideration, and ask leave to report as follows:

We find that on March 14, 1857, William E. Venable, of Tennessee, was commissioned as minister resident of the United States to the Republic of Guatemala; that in June thereafter he started to that country to enter upon the duties of the office, arriving there August 2 of that year; that on the next day he signified to the authorities of that government his desire to be presented to the President of that republic; that Mr. Venable was taken sick, on account of which his presentation never took place; and that on the 22d day of August in the same year he died, leaving his widow, the claimant.

Mrs. Venable says, in an affidavit relating to her husband's death—

"That his death was caused by the change of climate in midsummer, and the fatigue and exposure incident to his journey; that she has knowledge of but few of the particulars of his sickness and death, and can only state that his sickness was contracted and his death ensued while engaged in the performance of his public duties; that none of his effects were returned to her except his gold watch, which is still [in] her family; that he was buried at the seat of government in Gautemala, and that all the money he had with him was used in his burial expenses; that at the time of his appointment he was engaged in a large and lucrative practice of law; that he borrowed money for his outfit, and executed a mortgage upon his property to secure its payment; that by reason of this mortgage debt his estate proved insolvent, and the money collected from the Government by his administrator was applied to his debts, and no part of it ever came to the hands of affiant or her family; that all she ever had of his estate was a dower interest, worth less than $1,000; that at the death of her husband they had six children, five of them girls, and the eldest aged about 15 years; that by her unassisted efforts she has reared and educated her family; that she is now 64 years of age, and two of her children are mainly dependent upon her for support; and that she is entirely without means, save the small dower interest before stated."

The salary of such minister at that time was $7,500 per annum. The amount received by Mr. Venable and by the administrator of his estate is shown by the records in the State Department to have been $1,863.13.

In view of the facts recited, and of several precedents set in similar cases of the death of persons in this branch of the public service, we recommend the allowance of an amount equal to one year's salary, less the amount which has been paid, and report an amendment to the bill reducing the sum to be appropriated to that amount, and, with this amendment, recommend its passage.

Amend by striking out all after the word "Guatemala," in the fifth line, and insert the following: "The sum of $5,636.87, balance of one year's salary, the same to be paid out of any money in the Treasury not otherwise appropriated."

Mr. HOLMAN. There seems to be an amendment recommended in the House report which ought to apply to the Senate bill.

Mr. WARNER, of Tennessee. That amendment would make the House bill correspond with the Senate bill. The Senate bill as it is now is all right.

The bill was taken up, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WARNER, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF MILITARY COMMITTEE.

Mr. ROSECRANS. On behalf of the Committee on Military Affairs, Mr. Speaker, I ask by unanimous consent that the resolution I send to the Clerk's desk be received for present consideration.

The Clerk read as follows:

Resolved, That Tuesday, January 6, 1885, after the reading of the Journal, be assigned to the Committee on Military Affairs for the consideration of business reported from that committee now on the Calendar; this order not to interfere with general appropriation and revenue bills and prior orders.

Mr. KEIFER. I would suggest to the chairman of the Committee on Military Affairs that the order should also include bills of the same character upon the Speaker's table.

Mr. REAGAN. I must object if this shall give rise to debate.

Mr. ROSECRANS. I do not think it will give rise to any debate.

Mr. KEIFER. There may be a desire to have other matters considered than those upon the Calendar. There may be business upon the Speaker's table quite as important which should be taken up for consideration. I ask therefore that the resolution be amended so as to include that business.

Mr. ROSECRANS. I will modify the resolution in that way so as to include business on the Speaker's table to be called up by the Committee on Military Affairs.

Mr. DUNN. I wish to call the attention of the gentleman from Ohio to the fact that I offered a rule to that effect at the last session of Congress, and that it was referred to the committee of which he is a member and never reported back.

Mr. KEIFER. I desire to say I am in favor of it. There need be no trouble on that score.

The SPEAKER *pro tempore*. The gentleman from California consents to the modification of his resolution, and it will be read as modified.

The Clerk read as follows:

Resolved, That Tuesday, January 6, 1885, after the reading of the Journal, be assigned to the Committee on Military Affairs for the consideration of business reported from that committee now on the Calendar and similar Senate bills on the Speaker's table; this order not to interfere with general appropriation and revenue bills or prior orders.

Mr. COX, of North Carolina. I object, as the resolution is too general in its character.

Mr. WASHBURN. I make the point of order that the objection comes too late. The resolution was received and modified, and as modified was read by the Clerk.

The SPEAKER *pro tempore*. The Chair is of the opinion that the objection did come too late. The consent of the House had been given to its introduction after which it was modified.

The resolution as modified was adopted.

Mr. ROSECRANS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUCY LE G. JEFFRIES.

Mr. STRUBLE. I move by unanimous consent, Mr. Speaker, to take from the Speaker's table for present consideration the bill (S. 1337) granting a pension to Lucy Le G. Jeffries. I desire to say that a bill of like tenor was reported from the Committee on Pensions of the House, of which I am a member, and passed at the last session of Congress. This bill passed the Senate and is here upon the Speaker's table, and I ask that it be taken up and passed.

The bill was read *in extenso*.

Mr. REAGAN. I hope the vote will be taken on the bill without debate.

Mr. STRUBLE. I hope so. [Cries of "Regular order!"]

Mr. TOWNSHEND. Before the objection is waived I ask that the report be read.

Mr. GEORGE D. WISE. I object to the present consideration of the bill.

The SPEAKER *pro tempore*. The bill is not before the House, objection being made.

ADJOURNMENT OVER HOLIDAYS.

Mr. MORRISON. I am directed by the Committee on Ways and Means to submit the following privileged report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, December 23, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

Mr. MORRISON. I demand the previous question.

Mr. BLOUNT. I desire to ask the gentleman to allow me to have a vote on an amendment making it Saturday, December 20. [Cries of "No!" "No!"]

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. If we vote down the demand for the previous question will not the resolution be open to amendment?

The SPEAKER *pro tempore*. It will.

Mr. HAMMOND. Then I hope it will be voted down.

The House divided; and there were—ayes 84, noes 83.

Mr. BEACH. I demand the yeas and nays.

Mr. MORRISON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 99, nays 118, not voting 106; as follows:

YEAS—99.

Alexander,	Buckner,	Cook,	English,
Bagley,	Burnes,	Cosgrove,	Ermentrout,
Ballentine,	Cabell,	Cox, W. R.	Finerty,
Barksdale,	Clardy,	Curtin,	Follett,
Blackburn,	Cobb,	Dawson,	Foran,
Breckinridge,	Collins,	Dibrell,	Forney,
Browne, T. M.	Converse,	Dunn,	Geddes,
Glascock,	Jones, J. H.	Payson,	Springer,
Greenleaf,	Jones, J. K.	Peel,	Stewart, Charles
Guenther,	Jordan,	Pettibone,	Stockslager,
Hancock,	Ketcham,	Price,	Storm,
Harmer,	Lacey,	Pryor,	Talbott,
Hatch, W. H.	Lewis,	Pusey,	Taylor, J. M.
Herbert,	McAdoo,	Randall,	Thompson,
Hewitt, A. S.	McComas,	Reagan,	Townshend,
Hewitt, G. W.	McMillin,	Reed,	Wallace,
Hill,	Mills,	Rice,	Ward,
Hiscock,	Mitchell,	Riggs,	Warner, A. J.
Holman,	Morrison,	Robinson, W. E.	Wemple,
Hopkins,	Morse,	Rosecrans,	Williams,
Horr,	Moulton,	Ryan,	Willis,
Hunt,	Mutchler,	Scales,	Wilson, W. L.
Hurd,	Neece,	Singleton,	Wise, G. D.
Johnson,	Ochiltree,	Slocum,	Wood.
Jones, B. W.	O'Neill, Charles	Snyder,	

NAYS—118.

Adams, G. E.	Davis, G. R.	McCold,	Struble,
Aiken,	Davis, L. H.	McCormick,	Sumner, C. A.
Anderson,	Davis, R. T.	Millard,	Taylor, E. B.
Atkinson,	Dibble,	Miller, J. F.	Taylor, J. D.
Barr,	Dockery,	Morrill,	Thomas,
Beach,	Eaton,	Murphy,	Throckmorton,
Bennett,	Elliott,	Nelson,	Tillman,
Bisbee,	Everhart,	Nicholls,	Tully,
Blount,	Findlay,	Nutting,	Turner, H. G.
Boutelle,	Funston,	O'Hara,	Turner, Oscar
Brainerd,	Goff,	Patton,	Van Alstyne,
Bratton,	Hammond,	Pierce,	Wadsworth,
Breitung,	Hanback,	Peters,	Wait,
Brewer, F. B.	Hatch, H. H.	Phelps,	Wakefield,
Brewer, J. H.	Haynes,	Ranney,	Warner, Richard
Brown, W. W.	Hepburn,	Ray, G. W.	Washburn,
Buchanan,	Holmes,	Reese,	Weaver,
Campbell, J. E.	Houseman,	Robinson, J. S.	Wellborn,
Candler,	Howey,	Rockwell,	White, J. D.
Cannon,	James,	Rogers, W. F.	White, Milo
Carleton,	Jeffords,	Shelley,	Whiting,
Chalmers,	Jones, J. T.	Shively,	Wilkins,
Clay,	Keifer,	Skinner, C. R.	Wilson, James
Clements,	Kleiner,	Skinner, T. G.	Winans, John
Cox, S. S.	Lanham,	Smalls,	Wolford,
Crisp,	Lawrence,	Smith, A. H.	Worthington,
Culberson, D. B.	Libbey,	Stephenson,	Yaple,
Cullen,	Long,	Stevens,	York.
Cutcheon,	Lovering,	Stewart, J. W.	
Dargan,	Lowry,	Stone,	

NOT VOTING—106.

Adams, J. J.	Dunham,	Kean,	Potter,
Arnot,	Eldredge,	Kelley,	Rankin,
Barbour,	Ellis,	Kellogg,	Ray, Ossian
Bayne,	Ellwood,	King,	Robertson,
Belford,	Evans,	Laird,	Rogers, J. H.
Belmont,	Ferrell,	Lamb,	Rowell,
Bingham,	Fiedler,	Le Fevre,	Russell,
Blanchard,	Fyan,	Lore,	Seney,
Bland,	Garrison,	Lyman,	Seymour,
Bowen,	George,	Matson,	Shaw,
Boyle,	Gibson,	Maybury,	Smith, H. Y.
Broadhead,	Graves,	Miller, S. H.	Spooner,
Brumm,	Green,	Milliken,	Spriggs,
Budd,	Halsell,	Money,	Steele,
Burleigh,	Hardeman,	Morgan,	Strait,
Caldwell,	Hardy,	Muldrow,	Sumner, D. H.
Campbell, Felix	Hart,	Muller,	Tucker,
Campbell, J. M.	Hemphill,	Murray,	Valentine,
Cassidy,	Henderson, D. B.	Oates,	Vance,
Chace,	Henderson, T. J.	O'Ferrall,	Van Eaton,
Connolly,	Henley,	O'Neill, J. J.	Weller,
Covington,	Hitt,	Paige,	Winans, E. B.
Culbertson, W. W.	Hoblitzell,	Parker,	Wise, J. S.
Davidson,	Holton,	Payne,	Woodward,
Dingley,	Hooper,	Perkins,	Young,
Dorsheimer,	Houk,	Poland,	
Dowd,	Hutchins,	Post,	

So the previous question was not ordered.

During the roll-call the following pairs were announced from the Clerk's desk on all political questions until further notice:

Mr. ARNOT with Mr. BELFORD.

Mr. ADAMS, of New York, with Mr. RUSSELL.

Mr. CAMPBELL, of New York, with Mr. HOOPER.

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. BLAND with Mr. VALENTINE.

Mr. YOUNG with Mr. HARMER.

Mr. FIEDLER with Mr. STEELE.

Mr. MAYBURY with Mr. JOHN S. WISE.

Mr. MULLER with Mr. DUNHAM.

Mr. MORGAN with Mr. BAYNE.

Mr. ROBERTSON with Mr. LIBBEY.

Mr. SENEY with Mr. ELWOOD.

Mr. HOUK with Mr. DAVIDSON.

Mr. PAIGE with Mr. HART.

Mr. HARDY with Mr. SPOONER, for this day only.

The vote was then announced as above stated.

Mr. BLOUNT. I move to amend the resolution by inserting Saturday, December 20, instead of Tuesday, December 23.

Mr. MORRISON. I move to amend by inserting the 22d.

Mr. RANDALL. I know it is a great interference with the comfort of members, especially those who live at a distance, to make the adjournment at so close a day as the 23d to Christmas. Yet I think that those who live a long distance away could be spared better than we

could lose the sessions of Monday and Tuesday, for I feel authorized to say one of the appropriation bills could be considered on Monday and Tuesday of next week, to wit, the District appropriation bill, as the gentleman having charge of that bill states he thinks it would be ready at that time and could be got out of the way before the two Houses took a recess.

Mr. BLOUNT. Mr. Speaker, I wish to call the attention of the House to previous holiday adjournments, and before doing so desire to say that if this resolution means anything at all—if the custom heretofore adopted by the House means anything, it is to allow members of Congress the privilege of being with their families on Christmas and New Year's Day. I know of no other reason for it; and if we do not propose to accomplish that by this resolution, we ought to vote it down. If we do mean to continue that custom, then we should make it effective by giving sufficient time.

I hold in my hand from the Journal a record of the recesses taken by several previous Congresses. The Forty-fifth Congress in its second session adjourned from December 15 to January 10, and in its third session from December 20 to January 7; a longer time than is proposed now under this amendment. The Forty-sixth Congress adjourned in its second session from December 19 to January 6, 1880, and in its third session from December 22 to January 5, 1881. The Forty-seventh Congress had no holiday adjournment except, perhaps, for a week, as the tariff bill was then under consideration and the debate continued, although many members were absent.

Mr. BROWNE, of Indiana. Does the gentleman propose to allow the members from California, from Washington Territory, from New Mexico, and other portions of the extreme West sufficient time to go home for Christmas?

Mr. BLOUNT. I will answer the gentleman a little further on.

This has been the habit of Congress on this question. The Committee on Ways and Means propose a holiday recess, and I believe the present purpose of the House is to allow some recess. The only question is as to the time.

The gentleman from Pennsylvania [Mr. RANDALL], chairman of the Committee on Appropriations, says that they hope to be able to take up on Monday or Tuesday the District of Columbia appropriation bill. I venture to say from my experience here, and I believe the prediction will be verified by the experience of other gentlemen upon the floor, that these exact calculations in reference to the business of the House fail fully half the time to come up to the expectation of those who make them.

I predict that we will not get to the District bill; but assuming that we might if we did not take this adjournment, what would be the result? I say, sir, nothing can come of it. We have adjourned since we came on Thursday over to Monday. There has not been a single session on Saturday since the House has assembled. We will have no difficulty about passing the appropriation bills, and never have, and this resolution, if adopted, can not affect their passage in any degree.

If the bills are ready for passage I for one am willing at all times to be present here in evening sessions or on Saturdays to take them up and consider them.

Mr. TOWNSHEND. I desire to remind my friend from Georgia that probably as soon as the pending bill is out of the way I shall be able, as I hope, to get the Mexican pension bill before the House and consider that during the present week.

Mr. BLOUNT. If we are in session we will have many matters called up for consideration.

Mr. TOWNSHEND. But this is a public measure.

Mr. BLOUNT. I am aware of that.

My friend from Indiana desires to know if I propose to give time to the members from California and other Western States to go home. It has not been the practice of members residing so far from Washington to take advantage of the holiday recess, whether the length of time is satisfactory or not. But because he cites an extreme case, it affords to my mind no reason for making any difference from what has heretofore been the practice of the House. Now, the gentleman from Pennsylvania [Mr. RANDALL] says that those gentlemen who desire to go home, and who may not have time to reach their homes if they remain here until the day fixed by the resolution from the Committee on Ways and Means, could be spared from the House to start at an earlier date. That, perhaps, is true, sir; but I take it for granted that a great many gentlemen, I certainly among the number, do not propose to start under such circumstances. I feel it my duty to be present on the floor of the House during the sessions of Congress, and shall be here when the House is in session, no matter what may be the action of the House on this resolution. I can see no reason for not making this change from the 23d to the 20th, a Sunday intervening between, merely a difference of two days, and when, as is very likely, should the resolution in its present form pass, on Monday and Tuesday no quorum will be present in either House.

Another thing: We began this session on the 1st day of December, as has been suggested to me by my colleague, an unusually early time, and so the proposition for the amendment that I have suggested is less disadvantageous than at any other previous occasion in the last few years. Under this present resolution, if the amendment is not adopted, not a single gentleman from my State can be at his home on Christmas day. I trust, therefore, the amendment will be adopted, and, if in order, I ask the previous question upon the pending proposition.

Mr. BEACH. I trust the gentleman will allow us the privilege of debating this matter. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. In deference to the wishes of the House, I must insist upon the demand for the previous question.

The question was taken; and the Speaker *pro tempore* decided that by the sound the ayes prevailed.

Mr. BEACH. I demand a division.

The House divided; and there were—ayes 135, noes 10.

So the previous question was ordered.

Mr. BEACH. Now, Mr. Speaker, I make the motion to recommit which I send to the desk.

The SPEAKER *pro tempore*. The gentleman has the right to make a motion to recommit. The Clerk will read.

The Clerk read as follows:

Recommit the resolution to the Committee on Ways and Means with instructions to so amend it that it will read, that when this House adjourns on Wednesday the 24th instant it shall be to Friday the 26th instant.

The SPEAKER *pro tempore*. The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and upon a division there were—ayes 16, noes 169.

Mr. BEACH. I demand the yeas and nays.

The yeas and nays were not ordered, only 4 members voting in favor thereof.

Mr. MORRISON. I ask unanimous consent to withdraw my amendment for the 22d, so that a vote may be taken directly as to the preference of the House between the 20th and 23d.

There being no objection, the amendment was withdrawn.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment of the gentleman from Georgia, which the Clerk will again report.

The amendment of Mr. BLOUNT was again read.

The question was taken; and upon a division there were—ayes 120, noes 63.

Mr. BEACH, Mr. BROWNE of Indiana, and Mr. HOBLITZELL demanded the yeas and nays.

The yeas and nays were not ordered, only 20 members voting therefor.

Mr. BEACH. I call for tellers on the yeas and nays.

Tellers were not ordered.

So the amendment was agreed to.

The resolution as amended was agreed to.

Mr. BLOUNT moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF BILL.

On motion of Mr. BROWNE, of Indiana, by unanimous consent, the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, with amendments by the Senate, was ordered to be reprinted for the use of the House.

INTERSTATE COMMERCE.

Mr. REAGAN. I ask the House, as the regular order, to proceed now with the consideration of the unfinished business.

The SPEAKER *pro tempore*. The House resumes the consideration of the special order, the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce. By previous order of the House, all general debate on this bill will be closed in one hour and a half.

The gentleman from Missouri [Mr. CLARDY] is recognized.

Mr. CLARDY. Mr. Speaker, it is conceded that the provision of the Constitution declaring that Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes is authority for the proposed legislation. If, then, a law be necessary to restrain the railroad companies of the country engaged in commerce between the States from using their corporate powers to the prejudice of the public, Congress shall not hesitate to enact it.

The Committee on Commerce, I think I may say, are of one mind as to the existence of facts authorizing if not demanding legislative action for the protection of the people from the growing exactions of railroad companies; but they differ, and honestly differ, as to the details of a law that will accomplish their purpose. There is certainly no feeling on the part of the committee or any member of it of hostility to railroad corporations, and the assumption by certain gentlemen in the course of this discussion that a spirit of unfriendliness exists either among those supporting what is known as the committee's bill or those supporting the substitute I regard as wholly unwarranted. We all acknowledge and appreciate the benefactions conferred upon commerce by our grand system of railways. We look with awe and admiration upon the magnificent highways that span the continent and wed the sunrise to the sunset, and yet we are impressed with the truth of the utterance of a very distinguished man that the Government must con-

trol these colossal corporations or they may in time control the Government.

The subject upon which we propose to legislate is a delicate one and a complex one, and I admit that there is danger that in our effort to regulate or control we may do injustice to the railroads and a wrong to the public. However, Mr. Speaker, the provisions of the bill, except those relating to the remedy, and all the provisions of the substitute, except one, are in my judgment but enunciations of the common law in force, and not unknown to the companies at the time their charters were granted. If in the enforcement of these common-law principles which we propose to emphasize by legislative enactment we do not prescribe a remedy that impairs or destroys their corporate rights, the railway companies can have no just cause of complaint.

In the time allotted to me I can do little more than indicate in a general way my position on the proposition of my friend the gentleman from Texas to substitute for the first seven sections of the committee bill the corresponding sections of what is known as the Reagan bill. There is no controversy in regard to the first section, which provides that railroad companies shall transport all freights at reasonable rates. The second section is perhaps obnoxious to the objection that it suggests itself a mode for its own evasion. After declaring that it shall be unlawful for persons engaged in the transportation of property by railroad to charge to or receive from any person a greater or less rate of compensation than is by them charged to or received from any other person for like and contemporaneous service in the carrying, receiving, handling, or delivering the same, it adds the words, "under substantially similar circumstances."

It would seem that "for like and contemporaneous service" railroad companies, as common carriers, ought to be willing, or, if not willing, ought to be compelled, to carry the freight of all their customers at the same rate. It is certainly not our design to relieve the railroad companies from the obligations they now sustain to the public. "The carrier," to quote the common law, "is bound to carry for a reasonable sum and not to extort what he will, and he is bound to carry for all persons at the same price." If this were not so, say the law writers, the duty of carrying for all would be of little value, since the carrier could select his own customers by arbitrary discrimination in prices. Unless we propose, then, to enlarge the powers of the railroad corporations of the country against the interests of the people we ought to strike out these words, "under similar circumstances," making the section conform to the one presented by Judge Reagan on the same subject.

The third section, which prohibits and then under certain circumstances allows rebates, puts it in the power of railroad companies to defeat the object or the supposed object of the second section, which is to secure equality of rates for all shippers. This section not only recognizes, as some gentleman has said, the system of rebates, but it commends it and enjoins the universality of its use. Gentlemen supporting this provision insist that circumstances may arise under which rebates may be allowed in the interest of some shippers without detriment to the rights of others engaged in like business. This may be true. But it were better that isolated instances of individual hardship should occur than that we should give statutory countenance to the employment of secret methods by common carriers that enable them to enrich some of their customers while they pauperize others. I trust that we shall not give legislative sanction to a practice that has caused the bankruptcy of thousands and thousands of honest shippers who, unlike their more fortunate neighbors, were not able to drive a secret bargain with railroad companies for the reduction of schedule rates—a practice which has been the prolific parent of railroad wars in this country.

I suggest that we either refrain from legislation on the subject of rebates or that we prohibit them altogether. I do not believe the section proposed by the gentleman from Texas could injuriously affect the railroads or their customers, but if a majority of the House think otherwise, then let the section be stricken out. Let us not destroy the symmetry of the law by retaining a provision that approves the evils we are attempting to prevent.

I believe the committee are practically unanimous in their support of the fourth section of the bill, which prohibits pooling. I think, if I may be permitted to say so, that every section in the bill received a majority of the votes of the committee, and I make this statement because the matter has been referred to by some of my colleagues, and they have unintentionally perhaps created the impression that a majority of the committee were against every section, or perhaps I should say almost every section of the bill.

We ought to reflect that private corporations are not instrumentalities of the Government in the sense that they are possessed of the attributes of sovereignty that enable them to do acts beyond the reach of an individual. A railroad corporation, like all other corporations, has the rights conferred upon it by its charter or such as necessarily and incidentally arise and which may be exercised in order to carry out the purposes of the charter. A railroad company has no right to go beyond the charter which gives it being. The charter confers upon the company the right of eminent domain and the right to take toll, as they say in England—the right to receive a reasonable compensation for the transportation of freight and passengers; nothing more. The charter does not confer upon the railroad company a right to combine with other railroad companies in the formation of a mammoth copartnership designed to deprive the public of legitimate competition which would exist in the absence of such combination.

There is nothing to prevent the members of the pool from fixing rates for the carriage of property greatly in excess of what such carriage is worth. The amendment which my friend from Connecticut [Mr. SEYMOUR] suggests he may offer at the proper time will not, in my opinion, if adopted, prevent the exercise of this power by the companies. He proposes to declare unlawful all pooling contracts the purpose and effect of which are to raise charges above reasonable rates. But with competition practically destroyed, how will the reasonableness or unreasonableness of a given charge be shown. One of the elements to be considered in investigating the rate charge of a common carrier is the rate adopted by other carriers. If the carriers unite in establishing the same rate, as they might do under this system, the evidence, I apprehend, would hardly be worth considering.

Gentlemen have maintained that it is necessary for these pools to exist, because they say that competition, while legitimate under certain circumstances and within certain bounds, may cease to be legitimate as among the railroads or beneficial to the shipping public.

Now, in discussing another provision of the bill the gentleman from Connecticut instanced the case of a shipper of freight from the city of Chicago to the city of New York who, upon a discovery that other lines of road between the points named were shipping freight at a less cost, could effect an arrangement with the railroad company which would not be prejudicial to it and would put him in the market of New York on terms of equality with shippers by other lines. But if this system of pooling be maintained, as that same gentleman proposes, I imagine that the railroad company in the case supposed would have little incentive to make reparation to its customer by abating a part of its overcharge; for it will not be to its interest to lower the freights in order that they may conform to freights of other roads, because there may be an arrangement among the roads by which their earnings are subjected to a division, and so, with perfect security from the competition of rival lines, the road can afford to be independent.

Now, in regard to the section which follows, and which has been discussed by several gentlemen—the one which provides a penalty for the violation of the preceding sections—I have no hesitation in declaring that I prefer this to the corresponding section in the substitute.

I believe that pooling ought to be prohibited. I believe that the system of allowing rebates should be forbidden, and that penalties ought to be prescribed that will secure the observance of the law. But I do not believe that a mere error of judgment on the part of railroad officials should be declared a misdemeanor and punished by fine not less than $1,000, as the gentleman from Texas proposes.

The provision of the committee's bill I am now discussing excepts from its operation the first section of the bill which prescribes that all rates shall be reasonable. The substitute applies the penalty to a violation of the first section as well as to those prohibiting pooling, rebates, and discriminations between shippers.

Under the substitute an agent at a way station who exacts the schedule prices for the shipment of freight may be indicted and convicted of a misdemeanor and fined in any sum not less than $1,000 if such prices be adjudged higher than the company ought to have fixed, because he has committed the error of putting into practice a schedule furnished him by his superiors.

A jury in the State of Massachusetts might hold that in a given case the rates were reasonable, while a jury in the State of Illinois might hold in a similar case that the rates were too high and therefore unreasonable. Thus that would be an offense in the State of Illinois which would be no offense in Massachusetts.

For an error of judgment in the case supposed the agent could be compelled to respond to the injured party in treble the amount of damages sustained by such party, and besides could be convicted of a misdemeanor and fined $10,000 or $20,000 or any other sum exceeding $1,000.

This section of the substitute, with its minimum punishment of $1,000, certainly can not receive the sanction of the House.

I have briefly adverted to the several sections of the committee bill and undertaken to mark the difference between them and those proposed by the gentleman from Texas. The substitute contains another section embodying a principle that has been the fruitful topic of discussion both in and out of Congress for a series of years. I refer to the provision which declares that railroad companies shall not charge more for a short than for a longer distance.

I know the ability of the distinguished gentleman from Texas [Mr. REAGAN], and I know too he brought to the consideration of this question not only great ability but a purpose while demanding justice for the people to do no injustice to the parties to be affected by this legislation. But I am not able to agree with him as to the justness or equity of the principle announced in the section to which I refer.

The gentleman stated the other day, in opening this discussion, that railroad companies are in the habit of attempting to grasp more business than legitimately belongs to them by establishing low rates of freight at competing points, and that one of the objects of this section

is to compel these companies to rely on the commerce which legitimately belongs to them. I beg leave to remind him that railroad companies as common carriers have the legitimate right to all the carrying business that is offered to them which they have the facilities to do.

Gentlemen asked is it fair or just or right that a man living at a non-competing point shall be compelled to pay two or three times the value of the cost of transportation in order that the railroads may be able to carry freight from competing points at less than they can afford to carry it? I say to the gentlemen that railroad companies do not run their cars for glory; they do not carry freight from competing points at lower rates than they can afford to carry it. They carry thousands of tons of freight, perhaps, from competing points where they carry thousands of pounds from non-competing points, and are thus able to carry at lower rates.

But the gentlemen need not have made that inquiry, because if this bill be passed the railroad companies will be inhibited from charging more than reasonable rates for the transportation of property from and to any points on their roads. If this bill shall become a law, railroad companies can be checked in their efforts to make the intermediate traffic of the roads pay the cost and expenses of the roads and the dividends to the stockholders, as they are charged with doing now. I have supposed our object to be to secure reasonable and uniform rates to all freighters, and not to prevent the carriage of property between competing points at as low a price as the railroad companies might agree to.

When the gentleman says he gives to the railroad companies the advantage of the distance between non-competing points and the competing points that, for example, they may charge as much from the city of Philadelphia to the city of New York as from the city of Chicago to the city of New York, he states only a part of the case. The railroad companies can charge as much from the city of Philadelphia to New York as they do from the city of Harrisburg to the same city, and as much from the city of Harrisburg as they do from the city of Pittsburgh, and as much from the city of Pittsburgh as they would from the city of Steubenville and Columbus and Indianapolis, and on back to the station five miles this side of the city of Chicago. I regard it as practically establishing a rate per mile.

From Saint Louis, Mo., to the city of East Saint Louis, in Illinois, the railroad companies can charge no more than they can from the city of East Saint Louis to a station five miles east of that city. While the commerce between East Saint Louis and the five-mile station is not interstate, and therefore not affected by the bill, it serves to illustrate the principle. The railroad from Saint Louis, Mo., to East Saint Louis was built at a cost perhaps of $14,000,000, and the cost of the road from East Saint Louis to the station suggested was probably $150,000. A railroad freight car which runs seventy-five miles through the prairie and then plunges into the mountains and over cañons, and crosses in its path it may be the home of the eagle, can receive for the last fifty miles of its travel no more than is exacted for the seventy-five miles on the plain. I say the mere statement of the proposition shows it would be injustice to the railroad companies to adopt it.

Why should they say to the citizens of Chicago or Saint Louis, who are blessed with natural advantages, that because of these facilities and natural advantages they have they shall be put in a worse position than parties who live at intermediate points and who have the benefits of no competition at all.

I say, then, Mr. Speaker, this provision in the substitute does not commend itself to my mind. It would not only be unfair to the railroads, but, in my opinion, it would be unjust to the people who patronize the roads. It might succeed in driving out of the carrying business the railroad companies at competing points, and this would result in a disadvantage to the people who live between the termini.

I want to say now that I indorse the substitute of the gentleman from Texas except in the particulars I have named. I can not support the motion of my friend from Texas because of the presence in his substitute of what is known as the long and short haul section.

If the sections of the committee bill can be amended in the respect I have named, and what is known as the commission feature can be stricken out, I think we will have as perfect a bill as we can devise.

I can not indorse the ornamental part of the bill. I do not favor the establishment of a commission. If it be true that this is tentative legislation, then we ought not to favor the prohibition of pooling, nor should we prohibit the rebate system or discrimination in rates. We ought to put this commission into the field and allow it to gather—as some gentleman has said their office under this bill will be—all the facts to enable us to legislate intelligently.

I think, however, that we at least have facts that would authorize us in declaring the principles of the common law and providing remedies for their enforcement. The commission which it is proposed to appoint to examine into the matter is required, among other things, to look into the principle of pooling. We prohibit pooling, in the first place, and then appoint the commission to say whether in that legislation we have been guilty of unwisdom or otherwise.

But my friend the gentleman from Kentucky [Mr. TURNER] so aptly described the duties of the commission, as declared in this bill, that I shall say nothing further upon that subject. Let whatever law we pass be enforced in the courts of the country, where justice is, or ought to be, administered without sale, denial, or delay.

Mr. REAGAN. Mr. Speaker, what I have to say in closing this debate I am satisfied I can not say in the course of one hour, and therefore, if the House will indulge me with an extension of the time, I would like to have it understood now, so that I may proceed with my remarks to their conclusion.

Mr. LONG. How much time would the gentleman like?

Mr. REAGAN. I can not very well fix the time, as I have a quantity of matter here.

Mr. WELLBORN. I would ask unanimous consent that such time as my colleague wants may be granted to him.

Mr. O'NEILL, of Pennsylvania. I wish to ask the gentleman from Texas, before that is done, whether, after he is through with his argument, it is designed to give an opportunity of going through this bill by sections?

Mr. REAGAN. According to the agreement with the House, I propose to call the previous question on the two motions which I have submitted, so that the House may determine which bill it will take up to be considered under the five-minute rule.

Mr. O'NEILL, of Pennsylvania. That is satisfactory to me. I simply desired to know whether we were to act upon either of these bills by sections.

Mr. REAGAN. It was so understood in the House.

Mr. LONG. I ask the unanimous consent of the House that the time of the gentleman from Texas may be extended indefinitely at the conclusion of his hour.

There was no objection, and it was ordered accordingly.

Mr. REAGAN. Mr. Speaker, I will not trespass upon the patience of the House for a greater length of time than I can possibly help.

I had thought my course on the subject under consideration was animated by a sincere desire to promote the public welfare. And when I heard the same arguments which members have repeated on this floor made before the Committee on Commerce by the officers and employés of the railroad companies, and by their paid lawyers and lobbyists, it did not lessen my confidence in the integrity of my motives or in the wholesome and salutary provisions of the bill which I am asking this House to pass. But during the discussion of the provisions of the pending bills before the House I have been so amazed, so almost bewildered by the bold and audacious assumptions on this subject by members of the House, by their bitter arraignment of both myself and the bill I am advocating, acting on their responsibility to their constituents, that I have felt called on to review my action and the policy I am urging to see whether I have been in error. And I will state some facts, some reasons, and some conclusions which induce me to think I am not only right but that I am trying to perform a great duty to the public on a subject on which the people and the best interests of the country demand action.

CHARACTER AND IMPORTANCE OF THE SUBJECT UNDER CONSIDERATION.

We have, according to the best authority, now more than 125,000 miles of railroad, representing a nominal capital of more than $7,000,000,000 and a real capital of probably a little over $3,000,000,000.

The roads do the principal part of the carrying of the vast internal commerce of the United States. The gentleman from Massachusetts, Governor LONG, estimates, as I understand him, the interstate commerce to be of the value of $15,000,000,000 a year, and I do not think this estimate too large. This interstate commerce is subject to just such charges and discriminations as the railroads see fit to make, whether just or unjust. And their power to levy unjust exactions on this commerce, and to make unjust discriminations as between persons and places, is not controlled or restrained by any legislation. State laws do not and can not affect them, and we have no Federal laws for that purpose. They may take away from whole communities all the profits of their labor and capital, leaving the people only enough to keep them at work by charging, as they claim the right to do, whatever the commodity will bear. They may enrich one man and impoverish another in the same business by their unjust discriminations and rebates. They may destroy the business of one town or city and build up another by their unjust discriminations between places. They may enrich one corporation to a fabulous extent, as they have the Standard Oil Company, and in doing so destroy rival corporations by the allowance of rebates to the one and by denying them to others.

In the legislative investigation in New York three years ago it was shown that the railroad companies had allowed and paid rebates to the Standard Oil Company to the amount of $10,000,000 in sixteen months, and yet we have no legislation to prevent or to punish these great wrongs committed by this vast power. In the world's history there is no instance of the exercise of such powers affecting so many people and such great interests as these which is not controlled and regulated by law, except alone the American railway system. Assumptions have been made that the common law furnishes remedies for these evils. I will show as I proceed that it does not.

The question now addresses itself to each member of this House: "Do you mean to show to your constituents by your votes that you intend

this condition of things shall continue?" or do you mean that your votes shall show that you will aid in furnishing a remedy for these great evils?

AGREEMENT OF THE PROVISIONS OF THE REAGAN BILL WITH LAW AND PRECEDENCE.

I quote here from an argument made on a former occasion by me to show that the provisions of my bill are not novel and untried by legislation, but that they are in full accord with the provisions of the most recently formed State constitutions:

I now submit to you an abstract of some of the provisions of twelve of the most recently formed State constitutions, which relate to railroads and railroad corporations. My first reason for doing this is because it is the expression of the opinions of the people in their highest sovereign capacity on this subject. A second reason for doing so is to show you that these opinions of the people, as expressed in their State constitutions, are in strict accord, on every point treated of, with the opinions of the courts and law-writers. A third reason for presenting this abstract to you is that it is in strict accordance with and fully sustains the provisions of what is called the Reagan bill, so far as the two relate to the same subjects. And still a fourth reason for presenting it is that you may see at a glance the uniform current of action of the States which have made or revised their constitutions in recent years, and since it has become apparent to the public that the practices and pretensions of these corporations must be curbed and controlled by law in the interest of the people who grant them, and to prevent the worst possible effects of the employment and use of monopoly power.

For greater clearness, before giving you this abstract, and in order that your attention may be the more directly drawn to them, I will mention some of the points in which these State constitutions and the opinions of the courts and law-writers and the provisions of my bill agree.

They agree—

1. That the railroads are public highways.
2. That they are common carriers.
3. That they shall not discriminate in freight rates and charges.
4. That they shall not allow rebates or drawbacks.
5. That there shall be no pooling of freights between parallel or competing railroads, and no combination of the management, stock, property, or franchises of such railroads to defeat competition.
6. That more shall not be charged for hauling like kinds of freight on the same railroad for a shorter than for a longer distance.

Of course I do not wish to be understood as saying that these constitutions agree on all of these points. But, as you will see, taking them as a whole, they sustain, in a striking manner, these points of agreement; and none of them disagree with the law quoted or referred to or with the provisions of my bill.

And I further call you to note, as I shall present them, that they clearly and distinctly disagree with the opinions given you on these points by the railroad attorneys and officers who have spoken before the committee, which had the matter in charge, and who have written on these questions, and with the opinions of members of this House who have expressed similar views.

With these prefatory remarks I will now present the abstracts from these several constitutions, with the date of adoption of each constitution. I shall not pretend to make literal extracts, but only to give you in substance the meaning of the provisions referred to, which can be easily verified.

It is proper for me to observe at this point that, if any question should arise in your minds as to whether the action of the several States on the points referred to should or should not be regarded as precedents for the action of Congress on like questions, the Constitution gives to Congress the exclusive power to regulate commerce among the States; and that, while Congress may not charter railroad corporations in the States, or legislate upon or regulate their corporate rights and franchises, it may do anything in regulating commerce between the States which a State can do in regulating commerce wholly within the State, for Congress has all the power in this respect in the sphere of its action which the State has in the sphere of its action. This view is fully sustained by the authorities I have already cited, and I need not quote them again.

The constitution of Alabama of 1875 declares railroads in that State to be—

1. Common carriers.
2. Public highways.
3. Requires the Legislature to provide against unjust discrimination and extortion in passenger and freight rates.
4. Forbids railroad companies to grant free passes or to sell tickets or passes at a discount to members of the Legislature or other State officers.

The constitution of Arkansas of 1874 declares railroads in that State to be—

1. Common carriers.
2. Public highways.
3. Declares the equal right of all to have persons and property transported over railroads.
4. Declares against undue and unreasonable discriminations in charges and facilities for freight or passengers.
5. Shall not charge more for freight or passengers for a shorter than for a longer distance.
6. Declares that railroads, canals, or other corporations shall not consolidate with any competing railway or canal, and that the same persons shall not be officers of two such competing corporations.
7. Declares that "no discrimination in charges, or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either by abatement, drawback, or otherwise."
8. Provides that the General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of that State, legislative, executive, or judicial.
9. That the exercise of the right of eminent domain shall apply to the property and franchises of corporations as well as to individuals.
10. The General Assembly required to pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads for transporting freight and passengers, and to provide for enforcing such laws by adequate penalties and forfeitures.

The constitution of California of 1879 declares that—

1. All railroads are common carriers, and subject to legislative control.
2. No railroad or transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in that State.
3. No discrimination in charges or facilities to be made by them between places or persons.
4. Shall not charge more for a short than for a longer distance.
5. The railroad commissioners shall have power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroads.

The constitution of Colorado of 1876 declares that—

1. All railroads shall be public highways.
2. All railroad companies shall be common carriers.
3. Railroads shall not be connected or consolidated with other and competing railroads.
4. All have equal rights to have persons or property transported over railroads.
5. No undue or unreasonable discrimination shall be made in charges or facilities for transportation of freight and passengers.
6. The exercise of the right of eminent domain to apply to the property and franchises of corporations the same as to individuals.
7. Corporations are not to be permitted to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

The constitution of the State of Georgia of 1877 declares that—

1. The Legislature shall have power to regulate railroad freight and passenger tariffs.
2. To prevent unjust discriminations.
3. To prohibit the charging of other than just and reasonable rates.
4. The exercise of the right of eminent domain shall apply to the condemnation of the property and franchises of corporations as well as to the property of individuals.
5. Corporations shall not so conduct their business as to infringe the equal rights of individuals or the general well-being of the State.
6. The General Assembly to have no power to authorize corporations, by contract, agreement, or otherwise, to defeat or lessen competition in their respective businesses, or to encourage monopoly.
7. No railroad company shall give or pay any rebate or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage.

The constitution of Illinois of 1870 declares that—

1. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line.
2. That the railways of the State are public highways.
3. That the General Assembly shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight.
4. That the exercise of the power of the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies.
5. The General Assembly shall pass laws to correct abuses, and to prevent unjust discrimination and extortion in the rates of freight and passenger tariffs.

The constitution of Louisiana of 1879 declares that—

1. Railways are declared public highways.
2. Railroad companies are declared common carriers.

The constitution of Michigan of 1850 declares that—

1. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on railroads.
2. Shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies owning connecting or intersecting lines of railroad.
3. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing railroad.

The constitution of Missouri of 1875 declares that—

1. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount for the transportation of the same for a less distance than the amount charged for any greater distance.
2. Railways in this State are declared public highways.
3. Railroad companies are declared common carriers.
4. The General Assembly shall pass laws to correct abuses and to prevent unjust discrimination and extortion in rates of freight and passenger tariffs.
5. And shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight.
6. No railroad or other corporation shall consolidate the stock, property, or franchises of such corporation with any railroad corporation owning, or having under its control, a parallel or competing line.
7. No officer of a railroad corporation shall act as an officer of any other railroad corporation owning, or having the control of, a parallel or competing line.
8. No discrimination in charges, or facilities in transportation, shall be made between transportation companies and individuals, or in favor of either, by abatement drawback, or otherwise.
9. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the board of equalization, or any State, or county, or municipal officers.

The constitution of Nebraska of 1875 declares that—

1. No railroad corporation shall consolidate its stock, property, franchises, or earnings, in whole or in part, with any other railroad corporation owning a parallel or competing line.
2. Railways declared public highways.
3. Compelled to transport persons and property under such regulations as may be prescribed by law.
4. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight.
5. The liability of railroad corporations as common carriers shall never be limited.
6. The exercise of the power of eminent domain shall never be so construed as to abridge or prevent taking the property or franchises of corporations the same as of individuals.
7. The Legislature shall pass laws to prevent abuses, and prevent unjust discrimination and extortion in charges of railroad companies.

The constitution of Pennsylvania of 1875 declares that—

1. Railroads are public highways.
2. Railroad companies are common carriers.
3. They shall receive and transport each other's passengers, tonnage, and cars loaded or empty, without delay or discrimination.
4. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers.
5. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station.
6. No railroad corporation, or the lessees, purchasers, or managers of any railroad, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line.
7. No corporated company doing business as a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles of transportation over its works.
8. No such company shall, directly or indirectly, engage in any other business than as common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business.
9. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either by abatement, drawback, or otherwise, and no railroad company or lessee, manager, or employé thereof shall make any preferences in furnishing cars or motive power.
10. No railroad company shall grant free passes, or passes at a discount, to any person except officers or employés of the company.

The constitution of Texas of 1876 declares that—

1. Railroad companies shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.
2. That railroads are public highways.
3. That railroads are common carriers.
4. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in rates of freight and passenger tariffs on railroads.
5. And shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on railroads.
6. No railroad corporation, or the lessees, purchasers, or managers of any railroad corporation shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line.
7. No officer of a railroad corporation shall act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

LONG AND SHORT HAULS.

The constitution of Arkansas adopted in 1874 provides that more shall not be charged for a short than for a long distance.

The constitution of California adopted in 1879, the constitution of Missouri adopted in 1875, and the constitution of Pennsylvania adopted in 1875 contain similar provisions.

From this it will be seen that the two gentlemen from Pennsylvania [Mr. O'NEILL and Mr. BOYLE] and the two gentlemen from California [Mr. BUDD and Mr. GLASCOCK], who spoke in opposition to the provision of my bill which prohibits railroad companies from charging more for a short than for a long distance, did so in opposition to the provisions of the constitutions of their respective States. The gentleman from Missouri who has just taken his seat speaks in opposition to the provision of the constitution of his State on this subject. And the two gentlemen from Massachusetts, Governor LONG and Governor RICE, and a number of other members have had much to say in praise of the railroad legislation of that State. I will read from the revised statutes of that State to show that they prohibit charging more for a short than for a long haul.

I read now from the Revised Statutes of the State of Massachusetts. On pages 634 and 635, section 190 provides as follows:

No railroad corporation shall charge or receive for the transportation of freight to any station on its road a greater sum than is at the time charged or received for the transportation of the like class and quality of freight from some original point of departure.

Mr. LONG. Let me ask the gentleman from Texas if it is not from the "same" original point of departure?

Mr. REAGAN. From same point on the road.

I call attention to this to show that the provisions of my bill stand upon the constitutional provisions to which I have referred and also on the law as laid down by the Revised Statutes of Massachusetts, and I am satisfied if I had taken the labor and time to go into the State statutes generally I could have multiplied examples of the same character and in great numbers sustaining precisely my opinion upon the subject and disagreeing with the gentlemen who oppose and condemn it.

Mr. BLOUNT. Are those constitutions to which you refer in force at this time?

Mr. REAGAN. They are.

Mr. ADAMS, of Illinois. Mr. Speaker, will the gentleman from Texas tell me whether there is any difference between these two bills now before the House on that particular point? I thought that there was not, and yet some of the gentlemen who have been discussing the question seem to assume that there is a difference.

Mr. REAGAN. It is simply this: Both prohibit pooling, but what is called the committee bill puts a clause in it requiring the commission proposed to be raised to investigate the question of pooling and see whether it ought to be discontinued or not; and the gentlemen who favor the committee bill, which prohibits pooling, all denounce pooling and denounce my bill because it has a prohibition of pooling.

POOLING DISALLOWED.

The constitution of Arkansas of 1874 prohibits pooling.
The constitution of Colorado of 1876 prohibits pooling.
The constitution of Illinois of 1870 prohibits pooling.
The constitution of Michigan of 1850 prohibits pooling.
The constitution of Missouri of 1875 prohibits pooling.
The constitution of Nebraska of 1875 prohibits pooling.
The constitution of Pennsylvania of 1875 prohibits pooling.
The constitution of Texas of 1876 prohibits pooling.
The constitution of Georgia of 1877 prohibits pooling.

From the foregoing it will be seen that the gentleman from Illinois [Mr. DAVIS], the gentleman from Michigan [Mr. HORR], and the two gentlemen from Pennsylvania [Mr. O'NEILL and Mr. BOYLE], who are opposing the provision of my bill which prevents pooling, and who are the advocates of the pooling system, are opposing the provisions of the constitutions of their own States.

Mr. LONG. May I call the attention of the gentleman from Texas again to this statute of Massachusetts to show him that the word "some," as read by him, should be "same."

Mr. REAGAN. The gentleman from Massachusetts desires me again to read the statute.

No railroad corporation shall charge or receive for the transportation of freight to any station on its road a greater sum than is, at the time, charged or received for the transportation of a like class or quantity of freight from the same original point of departure to a station at a greater distance on its road in the same direction.

Precisely what I stated it meant, and precisely in support of my views on this subject.

Mr. LONG. I understood the gentleman to say that it said "from some point of departure."

Mr. REAGAN. I thought it used that word.

Mr. LONG. I want to bring it out that it is "from the same original point of departure and in the same direction."

Mr. REAGAN. But the point is that more shall not be charged for the short than for the longer distance. I am not particular about it further than that it demonstrates that fact.

Mr. LONG. It adds the words "and in the same direction."

Mr. STRUBLE. If the gentleman will permit me, I desire to ask him a question. He states the committee's bill prohibits pooling, and further he directs that the commission inquire into and report on that subject. Now, if pooling is prohibited emphatically by the bill, as we all understand it is, what is the objection in the gentleman's mind to an investigation of this question with a view to a report to Congress, and with a view, as I understand, to such additional legislation as the state of the case may demand?

Mr. REAGAN. If the gentleman will wait I will answer that at the proper place.

Mr. STRUBLE. I will do so.

Mr. REAGAN. But I desire here to repeat what I said a moment ago, that notwithstanding the committee bill prohibits pooling the advocates of that bill on this floor all denounce pooling, and I have to meet their arguments because I regard that as a very important provision in my own bill.

Mr. PETERS. Mr. Speaker——

Mr. REAGAN. I shall have to decline being interrupted further unless merely for a question, as otherwise I shall never get through.

Mr. PETERS. I think the gentleman does me an injustice when he says I differed with him on that question. In that statement he includes all those who have spoken.

Mr. REAGAN. Perhaps I have done injustice to the gentleman from Kansas [Mr. PETERS], because of all the fifteen members of the committee he is the only one who approved of the committee's bill.

Mr. LONG. The gentleman will remember that in my speech I did not refer to the matter of pooling.

Mr. REAGAN. A good many other gentlemen did.

REBATES.

The constitution of Arkansas of 1874 prohibits rebates, drawbacks, and other modes of discrimination.

The constitution of California of 1879 provides against discriminations of all kinds between persons and carriers.

The constitution of Georgia of 1877 prohibits rebates, drawbacks, &c.

The constitution of Missouri of 1875 prohibits rebates.

The constitution of Pennsylvania of 1875 prohibits rebates, drawbacks, and other discriminations.

The allowance of rebates is simply a secret mode of discriminating in freight rates and charges between shippers. And eleven of the State constitutions out of the twelve I have quoted from prohibit discriminations between shippers by the railroad companies, so that in favoring the allowance of rebates and other discriminations the gentleman from Vermont [Mr. SEYMOUR], the two gentlemen from Massachusetts [Mr. LONG and Mr. RICE], the two gentlemen from Pennsylvania [Mr. O'NEILL and Mr. BOYLE], the gentleman from Michigan [Mr. HORR], the gentleman from Illinois [Mr. DAVIS], the gentleman from Wisconsin [Mr. WOODWARD], and the gentleman from Iowa [Mr. HEPBURN], who have opposed the provisions of my substitute on this subject, have also, in doing so, put themselves in opposition to the constitutions of all these States, and in opposition to the policy and laws of nearly all the States of the Union on this subject.

The gentleman from Connecticut [Mr. SEYMOUR] says pooling is not hostile to the interests of freighters and consumers.

My objections to pooling freights are that—

First. It destroys competition in freight rates.

Second. It makes one great monopoly out of several smaller ones.

Third. That it secures to the pooling roads the power to levy such exactions on the commerce they carry as their cupidity may demand.

Fourth. That it enables them to make their roads the means of oppression and ruin to the people to whom they are indebted for their franchises.

Fifth. That such a power never has been and never can be safely surrendered by a free people to a few men who deny their responsibility to the public. I ask if these five objections do not embody that number of axiomatic truths?

PENALTIES FOR UNREASONABLE CHARGES.

The gentleman from Connecticut [Mr. SEYMOUR], in speaking of the provision of the Reagan bill which imposes penalties for unreasonable charges, and several other gentlemen say "this is a highly penal clause for the mere mistake of the judgment of the directors of a road in fixing the rate charges."

My friend from Missouri [Mr. CLARDY], in his remarks just made, takes the same position—that it is a harsh bill, imposing penalties on mere mistakes of construction. The House will remember how many gentlemen have dwelt upon that point.

I ask if this is a fair way to state the case? The provision of my bill is, if any person shall willfully do anything prohibited, or shall willfully omit to do anything required by the bill to be done, he shall, in either case, suffer the penalty prescribed.

I submit that there is a great difference between a willful and intentional violation of law and an accidental mistake. The first is a crime. The last is never so treated, and these able gentlemen and lawyers must know this. I propose to punish crimes, not mistakes. As well talk of a man committing larceny, burglary, or arson by mistake as to talk of his willfully violating the provisions of this bill by mistake. The gentleman from Connecticut assumes that my bill is too strict and minute in its provisions, so much so "as to interfere with the laws of trade." Is it an interference with the laws of trade to say that railroad corporations shall not make unreasonable charges, or that they shall not allow rebates, or that they shall not charge more for hauling a given amount of freight one hundred miles than for five hundred miles, or that they shall not pool their earnings with a competing road and thereby deprive the people of the advantages of competition, or to require them to post up a schedule of their charges so that the public may be advised of what they have to pay for given services? If these are not unreasonable things, then the bill is not unreasonable, for these are substantially all of its requirements. The Constitution and laws of many States say that these requirements are reasonable. Railroad officers and railroad attorneys say they are unreasonable. The latter say so from self-interest and through a desire to maintain an unlimited control over the commerce of the country.

IS THERE DEMAND FOR SUCH LEGISLATION AS IS PROPOSED BY THIS BILL?

The honorable gentleman from Massachusetts, Governor LONG, and some other gentlemen who have addressed the House speak of there being an entire absence of any outcry against railroads from the people at large, and of a very limited complaint from any one else.

Do facts justify this statement? Let us see. The Legislatures of New York, of Pennsylvania, and of other States have demanded legislation by Congress to restrain and control the railroads. The National Board of Trade has several times demanded such legislation, and more than once specifically approved the Reagan bill. The Chamber of Commerce, the Board of Trade and Transportation, and the Produce Exchange, of New York, have demanded such legislation, and each have specifically approved the provisions of the Reagan bill. Chambers of commerce and boards of trade from nearly all parts of the country have made similar demands of Congress.

The Grain Receivers' Association of Chicago, the Millers' Association which assembled at Cincinnati demanded such legislation and approved the Reagan bill. Twelve, at least, of the most recently formed State constitutions and the laws of many other States show that they demand legal protection against the rapacity of the railroads. The national and many State granges and numerous local granges have demanded such legislation and approved the provisions of the Reagan bill; and citizens from every State in the Union have, in the last few years, by the thousands petitioned Congress for legislation on this subject, and much the greater part of them have asked for the passage of the Reagan bill.

I read from the Wall Street Daily News of December 4, 1884, the following:

THE CORN CROP AND THE RAILROADS.

Prime's crop report in the Journal of Commerce yesterday calls attention to railroad freights in connection with the crop of corn coming to market, and points out some very serious facts. Of the situation in Nebraska he says:

"Corn now sells in Nebraska at an average from 10 to 12 cents per bushel. The freight from many points in Nebraska to Chicago is 22 cents per bushel. This means simple starvation to the farmer. When corn was selling a few weeks ago at from 16 to 18 cents a bushel the movement in that State was quite free, but grain dealers now write me that scarcely a load comes where ten came before. Banks are also refusing to advance any money to crib corn, and the outlook for all kinds of business in that State at present is very poor."

Since the above was written the Union Pacific, which serves Nebraska Territory, has announced a 8-cent reduction, and yesterday it was stated that other roads were considering what they should do about meeting this cut. The Union Pacific also carries for Kansas, and Prime says for that State:

"Last winter at this date the farmers got from 35 to 40 cents for their corn just as fast as they could haul it in. Shellers ran night and day, and Kansas supplied the world with corn. Her crop was exceptional in quality and quantity. This year the conditions are entirely changed. Corn only brings from 12 to 20 cents a bushel, according to locality and distance from Kansas City."

In consequence of previous good crops, Kansas is better off than some other States. In Minnesota the corn is mainly going into hogs and cattle; but in Iowa and Illinois, where poor crops of corn had practically cleaned the country out, the first new corn came upon the market at good paying prices, but the demand has now been filled, and the price has fallen in Illinois to 22 to 25 cents per bushel, and in Iowa it is 4 to 5 cents a bushel less; "and we find," says Prime, "very little movement in this State." He then sums up the situation thus:

"At present very low prices all over the corn belt, and farmers are not selling anything like the quantity of corn that the trade expected to have seen thrown upon the market at this date. Those who have been arguing that an era of low prices of grain would tend to increase our exports and make business lively have an opportunity this winter of putting their theory to a practical test."

As bearing directly on this question of the movement of the corn crop and the railroads, we print the following private dispatch, received by one of the large houses in the street yesterday from its Chicago correspondent:

"CHICAGO, *December* 3.

"A gentleman who has our entire confidence has just made a thorough examination of the outlook in the West, and the business prospects for the railroads, and this is the gist of his views: There is a paralysis to-day in the legitimate grain trade of the Northwest caused by outrageously high freights. Corn is worth in Nebraska, on an average, 12 cents per bushel, and it costs 22 cents per bushel to move it to Chicago. At some points in Nebraska it is selling at 8 cents. In Kansas, 13 to 20 cents. Railroads prefer to waste money in moving passengers at $1 per head from Kansas City to Chicago, but will make no reduction in freights except at competitive points. This condition shows that farmers in the South are not obliged to sell corn at these figures, as the wheat-growers in the Northwest are, and have been, and will continue to be.' I don't consider my friend an alarmist. He remarks that a continuance of these conditions means a second granger war, and the results will be even more effective than the war of ten years ago."

This shows that the grain-growers of the West are now at the mercy of the railroads as to the terms of transportation of their grain, and contradicts the many glowing accounts we have had during this debate of cheap railroad freights for the West.

And as further evidence of the necessity and of the demand of the public generally for such legislation as will "prevent unjust discrimination and excessive charges for transportation by the railroad companies," I read the following declaration made by the Republican national convention on the 5th day of last June:

The regulation of commerce with foreign nations and between the States is one of the most important prerogatives of the General Government, and the Republican party distinctly announces its purpose to support such legislation as will fully and efficiently carry out the constitutional power of Congress over interstate commerce. The principle of the public regulation of railway corporations is a wise and salutary one for the protection of all classes of the people, and we favor legislation that shall prevent unjust discrimination and excessive charges for transportation, and that shall prove to the people and to the railways alike the fair and equal protection of the law.

I commend that to my Republican friends, who are so earnestly combating legislation of this kind. If some of the Republican members who have been discussing this question do show that they believe the people of the country have no rights which the railroads are bound to respect, they surely ought to manifest, outwardly at least, some respect for the political declaration which their national convention thought it necessary to make in order to enable them to carry the recent election for President and Congress. Or do they prefer that the public shall understand that this declaration was simply made to deceive the people and cheat them out of their votes by a false pretense? I must not be understood as applying these remarks to those Republicans who are trying in good faith, as many of them are, to redeem the pledge of their party to the people on this subject.

I also quote from my argument made two years ago expressions of a number of the leading men and newspapers on this subject, as follows:

In contrast with the extravagant and unreasonable declarations of the railroad attorneys and railroad experts that there is no danger in leaving these corporations free to do as they please with all questions of railroad transportation, and that it would endanger the interests of both the railroads and the people for us to legislate to control and restrain them, I give the following extracts, showing the opinions of leading public men and newspapers, the representatives of the real opinions and of the real interests of the great body of the American people.

In a letter written by Hon. David Davis, late a justice of the Supreme Court of the United States, and then a Senator from Illinois and President of the Senate, he says:

"Great corporations and consolidated monopolies are fast seizing the avenues of power that lead to the control of the Government. It is an open secret that they rule States through procured Legislatures and corrupted courts; that they are strong in Congress; and that they are unscrupulous in the use of means to conquer prejudice and acquire influence. This condition of things is truly alarming, for unless it be changed quickly and thoroughly free institutions are doomed to be subverted by an oligarchy resting upon a basis of money and of corporate power."

In a letter written by Hon. William Windom, then a Senator in Congress, and recently Secretary of the Treasury of the United States, to the Anti-Monopoly League of New York, three years ago, he said:

"The channels of thought and the channels of commerce thus owned and controlled by one man or by a body of men, what is to restrain corporate power or to fix a limit to its exactions upon the people? What is then to hinder these men from depressing or inflating the value of all kinds of property to suit their caprice or avarice, and thereby gathering into their own coffers the wealth of the nation? What shall be said of the spirit of a free people who will submit without protest to be thus bound hand and foot?"

Hon. Jeremiah S. Black, formerly a judge of the supreme court of Pennsylvania, and Attorney-General of the United States, in a speech delivered before the Anti-Monopoly League of New York, a little over three years ago, said:

"All public men must take their side on this question. There can be no neutrals. He that is not for us is against us. We must have legal protection against these abuses. This agitation once begun, and the magnitude of the grievance being understood, it will force our rulers to give us a remedy against it. The monopolies will resist with all their arts and influences, but 50,000,000 of people, in process of time, will learn the important fact that they are 50,000,000 strong."

Governor Porter, of Indiana, in a message to the Legislature of that State, said:

"In my judgment the Republic can not live long in the atmosphere which now surrounds the ballot-box. Moneyed corporations, to secure favorable legislation for themselves, are taking an active part in elections by furnishing large sums of money to corrupt the voter and purchase special privileges from the Government. If money can control the decision at the ballot-box, it will not be long until it can control its existence."

Daniel Webster, whose fame could not be increased by affixing a title to his name, said, long ago:

"The freest government can not long endure where the tendency of the law is to create a rapid accumulation of property in the hands of the few, and to render the masses of the people poor and dependent."

The New York Times newspaper, discussing the question of the encroachments of corporate power, said:

"It is not only absorbing to itself the fruits of labor and the gains of trade, and piling up wealth in the hands of a few, but it is controlling legislation and endeavoring to sway the decisions of courts in its own interest. We are now at a stage in the contest where the people may vindicate the authority and place these corporations under the regulation of the law."

The Brooklyn Eagle, in a recent editorial, said:

"There is pretty general feeling that the continent of America was not discovered by Columbus, and civil liberty established by the fathers of the Republic, to the end that 50,000,000 of people might be made tributary to a band of railroad magnates, or that farmers, artisans, and merchants might by hard work and

keen competition raise up a dozen Vanderbilts, with several hundred millions of dollars. Those who entertain this feeling have become persuaded that the time has arrived for the industrious masses of this country to protect themselves, if they ever intend to do so. It certainly will not be easier after the adversary has grown stronger. In this contest every delay is to the disadvantage of the people. Let the issue be deferred for a few years, and nothing but a revolution as violent as that of France will overthrow the oppression. Of all misleading delusions, there is none more mischievous than the notion that popular suffrage and popular power are synonymous. Given the means of bribing multitudes, of intimidating others, of wrecking opponents, coupled with actual possession of the Government, and adverse sentiment must be paralyzed. If the suffrage is to be our salvation it must be applied sharply while there are still odds on the side of unbought and unterrorized manhood."

The late President James A. Garfield, who voted for this bill in the Forty-fifth Congress, and whose death we have so recently been called to lament, in discussing the railroad problem and its effect on our Government and people, a few years ago, said:

"The modern barons, more powerful than their military prototypes, own our greatest highways and levy tribute at will upon all our vast industries. And, as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so our modern feudalism can be subordinated to the public good only by the great body of the people, acting through their government by wise and just laws."

I might multiply such evidences of opinion of impartial, disinterested, and patriotic men of all parts of the country; and I invite you to contrast them with the interested, selfish opinions of railroad lawyers and railroad managers and experts, paid for by the railroads, out of money wrung from the hard earnings of people engaged in other vocations. Do you think such a question can be whistled down the wind by the vast throng of mercenaries who infest the halls and corridors and committee-rooms of Congress, for the purpose of influencing the action of members whenever this question comes up for consideration?

From President Arthur's message of December 4, 1883, I read the following on this subject:

Complaints have lately been numerous and urgent that certain corporations, controlling in whole or in part the facilities for the interstate carriage of persons and merchandise over the great railroads of the country, have resorted in their dealings with the public to divers measures unjust and oppressive in their character.

In some instances the State governments have attacked and suppressed these evils, but in others they have been unable to afford adequate relief because of the jurisdictional limitations which are imposed upon them by the Federal Constitution.

The question how far the National Government may lawfully interfere in the premises, and what, if any, supervision or control it ought to exercise, is one which merits your careful consideration.

While we can not fail to recognise the importance of the vast railway systems of the country and their great and beneficent influences upon the development of our material wealth, we should, on the other hand, remember that no individual and no corporation ought to be invested with absolute power over the interest of any other citizen or class of citizens. The right of these railway corporations to a fair and profitable return upon their investments, and to reasonable freedom in their regulations, must be recognized; but it seems only just that, so far as its constitutional authority will permit, Congress should protect the people at large in their interstate traffic against acts of injustice which the State governments are powerless to prevent.

And he renewed this recommendation in his recent message.

And yet Governor LONG and other gentlemen who concur with him, in their zeal to preserve the railroads in their unrestrained and uncontrolled power to levy whatever tribute they please upon the commerce of this country, seem to be oblivious to all of these facts; and allege in the face of this House, and the knowledge of the members to the contrary, that there is no demand for such legislation. He and others have told us that the National Board of Trade last winter declared against what is known as the Reagan bill and recommended a commission. It did last winter declare for a commission under the influence of railroad corporations, or rather of their representatives, after having at several previous annual meetings declared for the Reagan bill.

PERCENTAGE OF PROFIT ON INVESTMENTS IN RAILROADS.

The gentleman from Kansas [Mr. ANDERSON] fitly and appropriately exposed the fallacy of Governor LONG about the railroads of the United States only paying about 3 per cent. on investments in them, and showed that in reality they pay nearly 10 per cent. I need not repeat what was said by him.

The gentleman from Massachusetts, Governor LONG, also arraigns the Reagan bill as "a cast-iron, inflexible, perfunctory method;" "mere *brutum fulmen*;" "a dead letter;" which "would only embarrass business, increase rates, and add to the burden of the people's cost of transportation."

I appeal to the sense of justice and fairness of the House, and of the country, whether this characterization is either sincere, or fair, or just, as against a bill whose substantive provisions are few in number, simple in nature, and easily understood by any one who desires to understand them. He says: "Hardly any remedy of this sort is proposed that does not exist at common law." Is this a true and fair statement? The common law does not give triple damages for the wrongs provided against. My bill does. The common law does not provide either a civil or penal remedy for allowing rebates, drawbacks, &c. My bill gives both a civil and penal remedy. The common law does not prohibit charging more for a shorter than for a longer haul. My bill does.

The common law does not prohibit pooling. My bill does. The common law does not require schedules of rates to be posted up. My bill does.

And yet in the face of these facts the gentleman from Massachusetts [Mr. LONG] says: "Hardly any remedy of this sort is proposed that does not exist at common law." I am persuaded that the real reason why those who champion the interests of the railroads do not want my bill to pass is that it does give plain, statutory remedies, not given at common law, and provides for their easy and effectual enforcement in the courts of ordinary jurisdiction.

As a specimen of the idea of the gentleman from Massachusetts [Mr. LONG] of simplicity and directness in obtaining redress for wrongs done to citizens, I will read sections 10 and 11 of the committee's bill, defining a part of the duties of the commission it proposes to create, and the duties of others.

SEC. 10. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commission by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts and in his opinion the complaint is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceedings to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power, and in a proper case is required, to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act, by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of such commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation; and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 11. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction requiring such railroad company to desist from such violation and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

I submit whether all this verbiage is not intended to hinder, delay, and deny any practical and useful remedy to the individual citizen for wrongs done him by railroad corporations. Under it the citizen can obtain no recovery, no judgment for wrongs done to him. Under it a wrong-doer can not be punished for his crime. In the light of these truths what becomes of the fine rhetoric of the gentleman from Massachusetts and of others on the subject of the iron rule of the Reagan bill and the simplicity and feasibility of the committee's bill? And of what worth are all such opinions as these gentlemen have given us for our guidance on what the gentleman from Massachusetts [Mr. LONG] calls "a simple, equitable, and speedy system of relief?"

On the subject of the long and short haul, the gentleman from Massachusetts [Mr. LONG] has illustrated his views by two examples, plausible and deceptive enough, but which are only calculated to deceive. He wishes to know if no more should be charged for carrying freight over the bridge at Saint Louis, which cost many millions of dollars, than for a like distance over a road built at the ordinary rate of expense—and my worthy friend from Missouri [Mr. CLARDY] who has just addressed the House propounds the same inquiry, I am sorry to say—and whether no more should be charged for carrying freight through the Hoosac tunnel than for a like distance over an ordinary road.

Now, under the provisions of the substitute bill in reference to the

first illustration, as much may be charged for a given amount and kind of freight (if the road is continuous from New York to Saint Louis) from East Saint Louis to Saint Louis as from Indianapolis, or from Columbus, or from Pittsburgh, or from New York to Saint Louis. And surely the railroad would not suffer any wrong from the effects of this bill, if it could charge as much for the few miles crossing the Mississippi River as for all the distance from one of the places above mentioned. And this is what the bill allows. But the bridge at Saint Louis is a road to itself, separate from the other railroads, and makes its own charges, and would be only bound like others not to make unjust discriminations in its rates. The same may be said of the Hoosac tunnel illustration, except that it is not a separate road. And the other gentleman from Massachusetts [Mr. RICE], in illustrating his objection to the provisions of this bill in relation to the long and short haul clause, asked if a car-load of flour could be hauled from Saint Louis to New York for 50 cents a barrel if it would be reasonable to compel a train of cars to stop seventy-five miles this side of Saint Louis and charge no more for a barrel of flour from there than from Saint Louis. He, like the balance of the gentlemen who combat the provisions of this bill, finds it necessary in order to ground an argument to state an hypothetical and impossible case.

Who ever heard of a train of cars stopping to take on a barrel of flour anywhere, or whoever expects to hear of it except from the advocates of railroad monopolies? And who can doubt or deny that a freight train can take on a car-load of flour or several car-loads of flour seventy-five miles east of Saint Louis and carry it to New York at as little expense as if its cars were hauled from Saint Louis?

The gentleman from Massachusetts [Mr. RICE] says if the Reagan bill is enacted into a law it will be more despotic than the Czar of all the Russias. I do not know how to characterize such an argument except to suppose that it springs from the exuberant fancy of the youthful and untrained statesman from Massachusetts. Certainly it could not be said by a grave, serious man with expectation that any one would believe it.

And he gave us another specimen of his humor, Massachusetts Representative as he is, by warning us against the danger of consolidation and centralization found lurking in the Reagan bill. Doubtless the House, like myself, was a little surprised to find any Republican from Massachusetts an advocate of the doctrine of strict construction and State's rights. He says there are fearful dangers in any attempt which may be made to protect the people against the discriminations, exactions, and injustices of railroad corporations, and finds an asylum for the repose, security, prosperity, and happiness of the people in the railroad pool, which erects one huge monopoly out of several small ones, denying to the people all competition in transportation and subjecting them without remedy to such demands as the railroads may make upon their property. He has no fear of the consolidation and centralization of the thousands of miles of railroads. His fears are awakened only by the effort to compel them to do justice by conservative, just, and wholesome legislation.

My friend from Ohio, General WARNER, illustrates his idea of the impolicy of the provision of my bill which forbids charging more for a shorter than for a longer haul by instancing a coal mine with inferior coal farther from market as compared with one of better coal nearer to market. He wants to know if justice would not require that the poor mine farther from market should have lower rates of transportation than the good mine nearer the market, in order to equalize the profits of the two. He might with this view have gone further and inquired if a man with a poor farm should not have cheaper rates of transportation than one with richer land, in order to equalize the profits of the two firms.

Is it possible that we are to be treated to the assumption in this House and in the discussion of this great subject with a statement which implies that a part of the business of railroads is to equalize the profits of inferior and good mines and of poor and rich farms? The statement of the proposition is its condemnation, and shows to what resorts able and ingenious gentlemen are driven to combat a just and reasonable provision that more ought not to be paid for hauling a given amount and kind of freight 100 miles than should be paid for hauling it 1,000 miles.

The gentleman from Illinois [Mr. DAVIS], the gentleman from Michigan [Mr. HORR], and the gentleman from Pennsylvania [Mr. BOYLE] gravely informed the House that the Reagan bill, if it passed into a law, it would discriminate in favor of the New York Central road and against the Erie road, against the Pennsylvania road, and against the Baltimore and Ohio road, because, they allege, the grain from the lakes can be carried by vessels to Buffalo, N. Y., and from thence to New York city on a road wholly within the State of New York, and would therefore be taken from under the operation of the provisions of the Reagan bill, while on the other roads named it would be under the operation of the Reagan bill.

Now, in the first place, these gentlemen have all the time contended that through rates were cheaper than the local rates, and if this be true, the through rates on interstate commerce, instead of being higher, would be lower than local State rates; but their view rests upon the assumption that we are regulating railroads instead of the commerce that passes over them.

The commerce which is shipped from a point in one State to a point in another State is interstate commerce, no matter by what mode of conveyance it is carried; and the courts have repeatedly decided that this interstate commerce is beyond the reach of State legislation, and can alone be regulated by authority of the Federal Government. So that if merchandise is shipped from Duluth or Chicago or Toledo or any other place on the lakes, and is destined to New York or any other place outside of the State in which shipment is made, it is interstate commerce. It can not be regulated by authority of State laws, and is only liable to be regulated by act of Congress; and whenever it passes over a railroad in any portion of its transit it becomes interstate commerce carried on a railroad, and would come fully within the regulations prescribed in the Reagan bill as to such commerce.

It is assumed that by some fraudulent device or trick of management it might be shipped to Buffalo, and from that point sent by a second shipment as freight under the State law. The Reagan bill provides against this very character of subterfuges. A portion of its third section reads as follows:

> That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads.

But what motive could there be for shippers wanting to invoke State rates for through commerce instead of through rates? We all know that local State rates in both New York and Pennsylvania are much higher relatively than through rates on Western freight, so that we would be compelled to suppose that shippers would subject themselves to higher rates of freight simply in order not to come under the influence of an act of Congress which would promote their interests. This is the sort of assumption and sort of reasoning necessarily resorted to in the efforts to defeat the Reagan bill. It can surely deceive no sensible man.

As evidence that the officers and attorneys of the New York Central Railroad do not believe what these gentlemen say on this subject to be true, they have united earnestly and vigorously with the attorneys and managers of other railroads in trying to defeat this bill, which they surely would not have done if they believed it would give their road the advantages over the other roads which these gentlemen assume would be given to it by the Reagan bill.

The gentleman from Illinois [Mr. DAVIS] and the gentleman from Michigan [Mr. HORR] say that the Reagan bill would drive all the Western commerce away from our railroads and cause it to go over the Canada roads. Mr. Depew and others used this argument before the committee, and after the answer which was made to it there it was hardly to have been expected that the argument would have been repeated before this honorable body. The Grand Trunk Railroad, of Canada, from Detroit, Mich., by way of Montreal, Canada, to Portland, Me., is 856 miles long. Its connection by way of Montreal with Boston, Mass., is a little longer. Its extension from Port Huron, Mich., to Chicago is 330 miles. This added to 856 miles makes the distance from Chicago to Portland 1,186 miles. In the greater portion of its length it runs through a country sparsely populated and with a limited commerce. Its equipments and the amount of its rolling-stock are nothing like so great as are either those of the New York Central, the Erie, the Pennsylvania, or the Baltimore and Ohio road.

From these causes, as well as because of its greater length, and the greater amount of interruption from frosts and snows, and because it crosses the St. Lawrence River twice, at one place on ferry-boats and at another on a long bridge, it can not carry as large amounts of freight, or carry that freight as cheaply, at paying rates, as either of the above-named four trunk roads on the south side of the lakes and of the St. Lawrence. And it does not go to the markets to which the owners of our Western produce wish to send their commerce. By the New York Central and by the Erie and the Pennsylvania Railroads the distance between Chicago and New York is about nine hundred miles. The distance to Baltimore is more than two hundred miles shorter. The equipments of these roads are of the best; their rolling-stock is abundant; they pass through densely populated States, of great wealth and with very large local business; they avoid the crossing and the recrossing of the St. Lawrence River.

These lines of roads are nearly three hundred miles shorter from Chicago to New York than the Grand Trunk from Chicago to Portland. These three trunk roads south of the lakes, as well as the Baltimore and Ohio road, have in many respects the decided advantage of the Grand Trunk road in fair competition. Either of them is prepared to carry more freight, to carry it cheaper and more expeditiously and to better markets than the Grand Trunk by way of Montreal. And yet the gentleman from Illinois [Mr. DAVIS] and the gentleman from Michigan [Mr. HORR] are dreadfully alarmed at the danger of the competition of the Canada roads.

But it may be said the branch of the Grand Trunk road, coming from the Northwest to Buffalo, furnishes a route but little longer between Chicago and New York than the trunk lines south of the lakes. It is longer, however, and for more than two hundred miles it passes through a country with much less population, wealth, and commerce

than that through which the competing lines south of the lakes pass. And this line, too, has its long ferriage at Port Huron, and has again to cross the Niagara at Buffalo, and it would be dependent on the New York Central and the Erie for its connections at Buffalo with New York, and hence could not compete with them for the Chicago freights against their consent. It has no independent road to New York city.

The Canada Southern road is another of those Canadian roads whose competition these gentlemen so much fear as against the trunk lines south of the lakes. It is three hundred and ninety-two miles long, extending along the southern border of Canada from the Detroit River to Buffalo, N. Y. Its president is William H. Vanderbilt, of New York; its vice-president and treasurer is Cornelius Vanderbilt, of New York. Its connections at Buffalo are with the New York Central and the Erie. It is simply an adjunct to the New York Central, and is in no sense a competing line.

These facts show that there can be no danger of competition of the Canada roads with our American roads. But it is alleged that as the American roads under the Reagan bill can not change their schedules in less than five days, that the Canada roads might during that period underbid them for freight, and that this would be disastrous to their interests. In the first place none of the railroad systems are anxious for railroad wars, and no road under sensible management would seek a railroad war for the advantage of freights for five days. In the next place, shippers from the West have no interest in sending their freights by the Canada roads, as they could not reach the markets south of Boston at any rate without being dependent upon the trunk roads south of the lakes with which they would have to connect. And it must not be forgotten that under the Reagan bill, if it should become a law, the railroads could charge such rates for freight as they might see proper on all Western freights coming to Eastern ports just as they now do.

The gentleman from Michigan [Mr. HORR] becomes tragical in his alarm at the prospects of the passage of the Reagan bill, and informs us that its passage would reduce the price of lands in Kansas and the West $10 per acre. That is, if we prohibit the railroads from discriminating in their charges as against shippers, and prevent them from allowing rebates and drawbacks, and prevent them from charging more for a shorter than a longer haul, and prevent them from pooling their freights and denying to the people competition, and give to the people the protection of a reasonable and just law and equality in the costs of shipment of their produce, and reduce the rates as a result of competition, that their lands would be reduced $10 per acre in price. It would hardly be respectful to the House seriously to combat such a statement as this.

The gentleman from Michigan [Mr. HORR] also says that the right of the railroads to discriminate in their freight rates enables them to build up the commerce of the country, not to destroy it; to enrich the country, not to impoverish it. That is, the right to allow their friends, such as the gentleman from Michigan, to send their shipments of freight to market at half-price, and to charge his neighbors, to whom they feel under less obligation, double rates, would be building up the commerce of the country, not destroying it; enriching the country, not impoverishing it. Such is the characteristic logic by which advocates and defenders of the great corporations attempt to persuade this House and the country that inequality, unjust discriminations, and harsh and oppressive exactions in freight rates upon the commerce of the country is the way to build up its commerce and to enrich the country.

I call attention to two points made by my honorable friend from Vermont, Governor STEWART. He calls up the illustration used by others of the long and short haul as between Memphis and New Orleans by way of Winona, Memphis and New Orleans both being on the Mississippi River, and Winona being an intermediate inland point. We were told by the gentleman from Mississippi [Mr. BARKSDALE] that the railroad carries cotton from Memphis to New Orleans, four hundred and fifty miles, for $1 a bale, and that they charge three dollars and a quarter a bale for hauling cotton from Winona to New Orleans, a little over three hundred miles. The gentleman from Vermont says this is right, and that if the railroads are not permitted to charge more from Winona than from Memphis to New Orleans they could do no through business.

It is plainly seen from this statement that to do a through carrying business from Memphis to New Orleans involves the necessity of compelling the people of Winona to pay a large part of the freight charges for other people from Memphis to New Orleans, or else that the charges from Winona to New Orleans are unreasonably high, and therefore unjust. We must accept one horn or the other of this dilemma. There is no escape from it. And neither is allowable under any rule of justice and fairness. His difficulty in this case is that God made the Mississippi River, it cost men nothing, while men made the railroad at great expense, and that railroad transportation can not be made as cheap as water transportation; and no attempt, either by discriminations in rates by railroads or by legislation, to take from the people the advantage of cheap water transportation, in order to increase the profits of the roads or for any other purpose, should be allowed.

The railroads should do such business as they can without improper discriminations or injustice, and without violating the natural laws of trade; and they should not be encouraged or permitted to do a business which they can only do by compelling a portion of the people to pay for transporting the produce and merchandise of another portion of the people.

This principle applies with equal force and reason to the commerce on the great lakes as on the rivers, and is an answer to much that has been said about water transportation on the lakes. He says there is nothing in the Reagan bill which would correct the evils of railroad wars, but that there is a provision in it which would promote them.

During the Forty-fifth Congress, when this subject was first being seriously discussed in the House, Governor COX, of Ohio, then a member of the House and a friend of this bill, and myself received a number of letters from railroad presidents and superintendents approving the provisions of the bill, both because it would protect the people against the wrongs complained of, and because its tendency would be to benefit the railroads by preventing railroad wars.

And this would undoubtedly be one of the necessary effects of the bill. It would compel the railroad companies to adopt regular and honest business methods, such as are employed by persons engaged in any other large business, instead of employing such methods as they now do to cheat one another and the public. It would compel them to rely on the business legitimately belonging to their several roads, and would prevent them from endeavoring to take from each other by rebates and cut rates business which would legitimately belong to other roads. Most of the railroad wars spring from the attempts of one road to take from another or other roads business which does not belong to it, thus provoking counter efforts of a similar character. One of the great objects and one of the undoubted effects of my bill would be to prevent this. My friend from Vermont [Mr. STEWART] did not point out the provision of my bill which he thought would promote railroad wars, and I am at a loss to know to what section he referred.

Several of the gentlemen who have been engaged in this debate have spoken of the gradual reduction of freight rates in past years as if it resulted from the virtuous intentions of the railroad companies; and some of them have compared the cost of railroad transportation with the old time cost of transportation by wagons, as if the railroad companies had in their beneficence and as a matter of good-will to the people caused this reduction of rates. It is not to them but to the inventors and improvers of the steam-engine and other appliances of transportation by steam that we are indebted for cheap railroad freights; and the gradual reduction of the rates of freight is due, not to the beneficent purposes of the transportation companies, but to the improvements constantly going on in rolling-stock, in facilities for handling freight, and to the substitution of steel for iron rails; to the constantly increasing amount of freight and travel, and in some measure to the competition of different roads and systems of roads, and of the water ways.

I have omitted the discussion of the question as to the constitutionality of the authority of Congress to pass such a bill as I have presented, because on two former occasions I have fully discussed that subject before the House, when the question was made as to the authority of Congress, and have not thought it necessary to rediscuss the question, as few persons, if any, now doubt our authority on this subject.

A number of gentlemen who have preceded me have denounced my bill as being a cast-iron measure, a harsh measure, imposing injurious restrictions on trade, and as calculated to injure the best interests of the country.

Let us see what truth there is in these charges.

In the first place, it prohibits all discriminations of freight rates and charges between individuals. What is there that is harsh or unjust in this? What is there in it that merits the denunciations that have been made against this bill? The railroads as common carriers, having a complete monopoly of business over their several lines and being subject to the control of political authority, are told that they should not designedly, unjustly, and unfairly charge one man more than another for the same amount and kind of service.

In the second place, it prohibits the allowance of rebates and drawbacks in all cases. Rebates are always secretly made, and they always give the shipper receiving them an advantage over the shipper who does not receive them. The allowance of rebates is simply an invention for fraud, swindling, and injustice, and ought not to be tolerated by any community or country, and has been denounced by all or nearly all of the recently formed State constitutions, and has been denounced by the laws of a greater portion of the States of the Union.

In the third place, it prevents pooling of freights, and thereby would preserve to the people the advantages of freight competition as between railroads, while by permitting pooling we would deny to the people all the advantages of competition, and give to the pooling roads the power to levy any exactions which their avarice might demand upon the commerce of the country.

In the fourth place, it would limit the power of railroads in making discriminations between places. It would not take away the power of discriminations, but would prevent them on the line of any given road from charging more for a part of the length of that road than for the whole length of it.

Some of the gentlemen who have preceded me, and especially the gentleman from California [Mr. BUDD], can not understand the proposition that the whole length of a road embraces every intermediate

part of it; and that if there are steep grades on some parts of it and costly structures on other parts of it, a through haul would necessarily have to pass all the steep grades and all the costly structures on it; and that while there is a limitation placed upon the power of discrimination as between places the power is not taken away, but a very large latitude is allowed by my bill for discriminations in favor of cheap freights for long hauls as against short hauls.

Thus, if a road is 1,000 miles in length, while there is nothing in the bill that fixes the rates of charges, or limiting the power of railroad companies in this respect, except that their charges shall be reasonable, and that they shall not charge more for hauling a given amount and quality of freight 100 or 500 miles than for 1,000 miles; the bill has been argued against because it discriminates against long hauls. It in fact discriminates against short hauls to a greater extent than is believed to be equitable, but we found it difficult to fix upon a more equitable rule.

Let me say here that it is marvelous to hear gentlemen on this floor say that it is unjust not to allow freight carriage from Saint Louis to New York, or from Chicago to New York, at rates cheaper than from Harrisburg to New York or from Albany to New York. I say it is marvelous. What right has the shipper to complain if for a thousand miles his freights are carried as cheap as they can be carried for a hundred miles? All the committees that have acted on this subject have considered that provision of the bill carefully and fully, and while the railroad attorneys and lobbyists have all the time denounced it and urged that it is unjust, I venture the expression that there is not an honest disinterested man in this land who, upon examination of this provision, will not give his assent to it, unless he demands that freights shall be carried a thousand miles for a less price than they can be carried a hundred miles.

The committee felt that in allowing the discriminations for short hauls they have gone beyond what the rules of right and equity demand; but they felt they could not limit the rate to so much per mile for long and for short hauls, because that would be to discriminate against the long hauls and to do injustice to the railroads, for the same loading and unloading and the same handling would have to take place for the long as for the short haul. And we only adopted the discrimination of this bill against short hauls on account of the difficulty of fixing a more equitable rule in a practicable form. So that all that has been said about discrimination against long hauls will be seen on fair investigation of the bill to be without foundation. It will be found that the discriminations instead of being against the long hauls are against the short hauls.

I apprehend when we get to the bottom it will be found that the purpose of those who oppose this is to secure the carriage of freight on long hauls from the competing points at less rates than the railroads can afford to carry it for, and then increasing the rate of freight on the intermediate shipments to make up the loss of revenue sustained on the long haul. One of the effects of that policy is to invite the railroads to attempt a scramble for commerce that does not legitimately belong to them—to contend with each other for that commerce that does not belong to them, and, by rebates, by cutting the rates, by frauds and deceptive practices upon each other and upon the country, to do their business at the expense of the shippers at intermediate points. There is no escape from this. Gentlemen may argue it as they please; but if you go to the bottom of their objection to this it is that they want their freights hauled a thousand miles at rates cheaper than others can be hauled a hundred miles.

Mr. WARNER, of Ohio. Does my friend go so far as to say that there is no exception at all to the principle he has just laid down?

Mr. REAGAN. I do unhesitatingly say that there ought to be no exception to this rule of justice, and whenever my friend seeks, as others have done, to open the door to discrimination, rebates, and drawbacks, and makes the railroad companies the judges who are to decide the rights and interests of the people, he will perpetrate a wrong upon the people.

Mr. WARNER, of Ohio. That is not necessary, is it?

Mr. REAGAN. There may be differences of opinion. I do not undertake to control the gentleman's opinion. I only undertake to give the House the reasons for mine.

Mr. LONG. If the gentleman will allow me, I wish to ask him whether his bill does not permit as large a charge for a hundred miles as for a thousand?

Mr. REAGAN. Yes, sir; it does.

Mr. LONG. Then why does not the gentleman's bill permit the sacrifice of the shorter routes to the longer?

Mr. REAGAN. I have already said that it does discriminate against the short routes.

Mr. LONG. Then the gentleman's bill is a discrimination against short routes.

Mr. ANDERSON. Does not Jay Gould discriminate against short routes?

Mr. REAGAN. The bill does discriminate against the shorter hauls. My friend from Massachusetts [Mr. LONG] is a great advocate of cheap rates for long hauls; yet it has been shown in this debate, as will be seen by reference to the RECORD, that the rates of transportation are higher per ton per mile in New England than they are even in the South and West.

Fifth. It requires the posting up of schedules of rates of charges, and provides a penalty for charging more or less than schedule rates. This provision is absolutely necessary in any legislation destined to protect the people against excessive charges and discriminations by railroad companies. With schedules of charges posted up for inspection, every citizen would be advised as to what the charges would be upon the shipment of his merchandise. This would be fair, it would be just, it would be reasonable, and no fair or just man could reasonably object to it.

I ask what there is in this provision that is harsh or unreasonable or that would interfere with the laws of trade or with the best interests of the country? Is it to be assumed that these corporations are above the authority of the Government and are beyond the reach of the law? Shall we not hold them amenable to the law for its violation and for the violation of the rules of right and reason, just as we hold all other persons, natural and artificial, down to obedience to the law?

I am obliged to say that the declamation to which I refer, it seems to me, has and can have but one object, and that is to confuse the minds of those who are called upon to legislate upon this subject, and to deceive and bewilder the public.

It has been objected that the requirement which I urge would impose a burden upon the railroads. In answer to that I desire to say that every railroad professes to do that very thing now; but their obedience to their schedule is the exception, not the rule of their conduct. I propose to make them put up a schedule and to make it the rule to obey the schedule. I propose they shall cease to swindle and to defraud one another and the people. I propose that we shall compel them to charge no more and no less than the schedule rates, and punish them if they do charge more or less. As common carriers, deriving their franchises and their right to charge at all from the political authority of the country, they owe it to the country to be honest and fair and not to discriminate as between citizens—not to make their partiality and their friendships the measure of their conduct and their duty to the public.

In conclusion, I have to express my gratification that after years of struggle and labor we have at last got this matter before the people's representatives, where they, on their responsibility to their constituents, can act upon it and provide such legislation as will remedy the evils complained of, and compel obedience to just and necessary regulations. [Loud applause.]

Mr. O'NEILL, of Pennsylvania. I desire to ask the gentleman from Texas [Mr. REAGAN] whether I was correct in understanding him to say that he would incorporate in his remarks at the proper place the constitutional provision of the State of Pennsylvania upon the subject of railroads and canals—article 17 of the constitution of 1873.

Mr. REAGAN. I will do so.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman will publish with his remarks all the clauses of this article, by which the House can see exactly what the constitution of Pennsylvania provides for—that there shall be no undue discrimination against any individual in reference either to freight or passage.

Mr. REAGAN. It provides that more shall not be charged for a shorter than a longer haul.

Mr. O'NEILL, of Pennsylvania. I only regret that the gentleman, when he referred to the constitutional provisions of the State of Pennsylvania on this subject, did not have them read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 300) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2376) for the relief of Joseph F. Wilson;

A bill (S. 2455) to repeal section 311 of the Revised Statutes of the United States; and

Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. REAGAN. In obedience to the agreement heretofore entered into, I now demand the previous question upon the two amendments I have offered to this bill. But before the vote is taken, as a number of gentlemen desire to print remarks in the RECORD upon this subject, I ask unanimous consent that such gentlemen as wish to exercise this privilege may be permitted to do so.

The SPEAKER *pro tempore*. Is there objection to that request? The Chair hears none, and general leave to print remarks on this bill is granted.

In accordance with an agreement made by the House on the 12th instant, general debate on this bill is now closed. It was further provided by the agreement that upon the close of general debate there should be a vote upon the adoption of the substitute proposed by the gentleman from Texas. If that substitute should be agreed to, it will then be open to amendment and discussion under the five-minute rule. If it be disagreed to, the House will proceed to consider the original bill, with the right of amendment and discussion under the five-minute rule.

Mr. REAGAN. It was agreed that I should call the previous question on the two amendments I have indicated, and that afterward we should proceed under the five-minute rule.

The SPEAKER *pro tempore*. The order of the House which has just been stated by the Chair has all the effect of the previous question. Under that order general debate is now closed; and the vote which the Chair has just indicated will be taken.

Mr. O'NEILL, of Pennsylvania. It is the understanding, I believe, that we are now to vote whether we shall take up the substitute and go through with it under the five-minute rule, or whether we shall take up in the same way the committee's bill.

The SPEAKER *pro tempore*. The question before the House is on agreeing to the substitute submitted by the gentleman from Texas. If that substitute be agreed to by the House, it will then be open for amendment and debate under the five-minute rule. If disagreed to, the original bill will be before the House for that purpose. [Cries of "Regular order!"]

Mr. DUNN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. I do not understand the question that way. My understanding is, the first question to be voted on will be the motion to strike out.

Mr. REAGAN. The first seven sections of the committee's bill and insert my substitute in lieu thereof.

Mr. LONG. That is the first question.

The SPEAKER *pro tempore*. The effect of this is simply a vote according to the order of the House as to preference between the committee's bill and the substitute.

Mr. KEIFER. That is all there is of it.

The SPEAKER *pro tempore*. The Chair will announce the question again. If this be agreed to, it will bring the substitute before the House for consideration under the five-minute rule, subject to debate and amendment. If disagreed to, the committee's bill will be before the House for debate and amendment.

Mr. REAGAN. We will save time by calling the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. I understand the motion now to be to substitute Mr. REAGAN's bill for the first seven sections of this bill.

The SPEAKER *pro tempore*. That is the understanding of the Chair. If agreed to, Mr. REAGAN's substitute will be before the House under the five-minute rule for amendment and debate.

The question was taken; and it was decided in the affirmative—yeas 142, nays 98, not voting 83; as follows:

YEAS—142.

Alexander,	Eldredge,	McComas,	Smalls,
Anderson,	English,	McMillin,	Snyder,
Bagley,	Ferrell,	Millard,	Springer,
Ballentine,	Foran,	Miller, J. F.	Stewart, Charles
Barksdale,	Forney,	Mills,	Stockslager,
Beach,	Fyan,	Morrison,	Storm,
Bennett,	Geddes,	Moulton,	Summer, C. A.
Blanchard,	Gibson,	Muldrow,	Taylor, J. M.
Blount,	Glascock,	Murphy,	Thompson,
Bratton,	Goff,	Murray,	Throckmorton,
Breckinridge,	Green,	Neece,	Townshend,
Buchanan,	Halsell,	Nelson,	Tucker,
Buckner,	Hancock,	Nicholls,	Tully,
Burnes,	Hardeman,	Nutting,	Turner, H. G.
Cabell,	Hatch, W. H.	Oates,	Turner, Oscar
Caldwell,	Hemphill,	O'Ferrall,	Van Alstyne,
Campbell, J. E.	Henley,	Patton,	Van Eaton,
Campbell, J. M.	Herbert,	Payson,	Wallace,
Candler,	Hewitt, G. W.	Peel,	Ward,
Carleton,	Holman,	Pettibone,	Warner, Richard
Clay,	Hopkins,	Pierce,	Weaver,
Clements,	Hunt,	Pryor,	Wellborn,
Cobb,	James,	Randall,	White, J. D.
Collins,	Jones, B. W.	Ray, G. W.	Wilkins,
Cook,	Jones, J. H.	Reagan,	Williams,
Cosgrove,	Jones, J. K.	Reese,	Willis,
Cox, W. R.	Jones, J. T.	Rigsby,	Wilson, W. L.
Crisp,	Jordan,	Robertson,	Winans, E. B.
Culberson, D. B.	Kleiner,	Rogers, J. H.	Winans, John
Cullen,	Lamb,	Rogers, W. F.	Wolford,
Davidson,	Lanham,	Rosecrans,	Wood,
Davis, L. H.	Le Fevre,	Scales,	Worthington,
Dibrell,	Lewis,	Shively,	Yaple,
Dockery,	Lore,	Singleton,	York.
Dowd,	Lovering,	Skinner, C. R.	
Dunn,	Lowry,	Skinner, T. G.	

NAYS—98.

Adams, G. E.	Breitung,	Cannon,	Cutcheon,
Atkinson,	Brewer, F. B.	Chace,	Dargan,
Barr,	Brewer, J. H.	Clardy,	Davis, G. R.
Boutelle,	Brown, W. W.	Converse,	Davis, R. T.
Bowen,	Browne, T. M.	Culbertson, W. W.	Deuster,
Dibble,	Holton,	O'Neill, Charles	Stevens,
Eaton,	Horr,	O'Neill, J. J.	Stewart, J. W.
Elliott,	Houseman,	Parker,	Strait,
Evans,	Hurd,	Payne,	Struble,
Everhart,	Johnson,	Perkins,	Talbott,
Finerty,	Kean,	Peters,	Taylor, E. B.
Funston,	Keifer,	Phelps,	Thomas,
Greenleaf,	Lacey,	Potter,	Tillman,
Hanback,	Laird,	Rankin,	Wadsworth,
Harmer,	Lawrence,	Ranney,	Wait,
Hatch, H. H.	Libbey,	Reed,	Wakefield,
Haynes,	Long,	Rice,	Warner, A. J.
Henderson, D. B.	Lyman,	Robinson, J. S.	Washburn,
Henderson, T. J.	McCold,	Rockwell,	Wample,
Hepburn,	Milliken,	Rowell,	White, Milo
Hewitt, A. S.	Mitchell,	Ryan,	Whiting,
Hiscock,	Morrill,	Seymour,	Wilson, James
Hitt,	Morse,	Smith, A. H.	Woodward.
Hoblitzell,	Mutchler,	Smith, H. Y.	
Holmes,	O'Hara,	Stephenson,	

NOT VOTING—83.

Adams, J. J.	Covington,	Houk,	Pusey,
Aiken,	Cox, S. S.	Howey,	Ray, Ossian
Arnot,	Curtin,	Hutchins,	Robinson, W. E.
Barbour,	Dingley,	Jeffords,	Russell,
Bayne,	Dorsheimer,	Kelley,	Seney,
Belford,	Dunham,	Kellogg,	Shaw,
Belmont,	Ellis,	Ketcham,	Shelley,
Bingham,	Ellwood,	King,	Slocum,
Bisbee,	Ermentrout,	McAdoo,	Spooner,
Blackburn,	Fiedler,	McCormick,	Spriggs,
Bland,	Findlay,	Matson,	Steele,
Boyle,	Follett,	Maybury,	Stone,
Brainerd,	Garrison,	Miller, S. H.	Sumner, D. H.
Broadhead,	George,	Money,	Taylor, J. D.
Brumm,	Graves,	Morgan,	Valentine,
Budd,	Guenther,	Muller,	Vance,
Burleigh,	Hammond,	Ochiltree,	Weller,
Campbell, Felix	Hardy,	Paige,	Wise, G. D.
Cassidy,	Hart,	Poland,	Wise, J. S.
Chalmers,	Hill,	Post,	Young.
Connolly,	Hooper,	Price,	

So the motion was agreed to.

Mr. BEACH. I move by unanimous consent that the reading of the names be dispensed with.

Mr. WEAVER. I object.

During the roll-call,

Mr. McADOO said: Mr. Speaker, I was called out and did not think the bill would come to a vote as soon as it has. I wish to say now if I had been present when the vote was taken and had recorded my name I would have voted in the affirmative on the substitute moved by the gentleman from Texas [Mr. REAGAN].

The following additional pairs were announced from the Clerk's desk:

Mr. FOLLETT with Mr. BLACKBURN, on this vote.

Mr. PAIGE with Mr. HART, on this bill. If present, Mr. HART would vote for Mr. REAGAN's substitute. If that bill failed, he would vote for the committee's bill and Mr. PAIGE would vote against both bills.

Mr. BUDD with Mr. GEORGE, on Mr. REAGAN's substitute.

Mr. GEORGE D. WISE with Mr. KELLEY, for to-day.

Mr. COX, of New York, with Mr. FINDLAY, on the interstate-commerce bill. Mr. COX, of New York, would vote for the substitute and Mr. FINDLAY against it.

Mr. HILL with Mr. CHALMERS, on this bill.

Mr. ERMENTROUT and Mr. PRICE, for this day.

Mr. WELLER and Mr. HOUK, on this day.

Mr. MATSON. Mr. Speaker, I voted in the affirmative, and regret that I am compelled to withdraw my vote. I voted hoping that the gentleman from New Hampshire [Mr. RAY] would return to the House before his name was called. He and I, under the order of the House, have to-day been attending the ceremonies at the Executive Mansion relating to the opening of the exposition at New Orleans.

Mr. HAMMOND and Mr. BRUMM, for this day.

Mr. OCHILTREE and Mr. McCORMICK, for this day.

Mr. SHELLEY and Mr. BISBEE, for this day.

Mr. GEORGE D. WISE. I wish to say if I had not been paired I would have voted for the Reagan bill.

Mr. POST, of Pennsylvania, with Mr. BRAINERD, for this day.

Mr. BRAINERD. Mr. Speaker, I voted under misapprehension, not supposing I was paired, and therefore withdraw my vote. I voted in the negative upon the Reagan bill and would have voted in the affirmative upon the other bill. As it is I now desire to withdraw my vote, being paired with my colleague [Mr. POST].

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. By previous order of the House, the question will next be taken on striking out the seven remaining sections of the committee's bill.

The House divided; and there were—ayes 118, noes 68.

Mr. RICE demanded the yeas and nays.

The yeas and nays were not ordered—one-fifth not having voted in the affirmative.

So the motion was agreed to; and the remaining sections of the committee's bill were stricken out.

The SPEAKER *pro tempore*. Mr. REAGAN's substitute is now before the House for amendment and debate under the five-minute rule.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 2041) granting right of way to the city of Newport, R. I., over the breakwater of Goat Island;

A bill (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American medals; and

Joint resolution (S. R. 101) in relation to the ceremonies to be authorized upon the completion of the Washington Monument.

INTERSTATE COMMERCE.

The SPEAKER *pro tempore*. The Clerk will read the first section of the bill.

The Clerk read as follows:

That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

Mr. REAGAN. I call for the previous question on the adoption of that section.

Mr. O'NEILL, of Pennsylvania. The gentleman knows he can not do that under the agreement whereby we were to act upon the substitute instead of the committee bill under the five-minute rule.

The SPEAKER *pro tempore*. The Chair is of the opinion that it is not in order to move the previous question until the bill has been under debate under the five-minute rule. That will be exhausted by an amendment and a speech of five minutes in favor and five minutes against it.

Mr. HORR. It was to be considered in the House as in the Committee of the Whole House.

Mr. REAGAN. My only desire is to avoid unnecessary delay in acting on the proposition.

The SPEAKER *pro tempore*. The rule provides for amendment and debate under the five-minute rule; and when there has been a five-minute speech for and a five-minute speech against, then it will be in order for the gentleman to move his demand for the previous question.

Mr. O'NEILL, of Pennsylvania. The agreement was that we were to act upon this bill as in the Committee of the Whole House on the state of the Union, whereby it was to be open to amendment and debate.

The gentleman's proposition was if the substitute should be taken up instead of the committee bill that it should be open to amendment, not only to debate under the five-minute rule, but to debate and amendment. I do not suppose that the House believed it was going to permit the measure to be voted on under such a misapprehension, if the gentleman's position is a correct one, because many members voted with the expectation of having an opportunity to amend the bill in committee when the House had determined which one it would undertake to amend.

Now I propose to amend line 5 by adding, after the word "railroad"——

The SPEAKER *pro tempore*. The gentleman is not recognized at this time for an amendment. The gentleman from Texas has demanded the previous question. The Chair decides that it is not in order at this time, but understands that the gentleman from Illinois desires recognition to offer an amendment.

Mr. CANNON. My amendment is to another section.

The SPEAKER *pro tempore*. The Chair will then recognize the gentleman from Pennsylvania.

Mr. O'NEILL, of Pennsylvania. I move to add, in line 5, after the word "railroad," the words "or by water way;" so that it will read:

That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad or water way from one State or Territory to or through one or more other States, &c.

I offer this amendment so that this section of the bill should provide both for railroad and steamboat transportation upon our rivers and lakes.

Mr. HOPKINS. I desire also to offer an amendment.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania on the left has the floor.

Mr. O'NEILL, of Pennsylvania. I offer this, Mr. Speaker, so that in case this bill becomes a law it would apply to all persons engaged in transportation by whatever means they may employ. I think if we apply the provisions of this bill to the railroads, we had better make the law a little broader so as to include the water ways of the country, and have uniformity in the law, which will reach all modes of transportation as well as all persons engaged in the business, whether of transporting freights or passengers.

Mr. REAGAN. The gentleman from Pennsylvania proposes to embrace within the provisions of this bill the water ways. On that I wish to say only a word. That question has been considered by the committee and determined against on the ground that the water ways are open public highways, free to all navigators. They are not monopolies, and the competition upon them will regulate itself. They stand upon an entirely different footing from the railroads which we are seeking to regulate and which afford no free competition.

Upon this amendment I ask the previous question.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, a word only in reply.

Mr. TOWNSHEND. Regular order!

Mr. O'NEILL, of Pennsylvania. I wish to say in response to the statement of the gentleman from Texas that the water ways of the country are free to all and open to competition; that as a matter of fact there may be great monopoly in transportation upon them, and as onerous charges as any made by the railroad companies of which he complains.

The SPEAKER *pro tempore*. Does the gentleman from Texas move the previous question upon this amendment?

Mr. REAGAN. I do, upon the section and the amendment.

Mr. KEIFER. I desire to know what the rule is under which we are considering this bill. I have no objection to this proposition being voted upon, but I think the gentleman will not carry out the spirit of the agreement or the order under which we are considering this measure in Committee of the Whole if this motion for the previous question is adopted, thereby cutting off further amendment or debate.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman from Texas can move the previous question upon this amendment.

Mr. TOWNSHEND. And on the section?

The SPEAKER *pro tempore*. Not upon the section at this stage of the proceedings.

The question will be taken upon ordering the previous question on the adoption of the amendment.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Pennsylvania [Mr. O'NEILL].

The House divided; and there were—ayes 28, noes 114.

Mr. O'NEILL, of Pennsylvania. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. O'NEILL, of Pennsylvania, and Mr. REAGAN were appointed tellers.

The House again divided; and the tellers reported—ayes 9, noes 157.

So the amendment was not agreed to.

Mr. HOPKINS. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

In line 5, after the word "railroad," insert the words "or by pipe-line or lines;" so that it will read:

"That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad, or by pipe-line or lines, from one State or Territory," &c.

Mr. HOPKINS. I desire simply to make a word of explanation in support of that amendment.

Gentlemen here may not be generally familiar with transportation by common carrier under what is known as the pipe-line system. I believe the system is practiced only in the States of Pennsylvania, Ohio, and in New York, and for the transportation of oil. It was the abuse or discrimination by railroad companies of that traffic that caused the inauguration of this agitation. There are several pipe-lines carrying oil as common carriers through these States that I have mentioned and which come properly under the provisions of this bill; and this amendment is simply to make its provisions applicable to that class.

The amendment was agreed to.

Mr. BUDD. Mr. Speaker, I move to amend by inserting after the word "is," in the ninth line, the words "by him or them;" so that it will read:

From any person or persons any greater or less rate or amount of freight compensation or reward than is by him or them charged to or received from, &c.

This is simply to correct what seems to have been an omission in the bill. It is probably an oversight, and was left out in the Printing Office. As the bill now reads he can not charge more or less for the same service whether it is performed by means of the railroad or by water transportation, and I think the gentleman from Texas will see the propriety of incorporating that amendment.

Mr. REAGAN. I have no objection to it.

The SPEAKER *pro tempore*. Without objection the amendment will be considered as agreed to.

There was no objection, and it was ordered accordingly.

Mr. O'HARA. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "reasonable," in section 1, line 13, the following:

"And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class without discrimination."

Mr. O'HARA. Mr. Speaker, the amendment I have offered provides that whenever any person purchases a ticket or pays an amount of money as fare to the officer or agent of any railroad corporation in the United States for a continuous passage from one State to another, that person shall be entitled to the same facilities, privileges, accommodations, and advantages that any other person or persons holding the same class of ticket is accorded and entitled to, this and nothing more.

Congress has legislated for the protection of property; it has provided by law how dumb brutes shall be cared for, as evidenced by section 4386 of the Revised Statutes, which reads as follows:

No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours.

In the bill now under consideration and so ably championed by the honorable gentleman from Texas [Mr. REAGAN], he and his friends ask this House (and properly so) to protect shippers of goods, wares, and merchandise from unjust charges, conditions, and discriminations now imposed upon them by the railroad corporations of the country, and daily, for the several days on which this bill has been considered, its friends almost with one accord have proclaimed to the country their intention to abate and stop what they term the inequality of rates between the "long and short haul."

In the face of the many decisions of the Supreme Court of the United States in favor of the right of Congress to regulate commerce between the States none can deny at this date the constitutional right of Congress so to do, nor will any member upon the floor of this House presume to deny the constitutional right of Congress to ingraft the provisions of this amendment to the laws of the United States, and particularly to the bill now under consideration.

In the celebrated Passenger Case, Norris *vs.* Boston, Justice Daniel uses this language:

The power to regulate commerce includes the regulation of the vessel as well as the cargo and the manner of using the vessel.

Now, sir, if Congress has the right to regulate the using of the vessel it certainly has the right to regulate the using of the cars, and if it has the right to regulate the use of freight cars, a proposition which every friend of the bill admits, then it must certainly follow that it unqualifiedly has the same right to regulate the use of passenger cars.

In Brown *vs.* State of Maryland the court declares "that the commercial grant of power should be as extensive as the mischief."

Mr. Speaker, would time and opportunity permit I might cite a large number of decisions and authorities in strict accord with the two already cited.

Now an evil exists, and none will deny that discriminations are made unjustly, and to a great disadvantage, between persons holding the same class of tickets who are compelled to travel on business from one State to another, and perchance across several States, *en route* to their destination in another State. I therefore hold it to be not only within the power but the imperative duty of Congress to abate the evil and protect all classes of citizens from discriminations in any and every from.

This amendment simply proposes that, should any person purchase a first-class ticket or a ticket of any of the several classes sold by a railroad corporation in the United States for a passage over its road or any of its connections for a continuous passage to some point in an adjacent or some other State, whenever he or she arrives within any of the States necessary to be traveled over they shall not be subjected to any discrimination or molestation not imposed upon all other persons holding tickets of the same grade or class or who has paid the same amount of money for transportation.

Mr. Speaker, this is not class legislation. I do not nor would I ask such. It is not a race question, nor is it a political action. It rises far above all these. It is plain, healthy legislation, strictly in keeping with the enlightened sentiment and spirit of the age in which we live; it is legislation looking to and guarding the rights of every citizen of this great Republic, however humble may be his station in our social scale.

Having heretofore provided (as we ought to have done) for the protection of dumb brutes while *in transitu*, and as we are now providing against discriminations in freight rates by the railroad corporations of the country, let us come nobly forward and in this bill also throw a shield around the citizen's rights.

Mr. REAGAN. I do not doubt the power asserted by the gentleman from North Carolina [Mr. O'HARA]. But the subject of transportation of persons has never been considered by the committee. The committee did not undertake to examine into that subject with the care necessary to a clear comprehension of it; and I trust the House will not undertake to enlarge the bill so as to make it embrace that subject.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

Mr. O'HARA. I call for the yeas and nays on the question of agreeing to the amendment.

The yeas and nays were ordered.

Mr. HOPKINS. I call for the reading of the amendment.

The amendment was again read.

The question was taken; and there were—yeas 134, nays 97, not voting 92; as follows:

YEAS—134.

Adams, G. E.	George,	Lyman,	Smith, H. Y.
Anderson,	Goff,	McCold,	Springer,
Atkinson,	Greenleaf,	McComas,	Stephenson,
Bagley,	Hanback,	Millard,	Stevens,
Barr,	Harmer,	Milliken,	Stewart, J. W.
Beach,	Hatch, H. H.	Mitchell,	Stone,
Blount,	Haynes,	Morrill,	Strait,
Bontelle,	Henderson, D. B.	Morse,	Struble,
Breitung,	Henderson, T. J.	Murphy,	Sumner, C. A.
Brewer, F. B.	Hepburn,	Murray,	Taylor, J. D.
Brewer, J. H.	Hewitt, A. S.	Nelson,	Thomas,
Brown, W. W.	Hiscock,	Nutting,	Van Alstyne,
Browne, T. M.	Hitt,	O'Hara,	Wadsworth,
Buckner,	Hobilitzell,	O'Neill, Charles	Wait,
Budd,	Holman,	Parker,	Wakefield,
Campbell, J. E.	Holmes,	Payne,	Ward,
Campbell, J. M.	Hopkins,	Payson,	Warner, A. J.
Cannon,	Honseman,	Perkins,	Washburn,
Carleton,	Howey,	Peters,	Weaver,
Chace,	James,	Pettibone,	Wemple,
Converse,	Johnson,	Potter,	White, J. D.
Culbertson, W. W.	Jones, B. W.	Pusey,	White, Milo
Cullen,	Jordan,	Ranney,	Whiting,
Cutcheon,	Kean,	Ray, G. W.	Wilkins,
Dargan,	Keifer,	Reed,	Wilson, James
Davis, G. R.	Lacey,	Rice,	Wilson, W. L.
Davis, R. T.	Laird,	Robinson, J. S.	Winans, E. B.
Eldredge,	Lamb,	Rockwell,	Winans, John
Elliott,	Lawrence,	Rosecrans,	Woodward,
Evans,	Le Fevre,	Rowell,	Worthington,
Everhart,	Libbey,	Seymour,	Yaple.
Ferrell,	Long,	Skinner, C. R.	
Follett,	Lovering,	Smith, A. H.	
Funston,	Lowry,		

NAYS—97.

Alexander,	Dibrell,	Lore,	Singleton,
Ballentine,	Dockery,	McMillin,	Skinner, T. G.
Barksdale,	Dowd,	Miller, J. F.	Snyder,
Bennett,	Dunn,	Mills,	Stewart, Charles
Blackburn,	Ellis,	Morrison,	Stockslager,
Blanchard,	Forney,	Muldrow,	Storm,
Boyle,	Fyan,	Mutchler,	Taylor, J. M.
Bratton,	Gibson,	Neece,	Thompson,
Breckinridge,	Glascock,	Oates,	Throckmorton,
Buchanan,	Green,	O'Ferrall,	Tillman,
Cabell,	Halsell,	O'Neill, J. J.	Tucker,
Caldwell,	Hancock,	Patton,	Tully,
Candler,	Hardeman,	Pierce,	Turner, H. G.
Clardy,	Hatch, W. H.	Peel,	Turner, Oscar
Clay,	Hemphill,	Pryor,	Van Eaton,
Clements,	Henley,	Randall,	Wallace,
Cobb,	Herbert,	Rankin,	Warner, Richard
Cook,	Hewitt, G. W.	Reagan,	Wellborn,
Cosgrove,	Hunt,	Reese,	Williams,
Cox, W. R.	Jones, J. H.	Riggs,	Willis,
Crisp,	Jones, J. K.	Robertson,	Wolford,
Culberson, D. B.	Jones, J. T.	Rogers, J. H.	Wood.
Davidson,	Kleiner,	Rogers, W. F.	
Davis, L. H.	Lanham,	Scales,	
Dibble,	Lewis,	Shiveley,	

NOT VOTING—92.

Adams, J. J.	Curtin,	Horr,	Post,
Aiken,	Deuster,	Houk,	Price,
Arnot,	Dingley,	Hurd,	Ray, Ossian
Barbour,	Dorsheimer,	Hutchins,	Robinson, W. E.
Bayne,	Dunham,	Jeffords,	Russell,
Belford,	Eaton,	Kelley,	Seney,
Belmont,	Ellwood,	Kellogg,	Shaw,
Bingham,	English,	Ketcham,	Shelley,
Bisbee,	Ermentrout,	King,	Slocum,
Bland,	Fiedler,	McAdoo,	Smalls,
Bowen,	Findlay,	McCormick,	Spooner,
Brainerd,	Finerty,	Matson,	Steele,
Broadhead,	Forney,	Maybury,	Sumner, D. H.
Brumm,	Garrison,	Miller, S. H.	Talbott,
Burleigh,	Geddes,	Money,	Taylor, E. B.
Burnes,	Graves,	Morgan,	Townshend,
Campbell, Felix	Guenther,	Moulton,	Valentine,
Cassidy,	Hammond,	Muller,	Vance,
Chalmers,	Hardy,	Nicholls,	Weller,
Collins,	Hart,	Ochiltree,	Wise, G. D.
Connolly,	Hill,	Paige,	Wise, J. S.
Covington,	Holton,	Phelps,	York,
Cox, S. S.	Hooper,	Poland,	Young.

So the amendment was agreed to.

On motion of Mr. BEACH, by unanimous consent the reading of the names of members voting was dispensed with.

Mr. LOWRY. I desire to change my vote from "no" to "ay."

Mr. BLOUNT. I change my vote from "no" to "ay."

The following additional pairs were announced:

Mr. RAY, of New Hampshire, with Mr. MATSON, for this day.

Mr. NICHOLLS with Mr. YORK, for the remainder of this day.

Mr. TALBOTT with Mr. GUENTHER, for the remainder of this day.

Mr. TOWNSHEND with Mr. HORR, for this day.

Mr. GEORGE D. WISE. I desire to state that if I were not paired I should vote "no."

The result of the vote was then announced as above stated.

Mr. BLOUNT. I move to reconsider the vote by which the amendment has been agreed to.

Mr. O'HARA. And I move to lay the motion to reconsider on the table.

Mr. REAGAN. And pending that I move that the House do now adjourn.

Mr. CHACE. I ask the gentleman from Texas [Mr. REAGAN] to withhold that motion for a moment that I may ask unanimous consent for the passage of a bill.

Many members called for the regular order.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

The question being taken, there were—ayes 138, noes 73.

Mr. WHITE, of Kentucky, and Mr. HEPBURN called for the yeas and nays.

The yeas and nays were ordered, 56 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 139, nays 84, not voting 100; as follows:

YEAS—139.

Alexander,	Dunn,	Lewis,	Skinner, T. G.
Bagley,	Eldredge,	Lore,	Snyder,
Ballentine,	Elliott,	Lovering,	Spriggs,
Barksdale,	Ellis,	Lowry,	Springer,
Bennett,	Ferrell,	McAdoo,	Stevens,
Blackburn,	Finerty,	McMillin,	Stewart, Charles
Blanchard,	Follett,	Miller, J. F.	Stockslager,
Blount,	Forney,	Mills,	Storm,
Boyle,	Fyan,	Mitchell,	Sumner, C. A.
Bratton,	Gibson,	Morrison,	Taylor, J. M.
Breckinridge,	Glascock,	Morse,	Thompson,
Buchanan,	Green,	Muldrow,	Throckmorton,
Cabell,	Greenleaf,	Murphy,	Tillman,
Caldwell,	Halsell,	Murray,	Tucker,
Campbell, J. E.	Hancock,	Mutchler,	Tully,
Candler,	Hardeman,	Neece,	Turner, H. G.
Carleton,	Hatch, W. H.	O'Ferrall,	Turner, Oscar
Clardy,	Hemphill,	O'Neill, J. J.	Van Alstyne,
Clay,	Henley,	Patton,	Van Eaton,
Clements,	Herbert,	Peel,	Wallace,
Cobb,	Hewitt, A. S.	Pierce,	Warner, A. J.
Collins,	Hewitt, G. W.	Potter,	Warner, Richard
Converse,	Holman,	Pryor,	Weaver,
Cook,	Hopkins,	Pusey,	Wellborn,
Cosgrove,	Houseman,	Randall,	Wemple,
Cox, W. R.	Hunt,	Reagan,	Wilkins,
Culberson, D. B.	Hurd,	Reese,	Williams,
Dargan,	Jones, B. W.	Riggs,	Willis,
Davidson,	Jones, J. H.	Rogers, J. H.	Wilson, W. L.
Davis, L. H.	Jones, J. K.	Rogers, W. F.	Winans, E. B.
Deuster,	Jones, J. T.	Rosecrans,	Wise, G. D.
Dibble,	Jordan,	Scales,	Wolford,
Dibrell,	Kleiner,	Seymour,	Wood,
Dockery,	Lanham,	Shively,	Worthington.
Dowd,	Le Fevre,	Singleton,	

NAYS—84.

Adams, G. E.	George,	Long,	Ryan,
Atkinson,	Goff,	Lyman,	Skinner, C. R.
Barr,	Hanback,	McCoid,	Smith, A. H.
Beach,	Harmer,	McComas,	Smith, H. Y.
Boutelle,	Hatch, H. H.	McCormick,	Stephenson,
Bretteng,	Haynes,	Millard,	Stone,
Brewer, F. B.	Henderson, D. B.	Milliken,	Strait,
Brewer, J. H.	Henderson, T. J.	Morrill,	Struble,
Browne, T. M.	Hepburn,	Nelson,	Taylor, J. D.
Brown, W. W.	Hiscock,	Nutting,	Thomas,
Budd,	Hitt,	O'Hara,	Wadsworth,
Cannon,	Holmes,	O'Neill, Charles	Wait,
Chace,	Howey,	Parker,	Wakefield,
Culbertson, W. W.	James,	Payne,	Ward,
Catchcon,	Johnson,	Perkins,	Washburn,
Davis, G. R.	Kean,	Peters,	White, J. D.
Davis, R. T.	Keifer,	Pettibone,	White, Milo
English,	Lacey,	Ray, G. W.	Whiting,
Evans,	Laird,	Reed,	Wilson, James
Everhart,	Lawrence,	Rice,	Woodward,
Funston,	Libbey,	Rockwell,	Yaple.

NOT VOTING—100.

Adams, J. J.	Crisp,	Hutchins,	Ray, Ossian
Aiken,	Culles,	Jefforda,	Robertson,
Anderson,	Curtin,	Kelley,	Robinson, J. S.
Arnot,	Dingley,	Kellogg,	Robinson, W. E.
Barbour,	Dorsheimer,	Ketcham,	Rowell,
Bayne,	Dunham,	King,	Russell,
Belford,	Eaton,	Lamb,	Seney,
Belmont,	Ellwood,	Mateon,	Shaw,
Bingham,	Ermentrout,	Maybury,	Shelley,
Bisbee,	Fiedler,	Miller, S. H.	Slocum,
Bland,	Findlay,	Money,	Smalls,
Bowen,	Foran,	Morgan,	Spooner,
Brainerd,	Garrison,	Moulton,	Steele,
Broadhead,	Geddes,	Muller,	Stewart, J. W.
Bruman,	Graves,	Nicholls,	Sumner, D. H.
Buckner,	Guenther,	Oates,	Talbott,
Burleigh,	Hammond,	Ochiltree,	Taylor, E. B.
Burnes,	Hardy,	Paige,	Townshend,
Campbell, Felix	Hart,	Payson,	Valentine,
Campbell, J. M.	Hill,	Phelps,	Vance,
Cassidy,	Hobbitzell,	Poland,	Weller,
Chalmers,	Holton,	Post,	Winans, John
Connolly,	Hooper,	Price,	Wise, J. S.
Covington,	Horr,	Rankin,	York,
Cox, S. S.	Houk,	Ranney,	Young.

So the motion to adjourn was agreed to.

The following additional pair was announced:

Mr. CRISP with Mr. STEWART, of Vermont, for the remainder of this day.

EXPEDITION TO POINT BARROW, ALASKA.

The SPEAKER *pro tempore*, by unanimous consent (before announcing the result of the vote on the motion to adjourn), laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, the report of the international polar expedition to Point Barrow, Alaska; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LEAVE TO PRINT.

Mr. O'HARA. I ask unanimous consent to print the remainder of my remarks in the RECORD.

The SPEAKER *pro tempore*. The gentleman from North Carolina asks unanimous consent to print in the RECORD the remainder of his remarks upon his amendment to the pending bill. Is there objection?

Mr. DIBBLE objected, but subsequently withdrew his objection; and there being no further objection, leave was granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MULLER, for one week, on account of important business.

To Mr. SLOCUM, for five days, on account of important business.

DEPARTMENT OF AGRICULTURE.

The SPEAKER *pro tempore*. The Chair is informed that for the purpose of correcting an error in the engrossment of the bill passed yesterday, to establish a department of agriculture, it is necessary that the bill should be recalled from the Senate. The Chair therefore asks that the resolution which the Clerk will read be adopted.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House of Representatives the bill (H. R. 1457) to establish a department of agriculture.

There being no objection, the resolution was considered and adopted.

The result of the vote on the motion of Mr. REAGAN that the House adjourn was then announced as above recorded; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Papers relating to the claim of Mary H. Bush—to the Committee on War Claims.

By Mr. BARR: Petition of Lincoln Post, No. 140, Grand Army of the Republic, Department of Pennsylvania, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. CURTIN: Petition of citizens of Pennsylvania, praying for the establishment of a home for disabled volunteer soldiers in that State—to the same committee.

By Mr. EATON: Petition of the Ætna Insurance Company and others; of Brown, Thompson & Company and others, citizens of Hartford, Conn., for the passage of a bankrupt law—severally to the Committee on the Judiciary.

By Mr. ELDREDGE: Petition of Mrs. Ann E. Gridley, for a pension—to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: Petition of the bevelers of plate glass, for reform in the tariff on beveled plate—to the Committee on Ways and Means.

Also, petition of Michael Cahill, M. D., and others, citizens of New York, for an investigation of a material proposed by him to obtain rain by art—to the Committee on Agriculture.

By Mr. HOPKINS: Petition of 150 citizens of New Hampshire and Massachusetts, requesting the passage of the resolution of Hon. JAMES H. HOPKINS relative to the transportation of cattle—to the Committee on Commerce.

By Mr. PRYOR: Papers relating to the claim of Stephen J. Mathews, of James M. Peters, and of Reuben Copeland—severally to the Committee on War Claims.

By Mr. W. F. ROGERS: Petition of J. Madison Wells, for reference of his claim to the Court of Claims—to the same committee.

By Mr. WAIT: Petition of the Providence and Stonington Railroad Company and others, asking that a light-ship be located at or near the Ram Island Reef, in Long Island Sound—to the Committee on Commerce.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Carroll County, Missouri.

By Mr. ANDERSON: Of 10 citizens of Glenwood, Kans., and of 64 citizens of Morganville, Kans.

By Mr. BEACH: Of citizens of Orange County, New York.

By Mr. T. M. BROWNE: Of 106 citizens and ex-soldiers of Boston Station, Ind.

By Mr. J. E. CAMPBELL: Of W. W. Manning and 62 others.

By Mr. CARLETON: Of citizens of Lapeer County, Michigan.

By Mr. COOK: Of John Q. A. Davison and 100 others.

By Mr. COSGROVE: Of citizens of Excelsior Springs, Mo.

By Mr. CUTCHEON: Of 419 citizens of Mason County; of N. DeLong and 98 citizens of Muskegon; of M. B. Houghton and 22 citizens of Tustin; and of 40 citizens of Newaygo County, Michigan.

By Mr. DOCKERY: Of citizens of Daviess, of Harrison, of Worth, and of Clinton Counties, Missouri.

By Mr. FORAN: Of 550 veteran soldiers and citizens of East Liverpool, Martinsville, Bloomingburg, and Washington Court-House, Ohio.

By Mr. FORNEY: Of William Bray and others, citizens of De Kalb County, Alabama.

By Mr. FUNSTON: Of citizens of Armordale, Kans.

By Mr. GOFF: Of Leonard Garrison and 62 others.

By Mr. H. H. HATCH: Of citizens of Jennings, and of Oscoda, Mich.

By Mr. W. H. HATCH: Of citizens of Clarke County, Missouri.

By Mr. HAYNES: Of M. M. Collis and 80 others, ex-soldiers and sailors of Portsmouth, and of H. L. Robinson and 63 others, of Manchester, N. H.

By Mr. HOLMAN: Of D. B. Hall and 67 others, ex-soldiers and citizens of Ohio County; of Michael Herrmann and 39 ex-soldiers and citizens of Franklin County; of Selar Meade and 63 ex-soldiers and citizens of Switzerland County; and of W. H. Huffman and 51 others, of Jackson County, Indiana.

By Mr. HURD: Of F. M. Mayer and others, of Sandusky, Ohio.

By Mr. BURR W. JONES: Of William Green and others, of Albany, Wis.

By Mr. KEIFER: Of Leander Tway and 50 other soldiers, of Plain City, Ohio.

By Mr. LAWRENCE: Of citizens of Beaver County, Pennsylvania.

By Mr. LOVERING: Of Edwin T. Pike and 41 others, of Ipswich, Mass.

By Mr. McCOID: Of S. F. Small and 79 others, of Louisa County, and of F. H. Jordan and 115 others, of Des Moines County, Iowa.

By Mr. McCOMAS: Of 63 citizens of Washington County, Maryland.

By Mr. MATSON: Of Daniel P. Owen and 42 others, of Morgan County, Indiana.

By Mr. MILLARD: Of citizens of Tioga, and of Broome and of Tioga Counties, New York.

By Mr. MORRISON: Of citizens of East Saint Louis, Ill.

By Mr. MOULTON: Of 1,000 veterans of Shelby County, Illinois.

By Mr. NEECE: Of citizens of Macomb and of Henderson Counties, Illinois.

By Mr. NUTTING: Of citizens of Hannibal, N. Y.

By Mr. PARKER: Of citizens of Franklin County, New York.

By Mr. PAYNE: Of citizens of Fair Haven and of Kings Ferry, N. Y.

By Mr. PAYSON: Of citizens of Kankakee and of Woodford Counties, Illinois.

By Mr. PRICE: Of N. M. Clapp and 38 others, and of H. S. Rice and 48 others.

By Mr. G. W. RAY: Of 63 citizens of Otsego County, New York.

By Mr. REED: Of citizens of National Soldiers' Home, Maine; of Dexter, of York County, of Machias, of Oxford, of Aroostook County, of Pittston, of North Winterport, of Saint Albans, of Ashland, of Princeton, and of Franklin, Me.

By Mr. RIGGS: Of George T. Jones and others, of Milton, and of Daniel H. Gibson and others, of Patterson, Ill.

By Mr. J. S. ROBINSON: Of citizens of several counties in Ohio.

By Mr. C. R. SKINNER: Of 37 citizens of Port Leyden, N. Y., and of 57 citizens of Lowville, N. Y.

By Mr. SLOCUM: Of inmates of Soldiers' Home, New York.

By Mr. VAN ALSTYNE: Of Smith O'Brien and many others, citizens of Albany County, New York.

By Mr. WAKEFIELD: Of 40 ex-soldiers of Brown County, Minnesota.

By Mr. WAIT: Of citizens of Colchester and other towns in Connecticut.

By Mr. RICHARD WARNER: Of citizens of Franklin County, Tennessee.

By Mr. WEAVER: Of 63 citizens of Nebraska, and of 34 citizens of Nebraska.

By Mr. WOODWARD: Of citizens of La Crosse, Wis.

By Mr. YAPLE: Of Abel Lumbert and 51 others, citizens of Berrien County, Michigan.

SENATE.

WEDNESDAY, *December* 17, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2280) for the relief of Mrs. Jane Venable.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island;

A bill (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American medals; and

Joint resolution (S. R. 101) in relation to the ceremonies to be authorized upon the completion of the Washington monument.

SURVEY OF NICARAGUA CANAL ROUTE.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Navy; which was read:

NAVY DEPARTMENT, *Washington, December* 17, 1884.

SIR: Responding to the resolution of the Senate of December 15, I have the honor to state that orders have been issued to Civil Engineer A. G. Menocal, Civil Engineer R. E. Peary, and Ensign Washington I. Chambers to visit Nicaragua in order to make a survey of the route for the proposed Nicaragua canal.

These orders have been issued in the exercise of the general power of this Department, under the President, to issue such orders to all officers of the Navy as may be deemed for the public interest.

The arrangements which have been made contemplate the revision of the survey made on a former occasion by Civil Engineer Menocal and the investigation of any change in route which has been suggested as possibly available for shortening the canal and diminishing its cost.

The cost of the arrangements made and contemplated, in addition to the pay and mileage of the naval officers, is expected to be $1,000 as an outfit, and about $1,000 a month during the stay of the party in Nicaragua.

Very respectfully, your obedient servant,

W. E. CHANDLER,
Secretary of the Navy.

To the PRESIDENT *pro tempore*
of the United States Senate, Washington, D. C.

Mr. VEST. I ask that the communication be laid upon the table and printed, and I give notice that I shall call it up for the purpose of discussing the proposition advanced in it by the Secretary of the Navy that the right rests in any Department of the Government to order such an expedition without any action on the part of Congress. Let the communication lie on the table now and be printed.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the communication lie upon the table and be printed. That order will be made if there be no objection.

UNVEILING OF DU PONT STATUE.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of War; which was read, and ordered to lie on the table and be printed:

WAR DEPARTMENT, *Washington City, December* 16, 1884.

The Secretary of War has the honor to report to Congress that the work of preparing the selected site in the city of Washington and the base for a statue of the late Rear-Admiral Samuel Francis Du Pont, of the United States Navy, as required by the act of Congress approved February 25, 1883, and the making and erection of the statue, under the provisions of the act approved March 3, 1884, have been completed, and that the ceremonies attending the unveiling of the statue contemplated by the act approved July 7, 1884, have been arranged to take place at 2 o'clock in the afternoon of Saturday, the 20th instant, at Du Pont Circle, provision having been made for the anticipated attendance of the Senate and the House of Representatives.

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT *pro tempore, United States Senate.*

COAST-SURVEY REPORT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting the annual report of Professor J. E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in that work during the fiscal year ended June 30, 1884. If there be no objection the letter of the Secretary of the Treasury will be printed, and, with the accompanying papers, referred to the Committee on Printing for consideration as to printing the tabulated matter.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico on the New Mexico private land claim, Canada de Cochite, No. 135, in the name of Antonio Lucero; which was ordered to be printed, and, with the accompanying document, referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. JONAS presented a memorial of cigar-makers of New Orleans, La., remonstrating against the ratification of the reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

Mr. MILLER, of California, presented a petition of citizens of Napa, Cal., praying that certain relief be granted Charles Morris Blake, post-chaplain, United States Army, retired; which was referred to the Committee on Military Affairs.

Mr. WILSON presented a memorial of the Cigar-makers' Union of Sioux City, Iowa; a memorial of the Cigar-makers' Union of Avoca, Iowa; a memorial of the Cigar-makers' Union of Atlantic, Iowa; a memorial of the Cigar-makers' Union of Lansing, Iowa; and a memorial of the Cigar-makers' Union of Dubuque, Iowa, remonstrating against the ratification of the reciprocity treaty between the United States and Spain; which were referred to the Committee on Foreign Relations.

Mr. PLATT presented a memorial of cigar-makers of Hartford, Conn.; a memorial of cigar-makers of Danbury, Conn.; a memorial of cigar-makers of Long Hill, Conn.; a memorial of cigar-makers of Norwalk, Conn.; and a memorial of cigar-makers of Ansonia, Conn., remonstrating against the ratification of the Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. HILL presented a memorial of cigar-makers of Denver, Colo., remonstrating against the ratification of the Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. PIKE presented a memorial of the Cigar-makers' Union of Manchester, N. H., remonstrating against the ratification of the Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented a memorial adopted at a representative meeting of cigar-makers at Humboldt, Kans., remonstrating against the ratification of the reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a memorial of cigar-makers of Bangor, Me., remonstrating against the ratification of the Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of officers of the United States Navy stationed at Newport, R. I., praying for certain legislation touching promotions in the Navy; which was referred to the Committee on Naval Affairs.

Mr. LAPHAM presented resolutions adopted at a mass-meeting of cigar-makers held in New York city, December 13, 1884, remonstrating against the ratification of the proposed treaty between Spain and the United States; which were referred to the Committee on Foreign Relations.

He also presented a petition of Theodore Thomas, president of the Jersey City Wheel Foundery and Machine Works, and a petition of the New York and Cuba Mail Steamship Company of New York, praying for the ratification of the proposed treaty between Spain and the United States; which were referred to the Committee on Foreign Relations.

He also presented a resolution of the Board of Trade and Transportation of the city of New York, in favor of the enactment of a law regulating interstate commerce; which was ordered to lie on the table.

Mr. ALLISON. I present memorials of the Cigar-makers' Union of Muscatine, Iowa; the Cigar-makers' Protection Union of Keokuk, Iowa; the Cigar-makers' Union of Dubuque, Iowa; the Cigar-makers' Union of Des Moines, Iowa; the Cigar-makers' Union of Lansing, Iowa; the Cigar-makers' Union of Atlantic, Iowa; the Cigar-makers' Union of Sioux City, Iowa; and the Cigar-makers' Union of Avoca, Iowa, remonstrating against the ratification of one of the clauses of the Spanish treaty. I move that they be referred to the Committee on Foreign Relations.

Mr. COCKRELL. I should like to ask the Senator from Iowa whether those memorials are addressed to the Senate of the United States, or to himself as a Senator.

Mr. ALLISON. A reference to the papers will show. I think some of them are addressed to me.

The PRESIDENT *pro tempore*. The first one in the package sent to the desk is addressed to "Hon. WM. B. ALLISON, United States Senate."

Mr. ALLISON. Evidently the people who remonstrate against the treaty intended that the Senate should be placed in possession of proper information in respect to it.

Mr. COCKRELL. The reason why I ask the question is because I have received probably a dozen similar memorials, and I suppose they are all exactly in the same form—they are all printed and addressed at the caption, and then signed officially—and I have not presented them because they were addressed to me and I supposed were intended to influence my action, coming from my constituents. It was only a question as to whether they ought to be presented to the Senate or whether we should simply refer them to the committee personally. That is the only point I desire to raise.

Mr. ALLISON. I will state to the Senator from Missouri that I supposed I was following the usual custom with reference to these remonstrances.

Mr. COCKRELL. As I understand the rule of the Senate, it is directly against receiving such papers.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair understands the Senator from Missouri as objecting to the reception of the papers.

Mr. COCKRELL. I was simply raising the point. We all ought to act in the same way. I have no objection to the Senate receiving such papers, but I have a number that I have not presented to the Senate, and I understand that other Senators have received a number of papers of the same character.

Mr. HARRISON. I have received quite a number, and acted on the same idea with the Senator from Missouri.

The PRESIDING OFFICER. The Chair will state that, under the rule of the Senate, a paper not addressed to the Senate can not be received as a petition or memorial unless by the unanimous consent of the body.

Mr. ALLISON. I ask unanimous consent, then, to present these papers.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate that a number of papers presented by him be received as memorials. Is there objection? The Chair hears none. The papers are received, and will be referred to the Committee on Foreign Relations.

Mr. McMILLAN. I have a communication signed by the officers of an association in Winona, Minn., of the same character, which I have withheld from presentation to the Senate for the reason stated by the Senator from Missouri. In view of the change of the practice among Senators, I ask unanimous consent that the memorial be received.

The PRESIDING OFFICER. If there is no objection the paper will be received and referred to the Committee on Foreign Relations.

Mr. CULLOM. I ask unanimous consent also for the privilege of presenting a number of memorials, a part of them addressed to me and some of them directed to the Senate, protesting against the ratification of the proposed reciprocity treaty with Spain. The first one is from the leaf-tobacco dealers, cigar manufacturers, and cigar dealers of Chicago, Ill.; the next is from the Cigar-makers' Union of Morris, Ill.; the next is from the Cigar-makers' Union of Jacksonville, Ill.; the next is from the Cigar-makers' Union of Alton, Ill.; the next are memorials from citizens of Peoria, Springfield, and Quincy, protesting against the ratification of that portion of the treaty with Spain in relation to cigars; the next is from the Chicago Trades and Labor Assembly, protesting against the ratification of the treaty with Spain; the next is from the Cigar-makers' Union of Chicago, and then from the Cigar-makers' Union of Decatur, Ill., and also from the Cigar-makers' Union of Ottawa, Ill., and then one general protest from cigar-makers all over the country against the ratification of the Spanish treaty. I ask that the memorials be received and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. If there is no objection the memorials will be received and referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented a petition of 1,700 citizens of the city of New York, praying for the repeal of all laws fixing the term of certain administrative offices at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. COCKRELL. I ask unanimous consent to present seven remonstrances, addressed to me but evidently intended for the Senate, against the ratification of the reciprocity treaty between some of the Spanish West India Islands and the United States. These remonstrances or resolutions have been passed and sent here by the cigar-makers of Saint Louis, of Kansas City, of Saint Joseph, of Jefferson City, of Brunswick, of Clinton, and of Springfield, Mo. I ask that they be received and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. If there be no objection that order will be made. The Chair hears no objection.

Mr. LAPHAM presented a memorial of the New York County committee of the People's National party, favoring the bill to prevent the importation of contract labor; which was ordered to lie on the table.

Mr. DAWES. I present a petition of the Women's National Indian Association, praying that speedy appropriation may be made for the relief of the starving Piegans, and also that the Government shall no longer delay making appropriations for the payment of just debts due to the Indians. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

LEASE OF CROW RESERVATION LANDS.

Mr. DAWES. Mr. President, some days ago in a discussion in the Senate over a resolution offered by the Senator from Missouri [Mr. VEST] in reference to leased lands in the Indian Territory, the Senator from Kentucky [Mr. BECK] called the attention of the Senate and of myself in particular to a rumor that there was a very large portion of the Crow reservation about being leased for a nominal sum to a syndicate for purposes of grazing, and he desired some information in reference to that rumor. What was known, what we were able to obtain up to that time, was communicated. Since then I have received, very numerously signed, I do not know by how many, but by a very large number of the citizens of Montana, a protest against the execution of the lease. It is directed to me personally. They seem to have been laboring under a mistaken idea that I hold some official position in reference to such a lease. It is, however, so in the nature of a remonstrance or petition that, notwithstanding it is addressed to me, I ask the permission of the Senate to present it as a petition to this body; and as the substance of it is very brief I ask that so much of it as refers to the substance of the remonstrance be read to the Senate in order that I may make a few remarks in regard to it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks consent that the paper he has described, being in the nature of a petition, be received, and that it be read. Is there objection? The Chair hears none, and it will be read.

The Chief Clerk read as follows:

SIR: An effort is now being made by a syndicate of Colorado capitalists and cattle-men to lease the Crow reservation for a term of years, contrary to section 2116, chapter 3, page 369, Revised Statutes. We are informed and believe that the agents of these men are now endeavoring by threats and bribes to coerce the Indians into signing a paper giving their consent to such lease. Although nearly all the Crows are opposed to this lease, yet a majority of them have already given their written consent, being induced thereto by their ignorance, fears, and cupidity.

We earnestly enter our protest against the consummation of this lease and ask your intervention without delay.

* * * * * * *

Hon. HENRY L. DAWES,
Chairman of Commission to treat with Crow Indians.

Mr. DAWES. At the time of the discussion alluded to I stated to the Senate that I understood the authority to execute such a lease was based upon some provision in the last agreement made by the United States with the Crow Indians in 1882. I have been unable to ascertain whether there be any such lease as that already executed, or in process, beyond rumor. There is a rumor in the Interior Department that such a lease has been executed of 3,000,000 acres of land at 1 cent an acre. It is claimed that the Indians have a right to execute the lease without reference to anybody, based upon the third of the five clauses in their agreement, made and ratified on the 11th of April, 1882, found in the Statutes, volume 22, page 43. It is in these words:

Third. That if at any time hereafter we, as a tribe, shall consent to permit cattle to be driven across our reservation or grazed thereon, the Secretary of the Interior shall fix the amount to be paid by parties so desiring to drive or graze cattle; all moneys arising from this source to be paid to us under such rules and regulations as the Secretary of the Interior may prescribe.

What surprised me was the fact that there was no information in respect to this lease in the Interior Department, so far as I have been able to ascertain. I will offer a resolution to draw out whatever there may be. But it will be observed that no such lease can exist except under the sanction and approval of the Secretary of the Interior.

I make this public statement to quiet the apprehensions in Montana and to show that such a lease as rumor has set afloat can not possibly in my opinion exist, because it does not seem to me possible that the Interior Department could sanction such a lease; and the law has placed the responsibility for that, as for all other leases of land on Indian reservations, at the door of the Interior Department.

It is absolutely apparent that Congress can not administer the law; that Congress can not determine what is a wise lease in rental or in quantity or in condition; but it must necessarily be administered by somebody, and the responsibility for the character of that administration must rest somewhere. I do not myself see what legislation can place the Indian reservations under better care than existing legislation. That something must be done with their lands is apparent. What it ought to be can be better determined by the executive than by the legislative branch of the Government, and Congress has wisely placed it there.

The other leases that caused so much trouble rest upon the general provisions of the law and are brought like this, if not as clearly, certainly with distinction and clearness enough, under the control of the Interior Department.

I think it may be assumed that the Interior Department is not indifferent to what is going on upon the Indian reservations. It can not be possible that the Interior Department will have considered that it has done its duty if it keeps itself ignorant of what is done. It sanctions what it permits; and whatever may be wrong in administration can not be excused by saying that it is done without the direct and positive sanction of the Interior Department.

I do not make these remarks as reflecting upon the Interior Department, but to express to those who are troubled about these leases the opinion that the responsibility for their character must rest upon the administration of the Interior Department, and I have no doubt that when the attention of the Interior Department is called to the subject a proper administration of the law in reference to these leased lands will be undertaken and carried through.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. The Chair supposes this debate to be on the motion to refer the petition to the Committee on Indian Affairs. The Chair will so treat it.

Mr. VEST. I suppose so. I just want to supplement what has been said by the Senator from Massachusetts with the statement that at the last session of Congress, upon information which I received from very high authority in the West, I offered a resolution asking the Secretary of the Interior by what right certain bands of cattle had been permitted upon the Crow reservation, and inquiring whether the Indian agents in charge of that reservation had not made contracts with certain parties for grazing cattle there. The resolution was adopted and sent to the Interior Department, but no reply has ever been received to it.

I have received at this session of Congress a large number of letters from gentlemen whose acquaintance I formed summer before last in Montana, stating emphatically that the lease was obtained through the influence of the Indian agent and through white persons at Fort Custer, some of whom were able to speak the Crow language, and who went among the Indians and by the use of all sorts of improper means persuaded them to sign the agreement that the lands should be leased. As a matter of course, personally I know nothing about it, but it is a very remarkable fact that a transaction of this magnitude, involving a lease of 3,000,000 acres of land for less than 1 cent an acre, should have been published in the public press and should be a subject of remonstrance now by a large number of citizens of the United States and no notice whatever be taken of it by the Interior Department and it be permitted just to go on its way.

That is all I desire to say, sir, in regard to the matter.

Mr. DAWES. I ask that the petition be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution requesting the return to that body of the bill (H. R. 1457) to establish a department of agriculture.

TENNESSEE JUDICIAL DISTRICTS.

Mr. GARLAND. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee, and attaching it to the middle district of said State, and for other purposes, to report it with several amendments, and I am instructed also to ask for the immediate consideration of the bill, as it is one of a local character entirely and yet of some importance to the section of the country mentioned in the bill.

Mr. HALE. It is very desirable, in view of the action taken by the House upon the question of adjournment over the holidays, that the naval appropriation bill which was reported yesterday morning should be taken up early this morning and passed, and I ask the Senator not to push the consideration of this bill until after the naval appropriation bill shall have been passed.

Mr. GARLAND. If this excites any discussion at all, I shall withdraw my request; but I do not think it will excite any debate or opposition.

Mr. HALE. With that understanding, I shall not object.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to the present consideration of the bill reported by the Senator from Arkansas? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported by the Committee on the Judiciary was, in section 1, line 4, after the word "southern," to insert "division of the;" and in line 6, after the word "issuing," to insert "except as hereinafter provided;" so as to make the section read:

That hereafter the county of Grundy, in the State of Tennessee, shall be detached from the southern division of the district of East Tennessee and be attached to the middle district of Tennessee; and that all process hereafter issuing, except as hereinafter provided, against citizens of said county of Grundy from the district or circuit courts of said State shall be returnable before the district or circuit courts for the middle district of Tennessee; and that any case now pending in the district or circuit court of the United States for the southern district of East Tennessee against citizens of said county of Grundy may, at their election, be transferred to the district or circuit court for the middle district of Tennessee at Nashville.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "southern," to insert "division of the;" and in line 4, after the word "issuing," to insert "except as hereinafter provided;" so as to make the section read:

SEC. 2. That the county of Fentress, in the middle district of Tennessee, be detached therefrom and added to the southern division of the district of East Tennessee; and hereafter all process issuing, except as hereinafter provided, against citizens of the county of Fentress from the district and circuit courts of the United States shall be returnable before said court at Chattanooga, in said State: *Provided*, That causes now pending in the middle district of Tennessee from Fentress County shall be determined where pending, except in cases where both parties consent to removal.

The amendment was agreed to.

The next amendment was, to add to section 2 the following:

And provided further, That all prosecutions for crimes or offenses heretofore committed in either of said counties shall be commenced and proceeded with as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill detaching Grundy County, Tennessee, from the southern division of the district of East Tennessee, and attaching it to the middle district of said State, and for other purposes."

THE RECORD FOR AMERICAN LEGATIONS.

Mr. MANDERSON. The Committee on Printing instruct me to report back the joint resolution (S. R. 44) directing the Public Printer to forward a copy of the CONGRESSIONAL RECORD to each of the American legations abroad, with certain amendments, and to ask for its immediate consideration by the Senate.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the resolution just reported by him be now considered. Is there objection?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the joint resolution.

Mr. MANDERSON. I simply desire to say with reference to this resolution——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MANDERSON. I ask unanimous consent simply to make a statement in reference to it.

The PRESIDENT *pro tempore*. If there be no objection the Senator will proceed.

Mr. MANDERSON. The joint resolution was introduced at the last session of this Congress by the then Senator from Rhode Island, Mr. ANTHONY, at the request of the State Department as I understand. The cost of complying with the resolution will be but $200 or thereabouts per annum.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments reported by the Committee on Printing were, in line 4, after the word "directed," to strike out "under the instructions of" and insert "to furnish to;" in the same line, after the word "to," where it last occurs, to strike out "forward hereafter;" in line 6, after the word "RECORD," to strike out "to" and insert "for," and to add to the joint resolution "to be forwarded by the Department of State;" so as to make the joint resolution read:

Resolved, &c., That the Public Printer be, and he is hereby, authorized and directed to furnish to the Secretary of State free of charge one copy of the CONGRESSIONAL RECORD for each of the American legations abroad, commencing at the beginning of the present session, to be forwarded by the Department of State.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Nebraska to the apparent necessity of amending the title, as it does not now correctly represent the contents of the joint resolution.

Mr. MANDERSON. I ask that it be so amended.

The PRESIDENT *pro tempore*. The title will be amended so as to read, "A joint resolution directing the Public Printer to furnish a copy of the CONGRESSIONAL RECORD to the Secretary of State for the use of each of the American legations abroad." The title will stand amended if there be no objection.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Railroads, to whom was referred the bill (S. 2355) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes," reported it without amendment.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom was referred the bill (S. 817) to permit Henry Vignaud, of Louisiana, second secretary of the legation of the United States at Paris, to receive the decoration of the Legion of Honor of France, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California. I am also directed by the Committee on Foreign Relations, to whom was referred a joint resolution of the Legislature of Ohio relative to foreign cheap labor, to report it back to the Senate. It should have been referred to the Committee on Education and Labor, but that committee having reported a bill on the subject of cheap foreign labor, I ask that the resolution be laid on the table.

The committee were discharged from the further consideration of the resolution, and it was ordered to lie on the table.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 542) for the relief of John Fletcher, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 1575) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1800) for the relief of Edward Corning; and

A bill (S. 1685) for the relief of Edmund Wolf.

He also, from the same committee, to whom was referred the bill (S. 378) for the relief of Thomas B. Wallace, submitted an adverse report thereon, and moved its indefinite postponement.

Mr. COCKRELL. Let that go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SHEFFIELD, from the Committe on Claims, to whom was referred the bill (S. 165) for the relief of William H. Gray, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

UNITED STATES JURISDICTION IN TUNIS.

Mr. PENDLETON. I am instructed by the Committee on Foreign Relations to report a bill. The bill is quite important, but I think it will elicit no opposition, and I am instructed by the committee to ask the consideration of the Senate to it at the earliest period of time. I therefore ask the reading of the title of the bill and the consent of the Senate to its present consideration.

The bill (S. 2463) to authorize the suspension of the exercise of extraterritorial jurisdiction in the territories of the Bey of Tunis and to amend section 1427 of the Revised Statutes of the United States was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that this bill be now considered. Is there objection?

Mr. HALE. Under the pressure which is upon me with reference to the naval appropriation bill I must object, unless on condition that this shall give rise to no debate.

Mr. PENDLETON. I am perfectly willing to accept the condition. If it gives rise to debate I shall not press it. I think it will not cause debate.

The PRESIDENT *pro tempore*. Debate is not in order. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which is as follows:

Be it enacted, &c., That whenever the President of the United States shall receive satisfactory information that the French Government has established in and over the territories and dominions of the Bey of Tunis judicial tribunals similar in all respects to the judicial tribunals now organized in the dominions and territories of France under the laws of that country, and such as will secure to citizens of the United States within said territories of the Bey of Tunis the same impartial justice which they now enjoy there under the judicial functions exercised there by the consuls and other functionaries of this country under the laws of the United States and pursuant to international law and usage, he is hereby authorized to suspend by his proclamation the further exercise of the extraterritorial jurisdiction now claimed and exercised by the United States in Tunis, and accept for American citizens resident or sojourning in the territories of the Bey of Tunis the jurisdiction of the French judicial tribunals thus established in the territories and dominions of the Bey of Tunis.

SEC. 2. From and after the date of the proclamation of the President provided for by the first section of this act section 4127 of the Revised Statutes of the United States shall be, and the same is hereby, amended by striking out the word "Tunis."

Mr. GARLAND. It would be well to put in after the reference to section 4127 some words to show to what it relates. After the words "section 4127" there should be a description of what the section relates to.

Mr. PENDLETON. Our extraterritorial jurisdiction in Tunis, as well as other countries.

Mr. GARLAND. I move to amend by inserting after "4127" the proper descriptive words.

Mr. PENDLETON. "In relation to the exercise of jurisdiction in Tunis."

Mr. GARLAND. In section 2, line 4, after the words "United States," I move to insert:

"In relation to the exercise of extraterritorial jurisdiction in Tunis."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate now proceed to consider the naval appropriation bill.

Mr. HARRISON. May I ask whether the order of the introduction of bills has been passed?

The PRESIDENT *pro tempore*. Reports of committees are still in order.

Mr. HALE. I did intend to withhold this motion until the completion of the morning business; but it has run along now more than an hour, and it is very important that the naval appropriation bill should be taken up early to-day and sent to the other House.

The PRESIDENT *pro tempore*. The Chair will state that debate is not in order, but after 1 o'clock even pending the morning business under the rules it is in order to make the motion the Senator from Maine has made. Debate on that motion is not in order.

Mr. HALE. I withdraw the motion for a few minutes.

Mr. HARRISON. I desire to introduce a bill.

The PRESIDENT *pro tempore*. That order is not yet reached. Reports of committees are in order.

Mr. DAWES. I wish to offer a resolution which I ask may be adopted at the present time.

The PRESIDENT *pro tempore*. Resolutions are not yet in order.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. MORGAN. I submit the report of the committee of conference between the two Houses on House bill 7162.

The PRESIDENT *pro tempore*. The Senator from Alabama presents the report of the committee of conference on the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes. The past action of the Senate and House of Representatives on the bill will be reported.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 3, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. COBB, Mr. HENLEY, and Mr. PAYSON be the managers of the said conference on the part of the House.

Attest:

JNO. B. CLARK, JR., *Clerk*.

IN THE SENATE OF THE UNITED STATES, *December* 8, 1884.

Resolved, That the Senate insist upon its amendments to the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MORGAN, Mr. BLAIR, and Mr. PLUMB be the conferees on the part of the Senate.

Attest:

ANSON G. MCCOOK, *Secretary*.

The PRESIDENT *pro tempore*. The report of the conference will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, having met, after full and free conference have been unable to agree.

JOHN T. MORGAN,
H. W. BLAIR,
P. B. PLUMB,
Conferees on the part of the Senate.

THOMAS R. COBB,
BARCLAY HENLEY,
L. E. PAYSON,
Conferees on the part of the House of Representatives.

The PRESIDENT *pro tempore*. The bill is now before the Senate.

Mr. MORGAN. Mr. President, I have not been able to find any print of this bill, as it passed the Senate with amendments, either here or in the House. I will not ask for the consideration of the report of the conference committee this morning, but will ask that the bill with the amendments as it passed the Senate be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The bill is before the Senate on the question of whether the Senate will recede from its amendments or further insist upon them, pending which the Senator from Alabama moves that the bill be laid on the table and be reprinted for the use of the Senate, with the amendments. That order will be entered if there be no objection.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 2464) granting an increase of pension to Hamilton Elliott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SLATER introduced a bill (S. 2465) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of New York, introduced a bill (S. 2466) to increase the pension of Mrs. Nannie Cushman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 2467) to fix rates for the transmission of messages by telegraph west of the Missouri River not to exceed the average rates from the Missouri River east to the seaboard; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2468) to fix passenger and freight rates on all railroads west of the Missouri River not to exceed the average rates from the Missouri River east to the seaboard; which was read twice by its title, and referred to the Committee on Railroads.

Mr. LAMAR introduced a bill (S. 2469) to enable the Secretary of War to pay R. C. Hutchinson for services rendered and expenses incurred in the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a joint resolution (S. R. 105) providing for the transportation of the Government exhibit at New Orleans to the proposed American exhibition to be held in London in 1886; which was read twice by its title.

Mr. BUTLER. I suppose the resolution should be referred to the Committee on Finance.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. SEWELL. Will the Senator allow me to make a remark in connection with the joint resolution introduced by the Senator from South Carolina?

Mr. HALE. Of course.

Mr. SEWELL. A measure on that subject has been reported by the Committee on Foreign Relations and is now on the Calendar. The chairman of that committee intends to call it up to-morrow; and I would suggest the reference of this resolution to that committee.

The PRESIDENT *pro tempore*. The Senator from New Jersey suggests that the joint resolution be referred to the Committee on Foreign Relations, which has reported a measure on the subject now on the Calendar.

Mr. BUTLER. This provides, as I understand, for an appropriation of $300,000; and I thought the Committee on Finance should pass upon it. I know very little about the resolution. I introduced it by request.

Mr. HALE. Then it should be referred to the Committee on Appropriations, rather than the Committee on Finance.

Mr. BUTLER. Very well; let it go to the Committee on Appropriations.

Mr. SEWELL. The bill reported is a general bill, authorizing the President to accept invitations to these exhibitions from foreign governments. I should think the same committee that has considered the general subject ought to consider this joint resolution.

Mr. HALE. Let it go to the Committee on Foreign Relations.

Mr. BUTLER. I have not the slightest choice about the matter.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the resolution be referred to the Committee on Foreign Relations.

Mr. HAWLEY. I desire to call the attention of the Committee on Foreign Relations to the fact that there is no invitation whatever from Great Britain in this case. This is simply a private enterprise, which proposes to expend $300,000.

Mr. BUTLER. As I said, I know nothing about it except that a gentleman requested me to introduce the resolution and have it referred to a committee. That I have done. The committee can report favorably or unfavorably, as they please. I know nothing about it, and have no choice about the committee to which it shall go; but inasmuch as it provides for an appropriation, I thought the Committee on Appropriations might take charge of it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey that the joint resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

BREAKWATER AT OSWEGO.

Mr. MILLER, of New York, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate as soon as may be the extent of the damage done to the United States breakwater in the harbor of Oswego, N. Y., by the recent gale there, together with the amount necessary for its reparation.

LEASES OF LAND ON CROW RESERVATION.

Mr. DAWES. I desire to offer a resolution.

Mr. HOAR. I do not wish to interfere with my colleague, but I inquire whether the resolution which I submitted yesterday, and which went over, should not come up in order before the introduction of new resolutions? I make no objection to my colleague offering a resolution.

The PRESIDENT *pro tempore*. It would come up, but the present occupant of the chair was not present yesterday, and by an accident the Clerk did not lay on the presiding officer's table the resolution.

Mr. HOAR. If the Chair will lay it before the Senate after my colleague's resolution is disposed of, that will do.

The PRESIDENT *pro tempore*. The Chair will do so. The resolution offered by the Senator from Massachusetts farthest from the Chair [Mr. DAWES] will be read.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate all the information in his Department in respect to any proposed or existing leases of land on the Crow reservation for purposes of grazing, and what action, if any, he has taken in reference to the same.

The resolution was considered by unanimous consent, and agreed to.

CALENDAR OF HOUSE BILLS.

The PRESIDENT *pro tempore*. The Chair now lays before the Senate the resolution offered yesterday by the Senator from Massachusetts nearest the Chair [Mr. HOAR], which by accident failed to be laid on the presiding officer's table.

The Chief Clerk read the following resolution, submitted yesterday by Mr. HOAR:

Resolved, That when the Calendar of Bills and Resolutions is next taken up for consideration under Rule VIII, measures from the House of Representatives shall first be considered in their order subject to said rule.

Mr. HOAR. I stated yesterday when the resolution was offered that there were then three hundred and six measures on our Calendar in addition to those reported yesterday, and probably yesterday and to-day

will make a dozen additions to that number, and of those only twenty-two were measures which came from the House of Representatives, and with two or three exceptions I think those twenty-two will be disposed of as a matter of course; at any rate without objection under the five-minute rule.

I have looked at the Calendar of the House of Representatives, and I find that they have on their Calendar two hundred and seventy-one measures which the Senate have sent to them, and among them some of the most important public measures that have been introduced into Congress for many years. It is not necessary to recite them; but they include the bankruptcy bill, the bill for the settling of the Presidential count and that for the Presidential succession, the bill dealing with Mormonism, and a large number of other important measures, among which is the educational bill of my friend from New Hampshire [Mr. BLAIR]. It seems to me it is useless for us to be spending our time in adding to that number of two hundred and seventy-one Senate measures, but we had better dispose of the House business which has come here, and act on measures which will become laws if we agree with the House, and I therefore propose this resolution:

Mr. PLUMB. It seems to me that another view may be taken of this matter. It is quite true, as stated by the Senator from Massachusetts, that it is of very little use for the Senate at this late stage of the present Congress to pass bills of its own and send them to the House. I have here a statement of the number of bills passed by the respective Houses during the first session of this Congress. The House of Representatives passed of bills introduced in that body five hundred and seventy-five, and the Senate passed or otherwise finally disposed of two hundred and eighty-seven of them, so that practically 50 per cent. of the bills sent to us by the House were disposed of by the Senate. Of these two hundred and seventy-three were passed and only fourteen disposed of in other ways.

The Senate passed at the same session of Congress three hundred and eighty-three bills originating in this body, and the House considered one hundred and sixty-two of those, or about one-half as many as the House bills disposed of by the Senate. There are now on the Calendar of the House, of the important bills which the Senate has passed, these:

S. 19. A bill for ascertaining and settling private land claims in certain States and Territories. Passed the Senate February 8, 1884.

S. 22. A bill to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President. Passed the Senate January 15, 1884.

S. 48. A bill to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes. Passed the Senate March 26, 1884.

S. 343. A bill concerning the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to amend the Revised Statutes from sections 4082 to 4130, inclusive. Passed the Senate March 6, 1884.

S. 398. A bill to aid in the establishment and temporary support of common schools. Passed the Senate April 7, 1884.

S. 554. A bill to provide for the efficiency of the General Land Office. Passed the Senate April 2, 1884.

S. 698. A bill to authorize the construction of additional steel vessels for the Navy. Passed the Senate February 29, 1884.

S. 1139. A bill authorizing the construction of a building for the accommodation of the Congressional Library. Passed the Senate February 12, 1884.

S. 1155. A bill to provide for the issue of circulating notes to national banking associations. Passed the Senate February 25, 1884.

S. 1283. A bill to amend an act entitled "An act to amend section 5352 of the Revised Statutes, in reference to bigamy, and for other purposes," approved March 22, 1882. Passed the Senate June 19, 1884.

S. 1372. A bill to establish a uniform system of bankruptcy throughout the United States. Passed the Senate April 22, 1884.

S. 1459. A bill relating to the improvement of the coinage. Passed the Senate April 2, 1884.

S. 156. A bill to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms for the militia. Passed the Senate February 20, 1884.

S. 309. A bill to amend section 673 of the Revised Statutes of the United States, relating to the quorum of the Supreme Court of the United States. Passed the Senate March 7, 1884.

S. 462. A bill to provide for the removal of obstructions to the navigation of the navigable waters of the United States. Passed the Senate February 21, 1884.

S. 25. A bill to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and decision of questions arising thereon. Passed the Senate January 16, 1884.

That is but a partial list of bills of a national and of a very important character, some of them seriously affecting the peace and prosperity of the American people, which have been passed by the Senate, and to which the House of Representatives has given no consideration whatever. I do not make this statement in the way of complaint, but it seems to me that the reciprocity which ought to exist between the two Houses has been utterly ignored on the other side, and if we are to continue to make House bills special and give them attention to the exclusion of our own, the discrimination existing will not only continue but go on with increasing ratio until finally the House will claim, as practically its prerogative, the right to originate not only revenue bills but also all other bills. To this it is coming as matters are now going on, and the function of the Senate is gradually being limited to the consideration and passage of House bills. If we wish to preserve the function of the Senate as a co-ordinate branch of the legislative authority, and as possessing authority in its own right to originate bills and consider them in the first instance, more attention it seems to me ought to be paid to the subject now.

While I do not care to object to the passage of the resolution of the Senator from Massachusetts, it seems to me that it would be proper to consider the question in this larger phase.

Mr. HOAR. Mr. President, the suggestions of the Senator from Kansas are of very great weight and interest, and would require, I think, that he or some other Senator should develop them at some proper time for the public information, and call the attention of the House to them. But this resolution relates only to unobjected cases on the Calendar. It will only have the effect of taking up a dozen or so House measures which will go through without objection and become laws, instead of taking up the large number of bills on the Calendar without securing a disposition of them.

I ought to say further that I told the Senator from Maine that if this resolution excited any serious discussion I should let it go over another day with the leave of the Senate, so as not to interfere with the naval bill.

Mr. HALE. I hope it will go over, as it will evidently give rise to debate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that this resolution be postponed until to-morrow, to be laid before the Senate on the call for resolutions at that time. Is there objection? The Chair hears none.

RETURN OF A BILL.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

Resolved, That the Senate be requested to return to the House of Representatives the bill (H. R. 1457) to establish a department of agriculture.

The PRESIDENT *pro tempore*. If there be no objection it will be ordered that the bill named in the request of the House be returned to that body. It is so ordered.

A. L. SINGLETON.

Mr. HAMPTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be authorized to pay three months' salary to A. L. Singleton, late an employé of the Senate and who was dropped from the rolls on account of illness contracted in the discharge of his duty.

NAVAL APPROPRIATIONS.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7510) making temporary provision for the naval service.

Mr. LOGAN. Before the motion is put I desire to make an inquiry. The joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States in relation to the veto power, was put down as the special order for to-day. Appropriation bills having the right of way, I desire to know whether or not that resolution will come up as soon as this bill is disposed of.

The PRESIDENT *pro tempore*. The unfinished business will come up at 2 o'clock, which is the bill (S. 2112) to establish a commission to regulate interstate commerce and for other purposes. The other special orders will be laid before the Senate on every occasion after 2 o'clock when any pending unfinished business shall have been disposed of.

Mr. LOGAN. I only desire that the joint resolution shall not lose its place.

The PRESIDENT *pro tempore*. Special orders do not lose their place; they stand as ordered, and will be laid before the Senate at any time after 2 o'clock, whenever any pending bill is disposed of. The question now is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7510) making temporary provision for the naval service.

COLORADO INDIAN LANDS.

Mr. HILL. I ask the Senator from Maine to yield for a moment to allow us to finish the consideration of a bill which was under consideration at the close of the morning hour yesterday. It was about to be put on its passage, and I think there is no objection to the bill. As I have to be absent from the city after to-morrow, I should be glad to have it disposed of now. I am sure it will only take a moment of time.

Mr. HALE. If it is only to be put on its passage without further debate, under the circumstances, the Senator being called away, I shall yield for a moment, but if it gives rise to objection I can not do it.

Mr. HILL. I do not wish to take any time from the appropriation bill, but I am sure this bill will give rise to no debate.

The PRESIDENT *pro tempore*. Pending the consideration of the naval appropriation bill the Senator from Colorado asks unanimous consent that that order be laid aside informally, and that Order of Business 376, being the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians, be now considered. Is there objection? The Chair hears none.

The Senate resumed the consideration of the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. WILSON.

Mr. PLUMB. I ask the Senator from Maine to yield until I can enter a motion to reconsider. I enter a motion to reconsider the vote by which the bill (S. 2376) for the relief of Joseph F. Wilson was passed yesterday, in order that the bill may be recalled from the House.

The PRESIDENT *pro tempore*. The Senator from Kansas enters a motion to reconsider the vote by which the Senate yesterday passed the bill (S. 2376) for the relief of Joseph F. Wilson, and moves that the House of Representatives be requested to return the bill to the Senate. The question is on agreeing to that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7510) making temporary provision for the naval service.

The Secretary began to read the bill.

Mr. McPHERSON. Let me inquire if there is any necessity for reading the bill? It has been read often in the Senate, I think, and I understand the bill as reported to be practically one that we passed last year subject to some modifications required by circumstances. Can not the Senator from Maine state what changes have been made, and the necessity for passing the bill in this form.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the reading of this bill and amendment reported by the Committee on Appropriations be dispensed with.

Mr. HOAR. The Chair will correct me if I am wrong; that is, if he chooses to state the result of his own experience; but I think there has been no instance of a bill (except those bills for paying the judgments of the Court of Claims or the Treasury Department for Southern claims, where there is a mere list of names and sums) being passed without being at some time read in the Senate; and I think I ought to object to dispensing with the reading of this bill unless there is some important exigency. It seems to me that a departure from this rule allowed, though in this case it would not make the slightest difference, would be a very serious thing.

The PRESIDENT *pro tempore*. The Chair thinks there is no instance of suspending the reading of any bill, except the Revised Statutes of the United States, within the recollection of the present occupant of the chair.

Mr. McPHERSON. I withdraw the request.

Mr. HALE. Let me state what I propose to do.

Mr. HOAR. The chairman of the Committee on Claims informs me that I was wrong in supposing that claims bills were not read.

The PRESIDENT *pro tempore*. Claims bills have always been read at length.

Mr. HALE. The Clerk is now engaged in reading the bill which the House of Representatives has sent to us within the last ten days. That bill has never been read in the Senate, and I did not propose to ask that the reading of it should be dispensed with. When we come to the committee amendment, the items of which have been before the body and considered fully, then I shall ask unanimous consent that the first reading be dispensed with and that it only be read for amendment; but I did not propose making that request, as to the House bill which has not been read in the Senate.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed and concluded the reading of the bill.

Mr. HALE. As we have now come to the Senate committee amendment, I ask that it be read for amendment, so that there may be but one reading of it.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the amendment reported by the Committee on Appropriations be read by paragraphs for amendment as in Committee of the Whole. Is there objection? The Chair hears none.

Mr. RIDDLEBERGER. Does that mean that we stop the reading of the bill?

Mr. HALE. No; it is read for amendment.

Mr. BECK. The announcement was made that there was no objection. I only rose to request the Senator from Maine, who has charge of this bill, and who I have no doubt is familiar with it, before the amendment is read to explain just what it contains, so that the Senate will have no difficulty in understanding it. Instead of giving a lump sum there is a proposition to appropriate in detail, deducting the sums already appropriated for this year.

Mr. HALE. I was just going to do that.

Mr. BECK. I thought it would save time to have that done before the reading proceeds.

Mr. HALE. The regular naval appropriation bill for the year ending June 30, 1885, was prepared by the House at the last session, passed that body, came to the Senate, was reported with amendments from the Committee on Appropriations, and passed the Senate with certain amendments. To those amendments the House disagreed in bulk and the bill went into conference. The two bodies were unable to agree. In the waning hours of the session the House sent to this body a lump appropriation giving the Navy Department 50 per cent. of the previous year's appropriations to run until January 1, 1885. The Senate passed that bill, and thereby the Navy Department was provided with money to run it for six months. The regular appropriation bill which made the appropriations in detail after the fashion that was always observed was reported from the conference committee with a disagreement, and was left in the Senate to be taken up at the beginning of this session. The report of the conference committee upon the regular appropriation bill was called up some ten days ago, a new conference was ordered, and a request was made to the House of Representatives to join in the conference. So far as the records of the House go (which are open to the inspection of Senators and Members and of the public), the House has done nothing upon that courteous request of the Senate. About ten days have passed, and the Senate is confronted with this situation, that upon an appropriation bill necessary to be passed before the recess, or otherwise this great Department will find itself without money, the House declines to consider the request of the Senate. It is not for me to say whether such action comports with the courtesy that is commonly maintained between the two bodies. Senators must judge for themselves of that.

The Senate is not, however, by this non-action of the House, in any way estopped from bringing up and sending to the House a regular appropriation bill for the Navy Department made out in detailed items, because the House of Representatives has at this session sent over to this body another temporary appropriation bill giving an additional lump sum of 50 per cent. more of the appropriations of last year to run the Navy Department for the additional six months of the year before July 1, 1885, thereby bridging over an entire year by these two lump bills.

I do not like that way of appropriating; the Committee on Appropriations do not like that way of appropriating. I do not suppose that the Senate will agree to or desires that form of appropriation. It is better to keep the scrutiny each year on the bills, and not get into the way (unless you are obliged to at the last hours of the session) of making appropriations in general sums; and therefore when the House bill which they have sent us, covering another lump appropriation for six months, came before the Committee on Appropriations, that committee took it up, and has as an amendment substituted for it the regular naval appropriation bill that was considered last session by the two Houses, and it reports that as an amendment, deducting from the several sums the amount already given to the Navy Department for the six months ending January 1, 1885, and thereby the consideration of the regular appropriation bill as considered at the last session is brought before the Senate, notwithstanding the non-action of the House; and if the Senate, as I hope it will, passes the bill with this amendment it will be sent to the House, and the House must needs consider it.

That is the form of the bill. It has all been considered; it was debated at length on the part of Senators, and also in the House. The Committee on Appropriations has put that on here substantially the same as it was matured in the Senate at the last session; and it is to that bill that I ask the consideration of the Senate now.

Mr. MORRILL. Mr. President, I am obliged to think that it is necessary to fulfill the engagement which I made yesterday, and I now move that the Senate proceed to the consideration of executive business. I have no doubt that we shall get through in season to dispose or this bill to-day, but the executive business had better be done first.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of executive business.

Mr. HALE. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to make a remark on that motion. Is there objection? The Chair hears none.

Mr. HALE. I appeal to the Senator from Vermont to withdraw that motion for awhile. Senators will see how important it is that this measure should go through now. A few hours' delay may embarrass its consideration between the two Houses. I do not expect under the circumstances that any time will be taken by this bill except to read it, because it has been so fully considered and matured that I believe it will go right through without any amendments, unless formal ones. I hope the Senate will continue the consideration of this bill until it is completed, giving ample time for an executive session at the end of such business as the Senate considers in open session to-day.

Mr. MORRILL. I think, Mr. President, it will be very much better to dispose of the other business first, and therefore I insist upon my motion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont, that the Senate now proceed to the consideration of executive business.

The question being put, there were on a division—ayes 17, noes 14; no quorum voting.

Mr. MORRILL. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 24; as follows:

YEAS—30.

Aldrich,	Garland,	Maxey,	Sheffield,
Bayard,	Harris,	Mitchell,	Sherman,
Camden,	Harrison,	Morrill,	Slater,
Cameron of Wis.,	Jackson,	Pendleton,	Vest,
Coke,	Jonas,	Platt,	Walker,
Conger,	Jones of Florida,	Sabin,	Wilson.
Dolph,	Kenna,	Sawyer,	
Edmunds,	Manderson,	Sewell,	

NAYS—24.

Allison,	Cockrell,	Hale,	McMillan,
Beck,	Cullom,	Hampton,	Miller of Cal.,
Blair,	Dawes,	Hawley,	Miller of N. Y.,
Brown,	Frye,	Hoar,	Morgan,
Butler,	George,	Ingalls,	Pugh,
Call,	Gibson,	Logan,	Saulsbury.

ABSENT—22.

Bowen,	Groome,	Mahone,	Vance,
Cameron of Pa.,	Hill,	Palmer,	Van Wyck,
Colquitt,	Jones of Nevada,	Pike,	Voorhees,
Fair,	Lamar,	Plumb,	Williams.
Farley,	Lapham,	Ransom,	
Gorman,	McPherson,	Riddleberger,	

So the motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate in compliance with its request the bill (S. 2376) for the relief of Joseph F. Wilson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2280) for the relief of Mrs. Jane Venable; and

Joint resolution (H. Res. 300) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month.

NAVAL APPROPRIATIONS.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senate resumes the consideration of the unfinished business, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. HALE. I ask unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed with the consideration of the naval appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7510) making temporary provision for the naval service.

The PRESIDING OFFICER. The Secretary will read the amendment reported from the Committee on Appropriations as a substitute.

The Secretary proceeded to read the amendment, and read to line 31.

Mr. COCKRELL. I should like to know of the Senator from Maine if we are to act upon the bill as it is being read, or is it simply being formally read?

Mr. HALE. No; the substitute is being read for amendment.

Mr. COCKRELL. I should like to know what is the meaning of the clause beginning in line 17—

who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, $2,100, when on shore-duty $1,800, and when on leave or waiting orders $1,600.

Mr. HALE. That is under a provision of existing law, and is put into every naval appropriation bill to cover this particular class. It is in every naval appropriation bill, and has been for years.

Mr. COCKRELL. It is not, then, a new provision at all?

Mr. HALE. No; it is no new provision at all.

Mr. COCKRELL. I made the inquiry because some very serious and dangerous legislation has crept into bills under such provisions.

The Secretary resumed the reading of the amendment and read to line 418.

Mr. BECK. The provision from line 302 to line 418, which has just been read by the Secretary, for the increase of the Navy, is the long provision which was inserted after full discussion upon a call of the yeas and nays by a majority of the Senate in the bill of the last session. I was one of those who voted against it. As a member of the committee having the bill in charge, I felt that it was my duty to report the provision back to the Senate, as the Senate had already passed it, and submit it to the House for their consideration, so that there might be a conference between the House and the Senate in regard to it.

I only desire to say now, that while I agreed to report the provision I opposed it before, and I am not quite satisfied with the experience that we have had as to the ships already produced that it is a good one; but I do not make any objection to it. I believed that the Senate having once passed it, it was the duty of the committee to submit it again and send it to the House.

The Secretary resumed and concluded the reading of the amendment, which is to strike out all after the enacting clause of the bill and in lieu thereof insert:

That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1885, and for other purposes:

For the pay of the Navy, for the active-list, namely: For one Admiral, one Vice-Admiral, eight rear-admirals, seven chiefs of bureaus, twenty-one commodores, forty-five captains, eighty-seven commanders, seventy-eight lieutenant-commanders, two hundred and seventy-two lieutenants, ninety-five junior lieutenants, ninety-five ensigns, ninety-eight junior ensigns, fourteen medical directors, fifteen medical inspectors, fifty surgeons, seventy-nine passed assistant surgeons, eight assistant surgeons, two assistant surgeons not in the line of promotion (who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, $2,100, when on shore-duty $1,800, and when on leave or waiting orders $1,600), thirteen pay-directors, twelve pay-inspectors, forty-nine paymasters, twenty-nine passed assistant paymasters, twenty assistant paymasters, sixty-nine chief engineers, ninety-three passed assistant engineers, seventy-eight assistant engineers, twenty-four chaplains, eleven professors of mathematics, ten naval constructors, nine assistant naval constructors, ten civil engineers, one hundred and eighty-eight warrant officers, thirty-eight mates, two hundred and ninety-five naval cadets; in all, $1,743,750.

For pay of the retired list, namely: For forty-three rear-admirals, twenty commodores, eleven captains, twelve commanders, sixteen lieutenant-commanders, twenty-seven lieutenants, seven ensigns, twenty-two medical directors, two medical inspectors, four surgeons, five passed assistant surgeons, seven assistant surgeons, nine pay-directors, two pay-inspectors, four paymasters, two assistant paymasters, one assistant paymaster, eleven chief engineers, twenty passed assistant engineers, twenty-six assistant engineers, eight chaplains, six professors of mathematics, one chief constructor, three civil engineers, thirteen boatswains, ten gunners, nine carpenters, and seven sailmakers; in all, $361,865.

For pay to petty officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineers' force and for the Coast Survey service, not exceeding $8,250, in all, $1,245,000.

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, which shall specify the special necessity for such travel, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets, and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1885, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care and fittings of library; mail and express wagons, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress, and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction, professional journals, and information from abroad, and the collection and classification thereof, $222,500.

For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., $12,500.

BUREAU OF NAVIGATION.

For foreign and local pilotage and towage of ships of war; services and materials in correcting compasses on board ship, and for adjusting and testing compasses on shore; nautical and astronomical instruments, nautical books, maps, charts, and sailing directions, and repairs of nautical instruments for ships of war; books for libraries of ships of war; naval signals and apparatus, namely, signal-lights, lanterns, rockets, running-lights, drawings, and engravings for signal-books; compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's ways, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship, including those for the cabin, wardroom, and steerage, for the holds and spirit-room, for decks and quartermasters' use; bunting and other materials for flags, and making and repairing flags of all kinds; oil for ships of war, other than that used in the engineer department; candles when used as a substitute for oil in binnacles and running-lights; chimneys and wicks, and soap used in the navigation department; stationery for commanders and navigators of vessels of war, and for use of courts-martial; musical instruments and music for vessels of war; steering signals and indicators, and speaking-tubes and gongs for signal communication on board vessels of war; and for introducing electric lights on board vessels of war, not exceeding $2,500; in all $50,000.

For erection of compass-testing house, $7,000.

For contingent expenses of the Bureau of Navigation, namely: For freight and transportation of navigation materials, postage and telegraphing on public business, advertising for proposals, packing-boxes and materials, and all other contingent expenses, $2,000.

For the civil establishment of navy-yards and stations, $2,500.

BUREAU OF ORDNANCE.

For procuring, producing, and preserving ordnance material; for the armament of ships; for fuel, tools, materials, and labor to be used in the general work of the ordnance department; for furniture at magazines, at the ordnance dock, New York, and at the naval experimental battery, $65,000.

To continue the manufacture of modern guns, carriages, and ammunition for the rearmament of the Navy, $100,000.

Toward the modern armament of the Navy: For machine-cannon of small caliber, and appliances, $59,480; and for Gatling guns and appliances, $16,500; in all, $75,980.

For necessary repairs to ordnance buildings, magazines, gun-parks, boats, lighters, wharves, machinery, and other objects of the like character, $7,500.

For miscellaneous items, namely: For freight to foreign and home stations, advertising and auctioneers' fees, cartage and express charges, repairs to fire-engines, gas and water pipes, gas and water tax at magazines, toll, ferriage, foreign postage, and telegrams to and from the bureau, $1,500.

For the civil establishment at navy-yards and stations, $2,500.

For the torpedo corps, namely: For labor, material, freight and express charges; general repairs to grounds, buildings, and wharves; boats, instruction, instruments, tools, furniture, experiments, and general torpedo outfits, $25,000.

For the construction or purchase of one torpedo-boat, after the best model of construction now in use, $55,000.

BUREAU OF EQUIPMENT AND RECRUITING.

For equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation, storage, and handling; hemp, wire, hides, and other materials for the manufacture of rope and cordage; iron for the manufacture of anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $450,000. The coal or other fuel for the Navy purchased under this appropriation shall be of the kind which may be preferred by the Secretary of the Navy, after an investigation by a suitable board of officers of the comparative merits of anthracite and bituminous coal and of other fuel for ordinary naval uses, and the price of said coals and of other fuel, and the readiness with which they may be procured in the ports of the world.

For expenses of recruiting: For expenses of recruiting for the naval service, rent of rendezvous and expenses of maintaining the same, advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad, $12,500.

For contingent expenses equipment and recruiting: For extra expenses of training-ships, freight and transportation of equipment stores, printing, advertising, telegraphing, books and models, postage, car-tickets, ferriage, ice, apprehension of deserters and stragglers, assistance to vessels in distress, continuous-service certificates and good-conduct badges for enlisted men, school books for training ships, medals for boys, and emergencies arising under cognizance of Bureau of Equipment and Recruiting unforeseen and impossible to classify, $5,000.

For the civil establishment at navy-yards and stations, $4,500.

BUREAU OF YARDS AND DOCKS.

For general maintenance of yards and docks, namely: For freights and transportation of materials and stores; books, models, maps, and drawings; purchase and repair of fire-engines; machinery; repairs on steam fire-engines, and attendance on the same; purchase and maintenance of oxen and horses, and driving teams, carts, and timber-wheels, and all vehicles for use in the navy-yards, and tools and repairs of the same; dredging; telegrams; furniture for Government houses and offices in the navy-yards; coal and other fuel; candles, oil, and gas; cleaning and clearing up yards and care of public buildings; attendance on fires, lights, fire-engines, and apparatus; for clerical and incidental labor at navy-yards; water-tax, and for toll and ferriages; rent of four officers' quarters at League Island; pay of the watchmen in the navy-yards; and for awning and packing-boxes, and advertising for yard and dock purposes, $140,000.

For contingent expenses that may arise at navy-yards and stations, $10,000.

For the civil establishment at navy-yards and stations, $12,000.

BUREAU OF MEDICINE AND SURGERY.

For support of the medical department: For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, $30,000.

For the naval-hospital fund, namely: For maintenance of the naval hospitals at the various navy-yards and stations, $15,000. And if the Secretary of the Navy shall not be able to maintain properly the whole number of naval hospitals now kept open on the amounts hereby appropriated for the maintenance of and civil establishment at naval hospitals, he shall close those which are least necessary to the service, and provide for the patients now cared for therein at such other naval hospitals as may be most convenient.

For contingent expenses of the bureau: For freight on medical stores; transportation of insane patients; advertising; telegraphing; purchase of books; expenses attending the medical board of examiners; rent of rooms for naval dispensary; hygienic and sanitary investigation and illustration; purchase and repair of wagons and harness; purchase and feed of horses and cows; trees, garden tools, and seeds, $12,500.

For necessary repairs of naval laboratory, naval hospitals, and appendages, including roads, wharves, outhouses, sidewalks, fences, gardens, farms, and cemeteries, $12,500.

BUREAU OF PROVISIONS AND CLOTHING.

For provisions for the seamen and marines; commuted rations for officers, seamen, and marines; expenses of the handling and transportation of provisions; of inspections and storehouses; purchase of water for ships for cooking and drinking purposes; and for provisions and commutation of rations for seven hundred and fifty boys, $550,000.

For contingent expenses: For freight on shipments (except provisions); candles, fuel; books and blanks; stationery; advertising and commissions on sales; furniture for inspection and pay-offices in navy-yards; foreign postage, telegrams, and express charges; toll, ferriages, car-tickets; yeoman's stores, iron safes, newspapers, ice, and incidental expenses absolutely necessary, $20,000.

For the civil establishment, $3,000.

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase and protection of the Navy in the line of construction and repair, and incidental expenses, namely: advertising, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $850,000: *Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

For the civil establishment, $10,000.

BUREAU OF STEAM-ENGINEERING.

For repairs, completion, and preservation of machinery and boilers, including steam-steerers, steam-capstans, steam-windlasses, &c., in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores; purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, $550,000: *Provided*, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 30 per cent. of the estimated cost of new engines and machinery of the same character and power.

For contingencies, such as instruments and materials for draughting-room, $500.

For the civil establishment, $5,000.

INCREASE OF THE NAVY.

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, to report to Congress, on the first day of the next ensuing session, a plan and estimate for the preparation and purchase of plant for a gun factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit, and to report the full and detailed estimate for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government, or by private contract, or by a combined system whereby the said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriations can most economically be made.

The Secretary of the Navy is hereby directed to report to Congress, at its next regular session, a plan or plans for the construction of one armored vessel for the United States Navy of not exceeding 8,500 tons displacement, the cost of the same, with machinery and armament, and the time which the process of construction of such vessel would take.

To enable the President to strengthen the naval establishment of the United States the sum of $2,500,000 is hereby appropriated, to be expended as follows and under the following limitations: For the construction of one cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch-vessel of 1,500 tons, two heavily-armed gunboats of 1,500 tons each, and one light gunboat of 750 tons, and one gunboat not to exceed 900 tons, this boat to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy; one steel ram, as recommended by the first naval advisory board, November 7, 1881; one cruising torpedo-boat, advocated by the same board and by the present advisory board in its memorandum of November 21, 1882; and two of the harbor torpedo-boats recommended by said first board and in the report from the Bureau of Ordnance of November 1, 1883, all of which are recommended in the annual report of the Secretary of the Navy. And, under existing law, it shall be the duty of the advisory board appointed in conformity with an act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882, to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced, or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. And for the construction of all which vessels the Secretary of the Navy shall invite proposals from all American ship-builders and builders of machinery who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract their ship-yards will be equipped for building and repairing iron and steel steamships, and contractors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board; and in the event that such vessels, or any of them, shall be built by contract, such building shall be under contract with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once: *Provided*, That the Secretary of the Navy shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

For procuring tools and otherwise preparing for the construction of iron or steel ships, $150,000, the same to be expended in fitting for construction of the hulls of such ships such navy-yard or yards as may be deemed most advantageous to prepare and use for such work.

For completing the Mohican at the Mare Island navy-yard, $50,000, to be immediately available.

For continuing the work upon the double-turreted monitors, $2,000,000, the same to be applied toward procuring the side and turret armor and armament and finishing the vessels; and the Secretary of the Navy, acting under the advice of the naval advisory board in the same manner in all respects as in the construction of the steel cruisers, shall not, in procuring such armor and armament and finishing the monitors, exceed as the total cost of such completion the amounts estimated in the report of the board of October 25, 1883, and the report of the Secretary of December 1, 1883; and in all purchases of armor or contracts for construction there shall be free and open public competition.

NAVAL ACADEMY.

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry, at the rate per annum of $2,800 each; three professors (assistants), namely, one of physics, one of Spanish, and one of English

studies, history, and law, at the rate per annum of $2,200 each; six assistant professors, namely, four of French, one of English studies, history, and law, and one of drawing, at the rate per annum of $1,800 each; sword-master, at the rate per annum of $1,500, and two assistants, at the rate per annum of $1,000 each; boxing-master and gymnast, at the rate per annum of $1,200; assistant librarian, at the rate per annum of $1,400; secretary of the Naval Academy, at the rate per annum of $1,800; three clerks to Superintendent, at the rate per annum of $1,200, $1,000, and $920, respectively; one clerk to commandant of cadets, at the rate per annum of $1,200; one clerk to paymaster, at the rate per annum of $1,000; one dentist, at the rate per annum of $1,600; one baker, at the rate per annum of $600; one mechanic in department of physics and chemistry, at the rate per annum of $730; one cook, at the rate per annum of $325.50; one messenger to Superintendent, at the rate per annum of $600; one armorer, at the rate per annum of $529.50; one gunner's mate, at the rate per annum of $469.50, and one quarter-gunner, at the rate per annum of $409.50; one cockswain, at the rate per annum of $469.50; one seaman in the department of seamanship, at the rate per annum of $349.50; one attendant in the department of astronomy and one in the department of physics and chemistry, at the rate per annum of $300 each; six attendants at recitation-rooms, library, store, chapel, and offices, at the rate per annum of $240 each; one band-master, at the rate per annum of $528; twenty-one first-class musicians, at the rate per annum of $348 each; seven second-class musicians, at the rate per annum of $300 each; in all, $26,779.50.

For pay of watchmen and others: For captain of the watch and weigher, at $2.50 per day; four watchmen, at $2 per day each; foreman of the gas and steam-heating works of academy, at $5 per day; ten attendants at gas and steam-heating works, one at $3, one at $2.50, and eight At $2 per day each; one steam-pipe fitter, at the rate per annum of $600; one foreman of joiners, one foreman of painters, and one foreman of masons, at $3.50 per day each; one mason, at $3 per day; two joiners and one painter, at $2.50 per day each; one tinner, one gas-fitter, and one blacksmith, at $2.50 per day each; in all $11,494.25.

For pay of mechanics and others: For one mechanic at workshop, at $2.25 per diem; one master-laborer, to keep public grounds in order, at $2.28 per diem; fourteen laborers, to assist in same, three at $2 per diem each and eleven at $1.50 per diem each; one laborer, to superintend quarters of cadet-midshipmen and public grounds, at $2 per diem; twenty servants, to keep in order and attend to quarters of cadet-midshipmen and public buildings, at $20 per month each; in all, $7,281.83.

For pay of the employés in the department of steam-engineering, Naval Academy: One master-machinist, one boiler-maker, and one pattern-maker, at $3.50 per day each; two machinists and one blacksmith, at $2.50 per day each; four laborers, at $1.50 per day each; in all, $3,822.50.

For necessary repairs of public buildings, pavements, wharves, and walls inclosing the grounds of the Naval Academy, and for improvements, repairs, and furniture and fixtures, $10,500: *Provided*, That no appropriations provided for in this act shall be construed to authorize or be applied to a new building for the use of the Superintendent or other officers of the academy.

For fuel, and for heating and lighting the academy and school-ships, $8,500.

For contingent expenses, Naval Academy: For purchase of books for the library, $1,000.

For stationery, blank-books, models, maps, and for text-books for use of instructors, $1,000.

For expenses of the Board of Visitors to the Naval Academy, $750.

For purchase of chemicals, apparatus, and instruments in the department of physics and chemistry, and for repairs of the same, $1,250.

For purchase of gas and steam machinery; steam-pipe and fittings; rent of building for the use of the academy; freight; cartage; water; music; musical and astronomical instruments; uniforms for the bandsmen; telegraphing; for feed and maintenance of teams; for current expenses and repairs of all kinds; and for incidental labor and expenses not applicable to any other appropriation, $17,300.

For stores in the department of steam-enginery, $400.

For materials for repairs in steam-machinery, $500.

MARINE CORPS.

For pay of officers on the active-list, as follows: For one colonel-commandant, one colonel, two lieutenant-colonels, one adjutant and inspector, one quartermaster, one paymaster, four majors, two assistant quartermasters, one judge-advocate-general United States Navy, nineteen captains, thirty first lieutenants, and twenty-two second lieutenants, $98,220.

For pay of officers on the retired-list: For one colonel, three majors, two assistant quartermasters, three captains, two first lieutenants, and three second lieutenants, $14,819.

For pay of non-commissioned officers, musicians, and privates: For one sergeant-major, one quartermaster-sergeant, one leader of the band, and one drum-major, fifty first sergeants, one hundred and forty sergeants, one hundred and eighty corporals, thirty musicians, ninety-six drummers and fifers, and one thousand five hundred privates, $194,526.

For ten clerks and two messengers, $8,017.50; payments to discharged soldiers for clothing withdrawn, $10,000; transportation of officers traveling under orders without troops, $4,000; in all, $22,017.50.

For provisions for the Marine Corps, and for difference between cost of rations and commutation thereof for detailed men, $30,000.

For clothing, $38,500.

For fuel, $9,000.

For military stores, namely: For pay of one chief armorer, at $3 per day; three mechanics, at $2.50 per day each; purchase of military equipments, such as cartridge-boxes, bayonet-scabbards, haversacks, blanket-bags, canteens, musket-slings, swords, flags, knapsacks, drums, fifes, bugles, and other instruments, $2,500; purchase of ammunition, $500; purchase and repair of instruments for the band, and purchase of music, $250; in all, $4,883.25.

For transportation of troops and for expenses of recruiting, $5,000.

For repairs of barracks, and rent of buildings to be used for the manufacture of clothing, stores for supplies, and offices of assistant quartermaster at Philadelphia, and for hire of quarters where there are no public buildings, $9,500.

For forage for four public horses, one for messenger to commandant and staff, Washington, D. C., and three for general use at marine barracks, Mare Island, California, and League Island, Pennsylvania, $360.

For the purchase of forage, $2,340: *Provided*, That no commutation for forage shall be paid.

For contingencies, namely: For freight; ferriage; toll; cartage; funeral expenses of marines; stationery; telegraphing; rent of telephone; apprehension of deserters; per diem to enlisted men employed on constant labor for periods not less than ten days; repair of gas and water fixtures; office and barrack furniture; mess utensils for enlisted men; packing-boxes; wrapping-paper; oil-cloth; crash; rope; twine; carpenter's tools; tools for police purposes; purchase and repair of hose; repairs to public carryall; purchase and repair of harness; repair of fire-extinguishers; purchase and repair of hand-carts and wheelbarrows; purchase and repair of cooking stoves, ranges, &c.; stoves where there are no grates; purchase of ice; towels and soap for offices; improving parade-grounds; repair of pumps and wharves; laying drain and water pipes; introducing gas; and for other purposes, including gas and oil for marine barracks maintained at the various navy-yards and stations; and water at marine barracks, Boston, Mass.; Brooklyn, N. Y.; Annapolis, Md., and Mare Island, California; also straw for bedding for enlisted men at the various posts, and furniture for Government houses; in all, $12,500.

At the naval asylum, Philadelphia, Pa.: For superintendent, at the rate per annum of $600; steward, at the rate per annum of $480; matron, at the rate per annum of $360; cook, at the rate per annum of $240; two assistant cooks, at the rate per annum of $168 each; chief laundress, at the rate per annum of $192; six laundresses, at the rate per annum of $168 each; nine scrubbers and waiters, at the rate per annum of $168 each; six laborers, at the rate per annum of $240 each; stable-keeper and driver, at the rate per annum of $360; master-at-arms, at the rate per annum of $480; corporal, at the rate per annum of $300; barber, at the rate per annum of $360; carpenter, at the rate per annum of $365; water-rent and gas, $1,000; ice, $100; car-tickets, $125; cemetery and burial expenses, and headstones, $175; improvement of grounds, $250; repairs to buildings, and preservation of all kinds, painting, and for grates, furnaces, ranges, furniture, and repairs of furniture, $2,250; and for support of beneficiaries, $21,750; in all, $29,906.50, which sum shall be paid out of the income from the naval pension fund.

SEC. 2. That all appropriations made by the act of July 7, 1884, making temporary provision for the naval service for the six months ending December 31, 1884, or any balances thereof that may be unexpended at that date, be, and they are hereby, reappropriated, continued, and made available for the remainder of the fiscal year ending June 30, 1885.

SEC. 3. That the Secretary of the Navy is hereby directed to report to Congress, at its next and each regular session thereafter, the amount expended during the prior fiscal year from the appropriations for the pay of the Navy, Bureaus of Navigation, Ordnance, Equipment and Recruiting, Yards and Docks, Medicine and Surgery, Provisions and Clothing, Construction and Repair, and Steam Engineering for civilians employed on clerical duty, or in any other capacity other than ordinary mechanics and workingmen, and to submit, under the estimates for pay of the Navy and for the respective bureaus enumerated above, specific estimates for such civilian employés for the fiscal year 1886, and each fiscal year thereafter.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

Mr. McPHERSON. Which amendment is that?

The PRESIDING OFFICER. It is the substitute for the House bill.

Mr. McPHERSON. I desire to amend the report of the committee in one particular. The amendment I desire to offer is on page 20, commencing after the word "modified," in line 411, striking out the words "and the authority to construct the same shall take effect at once," that being the authority to construct new ships provided for in the bill.

It will be remembered that the purpose, as stated by the honorable Senator from Maine when the bill was under consideration at the last session, was to duplicate the ships now under construction, to wit, the Chicago, the Boston, and the Atlanta. One of the principal reasons which actuated the House in not accepting the bill as amended by the Senate arose from the fact of the unwisdom, so to speak, of continuing the construction of a certain kind and class until those ships had been first tested.

It will be remembered that under the contract to complete those ships they ought to be ready to be tested some time in February, or certainly in the month of March. Now the committee propose, if the bill passes in its present form, to give the power to the present Secretary of the Navy to contract for a certain number of new ships in accordance with certain plans that have been adopted by the advisory board, which is a creation of the present Secretary.

It will be remembered further that the ships whose names I have stated have been subjected to very severe criticism, the Secretary of the Navy upon the one hand claiming that they are the best product of the advisory board and he recommends them strongly; on the other hand the criticism coming as it does from very distinguished naval officers in this country and in other countries. I can judge better which is right after the ship is fully completed and tested; perhaps, however, other Senators do not need such aids.

For one, I deem it unwise to continue the construction of new ships of that type until the actual ships have been tested; and inasmuch as the test can be made between now and the 1st day of April let us wait at least until they are tested before new contracts are made under this proposed provision for new vessels of a like class.

Therefore I move, in line 411, after the word "modified," to strike out the words:

And the authority to construct the same shall take effect at once.

And to insert in lieu thereof:

Provided, however, That the authority to construct the same shall not take effect until the vessels now under construction shall have been fully completed and tested.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey to the amendment recommended by the Committee on Appropriations.

Mr. McPHERSON. Now, Mr. President, there is one other reason that I think ought to be a conclusive one for the adoption of the amendment. It is well known that on the 4th day of March the exercise of the powers of this Government in its executive branch will go into new hands. The present Secretary of the Navy, however distinguished he may be as a naval constructor, will not have anything more to do with that Department for the next four years after this winter. I do not understand the idea of conferring on him power to design through the aid of his advisory board a certain class of ships and to contract that those ships shall be built when a new administration soon to come into power may disagree entirely both as to the plans and the contract. In other words, the carrying into effect of the provisions of this law will devolve almost entirely upon the new Secretary of the Navy, while the power to contract, unless my amendment is agreed to, will be given to the present Secretary, and the design of the proposed ships, let me again repeat, is a copy of ships now under construction which can be tested by the 1st of April or before, and which have been severely criticised by distinguished naval officers.

It has been the policy of every great naval power to first construct one ship upon a certain plan, and by practical tests of the actual vessel, if found to be successful and approved in every particular, then to copy that ship in the building of new vessels; but that policy is not being pursued here. We have now four or five vessels under construction which are new in their plans, departures many of them from any known plans, and some of them have been actually condemned—I speak now of the Chicago as to its machinery, which has not been found to be a successful plan of vessel, and it is proposed here simply to duplicate that ship. As to the 4,500 and 3,000 ton ships and the others named here, which will be built under the appropriation now proposed, they will be duplicates of the Chicago, Atlanta, and Boston.

The intention of my amendment is simply to wait until the ships now under construction are fully tested and then let the appropriation be available for the administration soon to come into power, and if they desire to change the plan of ship the plan may be changed and perhaps with great profit to the Government.

Mr. HALE. Mr. President, it was not the intention of the Committee on Appropriations to open the old discussion of questions that were settled by the Senate at the last session. The Senator from Kentucky has stated very clearly—I think it may have been in the absence of the Senator from New Jersey—what the position taken by the committee was. The House, by its non-action on the Senate's request for a conference, has refused to consider this subject-matter in conference. The Committee on Appropriations deemed it proper and wise and a fitting assertion of the action already taken by the Senate to put on this bill the measure of the last session just as it had been amended, and send it to the House for future conference. Of course when we get into conference the Senate can not drive the House if it is determined and maintains its position with reference to these new cruisers, but it must be a subject of fair consideration in conference. I am sorry as it was going along in this way that the Senator from New Jersey has introduced and brought up the old question about these ships by his amendment.

Mr. McPHERSON. Will the Senator yield right there to a question?

Mr. HALE. Yes.

Mr. McPHERSON. The Senator will remember that one year ago this bill was introduced, and was a subject of conference at that time. The present Secretary of the Navy then had one year and six months almost of his time to serve unexpired. Now he has but two or three months. The bill then would have been perfectly proper to confer on the then Secretary of the Navy the power that the bill does confer, to contract for and construct ships; but it will be remembered that a year has elapsed since that time, and now but two or three months of the present Secretary's term have yet to run. What I object to, and I think the Senator himself must see it, is the impropriety of conferring on the present administration of this Government the power to contract for a style of ship which, perhaps, the next administration may desire not to build, and which it may be found unwise to build from the practical test of the ship itself which will be completed now in a very short time.

Mr. HALE. I see the force of that. If the Senator had waited he would have seen where I was coming out in this direction.

I realize that the situation is not as it was a year ago. The bill itself as reported, if the Senator examines its provisions carefully, has such safeguards as to examination into plans and submission to experts, and then a provision that no contract shall be made until after sixty days' advertisement in five leading newspapers in the United States, found from lines 398 to 404, that it would be impossible for the Secretary of the Navy, if he so desired, to go on and make contracts for new cruisers during the last days of his administration. But the Secretary of the Navy has no such desire. I have no such desire as to intrust that to him. If he did desire it I should be opposed to it.

Mr. McPHERSON. Would not the bill do it?

Mr. HALE. The bill would not do it. I have no objection to striking out the words—and I had thought of making that movement myself:

And the authority to construct the same shall take effect at once.

I do not think these words ought to be there. I do not think in this changed condition they should remain there. I would not like to have any provision put in that in any way seems to reflect upon the present Secretary, and I do not think the Senator from New Jersey desires that.

Mr. McPHERSON. I do not think my amendment does reflect upon the present Secretary. Certainly it was not intended for that. Whatever my opinion of the present Secretary may be, there was no intention on my part to incorporate it in a measure of legislation.

Mr. HALE. Suppose, then, that the words are stricken out?

Mr. McPHERSON. But one word further, if the Senator please. That is not the object I had in view.

Mr. HALE. I did not suppose so.

Mr. McPHERSON. It was primarily that no contract shall be made by any Secretary, whether the present one or his successor, until the ships now under construction shall have been thoroughly tested. That was the idea.

Mr. HALE. Would the Senator desire now to bind up all the work of examination, for instance, when the new administration comes in?

Mr. McPHERSON. I beg pardon; I did not hear the Senator.

Mr. HALE. Would the Senator now desire to tie up the new administration of the Navy Department when it comes in, the administration that must have the responsibility of this work in the future? Would he desire to tie that up so that nothing could be done in the way of advertisement, in the way of plans, in the way of consultation with the advisory board, so that this work may be going on?

Mr. McPHERSON. I would tie up any administration until the ships that we have now under contract, costing millions of dollars, which are, as I have already said, the product of what are said to be the best minds in the Navy, shall be thoroughly tested and their fitness for the service proved. If they are the class of ships we want to build, let us go on and duplicate them; but in any event it is the part of prudence to wait till a practical test has been had. Perhaps no provision of law would be needed as to the next administration, for I do not believe that the Secretary of the Navy that is to be would take one single step forward in the way of constructing new ships until those now being constructed were tested.

Mr. HALE. I shall be willing to believe that. Of course the present Secretary will do nothing

Mr. McPHERSON. At the same time I prefer, inasmuch as we are making the law, that it shall be made positive and decisive. Let both Secretaries and all Secretaries be bound up by a provision which requires that we shall test these ships, and shall not go any further in a wrong direction, if it should be a wrong direction, than we are now going. If it should be right, it is very easy to continue in the right.

The Senator has spoken of a desire to cast some reflection upon the present Secretary of the Navy. I disavow that. When he says the Secretary of the Navy would not do such a thing at the end of his administration, I wish to call the attention of the Senator and of other Senators to the fact that such a thing is not unprecedented in this country, and therefore perhaps with the experience we have had confronting us it is wise for us to guard in every way we can the present.

Mr. HALE. Let the words "and the authority to construct the same shall take effect at once," in lines 411 and 412, be stricken out.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment proposed by the Senator from New Jersey to the amendment of the Committee on Appropriations.

Mr. HAWLEY. Mr. President, I ask the attention of the Senator from New Jersey to the wording of his amendment. He refers to the vessels now in process of construction, and would suspend the right to make contracts for new ships until all those vessels shall have been completed, as I understand him. He is aware that with regard to a certain class of vessels under construction we do not regard them as experimental. We know just what their defects are and what their excellences are. I suppose he has reference more particularly to the Chicago and Boston and those that are to some extent experimental. The monitors we know all about. If his amendment is carried in the form it stands now, nothing in the world can be done until all the monitors shall be finished, which might be two or three years hence.

Mr. McPHERSON. Put in "the new vessels under construction." That would be understood.

Mr. HAWLEY. Or you might name them perhaps, the Boston and Chicago.

Mr. HALE. Say "steel cruisers."

Mr. HAWLEY. "Steel cruisers." That will do it.

Mr. McPHERSON. That is satisfactory. There is no intention to have it apply to the monitors.

The PRESIDENT *pro tempore*. The Senator from New Jersey has modified his amendment. It will be read as modified.

The CHIEF CLERK. It is proposed in the amendment of the committee to strike out, in lines 411 and 412, the words "and the authority to construct the same shall take effect at once" and insert in lieu thereof:

Provided, however, That the authority to construct or contract for the same shall not take effect until the steel cruisers now under construction shall have been fully completed and tested.

Mr. HALE. I do not agree to that amendment; but let us have the action of the Senate upon it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey, as modified, to the amendment of the Committee on Appropriations.

Mr. McPHERSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. Mr. President, I hope the Senator from New Jersey will modify his amendment. I understand the Senator from Maine who has the bill in charge to be content that some words in the present bill should be stricken out.

Mr. BECK. The word the Senator from New Jersey proposes to strike out.

Mr. BAYARD. He will agree; in other words to that part of the

amendment suggested which strikes out words conferring power immediately to go on. I hope my friend from New Jersey will be content with that.

Mr. HALE. I was proposing to move that myself if the Senator had not made his motion.

Mr. BAYARD. I submit to my friend from New Jersey that that will accomplish fairly what he intends to do. I am not willing to vote for an amendment that shall materially postpone the commencement of the construction of these ships. I voted for them at the last session of Congress and I desire to vote for them again. At the same time I think the words now in the bill which perhaps were proper enough a year ago are not quite so proper to-day, and it is not necessary to give the reasons for that, because I think they are obvious; but as the Senator in charge of the bill agrees to strike out those words it seems to me that by doing that we reach all the Senator from New Jersey desires.

Mr. McPHERSON. Will the Senator permit me to ask him a question in this connection?

Mr. BAYARD. Certainly.

Mr. McPHERSON. I should like to ask the Senator from Delaware what there will be left in the bill to prevent the present Secretary of the Navy from proceeding to make contracts, under the authority conferred by this bill, for all the ships proposed? Nothing in the world. The contracts may be made as they were in 1877. The present monitors, which have given us much trouble, it is well known were contracted for at that time. There are three months of time in which to make contracts, and the appropriation will be available in suitable time to pay for the contracts. If the Senate is not willing to check the present Secretary in making contracts the way to do is to accept the amendment of the Senator from Maine. That leaves it perfectly free for him to contract.

Mr. BAYARD. I prefer not to make the presumption that any high officer of this Government will act improperly upon a matter of grave importance and which lies under his discretion; and there is one check, should it become necessary hereafter, upon any such action as is suggested by the Senator from New Jersey, which was, as I remember, very correctly exercised by the successor to a Secretary of the Navy who made large contracts immediately upon his exit from the post. All of the monitor contracts made by Mr. Secretary Robeson were arrested by his successor, Mr. Thompson, and the contractors were placed, as I remember, in rather an unenviable plight. If it shall appear that contracts have been improvidently or improperly made, undoubtedly they will be subject to modifications, or the Government may retire from them.

I have not changed my view that the amendment consented to by the Senator from Maine will reach all that I think fairly ought to be asked in the present case; and, if it be in order, I should like this amendment to be voted upon in parts; in other words, that the vote upon the motion to strike out should be taken separately from the motion subsequently to insert.

The PRESIDENT *pro tempore*. The Chair thinks that is not in order. The rules provide that a motion to strike out and insert shall not be divided.

Mr. BAYARD. The amendment can not be severed?

The PRESIDENT *pro tempore*. It can not be severed.

Mr. McPHERSON. Before the Senator from Delaware insists upon that motion I should like to call his attention to a certain fact, which appears to be admitted, regarding the monitors of which he speaks. It is known that during the last days of a Secretary's administration he made contracts for the construction of the monitors. It was made contingent upon an appropriation being made. The Senator will observe that future action by the Department could annul such a contract. This one stands entirely different. The bill which confers the power to make the contract carries with it the appropriation. Now, I should like to ask the Senator from Delaware, with a change of administration soon to occur, the present Secretary of the Navy desiring to build more ships of the style now under construction, and which will be completed in two months, would it not be wise for this Secretary or the succeeding one to wait and see whether it was a proper ship and fulfilled all the expectations?

What harm, then, is there in saying in the body of the bill that no Secretary shall contract for a ship of any style or plan until the new ships, which he tells us will be good ones, shall be tested, and then duplicate them, for I want to say to the honorable Senator from Delaware that there is nothing in this bill, if the amendment of the Senator from Maine is agreed to and my amendment is not, that will deter the present Secretary from making contracts for the seven or eight ships named here, and no power on earth can prevent the contractors from demanding the fulfillment of that contract, for the appropriation is contained in the same bill that gives authority to make the contract.

Mr. HALE. Now, Mr. President, let me answer the Senator from New Jersey right there. Under the provisions of the bill which is before the Senate no Secretary of the Navy would find it possible to make a single contract for one of these vessels between now and the 4th day of March. If the Senator will look on page 19 he will find these words, beginning on line 398:

And in the event that such vessels, or any of them, shall be built by contract, such building shall be under contract with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe.

Under that, if the Secretary was desirous of crowding through in an unseemly manner contracts with favorites or with anybody he would find it impossible.

I can also say, and speak as I believe and know, that the Secretary of the Navy feels in this matter as any retiring Secretary would do. He would not risk his reputation with the American people and with his friends by rushing in mad haste to make contracts now before he goes out. I can not imagine any man who is fit to be Secretary of the Navy ever daring to do a thing of that kind if there were no prohibition, and I am willing to trust something, if it is necessary, to the honor of heads of Departments. It is not needed here, because he is tied up. I expect to contribute and to join in the work of building up the Navy and of staying the hands of the Secretary of the Navy, if he is a wise and prudent and proper man, as I presume he will be, in the next administration, and I shall be willing to trust him. I shall not all the time believe that he is seeking to do some unfitting thing, and I am sure the Senator from New Jersey when he examines the bill carefully will see, as the Senator from Delaware and the Senator from Kentucky have seen, that there is no improper power lodged in the Secretary, if he wanted to exercise it.

Mr. McPHERSON. There is no answer needed to the arguments of the Senator from Maine except the bill itself. The Senator says it will be impossible for the present Secretary of the Navy to enter into contracts, and he reads as authority the bill. It requires sixty days' advertisement. If an advertisement were made on the 4th day of January, a compliance with the bill would bring it within the present administration.

Mr. HALE. Sixty days!

Mr. McPHERSON. Sixty days—January and February.

Mr. HAWLEY. Look at the almanac.

Mr. McPHERSON. Certainly, there is an abundance of time—time enough, anyhow, between now and the 4th of March.

Mr. HALE. It would be utterly impossible.

Mr. McPHERSON. The plans of the ships already approved, the Chicago, the Atlanta, and the Boston, which the Secretary avers to be the plans upon which he would construct new ships, are already provided; advertisement could be made to-morrow, and contracts for all these ships could be entered into before the close of the administration.

Mr. HALE. No advertisement could be issued until after the bill had passed both Houses.

Mr. McPHERSON. I am speaking of the effect if the bill should pass. The Senator asks the Senate to pass it to-day and he expects the House to pass it very soon, I suppose.

Mr. FRYE. Not until after the holidays.

Mr. BAYARD. I found by private conversation with the Senator from New Jersey that he was under the impression the words he proposed to strike out had been stricken out. That I understand is not the case, however. I should like to ask the Senator from New Jersey to so modify the amendment as to withdraw that part of it which prevents the inception of this work until the other vessels shall be tested, and let us vote upon the part unobjected to by the Senator from Maine, which is to strike out the words as they now stand in the amendment of the committee.

Mr. McPHERSON. I suppose if my amendment should not prevail a motion would then be in order to strike out the objectionable words.

Mr. HALE. I propose to ask the Senate to do that. I did propose that.

Mr. HARRIS. That motion will be in order.

Mr. BAYARD. That can be done afterward.

Mr. McPHERSON. Then I desire the vote to be taken upon my amendment as offered.

Mr. HALE. If that is voted down I shall then ask the Senate to strike out the other words, as I proposed to do originally.

Mr. McPHERSON. I hope it will not be voted down.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. McPHERSON] to the amendment recommended by the committee, on which the yeas and nays have been ordered.

Mr. MILLER, of California. I ask that the amendment be reported.

The PRESIDENT *pro tempore*. It will be read again for information.

The CHIEF CLERK. In line 411, after the word "modified," it is proposed to strike out the words—

And the authority to construct the same shall take effect at once.

And to insert in lieu:

Provided, however, That the authority to construct or contract for the same shall not take effect until the steel cruisers now under construction shall have been fully completed and tested.

Mr. McPHERSON. I should like to state once more, because I think perhaps I may have been somewhat confused in my utterances

upon this question, that unless my amendment is agreed to the present Secretary of the Navy may contract for all these ships.

Mr. HALE. Let us have a vote.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. HAMPTON (when his name was called). I am paired with my colleague [Mr. BUTLER]. He would vote "nay" and I should vote "yea," if he were present.

Mr. RANSOM (when his name was called). I am paired on this amendment with the Senator from Illinois [Mr. LOGAN]. If he was present, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. MILLER, of New York. I am paired with the Senator from Maryland [Mr. GROOME]. If he were here, I should vote "nay."

The result was announced—yeas 19, nays 35; as follows:

YEAS—19.

Beck,	George,	Kenna,	Saulsbury,
Call,	Gibson,	McPherson,	Slater,
Camden,	Harris,	Maxey,	Vance,
Coke,	Jackson,	Pendleton,	Voorhees.
Colquitt,	Jonas,	Pugh,	

NAYS—35.

Allison,	Frye,	Jones of Florida,	Platt,
Bayard,	Garland,	Lapham,	Plumb,
Blair,	Gorman,	McMillan,	Sawyer,
Cameron of Wis.,	Hale,	Miller of Cal.,	Sewell,
Conger,	Harrison,	Mitchell,	Sheffield,
Cullom,	Hawley,	Morgan,	Sherman,
Dawes,	Hill,	Morrill,	Walker,
Dolph,	Hoar,	Palmer,	Wilson.
Edmunds,	Ingalls,	Pike,	

ABSENT—22.

Aldrich,	Fair,	Logan,	Sabin,
Bowen,	Farley,	Malone,	VanWyck,
Brown,	Groome,	Manderson,	Vest,
Butler,	Hampton,	Miller of N. Y.,	Williams.
Cameron of Pa.,	Jones of Nevada,	Ransom,	
Cockrell,	Lamar,	Riddleberger,	

So the amendment to the amendment was rejected.

Mr. HALE. I now move to strike out, in lines 411 and 412, the words—

And the authority to construct the same shall take effect at once.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. McPHERSON. I would now be pleased to have an opportunity of asking the Senator from Maine in what way it subtracts from the power to make contracts even if those words are taken out. They are entirely superfluous, and mean nothing.

Mr. HALE. I think that those words when put in ought to have been added to so as to read:

And the authority to construct the same shall take effect at once, subject to the provisions of this bill.

I think when they were put in originally that would have been the wiser and safer way. Striking them out now, under the changed condition, leaves the bill as it ought to have been left.

Mr. McPHERSON. That fails to answer the question I have put to the Senator. The words, in the first place, were entirely superfluous. The power rests in the bill to use the appropriation the moment it is made. Now, I wish to know by striking those words out how much the Senator adds to the guards he proposes to throw around the whole subject.

Mr. HALE. The rest of the bill furnishes the safeguards. These words are of no account, add nothing and subtract nothing. I am entirely willing that they should go out, and I move that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine to amend the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the committee as amended.

Mr. MORGAN. I desire to ask the Senator from Maine in charge of the bill for some information in respect to that part of the bill reported by the committee in lines 425 and 426. It reads as follows:

For completing the Mohican at the Mare Island navy-yard, $50,000, to be immediately available.

I wish to know whether that is to be construed as meaning that the work is to be done in the Mare Island navy-yard.

Mr. HALE. She is there at the navy-yard.

Mr. MORGAN. I know. Is it merely meant to designate the location of the ship at the present time, or that the work shall be done at the Mare Island navy-yard?

Mr. HALE. Oh, that it shall be done at the Mare Island navy-yard, the completing of it.

Mr. MORGAN. I should like to ask the Senator who has the bill in charge what information the committee have as to the capacity of the Mare Island navy-yard to do that work to complete the ship.

Mr. HALE. The Senator from California [Mr. MILLER] can answer the Senator more fully.

Mr. MILLER, of California. If the Senator will permit me I will state that the Mohican is a wooden ship, which has been constructed at the navy-yard at Mare Island wholly, and this appropriation is merely for finishing it.

Mr. MORGAN. It is the wooden ship lying there?

Mr. MILLER, of California. It is the ship lying at the wharf at Mare Island which the Senator saw when he was there. They have every appliance and facility for finishing it, because they have done all the work so far on the ship.

Mr. MORGAN. There is no doubt about the navy-yard there being entirely competent to finish that ship.

Mr. HALE. This is old work that has been done for years there.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. MORGAN. There is a feature of the bill with which I am not satisfied. It is on page 15, under the head of "Increase of the Navy." I will read it:

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, to report to Congress, on the first day of the next ensuing session, a plan and estimate for the preparation and purchase of plant for a gun factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit, and to report the full and detailed estimate for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government, or by private contract, or by a combined system whereby the said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriations can most economically be made.

I do not understand how the gun-foundery board can be worked into a harmonious committee with the Secretary of the Navy and the Secretary of War in devising a plan for the establishment of a gun factory to complete guns or to make guns out and out. I think there will be some trouble about this matter, and it would be very much better to leave this subject to the separate reports of the Secretary of the Navy and the Secretary of War, and let them take advice from any members of the ordnance establishment of the Navy or of the Army with whom they see proper to advise.

The revival of the gun-foundery board for another year is not necessary for the purpose of carrying on this work. It is a board that has been detailed and has been for some time in service. Now it is proposed to incorporate it for a year. It has once visited Europe, and it has also made a very partial excursion through a very limited area of the United States to find out something about the steel-making capacity and the gun-making capacity of this country. It went abroad on its mission after having made a very cursory examination of the condition of some iron and steel industries in the United States. After receiving a few letters from several establishments it came to the conclusion that it was not worth while to make any further examination in this country, and immediately went abroad to look into the different establishments in foreign countries. There they were deliberately snubbed. Mr. Krupp refused to let the gun-foundery board go into his works to examine them, and the rest of the establishments in Europe seemed to look upon it with some suspicion.

Other men have visited Europe from private establishments, from the Cambria Works, from Pittsburgh, from works near Philadelphia, from works in California. They have been well received. They have gone through all the establishments in Europe. They are practical men, practical steel and iron producers and manufacturers, and they have come back with information of a most valuable character, much of which has been obtained from them through the agency of a committee of this body and a committee of the House who were charged with the duty of finding out what the American people could produce in the way of steel and machine tools.

As soon as the two Houses got into activity about this matter (and they got into very great activity at the close of the last session of Congress by raising two select committees to investigate the same field precisely) the gun-foundery board was immediately inspired with a like activity; but still it went to a very few places. I am informed that it has a report which it expects to make to the Secretary of the Navy and through him to the Congress of the United States during the present session. I want to see that report before I consent to the revival of the gun-foundery board and to taking it with its present detail and organization as a fixed and permanent establishment in this country.

I feel it to be my duty to say, after a careful investigation of the former report of the gun-foundery board and a comparison of the facts which they have detailed, with the testimony of enlightened producers and manufacturers throughout the length and breadth of the United States, that the gun-foundery board never put itself to any trouble to find out what is the real power of this country in steel and iron production until a very recent date, and unless it has got the information which the committees of the two Houses have collected it has not yet sufficiently informed itself about this matter. That board started out with a proposition that the guns for the Army should be built by the ordnance establishment of the Army, whether they were field-pieces or whether they were guns for seacoast defense, whether they were guns of 3-inch caliber or 16-inch caliber; that the guns for the Navy should be built by the ordnance establishment of the Navy—guns of all sizes, all calibers,

all descriptions; that we should have in the United States under the control of the different ordnance establishments two great gun factories, to say the least of it—one to make guns for the Army and one to make guns for the Navy; that we should divide the power and influence of the Government between the two military departments, as I infer, for the purpose of giving civil employment and home locations to men who hold commissions to be in the field and upon the sea.

Now, when we build up these two separate establishments which the gun-foundery board has uniformly recognized and uniformly recommended, we will shut out the competition of every enlightened manufacturer in the United States.

Without presuming to draw distinctions between the different manufacturers in this country or the many great manufacturing centers, I can say broadly, and without the fear of successful contradiction, that at Johnstown, in Pennsylvania, there is an establishment which has more money invested than Krupp has; that has to-day a larger capacity in the supply of material for the production of steel than Krupp has; that can make better steel than Krupp can make; that makes it by better methods and processes, and makes it exclusively of American material, and almost exclusively with the skill of American workmen. If you will aggregate what has been done at Pittsburgh by the various private manufacturers in that city and add to it the advantages of the natural gas which has been recently brought into use in that city—a most wonderful discovery and development of fuel power—you will find in and about that city twice the power that Mr. Krupp possesses to produce steel of any quality, from that refined and excellent article of steel necessary for a hairspring in a watch up to a gun that will weigh a hundred tons. It is true that in some of the very largest descriptions of machinery and of furnaces these different establishments have not supplied themselves, for the reason that they have had no market for the material that those large machines would produce. But those large machines, whether they are steam-hammers or whether they are hydraulic compressors, can be made rapidly out and out by American workmen with American tools from the very bed foundation of the machines down to the finest cutting tool that they may require.

What I say is equally true in respect of California. California possesses a power of manufacture that most of the people in this part of the country are entirely unacquainted with. It has steel ores finer than any that are on any other part of the earth, so far as chemistry and physical tests have been able to determine. It has ores in greater abundance than any other country in the world. It has ores more convenient to the seaboard even than England has got, and its capacity for the manufacture of steel of every quality is equal to that of any other country on earth, with the exception that it does not possess within its own limits a fuel which is of sufficient power to conduct heavy manufactures. But Washington Territory and Oregon possess in large abundance in various locations near on to the seacoast and in Vancouver Bay fuel that produces coke as excellent as that which is produced at Johnstown, Pa. The transportation of it down to San Francisco or San Diego, both of which places are convenient to immense deposits of excellent iron ore, is as a matter of course of cheap cost, because it is nearly all by water.

Sir, the United States of America stands to-day in the front of all nations of this earth in its power to manufacture steel of every grade cheaper than can be done in any other country in the world, England not excepted. That is a broad and a bold declaration; but when the committee of which I have the honor to be a member shall make its report through its chairman, the Senator from Connecticut [Mr. HAWLEY], the facts that will be detailed here will prove it beyond all controversy. But the gun-foundery board in its former investigations found out little or nothing about this. They left this country and went abroad to make an examination into the steel-producing capacity of other countries. They came back and made their report, and it was not until Congress had started these committees upon the work of investigation that this board seemed to feel the slightest degree of anxiety in searching out what is now so apparent to the whole world, or at least least to men who know anything about these matters.

They came back and reported that it was an impossibility to get the steel made in the United States for the manufacture of certain parts of the heavy guns that have already been required for the armament of the sloops of war that have been launched at Roach's yard; and our contracts for the steel for parts of these guns have been made in England and France—England, I am sure—and they are not yet filled. We can not get our guns because we can not get the English people to accommodate us with breech-pieces made of steel for the guns to arm our own vessels. Some of these guns are being built in the United States now, some at Midvale. I saw one of the guns there the other day, a rather promising-looking gun. The ingots had been cast at Midvale. They had been forged there. They had been sent to the navy-yard at Washington city to be rough-bored and turned. They had then been retransported to Midvale for the purpose of being tempered in oil, and there they were, waiting to be sent back to Washington. They have been making excursions back and forth from the navy-yard at Washington to Midvale, Pa., just above Philadelphia, of course at a heavy expenditure for freights. One of these guns, that I suppose was manufactured at Midvale, was built up at the navy-yard here. It is about a 30-foot gun. It is now at Annapolis, I am informed.

When that gun was built at the navy-yard in Washington city and they undertook to balance it on its trunnion it took, as I am informed, 1,400 pounds on the front end of that gun to make it balance. A single man or two gunners with machinery could not raise that gun to put it in line for action in battle. It has been hustled out of the way down to Annapolis. I propose to inquire something more about the history of that gun, for I want to know whether the recommendations that have been made to us, that the Army ordnance board and the Navy ordnance board are to have the control of this matter so as to build up two heads to an establishment that does not need but one, are to be followed. I wish to know if this gun is to be taken as a test of the skill of our gun factories that are to be under the charge of the officers of the Army and Navy.

Mr. President, there is not a man in the gun-foundery board to-day, I venture to say, who ever made a pound of steel in his life, or one who would know whether a metal found in a Siemens furnace, while it was boiling under the influence of heat, was steel or iron until it had been taken out and subjected to physical or chemical tests. They, as a rule, have no more practical experience in the business of making steel than I have about making sole leather. They know it theoretically. They are highly informed, splendidly educated in chemistry, in physics, in theoretical mechanics, but that is not practical education. I will take an experienced American workman who has been having his eye upon the furnace at Cambria or Midvale or in Pittsburgh, watching the working of these metals, and I would rely upon his eye to judge of a metal while it is being worked with far more security than can be done by the scientific attainments of any man that belongs to the Ordnance Department of the Army or the Navy in the United States.

What we want to do to infuse life, skill, and energy into this matter of building a navy and building the guns that we are compelled to build for the armament of our seacoast and of our Navy is to allow private enterprise in the United States to come into competition for the work. The very moment that you open the door for private competition you will be astonished at the display of genius and power that this country has right at hand for doing the best and finest work that is possible.

We have almost an entire armament of guns to make, and if we shall put these different manufacturing establishments of the United States into this work in different convenient localities so as to get up between them a rivalry in business and a rivalry in the excellence of their productions, and if we will give them a market, which we are obliged to give to somebody, we will find that these establishments will come to the front and they will make us a navy, and they will make us guns that will surprise the world more than it was surprised when Rodman adopted his splendid system of casting iron guns. Rodman revolutionized the whole subject of gun production in the world by his system, and at the close of the late war the United States had the precedence of all the powers in respect to the capacity, the character, and strength of our ordnance.

Now, sir, if we will allow our men to avail themselves, as they will be certain to do, of the advantages of experience gained by the expenditure of untold millions of money in other countries, and let them start out now to build a navy from the bottom, as we are doing; if you will give to our own people the market that we are compelled to provide to somebody for the building of our ships and our guns for seacoast as well as for naval armament, we will find ourselves more astonished and the world will find itself more astonished with the triumphs of American skill and genius in this direction than it was at the close of the last war, when we furnished the world with the Rodman gun and the pattern for the iron-clad ship.

I am opposed to handicapping the Navy Department and the War Department with a gun-foundery board. Let them have access not to the gun-foundery board alone, but let them have access to all the talent and all the ability of the Navy and of the Army Ordnance Department. More than that, let them have access to those sources of information that the committees of the two Houses have consulted, and the Secretary of War and the Secretary of the Navy will then be able to come before the Congress of the United States with an intelligent array of facts upon which we can hardly hesitate in forming our judgment. But if we put in connection with them and compel them to take the advice of the gun-foundery board, and cause the gun-foundery board to become one of a committee (for that is the nature of this arrangement), consisting of the gun-foundery board, the Secretary of the Navy, and the Secretary of War, to make a report to Congress next year as to the best plan to be adopted, we know what the result is to be. It will be merely to leave this whole subject tied down as it has been now for quite a length of time; to leave this whole subject just where it is to-day, and to compel the Congress of the United States in its anxiety to do something for the armament of this country to adopt only such a plan as shall emanate virtually from the gun-foundery board. Your committees that you sent out will have been of no service. The advice of all the balance of the officers of the Army and Navy not included in the gun-foundery board will be of no service. This whole subject will be shaped just as they have shaped it heretofore and as they wish to control hereafter. Mr. President, if it had not been for the report of the gun-foundery board the guns that are to arm these new sloops of war could to-day have been built by private enterprise in the United States, and would have been equal to any guns in the world of their class. That report only delayed such action by Congress as could easily have accomplished these results.

So we are committing an error when we undertake to arrange for the future investigations and recommendations on this subject on the plan that is contained in this bill. The gun-foundery board ought to be stricken out of it, and allow the Secretary of the Navy and the Secretary of War full liberty to consult whoever they think best for the purpose of gaining the information upon which to make a suitable recommendation to the Congress of the United States.

I move, therefore, if it is in order, to strike out the words, beginning in line 304—

With the assistance of the gun-foundery board, which is hereby revived.

The PRESIDENT *pro tempore*. The motion is not in order at this time, the Chair thinks, the amendment of the committee having been agreed to. After the bill is reported to the Senate it will be in order to make the motion.

Mr. HALE. Mr. President, I agree most fully with the Senator from Alabama as to the very valuable work that has been done by the select committee which was raised at the close of the last session to inquire as to the capacity of the steel-producing works in the United States. I know how earnest was the attention given by the Senator from Alabama upon the committee, and I have every reason to believe that the report which will be presented here soon of the work of that committee by the chairman, the Senator from Connecticut [Mr. HAWLEY], will be most interesting and most valuable; but I hope that the Senator from Alabama will not seek to anticipate that by any discussion upon this bill.

While that committee has done most valuable work, and has gone more deeply into the question of the resources and capacities of our steel-works in America than any other, still I think, and am sure, that the gun-foundery board has done some valuable work; and there is no intention and there is no possibility of binding down the Department either of War or of the Navy to the recommendations of that board. I had proposed in this amendment to strike out the clause providing for the report at the next session, in line 306, at the top of page 16, and to substitute the words, "during the present session," so that this board will not be bound to future work, unless in some subsequent bill or in some measure proposed by the select committee it should be so authorized.

I would not have any attack made upon this board. I do not think the Senator desires that. Whatever they have been doing let them report during the present session. Instead of running them over to the next session let us have the benefit of what they can give to us during this session. That carries out the spirit of the amendment as it was put on at the last Congress and does not keep them open hereafter; and if it is not necessary after the Senator from Connecticut presents his report—in which the Senator from Alabama concurs, I have no doubt—to keep this board alive, let it go.

I think the work that has been done by the select committee will astonish the American people. The sooner we get that report the better, and if the Senator will withdraw his amendment I will move, or he can, on page 16, line 306, to strike out the words "on the first day of the next ensuing session" and insert "during the present session."

Mr. MORGAN. I will accept that.

The PRESIDENT *pro tempore*. Neither amendment is in order at this time.

Mr. HALE. It can be done when we get into the Senate.

Mr. COCKRELL. It will be better to name the 1st of February.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment made as in Committee of the Whole.

Mr. HALE. I move to amend, on page 16, line 306, by striking out the words "on the first day of the next ensuing session" and inserting in lieu thereof "during the present session."

Mr. HARRIS. The Senator desires to strike out "on the first day of the next ensuing."

Mr. HALE. Those are the words to be stricken out.

Mr. HARRIS. And to insert——

Mr. HALE. Insert "during the present."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HALE, the title was amended so as to read: "A bill making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes."

INTERSTATE COMMERCE.

Mr. CULLOM. I call up the regular order, Senate bill 2112.

The PRESIDENT *pro tempore*. The unfinished business will be again laid before the Senate, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. SLATER. I desire to offer an amendment to the bill just called up, and ask that it be printed, so that it may be on the desks of Senators to-morrow. I propose to strike out all after the enacting clause and insert what I send to the desk. I ask that it be printed without reading.

The PRESIDENT *pro tempore*. The Senator from Oregon asks leave to submit an amendment which he intends to propose to the pending bill, and asks that it be printed. That order will be entered if there be no objection.

Mr. MILLER, of New York. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 17, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL CLERK TO COMMITTEE.

Mr. DOCKERY, from the Committee on Accounts, reported back the following resolution, with the recommendation that it do pass:

Resolved, That the Committee on the Payment of Pensions, Bounty, and Back Pay be authorized to employ an additional clerk, for the remainder of the session only, to be paid out of the contingent fund of the House of Representatives, at the same rate of compensation per diem as other committee clerks receive.

The resolution was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF HOUSE EMPLOYÉS.

Mr. ERMENTROUT, from the Committee on Accounts, submitted the following privileged report:

Your committee, to whom was referred a petition relating to the compensation of certain employés of the House, respectfully report:

That, under a decision of the First Comptroller of the Treasury, the Clerk of the House will not be able to pay certain persons now in the service of the House and employed under a simple resolution of the House after the 4th day of March next; the Comptroller having decided that after the expiration of a Congress the terms of a simple resolution of the House of Representatives can not continue the pay out of the contingent fund of the House of any employés.

This decision will have the effect, without some legislation, of discharging after March 4 next certain clerks and employés whose services are necessary to a proper conduct and discharge of public business.

Among the persons affected by it are the following:

First. The messenger in the Chief Clerk's office, a boy, who is paid $25 per month, under resolution of the House of January 29, 1884;

Second. Three clerks engaged in indexing the list of private claims of the Forty-seventh and Forty-eighth Congresses, at $6 per day, under the resolution of April 28, 1884; and

Third. Two laborers in the Clerk's document-room, who have been employed in sacking and shipping to members and others the calf-bound volumes of documents and arranging files, at $75 per month each, under resolution of June 13, 1884.

Your committee have carefully examined into these matters, the work performed by each one of the above employés, and believe that they should be continued in the service of the House, not only this session but after the expiration of the present Congress; and would therefore recommend the passage of the following resolution:

Resolved, That the Committee on Appropriations be requested to provide for the payment in some of the general appropriation bills of the following clerks and employés of the House at the same rate of pay as now allowed under sundry resolutions of the House: Messenger boy in Chief Clerk's office, three clerks for indexing private claims, and two laborers in Clerk's document-room, and payments to extend from March 4, 1885, to June 30, 1886.

The petition is as follows:

WASHINGTON, *December* 13, 1884.

To the House of Representatives:

Your petitioners, Richard Nevins, W. M. Rightmyer, John F. Trentlen, J. J. Coughlan, &c., would respectfully represent that they are employés of the House of Representatives, and that under a recent decision of the First Comptroller of the Treasury they can not be paid any compensation for their services out of the contingent fund of the House of Representatives after the 4th day of March next without some additional legislation. They would respectfully ask your honorable body to make such examination into this matter as may be necessary and to afford the relief required, and for this will ever pray, &c.

RICHARD NEVINS.
W. M. RIGHTMYER.
JOHN F. TRENTLEN.
JOHN J. COUGHLAN.
RYDEN HENRY.
WILLIAM A. JOHNSTON.

The resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the res-

olution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF REAR-ADMIRAL SAMUEL FRANCIS DU PONT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, informing the House of the completion of arrangements for the mounting of the statue of Rear-Admiral Samuel Francis Du Pont; which was referred to the Committee on the Library, and ordered to be printed.

FEES IN PENSION CASES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, transmitting, in response to resolution of the House adopted December 12, 1884, a letter from the Commissioner of Pensions relative to contracts for fees to claim agents in pension cases; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

SALARY OF ADDITIONAL MESSENGER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Navy Department for salary of additional messenger; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST SURVEY REPORT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report by J. E. Hilgard, Superintendent of the Progress of Coast and Geodetic Survey, for the fiscal year ending June 30, 1884; which was laid on the table, and ordered to be printed.

"CANADA DE COCHITI."

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico on the New Mexico private land claim "Canada de Cochiti," No. 135, in the name of Antonio Lucero; which was referred to the Committee on Private Land Claims.

REPRINT.

On motion of Mr. SINGLETON, by unanimous consent, Senate bill 1139, authorizing the construction of a building for the accommodation of the Congressional Library, with accompanying diagram, was ordered to be reprinted for the use of the House, the supply in the document-room having been exhausted.

ORDER OF BUSINESS.

Mr. RANDALL. Let us have the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports unless the special order is called for.

Mr. REAGAN. I will waive calling the special order with the understanding that it is to come up immediately after this business is disposed of.

JOHN A. LANDAN.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back a bill (H. R. 5935) for the relief of John A. Landan; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

FREE HOMES FOR UNION SOLDIERS.

Mr. ROSECRANS, from the same committee, also reported back joint resolution of the Legislature of the State of Iowa, present session, to this the Forty-eighth Congress, relative to free homes for all surviving soldiers and sailors of the Union armies, and for other purposes; which was referred to the Committee on the Public Lands.

ADVERSE REPORT.

Mr. DIBRELL, from the Committee on Military Affairs, reported back adversely joint resolution (H. Res. 159) for the relief of certain officers and enlisted men in the State of Arkansas who served in the war of the rebellion; which was laid on the table, and the accompanying report ordered to be printed.

ELLEN R. HARRIS.

Mr. LYMAN, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 6915) for the relief of Ellen R. Harris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PEORIA, ILL.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 7521) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS A. WESTON.

Mr. GREENLEAF (by request of Mr. VANCE), from the Committee on Patents, reported back the bill (H. R. 7544) for the relief of Thomas A. Weston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM S. CARR.

Mr. DARGAN, from the Committee on Patents, reported back the bill (H. R. 7641) for the relief of the widow and heirs of William S. Carr, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORDELIA GALE.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 4548) granting a pension to Cordelia Gale; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. WINANS, of Michigan, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7248) to increase the pension of Jane Brent; and the same was referred to the Committee on Pensions.

On motion of Mr. LAIRD, by unanimous consent the Committee on Pensions was discharged from the further consideration of the bill (H. R. 1096) granting a pension to Mary Abbott, widow of William Abbott; and the same was referred to the Committee on Invalid Pensions.

T. M. ENGLISH, ADMINISTRATOR.

Mr. LORE, from the Committee on Claims, reported a bill (H. R. 7760) for the relief of T. M. English, administrator of the estate of William Fitzpatrick, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed.

JOSEPH M. CUMMINGS AND OTHERS.

Mr. TILLMAN, from the Committee on Claims, reported, as a substitute for H. R. 1085, a bill (H. R. 7761) for the relief of Joseph M. Cummings, Hamilton J. Miller, and William McRoberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALARIES OF OFFICERS AND EMPLOYÉS DOORKEEPER'S DEPARTMENT.

Mr. ERMENTROUT, from the Committee on Accounts, reported a joint resolution (H. Res. 301) in regard to the adjustment of the salaries of officers and employés of the Doorkeeper's department; which was referred to the Committee on Appropriations.

ADVERSE REPORTS.

Mr. TURNER, of Kentucky, from the Committee on Commerce, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

The bills H. R. 814, H. R. 2947, H. R. 3455, and H. R. 4179, amending section 4415 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States;

A bill (H. R. 218) amending section 4458 of the Revised Statutes, regulating the fees of inspectors' certificates issued to masters, engineers, pilots, and mates of steam vessels;

A bill (H. R. 3542) on the reduction of inspection fees; and

INSPECTORS OF HULLS AND BOILERS.

Mr. GLASCOCK, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 6961) to amend section 4414 of the Revised Statutes, relating to inspectors of hulls and boilers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM GARDNER.

Mr. HAMMOND, from the Committee on the Judiciary, reported back the bill (H. R. 7585) for the relief of William Gardner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. B. MONTGOMERY.

Mr. HAMMOND, from the Committee on the Judiciary, also reported back the bill (H. R. 7584) for the relief of A. B. Montgomery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELMINA P. SPENCER.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7262) increasing the pension of Elmina P. Spencer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN SPARR.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7340) granting a pension to John Sparr; which

was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. A. MORTON.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7336) granting a pension to T. A. Morton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONTINENTAL FIRE INSURANCE COMPANY OF NEW YORK, ETC.

Mr. HURD, from the Committee on Ways and Means, reported, as a substitute for H. R. 2475, a bill (H. R. 7762) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company of Maryland.

The bill (H. R. 2475) was laid on the table, and the substitute therefor, the bill H. R. 7762, was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

TRIBUTES TO MEMORY OF DECEASED MEMBERS.

Mr. BRATTON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That Tuesday, the 20th of January, at 2 o'clock p. m., be fixed as the time for delivering tributes to the memory of the late Hon. J. H. EVINS, late a Representative from South Carolina.

Mr. ERMENTROUT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That Monday, January 26, 1885, at 2:30 p. m., be fixed as the time for paying appropriate honor to the memory of the late Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

PUBLIC BUILDING AT HARRISONBURG, VA.

Mr. STOCKSLAGER. I desire to make a privileged report. I am instructed by the Committee on Public Buildings and Grounds to report back with a favorable recommendation the resolution of inquiry which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this House as follows:

First. Whether he has purchased a site for a suitable building for the accommodation of the United States courts, post-office, and other Government offices at Harrisonburg, State of Virginia, as authorized and directed by an act entitled "An act for the erection of a public building at Harrisonburg and Abingdon, State of Virginia," approved July 7, 1882.

Second. What price was paid for said site, if purchased, and whether a valid title has been vested in the United States, and whether the State of Virginia has ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Third. What amount of the money appropriated for the purchase of said site and the commencement of the erection of a suitable building thereon has been expended, and how and for what expended.

Fourth. The estimated cost, including site, of said building and the amount necessary to be appropriated, in addition to the sum already appropriated, to complete the same.

The resolution was adopted.

Mr. STOCKSLAGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERKS IN FIRST-CLASS POST-OFFICES.

Mr. SKINNER, of New York, by unanimous consent, introduced a bill (H. R. 7763) for the grading and classification of salaries of clerks in all first-class post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WRECK OF THE UNITED STATES STEAMER ASHUELOT.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. 7764) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EVIDENCE TO QUIET TITLES.

Mr. POLAND, by unanimous consent, introduced a bill (H. R. 7765) in relation to evidence to quiet titles; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. REAGAN. I call for the regular order.

The SPEAKER. The House, as the regular order, resumes the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce. The pending question is on the motion of the gentleman from North Carolina [Mr. O'HARA] to lay on the table the motion of the gentleman from Georgia [Mr. BLOUNT] to reconsider the vote by which the amendment offered by the gentleman from North Carolina [Mr. O'HARA] was agreed to.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 121, not voting 53; as follows:

YEAS—149.

Adams, G. E.	Funston,	Lyman,	Seney,
Anderson,	Geddes,	McCold,	Seymour,
Atkinson,	George,	McComas,	Shively,
Bagley,	Goff,	McCormick,	Skinner, C. R.
Barr,	Greenleaf,	Malson,	Smalls,
Beach,	Guenther,	Millard,	Smith, A. H.
Belmont,	Hanback,	Mitchell,	Smith, H. Y.
Bingham,	Harmer,	Morrill,	Spriggs,
Bisbee,	Hatch, H. H.	Morse,	Springer,
Boutelle,	Haynes,	Moulton,	Stephenson,
Brainerd,	Henderson, T. J.	Murray,	Stevens,
Breitung,	Hepburn,	Nelson,	Stewart, J. W.
Brewer, F. B.	Hewitt, A. S.	Nutting,	Stone,
Brewer, J. H.	Hill,	Ochiltree,	Strait,
Brown, W. W.	Hiscock,	O'Ham,	Struble,
Browne, T. M.	Hitt,	O'Neill, Charles	Taylor, E. B.
Brumm,	Holman,	Parker,	Taylor, J. D.
Buckner,	Holmes,	Payne,	Thomas,
Burleigh,	Hollon,	Payson,	Van Alstyne,
Campbell, J. E.	Horr,	Perkins,	Wadsworth,
Cannon,	Houk,	Peters,	Wait,
Carleton,	Houseman,	Pettibone,	Wakefield,
Chace,	Howey,	Poland,	Ward,
Chalmers,	James,	Post,	Washburn,
Collins,	Jefferis,	Potter,	Weaver,
Converse,	Johnson,	Price,	Wemple,
Culbertson, W. W.	Jones, B. W.	Rankin,	White, Milo
Cullen,	Kean,	Ranney,	Whiting,
Cutcheon,	Keifer,	Ray, G. W.	Wilkins,
Dargan,	Kelley,	Ray, Osslan	Wilson, James
Davis, G. R.	Ketcham,	Reed,	Winans, E. B.
Davis, R. T.	Lacey,	Rice,	Winans, John
Deuster,	Laird,	Robinson, J. S.	Woodward,
Dingley,	Lamb,	Robinson, W. E.	Worthington.
Eldredge,	Lawrence,	Rockwell,	Yaple.
Evans,	Le Fevre,	Rosecrans,	
Everhart,	Libbey,	Rowell,	
Findlay,	Long,	Ryan,	

NAYS—121.

Aiken,	Davis, L. H.	Kleiner,	Singleton,
Alexander,	Dibble,	Lanham,	Skinner, T. G.
Ballentine,	Dibrell,	Lewis,	Slocum,
Barksdale,	Dockery,	Lore,	Snyder,
Bennett,	Dunn,	Lovering,	Stewart, Charles
Blackburn,	Eaton,	Lowry,	Stockslager,
Blanchard,	Elliott,	McAdoo,	Storm,
Blount,	Ellis,	McMillin,	Sumner, C. A.
Boyle,	Ermentrout,	Miller, J. F.	Taylor, J. M.
Bratton,	Ferrell,	Mills,	Thompson,
Breckinridge,	Follett,	Money,	Throckmorton,
Broadhead,	Forney,	Morrison,	Tillman,
Buchanan,	Gibson,	Muldrow,	Townshend,
Burnes,	Glascock,	Mutchler,	Tucker,
Cabell,	Graves,	Neece,	Tully,
Caldwell,	Green,	Nicholls,	Turner, H. G.
Candler,	Halsell,	Oates,	Turner, Oscar
Cassidy,	Hammond,	O'Ferrall,	Van Eaton,
Clardy,	Hancock,	Patton,	Wallace,
Clay,	Hardeman,	Peel,	Warner, Richard
Clements,	Hatch, W. H.	Pierce,	Wellborn,
Cobb,	Henley,	Pryor,	Williams,
Cook,	Herbert,	Pusey,	Willis,
Cosgrove,	Hewitt, G. W.	Randall,	Wilson, W. L.
Covington,	Hopkins,	Reagan,	Wise, G. D.
Cox, S. S.	Hunt,	Reese,	Wolford,
Cox, W. R.	Hurd,	Riggs,	Wood,
Crisp,	Jones, J. H.	Robertson,	Young.
Culberson, D. B.	Jones, J. K.	Rogers, J. H.	
Curtin,	Jones, J. T.	Scales,	
Davidson,	Jordan,	Shelley,	

NOT VOTING—53.

Adams, J. J.	Ellwood,	Kellogg,	Spooner,
Arnot,	English,	King,	Steele,
Barbour,	Fiedler,	Maybury,	Sumner, D. H.
Bayne,	Finerty,	Miller, S. H.	Talbott,
Belford,	Foran,	Milliken,	Valentine,
Bland,	Fyan,	Morgan,	Vance,
Bowen,	Garrison,	Muller,	Warner, A. J.
Budd,	Hardy,	Murphy,	Weller,
Campbell, Felix	Hart,	O'Neill, J. J.	White, J. D.
Campbell, J. M.	Hemphill,	Paige,	Wise, J. S.
Connolly,	Henderson, D. B.	Phelps,	York.
Dorsheimer,	Hobbitsell,	Rogers, W. F.	
Dowd,	Hooper,	Russell,	
Dunham,	Hutchins,	Shaw.	

So the motion to reconsider was laid on the table.

Mr. BEACH. I ask that by unanimous consent the reading of the names of members voting be dispensed with.

Mr. MCMILLIN. I object.

The following members were announced as paired on all political questions until further notice:

Mr. ARNOT with Mr. BELFORD.

Mr. CAMPBELL, of New York, with Mr. HOOPER.

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. BLAND with Mr. VALENTINE.

Mr. FIEDLER with Mr. STEELE.

Mr. MAYBURY with Mr. JOHN S. WISE.

Mr. MULLER with Mr. DUNHAM.

Mr. MORGAN with Mr. BAYNE.

Mr. ADAMS, of New York, with Mr. BOWEN.

Mr. PAIGE with Mr. HART, until further notice, on this bill.
The following members were announced as paired for this day:
Mr. HEMPHILL with Mr. WHITE, of Kentucky.
Mr. SHELLEY with Mr. YORK.
Mr. HARDY with Mr. MILLIKEN.
Mr. TALBOTT with Mr. KELLOGG.
Mr. DOWD with Mr. PHELPS.
The result of the vote was then announced as above stated.
Mr. CRISP obtained the floor.
Mr. MILLS. I desire to offer an amendment, to come in at the end of the amendment last adopted.
The SPEAKER. The gentleman from Georgia [Mr. CRISP] has been recognized.
Mr. MILLS. I desire the House shall not pass away from this point till I have had an opportunity to offer my amendment.
The SPEAKER. The Chair will recognize the gentleman at a suitable opportunity.
Mr. CRISP. I move the amendment which I send to the desk.
The Clerk read as follows:

After the word "discrimination" insert:
"Nothing in this act contained shall be so construed as to prevent any railroad company from providing separate accommodations for white and colored persons."

Mr. CRISP. I believe, Mr. Speaker, that before the law all men are equal. I believe every man has the right, and should under any law enjoy the right, to demand at the hands of a common carrier as good accommodations and as good service as any other man receives for the same compensation. The amendment which I have submitted does not seek to invade that right of the citizen. There is nothing in this amendment which seeks to deprive one citizen of any right accorded to another.

In the State which I have the honor in part to represent we have a statute requiring railroad companies to furnish equal facilities to all persons—requiring them to make no discrimination, and providing that if they should violate the act any person injured may by suit recover of the railroad a sum not exceeding $10,000. I will read this statute so that the views of the people of Georgia, as expressed in their statute law, may not be misunderstood:

The different railroads in this State, acting as public carriers, are required to furnish equal accommodations to all, without regard to race, color, or previous condition.

And then follows the provision as to damages, as I have stated it.

That is the statute of Georgia. That statute, Mr. Speaker, has been before the courts in Georgia; and lest some gentlemen on this floor may not have the respect for the State courts of Georgia on questions of this kind that I have I will say that the court in Georgia referred to is the United States court. That court has held that the railroad companies may provide separate accommodations for the white and the colored people under a rule of equality.

That is the law to-day, and why change it? Can any good reason be given why either the colored man or the white man should object to that rule? My amendment does not seek to force the railroad companies to provide separate accommodations. It simply provides that this act shall not require them to carry the white people and the colored people in the same cars. If in response to a public sentiment in a State a railroad company sees proper to furnish separate accommodations for the white people and the colored people, is this objectionable? To whom is it objectionable? Whom does it injure? What bad effect can it have that men should come here and complain of it?

As I understand the provision which was adopted yesterday it goes even further than the bill which was passed some years ago and recently decided by the Supreme Court of the United States to be unconstitutional—the civil-rights bill or social-equality law. Now, what is the purpose of this movement! Why agitate anew this question? The law is well settled. The rights of the colored man are absolutely protected. Nobody wants to interfere with his rights. He has the same accommodations, the same kind of cars as the white man when he pays the same fare. Why, then, Mr. Speaker, should Congress pass a law which may be construed into requiring the mixture of the two races in the public conveyances of the land?

[Here the hammer fell.]

Mr. SMALLS. Mr. Speaker, I hope that the amendment just offered will be voted down. I am glad that this amendment comes from a Representative of Georgia. I know, Mr. Speaker, as the gentleman says, that we have no objection to riding in a separate car when the car is of the same character as that provided for the white people to ride in. But I state here to the House that colored men and women do have trouble in riding through the State of Georgia. In Georgia they have a car called a second-class car; and, notwithstanding a colored man may buy a first-class ticket here in Washington, or anywhere else, to go perhaps to New Orleans, yet when he reaches the State of Georgia he is compelled to go into a "Jim Crow car," which is placed next to the locomotive. The railroad officers do not object, as they state, to furnishing us fair and proper accommodations; but when we get to a certain station on the road, and the conductor goes out, as is claimed to attend to business of the road, we always find a crowd coming into the cars and asking us, not very politely, to go out; and if we do not go out peaceably we are put out by force. This has been done time and again in Georgia.

I have no reason to speak of such things, thank God, as occurring in my own State, for we have a statute in that State providing for proper accommodations for the colored people; and I wish to say, to the credit and honor of the people of the State of South Carolina, that no distinction is made in that State among persons traveling through the State. But when you come to the State of Georgia there is a difference; and for that reason a Representative of that State asks that this amendment be made. He has referred to the statute law of that State. Why, sir, that statute, so far as concerns any colored man or lady riding through that State in a first-class car, is as dead as some law that never was thought of.

I hope, sir, that amendment by this House will be voted down. I believe the good sense of the House, and especially the good sense of those Democrats who are now crying out they are going to be the best friends of the colored man, are not going to allow the State of Georgia to come in here at this last hour with any such discrimination as has been proposed. [Applause on the Republican side of the House.]

No, sir, you can not fool the people any longer. If you mean what you say, start doing it now. I believe the same good sense of the House which adopted the amendment offered by the gentleman from North Carolina [Mr. O'HARA] will vote down this amendment moved by the gentleman from Georgia [Mr. CRISP]. I first thought it would be better to move that the amendment be laid upon the table, but supposing other gentlemen wish to have something to say on it, I will for the present withhold that motion.

And I believe, sir, further that this amendment will be voted down by the right-thinking Democrats of the House, by those who are hallooing and crying out that there is no trouble about this matter; that great and good man Governor Cleveland, who is going to be our next President, will do all that is best for the welfare of the colored people. I do not believe those men are going to say here now to-day the colored people shall have nothing but a "Jim Crow" car in Georgia under the action of the railroad commissioners. [Laughter and applause on the Republican side of the House.]

Mr. HERBERT. I move to strike out the last word.

Now, Mr. Speaker, I shall sustain by my vote the amendment of the gentleman from Georgia [Mr. CRISP]. If that amendment be adopted the provision offered by the gentleman from North Carolina [Mr. O'HARA] will mean exactly what it would have meant if the words "without discrimination" in the concluding part of that amendment had been omitted.

There is no disposition on the part of the Southern Democrats to deny that all men without regard to race, color, or previous condition are entitled to equal facilities and equal accommodations when traveling on the same class of tickets with other men. That is not only the law in South Carolina, as has been admitted by the gentleman from that State, it is not only the law in Georgia, but it is the law in the State of Alabama. We have a statute to that effect and we have a decision on the statute by our railroad commission, composed entirely of Democrats.

The gentleman from South Carolina [Mr. SMALLS] who last addressed the House says that the law of Georgia is not enforced. If this amendment be adopted and this bill be enacted into law, then the courts will have the right to enforce the law giving equal facilities and equal accommodations to all men.

And that, sir, will be in accordance with the decisions of the Supreme Court of the United States in the civil-rights cases. Turn to that opinion delivered by Judge Bradley, and you will see while he intimates that the Congress of the United States would have the right to regulate this question when legislating on this subject of interstate commerce, yet he holds that it is not any infringement on the liberty of the citizen to make judicious and proper discriminations.

I read from the opinion, 109 U. S., p. 25. After deciding that neither the thirteenth, fourteenth, nor fifteenth amendments confer any new rights in this respect, he says:

There were thousands of free colored people in this country before the abolition of slavery enjoying all the essential rights of life, liberty, and property the same as white citizens; yet no one at that time thought that it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances, and places of amusement. Mere discriminations on account of race or color were not regarded as badges of slavery.

The author of the amendment inserted the words "without discrimination" simply for the purpose of making the amendment odious and raising a political issue, exciting political prejudice, and defeating the bill. If there had been any real desire to have a law passed securing to all men the right to have equal accommodations, equal facilities for their money with other people who paid no more, the amendment would have stopped right there. It would have said that much and nothing more, but the words "without discrimination" were inserted carefully for the purpose of compelling certain gentlemen on this side to vote against the bill if the amendment be adopted.

We have no objection, as I have said before and as I now repeat, to declaring that all men shall have equal facilities and equal accommodations; but we do object to any law that compels a common carrier to put all classes of people in the same cars and deprives it of the natural right to give equal accommodations in separate cars.

[Here the hammer fell.]

Mr. O'HARA. I regret exceedingly, Mr. Speaker, that this color question has arisen in this debate. [Laughter.] I for one, sir, hold that we are all Americans; that no matter whether a man is white or black he is an American citizen, and that the ægis of this great Republic should be held over him regardless of his color. The day is too late, public sentiment and the healthy influence of the nineteenth century all stare us in the face—it is too late, sir, for the American Congress to legislate on the question of color.

My amendment proposes nothing sir, in regard to color; it merely says the white man who may not occupy so high a social position as some of his more favored brethren shall not be discriminated against. It says that the colored man shall not be discriminated against. It is an amendment in a healthy direction, an amendment appealing to the common sense and patriotism of the entire people of this land.

The gentleman from Alabama [Mr. HERBERT] has suggested that I introduced the amendment or rather inserted the words in it "without discrimination" for a political purpose. Mr. Speaker, I am not in the habit of raising a political issue two years before a campaign begins. The campaign has ended, and I and others who believe with me politically will abide the result. And far be it from me at this period to raise anything for political purpose. All I ask of the American Congress is that while you are protecting the property of men, while you are protecting dumb brutes, while you are protecting every other interest, you shall at the same time give voice and expression to the protection of the rights of American colored citizens. [Applause on the Republican side.]

Mr. Speaker, "without discrimination" seem to be the words that hurt. If, as the gentleman has said, upon the statute-book of Georgia and upon the statute-book of Alabama there are laws which provide no discrimination can be made, or in substance the same thing, then why in the name of common consistency, why in the name of fairness and justice should there be a desire now to place this "rider" upon my amendment? Why, you gentlemen of the North, you gentlemen of Ohio, of New York, of Indiana, and of every other Northern State, yea, gentlemen from my own State of North Carolina, we ride together, we ride according to the fare we pay or feel able and disposed to pay. If I am not able or disposed to pay for or buy a first-class ticket I buy a second-class ticket, and I go right along and there is no trouble.

If the gentlemen mean what they say, that it is the idea and the firm conviction of every man in the length and breadth of this land to accord to all men their rights and privileges, why then is this amendment to the amendment needed? The very amendment itself bears a negative assertion on its very face. When gentlemen come here and say the words "without discrimination" should be stricken from my amendment, it shows a deliberate purpose to discriminate. I do not believe there is a single railroad in the land, I do not believe there is a single corporation in this country which desires to foster any discrimination. Let the man be white or black, humble or great, plebeian or aristocratic, if he pays his fare, if he decently behaves himself, he is entitled to the same right as his money and desire prompt him. [Applause on the Republican side.]

Mr. BRECKINRIDGE. I offer the following substitute for the amendment.

The Clerk read as follows:

But nothing in this act shall be construed to deny to railroads the right to classify passengers as they may deem best for the public comfort and safety, or to relate to transportation between points wholly within the limits of one State.

Mr. STRUBLE. I rise to a point of order on that amendment. The amendment proposes legislation as to what shall take place in one State, and in that regard it does not relate to interstate commerce, which is the object of this bill.

Mr. BRECKINRIDGE. That is one of the objects of the amendment, to prevent interference within the limits of a State.

The SPEAKER. From the reading of the amendment by the Clerk the amendment provides that it shall not relate to regulations within a State.

Mr. BRECKINRIDGE. Mr. Speaker, I think perhaps the gentleman who has suggested the point of order is not the only one who misconstrues the object and spirit of my proposed substitute. As I understand the gentleman from North Carolina [Mr. O'HARA], he wishes by his amendment to guarantee to colored men all the rights under the law that are given to white men. I, sir, for one, do not wish to see his rights under the law changed or disturbed in the slightest degree, nor in any wise less than those accorded to white men.

An objection I have to the amendment of the gentleman from Georgia is that he speaks of colored men as contradistinguished from white people. I want the legislation, sir, to spread broadly over citizens. I do not wish corporations to have the power to make any discrimination against the comfort of the laboring poor, if you please, or the diseased, or the sick, or the disorderly of the colored race, that they have not over the white race, and gentlemen are entirely mistaken if they think that the Southern people wish to withhold from the colored race equality under the law. What the gentlemen admit here to be the rights under the law of travelers carried by common carriers I am willing to vote for; but when you seek to prevent the assorting of passengers or the providing of equal but separate accommodations from the standpoint of public convenience and public safety, you then introduce a social question into a question of commerce. You seek to prevent the exercise of rights which are now possessed under the common law, as I am told by those who are better informed in the law than I am—for I am not a lawyer—and rights that are as necessary to preserve one set of people from obtrusion as they are to preserve another. Keep out of this domain, but see to it that every man gets value received for his money equally with another. This is commerce. The other is society.

Now, sir, the amendment as offered by the gentleman from North Carolina is vague, in that it implies that when one pays a fare it would apply to places wholly within a State and would not relate to interstate commerce. The exclusive clause of my substitute is to prevent any possible construction of that character.

I submit in all candor and fairness that so far as the Southern people are concerned we do not wish to reserve to the railroads a single power in connection with the transportation of passengers that is not recognized in every part of the Union, or any power over the colored race that they do not have over the white race.

Mr. REED. Mr. Speaker, I must say that I rejoice to see this question lifted by the last suggestion from a mere question of politics or of color. I did not propose to discuss it in that light. I thought it very desirable that we should have a vote on the main question without bringing up questions of color or stirring up feelings of race or partisanship. Let wisdom be justified of her children. So I am very much pleased, indeed, to see this last amendment of the gentleman from Arkansas. This at once ceases to be a question of politics or color, and has now become a question of assortment [laughter]; and now this House, which is determined to pursue these "robber barons," has before it the plain question whether it will not merely leave to them the privilege of assorting us, but whether it will absolutely confer upon them the privilege of assortment by direct enactment on the part of Congress. [Renewed laughter.]

Now, I appeal to this House, engaged as it is in the pursuit of wicked monopolists, if it intends to confer upon them a privilege of assortment without rights by law? Why, surely we must have some Treasury regulations as to the method of assortment. [Laughter.] Are we to be assorted on the ground of size? [Great laughter.] Am I to be put into one car because of my size and the gentleman from Arkansas into another because of his? [Renewed laughter and applause.] Is this to be done on account of our unfortunate difference of measurement? Or are we to be assorted on the moustache ground? Are we to be assorted on the question of complexion, or are we to be assorted on the beard basis?

If not any of these, what basis of assortment are we to have? For my part I object to having these "robber barons" overlook and assort us on any whimsical basis they may undertake to set up. [Laughter.]

Why, surely, Mr. Speaker, this House, engaged as it is in putting down discriminations against good men, can not tolerate itself an amendment of this character for an instant [Applause.]

I hope we shall have a vote on the main question.

The SPEAKER. Debate upon the pending amendment is exhausted.

Mr. REAGAN. I move, *pro forma*, to strike out the last words of the pending substitute.

I wish to say a word in relation to the amendment of the gentleman from Arkansas. I prefer, if I understood the reading of the language of it, that amendment to the one proposed by the gentleman from Georgia, for the reason assigned by him, that it speaks of people without reference to any distinction between races.

The gentleman from Maine is very facetious and makes himself particularly humorous over the question of assortment; and yet all over the State of Maine I will venture to assert the universal practice of railroad conductors is to assort people; and this is the case not only in Maine, but in every other State of this Union, whether they are white or black.

Mr. REED. Oh, no! not in Maine.

Mr. REAGAN. I hope the gentleman will let me complete what I was going to say. For instance, in any part of the State of Maine a gentleman who approaches a car for the purpose of entering, unaccompanied by ladies, will be met by the question, "Have you ladies with you?" If not, you are required to take another car.

Mr. REED. Mr. Speaker, that is not true in reference to Maine, for in Maine every gentleman is considered to be the fit associate of ladies. [Laughter.]

Mr. REAGAN. I ask the gentleman not to interrupt me. I repeat, they ask if you have ladies with you. You say no. The conductor says, "Take another car; this is for ladies with escorts."

Mr. REED. Now, Mr. Speaker, just there——

Mr. REAGAN. I must decline to yield in the five minutes I have.

Mr. REED. But I suppose the gentleman desires to recite facts?

Mr. REAGAN. I can not yield for an interruption in five minutes. Besides, sir, I was going on to say, a drunken man or a rowdy or a

desperado might want to go into a lady's car. Now, does the gentleman from Maine and those who accept his views desire the conductor to be restrained from saying, "You can not do so?"

Mr. KEIFER. They can clear such characters out of the car in Ohio.

Mr. REAGAN. Is that what the gentleman from Maine means? Would he deprive the railroad conductors of that discretion with reference to their passengers and the comfort and convenience of the traveling public that they have in all parts of the country? If not, then what does the gentleman mean? I am not talking now of races. I am talking about men and women, without reference to race. You say that these men, the conductors of cars, shall have no power, but shall be compelled to put all sorts of people together without discrimination into the same car.

Now, does the gentleman insist on his humor in getting up a laugh about assorting people, or does he wish to pile all sorts of people and all classes into the same car? Besides, so far as this general question is concerned, I attach no importance to the amendment of the gentleman from North Carolina. It simply reaffirms the common law and the law and the practice in every Southern State in this Union. It adopts no new principle; and for my part I have only the objection to it that it comes here unconsidered by a committee, and not connected with the regulation of the transportation of freight, which has been the great subject under consideration.

Mr. HENLEY. It has been brought up, it may be, with the hope that it may defeat this bill.

Mr. REAGAN. And of course it is voted on with a view to secure the defeat of this bill by appealing to the sentiment of men who will vote on a sentiment. But when we go before the tribunal of the public we will not be required to answer for the speeches men make on this floor but for the measures on which we vote. And when we come to that, lawyers and all sensible men understand and know that the amendment of the gentleman from North Carolina, if it is not modified, only reaffirms the common law and a right common to all—the right to equal facilities and the right to equal accommodations for equal money. That does not mean that they shall be placed in any particular car. It does not mean that they have a right to any particular seat. But it leaves them as they are left now, under the control of the conductors, compelling them only to give first-class accommodations to holders of first-class tickets, with the discretion of the conductor for the preservation of good order and common decency to "assort," as the gentleman from Maine says, the passengers.

Mr. REED. The gentleman from Texas declined to permit me to correct a misstatement which he made to the House with regard to the customs of the part of the country in which I live. I sympathize with the solemn way in which he treats the manner in which I have attacked his proposition. There is nothing that mistake dreads so much as ridicule; the absurdity of a proposition being pointed out, it is left full of holes

The gentleman from Texas says that this proposition is only a reaffirmation of the common law, and yet he voted against it. If it is nothing, why all these exertions on the part of the gentleman? He says if this is not modified, although it is nothing but the common law, you can not put a drunken man out of a car. Why, that is part of the police regulations of every State; and we can protect our citizens against criminals without modifying this amendment. The gentleman from Texas, upon reflection, will see that we can now. In the State of Maine, and I venture to say in all the New England States, there is no discrimination whatever. Every man is considered gentleman enough to associate with ladies, and no man is kept out of a car because he is not accompanied by a lady. This is true throughout New England, and I think throughout New York State. The utmost equality prevails and no harm is done to anybody.

Now, to refer again to this assortment business, I say that that shows the absurdity of this whole proposition. The amendment of the gentleman from Georgia [Mr. CRISP] has brought out directly for the first time the color question. The amendment of the gentleman from North Carolina was simply a provision that all citizens of the United States should be treated alike. Is not that in accordance with the Constitution? Is not that in accordance with the practices of a free people? And this is a bill which has for its object the putting down of tyrants and the establishment of freedom in this country, according to the gentleman from Texas; but the moment it comes to a question of real freedom where freedom has been really denied he is the first one—although he admits it is only a re-enactment of the common law—he is the first one to head the opposition against it. How much, after that, his declamation about what we owe to liberty ought to avail in this House I leave to the House to judge.

Mr. REAGAN. I withdraw the *pro forma* amendment.

Mr. CRISP. I renew the *pro forma* amendment. I had no intention when I submitted the amendment presented by myself to enter into a political discussion. It did not occur to me that in this country there were any people, white or black, who felt that a railroad company might not separate the one from the other. It did not occur to me on the one hand that the colored people of this country insisted on that sort of association. When I say the colored people I mean, Mr. Speaker, the great mass of them. The great mass of the colored people do not require, if I understand their wishes, anything of that sort. I have learned to-day that the white people, a number of them at least in this country, from what has been said here, prefer and require that sort of mixing of the assortment, to use the simile of the distinguished gentleman from Maine.

That gentleman says, Mr. Speaker, that there was no question of color brought into this debate until I brought it by the amendment that I had the honor to submit. I say to you, Mr. Speaker, and I say to that gentleman that I am in the habit of doing what I feel ought to be done directly, not by indirection, and I do not seek to evade the use of a word or words that exactly convey my meaning and at the same time accomplish a purpose that would be better accomplished if it were more plainly expressed and more frankly stated at the time the proposition was made. As for the amendment that was adopted yesterday at the suggestion of the Representative from North Carolina, whatever may be said about it this morning, I leave it to the good judgment of the House to determine if the purpose was not to prevent a separation of the colors.

If that is true, then that amendment first brought in the question of color upon this bill.

Now I want to say a word or two about the law of Georgia. I have no feeling in this matter. I believe my people desire that the law as it is to-day should remain unchanged. Therefore I have presented this amendment. But I want to say a word about the law of Georgia, because it has been assailed, or rather the practice under the law has been. Mr. Speaker, when a State places upon its statute-book a law, the judgment of the wisdom of the State is thereby expressed that the law is right, that it is founded on reason and justice, and ought to be enforced. If there is any failure in the enforcement of the law, I submit to you, Mr. Speaker, that it is not the fault of the law. Therefore when men say that in Georgia the provisions of the law are not enforced, that equal accommodations are not afforded to all, they say that they are unwilling to appeal to the law for the vindication of their personal rights; for if they are deprived of rights they can get redress if they seek it; the public sentiment that prompted the law will enforce it. The measure of damages for a violation of that law in the State of Georgia is fixed at a sum anywhere from $1 to $10,000. As I said before, it has been determined not only by the State courts but by the district court of the United States that under the law of absolute equality the separation of the races may be made.

That is all we ask. Who ought to complain of it? Do you on the other side complain of the separation? Are you unwilling that even in traveling you should be separated temporarily from any other class of people but white people? Is that the proposition? Is not the amendment that has been adopted, Mr. Speaker, a mere effort to strike at the sentiment existing in some parts of this country which prompts the people there, while fully recognizing the equality of all persons under the law, to avoid as much as possible personal association with a class in their midst?

[Here the hammer fell.]

Mr. HENLEY. Mr. Speaker——

The SPEAKER. Does the gentleman rise to oppose the amendment?

Mr. HENLEY. I do. Mr. Speaker, the substitute of the gentleman from Texas [Mr. REAGAN] is a business, commercial, economic proposition that everybody understands. Now, being in the close confidence of the gentleman from Georgia, I am authorized by him to impart some little comfort to the gentleman from Maine [Mr. REED], who seems to be tortured with some apprehension in regard to this question of "assortment." I am authorized to state that in this proposed "assortment" the assorters, the conductors on the railroad trains, are not to be governed by mere questions of personal appearance. Therefore the gentleman from Maine need have no apprehension. [Laughter.]

Now I want this House and every member thereof to understand very distinctly this proposition—that the introduction of this race question, this social question, whether such was the purpose of the gentleman from North Carolina or not, was seized upon by the other side and taken up for the purpose, in my judgment, of defeating this bill, a bill designed to relieve the people of this great Republic against the exactions and aggressions of railroad corporations. [Applause on the Democratic side.] This proposition comes from a suspicious side of the House. For almost twenty years the fight has been going on in this Hall, the forces on one side being led by the gentleman from Texas [Mr. REAGAN], who has achieved imperishable renown by his advocacy of the rights of the people against the railroad corporations. Finally, as the result of his assiduous, unremitting, and tireless efforts, a bill was about to be passed which would relieve the people—which was responsive to the demands of the people throughout this land for some measure of relief. The bill was about to be passed. In comes this proposition.

It is supported by the other side of the House. Why? Oh, they say, upon philanthropic, upon benevolent, upon humanitarian grounds. We have a right, sir, to our own opinions upon the good faith of that pretense. The judgment of the people of the country is, as you will find hereafter, that upon this commercial question, this question affecting fares and freights, the true friends of the people ought to concentrate

their efforts to keep out of consideration everything alien or foreign thereto, and address themselves exclusively to the question in hand.

There are two ways of defeating a proposition. One is by fighting it fairly and squarely; the other by resorting to circuity and indirection, by encumbering the proposition with all sorts of foreign matter which may make it objectionable. If the amendment of the gentleman from North Carolina [Mr. O'HARA], the evil effects of which are sought to be countervailed by the amendment of the gentleman from Georgia [Mr. CRISP], should be incorporated without modification in this bill, it is apparent to every one that it jeopardizes the bill; it imperils the passage of the bill on this floor; it creates enemies to it. Whether those enemies are right in their view as to the effect of this amendment is not the question. I appeal to the friends of the people; I appeal to those who believe sincerely that corporations should be seized by the throat and throttled into some kind of decency and regard for the law and the rights of the people of this land; I appeal to them to sustain this measure, and thereby afford some relief, especially to the people of the Pacific coast, whom in part I represent upon this floor, and who (I call attention to the enormous extortion) pay almost 7 cents a mile for transportation from San Francisco to Omaha; in fact, quite 7 cents, including sleeping accommodations.

Now, I think the purport of the amendment as originally introduced—I will not say the intent, for that would be impugning motives—I think the effect of the amendment as originally introduced is likely to be destructive to the bill, destructive to the profound wishes of the people as expressed in the platforms in almost every State in the Union in recent conventions which have been held.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I ask by unanimous consent to have the amendment read as it has been modified. [Cries of "Vote!"]

Mr. CRISP. I withdraw the *pro forma* amendment.

Mr. BRUMM. I renew it.

Mr. WARNER, of Ohio. Let the amendment as modified be read.

The amendment as modified was again read.

Mr. BRUMM. Mr. Speaker, I confess I do not understand the object of gentlemen on the other side of the House on this question. They seem to have no objection to the amendment proposed by the gentleman from North Carolina except as to the last words, "without discrimination." Yet they say there is no color line in this question. They are willing to adopt this amendment provided you strike out those words, "without discrimination." They attempt to have us believe that they are willing there shall be no discrimination as to color.

Now, sir, I speak from experience when I say that in the State of South Carolina—and my experience was while attending the funeral of an honored Senator from the State of Georgia—when I say I found there discrimination on the color line in the cars at least even so far as to prevent or prohibit the colored assistant sergeant-at-arms from sitting in the same room with the funeral *cortege*.

This is intended to strike out the color line, and these gentlemen may as well say so, and not attempt to bring in other amendments, as the gentleman from the State of Arkansas has done. I saw in the cars passing through South Carolina Southern women coming in who chewed tobacco and spat over the floor, and I saw well-dressed Southern ruffians come in who were allowed to sit in the same cars with white men, and when a colored man came in he was compelled to take a seat in another car. I was interested to know why, and followed him into the other car. I said to him, "Please let me see your ticket." He showed me the ticket, and it was exactly the same ticket sold to and held by those in the same car we were in and from which he was expelled.

Mr. COSGROVE. Which car were you in? [Laughter.] What was the complexion of its inmates?

Mr. BRUMM. Not any blacker than some I see now were in the car I was in. [Applause on the Republican side.] As I have said, discrimination was made there against that colored man; and I wish to say to the gentleman from California, who accuses us of attempting to defeat this bill by introducing this amendment, if you are honest and there is no color line in this, why then do you not vote for it as an amendment and then you will not defeat the bill?

Mr. HENLEY. Because it creates enemies to the bill, and you know it.

Mr. BRUMM. It does by your color line and nothing else. One man says it is not the color line and another man says you are going to defeat it because it creates enemies. Wherein are the enemies created unless it is on the color line?

Mr. HENLEY. Will the gentleman permit me to ask him a question?

Mr. BRUMM. Yes, sir.

Mr. HENLEY. Have your side favored this bill?

Mr. BRUMM. I have favored the bill, and a number of gentlemen here have favored it. I say, if you are honest, and I repeat it again, vote for this amendment as it is, and do not attempt to come in here and say we are killing the bill simply because we are attempting to prevent any color line in it.

Mr. HENLEY. If the gentlemen think that the rights of the white race are jeopardized, why do not they introduce a bill, and not encumber the passage of this interstate-commerce bill with such an amendment?

Mr. BRUMM. There is a bill already introduced, and why do you not pass it?

Mr. BARKSDALE. Mr. Speaker, the gentleman from South Carolina can speak for that State in reference to alleged discrimination there. I will speak for the State of Mississippi, and will assert there is no discrimination in regard to the transportation of persons under her laws or in the regulations of the railroad companies. Therefore the amendment can have no practical bearing on any practice in vogue in that State.

But, sir, I wish to say that I voted against it because I regarded it as irrelevant and foreign to the objects of the pending bill, and because it purported to correct abuses which do not exist.

The amendment relates to the transportation of persons. The pending bill relates exclusively to the transportation of property. In other words, the bill is designed to provide remedies against acts of oppression and injustice in the transportation of freight.

But, sir, I will not be deterred from voting for a measure of great public importance on account of the irrelevancy of the amendment which has been introduced on the motion of the Representative from North Carolina. It provides that persons purchasing tickets shall receive the same accommodations, be furnished with the same facilities, and afforded the same accommodations that are granted to all other persons. But I submit that the provision does not prevent railroad companies from providing separate accommodations for persons, provided they are equally comfortable, and, for that matter, equally ornamental; and if the amendment is designed to convey a different meaning, it will be declared unconstitutional by the Supreme Court of the United States, or whenever the issue is made, in pursuance of its opinion pronounced through Justice Bradley at the October term, 1883, in the cases founded on what is known as the civil-rights acts, passed March 1, 1875. The amendment is irrelevant, and mere *brutum fulmen;* and I shall still support the bill even if it is retained.

Mr. BRUMM. I withdraw the *pro forma* amendment.

Mr. BROWNE, of Indiana. I renew it.

Mr. Speaker, the world moves. I desire to admonish gentlemen that the soul of old John Brown is marching on. Only a few years ago an intelligent and educated physician of the State of Massachusetts was put off a street-car in the capital of the nation because he was only one-half white. I should not have particularly objected to the discrimination if they had put the colored part off alone, but they put the white part off with it. [Laughter.] And, sir, in all this character of class legislation we recognize and gentlemen who advocate it recognize the idea that if a man happens to be one-eighth colored it is utterly demoralizing to the seven-eighths white; and that proportion of the man is to be insulted in order that they may get out of the company of so much of the colored.

I want to say also that notwithstanding the colored man was put off the street car in this city in order that white men might have the exclusive privilege of riding along Pennsylvania avenue, the day has come when I see even chivalric gentlemen, not plebeians only, but patricians of the purest blood, riding in our street cars sandwiched between men as black as an imaginary minister from Hayti, to which my friend from New York [Mr. COX] alluded somewhat humorously a few years ago when making an attack upon the colored race. [Laughter.]

We ride now in the same cars with colored people. This is not a social question. It is a question of transportation merely. I do not insist that I am bound to admit to my fireside a colored man, or at my table. That is a question of taste or choice with me. I may meet a white man at my threshold and shut the door in his face. It is not a social question in any sense of the word; this is not; the other might be. What, then, is the question?

It is a question between common carriers, engaged in the transportation of passengers for hire and exacting particular fare in return for particular accommodations agreed to be furnished by them and the passenger. That is the contract. It is a contract between the carrier and the passenger. Now it is a question whether or not the colored people may permit the gentleman from New York [Mr. COX] to ride upon the same car with them, provided he has the same character of ticket and entitled to the same accommodations. It is insisted by certain gentlemen here on the other side that the colored people have the right to exclude white people from the same car, for if the white man may exclude the colored man why not the colored exclude the white?

Now, let me here appeal to gentlemen upon the other side to ask what sense is there in this controversy? I know it is not long since the Democratic party by public resolution declared that it would be demoralizing to the white race to allow the negro to be buried in the same graveyard with them. As if it made any material difference to the men in the graveyard one way or the other, for if the negro was planted there they could not get out. As a friend of mine said once, when replying to one asking a subscription for keeping up a graveyard fence, that it ought not to have it even by legislation, because those who are in could not get out, and those who were out did not want to get in [laughter]; and there is just as much sense in excluding the colored race from the graveyards as there is from the cars.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. BROWN, of Pennsylvania, was recognized and yielded to Mr. BROWNE, of Indiana.

Mr. BROWNE of Indiana. Now, Mr. Speaker, let me come back to the question again. It is said that this is a social question. There has never yet been a right secured to the colored people by our legislation that was not confronted with that objection. When we proposed to strike the whip from the hand of the master, all over even our northern country it was said it was the first step toward the inauguration of social equality; and after awhile, when we said we would open the doors of the Federal courts so that the humblest American citizen might go into the tribunals of the nation to assert his rights or right his wrongs, the Northern Democracy said it would tend to miscegenation and intermarriage of races. Now, marriage is a matter of taste purely. I have known some instances in which the two races have been intermarried, the white with the colored, and so far as my experience goes in every instance of this kind the colored man or woman got the worst of the bargain. It was a clean cheat, so far as they were concerned.

But after awhile, when, as was suggested by the martyred Lincoln, we put the ballot in the hand of the newly-made freedman that he might assist us in keeping liberty in the family of freedom forever, the whole Democracy, with one accord, said it was an attempt upon our part to introduce the negro into our family relations and create social equality. Emancipation, citizenship, and enfranchisement have come, and the social relations between races continue, as they were, a matter of personal choice.

Gentlemen do not seem to know that this question of social life is not, never was, and never can be regulated by law. It is a question of individual tastes. I associate with gentlemen because I believe them to be my social equals. I decline to associate with other gentlemen, whether they be white or black, because I do not so regard them. If this was a statute to make a colored Republican equal to a white Democrat I should vote against it. I would not vote for it. It could not be possible either to reduce the one or to elevate the other by an act of Congress. [Laughter.]

The time has come when there ought to be an end to this caste legislation, and I hope the time is not far distant when every white American citizen can sit down beside a respectable colored man without feeling that he is disgraced by the mere association, especially when it is simply occupying perhaps a distant seat in the same railroad car. God knows I pity the man, the white man, that would appeal to the Congress of the United States for some statute to protect him from what he would regard as the humiliation of being carried along a public highway in the same carriage of transportation with a man blacker than himself. The man who asks such protection is entitled to commiseration.

Mr. REAGAN. We have had extensive debate on these amendments. I now call the previous question on the pending amendments.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] demands the previous question on the proposed amendments.

Mr. BRECKINRIDGE. Does that include my substitute?

The SPEAKER. It does.

The question being taken on ordering the previous question, there were—ayes 137.

Before the negative vote was counted,

Mr. HORR said: There seems to be a misunderstanding. Some gentlemen understand the Speaker to say that the previous question if now ordered would cut off all debate on future amendments to the pending section.

The SPEAKER. The motion for the previous question applies simply to the pending amendments. The previous question was demanded on the pending amendments, not on the section.

The negative vote being counted, there were—noes 2.

So the previous question was ordered.

The SPEAKER. The first question is upon the adoption of the substitute proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE] for the amendment submitted by the gentleman from Georgia [Mr. CRISP]. Both will be read. The Clerk will first read the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

After the word "discrimination" insert:

"Nothing in this act contained shall be so construed as to prevent any railroad company from providing separate accommodations for white and colored persons."

The SPEAKER. For which the gentleman from Arkansas [Mr. BRECKINRIDGE] proposes the substitute which will now be read.

The Clerk read as follows:

But nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort and safety, or to relate to transportation relating to points wholly within the limits of one State.

The SPEAKER. The question is on the adoption of the substitute which has just been read.

The question being taken, there were—ayes 80, noes 111.

Mr. HOLMAN. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 26—not one-fifth of the last vote.

Mr. HOLMAN. Count the other side.

The negative vote being counted, there were noes 141—the affirmative not being one-fifth of the whole vote.

Mr. WARNER, of Ohio. I call for tellers on the yeas and nays.

Tellers were ordered, 37 members voting therefor—more than one-fifth of a quorum.

Mr. BROWNE, of Indiana. As a matter of compromise, inasmuch as it is the desire of gentlemen to make a record, I hope consent will be given to have the vote taken by yeas and nays.

Mr. BLANCHARD. I call for the regular order.

The SPEAKER. The regular order is the vote by tellers on the question of ordering the yeas and nays.

Mr. KEIFER. I suggest that by unanimous consent the vote for tellers might be taken as ordering the yeas and nays.

The SPEAKER. The Chair understands there was objection to that. The gentleman from Texas, Mr. REAGAN, and the gentleman from Indiana, Mr. HOLMAN, will act as tellers.

The House divided; and there were—ayes 53, noes 5.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 127, not voting 59; as follows:

YEAS—137.

Aiken,	Dibrell,	Lewis,	Skinner, T. G.
Alexander,	Dockery,	Lore,	Slocum,
Ballentine,	Dunn,	McAdoo,	Snyder,
Barksdale,	Eaton,	McMillin,	Springer,
Bennett,	Ellis,	Matson,	Stewart, Charles
Blackburn,	Ermentrout,	Miller, J. F.	Stockslager,
Blanchard,	Ferrell,	Mills,	Storm,
Blount,	Findlay,	Mitchell,	Sumner, C. A.
Bratton,	Follett,	Money,	Talbott,
Breckinridge,	Foran,	Morrison,	Taylor, J. M.
Buchanan,	Forney,	Moulton,	Thompson,
Buckner,	Geddes,	Muldrow,	Throckmorton,
Budd,	Gibson,	Murphy,	Tillman,
Burnes,	Glascock,	Murray,	Townshend,
Cabell,	Graves,	Mutchler,	Tucker,
Caldwell,	Green,	Neece,	Tully,
Campbell, J. E.	Greenleaf,	Oates,	Turner, H. G.
Candler,	Halsell,	O'Ferrall,	Turner, Oscar
Carleton,	Hancock,	Patton,	Van Eaton,
Cassidy,	Hardeman,	Pierce,	Warner, A. J.
Clardy,	Hatch, W. H.	Peel,	Warner, Richard
Clay,	Henley,	Price,	Wellborn,
Clements,	Herbert,	Pryor,	Wilkins,
Cobb,	Hewitt, A. S.	Randall,	Williams,
Converse,	Hewitt, G. W.	Rankin,	Willis,
Cook,	Holman,	Reagan,	Wilson, W. L.
Cosgrove,	Hunt,	Reese,	Winans, E. B.
Cox, S. S.	Hurd,	Riggs,	Winans, John
Cox, W. R.	Jones, J. H.	Robertson,	Wise, G. D.
Culberson, D. B.	Jones, J. K.	Rogers, J. H.	Wood,
Curtin,	Jones, J. T.	Rosecrans,	Woodward,
Dargan,	Jordan,	Scales,	Young.
Davidson,	Kleiner,	Seymour,	
Davis, L. H.	Lanham,	Shively,	
Dibble,	Le Fevre,	Singleton,	

NAYS—127.

Adams, G. E.	Everhart,	Libbey,	Rowell,
Anderson,	Funston,	Long,	Russell,
Atkinson,	George,	Lowry,	Ryan,
Bagley,	Goff,	Lyman,	Seney,
Barr,	Guenther,	McCoid,	Skinner, C. R.
Beach,	Hammond,	McComas,	Smalls,
Belmont	Hanback,	McCormick,	Smith, A. H.
Bingham,	Harmer,	Millard,	Smith, H. Y.
Bisbee,	Hatch, H. H.	Morrill,	Spooner,
Boutelle,	Haynes,	Morse,	Spriggs,
Brainerd,	Henderson, D. B.	Nelson,	Stephenson,
Breitung,	Henderson, T. J.	Nicholls,	Stevens,
Brewer, F. B.	Hepburn,	Nutting,	Stewart, J. W.
Brewer, J. H.	Hill,	O'Hara,	Stone,
Broadhead,	Hiscock,	O'Neill, Charles	Stralt,
Brown, W. W.	Hitt,	O'Neill, J. J.	Struble,
Browne, T. M.	Hoblitzell,	Parker,	Taylor, E. B.
Brumm,	Holmes,	Payne,	Taylor, J. D.
Burleigh,	Horr,	Payson,	Thomas,
Campbell, J. M.	Houk,	Perkins,	Van Alstyne,
Cannon,	Howey,	Peters,	Wait,
Chace,	James,	Pettibone,	Wakefield,
Chalmers,	Jeffords,	Phelps,	Wallace,
Crisp,	Johnson,	Poland,	Ward,
Culbertson, W. W.	Jones, B. W.	Post,	Washburn,
Cullen,	Kean,	Potter,	Weaver,
Cutcheon,	Keifer,	Ranney,	White, Milo
Davis, G. R.	Ketcham,	Ray, Ossian	Wilson, James
Davis, R. T.	Lacey,	Reed,	Wolford,
Dingley,	Laird,	Rice,	Worthington,
Eldredge,	Lamb,	Robinson, J. S.	Yaple.
Evans,	Lawrence,	Rockwell,	

NOT VOTING—59.

Adams, J. J.	Dunham,	Hutchins,	Rogers, W. F.
Arnot,	Elliott,	Kelley,	Shaw,
Barbour,	Ellwood,	Kellogg,	Shelley,
Bayne,	English,	King,	Steele,
Belford,	Fiedler,	Lovering,	Sumner, D. H.
Bland,	Finerty,	Maybury,	Valentine,
Bowen,	Fyan,	Miller, S. H.	Vance,
Boyle,	Garrison,	Milliken,	Wadsworth,
Campbell, Felix	Hardy,	Morgan,	Weller,
Collins,	Hart,	Muller,	Wemple,
Connolly,	Hemphill,	Ochiltree,	White, J. D.
Covington,	Holton,	Paige,	Whiting,
Deuster,	Hooper,	Pusey,	Wise, J. S.
Dorsheimer,	Hopkins,	Ray, G. W.	York.
Dowd,	Houseman,	Robinson, W. E.	

So the substitute of Mr. BRECKINRIDGE for the amendment of Mr. CRISP was adopted.

The following additional pair was announced:

Mr. FINERTY with Mr. ROBINSON, of New York, for this day.

The result of the vote was announced as above stated.

Mr. REAGAN. I now call the previous question——

[The remainder of Mr. REAGAN's statement was not heard at the reporter's desk.]

Mr. BRECKINRIDGE. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* (Mr. COX, of New York). The question is on the amendment as amended.

Mr. GOFF addressed the Chair.

The SPEAKER *pro tempore*. The previous question is operating at present on the amendment as amended.

Mr. REED. The gentleman from West Virginia [Mr. GOFF] desires to offer an amendment.

The SPEAKER *pro tempore*. That is not now in order.

Mr. REED. It is in order after the substitute is adopted. The previous question was ordered on the pending amendment, but not, as the Speaker expressly said, to cut off any future amendment. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from West Virginia will be recognized to offer his amendment hereafter. This does not cut off amendments to the first section. [Cries of "Regular order!"] The question is on agreeing to the amendment as amended.

Mr. SMALLS. Mr. Speaker, is it in order to move to lay on the table the amendment as amended? I move that the amendment as amended be laid on the table.

The SPEAKER *pro tempore*. That motion is in order.

The motion of Mr. SMALLS was not agreed to.

Mr. REAGAN. I call the previous question on the section and those two amendments.

The SPEAKER *pro tempore*. The House is dividing on agreeing to the amendment as amended.

Mr. HISCOCK. I desire to make a parliamentary inquiry. After the vote shall have been taken on agreeing to the amendment as amended by the adoption of the substitute, then I understand the proposition of the gentleman from West Virginia [Mr. GOFF] will be in order.

The SPEAKER *pro tempore*. The section is open to further amendment, certainly.

Mr. REAGAN. I had moved the previous question, and we were proceeding to vote, but the result had not been announced.

The SPEAKER *pro tempore*. The Chair will state that the previous question is now operating.

Mr. HISCOCK. It was distinctly stated by the gentleman from Texas that he moved the previous question on the substitute.

Mr. REAGAN. That may have been the understanding of the gentleman; but those around me know that I asked the previous question on the section and the amendments.

Mr. HISCOCK. It was announced by the Chair that after the vote had been taken on the amendment as amended the amendment of the gentleman from West Virginia would be in order.

The SPEAKER *pro tempore*. The pending proposition is this——

Mr. MCMILLIN. The Chair stated that the gentleman from West Virginia would be recognized hereafter; but the gentleman from Texas demanded the previous question.

Mr. GOFF. The previous question was only demanded on the amendment to the amendment; it was so stated.

Mr. HISCOCK. The previous question was not demanded upon the section.

Mr. BLACKBURN. I appeal to the Chair to listen for one moment on the question of order. The gentleman from Texas is in charge of this measure. He has stated to the Speaker and the House that, being recognized by the Chair, he had asked the previous question upon this section and pending amendments. [Cries of "Oh, no!"] That is the statement made by the gentleman from Texas, and I know no right on the part of any gentleman to challenge it.

Mr. HISCOCK. I do challenge it.

Mr. BLACKBURN. I am entitled to the floor, and the gentleman from New York will challenge my statement, if he wants to, in his own time, not mine.

Mr. HISCOCK. I am willing to leave the question to the other gentleman from Texas [Mr. MILLS].

Mr. BLACKBURN. It is the unbroken rule of this House to recognize the gentleman in charge of a measure to enter a motion. The gentleman from Texas has submitted a motion. It is for the previous question, as he tells us, not upon the substitute, but upon the paragraph or section and the pending amendments.

I deny that the gentleman from New York or any other gentleman has the right to challenge that statement, and the Chair is bound to accept it. It is for the House either to order the previous question or reject the motion of the gentleman from Texas.

Mr. HISCOCK rose.

The SPEAKER *pro tempore*. The gentleman from New York will suspend for a moment until the Chair states the proposition before the House. The House was dividing on the question of accepting the amendment as amended by the gentleman from Arkansas. That matter has not yet been determined. When it is determined the Chair will recognize the next person in order.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The previous question is operating on the amendment to the amendment.

Mr. KEIFER. That is all we claim.

Mr. REAGAN. I ask what the question before the House is?

The SPEAKER *pro tempore*. The proposition is this: The gentleman from Arkansas moved to amend the proposition of the gentleman from Georgia.

Mr. REAGAN. By his substitute.

The SPEAKER *pro tempore*. By a substitute, and that is the pending proposition. It has been adopted, but a division was called for. The Chair must conclude that proposition first; and now the question is on adopting the substitute as amended on motion of the gentleman from Arkansas.

The House divided; and there were—ayes 148, noes 117.

Mr. REED demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 137, nays 131, not voting 55; as follows:

YEAS—137.

Aiken,	Davis, L. H.	Lanham,	Skinner, T. G.
Alexander,	Dibble,	Le Fevre,	Snyder,
Ballentine,	Dibrell,	Lewis,	Springer,
Barksdale,	Dockery,	Lore,	Stewart, Charles
Bennett,	Dunn,	McAdoo,	Stockslager,
Blackburn,	Eaton,	McMillin,	Storm,
Blanchard,	Ellis,	Matson,	Sumner, C. A.
Blount,	Ermentrout,	Miller, J. F.	Talbott,
Bratton,	Ferrell,	Mills,	Taylor, J. M.
Breckinridge,	Findlay,	Mitchell,	Thompson,
Broadhead,	Follett,	Money,	Throckmorton,
Buchanan,	Foran,	Morrison,	Tillman,
Buckner,	Forney,	Moulton,	Townshend,
Budd,	Fyan,	Muldrow,	Tucker,
Burnes,	Geddes,	Murphy,	Tully,
Cabell,	Gibson,	Murray,	Turner, H. G.
Caldwell,	Glascock,	Mutchler,	Turner, Oscar
Campbell, J. E.	Graves,	Neece,	Van Eaton,
Candler,	Green,	Nicholls,	Wallace,
Carleton,	Greenleaf,	Oates,	Warner, A. J.
Cassidy,	Halsell,	O'Ferrall,	Warner, Richard
Clardy,	Hammond,	Patton,	Wellborn,
Clay,	Hardeman,	Pierce,	Wilkins,
Clements,	Hatch, W. H.	Peel,	Williams,
Cobb,	Hemphill,	Pryor,	Willis,
Converse,	Henley,	Randall,	Wilson, W. L.
Cook,	Herbert,	Rankin,	Winans, E. B.
Cosgrove,	Hewitt, G. W.	Reagan,	Winans, John
Covington,	Holman,	Reese,	Wise, G. D.
Cox, S. S.	Hunt,	Riggs,	Wolford,
Cox, W. R.	Hurd,	Rogers, J. H.	Wood,
Crisp,	Jones, J. H.	Rosecrans,	Young.
Culberson, D. B.	Jones, J. K.	Scales,	
Dargan,	Jones, J. T.	Seymour,	
Davidson,	Kleiner,	Singleton,	

NAYS—131.

Adams, G. E.	Guenther,	Lyman,	Seney,
Anderson,	Hanback,	McCoid,	Shively,
Atkinson,	Harmer,	McComas,	Skinner, C. R.
Bagley,	Hatch, H. H.	McCormick,	Smalls,
Barr,	Haynes,	Millard,	Smith, A. H.
Beach,	Henderson, D. B.	Milliken,	Smith, H. Y.
Belmont,	Henderson, T. J.	Morrill,	Spooner,
Bingham,	Hepburn,	Morse,	Spriggs,
Bisbee,	Hewitt, A. S.	Nelson,	Stephenson,
Boutelle,	Hill,	Nutting,	Stevens,
Brainerd,	Hiscock,	O'Hara,	Stewart, J. W.
Breitung,	Hitt,	O'Neill, Charles	Stone,
Brewer, F. B.	Hoblitzell,	O'Neill, J. J.	Stralt,
Brewer, J. H.	Holmes,	Parker,	Struble,
Brown, W. W.	Holton,	Payne,	Taylor, E. B.
Browne, T. M.	Horr,	Payson,	Taylor, J. D.
Brumm,	Houk,	Peters,	Thomas,
Burleigh,	Howey,	Pettibone,	Van Alstyne,
Campbell, J. M.	James,	Phelps,	Wadsworth,
Cannon,	Jeffords,	Poland,	Wait,
Chalmers,	Johnson,	Post,	Wakefield,
Culbertson, W. W.	Jones, B. W.	Potter,	Ward,
Cullen,	Kean,	Price,	Washburn,
Cutcheon,	Keifer,	Ranney,	Weaver,
Davis, G. R.	Ketcham,	Ray, G. W.	Wemple,
Davis, R. T.	Lacey,	Ray, Ossian	White, J. D.
Deuster,	Laird,	Reed,	White, Milo
Dingley,	Lamb,	Rice,	Whiting,
Eldredge,	Lawrence,	Robinson, J. S.	Wilson, James
Evans,	Libbey,	Rockwell,	Woodward,
Everhart,	Long,	Rowell,	Worthington,
Funston,	Lovering,	Russell,	Yaple.
Goff,	Lowry,	Ryan,	

NOT VOTING—55.

Adams, J. J.	Collins,	Finerty,	Jordan,
Arnot,	Connolly,	Garrison,	Kelley,
Barbour,	Curtin,	George,	Kellogg,
Bayne,	Dorsheimer,	Hancock,	King,
Belford,	Dowd,	Hardy,	Maybury,
Bland,	Dunham,	Hart,	Miller, S. H.
Bowen,	Elliott,	Hooper,	Morgan,
Boyle,	Ellwood,	Hopkins,	Muller,
Campbell, Felix	English,	Houseman,	Ochiltree,
Chace,	Fiedler,	Hutchins,	Paige,

Perkins,	Rogers, W. F.	Steele,	Weller,
Pusey,	Shaw,	Sumner, D. H.	Wise, J. S.
Robertson,	Shelley,	Valentine,	York.
Robinson, W. E.	Slocum,	Vance,	

So the substitute as amended was adopted.

During the roll-call,

Mr. CHACE said: I wish to withdraw my vote, as I am paired with Mr. ROBERTSON. If he were present, I would vote "no."

On motion of Mr. REAGAN, by unanimous consent the reading of the names was dispensed with.

The following additional pair was announced from the Clerk's desk:

Mr. ROBERTSON with Mr. CHACE, for this day.

The vote was then announced as above recorded.

Mr. REAGAN moved to reconsider the vote by which the substitute as amended was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 300) to pay to the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month; when the Speaker signed the same.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2280) for the relief of Mrs. Jane Venable; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the return, in compliance with the request of the House, of the bill (H. R. 1457) to establish the department of agriculture.

It further announced the Senate requested the return of the bill (S. 2376) for the relief of Joseph F. Wilson.

It further announced the passage of the following bills; in which concurrence was requested:

A bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes;

A bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White Ute River Indians;

A bill (S. 2464) to authorize the suspension of the exercise of extra-territorial jurisdiction in the territories of the Bey of Tunis, and to amend section 4127 of the Revised Statutes of the United States; and

Joint resolution (S. R. 44) directing the Public Printer to furnish copies of the CONGRESSIONAL RECORD to the Secretary of State for each of the American legations abroad.

It further announced the passage with amendments, in which concurrence was requested, of the bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern division, &c., of the district of East Tennessee and attaching it to the middle district of said State, and for other purposes.

RETURN OF SENATE BILL.

The SPEAKER. The Senate has requested the return of the bill (S. 2376) for the relief of Joseph F. Wilson. If there be no objection the request will be granted.

There was no objection, and it was ordered accordingly.

INTERSTATE COMMERCE.

Mr. MILLS. I offer the following amendment to be added to the amendment as amended.

The Clerk read as follows:

Nor shall any railroad company or its officers charge or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by said person.

Mr. MILLS. As the House has adopted the subject of regulation of passengers as well as freight in this bill I have offered this amendment. I am aware that a great many of the railroads in the United States charge largely under 3 cents per mile, but I am aware also there are some roads, and among them those who have received the most generous bounty on the part of the Government of the United States, who charge 6 and 8 and even 10 cents per mile. A number of States, as I am informed—certain it is so in my own State—have passed regulations prescribing the rates passengers shall be charged in the State. It is 3 cents per mile as the maximum in my State. I understand it is so in other States. It is so in Kansas. I wish to place a restriction on the charge which railroad companies may make on interstate passengers who are taken up in one State, travel over others, and are put down in a distant State. Three cents is enough for any railroad to charge for passengers. I hope the House will adopt the amendment.

In accordance with my agreement with my colleague I now demand the previous question on that amendment.

The previous question was ordered.

The House divided; and there were—ayes 65, noes 57.

Mr. BUDD and Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 139, nays 120, not voting 64; as follows:

YEAS—139.

Alexander,	Fyan,	Matson,	Skinner, T. G.
Anderson,	Gibson,	Millard,	Smalls,
Atkinson,	Glascock,	Miller, J. F.	Spooner,
Barksdale,	Graves,	Mills,	Springer,
Beach,	Green,	Morrill,	Stephenson,
Bisbee,	Guenther,	Morrison,	Stewart, Charles
Blanchard,	Halsell,	Moulton,	Stockslager,
Brainerd,	Hanback,	Muldrow,	Strait,
Brown, W. W.	Hancock,	Murray,	Struble,
Browne, T. M.	Hatch, H. H.	Nelson,	Sumner, C. A.
Brumm,	Hatch, W. H.	Nicholls,	Talbott,
Burleigh,	Haynes,	Nutting,	Taylor, J. D.
Cabell,	Henderson, D. B.	O'Ferrall,	Taylor, J. M.
Campbell, J. E.	Henderson, T. J.	O'Hara,	Thomas,
Campbell, J. M.	Henley,	Payne,	Thompson,
Chalmers,	Hepburn,	Payson,	Townshend,
Clay,	Hewitt, A. S.	Pierce,	Tully,
Clements,	Hill,	Peel,	Turner, Oscar
Converse,	Hitt,	Perkins,	Wakefield,
Cook,	Holman,	Peters,	Wallace,
Cosgrove,	Holmes,	Pettibone,	Ward,
Covington,	Houk,	Poland,	Warner, A. J.
Culberson, D. B.	Howey,	Price,	Warner, Richard
Cullen,	Jones, J. H.	Randall,	Weaver,
Cutcheon,	Kleiner,	Ray, G. W.	Wellborn,
Davidson,	Lacey,	Ray, Ossian	Wemple,
Davis, G. R.	Laird,	Riggs,	White, J. D.
Davis, L. H.	Lamb,	Robinson, J. S.	Whiting,
Davis, R. T.	Lanham,	Rogers, J. H.	Wilkins,
Deuster,	Lawrence,	Rowell,	Wilson, James
Dingley,	Le Fevre,	Ryan,	Wise, G. D.
English,	Lewis,	Scales,	Wood,
Everhart,	Lowry,	Seney,	Yaple,
Foran,	McAdoo,	Shively,	Young.
Funston,	McCormick,	Singleton,	

NAYS—120.

Adams, G. E.	Dibble,	Jordan,	Rockwell,
Aiken,	Dibrell,	Kean,	Russell,
Bagley,	Eaton,	Keifer,	Seymour,
Barr,	Eldredge,	Ketcham,	Skinner, C. R.
Belmont,	Elliott,	Libbey,	Smith, A. H.
Bennett,	Ellis,	Long,	Snyder,
Bingham,	Ermentrout,	Lore,	Spriggs,
Blackburn,	Findlay,	Lovering,	Stevens,
Blount,	Follett,	Lyman,	Stewart, J. W.
Boutelle,	Forney,	McMillin,	Stone,
Bratton,	Geddes,	Mitchell,	Storm,
Breckinridge,	Greenleaf,	Money,	Taylor, E. B.
Breitung,	Hammond,	Morse,	Throckmorton,
Brewer, F. B.	Hardeman,	Murphy,	Tillman,
Brewer, J. H.	Harmer,	Mutchler,	Tucker,
Broadhead,	Hemphill,	Neece,	Turner, H. G.
Buchanan,	Herbert,	Oates,	Van Alstyne,
Buckner,	Hewitt, G. W.	O'Neill, Charles	Van Eaton,
Burnes,	Hiscock,	Parker,	Wadsworth,
Caldwell,	Hoblitzell,	Patton,	Wait,
Candler,	Horr,	Phelps,	Washburn,
Cannon,	Houseman,	Post,	White, Milo
Carleton,	Hunt,	Potter,	Williams,
Cassidy,	Hurd,	Pryor,	Willis,
Clardy,	James,	Pusey,	Wilson, W. L.
Cobb,	Jeffords,	Ranney,	Winans, E. B.
Cox, S. S.	Johnson,	Reagan,	Winans, John,
Cox, W. R.	Jones, B. W.	Reed,	Wolford,
Crisp,	Jones, J. K.	Reese,	Woodward,
Dargan,	Jones, J. T.	Rice,	Worthington.

NOT VOTING—64.

Adams, J. J.	Dockery,	Hooper,	Rankin,
Arnot,	Dorsheimer,	Hopkins,	Robertson,
Ballentine,	Dowd,	Hutchins,	Robinson, W. E.
Barbour,	Dunham,	Kedey,	Rogers, W. F.
Bayne,	Dunn,	Kellogg,	Rosecrans,
Belford,	Ellwood,	King,	Shaw,
Bland,	Evans,	McCoid,	Shelley,
Bowen,	Ferrell,	McComas,	Slocum,
Boyle,	Fiedler,	Maybury,	Smith, H. Y.
Budd,	Finerty,	Miller, S. H.	Steele,
Campbell, Felix	Garrison,	Milliken,	Sumner, D. H.
Chace,	George,	Morgan,	Valentine,
Collins,	Goff,	Muller,	Vance,
Connolly,	Hardy,	Ochiltree,	Weller,
Culbertson, W. W.	Hart,	O'Neill, J. J.	Wise, J. S.
Curtin,	Holton,	Paige,	York.

So the amendment was agreed to.

The following additional pairs were announced:

Mr. ROSECRANS with Mr. McCOMAS, on this vote.

Mr. BUDD with Mr. GEORGE, on this vote.

Mr. DEUSTER with Mr. O'NEILL, of Missouri, on this vote.

Mr. McCOID with Mr. DOCKERY, from December 17 to December 21.

Mr. RANKIN with Mr. OCHILTREE, on all political questions and on the Reagan bill. Mr. OCHILTREE would vote for the bill, Mr. RANKIN against it.

The result of the vote was then announced as above recorded.

Mr. GIBSON rose.

The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. GIBSON. I desire to submit a privileged motion. I move to reconsider the vote by which the amendment of the gentleman from Texas was adopted.

The SPEAKER. That is a privileged motion.

Mr. HOLMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOFF. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the substitute the following——

The SPEAKER. There is no substitute pending.

Mr. GOFF. I desire to offer this to go into the section immediately after the amendment or substitute proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add to the substitute the following:

"*Provided*, That no discrimination is made on account of race or color."

Mr. REAGAN. Does the gentleman desire to address the House? If not, I will call the previous question on the amendment.

Mr. GOFF. Just a moment.

The amendment of the gentleman from Arkansas permits the railroad companies to make any arrangements that to them may seem fit relative to the classification of passengers. Now I simply propose to add to that provision the words "provided that there shall be no discrimination on account of race or color."

It seems to me that gentlemen who advocate the passage of this bill have suddenly changed their tactics. When they offered it to the consideration of the House it was upon the theory that the proposed legislation was intended to regulate the railroads and to prevent discriminations as against the people. But now it seems they have reversed their former opinion, and the idea, as it is now apparently entertained and enunciated, is to regulate the people and to permit the railroads to discriminate as they choose against them.

I can see nothing unfair in this amendment. It does no injustice to the railroad corporations, and it does simple, even-handed justice to all the citizens of this country. The gentleman from California [Mr. HENLEY] has told us that amendments of this character tend to jeopardize the bill. Why should they do so?

So far as I am concerned, if to do justice to the citizens of this country jeopardizes the passage of the bill, then I am in favor of justice, and the bill may die. I can see no reason why a citizen of this country traveling from the capital of the nation and going to the great exposition now open at New Orleans, should be compelled when passing through the great State of Georgia to leave the car that he left the capital of his country in and go into those described by the gentleman from South Carolina [Mr. SMALLS]. Such discrimination might apply to members of this House and men occupying high official positions in this country. We sit here as their equals, and before the law and Constitution of our land they are our equals. Now I submit, without desiring to argue this proposition further, that we should not inquire where a man came from, in what clime he was born, or where the sun first kissed his cheek; nor should we inquire what is the color of the skin. All that we want to know is that he is an American citizen; and if he is such, then he is entitled to all the protection of the Constitution and laws of the country. [Applause on the Republican side.]

Mr. REAGAN. I demand the previous question upon the adoption of the amendment.

Mr. WHITE, of Kentucky. I ask the gentleman from Texas to yield to me to offer an amendment?

Mr. REAGAN. I must decline to yield. I insist upon the demand for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from West Virginia.

Mr. HISCOCK, Mr. MILLARD, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 102, not voting 80; as follows:

YEAS—141.

Adams, G. E.	Davis, G. R.	Hitt,	Lyman,
Anderson,	Davis, R. T.	Hoblitzell,	McComas,
Atkinson,	Deuster,	Holman,	McCormick,
Bagley,	Dingley,	Holmes,	Millard,
Barr,	Eldredge,	Horr,	Milliken,
Beach,	Evans,	Houk,	Mitchell,
Bingham,	Everhart,	Houseman,	Morrill,
Bisbee,	Ferrell,	Howey,	Morse,
Boutelle,	Follett,	Hunt,	Murray,
Brainerd,	Foran,	James,	Nelson,
Breitung,	Funston,	Jeffords,	Nicholls,
Brewer, F. B.	Goff,	Johnson,	Nutting,
Brewer, J. H.	Greenleaf,	Jones, B. W.	O'Hara,
Brown, W. W.	Guenther,	Jordan,	O'Neill, Charles
Browne, T. M.	Hanback,	Kean,	O'Neill, J. J.
Brumm,	Harmer,	Keifer,	Parker,
Campbell, J. E.	Hatch, H. H.	Ketcham,	Payne,
Campbell, J. M.	Haynes,	Lacey,	Payson,
Cannon,	Henderson, D. B.	Laird,	Perkins,
Carleton,	Henderson, T. J.	Le Fevre,	Peters,
Chalmers,	Hepburn,	Libbey,	Pettibone,
Converse,	Hewitt, A. S.	Long,	Poland,
Cullen,	Hill,	Lovering,	Post,
Cutcheon,	Hiscock,	Lowry,	Potter,
Price,	Seymour,	Strait,	White, J. D.
Ranney,	Shively,	Struble,	White, Milo
Ray, G. W.	Skinner, C. R.	Taylor, J. D.	Whiting,
Ray, Ossian	Smalls,	Thomas,	Wilkins,
Reed,	Smith, A. H.	Van Alstyne,	Wilson, James
Rice,	Smith, H. Y.	Wakefield,	Winans, E. B.
Robinson, J. S.	Spooner,	Wallace,	Wood,
Rockwell,	Springer,	Ward,	Woodward,
Rowell,	Stephenson,	Warner, A. J.	Yaple.
Russell,	Stevens,	Washburn,	
Ryan,	Stewart, J. W.	Weaver,	
Scney,	Stone,	Wemple,	

NAYS—102.

Aiken,	Culberson, D. B.	Jones, J. T.	Singleton,
Alexander,	Curtin,	Kleiner,	Skinner, T. G.
Ballentine,	Dargan,	Lanham,	Snyder,
Barksdale,	Davidson,	Lewis,	Stewart, Charles
Bennett,	Dibble,	Lore,	Stockslager,
Blackburn,	Dibrell,	McMillin,	Storm,
Blanchard,	Eaton,	Matson,	Sumner, C. A.
Blount,	Ellis,	Miller, J. F.	Taylor, J. M.
Bratton,	Ermentrout,	Mills,	Thompson,
Breckinridge,	Forney,	Money,	Tillman,
Buchanan,	Fyan,	Morrison,	Townshend,
Buckner,	Geddes,	Moulton,	Tucker,
Burnes,	Gibson,	Muldrow,	Tully,
Cabell,	Glascock,	Neece,	Turner, H. G.
Caldwell,	Green,	Oates,	Turner, Oscar
Candler,	Halsell,	O'Ferrall,	Van Eaton,
Cassidy,	Hancock,	Patton,	Warner, Richard
Clardy,	Hardeman,	Peel,	Wellborn,
Clay,	Hatch, W. H.	Pierce,	Williams,
Clements,	Hemphill,	Pryor,	Willis,
Cobb,	Henley,	Pusey,	Wilson, W. L.
Cosgrove,	Herbert,	Randall,	Wise, G. D.
Covington,	Hewitt, G. W.	Reagan,	Wolford,
Cox, S. S.	Hurd,	Reese,	Young.
Cox, W. R.	Jones, J. H.	Rogers, J. H.	
Crisp,	Jones, J. K.	Scales,	

NOT VOTING—79.

Adams, J. J.	Dorsheimer,	Kelley,	Rogers, W. F.
Arnot,	Dowd,	Kellogg,	Rosecrans,
Barbour,	Dunham,	King,	Shaw,
Bayne,	Dunn,	Lamb,	Shelley,
Belford,	Elliott,	Lawrence,	Slocum,
Belmont,	Ellwood,	McAdoo,	Spriggs,
Bland,	English,	McCoid,	Steele,
Bowen,	Fiedler,	Maybury,	Sumner, D. H.
Boyle,	Findlay,	Miller, S. H.	Talbott,
Broadhead,	Finerty,	Morgan,	Taylor, E. B.
Budd,	Garrison,	Muller,	Throckmorton,
Burleigh,	George,	Murphy,	Valentine,
Campbell, Felix	Graves,	Mutchler,	Vance,
Chace,	Hammond,	Ochiltree,	Wadsworth,
Collins,	Hardy,	Paige,	Wait,
Connolly,	Hart,	Phelps,	Weller,
Cook,	Holton,	Rankin,	Winans, John
Culbertson, W. W.	Hooper,	Riggs,	Wise, J. S.
Davis, L. H.	Hopkins,	Robertson,	Worthington,
Dockery,	Hutchins,	Robinson, W. E.	York.

So the amendment was adopted.

On motion of Mr. LONG, by unanimous consent the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. THROCKMORTON with Mr. LAWRENCE, for the remainder of this day.

Mr. WORTHINGTON with Mr. RIGGS, on this vote.

Mr. PHELPS with Mr. DAVIS, of Missouri, for the remainder of this day.

Mr. HAMMOND with Mr. EZRA B. TAYLOR, for the remainder of this day, reserving the right to vote to make a quorum. On Mr. GOFF's amendment Mr. HAMMOND would vote "no" and Mr. TAYLOR would vote "ay."

Mr. LAMB with Mr. WADSWORTH, for the remainder of the day.

Mr. FINDLAY with Mr. KELLEY, for the remainder of the day.

Mr. COOK with Mr. WAIT, for the remainder of the day.

The result of the vote was then announced as above stated.

Mr. GOFF. I move to reconsider the vote just taken; and also move to lay the motion to reconsider on the table.

Mr. REAGAN. I move that the House do now adjourn.

Mr. GOFF. My motion, I understand, is pending.

The SPEAKER. It is; and pending that motion the gentleman from Texas moves to adjourn.

Mr. REAGAN. I am willing to yield to some requests for unanimous consent.

The SPEAKER. If the motion to adjourn is withdrawn, the question will be on the motion of the gentleman from West Virginia [Mr. GOFF]. Does the gentleman from Texas withdraw his motion to adjourn.

Mr. REAGAN. I do not withdraw it.

INDIANS OF BLACKFEET AND OTHER AGENCIES.

Pending the question on the motion to adjourn,

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of $50,000 from the Interior Department to supply a deficiency in the appropriations for the support of Indians of the Blackfeet, Crow, Fort Belknap, and Fort Peck agencies for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HOURS OF LABOR FOR LETTER-CARRIERS.

The SPEAKER also laid before the House a letter from the Attorney-General, in response to a resolution of the House asking his opinion whether the eight-hour law (section 3738, Revised Statutes) applies to letter-carriers; which was referred to the Committee on Labor.

The motion of Mr. REAGAN was then agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Papers relating to the claim of James F. Wooley; also papers relating to the claim of William Evans—severally to the Committee on War Claims.

Mr. S. S. COX: Memorial of Nathaniel McKay, relative to contract for plates on United States monitor Miantonomoh—to the Committee on Expenditures in the Navy Department.

By Mr. GEORGE: Papers relating to the claim of John Campbell—to the Committee on War Claims.

By Mr. W. H. HATCH: Papers improperly referred to the Committee on Agriculture—to the Committee on Commerce.

By Mr. LAWRENCE: Petition of Allison Louderbach, for a pension—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of 175 citizens of Massachusetts, requesting the passage of the resolution of Hon. JAMES H. HOPKINS relative to the transportation of cattle—to the Committee on Commerce.

By Mr. LYMAN: Five petitions from manufacturers and business men of Boston, Mass., requesting the passage of the resolution of Mr. HOPKINS relative to the transportation of cattle—to the same committee.

By Mr. MORRISON: Petition of sundry citizens of Highland, Ill., for the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. MURPHY: Petitions of citizens of Dakota, asking reduction of the price of public lands—to the Committee on the Public Lands.

By Mr. J. M. TAYLOR: Papers relating to the claim of Jessee A. Brown—to the Committee on War Claims.

By Mr. YAPLE: Resolution of Michigan State board of agriculture, relative to the establishment of experimental stations—to the Committee on Agriculture.

By Mr. YOUNG: Papers relating to the claim of Henry E. Sills; also papers relating to the claim of Elizabeth Rivers—severally to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ARNOT: Of citizens of Almond, N. Y.

By Mr. BAGLEY: Of citizens of the counties of Ulster and Schoharie, New York.

By Mr. BLACKBURN: Of certain citizens of Kentucky.

By Mr. T. M. BROWNE: Of 219 citizens and ex-soldiers of Union City, Ind.

By Mr. DOCKERY: Of citizens of Harrison County, Missouri.

By Mr. DEUSTER: Of John H. Wallar and 332 others, soldiers at the National Home near Milwaukee; and of Thomas J. Willis and 139 others, soldiers at the same place.

By Mr. EATON: Of W. H. Burlew and others, of Hartford, Conn.

By Mr. ELDREDGE: Of A. A. Sprague and 62 others, of Lenawee County; of John K. Boies and 64 others, of Hudson; and of Alonzo Shafer and 42 others, of Hillsdale County, Michigan.

By Mr. FUNSTON: Of citizens of La Cygne and of citizens of Lawrence, Kans.

By Mr. GEDDES: Of Levi Light and 62 others, citizens of Ashland and Richland Counties, Ohio.

By Mr. GIBSON: Of citizens of Wood County, West Virginia.

By Mr. GUENTHER: Of citizens of Big Springs, Adams County, Wisconsin.

By Mr. HEPBURN: Of F. W. Brady and 50 others, citizens of Osceola, Iowa.

By Mr. HITT: Of 115 citizens of Winnebago County, Illinois.

By Mr. HOUSEMAN: Of Joel A. Pond and 100 others, of Nunica, Ottawa County, Michigan.

By Mr. HOWEY: Of soldiers of the fourth district of New Jersey.

By Mr. HOLMES: Of V. H. Norton and 74 others, citizens of Belmond; of J. H. Beasau and 122 others, ex-soldiers of Mason City; of A. M. Caldwell and 75 others, citizens of Iowa Falls; of Myron Underwood and 125 others, ex-soldiers of Hardin County, and of Simeon Overacker and 91 others, ex-soldiers of Clarion, Iowa.

By Mr. LACEY: Of F. L. Snell and 62 others, citizens of Kalamo, Mich.

By Mr. LAMB: Of citizens of Vigo County, of citizens of Vermillion County, and of citizens of Parke County, Indiana.

By Mr. LONG: Of P. Bryant and 26 others, and of Edward Davis and 36 others, of Massachusetts.

By Mr. McCORMICK: Of citizens of Jackson County and of Vinton County, Ohio.

By Mr. MURRAY: Of 85 members of the National Soldiers' Home, Dayton, Ohio.

By Mr. MAYBURY: Of citizens of Wayne County, Michigan.

By Mr. MILLARD: Of citizens of Hooper, N. Y.

By Mr. NELSON: Of citizens of Verndale, Minn.

By Mr. NUTTING: Of citizens of New York State.

By Mr. PAIGE: Of citizens of Wayne County, of Berea, and of Bedford, Ohio.

By Mr. PAYNE: Of W. N. Deady and 65 others, citizens of Rose, N. Y.

By Mr. PEEL: Of 90 citizens of Arkansas.

By Mr. POLAND: Of B. H. Percy and others, of Jay, and of S. F. Drew and 300 others, of Charlestown, Vt.

By Mr. POST: Of 59 citizens of West Auburn, Pa.

By Mr. G. W. RAY: Of 69 citizens of Delaware County, New York.

By Mr. OSSIAN RAY: Of J. C. Webster and 23 others, of Danbury, N. H.

By Mr. RAYMOND: Of citizens of Dakota.

By Mr. ROWELL: Of 236 voters of McLean and Atlanta, Ill.

By Mr. RYAN: Of 389 citizens of Kansas.

By Mr. SEYMOUR: Of Charles A. Hobbie and others, of Darien, Conn.

By Mr. SPOONER: Of 194 citizens and ex-soldiers of Rhode Island.

By Mr. SPRINGER: Of citizens of Washington, Ill.

By Mr. STEPHENSON: Of citizens of Taylor County, Wisconsin.

By Mr. STEVENS: Of 100 citizens of Wyoming County, New York.

By Mr. STORM: Of 32 citizens of Columbus County, Pennsylvania.

By Mr. STRUBLE: Of R. J. Hargrave and 79 others, of Spencer, and of Theodore F. Wooster and 63 others, of Mapleton, Iowa.

By Mr. J. D. TAYLOR: Of Elijah Cole and 46 others, citizens of Jefferson County, and of W. H. Boor and 63 others, citizens of Bowerstown, Harrison County, Ohio.

By Mr. TOWNSHEND: Of 64 citizens of Parrish, Ill.

By Mr. WAKEFIELD: Of ex-soldiers of Minnesota.

By Mr. A. J. WARNER: Of Aaron Tucker and 105 others, citizens of Athens County, and of S. M. Grimes and 50 others, citizens of Monroe County, Ohio.

By Mr. WILKINS: Of Waldo Taylor and 65 others, citizens of Licking County, Ohio.

By Mr. WEMPLE: Of 61 citizens of Fulton County, New York.

By Mr. E. B. WINANS: Of L. D. Owen and 60 others, citizens of Farmington; of S. A. Perry and 60 others, citizens of Lansing, and of Charles W. Smith and 66 others, citizens of Webbersville, Mich.

By Mr. WOODWARD: Of 51 citizens of Sauk County, and 60 citizens of Richland County, Wisconsin.

By Mr. YAPLE: Of Hugh Wilson and 124 others, citizens of Buchanan, Mich.

SENATE.

THURSDAY, *December* 18, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

JOSEPH F. WILSON.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *December* 17, 1884.

Ordered, That the Clerk of the House of Representatives be directed to return to the Senate, in compliance with its request, the bill (S. 2376) for the relief of Joseph F. Wilson.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar in connection with the motion to reconsider entered by the Senator from Kansas [Mr. PLUMB].

PETITIONS AND MEMORIALS.

Mr. HARRISON. I have a number of communications from cigar-makers' unions of Indiana, remonstrating against the ratification of the Spanish reciprocity treaty. They are of the kind presented yesterday by the Senator from Iowa [Mr. ALLISON], not in form addressed to the Senate. I ask unanimous consent to be allowed to present them.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to present sundry papers touching the Spanish reciprocity treaty. If there be no objection, they will be received.

Mr. HARRISON. I present a memorial of the Cigar-makers' Union of Evansville, Ind.; a memorial of the Cigar-makers' Union of Union City, Ind.; a memorial of the Cigar-makers' Union of Arcadia, Ind.; a memorial of the Cigar-makers' Union of Fort Wayne, Ind.; a memorial of the Cigar-makers' Union of Richmond, Ind.; and a memorial of the Cigar-makers' Union of New Albany, Ind., remonstrating against the ratification of the reciprocity treaty with Spain, and ask that they be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The memorials will be referred to the Committee on Foreign Relations.

Mr. LAPHAM. I have a communication in the nature of a petition from Motley & Sterling, of New York, manufacturers of railway, steamship, and contractors' supplies, praying for the ratification of the proposed treaty betwee Spain and the United States, which I ask may be received and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to present a certain paper on the subject he has named. If there be no objection it will be received and referred to the Committee on Foreign Relations.

Mr. LAPHAM presented the petition of Harvey Adsit, of Willsborough, N. Y., and the petition of Richard M. Chesbrough, of Ellenburg, N. Y., praying for the enactment of a law extending the time for filing claims for arrears of pensions; which were referred to the Committee on Pensions.

Mr. CONGER. I present a memorial and divers papers to be referred to the Committee on Claims to accompany the bill (S. 781) for the relief of the late William A. Burt, inventor of the solar compass, adopted and used in the public surveys of the United States, now before that committee.

The PRESIDENT *pro tempore*. If there be no objection, the papers and memorial will be received and referred to the Committee on Claims.

Mr. HOAR. I present a memorial of the Pennsylvania Woman's Suffrage Association, protesting against the admission of Dakota as a State of the Federal Union under a constitution which withholds the ballot from any of its citizens on account of sex.

As a bill upon that subject has passed the Senate, I suppose under the ordinary practice the memorial should lie upon the table; but before that disposition is made I should like to say that while I cordially share the desire of the ladies and other persons composing this association that the suffrage may be extended to all citizens of the United States, irrespective of sex, otherwise duly qualified, yet it seems to me that it would be very unwise for the persons who entertain that opinion to insist upon having Congress in its present state of opinion impose its views in regard to the true policy on that subject upon new States which seek admission, because, if that principle were established, I suppose a majority of both Houses of Congress, as at present advised, would be more likely to deny admission to Washington Territory and Wyoming when they come, as they will in the near future, probably, with provisions in their constitutions admitting women to the privilege of suffrage, than they would to deny admission to Dakota or any other Territory which confined the suffrage to males. Therefore I think this association is unwise with reference to accomplishing the great object for which it is formed in recommending this action.

I ask that the memorial lie upon the table.

Mr. CONGER. Will the Senator allow me to make one remark? The Territory of Washington, to which this relates, I understand——

Mr. HOAR. The memorial relates to Dakota.

Mr. CONGER. I thought the Senator's remarks applied to Washington Territory. The Territory of Washington in its laws already provides for female suffrage.

Mr. HOAR. If the Senator will pardon me, this is a protest against the admission of Dakota containing a clause in the constitution adverse to female suffrage. The remark which I made was that I thought the friends of female suffrage, of which I profess to be one, would not be wise in asking Congress to impose its opinion upon that question on new Territories which knock at the door, because if that were done Congress would be more likely to reject Washington and Wyoming on that account than it would be to reject Dakota for excluding it.

Mr. CONGER. In that connection my remark was that Washington Territory by a vote of its own people having granted woman suffrage, any existing condition there ought not to prejudice Senators here against the admission of Washington Territory as a State when it shall apply with whatever regulation may be in force there.

Mr. HOAR. I do not believe it would, and I do not want to establish that principle by voting against Dakota myself on the other ground.

Mr. LAPHAM. I desire to make a suggestion. The Committee on Woman Suffrage considered the question while the Dakota bill was pending as to whether we should offer an amendment extending the right of suffrage in the formation of the constitution for the purpose of that Territory applying to become a State, and we concluded that it would be unwise to seek to ingraft that provision upon the proposed bill for the admission of the Territory. Although we prepared the amendment the committee concluded on the whole that it was better to omit presenting it at this time.

Mr. HOAR. I think the example of Washington Territory and of Wyoming will soon be very potent on Dakota.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. HOAR. I present the petition of George E. Spencer, late a Senator from the State of Alabama, praying for the reimbursement of expenses necessarily incurred by him in defending his title to his seat in the Senate of the United States. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HOAR. I present also the petition of Joseph Ainley, late private Company H, Twenty-seventh Regiment Massachusetts Volunteers, praying that a law be enacted extending the time for filing pension claims, and that relief be granted him from injustice he claims to have suffered under the existing laws. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HOAR presented the petition of F. P. H. Rogers Post, No. 29, Grand Army of the Republic, Department of Massachusetts, praying for the publication in the Official Records of the War of the Rebellion of photographic illustrations; which was referred to the Committee on Military Affairs.

Mr. DAWES presented the petition of Lester Noble, of Longmeadow, Mass., praying the allowance of his claim against the United States for certain damages done his property by the Union forces during the late war; which was referred to the Committee on Military Affairs.

Mr. MITCHELL presented a petition of General Alexander Hays Post, No. 3, Grand Army of the Republic, Department of Pennsylvania, praying for the publication in the Official Records of the War of the Rebellion of photographic illustrations; which was referred to the Committee on Military Affairs.

Mr. GIBSON presented the petition of the Louisiana Educational Society, praying for national aid to education; which was referred to the Committee on Education and Labor.

Mr. LOGAN presented the petition of David E. Ford, late private Company K, Two hundred and nineteenth Pennsylvania Volunteers, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented the petition of the Phœnix National Bank, of the city of New York, praying to be reimbursed certain moneys collected from them by a United States marshal; which was referred to the Committee on the Judiciary.

He also presented memorials of cigar-makers of Buffalo, Oneida, Little Falls, Onondaga County, Dunkirk, Rome, New York city, Troy, Brooklyn, Binghamton, and Port Byron, in the State of New York, and a memorial of the Utica (N. Y.) Trades Assembly, a memorial of a mass-meeting of cigar-makers held at Steinway Hall, New York city, and a memorial of cigar-makers of Utica, N. Y., remonstrating against the ratification of the proposed reciprocity treaty with Spain; which were referred to the Committee on Foreign Relations.

He also presented a petition of Leonard C. Bullis, of Syracuse, N. Y., and a petition of Alexander Buchanan, of Rogersfield, N. Y., praying for extension of the time for filing pension claims; which were referred to the Committee on Pensions.

Mr. MILLER, of New York. I present a petition of marine underwriters and merchants of New York, praying for an additional appropriation to complete the cable and signal communication between Nantucket and the mainland. I ask that the petition be referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The petition will be so referred, if there be no objection.

Mr. MILLER, of New York. The Senator from Massachusetts [Mr. DAWES] suggests that the petition should go to the Committee on Commerce, but the subject was considered by that committee last year, and they made a report which was referred to the Committee on Appropriations, in order that the appropriation might be made.

The PRESIDING OFFICER. Does the Senator from New York desire to change the reference?

Mr. MILLER, of New York. I think the reference I suggest is right.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New York that the petition was first ordered to be referred to the Committee on Appropriations.

Mr. MILLER, of New York. At the last session a similar petition came to the Senate and was referred to the Committee on Commerce, at one point of the session, I do not know whether first to that committee or not. The Committee on Commerce took action and recommended an appropriation to be made. The papers were then sent to the Committee on Appropriations, and they inserted an appropriation in one of the general appropriation bills. It now turns out that the amount appropriated was not sufficient; the work has not been done, and the petition is for an increased appropriation in order that the work may be carried out. The Senators from Massachusetts were particularly interested in the measure at the last session, and as the Committee on Commerce have already considered the matter I think the petition may go direct to the Committee on Appropriations.

The PRESIDING OFFICER. It will be so ordered.

Mr. CULLOM. I present a memorial of the American Atlantic and Pacific Steamship Canal Company, remonstrating against the ratification of the proposed treaty between the United States and Nicaragua; and I ask that it be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that those petitions have not hitherto been received in legislative session.

Mr. CULLOM. I was thinking that there had been an order made to receive them. The order was in reference to the Spanish treaty, and I will withdraw the memorial.

The PRESIDING OFFICER. The order related to the Spanish reciprocity treaty.

Mr. CULLOM presented the petition of Motley & Sterling, of New York, and the petition of Theodore Thomas, of Jersey City, N. J., praying for the ratification of the proposed reciprocity treaty with Spain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of 627 citizens of Illinois, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. PLUMB presented a petition of Western Miami Indians, praying that certain money taken from their tribal funds be returned to them; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. LAPHAM, from the Committee on Patents, to whom was referred the bill (S. 1296) for the relief of Mrs. Henrietta H. Cole, reported it without amendment, and submitted a report thereon.

THICKNESS OF STEAM-BOILERS.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, to report it favorably with an amendment and to ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator asks unanimous consent that the bill be now considered. Is there objection?

Mr. COCKRELL. Let the bill be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MORGAN. From what committee does the bill come?

The PRESIDENT *pro tempore*. It comes from the Committee on Commerce.

Mr. CONGER. Let the amendment be read. All the change in the present law is contained in the report of the committee in a proviso to be added to section 4434. Let the Chief Clerk read the amendment proposed.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none. The bill is before the Senate as in Committee of the Whole. The text of the bill has been already read, and it will be treated as having been read as in Committee of the Whole if there be no objection. The amendment reported by the committee will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That section 4434 of the Revised Statutes of the United States be amended by adding thereto a proviso so that the section will read as follows:

"SECTION 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam-vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues: *Provided*, That boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used on steam-vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness."

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. TANNER.

Mr. CONGER. I move to take from the table the bill (S. 1661) for the relief of George C. Tanner, United States consul at Liege, Belgium, which was reported from the Committee on Commerce in July last. At that time it was supposed that the provision of the bill would be inserted in one of the appropriation bills, and therefore it was laid upon the table. I move that the bill be taken from the table, and by the request of the Senator from South Carolina [Mr. HAMPTON] I ask that it be considered at this time.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of State to credit the account of George C. Tanner, consul at Liege and Verviers, in Belgium, with $200, being the amount paid by him out of his personal assets for the rent of a house for one year in Verviers, when the amount should have been paid by the United States.

Mr. CONGER. I wish to say that the amount to repay this consul has been recommended by the Secretary of State, and it is recommended as a just claim on the Government, which ought to be paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FUNERAL OF SENATOR ANTHONY.

Mr. PLATT, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment, and, by unanimous consent, it was read three times and passed:

Resolved, That the actual and necessary traveling expenses of the officers and members of the Senate who attended the funeral of the late Senator ANTHONY at Providence, R. I., in September last, be paid out of the appropriation for miscellaneous items of the contingent fund of the Senate, on vouchers properly allowed by the Committee on Contingent Expenses.

A. L. SINGLETON.

Mr. PLATT. The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution to pay A. L. Singleton, an employé of the Senate, a sum equal to three months' salary, report the same back and ask for the passage of a substitute for the resolution. I ask for its immediate consideration.

By unanimous consent, the resolution was read the second time, and considered as in Committee of the Whole.

The PRESIDING OFFICER (Mr. INGALLS). The substitute reported from the committee will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to A. L. Singleton, late a fireman in the employ of the Senate, and who was dropped from the rolls on account of illness contracted in the discharge of his duty, a sum equal to three months' salary at the rate he was being paid when he was so dropped, out of the miscellaneous items of the contingent fund of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was reported to the Senate as amended, read the third time, and passed.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2470) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VAN WYCK introduced a bill (S. 2471) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; also to grant pensions to invalid and dependent soldiers who served three months during the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2472) for the relief of Van Vechten Tousey; which was read twice by its title, and referred to the Committee on Claims.

SURVEY OF NICARAGUA CANAL ROUTE.

Mr. VEST introduced a joint resolution (S. R. 106) declaring the action of the Secretary of the Navy in sending an expedition to Nicaragua to be illegal; which was read the first time at length, as follows:

Whereas, in response to a resolution of inquiry on the part of the Senate, the Secretary of the Navy states in his official reply of date December 17, 1884, that orders have been issued by the Navy Department to Civil Engineer A. G. Menocal, Civil Engineer R. G. Peary, and Ensign Washington I. Chambers to visit Nicaragua in order to make a survey of the route for the proposed Nicaragua Canal, and that these orders have been issued in the exercise of the general powers of the Department under the President to issue such orders to all officers of the Navy as may be deemed for the public interest; and

Whereas the reply of the Secretary also states that the cost of the arrangements made and contemplated in addition to the pay and mileage of the naval officers is expected to be $1,000 as an outfit and about $1,000 a month during the stay of the party in Nicaragua:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the power to send an expedition into the territory of Nicaragua for the purpose of surveying a route for the proposed Nicaragua Canal and to expend or to make arrangements involving the expenditure of public money for such purpose is not vested by law in the Navy Department, and that without consent or authority from Congress such action by the Department is illegal. That the Secretary of the Navy be directed to discontinue the arrangements for such expedition and not to enforce the orders made as to the same until definite and final action by Congress upon this resolution.

Mr. HALE. Let that go over a day. I wish to examine it.

Mr. VEST. I desire to give notice that I shall call up the resolution to-morrow morning.

The PRESIDING OFFICER. Does the Senator from Maine object to the second reading to-day?

Mr. HALE. I do.

The PRESIDING OFFICER. The resolution having been once read will lie on the table.

Mr. VEST. I give notice that I shall call it up to-morrow. This expedition sails from New York on Saturday, and therefore I shall ask that the resolution be taken up and considered to-morrow morning.

CALENDAR OF HOUSE BILLS.

The PRESIDING OFFICER. Resolutions, concurrent and other, are now in order, under which, according to the custom of the Chair, the resolution is laid before the Senate which was submitted by the Senator from Massachusetts [Mr. HOAR] on the 16th instant.

The resolution was read, as follows:

Resolved, That when the Calendar of Bills and Resolutions is next taken up for consideration under Rule VIII, measures from the House of Representatives shall first be considered in their order subject to said rule.

The PRESIDING OFFICER. Will the Senate agree to the resolution?

Mr. COCKRELL. I see no necessity for adopting that rule at this stage of the session. There are only twenty-two cases on the Calendar of that class. At the close of the last session we took up and disposed of the House bills on the Calendar, nearly every one of them, to which there was no objection, and I think it would be better to let the resolution lie over a while.

The PRESIDING OFFICER. Does the Senator from Missouri submit a motion to postpone?

Mr. COCKRELL. I ask that the resolution be postponed until after the holiday recess.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the resolution be postponed until after the holiday recess, if there be one. Is there objection? The Chair hears none, and it is so ordered.

JULIET H. PALMER.

Mr. BLAIR. I ask unanimous consent to make a statement showing a mistake in the action of the Senate in reference to certain bills at the last session, and to request that the mistake may be corrected. I read a statement which was prepared by the Chief Clerk of the Senate relative to the status of two bills, Senate bill 1287 and House bill 4085, both for the relief of Juliet H. Palmer, who is the widow of Surgeon-General Palmer:

The two bills are identical in terms. House bill 4085 passed the House of Representatives June 6, 1884. (See House Journal, p. 1399.) Read twice in the Senate and referred to the Committee on Pensions, June 9, 1884. (See Senate Journal, p. 741.)

Senate bill 1287 passed the Senate July 4, 1884 (see Senate Journal, p. 922), and has gone to the House of Representatives (see House Journal, p. 1880); and upon that bill there has been no action.

These bills are identical. The House passed its bill and sent it to the Senate, and it was referred to the Senate Committee on Pensions, which has taken no action upon it, having previously reported a like bill, which was passed by the Senate. Thus two bills identical in terms and provisions have been indorsed by both Houses.

It was supposed by myself, who had charge of the Senate bill, that this lady's pension was granted by the passage of the Senate bill in the House during the last session, but I received yesterday this note from a friend of hers:

The Senate bill 1287, identical with this House bill, was by mistake passed by the Senate on the motion of Senator BLAIR, July 4, 1884.

Referring to the page of the RECORD.

Other pensions in similar cases passed at the same time. The widows of Surgeon-General Barnes and Craven, United States Army, have been in receipt of their increased pensions, but Mrs. Palmer, by reason of the accidental error above noted, can not receive her increase until the Senate passes this House bill instead of the Senate bill. A similar correction was made July 7, 1884, on motion of Senator BLAIR, in the case of the widow of Admiral Sands. If this correction can be now passed this widow will receive a happy and needed Christmas gift.

I would ask of the Senate unanimous consent for the reconsideration of the vote of the Senate whereby Senate bill 1287 was passed July 4, in the last session.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the reconsideration of the vote by which the bill indicated by him was passed. Is there objection? The Chair hears none, and it is so ordered.

Mr. GARLAND. Would it not serve the purpose of the Senator simply to enter the motion to reconsider now, and let the matter be looked into?

Mr. BLAIR. I had a little desire that we might pass the bill before the holidays. It was a mistake; others like situated have been drawing their pensions since the last session, and I desire to have the correction made now.

Mr. GARLAND. It is more a matter of particularity. If the Senator has the record as he states there, I have no objection.

Mr. BLAIR. I have it from the Chief Clerk of the Senate, so that there can be no mistake. I now ask that Senate bill 1287 be indefinitely postponed.

The PRESIDING OFFICER. The Chair is informed that the parliamentary condition of the bill is such that the motion can not be entertained. The bill having been passed and sent to the House of Representatives at the last session, it is not now in the custody of the Senate.

Mr. CONGER. I ask the Senator if the passage of the House bill now before the Senate would not meet what he desires to accomplish?

Mr. BLAIR. That is precisely what I propose to ask as the next step, and it can be done now.

The PRESIDING OFFICER. The House bill on the same subject is now pending before the Committee on Pensions. The committee might be discharged and the bill passed.

Mr. BLAIR. I move that the committee be discharged from its further consideration.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Committee on Pensions be discharged from the further consideration of the bill (H. R. 4085) for the relief of Juliet H. Palmer. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay, out of the Navy pension fund, to Juliet H. Palmer, widow of the late Surg. Gen. James C. Palmer, United States Navy, $50 per month during her widowhood, in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BLAIR. The Senate bill in the possession of the House may be recalled; or would it be sufficient to give notice of the action of the Senate on the bill from the House?

The PRESIDING OFFICER. The Chair thinks that it is not necessary to recall the bill.

STATUE TO GENERAL LA FAYETTE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Order of Business 938, Senate bill 2422, which I think will only need to be read to secure the attention of the Senate, and its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2422) for the erection of a statue to the memory of General La Fayette.

The bill was reported from the Committee on the Library with an amendment, to insert as an additional section:

SEC. 2. That the President *pro tempore* of the Senate and the Speaker of the House of Representatives do appoint a joint committee of three Senators and three Representatives, with authority to contract for and erect a statue to the memory of General La Fayette and his compatriots; and said statue shall be placed in a suitable public reservation in the city of Washington, to be designated by said joint committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CONGER. This leaves a discretion to the committee to be appointed to select the place. I do not know whether it implies that they shall report to Congress and have the sanction of Congress upon that; but there is a square in this city which has long been called La Fayette Square, and I do not know but that there should be some limitation in the bill that the committee shall report to Congress, or have further approval on that point.

Mr. SHERMAN. The second section was put on by the Committee on the Library in accordance with the established precedent in regard to all the monuments in this city, to leave it to the commission of three Senators and three Representatives to select a site. That was done in regard to the Thomas statue; it was done in regard to the Marshall statue, and all the others. As a matter of course this commission, composed of members of both Houses, can probably be trusted with making the selection. I would not like to change the form.

Mr. CONGER. I only called attention to the fact.

Mr. SHERMAN. That is the established precedent.

Mr. CONGER. I only called attention to the fact that a prominent square in this city was already named after La Fayette.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. There is a preamble which the committee recommend the striking out of. The question is on that amendment.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7510) making temporary provision for the naval service, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. W. S. HOLMAN of Indiana, and Mr. J. D. LONG of Massachusetts managers at the conference on its part.

NAVAL APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the message of the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 7510) making temporary provision for the naval service.

On motion of Mr. HALE, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. LOGAN, and Mr. BECK.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. 1300) to provide statuary and historical tablets for the Saratoga monument;

An act (S. 2402) authorizing the Secretary of State to procure duplicates of certain French and American medals;

Joint resolution (S. R. 98) extending the time fixed for the joint commission appointed under the sundry civil act approved July 7, 1884, to submit their report; and

Joint resolution (S. R. 101) in relation to the ceremonies to be authorized upon the completion of the Washington Monument.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business. The title of the bill will be read.

The CHIEF CLERK. A bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDENT *pro tempore*. The bill is now before the Senate as in Committee of the Whole.

INAUGURATION DAY A LEGAL HOLIDAY.

Mr. INGALLS. Having been otherwise occupied when the order of morning business was called, I ask the consent of the Senator from Illinois [Mr. CULLOM] to make a report from the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to make a report from the Committee on the District of Columbia at this time.

Mr. CULLOM. I shall not object if it does not take any time.

Mr. INGALLS. From the Committee on the District of Columbia I report the bill (S. 2417) to amend section 903 of the Revised Statutes relating to the District of Columbia with an amendment; and as the bill is brief and unobjectionable, I will presume on the indulgence of the Senate to ask for its consideration now.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill be now considered. Is there objection?

Mr. COCKRELL. Let it be read for information.

Mr. INGALLS. I will state that the object of the bill is to make the day of inauguration of President of the United States a legal holiday in the District of Columbia, and if the bill is to be acted upon it should be acted upon now. Let it be read.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill as proposed to be amended by the committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none. It is now before the Senate as in Committee of the Whole and will be read. [A pause.] The Chair calls the attention of the chairman of the Committee on the District of Columbia to the fact that the paper sent up by the chairman does not show what the whole of the original bill was. The Chair is, therefore, unable to put the question on agreeing to the amendment to the original bill. The Senator from Kansas might report the amendment as an original bill.

Mr. INGALLS. I have no power to do that, sir.

The PRESIDENT *pro tempore*. In the present state of the paper sent to the desk the Chair can not receive it.

Mr. INGALLS. Let the bill be withdrawn.

The PRESIDENT *pro tempore*. The bill will be withdrawn if there be no objection.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. CULLOM. Mr. President, at the close of the last session I submitted to the Senate a brief and hurried statement of my views upon the subject of the regulation of interstate commerce in connection with the bill now under consideration, which I had the honor of reporting from the Committee on Railroads. I take it for granted that the members of this Senate recognize the importance of this subject and fully appreciate the vast extent and far-reaching influence of the interests to be affected by this proposed legislation. The growth of the railroad system of the country within the time covered by our own recollection has been marvelous, until the total mileage in the United States to-day exceeds that of all Europe, with a population seven times greater than the United States. There is no commercial or business interest that is not affected in a greater or less degree by the manner in which the railroads comprising this vast system are conducted, while the returns received upon the immense amount of capital invested in these enterprises affect in an equally marked degree the business prosperity of the nation.

In undertaking to frame any legislation upon this subject we must constantly bear in mind the fact that the interests of the railroads and of their patrons and of the whole people are identical. In other words, we must remember that any legislation so radical or unjust in its provisions as to destroy the value of railway properties, or to prevent their successful management, would either be wholly inoperative or would result in a more serious depression of business than would be occasioned by the unrestrained continuance of the evils which the public now complain of. All will agree that it is safer not to go far enough than to go too far in inaugurating experimental legislation of this character.

But, while I desire and believe that we should proceed with the utmost care and caution in framing legislation upon a subject that so vitally affects the whole world of business transactions, I am convinced that the time has come when some action should be taken, and that we ought at least to take some preliminary steps toward reaching a practical solution of the complicated problems of railway management that have puzzled the ablest men of the nation for years.

It is no new thing to propose legislation upon this subject. In our own country more than twenty of the States have placed enactments upon their statute-books or provisions in their constitutions intended to regulate railway transportation within their own borders.

It could not be expected that these enactments would prove adequate to remedy the evils connected with the business of interstate commerce. The regulation of these evils must of necessity be left to Congress, so far as legislation can remedy them, but the efforts that have been made by the States within the past ten years demonstrate the popular demand for legislation upon this question. And it is certainly safe to assume that the legislation for the regulation of railroads enacted in so many States has become law only in response to the demand of a public sentiment sufficiently strong to enforce respect.

The existence of a popular sentiment in favor of action by Congress upon this question is too well known to require demonstration. It has been shown by the presentation in Congress during the last eight years of a large number of bills upon the subject, and by discussions that have made the general public familiar with the questions involved. For years past the question has been agitated in the public press, by the shippers and merchants and farmers at the meetings of the local and general organizations to which they belong, as well as by the stockholders and officers of the great railroad corporations. The constant agitation of the questions by those most directly interested has been of great advantage, and we are now prepared to legislate upon them without feeling that we are entering upon a field that is new and wholly unexplored. So far as these matters have assumed shape in this country, as indicated by the legislation of the different States, the experience and information acquired by the State commissions, and the conclusions reached in the public discussions already alluded to, it is clear that the drift of public sentiment and of all State legislation is substantially on the line marked out in the bill now under consideration. In this connection I wish to quote an extract from a letter received within a few days from Mr. Albert Fink, who is generally recognized as one of the leading authorities on these questions, in which he says, speaking of the bill now before us:

> The main feature of the bill is the establishment of a commission, and I believe there is a settled opinion, not only in the minds of the public, but also shared by the railroad companies, that it is desirable to have such a commission established.

The development of this "settled opinion" has been founded not only upon our own experience and observation, but also upon the experience of other countries in which the same difficulties have arisen as those which now confront us, and in which the same problems have been intelligently investigated and carefully considered for years. In England several thousand acts, it is said, were passed for the purpose of regulating in detail the management of railways and of remedying the evils from which the people of that country suffered, but all these attempts at regulation by cast-iron statutes proved unsatisfactory and failed to accomplish the results aimed at. Finally, as a result of the complaints made and of the agitation of the question, and in response to a popular demand similar to that which now comes to us, the British Parliament in 1873, after a thorough investigation, established a commission and conferred upon it the powers previously existing in the courts to enforce the regulations prescribed by statute in relation to the traffic on railways and canals. The result of the numerous legislative experiments at railway regulation in England was the establishment of a commission, and I am satisfied that this will be the final outcome of the consideration of this question by the American Congress.

The English commission was given power to hear and determine complaints, to make orders and issue writs of injunction, and in general to exercise the jurisdiction and authority previously existing in the courts to restrain railways from violating the law and to enforce obedience to its decisions.

The workings of this system are said to have been satisfactory, and the value of this tribunal is shown by the good results accomplished. And the comparatively small number of cases it has been called on to decide meets the objections made in some quarters that such a commission as is proposed in this bill would be swamped with complaints when it undertook to regulate interests of such vast extent as those affected by interstate commerce in the United States. During the first year of

its organization the English commission decided six cases, in the second year seven, in the third nineteen, and in the fourth twenty-four. Under these decisions all complaints received were settled, and, in view of the similar experience of our own State commissions, there is good reason to believe that a national commission, such as is now proposed, would be able to successfully meet all demands made upon it, and that when the general principles of regulation had been determined the railroads would soon adjust themselves to the new conditions imposed upon them. In considering the propriety of passing the bill the main points to be determined are, first, whether any legislation upon the subject is necessary; second, whether Congress has the constitutional power to undertake the regulation of interstate commerce; and, third, what methods shall be adopted to secure the results desired. As to the first point, I believe that the necessity for some legislation in this direction has been impressed upon the members of this Senate by their observation and experience in such a manner that it will not be seriously questioned here. I have already alluded to the popular demand for such legislation, and want to repeat what I said last session in calling attention to this bill:

> While the people generally are willing to acknowledge their indebtedness to railroads for what they have done in the development of the country in aid of commerce, it can not be denied that complaints have arisen against their management; complaints of oppressive charges and unjust discriminations against persons and places are heard from all parts of the country; rates are given to some persons which are denied others under the same circumstances; a greater sum is frequently charged for carrying the same quantity of freight a less than a greater distance. They have it in their power, if unrestrained, to enhance the prosperity of one portion of the country at the expense of another. They may so discriminate in their rates against a particular town or locality as to drive trade away from it to a more favored locality. They may, by giving low rates, encourage manufacturers at any given point, and by raising the rates break up the business and transfer the trade to some other point. Corporations have no souls and very short memories. A change of officers works a change of favorites. The mill that has been favored by one management, when the change comes must look elsewhere for its grist. The town that has been built up by the establishment of shops and factories suddenly finds the men employed in the shops transferred to some other town; the new railroad management turn their backs upon it, and the town is left to languish and die.
>
> These, Mr. President, and others that might be mentioned are serious evils which call loudly for a remedy. Many of the States have provided against these evils by legislative enactments—and twenty-two of the States have passed laws for the appointment of railroad commissioners—and in providing in some way for the supervision and control of railroads, in some instances fixing rates, and in all cases, I believe, providing against unjust discrimination and extortion. In my own State the commissioners are authorized by law to establish maximum rates for every railroad within its borders. There have of course been some friction and disputes between the corporations and the commissioners. The law under which the commission acts has been contested in all the courts, until its final favorable adjudication in the Supreme Court of the United States. The roads in Illinois to-day are generally working in harmony with the commission, and the people are, I think, generally satisfied with the result attained. The practice of extortion and unjust discrimination has been in a large measure corrected, and the corporations have in no way been injured by complying with the law and the tariffs of rates given them by the commissioners.
>
> I doubt not that the experience of the people in other States where supervision by commissions has been authorized has been equally satisfactory. But, Mr. President, State commissions have no control over interstate commerce. The commerce of this country which is carried on between the States can not under the Constitution be controlled by States or State boards. The transportation companies, whether railroad companies or otherwise, which may carry the products of the country from State to State, or from State to Territory, or from one side of this continent to the other, may only be controlled in their operation in such work by the National Government. Our imports, amounting to many millions of dollars in value, do not remain in the ports of New York and Boston and of other seaport cities; they are carried to the West and South; and so of manufactures. They reach out across the States, wherever a market may be found. The question therefore comes to us: "Shall we afford relief to the people and provide laws for their protection against oppression and unjust discrimination by these powerful transportation companies, or shall we ignore the people's demands?" The enormous power which combined capital gives to those who control it makes it aggressive, impudent, and dangerous.

The next consideration is as to the power of Congress to regulate interstate commerce, which is now, I believe, generally conceded. The Constitution invests Congress with power "to regulate commerce with foreign nations, and among the several States," and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." These provisions have been judicially construed and passed upon by the highest court in the nation, and the authority of Congress to legislate in the premises is generally considered as settled. In the case of the Philadelphia and Reading Railroad *vs.* Pennsylvania, decided in 1872, the United States Supreme Court says:

> Beyond all question the transportation of freights, or of the subjects of commerce for the purposes of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. * * * It would be absurd to suppose that the transmission of the subjects of trade from the seller to the buyer, or from the place of production to market, was not contemplated, for without that there could be no consummated trade with foreign nations or among the States.

In the same case the court says:

> To regulate commerce means to prescribe the rules by which commerce is to be governed.

Again, in construing the words "power to regulate," Chief-Justice Marshall says, in Gibbons *vs.* Ogden:

> This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

And in the same case Mr. Justice Johnson argues that the Federal power to regulate commerce is the same power that previously existed in the States, and that the power of a sovereign State over commerce "is the power to limit and restrain it at pleasure." In fact, it has been established by repeated decisions of the United States Supreme Court that the power of Congress over interstate commerce extends to the land as well as to water, and that transportation by rail, being a constituent of interstate commerce itself, is under the exclusive control of Congress by virtue of the power to regulate commerce among the States. Many acts of Congress have been passed touching commerce upon water, such as the establishment of light-houses, buoys, beacons, and public piers in aid of commerce upon the rivers and coast of the country; but it is a somewhat notable fact that Congress, so far as I know, has never passed more than two acts the purpose of which was to regulate the conduct of railways carrying freights from one State to another. One of these acts, passed in July, 1866, at the instance of the railroads themselves, authorized railroad companies chartered by States to form continuous lines for the transportation of freights. The other, passed in October, 1873, provided that no railway in the United States over which live animals, such as cattle, sheep, or swine, were conveyed from one State to another should confine such animals longer than twenty-eight consecutive hours without unloading, &c.

In these two acts by the legislative department, the power over interstate commerce is declared in unequivocal terms. And, in the language of the report of the Senate Committee on Transportation to the Seaboard, made in 1873—

> If Congress has the power to say under what circumstances roads chartered by State governments shall connect and form continuous lines and carry freights and passengers and receive compensation therefor; if Congress may prescribe rules fixing the times when and how long a train shall be stopped, under what circumstances the cars shall be unloaded, and authorize the United States court to inflict a penalty for the disobedience of such rules, it can hardly be doubted that the same power can regulate transportation in other particulars, including the tariff on freights and the manner of conducting the business of such roads.

If, then, it be admitted that the necessity for legislation exists, and that Congress has full power over the subject, the only practical question before us is as to which of the different methods proposed will prove most effective. In a matter of so much importance we can not reasonably expect to accomplish everything desired by a single enactment. The wide differences between the different propositions that are submitted to Congress on the subject indicate the difficulties attending a theoretical solution of the problem involved; but the practical difficulties that would be met with in attempting to apply any of these different theories to complicated business interests of vast extent can only be foreseen in a general way, and can not be guarded against by any inflexible regulations that the best wisdom of the nation can devise. And this is the strongest argument in favor of the creation of a commission acting under enactments sufficiently elastic to accommodate themselves to emergencies that can not be foreseen until they arise, and to the changing conditions of business, yet with sufficient authority to begin the good work of railway regulation, and with intelligence and ability enough to clear away the obstacles to effective legislation. This method of procedure must commend itself to the judgment of those who have considered the experience of England and of our own State Legislatures, and who have felt the popular pulse upon this question. I believe that the bill reported by the committee is better adapted than any other that has been presented to Congress to accomplish what is necessary in the direction indicated, because it contains the principles that have been tested and approved by experience, and because it is a crystallization of what investigation and experience have shown to be most valuable and most practicable.

There is one feature in this bill which, so far as I know, has not been contained in any other bill that has been presented to Congress, and that is the system of arbitration provided for in the fifth section, to which I desire to call special attention. Even among those who believe that a commission ought to be established some insist that they shall simply be charged with the work of collecting facts and reporting to Congress. Others think that the commission should be clothed with certain authority to examine books, business operations, &c., take testimony, and bring suit in behalf of complainants, &c. And there are perhaps many other views of the duty which should devolve upon a commission when created. For my own part I am satisfied that if a commission should be created it ought to be given authority to act as a kind of board of arbitration to hear and determine complaints, and in cases justifying it awarding damages. It is not in the interest of either the people or the transportation companies to be forced into court to settle difficulties that are liable to arise even in the honest transaction of business. I have seen something of the folly, and in some cases almost ruinous folly, of going into court to settle difficulties with railroad companies. The ordinary business man can not afford to do it, and the railroad companies do not desire it. A commission of intelligent and fair-minded men, possessing a knowledge of business both as agriculturists, shippers, merchants, and railroad operators, may be fully trusted with the duty of giving a fair and just judgment in cases growing out of interstate commerce. I am sure that giving to such a commission reasonable authority to dispose of controversies between transportation companies and men or corporations or associations dealing with them will prove one of the most valuable features of any bill we may pass on the subject. Men may say that such power ought not

to be lodged in the hand of a commission; that they would abuse it. In answer, I say that a properly selected commission would be far above temptation to corruption, and of an order of talent equal to the highest judges of the land, and in point of integrity, ability, and information may safely be trusted to do right in all cases.

We can not afford at this late day simply to appoint a commission with authority to investigate and report to a future Congress. Let us give them immediate authority to act for the people so far as this can safely be done, and the experience they will gain by actual work in an attempt to regulate interstate commerce will enable them the better to know what further legislation, if any, will be needed. The people expect us to act and to act effectively in their behalf. They do not expect us to organize a raid upon the railroads, but they do expect us to put the provisions of the Constitution into force by the passage of a law to regulate commerce between the several States, while up to this time substantially nothing has been done touching the land commerce of the country since the Government was organized. It is a remarkable fact that, while the provision of the Constitution is plain and simple, "that Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes," and with the auxiliary power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, yet there is no general law upon the statute-books, and never has been, save in the case of the two statutes passed in 1866 and 1873, which I have mentioned, proposing in any manner any regulation of land commerce among the States.

I do not deem it necessary to explain the provisions of the bill in detail at this time. Its main features are the sections defining and prohibiting extortion and unjust discrimination, which have been very carefully drawn and which, in my opinion, cover that ground very fully; and the system provided for the adjudication of complaints by arbitration, which renders recourse to the tedious processes of the courts unnecessary, except when it is considered to the advantage of either party in interest. And this section has been framed with the intention of making it to the interest of the railroad companies at every stage of the proceedings to conform to the findings of the commission and yield obedience to its requirements. In the hands of a commission such as ought to be appointed this system could not fail to facilitate the amicable and satisfactory adjustment of most of the difficulties now complained of. Objection will probably be made to this bill in some quarters because it does not go far enough, but if it should become law it will be found, I believe, that under its provisions the commission can accomplish all that it is safe to attempt in preliminary legislation of this character, and can, from its practical experience, recommend legislation that will be effective without being damaging to the business interests of the country.

Some may object to this bill because it does not attempt to specifically prohibit pooling and rebates, or because it does not provide for fixing rates. I do not consider these objections well founded. In the first place, it must become clear to those who carefully investigate this subject that the root of all the evils complained of to-day, the source of all the trouble in railway operations, is favoritism—unequal preferences allowed to favored persons or places, or, in other words, unjust discrimination. And it must become equally clear that the purpose of all remedial legislation on this subject should be not so much to secure lower rates, not so much to prevent the hotly discussed evils of what is known as the pooling system, not so much to prohibit the equally denounced practice of allowing rebates, as to prevent unjust discrimination in any way, shape, or manner, and to secure stability and uniformity in rates. Legislation is not needed to secure lower rates, perhaps, but it is needed to make unprofitable that system of railway management under which one shipper is made to flourish while his competitor is bankrupted, and one town is built up while its rival is ruined. All questions relating to pooling, rebates, &c., come under the general head of unjust discrimination, and I am satisfied that they can be effectively dealt with by the commission under the provisions of this bill.

As it now stands the bill proposes a harmonious system, complete in itself, and is carefully guarded in all matters of detail as to the appointment and organization of the commission, the employment of the necessary assistants, the expenditure of money, the collection of information, and the preparation of its annual report. It is given all the power needed to thoroughly investigate all the workings of transportation companies and all the problems connected with interstate commerce, and is specially required to recommend such legislation as may be found necessary. Its provisions are plain, and not obscured by unnecessary verbiage. If it should become law, it may not accomplish all that is expected by its friends, but it is surely a step in the right direction—a step that it is our duty to take, and a step that it is safe to take.

Mr. SLATER. I now offer the amendment of which I gave notice yesterday, to strike out all after the enacting clause and insert what I send to the Chair.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment will be read by the Secretary.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places; and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. SLATER].

Mr. GEORGE. Mr. President, I desire to submit some remarks upon the bill and the substitute just presented.

Mr. CALL. If the Senator from Mississippi will yield the floor to me for a motion to adjourn, I will submit that motion.

The PRESIDING OFFICER. Does the Senator from Mississippi yield for that purpose?

Mr. GEORGE. I do, sir.

Mr. CALL. I move that the Senate do now adjourn.

Mr. WILSON. Before that motion is put, I desire to have the Senator from Florida yield to me in order that I may offer two or three amendments to the bill and have the amendments printed in the RECORD, so that Senators may see them.

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. CALL. Certainly.

Mr. WILSON. I have no desire to engage at present in the discussion of this very important subject, but I have two or three amendments to offer to the bill, and I send them to the desk that they may be read.

The PRESIDING OFFICER. The amendments will be read.

The CHIEF CLERK. After section 1 of the bill it is proposed to insert the following new sections:

SEC. 2. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as the same may be necessary to the establishment of a just system of regulations for the government of the same; and said commission, in the prosecution of its inquiries, is authorized to visit such sections of the United States as it may deem necessary to the most effective discharge of its duties.

SEC. 3. That said commission shall make to Congress a complete report of the results of its investigation, and the testimony taken in the course of the same, not later than the first Monday of December, 1885; and it shall accompany said report with a bill presenting a just and comprehensive code for the regulation of the transportation of commerce among the States, which said bill shall embrace provisions for establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part-rail and part-water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States; and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stocks;" and said commission in conducting said investigation and in the preparation of said bill shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States; and said commission shall cause 2,000 copies of said report, testimony, and bill to be printed by the Public Printer for the use of Congress by the date hereinbefore fixed.

Mr. WILSON. I offer that as an amendment to the bill reported by the committee. Of course it would not be in order for me to offer another amendment now to a different part of the bill; but in order that my purpose may be entirely understood and be before the Senate, I ask that another amendment which will be necessary to perfect the bill as I desire to have it if my first amendment should be adopted may also be read, and I will offer that should the one which has just been read be adopted by the Senate.

The PRESIDING OFFICER. The Senator from Iowa gives notice of an amendment which he asks may be read. It will be read.

The CHIEF CLERK. It is proposed to strike out section 2 of the bill as reported by the committee and to insert as section 4:

SEC. 4. That in addition to the foregoing duties and powers, and until Congress shall otherwise by law provide, the said commission shall have supervision over all matters pertaining to the regulation of commerce among the several States and Territories, and the methods of operation of all transportation companies engaged in interstate commerce; and it is hereby made the duty of said commission to enforce the provisions of this act by all lawful means within its power.

Mr. WILSON. It is my desire that these amendments as read may be printed in the RECORD, in order that my purpose may appear consecutively. I should like very well, inasmuch as we shall not for some time possibly have direct action on them, that they may be also printed in the usual form for the use of the Senate.

The PRESIDING OFFICER. If there be no objection the amendments will be printed. Of course they will be printed in the RECORD, having been read

EIGHTH NEW YORK HEAVY ARTILLERY.

Mr. VAN WYCK. Will the Senator from Florida yield to me for a moment, that I may ask unanimous consent for the consideration of a joint resolution reported by the Committee on Military Affairs?

Mr. CALL. I yield for that purpose.

Mr. VAN WYCK. Let the Chief Clerk read the joint resolution No. 92.

The Chief Clerk read the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF A PETITION.

Mr. HAWLEY. With the permission of the Senator from Florida, I wish to bring before the Senate a small matter of business.

Mr. CALL. I yield to the Senator from Connecticut for that purpose.

Mr. HAWLEY. A few days ago I presented the petition of Arnold A. Rand and Albert Ordway, of Washington, D. C., praying the United States to buy a collection of photographic negatives owned by them, illustrating the war of the rebellion, and it was referred to the Committee on Military Affairs. I omitted to ask that it be printed. I have the assent of a majority of the Printing Committee to ask that the usual number thereof be printed.

The PRESIDING OFFICER. If there be no objection, that order will be made.

Mr. CALL. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 18, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

DEPARTMENT OF AGRICULTURE.

The SPEAKER. If there be no objection, the Clerk will be directed to return to the Senate the bill (H. R. 1457) to establish a department of agriculture, now correctly engrossed, which was withdrawn from the Senate by order of the House.

There being no objection, the return of the bill to the Senate was ordered.

RAILROAD LAND GRANTS IN KANSAS.

Mr. ANDERSON. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. By direction of the Committee on Public Lands, on the 4th of April last I reported a bill (H. R. 6416) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads in the State of Kansas. The bill was referred to the Committee of the Whole House on the state of the Union. It ought to have been referred to the House Calendar. I ask that the correction be made.

The SPEAKER. The Chair thinks the reference made was an improper one, and if there be no objection the necessary correction will be made. The Committee of the Whole House on the state of the Union will be discharged from the further consideration of the bill, and it will be placed on the House Calendar.

Mr. ANDERSON. As of the same date.

The SPEAKER. It will take its proper place on the House Calendar.

There being no objection, it was so ordered.

INTERSTATE COMMERCE.

Mr. REAGAN. I call for the regular order.

The SPEAKER. The House, as the regular order, resumes the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce. The pending question is on the motion of the gentleman from West Virginia [Mr. GOFF] to lay on the table the motion to reconsider the vote by which the amendment offered by that gentleman was agreed to.

Mr. REAGAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. If the House shall vote down the motion to lay the

motion to reconsider on the table, will not that bring the amendment before the House for reconsideration?

The SPEAKER. The motion to reconsider the vote by which the amendment was adopted was made, and then a motion was made to lay that motion on the table. If the motion to lay on the table is not agreed to, the next question will be: Shall the vote be reconsidered?

The question being taken on the motion to lay on the table, there were—ayes 87, noes 77.

Mr. REAGAN. I call for the yeas and nays.

The yeas and nays were ordered, 53 members voting therefor.

The question was taken; and it was decided in the affirmative—yeas 140, nays 108, not voting 75; as follows:

YEAS—140.

Adams, G. E.	Funston,	Libbey,	Rowell,
Anderson,	Goff,	Long,	Russell,
Atkinson,	Greenleaf,	Lovering,	Ryan,
Bagley,	Guenther,	Lowry,	Seney,
Barr,	Hanback,	Lyman,	Shively,
Beach,	Harmer,	McComas,	Skinner, C. R.
Bisbee,	Hatch, H. H.	McCormick,	Smalls,
Boutelle,	Haynes,	Millard,	Smith, A. H.
Brainerd,	Henderson, T. J.	Milliken,	Smith, H. Y.
Breitung,	Hepburn,	Mitchell,	Spooner,
Brewer, F. B.	Hewitt, A. S.	Morrill,	Springer,
Brewer, J. H.	Hill,	Morse,	Stephenson,
Brown, W. W.	Hiscock,	Murray,	Stevens,
Browne, T. M.	Hitt,	Nelson,	Stewart, J. W.
Brumm,	Hoblitzell,	Nicholls,	Stone,
Burleigh,	Holman,	Nutting,	Strait,
Campbell, J. E.	Holmes,	O'Hara,	Taylor, E. B.
Campbell, J. M.	Horr,	O'Neill, Charles	Taylor, J. D.
Cannon,	Houk,	Parker,	Thomas,
Chace,	Houseman,	Payne,	Van Alstyne,
Chalmers,	Howey,	Payson,	Wadsworth,
Culbertson, W. W.	Hunt,	Perkins,	Wait,
Cullen,	James,	Peters,	Wakefield,
Cutcheon,	Jeffords,	Pettibone,	Wallace,
Davis, G. R.	Johnson,	Phelps,	Ward,
Davis, R. T.	Jones, B. W.	Poland,	Washburn,
Deuster,	Jordan,	Post,	Weaver,
Dingley,	Kean,	Potter,	White, Milo
Eldredge,	Keifer,	Price,	Whiting,
Evans,	Kellogg,	Ranney,	Wilkins,
Everhart,	Ketcham,	Ray, G. W.	Wilson, James
Ferrell,	Lacey,	Reed,	Winans, John
Findlay,	Lamb,	Rice,	Wood,
Follett,	Lawrence,	Robinson, J. S.	Worthington,
Foran,	Le Fevre,	Rockwell,	Yaple.

NAYS—108.

Alexander,	Culberson, D. B.	Lanham,	Singleton,
Ballentine,	Curtin,	Lewis,	Skinner, T. G.
Barksdale,	Dargan,	Lore,	Snyder,
Blackburn,	Davidson,	McMillin,	Stewart, Charles
Blanchard,	Davis, L. H.	Matson,	Stockslager,
Blount,	Dibble,	Miller, J. F.	Storm,
Bratton,	Dibrell,	Mills,	Sumner, C. A.
Breckinridge,	Dunn,	Money,	Talbott,
Broadhead,	Eaton,	Morrison,	Taylor, J. M.
Buchanan,	Ellis,	Moulton,	Thompson,
Buckner,	Ermentrout,	Muldrow,	Throckmorton,
Budd,	Forney,	Murphy,	Tillman,
Burnes,	Fyan,	Neece,	Townshend,
Cabell,	Geddes,	Oates,	Tucker,
Caldwell,	Gibson,	O'Ferrall,	Tully,
Campbell, Felix	Glascock,	Patton,	Turner, H. G.
Candler,	Green,	Pierce,	Turner, Oscar
Cassidy,	Halsell,	Peel,	Van Eaton,
Clardy,	Hammond,	Pryor,	Warner, Richard
Clay,	Hardeman,	Randall,	Wellborn,
Clements,	Hatch, W. H.	Reagan,	Wemple,
Cobb,	Hemphill,	Reese,	Williams,
Cosgrove,	Henley,	Riggs,	Willis,
Covington,	Herbert,	Robertson,	Wilson, W. L.
Cox, S. S.	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Cox, W. R.	Jones, J. K.	Scales,	Wolford,
Crisp,	Kleiner,	Shelley,	Young.

NOT VOTING—75.

Adams, J. J.	Dowd,	Hutchins,	Rogers, W. F.
Aiken,	Dunham,	Jones, J. T.	Rosecrans,
Arnot,	Elliott,	Kelley,	Seymour,
Barbour,	Ellwood,	King,	Shaw,
Bayne,	English,	Laird,	Slocum,
Belford,	Fiedler,	McAdoo,	Spriggs,
Belmont,	Finerty,	McCoid,	Steele,
Bennett,	Garrison,	Maybury,	Struble,
Bingham,	George,	Miller, S. H.	Sumner, D. H.
Bland,	Graves,	Morgan,	Valentine,
Bowen,	Hancock,	Muller,	Vance,
Boyle,	Hardy,	Mutchler,	Warner, A. J.
Carleton,	Hart,	Ochiltree,	Weller,
Collins,	Henderson, D. B.	O'Neill, J. J.	White, J. D.
Connolly,	Hewitt, G. W.	Paige,	Winans, E. B.
Converse,	Holton,	Pusey,	Wise, J. S.
Cook,	Hooper,	Rankin,	Woodward,
Dockery,	Hopkins,	Ray, Ossian	York.
Dorsheimer,	Hurd,	Robinson, W. E.	

So the motion to reconsider was laid on the table.

Mr. STEWART, of Vermont (before the result of the vote was announced). Mr. Speaker, I came into the Hall from a committee-room during the vote just taken and was told that I was paired with the gentleman from Maryland [Mr. FINDLAY]; so that I did not respond when my name was called on the second roll-call. I now find that I am not paired, and therefore ask to record my vote.

There being no objection, Mr STEWART, of Vermont, was permitted to vote, and voted "ay."

Mr. KELLOGG. I understood I was paired, but am now informed that I am not paired. I ask the privilege of voting.

There being no objection, Mr. KELLOGG was allowed to vote, and voted "ay."

The Clerk announced the following pairs:

Mr. DOCKERY with Mr. MCCOID, until December 21.

The following were announced as paired on all political questions until further notice:

Mr. ARNOT with Mr. BELFORD.

Mr. JONES, of Alabama, with Mr. HOOPER.

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. BLAND with Mr. VALENTINE.

Mr. FIEDLER with Mr. STEELE.

Mr. MAYBURY with Mr. JOHN S. WISE.

Mr. MULLER with Mr. DUNHAM.

Mr. MORGAN with Mr. BAYNE.

Mr. ADAMS, of New York, with Mr. BOWEN.

Mr. HEWITT, of Alabama, with Mr. YORK.

The following were announced as paired on the interstate-commerce bill:

Mr. PAIGE with Mr. HART.

Mr. HILL with Mr. CHALMERS.

Mr. RANKIN with Mr. OCHILTREE, on the interstate-commerce bill. Mr. OCHILTREE would vote for and Mr. RANKIN against.

The following were announced as paired on this vote:

Mr. GRAVES with Mr. BINGHAM.

Mr. CLEMENTS with Mr. RAY, of New Hampshire.

Mr. AIKEN with Mr. KELLEY.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 7510) making temporary provision for the naval service.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. BARKSDALE. I move the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after the word "color" in the amendment last adopted the following:

"And that furnishing separate accommodations, with equal facilities and equal comforts, at the same charges, shall not be considered a discrimination."

[Laughter on the Republican side.]

Mr. BARKSDALE. On that motion I call the previous question.

Mr. BROWNE, of Indiana. That is simply establishing a rule of evidence.

The SPEAKER. The question is not debatable. The gentleman from Mississippi demands the previous question.

Mr. KEIFER. I ask that this amendment be read in connection with the amendments already adopted on the same subject, so that we may understand how the whole provision will read.

The SPEAKER. If there be no objection, the Clerk will read the preceding part of the section as it stands, together with the amendment just offered.

The Clerk read as follows:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class without discrimination. But nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts, at the same charges, shall not be considered a discrimination.

The House divided; and there were—ayes 112, noes 81.

So the previous question was ordered.

Mr. HORR demanded the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 132, nays 124, not voting 68; as follows:

YEAS—132.

Aiken,	Cabell,	Covington,	Follett,
Alexander,	Caldwell,	Cox, S. S.	Forney,
Bagley,	Campbell, Felix	Cox, W. R.	Fyan,
Ballentine,	Campbell, J. E.	Crisp,	Geddes,
Barksdale,	Candler,	Culberson, D. B.	Gibson,
Bennett,	Carlisle,	Curtin,	Glascock,
Blanchard,	Cassidy,	Dargan,	Graves,
Blount,	Chalmers,	Davidson,	Green,
Bratton,	Clardy,	Davis, L. H.	Greenleaf,
Breckinridge,	Clay,	Deuster,	Halsell,
Broadhead,	Clements,	Dibble,	Hammond,
Buchanan,	Cobb,	Dibrell,	Hardeman,
Buckner,	Converse,	Dunn,	Hatch, W. H.
Budd,	Cook,	Eaton,	Hemphill,
Burnes,	Cosgrove,	Ellis,	Henley,

Herbert,	Money,	Rogers, J. H.	Tully,
Hewitt, A. S.	Morrison,	Rogers, W. F.	Turner, H. G.
Holman,	Moulton,	Rosecrans,	Turner, Oscar
Jones, J. H.	Muldrow,	Seymour,	Van Eaton,
Jones, J. K.	Murphy,	Shelley,	Wallace,
Jordan,	Mutchler,	Singleton,	Warner, A. J.
Kleiner,	Neece,	Skinner, T. G.	Warner, Richard
Lanham,	Nicholls,	Snyder,	Wellborn,
Lewis,	Oates,	Stewart, Charles	Wemple,
Lore,	O'Ferrall,	Storm,	Wilkins,
Lovering,	Patton,	Sumner, C. A.	Williams,
Lowry	Pierce,	Talbott,	Willis,
McAdoo,	Peel,	Taylor, J. M.	Wilson, W. L.
McMillin,	Pryor,	Thompson,	Winans, John
Matson,	Randall,	Throckmorton,	Wise, G. D.
Miller, J. F.	Reagan,	Tillman,	Wolford,
Mills,	Reese,	Townshend,	Wood,
Mitchell,	Robertson,	Tucker,	Young.

NAYS—124.

Adams, G. E.	Funston,	McComas,	Russell,
Anderson,	Goff,	McCormick,	Ryan,
Atkinson,	Guenther,	Millard,	Seney,
Barr,	Hanback,	Milliken,	Shively,
Beach,	Harmer,	Morrill,	Skinner, C. R.
Bingham,	Hatch, H. H.	Morse,	Smalls,
Bisbee,	Haynes,	Murray,	Smith, A. H.
Boutelle,	Henderson, D. B.	Nelson,	Smith, H. Y.
Brainerd,	Henderson, T. J.	Nutting,	Spooner,
Breitung,	Hepburn,	O'Hara,	Spriggs,
Brewer, F. B.	Hitt,	O'Neill, Charles	Stephenson,
Brewer, J. H.	Hoblitzell,	O'Neill, J. J.	Stephens,
Brown, W. W.	Holmes,	Parker,	Stewart, J. W.
Browne, T. M.	Horr,	Payne,	Stone,
Brumm,	Houk,	Payson,	Strait,
Burleigh,	Howey,	Perkins,	Struble,
Campbell, J. M.	Hunt,	Peters,	Taylor, E. B.
Cannon,	Jeffords,	Pettibone,	Taylor, J. D.
Chace,	Johnson,	Phelps,	Thomas,
Culbertson, W. W.	Jones, B. W.	Poland,	Wadsworth,
Cullen,	Kean,	Post,	Wait,
Cutcheon,	Keifer,	Potter,	Wakefield,
Davis, G. R.	Kellogg,	Price,	Ward,
Davis, R. T.	Ketcham,	Ranney,	Washburn,
Dingley,	Lacey,	Ray, Ossian	Weaver,
Eldredge,	Lamb,	Reed,	White, J. D.
Evans,	Lawrence,	Rice,	White, Milo
Everhart,	Le Fevre,	Riggs,	Whiting,
Ferrell,	Libbey,	Robinson, J. S.	Wilson, James
Findlay,	Long,	Rockwell,	Worthington,
Foran,	Lyman.	Rowell,	Yaple.

NOT VOTING—68.

Adams, J. J.	Elliott,	Houseman,	Ray, G. W.
Arnot,	Ellwood,	Hurd,	Robinson, W. E.
Barbour,	English,	Hutchins,	Scales,
Bayne,	Ermentrout,	James,	Shaw,
Belford,	Fiedler,	Jones, J. T.	Slocum,
Belmont,	Finerty,	Kelley,	Springer,
Blackburn,	Garrison,	King,	Steele,
Bland,	George,	Laird,	Stockslager,
Bowen,	Hancock,	McCoid,	Sumner, D. H.
Boyle,	Hardy,	Maybury,	Valentine,
Carleton,	Hart,	Miller, S. H.	Van Alstyne,
Collins,	Hewitt, G. W.	Morgan,	Vance,
Connolly,	Hill,	Muller,	Weller,
Dockery,	Hiscock,	Ochiltree,	Winans, E. B.
Dorsheimer,	Holton,	Paige,	Wise, J. S.
Dowd,	Hooper,	Pusey,	Woodward,
Dunham,	Hopkins,	Rankin,	York.

So the amendment was agreed to.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. HISCOCK with Mr. BLACKBURN, on this vote. If present, Mr. BLACKBURN would vote "ay" and Mr. HISCOCK would vote "no."

Mr. LAIRD with Mr. CONNOLLY, on this vote.

The vote was then announced as above reported.

Mr. BARKSDALE moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVY APPROPRIATION BILL.

Mr. RANDALL. I ask the gentleman from Texas [Mr. REAGAN] in charge of the bill pending before the House to yield for a moment to the unanimous wish of the Committee on Appropriations to take from the Speaker's table the temporary naval appropriation bill, which has been returned from the Senate with amendments.

Mr. REAGAN. I yield for that purpose.

Mr. RANDALL. My desire is to make a motion in connection with that bill.

The SPEAKER. The bill on the Speaker's table is the annual naval appropriation bill.

Mr. RANDALL. The bill referred to is the bill passed at this session by the House. The Chair is right, as both bills are upon the Speaker's table. I only ask that the bill (H. R. 7510) making temporary provision for the naval service be taken up for present consideration.

There was no objection, and the Clerk read as follows:

An act (H. R. 7510) making temporary provision for the naval service.

IN THE SENATE OF THE UNITED STATES, *December* 17, 1884.

Resolved, That this bill pass with amendments.

Mr. RANDALL. Mr. Speaker, in this connection I desire to present for the information of the House and country generally some figures showing the difference between the two Houses on this bill:

The bill providing for current expenses of the Navy, January 1 to June 30, 1885, as passed the House, appropriates	$6,734,717 11
That bill as amended by the Senate gives for the same purposes	7,204,358 83
Being an increase of	469,641 72
The Senate on the same bill also gives for increase of the Navy	$4,700,000 00
Total increase over House bill	5,169,641 72
The bill as passed the House last session gave for current expenses (one-half)	6,318,521 33
That bill as amended by the Senate gave for current expenses (one-half)	7,126,001 33

The bill just passed the Senate is in excess as follows (not including increase of Navy, $4,700,000):

Over same bill as it passed the House	$469,641 72
Over the bill as passed the House last session	885,837 50
Over the House bill as amended by the Senate last session	78,357 50

I make no comment, but simply present these figures and move the House non-concur in the amendments of the Senate and accede to the request of the Senate for a conference on the disagreeing votes of the two Houses.

The SPEAKER. If there be no objection it will be so ordered.

There was no objection, and it was ordered accordingly.

The SPEAKER. The Chair appoints, as managers of said conference on the part of the House, Mr. RANDALL, Mr. HOLMAN, and Mr. LONG.

INTERSTATE-COMMERCE BILL.

The SPEAKER. The House now resumes consideration of the interstate-commerce bill.

Mr. HORR rose.

Mr. REAGAN. I desire to call the previous question on the first section of the bill.

Mr. HORR. That can not be done under the agreement.

Mr. REAGAN. I desire to be heard a moment on that question.

Mr. HORR. Have I the floor?

The SPEAKER. The gentleman will be recognized.

Mr. REAGAN. I desire to be heard for a moment in reference to the order which required this bill to be considered in the House as in Committee of the Whole. The Committee of the Whole can rise to enable the House to close debate. We are now in the House, and can close debate on this section. The right to call the previous question on the whole bill or various parts of the bill is clear; but I will read the rule:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

The call for the previous question on the bill embraces of course the right to call the previous question on any part of it. The reason of the rule is to enable the House to reach a conclusion at some time. If it be true the previous question can not be called on the sections of this bill, then it becomes necessary to abandon it, because it might be impracticable to secure its passage, as we all know this section will be amended until the 4th of March next, in order to defeat the bill itself. And there is no way to prevent it—that is, if it be true we can not call the previous question.

Suppose under the rule a bill comes back to the House with an order like this, subject to debate and amendment, and no member chooses to debate it; is the bill lost? Can the previous question not be called?

The object, it seems to me, the reason of the rule, is to enable the House to control its proceedings; reasonable privilege for amendment and debate is allowed in order to enable the House to come to a conclusion. But if the view of the Speaker be right, then the House can never, in a case like this, control its own proceedings and business.

Mr. REED. Mr. Speaker, I think the point which is raised by the gentleman from Texas is to some extent novel. I do not remember any decision which covers the present situation. I should like, if the Speaker pleases, to say a word or two on the general subject. This is a proceeding by unanimous consent—just exactly what it was in this special instance I shall not undertake to discuss, but in a general way it is an agreement that this measure should be considered in the House as in the Committee of the Whole. Now, the expression "as in the Committee of the Whole" must have some meaning, and it seems to me plain the meaning is, the House shall have all the rights and privileges which belong to individual members under discussion in the Committee of the Whole under the five-minute rule. What are those rights? First, the right to debate under the five-minute rule until

the House shall have limited debate under that rule; second, the right to make amendments until every member of the House has ceased to desire to amend the bill and to show that desire by proposing amendments.

Now, so far as the right of the House to cut off debate as a general question, for I am not speaking about this particular case or what the particular agreement was here, but in a general way, I should be inclined to think the House had the right in some way or other to cut off debate. Whether it should be done by a motion for the previous question or be done by direct appeal to the House on a direct motion to close debate in such and such a time might be a question for the Chair, and might easily be decided either way; but the right to cut off the privilege of every member to make amendment can not be done under this arrangement, in my judgment, because that would not be a consideration as in Committee of the Whole.

The gentleman from Texas undertakes to point his argument and enforce it by appealing to the inconvenience that would result, but that inconvenience is precisely the same that must always result from the consideration of a question in the Committee of the Whole. And if any fault is to be found with the situation it must be with the situation which he himself has made, and the argument from inconvenience can not be urged by anybody who has himself consented to the inconvenience.

It seems to me that is a fair statement of the matter outside of this particular instance, for I do not happen to remember the terms of the unanimous consent except in a general way, that the bill was to be considered in the House as in the Committee of the Whole.

Mr. REAGAN. I ask the gentleman from Maine, before he takes his seat, if he would say in what respect I have brought about this condition of things?

Mr. REED. The gentleman was one of those who unanimously consented to the bill being considered in the House as in the Committee of the Whole, and being in charge of the bill, if the onus is stronger upon one than upon another, it must be upon the one having the management of the bill who suggested the arrangement.

Mr. HERBERT. It seems to me, Mr. Speaker, the question resolves itself into this: Does this House, by undertaking to consider this bill under the agreement in the House as in the Committee of the Whole, give up its power as a House or not? That is the question.

The gentleman from Maine speaks of the inconvenience of the agreement which had been made. As I understand it, the agreement was made for the convenience of considering the matter in the House and allowing amendment in the House, but it does not necessarily follow at all that the House has thereby given up its power to close debate whenever it wishes to do so. Ordinarily this same body considers a bill of this character by first resolving itself into Committee of the Whole House on the state of the Union for the purpose of considering, amending, and perfecting the measure. Then this same body resolves itself back into the House for the purpose of closing debate.

Now, I contend that the House does not surrender its power as a House because it has been agreed that the bill to be considered is to be considered as in Committee of the Whole. It has the power both of the committee and of the House. In other words, the House, for the sake of convenience in the exercise of the powers that it has in the committee, proceeds in the manner that this bill has been proceeded with to consider it in the House as in the Committee of the Whole, while at the same time it may exercise its power as a House and close debate.

The SPEAKER. Will the gentleman from Alabama allow the Chair to suggest a question? If this bill were now being considered in the Committee of the Whole House on the state of the Union, and the committee should rise and ask the House to close debate, could the House under any rule or practice which has ever prevailed prevent amendments as long as any gentleman saw proper to offer them on the floor? The House might stop debate, it is true, but not the right to offer amendments.

Mr. HERBERT. I do not think it would prevent amendments, but it certainly would prevent debate; and the motion may be made now in the House for the purpose of preventing future debate on any amendment that may be offered. But if I am right in the theory stated, the House does not lose its right as a House because it has taken on the additional privilege of considering, while it is a House, a bill subject to the rules governing the Committee of the Whole.

Mr. BLOUNT. Mr. Speaker, it does seem to me that this is a very clear question. We are here to consider this bill in the House as in Committee of the Whole. Now, suppose we were discussing some bill in Committee of the Whole, there is nothing clearer, there is no practice of this House more undisputed and uniform than that it is entirely competent to cut off debate, but that you can not cut off the right of a member or any member of the House to offer amendments.

The present situation may be inconvenient. It may be that we need to escape from the force of this rule at this time; but the truth as to what the rule is, it seems to me, is easily ascertained; and, while I sympathize with my friend from Texas in charge of this bill, I can not ask the Speaker to make a ruling that would deprive a member of his rights on this floor.

Mr. REAGAN. I am not asking a ruling on that question. I ask the previous question with whatever consequences grow out of it upon this section.

Mr. KEIFER. I want to be heard on that proposition.

Mr. BLOUNT. I understood the gentleman to claim the right to move the previous question upon this section and cut off all debate or amendment, and in that event that the right under the rule to offer amendment should be cut off, and I think it was so understood by the House.

Mr. KEIFER. I so understood it here.

Mr. REAGAN. I repeat, I have simply asked for the previous question on this section with whatever parliamentary consequences may grow out of it.

Mr. KEIFER. Mr. Speaker, I endeavored to make this point of order because I think it is very important to the consideration not only of this section of this bill but to all of the legislation that may be had on this floor. There can be no doubt about the situation of the bill. On the 1st of March, 1884, this bill was made a special order. That was subsequently modified to provide that the bill should be considered in the House as in Committee of the Whole. That was the original arrangement, that stands, as I understand it, up to the present time, so that the status of the bill until within a few days past was fixed and the bill was being considered as in Committee of the Whole.

But the order of the House goes even a step further. On the 11th day of this month the gentleman from Texas in charge of this bill undertook to make an arrangement so as to enable the House to consider his substitute, if it should be the wish of the House and it preferred that to the report of the Committee on Commerce, and that is important to be considered in determining the question now before us. On the day named the gentleman from Texas, addressing the Chair, said:

> Mr. REAGAN. Now I wish to ask the members of the committee and others interested whether we can have an understanding as to the closing of this general debate. To-morrow the gentleman from Missouri [Mr. CLARDY], a member of the committee, wants thirty minutes. I wish then to close debate by calling the previous question on the two amendments which have been suggested. The result will be to give us one of the bills, which then can be considered for amendment under the five-minute rule. If the substitute is adopted, that will be under the five-minute rule for amendment; and if the committee's bill is sustained, that will be under the five-minute rule for amendment. What I wish is to get some understanding when we shall get to the five-minute debate and to the disposal of this matter at an early day.

The gentleman from Pennsylvania [Mr. O'NEILL] said:

> That will not preclude any one from offering amendments. Now, the committee, when it presented its bill through the chairman, had an understanding it should be open to amendment in the House.

Then the following proceedings took place:

> The SPEAKER. According to the rule and practice of the House the bill reported by the committee is first to be perfected by amendment and then the substitute before the vote is taken between the two. But of course there can be an understanding on the part of the House that a test vote shall be taken between the two opposing propositions, and that the one sustained by the vote of the House shall be considered under the five-minute rule.
>
> Mr. REAGAN. It was from my knowledge that such was the practice of the House I have ventured to make the suggestion.
>
> Mr. O'NEILL, of Pennsylvania. I do not know that it is necessary, but I wish to say that at some stage of the proceedings, if I can get the floor, I desire to make the motion to recommit the bill so that it may be improved.
>
> The SPEAKER. That motion will be in order.
>
> Mr. O'NEILL, of Pennsylvania. I wish to recommit the bill so that it can go back to the committee and be brought again into the House improved in many provisions.
>
> The SPEAKER. The gentleman can not be deprived of his right to recommit the bill.

Then the gentleman from Kansas on my left [Mr. PETERS] said:

> I wish to ask whether, after the previous question is ordered, any amendments could be offered to the bill other than those which had been presented prior to the demand for the previous question?
>
> The SPEAKER. The gentleman from Texas announced his intention to move the previous question simply upon the two amendments he has offered, leaving the bill thereafter open to amendments.
>
> Mr. PETERS. That will be satisfactory to me.
>
> Mr. O'NEILL, of Pennsylvania. It might as well be stated, so that the House will not misunderstand it, that when this bill was authorized to be reported from the committee full opportunities were to be given to members of the committee to offer amendments in the shape of substitutes or otherwise.

Then I said:

> I understand the gentleman from Texas proposes to move the previous question upon his substitute and another amendment which he has offered.
>
> Mr. REAGAN. Upon the two amendments which I have offered, to call the previous question upon them, and for the purpose of determining which of the two bills the House prefers, in order that it may go on without unnecessary delay and amend the one which may be selected, instead of two.
>
> Mr. KEIFER. But does not the Speaker state a difficulty that may grow out of this arrangement—that is, that we might be forced to take the substitute?
>
> Mr. REAGAN. I propose that the substitute itself shall be open to amendment.
>
> Mr. KEIFER. Then that had better be clearly understood, and that we are simply voting as a matter of preference between the bill and the substitute; and after that is done leave it so that the one which is selected shall be considered in Committee of the Whole under the five-minute rule.
>
> Mr. REAGAN. That is my suggestion.
>
> The SPEAKER. The Chair so understands it.

To which I replied, as follows:

> I do not object, then, to that.
>
> The SPEAKER. Without objection that will be considered as understood.

And so this House understood the arrangement at that time.

Now, the gentleman from Texas, as I understand, in his remarks, first upon the point of order, suggested that he desired the previous question upon the whole section.

I am quite certain that in the ordinary consideration of a bill before

the House the previous question may be ordered upon the whole section or the whole bill or any proposition in a bill. But the gentleman now says that he only wants the House to entertain the previous question, leaving the question to be determined afterward as to the effect of it.

But in the face of this understanding, made on his own suggestion, in the face of the unanimous understanding of the House, it will not do to adopt the previous question upon a section and then to say that the previous question is to have its usual and ordinary effect, as determined by Rule XVII, which is to bring the House to an immediate vote upon the pending proposition. So that we must now look the matter in the face. If we have the previous question it is not offered for the purpose merely of cutting off debate, but it will go to the effect of bringing the House to a direct and immediate vote upon the pending proposition; for such is the rule. But I claim it would be in violation of the unanimous understanding of the House to adopt the previous question and give it the effect either of cutting off debate or of cutting off amendments.

It is perfectly clear, as stated by the gentleman from Maine [Mr. REED] and others, that you can never cut off amendments when you are considering a bill in Committee of the Whole House on the state of the Union. You may cut off debate—not while you are in committee, not there; but you may have the committee rise and by order of the House direct that debate shall terminate upon any proposition in the committee. That will cut off debate entirely; but amendments under the rule go on indefinitely. I refer to paragraph 6 of Rule XXIII, well known to the Speaker. So that we now find ourselves here with a bill in the House but being considered as in Committee of the Whole; by the original arrangement we have given preference to this bill over everything else, even over the morning hour; everything else in the House except appropriation and revenue bills. Then we have a subsequent arrangement to enable the gentleman to get the substitute considered and which requires unanimous consent to make. We have a subsequent arrangement which leaves this bill open to amendment and debate. If we had not so understood it, some of us at least would have objected to this.

But aside from all that, considering that we are passing upon this bill in Committee of the Whole on the state of the Union, the previous question should not be entertained so as to cut off amendment and debate. It is true that the previous question has been entertained to cut off debate upon an amendment after it has been proposed here; but the proposition now of the gentleman is by wholesale to cut it off entirely on a section.

Mr. Speaker, if the gentleman can go that far after having induced the House to consent unanimously to go to the consideration of this bill as in Committee of the Whole with the understanding it shall be open to amendment and debate; if the gentleman can go that far, he has but one thing further to do, that is to move the previous question upon the entire bill and prevent debate and amendment upon any part of it. So that we would be deluded and drawn into a great trap here that would cut off the right and the power of the members of this House to offer any amendments at all. That would be in violation of the practice in committee. It would be in direct violation of the statement of the gentleman when this unanimous consent was obtained to take this bill up in this way. If it can be done at all upon a section it can be done upon the whole bill; and it will not do to say to the Chair that he must entertain this motion for the previous question and then look out for the consequences afterward. The consequences we can see in advance.

Mr. REAGAN. While I am not so familiar, perhaps, with the rules as some other gentlemen may be, I wish to say that my understanding is that when a bill comes before the House subject to debate and amendments, it means such debate and such amendments as the House sees proper to allow. It does not mean a day, a week, a month, or a year. But it means such amendments as the House may allow.

The gentleman from Ohio [Mr. KEIFER] makes the complaint that I, by this motion, proposed to violate the agreement by which the House agreed to close general debate and order the previous question on the two amendments that were then pending. The gentleman is aggrieved, after we have spent one day and more than an hour of another day amending and debating one section of the bill, because I, under these circumstances, seek to cut off further debate and amendment on that section. And he charges that in doing so I want to violate an agreement. That is all there is in his argument. The gentleman discusses and recites what has passed in reference to this bill. We are here in the House engaged in the consideration of the bill. We have surrendered none of our rights under the rules or provisions of the House by coming into the House to consider this bill. We only expedite its action and place ourselves where we can make a record of the votes of members on the various amendments. That is all. When we debate in Committee of the Whole, as a uniform practice the committee rises for the purpose of obtaining an order from the House to close debate. That is under the sixth division of Rule XXIII.

> The House may, by the vote of a majority of the members present, at any time after the five-minute debate has begun—
>
> It does not say after it has lasted an hour, a day, or a week, but after it has begun—
>
> upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendment only; but this shall not preclude further amendment, to be decided without debate.

That closing of debate is upon a different motion from the one I make. If the Speaker has doubts upon the motion I have made I am willing to make a motion under this rule to close debate.

Several MEMBERS. That is right.

Mr. REAGAN. But I want to do the one thing or the other to place the House in a condition to take action. I say this alternatively, because it seems to me the House can not dare, consistently with the interests of the public, to surrender jurisdiction over its proceedings and allow a few members to detain it indefinitely without calling the previous question. The power to call the previous question over the whole bill or any series of motions in relation to the bill or any paragraph or section in the bill, if it has any meaning, is that it may be done for the purpose of closing debate; that it may be done by the House keeping control of its own business, and that it will not thereby place it in the power of a faction that may wish to delay the action and thwart the will of a majority by mere factious amendments.

Mr. HOLMAN. I think, Mr. Speaker, that the former practices of the House when considering appropriation bills in the House as in Committee of the Whole under the five-minute rule must throw some light on this question. The object, of course, of considering a measure in the House, instead of in Committee of the Whole, is first to make a record, and secondly for the purpose of enabling the majority to control the disposition of the pending measure and each successive question that might arise. The exercise of these two powers—that of making a record and that of controlling the measure by the use of the previous question and closing debate—is the chief advantage of considering bills in the House as in Committee of the Whole.

The important question which in my view springs up here is as to the real intention of the House when it consented to this mode of considering the pending bill, and I find the exact meaning, so far as it can be gathered from the RECORD, expressed on page 195 when the gentleman from Ohio [Mr. KEIFER], in order to make the purpose definite, said:

> Then that had better be clearly understood, and that we are simply voting as a matter of preference between the bill and the substitute; and after that is done leave it so that the one which is selected shall be considered in Committee of the Whole under the five-minute rule.

Now, clearly the object, as stated by the gentleman from Ohio, who, I see, gives me his attention, was that this bill should be considered in the House as in Committee of the Whole under the five-minute rule. I see the gentleman agrees that this was the statement made and intended to be made by him, and to this the gentleman from Texas [Mr. REAGAN] agreed.

Now, Mr. Speaker, that being the purpose, I think it will be found the ruling generally has been when appropriation bills have in former years been considered in the House as in Committee of the Whole under the five-minute rule, that debate could not be cut off in the first instance. Debate must be allowed in the House upon the propositions submitted and until debate is closed; but debate is liable to be closed in the House when so considering a bill as in the ordinary case where the Committee of the Whole rises for the purpose of closing debate in the House.

Mr. BLOUNT. When the gentleman speaks of closing debate, does he mean on the paragraph or upon the whole bill?

Mr. HOLMAN. On the paragraph. To the extent I have stated the rule I mention I think has been often applied where bills have been considered in the House as in Committee of the Whole. Under the five-minute rule, I think that if the precedents should be examined it will be found that where a bill is pending, as this is, in the House as in Committee of the Whole under the five-minute rule, debate on each successive proposition, for and against, must be allowed; and the House may then close the debate. But this has no application to the power of the House to cut off amendment by the previous question. I feel quite confident that an examination of the precedents will sustain the view I have expressed. I think it clear that the House can close debate on each section or amendments thereto after the five minutes' debate has occurred.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] refers to the practice of the House in the consideration of appropriation bills in the House as in Committee of the Whole House on the state of the Union. Is the gentleman able to cite for the benefit of the Chair any ruling made upon such occasions?

Mr. HOLMAN. I am not able to do so at this moment. I have not had time to look up the precedents.

The SPEAKER. The Chair has not been able to find any such ruling.

Mr. HOLMAN. I am not able now to point to any particular case, though I am quite confident that precedents of the kind I have indicated can be found.

Mr. KEIFER. Mr. Speaker, I do not wish to prolong this discussion, but I would call attention especially to paragraph 6 of Rule XXIII. Under this provision, as will be noticed, when we are actually in Committee of the Whole on the state of the Union considering a bill debate can not be cut off upon any amendment offered until debate has proceeded upon that amendment. It is very clear that when we are

considering a measure under the five-minute rule in Committee of the Whole debate must have gone on for some time before the committee can rise and debate be cut off by a motion in the House. So that if in this case the previous question is to be considered as taking the place of the motion to limit debate, it is not in order when we reach a section of the bill to cut off discussion until debate has proceeded upon some pending amendment.

Mr. REAGAN. The rule speaks of debate having "begun," not upon an amendment but upon a proposition.

Mr. KEIFER. But when we are considering a measure in Committee of the Whole no vote is taken until somebody offers an amendment, and then the committee can not rise for the purpose of cutting off debate on that amendment until debate has proceeded.

Mr. REAGAN. Debate has been had here. There is no proposition to cut off debate before debate has actually proceeded.

Mr. KEIFER. The gentleman had better read the paragraph of the rules to which I have referred. It is very plain and definite in its terms:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments—

Not on the bill, nor a section, but—

upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

So, Mr. Speaker, when the gentleman proposes now to use the previous question for the purpose of terminating not only debate but amendments upon a pending section, his proposition can not be entertained (if we are to follow the analogies of the consideration of a bill in Committee of the Whole on the state of the Union) until there is pending an amendment upon which debate has begun.

But this whole difficulty can be gotten rid of very easily. Let the gentleman proceed according to the usual forms of terminating debate when amendments are presented, and not undertake to sweep over the whole field and cut off amendments and debate. If this section is subject to such a motion as the gentleman proposes the whole bill is subject to the same motion. I do not think the Chair is now going to limit us in this way and hold that the previous question if ordered shall have any other than its usual operation, that is to bring the House to a vote immediately upon the pending proposition.

Mr. HORR. Mr. Speaker, when this question was raised by the gentleman from Texas, I had been recognized by the Chair and was on the floor. Now, as to the point of order which has been debated, it has grown less clear to me the more I have listened to the discussion. I do not propose to try to decide that question, but I desire the Speaker to recollect that I have possession of the floor and am entitled to my right under the rules.

The SPEAKER. The Chair will not overlook the gentleman's rights.

Mr. WHITE, of Kentucky. Mr. Speaker, the gentleman from Indiana has referred to page 195 where the gentleman from Texas clearly makes the agreement that we shall have the right to offer amendments to this bill. At the suggestion of the gentleman from Ohio he went further and said the bill should be considered as in Committee of the Whole on the state of the Union. Now I should like to have the attention of the gentleman from Texas for a moment whether he proposes to cut off debate at any time on any pending amendment before the House. At this time there is no amendment, although I have one to offer at the proper time. I tried to offer it yesterday but did not get the opportunity. Now, if that amendment shall be before the House and that amendment shall be under debate, does the gentleman from Texas propose to cut off all debate? Does the gentleman, who has perhaps consumed more time in the discussion of this question than all the other members upon the floor, intend to move to cut off perfectly legitimate debate on that pending amendment? Does he propose not even to allow the member offering it to engage in its discussion? Does he propose to refuse to let the member presenting a proposition explain his amendment under the five-minute rule? It seems to me any such proceeding would be most unkind. I ask the gentleman from Texas to refer to the RECORD, page 195, and to reread the agreement which he entered into.

Mr. REAGAN. There is no trouble about that.

Mr. WHITE, of Kentucky. If I get the floor, Mr. Speaker, I now give notice that I shall move an amendment to this section.

Mr. REAGAN. It certainly never was intended that more than a day and a half should be taken up in the amendment of one section of this bill.

Mr. WHITE, of Kentucky. As I understand it, the gentleman from Michigan [Mr. HORR] has been recognized to move an amendment. If the gentleman from Michigan does not wish to hold the floor I will take it and offer my amendment. Then the gentleman can raise his question at the expiration of the five minutes, which under the rule I am entitled to in debating any proposition which I may submit. At present there is no amendment before the House. The gentleman from Texas can not cut off debate on an amendment to the section when no amendment is pending. Under the rule it can only be done when an amendment is before the committee, and just now, as I have already said, there is no amendment pending. [Cries of "Decision!"]

The SPEAKER. The Chair recognizes not only the difficulty of this question under the rules of the House, and under the order made in this particular case, but also the importance of its correct decision as constituting, perhaps, a precedent to be followed hereafter; for, of course, whatever is decided here, so far as it may be based entirely on the rules of the House, will apply to other bills as well as to this. The order of the House made last March was that this bill should be considered in the House as in Committee of the Whole on the state of the Union. If the bill were actually being considered in Committee of the Whole on the state of the Union, it is conceded on all sides that the House would still have power, under an express rule, to close debate not only upon a pending amendment but upon the whole section or paragraph under consideration. Therefore the question presents itself at once whether the House when considering a bill in the House as in Committee of the Whole on the state of the Union has less power to close debate than if it were actually in the Committee of the Whole on the state of the Union. The most the Chair can do is to assimilate the proceedings of the committee in the House as nearly as possible to the proceedings in the Committee of the Whole on the state of the Union.

It has always been held when the House is considering a proposition as in Committee of the Whole it must be read by section or paragraph, as the case may be, but at the same time it has been held that the previous question may be ordered on a pending question, that the yeas and nays may be called, which can not, of course, be done in the Committee of the Whole on the state of the Union, that a motion to recommit or reconsider may be made, or a motion to lay on the table, which are not proper motions to be made in the Committee of the Whole on the state of the Union. And it has always been the practice of the House, and in fact has been ruled in the House repeatedly, that debate could not be closed otherwise than by the previous question.

Now the Chair feels somewhat embarrassed by what transpired a few days ago in reference to this matter, and he has some difficulty in determining whether that amounted to an agreement or understanding on both sides of the House that there should be unlimited debate and unlimited opportunity for amendment, or whether it simply meant the House should proceed in regard to this bill in the usual way bills are considered in the House as in Committee of the Whole on the state of the Union.

There is another difficulty about entertaining a motion for the previous question on a section of the bill. The Clerk will read the rule.

The Clerk read the seventeenth rule, as follows:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

The SPEAKER. Now, it will be observed that the rules of the House prescribe exactly what the effect of the previous question shall be, that is, that it shall bring the House to a direct vote upon the main or pending question, which presupposes that there is a question pending. The gentleman from Texas demands the previous question, not upon any pending motion or question, but upon the section under consideration.

Suppose the House shall order the previous question upon it; what vote is to be taken after that is done? It must be apparent that there is no vote to be taken on the section itself, nor is there anything upon which the previous question can operate, its only effect being to cut off debate and amendment; and the Chair, therefore, is of the opinion that when considering a bill in the House as in the Committee of the Whole House on the state of the Union, a motion for the previous question can not be entertained unless there be some question actually pending before the House upon which the vote should be taken after the previous question is ordered. If there was an amendment pending, that of course would be a question upon which the vote would be taken. So the Chair thinks that the gentleman's motion is premature at all events.

Mr. WILSON, of Iowa. Will the Chair permit me to make a suggestion?

The SPEAKER. Certainly.

Mr. WILSON, of Iowa. The question upon which the gentleman from Texas may move the previous question is to limit debate.

The SPEAKER. But can debate be limited in the House except by the previous question itself?

Mr. WILSON, of Iowa. But you can limit debate by a motion to limit debate, upon which motion the previous question is to operate.

The SPEAKER. It has been decided that there can be no motion to limit debate in the House except by the previous question.

Mr. WILSON, of Iowa. The Chair does not understand my proposition. I have not made my point perhaps clear. Suppose, for instance, the case where the Committee of the Whole rises in the consideration of a bill and comes in the House with a motion to limit

debate. That is done by a motion to limit debate, upon which motion the previous question is asked to prevent debate upon that motion itself.

Now, suppose you desire to limit debate on a section of a bill, but not exclude the right of a member or of members to offer additional amendments; that is the only way you can do it, by moving to limit debate upon the section and by demanding the previous question upon that motion.

The SPEAKER. But the gentleman will see a distinction; can you make a motion to limit debate upon a proposition pending in the House itself, and not in Committee of the Whole on the state of the Union? Is not the only way that can be done by ordering the previous question?

Mr. WILSON, of Iowa. Yes; but the previous question is asked for now to prevent further debate.

The SPEAKER. But there is no vote to be taken upon the section on which the previous question would operate.

Mr. REAGAN. Upon the suggestion of the Speaker with reference to closing debate in the House by the previous question and its parallel case, the operation of the order to close debate in Committee of the Whole, I desire to call the attention of the Chair to the fact that by the terms of the agreement we are acting in the House as in Committee of the Whole.

The SPEAKER. That is true; but suppose the House should order the previous question, as now demanded by the gentleman from Texas, upon what would it operate or upon what would the House be called to vote directly after the previous question is ordered? There is no question pending now before the House.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. SPRINGER. Suppose a motion should be made to strike out the section, and the gentleman from Texas should move the previous question upon that motion, what would be the effect or the situation that the House would be placed in if the motion to strike out should be voted down? Would the section be subject to further amendment or debate?

The SPEAKER. That is the very question the Chair is considering, whether the effect of the previous question would not be fully exhausted as soon as a vote had been taken upon the amendment, there being nothing else to vote upon. Suppose there was an amendment pending to the section, and the gentleman from Texas should move the previous question upon the amendment and the section, and the House should order the previous question; has not the previous question exhausted itself as soon as the vote is taken upon the amendment, that being the only vote the House can take?

Mr. REAGAN. But when we pass from a section of a bill, acting upon it in the committee, do we not imply that that section is passed?

The SPEAKER. That may be by implication; but there is no vote taken by the House on the section separately; and if a vote were taken it would have no effect. It would not pass the section. It would not make it a law, or have any legal effect whatever.

The Chair desires, however, to say that if upon further examination of the practice and proceedings of the House he finds that he is mistaken in his present opinion he will certainly rule otherwise upon this question. This decision is made without having had an opportunity of examining as thoroughly as the Chair would like the question presented.

Mr. REAGAN. This question, Mr. Speaker, is such a grave one and so far reaching in its results upon the future legislation of the House that I think it should be determined by a vote of the House upon it, and if there be no method of preventing unlimited debate under such circumstances, I should like to know it by the vote of the House.

The SPEAKER. The Chair will gladly entertain the appeal of the gentleman from Texas, and submit it to the House.

Mr. BLOUNT addressed the Chair.

Mr. KEIFER. I move to lay the appeal on the table.

Mr. BLOUNT. I ask the gentleman to allow me to make a suggestion.

Mr. KEIFER. If there is any great object to be attained by further debate I shall not insist upon the motion at this time. Reserving, however, the right to make the motion, I will hear the gentleman from Georgia.

Mr. BLOUNT. My object is simply to inquire of the Chair whether it would entertain a motion, such as may be entertained in Committee of the Whole, that we may rise to limit debate. Whether or not by analogy the Chair could not also entertain the motion to limit debate upon a section when acting in the House as in Committee of the Whole?

The SPEAKER. It has been decided more than once that such a motion could not be made with reference to a proposition actually pending in the House; that the only way debate can be closed and the House brought to a direct vote upon a proposition is to move the previous question.

Now, the Chair has intimated his opinion, but is not inclined to decide now what effect the previous question would have if it could be ordered at all on the section. The Chair has simply declined to entertain a demand for the previous question upon the section of the bill when there is no question pending in regard to that section at all.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I do not understand there has been any decision made by the Chair from which an appeal can be taken. If I understand the ruling of the Chair it is a negative ruling, not an affirmative one; and I do not see there is anything from which an appeal can be taken in this case.

The SPEAKER. The Chair has decided it was not in order to demand the previous question upon a section of the bill when there was no question pending before the House with regard to that section; no amendment pending; no proposition to lay it on the table or postpone it or any other parliamentary proposition pending.

Mr. KEIFER. I insist on my motion to lay the appeal on the table.

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. Would it be in order to move now to agree to the first section as amended?

The SPEAKER. The Chair would prefer to decide that question when it arises. The Chair understands and appreciates the difficulty under which the House may find itself with regard to these bills unless some practice can be adopted which will enable it to terminate debate and amendment. But that is not the question addressed to the Chair. The Chair must administer the rules of the House as he finds them.

Mr. WARNER, of Ohio. If it be now in order I would make the motion I have indicated.

The SPEAKER. Certainly that motion would not be in order now, while an appeal is pending.

Mr. KEIFER. I insist on the motion to lay the appeal on the table.

Mr. REAGAN. I will withdraw the appeal. And if I am in order I will move to limit debate on this section to five minutes.

Mr. KEIFER. I make the point of order against that motion.

The SPEAKER. It has been decided very frequently in the House that a motion to limit debate on a proposition in the House is not in order, and that it can only be done by ordering the previous question.

Mr. REAGAN. And does the Chair, then, decide that the House can neither limit debate nor order the previous question on this section?

The SPEAKER. The Chair has not decided that. The Chair will state again precisely what it decides. The decision of the Chair is that it was not in order to demand the previous question upon the section when there was no question in relation to the section then pending before the House; and the Chair caused a part of the rule to be read which prescribes exactly what the effect shall be when the previous question is ordered. The very first effect of the previous question when ordered is to bring the House to a vote upon a pending proposition. Now there is no proposition pending.

Mr. REAGAN. Do I then understand the Chair that the House can in no way exercise control on this question?

The SPEAKER. If the previous question is demanded on any question that is pending before the House, the Chair will, of course, entertain the demand.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Would it be in order to move to adopt this section as section 1 of this bill? If that is in order I make that motion.

Mr. HORR. That certainly is not in order now, while I am on the floor.

The SPEAKER. The Chair does not see what effect that motion would have if it were adopted.

Mr. SPRINGER. The effect would be to adopt that section as a part of the bill.

The SPEAKER. It is undoubtedly a part of the bill now.

Mr. WARNER, of Ohio. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. If we were in Committee of the Whole now would it not be in order to move to agree to the section as amended? If it be in order, I make that motion.

The SPEAKER. The Chair thinks that motion is not in order.

Mr. HERBERT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HERBERT. The motion was made by the gentleman from Texas [Mr. REAGAN] when last on his feet to limit debate on the pending section. Did the Speaker decide the question as to that motion?

The SPEAKER. The Speaker said that he knew of no rule of the House which authorized a motion to limit debate in the House. Nor does he know of any practice which authorizes that motion. If there has been such a practice the Chair will certainly entertain the motion.

Mr. HERBERT. I desire to appeal from that decision of the Chair simply for the purpose of presenting one point to the consideration of the House and of the Speaker; and it is this——

Mr. KEIFER. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] has the floor.

Mr. HERBERT. The point I make is this: That motion is in order if the House in its present condition has the powers both of the House and of the Committee of the Whole House on the state of the Union. Unless it has surrendered one power or the other, that motion

is in order; because when we are in committee we may come back into the House for the purpose of asking the House to limit debate in the committee on a section.

The SPEAKER. That is because the House has adopted an express rule upon that subject, which applies only when a bill is being considered in the Committee of the Whole House on the state of the Union.

Mr. HERBERT. But, Mr. Speaker, the very question here is whether we have not in our present condition still the power of the House and the power of the committee. That rule applies to the House when in committee. The House has now the power of a Committee of the Whole and also power as a House. If that be true, then the House can limit the debate on the section. It certainly has the power to limit debate on the section unless it has lost its power as a House. If it has not lost its power as a House it has the power to limit debate.

It seems to me that in analogy to the rule of law that when there is an apparent conflict between two statutes you must endeavor to reconcile them, so here you must reconcile the situation by giving effect, so far as possible, to all the powers that the House has as such and all the powers that the Committee of the Whole House has as such, when they are not in irreconcilable conflict. There is no irreconcilable conflict here between the power of this House as a House and the power of this House as a Committee of the Whole, none whatever, and by adopting the construction for which I contend you can give effect at once to our powers in both capacities.

To recapitulate briefly: we have the power as a Committee of the Whole to rise and go into the House; being in the House we have the power to limit debate on the section; then, having limited debate, we have the power to go back into committee. Thus the whole question is settled. Where is there any conflict between those two powers? If this House is sitting as a Committee of the Whole and is still the House of Representatives, as a House it certainly has that power.

Mr. WARNER, of Ohio. If that be not so, we have less power in the House than we would have in Committee of the Whole.

Mr. HERBERT. That is true. We never thought that in this matter we were giving up our power as a House. We have both the power of the House and the power of the committee.

The SPEAKER. The Chair suggested a moment ago that the question was whether the House now had less power to control the debate when considering this bill in the House than it would have had if it had proceeded with the consideration of the bill in Committee of the Whole on the state of the Union. The difficulty in this case arises from the fact that when the House is considering a measure as a House, the only way to stop debate, so far as the rules provide, is by ordering the previous question; whereas when the House is considering a proposition in Committee of the Whole on the state of the Union there is another way provided by the rules themselves for stopping debate, and that is by a motion to rise and go into the House, and there, by the action of the House, limit or close debate in the committee.

Mr. REAGAN. The very terms of the agreement in this case are that we shall consider the bill in the House as in Committee of the Whole.

Mr. HERBERT. If we are a House, and if we are acting as a committee, then both sets of rules must logically apply to our proceedings, unless we have given up one power or the other.

Mr. WARNER, of Ohio. And the power to order the previous question is not the same as the power to limit debate on a section.

Mr. KEIFER. If the appeal is entertained I desire to move to lay it on the table.

The SPEAKER. The Chair would be very glad to hear suggestions from any member on this question, because it is a matter of importance, affecting not only this bill but all other measures which may be considered in the House as in Committee of the Whole. It is somewhat singular that there are no precedents; that the House should have transacted business in this way for so many years without there having been any ruling upon this question.

Mr. REED. Mr. Speaker, it seems to me that the gentleman from Alabama [Mr. HERBERT] has not fully considered the fact that the right to debate is unlimited unless there is some specific rule enabling us to limit it; that the presumption in any parliamentary body is that debate shall be unlimited unless specific ground can be found for limiting it. And, as the Speaker has pointed out, it can not be done here, because the only way of closing debate is by moving the previous question, and in the present status of affairs there is nothing upon which the previous question can operate. That seems to be a demonstration.

Mr. HERBERT. I beg the gentleman from Maine to pardon me, but there is a specific rule under which it can be done.

Mr. REED. Which one?

Mr. HERBERT. The rule by which the House can limit debate on the section being considered in the Committee of the Whole.

Mr. REED. But that arises from the control the House has over the Committee of the Whole. Now, while this question is being considered as in the Committee of the Whole, it is not being made by the Committee of the Whole, which is the distinction the gentleman has overlooked.

Mr. HERBERT. Pardon me, right there. He says the House has control over the Committee of the Whole. Yes, it has; and the House always has control over itself, whether it be acting as a committee or a House. [Applause.] How can you escape that conclusion?

Mr. WARNER, of Ohio. There is no escape from it.

Mr. HOBLITZELL. Mr. Speaker, the confusion of this question seems to arise in the construction of the sixth section of Rule XXIII, which rule applies to the work of this House in the Committee of the Whole. Now, that section says that the House may by a vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph or at its election upon the pending amendments only. That is one provision of the rule, and the object of that provision is very evident. In the Committee of the Whole we have no right to call the previous question, and therefore there must be some means for disposing of a question in debate. This question now being considered in Committee of the Whole as in the House leaves the consideration of the bill not only subject to the power of the House to close debate, but leaves it also under the operation of that other provision of the rule which follows:

But this shall not preclude further amendment, to be decided without debate.

How are you to reach the question of closing debate? Rule XVII in the first paragraph is as follows:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

That is simply a declaration of the power of the previous question under the parliamentary law of the country as we understand it in our practice. The effect of that, if simply a motion for the previous question is made, is in effect to cut off all debate and bring the House to a direct vote on the question pending, but the next paragraph declares what are the limits of the rule on that power or motion for the previous question:

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

Now, I submit there is an opportunity for the Chair to construe that rule which would give the House in the consideration of the present bill the benefit of cutting off all debate on the pending section by treating it as a paragraph and still reserving the right to the House under the operation of the other paragraph so as not to preclude further amendment, to be decided without debate.

The SPEAKER. That would be a ruling directly in opposition to the rule which the gentleman has read cutting off debate and bringing the House to a direct vote on the question or questions under consideration, which of course cuts off all amendment.

Mr. HOBLITZELL. As we are considering this proposition in the House as in the Committee of the Whole, the whole of Rule XXVI is in operation, and I submit there is a provision in Rule XVII whereby it is within the power of a majority under a call for the previous question to cut off these additional amendments.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

It also announced approval of joint resolution (H. Res. 300) to pay to the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1884, on the 20th day of said month.

INTERSTATE COMMERCE.

The House resumed the consideration of the interstate commerce bill.

Mr. WARNER, of Ohio. Mr. Speaker, it seems to me the whole question is just this: Has the House the same power when considering a bill in the House as in the Committee of the Whole that it has when it is considering a bill in the Committee of the Whole, or has it not the same power? If it has the same power then it may limit debate by ordering the previous question, or directly, as in the case of the Committee of the Whole. The question is, has it the same power or has it not? It seems to me under the rule it has, and we can not claim the House has less power over the question when considering it in the House than it has when considering it in the committee.

The SPEAKER. The Chair has no doubt the House ought to have the power, but the Chair can not determine that it actually possesses it in view of the rules it has adopted and the peculiar circumstances under which the bill is being considered. The rules of the House do not contemplate or recognize such a proceeding as the consideration of a measure "in the House as in Committee of the Whole on the state of the Union." Such a proceeding is not provided for at all.

Mr. WILSON. Let the House decide the question.

The SPEAKER. That is what the Chair proposes to do, and the Chair hopes that order will be observed upon the floor. The Chair desires to get the judgment of the House, because in the absence of precedents and rules applicable to this proceeding he thinks when so important a matter is to be settled it ought to be settled by the judgment of the House itself. If it is a matter upon which there is no rule, and it is now proposed to institute a new rule or establish a precedent, it is more appropriate for the House to do it than for the Chair to undertake to do it.

Mr. KEIFER. I understand the position before the House, Mr. Speaker, to be just this, and if I am wrong I wish to be corrected: The gentleman from Texas withdrew his appeal from the decision of the Chair on his demand for the previous question. Subsequently he submitted a motion to limit debate to five minutes on the entire section, and that was held to be out of order, and from that decision the gentleman from Alabama proposes to take an appeal to the House. If that is the status of the proposition I wish to be heard for one minute on it.

As I understand the proposition now it is on the appeal of the gentleman from Alabama from the decision of the Chair on the motion of the gentleman from Texas to limit debate on the first section of the bill.

Mr. DUNN. And all amendments.

Mr. KEIFER. And all amendments, if he chooses to put it that way. Now, that, it seems to me, ought to take no time, because, if we were possessed of the power that is given to the House when a measure is being considered in Committee of the Whole, there never was a time when such a motion could be entertained, a bill or measure being in the same situation that this is now in. Even if you choose to reason out for some purpose of convenience or by simulation to see whether the House may not do with this bill something it can not do with a bill when actually in Committee of the Whole, you can find no case where such a motion would be in order under the rule.

It is only when there is something pending that the Committee of the Whole House on the state of the Union may rise and go into the House and limit debate upon that particular amendment to a particular paragraph or to a section. There is now nothing pending, and there never was an occasion when the House undertook to say in advance of a pending proposition that debate should be limited, unless there was a proposition pending at the time, one at least on which the House was called to vote. And it is fair to say, in support of the ruling which has just been made, that this section, as I am informed by some gentleman near me, was not read entirely through. I do not know about that. I am not sure of the accuracy of the statement, but that seems to be the impression here. If, however, it be true, the gentleman undertakes to limit debate upon a part of the bill that was never read.

Mr. REAGAN. I will say to the gentleman that it was read from beginning to end.

Mr. KEIFER. I have not contended otherwise. I merely made the statement that was whispered around me.

Mr. SPRINGER. I know that it was read.

Mr. KEIFER. But whether it was read or not is quite an immaterial matter.

Now, Mr. Speaker, by looking at the sixth paragraph of Rule XXIII it will be found that there is no case where a motion to limit debate can be made unless there is a pending amendment upon which debate has first begun. There is no amendment pending here. Then it is sufficient to say that it is clearly out of order, upon every hypothesis in the world, to undertake to move the previous question in the present status of the bill on this section.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. KEIFER. Certainly.

Mr. BLOUNT. Suppose an amendment were pending, does the gentleman admit then that the motion to limit debate would be in order?

Mr. KEIFER. No, sir; but it is not worth while to multiply hypothetical questions or to make supposititious cases when we are dealing with an appeal from the decision of the Chair as to whether or not a certain motion is in order.

Mr. BLOUNT. My purpose was merely to get at the gentleman's understanding of the question.

Mr. KEIFER. My understanding is that debate can only be limited by the House by the interposition of the previous question, and that can only be in order when there is something before the House upon which the previous question is invoked and upon which it can operate.

Mr. HERBERT. Mr. Speaker, I do not desire to place myself in the position of taking an appeal from the decision of the Chair in a matter of this kind, especially when I understand the Chair to intimate, as it did a moment ago, that it is a question proper to be submitted to the House. I therefore withdraw the appeal from the decision of the Chair and request that the Chair will submit to the House for its judgment the question which I send to the desk in writing.

The SPEAKER. Is it a question of order?

Mr. HERBERT. Yes, sir; it is a question on which, as I understand, the Chair desires the judgment of the House, and I ask that it be submitted to the House.

The SPEAKER. The paper will be read.

The Clerk read as follows:

Is it in order when a bill is under consideration in the House as in Committee of the Whole under the five-minute rule to move to limit debate upon a pending section, and on that motion demand the previous question, such order to have the same effect as if the bill were in Committee of the Whole?

Mr. REED. I make the point of order that that is not admissible.

The SPEAKER. The gentleman from Alabama moved to limit debate, and the Chair decided the question against the right of the gentleman to make that motion, whereupon the appeal was taken. The gentleman then withdrew the appeal, and asked the Chair to submit the question of order to the House.

Mr. KEIFER. I make the point of order that it is a mere abstraction, and can not amount to anything.

The SPEAKER. It involves at least one practical question, and one that is now before the House. The gentleman had a motion pending to limit debate. He now asks the Chair to submit this question of order growing out of that motion to the House.

Mr. REED. But if the gentleman from Alabama submits a motion to close debate, then I make the point of order that the gentleman from Michigan has the floor, and that the gentleman from Alabama can not make such a motion while the gentleman from Michigan has the floor, to propose an amendment.

Mr. HERBERT. I do not understand that he has the floor.

The SPEAKER. The Chair recognized the gentleman from Michigan in the first instance; and if the Chair had been satisfied that he could put the demand for the previous question to the House, he would have ruled that it included the amendment proposed by the gentleman from Michigan. After the Chair had recognized the gentleman to submit an amendment the gentleman from Texas was also recognized, the Chair supposing that his motion related to some question of order. The Chair therefore thinks the gentleman from Michigan should be allowed to offer his amendment, no matter what may be the decision of the House upon the questions of order that have been presented.

Mr. REED. Now I call for the regular order.

The SPEAKER. The gentleman from Michigan can send up his amendment, after which the Chair will entertain the motion of the gentleman from Alabama.

Mr. REED. But the gentleman from Michigan desires to keep the floor.

Mr. HORR. I have the floor.

The SPEAKER. The gentleman has the floor for five minutes.

Mr. HISCOCK. The gentleman from Michigan having offered his amendment, can he be taken off his feet?

The SPEAKER. There is no purpose that the Chair knows of to take the gentleman off his feet.

Mr. HORR. I wish that amendment to come in directly at the end of the amendment adopted on the motion of the gentleman from Mississippi [Mr. BARKSDALE], the one last voted on.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Provided, That such separation shall not be made on the basis of race or color.

Mr. GIBSON. I raise the point of order that that is the substance of other propositions which have been passed upon in this discussion.

Mr. KEIFER. It applies to a different proposition.

The SPEAKER. It is not an objection to an amendment that it is substantially the same as something that is already in the bill. It might be an objection to an amendment that it was inconsistent with something already incorporated in the bill by a vote of the House, but the Chair thinks the amendment is in order, as the House might put substantially the same proposition in the bill a dozen times if it thought proper to do so.

Mr. GIBSON. But, as I understand, the House has amended a precisely similar proposition by declaring it shall not be a discrimination to provide separate cars for white persons and black persons; and that was adopted as an amendment to a provision almost identical with the one now offered.

The SPEAKER. But, as the Chair has stated, the House might put the same provision a dozen times in the bill if it desired to do so. That is a matter for the House to determine, not for the Chair.

Mr. HORR. I offer this amendment for the purpose of putting the bill in such shape that there may be no mistake about it; but more especially for the purpose of enabling my Democratic friends upon the other side of the House to relieve themselves from all future embarrassment upon this subject. During the recent campaign that party took the position in its periodicals and speeches that it was pre-eminently the party which sought to benefit and elevate the colored people of the country. They even went so far as to placard our country with pictures of a large negro being led upward toward the sky by the leading candidate of their party; and they had a person pointing upward as the two men made their advance in the direction of the heavens.

Now to my astonishment, in the very first legislation where the Democrats of this House have a chance to emphasize their new position in reference to the colored race they have jumped the track. [Laughter.] I do not wonder at it, because it is novel legislation to you gentlemen. You do not take to it kindly simply because you are not used to it. [Laughter.]

I have been working, Mr. Speaker, for thirty years in good faith earnestly to benefit all the people of the United States, and especially those that were downtrodden and oppressed. And when I found that

the entire Democratic party had changed front and was to join me in this great work my heart was filled with joy. [Laughter.] And now think of my disappointment when sitting here to see that the very first opportunity they have had to do anything which will wipe out this race distinction and tend to give every man an even chance with his head and his hands to work for himself, instead of adopting such measures with cheerful countenances they sit here and look like men that are going to a funeral. [Laughter.] Why this despondency? Why this feeling that takes possession of you gentlemen in reference to this great question upon which you claim to have taken such advanced ground? You are certainly the best friends of these people, are you not? You all meant what you said, did you not?

I offer this amendment so that you can have an opportunity to show to the country that each and every one of you really did mean what you said; and I take it for granted you will all eagerly vote for the amendment.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments disagreed to by the House of Representatives to the bill (H. R. 7510) making temporary provision for the naval service, agreed to the conference asked for by the House, and had appointed Mr. HALE, Mr. LOGAN, and Mr. BECK conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4085) for the relief of Juliet H. Palmer.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1661) for the relief of George C. Tanner, United States consul at Liege, Belgium;

A bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels; and

A bill (S. 2422) for the erection of a statue to the memory of General La Fayette.

INTERSTATE COMMERCE.

The House resumed consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. HERBERT. The gentleman from Michigan [Mr. HORR] having sent up his amendment, which is now pending, I rise to ask the Chair to submit to the House for its judgment the question sent up a few moments ago by myself.

The SPEAKER. The Chair understood the gentleman from Alabama to make a motion to close debate on the section.

Mr. HERBERT. I make that motion—to close debate on the pending amendment and the section.

The SPEAKER. Against that the gentleman from Ohio makes a question of order.

Mr. HENDERSON, of Illinois. I rise to a parliamentary inquiry. Will that cut off any further amendments?

Mr. KEIFER. Let us understand what is the question presented.

The SPEAKER. This is not an abstract question, because the gentleman from Alabama makes a motion which presents a question of order.

Mr. KEIFER. Let the proposition be read at the Clerk's desk.

Mr. HORR. Read the whole amendment with that addition.

The SPEAKER. The gentleman from Ohio asks to have the question read as now presented to the House—not the amendment; this is another question.

The Clerk read as follows:

Mr. HERBERT having moved to close debate on the pending section and amendment, submitted the following as a question of order: Is it in order when a bill is under consideration in the House as in Committee of the Whole under the five-minute rule to move to limit debate on a pending section, and on that motion demand the previous question, such order to have the same effect as if the bill were in Committee of the Whole?

Mr. KEIFER. Mr. Speaker, this is in the nature of a parliamentary inquiry addressed to the Chair. The Chair can undoubtedly entertain this question, if he desires to do so, under the practice which has grown up for years in the history of this House. As a matter of information, both to the person propounding the question and to the House, the Chair may answer such questions. But this is not a question which can go to the House on an appeal; it can not be submitted to the House for decision, because it is a mere inquiry; it binds nobody; it is a mere matter of information. The House can not be called to vote upon any questions except such as come before it in practical legislation.

This question, Mr. Speaker, is not in order now, because it does not apply to the present status of the bill and amendments before the House. Moreover, it is an inquiry about a proposition which has been passed upon and disposed of by the ruling of the Chair. The gentleman took an appeal, which he subsequently withdrew. We must deal with this question as we have it. If the gentleman will submit a motion applying to the pending amendment and to the section, and then the question comes up, it may be that he will reach his purpose. But I submit it is not in order to put an abstract question, and ask the Chair to pass upon it, or submit it to the House, or allow an appeal. It is an abstract question unless it applies to a real measure pending before the House.

Mr. BLOUNT. Mr. Speaker, when the gentleman from Ohio [Mr. KEIFER] was on the floor a few moments ago he claimed there was nothing pending at all, and that therefore this motion could not be allowed even under the rule in Committee of the Whole. Now he claims that the Chair has already ruled upon this question embraced in the proposition of my friend from Alabama.

Mr. KEIFER. Is there a pending question?

Mr. BLOUNT. There is—the proposition made by the gentleman from Alabama to limit debate on this section.

Mr. KEIFER. Made when?

Mr. BLOUNT. Made just before submitting his question to the Chair. Therefore this becomes a practical question, and the Chair may submit it to the House. The present incumbent of the chair, and previous Speakers, including the gentleman from Ohio, have submitted questions of this sort to the House; and if the Chair is in doubt (and the Chair has intimated already that the question is not free from doubt) I trust the House may be allowed to vote upon this question. It seems to me an important question; and I concur very earnestly with the gentleman from Alabama in the view that he has taken upon it. The rule as embraced in paragraph 6 of Rule XXIII is in the following language:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

Now, it is clearly a very important part of the power of the House, when a bill is being considered in Committee of the Whole, to limit debate; and the proposition now is that this House shall do just that thing. We need not refer to any other rule. It seems to me the mind of the House must be brought to this conclusion—that the proceeding in the House now must be what it is in Committee of the Whole; and when you come to ascertain what may be done in Committee of the Whole in the consideration of bills, one of our powers is to close debate. That is what we are asked to do now, and I trust the Chair will submit this proposition to the House and allow us to pass upon it, especially in view of the doubt already expressed by the Chair.

Mr. REED obtained the floor.

Mr. KEIFER. I wish to ascertain whether, since the amendment offered by the gentleman from Michigan, a motion has been made to limit debate.

Mr. HERBERT. It has.

Mr. KEIFER. Then I submit my point of order. The proposition as sent up by the gentleman from Alabama is, I think, clearly out of order.

Mr. REED. Mr. Speaker, I do not think this House, on account of a difficulty of a temporary nature in which it finds itself, ought to permit itself to violate the rules of parliamentary law in order to accomplish a temporary purpose. The presumption of parliamentary law is not in favor of closing debate. On the contrary, the presumption is in favor of unlimited debate, and debate can not be closed unless there is some positive rule of the House giving the majority that control over the right of the individual member which enables the House to shut his mouth. That is the rule of parliamentary law. Now the Speaker has ruled and is sustained by logic that can not be refuted that there is no rule of the House which enables us to limit debate except the rule for the previous question, and the rule for the previous question is not applicable to the present situation. Under those circumstances and after that ruling the gentleman from Alabama proposes the House without any rule shall limit debate and cut off the right of the individual member—a right which belongs to him as a member of this House to continue debate fully as he shall see fit.

In addition to that the gentleman from Alabama asks this House to perpetrate the further anomaly that while that is pending he shall make a parliamentary inquiry of the House. What is that going to lead to? Every time the gentleman proposes a measure of doubtful propriety he can shift it from the Speaker, who is responsible in the eyes of the country, to the House, and experience shows that responsibility being largely shared is not very heavy on the individual member.

Now I admit the desirability, as a matter of relief for the Speaker, the House should pass upon this matter; but this can not be the way to do it. If the Speaker chooses to submit a question and has a right to do it under the rules, then the House should act on it. But here are two propositions pending at one time. The first is the proposition to close debate, and the second is that the House shall answer a parliamentary inquiry. It seems to me under parliamentary law that situation of things is utterly anomalous, utterly unparliamentary, utterly unprecedented.

Mr. SPRINGER. The gentleman from Maine assumes this point of order as submitted to the House is anomalous. Now it is the duty of the Chair when a question of order is raised to decide that question, or in his discretion to submit it to the House. The request of the gentleman from Alabama is that the Speaker shall submit the point of order to the House. It is clearly addressed to his discretion. The Chair may submit it to the House or he may decide the point of order himself. The proposition of the gentleman from Alabama does not propose to deprive the Speaker of his right to decide the point of order if he chooses so to do, but in view of the complicated character of the question the Speaker is requested to submit the question to the House. Such submission has frequently taken place in the House.

Mr. REED. I do not desire to interrupt the gentleman except for the purpose of arriving at a conclusion such as we want to get at, and that is what is just, proper, and fair in this matter. I submit that if the gentleman from Alabama has not made a suggestion to the Speaker, he should submit the question whether the motion is in order to the House, but that he shall submit a certain written statement of it to the House, and that can not possibly be pending while the point of order is pending against this motion. I wish to call the gentleman's attention to that.

Mr. SPRINGER. While it might be an abstraction in other cases, in this case it is the very one which is desired to be submitted to the House; and that is what should be the rule of the House on this question, and what should be the decision of the Speaker. We are now acting in the House as in Committee of the Whole under the five-minute debate. What is the five-minute debate? The rule on that subject has been read by the gentleman from Georgia. That is the rule in the Committee of the Whole, and when we are acting in the House as in Committee of the Whole I understand we are under the rules of the committee which have been taken into the House. That is, Mr. Speaker, that when we are transacting business in the House as in Committee of the Whole we are transacting that business under the rules of the Committee of the Whole which are applicable to it. If the rules of the committee are not applicable to the House, and the House rules are not applicable to the House as in committee, then we have no rules and we have fallen between the committee and the House.

But, sir, I submit it is not true that there are no rules to govern us, and that we must be under one set of rules—either the rules of the Committee of the Whole or the rules of the House. The rules of the committee are not applicable to such questions if we are in the House, as in the House we have the right under the rules of the House to move the previous question, closing debate, and on the engrossment and third reading of the bill.

The SPEAKER. The great difficulty in the mind of the Chair arises from the fact that heretofore the House has not been governed entirely by the rules which prevail in the Committee of the Whole, nor entirely by the rules which prevail in the House, but partly by one and partly by the other. For instance, it is not in order in Committee of the Whole to move to lay on the table, or to demand the previous question, or to call for the yeas and nays, or to postpone, or to reconsider, while those motions are all in order in the House when it is considering a bill as in Committee of the Whole on the state of the Union. And, again, general debate can be closed in Committee of the Whole on the state of the Union, not by the previous question, but by a mere motion and order of the House, while in the House itself this can be done only by ordering the previous question. In the House the rule allows each member to speak for one hour, while in the committee, after general debate has been closed, each speech is limited to five minutes. The consideration of a bill in the House as in Committee of the Whole on the state of the Union is an anomalous proceeding, not provided for by the rules, and the Chair therefore has nothing to guide him except the practice and precedent, and the question now presented appears never to have arisen before.

The difficulty in the mind of the Chair arises mainly from the fact that there is no settled practice on the part of the House which authorizes him to take either the one or the other set of rules as an entirety, or which prescribes what particular part of each set of rules he shall enforce.

Mr. SPRINGER. We are considering this bill in the House as in Committee of the Whole. Now, I concede that the rules of the House are all in force, only we have a further order, that it is to be considered in the House as in Committee of the Whole. In Committee of the Whole we are entitled to close debate upon a paragraph or upon a pending section, in order that the business of the House may be facilitated.

The gentleman from Maine says the object of the rules is to allow unlimited debate. That, Mr. Speaker, I deny.

Mr. REED. I did not say that, but that the principles of parliamentary law are in favor of unlimited debate; and that it is a repeal of parliamentary law, and a sacrifice of every member's individual right, to have this provision of the rule relating to the previous question. I said that it was a rule in derogation of the common right of every member of this House in that respect.

Mr. SPRINGER. But the previous question has been always enforced in this country in legislative bodies.

Mr. REED. Oh, no; not in all.

Mr. SPRINGER. It never has been denied in any legislative body in the United States.

Mr. REED. The gentleman is mistaken in that. It is enacted only by virtue of the consent of the legislative body.

Mr. SPRINGER. It cuts off by the will of the majority at any time all debate and brings the body to a direct vote upon the amendment or proposition pending; and I have seen it resorted to many times to my own inconvenience and discomfiture.

Mr. REED. How many times have you seen it enforced in the Senate?

Mr. SPRINGER. The Senate has not the previous question. I spoke of legislative practice generally, in which it is of almost universal application. It is absolutely essential to the transaction of business in large bodies.

Mr. REED. That is where it has been adopted.

Mr. SPRINGER. In the House of Representatives we have this provision for the previous question, which gives the right to a majority of the members to close debate at any time by the will of the majority expressed in the manner provided by the rules. In large bodies of this kind, in the absence of the power to limit debate, there would never be a time when the conclusion of a bill could be reached, because if all the members present chose to address themselves to its provisions they would have a perfect right to do so, and there would be no limit to the discussion. If, therefore, the opinion that prevails, as expressed by gentlemen upon the other side, be a correct one, we could never reach the conclusion of any measure of legislation; and that case has never been better illustrated than during the consideration of the first paragraph of this bill. Gentlemen upon the other side have been offering amendments *ad libitum*, and apparently there will never come a time when the bill can be completed. They desire to talk it to death, and amend it until it has no significance whatever.

This House has shown by the vote recently taken, and by several votes upon this bill, an emphatic desire that it should become a law. I understand from the votes that have heretofore been taken upon it that it is the will of the majority of the House to enact it into a law. It is, however, claimed that the mere fact of considering it in the House as in the Committee of the Whole has surrendered the right of the majority who favor the bill to close debate upon it; that the right to offer amendments is unrestricted, and that there is under the rules no way to bring the House to a direct vote upon the proposition which is the passage of the bill. Now we can not accomplish this in any other way except by entertaining the point of order of the gentleman from Alabama.

Mr. HERBERT. Mr. Speaker, I shall not weary the House or detain it but a very few moments longer with this discussion.

The gentleman from Maine [Mr. REED] uttered one sentiment in which I heartily concur. He said that no party ought, in finding itself in a dilemma, to adopt any rule in violation of the rules. I repeat, I most heartily concur in that sentiment. But the gentleman from Maine is the last person upon this floor to utter that sentiment. We all recollect that in the last Congress he was the author of a rule, which took the name of the "Reed rule," that extricated his party from the dilemma in which it had placed itself on the tariff bill—a rule that nobody ever dared to attempt to justify on principle, not even the gentleman from Maine himself.

But this is not a parallel case to the "dilemma" suggested by the gentleman from Maine. What we contend for here is that we have the power to pass this bill according to the rules. There is no doubt, Mr. Speaker, that in that book of rules there is a mode pointed out, by which in just such cases as this debate can be limited, if we are proceeding in the ordinary way as in Committee of the Whole. In Committee of the Whole the committee can rise at any time, go into the House, and limit debate, and under the order of the House as made to that effect can again resolve itself into the committee and proceed with the consideration of the measure before it without further discussion. If, then, the power exists in the House and in the committee acting together to cut off debate, why is it that the same power does not exist when this body as a House, having all the powers of the House and all the powers of the Committee of the Whole combined, is acting upon it?

This body has all the powers that the Committee of the Whole has, with the additional powers that the House itself retains when acting as a House.

The argument of the gentleman from Maine is that because we are acting in committee we have lost our power as a House, but because we have still got the power of the House we have no power as a committee. An absolute *reductio ad absurdum*.

Mr. REED. Mr. Speaker, a word only in reply to the gentleman from Alabama, and I do not make the reply because his allusion was personal to me, but simply because it enforces my argument already made. The gentleman says truly that I was one of those who assisted—he gives me an undue prominence—that I was one of those who assisted to change the rules of this House in order to facilitate the passage of the tariff act. He could also have added that I was one of those who assisted to change the rules of the House for the purpose of carrying through the election cases, and of both of those achievements I permit myself to be proud.

Now I want to say to him that the analogy would have been perfect and his reproach would have been deserved if instead of proposing to change the rules of the House regularly and properly I had got up here and urged my side to violate the rules of the House as established by a decision of the Speaker, from which the gentleman has seen fit to

withdraw his appeal, and to call upon them to establish by construction a new rule for this House which does not exist at present. I say to the gentleman that I should be in perfect sympathy with him as to the establishment of such a new rule. In point of fact I agreed with him that the House might have that right until I heard the decision of the Speaker, the logic of which satisfied my mind that it was a case which had not been provided for. In point of fact the House sitting as Committee of the Whole is a matter which is not contemplated by our rules at all; and it has led to such results that it is very desirable that there should be a rule of the House enabling the House to limit debate.

But I want again to say to this House that the natural right of every member is to discuss all questions, and that only under the rule power of the House can any man's right to discuss questions be limited. We are here to discuss questions, and the limitations of discussion must be by positive rules of the House—not by arguments about temporary inconveniences, but by arguments with regard to inconveniences which cover not only this bill but all bills in like case.

I therefore urge upon the House not to regard this thing as a partisan matter or as a matter connected with railroads, but as a purely parliamentary question, and that we shall not allow ourselves to be betrayed into making a decision which is justified neither by reason, logic, precedent, nor common sense.

Mr. KEIFER. I do not desire to continue the debate, but only to state the real status of the question. I understand that the gentleman from Alabama [Mr. HERBERT]—in the confusion I did not hear him distinctly—after the amendment offered by the gentleman from Michigan [Mr. HORR] was discussed, renewed a motion to limit debate on the pending amendment and section. Is that right?

The SPEAKER. The motion was to close debate on the pending amendment and the section.

Mr. KEIFER. To close debate on the pending amendment and the section. I made the point of order as soon as I ascertained that was the situation. At the same time the gentleman from Alabama submits an interrogatory to the Chair, with the request that that shall be submitted to the House, which is to have the effect of determining the point of order against his motion.

Now I think the orderly way, the proper way under all parliamentary usage, is for the Chair to pass upon the question as to whether the motion is in order, and then if the decision be against the gentleman, let the gentleman take his appeal and see whether the House is willing to sustain the Chair or not. It has been stated by some gentleman that it is in accordance with the custom of the present Speaker and of others who have preceded him to submit such interrogations to the House. I wish to say that in eight years I have never known any such case here. If there has been any I have not known it.

I have known the Speaker, and I recognize it as always his right, rather than to decide a question which appropriately comes up to submit it to the House; but not an abstract inquiry made before the real question comes up to be disposed of. The Chair can always take the judgment of the House rather than give his own decision. That is always a matter of discretion. But here is an interrogatory which the Chair is asked as a matter of practice to submit to the House, the decision of which is to govern the Chair and control it in determining the real question before the House. As suggested by the gentleman from Maine [Mr. REED], it is only another mode of amending our rules.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] moves to close debate on the pending amendment and on the section of the bill under consideration. Against that motion the gentleman from Ohio [Mr. KEIFER] makes a point of order. The Chair would have no hesitation in deciding or giving his own opinion on this question of order, but, as has been already stated, it is a very important question. It is one on which the House has established no practice, as far as the Chair can ascertain, and any decision made by the Chair would, of course, be subject on appeal to the revision of the House. Under these circumstances the Chair feels it is peculiarly appropriate to submit the question in the first instance to the House itself; and the Chair does, therefore, submit the question to the House in accordance with the request of the gentleman from Alabama, and in accordance with his own judgment as to what is proper.

Mr. REED. The question submitted, then, is as to whether that motion is in order. It is not the question as written out by the gentleman from Alabama.

The SPEAKER. Of course, if the House decides debate can be closed by a motion when it is considering a measure as in Committee of the Whole, the Chair thinks the consequences would follow such action as follow in cases where the House by its order closes debate in the committee.

Mr. REED. But does the Chair desire to establish the precedent of a member sending up a question in that form to be submitted to the House?

The SPEAKER. The gentleman from Alabama does not submit the question to the House, and the Chair does not recognize the right of a member on the floor to submit a question of order to the House except by an appeal. The Chair submits this question to the House; that is, the question of order now pending.

Mr. REED. If the Chair submits merely the point of order, that is all right.

The SPEAKER. The gentleman from Alabama moves to close debate on the pending amendment and the section of the bill under consideration; the gentleman from Ohio [Mr. KEIFER] makes the point of order that this can not be done. The Chair now submits the question to the House, whether it is in order to make a motion to close debate on a pending amendment and on the section under consideration when the House is considering the bill as in Committee of the Whole House on the state of the Union.

Mr. LONG. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONG. In case that point should be decided in the affirmative——

The SPEAKER. The Chair would entertain further amendments.

Mr. LONG. In case that question should be decided in the affirmative, will further amendments to the section, to be determined without debate, be cut off?

The SPEAKER. The Chair has just said that he would entertain further amendments, but without debate; in other words, he would give this motion precisely the same effect which it would have if made and carried when the bill was actually under consideration in Committee of the Whole on the state of the Union.

Mr. KEIFER. I do not wish to dispute the discretion of the Chair to submit this proposition, but I want to understand the form of the motion—whether it is that the point of order shall be sustained. [Cries of "Vote!" "Vote!"] If gentlemen propose to make a decision by the House overruling the Chair, I want to understand how they propose to do it.

The SPEAKER. The question is whether the motion made by the gentleman from Alabama is in order and shall be entertained and put to the House. [After putting the question.] The Chair is unable, by the *viva voce* vote, to determine the result.

Mr. HORR and Mr. KEIFER called for the yeas and nays.

The yeas and nays were ordered.

A MEMBER. Let the motion be read.

The SPEAKER. There is nothing to be read. The Chair will again state the question. The gentleman from Alabama moves to close debate upon the pending amendment and the section under consideration. The gentleman from Ohio makes a point of order against that motion; and the question which the Chair submits to the House is whether the motion made by the gentleman from Alabama is in order. The Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 88, not voting 85; as follows:

YEAS—150.

Aiken,	Dibrell,	Lovering,	Stevens,
Alexander,	Dunn,	Lowry,	Stewart, Charles
Anderson,	Eaton,	Lyman,	Stockslager,
Atkinson,	Elliott,	McMillin,	Stone,
Barksdale,	English,	Matson,	Storm,
Beach,	Ermentrout,	Miller, J. F.	Struble,
Bennett,	Findlay,	Mills,	Talbott,
Blackburn,	Follett,	Mitchell,	Taylor, J. M.
Blanchard,	Foran,	Morrison,	Thompson,
Blount,	Forney,	Moulton,	Throckmorton,
Boyle,	Fyan,	Murphy,	Tillman,
Bratton,	Geddes,	Murray,	Townshend,
Breckinridge,	Gibson,	Neece,	Tucker,
Buchanan,	Glascock,	Nelson,	Tully,
Buckner,	Green,	Nicholls,	Turner, H. G.
Burnes,	Greenleaf,	Oates,	Turner, Oscar
Cabell,	Halsell,	O'Ferrall,	Van Alstyne,
Caldwell,	Hammond,	O'Neill, J. J.	Van Eaton,
Campbell, Felix	Hardy,	Patton,	Wallace,
Campbell, J. E.	Henley,	Peel,	Ward,
Candler,	Herbert,	Pierce,	Warner, A. J.
Carleton,	Hewitt, A. S.	Post,	Warner, Richard
Clardy,	Hill,	Price,	Weaver,
Clay,	Holman,	Pryor,	Wellborn,
Clements,	Hunt,	Pusey,	Wemple,
Cobb,	Jeffords,	Reagan,	Wilkins,
Collins,	Jones, B. W.	Reese,	Williams,
Cook,	Jones, J. H.	Riggs,	Willis,
Covington,	Jones, J. K.	Robertson,	Wilson, James
Cox, S. S.	Jordan,	Rogers, J. H.	Wilson, W. L.
Cox, W. R.	Kleiner,	Rogers, W. F.	Winans, E. B.
Crisp,	Lamb,	Seney,	Winans, John
Curtin,	Lanham,	Shelley,	Wolford,
Dargan,	Lawrence,	Shively,	Wood,
Davidson,	Le Fevre,	Singleton,	Worthington,
Davis, L. H.	Lewis,	Snyder,	Yaple.
Deuster,	Long,	Spriggs,	
Dibble,	Lore,	Springer,	

NAYS—88.

Adams, G. E.	Burleigh,	Funston,	Holmes,
Barr,	Campbell, J. M.	George,	Horr,
Bingham,	Cannon,	Goff,	Houk,
Bisbee,	Chace,	Guenther,	Howey,
Boutelle,	Chalmers,	Hanback,	Johnson,
Brainerd,	Culbertson, W. W.	Harmer,	Kean,
Breitung,	Cullen,	Hart,	Keifer,
Brewer, F. B.	Cutcheon,	Haynes,	Kellogg,
Brewer, J. H.	Davis, G. R.	Henderson, D. B.	Lacey,
Brown, W. W.	Davis, R. T.	Henderson, T. J.	Laird,
Browne, T. M.	Evans,	Hepburn,	Libbey,
Brumm,	Everhart,	Hiscock,	McComas,
Budd,	Ferrell,	Hitt,	Morrill,

O'Hara,	Poland,	Rowell,	Stewart, J. W.
O'Neill, Charles	Potter,	Russell,	Strait,
Parker,	Ranney,	Ryan,	Taylor, E. B.
Payne,	Ray, G. W.	Skinner, C. R.	Taylor, J. D.
Payson,	Ray, Ossian	Smalls,	Thomas,
Perkins,	Reed,	Smith, A. H.	Wadsworth,
Peters,	Rice,	Smith, H. Y.	Wait,
Pettibone,	Robinson, J. S.	Spooner,	Wakefield,
Phelps,	Rockwell,	Stephenson,	White, Milo.

NOT VOTING—85.

Adams, J. J.	Ellis,	Ketcham,	Scales,
Arnot,	Ellwood,	King,	Seymour,
Bagley,	Fiedler,	McAdoo,	Shaw,
Ballentine,	Finerty,	McCold,	Skinner, T. G.
Barbour,	Garrison,	McCormick,	Slocum,
Bayne,	Graves,	Maybury,	Steele,
Belford,	Hancock,	Millard,	Sumner, C. A.
Belmont,	Hardeman,	Miller, S. H.	Sumner, D. H.
Bland,	Hatch, H. H.	Milliken,	Valentine,
Bowen,	Hatch, W. H.	Money,	Vance,
Broadhead,	Hemphill,	Morgan,	Washburn,
Cassidy,	Hewitt, G. W.	Morse,	Weller,
Connolly,	Hoblitzell,	Muldrow,	White, J. D.
Converse,	Holton,	Muller,	Whiting,
Cosgrove,	Hooper,	Mutchler,	Wise, G. D.
Culberson, D. B.	Hopkins,	Nutting,	Wise, J. S.
Dingley,	Houseman,	Ochiltree,	Woodward,
Dockery,	Hurd,	Paige,	York,
Dorsheimer,	Hutchins,	Randall,	Young.
Dowd,	James,	Rankin,	
Dunham,	Jones, J. T.	Robinson, W. E.	
Eldredge,	Kelley,	Rosecrans,	

So the House decided that the motion made by Mr. HERBERT was in order.

The following additional pairs were announced:

Mr. MILLARD with Mr. MULDROW, on all political questions, for this day.

Mr. HATCH, of Missouri, with Mr. HATCH, of Michigan, until further notice, on the pending bill, except the question of its final passage.

The following were announced as paired on this vote:

Mr. DOWD with Mr. JAMES.

Mr. HEMPHILL with Mr. MILLIKEN.

The following were announced as paired on all questions for the remainder of this day:

Mr. FUNSTON with Mr. BURNES.

Mr. WOODWARD with Mr. ELLIS.

The following were announced as paired until further notice:

Mr. VANCE with Mr. WHITING.

Mr. SCALES with Mr. WASHBURN.

Mr. BALLENTINE with Mr. FINERTY.

Mr. SKINNER, of North Carolina, with Mr. MCCORMICK.

The result of the vote was announced as above stated.

The SPEAKER. The question is now upon the motion made by the gentleman from Alabama [Mr. HERBERT] to close debate on the pending amendment and the section under consideration.

The question being taken, it was decided in the affirmative.

The SPEAKER. The question recurs on the amendment of the gentleman from Michigan [Mr. HORR], which will be read.

The amendment was again read.

Mr. HORR. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 114, nays 121, not voting 89; as follows:

YEAS—114.

Adams, G. E.	Everhart,	Long,	Ryan,
Adams, J. J.	George,	McComas,	Seney,
Anderson,	Goff,	Milliken,	Seymour,
Atkinson,	Guenther,	Morrill,	Shively,
Bagley,	Hanback,	Morse,	Smalls,
Barr,	Harmer,	Murray,	Smith, A. H.
Beach,	Haynes,	Nelson,	Smith, H. Y.
Bingham,	Henderson, D. B.	Nutting,	Spooner,
Bisbee,	Henderson, T. J.	O'Hara,	Stephenson,
Boutelle,	Hepburn,	O'Neill, Charles	Stevens,
Brainerd,	Hiscock,	Parker,	Stewart, J. W.
Breitung,	Hitt,	Payne,	Stone,
Brewer, F. B.	Holmes,	Payson,	Strait,
Brown, W. W.	Horr,	Perkins,	Struble,
Browne, T. M.	Houk,	Peters,	Taylor, J. D.
Brumm,	Houseman,	Pettibone,	Thomas,
Burleigh,	Howey,	Phelps,	Van Alstyne,
Campbell, Felix	Jeffords,	Poland,	Wadsworth,
Campbell, J. M.	Johnson,	Post,	Wait,
Cannon,	Jordan,	Potter,	Wakefield,
Chace,	Kean,	Price,	Ward,
Culbertson, W. W.	Keifer,	Ranney,	Weaver,
Cullen,	Kellogg,	Ray, Ossian	White, J. D.
Cutcheon,	Ketcham,	Reed,	White, Milo
Davis, G. R.	Lacey,	Rice,	Wilson, James
Davis, R. T.	Laird,	Robinson, J. S.	Wood,
Dingley,	Lamb,	Rockwell,	Yaple.
English,	Lawrence,	Rowell,	
Evans,	Libbey,	Russell,	

NAYS—121.

Aiken,	Bratton,	Campbell, J. E.	Clements,
Alexander,	Breckinridge,	Candler,	Cobb,
Barksdale,	Broadhead,	Carleton,	Cook,
Bennett,	Buchanan,	Carlisle,	Cosgrove,
Blackburn,	Buckner,	Cassidy,	Covington,
Blanchard,	Cabell,	Clardy,	Cox, S. S.
Blount,	Caldwell,	Clay,	Cox, W. R.

Crisp,	Herbert,	Nicholls,	Thompson,
Culberson, D. B.	Hewitt, A. S.	Oates,	Throckmorton,
Curtin,	Hill,	O'Ferrall,	Tillman,
Dargan,	Hoblitzell,	Patton,	Townshend,
Davidson,	Holman,	Pierce,	Tucker,
Davis, L. H.	Hurd,	Peel,	Tully,
Deuster,	Jones, J. H.	Pryor,	Turner, H. G.
Dibrell,	Jones, J. K.	Randall,	Turner, Oscar
Dunn,	Kleiner,	Reagan,	Van Eaton,
Eaton,	Lanham,	Reese,	Wallace,
Ermentrout,	Le Fevre,	Riggs,	Warner, A. J.
Ferrell,	Lewis,	Robertson,	Warner, Richard
Forney,	Lowry,	Rogers, J. H.	Wellborn,
Fyan,	Lyman,	Rogers, W. F.	Wemple,
Geddes,	McAdoo,	Shelley,	Wilkins,
Gibson,	McMillin,	Singleton,	Williams,
Glascock,	Matson,	Snyder,	Willis,
Green,	Miller, J. F.	Springer,	Wilson, W. L.
Greenleaf,	Mills,	Stewart, Charles	Winans, John
Halsell,	Money,	Stockslager,	Wise, G. D.
Hancock,	Morrison,	Storm,	Wolford.
Hardeman,	Moulton,	Sumner, C. A.	
Hemphill,	Mutchler,	Talbott,	
Henley,	Neece,	Taylor, J. M.	

NOT VOTING—89.

Arnot,	Ellis,	Jones, J. T.	Scales,
Ballentine,	Ellwood,	Kelley,	Shaw,
Barbour,	Fiedler,	King,	Skinner, C. R.
Bayne,	Findlay,	Lore,	Skinner, T. G.
Beach,	Finerty,	Lowering,	Slocum,
Belmont,	Follett,	McCold,	Spriggs,
Bland,	Foran,	McCormick,	Steele,
Bowen,	Funston,	Maybury,	Sumner, D. H.
Boyle,	Garrison,	Millard,	Taylor, E. B.
Brewer, J. H.	Graves,	Miller, S. H.	Valentine,
Budd,	Hammond,	Mitchell,	Vance,
Burnes,	Hardy,	Morgan,	Washburn,
Chalmers,	Hart,	Muldrow,	Weller,
Collins,	Hatch, H. H.	Muller,	Whiting,
Connolly,	Hatch, W. H.	Murphy,	Winans, E. B.
Converse,	Hewitt, G. W.	Ochiltree,	Wise, J. S.
Dibble,	Holton,	O'Neill, J. J.	Woodward,
Dockery,	Hooper,	Paige,	Worthington,
Dorsheimer,	Hopkins,	Pusey,	York,
Dowd,	Hunt,	Rankin,	Young.
Dunham,	Hutchins,	Ray, G. W.	
Eldredge,	James,	Robinson, W. E.	
Elliott,	Jones, B. W.	Rosecrans,	

So the amendment was rejected.

The following additional pairs were announced from the Clerk's desk:

Mr. DOWD with Mr. BOWEN, until further notice.

Mr. HAMMOND with Mr. EZRA B. TAYLOR, on all political questions, for the balance of this day. On Mr. HORR's amendment Mr. HAMMOND would vote "no" and Mr. EZRA B. TAYLOR "ay."

Mr. BARBOUR with Mr. BREWER, of New Jersey, on this vote.

The vote was then announced as above recorded.

Mr. WHITE, of Kentucky. I offer the following amendment.

The Clerk read as follows:

Provided further, That any railroad company or its officers, permitting the use of free passes or tickets at other than published reduced rates over its road or any of its branches by any person not a paid employé of said company, shall be required to furnish a similar free pass or ticket at same reduced rate between the same points or any intermediate points to any and all persons who shall apply for the same at any of the regular railroad ticket offices within ten days from the date that the aforesaid pass or ticket at reduced rate may be used.

Mr. WHITE, of Kentucky. It is to prevent discrimination whether by long haul or short haul.

The SPEAKER. Debate is not in order.

The House divided; and there were—ayes 40.

Mr. WHITE, of Kentucky, demanded the yeas and nays.

The House divided; and there were—ayes 23.

Mr. WHITE, of Kentucky. Count the other side.

The other side was counted; and there were—noes 146.

Mr. WHITE, of Kentucky. Tellers on the yeas and nays. [Cries of "No!"] If this is an honest bill it will not hurt it in this way to prevent discrimination.

Tellers were not ordered and the yeas and nays were not ordered—one-fifth not having voted in the affirmative.

So the amendment was disagreed to.

Mr. BUDD. I move the following amendment.

The Clerk read as follows:

Add after the words "3 cents per mile for the distance to be traveled by said person" the following:

"On railroads of the first grade; nor more than 4 cents per mile upon railroads of the second grade; nor more than 5 cents per mile upon railroads of the third grade; nor more than 6 cents upon railroads of the fourth grade, all as herein classified and graded. And for the purposes hereof all railroads on which the net earnings on the entire road, including the amounts allowed for services rendered to the United States, after deducting all expenditures, including repairs, and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost shall be railroads of the first grade; and all railroads on which such net earnings, so as aforesaid calculated, shall exceed 8 per cent. but not 10 per cent., shall be of the second grade; and all railroads on which such net earnings, so as aforesaid calculated, shall exceed 5 per cent. but not 8 per cent., shall be of the third grade; and all other railroads shall be of the fourth grade.

Mr. BUDD. I ask that that be read in its proper connection; and, pending that, so the House may see the effect of the amendment, I move that the House do now adjourn.

The House refused to adjourn.

Mr. BUDD demanded the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. BUDD. I ask that it be read in its proper connection.

The SPEAKER. That can be done by unanimous consent.

Mr. BUDD. I ask unanimous consent.

Objection was made.

The amendment was rejected.

Mr. HENDERSON, of Illinois, moved the following amendment:

Insert in line 19, after the word "aforesaid:" "Unavoidable accidents and detention excepted."

The amendment was disagreed to.

Mr. HENLEY moved the following amendment:

Amend by adding to the end of section 1 the following:

"Any person purchasing a ticket entitling such person to transportation from one State or Territory to another shall be entitled to such transportation at any time after purchasing such ticket within one year; that is to say, such ticket shall entitle the holder thereof for one year to unlimited 'stopover' privileges."

Mr. HENLEY. The object of that amendment is——

The SPEAKER. Debate is not in order. [Cries of "Regular order!"]

The amendment was rejected.

The Clerk read as follows:

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

Mr. WHITE, of Kentucky. I move to strike out the last word. Here we have a bill before this Congress reported by the gentleman from Texas [Mr. REAGAN] as a substitute for the bill of the committee. That substitute took the place of the original bill before the House by the action of the House. In that step, on the pledge of the gentleman from Texas that we should be allowed to amend this bill, we took his substitute as the basis on which to build up a bill. Now he comes into the House and not only interrupts every gentleman who has sought to speak upon this bill, but has spoken himself longer than any other member and more than any other five members on this floor, and yet when we are about to offer amendments and explain them he rises in the House and proposes to shut off all debate and all amendments.

A few moments ago I offered an amendment. Now, if the gentleman has studied this bill as thoroughly as he tells us he has, he must admit that if his bill is to guard against discriminations in regard to freight, and if it is to be entitled to respectable consideration or is to have any weight, the very gist of it is to be found in the amendment I have offered. For instance, let me ask the gentleman what is to prohibit a railroad company from giving to a shipper in free passes the difference between the amount that he pays and that charged to another shipper, and therefore discriminate between shippers when they should pay and apparently pay precisely the same rate of freight or the same amount of money between the same places? I ask what is to prevent them from discriminating by free passes? And that discrimination is not confined to shippers alone, but the judges of every State know what it is to have free passes. The members of the Legislatures of every State know what it is to have free passes. The members of Congress know what it is to be snpplied with them.

Why, in the Committee on Post-Offices and Post-Roads Dr. Norvin Green testified that the gigantic monopoly of the Western Union Telegraph Company in giving check-books to favored persons was but following the example set by railroad companies, which were in the habit of giving free passes to members of Congress because members of Congress were not well paid.

It may be instructive to those interested in the question of free passes, as bearing on the subject of discrimination, about which so much has been said during the discussion of this bill, to give some extracts from the testimony of Dr. Norvin Green, president of the Western Union Telegraph Company, before the House Committee on Post-Offices and Post-Roads, April 8 and April 11, 1884. I quote from page 28 of the printed testimony, as follows:

Mr. WHITE. In view of the fact that a man in Florida has to pay $1 for a night message of ten words to his family in Iowa, can it be defended as a purely business proposition that telegraph franks are given to members of Congress? And I want to renew my question as to how many franks have been given to Members and Senators of the present Congress, to leading newspaper men, to judges on the bench, and to State and national officials; and if those franks are given, what do you expect to receive in return?

Mr. GREEN. I answered the latter branch of the question to the subcommittee of Senator BLAIR's Committee on Education and Labor in this way: The telegraph company would be considered niggardly and narrow if it did not follow the example of other corporations in its courtesies to public men.

Mr. WHITE. You mean by that the giving of railroad passes, which my friend spoke of awhile ago.

Mr. GREEN. The railroad companies have conspicuously set the example. We issue a limited number for family and social messages. We realize that public men are poorly paid.

And again from page 29, as follows:

Mr. WHITE. Are there as many as fifty Members and Senators in the present Congress that have them?

Mr. GREEN. I do not think I ought to answer that question, because that paves the way to another, and the next question would be, "Who are they. Give their names."

Mr. WHITE. I think we ought to have it.

Mr. GREEN. Get your resolution of the House demanding it.

Mr. WARD. I move that it be considered as the sense of the committee that we would all like to have franks, but we do not like to ask for them. [Great laughter.]

Mr. WHITE. I hope that question will be put, and a yea and nay vote be taken on it. [Renewed laughter.]

And again from page 50 to 52:

Mr. WHITE. I will ask you now if it is not customary for the Western Union Telegraph Company to give stamps and passes to post-office officials?

Mr. GREEN. No more than any other officials.

Mr. WHITE. If I mistake not, it is also customary to give to almost any State or Federal officer that applies for them, stamps and passes. Is not that a fact?

Mr. GREEN. Well, I can not answer that question categorically. I will only say that we do give a great many to State and Federal officers, but to say that they prove of any benefit to us is a question I could not answer.

Mr. ROGERS. I do not suppose you give passes to policemen and constables?

Mr. GREEN. No, sir.

Mr. WHITE. I believe you have stated heretofore that you give passes to members of Congress that ask for them, in order to enable them to correspond by telegraph with their families?

Mr. GREEN. Yes.

Mr. WHITE. I will ask you whether that is a business proposition, and what is the consideration expected?

Mr. GREEN. There is no business proposition, and there is no consideration.

Mr. WHITE. Is it not as important that a man in Florida should correspond with his family in Iowa as a member of Congress in Washington or a judge on the bench or a member of the Legislature should correspond with his family?

Mr. GREEN. All public men, since I was a boy, have been the recipients of public courtesies by all public institutions everywhere. They are dined and wined, and are furnished the choicest rooms at hotels, taken on excursions by railroads, and furnished telegraph passes as a sort of public acknowledgment or indebtedness for their public services. Everybody knows that public men do not make any great amount of money.

Mr. WHITE. Would you put it on the same basis that Mr. Huntington did Mr. Gould's distribution of passes when competing with rivals in railroad matters?

Mr. GREEN. I will repeat what I said when that question was put before, that if we ever derived a particle of advantage by reason of members of Congress or members of Legislatures having our franks in their pockets, we never saw it. I do not believe we have ever derived a particle of benefit from the issuance of passes.

Mr. JONES. There is a saying that a man in trying to stand straight leans a little backward.

Mr. GREEN. Yes; I think that that sometimes applies to some.

I have been informed that the free-check-books business of the Western Union Telegraph Company amounts to one-seventh of the entire business of that gigantic monopoly.

Does not every one know that that is an unjust discrimination in favor of the rich, the influential, and the powerful for which the common people who use the telegraph wires in the pursuit of their daily avocations must in the end pay for?

Now, Mr. Speaker, if the free-check book amounts to so much in so simple a business as the telegraph business, to what extent as an agency for discrimination may not free passes be used in the more complex business of railroad transportation of passengers and freights. Sir, the gentleman from Texas [Mr. REAGAN] has told us over and over again that the essence of his bill is to prevent discrimination between shippers, and he has dwelt long and loud upon "rebates" and upon charging more "for a short than for a long haul." But he seems unable to perceive that free passes are the most objectionable form of discrimination, and may be substituted for rebates to destroy the efficacy of his bill, the very gist of which bill lies in my amendment—an amendment, as this House knows, which the gentleman from Texas [Mr. REAGAN] did not dare to rise in his place and vote for; but, on the contrary, under the whip and spur of his party he has helped to convert his bill, which was professedly one to prevent discrimination between shippers of freight, into a bill which directly authorizes railroad companies to discriminate between passengers "on account of race and color," and that, too, in violation of the pledges of your party before the country during the last campaign, in violation of the Constitution of the United States, contrary to justice, and contrary to the advanced public sentiment of the nineteenth century.

The bill as it now stands is a bill based upon prejudice and hate, characteristic of a party that is unworthy of the trust and confidence of the American people. Taken in connection with the following quotations from the national Democratic platform adopted in Chicago July 10, 1884, this bill is a fit commentary upon the hypocrisy, heartlessness, and fraudulent intent of the Democratic party:

Asserting the equality of all men before the law, we hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all citizens, of whatever nativity, race, color, or persuasion, religious or political.

We believe in a free ballot and a fair count, and we recall to the memory of the people the noble struggle of the Democrats in the Forty-fifth and Forty-sixth Congresses, by which a reluctant Republican opposition was compelled to assent to legislation making everywhere illegal the presence of troops at the polls, as the conclusive proof that a Democratic administration will preserve liberty with order.

Mr. REAGAN. I move to close debate on this amendment and on the section in five minutes.

Mr. O'NEILL, of Pennsylvania. I desire to offer an amendment.

The SPEAKER. There is a motion pending. The gentleman from Texas moves to limit debate upon the pending amendment and section to five minutes.

Mr. O'NEILL, of Pennsylvania. I hope the House will vote that down in pursuance of the agreement had in the Committee on Commerce.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas.

Mr. O'NEILL, of Pennsylvania. I think under the agreement in committee and in the House we have the right to offer amendments under the five-minute rule, and I hope that agreement will not be broken.

Mr. REAGAN. I ask a vote on the pending motion.

The question was taken; and upon a division there were—ayes 118, noyes 58.

Mr. HISCOCK. Do I understand the motion of the gentleman from Texas covers the amendments that may be offered to the section?

The SPEAKER. The motion is to limit debate upon the amendment and the section.

Mr. HISCOCK. That would cover all amendments that may be offered.

Mr. DAVIS, of Illinois. On that I demand the yeas and nays.

The yeas and nays were ordered—50 members voting in favor thereof.

Mr. WAIT. I move that the House do now adjourn.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. Pending the motion to adjourn, the Chair desires to lay before the House a message from the President of the United States and certain executive communications.

RANK OF COMMODORES IN THE NAVY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Speaker of the House of Representatives:

In compliance with the following resolution adopted by the House on the 10th instant—

"*Resolved*, That the President be requested to furnish this House, as early as convenient, with the necessary information showing the authority of law for which certain commodores of the Navy have been given the rank of acting rear-admirals when, as is alleged, no vacancy existed to justify such action"—

I transmit herewith a communication from the Secretary of the Navy, containing the information called for by the resolution.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 16, 1884.

CONSULAR REPORTS.

The SPEAKER also laid before the House a letter from the Secretary of State, containing reports of consuls of the United States in relation to the state of labor in Europe; which was referred to the Committee on Labor.

DEPARTMENT OF AGRICULTURE, ETC.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting a list of persons employed and a statement of the expenditures and means adapted for the suppression of contagious and infectious diseases among domestic animals; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLARD, indefinitely.

To Mr. DOCKERY, for ten days, on account of sickness in his family.

To Mr. HOPKINS, for the remainder of this day and to-morrow.

To Mr. STEVENS, for two days, on account of important business.

To Mr. CHALMERS, indefinitely, on account of important business.

FEES AND CHARGES OF MARSHALS, ETC.

On motion of Mr. MILLIKEN, by unanimous consent leave was granted to withdraw the views of the minority of the Committee on Expenditures in the Department of Justice upon the subject of fees and charges of United States marshals and other court officials, with authority to present them hereafter.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. WHITE, of Kentucky, and to Mr. BUDD to extend their remarks, made this day, in the RECORD.

ORDER OF BUSINESS.

The SPEAKER. Several gentlemen have intimated a desire to introduce bills for reference, and, if there be no objection, the Chair will recognize them now for that purpose.

There was no objection, and it was ordered accordingly.

JOHN BUSH AND MARTIN GRIGSBY.

Mr. ROBERTSON introduced a bill (H. R. 7766) for the relief of John Bush and Martin Grigsby; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DAVID L. BRAINARD AND OTHERS.

Mr. LE FEVRE introduced a bill (H. R. 7767) for the relief of David L. Brainard and others, non-commissioned officers and privates of the Greely expedition; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL BANK OF BLOOMINGTON, ILL.

Mr. ROWELL introduced a bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to "The First National Bank of Bloomington, Ill.;" which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. BEACH. I ask unanimous consent to present for reference and printing in the RECORD a memorial.

The SPEAKER. Consent was given merely for the introduction of bills for reference.

Mr. BEACH. This is a very brief memorial, and it is signed by representatives of some twenty States. It is a memorial of the national conference of State boards of health in favor of the bill to prevent the introduction of contagious and infectious diseases into the United States and to establish a national board of health.

The SPEAKER. The gentleman from New York asks unanimous consent that this memorial be printed in the RECORD.

There was no objection.

The memorial was referred to the Select Committee on the Public Health. It is as follows:

Memorial relative to national board of health.

To the Senate and House of Representatives of the United States:

Your memorialists would respectfully represent that for the prevention of the introduction into this country of Asiatic cholera and other diseases dangerous to the public health and their spread from one State into another there is needed thorough organization of health boards, local, State, and national, and such a system of prompt notification from foreign ports and between such boards as shall cause all health authorities throughout this country to act in harmony for the prevention and restriction of such diseases.

Recognizing, therefore, the continued necessity for a national board of health to discharge those functions in health matters which belong to the General Government, and which can not be done by the individual States, the accompanying bill is respectfully presented by the national conference of State boards of health for the consideration of Congress.

At this meeting of the conference States, municipalities, and quarantine stations were represented as follows:

Connecticut: Dr. C. A. Lindsley, State board of health of Connecticut.

Georgia: Dr. J. T. McFarland, health officer of Savannah, Ga.

Illinois: Dr. J. H. Rauch, State board of health of Illinois.

Indiana: Dr. E. S. Elder, State board of health of Indiana.

Kentucky: Drs. J. N. McCormack and W. L. Breyfogle, State board of health of Kentucky.

Louisiana: Drs. S. S. Herrick and S. R. Oliphant, State board of Louisiana.

Maryland: Dr. C. W. Chancellor, State board of health of Maryland; Dr. James A. Stewart, health officer of Baltimore, Md.

Massachusetts: Drs. H. P. Walcott and S. W. Abbott, State board of health of Massachusetts; Dr. S. H. Durgan, health officer of Boston; Dr. A. F. Holt, health officer of Cambridge.

Michigan: Dr. H. B. Baker, State board of health of Michigan.

Minnesota: Dr. C. N. Hewitt, State board of health of Minnesota.

North Carolina: Dr. T. F. Wood, State board of health of North Carolina.

Ohio: Mr. C. W. Rowland, health officer of Cincinnati, Ohio; Dr. A. H. Iddings, health officer of Dayton, Ohio.

Pennsylvania: Mr. Crosby Gray, health officer of Pittsburgh, Pa.; Dr. E. W. Gerner, health officer of Erie, Pa.

South Carolina: Dr. J. Ford Prioleau, State board of health of South Carolina; Dr. H. B. Horlbeck, health officer of Charleston, S. C.

Tennessee: Drs. G. B. Thornton and J. B. Thornton, State board of health of Tennessee; Dr. Charles Mitchell, health officer of Nashville, Tenn.

Texas: Dr. William Penny, health officer of Galveston, Tex.

Virginia: Dr. J. G. Cabell, health officer of Richmond, Va.

West Virginia: Drs. J. E. Reeves and T. A. Harris, State board of health of West Virginia.

Wisconsin: Dr. J. T. Reese, State board of health of Wisconsin.

Dr. Smith Townshend, health officer of the District of Columbia.

Canada: Dr. C. W. Covernton, Dominion of Canada and the provincial board of health of Ontario; Dr. F. Montizambert, health officer of Quebec; Dr. William Canniff, health officer of Montreal.

Respectfully submitted.

H. P. WALCOTT,	E. S. ELDER,
W. M. SMITH,	J. C. HEARNE,
J. H. RAUCH,	J. T. REESE,
H. B. BAKER,	I. A. WATSON,
S. S. HERRICK,	J. E. REEVES,
ERASTUS BROOKS,	H. B. HORLBECK,
C. W. CHANCELLOR,	C. A. LINDSLEY,
T. W. WOOD,	J. N. McCORMACK,
G. B. THORNTON,	

Committee.

REPORTS ON LABOR IN EUROPE.

Mr. HITT. On behalf of the Committee on Foreign Affairs I submit the resolution which I send to the desk for reference to the Committee on Printing.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of United States consuls on labor in Europe be printed, and that —— additional copies be printed for the use of the House of Representatives, —— copies for the use of the Senate, and for the use of the Department of State 5,000 copies, and 10,000 copies of the Secretary's letter.

The resolution was referred to the Committee on Printing.

JOSEPH R. DODDS.

Mr. WEAVER introduced a bill (H. R. 7769) granting a pension to Joseph R. Dodds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA ELLA CARROLL.

Mr. LOVERING introduced a bill (H. R. 7770) for the relief of Anna Ella Carroll; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EFFICIENCY OF THE NAVY.

Mr. McADOO introduced a bill (H. R. 7771) to increase the efficiency of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSION LAWS.

Mr. ENGLISH introduced a bill (H. R. 7772) to amend the pension laws; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WILLIAM E. AYERS.

Mr. NUTTING introduced a bill (H. R. 7773) granting a pension to William E. Ayers, Company E, Twenty-fourth New York Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. GRIGSBY.

Mr. THROCKMORTON introduced a bill (H. R. 7774) for the relief of J. M. Grigsby; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOSS OF UNITED STATES STEAMER ASHUELOT.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 7775) for the compensation of certain officers of the Navy for losses of their property by the loss of the United States steamer Ashuelot; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL BANK OF WINONA.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7776) to change the name of the National Bank of Winona; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM CHRISTIE.

Mr. BURLEIGH introduced a bill (H. R. 7777) granting a pension to William Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXHIBITION IN LONDON IN 1886.

Mr. CURTIN introduced a joint resolution (H. Res. 302) providing for the representation of the United States at the proposed exhibition in London in 1886, and making appropriation therefor; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PROPERTY LOST IN MILITARY SERVICE.

Mr. GEORGE introduced a bill (H. R. 7778) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PIERRE AND SOUTHEASTERN RAILROAD COMPANY.

Mr. KLEINER introduced a bill (H. R. 7779) to grant a right of way to the Pierre and Southeastern Railroad Company across the old Winnebago Indian reservation in Dakota Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OVERTON L. DEMMITT.

Mr. KLEINER also introduced a bill (H. R. 7780) for the relief of Overton L. Demmitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID RICHEY.

Mr. DEUSTER, by unanimous consent, introduced a bill (H. R. 7781) to increase the pension of David Richey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BENSON.

Mr. LAIRD, by unanimous consent, introduced a bill (H. R. 7782) granting a pension to John Benson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL IMPROVEMENTS.

Mr. GIBSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Resolved by the Senate and House of Representatives, That the Secretary of War be requested to ascertain which and how many, if any, of the navigable streams within the jurisdiction of the United States have been and are now improved by lock and dam, or either, or by other improvement, either by States or by corporations, in pursuance of State authority, and upon which streams and for the use of which improvements toll is now charged, and whether the said improvements can be purchased by the United States, and the probable cost of each of said improvements, together with the probable benefit to navigation and commerce of such purchase, if such purchase were made with the view of making the navigation of such streams free; and that he report to the next Congress.

PATRICK V. DOLAN.

Mr. GIBSON also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Patrick V. Dolan, in one of the general appropriation bills, the difference between the pay of a laborer and that of a messenger, at the rate of $3.00 per day, from June 6, 1884, to June 30, 1885.

CHARLES A. M'DANIEL.

Mr. MURRAY, by unanimous consent, introduced a bill (H. R. 7783) authorizing the Secretary of the Treasury to refund to Charles A. McDaniel the sum of $2,959.55; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT PORTSMOUTH, VA.

Mr. LIBBEY, by unanimous consent, introduced a bill (H. R. 7784) for the erection of a public building at Portsmouth, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROPOSED IMPEACHMENT OF LOT WRIGHT.

Mr. HOLMAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the resolution adopted by the House of Representatives on the 24 day of December, 1884, authorizing investigation into the conduct of Lot Wright, United States marshal for the southern district of Ohio, be, and the same is hereby, amended by adding thereto the following:

"The Clerk of the House, upon the order of the chairman of said subcommittee, shall advance to him, in amounts not exceeding $1,000 at a time, such sums as may be required to meet the expenses of said subcommittee; said amounts to be promptly accounted for by proper vouchers, duly certified by the chairman.

ORDER OF BUSINESS.

Mr. TALBOTT. I am directed by the Committee on Naval Affairs to move the adoption of the resolution which I send to the desk.

The SPEAKER. Pending the motion to adjourn, the gentleman from Maryland asks unanimous consent to report a resolution from the Committee on Naval Affairs for present consideration. [Cries of "Regular order!"]

The SPEAKER. The call for the regular order is equivalent to an objection.

The question being taken on the motion of Mr. WAIT that the House adjourn, it was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of the Louisiana Educational Society, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. BRAINERD: Petition of John E. Larkins and others, relative to pension claim of said Larkins—to the Committee on Invalid Pensions.

Also, petition of citizens of Erie, Pa., relative to the Spanish treaty—to the Committee on Ways and Means.

By Mr. S. S. COX: Memorial of the Phœnix National Bank of the city of New York—to the Committee on the Judiciary.

By Mr. G. R. DAVIS: Resolutions of the Chicago Medical Society, relative to the National Board of Health—to the Committee on Appropriations.

By Mr. DUNN: Papers relating to the claim of the heirs of Alexander G. Clements, deceased; also, papers relating to the claim of Benjamin F. Wallace; also, papers relating to the claim of Pleasant H. Thompson—severally to the Committee on War Claims.

By Mr. FINDLAY: Petition of George W. Alexander, to refund to him the proceeds of sale of certain property sold under the confiscation act, &c.—to the Committee on Appropriations.

By Mr. FOLLETT: Petition of steamboat owners and others interested in the navigation of the Ohio River, protesting against the passage of Senate bill 2374, "To authorize the lighting of the navigable rivers of the United States by electricity—to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade and Transportation of Cincinnati, Ohio, in favor of the Lowell bankruptcy bill—to the Committee on the Judiciary.

By Mr. G. W. HEWITT: Papers relating to the claim of William T. Hamner; also, papers relating to the claim of Thomas L. Shamblin—severally to the Committee on War Claims.

By Mr. B. W. JONES: Papers relating to the bill for the relief of George F. West—to the Committee on Invalid Pensions.

By Mr. KELLEY: Protest of the Pennsylvania Suffrage Association against the admission of Dakota as a State, &c.—to the Committee on Territories.

By Mr. PRICE: Papers relating to the claim of Jacob and Elizabeth Sener; also, papers relating to the claim of William H. Rogers—severally to the Committee on Claims.

By Mr. J. H. ROGERS: Papers relating to the claim of Dr. J. H. T. Main—to the Committee on War Claims.

By Mr. ROWELL: Petition of the National Bank of Bloomington, Ill., to change its name to First National Bank of Bloomington—to the Committee on Banking and Currency.

By Mr. RYAN: Petition of Western Miami Indians, praying that certain money taken from their tribal fund be returned—to the Committee on Indian Affairs.

By Mr. STOCKSLAGER: Papers relating to the claim of Ferdinand Hercher—to the Committee on Invalid Pensions.

By Mr. YOUNG: Papers relating to the claim of Mary E. Geary; also papers relating to the claim of Elizabeth P. Dyer—severally to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 62 citizens of Edmonds, of citizens of Ottawa County, and of 55 citizens of Bennington, Ottawa County, Kansas.

By Mr. BARR: Of citizens of Millersburg and of Dauphin County, Pennsylvania.

By Mr. BEACH: Of citizens of Wurtsborough and of Bridgeville, Sullivan County, New York.

By Mr. F. B. BREWER: Of citizens of Cattaraugus County, New York.

By Mr. W. W. BROWN: Of 42 citizens and soldiers of Potter County, Pennsylvania, and of citizens and soldiers of Lycoming County, Pennsylvania.

By Mr. BUCKNER: Of citizens of Frankford, Mo.

By Mr. BURLEIGH: Of citizens of Washington County, New York.

By Mr. J. M. CAMPBELL: Of citizens of Somerset County, Pennsylvania.

By Mr. CULLEN: Of H. A. Crawford and 39 others, of Gardner, Ill.

By Mr. CUTCHEON: Of 63 citizens of Mears, and of 63 citizens of Muskegon, Mich.

By Mr. DIBRELL: Of citizens of McMinn County, Tennessee.

By Mr. EATON: Of Frederick Bissell and others, of East Hartford, and of Leander N. Tucker, of Naubuc, Conn.

By Mr. EVANS: Of Jacob C. Arn and others, of Bucks County, Pennsylvania.

By Mr. FUNSTON: Of citizens of Olathe, Kans.

By Mr. FYAN: Of citizens of the thirteenth district of Missouri, and of Jasper County, Missouri.

By Mr. GUENTHER: Of citizens of Plainfield, Wis.

By Mr. D. B. HENDERSON: Of citizens of the counties of Bremer and Butler; of 64 citizens of Dubuque County; and of 242 citizens of Chickasaw County, Iowa.

By Mr. HEPBURN: Of George L. Young and 100 others, citizens of Decatur County, and of J. A. Roy and 100 others, citizens of Leon, Decatur County, Iowa.

By Mr. HITT: Of 63 citizens of Galena, and of 45 citizens of Warren, Ill.

By Mr. HOUSEMAN: Of E. M. Fitch and 64 others, of Allegan County, and of William E. Estes and many others, of Grandville, Kent County, Michigan.

By Mr. LAMB: Of citizens of Parke County, and of Terre Haute, Ind.

By Mr. LYMAN: Of citizens of Newton, Mass.

By Mr. McCORMICK: Of citizens of Gallia County, Ohio.

By Mr. MILLIKEN: Of Charles Wilson and others, of Togus, Me.

By Mr. MOULTON: Of 500 veterans of the Grand Army of the Republic.

By Mr. PATTON: Of citizens of Indiana County, Pennsylvania.

By Mr. PAYNE: Of S. C. Wheeler and 90 others, of Erie County, Ohio.

By Mr. PERKINS: Of Charles E. Simons and others.

By Mr. PRYOR: Of John B. Caffey and others.

By Mr. RANNEY: Of James M. Freeman and others.

By Mr. RYAN: Of 211 citizens of Kansas, of 108 citizens of Shawnee County, and of 129 citizens of Kansas.

By Mr. SENEY: Of Loyd A. Cook and 60 others, citizens of Seneca County, Ohio.

By Mr. SPRINGER: Of citizens of Lincoln, Ill.

By Mr. STEVENS: Of citizens of Niagara County, New York.

By Mr. STRUBLE: Of J. M. Cochran and 38 others, of Manson; of L. M. Lyon and 71 citizens of Glidden, and of Samuel Adams and 111 citizens of Wall Lake, Iowa.

By Mr. E. B. TAYLOR: Of 62 citizens of Atwater, of citizens of Trumbull, and of 121 citizens of Lake County, Ohio.

By Mr. MILO WHITE: Of 29 citizens of Houston County, Minnesota.

By Mr. WILKINS: Of L. L. Wiles and 60 others, citizens of Muskingum County, Ohio.

By Mr. E. B. WINANS: Of Gideon Durfee and 60 others, citizens of Clinton County, and of W. H. J. Martin and 57 others, citizens of Genesee County, Michigan.

By Mr. JOHN WINANS: Of Ezra Goodrich and 176 others, citizens of Wisconsin.

By Mr. YAPLE: Of R. M. Flack and 61 others, citizens of Constantine, Mich.

SENATE.

FRIDAY, *December* 19, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1457) to establish a department of agriculture, in which it requested the concurrence of the Senate.

THE WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate a communication from W. W. Corcoran, chairman of the Joint Commission for the Completion of the Washington Monument, transmitting the annual report of that body; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

The bill (H. R. 1457) to establish a department of agriculture was read twice by its title, and referred to the Committee on Agriculture and Forestry.

PRIVILEGES OF THE FLOOR.

Mr. SEWELL. Mr. President, I desire to call the attention of the Senate to a matter that will facilitate business between the two Houses at this stage in relation to enrolled bills. I find some difficulty in delivering enrolled bills to the committee of the House, which is a joint committee, in consequence of the fact that neither of the clerks of the committees can go upon the floor of the other body. I have obtained from the Speaker permission that the clerk of the Senate committee may come on the floor of the House, and I ask unanimous consent that the President of the Senate authorize the clerk of the House committee to come on the floor of the Senate.

The PRESIDENT *pro tempore*. The Senator from New Jersey, from the Committee on Enrolled Bills, asks unanimous consent that the clerk of the House Committee on Enrolled Bills be entitled to the privileges of the floor of the Senate for the purpose of communicating with the Committee on Enrolled Bills here. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the New York Produce Exchange, favoring some action, either adverse or favorable, on the Spanish reciprocity treaty, so called; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Bar Association of Spokane, Adams, Lincoln, and Douglas Counties, Washington Territory, on the subject of the administration of justice and the arrangement of counties and districts in that Territory; which was referred to the Committee on the Judiciary.

Mr. LAPHAM presented a petition of Isaac L. Rock, late private of Company I, Ninety-sixth Regiment New York Volunteers, praying for the enactment of a law extending the time for filing claims for arrears of pension; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a memorial of cigar-makers of Oshkosh, Wis., and a memorial of cigar-makers of Eau Claire, Wis., remonstrating against the ratification of the proposed reciprocity treaty with Spain; which were referred to the Committee on Foreign Relations.

Mr. HOAR. I present the memorial of Alpheus Hardy and other merchants of Boston and New York, remonstrating against some plans for the distribution of the Geneva award which are contained in various pending bills. It states very briefly, compactly, and clearly the points, and I move that it be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN presented a memorial of cigar-makers of Sandusky, Ohio, and a memorial of Cigar-Makers' Union 137, of Massillon, Ohio, remonstrating against the ratification of the proposed treaty with Spain; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN. I present resolutions adopted at a meeting of steamboat owners and others interested in navigation, held at the office of the Southern Transportation Line in Cincinnati, December 11, 1884, in which they remonstrate against the passage of the bill to authorize the lighting of the navigable rivers of the United States with electricity, whereby one O. W. Child and his associates are to be granted extraordinary authority and privileges injurious to the navigation of the Western rivers. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SHERMAN. I also present the petition of Mary E. Gordon, praying for the passage of a bill replacing the name of her brother, Samuel F. Gordon, late private Company G, Sixteenth Regiment Ohio

Volunteers, on the pension-roll. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DAWES. I present the petition of John Bird, late private Company I, Fifty-first Massachusetts Volunteers, who says that he is denied arrears of pension because he made application for his pension after the date of limitation had expired, and he prays Congress to remove this unjust discrimination against him. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS. I present the petition of sundry citizens of the United States resident in Kansas, praying for legislation to enable certain administrative officers to remain in office so long as their duties shall be satisfactorily and efficiently performed. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. ALDRICH. I present a petition of the officers of the Music Teachers' National Association, in behalf of that organization, signed by a large number of well-known professional musicians and by the principal publishers of music in the United States, praying for the passage of an international copyright law. As the petition is very brief, I move that it be printed in the RECORD and referred to the Committee on the Library.

The motion was agreed to.

The petition is as follows:

To the honorable members of the Senate in Congress assembled:

Believing that the promotion of musical-art creation in America would materially benefit us as a nation, and would enable us to command the respect of other nations, and that such art creation has not developed proportionately with the other arts on account of very serious impediments, one of the most important of which is the want of an international copyright law whereby our own art creations are placed at a marked disadvantage before those of foreign nations through the permission of reprints of foreign musical works: Therefore,

We, members of the Music Teachers' National Association, in convention assembled, at Cleveland, Ohio, this 3d day of July, A. D. 1884, and all others whose names are hereunto subscribed, do most respectfully and earnestly petition you, the honorable members of the Senate in Congress assembled, that you will take active measures toward the speedy establishment of an international copyright law, and to this end pray that you will favor the passage of the so-called Dorsheimer bill, or any similar bill, whereby the creative interests of the art of music in America will receive the encouragement so much needed at the present time.

Mr. LOGAN. I present resolutions of the New York Board of Trade and Transportation, in the nature of a petition, in favor of the appointment of a board of railroad commissioners. I suppose it should go to the committee which considered the interstate-commerce bill; but inasmuch as that bill has been reported and is now before the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. LOGAN presented two petitions of officers of the Army, praying for the passage of a bill to facilitate promotions throughout the Army by retiring from active service, upon their own application, officers of the Army who served in the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented a petition of ex-soldiers of Jackson County, Illinois, praying that ex-Union soldiers be given the preference in the settlement of the Oklahoma lands; which was referred to the Committee on Public Lands.

He also presented a petition of ex-Union soldiers, praying for the purchase by Congress of the portrait of the late Maj. Gen. George H. Thomas, owned by Miss C. L. Ransom; which was referred to the Committee on the Library.

Mr. MILLER, of New York, presented the petition of Mrs. E. D. Jones, widow of E. D. Jones, late private Company K, Fourth Regiment New York Cavalry Volunteers; and the petition of Russell Cook, late private Company B, Ninety-sixth Regiment New York Volunteers, praying for an extension of the time of filing arrears of pension claims; which were referred to the Committee on Pensions.

Mr. GIBSON presented a memorial of cigar manufacturers of New Orleans, La., remonstrating against the ratification of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 2077) granting a pension to M. A. Jones; and

A bill (S. 1869) granting a pension to Kate C. McDougal, widow of the late Commander Charles J. McDougal.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5735) granting a pension to Margaret Daily;

A bill (H. R. 4094) granting a pension to Henry Alden;

A bill (H. R. 2440) granting a pension to Usebus Sweet;

A bill (H. R. 3177) granting a pension to Charles F. Pasis; and

A bill (H. R. 459) granting a pension to Frederick Corfe.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the bill (S. 1796) granting a pension to James P. Roe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2258) granting a pension to Martha Bates, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAWES. On the 15th instant there were presented to the Senate by the President *pro tempore* some papers from the Interior Department, consisting of the draught of a bill granting a right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation in the Territory of Dakota, and some accompanying documents, which contained the negotiations between the Interior Department and the Indians. They were referred to the Committee on Indian Affairs, accompanied by a memorandum upon them that the papers were not ordered to be printed. If there was such a vote as that I ask to have it reconsidered, because it is highly important that the papers should be printed.

I report back the papers, and I should like to have them printed, with the accompanying bill, as a public document, for the transactions between the Interior Department and the Indians out of which the agreement grows should be a public document and printed, so that everybody may see that it is a fair transaction. If there was any such vote as that the papers should not be printed, I should like to have it reconsidered.

The PRESIDENT *pro tempore*. The order of the Senate on the occasion of the presentation of the papers was that the letter of the Secretary of the Interior be printed, and the letter with the accompanying papers referred to the Committee on Indian Affairs. There was no order to print the papers.

Mr. DAWES. The memorandum is that they were ordered not to be printed. I report back the bill, and ask that it be printed and recommitted to the committee; and I ask that the accompanying documents may be printed as a public document to accompany the bill.

The bill (S. 2473) granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota, was read twice by its title, and, on motion of Mr. DAWES, recommitted to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the accompanying papers be printed for the use of the Senate. If there be no objection, that order will be entered.

INAUGURATION DAY A LEGAL HOLIDAY.

Mr. INGALLS. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2417) to amend section 993 of the Revised Statutes relating to the District of Columbia, to report it with an amendment.

This is the bill that I reported yesterday, and upon which I asked the action of the Senate. The Chair was correct in calling attention to the incompleteness of the report. It has now been rectified, and I ask the indulgence of the Senate to act upon the bill now.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill be now considered. Is there objection?

Mr. SHERMAN. I should like to hear it read first.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

Mr. INGALLS. Let the amendment be read.

The CHIEF CLERK. It is proposed to strike out all after the word "to," in line 5, as follows:

Include, after the words "Christmas Day," the words "and each 4th day of March of every year on which shall occur the inauguration of the President of the United States."

And to insert:

Read as follows:

"SEC. 993. The following days, namely: The 1st day of January, commonly called New Year's Day; the 4th day of July; the 25th day of December, commonly called Christmas Day, and each 4th day of March every year on which shall occur the commencement of the term of the President of the United States, and when said date occurs on Sunday, then the succeeding day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District, and shall, for all purposes of presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes, or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured on the day previous."

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on the District of Columbia which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 2474) authorizing the Secretary of

War to transfer the United States barracks at Baton Rouge to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2475) to authorize the building of a shell road from Baton Rouge, La., to the national cemetery near said city; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WALKER introduced a bill (S. 2476) for the relief of James Clifford; which was read twice by its title, and referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 2477) for the erection of a public building at Stillwater, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a bill (S. 2478) to remove the charge of desertion against John Dienst, late of the Twenty-first Ohio Battery; which was read twice by its title.

Mr. PLUMB. I desire to call the attention of the Senator from Missouri [Mr. COCKRELL] and the Military Committee generally to the provisions of this bill to remove the charge of desertion from a soldier named Dienst, and to the fact that accompanying the bill is a letter from the Adjutant-General, in which the case is rejected for the reasons there stated, as not coming within the provisions of the law passed at the last session of Congress, and yet, as I think, stating a very plain case requiring Congress to act for the relief of this most excellent soldier, but who was unfortunate enough to have outstripped many of us and to have enlisted in two regiments in place of one. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. VEST (by request) introduced a bill (S. 2479) to repeal section 4419 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COKE introduced a bill (S. 2480) for the relief of George Storrs; which was read twice by its title, and referred to the Committee on Indian Affairs.

EDWARD L. KEYES.

Mr. DAWES. I ask unanimous consent for the reconsideration of a vote passed at the last session by which a bill adversely reported was indefinitely postponed. I will state to the Senate the reasons for asking a reconsideration.

On the 22d of April the Senator from New Jersey [Mr. SEWELL] reported adversely from the Committee on Military Affairs the bill (S. 1798) for the relief of Edward L. Keyes, and it was indefinitely postponed. The adverse report, as I understand, was made because there were no papers in the possession of the committee to support the bill. The reason why there were no papers, I am informed, was because the papers had been in the custody of the late Senator Carpenter and were mislaid, and those interested in the matter were unable to find the papers until after the report was made. Mr. Carpenter's late partner in business has been able since then to find the papers upon which the bill was based, and it is the desire of the friends of Mr. Keyes to have the vote reconsidered and the bill recommitted to the committee and those papers submitted. That is the ground upon which I ask a reconsideration.

I do not know the merits of the bill or what is contained in the papers. I have reason to believe and feel that the claim of Mr. Keyes is a meritorious claim. The Senator from New Jersey does not object to having the bill recommitted and the papers which have since been found with Mr. Carpenter's papers submitted to the committee. Of course it can not be done except by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the vote of the Senate taken at the last session indefinitely postponing the bill (S. 1798) for the relief of Edward L. Keyes be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. DAWES. I move that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

RIGHTS IN LAND GRANTS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the Calendar under Rule VIII, commencing at Order of Business 338, being the bill (S. 1445) to provide for the settlement of the rights of States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress.

Mr. MORGAN. That is a proposed general law providing a remedy in the courts at the suit of the United States in all cases where railroad land grants have been forfeited by act of Congress. The subject is not yet prepared for the consideration of the Senate. There is pending in this body a report of the conferees of the two Houses upon a bill which involves the whole principle of this measure, and which I have not as yet had the opportunity to present in such a way as I think would be appropriate. I will ask the further indulgence of the Senate that this bill may be passed over informally until that report shall be acted upon.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

SHOSHONES, BANNOCKS, AND SHEEPEATERS.

The bill (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and make the necessary appropriations for carrying out the same, was announced as next in order; and it was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to add:

SEC. 4. That this act shall take effect only when the President of the United States shall have had presented to him satisfactory evidence that the agreement herein set forth has been accepted in conformity with the eleventh article of the treaty of July 3, 1868, with the Shoshones and Bannocks, and he shall have made proclamation thereof.

The amendment was agreed to.

Mr. COCKRELL. I should like to have the Senator from Massachusetts [Mr. DAWES] who reported the bill give some explanation of this bill and state what changes it makes in regard to our present relations with those tribes.

Mr. DAWES. I should like to have read the amendment which the Senate has adopted.

The PRESIDENT *pro tempore*. The amendment just adopted will be again reported.

The Chief Clerk read the amendment.

Mr. DAWES. This agreement was made, as appears upon the face of the bill, several years ago, and the Interior Department have been for some time very anxious to have it ratified. There has been no opposition from any quarter, and it has only been for lack of opportunity to bring it before either House that it has not been acted on.

These tribes of Indians are small, but scattered over a large area of reservation. It has been the desire of the Interior Department to gather them all upon one reservation and to throw open to settlement a portion of the reservation of no use to them. They made this agreement after long negotiation, and the terms of the agreement itself are set forth in the bill.

By the terms of the agreement the Indians are to take land in severalty, and to hold it under the United States for twenty-five years, and when they have their land in severalty in the quantities specified in the bill the rest of the land is to be thrown open to settlement, and the Indians in consideration of it are to have the annuity for twenty years specified in the agreement.

It is said by those who negotiated it that the Indians, supposing when they had signed the agreement with the agent of the United States that was the end of it and a completion of the agreement, have gone into possession under the agreement, and are carrying out their part of it, and are at a loss to know why they do not receive this money. They can not understand (and that is the case with a great many of the Indians) that the agreements they make must be ratified by Congress and appropriations must be made. They have an impression when they make an agreement with the United States that the Government is prepared to pay over the money and the agreement is completed. Unless this money is paid there is danger of an outbreak there. It is the opinion of the Interior Department, and especially of the agent sent out to make the agreement, that it is for the best interests of all the Indians, and that it will bring into market a large tract of country which would otherwise be held as a reservation unappropriated and left for cattle-men to have the entire advantage of.

It is an agreement to which I can see no objection, and I think it ought to be ratified. I have the papers here upon which it was founded. The message of the President communicating the whole transaction is in Senate Executive Document No. 19, and the bill itself was drawn in the Interior Department. The Committee on Indian Affairs investigated it to the extent that they were satisfied that these parties acted in good faith. Whether their judgment as to the amount of land to be disposed of is a correct one or not the Committee on Indian Affairs have been obliged to trust to the agents of the Government.

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PETER DELLA TERRE.

The bill (S. 294) for the relief of Frank Della Terre and Susan Della Terre, heirs of Peter Della Terre, deceased, was announced as next in order.

Mr. CAMERON, of Wisconsin. The consideration of this bill undoubtedly will involve a good deal of debate. I do not think it can be properly considered under the five-minute rule. I object to, it in order that it may take its place on the Calendar under Rule IX.

The PRESIDENT *pro tempore*. The bill being objected to goes over.

EDUCATIONAL FUND.

The bill (S. 1235) to establish an educational fund and apply a portion of the proceeds of the public lands to public education and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education was announced as next in order.

Mr. INGALLS. I object to that, Mr. President.

Mr. MORRILL. I ask the Senator from Kansas to allow the bill to go over informally without prejudice.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

SOUTHERN MAIL CONTRACTORS.

The joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors was announced as next in order.

Mr. INGALLS. I object to that.

The PRESIDENT *pro tempore*. The resolution goes over.

Mr. GARLAND. Will the Senator from Kansas consent that that may go over informally without losing its place?

Mr. INGALLS. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent that the joint resolution be passed over retaining its place on the Calendar under Rule VIII. Is there objection?

Mr. CONGER. I have no objection to its going over now, but when it does come up it will be necessary to consider it under Rule IX, or not to have the five-minute rule applied to the consideration of it, I think. Perhaps the sooner it is passed over to take its place under Rule IX the earlier it will be on the Calendar.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Michigan to object to the bill retaining its place under Rule VIII.

Mr. CONGER. I make the suggestion. I have no choice in regard to it.

Mr. GARLAND. I wish to state to the Senator from Michigan that it is my purpose when we do take it up to have it considered regardless of the five-minute rule. I think when the Senator from Michigan looks at the amended resolution as it comes from the Committee on Post-Offices and Post-Roads he will have no further objection to it. I believe it has been amended to meet the objection he and the Senator from Ohio had to the original resolution.

Mr. CONGER. I have no objection to its keeping its place, but it can not be considered properly under the five-minute rule.

The PRESIDENT *pro tempore*. Is there objection to the resolution being passed over, retaining its place?

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order. If there be no objection the Senator from Texas will proceed.

Mr. MAXEY. I was going to make a remark because I reported the resolution from the Post-Office Committee. The resolution as reported is in exact accordance with the resolution as it passed at a former session of the Senate, with one additional amendment in the interest of the Government, not in the interest of the claimants, to require the production of certain proofs. It is in the interest of the Government and not of the claimants, and the entire resolution is drawn with the view of meeting the views of the Senate as expressed at a former session. That will appear whenever the matter comes up for consideration.

The PRESIDENT *pro tempore*. Is there objection to the resolution being passed over, retaining its place on the Calender under Rule VIII? The Chair hears none, and it is so ordered.

PETER TARGARONA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 902) for the relief of Peter Targarona, the pending question being on the amendment reported by the Committee on Claims.

Mr. McMILLAN. I should like to have some explanation of that.

Mr. MANDERSON. There is a report from the Committee on Claims in this case which gives a very full account of the whole subject, a reference to which will show the circumstances.

Mr. INGALLS. Will the Senator state briefly the points?

Mr. CONGER. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MANDERSON March 14, 1884:

The Committee on Claims, to whom was referred the bill for the relief of Peter Targarona, having considered the same, respectfully submit the following report:

This claim has been before Congress since the first session of the Forty-fifth Congress. In the House of Representatives it has been frequently considered by the Committee on Claims, and favorable reports have been made by it at the second session of the Forty-fifth, second session of the Forty-sixth, and the first session of the Forty-seventh Congress.

Favorable report was also made by the Senate Committee of Claims of the Forty-seventh Congress at its first session. This report is so full and sets forth so clearly the claim and rights of the claimant that your committee adopt said report as its own:

"Mr. POMEROY, from the Committee on Claims, submitted the following report, to accompany bill S. 902:

"The Committee on Claims, to whom was referred the bill for the relief of Peter Targarona, having considered the same, respectfully submit the following report:

"The committee find the following facts:

"That the claimant, Peter Targarona, in July, 1865, was the owner of the steamboat Capitol, her tackle, apparel, and furniture.

"That Targarona was then an unnaturalized resident in the city of New Orleans and State of Louisiana, and a native of Spain.

"That on July 3, 1865, Rufus Waples, as attorney of the United States for the eastern district of Louisiana, on behalf of the United States, and Charles Black, sr., informant, filed a libel of information in the circuit court of the United States for the sixth judicial circuit and eastern district of Louisiana against the steamboat Capitol, her tackle, apparel, and furniture, in a case of seizure and forfeiture, under the act of Congress approved August 6, 1861, entitled 'An act to confiscate property used for insurrectionary purposes.'

"That Cuthbert Bullett, as United States marshal, acting under the authority of an admiralty warrant issued from said circuit court on said libel of information, seized and took into possession the said steamboat Capitol, her tackle, apparel, and furniture.

"That the same were duly claimed by said Targarona, who applied to said court to release said steamer, &c., to him on bond.

"That, on motion, the court ordered an appraisement of the steamer Capitol, her tackle, apparel, and furniture, which was done, and reported to the court at $8,000.

"That on the order of the said court Targarona gave bond and security, conditioned as the law directs, and resumed possession and control of his said steamboat, &c.

"That afterward the steamboat, while running on the Red River, in the service of her said owner, was sunk by accident, and became a total loss.

"That on the trial of the libel suit judgment of condemnation and forfeiture was rendered by said court on the 10th day of January, 1866, against said steamboat, her tackle, apparel, and furniture.

"That the claimant, not being able to deliver said steamboat, on account of her loss, judgment was rendered by said court on said release bond against Targarona and his sureties for $8,000.

"That, on motion, said court granted Targarona an appeal to the Supreme Court of the United States, on his executing bond with sureties in the sum of $12,000 conditioned to prosecute the appeal and satisfy whatever judgment might be rendered against them if they were cast in the appeal.

"That said suspension appeal was granted on the 2d day of February, 1866, and notice thereof served by the United States marshal on the district attorney February 8, 1866.

"That on the application of the district attorney an execution of fieri facias was issued from said court the 7th day of February, 1866, against said Targarona and his sureties on said release bond for $8,000 and $357.85 costs of the libel suit; that said execution was levied by said marshal on the steamboat Live Oak as the property of said Targarona; that under order of the said circuit court the steamboat Live Oak, her tackle, apparel, and furniture were appraised on June 14, 1866, at $18,000; that the appraisers appointed by said circuit court found that the steamer Live Oak cost said Targarona $25,000, and that he expended for repairs $15,000; that under said execution said marshal sold said steamer Live Oak, &c., at public outcry, on 22d day of May, 1866, for cash, at the sum of $8,300, and paid the same into said circuit court in current funds of the United States on the 25th day of May, 1866; that at the December term, 1867, of said circuit court judgment was rendered in favor of divers persons as intervenors and libellants in said case against said proceeds of said steamer Live Oak for the amounts by them claimed, respectively, and which is established in the following classification, &c.:

"That the several sums due by said Targarona to said several intervenors for wages as employés on said steamer Live Oak, and for material and supplies furnished him, amounted in the aggregate to $6,729.15, which said circuit court ordered to be paid said intervenors out of the proceeds of the sale of said steamer Live Oak; and the balance of said proceeds, amounting to $1,570.85, the said circuit court applied to the payment of the costs and charges incurred in said libel proceedings, and for which the United States became liable on the reversal by the Supreme Court of the United States of the judgment of said circuit court, condemning said steamboat Capitol as aforesaid and the dismissal of said libel of information of said circuit court; that at the December term, 1868, of the Supreme Court of the United States the said suspension appeal cause came on to be heard before the said Supreme Court, when it was ordered, adjudged, and decreed that the said decree of said circuit court in said libel proceedings against said steamboat Capitol be, and the same is hereby, reversed, and that said cause be remanded to said court with directions to dismiss the libel of information. The judgment reversing and dismissing said decree and information is dated March 22, 1869. The proof accompanying the petition of claimant to Congress for relief greatly preponderates to show that the steamer Live Oak, her tackle, apparel, and furniture, were worth more than double the amount of $18,000, at which they were appraised under the order and direction of the circuit court.

"When the appeal to the Supreme Court in the confiscation case came on to be heard, the only question considered and passed on by the court was, on the motion of Mr. Evarts, Attorney-General, that the judgment of the circuit court be reversed, and the cause remanded with instructions to dismiss the libel of information. In rendering the opinion on the motion of Mr. Evarts, which was resisted by the informer, the court say (7 Wallace, Rep. 454):

"'Although the name of the informer is mentioned in the libel of information, still it is nevertheless true that the suit was instituted by the district attorney in the name and for the benefit of the United States. Control of the suit, therefore, while it was pending in the circuit court, belonged to the district attorney under the general superintendence and direction of the Attorney-General, and he might, if he had seen fit, have discontinued it at any stage of the proceedings prior to the appeal. Such control on the part of the district attorney ceases whenever such a suit, civil or criminal, is transferred to this court by writ of error, appeal, or certificate of division of opinion, as the thirty-fifth section of the judiciary act also provides that it shall be the duty of the Attorney-General to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned.'

"It is clear, then, that after granting the appeal, and the execution of the appeal bond, all further proceedings in the circuit court to execute its decree of condemnation of the steamer Capitol were suspended until the final decision of the Supreme Court. The issuance of the execution of fieri facias from the circuit court was wholly unauthorized, and in contempt of the supreme order of the circuit court. The district attorney ordered the clerk to issue the execution after the suspension order of appeal was granted, and after the execution of the suspensive bond, of which order and giving of the bond he had written notice the day after said execution was issued. The clerk knew of the suspension order and the execution of the appeal bond, and so did the United States marshal; and the district attorney, clerk, and marshal well knew that the seizure and advertisement and sale of the steamer Live Oak were in violation of the order of the circuit court suspending all further proceedings in said libel of information. It is equally certain that the claimant Targarona was also fully informed that the issuance of the execution and the seizure and sale of his steamboat were wholly unauthorized, and that all he was required to do to arrest the proceedings which terminated in the sale of his steamboat was to apply to the judge of the said circuit court to supersede and quash said execution.

"It is remarkable that with full knowledge of the suspensive order of the circuit court, and of the pendency of his appeal, the claimant should have made no effort whatever to protect himself against the open defiance of the order of the circuit court by the district attorney, clerk, and marshal, when his remedy was plain and adequate, and if unknown to him must have been familiar to his attorney, who was present with him in the same city where his rights were openly disregarded.

"There is another equally remarkable feature in the proceedings on the libel of information.

"The Supreme Court say in the opinion (*supra*) that 'judgment in the circuit court is for the complainants or for the United States; and if for the latter, and the claimants do not remove the cause into this court for revision, it then becomes the duty of the circuit court to render the decree for distribution.'

"Notwithstanding the cause was removed to the Supreme Court for revision, while it was pending there on a suspensive appeal the circuit court, Judge Wood presiding, entertained jurisdiction of the petitions and libels of information against the proceeds of the sale of the steamer Live Oak, and condemned the proceeds to the payment of all the costs in his court and rendered judgment of distribution of the balance among the intervening creditors of Targarona.

"It may be that the intervenors proceeded by petition or otherwise to enforce their prior lien on the Live Oak or the proceeds of its sale to satisfy their claims for wages, supplies, and material furnished Targarona. And it may not have been brought to the attention of the circuit court that a suspensive appeal had been taken prior to the sale of the Live Oak and the payment of the proceeds into court. As Targarona must have had notice of the proceedings by the intervenors to ascertain the amount of his indebtedness to them and to obtain judgment of condemnation of the proceeds of the sale of the Live Oak to their claims, the failure of Targarona to bring to the notice of the court the illegality of the sale of his steamboat may estop him from setting up the illegality of the sale as a foundation for his claim against the Government.

"There is no evidence of any attempt by Targarona to enforce any remedy he had against the clerk or marshal. Nor is there any proof that Targarona attended the sale of his steamboat to notify bidders of the illegality of the sale, which he could have done, and entitled himself to bring suit against any purchaser of his steamboat to recover the boat itself or its value.

"Targarona made no effort to reimburse himself for his alleged losses out of the United States except by his petition to Congress, filed January 31, 1876.

"Several questions of law arise on the facts found by the committee.

"1. Were the acts of the clerk and marshal in issuing the execution of fieri facias, and the sale under it by the marshal of the steamer Live Oak, void or voidable? and, if either, can the United States be held responsible in justice and equity for the losses resulting from the illegal and unauthorized acts of its agents? If voidable only, and done under color of authority, ought the United States to reimburse those who suffer from such acts when it is manifest that the injury could have been prevented by the use of ordinary diligence in resorting to plain, adequate, legal remedies.

"2. Was Targarona compelled by law to resort to his legal remedies against the wrongful acts of the clerk and marshal in issuing the execution and selling the steamer Live Oak?

"3. The libel of information being wrongful, and the United States being bound by the acts of the district attorney in filing such libel of information and in ordering the admiralty warrant under which the Capitol was seized and taken possession of by the marshal, ought the United States to be heard to require of the injured party that he should have protected himself against the wrong in selling his other steamboat by resorting to his legal remedies?

"4. Has the original actor in a wrongful judicial proceeding the right to escape liability by charging the sufferer with contributory negligence?

"5. If the United States are liable for anything, to what extent? Does the liability go beyond the amount of the costs and charges paid out of the proceeds of the sale of the Live Oak, and for which costs and charges the United States became liable when the judgment of the circuit court was reversed and the libel of information ordered to be dismissed?

"The Supreme Court in the opinion (*supra*) say:

"'Under the rules of the common law it must be conceded that the prosecuting party may relinquish his suit at any stage of it, and withdraw from court at his option, and without other liability to his adversary than the payment of taxable costs which have accrued up to the time when he withdraws his suit. Precisely the same rule prevails (say the court) in the admiralty courts, and consequently the libelant has the right at any stage of the cause to discontinue the same, and the only penalty to which he can legally be subjected, in the absence of any statutory regulation, except, perhaps, in prize cases, is the payment of the costs of the proceedings.'

"To the extent that the proceeds of the sale of the Live Oak were applied to the payment of the honest debts of Targarona, the United States, in any event, should not be held responsible. But the balance of the proceeds of said sale have gone to the payment of costs and charges for which the United States were liable on the reversal of the judgment of the circuit court, and the dismissal of the libel or information, and as to that amount ($1,570.85) the claimant should be reimbursed, unless he has lost his right by failing to make timely application to Congress for relief. As to all the other questions presented your committee express no opinion. And after due consideration of all the facts and the character of the legal questions in the case, your committee feel constrained to report back Senate bill No. 822 with a recommendation that it pass."

Your committee, coinciding with the views expressed above, report back a substitute for bill S. 902, and recommend that said substitute pass.

Mr. COCKRELL. Mr. President——

Mr. CONGER. Let the substitute be read.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The amendment reported by the Committee on Claims will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and in lieu thereof to insert:

That the claim of Peter Targarona for loss and damages alleged to have been sustained by him through the seizure and sale of the steamboat Live Oak, be, and the same hereby is, referred to the Court of Claims, with power to hear and determine the same upon the merits thereof; and any defense, set-off, or counterclaim may be pleaded by the United States as defendents, as in cases within the general jurisdiction of the court, and either party shall have the same right of appeal as in such cases; and the testimony of the claimant or of any party in interest may be admitted in evidence: *Provided*, That the liability of the United States shall be the same as if the acts done by the officers of the Government in the premises had been done by the agents of a public corporation.

Mr. COCKRELL. Mr. President, the report which has been read fits an entirely different bill from the one before the Senate now. It is a report to allow this man $1,570, I think the amount is, and the bill is to refer him to the Court of Claims for $25,000. I object to the further consideration of it.

The PRESIDING OFFICER. The bill goes over.

JULIA A. NUTT.

The bill (S. 1851) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that the Senator from Mississippi [Mr. GEORGE] desires to be heard on this bill, as it has been partly provided for in some other subject-matter of legislation. He left that word with the Secretary at the desk.

Mr. HOAR. The Senator was in his seat a moment ago.

The PRESIDING OFFICER. If there be no objection the bill will go over informally.

Mr. HOAR. Let the reading of the bill proceed.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. HOAR. If the Senator from Mississippi desires to be heard in the matter it had better go over informally until he comes in.

The PRESIDING OFFICER. The Chair has been informed that the Senator from Mississippi left word with the Secretary that he desired to be heard upon this bill. The Senator is now in his seat.

Mr. GEORGE. Let the Senator from Massachusetts state what he has to say.

Mr. HOAR. I will make a brief statement to the Senate in regard to this bill, if the Senate please.

This claimant presented a claim for a very considerable sum, several hundred thousand dollars, and it was referred to me by the Committee on Claims. I gave a very careful and anxious examination to the matter and made a report allowing a small portion of the amount claimed, I think perhaps $30,000 or $40,000; I do not recollect the sum, but it was a very much smaller sum than was claimed. Then after my report the claimant thought I had omitted some considerations which ought to have been weighed in his favor and desired a hearing, and on a hearing I became satisfied that there were some equitable considerations which had not had their full weight, and so reported to the committee, and the committee agreed to allow the claimant a larger sum, I think about $80,000, if I recollect aright. The Senator from Mississippi will correct me if I state the sum wrong.

Mr. GEORGE. About $80,000.

Mr. HOAR. That bill (and this present bill is the same) being pending, allowing $80,000, the Southern claims bill, the general large omnibus bill, was reported to the Senate, and this claim was put upon it in the Senate as an amendment, and it went to the House and the House struck it out. Then there was a committee of conference, of which I was not a member, and that committee of conference agreed on $30,000.

If that was intended by those conferees as a complete satisfaction of the claimant's claim, the House in the first place denying that anything was due, it seems to me the bill ought not to be pressed further for any sum. If, however, as the claimant informs me he thinks was the fact, the committee of conference intended to make this payment without prejudice to his further claim, though I never knew of such a thing being done before, then the bill ought to be amended by striking out what he has received and be considered by the Senate for the balance. I have no knowledge myself about what governed the committee of conference. The chairman of the Committee on Claims, who was a member of it, will be able to state that, and I shall be governed in my vote by his statement.

Mr. GEORGE. Mr. President, in response to the inquiry made by the Senator from Massachusetts in reference to the action of the conference committee, I will state that I was a member of that committee. I do not know what other members of the committee considered with reference to the sum that was finally agreed upon, but I know what my own action was, and also what I considered as the result of the action of the committee.

I regarded the claim as reported by the Senator from Massachusetts, after a very careful examination, as just to the full amount reported by him. The parties were in necessitous circumstances. The House had stricken out the whole item in the bill which had been sent to them by the Senate, and my action was governed solely by the hope to get a part of a claim which I regarded as just, which the Committee on Claims regarded as just, and which the Senate by unanimous consent pronounced to be just. That was my reason for my action in the matter. What others may have thought I do not know. I am sure of one thing, however, Mr. President, that there was no express agreement made by the committee as a committee that this small sum which was accepted should be considered as a settlement and satisfaction of the whole claim.

Mr. CAMERON, of Wisconsin. Mr. President, I was a member of the conference committee on this bill referred to. I suppose it is proper to state that a majority of the House conferees were very strongly opposed to allowing any part of the claim. The Nutt claim, as has been stated by the Senator from Massachusetts, was put upon the general bill for the payment of claims allowed by the Department during the preceding year. There were in that bill probably a thousand claims, some of them very small, and, so far as the committee was aware, all meritorious. Unless the bill were passed at the last session those parties would be kept out of their money for at least one year longer. After a great deal of argument back and forth between the Senate and the House conferees, it was finally agreed that the sum of $30,000, if that were the sum, should be inserted in the bill for the Nutt claim.

I agree with the Senator from Mississippi, who was also a member of

the conference committee, that there was no express agreement on the part of the committee that that sum should be taken and considered in full payment or settlement of the claim; but I understood—I do not know what the understanding of the other members of the committee was—that it was a full and final settlement and satisfaction of the claim.

Mr. COCKRELL. When was the bill passed; at the last session?

Mr. CAMERON, of Wisconsin. At the last session.

The PRESIDING OFFICER. July 5, 1884.

Mr. CAMERON, of Wisconsin. But I certainly did not expect that the Nutt claim would ever again be pressed in Congress for any sum whatever.

Mr. SAULSBURY. What is the amount?

Mr. CAMERON, of Wisconsin. It is very large—several hundred thousand dollars—perhaps $250,000. There was a part payment made upon the claim under an appropriation made by Congress ten or fifteen years ago. It was not stated at the time that it was in part payment of the claim, but it was taken and the money paid over to the claimant, and, as the Senator from Massachusetts has stated, the claim presented in the last Congress was for a large amount, $200,000 or $300,000. After carefully considering it, the Committee on Claims reported in favor of the payment of $80,000. That is the bill which is now on the Calendar. But the Committee on Claims became satisfied that this bill would not be reached, and if it were reached in the Senate it certainly would not be in the House, and for the purpose of bringing the matter to a final determination the Committee on Claims, when the general bill for the payment of Southern claims was before the Senate, put this bill on as an amendment, and it was the only additional amount that was placed upon the bill.

I myself am not in favor of allowing anything further on this claim, and am in favor of indefinitely postponing the bill.

Mr. GEORGE. Mr. President, in view of the position taken by the chairman of the committee, and also in view of the provisions of the act itself, to which my attention has just been called by the Chair, to this effect—

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since January 6, 1883—

I will not now press the matter. I would be glad, however, if the Senator from Wisconsin would, instead of having the bill indefinitely postponed, make a motion to lay it upon the table.

Mr. CAMERON, of Wisconsin. Suppose the Senator from Mississippi objects to the further consideration of the bill, and let it go on the Calendar under Rule IX.

Mr. GEORGE. Very well. I will do that.

The PRESIDING OFFICER. The bill is objected to.

LOST LAKE AND MOUNT HOOD IMPROVEMENT COMPANY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company.

Mr. COCKRELL. Is there any written report with the bill?

The PRESIDING OFFICER. There is not.

Mr. DOLPH. There is no written report. The only purpose of the bill is to grant a right of way to a wagon-road company to build a wagon-road in the Cascade Mountains from the gap in the mountains through which the Columbia River passes up to Mount Hood and to a lake called Lost Lake.

Mr. COCKRELL. How wide do they want that road?

Mr. DOLPH. The bill calls for a right of way three hundred feet in width.

Mr. COCKRELL. A pretty large wagon-road to be kept up at private expense.

Mr. DOLPH. I suppose the Senator understands that a grant of a right of way would confer no right upon the company except to build and maintain the road within the limits. The United States, in such a case, remains the owner of the fee and the owner of everything on the top of the soil and under it except what is necessary to be used.

Mr. COCKRELL. But it prevents anybody else from occupying the same surface, does it not?

Mr. DOLPH. No; any other road can be built across it or along it; but, if the Senator will wait a moment, I propose to offer some amendments. Although the bill was reported by the unanimous direction of the committee, after consultation with my colleague who is upon the Committee on Public Lands, I have concluded to offer some amendments which will obviate the objection now suggested, and which I will have read at the desk. I will also say that a much greater width of right of way will be required to build a road through mountains of the character of the mountains through which this road will run than to build an ordinary wagon-road over prairies or agricultural lands. I offer the amendments, and when they are made I think there will no objection to the bill.

The Chief Clerk read the first amendment proposed by Mr. DOLPH, which was to insert, in line 8, after "State," the words:

Of such width as may be necessary for the purpose of the construction and maintenance of said wagon-road not less than sixty nor more than——

Mr. DOLPH. I think that obviates the objection.

Mr. COCKRELL. This is situated in Oregon, is it not?

Mr. DOLPH. In Oregon.

Mr. COCKRELL. I think it is the first instance I have known of a private corporation coming to get the right of way for a mere public road. It is not a railroad; and I should like to know some necessity for this. I should like to know why it is that this company wants to get a right of way from the United States especially. It is organized under the laws of Oregon, and I suppose nobody on the part of the United States will say a word if they go to work and construct a public road for the benefit of the public over the public lands. I never have heard of such an objection in any State of the West; I have never heard of the United States officers objecting to the construction of a public road over the public lands. Everybody travels over them at will and pleasure, and I do not think there will be any objection made to a road over them. I should like to know why it is that this company comes in here asking this special privilege.

Mr. DOLPH. The State has no power to grant a right of way over public lands of the United States. The probability is that the entire line of this road will be over the public lands and over unsurveyed lands, because, as I have stated, it is to be constructed through the Cascade Mountains up to the foot of Mount Hood, if constructed at all.

I will state that it has been the practice to grant not only rights of way, but to make grants of public land for the purpose of constructing wagon-roads. Several grants of that kind have been made to the State of Oregon and in other States. In the present case no grant of land whatever is asked, but simply the right of way of sufficient width for the construction of the road. The amendment now suggested limits that width to sixty feet where that is sufficient, but allows it to go to the extent of three hundred feet where the road is to be built on the side of the mountain or in other places where it is necessary to occupy the entire three hundred feet to construct the road.

Mr. COCKRELL. What is the distance?

Mr. DOLPH. It may be twenty miles. Perhaps my colleague can state. It is, as I have stated, through the Cascade Mountains from the Columbia River to Mount Hood.

Mr. SLATER. If my colleague will allow me a moment I will say that I am not familiar with that locality, but, as I understand, the proposed road runs from the Columbia River into the Cascade Mountains beyond the settlements.

I can see no evil in the bill itself. I do not know the ground and do not know what effect it may have, but according to my knowledge of the State I should suppose the company could get the right of way by usage, if not otherwise, from the State itself. I know we have many public roads in that way and many roads controlled by corporations that are over the public lands. I know where questions arising therefrom have got into the courts the courts have held that the right could be so acquired. I can say that I see nothing in the bill that can be reasonably objected to. It does not create a corporation, but simply grants a right of way to a corporation already in existence in the State of Oregon to build a road through the public lands of a certain width.

Mr. INGALLS. The junior Senator from Oregon [Mr. DOLPH] informs us that this road or proposed right of way is over the public lands of the United States that are unsurveyed and extends upward to the snow-line of Mount Hood. If these lands are public lands and unsurveyed they are unpeopled; there can be no population there. I assume that above the snow-line on Mount Hood there are no extensive improvements, that there can be no commerce, that there are no manufactures, that there are no inhabitants, and I confess that in the light of the statements made by the Senator from Oregon I am unable to see any good reason why a right of way three hundred feet wide should be granted through a region where there are no people to a point where population is impossible. Might there not be extensive groves of timber in that region, to which this would give the people in the low lands more convenient and ready access?

I hope that before we are called upon to act in this way with regard to the public domain, to endow a private corporation with this extraordinary right under the peculiar circumstances disclosed by the statement of the Senator from Oregon, we shall have more definite and specific information than is conveyed to us by the terms of the bill.

Mr. DOLPH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Oregon has once spoken on this question. Under the eighth rule he is not entitled to speak again.

Mr. HAWLEY. I hope he will be allowed to proceed.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the Senator from Oregon be allowed to proceed.

Mr. DOLPH. Have I spoken on the amendment?

The PRESIDENT *pro tempore*. The Chair understood from the Senator from Connecticut who had occupied the chair that the Senator

had once spoken. Is there objection to the Senator from Oregon proceeding? The Chair hears none.

Mr. DOLPH. I did not understand that I was concluded from again occupying the floor when I spoke on offering the amendment.

This is a very little bill. Congress has been in the habit of making, as I said before, grants of the right of way for the purpose of constructing railroads and wagon-roads, and of making grants of land to aid in the construction of both railroads and wagon-roads. Here is a corporation under the laws of Oregon that comes to Congress and asks that it may have a grant of the right of way only over the public lands for the purpose of constructing a road. The bill was favorably reported from the Committee on Public Lands after it was scrutinized there. After consultation with my colleagues, I have offered an amendment in regard to the right of way which will restrict it to sixty feet and to so much additional land, not exceeding three hundred feet, as is absolutely necessary for the construction of the road. Now comes the Senator from Kansas and suggests that there is no necessity for the construction of this road. I do not know that the Senate ought to constitute itself the guardian of the people who propose to construct this road——

Mr. INGALLS. We are the guardians of the public domain, however.

Mr. DOLPH. I will come to that in a moment—and say that because there is no apparent necessity for constructing this road we shall prevent parties from going on the public lands and constructing it. Mount Hood is a place of public resort. There is a lake lying near the snow line on Mount Hood, mentioned in this bill, which may become a place of public resort. I suppose that the parties who projected this road desired it for the purpose of reaching some place of that kind, so as to accommodate the Senator from Kansas or any other persons who shall hereafter visit the State of Oregon and who shall desire to visit Mount Hood. It is proposed to accommodate them by constructing a road over which they can do so. Certainly, if it is not likely to be needed, it will not be built.

So far as the effect on the public domain is concerned, as I said before, this bill will only grant a right of way over the public land. It does not grant the timber; it does not grant the stone or the minerals; it does not grant anything except what may be necessary for the construction of the road, or to be removed from the land in the construction of the road, nor will it give this company any exclusive right over this ground.

Mr. COCKRELL. I should like to ask the Senator why it does not give an exclusive right. Nobody else is granted the privilege, and this company has it therefore solely.

Mr. DOLPH. Because Congress by this act will only grant to the company the right to use this ground for the specific purpose of building their road over it. Whenever any other road can be built over it without interfering with that right; whenever any other company——

Mr. COCKRELL. Would not Congress have to grant the right to anybody else? Can anybody else possess any right there unless Congress grants it by specific act?

Mr. DOLPH. That does not constitute a monopoly in this company. Congress can grant the right of way to other roads, or any other road may be laid out over this right of way under an existing law. The fact that the right is granted to this company for the purpose of building this road does not give the company a monopoly.

As I said before, the grantee would not be entitled to anything growing on the land or found under the earth's surface that is not necessary for the construction of the road, and if it should afford the means of access to timber lands, I can see no objection to that if they are purchased under the laws for the disposal of the public domain.

As I before remarked, this is a very little bill. It was reported favorably by the Committee on Public Lands, and I can see no objection to it. I do not see any good reason why objection should be raised to it.

Mr. MCPHERSON rose.

The PRESIDENT *pro tempore*. Does the Senator from Oregon yield?

Mr. DOLPH. Yes, sir.

Mr. MCPHERSON. Will the Senator from Oregon before he takes his seat answer a question I desire to propound? The right of way three hundred feet in width, as I understand, is asked for in this bill to be granted to a private company. The meaning of it is that after they locate their road they have possession and have all the rights granted and rights which can not be interfered with except by compensation to this company. We will suppose—I do not say that is the case, though I have a case in my mind which may perhaps resemble it—we will suppose the road is in a valley, the only possible route for a future railroad to develop that country unless the railroad could be built in some other location at great cost. Would it not be in the power of this wagon-road company to so take possession of the narrow valley through which a railroad might desire to locate in time as to require large compensation from the railroad to be built for the use of the land on which it is located?

The PRESIDENT *pro tempore*. The time of the Senator from Oregon has again expired.

Mr. MCPHERSON. I do not say that is the case in this instance.

The PRESIDENT *pro tempore*. The Senator from New Jersey is now speaking in his own right.

Mr. MCPHERSON. I have not got through with my question. I only ask the Senator from Oregon, if he will be good enough to give me the information, if that would not be the result of granting this right of way of 300 feet in width?

Mr. DOLPH. May I answer the Senator?

The PRESIDENT *pro tempore*. The Senator from Oregon is not entitled to occupy the floor without unanimous consent.

Mr. DOLPH. I ask unanimous consent.

Mr. HARRIS. May he not answer in the time of the Senator from New Jersey the question that Senator propounded?

Mr. FRYE. I ask unanimous consent that the Senator from Oregon may have his time extended five minutes.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the Senator from Oregon be allowed to continue for five minutes. If there be no objection it will be so ordered.

Mr. DOLPH. I will answer the question of the Senator from New Jersey by saying that in the first place there never can be any railroad built over any part of the lands which will be occupied by this right of way; in the second place, that by the act of March 3, 1875, granting to railroads the right of way, the precise case is provided for which is suggested by the Senator. In that act it is provided that if it is necessary in constructing a railroad through a narrow gorge or mountain pass to occupy a wagon-road, the ground may be occupied and the railroad company shall construct a wagon-road in place of the one occupied outside of the railroad. So I answer by saying that in the first place this land will never be wanted for a railroad; and in the second place, if it should be, the railroad company could occupy it and reconstruct the wagon-road under existing law.

Mr. PLUMB. Mr. President, I consented that this bill should be reported, but it does not seem to me that it involves the question which is suggested here. We have on the statute-book of the United States a general law which grants to all railroad companies which were then or might subsequently be incorporated the right of way through the public domain for the purpose of building railroads. I presume if this had been a bill to grant the right of way to a railroad there would have been no discussion about it whatever and no objection. In Oregon, by reason of the topography of that country, there are localities that can not be reached by railroad. Congress recognized this fact at an early period and made grants of land to companies to construct wagon-roads in the then accessible portions of the Territory of Oregon. There are portions of the country which are not yet reached by wagon-roads to which that class of roads can now be built with profit, but whether with profit or not is a question, I take it, to be settled in the first instance by the companies seeking to build the roads. This wagon-road, as all other wagon-roads in that country and all railroads, will be the precursor of settlement; and if the adventurous people who are seeking this privilege of building a road to stop at Mount Hood or elsewhere in the unoccupied portions of Oregon, and thereby invite new settlements at an expense to themselves, undertake a work which is not compensated by reasonable profit, that will be their own lookout, but it will be for the benefit of the State and of the localities through which the road is built. It is a privilege which I think should not be withheld, but it should be granted cheerfully as one calculated to develop the remaining portions of the public domain in Oregon, make them accessible, and at the same time contribute to the convenience and comfort of the people of that State.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. COCKRELL. I move to amend that by striking out "not less than sixty nor more than three hundred," and inserting "not less than sixty nor more than one hundred."

The PRESIDENT *pro tempore*. The Senator from Missouri proposes an amendment to the amendment of the Senator from Oregon, which will be read.

The SECRETARY. It is proposed at the end of the amendment to insert "one hundred feet;" so as to read:

Not less than sixty nor more than one hundred feet in width.

Mr. COCKRELL. It seems from this bill that there is now a public highway there. This raises a very interesting question. There is already a road there that the public probably are using, and this is to be located right on the top of that, and then this company will determine who shall travel there. It is an exclusive right, because no one else can go there without a special authorization from Congress. Therefore, so far as this bill is concerned, as to everybody else it is exclusive, and this company is to take possession of probably the only practicable route up to the snow-line on this mountain, and may drive from the route now used every one who may wish to frequent that place.

I can not see any reason for this. Here is a private corporation which can now go on and build roads, as every man knows, over the public domain; it is done in all the Western States. It can build a road there and nobody will interfere with it; but it wants an exclusive right. There must be something at that point on the mountains to induce them to want to build a road there. There must be expected to be some travel up the mountain or something to bring down from the

mountain, or they would not want to construct such a road. However that may be, they want an exclusive right. I confess that I can see no reason on earth for granting them the right. We do not know whether they have any capital or not; we do not know whether they will build this road, and it may be simply a grant to prevent any one else from going on; it may be a grant to drive the public from a road already used. It ought to be confined down to a narrow limit. As it is now over six hundred acres of land are given to this company. There is no reason why it should be given, and I hope that it will be restricted to not less than sixty nor more than three hundred feet wide. No public highway is ever wider than that, and there is no occasion for it. Then we should have some amendment in regard to the length of time they shall have to construct this road.

Mr. DOLPH. I suppose I am entitled to speak on the amendment to the amendment.

The PRESIDENT *pro tempore*. The Senator from Oregon.

Mr. DOLPH. There might be a great many things true in regard to this bill and the objects of the promoters of this enterprise, but I suppose something is due to the statements made by the Senators from the State. There is no wagon-road running in the direction in which this wagon-road is projected. The wagon-road mentioned in the bill is a wagon-road down at the station of the road of the Oregon Railroad and Navigation Company, which runs down the Columbia River through the gap in the mountains. That is the starting point. From that point up through the Cascade Mountains to the snow-line of Mount Hood it is proposed to construct this wagon-road. Mount Hood is over 11,000 feet high above the level of the sea, and the mountains between Mount Hood and the Columbia River are of various heights, from 5,000 to 7,000 or 8,000 feet. This road will have to be constructed along the declivity of the mountains, and there are places there where it would be impossible to construct a road with a right of way of only one hundred feet in width. The road can not be graded on the side of the mountain so as to obtain a sufficient width of road without disturbing more than one hundred feet of the surface, and I hope the right of way will not be limited to one hundred feet.

I repeat again, this road will not occupy the ground already occupied by any other road, nor will the bill if passed grant an exclusive right, nor will it grant any other right in the land within the limits of the right of way except the right to construct and maintain the road.

Mr. PLUMB. I want to call the attention of the Senate, and especially the Senator from Missouri, to the act granting the right of way over the public lands for the benefit of railroads. Chapter 152 of the act of 1875 provides:

That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road—

That is, a right of way of two hundred feet in width—

also the right to take from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

For reasons which the Senator from Oregon has stated there may be places where the limit fixed by the Senator from Missouri would not answer the purpose at all. For instance, on the side of a mountain a cut may be necessary where it would take two hundred or three hundred feet in order to get a track wide enough for a wagon to pass and make the cutting on the side of the mountain to carry the material forward to make the basis for the wagon-track.

I hope the Senator from Missouri and the Senate also will consider this question not in a spirit of captiousness but in that catholic spirit in which matters of public enterprise which have not called on the Treasury for money to aid them, but only ask the poor privilege of entering the public lands, have usually been treated. Without this, of course the road can not be built. Without this, every person engaged in building the road on the public lands would be a trespasser, and could be so treated by any one who should make an entry of any portion of this public domain and attempt to use his power for any purpose of delay or obstruction or blackmail. Therefore this has become necessary; but, like all other works of this kind, if another public-improvement company, organized under the laws of the State of Oregon, shall have reason to condemn the use of this track for public purposes, I suppose it can be done.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment of the Senator from Oregon.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. DOLPH. I now offer another amendment. I move to add to the bill:

And said road shall be completed within ten years from the date of the passage of this act; and as to all uncompleted portions of this road, at the expiration of ten years from the date of the passage of this act, all rights granted to the said company under this act shall be forfeited.

The amendment was agreed to.

Mr. INGALLS. I move to add another section in the following words:

SEC. 2. Congress reserves the right to alter, modify, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

On the question of ordering the bill to be engrossed for a third reading a division was called for, which resulted—ayes 22, noes 3; no quorum voting.

Mr. HARRIS. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 39, nays 6; as follows:

YEAS—39.

Allison,	Hale,	Maxey,	Sewell,
Blair,	Harrison,	Mitchell,	Sheffield,
Cameron of Wis.,	Hawley,	Morgan,	Sherman,
Coke,	Hoar,	Pike,	Slater,
Colquitt,	Ingalls,	Platt,	Van Wyck,
Conger,	Jackson,	Plumb,	Vest,
Cullom,	Jonas,	Pugh,	Voorhees,
Dolph,	Lapham,	Sabin,	Walker,
Frye,	McMillan,	Saulsbury,	Wilson.
George,	Manderson,	Sawyer,	

NAYS—6.

Brown,	Cockrell,	Hampton,	Harris.
Butler,	Edmunds,		

ABSENT—31.

Aldrich,	Fair,	Jones of Nevada,	Morrill,
Bayard,	Farley,	Kenna,	Palmer,
Beck,	Garland,	Lamar,	Pendleton,
Bowen,	Gibson,	Logan,	Ransom,
Call,	Gorman,	McPherson,	Riddleberger.
Camden,	Groome,	Mahone,	Vance,
Cameron of Pa.,	Hill,	Miller of Cal.,	Williams.
Dawes,	Jones of Florida,	Miller of N. Y.,	

So the bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

HOLIDAY RECESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business coming over from yesterday, being the bill (S.2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. ALLISON. I ask the Senator from Mississippi who is entitled to the floor [Mr. GEORGE] to yield to me that I may report back a House resolution favorably from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to be allowed to make a report at this time. The resolution reported by him will be read for information.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

Mr. HALE. Mr. President, let that go over for the day.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 4085) for the relief of Juliet H. Palmer; and it was thereupon signed by the President *pro tempore*.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDENT *pro tempore*. The Chair is informed that in the print of the pending amendment there is an error in respect of the first proposition offered by the Senator from Iowa [Mr. WILSON]. The question is on agreeing to the first amendment offered by the Senator, which will be read. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. BROWN. Let the amendment be read.

The PRESIDENT *pro tempore*. The Senator from Georgia asks the Senator from Mississippi to yield until the amendment is read.

Mr. GEORGE. Certainly.

The CHIEF CLERK. It is proposed to insert after section 1, as additional sections, the following:

SEC. 2. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as the same may be necessary to the establishment of a just system of regulations for the government of the same; and said commission, in the prosecution of its inquiries, is authorized to visit such sections of the United States as it may deem necessary to the most effective discharge of its duties.

SEC. 3. That said commission shall make to Congress a complete report of the results of its investigation, and the testimony taken in the course of the same, not later than the first Monday of December, 1885; and it shall accompany said report with a bill presenting a just and comprehensive code for the regulation of the transportation of commerce among the States, which said bill shall embrace provisions for establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part-rail and part-water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States; and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stocks;" and said commission in conducting said investigation and in the preparation of said bill shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States; and said commission shall cause 2,000 copies of said report, testimony, and bill to be printed by the Public Printer for the use of Congress by the date hereinbefore fixed.

Mr. GEORGE. Mr. President, no subject over which we have jurisdiction is more important than that to which this bill relates, and none more difficult to the conscientious legislator. The interest involved concerns not only those persons who have made investment also in railroads, but the hole mass of our people. There is no subject on which wise, temperate, yet effective legislation is more demanded by the public interests. Ill-advised, crude, or passionate legislation must be avoided. I am deeply impressed with the embarrassments surrounding the subject and with my own inability to solve the many problems it presents. We have no precedent in our legislation to guide us. The power this bill seeks to exercise has hitherto lain dormant in the Constitution, but I do not doubt that it exists. At all events, I shall not discuss that question now. The occasion and necessity for its exercise are of recent growth.

At the formation of the Constitution the means of transportation and intercourse in interstate commerce mainly consisted in the navigation of our rivers, lakes, and the ocean on our borders. That this navigation should be free, free to all; free to an open and unrestricted competition by all, was one of the main and most beneficent ends sought to be attained by the Constitution. Intercourse and transportation between the States were placed under the jurisdiction and control of the Federal Government in order that there should be no unjust discriminations or restrictions under the sanction or cover of State authority, or through the instrumentality of State action. The first attempt to interfere with this unrestricted freedom and to grant a monopoly on our navigable rivers was promptly decided to be unconstitutional in Gibbons *vs.* Ogden in the year 1824. The principles then settled have again and again been reaffirmed and applied in numerous cases, and have received the sanction and approval of the country.

Since then a new instrumentality of interstate commerce has grown up, under State authority, with State charters; and it has so grown and expanded that now it has become the principal means of interstate transportation and interstate intercourse. And it continues to expand yearly, having now reached the enormous dimensions of about 125,000 miles of railroad track; and it is destined at no distant day to grow with our increasing population to much larger dimensions.

So much of the commerce over these roads as is interstate, or foreign, this bill, with others which have been introduced, seeks to bring under the regulation of Congress.

The total mileage of railroads in the United States in 1883 was 121,592, of which 6,753 miles were constructed in that year. I have no later statistics. The total capital stock in that year of all railroads in the United States amounted to $3,708,060,583, and their total indebtedness, funded and floating, was $3,787,410,728, making a total investment, or apparent investment, in these roads of $7,495,471,311, an amount equal to 45 per cent. of the total assessments of all the property in the Union in 1880. In the last-named year there were 12,331 clerks employed in railroad offices, and their other employés amounted to 236,058, and in addition there were 2,069 officers of these companies. To these may be added officers and employés in express companies, mainly engaged in railroad transportation, making a grand total of persons employed in and about transportation on railroads of 265,318. The increase in number of these employés in the decade from 1870 to 1880 was over 60 per cent. At the same rate of increase (60 per cent. for ten years) the number now would be about 329,000.

These statistics show the magnitude of the interests involved directly in these companies, and the large number of persons also directly interested in them for their daily employment. Besides these the number also directly interested in them as stockholders, creditors, attorneys, and persons having arrangements for discriminations in their favor in freight and passenger charges must also be very large. I have no means of ascertaining their number. I think I would not err on the side of exaggeration if I were to assume their number to be at least one-half million—probably the number is much larger.

Any legislation we may adopt on the subject-matter of this bill will more or less affect this large pecuniary interest, and will also affect or will be thought to affect the interests, or at all events the prejudices, of most of this large number of persons. This consideration should admonish us to proceed with deliberation and care in any legislation we may adopt; and it should also remind us of the obstacles which are thrown in the way of any legislation whatever, however just and conservative.

On the other hand, the interests demanding proper legislation are immense. The tonnage moved by all these roads in 1883 amounted to 400,453,439, which, at $25 per ton, the valuation assumed by Poor's Manual, a very high authority, amounts to over $10,000,000,000. For carrying this the railroads received $549,756,695, being about one-third of the whole currency in circulation in this country; their receipts from all sources of railroad traffic being $923,772,924, or about one-half of the whole currency of the United States. The total number of passengers carried by the railroads in the United States in 1883 was 312,686,641, being about six times our population. While it is clear that many of these persons were transported several times, yet we know also that a large portion of our people, largely more than one-half, were transported at least once. There is scarcely a human being in the Union whose interests are not more or less affected by the charges of railroad companies on either passengers or freights, and the mode in which such transportation is effected.

Omitting reference to minor interests, I will call special attention now to the immense stake which the farmers of the country have in a proper regulation of interstate traffic, and especially the grain and cotton-growers and meat-producers. All these commodities are produced here largely in excess of the demand for consumption by our people. In all such cases the price of the product is fixed by the foreign market to which the excess must be shipped. This foreign price is fixed by the demand and supply in the world at large. The price, therefore, which the producer in any country will receive will necessarily be less than the foreign price, as fixed by the world's demand, by so much as the cost of transporting the product from the fields on which it is raised to the regulating market of the world; in which cost are included transportation as the main item and all other charges of middlemen.

The exports from the United States of agricultural products for the fiscal year ending June 30, 1884, consisting chiefly of cotton, animals, breadstuffs, and provisions, amounted to $536,315,318 in value, while all our other exports, excluding gold and silver and including products of mines and forests, amounted only to $188,649,534—agriculture furnishing about two-thirds of all, except gold and silver. The net price which the farmers received for this large amount of their products was fixed by the rates paid for transportation over the railroads in the United States; and not only this, the net price they received for all their products transported from State to State, or wholly in one State, being their proportion of the four hundred millions and over of tons of freight transported in the year over railroads, is fixed in the same manner. How much this may be I am unable to state definitely. But when we reflect that all the population of our large cities are wholly fed by our agricultural products, and that a very large percentage of the food supply of the rural population, especially in the South, is furnished from other States, we may well conceive that the transportation of agricultural products over our railroads is immense.

While the price at home to the producer is thus fixed by the foreign market, it by no means follows that the consumer in our own country gets the benefit of this low price. For it so happens, under the rule adopted by the railroad companies of charging "all the traffic will bear" between non-competitive points, that while the producer gets far less than the value of his goods the consumer pays an exorbitant price, and the difference goes to the carrier or middlemen. The practice of high local freights and differential rates as against the small shipper has prevented all commerce and traffic between the producer and consumer and made necessary the concentration of these products in large cities, where they become the subject of speculation in futures and gambling by corners, whereby the price is run up or down at the will of large speculators. From some observation of these matters I feel justified in saying that high local rates and discrimination against retailers have caused the consumers in the South dependent on railroad transportation to pay higher for the wheat, corn, flour, and meat of the West than those products are sold for in Europe. And thus these high charges rob with an equal hand both producer and consumer.

These facts give us some faint idea of the immense power which the railroad companies of the Union have over the fortunes and welfare of that portion of our population—about half of it—who are engaged in agriculture; a power so great, so absolute, that it enables these companies to fix at their own will the proportions of these products which shall be taken by them or left to the producer. As the share or charge of the railroad companies goes up the share of the farmer goes down, and *vice versa*. The railroad companies thus become the partners of every farmer in the Union, with autocratic power to say what shall be the separate share of each, without consultation with the other associate.

The partnership may well be called leonine in which the lion's share is at the absolute dictation of that regal beast as represented by the transportation companies. Such a relation between the two parties is condemned by both human and divine laws; yet in spite of this it exists here to-day all over the land. The common law declares that the charges of the common carrier shall be reasonable, yet in actual practice the reasonableness of the charge is the unbridled discretion of the

carrier. The rule adopted by the carrier as the guide for rates has no reference whatever to the cost of transport or the acquisition of a reasonable gain upon his actual investment. The rule is to charge "all the traffic will bear," which means that the charges go to that point where in the judgment of the carrier he would lose money if they were still further advanced. Hence the excessive charges which have characterized railroad transportation in this country, except only between competing points, and there they are reasonable only where there has been no opportunity for combination between the carriers.

As a cover, sir, for these charges the railroad companies have invented and pursued a system by which stocks are watered, and their debts have been enormously increased as to their nominal amount; and railroads which under exceptional and sometimes under dishonest circumstances have cost greatly more than they are now worth or would now cost are made to earn dividends on this dead excess.

I have some statistics which will be interesting and instructive on this point. The total of stock and debts of the railroad companies in the United States in the year 1879 was $1,872,017,517, being at the rate of $57,730 per mile; in 1880 it was $5,402,038,257, or $58,624 per mile; in 1881 it was $6,278,565,052, or $60,645 per mile; in 1882 it was $7,016,750,109, or $61,303 per mile; in 1883 it was $7,495,471,331, or $62,176 per mile.

The Senate will observe that for these five years there has been a steady increase in each year over the preceding in the stock and debts of the railroad companies, until in 1883 they amounted to $62,176 per mile, a sum more than double what the best railroad authorities estimate as the cost of the roads. And yet since 1879 the cost of construction has steadily decreased, and during the last three years all materials for construction and maintenance have been unusually low, and no expensive lines have in that time been built. This great outrage upon the people will be made still more clear when we consider the increase in debts and liabilities of the year 1883 over 1882 and the mileage constructed during the former year. This increase was $477,721,202, and the mileage constructed amounted to 6,753, the increase being at the rate of $70,727 for each mile constructed. These figures are suggestive both of watered stock and of fraudulent or improvident debts to a very large amount; for it is almost certain that the cost could not fairly have exceeded $30,000 per mile. The statistics for the three years 1881, 1882, and 1883 show a similar result of excessive debts and liabilities as compared with the cost of the constructed roads in these years. In that time there were constructed 28,405 miles of railroad, which at $30,000 per mile would cost $852,150,000, yet the increase in capital and debts in those years was $2,093,433,054, largely more than double the cost.

Under the rule of charging "all the traffic will bear," adopted by the railroad companies, the people of the United States are made to pay profits on this enormous excess over the true value of the roads. And here I will notice a fallacy sometimes advanced in support of these high charges, namely, that the railroad companies should have profit on the amount actually expended many years ago, when the cost of construction greatly exceeded the present cost, notwithstanding the subsequent large and permanent decrease in the cost; that is, if a road many years ago actually cost $50,000 per mile, but owing to the general depreciation and fall in cost of construction it would now cost only $30,000 per mile to duplicate it, still the company may rightfully charge the public such rates as will be a fair profit on its actual excessive cost. If this were allowed, Mr. President, it is the only case in business affairs in which the public are called on to make good a depreciation in the value of property. Whoever has built a house, or a machine, or a vessel, and whoever has purchased any species of property at times when the cost of these things was high, is bound to submit to such loss as is occasioned by a cheapening of the process of construction or by a depreciation in the price given. Nothing can be justly said to be worth more than the cost of duplicating it.

If the owner of depreciated property attaches to it a *pretium affectionis;* if he will cherish the delusion that while all things else are subject to the law of change, his property, with all its incidents and accidents, is immutable, there can be no objection to it, so far as he is content to consider himself worth so much when he is only worth half that amount; but when he, having a public duty to perform for a reasonable charge, insists on his delusions as realities, insists that the public shall buy them and pay for them in real money and at his fancied valuation, I submit he is guilty of criminal extortion, unless excused on account of lunacy.

Delusions can not be coined into money or converted into actual property. The potentiality of redemption in coin, in real money, is even essential to the value of a greenback note.

This fallacy which I have thus exploded, if allowed by us as the true rule for the regulation of freights, would bind the people of the United States to the hard circumstances of the dead past, and prevent them from reaping any of the advantages arising from the inventions of the age and the cheapening of processes in production and construction which in all other walks of life have so benefited them and the rest of mankind.

It is thus seen that the basis on which the charges rest is wrong, exceeding the true basis by about double. The charges are also excessive, and will remain so unless Congress shall prevent it by legislation.

The next cause of complaint is, that these companies make undue and unjust discrimination in their rates, not only as between places but as between persons in the same place. The power to do this is dangerous and its exercise exceedingly unjust. By it a railroad official can build up and does build up his friends and favorites and destroys their rivals. By it also cities and towns in which the officials are interested, or for which they have a partiality, are also built up, and rival towns and cities crippled and destroyed.

There are provisions in the bill reported by the committee intended to correct these evils in part and to prevent unreasonable charges and to prevent discrimination between persons. There is no provision to prevent discrimination between places, though in my judgment it is equally important.

Very little can be accomplished by the provision intended to secure reasonable rates owing to the absence of a provision preventing what is called "pooling," and this is one of the most serious defects of the bill.

The mere enactment that charges shall be reasonable is of no value. It merely declares what the common law already is. To make it of any value whatever there must be provisions which can be enforced, and which when enforced will compel reasonable charges by the railroad companies. It is utterly impracticable to enforce this provision as it stands in the bill. If a suit be brought for a violation of this provision, by what standard shall the court and jury be guided in measuring the reasonableness of the charge? The bill furnishes none. If we resort to the common law as it was applied and enforced in cases of other common carriers, we find that the standard there was the reasonable and customary charges of the whole body of carriers doing the same business. That presupposes that there were a body of carriers engaged in like business, and engaged also in competition with each other in it. The standard by which the charges of one was measured was and could be only the average of the prices charged by the others.

No court ever undertook to look into the amount of the carrier's investment to ascertain the cost of doing the work and then fixing a reasonable profit as the measure of the charge. Such a proceeding is beyond the province of a court, and is a pure invasion of the domain of active business. Where competition is free, it is certain, by an inexorable law of trade, that exorbitant charges and unreasonable profits will be reduced to the proper standard by such additional investments in the business as will make it no more profitable than capital and labor employed in other callings. This competition will soon regulate the prices on the basis of a reasonable profit; and this can be done in no other way. In the same way charges by railroads will be made reasonable between points where there is free competition, unless there should be combination between the companies to prevent it. If competition be free and there are several railroads, then the excessive and unreasonable charges of one may by a court be ascertained by comparison with the charges of the others for similar service. If there be a combination between the companies to fix rates, by pooling or otherwise, then it is clear that unless we adopt the rates thus fixed as reasonable there can be no other measure.

To adopt the rates thus fixed is to leave the shipper as much at the mercy of the companies as if only one existed. It would be but the will of two conspirators instead of the will of one. The combination would eliminate from the charge all consideration as to the smallest sum at which the work could be profitably performed, and substitute for this essential element the will and greed only of the companies which by the combination had secured themselves from the effects of the law of competition. It is thus clear that the provision of the bill prohibiting unreasonable charges is of itself of no value, mere *brutum fulmen*, if there be no sure standard provided capable of easy application by a jury by which the charges can be measured.

The just provision in the bill against discrimination between shippers will not furnish this standard, for if the general charge be so much to the public, and there be a less charge to one or more favorites of the company, the presumption would be rather that these favorites got their freights too low than that the general charge was excessive and unreasonable. Besides, the provision against discrimination is not based on the idea that others than favorites are charged too high, but that favors injurious to business and the public should not be allowed. Nor will a remedy be found in the provision for a commission, for the commission is not authorized to determine and fix what are reasonable charges. They have no judicial power; they can settle nothing; they can determine nothing; they can order nothing except alone to direct the district attorney to institute in a court a profitless and expensive lawsuit in the name of a private party to see if possibly the railroad company can be convicted of making an unreasonable charge with no standard whatever by which the issue can be determined.

Mr. President, this is so clear, that I wonder why the committee deemed it necessary to introduce into the bill a provision against unreasonable charges, without at the same time incorporating in it the only provision yet devised, so far as I know, which could make it effective. It is the provision incorporated in the House bill and also in Judge REAGAN'S substitute prohibiting pooling. I deem such a provision essential to any bill which undertakes to deal with this subject.

That provision about pooling, as contained in the House bill, is as follows:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

I shall not now discuss this provision at any great length. What I have already said in relation to competition expresses in a great measure what I consider as the necessity for this prohibition against pooling. It seems to be absolutely essential to any effective legislation in restraint of unreasonable charges. I am unable to perceive any valid objection, either as to its justice or its policy. That there can be no real competition, and by it a just fixing of reasonable rates is beyond controversy if competing railroad companies are allowed to combine in a pooling of freights in whole or in part. That such combination will take place in the absence of strong and effective prohibitory legislation is certain. The argument that pooling is necessary to prevent an undue cutting of rates will not stand the test of examination. That railroad companies organized for the purpose of making money are exempt from the ordinary influences which control men in business, and will therefore pursue a policy which will result in loss and financial ruin, is incomprehensible.

The assumption that these companies, if they are not allowed to combine in aggression against the public, will necessarily resort to measures for mutual destruction, is contrary to our experience of the motives and actions of mankind. In all other business there is competition without loss or destruction. Merchants compete; manufacturers compete; all other common carriers but railroads compete, with the result of cheap goods and cheap service to the public and reasonable pecuniary gains to themselves. There is no reason why railroad companies should not do likewise. If they will not, if they refuse to obey the laws which govern mankind in their business relations, this willful misconduct on their part gives them no claim on us to relieve them from just restraint necessary for the public good. The argument plainly stated is this: that they must be allowed to combine in order to extort unreasonable charges from the public, lest, being disappointed in this, they turn upon each other for mutual destruction.

I admit, sir, that they are guilty of a reckless disregard of their own interests, beyond other men, in their efforts to destroy and cripple each other when they have been unable to combine their forces in a concerted and allied warfare on the public. There is a reason for this anomalous and unusual conduct. It is not difficult to find this reason. It comes from their unrestricted power to make good their losses incurred in this warfare from that portion of their business in which they are without competition, in which they are pure monopolists. On the longest of the trunk lines there are but few points which are under the law of competition. On all the remainder of the road each company is an autocrat, a pure monopolist, charging such rates "as the traffic will bear." The unjust gains thus made constitute the fund with which the war of rates is carried on, and the ability to make them furnishes the motive for war, the *animus bellandi*. Destroy their power to acquire these unjust gains, to recuperate losses incurred in a war of rates by an unjust assessment upon innocent parties, and no such wars will be waged. The same motive—the desire of gain—will produce the same action in railroad transportation as in other pursuits of life. Competition in the struggle for business will fix rates at that point where they are reasonably profitable, and there they will remain.

Mr. President, this brings me to another provision found in Judge REAGAN'S substitute and not contained in this bill, and which, besides being eminently just in itself and a proper protection to the public using railroads between non-competitive points, also furnishes the remedy against cutting rates between competitive points, and makes legislation on this subject harmonious, consistent, and effective. This provision consists in a prohibition to railroad companies to charge more for a shorter haul than they do for a longer one. The Senate will note and the country will note that the provision is not that railroad companies shall charge in proportion to the mileage. Such a provision would be eminently just if in addition there could be ascertained and allowed a just recompense for the difference in cost and profit per mile in long and short hauls. But this intricate if not insoluble problem is not raised by the provision. It does not say that the railroad companies shall charge only a quarter or a half of the whole rate for hauling a quarter or half the whole distance. It merely enacts the mathematical axiom that a part is not greater than the whole. It, however, permits the absurdity that a part shall be equal to the whole.

Now, sir, how any company or any reasonable man can object to so mild, so generous a proposition I can not understand. It is certain that when a train passes over the whole line it not only performs the work of passing over each separate part and division of it, but also of passing over the whole of the several parts combined. It is impossible to conceive that it is worth more to carry the train over one-fourth the distance, any one-fourth part of it, than over the whole, since the latter involves necessarily a carriage over each fourth part, and does exactly the work of the shorter haul and three times as much more. But I have seen the argument pressed that on one part of the road there may be an expensive bridge, or a costly tunnel, or a high mountain to be graded, causing the cost of construction or operation there to be greatly in excess of the cost in other parts; and therefore it is unjust that the charge for a haul over part of the whole distance should not be greater than over the whole line. The plain answer to this is, as before stated, the long haul passes over all of this expensive part, as the short haul does, and in addition over the balance of the road.

But if it be insisted that in making short hauls over different parts of the same road this provision would prevent the company from charging less for a short haul over that part which was cheaply constructed than for a still shorter haul over the expensive part, the answer to that is equally plain and conclusive. In the first place I answer that railroad companies do not regulate their charges according to the cost of construction, or even of operation. The watered stock, the excessive debts, which I have pointed out, the greater charge for a haul over half the road than for a haul over the whole show this. The further notorious fact that these greater charges for shorter over longer hauls do not result from nor are regulated by any such considerations, but only by "what the traffic will bear," and the presence or absence of competition, also demonstrate it. The railroad companies, therefore, have no right, in order to break down just legislation, to invoke a rule which has no existence in their own practice, and which they habitually violate and condemn.

There is another answer equally conclusive. A railroad is an entire thing; it is a single and complete enterprise. Its separate parts are but links in the same chain, each being essential to all others. That one link costs more than another makes it no more valuable than the other, for each performs an equal part of the work of the whole. That a high hill has to be cut down or perforated by a tunnel results only from an operation of nature in placing more obstructions there than elsewhere on the plains; when the hill is so cut, or so perforated, it becomes as to the road but the plain which nature has made in other places. A single link in a chain of the same metal and uniform with the others is worth no more than they, because it may have happened as to it that the ore out of which it was made was mined at greater depths and at a more inaccessible place, and was prepared by more costly processes, than in case of the others.

I repeat, with emphasis, that this provision is essential to any effectual remedy of the ills which this bill condemns. The provision against pooling may be evaded by a combination of understanding, express or tacit, by which rates are fixed. It will be difficult, however, to maintain such a combination, as each road will seek to secure to itself all the business it can transact, and this struggle will lead to a violation or evasion of the agreement. This will almost certainly be the result if the through rates be made the standard by which local rates are to be fixed. But, sir, its greatest efficacy will be in its tendency to fix all rates, through and local, at a reasonable point. It certainly will prevent the destructive war of rates so much feared if pooling shall be prohibited, for it will be impossible for such wars to be initiated or carried on when the low competitive rates can not be exceeded by the local charges. To make war with the certainty of self-destruction is a very different thing from waging it with the assured power of turning all its destructive forces against others.

Mr. President, having answered the objections to this provision, as well as stated some of the good to come from its adoption, I now proceed to some other considerations, which demand, in my judgment, favorable consideration by the Senate.

The practice of railroad companies in hauling freight between competitive points, which are generally large cities, at greatly cheaper rates than are demanded for much shorter hauls over other parts of their lines is in itself an injustice, and injustice wherever it exists is a wrong not to be tolerated. Railroads are in a great measure public institutions as well as private property. They do a public work. They exist in virtue of special and peculiar grants by the State of franchises and privileges not allowed to the balance of the community.

The excuse for this is that they are a public necessity and confer a public benefit. In their public character they have been the recipients of bounties from Congress and State Legislatures, and subsidies raised by heavy taxation from counties, cities, and towns. In that character they are grantees of the power of eminent domain, under which they condemn against the will of the owner his property to their use. That this can only be done for public uses is well settled. Being thus created as public agencies, with powers and privileges granted by the people, it is a great wrong that these powers and these privileges should be perverted to the injury of one portion of the people who gave them in order to confer an exceptional benefit on another portion. Private men in transactions strictly personal and private are under no legal obligation to dispense their favors equally to all. They may have their friends and favorites and may reward them. They may have their enemies, and if they may not punish them by positive acts of aggression they may at least refuse them the benefit of favors.

There is no just power to prevent a manufacturer or merchant from selling to one cheaper than to another. But when a man or a company is clothed by the State with public power to perform public duties, there is no room for inequality in benefactions or burdens. The inexorable law of all public trusts is absolute equality in all dealings with each individual of that public. The practice of giving extremely low rates between certain points and making up the loss by high charges on other communities is simple robbery under the forms of law, if the law permits it. It is not in the power of human reason to successfully controvert this. No amount of ingenious sophistry can even obscure it.

But, independent of its abstract injustice, the consequences to the

public are pernicious in the extreme. One city or town is built up at the expense of another. One community is enriched or favored by unjust and unequal impositions on another. Jealousies are engendered and illegitimate and baneful rivalries fostered. The struggle for advancement and superiority between rival communities is degraded from an honorable competition in which success is sought by superior energy and business management into a reliance upon favors to be received from railroad companies and dishonorable and unmanly subserviency in order to gain them.

Mr. President, it is a marked tendency in modern economic and industrial life that population and business of all kinds concentrate in large cities. Much more than one-half of the population of Great Britain is crowded into cities and towns. The tendency in our country is in the same direction. I do not regard this as desirable. On the contrary, I think it would be far better for the happiness and prosperity of my countrymen if wealth and enterprise—all kinds of business—were more diffused all over the land. Producer and consumer should be brought nearer together, that the interchange of commodities, the barter and exchange of the products of agriculture and manufactures should be carried on with as little intervention of middlemen as practicable. The profits of the workers would be increased and the cost to consumers diminished. There would also be more homogeneousness in our population; a greater knowledge of economic processes would be extended beyond the limits of the class engaged in each particular business. There would be fewer specialists, with little or no information outside of the particular work in which they are engaged. There are many considerations connected with this subject worthy of the attention of the Senate. I do not propose to go further now. I may on some other occasion state some of them.

Now, Mr. President, the practice of railroad companies in violating the provision I am now discussing, charging discriminating rates as between different places, tends greatly to this aggregation and concentration of population, wealth, and business in a few favored places, and for that reason should be prohibited. The result I condemn, it must be remembered, is not the creation of new wealth by railroad companies, but is merely the concentration and aggregation of wealth created by others at favored places and in the hands of favored individuals at the expense of other places and other persons, and that, too, in many instances by the ruin of those who created it.

Mr. President, I come now to discuss some of the details of the bill under consideration, and to point out some of the defects in its provisions. And in the outset I will state that its defects are rather of omission, of inefficiency than of positive wrong in its provisions, and while I should prefer to have the defects remedied, yet if they are not I find merit enough in the bill as it stands to command my vote if I do not find some of its minor provisions unconstitutional.

I have already pointed out how vain and ineffectual is the main provision of the bill prohibiting the charging of unreasonable rates unless there be some efficient provisions to enforce it. This bill contains no such provision. As to that, if the bill becomes a law as it now stands it will be but glittering words, holding out a hope sure to be disappointed and a promise never to be redeemed. I have already pointed out its assured failure from the want of a standard by which to measure the reasonableness of the rates. The powers of the commissioners furnish no substitute. Their powers as to this point extend only to ascertaining the existence of wrongs already well known and the institution of suits certain to fail. If they give advice to railroad companies they have no means to compel its adoption. Laws are not made to give wholesome advice, but to prohibit wrongs and compel obedience to the right. Of mere advice and denunciation of wrong the railroad companies have already a surfeit. They refuse to follow the one or to be influenced by the other. But it is said the commissioners will expose to the light of day and subject to the censure of an enlightened public the wrongs in railroad management. But these wrongs have already been exposed, and of censure and complaint the whole land is full.

A great railroad-man is reported to have said, "Damn the public!" and the public in turn deals verbal damnation to the railroads, and yet the evils continue to exist. If it be thought that light thrown on this subject through the agency of a railroad commission because it is official, and because further the railroad companies may regard it in that form for fear of remedial legislation to follow it, I answer that a fear of a restraint upon future acts of wrong to be performed after restrictive legislation shall have been passed has never been efficacious to prevent misconduct precedent to the enactment of the law. The tendency of such a fear is directly the reverse, it stimulates the wrongdoer "to make hay while the sun shines," to make the most of a profitable license which may in the future be revoked. You may possibly stop wrongdoing under a law already enacted by a threat to enforce its punitory provisions unless the wrong shall cease; but it is an anomaly in administration to say to a wrongdoer, "If you do not mend your ways, hereafter when I have more time to devote to the business, more accurate information as to your misdeeds, I will give the matter consideration and see if something can not be devised to arrest your career. I regard you as an amiable and useful, even essential, public agent, and I am awfully afraid if I act at all I shall do you a wrong." And that, sir, is the plain English of this bill so far as it relates to reasonable charges by railroad companies.

The section relating to discrimination I regard as unobjectionable. The provisions of the bill relative to the commission deserve criticism.

In the first place three commissioners are preferable to five. Small bodies are more efficient. I also regard the salary as too low. I would prefer $10,000 to the amount named in the bill, namely, $7,500. As a general rule I am opposed to high salaries. But in this case, if we are to have commissioners at all, we ought to have the best talent and qualifications the country affords. The men selected should, in pecuniary compensation, be placed beyond the temptations and blandishments which will continually beset them. They must be men of the highest character for honor and integrity, of commanding talents, and of great business qualifications and experience. Their work is not attractive. It is not such as men covet, except for gain. If there be no sufficient gain in the salary, the fear is that it may come from largesses and benefactions bestowed by those who have so great an interest in maladministration. They, as the representatives of the Government and of the people, will be brought in contact and collision with the shrewdest and ablest business men in the country, and also with the highest paid of all officials. I do not want to put a seventy-five-hundred-dollar commissioner against a fifty-thousand-dollar railroad president. Besides, on the score of economy, three commissioners at $10,000 will be less expensive than five at $7,500.

The interests which these men are called to supervise and to aid in regulating are of immense magnitude. We have already seen that the gross earnings of the railroads in the United States amount annually to over eight hundred millions, and it is with gross earnings that these commissioners will have to deal, so far as they deal at all. I shall not charge or suspect that the men to be appointed will be liable to either corruption or the seductive influence of the great wealth with which they come in contact in their official action, but I can not shut my eyes to the possibilities in that direction. I would guard as far as possible against such a possibility, for if non-action or bad action come the disaster and wrong to the people will be incalculable. I do not forget, sir, that we live in an age wherein has occurred the very apotheosis of money. I do not forget that a commission from the United States or a State is no absolute guarantee either of efficiency or purity in the recipient. I do not forget that sales of appointments in the Military Academy have been made. I do not forget that the administration of one of the great Departments was the subject of an impeachment before this body, which was defeated by the resignation of the officer. I do not forget that the administration of another great Department was darkened by charges and suspicions, that the great public trust committed to it was prostituted for the purpose of enriching its head and its favorites, and that the American Navy was sacrificed to the greed of politicians; and that a high, though subordinate, official in another great Department habitually discharged his duties to advance the fortunes of himself and confederates by a pillage of the public Treasury. Nor do I forget that in some way these and similar misdeeds have so debauched the opinions of many, that they have become in some degree tolerant of the practice of public men using the opportunities afforded by their offices of enriching themselves and their favorites. Nor has the country forgotten these things. It is expected; therefore, that in creating this commission every safeguard will be taken to secure efficiency and purity in its administration.

There are also other provisions of the bill, so far as they relate to this commission, which deserve criticism. In the first place, the jurisdiction of these commissioners is too broad. Their supervision is declared by the bill to extend "to all matters pertaining to the regulation of interstate commerce." Their powers of supervision as thus defined embrace the whole subject of regulating commerce among the States—just as broad, sir, as the constitutional grant of power to Congress on that subject. Everything connected with this vast subject is brought within their jurisdiction. Look at our statutes on that subject, and we can imagine how broad and extended this subject is. The manning and sailing of vessels, regulating of seamen, steamboats, improvement of rivers and harbors, marine hospitals, pilotage, building of bridges over and obstruction of navigable streams, and an infinite number of other things, defying all attempt at enumeration. While their jurisdiction is infinitely vast, their efficient powers are almost nil. The bill invites them to a feast, inscribing on the bill of fare all things either edible or potable, and sets them down to a banquet of crumbs which the railroad companies have thrown to the dogs. It commissions them to go forth and conquer the world with no equipment for the war more destructive than impotent advice and unavailing solicitation.

While this is true, Mr. President, of the provisions of this bill so far as they relate to any agency of these commissioners to remedy existing evils, admitted by all to exist, yet the tenth section, which prescribes the inquiries which they shall make and the information they are to acquire and report to Congress, is the best provision on that subject I have seen. If the duties therein imposed on the commissioners shall be intelligently and honestly performed a mass of valuable information on this subject will be acquired and given to the public, which will show how derelict we have been in the discharge of our duties, if we fail to enact efficient legislation to remedy the great wrongs suffered by the people at the hands of the railroad companies; and it may also serve to show to our successors a clearer path to pursue on this intricate subject, and to stimulate them to the exercise of remedial powers, which

we abdicate if we enact nothing more efficacious than this bill. For these reasons I regard this section so valuable as to justify the enactment of the bill, if no better one can be agreed on, if only there be sufficient provisions in it to enable the commissioners to carry it out. But, sir, I fear these provisions are also wanting.

The ninth section of the bill contains the only additional provisions designed to carry out the tenth. In this ninth section the commissioners are authorized to summon witnesses, require their attendance, and require the production of books, papers, and documents; and in the tenth section they are empowered to require annual reports from the railroad companies. They may indeed summon witnesses, but how can their attendance be required? How can these annual reports be enforced? If the witnesses refuse to obey the summons, if the companies refuse to produce the books and documents and make the reports, what then? On this important subject the bill contains no other provision than that the commissioners shall require this attendance, shall require this production, and shall require the reports. I respectfully submit that these can not be effectually done except by a court; a United States court can only be where the judges hold their office during good behavior and these commissioners hold their office for the term of six years. They can exercise no judicial power whatever, and therefore can not punish for a contempt or a refusal to obey their orders.

If it is the true intent of this bill, as I think is certain, that these commissioners shall exercise these judicial powers, then the bill is, I fear, unconstitutional; and if not, then the bill is equally ineffective in not providing a mode in which the attendance of witnesses, the production of books and documents, and the making by the railroad companies of the annual reports can be enforced. Without such provision the ninth and tenth sections are utterly valueless. The fifth section makes it a misdemeanor on the part of the railroad company to refuse to produce a book or document, but it contains no provision for their compulsory production; but this does not include the attendance of witnesses or the making of the annual reports.

The tenth section is also fatally defective in the failure to provide any security whatever for the truth of the matters contained in the annual reports of the railroad companies. It is manifest that if the reports be either willfully or negligently erroneous they are of no value. A provision should be inserted requiring these reports to be verified by the oaths of the president, secretary, treasurer, and chief book-keeper of the several companies, and imposing the penalties of perjury for any falsehoods contained therein. As the section now stands the companies may make just such reports as suit either their convenience or interest, not even the formality of a certificate of their correctness being required.

On the whole, because of the defects I have pointed out, this machinery which the committee has devised for the protection of these great interests of the American people is but a search-warrant given to five blind men to hunt for iniquity, with such effect that if they should haply stumble on a discovery, either through awkwardness in management or contempt for their authority on the part of the railroad companies, the commissioners would be equally as powerless to prevent the wrong or punish the wrongdoer as they are to discover any wrong which the companies might desire to conceal. The commissioners are but missionaries to preach the new gospel of peace on earth to wrongdoers and good-will not to men but to those incorporeal and intangible entities recognized by the distinguished chairman of the committee as "corporations having no souls and very short memories" with pardon already granted for past offenses and an indulgence for limitless sin in the future.

The bill also needs amendment, I respectfully submit, in the last paragraph of the fifth section. This section authorizes the commissioners to assess damages in favor of a complaining party against a railroad company for a violation of the provisions of the bill. Singularly enough, it gives no effect to this assessment, not even making it evidence as against the railroad company; but as against the complaining citizen the last paragraph gives the assessment the force of a judgment, if only the railroad company will acquiesce in and pay it. The litigation provided for in the bill is of this unequal and unjust character, that only one of the parties is bound by the judgment of the tribunal. As to the railroad companies, they may treat the complaint before the commissioners with contempt; they may refuse to answer, or they may answer, take the chances of a favoring decision, and if, when it is made, they do not like it, they may treat it with like contempt; or if they like it, they may accept and satisfy it, and thereby, in the language of the bill, "be relieved of liability for any other penalty for the particular act complained of."

The distinguished chairman of the committee, the Senator from Illinois [Mr. CULLOM], in the able and instructive speech he made on yesterday in support of the bill, spoke of the commissioners as a board of arbitrators, from whose action he expected great benefits to the country. As a legal description of their office and functions I think the term is singularly erroneous. The law knows nothing of an arbitration where the award is not equally binding and conclusive on both parties. The law recognizes no trial wherein the judgment shall bind and fetter the hands of one party and leave the other free to act according to his own will and discretion. This bill does this; and in so far as it does it is as much beyond the power of Congress to enact as would be a provision that a party might be a judge in his own case. As to the railroad companies, it is but a board of advisers, with full license on their part to treat its advice with contempt, as they certainly will do if it shall be at all unpalatable or injurious to their interests. I respectfully submit that the need of the hour is for punitory, not for hortatory, legislation.

There are other defects in the frame of the bill, but I have detained the Senate long enough on this subject.

Mr. President, I have criticised the bill freely according to the lights afforded by my humble abilities. I disclaim all disrespect in what I have said to the committee who reported the bill. I do not doubt that they have discharged their duty faithfully and conscientiously. The subject is extremely difficult and intricate. I do not profess to understand it better than they. It is one on which Senators will differ. It is my fortune to be unable to agree with the work of the committee, and what I have said has been said only in the discharge of my duty as a Senator, without the slightest design to impute anything improper to others; for I confess that if I had been called on to frame a bill it would in all probability have been more liable to criticism than the bill now before us. I shall offer some important amendments as a substitute for the most of the bill, but in doing so I shall not offer my own work. I have availed myself of the work, of the judgment, and the researches of far abler men than I am. The amendment to be offered as a substitute is based upon and framed from bills introduced into Congress by others, including the tenth section of the bill now under consideration. I may offer some independent amendments of my own, and if I do the fact will be thus stated.

I admit, Mr. President, that no measure that can now be passed can be perfect. Time and experience will point out defects. We have not sufficient information, either as to all the evils or all the proper remedies, yet there is sufficient known on this subject to justify us in assuming that there are at least three great evils which call aloud for remedy.

First. Excessive charges.

Second. Unjust discriminations between persons and places.

Third. The destruction of competition by the practice of pooling.

We have also sufficient information to enable us to legislate intelligently, so far as the substitute goes, to prevent these evils. Whether a bill embracing the provisions I approve shall pass or not, I am certain that something ought to be done on this subject. It would be a great misfortune to the country if by disagreement as to details among the friends of supervision there should be a failure to legislate at all. For my own part, after making proper efforts to secure the adoption of what is in my judgment a proper bill, if I shall fail I shall support any measure which promises any substantial relief to the people.

The substitute, which has been printed and laid on the desks of Senators, does not go as far in the way of direct regulation as in my judgment would be proper. I think it goes as far as is likely to meet the sanction of Congress. It furnishes the means by which excessive charges and unjust discriminations may be prevented. These means, as I have before pointed out, are in the main the prohibitions to charge more for a longer than for a shorter haul and against the practice of pooling. It attempts to secure reasonable charges through competition. If it shall be found that these provisions are unavailing, I do not doubt that we will be able to provide other remedies still more efficient for these wrongs, which in the end, without being unduly burdensome on the railroad companies, will yet make their service to the people fair and equal, and at such rates as will materially advance the public welfare.

The PRESIDING OFFICER (Mr. MORGAN in the chair.) The question is on agreeing to the amendment of the Senator from Iowa [Mr. WILSON].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; in which it requested the concurrence of the Senate.

NAVAL APPROPRIATIONS.

Mr. HALE submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7510) making temporary provision for the naval service, after full and free conference, have been unable to agree.

EUGENE HALE,
JOHN A. LOGAN,
JAS. B. BECK,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

Mr. HALE. I think it is proper in this exigency to explain to the Senate the attitude of the two Houses upon the bill.

As Senators well know, the regular appropriation bill for the naval establishment for the fiscal year ending June 30, 1885, was hung up in conference at the end of the last session, and an emergency bill, as it is

called, was passed, which gave to the Navy Department 50 per cent. of the previous year's appropriation for the half year closing on the 31st day of the present month. By the necessity of the case that had to be done. Everybody realizes that it is not a good thing in our appropriation bills to go back to the previous year, where the conditions may be entirely different, and make that the measure of the necessities for the present year; but under the circumstances, with a session running out, that temporary bill, that emergency bill, was passed, and the Navy Department has been running on those appropriations since, the regular naval appropriation bill being suspended, to be taken up at this session. That is the bill which was matured for the present year for its purposes.

When the House ten days ago sent to the Senate another emergency bill, another temporary bill, simply giving to the Navy Department for the rest of this fiscal year 50 per cent. of the appropriations of last year, the Senate Committee on Appropriations amended that by substituting the regular appropriation bill that was prepared for this year and presented it to the Senate. The Senate sustained the action of the Appropriations Committee of this body. The Senate took the attitude, first, that any emergency bill, any temporary bill, which goes back to another year for the measure of appropriations for the present year is bad; that each year's appropriations ought to be scrutinized by themselves, and not be carried back to the law and the rule and the circumstances of another year, and therefore presented the regular appropriation bill for the present year. The Senate conferees in the conference which met this morning took ground upon that amendment and presented it to the conferees of the other House, asking what reason there was why that bill should not be considered, as the Senate had amended it and sent over.

Mr. HARRIS. Will the Senator from Maine allow me to inquire what is the difference, if any, between the amounts appropriated by the Senate substitute and the bill as it passed the House?

Mr. HALE. I was coming to that in a moment. The House conferees took the ground that the Senate must take their bill, their bill being, as I have said, a general bill giving to the Navy Department for the next six months, from January 1 to June 30, 1885, 50 per cent. of the appropriations that were prepared and matured and passed nearly two years ago. The House conferees insisted that the Senate must take that bill. The conferees of the Senate said, "This is objectionable; the rule of last year is not the rule for this year; the measure of necessity for last year is not the measure for this year. We offer you, not our bill, but the bill which your House prepared and matured and sent to us as the naval appropriation bill for this year, deducting from the several items what we have already given in the emergency bill of July last." Moreover, we said, "As there are large differences in amounts, as the bill which was matured last session contains the provision for the new cruisers and all the extra expenditure involved in that enterprise, the Senate is willing here to say that it recognizes the fact that we do not agree to give up these cruisers, but if the House insists that it will not put them on the appropriation bill, the Senate conferees feel that they can not drive the House on this subject, so that there would be, if we could consider and confer upon all the items, probably no difficulty."

Aside from that, in answer to the question of the Senator from Tennessee, I may say that the differences between the two bodies are small. There are some items which are not very material. Provided we could get into a fair conference, and provided the House conferees would consent to consider our amendments, I believe we should have no difficulty in coming to an agreement; but we can not get into a conference upon the items that the Senate has sent to the House because the House conferees insist that we must take their bill.

Under these circumstances the Senate conferees have felt that although it may be attended with grave results, and although if the two Houses adjourn for the holidays it may leave the Navy Department on the 1st of January without any appropriation, still that it was just and right and a duty to insist upon their grounds. I believe that myself, sir. I think the Senate should maintain its attitude, should insist upon its amendments until the House conferees will consent to consider them. Then, when they come up in detail, as I have said, I do not believe there will be any difficulty in coming to an agreement. But I did not feel, and my fellow-conferees did not feel, that the House of Representatives had the right to say that we must consider their bill alone, and thereby give up what the Senate is trying to compass—analysis and scrutiny and vigilance over every appropriation bill the year in which it is passed.

Therefore I hope that the Senate will accept the report. It will go to the House. I can not say—it rests with that body of course—whether they will ask for a new conference. If they do, I presume the Senate will be willing to go into another conference, but under the rules the motion must come from the House.

The PRESIDING OFFICER. The question is whether the Senate will at this time consider the report of the committee of conference.

Mr. BECK. I desire to say a few words before the vote is taken.

The PRESIDING OFFICER. The question as to whether the Senate will at this time consider the report is not debatable. Senators favoring the consideration of the report will say "ay," the contrary "no." [Having put the question.] The "ayes" have it, and the report is before the Senate.

Mr. BECK. Mr. President, I have very little to add to what the Senator from Maine has said, except that, being one of the conferees on the part of the Senate, I agreed with him, and I confess that I was somewhat astonished to find that we were not able even to make a beginning. The proposition that we made seemed to me obviously fair. It was that we would take the bill which the House had prepared, and had agreed to and had sent over to us, as the basis of our action, based upon the estimates for the current fiscal year, and that we would consult with them as to whether the amendments placed by the Senate upon the bill that they had sent to us should be agreed to or not. If the amendments were right we assumed that they would agree with us; if they were wrong we were prepared to advise the Senate to surrender the amendments that were made to the bill. But we were told at once that they would not be considered; that they had given one-half of the amount that was appropriated for the year 1883, and were willing to give the other half of what was appropriated for that year, and that they would not consider their own action for the current year. I did not think that was intelligent legislation, nor an appropriate mode of considering such a measure, because estimates had varied. I will take one example, which is a small one, but which illustrates the whole perhaps as good as any other: In the bill for the fiscal year ending June 30, 1884, approved March 3, 1883, 50 per cent. of which was given for the first half of the current fiscal year, this provision was made:

Commutation of quarters for officers where there are no public buildings, $10,000.

By the lumping bill passed last July we gave for this item $5,000 for half the current year. It is proposed now to give the other $5,000 for the next six months of the current fiscal year. The Senate and House for the current fiscal year, in the bill that both Houses agreed to, made this provision:

Commutation of quarters for officers where there are no public buildings, $4,000.

We have already given $1,000 more for that item for six months than the House and the Senate in the bill that both Houses agreed to said was necessary for the whole year. The Department have made changes no doubt, and do not need that amount of money, yet the House will not even consider it and we can not even get that looked into. Although it was agreed by the House and Senate that $4,000 was enough for this year and we have given $5,000 for the first six months of the current fiscal year, they say $5,000 more must be given, and they can not consider anything else. That is a specimen.

I confess to some sort of annoyance in regard to this matter. The same men who passed the bill that I hold in my hand for the current fiscal year are here now, and if they have made any mistakes they can correct them, but they will not even consider their own work and say that we must go back to the work of a past Congress, a Congress that is now extinct. Many of the Senators perhaps of the last Congress which passed the bill of 1883, one-half of which was given for the current fiscal year, are not upon this floor. If I may allude to it, as I said, I was annoyed. The fact that a Democratic House with a Democratic committee should be unwilling to consider its own work, which the Senate was willing to consider and act upon, and should say, "No; you must hang to a previous Congress, and take up the work of a Republican House and a Republican committee," annoyed me a little bit, for I thought they ought to have as much respect for their own work as they had for the work of a past Congress, and I think so yet. At any rate I was not willing to say that the action of the House and the Senate during the present Congress based upon the estimates for the current fiscal year should all be thrown aside and that the work of a former Congress upon a former set of estimates, no matter what political party then controlled, should be taken up in preference, and that we should blindly, right or wrong, give 50 per cent. of that year's appropriations, much of which was not wanted now.

Mr. HALE. Let me ask the Senator right there, as illustrating what time has passed to change the conditions, is it not now about two years since the bill which the House wants us to take was matured?

Mr. BECK. It lacks only two months of it.

Mr. HALE. So the House is asking us to go back to the conditions of two years ago.

Mr. BECK. That is the fact, and that is one of the objections; but the serious objection at last is, whatever we may be compelled to do when the exigency arises, as was the case last July, or whatever we may have been compelled to do on the legislative bill in the dead-lock five or six years ago, we have time now to do what we always maintained we ought to do, to keep the Departments under our control as well as we can and act upon the estimates that they send us for the year in such form that we shall know precisely what they have done and fix the responsibility for not doing right as well as we can.

We all know that there will be a change in the administration of the Navy Department on the 4th of March, and we ought to have details of its work based upon estimates, to know, if any wrong occurs, if any deficiency occurs, whether it was created by the present administration of the Department or by the administration of the Department that may follow it after the 4th of March, and not give a lumping sum, whereby

all the responsibility would be concealed from us and whereby Congress would lose its control over the appropriations. If we are going to do this with no exigency arising, with plenty of time to do otherwise, we might just as well for all the other Departments say, and the Senate might very well say, "If you have a change of administration after the 4th of next March we will give you what we gave last year and make a lump sum for that, for the Army, for the Navy, in the sundry civil bill, in the legislative bill, taking no account of the changed condition of things or of exigencies which may have arisen. We may have given money this year for things not needed next year. There may be things that all men might say would not be needed the next year, or things needed next year which are not needed now because of a changed condition, and if Congress gives up its intelligent hold on the action of the Departments it can not hold them responsible, because it has placed them in a position where the responsibility can not be fixed.

The tendency of our legislation for many years has been to go more and more into detail, to be more and more accurate and specific, so as to prevent the Departments from taking advantage of such loose general action as is now proposed to us by the other House. We have passed laws at as early a date as 1872 that no expenditure of money should be made except for the purposes for which appropriations were made and in accordance with the objects for which they were made, and we have narrowed them down year by year so as to stop the former habit of the Departments; and the position of the House now is a return to the worst condition of things we ever had.

That is all I care to say about it. It may be right and I be wrong, but I am stating the reasons why as one of the conferees I thought it was best to report back a disagreement and let the Senate do what it deems best.

The PRESIDENT *pro tempore*. There is no question on this bill before the Senate.

Mr. HALE. I move that the Senate further insist upon its amendments.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate further insist on its amendments to the bill. The question is on that motion.

Mr. FRYE. I am in favor of insisting for the reasons given by both of the conferees who have spoken; but suppose the Senate insists by a united vote and then to-morrow adjourns for three weeks.

Mr. HAWLEY. We will not adjourn.

Mr. FRYE. That was the suggestion I desired to make, that if the Senate insists and really means to insist and the House holds its position, as a matter of course, to be consistent, we can not adjourn, because on the 1st day of January there will be no appropriation available for the Navy.

Mr. BAYARD. Mr. President, the vote is about to be taken upon sustaining the committee of conference of the Senate in refusing to submit to what I may call—I will not say unreasonable, but certainly unreasoned demands on the part of the House. From what has fallen from the chairman in charge of the bill, and from my friend from Kentucky, it is perfectly obvious that the Senate is asked to abdicate its scrutiny over a bill of supplies which, although under the Constitution it must originate in the House, is unquestionably equally and as fully submitted for the approval of the Senate, and the responsibilities for its wisdom or unwisdom are quite as great upon this branch of the Legislature as they can be upon the other. Therefore, sir, I hope that the question will be put by yeas and nays upon this report, and that there may be upon a question of this kind an unbroken front of judgment presented by the Senate in respect to this case. Therefore I ask for the yeas and nays upon the motion to concur in the report of the Senate conferees.

The PRESIDENT *pro tempore*. The Senator from Delaware on this question demands the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is that the Senate further insist on its amendments to this bill, and on this question the yeas and nays have been ordered.

Mr. COCKRELL. I shall vote with the committee; at the same time I desire to do myself the justice of saying that I do not approve of all the amendments in the bill which are insisted on, and I want that distinctly understood.

Mr. McPHERSON. I only want to say that I do not understand the question, or else I misunderstood the Senator from Missouri. I understand that the vote affirmatively upon the motion of the Senator from Maine commits every Senator to the amendment.

Several SENATORS. Oh, no.

Mr. HALE. By no means. It is simply to get a conference upon them.

Mr. McPHERSON. I understand that you have already had a conference, and for reasons—perhaps such reasons as we learned from Senators when the bill was passed by the Senate—the House may have decided not to yield to the amendments. For one I did not agree with the Senator from Maine. I do not agree to all the amendments.

Mr. HALE. Let me say to the Senator that so far from that to which he refers being a subject-matter on which we could not agree, the intimation given by the Senate conferees was that when we ever did come to those questions the Senate conferees realized that we could not drive the House, but we said that we desired a conference upon the other items, and the report is presented because the House conferees refused to consider the Senate items, and said that we must take their bill and their method of appropriating. In this condition of things I do not consider that any Senator has in the least degree committed himself to pushing all the amendments, but that the Senate does take its ground that for the purpose of a full and fair conference its amendments must be considered by the conferees. That is all.

Mr. McPHERSON. Well, Mr. President, I still think that I am right in the matter. As I understand, there has been a conference on the House bill passed by the Senate with amendments. The House refused to accept those amendments. Now the bill comes back to the Senate, and the Senator from Maine rises and asks that the Senate still further insist. Insist upon what? The Senate amendments made to this appropriation bill. I agree with the Senator from Maine mainly as to the appropriations in the bill as amended, that the appropriations should be made. I should be glad to vote for the appropriations proper. I should have been as willing and as anxious for the passage of this bill as the Senator from Maine, or any other Senator, if those appropriations could have been made with suitable restrictions. But the Senate did not see fit to do that. Therefore I will not vote in favor of insisting further upon amendments which I do not approve of.

Mr. BECK. Will the Senator from New Jersey allow me to make a remark to him which will perhaps change his conclusion? All that the conferees are asking is that the House shall regard its own bill sent to us at the last session as the basis of our conference. The House conferees said: "No; we will only consider the provisions of a bill which was passed two years ago, whose provisions expired a year ago, and give the other half of what that bill appropriated, although some of the items are not included in the estimates of the present year." The question is, shall we take the bill the House itself passed during the present Congress, or shall we go back to a bill of a former year? That is all there is in the question.

Mr. McPHERSON. In other words, if I understand the Senator from Kentucky aright, the bill now under consideration and in the possession of the Senate was a House appropriation bill, amended by the Senate. Now the Senate conferees want authority to consider that House bill with all the amendments.

Mr. BECK. We are not committed to any one amendment.

Mr. McPHERSON. If the Senate should now insist upon its action, and should so instruct its conference committee, I wish to know what authority they would have from the Senate to reject any part of the amendments or to subtract any part of them.

Mr. HALE. Does not the Senator know that the fact that either of the bodies insists upon its amendments does not make anything like a pitiless instruction to the conferees, but such action is for the purpose generally of maintaining the attitude of the co-ordinate branch of the Government? Let me ask the Senator if he agrees with me and with the committee that has made this report, that our method of appropriation is the best, that we ought to have a scrutiny of every year's appropriations upon the circumstances of the year—if he agrees that the Senate is right in that, how can the Senate maintain its position except by insisting?

That tells the House that the Senate is determined that the House shall consider these propositions. When you get into conference, if the House will consent to that, as I believe upon firm action by the Senate it will, then the consideration of the respective items is a question of fair arrangement between the two sets of conferees, and each must yield something if necessary, and there are certain things that the Senate realizes now that it can not force the House upon. So the Senator need have no fear that he is committed to the text of the provisions of all these specific amendments or any of them. Nobody expects that. But the Senate can not maintain its attitude with reference to the method of appropriating in appropriation bills if it does not insist.

Mr. HARRIS. I ask the Senator from Maine if the Senate does not further insist is not all conference at an end?

Mr. HALE. Undoubtedly.

Mr. HARRIS. And the bill inevitably fails?

Mr. FRYE. That is it.

Mr. HALE. Of course the Senate can entirely abandon its ground and take the House general bill. That is the only thing. Otherwise it would fail.

Mr. HARRIS. The Senate has refused to take the House bill by adopting a substitute?

Mr. HALE. Yes.

Mr. HARRIS. That is the disagreeing vote between the two Houses. The conferees have failed to agree. They report that failure. Now, if the Senate fails to further insist, the conference is at an end and the bill utterly fails.

Mr. HALE. Undoubtedly. It does not go at all. It has no hope for action without this vote. I should be glad to see the Senate unanimous.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine that the Senate further insist on its amend-

ments to the bill of the House. On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. WALKER (when Mr. GARLAND's name was called). My colleague [Mr. GARLAND] is paired with the Senator from Vermont [Mr. EDMUNDS].

The PRESIDENT *pro tempore*. The Chair asks the Senator from Arkansas if he thinks his colleague would vote "nay" on this question.

Mr. WALKER. I do not, and withdraw the announcement.

The PRESIDENT *pro tempore*. The Senator from Vermont is paired with the Senator from Arkansas upon any question where it would be thought they would differ; and the Senator from Vermont has voted "yea." If the Senator thinks his colleague would vote "nay" the Senator from Vermont will withdraw his vote.

Mr. WALKER. No, sir. I withdraw the announcement.

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from Maryland [Mr. GROOME] on all political questions, but as this is not one of that character I vote "yea."

The roll-call having been concluded, the result was announced—yeas 55, nays 0; as follows:

YEAS—55.

Allison,	Dawes,	Jones of Florida,	Ransom,
Bayard,	Dolph,	Lamar,	Sabin,
Beck,	Edmunds,	Lapham,	Saulsbury,
Bowen,	Frye,	Logan,	Sawyer,
Brown,	Gibson,	McMillan,	Sewell,
Butler,	Hale,	Manderson,	Sheffield,
Call,	Hampton,	Maxey,	Slater,
Camden,	Harris,	Miller of N. Y.,	Vance,
Cameron of Wis.,	Harrison,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Morgan,	Vest,
Coke,	Hoar,	Morrill,	Voorhees,
Colquitt,	Ingalls,	Pendleton,	Walker,
Conger,	Jackson,	Platt,	Wilson.
Cullom,	Jonas,	Pugh,	

NAYS—0.

ABSENT—21.

Aldrich,	George,	McPherson,	Riddleberger,
Blair,	Gorman,	Mahone,	Sherman,
Cameron of Pa.,	Groome,	Miller of Cal.,	Williams.
Fair,	Hill,	Palmer,	
Farley,	Jones of Nevada,	Pike,	
Garland,	Kenna,	Plumb,	

So the motion of Mr. HALE was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route, was read twice by its title, and referred to the Committee on Commerce.

SURVEY OF NICARAGUAN CANAL.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. Will the Senator withdraw that motion?

Mr. HALE. Very well.

Mr. VEST. Yesterday I offered a joint resolution in regard to the proposed naval expedition to make a survey of the Nicaragua Canal route. I desire now to make a modification of that, and ask that it lie upon the table and be printed, and to give notice that to-morrow morning I shall ask the consideration of this resolution.

Mr. HALE. Will the Senator have it read?

Mr. VEST. As a matter of course. I will say in this connection that I gave notice yesterday that I would call up the resolution to-day, but at the request of the Senator from Maine I did not do so, but I expect to make the motion to-morrow.

The PRESIDENT *pro tempore*. Does the Senator from Missouri ask leave to offer this as an original resolution or as an amendment?

Mr. VEST. As an amendment to the joint resolution I introduced yesterday.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to present at this time, for future consideration, an amendment intended to be proposed to the joint resolution (S. R. 106) declaring the action of the Secretary of the Navy in sending an expedition to Nicaragua to be illegal. Is there objection? The Chair hears none. The amendment will be printed if there be no objection.

Mr. HALE. Let us have it read.

The PRESIDENT *pro tempore*. It will be read for information.

The CHIEF CLERK. It is proposed to amend the joint resolution so as to make it read:

Whereas, in response to a resolution of inquiry on the part of the Senate, the Secretary of the Navy states in his official reply of date December 17, 1884, that orders have been issued by the Navy Department to Civil Engineer A. G. Menocal, Civil Engineer R. G. Peary, and Ensign Washington I. Chambers to visit Nicaragua in order to make a survey of the route for the proposed Nicaragua Canal, and that these orders have been issued in the exercise of the general powers of the Department under the President to issue such orders to all officers of the Navy as may be deemed for the public interest; and

Whereas the reply of the Secretary also states that the cost of the arrangements made and contemplated in addition to the pay and mileage of the naval officers is expected to be $1,000 as an outfit and about $1,000 a month during the stay of the party in Nicaragua:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That under existing circumstances it is not expedient to send an expedition into the territory of Nicaragua for the purpose of surveying a route for the proposed Nicaragua Canal and to expend or to make arrangements involving the expenditure of public money for such purpose without consent or authority from Congress. That the Secretary of the Navy be directed to discontinue the arrangements for such expedition and not to enforce the orders made as to the same until definite and final action by Congress upon the treaty between the United States and Nicaragua now pending.

Mr. VEST. I give notice that at the conclusion of the morning business to-morrow I shall ask the Senate to consider the resolution.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 4 o'clock and 27 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 19, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. BLOUNT. Mr. Speaker, I desire to make a personal explanation. I ask the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., December 16, 1884.

DEAR SIR: I find in the RECORD of this morning the following statements made by you in the House yesterday in the debate on the Department of Agriculture:

"As a matter of fact it is well known that those petitions were printed in the city of Washington, under the direction of the Commissioner of Agriculture, and sent through the mails all over the country to be brought back here with signatures, for the purpose of influencing Congress." * * * "But from the time this proposition has been broached the Commissioner of Agriculture—the present Commissioner as well as other Commissioners—has been about this body and the Senate Chamber asking that this thing be done."

Allow me to assure you that I have at no time urged the passage of the bill under consideration, have neither prepared nor printed nor circulated petitions in favor of the bill, nor have I urged its passage upon any member of the House or Senate; and only when urged to do so have I given any opinion on the measure, or any advice with regard to the structure of a bill. I have no knowledge whatever that such petitions have been circulated. I have scrupulously refrained from all personal effort or solicitation in the matter, and have devoted my energies solely to the work of enlarging the usefulness of the department as now organized, and of securing for it public confidence and respect.

Truly, yours,

GEO. B. LORING,
Commissioner of Agriculture.

Hon. JAMES H. BLOUNT,
House of Representatives.

Mr. BLOUNT. Mr. Speaker, the petitions referred to in my remarks antedated the official term of the present Commissioner of Agriculture. In what I said on that subject I had no reference to him; for I had never heard of anything affecting him in that regard, and I did not intend to be so understood by the reporter, although my remarks may have borne that construction.

As to my statement that the present Commissioner and others had exercised their influence for the purpose of having the office of Commissioner of Agriculture erected into the head of a department, I stated what was my information. But in this letter the Commissioner disavows any such action, and as he is an officer for whom I entertain the very highest respect, I feel it my duty to place on record his own statement in regard to the matter.

ROCK ISLAND BRIDGE.

Mr. MURPHY. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi river at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route.

The SPEAKER. The bill will be read subject to objection.

The Clerk proceeded to read the bill.

Mr. REAGAN. I am bound to object to the consideration of that or any other bill to-day. I desire we shall dispose of the unfinished business which comes up this morning as the regular order.

Mr. MURPHY. I hope the gentleman will not insist upon his objection, as the bill has been nearly read through.

Mr. REAGAN. I understand the reading of the bill has been nearly finished, and I will therefore withdraw my objection.

The bill is as follows:

Be it enacted, &c., That it shall be lawful for the Davenport and Rock Island Bridge Company, a corporation duly created and organized under the laws of the State of Iowa, to build a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, as may accommodate the Moline, Rock Island and Southern Railroad, a corporation duly organized under the laws of the State of Illinois, on the east side of said river, and the Davenport, Iowa and Dakota Railroad, a corporation created under the laws of the State of Iowa, on the west side of said river, and for the accommodation of any railroads that are or may

hereafter be built, and to lay over said bridge a railroad track for the more perfect connection of any railroad or railroads that are or may be constructed to the said river, on either side thereof, at or opposite said point, under the limitations and provisions hereinafter provided: *Provided*, That Congress may at any time prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

SEC. 2. That said bridge shall be built with a draw, so as not to impede the navigation of said river; said draw shall be a pivot draw, over the channel of said river usually navigated, and with spans giving a clear width of water way of not less than two hundred feet on each side of the central or pivot pier of the draw, and the next adjoining span or spans shall give a clear width of water way of not less than three hundred feet, and said spans shall not be less than ten feet above extreme high-water mark, and not less than thirty feet above low-water mark, measured to the bottom chord of the bridge, and the piers of said bridge shall, as nearly as practicable, be parallel with the current of said river: *Provided*, That said draw shall always be opened promptly upon reasonable signal; and said company, or its successors and assigns, shall at all proper times keep and maintain all proper lights on said bride during nights, so that its presence may always be noticed by vessels and crafts navigating the channel of said river. And all plans for the construction of said bridge and approaches thereto must first be submitted to the Secretary of War for his approval, and when the same shall be approved by said Secretary the work thereon may be commenced and prosecuted to completion: *And provided further*, That said bridge shall be constructed with such aids to the passage of said bridge in the form of booms, dikes, piers, or suitable and proper structures for confining the flow of water to a permanent channel and for the guiding of rafts, steamboats, and other water-craft safely through the draw and raft spans as the Secretary of War shall prescribe and order, to be constructed and maintained at the expense of the company owning said bridge: *And provided further*, That said bridge shall, as nearly as may be, be constructed at right angles with said river or the current thereof: *And provided further*, That any change in the mode of construction of said bridge shall be first submitted to the said Secretary for his approval, and when approved the said company may then proceed with the construction according to said change: *And provided further*, That if said bridge, when constructed, shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the said Secretary shall require said company to change the construction thereof so as to avoid any serious and substantial obstruction to the navigation of said river, at the expense of the owners of said bridge.

SEC. 3. That the bridge hereby authorized shall be a lawful structure, and shall be a post-route, upon which no higher charge shall be made for the transportation of the mails of the United States and the troops and munitions of war, or for passengers or freight passing over said bridge, than the rate per mile paid to railroads and transportation companies leading to said bridge.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 3 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 5. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in such structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARNER, of Ohio. Does the bill come from any committee?

Mr. MURPHY. Yes; from the Committee on Commerce.

There was no objection, and the House Calendar was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MURPHY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 4085) for the relief of Juliet H. Palmer; when the Speaker signed the same.

WASHINGTON MONUMENT.

The SPEAKER laid before the House a letter from W. W. Corcoran, chairman of the Joint Commission for the Completion of the Washington Monument, transmitting the annual report of that commission; which was referred to the Committee on the Library, and ordered to be printed.

STATE DEPARTMENT PRINTING, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing letter from the Secretary of State asking an appropriation of $5,000 to supply a deficiency in the allotment for printing and binding for the State Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

YELLOWSTONE NATIONAL PARK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Interior Department of an appropriation for the protection and improvement of the Yellowstone National Park for the fiscal year ending June 30, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing statement of expenses on account of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

EXTRA POLICEMEN, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the commissioners of the District of Columbia of an appropriation for extra policemen at the dedication of the Washington Monument and inauguration ceremonies; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, HARRISONBURG, VA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House of the 17th instant, calling for information relative to the purchase of a site and the erection of a public building at Harrisonburg, Va.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN G. THOMPSON.

The SPEAKER also laid before the House the following letter, accompanied by a memorial.

The Clerk read as follows:

WASHINGTON, D. C., *December* 18, 1884.

SIR: I have the honor to inclose the memorial by me to the Senate and House of Representatives of Congress, asking that an appropriation be made by Congress to pay the judgment against me rendered by the supreme court of the District of Columbia in the suit of Hallet Kilbourn against me, in accordance with the recommendation of the Committee on the Judiciary; and also to reimburse me the expenses incurred by me in defense of said suit, and to pay me reasonable compensation for my time and trouble, with the request that you lay the memorial before the House of Representatives.

Very respectfully, your obedient servant,

JOHN G. THOMPSON.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

The SPEAKER. If there be no objection, the letter and accompanying memorial will be referred to the Committee on the Judiciary.

Mr. KEIFER. I ask it may be referred to the Committee on Appropriations, in order that this Sergeant-at-Arms may be able to relieve himself of the judgment rendered against him while carrying out the order of the House.

The SPEAKER. The Chair thought it would be better to refer it to the Committee on the Judiciary, inasmuch as the memorial asks for reimbursement for expenses which the Chair supposed have not yet been ascertained by competent authority.

Mr. KEIFER. There is a judgment against Mr. Thompson as Sergeant-at-Arms, and he asks that judgment be paid. The Committee on the Judiciary can hardly make appropriation to do that. The amount has been determined, and in my judgment it is in the nature of a claim against the Government, and, therefore, I think it should go to the Committee on Appropriations.

The SPEAKER. The Chair would have no doubt about its reference to the Committee on Appropriations if it asked for no more than the payment of the judgment rendered against a former officer of the House.

Mr. RANDALL. I think, Mr. Speaker, it should go to the Committee on the Judiciary as to the general merits of the case.

Mr. HAMMOND. That is where it was before.

The SPEAKER. If the gentleman from Ohio makes the motion to refer to the Committee on Appropriations, the Chair will submit it to the House.

Mr. KEIFER. Then I move the reference of the memorial and accompanying letter to the Committee on Appropriations.

Mr. RANDALL. I think it should go to the Committee on the Judiciary.

Mr. HOLMAN. Or to the Committee on Claims.

Mr. KEIFER. If it is ever to be paid it should go the Committee on Appropriations, which is the proper committee to make provision for its payment.

Mr. HOLMAN. It is not appropriate to any appropriation bill.

Mr. RANDALL. I should like to have this whole judicial proceeding examined into by the Judiciary Committee.

Mr. KEIFER. I wish to say this is a judgment rendered against the Sergeant-at-Arms after a long litigation, and he asks to be reimbursed. The judgment was rendered against him because he did that which the House of Representatives required him to do. He simply executed the order of the House, which resulted in violating the law of the country under the judgment of the Supreme Court and other tribunals which have passed upon it.

He is now burdened with the judgment of the court when the House compelled him to do that which rendered him liable to the judgment of the court. We ought, in my judgment, to refer the matter to the Committee on Appropriations, so as to provide for the payment of the judgment and for the relief of this officer of the House; but it is now

proposed to send it elsewhere for some further investigation. It ought to be paid at once, unless some fraud shall be alleged against it.

Mr. HOLMAN. The Committee on the Judiciary can determine whether it should be paid or not.

Mr. KEIFER. It never will be paid during this Congress if it goes there.

Mr. RANDALL. This Congress has nothing to do with determining that matter. It should be in the nature of a judicial proceeding. It is well understood that the Committee on the Judiciary can make recommendation for reference to the Committee on Appropriations after that committee has determined exactly what should be done in the premises. In my judgment, the Committee on the Judiciary is the proper committee of this House to settle whatever amount shall be paid.

Mr. KEIFER. I would not persist if I supposed the Committee on the Judiciary had the power to grant the relief which is asked.

The SPEAKER. The impression the Chair had about it is that the reference to the Committee on the Judiciary would be proper, because the memorial asks in the first place the ascertainment of the amount of his expenditures and the value of the time he had been compelled to devote to the suit. The Chair thought the Committee on the Judiciary could make investigation of that matter and make recommendation to the House which could be referred to the Committee on Appropriations.

Mr. HOLMAN. The Committee on the Judiciary is vested with ample power to report a bill covering the whole question. It can be done as well through that channel as by reference to the Committee on Appropriations.

Mr. RANDALL. It is a judicial matter connected with proceedings in court, and should have the judgment of the Committee on the Judiciary before any action is taken in the House.

Mr. LONG. Mr. Speaker, I understand this is an expenditure not authorized by law, and therefore the Committee on Appropriations has no power over it. It is subject to the point of order, but I suggest it be referred to the Committee on the Judiciary, with leave to report at any time.

Mr. KEIFER. I take issue with the gentleman from Massachusetts, as I believe it is authorized by law, at least so far as this House is concerned.

The SPEAKER. The gentleman from Massachusetts moves by unanimous consent that the Committee on the Judiciary have power to report back at any time.

There was no objection, and it was ordered accordingly.

The SPEAKER. Does the gentleman from Ohio insist on his motion?

Mr. KEIFER. I feel reluctant to do so, and I will now only say in answer to what has been said by the gentleman from Massachusetts that there is a statute of 1878 which requires us to protect such officers.

The letter and accompanying memorial were then referred to the Committee on the Judiciary, with power to report at any time, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HATCH, of Michigan, until January 10, on account of important business.

To Mr. FINERTY, until after the holiday recess.

To Mr. CLAY, for ten days, on account of sickness and important business.

To Mr. JONES, of Arkansas, indefinitely.

JAMES M. WATSON.

On motion of Mr. CARLISLE, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of James M. Watson, without leaving copies, no adverse report having been made thereon.

ADDITIONAL PAGES.

Mr. SPOONER submitted the following report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution, namely—

"*Resolved*, That the Doorkeeper of the House of Representatives is hereby authorized to employ three additional pages during the present session, to be paid out of the contingent fund of the House at the rate of $2.50 per day"—respectfully report that the purpose of said resolution is to provide for the employment of the same number of pages as in the first session of the Forty-eighth Congress; that your committee believe such additional employés are required for the proper transaction of the business of the House, and therefore recommend the passage of said resolution.

The resolution was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LABORERS IN CLERK'S DOCUMENT-ROOM.

Mr. BREWER, of New Jersey, from the Committee on Appropriations, reported back the following resolution with the recommendation that it do pass.

The Clerk read as follows:

Resolved by the House of Representatives, That the Clerk of the House be empowered, and is hereby authorized, to continue in the service of the House the two laborers in the Clerk's document-room authorized under the resolution of June 13, 1884, to arrange, sack, and ship the reserved calf-bound and special-bound documents belonging to members and to arrange the files, the said laborers to be paid out of the contingent fund of the House, at the same rate heretofore named, under the supervision of the Committee on Accounts.

The resolution was adopted.

Mr. BREWER, of New Jersey, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

Mr. REAGAN. I now demand the regular order of business.

The SPEAKER. The pending question is on the motion made by the gentleman from Texas [Mr. REAGAN] to close debate on the pending amendment and section under consideration in five minutes.

Mr. REED. Are we not entitled to the morning hour on private bill day?

The SPEAKER. Does the gentleman make that point?

Mr. REED. I do.

Mr. ANDERSON. It comes too late.

The SPEAKER. The gentleman from Maine raises the question that this is private bill day.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Is not the point of the gentleman from Maine made too late, as the Chair has already stated what is before the House?

The SPEAKER. The Chair supposes the gentleman from Maine could not know what business the House was about to proceed with until it was stated by the Chair.

Mr. REAGAN. I make the inquiry whether the morning hour can prevent us from taking a vote when the previous question has been asked.

The SPEAKER. It would not, but the previous question has not been demanded.

Mr. REAGAN. But it has been called for and the yeas and nays ordered on that vote.

The SPEAKER. The gentleman's motion was to move to close debate on this amendment and on this section in five minutes.

Mr. REAGAN. On the section and amendment.

The SPEAKER. But the gentleman did not demand the previous question on the amendment.

Mr. REAGAN. Whatever words I used, that was what I meant.

The SPEAKER. The gentleman made a motion, which was authorized under the rule adopted by the House on yesterday, to close debate on the amendment and section under consideration in five minutes. That, however, is not the previous question. The previous question, if ordered, would close debate at once.

Mr. REAGAN. I used the words "close debate," when I should have said the previous question. My object was to get a vote without unnecessary delay.

The SPEAKER. That, of course, would not compel the House to proceed at once to a vote upon the question, which would be the case if the previous question had been demanded and ordered.

But the Chair has not yet decided this question, nor does the Chair mean to decide now, without hearing further upon the subject or without further examination, that private business can cut off the consideration of the special order to-day. The Chair desires to examine, in the first instance, the order under which the House is acting upon this particular measure, and also the rule of the House bearing upon the question of private business. The Chair will cause the Clerk to read the order which was made by the House on the 1st of March last under a suspension of the rules—the rules being suspended to make the order—and the subsequent order of the 18th of March.

The Clerk read as follows:

March 1, 1884. A bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Tuesday, March 18, 1884, in the House as in Committee of the Whole, and the consideration thereof to be continued from day to day until finally acted on, not to interfere with appropriation or revenue bills.

Mr. WILSON, of Iowa. Mr. Speaker, this order when made interfered evidently with prior orders under the rules of the House.

The SPEAKER. Except in so far as it excepted from its operation the consideration of appropriation and revenue bills.

Mr. WILSON, of Iowa. And further, it provides that this particular bill is to be considered from day to day until disposed of. It made no provision for the Private Calendar on Fridays having precedence and power to interfere with its consideration on private bill day. I am not disposed to occupy the time of the House in debating points of order, even when I do not think they go the way they might. But the country is looking for legislation upon this subject, if upon anything.

Mr. REED. As I can not reply to the last observation of the gentleman from Iowa because it does not strike me as being pertinent to the point of order, I shall say nothing upon it.

It is entirely immaterial to me how the Chair decides the question.

But the point I suggest is that the order which has been read only refers to the continuation of this subject from day to day when business of this character is properly in order. It does not interfere with or make any exclusion of the Private Calendar.

Mr. WILSON, of Iowa. It does not say that it shall not interfere with it.

Mr. REED. Nor has it ever been held that such an order would interfere with private bill day.

The SPEAKER. It has been held both ways, the Chair thinks.

Mr. REED. Then I have nothing further to say upon that point, and withdraw my observation about what the gentleman from Iowa said, not being parliamentary.

The SPEAKER. If the order made on the 1st of March had contained no exceptions at all, the question presented now would assume a very different form. But it will be observed that it does except revenue and appropriation bills and nothing else, thereby indicating the purpose of the House to make no other exceptions. And as it provides that its consideration shall proceed from day to day until disposed of, the House must have had in mind the exclusion of the Private Calendar.

Mr. REED. Let me ask the Speaker if that order would cover the special session of to-night?

The SPEAKER. It would not, because we have another special order of the House which sets apart a particular evening for particular purposes.

Mr. REED. But that order was prior to this one, and this does not except it.

Mr. McMILLIN. I suggest, Mr. Speaker, to the gentleman from Maine and the gentleman from Texas that there is a way which has been proposed by some members who desire to leave the city this evening, after having taken a vote on the propositions embodied in this bill, which may obviate all difficulty, and that is that we substitute to-morrow for private bill day, and consider the unfinished business to-day. That will enable them to go this evening without missing a vote on the Reagan bill if they are disposed to omit attendance when the Private Calendar is under consideration. It will give them an opportunity of leaving the city to-night. Quite a number of gentlemen on both sides of the House have made that suggestion, and I hope there will be no objection to adopting it.

Mr. TOWNSHEND. I should certainly object to any such arrangement, for it is my intention to call up the Mexican pension bill as soon as the interstate commerce bill is disposed of, and I will make no arrangement that would prevent me from exercising that privilege.

The SPEAKER. The Chair thinks that under the special order of the House the interstate-commerce bill is entitled to consideration to-day.

Mr. WARNER, of Ohio. As against the consideration of the Private Calendar?

The SPEAKER. The Chair thinks so.

Mr. REED. Are we not entitled to a morning hour?

The SPEAKER. The order of the House fixes no hour. The order does not provide that this shall be taken up after the morning hour. In point of fact, the gentleman from Texas has been calling the bill up from day to day immediately after the reading of the Journal.

Mr. O'NEILL, of Pennsylvania. Did it not require unanimous consent on last Friday and Friday a week ago to proceed with the consideration of the interstate-commerce bill instead of the Private Calendar?

The SPEAKER. That question was not raised. The gentleman from Tennessee [Mr. McMILLIN] on last Friday simply rose in his seat and stated that he would not insist upon the consideration of private business on that day.

Mr. O'NEILL, of Pennsylvania. Then I raise the question of consideration. I hold that we should give the Private Calendar at least one day; that private business is entitled to the consideration of the House one single day before adjournment for the holidays.

The SPEAKER. The question of consideration is raised.

Mr. WARNER, of Ohio. Does it not require a vote of two-thirds to set aside the Private Calendar?

The SPEAKER. The question of consideration is the question before the House; and it has always been held to be in the power of the House to say whether it will or will not proceed with the consideration of a matter by a majority vote.

The question is, Will the House proceed to consider the interstate-commerce bill?

The question was taken; and on a division there were—ayes 105, noes 49.

Mr. O'NEILL, of Pennsylvania. No quorum has voted.

Mr. TOWNSHEND. No announcement of the vote has been made.

Mr. O'NEILL, of Pennsylvania. The vote has been announced and no quorum has voted. I insist upon the point of order, because every agreement that has been made upon the floor of the House and in the Committee on Commerce has been violated.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. O'NEILL, of Pennsylvania, and Mr. REAGAN were appointed tellers.

The House again divided; and the tellers reported—ayes 144, noes 26.

So the House agreed to consider the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

INTERSTATE COMMERCE.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. REAGAN] to limit debate on the pending amendment and section to five minutes; and on this question the yeas and nays were ordered by the House.

Mr. BROWNE, of Indiana. I would like to have the amendment read.

The SPEAKER. The question is not on the amendment, but on the motion to limit debate.

The question was taken; and there were—yeas 157, nays 58, not voting 108; as follows:

YEAS—157.

Alexander,	Ferrell,	Miller, J. F.	Springer,
Anderson,	Follett,	Mills,	Stewart, Charles
Bagley,	Forney,	Mitchell,	Stockslager,
Barksdale,	Fyan,	Money,	Storm,
Beach,	Geddes,	Moulton,	Struble,
Bennett,	Gibson,	Murphy,	Sumner, C. A.
Blanchard,	Glascock,	Murray,	Thompson,
Blount,	Green,	Neece,	Throckmorton,
Boyle,	Greenleaf,	Nicholls,	Tillman,
Bratton,	Guenther,	Oates,	Townshend,
Breckinridge,	Halsell,	O'Ferrall,	Tucker,
Brown, W. W.	Hammond,	O'Neill, J. J.	Tully,
Browne, T. M.	Hanback,	Payne,	Turner, H. G.
Buchanan,	Hancock,	Pierce,	Turner, Oscar
Buckner,	Hardeman,	Peel,	Van Alstyne,
Burnes,	Henderson, D. B.	Peters,	Van Eaton,
Cabell,	Henley,	Post,	Wallace,
Campbell, Felix	Hewitt, A. S.	Potter,	Ward,
Campbell, J. E.	Hill,	Pryor,	Warner, A. J.
Campbell, J. M.	Holman,	Pusey,	Warner, Richard
Candler,	Holmes,	Randall,	Weaver,
Cassidy,	Hopkins,	Ray, G. W.	Wellborn,
Clardy,	Houseman,	Ray, Oscian	Wemple,
Clements,	Hunt,	Reagan,	Wilkins,
Cobb,	Hurd,	Reese,	Williams,
Converse,	Hutchins,	Riggs,	Willis,
Covington,	James,	Robertson,	Wilson, James
Cox, W. R.	Jones, B. W.	Robinson, W. E.	Wilson, W. L.
Culbertson, W. W.	Jones, J. H.	Rogers, J. H.	Winans, E. B.
Deuster,	Jordan,	Rogers, W. F.	Winans, John
Dibble,	Kleiner,	Rosecrans,	Wise, G. D.
Dibrell,	Lamb,	Ryan,	Wolford,
Dowd,	Lanham,	Scales,	Wood,
Dunn,	Le Fevre,	Seney,	Woodward,
Eaton,	Lewis,	Shelley,	Worthington,
Eldredge,	Lore,	Shively,	Yaple,
Elliott,	Lowry,	Singleton,	Young.
Ellis,	McAdoo,	Skinner, C. R.	
English,	McMillin,	Smith, H. Y.	
Ermentrout,	Matson,	Spriggs,	

NAYS—58.

Adams, G. E.	George,	Long,	Seymour,
Barr,	Harmer,	Lyman,	Smalls,
Bisbee,	Haynes,	McComas,	Smith, A. H.
Boutelle,	Henderson, T. J.	Morrill,	Spooner,
Brewer, F. B.	Hepburn,	Nutting,	Stephenson,
Brewer, J. H.	Hitt,	O'Hara,	Stone,
Brumm,	Horr,	O'Neill, Charles	Strait,
Budd,	Howey,	Parker,	Talbott,
Cannon,	Jeffords,	Payson,	Taylor, E. B.
Chace,	Johnson,	Perkins,	Taylor, J. D.
Cutcheon,	Kean,	Phelps,	Thomas,
Davis, G. R.	Keifer,	Poland,	Wadsworth,
Dingley,	Ketcham,	Price,	Walt.
Evans,	Lacey,	Rockwell,	
Everhart,	Laird,	Rowell,	

NOT VOTING—108.

Adams, J. J.	Culberson, D. B.	Hoblitzell,	Patton,
Aiken,	Cullen,	Holton,	Pettibone,
Arnot,	Curtin,	Hooper,	Rankin,
Atkinson,	Dargan,	Houk,	Ranney,
Ballentine,	Davidson,	Jones, J. K.	Reed,
Barbour,	Davis, L. H.	Jones, J. T.	Rice,
Bayne,	Davis, R. T.	Kelley,	Robinson, J. S.
Belford,	Dockery,	Kellogg,	Russell,
Belmont,	Dorsheimer,	King,	Shaw,
Bingham,	Dunham,	Lawrence,	Skinner, T. G.
Blackburn,	Ellwood,	Libbey,	Slocum,
Bland,	Fiedler,	Lovering,	Snyder,
Bowen,	Findlay,	McCold,	Steele,
Brainerd,	Finerty,	McCormick,	Stevens,
Breitung,	Foran,	Maybury,	Stewart, J. W.
Broadhead,	Funston,	Millard,	Sumner, D. H.
Burleigh,	Garrison,	Miller, S. H.	Taylor, J. M.
Caldwell,	Goff,	Milliken,	Valentine,
Carleton,	Graves,	Morgan,	Vance,
Chalmers,	Hardy,	Morrison,	Wakefield,
Clay,	Hart,	Morse,	Washburn,
Collins,	Hatch, H. H.	Muldrow,	Weller,
Connolly,	Hatch, W. H.	Muller,	White, J. D.
Cook,	Hemphill,	Mutchler,	White, Milo
Cosgrove,	Herbert,	Nelson,	Whiting,
Cox, S. S.	Hewitt, G. W.	Ochiltree,	Wise, J. S.
Crisp,	Hiscock,	Paige,	York.

So the motion to limit debate was agreed to.

Mr. LAMB. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. O'NEILL, of Pennsylvania. I object.

The following members were announced as paired on all political questions until further notice:

Mr. ARNOT with Mr. BELFORD.

Mr. JONES, of Alabama, with Mr. HOOPER.

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. BLAND with Mr. VALENTINE.

Mr. FIEDLER with Mr. STEELE.

Mr. MAYBURY with Mr. JOHN S. WISE.

Mr. MULLER with Mr. DUNHAM.

Mr. MORGAN with Mr. BAYNE.

Mr. BLACKBURN with Mr. BOWEN.

Mr. HEWITT, of Alabama, with Mr. YORK.

Mr. BALLENTINE with Mr. FINERTY.

Mr. SKINNER, of North Carolina, with Mr. MCCORMICK.

Mr. DARGAN with Mr. WASHBURN.

Mr. VANCE with Mr. WHITING.

Mr. JONES, of Arkansas, with Mr. RUSSELL.

Mr. AIKEN with Mr. STEWART, of Vermont.

The following pairs were also announced:

Mr. PAIGE with Mr. HART, on the interstate-commerce bill.

Mr. HILL with Mr. CHALMERS, on the interstate-commerce bill.

Mr. RANKIN with Mr. OCHILTREE, on the interstate-commerce bill.

Mr. DOCKERY with Mr. MCCOID, until December 21.

Mr. MILLARD with Mr. MULDROW, on all questions.

Mr. HATCH, of Michigan, with Mr. HATCH, of Missouri, on the interstate-commerce bill, except on its final passage.

Mr. CALDWELL with Mr. RICE, until January 5.

Mr. HERBERT with Mr. REED, until January 5.

Mr. MORRISON with Mr. HISCOCK, until January 5.

Mr. HEMPHILL with Mr. BREITUNG, for this day.

Mr. TAYLOR, of Tennessee, with Mr. WAKEFIELD, for to-day.

Mr. CRISP with Mr. MILLIKEN, for this day.

Mr. COSGROVE with Mr. PETTIBONE, for this day.

Mr. GOFF with Mr. SNYDER, for this day.

Mr. CONNOLLY with Mr. LAWRENCE, for this day.

Mr. CLAY with Mr. KELLOGG, for this day.

The result of the vote was then announced as above stated.

The SPEAKER. By virtue of the vote just taken all debate upon the pending amendment and the section under consideration is limited to five minutes.

Mr. REAGAN. Of the five minutes allowed for debate I allow three minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

PENSION APPROPRIATION BILL.

Mr. HANCOCK, from the Committee on Appropriations, reported, as a substitute for H. R. 7676, a bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. O'NEILL, of Pennsylvania. I move to amend the bill by striking out the second section and inserting what I send to the desk.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that by the order of the House just made the debate is limited to five minutes on the pending amendment and the section. The gentleman from Pennsylvania, however, can proceed.

Mr. O'NEILL, of Pennsylvania. Of course I assert my own right as a member of this House acting as a Committee of the Whole to offer an amendment. I must, however, thank the gentleman from Texas [Mr. REAGAN] for his liberality, now shown for the first time, I believe. If any one can tell me when the gentleman has shown any liberality heretofore in connection with this bill I would like to know it.

Mr. Speaker, this amendment which I offer in lieu of the second section is the section as agreed upon by a majority of the Committee on Commerce; and the understanding in that committee was that each member of the committee should have the opportunity (if not by the allowance of the gentleman from Texas at least by the permission of this House) to offer in the House such amendments to the bill as he might deem proper, and that of course he should have the opportunity to explain them.

Now, I propose to strike out the second section of this bill and insert the section relating to this question of rebates as agreed upon by a majority of the Committee on Commerce. The section of the gentleman's substitute is an iron-clad section. The section as agreed upon by the majority of the Committee on Commerce permits rebates, provided there is no discrimination—permits them when they are accorded to all persons under similar circumstances.

I hope the House will in its judgment accept this amendment and vote it in, striking out the section of the substitute bill. I want, if I can, to assist in the improvement of the substitute bill, which needs a great deal of improvement; and I hope it will be greatly improved before we get through with this question, which has occupied the House for two or three weeks to the exclusion of much legislation—to the exclusion of the Private Calendar for three Fridays, the interests of individuals being thus neglected, though in many instances individuals are as much justified in asking Congress for action as is the gentleman from Texas, for the gratification of whose personal feeling with regard to this bill and his ambition to pass it we have, I think, done enough. I think now we ought to amend the bill, removing its imperfections wherever we can.

Mr. REAGAN. Mr. Speaker, my friend from Pennsylvania [Mr. O'NEILL] thinks me very illiberal in reference to this bill because I do not allow amendments. So the gentleman from Kentucky [Mr. WHITE] thought yesterday, after we had spent two days on one section of the bill amending it,

Now, while it was understood, as the gentleman from Pennsylvania suggests, that this bill was to be reported subject to the offering of amendments by any member of the committee, as showing all the members were not satisfied with the details of the bill, it was not understood that the right to amend and debate should be so unlimited as to prevent the House from acting on the subject. I think the gentleman, anxious as he is to defeat this bill, ought to be satisfied with two days on one section.

Mr. O'NEILL, of Pennsylvania. I took no time in those two days. This side of the House was trying to extend human liberty; the gentleman and his followers were trying to contract it.

Mr. REAGAN. The gentleman knows, though he talks about "extending human liberty," that there has been no proposition made here that would affect human liberty in any way. Perhaps he is like a good many others on both sides of the House; whenever the "nigger" is mentioned they shy like a moon-eyed horse at a black stump. [Laughter]. There is nothing in this attempt to bring that subject in here, and I have already said so. I hope gentlemen will not scare so badly. I have been accustomed to the "nigger" all my life, and he does not scare me at all.

Mr. O'NEILL, of Pennsylvania. It is not easy to scare the gentleman from Texas about anything.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair.) The Chair trusts the gentleman from Pennsylvania will not interrupt the gentleman from Texas without his consent.

Mr. REAGAN. I think that in the arraignment of myself and the House for the action taken upon this bill the gentleman indicates what I have said before, that he is opposed to the passage of the bill. I believe I am not mistaken in that. Mr. Speaker, I have no further remark to make, and I desire a vote.

Mr. O'NEILL, of Pennsylvania. I ask that my amendment may be read.

The Clerk read as follows:

Strike out the second section of the substitute bill and insert the following: "SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them which under similar circumstances are not allowed to all other persons."

Mr. O'NEILL, of Pennsylvania. If it be in order, I desire to offer that amendment at the present time.

The SPEAKER *pro tempore*. It is in order. The first question, however, is upon an amendment offered yesterday by the gentleman from Kentucky [Mr. WHITE] to strike out the last word of the section.

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

The SPEAKER *pro tempore*. The question is now on the amendment of the gentleman from Pennsylvania [Mr. O'NEILL], which has just been read.

Mr. O'NEILL. I ask the Clerk to read the second section as it stands which my amendment proposes to strike out.

The Clerk read as follows:

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

Mr. BUDD. Before the proposed substitute for the section is voted upon I desire to offer an amendment to perfect the text of the section.

The SPEAKER *pro tempore*. That is in order. The Clerk will read the amendment proposed by the gentleman from California [Mr. BUDD].

The Clerk read as follows:

Amend by adding after the word "them," in line 5, the following: "Except for the purpose of assisting in the development of an industrial enterprise, and which shall under substantially similar circumstances be allowed to all persons."

The question being taken on agreeing to the amendment of Mr. BUDD, there were—ayes 30, noes 80.

Mr. BUDD. I make the point that no quorum has voted.

Mr. DAVIS, of Illinois. I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The point having been made that no quorum has voted on the amendment of the gentleman from California, the Chair will appoint tellers.

Mr. BUDD. I withdraw the point.

The SPEAKER *pro tempore*. The point of no quorum having been withdrawn, the amendment is not agreed to. The question is now on the amendment of the gentleman from Pennsylvania [Mr. O'NEILL].

The question being taken, there were—ayes 52, noes 87.

Mr. O'NEILL, of Pennsylvania. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 73, nays 130, not voting 120; as follows:

YEAS—73.

Adams, G. E.	Greenleaf,	Libbey,	Smith, A. H.
Barr,	Guenther,	Long,	Smith, H. Y.
Bingham,	Hanback,	Lyman,	Spooner,
Bisbee,	Harmer,	Morrill,	Stephenson,
Boutelle,	Haynes,	Nutting,	Strait,
Brainerd,	Henderson, D. B.	O'Hara,	Struble,
Brewer, J. H.	Henderson, T. J.	O'Neill, Charles	Taylor, E. B.
Burleigh,	Hepburn,	O'Neill, J. J.	Taylor, J. D.
Cannon,	Hewitt, A. S.	Payne,	Thomas,
Chace,	Hitt,	Perkins,	Tillman,
Culbertson, W. W.	Holmes,	Phelps,	Wadsworth,
Cullen,	Holton,	Poland,	Wait,
Cutcheon,	Howey,	Potter,	Warner, A. J.
Davis, G. R.	Jeffords,	Price,	White, J. D.
Dibble,	Johnson,	Ray, Ossian	Wilson, James
Dingley,	Kean,	Robinson, J. S.	Woodward.
Evans,	Keifer,	Rockwell,	
Everhart,	Ketcham,	Seymour,	
George,	Lacey,	Smalls,	

NAYS—130.

Alexander,	Dowd,	Lowry,	Skinner, C. R.
Anderson,	Dunn,	McAdoo,	Springer,
Bagley,	Eaton,	McComas,	Stewart, Charles
Barksdale,	Eldredge,	McMillin,	Stockslager,
Beach,	Elliott,	Matson,	Storm,
Bennett,	English,	Miller, J. F.	Sumner, C. A.
Blackburn,	Ermentrout,	Mills,	Talbott,
Blanchard,	Ferrell,	Moulton,	Thompson,
Blount,	Follett,	Murphy,	Throckmorton,
Bratton,	Forney,	Murray,	Tucker,
Breckinridge,	Fyan,	Neece,	Tully,
Brewer, F. B.	Geddes,	Nicholls,	Turner, H. G.
Broadhead,	Gibson,	O'Ferrall,	Turner, Oscar
Brown, W. W.	Glascock,	Payson,	Van Eaton,
Browne, T. M.	Green,	Peel,	Wallace,
Buchanan,	Halsell,	Peters,	Ward,
Buckner,	Hammond,	Pierce,	Warner, Richard
Budd,	Hardeman,	Pryor,	Weaver,
Burnes,	Henley,	Pusey,	Wellborn,
Cabell,	Hill,	Ranney,	Wilkins,
Campbell, Felix,	Hoblitzell,	Reagan,	Williams,
Campbell, J. E.	Hopkins,	Reese,	Willis,
Campbell, J. M.	Houseman,	Riggs,	Wilson, W. L.
Candler,	James,	Robertson,	Winans, E. B.
Cassidy,	Jones, B. W.	Robinson, W. E.	Winans, John
Clardy,	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Clements,	Jordan,	Rogers, W. F.	Wolford,
Cobb,	Kleiner,	Rosecrans,	Wood,
Converse,	Laird,	Ryan,	Worthington,
Covington,	Lamb,	Scales,	Yaple,
Cox, S. S.	Lanham,	Seney,	Young.
Cox, W. R.	Le Fevre,	Shively,	
Dibrell,	Lewis,	Singleton,	

NOT VOTING—120.

Adams, J. J.	Dockery,	Jones, J. T.	Rankin,
Aiken,	Dorsheimer,	Kelley,	Ray, G. W.
Arnot,	Dunham,	Kellogg,	Reed,
Atkinson,	Ellis,	King,	Rice,
Ballentine,	Ellwood,	Lawrence,	Rowell,
Barbour,	Fiedler,	Lore,	Russell,
Bayne,	Findlay,	Lovering,	Shaw,
Belford,	Finerty,	McCoid,	Shelley,
Belmont,	Foran,	McCormick,	Skinner, T. G.
Bland,	Funston,	Maybury,	Slocum,
Bowen,	Garrison,	Millard,	Snyder,
Boyle,	Goff,	Miller, S. H.	Spriggs,
Breitung,	Graves,	Milliken,	Steele,
Brumm,	Hancock,	Mitchell,	Stevens,
Caldwell,	Hardy,	Money,	Stewart, J. W.
Carleton,	Hart,	Morgan,	Stone,
Chalmers,	Hatch, H. H.	Morrison,	Sumner, D. H.
Clay,	Hatch, W. H.	Morse,	Taylor, J. M.
Collins,	Hemphill,	Muldrow,	Townshend,
Connolly,	Herbert,	Muller,	Valentine,
Cook,	Hewitt, G. W.	Mutchler,	Van Alstyne,
Cosgrove,	Hiscock,	Nelson,	Vance,
Crisp,	Holman,	Oates,	Wakefield,
Culberson, D. B.	Hooper,	Ochiltree,	Washburn,
Curtin,	Horr,	Paige,	Weller,
Dargan,	Houk,	Parker,	Wemple,
Davidson,	Hunt,	Patton,	White, Milo
Davis, L. H.	Hurd,	Pettibone,	Whiting,
Davis, R. T.	Hutchins,	Post,	Wise, J. S.
Deuster,	Jones, J. K.	Randall,	York.

So the amendment was rejected.

On motion of Mr. BAGLEY, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. CULBERSON, of Texas, with Mr. WHITE, of Minnesota, for this day.

Mr. POST with Mr. FUNSTON, on this vote.

Mr. OATES with Mr. RANNEY, on all political questions until after the recess.

Mr. DAVIS, of Missouri, with Mr. KELLEY, until further notice.

Mr. MONEY with Mr. ATKINSON, on all political questions until further notice.

Mr. COSGROVE with Mr. PETTIBONE, for this day.

Mr. HOLMAN. I wish to say when this vote was taken I was absent on a conference committee by order of the House. If present, I should have voted "no."

Mr. MILLER, of Pennsylvania. I am requested to state that my colleagues Messrs. BRUMM and CURTIN are paired on this vote.

The vote was then announced as above recorded.

Mr. EVERHART moved the following amendment:

And no railroad company or companies shall grant free passes allowing persons to ride free from one State or Territory into another: *Provided*, That this prohibition shall not apply to officers or employés of railroad companies or to the United States supervisors or commissioners of railroads, to cases of charity, nor prevent the issuing of excursion or commutation tickets at special rates.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

Mr. HEWITT, of New York. I move to strike out all after the word "and," in line 9, to the close of the section relating to pooling. I ask that the words be read.

The Clerk read as follows:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of sch railroads, or any portion of them.

Mr. HEWITT, of New York. Mr. Speaker, undoubtedly this provision is based upon the idea that pooling is an evil which ought to be abated; that it is against the public interest, and therefore should be prohibited. Pooling may be an evil, Mr. Speaker. There are a great many evils in this world which are remedies for other evils still greater. This class of remedial evils constitutes a large portion of the existing legislation of every civilized country. Now, the evil that pooling was intended to remedy became intolerable. It was the evil of competition, of unlimited competition, leading to discrimination, to private bargains, to fluctuations in the transportation of goods. Not a single consignment could be carried from one point in this country to any other point without a private bargain being necessary on the part of the shipper and the railroad company. Great houses were compelled to employ clerks whose sole business it was to go from railroad office to railroad office and make bargains. More than that, the companies themselves who were intended to be the common carriers for the commerce of the country found themselves reduced to the position of hucksters, and compelled to have a corps of officers and an army of clerks to regulate freight on every invoice of goods which might be shipped over their roads. This evil was so enormous both to the public and the railroad companies that it led to the only practical remedy, which was pooling.

Pooling, if honestly conducted, gives stability in the rate of freights and equal terms to every customer, and is in fact carrying out the great right in common carriage of equal rights to all men. But pooling has not always been honestly managed; hence railroad companies in their own interest were compelled to attempt to regulate pooling, and they have regulated it by the appointment of commissions and commissioners. The evil of competitive and uncertain rates has therefore to a large extent been overcome by a pooling arrangement. How shall the evils of a pooling arrangement be overcome?

The gentleman from Texas tells us by the abolition of pooling, and then he sends us back into the very situation from which the privilege of pooling extricated us.

Mr. Speaker, legislation should not be retroactive. It should proceed upon a careful study of the conditions under which we are trying to do business, and the indications of the situation should be carefully studied. Let me tell these gentlemen, and I suppose I utter a familiar truth to the legal luminaries in this House, that first we get experience, out of experience comes custom, and out of custom comes the common law. So when we are trying to legislate let us see how things are tending toward the establishment of custom; and instead of trying to crush and break it down, let us by legislation enact the coming custom, if we know it earlier, into law. You will thus anticipate what is to be the common law by the common consent of the citizens of this country. Therefore when the railroad companies and the public consented, in view of the common interest of all, to the establishment of this system of pooling, they did it by a commission, and it should be an indication to us that we should also regulate pooling by the establishment of a commission. A bill brought in here to establish a commission would be one approved by the general judgment and experience of men familiar with business. A bill to prevent pooling will be against the experience and general judgment of men familiar with business.

But I see that my time is about to expire, and I hope that some gentleman will take the floor and yield to me.

[Here the hammer fell.]

Mr. WARNER, of Ohio. If I can be recognized I will yield to the gentleman from New York.

Mr. REAGAN. I must object, Mr. Speaker, to farming out the floor. I think we have had a long enough debate upon this bill.

Mr. HEWITT, of New York. I wish to remind the gentleman from Texas that the views of New York have not been heard in this debate, and if the gentleman from Texas chooses to paralyze that voice in this House and not give it expression let him take the consequences upon himself and on his bill.

The SPEAKER *pro tempore*. Does the gentleman from Texas object to the extension of the time of the gentleman from New York?

Mr. REAGAN. The gentleman can go on and utter the voice of New York. I shall not object.

Mr. HEWITT, of New York. I said, sir, that the voice of New York, that great emporium of commerce, had not been heard in this debate. Its voice has been silent because the men of business in New York despair of wise legislation upon these great commercial questions from this House. They have seen this House resist the resumption of specie payments. They have seen this House thrust the silver bill down the reluctant throats of an unwilling community; and now they behold this House and this side of it forcing reactionary measures upon the commerce of the country which will paralyze the business of the port which is the throat of the commerce of this country.

Fifty-seven per cent. of all the commerce of this country passes through the city of New York. The pulses of commerce all over the civilized globe are felt by thousands of fingers in that great mart. The influences that determine prices are there known and from there they radiate to every hamlet in this land. New York registers the conditions upon which the foreign commerce of this country should be done. It registers them every hour and minute of the day, and yet here come gentlemen who propose that no alteration in the conditions of commerce shall be made except upon five days' notice. They have an impression that they can determine the conditions upon which business shall be done. I tell them that all their remedy will do will be to prevent the Western, the Southern producers, who have corn, provisions, and cotton for sale, from getting access to the open markets of the world.

The congestion which now prevails in every part of this country—congestion of products, congestion of labor, congestion of capital, so that there is no profit in production, no adequate and remunerative employment for labor and no compensation for the use of capital; congestion due to the fact that the channels of commerce have been obstructed and dammed up by protective laws—these gentlemen propose to increase by saying you shall not carry your goods from the producers to the consumers of the world except you give five days' notice of any change of schedule rates.

Do these gentlemen suppose that the price of grain is made by Congress? Do they suppose that it is made by the men who deal in it in Chicago? Do they suppose that steamship companies determine prices? Nothing of the kind. The prices are all made in the exchanges of Mark Lane and Leadenhall street. They are telegraphed every day and hour all over the globe. We know what we can get for a bushel of grain delivered in Liverpool. We know what we can buy it for in Chicago. The steamship company and the railroad company can co-operate together and divide the difference between prices in Chicago and Liverpool, and the waiting ship can take its cargo out of the elevators which in turn receive the grain ordered to fill up the vacuum. But if this bill passes that process becomes impossible; steamships must go unloaded, and the commerce of your great port, which is but the outlet of the commerce of the country and its expression, will be utterly paralyzed.

[Here the hammer fell.]

Mr. REAGAN. The principal point of objection made to this section by the gentleman from New York [Mr. HEWITT] was that without the privilege to the railroads of pooling shippers would be driven to the employment of large numbers of clerks and to special contracts with railroad companies, as he says they were before pooling was adopted as a system by the railroads. Just how much truth there might be in the gentleman's position, if this were the only section of the bill that was to be acted upon, I do not know. But if the gentleman had gone a little further and looked at other provisions of this bill he would have seen that it provides that schedules of rates shall be posted up, and that it gives both a criminal and a civil remedy for charging more or less than schedule rates. We propose by law to remedy the evil which the gentleman proposes to remedy by giving the right to the railroads to pool.

The gentleman from New York speaks of the channels of commerce being blocked up. They have not been blocked up by the prohibition of pooling, for that is in full operation, and the country was enjoying the blessings of pooling to which he invites us when that blockade took place.

I will tell you what this section will do. It will restore to the people the right of competition. It will cheapen their rates of freight, and in connection with other provisions of this bill, it will drive railroad corporations to ordinary business methods, such as control other great branches of business in this country. It will take from them that monopoly power which is used to enrich themselves and to impoverish the remainder of the country. And that is what it is intended for. It will take from that gentleman the power by pooling on railroads to secure terms on his freight which perhaps he would not secure if it was open to free and fair competition in the markets.

Perhaps I had better state another thing. The gentleman from New York seems not to understand what nearly all the States of this Union understand and have declared through their constitutions and their laws, that pooling is an evil; he does not seem to understand that when these railroads were incorporated it was known that they possessed a monopoly of the transportation and travel over their particular lines and the hope of the people for relief from this monopoly grew out of such competition as might be afforded by the water ways and all other means of transportation and by such competition as might be created by the building of new railroads, and if these remedies should fail, by the legislative power using its constitutional and rightful authority to control the action of common carriers. The gentleman does not seem to understand any of these things. But to mitigate the evil of monopolistic power he would make one grand monopoly out of many of these small monopolies and say to them, "Destroy competition, assume the controlling of the commerce and the freights of this country, levy upon it what tribute you please; you have nothing to prevent you from exacting all that the commodity will bear except just enough to leave the people to work for your benefit. Take yourselves the profits which would otherwise go to the laborers of this country; command the commerce of the country; levy tribute on it; no power shall control you; competition shall not control you; legislation shall not control you."

The gentleman from New York does not speak of striking out this section in order to benefit the bill. He would not vote for one section, one sentence, or one line in the bill. His object is to oppose all legislation and every effort to lay the restraints of legal regulations upon the power of these corporations to rob and plunder the people.

Such, Mr. Speaker, I say to you and to the members of this House are the influences that have actuated the advocates of these corporations from the beginning until now and which will continue to actuate them until the subject is disposed of.

[Here the hammer fell.]

Mr. TURNER, of Kentucky, was recognized and yielded his time to Mr. REAGAN.

Mr. BUDD. Will the gentleman from Texas yield to me for a question?

Mr. REAGAN. Yes, sir.

Mr. BUDD. I agree with the gentleman that pools ought to be prohibited, but I ask why in this section he has simply prohibited what are known as money pools, while he allows what are known as physical pools and differential contracts to be established among these corporations? Why, sir, five out of every six pools are physical or territorial pools for the division of the freight as such. This is simply a division of the money profits; it is what is known in railroad parlance as a money pool.

Mr. REAGAN. I will answer the gentleman from California, but I do not yield to him for a speech.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, is not this debate proceeding under the five-minute rule?

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. REAGAN] is speaking in the time of the gentleman from Kentucky [Mr. TURNER].

Mr. REAGAN. I will read the provision of this section:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights——

Mr. WHITE, of Kentucky. I rise to a question of order.

Mr. REAGAN. I hope the gentleman from Kentucky will permit me to go on. It seems I can not read a sentence without some gentlemen rising to interrupt me.

Mr. WHITE, of Kentucky. I rise to a question of order. I understand this is a debate under the five-minute rule, and I object to one gentleman occupying the floor by courtesy or otherwise for more than five minutes.

The SPEAKER *pro tempore*. The objection in this case comes too late. The gentleman from Texas is entitled to the floor in the time of the gentleman from Kentucky [Mr. TURNER].

Mr. REAGAN. Now I will proceed again if I can be permitted to read this provision:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

The gentleman from California [Mr. BUDD] talks about differential rates. I am persuaded from the manner in which he has introduced the subject that he does not know what differential rates are. Those arise from a contest between different cities as to the rates which different cities shall pay. The gentleman talks about the distinction between

physical and territorial pooling and some other kind of pooling, I do not know what.

A MEMBER. Money pools.

Mr. REAGAN. My purpose is to provide that competing railroads shall not put their earnings into a common pool, and divide those earnings while denying the people competition—plundering them to the extent of the power of the monopoly and dividing the amount of their earnings among themselves upon a rate agreed upon. But I am persuaded that the gentleman from California, like the gentleman from New York, will never get this bill so amended that he can support any one of its sections.

The SPEAKER *pro tempore*. Debate is exhausted.

Mr. DUNN. I move to amend the amendment by striking out the last word. Perhaps it is well for the House to be informed just what this pool, which it is proposed to prohibit, is. Mr. Fink, in his testimony before the committee, told us that the forty or more principal trunk lines of this country——

A MEMBER. Forty-eight.

Mr. DUNN. That the forty or forty-eight principal through or trunk lines of the country were in the pool of which he is the commissioner. Now we know that all the competition which can be expected among railroads is to be expected from what are called through lines or trunk lines. These have established in this country, as they have done in England and Germany, pools. In Germany the traffic is divided among different companies or roads in such a manner that the bulk of it passes over one road during one month and over another road during the succeeding month, and so on. Here the traffic goes at the convenience of the shippers, and the earnings are divided at the arbitrary will of the commissioner of the pool pro rata, or upon a basis agreed upon by the companies or fixed by the pool commissioner among the roads.

Thus competition is destroyed and monopoly crystallized, intrenched, and fortified. If absolute monopoly is inevitable, then we had better begin to consider the policy that has obtained in all countries in Europe except England, namely, of transferring the ownership of all the railroads to the respective States or to the General Government. The theory there is that the government alone can be trusted with a monopoly of railroad transportation, because it will be to the interest of the Government to protect the interest of the people and their commerce and productive industries, and because it will not discriminate or unduly oppress. That argument is better in a representative than in a monarchical government.

But that policy should be only a *dernier ressort* anywhere.

In this same article which states the nature of these pools in other countries Dr. Ely says that in England, between two towns or cities having already one line, when another was built, instead of the rates being reduced by competition, as should be the case, the roads were pooled and tariffs increased. Instead of competition putting down rates, the operation of the pools has been in all other countries to increase rates. The end of competition is the pool and complete monopoly.

The gentleman from New York complains that we propose to give only five days' notice of a change of schedule. In Prussia the railway traffic is required by law to be made known to the government and published. Changes in the tariff are not allowed to be made without notifying the government and the public. In case the change increases rates it must be published at least six weeks—not five days—before it is to go into effect. That is the law of Prussia. All the old governments of Europe require regular published notice for a designated time of all changes in schedules.

Dr. Ely says that monopoly is the only solution and avoidance of railroad competition; and in all Europe they say monopoly must come to save the roads from competition. The pool makes a monopoly in the hands of the forty-eight trunk lines of this country. There is to be no more competition. The pool settles rates at will. The shippers who should control the great mass of the commerce of this country have no representative in that pool. The people who pay the tribute have no hearing in the pool, no voice in the selection of the commissioners; commerce has none; labor has none; productive industry has none. Nobody has a voice in that commission but the railroad corporations, for whose benefit alone the pool is established.

The gentleman speaks of the voice of New York not having been heard in this matter. It is the heavy hand of New York that is felt to be so oppressive upon the productive labor and commerce and business interests of this country that has made legislation of this character necessary. Let New York remember that and learn to be just. Let her loosen her fatal grip that is now felt to be strangling legitimate business and stifling all prosperity. When the people cry out in their dire distress and humbly petition for relief from injustice the voice of New York responds in the cold, cruel language of the wicked son of Solomon:

Whereas my father did lade you with a heavy yoke, I will add to your yoke: my father hath chastised you with whips, but I will chastise you with scorpions.

[Here the hammer fell.]

Mr. BUDD. I did not expect, Mr. Speaker, to be called upon to explain a matter which should be apparent to every one who had studied the pooling question. Had it not been for the remark of the gentleman from Texas, that I did not know what I was talking about when I referred to the money and physical pools, I would not at this time answer his statement. In as civil a manner as a person could I asked him why if the prohibition of pooling he discriminates between moneyed pools and physical pools, and he answers back that I do not know what I am talking about. If he will take any work upon the railroad question he will see that all writers make a distinction between moneyed pools and physical pools. Mr. Nimmo, in his report for 1880, says:

A railroad freight pool is simply an agreement that at competing points the several contestants for traffic shall be allowed a certain percentage of it, or of the receipts therefrom, to be determined either by arbitration or by a convention of the representatives of all the competing roads.

In his report of 1879 Mr. Nimmo uses this language:

The pooling arrangements which have been entered into between railroad companies in this country differ from each other in several important particulars. In certain cases the division or apportionment of traffic is based upon the tonnage moved, constituting what is known as a physical pool; but in other cases the receipts from traffic are divided, constituting what is known as a moneyed pool.

In other words, Mr. Nimmo, statistician of the Government, who has studied the question thoroughly, divides pools into two general classes, moneyed and physical. He goes on and gives eight or nine most important pooling arrangements entered into by the trunk lines, and of the seven given by him four are physical and three are moneyed pools. The gentleman from Texas, after long study on this question, desires to prohibit all pooling, and attempts this by prohibiting pooling only where there is a division between companies of the gross or net receipts. The trunk lines in the pools of 1875 and 1876 had, under Fink's management, what were known as physical pools. There are not only moneyed and physical, but many other combinations; there is a division by agreement or combination and division of territory, the railroad that runs through one section not being permitted to take the traffic of another.

Competition is absolutely destroyed by agreements not prohibited here. They often have in physical pooling what are known as "eveners," and under the arrangement which governs them there have been divisions of the amount of traffic which can be carried, the Pennsylvania road being allowed a certain per cent. from New York on to Chicago and the Baltimore and Ohio another per cent., while the Grand Trunk and the Erie and Central roads were allowed still other per cents. of traffic. This was a physical pool, a division of the traffic which often has an instrumentality known as "eveners" for the purpose of carrying it into effect. This is not prohibited; and if pooling is improper and wrong, as I say it generally is, why not extend the operation of this bill? Why is it you prohibit pooling simply in a moneyed sense and not in a physical sense? Why not introduce such amendment as I have drawn up and have here, and which I would like to have an opportunity to submit for the judgment of the House. It is as follows:

Strike out all after the word "railroads," in line 12, and insert thereafter "or which has for its object the increase or maintenance of rates through a division of freight or territory or by agreement."

Not only do they pool by a division of the proceeds, not only do they pool by a division of freights, but they maintain prices and agree to what rates should be charged from certain points, sometimes taking Chicago as the basis and establishing different rates. I know, sir, what I am talking about on this subject.

Mr. REAGAN. Will the gentleman permit me to ask him a question?

Mr. BUDD. Any question in the world.

Mr. REAGAN. Do you notice that it prohibits all classes of pooling, and does the gentleman suppose that railroads would pool rates when they can not divide the earnings?

Mr. BUDD. They do it.

Mr. REAGAN. When they can not divide the earnings?

Mr. BUDD. They divide freights as such, and not earnings.

The SPEAKER *pro tempore*. Debate is exhausted on the pending amendment.

Mr. DUNN. I withdraw the *pro forma* amendment.

Mr. BUDD. I renew it. I wish to answer the last portion of the gentleman's question. He asked me whether any of the railroads would divide freights if they could not divide earnings. Now I have already referred to Mr. Nimmo, and I might refer further to Adams in his book on the railroad problem. The gentleman from Texas says this freight division is prohibited in this section. I say no, because it prohibits only an agreement for pooling freights by a division of the gross or net proceeds——

Mr. REAGAN. Will the gentleman allow me to interrupt him for a moment?

Mr. BUDD. Certainly.

Mr. REAGAN. When it is said that—

It shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them—

Have you not cut off physical pooling?

Mr. BUDD. No, sir.

Mr. REAGAN. When it provides that it shall not divide proceeds, does not that cut off physical pooling?

Mr. BUDD. It is not necessary for me to bring in an English grammar to give construction to this language which is so plain. It prohibits pooling of freights by dividing between them the net or aggregate proceeds of the earnings of said companies.

Mr. BRUMM. If you substitute the word "or" for the word "by" would not that answer the purpose?

Mr. BUDD. Yes; that might do it.

Mr. BRUMM. Then why not do it?

Mr. BUDD. Now, the recent pooling by Rinstin at Chicago of the traffic of the Northwestern road was, as I understand the facts, what is known as a money pool. The poolings of Fink in 1875–'76, as spoken of by Adams in his work on the railroad problem, were what is known as physical pools.

Mr. HORR. Is there anything wrong about that?

Mr. BUDD. A commission could better investigate the matter and determine, but if the House insists upon prohibiting all pooling they should use language that will do it. The pooling of the Southwestern Association was a physical pool. They divided the traffic: to the Chicago roads 44½ per cent., to the Saint Louis roads 44½ per cent., and to the Wabash (Toledo) line 11 per cent.

The Chicago-Omaha apportionment was a money pool. The apportionment arrangement between Chicago, Milwaukee and Saint Louis, the Chicago and Northwestern, and the Chicago, Saint Paul and Minneapolis Railways was a money pool. The cattle pool, or what is known as the "cattle evener's" pool, which was organized in 1875, was a physical pool. The pooling of the coal-oil traffic was a physical pool, and the several companies entered into an agreement as to the relative share of the total traffic which each should carry. I could go on at length and further explain this distinction in and division of pools. So if you go over all the arrangements of this character you will find a distinction between these pools, and both should be prohibited, if either.

It seems at this time that after consuming two days on the color line members who have studied this problem can not have two minutes to explain the wisdom of amendments proposed by them. One of mine just defeated was eminently just. I withdraw the *pro forma* amendment.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The question is on agreeing to the amendment proposed by the gentleman from New York, to strike out all after the word "railroads," in the ninth line, to the end of the section.

The question was taken; and on a division there were—ayes 19, noes 70.

So the motion to strike out was not agreed to.

Mr. HEWITT, of New York. I beg leave to offer an amendment at the close of the section.

The Clerk read as follows:

Add to the third section the following:

"Unless the rates established by such pooling contracts shall be reasonable and just."

Mr. HEWITT, of New York. Mr. Speaker, if the gentleman from Texas in charge of this bill had studied the question with the same care that the gentleman from California [Mr. BUDD] has given to it he would be less ready, it seems to me, to impute ignorance on the one hand and to come to conclusions on the other as to how members would vote under given circumstances. He has announced to this House that I am opposed to all legislation upon this subject; that there is not a word, or a line, or a sentence that I would vote for; and he made that declaration in the face of the fact that I had just announced to the House that I was in favor of regulating the pooling of freights by the establishment of a commission, and I tried to make the House understand that nature was pointing out the way in which this legislation should travel. I tried to point out to the House that experience had established pools, and pools established a commission, and that in the public interest the time had arrived when the public should be represented in the commission, and pools should be legalized and put under the control of a commission.

Doubtless the gentleman from Texas, in his anxiety to forbid pooling, shut his ears to what I have said. But I do not choose to be misrepresented in this matter. I believe the subject ought to be regulated. I believe there is constitutional power to regulate it. I believe it ought to be regulated as experience has shown to be feasible and practicable.

Mr. REAGAN. Will the gentleman from New York permit me to interrupt him to ask if he has not stated on the floor that he intended to vote for all amendments which would kill the bill?

Mr. HEWITT, of New York. I have not on the floor, if the gentleman means that, made such a statement in any speech. I suppose he uses the word in its technical sense. If so, I answer——

Mr. REAGAN. I did not mean in a speech.

Mr. HEWITT, of New York. If the gentleman means that I used such an expression privately, I answer, yes. I am opposed to the substitute and in favor of the original bill reported by the committee. That is what I have said privately and that I now repeat.

Now, the gentleman says that to legalize and allow pooling would amount to robbery of the public. What were the rates of freight in force before this system of pooling was inaugurated and when the gentleman had begun the agitation of this measure, which he thinks one of reform, but which I think one of reaction? I have the figures here before me. In 1874, the rates of freight which prevailed at that time, before pooling was invented, and when this agitation for the enactment of an interstate-commerce bill had begun, were as set forth in this book in detail. I will refer to grain. On a bushel of grain from Chicago to New York the rate of shipment was then 28.7 cents. Last year the rate, notwithstanding the pooling system, had fallen to 13 cents, or less than one-half of what it was before the agitation began.

Mr. GIBSON. Let me interrupt the gentlemen from New York to ask what was the difference between the price of grain then and now?

Mr. HEWITT, of New York. That does not concern the question at all. It has no reference to my purpose, nor has it any purpose, so far as I understand it, in this connection. My point is that, in the absence of any other legislation to regulate interstate commerce, the public, so far from having been robbed, have had their expenses of shipments of this character brought down from 28 to 13 cents a bushel.

That has been done by pooling and regulating pooling. Let us take advantage of this fact. Let us continue to pool; let the public come in and regulate the pooling, and prevent the frauds which are always possible when there is no popular regulation.

[Here the hammer fell.]

Mr. PHELPS. I rise to oppose the amendment. The discussion begins already to emphasize the unwisdom and injustice of the bill. It is a vain effort to make a code which shall control the management of railways in all cases. But these cases are infinite in number, and very nearly infinite in variety. How absurd to suppose that all these cases can be held in the iron grasp of half a dozen absolute restrictions. Absolute restrictions belong to morals, but have no control in railway management, where each case makes its own right and wrong. You may say to a man, "Thou shalt not steal, thou shalt not commit adultery, thou shalt not bear false witness;" for theft, adultery, and slander are everywhere and always wrong. But you can not say to a railroad company, "You shall not discriminate, you shall not rebate, you shall not pool, you shall not charge more for a longer haul," because in many cases all these methods are right and in many cases they are necessary—necessary even to the very existence of the road. And because they are necessary often to their very existence the railways will elude, evade, and openly transgress the restrictions, looking to popular opinion to shield them from the penalty; just as the gentleman from Texas, if his life were threatened, would, in defending it, violate all laws and escape all punishment.

Nor in so doing are the people indifferent to their rights; they are watchful of them and are willing to judge the future by the past. They see that the laws of man and the laws of nature have shielded them in the past; why should they doubt them in the future? The law of common carriers in every State inhibits injustice and inequality. The laws of nature, acting in the sphere of commerce, make the greed and ambition of man the instruments of justice and equality.

They see that united the result has been a constant triumph of progress and reform. Does any one dispute history? Are there not more railways and better service than ever before? Have we not more trains and better, more equipment and better, cheaper and more efficient management everywhere?

Does the gentleman from Texas deny that goods and passengers are carried cheaper by us than anywhere else in the world, and cheaper by us now than ever before? Perhaps he fears that these great laws of nature have lost their force. Have they? Was competition ever more aggressive on water and on land? Why, the gentleman from New York [Mr. HEWITT] can not take his first excursions over a new road without seeing from his window the surveying party that already lays the deadly parallel. [Laughter.] And if you fear that some obstacles are too mighty, remember that ten years ago we all said, with the Erie, the Central, and the Pennsylvania railways in the field, New York can secure no relief except from the resources of the national Treasury. But while we spoke competition, raising $100,000,000 without public knowledge or public solicitation, threw the Nickel Plate and West Shore into the arena, and there they will remain. [Applause.]

Nor has the desire to succeed in business ceased to be a rule, which includes railway managers in its healthy influence.

Managers were never more solicitious for business and never more ready to make sacrifices to get it. They know that rivals are so many they must themselves create and develop it, and in a one-sided partnership, where the customer gets all the benefit, they aid him in its creation or development. I challenge contradiction when I say that there never was a time when a company that wished to open a mine or a factory could get better returns than now. It is almost accurate to say that the miner or the manufacturer can fix his own rates for the years of experiment. Nor has the power of public opinion weakened. It controls the management of railways as a management and as individual men. The management knows that the surest path to business is that of public favor; that the popular road makes money, and to secure this popularity they spend money lavishly, they make concessions generously. Nor is generally enough stress laid on the character of the management and their natural desire as men to have the approbation of their neighbors and to secure that good report, that good reputation which is the highest prize of life.

Do not confound the managers of whom I speak, and whom I honor, with the great speculators in its securities, whom I despise. It is the speculators and the stock exchange that receive the public attention; it is the railway and its managers who deserve it. It is a great injustice to confound them. The managers are men of high character and great abilities. Theirs is a profession, and they are proud of it. They are sure to spend their lives in its practice, and most of them practice it in the same railway corporation. They are faithful, public-spirited, and as a rule honored and beloved by those among whom they live and with whom they deal. In their desire to retain and deserve this good opinion of their vicinage they are more apt to sacrifice their road than the public. But the great speculators, unlike you or me or them, remote from intercourse with the customers of the road, are indifferent to public opinion, and should be curbed. But, remember, these men, while their names are allied to the roads, almost never interfere with their practical management. Their sole interest is in the stock. That they seize; they hold it for a day, until they have worked their own wicked will on it, and then they cast it out dishonored, to be the prey of the next adventurer. If they retain it longer, it is only to elect a board of directors which shall suffer them to manipulate the securities, and, that accomplished, their interest ends.

The managers of the road meantime go on with their regular business, and have no more connection with the speculators whose names are in stock circles allied with their roads than you or I, Mr. Speaker, except the bitter disgust with which they see these bad men so confusing the distinction between themselves and the actual managers that in the public mind they are apt to stand in the same light and receive the same censure.

Let, then, the laws of man and of nature continue their work of progress and reform. Why attempt to restrict, why pass restrictions which will interfere with these general laws, which are working out the results you pretend to wish? Your effort is vain; your restrictions will be disregarded. Do you ask me how?

The railways, if these restrictions should become laws, will ostentatiously break them all. They will invite litigation until the wheels of the courts are clogged. That will challenge public attention, and public attention is redress. Or they will issue an order, which the whole railway system shall obey, that every locomotive from sea to sea shall stay in its roundhouse; then there will follow a silence from Portland in Oregon to Portland in Maine that can be felt, and only one voice will be heard, the familiar voice of our Speaker: "The gentleman from Texas asks unanimous consent to consider a bill to repeal an act entitled 'An act to regulate interstate commerce.' Is there objection?'" Mr. Speaker, just so sure as the report follows the flash, we shall hear as the end of the matter: "The Chair hears none." [Loud applause.]

[During the delivery of the foregoing remarks, when the five minutes of Mr. PHELPS had expired, Mr. REAN obtained the floor, and yielded his time to Mr. PHELPS.]

Mr. COX, of New York. Mr. Speaker, I think it would be a very proper sequence to the remarkable speech of my friend from New Jersey [Mr. PHELPS] to have read the telegram of Jay Gould to Mr. Cleveland, President-elect. [Laughter.]

Mr. COBB. I think so, too; I would like to hear it.

Mr. COX, of New York. Unfortunately I have no copy of that telegram now at hand.

I am here, Mr. Speaker, simply as a member of Congress, representing the people, not representing any corporate influence. I do not know railroads. I know the body of the people of New York, including many gentlemen connected with our trades-unions, &c., transportation associations, who favor this just and true bill of the gentleman from Texas [Mr. REAGAN]. I believe it is our business as Democrats, I will not say as statesmen [laughter and applause], because the gentlemen on the other side never recognize that idea [renewed laughter]—I believe the wise thing to be done is to check corporate power and corporate monopoly. The last election was based on that idea. I would like to send to the Clerk's desk to be read a statement in which the thing is brought right down to my very dear colleague from New York.

I do not believe in commissions. We had them in 1876. We had them on the tariff. We have had them since, and commissions are not wise or constitutional. Give us commissions, and you will find the people are not represented. Give us a fair show with the people, and railroads will be more or less catechised and a halt will be called on them.

Now I ask for the reading of that very interesting letter in Mr. Dana's New York Sun of this morning.

Before the Clerk had concluded reading the marked portion of the letter,

Mr. WILSON, of Iowa, said: Who is the author of that?

Mr. COX, of New York. I will have the whole of that letter printed in the RECORD.

Mr. WILSON, of Iowa. But who is the author?

Mr. COX, of New York. Mr. S. R. Davis, a gentleman from Iowa, likely one of your constituents. He ran for Congress, but was not elected.

Mr. WILSON, of Iowa. No; we do not elect that kind of fellows.

Mr. COX, of New York. Many were defeated who were good fellows.

The SPEAKER *pro tempore*. The gentleman's time is exhausted.

Mr. COX, of New York. I ask for the printing of the whole letter.

There was no objection, and it is as follows:

SHALL CORPORATE POWER BE CHECKED?—AN OPEN LETTER TO HON. S. S. COX.

DEAR SIR: I first became interested in political questions when an apprentice in a printing office in 1868. I was then a pronounced Democrat—as I am to-day. It has been my good fortune to read many of your grand utterances in defense of the principles of constitutional government, and with pride and admiration I have watched your course in the Congress of the United States during all these years of Republican party power.

I have seen with sorrow great evils creeping into our political system, and have witnessed with alarm the growing power of corporate influence. As a citizen of the West, one having the welfare of the laboring people of this country at heart, and desirous of seeing the Democratic party give the people a Democratic administration in the true sense of the term, I take the liberty of addressing you, believing that you are a genuine representative of the people and not the agent of the corporations.

I see that the question of regulating interstate commerce is before Congress, and that there is a bill pending for the appointment of a national railway commission to adjust the differences between the railroads and the people. I hope no Democrat will vote for this swindling artifice, conceived for the benefit of railroad corporations. How can a commission in less than a century attend to the business which might accumulate on its hands? What assurance can the people have that the members of the commission will not be the agents of the corporations? They are not elected by the people and not directly responsible to them. Judge REAGAN'S bill is infinitely preferable.

But what spirit has taken possession of Congress in these latter days? Why does it vote to create so many swindling commissions to perform its own functions?

It was the duty of Congress in 1876 to declare Mr. Tilden President, but it abdicated its power and created the electoral commission, a body unknown to the Constitution, and the people were thus swindled out of the Presidency.

It is the duty of Congress to suppress polygamy, but it preferred rather to turn that business over to three gentlemen known as the Mormon Commission, and how much has that wonderful Commission accomplished?

It was likewise the duty of Congress to reduce the outrageous taxes, but it created a tariff commission, composed of high tariff men, to give the people relief. The Ways and Means Committee of the House could have made a more satisfactory investigation than the tariff commissioners at one-third the expense.

Again, "Congress has the power to coin money and regulate the value thereof," and the Supreme Court says it has power to issue legal-tender Treasury notes, but yet the money of the people is issued on the commission plan. Congress, instead of controlling the volume of currency, delegates its power to corporations, whose interests prompt them to keep money scarce enough to make interest high, and thus oppress the people and depress trade.

The people of the West are hoping and praying that the railway commission bill will be killed in Congress. It will certainly do no good, and give the railroads a loophole through which to escape from their obligation and responsibility to the public, whose creatures they are. Iowa and Wisconsin have the railway commission system, and they have proved beneficial only to the railroads, whose pliant tools they are. It is the duty of Congress to regulate interstate commerce and prevent extortion upon the people from railroad corporations. It should not shirk that responsibility by creating a body to do the work it was itself elected to perform.

I hope that you and your Democratic associates in Congress will stand firmly for the rights of the people, and give the national banks and railroad monopolies to understand that the people are sovereign, and not the corporations.

Yours, truly,

S. R. DAVIS.

CRESTON, IOWA, *December* 13, 1884.

Mr. COX, of New York. I also ask to print an extract from Mr. REAGAN'S speech to show the animus and reasoning in general for this bill.

There was no objection, and the extract is as follows:

I might multiply such evidences of opinion of impartial, disinterested, and patriotic men of all parts of the country; and I invite you to contrast them with the interested, selfish opinions of railroad lawyers and railroad managers and experts, paid for by the railroads out of money wrung from the hard earnings of people engaged in other vocations. Do you think such a question can be whistled down the wind by the vast throng of mercenaries who infest the halls and corridors and committee-rooms of Congress, for the purpose of influencing the action of members whenever this question comes up for consideration?

The wishes of the people on this subject may be baffled and delayed for a time, on pretexts reasonable and unreasonable. But when we consider the magnitude of the interest involved; that the transportation of not less than three thousand million dollars' worth of commerce annually, in which 50,000,000 people are interested; that the larger part of this is interstate commerce; that in all the world's history so much of interest has not been left without the protection of law, and to the mercy of a class of persons interested in levying the largest exactions on it; and when we consider the principles involved, and the probable, nay, the almost inevitable, consequences to the property interests, the prosperity, the happiness, and ultimately the dangers to our liberties and form of government, I say to you, in all seriousness, action by Congress on this subject can not much longer be delayed. So many interests are so constantly affected that all men must see a solution of this problem must come; and I do not think it can ever come through a more just or more conservative measure than the one now before you.

This measure was not conceived in hostility to the railroads. Their great value as a means of progress and prosperity are fully understood by all. No good citizen could wish to cripple or to harm them. No one would hail with more pleasure than myself their prosperity. My judgment is that the passage of the bill before us would benefit them, while it would benefit and protect the people.

Mr. REAGAN. I move to limit debate on the pending section and amendment to five minutes.

Mr. REED. Oh, no.

Mr. HORR. I hope that will not be done.

Mr. REED. I hope the gentleman will not limit debate. We have

not had any debate on this as yet. We have had nothing but essay reading.

Mr. REAGAN. I will give the gentleman five minutes.

Mr. REED. I suggest he give us half an hour's debate.

Mr. REAGAN. I would be glad to do it, but debate on this subject has been exhausted.

Mr. REED. If the gentleman thinks it has been exhaustively discussed, there are other gentlemen here who have not that impression about it.

The SPEAKER *pro tempore*. This question is not debatable.

Mr. HORR. I hope the gentleman will give us half an hour.

Mr. REAGAN. I would be glad to do so, but I wish to get this measure out of the way of other business.

Mr. REED. The gentleman will facilitate his business by doing so.

Mr. REAGAN. If the gentleman is disposed to block business he can do so.

Mr. REED. No one is disposed to block business.

The SPEAKER *pro tempore*. This question is not debatable.

Mr. REED. Under what rule is it not debatable?

The SPEAKER *pro tempore*. Motions to limit debate are not debatable.

Mr. REED. Will the gentleman point out any such decision?

Mr. ANDERSON. The Chair has decided the question.

The SPEAKER *pro tempore*. That has been the ruling in the Committee of the Whole and the ruling of the House when the previous question is demanded to cut off debate.

Mr. REED. I make the point of order, under the rule of the House established yesterday, there was no limitation of debate on a question of this kind.

The SPEAKER *pro tempore*. The gentleman's point of order is overruled.

Mr. REED rose. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair has decided the point of order.

Mr. REED. The gentleman can exercise the force of his position, of course, and can take advantage of it. [Cries of "Regular order!"] My point of order is made in good faith.

The SPEAKER *pro tempore*. And the Chair has ruled upon it in good faith.

Mr. REED. There is no such rule.

The SPEAKER *pro tempore*. The point of order was addressed to the Chair, and the Chair has ruled upon it.

Mr. REED. The Chair ruled on it in a peculiar way. [Cries of "Regular order!"] You can not howl us down. [Cries of "Regular order!"]

Mr. ROGERS, of Arkansas. If the gentleman from Maine wants to, let him take an appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The question is on agreeing to the motion of the gentleman from Texas [Mr. REAGAN].

The House divided; and there were—ayes 100, noes 2.

Mr. HORR. No quorum has voted.

The SPEAKER *pro tempore*. The Chair will order tellers.

Mr. REAGAN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. O'HARA. I move the House do now adjourn; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 8, nays 186, not voting 129; as follows:

YEAS—8.

Boutelle,	Evans,	Johnson,	Smalls,
Brewer, J. H.	Harmer,	O'Hara,	Stone.

NAYS—186.

Adams, G. E.	Cassidy,	Glascock,	Laird,
Adams, J. J.	Chace,	Green,	Lamb,
Alexander,	Clardy,	Greenleaf,	Lanham,
Anderson,	Clements,	Halsell,	Lawrence,
Bagley,	Cobb,	Hammond,	Le Fevre,
Barksdale,	Converse,	Hancock,	Lewis,
Beach,	Cook,	Hardeman,	Long,
Bennett,	Covington,	Haynes,	Lore,
Bisbee,	Cox, S. S.	Henderson, D. B.	Lowry,
Blackburn,	Cox, W. R.	Henderson, T. J.	Lynnan,
Blanchard,	Cullen,	Henley,	McAdoo,
Blount,	Dargan,	Hepburn,	McComas,
Boyle,	Dibble,	Hill,	McMillin,
Bratton,	Dibrell,	Hiscock,	Matson,
Breckinridge,	Dingley,	Hoblitzell,	Mills,
Brewer, F. B.	Dowd,	Holman,	Mitchell,
Brown, W. W.	Dunn,	Holmes,	Morrill,
Browne, T. M.	Eaton,	Holton,	Moulton,
Buchanan,	Elliott,	Hopkins,	Murray,
Buckner,	English,	Houseman,	Neece,
Budd,	Ermentrout,	Howey,	Nelson,
Burleigh,	Everhart,	Hunt,	Nicholls,
Burnes,	Ferrell,	Hurd,	Nutting,
Cabell,	Follett,	James,	O'Ferrall,
Campbell, Felix	Foran,	Jeffords,	O'Neill, Charles
Campbell, J. E.	Forney,	Jones, B. W.	Payne,
Campbell, J. M.	Funston,	Jones, J. H.	Peel,
Candler,	Fyan,	Jordan,	Perkins,
Cannon,	Geddes,	Kleiner,	Peters,
Carleton,	Gibson,	Lacey,	Pierce,
Price,	Singleton,	Throckmorton,	White, J. D.
Pryor,	Skinner, C. R.	Tillman,	White, Milo
Pusey,	Smith, A. H.	Townshend,	Wilkins,
Reagan,	Smith, H. Y.	Tucker,	Williams,
Reese,	Spooner,	Tully,	Willis,
Riggs,	Springer,	Turner, H. G.	Wilson, James
Robinson,	Stephenson,	Turner, Oscar	Wilson, W. L.
Robertson, J. S.	Stewart, Charles	Van Alstyne,	Winans, E. B.
Robinson, W. E.	Stockslager,	Van Eaton,	Winans, John
Rogers, J. H.	Storm,	Wait,	Wise, G. D.
Rogers, W. F.	Strait,	Wallace,	Wolford,
Rosecrans,	Struble,	Ward,	Wood,
Ryan,	Sumner, C. A.	Warner, A. J.	Woodward,
Scales,	Talbott,	Warner, Richard	Worthington,
Seney,	Taylor, J. D.	Weaver,	Yaple.
Seymour,	Thomas,	Wellborn,	
Shively,	Thompson,	Wemple,	

NOT VOTING—129.

Aiken,	Dorsheimer,	Ketcham,	Ranney,
Arnot,	Dunham,	King,	Ray, G. W.
Atkinson,	Eldredge,	Libby,	Ray, Ossian
Ballentine,	Ellis,	Lovering,	Reed,
Barbour,	Ellwood,	McCold,	Rice,
Barr,	Fiedler,	McCormick,	Rockwell,
Bayne,	Findlay,	Maybury,	Rowell,
Belford,	Finerty,	Millard,	Russell,
Belmont,	Garrison,	Miller, J. F.	Shaw,
Bingham,	George,	Miller, S. H.	Shelley,
Bland,	Golf,	Milliken,	Skinner, T. G.
Bowen,	Graves,	Money,	Slocum,
Brainerd,	Guenther,	Morgan,	Reed,
Breitung,	Hanback,	Morrison,	Snyder,
Broadhead,	Hardy,	Morse,	Spriggs,
Brumm,	Hart,	Muldrow,	Steele,
Cadwell,	Hatch, H. H.	Muller,	Stevens,
Chalmers,	Hatch, W. H.	Murphy,	Stewart, J. W.
Clay,	Hemphill,	Mutchler,	Sumner, D. H.
Collins,	Herbert,	Oates,	Taylor, E. B.
Connolly,	Hewitt, A. S.	Ochiltree,	Taylor, J. M.
Cosgrove,	Hewitt, G. W.	O'Neill, J. J.	Valentine,
Crisp,	Hitt,	Paige,	Vance,
Culberson, D. B.	Hooper,	Parker,	Wadsworth,
Culbertson, W. W.	Horr,	Patton,	Wakefield,
Curtin,	Houk,	Payson,	Washburn,
Cutcheon,	Hutchins,	Pettibone,	Weller,
Davidson,	Jones, J. K.	Phelps,	Whiting,
Davis, G. R.	Jones, J. T.	Poland,	Wise, J. S.
Davis, L. H.	Kean,	Post,	York,
Davis, R. T.	Keifer,	Potter,	Young.
Deuster,	Kelley,	Randall,	
Dockery,	Kellogg,	Rankin,	

So the House refused to adjourn.

Mr. ANDERSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. O'HARA. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. DAVIDSON with Mr. HOUK, for this day.

Mr. COVINGTON with Mr. HOLTON, for this day.

Mr. MURPHY with Mr. HENDERSON, of Illinois, until further notice.

Mr. WELLER with Mr. EZRA B. TAYLOR, until further notice.

Mr. HOUK with Mr. DAVIDSON, for this day.

Mr. DAVIDSON. I wish to state that this pair was in existence when the last roll-call took place, but I believe it was not announced.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Texas to limit debate, on which the yeas and nays were ordered. The Clerk will call the roll.

Mr. HISCOCK. I would like to ask the gentleman from Texas if he is not willing to allow ten minutes for debate to this side of the House on this question.

Mr. REAGAN. Undoubtedly it would be better to give ten minutes than to consume time in calling the roll, if that would be satisfactory. Can the gentleman speak for that side of the House? Unless the gentleman can speak for that side, I could not undertake to consent to such an arrangement.

The SPEAKER *pro tempore*. The Chair understands the gentleman from New York to ask unanimous consent that ten minutes be allowed for debate on this section and the pending amendment.

Mr. HISCOCK. My proposition was that ten minutes be given to this side of the House.

Mr. REAGAN. If that can be reached by unanimous consent, I will consent to it.

The SPEAKER *pro tempore*. The Chair will submit the question to the House. Is there unanimous consent that the order for the yeas and nays be set aside and that ten minutes be given for debate, the time to be consumed by the gentlemen on the other side?

There was no objection, and it was ordered accordingly.

Mr. HISCOCK. I yield the time to the gentleman from Michigan [Mr. HORR].

Mr. HORR was recognized.

INVESTIGATION OF MARSHAL FOR SOUTHERN DISTRICT OF OHIO.

Mr. ERMENTROUT. Mr. Speaker, before the gentleman from Michigan proceeds I would like to ask unanimous consent to present a privileged report from the Committee on Accounts with reference to a matter that ought to be disposed of promptly.

The SPEAKER *pro tempore*. Is there objection to the gentleman

from Pennsylvania submitting a privileged report from the Committee on Accounts?

There was no objection.

Mr. ERMENTROUT. I submit the report which I send to the desk.

The Clerk read as follows:

"*Resolved*, That the resolution adopted by the House of Representatives on the 3d day of December, 1884, authorizing an investigation into the conduct of Lot Wright, United States marshal for the southern district of Ohio, be, and the same is hereby, amended by adding thereto the following, to wit:

"'The Clerk of the House upon the order of the chairman of said subcommittee shall advance to him, in amounts not exceeding $1,000 at a time, such sums as may be required to meet the expenses of said subcommittee, said amounts to be properly accounted for by proper vouchers duly certified by the chairman.'"

The Committee on Accounts, to whom was referred the foregoing resolution, approved December 18, 1884, having considered the same, report herewith a substitute for the resolution and recommend its passage.

Resolved, That the resolution adopted by the House of Representatives on the 2d day of December, 1884, authorizing an investigation into the conduct of Lot Wright, United States marshal for the southern district of Ohio, be, and the same is hereby, amended by adding the following, to wit:

"The Clerk of the House upon the order of the chairman of said subcommittee shall advance to him in amounts not exceeding $1,000 at a time, and not exceeding in the aggregate under this resolution the sum of $3,000, to meet the necessary expenses of said subcommittee, said amounts to be properly accounted for by proper vouchers duly certified by the chairman."

Mr. KEIFER. Mr. Speaker, I would like to hear from the gentleman in charge of this matter what the purpose is in limiting the amount that is proposed to be allowed for this very important investigation. I yield to him for an answer.

Mr. ERMENTROUT. The explanation is that the committee did not see the propriety of any committee of this House being allowed to dispose of the contingent fund of the House without limit; and as it was understood that this resolution and the moneys called for by it were to meet certain expenditures which are expected to be made during the holiday recess, after consultation with the chairman of the committee this substitute was agreed to for the amount proposed in the original resolution which was referred to the committee.

Mr. KEIFER. But, Mr. Speaker, are we to understand that this is a final limitation of the expenditure for that investigation?

Mr. ERMENTROUT. Not at all.

Mr. KEIFER. There is no provision for a further appropriation to meet the expenses.

Mr. ERMENTROUT. It is always in the control of the House to make such appropriations, and this substitute was prepared by the committee to meet what they believed to be the necessities of the case. This investigation will occur during the recess; and the committee, upon consultation, as I said before, with the chairman of the investigating committee, concluded that this amount would be satisfactory. There is no disposition, I will add for the information of the gentleman from Ohio, to withhold any sums necessary for the purposes of investigation that the committee may find necessary.

Mr. KEIFER. I do not want it to be understood that this is final.

Mr. ERMENTROUT. But, Mr. Speaker, there is another reason why the substitute is proposed in place of the amendment submitted to the committee. Some time ago a resolution like this was proposed, authorizing the chairman of one of the committees of this House to appropriate all the money required in an investigation in sums of $1,000 at a time, and we thought it was playing a little too much havoc with our contingent fund to propose to appropriate it in such a way without limit. We desire to control it to some extent at least, if the Committee on Accounts have power to do so. With that I hope the gentleman is satisfied.

Mr. KEIFER. The amount proposed to be appropriated is inconsiderable in view of the fact that we are about to embark on an exceedingly extensive investigation. If the Committee on Expenditures in the Department of Justice or the subcommittee is to be limited in its expenditures in this way, I am a little suspicious that just a certain class of testimony will be gathered and that we will get a report here that will not cover the entire case; and it will probably not be the fault of the committee that enters upon the investigation. If there is to be but $3,000—the sum fixed in the resolution if I understood it aright—expended in this investigation, it seems to me that will be expended in gathering up testimony on the affirmative of this proposition; and the great question, covering the testimony of perhaps a few thousand witnesses, at a very considerable cost to the Government, will be left entirely unsettled, and the Congress of the United States and the country will be without the desired information.

Mr. ERMENTROUT. I will say to the gentleman from Ohio that there can be no fear of that. If the gentleman had paid attention to the language of the resolution he would have seen it speaks of moneys advanced before expenses are incurred. It is to cover that that the resolution is drawn.

Mr. KEIFER. But this is a limitation.

Mr. ERMENTROUT. It is, as I have said, a limitation of moneys advanced before expenses are incurred.

Mr. KEIFER. Let the Clerk again read the resolution.

The resolution was again read.

Mr. ERMENTROUT. If the gentleman from Ohio has no more questions to ask I will call the previous question.

Mr. KEIFER. I have not yielded the floor. If the gentleman from Pennsylvania [Mr. ERMENTROUT] has any further suggestions to make I am willing to hear him. I am anxious to understand this matter. The proposition here is to place a complete limitation upon the expenditures of the committee, the limitation being $3,000.

Mr. ERMENTROUT. The resolution does not do that. But it is not proposed to give power to the chairman of any committee to advance sums in unlimited amount.

Mr. KEIFER. I understand the economic reason given by the gentleman from Pennsylvania, and appreciate it, I hope. But I do not think it is possible for this committee to enter upon an investigation, with so much involved and having such a wide scope as this, and get along with an expenditure of $3,000. I do not know but many more than 3,000 witnesses are to be called.

Mr. ERMENTROUT. I did not yield the floor to the gentleman from Ohio.

Mr. KEIFER. I will yield to the gentleman from Pennsylvania if he has any further suggestion to make.

Mr. ERMENTROUT. I move the previous question.

Mr. KEIFER. I think I have the floor. If the gentleman desires to ask a question I will yield.

The SPEAKER *pro tempore* (Mr. BAGLEY). The gentleman from Pennsylvania [Mr. ERMENTROUT] has the floor and refuses to yield.

Mr. KEIFER. I have been debating this question for a considerable time, and have not yielded the floor to the gentleman from Pennsylvania except to permit him to ask a question; and now I am not to be taken from the floor because the distinguished gentleman who has been lately occupying the chair [Mr. SPRINGER] has just left it.

Mr. ERMENTROUT. I do not understand that I yielded the floor to the gentleman from Ohio.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Pennsylvania simply yielded to the gentleman from Ohio for a question.

Mr. KEIFER. I addressed the Chair, and the notes of the reporter will show that I proceeded to debate the resolution. The gentleman from Pennsylvania [Mr. ERMENTROUT] asked me questions, and I have been willing to hear him in order that I may understand the resolution. I think the gentleman who has just left the chair [Mr. SPRINGER] understands this to be the position. I do not intend to offer any factious opposition, but I want this matter to be fairly understood.

Mr. ERMENTROUT. The gentleman from Ohio [Mr. KEIFER] asked me for an explanation. I gave it. That did not take me from the floor. I insist on the demand for the previous question.

Mr. KEIFER addressed the Chair.

Mr. BLOUNT. I rise to a question of order. I submit that the Chair has already ruled that the gentleman from Pennsylvania [Mr. ERMENTROUT] is entitled to the floor.

The SPEAKER *pro tempore*. The Chair decided that the gentleman from Pennsylvania had the floor. He was so informed by the gentleman who resigned the chair [Mr. SPRINGER] a moment ago. The Chair recognizes the gentleman from Pennsylvania.

Mr. KEIFER. But does the Chair claim the right to recognize the gentleman from Pennsylvania while I am occupying the floor by the recognition of the former occupant of the chair?

Mr. SPRINGER. I hope I may be allowed one moment.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Pennsylvania [Mr. ERMENTROUT].

Mr. KEIFER. The Chair has the power to do that, but not the right.

Mr. ERMENTROUT. I move the previous question.

Mr. SPRINGER. Will the gentleman from Pennsylvania yield to me for one moment?

Mr. ERMENTROUT. No, sir.

The SPEAKER *pro tempore*. The question is on ordering the previous question on the resolution.

The previous question was ordered.

Mr. KEIFER. Now I ask for recognition by the Chair to debate this question under the rule.

Several members called for the regular order.

Mr. KEIFER. The regular order is debate for thirty minutes on this resolution.

The SPEAKER *pro tempore*. There has been debate on it.

Mr. KEIFER. But the Chair has just decided I did not debate it, and did not have the floor to debate it.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. ERMENTROUT] debated the question. That gentleman had the floor, and the gentleman from Ohio rose simply to ask a question, and the gentleman from Pennsylvania yielded for a question and nothing else, as the Chair understands.

Mr. KEIFER. Then debate did not follow under the ruling of the Chair; and hence I am entitled now to debate the resolution.

The SPEAKER *pro tempore*. There was debate by the gentleman from Pennsylvania.

Mr. KEIFER. There has been no debate under the rule. We are entitled to thirty minutes after the previous question has been ordered, to be equally divided between those supporting the resolution and those opposing it. That right is given under, I think, the last paragraph of Rule XXVIII.

The SPEAKER *pro tempore*. The Chair has decided the question. The question is on the adoption of the resolution.

Mr. KEIFER. Does the Chair hold that debate is not in order?

The SPEAKER *pro tempore*. No further debate is in order.

The question being taken, the resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

Mr. HART. I call for the yeas and nays.

The SPEAKER *pro tempore* (Mr. SPRINGER). On what motion?

Mr. HART. On the motion to lay on the table the motion to reconsider.

The yeas and nays were ordered, 46 members voting therefor.

The question was taken; and there were—yeas 137, nays 56, not voting 130; as follows:

YEAS—137.

Adams, J. J.	Dibrell,	Le Fevre,	Stephenson,
Alexander,	Dunn,	Lore,	Stewart, Charles
Bagley,	Eaton,	Lowery,	Stockslager,
Barksdale,	Eldredge,	McAdoo,	Storm,
Beach,	Elliott,	McMillin,	Sumner, C. A.
Bennett,	English,	Matson,	Thompson,
Blanchard,	Ermentrout,	Miller, J. F.	Tillman,
Blount,	Ferrell,	Mills,	Townshend,
Boyle,	Follett,	Mitchell,	Tucker,
Bratton,	Foran,	Moulton,	Tully,
Breckinridge,	Forney,	Neece,	Turner, H. G.
Brewer, F. H.	Fyan,	Nicholls,	Turner, Oscar
Brewer, J. H.	Geddes,	O'Ferrall,	Van Alstyne,
Broadhead,	Gibson,	O'Neill, J. J.	Van Eaton,
Brown, W. W.	Glascock,	Pierce,	Wallace,
Buchanan,	Green,	Peel,	Ward,
Budd,	Greenleaf,	Pryor,	Warner, A. J.
Burnes,	Halsell,	Pusey,	Warner, Richard
Cabell,	Hammond,	Reagan,	Weaver,
Campbell, Felix	Hardeman,	Reese,	Wellborn,
Campbell, J. E.	Hill,	Riggs,	Wemple,
Candler,	Hoblitzell,	Robertson,	Wilkins,
Carleton,	Holman,	Rogers, J. H.	Williams,
Cassidy,	Hopkins,	Rogers, W. F.	Willis,
Clardy,	Houseman,	Rosecrans,	Wilson, W. L.
Clements,	Hunt,	Scales,	Winans, E. B.
Cobb,	Hurd,	Seney,	Winans, John
Collins,	Hutchins,	Seymour,	Wise, G. D.
Converse,	Jones, B. W.	Shelley,	Wolford,
Cook,	Jones, J. H.	Shively,	Wood,
Cox, S. S.	Jordan,	Singleton,	Worthington,
Cox, Wm. R.	Kleiner,	Smalls,	Yaple.
Curtin,	Lacey,	Smith, A. H.	
Deuster,	Lamb,	Smith, H. Y.	
Dibble,	Lanham,	Springer,	

NAYS—56.

Adams, G. E.	Funston,	Laird,	Rockwell,
Anderson,	George,	Libbey,	Rowell,
Boutelle,	Guenther,	Long,	Ryan,
Browne, T. M.	Harmer,	McComas,	Skinner, C. R.
Brumm,	Hart,	Morrill,	Spooner,
Cannon,	Haynes,	Nelson,	Stone,
Chace,	Henderson, D. B.	Nutting,	Strait,
Cullen,	Hepburn,	O'Hara,	Struble,
Cutcheon,	Hitt,	O'Neill, Charles	Taylor, J. D.
Davis, G. R.	Holmes,	Payne,	Thomas,
Davis, R. T.	Holton,	Perkins,	White, J. D.
Dingley,	Horr,	Peters,	White, Milo
Evans,	James,	Price,	Wilson, James
Everhart,	Keifer,	Ray, Ossian	Woodward,

NOT VOTING—130.

Aiken,	Dowd,	King,	Ranney,
Arnot,	Dunham,	Lawrence,	Ray, G. W.
Atkinson,	Ellis,	Lewis,	Reed,
Ballentine,	Ellwood,	Lovering,	Rice,
Barbour,	Fiedler,	Lyman,	Robinson, J. S.
Barr,	Findlay,	McCoid,	Robinson, W. E.
Bayne,	Finerty,	McCormick,	Russell,
Belford,	Garrison,	Maybury,	Shaw,
Belmont,	Goff,	Millard,	Skinner, T. G.
Bingham,	Graves,	Miller, S. H.	Slocum,
Bisbee,	Hanback,	Milliken,	Snyder,
Blackburn,	Hancock,	Money,	Spriggs,
Bland,	Hardy,	Morgan,	Steele,
Bowen,	Hatch, H. H.	Morrison,	Stevens,
Brainerd,	Hatch, W. H.	Morse,	Stewart, J. W.
Breitung,	Hemphill,	Muldrow,	Sumner, D. H.
Buckner,	Henderson, T. J.	Muller,	Tarbott,
Burleigh,	Henley,	Murphy,	Taylor, E. B.
Caldwell,	Herbert,	Murray,	Taylor, J. M.
Campbell, J. M.	Hewitt, A. S.	Mutchler,	Throckmorton,
Chalmers,	Hewitt, G. W.	Oates,	Valentine,
Clay,	Hiscock,	Ochiltree,	Vance,
Connolly,	Hooper,	Paige,	Wadsworth,
Cosgrove,	Honk,	Parker,	Walt,
Covington,	Howey,	Patton,	Wakefield,
Crisp,	Jeffords,	Payson,	Washburn,
Culberson, D. B.	Johnson,	Pettibone,	Weller,
Culbertson, W. W.	Jones, J. K.	Phelps,	Whiting,
Dargan,	Jones, J. T.	Poland,	Wise, J. S.
Davidson,	Kean,	Post,	York,
Davis, L. H.	Kelley,	Potter,	Young.
Dockery,	Kellogg,	Randall,	
Dorsheimer,	Ketcham,	Rankin,	

So the motion to reconsider the vote by which the resolution was adopted was laid on the table.

The SPEAKER *pro tempore*. The Clerk will announce the additional pairs.

The following-named members were announced as paired for the remainder of the day:

Mr. DOWD with Mr. JOHNSON.
Mr. MURRAY with Mr. HOWEY.
Mr. HENLEY with Mr. PAYSON.
Mr. THROCKMORTON with Mr. HANBACK.
Mr. BUCKNER with Mr. WAIT.
Mr. TALBOTT with Mr. BINGHAM.
Mr. SPRIGGS with Mr. PARKER.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills and joint resolution of the following titles: in which the concurrence of the House was requested.

A bill (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same;

A bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company;

A bill (S. 2417) to amend section 993 of the Revised Statutes relating to the District of Columbia; and

Joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] is entitled to the floor for ten minutes.

Mr. HORR. Mr. Speaker, this debate strangely enough, at its very close, seemed to take a very wide range. I had supposed we were discussing a question as to the policy of permitting railroad companies to pool their earnings. But the gentleman from New York [Mr. COX], whom I do not now see in the House, saw fit to get the floor and cause to be read a letter from some gentleman—or rather some "crank"—from the West; and then, as if by a preconcerted plan, the gentleman from Texas, in order to muzzle this side of the House and prevent us from investigating the important questions presented by that letter, tries to shut down the valve and prevent the escape of all sentiments upon that question.

The gentleman from New York—I am sorry he is not here—introduced this letter of some one from the West, whom I have seen fit to designate as a "crank." That I may prove to the House that the designation is accurate, I wish to have read the first part of that letter, a portion which the gentleman from New York omitted to have read in the presence of the House. I will ask the Clerk to read it, just the first paragraph.

Mr. COX, of New York (entering the Hall). Can not I read it myself?

Mr. HORR. No; the Clerk will read it. But I am glad that the gentleman is here. I am having read, Mr. Speaker, a portion of that letter which the gentleman from New York omitted to have read; and I desire the reading of this portion as an explanation of why the gentleman had the rest of the letter read, and also to prove to this House the truth of my assertion that the letter came from some "crank." I ask the Clerk to read.

The Clerk read as follows:

AN OPEN LETTER TO HON. S. S. COX.

DEAR SIR: I first became interested in political questions when an apprentice in a printing office in 1868. I was then a pronounced Democrat, as I am to-day.

[Applause on the Democratic side.]

It has been my good fortune to read many of your grand utterances in defense of the principles of constitutional government, and with pride and admiration I have watched your course in the Congress of the United States during all these years of Republican power.

[Laughter and applause.]

Mr. HORR. That is sufficient to sustain my statements. [Laughter.]

Now, Mr. Speaker, the burden of the letter which the gentleman saw fit to have read for the edification of the members of this House was a trite and worn-out notion that all the commissions of this country heretofore have been failures. And, true to his Democratic instincts, he cites first and foremost among them the commission of 1876—the electoral commission.

So far as my memory goes that was a commission forced upon this country by a vote of Democratic Senators; also by a Democratic House. [Cries of "Oh, no!" on the Democratic side.] Oh, yes! I have the vote right here. A Democratic House passed the bill to create that commission. Out of 191 votes in this branch of Congress for the commission, 131 Democrats voted to compel the people of this country to settle that question by a commission. Only 18 Democrats voted "no."

The gentleman from New York voted "yea," and a majority of the Republicans voted against the bill. The commission, thus proposed and organized by Democratic votes, examined the case and settled it under their consciences as honest men. [Cries of "Oh, no!" on the Democratic side.] I repeat, on their oaths they settled it as honest men, and the very party which forced that commission upon the people has been whining about it from that day down to the present time. [Applause on the Republican side.]

Now, Mr. Speaker, another commission which this gentleman assails is the commission that took testimony in reference to the tariff question and made a report on this subject to Congress. This man, in his wisdom, states that that commission was a failure, and that the subject should have been left to the Ways and Means Committee of this House. We have had a little taste of the Ways and Means Committee and of that commission. The Ways and Means Committee of the present House investigated the tariff, and in the abundance of their wisdom reported to this House a bill which, as they claimed, would relieve the toiling millions of this nation, and in this House, with seventy-two Democratic majority, the head of that bill was taken right off before we were hardly permitted to enter the threshold of the subject.

Mr. GIBSON. Was not that motion supported by every Republican vote?

Mr. HORR. Mr. Speaker, a Democratic majority of seventy-two, if they believe in anything, ought to be able to stand by it in the Halls of the American Congress. We Republicans differ with those gentlemen on the tariff question. I believe that tariff commission did a good work; I believe it did its duty faithfully; and to-day my objection to the bill of the gentleman from Texas is that it attempts by iron-clad rules to govern the great commercial arteries of this country, which can not be governed in that way. And when the gentleman from New York [Mr. HEWITT] was speaking upon that question I held my breath to hear from that side of the House so much good sense. [Laughter.] It was so unusual.

Now, Mr. Speaker, I say that the trouble with the bill of the gentleman from Texas is that it undertakes to do here in this House a thing which can only be done by a commission composed of men who can sit down and examine each and every case by itself, and thus be able to get at all the difficulties of the subject and decide each transaction intelligently. I am in favor of such a commission.

[Here the hammer fell.]

Mr. COX, of New York. Mr. Speaker——

Several MEMBERS. Debate is closed.

The SPEAKER *pro tempore*. The question is upon the adoption of the amendment of the gentleman from New York [Mr. HEWITT]. [Cries of "Regular order!"]

Mr. COX, of New York. Mr. Speaker, I am sorry the gavel has been broken in trying to keep me down. I hope there will be unanimous consent——

The SPEAKER *pro tempore*. By order of the House, debate has been closed upon the pending amendment and upon the section under consideration.

Mr. COX, of New York. I shall seek recognition on the next paragraph.

The SPEAKER *pro tempore*. The question is upon the adoption of the amendment proposed by the gentleman from New York [Mr. HEWITT], which the Clerk will again read.

The Clerk read as follows:

Add to the third section the words "unless the rates established by said pooling contracts shall be reasonable and just."

The amendment was not agreed to.

Mr. BUDD. In pursuance of an understanding with the gentleman from Texas in charge of this bill I propose the following amendment, to correct the evils pointed out by me in my remarks:

Strike out, after the word "railroads," in line 12, the words "by dividing" and insert the words "or to divide."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

Mr. ADAMS, of Illinois. I move to amend by striking out the words "receiving, storing, forwarding, or handling."

Mr. Speaker, the only purpose of inserting such words in a bill like this is to prevent a railway company from making an unfair charge for transportation of goods and concealing that charge under the disguise of a charge for receiving, storing, forwarding, or handling goods, or for other terminal service. There is no need of such words in this particular bill, because immediately afterward, in section 5, you have a provision for printed schedules of rates in which the company is obliged to declare what part of a charge is for the service of transportation and what part is for storing or handling or other terminal facilities.

And I desire to remind the gentleman from Texas—and I beg to assure him I make this amendment in perfect good faith—that the practical effect of inserting these words in the bill will be to prevent certain localities in the country from enjoying the facilities for which they have already paid large sums of money. It is well known to every one familiar with this question that up to ten years ago the city of New York, having, or believing she had, the monopoly of the Western freight, became careless about her terminal facilities, and the cities of Boston, Philadelphia, and Baltimore, for the purpose of taking away some part of that freight from the city of New York, spent a large amount of money in the building of docks and warehouses, whereby they rendered the handling of freight in those places cheaper than before, and New York was forced to follow the example of those cities. And in the city of Chicago there was built not many years ago what is known as a belt railway. It encircles that city on the land side, intersecting every railway that terminates there. Its function is to facilitate the transfer of freight from one railroad line to another. Its effect is to diminish the cost of the handling of freight in the city of Chicago. Why should not that city be allowed to get the benefit of low rates for handling goods for which it has paid?

Other facilities have been granted the railroads centering in Chicago by the people of that city, and at the expense of the people of that city. They have changed the grades of streets there to facilitate the building of viaducts in order to diminish the cost of handling freights.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. ADAMS, of Illinois. I hope I will be allowed to continue for two or three minutes longer in further explanation of the provisions of the bill. I do it in good faith, as I have no desire to delay a vote on this bill.

The SPEAKER *pro tempore*. Is there objection?

Mr. REAGAN. I prefer that debate shall proceed under the five-minute rule.

Mr. CANNON. I will take the floor and yield to my colleague.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that that body further insisted on its amendments to the bill (H. R. 7510) making temporary provision for the naval service disagreed to by the House of Representatives.

INTERSTATE-COMMERCE BILL.

The House resumed the consideration of the interstate commerce bill.

Mr. REAGAN. The purpose of the amendment of the gentleman from Illinois is to strike out from the fifth line of section 4 the words "receiving, storing, forwarding, or handling." Now, what will be the effect of it? Why, it would enable the railroads to make gross charges for receiving, storing, forwarding, or handling, and other terminal facilities. There would be no protection against the power of railroads to discriminate if that amendment were adopted, as will be seen by reading the preceding part of the section. It is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad.

In the fifth section of this bill it is provided, in lines 11, 12, and 13, as follows:

And the accounts for such service—

That is, for receiving, delivering, loading, unloading, storing, and handling the same—

And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

If you will let the sections stand as they are the country will be protected against the power of discrimination, but if you sustain the amendment of the gentleman from Illinois, and allow the railroad companies to make aggregate charges for receiving, storing, delivering, handling, and other terminal facilities, the effect will be to destroy the protective features of this bill. It will destroy entirely the effect of the bill, and I do not know a gentleman who more quietly and gently comes to destroy the bill than the gentleman from Illinois.

Mr. ADAMS, of Illinois. I move to strike out the last word. I desire to call the attention of the gentleman from Texas and this House to the necessary effect of this provision. I have shown already, I think, and the House will see from considering this section, it is not necessary.

Now I ask the House to consider whether it is reasonable. It is a provision against a certain rule of charging for a shorter as compared with a longer distance. You can not charge more for storing at Harrisburg than you can charge for storing at Pittsburgh, if the freight comes from a point west of either of those points. But if it comes from a point east of these two points, then you can not charge less for storing at Pittsburgh than you can at Harrisburg, and the consequence of the law would be that the charges for storing of goods and for switching and for other terminal facilities will be precisely the same sum at every other intermediate part of the line running from Chicago to New York. And yet in one place the people of a town may have spent millions of money in order to make the cost of handling goods low by pro-

viding proper facilities, while in another place they may not have spent one cent, and have provided no facilities for this service.

I wish to remind this House that when we establish a rule as between charging for a longer than a shorter distance, it depends upon the assumption that there is some natural or reasonable ratio between such charges. But there can be no possible reason for establishing a certain ratio between the cost of a certain service at Pittsburgh and the cost of similar service at Harrisburg depending merely upon the question as to whether you sent the goods from a point east of those places or west of them, that being the only rule for determining the charge. There are other questions that enter into the consideration of the problem. The cost depends upon the expense of labor at those places. It depends upon the application of steam at those places. It depends upon other things which have nothing in the world to do with the distance over which goods have been carried before they reach the one or the other of those places. The provision as it now stands does, it seem to me, tend to make a burlesque of the bill, and I think it ought to be stricken out.

I withdraw the *pro forma* amendment.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment of the gentleman from Illinois.

The question was taken; and on a division there were—ayes 46, noes 80.

Mr. HENDERSON, of Iowa, addressed the Chair.

Mr. WOODWARD. No quorum has voted.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. ADAMS, of Illinois, and Mr. REAGAN were appointed tellers.

The House again divided; and the tellers reported—ayes 62, noes 103.

So the amendment was rejected.

Mr. REAGAN. If it is agreeable to the House now I will move that we take the usual recess until the time fixed by the order of the House, 8 o'clock.

Mr. HENDERSON, of Iowa. I believe I have the floor.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Iowa.

Mr. HENDERSON, of Iowa. I am willing to yield for a motion for a recess, with the understanding that I have the floor when this subject again comes up.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Strike out all of the fourth section, commencing with the word "that," in line 1, down to and including the word "and," at the beginning of line 7.

The SPEAKER *pro tempore*. Pending the consideration of this amendment, the gentleman from Texas moves that the House take a recess until 8 o'clock for the consideration of business heretofore ordered by the House.

JOHN B. DOYLE AND WILLIAM STANTON.

Mr. VAN ALSTYNE, by unanimous consent, introduced a bill (H. R. 7786) for the relief of John B. Doyle and William Stanton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF HELL GATE, NEW YORK.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, a report of the Chief of Engineers relative to the use of the appropriations for the improvement of Hell Gate, New York Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ART COLLECTION—JAMES L. CLAGHORN.

The SPEAKER *pro tempore* also laid before the House a letter from the president of the Pennsylvania Academy of Fine Arts, with the resolution adopted by the directors of that institution; which was referred to the Committee on the Library, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COSGROVE, for two days, on account of important business.

To Mr. CARLETON, indefinitely.

To Mr. OATES, until January 5.

To Mr. HOUSEMAN, indefinitely.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOPKINS, by unanimous consent leave was granted to withdraw from the files of the House papers in the case of Frank A. M. Kreps, certified copies of the same having been left with the file clerk of the House.

ORDER OF BUSINESS.

Mr. TUCKER. I ask consent to offer a bill for reference.

The SPEAKER *pro tempore*. That can only be done now by unanimous consent.

Mr. REAGAN. I have no objection to withdrawing the motion temporarily to allow gentlemen having bills to introduce them for reference.

The SPEAKER *pro tempore*. Without objection that will be done.

Mr. REAGAN. Several gentlemen have asked me if the recess tonight is for the purpose of continuing the consideration of this bill. I will be glad to have the Chair announce the purpose of the evening session.

The SPEAKER *pro tempore*. The Chair has announced that it was for the consideration of business under the order of the House, heretofore made, fixing Friday evening sessions for the consideration of pension business exclusively.

THOMAS R. MONOHAN.

Mr. HEPBURN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas it is reported that Thomas R. Monohan, an American citizen, has been arrested by officers of the Republic of Mexico, and incarcerated in a Mexican prison and denied a trial:

Resolved, That the Secretary of State be requested to communicate to this House any information he may have upon the subject of said arrest and imprisonment.

RECIPROCITY TREATIES.

Mr. BLANCHARD, by unanimous consent, introduced a joint resolution (H. Res. 303) proposing an amendment to the Constitution of the United States in relation to reciprocity treaties affecting the revenues; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMSON GOLIAH.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 7787) for the relief of Samson Goliah; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY OF HOUSE FOLDERS.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 7788) to equalize the pay of House folders; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

PREVENTION OF CHOLERA.

Mr. MCADOO, by unanimous consent, introduced a joint resolution (H. Res. 304) to appropriate a sum of money for distribution and expenditure, under the direction of the Secretary of the Treasury, to prevent the entrance and spread of cholera in the cities surrounding the port of New York; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

G. B. HARBER AND W. H. SCHUETZE.

Mr. MCADOO. I also ask unanimous consent to make two reports from the Committee on Naval Affairs.

The SPEAKER. Unanimous consent was only given for the introduction of bills.

Mr. MCADOO. I think there will be no objection to my making those reports.

There was no objection.

Mr. MCADOO, by unanimous consent, from the Committee on Naval Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 205) to credit Lieutenants Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieut. Commander De Long and party; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEANNETTE EXPLORING PARTY.

Mr. MCADOO, by unanimous consent, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS IN TENNESSEE.

Mr. MCMILLIN. I desire to ask the House to concur in the Senate amendments to a House bill.

The SPEAKER *pro tempore*. Leave was merely given for the introduction of bills for reference.

Mr. MCMILLIN. The gentleman from Texas [Mr. REAGAN] yielded to me, and I think there will be no objection. The bill makes no appropriation, is local in its nature, and simply makes changes in judicial districts in Tennessee.

There being no objection, the bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee and attaching it to the middle district of said State, and for other purposes, with amendments by the Senate, was taken from the Speaker's table; and the amendments of the Senate were read, as follows:

Page 1, line 2, after "southern," insert "division of the."

Page 1, line 5, after "issuing," insert the words "except as hereinafter provided."

Page 1, line 17, after "southern," insert "division of the."

Page 1, line 18, after "issuing," insert "except as hereinafter provided."

Page 2, at the end of line 3, insert "*And provided further*, That all prosecutions for crimes or offenses heretofore committed in either of said counties shall be commenced and prosecuted as if this act had not been passed."

Amend the title so as to read:

"An act detaching Grundy County, Tennessee, from the southern division of the district of East Tennessee and attaching it to the middle district of said State, and for other purposes."

Mr. MCMILLIN. I move concurrence in the Senate amendments.

The amendments of the Senate were concurred in.

Mr. MCMILLIN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

G. H. BURROWS.

Mr. GEORGE D. WISE, by unanimous consent, introduced a bill (H. R. 7789) granting a pension to G. H. Burrows, late a private in Company C, Third New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGULATION OF STEAM VESSELS.

On motion of Mr. DAVIS, of Illinois, by unanimous consent, the bill (S. 1793) to amend section 4434, title 52, Revised Statutes of the United States concerning commerce and navigation and the regulation of steam vessels, was taken from the Speaker's table, read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EMPLOYÉS IN FOLDING-ROOM.

Mr. HOPKINS, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on Accounts:

Whereas there is a great inequality in the amounts paid to the different employés in the folding-room of this House, and still greater inequalities between the amount paid the House employés and that paid the Senate employés in the same department for the same service: Therefore,

Be it resolved, That the employés in the House folding-room be paid a uniform salary at the rate of $3 per day.

RECESS.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, in pursuance of the order of the House a recess is now taken until 8 o'clock this evening. The gentleman from New York [Mr. BAGLEY] will occupy the chair as Speaker *pro tempore*.

EVENING SESSION.

The House at 8 o'clock resumed its session, and was called to order by Mr. BAGLEY, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the Private Calendar for the consideration of business under the order just read.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

JOSEPH RAIBLE.

The first business on the Private Calendar was the bill (H. R. 3947) granting a pension to Joseph Raible.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Joseph Raible, of Indiana, who lost an arm above the elbow during the war, while firing a salute at the city of Indianapolis, Ind., under the direction of the quartermaster-general of Indiana; and that said Secretary be, and he is hereby, directed to pay him at the rate of $30 per month.

The report (by Mr. MATSON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3947) granting a pension to Joseph Raible, report:

That Joseph Raible enlisted in the military service of the United States as a private in Company A, Thirty-second Regiment Indiana Volunteers, September 10, 1861, and was honorably discharged September, 1864.

October 2, 1882, he was placed on the pension-roll at $1 per month, for partial deafness of left ear, contracted in the military service of the United States.

July 3, 1865, after his discharge from the military service of the United States, while in the military service of the State of Indiana, and in pursuance of an order from General Stone, assistant quartermaster-general at Indianapolis, while engaged in aiding in firing a salute in honor of the arrival home for muster-out of the Sixty-third Regiment Indiana Volunteers, by the fault of thumber, No. 3, at the gun (claimant being No. 1, rammer), there was a premature discharge of the gun, blowing off the soldier's right arm, which was amputated three inches above the elbow.

It is shown by the evidence in this case that the soldier was acting under orders from Assistant Quartermaster-General Stone, of the United States Army, on duty at Indianapolis, at the time of receiving the disability which resulted in the loss of his arm, and that he was performing a military duty at the time. Your committee therefore recommend that the bill be amended by the following: After the word "month," in line 9, "in lieu of all other pensions now paid him;" and when so amended that the bill pass.

The amendment reported by the committee, to add to the bill the words "in lieu of all other pensions now paid him," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BOONE.

The next business on the Private Calendar was the bill (H. R. 374) granting a pension to William Boone.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of William Boone, late a private in Company F, Eighty-eighth Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 374) granting a pension to William Boone, have had the same under consideration and report:

That William Boone was a private in Company F, Eighty-eighth Regiment Indiana Volunteers. November, 1862, he was taken prisoner and paroled; and while at Aurora, Ill., on parole, July 4, 1863, while engaged in firing a salute in celebration of the fall of Vicksburg, by the premature discharge of a cannon he was assisting to fire, he lost his right arm, and his left hand was injured so as to render it partially and permanently useless. He testifies in his own behalf that the citizens of said town were engaged in said celebration, and

"That he participated therein at the special request of said citizens, because he was a soldier, and because it became him so to do as a soldier and a patriot."

He has not filed a declaration in the Pension Office, because, he says, he understood there were technical objections to granting a pension in his case under the rules and regulations of the Pension Office.

The granting of a pension is strongly urged by the late Governor Williams and other distinguished citizens of Indiana. The surviving officers of claimant's regiment unite in a petition asking that his name be placed on the pension-roll, and assert that he was a gallant soldier, and faithfully, courageously, and honorably discharged his duties as a soldier, and that by reason of his physical disabilities, which were caused and exist as above stated, his capacity to earn a maintenance for himself, his wife, and three children, who depend upon him, is almost entirely destroyed.

This case appeals strongly to the equity of Congress, and in view of the precedents for granting a pension in such cases, your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

TREADWELL SEAMAN, JR.

The next business on the Private Calendar was the bill (H. R. 2485) for the relief of Treadwell Seaman, jr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to rerate the pension of Treadwell Seaman, jr., formerly of Company E, Second Regiment United States Volunteers, at $15 per month, commencing at discharge from the military service deducting therefrom the amount that has been paid.

The report (by Mr. BAGLEY) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2485) for the relief of Treadwell Seaman, jr., having considered the same, beg leave to submit the following report:

The petitioner was mustered into the service of the United States at New York city on the 5th day of March, 1863, as second lieutenant of Company E, Second Regiment United States Volunteers, Ullman's brigade, and was honorably discharged at New Orleans on the 30th of June, 1864, being at the time of discharge first lieutenant of Company K, Seventy-ninth Regiment United States Colored Infantry. He was attacked with inguinal hernia during the siege of Port Hudson, La., in the months of May and June, 1863, caused by overexertion and work in the rifle-pits during the siege, and being obliged to be in the saddle both night and day frequently, and exposed to the inclemencies of the season. He never received treatment in any general hospital of the United States, but the surgeon of the regiment, Dr. Charles L. Fisher, examined him and advised him to get a truss at once, which advice he followed. Determined not to succumb to the disability, from which he suffered greatly, he continued in the performance of his duty until his discharge.

He made no application for a pension until February 23, 1871, from an honest pride and desire not to be a pensioner, but his failing health and inability to perform the labor necessary to his subsistence impelled him to the act. The Pension Office granted him $7.50 a month on the 18th of September, 1872, with arrears from the time of discharge in 1864, for "left inguinal hernia." The petitioner alleges that his disability was improperly rated, and that he should have been pensioned for "double hernia." In 1881 he made application for increase of pension on this ground, but it was rejected, because the claimant could not find officers or surgeons to establish the "double hernia." The affidavit of Lieutenant Berthold, who was adjutant of the Second United States Volunteers, seems to point plainly to the existence of the trouble at that time. After testifying to the arduous services of Lieutenant Seaman at Port Hudson, he says:

"The double inguinal hernia was received while engaged night and day in the rifle-pits, and he knows the facts by reason of being regimental adjutant, and that he favored the applicant as much as possible, as a great number of the officers were down with fevers and off duty, and Seaman was called upon to do more duty than he would have done otherwise, and no doubt this extra duty forced upon him brought on the hernia as before stated."

The affidavit of Alexander Haddon, M. D., proves that the soldier was suffering from the double hernia when he returned from the Army. He says:

"He was a sound, healthy man, and free from hernia both at and previous to enlistment, and that he knows it from having been his family physician since 1860. On returning from the Army, Seaman was broken down in health and suffering from double inguinal hernia, and since his return has been an invalid and unable to perform any ordinary labor in consequence of said hernia and the effects of malarial fever, which he contracted in the service. I treated him for the fever and advised him concerning a double inguinal hernia, which he at that time had."

Thomas F. Smith, M. D., testifies:

"That he treated claimant from June, 1871, to spring of 1877. He was suffering from the effects of intermittent fever, rendering him unable during a great portion of the time from performing any manual labor. During that time he would be confined to the house with severe nervous prostration for two and three weeks at a time. He was and is now suffering from double inguinal hernia, and, as a member of United States examining surgeons in New York city, I applied for a double truss for him in 1872."

W. J. Van Pett testifies:

"Have known the claimant for about eighteen years. He was engaged in the New York post-office for about thirteen years, from January 23, 1865, and assigned to the department of which I was superintendent. Nervous prostration and general debility caused him at that time to absent himself frequently from duty, often months at a time. I have called upon him at his house during such sickness, and have always considered him as a broken-down man in health, which in the end was the cause of his leaving the postal service."

Five examining surgeons subscribe to a certificate which contains this language:

"Judging from his present condition and from the evidence before us, it is our belief that the said disability did originate in the service in the line of duty, and that the disability is permanent."

Your committee are of the opinion that the petitioner is not receiving a pension commensurate with his disability, and recommend the passage of House bill 2403, with the following amendment: Strike out all after the word "month" in line 6.

The amendment reported by the committee, to strike out at the end of the bill the words "commencing at discharge from the military service, deducting therefrom the amount that has been paid," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

MRS. D. P. WOODBURY.

The next business on the Private Calendar was the bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now paid Mrs. D. P. Woodbury, widow of General D. P. Woodbury, to the sum of $50 per month from and after the passage of this act.

Mr. CUTCHEON. I would like to hear the report read in this case.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury, report as follows:

The petitioner is the widow of Daniel P. Woodbury, who was commissioned a brigadier-general of the Army of the United States on the 19th of March, 1862, and who died at Key West, Fla., on the 15th day of August, 1864, of yellow fever, contracted while in the service. Widow's application for pension was filed December 9, 1864, and the proof being complete, she was allowed a pension of $30 per month from the time of her husband's death.

She now asks Congress to increase her pension to $50 per month. She is sixty-four years of age.

In a letter dated May 10, 1884, she states that she needs this increase for her support, and that the necessity for said increase has always existed; that she is obliged to take a part of the pay of her son, who is a lieutenant in the Army, and is therefore dependent. She refers to General Meigs, late Quartermaster-General, and General Wright, of the Engineers, who she is sure will indorse her statement.

General Woodbury was commanding officer of the volunteer forces at Key West, Fla., and was breveted major-general on the day of his death.

As numerous precedents exist for granting to the widows of general officers the amount asked for in this bill, and as she seems to need the same for her support, your committee think an exception should be made in this case, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JOHN T. BRAKE.

The next business on the Private Calendar was the bill (H. R. 6803) granting a pension to John T. Brake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the rules and regulations of the Pension Office, the name of John T. Brake, late of Company F, Sixth Regiment Provisional Militia of Missouri Volunteers.

The report (by Mr. FYAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 6803 submit the following report:

That John T. Brake originally belonged to Company F, Sixth Provisional Regiment Missouri Militia; that he and said company were subsequently mustered in as Company F, Sixteenth Missouri Volunteer Cavalry.

That evidence in this case shows that said Brake was a private in Company F, Sixteenth Missouri Volunteer Cavalry, and in the month of January, 1865, was taken sick with measles; that he was sent home by his captain for treatment, and was confined to his bed for seven weeks with said disease. On the 28th day of February, 1865, he returned to his command for duty; that by reason of exposure the measles settled on his lungs, resulting in asthma and chronic bronchial trouble and soreness and weakness of the lungs.

That on the least exertion or when getting warm, and every winter, he is afflicted with a severe cold and spits up blood; that he is entirely unable to do any kind of manual labor during the spring and winter months, and very little labor at other times in the year. These facts are sworn to by a number of witnesses; among the rest, the captain of his company, and by David Smittle, a sergeant of said company, who have known him intimately, and frequently been at said Brake's house from 1865 up to 1884. Also, by William Brinkly and Zilpha Brinkly, who made their home with Brake for years.

Dr. William J. Janies, an eminent physician, swears he has been the family physician of Brake for a number of years; that he has frequently attended him for his attacks of asthma, which are terribly severe; that in addition to asthma Brake is suffering with chronic pharyngitis and laryngitis in a very bad form; that he is constantly troubled with a bad cough, the result of a diseased condition of the lungs, and that he is disabled for manual labor more than one-half his time.

Brake is a sober, temperate, good citizen; a very poor man, and with a large family of small children.

Your committee recommend the bill be amended by striking out "Sixth Provisional Regiment Missouri Militia" and inserting "Sixteenth Regiment Missouri Volunteer Cavalry," and that so amended it do pass.

The following amendment reported by the committee was read and agreed to:

At the end of the bill strike out the words "Sixth Regiment Provisional Militia of Missouri Volunteers" and insert "Sixteenth Regiment Missouri Volunteer Cavalry."

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

SARAH C. THOMAS.

The next business on the Private Calendar was the bill (H. R. 1841) granting a pension to Sarah C. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Thomas, widow of Samuel M. Thomas, late a private in Company K, Eighteenth Regiment of Illinois Volunteers, at the rate of $8 per month.

The CHAIRMAN. This bill has been reported by the Committee on Invalid Pensions adversely.

Mr. STRUBLE. I would like to hear the report read.

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1841, granting a pension to Sarah C. Thomas, respectfully report:

That claimant is the widow of Samuel M. Thomas, who enlisted in the military service of the United States as a private in Company K, Eighteenth Illinois Volunteers, March 4, 1865, and was honorably discharged December 16, 1865.

November 1, 1879, the soldier filed a declaration for pension, alleging that in August, 1865, at Pine Bluff, Ark., he contracted rheumatism, which was rejected June 15, 1881, on the ground of no disability since discharge. The case was subsequently resubmitted. Pending the final adjudication claimant died, and his widow was substituted and attempted to perfect the evidence, and abandoned it September 12, 1882.

The Adjutant-General's report shows soldier's regiment was not at Pine Bluff, Ark., at the time of contracting the alleged disability.

It is shown that the soldier was examined a number of times by different examining boards and surgeons, who all agree that soldier was not suffering from the disability complained of, and the only evidence of disability during service is found in the fact that soldier was treated in hospital at Pine Bluff, Ark., from October 7 to November 22, 1865, for intermittent fever.

May 18, 1881, the husband of claimant was examined by the United States examining surgeon of White County, Illinois, who reports him not suffering from rheumatism, but in the last stages of consumption.

We have examined the case very carefully, and find no evidence connecting disability of claimant's husband with his military service, and therefore report the bill back to the House with the recommendation that it lie on the table.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it lie on the table.

JAMES D. KIRK.

The next business on the Private Calendar was the bill (H. R. 4079) granting a pension to James D. Kirk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James D. Kirk, of Inez, Martin County, Kentucky, and pay him a pension from the date of expiration of his term of service in Company B, One hundred and sixty-seventh Regiment West Virginia Militia, at the rate allowed by law to private soldiers for disabilities incurred while in the service of the United States in the late war of the rebellion, for wounds and injuries sustained by the said James D. Kirk while in the line of his duty during the said war of the rebellion.

Mr. GEORGE D. WISE. I call for the reading of the report on this case.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4079) granting a pension to James D. Kirk, have had the same under consideration, and beg leave to submit the following report:

It appears from the papers on file in the Pension Office that James D. Kirk, while serving as a private in Company B, One hundred and sixty-seventh Regiment West Virginia Militia, and returning with his command to Lawrence County, Kentucky, from a scout to Logan County, West Virginia, was accidentally wounded in right hand by the discharge of his gun while in the act of passing it through a fence. The ball passed through the palm of the hand, fracturing the middle metacarpal bones, causing the drawing up and consequent shortening of the fingers.

The fact of the injury and its incurrence in line of duty is fully shown by the affidavit of the officer and others of the command. The date of the injury is given as November 25, 1862. After recovery from the wound Kirk became a member of Company I, Thirty-ninth Kentucky Infantry, and served from August 28, 1863, until mustered out, as first sergeant, September 15, 1865.

The claim has been rejected by the Pension Office because the applicant at time of injury was not in the service of the United States.

The command to which claimant belonged it is true was a State organization, but its services were valuable to the Government, and in fact the militia of the several States were co-operating with the forces of the United States in the suppression of the rebellion, and their services are recognized in the pension laws for wounds or injuries received while in an engagement, provided the claim was prosecuted to a successful issue prior to July 4, 1874.

This, as well as preceding Congresses, have recognized the services of the militiamen by granting pensions for those who are excluded from the provisions of the general pension laws; and believing this case to be meritorious, your committee report favorably on the bill, and ask that it do pass, amended, however, by striking out all between the word "Kentucky," in line 5, and the word "in," in line 7, and insert therein instead the words "late of."

The following amendment, reported by the Committee on Invalid Pensions, was read:

Strike out, in lines 5, 6, and 7, the words "Kentucky, and pay him a pension from the date of expiration of his term of service in" and insert "late of,"

Mr. STRUBLE. I wish to inquire how this amendment will leave the bill with respect to the question of arrears.

Mr. CUTCHEON. That is the question which I desired to ask.

Mr. MATSON. I presume (I have not a copy of the bill at my desk) that the amendment was designed to cut out arrears.

Mr. CUTCHEON. I ask that the bill as it will stand if amended be read.

The bill with the amendment was read.

Mr. CUTCHEON. That is all right.

Mr. GIBSON. What service does the committee report Mr. Kirk was in at the time he received this accidental injury?

The CHAIRMAN. The statement of the report is that he was a private of the Sixty-seventh Regiment West Virginia Militia.

Mr. GIBSON. I am well acquainted with the state of affairs which prevailed in Logan County during that time and with the forces or so-called forces that were engaged there. At the time the report speaks of there were no confederate forces in Logan County, nor was there any West Virginia militia there.

There was a sort of border warfare being carried on, not between recognized forces on either side, but between a set of men among whom the name of Kirk is very prominent, as well as that of Hatfield on the other side, carried on by these men, plundering both sides, irrespective of their predilections. It was not a warfare carried on for plundering alone, but for the purpose of executing special vengeance which they had on each other.

I would like to hear something about the organization of this force. I would like to see who the commander of that force was. I would like to know how this man came to be a soldier in the West Virginia militia, he being a citizen of Martin County, Kentucky, marching from Martin County, Kentucky, to Logan County, West Virginia.

Gentlemen ought to remember, or rather they ought to know, the state of affairs in that country before they undertake to pension men who were not in the regular service on the one side or the other, but were mere plunderers.

Now, I have no objection to giving a pension to any honest regular soldier. I believe in the Government pensioning those who stood by it. I believe that those who were disabled in the service of the Government should be sustained by it. But, sir, I do not believe that the regular soldier on either side should be dragged down and put upon the same level with bushwhackers and guerrillas during the war, or that the latter should receive the same benefits as those who were regularly engaged in the defense of their country.

Mr. MATSON. Mr. Chairman, what has been said by the gentleman from West Virginia I fully indorse, and if he says he is acquainted with this man Kirk and knows that he was a bushwhacker or guerrilla during the war and not a soldier in any sense of the word, I certainly shall ask that this case shall be passed over until the gentleman who introduced the bill [Mr. CULBERTSON, of Kentucky] can be heard on the question——

Mr. CUTCHEON. The gentleman from Kentucky is here.

Mr. MATSON. Or until the gentleman from Ohio [Mr. LE FEVRE] who reported the bill is present and can be heard on the subject. As the statement has been substantially made by the gentleman from West Virginia, I ask that this case be passed over informally for the present.

Mr. GIBSON. I do not wish to be understood——

Mr. CULBERTSON, of Kentucky. I know this gentleman, Mr. Kirk, and there is not a better citizen or a better man than he is. What he did during the war I do not know. I presume, however, that the evidence before the committee was sufficient, but I do not know about that. I vouch for Mr. Kirk's being an upright man and good citizen.

Mr. GIBSON. I did not mean, sir, to be understood as saying that I knew Mr. Kirk, the party in this case, nor did I mean to be understood as saying I knew anything in relation to this matter. I was speaking of the state of affairs in that country at that time.

I wish to say further, Mr. Chairman, that there was no such regiment as the Sixty-seventh West Virginia Militia. She had no such number of regiments in the service in 1862. The fact is, I doubt whether there was then a regular organized government of West Virginia. The government of West Virginia was not organized until near about that time, some time late in 1861, and she never had sixty-seven regiments of militia. She never had any such militia engaged in warfare in the county of Logan.

I referred to the name of Kirk as a man known in that sort of warfare there, together with that of others who were considered to be on our side; and I say neither on one side nor the other are these men entitled to be recognized as regular soldiers by being pensioned.

But outside of that, this man was not injured in any engagement during the war. The papers do not show that he ever met an enemy, or that he was on the way to meet an enemy. They show that he was accidentally wounded after going into Logan County.

Mr. CULBERTSON, of Kentucky. On which side were they?

Mr. GIBSON. They were against the side which had the most goods to be taken from them. [Laughter.]

Mr. CUTCHEON. Is it in order to move this bill be reported back to the House with a recommendation that it be recommitted?

The CHAIRMAN. The gentleman from Indiana has asked unanimous consent that the bill be laid aside informally until it can be looked into, and the Chair hears no objection to that course, and it is ordered accordingly.

PENSIONERS ENROLLED BY SPECIAL ACTS.

The next business on the Private Calendar was the bill (H. R. 1981) for the relief of certain pensioners enrolled by special acts of Congress.

Mr. MATSON. That bill is on this Calendar by mistake, and I move it be passed over for the present.

There was no objection, and it was ordered accordingly.

CORYDON MILLARD.

The next business on the Private Calendar was the bill (H. R. 6505) granting a pension to Corydon Millard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Corydon Millard, formerly a chaplain in the United States heavy artillery, at the rate of $— per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6505) granting a pension to Corydon Millard, having had the same under consideration, hereby submit the following report:

The claimant, Corydon Millard, enlisted and acted as chaplain of the Fourth United States Heavy Artillery Volunteers from 1861 to 1866, when he was honorably discharged. He was in active service about four years.

He had a broken leg when he enlisted—that is, his leg had been broken—and he had so far recovered that he appeared to be entirely well, but his application for enlistment was held in abeyance on that account for about two weeks before he was accepted. At various times during his service he suffered from lameness and severe pains in the broken limb, resulting several times in running sores and great prostration, on account of long-continued and severe exertion and exposure. These conditions grew upon him until his disability was quite marked, and of an aggravated character at the time of his discharge. This disability has never left him, and he is now greatly if not totally disabled. He is 65 years of age, entirely without means of support, and unable to earn his living by manual labor.

The Pension Office can not grant him a pension, on account of his prior unsoundness, and therefore he asks relief by special act of Congress.

While his disability had its origin in the injury received before his enlistment, we are of the opinion that his four years of constant service, with the consequent exposure and hardships, must have added greatly to his disability.

Wherefore your committee recommend the passage of said bill, provided, however, that the same be amended by inserting therein the words "twenty dollars," after the word "of," in line 6 thereof.

Mr. GEORGE D. WISE. The proposition here is to give a pension to a gentleman who has never received any injury while in the service of the Government, and the report of the committee does not show that he ever did. He was injured before he went into the service. I hate to oppose a minister of the gospel—we need their service very much; but I am compelled to oppose it. It is wrong, and I hope this House will not consent to pass it.

Mr. STRUBLE. I hope the gentleman from Virginia will not insist upon his objection. As I understand the report it was the opinion of the Committee on Invalid Pensions that this gentleman had so far recovered from the injury to his limb that the officers of the Government who examined him with a view to ascertain his physical ability to perform military service saw fit to permit him to enter the service in that capacity. His services were accepted then, and he served for four years. The report shows that his services were worthy and that he was exposed to hardships for that term.

I hope, therefore, my friend from Virginia will not raise an objection against the passage of the bill, because it seems to me the committee, in view of the facts stated, are fully justified in bringing in the bill in the form in which it is presented to the House for action.

Mr. MATSON. There is an additional reason that should be stated. While it is true that this man had his limb broken before he enlisted, there was no attempt on his part to conceal that defect; but, on the contrary, the question of his enlistment was held in abeyance by the medical officers of the Government for several weeks to determine whether he could be accepted or not. There was, therefore, no fraud on his part. The testimony as to his disability seems to be undisputed. After the medical officers of the Government had examined the man and found him capacitated for service, although it is true that the injury he had received was before his enlistment, still the testimony shows that his injury was greatly aggravated by his service afterward, and it seems to me that the case presents a very strong one.

I see, however, that this report proposes an amendment to the bill to be inserted fixing the amount of the pension to be paid to him. I think that is not right. I think he ought to be pensioned subject to the provisions and limitations of the pension laws, but the amount should not be fixed, so that he may be pensioned under the law as others of his rank and grade are pensioned. That seems to have been an amendment suggested by the gentleman who made the report. I see no reason why that should be done. But I think in other respects the case is pretty well shown to be a meritorious one. Taken in connection with the fact that there was such a thorough examination and such a deliberate acceptance of the man's services on the part of the Government, I think it proper that the pension should be granted.

Mr. GEORGE D. WISE. It seems to me from the reading of the report that the Government ought not to have accepted this man at all, and that they did not want to accept his services. I think he urged himself upon the acceptance of the Government, because there was a long delay after his application before he was accepted, and the cause of that hesitation was the inability of the man arising from the injury received by him before he applied to enter the service of the Government. Now, the gentleman from Iowa speaks of the fact that he was in the service of the Government for four years. Why it does not appear from this report, and I take it for granted that it presents the strongest facts in his favor, that he ever was in any battle at all.

Mr. MATSON. The report says that he was in active service.

Mr. GEORGE D. WISE. Yes, but not in any battle, and I do not take it for granted that he was in any, for the report would have shown

that as a substantive fact in his behalf. I know that he was in the peace business, and take it for granted that he did not fight in any battle.

The truth is, he wanted the situation during the war, and wanted it for the pay attached to it, and the Government accepted him notwithstanding his disability, and he was paid during the whole period, the whole four years that he was in the service.

Mr. PRICE. Mr. Chairman. I suggest the propriety of passing this bill over by unanimous consent, leaving it to retain its place upon the Calendar. It is very evident that we can not pass it through the House this evening, and any attempt to do so would result in delay.

The CHAIRMAN. Is there objection to the suggestion of the gentleman from Iowa to pass this bill over informally, retaining its place upon the Calendar?

There was no objection, and it was ordered accordingly.

INCREASE OF PENSIONS UNDER SPECIAL ACTS.

Mr. HOLMES. I desire to call the attention of the Chair to the fact that House bill 1981, for the relief of certain pensioners enrolled by special acts of Congress, has been omitted.

The CHAIRMAN. The Chair will state to the gentleman that the bill was called up and the gentleman from Indiana [Mr. MATSON] stated that it was a general bill and improperly on this Calendar.

Mr. HOLMES. I think not, and I would raise the question of order. This bill, as I understand it, was referred by the Speaker of the House to the Private Calendar. It is a bill referring to a certain class of claims for pensions.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That any pensioner of the United States receiving a pension by virtue of any special act of Congress, on account of disability incurred by him while in the military or naval service of the United States, shall be entitled to increase of such pension upon the same conditions of rerating and continuance of such increase which are applicable to other pensioners under the general pension laws.

Mr. HOLMES. Now let the report be read.

Mr. MORRILL. That is not a private bill.

The CHAIRMAN. The Chair will cause to be read the order under which the House meets on Friday evenings.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. HOLMES. I understand, Mr. Chairman, that this bill is on the Private Calendar and reported by the Committee on Invalid Pensions; that it was referred by the Speaker of the House to the Private Calendar, and by that order appears in its proper place on that Calendar. It seems to me to be clearly within the purview of the committee under the order just read, and a proper bill to be acted upon aside from the fact that it is now on the Calendar and governed by the order to which I have referred.

Mr. MATSON. When I suggested to the Chair that this bill had been improperly referred I did not say, nor did I believe then, that the bill might not be considered by the House; because I think under the order just read, and under which we are operating, that that bill could be considered, because it is on the Private Calendar and reported from the Committee on Invalid Pensions. But I do think that it would be utterly unwise and futile to attempt to consider it here to-night without a quorum, because it involves a general principle of legislation; it would lead to considerable discussion in the House, and undoubtedly the point of order that no quorum is present would be made against its passage. I ask, therefore, that it be passed over.

Mr. HOLMES. Mr. Chairman, before that order is made I desire to say this: I am somewhat surprised that the chairman of the Committee on Invalid Pensions which has reported this bill to the House should object now to its consideration. It was considered by that committee as an eminently proper and just bill to report to the House. I should certainly desire to hear the opinion of the Committee of the Whole upon it before I consent to its being passed over at this time. I should like to have the report read and see whether there is objection to the bill on the part of any gentleman. I do not think that it should be passed over, because it certainly comes within the purview of the business of this evening session.

Mr. MATSON. In reply to what the gentleman from Iowa [Mr. HOLMES] has said in regard to my action in this matter, I desire to say that so far as I am concerned I should not object to the consideration of this bill at any time. But I have an idea that this House, even those members that are absent, ought to be fairly treated in relation to the business which is transacted here on Friday nights. Everybody understands that only private bills are to be considered at our Friday night sessions; and if I was compelled to object myself, I should object to the consideration of this bill at this time in the interest of fair play and fair dealing to other members of the House, because it is well understood by everybody that only private bills are to be considered. Therefore, I feel I should be called upon to object myself, if no one else objected to the consideration of a general proposition of law, to a bill to change the general law at one of our Friday night sessions. That is the reason why I ask that this matter be passed over informally.

Mr. HOLMES. If the chairman of the Committee on Invalid Pensions objects let the bill go over.

The CHAIRMAN. The Chair will state when the bill was called the order was made that it be passed over informally. The Chair does not undertake to decide the character of the bill, because it is on the Private Calendar and is read in its regular order. If there be no objection the bill will be passed over informally.

Mr. HOLMES. I understand the bill goes over, not losing its place on the Calendar.

The CHAIRMAN. The bill retains its place on the Calendar.

GEORGE W. RUGG.

The next business on the Private Calendar was the bill (H. R. 5630) granting a pension to George W. Rugg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Rugg, late of Company M, Fifth New York Cavalry.

Mr. GEORGE D. WISE. Let the report be read.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5630) granting a pension to George W. Rugg, having had the same under consideration, submit the following report:

Soldier enlisted October 18, 1861, and served as a private in Company M, Fifth New York Cavalry, until discharged, January 17, 1865.

Declaration for pension was filed May 17, 1877, and alleges that at Warrenton Junction, Virginia, he received a gunshot wound of the right arm, September 26, 1862, also contracted rheumatism and chronic diarrhea while a prisoner of war at Andersonville.

In an affidavit filed September 22, 1877, he states that he was wounded in the right arm September 9, 1863, at the battle of the Rappahannock, and the wound was dressed by a rebel doctor at Fredericksburg, and the diseases for which he claims pension were contracted while a prisoner of war, and that he is disabled by varicose veins and chronic diarrhea.

His claim was rejected January 23, 1878, upon the ground of inability to furnish any testimony showing the origin of the alleged varicose veins and chronic diarrhea in the service and line of duty.

The prisoner-of-war records show claimant captured at Morrisville, Va., September 13, 1863; paroled at Savannah, Ga., November 21, 1864; furloughed from Camp Parole, Missouri, December 4, 1864, for thirty days. No later record. About fourteen months in rebel prisons.

Claimant in an affidavit filed December 5, 1877, states that it is impossible for him to furnish an affidavit from any of his company, as he has written them, where they used to live, and letters all returned. He has not heard of them since he was taken prisoner in the fall of 1863, excepting three comrades who enlisted at the same time, and they were fellow-prisoners, and all died in Andersonville prison. He states that he was held a prisoner of war fourteen months and nine days, then paroled and sent to parole camp, Annapolis, Md., and his time being out he was sent to New York city, to the Howard Association, and then discharged without being returned to his company, January 17, 1865.

Evidence in the case all tends to show existence of varicose veins and chronic diarrhea since return home in 1865.

The examining surgeon, W. H. Barton, a resident of Fort Howard, Brown County, Wisconsin, reports, August 31, 1877, varicose veins of both legs quite large, and extending from a little above the knees to the feet. He also reports chronic diarrhea. *Disability permanent.* Varicose veins, one-quarter, $2; chronic diarrhea, one-half, $4; disability, three-quarters, $6.

Your committee believe the case a just one and report in favor of the bill, recommending its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. HURLBURT.

The next business on the Private Calendar was the bill (H. R. 1653) granting a pension to John R. Hurlburt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John R. Hurlburt, late a private in Company G, Twenty-fifth Regiment Wisconsin Volunteers, and Company G, Fourteenth Regiment Veteran Reserve Corps.

Mr. GEORGE D. WISE. Let the report be read.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1653) granting a pension to John R. Hurlburt, having had said bill under consideration, submit the following report:

Soldier enlisted August 15, 1862; mustered September 14, 1862, and served as a private in Company G, Twenty-fifth Wisconsin Volunteers, till discharged, June 26, 1865.

Declaration for pension was filed January 27, 1874, alleging disability from chronic diarrhea, contracted July 15, 1863, at Snider's Bluff, Mississippi, and partial paralysis following, or resulting from same, while in hospital at Memphis, Tenn.

Claim was rejected February 21, 1881, upon the ground that claimant is not disabled by chronic diarrhea since discharged, and that paralysis can not be accepted as a result of diarrhea.

Dr. John Ehing, a resident of Alma, Buffalo County, Wisconsin, says he has attended claimant's family as physician since October, 1858, and knows that prior to enlistment he was of good health and sound body. Claimant came home sick on furlough in November, 1863, and remained till February, 1864, and during said period was under affiant's treatment for inflammation of lungs, diarrhea, &c. Also, claimant has been under deponent's medical treatment since June, 1865, when discharged. Right side lamed and unable to use right arm for manual labor. (Affidavit filed May 26, 1874.)

Louis P. Hunner, postmaster at Alma, Wis., and H. D. Englesby, in affidavit, filed February 15, 1881, testify to disability from effects of chronic diarrhea since June, 1865.

J. W. De Graff, comrade, corroborates claimant as to time and place of contracting diarrhea, and since discharge unable to perform a day's labor, and that he is in feeble health. (Affidavit filed February 15, 1881.)

Drs. Newton McVey and John Ehing, in affidavits filed November 28, 1881, say they that day examined claimant and found him a great sufferer from chronic dysentery and paralysis; they also judge him as unable to perform manual labor. These doctors reside in Alma, Buffalo County, Wisconsin.

Surgeon-General's record shows claimant was admitted to hospital "R. C. Wood," September 30, 1863, from Helena Ark., for treatment for chronic diarrhea, and was transferred to Memphis, Tenn., October 1, 1863; was admitted to Gayoso genugal hospital October 2, 1863, with chronic diarrhea, and was transferred October 3, 1863; was admitted to general hospital, Benton Barracks, Missouri, October 7, 1863, with chronic diarrhea; furloughed (thirty days) October 30, or November 1, 1863; returned February 5, 1864; disposition not given. [NOTICE.—Dr. Ehing has testified to treatment during all of said furlough.] Was admitted to Lawson general hospital, Saint Louis, Mo., February 5, 1864, with anæmia (bloodlessness) and was transferred to Alexandria Barracks, March 4, 1864. The records of Helena, Ark., July 1 to September 30, 1863, and of Alexandria Barracks, Saint Louis, Mo., subsequent to March 4, 1864, furnish no information in the case.

This man is now over 60 years of age, suffering from a disability (for which he has tried to get a pension) since discharge. He served nearly three years faithfully, except when undergoing treatment in the different hospitals named.

Your committee find the evidence greatly in claimant's favor since discharge, and therefore recommend the passage of said bill; pension to date from and after the passage of said bill.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELLEN A. VANCE.

The next business on the Private Calendar was the bill (H. R. 5812) granting a pension to Ellen A. Vance.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hegeby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen A. Vance, invalid daughter of Col. Joseph W. Vance, deceased, late colonel of the Ninety-sixth Ohio Volunteer Infantry, at the rate of $30 per month.

The amendment reported by the committee was as follows:

In line 8 strike out "thirty" and insert "eighteen;" so that it will read: "At the rate of $18 per month."

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 5812, have had the same under consideration, and beg leave to submit the following report:

Ellen A. Vance is the daughter of Joseph W. Vance, who served during the late war as colonel of the Ninety-sixth Regiment Ohio Volunteers, until killed in action at Sabine Cross-Roads, Louisiana, April 8, 1864. He left surviving him a widow and two daughters; the latter over 16 years of age. The widow remained a pensioner until her death, which occurred a few years ago. The family was left in straitened circumstances, and upon the death of the widow the daughters, both unmarried, were left without means of support. Ellen A. Vance was in her childhood paralyzed throughout the entire left side, and is not only wholly unable to support herself by labor of any kind, but is as helpless as a child.

Having by the death of the father, in defense of his country, been deprived of the support which she so much needs by reason of her infirmities, the committee are of opinion that the relief asked for by the claimant should be granted, and therefore report favorably on the bill, and ask that it do pass, amended, however, by striking out the word "thirty," in line 8, and insert therein instead the word "eighteen."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH SMITH.

The next business on the Prjvate Calendar was the bill (H. R. 7302) granting a pension to Elizabeth Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth Smith, foster-mother of Albert Shafer, late a private in Company B, Thirteenth Ohio Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1188) for the relief of Charles Smith and Elizabeth Smith, have had the same under consideration, and beg leave to submit the following report:

Charles Smith and Elizabeth Smith are the foster parents of Albert Shaffer, who served as private in Company B, Thirteenth Ohio Cavalry, and while in said service lost a leg in action at Poplar Grove Church, Virginia, for which injury he was pensioned, and from the effects of which he died January 8, 1870. Albert Shaffer was adopted by said Charles and Elizabeth Smith when but 22 months of age, and was clothed and educated by the latter until he entered the service of the United States.

The foster parents in their declining years were much dependent upon their adopted son, who in his last will fully recognized his obligations to them. Charles Smith and Elizabeth Smith at time of the death of Shaffer were possessed of a small home, on which thereafter they were dependent for support.

Since the introduction of the bill under consideration Charles Smith has died, leaving his wife, Elizabeth Smith, with no means of support except the property referred to, upon which there is an indebtedness of $1,300, an amount greater than its actual value. The sale of this property will leave Elizabeth Smith penniless, and, being aged and unable to obtain subsistence by manual labor, she will suffer unless relief is granted her.

The committee are of opinion that, inasmuch as she has given to the country a son, although adopted, upon whom she could have looked for support in her old days, the relief asked for should be granted, and therefore submit the accompanying substitute bill (H. R. 7302) and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMMA O. ZEIGLER.

The next business on the Private Calendar was the bill (H. R. 4878) granting a pension to Emma O. Zeigler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma O. Zeigler, widow of W. A. Zeigler, late captain of Company —, First Regiment West Virginia Infantry Veteran Volunteers.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4878) granting a pension to Emma O. Zeigler, respectfully report:

That claimant is the widow of William A. Zeigler, who enlisted in the military service of the United States as a private in Company B, First West Virginia Light Artillery Volunteers, August 5, 1861; was commissioned second lieutenant in Company I, Fifth Regiment West Virginia Volunteers, January 13, 1863; first lieutenant, West Virginia Veteran Infantry Volunteers, September 5, 1864; and captain March 29, 1865, and was honorably discharged July 21, 1865.

September 20, 1869, soldier filed a declaration for pension, alleging that on or about August 5, 1864, near Middleburg, Md., while retreating from the enemy, and in command of Company I, Fifth West Virginia Volunteers, he received sunstroke.

April 20, 1876, the soldier died, pending the final adjudication of his claim. After the death of the soldier, Emma O. Zeigler, the widow, completed the claim, and was granted a pension up to the date of her husband's death. But her claim for pension as the widow of said soldier was rejected on the ground that the fatal disease of which the soldier died was not due to, and was not a result of, his military service.

Surgeon Hysell, of the Ninth Regiment West Virginia Volunteers, testifies, November 3, 1879:

"That he frequently prescribed for the soldier in the summer of 1864 for hemorrhoids, or piles, and chronic diarrhea, and as surgeon of the First West Virginia Volunteers he prescribed for the said officer on several different occasions during the winter of 1864 and 1865 for the same trouble, together with ulceration of the rectum; that after both officers were discharged from its service in 1865 they settled about ten miles apart, affiant at Wyandotte, W. Va., and the officer at Catlettsburg, Ky.; and that he frequently saw and prescribed for the said Zeigler during the following winter and the summer of 1866 for what he called his old trouble, and the officer appeared to be suffering with the same disease for which he had treated him while in the service."

A. Robb, M. D., testifies, May 27, 1876:

"That he attended soldier in his last illness; had been his family physician for three years; he died April 20, 1876, of what he supposed was hemorrhoids, or piles, but shown by *post mortem* examination to be cancer of rectum, involving lower part of spinal cord, sciatic nerve of left side, and the bladder; that he treated soldier March 17, 1876, for what he considered piles; soldier died April 20, 1876; a *post mortem* examination, made eight hours after death, showed the disease to be of a cancerous nature."

Captain Ewing swears to an intimate acquaintance with the soldier from 1865 to 1870; they occupied the same room as an office from 1865 to 1870, and knows soldier was frequently complaining of piles and under treatment for the same by Dr. Pugh, who was a physician boarding in the soldier's father's family; affiant filed soldier's application for pension and did not allege piles, because Dr. Pugh was dead and they could not prove medical treatment.

Alcinous Carnthan swears he was ward master in the regimental hospital of the Fifth West Virginia Volunteers, and had a personal knowledge of the fact that Lieutenant Zeigler was afflicted while in the service with piles, and that from 1865 to 1870 soldier complained of piles.

Colonel Enochs, of soldier's regiment, swears that soldier was treated for piles in 1864, during the summer campaign in the Shenandoah Valley of Virginia, and from that time on to the date of his discharge in 1865.

James C. Ely testifies that he is a druggist in the town of Catlettsburg, Ky., and sold medicines to the soldier frequently during the year 1865, and on to 1870, which he desired for piles.

This case was investigated by a special examiner of the Pension Office in 1882, and the testimony thus taken is very voluminous and conflicting. In submitting the evidence in the case the special examiner says:

"I also believe that William A. Ziegler contracted piles in service, and that they continued to slightly affect him up to death."

It is shown by the evidence that the widow has not remarried and that the soldier abandoned her a few years before his death, being at the time in fear of arrest for having used money belonging to an insurance company. The soldier located at Blanchester, Ohio, where he assumed the name of Avery, and July 19, 1871, was married to Miss Allee Jerral, with whom he lived until the date of his death, April 20, 1876; and that ten children were the result of this marriage. During the time he was living with this woman at Blanchester, Ohio, he kept up a correspondence with and sent small sums of money to his lawful wife at the town of Catlettsburg, Ky., in which he impressed her he could not return home by reason of his liability to arrest for the use of money belonging to the insurance company as aforesaid. It is shown conclusively that no divorce proceedings were ever had by the soldier or claimant, and the legal marriage of claimant is fully established.

Your committee find from the evidence in the case that the soldier's death was due to the disability contracted in the military service, and that his legal widow, which is the claimant in this case, is entitled to a pension, and therefore recommend the passage of the accompanying bill.

Mr. GIBSON. I desire to make a statement to the House in relation to this claim, some of the facts in connection with which are known to myself. In the first place, the report sets forth that the claim for pension was filed on account of a sunstroke received in Maryland. It appears that this soldier had never made a claim on account of any other disability up to that time; and no other disability was discovered by this soldier, so far as we are informed, for a considerable time afterward. He gives as his excuse for not stating in his declaration that he suffered from piles that he could not find the regimental physician. The regimental physician, Dr. Hysell, lived at Wyandotte, three miles from where I live, and this soldier lived at Catlettsburg, seven or eight miles from where I live. There was daily steamboat communication between those towns, and this soldier could have no difficulty at any time in finding Dr. Hysell, for he remained there all the time from the war till a few years ago, when he himself went to Ohio.

But I wish to call the attention of the committee to a further fact. The evidence shows that whatever may have been the treatment given by the physicians to this man, either during the war or afterward, he did not die of piles, but died from a cancer—an internal cancer. This was shown by the *post mortem* examination. Now, I state here that the family of this man are subject to cancer; a few years after this man's death his father died of cancer. So that this was a family taint, and not a disease arising from any service during the war.

Furthermore, the report shows that Mr. Zeigler himself was not entitled to credit in any reports he may have made. A fugitive from justice, afraid to return to his own section of country, where he had de-

serted his wife, he is not entitled here to any credit for his statements. I do not think this is a case which the Government of the United States ought to shoulder. I do not believe this soldier is entitled to any consideration. I am satisfied that if gentlemen knew the records they would discover he had never performed for the Government any service entitling him or his family to a pension.

Mr. ROBINSON, of Ohio. Mr. Chairman, I introduced this bill at the instance of our present Sergeant-at-Arms, Mr. Leedom, who, I regret to say, is not here to-night. The bill is similar to one introduced by him when a member of this House. He knows these parties personally, and says that this is beyond question a meritorious case. He knows this lady, who I believe now resides in his town, in the State of Ohio. I have understood from him that the merit of this case, so far as this widow is concerned, is unquestioned; that she is a woman of good character, respectable in every way.

Now, I have some knowledge of the effects of chronic diarrhea contracted in the military service; and I know that death has very often resulted from disease of the character described in this report. I believe this to be a meritorious case, and I hope my friend from West Virginia will withdraw his objection to the bill.

I regret exceedingly that Mr. Leedom, who suffered an injury yesterday, is not here to-night, and that I can not obtain further information from him.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it do pass?

Mr. GIBSON. Mr. Chairman, I do not wish to be understood as making any reflections upon the lady to whom it is proposed to grant this pension. She herself may be most meritorious; but it is perfectly immaterial how good or how bad a woman she may be. She comes here basing her claims for a pension upon injuries and disease on the part of her husband, originating, as it is claimed, during his service for the Government. Now, I say this report fails to show any services upon his part; it does not show that he received any injury during such service. Indeed, it shows that he never received any injuries at all. There is not merely negative but affirmative evidence that he never received any injury during his term of service.

If this soldier suffered from the causes for which we now undertake to pension him; if he suffered from the disease for which it is claimed he was under treatment, why did he not so represent in his claim? Why did he undertake to say that he was entitled to a pension because he suffered a sunstroke in Maryland, if there were these other positive matters upon which his claim could have been based? There is no attempt now to prove sunstroke. There is nothing about sunstroke in the evidence. The claim is based upon the allegation that he died from the piles, which, however, the *post mortem* examination shows to have been cancer. I state to this committee that the father of this man died from cancer. There was a family taint of that description.

I am compelled to oppose the granting of this claim, because if we pile up unworthy claims and give them favorable consideration they are just so many bars in the way of worthy people who need pensions and ought to have them. I say let us pension worthy claimants, but let us keep out unworthy ones.

Mr. MORRILL. I ask that this bill be set aside informally.

Mr. MATSON. Mr. Chairman, it seems to me that if the gentleman from West Virginia would read this report carefully he would arrive at the conclusion that while this man died of cancer, it was superinduced by disease which originated in the service. The evidence of the surgeon of his regiment shows that he treated him while in the service for hemorrhoids; and the only physician who speaks of cancer states the fact that the *post mortem* examination showed the man had cancer, involving the lower part of the spinal cord and the lower bowels. Certainly it is not a far-fetched conclusion, even on the part of one who is not a physician, that this cancerous affection must have been superinduced by disease contracted during this man's service—that it was not a constitutional and original disease. It was in this view that the committee found his death was attributable to disease incurred in the service. While I have no doubt of the fact, as stated by the gentleman from West Virginia, that this man's father died of cancer, and that there was a predisposition to cancer in the family, yet I think we are entitled to conclude from the evidence that cancer in this case was superinduced by disease contracted in the service. Hence I believe the finding ought to be in favor of the widow.

Now, as to the soldier himself, it is shown by this report that he enlisted in August, 1861, as a private in Company B, First West Virginia Artillery Volunteers; that he was commissioned as second lieutenant in the Fifth West Virginia Volunteers in January, 1863; as first lieutenant in West Virginia Veteran Infantry Volunteers September 5, 1864; and as captain March 29, 1865; and that he was honorably discharged July 21, 1865. So he seems to have rendered some service.

It is true that it is shown after his service he became a defaulter in an insurance or other company and failed to provide for his wife a little while before his death. The fact that she is his legal widow is undisputed.

Besides, since the gentleman from West Virginia made his statement I now remember that the Sergeant-at-Arms of the House has commended the bill to me repeatedly and spoken of its great merits. It seems to me that it is not a bad case by any means, but on the contrary is a clear case of merit.

Mr. ROBINSON, of Ohio. I have personal knowledge of the service of that Fifth West Virginia Regiment. No regiment raised there performed harder service than that regiment. I know personally and intimately some of the gentlemen who testify in behalf of this soldier. They are gentlemen of the highest respectability. I hope my friend from West Virginia will withdraw his opposition and let the bill be passed.

Mr. GIBSON. I shall object to the consideration of that bill. I know these parties myself.

The CHAIRMAN. The question is upon laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. GIBSON. I ask for a division. I hope the bill will be passed over informally.

Mr. MATSON. I ask by unanimous consent that be done.

Mr. GIBSON. I want to read the evidence, and if I am satisfied I shall withdraw my objection.

Mr. MATSON. That is a fair proposition, and I cheerfully accept it.

By unanimous consent, the bill was passed over informally.

Mr. STRUBLE. I suggest that the reports of committees be not read unless asked for.

The CHAIRMAN. That is not necessary, as the reports are only read when the reading is asked for. They are not necessarily a part of the bill.

Mr. GEORGE D. WISE. I shall ask that they be read. I do not propose to act on bills without information.

The CHAIRMAN. Any gentleman on the floor has the right to demand the reading of a report in the nature of an argument. It has been so held by the Chair repeatedly.

HENRY MILKEY.

The next business on the Private Calendar was the bill (H. R. 5378) granting a pension to Henry Milkey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Milkey, late a private in Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry.

Mr. GEORGE D. WISE. Let the report be read.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5378) granting a pension to Henry Milkey, have had the same under consideration, and beg leave to submit the following report:

Henry Milkey was enrolled on the 24th of February, 1865, at Cincinnati, Ohio, in Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry; was mustered out of the service January 20, 1866, at Macon, Ga.

This case was rejected by the Pension Department because of the alleged inability to establish the existence of the disability of the claimant during service or until after the date of his discharge from the Army.

This case has been carefully examined; the claimant is totally blind, and has been for years. He says he contracted an affection of the eyes while in the Army, caused by exposure and hardship near Dalton, Ga., in the early part of the summer of 1865, and says he was treated by the surgeon of his regiment, but did not go to the hospital for fear of being detained there; he asked the surgeon to excuse him from duty, which he did.

Philip Runy, of Dayton, Ohio, February 25, 1881, swears that "the claimant was strong, with nothing the matter with his eyes previous to entering the service."

Angelus Wertzel, Joseph Mohr, and Peter Sautel, all members of his company and regiment, swear that—

"Henry Milkey was taken sick some time in March, 1865, near Nashville, Tenn., which sickness resulted in disease of the eyes."

In a subsequent affidavit made by Philip Runy to the one already referred to he testifies that—

"The claimant has been suffering with disease of eyes since his return from the Army, and has gradually lost his sight."

William T. Herman, on November 26, 1881, swears as follows:

"I am well acquainted with Henry Milkey, and, to the best of my knowledge and belief, he was a sound and healthy man at the time of and before his enlistment, and contracted the disease of eyes, resulting in total blindness, while in the service of the United States and in the line of his duty."

Henry Fisher, of Dayton, Ohio, on the 28th day of November, 1881, testifies as follows:

"I was a member of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and was well acquainted with Henry Milkey, and have been for over twenty years. He was a sound and healthy man before entering the service, and never had any disease of the eyes. It is my firm belief that the disability of Henry Milkey, which has resulted in total blindness, was the result of exposure and fatigue while in the United States service as a soldier."

Perhaps the most important testimony in favor of the claimant is that of William Egry, a reputable and skillful physician of Dayton, Montgomery County, Ohio. On the 23d day of March, 1880, he swore as follows:

"I have been the family physician of Henry Milkey, and have known him from childhood. He was always healthy prior to his enlistment, on the 24th day of February, 1865. He received his discharge from the service in 1866, since which time I have attended him frequently for attacks of hyperæmia of the brain, in consequence of which there has been progressive amaurosis of both optic nerves, resulting in total blindness."

Subsequently, in answer to a letter from the Pension Department, addressed to him, Dr. Egry writes as follows:

"In February, 1866, I was called to attend the claimant, finding him suffering with hyperæmia of the brain. I administered leeches on his forehead and temples, ice applications on his head, and antiphlogistic and derivating treatment internally. He became better and was able to be about, but was growing blind. Atrophia of the optic nerve was predominating and increasing. Every summer he suffered with a relapse of hyperæmia of the brain, and was for most of the time under my treatment. In the year 1873 I went to Europe, and consequently lost sight of him for seventeen months, and during this time total blindness ensued, and he has been blind ever since, being led by his children."

While the claimant when in the service struggled against going into the hospital, and consequently has no hospital record, so as to furnish the proof to the

Pension Department that he was afflicted while in the service with the disease which has destroyed his sight, the testimony is abundant and convincing that he was well before entering the service, and has been gradually getting blind from the time of leaving the service until he was stricken with total loss of sight.

In the judgment of your committee, this man's affliction was produced by the trials and exposures of the service and while in the line of duty, and the passage of the bill is recommended.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES HENDRIX.

The next business on the Private Calendar was the bill (H. R. 1219) granting a pension to Charles Hendrix.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Hendrix, late a private in Company H, Second Regiment Michigan Volunteers, and Company B, same regiment; said restoration to commence from the date when his name was dropped from said pension-roll.

Mr. GEORGE D. WISE. I do not call for the reading of the report. I have it here.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN BAUMAN.

The next business on the Private Calendar was the bill (H. R. 6357) granting a pension to Christian Bauman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christian Bauman, late a private in Company A, Fifty-eighth Regiment Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID URBANSKY.

The next business on the Private Calendar was the bill (H. R. 4569) granting a pension to David Urbansky.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Urbansky, late a private in Company B, Fifty-eighth Regiment Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER FALKNER.

The next business on the Private Calendar was the bill (H. R. 6197) granting a pension to Peter Falkner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Falkner, late a member of Company C, also of Company D, United States Engineer Battalion.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE LEWIS.

The next business on the Private Calendar was the bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Caroline Lewis, widow of John Lewis, late of the United States colored troops (certificate No. 140655), who was killed near Louisville, Ky., about the 6th day of November, 1864, in the line of duty.

Mr. GEORGE D. WISE. Read the report.

The report (by Mr. JOHN S. WISE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis, submit the following report:

Caroline Lewis is beyond doubt the widow of John Lewis, late of United States colored troops, who was killed near Louisville, Ky., about November 6, 1864, in the line of duty. As his widow she was placed on the pension-roll from July 25, 1866, until October 31, 1877, when she was dropped, on the ground that she was not the widow of the soldier.

The ground of this action was the report of a man named Fields, whose statement was certainly false and probably malicious. The woman is the widow of John Lewis. She proves this fully by B. L. Brooks, the preacher who married her to Lewis, whose affidavit, dated December 22, 1879, is full and circumstantial, and is filed with the papers. She never ought to have been stricken from the rolls, and ought to be restored now. We recommend passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. F. JUSTICE.

The next business on the Private Calendar was the bill (H. R. 5103) granting a pension to J. F. Justice.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place the name of J. F. Justice, late a private in Company —, Third North Carolina Mounted Infantry (pension claim No. 317395), on the pension-roll, subject to the limitations of the pension laws.

The report (by Mr. JOHN S. WISE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5103) granting a pension to J. F. Justice, submit the following report:

Joshua F. Justice was duly enlisted October 1, 1863, as a corporal in Company H, Second Regiment North Carolina Mounted Infantry, and discharged August 16, 1865.

The soldier has affidavit of Capt. Levi Jones and others that he was a sound man at the time of enlistment. This is made satisfactory to the committee. He has the evidence of Capt. Levi Jones, and James N. Davis, and Dr. A. B. Sams, with that of comrades, which establishes that he was afflicted during his service in the back, kidneys, and hips, and was sent to hospital at Tazewell. The only ground of rejection was that he had not produced medical certificate. His doctor had forgotten his disease.

The committee think that this is a case justifying Congressional relief, and recommend the passage of the bill, with an amendment, inserting in line 4 the letter "H," and in line 5 strike out "third" and insert "second."

The amendment of the committee was agreed to.

Mr. MATSON. I move instead of "J." to insert "Joshua," as that seems to be the name of the party.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 4556) granting a pension to Joseph Williams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Joseph Williams, late a private in Batteries K and F, Second United States Artillery, subject to the limitations of the pension laws.

The report (by Mr. JOHN S. WISE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4556) granting a pension to Joseph Williams, submit the following report:

Joseph Williams enlisted in Company K, Second United States Artillery, and served until discharged by reason of re-enlistment, February 22, 1864; was transferred to Company F from Company K in 1865; discharged at Fort Vancouver 22d February, 1867, on account of expiration of service; re-enlisted at same place in the same battery February 26, 1867; was discharged February 26, 1870; re-enlisted in same battery at Presidio, Cal., July 1, 1871, and discharged at Marion, N. C., the 1st November, 1874.

Surgeon-General's report shows that soldier was admitted to post hospital, Fort Pickens, Fla., and treated for "contusion;" treated for "diarrhea" June, 1861; admitted to post hospital, Benicia Barracks, Cal., November 18, 1865, and treated for "contusion."

The soldier makes oath that he was sick in hospital at Plattsburg Barracks with chills and fever, and that on the route from New York to Florida he was hurt by the crushing in of the bulwarks of the transport Illinois; that he was hurt in the face by the pole of a limber, cutting through his under lip, breaking some of the front teeth, and driving one into the jaw, where it remains yet, producing a festering sore in the jaw; was sick with fever at Federal Hill, Baltimore; was kicked by one of the battery horses at Benicia, Cal., being struck on head and chest, and was treated in hospital; was wrecked on bark Torrent in Cook's Inlet, Alaska Territory, in 1865, and the right forearm broken; also suffered from piles, rheumatism, pains in the legs and back; also suffered at Presidio Barracks from disease of the liver and kidneys. Comrades of the soldier swear that he was sick with disease of liver and kidneys at Presidio Barracks, which they state of their own personal knowledge.

Dr. Gilkey, examining surgeon at Marion, N. C., for the United States, says:

"Claimant states that he has pain on pressure over the region of the liver, right shoulder, and over the region of the kidneys, with a desire to micturate very frequently when exerting himself, *indicating* chronic nephritis and chronic hepatitis. I find considerable injury to the teeth and alveolar process in both upper and lower maxillary bones, caused, as claimant says, by being struck with the pole of the limber. Claimant is anæmic, emaciated, very feeble, and general health broken down. Disability from nephritis, hepatitis, and injury to face, one-fourth each, aggregating three-fourths."

The committee think the soldier's long service, his many attacks and injuries, and his diseases and feeble condition at time of discharge and now, entitle him to a pension, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARION D. EGBERT.

The next business on the Private Calendar was the bill (H. R. 2975) granting a pension to Marion D. Egbert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteers, for pension.

The report (by Mr. JOHN S. WISE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2975) granting a pension to Marion D. Egbert, submit the following report:

Marion D. Egbert was a corporal in Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and in service in September, 1863, at Cumberland Gap. He was detailed to act as ordnance sergeant. One day in the latter part of November, 1863, while he and the men working under his orders were sunning the ammunition in the magazine, a comrade lit a portfire, which communicated with damp powder on the ground, and would in a moment have produced a fatal explosion of a large amount of cannon ammunition. Egbert, seeing the danger, and that he could not flee from the explosion, threw himself across the line of burning powder and broke the trail, thus preventing the explosion. The fire burnt his blouse and pants quite severely, and the fright, shock, and fire produced a partial deafness, loss of sight, and paralysis in the left side.

The Pension Office required proof of the soldier's condition from a surgeon and two comrades. These Egbert frankly states he can not furnish, because, as the ill effects of the fright and burning did not culminate at once, he was not treated in hospital, and because those present when the accident occurred were men detailed from a Tennessee regiment, whose names he did not know and does not now know. But he does prove by a comrade that he saw him a few days after the explosion suffering severely. He proves by many of his acquaintances that he was sound prior to his going into the service, and has not been sound since. He proves a good character as a man, and his physician testifies that he has been attending him off and on since 1864 for partial paralysis of his tongue and left side.

We are satisfied of the merits of this case, although it falls short of the degree and character of testimony required at the Pension Office. We recommend passage of the bill.

Mr. GEORGE D. WISE. I remember that case was fully discussed at the last session of Congress; I am sure it was. [Cries of "No!"] Oh, yes; I remember very distinctly. I shall object to that. I do not think that case comes up with any proof at all. The statement on the part of the claimant is that he can not furnish any proof because he can not recollect the names of the comrades with him. There is not a particle of proof but the oath of the applicant—no witness, no comrade, nobody; nothing but the uncorroborated statement of the claimant. If we are going to grant pensions in that way, there is not enough money in the United States to pay the amount we will be called upon to pay. I object to this.

Mr. PETERS. Mr. Chairman, I do not think the gentleman from Virginia takes into consideration the corroborating circumstances in connection with this case. True, there is no direct testimony in the case other than that of the applicant himself; but there are circumstances that go to corroborate his testimony. We have, for instance, the evidence, very important to be considered in that connection, of a physician, to the effect that he was sound when he went into the Army. We have also corroborating testimony that he has not been a sound man since, and the further testimony of a comrade who saw him a few days after the occurrence stated in the report and who testifies that he was suffering from severe injuries at the time caused by sacrificing his own personal comfort and safety to prevent a disastrous explosion. All of these tend to corroborate the statement of the applicant himself, and prove by circumstantial testimony that the injury complained of resulted from the explosion at that time.

Mr. GEORGE D. WISE. In reply to the remarks of the gentleman from Kansas I will only say that I notice the statement of this physician does not furnish to us any information at all as to when this unsoundness commenced, none whatever; and it is utterly impossible that such a transaction as is related in that report could have occurred and yet the claimant be without the ability to furnish any testimony in reference to it.

Mr. PETERS. I would like to ask the gentleman from Virginia whether he remembers the statement made there in the report that the men who were with him on that detail were of different regiments, not his own, men with whom he was not familiarly associated and not comrades; consequently their names were not known to him at the time, nor are they known to him now, and as a result he can not obtain their testimony in support of his application.

Mr. GEORGE D. WISE. In reply I will state to the gentleman from Kansas that it is utterly impossible, no matter what regiment these men belonged to, that this man should have been with them for some time at Cumberland Gap and yet not be able to furnish a scintilla of testimony in support of his application.

Mr. MORRILL. I ask unanimous consent that this bill be informally passed over, not to lose its place on the Calendar.

There was no objection, and it was ordered accordingly.

THOMAS FERGUSON.

The next business on the Private Calendar was the bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ferguson, late a member of Company B, Ninety-first Regiment Indiana Volunteers.

The report (by Mr. MATSON) is as follows:

That Thomas Ferguson enlisted in the military service of the United States as a private in Company B, Ninety-first Regiment Indiana Volunteers, August 10, 1862, and was discharged on surgeon's certificate of disability of paralysis of bladder and chronic diarrhea.

February 12, 1868, he was pensioned at the rate of $6 per month for atrophy of testicle and penis; March 8, 1869, increased to $8, and November 25, 1873, to $18 per month for spinal disease.

December 2, 1878, the name of pensioner was dropped from the roll by order of the Secretary of the Interior, on evidence submitted by a special examiner of the Pension Office that the disability for which claimant was pensioned was due to intemperate habits and not to his military service. The evidence in support of this charge is entirely *ex parte*, and without notice to claimant.

Dr. E. A. West, of Pleasantville, Pike County, Indiana, testified, September 16, 1879, that he has practiced medicine for five years and has treated claimant for spinal disease, and that he has been a constant sufferer from said disease; that he knows these facts from personal observation.

A. J. Harrington, M. D., of Spurgeon, Pike County, Indiana, testifies (November 9, 1882) that for three years after the war claimant was a sober man, as he knows of personal knowledge; that he is now a man of temperate habits, but he is informed was dissipated three or four years ago.

Frederick Gyring, J. M. Fleemeer, Jacob Lyring, Hiram Williams, and Thomas Gourley, all citizens of Pike County, certified to be reputable citizens and witnesses whose statements are entitled to full credit, testify to substantially the same facts as those given by Dr. Harrington.

We have examined all the evidence in this case very carefully, and find the soldier was discharged from the service on account of the disability for which he was pensioned; that the numerous medical examinations by different United States surgeons and boards all agree as to the nature and extent of his disability, and its continuance from the date of incurrence while in the service and in line of duty to the present, and that a clear preponderance of the evidence is in favor of the restoration of the soldier to the pension-roll, and accordingly your committee recommend the passage of the accompanying substitute bill.

Mr. GEORGE D. WISE. Mr. Chairman, I object to that bill. The Secretary of the Interior tells us that the name of this man was dropped from the pension-roll because it had been ascertained by evidence taken by one of the examiners of the Pension Office that his disability had arisen from dissipation, and not from injuries incurred in the line of duty or disease contracted in the service of the Government. The Committee on Invalid Pensions tell us that that was *ex parte* testimony, and now the case is presented to us for the restoration of his name to the pension-roll upon testimony just as much *ex parte* as this. The Government was not represented when this testimony was taken, and consequently it is as much *ex parte* as the testimony upon which the Secretary of the Interior dropped the man's name from the pension-roll.

It seems to me that we have a case here before us in which we are told by one of the highest officers of the Government that the disability of the claimant was contracted on account of dissipation; and I suppose, sir, in a case of this kind that the Government ought to be represented when testimony is taken before we restore this man's name to the pension-roll. Under these circumstances I shall be compelled to object to it.

Mr. MATSON. Mr. Speaker, one of the strongest features in support of this case is found in the fact that this man was discharged from the service on acount of the very disability for which he was first pensioned; he was first discharged and was afterward pensioned on account of that disability which was incurred in the service. After that, sir, it is not unfair to say whoever stated that this man's disability arose from intemperance must have reported that from what we are bound to assume was a spirit of malice.

Mr. GEORGE D. WISE. Will the gentleman from Indiana point me to the proof of that assertion?

Mr. MATSON. I do not say that there is anything in the report to that effect. But any man who made a statement of that kind against a soldier voluntarily must have acted from malice, particularly when that soldier had been discharged from the service on account of the disability for which he was pensioned.

Mr. GEORGE D. WISE. Why, the Secretary of the Interior thought it was of sufficient force to justify him in striking his name from the pension-roll.

Mr. MATSON. Because the Secretary of the Interior did not hear the soldier's side of the case at all.

Mr. GEORGE D. WISE. We do not hear the Government's side.

Mr. MATSON. You have here both sides of the case. Here is the report of a special examiner contained within the papers in that case showing the evidence taken by the examiner when the pensioner was not present at all. Then we have his own side of the case; and when into the scale on his side is thrown the fact that he was discharged for the very disease that he was pensioned for, the committee thought itself justified in finding in his favor. The mere statement of one man or two men or any number of men that originated necessarily in malice I do not think ought to deprive the man of his pension; and that it did originate in malice I must believe, because I can not think a man would report a fact against another unless he had some malice at the bottom of it, especially as I have said in a case where a man was discharged from the service for a disability for which he drew the pension.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman from Indiana if it is not true that sometimes reports go into the Pension Office against a soldier who is never permitted to know the person who makes the charge?

Mr. MATSON. I am happy to say to the gentleman that under the present practice of the Pension Office such statements are given no weight whatever, and in every examination resulting on account of such statements information is given to the pensioner as to the time and place of taking testimony upon the subject.

Mr. BROWN, of Pennsylvania. But at the time this man was dropped?

Mr. MATSON. At the time this man was dropped the practice was different. There were secret investigations; there were detectives; and these detectives desired to have business. They sought cases of that kind, and many cases were made that had no foundation in fact; and I think this is one of them. I am satisfied from the mere fact that he was discharged from the service on account of disease contracted in the service and immediately afterward pensioned. I am satisfied from that fact alone this must have been a malicious thing on the part of the person who informed against him.

Mr. GEORGE D. WISE. I will say to my friend from Indiana I will examine this case if he will consent to its being passed over; and if I find the facts to be as he states I will withdraw the objection.

Mr. WOODWARD. I ask the gentleman from Indiana [Mr. MATSON] whether there is anything in existing law to prevent the Secretary of the Interior from restoring this man to the pension-roll if these facts are brought to his knowledge.

Mr. MATSON. I presume there is not.

Mr. STRUBLE. I desire to make a remark in reference to this case. The gentleman from Virginia [Mr. GEORGE D. WISE] in his objection to this claim appeared to lay great stress on the fact that the Secretary of the Interior had dropped this man from the pension-roll. Now, I beg to remind the gentleman from Virginia of what I understand to be a fact in regard to this business, that very few of these cases come to the personal knowledge of the Secretary of the Interior. The evidence is taken by clerks of the Department, and the order is entered, and the party dropped from the roll; and unless the case is taken to the Secretary on appeal the chance is that he does not personally see one case

in a thousand. I think the gentleman should not lay much stress on that fact.

Mr. GEORGE D. WISE. The gentleman from Indiana [Mr. MATSON] consents to let this case be passed over.

Mr. LAIRD. I object.

The CHAIRMAN. No motion has been made.

Mr. GEORGE D. WISE. I ask unanimous consent that the bill be passed over informally.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the bill be passed over informally, retaining its place on the Calendar. Is there objection?

There being no objection, the bill was passed over informally.

THEODORE LEVERON.

The next business on the Private Calendar was the bill (H. R. 301) granting a pension to Theodore Leveron.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore Leveron, late a private in Company M, Third Regiment Kentucky Cavalry Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 301) granting a pension to Theodore Leveron, respectfully report:

That Theodore Leveron enlisted in the military service of the United States as a private in Company M, Third Regiment Kentucky Volunteer Cavalry, October 11, 1861, and was honorably discharged August 3, 1865.

May 2, 1874, he filed a declaration for pension, alleging gunshot wound of left arm, received at Hopkinsville, Ky., July 20, 1863; was also thrown from his horse at Cadiz, Ky., in the fall of 1863, causing injuries of the head; which was rejected February 27, 1883, as to gunshot wound, on the ground that soldier was not in line of duty at the time of receiving said injury, and no pensionable disability from injury to head since discharge.

It appears from the evidence in the case that the soldier had an altercation with a citizen at a place of amusement in Hopkinsville, Ky., on or about the 20th day of June, 1863. The next day after this, as soldier was passing the place of business of the citizen, Savage by name, he came out and caught the soldier by the collar, and shot him with a pistol which he held in his right hand. At the time of the shooting soldier was detailed as a messenger at the military telegraph office, and was on his way to his breakfast at the time he was assaulted and shot. The citizen was arrested by the military authorities, but whether he was placed on trial for the offense is not disclosed by the evidence.

Capt. Albert Slov, of Vincennes, Ind., testifies (November 9, 1882) that he was captain of claimant's company in the service, and corroborates the statements of claimant from facts gathered at the time of the shooting, and to seeing the wound after its infliction.

John P. Kullehn, of Wheatland, Knox County, Indiana, testifies (November 9, 1882) to the fact that he was a member of claimant's company and regiment, and to the shooting of the soldier by Savage at the time and in manner above detailed; did not see the shooting, but heard of it immediately after its occurrence.

C. P. Hollingsworth, of Bruceville, Knox County, Indiana, testifies (November 9, 1882) that he was the first lieutenant of claimant's company, and to the fact of the wounding of the soldier by Savage at Hopkinsville, as indicated by other witnesses; that the shooting was without provocation on the part of claimant; that he believes that said shot was given solely because Leveron was a Federal soldier.

Claimant was on detached duty at the time he was shot, and under regular orders.

We think the evidence in the case justifies the conclusion that the soldier was shot by the citizen, Savage, while in the line of duty, and that the controversy was not provoked or encouraged by the soldier, and that the injury to the claimant is clearly due to his military service, and that he should receive a pension, and therefore recommend the passage of the accompanying bill.

Mr. GEORGE D. WISE. I object to this bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. GIBSON. It does seem to me that if we go to pension these Kentucky people when they shoot each other, especially those people about Hopkinsville, we will soon exhaust the Treasury of the United States. The report in this case shows that this soldier left his camp, went to Hopkinsville to a dance or frolic of some sort, and while they were at this frolic he and this man Savage got into a row. They met next day and Savage shot him with a pistol.

Mr. RAY, of New Hampshire. Savage went out of his place of business and made an assault on the soldier as he was passing by.

Mr. GIBSON. That is only the style in which they do things there. But this soldier, it will be remembered, returns to his camp; he remains in the service; he is discharged at the expiration of the war; discharged not by reason of any disability that he was suffering under. He continued in the service and never for nine years after the end of the war filed any claim for the pension.

Now, it is well understood that when parties sleep upon their rights an extraordinary length of time that is a circumstance that militates against them in any court. This party if he had been disabled from any cause that entitled him to a pension would not have slept upon his rights until 1874 and then come here. And when he does come here he does not show by the evidence he is suffering from any disability. The evidence merely states that he had a gunshot wound, and does not state that a disability was created. There is no disability proved in this case; it is the case merely of a gunshot wound.

Mr. MATSON. The objection by the gentleman from West Virginia that no disability has been proved I wish to say can be fully answered to his own satisfaction. The bill itself provides that this soldier shall be pensioned, subject to the limitations and provisions of the pension laws, which expressly require him to be examined and the extent of disability ascertained before he is pensioned. This disability must be ascertained before he can be put on the pension-roll. There is not anything in the bill that fixes the disability. That objection, therefore, of the gentleman from West Virginia can not obtain.

Mr. GIBSON. But, Mr. Chairman, this soldier has been examined. He has made his case; he made his case before the department and his claim was there rejected. He then comes before Congress and he makes his case before Congress, accumulating all the testimony that he could bring before this body in addition to what he had before the department. Having been repulsed there, knowing it was necessary to obtain further evidence, after two attempts, one before the department and one before Congress, he comes here and neither alleges nor attempts to show any disability. The only thing he attempts to show is that he received a slight wound in the arm from the discharge of a pistol in a private quarrel with a man he had been with on a frolic the night before.

Then the effort is made to show, simply because he had been on a frolic with a man the night before, and this was in the State of Kentucky, therefore the man shot him because he was a Union soldier. Now, I repeat, if this man is not suffering under any disability, why put him upon the pension-rolls at all? If he incurred any disability, why did he not prove it when undertaking to make out his case before the Pension Office?

If we want to bring this whole pension-list into disrepute; if we want to make the whole system of pensioning soldiers a mere farce, enacted by a few men getting together and parceling out so much in the Treasury as can be spared, let us go on in this way; but if not, then when a party comes before Congress asking to be put on the pension-list, let us require him at least to show that he is suffering from some disability received in the service.

Mr. MATSON. Mr. Chairman, I have listened very patiently to the gentleman from West Virginia, but still I must insist that it would be very unwise for Congress to undertake to turn itself into a board of surgeons to determine under what disability a man may be laboring. The only thing we can do is to submit such questions to those who are more competent to determine them than we are, to place persons on the pension-list subject to the provisions and limitations of the pension laws, leaving the board of surgeons to determine the question of disability.

Now, as to the merits of this case, it is shown very clearly by the evidence in this report that this man was in the line of duty at the time he was injured. Whether the shot was a friendly one or was from the hands of an enemy does not, I apprehend, make any difference. If this man was guilty of no negligence or wrong, and was in the line of duty at the time he was injured, he should be pensioned. That is a proposition which I think my friend from West Virginia will concede.

It is shown that he was detailed as a messenger at the telegraph office at Hopkinsville, and at the time of receiving the injury was going from his office to his boarding-house to get his breakfast. Certainly he was in the line of duty. Whether the disability is great or small is a question that the board of surgeons will determine if we pass this bill.

Mr. GIBSON. Inasmuch as the department has rejected this claim, I submit it is not asking too much if I propose that it be laid aside without losing its place until we can examine the papers.

Mr. MATSON. I have no objection to that.

Mr. CUTCHEON. Mr. Chairman, I am not in the habit of occupying any time at these evening sessions, although I always attend them. I desire, however, to call the attention of my friend from West Virginia to a particular point in this case, because it is one that is constantly recurring. In order that the Pension Office shall grant a pension two things must concur: first, there must be shown a pensionable disability; and, secondly, the pensionable disability must have been incurred in the service and in line of duty. Now, in this particular case there is a question in the gentleman's mind as to the pensionable disability. But that is a thing with which we have nothing to do.

Under the law, in order that the Pension Office shall grant this pension, it must be made to appear by the proofs that a pensionable disability was incurred in the service and in the line of duty. That is a point which the Pension Office can not waive; but that point we can waive. There appears to be some doubt in this case in the minds of some gentlemen whether this disability, such as it is, was incurred in the line of duty—whether it was not the result of something that occurred the night before, when, as my friend from West Virginia says, there was a "frolic." That the man was in the service and in the line of duty at the time the disability was incurred there can be no doubt. Whether his receiving the injury at that time was or was not the result of something preceding which occurred when he was not in the line of duty is a question upon which there may be some doubt.

Now, in passing these special acts, we simply say that the question as to the person being at the time of the injury in the line of duty is a question that we, the Congress of the United States, which made the general law, will waive; that notwithstanding the doubt in this regard we will allow the Secretary of the Interior to place the applicant upon the pension-roll. But the question as to the pensionability of the disability, and the extent of the disability, whether total or partial, or

none at all—that is a matter for the Pension Office to consider. By our action here we simply waive on our part the question whether the soldier was in the line of duty, leaving the extent of the disability and the amount of the pension to be determined at the Pension Office under our general laws.

Mr. LAIRD. Mr. Speaker, it has been properly said by the gentleman from Michigan [Mr. CUTCHEON] that two things must concur in order that the Pension Office may award a pension. The gentleman seems to admit that this case, as stated to us, leaves it a matter of doubt whether the circumstances would justify the rejection of this case by the Pension Department or by Congress. I desire to call attention to the testimony cited in this report—the verdict of the jury that had before them for examination the testimony appearing upon the files—so that we may determine the judgment to be entered in this case by Congress simply as a question of testimony.

Now, here is the evidence of the claimant himself, which I submit to gentlemen, if it is to be rejected must be met by some proof tending to impeach the veracity of the claimant. There is none stated by the gentlemen on their own knowledge; there is none stated from the record—in no instance; while here is the testimony of the two officers of his company, the one swearing directly to the fact to be proven, namely, the receiving of the injury at the time and place where the soldier was in the discharge of his duty. That is the testimony of the first lieutenant; and then we have the captain swearing to the fact of the injury and to the effect produced.

These men swear from knowledge of the circumstances surrounding the transaction gained at the time, but not by sight. Then there is the testimony of a comrade, who swears from actual knowledge acquired at the time. Here are the requirements of the law satisfied. The pension law says they shall have the testimony of one commissioned officer or of two comrades. Here is the testimony of the claimant himself, which we may set aside on the common-law theory he has interest in the recovery, under what is not now recognized by law, but under the savagery of the common law it is set aside and passes for nothing. But what is to be said of the testimony of the two commissioned officers, one from actual knowledge, added to that of the comrade of the man who swears from actual knowledge? Is Congress at liberty to set that aside? It does not pass for anything that the department should not consider it of sufficient consequence to grant a pension on it. Let the department judge for itself. We judge for ourselves.

This matter has been submitted to a committee in the nature of submission to a jury, and that committee has returned a verdict awarding the man a pension. The gentleman from West Virginia comes and asks it be set aside. I do not know his particular object in asking it be set aside, but we are here this evening for this kind of legislation, and for myself I see no good reason why we should tolerate objection which finds no vindication in the testimony presented on the part of the gentleman making it, or why we should refuse to pass this bill.

If these gentlemen who object will submit any testimony; if they will rise in their places and say they have knowledge of circumstances which make against the case reported by the committee, so far as I am concerned I am willing to take it into consideration. But why should these gentlemen interpose objection and arrest all legislation without any testimony to justify them in delaying action until the people who wait on what we do here shall have passed away? Why should Congress make unnecessary delay when, while these gentlemen are making their speeches against these cases, the claimants by death may be placed beyond all reach of relief? So long as a case comes here upon the unanimous report of the Committee on Invalid Pensions, backed by the testimony meeting the technical requirements of the law, I see no reason why this sort of legislation should be resisted.

These gentlemen talk about this man sleeping on his rights. I do not believe it is a matter of disgrace that a man who may have been injured while in the discharge of his duty should have seen fit not to move instantly for what the law would allow him to recover. While I do not believe that to be a matter of disgrace, no more do I believe it to be the occasion for refusing him the justice which the facts demand. There are many of us who received injuries twenty years ago, and we are sleeping on our rights to-day. So long as an honorable man can win some sort of support for himself he will not ask the Government to put itself in place of his ability to labor. It is to the credit and honor of any applicant that he has abstained from putting himself in what may be in the estimation of some a dishonorable position, but nevertheless the contract remains that the Government agreed to when it received the service of these people, and that is to put itself in place of their ability to earn a living for themselves if that ability should become impaired.

So far as I am concerned I see no occasion why this bill should be laid aside or passed over. This evening has been set apart by an order of the House for the consideration of these pension cases, and it seems to me we should proceed to consider them. We might as well fight it out at one time as another, and if there are not enough members here to-night to meet the technical requirement of a quorum, we should insist hereafter a quorum should be present so that prompt action can be had on these cases. They are of as much dignity and appeal to our sense of justice as strongly as any that can come before Congress.

Mr. CUTCHEON. Did the gentleman understand me as objecting?

Mr. LAIRD. No, sir.

Mr. GEORGE D. WISE. I was satisfied with the statement of the honorable gentleman from Michigan and perfectly content to leave it that way. The question is in doubt. But I beg leave to say something in reply to the honorable gentleman from Nebraska who has just taken his seat.

The report in this case, Mr. Chairman, it seems to me, has not disclosed a case for granting a pension. Why, the evidence shows that the claimant on the night before he was wounded had a quarrel with a man who subsequently shot him.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me to interrupt him a moment?

Mr. GEORGE D. WISE. Certainly.

Mr. BROWN, of Pennsylvania. I do not think the gentleman desires to misrepresent the case; I am satisfied he does not; but, as I understand the reading of the report, there is no evidence of an altercation the night before. On the contrary, as I understand it, he was in attendance upon an entertainment of some kind, which, as I remember, is supported by the testimony set forth in the report.

Mr. GEORGE D. WISE. I am positive the report states that he had an altercation the night before.

Mr. GIBSON. I hold the report in my hand, and will read that portion of it:

It appears from the evidence in this case that the soldier had an altercation with a citizen at a place of amusement in Hopkinsville, Ky., on or about the 20th day of June, 1863.

Mr. BROWN, of Pennsylvania. I was mistaken in my recollection.

Mr. GEORGE D. WISE. It appears then from the report that the claimant had on the night before an altercation with a man who shot him, in consequence of what occurred at the time of the altercation.

Mr. LAIRD. Will the gentleman allow me a question?

Mr. GEORGE D. WISE. Certainly.

Mr. LAIRD. Do you contend that the fact that he had an altercation the night before gave the citizen the right to shoot him the day afterward?

Mr. GEORGE D. WISE. I do not know, because the report does not disclose, what the altercation was. It does not state what it was or what the cause of the difficulty was, but I tell the gentleman from Nebraska I do hold that the evidence the claimant introduced here, which is this, and I want to call the gentleman's attention to it so that he will read it carefully, is only the report of his captain to the effect not that he knows of the fact that the man with whom he had the altercation the night before shot him, but that it is his belief—a belief founded on no fact—that he shot him because he was a Union soldier.

That is the testimony, and this House is asked to grant a pension upon a plea founded upon no fact, but simply an opinion, and that, too, when the positive evidence discloses the fact that the man who shot him had an altercation with him. And yet your committee has not stated to this House what that altercation was. Why, it might have been something which would justify a man to take life or anything else. I do not know what it was. I do not assert that it was, but what I do say is that you have not given us to understand what the altercation was, and the only way in which you attempt to make it an injury received in the service of the Government is by asking us to act upon the belief of his captain that the shot was given because the man who shot him disliked him on the ground that he was in the service of the Government. Now, I say that is going rather too far, and I shall object to this case.

Mr. PRICE. Mr. Chairman, in the language of the gentleman from Michigan, I have been here every evening, but have not taken up much time in discussions on this floor. There are, however, two or three statements which have been made during this discussion that I think should not be permitted to go unchallenged. The first is by the gentleman from West Virginia [Mr. GIBSON], who says that there is something of the merits of this claim lost by reason of the delay in making the application. The gentleman may be mistaken in that respect. My own experience leads me to the belief, and I think I will be sustained by every gentleman here who has any charge of pension cases, that the bravest men, the most gallant soldiers, men who possessed the pride that enabled them to walk undauntedly up to the cannon's mouth, have been sustained by that same pride all these long years, with health shattered, constitutions broken, in poverty and want, with the hope that they might be eventually able to weather the gale without the assistance of the Government. And the bravest men, in most instances, men with the best records in pension cases, hospital records, are usually the men who appeared first to avail themselves of the privilege accorded to them under our pension laws. So that instead of delay operating against the claimant, to my mind it is one of the strongest reasons in the world why we should carefully, dispassionately, and calmly consider his claim.

The gentleman from Virginia [Mr. GEORGE D. WISE] makes a statement to the effect that this House is asked to grant a pension in this case. The gentleman is mistaken in that. We are asked to grant no pension, but simply to bring this case within the rule under which the Pension Office can carefully scan the case and ascertain whether under

the pension laws there is a legitimate claim for disability or not. We grant you that the case is not made up in this report. But you are asked to make it possible for the proper officers of the Government to investigate the facts and place the man upon the pension-roll, if in the course of the investigation it is ascertained that he presents a favorable case and becomes pensionable.

I may state also that I desire to answer another assertion made by the gentleman from Virginia on the last Friday evening that I had the honor to sit here with him on the floor of this House in the consideration of pension cases, when he stated that no man came up here to these evening sessions unless he was interested in some of these pension claims. The gentleman is mistaken in that also, as to the motives that lead some of us to attend these night sessions. I know with reference to myself, and I think with reference to all who attend them, men come here influenced purely and simply by a desire to see justice in the slightest degree done to a set of men to whom this country can not be sufficiently grateful.

Mr. GEORGE D. WISE. If the gentleman will read the remarks which I submitted he will find that I did not say what he seems to think I said.

Mr. PRICE. I was listening and took down the words, and thought I heard the gentleman correctly. I am delighted to find I am mistaken. I do not want that statement to be made. But in regard to the objection of the gentleman from Virginia, that time is the essence of the contract, and the other objection of the gentleman from West Virginia [Mr. GIBSON], I am not astonished at their objection to the bill with their understanding of the facts, but as they are mistaken, both of them, about the facts, I hope they will withdraw their objection and let this bill take the course of the others, and allow that justice be done which we have been so tardy in giving.

Mr. LAIRD. The gentleman from Virginia and the gentleman from West Virginia must have heard this report read. If they had listened carefully to the reading they would have heard this, which is all the answer that is necessary to be made to the statement that the case comes to this House dishonored by the failure of the very officer of the claimant's company to make a statement in his behalf. I read from the report:

John P. Kullehn, of Wheatland, Knox County, Indiana, testifies (November 9, 1882) to the fact that he was a member of claimant's company and regiment, and to the shooting of the soldier by Savage at the time and in manner above detailed; did not see the shooting, but heard of it immediately after its occurrence.

C. P. Hollingsworth, of Bruceville, Knox County, Indiana, testifies (November 9, 1882) that he was the first lieutenant of claimant's company, and to the fact of the wounding of the soldier by Savage at Hopkinsville, as indicated by other witnesses; that the shooting was without provocation on the part of claimant; that he believes that said shot was given solely because Leveron was a Federal soldier.

Mr. GIBSON. The chairman of the Committee on Invalid Pensions and myself had agreed, as I thought, that this bill should be passed over, and if these gentlemen who claim that they are so anxious to pension soldiers had just let me alone they could have passed a half-dozen bills in the time they have been assailing me. But I am entitled to put myself right. My friend from Wisconsin [Mr. PRICE] very pleasantly undertook to give his version of what I said. The gentleman is mistaken when he says I stated because this party had not filed his claim for a pension that is evidence that he was not entitled to it.

Mr. PRICE. What the gentleman said was that the fact that this soldier had slept on his right a great length of time militated against him.

Mr. GIBSON. I made this statement, that the fact the claimant had shown no disability, that he was not discharged for disability, and that he made no positive claim on that ground, the fact that he had slept that length of time on his claim militated against its validity. But I have no desire to discuss the case further than simply to vindicate myself. Let this case be passed over informally, and let us go on with the other business on the Calendar.

Mr. O'HARA. It is evident we can not pass this bill to-night. I ask unanimous consent that it be passed over informally without losing its place on the Calendar.

Mr. MATSON. I have acceded to the request of the gentleman from West Virginia, who states that he desires to examine the evidence. I think that is fair, and that in the mean time the bill should be passed over informally.

There being no objection, the bill was passed over informally.

CUTLER S. DOBBINS.

The next business on the Private Calender was the bill (H. R. 4024) granting a pension to Cutler S. Dobbins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cutler S. Dobbins, late captain of Company B, Eightieth Regiment Indiana Volunteer Infantry, and to pay him a pension from the date of his discharge.

The amendment reported by the committee was to strike out these words:

And to pay him a pension from the date of his discharge.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4024) granting a pension to Cutler S. Dobbins, respectfully report

That claimant was mustered into the military service of the United States as captain of Company B, Eightieth Regiment Indiana Volunteers, September 3, 1862, and resigned on surgeon's certificate of disability January 16, 1863.

September 1, 1877, he filed a declaration for pension, alleging that while on the march from Louisville to Crab Orchard, and from thence to Columbia, Ky., October 7, 1862, he contracted a violent form of hemorrhoids; also deafness, contracted at the battle of Perryville, Ky. The claim for first named disability was rejected June 29, 1878, on the ground of existence of disability prior to enlistment, and the last named January 15, 1883, on the ground of no record of deafness, and inability to furnish satisfactory evidence of its origin.

Dr. Dewitt C. Brown, of Shoals, Ind., whose record as a soldier is verified by the records of the Adjutant-General, and who is shown to be a reputable physician, testifies January 27, 1878—

"That he was hospital steward of the Eightieth Regiment Indiana Volunteers; has been well acquainted with claimant since 1858; was his family physician in 1859; claimant was a sound man when he enlisted; affiant enlisted in his company and was shortly afterward made hospital steward, and was with the regiment until October 1, 1862, at Louisville; claimant was sound up to that time; did not see him again until October 18, 1862, after the battle of Perryville. On the 20th of November, while the regiment was on the march, claimant had a severe attack of hemorrhoids; I saw his condition near Rolling Fork River; that he continued so to suffer until he resigned; I saw him again after my return in 1865; the disease had then become violent; prescribed for him professionally; large tumors formed and at times bled profusely; he continued to suffer from that time to the present."

Hon. James E. Walker, Loogootee, late a member of the Indiana Legislature, and a lieutenant of Company B, Eightieth Regiment Indiana Volunteers, corroborates the evidence of Dr. Brown, with the exception of treatment since discharge.

Dr. John C. Bever, of Vincennes, Ind., testifies March 23, 1878, that he attended claimant's family from 1859 to 1866; he has examined his books, and does not find any prescriptions for hemorrhoids; thinks it was brought on by claimant's military service.

It is shown that Dr. William Delamater, who treated claimant after his return from the Army, is now dead.

Dr. William Z. Smith, United States examining surgeon at Shoals, Ind., in an examination of claimant November 24, 1877, reports:

"I find applicant has hemorrhoids. Bowels protruding as large as an ordinary fist; ulcerated and bleeding. On introduction of finger into bowels I find an uneven surface and four distinct enlargements; on least amount of handling bleeds freely. Has all the appearance of a very bad case of piles. Disability one-half."

The incurrence of deafness is shown to have first become manifest after the battle of Perryville, in which claimant participated. This fact is shown by the evidence of Dewitt C. Brown, M. D., hospital steward of the regiment; Thomas Watson, private in claimant's company; also Alexander Shavum, of said company and regiment. The presence of these soldiers at the time and place is verified by the records of the Adjutant-General; and all are now residents of Martin County, Indiana. Lewis Brooks, of West Shoals, Ind., colonel of claimant's regiment, says soldier has become almost deaf since the war.

R. C. Stephens, clerk of the circuit court of Martin County from 1859 to 1867, testifies February 11, 1882:

"That after claimant came out of the Army in 1863, and while practicing in said court, his hearing commenced to fail, and he has gradually grown worse."

Frank Baker, of Shoals, Ind., clerk of the Martin circuit court from 1867 to 1873, testifies February 13, 1882:

"That shortly after claimant's return from the Army the hearing in his left ear commenced to fail, and has gradually grown worse."

Hon. W. R. Gardner, a prominent lawyer of Washington, Daviess County, Indiana, testifies June 30, 1882:

"Has practiced law the past nineteen years in same district and counties as claimant; since he came out of service he has been deaf to such an extent as to seriously interfere with his practice."

That claimant was free from deafness and piles prior to and at the time of his enlistment is shown by the testimony of Hon. James E. Walker, who was a lieutenant in claimant's company; Lewis Brooks, colonel of the regiment; Dr. Dewitt C. Brown, James B. Freeman, William G. Greene, Michael Shirey, Thomas Hart, Samuel Albaugh, Wilson Chenoweth, Hon. James Braden, late candidate for Congress in the second Indiana district, and other neighbors and intimate associates of claimant, all of whom are shown to be reputable citizens. These witnesses also testify to the continuance of the disabilities of the claimant to the present time.

The testimony in the case is voluminous and conflicting, but is overwhelmingly in favor of the soundness of the soldier at the time of his enlistment and conclusive as to the continuance of the same from his discharge to the present time. Your committee recommend that the bill be amended by striking out all after the word "infantry," in line 7, and when so amended that the bill pass.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

The question being taken on the motion of Mr. MATSON, there were—ayes 15, noes 5.

So the motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having resumed the Chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with sundry recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 374) granting a pension to William Boone;
A bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury;
A bill (H. R. 5630) granting a pension to George W. Rugg;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 7302) granting a pension to Elizabeth Smith;

A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 6357) granting a pension to Christian Banman;
A bill (H. R. 4569) granting a pension to David Urbansky;
A bill (H. R. 6197) granting a pension to Peter Falkner;
A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis; and
A bill (H. R. 4556) granting a pension to Joseph Williams.

JOSEPH RAIBLE.

A bill (H. R. 3947) granting a pension to Joseph Raible was reported by the Committee of the Whole House with the following amendment:

Add at the end of the bill the following: "In lieu of all other pensions paid him."

Mr. GEORGE D. WISE. I shall have to object to the passage of that bill. Action was taken upon it by the committee while I was in the cloak-room.

The CHAIRMAN. The Chair will put the question.

Mr. GEORGE D. WISE. I suggest that action be first taken on the other bills to which there is no objection.

Mr. ENGLISH. This applicant is one of my constituents, being a resident of Indianapolis. I hope the objection interposed by the gentleman from Virginia against the bill will not prevail.

In reply to the remarks made by the gentleman from Virginia [Mr. GEORGE D. WISE] at the session of last Friday night, I wish to say that my colleague from Indiana, the chairman of the Committee on Invalid Pensions [Mr. MATSON], has no personal acquaintance with this applicant, has never seen him, has no special interest in him; and the applicant is not a resident of his district. Nor have I any personal interest in this applicant. This bill was introduced in this House by my predecessor; and I have no interest in it beyond my desire that a just claim should prevail. The applicant is not a political follower of mine, but is an ardent supporter of the political party that I oppose, and was zealous in his opposition to my election to Congress.

Mr. Speaker, I shall not split hairs as to the exact date at which this soldier gave up his right arm in the service of his country. I do not care whether it was a few days before or a few days after he was formally mustered out of the United States service. It is sufficient that he was at the time (whether technically or not) practically still in the service of the United States and in the line of duty; and while acting in obedience to the commands of his superior officers he suffered this disability. I shall not search for far-fetched technicalities with which to oppose the pensioning of this gallant soldier, but, on the contrary, would urge every just argument in his behalf. I know him. I know his helpless condition. I know his needs. I know that he is deserving of his country's helping hand. I hope that the objections of the gentleman from Virginia will not prevail.

The question being taken on the amendment reported from the Committee of the Whole House on the Private Calendar, it was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

BILLS PASSED.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 2485) for the relief of Treadwell Seaman, jr.;
A bill (H. R. 6803) granting a pension to John T. Brake;
A bill (H. R. 5812) granting a pension to Ellen A. Vance;
A bill (H. R. 5103) granting a pension to J. F. Justice; and
A bill (H. R. 4024) granting a pension to Cutler S. Dobbins.

SARAH C. THOMAS.

A bill (H. R. 1841) granting a pension to Sarah C. Thomas, reported from the Committee of the Whole House with a recommendation that it lie on the table, was accordingly laid on the table.

Mr. MATSON moved to reconsider the various votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DINGLEY: Petition of Gustavus Pease, for a pension—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition of 100 citizens of Massachusetts, in favor of the passage of the resolution offered by Mr. HOPKINS relative to the transportation of cattle—to the Committee on Commerce.

By Mr. JAMES: Petition of Isabella J. Ramsdell, for increase of pension—to the Committee on Pensions.

By Mr. B. W. JONES: Petition of D. Schreiner and others, of Grant County, Wisconsin, for the passage of H. R. 7168 and Senate bill 2315—to the Committee on Invalid Pensions.

By Mr. KEIFER: Petition of Rev. W. H. Scott, president of the Ohio State University, and 12 others, professors in said university, asking for the passage of the bill to establish agricultural experiment stations—to the Committee on Agriculture.

By Mr. MITCHELL: Petition of citizens of West Haven, Conn., for the improvement of West River—to the Committee on Rivers and Harbors.

By Mr. OCHILTREE: Petition of the heirs of Henry Harrison, for reference of claim to Court of Claims for correction of mistake of fact in decision of the Southern Claims Commission—to the Committee on War Claims.

By Mr. RANNEY: Petition of Charles H. Swan and others, relative to the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. OSSIAN RAY: Petition of Ezra B. Corning and 40 others, praying that by special act a pension be granted to George H. Glidden—to the Committee on Invalid Pensions.

By Mr. W. F. ROGERS: Petition of Sally C. Mulligan, to restore pension-money due her—to the same committee.

By Mr. J. M. TAYLOR: Papers relating to the claim of John B. Inman—to the Committee on War Claims.

By Mr. THOMPSON: Petition of Beaufort N. Sampson, for a pension—to the Committee on Invalid Pensions.

By Mr. VAN ALSTYNE: Petition of John B. Doyle and William Stanton, for relief—to the Committee on Claims.

By Mr. RICHARD WARNER: Petition relating to the claim of Samuel D. Travis, deceased—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition relating to the claim of William Lloyd—to the same committee.

By Mr. YOUNG: Petitions relating to the claims of the heirs of Margaret Rawlings, deceased; of Mary A. Blackwell, and of Erastus T. Allen—severally to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BOYLE: Of citizens of Waynesburg and of Westmoreland County, Pennsylvania.

By Mr. J. H. BREWER: Of soldiers of the Mexican war, of Manchester, N. J.

By Mr. CONVERSE: Of John W. Free and 71 others, citizens of Perry County, Ohio.

By Mr. ELDREDGE: Of Chester Clark and 42 others, of Monroe County, Michigan.

By Mr. FUNSTON: Of citizens of Fort Scott, Kans.

By Mr. HALSELL: Of citizens of Logan and of Edmonson Counties, Kentucky.

By Mr. LAWRENCE: Of citizens of Beaver County, Pennsylvania.

By Mr. S. H. MILLER: Of citizens of Spartansburg, of Mercer County, of Milesburg, and of Butler, Pa.

By Mr. G. W. RAY: Of 62 citizens of Morris, Otsego County, and of 54 citizens of Pitcher, Chenango County, New York.

By Mr. OSSIAN RAY: Of John S. Collins and 72 others, of Gilson, Alstead & Marlow, New Hampshire.

By Mr. STEPHENSON: Of citizens of Waupaco, and of Marathon County, Wisconsin.

By Mr. TOWNSHEND: Of 29 citizens of Marion County, Illinois.

By Mr. WALLACE: Of W. M. Young and 62 others, citizens of Mahoning County; of John Wilkins and 67 others, citizens of Carroll and Del Roy Counties; of William Halaerstadt and 11 others, of Columbiana County, and of John O. McGowan and 59 others, of Youngstown, Ohio.

By Mr. WORTHINGTON: Of William Winship and 60 others, of Cuba; of John K. Hindson and 40 others, of Fulton County; and of John F. Linn and 60 others, of Knox County, Illinois.

SENATE.

SATURDAY, *December* 20, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

JAMES G. FAIR, a Senator from the State of Nevada, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting a letter of Mr. Robert Furman, of Schenectady, N. Y., on the subject of the establishment of a United States penitentiary as recommended in the annual report of the Attorney-General; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a preamble and resolutions

adopted by the Pennsylvania Academy of Fine Arts, favoring the purchase by the Government of the engravings and etchings of that association, to be placed in the National Museum in Washington; which were referred to the Committee on the Library.

He also presented the petition of John L. Cleveland, of Bridgewater Corners, Vt., late of Company B, Third Vermont Volunteers, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

Mr. HOAR. I present a petition signed by the presidents of several marine insurance companies of Boston, praying the aid of Congress toward the proposed cable communication between Nantucket, Martha's Vineyard, and the mainland. An appropriation was made last year for that purpose, but it was not enough to even begin the work without a great waste; so it was concluded not to spend it, but to ask for a similar appropriation this year. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented a memorial of the Cigar-makers' Association of Green Bay, Wis., remonstrating against the ratification of the reciprocity treaty between the Spanish West India Islands and the United States; which was referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented a petition of several hundred citizens of the city of Brooklyn, N. Y., praying for the repeal of all acts fixing the term of administrative offices at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of 103 firms of importers and jobbers of tobacco of the city of New York, remonstrating against the ratification of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

Mr. MANDERSON presented the petition of Lee, Fried & Co., Rector, Wilhelmy & Co., and others, hardware dealers of Omaha, Nebr., and the Northwest, praying for increased water-way facilities from the West to the East, and for the building of the Hennepin Canal; which was referred to the Committee on Transportation Routes to the Seaboard.

He also presented a memorial of cigar-makers of Omaha, Nebr., and a memorial of cigar-makers of Lincoln, Nebr., remonstrating against the ratification of the proposed reciprocity treaty with Spain; which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Mr. HARRIS (by request) introduced a bill (S. 2481) for the relief of Jonathan Cone and William K. Kelly; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH introduced a bill (S. 2482) to amend sections 1 and 2 of an act of Congress entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," approved June 3, 1878; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2483) to amend section 2647 of the Revised Statutes, relating to the entry of coal lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALDRICH introduced a bill (S. 2484) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

PROVIDENCE HARBOR IMPROVEMENT.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to transmit to the Senate an estimate of the cost of the proposed improvement of the harbor of Providence, R. I., by the removal of Green Jacket Shoals to the depth of twenty-five feet at mean low water.

APOLLOS HALE.

Mr. HOAR. I ask the unanimous consent of the Senate that the bill (S. 1254) referring the claim of Apollos Hale, administrator, to the Court of Claims, be recommitted to the Committee on Claims. I do this by consent of the chairman of the committee and the Senator who made the report.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill indicated by him be taken from the Calendar, and recommitted to the Committee on Claims. If there be no objection that order will be entered.

LEAVE OF ABSENCE.

Mr. INGALLS. Under Rule V, I ask leave to absent myself from the service of the Senate for two weeks after this day.

The PRESIDENT *pro tempore*. The Senator from Kansas asks leave of absence for two weeks after this day. If there be no objection, leave of absence will be granted. The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 374) granting a pension to William Boone;
A bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury;
A bill (H. R. 5630) granting a pension to George W. Rugg;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 7302) granting a pension to Elizabeth Smith;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 6357) granting a pension to Christian Banman;
A bill (H. R. 4569) granting a pension to David Urbansky;
A bill (H. R. 6197) granting a pension to Peter Falkner;
A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
A bill (H. R. 4556) granting a pension to Joseph Williams;
A bill (H. R. 2485) for the relief of Treadwell Seaman, jr.;
A bill (H. R. 6803) granting a pension to John T. Brake;
A bill (H. R. 5812) granting a pension to Ellen A. Vance;
A bill (H. R. 5103) granting a pension to Joshua F. Justice;
A bill (H. R. 4024) granting a pension to Cutler S. Dobbins; and
A bill (H. R. 3947) granting a pension to Joseph Raible.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee, and attaching it to the middle district of said State, and for other purposes.

SURVEY OF NICARAGUAN CANAL ROUTE.

The PRESIDENT *pro tempore*. The Chair now lays before the Senate the Calendar under Rule VIII.

Mr. VEST. I move that the Senate proceed to the consideration of the joint resolution (S. R. 106) declaring the action of the Secretary of the Navy in sending an expedition to Nicaragua to be illegal.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Missouri.

Mr. MORGAN. I move——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MORGAN. Is the joint resolution before the Senate?

The PRESIDENT *pro tempore*. It is not. The question is on the motion to take it up, which motion is not open to debate. Senators in favor of the motion of the Senator from Missouri that the Senate now proceed to the consideration of the joint resolution, the title of which has been named, will say "ay;" contrary opinion "no." [Putting the question.] The "ayes" have it. The joint resolution is before the Senate, and the question is, Shall it be read the second time?

Mr. MORGAN. I move that the Senate consider the joint resolution in secret legislative session.

Mr. VEST. I can not hear the motion.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that on the question now pending the doors be closed. Is there a second?

Mr. CAMERON, of Wisconsin. I second the motion.

The PRESIDENT *pro tempore*. The motion is seconded by the Senator from Wisconsin. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate with closed doors proceeded to consider the joint resolution.

After three hours and twenty-five minutes the doors were reopened.

MESSAGE FROM THE HOUSE.

While the doors were closed, a message was received from the House of Representatives, by Mr. CLARK, its Clerk, announcing that the House had passed the bill (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7510) making temporary provision for the naval service; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. JOHN D. LONG of Massachusetts managers at the conference on its part.

NAVAL APPROPRIATIONS.

The PRESIDING OFFICER (Mr. PENDLETON in the chair) laid before the Senate the message of the House of Representatives, announcing its further disagreement to the amendments of the Senate to the bill (H. R. 7510) making temporary provision for the naval service.

On motion of Mr. HALE, it was

Resolved, That the Senate still further insist upon its amendments to the said bill and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. HALE, Mr. LOGAN, and Mr. BECK.

PRESIDENTIAL APPROVAL.

The doors having been reopened, a message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee, and attaching it to the middle district of said State; and it was thereupon signed by the President *pro tempore*.

HOLIDAY RECESS.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution from the House of Representatives for the holiday recess.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate now proceed to the consideration of a resolution, which will be read.

The Secretary read as follows:

IN HOUSE OF REPRESENTATIVES, *December* 16, 1884.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. HOAR. Mr. President——

Mr. INGALLS. What is the report of the committee?

The PRESIDENT *pro tempore*. The Chair will state the question. The resolution is reported favorably. The question is on agreeing to it. The Senator from Massachusetts is entitled to the floor.

Mr. HOAR. I do not mean by calling up this resolution to commit myself to the doctrine of having a vacation if there be any business whatever that can be done, but I think we should understand from the chairman of the Committee on Appropriations whether the condition of things is such that the Senate can sit here and proceed with its work. If it be true that there is to be no co-ordinate branch of the legislative department in all probability in a condition to aid us in our work, without going into any particular condition of things on that matter—I suppose I may say that under the rules—it would be useless for the Senate to sit here and spend ten days without a quorum in this branch, accomplishing nothing. I expect myself to be very strongly influenced by the opinion of the chairman of the Committee on Appropriations as to what is likely to happen. It seems to me we ought to keep the thing in our power in some way if we can.

Mr. ALLISON. The situation, as I understand it, is simply this: Last year the House passed the regular naval appropriation bill for the present fiscal year, and the Senate passed that bill with certain amendments. The differences between the two Houses continued up to the very last day of the session. Then it was found impossible to agree, and for temporary purposes the House passed a bill providing for the support and maintenance of the Navy for six months covering the period up to the 1st of January, with the original bill as passed by the House and the Senate amendments pending between the two Houses.

When we came here again at this session the bill appeared in the Senate, and the Senator from Maine [Mr. HALE] having charge of the bill asked a vote of the Senate in reference to the amendments, and the Senate insisted upon its amendments to the bill and asked a conference with the House. The House made no response to that request, but either a day or two before or after, or perhaps on the same day, passed another bill extending the appropriations of 1883 to the 1st day of July, 1885. The bill came to the Senate, and the Senate submitted certain amendments to that bill, and returned it to the House with those amendments. The House disagreed, and a conference between the two Houses resulted.

As I understand the situation, not being a member of either of these committees of conference, the House conferees absolutely refuse to consider the Senate amendments, and substantially say to the Senate: "You must take this extension bill or else submit to whatever may follow." A new conference was ordered to-day, but the conferees have not yet reported to the Senate. It is known to us all that on the 1st day of January all appropriations for the Navy will cease, and every Senator must judge for himself whether it is the duty of the Senate to adjourn until the 5th of January with a knowledge of the fact that there will be no appropriations for the Navy after the 1st of January. That is the situation.

Mr. HALE. Mr. President, after the action taken by the Senate yesterday in insisting upon its amendments to the naval appropriation bill by a unanimous vote the action of the Senate was duly communicated to the House, which insisted upon its position and appointed conferees and sent the bill back to the Senate, where it arrived about 2 o'clock to-day, and here conferees were appointed joining with the action of the House in that regard. I took occasion at once to send word to the House that the Senate conferees would be ready at any time, and proposing a conference at once. The House conferees have not appeared. I may say, however, that the member of the House who is chairman of the committee has been here and assures me that a conference is useless unless the Senate will recede from its position.

Mr. ALLISON. I ask the Senator what the exact position of the House conferees is. Do they not refuse to consider the Senate amendments?

Mr. HALE. I was coming to that.

Mr. ALLISON. I beg pardon.

Mr. HALE. I am advised that a conference is useless; that the House insist that the Senate shall take their principle of appropriating, the rule that they have followed of going back and taking the appropriations of the last year and giving half of them for the rest of the fiscal year; and that they will not consider the Senate amendments, and that is accompanied with the statement that the House will never back down.

Under these circumstances, representing, as I presume he did, his conferees, although they were not with him, we have had no conference, although the Senate conferees have been ready to meet the House at any or at all times since the conference was appointed here, about 2 o'clock.

Mr. MORGAN. Will the Senator from Maine allow me to ask him in that connection, does he understand the position of the House to be as represented by its conferees, that if the House chooses to vote, say, $300,000,000 a year for the support of the Government under a joint resolution, without designating the precise purposes to which it is to be applied, the Senate is to follow upon that principle of appropriations?

Mr. HALE. I do not know what would happen under that condition. The House committee is not willing to take the appropriations of last year's bill, and give them in detail, and make them apply to the next year. That is not the objection the Senate makes.

Mr. MORGAN. Then the principle would be, that we must adopt for the year 1885 the appropriations as they were made and distributed in the year 1883.

Mr. HALE. Precisely, that is it; that is the attitude of the House, that for the residue of the fiscal year ending June 30, 1885, the appropriations made for the year ending June 30, 1884, shall be taken as the basis, either in gross or in detail, it does not make any difference, and applied to the wants of the present year. The House refuses to consider the Senate amendments, which cover the action of the House itself at the last session of Congress as sent to the Senate and matured by the Senate; and upon that, so far as the Senate can be notified, it has been notified to-day that the House will never yield.

Mr. RANSOM. That is not the report of the conference committee?

Mr. HALE. As I have said, we have had no meeting of the conference committee; I am only repeating the statement of the leader of the conference on the part of the House.

Mr. RANSOM. Will the Senator from Maine pardon me one second?

Mr. HALE. Certainly.

Mr. RANSOM. This morning, if I apprehend the question properly, the House insisted upon its position, but sent a proposition to the Senate for another conference and has actually appointed the conference.

Mr. HALE. As the Senate has done also.

Mr. RANSOM. As the Senate has done also.

Mr. HALE. And the Senate has sent word that it is ready to confer.

Mr. RANSOM. Then, if the Senator from Maine will pardon me again, I apprehend that we should be controlled by that fact, and that the Senate can do nothing in reference to the matter in any way until there is an official report from the Senate conferees after meeting with the conferees on the part of the House. Anything that we do upon that matter would not be well advised until that conference had actually taken place, because whatever may be the impression of the Senator from Maine, or myself, or any other Senator, or any one member of the House, we are confronted by the fact that this morning the House invited the Senate to another conference upon this subject.

Mr. HALE. To which the Senate has agreed.

Mr. RANSOM. To which the Senate has agreed, and there the matter stands.

Mr. HALE. That undoubtedly would be the fact, and nothing more would come up commonly until the conference had reported; but the question of which I speak is brought out now by the fact that we are confronted with another matter, and that is the adjournment resolution running over the holidays. Yesterday the Senate unanimously took ground on its amendments to the naval appropriation bill. A call of the yeas and nays disclosed no negative vote. This took place when the subject was under consideration:

Mr. HALE. I move that the Senate further insist upon its amendments.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate further insist on its amendments to the bill. The question is on that motion.

Mr. FRYE. I am in favor of insisting for the reasons given by both of the conferees who have spoken; but suppose the Senate insists by a united vote and then to-morrow adjourns for three weeks.

Mr. HAWLEY. We will not adjourn.

Mr. FRYE. That was the suggestion I desired to make, that if the Senate insists and really means to insist and the House holds its position, as a matter of course, to be consistent, we can not adjourn, because on the 1st day of January there will be no appropriation available for the Navy.

Now, the Senate has taken that position; and it is not upon an unimportant matter, for these things are likely to occur frequently if now adopted or consented to by the Senate. At any time, instead of deliberately considering the special needs of any Department of the Government for the existing year and going through the painful labor necessary to mature a bill for the existing year under existing conditions, it is so much easier to go back to an old year and appropriate on that basis

in general terms as the House has done, that it is a precedent which ought not to be established where it can be avoided.

I for one should be glad to see the Senate maintain its attitude, as I believe it will, on the amendments to the bill. Whatever may have been the action of the House, whether that body has adjourned from day to day or has adjourned over for three days with the understanding that it will adjourn over again for three days and do no business, I should be glad to see the Senate show that it is in earnest in this matter and that it is ready to meet the House and make the ordinary adjournment to-day and appear here on Monday morning ready to do business.

There is another question that has occurred to me. I speak now hypothetically, for we do not know by the RECORD. If the House has already passed a resolution that when it adjourns to-night it will adjourn to meet on Wednesday next, what is the effect of that upon the resolution already passed for an adjournment over the Christmas holidays? Has the Senate got really anything before it to act upon? Has not the House taken counter action that invalidates what it has formerly done?

Mr. CAMERON, of Wisconsin, and Mr. RANSOM. No.

Mr. HALE. Then if that be so (I only suggested that question) the Senate on Monday can take up the House resolution and pass it. If it can do it now after the House has passed a resolution that it will adjourn to meet on Wednesday next, then on Monday, or Tuesday, or any day, the Senate can take up the House resolution if it has not been invalidated by any action of the House, and if the House has adjourned to meet on Wednesday, and then from that time three days more, the House is still then practically in session and the resolution which it has passed to adjourn over the Christmas holidays remains on our table alive, and we can take it up at any time.

Mr. HOAR. Will the Senator from Maine allow me to ask him what is the form of the resolution as he understands it? He has had it before his committee. Is it not that when the two branches adjourn on the 20th of December, they shall be adjourned by their presiding officers until the 5th of January?

Mr. HALE. It is the common resolution. The Secretary has it, I suppose.

Mr. HOAR. If that be so, and it is not passed before we adjourn to-day, we might take a recess; they leave it in our power unquestionably; but if we adjourn to-day what power have we to order that when the Senate adjourns on Monday or Tuesday or Wednesday it shall adjourn until the 5th of January? We can not do that without the assent of the House, and the House can not give that assent because it will have no quorum until the 5th of January.

Mr. HALE. How does the resolution read, Mr. Secretary?

The PRESIDENT *pro tempore*. The Secretary will read the House resolution.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 16, 1884.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

Mr. HALE. We will assume that the House has already passed another resolution, that when it adjourns to-night, instead of its being adjourned until the 5th day of January, as the resolution prescribes, which we have not acted upon, it adjourn to meet on Wednesday next.

Mr. McPHERSON. May I ask the Senator from Maine if it is not almost absolutely certain that there will be no quorum of the House after to-day?

Mr. HALE. That is a matter which we can not assume, of which we can have no knowledge. I would say to the Senator in answer to that, the presumption is that if the House of Representatives has taken an attitude on an important matter it is not going to run away and leave it.

Mr. McPHERSON. I should suppose that it would be impossible to reach a vote in both Houses upon a report of a conference committee, perhaps, before the 5th of January, even if the Senate should remain in session here.

Mr. HALE. If the House remains, the matter can be got at so soon as the conference meet, and an hour will settle whether it can agree or not.

Mr. McPHERSON. There is one other question that I should like to ask the Senator while he is on his feet, because I have listened here for the last three or four days to continued expressions criticising the action of the House on the bill, and the criticisms appeared to be very much sympathized with on this side of the Chamber. The original bill coming to us from the House was an appropriation bill in proper form. It reached us last session. It appropriated in detail, as former appropriation bills had done, the amount of money needed for the Navy. The Senate added to that something that was not needed for an appropriation for the Navy and did not belong upon that appropriation bill; it might almost be said that it could not have been placed there under the rules.

In looking at the Senator's speech of yesterday the statement is there made that upon the last day of the session, the Senate fighting for its amendment to the last day of the session, an emergency bill was necessary. The House passed the emergency bill and sent it to the Senate. No other course was possible. One branch of Congress would have been again accused, perhaps, of an attempt to starve the Government; the House unquestionably would have been the one charged, while if either of the bodies was guilty it was the Senate. In order that that charge might not be made against the House, they passed an emergency bill. The Senate took it up and passed it; and now we have the curious condition of affairs of the Senate attaching to a regular appropriation bill an amendment which did not belong to it nor never has belonged to it. We have already had five or six conferences upon that question, the House in each case instructing its conference committee to insist upon their original bill, and here we find the Senate twelve or thirteen months after that bill reached here still insisting upon an amendment to a bill and rather than give that up you will continue the session during the holidays.

Mr. LOGAN. The Senate insists upon all the amendments.

Mr. HALE. I do not understand why, after the explanation given yesterday, the Senator seeks to present this controversy between the two Houses as one upon the extraordinary items which were put on in the Senate, which the Senator says had no business on the appropriation bill. Of course he refers to the amendments for the building of the new cruisers. That question was discussed in the Senate, passed upon as a point of order, and it was decided that the amendments did belong upon the bill. But I do not propose to discuss that; that is not the controversy between the two Houses. Here is the language which I used yesterday, and I repeat it:

Moreover, we said, "as there are large differences in amounts, as the bill which was matured last session contains the provision for the new cruisers and all the extra expenditure involved in that enterprise, the Senate is willing here to say that it recognizes the fact that we do not agree to give up these cruisers, but if the House insists that it will not put them on the appropriation bill, the Senate conferees feel that they can not drive the House on this subject, so that there would be, if we could consider and confer upon all the items, probably no difficulty."

And there would be none. That is not the controversy. The Senator from New Jersey shall not befog the issue by bringing that in. The House conferees will not confer upon the items; they will not even consider them.

Mr. ALLISON. Any of them.

Mr. HALE. They will not give the Senate conferees the opportunity to recede on the cruisers amendment, but decline to consider any of the Senate amendments and insist that this body shall take the bill as it came from the House, or the principle of the bill as it came from the House, of appropriating on last year's bill, and the Senator can not bring the controversy as to the new cruisers into this, because the Senate conferees have eliminated that.

Mr. McPHERSON. When the House of Representatives sent the second bill, which the Senator in his speech of yesterday called "the emergency bill," did not that supersede after you had accepted it the former bill sent by the House?

Mr. HALE. There is no superseding at all.

Mr. McPHERSON. The Senate accepted the emergency bill, took it up, and passed it, for what? For a naval appropriation, the very thing which the original bill was intended to cover.

Mr. HALE. Does the Senator refer to the emergency bill passed on the 7th of July last?

Mr. McPHERSON. The last day of the session.

Mr. HALE. The last day of the last session?

Mr. McPHERSON. Yes, sir.

Mr. HALE. So far from that superseding the old bill, it was intended to be simply a general appropriation for the emergency for six months only. The old bill remained with every right, subject to be taken up the moment Congress reassembled; and had there been any intention at that time that the emergency bill then proposed should cover more than six months, it were just as easy for the House to have made the bill for the entire year; but by selecting six months for it to run, and only six months, it gave Congress the right when it reassembled to take up the old bill that was pending before it and pass it, as was the intention at that time.

Mr. McPHERSON. Now, Mr. President, let me go a little further. That was the last day of that session, and let me read the Senator's own words of yesterday:

By the necessity of the case that had to be done.

Speaking of the emergency bill. We have reached to-day, so far as the wants of the Navy Department are concerned, exactly the same condition. A resolution is before the Senate from the House to adjourn to a period of time beyond which the Navy Department can not run without appropriations. We are now considering the question whether we shall so adjourn, or whether we shall continue the session in order that something may be done. Here is another emergency bill exactly like the one that was sent here six months ago, which made appropriations for six months. Now, the Senate would be just as much justified at this moment in taking up the House bill proposing to make similar appropriations for six months more, and treating it as a second emergency bill, because just so long as we insist on the amendments to the original bill, which I claim had no place there whatever, in my opinion, and quite right, too, the House will not yield.

Mr. HALE. Let me state the differences. In the first place, at the

close of the last session we were confronted with a long adjournment of six months, or nearly that time, which we are not now. In the next place, the emergency bill at that time was brought in in the last stages of the session, and, as I said yesterday, not anything else could be done. On the other hand, at this session nearly two weeks ago the House of Representatives sent us over, not the appropriation bill which they matured last year, and which was in conference, but sent us over, while the Senate had at least ten days or a fortnight to work in, another emergency bill, and insisted that we should take that when there was no stress of weather upon us; and the Senate ever since has been trying to bring the House to substitute for that the regular appropriation bill for the rest of the year. I hope the Senate will maintain its attitude upon that question.

Mr. McPHERSON. May I ask the Senator just one question?

Mr. HALE. Certainly.

Mr. McPHERSON. Is it not absolutely certain that one House or the other must recede from its position before a naval appropriation bill can pass? The Senate have insisted now for about nine or ten months on certain propositions, and four or five different conferences have been had, the House every time instructing its conferees not to yield. Now I want to know how much longer the Senate proposes to go on.

Mr. BECK. The Senator from New Jersey will allow me to make a suggestion to him here. In all the conferences had at the last session the House was insisting upon the bill that it had itself prepared for this fiscal year, and rejected the Senate amendments.

Mr. McPHERSON. Up to the passage of the emergency bill.

Mr. BECK. Now, all the Senate conferees ask the House to do is to take up the bill it then insisted upon, passed by the House, prepared on estimates, and act upon that, and if it sees fit let it reject the Senate amendments. We ask them to take up their own bill. Last year we passed an emergency bill on the estimates of the preceding year, which were the only thing we had to go upon, but the bill which they themselves then presented and maintained they now refuse to present and refuse to consider, and they also refuse to consider any of the amendments we have made. We might be willing to recede from every amendment made in the Senate to their bill, appropriating for the current fiscal year on estimates for this year; but they will not give us a chance even to do that.

Mr. McPHERSON. One-half the amount of money asked for in the original bill for which the House contended during last session was appropriated by the emergency bill and has been already expended.

Mr. BECK. That is properly credited upon our amendments, the amounts being made up by the clerks of both committees and agreed upon.

Mr. McPHERSON. Now the House again send what is called another emergency bill or a bill of like character. The Senate has persistently refused to assist the House in passing the original bill. That is the fact. Now the House sends another bill, conceiving another emergency to have arisen, and the Senate refuses to consider that either in committee or in the Senate, refuses to recede from its former position upon the original bill; and the House is blamed, criticism after criticism is made here day after day by Senators upon the action of the House of Representatives in insisting upon what to me is the plainest, fairest proposition ever submitted to the Senate. The House has as much right to insist upon its position as we have upon ours, and inasmuch as the Senate took a general appropriation bill, which was a bill made out in detail, made out as every appropriation bill in the past, and attached to that a condition which the House can not accept, we have the strange spectacle of holding session after session here during the holidays and at other times for the purpose of carrying out this little ridiculous fight; I can not call it anything else.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. LOGAN. I desire to submit a report from the Committee on Appropriations. I report with an amendment the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to present a report from the Committee on Appropriations. It will be received if there be no objection.

Mr. INGALLS. Mr. President——

Mr. LOGAN. I desire to have the bill acted on now if the Senate will agree to it.

HOLIDAY RECESS.

The PRESIDENT *pro tempore*. The Senator from Kansas was recognized on the pending resolution. The resolution of the House of Representatives proposing an adjournment of the two Houses from this day to the 5th of January next is before the Senate.

Mr. INGALLS. Mr. President, this appears to be a repetition of the old problem of an irresistible force moving an impenetrable body. It is an illustration of the saying that you can lead a horse to water, but unless he is thirsty you can not make him drink. The controversy between the two Houses on this naval question is ancient. The naval appropriation bill that was passed by the House of Representatives at the last session was amended by the Senate and the propositions of amendment sent to the House, submitted to a conference, and finally abandoned by the Senate conferees, and an emergency bill passed. At this session the conflict has been again renewed. The House sent here an emergency bill, I understand, the present appropriations expiring on the 1st of January, to cover the remaining period until the 30th of June next, to which the Senate appended amendments substantially those which they abandoned the previous session, and submitted them to the House of Representatives, where they again went into conference; and we are now confronted with the statement that unless the bill is agreed to by the 1st of January certain disastrous consequences are to ensue.

The debate arises upon the proposition to adjourn from this day until the 5th of January. We are informed that the House of Representatives have adjourned or agreed to adjourn from to-day until Wednesday, and the emergency that is anticipated by the Senator from Maine will occur by Thursday of the week following the one immediately before us. It appears to me, therefore, that the only question is what we are going to do in this particular juncture that is now before us. Is there any reasonable or just expectation that if we should remain here from day to day the bill that the Senate conferees desire to have passed will be agreed to by the 1st of January, so that anything will be gained by this process?

I speak entirely from a disinterested standpoint, because, having received leave of absence, of which I intend to avail myself, it is to me practically indifferent whether the adjournment resolution is agreed to or not. But there is a question, it appears to me, that the Senate ought not to stultify itself about. We ought not to do a foolish or a frivolous thing. We have the power, of course, to sit here from day to day until the 1st day of January, or until the 5th day of January, the period contemplated by the resolution; but the question is, what is to be gained by it? The 1st day of January will have arrived and the appropriations will have expired. What is the practical question that confronts us? I should like the Senator from Maine to advise us, he being the Neptune of the body with his trident—what will be the result in case there should be no appropriation for the Navy the 1st of January?

Mr. HALE. I shall be glad to give the Senator from Kansas and other Senators what is my view about that matter. I do not suppose that because either House is unreasonably insisting on its particular ground and thereby an appropriation fails, during the first five days or ten days of the succeeding year that Department of the Government will expire.

Mr. INGALLS. That is what I wanted to know. I feared from the vaticinations of the Senator from Maine that in case this bill did not pass by the 1st of January the feeble remnants of the American Navy, about which we have heard so much, would probably be ingulfed in the deep.

Mr. HALE. I think the Senator must have gone to his own imagination for those forebodings, for I have not certainly felt them myself, and I did not mean to express them.

Mr. INGALLS. Then what is all this difficulty about? If there is to be no serious consequence by reason of the expiration of the appropriations, if the flag is still to float and the sails still to be unbent, and the work to proceed in the navy-yards, and our gallant tars to receive their compensation, what is the reason that we can not adjourn four or five days?

Mr. HALE. That is for the Senate to consider, of course. Undoubtedly it is not as well that the Department should be left without appropriations for a single day.

Mr. INGALLS. Certainly not.

Mr. HALE. But it is no killing matter, as I may say, if it comes about.

Mr. INGALLS. Then I am relieved. My apprehensions were that unless this thing was done the gravest consequences practically would ensue; but as there is nothing to be apprehended of course I feel better.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. LOGAN. I now ask unanimous consent to take up the Military Academy appropriation bill, which I reported a few minutes ago.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the Senate now consider the Military Academy appropriation bill reported to-day. Is there objection? The Chair hears none.

The bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Appropriations with an amendment, which was, in line 42, after the word "professors," to strike out "and officers (on increased rank);" and in line 43, after the word "service," to strike out "$9,525" and insert "$8,898.50;" so as to make the clause read:

For additional pay of professors for length of service, $8,898.50.

The amendment was agreed to.

Mr. LOGAN. I desire to submit a statement for the information of the Senate, which I ask may be printed in the RECORD. The reductions that have been made from the estimates and the recommendations made to the Congress of the United States that have not been agreed to are embraced in this statement.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Illinois asks that a statement presented by him be printed in the RECORD. If there be no objection that order will be made. The Chair hears none.

The statement is as follows:

MILITARY ACADEMY BILL—1886.

Amount of estimates for 1886	$393,344 78
Amount of bill as passed the House	310,021 64
Reduction made by Senate committee	626 50
Amount as reported to the Senate	309,395 14
The bill as reported less than the estimates	83,949 64
The bill as reported less than the act for 1885	5,168 36

The changes made by the bill as reported in the appropriations for 1885, are as follows:

Increase over 1885:	
For fuel and apparatus	$1,000 00
For department of mathematics	100 00
For department of modern languages	75 00
For department of drawing	274 50
For department of practical military engineering	300 00
For cleaning public buildings	100 00
For reflooring cadet barracks	2,580 00
For pointing administration building	790 00
For pointing cadet barracks	300 00
For repairs to cadet barracks	500 00
For repairing band barracks	3,857 14
For water-closets and urinals	1,200 00
For the erection of a new water-cooler	300 00
Total increase	11,376 14
Reduction from 1885:	
For department of civil and military engineering	500 00
For department of natural and experimental philosophy	5,225 00
For department of artillery, cavalry, and infantry tactics	30 00
For completing the 12-inch water-main	2,000 00
For completing the new hospital for cadets	3,850 00
For reflooring the academy building	2,[illegible]00 00
For new skylights for drawing academy	350 00
For bath-tubs in cadet barracks and repairs	1,000 00
For repairs to cadet laundry	360 00
For bake-oven, &c., for cadet mess	650 00
Total reduction	16,545 00
Net reduction from 1885	5,168 36

Mr. McPHERSON. There is so much confusion in the Chamber that I did not fully hear the Senator from Illinois. I ask the Senator if this bill as it stands increases the appropriations of last year?

Mr. LOGAN. It reduces them over $5,000.

Mr. McPHERSON. Has the Senate increased the appropriations in the House bill?

Mr. LOGAN. No, sir; there is a small reduction of about a thousand dollars. There is very little difference between the bill as passed by the House and as reported by the Senate Committee on Appropriations.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUCHANAN RIVER, WEST VIRGINIA.

Mr. KENNA. I ask leave to submit at this time and have put on its passage a resolution asking for information from the Department of War.

The PRESIDENT *pro tempore*. Pending the consideration of the resolution for adjournment, which the Senate now resumes, the Senator from West Virginia asks consent to offer a resolution. If there be no objection it will be received.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to the Senate a report showing the work done under the supervision of the United States engineers upon the Buchanan River in West Virginia, together with an estimate of the amount required to continue the prosecution of said work.

The resolution was considered by unanimous consent, and agreed to.

HOLIDAY RECESS.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the concurrent resolution of the House of Representatives relative to an adjournment.

Mr. CONGER. I understood the Senator from Maine in charge of the naval bill to say that in his judgment it made no particular difference whether the appropriation bill was passed or not, the Navy Department would carry on its work. I say, if I understood the Senator in charge of the naval appropriation bill, he said in reply to an inquiry, that in his judgment it made no particular difference or no great difference whether the appropriation bill was passed before the 1st of January or not.

Mr. HALE. The Senator will allow me to remind him of the language that I used. I did not say that it would make no particular difference. I said I did not believe the Navy Department would die; I did not believe the Department would disband. I said it was no killing matter. I did not attempt to belittle it. I believe just that. It is a bad thing to do. It is a bad thing for the Department. I know very well the statute under which no contracts can be made and no money paid out, but I think, notwithstanding that, animation would be maintained in the Navy Department for five days.

Mr. CONGER. Then, Mr. President, I understand the Senator to say in principle that the Navy may go on without any appropriation. If it can for five days I suppose it can for ten or one hundred.

Mr. HALE. Not necessarily.

Mr. CONGER. And as the representative of the Navy Department the Senator says it does not seem to make much difference whether Congress appropriates money for it or not; it will not die. Now, the question of the life and vitality and existence of the Navy has been presented by the Committee on Naval Affairs so much lately that it would seem as if the only idea which that committee has is whether it can keep the Navy alive, or if not whether law can be maintained, not whether appropriations shall be made, not whether the officers of the Navy Department shall violate continually the provisions of law.

Section 3679 of the Revised Statutes provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

I had supposed, and that is the way we have been taught heretofore, that any officer of this Government who undertook, without an appropriation, unless it came under some of the exceptions which are in the law, to continue the business of a Department, to keep clerks in employ and keep officers in employ who would draw a salary, and who might say that by their employment there was an obligation on the Government to pay them, violated the law and was liable to impeachment, and liable to impeachment for violating the law for one day or five days or one hundred days. If the Executive of this Government can carry on all the Departments of the Government, whether Congress makes an appropriation for them or not, a greater or a less length of time, then the control of Congress over appropriations and over the management of the Departments of this Government ceases and the Executive has the power to run this Government independent of Congress.

Sir, I for one protest against any proposition that it is of little importance whether Congress makes any appropriations or not; that the Government will go on; that it will live on, no matter what violations of law are going on; and for myself I desire to say that I will not, by voting to adjourn and leave the Navy Department or any other Department without money to continue its labors and its existence and fulfill its contracts and pay its employés, I will not consent to adjourn even a day beyond the regular time.

Mr. HALE. Will the Senator allow me?

Mr. CONGER. Yes, sir.

Mr. HALE. I agree with the Senator in that position, and I have already stated that I hoped the Senate would not agree to this adjournment; but when confronted with a question as to what would actually occur as to the dissolution of one of these Departments, I answered it according to what I believed would follow.

Mr. CONGER. Well, that does not come quite up to the backbone I had expected would be developed here. I thought the Senator let down this question and the principle of it, the whole theory of it, to a little idle phrase that the colors of the Department would not change or that it would not die. It is as much as to say to me and to other Sentors, "Well, after all, I must say it is better to have legal appropriations and let the Government work under law and not by the will of the Executive; but it is not very material, and I, as the representative of the Navy, say it is not very material."

Mr. HALE. Let me ask the Senator a question.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield?

Mr. CONGER. I yield for a question.

Mr. HALE. What does the Senator from Michigan himself think would actually happen to the Navy Department if from causes entirely beyond our control they were left for five days without appropriations of money under any existing law? What does the Senator himself think would happen to the Navy Department?

Mr. CONGER. I will tell the Senator in a moment. The law provides that there are certain things for the Army and Navy which may be done independent of an appropriation. I call the attention of the Senator in charge of the naval appropriation bill, because probably it has escaped his memory if he ever heard——

Mr. HALE. I am listening attentively.

Mr. CONGER. Section 3732 of the Revised Statutes provides that—

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities for the current year.

Mr. HOAR. Will the Senator allow me?

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield?

Mr. CONGER. One word, and then I will yield with pleasure. The Senator from Maine very well says that the Navy will not starve, be-

cause (though he did not refer to it I do) the men may have subsistence and clothing and transportation. They can live. Now it is not a question whether they can live, whether their mouths may be filled and whether their bodies may be kept warm or cool, whatever may be the climate they are in; and therefore the answer of the Senator that they would not die is provided against by this provision of law. They are not to die from starvation.

Mr. HALE. I think my answer covered the case exactly on that statute.

Mr. CONGER. But the Senator did not refer at all to the duty of the officers of the Government, to the clerks of the Department, to keeping hundreds of men in employment with the implied obligation that they shall be paid their wages and salaries. These officers have no right to order a vessel anywhere to carry on at all naval operations, because by doing that they incur obligations.

I do not care to dwell upon that, but I did think the Senator was letting down a little from the true theory of government when he said we could neglect to pass laws and the Executive could go on in a royal, kingly manner to run this Government just as well as if this Congress had made appropriations and provided for it. Now, I will hear the Senator from Massachusetts.

Mr. HOAR. I desire to remind the Senator from Michigan that in 1877, as he knows quite as well as I do, the Army appropriation bill failed, and there was no lawful appropriation except so far as that statute authorized the incurring of expense without an appropriation, and that is no appropriation. It was so from the 1st of July, 1877, until October, when an extra session of Congress was called by President Hayes.

Mr. CONGER. At that time the termination of Congress was a constitutional termination, I believe—the 4th of March—and then, although all these provisions in behalf of the Army for forage, subsistence, transportation, and clothing existed in the law, the emergency was so great that the President of the United States, with the approval and assent of the whole people of every party, immediately called an extra session of Congress to meet that emergency.

Mr. HOAR. It met in October.

Mr. CONGER. If I remember aright, the Senator from Massachusetts thought at that time that the failure to make the appropriations was a revolutionary and insurrectionary movement, and I think he denounced it with language and words and a force and vigor that I never expect to equal even in a case like this; and I call his attention to a review of his celebrated and interesting remarks on that occasion.

Mr. HOAR. I have no recollection myself of having made any. I think the Senator must remember some of his own.

Mr. CONGER. He was our leader then in opposition to this revolutionary mode of carrying on the Government. Now, I expect those kind of things from the Senator from Kansas.

Mr. INGALLS. What kind of things?

Mr. CONGER. He has obtained the leave of the Senate to go away; obtained it when he saw the storm gathering here and the doubt about whether we could adjourn or not. My friend from Kansas has that kind of sagacity which foresees the necessity, and for that he is remarkable, of immediate, quick, prompt action, and before there was this excitement and turmoil and confusion and doubt about whether we should have a quorum or not or adjourn or not, my friend comes, and with all that peculiar grace and suavity of his nature which endears us to him so much and endears him to us, he asked the Senate if they would permit him to go to the prairies of the West and enjoy the winter holidays. I do not know a Senator on this floor, even if he had the inclination to insist upon a member's being here, who would dare refuse our friend from Kansas liberty to go to the wilds of the West if he asked it. I have some little boldness myself now and then when I am really waked up to a thing; but I say without any hesitation that now in the midst of this danger to the Government, this crisis, as Artemus Ward would call it, all around us and among us and everywhere, if he asked to go even when the danger is that we should be left without a quorum Monday or Tuesday, I could not refuse to grant the Senator from Kansas leave to go.

But the Senator says he has no interest in this matter. That is the point I am coming to. Sir, the Senator from Kansas is the leader to whom I look for opposition to every violation of law, to every parliamentary or legal obstruction to the regular course of government. I have been accustomed to look to him on our side as the first man to oppose and repress any effort toward that monarchical, kingly power, whether executed and carried out by king or President, that forgets the Legislature of the people, the law-making power, and would carry on the Government on its own hook without appropriation. The idol is tottering on its pedestal, sir. A little cloud obscures from my vision the admiration with which I have always looked to that leader on such grave questions as this, and I hope he will regain his position and say that it is important that Congress should make the appropriations and that Congress should make the laws to run the Government, and not that the Executive shall make such laws. There is a vital principle involved there, and I call the attention of the Senator from Kansas to review his remarks and lead us on as he has heretofore in the strict line of parliamentary and legislative duty, and then I shall be proud to follow him as I always have before.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7791) making temporary provision for the naval service; in which it requested the concurrence of the Senate.

HOLIDAY RECESS.

The PRESIDENT *pro tempore*. The concurrent resolution of the House of Representatives providing for an adjournment is before the Senate.

Mr. LOGAN. Mr. President, I desire to state to the Senate what I understand to be the position in which we are placed, and I will certainly be very brief.

A bill which was passed at the last session of Congress, called the emergency act, authorized the Secretary of the Navy to expend 50 per cent. of the amount of the appropriations of 1883 for the first half of the fiscal year ending June 30, 1885. The objection that I had and have now, for I was on the conference committee, is that instead of taking the estimates made in 1884 for the fiscal year 1885, the estimates for 1883 were taken. It is well known to all Senators here that estimates differ annually. In fact one year some certain thing is required that perhaps may not be required the following year, and *vice versa*.

In reference to taking the estimates made in 1883 for 1884–'85, the proposition may be summed up in this way: The Senate and the House of Representatives by a bill authorized the Secretary of the Treasury to expend half the money appropriated for the year 1883, for the first half of the year, ending June 30, 1885. That is all there is of it, just in so many words. That was the bill which was passed, and that is the proposition of the House to-day. I objected to it as one of the conferees, first, for the reason that it was based upon the estimates for the wrong year; second, that it did not specify to what the money should be applied, except in general terms, that is, applying to a certain bureau a certain amount of money to be expended for its purposes, whereas regular appropriation bills, whether they are applicable to the Army or the Navy, specify particularly how the money shall be expended. Under such a character of bill as was passed by the House the Secretary of the Navy might in divers and sundry ways expend money in a direction which was not contemplated by the Congress of the United States. For that reason I objected to it.

A further reason is that it is not legislation of a character that should be consented to by the Congress of the United States, except in an extreme case. You might just as well appropriate $300,000 in one sum, a lump sum, as it is commonly called, and say to the Secretary of the Navy, "Apply this to the different bureaus of the Navy as you deem proper, or as seems to be proper for you to expend it." That is the meaning of the bill, and that is all there is in the bill.

My proposition would be that the amendments to the appropriation bill in reference to the cruisers, because they will not be agreed to, should be receded from by the Senate of the United States and that we then between the House and Senate agree upon the other amendments which were thought to be absolutely necessary by the Senate. If we can not agree on them let them be stricken off, let them be divided, or let such an agreement be made as is proper for a conference committee between the two Houses to make.

The conferees on the part of the House absolutely refused to confer in reference to these amendments and required us to confer only on their proposition, which is a bill like the emergency act passed at the last session, their bill making appropriations for the next six months. I disagreed to that and I disagree to it now, and as far as I am concerned I never will agree to it. The Senate can do as it likes, of course. I am but one; but I never will agree to that character of legislation when we have time before us to prosecute the duties that belong to us.

I have said this much only to give my views in reference to the matter, and to state substantially what I understand to be the position of affairs. When you come to sum it up it means nothing more than a bill authorizing the Secretary of the Navy to expend 50 per cent. of the amount of the appropriations of 1883 as he deems proper where the expenditure is not restricted by the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. CONGER. What is the proposition?

The PRESIDENT *pro tempore*. The question is on agreeing to the concurrent resolution of the House of Representatives, that when the two Houses adjourn to-day, they shall stand adjourned until the 5th of January next.

Mr. CONGER. I move to postpone the resolution until after the reading for information of the bill which has just come from the House.

The PRESIDENT *pro tempore*. That is not a parliamentary motion. A motion to postpone must be to a day certain or indefinitely.

Mr. HALE. I think unanimous consent will be given that the House bill just sent in shall be read.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the pending order be laid aside informally and that the Chair lay before the Senate a bill from the House of Representatives.

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

NAVAL APPROPRIATIONS.

The bill (H. R. 7791) making temporary provision for the naval service, was read the first time by its title.

The PRESIDENT *pro tempore*. If there be no objection the bill will be considered read the second time and referred to the Committee on Appropriations.

Mr. CONGER. Let it be read at length.

Mr. HALE. Yes; let us have a full reading.

The PRESIDENT *pro tempore*. The second reading will be at length.

The Secretary read the bill the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing for the expenses of the naval service for the month ending January 31, 1885, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum of money no greater in amount than will be in the same proportion to the appropriations of the fiscal year 1884 as thirty-one days' time bears to the whole of said fiscal year and for the like purposes and continuing the same provisions relating thereto as were made by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," approved March 3, 1883 (except as hereinafter declared), subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act, and the other laws of the United States upon or in respect to the appropriation made by said act: *Provided*, That nothing is appropriated by this act for the purposes set forth in said act making appropriations for the naval service for the fiscal year 1884 under the heading "Increase of the Navy" and preceding the heading "Naval Academy," "For special ocean surveys and the publication thereof," or "For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same;" nor is there reappropriated any balance of the appropriation made for commencing the manufacture of steel rifled breech-loading guns, with carriages and ammunition, that remained unexpended during the fiscal year 1883; but in lieu of such reappropriation there is hereby appropriated for such manufacture, during the thirty-one days herein provided for, the sum of $2,152.80; and that the clause under the heading "Bureau of Yards and Docks" commencing "For general maintenance of yards and docks" is amended so as to appropriate for the thirty-one days herein provided for the sum of $18,840.

That all appropriations made by the act of July 7, 1884, making temporary provision for the naval service for the six months ending December 31, 1884, or any balances thereof that may be unexpended at that date, except any balance for the manufacture of steel rifled breech-loading guns as aforesaid, be, and they are hereby, reappropriated, continued, and made available for the thirty-one days ending January 31, 1885.

That the whole amount appropriated by this act for the support of the naval service for the thirty-one days herein provided for shall not exceed, exclusive of the amounts herein reappropriated and the amount payable from the income from the naval pension fund for the support of the Naval Asylum at Philadelphia, the sum of $1,100,000.

The PRESIDENT *pro tempore*. The bill has been read the second time. It will be referred to the Committee on Appropriations.

Mr. BUTLER. I ask unanimous consent that the bill be considered now.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the bill be now considered. Is there objection?

Mr. LOGAN. I do not wish to interfere, but I will state very briefly one objection to the bill. If we are to take the appropriations for 1883 for the year 1885 in homeopathic doses I do not know but that we might just as well take the whole dose at once. The objection, as shown by a unanimous vote of the Senate, was to appropriating for the next six months as we did for the preceding six months, but now the House sends us a bill appropriating up to the 31st of January. I suppose when the 31st of January comes they will propose to appropriate until the 4th of March, and in that way we are to take this character of legislation.

I state this as the reason why I shall certainly object to the consideration of the bill, for I do not believe in this kind of legislation. I think it is vicious and a character of legislation that ought not to be permitted by either branch of Congress, and especially by this branch.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Appropriations.

Mr. BUTLER. I have no choice about this matter. I only wanted to get over a difficulty which seemed to me to be confronting us, and a chasm which appears to have been made by the disagreement of the two Houses. I thought that we might consider this bill to-day, inasmuch as the Appropriations Committee, I have no doubt, are as well informed as to its provisions now as they would be after a minute examination of it. I confess myself that I do not like the mode of legislation proposed in it.

Mr. LOGAN. I will state to the Senator that the very reason why I object to it is because we know exactly what it is. We have examined it, and it is the principle in it to which I object. The Senate voted against it yesterday unanimously.

Mr. BAYARD. Mr. President——

The PRESIDENT *pro tempore*. The Senator from South Carolina has the floor.

Mr. BUTLER. I yield to the Senator from Delaware.

The PRESIDENT *pro tempore*. This whole debate is proceeding by unanimous consent. The Senator from Delaware.

Mr. BAYARD. I think it was upon my motion that the yeas and nays were called yesterday for the purpose of expressing the sentiment of this body not so much upon the merits or demerits of the amendments which had been placed by the Senate upon a bill originating in the House, as upon the action of the House conferees as reported to us by the committee of conference unanimously, represented by the Senator from Maine [Mr. HALE], the Senator from Illinois [Mr. LOGAN], and the Senator from Kentucky [Mr. BECK], that the House conferees would not even consider, read, weigh, or reason on the action of the Senate amendatory of the action of the House. The result of such a proposition is that the Senate is no longer a co-ordinate body, but it would become a mere register of the decrees of another body. That would be an abdication of the duty and of the dignity of the Senate to which I should be very unwilling to agree.

Therefore, without any regard to the character of the legislation proposed, I thought it right for the Senate, and I was very glad that the Senate concurred in that view, that the Senate should record themselves unanimously in favor of the committee who had properly asserted the right of this body, and the duty of this body which is higher than its right, in dealing with legislation touching supplies for the Government. That was the principle involved in the suggestion that I made.

Now, I agree with the Senator from Illinois that this legislation is—I will not use the word vicious, probably it is not necessary to say so, but I mean to say that it is derogatory to the ordinary course of finding annual supplies for the continuance of the Government to have this patching out by what are called emergency bills. We have had one for six months and now we have another one proposed to us for thirty days.

I do not mean to say that there may not be times of convenience when such bills may properly be passed. It is perfectly plain that it requires the uninfluenced approval of both Houses of Congress for the passage of a bill, and then its signature by the Executive. We have no method of coercion upon the other branch of Congress, nor have they upon us to affect us in the slightest degree, but there does come a question simply of public convenience and our own convenience whether we shall bridge over differences of opinion between the two branches of the Legislature. In that I can see no dereliction in principle if we should agree to postpone the time of trying ultimately our differences.

I am as displeased as the Senator is with this mode of providing the proper supplies for the Navy. The subject contains a good many elements which I do not care to delay the Senate to recount. I differed with the majority of the Senate as to their right to place general legislation upon an appropriation bill even under the peculiar wording of the rule of the Senate; but I understood perfectly from the Senator who had the bill in charge that when the Senate made the amendments providing for general legislation, that is to say, the increase of the Navy generally, they did not intend to do more than to present that measure, as they had once done by a separate bill, to the judgment of the House, and that their reason for presenting it a second time upon the appropriation bill was that the separate bill had been pigeon-holed and refused consideration; that their object was to reiterate the views of the Senate by presenting the bill for the immediate reconstruction of the Navy again to the House in the form of an amendment to an appropriation bill, but that it was not intended that the appropriations should fail by reason of the want of the House to assent to that provision if it was necessary for the Senate to recede from their amendment.

The vote of yesterday unanimously by the Senate, if it had the meaning it should have and that my vote was intended to aid in its having, was that when a conference was raised in regard to a bill of supplies the amendments of the Senate were to be considered by those who represented the House. I did not mean to say that they were to be coerced into any agreement, but I meant to say that the amendments were to be considered and they were to be received, and that we are not called upon in silence to swallow any measure that may be brought by the House before the sense of the Senate without exercising an independent and a conscientious judgment. That was the meaning of the vote, at least I believe it was the meaning of the vote, and I hope the Senate will always vote in that way.

But we have already accepted a makeshift, a mere makeshift, and not a very good one at that, by taking the estimates of a prior year, which might be and were quite inappropriate to the requirements of the present year. That was, to say the least, a very clumsy piece of legislation; yet it saved the question of annoyance, and it practically supplied the uses of the Navy for six months' time. Now the fact is practically that we stand upon the threshold possibly of the ordinary Christmas adjournment. A very large number of the members of the House have gone away from the city, and as I look around upon the benches here I see that a great many members of the Senate have gone, supposing that the ordinary custom would be followed at the present time. While I will stand I think as long as any one for a principle, I do not see the dereliction of a principle in accepting for thirty days longer the same rule that we accepted for six months when it comes upon us in an emergency. If I am informed by any committee of conference on the part of the Senate that the House refuses to consider the amendments offered by the Senate, I will agree in reappointing that committee until the end of my term, and then we will submit the question to the American people, whose opinion after all is to control those who sit in either branch of Congress.

While I agree with my friend as to the unwisdom or viciousness, if you please to call it so, of the mode of legislation proposed, I do not

see a dereliction in principle between passing a bill for thirty days when we have once agreed to do the same thing for six months.

Mr. LOGAN. I desire, if I can have the ear of the Senator from Delaware, to call his attention to one fact. We passed the bill denominated an emergency bill on the last day of the last session of Congress.

Mr. BAYARD. In order to get away.

Mr. LOGAN. In order to get away. Now, when we have two months and a half before us, I hope he will not call this an emergency. When the Senator says that because the Senate through its conferees insisted on the consideration of its amendments we gave the vote which we did yesterday and the Senate will insist again provided the House conferees will not confer on that proposition, and states that to be the principle we voted on and not in reference to the character or manner of the bill, I ask him what the difference is when we appointed a committee of conference to-day, when the House appointed a committee of conference, when they have not met, and they send a bill here ——

Mr. BAYARD. A separate bill.

Mr. LOGAN. Yes; a separate bill, as they did in the case which the Senator calls an emergency. They do not meet the Senate in conference, but send us this bill, and what rule will you apply or what standard will you be gauged by in order to bring the conferees together at the time when the appropriation proposed by this bill shall expire?

Mr. BAYARD. May I ask the Senator does not the conference that we ordered unanimously yesterday stand, and will it not stand until it meets (if we adjourn now), twenty or thirty days from this time?

Mr. LOGAN. But suppose the conferees of the House do not meet? They have not met with us since they were appointed. Suppose they do not meet?

Mr. BAYARD. They were only appointed to-day.

Mr. LOGAN. There has been plenty of time to meet, but they have not met or proposed to meet. Will the Senator tell me that now, sixty days before the adjournment of the session, or when we approach within thirty days of its close, then an emergency will not be upon us for the purpose of passing the same character of bill? If the conferees do not meet, will not the same exigency exist then that exists now? I should like to know the difference. If the Senate of the United States propose that any one man in this country shall fashion the character of legislation for the Congress of the United States, and the Senators from the different States of this country will not stand up and say they will have something to do with it, they had better abdicate and admit that they no longer belong to the Congress of the United States. I look upon this not as proper legislation, not as fair legislation. I do not regard it as fair treatment to the Senate, when the House conferees do not meet with the conferees of the Senate, for the House to send continuously bills here called emergency bills to be passed.

Mr. McPHERSON. Will the Senator inform me on one point?

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield?

Mr. LOGAN. I do.

Mr. McPHERSON. When the bill first went into conference, speaking of the bill of last session, did the House conferees meet with the Senate conferees and consider the subjects-matter involved in the amendments?

Mr. LOGAN. Yes, sir.

Mr. McPHERSON. Then it is the same committee of the House and the same committee of the Senate, the same conference committee on the part of each House?

Mr. LOGAN. I do not remember whether the same persons are on the conference committee of the House that were on at the last session of Congress. Perhaps they are the same persons.

Mr. McPHERSON. The point I wish to submit to the Senator is whether it is not asking a good deal to continuously insist upon it that the same committee after having once rejected a proposition shall continue to consider it? That was the inquiry I wished to make.

Mr. LOGAN. I have nothing whatever to do with appointing the committees of conference. The conference committee have never conferred in reference to these amendments at all except so far as the amendments in reference to the cruisers were concerned. The House refused to agree to them and the Senate adhered to their proposition. The other amendments were not considered, never have been considered, the House conferees would not consider them and they have utterly refused up to this time to consider any amendment whatever to that bill.

Mr. McPHERSON. The Senator will bear with me a moment longer. It will be remembered by him that the Senate refused to instruct their conferees to recede. The House in like manner instructed their conferees, and so both were acting under instructions. Therefore, I do not see how the conferees could have agreed if they had tried.

Mr. LOGAN. I have heard the Senator repeat the same thing, this is the third time perhaps to-day, and it is nothing new to us that the House have refused to agree and the Senate have refused to agree. We all know that. I have spoken of the character of this legislation and the manner in which the conferees representing the Senate have been, I will not say improperly treated, but the ignoring of our propositions, the refusal to consider any amendment whatever to this bill. If under the rules and under the parliamentary practice in reference to conferees considering questions the House can refuse to consider any amendments whatever to a bill that the Senate proposes, and will go back and substitute another bill for that, and insist on our passing it without amendment, I wish to ask any Senator what we have to do with legislation if we take up and accept every bill that is sent to us from the House.

Now let me put a case. Here in the Congress of the United States is a precedent being set, that by withholding a measure in committee up to the time that some emergency may be claimed to be upon us, a bill then suited to the taste of some individual or committee, without proper consideration, may be sent, and one of the Houses told, "Take this or nothing;" and you call that legislation! You call that legislating for the country! You call that examining into questions and appropriating money for different and specific purposes in a proper and legitimate way!

If it be true that this sort of legislation is to be followed as a precedent hereafter it may be that a party in power in one House or the other may, through stubborness and design, almost entirely thwart an administration. Suppose at the next session of Congress a majority in the Senate should say, "We will not agree to your bill at all;" then you refer it to the Committee on Appropriations. The Committee on Appropriations, having a majority disagreeing perhaps with a majority of the House, may say, "This substitute that we propose shall be considered, and nothing else." Then my friend the Senator from New Jersey will get up and insist on the rights of the Senate. I suppose you can not coerce the House; you can not coerce any legislative body. That is true. But there is proper consideration that should be given to both. We should consider fairly and properly that which is suggested by one House to the other, and neither House should say to the other, "This must be taken, or you get nothing." The time may come—I hope it never will; I certainly would not desire to be a party to it—but the time may come in the Congress of the United States when party spirit may run so high that a majority in one House or the other may refuse to agree, and force the other House either to take what they propose or nothing, and in that way thwart the intentions and proper purposes of an administration that is trying fairly to administer the affairs of this Government.

Now, Mr. President, I do not believe, as I have said, in this character of legislation, nor in this manner of dealing by one House with the other. It is not fair to the Senate, and would not be fair to the House if the Senate should undertake to force upon them a character of legislation that was not consistent with their views and notions of that which was proper and right.

I only say this much as a representative, giving what I believe to be the correct principle so far as legislation is concerned, and not only that, but the proper courtesy to be extended by one House to the other and by one committee to the other.

Mr. BUTLER. I withdraw my request for unanimous consent, as it leads to debate.

Mr. HALE. What is the question before the Senate?

The PRESIDENT *pro tempore*. There is no question before the Senate. The debate is proceeding by unanimous consent.

Mr. HALE. But below that, when this disappears what is the question before the Senate?

The PRESIDENT *pro tempore*. The Senator from Illinois objected to the present consideration of the bill, and, pending its being referred under the rules to the Committee on Appropriations, by unanimous consent this discussion has gone on. The Senate now resumes the consideration of the resolution of the House of Representatives providing for an adjournment from this day to the 5th of January.

HOLIDAY RECESS.

Mr. HALE. Let us have a vote on that.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

A division was called for.

Mr. HALE. We may as well have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Minnesota [Mr. MCMILLAN], who, if here, would vote "nay."

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] being called from the city for the day, is paired with the Senator from Louisiana [Mr. JONAS]. My colleague will return this evening.

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from Maryland [Mr. GROOME] on all political questions. Not regarding this as one of that nature, I vote "nay."

Mr. CONGER (when Mr. MITCHELL'S name was called). The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from Ohio [Mr. PENDLETON] as I understand.

Mr. MORRILL (when his name was called). On this question I am paired with the Senator from Kansas [Mr. PLUMB]. He would vote "yea" and I should vote "nay."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. PENDLETON (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. MITCHELL].

Mr. HALE (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Iowa [Mr. ALLISON].

The roll-call was concluded.

Mr. JONAS (after having voted in the affirmative). I desire to withdraw my vote. I am paired with the Senator from Connecticut [Mr. HAWLEY].

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. On this question, not knowing how he would vote, I withhold my vote.

Mr. BLAIR. My colleague [Mr. PIKE] is paired with the Senator from Tennessee [Mr. JACKSON].

Mr. McPHERSON (after having voted in the negative). I desire to withdraw my vote. My colleague [Mr. SEWELL] I see is absent, and he is paired with me generally, and I do not know now he would vote on this question.

The Secretary read the names of those voting in the affirmative and negative.

Mr. BLAIR. Is the name of the Senator from Tennessee [Mr. JACKSON] called as voting?

The PRESIDENT *pro tempore*. The Senator from Tennessee voted.

Mr. BLAIR. I made the announcement, according to my recollection, of his pair.

The result was announced—yeas 8, nays 25, as follows:

YEAS—8.

Bayard,	George,	Hampton,	Jones of Florida,
Colquitt,	Gibson,	Jackson,	Lamar.

NAYS—25.

Aldrich,	Edmunds,	McPherson,	Sawyer,
Blair,	Frye,	Manderson,	Sheffield,
Call,	Hale,	Maxey,	Walker,
Cameron, of Wis.,	Harrison,	Miller of N. Y.,	Wilson.
Conger,	Hoar,	Morgan,	
Cullom,	Lapham,	Platt,	
Dolph,	Logan,	Pugh,	

ABSENT—43.

Allison,	Farley,	McMillan,	Sabin,
Beck,	Garland,	Mahone,	Saulsbury,
Bowen,	Gorman,	Miller of Cal.,	Sewell,
Brown,	Groome,	Mitchell,	Sherman,
Butler,	Harris,	Morrill,	Slater,
Camden,	Hawley,	Palmer,	Vance,
Cameron of Pa.,	Hill,	Pendleton,	Van Wyck,
Cockrell,	Ingalls,	Pike,	Vest,
Coke,	Jonas,	Plumb,	Voorhees,
Dawes,	Jones of Nevada,	Ransom,	Williams.
Fair,	Kenna,	Riddleberger,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. HALE. I move that the Senate do now adjourn.

Mr. HARRISON. I ask the Senator from Maine to withdraw that for a moment that I may move an executive session on some nominations which have come in.

The PRESIDENT *pro tempore*. No motion is in order but for a call of the Senate or to adjourn, no quorum being present.

Mr CULLOM. I should like to make an inquiry before the motion is put. The unfinished business of yesterday has not been taken up to-day because of this being a sort of special day. I inquire whether that will come up as the unfinished business at the next session.

The PRESIDENT *pro tempore*. The Chair will not be able to answer that question authoritatively at this moment. As no quorum is present, the Chair can make no decision upon any point. The Senator from Maine moves that the Senate do now adjourn.

The motion was agreed to at 5 o'clock and 42 minutes p. m.

The PRESIDENT *pro tempore*. The Senate stands adjourned till Monday next at 12 o'clock.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 20, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. HATCH, of Missouri. I desire to have the Journal corrected. It states that "leave of absence was granted WILLIAM H. HATCH for ten days on account of important business." Instead of "WILLIAM H. HATCH" it should read "HORATIO H. HATCH."

The SPEAKER. The correction will be made.

The Journal as corrected was then approved.

INTERSTATE COMMERCE.

Several members addressed the Chair.

Mr. REAGAN. I call up the unfinished business, which is the consideration of the special order.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] calls up the special order; and the Chair can not entertain any requests for unanimous consent.

Mr. CHACE. I hope the gentleman from Texas will give me two or three minutes.

The SPEAKER. If the gentleman from Texas withdraws his demand, of course the Chair would recognize gentlemen who wish to submit requests for unanimous consent.

Mr. REAGAN. I should be glad to gratify all these gentlemen, but I want to get through with this bill, and I apprehend that before long we may be left without a quorum.

The House resumed the consideration of the bill (H. R. 5461) to establish a Board of Commissioners of Interstate Commerce, and to regulate such commerce.

The pending question was upon the amendment offered yesterday, by Mr. HENDERSON, of Iowa, to strike out all of the fourth section, commencing with the word "that," in line 1, down to and including the word "and," at the beginning of line 7.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] is entitled to the floor for five minutes.

Mr. HENDERSON, of Iowa. Mr. Speaker, the effect of the amendment which I submitted last evening is to strike out in section 4 of this bill these words:

> That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and.

I leave the latter clause of the section, which has reference to private and leased lines, that they shall form a part of the whole line.

Now, Mr. Speaker, I am in favor of railroad legislation. I am in favor of railroad legislation even if it does not meet my entire views. I believe the bill which was reported by the committee was the better bill. I believe there are dangerous pitfalls in this substitute introduced by the gentleman from Texas [Mr. REAGAN]. This section is one of the most captivating sections of the bill, but I believe it to be one of the most deadly to the interests of that part of the country which I have the honor in part to represent. I believe, sir, it is opening rat-holes, as might be said, in the great granaries of this Republic—the regions that supply the food of the country. I believe that it strikes down the very interests that the most of us are here to represent, that is, the great agricultural interests of this country.

I do not need to argue this at length, for it has been admitted in debate by the friends of this very section of the bill. I call attention to the remarks of the gentleman from New Jersey [Mr. MCADOO] in discussing and supporting this very section of the bill. He said:

> Let us take an occidental illustration: Here is Chicago (not the old and certainly not the new Jerusalem), with many competing lines. Here is Paradise, Pa., on the most natural and easy route between New York and Chicago. Only one line of railroad passes through it. It is only two hundred miles from New York, and yet passage or freight under existing circumstances is liable to be greater to Paradise than Chicago. Of course I know Chicago and another similar place are both reached by down grade and easier of access than Paradise, but on what idea of justice should Paradise, Pa., pay up for Chicago, Ill.? This system is very unjust to the Eastern farmer. With higher taxes, dearer land, and higher cost of production, all paid on account of proximity to the seaboard, he can not compete with those thousands of miles inland.

There is an admission that this fourth section of the bill strikes in the face the inland parts of this Republic—the parts remote from the seaboard market. It cuts down the value of every farm. It puts practically a tax on every ox, every horse, every hog, every bushel of grain raised and sold. Chicago, for the States of Ohio, Indiana, Iowa, Minnesota, Missouri, and others adjacent thereto, is the market for the farmer. If you increase the rate on long hauls from the Chicago market eastward, you tax all the products of those States. Take it, for instance, in Meadville, Pa.; and a car-load of cattle shipped from there costs $5 more than a car-load of cattle shipped from Chicago. This shows the benefits that the West derives from low rates on long hauls. You pass this fourth section of the bill and you force an increase of the rate on long hauls. Competition in the great shipments made from a point like Chicago enables them to ship at low rates. Pass this fourth section, and you increase that rate. Increase that rate and you add a tax to the products of the people of my district. You not only do so in shipping our products to the East, but you also do so when you bring your manufactures from the East. Clothing and merchandise of all kinds brought from the East get the benefit of the same principle, and you put a tax on the people when you land those goods at the doors of the consumers and producers in my State. For, sir, it works both ways: it is an injury to the consumers of the East, and it is a disadvantage to the producers of the West.

Mr. Speaker, I say this, that while I conscientiously believe any gentleman on this floor is warranted in voting against this entire bill because of that fourth section, so earnestly do I desire legislation on this general subject even if I can not carry my amendment, I believe

I am prepared to vote for this bill. I appeal to gentlemen in this House to recognize the fact that the people do demand legislation. It is not true, in my opinion, as stated by the gentleman from New Jersey [Mr. PHELPS], that they are content. They are not content. Every legislative body in this country has been an intellectual battlefield for years where the people have fought for the regulation of railroads, and those struggles have brought down rates of transportation as much perhaps as the natural law referred to by my always eloquent friend from New Jersey.

[Here the hammer fell.]

Mr. REAGAN. Mr. Speaker, I desire briefly to endeavor to answer the argument just submitted by the gentleman from Iowa, and I the more desire to do so because I regard him as a fair man. I think his judgment must be controlled by some sort of facts different from those really presented by the bill before the House, and which induce him to take the position that he does.

What are the facts presented? This bill simply proposes that more shall not be charged for a shorter than for a longer distance on the same amount and kind of freight on any single railroad. What objection can there be to that? What does the gentleman want? Does he want to have his freights carried from Iowa to New York at less rate than it could be carried for one hundred or two hundred miles on that line of road? If he does, if he wants freights carried below any compensating rates to the railroads, does he not demand simply that other people living upon the line of the road shall pay the difference in the freight between what are the compensating rates to the company and those which he himself is compelled to pay?

Mr. HENDERSON, of Iowa. Let me interrupt the gentleman to ask him——

Mr. REAGAN. I must decline in five minutes to yield to an interruption.

Mr. HENDERSON, of Iowa. Is it not true that farmers in Pennsylvania have farms worth $150 an acre, while in Iowa they are worth from but $25 to $50, and is there not a compensation to those Pennsylvania farmers by living in nearer proximity to the markets?

Mr. REAGAN. I hope I will not be interrupted in violation of the rule. I have declined to yield to the gentleman.

The SPEAKER. The gentleman from Texas declines to be interrupted, and is entitled to the floor.

Mr. REAGAN. Mr. Speaker, I have heretofore alluded to this subject in the general discussion of this bill, and have endeavored to combat the extraordinary assumption that one of the duties of the railroad companies is to equalize the profits of the people.

Why, sir, if we submit to them in this matter we submit to them the entire commerce of the country, and the interests of the people are placed directly under their control. We can not afford to do it. Their business is the transportation of products and not the equalization of business, nor the regulation of private fortunes or the investments of capital. That is not what they were chartered for. The real question is, and there is no escaping from it by the gentleman from Iowa or any other gentleman, that the object had in view is to arrange so that freights for a longer distance shall not be carried for less than a compensating rate to the railroads, and the people between the terminal points be required to make up the difference by paying an extra cost for the carrying of their freights for shorter distances over the same line. There is nothing in this bill requiring the railroads to charge more for carrying freights than there is now. They can control that question just as they do now, and establish a fair compensating rate for the service performed. What more, I would ask, can possibly be desired than that?

There is, however, an equity connected with the subject. Suppose you allow these unjust rates to be charged; then you compel the people at other points on the line to pay your freight. That discriminates in favor of one locality and against another. You enrich certain favorite individuals at the expense of others; you build up localities and impoverish others; you make one town a city by the unlawful action of the railroads, while you destroy the commerce and prosperity of another by the same unlawful action.

Instead of the discrimination being made as the gentleman from Iowa suggests, it is a discrimination by the bill against excessive charges for short hauls; that is all. The gentleman from Iowa objects because he would leave it in the power of the railroad companies to charge as much for one-tenth of the distance as they do for the whole distance, or for one-fourth or one-half of it as for any other portion of the length of the line.

Now, while they can not carry as cheaply per ton per mile for a short haul as for a long haul, as the same handling takes place for both, they can charge as much on the long haul, and it puts the short haul at a disadvantage by subjecting it to the full amount of freights that would be charged upon a long haul. We said it is not equitable, but we can not get a better rule that is equitable in favor of long hauls, and hence adopted this provision.

[Here the hammer fell.]

Mr. WILSON, of Iowa. Mr. Speaker, the people of the West are asking the governors of their respective States to call their Legislatures together to take action with regard to the condition of transportation. If the petitions should be acceded to the State Legislatures can only deal with about one-fifth of the transportation problems, as four-fifths of the carrying is interstate in its character. Congress must regulate interstate commerce or it will not be regulated. For many years we have been asked to do it and nothing has been done. The present distress and consequent agitation surely deserve our earnest attention. No two members agree exactly upon details on this question. A minority is sure not to get what it wants in any bill. But I am resolved to vote for the judgment of the majority in the faith that as the bill progresses through its several stages in both Houses it may be perfected. This is the preliminary stage, and it has to go through many; it will come back to the House, and final voting will then take place. I have no sympathy with attempts to destroy the bill or hinder its progress.

With regard to the bills before the House, I am sure that neither is free from grave objection. The fourth section now being considered, to prevent more for a short than a long haul, is right nine times out of ten. Schedules are based upon it, because distance is one factor in arranging rates; but the rule has exceptions, and provision should be made for them, and no act can be so framed as to do it. The law should have brains in it; an executive hand to moderate it; eyes to see and ears to hear. The feature of the same section that prohibits more for a short haul than a louger one for a similar amount and kind of property would permit the worst discriminations now complained of in the West. A shipper who bills two cars could get a different rate from the shipper who bills one car, and thereby get a monopoly of local business. Our transportation is dual in its nature—a local business that should be looked at from a local standpoint, and a through business that should be considered from a through standpoint. Train-loads of goods are sent from the West and at a lower rate by the hundred-weight than single hundred-weights from a point near the seaboard to the seaboard. We can not frame a statute that will fairly apply to the hundred-weight a short distance and the train-load a long distance.

Wholesaling has grown up very rapidly in Iowa. The application of distance as the greatest factor in transportation will destroy every wholesale establishment in the State. It will take our factories for packing pork and condensing other products to Chicago. Time may enable Congress to frame a statute that will apply to both local and through commerce, but we have not found it yet. We should try to prevent unjust discriminations, unfair rebates, injurious pooling, and extortionate rates, but we are sadly at variance how to frame the act that will do it. I think we should give the people an arbitration board, where their complaints should be heard and determined—a place where poor men can go without retaining a lawyer—an arbitration board, that will hear at once and act promptly. It is no use to send a man with a ten-dollar grievance to the courts. Few have sought that form of redress in the past, although the courts have been open. Few will resort to them in the future. There are but two ways to give redress—either by an arbitration without expense or by a lawsuit with it.

Mr. HENDERSON, of Illinois. Mr. Speaker, I have heretofore, in a former Congress, spoken at length on the subject of regulating interstate commerce, and at that time discussed the section of the bill now under consideration, and gave some reasons why I thought it should not be adopted. I have seen no reason since to change the opinions then expressed, although the section has been amended, so that it is not now limited to a car-load, as it was at that time.

I do not agree fully with the gentleman from Iowa [Mr. WILSON] who has just taken his seat when he says that in ninety-nine cases in a hundred the provision in this section is right. I am of the opinion that if this section should become the law it would operate injuriously in a much larger proportion of cases. I believe it would operate injuriously to the people whom I have the honor to represent, as well as those of other sections of Illinois. In the district where I reside our railroads terminate at Chicago, and our produce is shipped to that city. Chicago is the market largely for what we buy or sell. Certainly the larger part of what we buy or sell is shipped to or from that city, and we complain that we have to pay higher rates than those who live at greater distances west of us; and it is true that we oftentimes pay more to Chicago—only about one hundred miles distant—than we do from Chicago to New York, or from Chicago to Philadelphia or Baltimore. Now, I do not see how this section can possibly benefit us. Freight rates from my district to Chicago can not be affected by any provision of this bill; the railroads fixing such rates for transportation being wholly within the State.

This, Mr. Speaker, is really one of the difficulties in our way in attempting to legislate on the subject of regulating railway transportation by Congress. There are many sections of the country where the people are in the same situation as my constituents. Take the people of New York who ship to New York city, or to Albany, or to Buffalo; take the people of New Jersey who ship to Jersey City, or the people of Pennsylvania who ship to Philadelphia, and these are the people who have complained most of unjust discriminations, of the lower rates for transportation from longer distances; and such instances may be pointed out in many other parts of the country. These people in such cases can not, as it seems to me, be benefited by this provision, as their transportation by railroad is largely within the State, and is not therefore interstate; and if they are subjected to unjust discriminations or

to unreasonable or exorbitant freight charges, they must rely upon State legislation largely, if not entirely, for relief. Now, while we complain of freight charges to Chicago, we have cheaper rates from Chicago to the Atlantic seaboard, and the effect of this bill, if it has any effect at all, will be, as I believe, to increase charges from Chicago east, and from all other points where there exists the competition of numerous railroads and, at the same time, that of the cheaper transportation by water; and such points are too numerous to mention.

I know, Mr. Speaker, the gentleman from Texas says that this provision does not require railroads to charge more than they are now charging for the longer distances, but will they not be compelled to do so? In many cases they may be compelled to charge more or otherwise carry nothing. He says they can still carry for the same. But may they not be compelled to carry even for less, and for a rate which is not remunerative or which is unreasonably low? And if so, then I can not for the life of me see why they may not when they get beyond the point of such severe competition charge a reasonable rate, even though it may be more than that charged for a longer distance. I admit that as a rule it is unjust to charge more for a shorter than for a longer distance or to charge a different price for the same distance; and I would be willing to make such charges *prima facie* evidence of unjust discrimination. But there are many cases where, in my opinion, railroads may be justified in charging more for the same or for a shorter distance, and when it would be an absolute injustice to forbid such charges. I do not believe, therefore, that any such iron rule should be adopted as this section provides.

The supreme court of the State of Illinois in a well-considered case, where the complaint was that the Chicago and Alton Railroad Company had charged more for a shorter than it had for a longer distance, held that the Legislature should amend the act to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in the State for the transportation of freight on said roads, so as to make the charging of a greater compensation for a less distance, or for the same distance, merely *prima facie* evidence of unjust discrimination, instead of conclusive evidence as such act made it. In the opinion of the court in that case it is said:

That the naked fact that a railway company charges a larger sum for transporting freight of the same class over a given distance than it is charging for the same distance over another part of its road, or in the opposite direction, is not of itself conclusive evidence of an unjust discrimination, will be manifest on a moment's consideration. Take, for instance, the road of the appellant with one terminus at Chicago and the other at East Saint Louis. At one season of the year more freights are moving from Chicago toward East Saint Louis than in the opposite direction. The consequence, of course, is, that the supply of empty cars at the latter point will be in excess of the demand. There is a water route between these points, which also touches several intermediate stations upon the road. Now, unless the railway company is permitted under such circumstances to induce shipments over its line by lowering its freights, it is evident that a portion of its cars will return empty. This would, of course, necessitate a higher charge for freight moving toward East Saint Louis than it would be necessary to impose if return freights could be secured by lowering the rates on the return trip. To forbid the company to lower the rates of return freight would thus benefit no one, and would work an injury both to the company and to the people along the line.

That illustration is given, the court say, for the purpose of showing that a difference of price for the same distance of transportation is not necessarily an unjust discrimination, and that any law must be fatally defective which infers guilt as a conclusive presumption from the mere fact of difference of rates, without permitting the companies to show why the different rates were adopted.

It occurs to me that the reasoning of the court will apply with as much weight to the section under consideration, for if railway companies are compelled, from the competitive point, to carry at a very low rate in order to carry anything, it does seem but just to allow them to charge a reasonable rate from other points when you get beyond such competition.

I am opposed to this provision as much for what it permits as for what it forbids. The gentleman from Texas [Mr. REAGAN] says this provision allows railroad companies to charge as much for any part of the distance over their roads as they charge for the whole distance. But why permit them to do that? Why permit them to charge as much from Albany to Boston as they do from Buffalo to Boston? Why permit them to charge as much from Fort Wayne to Chicago as they do from Pittsburgh to Chicago? And if you permit them to charge as much from Fort Wayne to Chicago as they do from Pittsburgh to Chicago, or from Albany to Boston as they do from Buffalo to Boston, would it not seem just to allow them to charge more from Crestline to Chicago than from Fort Wayne, where it is more than double the distance, or from Rochester, N. Y., to Boston than from Albany for the same reason? It seems so to me.

This, Mr. Speaker, shows the absurdity of the rule, that it is not a just rule. It would, in my opinion, be a far better rule to permit no unreasonable or exorbitant charges to be made under any circumstances from any point. I am certainly in favor, Mr. Speaker, of any proper legislation to protect the people from any and all unjust discriminations and from any and all unreasonable and exorbitant freight charges; and I would make it the duty of the Government to enforce the law. But I do not believe the rule embraced in this section is either wise or just; and, in my judgment, it should not be adopted as an absolute rule to govern in all cases and under all circumstances.

The following remarks made by me in the Forty-sixth Congress on the provisions of this section, which, however, were then limited to a car-load, but are now made general as to all freights, being applicable, are hereby appended as a part of my remarks:

And now, Mr. Chairman, as to the fourth section of the proposed substitute, which makes it unlawful to charge or receive any greater compensation per car-load of similar property for carrying the same for a shorter than for a longer distance, I will say that such provision does not commend itself to my judgment at all. I know that many members of this House approve of that section of the proposed substitute, and insist that it is right in principle. They tell you with great confidence that every man of common sense knows that it does not cost any more to carry freight of any kind a shorter than it does for a longer distance, and that it is a wrong and an outrage to do so. I know this seems to be very plausible indeed, but I assert here that no such rule can be applied to railroads engaged in carrying interstate commerce indiscriminately without doing in many cases absolute wrong and injustice; and it does seem to me not to require much examination and reflection to satisfy any one of the truth of this statement. The rule might be a just rule, and I think it would be, if there were no controlling influences to prevent a railroad from charging at its terminal points a reasonable rate for the transportation of property. Then, and in that case, you might insist that no greater charge should be made for a shorter than for a longer distance. But such is not the case, as every one knows. Take Chicago, Saint Louis, Cincinnati, and many other cities where there are numerous railway lines running to the seaboard, all competing not only with each other but with the cheaper water transportation, and there are times when the strife for the carrying trade between these competing lines, lines constructed and run as far as may be in the interest of rival cities, each striving to build up its own commerce or to maintain its own commercial supremacy, is so great that railways are compelled by this high competition to carry for less than a reasonable rate, for less than a living rate; and then I ask every candid, fair-minded man in this House, is it just to say that because a railway is thus compelled to carry for less than a reasonable rate, or living rate, from the point of such high competition in order to carry anything, that it should not be allowed to charge a reasonable rate, or living rate, from intermediate points where there is no competition whatever, even though such charge be more than was charged for a longer distance on the same line of transportation? I know it is said that if railroads carry from terminal points for less than cost they should not be allowed to make up their losses by exorbitant charges on local freights; in other words, that unreasonably high local rates should not be permitted to compensate for unreasonably low through rates; and that proposition I do not object to. I maintain, however, that unreasonable, extortionate rates should not be permitted anywhere on any railroad; and I insist that the question to be considered should be, what is a reasonable charge from the given point, and not what is charged from some other point.

It is admitted by all who are conversant with the subject that freight can be carried for much less by water than by rail. Some say for one-fourth, and certainly it can be carried for one-half by water that it can be by rail. God made the rivers, the lakes, and the ocean, and the Government dredges the bars, removes the snags and the rocks, and deepens the channels, and all the expense the carrier by water is at is the expense of building his boats and running them, while the construction of the railway costs millions to those who carry by rail, to which millions more may be added for rolling-stock, locomotives, and cars, and the expense of operating them. Hence water transportation is by far the cheaper, and railroads that have to compete with water lines of transportation are compelled to carry at the very lowest possible rates; and when you add to that the competition of numerous other railway lines, each striving for business, the rates for carrying freight are in many cases reduced so low that any one can see that to prohibit a railway company, under such circumstances, from charging more from some other point where there is no such competition, and where the shipper has no such advantages as exist at the competing point or points, would be absolutely unjust and ruinous to such company. This is the case at Chicago, and this is the case at Saint Louis, Cincinnati, and very many other cities where competition runs high and railways are striving for business.

My colleague [Mr. SPARKS], who delivered a speech on this subject some weeks since in the House, who approves of the fourth section of the substitute proposed by the gentleman from Texas [Mr. REAGAN], and who thinks it tersely and admirably drawn, said in his speech:

"From Saint Louis pointing east there are five important railway lines, which of themselves and in combination with other roads forming their eastern connections are through lines to the great business centers on the Atlantic seaboard. These railways all pass through the district or parts of the district in Illinois which I have the honor to represent in this House. * * * That district of country is devoted mainly to agriculture, and the productions principally wheat and corn. These crops, together with flour, quite extensively manufactured there, constitute the great bulk of its exports, 90 per cent. of which is destined for the markets of the East, such as Baltimore, Philadelphia, New York, and Boston."

He further said that his home was at Carlyle, a way station on the Ohio and Mississippi Railway, forty-seven miles east of Saint Louis; and then shows that in the month of November last freight rates were more from Carlyle to Philadelphia, Boston, and New York than from East Saint Louis.

Now, Mr. Chairman, there are not only the five important railway lines running east from Saint Louis through my colleague's district, but there are competing water ways by way of New Orleans and Chicago, and I would say to him that these five railway lines are compelled necessarily to compete not only with each other, but with these several lines of transportation by water when they leave Saint Louis; and as the proposed substitute for the bill under consideration, which my colleague approves, forbids all poolings of freights and combinations of railways for that purpose, and seeks by legislation to compel competition, and, as he said in his speech, "when railroad companies declare war against each other, during the continuance of such war, at the terminal and intersecting points their tariff rates are in many cases reduced to ridiculously and ruinously low amounts," I would ask him whether if the Ohio and Mississippi Railroad Company under such circumstances should be compelled by such a war, or by great competition, to reduce its tariff of rates to a ruinously low amount, it should be compelled to charge ruinously low rates at every other point where there is no competition whatever? There can be no good reason given, it occurs to me, why such railroad may not under such circumstances justly charge a fair and reasonable rate from such other points where there is no competition. My colleague says again that on the Pacific Railway, six hundred miles east of San Francisco, shippers are compelled to ship their freights at local rates west to San Francisco, and then ship them back over the same line in order to get the best rates. And this seems to be a great wrong.

But why is this, Mr. Chairman? How does it come that this seeming wrong is perpetrated? It is of course because the Pacific Railroad when it leaves San Francisco must compete with transportation by ocean, which is much cheaper; for the railroad was constructed at immense expense, and if it is compelled to carry freight from San Francisco for less than a remunerative or reasonable rate by reason of the cheaper transportation by ocean, I would like to have my colleague, or any other gentleman, give me any good reason why a reasonable or remunerative rate should not be permitted at other points east of San Francisco. While no exorbitant charge, no unreasonable or extortionate charge, should be allowed anywhere, it seems to me to be unreasonable to attempt to give people who live ten, twenty, or a hundred miles away from water transportation the

benefits he would have if living by it. With as much reason you might as well try to put the man who lives twenty miles away from navigable water, or a railway station, on an equality with the man whose farm is near by.

The same complaints are made in regard to Chicago rates and local rates east of Chicago that are made as to Saint Louis, San Francisco, and many other places. And why? Because Chicago has water transportation by the lakes and by the Erie Canal, and by the Illinois and Michigan Canal, the Illinois and Mississippi Rivers to the Gulf and the ocean. And in addition to these cheaper lines of water transportation, there are numerous railway lines leading to the seaboard and to rival commercial cities striving to build up their commerce, if not to maintain commercial supremacy. Now if with all these competing lines of transportation striving for business, and especially during a war among railway lines, a railway company is compelled, in order to do any business, to carry at unreasonable or ruinously low rates, I am wholly unable to see any wrong or injustice in permitting such railway company to charge from any station on its line east of Chicago a reasonable rate, even if such charge should be greater for the shorter than is made from Chicago, where the advantages of all these competing lines exist, and which would be a longer distance. And the same thing may be said of numerous other cities and places all over the country.

I would ask, Mr. Chairman, why this fourth section, so much commended, permits a railroad company to charge as much for the shorter as it does for the longer distance? We are told that under this section the Pittsburgh, Fort Wayne and Chicago Railway Company may charge as much from Crestline to Pittsburgh as it does from Chicago to Pittsburgh. And so a railroad company may charge as much from Albany to Boston as it does from Buffalo to Boston. Of course, to do this the company must charge as much at every intermediate station between Chicago and Crestline as it does from Chicago, and the same from Buffalo to Albany, and this fourth section permits that to be done. It does not seek to regulate or control charges in any way; it permits a railway company to charge what it pleases for its services. And when it fixes a through rate from its terminal points, whether such through rate be high or low, it permits the high rate to be continued at every intermediate station all the way to the end of the line, and also requires that the low rate shall not be exceeded at any intermediate station on the line. Why is this permitted? And may not the circumstances which would justify charging the same for a shorter distance than is done for a longer be of such character as to justify charging more in some cases for the shorter than is done for the longer distance? It seems so to me, and I am satisfied that the only just rule that can be adopted, both for the interest of the shipper, of the people who are interested in cheap transportation, and of railway owners, is to require railway companies to carry at reasonable rates from all points and for all distances. And I ask, Mr. Chairman, why, if you are permitted to charge as much from Crestline to Pittsburgh as you do from Chicago to Pittsburgh, you may not be allowed to charge a little more from, say, Fort Wayne, which is from one to two hundred miles farther from Pittsburgh than Crestline?

The fact is the rule that a railway shall not under any circumstances charge more for a shorter than is at the same time charged for a longer distance is not a just rule. There are many cases where it seems to me a railway company may without any injustice be permitted to charge more for the shorter distance. Take the railway lines that necessarily have to compete with the cheaper water transportation, as from Louisville, Ky., to Memphis, Tenn. That line must compete with the Ohio and Mississippi Rivers. The railway lines from Pittsburgh, from Wheeling, from Bellaire, and Parkersburg to Cincinnati, and from Cincinnati to Saint Louis must compete with the Ohio River, and with the Ohio and Mississippi Rivers. And in these and many other cases the railway lines may, I think, be permitted justly to charge more for the shorter distance after leaving the point of competition with water transportation, provided always the charge be a reasonable charge. Nor is it entirely clear that under some circumstances a railway line may not without any injustice be permitted to charge more for the shorter distance even without reference to competition. Take the case of Carlyle, Ill., mentioned by my friend and colleague from Illinois, forty-seven miles east of Saint Louis. This fourth section only applies to a car-load. Where does the car come from to Carlyle? The probabilities are that it comes from Saint Louis and is hauled empty to Carlyle, and you not only have to stop to leave the car, but it must remain there for a time and you must then stop your train to get it again, and so it may have been better and cheaper for the railway company to have hauled the car loaded all the way from Saint Louis.

I am led to believe, Mr. Chairman, that the proposed fourth section has grown out of complaints that railway lines are discriminating in their freight charges in favor of the West. In New York it is made a matter of complaint that the New York Central and the New York and Erie Railroads discriminate against the people of that State, and charge them more proportionately than they do the people of the West. It is the same thing in Pennsylvania with the Pennsylvania Railroad, and perhaps the same charges may be made against the Baltimore and Ohio Railroad. Mr. Thurber, an intelligent gentleman of New York, connected with the board of trade and transportation of that city, who takes a deep interest in the passage of the substitute proposed by the chairman of the Committee on Commerce, is reported to have said, in speaking of the great wrongs which have been perpetrated upon the people of the State of New York by railroads, that—

"It is wrong that the farmers of this State [New York] should be charged for transporting their produce a rate proportionately three or four hundred per cent. higher than those of the Mississippi Valley."

This same complaint is made by many others. I have in my hand a paper entitled Public Opinion, containing extracts from a number of newspapers published in New York and Pennsylvania, and perhaps some other States, in relation to this question of railway transportation. I presume other members have received it as well as myself, and on looking over these extracts I find many of them complaining of this discrimination in favor of the West and against the people of New York. One newspaper, the Evening Express, says:

"The present system of railway discrimination virtually puts every farmer in New York west of the Mississippi."

The Lake Shore News says:

"The Central road alone has made poor men of thousands of New York farmers by reducing transportation from the West to a figure lower than it can be had from this State to New York."

And the same paper quotes from the report of the committee of nine appointed by the Legislature of New York to investigate the methods of railway management, as follows:

"The charge that the railroads of this State discriminate against the citizens of the State [New York] and in favor of Western and foreign producers is fully proven by the evidence taken."

The Patriot and Gazette says:

"The discrimination against our own State [New York] is telling heavily on the farmers. Their lands have declined very largely and are still declining. With the most rigid economy and with the most exacting labor, they are constantly growing poorer and poorer. If a barrel of flour can be carried from Chicago to the seaboard cheaper than it can be carried from Oswego, then wheat at Oswego is not worth as much as it is at Chicago."

And then asks the following question:

"Shall the railroads be so perverted as to be made to build up Illinois at the expense of New York, or shall it be made to prove a benefit and a blessing to the State from which it derives all of its power?"

The same paper (Patriot and Gazette) in another extract says:

"The railroads of this State are carrying freight from the West at rates far below those charged on all the above productions of this State, and the result is no farmer or manufacturer is able to hold his own against the competition from the West, aided as it is by the low rates of freight there obtained."

And then states that while flour is carried by all rail from Milwaukee to New York for 36 cents per barrel, the charge from Rochester to New York is 30 cents.

The Long Island Farmer says:

"Grain, flour, butter, and cheese are brought from the Mississippi Valley to New York, twelve hundred miles, for less than half the freight exacted from farmers living within one hundred and fifty miles of the city, thus practically removing their farms one thousand miles farther from the market, subjecting them to a portion of the expenses for transporting the products of the West, and reducing by one-third the cash value of their land."

The Yonkers Statesman says:

"Our railroads are being run in the interests of the Western States."

And then repeats the exact language already quoted from the Patriot and Gazette, only substituting "Yonkers" for Oswego.

I might go on and multiply these quotations, but those already referred to are quite sufficient to show that there is a very general feeling in New York that the railways in that State are discriminating in favor of the West; that the people of the Mississippi Valley are getting cheaper transportation than the people of the State of New York, and the same feeling exists in Pennsylvania and other Eastern States to a great extent. But if it be true, I ask, in all candor, why do the railways of New York, or of Pennsylvania, or of Maryland discriminate in favor of the West? Why do they carry the produce of the Mississippi Valley to the seaboard so much cheaper, proportionately, than they do the produce of the States which give them their very existence? Is it because they love the people of the West better than the people who gave them all their rights and privileges that they thus discriminate in favor of the West and against their own States? It may be these railways wrong the people of their own States which have conferred upon them their franchises; and, if so, I certainly would not defend the wrong nor attempt any apology for it. But whether the people of New York and of Pennsylvania and other Eastern States are charged too much or not, I am very certain railroad companies do not carry for lower rates from the Mississippi Valley than they are compelled to do.

Fortunately for the people of the West and of the Mississippi Valley their products are not compelled to pass over one line of transportation and to pay tribute to it. They have many lines of railway transportation competing with each other; and what is better and more favorable for them, they have lines of water transportation by the Mississippi River and by the lakes so much cheaper than by rail that these railways are compelled to do whatever they do in the way of giving to the people of the West cheaper transportation. Now, I have believed, and still believe, that the intention and the effect of this fourth section, which prohibits railway companies from charging more for a shorter than they do for a longer distance, is to compel such companies to charge higher through rates and lower local rates, and that it will increase the cost of transportation to the people of the West rather than lessen or cheapen it; and for that reason I oppose the section and believe that it would operate injuriously to the people I represent and to the entire West. And knowing, Mr. Chairman, that the New York Board of Trade and Transportation is anxious to maintain the commercial supremacy of New York, I would say to the members of that board, and especially to Mr. Thurber, that the commerce of New York can not be built up and the commercial supremacy of that city maintained by compelling the people of the Mississippi Valley to pay higher rates of transportation. If you do that, you drive them out of the market, or else you drive them down the Mississippi River by way of New Orleans; and in either case, whatever the railway companies suffer by loss of through traffic, has to be made up in some way by charging higher rates on local traffic. This is inevitable unless their receipts are already larger than they should be or you drive them into bankruptcy.

But the people of the West do not understand they are so highly favored with cheap railway transportation. There are many and loud complaints in the State in which I live of railway extortion, and the people there will be surprised to learn how greatly they have been benefited by cheap transportation. The same complaints are made in the district which I represent of high local rates; and it is undoubtedly true that my constituents, only from one hundred to one hundred and seventy-five miles from Chicago, are compelled often to pay more to or from that city than is charged for four or five times the distance east of Chicago. One gentleman writes me that he paid last fall $18 for a car-load of coal from Pittsburgh to Chicago and $28 for the same car from Chicago to his residence, the latter place being only about one hundred miles, while the former distance is, say five hundred miles. Now, if $18 is a reasonable charge from Pittsburgh to Chicago, five hundred miles, $28 is certainly an unreasonable charge from Chicago to Van Orin, one hundred miles. But Congress can give no relief for such wrongful or extortionate charges to my constituents, because our railways are State railways and terminate at Chicago, within the State of Illinois, and are therefore beyond the reach of national legislation.

And again, the people of Illinois complain also that the people of Iowa, Kansas, and Nebraska are getting much cheaper transportation proportionately to Chicago than they do, and that our own railways are discriminating against Illinois and in favor of those States; and without doubt the railways of Illinois are carrying for cheaper rates proportionately for the people of Iowa, Kansas, and Nebraska than they are for the people of Illinois, especially those in Illinois who are not favored in any way by competing lines. This discrimination against the people of Illinois may be very unjust, and if so the injustice should be remedied. But to a great extent it grows out of the fact that Saint Louis, on the Mississippi River, and Chicago, on Lake Michigan, are two great rival commercial cities, and have each numerous railway lines reaching out into the States lying west of the Mississippi and of the Missouri Rivers, which compete with each other and with the rivers named for the carrying business. It is this competition, as any one can see, that gives to the people of Iowa, Kansas, and Nebraska cheaper transportation than the people of Illinois enjoy, and not any particular love the railway companies have for them. I do not object to the people of those States getting cheap transportation; but I do want my own constituents also to have cheap transportation; and while they are now subjected to high local rates to Chicago, I protest against any rule which would deprive them of the low rates which, by reason of the competition of numerous lines of transportation by railroad and by water, railway companies are now compelled to give them east of Chicago. And that, in my opinion, would be the effect of the fourth section of the proposed substitute.

Mr. REAGAN. Mr. Speaker, this question has been discussed by, I suppose, twenty members in the general debate; and I think it is fully understood. I must move, therefore, to limit the debate.

Mr. O'NEILL, of Pennsylvania. I desire to occupy a few minutes on this question before the debate is closed.

TEMPORARY APPROPRIATIONS FOR THE NAVY.

Mr. RANDALL. I desire the attention of the gentleman from Texas for a moment. I ask him to permit me to call up a privileged subject—the conference report on the bill making temporary provision for the naval service.

Mr. REAGAN. I cheerfully yield. The gentleman has the right to call that subject up at any rate.

Mr. RANDALL. I know I have the right, but I think it due to the gentleman to bring the question up with his consent. I ask the Clerk to read the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 7510, making temporary provision for the naval service, after full and free conference have been unable to agree.

SAM. J. RANDALL,
WILLIAM S. HOLMAN,
JOHN S. LONG,
Managers on the part of the House.
EUGENE HALE,
JOHN A. LOGAN,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the House conferees which accompanies this report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7510) making temporary provision for the naval service submit the following written statement in explanation of the accompanying conference report:

The conference committee having been unable to agree, the bill remains in the same condition as when last considered by the House.

SAM. J. RANDALL,
W. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

Mr. RANDALL. Mr. Speaker, I do not consider that the differences between the two Houses in reference to this appropriation bill should be the occasion of any feeling. I believe rather that we should have an intelligent investigation into those differences, and then we shall be justified in some degree of firmness in the direction of what we may consider to be right.

I am free to say that in my view the position of the House conferees in reference to this bill was not fairly stated in the Senate yesterday; and, therefore, I will now express what I think is the unanimous voice of the House conferees as to the position we maintained in the conference.

It is well known that during the last six months the Navy Department has been administered under what is known as a temporary appropriation. The passage of a bill making a similar temporary appropriation for the next six months was objected to on the part of the Senate. It was then the House conferees said that, having no desire to make a lump appropriation, we would in this bill make a recital of every item from which the support of the Navy has been derived during the six months now almost closed. In other words, to make our provision perfectly plain, we were ready to agree upon a bill based on the existing law, and not based upon a bill which never in fact received the full approval of either House. We were willing to consider each item in its order, making reduction if it should appear in any case that for the last six months more money than was necessary had been given, or, on the other hand, increasing the appropriation if a sufficient sum had not heretofore been given. But we adhered strictly to the position that the Navy Department during the next six months of this fiscal year should be run in the same manner and with the same amount of money as during the last six months.

Thus we would consider the item of "pay of the Navy," for which we appropriated for the first six months of the current fiscal year $1,857,075, that being one-half the amount required for the full year 1884. In the same way we would appropriate for "miscellaneous pay." Next would come "contingent expenses of the Navy;" next the "pay of the Marine Corps," "provisions for the Marine Corps," "clothing for the Marine Corps," "fuel for the Marine Corps," "military stores for the Marine Corps," "transportation and recruiting for the Marine Corps," "repairs of barracks," "forage for horses," and all the various items relating to that service. So in the same way we would take up by items the appropriations for the Naval Academy. Then we would take up the Bureau of Navigation, considering each item with reference to the administration of the existing law; then the Bureau of Ordnance, then the Bureau of Yards and Docks, then the Bureau of Medicine and Surgery, then the Bureau of Provisions and Clothing, then the Bureau of Construction and Repair, then the Bureau of Steam-Engineering. There was, in addition to the usual appropriations for the naval establishment, in the law for the current six months appropriations for the "increase of the Navy," which we gave in full, so as to complete the cruisers that were partially built and under contract, and for their armament.

Mr. COX, of New York. Will the gentleman permit me to ask him a question?

Mr. RANDALL. Pardon me for a moment and I will yield for that purpose, but I just now wish to make a connected statement.

On the other hand, Mr. Speaker, the Senate conferees desired we should make the basis of our conference a bill that was passed by the House and amended by the Senate, but which was finally laid aside and never became a law. And I want to illustrate to the House the effect of going into conference on that proposition. It would be based upon an increase of the appropriation to the Navy approaching more than five millions of money. But, sir, I gave that statement once before, and will not now detain the House by repeating it, and will ask the privilege to have it inserted in my printed remarks. It is as follows:

The bill providing for current expenses of the Navy, January 1 to June 30, 1885, as passed the House, appropriates	$6,734,717 11
That bill as amended by the Senate gives for the same purposes	7,204,358 83
Being an increase of	469,641 72
The Senate on the same bill also gives for increase of the Navy	4,700,000 00
Total increase over House bill	5,169,641 72
The bill as passed the House last session gave for current expenses (one-half)	6,318,521 33
That bill as amended by the Senate gave for current expenses (one-half)	7,126,001 33
The bill just passed the Senate is in excess as follows (not including increase of Navy, $4,700,000):	
Over same bill as it passed the House	$469,641 72
Over the bill as passed the House last session	885,537 50
Over the House bill as amended by the Senate last session	78,357 50

The effect of proceeding as the Senate desired us to do would bring into conference other new subjects not legislated upon until the last session of Congress.

We have here a board provided for to determine the merits of coal in reference to its capacity for producing steam; we have also a proposition to revive the gun-foundery board, neither of which was touched in the law last year; and in the third place a provision directing the Secretary of the Navy to report to Congress plans for the construction of an armored vessel. That new legislation of the Senate bill is as follows:

The coal or other fuel for the Navy purchased under this appropriation shall be of the kind which may be preferred by the Secretary of the Navy, after an investigation by a suitable board of officers of the comparative merits of anthracite and bituminous coal and of other fuel for ordinary naval uses, and the price of said coals and of other fuel, and the readiness with which they may be procured in the ports of the world.

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, to report to Congress, on the first day of the next ensuing session, a plan and estimate for the preparation and purchase of plant for a gun factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit, and to report the full and detailed estimate for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government, or by private contract, or by a combined system whereby the said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriations can most economically be made.

The Secretary of the Navy is hereby directed to report to Congress, at its next regular session, a plan or plans for the construction of one armored vessel for the United States Navy of not exceeding 8,500 tons displacement, the cost of the same, with machinery and armament, and time which the process of construction of such vessel would take.

Neither one of those subjects was legislated upon, as I have already stated, by Congress at the last session; neither one of those three items was contained in the bill as it passed; and yet, sir, the Secretary of the Navy, as I am advised, has proceeded to execute those three provisions although the legislation asked on those three subjects was refused by the action of the House at the last session.

The items of appropriations which would be forced into the conference by the Senate if we acceded to their request would embrace the following items; these are the items of appropriations in the Senate amendment not in the House bill:

Compass-testing house	$7,000 00
Manufacture of modern guns	100,000 00
Machine-guns	75,980 00
Construction or purchase of torpedo boat	55,000 00
For the construction of three cruisers, one dispatch vessel, four gun-boats, and three torpedo boats	2,500,000 00

I see there is an intimation on the part of one of the Senate conferees that possibly the Senate might yield that point for the construction of cruisers.

For procuring tools for constructing ships	$150,000 00
For completing the Mohican	50,000 00
For continuing work on the monitors	2,000,000 00
Total amount of new items proposed by the Senate and not in the House bill, nor for which expenditures have been made during the first six months	4,937,980 00
The bill as it is amended by the Senate appropriates an excess over the bill as it passed the House of	5,169,641 72

My experience of conferences is that when it comes to a controversy about differences in amounts of money the House generally has to give away at least one-half. And if we had acceded to the consideration of the bill as the Senate conferees had desired, the result in all human probability would have been that $2,000,000 or more of money would have been added to the appropriation for the coming six months beyond the amount which the two branches of Congress with the approval of the President gave for the support of the Navy for the first six months of the present fiscal year.

In addition it was stated, Mr. Speaker, that the other differences, leaving out the cruisers, were rather of minor importance, both in the object as well as the amount appropriated. Let me state them to see whether they are minor in amount or in importance.

The Senate amendment to the bill states in detail the appropriations for the Navy for the next six months, and the amount for each item of expenditure is arrived at and fixed by deducting from the amount proposed by the Senate amendments to the naval bill last session the sum

appropriated by the bill providing for the six months ending December 31, 1884. This method would disproportion the expenditures for the first six to those for the last six months thus:

Bureau of Equipment and Recruiting, first six months	$400,000
Bureau of Equipment and Recruiting, last six months	450,000

Here would be an excess of $50,000 for the next six over the last six months.

Bureau of Yards and Docks, first six months	$110,000
Bureau of Yards and Docks, last six months	140,000

That would be an excess of $30,000.

Bureau of Construction and Repairs, first six months	$550,000
Bureau of Construction and Repairs, last six months	850,000

Here is an increase of $300,000.

Bureau of Steam-Engineering, first six months	$500,000
Bureau of Steam-Engineering, last six months	550,000

Here is an increase of $50,000.

Now, what we wanted in conference on the part of the House conferees was to take the existing law for the last six months and if necessary repeat by items the same for the next six months against any lump appropriation.

This relieves the bill of all disproportion in the appropriations for the first six months of the current year as compared with the second six months, and makes it plain. It restricts the officials at the Navy Department so that they can not do as has been alleged and as is apprehended—that is, mak eany expenditures except for the distinct purposes enumerated in each separate item which I have recited. And in addition the proceeding as indicated by the House would be in such harmonious relation in the administration of the Department as would make the two divisions of the year run together in perfect unison, not only on the books of the Department but also in the administration of its affairs.

That is the difference between the Houses. We as a conference committee were unwilling to march further than the existing law and take in, as it were, a drag-net to bring in other matters of controversy involving large sums of money as well as the expenditures of money for objects which this House has heretofore indicated that it does not propose or is unwilling to allow.

I yield now to the gentleman from Massachusetts [Mr. LONG], my colleague on the committee, if he desires to be heard further upon this subject. If not, or if there be no other gentleman desiring to submit remarks, I will ask the House to insist upon its disagreement and ask a further conference.

Mr. KEIFER. Will the gentleman from Pennsylvania yield to me for a few minutes?

Mr. RANDALL. Certainly.

Mr. KEIFER. I suppose it is going to be the decree of the House that we shall insist upon the disagreement to the amendments of the Senate. I would rather have heard something this morning about the merits of each of the matters in dispute between the two Houses, than to have heard only aggregate amounts talked about as constituting a difference.

It must be borne in mind that we are creeping along through this year so far as our Navy is concerned. If we are to have a navy, Mr. Speaker, that at last is to become respectable, we ought to begin now and ought in fact to have commenced much earlier. We ought to have entered upon this work years ago and have established a navy that would command the respect of all the maritime nations of the world. We ought to have stood abreast of any of those nations all through the years gone by. But we have not done so. Now, if there be an attempt on the part of the Senate to do something in the direction of making this Navy what it ought to be, although we have failed for the first six months of the current year to do what we should have done, let us be active, vigilant, and prompt in the coming six months.

It is said that we are at difference with the Senate in amounts of money appropriated in matters relating to the cruisers, as well as in other things, and it is argued that we could now go forward and do just as we have been forced to do in the first six months of the current fiscal year. But, Mr. Speaker, we want to remember that for want of time or because of the arbitrary differences in views between the Senate and House of Representatives we simply passed at the last session a resolution continuing the appropriations of the preceding year with some limitations, too, for the last six months.

In that way we succeeded in keeping the Navy alive. We are now reaching the first day of the last half of the present fiscal year, and likely to enter upon it without any sort of provision for the Naval Department of the Government of the United States; and while I am not familiar with the items of this bill, it seems to me it would have been well for the House to understand just the reason why the Senate of the United States stands so firmly in favor of making appropriations for the naval service, which would enlarge it to some extent at least.

Mr. RANDALL. Will the gentleman allow me a moment?

Mr. KEIFER. Certainly.

Mr. RANDALL. The bill passed for the first six months of this year provided in full for the increase of the Navy, and, as I have already shown, provided, as the present bill provides in full, for the completion of all of the steel cruisers.

Mr. KEIFER. What amount is involved here in dispute between the Senate and the House?

Mr. RANDALL. The difference is principally in reference to the construction of new vessels, not the old ones, the finishing of which, as well as their armament, being provided for just as it was in the first six months of the year.

Mr. KEIFER. That is proposed to be continued now?

Mr. RANDALL. Provision is made for their completion, and appropriations have been made also, as I have said, for their armament.

Mr. COX, of New York. That is done already.

Mr. KEIFER. Very well. It is proposed on the part of the Senate to do something now that is regarded as essential to build up the Navy; and it is upon that point that we would like to have had a full discussion and explanation. Whether the time has arrived that we are to make appropriations for the enlargement of the Navy, if we have completed some vessels, and to build it up into commanding respectability, build it up so that it will be at least in harmony with the other great powers of our Government, so that whether on the Atlantic or the Pacific harbors we may be able to protect ourselves against other nationalities, we ought to begin it now. It has been said that a single vessel owned by the small power of Chili can capture every port or city on the Pacific coast of the United States, and that we will be entirely powerless if we were to have a difficulty with that one single little power. The Pacific coast is open so that we are now practically defenseless, there being no vessel in progress that could compete with such a power. We have nothing in fact to protect our great Pacific seaboard cities. We are exposed on every side; yet here we are dallying and discussing various things instead of proceeding in the direction which has been suggested. But I have only risen to offer my protest against it. I suppose we will have to disagree as before. I admire the gentleman's persistency in standing up for the judgment of the House and his own judgment; but I would rather have met this question upon its broad merits.

Mr. RANDALL. I did not discuss the merits for two reasons: First, because the merits had been discussed at length at the last session, and also because I did not think it would be wise to discuss them at this time. But as the gentleman from Ohio has opened the subject, I want to say in answer, for I have nothing to conceal, that these cruisers are but experiments at most, and that none of them are yet afloat. The dispatch boat has been afloat but is put up for repair already. She broke her steel shaft, and that of itself should warrant us to go slowly in these particulars.

So far as the present cruisers are concerned I want emphatically to say, what I interrupted the gentleman from Ohio to say, that we have already given every dollar in the bill for the last six months to finish, arm, and put them afloat; so that they are not at all in controversy. So far as the gentleman seeks to pay a compliment to my persistency I want to say that in this case, as I do in every case, I recognized that I was the mere voice of a majority of this House, and I have endeavored to keep myself in that exact relation.

Mr. ADAMS, of Illinois. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. RANDALL. Yes, sir.

Mr. ADAMS, of Illinois. Leaving out these new vessels which the Senate proposes to build, leaving out the main question of dispute discussed so much in the last session, I wish to ask the gentleman what is in substance the difference between the Senate and the House?

Mr. RANDALL. The Senate enters on legislation in reference to many objects. The aggregate amount is, I think, about $800,000.

Mr. ADAMS, of Illinois. Is it that the Senate desires to spend money for items to which the gentleman thinks the House does not agree? Is that the difference?

Mr. RANDALL. I object as one of the conferees to giving an appropriation for any objects not itemized by the action of the Navy Department in the expenditure of money during the first six months of the fiscal year. I now yield to the gentleman from Massachusetts [Mr. LONG], my colleague on the committee of conference.

Mr. LONG. While I agree with the gentleman from Ohio [Mr. KEIFER] as to the desirability of an increase of the Navy, I think that is scarcely the question which troubles the conferees on the part of the Senate and on the part of the House. If there be no objection I will read from the remarks of the chairman of the conference committee of the Senate as I find them in the RECORD.

The SPEAKER. If no objection is made on the floor the Chair will not interpose an objection.

Mr. LONG. I find these remarks in the RECORD:

> Moreover, we said, "as there are large differences in amounts, as the bill which was matured last session contains the provision for the new cruisers and all the extra expenditure involved in that enterprise, the Senate is willing here to say that it recognizes the fact that we do not agree to give up these cruisers, but if the House insists that it will not put them on the appropriation bill, the Senate conferees feel that they can not drive the House on this subject, so that there would be, if we could consider and confer upon all the items, probably no difficulty."

I infer, sir, from that that the question of the new cruisers and of the increase of the Navy is not a question about which there is likely to be any difficulty.

That brings us then to ask what is the question really between the two Houses? When the Committee on Appropriations came together, after proper consultation with the head of the Department of the Navy, and acting in consonance with what was understood to be the opinion of that Department, the committee reported a bill extending the temporary provision, which had been made for the current six months, for the rest of the year. It is recognized that this is not wise and good legislation, nor altogether a good precedent. The reasons for our action in that respect were practical reasons. In the first place, the fiscal year is a unit from July to July. It is desirable that the books of the Navy Department should be kept in accordance with that unit. It was thought desirable on the part of the committee, concurring I understand with the head of the Department, not to have one system of appropriations for one half of the year and another system for the other half of the year. We shall not spend all the money appropriated for the present six months. Certain balances will go over unexpended. Undoubtedly the officers of the Executive Department of the Navy in making expenditures under the present temporary bill have acted with due reference to the six months, but somewhat also with reference to the whole year. It might introduce confusion in the book-keeping and some confusion in the proper carrying out of the executive work of the Department if we should vary the system for the next six months from what it has been for the current six months.

There is also the practical difficulty of determining in the short time left us what is desirable for the next six months. Therefore the House Committee on Appropriations presented, and the House passed, a bill extending the provision for the present six months to the next six months. That went to the Senate and the Senate amended by striking out all after the enacting clause and inserting the provisions of the bill which was in dispute and in conference between the two Houses at the last session and on which the two Houses could not agree. Your conference committee were appointed; they met in conference. The House conferees presented the reasons for their action and for insisting on the extension of the temporary bill which they have presented.

The first criticism made by the Senate conferees was that it is a bad principle to legislate in a lump. Our answer to that is that we are not appropriating a lump sum. We propose to continue for the next six months the same appropriation under which we are acting for the present six months. That would make for the year a bill exactly like the bill of 1883, for the fiscal year ending July 1, 1884. That bill is clearly itemized and specific. The Department in expending the money will be bound strictly by its specifications and items. There will be nothing, therefore, in a lump sum, but everything is itemized and specified.

The second objection was that every appropriation bill when made ought to be made to accord with the circumstances existing at the time it is made. The Senate conferees say that the bill passed in 1883 was made with reference to the circumstances of the year about to follow upon the date of its enactment.

They then say that the bill under disagreement between the two Houses at the last session was framed with reference to the circumstances of this year, and that it is not good policy for us to pass now a bill which was adapted to circumstances as they formerly existed, and not to present circumstances. Even on that ground we answer that the difference is merely one of degree and time. If we pass now the bill of last session, still we are adopting a bill which was prepared with reference not to present circumstances, but to such as existed six months ago. But even on the doctrine of adapting our legislation to existing circumstances, is not the bill extending for the next six months the temporary provision made for the last six months the measure best adapted to the present and immediate circumstances of the Navy? The Navy Department has been acting under that bill, has arranged all its expenditures with reference to the provisions of that bill, has kept its books upon the basis of the items embraced in that bill; and hence, in repassing that bill we adapt ourselves more closely to the present circumstances and exigencies of the Navy than by adopting any other.

The third objection on the part of the Senate was an objection of principle and of precedent. It was urged that it is the duty of every legislative body not to adopt a former bill, even if it be itemized and even if the necessities of the present case be somewhat assimilated to those before existing; and that a legislative body should make up a new bill carefully and according to the wants and necessities of the present time. I agree that this principle is of weight; but it weighs against both the Senate and the House propositions. Each of them is obnoxious to objection in that respect, one being the Senate bill of six months ago and the other the House bill of a year and a half ago. But here the difficulty is a practical one: it is that in the five or six hours remaining before the anticipated recess we have not time to take up these questions from the beginning and prepare a new specific bill.

A MEMBER. Why cannot this question go over till after the recess?

Mr. LONG. If it goes over till after the recess, then on the 1st of January there is no appropriation at all for the expenses of the Navy; and, besides, if it goes over till after the recess it is impossible to state how much time might be taken in preparing a new bill.

Only one other suggestion. All these great questions connected with the Navy must of necessity be considered thoroughly, carefully, and fully at this session—not only questions as to the ordinary running expenses of the Department, but as to new cruisers and an increase of the Navy. How can there be any more fitting opportunity for the consideration of these questions than will be presented upon the regular naval appropriation bill for the next fiscal year, ending June 30, 1886?

Mr. ADAMS, of Illinois. I would like the gentleman from Massachusetts [Mr. LONG] to answer a single question.

Mr. RANDALL. I believe I still hold the floor.

The SPEAKER. The Chair so understands, but the gentleman from Illinois desires to put a question to the gentleman from Massachusetts.

Mr. ADAMS, of Illinois. Merely a question.

Mr. RANDALL. Certainly.

Mr. ADAMS, of Illinois. I would like the gentleman from Massachusetts to answer the question which I put to the gentleman from Pennsylvania [Mr. RANDALL]—what are the specific points of difference between the two bills, leaving out this question of the new cruisers, which I admit must be left out?

Mr. RANDALL. I enumerated them in my remarks.

Mr. ADAMS, of Illinois. The gentleman said they amounted to so much, but without giving the different points.

Mr. RANDALL. The gentleman will permit me to say that I enumerated them by items, and then I ventured the opinion that they aggregated in money about $800,000.

Mr. THOMAS. Mr. Speaker, I would like to submit some brief remarks, if the gentleman from Pennsylvania will yield to me for a few minutes.

Mr. RANDALL. Although this is a privileged subject, I feel bound to regard the wish of the gentleman from Texas as to the time which it may consume.

Mr. REAGAN. I prefer to leave that matter under the control of the gentleman from Pennsylvania.

Mr. THOMAS. I desire only five minutes.

Mr. RANDALL. Very well. I yield to the gentleman.

Mr. THOMAS. Mr. Speaker, I am opposed to the adoption of the temporary bill as proposed by the House committee. At the last session there was presented to this House by the Appropriations Committee a bill making full and complete appropriations for the naval service for the fiscal year ending June 30, 1885. After full consideration by the House that bill was sent to the Senate, and after consideration and amendment in that body it was returned here. There is no special difficulty involved in taking up that bill, which was designed specifically for the current fiscal year, and disposing of that measure instead of attempting to pass a temporary bill based upon the appropriations for the fiscal year 1883-'84, which are not now applicable.

There is no such urgency as demands that this House should take the appropriations made for a former year and adopt them by a general provision, instead of taking a measure which has been considered and matured and which had special reference to the wants and necessities of the Navy for the present year. The only effect of doing so is that some very important legislation embraced in that bill is cut out by this slipshod attempt to dodge a stern duty devolving upon this House to meet promptly and fairly the demands of the service for each fiscal year. I think we ought to take up that regular legitimate bill to which I have referred, instead of attempting to substitute this carrying-over bill.

Mr. RANDALL. I now yield for a few minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. If I understand this present motion, Mr. Speaker, it has no reference whatever to future construction of a navy. I think my friend from Ohio [Mr. KEIFER] mistakes it. We have already provided, as the gentleman from Pennsylvania [Mr. RANDALL] has stated, for four cruisers. The cruisers of the future, the seven cruisers every year for ten years, seventy cruisers, proposed by the Secretary of the Navy, are not thought of in this discussion. If anything is to be done hereafter on that subject it has to be done on the next Navy appropriation bill, the bill for the next fiscal year, or else by some action of this Congress produced here irrespective of the Appropriations Committee.

I believe the $800,000 which are to be appropriated in this bill by the action of the Senate, and as to which our people do not agree that amount may well be considered in conference. If that amount concerns the building of guns, it is about time to begin building them. It takes time—about three years—to create this gunnery board, as my friend well knows. It takes time in advance to make these iron ships, ironclad or otherwise—armored vessels, torpedoes, and other similar vessels, including ironclads. So we must in some way or the other, if not now, after the holidays, on the bill for the next fiscal year, determine what we shall do; or, if not then, in the next Congress determine what we shall do for the protection of our coasts and our honor at home and everywhere.

[Here the hammer fell.]

Mr. RANDALL. I move that the House further insist on the amendments disagreed to by the Senate.

Mr. CANNON. I hope the gentleman from Pennsylvania will yield to me for five minutes.

Mr. RANDALL. With pleasure.

Mr. CANNON. Mr. Speaker, I gathered from the remarks of the

gentleman from Massachusetts [Mr. LONG], assented to in part if not entirely by the gentleman from Pennsylvania [Mr. RANDALL], that this is largely a question of form or propriety or of opinion as to what shape should be given to the proposed legislation in conference between the House and Senate. Now, sir, if that be true, then I care nothing about it.

However, on examining the Senate bill, or rather the Senate amendments, I find they do propose or do provide for the construction of new cruisers, for the construction of two heavily armed gunboats, for the construction of one steam-ram as recommended by the naval advisory board, and so on.

But the gentleman from Pennsylvania [Mr. RANDALL], in reply to the gentleman from Ohio [Mr. KEIFER], and in opposing these Senate amendments, stated that the cruisers which are now about to be completed are merely experimental, and that at this time we could not tell whether they will be a success or otherwise. That may be true if there be no other method of determining their success except by actually floating them in the sea and putting them into actual service. But, sir, it is also true that board after board has recommended them, and that we have had boards skilled in naval architecture, composed of professional gentlemen, who have been educated at the expense of the Government, who have reported in favor of the feasibility of these ships, and I had supposed we could rely in some degree at least on such advice after earnest inquiry.

The gentleman from Pennsylvania [Mr. RANDALL] since 1874, Mr. Speaker, the Democratic party being in power in this House with the exception of two years, has, I think, invariably taken the position he would not countenance the construction of any ship whatever because it would be merely experimental.

Mr. RANDALL. I never made any such statement.

Mr. CANNON. Ah!

Mr. RANDALL. No, sir.

Mr. CANNON. Since the gentleman from Pennsylvania has been Speaker part of the time, and part of the time at the head of the Appropriations Committee, the truth is, by his disapproval or that of his party, no ship has been constructed or entered upon.

Mr. RANDALL. If there has been no ship constructed properly it rests with the administration of the Navy Department, which has, during all the time alluded to, been under the control and in the charge of a representative of the gentleman's own political party. It has not been in any respect controlled or administered by a member of the Democratic party. [Applause on the Democratic side.]

Mr. CANNON. The gentleman reminds me, in his position now as in his position heretofore, of the words of the old song:

Mother, may I go out to swim?
Yes, my darling daughter;
Hang your clothes on a hickory limb,
But don't go near the water.

[Laughter.]

Mr. RANDALL. But I want a vessel that can swim. [Applause and laughter on the Democratic side.]

Mr. CANNON. Vessels constructed that can swim—but, Mr. Speaker, no vessels can swim until they are constructed. [Laughter and applause on the Republican side.] And now the gentleman says that the fault lies in the administration of the Navy Department, as he has been saying for years and years, certainly to my personal knowledge for the last ten years.

Now, Mr. Speaker, the administration is about to change. We, on this side of the House, speaking for myself as one of this side, are so anxious for a navy that notwithstanding the Democracy are to come in on the 4th of March, and the administration of the Department will change, stand ready to make these appropriations of money to be expended under that administration.

One word in conclusion. I want to say to the gentleman that grave questions touching our foreign policy are pressing upon us day by day and week by week; and throughout the length and breadth of the country a strong argument in the settlement of these questions and in the proposed ratification, of important treaties is an argument, and perhaps the strongest one, against their ratification, that the United States is not prepared to follow any policy that would redound to its credit and well-being in certain directions; that it stands powerless before the world to enter upon a policy, because by the policy outlined by the gentleman from Pennsylvania, who supported the Democratic idea for the last ten years, we are crippled and without power of defense so far as our Navy is concerned.

Mr. RANDALL. Only a word in reply to the remarks of the gentleman from Illinois who has just taken his seat. All the appropriations for the maintenance of the Navy for years past have been under the control of the party to which the gentleman belongs, and if that money has produced no ships this side of the House, nor any one in harmony with it politically, is in any degree responsible therefor. [Applause on the Democratic side.]

Mr. CANNON. Allow me a question?

Mr. RANDALL. And I want to say that the course of wisdom would indicate that these vessels now being built should be first allowed to float so that we may see whether they come up to the measure of our expectations or not. If they do not, we certainly do not want to construct more of that kind. It is not wise, therefore, until they are completed that we should in advance make appropriations for their duplication nor should we permit in any way contracts to be made for such duplication in view of the suggestion that seems to be founded upon a wise policy on the part of the Congress.

Mr. CANNON. The gentleman from Pennsylvania stated a moment ago that sufficient money had been appropriated in the last ten years, and that it was not his fault or his party's fault that it had not been expended in building ships. In reply to that suggestion I want to ask the gentleman if it is not true that it was out of the power of the head of the Navy Department to construct a ship until he was authorized to do so by the Congress of the United States?

Mr. RANDALL. There have been appropriated since the close of the war, for naval purposes, some $400,000,000 and over——

Mr. ELLIS. And over one hundred and fifty million for construction and repairs.

Mr. RANDALL. And I would like to be cautious in saying how much has been used for construction and repairs, but I will venture to say not less than one hundred and fifty millions.

Mr. CANNON. For repairs, not construction. Nor has the head of the Department had power to construct a single ship out of all the appropriations made.

Mr. RANDALL. As I have said, I mention that amount with great caution.

Mr. ELLIS. That is correct. The figures are about $154,000,000 for construction and repair since the close of the war.

Mr. KEIFER. What did we construct?

Mr. ELLIS. That sum was sufficient to have completed the construction of thirty vessels such as the Lepanto, the most powerful and the most formidable naval vessel afloat in the world to-day, and yet the Senate of the United States insist upon going on with the construction of the cruisers already under the fire of criticism of all naval authorities and architects in the world—vessels which we believe to be too slow to catch a merchantman, too slow to run away from an armed vessel, while at the same time they are utterly unable to fight the battles of the country. Now, until there is some verification by absolute results of the efficiency of these vessels, it is worse than futile to attempt to embark upon the plan of duplicating them or of increasing their number. No gentleman on that side of the House, no man in this country will go further than I would go in appropriating the public moneys to build up a navy that the country ought to have, and of which it may be justly proud. But looking to the amendments of the Senate, I see that the items upon which we disagree are in the line of experiment alone, and until experiments already made are verified by practical results, in my judgment, sir, we had better call a halt.

Besides, Mr. Speaker, we will soon be called upon to frame the naval appropriation bill for the next fiscal year, and in the consideration of that bill, by having the advice of the highest authorities in the country, I will go with the gentleman as far as the farthest in providing the country with a navy that shall make it respected in time of peace and invincible in time of war. [Applause.]

Mr. RANDALL. I now call the previous question on the motion that the House further insist on its disagreement to the Senate amendment and ask a further conference.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House do further insist on its disagreement to the amendment of the Senate and ask a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House the gentleman from Pennsylvania, Mr. RANDALL; the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Massachusetts, Mr. LONG.

SLATER NATIONAL BANK OF NORTH PROVIDENCE, R. I.

Mr. REAGAN. I understand the gentleman from Rhode Island [Mr. CHACE] desires the action of the House on a matter that will take but a moment and which is indispensable to be acted on before the recess. I yield to the gentleman for that purpose.

Mr. CHACE. I ask unanimous consent to take from the Speaker's table for present consideration a Senate bill which proposes simply to change the name of a bank.

There being no objection, the bill (S. 2393) to change the name of the Slater National Bank of North Providence, R. I., was taken from the Speaker's table and read, as follows:

Be it enacted, &c., That the name of the Slater National Bank of North Providence, R. I., be changed to the Slater National Bank of Pawtucket, R. I., whenever the board of directors of said bank shall accept the new name by resolution of the board, confirmed by a vote or the written consent of stockholders holding two-thirds of the stock of the bank, and cause a copy of such action, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance shall be made within six months after the passage of this act, and that all expenses incident to the proposed change, including engraving, shall be borne and paid by said bank.

SEC. 2. That all the debts, demands, liabilities, rights, privileges, and powers of the Slater National Bank of North Providence shall inure to the Slater National Bank of Pawtucket, R. I., whenever such change of name is effected.

The bill was read three times, and passed.

Mr. CHACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. RANDALL. I desire to make a privileged motion. I move that when the House adjourns to-day it adjourn to meet on Wednesday the 24th instant. In that connection I want to make a statement. The Constitution prohibits an adjournment without the concurrence of the Senate for a period longer than three days. There is to-day a bare quorum of the House present. A careful count a short while ago developed that there was not a quorum of members then in their seats; there may have been a quorum including other gentlemen not at that time in the Hall. Therefore we have to make this motion at once. And I want to say that I think we should come to the understanding—which, I am authorized to state, will occasion no inconvenience to the Speaker, as he intends to remain here during the recess, and it is necessary to adopt this course in order to give effect to the judgment of the House as to the holiday adjournment—that when the 24th comes it shall be unanimously understood that the House shall be called to order and that no business whatever, even by unanimous consent, shall be in order; that there shall be in order on the 24th only an adjournment to the 27th, and on that day only an adjournment to the 31st, and on that day only an adjournment to the 5th day of January, 1885.

Mr. WASHBURN. I would like to ask what would be the effect of this in case the Senate should agree to the concurrent resolution.

The SPEAKER. That of course would vacate what is now proposed by the gentleman from Pennsylvania. The action of the Senate and the House together would vacate the order made by either House separately.

Mr. RANDALL. I ask the adoption of the resolution first, and afterward the unanimous agreement by the House to the effect I have stated.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. If this House should vote that when it adjourns to-day it shall stand adjourned until Wednesday next, is not that practically a vacation of the vote of the House agreeing to the concurrent resolution to adjourn to the 5th of January?

The SPEAKER. The House alone could not vacate an order made by the Senate and House together.

Mr. SPRINGER. But the Senate has not yet made that order. We have sent that concurrent resolution to the Senate. Suppose the Senate before it adjourns to-day agrees to that resolution, where are we?

Mr. RANDALL. Why, in that case, the resolution I now offer will be, of course, vacated. The adoption of the concurrent resolution will be the final action of the two Houses providing for an adjournment beyond three days.

The SPEAKER. The Chair thinks the House if it desires to vacate its action on the concurrent resolution must recall it by a direct vote.

Mr. RANDALL. I do not wish to recall the concurrent resolution. If the Senate concurs in the resolution to adjourn to the 5th of January, then that vacates this resolution. But if the Senate sees fit to attempt to hold us here, we can do nothing because we have not a quorum, and it is well known the subject under consideration will not be permitted to be proceeded with without a quorum.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that when the House adjourns to-day it shall adjourn to meet on Wednesday next.

Mr. REED. While not opposing the motion, I desire to express my doubt whether the House under the Constitution can make an arrangement of this character which will be binding.

Mr. RANDALL. In answer to the gentleman from Maine, I will say that I am not seeking to evade the Constitution at all; on the contrary, I am seeking to meet its requirements.

Mr. REED. I merely wish to express my personal doubt in the matter.

Mr. RANDALL. If the gentleman from Maine, with his judicial knowledge, can suggest any improved method which will provide for the comfort of members in a better way than this I have no tenacity of purpose as to my own proposition.

Mr. REED. I stated distinctly that I proposed to make no opposition. I simply wished to state I had my doubts about it as a matter of personal judgment.

The SPEAKER. The Chair will state the question before the House is not debatable under the rules. The gentleman from Pennsylvania [Mr. RANDALL] made a statement with the view of having an understanding, but not to debate the question.

A MEMBER. What is the motion?

The SPEAKER. The gentleman from Pennsylvania has moved that when the House adjourns to-day it be to meet on Wednesday next, and in connection with that motion he made a statement as to what he desired to be the understanding on the part of the House.

Mr. RANDALL. I did this at the solicitation of a great number of members, and not upon my own motion.

Mr. WHITE, of Kentucky. I rise to make a parliamentary inquiry. I desire to ask whether the adoption by the House of the course now proposed will not be practically an evasion of the Constitution.

The SPEAKER. That is not a parliamentary inquiry. That is a matter for the House to determine in voting upon the proposition.

Mr. WHITE, of Kentucky. I desire to call attention to two paragraphs of the Constitution of the United States; and I wish to ask the gentleman from Pennsylvania——

The SPEAKER. Debate is not in order.

Mr. WHITE, of Kentucky. But, Mr. Speaker, the question has been debated. [Cries of "Regular order!"]

Mr. RANDALL. I hope the gentleman from Kentucky, by unanimous consent, will be allowed to put to me the question he desires.

The SPEAKER. Is there objection? The Chair hears none.

Mr. WHITE, of Kentucky. I desire in the first place to ask the attention of the gentleman from Pennsylvania to this provision of the Constitution, on page 5 of the Manual:

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Now, I desire to ask the gentleman from Pennsylvania whether the proceeding now proposed is not practically an effort to nullify the Constitution, and whether——

Mr. RANDALL. If the gentleman had listened to the motion I made he would have understood it to be that when this House shall adjourn to-day it adjourn to meet on Wednesday next, the 24th instant.

Mr. WHITE, of Kentucky. I beg the gentleman's pardon. I have not yet read the other clause of the Constitution to which I referred. I read from page 4 of the Manual:

A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Now, the Senate refuses to agree to the resolution for a holiday adjournment, and the gentleman from Pennsylvania proposes to this House the adoption of a resolution to the effect that the great body of members go home, while a few shall be allowed to meet here on the 24th instant, but to do no business even by unanimous consent, but to adjourn again for three days, and then again for three days more; and so on until the 5th of January, thus defeating the will of the Senate in this matter and the express provisions of the Constitution to which I have called attention.

A gentleman on the Democratic side says, "Knock the bottom out of the Constitution." That is just what gentlemen on that side purpose to accomplish, if they adopt the resolution proposed by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I have proposed what in my judgment is a common-sense method of meeting the present difficulty. If there be any better mode of accomplishing the wish of the great body of the House, without respect to sides, so that members who have determined to leave for their homes may do so, I am ready to assent to it. But surely this proposition is in order. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. I wish to know whether the motion upon which we are to vote goes any further than to adjourn until Wednesday next?

The SPEAKER. As the Chair has already stated, the motion is simply that when the House shall adjourn it be to meet on Wednesday next.

Mr. BROWNE, of Indiana. Is there anything before the House except the mere proposition for a recess till Wednesday next?

The SPEAKER. Nothing whatever. No other question is presented to be voted upon.

Mr. PETERS. I wish to make a parliamentary inquiry. If the House should adjourn until next Wednesday, could less than a quorum at that time take a recess until Friday night for the transaction of pension business in pursuance of the standing order of the House?

The SPEAKER. Less than a quorum can transact no business except to adjourn, or to take measures for the purpose of compelling the attendance of absent members.

Mr. RANDALL. Mr. Speaker, I am quite willing to agree to any understanding which may accomplish the purpose of the great body of the House, and at the same time avoid all possibility of variance with either the spirit or the letter of the Constitution.

Mr. BROWNE, of Indiana. I call for the regular order.

The question being taken on the motion of Mr. RANDALL that when the House adjourn to-day it adjourn to meet on Wednesday next, there were—ayes 140, noes 16.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

Mr. RANDALL. If the gentleman from Kentucky makes the point of no quorum, let us have tellers.

Mr. WHITE, of Kentucky. I will make that point if you do not

give us the yeas and nays. I would like to see the other side of the House on record.

Mr. RANDALL. The country has put us on record.

The question being taken on ordering the yeas and nays, they were not ordered, there being only one vote in favor thereof.

Mr. WHITE, of Kentucky. I make the point of order that no quorum has voted.

The SPEAKER appointed as tellers Mr. RANDALL and Mr. WHITE, of Kentucky.

The House again divided; and the tellers reported—ayes 156, noes 9.

So the resolution was adopted.

The SPEAKER. Does the gentleman move to reconsider and lay upon the table?

Mr. RANDALL. I do not, as it may be important in a certain contingency to reconsider the vote.

HENRY A. PAUS.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. 7796) for the relief of Henry A. Paus; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTERSTATE COMMERCE.

The SPEAKER. The House resumes the consideration of the interstate commerce bill.

Mr. REAGAN. I move to close debate on the pending amendment and on the section under consideration, and on that motion I demand the previous question.

Mr. REED. Is that motion debatable?

The SPEAKER. The Chair thinks it is, but the gentleman from Texas has demanded the previous question on it.

Mr. REED. When did the gentleman demand the previous question?

The SPEAKER. The gentleman demanded the previous question when he was on the floor and made the motion to close debate.

Mr. REED. I wish to make a point of order.

The SPEAKER. The gentleman will proceed.

Mr. REED. On page 402 of the RECORD will be found the following:

Mr. REAGAN. I move to limit debate on the pending section and amendment to five minutes.

The SPEAKER *pro tempore*—

That *pro tempore* is Latin and refers to gentlemen who are occasionally in the chair. [Laughter.]

The SPEAKER *pro tempore*. This question is not debatable.

Mr. REED. Under what rule is it not debatable?

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). Motions to limit debate are not debatable.

Mr. REED. Now I do not state that for the purpose of putting the permanent occupant of the chair in the wrong [laughter], but merely to express the hope that the temporary chairmen hereafter may be so instructed on these subjects that they may temporarily at least possess the wisdom and courtesy and good sense which distinguish the permanent occupant of the chair. [Laughter and applause on the Republican side.]

The SPEAKER. There is no point of order in that statement.

Mr. SPRINGER. With the permission of the Chair and the House I would like to make a statement in regard to that matter. I was occupying the chair yesterday when the gentleman from Texas made the motion to close debate on the pending section and amendment. The gentleman from Maine was proceeding to debate that proposition, or an effort was being made to secure a compromise in the matter, and the Chair indulged the debate for a moment; but seeing the House was about to drift off into a general debate, he stated that he must put an end to it, as the motion to close debate was not debatable. And, sir, I made that statement while occupying the chair temporarily with a full understanding of its force and its parliamentary effect. I still entertain the belief that I decided correctly. I have looked into the Journals of the House as well as into the Digest, and there is not an opinion by any previous occupant of the chair contrary to that decision. My decision, sir, was bottomed on common sense, and I stand upon it, although it may not commend me in any very large degree to the gentleman from Maine. [Laughter and applause on the Democratic side.]

Now, sir, the motion that debate be closed is directed to the House, and intended to close debate and not to continue debate. It is so evident as scarcely to need argument. It is analogous in this proceeding to a motion in the House for the previous question, and every gentleman will agree when the previous question is moved in the House you can not debate the propriety of closing debate on that demand for the previous question. The rules are meant to express some idea, and when the motion is made to close debate, whether by the previous question in the House or the motion to close debate in this proceeding, it is intended to bring the House to a decision on that question at once, and not to continue the debate.

We have endeavored for the first time to reach some conclusion as to what rule shall govern the proceedings of the House when the House is considering a bill as in the Committee of the Whole. When the House was considering a bill as in the Committee of the Whole it took with it from the committee the rule which provided for limiting debate. If we have any portion of that rule in operation in the House, we, of course, have the whole of it. It was adopted for the purpose of closing debate in committee that that rule was adopted, and when the House is acting as in Committee of the Whole it has the same rule. It was for that reason I decided in the way in which I did. I believed it then to be parliamentary, and I believe it to be so now. [Applause on the Democratic side of the House.]

Mr. REED. Mr. Speaker, on page 196——

Mr. REAGAN. I demand the previous question.

The SPEAKER. There is no question of order before the House. The gentleman from Maine rose and stated he rose to a question of order, but there is no question of order pending, so far as the Chair sees.

Mr. REED. I thought the indulgence of the House would permit me——

Mr. ROGERS, of Arkansas. I demand the regular order of business.

Mr. REED. If the gentleman feels that way, all right.

Mr. O'NEILL, of Pennsylvania. I ask the gentleman from Texas to withdraw his demand for the previous question and allow me to go on for two or three minutes.

Mr. REAGAN. So far as I am concerned I would be glad to yield to gentlemen, but if I yield to one I must yield to thirty or forty others who are just as anxious to be heard on this proposition, which has already been discussed so fully in general debate.

Mr. O'NEILL of Pennsylvania. In general debate, yes; but when we come down to the point of voting on important provisions of the bill itself, I do not think the gentleman ought to cut off debate when we come down to the consideration of important provisions in the bill and when they are to be voted upon. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded, and the pending question is on the demand for the previous question.

The House divided; and there were—ayes 66, noes 39.

Mr. O'NEILL, of Pennsylvania. No quorum has voted.

Mr. REAGAN. If three minutes would satisfy the gentleman from Pennsylvania, I am willing to make that compromise.

Mr. O'NEILL, of Pennsylvania. I mean three or four minutes.

Mr. REAGAN. The gentleman can take five minutes, if that will do.

Mr. HENDERSON, of Iowa. I understand the gentleman from Missouri [Mr. CLARDY] also desires to be heard.

Mr. REAGAN. I have no doubt there are forty members here who would like to be heard, but I do not propose to go off into any further general debate on this subject.

The SPEAKER. The Chair hears no objection to the understanding that the gentleman from Pennsylvania shall be permitted to occupy the floor for five minutes.

Mr. O'NEILL, of Pennsylvania. I wish to call the attention of the House, Mr. Speaker, to the amendment proposed by the gentleman from Iowa [Mr. HENDERSON], to strike out the long and short haul section of this bill. But before I go into that I desire to make this remark, and to have the House understand it, that of all the men who appeared before the Committee on Commerce against the substitute bill—men who have studied the railroad question for years—there was not a single, solitary man who testified that any railroad in the country made larger charge for a short haul for the purpose of making a lower charge for a long haul.

I will state here that if the gentleman from Texas had only permitted my resolution to pass through the House, when I asked of the House to pass a resolution to authorize the printing of the arguments and testimony before the Committee on Commerce for the information of the House, information which every member ought to have upon his desk at this time, there would have been much more satisfaction in the consideration of this matter. I regret, sir, that that information has not come into this House from the document-room, as ordinarily every document of great importance does come; I regret that it has not been laid upon the desk of every member before the House was called to act upon this bill. For some reason I have not been enabled, and I am informed that others have not been able, to receive copies sufficient of that argument and testimony, which they should have had for the last two weeks, and we have not now that information. There has been a desire to keep the House in ignorance of these propositions, in ignorance of these arguments, in ignorance of the reasons stated by men who know something about the workings of railroads, so that the House could not have an opportunity of acting properly and intelligently upon each section of this bill.

I want to state again that no one man heard by that committee in this or in any other Congress when the interstate-commerce bill was before it, and in the care of the Commerce Committee, has pretended that the short hauls were used for purposes of bringing revenue to the railroad companies as against the long hauls.

Mr. REAGAN. I suppose the gentleman means no attorney or managers of the road made any such acknowledgment.

Mr. O'NEILL, of Pennsylvania. I do not say attorneys. I say that no railroad man appeared before that committee and made such a statement. Not one of them appeared before the committee, and no person competent to speak upon the subject made any such statement, notwithstanding the fact of the billions of money invested in railroad corporations in this country.

Mr. Speaker, one other word and then I will take my seat. I stated in my remarks made in this House a few days ago that there was no intelligent public sentiment in this country to-day, as expressed through the channels of the petition-box of this House, in favor of this bill, and that there was during this Congress on this question no public agitation favoring such a bill as that introduced in the substitute of the gentleman from Texas. I have taken pains, sir, to look through the RECORD, and I find that there are some five or six individual petitions on the files of the House. I find the action of one Legislature of one of the States, the Legislature of Iowa, presented here in printed form by five members of that State, which makes five representing the same resolutions of the same Legislatures and also one other Legislature. That is all.

I want to get this fact before the House, because I have taken the trouble to hunt it up in response to the suggestion that these petitions were crowding the petition-box, to show how little foundation there is for the statement. There is nothing upon the records of this Congress to show the desire of the people for the passage of any such law on the subject of interstate commerce.

Mr. REAGAN. Will the gentleman permit me to interrupt him to ask if he regards the Legislature of Pennsylvania as an intelligent body, and the Legislature of New York as composed of intelligent men?

Mr. O'NEILL, of Pennsylvania. Since the Legislature of Pennsylvania sent that resolution to this House it has passed a law upon the subject and carried out the provisions of the constitution of the State with reference to its railroads and canals. That act passed by the Legislature of Pennsylvania I quoted in my remarks upon this bill in the general debate.

Mr. REAGAN. And let me ask does the gentleman regard the President of the United States as an intelligent source for such information? I refer him also to the Republican national convention.

Mr. O'NEILL, of Pennsylvania. I regard the President of the United States as a very intelligent gentleman, and one who has known how to fill the Presidential office, but I do not say that I indorse everything that he has communicated to this House in his message.

Mr. REAGAN. What about the resolution of the Republican national convention?

Mr. O'NEILL, of Pennsylvania. The resolutions of that convention meant that we should pass intelligent legislation; that we should pass practical legislation; that we should not be brought into such a position as the gentleman from Texas would bring us in by the passage of his substitute bill. That convention never meant to recommend the adoption of such a law as that, and I hope the House will strike out that section.

The SPEAKER. The question is on the motion of the gentleman from Texas to close the debate upon the pending section and amendment.

The motion to close debate was agreed to.

The SPEAKER. The question now recurs upon the amendment of the gentleman from Iowa to strike out a portion of the fourth paragraph, which the Clerk will read.

The Clerk read as follows:

Strike out of section 4 the following words:

"That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and."

So that the section will read:

"SEC. 4. The road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation."

Mr. HENDERSON, of Iowa. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 57, nays 117, not voting 149; as follows:

YEAS—57.

Adams, G. E.	Funston,	Keifer,	Strait,
Bingham,	Glascock,	Long,	Struble,
Bisbee,	Guenther,	Lyman,	Taylor, J. D.
Boutelle,	Hammond,	Morrill,	Thomas,
Brewer, F. B.	Hanback,	O'Hara,	Wait,
Buckner,	Hardeman,	O'Neill, Charles	Wakefield,
Budd,	Haynes,	Perkins,	Washburn,
Burleigh,	Henderson, D. B.	Peters,	White, Milo
Clardy,	Hepburn,	Pusey,	Wilkins,
Converse,	Hitt,	Robinson, J. S.	Wilson, James
Cutcheon,	Holmes,	Rockwell,	Woodward,
Davis, R. T.	James,	Ryan,	Worthington.
Deuster,	Johns,	Smith, H. Y.	
Dowd,	Jones, R. W.	Spooner,	
Ellis,	Kean,	Stephenson,	

NAYS—117.

Alexander,	Buchanan,	Culberson, D. B.	Foran,
Anderson,	Cabell,	Curtin,	Forney,
Bagley,	Campbell, J. E.	Davidson,	Ryan,
Barksdale,	Campbell, J. M.	Dibrell,	Gibson,
Beach,	Candler,	Dingley,	Green,
Bennett,	Cassidy,	Dunn,	Greenleaf,
Blackburn,	Clements,	Eldredge,	Halsell,
Bratton,	Cobb,	English,	Henley,
Breckinridge,	Collins,	Everhart,	Holman,
Brown, W. W.	Connolly,	Ferrell,	Hopkins,
Browne, T. M.	Cox, W. R.	Follett,	Hunt,
Hurd,	Nicholls,	Seymour,	Warner, A. J.
Jones, J. H.	Nutting,	Shively,	Warner, Richard
Jordan,	O'Ferrall,	Singleton,	Weaver,
Laird,	Payson,	Skinner, C. R.	Wellborn,
Lamb,	Pierce,	Snyder,	Wemple,
Lanham,	Peel,	Springer,	White, J. D.
Le Fevre,	Price,	Stewart, Charles	Williams,
Lewis,	Pryor,	Stone,	Willis,
Lore,	Ray, G. W.	Sumner, C. A.	Wilson, W. L.
Lowry,	Ray, Ossian	Taylor, J. M.	Winans, E. B.
McAdoo,	Reagan,	Throckmorton,	Winans, John
McComas,	Reese,	Tillman,	Wise, G. D.
McMillin,	Riggs,	Townshend,	Wolford,
Matson,	Robertson,	Tucker,	Wood,
Miller, J. F.	Rogers, J. H.	Tully,	Yaple,
Mills,	Rogers, W. F.	Turner, Oscar	Young.
Moulton,	Rosecrans,	Van Eaton,	
Murray,	Scales,	Wallace,	
Neece,	Seney,	Ward,	

NOT VOTING—149.

Adams, J. J.	Dibble,	Jeffords,	Post,
Aiken,	Dockery,	Jones, J. K.	Potter,
Arnot,	Dorsheimer,	Jones, J. T.	Randall,
Atkinson,	Dunham,	Kelley,	Rankin,
Ballentine,	Eaton,	Kellogg,	Ranney,
Barbour,	Elliott,	Ketcham,	Reed,
Barr,	Ellwood,	King,	Rice,
Bayne,	Ermentrout,	Kleiner,	Robinson, W. E.
Belford,	Evans,	Lacey,	Rowell,
Belmont,	Fiedler,	Lawrence,	Russell,
Blanchard,	Findlay,	Libbey,	Shaw,
Bland,	Finerty,	Lovering,	Shelley,
Blount,	Garrison,	McCold,	Skinner, T. G.
Bowen,	Geddes,	McCormick,	Slocum,
Boyle,	George,	Maybury,	Smalls,
Brainerd,	Goff,	Millard,	Smith, A. H.
Breitung,	Graves,	Miller, S. H.	Spriggs,
Brewer, J. H.	Hancock,	Milliken,	Steele,
Broadhead,	Hardy,	Mitchell,	Stevens,
Brumm,	Harmer,	Money,	Stewart, J. W.
Burnes,	Hart,	Morgan,	Stockslager,
Caldwell,	Hatch, H. H.	Morrison,	Storm,
Campbell, Felix	Hatch, W. H.	Morse,	Sumner, D. H.
Cannon,	Hemphill,	Muldrow,	Talbott,
Carleton,	Henderson, T. J.	Muller,	Taylor, E. B.
Chace,	Herbert,	Murphy,	Thompson,
Chalmers,	Hewitt, A. S.	Mutchler,	Turner, H. G.
Clay,	Hewitt, G. W.	Nelson,	Valentine,
Cook,	Hill,	Oates,	Van Alstyne,
Cosgrove,	Hiscock,	Ochiltree,	Vance,
Covington,	Hoblitzell,	O'Neill, J. J.	Wadsworth,
Cox, S. S.	Holton,	Paige,	Weller,
Crisp,	Hooper,	Parker,	Whiting,
Culbertson, W. W.	Horr,	Patton,	Wise, J. S.
Cullen,	Houk,	Payne,	York.
Dargan,	Houseman,	Pettibone,	
Davis, G. R.	Howey,	Phelps,	
Davis, L. H.	Hutchins,	Poland,	

So the amendment was not agreed to.

Mr. HENDERSON, of Illinois. I am paired with Mr. MURPHY, of Iowa. If he were present, I should vote "ay." I do not know how he would vote.

Mr. BRAINERD. I voted inadvertently. Being paired I withdraw my vote. I should have voted, if not paired, in the affirmative.

On motion of Mr. GEORGE D. WISE, by unanimous consent the reading of the names of members voting was dispensed with.

The following members were announced as paired on all political questions until further notice:

Mr. POTTER with Mr. EVANS.

Mr. HEWITT, of New York, with Mr. HOOPER.

Mr. CAMPBELL, of New York, with Mr. BREWER, of New Jersey.

Mr. BLOUNT with Mr. CHACE.

Mr. ARNOT with Mr. BELFORD.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. KING with Mr. MILLER, of Pennsylvania.

Mr. BLAND with Mr. VALENTINE.

Mr. FIEDLER with Mr. STEELE.

Mr. MAYBURY with Mr. JOHN S. WISE.

Mr. MULLER with Mr. DUNHAM.

Mr. MORGAN with Mr. BAYNE.

Mr. DARGAN with Mr. BOWEN.

Mr. HEWITT, of Alabama, with Mr. YORK.

Mr. BALLENTINE with Mr. FINERTY.

Mr. SKINNER, of North Carolina, with Mr. MCCORMICK.

Mr. VANCE with Mr. WHITING.

Mr. JONES, of Arkansas, with Mr. RUSSELL.

Mr. AIKEN with Mr. STEWART, of Vermont.

Mr. DAVIS, of Missouri, with Mr. KELLEY.

Mr. MONEY with Mr. ATKINSON.

Mr. MURPHY with Mr. HENDERSON, of Illinois.

Mr. WELLER with Mr. EZRA B. TAYLOR.

Mr. MURRAY with Mr. ROBINSON, of Ohio.

Mr. SHELLEY with Mr. KELLOGG.

Mr. COSGROVE with Mr. PETTIBONE.

Mr. DIBBLE with Mr. HOLTON.

Mr. STORM with Mr. BRUMM.

Mr. ERMENTROUT with Mr. HARMER.

Mr. KLEINER with Mr. LIBBEY.

Mr. CARLETON with Mr. ROWELL.

Mr. HOUSEMAN with Mr. BREITUNG.

The following members were announced as paired on the interstate-commerce bill:

Mr. PAIGE with Mr. HART.

Mr. HILL with Mr. CHALMERS.

Mr. RANKIN with Mr. OCHILTREE.

Mr. HATCH, of Missouri, with Mr. HATCH, of Michigan.

Mr. THOMPSON with Mr. SMITH, of Pennsylvania, and on all political questions.

The following pairs were also announced:

Mr. DOCKERY with Mr. MCCOID, until December 21.

Mr. MILLARD with Mr. MULDROW, until January 5.

Mr. CALDWELL with Mr. RICE, until January 5.

Mr. HERBERT with Mr. REED, until January 5.

Mr. MORRISON with Mr. HISCOCK, until January 5.

Mr. OATES with Mr. RANNEY, until January 5.

Mr. BOYLE with Mr. WADSWORTH, until January 5.

Mr. TURNER, of Georgia, with Mr. CANNON, until January 5.

Mr. HEMPHILL with Mr. DAVIS, of Illinois, until January 5.

Mr. POST with Mr. BRAINERD, until January 5.

Mr. CRISP with Mr. GEORGE, for this day.

Mr. GEDDES with Mr. KETCHAM, for Saturday, December 20.

Mr. GEDDES, if present, would vote for the Reagan bill, and Mr. KETCHAM against it.

Mr. MCCORMICK. I voted not knowing I was paired with the gentleman from North Carolina [Mr. SKINNER]. I withdraw my vote.

The result of the vote was then announced as above stated.

By unanimous consent, leave was given to Mr. HENDERSON, of Illinois, to extend in the RECORD his remarks in connection with the amendment just voted upon.

Mr. PETERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the word "railroad," in line 6, section 4, the following:
"The longer distance to be limited to the nearest competing point at which two or more railroads compete for business."

Mr. PETERS. I would like to have the section read as it will be if amended.

The Clerk read as follows:

That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; the longer distance to be limited to the nearest competing point at which two or more railroads compete for business.

The question being taken on agreeing to the amendment, there were—ayes 16, noes 68.

Mr. O'NEILL, of Pennsylvania. There is no quorum voting. I think we should not legislate on this subject without a quorum.

Tellers were ordered; and Mr. PETERS and Mr. REAGAN were appointed.

The House proceeded to divide, but before the result was announced,

Mr. REAGAN said: Mr. Speaker, if it be in order pending this vote, I will call for the yeas and nays.

The SPEAKER. It is in order.

The yeas and nays were ordered, 55 voting in favor thereof.

The question was taken; and there were—yeas 13, nays 142, not voting 168; as follows:

YEAS—13.

Brown, W. W.	Keifer,	Morrill,	Worthington.
Clardy,	Long,	Peters,	
Culbertson, W. W.	Lyman,	Skinner, C. R.	
Hepburn,	McComas,	Woodward,	

NAYS—142.

Adams, G. E.	Eaton,	Lowry,	Stone,
Alexander,	English,	McMillin,	Strait,
Anderson,	Everhart,	Matson,	Struble,
Bagley,	Ferrell,	Miller, J. F.	Sumner, C. A.
Barksdale,	Follett,	Milliken,	Taylor, J. D.
Beach,	Foran,	Mills,	Taylor, J. M.
Bennett,	Forney,	Moulton,	Thomas,
Blackburn,	Fyan,	Neece,	Throckmorton,
Blanchard,	Gibson,	Nicholls,	Tillman,
Bratton,	Glascock,	Nutting,	Townshend,
Breckinridge,	Green,	O'Ferrall,	Tucker,
Browne, T. M.	Greenleaf,	O'Hara,	Tully,
Buchanan,	Guenther,	Payson,	Turner, Oscar
Buckner,	Halsell,	Pierce,	Van Eaton,
Burnes,	Hammond,	Peel,	Walk,
Cabell,	Hanback,	Perkins,	Wakefield,
Campbell, J. E.	Hardeman,	Pryor,	Wallace,
Campbell, J. M.	Henderson, D. B.	Pusey,	Ward,
Candler,	Henley,	Ray, Oscian	Warner, A. J.
Cassidy,	Hill,	Reagan,	Warner, Richard
Clements,	Hitt,	Reese,	Weaver,
Cobb,	Holman,	Riggs,	Wellborn,
Connolly,	Holmes,	Rogers, J. H.	White, J. D.
Cook,	Hopkins,	Rogers, W. F.	White, Milo
Covington,	Hunt,	Rosecrans,	Wilkins,
Cox, W. R.	James,	Scales,	Williams,
Culberson, D. B.	Jones, B. W.	Seney,	Wilson, James
Cullen,	Jones, J. H.	Seymour,	Wilson, W. L.
Curtin,	Jordan,	Shively,	Winans, E. B.
Cutcheon,	Lacey,	Smalls,	Winans, John
Davis, R. T.	Laird,	Snyder,	Wise, G. D.
Dawes,	Lamb,	Spriggs,	Wolford,
Dibrell,	Lanham,	Springer,	Wood,
Dingley,	Le Fevre,	Stevens,	Yaple.
Dowd,	Lewis,	Stewart, Charles	
Dunn,	Lore,	Stockslager,	

NOT VOTING—168.

Adams, J. J.	Dockery,	Jones, J. K.	Randall,
Aiken,	Dorsheimer,	Jones, J. T.	Rankin,
Arnot,	Dunham,	Kean,	Ranney,
Atkinson,	Eldredge,	Kelley,	Ray, G. W.
Ballentine,	Elliott,	Kellogg,	Reed,
Barbour,	Ellis,	Ketcham,	Rice,
Barr,	Ellwood,	King,	Robertson,
Bayne,	Ermentrout,	Kleiner,	Robinson, J. S.
Belford,	Evans,	Lawrence,	Robinson, W. E.
Belmont,	Fiedler,	Libbey,	Rockwell,
Bingham,	Findlay,	Lovering,	Rowell,
Bisbee,	Finerty,	McAdoo,	Russell,
Bland,	Funston,	McCold,	Ryan,
Blount,	Garrison,	McCormick,	Shaw,
Boutelle,	Geddes,	Maybury,	Shelley,
Bowen,	George,	Millard,	Singleton,
Boyle,	Goff,	Miller, S. H.	Skinner, T. G.
Brainerd,	Graves,	Mitchell,	Slocum,
Breitung,	Hancock,	Money,	Smith, A. H.
Brewer, F. B.	Hardy,	Morgan,	Smith, H. Y.
Brewer, J. H.	Harmer,	Morrison,	Spooner,
Broadhead,	Hart,	Morse,	Steele,
Brumm,	Hatch, H. H.	Muldrow,	Stephenson,
Budd,	Hatch, W. H.	Muller,	Stewart, J. W.
Burleigh,	Haynes,	Murphy,	Storm,
Caldwell,	Hemphill,	Murray,	Sumner, D. H.
Campbell, Felix	Henderson, T. J.	Mutchler,	Talbott,
Cannon,	Herbert,	Nelson,	Taylor, E. B.
Carleton,	Hewitt, A. S.	Oates,	Thompson,
Chace,	Hewitt, G. W.	Ochiltree,	Turner, H. G.
Chalmers,	Hiscock,	O'Neill, Charles	Valentine,
Clay,	Hoblitzell,	O'Neill, J. J.	Van Alstyne,
Collins,	Holton,	Paige,	Vance,
Converse,	Hooper,	Parker,	Wadsworth,
Cosgrove,	Horr,	Patton,	Washburn,
Cox, S. S.	Houk,	Payne,	Weller,
Crisp,	Houseman,	Pettibone,	Wemple,
Dargan,	Howey,	Phelps,	Whiting,
Davidson,	Hurd,	Poland,	Willis,
Davis, G. R.	Hutchins,	Post,	Wise, J. S.
Davis, L. H.	Jeffords,	Potter,	York,
Dibble,	Johnson,	Price,	Young.

The following additional pairs were announced:

Mr. O'NEILL, of Missouri, and Mr. KEAN, on this vote.

The following were announced as paired for the remainder of this day:

Mr. YOUNG with Mr. WASHBURN.

Mr. BISBEE with Mr. DAVIDSON.

The following were announced as paired until further notice:

Mr. HURD with Mr. BINGHAM.

Mr. WILLIS with Mr. STEVENSON.

Mr. BARKSDALE with Mr. JEFFORDS.

The SPEAKER. On this question the yeas are 13, the nays 142.

Several MEMBERS. No quorum.

The SPEAKER. It appears that no quorum has voted.

Mr. REAGAN. I move a call of the House.

Mr. WAIT. I move that the House adjourn.

The motion of Mr. WAIT was not agreed to, there being—ayes 63, noes 67.

The question recurring on the motion of Mr. REAGAN for a call of the House, it was agreed to; there being—ayes 61, noes 57.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. 7510) making temporary provision for the naval service; agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate, Mr. HALE, Mr. LOGAN, and Mr. BECK.

ENROLLED BILL SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. 2728) detaching Grundy County, Tennessee, from the southern division of the district of East Tennessee, and attaching it to the middle district of said State, and for other purposes.

ORDER OF BUSINESS.

A call of the House having been ordered, the Clerk proceeded to call the roll; when the following-named members failed to answer:

Adams, J. J.	Campbell, Felix	Fiedler,	Hurd,
Aiken,	Campbell, J. E.	Findlay,	Jeffords,
Arnot,	Carleton,	Finerty,	Jones, J. K.
Atkinson,	Cassidy,	Garrison,	Jones, J. T.
Bagley,	Chalmers,	Geddes,	Kelley,
Ballentine,	Clay,	Graves,	Kellogg,
Barbour,	Cosgrove,	Hardy,	Ketcham,
Bayne,	Cox, S. S.	Harmer,	King,
Belford,	Crisp,	Hatch, H. H.	Kleiner,
Belmont,	Dargan,	Hatch, W. H.	Lawrence,
Bingham,	Davis, G. R.	Hemphill,	Libbey,
Bisbee,	Davis, L. H.	Herbert,	Lore,
Bland,	Dibble,	Hewitt, A. S.	McCold,
Bowen,	Dockery,	Hewitt, G. W.	Maybury,
Boyle,	Dorsheimer,	Hiscock,	Millard,
Brainerd,	Dunham,	Hoblitzell,	Money,
Breitung,	Eldredge,	Holton,	Morgan,
Brewer, J. H.	Elliott,	Hooper,	Morrison,
Brumm,	Ellwood,	Horr,	Morse,
Burleigh,	English,	Houk,	Muldrow,
Caldwell,	Ermentrout,	Houseman,	Muller,

Murphy,	Potter,	Skinner, T. G.	Valentine,
Murray,	Rankin,	Slocum,	Van Alstyne,
Mutchler,	Ranney,	Smith, A. H.	Vance,
Nicholls,	Rice,	Steele,	Wadsworth,
Oates,	Robinson, J. S.	Stevens,	Washburn,
Ochiltree,	Robinson, W. E.	Stewart, J. W.	Weller,
Paige,	Rockwell,	Storm,	Whiting,
Parker,	Rowell,	Sumner, D. H.	Wise, G. D.
Patton,	Russell,	Talbott,	Wise, J. S.
Payne,	Shaw,	Taylor, E. B.	Young.
Pettibone,	Shelley,	Turner, H. G.	

The SPEAKER. The doors will now be closed.

Mr. HAMMOND. I move to dispense with all further proceedings under the call.

Mr. REAGAN. How many members voted on the call of the roll?

The SPEAKER. One hundred and ninety-five members have responded to the call of the roll.

Mr. HAMMOND'S motion was agreed to.

The SPEAKER. The question now recurs on the amendment of the gentleman from Kansas [Mr. PETERS], on which the yeas and nays have been ordered. The roll has once been called, but a quorum failed to vote.

Mr. REAGAN. I move to reconsider the vote by which the yeas and nays were ordered; and also move that the motion to reconsider be laid on the table.

Mr. O'NEILL, of Pennsylvania. Let us have the yeas and nays on that motion to lay on the table.

Mr. KEIFER. Is this proposition to lay the motion to reconsider the vote ordering the yeas and nays on the table?

The SPEAKER. It is.

Mr. KEIFER. That is entirely useless any way—it amounts to nothing, for the right to order the yeas and nays is, under the Constitution, when one-fifth of those present shall request it.

Mr. O'NEILL, of Pennsylvania. The gentleman from Texas ought to have the yeas and nays when he asks for them.

The SPEAKER. The purpose of the gentleman from Texas is to prevent a reconsideration of the vote and to insure the taking of the vote on the amendment by the yeas and nays.

Mr. KEIFER. He can have the yeas and nays whenever one-fifth of the House shall request it.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. Is it in order to withdraw my amendment?

The SPEAKER. It is. The amendment having been voted on and a quorum having failed to appear, the roll must again be called.

Mr. PETERS. Because I have no right to explain my amendment, debate having been cut off on this section, and because the vote just taken has disclosed opposition to it, I will now withdraw it.

Mr. O'NEILL, of Pennsylvania. Has the gentleman the right to do that?

The SPEAKER. Yes; as the previous question was not ordered on the amendment.

Mr. O'NEILL, of Pennsylvania. I would like to have the opportunity to say a word to the gentleman from Kansas. [Cries of "Regular order!"] I hope the gentleman from Kansas will not withdraw his amendment, so that the gentleman from Texas may be allowed to have the yeas and nays on it.

Mr. RYAN. The amendment is withdrawn, as I understand, by the gentleman from Kansas.

The SPEAKER. It has been withdrawn, and the gentleman from Kansas has the right under the rules to withdraw it. There is now nothing before the House, the amendment having been withdrawn, and the Clerk will read the next section.

Mr. O'NEILL, of Pennsylvania. I move that the House do now adjourn. The House is not in condition to vote.

Mr. ANDERSON. The gentleman from Pennsylvania, the country understands, is filibustering.

Mr. O'NEILL, of Pennsylvania. I demand a division of the House.

The House divided; and there were—ayes 57, noes 71.

Mr. O'NEILL, of Pennsylvania. I ask for the yeas and nays on this question. There are so many absentees.

The SPEAKER. The question is not debatable.

Mr. O'NEILL, of Pennsylvania. We had better postpone until the House is full and when we can have a deliberate vote. [Cries of "Regular order!"]

The yeas and nays were not ordered.

So the House refused to adjourn.

Mr. LACEY. I offer the following amendment.

The Clerk read as follows:

Strike out all after the word "receive," in line 3 of section 4, to and including the word "railroad," at end of line 6, and insert:
"As compensation for carrying, receiving, storing, handling, or forwarding said property to any station on his or their road, a greater sum than is charged or received for a similar amount and kind of property from the same original point of departure to a station at a greater distance on the same road in the same direction, nor shall a less sum be charged or received for a similar amount and kind of property from any station on said road to another station on said road than is charged from any other station situated between the aforesaid points of shipment and delivery.

Mr. LACEY. I ask that the Clerk read the amendment as it will read if adopted.

The Clerk read as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive as compensation for carrying, receiving, storing, handling, or forwarding said property to any station on his or their road a greater sum than is charged or received for a similar amount and kind of property from the same original point of departure to a station at a greater distance on the same road in the same direction, nor shall a less sum be charged or received for a similar amount and kind of property from any station on said road to another station on said road than is charged from any other station situated between the aforesaid points of shipment and delivery; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

The amendment was rejected.

Mr. WARNER, of Ohio. I offer the following amendment which I think the chairman of the Committee on Commerce will accept, as it only makes certain what probably was intended to be provided for in the bill.

The Clerk read as follows:

After the word "distance," in line 6, insert "which include the shorter;" so it will read: "for a shorter than for a longer distance which include the shorter on any one railroad," &c.

Mr. REAGAN. It is what I understand the bill to be now, and I have no objection to it.

Mr. BUDD. I wish to offer an amendment to the same effect, but in a direction which will be more effective.

The SPEAKER. Debate is not in order.

Mr. BUDD. I wish to ask the attention of the gentleman from Texas to my amendment.

The SPEAKER. Does the gentleman offer it as a substitute to the amendment of the gentleman from Ohio?

Mr. BUDD. I do.

The Clerk read Mr. BUDD'S amendment, as follows:

Amend by adding in line 6, after the word "distance," the following words: "in all cases in which the shorter distance shall be over the same roadway and in the same direction."

Mr. REAGAN. I can not consent to accept the amendment. It is only multiplying trouble. The bill means that now.

Mr. BUDD'S amendment was rejected.

The question recurred upon the amendment of Mr. WARNER, of Ohio.

The House divided; and there were—ayes 74, noes 19.

Mr. O'HARA. No quorum has voted.

The SPEAKER appointed as tellers Mr. O'HARA, and Mr. WARNER of Ohio.

Mr. O'HARA, by unanimous consent, withdrew his point of no quorum.

So the amendment of Mr. WARNER, of Ohio, was agreed to.

Mr. REAGAN. It is manifest, Mr. Speaker, we are not going to proceed with business this afternoon, and I shall not object to yielding the floor for the introduction and reference of bills for the present, and I understand the Committee on Appropriations will occupy the time of the House in reporting an appropriation bill. If I do not compromise the condition of the interstate-commerce bill, I will yield for that purpose.

The SPEAKER. If the House now passes from the consideration of this bill to other business it will retain its place as unfinished business.

Mr. REAGAN. With that understanding I will consent to it being laid aside for the present.

Mr. WHITE, of Kentucky. I desire to know, if there is any rule requiring small matters to be considered by a quorum, whether large matters can be considered by less than a quorum. I shall insist on the regular order.

The SPEAKER. The gentleman from Kentucky insists on the consideration of the regular order.

Mr. SPRINGER. What is the regular order?

The SPEAKER. The bill which is before the House. The Chair will state to the gentleman from Kentucky that it does not appear a quorum is present.

Mr. HOPKINS. I ask the gentleman from Texas to yield to me for a moment.

The SPEAKER. The gentleman from Kentucky demands the regular order, which is the further consideration of the interstate-commerce bill, and which demand cuts off all requests for unanimous consent.

Mr. O'NEILL, of Pennsylvania. I move to strike out the fourth section of the bill.

Mr. REAGAN. Mr. Speaker, in view of the fact that the Committee on Appropriations, as I understand, desire to present some important measure of legislation, I shall not move, as I otherwise, would be inclined to do, that the House adjourn.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, to strike out the fourth section.

The House divided; and there were—ayes 20, noes 61.

Mr. WOODWARD. I ask for the yeas and nays.

Mr. RANDALL. Will the gentleman yield to me to introduce a bill?

Mr. WOODWARD. Certainly.

TEMPORARY APPROPRIATION FOR THE NAVY.

Mr. RANDALL. I ask consent at this time to introduce a bill for immediate action.

The SPEAKER. From the Committee on Appropriations?

Mr. RANDALL. It is, I may say, a privileged bill, but it is not reported from the Committee on Appropriations by authority of the committee, although I have conferred with several members of the committee, and with all the members of the conference committee on the part of the House on the naval appropriation bill, and I introduce the bill with their consent. To that extent it is a bill from the committee.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. 7791) making temporary provision for the naval service.

Be it enacted, &c., That for the purpose of providing for the expenses of the naval service for the month ending January 31, 1885, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum of money, no greater in amount than will be in the same proportion to the appropriations for the fiscal year 1884 as thirty-one days' time bears to the whole of said fiscal year, and for the like purposes and containing the provisions relating thereto as were made by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," approved March 3, 1883 (except as hereinafter declared), subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriation made by said act: *Provided*, That nothing is appropriated by this act for the purposes set forth in said act making appropriations for the naval service for the fiscal year 1884, under the heading "Increase of the Navy," and preceding the heading "Naval Academy," "For special ocean surveys and the publication thereof," or "For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same;" nor is there reappropriated any balance of the appropriation made for commencing the manufacture of steel rifled breech-loading guns, with carriages and ammunition, that remained unexpended during the fiscal year 1883; but in lieu of such reappropriation there is hereby appropriated for such manufacture, during the thirty-one days herein provided for, the sum of $2,152.80; and that the clause under the heading "Bureau of Yards and Docks," commencing "For general maintenance of yards and docks," is amended so as to appropriate for the thirty-one days herein provided for the sum of $18,840.

That all appropriations made by the act of July 7, 1884, making temporary provision for the naval service for the six months ending December 31, 1884, or any balances thereof that may be unexpended at that date, except any balance for the manufacture of steel rifled breech-loading guns as aforesaid, be, and they are hereby, reappropriated, continued, and made available for the remainder of the fiscal year ending January 31, 1885.

That the whole amount appropriated by this act for the support of the naval service for the thirty-one days herein provided for shall not exceed, exclusive of the amounts herein reappropriated and the amount payable from the income from the naval pension fund for the support of the Naval Asylum at Philadelphia, the sum of $1,160,000.

The bill was read a first and second time.

Mr. RANDALL. This is a provision for thirty-one days, and is identical in all respects with the bill which was passed at the last session of Congress for this purpose, with the exception, of course, that it provides for only one month instead of six. It is introduced here by me, I will state again, with the concurrence of the Committee on Appropriations, as far as I have been able to confer with the members, and also with the knowledge and approval of the conferees on this bill, so that out of abundant caution the Navy Department may not be deprived of funds from the 1st to the 5th of January, as it might be if no such provision were made. Although it is proper I should say I am advised that it would not interfere with the operations of the Department even though no bill were passed covering the five days to which I have referred, yet I think it advisable to make temporary provision rather than leave the matter undetermined.

If no gentleman desires to discuss the matter, I shall ask the previous question upon the engrossment and third reading of the bill.

The SPEAKER. The Chair will state that this proceeding is by unanimous consent; otherwise of course the bill would have to go under the rule to the Committee of the Whole House on the state of the Union.

Mr. RANDALL. Yes, of course; but I do not think there will be any objection to this proceeding.

Mr. KEIFER. I would like to know what assurance we have that the Senate, not being willing to take such a bill as this for six months, would take it for thirty-one days.

Mr. RANDALL. Of course I have no right to speak for the Senate in that particular. But it is for the House to do that which is its duty under the circumstances.

Mr. KEIFER. The gentleman from Pennsylvania has great familiarity with the proceedings in the Senate on the subject of a naval appropriation bill; and we have learned there has been no agreement between the members of the conference committee on that subject.

Mr. RANDALL. If the Senate is not willing to accept this bill our duty will have been done in passing it.

Mr. KEIFER. But we ought not to do an unnecessary thing. If there is a radical difference between the House and the Senate it ought to be settled. This piecemeal way of doing it is not quite up to the standard of legislation.

Mr. RANDALL. What does the gentleman from Ohio propose instead of this?

Mr KEIFER. I propose we go together on some basis which may lead to an agreement, and discuss what that agreement shall be.

Mr. RANDALL. But the House is to adjourn.

Mr. KEIFER. It is not entirely to the credit of this Congress that we should not have been able to appropriate in the usual and ordinary way for the Navy. If we can not do it entirely we ought to come as near doing it as we can.

Mr. RANDALL. I am trying to get as near it as I can.

Mr. HAMMOND. There is no danger from Chili for thirty-one days.

Mr. KEIFER. If gentlemen are afraid of making big appropriations, we might as well appropriate from day to day. But that does not seem to me the way to run the great Navy of the United States.

Mr. RANDALL. We have a good many examples to follow in this matter. I have introduced this bill so that there can not possibly be any embarrassment, and I hope the gentlemen on that side will not throw any obstacle in the way of giving the Navy all the money required up to the 31st of January.

Mr. KEIFER. There is always embarrassment, so far as the heads of these Departments are concerned, when they can not make arrangements for more than thirty-one days.

Mr. RANDALL. The Secretary of the Navy has repeatedly said to me and other gentlemen that it will be no embarrassment if this appropriation is continued for six months, and there has been no embarrassment in the conduct of the Navy for the past six months by reason of the legislation of the last year making this appropriation.

Mr. KEIFER. I do not want to make an issue with the gentleman from Pennsylvania. But I understand the Naval Department has been embarrassed in making its purchases, having been only allowed to make its purchases for a half year instead of a whole year. I am informed that they have been embarrassed by this state of things from the beginning of the fiscal year up to this time, not so far embarrassed perhaps as materially to impair the efficiency of the Navy, but so as to cause some additional expense to the Government, and a very considerable amount of trouble to the officers of the Navy. But having said this much, I wish to say, Mr. Speaker, that I will not offer any opposition to the passage of the bill.

Mr. RANDALL. If the gentleman from Ohio will tax his memory he will remember, I think, that exactly this action took place as to some of the appropriation bills during the time that he occupied the exalted place in the House which you, Mr. Speaker, now occupy.

Mr. KEIFER. I do not remember any such thing as this took place during that time. There was a little extension at the opening of a fiscal year at one time; but there was no such appropriation as this, so far as I remember, during the Forty-seventh Congress. There is, however, I think, a precedent for this in the Forty-sixth Congress. I believe there was in that Congress an exact precedent.

Mr. RANDALL. There are a great many instances of bills like this having been passed.

Mr. KEIFER. If the gentleman will say that he stands only on the precedents of the Forty-sixth Congress, I will not make the point that the bill should go to a committee.

Mr. RANDALL. In my recollection of what took place in the Forty-seventh Congress I am corroborated by gentlemen around me.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BEACH. Is not a yea-and-nay vote required on the passage of this bill?

The SPEAKER. Under what rule?

Mr. BEACH. Is not this a bill appropriating money?

The SPEAKER. But the rule applies only to general appropriation bills. The question is on the passage of the bill.

The bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Is it competent for the House to postpone the further consideration of the interstate-commerce bill until Tuesday, the 6th of January?

The SPEAKER. It is competent for the House to postpone the consideration of any bill.

Mr. RANDALL. I do not think any such motion is necessary.

Mr. HAMMOND. Would it not come up as the unfinished business when the House reassembles?

The SPEAKER. The Chair has so stated. The gentleman from Texas [Mr. REAGAN] proposed that the House should pass from the present consideration of the bill without any motion. The gentleman from Kentucky [Mr. WHITE] thereupon demanded the regular order, which compelled the Chair to state that the bill was still before the House.

Mr. MILLS. That was what I wanted to obviate.

Mr. WHITE, of Kentucky. If we have a quorum I do not see why we should not go on with business.

The SPEAKER. The regular order is before the House unless it is got rid of in some way.

Mr. REAGAN. I hope the gentleman from Kentucky [Mr. WHITE] will not insist on the call for the regular order. A great many gentlemen have bills to introduce and desire the action of the House on small matters which have been interfered with by the consideration of this bill.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. WHITE, of Kentucky. I withdraw the demand for the regular order so as to permit the introduction of bills.

Mr. HOPKINS. I ask that a joint resolution of the Senate relating to the payment of laborers in the Government service on holidays be taken from the Speaker's table for present consideration.

The SPEAKER. The gentleman from Kentucky did not withdraw his demand for the regular order for such a purpose as that; it was only withdrawn to permit the introduction of bills.

Mr. WHITE, of Kentucky. I do not object to the gentleman from Pennsylvania [Mr. HOPKINS] calling up the resolution he has indicated.

HOLIDAYS FOR GOVERNMENT EMPLOYÉS.

Mr. HOPKINS. I ask unanimous consent to have taken from the Speaker's table for present consideration the joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays. I am satisfied that if the resolution be read no member will object to it. We are now ourselves about to take a two-weeks' holiday. This resolution simply provides that the employés of the navy-yard, Government Printing Office, Bureau of Engraving and Printing, and other per diem employés of the Government shall be entitled to four or five holidays during the year without losing their pay for those days.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the employés of the navy-yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employés of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, namely: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days.

There being no objection, the House proceeded to the consideration of the joint resolution; which was read three times.

Mr. GEORGE D. WISE. I move that the House adjourn.

The question being taken, there were—ayes 79, noes 58.

Mr. GEORGE D. WISE. At the request of my friend from Pennsylvania [Mr. HOPKINS] I withdraw the motion to adjourn.

The question recurring on the passage of the joint resolution, it was passed.

Mr. HOPKINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OVERFLOWS IN CHIPPEWA RIVER, WISCONSIN.

Mr. PRICE, by unanimous consent, introduced a bill (H. R. 7992) to provide for an inquiry into the causes of extraordinary overflows in the Chippewa River, in the State of Wisconsin, and to prevent a recurrence of the same; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GREENLEAF. On behalf of the Committee on Patents, I ask consent to introduce a resolution for present consideration.

Mr. GEORGE D. WISE. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 95, noes 38.

Several members called for tellers.

Tellers were not ordered.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were yeas 9, noes 105—less than one-fifth voting in the affirmative.

Mr. WHITE, of Kentucky. Will it be in order to have tellers on ordering the yeas and nays?

The SPEAKER. It will be if the gentleman can get them. He has the right to call for tellers.

Mr. WHITE, of Kentucky. Before the vote is announced, I desire to make a parliamentary inquiry, in order to decide whether I will call for tellers or not. I understand that the Senate will, in all probability, agree to the resolution for a holiday recess; and I would like to hear from the other end of the Capitol on that subject. [Cries of "Regular order!"] Therefore I call for tellers on ordering the yeas and nays. Tellers were not ordered, only 4 voting therefor.

The SPEAKER (at 4 o'clock and 20 minutes p. m.). Tellers are refused, and the yeas and nays are refused. The motion that the House adjourn is agreed to; and in accordance with its order already made, the House stands adjourned until Wednesday next, at 12 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. BROADHEAD: Petition and papers relating to the claim of Chaplain C. M. Blake—to the Committee on Military Affairs.

By Mr. CLEMENTS: A bill to continue the improvement of the navigation of the Coosa River in Georgia and Alabama—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Petition of James Johnston, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. DUNN: Papers relating to the claim of Eli T. Diamond—to the Committee on War Claims.

By Mr. FORNEY: A bill making appropriation to continue the work at the Muscle Shoals in the Tennessee River, in the State of Alabama—to the Committee on Rivers and Harbors.

Also, a bill making appropriation to continue the work on the Coosa River in the States of Alabama and Georgia—to the same committee.

By Mr. McCOMAS: Petition of 55 citizens of Allegany County, Maryland, asking the passage of a bankrupt act—to the Committee on the Judiciary.

By Mr. RANDALL: Petition of John Devlin, relative to the exact distance of the sun from the earth, and of the diameter of the sun—to the Committee on Naval Affairs.

By Mr. ROSECRANS: Petition of Machinists and Blacksmiths' Union, No. 2, of Detroit, Mich., protesting against the confirmation of John Fehrenbatch—to the Committee on Labor.

Also, petition of Charles Elliott, praying for the passage of a joint resolution relative to the registry of deaths, births, and marriages—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of Western Miami Indians, asking to be reimbursed certain money unlawfully taken from them—to the Committee on Indian Affairs.

By Mr. SEYMOUR: Memorial of the Bridgeport Board of Trade, favoring the passage of the bill known as the Lowell, to establish a uniform system of bankruptcy—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Petition of John A. Barnes, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of J. G. McFarlane, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. A. J. WARNER: Papers relating to the claim of John Lappert—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of George P. Shelton, for compensation for property taken for the use of the Army—to the Committee on War Claims.

Also, papers relating to the claim of James Tucker—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. CONNOLLY: Of J. Emmett O'Brien and 79 others, of Scranton, Pa.

By Mr. W. W. CULBERTSON: Of citizens of Foster, Bracken County, Kentucky.

By Mr. FUNSTON: Of citizens of Bourbon County, and of Thayer, Neosho County, Kansas.

By Mr. McCOMAS: Of 90 citizens of Sharpsburg, Washington County, Maryland.

By Mr. WASHBURN: Of 60 citizens and ex-soldiers of Hennepin County, Minnesota.

SENATE.

MONDAY, *December* 22, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives on Saturday last, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 374) granting a pension to William Boone;
A bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury;
A bill (H. R. 5630) granting a pension to George W. Rugg;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 7302) granting a pension to Elizabeth Smith;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 6357) granting a pension to Christian Bauman;
A bill (H. R. 4569) granting a pension to David Urbansky;
A bill (H. R. 6197) granting a pension to Peter Falkner;
A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
A bill (H. R. 4556) granting a pension to Joseph Williams;
A bill (H. R. 2485) for the relief of Treadwell Seaman, jr.;

A bill (H. R. 6803) granting a pension to John T. Brake;
A bill (H. R. 5812) granting a pension to Ellen A. Vance;
A bill (H. R. 5103) granting a pension to Joshua F. Justice;
A bill (H. R. 4024) granting a pension to Cutler S. Dobbins; and
A bill (H. R. 3947) granting a pension to Joseph Raible.

REPORTS OF GUN-FOUNDERY BOARD.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Military Affairs:

To the Senate and House of Representatives:

I transmit herewith the supplementary report, dated December 20, 1884, made in pursuance of orders of the Secretary of War and the Secretary of the Navy, by the gun-foundery board, appointed by me in accordance with the act of Congress approved March 3, 1883.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December 22, 1884.*

Mr. HALE. I offer the following resolution, which I ask may be considered at the present time:

Resolved by the Senate, That there be printed at the Government Printing Office the usual number of copies of the supplementary report of the gun-foundery board, dated December 20, 1884, and in connection therewith the same number of the report of the board of February 16, 1884.

By unanimous consent the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HAWLEY. The resolution includes the supplementary report?

Mr. HALE. The resolution includes the supplementary report.

Mr. HAWLEY. The two reports should be printed in one pamphlet.

Mr. HALE. Under the resolution I have offered I suppose they will be printed together. That would be a more convenient way, as the Senator from Connecticut suggests.

The PRESIDENT *pro tempore*. Does the Senator desire to modify the resolution so as not to make a double print?

Mr. MORRILL. The reports should be printed together.

Mr. HALE. The resolution is enough to carry that; it says "in connection therewith."

The resolution was agreed to.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented resolutions adopted by the New York Leaf-Tobacco Board of Trade, remonstrating against the ratification of the proposed reciprocity treaty between Spain and the United States; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN. I present a memorial very numerously signed by citizens, merchants, firms, owners of steam vessels, and other persons engaged in commerce and mining, mainly engaged in what is called the Lake Superior iron trade, remonstrating very strongly against the ratification of the Spanish reciprocity treaty, setting out in very clear and terse language the grounds of their opposition. In order that the Senate may have the benefit of the facts stated and suggestions made by the memorialists, which I believe are reliable, based upon their business operations, I ask that this memorial be printed in the RECORD.

The memorial was ordered to be printed in the RECORD, and referred to the Committee on Foreign Relations, as follows:

HON. JOHN SHERMAN,
United States Senate, Washington:

The undersigned, representing iron-ore producing and transporting interests of the Northwest, whose products are mainly distributed from Lake Erie ports throughout the adjacent States, beg leave respectfully to call your attention to the terms of the proposed treaty with Spain in behalf of her West Indian dependencies as affecting American iron-ore production. The duty on iron ore is now 75 cents per ton—insufficient even now for a reasonable protection to the capital and the labor engaged in development of our American mines, and in the extensive transportation of their products to our furnaces.

The iron and steel industries of the United States, for obvious reasons, can never depend upon a foreign ore supply.

The reliance for cheap iron and steel must always be upon our American ore, and that, fortunately, may be obtained in abundant supply and in great variety of chemical constitution in every part of our country, provided the development of our mines be not retarded and discouraged by a policy which refuses to discriminate in favor of home interests.

Under the present rate of duty we are obliged to compete directly with some of the poorest paid labor in the world—in Spain and Africa—Spanish and African ores produced at a labor cost that would be humiliating and oppressive to the last degree to the American laborer, and which we do not ask him to accept. Even now hundreds of thousands of tons annually displace the products of our American mines.

Under the treaty, however, the American iron-ore producer is threatened with a removal of all protection.

Iron ore in Schedule A is on the free-list. In our relations with the Spanish West Indies hitherto the rate of duty on iron ore has not been of importance, because until recently there have been no importations. It is not well known, however, that Cuba has very extensive and valuable deposits of ore, and within the last year or two large investments of capital have been made for their development. The admission of these ores duty free, as provided in the treaty, would be a gross injustice and injury to our home production. Should a temporary or local advantage thereby be gained by two or three iron and steel manufacturing plants favorably situated near the Atlantic coast for the use of these Cuban ores, that could only operate to the injury of many Eastern and all Western, Northwestern, and Southern iron and steel interests. Such discrimination in favor of special interest to the injury of others in the same line of manufacture should, in our judgment, never be recognized in our tariff laws. Nor do we understand that it is even asked for by such special interests. The iron-ore producing interests of the country and the great body of iron and steel manufacturers as well are satisfied to stand upon a common level with respect to each other and to accept such conditions as local advantages for cheap production may give to each, but they are unwilling to consent to changes in rates of duty that will operate, as in this case, to a discrimination in favor of special interests at home and abroad. Iron ore is produced in every part of our country. The product last year was not less than 10,000,000 tons. Engaged in this business are vast capitals, and by it hundreds of thousands of laborers are furnished with remunerative employment. In a single section of the country—the Lake Superior region—in the mines, in the railroads necessary for moving their products to the lakes, in the transportation over the lakes and in the ore business of the railroads moving the ores from lower lake ports to furnaces in adjacent States are now employed $85,000,000 of capital, with all of labor occupation that such an amount of capital involves. In other sections of the country are similar connected and independent industries, whose safety and whose ability to furnish employment to labor is menaced by this proposed removal of the duty from Cuban ores. That removal would close many American mines. We do not ask the American laborer to live on the wages of the Spanish West Indies—ore mining 28 cents a day.

Although beyond the intended scope of this communication, we cannot refrain from referring to some general considerations in opposition to this treaty.

In return for open gates to a very small American export to these islands, with a decaying civilization, and whose laboring population is of the lowest type and with few wants, we are asked—a nation of 55,000,000 large consumers and consequently affording the best market in the world—to admit six-tenths of the entire exports of these islands free of duty; and in admitting free the great bulk of her sugar export and at greatly reduced duty her tobacco, we injure severely our own tobacco interest, and we not only destroy our cane-sugar production, but we render impossible the establishment of a beet-sugar industry in the Northern States—an end greatly to be desired as a diversification of our agriculture.

But iron ore and sugar and tobacco are only illustrative of the practical working of such a treaty. As in the case of these commodities the principle of protection to our home industries is contravened all through the schedules. A protective system admits free, unless duties are required for revenue, the raw materials for a home manufacture which do not compete with another home industry. But with exact justice it lays a duty protective on so-called raw materials of foreign production that do compete. This well-settled principle is in this treaty conspicuously violated.

The President in his annual message clearly states this rule, and, in his message transmitting the treaty to the Senate, quotes it in this language: "The conditions of these treaties should be the free admission of such merchandise as this country does not produce, in return for the admission free or under a favored scheme of duties of our own products." But in this treaty there is an absence, a conspicuous absence, of the very conditions which in the message of the President are stated to be essential. The principal exports of these islands coming in free and at a very low duty would compete, and that most injuriously, with a large number of our home productions. As in the case of tea and coffee, the foreign producer will save the amount of the duty. Sugar, tobacco, and the principal West Indian products will be no cheaper in our markets, but in this case, in addition to our loss of the revenue—very large—from these islands, there is the needless infliction of positive injury upon many of our home industries.

But what are the promised compensations to us for the destruction of some of our valuable industries and the injury of others and the relinquishment for the sole advantage of Spain and her dependencies of $20,000,000 to $30,000,000 of revenue.

We are promised a removal of some of the disabilities and restrictions to which our shipping interests are now subject in the trade with those islands and equal advantages in it with the Spanish flag; and yet is not the value of this concession greatly overestimated? Must not such a country remain, as she now is, a small consumer of those commodities which we most need a market for? Our total exports in 1883 to these islands were only $14,567,918. A high duty is still retained on our cereals, and our manufacturers will have to meet in Cuban markets, as they now do, the sharp competition of manufacturing Europe.

In respect to that competition also there seems to be no adequate discrimination in our favor.

We recognize the necessity of enlarged markets. The increasing volume of our products must be absorbed somewhere, but it would be a fatal policy to seek this abroad at the sacrifice of vital interests at home. Our best and largest market is the home market. The preservation and the enlargement of that is the first dictate of a true American policy. A successful external policy must start from that economic premise.

The proposed treaty, in our judgment, will not stand that test and should be rejected.

We therefore respectfully request, in behalf of most important interests we represent, your earnest efforts to that end.

Mr. HOAR presented a petition of William F. Bartlett Post, No. 99, Grand Army of the Republic, Department of Massachusetts, praying for the publication, in the Official Records of the War of the Rebellion, of photographic illustrations; which was referred to the Committee on Military Affairs.

He also presented the petition of Eugene Dickinson, of Elliott, Iowa, praying for the passage of an act of Congress authorizing the payment to him of certain moieties of fines for information given by him to the Government of parties engaged in illicit trade in spirits; which was referred to the Committee on Finance.

Mr. PENDLETON. I present certain petitions in favor of the ratification of what is commonly known as the Spanish treaty, from Motley & Sterling, of New York; the Pioneer Iron Works, of Brooklyn, N. Y., and the Jersey City Wheel Foundery and Machine Works, of Jersey City, N. J. I move that the petitions be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PENDLETON. I present memorials from cigar-makers of the city of Norwalk, Ohio, and the city of Columbus, Ohio, of the city of Cincinnati, and the city of Akron, Ohio, and of Massillon, Ohio, Germantown, Ohio, Sandusky, Ohio, and of a mass-meeting of cigar-makers of the city of New York, and also of the New York Leaf-Tobacco Board of Trade, all remonstrating against the ratification of the Spanish reciprocity treaty. I move that the memorials be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HARRISON presented a memorial of the Cigar-makers' Union, at Vincennes, Ind., remonstrating against the ratification of the reciprocity treaty between Spain and the United States; which was referred to the Committee on Foreign Relations.

Mr. PLUMB presented a petition of the Western Miami Indians, praying to be reimbursed certain money alleged to have been unlawfully taken from them; which was referred to the Committee on Indian Affairs.

Mr. CONGER presented the petition of Knorr & Steffens, B. Landingham & Son, Charles Groesbeck, and Snook & Robinson, of Mount Clemens and Fraser, Macomb County, Michigan, praying for a modification of the sugar clause of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 2485) authorizing the Secretary of the Treasury to compensate clerks and employés for extra work performed in the exchange of bonds in the Department; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. PLUMB introduced a bill (S. 2486) granting a pension to William L. Clarke; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2487) to establish an additional land district in Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON, of Pennsylvania, introduced a bill (S. 2488) to remove the charge of desertion against William H. McBride, late private Company F, Seventeenth Pennsylvania Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. PLUMB, it was

Ordered, That Henry W. Hoffman, late collector of the port of Baltimore, have leave to withdraw his memorial and other papers, in his claim for relief as such collector, from the files of the Senate.

COMPILATION OF INTERNAL-REVENUE LAWS.

Mr. VANCE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,000 copies of the compilation of the internal-revenue laws of the United States, with a history of the legislation in regard thereto from the organization of the Government to the present time, by D. R. Goodloe; of which 200 copies shall be for the use of the Senate, 700 copies for the use of the House of Representatives, and 100 copies for the use of the Treasury Department.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays.

RIGHTS IN LAND GRANTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII, commencing with Order of Business 338, being the bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress. The Chair will state that the Senator from Alabama [Mr. MORGAN] not now in his seat previously asked unanimous consent that this bill stand over, retaining its place. If there be no objection it will be again passed over, retaining its place on the Calendar under Rule VIII.

HOUSE PENSION BILLS.

Mr. BECK. I should like to make a suggestion to the Senate and ask unanimous consent to have it carried out. I have been requested in one or two pension cases which have passed the House and have been reported by the Senate committee without amendment to endeavor to urge their passage before the Christmas holidays, and in one or two cases I said I thought it would surely be done. What I propose now is to ask unanimous consent to take up—I do not like to ask to take up one pension case, but the pension cases, the unobjected cases which have passed and have been reported to the Senate without amendment.

Mr. HOAR. May I ask the Senator from Kentucky if he will favor me by withdrawing his request until the first matter on the Calendar is disposed of?

Mr. BECK. Oh, certainly.

Mr. HOAR. It is a matter of which I have some knowledge as it comes from my State, and I am obliged to be absent after to-day. If the Senator will wait until that is disposed of I shall be obliged to him.

Mr. BECK. Certainly, I shall be very glad to do so. The only reason why I made the suggestion in regard to the pension cases was to get them passed before the holidays if I could.

EDUCATIONAL FUND.

The bill (S. 1235) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education, was announced as regularly in order.

Mr. HOAR. That I suppose will go over. That is not the bill I meant. It is the next but one.

Mr. MORRILL. I ask unanimous consent that the bill be passed over.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that this bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none.

SOUTHERN MAIL CONTRACTORS.

The joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors was announced as next in order.

Mr. HOAR. The Senator who reported that is absent. I suggest that it go over and retain its place on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that this joint resolution be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

WILBUR F. STEELE.

The bill (S. 1543) for the relief of Wilbur F. Steele was considered as in Committee of the Whole. It provides that all the right, title, and interest of the United States in and to the west half of section 16, in township 129 north, of range 73 west, containing three hundred and twenty acres, in the Bismarck district, Territory of Dakota, shall be granted and confirmed to Wilbur F. Steele, his heirs or assigns, of Steele, Dak., upon the payment to the United States for the land at the rate of $2.50 per acre.

The bill was reported from the Committee on Public Lands with an amendment, at the end of section 3 to add:

Said selections to be made according to legal subdivisions and contiguous.

So as to make the section read:

That upon the passage of this act the Territory of Dakota, through its proper officer, shall be, and is hereby, authorized to select as indemnity for said land, and in full satisfaction thereof, and for the purpose stated in section 1946 of the Revised Statutes, one half section, or three hundred and twenty acres, of public lands, at any office in said Territory, said selections to be made according to legal subdivisions, and contiguous.

The amendment was agreed to.

Mr. CONGER. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is not any written report.

Mr. CONGER. Perhaps the Senator who reported it will explain it.

Mr. PLUMB. The bill was introduced by the Senator from Michigan, and I suppose it will not be necessary to give him a recital of the facts, but I can explain it in a very few minutes.

Before the lands were surveyed, or at all events at a time when the boundaries were insufficiently marked, Mr. Steele went upon this land supposing it to be section 17 in place of section 16. He has placed upon the land a very large and valuable improvement, amounting to many thousands of dollars. He now asks to be authorized to purchase the land, which he expected to be able to do when he located upon it, and this bill gives the Territory of Dakota the right to select other lands in place of it.

Mr. CONGER. I see that I introduced the bill by request.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF NEWTON.

Mr. VOORHEES. I see there are seven pension bills passed by the House which are on our Calendar reported from our committee without any amendment, and I should like to ask the Senate to consent to take them up and pass them.

Mr. HOAR. The Senator from Kentucky [Mr. BECK] made that request, but generously consented to defer it until after the disposition of the next case on the Calendar, as I am obliged to go away.

Mr. VOORHEES. I thought the Senator from Massachusetts was through with his case.

Mr. HOAR. I thought when I made the request that it was the next case on the Calendar. It is the one now coming up.

Mr. VOORHEES. I defer with pleasure. I thought the Senate had acted on it.

The PRESIDENT *pro tempore*. The next case on the Calendar will be announced.

The bill (S. 1331) making an appropriation for the relief of the First National Bank of Newton, Mass., was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims, with an amendment, in section 2, line 1, to strike out "seventy-five" and insert "forty-nine" before "thousand;" and after the word "thousand" to insert "and thirty-nine and ninety-five hundredths;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest at the rate of 5 per cent. per annum on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States, in the sum of $371,025, from March 1, 1867, to the date of payment.

SEC. 2. That the sum of $249,039.95 is hereby appropriated for the purposes set forth in section 1, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. JACKSON March 17, 1884:

The Committee on Claims, to whom was referred the bill (S. 1331) making appropriations for the relief of the First National Bank of Newton, Mass., have considered the same, and respectfully report:

That on and prior to February 28, 1867, Julius F. Hartwell was cashier of the United States subtreasury in Boston, Mass. While acting as such cashier he embezzled a large amount of the Government's money by lending the same to the firm of Mellon, Ward & Co., who were extensively engaged in stock speculations. As the time for the examination of the funds in the subtreasury approached, March 1, 1867, when Hartwell's accounts would have to be passed, some plan had to be devised by the guilty parties to prevent or delay exposure. The device resorted to and put in operation was to procure funds and assets of innocent third parties to be placed temporarily on deposit in the subtreasury till the examination was had, and then to be immediately withdrawn again, and thus tide Hartwell and his associates in the embezzlement over the crisis.

Edward Carter, the active financial member of said firm of Mellon, Ward & Co., who concocted this scheme with Hartwell, was a director in the First National Bank of Newton, and seems to have possessed not only the confidence of, but unlimited influence over, E. Porter Dyer, the cashier of said bank. By means of this confidence and influence, and in execution of his and Hartwell's fraudulent conspiracy, Carter procured from Dyer the money, bonds, securities, and checks of the First National Bank of Newton, to the amount of $371,025, which were deposited in the subtreasury on February 28, 1867, Hartwell giving a receipt therefor, as cashier, that the deposit was "to be returned on demand in governments, or bills, or its equivalent." This receipt being in the name of Mellon, Ward & Co., was immediately indorsed by Carter as follows: "Pay only to the order of E. Porter Dyer, jr., cashier," and signed, Mellon, Ward & Co.

This deposit of its funds and assets was made without the knowledge and consent of the president and directors of the First National Bank of Newton. Hartwell's default was discovered on the night of February 28, and on March 1, 1867, when Dyer presented the above receipt and demanded its redemption, payment was refused, and the bank's funds and securities were held and applied by the Government to make good Hartwell's default. The capital stock of the bank was $150,000. It was doing and for years had done a prosperous and profitable business, but this fraudulent misapplication and appropriation of its assets ruined the institution, and on March 11, 1867, it was placed in the hands of a receiver, and, to make good its losses and provide the means to discharge its debts, the stockholders were compelled to pay in a second time the amount of their respective holdings of its capital stock. On February 24, 1873, the First National Bank of Newton filed its petition in the Court of Claims against the United States to recover the amount of its funds and assets so deposited in the subtreasury, and appropriated by the Government. The case was heard in December, 1880, and judgment was rendered in favor of the bank January 24, 1881, for the full amount of principal claimed, namely, $371,025.

The full details of the conspiracy and transaction by which the Government, through the fraud of its agent, wrongfully got possession of the bank's assets are clearly set forth in 10 Court of Claims reports, page 519; 96 United States Supreme Court reports, 30, and 16 Court of Claims Reports, page 54, to which reference is here made for a more complete statement of the facts than hereinabove stated. In delivering the opinion of the Court of Claims in the bank's suit, Chief-Justice Drake characterized the taking of its assets as a "villainous scheme," and the transaction as "simply a case of a bank being robbed, and of its stolen assets being put into the hands of the cashier of the subtreasury for a purpose which by no possible view could in law be held to effect a transfer of the bank's right of property in them either to him or to the United States." That the United States could not derive a benefit from the fraudulent act of their cashier or lawfully withhold the funds thus obtained admitted of no question either in law or morals. After referring to many of the authorities on the question, the Supreme Court (96 United States Reports, page 36) say, in conclusion:

"But surely it ought to require neither argument nor authority to support the proposition, that where the money or property of an innocent person has gone into the coffers of the nation by means of a fraud to which its agent was a party, such money or property can not be held by the United States against the claim of the wronged and injured party. The agent was agent for no such purpose. His doings were vitiated by the underlying dishonesty and could confer no rights upon his principal."

On the 28th April, 1881, a duly certified copy of the bank's judgment against the United States was presented to the Secretary of the Treasury, as provided by law. Before its payment the now Attorney-General of the United States, in March, 1881, entered an appeal to the Supreme Court. This appeal seems to have been taken for the purpose of enabling him to examine the case. After making such examination and finding the case undistinguishable from that reported in 96 United States Reports above cited, the appeal, which had been in the mean time entered in the Supreme Court, was, on his motion, dismissed in that court October 25, 1881.

Thereafter, on October 29, 1881, the sum of $260,000 was paid, on account of this judgment, by the Treasurer of the United States, that being the only amount available under the appropriation then existing. The balance of $111,025 was paid August 30, 1882.

Such is a brief history of the case. The bill under consideration proposes to pay the bank interest on the amount of its funds so taken and appropriated by the United States, from date of conversion to time of payment. The Court of Claims was not authorized to award such interest, its jurisdiction in the matter of "interest" being confined to cases of contract expressly stipulating for the payment of interest. It will hardly be insisted that this restriction upon one of its tribunals settles either the question of the Government's liability or the measure of its duty in a case like the present, where the contract relation is not voluntarily assumed by the party making the claim. The Government may with propriety refuse to recognize any obligation to pay interest to those who voluntarily deal with it, without expressly stipulating for the payment of interest.

But the question of its obligation to make indemnity by the allowance of interest, where the creditor relation is forced upon the individual by the wrongful act of the Government or its agents, stands upon a different footing, and should be determined by the general principles of the public law and the rules of natural justice and equity applicable to the facts and circumstances of the particular case. Ordinarily, the Government can not and should not be made responsible, to the extent of individuals, for the wrongful acts of its officers or agents. But this rule can not be justly invoked to shield or protect the Government from the measure of responsibility applied to private persons, where it has adopted such wrongful acts and derived an advantage and benefit therefrom. Where the Government has profited by the fraud of its agent, why should it deny to the injured party the full redress that courts of equity would afford as between individuals and private corporations? In the jurisprudence of all civilized countries the general doctrine is well settled that any one—except a *bona fide* purchaser for value and without notice—who obtains possession of property which has been procured from the owner by fraudulent means or practices is converted by the courts into a trustee, and ordered to account as such; or, as stated by Perry on Trusts, section 166, the principle "denotes that the parties defrauded, or beneficially entitled, have the same right and remedies against him as they would be entitled to against an express trustee who had fraudulently committed a breach of trust." Whenever the principal adopts the fraudulent act of his agent, or attempts to reap an advantage therefrom, his liability is properly measured by this rule. Indeed (says Perry on Trusts, 172), the doctrine has been thus broadly stated:

"That when once a fraud has been committed, not only is the person who committed the fraud precluded from deriving any benefit from it, but every innocent person is so likewise, unless he has innocently acquired a subsequent interest; for a third person by seeking to derive any benefit under such a transaction, or to retain any benefit resulting therefrom, becomes *particeps criminis*, however innocent of the fraud in the beginning."

It would not admit of a moment's doubt that in the present case interest would have been awarded the bank as against the agent committing the fraud. It is also clear that as against any private principal occupying the position of the Government the bank could and would have received interest. Why should not the Government, standing as it does under this transaction in the attitude of a trustee if not a *particeps criminis*, be held to the same measure of responsibility and redress? Nothing short of this will meet the justice of the case or afford the equitable relief to which the bank is justly entitled. A great Government like ours, with unlimited resources and revenues at its command, should above all things deal justly with its citizens. It should not stand upon technicalities in withholding property or funds which may have wrongfully come into its possession. It should never make for itself a profit or secure and retain an advantage through the fraud of its agents or by any breach of trust which has worked a wrong and injury. It should in such cases make such reparation as its courts would enforce as between individuals.

The American counsel at Geneva successfully claimed interest upon the amounts awarded to the United States against Great Britain. The counsel for Great Britain, while objecting to the application of the principle allowing interest, distinguished between cases where, in their view, it should and should not be allowed, in language strikingly applicable here; and attention is called to it as being a concession, on the part of a party objecting to the allowance of interest, which covers the present case, as follows:

"Interest, in the proper sense of that word, can only be allowed where there is a principal debt of liquidated and ascertained amount detained and withheld by the debtor from the creditor after the time when it was absolutely due and ought to have been paid, the fault of the delay in payment resting with the debtor; or where the debtor has wrongfully taken possession of and exercised dominion over the property of the creditor. In the former case, from the time when the debt ought to have been paid, the debtor has had the use of the creditor's money, and may justly be presumed to have employed it for his own profit and advantage. He has thus made again corresponding with the loss which the creditor has sustained by being deprived, during the same period of time, of the use of his money; and it is evidently just that he should account to the creditor for the interest which the law takes as the measure of this reciprocal gain and loss. In the latter case, the principle is exactly the same. It is ordinarily to be presumed that the person who has wrongfully taken possession of the property of another has enjoyed the fruits of it; and if, instead of this, he has destroyed it or kept it unproductive, it is still just to hold him responsible for interest on its value, because his own acts, after the time when he assumed control over it, are the causes why it has remained unfruitful. In all these cases, it is the actual or virtual possession of the money or property belonging to another which is the foundation of the liability of interest. The person liable is either *lucratus* by the detention of what is not his own, or is justly accountable as if he were so."

In the case under consideration, the funds of the bank—an amount fixed and liquidated—have been wrongfully withheld for many years, during which the Government has gained and used them, and to that extent has made or saved interest, of which the bank throughout the same period lost such interest. In allowing interest at a low rate the bank will receive only (or less than) what it was unjustly deprived of, while the United States will only yield up what it has received or saved that rightfully belonged to the bank, for it can not be questioned that the use of the principal sum has put the Government in receipt of additional funds to the amount of the value of such use. The claim is thus brought within the general principle so clearly and forcibly stated in the above-quoted extract from the council of Great Britain.

In this statement of the proposition which should govern the present case it is hardly necessary to say that the committee do not wish to be understood as even suggesting that the same rule could or should be applied to that large class of cases known as war claims. They stand entirely upon a different footing. Every man, woman, and child residing, during the war, in the insurrectionary territory became thereby an enemy of the United States. The Government could have asserted against each and all of them the extremest measures conceded by the public law to belligerents. That it did not adopt this policy, but modified the harsher rules of war, by which it waived some of its belligerent rights, could not be made in any case the basis of a claim for interest, nor lay the ground for the payment of interest. Take, for illustration, the captured and abandoned property cases. This property and its proceeds, under the modern rules of war, could have been appropriated to the absolute use of the Government. Instead of pursuing this course, the Government, in a spirit of liberality, adopted the generous policy of making itself a depository of these funds, to be held for the benefit of the real owners. The proposition to allow interest on such claims should not and would not be entertained for a moment.

It can not be properly urged as an objection to this claim for interest that the bank should be held responsible to some extent for the unfaithfulness of the cashier whom it has selected and intrusted with certain well-defined duties in respect of its funds and assets. No want of care is shown in making the selection. There was nothing in his previous conduct to excite suspicion or put the bank upon inquiry or notice so as to charge it with any degree of negligence in retaining him in its employ. The doctrine of contributory negligence is sometimes looked to and considered in the determination of the better equity as between two innocent parties who have been defrauded by a third party who has been trusted by both. If there had been no previous default on the part of Hartwell, and he had on the night of February 28, 1867, embezzled the funds and assets of the bank that day deposited with him by Carter and Dyer, the Government and the bank might then have occupied the position of two innocent parties, whose equities would have to be determined and settled to some extent by the question of negligence in the employment of unfaithful agents.

But that is not the present case. The Government had already lost its money by the previous embezzlement of its cashier of the subtreasury, and then, through the corrupt influence of that same agent and his confederate, the bank's agent is tempted, by a "villainous scheme," into a breach of his trust, by means of which the Government obtains possession of the bank's entire assets, and wrongfully appropriates them in making good its previous losses. It would be shocking to every sense of right and justice for the Government now to urge that the unfaithfulness of the bank's trusted agent was a bar or valid defense to its liability and duty to refund either the principal or interest of the funds so procured and converted to its own use. Your committee have too much regard for the honor and good name of the Government to allow it to occupy a position so questionable. It should be observed, too, that the decision of its own courts declaring that the Government could not rightfully hold the assets so fraudulently obtained, has really disposed of this question of negligence, which applied with equal force to the recovery of the principal as to the interest.

To the objection that the allowance of this claim for interest will establish a

bad precedent, the reply of Mr. Sumner to a similar objection is a complete answer:

"If the claim is just, the precedent of paying it is one which our Government should wish to establish. Honesty and justice are not precedents of which either Government or individuals should be afraid." (Senate Report No. 4, Forty-first Congress, first session, page 10.)

But it is respectfully submitted that there are abundant precedents, both in the judicial and in the legislative branches of the Government, to support the present application for the allowance of interest. The prevalent idea that "the Government never pays interest" has grown up from the practice of the Departments, which do not allow interest except where it is specially provided for in cases of contracts or expressly authorized by law. But this usage and custom of the Executive Departments can not be properly regarded as the settled rule and policy of the Government, for its action upon the subject of interest has not from the earliest times conformed to such usage. On the contrary, it will be found, upon an examination of the precedents where Congress has passed acts for the relief of private citizens, that in almost every case, except those growing out of the late war, Congress has directed the payment of interest where the United States had withheld a sum of money which had been decided by competent authority to be due, or where the amount due was ascertained, fixed, and certain. The highest court of the country has also affirmed this to be not only the practice of the Government but the measure of its duty. Thus, in 15 Wallace, page 77, where the suit was against a United States collector for the recovery of taxes illegally collected, the Supreme Court used the following language upon the subject of interest allowed on the claim, namely:

"The third exception is to the instruction that if the jury found for plaintiff they might add interest. This was not contested upon the argument, and we think it clearly correct. The ground for the refusal to allow interest is the presumption that the Government is always ready and willing to pay its ordinary debts. Where an illegal tax has been collected the citizen who has paid it and has been obliged to bring suit against the collector is entitled to interest in the event of recovery from the time of the alleged exaction."

On June 8, 1872, Congress referred the claim of the heirs of Francis Vigo to the Court of Claims, in the following language:

"The claim of the heirs and legal representatives of Col. Francis Vigo, deceased, late of Terre Haute, Ind., for money and supplies furnished the troops under command of General George Rogers Clarke, in the year 1778, during the Revolutionary war, be, and the same hereby is, referred, along with all the papers and official documents belonging thereto, to the Court of Claims, with full jurisdiction to adjust and settle the same; and in making such adjustment and settlement, the said court shall be governed by the rules and regulations heretofore adopted by the United States in the settlement of like cases, giving proper consideration to official acts, if any have heretofore been had in connection with this claim, and without regard to the statutes of limitation."

The Court of Claims allowed the claim with interest thereon from the time it accrued, and, among other facts, found that—

"No rules and regulations have heretofore been adopted by the United States in the settlement of like cases except such as may be inferred from the policy of Congress when passing private acts for the relief of various persons. When passing such private acts, Congress has allowed interest upon the claim up to the time that the relief was granted."

The Attorney-General appealed from this judgment, awarding interest, but the decision of the court below was affirmed by the Supreme Court at the October term, 1875. (See 91 U. S. Rep., p. 443 *et seq.*) In delivering the opinion of the Supreme Court, Mr. Justice Miller says:

"It has been the general rule of the officers of Government, in adjusting and allowing unliquidated and disputed claims against the United States, to refuse to give interest. That this rule is sometimes at variance with that which governs the acts of private citizens in a court of justice would not authorize us to depart from it in this case. The rule, however, is not uniform; and especially is it not so in regard to claims allowed by special acts of Congress, or referred by such acts to some Department or officer for settlement."

This was the reference to unliquidated and unadjusted claims. Where the Government, by and through the fraud of its agents, gets possession and withholds from the rightful owner an ascertained, fixed, and certain amount, the claim for interest certainly stands upon higher equitable grounds than in the cases cited. The finding by the Court of Claims that the policy of the Government, as shown by the general rule pursued by Congress in passing acts for the relief of private claims, was to allow interest, is supported by the precedents.

Your committee, upon this proposition, beg leave to refer to and adopt this portion of House Report 391, Forty-third Congress, first session, which discusses the subject of interest as follows:

"THE OBLIGATION TO PAY INTEREST ON THE AMOUNT AWARDED THE CHOCTAW NATION.

"Your committee have given this question a most careful examination, and are obliged to admit and declare that the United States can not, in equity and justice, nor without national dishonor, refuse to pay interest upon the moneys so long withheld from the Choctaw Nation. Some of the reasons which force us to this conclusion are as follows:

"1. The United States acquired the lands of the Choctaw Nation on account of which the said award was made on the 27th day of September, 1830, and it has held them for the benefit of its citizens ever since.

"2. The United States had in its Treasury, many years prior to the 1st day of January, 1859, the proceeds resulting from the sale of the said lands, and have enjoyed the use of such moneys from that time until now.

"3. The award in favor of the Choctaw Nation was an award under a treaty, and made by a tribunal whose adjudication was final and conclusive. (Comegys vs. Vasse, 1 Peters, 193.)

"4. The obligations of the United States, under its treaties with the Indian nations, have been declared to be equally sacred with those made by treaties with foreign nations. (Worcester vs. The State of Georgia, 6 Peters, 582.) And such treaties, Mr. Justice Miller declares, are to be construed liberally. (The Kansas Indians, 5 Wall., 737-760.)

"5. The engagements and obligations of a treaty are to be interpreted in accordance with the principles of the public law, and not in accordance with any municipal code or executive regulation. No statement of this proposition can equal the clearness or force with which Mr. Webster declares it in his opinion on the Florida claims, attached to the report in the case of Letitia Humphreys (Senate report No. 93, first session Thirty-sixth Congress, page 16). Speaking of the obligation of a treaty, he said:

"'A treaty is the supreme law of the land. It can neither be limited nor restrained, nor modified, nor altered. It stands on the ground of national contract, and is declared by the Constitution to be the supreme law of the land, and this gives it a character higher than any act of ordinary legislation. It enjoys an immunity from the operation and effect of all such legislation.

"'A second general proposition, equally certain and well established, is that the terms and the language used in a treaty are always to be interpreted according to the law of nations, and not according to any municipal code. This rule is of universal application. When two nations speak to each other they use the language of nations. Their intercourse is regulated, and their mutual agreements and obligations are to be interpreted by that code only which we usually denominate the public law of the world. The public law is not one thing at Rome, another at London, and a third at Washington. It is the same in all civilized States; everywhere speaking with the same voice and the same authority.'

"Again, in the same opinion, Mr. Webster used the following language:

"'We are construing a treaty, a solemn compact between nations. This compact between nations, this treaty, is to be construed and interpreted throughout its whole length and breadth, in its general provisions, and in all its details, in every phrase, sentence, word, and syllable in it, by the settled rules of the law of nations. No municipal code can touch it, no local municipal law affect it, no practice of an administrative department come near it. Over all its terms, over all its doubts, over all its ambiguities, if it have any, the law of nations "sits arbitress."'

"6. By the principles of the public law interest is always allowed as indemnity for the delay of payment of an ascertained and fixed demand. There is no conflict of authority upon this question among the writers on public law.

"This rule is laid down by Rutherford in these terms:

"'In estimating the damages which any one has sustained, when such things as he has a perfect right to are unjustly taken from him, or withholden, or intercepted, we are to consider not only the value of the thing itself, but the value likewise of the fruits or profits that might have arisen from it. He who is the owner of the thing is likewise the owner of the fruits or profits. So that it is as properly a damage to be deprived of them as it is to be deprived of the thing itself.' (Rutherford's Institutes, Book 1, chap. 17, sec. 5.)

"In laying down the rule for the satisfaction of injuries in the case of reprisals, in making which the strictest caution is enjoined not to transcend the clearest rules of justice, Mr. Wheaton, in his work on the law of nations, says.

"'If a nation has taken possession of that which belongs to another, if it refuses to pay a debt, to repair an injury or to give adequate satisfaction for it, the latter may seize something of the former and apply it to [his] its advantage, till it obtains payment of what is due, together with interest and damages.' (Wheaton on International Law, p. 341.)

"A great writer, Domat, thus states the law of reason and justice on this point:

"'It is a natural consequence of the general engagement to do wrong to no one that they who cause any damages by failing in the performance of that engagement are obliged to repair the damage which they have done. Of what nature soever the damage may be, and from what cause soever it may proceed, he who is answerable for it ought to repair it by an *amende* proportionable either to his fault or to his offense or other cause on his part, and to the loss which has happened thereby.' (Domat, Part 1, Book III, Tit. V., 1900, 1903.)

"'Interest' is, in reality, in justice, in reason, and in law, too, a part of the debt due. It includes, in Pothier's words, the loss which one has suffered, and the gain which he has failed to make. The Roman law defines it as *quantum mea interfuit; id est, quantum mihi abest, quantumque lucraci portui.* The two elements of it were termed *lucrum cessans et damnum emergens.* The payment of both is necessary to a complete indemnity.

"Interest, Domat says, is the reparation or satisfaction which he who owes a sum of money is bound to make to his creditor for the damage which he does him by not paying him the money he owes him.

"It is because of the universal recognition of the justice of paying, for the retention of moneys indisputably due and payable immediately, a rate of interest considered to be a fair equivalent for the loss of its use, that judgments for money everywhere bear interest. The creditor is deprived of this profit, and the debtor has it. What greater wrong could the law permit than that the debtor should be at liberty indefinitely to delay payment, and, during the delay, have the use of the creditor's moneys for nothing? They are none the less the creditor's moneys because the debtor wrongfully withholds them. He holds them, in reality and essentially, in trust; and a trustee is always bound to pay interest upon money so held.

"In closing these citations from the public law, the language of Chancellor Kent seems eminently appropriate. He says: 'In cases where the principal jurists agree, the presumption will be very great in favor of the solidity of their maxims, and no civilized nation that does not arrogantly set all ordinary law and justice at defiance will venture to disregard the uniform sense of established writers on international law.'

"7. The practice of the United States in discharging obligations resulting from treaty stipulations has always been in accord with these well-established principles. It has exacted the payment of interest from other nations in all cases where the obligation to make payment resulted from treaty stipulations, and it has acknowledged that obligation in all cases where a like liability was imposed upon it.

The most important and leading cases which have occurred are those which arose between this country and Great Britain: the first under the treaty of 1794, and the other under the first article of the treaty of Ghent. In the latter case the United States, under the first article of the treaty, claimed compensation for slaves and other property taken away from the country by the British forces at the close of the war in 1815. A difference arose between the two governments which was submitted to the arbitrament of the Emperor of Russia, who decided that "the United States of America are entitled to a just indemnification from Great Britain for all private property carried away by the British forces." A joint commission was appointed for the purpose of hearing the claims of individuals under this decision. At an early stage of the proceedings the question arose as to whether interest was a part of that "just indemnification" which the decision of the Emperor of Russia contemplated. The British commissioner denied the obligation to pay interest. The American commissioner, Langdon Cheves, insisted upon its allowance, and in the course of his argument upon this question said:

"Indemnification means a reimbursement of a loss sustained. If the property taken away on the 17th of February, 1815, were returned now uninjured it would not reimburse the loss sustained by the taking away and consequent detention; it would not be an indemnification. The claimant would still be unindemnified for the loss of the use of his property for ten years, which considered as money is nearly equivalent to the original value of the principal thing."

Again he says:

"If interest be an incident usually attendant on the delay of payment of debts, damages are equally an incident attendant on the withholding an article of property."

In consequence of this disagreement the commission was broken up, but the claims were subsequently compromised by the payment of $1,204,960, instead of $1,250,000 as claimed by Mr. Cheves; and of the sum paid by Great Britain $418,000 was expressly for interest.

An earlier case, in which this principle of interest was involved, arose under the treaty of 1794, between the United States and Great Britain, in which there was a stipulation on the part of the British Government in relation to certain losses and damages sustained by American merchants and other citizens, by reason of the illegal or irregular capture of their vessels or other property by British cruisers; and the seventh article provided in substance that "full and complete compensation for the same will be made by the British Government to the said claimants."

A joint commission was instituted under this treaty which sat in London, and by which these claims were adjudicated. Mr. Pinckney and Mr. Gore were commissioners on the part of the United States, and Dr. Nicholl and Dr. Swabey on the part of Great Britain; and it is believed that in all instances this commission allowed interest as a part of the damage. In the case of The Betsey, one of the cases which came before the board, Dr. Nicholl stated the rule of compensation as follows:

"'To reimburse the claimants the original cost of their property, and all the expenses they have actually incurred, together with the interest on the whole amount, would, I think, be a just and adequate compensation. This, I believe,

is the measure of compensation usually made by all belligerent nations, and accepted by all neutral nations, for losses, costs, and damages occasioned by illegal captures.' (Vide Wheaton's Life of Pinckney, page 198; also 265, note, and page 371.)

"By a reference to the American State Papers, Foreign Relations, vol. 2, pages 119, 120, it will be seen by a report of the Secretary of State of the 16th February, 1798, laid before the House of Representatives, that interest was awarded and paid on such of these claims as had been submitted to the award of Sir William Scott and Sir John Nicholl, as it was in all cases by the board of commissioners. In consequence of some difference of opinion between the members of this commission, their proceedings were suspended until 1802, when a convention was concluded between the two governments, and the commission reassembled, and then a question arose as to the allowance of interest on the claims during the suspension. This the American commissioners claimed, and though it was at first resisted by the British commissioners, yet it was finally yielded, and interest was allowed and paid. (See Mr. King's three letters to the Secretary of State, of 25th March, 1803, 23d April, 1803, and 30th April, 1803, American State Papers, Foreign Relations, vol. 2, pages 397 and 398.)

"Another case in which this principle was involved arose under the treaty of the 27th October, 1795, with Spain; by the twenty-first article of which, 'in order to terminate all differences on account of the losses sustained by citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner,' &c. The commissioners were to be chosen, one by the United States, one by Spain, and the two were to choose a third, and the award of the commissioners, or any two of them, was to be final, and the Spanish Government to pay the amount in specie.

"This commission awarded interest as part of the damages. (See American State Papers, vol. 2, Foreign Relations, page 283.) So in the case of claims of American citizens against Brazil, settled by Mr. Tudor, United States minister, interest was claimed and allowed. (See Ex. Doc., first session Twenty-fifth Congress, House Reps., Doc. 32, page 249.)

"Again, in the convention with Mexico of the 11th April, 1839, by which provision was made by Mexico for the payment of claims of American citizens for injuries to persons and property by the Mexican authorities, a mixed commission was provided for, and this commission allowed interest in all cases. (House Ex. Doc. 291, Twenty-seventh Congress, second session.)

"So also under the treaty with Mexico of February 2, 1848, the board of commissioners for the adjustment of claims under that treaty allowed interest in all cases from the origin of the claim until the day when the commission expired.

"So also under the convention with Colombia, concluded February 10, 1864, the commission for the adjudication of claims under that treaty allowed interest in all cases as a part of the indemnity.

"So under the recent convention with Venezuela, the United States exacted interest upon the awards of the commission, from the date of the adjournment of the commission until the payment of the awards.

"The mixed American and Mexican commission, now in session here, allows interest in all cases from the origin of the claim, and the awards are payable with interest.

"Other cases might be shown in which the United States or their authorized diplomatic agents have claimed interest in such cases, or where it has been paid in whole or in part. (See Mr. Russell's letter to the Count de Engstein of October 5, 1818, American State Papers, vol. 4, p. 639, and proceedings under the convention with the Two Sicilies of October, 1832, Elliot's Dip. Code, p. 625.)

"It can hardly be necessary to pursue these precedents further. They sufficiently and clearly show the practice of this Government with foreign nations, or with claimant under treaties.

"Eighth. The practice of the United States in its dealings with the various Indian tribes or nations has been in harmony with these principles.

"In all cases where money belonging to Indian nations has been retained by the United States, it has been so invested as to produce *interest*, for the benefit of the nation to which it belongs; and such interest is *annually* paid to the nation who may be entitled to receive it.

"Ninth. The United States in adjusting the claim of the Cherokee Nation for a balance due na purchase-money upon lands ceded by that nation to the United States in 1835, allowed interest upon the balance due them, being $189,422.76, until the same was paid.

"The question was submitted to the Senate of the United States, as to whether interest should be allowed them. The Senate Committee on Indian Affairs, in their report upon this subject, used the following language:

"'By the treaty of August, 1946, it was referred to the Senate to decide, and that decision to be final, whether the Cherokees shall receive interest on the sums found due them from a misapplication of their funds to purposes with which they were not chargeable, and on account of which improper charges the money has been withheld from them. It has been the uniform practice of this Government to pay and demand interest in all transactions with foreign governments, which the Indian tribes have always been said to be, both by the Supreme Court and all other branches of our Government, in all matters of treaty or contract. The Indians, relying upon the prompt payment of their dues, have, in many cases, contracted debts upon the faith of it, upon which they have paid, or are liable to pay, interest. If, therefore, they do not now receive interest on their money so long withheld from them they will in effect have received nothing.' (Senate Report No. 176, first session Thirty-first Congress, p. 78.)

"Tenth. That upon an examination of the precedents where Congress has passed acts for the relief of private citizens it will be found that in almost every case Congress has directed the payment of interest where the United States had withheld a sum of money which had been decided by competent authority to be due, or where the amount due was ascertained, fixed, and certain.

"The following precedents illustrate and enforce the correctness of this assertion and sustain this proposition:

"'1. An act approved January 14, 1793, provided that lawful interest from the 16th of May, 1776, shall be allowed on the sum of $300 ordered to be paid to Return J. Meigs and the legal representatives of Christopher Greene, deceased, by a resolve of the United States in Congress assembled on the 28th of September, 1785. (6 Stats. at Large, page 11.)

"'2. An act approved May 31, 1794, providing for a settlement with Arthur St. Clair, for expenses while going from New York to Fort Pitt and till his return, and for services in the business of Indian treaties, and 'allowed interest on the balance found to be due him.' (6 Stats. at Large, page 16.)

"'3. An act approved February 27, 1795, authorized the officers of the Treasury to issue and deliver to Angus McLean, or his duly authorized attorney, certificates for the amount of $254.43, bearing interest at 6 per cent., from the 1st of July, 1783, being for his services in the corps of sappers and miners during the late war. (6 Stats. at Large, p. 20.)

"'4. An act approved January 23, 1798, directing the Secretary of the Treasury to pay General Kosciusko an interest at the rate of 6 per cent. per annum on the sum of $13,230.54, the amount of a certificate due to him from the United States from the 1st of January, 1793, to the 31st of December, 1797. (6 Stats. at Large, p. 32.)

"'5. An act approved May 3, 1802, provided that there be paid Fulwar Skipwith the sum of $4,550, advanced by him for the use of the United States, with interest at the rate of 6 per cent. per annum from the 1st of November, 1795, at which time the advance was made. (6 Stats. at Large, p. 48.)

"'6. An act for the relief of John Coles, approved January 14, 1804, authorized the proper accounting officers of the Treasury to liquidate the claim of John Coles, owner of the ship Grand Turk, heretofore employed in the service of the United States, for the detention of said ship at Gibraltar from the 16th of May to the 4th of July, 1801, inclusive, and that he be allowed demurrage at the rate stipulated in the charter-party, together with the interest thereon. (6 Stat. at L., p. 50.)

"'7. An act approved March 3, 1807, provided for a settlement of the accounts of Oliver Pollock, formerly commercial agent for the United States at New Orleans, allowing him certain sums and commissions, with interest until paid. (6 Stat. at L., p. 65.)

"'8. An act for the relief of Stephen Sayre, approved March 3, 1807, provided that the accounting officers of the Treasury be authorized to settle the account of Stephen Sayre, as secretary of legation at the court of Berlin, in the year 1777, with interest on the whole sum until paid. (6 Stat. at L., p. 65.)

"'9. An act to, approved April 35, 1810, directed the accounting officers of the Treasury to settle the account of Moses Young, as secretary of legation to Holland in 1780, and providing that after the deduction of certain moneys paid him, the balance, with interest thereon, should be paid. (6 Stat. at L., page 89.)

"'10. An act approved May 1, 1810, for the relief of P. C. L'Enfant, directed the Secretary of the Treasury to pay to him the sum of $666, with legal interest thereon from March 1, 1792, as a compensation for his services in laying out the plan of the city of Washington. (6 Stat. at L., page 92.)

"'11. An act approved January 10, 1812, provided that there be paid to John Burnham the sum of $126.72, and the interest on the same since the 30th of May, 1796, which, in addition to the sum allowed him by the act of that date, is to be considered a reimbursement of the money advanced by him for his ransom from captivity in Algiers. (6 Stat. at L., page 101.)

"'12. An act approved July 1, 1812, for the relief of Anna Young, required the War Department to settle the account of Col. John Durkee, deceased, and to allow said Anna Young, his sole heiress and representative, said seven years' half pay, and interest thereon. (6 Stat. at L., page 110.)

"'13. An act approved February 25, 1813, provided that there be paid to John Dixon the sum of $229.84, with 6 per cent. per annum interest thereon from the 1st of January, 1785, "being the amount of a final-settlement certificate, No. 596, issued by Andrew Dunscomb, late commissioner of accounts for the State of Virginia, on the 23d of December, 1786, to Lucy Dixon, who transferred the same to John Dixon. (6 Stat. at L., page 117.)

"'14. An act approved February 25, 1813, required the accounting officers of the Treasury to settle the account of John Murray, representative of Dr. Henry Murray, and that he be allowed the amount of three loan-certificates for $1,000, with interest from the 20th of March, 1782, issued in the name of said Murray, signed Francis Hopkinson, treasurer of loans. (6 Stat. at L., page 117.)

"'15. An act approved March 3, 1813, directed the accounting officers of the Treasury to settle the accounts of Samuel Lapsley, deceased, and that they be allowed the amount of two final-settlement certificates, No. 78446, for $1,000, and No. 78447, for $1,500, and interest from the 23d day of March, 1783, issued in the name of Samuel Lapsley, by the commissioner of Army accounts for the United States on the 1st day of July, 1784. (6 Stat. at L., p. 119.)

"'16. An act approved April 13, 1814, directed the officers of the Treasury to settle the account of Joseph Brevard, and that he be allowed the amount of a final-settlement certificate for $183.23, dated February 1, 1785, and bearing interest from the 1st of January, 1783, issued to said Brevard by John Pierce, commissioner for settling Army accounts. (6 Stat. at L., p. 134.)

"'17. An act approved April 18, 1814, directed the receiver of public moneys at Cincinnati to pay the full amount of moneys, with interest, paid by Dennis Clark, in discharge of the purchase-money for a certain fractional section of land purchased by said Clark. (6 Stat. at L., 141.)

"'18. An act for the relief of William Arnold, approved February 2, 1815, allowed interest on the sum of $600 due him from January 1, 1783. (6 Stat. at L., 146.)

"'19. An act approved April 26, 1816, directed the accounting officers of the Treasury to pay to Joseph Wheaton the sum of $836.42, on account of interest due him from the United States upon $1,600.81, from April 1, 1807, to December 21, 1815, pursuant to the award of George Youngs and Elias B. Caldwell, in a controversy between the United States and the said Joseph Wheaton. (6 Stat. at L., 166.)

"'20. An act approved April 26, 1816, authorized the liquidation and settlement of the claim of the heirs of Alexander Roxburgh, arising on a final-settlement certificate issued on the 18th of August, 1784, for $480.87, by John Pierce, commissioner for settling Army accounts, bearing interest from the 1st of January, 1782. (6 Stat. at L., 167.)

"'21. An act approved April 14, 1818, authorized the accounting officer of the Treasury Department 'to review the settlement of the account of John Thompson,' made under the authority of an act approved the 11th of May, 1812, and 'to allow the said John Thompson interest at 6 per cent. per annum from the 4th of March, 1787, to the 20th of May, 1812, on the sum which was found due to him, and paid under the act aforesaid.' (6 Stat. at L., 208.)

"'22. An act approved May 11, 1820, directed the proper officers of the Treasury to pay to Samuel B. Beall the amount of two final-settlement certificates issued to him on the 1st day of February, 1785, for his services as a lieutenant in the Army of the United States during the Revolutionary war, together with interest on the said certificates, at the rate of 6 per cent. per annum, from the time they bore interest, respectively, which said certificates were lost by the said Beall, and remain yet outstanding and unpaid. (6 Laws of U. S., 510; 6 Stat. at L., 249.)

"'23. An act approved May 15, 1820, required that there be paid to Thomas Leiper the specie value of four loan-office certificates, issued to him by the commissioner of loans for the State of Pennsylvania, on the 27th of February, 1779, for $1,000 each; and also the specie value of two loan certificates, issued to him by the said commissioner on the 2d day of March, 1779, for $1,000 each, with interest at 6 per cent. annually. (6 Stat. at L., 252.)

"'24. An act approved May 7, 1822, provided that there be paid to the legal representatives of John Guthry, deceased, the sum of $123.30, being the amount of a final-settlement certificate, with interest at the rate of 6 per cent. per annum, from the 1st day of January, 1788. (6 Stat. at L., 259.)

"'25. An act for the relief of the legal representatives of James McClung, approved March 3, 1823, allowed interest on the amount due at the rate of 6 per cent. per annum from January 1, 1788. (6 Stat. at L., 284.)

"'26. An act approved March 3, 1823, for the relief of Daniel Seward, allowed interest to him for money paid to the United States for land to which the title failed, at the rate of 6 per cent. per annum from January 29, 1814. (6 Stat. at L., 286.)

"'27. An act approved May 5, 1824, directed the Secretary of the Treasury to pay to Amasa Stetson the sum of $6,215, "being for interest on moneys advanced by him for the use of the United States, and on warrants issued in his favor, in the years 1814 and 1815, for his services in the Ordnance and Quartermaster's Department, for superintending the making of Army clothing and for issuing the public supplies.' (6 Stat. at L., 298.)

"'28. An act approved March 3, 1824, directed the proper accounting officers of the Treasury to settle and adjust the claim of Stephen Arnold, David and George Jenks, for the manufacture of 3,925 muskets, with interest thereon from the 26th day of October, 1813. (6 Stat. at L., 331.)

"'29. An act approved May 20, 1826, directed the proper accounting officers of the Treasury to settle and adjust the claim of John Stemman and others, for the manufacture of 4,100 stand of arms, and to allow interest on the amount due from October 26, 1813. (6 Stat. at L., 345.)

"'30. An act approved May 20, 1826, for the relief of Ann D. Taylor, directed the payment to her of the sum of $854.15, with interest thereon at the rate of 6 per cent. per annum from December 30, 1786, until paid. (6 Stat. at L., 351.)

"'31. An act approved March 3, 1827, provided that the proper accounting officers of the Treasury were authorized to pay to B. J. V. Valkenburg the sum of $997.24, 'being the amount of fourteen indents of interest, with interest thereon from the 1st of January, 1791, to the 31st of December, 1826.' (6 Stat. at L., 365.)

"In this case the United States paid interest on interest.

"32. An act approved May 19, 1828, provided that there be paid to the legal representatives of Patience Gordon the specie value of a certificate issued in the name of Patience Gordon by the commissioner of loans for the State of Pennsylvania, on the 7th of April, 1778, with interest at the rate of 6 per cent. per annum from the 1st day of January, 1788. (7 Stat. at L., p. 378.)

"33. An act approved May 29, 1830, required the Treasury Department 'to settle the accounts of Benjamin Wells, as deputy commissary of issues at the magazine at Monster Mills, in Pennsylvania, under John Irvin, deputy commissary-general of the Army of the United States, in said State, in the Revolutionary war;' and that 'they credit him with the sum of $574.04, as payable February 9, 1779, and $326.67, payable July 20, 1780, in the same manner, and with such interest, as if these sums, with their interest from the times respectively as aforesaid, had been subscribed to the loan of the United States.' (6 Stats. at Large, 447.)

"34. An act approved May 19, 1832, for the relief of Richard G. Morris, provided for the payment to him of two certificates issued to him by Timothy Pickering, quartermaster-general, with interest thereon from the 1st of September, 1781. (6 States. at Large, 496.)

"35. An act approved July 4, 1832, for the relief of Aaron Snow, a Revolutionary soldier, provided for the payment to him of two certificates issued by John Pierce, late commissioner of Army accounts, and dated in 1784, with interest thereon. (6 Stats. at Large, 503.)

"36. An act approved July 4, 1832, provided for the payment to W. P. Gibbs of a final-settlement certificate dated January 30, 1784, with interest at 6 per cent. from the 1st of January, 1783, up to the passage of the act. This act went behind the final certificate and provided for the payment of interest anterior to its date. (6 Stats. at Large, 504.)

"37. An act approved July 14, 1832, directed the payment to the heirs of Ebenezer L. Warren of certains sums of money illegally demanded and received from the United States from the said Warren as one of the sureties of Daniel Evans, formerly collector of direct taxes; with interest thereon at the rate of 6 per cent. per annum from September 9, 1820. (6 Stats. at Large, 573.)

"38. An act for the relief of Hartwell Vick, approved July 14, 1832, directed the accounting officers of the Treasury to refund to the said Vick the money paid by him to the United States for a certain tract of land which was found not to be property of the United States, with interest thereon at the rate of 6 per cent. per annum, from the 23d day of May, 1818. (6 Stats. at Large, 523.)

"39. An act approved June 18, 1834, for the relief of Martin Bailey and others, directed the Secretary of the Treasury to pay to the parties therein named the sum of $4,837.61, being the amount of interest upon the sum of $200,000, part of a balance due from the United States to Elbert Anderson on the 26th day of October, 1814; also the further sum of $9,595.36, being the amount of interest accruing from the deferred payment of warrants issued for balances due from the United States to said Anderson from the date of such warrants until the payment thereof; also the further sum of $2,018.80, admitted to be due from the United States to the said Anderson by a decision of the Second Comptroller, with interest on the sum last mentioned from the period of such decision until paid. (6 Stats. at Large, 562.)

"40. An act approved June 10, 1834, directed the Secretary of the Treasury to pay balance of damages recovered against William C. H. Waddell, United States marshal for the southern district of New York, for the illegal seizure of a certain importation of brandy, on behalf of the United States, with legal interest on the amount of said judgment from the time the same was paid by the said Waddell. (6 Stats. at Large, 594.)

"41. An act approved February 17, 1836, directed the payment of the sum therein named to Marinus W. Gilbert, being the interest on money advanced by him to pay off troops in the service of the United States, and not repaid when demanded. (6 Stats. at Large, 622.)

"42. An act approved February 17, 1836, for the relief of the executor of Charles Wilkins, directed the Secretary of the Treasury to settle the claim of the said executor for interest on a liquidated demand in favor of Jonathan Taylor, James Morrison, and Charles Wilkins, who were lessees of the United States of the salt works in the State of Illinois. (6 Stats at Large, 626.)

"43. An act approved July 2, 1836, for the relief of the legal representatives of David Caldwell, directed the proper accounting officers of the Treasury to settle the claim of the said David Caldwell for fees and allowances, certified by the circuit court of the United States for the eastern district of Pennsylvania, for official services to the United States, and to pay on that account the sum of $490.38, with interest thereon at the rate of 6 per cent. from the 25th day of November, 1830, till paid. (6 Stats. at Large, 664.)

"44. An act approved July 2, 1836, provided that there be paid Don Carlos Delossus interest at the rate of 6 per cent. per annum on $533, being the amount allowed him under the act of July 14, 1832, for his relief, on account of moneys taken from him at the capture of Baton Rouge, La., on the 23d day of September, 1810, being the interest to be allowed from the said 23d day of September, 1810, to the 14th day of July, 1832. (6 Stats. at Large, 672.)

"In this case the interest was directed to be paid four years after the principal had been satisfied and discharged.

"45. An act approved July 7, 1838, provided that the proper officers of the Treasury be directed to settle the accounts of Richard Harrison, formerly consular agent of the United States at Cadiz, in Spain, and to allow him, among other items, the interest on the money advanced, under agreement with the minister of the United States in Spain, for the relief of destitute and distressed seamen and for their passages to the United States from the time the advances, respectively, were made to the time at which the said advances were reimbursed. (6 Stats. at Large, 734.)

"46. An act approved August 11, 1842, directed the Secretary of the Treasury to pay to John Johnson the sum of $756.82, being the amount received from the said Johnson upon a judgment against him in favor of the United States, together with the interest thereon from the time of such payment. (6 Stats. at Large, 856.)

"47. An act approved August 3, 1846, authorized the Secretary of the Treasury to pay to Abraham Horbach the sum of $5,000, with lawful interest from the 1st of January, 1836, being the amount of a draft drawn by James Reeside on the Post-Office Department, dated April 18, 1835, payable on the 1st of January, 1836, and accepted by the treasurer of the Post-Office Department, which said draft was indorsed by said Abraham Horbach at the instance of the said Reeside, and the amount drawn from the Bank of Philadelphia, and, at maturity, said draft was protested for non-payment, and said Horbach became liable to pay, and, in consequence of his indorsement, did pay the full amount of said draft. (9 Stats. at Large, 677.)

"48. An act approved February 5, 1859, authorized the Secretary of War to pay to Thomas Laurent, as surviving partner, the sum of $15,000, with interest at the rate of 6 per cent. yearly, from the 11th of November, 1847, it being the amount paid by the firm on that day to Maj. Gen. Winfield Scott, in the City of Mexico, for the purchase of a house in said city, out of the possession of which they were since ousted by the Mexican authorities. (11 Stats. at Large, 558.)

"49. An act approved March 2, 1847, directed the Secretary of the Treasury to pay the balance due to the Bank of Metropolis for moneys due upon the settlement of the account of the bank with the United States, with interest thereon from the 6th day of March, 1838. (9 Stats. at Large, 689.)

"50. An act approved July 20, 1852, directed the payment to the legal representatives of James C. Watson, late of the State of Georgia, the sum of $14,600, with interest at the rate of 6 per cent. per annum, from the 8th day of May, 1838, till paid, being the amount paid by him, under the sanction of the Indian agent, to certain Creek warriors, for slaves captured by said warriors while they were in the service of the United States against the Seminole Indians in Florida. (11 Stats. at Large, 734.)

"51. An act approved July 29, 1854, directed the Secretary of the Treasury to pay to John C. Frémont $183,825, with interest thereon from the 1st day of June, 1851, at the rate of 10 per cent. per annum, in full for his account for beef delivered to Commissioner Barbour, for the use of the Indians in California, in 1851 and 1852. (10 Stats. at Large, 804.)

"52. An act approved July 3, 1870, directed the Secretary of the Treasury to make proper payments to carry into effect the decree of the district court of the United States for the district of Louisiana, bearing dated the *fourth* of June, 1867, in the case of the British brig Volant, and her cargo; said also another decree of the same court, bearing date the *eleventh* of June, in the same year, in the case of the British bark Science, and cargo, vessels illegally seized by a cruiser of the United States; such payments to be made as follows, namely: To the several persons named in such decrees, or their legal representatives, the several sums awarded to them respectively, with interest to each person from the date of the decree under which he receives payment. (16 Stats. at Large, 650.)

"53. An act approved July 8, 1870, directed the Secretary to make the proper payments to carry into effect the decree of the district court of the United States for the district of Louisiana, bearing date July 13, 1867, in the case of the British brig Dashing Wave, and her cargo, illegally seized by a cruiser of the United States, which decree was made in pursuance of the decision of the Supreme Court, such payments to be made with interest from the date of the decree. (16 Stats. at Large, 651.)

"An examination of these cases will show that, subsequent to the seizure of these several vessels, they were each sold by the United States marshal for the district of Louisiana as prize, and the proceeds of such sales deposited by him in the First National Bank of New Orleans. The bank, while the proceeds of these sales were on deposit there, became insolvent. The seizures were held illegal, and the vessels not subject to capture as prize. But the proceeds of the sales of these vessels and their cargoes could not be restored to the owners in accordance of the decrees of the district court, because the funds had been lost by the insolvency of the bank. In these cases, therefore, Congress provided indemnity for losses resulting from the acts of its agents, and made the indemnity complete by providing for the payment of interest.

"Your committee have directed attention to these numerous precedents for the purpose of exposing the utter want of foundation of the often-repeated assumption that 'the Government never pays interest.' It will readily be admitted that there is no statute law to sustain this position. The idea has grown up from the custom and usage of the accounting officers and Departments refusing to allow interest generally in their accounts with disbursing officers, and in the settlement of unliquidated domestic claims arising out of dealings with the Government. It will hardly be pretended, however, that this custom or usage is so 'reasonable,' well known, and 'certain,' as to give it the force and effect of law, and to override and trample under foot the law of nations and also the well-settled practice of the Government itself in its intercourse with other nations.

"Eleventh. Interest was allowed and paid to the State of Massachusetts because the United States delayed the payment of the principal for twenty-four years after the amount due had been ascertained and determined. The amount appropriated to pay this interest was $678,362.41, more than the original principal. (16 Stats. at Large, 198.)

"Mr. Sumner, in his report upon the memorial introduced for that purpose, discussing this question of interest, said:

"'It is urged that the payment of this interest would establish a bad precedent. If the claim is just, the precedent of paying it is one which our Government should wish to establish. Honesty and justice are not precedents of which either Government or individuals should be afraid.' (Senate Report 4, 41st Cong., 1st sess., page 10.)

"Twelfth. Interest has always been allowed to the several States for advances made to the United States for military purposes.

"The claims of the several States for advances during the Revolutionary war were adjusted and settled under the provision of the acts of Congress of August 5, 1790, and of May 31, 1794. By these acts interest was allowed to the States, whether they had advanced money on hand in their treasuries or obtained by loans.

"In respect to the advances of States during the war of 1812–'15, a more restricted rule was adopted, namely: That States should be allowed interest only so far as they had themselves paid it by borrowing, or had lost it by the sale of interest-bearing funds.

"Interest, according to this rule, has been paid to all the States which made advances during the war of 1812–'15 with the exception of Massachusetts. Here are the cases:

"Virginia, U. S. Stats. at Large, vol. 4, p. 161.

"Delaware, U. S. Stats. at Large, vol. 4, p. 175.

"New York, U. S. Stats. at Large, vol. 4, p. 192.

"Pennsylvania, U. S. Stats. at Large, vol. 4, p. 241.

"South Carolina, U. S. Stats. at Large, vol. 4, p. 499.

"In the Indian and other wars the same rule has been observed, as in the following cases:

"Alabama, U. S. Stats. at Large, vol. 9, page 344.

"Georgia, U. S. Stats. at Large, vol. 9, page 626.

"Washington Territory, U. S. Stats. at Large, vol. 11, page 429.

"New Hampshire, U. S. Stats. at Large, vol. 10, page 1.

"Thirteenth. The Senate Committee on Indian Affairs, in the report to which reference has heretofore been made, speaking of this award and of the obligation of the United States to pay interest upon the balance remaining due and unpaid thereon, used the following language:

"'Your committee are of the opinion that this sum should be paid them with accrued interest from the date of said award, deducting therefrom $350,000, paid to them in money, as directed by the act of March 2, 1861; and therefore find no sufficient reason for further delay in carrying into effect that provision of the aforenamed act and the act of March 3, 1871, by the delivery of the bonds therein described, with accrued interest from the date of the act of March 8, 1861.'

"Your committee have discussed this question with an anxious desire to come to such a conclusion in regard to it as would do no injustice to that Indian nation whose rights are involved here, nor establish such a precedent as would be inconsistent with the practice or duty of the United States in such cases. Therefore your committee have considered it not only by the light of those principles of the public law—always in harmony with the highest demands of the most perfect justice—but also in the light of those numerous precedents which this Government in its action in like cases has furnished for our guidance. Your committee can not believe that the payment of interest on the moneys awarded by the Senate to the Choctaw Nation would either violate any principle of law or establish any precedent which the United States would not wish to follow in any similar case, and your committee can not believe that the United States are prepared to repudiate these principles, or to admit that because their obligation is held by a weak and powerless Indian nation, it is any the less sacred or binding than if held by a nation able to enforce its payment and secure complete indemnity under it. Could the United States escape the payment of interest to Great Britain, if it should refuse or neglect, after the same became

due, to pay the amount awarded in favor of British subjects by the recent joint commission which sat here? Could we delay payment of the amount awarded by that commission for fifteen years, and then escape by merely paying the principal? The Choctaw Nation asks the same measure of justice which we must accord to Great Britain; and your committee can not deny that demand unless they shall ignore and set aside those principles of the public law which it is of the utmost importance to the United States to always maintain inviolate.

"Your committee are not unmindful that the amount due the Choctaw Nation under the award of the Senate is large. They are not unmindful, either, that the discredit of refusing payment is increased in proportion to the amount withheld and the time during which such refusal has been continued."

Few, if any, of the foregoing cases presented as strong and meritorious grounds for the allowance of interest as the claim now under consideration. Following these precedents, and for the reasons above set forth, the committee deem the present a proper case for the payment of interest on the sum converted ($371,025) from date of conversion to date of payment. This interest they fix at the rate of 4½ per cent. per annum, that being about the average rate paid by the Government between 1867 and 1881, and which it may be fairly assumed was saved or made by it for the use of the funds during the period of detention. On this basis the interest allowed will amount to the sum of $249,039.95.

The committee accordingly recommend that the bill be amended as follows: in line 1 of section 2 strike out the words "seventy-five" and insert in lieu thereof "forty-nine," and in line second of said second section, after the word "thousand," insert the words "and thirty-nine and ninety-five hundredths;" and as thus amended that the bill be passed by the Senate.

Mr. COCKRELL. I should like to ask if this case was not once before the Committee on the Judiciary and reported adversely by that Committee?

Mr. HOAR. Never.

Mr. JACKSON. It was not, Mr. President. It never had been before Congress until it was referred to the Committee on Claims. There was a case, that of the First National Bank of Boston, which was referred to the Judiciary Committee last year or the year before, on the question of waiving the statute of limitations. That was the question involved, and the Committee on the Judiciary reported against it.

Mr. COCKRELL. I desire to say that I dissent from the views expressed in the report. I do not believe that interest ought to be paid in this case, and I regard it as an exceedingly dangerous precedent. I simply desire to say that I am opposed to the bill, and would vote against it on a yea-and-nay vote. I am paired, however, with the distinguished Senator from Massachusetts [Mr. DAWES] who is now absent upon this particular question, and can not vote.

Mr. CONGER. I see by an examination of the bill that this judgment became a valid judgment by the action of the Supreme Court of the United States October 25, 1881, and the judgment then was for $371,025. It will be presumed that whatever was due these parties at the time that judgment was finally rendered and confirmed by the dismissal of the appeal to the United States Supreme Court is contained in that amount. October 25, 1881, there came a judgment of $371,025. Four days after that $260,000 was paid out of the Treasury, and ten months after that $111,025, the balance of the judgment, was paid. Now, the committee recommend an appropriation of $249,039.95. Even allowing, which I do not admit for a moment, that interest should be paid in such a case as this, the committee recommend for the interest from the time the judgment became perfected, ten months, $249,039.95.

I have computed the interest which should be on the balance of the payment, not having computed it on the whole for four days, throwing that out because the $260,000 was paid when the claim was presented to the Treasury; and the interest, even if it could be allowed on the unpaid amount between the time it was due and the time it was paid, $111,025, would be $41,063.62, instead of the amount proposed here, over $249,000. By any rule of computation the interest could be only $41,063. Now, how can the $249,000 be possibly worked in here by any estimate of the liability of the Government? Here is a document containing probably an examination of the whole payments of the Treasury from the beginning of the Government until now, and giving every case in which interest has been allowed by the Government or by foreign governments. Peculiar cases!

This is a case where the party has not purged itself from complicity with the original fraud by the mere assertion of the committee that the cashier and principal owner of the bank did this and not the bank itself proper. There is nothing in the report to satisfy me but what not only the principal owner of the bank, who had great influence over the cashier, but the cashier himself and other members of the bank, assented to the temporary deposit of the bank securities with this defaulting officer for the purpose of defrauding and deceiving the United States. There is nothing in the testimony here to show that there was not complicity with more than the two persons mentioned. The presumption would be that no cashier and no officer of a bank dare, without consultation with the directors or managers, take the securities of a bank from the possession of the bank and go and give them to any other person whatever for any purpose whatever.

It was an open, patent fraud against the United States, committed by two officers of this bank, and there is nothing to show but that it was sanctioned by the others.

I think it was very well for the bank, after having shown these things, to trust to the equity, almost the mercy, of the Government to be repaid the value of the securities which it had so used. The Government paid back the full amount of the nominal face value of the securities which were thus transferred to this officer of the Government in fraud of the Government's rights as well as of the bank.

By any proper construction, if interest is demandable and payable against the Government of the United States, instead of $249,000 there would be but $41,063 due. I think this should have a more full discussion than we can have under the five-minute rule, and it seems to me that there is nothing peculiar in this case that should make the Government depart from the usual ordinary method of paying claims where the party seeking relief was in default and where some defaulting officer of the Government was in fault, paying back in full the face value of the securities taken. Whether they were worth that amount or not I do not know.

Mr. JACKSON. I will state to the Senator from Michigan and the Senate that every fact connected with this transaction has undergone judicial investigation in the highest courts of the land, and those courts have found that the bank did not connive at the fraud which was perpetrated upon it. They settled that as a question of fact ascertained and determined in those decisions, and the case is simply the case of a bank being robbed and of its stolen assets being placed in the hands of a defaulting officer of the Government for the use of the Government with the knowledge of the Government agent and appropriated by the Government agent to make good his own default, a large proportion of those assets being interest-bearing securities. It would be monstrous for the Government of the United States to withhold the payment of interest on this fund when it has thereby canceled obligations of its own that bore interest, and done that through the fraud of its own agent.

The interest allowed, I will say to the Senator from Michigan, is interest from the date of conversion to the date of payment. The Court of Claims was not authorized to allow interest, its jurisdiction upon the subject of interest being limited to cases where there was an express contract for the payment of interest; but the obligation of the Government goes beyond the mere question of the jurisdiction of the Court of Claims, and the committee, after thorough investigation of this claim and of the numerous precedents before them in the legislation of Congress, thought that no stronger case could be presented for the allowance of interest.

Mr. HARRISON. Will the Senator from Tennessee allow me to ask him a question?

Mr. JACKSON. Yes, sir.

Mr. HARRISON. What proportion of the securities of this bank which were obtained by the subtreasurer at Boston were interest-bearing securities?

Mr. JACKSON. Forty-seven thousand dollars of them were interest-bearing securities, and at a higher rate than we allow.

Mr. HARRISON. Then only $47,000 out of $371,000 of the total debt was in interest-bearing securities.

Mr. JACKSON. Yes, sir.

Mr. HARRISON. The balance was either cash or non-interest-bearing securities?

Mr. JACKSON. The balance was funds of the bank, checks on which it had to pay interest immediately after the breaking of the bank by this transaction. The Government got the benefit of the funds on which it stopped interest, the use of this money in paying its obligations, and subjected the bank at the same time to the loss of interest which it had to make good by its stockholders.

Mr. HARRISON. Then I understand the position of the Senator from Tennessee and of the committee is that the Government of the United States ought in all cases where it is indebted and unjustly postpones payment for any reason to pay interest. It seems to me it leads to that, because if the Government has collected an improper tax, as it once did I recollect in a case in which I was interested and retains that tax for ten years, the policy that the committee propose in this bill would make it an obligation on the Government in every such case when it made restitution of money which had been improperly exacted or obtained—and I think it should extend to the case of any debt where the payment of it was not promptly made for any reason—in all such cases the Government ought to adopt the policy of paying interest. Does it not involve that?

Mr. JACKSON. It does not, for the committee confined themselves to the special facts of this case. They did not undertake to lay down any general rule for the guidance of the Senate.

Mr. HOAR. Mr. President, the Senate will pardon me for making a little further answer to the Senator from Michigan. The foundation of this claim is not the fraudulent conduct of the bank's officer on the one side or of the agent of the United States on the other. When that fraud was discovered, after all the facts were known, the bank made a demand on the United States for its securities and funds, and the United States refused to return them. It is with that conversion made purposely by the authorities of the United States that this claim begins. It was a conversion to its own use. Now, the Supreme Court of the United States say over and over again that it is the policy of the United States to pay interest in such cases. It is not the policy of the United States to pay interest on taxes; it is not the policy of the United States to pay interest on mere debts, because it is presumed to be always ready to pay its debts, as all governments are; but it is the policy of the United States to repay with interest a citizen whose property it has seized and converted to its own use.

In June, 1872, it will be found by Senators on the sixth page of this report, Congress referred the claim of Francis Vigo to the Court of Claims

with directions to be governed in the matter by the rules and regulations heretofore adopted by the United States in the settlement of like cases, and the Supreme Court of the United States say, affirming in that particular the judgment of the Court of Claims:

No rules and regulations have heretofore been adopted by the United States in the settlement of like cases except such as may be inferred from the policy of Congress when passing private acts for the relief of various persons. When passing such private acts Congress has allowed interest upon the claim up to the time that the relief was granted.

So we have here the express adjudication of the highest tribunal of the country that in such cases as this it is the policy of the Government to allow interest. The Senate will observe that the amount proposed in the bill has been cut down, and that for this period, when the current rate of interest in the country was 10 per cent., when the Government was paying first 8, then 7, then 5, then 4½, and only within a year or two 3½ and 3, we have allowed 4½ per cent. interest for the whole time.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. CONGER. Mr. President, of course under the rule I can speak but once. When I closed my remarks before I objected to the consideration of the bill under this rule. I think it demands more examination than I have been able to give to it now.

The PRESIDING OFFICER. The Senator from Michigan objects to the further consideration of this bill.

Mr. HOAR. I move that the Senate take it up for consideration. The report has been read. The Senate never can examine it more fully nor my friend from Michigan than he can now. I ask him to allow it to go on.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of this bill, notwithstanding the objection of the Senator from Michigan. The question is on that motion.

The question being put, it was declared that the ayes appeared to prevail.

Mr. CONGER. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair did not understand the Senator from Michigan.

Mr. CONGER. I ask for the yeas and nays on this motion.

Mr. HOAR. If the Senator from Michigan desires further time, as this is a matter of great importance, both in the amount involved and the principle involved, and it should be thoroughly understood by the Senate; there is no disposition to press it now. Perhaps the Senator will be content to let the bill go over until after the holidays, retaining its place on the Calendar.

Mr. CONGER. To be then taken up by the vote of the Senate allowing full debate.

Mr. HOAR. The Senator will then have an opportunity to make his objection. My request is that the bill shall remain on the Calendar under Rule VIII, that is the five-minute rule, as now, until after the 1st of January, and in the course of that time the Senator from Michigan can examine the bill. He will have his right of objection then as now.

The PRESIDING OFFICER. The Senator from Massachusetts asks that this bill may retain its place on the Calendar and go over. Is there objection? The Chair hears none, and that order will be made.

HOUSE PENSION BILLS.

Mr. BECK. I moved some time ago to proceed to the consideration of five or six pension bills that had passed the House of Representatives and been reported favorably by the Senate Committee on Pensions without amendment. I hope now there will be no objection.

Mr. FRYE. Why not put it, "all House bills that have been reported favorably?"

Mr. BECK. There are only six or seven of the pension bills, beginning at Order of Business 942. I have gone over the Calendar carefully.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent that all House pension bills which have been reported favorably and are now on the Calendar may be taken up for consideration in their order subject to objection.

Mr. WILSON. Does that include the Senate bills as well as House bills?

Mr. BECK. Only the House bills, so that a few of them may become laws before the holidays.

Mr. WILSON. I suggest that the Senator include Senate bills favorably reported and unobjected to.

Mr. BECK. I thought we could pass the few bills that have come from the House and have them become laws before the holidays.

Mr. WILSON. I am not prepared to say that there are any Senate bills of that character on the Calendar, but there may be two or three, and in that case I suggest that favorable reports on Senate bills unobjected to may be considered.

Mr. BECK. After the few House bills are passed we can go over them, I think.

The PRESIDING OFFICER. The Chair is informed by the Secretary that there are no Senate pension bills on the Calendar.

Mr. WILSON. If there are no such Senate bills on the Calendar, of course I do not press my suggestion.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky state precisely what he asks unanimous consent to?

Mr. BECK. To proceed to the consideration of unobjected pension cases that have passed the House of Representatives and been reported favorably by the Senate Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the Senate now proceed to the consideration of House pension bills reported favorably, it being stated that there are no Senate pension bills. Is there objection?

Mr. WILSON. I will not object after the statement made by the Secretary.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kentucky.

Mr. CONGER. There is no objection where there are favorable reports.

The PRESIDENT *pro tempore*. The request of the Senator from Kentucky is for the consideration of House pension bills favorably reported, it being suggested that there are no favorable reports of Senate pension bills on the Calendar. The Chair hears no objection. The first bill in order will be read.

Mr. BECK. Order of Business 942 is the first I can find.

The PRESIDENT *pro tempore*. The Chair finds on the Calendar Order of Business 406, being the bill (S. 772) granting a pension to Erastus W. Babson, which was passed and a motion to reconsider entered.

Mr. COCKRELL. Let it be passed over.

The PRESIDENT *pro tempore*. The Chair understands that in that case the beneficiary has died and therefore no action can be taken at present.

JACOB HOERTH.

The PRESIDENT *pro tempore*. Order of Business 942, being House bill 3210, will be reported.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3210) for the relief of Jacob Hoerth. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Hoerth, late of Company C, Twenty-eighth Regiment of Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT BRANT.

The bill (H. R. 3382) granting a pension to Albert Brant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after "pension-roll," to strike out "at $8 per month" and insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert Brant, late a private in Company A, Fourth Regiment Ohio Volunteer Cavalry.

Mr. SHERMAN. I hope, as the Senator from Pennsylvania [Mr. MITCHELL] who reported the bill is not here, the Senate will not insist on the amendment, because it sends the bill back to the House, and the case is a very urgent and needy one. The pension is but $8 a month, and the amendment would require this applicant to appear before the examining officer at some distance and pass an examination so as to fix the rate of pension. The pension fixed by the House bill is only $8 a month, and I trust this delay will not be required. It is a case I happen to know something about, and if the Senator from Pennsylvania were here he would not insist on the amendment; but he is not here.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET DAILY.

The bill (H. R. 5735) granting a pension to Margaret Daily was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Daily, widow of Thomas H. Daily, late captain of Company D, Twenty-second Regiment Indiana Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read

The Secretary read the following report, submitted by Mr. WILSON December 19, 1884:

The Committee on Pensions, to which was referred the bill (H. R. 5735) granting a pension to Margaret Daily, has examined the same, and reports that an examination of the papers, records, and proofs submitted to the committee in support of the bill justifies a concurrence in the report of the Committee on Invalid Pensions of the House of Representatives, made to that body, and which is here quoted, as follows, namely:

"That Margaret Daily is the widow of Thomas H. Daily, who enlisted as a private in Company D, Twenty-second Regiment Indiana Volunteer Infantry, on the 6th day of July, 1861, and served through all the intermediate grades to that of captain of said company, which position he held at the time of his hon-

orable discharge from the military service of the United States, September 14, 1864.

"On the 3d day of September, 1881, the claimant filed her application for a pension, on the ground that the said Thomas H. Daily, while in the military service of the United States and in the line of his duty, contracted hemorrhoids, superinducting fistula in ano, resulting in his death, which occurred on the 3d day of May, 1881. This claim was rejected June 29, 1882, on the ground that the disease of which the soldier died was not contracted in the military service of the United States.

"The records of the Adjutant-General's Office show that Thomas H. Daily was mustered into the military service of the United States as second lieutenant Company D, Twenty-second Regiment Indiana Volunteers, June 30, 1862; July and August he is reported present, and so borne to October 31, 1862; November 25, 1862, mustered as first lieutenant; February 28, 1863, as captain; December 31, 1862, detailed on General Jeff. C. Davis's staff, and so borne to April 30, 1863; May and June, 1863, present for duty; July and August, 1863, not on file; September and October, 1863, on detached service on General Davis's staff since July 2, 1863, and so borne to August 31, 1864.

"General Jeff. C. Davis, commanding First Division, Twentieth Army Corps, in accepting the resignation of Captain Daily, August 1, 1864, says:

"'This officer has won his promotion from the ranks, and has often distinguished himself in battle. He has served on my staff at different times with credit to himself. He seems now to have thoroughly made up his mind to resign from the service, and urges his resignation. His health has not been very good since the battle of Stone River.'

"Anthony R. Ravencraft, captain Company I, Twenty-second Regiment Indiana Volunteers, says:

"'That Capt. Thomas H. Daily, by exposure and fatigue at the battle of Chickamauga, brought on piles; visited him at General J. C. Davis's headquarters soon after the battle, and found him very much prostrated from the effects thereof. Captain Daily was then on General Davis's staff; met him frequently afterward; he had not recovered, and frequently complained of fistula.'

"Alex. M. Rutherford, private Company D, Twenty-second Regiment Indiana Volunteers, corroborates the statement of Captain Ravencraft, and adds:

"'That said affection continued until said soldier was mustered out; subsequently resulting in fistula, from which he suffered until his death, May 3, 1881.'

"Dr. Samuel M. Work, of Hot Springs, Ark., says:

"'Capt. Thomas H. Daily came under his professional treatment in December, 1864; had a severe case of hemorrhoids, both internal and external, which continued until January, 1877; thinks fistula developed about 1867; that he never recovered from fistula in ano.'

"Dr. Will. F. Works, of Jeffersonville, Ind., treated Captain Daily for said affections from April, 1877, to 1879.

"Dr. James E. Oldham, of Charlestown, Ind., was Captain Daily's family physician from January, 1879, to the time of his death, May 3, 1881. He says:

"'That in January, 1879, soldier applied to him to treat him for hemorrhoids and fistula in ano, but his general health was so bad that he did not deem it advisable to recommend any but palliatives and tonics for his general condition; that about November 25, 1879, there were well-defined evidences of cerebro-spinal softening, which continued until and was the immediate cause of his death; that it is his (affiant's) opinion that hemorrhoids and fistula in ano, by their depreciating effects upon the vital force, acted as prime causes in the production of the cerebro-spinal troubles of which he died.'

"Your committee find from the evidence as given above that the disease contracted by this soldier in the distinguished military service rendered resulted in his death, and therefore recommend the passage of the bill."

Your committee, approving this statement of the case, reports the bill to the Senate, and recommends its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY ALDEN.

The bill (H. R. 4094) granting a pension to Henry Alden was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Henry Alden, late a private in Company E, Eighteenth Massachusetts Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

USEBUS SWEET.

The bill (H. R. 2440) granting a pension to Usebus Sweet was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Usebus Sweet, late of Company G, One hundred and fifty-seventh Regiment New York Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES F. PARIS.

The bill (H. R. 3177) granting a pension to Charles F. Paris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles F. Paris, late a private in Company F, One hundred and twenty-third Indiana Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FREDERICK CORFE.

The bill (H. R. 452) granting a pension to Frederick Corfe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Corfe, late an acting staff surgeon in the United States Army.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PORT OF OMAHA.

Mr. MANDERSON. I crave the indulgence of the Senate and ask the immediate consideration of Order of Business 939 on the Calendar under the eighth rule.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of Order of Business 939, the title of which will be read.

The Secretary read the title of the bill (S. 2269) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. BLAIR. I ask the indulgence of the Senate to move to take up Order of Business 489, being the bill (S. 654) to provide for a commission on the subject of the alcoholic liquor traffic. This is merely the ordinary bill which we have passed four separate times in the Senate, introduced always by the Senator from Vermont [Mr. MORRILL], and reported favorably by the Committee on Education and Labor.

The PRESIDENT *pro tempore*. Debate is not in order. The Senator from New Hampshire moves that the Senate now proceed to the consideration of Senate bill 654.

Mr. CAMERON, of Wisconsin. The bill is brief. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information.

Mr. BLAIR. Before the bill is read I wish to state that it has passed the Senate four times——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I ask permission to state——

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to be allowed to make some remarks on this bill. The Chair hears no objection.

Mr. BLAIR. I will make my remarks after the reading of the bill.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of seven persons, not more than four of whom shall belong to the same political party nor be advocates of prohibition, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union.

SEC. 2. That the said commissioners shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding $10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and for this purpose the sum of $10,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. It shall be the further duty of said commissioners to report the result of their investigation, with such suggestions and recommendations as they may see fit to make, and the expenses attending the same, to the President, within eighteen months after the passage of this act, to be transmitted by him to Congress.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. I will not make any remarks, but submit the question.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire, that this bill be now considered.

The question being put, a division was called for.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PENDLETON (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL].

Mr. PUGH (when Mr. VANCE's name was called). I am requested to announce the pair of the Senator from North Carolina [Mr. VANCE] with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call was concluded.

Mr. MCPHERSON (after having voted in the negative). I voted inadvertently. I am paired with my colleague [Mr. SEWELL]. I do not know how he would vote on this subject, and therefore I withdraw my vote.

Mr. FAIR. I am paired with my colleague [Mr. JONES, of Nevada]. I shall not vote.

Mr. BLAIR. My colleague [Mr. PIKE] is paired with the Senator from Tennessee [Mr. JACKSON].

Mr. COKE. I am paired with the Senator from Minnesota [Mr. MCMILLAN]. I do not know how he would vote, and therefore will not vote. I would vote "nay" if at liberty.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from Kentucky [Mr. WILLIAMS]. If present, my colleague would vote "yea."

The PRESIDENT *pro tempore*. The present occupant of the chair is paired with the Senator from Arkansas [Mr. GARLAND] on all questions about which he supposes they would differ. The Chair does not know what the views of the Senator from Arkansas are on this question.

Mr. WALKER. I think my colleague [Mr. GARLAND], if present, would vote "nay."

The PRESIDENT *pro tempore*. The present occupant of the chair would on that account withhold his vote, being in favor of the bill, but

he asks to be called again and votes "nay," in order that the business of the Senate may not be interrupted.

Mr. MILLER, of New York (after having voted in the affirmative). I have voted on this question, but I am paired generally with the Senator from Maryland [Mr. GROOME] who is not present.

Mr. SHERMAN. Vote "nay" the same as he would vote.

Mr. MILLER, of New York. Let my vote stand under the circumstances.

The result was announced—yeas 23, nays 16; as follows:

YEAS—23.

Allison,	Hale,	Manderson,	Sawyer,
Blair,	Harrison,	Miller of Cal.,	Sheffield,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Sherman,
Conger,	Hoar,	Morrill,	Van Wyck,
Cullom,	Lapham,	Platt,	Wilson.
Frye,	Logan,	Plumb,	

NAYS—16.

Bayard,	Cockrell,	Harris,	Slater,
Butler,	Edmunds,	Jonas,	Vest,
Call,	Gibson,	Morgan,	Voorhees,
Cameron of Wis.,	Hampton,	Pugh,	Walker.

ABSENT—37.

Aldrich,	Farley,	Kenna,	Ransom,
Beck,	Garland,	Lamar,	Riddleberger,
Bowen,	George,	McMillan,	Sabin,
Brown,	Gorman,	McPherson,	Saulsbury,
Camden,	Groome,	Mahone,	Sewell,
Coke,	Hill,	Maxey,	Vance,
Colquitt,	Ingalls,	Mitchell,	Williams.
Dawes,	Jackson,	Palmer,	
Dolph,	Jones of Florida,	Pendleton,	
Fair,	Jones of Nevada,	Pike,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. BLAIR. It has been read.

The PRESIDENT *pro tempore*. It was only read for information, and as it is a bill of some importance it had better be read.

Mr. BLAIR. Then I suppose it is not read for information now?

The bill was read.

Mr. BLAIR. Let the report of the committee be read; it is quite full.

The Secretary read the following report, submitted by Mr. BLAIR April 15, 1884:

The Committee on Education and Labor, to whom was referred the bill (S. 654) to provide for a commission on the subject of the alcoholic liquor traffic, have considered the same, and recommend its passage.

This bill has been presented in many Congresses and repeatedly passed in the Senate, but has thus far failed to become a law. Its passage has been strongly urged hitherto, and is still demanded by a great multitude of the wisest and most patriotic citizens of the country. Its leading purpose is to secure a thorough and authoritative investigation, that the truth may become known and authentically, accurately, and reliably stated in regard to the existence, the nature, and the extent of the evils of the traffic in alcoholic liquors. In the great controversy now pending, and which seems to grow more and more serious and to press more and more for solution between the advocates of diverse policies and measures in regard to this traffic, it is a matter of the first importance for all parties to ascertain the facts.

It is with this view, and for no other purpose, that your committee, entertaining, as they do, diverse opinions personally upon the questions involved in the general subject of so-called temperance legislation, unite in recommending the passage of this bill for the creation of a commission for thorough and impartial inquiry into the facts.

We annex the reporter's notes of the statements of advocates of the bill made before the committee.

The bill was reported to the Senate without amendment.

Mr. BUTLER. I should like to have the bill read again; I did not catch what the bill was. Let the title at least be read.

The PRESIDENT *pro tempore*. The title of the bill will be again read.

The title was read.

The PRESIDENT *pro tempore*. The question is, Shall the bill be engrossed for a third reading?

Mr. BUTLER. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. CAMERON, of Wisconsin. I would suggest to the Senator from South Carolina that he ask for the yeas and nays on the question of the passage of the bill.

Mr. BUTLER. I thought that was exactly what I was doing.

Mr. CAMERON, of Wisconsin. The question now is on the third reading.

Mr. VEST. This will do just as well.

Mr. BUTLER. It is practically the same thing.

Mr. VEST. I wish to say a word before the vote is taken. I have not the slightest disposition to oppose any examination in regard to existing facts or the evils that arise from the excessive use of alcoholic beverages; but I object to this mode of arriving at legislation. In my judgment it is a matter for the States and not for the National Government. I know the answer will be that this is simply preliminary and does not involve the question of the powers of the States or the rights of the States; but it is a step in that direction. There is no proof, no evidence that the States are not entirely competent under the Constitution to attend to this matter. And as the legislation, in my judgment, must come from the States I think the information should be had by them on their own motion.

I do not choose to be put in the attitude of advocating intemperance, and I do not choose to be placed in the category of opposing temperance, but I do not believe in the Federal Government either by investigation or otherwise invading what I suppose to be the constitutional province of the States.

The PRESIDENT *pro tempore*. The question is, Shall the bill be engrossed for a third reading.

Mr. HOAR. I suggest that by unanimous consent—I understand that was the desire of the Senator from South Carolina—the yeas and nays be taken on the passage of the bill and the order just made be regarded as reconsidered.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the order for the yeas and nays on the engrossment of this bill be reconsidered and that they stand as being ordered on the passage of the bill.

Mr. BUTLER. I have not the slightest objection to that.

The PRESIDENT *pro tempore*. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass? on which question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Minnesota [Mr. MCMILLAN]. If he were here, I should vote "nay;" but not knowing how he would vote, I decline to answer.

The PRESIDENT *pro tempore* (when Mr. EDMUNDS's name was called). On this question the Senator from Vermont is paired with the Senator from Arkansas [Mr. GARLAND]. If the latter Senator were present, the Senator from Vermont would vote "yea."

Mr. HOAR. I should like to inquire if there be any Senator paired with my colleague [Mr. DAWES] on this question? I believe there is none. And if not, I should like to have the pair of the Senator from Vermont with the Senator from Arkansas transferred to my colleague.

Mr. HARRIS. Some gentleman announced this morning a pair of the Senator's colleague.

Mr. HOAR. That was on one particular bill.

Mr. COCKRELL. I was paired with the Senator from Massachusetts [Mr. DAWES] on one bill only. I found that it did not extend to anything else. I vote "nay" on this.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Vermont will transfer his pair with the Senator from Arkansas [Mr. GARLAND] to the Senator from Massachusetts [Mr. DAWES].

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. If he were here, I should vote "nay." I do not know how he would vote.

Mr. CONGER (when Mr. PALMER's name was called). My colleague is paired with the Senator from Kentucky [Mr. WILLIAMS]. If he were present, my colleague would vote "yea."

Mr. PENDLETON (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL].

Mr. PLUMB (when his name was called). I am paired on this subject with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BLAIR. I desire to announce the pair between my colleague [Mr. PIKE] and the Senator from Tennessee [Mr. JACKSON]. If he were present, my colleague would vote "yea."

The result was announced—yeas 25, nays 16; as follows:

YEAS—25.

Allison,	Edmunds,	Lapham,	Sheffield,
Blair,	Frye,	Manderson,	Sherman,
Cameron of Pa.,	George,	Miller of Cal.,	Van Wyck,
Cameron of Wis.,	Hale,	Miller of N. Y.,	Wilson.
Conger,	Harrison,	Morrill,	
Cullom,	Hawley,	Platt,	
Dolph,	Hoar,	Sawyer,	

NAYS—16.

Bayard,	Gibson,	Jones of Florida,	Slater,
Beck,	Hampton,	Maxey,	Vest,
Butler,	Harris,	Morgan,	Voorhees,
Cockrell,	Jonas,	Pugh,	Walker.

ABSENT—35.

Aldrich,	Farley,	Lamar,	Plumb,
Bowen,	Garland,	Logan,	Ransom,
Brown,	Gorman,	McMillan,	Riddleberger,
Call,	Groome,	McPherson,	Sabin,
Camden,	Hill,	Mahone,	Saulsbury,
Coke,	Ingalls,	Mitchell,	Sewell,
Colquitt,	Jackson,	Palmer,	Vance,
Dawes,	Jones of Nevada,	Pendleton,	Williams.
Fair,	Kenna,	Pike,	

So the bill was passed.

NAVAL APPROPRIATIONS.

Mr. HALE. I ask unanimous consent to report back at this time with amendments the bill (H. R. 7791) making temporary provision for

the naval service, that it may be laid on the table and printed, and I give notice that I will call it up to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to present at this time a report from the Committee on Appropriations. Is there objection? The Chair hears none. The Senator from Maine reports with amendments the bill (H. R. 7791) making temporary provision for the naval service.

Mr. HALE. I will simply say that the committee now report as a substitute for the House bill sent over to us for thirty-one days the regular appropriation bill for the remainder of the fiscal year from January 1 to June 30, 1885, precisely as the House of Representatives sent that bill to us at the last session. The cruisers are stricken out, the ironclads are stricken out, the legislation that was put on by the Senate is stricken off, and the substitute stands, so far as amounts go, precisely on the basis that the House made up the appropriation bill originally for the present year. In that the Senate maintains its attitude of considering this year's appropriations, and not voting upon the rule of last year.

Mr. MORRILL. Do you provide for one month or six months?

Mr. HALE. For six months, making the bill complete for the year. I will call it up, and, if necessary, make further explanations to-morrow.

LEAVES OF ABSENCE.

Mr. HOAR and Mr. MAXEY were, on their own motion, granted leave of absence until January 2, 1885.

Mr. LAPHAM was, on his own motion, granted leave of absence until January 5, 1885.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 3 minutes p. m.) the Senate adjourned.

SENATE.

TUESDAY, *December* 23, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a memorial of the American Association for the Advancement of Sciences, together with a resolution on the subject of extending the operations of the Coast and Geodetic Survey through all the States of the United States. The memorial and paper will be referred to the Committee on Appropriations.

Mr. JONAS presented resolutions adopted at a meeting of a joint committee of the commercial exchanges of New Orleans, La., composed of the Cotton Exchange, Sugar Exchange, Produce Exchange, and Mexican, Central American, and South American Exchange, signed by their respective chairmen, protesting against the ratification of the proposed treaty with Spain, for the reason that it would be ruinous in its effect upon the commercial and agricultural interests of Louisiana and the Southwest; which were referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. 2031) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and for other purposes, reported it with an amendment.

BILL INTRODUCED.

Mr. PLUMB introduced a bill (S. 2489) for the relief of Mrs. Moivere Tousey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

CONGRESSIONAL RECORD REPORTS.

Mr. VEST submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring), That the reports in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives; and such speeches shall be printed as they were actually delivered, except verbal corrections made by the author of the speech, and by no other person; and that when speeches are reserved by their authors for correction they shall be returned to the reporter of the House in which they were delivered within one week, and if not so returned they shall then be printed in the CONGRESSIONAL RECORD from the original notes of the reporter.

The PRESIDENT *pro tempore*. Does the Senator desire the present consideration of the resolution or its reference?

Mr. VEST. I wish to say a few words about it before it is referred to the appropriate committee.

The PRESIDENT *pro tempore*. If there be no objection the Senate will now consider the resolution subject to objection.

Mr. VEST. Mr. President, of all the abuses which have grown up in public affairs, none is more glaring than that connected with the printed reports of Congressional debates.

In a country where public opinion controls the conduct of the Government, and those who make the laws are responsible directly to their constituents, it is manifestly of the greatest importance that correct and full reports of the proceedings and debates of Congress should be had, not only for the information of those who have elected the existing Congress, but for transmitting to those who come after a reliable history of the causes and motives for legislation found upon the statute-books. It is absolutely required, in justice to the representative and his constituency, and in obedience to the demand for a truthful history of political events, that the CONGRESSIONAL RECORD should become, what it purports to be, an account of what is said and done in Congress, and not the garbled and fraudulent thing it really is, filled with orations which were never delivered and turgid eloquence never heard.

The CONGRESSIONAL RECORD should truthfully represent the thoughts and action of those who are transacting the public business of 55,000,000 earnest, intelligent, hopeful people, who are working out not only for this continent and age, but for all ages, the problem of free government. Making the laws, influencing the opinions, and shaping the destiny of such a people should be considered the highest duty ever committed to human hands, and the record of the manner in which this duty is discharged should contain the truth.

Good faith between the people and their servants, public morality and decency demand that the abuses now existing should be remedied. What can be more ruinous to the cause of truth than the daily printing of debates which have no existence? What can be more demoralizing and disheartening to the young and honest reader of the RECORD than the discovery that the Representative whom he has been taught to admire as an examplar of all public virtues is a public cheat and fraud? That he is holding himself out to those at a distance from the capital as a parliamentary orator, and franking by the thousand "Remarks of the Hon. Bardwell Slote, delivered in the House of Representatives on June 25, 1884?"; when in fact the Hon. Bardwell Slote had made no such remarks, but was probably at the identical time when he was supposed to be electrifying the floor and galleries, greeted with rounds of applause, and the recipient of numberless bouquets, munching his frugal lunch in the House restaurant or snoring placidly in a cloak-room.

The people of the United States are the best natured and most forgiving upon the face of the earth, for in no other country would such outrages be tolerated as have for years been perpetrated upon the CONGRESSIONAL RECORD by aspiring orators and statesmen. Some of them are so ludicrous as to appeal successfully to the national sense of humor, and the American public have generally come to regard the proceedings of Congress as a sort of variety performance, where nothing is supposed to be real except the pay.

Mr. President, I am not the first to attack this abuse. On February 11, 1876, our late colleague, Governor Anthony, offered in the Senate the resolution which I now submit.

In the course of an admirable speech supporting the resolution Governor Anthony alluded to an instance within his own term of service where a member of the House obtained leave to print some remarks on the annexation of Cuba, and when the speech appeared in the Globe it proved to be a most violent personal assault upon Mr. Sumner, then a member of the Senate. As Governor Anthony proceeds to say, the most ludicrous and disgraceful illustration of the practice obtaining under the rule permitting the publication in the Globe of speeches never delivered is found in Part 4, Appendix to the Globe for the Thirty-seventh Congress. The same speech was delivered by two gentlemen, one on the 24th of April in "Committee of the Whole on the state of the Union," and the other on May 26 in the House, on the "bill to confiscate the property and free the slaves of rebels." Malicious persons have intimated that this wonderful identity of thought and diction came from the fact that an enterprising member of the "literary lobby" sold the same speech to two ambitious statesmen without either knowing of the purchase by his colleague; but those of us who have watched the operation of great intellects and the singular unanimity with which they arrive at the same conclusions, especially after a party caucus, will discard the slanderous imputation.

Whatever may have been the cause of the identity to which I have alluded, the RECORD shows that each gentleman asked and obtained leave to print, their incubation having the same result.

Another disgraceful abuse of the printing rule is found in the RECORD of April 13, 1880, where a member of poetic tendencies obtained leave to print his remarks on a "bill providing for certain paintings on the walls of the Capitol," and then inserted in the RECORD blank verse to the amount of sixty pages quarto, with this appropriate caption, "To the Immortals."

On December 14, 1882, we find in the RECORD, while the House was in Committee of the Whole on the "bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884," a very few remarks by a distinguished member of the House, supplemented by the entire Constitution of the United States; and this publication in face of the fact that the Constitution can be

found in the volumes containing the Revised Statutes, the Rules of both the Senate and House, and the hundreds of publications on constitutional law and United States history.

It is hardly to be supposed that this sacred instrument would appear at length in the CONGRESSIONAL RECORD except under leave to print.

The most remarkable act of disinterested publication is found, however, in the CONGRESSIONAL RECORD, May 6, 1884.

The RECORD shows the following:

On the bill (H. R. 5836) to reduce import duties and war-tariff taxes.

Mr. ——— said:

Mr. CHAIRMAN: I said all that I wish to say on the tariff in my speech in the Forty-seventh Congress, and I could only reiterate the same. But since that time an article has been written upon the tariff which in my judgment surpasses all others for clearness of statement and conclusiveness of argument that have ever been written on that subject. It comes from the pen of the magnetic statesman James G. Blaine, who I hope may be chosen as the standard bearer of the principles he so ably represents.

In his Twenty Years of Congress, volume 1, pages 178-214, he says.

This brief address is then supplemented by the chapters on the tariff of the Hon. J. G. Blaine's recently published work, and the Congressional campaign committee of the Republican party advertised this original oration in the late canvass at the moderate price of $10 per thousand, sent under frank as part of the CONGRESSIONAL RECORD to any part of the country.

In other words, leave to print his remarks is obtained by a member of the House, and a campaign document is then inserted in the RECORD, the cost of printing to be paid for out of the common Treasury of the people, and the cost of transportation in the mails to be covered by a Congressional frank! At the last session leave to extend his remarks in the RECORD was given to a Representative who had spoken for six minutes, and after the adjournment of Congress an elaborate speech appeared in the printed debates, reflecting seriously upon committees of both the Senate and House and upon another Representative. In the course of debate some days since, upon a motion to expunge this speech from the RECORD, a communication was read from the Public Printer showing that in the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses five hundred and sixty-nine speeches were printed in the RECORD, not one word of which was delivered in the House, and eleven hundred and eighty-three were withheld for revision, and so altered and amended as to be beyond all recognition by those who heard the original addresses.

Mr. President, if time permitted I could multiply almost indefinitely instances of flagrant outrage perpetrated under the practice of printing in the RECORD speeches never delivered. It has often happened that assertions the most monstrous and assaults the most outrageous have been discovered for the first time in the RECORD after the adjournment of Congress and when the debate had been distributed over the country. Every public man knows how useless it is then to attempt refutation or explanation. At the last session the provisions of the resolution I offer were placed upon the legislative appropriation bill by the Senate, but stricken out in the House, and upon conference the amendment was abandoned. It was argued then, conspicuously by the Senator from Ohio [Mr. SHERMAN], that the House of Representatives should have the right to control the record of its own proceedings, and regulate as it pleased the publication of its own debates.

If the House were an independent body, legislating alone and not in conjunction with the Senate; if its debates were not printed under an act of Congress and paid for out of the common Treasury, there would be some force in this position. But the debates are those of Congress, published under the provisions of law, and it is our duty so far as we are able to see that the abuse of publishing pretended and not real debates should be abolished. The law requires the publication of the debates in Congress, not in one House alone, but in both, and it is impossible to discriminate between our duty to attempt by proper legislation to prevent a pernicious violation of law in this as in every other such instance.

There is but one method by which to prevent the CONGRESSIONAL RECORD from being made the vehicle for injustice and personal or party malevolence. Let the disgraceful and fraudulent practice of publishing as uttered what has never been heard in debate be at once and forever prohibited, and let the anomaly of a *silent orator* be no longer known in the American Congress.

I move that the resolution be referred to the Committee on Printing.

Mr. CONGER. Let the resolution be read. While I enjoyed the remarks of the Senator, for the life of me I could not tell what he was talking about.

Mr. VEST. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again reported.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the resolution be referred to the Committee on Printing.

Mr. HAWLEY. I wish to correct what seemed to be a misapprehension on the part of the Senator from Missouri. He referred to a speech which was substantially the chapters of Mr. Blaine's book upon the tariff as having been printed at Government expense and then sold by committees at 10 cents a hundred, or whatever the price may have been. Now, any copies of the CONGRESSIONAL RECORD, or of speeches that are in the RECORD, beyond the regular edition of the RECORD, are paid for at the Government Printing Office by whatever committee orders them, Republican or Democratic, before they are distributed, or before they are sold to anybody. If sold, they are sold to local committees, who simply repay the national committee. I venture to say that is the case with the committees of both parties; so that it can not be said that the printing was done at Government expense and then the pamphlet sold afterward by private persons or volunteer committees.

Mr. VEST. I only spoke of what has been stated currently in the press. Of course I have no personal knowledge, but I will ask the Senator from Connecticut if it is not true that this paper, purporting to be a portion of the CONGRESSIONAL RECORD, was franked and sent all over the country?

Mr. HAWLEY. Oh, yes; anything that is a part of the RECORD; anything that is part of a Government print—that is, a reprint or part of the original Government edition—can be franked. That is the well-understood law. But I wanted to correct the Senator's misapprehension in this, that if any copies were sold they were first paid for to the Government and then afterward transferred at the same cost. I have no doubt that is true of both political committees.

Mr. SHERMAN. Another statement should be made in aid of the position taken by the Senator from Missouri. The chief expense caused by this extra printing is undoubtedly in composition. The Government of the United States prints a great number of copies of the RECORD for public distribution by members of Congress, and all the extra cost of composition and printing this large number, together with the cost of binding, makes it a very expensive document, probably the most expensive printed by the Government except the explorations and surveys—makes that additional cost of public printing, so that the public RECORD now is reaching six, seven, or eight volumes for one session of Congress. When I first entered Congress one volume for the short session and two volumes for the long session was the rule as to the size of the Globe. Now it has got to be seven or eight volumes, and all of it grows out of this abuse, which, in my judgment, ought to be corrected. In this matter the Senate is somewhat to blame. We ought not to complain of others while we violate the rules ourselves. We print a great deal more in the Senate than we formerly did. Every day almost there is printing ordered by the Senate, generally good-naturedly, because no one likes to object, which by the rules can not be printed except by unanimous consent.

Mr. PLATT. May I interrupt the Senator from Ohio?

Mr. SHERMAN. Certainly.

Mr. PLATT. No speeches of Senators are printed in the RECORD unless they are actually delivered here. There is no "leave to print" in the Senate, I think.

Mr. SHERMAN. But almost every day printing is ordered by unanimous consent. Without making any invidious distinction, I will state that the other day a member of the Senate rose and said that instead of reading them he would ask to have certain documents printed. It is done every day here. I have seen it done many a time.

Mr. LOGAN. That is not a speech.

Mr. SHERMAN. No; but parts of a speech—exhibits, and memorials, which are longer than a speech; and sometimes when memorials are offered by Senators they are printed in the RECORD, so that we are gradually falling into the same habit.

In my judgment it would be a great deal better to reduce the RECORD below even what it was twenty years ago, and make it like what in England are called the Hansard Debates, a compendium of the debates. Such a publication would be immensely more valuable because immensely more convenient. If the resolution of the Senator from Missouri could bring about a reform of that kind it would reduce the size of our CONGRESSIONAL RECORD to one volume in the short session and two volumes in the long session. If we could have a prohibition of all matter that is not delivered, and some mode of condensing, I think it would be of great advantage, but it would be a very difficult operation.

Mr. PLATT. I think the Senator from Ohio is quite right. It is desirable if possible to condense the CONGRESSIONAL RECORD; but what I alluded to was the different practice which prevails in the Senate and House as I understand it. Now, in the Senate it is supposed that if the rule is followed nothing goes into the RECORD except what is actually delivered here orally by Senators. In the House, as I understand, a leave to print is obtained, so that speeches which are never in fact delivered in the House are printed in the RECORD. Nothing of that sort occurs here.

Then I understand another practice prevails in the House, which is for a member, who is limited to perhaps five or ten minutes, to commence the delivery of a speech which he has already prepared, and not having time to conclude it, to obtain leave to print the remainder of his remarks. Nothing of the kind is done in the Senate. That is what I alluded to when I interrupted the Senator from Ohio.

Mr. FRYE. There is one thing that might be said in excuse for the other branch. Under the rules of the House it is very seldom that there occurs a discussion where any member is allowed over ten minutes in

debate. The most valuable discussions that are had in the other branch are under the five-minute rule, and under no rule of the House can any member be entitled to over one hour, that is, a member having in charge a matter of importance or the committee having it in charge, while in the Senate a Senator may rise in his place and give notice and at any time in the future may stop the whole business of the Senate, surround himself with books five feet high and read from one hour to two hours or four or six or ten hours, I judge, or any length of time that he pleases. There is no limitation upon debate in the Senate. Any Senator gets time when he pleases, and any Senator occupies all the time that he pleases. This may be to a certain extent an excuse for the House of Representatives.

It seems to me that the most serious difficulty about this whole matter is not the expense of printing, it is not the number of volumes which are printed, but is the suggestion which the Senator from Missouri just made, that a speech appears in the RECORD as if made in the Committee of the Whole House or as if made in the House, and whoever reads that RECORD away from here, not understanding the customs of the House, has reason to suppose that that speech is made when all the members of the House are present; and statements are made, assertions are indulged in, attacks occur where the member attacked or assailed must have been expected to have made answer, and yet no answer is made, because he knows absolutely nothing about it. I remember very distinctly one day reading in the RECORD a speech which was made about the manufacturers of New England, and charges were made that the operatives in those mills were slaves, that they were almost starved to death, that they were treated more inhumanly than the slaves of the South ever were treated. A constituent of mine called my attention for the first time to it and wanted to know if I was not present attending to my duty and why I had permitted a thing of that kind to go unchallenged. Well, it was one Saturday when nobody was there except the Speaker of the House of Representatives and six other members, each one of whom had a long speech to deliver, and each one of whom, perhaps, read five or ten minutes and then printed about a two hours' speech. That seems to me the most serious difficulty about the matter.

Mr. DOLPH. Mr. President, I embrace this opportunity to correct an impression which is quite prevalent, that a member of Congress can have any amount of printing done at the public expense. The fact is well known here that but a limited number of copies of the CONGRESSIONAL RECORD is distributed, and if a member of Congress desires more he must pay for his copies, and if he desires to have a speech printed he must pay the cost to the Government and 10 per cent. added. There is nothing which appears in the CONGRESSIONAL RECORD that can be obtained for gratuitous distribution or at all unless it is paid for.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Missouri that the concurrent resolution be referred to the Committee on Printing.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 2280) for the relief of Mrs. Jane Venable.

CHEROKEE LANDS WEST OF ARKANSAS RIVER.

Mr. WALKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas by the act of March 3, 1883, the sum of $300,000 was appropriated by Congress for the benefit of the Cherokee Nation of Indians "out of the funds due under appraisement for Cherokee lands west of the Arkansas River:" Therefore,

Be it resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate as soon as practicable—

First. What was the price paid said Cherokee Nation per acre for their lands west of Arkansas River.

Second. Whether there has been more than one appraisement of such lands; and, if so, what, and by what authority.

Third. If the payment of said $300,000 was on account of any lands belonging to said Cherokee Nation west of the Arkansas River other than the lands occupied by the Pawnees, Nez Percés, Poncas, Ottoes, Missourias, and Osages.

NAVAL APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. HALE. I move to take up the bill (H. R. 7791) making temporary provision for the naval service.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with an amendment.

Mr. HALE. I ask unanimous consent that the Senate amendment be now read for amendment, thereby saving a reading.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). If there be no objection it will be so read.

The Chief Clerk read the amendment, which was, to strike out all after the enacting clause of the bill and to insert in lieu of the matter stricken out—

That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the last half of the year ending June 30, 1885, and for other purposes:

For the pay of the Navy, for the active-list, namely: For one Admiral, one Vice-Admiral, eight rear-admirals, seven chiefs of bureaus, twenty-one commodores, forty-five captains, eighty-seven commanders, seventy-eight lieutenant-commanders, two hundred and seventy-two lieutenants, ninety-five junior lieutenants, ninety-five ensigns, ninety-eight junior ensigns, fourteen medical directors, fifteen medical inspectors, fifty surgeons, seventy-nine passed assistant surgeons, eight assistant surgeons, two assistant surgeons not in line of promotion (who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, $2,100, when on shore duty $1,800, and when on leave or waiting orders $1,600) thirteen pay-directors, twelve pay-inspectors, forty-nine paymasters, twenty-nine passed assistant paymasters, twenty assistant paymasters, sixty-nine chief engineers, ninety-three passed assistant engineers, seventy-eight assistant engineers, twenty-four chaplains, eleven professors of mathematics, ten naval constructors, nine assistant naval constructors, ten civil engineers, one hundred and eighty-eight warrant officers, thirty-eight mates, two hundred and ninety-five naval cadets; in all, $1,743,750.

For pay of the retired-list, namely: For forty-three rear-admirals, twenty commodores, eleven captains, twelve commanders, sixteen lieutenant-commanders, twenty-seven lieutenants, seven ensigns, twenty-two medical directors, two medical inspectors, four surgeons, five passed assistant surgeons, seven assistant surgeons, nine pay-directors, two pay-inspectors, four paymasters, two passed assistant paymasters, one assistant paymaster, eleven chief engineers, twenty passed assistant engineers, twenty-six assistant engineers, eight chaplains, six professors of mathematics, one chief constructor, three civil engineers, thirteen boatswains, ten gunners, nine carpenters, and seven sailmakers; in all, $361,895.

For pay to petty officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineers' force and for the Coast Survey service, not exceeding 8,250; in all, $1,245,000.

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, which shall specify the special necessity for such travel, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets, and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1885, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress, and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction, and information from abroad, and the collection and classification thereof, $182,500.

For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices, at Washington, D. C., $7,500.

BUREAU OF NAVIGATION.

For foreign and local pilotage and towage of ships of war; services and materials in correcting compasses on board ship, and for adjusting and testing compasses on shore; nautical and astronomical instruments, nautical books, maps, charts, and sailing directions, and repairs of nautical instruments for ships of war; books for libraries of ships of war; naval signals and apparatus, namely, signal-lights, lanterns, rockets, running-lights, drawings, and engravings for signal-books; compass-fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ships' ways, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship, including those for the cabin, ward-room, and steerage, for the holds and spirit-room, for decks and quarter-masters' use; bunting and other materials for flags, and making and repairing flags of all kinds; oil for ships of war, other than that used in the engineer department; candles when used as a substitute for oil in binnacles and running-lights; chimneys and wicks, and soap used in the navigation department; stationery for commanders and navigators of vessels of war and for use of courts-martial; musical instruments and music for vessels of war; steering-signals and indicators, and speaking-tubes and gongs for signal communication on board vessels of war; and for introducing electric lights on board vessels of war, not exceeding $2,500; in all, $25,000.

For erection of compass-testing house, $7,000.

For contingent expenses of the Bureau of Navigation, namely: For freight and transportation of navigation materials, postage and telegraphing on public business, advertising for proposals, packing-boxes and materials, and all other contingent expenses, $1,000.

For the civil establishment at navy-yards and stations, $2,500.

BUREAU OF ORDNANCE.

For procuring, producing, and preserving ordnance material; for the armament of ships; for fuel, tools, materials, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval experimental battery, $25,000.

For necessary repairs to ordnance buildings, magazines, gun-parks, boats, lighters, wharves, machinery, and other objects of the like character, $7,500.

For miscellaneous items, namely: For freight to foreign and home stations, advertising and auctioneers' fees, cartage and express charges, repairs to fire-engines, gas and water pipes, gas and water tax at magazines, toll, ferriage, foreign passage, and telegrams to and from the bureau, $1,500.

For the civil establishment at navy-yards and stations, $2,500.

For the torpedo corps, namely: For labor, material, freight and express charges; general repairs to grounds, buildings, and wharves; boats; instruction; instruments, tools, furniture, experiments, and general torpedo outfits, $25,000.

BUREAU OF EQUIPMENT AND RECRUITING.

For equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation, storage, and handling; hemp, wire, hides, and other materials for the manufacture of rope and cordage; iron for the manufacture of anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $298,000.

For expenses of recruiting: For expenses of recruiting for the naval service, rent of rendezvous and expenses of maintaining the same, advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad, $12,500.

For contingent expenses of equipment and recruiting: For extra expenses of training-ships, freight and transportation of equipment stores, printing, advertising, telegraphing, books and models, postage, car-tickets, ferriage, ice, apprehension of deserters and stragglers, assistance to vessels in distress, continuous service certificates and good-conduct badges for enlisted men, school-books for training-ships, medals for boys, and emergencies arising under cognizance of Bureau of Equipment and Recruiting unforeseen and impossible to classify, $5,000.

For the civil establishment at navy-yards and stations, $4,500.

BUREAU OF YARDS AND DOCKS.

For general maintenance of yards and docks, namely: For freights and transportation of materials and stores; books, models, maps, and drawings; purchase and repair of fire-engines; machinery; repairs on steam fire-engines, and attendance on the same; purchase and maintenance of oxen and horses, and driving teams, carts, and timber-wheels, and all vehicles for use in the navy-yards, and tools and repairs of the same; dredging; postage on letters and other mailable matter on public service; telegrams; furniture for Government houses and offices in the navy-yards; coal and other fuel; candles, oil, and gas; cleaning and clearing up yards and care of public buildings; attendance on fires, lights, fire-engines, and apparatus; for clerical and incidental labor at navy-yards; water-tax, and for toll and ferriages; rent of four officers' quarters at League Island; pay of the watchmen in the navy-yards; and for awning and packing-boxes, and advertising for yard and dock purposes, $86,000.

For contingent expenses that may arise at navy-yards and stations, $5,000.

For the civil establishment at navy-yards and stations, $12,000.

BUREAU OF MEDICINE AND SURGERY.

For support of the medical department: For surgeon's necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, $30,000.

For the naval-hospital fund, namely: For maintenance of the naval hospitals at the various navy-yards and stations, $15,000. And if the Secretary of the Navy shall not be able to maintain properly the whole number of naval hospitals now kept open on the amounts hereby appropriated for the maintenance of and civil establishment at naval hospitals, he shall close those which are least necessary to the service, and provide for the patients now cared for therein at such other naval hospitals as may be most convenient.

For contingent expenses of the bureau: For freight on medical stores; transportation of insane patients; advertising; telegraphing; purchase of books; expenses attending the medical board of examiners; rent of rooms for naval dispensary; hygienic and sanitary investigation and illustration; purchase and repair of wagons and harness; purchase and feed of horses and cows; trees, garden tools, and seeds, $12,500.

For necessary repairs of naval laboratory, naval hospitals, and appendages, including roads, wharves, outhouses, sidewalks, fences, gardens, farms, and cemeteries, $12,500.

BUREAU OF PROVISIONS AND CLOTHING.

For provisions for the seamen and marines; commuted rations for officers, seamen, and marines; expenses of the handling and transportation of provisions; of inspections and storehouses; purchase of water for ships for cooking and drinking purposes; and for provisions and commutation of rations for seven hundred and fifty boys, $550,000.

For contingent expenses: For freight on shipments (except provisions); candles, fuel; books and blanks; stationery; advertising and commissions on sales; furniture for inspection and pay offices in navy-yards; foreign postage, telegrams, and express charges; toll, ferriages, car-tickets; yeoman's stores, iron safes, newspapers, ice, and incidental expenses absolutely necessary, $10,000.

For the civil establishment, $3,000.

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $450,000: *Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

For the civil establishment, $10,000.

BUREAU OF STEAM-ENGINEERING.

For repairs, completion, and preservation of machinery and boilers, including steam-steerers, steam-capstans, steam-windlasses, &c., in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores; purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, $250,000; and the unexpended balance of the appropriation of $1,000,000 made by the act approved March 3, 1883, for engines and machinery for the double-turreted ironclads, be, and the same is hereby, reappropriated and made available during the fiscal year ending June 30, 1885, for the purposes enumerated in this paragraph: *Provided*, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 30 per cent. of the estimated cost of new engines and machinery of the same character and power.

For contingencies, such as instruments and materials for draughting-room, $500.

For the civil establishment, $5,000.

INCREASE OF THE NAVY.

For completing the Mohican at the Mare Island navy-yard, $50,000.

For care and safe-keeping of the iron-clad monitors now in the hands of the contractors, when they shall have been turned over to the Government by said contractors, $5,000.

NAVAL ACADEMY.

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry, at the rate per annum of $2,500 each; three professors (assistants), namely, one of physics, one of Spanish, and one of English studies, history, and law, at the rate per annum of $2,200 each; six assistant professors, namely, four of French, one of English studies, history, and law, and one of drawing, at the rate per annum of $1,800 each; sword-master, at the rate per annum of $1,500, and two assistants, at the rate per annum of $1,000 each; boxing-master and gymnast, at the rate per annum of $1,200; assistant librarian, at the rate per annum of $1,400; secretary of the Naval Academy, at the rate per annum of $1,800; three clerks to Superintendent, at the rate per annum of $1,200, $1,000, and $800, respectively; one clerk to commandant of cadets, at the rate per annum of $1,200; one clerk to paymaster, at the rate per annum of $1,000; one dentist, at the rate per annum of $1,600; one baker, at the rate per annum of $600; one mechanic in department of physics and chemistry, at the rate per annum of $730; one cook, at the rate per annum of $325.50; one messenger to Superintendent, at the rate per annum of $600; one armorer, at the rate per annum of $529.50; one gunner's mate, at the rate per annum of $469.50, and one quarter-gunner, at the rate per annum of $409.50; one cockswain, at the rate per annum of $469.50; one seaman in the department of seamanship, at the rate per annum of $349.50; one attendant in the department of astronomy and one in the department of physics and chemistry, at the rate per annum of $300 each; six attendants at recitation-rooms, library, store, chapel, and offices, at the rate per annum of $240 each; one band-master, at the rate per annum of $528; twenty-one first-class musicians, at the rate per annum of $348 each; seven second-class musicians, at the rate per annum of $300 each; in all, $26,779.50.

For pay of watchmen and others: For captain of the watch and weigher, at $2.50 per day; four watchmen, at $2 per day each; foreman of the gas and steam-heating works of academy, at $5 per day; ten attendants at gas and steam-heating works, one at $3, one at $2.50, and eight at $2 per day each; one steam-pipe fitter, at the rate per annum of $600; one foreman of joiners, one foreman of painters, and one foreman of masons, at $3.50 per day each; one mason at $3 per day; two joiners and one painter, at $2.50 per day each; one tinner, one gas-fitter, and one blacksmith, at $2.50 per day each; in all, $11,494.25.

For pay of mechanics and others: For one mechanic at workshop, at $2.25 per diem; one master-laborer, to keep public grounds in order, at $2.28 per diem; fourteen laborers, to assist in same, three at $2 per diem each and eleven at $1.50 per diem each; one laborer, to superintend quarters of cadet-midshipmen and public grounds, at $2 per diem; twenty servants, to keep in order and attend to quarters of cadet-midshipmen and public buildings, at $20 per month each; in all $7,281.33.

For pay of the employés in the department of steam-engineering, Naval Academy: One master-machinist, one boiler-maker, and one pattern-maker, at $3.50 per day each; two machinists and one blacksmith, at $2.50 per day each; four laborers, at $1.50 per day each; in all, $3,832.50.

For necessary repairs of public buildings, pavements, wharves, and walls inclosing the grounds of the Naval Academy, and for improvements, repairs, and furniture and fixtures, $10,500: *Provided*, That no appropriation provided for in this act shall be construed to authorize or be applied to a new building for the use of the Superintendent or other officers of the academy.

For fuel, and for heating and lighting the academy and school-ships, $8,500.

For contingent expenses, Naval Academy: For purchase of books for the library, $1,000.

For stationery, blank-books, models, maps, and for text-books for use of instructors, $1,000.

For expenses of the Board of Visitors to the Naval Academy, $750.

For purchase of chemicals, apparatus, and instruments in the department of physics and chemistry, and for repairs of the same, $1,250.

For purchase of gas and steam machinery; steam-pipe and fittings; rent of building for the use of the academy; freight; cartage; water; music; musical and astronomical instruments; uniforms for the bandsmen; telegraphing; for feed and maintenance of teams; for current expenses and repairs of all kinds; and for incidental labor and expenses not applicable to any other appropriation, $17,300.

For stores in the department of steam-engineering, $400.

For materials for repairs in steam-machinery, $500.

MARINE CORPS.

For pay of officers on the active-list, as follows: For one colonel-commandant, one colonel, two lieutenant-colonels, one adjutant and inspector, one quartermaster, one paymaster, four majors, two assistant quartermasters, one judge-advocate-general United States Navy, nineteen captains, thirty first lieutenants, and twenty-two second lieutenants, $98,220.

For pay of officers on the retired-list: For one colonel, three majors, two assistant quartermasters, three captains, two first lieutenants, and three second lieutenants, $14,819.

For pay of non-commissioned officers, musicians, and privates: For one sergeant-major, one quartermaster-sergeant, one leader of the band and one drum major, fifty first sergeants, one hundred and forty sergeants, one hundred and eighty corporals, thirty musicians, ninety-six drummers and fifers, and one thousand five hundred privates, $194,526.

For ten clerks and two messengers, $8,017.50; payments to discharged soldiers for clothing undrawn, $10,000; transportation of officers traveling under orders without troops, $4,000; in all, $22,017.50.

For provisions for the Marine Corps, and for difference between cost of rations and commutation thereof for detailed men, $30,000.

For clothing, $38,500.

For fuel, $9,600.

For military stores, namely: For pay of one chief armorer, at $3 per day; three mechanics, at $2.50 per day each; purchase of military equipments, such as cartridge-boxes, bayonet-scabbards, haversacks, blanket-bags, canteens, musket-slings, swords, flags, knapsacks, drums, fifes, bugles, and other instruments, $2,500; purchase of ammunition, $500; purchase and repair of instruments for the band, and purchase of music, $250; in all, $4,893.25.

For transportation of troops and for expenses of recruiting, $5,000.

For repairs of barracks, and rent of buildings to be used for the manufacture of clothing, stores for supplies, and offices of assistant quartermaster at Philadelphia, and for hire of quarters where there are no public buildings, $9,500.

For forage for four public horses, one for messenger to commandant and staff, Washington, D. C., and three for general use at marine barracks, Mare Island, California, and League Island, Pennsylvania, $360.

For the purchase of forage, $2,940: *Provided*, That no commutation for forage shall be paid.

For contingencies, namely: For freight; ferriage; toll; cartage; funeral expenses of marines; stationery; telegraphing; rent of telephone; apprehension of deserters; per diem to enlisted men employed on constant labor for periods not less than ten days; repair of gas and water fixtures; office and barrack furniture; mess utensils for enlisted men; packing-boxes; wrapping-paper; oil cloth; crash; rope; twine; carpenter's tools; tools for police purposes; purchase and repair of hose; repairs to public carryall; purchase and repair of harness; repair of fire-extinguishers; purchase and repair of hand-carts and wheelbarrows; purchase and repair of cooking-stoves, ranges, &c.; stoves where there are no grates; purchase of ice; towels and soap for offices; improving parade-grounds; repair of pumps and wharves; laying drain and water pipes; introducing gas; and for other purposes, including gas and oil for marine barracks maintained at the various navy-yards and stations, and water at marine barracks, Boston, Mass., Brooklyn, N. Y., Annapolis, Md., and Mare Island, California; also straw for bedding for enlisted men at the various posts, and furniture for Government houses; in all, $12,500.

At the naval asylum, Philadelphia, Pa.: For superintendent, at the rate per annum of $600; steward, at the rate per annum of $480; matron, at the rate per annum of $360; cook at the rate per annum of $240; two assistant cooks, at the rate per annum of $168 each; chief laundress, at the rate per annum of $192; six laundresses, at the rate per annum of $168 each; nine scrubbers and waiters, at the rate per annum of $168 each; six laborers, at the rate per annum of [illegible] each;

stable-keeper and driver, at the rate per annum of $360; master-at-arms, at the rate per annum of $480; corporal, at the rate per annum of $360; carpenter, at the rate per annum of $365; water-rent and gas, $1,000; ice, $100; car-tickets, $125; cemetery and burial expenses, and head-stones, $175; improvement of grounds, $250; repairs to buildings, and preservation of all kinds, painting, and for grates, furnaces, ranges furniture, and repairs of furniture, $2,250; and for support of beneficiaries, $21,750; in all, $29,906.50, which sum shall be paid out of the income from the naval pension fund.

SEC. 2. That all appropriations made by the act of July 7, 1884, making temporary provision for the naval service for the six months ending December 31, 1884, or any balances thereof that may be unexpended at that date, be, and they are hereby, reappropriated, continued, and made available for the remainder of the fiscal year ending June 30, 1885.

SEC. 3. That the Secretary of the Navy is hereby directed to report to Congress, at its next and each regular session thereafter, the amount expended during the prior fiscal year, from the appropriations for the pay of the Navy, Bureaus of Navigations, Ordnance, Equipment and Recruiting, Yards and Docks, Medicine and Surgery, Provisions and Clothing, Construction and Repair, and Steam-Engineering, for civilians employed on clerical duty, or in any other capacity than as ordinary mechanics and workingmen, and to submit, under the estimates for pay of the Navy and for the respective Bureaus enumerated above, specific estimates for such civilian employes for the fiscal year 1886, and each fiscal year thereafter.

Mr. HALE. The basis of the amendment is the regular appropriation bill for the present year ending July 1, 1885, made up on the estimates of that year, as matured by the House and sent to the Senate. So far as the amounts go they are precisely the same as the House bill; so that we tender to them the bill as matured by them, taking their work.

The only exceptions are some small items, one of a thousand dollars for commutation of quarters for officers of the Marine Corps by the act of July 7, 1884; another for contingent expenses of the Bureau of Yards and Docks, $5,000; and a third for the civil establishment, Bureau of Provisions and Clothing, $6,000; in all $12,000. Those are made necessary by the fact that without them nothing would be had in these several branches for the succeeding six months. Otherwise the amendment is the regular bill as it passed the House.

There have been one or two matters of change of law that the bill leaves off for the conference to adjust, and there are one or two places to which I call attention now, where I wish to make amendments to conform to existing law.

First, in line 13 the amendment provides for "ninety-five ensigns and ninety-eight junior ensigns." Since the bill was matured by the House a law has been passed, the act of June 26, 1884, by which they are all made ensigns and the rank of junior ensign is abolished. Therefore, in line 13, before the word "ensigns," I move to strike out "ninety-five" and insert "one hundred and ninety-three," and after the word "ensigns" to strike out "ninety-eight junior ensigns;" so as to read, "one hundred and ninety-three ensigns," to conform to existing law.

The amendment to the amendment was agreed to.

Mr. HALE. In line 229, before the word "thousand," I move to strike out "twelve" and insert "two;" so as to read:

For necessary repairs of naval laboratory, &c., $2,500.

That is a mistake in the print.

The amendment to the amendment was agreed to.

Mr. HALE. In line 287, before the words "per cent.," I move to strike out "thirty" and insert "twenty;" so as to read:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power.

That is to conform to existing law.

The amendment to the amendment was agreed to.

Mr. HALE. I believe that is all except the amendment to the title, which will come up after the bill has passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HALE, the title was amended so as to read: "A bill making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes."

TAXATION OF RAILROAD LANDS.

The PRESIDING OFFICER. The first case on the Calendar under Rule VIII will be stated.

Mr. VAN WYCK. Before the Senate proceeds to the Calendar I should like to move that Order of Business 113 under Rule IX, being the bill (S. 60) to declare certain lands subject to taxation, be made the special order for Friday, the 9th day of January.

The PRESIDING OFFICER. The Senator from Nebraska moves that the bill named by him be made a special order for Friday, the 9th of January next, at 2 o'clock.

Mr. GARLAND. With the permission of the Senate, I desire to state that that is a very important bill, and several Senators, who I see are absent now from their places, are very much interested in it. If the Senator from Nebraska thinks the time named by him will be sufficient to allow the return of those Senators, I am perfectly satisfied myself.

Mr. VAN WYCK. I will say to the Senator from Arkansas that it can be made a special order for that day, with the understanding that if any Senator who is interested is away, it shall be made a special order for another day.

Mr. GARLAND. It is perfectly agreeable to me with that understanding. There are several Senators who I know are very much interested in this bill, who I know are absent from the city. With that understanding, however, I have no objection to the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska.

The motion was agreed to by a two-thirds vote.

FORFEITURE OF OREGON LAND GRANT.

Mr. SLATER. I move that the Senate proceed to the consideration of Order of Business 761, being the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

The PRESIDING OFFICER. The Senator from Oregon moves that the bill named by him be now considered by the Senate.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. It is moved by the Senator from Ohio that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

HOLIDAY RECESS.

Mr. ALLISON. I ask that the House resolution relating to adjournment now on the table may be taken up.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 16, 1884.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

Mr. ALLISON. I think the Senate is now in such a situation with regard to the public business as to be able to take up that resolution for consideration. I move that it be taken up.

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate.

Mr. ALLISON. I move now to strike out "Saturday," before "December," and insert "Wednesday;" and after "December," to strike out "20th" and insert "24th;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 24, 1884, they stand adjourned until Monday, the 5th day of January, 1885.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the resolution as amended.

The resolution as amended was concurred in.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move now that we resume the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at 1 o'clock and 54 minutes p. m.) the Senate adjourned.

SENATE.

WEDNESDAY, *December* 24, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PENDLETON presented a memorial of the cigar-makers' union of Elyria, Ohio, remonstrating against the ratification of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 237) for the relief of Frances W. Dyer; and

A bill (S. 1863) for the relief of Robert C. Murphy.

He also, from the same committee, to whom was referred the bill (S. 384) for the relief of William M. Pleas and F. S. Jones, reported it with an amendment, and submitted a report thereon.

Mr. PENDLETON, from the Committee on Foreign Relations, to whom was referred the bill (S. 678) in relation to the Chinese indemnity fund, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, moved their indefinite postponement; which was agreed to:

A bill (S. 1271) in relation to the Chinese indemnity fund; and,

A bill (S. 1961) supplementary to an act approved June 19, 1878, giving to the Court of Claims jurisdiction of the Caldera claims upon the Chinese indemnity fund.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House providing for a holiday recess.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 12 o'clock and 35 minutes p. m.) the Senate, in pursuance of the concurrent resolution of the two Houses, adjourned until Monday, January 5, 1885.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 24, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendments bills of the House of the following titles, namely:

A bill (H. R. 452) granting a pension to Frederick Corfe;

A bill (H. R. 2440) granting a pension to Usebus Sweet;

A bill (H. R. 3177) granting a pension to Charles F. Paris;

A bill (H. R. 3210) for the relief of Jacob Hoerth;

A bill (H. R. 3382) granting a pension to Albert Brant;

A bill (H. R. 4094) granting a pension to Henry Alden; and

A bill (H. R. 5735) granting a pension to Margaret Daily.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, bills and a concurrent resolution of the following titles, namely:

A bill (H. R. 7577) making appropriation for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 7791) making temporary provision for the naval service; and

Concurrent resolution providing that when the two Houses adjourn on Saturday, December 20, they stand adjourned until Monday, January 5, 1885.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 654) to provide for a commission on the subject of the alcoholic liquor traffic;

A bill (S. 1543) for the relief of Wilbur F. Steele; and

A bill (S. 2269) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska.

ORDER OF BUSINESS.

Mr. MOULTON. Mr. Speaker, I ask leave to withdraw certain papers from one of the committees of the House——

The SPEAKER. The Chair would suggest to the gentleman that it will be necessary to submit a request in writing. The Chair thinks, perhaps, however, that it is not the intention of the House to transact any business to-day except mere formal business.

Mr. RANDALL. I ask now to take up for present consideration the House resolution providing for the usual holiday recess as amended by the Senate.

CORRECTION OF THE RECORD.

Mr. REED. Before that is done I desire to make a correction of the RECORD.

On page 427 of the RECORD of the proceedings of Saturday last, under the heading "Interstate commerce," the Speaker has directed in the regular edition a correction of the following six lines, coming immediately after the second line under this title:

Mr. REAGAN. I move the previous question on the pending section and amendment.

Mr. REED. Is that motion debatable?

The SPEAKER. It is not.

Mr. REED. Why?

The SPEAKER. The gentleman from Texas has demanded the previous question.

I wish now, in this same connection, to have the correction inserted in the daily edition, because it would not appear in that edition unless attention was called to it on the floor of the House.

The SPEAKER. The Clerk, with the permission of the House, will read the correction to which the gentleman from Maine refers.

Mr. TOWNSHEND. I would like to inquire if it is not in order for my colleague to ask the House to grant a mere formal order for the withdrawal of papers, by what authority we can undertake to proceed in this manner to transact other business?

The SPEAKER. The request of the gentleman from Illinois was not a mere formal matter, but was a request requiring the action of the House in relation to the withdrawal of papers sent, the Chair supposes as a matter of course by the order of the House, to one of the committees of the House. The practice of the House has been to treat corrections of the RECORD as somewhat in the nature of privileged matters. However, if there is objection to it of course it will not be done.

Mr. TOWNSHEND. I have not objected; but simply asked the question how, if no business is to be transacted to-day, this could be done, when the request of my colleague was denied.

The SPEAKER. The Chair will of course entertain the request of the gentleman from Illinois if there be no objection; and has only intimated that it was generally understood that no business shall be transacted to-day except mere formal matters, in the absence of a quorum.

The Clerk will read the correction to which the gentleman from Maine refers.

The Clerk read as follows:

Insert after the second line, under the heading, "Interstate commerce," on page 427 of the RECORD, as follows:

"Mr. REAGAN. I move to close debate on the pending amendment and on the section under consideration, and on that motion I demand the previous question.

"Mr. REED. Is that motion debatable?

"The SPEAKER. The Chair thinks it is, but the gentleman from Texas has demanded the previous question on it.

"Mr. REED. When did the gentleman demand the previous question?

"The SPEAKER. The gentleman demanded the previous question when he was on the floor and made the motion to close debate."

The SPEAKER. The RECORD as it stands says the gentleman from Texas [Mr. REAGAN] demanded the previous question on the pending section and amendment; whereas, as a matter of fact, the gentleman moved to close debate upon the amendment and the section, and on that motion demanded the previous question.

If there be no objection the proper correction will be inserted.

There was no objection, and it was ordered accordingly.

HOLIDAY RECESS.

Mr. RANDALL. I now call up the resolution of the House providing for the holiday recess with Senate amendments.

The SPEAKER. The Clerk will read the resolution of the House and the Senate amendments.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1884, they stand adjourned until Monday, January 5, 1885.

IN THE SENATE OF THE UNITED STATES, *December* 23, 1884.

Resolved, That the Senate agree to the foregoing resolution of the House of Representatives with the following amendments:

In line 3, strike out "Saturday" and insert "Wednesday." In line 3, strike out "twenty" and insert "twenty-four;" so that it will read:

"*Resolved*, That when the two Houses adjourn on Wednesday, December 24, 1884, they stand adjourned until Monday, January 5, 1885."

Mr. RANDALL. I move that the House concur in the amendment of the Senate.

Mr. BEACH. Is that proposition debatable?

The SPEAKER. Although there is no rule of the House which prescribes that propositions to concur in amendments of the Senate in relation to fixing a time for adjournment are not debatable in the House, still the rule of the House prescribes that such motions when made in the House are not debatable.

Mr. RANDALL. I ask the previous question.

Mr. BEACH. I think the gentleman from Pennsylvania had better give gentlemen an opportunity to be heard upon the amendments of the Senate.

Mr. RANDALL. I am sorry that I can not comply with the request of the gentleman from New York.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division there were—ayes 74, noes 4.

Mr. BEACH. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. BEACH and Mr. RANDALL were appointed tellers.

Before the result of the vote by tellers was reported,

Mr. RANDALL said: I withdraw the demand for the previous question.

The SPEAKER. The demand for the previous question having been withdrawn, the question is on concurring in the amendments proposed by the Senate.

The amendments proposed by the Senate were concurred in.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House do now adjourn.

ENROLLED BILL SIGNED.

Pending the question on the motion to adjourn,

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays.

CHANGE IN COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair announces the following committee assignments, made necessary by changes in the membership of the House.

The Clerk read as follows:

Committee on Elections: Hiram Y. Smith, of Iowa, in place of Mr. Hepburn, resigned.

Committee on Military Affairs: Daniel Connolly, in place of William A. Duncan, deceased.

Committee on the Public Lands: James E. Campbell, of Ohio, in place of Mr. Scales, resigned.

Committee on the Territories: William D. Hill, to fill vacancy occasioned by the death of Mr. Evins.

Committee on Education: Charles T. O'Ferrall, in place of William A. Duncan, deceased.

Committee on Revision of the Laws: George T. Garrison, in place of W. D. Hill, resigned.

Committee on Expenditures in the Treasury Department: Jonathan H. Wallace, in place of Mr. Connolly.

Committee on Printing: John Bratton, to fill vacancy caused by resignation of Mr. Scales.

SELECT COMMITTEES.

On Payment of Pensions, Bounty, and Back Pay: Jonathan H. Wallace, in place of Mr. Connolly, resigned.

On the Alcoholic Liquor Traffic: William E. English, in place of Mr. Evins, deceased.

The motion to adjourn was then agreed to; and accordingly (at 12 o'clock and 23 minutes p. m.) the House, in pursuance of the concurrent resolution of the two Houses, adjourned until Monday, January 5, 1885, at 12 o'clock m.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of New York Leaf Tobacco Board of Trade opposing the Spanish treaty—to the Committee on Ways and Means.

By Mr. EATON: Petition of Toy, Bickford & Co. in favor of Mexican treaty—to the Committee on Ways and Means.

By Mr. McCORMICK. Petition of President W. H. Scott and eleven professors of the Ohio State University, for passage of House bill No. 7498, to establish agricultural experiment stations—to the Committee on Agriculture.

By Mr. MILLS: Petition of citizens of Corsicana, Tex., praying for a uniform system of bankruptcy—to the Committee on the Judiciary.

By Mr. PETERS: Papers relating to claim of Capt. M. Quigg—to the Committee on War Claims.

Also memorial of the city of Leavenworth, Kans., asking for an appropriation to improve the Missouri River—to the Committee on Rivers and Harbors.

By Mr. POLAND: Petition of Thomas Cavanagh and George R. Herrick, relating to Senate bill 1432—to the Committee on the District of Columbia.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. T. M. BROWNE: Of 68 members of the William A. Boyd Post, G. A. R., and 98 citizens of Dublin, Ind.

By Mr. FUNSTON: Of citizens of Uniontown, Kans.

By Mr. LE FEVRE: Of M. McDonald and 54 others, citizens of Hollandsburg, Ohio.

By Mr. MATSON: Of George W. Mitchell and 58 others, citizens of Morgan County, Indiana.

By Mr. WEMPLE: Of 63 citizens and ex-soldiers of Montgomery County, New York.

By Mr. WOODWARD: Of 76 citizens of Vernon County, and 74 citizens of Sank County, Wisconsin.

By Mr. WORTHINGTON: Of Norman McQueen and 70 others, of Fulton County; and of W. M. Stockdale and 60 others, citizens of Knox County, Ill.

SENATE.

MONDAY, *January* 5, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Wednesday, December 24, 1884, was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* laid before the Senate the credentials of JUSTIN S. MORRILL, chosen by the Legislature of Vermont a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature of the enrolled bill (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.; which had heretofore been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of April 22, 1884, a report of the Chief of Engineers, with report of Lieut. Col. O. M. Poe, Corps of Engineers, concerning the Portage Lake and Lake Superior Ship-canal; the interest of the State of Michigan therein; the rights, title, &c., of the Portage Lake and River Improvement Company thereto, &c.; which, with the accompanying papers, was, on motion of Mr. CONGER, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, recommending that a portion of the $2,000 appropriated for the purchase of teams and agricultural implements for the Lawrence school during the current fiscal year, and not required for that purpose, may be expended in the purchase of materials for the construction of washhouse, blacksmith and carpenter shops, fencing, &c.; which, with the accompanying papers, was, on motion of Mr. DAWES, referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mrs. Sanford Makepeace, of East Weymouth, Mass., praying that her husband may be allowed an increase of pension with back pay; which was referred to the Committee on Pensions.

He also presented the petition of Lenora W. Marshall, of Chicago, Ill., praying that she and other heirs of Thomas Hoyt, deceased, a colonel in the Revolutionary war, may be allowed a pension; which was referred to the Committee on Revolutionary Claims.

He also presented the memorial of J. Van Allen, of New York city, remonstrating against a charter for the establishment in this country of a university to be presided over by a foreign potentate; which was referred to the Committee on Foreign Relations.

He also presented the petition of Atchison Wolf, of Roanoke, Ind., praying for an increase of force in the Patent Office; which was referred to the Committee on Patents.

Mr. SHERMAN. I present a petition of citizens of Ohio, members of the Society of Friends, who respectfully pray for the insertion of a clause in the pending treaty between the United States and Spain, requiring that all questions which can not be settled by the usual diplomatic methods be submitted to a board of arbitration. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SHERMAN presented a petition of Dick Lambert Post, No. 165, Grand Army of the Republic, of Ohio, praying for the passage of the bill (H. R. 2522) granting a pension to John Q. Bellville; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Cleveland, Ohio, praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of Memorial Post, No. 141, Grand Army of the Republic, Department of Ohio, favoring the purchase of the portrait of Maj. Gen. George H. Thomas painted by Miss C. S. Ransom; which was referred to the Committee on the Library.

Mr. WILSON. I have received a memorial in the form of a protest

and resolution of the Board of Trade of Council Bluffs, Iowa, in opposition to legislation tending to an extension of the charter of the Union Pacific Railroad Company. The memorial is addressed to the Iowa delegation in Congress, but is evidently intended for the consideration of the two bodies. I therefore ask that it may be received and referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and so referred.

Mr. HALE presented the petition of Ignatius Sargent and others, of Maine, the petition of S. H. Talbot and others, of Maine, and the petition of E. A. Barnard and others, of Maine, praying for the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented a petition of Courtland Saunders Post, No. 21, Grand Army of the Republic, Department of Pennsylvania, praying for the publication of photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Printing:

He also presented memorials of cigar-makers of Philadelphia, Bradford, Greenville, and Farrandsville, in the State of Pennsylvania, and a memorial of cigar-makers of Philadelphia, Pa.; a memorial of cigar-makers of Meadville, Pa.; a memorial of the Cigar-makers' League and Knights of Labor of Pittsburgh, Pa.; a memorial of the New York Leaf Tobacco Board of Trade, and a memorial of the Cigar-makers' Union of Warren, Pa., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of marine underwriters and merchants of Philadelphia, Pa., praying an additional appropriation of $20,000 for the purpose of rendering the signal service on the island of Nantucket more effective; which was referred to the Committee on Appropriations.

He also presented a petition of Mary G. Shott, of Middletown, Dauphin County, Pennsylvania, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a memorial of citizens of York County, Pennsylvania, remonstrating against the ratification of that portion of the proposed treaty between the United States and Spain which relates to tobacco and cigars; which was referred to the Committee on Foreign Relations.

Mr. MANDERSON presented a petition of Curtis Post, No. 89, Grand Army of the Republic, Department of Nebraska, praying for the publication of photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Printing.

He also presented a petition of the city council of Omaha, Nebr., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. LAPHAM presented resolutions adopted by the Board of Managers of the Produce Exchange of New York City, urging a modification of the proposed treaty with Spain so as to admit flour from the United States on the same basis as Spanish flour as regards duty; which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a mass-meeting of cigar-packers, held at Concordia Assembly Rooms, in the city of New York, on the 18th ultimo, and a resolution adopted at a mass-meeting held by the cigar-makers of the city of Albany, N. Y., protesting against the ratification of the proposed treaty between Spain and the United States; which were referred to the Committee on Foreign Relations.

He also presented a petition of merchants and manufacturers of New York city, praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CONGER presented a memorial of Messrs. Salliotte & Raupp, of Ecorse, Mich.; a memorial of the Knights of Labor of Kalamazoo, Mich.; and a memorial of the Michigan Carbon Works of Detroit, Mich., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. DAWES presented the petition of William H. Smart Post, No. 30, Department of Massachusetts, Grand Army of the Republic, praying for the publication of certain photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Printing.

He also presented papers relating to the application of E. L. Keyes for appointment to the Army; which were referred to the Committee on Military Affairs, to accompany Senate bill No. 1798, heretofore referred to that committee.

Mr. PENDLETON. I present the petition of Richard Dymond, of Cincinnati, representing a large mercantile firm in that city, praying for the passage of what is known as the Potter refunding bill. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. VOORHEES presented the petition of Perry W. Chappell and 114 other citizens of Pike County, Indiana, praying that the name of Sasser Sullivan be placed upon the pension-roll for services in the war of the rebellion and also the Mexican war; which was referred to the Committee on Pensions.

Mr. VEST presented a memorial of tobacconists, cigar manufacturers, and employés, of Saint Louis, Mo., remonstrating against the ratification of the treaty now pending before the Senate, known as the Spanish-American reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SAWYER presented resolutions of the State board of health of Wisconsin, in favor of the bill to provide for the establishment of a national board of health; which were referred to the Committee on Epidemic Diseases.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2490) to create a revenue commission; which was read the first time by its title.

Mr. MORGAN. I ask that the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That a commission is hereby created, of which the Secretary of the Treasury shall be *ex officio* a member, composed of five members of the House of Representatives elected to serve during the Forty-ninth Congress and three Senators whose terms extend beyond the present Congress by re-election or otherwise, to be called the "revenue commission," whose duty it shall be to examine and report to Congress on or before the second Monday in December, A. D. 1885, what changes and modifications ought to be made in the existing tariff and revenue laws and regulations in regard to the amount of duties and taxes imposed, and the methods employed in their collection.

SEC. 2. Said commission is empowered to organize at such time and in such manner as a majority thereof may determine. It may act through subcommittees, and hold meetings at such places within the United States as will best secure the information desired; and it shall be the duty of all the United States officials, when called upon by the commission, to furnish it with such information as they possess touching the subjects it is inquiring into.

SEC. 3. The commission is authorized to employ such stenographers and messengers as it may require. It may call for information from such persons as it may believe to be well advised in regard to the subjects it is investigating, and reduce to writing such portions of their statements as may be considered material. It is authorized to pay such persons as it calls before it the usual amount allowed for mileage and per diem to witnesses when summoned to appear before the courts of the United States, and it is empowered to procure suitable places in which to hold its meetings.

SEC. 4. All the traveling and other necessary expenses of the commission, the pay and allowance of witnesses, the compensation of stenographers and messengers, the rent of rooms, and other expenses shall be paid out of any money in the Treasury not otherwise appropriated on the order of the chairman of the commission; and 1,500 copies of the report and such testimony, statements, and exhibits as the commission may direct shall be printed by the Public Printer for the use of the House of Representatives and 500 copies for the use of the Senate.

SEC. 5. The members of the commission shall be selected by the respective Houses of which they are members in such manner as each House may determine.

Mr. MAXEY introduced a bill (S. 2491) to amend section 2117 of the Revised Statutes, in relation to grazing live-stock on lands occupied by Indian tribes or nations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SHEFFIELD introduced a bill (S. 2492) to prevent the discharge from the military service of the United States of graduates from the Military Academy under the provisions of section 3 of chapter 181 of the Supplement of the Revised Statutes, and for the repeal of the said section; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES introduced a bill (S. 2493) to repeal the statute of limitations on the allowance of pension arrears, and to regulate proof in pension cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a joint resolution (S. R. 107) tendering the thanks of Congress to the officers and men of the Greely relief expedition; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL introduced a bill (S. 2494) providing for the relief of G. Alexander Ramsay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO A BILL.

Mr. SEWELL submitted an amendment intended to be proposed by him to the bill (S. 2436) to enable the President to accept invitations of foreign Governments to international exhibitions and to appoint commissioners thereto, and for other purposes; which was ordered to lie on the table and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONGER, it was

Ordered, That the papers in the pension claim of Peter Lennon be taken from the files and referred to the Committee on Pensions.

PUBLICATION OF TREATIES.

Mr. MILLER, of California. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of State be directed to transmit to the Senate copies of all the treaties and conventions (except postal conventions) entered into by the United States the ratification whereof has been exchanged, with such notes as may be in his possession indicating such treaties or conventions, or such parts of treaties or conventions, as have been changed or abrogated; together with a synoptical and analytical index of such treaties and conventions.

Mr. INGALLS. Does that refer to all the treaties that have been made since the institution of the Government?

Mr. MILLER, of California. Yes; all but postal treaties. It is desirable to get out another edition for the purpose of having it printed. There has been none for ten years.

Mr. INGALLS. I was not aware of the object of the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to it.

The resolution was agreed to.

KIOWA, COMANCHE, AND WICHITA INDIAN AGENCY.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish, for the information of the Senate, copies of the reports of the inspectors and of Special Agent P. H. Folsom, of the Indian Office, recently made, in respect to the management of the affairs of the Kiowa, Comanche, Wichita, &c., Indian agency, and of all papers relating thereto.

RECIPROCITY TREATIES, SO CALLED.

Mr. MORRILL. I give notice that I shall on Wednesday of this week call up the resolution introduced by me on the 15th of December, 1884, in relation to reciprocity treaties, so called, for the purpose of making some remarks thereon.

LEAVE OF ABSENCE.

Mr. CULLOM. I ask that my colleague [Mr. LOGAN] may be granted a leave of absence for fifteen days.

The PRESIDENT *pro tempore*. The Senator from Illinois asks that his colleague [Mr. LOGAN] may have leave of absence for fifteen days from this day. If there be no objection that order will be entered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 452) granting a pension to Frederick Corfe;
A bill (H. R. 2440) granting a pension to Usebus Sweet;
A bill (H. R. 3177) granting a pension to Charles F. Paris;
A bill (H. R. 3210) for the relief of Jacob Hoerth;
A bill (H. R. 3382) granting a pension to Albert Brant;
A bill (H. R. 4094) granting a pension to Henry Alden;
A bill (H. R. 5735) granting a pension to Margaret Daily; and
Joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays.

RIGHTS IN LAND GRANTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII, commencing at Order of Business 338, being the bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress.

Mr. MORGAN. I ask that that be laid over without prejudice, inasmuch as the subject to which it relates is not yet ready for the attention of the Senate.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

EDUCATIONAL FUND.

The bill (S. 1235) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education, was announced as next in order on the Calendar.

Mr. PUGH. Let that bill be passed over, retaining its place on the Calendar.

Mr. COCKRELL. Can we not make some arrangement by which such cases will not have to be called every morning? Suppose the bill be allowed to retain its place on the Calendar but that it be not called in order every time we go to the Calendar, and let the same order be made with regard to the bill which has just been passed over.

Mr. MORGAN. I have no objection to that course.

Mr. COCKRELL. Then the Chief Clerk will not have to call these bills every morning.

The PRESIDENT *pro tempore*. The Chair will suggest that if the bills are not to be taken up immediately under Rule VIII, they might be passed over and placed on the Calendar under Rule IX, to be taken up then at the pleasure of the Senate on the motion of the Senators having them in charge.

Mr. PUGH. Very well; let this bill be placed on the Calendar under Rule IX, and if any action is proposed on it we can set a day for its consideration.

The PRESIDENT *pro tempore*. The bill will then be placed on the Calendar under Rule IX.

SOUTHERN MAIL CONTRACTORS.

The joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors was announced as next in order.

The PRESIDENT *pro tempore*. This resolution has been previously considered by the Senate as in Committee of the Whole.

Mr. CONGER. I object to its consideration under Rule VIII.

The PRESIDENT *pro tempore*. The consideration of the resolution is objected to, and it goes on the Calendar under Rule IX.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., was announced as next in order.

Mr. JACKSON. The Senator from Massachusetts [Mr. HOAR] will not be in his seat until Wednesday morning. He is very much interested in the bill, and I ask that it be passed over without prejudice until Wednesday.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks that the bill be passed over retaining its place on the Calendar under Rule VIII. Is there objection?

Mr. CONGER. I think the bill may as well now as at any time go to the Calendar under Rule IX. It should be taken up when it can have more full discussion than under Rule VIII. Therefore I ask that the bill may go under Rule IX.

Mr. JACKSON. I ask the Senator from Michigan to allow it to be passed over informally until Wednesday. He can interpose his objection then.

Mr. CONGER. As the Senator from Massachusetts is not in his seat, I shall not make an objection to the bill being passed over informally at this time.

The PRESIDENT *pro tempore*. Is there objection to the bill being passed over retaining its place on the Calendar under Rule VIII? The Chair hears none, and it is so ordered.

SUITS IN COLLISION CASES.

The bill (S. 1472) to permit the owners of certain vessels and cargoes to sue the United States in the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments: in line 8, to strike out "Court of Claims" and insert "district court of the United States that would have jurisdiction thereof if the case had arisen between private parties;" in line 11, after the words "arising from," to strike out the words "or attributable to;" in line 14, after the word "Court," to strike out the words "of Claims;" in line 15, after the word "authorized," to insert "to try and determine such cases according to the principles of law, and;" and in line 19, after the word "representatives," to insert "and the right of appeal shall exist as in other cases;" so as to make the bill read:

That the owner or owners of any American ship or vessel engaged in the United States merchant marine, or the owner or owners of any cargo laden thereon, or any person or persons interested in said vessels or cargos, may, and they are hereby, authorized and empowered to sue the United States in the district court of the United States that would have jurisdiction thereof if the case had arisen between private parties for any damage, loss, or injury to such vessels or cargoes arising from the negligence, want of skill, or mismanagement of any vessel owned by or belonging to the United States, or those in charge thereof, by collision; and the said court is hereby authorized to try and determine such cases according to the principles of law, and to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, in favor of the party or parties plaintiff, or their legal representatives; and the right of appeal shall exist as in other cases: *Provided, however*, That this act shall not extend to cases occurring more than five years prior to the passage of this act.

The amendments were agreed to.

Mr. CONGER. I desire to ask the Senator who reported the bill whether there is any provision for payment of or security for costs in any of the cases that may be commenced under this proposed law. Here is a general right to ship-owners and passengers and individuals of all classes to sue the United States where the owner or sailor or passenger may claim to have been injured. I ask whether this provision is not too general without some restriction to guard the United States?

Mr. GARLAND. The bill in that respect simply recognizes the general law as to costs with which the Senator from Michigan is familiar, and does not change it in any particular. The general law on that subject is ample, I take it, for all purposes in this proceeding.

I will state, since I am up, that the bill has been suggested by the Committee on the Judiciary in obedience to a number of petitions that have been sent here on behalf of parties owning vessels for relief who have alleged that they have suffered as the bill indicates. There was no jurisdiction, properly speaking, anywhere to try such cases. The Supreme Court held in the case of the Syren, in seventh Wallace, that a suit of this sort could not be brought without an act of Congress authorizing it, and that the jurisdiction of the Court of Claims was not sufficient without enlarging that jurisdiction.

The present occupant of the chair [Mr. SHERMAN] will remember that there was a case here from Tennessee, introduced by the Senator on my right [Mr. HARRIS] on the petition of some gentlemen at Memphis. There was a special bill for that case authorizing the parties to go into the district court. The present occupant of the chair, the Senator from Ohio, offered an amendment to send them to the Court of Claims, but the Senate passed the bill as it came from the committee.

The committee have had several applications of this sort, and they have thought best not to pass a special bill upon each petition that may come up, but to have a general bill allowing all these persons to go into the district court that would otherwise have the jurisdiction to try such matters between private parties, and to relieve the difficulty that was stated in the case of the Syren, in seventh Wallace.

There is one amendment I would offer to the bill. In line 16, before the word "law," I move to insert the word "admiralty," because it is an admiralty proceeding. That, then will cover the question suggested by the Senator from Michigan, because the admiralty practice regulates the matter of costs.

Mr. CONGER. Mr. President——

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from Michigan has already spoken once.

Mr. CONGER. I can speak upon the amendment.

The PRESIDING OFFICER. The Senator from Michigan can speak to the amendment, but it will be first reported.

The CHIEF CLERK. In line 16, before the word "law," it is proposed to insert the word "admiralty;" so as to read:

And the said court is hereby authorized to try and determine such cases according to the principles of admiralty law.

Mr. CONGER. Speaking to the amendment, then, I make the inquiry whether under the provisions of the bill as it stands, even with that addition, power would be given to consolidate any claims about the same transaction.

Mr. GARLAND. No, sir.

Mr. CONGER. Should it not be so?

Mr. GARLAND. I have no objection, if the Senator prefers to make it specific.

Mr. CONGER. I do not know where it comes in, but it seems to me there should be power in the court to consolidate any questions that may arise between owners and passengers of ships, or whatever it might be, concerning the same injury or the same transaction.

Mr. GARLAND. I think my amendment would relieve against that objection.

Mr. CONGER. My objection is not on that account. I think there should be some provision by which, if there were numerous actions by different claimants for the same occurrence, they might all be tried together.

Mr. GARLAND. I think so, and that is my reason for putting in the word "admiralty." That covers every question the Senator has suggested, both as to costs and as to consolidation of claims. I am pretty positive as to that, the only difference being that under admiralty the trial would be before the judge, and contributory negligence would operate only to divide the damages, whereas in a trial as at common law it would be before a jury, and contributory negligence would defeat the claim absolutely.

Mr. SHEFFIELD. I should like to ask the Senator a question. By the rules of the admiralty courts the party coming in for relief is required to give surety for costs. I ask whether that does not apply in this case. It has occurred to me, and I wish to attract the Senator's attention for a moment to the point, that this does not come under the limited-liability act. In the case of any old hulk that belongs to the United States injuring a ship and cargo, it may be, would the United States be liable for the entire amount of the injury and not limited to the value of the colliding vessel?

Mr. GARLAND. I do not think that objection is tenable. If the Senator will examine the bill and the case I have referred to, which was passed upon by the Supreme Court, he will find that the bill is drafted with a view to that case and to meet the objection raised there; and it would simply give this general jurisdiction under the admiralty law under rules well known and established by the Supreme Court to carry on practice of that sort.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read: "A bill to permit the owners of certain vessels and cargoes to sue the United States."

MRS. EMILY MILLER.

The bill (S. 1320) for the relief of Mrs. Emily Miller was announced as next in order.

Mr. HARRIS. That is adversely reported. Let it go over.

The PRESIDING OFFICER. The bill will go over under the adverse report.

PEARSON C. MONTGOMERY.

The bill (S. 896) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out "$14,800" and insert "$3,100;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pearson C. Montgomery, of Memphis, State of Tennessee, the sum of $3,100, in full compensation for property taken from him for the use of and used by the Army of the United States during the late war.

Mr. CONGER. I call for the reading of the report in that case.

The PRESIDENT *pro tempore*. The report of the committee will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE March 17, 1884:

The Committee on Claims, to whom was referred the bill (S. 896) for the relief of Pearson C. Montgomery, having considered the same, beg leave to make the following report:

On the breaking out of the rebellion Pearson C. Montgomery, of Memphis, Tenn., was the owner of the steamer New National, of about four hundred and eighty tons burden, and was engaged in regular business with said boat on the Mississippi River.

At the outbreak of the rebellion she was impressed by the confederates into their service without and against the consent of Montgomery, as he alleges. She continued in the service of the confederates from that time to June 6, 1862, when Memphis was captured by the Union forces. She was at Memphis on that day under orders from the confederate authorities to proceed down the river. Said orders were not obeyed, but after the fight Chief Clerk Nicholas M. Johnson, under the direction of said Montgomery, as he alleges, went on board the monitor Benton and delivered the New National to Admiral Davis, and Capt. Alexander Grant, of the Navy, was immediately placed in command of her, and she entered upon the service of the United States with the full consent of said Montgomery, as he alleges.

She continued in said service from June 6, 1862, to March 20, 1863, a space of two hundred and eighty-eight days, at the expiration of which time she was turned over to said Montgomery by the order of the Secretary of the Treasury, and thereupon he chartered her for one year to Admiral Porter, at the rate of $50 a day, and for a second year at the rate of $65 a day.

The said Montgomery now asks that he be paid at the rate of $50 a day for the two hundred and eighty-eight days the New National was in the service of the United States, under the command of Captain Grant, amounting to the sum of $14,400.

While the New National was so held, and before March 20, 1863, she was libeled in the United States district court for the southern district of Illinois under the act of Congress of July 13, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes."

December 17, 1862, the district attorney for the southern district of Illinois, L. Weldon, wrote to the Solicitor of the Treasury as follows:

"A few days since I obtained in the district court of this district a decree of condemnation against two steamers, the Kentucky and the New National. The ground of condemnation is, that they carried on traffic in violation of the act of July 13, 1862, and the President's proclamation of August 16, 1861.

"The claimants have given notice of appeal to the circuit court, and intend also to make an appeal to the Treasury Department for remission of the penalty. My judgment is that in the case of the New National especially no relief should be given.

"The claimant has taken an oath of allegiance to the rebel government, and made some statements, as shown by the testimony, tending to show him at heart a disloyal man. The testimony on which he predicates his defense is taken without cross-examination and without any evidence as to the truthfulness of his witnesses.

"I have taken great trouble and expense in preparing these cases for trial, having been as far south as Memphis in taking proof. I am thoroughly satisfied, from what I know or have heard outside of the legitimate proof of the case that the New National is a fit subject of prize and capture."

The following letter from the Secretary of the Treasury, Salmon P. Chase, to the Solicitor of the Treasury, Edward Jordan, gives a further history of the case. The letter is dated January 16, 1863:

"Capt. Pearson Montgomery, master and owner of the steamer New National, seized and recently condemned in the United States district court for the southern district of Illinois, under the act of July 13, 1861, has made his petition before me for the remission of said seizure and release of the boat. The complete record in the case, together with a statement of United States District Judge Treat, and the evidence, are presented. From these it appears to my satisfaction that Captain Montgomery was not of his own will in the rebel service with his boat, and that, so soon as he could, he escaped therefrom and voluntarily turned her over to the Federal authorities. * * * I conceive that the discretionary power conferred on the Secretary of the Treasury of mitigating or remitting forfeitures in cases of this nature should be used to extend relief to loyal persons and to lighten the hardships of the war so far as consists with the public interest.

"In this view of the case, and for the reasons above stated, I feel justified in extending such relief as lies in my power to the petitioner, upon the usual terms. You will accordingly please instruct the proper district attorney to dismiss said suit and further proceedings against said steamer upon these conditions, namely, that the claimant shall pay all costs of whatever character incurred by the seizure and judicial proceedings, together with a fee of $100 to the United States district attorney, and agree that a certificate of probable cause of seizure shall issue from the court for the protection of the seizing officer."

Accordingly the proceedings in the circuit court were dismissed and an order made in accordance with the Secretary's letter, as appears of record in said court.

In 1880 Captain Montgomery presented his claim for $14,400 to the Treasury Department. May 25, 1880, a decision was rendered by the Third Auditor on the case rejecting it, and in July of the same year the Second Comptroller made a long examination of the case and rejected it. Captain Montgomery made two points, first, that the boat was not forfeit because it did not ply between ports one declared to be in a state of insurrection, and a port not in such a section. He maintained that though the boat did run between New Orleans, La., and Columbus, Ky., both ports were in the insurrectionary sections, even though Columbus had not been so declared by the President's proclamation of August 16, 1861.

The above-mentioned proclamation declared, among other States, Louisiana to be in a state of insurrection, but did not so declare as to Columbus, Ky.

The law authorizing such proclamation is the act of July 13, 1861, and is as follows:

"SEC. 5. It shall be lawful, &c., * * * for the President by proclamation to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares, and merchandise coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

"SEC. 6. That from and after fifteen days after the issuing of said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States."

It will readily be seen that the Treasury Department could not legally decide this point different from what it did.

Captain Montgomery's second point was that the remission of the forfeiture by the Secretary of the Treasury not only restored to him his vessel, but the right to recover for her services from the time she was first seized.

Secretary Chase does not seem to have considered in his above letter that the

remission of the forfeiture went to that extent. His power of remission arose under section 5 of the act of July 13, 1861, which is as follows:

"That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act entitled 'An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned, approved March 3, 1797,' or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury."

The statute of March 3, 1797, gives power to the Secretary to stay the prosecution and remit the penalty, if one has been imposed, but it goes no further. There is no power in the statute, express or implied, whereby the Secretary could restore to Captain Montgomery the right to be paid for the services of his boat while under the decree of forfeiture.

The Treasury Department could not do otherwise than overrule Captain Montgomery's second point.

Under that head he also claimed that there was an implied contract on the part of the Government to pay for the boat for these 288 days.

That argument must necessarily fall, for the reason that the boat belonged to the Government by force of the statute from the moment it was used in violation of the law and the President's proclamation. It has been held that where a forfeiture is declared by statute in a case like this the forfeiture becomes complete at the moment the statute is violated.

Mr. Justice Ballard says:

"The decisions are uniform both in England and the United States. In the United States *vs.* Fifty-six Barrels of Whisky, &c., 'that where a statute denounces a forfeiture of property as a penalty for the commission of crime, if the denunciation is in direct terms and not in the alternative, the forfeiture takes place at the time the offense is committed and operates as a statutory transfer of the right of property to the Government.'"

And he adds:

"That the subsequent conviction and judgment are simply the consummation of the proceeding that the law requires to be instituted to ascertain the fact of the forfeiture." (See also United States *vs.* Nineteen hundred and sixty Bags of Coffee, 8 Cranch, 398; Gelston *vs.* Hoyt, 3 Wheat., 311; Caldwell *vs.* United States, 8 How., 381; Wood *vs.* United States, 16 Peters, 362; Henderson *vs.* Distilled Spirits, 14 Wall., 61.)

As to the loyalty of Captain Montgomery the testimony is somewhat conflicting, but the committee are inclined to adopt the view of the Secretary of the Treasury, Hon. Salmon P. Chase, that Captain Montgomery was loyal to the United States Government, and that his acts inconsistent with that were not of his own free will. It appears that as soon as the coercive acts of the confederates were removed he voluntarily surrendered the New National to the United States.

It can not be supposed that the Secretary of the Treasury intended at the time he remitted to Captain Montgomery the forfeiture, and requiring him to pay the costs and $100, that he was to have a claim against the Government up to that time for the use of it during the time it was in possession of the Government and while it was in fact the property of the Government. Such a supposition is simply absurd.

The remission of the forfeiture can not have the effect of giving the right claimed in this case.

The statute of March 3, 1797, gives power to the Secretary to stay the prosecution and remit the penalty, if one has been imposed, but it goes no further. It does not confer the power to set aside or reverse the judgment. Its effect is to remit the penalty and restore the property, but the judgment and all its attendant disabilities, except those so remitted, stand, and the claimant is affected thereby.

But it appears from this case that this remission of the forfeiture was on the 16th day of January, 1863, but that the vessel remained in the use of the Government and was not surrendered to the claimant till the 20th day of March following, a period of sixty-two days. It does not distinctly appear where the boat was during this time. It does not appear but that the Government had the use of it during this time. The claimant alleges that it had, and the evidence tends strongly to show it. This point does not seem to have been considered at all by either the Third Auditor or the Comptroller of the Treasury.

The committee think it would be just that the claimant should be paid for the use of the boat during this time. After the 20th of March, when the boat came into the possession of Captain Montgomery, the Government paid him $50 a day for the first year and $65 per day for its use thereafter.

The committee therefore recommend that the claimant be allowed for the said sixty-two days at $50 per day, amounting to $3,100; that the bill be amended so as to read for that amount instead of $14,400, and when so amended that it pass.

Amend the bill by striking out, in lines 6 and 7, the words "fourteen" and "eight," and insert in place thereof the words "three" and "one."

Mr. CONGER. Mr. President, in reading this report I inquired of myself on what principle, on what ground the committee have made a recommendation for the payment of this money during the sixty-two days mentioned herein. This is a vessel that was seized and actually in the possession of the confederate government, belonging to it, laden with its property, or so far seized that the gunboat was in its neighborhood, and the captain or an officer of the boat, it is said, surrendered the boat to this Government. The committee have reported in favor of this claim. They have not reported in the bill that this payment shall be in full for this claim and for all claims which the owner of this vessel may have against the Government.

I think the bill should not pass, and I shall vote against it; but I suggest to those who are in favor of the bill that if it is to pass they should enact that this payment shall be in full of all claims of the owner of said vessel against the Government.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Chair understand the Senator from Michigan to move an amendment?

Mr. CONGER. I do not. I do not care myself to perfect the bill. I propose to oppose it, and vote against it at any rate, but for the interest of the United States I think there should be some provision on the point I have mentioned if the bill is to be passed and become a law.

Mr. PIKE. The Committee on Claims considered this claim and were unanimous that it ought to be paid to the extent of the $3,100 proposed to be allowed. This steamer, the New National, was, as the Senator from Michigan says, libeled in court and condemned. An appeal was taken by the claimant, Mr. Montgomery, to a higher court. While that was pending, an application was made to the Secretary of the Treasury, Hon. Salmon P. Chase, who had the authority to stay the prosecution and remit the penalty under the statute of March 3, 1797. He exercised that right, stayed the prosecution, and remitted the penalty. After this was all done, after the vessel was free, the Government continued to use it for the sixty-two days here provided for. The committee could see no reason why for that time the claimant ought not to be paid. There is some question as to the other time. The bill as amended only provides for payment for the sixty-two days, which it seems to me is amply just.

The Senator from Michigan says there ought to be some provision that this shall be in full. It seems to me to be so already. In the seventh line after the proposed amendment the bill reads:

In full compensation for property taken from him for the use of and used by the Army of the United States during the late war.

That seems to me ample to meet the objection.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The PRESIDING OFFICER. The question is, Shall the bill be engrossed for a third reading?

The question being taken by a division, resulted—ayes 28, noes 1.

The PRESIDING OFFICER. The roll of the Senate will be called, there being not a quorum voting.

Mr. CONGER. Can we not take the vote over again?

The PRESIDING OFFICER. If there be no objection, the call of the roll may be dispensed with.

Mr. CONGER. I have no objection to that. I do not insist upon a further vote on this bill.

The PRESIDING OFFICER. The question is then, Shall the bill be engrossed for a third reading?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE AND DEVISE OF DISTRICT REAL ESTATE.

The bill (S. 754) in regard to the conveyance and devise of real estate in the District of Columbia was announced as next in order.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 5, line 2, after the word "shall," to strike out "make transcripts upon his books of" and insert "record;" before the word "transcripts," in line 4, to strike out "such" and insert "certified;" and after the word "transcripts" to insert "thereof;" so as to make the section read:

SEC. 5. That the register of wills in the District of Columbia shall record all wills filed in his office and admitted to probate; and certified transcripts thereof shall be *prima facie* evidence in all courts of the contents of such wills.

Mr. MORGAN. I think the bill ought to go over. It is a very important bill. Have the Judiciary Committee considered the bill, I ask the Senator from Arkansas?

Mr. GARLAND. No, sir; the bill has not been before that committee, so far as I know.

Mr. INGALLS. It was reported from the Committee on the District of Columbia. It refers entirely to devises and bequests of real estate within the District.

Mr. MORGAN. I have great faith in the ability of the Committee on the District of Columbia, and I have no doubt the bill has been well considered. At the same time it takes hold of a question which it seems to me could be more properly considered by the Committee on the Judiciary of this body, because it is a measure affecting the rights of everybody, changing the law as it exists, I have no doubt—the laws of Maryland and the common law as applied in the District heretofore. I object to its consideration at the present time.

The PRESIDENT *pro tempore*. The consideration of the bill is objected to, and it goes over.

NICHOLAS J. BIGLEY.

The bill (S. 536) for the relief of Capt. Nicholas J. Bigley was announced as next in order.

Mr. INGALLS. That is adversely reported.

Mr. COCKRELL. That being reported adversely, let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

EFFICIENCY OF THE ARMY.

The bill (S. 1420) to increase the efficiency of the Army of the United States was announced as next in order.

Mr. INGALLS. The Senator who reported that being absent, I suggest that it be passed over.

The PRESIDENT *pro tempore*. Does the Senator from Kansas object to its consideration?

Mr. INGALLS. Yes, sir.

Mr. HAWLEY. Let it keep its place. It is a bill in which the Military Committee take a great deal of interest, and I hope it will retain its place on the Calendar.

Mr. INGALLS. I have no objection to its retaining its place, though I confess that I am unable to see the advantage that a bill has by being kept under the operation of Rule VIII. If passed over and placed

under Rule IX it is still subject to the direction of a majority of the Senate at any time when they see fit to call it up. If kept under Rule VIII the objection is that every morning when we begin this Calendar we call over and over and over again the same cases and they are passed over informally, retaining their location on the Calendar. It certainly does not prejudice the passage of a bill by having it put under Rule IX, and it advances the convenience of the Senate.

Mr. HAWLEY. Will not the Senator be kind enough to let this lie until the Senator from Illinois [Mr. LOGAN] comes back?

Mr. INGALLS. I have no objection; but he has had leave of absence for fifteen days this morning.

The PRESIDENT *pro tempore*. Is there objection to passing over, the bill retaining its place on the Calendar?

Mr. HARRIS. To obviate the objection—and it is one that pertains to all of us—of having to call the cases that have been passed over informally holding their places on the Calendar subject to the call of the Senator having them in charge, I suggest that the Secretary be directed to place all such bills at the foot of the Calendar, letting them remain subject to the call of the Senator having them in charge. That will obviate the necessity of having to call them over every morning when we begin on the Calendar. Of course I have no objection to this bill being informally passed over.

The PRESIDENT *pro tempore*. The Chair could not give such a direction without an order of the Senate, as it changes the rule and puts the bills practically where they are under Rule IX, where on the motion of any Senator after 1 o'clock or after the morning business is through, and without debate, the Senate can take up any case.

Mr. HARRIS. My suggestion is that it shall not require a motion, but be taken up on the call of the Senator having the bill in charge. I will put it in the form of a resolution at the proper time.

The PRESIDENT *pro tempore*. Is there objection to this bill being passed over, retaining its place? The Chair hears none, and it is so ordered.

INSPECTION OF EXPORTED MEATS.

The bill (S. 1876) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, was announced as next in order.

Mr. INGALLS. That can hardly be considered in the morning hour.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

Mr. MILLER, of California. That bill may as well go to the Calendar under Rule IX.

The PRESIDENT *pro tempore*. That will be the effect of its going over under objection.

DES MOINES RIVER LANDS.

The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was announced as next in order.

Mr. ALLISON. I ask that that bill be passed over without prejudice until the return of the Senator from Kansas [Mr. PLUMB].

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that this bill be passed over, retaining its place under Rule VIII. Is there objection?

Mr. LAPHAM. That bill can not be considered under Rule VIII. It involves a discussion which can not take place under that rule.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes over.

Mr. ALLISON. I hope the Senator from New York will not make objection now. I ask him to withhold any objection he may have until the Senator from Kansas returns.

Mr. LAPHAM. Very well.

The PRESIDENT *pro tempore*. Is there objection to this bill being passed over, retaining its place on the Calendar under Rule VIII? The Chair hears none, and it is so ordered.

WILBUR F. COGSWELL.

The bill (S. 54) for the relief of Wilbur F. Cogswell was announced as next in order.

Mr. COCKRELL. That is adversely reported. Let it go over.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. MILLER, of California. I think the bill may as well be indefinitely postponed, so as to get it off the Calendar.

Mr. COCKRELL. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his objection. The bill is before the Senate as in Committee of the Whole. The Senator from California moves that the bill be indefinitely postponed.

The motion was agreed to.

F. PROSH AND T. F. M'ELROY.

The bill (S. 954) for the relief of F. Prosh and T. F. McElroy was announced as next in order.

Mr. DOLPH. There is an adverse report in that case, and I suggest that the bill go to the Calendar under Rule IX.

The PRESIDENT *pro tempore*. The Senator from Oregon objects to the consideration of the bill. It will be passed over.

ERASTUS W. BABSON.

The bill (S. 772) granting a pension to Erastus W. Babson was announced as next in order.

The PRESIDENT *pro tempore*. This bill has passed the Senate, and now stands on a motion to reconsider. The question is on the motion to reconsider the vote by which the bill was passed.

Mr. BLAIR. That bill is on the Calendar pending the production of some evidence bearing on the case by the Senator from Rhode Island [Mr. ALDRICH]. At his request I desire that it be passed over.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire desire it to be passed over retaining its place or passed to the Calendar under Rule IX?

Mr. COCKRELL. It is just simply useless to keep bills under Rule VIII and call them continually on the Calendar. We spend the entire morning hour every morning in calling cases passed over, and I am going to object to all the rest of them and all those that are on the Calendar, so that we shall know when we commence that we are to consider cases and not spend the hour every morning in calling up cases that are to be passed over.

Mr. BLAIR. Let this bill go over to the Calendar under Rule IX.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

STATE UNIVERSITY OF CALIFORNIA.

The bill (S. 1273) for the relief of the State University of California was announced as next in order.

Several SENATORS. That is reported adversely.

Mr. MILLER, of California. Let it go over to the Calendar under Rule IX.

The PRESIDENT *pro tempore*. The bill is objected to, and will be passed over.

WILLIAM C. DODGE.

The bill (S. 1399) for the relief of William C. Dodge was considered as in Committee of the Whole. It provides for the payment to William C. Dodge, of Washington, D. C., of —— dollars, for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges patented July 4, 1865, and for the infringement of his patents by the United States, which sum of —— dollars is to be in full satisfaction of all claims for such use and infringements and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

Mr. COCKRELL. Let the report be read.

Mr. SHERMAN. I think the whole case depends on filling the blanks.

Mr. MITCHELL. There is an amendment proposed by the committee.

The PRESIDENT *pro tempore*. The reading of the report is called for. It will be read.

The Secretary read the following report, submitted by Mr. MITCHELL March 24, 1884:

The Committee on Patents, to whom was referred the bill (S. 1399) for relief of William C. Dodge, respectfully report:

That the Committee on Patents of the House of Representatives have reported a similar bill favorably at the present session, fixing the compensation of Mr. Dodge for the use of his patent at $10,000.

Your committee recommend the passage of the bill with amendments, inserting in the blanks in lines 6 and 14 the words "ten thousand," for reasons set forth in the House report, which is as follows:

"[House Report No. 737, Forty-eighth Congress, first session.]

"The Committee on Patents, to whom was referred the bill (H. R. 4670) for the relief of William C. Dodge, have investigated the subject, and report as follows:

"It appears from the testimony that the operation of filling cartridge-cases with powder had always been performed by hand down to 1864, and that it was a very dangerous work, explosions frequently occurring, destroying life and property, despite the utmost precautions.

"June 17, 1864, an explosion occurred in the cartridge-filling shops at the arsenal in Washington, D. C., where one hundred and fifty operatives were employed, which killed twenty-one persons, and seriously injured many others, who were buried among the burning ruins.

"That in consequence of this disaster the petitioner conceived the idea that this work might be done by a machine, and after consultation with the officers in charge, who expressed doubts as to the feasibility of his plan, but encouraged him to try, he devised a machine, had a small one made, and submitted it to the Department for trial. Colonel Benton, then in charge of the arsenal, in his official report under date of December 27, 1864, after describing the machine, and the tests to which he had submitted it, concludes with this statement:

"'The principle of this machine is a good one, and a machine properly constructed on it would, I think, give *greater uniformity of weight to the charges*, and work could be turned out *more uniformly, rapidly, and safely* than at present done by the hand process.'

"The result was so satisfactory that four days thereafter the Department gave petitioner an order to furnish a full-sized machine which should fill one hundred cartridges at a time.

"After much trouble and expense the machine was delivered August 18, 1865. It was officially tested and approved, and in his report dated February 15, 1866, Colonel Benton says:

"'It can be worked at the rate of six slides full per minute, or about 200,000 per day, so that one such machine would fill as many cartridges as could be made by any one establishment. If a greater number, however, were required to be filled, the capacity of the machine could be easily increased by increasing the number of holes in the slides and drawer.

"'For cartridges like those of Sharps and those with copper cases (now used), the use of this machine affords a considerable saving of time, as one machine can do the work of many hands.'

"The great merit of the invention, however, consists in providing means for

insuring uniformity of charge, which the present Chief of Ordnance, in a letter to the committee, says is 'a very important matter,' and that he 'knows of no machine prior to that invented by the petitioner that provided any means for that purpose.'

"He also says 'Mr. Dodge's invention seems to antedate anything of the kind in this country.'

"The invention has been embodied in all machines since built and used by the Government, the present machines being so modified as to also put the bullets into the copper shells, and then crimp the shells on the bullets to unite them and render the cartridge water-tight. Prior to this invention all cartridges made by the Government had been filled by hand. Since this invention they have all been filled by machines operating on this principle, and doubtless always will be, not only because of the saving in time and expense, but also because of the greater uniformity with which they can be filled, and which General Dyer, then Chief of Ordnance, said was of more value to the Government than the proposed saving of life and property.

"The benefits of this invention to the Government are many. The saving in the cost of filling the cartridges made since its adoption has been from $15,000 to $20,000. It has greatly reduced the risk to both life and property, has enabled the Department to concentrate the business at a single arsenal, thereby enabling the Government to dispense with a large number it formerly had located at various points, and the expense of keeping them up, and enables the work to be performed with immensely greater rapidity in cases of emergency and far more perfectly.

"From the nature of the invention, it is one that is of value to the Government only, as it is a thing that can not be sold to or used by the public at large.

"The petitioner has never been paid a cent, either for the machine furnished on the order of the Department, or for the use of his invention. The Chief of Ordnance says that 'he is entitled to remuneration,' and the Secretary of War also says he ought to be paid.

"The petitioner also claims that the Government has used for several years a patented improvement of his in cartridges, but as that was a matter of minor importance the committee have not given it any consideration in arriving at their conclusion in this case.

"The committee are unanimously of the opinion that the petitioner is justly entitled to remuneration, both for the machine furnished and for the use of his invention, and therefore report the accompanying bill, and recommend its passage, with an amendment fixing the amount to be paid Mr. Dodge at $10,000."

The amendments reported by the Committee on Patents were to fill the blanks in line 6 and line 14 by inserting the words "ten thousand."

The amendments were agreed to.

Mr. MITCHELL. In order to prevent any possible misconstruction of this bill, I move to amend where the word "use" occurs, toward the end of the bill, by inserting "past or future."

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves an amendment, which will be read.

The CHIEF CLERK. It is proposed, in line 16, before the word "use," to insert "past or future."

The amendment was agreed to.

Mr. COCKRELL. Now let the bill as amended be read.

The PRESIDENT *pro tempore*. The bill will be again read for information.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of $10,000, for a cartridge-loading mechine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges patented July 4, 1865, and for the infringement of his said patents by the United States; which said sum of $10,000 shall be in full satisfaction of all claims for such use and infringements, and for the relinquishment of all right to claim any further compensation for the past or future use of the same by the United States.

Mr. COCKRELL. Do I understand the committee in this case to hold that the United States is liable to damages for the infringement of the patent?

Mr. MITCHELL. The committee considered no proposition of that kind. The committee were unanimous in reporting this bill. There is no objection to it at all. I was directed to prepare the report, and simply presented the case as it was presented in the House of Representatives. Unquestionably the invention has been of very considerable value to the Government, especially in the protection of human life. It is a very interesting discovery. It operates most admirably. The principal benefit undoubtedly, so far as the filling of the cartridges is concerned, is that suggested in the report, that it makes them all of equal quantity; but the prime consideration with me at least was that it was a very great security to human life. A reference to the case of the accident in this city recalls to the minds of Senators a circumstance which appealed to our sympathies at that time, and the use of this machine avoids that danger.

Mr. COCKRELL. Is this the only machine of the kind the Government is using for this purpose?

Mr. MITCHELL. The only machine ever invented and used for this purpose, as I understand.

Mr. COCKRELL. The report leaves that indefinite. I object to the word "infringement" in the bill. The Government is not liable to damages for infringement, and it is a very bad expression to use in the body of a bill, that the Government is liable for any infringement. I do not understand from the report that this is the only machine that is used. If this is only a stepping-stone to eight or ten other patentees to come in and claim compensation for the use of machines of the same character I should like to know it; that is the only question with me. If this is the only machine the Government is using for this purpose compensation ought to be made. I am perfectly satisfied of that. But if this is only one of a number of machines, and the others have been used in the same way, we are establishing a precedent for allowing fifty or one hundred or two hundred thousand dollars, I should like to know that fact.

Mr. MITCHELL. I understand there never has been any such machine invented by any other person. It is so stated in a communication among the papers, I think, from the War Department. There is no question as to that.

Mr. COCKRELL. No other claimant?

Mr. MITCHELL. The inventor of this machine furnished a model first and afterward furnished a machine to the Government. He never has been paid even for the expense, which was quite considerable, that he was put to in order to produce the model and the machine which was used by the Government. It is a kind of patent which can only be used by the Government to any extent. There are many instances where compensation has been made to inventors for inventions used by the Government.

Mr. COCKRELL. I have no doubt about that; I do not object to that. I think it is perfectly right in many instances to make compensation.

Mr. LAPHAM. The bill and the report disclose that this $10,000 is for the use by the Government of this invention. The use of the term "infringement," though it may be in the bill, does not make it compensation for an infringement. It is compensation for the benefit the Government has derived from the use of the invention and will derive in the future. As the Senator from Pennsylvania reporting the bill has said, really this is an invention which can be profitably used only by the Government. It is not adapted to private use for small arms. It is only adapted to the use of large arms for cartridges which are required by the Government.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL SOLDIERS AND SAILORS' ORPHANS' HOME.

The bill (S. 1578) to amend the charter of the National Soldiers and Sailors' Orphans' Home, and in relation to the assets thereof, was considered as in Committee of the Whole.

Mr. CONGER. I should like to inquire from some one familiar with the bill whether the trustees of this organization turned over by some authority of law their building, the orphan asylum, or the proceeds of it, to the Garfield Hospital. I see there is no report in this case.

Mr. GARLAND. Instead of making a report on this bill, I submitted with the papers a letter which explains the whole matter.

Mr. CONGER. I do not care to have it all read, but I wished to inquire whether it was this institution which owned the building of the Soldiers and Sailors' Orphans' Home that was authorized to be passed over to the Garfield Hospital.

Mr. GARLAND. My recollection is that this relates simply to an individual transaction, and what the bill proposes is a mere formal proceeding to get the title divested, and the Government has no responsibility about it at all. The bill was introduced by the Senator from Connecticut [Mr. HAWLEY].

Mr. CONGER. I understand there was a building, which I supposed belonged to this same association, which by some authority of Congress was authorized to be transferred, or the proceeds of the sale of it, to the Garfield Hospital, a building to the west of the Winder block.

Mr. GARLAND. I examined the papers. Let the bill be passed over, if the Senator from Michigan objects, until to-morrow morning, and I will get the necessary papers.

Mr. CONGER. I do not object to the passage of this bill.

Mr. EDMUNDS (Mr. GARLAND in the chair). I think I can state, as I remember about it, for the information of the Senator from Michigan, that this bill applies to a little sum of money that was given in a will to certain trustees—Dr. Sunderland, I remember, is one—to be paid to certain orphans of certain soldiers. They paid all they could find, long ago, but there are some whose place of residence or what has become of them they can not possibly find, and they have a few hundred dollars in their hands. They are of course personally responsible, and it disturbs the settlement of their estates. They wish to put that money in the Treasury so that these orphans, if found, can go there and get it and they be relieved of responsibility. That is all the bill does.

Mr. CONGER. It does not affect at all the transfer of this property?

Mr. EDMUNDS. It does not affect the rest of it at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD TRANSPORTATION OF MAILS.

The next bill on the Calendar was the bill (S. 1450) for the readjustment of compensation for the transportation of the mails on railroad routes.

Mr. CONGER. In the absence of my colleague [Mr. PALMER], who reported this bill, I ask that it go over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that this bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

NEZ PERCÉ INDIAN WAR.

The next bill on the Calendar was the bill (S. 512) for the relief of

citizens of Oregon, Washington, Idaho, and Montana who served in connection with the United States troops in the war with the Nez Percé Indians, and for the relief of the heirs of such as were killed in such service, and for other purposes.

The PRESIDENT *pro tempore*. This bill having been considered was indefinitely postponed, and on the 25th of March last the vote postponing the bill was reconsidered. The question now is, Shall the bill pass?

Mr. COCKRELL. There is no reason why the bill should be passed. It was indefinitely postponed on the report of the Senator from West Virginia [Mr. CAMDEN], and I suppose the object of the reconsideration was simply to examine the report that was made. I do not remember on whose motion the reconsideration was had.

The PRESIDENT *pro tempore*. On motion of the Senator from Oregon [Mr. SLATER].

Mr. COCKRELL. He is not here. I object to its consideration. That will put it on the other Calendar.

The PRESIDENT *pro tempore*. The consideration of the bill is objected to, and it goes over.

SCHOONER ADDIE B. BACON.

The bill (S. 748) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, after the word "the," to strike out "Court of Claims" and insert "district court of the United States for the eastern district of Pennsylvania;" so as to read:

Be it enacted, &c., That the claim of the legal owner or owners of the schooner Addie B. Bacon, her cargo, freight, and personal effects, alleged to have been damaged by collision with the United States steam-ram Alarth on or about the 8th day of July, 1876, be referred to the district court of the United States for the eastern district of Pennsylvania, to hear and determine the same to judgment, with right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. GEORGE March 24, 1884:

The committee report that this claim was before them in the last Congress, and was then fully considered. They refer for the facts to the report then made, which is as follows:

"That the schooner Addie B. Bacon, about the 8th day of July, 1876, was run into and injured by the United States steam ram Alarm and seriously injured is established by the evidence. It seems also from the *ex parte* showing made that the schooner was wholly without fault. The petitioner only asks for leave to sue in the Court of Claims, where the facts can be fully investigated. The committee believe that such an investigation should be allowed, and therefore report back the accompanying bill (S. 1052), and recommend its passage."

The collision took place in the Delaware River, near Philadelphia, and near the eastern shore. The committee believe the more appropriate tribunal to adjudicate this claim is the United States district court for the eastern district of Pennsylvania, and they recommend that the bill be amended by striking out, in lines 7 and 8, "Court of Claims" and inserting "district court of the United States for the eastern district of Pennsylvania," and, when so amended, that it pass.

Mr. MORGAN. I should like to inquire of the Senator who has charge of this bill how it is that we are to get this claim into a district court of the United States by a reference from Congress. I do not understand any legal procedure of that kind as obtaining now, and I do not know how we can confer that jurisdiction upon a district court by a special bill of this character. If the parties were authorized to sue in that court instead of the Court of Claims, that would confer jurisdiction; but merely to transfer the cause to the district court without giving jurisdiction to that court would not reach the remedy intended to be given by this bill.

Mr. CAMERON, of Wisconsin. I see that the bill was reported by the Senator from Mississippi [Mr. GEORGE] who is now absent. I suggest that the bill be passed over without prejudice until to-morrow.

Mr. GROOME. I hope the Senator from Wisconsin will not press that suggestion. The Senator from Mississippi reported this bill in the Forty-seventh Congress, recommending that the case should go to the Court of Claims as the bill was originally framed. He has evidently been overruled by the committee in the present instance. I think the original report was right, and that the proper course would be to reject the amendment and refer the case to the Court of Claims, and I hope that will be done.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that the bill be passed over.

Mr. CAMERON, of Wisconsin. I withdraw that request.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the Committee on Claims.

Mr. CAMERON, of Wisconsin. I concur with the Senator from Maryland that the amendment had better not be agreed to.

Mr. COCKRELL. That will obviate the objection made by the Senator from Alabama. I think the amendment ought not to be agreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The committee proposed to amend the title so as to make it read:

A bill referring the claim of the owners of the schooner Addie B. Bacon to the district court of the United States for the eastern district of Pennsylvania.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to the title.

The amendment was rejected.

SPOKANE FALLS AND CŒUR D'ALENE RAILWAY.

The bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company was announced as next in order.

Mr. DOLPH. That bill has been discussed to some extent in the Senate and several amendments offered. The objections made to the bill were partly answered in the limited period allowed for discussion. I object to its consideration now, so that it may go over to Rule IX, and I shall move hereafter to take it up.

The PRESIDENT *pro tempore*. The bill being objected to goes over.

LIEUT. H. R. LEMLY, U. S. A.

The joint resolution (S. R. 61) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia was announced as next in order.

Mr. LAPHAM. There is an adverse report in that case.

Mr. COCKRELL. The Senator who reported that case I believe is not present. Both the Senators representing the State of which this gentleman is a citizen are absent, and there is an adverse report. It had better be objected to.

The PRESIDENT *pro tempore*. The joint resolution is objected to and goes over.

JURISDICTION OF DISTRICT JUSTICES.

The bill (S. 880) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 7, to strike out the word "two" and insert "three;" in line 10, after the word "office," to strike out "and;" and in line 11, after the word "written," to insert "and cases of breach of promise to marry;" so as to make the section read:

That justices of the peace of the District of Columbia shall have jurisdiction to hear, try, and determine all pleas and actions, including attachment and replevin, where the amount claimed to be due or the value of the property sought to be recovered shall not exceed $300, except in cases where the title to real estate is concerned, actions for malicious prosecution, actions against justices of the peace or other officers for misconduct in office, actions for slander, verbal or written, and cases of breach of promise to marry.

The amendment was agreed to.

The next amendment was, in section 2, line 7, to strike out the word "two" and insert "three;" and at the end of the section to insert "and where the sum claimed exceeds $20 either party shall be entitled to a trial by jury, which trial shall be governed by the same rules as are now in force in the supreme court of the District of Columbia;" so as to make the section read:

SEC. 2. That such jurisdiction shall be exclusive original jurisdiction where the amount claimed to be due or the value of the property sought to be recovered shall not exceed $100, and original and concurrent with the supreme court of the District of Columbia where the amount claimed to be due or the value of the property sought to be recovered is more than $100 but does not exceed $300; and where the sum claimed exceeds $20 either party shall be entitled to a trial by jury, which trial shall be governed by the same rules as are now in force in the supreme court of the District of Columbia.

The amendment was agreed to.

The next amendment was to add at the end of the third section, "nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be received in the appellate court, and costs;" so as to make the section read:

SEC. 3. That no appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of $20, nor unless the appellant enters into an undertaking, &c.

The amendment was agreed to.

The next amendment was, in section 4, line 10, to strike out the word "two" and insert "three;" so as to make the section read:

SEC. 4. That whenever any constable shall neglect or refuse to pay over to the party entitled thereto any moneys collected or received by him, on any process issued by a justice of the peace, the justice issuing such process may, upon complaint of such party, summon the said constable and the sureties upon his official bond to appear before him, at a day and hour therein named, and not less than two days after service of such summons, to answer to the said complainant, and may render judgment against the said constable and his sureties for the amount so collected or received, if not exceeding $300, with interest and costs, and execution may issue therefor without stay, except by appeal; and when the sum claimed exceeds $20 either party shall be entitled to a trial by jury.

The amendment was agreed to.

The next amendment was, in section 5, line 6, after the word "person," to strike out the words "of proper" and insert "over 21 years of;" so as to read:

SEC. 6. That in proceedings under the provisions of chapter 19 ("Landlord and tenant") of the Revised Statutes relating to the District of Columbia, where the tenant can not be found so that personal service can be made upon him, service of process may be made by leaving a copy of such process with some person over 21 years of age upon the premises, or in the absence of such tenant or person, then process may be served by fixing a copy of the same to a conspicuous

part of the premises where it may be conveniently read; and the officer shall in his return state the manner of such service.

The amendment was agreed to.

The next amendment was to strike out section 7 in the following words:

SEC. 7. That in cases of appeal or on certiorari the justice shall retain all original papers, except those filed in evidence, and make and file with the appellate court copies of the papers so retained, certified by himself; and for preparing and transmitting the papers on appeal or certiorari he shall be paid a fee of $1; but the superior court may require the production of the original papers.

The amendment was agreed to.

The next amendment was, in section [10] 9, line 3, to strike out the words "and a change of venue may be taken as in other cases;" so as to read:

SEC. 9. That the justice shall enter such cases on his docket, and the trial shall be had therein in the same manner as in other trials before justices of the peace.

The amendment was agreed to.

The next amendment was, in section [13] 12, line 5, after the word "his," to strike out "agents" and insert "agent;" so as to read:

SEC. 12. That the judgment in such cases shall be a complete indemnity to the constable in proceeding to sell or restore any such property; and in case of appeal the constable shall retain such property, unless the party claiming, or the defendant in the execution, or his agent, shall enter into a bond, with sufficient security for the delivery of such property to the officer if the judgment of the court shall be against the party giving such bond.

The amendment was agreed to.

The next amendment was to insert as an additional section:

SEC. 14. That civil cases tried by the justice without a jury shall be decided by him, and judgment rendered not later than the fourth day after trial, except when the fourth day falls on Sunday, when judgment may be rendered on the day following.

The amendment was agreed to.

Mr. CONGER. I should like to hear the section in regard to appeals read again.

The PRESIDENT *pro tempore*. The section referred to will be again read.

The SECRETARY. Section 3 as amended reads:

SEC. 3. That no appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of $20, nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be recovered in the appellate court, and costs.

Mr. CONGER. It seems to me that the requirement of a bond for the payment of a judgment and the costs, which may be very large, is rather a harsh measure. As I understand an appeal can not be for any amount under $20. I do not know whether it refers to anything over $20. I wish the committee who have charge of the bill would explain that matter.

Mr. CAMERON, of Wisconsin. I ask that the proposed amendment in regard to extending the jurisdiction of the justices be read.

The PRESIDENT *pro tempore*. The amendment extending jurisdiction was to $300.

Mr. CONGER. I see in reading this bill that there is to be no appeal unless the judgment "shall exceed the sum of $20, nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be recovered in the appellate court, and costs." It seems to me that that would defeat the ends of justice and no poor man could get into any court at all, nor if a man was ever so much wronged by a judgment, could he make an appeal unless he entered into a bond with sureties to pay the final judgment and all the costs. That amendment, I believe, has been adopted. I move a reconsideration of the vote by which that was adopted.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the vote adopting the amendment just read be reconsidered. The question is on agreeing to that motion.

Mr. HARRIS. What amendment is it that the Senator from Michigan refers to?

The PRESIDENT *pro tempore*. The amendment to section 3.

Mr. HARRIS. Let it be read.

The PRESIDENT *pro tempore*. The amendment will again be read.

Mr. HARRIS. I do not remember what is text and what is amendment.

The PRESIDENT *pro tempore*. The text will first be reported, and then the amendment.

The Secretary read section 3 as it originally stood, and then the amendment, which was to add:

Nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be recovered in the appellate court, and costs.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider the vote by which this amendment was agreed to.

Mr. SHEFFIELD. As I understand the bill, in all cases there is to be a right to trial by jury where more than $20 is involved. Under this amendment may not a justice of the peace decide and render judgment where the claim is more than $20? That being so, would not the clogging of an appeal by requiring a bond to pay the amount of the judgment be invading the right of trial by jury? I remember a case decided in the circuit court of the United States where Mr. Justice Curtis decided that it was not allowable to clog the right of appeal in this way, and I apprehend the same rule would obtain here in the District of Columbia.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment to section 3.

Mr. GARLAND. Let it be again read.

The PRESIDENT *pro tempore*. It will be again read.

The SECRETARY. At the end of section 3 it is proposed to add:

Nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be recovered in the appellate court, and costs.

Mr. HARRIS. This bill was reported by the Senator from Kansas, the chairman of the Committee on the District of Columbia, who is not in his seat at this time. I see the hour of 2 o'clock has arrived and I shall simply call for the regular order so that the Senator from Kansas may be present when the bill is considered.

CHEYENNE AND ARAPAHOE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 2d instant from the Secretary of the Interior, inclosing certain papers in relation to the present condition of the Cheyenne and Arapahoe Indians in the Indian Territory, and recommending that some provision of law be enacted for disarming those and other Indians when such action may be found necessary for their advancement in civilized pursuits, and that means be provided for compensating the Indians for the weapons so taken from or surrendered by them.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 5, 1885.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada, and the bill (S. 52) providing for the erection of a public building at Waco, Tex.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the first in the list of special orders, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, which is now before the Senate as in Committee of the Whole. The pending question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. WILSON].

Mr. WILSON. Mr. President, whoever expects that a single act of Congress, however efficiently it may be executed, will eliminate from our transportation system the evils which have become parts of it will be disappointed. Nor do I include in the term "evils" many of those acts and omissions which excite the complaints of individuals concerning their personal affairs, as contradistinguished from those which, because of their more general effect, come to be regarded as matters of public moment. But whether we come to treat of the general subject from considerations affecting the one or the other or both of the suggested elements of the case, we shall surely find that no single act of Congress, however perfectly framed on the basis of present knowledge, and however wisely administered by those to whom its execution may be committed, will reach and wholly remedy the complicated disease which afflicts our transportation system. But this is no sufficient reason why the patient should not receive attention or why we should restrain ourselves from endeavors to discover and formulate a course of action which may ultimately effect an eradication of the disease. Because this may not be done at once, and in a measure perfectly, serves to disclose the difficulties that surround the subject but should not induce discouragement and enforce inaction.

The bill now commanding the attention of the Senate, while not fully coming up to the standard requisite to measure the great proportions of the subject with which it deals, is not exceptional in this regard. All of the bills which have been, from time to time, proposed have disclosed this defect; and all which may in the present and near future come to us for action will, in some degree, trouble us with their imperfections. But the present bill does possess one virtue which I hope may so far commend it to the favor of the Senate as to assure its passage. It proposes that this Government shall make a start in the matter of so regulating by law the great transportation service of this country as to ultimately put it into right lines of action as regards the relations which exist between it and the public. No single act of Congress can do more than to make a wise, just, conservative start concerning this very grave and very great subject; and I mean to include in the terms here used all of the powers and parties and interests embraced within the present conditions and future possibilities of the transportation question. Indeed wise, just, and conservative action can not be had by any movement which fails to considerately regard any material element of the case. And all experience teaches us that disaster is more likely to spring from attempts to do too much at the beginning of movements in the field of legislative action embracing complex subjects of public interest and concern, such as this bill relates to, than from the hesitation which evidences that cautious deliberation which, while it may lack speed, gives promise of enduring results.

To begin right is the prime factor in all reforms. If no mistake be made in this regard each successive step is most likely to be twofold in character and effect. It will define a permanent advance and at the same time disclose how others may be made. No matter how extended the ramifications of such an evil as this bill treats of may be, they can be traced, and it can be removed, if the instrumentality directed thereto be rightly selected, its effects intelligently observed and assured by the adoption of such means as they indicate. Hence, in dealing with the transportation question, notwithstanding its magnitude and complex character, we have a rule for our safe guidance, and if we but give it due consideration we shall not go wrong and do mischief instead of effecting a needed reform by eliminating evils detrimental to the general welfare.

Mr. President, many persons who have given more or less thought to the phases of the transportation question which now confront us doubt whether or not the present bill will accomplish the purposes of the committee which reported it. I should join the ranks of the doubters if I did but regard this bill the end of effort instead of the beginning. Viewed from the latter standpoint, it seems to me that the measure is one of sufficient merit to command my support. Therefore, notwithstanding I have proposed several amendments to the bill, it is not my purpose to interfere with its declaratory provisions, nor its general structure. The adoption of the amendments will not stay the operation of any essential provision of the bill should it become a law. The regulations and restraints imposed on corporations and others engaged in the transportation of interstate commerce, the declarations of right, powers, and duties affecting whosoever may come within the scope of the bill, including the commission established by its terms, will all go on and have their legitimate office and effect as fully as in the absence of said amendments. For while they definitely deal with several of the most pronounced and generally complained of evils of the present methods of the transportation system, it is only in a way calculated to bring to our aid, at the beginning of the first regular session of the next Congress, such light as may come from definite data and exact information to be derived by the commission by virtue of the investigation it is directed to make on the lines of inquiry defined by the terms of the amendments. In the mean time, should the bill become a law, we will have had the results derived from several months of its practical operation. This will test the question as to whether or not we have made a wise beginning, and the results of the commission's investigation will indicate the lines on which we may pursue further effective action. Surely such a course of action is sufficiently conservative to commend itself to every mind desirous of that proper caution which, in the end, always tends to impress stability on the institutions, laws, and other results to which it leads.

Mr. President, we have crossed the line at which the transportation companies once stood and challenged the power of Congress to do the things which this bill and the amendments propose. Indeed Congress was invited to cross it by one of said companies. A New Jersey company claimed a monopoly of the carrying trade between Philadelphia and New York. A rival company entered the field and carried freight and passengers to and from the two cities. The former company asserted its monopoly in the court of New Jersey and obtained a decree requiring its rival to account for and pay over to it all earnings received from said traffic, and perpetually enjoining it from transporting through freight and passengers between the said cities. What did the enjoined company do? It came to Congress and presented a petition praying for the passage of an act to authorize it to engage in the business in respect of which the chancellor of New Jersey had enjoined it. The proper committee of the House of Representatives, after due consideration of the petition, reported a bill to grant and give effect to the prayer thereof, basing its action on that provision of the Constitution which confers on Congress power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." But the bill so reported related solely to the restrained New Jersey company, and proposed to exercise this great power for the mere purpose of resolving this contest between two local corporations created by the laws of the State of New Jersey.

This was in the Thirty-ninth Congress, of which I was a member. It seemed to me that if the power was to be exercised at all it should be in form of a general application to the subject involved, and be made to include all of the railroads of the country. In pursuance of this view I prepared and offered an amendment to the bill reported from the committee, which was adopted and became a part of the act approved June 15, 1866, entitled "An act to facilitate commercial, postal, and military communication among the several States." The amendment thus proposed by me and now a part of said act is in these words, namely:

That every railroad company in the United States whose road is operated by steam, its successors and assigns, be, and is hereby, authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination.

That this exercise of the commercial power of Congress was, and is, satisfactory to the transporting companies of the country is uninterruptedly evidenced on all of their lines, in every State of the Union, and during every day of the year. It is because of this exercise of the now undisputed power of Congress that solid passenger trains run from New York to Chicago, to Saint Louis, to New Orleans, and other points; that sleeping and hotel cars traverse the continent; that freight goes from Maine to California, from Chicago to New Orleans, along all lines and over all distances in the same cars and without breaking bulk. This is a great reform over old methods which changed freight and passengers at the end of each several company's line. It was a right start in the exercise of this great power in the field of operation to which the act referred to applies. It was induced by friction in the affairs of two New Jersey companies. Its results are accepted, praised, and defended by all companies, and approved by the entire country.

The principle embedded in the act of June 15, 1866, is broader than any application that has yet been given to it by the railroad companies whose operations now go on under it. They seem to treat that act as one which does no more than confer certain privileges on them. Neither the rule of public policy involved nor the terms of the act will justify such conclusion. Heretofore, and in a different place from this, I expressed my views of this particular phase of the case in language which I apply to it here to-day, namely:

No one can doubt what the rule of public commercial policy thus established is, nor question its wisdom. The policy is, through lines of transportation for passengers and freight passing from one State to another State—the abolition of unnecessary changes, delays, breaking of bulk, and attendant wastage, cost, charges, and loss of time. These were to end, so far, at least, as the means at the command of the railway companies could be utilized to effect that result. Commerce was to be facilitated. This rule was established not merely for the benefit of railroad companies, for their convenience and greater profit, but for the advancement of the interests of the great and constantly augmenting interstate commerce of the country, and of every one connected therewith, either as passenger, or shipper, or producer, or consumer of things transported.

That legislation did not merely confer a privilege on railroad companies, which they might use or not, at their pleasure. Running with this privilege, and inseparable from it, is the duty of using it for the public good, a duty which constitutes the consideration for which the privilege was granted to them.

The purpose of the act referred to was clearly stated in its title. It was: "An act to facilitate commercial, postal, and military communication among the several States." Its enactment was the exercise of a great constitutional power for a public purpose. It established a public policy. The authority conferred on railroad companies within the definition of the act was equivalent to a command. The authority to do was associated with the duty to do; and with this duty ran every obligation imposed on common carriers by the common law, and such additions thereto or modifications thereof as Congress had declared or may by law provide. The facility extended to interstate commerce was not confined to its mere movement over the lines of the several railroad companies, but included as well its equality, its convenience, and its protection. It was not the purpose of the act, nor the office of the public policy thereby established, to create burdens, impose restraints, and to obstruct the ways of interstate commerce; its declared purpose was to facilitate commercial communication; in other words, "to make easy or less difficult, to free from difficulty or impediment, to lessen the labor of" the movements of the interstate commerce of the country. Whatever contravenes the rule of public policy thus declared by Congress is unlawful.

The employments of men and the results and movements thereof constitute commerce. This definition embraces producers, dealers, transporters, and consumers. They are all present in interstate commerce. Neither may impose arbitrary restraints on the others which tend to destroy equal freedom of action in the lines of lawful commercial movements. The transporters should be the great conserving force of commerce, and this they would be if kept within the lines of obligation and duty through which alone they can best promote the general welfare. But when they depart from this rule and interfere with those normal conditions of business which are induced by freedom of choice and action on the part of those who create and pursue it, they cease to conserve its best interests and obstruct the general welfare; and this is just what the transporters of this country have done and still are doing. They are not content to administer their own affairs and let the other factors of business and commerce do the same with theirs, but on the contrary they have intermeddled with everything and forced upon the country abnormal conditions patent to all observing minds. It is this fact, more than all others combined, that has caused the existing manifestation of popular irritation relative to the railroad corporations of the country.

Nor will this state of popular feeling cease until these intermeddling practices shall come to an end. The people of this country can not be brought to an acceptance of the abnormal system of forced combination and centralization with which the transporting corporations have bound to their own real or supposed convenience the industries of the country. I am glad to feel assured that this is so; for I can not believe that the present tendency to drive the manufacturing industries and all who employ and are employed therein to a comparatively few localities will

tend to conserve the best public interests, whether we regard them from the standpoints of moral, material, or political consideration, singly or combined. The system is repressive and unjust. A body politic can no more thrive under a system which confines the vital forces represented by its employments, its business, its commerce to a few points than can a natural body whose life currents are obstructed and denied their normal action. A self-reliant man, whose independence and individuality assert themselves in his ways of life, is always a conquering force. A nation thrives by multiplication of such men; it weakens and dwarfs as their numbers diminish. The rule is not confined to individuals. It applies to communities as well as to men. A self-reliant, energetic, prosperous, contented community is a national force. Multiply this force, and the nation grows in strength, prosperity, contentment; and so long as these conditions exist its power will increase and its institutions endure.

Mr. President, a diffusion of industries will multiply such communities as will give us the results I have indicated, and this diffusion will transpire whenever the transportation shackles shall have been stricken from the willing limbs of communities now impatient of the restraints which hold them to inaction. They want to move, but they can not. They witness the processes of forced centralization going on, and feel and know that the vast concentration of capital, and work, and workers in the populous cities gives back no augury of encouragement to us to let this system go on unchallenged. I do not mean by this that we should so legislate that cities shall cease to grow; but I do mean that the practices of the transporting corporations whereby abnormal growth is forced upon a few cities at the expense of the equal rights of other communities shall cease by voluntary action or be reformed by law, and in saying this I look beyond the field covered by the material interests of those other communities as they may be affected by a diffusion of industries throughout the country, and into that even more intricate one where the action of political forces tends to resolve the weal or woe of this Republic. Nor do I make the suggestion in any sense from the standpoint of partisan consideration, but from that better view which takes in the public good, the general welfare and stability of our institutions, regardless of the effect which may fall to any party organization or association of men.

Every close student of public affairs in this country knows that the weak point in our political machinery is to be found in the great cities. We do not always find that jealous care in the political methods of great cities which is ever present in the smaller communities and rural localities. There is a vitality of vice which constitutes no inconsiderable political force in the former that rarely appears in the latter. But I have no purpose to pursue the discussion of this phase of the general subject here. It will be forced on our attention at no distant day, if this practice of forced centralization be allowed to go on unchecked, in a manner that will give us a clear definition of the saying, "Paris is France," and when we may have to undo something which we can now do much to prevent. And it is a cause of profound regret that the railroad companies, when the act of June 15, 1866, was passed, did not enter upon the new order of things which it both authorized and commanded with an intelligent fairness that would have compassed their own convenience and the unquestionable rights of the people both as respects communities and individuals. That great comfort, convenience, and expedition in the matter of the transportation of interstate commerce have resulted from that act is undisputed. But the act meant more than these results. It meant that persons and localities connected with the interstate commerce of the country should have equality of treatment; that transportation should be the servant and not the master of commerce; that such disadvantages as business might be under at any points or localities from natural causes should not be aggravated by hostile discriminations in transportation rates; that each locality, industry, and person should be entitled to and receive a fair proportion of the advantages that were expected to result from the improved transportation facilities authorized by said act, and that by these means and in these ways commercial communication among the several States should be facilitated. This was the public policy authorized and established by the act of Congress.

This, as I have already remarked, was a good start; and had the act been given its full and intended force, very little, if any, complaint would now be heard in all this country concerning the transportation of interstate commerce. Connecting by practice the duties and obligations of common carriers with the things which that act authorized the railroad companies to do, a realization of the natural and necessary results springing therefrom would have silenced almost every complaint that has been lodged against the corporations engaged in the transportation of interstate commerce. Nor would this have worked injustice or harm to the railroad companies. On the contrary, it would have established harmonious relations between them and the public, and have tended to augment rather than diminish the volume of business supplied to the carriers. It is one of the incomprehensible business blunders of our times that an opportunity so favorable to the true interests of the railroad companies was not seized upon by them and converted into a bond of amity between them and the public. It needed no surrender to unreasonable demands to accomplish this. A decent respect for the obligations imposed on them by the law relating to common carriers would have met the extremest exactions of the case so far as those elements of it which I am now discussing are concerned. The opportunity was neglected, and this was supplemented by a studied disregard of those obligations which can not be discharged by repeated violations.

The remonstrances which the public has opposed to this course can not successfully be dismissed by denouncing them as popular clamor. Nor will the earnest thought which is now focused on this subject be diverted by assertions that "natural laws and individual interests" will sooner right existing abuses than can be done by the enactment of statutes. I stated at the beginning of my remarks that whoever expects that a single act of Congress, however efficiently it may be executed, will eliminate from the transportation system the evils which have become parts of it will be disappointed, and our experience proves it. But no one will say that the laws already enacted and directed to that end have not done some good. The improved service which has been assured to the country is a complete justification of what has been done; but this does not compensate for, nor will it excuse, the abuses which have kept pace with it. While due credit will be given for the former, the latter will enforce agitation until a remedy shall have been provided.

The "natural-laws" theory that is advanced by the railroad companies as the unfailing remedy for all of the ills which have become fixed upon our interstate transportation system would do very well if the corporation doctors would allow their patient to take the medicine. But this is just what they will not do except as coercion, gentle or otherwise, is applied to overcome the idiosyncracies of a system which teaches one thing while it practices another. Natural laws tend to maintain the best conditions, no matter whether they relate to physics, morals, trade, commerce, or other fact or movement. Give free course to the natural laws about which so much is said in discussions relative to the subject of which the bill we are now considering treats, and I will agree that the relations existing between the public and its complex interests and the railroad companies would soon be resolved into movements of harmony and conditions of good-will. But this free course is not allowed to the natural laws in question, and, therefore, we have the agitation which demands that other laws shall be provided.

But the demand is not for enactments in contravention of the said natural laws. The demand made is reasonable, and its reasonableness consists in the fact that it only asks for such enactments as will enable commerce to enjoy the rights, freedom, and advantages which would be assured to it by the unobstructed action of said natural laws. It does not exact other and different conditions than those which the normal action of said natural laws would induce. The case is quite the opposite of that which the railroad companies present. Let them remove their arbitrary obstructions from the ways of commerce and allow it to move on the fair, just, and orderly lines of said specially pleaded natural laws, and the controversy will be at an end. Even the occupation of the demagogue who seizes upon popular discontent to serve his selfish purposes and to promote his personal and conscienceless ends will be gone. No one who possesses the slightest conservative tendency toward the practice of fair dealing has any desire to impose unjust terms, conditions, or laws on the railroad companies. Every well-informed man realizes and admits the great benefit they have been and now are to the country. No well-informed and honest man would for a moment entertain a proposition whose tendency would be to cripple the efficiency of the railway service. Every intelligent railway manager knows this to be true. And yet, in the face of this knowledge, the evil genius of arbitrary interference with the natural laws of commerce is allowed to have its way. This is the masterful spirit which has evoked the demand that now presses on this Senate and asks it to conserve the true interests of the country and its commerce by such just and conservative action as will restore the sway of those natural laws which are so often presented as a plea in bar to our progress in the direction indicated.

Mr. President, let us briefly examine this plea in the light of some of the evil practices that have become fixed in the administration of the transportation system of this country. What natural law of commercial action can be cited in justification of the arbitrary discriminations with which the transportation companies annoy, perplex, and punish localities, communities, investments, employments, and individuals in almost every department and division in their field of operations, or warrants them in their persistent efforts to destroy competition, and then because of failure to impose arbitrary rates for service rendered to the business of all non-competing points in order to make good the losses occasioned by the uncertain, whimsical, and unremunerative charges so often given to and from competing stations; to determine what places may engage in the manufacturing industries and which shall not; to encourage the investment of capital in some localities and to repress it in others; to say what towns or cities, other than the great commercial centers, may be selected by jobbers and wholesale merchants in which to pursue their business and to put all others under the ban of ruinous discriminations; to so discriminate between individuals engaged in like business in the same community as to enrich some and bankrupt others; to close the doors of opportunities against men of moderate fortunes, who otherwise would plant industries where real estate and food are cheap, and thereby furnish diversified employment to willing and waiting workers in multiplied localities, and only open those which lead to centers already overcrowded; to foster combinations in business and employments of capital in such manner as to suppress individual endeavor and repress the self-reliant trait in American character; to load down the railway lines of the country with burdens of fictitious securities and insist that no limitation shall be placed on the power to exact rates to any extent necessary to pay interest and dividends thereon; and to do whatever else may be suggested by pleasure, circumstance, or caprice of those who manage their affairs? All of these elements are present in the case, and in view of this fact I can but repeat the question, What natural law of commercial action can be cited in justification of these things?

Let us further test the real character of our transportation system by a more definite examination of some of its elements, taking as the first the one which involves the creation of fictitious securities. At the close of 1883 the total railway mileage in the United States was 120,552 miles. The cost thereof is represented by shares of capital stock issued amounting to $3,708,060,583, funded debts $3,455,040,383, floating or unfunded debts $332,370,345, representing a total cost of $7,495,471,311, or an average cost per mile of $62,176. And right here we have one of the most inexcusable features of our railway system, for it is safe to assume that the actual cash cost of the entire system did not exceed one-half of the nominal amount I have stated, and that the average per mile was but little, if any, more than $30,000. This feature of the case is remarked upon in Poor's Manual of Railroads for 1884 in this language, namely:

It is safe to assume that the new mileage constructed in the past three years cost about $30,000 to the mile, and that when our people build, say, 10,000 miles of line in one year, they expend upon them $300,000,000. In addition, a very large amount of fresh capital is yearly expended on old lines, so that we have for many years past been expending upon railroads considerably over $100,000 for every working day in the year. Should a large portion of the cost of new lines be lost the country is undoubtedly the richer by a corresponding amount from the incidental advantages they confer, the opening up of vast tracts for settlement, and in bringing within the reach of markets products which had before no commercial value.

There would be no danger of the loss suggested if the railroad lines of the country were limited in their financial burdens to the cost of construction, including equipment and all other expenditures necessary to their effective operation. It is not the real but the fictitious burden which cripples the roads and disturbs the business of the country. And were it not for this fact the railway securities of this country would be almost, if not quite, as stable in value as Government bonds. Treating of this view of the case, the author from whom I have just quoted says:

If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $3,396,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts, their success as investments would have no parallel. If to net income be added the advantages that flow from them, the result would be a matter of special wonder. Our railroads the past year transported over 400,000,000 tons of freight. At $25 per ton the value of this freight would equal $10,000,000,000. It is enough to say that, compared with the wealth of the country thirty years ago, they have created on this continent a new nation. While penetrating every portion of the continent, at least wherever our people go, they, for the first time, create the conditions of a firm and compact nationality.

Here we have a group of facts and opinions most suggestive. We see that if the railroad corporations had been held to the safe and conservative lines of the law relative to such artificial persons, this country would now be in possession of not only the most magnificent railway system in the world, but also the most prosperous, stable, and remunerative one. But, unfortunately, too many of the promoters of the system have been allowed to run riot over all sound provisions of the general law of corporations and of every correct principle of business economy. In many cases this ruinous course has had the sanction of public authority, while in others it has been pursued in direct violation of limitations imposed by law. And while it may be true that all of the abuses in the action of railroad corporations in the past may not now be remedied, it certainly is well for us to consider how far they can be corrected and how future repetitions of them may be prevented. It is not a pleasant fact for the people of this country to contemplate that our railway system is called on to pay dividends on capital stock and interest on funded and unfunded debt representing an amount twice as great as the cash cost of the roads. And while they may agree to all that the author quoted says relative to the great benefits which the country has derived through the railway system as it has been developed and now exists, still they will charge up to this feature of the account the burdens which rest upon the business of the country because of fictitious capital, which constantly cries aloud for interest and dividends.

It is not difficult for any man to see that too little money has gone into the treasuries of the companies to balance the amounts which the stock and bonds represent. And it is very generally understood that the law and public policy do not authorize the creation of such obligations except in return for a full equivalent paid into the treasury of the corporation in whose name they issue. If this rule had been observed every railroad company in the country that can present a reasonable excuse for having built a road at all could now earn a reasonable annual return on all of its cash capital invested by charging much less than the present average rates charged, and its bonds and stock would not need the gambling manipulations of the stock exchange to give them an appreciable value. It is true that by this conservative procedure there might not have been so many colossal private fortunes evolved as under the practice which has obtained; but the country would be in possession of a sound and satisfactory railway system in harmonious relations with the people and their business interests, and whose securities would rank with the best.

Leaving out of view the many cases of fraudulent stock issues representing no capital whatever, we need but direct our attention to some of the practices of the most solvent and conservative railroad companies to discover how fictions enlarge their aggregate of shares. It is no uncommon thing for such companies to capitalize expenditures for improvements, betterments, extensions, and other outlays of many kinds. Hundreds of millions of dollars earned in the ordinary course of business have been so capitalized and made a perpetual burden on the future earning capacity of the respective roads. In some cases I am informed that the capitalization of such expenditures as I have indicated amounts to nearly if not quite the original stock shares of the companies, and in about all cases to many duplications of the money which has gone from the holders to the treasuries of the companies. I am not inclined to impose a hard rule on the corporations relative to their earnings. I believe that the public will be content with such an adjustment of rates that the earnings therefrom shall be sufficient to pay operating expenses, interest, necessary improvements, and a reasonable dividend on the stock shares representing money or other valuable thing paid to the companies toward the construction of the roads.

But it is not right that any part of these earnings and expenditures shall be capitalized and stock shares issued therefor. This is money supplied by the public patronizing the roads. It does not come from the private funds of the owners of the roads. What rule of fairness and justice will allow such money to be turned into stock shares in order that the public supply the funds required to pay dividends on it? And how long can this process go on before even present solvent companies will break down under the ever-increasing weight which this process imposes? The rapidly changing conditions in our country and the rest of the world ought to be considered by the managers of our railway system. Instead of overloading their respective companies by the methods adverted to it should be their care to relieve them as opportunity offers. The very multiplication of roads should impress caution on them. While those who manage the trans-continental lines may well study the effect which the construction of ship-canals connecting the Atlantic and Pacific Oceans may have upon the business of their roads, it is well that these considerations be not overlooked either by those who manage the railways or those who are charged with the powers and duties of legislation.

Mr. President, it is because I recognize the benefits which have come to this country through the railway system that I feel anxious to aid in effecting such reforms as will establish cordial relations between it and the people. The railroads have been of immense value to this nation. I quite agree with the general statement of the case as put by the writer from whom I have quoted, wherein he said:

It is enough to say that, compared with the wealth of the country thirty years ago, they have created on this continent a new nation. While penetrating every portion of the continent, at least wherever our people go, they, for the first time, create the conditions of a firm and compact nationality.

While this is true as a general statement, it nevertheless suggests some considerations tending to restrain the enthusiasm it is well calculated to evoke. When we put our minds earnestly to the subject we come to realize that our legislative authority, both State and national, has been less wise than the railway system has been absorbent and forceful. Had this not been so the abuses of which there is now so great complaint would never have grown to their present proportions. This is quite clear to our comprehension now. The public and the legislative minds were entranced by the beauties of the panorama of magnificent results as it unrolled itself during the greater number of those thirty years. If attention had not been so wholly given up to that absorbing contemplation we might have become possessed of all the beauties and results without the defects we now discover, and at much less cost. While the roads were penetrating every portion of the continent and creating the conditions of a firm and compact nationality their promoters and managers were, possibly with the best intentions, introducing methods and practices which have produced abnormal results now far from satisfactory to the greater portion of the country. One of these I have already noticed at some length, and that is the system of forcing everything possible to a few great centers. The entire power of the transportation companies has been bent to effecting this end. This was done by so adjusting rates as to force everything to the favored centers.

The centralization aimed at has been accomplished, and this is what renders the low rate on the long haul, of which so much discussion has been had, a necessity to the interior portions of the country. A mere declaration that the railroad companies shall not charge a greater rate for a shorter than they do for a longer haul will not cure the evil of forced centralization. The foundations of this structure have got to be sapped and mined by the adoption of a system of regulation that shall eradicate the entire nest of vipers of discrimination which now are used as aids to maintain the policy of centralization. While it remains the

low rate on the long haul is the only door through which the West and far interior can reach the distant markets at the points of centralization. It is not the abolishment of the low rate on the long haul that is the immediate need of those great regions of our country lying distant from the dominant market centers. The thing most needed is a change of the system which keeps producers and consumers of both agricultural and manufactured products so far apart, forcing the greater volume of our interstate commerce to be transported over great distances, thereby rendering the low rate on the long haul a necessary element in the freight traffic of the country. The present conditions enforce an abuse of this very proper element of commercial movement by degrading it to the improper office of maintaining the present policy of centralization in opposition to one which would tend to diffuse the industries and employments of our people throughout all sections of the land.

But when we shall have changed existing conditions and established a system of commercial transportation more in harmony with the general welfare, experience will teach us that we will still have highly important use for the now abused practice of granting a low rate for the long haul. We can hardly expect that the time will come when the demand for domestic consumption will be equal to the entire volume of the productions of our people. Agriculture, manufacture, and mining will continue the present practice of producing more than we can consume. If we are to have no surplus in the future, why are we casting about for the discovery of methods for the revival of our ocean carrying trade? Do we expect the other nations of the world to so adjust their navigation laws as to put us in possession of their carrying trade? Do we expect England to foster the production of wheat in India, in order that our restored merchant marine may flourish by transporting it to the world's markets? These illusions are not in our minds. We anticipate an enlargement of the volume of our surplus, and expect to compete with other nations in disposing of it, and in order to do this successfully our products, of whatever kind, of the far interior must have the advantage of the low rate on the long haul to the seaboard. And so it will be, under the best conditions we can establish relative to a general diffusion of employments and industries, when commercial transportation must be made over long interior lines, it must have a corresponding advantage in rates; for this tends to a diffusion of values, and is not inimical to the widest distribution of industrial pursuits. The principle is a correct one. Let it be applied to its proper office and it will be promotive of the public good. Its abuse in our present system of commercial activity is the true cause of complaint. I shall be rejoiced when we reach the point from which we can take a new departure in this regard. But the difficulties which I see in the way constitute one of the reasons which led me to say that disappointment will come to any one who expects a single act of Congress to eliminate all of the evils that have become parts of our transportation system.

When we consider that the defects and abuses of the system which we now seek to reform have been developing and embedding themselves in it through the practically undisturbed progress of a period of about thirty years, we must not be too sanguine in our expectations in respect of their immediate elimination. Not merely the railroad corporations stand opposed, but all persons, associations, firms, communities, and interests participating in the profits and advantages resulting from the things complained of are ranged along with them. The great cities whose overtowering advantages and powers have been upbuilded on foundations laid of the evils and abuses of the general system; the communities whose successes in the main have come through arbitrary discriminations enforced against others; the associations which thrive on the effects of unequal rules imposed on their competitors; the firms whose prosperity is the fruit of transportation favors not accorded to others; the persons who revel in the luxury of rebates and drawbacks, will not be swift to see that a reform which proposes to enforce the principle of equality in respect of matters of commercial transportation is one of the supreme needs of the present juncture. But the change will come; for well-founded discontent with the present order of things is too prevalent and justly forceful to cease its efforts until a real reform shall be established.

I know how apt we are in this country to believe that anything, no matter how intricate or difficult it may be, can be accomplished at once and perfectly. But a moment of serious reflection will serve to convince us that this belief is not in accord with our experience. Great reforms have not been in the habit of appearing in full life and vigor at first command. They have been evolved rather than specially created. And it will be so, in greater or less degree, with the one we now have in mind. It will not be perfect from the start. But to be anything it must have a start. Having this it will grow, and ultimately develop into the form we desire. It may be best not to undertake to do too much at once. This consideration induces my support of the bill reported by the committee and now before the Senate. It certainly does not include all that I hope to have done. But as the act of June 15, 1866, was a good start in the matter of asserting the power of Congress to regulate the transportation of interstate commerce, so is the present bill a good beginning of the legislative action which will ultimate in a system of commercial regulation adapted to the right protection of all the varied interests to be affected, and, hence, promotive of the general welfare.

The provision of the bill which establishes a commission for the administration of the system proposed has my most hearty approval. With the aid of a competent commission a complete system of interstate commercial regulation can rapidly be developed, and in manner and form which will justly care for all of the complex interests to which it will apply. The amendments which I have proposed to the bill do not, as I have heretofore remarked, interfere with the structure or declaratory provisions of the measure, and I am content to have them incorporated in such manner and places as the Senator from Illinois [Mr. CULLOM], in charge of the bill, may prefer. I deem these amendments important to the ultimate perfection and success of the scheme presented by the bill, and, therefore, earnestly advise their adoption.

Mr. CULLOM. I do not rise to make any remarks except to say that when the bill is further proceeded with and before the amendments are voted upon I shall take occasion to indicate to the Senator from Iowa where I think his amendments ought to come in if they should be adopted by the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Oregon [Mr. SLATER] has offered an amendment in the nature of a substitute for the bill reported by the committee. The Senator from Iowa [Mr. WILSON] offers several amendments to the text of the bill in the nature of perfecting the text, and the question is first upon the amendments offered by the Senator from Iowa.

Mr. WILSON. I suggest to the Senator from Illinois that if he is prepared now to suggest the proper place for the amendments proposed by me, it may be well to do so at this time.

Mr. CULLOM. I will do so now if it is desired. The first amendment offered by the Senator from Iowa I think should be added to the second section of the bill under consideration. The substance of it should be simply added to section 2.

Mr. SEWELL. If the Senator from Illinois will allow me, I will state that I desire to submit to the Senate a few general remarks on the practical questions embraced in the bill.

Mr. CULLOM. I was aware that the Senator from New Jersey desired to speak, and hence I did not profess to suggest the place where the amendments should come in until after he had made his remarks.

Mr. SEWELL. I am ready to go on now.

Mr. CULLOM. I will yield to the Senator from New Jersey, and will suggest the proper place for the amendments of the Senator from Iowa when the Senator from New Jersey shall have concluded his remarks.

Mr. SEWELL. Mr. President, the bill under consideration aims at a national control of the railroad system of the country, so far as it pertains to interstate commerce. It proposes to establish a commission for the purpose of seeing that fair rates are made by railroads, and that the oplpee of the country are fairly treated by the corporations, giving the commission power to punish those companies that do not comply with what they consider just rates for transportation.

Many of the States have, in one way or another, legislated on this subject, and most of them have created commissions for the purpose of carrying out the acts of their Legislatures.

The transportation problem is one of great magnitude and one that has engaged the attention of some of the brightest minds in this country and in Europe. I think the time has fairly come now when it is the duty of the Government to take just such action as is proposed by this bill. While I do not think, myself, that there is any very great injustice being done by the transportation companies in general, there may be some isolated cases, and if this can not be reached by State laws it is but just and proper that Congress should provide a remedy.

It is but a few years since the first railroads were laid in this country. The growth for the last twenty-five years has simply been enormous. State after State has been gridironed, and we now have several lines across the continent. The railroad mileage of to-day amounts to 125,000 miles, costing over seven billions of dollars, the gross receipts amounting to $850,000,000 annually, and the profit to the owners to somewhat less than 5 per cent., although the stockholders have not received more than a fraction less than 3 per cent.

It is almost impossible to make a rigid law that could govern the transportation system of this country without in many cases doing great injustice by which some roads might be wiped out of existence and others benefited at their expense. The transportation of coal differs from that of grain, and grain from that of lumber, and lumber from that of cotton. The different sections of the country present different obstacles to overcome, in some cases, such as the passage of mountains, making it much more expensive than on the plains, and the severe winters of the northern section of our country making it much more costly than in the South; so that any law that would fix any rigid rule as to charge of transportation where there is such great difference in the cost would be manifestly unjust. Therefore, I think it is wise to leave to the discretion of the commissioners to be appointed under this act the determination of what are fair rates in the different sections of the country and under the different circumstances that the various lines are operated.

As I am in favor, therefore, of the bill as presented by the honorable Senator from Illinois [Mr. CULLOM], and which met the approval of the Railroad Committee of the Senate, I will pass from that to the discussion of the merits of the amendment as presented by the honorable Senator from Mississippi [Mr. GEORGE].

That amendment proposes radical changes, among which are the prohibition of pooling, the charging more for a short than a long haul, and the prevention by law of the granting of drawbacks.

I understand the Senator from Mississippi to say that in his judgment one thing is absolutely essential to any effective legislation in restraint of unreasonable charges, and that is a prohibition against pooling, and that if competing railroad companies are allowed to pool their freights there can be no real competition or just fixing of reasonable rates. I understand the intention of the Senator from Mississippi to be to provide by some proper legislation for the carriage of interstate traffic at reasonable rates and at the same rates to all shippers for the same service. Both he and Mr. REAGAN contend that the great evil existing to-day and demanding prompt redress is the action of the railroad companies in carrying through freight below cost, and in then providing for the deficit thus caused in their earnings by taxing the local freight or that carried between points upon their roads where there is no competition. No one will deny that such a practice is deserving of severe reprehension if it exists, nor contend that the power of Congress can be more beneficently exerted than in redressing just such an evil.

The natural point of inquiry, therefore, is whether this end can be accomplished by the prohibition against pooling which the Senator from Mississippi suggests.

It may not be clear to all the members of the Senate just what is meant by the term pooling, and it may be well in the outset to get clearly in our minds that the mere act of pooling has necessarily nothing whatever to do with the fixing of rates. Pooling simply means that where two or more competitive lines carry traffic between the same points they agree between themselves as to what is the proper proportion for each line to carry; and when I say the proper proportion I mean the proportion which each line would naturally get by reason of the facilities which it furnishes to the shipper, either in the transportation of the traffic, or in the more or less favorable handling and delivery of it at the point of destination. There certainly can be no wrong done to anybody by two lines agreeing upon this point; it is done in all business, and works no injustice to any one. It gives to the enterprising railroad company, the one that has most largely invested its capital in furnishing a perfect road-bed, large warehouses for the receipt and storage of traffic, a full equipment and the other facilities necessary for its prompt transportation, a proper advantage over its competitor that has expended less capital, has inferior facilities, a longer route, and less favorable terminals, and therefore is not entitled to as large a proportion of the competitive traffic as its more active competitor.

It is in the interest of trade and the interest of all shippers that the railroads of the country shall be induced to expend their capital in furnishing just such facilities as these, and I am sure every one will agree that it would be a great mistake on the part of Congress or any other legislative body to interfere in the slightest degree with steps leading to that end. There is no practicable trouble in two or more competitive roads settling this question as between themselves, for the reason that their accounts show just the proportion of the traffic they have handled in the past between certain points, including periods when they were at peace and when they were at war with each other, but if the roads themselves can not agree any fair-minded third party can settle the question and give each road its proper percentage of the business. There is certainly nothing in this to prevent a just fixing of reasonable rates, and nothing which necessitates unreasonable charges. On the contrary it will, I think, be admitted by every one that if through this plan the railroads receive upon this through competitive traffic fair and reasonable rates, then the other object sought to be accomplished by the Senator from Mississippi—that is, the fixing of just and reasonable rates upon local traffic—becomes very easy to accomplish. It is useless to say that fair rates can be secured upon local traffic while the roads are allowed to compete for the through traffic at any or no rates, and allowed or compelled to carry it to destination below cost; and, therefore, any arrangement by which fair rates can be secured upon through traffic should, it seems to me, receive the sanction of Congress.

It must be borne in mind that the position of the railways in this country is entirely different from that in any other part of the world. In England, France, Germany, and all other countries than our own, no railroad can be built except by the direct sanction, in each individual case, of the legislative or executive authority, while under what is known as our free railroad laws any four or five men can associate themselves together, procure a charter, and build roads whenever and wherever they please. The natural result is, that not only are sufficient lines built to take care of the traffic, but that these lines are duplicated again and again until they are far ahead of the necessities of traffic, and until it is utterly impossible for them to earn a sufficient amount to begin to take care of the actual cost involved in their construction. This evil is aggravated, too, by the fact that through local aid from townships and counties it is made much easier for unnecessary roads to be built, as the constructors rely simply upon the profit made during construction, and having disposed of their securities have no further interest in the enterprise, while the damage caused by the construction of the unnecessary road is visited upon the local communities who have assumed heavy debts to aid a worthless undertaking, and on the other lines with which it becomes a direct and active competitor; for be it remembered that a railway differs from all other enterprises in this essential point: that once built it is practically there for all time; men can withdraw from other enterprises in which they have sunk their capital, and allow a mill or a warehouse to go to destruction, but a railway once built continues to be operated and remains a potent factor for good or evil throughout the entire territory which it traverses.

Not only this, but having been unnecessarily built, and being unable to get business from its longer established competitors at the same rates, yet being compelled to get money in some way to take care of its road-bed and track, its management cut rates in all directions, carry traffic below cost, and in that manner affect the earning power and the value of the securities of all the railways with which it comes into competition. As a natural result of this cut-throat policy it is placed in the hands of a receiver, and once there it practically becomes entirely irresponsible, for the judge of the court in whose custody it is has no practical knowledge of railroading and is compelled to rely entirely upon the officers who are running it. It makes no difference what it earns, for the receiver's certificates can be issued *ad libitum* and become a lien upon the property prior to its mortgages, so that to-day there is not a trunk line between the seaboard and the Mississippi whose business is not disastrously affected by the ruinous competition of railways which were utterly unnecessary to accommodate the traffic, and which now, in the hands of receivers, are carrying business below cost, and thus compelling solvent corporations to take it at the same ruinous figures.

It is not necessary, therefore, to assume that the railway companies resort to measures for mutual destruction because they are not allowed to combine in aggression against the public. The railway managers are, most of them, men of ability and experience, whose pride and interest it is that their properties shall justly and fairly accommodate the public and give to their owners a fair profit upon the capital invested. They do not desire wars to prevail, yet to-day and for nearly a year past the trunk lines between the East and the West, by reason of the acts of irresponsible and bankrupt corporations, have been utterly unable to secure a fair compensation for the transportation of traffic between the West and the seaboard, while the advantage of the low rates has accrued not to the producer but mainly to the middleman and the broker.

I do not believe there is any higher railroad authority upon this question of competition than Mr. Fink, the commissioner of the trunk lines, and his arguments before the committees of the House are so forcible and so much to the point as to present a very clear view of the whole question. Mr. Fink shows that it is absolutely impossible for the railways of this country to fix unreasonable rates upon the through traffic, by reason of the competition of the great lakes, the rivers, and the ocean; that the facilities furnished by the ocean steamers along the Atlantic coast to the Gulf of Mexico, and the railways stretching from the Southern ports to all parts of the South and Southwest, make it impossible for the railways to charge unreasonable and high rates upon competitive traffic to and from that section, while the Mississippi, the Ohio, and the great lakes on the north equally protect the interests of that portion of the Union. The moment a rate is made unreasonably high the farmer ceases to send by rail and ships by water, and the entire history of railroad transportation in this country shows a wonderful decrease in the rates upon traffic, both local and competitive. It is folly for gentlemen to preach about the railways oppressing the country by unreasonable charges, when the indisputable fact remains that the charges to-day are about one-half of what they were ten years ago and when the tonnage statistics show such a tremendous increase in the movement of freight by all railways from one end of the country to the other. I need only cite the experience of one railway, where the rate received per ton per mile decreased from 1.416 cents in 1873 to 8 mills in 1883, while its tonnage, moved one mile, increased from 1,384,831,970 to 2,996,892,567 in the same period.

Before the system of pooling was adopted it was utterly impossible to secure the same rate for the small as for the large shipper; and the great mercantile houses in the different cities sold their business to the railroad company that would carry it at the lowest rates, while the small houses were compelled to pay a materially higher rate to compensate the railroad companies for the reduced profit received from the large shipper. Agreements were continually made between the railroad companies by which a fair and reasonable rate was to be charged to all shippers alike, but they were no sooner made than violated, so that the man with small capital was at the mercy of his more wealthy rival, and in the end was ruined and driven out of the business. Now, the small shipper between competitive points, say New York and Chicago, is certainly equally as much entitled to protection against the large shipper between those points as the local shipper against the through shipper, and the only way in which this has ever been accomplished is by the railroads agreeing among themselves as to what percentage each is fairly entitled to, for the moment this is done it makes no difference to the railroad company whether it carries the goods of the large or small shipper if it gets a proper amount of tonnage and gets the same price for carrying it, whereas before the pooling system was adopted each railroad was competing with the other for the business of the large houses, and the small shippers paid high rates and the large shippers low rates.

This practice of pooling is one which is sanctioned by law in England,

Austria, and other foreign countries, and it is hardly fair or just to the railroad companies to condemn them in one breath because they can not maintain tariffs alike to all persons, and in the next prohibit them from adopting the only practicable method by which this end can be accomplished.

Under the great East and West pool of 1877 there has been a continuous and regular reduction in rates for a number of years.

The following statement from the report of Mr. Joseph Nimmo, jr., chief of the Bureau of Statistics, exhibits this fact:

REDUCTIONS IN THE COST OF TRANSPORTATION BY LAKE AND RAIL.

The following statement exhibits the gradual reduction which has taken place in the rates charged for the transportation of grain from Chicago to New York from the year 1857 to September 1, 1884:

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1857 to September 1, 1884, inclusive.

Calendar year.	Average rates per bushel.		
	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1857	26.03		
1858	17.08		
1859	18.33		
1860	25.58		
1861	27.05		
1862	27.08		
1863	23.65		
1864	29.11		
1865	28.37		
1866	31.36		
1867	24.11		
1868	24.54	29.0	42.6
1869	22.12	25.0	35.1
1870	17.10	22.0	33.3
1871	20.24	25.0	31.0
1872	24.50	28.0	33.5
1873	19.19	26.9	33.2
1874	14.10	16.9	28.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.7
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884, January 1 to September 1	6.60	9.3	15.5

*Including Buffalo transfer charges and tolls.

The reduction in the average rates of transportation by lake and canal from 24.54 cents per bushel in 1868 to 6.60 cents per bushel in 1884, in the rates by lake and rail from 29 cents per bushel in 1868 to 9.3 cents per bushel in 1884, and in the "all-rail" rates from 42.6 cents per bushel in 1868 to 15.5 cents during the year 1884, was the direct result of the sharp competition which prevailed between competing railroads and between the railroads and the water line formed by the lakes, the Erie Canal, and the Hudson River. Each transportation line has exerted a regulating influence over every other transportation line, and this competition has strongly tended to reduce freight charges. It is probable that during this entire period the carrier has been able to realise only a narrow margin of profit.

It is not claimed nor do I believe that the reduction is in consequence of pooling, but it has been the means by which railway wars have to some extent been avoided, and the result has been improved economies and greater efficiency of the railroads and of more economical administration.

The general reduction of freight charges in the United States is also illustrated by the following table:

Statement showing the reduction in freight charges per ton per mile on the New York State canals, and on several leading trunk railroads of the United States.

Canals and railroads.	Year—		
	1868.	1873.	1883.
	Cents.	*Cents.*	*Cents.*
New York State canals*	.872	.867	
New York Central Railroad†	2.743	1.573	.91
Pennsylvania Railroad*	1.906	1.415	.819
New York, Lake Erie and Western†	1.81	1.454	.78
Boston and Albany Railroad†	2.811	1.958	1.19
Philadelphia and Erie*	1.609	1.135	.62
Lake Shore and Michigan Southern*	2.336	1.335	.738
Michigan Central*	2.45	1.891	.88
Chicago, Burlington and Quincy*	2.348	1.921	
Chicago and Northwestern‡	3.168	2.351	1.42
Chicago, Milwaukee and Saint Paul*		2.50	1.39
Saint Louis, Iron Mountain and Southern*			1.56
Chicago, Rock Island and Pacific§		2.29	1.17
Illinois Central*		2.20	1.43
Chicago and Alton*			1.13
Pittsburgh, Fort Wayne and Chicago*		1.41	.79
Average on canals and railroads	2.295	1.737	
Average on railroads	2.453	1.808	1.095

* Year ended December 31.
† Year ended September 30.
‡ Year ended May 31.
§ Year ended March 31.

It appears from this table that the average annual freight charge on the trunk lines mentioned fell from 2.453 cents per ton per mile in 1868 to 1.808 cents per ton per mile in 1873, and further to 1.095 cents per ton per mile in 1883. This important reduction in the cost of internal transportation by rail in the United States has been the combined result of new economies, improved facilities, and competition. The rapidly increasing volume of traffic has also been one of the important elements in the reduction of freight charges.

It is worthy of note to observe the fact that the general fall of rates has effected a constant and rapid increase of traffic in the country. Quoting again from Mr. Nimmo's report:

The general results of the improved facilities for transportation which have been provided on the east and west trunk railroads, and of the competition between the railroads and the northern water lines, are also illustrated in the following table, which shows tonnage movements.

Total number of tons (of 2,000 pounds) transported upon the New York State canals, the New York Central and Hudson River Railroad, the New York, Lake Erie and Western Railroad, and the Pennsylvania Railroad each year from 1868 to 1882, inclusive.

Year.	New York State canals.*	New York Central and Hudson River Railroad.*	New York, Lake Erie and Western Railroad.*	Pennsylvania Railroad Division.†
	Tons.	*Tons.*	*Tons.*	*Tons.*
1868	6,442,225	1,846,599	3,908,243	4,722,015
1869	5,859,080	2,281,885	4,312,209	5,402,994
1870	6,173,769	4,122,000	4,852,505	5,804,051
1871	6,467,888	4,532,056	4,844,208	7,100,294
1872	6,673,370	4,398,965	5,564,274	8,459,535
1873	6,364,782	5,522,734	6,312,702	9,211,231
1874	5,804,588	6,114,678	6,364,276	8,626,946
1875	4,859,858	6,001,954	6,299,946	9,115,363
1876	4,172,129	6,808,680	5,972,818	9,922,994
1877	4,965,963	6,351,356	6,182,451	9,738,296
1878	5,171,320	7,695,413	6,150,568	10,946,752
1879	5,362,372	9,015,753	8,212,641	13,684,941
1880	6,457,656	10,533,088	8,715,892	15,364,788
1881	5,179,192	11,591,379	11,066,823	18,229,365
1882	5,467,423	11,330,393	11,895,238	20,360,399
1883	5,664,056	10,892,440	13,610,623	21,674,160

* From annual report of auditor of canal department, State of New York.
† From annual report of Pennsylvania Railroad Company.

From this table it appears that the tonnage transported on the New York State canals fell from 6,442,225 tons during the year 1868 to 5,664,056 tons in 1883, but that the tonnage transported on the New York Central and Hudson River Railroad increased from 1,846,599 tons in 1868 to 10,892,440 tons in 1883; that the tonnage transported on the New York, Lake Erie and Western Railroad increased from 3,908,243 tons in 1868 to 13,610,623 tons in 1883; and that the tonnage transported on the Pennsylvania Railroad increased from 4,722,015 tons in 1868 to 21,674,160 tons in 1883. The total tonnage transported by rail on these three roads increased from 10,476,857 tons in 1868 to 46,177,223 tons in 1883. Perhaps no more striking illustration can be furnished of the enormous increase of the internal commerce of the United States by rail.

RAILROAD POOLING COMBINATIONS.

In this connection it appears proper to advert to the federation of railroads and other transportation lines by means of organizations having for their object the maintenance of rates established, and from time to time adjusted by common consent or by submission to the rulings of an executive head. Such agreements as to rates are generally enforced and rendered effective through agreements as to the division of traffic commonly known as pooling. Besides, some of these organizations have the function of determining the classification of freights and other matters pertaining to the conduct of traffic over connecting and competing lines. The present consideration of pooling organizations must be limited to their operations touching the transportation of grain, flour, provisions, and cotton to the seaboard. The determination of rates on grain, flour, and provisions from the West to the seaboard has been committed to the "joint executive committee" of the East and West trunk lines and their connections, embracing almost all the more important lines in the United States north of the Potomac and Ohio Rivers and east of the Mississippi River. The main office of this organization is at 346 Broadway, New York.

The Southern Railway and Steamship Association, which embraces the various lines extending from Atlantic seaports south of Cape Henry into the interior, and also the various steamer lines engaged in the coastwise trade between Northern and Southern ports, has the determination of the rates upon all cotton carried by those lines. The operations of this pool embrace the entire eastward movement of cotton by rail from Selma and Montgomery, Ala., and from all points east of the eastern boundary of the State of Alabama. Through affiliated lines it also exerts a competitive influence over cotton movements as far west as Memphis, Tenn. The main office of this organization is at Atlanta, Ga.

The "overland movement" of cotton is not controlled by any pooling agreement. The Cincinnati, New Orleans and Texas Pacific Railway, the Louisville and Nashville Railroad, the Mobile and Ohio Railroad, and the Chicago, Saint Louis and New Orleans Railroad have not entered into any pooling agreement. The cotton rates over these several lines are, from time to time, determined by agreement. The Cincinnati, New Orleans and Texas Pacific and the Louisville and Nashville are parties to a pool at Selma, Ala.

The several lines west of the Mississippi River which are engaged in the transportation of cotton overland from Arkansas, Texas, and Northern Louisiana to Cairo and Saint Louis, and other points on the Mississippi River above Saint Louis, are all parts of the great Missouri Pacific Railway system.

Railroad companies in this country have united in pooling organizations mainly for the purpose of mutual protection against a competition which invariably ran into demoralization after repeated failures of mere agreements as to the maintenance of rates. It has also been found that pooling arrangements have had the effect of preventing secret rates to favored shippers, and of preventing those sudden and extreme fluctuation of rates which are demoralizing to trade.

The railroads have, through pooling operations, in important particulars, restrained competition; and, on the other hand, the extension of railroad lines has created competition between rival commercial centers, and this competition of trade forces has been found to be the paramount influence in the conduct of the internal commerce of the country. This is indicated by a quite general and marked reduction in rates.

The subject of the relations of railroad pooling operations to the public interest has for several years commanded the attention of Congress, in connection with the general discussion of the question as to the regulation of the railroads engaged in commerce among the States. This is a matter the practical administration of which would properly devolve upon a national railroad commission.

I concur generally in the views of Mr. Nimmo, who has given this subject great attention as to its results. I do not, however, at the same time, admit that pooling is necessarily a combination on rates. The latter often accompanies a pool, but pools are primarily for the protection of the different corporations for the amount of tonnage they receive.

The system of transportation that has presented such wonderful results can not have done very great injustice to the people of this country. There may be, and probably are, isolated cases where individuals and communities may have been injured, but they are few and far between. There has been as little wrong done in proportion to the magnitude of the business as has been done in any other sphere in life or business.

The Senator from Mississippi charges directly that half the capital of the united railroad corporations of this country (and there are about 2,000 companies) is water. Now, Mr. President, I deny that statement.

The present capitalized cost of the railroads of this country is at the rate of a little over $60,000 per mile. When you come to compare this with the cost of railroads in Europe, the lowest of any nation there being $100,000 per mile, increasing to $200,000 per mile in England, where money was to be had during the construction of the great lines at one-half the cost paid for it in the United States, it looks as though the capitalization of our railroads was not above their actual value.

For a number of years railroads were built by an actual cash subscribed capital, or sufficiently so to give them credit to mortgage their lines for part of their expenditure. It is only of late years that water has crept in.

Many of the States prohibited anything but cash subscriptions and the legitimate issuing of mortgages, generally to the extent of the amount of the subscribed capital. The great companies, in fact, large and small, in the Eastern and Middle States have been constructed on a solid cash basis. The process of watering has been applied more particularly to the lines going through the Territories, where special inducements had to be offered to the public in order to get the money to build them, but even in all of these cases there is no burden thereby placed on the shipper by the fact that there is water in the stock.

A number of these railroads were built on the bonds, and the stock, or a part of the stock, given to the subscriber for the bonds. It is well known which they are, and their stocks and bonds are quoted, not, as the honorable Senator from Mississippi would have us suppose, on the basis of paying dividends, but at a mere fractional percentage of their par value. It is not expected that they will pay dividends on a capitalization of this character, and few, if any, I think ever do. To offset the amount of increase of capitalization many of the older companies that have been in existence for a great many years have used their receipts for the bettering of their property without declaring dividends and without issuing a corresponding amount of stock to their owners. Occasionally the public will hear of an additional issue of stock by an old corporation to its stockholders and the press immediately charges that the stock is watered.

Now, it is the custom of fairly managed railroad corporations, that are earning dividends, to declare about half that they earn, accumulating the other and using it for extensions and betterments of their property; and, finally, they may determine, when they have accumulated 25 per cent. in this way, to issue that amount of stock to their stockholders. This, both in this country and in Europe, is considered perfectly legitimate. The amount of money has been earned and put into the additional plant, and it is no more than right that it should be represented in the hands of stockholders. This can not justly be called watering stock, so that I am of the opinion that the railroad system does not get the credit for a large amount of money that has been earned and spent for extensions and betterments of the different properties; but assuming that a part of what the honorable Senator from Mississippi charges is correct, even then (taking the dividends received last year from these properties) the stockholder has not obtained anything more than a fair, reasonable return for his investment.

The substitution of steel rails a few years ago was one principal means of cheapening railroad transportation. It came at a time when increased tonnage and a demand for lower rates were pressing upon the railroads of the country, and it looked as though (the renewals of iron rails were so frequently required) the corporations would become bankrupt, but a rapid substitution of steel reduced the current expenses to such an extent that the companies were saved, and rates of transportation constantly lessened.

The question of the difference between local and through rates, and the cost of doing both classes of business, has also occupied the attention of many of our ablest men. Local rates are fixed by law in the different States, but the railroad charges have gone so much below the authorized rates that there is no prospect now of the companies violating their charters in that direction. It is contended by some that the carrying of through freight at low rates, which sometimes is done at an apparent loss, is injurious to the local shipper, and that he is required in the end to pay a higher rate than if the companies were obliged to charge the same rate to all shippers. The reduction in rates, both through and local, that has been going on for years is a sufficient answer to this proposition.

The amendment proposed by the honorable Senator from Mississippi does not seem to take into consideration the fact that a large part of the transportation of this country is done by water, and that a control that would leave out the water system might bankrupt all the railroads in the country. By reason of the fact that some corporations under this act would be interstate, and some of the largest would be only within one State and have the advantage of water connection that would not be governed by the act, the chances are that the latter corporations would bankrupt their rivals.

I wish to call the special attention of the Senate to the palpable injustice of tying up the American railways hand and foot, as against their competitor the Grand Trunk Railway of Canada, and as against the water routes of the country.

Under the provisions of the amendment as proposed by the Senator from Mississippi, the Grand Trunk of Canada is entirely free to make what rates it pleases and change them at will, and the natural result would be that the moment the American railways had fixed their rates the Grand Trunk would be able to cut under them and take from the American railways the business which they were built to accommodate, and take it over foreign roads to the seaboard entirely for the benefit of foreign capital. The Grand Trunk of Canada has been ever since it was built a most potent factor in destroying the through rates of the American railways and in bringing about the very evils of which the Senator from Mississippi so strongly complains; yet under this bill it is permitted and authorized to bring about the very state of facts against which the Senator from Mississippi protests, and is enabled either to take through competitive business from the American railways and compel them to rely upon their local traffic for their revenues, or to reduce their competitive rates to so low a point that they make no profit out of the carriage.

It certainly seems to me strange legislation for the Senate of the United States to be favoring foreign capital and foreign railways as against the roads built up through the enterprise and capital of the American people, and yet under the provisions of this bill the through traffic simply could be laden in vessels at Chicago, as was done before the Grand Trunk completed her rail line to Chicago, and sent to Sarnia or Windsor, in Canada, and from there taken by rail to points on the Canadian seaboard, entirely free of the operations of this bill, and at just such rates as might be necessary to take the traffic from the American railways. The Grand Trunk Railway is built on cheap capital furnished at a low rate of interest, has comparatively little local traffic, and is in a position where it is absolutely necessary for its existence to get a long haul on through traffic; and the result has been in the past that she goes into the market at Chicago and other points in the West that can be reached by water, and utterly demoralizes the through rates of the American railways and prevents them from getting fair and reasonable rates upon that traffic. There certainly can be no justice in this, and the argument advanced by the Senator from Mississippi that under the provisions of this bill the railroads would be compelled to exact a reasonable rate on their through business and thus be prevented from levying charges upon their local traffic falls utterly to the ground, because the railroads are left at the mercy of a competitor which has ample power to destroy through rates and compel them to carry at or below cost.

I need hardly refer further to the fact that under this amendment the water ways are left entirely free to change their rates at any moment of the day, and, as the most active competitors of the railways are the water routes all through the country, the railroads are practically put at their mercy, for while they are tied up under the bill for five days, the water routes have it in their power to reduce and vary their rates so as to take the business by cutting under the schedule fixed by the railways, no matter how reasonable it may be.

I have already adverted to the fact that through the great lakes and rivers this water competition is felt at every point upon the railway system of the country, and that the rates from Atlanta, Montgomery, Nashville, and all interior points are practically regulated as much by the water routes as the rates to and from Savannah, Charleston, Chicago, Toledo, and other ports situated directly upon the seacoast or the rivers; yet this amendment at one moment says to the railways, "We propose to stop your wars upon through traffic and compel you to get a fair rate upon that business, in order that you may not oppress your local business," and in the next breath it says, "We propose to prevent your getting a proper rate upon through traffic by leaving you at the mercy not only of your natural competitors, the water routes, but also of the Grand Trunk Railway of Canada, a foreign enterprise entirely free from the provisions of this bill, and able to destroy your through rates at its own will and pleasure."

I think it will puzzle any one to show the justice of such legislation as this.

Upon the provision of the bill that no greater charge shall be made for a short than for a long haul I do not propose to dwell at length,

but I fail utterly to see the justice of the position taken by the Senator from Mississippi, that when a portion of a road has to be built through a tunnel or over a mountain, involving an enormous expenditure of money, the company should be prevented from making a higher charge for that section of the road, because, as he puts it, it is but a link in the chain, and it was nature that saw fit to put a mountain there and thus require an expensive tunnel or road through or over it. This reasoning would hardly apply to any other undertaking; and if the Senator from Mississippi had to build a turnpike road through a very difficult section of the country, he would hardly be consoled if he had to make the same low charge upon that section as upon a piece of perfectly level highway by being told that it was his misfortune that nature should have put obstacles in his way, and that his expensive piece of turnpike over a mountain was simply a link in his general system, and he could not be permitted to charge any more for it than for the comparatively inexpensive work in the valley. I doubt whether he would regard the subject in the same philosophical calmness if the rule were applied in that way.

But this amendment provides that a railway company shall be compelled to haul over, say, fifty miles of mountainous road, costing perhaps $5,000,000 to build, for the same sum of money that it charges over fifty or one hundred miles of road costing only $2,000,000. The mere statement of the case seems to me to show its absurdity, and I doubt whether any one familiar with the practical operations of railroads would for a moment contend for the justice of such a provision.

Under that section the railway companies that have built expensive lines in the coal regions of Pennsylvania and Maryland and into the mining regions of Nevada and Arizona would not be permitted to charge for a haul of fifty miles over such expensive sections any more than for a haul of fifty miles along the valley of the Susquehanna or Sacramento. If that section of the bill were to become a law it would simply place an embargo upon the development of the mining interests of this country and throttle the enterprise that has for thirty years past done so much to develop the rich mineral territory of the United States.

It seems hardly necessary to say that miles of railroad that cost in the case of the Hoosac Tunnel three millions a mile, and in case of some bridges over the Ohio and Mississippi one to ten millions per mile, can not be run and should not be required to be run at the same rate as a road costing fifteen to twenty thousand dollars per mile on an Illinois or Iowa prairie.

To show the difference in cost in operating different railroads, I present the following statement of the hauling power of locomotives on different grades, which shows the utter fallacy of fixing rigid rates of transportation over continuous lines which are often made up of several roads each operating under a different cost:

Grades.	Hauling power.	Loaded cars.
	Tons.	
On a level	1,400	70
20 feet to the mile	655	32
40 feet to the mile	415	21
60 feet to the mile	300	15
80 feet to the mile	230	11
100 feet to the mile	180	9

In the Pennsylvania system it costs from 4 mills a ton per mile upon the most favored portions of the line to 6 cents a ton per mile upon some of its branches. On the Louisville and Nashville Railroad it is represented to cost 1.7 cents a ton per mile on the main stem, varying over different portions of the road until it reaches 19.10 cents a ton per mile on its Glasgow branch.

Mr. Fink, who is looked upon as one of the ablest men of this country in a railroad point of view, and who occupies a position which certainly gives him a thorough knowledge of the system and its requirements, and who would hear every complaint that would be likely to be made against the corporations, stated before a committee of Congress, within a short time, that there are no wrongs now which were unredressed, and that whenever complaint was made he investigated it and applied a remedy.

There will always, however, be a complaint of overcharge from individuals who do not have the benefit of water transportation or of the competition which water transportation brings about. Freight can be shipped from New York to New Orleans by water at a cheaper rate than the charge by rail to an interior point in Georgia. At the same time railroads compete for the coast-line business, charging more in this instance for a short haul than a long one; but if they were prohibited from doing so they would simply be obliged to give up the long haul, and it would not in any sense cheapen the rate for the short distance.

Believing, Mr. President, that the provisions of the amendment offered by the Senator from Mississippi, and also that offered by the Senator from Oregon, would be impracticable, injurious to the business interests of the country, and unjust to the railroads, I trust that the bill as offered by the Senator from Illinois will pass as reported by the committee.

The railroads of this country, as I understand them, are governed by intelligent men, who are required to-day to have the highest class of education in order to make them competent to fill the positions they hold, and they may certainly be said to be as conscientious in the discharge of their duties as any other class of gentlemen in the country. They are, to my knowledge, at all times ready to redress any grievance or wrong, and have no desire to burden the public unnecessarily, as the figures that I have presented will show in the constantly reduced cost of transportation. They are not averse to a fair supervision of their business by the Government; in fact, I think it would be a relief to them to have such a commission as is proposed by this bill. There is more of a necessity to-day for the protection of the railroad stock holder or of one corporation from another than there is ground for the general complaint, which is not made by business men or the actual shippers, that corporations are oppressing individuals and communities.

Nowhere else in the world is there such a system. In no other country is the traffic moved at so low a rate as in this, and it has not reached, in my opinion, the minimum yet. The amount of money expended in the past few years, which were fairly remunerative, in the improvement of the great railroads will constantly show a reduction in the cost of transportation; and with all that has been said against these companies as to pooling their traffic, charging more for short hauls than for long, watering their stock, and giving drawbacks to favorite individuals, the great result stands out in bold relief that within a few years the population of the country has been doubled, its traffic quadrupled, cities, towns, and States built up, a continent spanned in several places, and the balance of trade turned in our favor by the genius of these men of the rail, who have accomplished in the lessening of transportation charges that which the wildest granger never dreamed could be done fifteen years ago.

Is it well, Mr. President, to take any chances in a matter of this kind? Is it not well to make haste slowly? A system which has given us such extraordinary and magnificent results, which has built the country up and contributed more to its wealth than all else except the agriculturist, should not be experimented upon or hampered by any unwise legislation that could not be immediately changed.

Therefore, while I am in favor of a commission as proposed by the honorable Senator from Illinois, and of giving them ample powers to redress wrongs, I am opposed to the amendments offered by the honorable Senators from Mississippi and Oregon.

Mr. CULLOM. I ask the Senator from Iowa [Mr. WILSON] if he will withdraw his amendments for a moment until I can offer one or two formal amendments. Then I will promise to renew them, or the substance of them, and will indicate the places in the bill where I think they should come in if adopted.

Mr. WILSON. I have no objection to that course.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws both of his proposed amendments?

Mr. WILSON. Yes; in order that the Senator from Illinois may submit an amendment.

Mr. CULLOM. I offer an amendment to the first section of the bill, which is merely striking out a few words. I move to amend section 1 by striking out, in lines 11 and 12, the words "beginning with the 1st day of July, anno Domini 1884." I ask to have those words stricken out, for the reason that the bill was introduced last year, and the year having passed they are of no account there. I ask a vote upon the amendment now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. CULLOM. I move to amend section 3 of the bill by inserting in line 5, after the words "freight of any description," the words "or for the receiving, delivery, storage, or handling of property."

The amendment was agreed to.

Mr. CULLOM. I now call the attention of the Senator from Iowa to an amendment as embodying the substance of the first section of his amendment. I desire to state that the previous amendment offered by him, which was adding a section, is embodied in the second section almost *verbatim*. As the substance of the first section of the second amendment offered by him, I move to amend section 2 of the bill by adding after the words "within its power," at the close of the section, the following:

And to take into consideration and to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as may be necessary to the establishment of a just system of regulations for the government of the same.

That amendment embodies all of his second amendment except the last clause; and the Senator from Iowa will find that that portion of his section is embodied in another part of the bill. I have no objection myself to the adoption of the amendment.

The amendment was agreed to.

Mr. CULLOM. I now desire on behalf of the Senator from Iowa to reoffer the substance of his main amendment, which I will offer as an addition to section 11. I am not prepared to say that I am for that amendment; but I offer it in his behalf and indicate that as the proper place where it should come into the bill if it is to be adopted by the Senate.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend section 11 by adding the following:

And said commission shall accompany its first report with a bill presenting a just and comprehensive code for the regulation of the transportation of commerce among the States, which said bill shall embrace provisions for establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation and in the preparation of said bill, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. ALLISON. That is a very important amendment. I suppose it is in substance the amendment offered by my colleague. I am not clear that it is. I think we had better see it in the RECORD. Therefore I move that the Senate now proceed to the consideration of executive business.

Mr. COCKRELL. Before that is done I ask the Senator from Illinois if he has already offered the amendments he desires to have made and if they have been agreed to?

Mr. CULLOM. The amendments offered by me on behalf of the committee have been adopted by the Senate.

Mr. COCKRELL. Would it not be well to have the bill printed as amended?

Mr. CULLOM. The amendments which have been offered are very slight and do not change the substance at all.

Mr. COCKRELL. I should like very much to see the bill in print the way it is amended. A few words may make a very material change. I ask that the bill be printed as amended.

Mr. CULLOM. The last amendment offered was substantially the amendment offered by the Senator from Iowa, and that has not been voted upon by the Senate. It has not become a part of the bill but was simply offered to be considered by the Senate.

Mr. COCKRELL. Let the bill as amended be printed, and let that amendment also be printed.

Mr. HARRISON. I suggest to the Senator from Missouri that he wait until the consideration of the bill has progressed a little before we order a reprint. We have made but two small amendments; we have not changed the scope of the bill as yet.

Mr. COCKRELL. I suppose we shall be called upon to vote on the bill to-morrow?

Mr. ALLISON. Not to-morrow.

Mr. HARRISON. Hardly to-morrow.

Mr. COCKRELL. Then I have no objection to deferring a reprint.

Mr. CULLOM. I wish to say on that point that I am very anxious that the bill shall be pressed forward to a vote as fast as may be with a view to its due consideration. I was in hopes, if no other gentleman desired to speak at length, that we should be able to get a vote on it to-morrow.

Mr. COCKRELL. That was exactly the reason why I asked that the bill might be printed as it now is.

The PRESIDENT *pro tempore*. Does the Senator from Missouri move that the bill be printed?

Mr. COCKRELL. In view of the suggestion of the Senator from Iowa I shall not make that motion.

Mr. SEWELL. I desire to offer some verbal amendments which do not change the character of the bill, but are intended to confine it to interstate commerce. In section 2, line 5, after the word "commerce," I move to add "so far as they affect the same."

The PRESIDENT *pro tempore*. No amendment is in order at present except an amendment to the amendment offered by the Senator from Illinois. One amendment is now pending.

Mr. SEWELL. I was not aware of that. I supposed that had been decided.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. COCKRELL. The Senator from Iowa, I believe, moved to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. That motion was not received by the Chair, as the Senator from Iowa yielded.

Mr. ALLISON. I now renew it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 21 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 5, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Wednesday, December 24, 1884, was read and approved.

NEW MEMBER SWORN.

Mr. SMITH, of Pennsylvania. I rise to a question of privilege. I present the credentials of John A. Swope, elected to serve as a Representative from Pennsylvania, to fill the vacancy occasioned by the death of William A. Duncan.

The SPEAKER. The certificate of election will be read.

The Clerk read as follows:

PENNSYLVANIA, ss:
[SEAL.]
In the name and by the authority of the Commonwealth of Pennsylvania, Robert E. Pattison, governor of the said Commonwealth.

A PROCLAMATION.

Whereas in and by the forty-second section of an act of the General Assembly of this Commonwealth entitled "An act relating to the elections of this Commonwealth," approved the 2d day of July, in the year of our Lord 1839, it is provided that "when the returns of any special election for a member of the House of Representatives of the United States shall be received by the secretary of the Commonwealth, the governor shall declare by proclamation the name of the person elected;" and

Whereas the returns of a special election held in the nineteenth Congressional district of this Commonwealth, composed of the counties of York, Adams, and Cumberland, on Tuesday, the 23d day of December, A. D. 1884, under the authority of writs issued in conformity with the provisions of the Constitution of the United States and the above-recited act of the General Assembly of this Commonwealth, have been received by the secretary of this Commonwealth, whereby it appears that John A. Swope was duly elected to serve as a Representative of the people of this Commonwealth in the House of Representatives of the United States to fill the vacancy in the Forty-eighth Congress occasioned by the death of William A. Duncan: Now, therefore,

I, Robert E. Pattison, governor as aforesaid, do issue this my proclamation, hereby publishing and declaring that the said John A. Swope has been returned as duly elected in the district above mentioned as Representative of the people of this Commonwealth in the House of Representatives of the said Forty-eighth Congress of the United States, in room of the said William A. Duncan, deceased.

Given under my hand and the great seal of the State, at Harrisburg, this 31st day of December, in the year of our Lord 1884, and of the Commonwealth the one hundred and ninth.

By the governor.

ROBERT E. PATTISON.

W. S. STENGER,
Secretary of the Commonwealth.

Mr. SWOPE appeared and qualified by taking the oath prescribed by law.

FALLS OF SAINT ANTHONY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers in regard to the condition of the Falls of Saint Anthony; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LIGHT-HOUSE TENDER LILY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board in regard to the burning of the light-house tender Lily, and asking an appropriation of $5,000 to pay losses of officers and men; which was referred to the Committee on Appropriations, and ordered to be printed.

CASE OF H. KILBOURN VS. J. G. THOMPSON.

The SPEAKER also laid before the House a letter from the Attorney-General, inclosing accounts of stenographers for reporting the case of Hallet Kilbourn against John G. Thompson, and asking an appropriation for the payment thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

LOCATION OF UNITED STATES PENITENTIARY.

The SPEAKER also laid before the House a letter from the Attorney-General, inclosing letters from Mr. Robert Furman and Hon. John S. Langdon relative to the location of the United States penitentiary recommended by the Attorney-General in his annual report; which was referred to the Committee on the Judiciary.

RANGE-LIGHT, KEY WEST, FLA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board, recommending the establishment of a small range-light at the northwest passage, Key West, Fla., and asking an appropriation of $200 therefor; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

The SPEAKER also laid before the House the report of the board of managers of the National Home for Disabled Soldiers for the year ending June 30, 1884; which was referred to the Committee on Military Affairs, and ordered to be printed.

POST-OFFICE AT POUGHKEEPSIE, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Archi-

fect for an appropriation of $30,000 for the completion of a post-office at Poughkeepsie, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR OF REFUGE, SANDY BAY, MASSACHUSETTS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Chief of Engineers, inclosing reports, maps, and papers relating to the construction of a harbor of refuge at Sandy Bay, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims allowed by the several accounting officers of the Treasury, amounting to $215,951.12, remaining unprovided for; which was referred to the Committee on Appropriations, and ordered to be printed.

DEATH OF WILLIAM BLAIR LORD.

The SPEAKER. With the consent of the House the Chair will lay before the House and ask to have printed a communication from the corps of Official Reporters of the House, transmitting resolutions adopted by them in relation to the death of their late associate, William Blair Lord. The Clerk will read the communication and accompanying resolutions.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 5, 1885.

SIR: I have the honor to transmit copy of resolutions adopted by the Official Reporters of debates on the death of their late associate, William Blair Lord.

I am, with high regard, your obedient servant,
J. J. McELHONE,
Chief of Corps.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 3, 1885.

At a meeting of the Official Reporters of the proceedings and debates, held this day, the following preamble and resolutions were adopted:

"Whereas William Blair Lord, who died December 21, 1884, at New York city, had served continuously and faithfully as one of the Official Reporters of debates of the House of Representatives since 1864, or for twenty years: Therefore,

"*Resolved*, That we, his associates, place on record in the customary mode the expression of our deep sorrow at his loss and our appreciation of his personal integrity, his generous spirit, his professional skill, and his large knowledge of parliamentary law and of public affairs generally.

"*Resolved*, That a copy of these proceedings be transmitted to the honorable the Speaker of the House of Representatives and to the relatives of the deceased.

"D. W. BROWN.
"J. K. EDWARDS.
"JOHN H. WHITE.
"J. J. McELHONE,
"*Chief of Corps.*"

The SPEAKER. If there be no objection the communication just read will be printed.

There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DEBELLE, for five days, on account of important business.
To Mr. DOCKERY, indefinitely, on account of sickness in his family.
To Mr. BELFORD, until February 1, on account of sickness.
To Mr. LOWRY, for one week, on account of important business.
To Mr. SMITH, of Iowa, until January 9, on account of sickness.
To Mr. LAIRD, indefinitely, on account of sickness.
To Mr. DUNN, indefinitely.
To Mr. BENNETT, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. MOULTON, by unanimous consent, obtained leave to withdraw from the files of the Committee on Claims papers of Jesse D. Durrell, there having been no report.

REPRINT OF HOUSE REPORTS.

The SPEAKER laid before the House the following:

Mr. KING requests that a reprint of House reports 322 and 360, third session Forty-sixth Congress, be ordered.

There being no objection, it was ordered accordingly.

REFERENCE OF SENATE PENSION BILLS.

The SPEAKER also laid before the House the following:

Mr. MATSON asks that Senate pension bills now on the Speaker's table, for the relief of individuals, be taken therefrom and referred by the Speaker to appropriate committees.

The SPEAKER. If there be no objection this order will be made, and the Chair, at the proper time, will make the references.

There was no objection.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. I ask unanimous consent that the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, which has been returned from the Senate with amendments, be taken from the Speaker's table, ordered to be printed with the amendments, and referred to the Committee on Appropriations.

There being no objection, it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 452) granting a pension to Fredrick Corfe;
A bill (H. R. 2440) granting a pension to Usebus Sweet.
A bill (H. R. 3177) granting a pension to Charles F. Paris;
A bill (H. R. 3210) for the relief of Jacob Hoerth;
A bill (H. R. 3382) granting a pension to Albert Brant;
A bill (H. R. 4094) granting a pension to Henry Alden; and
A bill (H. R. 5735) granting a pension to Margaret Daily.

ORDER OF BUSINESS.

Mr. MILLS. I call for the regular order of business.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction and reference of bills and joint resolutions.

CONGO CONFERENCE.

Mr. HERBERT presented the following resolution; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

Whereas it appears that the President of the United States has empowered Hon. John A. Kasson and General W. S. Sanford to represent this Government at what is styled the international African conference met at Berlin, in the Empire of Germany, to consider the question of erecting and maintaining a state in the basin of the river Congo, on the continent of Africa; and

Whereas such an alliance, as this conference seems to import, is a departure from the traditional policy of the Government of the United States, and the House of Representatives is without official information of the reasons which may have induced the President to accredit representatives to take part in such conference: Therefore

Be it resolved by the House of Representatives, That the President be requested to inform this body, if not incompatible with the public interests, what were the reasons which impelled him to appoint delegates to represent the United States in said international African conference at Berlin. The President is further respectfully requested to inform the House whether in the letters of authority to said Kasson and Sanford, or otherwise, there were any conditions affixed to or limitations placed upon the exercise of their authority as such delegates; and if limitations and conditions were prescribed, whether such delegates made known to the conference the limitations of their authority, or whether they appeared unconditionally and apparently with full powers to act as delegates representing the United States in a conference assembled to discuss the question of erecting and maintaining a new state on the continent of Africa. And the President is further requested to impart to the House such information as may be in his possession tending to show whether the new state to be erected and maintained by the powers taking part in the conference is to be republican or monarchical in form. The President is also respectfully requested to give his opinion as to whether the appearance of delegates from the United States in such an international conference would not estop the Government to deny the rightfulness of any future alliance European sovereigns might make to set up on the American continent governments of such form as to them might seem wise whenever an occasion for such interference might arise.

ETHAN A. AND EDWARD V. DEUELL.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 7793) for the relief of Ethan A. and Edward V. Deuell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH WILLETT.

Mr. PEEL introduced a bill (H. R. 7794) to remove the charge of desertion against Joseph Willett, late private Company "D," Third Regiment Rhode Island Cavalry of the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM L. ARNOLD.

Mr. PEEL also introduced a bill (H. R. 7795) for the relief of William L. Arnold; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH PUTNAM.

Mr. PEEL also (by request) introduced a bill (H. R. 7796) for the relief of Elizabeth Putnam; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APPOINTMENT OF SERGEANT-MAJOR.

Mr. ROSECRANS introduced a joint resolution (H. Res. 305) authorizing the Secretary of War to appoint one sergeant-major; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNA H. NONES.

Mr. LORE introduced a bill (H. R. 7797) for the relief of Anna H. Nones; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ARVAH HOPKINS.

Mr. DAVIDSON introduced a bill (H. R. 7798) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY S. AND SARAH BATES.

Mr. RIGGS introduced a bill (H. R. 7799) to place on the pension-roll the name of Mary S. and Sarah Bates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT QUINCY, ILL.

Mr. RIGGS also introduced a bill (H. R. 7800) to amend the act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CARPENTERS IN UNITED STATES NAVY.

Mr. LAMB introduced a bill (H. R. 7801) to fix the status of carpenters in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN KENNEDY.

Mr. HOLMES introduced a bill (H. R. 7802) granting a pension to John Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. W. PITTS.

Mr. HOLMES also introduced a bill (H. R. 7803) granting a pension to L. W. Pitts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. HUDSON.

Mr. HANBACK (by request) introduced a bill (H. R. 7804) for the relief of Henry A. Hudson, of Washington, D. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAPT. VINCENT PHELPS.

Mr. PERKINS introduced a bill (H. R. 7805) granting a pension to Capt. Vincent Phelps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. GATT.

Mr. HALSELL introduced a bill (H. R. 7806) granting a pension to James F. Gatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUMPTER & CHRISTIAN.

Mr. HALSELL also introduced a bill (H. R. 7807) for the benefit of Sumpter & Christian, of Todd County, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UTAH, SANTA FÉ AND GULF RAILROAD COMPANY.

Mr. ELLIS (by request) introduced a bill (H. R. 7808) to incorporate the Utah, Santa Fé and Gulf Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on the Pacific Railroads, and ordered to be printed.

PUBLIC BUILDING AT NEW ORLEANS.

Mr. HUNT introduced a bill (H. R. 7809) to provide for the erection of a public building in the city of New Orleans, La.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ROSANNA REILLY.

Mr. LOVERING introduced a bill (H. R. 7810) granting a pension to Rosanna Reilly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET KILROY.

Mr. MAYBURY introduced a bill (H. R. 7811) granting a pension to Margaret Kilroy, mother of William H. Kilroy, deceased, late first lieutenant of Company E, Thirty-fifth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA RHODES.

Mr. MAYBURY also introduced a bill (H. R. 7812) granting a pension to Rebecca Rhodes, widow of William H. Rhodes, deceased, late first lieutenant of Company F, First Regiment of Michigan Engineers and Mechanics; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. WOOLEY.

Mr. BARKSDALE introduced a bill (H. R. 7813) for the relief of James F. Wooley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM EVANS.

Mr. BARKSDALE also introduced a bill (H. R. 7814) for the relief of William Evans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MINERAL LANDS ON INDIAN RESERVATIONS.

Mr. CASSIDY introduced a bill (H. R. 7815) throwing open for occupancy mineral lands situated on Indian reservations; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN COLLISTER.

Mr. COX, of New York, introduced a bill (H. R. 7816) for the relief of John Collister for injuries received as laborer on the New York post-office in May, 1877; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASSISTANT CHIEF SIGNAL OFFICER.

Mr. COX, of New York, also introduced a bill (H. R. 7817) to create the office of assistant chief signal officer, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEW YORK HARBOR.

Mr. COX, of New York, also introduced a bill (H. R. 7818) to prevent destructive and injurious deposits within the harbor and adjacent waters of New York, and to punish and prevent such offenses, and other provisions in connection therewith; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

DUTY ON CERTAIN WORKS OF ART.

Mr. COX, of New York, also introduced a bill (H. R. 7819) to admit certain works of art for the French Benevolent Society of New York free of duty during 1885; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 306) authorizing the colossal statue of Liberty enlightening the world to be used for a light-house; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL JUDGE SOUTHERN DISTRICT OF NEW YORK.

Mr. DORSHEIMER introduced a bill (H. R. 7820) to provide for an additional judge of the district court of the United States for the southern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. NANNIE S. CUSHMAN.

Mr. ROGERS, of New York, introduced a bill (H. R. 7821) to increase the pension of Mrs. Nannie S. Cushman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARK SPENCER VAN LOAN.

Mr. BAGLEY introduced a bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSURANCE COMPANIES IN DISTRICT OF COLUMBIA.

Mr. JOHNSON introduced a bill (H. R. 7823) to regulate the organization and management of insurance companies in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN F. RILEY.

Mr. HISCOCK introduced a bill (H. R. 7824) for the relief of John F. Riley, collector of the estate of Samuel R. Hamill, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NOAH B. BROOKSHIRE.

Mr. YORK introduced a bill (H. R. 7825) granting a pension to Noah B. Brookshire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF LIEUT. JOHN F. STEWART.

Mr. YORK also introduced a bill (H. R. 7826) for the relief of the heirs of the late Lieut. John F. Stewart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MUSTER AND PAY OF VOLUNTEERS.

Mr. MURRAY introduced a bill (H. R. 7827) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STAFFORD PALMER.

Mr. WARNER, of Ohio, introduced a bill (H. R. 7828) granting a pension to Stafford Palmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. STILES.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 7829) granting a pension to Samuel D. Stiles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF COMMANDER S. DANA GREENE.

Mr. LE FEVRE introduced a bill (H. R. 7830) granting a pension

to the widow of the late Commander S. Dana Greene, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. FISHER.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 7831) granting a pension to Mary A. Fisher, wife and guardian of Samuel D. Fisher, late private Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BUCHAN.

Mr. GEDDES introduced a bill (H. R. 7832) granting a pension to John Buchan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF RICHARD BODDY.

Mr. GEORGE introduced a bill (H. R. 7833) for the relief of the estate of Richard Boddy; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. HOPKINS introduced a bill (H. R. 7834) to provide for the erection of public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY F. POTTS.

Mr. SMITH, of Pennsylvania (by request), introduced a bill (H. R. 7835) for the relief of Mary F. Potts; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LIEUT. LOUIS F. ELLIS.

Mr. BROWN, of Pennsylvania, introduced a joint resolution (H. Res. 307) granting a medal to Lieut. Louis F. Ellis for heroic conduct in joining the forlorn hope storming party at Port Hudson, June 15, 1863; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. IDA P. BELCHER.

Mr. SMALLS introduced a bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher, widow of the late Capt. Edwin Belcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS PEMBERTON.

Mr. PETTIBONE introduced a bill (H. R. 7837) for the relief of Thomas Pemberton, late of Company D, Fourth Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN F. BERNARD.

Mr. PETTIBONE also introduced a bill (H. R. 7838) for the relief of Reuben F. Bernard, major of the Eighth United States Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM F. BREWSTER.

Mr. PETTIBONE also introduced a bill (H. R. 7839) for the relief of William F. Brewster, of Tazewell, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY RENFRO.

Mr. DIBRELL introduced a bill (H. R. 7840) granting a pension to Mary Renfro; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET J. CAMPBELL.

Mr. MILLER, of Texas, introduced a bill (H. R. 7841) granting a pension to Harriet J. Campbell, widow of A. A. Campbell, late assistant surgeon First Regiment Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIUS L. DEWEY.

Mr. MILLER, of Texas, also introduced a bill (H. R. 7842) granting a pension to Julius L. Dewey, late private Company D, One hundred and thirteenth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDGES OF UNITED STATES COURTS.

Mr. TUCKER introduced a bill (H. R. 7843) to increase the number of judges for the courts of the United States, and prevent delays in the administration of justice in their courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MINERVA S. HUARD.

Mr. WOODWARD introduced a bill (H. R. 7844) for the relief of Minerva S. Huard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER MOEGLING.

Mr. WOODWARD (by request) introduced a bill (H. R. 7845) authorizing Christopher Moegling to make application to the Commissioner of Patents for the extension of his patent for a new and useful ventilator for grain mills; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SIDNEY E. SHEPPARD.

Mr. PRICE introduced a bill (H. R. 7846) to place the name of Sidney E. Sheppard on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

The SPEAKER. The call of States and Territories is now completed, but if there be no objection the Chair will recognize for the introduction of bills and joint resolutions gentlemen who were not in their seats when their States were called.

There was no objection.

PUBLIC BUILDING AT MARQUETTE, MICH.

Mr. BREITUNG (by Mr. STOCKSLAGER) introduced a bill (H. R. 7847) to increase the appropriation for the erection of the public building at Marquette, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM A. GRAHAM.

Mr. HEPBURN introduced a bill (H. R. 7848) for the relief of William A. Graham, of Tingley, Iowa, late a private in Company D, Twenty-third Regiment Missouri Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORMAN KAUFMAN.

Mr. FINDLAY introduced a bill (H. R. 7849) granting an increase of pension to Norman Kaufman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COPYRIGHTS TO FOREIGNERS.

Mr. ENGLISH introduced a bill (H. R. 7850) granting copyrights to citizens of foreign countries; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ONE, TWO, AND FIVE DOLLAR SILVER CERTIFICATES.

Mr. ENGLISH also introduced a bill (H. R. 7851) to provide for the issue of one, two, and five-dollar silver certificates; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CHARLES F. H. WOODBURY.

Mr. HAYNES introduced a bill (H. R. 7852) granting an increase of pension to Charles F. H. Woodbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET FLAHERTY.

Mr. HAYNES also introduced a bill (H. R. 7853) granting a pension to Margaret Flaherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MURRAY.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 7854) granting a pension to William Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIVER AND HARBOR DEPARTMENT.

Mr. BRECKINRIDGE introduced a bill (H. R. 7855) to provide for the creation of a river and harbor department, and for other purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

MERCY A. COLE.

Mr. BLAND introduced a bill (H. R. 7856) for the relief of Mercy A. Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CASSIDY. I understand that we have now reached the order of motions to suspend the rules, and I desire to call up under that order the unfinished business coming over from the last session. At the time of the adjournment of the last session a Senate bill providing for the erection of a public building at Carson City, Nev., was pending on a motion to suspend the rules and pass the bill. I inquire whether that is not the order of business at this time, this being the first day this session for individual motions to suspend the rules?

The SPEAKER. Was the bill presented to the House and read and had the House proceeded to consider it?

Mr. CASSIDY. We had voted upon it; and the point of "no quorum" had been made. We were attempting to develop a quorum when the hammer fell at the expiration of the session.

The SPEAKER. Then the bill is in order now as unfinished business. Was a second demanded on the motion to suspend the rules?

Mr. CASSIDY. The demand for a second had been waived. Discussion on the bill had taken place, and we had got so far along as to vote upon the bill. The point having been made that no quorum had voted, tellers had been ordered.

The SPEAKER. The question then is upon the motion made by the gentleman from Nevada [Mr. CASSIDY], just before the adjournment of the House in July last, to suspend the rules and pass the bill.

Mr. HISCOCK. Mr. Speaker, what order of business is it that comes up now?

The SPEAKER. Suspension of the rules.

Mr. HISCOCK. I believe the first business of that character now in order is the motion made by me on the last day when this order of business was before the House. That motion is still pending.

The SPEAKER. The gentleman from New York [Mr. HISCOCK], on the first Monday in July, the last day of the last session for individual motions to suspend the rules, was recognized by the Chair, rose in his place, and stated that he moved to suspend the rules and pass some bill, which he sent to the Clerk's desk.

It was not read, but a motion was immediately made to adjourn, which was adopted by the House. Therefore under the rules of the House that motion was not yet in possession of the House for consideration. Later in the session, when the present occupant of the chair was absent, the then occupant of the chair recognized the gentleman from Nevada [Mr. CASSIDY], who moved to suspend the rules, as is shown by the official record, and pass a certain bill, which was read and upon which the vote was attempted to be taken. So the House was in possession of that bill, and the Chair thinks it is obliged to complete the consideration of that motion, under the circumstances, before going to any other business.

Mr. HISCOCK. The bill on which I moved to suspend the rules and pass it was sent up to the Clerk's desk, and is now in possession of the Clerk, and has remained in the possession of the Clerk ever since.

The SPEAKER. It was not read, nor was the proposition made by the gentleman stated by the Chair. The Clerk will read the second subdivision of Rule XVI.

The Clerk read as follows:

2. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

The SPEAKER. The gentleman from New York will see the bill which he sent up was not read and was not therefore in possession of the House to be considered by the House, whereas the bill——

Mr. HISCOCK. But I had made my motion.

The SPEAKER. But the motion was not before the House until it had either been stated by the Chair or put to the House, and the House determined it would not have it presented, and adjourned, cutting the gentleman off. [Cries of "Regular order!"]

Mr. HISCOCK. But suppose the motion to adjourn had failed, would not the question have recurred on my motion?

The SPEAKER. The gentleman's bill would then have been read and before the House for consideration. The Chair thinks the House can not have two matters of this sort under consideration at the same time. It is perfectly clear the proposition offered by the gentleman from Nevada [Mr. CASSIDY] was in possession of the House and that the House was voting on it.

Mr. HISCOCK. Am I to understand that my motion comes in next?

The SPEAKER. The Chair had recognized the gentleman from New York and will recognize him next, as the gentleman had the floor. [Cries of "Regular order!"]

PUBLIC BUILDING, CARSON CITY, NEV.

Mr. CASSIDY. I now ask for a vote on my proposition.

The SPEAKER. The question recurs on the motion of the gentleman from Nevada [Mr. CASSIDY] to suspend the rules and pass the bill (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site for, and cause to be erected thereon, at the city of Carson City, in the State of Nevada, a suitable building, with a fire-proof vault, for the accommodation of the United States courts, the post-office, and other Government offices in said city, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; the site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000: *Provided*, That no money to be appropriated for said building shall be available until a valid title to the site selected is vested in the United States, nor until the State of Nevada shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 2. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes hereinbefore mentioned.

The SPEAKER. The question recurs on seconding the motion to suspend the rules and pass the bill.

Mr. CASSIDY. That was waived by unanimous consent.

The SPEAKER. Then the question is on the motion to suspend the rules and pass the bill.

Two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REPEAL OF INTERNAL TAXES ON TOBACCO.

Mr. HISCOCK. I now ask to submit my motion to the House.

The SPEAKER. The Chair now recognizes the gentleman from New York.

Mr. HISCOCK. I move to suspend the rules and pass the bill which is in possession of the Clerk to repeal all laws imposing internal taxes on tobacco.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill to repeal the laws imposing internal-revenue taxes upon tobacco, and to authorize the withdrawal of alcohol and distilled spirits, and all products of distillation containing alcohol and distilled spirits, from bond without the payment of the internal-revenue tax, for use, except for use as a beverage, and for other purposes; and to repeal the internal-revenue taxes on liquors distilled wholly from apples, peaches, grapes, and all fruits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the 1st day of July, 1885, the taxes herein specified imposed by the internal-revenue laws of the United States now in force be, and the same are hereby, repealed, namely: The taxes on manufactured tobacco, snuff, cigars, cheroots, and cigarettes, and the special taxes required by law to be paid by dealers in leaf-tobacco, retail dealers in leaf-tobacco, dealers in manufactured tobacco, peddlers of tobacco, snuff, and cigars, and manufacturers of snuff and of cigars: *Provided*, That on all original and unbroken factory packages of smoking and manufactured tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers, factors, jobbers, or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be a drawback or rebate in favor of said manufacturer, factor, jobber, dealer, or other owner of said tobacco, snuff, cigars, cheroots, and cigarettes, to the full amount and extent of the tax so paid thereon, but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect; and no claim shall be allowed for a less amount than $10, and any special-tax stamp covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal when the amount claimed for such stamp shall not be less than $10; and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated, and it shall be the duty of the Secretary of the Treasury to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 2. That all internal-revenue laws limiting, restricting, or regulating the manufacture, sale, or exportation of tobacco, snuff, cigars, cheroots, and cigarettes are hereby repealed on and after the 1st day of July, 1885, and that there shall be no drawback allowed upon any such articles which shall be entered for export on or after that date: *Provided*, That all laws now in force shall remain and have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when the repeal of the taxes specified in this act shall take effect.

SEC. 3. That on and after the 1st day of July, 1885, all laws and parts of laws heretofore passed by Congress and now in existence imposing an internal-revenue tax upon liquors wholly distilled from apples, peaches, grapes, and other fruits shall be repealed.

SEC. 4. The Secretary of the Treasury, under such rules, regulations, and restrictions as he may from time to time make for the withdrawals hereinafter provided for, and for their use, manner, and place of use, is hereby authorized to grant permits to any individual, copartnership, or corporation to withdraw from bond, without the payment of the internal-revenue tax thereon, distilled spirits, alcohol, and all products of distillation containing distilled spirits or alcohol, and subject to an internal-revenue tax, in specified quantities for use, provided the same shall not be so withdrawn for use as a beverage or for the manufacture of any product thereof for use as a beverage, or admixture of the same, or any product thereof, with any other substance or product for such use: *And provided further*, That the applications for the aforesaid withdrawals shall state respectively where and for what purpose and in what manner the distilled spirits, alcohol, or product of distillation aforesaid is to be used for which the application for withdrawal is made: *And provided further*, That upon each withdrawal under this act the individual, copartnership, or corporation making the same shall execute and file a bond with two good and sufficient sureties, to be approved by a collector of internal revenue or the Commissioner of Internal Revenue, in a penalty for double the amount of the tax on the quantity of distilled spirits, alcohol, or product of distillation aforesaid stated in the application for withdrawal thereof, conditioned that the same shall only be used at the place, for the purpose, and in the manner stated in said application, and that all rules, regulations, and restrictions made by the Secretary of the Treasury for the use thereof shall be observed and complied with, and for a breach or violation of any condition of such bond the United States may recover the full penalty thereof: *And provided further*, That any person who shall sell, use, or knowingly permit the use of the distilled spirits, alcohol, or product of distillation aforesaid withdrawn under this act, or any product thereof in any quantity whatever, for any other purpose than that specified in the application for the withdrawal of the same, shall be guilty of a misdemeanor, and for each offense, upon conviction thereof, shall be imprisoned not less than ninety days, and pay a fine of not less than $100: *And provided further*, That the Secretary, in the rules, regulations, and restrictions which he may make, in his discretion may require the admixture of the distilled spirits, alcohol, or product of distillation withdrawn under this act to be mixed with methyl or wood alcohol of equal proof strength, and in such quantities and under such regulations as he shall approve.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill just read.

Mr. MILLS. On that I demand a second.

Mr. HISCOCK. I ask unanimous consent that where the date in this bill is July 1, 1884, it be modified to read "July 1, 1885."

The SPEAKER. The gentleman has the right to do that, as the bill was never presented to the House until this morning, and of course he has a right to place it in such form as he may desire.

Mr. HISCOCK. Then I ask to make that change in the bill.

The SPEAKER. The gentleman from Texas demands a second on the motion.

Mr. BROWNE, of Indiana. Let it be considered as ordered by unanimous consent.

Mr. MILLS. I object.

The SPEAKER. The Chair will then appoint tellers.

Mr. MILLS and Mr. HISCOCK were appointed tellers.

The House divided; and the tellers reported—ayes 87, noes 75.

So the second was ordered.

Mr. HISCOCK. I suppose I have the last fifteen minutes, and will therefore hear from the other side.

Mr. MILLS. That, as I understand it, is contrary to the custom. The gentleman has the affirmative of the proposition, and according to the practice of the rule has a right to open and close the debate.

Mr. HISCOCK. I am entirely willing to occupy the fifteen minutes after the other side has concluded.

Mr. BLOUNT. I hope the gentleman from New York will take at least a portion of his time now, since we have not been able to get this bill, and I, for one, should like to have some explanation of its provisions.

Mr. HISCOCK. I will occupy, then, five minutes of the time now, and ask to be notified by the Chair when I have consumed that much time, reserving the remainder until after the other side has been heard from.

I shall attempt only in this brief time to state the objects of the bill. First, it repeals all of the internal-revenue taxes upon tobacco; second, it repeals the internal-revenue taxes upon distilled spirits so far as they are used and consumed in the manufacturing, mechanical, and industrial arts; and, third, it repeals the internal-revenue tax upon brandies distilled from fruits. These are the three essential features of the bill.

In my judgment the adoption of this measure will decrease the revenues of the Government nearly or quite $40,000,000, and I believe it will be a good thing to have the revenues reduced to that extent.

Mr. BLOUNT. Will the gentleman from New York permit me to ask him a question?

Mr. HISCOCK. Yes.

Mr. BLOUNT. I would be glad if the gentleman from New York would state his estimate of the reduction in the revenues from the repeal of the tax on spirits used in manufacturing and mechanical arts.

Mr. HISCOCK. The best and most careful estimate that I have seen, and one that I regard as reliable, is that it will amount to from seven to ten millions of dollars reduction. I believe my colleague from New York [Mr. HEWITT] once said upon the floor of the House that the internal revenue tax upon alcohol was a tax upon the manufacturing industries of this country to the amount of nearly $10,000,000, in his judgment.

Mr. BLOUNT. Where, then, do you get the reduction of fifty millions?

Mr. HISCOCK. From the other features of the bill. The amount to be taken from tobacco will be from twenty-five to twenty-seven million dollars, and somewhere from three to seven millions of dollars by the repeal of the taxes upon brandies distilled from fruits.

I now reserve the remainder of my time.

Mr. MILLS. I yield now five minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. Mr. Speaker, the intent of this bill is to so largely reduce the revenue that there will be no surplus, and thereby greatly remove the danger of legislative interference with certain interests which are robbing the people of this country. It means to protect the salt interests of the gentleman from New York [Mr. HISCOCK], the mover of this proposition, that are robbing the people of the country of over a million of dollars annually on this important necessary of life, besides the incidental increase on the product here. It means to protect the sugar rings of Louisiana, where $46,000,000 are wrung from the people. And so you may go on through the list and figure out the industries that are protected. It means to take the righteous revenue from whisky and tobacco so as to have no surplus from which you can make a cut in the interest of tariff reform.

You have done nothing on the tariff question; you can at least avoid a stupendous blunder of this kind; or if you want to go before the people leaving to this Congress a hated memory as an infragrance in their nostrils for all time, take the taxes off whisky and tobacco and leave untouched your enormous duties on the absolute necessaries of life. [Applause.]

Mr. MILLS. I yield now to the gentleman from Kentucky [Mr. THOMPSON] for three minutes.

Mr. THOMPSON, of Kentucky. Mr. Speaker, in the brief time allowed to me I desire to say to the House that the passage of this bill, if it should pass with the free-brandy clause in it, would operate for the destruction of the entire tax on distilled spirits. We now realize every year between seventy and eighty million dollars from the production of distilled spirits, and if you allow brandy or whisky to be distilled from fruit free of taxes, all that we now consume of distilled spirits in this country will be immediately manufactured from these commodities, and the entire revenue now raised from this source will be lost.

Not only that, but immediately upon the passage of this bill it will operate as a confiscation of 80,000,000 gallons of goods now in the hands of the dealers and the makers. And not only that, but after that time it operates as a confiscation of every dollar of invested capital that has been made by the distillers in this country, except those possibly at Baltimore and in some other cities, where, by procuring fruits from abroad from every direction free of tax, they can manufacture sufficient to supply the whole country.

So far as the tobacco tax is concerned, we all understand that if you repeal the tobacco tax now we will lose a revenue of nearly $25,000,000 per annum—a tax, too, which is unfelt by the consumer. We have had experience with it in the last five years. We reduced the tax from 16 to 8 cents a pound, and we have not reduced the price of tobacco or cigars a single cent to the consumer. It is just as high to-day as it was then. Nor has a high tax cut off the profit of the men who raised the product. On the contrary, tobacco is higher, as the statistics show. In New York, Kentucky leaf tobacco has ruled higher under a high tax than under a low one.

No man is interested in taking this tax off either tobacco or distilled spirits. If we were to take the crude law which the gentleman from New York has brought to us and pass it under a suspension of the rules, the effect would be to take off the best tax that can be levied, because it is a voluntary tax paid by vicious consumption, while you still leave the taxation on the necessaries of life.

[Here the hammer fell.]

Mr. MILLS. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, the gentleman from New York [Mr. HISCOCK] estimates that the reduction of the revenues under the proposition contained in the bill will amount to $50,000,000.

Mr. HISCOCK. I change that estimate, and will say $40,000,000, so as to be within the mark.

Mr. BLOUNT. And now the gentleman changes the estimate and says the reduction will be $40,000,000, and so we are asked to progress in this conjectural way about the revenues of the country in regard to which there ought to be so much care.

The gentleman from New York [Mr. HISCOCK] proposes to this House that on these simple conjectures we shall take up a great measure like this and pass it through this House. He tells you that the amount of revenue received from brandy distilled from fruit at this time is about $3,000,000, while the Commissioner of Internal Revenue tells you that the receipts are $1,023,000. The Commissioner gives you the receipts from spirits distilled from grain and other materials from which this bill removes the tax as $70,000,000; the gentleman from New York guesses that the reduction will be $10,000,000. The receipts from tobacco are $26,000,000; about what the gentleman has stated.

Now, sir, this bill comes here without any recommendation from any committee. It comes here under circumstances that prevent debate. It comes here under circumstances that prevent the best judgment of this House from accommodating itself to right conclusions by amending it wherever it is objectionable. I submit, sir, that the principles of wise legislation forbid any such proceeding.

Some of the measures contained in the bill I should be glad to support. The fruit-brandy tax I should be very glad to see repealed; other gentlemen differ with me about it. The tobacco tax taken in connection with other subjects I should be glad to see disposed of. The tax on whisky the gentleman from New York proposes shall remain, except where it is used for manufacturing purposes and in the arts, leaving all the vicious machinery connected with that tax.

Now, sir, I think when we undertake to reduce taxes we ought to consider the question of reducing taxation on the clothing, farming implements, and other articles used by men, women, and children as necessaries, rather than commence by reducing the price of intoxicating drinks; and further, I am quite sure that one of the prime causes of objection to the internal taxes grows out of the machinery itself, all of which is permitted to remain under the provisions of this bill.

I trust, therefore, sir, that we shall not adopt a measure of this character in this way. Our revenues from customs are falling off and our public debt is increasing. All of these questions deserve the careful consideration of this House. I do not believe that the country is expecting that at this session of Congress we should take up the question of the mode of raising revenue, either the tariff or the internal taxes. The feeling is that so far as this Congress is concerned those matters belong to the things of the past, and I trust they will go over until a new Congress shall assemble under circumstances where they can be carefully and wisely considered.

The SPEAKER. The time of the gentleman has expired.

Mr. BLOUNT. I should like another half-minute.

Mr. MILLS. I yield another half-minute to the gentleman from Georgia.

Mr. BLOUNT. I only add that in the light of recent events in November, since there is to be a new administration of affairs and a new policy to be adopted in this Government, I trust that gentlemen on this side will not make great haste to anticipate the action of another administration.

Mr. MILLS. I yield one minute to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, in the time allotted to me by the gentleman and enlarged by the House I desire briefly to state my reasons for voting against this bill. This bill we know now can not become a law. It requires a two-thirds vote. The vote upon the seconding of the motion just taken discloses a meager majority in its favor. When the yea-and-nay vote is taken it will, instead of the necessary two-thirds vote, hardly receive one-third. No practical result will follow, and no good, but only harm, will come from this effort.

This is an unusual, I may say an extraordinary, proceeding. In the closing hours of this Congress it is proposed to pass a bill which will revolutionize our whole system of taxation, both internal and external; a bill which brings into one hotch-potch a number of subjects which have no affinity either direct or remote; a bill which, without the indorsement of any one of our numerous committees or of a single Department of the Government, proposes at a single dash to withhold untold millions from the public Treasury. No one, not even the gentleman introducing it [Mr. HISCOCK], has been able to state the amount involved in its passage.

Not only are we to be led thus blindly without facts or figures from any source, but we are asked to pass this important bill without a word of debate or a single opportunity for amendment. It is a most vicious and inexcusable way to deal with great questions. Not a member here in the hurried reading of the Clerk can state the full effect or meaning of this legislation. The subjects are too important to be passed upon in this hasty and extraordinary manner.

What change has come over the spirit or spirits of my distinguished friend from New York [Mr. HISCOCK], the able leader of the Republican side of this House, that he should ask Democrats to follow him without knowing where he leads? Only a few months ago, when time and full debate could be given, he was unwilling even to consider this and kindred subjects. Then it seemed he wanted no change of these laws. The surplus in the Treasury did not disturb him then. He refused by his vote to give it a single hour of thought. Having refused a careful and systematic examination of the whole subject of Federal taxation, he brings in two or three of the thousands of articles demanding investigation and asks legislation upon their status without reference to the effect it may have upon the others. Is this wise and prudent legislation? Is this to restore confidence and business prosperity? Has the gentleman commended himself to this House as a friend of revenue reform that he should expect us to desert our own chosen leaders and follow him? Knowing as I well do the position of that gentleman upon all of these questions in the past, I must claim the privilege of looking with great distrust upon his proffered relief. *Timeo Danaos et dona ferentes.*

Since this bill has been up under the thirty minutes' discussion allowed by the rules I have endeavored to ascertain its contents, but with imperfect success. A part of it is the substance if not the exact words of a bill which I have had the honor to introduce in several Congresses, making alcohol free of tax for use in the arts and manufactures. In three successive Congresses I have urged the passage of that bill. I am heartily in favor of it to-day. If it came before this House as a separate measure I believe it would promptly secure not only a majority but the two-thirds vote necessary to suspend the rules and pass it. I regret that the gentleman has jeopardized a good measure with another proposition which, as I shall presently show, is dangerous, unjust, and indefensible. There are quite a number of gentlemen who will vote for free alcohol in the arts who have already refused their assent to the triple or quadruple proposition embodied in the pending bill. I have at considerable length heretofore given my reasons for supporting a bill for free alcohol in the arts. I shall be glad to do so again when the question comes up, not, as in this instance, as a mere theoretical expression of opinion, which some people may suspect is intended only for political capital, but as a matter of practical, hopeful legislation.

The abolition of the tobacco tax is another important question which deserves and ought to receive the most careful and considerate attention of this House. It is true the present tax is only 8 cents a pound, and if it were determined by the Government that it should always remain it would be, as I understand, entirely satisfactory both to the consumer and manufacturer. The tax is now so small that its entire abolition would not make much if any difference in the price to the consumer. It is, however, upon the manufacturer that the existing tax bears most heavily, and this not because of its amount, but because of the frequent agitation of the question by Congress. The periodical introduction of bills changing the amount or proposing to abolish the tax demoralizes the market, and puts it in the power of large and wealthy manufacturers by a system of guarantees to secure a monopoly of the market. For this reason my purpose has been for several months as a choice of evils to vote to abolish the tax.

This result could perhaps have been accomplished to-day if this question alone had been embraced in this bill. The amount involved could be correctly ascertained, as the last reports of the Secretary of the Treasury and the Commissioner of Internal Revenue give it exactly—$26,062,399. The Secretary of the Treasury states that the surplus for the coming year would be a larger sum than this, so that the abolition of the tax on alcohol used in the arts and the abolition of the tax on tobacco could, even in this unusual way, have been secured without going beyond safe limits as to the income of the next fiscal year. Had this bill been confined to these two subjects, both important, both deserving fuller consideration, but yet both sufficiently familiar to authorize our action upon them, it would have met with my hearty support.

It goes, however, much further than this. It asks us to make fruit brandies free—to withdraw all Governmental inspection and regulation over them. This proposition I regard as unwise, unjust, and unnecessary. It would be in my judgment the source of the greatest frauds upon the Government. It would induce thousands of men to go into the business because of the invitation and opportunity for imposition which it would furnish. Practically it would be the overthrow of the whole internal-revenue system. I do not believe that the interests of the country demand such a result. I am unalterably opposed to the abolition of the tax on whisky. If this bill passes there will be no more "whisky" manufactured. It will all be "grape brandy." The temptation of 90 cents per gallon would tempt even a "moonshiner" to desert his chosen vocation and to believe that a rose by any other name would smell as sweet. I am opposed to doing by indirection what I am unwilling to do directly. Moreover, the passage of such a bill would mean bankruptcy and ruin to a large number of my constituents, who under existing law have honestly manufactured and paid tax upon an article whose value would thereby be enormously reduced.

I waive here all question as to the intention of this part of the bill with reference to the continuance of our present high and unequal tariff duties. The excise tax is provided for by the Constitution; and so far as this part of the whisky tax is concerned, it meets to-day with the approval of nineteen-twentieths of our population. As to the complaints of our "moonshiner" friends which have so recently touched a tender chord in the bosom of our high-protection advocates, it may not be improper to suggest that in the next four years, under a Democratic administration, we hope and expect to have officers identified with the communities in which they live, who, while executing the law, will be careful themselves not to violate law. Better promise than this no honest man could ask for.

Thus hurriedly, Mr. Speaker, and very unsatisfactorily I have stated my position upon these propositions and given some of the reasons why I can not support this bill as a whole.

The SPEAKER. The gentleman from Texas [Mr. MILLS] has three minutes and a half remaining.

Mr. MILLS. Mr. Speaker, this appears to me a very extraordinary bill to be brought into the House to be passed at this time under a suspension of the rules. The last two of the reports made to the country by the Secretary of the Treasury show that the public debt is on the increase. We all know that the amount of our interest-bearing debt now due is about $190,000,000 or $200,000,000, and it ought to be paid as soon as possible. Yet with the public debt now pressing upon the people, and requiring some $50,000,000 annually to meet the interest, the House of Representatives is employing itself to give away the revenue of the Government. And for what purpose? To stop paying the debt. And for what purpose? To perpetuate the debt as the basis upon which the national banks shall exist, and to perpetuate a system of high tariff protection. That is the whole theory of all this system of legislation.

Why, sir, as soon as the war was over and it was demonstrated that large revenues were coming into the Treasury sufficient to pay off all this debt in a few years, Congress commenced then, under the leadership of my distinguished and venerable friend from Pennsylvania [Mr. KELLEY], to reduce the revenues by propositions passed under suspension of the rules. But from whose shoulders was this burden of taxation removed? Was it from the shoulders of the vast body of the people of the United States who have to consume $600,000,000 of the products of iron and steel to maintain their daily existence? Was it from the shoulders of the vast body of our people who require woolen clothing in winter and cotton clothing in summer? No, sir. From whose shoulders was this great burden of taxation taken in this hurried manner by the Congress of the United States? It was taken from the shoulders of 450,000 persons, among others, who had an annual income of $800,000,000 and who paid into the Treasury taxes on that income amounting to $72,000,000. That taxation was so burdensome, so odious, so inquisitorial in its nature, so oppressive upon those who had it to pay, that Congress removed the burden to satisfy the demand of those few but powerful people, and left the whole crushing weight of taxation upon the necessaries of life still pressing upon the shoulders of the laboring population of this country.

[Here the hammer fell.]

Mr. HISCOCK. I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. I yield a portion of my time to my colleague [Mr. CABELL].

Mr. CABELL. Mr. Speaker, as I understand this bill I am in favor of its passage, for the reason that it will be a great relief to the industrial interests of the country. Gentlemen charge that this is a movement in the interest of tariff protection. I do not stand here to advocate it as a protectionist—I am not that; but I advocate it because it will lessen the burdens upon the people and because it will relieve a large section of our country from an infamous system which has brought

distress and calamity upon it for years. Not only is the system itself a bad one, but the method of its execution in many places is a reproach to the Government as well as an outrage upon the people.

I am especially in favor of the passage of this bill because it removes entirely the tax from tobacco, the only agricultural product upon which a tax now remains. It was said years ago that as soon as the emergency which called this system into existence should pass the people would be relieved of this onerous and inquisitorial species of taxation. Surely enough time has elapsed and the gains to the Government have been sufficient to justify the repeal of the law at the present session of Congress. The passage of this bill will not deprive the Government of the amount of revenue which gentlemen have stated. The remission of the tax upon tobacco proposed by this bill will not amount to over $23,000,000. That upon alcoholic spirits used in the mechanic arts will not exceed six or eight million dollars, and the abolition of the tax upon liquors distilled from fruits will not exceed, if it will equal, $1,800,000; so that the entire reduction of revenue to be accomplished by the measure will be some thirty-five or thirty-six million dollars at the outside. In view of all the circumstances can not the Government afford to submit to such reduction of its revenues?

Gentlemen profess great regard for the agriculturists and the agricultural interests of the country. Is it not time to make good those professions by repealing every law which lays a burden upon the farmer or his products?

I speak not only of tobacco, but is it not time that the poor men in the mountains of several of the Southern and Western States should be allowed to utilize their fruits by distilling them and putting them into such shape as that the product can be marketed and the proceeds devoted to the sustenance of these toilers and their families rather than to the doubtful requirements of an overflowing Treasury? The amount realized from the tax on liquors distilled from fruits does not at all compensate the Government for the cost of collection and the maintenance of a system so liable to abuse and so distasteful to the people.

I trust, Mr. Speaker, that it will be the pleasure of this House, after the continuance of this system of taxation for so many years, to give relief to the great interests involved by the prompt passage of this bill.

Mr. TUCKER. Mr. Speaker, one of the reasons, and a principal one, for the passage of this bill is that it will reduce the surplus in the Treasury. That surplus has been for years past, and will be for years to come, a wrong to the people, from whom the Government should take no more than it needs for an economical administration.

The revenue from customs was last year about $195,000,000, from miscellaneous sources about $30,000,000, and from internal taxation about $121,000,000; in all about $348,000,000.

The expenditures were: for pensions about $55,000,000, for interest on public debt about $55,000,000, for other ordinary expenses about $135,000,000, and for the sinking fund about $46,000,000; in all about $290,000,000; leaving a surplus of about $58,000,000 of the people's money to lie idle in the Treasury.

It is thus seen that customs and miscellaneous sources furnish about $225,000,000, which falls short of the sum of expenditures and the sinking fund about $65,000,000, or short of ordinary expenditures, including pensions and interest, about $19,000,000, and leaving nothing for the sinking fund. This would be the deficit on the total repeal of all internal taxation.

But as customs and the miscellaneous sources supply $225,000,000, the internal taxes are only needed to supply $65,000,000, the difference between the total expenditure of $290,000,000 and the revenue of $225,000,000 thus obtained from customs and miscellaneous sources.

Now, as my colleagae [Mr. CABELL] has said, the total repeal of tax on cigars and tobacco will be, say, $23,000,000, on spirits used in manufacture not more than $7,000,000, and on brandies from fruits about $2,000,000; in all about $32,000,000, leaving more than $80,000,000 from the tax on spirits, beer, &c. Add this sum to $225,000,000 from customs and miscellaneous sources, and we will have over $305,000,000 to meet $290,000,000 of demands on the Treasury for ordinary expenses, pensions, interest on debt, and the sinking fund.

This bill will therefore leave ample means for the Government's needs and relieve the people of taxes which only put a useless surplus into the Treasury to tempt to unconstitutional legislation, to reckless extravagance, and to official corruption.

Again, there is a strong reason, and a special one, why this tax on tobacco should be repealed. The law which imposes it singles out this one product of the farmer for taxation, subjects the producer to restrictions upon its free sale, and, with the zeal of inquisitorial watchfulness, pursues it from the plant-bed to the hand of the consumer. The same may be said of the vast surplus fruit product of the country, which rots in the hands of the producer because he can not take it to market in the condition of distilled spirits.

But the tax on tobacco is a most unequal one. It has all the evils which have been condemned as involved in the system of specific duties under the tariff system. It taxes the cheap article consumed by the poor as heavily as the dear article consumed by the rich. If it be, as is often said, a luxury to the consumer, why is that luxury which poverty consumes made to bear an equal tax with that which wealth consumes? Why lay the 8 cents tax on the tobacco which the laboring classes use, and the same upon the tobacco used by the millionaire, and which costs five times as much? This is unequal, unjust, and oppressive, and should be abolished entirely, because it discriminates in favor of the rich and against the poor.

But there is another reason for the repeal of these taxes which has not been mentioned. It is this:

The framers of the Constitution knew that the subjects of taxation must be distributed between the Federal Government and the States. The States are denied the power to lay customs duties. That has been given exclusively to the Federal Government. The tax on land and on the person (together constituting what by judicial construction is held to be the "direct taxes" referred to in the Constitution), and the excise and other taxes on employments, occupations, income, and the like are common subjects of taxation for both governments. In practice, through all our history, our financial policy has been to leave to the States the domain of direct and internal taxation, and confine the Federal power to customs duties, which are exclusively its own.

Let the Federal Government take off its hand from tobacco and spirits and leave it to the States, and large revenues would be thence derived for their treasuries, to the relief of the people from direct taxes on property. When the Federal Government reaches out to grasp these subjects of taxation, which are common to both governments, it operates to enlarge the sphere of Federal taxation and to contract that of the States. It does more: by thus enlarging its own revenues and decreasing those of the States respectively it expands more readily its functions where money is the means of their exercise, and dwarfs those of the States, divested of power, because too stinted in their revenues to exercise it. Nothing could and does tend more to the centralization of power in this Government at the expense of the States than the continuation of this internal-revenue system of taxation.

For example: By this system the Federal Government collects at 8 cents a pound on tobacco and by its tax on cigars over $3,000,000 in Virginia. Repeal the tax and Virginia, by a tax of 1 cent on tobacco, could raise a revenue of over $400,000 every year for the education of its people and for other State purposes. It can not do so now, for it is ousted of the power by the exclusive action of Congress.

On broad grounds of a sound constitutional policy, therefore, and looking to the equilibrium of powers between this Government and the States, I insist these taxes should be repealed. Money is the root of power, and by enlarging the means by which this Government can raise it, and contracting in the same degree the means of the States, you will steadily strip the States of their authority and centralize all power in this Government.

Now, as to the other clause of the bill in reference to spirits used in manufactures, that is for the benefit of the manufacturing class of the country. The gentleman from Louisville [Mr. WILLIS] has a great interest there which has appealed to this Government for years to have the tax on spirits used in the manufacture of drugs repealed entirely. This bill proposes to do it. And that is sound policy.

Mr. WILLIS. And we want it taken off also as to fruit brandies.

Mr. TUCKER. Yes; and that the tax shall be remitted also as to the fruit brandies. Here are the products of the soil in which the farmer is interested, the product of tobacco, the product of apples and peaches, and so on; and these are the only means by which some farmers can make a living; and they only are seized by this Government, these products of agriculture, and crushed by this heavy internal-revenue taxation. This bill would then give great relief to these agricultural products of the farming classes. It relieves from taxation, then, only agricultural products which are subject to it. We protect manufactures by a system against which my friend from Texas [Mr. MILLS] is as much opposed as I am, by heavy duties. Congress ought to lend some aid to the farmer; but instead of doing so, with one hand you crush him by keeping this heavy internal-revenue taxation upon the products of his fields and with the other you oppress him by high protective duties on all that he consumes. You strike a blow at him through his production and through his consumption.

I appeal to gentlemen on all sides of the House to favor the passage of this bill.

But gentlemen say if you repeal the internal-revenue taxes you will have to raise the customs duties. In my judgment nothing is more fallacious.

The logical framework of a protective tariff is that which makes duties so high as to prohibit importation of foreign goods. But if importation be prohibited no revenue accrues. Lessen the duties and protection decreases, as revenue on increased importations increases. The present tariff on many articles is so high as to protect the domestic article by almost absolute prohibition of the importation of the foreign article. This is the case with blankets, hats of wool, and hundreds of other articles.

Repeal the internal-revenue system, and Congress will be compelled to abandon the prohibitory rates of duties to adjust them to the revenue standard; and they will then be high enough to raise all the revenue you need, to give full encouragement to the industries of the country, and make the people more prosperous under a state of things more natural and less artificial—when capital will have fair profits, laborers full wages, and the interests of the consuming classes will be

promoted by leaving them to untaxed production, and relieving them from the heavy burdens now resting upon consumption.

But gentlemen say, Mr. Speaker, that we had better wait until the next administration before we do anything in this matter. Why should we delay the removal of the unjust burdens which the people bear? Why should the farmer longer wait?

Rusticus exspectat dum defluat amnis; at ille
Labitur et labetur in omne volubilis ævum.

[Laughter.] We want the tax repealed now. I do not care by whom or by what party it is done. I am not such a partisan as to reject the relief because tendered by Republicans. I will not claim the exclusive honor for the Democratic party here to do this just thing and to achieve this victory for right against an oppressive wrong. Let Democrats and Republicans unite in patriotic alliance to do justice to the people of the country, and the people will be satisfied. [Applause.]

Mr. HISCOCK. Mr. Speaker, I shall spend no time in replying to the remarks of the gentleman from Missouri [Mr. O'NEILL], who seems to think the salt industry is involved in this bill. [Laughter.] We do not pump brine with whisky. [Laughter.] Nor shall I spend any time in replying to the point made by my friend from Georgia [Mr. BLOUNT] that this bill has not been considered by any committee of the House. Why has not the Ways and Means Committee considered the matter and brought in a bill for the action of the House is the question I propound to him.

Mr. Speaker, let us look at the tax on spirits used in the mechanic arts. It is a direct tax on the consumer. It goes into the cost of the production of those articles in general use in the United States; into the production of all the paints, varnish, drugs, and very many other articles in most general use by all classes of people. When you relieve the manufacturing industries of this tax you will of course reduce the price of their products to the people to the extent of the reduction.

Now let us look for one moment at the article of tobacco. There is no tax levied in this country which is more onerous on the poor man, on the laboring men, than the tax on tobacco. It is too late to say we will drive it out of use or that they should not use it. All classes consume tobacco, and the tax comes more largely from the laboring and poorer classes than from any other, and you are therefore directly relieving them by the passage of this bill.

It has been urged this bill is in the interest of manufacturing industries. No, sir; this bill is in the interest of the consumers of these goods.

There is that rivalry existing to-day in all of the manufacturing industries of this country that they have forced down the prices of their products to the lowest point at which they can manufacture with any profit to themselves; and when you take this tax of seven or ten millions of dollars from these industries the result must be to still further reduce the prices of the commodities they manufacture and compound.

The bill, sir, is in the interest of the consumer; it is in the interest of the agricultural classes of this country that produce the "raw materials," and it is in the interest of the laboring men, and I can not imagine a class or an individual that will be harmed by the passage of the bill.

I yield the remainder of my time to the gentleman from Rhode Island [Mr. CHACE].

The SPEAKER. The gentleman has one minute remaining.

Mr. CHACE. Mr. Speaker, I am surprised to hear my friend from Texas to-day. It is curious to notice the change in his tone. Only last year he was constantly complaining of these "burdens of taxation" upon the people of this country. "Revenue reform," "reduce the burdens of the tax upon the people," take off these "onerous taxes" we heard on all occasions from his lips; but now, forsooth, we hear a very different sort of argument.

Mr. MILLS. You do not pretend to say that I ever advocated taking the tax off whisky and tobacco?

Mr. CHACE. I say that you talked about revenue reform incessantly; and now the opportunity is presented to put it into practice. The last campaign was fought upon revenue reform and reduction of taxation.

Mr. HEWITT, of New York. Is it revenue reform to keep the tax upon cotton goods and take it off of liquors?

Mr. CHACE. And I ask gentlemen on all sides, and the gentleman from Texas particularly, to put themselves on record in favor of revenue reform.

Why, it was only two or three years ago that we heard a great deal about the "blood tax," as it was called, the tax on quinine, and you gentlemen took the duties off of quinine nominally, and yet you still tax it, because one of the most important elements of its manufacture is alcohol, on which you retain the tax. Now redeem your pledges to the people; take the tax off alcohol and let them have cheap quinine.

Mr. THOMPSON, of Kentucky. Let me ask the gentleman from Rhode Island whether he has ever heard of apple-brandy being used in the manufacture of quinine?

[Here the hammer fell].

The SPEAKER. The time allowed for debate under the rule has expired.

Mr. MILLS. I would like to ask the gentleman from Rhode Island a question.

The SPEAKER. The time for debate has been exhausted.

Mr. CULBERTSON, of Kentucky. I ask consent to print some remarks in the RECORD on this subject.

Mr. MILLS. There are several gentlemen around me who wish that privilege. I ask, therefore, that it be extended to all who desire to avail themselves of it.

Mr. COX, of New York. I would like to print certain extracts from the Secretary's report—one McCulloch.

Mr. KELLEY. And I would like to print some extracts from the speech of Mr. HEWITT, of New York, in favor of the repeal of the spirit tax because it is a tax on raw material. [Laughter.]

Mr. HEWITT, of New York. Print the whole speech.

Mr. HISCOCK. I would like to amend my remarks in reference to the amount of the reduction which will be made if this bill passes.

The SPEAKER. The gentleman from Texas asks consent that all gentlemen desiring to avail themselves of the privilege shall be allowed to print remarks in the RECORD, and, if there be no objection, of course the gentleman from New York can amend or extend his remarks.

Is there objection to the request of the gentleman from Texas?

There was no objection, and it was so ordered.

Mr. COX, of New York. Mr. Speaker, various questions are involved in the wholesale change proposed by this bill. It involves the surplus. The President says that the Secretary of the Treasury estimates the total receipts for the fiscal year which will end June 30, 1885, at $330,000,000, and the total expenditures at $290,620,201.16, in which sum are included the interest on the debt and the amount payable to the sinking fund. This would leave a surplus for that entire year of about $39,000,000. The surplus for 1866 will be the same as for 1885. (Treasury Report, vii.)

From the customs the ordinary revenues for the fiscal year which ended June 30, 1884, were:

From customs	$195,067,489
From internal revenue	121,586,072
From other sources	31,866,307
Total	348,519,868

The surplus for that year was $57,603,396. No one objects to a reduction of the surplus. But the main point is that it be done discreetly and with wisdom. A motion like this has not had proper deliberation, nor has any one the privilege except the mover to say the effect of his bill.

One effect is apparent. This bill does not touch the odious internal-revenue machinery. Its espionage remains. The spy still lives. The intimidation and venality remain. It is simply an abolition of a portion of the revenue, so as to avoid a future reduction of the worst tariff that ever cursed a country.

Now, the taxes repealed by this bill are the easiest paid of any taxes. They all go to the Treasury unless there be fraud. The taxes relieved are not those on necessaries. If our platforms mean anything, they mean that on such articles as tobacco and spirits the tax should be the last to be removed.

I asked leave to print the suggestions of the Secretary of the Treasury. They are not the views of a politician, but of an economist and statesman. He observes what his predecessor observed and what the President urged, that the surplus should be cut down, but not exclusively on the internal-revenue basis. The extracts I desired to print justify the vote against this immature measure. The Secretary is eager to have a commission, unless something better can be devised. Something better can be devised. A new Congress not committed to one idea, but anxious to increase our trade and trade off our surplus production by enlarging our markets, may devise something better.

The condition of the manufacturing interest of the United States is similar in some respects to the condition of the agricultural interest of the West in the early days to which I have referred. What the Western farmers then needed was a market for their crops. What manufacturers now need is a market for their surplus manufactures.

The all-important question, therefore, that presses itself upon the public attention is, how shall the country be relieved from the plethora of manufactured goods, and how shall plethora hereafter be prevented? It is obvious that our power to produce is much in excess of the present or any probable future demand for home consumption. The existing iron, cotton, and woolen mills, if employed at their full capacity, could meet in six months—perhaps in a shorter time—the home demand for a year. It is certain, therefore, that unless markets now practically closed against us are opened, unless we can share in the trade which is monopolized by European nations, the depression now so severely felt will continue and may become more disastrous.

The question how shall our foreign trade be increased is the question which now comes to the front and demands prompt and careful consideration. Manufacturers are primarily interested, but the whole country has a stake in its solution. In its investigation the tariff will necessarily be involved, inasmuch as the relations between it and our foreign trade are so close that they can not be considered separately, but it need not be involved except so far as it stands in the way of international trade. If the duties upon raw materials are an obstruction, those duties should be removed. If the duties upon other articles are an obstruction, they should be modified. Whatever may be required to increase our foreign trade, whether it be a repeal or modification of existing duties, should be demanded by the manufacturers themselves. How, then, shall the information required for a full understanding of what stands in the way of an increased exportation of our manufactured goods be obtained? It may not be proper for me to offer advice on this point, but I can not forbear to say that I can see no better means than by the appointment of a commission, composed of men not wedded to the doctrines of free trade or protection—fair-minded men, who would prosecute the inquiry thoroughly, comprehensibly, and impartially. If such a commission should be created, it should be done without unnecessary delay.

It is true that previous commissions have not accomplished all that was ex-

pected of them. The cause of this partial failure it is not necessary to inquire into, but this failure should not prevent the appointment of such a commission as has been suggested, unless something better can be devised. It is very clear that what is needed can not be accomplished through the agency of the Committee on Ways and Means. So vast in its comprehensive reach is the question to be investigated, and so complicated is it by the changing policy of other nations, that this committee would lack the time required for its thorough investigation. Besides, the Committee on Ways and Means is usually appointed to sustain measures to which the party in control in the House is pledged, rather than to give to subjects referred to it that impartial consideration which is needed to correct conclusions. Nor is the fact to be overlooked that even constituted as this committee has been, and able as have been its members, there has rarely, if ever, been a committee which so reflected the sentiments or commanded the respect of the House as to be able to carry through without important changes the bills which it had prepared.

It is, therefore, obvious that some other agency than the Committee on Ways and Means must be resorted to in order that the House may have the information absolutely needed for correct conclusions in regard to the nature of the obstructions in the way of an extension of our foreign trade and the best means of removing them. The labors of a commission, if properly performed, would be very great. Ample time, therefore, should be allowed for their performance.

The business of the whole world has been revolutionized by steam-power and the substitution of machinery for hand-work. If not the inventor of the steam-engine, Great Britain took the lead in utilizing it in manufacturing, and she thus became the great workshop of the world. For many years she had a monopoly in manufacturing. The raw materials from nearly all nations were taken in her own ships to her ports and returned in manufactured goods. It has been the profit of this combination of manufactures and commerce which has made her the richest and most powerful of nations. Now, however, all Western nations are endeavoring to use their raw materials at home and to encourage and sustain their manufactures by protective duties, the effect of which has been general overproduction.

It is this great revolution caused by steam-power and machinery and their general use that will make the labors of the commission so arduous. All the leading nations of the world are now engaged in manufacturing, and all but Great Britain are fencing themselves in by protective duties.

When the real condition of our foreign trade and the character of the competition in which we must sooner or later engage are fully understood, it will be found that our inability to make that trade as free as our best interests require lies in the necessity which exists for heavy import duties, which, although they may be levied for revenue only, must be in a large degree protective.

It is upon such taxes, therefore, that our Government must mainly rely for its large current expenditures and the reduction of the national debt. Large revenues will be derived from the taxes upon whisky and tobacco, if the tax on the latter article should be retained, but our chief revenue must be derived from import duties. To show how these duties may be imposed and distributed as to neither imperil our manufactures nor obstruct our foreign trade, while the Treasury is kept in an easy condition, will be the task of the commission. That the task will be a very difficult one is certain; that it may be successfully performed ought to be certain also.

In the commencement of its work the commission should, I think, regard the following points as being settled:

First. That the public revenues are not to be in excess of what may be required for the support of the Government and the gradual reduction of the public debt.

Second. That our manufactures, which under the fostering care of the Government have attained such gigantic proportions and whose prosperity is essential to the welfare of all other interests, are not to be put in jeopardy by radical and sweeping changes in the tariff; and that all reductions of import duties should be made with a view to their ultimate advantage by opening to them markets from which they are now in a large degree excluded.

Something has been done, and more might be done, to increase our foreign trade by reciprocal treaties, but the advantage to be derived from such treaties would be restricted and partial; and there are very serious objections to treaties which affect the public revenues, on the ground that they are an encroachment upon the rights of the House of Representatives, in which, under the Constitution, all revenue bills must originate.

As to the persons who should constitute the commission there will be various opinions. It might be composed of persons who have no connection with the Government or of Senators and members of the House, but I strongly incline to the opinion that it should be composed of members of the House only, because, in the investigation of the subject of our foreign trade, questions affecting the public revenues will necessarily be involved; and that members should be selected from those who have been re-elected to the Forty-ninth Congress, in order that its work may be explained and defended by those who have performed it. It would be advisable also that the Secretary of the Treasury should *ex officio* be a member of the commission, in order that the views of the Treasury Department and those of the commission may be in accord.

In the preceding remarks the tariff has been only indirectly referred to. From this it must not be inferred that I am not in favor of a reform of the tariff, but rather that the subjects of the tariff and foreign trade are so intimately connected that they must, in my opinion, be considered together. Have we not reached the stage when a policy should be adopted which will embrace and harmonize the great interests of the country?

If such a commission as has been suggested had been appointed, and its work could be performed at an early date, I should not be disposed to say anything bearing directly upon the tariff, but as relief from the present burden of taxation is urgently and justly demanded, I deem it my duty to suggest that something in this direction should be done without delay. Owing to the shortness of the time allowed to me for the consideration of the subject, I am not prepared to name the articles upon which duties should be removed or reduced. I should regret this if Congress were not already in possession of the facts which should govern its action. This much, however, it may be proper for me to recommend:

First. That the existing duties upon raw materials which are to be used in manufacture should be removed. This can be done in the interest of our foreign trade.

Second. That the duties upon the articles used or consumed by those who are the least able to bear the burden of taxation should be reduced. This also can be effected without prejudice to our export trade.

In regard to our internal-revenue taxes, I have to say that as these taxes, with the exception of the tax upon whisky, ought not to be and will not be needed for revenue if appropriations are kept within reasonable bounds and rigid economy is established in all branches of the public service, I see no good reason for their continuance. The tax upon bank-note circulation I shall refer to in my remarks upon national banks. Taxes upon agricultural productions, although indirectly levied, are inconsistent with our general policy, and tobacco is the only one of these productions which has been taxed. An article which is so generally used, and which adds so much to the comfort of the large numbers of our population who earn their living by manual labor, can not properly be considered a luxury, and as the collection of the tax is expensive and troublesome to the Government, and is especially obnoxious and irritative to small manufacturers, the tax upon tobacco should, in my judgment, be removed.

The tax upon whisky could not be repealed without a disregard of public sentiment, nor without creating a necessity for higher duties upon imported goods, but while this is true the tax upon the alcohol used in manufacturing might be removed with decided benefit to home industry and foreign trade.

Under the provisions of section 3433, Revised Statutes, as amended, spirits used in the manufacture for export of certain enumerated articles are freed from the tax of 90 cents per gallon. This law has greatly increased the exportation of the articles therein named.

These articles, however, constitute but a very small portion of those in the manufacture of which alcohol is used, or in which it would be used were it not for the tax thereon.

In Great Britain spirits have been used in manufactures free of tax since the year 1855, the spirits having been previously mixed with wood naphtha or "methylated."

It is understood that spirits thus methylated are unfit to be used as a beverage, while they remain uninjured for the general purposes of manufacturing. It is suggested, therefore, that provision be made for the use of domestic methylated spirits, free of tax, as a measure tending to encourage manufactures, both for home use and for exportation.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill which has been read.

Mr. RANDALL. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 78, nays 127, not voting 118; as follows:

YEAS—78.

Atkinson,	Dibrell,	Keifer,	Robinson, W. E.
Barbour,	Eaton,	Kelley,	Skinner, T. G.
Barr,	Ellis,	Ketcham,	Smalls,
Bayne,	Ermentrout,	Lewis,	Smith, A. H.
Bisbee,	Everhart,	Lynam,	Stevens,
Blanchard,	Forney,	McComas,	Storm,
Boyle,	George,	Murray,	Sumner, C. A.
Brewer, J. H.	Glascock,	Mutchler,	Swope,
Brown, W. W.	Goff,	Nicholls,	Taylor, J. M.
Buchanan,	Green,	O'Ferrall,	Tillman,
Budd,	Hammond,	O'Neill, Charles	Tucker,
Cabell,	Hardeman,	Peel,	Tully,
Campbell, J. M.	Hardy,	Pettibone,	Wadsworth,
Candler,	Hart,	Pierce,	Warner, A. J.
Chase,	Henley,	Pryor,	Warner, Richard
Clements,	Holton,	Randall,	Whiting,
Cox, W. R.	Hopkins,	Reed,	Wise, G. D.
Crisp,	Hunt,	Reese,	York.
Culbertson, W. W.	Jeffords,	Robinson, J. S.	
Davis, R. T.	Kean,		

NAYS—127.

Adams, G. E.	English,	Lovering,	Seymour,
Adams, J. J.	Findlay,	McCormick,	Shively,
Alexander,	Foran,	Matson,	Singleton,
Anderson,	Funston,	Miller, J. F.	Slocum,
Bagley,	Fyan,	Mills,	Stewart, Charles
Barksdale,	Geddes,	Mitchell,	Stockslager,
Beach,	Gibson,	Money,	Stone,
Blackburn,	Greenleaf,	Morse,	Strait,
Bland,	Halsell,	Moulton,	Struble,
Blount,	Hanback,	Murphy,	Talbott,
Bratton,	Hancock,	Neece,	Taylor, J. D.
Breckinridge,	Haynes,	Nelson,	Thomas,
Broadhead,	Hemphill,	Oates,	Thompson,
Browne, T. M.	Henderson, D. B.	O'Neill, J. J.	Throckmorton,
Buckner,	Henderson, T. J.	Paige,	Townshend,
Burnes,	Hepburn,	Payson,	Turner, H. G.
Cannon,	Herbert,	Perkins,	Valentine,
Cassidy,	Hewitt, A. S.	Peters,	Wakefield,
Clardy,	Hill,	Post,	Wallace,
Cobb,	Hitt,	Potter,	Washburn,
Collins,	Holman,	Price,	Weaver,
Cook,	Holmes,	Pusey,	Wellborn,
Cosgrove,	Hurd,	Ranney,	White, Milo
Cox, S. S.	James,	Reagan,	Wilkins,
Cullen,	Johnson,	Riggs,	Williams,
Cutcheon,	Jones, J. H.	Robertson,	Willis,
Davidson,	Lacey,	Rogers, J. H.	Winans, E. B.
Davis, G. R.	Lamb,	Rogers, W. F.	Winans, John
Davis, L. H.	Lanham,	Rosecrans,	Woodward,
Dingley,	Le Fevre,	Rowell,	Worthington,
Dorsheimer,	Long,	Ryan,	Yaple.
Eldredge,	Lore,	Seney,	

NOT VOTING—118.

Aiken,	Dunham,	Kleiner,	Shaw,
Arnot,	Dunn,	Laird,	Shelley,
Ballentine,	Elliott,	Lawrence,	Skinner, C. R.
Belford,	Ellwood,	Libbey,	Smith, H. Y.
Belmont,	Evans,	Lowry,	Snyder,
Bennett,	Ferrell,	McAdoo,	Spooner,
Bingham,	Fiedler,	McCold,	Spriggs,
Bouteile,	Finerty,	McMillin,	Springer,
Bowen,	Follett,	Maybury,	Steele,
Brainerd,	Garrison,	Millard,	Stephenson,
Breitung,	Graves,	Miller, S. H.	Stewart, J. W.
Brewer, F. B.	Guenther,	Millikin,	Sumner, D. H.
Brumm,	Harmer,	Morgan,	Taylor, E. B.
Burleigh,	Hatch, H. H.	Morrill,	Turner, Oscar
Caldwell,	Hatch, W. H.	Morrison,	Van Alstyne,
Campbell, Felix	Hewitt, G. W.	Muldrow,	Vance,
Campbell, J. E.	Hiscock,	Muller,	Van Eaton,
Carleton,	Hoblitzell,	Nutting,	Wait,
Chalmers,	Hooper,	Oehiltree,	Ward,
Clay,	Horr,	Parker,	Weller,
Connolly,	Houk,	Patton,	Wemple,
Converse,	Houseman,	Payne,	White, J. D.
Covington,	Howey,	Phelps,	Wilson, James
Culbertson, D. B.	Hutchins,	Poland,	Wilson, W. L.
Curtin,	Jones, B. W.	Rankin,	Wise, J. S.
Dargan,	Jones, J. K.	Ray, G. W.	Wolford,
Deuster,	Jones, J. T.	Ray, Ossian	Wood,
Dibble,	Jordan,	Rice,	Young.
Dockery,	Kellogg,	Rockwell,	
Dowd,	King,	Russell,	

So (two-thirds not having voted in favor thereof) the bill was not passed.

Mr. COX, of North Carolina. I am requested to state that my colleague, Mr. VANCE, is detained at home by sickness.

On motion of Mr. BLOUNT, by unanimous consent the reading of the names was dispensed with.

Mr. HISCOCK. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. MORRISON] until to-day; but as he is not present I will continue my pair with him and withdraw my vote.

The following pairs were announced from the desk:

Mr. POTTER with Mr. EVANS, on all questions, until further notice.

Mr. HEWITT, of New York, with Mr. HOOPER, until further notice.

Mr. ARNOT with Mr. BELFORD, until further notice.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until further notice.

Mr. KING with Mr. MILLER, of Pennsylvania, until further notice.

Mr. FIEDLER with Mr. STEELE, until further notice.

Mr. MAYBURY with Mr. JOHN S. WISE, until further notice.

Mr. MULLER with Mr. DUNHAM, until further notice.

Mr. MORGAN with Mr. BAYNE, until further notice.

Mr. DARGAN with Mr. BOWEN, until further notice.

Mr. BALLENTINE with Mr. FINERTY, until further notice.

Mr. JONES, of Arkansas, with Mr. RUSSELL, until further notice.

Mr. AIKEN with Mr. STEWART, of Vermont, until further notice.

Mr. MONEY with Mr. ATKINSON, until further notice.

Mr. WELLER with Mr. EZRA B. TAYLOR, until further notice.

Mr. MURRAY with Mr. ROBINSON, until further notice.

Mr. DIBBLE with Mr. SMITH, of Iowa, until further notice.

Mr. ERMENTROUT with Mr. HARMER, until further notice.

Mr. KLEINER with Mr. LIBBEY, until further notice.

Mr. CARLETON with Mr. ROWELL, until further notice.

Mr. HOUSEMAN with Mr. BREITUNG, until further notice.

Mr. WILLIS with Mr. STEPHENSON, until further notice.

Mr. BELMONT with Mr. HOUK, on all questions, except the bankrupt bill, until further notice.

Mr. MILLARD with Mr. MULDROW, on all political questions.

Mr. RANKIN with Mr. OCHILTREE, on all questions, until further notice.

Mr. HATCH, of Missouri, with Mr. HATCH, of Michigan, until further notice.

Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York, until January 12.

Mr. VANCE with Mr. BRAINERD, until further notice.

Mr. CONNOLLY with Mr. BINGHAM, on all questions, until further notice.

Mr. JORDAN with Mr. LAIRD, on all questions, until further notice.

Mr. MORRISON with Mr. HISCOCK, until further notice.

Mr. CULBERSON, of Texas, with Mr. NUTTING, until further notice.

Mr. CALDWELL with Mr. SPOONER, until further notice.

Mr. HEWITT, of Alabama, with Mr. RAY, of New Hampshire, until further notice.

Mr. DOCKERY with Mr. WILSON, of Iowa, on all questions, until further notice.

Mr. MCMILLIN with Mr. PAYNE, on all questions, until further notice.

The result of the vote was then announced as above stated.

PUBLIC BUILDING AT WACO, TEX.

Mr. MILLS. I move to suspend the rules so as to take from the Speaker's table and pass the bill (S. 52) providing for the erection of a public building at Waco, Tex.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices at the city of Waco, Tex. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $100,000, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site of said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. MILLS. I desire to state to the House that this bill passed the Senate, and a bill corresponding to it word for word——

Mr. KEIFER. The question is not debatable unless a second be ordered.

The SPEAKER. Is a second demanded?

A second was not demanded.

The SPEAKER. The question is on the motion of the gentleman from Texas to suspend the rules and pass the bill.

The question being taken, there were—ayes 86, noes 7.

So (further count not being called for, and two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

MEXICAN WAR PENSIONS.

Mr. KEIFER. I move that the rules be suspended, and that the bill (H. R. 5667) granting a pension to the soldiers and sailors of the Mexican war, and for other purposes, with amendments by the Senate, be taken from the Speaker's table, and that the amendments of the Senate be concurred in.

Mr. HAMMOND. I suggest that the bill as it passed the House should first be read and afterward the amendments of the Senate.

The bill as it passed the House was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 and '48 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men as were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

SEC. 2. That pensions under this act shall be at the rate of $8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 5. That it shall be unlawful for any attorney, claim agent, or any other person to demand or receive a fee greater than $10 for services rendered in behalf of a claimant under this act.

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to the pensioners under this act.

SEC. 7. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

The amendments of the Senate were read, as follows:

In section 1, line 7, after the words "United States," strike out these words: "Who served sixty days in the war of 1846 and 1847 and '48 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war."

And insert the following:

"Who, being duly enlisted, actually served fourteen days with the Army and Navy of the United States in Mexico, or on the coasts or frontier thereof, or en *route* thereto, in the war with that nation."

In section 1, line 18, after the word "said," strike out "wars" and insert "war."

In section 1, line 18, after the word "war," strike out the following:

"Although their term of service may have been less than sixty days."

In section 1, line 20, after the word "man," strike out these words:

"As were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men."

In section 1, line 23, after the word "remarried" strike out these words:

"*And provided further*, That this act shall not apply to any person not a citizen of the United States."

At the end of section 1 insert the following:

"*Provided*, That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the rebellion against the authority of the United States."

In section 2, line 1, after the word "under," insert "section 1 of."

At the end of section 2, insert the following:

"Or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8 per month."

In section 3, line 14, after the word "other," insert the word "record."

In section 3, line 14, after the words "evidence of," insert "enlistment and."

In section 3, line 15, after the word "service," strike out the word "performed."

At the end of section 3 insert the following:

"*Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive and may be rebutted by evidence that such land-warrant was improperly granted."

In section 5, after the word "act," strike out the words "to be paid when" and insert "which shall not be demanded or received until."

At the end of section 5 insert the following:

"And any person violating the provisions of this section shall be subject to the provisions of section 5485 of the Revised Statutes of the United States."

Insert the following additional sections:

"SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid

pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

SEC. 9. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

SEC. 10. That if any invalid pensioner pensioned for a disability contracted in the military or naval service of the United States, and in the line of duty, has died or shall hereafter die, leaving a widow or minor child under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month under existing laws shall receive in lieu thereof $12 per month.

SEC. 11. That pensions granted widows on account of minor children shall be continued without limit as to age, whenever it shall appear that such minors are of unsound mind or physically helpless, so as to render them incapable of earning a subsistence: *Provided*, That such widow retains the care, custody, and control of such minors; and in the event of the death or remarriage of such widow, or abandonment by her of such minors, then the pension and additional pension shall be continued to them in their own right, without limit as to age, during the continuance of such disability, payable to a duly constituted guardian.

SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

SEC. 13. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

SEC. 14. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

Mr. HAMMOND. I demand a second.

Mr. KEIFER. Will there be objection to considering the second as ordered?

Mr. HAMMOND. I object.

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. Some of these amendments have already gone to the Committee of the Whole under the ruling of the Chair. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. WARNER, of Ohio. This is a parliamentary inquiry.

The SPEAKER. But there is no question before the House, except the matter of a second. The gentleman's inquiry might be in order afterward.

Mr. WARNER, of Ohio. Then I withhold the parliamentary inquiry for the present.

The SPEAKER. The gentleman from Georgia, Mr. HAMMOND, and the gentleman from Ohio, Mr. KEIFER, will act as tellers.

The House divided; and the tellers reported—ayes 98, noes 68.

The SPEAKER. The motion to suspend the rules is seconded. Under the rules thirty minutes are now allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it. The Chair will recognize the gentleman from Ohio [Mr. KEIFER] to control the time in support of the motion, and the gentleman from Georgia [Mr. HAMMOND] to control the time in opposition.

Mr. KEIFER. I do not desire to enter upon any discussion until we hear from the other side. This bill with the amendments has been before the country a long time. There have been more petitions for the passage of this bill with these amendments than have come to this House in favor of any other bill within my knowledge. I yield the floor for the present to the gentleman who is to control the debate on the other side.

Mr. HAMMOND. Mr. Speaker, I have no disposition to debate this measure. I desire simply to call the attention of the House to the position and magnitude of the measure. We passed in this House a bill for pensioning soldiers of the Mexican war. A proper bill for that purpose I heartily approved. It went to the Senate, and on it were ingrafted measures to pension all the Federal soldiers of the late war. I do not know how much it will cost.

Mr. HENDERSON, of Iowa. Will the gentleman allow just a question?

Mr. HAMMOND. I will.

Mr. HENDERSON, of Iowa. Does the gentleman state that this bill as it comes from the Senate pensions all soldiers of the late war, without reference to disability? Is that what the gentleman means to be understood as saying?

Mr. HAMMOND. I do not intend to be exact about it in any particular. I do not know how much this measure will cost the people. It was stated in the debate at the last session, I believe, that by the calculation of certain insurance experts it would cost between two and three thousand million dollars. I do not know whether that is true or not, but certainly it is true that these amendments would entail upon the people an immense burden of taxation.

I fear that many of the gentlemen who favor these amendments in the Senate, and who will favor them here, are simply pandering to the disposition to make the soldiers believe that the people would do everything, anything for them. I believe they at the same time hope that the conservative Democrats will keep this burden off the shoulders of the people, notwithstanding the "buncombe" which urges the action.

I have said all that I care to say about the bill except to state this novel condition of things: the fourth and fifth amendments are now in Committee of the Whole on the state of the Union upon a point of order, yet the proposition is to take them away from that committee, to take the bill from the table of the Speaker and to pass it with the amendments, when no man would risk his reputation upon an attempt to fix a limit as to the quantum of taxation which the measure with these amendments will entail. I desire, before I take my seat, to ask the gentleman from Ohio [Mr. KEIFER] categorically to answer how many dollars he thinks it will take to meet the exigencies of this legislation. I will wait for the answer now.

Mr. KEIFER. I am unable to give the gentleman an accurate statement as to the number of dollars.

Mr. HAMMOND. Can you say within one thousand millions?

Mr. KEIFER. Oh, yes.

Mr. HAMMOND. Then tell me.

Mr. KEIFER. Well, it will not take any "thousand millions" at all.

Mr. HAMMOND. How much will it take?

Mr. KEIFER. That would be a sufficient answer to the gentleman.

Mr. HAMMOND. How many will it take?

Mr. KEIFER. I am unable to give an exact answer, or even a very good approximate answer.

Mr. HAMMOND. I stated, Mr. Speaker, and I repeat now with emphasis, that no man who regards his reputation for honesty will undertake even to guess the amount which this measure in its present shape will require to carry out its provisions.

I yield ten minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Speaker, I desire now to make a parliamentary inquiry which I started to make a few moments ago, and I ask that this shall not be taken out of my time.

The SPEAKER. The gentleman will state his inquiry.

Mr. WARNER, of Ohio. Several of these amendments have been already referred to the Committee of the Whole under the ruling of the Chair. My inquiry is this: If this bill should now pass, in what condition would it be? A part of these amendments are in Committee of the Whole. Will they be taken out of the Committee of the Whole and restored to their place on the bill?

The SPEAKER. That depends upon the form of the motion of the gentleman from Ohio [Mr. KEIFER]. If the gentleman moves to suspend the rules and concur in all the amendments, the motion, if adopted, would be, of course, a concurrence in the amendments which have been sent to the Committee of the Whole on the state of the Union, as well as the others. The Chair has not examined closely the form of the gentleman's motion.

Mr. WARNER, of Ohio. I desire then to know exactly what the gentleman's motion is.

Mr. KEIFER. I can state it. My motion was to concur in all the Senate amendments to the House bill; and I wish to say that while the Chair has held that certain amendments must under the rules be first considered in Committee of the Whole, they have never been sent there.

The SPEAKER. This is a motion to suspend the rules——

Mr. KEIFER. And would suspend among others the rule which would require the consideration of the amendments in the Committee of the Whole.

The SPEAKER. The answer to the question of the gentleman from Ohio [Mr. WARNER] would depend, as the Chair has stated, upon the form of the motion.

Mr. WARNER, of Ohio. Then, Mr. Speaker, I desire to call the attention of the House to the real meaning of this bill. If the principle involved in the provisions of the bill relating to the soldiers of the Mexican war be extended to the Union soldiers of the late war, as it must be and ought to be if adopted here, then I say this measure will involve an expenditure of not less than $2,500,000,000. I regret, Mr. Speaker, that I have not here at my desk the estimates made by the Commissioner of Pensions during the last session of Congress for the committee of which I have the honor to be chairman, which showed that the principle involved here, if applied to the Union soldiers of the late war, would entail an expenditure of some $2,200,000,000; and that was upon the bill as it passed the House, not as amended by the Senate; and the Senate amendments would add considerably to that amount.

Mr. BLOUNT. Will the gentleman yield a moment?

Mr. WARNER, of Ohio. I will yield for a question only.

Mr. BLOUNT. I wish to ask the gentleman from Ohio whether he can state the amount the Committee on Pensions estimated would be the cost of the arrearages act and the cost up to this time?

Mr. WARNER, of Ohio. The estimate of the cost of the arrearages act was somewhere, I believe, about $20,000,000.

Mr. BLOUNT. Yes; that was about it.

Mr. WARNER, of Ohio. And it has cost from two hundred to two hundred and fifty millions of dollars already; I forget exactly how much.

Mr. REAGAN. And will cost some $600,000,000 before it is done with.

Mr. WARNER, of Ohio. Yes; and will cost many millions of dollars more, no doubt.

But, Mr. Speaker, I wish more especially to call attention to the principle of the bill as it relates to Mexican soldiers. Here the pension is purely a service pension, and not only that, but this bill grants to a man who enlisted in the war with Mexico after the war was all over, if he merely started from home and was borne on the rolls fourteen days—it grants to him, sir, a pension for life and his widow after him; and not only that, Mr. Speaker, but it grants to him the same pension that it grants to the soldiers who fought the battles of that war and won its victories. Yes, the same pension that it grants to a man who followed the flag under Taylor from Monterey to Buena Vista, or who marched with Scott from Vera Cruz to the City of Mexico, who endured all the hardships of that war, endured the climate of that country, and who suffered wounds and disability in that service—under this bill, I say, such a man, the true hero of that war, gets no more pension than the man who enlisted after the war was all over. Now, apply that principle, I say, to the Union soldiers of the late war, and what would be the result? And I maintain that you must do it if that principle is adopted in this bill. We must have uniformity and equality in our pension laws. Apply that principle, then, to the Union soldiers, and grant the same pensions to the men who were borne on the rolls but fourteen days, or who enlisted after the fighting was all over, that you grant to men who served one, two, three, or four years, who went through all the campaigns, endured all the hardships and participated in all the struggles and battles of that war, and you see to what it leads. In another war would such a principle be safe? Is such a principle right? No, sir; the principle itself is wrong. It is unjust. It never can be right. It is unsafe to establish and ought to defeat any bill based upon it.

If we depart from the principle of disability pension and grant pensions for service alone, then I maintain that we should grade the pension according to the service which the soldier has rendered. But here you give the same pension for no service, no hardships, no battles, no wounds, no scars, no disability, no anything, that you give for wounds and scars and disability incurred during years of service. To do that, sir, in my judgment, is to enact into law a manifest injustice.

Now, Mr. Speaker, reserving the balance of my time until after the gentleman from Ohio [Mr. KEIFER] has been heard, I will resume my seat.

The SPEAKER. The gentleman from Ohio has five minutes left.

Mr. KEIFER. How many minutes have I remaining?

The SPEAKER. The gentleman has fourteen minutes of his time remaining.

Mr. KEIFER. I will yield to the gentleman from Illinois [Mr. TOWNSHEND] for three minutes.

Mr. TOWNSHEND. Mr. Speaker, it was my intention at the beginning of this session of Congress to call up the House bill granting pensions to Mexican soldiers, as it was returned from the Senate with amendments, in order that it might be disposed of at the earliest practicable moment, but as the rules prohibited any such motion being made within the first six days of the session, and inasmuch as then the gentleman from Texas [Mr. REAGAN], chairman of the Committee on Commerce, obtained the floor and called up the interstate commerce bill, I announced in the House it was my purpose to call up the bill pensioning the soldiers in the war with Mexico from the Speaker's table as soon as that interstate commerce bill was disposed of. I suppose that it will be disposed of to-morrow or the next day, and then it was my intention to call up House bill pensioning the soldiers in the war with Mexico, and dispose of the Senate amendments as they were reached. I believe now that bill should be disposed of in the next two or three days. If this motion to suspend the rules and pass the bill shall fail, it is my purpose to take up that House bill with the Senate amendments for consideration as soon as the interstate commerce bill has been disposed of. If, however, the discussion of that interstate commerce bill shall be protracted I give notice that I shall raise the question of consideration even on that bill for the purpose of having the bill for the benefit of the soldiers in the war with Mexico brought up for consideration and passed.

I wish to say further that while I am not entirely satisfied with the Senate amendments to this bill, and especially those relating to the soldiers of the Mexican war, and while I have had strong hopes we could reach an arrangement by which the House bill, with the Senate amendments, could be placed in the control of a conference committee, and the whole matter could be disposed of in such a way as to give satisfaction to all sides of the House, that nevertheless, as this motion is now before the House, I shall vote for it.

I am not as much frightened at the danger of depleting the Treasury by distributing the surplus among the soldiers of the country as some other gentlemen seem to be. I believe such distribution will bring about prosperity in the country.

It will circulate in every neighborhood throughout the land. If the entire surplus now in the Treasury was divided in payment of pensions to the soldiers it would be no hardship upon the people of this country, but would rather be a benefit to all. I believe, sir, that the time is near when we can economize by putting every man who fought under the flag of this country, no matter in what war, upon the pension-rolls, abolish the Pension Bureau, and discharge the clerks employed in the Pension Office, the Surgeon-General's, the Adjutant's Office, and other departments of the Government engaged in that business.

[Here the hammer fell.]

Mr. KEIFER. I yield now two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, nearly forty years have elapsed since the close of the Mexican war. Following the precedents, it is proper that the soldiers who served in that war should be placed upon the pension-roll as a reward for their services.

In addition, the Senate amendments to this bill, as I understand it, place all of the soldiers of the late war who are disabled and who are dependent in whole or in part upon their labor for a support upon the pension-roll according to their disability, and I believe it right that this should be done whether it costs much or little. I do not believe it will cost more than from fifteen to sixteen millions of dollars per annum, according to the best estimates I have been able to procure.

The proposed legislation is but justice to the soldier and will prove a measure of economy to the Government. The nation can not afford to withhold from its defenders in the field proper relief and compensation. In every neighborhood, at least in the northern part of the country, can be found one or more Union soldiers in the late war who are disabled and needy, and who can not make the technical proof required under the law to place their names on the pension-roll. Yet they know, and their neighbors know, they ought to be pensioned. The time will come, following the precedents, when all Union soldiers of the late war will have their names placed on the pension-roll without reference to disability, and unless we afford relief to those who are actually disabled, by this or similar legislation, you will find that public opinion will demand that justice be done these disabled soldiers, even if in doing them justice it is necessary to put the names of all soldiers of the Union Army on the pension-roll at an earlier day than it would otherwise be done.

It would be economical to give this legislation. It is right to give it; and therefore I shall vote for it now; and I say to my friend from Illinois [Mr. TOWNSHEND] that I have no confidence whatever, considering the filibustering tactics of gentlemen on that side of the House during the last session of Congress, that this bill will ever become a law unless it becomes so within sixty minutes of this time, so far as the House is concerned.

Again, it is right and proper to increase the pension of the widow whose husband died from injuries received in the service from $8 to $12 a month as old age comes upon her and her necessities annually increase.

[Here the hammer fell.]

Mr. KEIFER. I yield now two minutes to the gentleman from Maine [Mr. REED].

Mr. REED. It will be absolutely impossible to consider this bill under the rules of this House at any other time than to-day for the purpose of passing it. Every man who is familiar with what we call our regulations for doing business, but which are in fact regulations to prevent the doing of business, knows that it is absolutely impossible to consider this bill as the gentleman from Illinois has suggested that he will attempt to consider it; and while for my part I do not believe that such a measure should be considered in this way, yet what is called the wisdom of this House has decided that this is the only manner in which it can be considered.

I believe that so far from involving an expenditure of so large a sum as suggested by the gentleman from Ohio [Mr. WARNER] it will cost not more than $20,000,000 per annum increase over the present pension appropriations, and I think that the revenues of this country can well stand such an increase. Therefore under all of these circumstances I shall vote for this bill, and I hope the House will concur with the Senate in the amendments in order that we may dispose of it to-day; for I asseverate again, without fear of contradiction from any man who knows what are called the rules of this House, that unless we pass it to-day we never shall pass it unless we change the rules for that express purpose.

Mr. KEIFER. I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I agree with what has been said by the

gentleman from Maine [Mr. REED] and the gentleman from Illinois [Mr. CANNON] who have preceded me that now is the time to pass this bill. Both sides of this House have placed themselves in the attitude of being responsible for the passage of the measure. In the first place, that side of the House, aided largely by this, passed a bill granting a pension to every Mexican soldier. Some of the men who are to be the beneficiaries of that bill are worth tens of thousands of dollars, some are worth hundreds of thousands, and others millions of dollars, and yet they all fall within the provisions of the original bill which passed this House to pension the soldiers of the Mexican war. That bill went to the Senate of the United States, and the Senate struck out from it the provisions relating to the Mexican soldiers who were able to take care of themselves, those who have an abundance of this world's goods and who have no necessity for a pension, and included within the category all of those who should be pensioned on account of necessity arising from ill health and indigent circumstances and all Mexican soldiers when they attain the age of 62 years. It went also a step further and included those of the Union soldiers of the late war who are in indigent circumstances and who need the support of the Government.

Will anybody refuse to grant pensions to these men who are in indigent circumstances, who served their country, and who need this support from this Government, let it cost much or little? But this is a bugbear about the cost. The cost has been estimated by the Commissioner of Pensions to be about $16,000,000. Suppose it is $20,000,000, suppose it is $25,000,000. It is raised by taxes imposed upon the people of the country, and it is a question whether the Government of the United States shall pay this or whether the people shall pay it by taxes levied upon themselves in their homes and in their own States. This money must be paid in any event. And in my mind plainly the great duty of the Government is to provide for these men who served their country when their country needed their services; and therefore I shall cordially vote for this bill with the Senate amendments.

Mr. KEIFER. I reserve the remainder of my time until gentlemen close the debate on the other side.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] has five minutes remaining.

Mr. WARNER, of Ohio. I assert that to carry out the principle of this bill will add not less than 1,250,000 names to the pension-roll.

Mr. REED. Will the gentleman yield to me for a question?

Mr. WARNER, of Ohio. If it be a short one I will.

Mr. REED. Does the gentleman mean to say this bill will do that? He talks about what the principle of the bill will do.

Mr. WARNER, of Ohio. I say if we adopt the principle of this bill we can not stop until we apply it to the soldiers of the late war. The debates in the other end of the Capitol on this bill show that, and show what the cost would be. That that is the sentiment of the country, too, is manifest.

Let me show why it will be necessary to extend the application of the principle. The sixth amendment of the Senate provides—

That every such officer, enlisted man, or widow, who is or may become 62 years of age, &c.

That is, that every officer and enlisted man who was borne for fourteen days on the roll in the Mexican war and is 62 years of age shall be pensioned. How can we adopt that principle and apply it to one war without applying it immediately to the late war? If a man is 62 years old he is 62 years old. And what odds does it make whether he served fourteen days in the Mexican war or whether he served fourteen days in the late war if the fourteen-day principle is adopted? If he served fourteen days in the Mexican war under this bill he would be entitled to a pension; but if he served three or four years in the late war he is not. Can we stand there? It would not be right to do that. No, sir; we must apply the principle to the Union soldiers as well as to the Mexican soldiers if it is to be adopted at all. Will you adopt it? A more unjust act could not be done than to put those who did no fighting and performed little or no service on the same plane with those who fought the battles, endured hardships, and suffered disability.

Many of the amendments of the Senate, most of them, I believe to be just; and bills have already been reported from committees of the House, and are now on the Calendar, embracing most of these amendments. I refer especially to amendments relating to pensions of widows and minor children and those intended to promote the settlement of claims now on file for disability incurred in the late war. I think we had better look first to cases of disability. After the battles the first duty was to take care of the wounded and disabled. Let us first pension those who were disabled in any of the wars. The fourteen-day men, I think, can wait. I am in favor of uniform pension laws—the same pensions for the same disability and the same service in one war as in another.

I honor the men who fought in the Mexican war. I honor no less those who fought in the late war. And I say the disability incurred in the one entitles a man to as much as like disability incurred in the other—service in one war to be the same as service in the other. The Government can not discriminate, and the same principle ought to govern in all cases; and if we apply the same principle I say we can not stop short of an expenditure of $2,500,000,000—twice as much as the entire pay of the Army and Navy from the beginning to the end of the war. More than the entire national debt at the close of the war. All that is involved in this bill. And yet it is proposed now to pass this bill through under a suspension of the rules and without an opportunity to amend it. I believe this principle of pensioning men for fourteen days and giving them the same as for one, two, three, or four years' service to be a dangerous one; a dangerous one to establish after a great war; a dangerous one if we should become involved in another war. I do not believe free institutions could long survive the establishment of such a principle.

I yield the remainder of my time to the gentleman from Alabama [Mr. HERBERT].

The SPEAKER. The gentleman has one and a half minutes remaining.

Mr. HERBERT. I voted for the Mexican war pension bill as it passed this House. I shall vote against it as amended by the Senate, because I believe the measure to be unwise, extravagant, and unjust; unjust to the Mexican veterans and other classes who are discriminated against, and unjust to the tax-payers of this country, who will be saddled with a debt which this discussion has shown is absolutely incalculable.

I believe, Mr. Speaker, that many of those who feel compelled to vote for this bill will thank us who take upon ourselves the responsibility of voting to defeat it. And if we defeat it, as I am sure many of you sincerely hope we will, if you do not thank us I am sure the country will.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved a joint resolution and bills of the following titles:

Joint resolution (H. Res. 289) authorizing the Superintendent of the Census to continue the work of the Tenth Census;

An act (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio;

An act (H. R. 4085) for the relief of Juliet H. Palmer; and

An act (H. R. 2728) detaching Grundy County, Tennessee, from the southern division of the district of East Tennessee and attaching it to the middle district of said State, and for other purposes.

MEXICAN WAR PENSION BILL.

Mr. KEIFER. I yield one minute to my colleague [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Speaker, there ought to be no question in regard to the amount of money which this bill will cost the Government. The Commissioner of Pensions was called upon during the last session of Congress to make an estimate of the additional amount which this bill would require for the payment of pensions. He did so, and he made his report to members of this House. It was twice stated upon this floor, once by the distinguished gentleman from Illinois [Mr. TOWNSHEND] and on another occasion I stated it myself. I have frequently conversed with the Commissioner of Pensions on this subject. I understand from him that he made his estimate very carefully, calling to his aid the ablest assistants in the employ of the Government, and this estimate is still unquestioned by the Department. And according to this estimate it will cost the Government from four to four and a half million dollars a year to pay the soldiers of the Mexican war as provided in this bill as amended by the Senate, and about twelve or twelve and a half million dollars a year to pay the Union soldiers embraced in these Senate amendments.

This is the estimate of the Commissioner of Pensions, as made by him with the aid of Government experts skilled in this branch of knowledge, certainly the most reliable authority on this subject obtainable anywhere; and if this bill is passed to-day, as I hope it will be, the amount of money now paid to the pensioners of the United States will not be increased more than $17,000,000. The estimate was made on this bill as it is now introduced.

There can be no question about the accuracy of this estimate. If you look over the provisions of this bill you will see that there is no serious difficulty in ascertaining what the cost will be. The provisions of this bill only reach a few classes, and certainly the most needy and deserving classes. It increases the pensions of widows, dependent parents, and minor children from $8 to $12 a month. It dispenses with certain proofs in regard to aged and dependent parents. It dispenses with the proof of prior soundness, proof that never ought to have been required.

If a soldier has an existing disability, and is dependent on his daily labor for support, he is not required, as now, to prove that this disability was incurred in the service, a thing which is now impossible in most cases at this long distance from the close of the war. This bill will pension him to the extent of his disability. If a pensioner dies, his pension goes to his widow and children without proof that he died from a disability incurred in the service. It also continues pensions after the age of 16 to children of dead soldiers where they are imbecile, idiotic, or blind. This is in substance the extent and character of the Senate amendments to this bill, and the money appropriated by it goes to relieve poverty and want and suffering more than any other bill ever before this or any other Congress. Besides, Mr. Speaker, this bill would greatly relieve the distressed condition of the country, and would benefit those who are not soldiers almost as much as those who are, as the money thus paid out would pass from hand to hand, and would go into all the avenues of trade, giving activity to all kinds of business.

[Here the hammer fell.]

Mr. KEIFER. I yield one minute to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I shall vote for this bill because I believe it is simply a measure of justice; and I am glad to have the opportunity to vote for it now, because, as has been observed by the gentleman from Maine [Mr. REED], if this bill shall not pass within the next sixty minutes I fear it will never be passed at this session or at any other. It is a measure of simple and naked justice to the veterans of the Mexican war. It does no more than simple justice to the veterans of the late war who are now disabled from gaining their livelihood by their labor, and are the objects of public and private charity. It says to the widow of the fallen soldier who died in the front of the battle that she shall no longer receive merely the $8 a month which this Government now doles out to her, but that the amount shall be increased to $12 a month. It does a like act of justice to the orphan children, left without the support of the strong arm which death paralyzed in the service of this country. It does another act of justice. It provides that when the Government has accepted a soldier, has passed him through a medical examination by an examiner of its own choice, has mustered him into the service, and put him into the ranks, he shall be presumed *prima facie*, to be sound, fit for military duty, and the burden of proof is shifted upon the Government. These are some of the just and righteous things that this bill will accomplish. But it will take money. I am glad of it. The treasures of this country can be put to no better use either with reference to the past or the future than to pay well-deserved pensions to the men who sacrificed their strength, and the widows and orphans of those who sacrificed life that the life of the nation might be preserved.

[Here the hammer fell.]

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] has now three minutes remaining.

Mr. KEIFER. Mr. Speaker, it is always true, when gentlemen oppose a measure that is filled with merit throughout, they must do it by undertaking to exaggerate some feature of it. When it is declared here upon the floor that this bill undertakes to pension all the Union soldiers of the recent war, that is certainly done for the purpose of defeating the bill; for there is no such provision in it, and when it is declared that it will take a thousand millions of dollars or more to make the payments required to be made under this bill, that may be classed as an exaggeration. And when the gentleman on the other side undertakes to say that these immense sums will be required, it is only another mode of opposing a just measure.

This country owes a debt of gratitude to the soldiers of the Mexican war, who are now old. There are now alive no young men who were in that war. There are very few below the age of 62. A man who was engaged in the Mexican war at 21 years of age is now 59. There are very few soldiers of that war who will not be pensioned immediately under this act.

Mr. COSGROVE rose.

Mr. KEIFER. I would like to yield to the gentleman if I had time.

Mr. COSGROVE. I would ask the gentleman whether he did not vote against the Mexican pension bill when it was before the House?

Mr. KEIFER. I think not. The Mexican pension bill undertook to pension all persons who were in that war; but I do not seriously object to that, for this bill pensions nearly all of them, because it pensions all above the age of 62.

Now, while this bill in its present form proposes to pension this class of persons, these men whose sands of life are fast running out, it proposes to pension at the same time men of the Union Army who are today broken down by disease—not through any fault of theirs——

The SPEAKER. The debate has now closed.

Mr. HAMMOND. I move that the House do now adjourn.

Mr. KEIFER. That is another mode of opposing this bill.

The question being taken on the motion of Mr. HAMMOND, there were—ayes 62, noes 105.

Mr. HAMMOND. Was there a quorum?

Mr. KEIFER. None is necessary.

The SPEAKER. It is not necessary that there should be a quorum on this question; but a quorum has voted.

Mr. CABELL called for the yeas and nays.

The yeas and nays were not ordered, 33 voting in favor thereof—less than one-fifth of the last vote.

So the motion to adjourn was not agreed to.

The SPEAKER. The question now is upon the motion made by the gentleman from Ohio [Mr. KEIFER] to suspend the rules and concur in the Senate amendments to the bill as read to the House.

Mr. REAGAN. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 129, nays 85, not voting 109, as follows:

YEAS—129.

Adams, G. E.	George,	McComas,	Stockslager,
Anderson,	Glascock,	McCormick,	Stone,
Atkinson,	Goff,	Matson,	Strait,
Bagley,	Haralson,	Moulton,	Struble,
Barr,	Hardy,	Murray,	Sumner, C. A.
Bayne,	Harmer,	Neece,	Swope,
Beach,	Hart,	Nelson,	Talbott,
Brewer, J. H.	Haynes,	O'Hara,	Taylor, E. B.
Brown, W. W.	Henderson, D. B.	O'Neill, Charles	Taylor, J. D.
Browne, T. M.	Henderson, T. J.	O'Neill, J. J.	Thomas,
Budd,	Henley,	Paige,	Townshend,
Campbell, J. M.	Hepburn,	Payson,	Tully,
Cannon,	Hill,	Perkins,	Valentine,
Cassidy,	Hiscock,	Peters,	Wadsworth,
Cobb,	Hitt,	Pettibone,	Wait,
Collins,	Hoblitzell,	Post,	Wakefield,
Cook,	Holman,	Price,	Wallace,
Culbertson, W. W.	Holmes,	Pusey,	Washburn,
Cullen,	Holton,	Randall,	Weaver,
Cutcheon,	Hurd,	Ranney,	White, Milo
Davis, G. R.	James,	Reed,	Whiting,
Davis, R. T.	Jeffords,	Riggs,	Wilkins,
Dingley,	Johnson,	Robinson, J. S.	Wilson, James
Eldredge,	Jones, R. W.	Robinson, W. E.	Winans, E. B.
English,	Kean,	Rogers, W. F.	Winans, John
Ermentrout,	Keifer,	Rosecrans,	Wolford,
Evans,	Kelley,	Rowell,	Woodward,
Everhart,	Ketcham,	Ryan,	Worthington,
Fiedler,	Lacey,	Seney,	Yaple,
Foran,	Lamb,	Shively,	York.
Funston,	Le Fevre,	Smalls,	
Fyan,	Long,	Smith, A. H.	
Geddes,	Lovering,	Stevens,	

NAYS—85.

Adams, J. J.	Davidson,	Lanham,	Seymour,
Alexander,	Davis, L. H.	Lewis,	Singleton,
Barbour,	Dibrell,	Lore,	Skinner, T. G.
Barksdale,	Dorsheimer,	Lyman,	Stewart, Charles
Bishee,	Eaton,	Miller, J. F.	Storm,
Blackburn,	Ellis,	Mills,	Taylor, J. M.
Blanchard,	Ferrell,	Mitchell,	Thompson,
Bland,	Findlay,	Money,	Throckmorton,
Bratton,	Forney,	Morse,	Tillman,
Breckinridge,	Gibson,	Murphy,	Tucker,
Broadhead,	Green,	Mutchler,	Turner, H. G.
Buchanan,	Greenleaf,	Nicholls,	Turner, Oscar
Buckner,	Halsell,	Oates,	Van Eaton,
Burnes,	Hammond,	O'Ferrall,	Warner, A. J.
Cabell,	Hancock,	Pierce,	Warner, Richard
Candler,	Hardeman,	Peel,	Wellborn,
Clardy,	Henphill,	Potter,	Williams,
Clements,	Herbert,	Pryor,	Willis,
Cosgrove,	Hewitt, A. S.	Reagan,	Wise, G. D.
Cox, S. S.	Hunt,	Reese,	
Cox, W. R.	Jones, J. H.	Robertson,	
Crisp,	King,	Rogers, J. H.	

NOT VOTING—109.

Aiken,	Durgan,	Kleiner,	Rockwell,
Arnot,	Deuster,	Laird,	Russell,
Ballentine,	Dibble,	Lawrence,	Shaw,
Belford,	Dockery,	Libby,	Shelley,
Belmont,	Dowd,	Lowry,	Skinner, C. R.
Bennett,	Dunham,	McAdoo,	Slocum,
Bingham,	Dunn,	McCold,	Smith, H. Y.
Blount,	Elliott,	McMillin,	Snyder,
Boutelle,	Ellwood,	Maybury,	Spooner,
Bowen,	Finerty,	Millard,	Spriggs,
Boyle,	Follett,	Miller, S. H.	Springer,
Brainerd,	Garrison,	Milliken,	Steele,
Breitung,	Graves,	Morgan,	Stephenson,
Brewer, F. B.	Guenther,	Morrill,	Stewart, J. W.
Brumm,	Hatch, H. H.	Morrison,	Sumner, D. H.
Burleigh,	Hatch, W. H.	Muldrow,	Van Alstyne,
Caldwell,	Hewitt, G. W.	Muller,	Vance,
Campbell, Felix	Hooper,	Nutting,	Ward,
Campbell, J. E.	Hopkins,	Ochiltree,	Weller,
Carleton,	Horr,	Parker,	Wemple,
Chase,	Houk,	Patton,	White, J. D.
Chalmers,	Houseman,	Payne,	Wilson, W. L.
Clay,	Howey,	Phelps,	Wise, J. S.
Connolly,	Hutchins,	Poland,	Wood,
Converse,	Jones, J. K.	Rankin,	Young.
Covington,	Jones, J. T.	Ray, G. W.	
Culberson, D. B.	Jordan,	Ray, Osslan	
Curtin,	Kellogg,	Rice,	

So the motion was disagreed to (two-thirds not having voted therefor).

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. BLOUNT with Mr. BOYLE, on this question.

Mr. MORRISON with Mr. CHACE, on this vote.

Mr. GRAVES with Mr. WHITE, of Kentucky, on all questions, until further notice.

Mr. FOLLETT with Mr. MILLIKEN, on all questions, until further notice.

Mr. CONVERSE with Mr. BREWER, of New York, on all questions, until further notice.

Mr. COVINGTON with Mr. MORRILL, on all questions, until further notice.

Mr. CLAY with Mr. MCCOID, on all political questions, until further notice.

Mr. DOWD with Mr. ELLWOOD, on all political questions, until further notice.

Mr. DUNN with Mr. BOUTELLE, on all political questions, until further notice.

Mr. WARD with Mr. BENNETT, on the Mexican war pension bill. Mr. WARD would vote "ay" and Mr. BENNETT "no."

Mr. MILLARD with Mr. MULDROW, on all political questions, including the Mexican war pension bill. Mr. MILLARD would vote for the bill with Senate amendments.

Mr. SPRINGER with Mr. GUENTHER, on all political questions, until further notice.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the following bills; in which concurrence was requested:

A bill (S. 748) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims;

A bill (S. 896) for the relief of Pearson C. Montgomery, of Memphis, Tenn.;

A bill (S. 1399) for the relief of William C. Dodge;

A bill (S. 1472) to permit the owners of certain vessels and cargoes to sue the United States; and

A bill (S. 1578) to amend the charter of the National Soldiers and Sailors' Orphans' Home, and in relation to the assets thereof.

BANKRUPT BILL.

Mr. COLLINS moved to suspend the rules and pass the following resolution:

Resolved, That Senate bill 1372, to establish a uniform system of bankruptcy in the United States, be taken from the Speaker's table and be made a special order for Thursday, January 22, 1885, to be considered in the House; the consideration to be continued from day to day until finally acted upon, not to interfere with general appropriation and revenue bills.

Mr. WILLIS. I demand a second.

Mr. REAGAN. Will not this interfere with the interstate commerce bill?

The SPEAKER. That is a matter of debate. The Chair appoints as tellers Mr. WILLIS and Mr. COLLINS.

Mr. WASHBURN. By unanimous consent, may we not have the second ordered?

Mr. HAMMOND. I object.

The House divided; and the tellers reported—ayes 119, noes 51.

So there was a second.

Mr. HAMMOND. I move the House do now adjourn.

The House divided; and there were—ayes 46, noes 103.

So the House refused to adjourn.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. COLLINS. I will yield three minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, in my judgment the time has now come when the bankrupt law is required by the absolute necessities of the country. During the last two years the failures have risen from about sixty millions per annum to two hundred and fifty millions per annum, and they are still increasing in amount. It is common knowledge that debtors acting under the permission of the laws of their different States dispose of their assets, however great, by fraudulent preferences among their relatives and friends, and those whom they choose to put in confidential relations and positions, in such a way that the vast property which has been intrusted to them is being divided mainly or largely fraudulently among preferred creditors.

It was foreseen by our fathers that in order to give the largest value to individual liberty and to individual activity, in order to make the whole of this vast country the theater of every citizen's activity and enterprise and energy, bankrupt laws which should secure the largest division of assets among creditors would be necessary by the General Government. That necessity has been made apparent throughout the history of the country during every year of its existence. It is a necessity that exists to-day, and the time has come when we must meet the demand. It has come to this, that in matters of trade State lines are necessarily disregarded. It is an impossibility for merchants intrusting their property throughout the country to keep up with the laws of the thirty-eight States and with all of the rules and regulations of thirty-eight States, and unless a uniform bankruptcy law is passed which will operate justly and equally upon all portions of the country, practically this great provision of the Constitution—to give the whole country as the theater of activity to every man's energy and enterprise—will fail and be denied.

I hope, sir, we shall now fix a day for the consideration of this important measure; and I hope and believe that if it is considered at all it will be passed in obedience to the demands of the best interests of the country.

[Here the hammer fell.]

Mr. COLLINS. I now yield two minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. Mr. Speaker, I represent, I think, the business men of Chicago in saying that they all almost without exception desire a good bankruptcy law to be passed which will administer estates economically and discourage dishonesty and reckless trading. I hold in my hand a petition to that effect signed by the representatives of all branches of trade, containing almost all of the heaviest houses engaged in trade, as well as many others of lesser business. These gentlemen do not all approve of every feature of the bill which is now pending in Congress; but I think I may say that no objection has been made, certainly none in my presence, that can not be cured by an amendment to the bill.

I was present also at the annual dinner of the Shoe and Leather Association, in which the pending bill was discussed, and the members were almost unanimously in favor of the passage of this particular bill. I will ask to have the heading of this petition printed in the RECORD as a part of my remarks. I am sure that the business men of the country generally desire that this bill, with certain modifications it may be, shall be passed at this session of Congress.

I ask now to insert the heading of this petition as a part of my remarks.

Mr. COX, of North Carolina. I object.

Mr. COLLINS. I yield now two minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, we stand in this position to this question: Shall we fix a day for the consideration of the bill? That is all the resolution contemplates. The Senate has given a bill, and on careful consideration of it I believe it meets nearly all the objections that made the last bankruptcy bill offensive to the best business interests of the country. The East is not alone interested in the passage of this bill. I have received more letters from my own district urging the consideration of this bill than with reference to any other bill pending before the House; and I believe in times like these, when the business interests are depressed, that the passage of a wholesome bankruptcy law will give an impetus to trade which will save our people from disasters which are threatening. With that feeling I earnestly urge upon the House the propriety of fixing a day for the consideration of the bill.

There were objections to the former bankruptcy bill which were honestly urged, but which do not apply to this. That bill was too expensive in its operations; but I believe after a careful examination of the present bill that the expenses are cut down to a minimum, and that the objections which were justly urged against the old law can not be urged with propriety against the one we have before us for consideration. But, sir, even if there are objections of that kind, it is within our power to meet and remedy them by proper amendments. We are not now discussing that question, but only the propriety of taking up the bill for consideration. Certainly the great business interests of the country from one ocean to the other ask their legislators to take up, consider, and pass the bankruptcy bill. Let us bow to that earnest demand of the business interests of the country.

[Here the hammer fell.]

Mr. COLLINS. I now yield two minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. Mr. Speaker, I am in receipt of a memorial from the Merchants' Exchange of Saint Louis, the association of wholesale grocers and other organizations of representative business men, asking the passage of a bankruptcy bill that will put a stop to the fraudulent and dishonest repudiation of honest indebtedness that has overwhelmed the country since the repeal of the last bankruptcy law. As their representative I shall certainly vote to take up and pass this bill.

Mr. COLLINS. I yield one minute to the gentleman from New York [Mr. JAMES].

Mr. JAMES. Representing as I do the commercial interests of the city of New York, and representing the board of trade, of which I have the honor to be secretary, which has taken an active part in bringing this subject before the merchants of the country, I am able to state to the House that I hold in my hand the names of one hundred and forty commercial organizations in the United States representing thirty-four States of this Union, all asking for the passage of this Lowell bankruptcy bill. The memorials of the Board of Trade of Mobile, Ala., and the Mobile Cotton Exchange are a specimen of what come from the Southern States. The States represented here are from Maine to California and from Texas to Michigan.

[Here the hammer fell.]

Mr. COLLINS. I yield one half minute to the gentleman from Maryland [Mr. FINDLAY].

Mr. FINDLAY. I simply desire to say that all classes of our citizens, mercantile, mechanical, manufacturing, and I may say the professional classes, too, are deeply interested in a bankruptcy bill, and desire that an early day should be fixed for its consideration. I have in my hand here twenty or thirty letters from all these classes, who earnestly request me to use what little influence I may have to fix a day for the consideration of the bill.

Mr. COLLINS. I yield one minute and a half to the gentleman from New York [Mr. ADAMS].

Mr. ADAMS, of New York. I hold in my hand a letter written to me by one of the largest commercial houses in the city of New York,

the firm of Arnold, Constable & Co. It is similar in tone to all the letters I have received from the business men of our city, and it so well expresses the sentiment of the commercial community that I ask for its reading. It is very short and the reading will only take half a minute.

The Clerk read as follows:

JANUARY 2, 1885.

DEAR SIR: We address you as one of our Representatives in Congress from this city upon a subject the importance of which to the entire business community of this country can not be overestimated.

We allude to the pressing and vital urgency for supplanting our present wholly inadequate insolvency laws by the immediate passage at this session of Congress of the Lowell bill.

The alarming increase of failures, from $65,000,000 in 1880 to two hundred and fifty millions in 1884, renders imperative a radical change, which shall reduce to a minimum the ruinous frauds and rascalities which have been practiced with impunity upon honest business men throughout the country.

We therefore respectfully request that you will use your influence to bring up for consideration the bankruptcy bill (Senate bill 1372), and your voice to urge its adoption at this present session.

By such action you will earn and receive the thanks of all having business interests in this country, including,

Yours, respectfully,

ARNOLD, CONSTABLE & CO.

Hon. JOHN J. ADAMS,
House of Representatives, Washington, D. C.

Mr. COLLINS. I reserve the remainder of my time.

The SPEAKER. The gentleman has four minutes of his time remaining.

Mr. WILLIS. I yield five minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I have no argument to make now against the consideration of this bill. I do not think if we were to fix a day for it that it would pass. There are so many measures connected with the appropriations that must be considered that this would be switched off the track at any rate.

But I am opposed to the passage of the bill, and therefore opposed to fixing a day for its consideration. I have opposed it during three Congresses upon the Judiciary Committee; and this is the first time it has succeeded in getting before the House on a favorable report from that committee. I respect very highly the opinions of gentlemen from the large business centers—from New York, Boston, Baltimore, and other cities—who simply desire what in their estimation would be a better collection law. They are actuated by pure selfishness. My constituency is actuated by pure selfishness the other way. They elected me to represent them, and I am glad that their views coincide with my own ideas of what is right.

The Government has tried bankrupt laws several times. It has never failed to get rid of one as early as it could possibly be done after the trial had been made. Dishonesty will exist whether there is a bankrupt law or not. The community in which I live believe there will be more dishonesty with one than without one.

I would like to have, without fatiguing the House, a petition of ten lines, with thirty names signed to it, printed as part of my remarks. If it is objected to I will have it read; if not objected to I will cease with the request that this be printed in the RECORD.

The SPEAKER. The gentleman from Georgia has a right to have it read in his own time.

Mr. HAMMOND. I will not occupy that time unless objection is made to the printing of the petition with the names.

Mr. COLLINS. Let it be understood, then, that the objection to printing made on the other side is withdrawn.

The SPEAKER. The Chair hears no objection to the printing of the paper indicated by the gentleman from Georgia.

The paper is as follows:

To the Senate and House of Representatives of the United States:

The undersigned, who are merchants in the State of Georgia, respectfully represent that the business interests of which they have knowledge would suffer by the enactment of a law of bankruptcy, and pray that there be no legislation in that direction.

MOORE, MARSH & CO.	W. Y. HOLLAND.
DRAPER, MOORE & CO.	A. C. BEALL.
THOS. M. CLARKE & CO.	C. E. ROGERS.
GRAMLING, SPALDING & CO.	JNO. ATKINS.
JOHN M. HILL & CO.	W. S. GRAMLING.
W. G. HERNDON.	F. B. LAW.
MAGNUS & HIGHTOWER.	HUGHES & LAW.
M. C. & J. P. KISUR & CO.	CLARKE, THOMPSON & CO.
J. H. ALMAND, SON & CO., Conyers, Ga.	HIGHTOWN & HALLMAN.
	G. S. PRIOR.
MORRISON, BAIN & CO.	AVORY BROS.
M. & J. HIRSCH.	J. J. POWELL & BRO.
TANNE, CURRIER & HEATH.	JELKS & TAPPAN.
ROBINSON BROS	A. G. GRIER.
JOHN SILVEY & CO.	BECK & GREGG H'DW'E CO.
COX, HILL & THOMPSON.	GEAVE, BOYLSTON & CO.
McKELDIN & CARLTON.	

JANUARY 1, 1885.

Mr. WILLIS. I yield five minutes to the gentleman from Illinois [Mr. MOULTON].

Mr. MOULTON. Mr. Speaker, I desire to say a very few words in opposition to the fixing of a day for the consideration of this bill. It has been said here by gentlemen from New York and elsewhere that there have been petitions circulated in the business centers and in the country, and that the business men of the country are demanding the passage of this bankrupt bill. It is true, Mr. Speaker, that petitions have been circulated. It is equally true that these petitions have been circulated by specially interested parties; and they have sent their circulars to all the smaller city, town, and mercantile associations in the country, with the request that they sign and return the same or send them to Congress.

I want to say that those petitions and circulars relating to this bill have never been fairly considered by the persons signing them; and I venture to say that more than one-half, I might say that more than two-thirds, who have signed the petitions have never seen the bill or read it. I know that less than a year ago in the city of Chicago, notwithstanding the statement of my colleague from that city, there was a large meeting held by the Citizens' Association of Chicago, representing the business interests of that city, to consider this Lowell bill.

Mr. ADAMS, of Illinois. Will the gentleman tell me what that association was?

Mr. MOULTON. There is a printed petition against this bill, with hundreds of names, comprising the very best business men and names in Chicago.

Mr. ADAMS, of Illinois. What is the association to which the gentleman had reference?

Mr. MOULTON. One of the associations that considered the Lowell bill was the Citizens' Association of Chicago. That association appointed a committee of five of the most eminent lawyers in Chicago to consider the question of the Lowell bill. That committee, after full consideration, reported April 24, 1884, against this bill, giving their reasons at length. I have the report here.

In addition, in the city of Chicago, just before the meeting of the association referred to, a petition was signed by over one hundred, I think, of the largest business and manufacturing firms in Chicago, and forwarded the same to Congress, representing that in the experience of the signers the operation of a United States bankrupt law has proved to be an injury to the business interest of the whole country. Petitioners state their objections to bankrupt acts, and say, for the reasons given, they oppose any bankrupt legislation. The Wilson Sewing Machine Company and the McCormick Harvesting Machine Company were among the petitioners. The parties signing it are all representative men.

I want to say further that the largest business firms in New York and other places have numerously signed and circulated petitions of the same character. I hold some of them in my hand, and the gentleman can look at them at his leisure.

Now, let me call the attention of the House to a very significant fact. It is claimed that the necessity of a bankrupt bill is for the purpose of protecting creditors and obtaining from the bankrupt all his assets and fairly distributing them among his creditors. It is claimed more money is realized by reason of a bankrupt bill—from the bankrupt—than without one.

For the purpose of realizing the most money from the bankrupt estate no bankrupt law whatever is necessary. The history of collection in our country shows that better results are obtained and more money is collected from insolvent and bankrupt debtors when there is no bankrupt law than under one.

Let me state a fact, and let gentlemen who advocate the passage of a bankrupt bill controvert it if they can. I state as a fact that prior to the passage of the bankrupt law of 1867 more than 35 per cent. of debts of bankrupt and insolvent debtors was collected for the benefit of creditors in all the States. On the other hand, under the infamous bankrupt law of 1867 only 10 per cent. of the assets of bankrupts and insolvents was collected for the benefit of creditors, and of this amount the greater part was collected in the cities, less than 5 per cent. having been collected in the country.

Now let me state another fact. This cry for the passage of a bankrupt law comes from purely interested parties; the measure is sought for their benefit and for the benefit of dishonest traders. Taking the whole amount of business done in this country, less than 1 per cent. is lost by reason of insolvency, frauds, or bankruptcy.

These facts show that the mass of the people are honest, and no bankrupt law is necessary for the protection of the interest of any one.

But it is claimed that a bankrupt law is necessary for the protection of foreign creditors. Credit is the voluntary act of the party, and he takes his chances; he knows the risk he runs, and it is always charged somewhere in the bill.

I deny that foreign creditors run more risks and have less chance for collection than domestic creditors. I think they have a better chance than domestic creditors. In nearly every town in the United States mercantile agencies are established, and a failure or fraudulent transfer of property in a remote town in Texas is known as soon in New York or Boston as in the town itself.

The foreign creditor acts at once with the domestic creditor. Besides, the foreign creditor is permitted to resort to the Federal courts, by which he can attach all the property of the debtor to the exclusion of the domestic creditor, who can not resort to that court. There is but little to fear from fraudulent transfers. These can always be attacked by any one interested. A bankrupt law gives no advantage in this particular. More than two-thirds of the States have insolvent laws and statutes against preferences by a failing or insolvent debtor.

Mr. Speaker, the bill now proposed is, in my judgment, infinitely

worse than the law of 1867. The expenses under this bill will not be less than under that law, and in my judgment they will be more. You are to have trustees, you are to have supervisors, you are to have directors and commissioners, you are to have clerks' fees, marshals' fees, and sheriffs' fees. There is hardly any limitation at all upon the charges which may be made in one way or another under this bill. This bill is more in the nature of a treatise for the purpose of teaching dishonest men how they may cheat their honest neighbors. All bankrupt bills in this country have been failures.

That a bankrupt bill works well in England, where the laws operate uniformly, no separate state governments, and the people occupying a small territory, is no reason that it would work well here, where everything is so wholly different. Our separate State and Federal Governments make any bankrupt law by the General Government impracticable.

Mr. Speaker, if a vote should be taken in this country to-day on this question, if the people could send here a fair and honest expression of their views, I have no doubt there would be more than two to one of the people against any measure of this character.

[Here the hammer fell.]

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] has six minutes of his time remaining.

Mr. WILLIS. Mr. Speaker, I am not surprised that there should be, as gentlemen state there is, unusual pressure for the consideration and passage of another bankruptcy bill, but in the interest of the comfort of members of this House, aside from the general principles involved, I desire to enter my protest against such a deplorable result. It should be remembered that within the next thirty or sixty days gentlemen of this House will be met with thousands of applications for office coming from one end of the country to the other, and I do not see why our comfort and the comfort of the country should be disturbed by precipitating upon our tender sympathies another five or fifteen thousand, which would be the effect of the passage of this bill. There are proposed here not only the old officers, whose names are now a hissing and a byword before the American people—registers and assignees and trustees and messengers—but we have commissioners and supervisors at $3,000 and $2,000 a year, besides clerk-hire, room-rent, and other expenses to be allowed by the complaisant circuit judges:

That supervisors under this act shall receive yearly salaries at the rate of $3,000, payable quarterly from the Treasury. The commissioners shall each receive an annual salary of $2,000, payable quarterly from the Treasury: *Provided*, That the court, both of said justices concurring, appointing them may in any case decree a further allowance, not exceeding $10 for each case instituted before them during the year, but not exceeding in the aggregate the sum of $1,000. And said supervisors and commissioners may be allowed a reasonable sum for their actual and necessary disbursements for temporary office-rent elsewhere than at the place of their general office, for clerk-hire, traveling and incidental expenses.

Verily there are "millions in it," and no one is eligible to these fat offices but lawyers. I am not surprised that these attorneys in New York, Mr. Wise and others, have been enabled to create this artificial demand for the passage of a new bankrupt law. While it curses the country it will bless them.

Mr. Speaker, the testimony of the people of the United States, whenever authentically given, has been overwhelming against all bankrupt laws. In a hundred years of national life we have had but three bankrupt laws. The first bill, as we know, was passed in 1800; and although by its terms it was to last five years, it was in a little over half that period repudiated by the American people. Though passed as a party measure, the evils of its operations were so evident that party hostilities were suspended, and by a vote of 99 to 13 the obnoxious law was stricken from the statute-book. The next bankrupt law passed in 1841. Financial ruin, universal depression, and demoralization followed, and at the expiration of thirteen months after its passage popular indignation compelled its repeal by the same Congress and the same party that had passed it. The last experiment of this kind—the law of 1867, of which the present bill is practically a reproduction—was four times in four years prior to its overthrow condemned by this House in propositions of repeal which were rejected in the Senate, and finally it went to its grave with the execration of all our people—a grave which it was then hoped would have no resurrection day.

What, now, is this bill? It is, as I have said, but a reproduction of the law of 1867, and its amendments, which was in its turn substantially a copy of the English acts of 1861 and 1869. The changes are only in details. It is in substance the measure which only three years ago was repudiated by the British Parliament when the gentleman who had introduced it, and whose words I have before me, declared that it had proved an utter failure, a disgrace to the statute-book; that creditors received nothing under it; that the assets of bankrupts were all consumed in the expenses of officers. I quote here from an able memorial upon this subject of the Louisville Board of Trade:

Still another experiment followed—the elaborate bankruptcy act of 1869—which was claimed to be a certain solution of the problem, and one that would revive lost faith in bankrupt laws. We are told that "experience has not proved its wisdom. Insolvencies were not less frequent, nor less expensive, and not less fraudulent than before," and we are told that "the results of the English bankrupt act of 1869 are declared to be an enormous increase of insolvencies and deterioration of their character, excessive expenses, a great facility for fraud."

The result was, in England, the repeal of the act of 1869 and the passage of still another bankrupt act in 1883, containing one hundred and seventy separate sections. It is the last despairing attempt in England to establish a bankrupt law. By its terms the regulation of bankrupt estates is now made a governmental matter, and all bankrupt affairs are placed under the control of a government department and state regulations. The creditors and debtors are no longer the chief objects of consideration, but the state. By it, too, a man who has been adjudged a bankrupt is made very much like a criminal, for it provides that an undischarged bankrupt should be no longer capable of holding any municipal or local government office, and that he shall also be criminally liable if he obtains credit to the extent of $100 without disclosing the fact that he is an undischarged bankrupt. In short, the act makes him a sort of "ticket-of-leave man."

In a paper read in November last before the Bankers' Institute of England Mr. M. D. Chalmers, who was one of the draughtsmen of the act of 1883, said, in substance:

"The present act makes an entirely new departure, and places all the bankrupt affairs under the control of a government department; so that our bankruptcy machinery is now very largely a matter of state regulation. This new experiment is practically the last that can be made. We will all watch eagerly the workings of this new experiment, which must for good or evil have a great effect upon the commercial interests of the country. If the experiment succeeds in the main, amendments in detail, which the practical working of the measure would suggest, would no doubt be introduced. If it fails, like its predecessors, nearly everything in the shape of a bankrupt law will have been tried, and we will be brought face to face with the last alternative, the abolition of all bankrupt laws." (See his remarks quoted from Whitehall Review, printed in the Public Opinion of 1st December, 1883.)

In his debate upon the passage of this act, Mr. Chamberlain, the president of the English board of trade, said:

"The history of bankruptcy legislation of England is a history calculated to depress and discourage. It was composed of continual changes, vacillations, and disappointments."

Speaking of the English act of 1869 (from which the Lowell act now before Congress is substantially copied), he said:

"The present law gives facilities for evasions, extravagance, and delay. We lose by the bankrupt law twenty-five millions of pounds a year."

Lord Sherbrooke said of the proposed act of 1883:

"The attention which I have been able to give to it does not encourage me to believe in its healing virtue, and there is but little probability that this new scheme laid on the table of the house of commons will redress the evils of a system which has for many centuries baffled the effort and mocked the industry of mankind."

The fundamental defect is inherent in the very nature of all bankrupt laws. Proceedings in bankruptcy are of necessity nearly always *ex parte;* and in all *ex parte* proceedings somebody's interests are sure to be sacrificed. In bankruptcy matters the officers of the courts are present and the creditors are absent. Hence the creditors are the victims.

"From the shield of Achilles till the present time," said Lord Sherbrooke, "the only litigation which has really worked successfully has been that which is carried on between two parties representing thoroughly hostile and conflicting interests. One great and fatal weakness in a court of bankruptcy is that this conflict is wanting. The question is not as to the decision of the battle but as to the quantum of the loss. The court of bankruptcy is a forum in which there are no litigants, and to which, therefore, the machinery of a court is obviously inapplicable."

We are now asked to take this discarded English bill of 1869 and ingraft it upon the living law of our country. Why, sir, this bill can not claim to meet the requirement of the Constitution, for it is not a "uniform" bill. Talk about "uniformity" in a bill that incorporates within it all the exemption laws of every State of this Union—a bill which embraces a three-thousand-dollar exemption for Arkansas, a five-thousand-dollar exemption for California, and a thousand-dollar exemption for Kentucky, all being made a part of this "uniform" law (see the forty-third section)—the decisions of the State courts at the same time controlling the action of the registers and commissioners! How can a bill the provisions of which in reference to different States are as diverse as the escutcheons over our heads be called "uniform?" It is "uniform" only in accomplishing the withdrawal from creditors of the money justly their due and distributing it among the officials charged with its execution.

Mr. Speaker, I predict here to-day if this House pass this bill, and consideration in this case means its passage—let not gentlemen deceive themselves on that point—if you vote to-day to consider this bill you vote to pass it, because if you have two-thirds to consider, you will have a majority to pass it.

Mr. HAMMOND. Of course.

Mr. WILLIS. And I predict here to-day if you pass this bill these 5,000 officials, these 325 commissioners, one for each Congressional district, these registers, assignees, marshals, messengers, clerks, &c., will hardly have begun their infamous despoiling of the people again before a cry will come up from all quarters of this country as it came up before demanding of Congress the repeal of the law.

If I had time I could go through section by section of this bill and show that it is worse than the old bill. It is worse because in the 1867 bill it was only commercial paper, but under this bill any merchant who fails to pay an open account for thirty days is declared a bankrupt, thus giving the law a wider and more merciless action. Not only that, but in its provisions it is infinitely worse than the bill of 1867. There is no clause of this bill preventing repeated bankruptcies. In the old bill on second appeal for bankruptcy a man must pay thirty cents on the dollar. There is no provision of that kind in this bill. It thus unites and encourages repudiation.

It is an incitement and perpetual allurement to fraud. It is a temptation to that wild and reckless speculation which has caused so many of our people to lay their hands on sacred trust funds, to become forgetful of fiduciary responsibility to the dishonor of themselves and the ruin of those whose confidence they had betrayed.

Pass this bill, and you invite again a saturnalia of hazardous speculation. You open wide the door to your Enos and other defaulting and embezzling cashiers of the land. You say to them all: Go on with your

fraud and your infamy, and this benignant law, through its greedy ministers, will treat and meet you with a welcome hearty in proportion to the amount you succeed in stealing.

[Here the hammer fell.]

The SPEAKER. The gentleman from Massachusetts is now entitled to the floor, and has four minutes of his time remaining.

Mr. COLLINS. Mr. Speaker, in the four minutes at my disposal I can not hope to discuss the merits of this bill, but I serve the gentleman from Kentucky [Mr. WILLIS] with fair notice that if he and our other adversaries are fair-minded enough to give us a chance to discuss the merits of this measure I shall take the contract to convert him to our side.

I can not even hope in these four minutes to reconcile the differences between its opponents who have the power to-day as they did on the 19th of May last to vote in opposition to the consideration of this bill. My friend from Georgia [Mr. HAMMOND] says it does not make any difference if we pass this resolution, for we can not pass the bill, as we can not reach it in time. My friend from Kentucky [Mr. WILLIS] says that if the House shall vote to consider the bill it means its passage. I hope he is right, and I will take the risk so far as the gentleman from Georgia is concerned.

If I did not know my friend from Kentucky [Mr. WILLIS] to be a moderately truthful man I would venture the assertion he had not read the bill or looked at the index.

Mr. WILLIS. I have heard that before.

Mr. COLLINS. He says he has heard that remark before. Yes, and I make it again. I do not know where the gentleman from Kentucky gets his 5,000 office-holders. If this bill shall become a law no more than three hundred new offices can be created—and the officers are not to be paid by the United States, but to be paid out of the estates of those who take advantage of the bankrupt act.

My friend from Illinois [Mr. MOULTON] says more money is collected to-day in the absence of a bankrupt law than there was collected before. Why? When the act of 1867 was passed it was for the purpose of relieving the people, who did not have anything except a load of debt to carry, and people go into bankruptcy only as a last resort.

My friend from Kentucky again refers to the English bankruptcy act and says it is not a good law. The boards of trade of England, the merchants of England, the courts of England, are all against him. I hold in my hand from the Pall Mall Gazette an article which shows the admirable working of the present English bankrupt law.

Mr. WILLIS. Last year.

Mr. COLLINS. The last bankrupt act of England, and it is based on the principles of this very bill. My friend from Kentucky is talking ancient history when he is talking about the ill-working of the English bankrupt act. I have compared the last English act with the present and every other bill, and it is based on the principles of the Lowell bill.

The gentleman from Illinois [Mr. MOULTON] says it is asked for by interested parties. Ay, by parties interested in the honest collection of debts as well as by the traders and farmers of the land.

Mr. HENDERSON, of Iowa. And of the honest merchants.

Mr. COLLINS. Yes; in the interest of the honest merchants, the traders, the farmers, and the men who labor; all are interested that the debtor shall yield his assets to be ratably distributed among his creditors to whom they belong, and that he shall be relieved of the burden resting upon him and allow him to resume his travels in the channels of trade free from an incumbrance. I am interested in that, and I wish the gentleman from Kentucky and the other opponents of the bill were interested in it also.

I ask unanimous consent now to print, as a part of my remarks, this article from the Pall Mall Gazette to which I have referred, showing the workings of the present English bankrupt law; and as we have had the courtesy not to object to the other side, I renew the request of the gentleman from Illinois [Mr. ADAMS] that the memorial to which he referred during the course of his remarks be also printed in the RECORD.

The SPEAKER. Without the names.

Mr. COLLINS. Yes; without the names.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The extract referred to by Mr. COLLINS is as follows:

WORKINGS OF THE ENGLISH BANKRUPTCY ACT.

We are indebted to the Pall Mall Gazette for the following:

"The net gain under the new bankruptcy act can be summed up in a paragraph, but it is felt throughout the whole country. Under the act of 1869 the law costs averaged 37 per cent. in cases of bankruptcy and 36½ per cent. in cases of liquidation, while under Mr. Chamberlain's act they only average 12 per cent. At one stroke, therefore, 25 per cent. of the assets have been saved from the lawyers and accountants and rendered available for distribution among the creditors. It was bad enough for the creditor to lose half his money owing to the impecuniosity of the debtor, but it was worse to have 37 per cent. of the residuum devoured by the rapacity of the lawyers.

"But that is only a small part of the boon conferred upon the trading community by the new act. It has acted as a great deterrent to fraudulent bankruptcies. The number of bankruptcies this year up to October 11 was 5,223 below that of the corresponding period in last year. The decrease has been nearly 80 per cent., a great and notable diminution indeed. At first it was believed that this was due to the making of private arrangements behind the act. It is quite true that the worshipful fraternity of accountants and bankruptcy lawyers did their utmost to effect such arrangements. But they failed, failed utterly and ignominiously, and we have in the diminished number of bankruptcies a fair index to the diminution effected in the number of debtors who try to cheat their creditors. That is a remarkable change to have effected, and while the air is still ringing with Carlyle's denunciations of dishonesty and roguery of this decadent generation it is well to remember that this is the notablest stroke that has yet been dealt at 'swindling by statute.'

"That is good; but that is not all. Not only have 25 per cent. of the assets been saved to the creditors, not only have the number of bankruptcies been reduced in ten months by 5,223, but in places where private compositions have been accepted by creditors so great is the dread excited by public examination of debtors that the amount of the composition has risen all round. In one district in the west of England it is reported that compositions of 10s. and 15s. in the pound are now the rule. Thus, both directly and indirectly, the act has operated most beneficially in securing the payment of debts and in preventing the swindling of honest men.

"So remarkable have been the results obtained by the operation of Mr. Chamberlain's act that even such a sworn enemy of the new law as the Standard has admitted that the cost of official administration is much less; that the dividends are much greater; that the lawyers' fees are saved, and that estates are much more promptly realized. But the crowning proof of the success of the act is afforded by the circular of the association for its repeal or amendment. This circular sets forth with thinly veiled frankness the real motives of those who alone question the reality of Mr. Chamberlain's success. "Bankruptcy practitioners" have set the thing on foot with the following objects:

"1. To amend the rules and scales of fees and curtail the powers of the board of trade.

"2. To obtain the legal recognition of arrangements between debtor and creditor without the necessity of recourse to absolute bankruptcy—which means the avoidance of examination on oath and the taxing of solicitors' bills.

"3. To protect encroachment on bankruptcy practitioners, and to protect trustees against the unfair retrospective clauses of the present act—which being interpreted means that the board of trade is no longer to compel trustees to account for funds which they have misapplied.

"4. To obtain an increase in the scales of remuneration to solicitors, trustees, &c.; which needs no explanation.

"The bankruptcy act must, indeed, have been a great success when the worst that can be said against it is that it must be amended, not in the interest of the creditor, but solely in the interest of those who have fattened on the creditor for years past."

The petition referred to by Mr. ADAMS, of Illinois, is as follows:

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned, citizens of Cook County, State of Illinois, engaged in mercantile, manufacturing, and other business avocations, believing that a uniform system of bankruptcy in the several States, under a national bankrupt act that shall be equitable in respect to the creditor and debtor classes and economical in its administrative provisions, would tend to impart stability to commercial interests and contribute to the maintenance of soundness in business affairs, respectfully, but earnestly, petition your honorable bodies to take early action favorable to the enactment of such a law.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the resolution which has been read.

Mr. FUNSTON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FUNSTON. I wish to ask whether this order, if adopted, will supersede other special orders with which it comes in conflict?

The SPEAKER. That is scarcely an inquiry now to be addressed to the Chair. The resolution itself exempts certain characters of business; but it is always in order for the House to determine whether it will or will not take up even a special order.

The Clerk will again report the resolution.

The resolution was again read.

Mr. NEECE. I demand the yeas and nays upon the passage of the resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 75, not voting 112; as follows:

YEAS—136.

Adams, G. E.	Everhart,	Ketcham,	Rogers, W. F.
Adams, J. J.	Ferrell,	King,	Rosecrans,
Atkinson,	Fiedler,	Lacey,	Ryan,
Bagley,	Findlay,	Lewis,	Seney,
Barksdale,	Foran,	Long,	Seymour,
Barr,	Geddes,	Lore,	Slocum,
Beach,	George,	Lovering,	Smalls,
Belmont,	Glascock,	Lyman,	Springer,
Bisbee,	Green,	McComas,	Stevens,
Blackburn,	Greenleaf,	McCormick,	Stone,
Blanchard,	Hanback,	Maybury,	Storm,
Boyle,	Hardy,	Mitchell,	Strait,
Breckinridge,	Harmer,	Money,	Struble,
Broadhead,	Hart,	Morse,	Sumner, C. A.
Brown, W. W.	Haynes,	Murphy,	Taylor, E. B.
Budd,	Henderson, D. B.	Murray,	Taylor, J. D.
Cassidy,	Henderson, T. J.	Nelson,	Thomas,
Chace,	Hepburn,	Oates,	Thompson.
Clardy,	Herbert,	O'Ferrall,	Throckmorton,
Collins,	Hewitt, A. S.	O'Hara,	Valentine,
Cook,	Hill,	O'Neill, Charles	Van Eaton,
Cox, S. S.	Hiscock,	O'Neill, J. J.	Wadsworth,
Cox, W. R.	Hitt,	Paige,	Wait,
Culbertson, W. W.	Hoblitzell,	Perkins,	Wakefield,
Cullen,	Holmes,	Peters,	Wallace,
Cutcheon,	Hopkins,	Pettibone,	Washburn,
Davidson,	Hunt,	Post,	Weaver,
Davis, G. R.	Hurd,	Potter,	White, Milo
Davis, R. T.	James,	Price,	Whiting,
Dingley,	Jefferds,	Ranney,	Wilkins,
Dorsheimer,	Johnson,	Reagan,	Wilson, James
Eaton,	Jones, B. W.	Reed,	Wise, G. D.
Ellis,	Kean,	Robertson,	Woodward,
Evans,	Keifer,	Robinson, W. E.	Worthington.

NAYS—75.

Alexander,	Davis, L. H.	Miller, J. F.	Stockslager,
Anderson,	Dibrell,	Moulton,	Swope,
Barbour,	Eldredge,	Mutchler,	Taylor, J. M.
Bayne,	English,	Neece,	Tillman,
Bland,	Ermentrout,	Nichols,	Townshend,
Blount,	Forney,	Payson,	Tully,
Bratton,	Funston,	Peel,	Turner, H. G.
Brewer, J. H.	Fyan,	Pierce,	Turner, Oscar
Buchanan,	Halsell,	Pryor,	Warner, A. J.
Buckner,	Hammond,	Randall,	Warner, Richard
Burnes,	Hardeman,	Reese,	Wellborn,
Cabell,	Hemphill	Riggs,	Williams,
Campbell, J. M.	Henley,	Rogers, J. H.	Willis,
Candler,	Holman,	Rowell,	Winans, E. B.
Cannon,	Jones, J. H.	Shively,	Winans, John
Clements,	Lamb,	Singleton,	Wolford,
Cobb,	Lanham,	Skinner, T. G.	Yaple,
Cosgrove,	Le Fevre,	Smith, A. H	York.
Crisp,	Matson,	Stewart, Charles	

NOT VOTING—112.

Aiken,	Dockery,	Kellogg,	Ray, Ossian
Arnot,	Dowd,	Kleiner,	Rice.
Ballentine,	Dunham,	Laird,	Robinson, J. S.
Belford,	Dunn,	Lawrence,	Rockwell,
Bennett,	Elliott,	Libbey,	Russell,
Bingham,	Ellwood,	Lowry,	Shaw,
Boutelle,	Finerty,	McAdoo,	Shelley,
Bowen,	Follett,	McCold,	Skinner, C. R.
Brainerd,	Garrison,	McMillin,	Smith, H. Y.
Breitung,	Gibson,	Miliard,	Snyder,
Brewer, F. B.	Goff,	Miller, S. H.	Spooner,
Browne, T. M.	Graves,	Milliken,	Springer,
Bruman,	Guenther,	Mills,	Steele,
Burleigh,	Hancock,	Morgan,	Stephenson,
Caldwell,	Hatch, H. H.	Morrill,	Stewart, J. W.
Campbell, Felix	Hatch, W. H.	Morrison,	Sumner, D. H.
Campbell, J. E.	Hewitt, G. W.	Muldrow,	Talbott,
Carleton,	Holton,	Muller,	Tucker,
Chalmers,	Hooper,	Nutting,	Van Alstyne,
Clay,	Horr,	Ochiltree,	Vance,
Connolly,	Houk,	Parker,	Ward,
Converse,	Houseman,	Patton,	Weller,
Covington,	Howey,	Payne,	Wemple,
Culbertson, D. B.	Hutchins,	Phelps,	White, J. D.
Curtin,	Jones, J. K.	Poland,	Wilson, W. L.
Dargan,	Jones, J. T.	Pusey,	Wise, J. S.
Deuster,	Jordan,	Rankin,	Wood.
Dibble,	Kelley,	Ray, G. W.	Young.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. BAGLEY. I ask unanimous consent to dispense with the reading of the names.

Mr. MORSE. I object.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. CAMPBELL, of New York, with Mr. PUSEY, on the bankruptcy bill.

Mr. SNYDER with Mr. HOUK, on this vote.

Mr. TALBOTT with Mr. HOLTON, for this day.

Mr. JOHN S. WISE with Mr. BROWNE, of Indiana, on this question.

The result of the vote was then announced as above recorded.

Mr. HAMMOND. I move that the House do now adjourn.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I ask the gentleman to yield to me a moment for a motion to take from the Speaker's table the House bill making temporary appropriations for the Navy for thirty-one days, with Senate amendments thereto, and ask that it be referred to the Committee on Appropriations.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7791) making temporary provision for the naval service.

IN THE SENATE OF THE UNITED STATES, *December* 23, 1884.

Resolved, That this bill pass with amendment.

There being no objection, the bill, with the Senate amendments, was taken from the Speaker's table and referred to the Committee on Appropriations.

CONGO CONFERENCE AT BERLIN.

Mr. BELMONT, by unanimous consent, submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be requested to inform this House in respect to all the negotiations or arrangements (if in his opinion such information will not be incompatible with the public interests) between this Government and any other government or governments which led up to the Congo conference at Berlin, and the motives or purposes with which this Government consented to participate therein. And also that the President cause to be transmitted to this House a copy of all correspondence between this Government and other governments relating to the Congo conference, together with the names of those who have been authorized by this Government to act as its delegates or plenipotentiaries thereat, the text of the credentials or powers given to such representatives of the United States, and a copy of all dispatches, reports, or other communications received by this Government from its representatives at the conference. And that the President, if he shall inform this House of the precise objects and purposes with which this Government was represented in the conference, will also inform the House which, if any, of those objects or purposes have been accomplished, and also whether or not any of the opinions or purposes of this Government, or its delegates or plenipotentiaries, as set forth in such conference, was resisted in the conference by any of the governments represented there; and, if so, by which of the governments, on what points, for what reasons, and with what results.

ORDER OF BUSINESS.

Mr. BAYNE rose.

The SPEAKER. The Chair would recognize the gentleman from Pennsylvania, but there is a motion for adjournment pending.

Mr. HAMMOND. I will withdraw the motion on account of the importunities of gentlemen around me.

PUBLIC BUILDING, PITTSBURGH, PA.

Mr. BAYNE. I move to suspend the rules and pass the bill H. R. 1339, now on the Calendar of the Committee of the Whole House on the state of the Union, a bill to increase the appropriation for the erection of the public building at Pittsburgh, Pa.

The SPEAKER. The bill will be read.

The bill is as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Pittsburgh, Pa., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. WARNER, of Ohio. What has become of the motion to adjourn?

The SPEAKER. The motion to adjourn was withdrawn.

Mr. WARNER, of Ohio. I renew it.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Protest of United Cigar-makers' League, of Pittsburgh, Pa., against the ratification of the proposed Spanish treaty—to the Committee on Ways and Means.

By Mr. BEACH: Petition of citizens of Ramapo, Rockland County, New York, in favor of the reciprocity treaty with Mexico—to the same committee.

By Mr. BLAND: Petition of F. C. Smith, for a pension—to the Committee on Invalid Pensions.

By Mr. J. H. BREWER: Petition for the relief of Henry T. Knox—to the same committee.

By Mr. T. M. BROWNE: Petition for the relief of James A. Lee—to the same committee.

By Mr. COLLINS: Petition of seamen of Boston, Mass., for modification of the "Dingley shipping act"—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. R. T. DAVIS: Petition in favor of the improvement of Wellfleet Harbor—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of mass-meeting of cigar-packers' at Concordia Assembly Rooms, against ratification of the Spanish treaty—to the Committee on Ways and Means.

Also, memorial of the New York Leaf Tobacco Board of Trade against the Spanish treaty—to the same committee.

By Mr. GEDDES: Petition of John Buchan, for a pension—to the Committee on Invalid Pensions.

By Mr. GEORGE: Papers relating to the bill for the relief of Mrs. Kate Hatton—to the Committee on Indian Affairs.

By Mr. GREEN: Petition of E. W. McDowell, G. G. King, and 800 others, citizens of Bladen County, North Carolina, and of E. J. Lewis, A. M. Burney, and 300 others, citizens of the same place, in favor of national aid to education—severally to the Committee on Education.

By Mr. D. B. HENDERSON: Letters and papers from Hon. J. G. Brown, of Marshalltown, Iowa, urging the enactment of a law for the relief of Francis H. Shaw—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOLMAN: Petition of William H. Frear, asking for an investigation of the late French and American Claims Commission—to the Committee on Foreign Affairs.

By Mr. HOPKINS: Petition of 350 citizens of New Hampshire and Massachusetts, and of 150 citizens of same States, requesting the passage of the resolution of Mr. HOPKINS relative to the transportation of cattle—severally to the Committee on Commerce.

By Mr. HUNT: Protest of commercial bodies of New Orleans against the Spanish treaty—to the Committee on Ways and Means.

By Mr. J. T. JONES: Resolutions of Chamber of Commerce of Mobile, Ala., favoring the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. KELLEY: Memorial of 15 members of Post No. 56, Grand Army of the Republic, praying for the establishment of a United States national cemetery at Philadelphia—to the Committee on Military Affairs.

Also, petition of Post No. 21, Grand Army of the Republic, Department of Pennsylvania, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the same committee.

By Mr. KING: A bill appropriating $7,000,000 for the improvement of the Mississippi from the Head of the Passes to Cairo—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of Anna H. Nones, for a pension—to the Committee on Pensions.

By Mr. LOVERING: Petition and papers relating to the bill for the relief of John Peirce—to the Committee on Invalid Pensions.

By Mr. MAYBURY: Petition of Margaret Kilroy, for allowance of pension—to the same committee.

By Mr. MITCHELL: Petition of citizens of Connecticut, in favor of the Mexican reciprocity treaty—to the Committee on Ways and Means.

By Mr. MORSE: Petition of William H. Smart Post, No. 30, Grand Army of the Republic, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. JOHN J. O'NEILL: Petition of wholesale grocers of Saint Louis, Mo., in favor of the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. PEEL: Papers relating to the claim of Elizabeth Putnam—to the Committee on War Claims.

By Mr. PERKINS: Resolutions of mass meeting of cigar-packers of New York, protesting against the Spanish treaty—to the Committee on Ways and Means.

Also, resolutions adopted at a meeting of friends of national education in the city of New York favoring the passage of the Blair educational bill—to the Committee on Education.

By Mr. RANDALL: Petition of marine underwriters and merchants of Philadelphia, asking a further appropriation to connect the light-houses and light-saving stations on Nantucket Island and the mainland—to the Committee on Appropriations.

By Mr. REED: Petition of Mrs. Abby J. Ramsdell and 40 others, for increase of widows' pensions—to the Committee on Invalid Pensions.

By Mr. J. H. ROGERS: Papers relating to the claim of Edward V. Deuell and to the claim of Ethan A. Deuell—severally to the Committee on War Claims.

By Mr. ROSECRANS: Petition of James A. Powlett, with regard to improvements in ordnance methods, &c.—to the Committee on Military Affairs.

By Mr. SENEY: Petition of Oscar Bull and 50 others, of Sterling, Dak., for the reduction of price of public land within the Northern Pacific Railroad grant to $1.25 per acre—to the Committee on Public Lands.

By Mr. SEYMOUR: Petition of the Yale and Towne Manufacturing Company of Stamford, Conn., for the speedy enactment of all legislation necessary to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. SLOCUM: Petition of manufacturers and merchants of New York, in favor of ratification of treaty with Spain—to the same committee.

By Mr. A. H. SMITH: A remonstrance against the ratification of the reciprocity treaty with Spain—to the same committee.

By Mr. STONE: Petition of W. F. Bartlett Post, No. 99, G. A. R., Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

Also, petition of Mrs. De Ford Baley, for allowance for extra services of her husband—to the Committee on Claims.

By Mr. TALBOTT: Memorial of the Baltimore Branch Educational Association of the African Methodist Episcopal Church—to the Committee on Education.

By Mr. J. D. TAYLOR: Petition of D. A. Hollingsworth and 26 others, and resolution of J. S. McCreedy Post, G. A. R., favoring the passage of the bill for the relief of R. A. McCormick—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Petition of citizens of Tylertown, Pike County, Mississippi, in favor of Federal aid to education—to the Committee on Education.

By Mr. MILO WHITE: Petition of citizens of Winona County, Minnesota, for a bankrupt law—to the Committee on the Judiciary.

Also, of citizens of Mazeppa, Minn., for the repeal of the act limiting arrears of pensions—to the Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WILKINS: Petition of Fred. Spring and 14 others, of Tuscarawas County, Ohio, relative to amendments to pension bill—to the Committee on Pensions.

By Mr. WOODWARD: Papers relating to the claim of Christopher Moegling for extension of patent—to the Committee on Patents.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Grundy County, Missouri.

By Mr. BISBEE: Of citizens of Marion County, Florida.

By Mr. T. M. BROWNE: Of 93 citizens of Fells City, Ind.

By Mr. CANNON: Of Ivan Link and others, of Paris, Ill.

By Mr. COOK: Of N. Townsend and 100 others, citizens of Newton, Iowa.

By Mr. COX, of New York: Of W. A. Reed and 79 others, citizens of New York.

By Mr. R. T. DAVIS: Of citizens of Bristol County and of Dukes County, Massachusetts.

By Mr. DIBRELL: Of citizens of Spring City, Tenn.

By Mr. DINGLEY: Of M. R. Mathews and others, of Warren, and of L. P. Gould and others, of East Livermore, Me.

By Mr. GIBSON: Of citizens of Wood County, West Virginia.

By Mr. HART: Of Adna Ninola and 75 others, of Licking County; of L. F. Coman and 85 others, of Newark; and of G. A. Klein and 64 others, of Tuscarawas County, Ohio.

By Mr. D. B. HENDERSON: Of H. L. Bailey and 61 others, and of B. Cumley and 63 others, of Butler County, Iowa.

By Mr. T. J. HENDERSON: Of Samuel Sigler and 123 others, of Sterling; of Rev. Charles Machin and 63 others, of Syndon; and of Merritt Miller and 60 others, of Steward, Ill.

By Mr. HILL: Of Robert Loe and 125 others, of Wood County; of Hiram Hoadley, jr., and 116 others, of Williams County; and of P. H. Mooney and 300 others, of Antwerp, Ohio.

By Mr. HITT: Of 200 citizens of Oregon, Ill.

By Mr. HOLMES: Of 74 citizens and soldiers of Webster County, Iowa.

By Mr. B. W. JONES: Of citizens of Highland, of Albany, of Monroe, and of Calamine, Wis.

By Mr. PERKINS: Of citizens and comrades of Post No. 99, Grand Army of the Republic, Department of Kansas.

By Mr. PHELPS: Petition of Ralph S. Demarest, residing at Demarest, Bergen County, New Jersey.

By Mr. RAYMOND: Of citizens of Dakota, and of Brown County and Deuel County, Dakota.

By Mr. REED: Of Holman S. Melcher, pension for service in the late war.

By Mr. J. S. ROBINSON: Of 195 soldiers of Morrow County, Ohio.

By Mr. W. F. ROGERS: Of citizens of Erie County and of Tonawanda, N. Y.

By Mr. STEVENS: Of citizens of Wyoming County, New York.

By Mr. STOCKSLAGER: Of 128 citizens of Elizabeth, Ind.

By Mr. J. D. TAYLOR: Of J. C. Benton and 56 others, of Akron; of J. R. Youngblue and 39 others, of Noble County; of T. A. Burries and 52 others, of New Athens; and of Thomas Miller and 102 others, of Hopedale, Ohio.

By Mr. TOWNSHEND: Of 58 citizens of Christopher, Ill.

By Mr. WAIT: Of Arthur L. Botham, of New London County; of W. M. Smith and others, of Champlin; and of Lewis Dest and others, of Putnam, Conn.

By Mr. WAKEFIELD: Of 95 ex-soldiers of Martin County, Minnesota.

By Mr. WEAVER: Of 150 citizens of Nebraska.

By Mr. WOODWARD: Of 194 citizens of Sauk County, and of 59 citizens of Juneau County, Wisconsin.

By Mr. WORTHINGTON: Of John M. Tyson and 60 others, of Mapleton, Ill.

SENATE.

TUESDAY, *January* 6, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, a letter of the Acting Chief of Engineers, submitting a report of Lieut. Col. H. M. Robert, Corps of Engineers, regarding the extent of the damage done to the United States breakwater in the harbor of Oswego, N. Y., by the recent gale there, and the amount necessary for its reparation; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, in reference to a previous communication from him on the subject of increased appropriations to be expended in the defense of suits brought in the Court of Claims in consequence of the large number of claims referred to that court by the two Houses of Congress, and stating that the sum appropriated is entirely inadequate; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, a letter of the Commissioner of Indian Affairs, submitting the report of the commission appointed under the act of July 4, 1884, to examine into and report upon the character, extent, &c., of the coal on the White Mountain Indian reservation in the Territory of Arizona; which, with the accompanying document, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 23d ultimo, a report of the Commissioner of Indian Affairs regarding the appraisement of and price paid for certain Cherokee lands west of the Arkansas River; which, with the accompanying document, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 17th ultimo, a report regarding the leasing of lands for grazing purposes upon the Crow Indian reservation in Montana Territory, and also a letter of the Commissioner of Indian Affairs and copies of all correspondence since the report of March 25, 1884, relating thereto; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, submitting, in answer to a resolution of the 3d ultimo, a report regarding the leasing of lands in the Indian Territory or Indian reservations for grazing and other purposes by the tribes of Indians therein, with a letter of the Commissioner of Indian Affairs and other correspondence upon the subject.

The Chief Clerk proceeded to read the letter of the Secretary of the Interior, and was interrupted by—

Mr. INGALLS. I suggest that the further reading of this document be dispensed with, and that it be printed in the RECORD. It is very long, I see, and the subject is now under consideration by the Committee on Indian Affairs, who will have access to the communication.

Mr. SHERMAN. I ask the Senator if he would not as lief have it printed as an ordinary document, instead of being printed in the RECORD?

Mr. INGALLS. I think that would be better.

Mr. DAWES. Of course this will be printed as an ordinary document. It occurred to me, however, that it might be interesting enough for Senators to see in the RECORD.

Mr. SHERMAN. I have made up my mind, after the speech made the other day by the Senator from Missouri [Mr. VEST], that if other Senators will join me I shall try to keep out of the RECORD everything but what transpires here; and if all Senators are willing to stand by that we shall be able to shorten the RECORD, so far as we are concerned.

Mr. DAWES. I think this paper should be an exception. It is a large document and it will be some days before we can get it from the Printer. The Committee on Indian Affairs are now in session, morning and evening, examining the matter that is committed to them, and it will be very desirable for them to see this document soon. It contains information that will be of value to us in the investigation. I have no desire beyond that myself. Otherwise I should not care to see it in the RECORD.

Mr. SHERMAN. I desire to say further, and it may as well be understood, that whenever there is anything of importance to be printed immediately, all that is necessary is for the Secretary to say so, and it can be printed in three hours instead of three months. It is entirely a matter of discretion with the Senate.

Mr. DAWES. I was under the impression that it would be several days before the printing could be done.

Mr. SHERMAN. If the Senator desires to have it printed promptly, I have no doubt by having that suggested to the Secretary he can have it printed by to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the letter of the Secretary of the Interior be dispensed with. Is there objection? The Chair hears none.

Mr. DAWES. I suppose what has been read will not go into the RECORD.

The PRESIDENT *pro tempore*. No part of it will go into the RECORD, the Chair understands. If there be no objection, the letter of the Secretary of the Interior will be printed and, with the accompanying documents, referred to the Committee on Indian Affairs. The Chair has not suggested an order to print the voluminous package accompanying the letter, thinking that the Committee on Indian Affairs might examine it first to see whether it should all be printed.

Mr. DAWES. I hope it will all be printed, and I hope the Secretary will have it printed by to-morrow morning if possible.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the accompanying documents be printed. If there be no objection, that order will be entered. It will be so ordered.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of Daniel G. Eldridge, of Sanborn, Iowa, praying for the passage of an act granting him a pension on account of disabilities incurred in the military service of the United States; which was referred to the Committee on Pensions.

Mr. SEWELL. I present the petition of William B. Hatch Post, No. 37, Department of New Jersey, Grand Army of the Republic, praying for the publication of photographic illustrations in the Official Records of the War of the Rebellion. These petitions seem to have been prepared with a view of having them referred to the Committee on Military Affairs, but I think it will be more appropriate, in view of the fact that they relate to the question of printing connected with public documents, that they should be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. Similar petitions have been referred to the Committee on Printing. The petition now presented will be so referred, if there be no objection.

Mr. MILLER, of California. I present a communication addressed to me as chairman of the Committee on Foreign Relations from certain merchants in the city of New York, in favor of the ratification of the pending treaty of commerce with Spain. I desire to have it received and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Senator from California asks leave to submit a document addressed to him on the subject of the reciprocity treaty, so called, with Spain. If there be no objection, it will be received and referred to the Committee on Foreign Relations.

Mr. MILLER, of California, presented a memorial of cigar-manufacturers of San Francisco, Cal., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of cigar-makers of Aurora, Ill., and a memorial of cigar-makers of Havana, Ill., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented the petition of Wilbur F. Hendrick, late a private in Company B, Tenth Regiment New York Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of F. Weiss, ex-colonel Twentieth Regiment New York Volunteers, and the petition of Oatman Covill, late a private in Company M, Second New York Volunteers, praying for an extension of the time for filing pension claims; which were referred to the Committee on Pensions.

He also presented memorials of cigar-makers of Elmira and Albany, in the State of New York, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. GORMAN presented a petition from the Woman's Christian Temperance Union of Maryland, officially signed, representing nine hundred members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors; which was referred to the Committee on Education and Labor.

Mr. DOLPH presented a memorial of the Board of Trade of Portland, Oreg., in favor of the establishment of a United States assay office at that place; which was referred to the Committee on Finance.

Mr. BOWEN presented the petition of George N. Marden, of Colorado Springs, Colo., praying compensation for certain lands owned by him in the District of Columbia, alleged to have been taken by the Government; which was referred to the Committee on the District of Columbia.

Mr. DAWES presented the petition of John A. Andrew Post, No. 15, Department of Massachusetts, Grand Army of the Republic, praying for the publication of certain photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Printing.

Mr. PIKE presented memorials of cigar-packers of New York and the New York Leaf-Tobacco Board of Trade, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. HAWLEY presented memorials of cigar-makers of Hartford and Danbury, Conn., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a memorial of leaf dealers, cigar manufacturers, and cigar-makers of Minnesota, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SLATER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1154) to increase the pension of Anne S. Mellach, to submit an adverse report thereon. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and they were indefinitely postponed:

A bill (S. 1175) granting a pension to Anna M. Smith; and

A bill (S. 1789) for the relief of John O. Donald.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll; and

A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2200) to place the name of R. W. Duncan on the pension-roll, reported it without recommendation, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and they were postponed indefinitely:

A bill (S. 585) granting a pension to John B. Tibbetts; and

A bill (S. 2322) granting a pension to Mrs. Margaret Abbett.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy, and the bill (S. 1042) for the relief of the legal representatives of the late Capt. John G. Tod, of Texas, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the joint resolution (H. Res. 124) authorizing the collector of the port at New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen as a member of the American rifle team at Wimbledon in July, 1883, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000, reported it without amendment.

Mr. MORRILL. I am instructed by the Committee on Finance, to whom was referred the bill (S. 619) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties, to report it adversely. I will state that a bill was formerly passed to pay these parties the principal of the sum claimed, and this appears to be a bill in favor of paying the interest on the sum to the several parties, which the Government has always refused to do. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 5300) for the relief of Benjamin F. Amos, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and they were indefinitely postponed:

A bill (S. 1791) granting a pension to David G. Porter;

A bill (H. R. 1142) granting a pension to Nelly Roberts; and

A bill (S. 752) granting an increase of pension to Joshua M. Ash.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 930) granting a pension to Geriah Collins, to report it adversely.

Mr. COCKRELL. Let that be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks, to report it adversely. I believe the junior Senator from Illinois [Mr. CULLOM] desires to have this bill placed on the Calendar.

Mr. CULLOM. I ask the Senator from Tennessee to allow the bill to go on the Calendar for the present.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The bill will go on the Calendar with the adverse report, if there is no objection.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1268) for the relief of Sidney L. Skaggs, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2327) for the relief of James Bedell, sr., reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and they were indefinitely postponed:

A bill (S. 1813) for the relief of Frank Schwartz;

A bill (H. R. 3023) granting an increase of pension to John Dwyer; and

A bill (S. 960) granting an increase of pension to Ann H. Cunningham.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 5004) for the relief of William B. Smith, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which was referred the petition of Anderson Winfrey, of Carrollton, Mo., praying for reimbursement of expenditures for recruits for the Forty-fourth Missouri Volunteer Infantry, with affidavits of Henry C. Manning, William N. Waters, and John T. Patton, to report it back to the Senate, and to ask that the petition be laid on the table, that the committee be discharged from its further consideration, and that the claimant be given leave to withdraw the affidavits of Henry C. Manning, W. N. Waters, and John T. Patton, which have been filed in the case, there being no adverse report.

The PRESIDING OFFICER. The committee will be discharged from the further consideration of the petition, the petition will lie upon the table, and the claimant will have leave to withdraw the papers suggested, if there is no objection. The Chair hears none, and it is so ordered.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 263) for the relief of George F. Bicknell, to report it back to the Senate, recommending that no action be had upon the bill, that the bill be laid upon the table, and that the committee be discharged from its further consideration. The bill proposes to direct the Secretary of War to remove the charge of dismissal from the records of the War Department standing against Captain Bicknell. There is no charge of dismissal on the records of the War Department. He tendered his resignation and it was duly accepted. The officers in forwarding the resignation expressed their opinions in regard to him as an officer. The committee decide that it has no jurisdiction to revise or correct or erase the voluntary expressions of opinion by the officers when they indorsed the application for resignation.

The PRESIDING OFFICER. The committee will be discharged and the bill will lie on the table, if there is no objection.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2426) to empower the President to reappoint not more than two persons as first lieutenants in the Army, moved its indefinite postponement, which was agreed to; and reported as a substitute therefor a bill (S. 2495) for the relief of John Hollins McBlair; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, reported it with amendments.

Mr. CAMERON, of Pennsylvania. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1389) for the relief of Myron E. Dunlap, to report it without amendment, and to submit a report thereon.

Mr. COCKRELL. I desire to say that that is not the report of all the members of the Committee on Military Affairs. There are some who are opposed to the report, among whom I am one.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. GORMAN (by request) introduced a bill (S. 2496) for the relief of John F. Riley; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 2497) for the relief of John Daily; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 2498) to establish an international copyright; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a bill (S. 2499) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Fort Robinson military reservation in the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2500) granting an increase of pension to Mary C. Ringgold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2501) granting a pension to Mrs. Sarah S. Sampson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2502) granting a pension to Jesse C. Osgood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2503) for the relief of Charles E. Maris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2504) to remove the charge of desertion against Miner Ellis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GROOME introduced a bill (S. 2505) for the relief of certain laborers, workmen, and mechanics heretofore and at present employed at the United States Naval Academy at Annapolis, Md.; which was read twice by its title, and referred to the Committee on Appropriations.

ARREARS OF PENSIONS.

Mr. INGALLS. On the 4th of December, 1883, I introduced Senate bill No. 1, to amend section 2 of "an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879. This bill was referred to the Committee on Pensions. They have had it in their possession and custody now for thirteen months, which in my opinion is sufficiently long for them to have been able to make up their judgment as to the propriety of the passage or of the rejection of the bill. For the purpose of testing the sense of the Senate upon the proposition, I move that the Committee on Pensions be discharged from the further consideration of the bill. I am aware that under the rules a motion to discharge a committee from the consideration of any subject

must lie over one day. I will therefore consent, unless there is some objection on the part of the chairman of the committee, that the motion may lie over until to-morrow.

Mr. MITCHELL. I have no objection to the Senate considering the motion at this time, if it so desires; but the whole subject was gone over, as the world knows, at the last session of Congress by the Senate, and adverse action was taken upon the Senator's proposition by the Senate. The Senator from Kansas moved to the bill known as the Mexican pension bill an amendment which covered the whole subject. I favored the proposition at that time. Some Senators on this side took a different view of it; I guess all those on the other side took a different view; and the amendment was voted down. The Committee on Pensions intended to dispose of the bill formally, but it is a mere formality; and if the Senate desires to dispose of it in this way there is no objection on the part of the committee.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Committee on Pensions be discharged from the further consideration of the bill the title of which will be now reported.

The CHIEF CLERK. "A bill (S. 1) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879."

Mr. MITCHELL. At the suggestion of Senators near me I ask that the motion may lie over.

The PRESIDENT *pro tempore*. If there be no objection the motion will go over until to-morrow. It is so ordered.

FORFEITURE OF OREGON LAND GRANT.

Mr. SLATER. I move that the Senate proceed to the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill has been considered as in Committee of the Whole and has been reported to the Senate. The pending question is on a motion to recommit the bill to the Committee on Public Lands.

Mr. MORGAN. I withdraw that motion. I made the motion to recommit.

The PRESIDENT *pro tempore*. The motion to recommit is withdrawn by the mover. The bill is still open to amendment. If no amendment be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. MORGAN. I ask that the amendments be read which have been adopted by the Senate.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The CHIEF CLERK. The bill has been amended by striking out all after the enacting clause and inserting in lieu of the matter stricken out:

Be it enacted, &c., That so much of the lands granted by an act of Congress entitled "An act granting land to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, as are adjacent to and conterminous with the uncompleted portions of said road, and not embraced within the limits of said grant for the completed portions of said road, be, and the same are hereby, declared to be forfeited to the United States and restored to the public domain, and made subject to disposal under the general land laws of the United States as though said grant had never been made.

SEC. 2. That all persons who at the date of the passage of this act are actual settlers in good faith on any of the lands hereby forfeited, and who are otherwise qualified, on making due claim to such lands under the homestead, pre-emption, or other laws, within six months after the same shall have been declared forfeited, shall be entitled to a preference right to enter the same in accordance with the provisions of this act and of the homestead, pre-emption, or other laws, as the case may be, and shall be regarded as having legally settled upon and occupied said lands under said pre-emption, homestead, or other laws, as the case may be, from the date of such actual settlement or occupation; and in case any such settler may not be entitled to thus enter or acquire such land under existing laws, he shall be permitted, within one year after the passage of this act, to purchase not to exceed one hundred and sixty acres of the same, at the price of $1.25 per acre; and the Secretary of the Interior is hereby authorized and directed to make such rules and regulations as will secure to said actual settlers the benefit of these rights: *Provided*, That the price of the even-numbered sections within the limits of said grant and adjacent to and conterminous with the uncompleted portions of said road, and not embraced within the limits of said grant for the completed portions of said road, is hereby reduced to $1.25 per acre.

SEC. 3. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

Mr. MORGAN. I move to amend the bill by striking out the words "as though said grant had never been made" where they occur.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Alabama will be reported.

The CHIEF CLERK. In section 1, line 13, after the words "United States," it is proposed to strike out the words "as though said grant had never been made."

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion is not in order, the words proposed to be stricken out being in an amendment which was agreed to by the Senate after the bill had been considered as in Committee of the Whole. The motion, therefore, is to strike out words that the Senate has by its vote inserted.

Mr. MORGAN. I did not catch the last remark of the Chair.

The PRESIDENT *pro tempore*. The motion of the Senator is to strike out words that the Senate by a previous vote has inserted in the bill, and the Chair thinks therefore the motion is not in order.

Mr. MORGAN. I had the impression that those words were in the bill as it came from the House.

The PRESIDENT *pro tempore*. They are in the amendment agreed to in the Senate, the Chair finds on inspection of the bill.

Mr. MORGAN. I will ask the unanimous consent of the Senate that the motion to strike out those words shall be considered in order.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the motion be considered as in order. Is there objection?

Mr. DOLPH. Before determining whether there is objection on my part, I should like to have the section read in connection with the words proposed to be stricken out, so that I may understand the purport of the amendment.

The PRESIDENT *pro tempore*. The section will be read in connection as if the amendment were now proposed.

The Chief Clerk read as follows:

That so much of the lands granted by an act of Congress entitled "An act granting land to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, as are adjacent to and conterminous with the uncompleted portions of said road, and not embraced within the limits of said grant for the completed portions of said road, be, and the same are hereby, declared to be forfeited to the United States and restored to the public domain, and made subject to disposal under the general land laws of the United States as though said grant had never been made.

Mr. DOLPH. I have no objection.

The PRESIDENT *pro tempore*. The motion of the Senator from Alabama is to strike out the words indicated. Is there objection?

Mr. SLATER. I object.

The PRESIDENT *pro tempore*. The Senator from Oregon on the right of the Chair objects. The Chair overrules the motion as being not in order.

Mr. MORGAN. Mr. President, I have desired that the Senate should have an opportunity to consider this bill on its merits. The two Senators from Oregon seem to have agreed that the bill shall become a law, and I suppose that the rest of us are necessitated from the circumstances to stand by and see them have their own pleasure with this railway grant.

The feature to which I have just called the attention of the Senate is a very radical form of legislation upon anybody's property or anybody's claim of property, and the Senate it seems to me ought not to pass a bill which embodies the principle contained in those words as well as in other words found in this measure. The subject of the forfeiture of land grants to railroads is one that has attracted no attention particularly from Congress, in the nature of debate and close examination, until a recent period. It has recently become, it appears, the sentiment of the two great political parties in this country that railroad corporations should be raided, and their bondholders also, for the purpose of repairing some supposed injuries that have been inflicted on the country by the action of our predecessors in Congress, and for the purpose of gratifying the wishes of those persons who have settled on the public lands in contravention of law in various parts of the Western country.

When these railroad land grants were made it was not really within the expectation of Congress that the grantees would all be able to comply with the terms and conditions of the grants precisely as they were made. Consequently when the period for forfeiture had arrived, because these railroads were not completed within the time prescribed by these several statutes, Congress was very quiescent and permitted the railroad companies to proceed with their work and bondholders to invest money in these roads precisely as if the grant was in all respects valid, subsisting, and continuing, and the roads were expected to be entirely completed to the satisfaction of the people.

In this period of inaction on the part of Congress rights have sprung up in favor of third persons who aver—whether that averment is true or not it is not for me to say—that they were induced to make investments of this kind upon the idea that so long as these companies were prosecuting their efforts to complete their roads to their terminal points the Government would acquiesce in maintaining the land grants and whatever other privileges had been granted to them for this purpose. In this way rights have sprung up in favor of individuals founded upon the belief that Congress would always deal equitably with them in regard to these great public trusts. Those persons were before the committees of this body by their counsel for the purpose of insisting upon their rights, and they complain most bitterly that, after the lapse of years and after by our acquiescence we have induced them to invest their money in these enterprises, we now seize and confiscate their property without giving them an opportunity to be heard in the Federal courts.

Sir, I have sympathized with the movement which would compel the railroad corporations to return to the public domain all the lands that they had not honestly earned, or had not shown a sufficient capacity or purpose to continue to strive to earn. I have therefore voted for these land-grant forfeitures, but in doing so I have attempted to provide in this case, as we have provided in every other case of forfeiture in the history of the United States, that there should be some judicial ascertainment of the rights of the parties whose property is to be confiscated or condemned to forfeiture. I use the term "confiscate" because that is an apt term to express the exact situation.

I have been acquainted with some of the confiscating laws of this country. I have seen something of their operations, and long before I came to the Senate of the United States, while practicing as a lawyer at the bar, I acquired a sufficient knowledge of the application of this system of laws to private rights and private property to be put very much upon the alert after I arrived here in giving my sanction as a Senator to any system of confiscation if it could be avoided at all fairly and honorably, and particularly to that sort of confiscation which makes the act of seizure the act of expropriation.

Sir, we have systems of laws relating to confiscation for various causes. Sometimes they are called confiscations, sometimes they are called forfeitures, sometimes they are called penalties. Our system of laws in this respect has been derived from the practical experience of our ancestors in England and in this country for centuries back. Wise lawmakers and wise judges have not found it necessary to be more conservative and more cautious in the administration of any system of laws that prevailed in England than those which relate to penalties and forfeitures and confiscations. So necessary was it considered to protect the people against the arbitrary power of confiscation that we introduced into our Constitution certain guarantees of a personal character to protect the people against the power of the judges or of the Legislature in matters of this kind.

How many classes of forfeitures have we in the United States to-day? We have a very large list of them that relate to the collection of the revenue through the customs and the breach of the internal-revenue laws. We have another large list of them, not entirely obsolete as yet, that relate to the conduct of persons in the late rebellion. We have some which relate to church property in the Territories. Where a church in a Territory shall acquire a property exceeding $50,000 in value the surplus is made liable to escheat to the Government of the United States. We have various other kinds of forfeitures and confiscations and penalties, all belonging to the same generic family, but differing in their variety.

Now let me ask the Senate, has it ever shamed the statutes of this country before by declaring any forfeiture whatever without giving the party an opportunity to go into a Federal court to have it determined whether the seizure made was a lawful seizure or not? Has that thing ever before occurred? I said, sir, that I had witnessed the operation of the confiscation laws, and I have a reason to speak with strong approval of the generosity of the United States Government in dealing with men whose property it had declared confiscated or confiscable for insurrection and rebellion during the war. Here was a nation divided against itself; here were warring States and people; here was the very bitterest acrimony that has ever yet sprung from a civil war in its full tide of vicious innovations; here was every stimulus that could excite a people to seize, to convert, to destroy, to appropriate what belonged to the enemies (as we were termed) of the Government of the United States; and traitors besides they called us. In the midst of that fearful war, when the acts of confiscation were passed in respect to the property of the Southern people, the Government of the United States would not permit the property of any citizen to be confiscated except through the judgment of a court. That was a proud record, sir, and I am glad to be able to stand upon the floor of the Senate of the United States to-day, and to bear testimony to the equanimity of the people of the United States in the respective bodies of their great Congress in the enactment of the provision of law that seizures made during the war for the cause of rebellion should be carried into court before they could be disposed of.

Mr. VOORHEES. Will the Senator from Alabama allow me to ask a question?

Mr. MORGAN. Yes, sir.

Mr. VOORHEES. I should like to hear the Senator upon one point. If the land-grant railroad companies have vested rights in the grants of land, could any act of Congress declare them forfeited and divest them of those rights? Would not they be free to assert their rights in court without any legislation on that subject? In other words, take the act of Congress to which the Senator alludes that was applied to his own part of the country. I know a great many instances where the rights of parties were not divested and were so declared by the courts afterward and the property was restored, and as far as I have looked into this matter, it has not occurred to me that we could by declaring the land-grant forfeiture divest the railroad company of any legal right it may have.

Mr. MORGAN. The question of the Senator from Indiana only needs an answer as to the latter branch of it, and that is as to the remedy to be provided for the purpose of asserting the title that has been assailed by an act of forfeiture here. In the first part of the question I concur with the Senator; and that is that a mere declaration of forfeiture by act of Congress does not divest the property of any citizen of the United States; and yet this bill was intended to have that effect. If this bill does not have that effect, it will disappoint its authors, it will disappoint the gentlemen who are urging it through the Senate. And if it does not have the effect of relegating this land back to the public domain without giving to any person an opportunity to question our right to do it, these gentlemen will be disappointed. The language of the bill is framed for that purpose. That is its object and that is its intention throughout, and I leave it precisely as I understand it to be intended——

Mr. SLATER. I should like to interrupt the Senator with his permission.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Certainly, I will yield.

Mr. SLATER. Mr. President, we are only asking in this bill for compliance with the conditions of the contract and of the grant. The railroad company agreed, under the enactment of Congress, to build this road within a specified time. The act itself said that if they did not complete it within a certain time they should not have even the evidence of title—a patent. We are asking nothing but what the railroad grant proposed we should ask, after eight years absolute silence on the part of the company so far as any act is concerned. We do not expect to touch any right which has been acquired by the company. The Senator is entirely mistaken.

Mr. MORGAN. Mr. President, I am very far from being mistaken in any respect about it. I was speaking exactly upon the record, and exactly in reference to a state of facts that no man can dispute. The title to this land is conceded on all hands to be in this railroad company at this moment. I do not know that I could strengthen that proposition by restating it, or by arguing it, or by attempting to intensify it at all. But there is no Senator on this floor, including both the Senators from Oregon, who is not prepared to admit, and is not compelled to admit, that at this moment of time the title to this land is in the railroad company, a perfect title, subject to be divested by no other person than by the United States Government claiming the right of forfeiture.

Mr. DOLPH. If that constitutes a perfect title, then I agree with the Senator. I suppose that would not constitute a perfect title.

Mr. MORGAN. A perfect title, as I remarked, Mr. President, subject to be divested only by the Government of the United States for the cause of forfeiture alleged or stated in the act making the grant and in accordance with law as I contend. That being the situation, this railroad company having a perfect title as to every person in the world except the United States Government, it has a property in this land which we are bound to respect. Every man in the United States is bound to respect it, unless it may be the Congress of the United States.

It having a perfect title of this kind, what is sought to be done? Not to get the assistance of the judiciary to determine upon the facts and the law whether there is a forfeiture and whether that forfeiture carries the estate back to the Government of the United States; that is not what is sought to be done, but it is by virtue of an act of Congress operating directly and of its own force to seize this title, transfer it to the Government of the United States, conclude all people against questioning it, hold it there forfeited, confiscated without trial. Sir, I am opposed to that principle of legislation. I know, as the Senator from Indiana who put the question to me a moment ago knows, and as every Senator here knows, that the Congress of the United States can not by act of legislation take property out of the hands of a citizen of this country and appropriate it to itself or to the Government of the United States. They can not do it. They would not do it even as to parties in rebellion; they would not do it when the heat of war was upon the country and there was every incentive and inducement to make confiscations out of hand. No, sir; they paused on that ground which has respect for personal rights, recognized by our English ancestry and by the colonial fathers, as also by the founders of this great Government of ours—they paused upon that ground, and they ordained that the act to be performed by the United States in a case of that kind should only be an act of the seizure of property and then that it should be taken into court to be there condemned.

Mr. VAN WYCK. Will the Senator allow me a question?

Mr. MORGAN. Yes, sir.

Mr. VAN WYCK. Do I understand the Senator from Alabama to state that the title of this railroad company to the whole extent of this grant is perfect and absolute?

Mr. MORGAN. Until the United States Government takes advantage of the forfeiture, if the condition subsequent has been broken.

Mr. VAN WYCK. Then you say it is not perfect.

Mr. MORGAN. I do not say either way.

Mr. VAN WYCK. I am asking you——

Mr. MORGAN. No. The alert mind of the Senator gets around me and puts me in a false attitude.

Mr. VAN WYCK. No, sir. I understood the Senator to state distinctly that the title of the railroad company to this grant was perfect and absolute, and then I propounded the question.

Mr. MORGAN. Then the Senator did not understand me; that is all. I beg the Senator when he does not understand me not to interrupt me.

Mr. VAN WYCK. I want to understand you. Then I propounded the question whether the Senator does state or mean to state that the title is absolute to the land conveyed within this grant.

Mr. MORGAN. I say there is a perfect title in this railroad company against every person in the world except the United States.

Mr. VAN WYCK. Except the owner.

Mr. MORGAN. No; I do not say "the owner."

Mr. VAN WYCK. Then the gentleman has qualified his original statement.

Mr. MORGAN. And it is perfect as against the United States to-day if it should bring an action of ejectment to recover it from the defendant. Will that satisfy the Senator?

Mr. VAN WYCK. No; not exactly. I desire to know the Senator's legal proposition in regard to this matter.

Mr. MORGAN. I have been trying to state my legal proposition.

Mr. VAN WYCK. Not that I will take the opportunity to antagonize it now, but I desire to know where he stands, so that the position may be stated as the courts have stated it, and as the Congress of the United States have claimed, that the title is not absolute, that in this land the Government of the United States retains not only the title but the possession of the land until the railroad company has earned it by completing the road, and then it becomes entitled by patent to the land.

Mr. MORGAN. I am aware that since the honorable gentleman had the misfortune to have a controversy about some of those lands before the Supreme Court of the United States he has no respect for its decisions, but I must be controlled by the decisions of the Supreme Court of the United States.

Mr. VAN WYCK. Right there, Mr. President, I wish to say that that is what I am desiring the Senator from Alabama to do. I want to present to him squarely the decision of the Supreme Court on this question. If he takes the position that the title of the railroad company is perfect and absolute, then he antagonizes, as I will show at another time, the decision of the Supreme Court of the United States, and I beg him to yield peculiar reverence to the decisions of the Supreme Court when they happen to be in conflict with the claim of the friends of railroad organizations.

Mr. MORGAN. The case of Schulenberg *vs.* Harriman has been quoted so frequently that I suppose the pages around the Senate Chamber must understand it perfectly well. The Senator from Nebraska seems to think it is his mission in life to fight Schulenberg *vs.* Harriman from this out. It will be a hard fight; I do not know who will win, but so far the Supreme Court is a little ahead. I am following the Supreme Court, which has decided that a grant precisely of the character, as I understand it, of the grant in question in this bill, was a grant *in præsenti* of the legal estate to the railroad company; that it passed every right and every title that the United States had in the land, subject only to be forfeited upon the breach of the condition subsequent. That is what I understand. If it is not a good title as against everybody but the United States, I do not understand what a good title is; and if it is not a good title as against the United States until the declaration of forfeiture, I do not understand what a good title is; and therefore I would maintain that if the railroad company had a tenant in occupation of any of this land, and the United States were to-day to try the title in an action of ejectment with that tenant, the tenant could set up that he held under this grant and under the railroad company, and would have a perfect title against the Government of the United States in the action of ejectment.

We have got something to do before we resume this title. What is that? We must have what is equivalent to office found under the British law; that is to say, we must have a repossession of the land either by an actual taking of possession or by a constructive legal possession; and we must do it in virtue of the sovereign power of this Government, exercised either through the Legislature or through the judiciary. But these conditions we must comply with before we can resume the title which we have granted out of us and which now rests in the railroad company. It seems to me that is a pretty clear proposition, and therefore if the Government of the United States were to sue a tenant in possession of this land, holding under this corporation to-day, in an action of ejectment, the forfeiture not having been declared, the proceedings to make the forfeiture perfect not having been executed or carried into effect, the title of the plaintiff would fail because it had granted the title out of itself. I do not think it takes a very wise man to see that. It seems to me that if there is any proposition settled in this country in the shape of law that is settled; and therefore I do not care to waste my time and strength in trying to debate horn-book law in this country, which everybody understands except the few gentlemen who do not want to understand anything about it.

Now, sir, how are we to get hold of this title? Shall we do it by an act of legislative confiscation? Shall we attempt to do it by an act of legislative confiscation, which the honorable Senator from Indiana foresees would be entirely unavailing? Shall we attempt to march over the ground that separates us from the domain of the judiciary, and usurp to ourselves the power of ultimate and final adjudication upon the rights of property of this railroad company? I maintain that we ought not to do it.

I have taken a position a little further in advance, just a little further in advance than that which has been taken and adhered to by the Judiciary Committee of this body after frequent and close and earnest investigations of this question. That committee in its previous recommendations upon several bills, as Senators will well remember, had asserted that it was the duty of the Government of the United States when proceeding to declare a forfeiture to go to the courts, and the duty of Congress to empower the courts to make the declaration. To go there as a suitor, to get a judge to declare the forfeiture; and I do not know but that the better opinion among the bar of the United States to-day is that that is the real duty of the Government whenever it seeks to declare a forfeiture of these lands. That it shall go as a suitor in the courts after having made a seizure of them, as they would in a case of confiscable property go into the courts and upon a libel filed, or whatever it is that you choose to use, ask the judge to declare a forfeiture as a matter of right.

I say that I have gone a little further than that. I have done it because I have conceived that the United States was not only a party to a contract in the enactment of these statutes, but that it was a lawmaker at the same time; that it was acting in a double capacity of making a law and also of making a contract when these grants were made, and that the Government, through its Congress, had the right to declare that that law had been violated, and that it was no longer, therefore, a shelter of protection to the claimant under its former grant. Perhaps the distinction is not a very palpable one; but perhaps more in deference to the eager earnestness of gentlemen who seem determined to wrest the property from the railroads I have gone with them, believing that many of these roads had forfeited their rights of property in these grants. So I have consented on my part to advocate the doctrine that Congress has the right to make a legislative declaration upon a question of this kind which will have all the effect of office-found under the English law, and will reinstate the United States in the possession of the land.

Now, sir, if that declaration has all that effect that is enough, and surely it is as far as we have any precedent for going. The British Parliament have never seen proper to condemn property out and out by a legislative enactment. They have always relied upon that ancient prerogative writ addressed by the king to the coroner that he would summon a jury in the first instance and have judicial procedure taken on the question of the right of the crown to repossess itself of lands. That government has always, in deference to the rights of its citizens and rights of property, maintained that attitude toward its people. It brings to me a sense of humiliation when I think that the British Government can be more just to British subjects than this free American Republic dares to be to its own people.

Whatever the process may be, whether it may be by a proceeding in court or whether it may be a legislative declaration, there is a limit to the effect of the declaration on the part of the Government of the United States. What can the Government of the United States do in this case? Not actually usurp to itself the title to these lands, but it can assert a claim in law to them and have it adjudicated and settled in accordance with law. Are we, while we are the lawmakers of this country, not to approve ourselves as law-abiding men? Have we a contempt for the rules of property and the rules of right that we enact continually as between man and man in this country? Have we the idea that when the Government of the United States asserts a title to a piece of property that assertion must be in the nature of a final and an effectual decree of divestiture of all rights on the part of the claimant? Have we got to that pitch that an American citizen as against his own Government has not the protection of the law, and that we can stand upon the floors of these Houses and in virtue of power delegated to us under a written constitution rob the very people who send us here and vote for us for these places? No, sir; I shall not be of that party. They may raise their clamors trumpet-tongued against me through every newspaper in the land, but I will still stand by the idea that the people of Alabama did not send me here as a judge to adjudicate the property of other people out of their hands, but as a lawmaker only, to represent the constitutional rights of the Government of the United States in such matters.

What is a confiscation? It is, first, the seizure of property by the Government because of the breach by the citizen of some law of the United States. What is to be done in order to ripen a confiscation into a title to the property adverse to the holder of it? After the seizure a proceeding must be had in a court. We say in this bill, "Here is a forfeiture of land for the breach of a contract, and we take that land and we reclaim it because the contract with us is broken." "Here is the property of a man in rebellion whose property is forfeited, not because he breaks a contract, but because he is guilty of an alleged crime of a high character." We take that man's property by an act of seizure merely, and we say to the Government of the United States, "Before you can condemn the property of this man that you have seized you must go into the courts and prove your case." If the Government of the United States, in order to preserve its constitutional duty toward the people, found it necessary to put into the law of confiscation for the crime of insurrection or rebellion this clause, that the Government after the seizure should follow the property into the courts, take it there, and there have it condemned, let me ask Senators how they can afford, where there is only an alleged breach of contract, to take the property and condemn it out and out? A government that for the protection of its own authority in respect to its own rebellious citizens refused to condemn their property, they being unheard, and finally to decide the title by a legislative enactment, comes in obedience to a popular clamor raised by men who have got votes to cast in

the ballot-box, and dishonors itself by saying, "We will take the title to this land out and out because a contract has been broken."

Is there any public necessity, Mr. President, of an imminent and a dangerous character, to hasten the Congress of the United States on in this rapid course of seizure and confiscation in respect of the lands granted to any railroad company in this country? These lands are still there, and so far as they have been squatted upon they are still yielding subsistence and comfort to the men who have violated the law in getting upon them. They are not likely to run away or to be displaced in any way, and we have ample leisure in the circumstances surrounding these transactions to look carefully into our duty and not to violate the constitutional rights of anybody in our efforts to do justice to the people of the United States. There is no occasion for haste. We can very well afford to give ample time to the judiciary to say how far they have the right to judge of questions of this kind.

I come now to the next point, which will be an answer or an attempted answer to the last branch of the question put by the Senator from Indiana. We have no right, as the Senator and I agree, I have no doubt, to take these lands by a legislative decree and confiscate them, and to determine that the title is divested out of the corporation and invested in the United States. There must be some power of the courts to intervene and try that right, for while we may safely put ourselves in the attitude of the actual capture of the lands from our grantee, we never can put ourselves in the position of protection against the warrant from the court which shall call us to trial for it.

But, Mr. President, how is this trial to be had—and that is the whole question that is presented in this case—how is it to be had? How was it had in England? In England, as I have observed, the Crown issued a prerogative writ to a coroner. He summoned as many jurors as he pleased, not exceeding thirty I believe. They took an *ex parte* view of the case; they heard the Crown side of it, and they returned a verdict, which was certified to a court, that in consequence of the grant and the breach of the condition thereof by the defendant, which consisted of certain stated facts, the Crown had the right to reenter; and thereupon the King entered into possession as of his former title, precisely like a man could do who had made a grant upon a condition subsequent.

What next? Was the citizen concluded by this judicial proceeding to which he was not a party? By no means. What did he then do? He brought his writ of right or his bill in equity, and in that he attacked the whole title claimed by the Crown, including the coroner's verdict and the office found. That writ of right penetrated back to the true title of the property, and, marching through all legal obstructions that might obviate justice in the premises, that title at last was found to rest in the party who brought his petition of right, if he proved that the condition was performed, and when that was established he was reinstated—put back again in his estate—and damages were paid him if any had been sustained in consequence of his ouster from the possession of the property.

Now, sir, let me ask what remedy any citizen of the United States has got against the Government of the United States under like circumstances? None of your citizens can sue the Government, and yet any citizen can sue the Crown in England. You dole out through your statutes permission to your people to sue in certain cases in the Court of Claims, and that is all that you do. When you forfeit this land grant under this bill you give to this railroad company or the bondholders, or whoever else may be interested in it, no remedy against the Government of the United States. If any man should bring a bill in equity or an ejectment or any action at law against the Government of the United States after we put it in possession of these lands, that action would be immediately dismissed on the ground that Congress had never permitted such an action to be brought. There, then, stands the citizen in this unequal attitude toward the Government, his property gone by an act of Congress, and no remedy given to him at all against the Government. What must he do? He must wait until the Government sells that property to somebody else, and then he must bring his action in some local court in some Territory or in some State to test the validity of that title. There he raises the question in a collateral way; there the majesty of the law of this land becomes more powerful in the end than the act of Congress, and the poor fellow who has been ousted of his possession can stand and question your act down to the very bottom.

But, Mr. President, this remedy is difficult, it is expensive, it is inefficient. It is not what the Government of the United States ought to give in the form of a remedy in a case of this kind. Suppose, sir, that your courts during the late civil war had proceeded with confiscations without giving notice at all, and suppose that your officers of the Treasury or your officers of the Army had seized the property of the people of the South and had sold it without the decree of a court, and then those people had afterward come into the courts of the United States or into the courts of the States and sued the purchasers for the property, we should have had almost as many lawsuits as there have been grains of wheat upon the Western plains during the last fruitful season. But you provided in that law that after the seizure and after notice these people whose property had been taken might come into court and require the Government of the United States to establish its title.

How is it in regard to this land that to-day belongs to the railroad company and that we intend to take, reclaiming the ownership to ourselves upon the pretext, or upon the fact if you please, of a breach of the condition-subsequent? The railroad corporation can not sue for it. That right is gone. It has no chance to sue for it; but if the Government of the United States sells to some person else the railroad corporation can sue that person. How many lawsuits would this give rise to? A myriad. What would be the uniformity of decision in these cases? There would be no uniformity of decision. In Oregon the question would be settled in one way perhaps in one court, and in another way in another court. As we apply the principle to this Oregon railroad so we must apply it in justice to all of them. Some of these suits will be brought in the Territories by private persons, and ten years after to-day, after these titles have been involved in labyrinths of difficulties, the courts, and at last perhaps the Supreme Court of the United States, will make some decision upon some of them that will produce more panic among the settlers and among the railroad men than the case of Schulenberg *vs.* Harriman did. How did that great case come up here? How did it ever get here? It was a suit, as I remember the facts of it, about some tanbark taken from a tract of land that had been conveyed by the Government of the United States to a railroad. Here were a railroad company and an intruder that got into a lawsuit about some tanbark taken from the trees upon a tract of land, if I remember the facts correctly.

Mr. CAMERON, of Wisconsin. Sawlogs.

Mr. MORGAN. Sawlogs, was it? And here, years after that grant had been called in question, not in Congress, but elsewhere, years after rights had sprung up under it, this sawlog case brought the great question into the Supreme Court of the United States, and there it was decided. What had occurred in the mean time? How many men had been induced by the appearance of affairs to invest their money upon this uncertain sort of title? There have been tens of thousands, yes, hundreds of thousands, of investments made in respect of these lands in different parts of the United States.

I maintain, sir, that when we take this course—forfeiting this land, whether we do it for the violation of law by the railroad or whether we do it for a breach of the contract; it makes no difference what the ground is that we proceed upon—it is our duty to furnish to these people a remedy in the United States courts which shall enable them and us in one suit to settle all these difficulties. What does this bill provide? That these lands shall revert to the United States just as if the granting act had never been passed. Mr. President, the Government of the United States can not falsify its record. That act was passed. Rights have sprung up under it. Those rights are valid as far as the judges see proper to sustain them, and if we declare now that these lands revert to the United States Government, just as if that act had never been passed, we declare that which falsifies the record and shames the Congress of the United States. We have the right to repeal that act, I presume, if we desire to do so, though in its repeal we can not change vested rights that have arisen under it; but instead of repealing the act——

Mr. VAN WYCK. Mr. President——

The PRESIDING OFFICER (Mr. SHERMAN in the chair). Does the Senator from Alabama yield?

Mr. MORGAN. In a minute. But instead of repealing the act we merely let it stay on the statute-book untouched by our repealing power, and we declare the effect of it shall be hereafter as if it had never existed.

Mr. VAN WYCK. Now if the Senator from Alabama will allow me——

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. I want to know what it is about first.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. I want to know what the honorable Senator desires me to yield for.

Mr. VAN WYCK. I will explain to the Senator.

Mr. MORGAN. Make your speech afterwards.

Mr. VAN WYCK. I do not propose to make a speech.

The PRESIDENT *pro tempore*. The Senator from Alabama declines to yield and must not be interrupted without his consent.

Mr. VAN WYCK. Only a question.

The PRESIDENT *pro tempore*. The Senator from Alabama declines to yield.

Mr. MORGAN. I am so anxious to hear the Senator from Nebraska that I want him to occupy the floor in his own time and in his own way, not in my time and by interjecting his speech into mine. I shall listen with the greatest possible attention and pleasure I have no doubt to his debate of this question. He is well informed about it and is otherwise very able to handle it.

I was going on to say when the Senator interrupted me by some fresh idea that had got into his mind, one that was not in mine at all at the time, that we undertake to get rid of the effect of this act not by re-

pealing it, but by declaring that it never had any effect, and should now be read as if it had never had any effect since the date of its birth. Ah, Mr. President, that is not a worthy way to deal with our own acts. Are we ashamed of it? Are we afraid of it? Do we want to expunge it? Do we want the judges to read it now as if it had never existed, or do we want to prevent the judges from reading it when it is offered to them upon the bench for their consideration? Shall they reply to the petitioner who brings his suit to recover some of this land "This act, though once an act, is no longer an act, and never was an act?" That is the situation we are put in if Congress, having once passed it and having never repealed it, has at last declared that it shall be considered by the courts as if it had never existed.

Is there any necessity to resort to such extraordinary terms in a statute as those in order to maintain the power of the Government of the United States to seize these lands? Is there any necessity for such harsh action as that? These lands when they are relegated to the domain of the United States are lands that have passed through the experiences and historic connections of this act. Everything that attaches to them that in any respect affects the title to them is something that belongs to these lands in consequence of legislation of Congress. If an equitable title has sprung up in favor of a third person, or if a legal title by estoppel has sprung up in favor of a third person, if the laches of the Government may be construed into an abandonment, as has been done often against governments as to their right of forfeiture, let all of these incidents that we have put upon these lands both by our legislation and by our inaction remain attached to this property, so that when the subject comes into litigation in the courts, whether of the United States or of the States, it shall be said that the Congress of the United States left these lands exactly in the situation in which it found them on the day marked by the passage of this bill.

I object, Mr. President, to any of this retroactive legislation, this rubbing out, this falsifying of records, this attempt to establish by legislative action matters as matters of fact that never existed; this attempt to bury facts that have existed and do exist. I object to it. This bill ought not to be passed with those words in it. This bill ought not to be passed until the Senate of the United States has attempted to furnish to the people concerned in this land grant a reasonable remedy, so that they may advance whatever their rights are in the courts of justice and have them adjudicated at a reasonable expense. It is for this purpose that I have interposed my objection to the passage of the bill in its present form.

The PRESIDENT *pro tempore*. The question is, Shall the amendments be engrossed and the bill read a third time?

Mr. VAN WYCK. I desired to propound an inquiry to the Senator from Alabama before he resumed his seat. He has commented on the decision reported in 21 Wallace of Schulenberg vs. Harriman. I say it favors the very position taken by the committee and taken by this bill, and in the moment I have before the special order comes up I may be allowed to read from the decision that to which I call the attention of the Senator from Alabama:

In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement.

That is precisely what this bill does, and that is precisely the thing which the Supreme Court in this case in 21 Wallace says may be done:

At common law the sovereign could not make an entry in person, and, therefore, an office found was necessary to determine the estate, but, as said by this court in a late case, "the mode of asserting or of resuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government without these preliminary proceedings."

Here is the case of Schulenberg vs. Harriman, which the railroad companies and their attorneys and friends everywhere roll as a sweet morsel under their tongue, and that very decision, to which the Senator refers, expressly gives the authority to Congress to do what it is now proposed to do. I have a few other authorities which I may take the liberty of troubling the Senate with hereafter, because I know the Senator from Alabama adheres to the decisions of the Supreme Court of the United States.

The PRESIDENT *pro tempore*. The question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. MORGAN. Mr. President, I offer the following amendment——

The PRESIDENT *pro tempore*. Where does the Senator desire his amendment to come in?

Mr. MORGAN. As additional sections.

The Chief Clerk read the amendment, as follows:

SEC. —. That jurisdiction is hereby conferred on the circuit court of the United States for the district of Oregon to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. —. That it shall be the duty of the district attorney of the United States for the district of Oregon, under the direction of the Department of Justice, to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved May 4, 1870, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. —. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in said cause, the court shall direct that such further proceeding be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit; *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. —. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 308) appropriating $50,000 for the support of certain destitute Indians, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.; and it was thereupon signed by the President *pro tempore*.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. SLATER. I move that the pending order be postponed until to-morrow, in order that I may move to proceed with the bill which has been under consideration this morning.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the pending bill be postponed until to-morrow.

Mr. CULLOM. I hope that the Senator from Oregon will not insist upon that motion. This bill has been before the Senate for some time, and we are getting to that point in it where we hope to get through with it before a very long time at any rate.

Mr. SLATER. I am anxious to dispose of the commerce bill at an early day; but looking at the state of legislation before the Senate and elsewhere, I think there can be no loss of time and that we shall probably reach a vote on that bill as early by delaying it to-day as by continuing its discussion. The bill just under consideration is a very important bill; this is the third time it has been before the Senate, and I have made this motion with a view of facilitating the interstate-commerce bill. I think I ought now to press the motion and ask the Senate to postpone the commerce bill until to-morrow.

Mr. CULLOM. I hope the motion will not prevail.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that this bill be postponed until to-morrow. The question is on agreeing to that motion.

Mr. SLATER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HALE (when Mr. FRYE's name was called). My colleague [Mr. FRYE] is necessarily absent, having been called away to the State of Maine.

Mr. HAWLEY (when Mr. PLATT's name was called). My colleague [Mr. PLATT] is detained in Connecticut by important business.

The roll-call having been concluded, the result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Beck,	Gorman,	Kenna,	Slater,
Cockrell,	Groome,	McPherson,	Vance,
Coke,	Hampton,	Maxey,	Van Wyck,
Dolph,	Harris,	Plumb,	Vest,
George,	Jackson,	Pugh,	Walker.
Gibson,	Jonas,	Saulsbury,	

NAYS—22.

Blair,	Edmunds,	McMillan,	Pike,
Bowen,	Hale,	Manderson,	Sewell,
Cameron of Wis.,	Harrison,	Miller of N. Y.,	Sheffield,
Conger,	Hawley,	Mitchell,	Wilson.
Cullom,	Ingalls,	Morgan,	
Dawes,	Lapham,	Morrill,	

ABSENT—31.

Aldrich,	Colquitt,	Jones of Nevada,	Ransom,
Allison,	Fair,	Lamar,	Riddleberger,
Bayard,	Farley,	Logan,	Sabin,
Brown,	Frye,	Mahone,	Sawyer,
Butler,	Garland,	Miller of Cal.,	Sherman,
Call,	Hill,	Palmer,	Voorhees,
Camden,	Hoar,	Pendleton,	Williams.
Cameron of Pa.,	Jones of Florida,	Platt,	

So the motion was agreed to.

Mr. VANCE. I ask consent to offer an amendment to the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, in order that it may be printed and be on the desks of Senators to-morrow.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The amendment will be received and ordered to be printed, if there be no objection.

Mr. SLATER. Now, I move——

TEXAS PACIFIC RAILROAD GRANT.

The PRESIDENT *pro tempore*. Under the rules the Chair lays before the Senate the next special order, being the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes. This bill is now before the Senate as in Committee of the Whole.

Mr. SLATER. I presume a motion now to proceed to the consideration of the bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon would be in order.

The PRESIDENT *pro tempore*. The Chair thinks under the rules, which are a little obscure in regard to special orders, all these bills, including the one that the Senator from Oregon wishes to reach, are special orders, although the bill he refers to is low down, being now the third in the list of special orders. A motion to change that order is in order under Rule IX. The Chair will therefore entertain the motion to proceed directly to the consideration of House bill 181.

Mr. SLATER. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate now proceed to the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon. The question is on agreeing to the motion.

The motion was agreed to.

FORFEITURE OF OREGON LAND GRANT.

The Senate resumed the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. Is it now in order for me to ask the Senate to consider a report from a committee of conference on one of these railroad bills?

The PRESIDENT *pro tempore*. The Chair thinks under the rules that reports of committees of conference are always in order.

Mr. MORGAN. I do not desire, Mr. President, to interfere at all with the passage of the bill the Senators from Oregon are so anxiously urging before the Senate, but there are certain important questions connected with the bill which are also up on the report I had the honor to submit to the Senate at a previous day of the session. I had hoped that the members of the Committee on Public Lands would be willing to allow these questions to come up in such way as that we could have definite action on the part of the Senate in response to the refusal of the House to adopt the amendment that the Senate put upon the Atlantic and Pacific bill.

Mr. SLATER. I must——

The PRESIDENT *pro tempore*. The Chair does not hear the Senator from Oregon.

Mr. SLATER. I ask permission to appeal to the Senator from Alabama for a moment.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. SLATER. I certainly hope the Senator will not consume the time on this bill by motions which can only serve to complicate this measure and probably carry it beyond to-day. His report is a privileged report which he can make at any time, and it will only continue the antagonism, perhaps. I hope he will take some other time to make his report.

Mr. MORGAN. Mr. President, I had just disclaimed any intention to antagonize the Senator's bill in the sense he now mentions, and I appeal to him, as a member of the Public Lands Committee, and to every other Senator here, that when the House and the Senate are in controversy upon this same question that we are debating now, it is my duty to bring this controversy before the Senate and have its action, so that our future action upon this whole proposition can be governed according to the vote of the Senate. In what attitude should we stand here to-day if we should pass the bill which is advocated by the Senators from Oregon without the amendment I seek to put upon it now? We should have a pending report before this body of one of its conference committees not acted upon, which brought up the very same question as a controvery between the House and Senate, and we should decide that question by the views we should take here to-day in a collateral way. The Senator from Oregon ought to be entirely willing to have the question of the propriety of this amendment passed upon by the Senate on the report I have made. If the Senate votes me down, or votes the committee down upon this question; if the Senator wants to move that we shall recede from the amendment we put upon the Atlantic and Pacific bill heretofore, and he should sustain that motion, then, of course, I could have no pretext in the world for offering further opposition to the passage of his bill.

I assure the Senator that I have not the slightest disposition to consume time or to interfere in any way with the passage of his bill, but I have not only a disposition but a duty resting on me as a member of the conference committee to see that the Senate of the United States is put fairly in possession of this question and has an opportunity to act upon it.

Mr. SLATER. Mr. President——

Mr. COCKRELL. I rise to a question of order. Has the report of the conference committee been submitted to the Senate, so that it is before it?

The PRESIDENT *pro tempore*. The Chair is not yet informed what report the Senator from Alabama desires to make.

Mr. COCKRELL. I raise the question of order that nothing is in order until that report is presented.

The PRESIDENT *pro tempore*. The Senator from Alabama, the Chair thinks, is entitled to speak on his amendment. The Senator from Missouri knows that the relevancy of debate is not a question here that the Chair can determine; and the Senator is speaking technically on a pending question—his amendment to the bill of which the Senator from Oregon has charge, now before the Senate. He has given notice in the course of his speech that he intends to submit a report of a committee of conference. The Chair thinks he is entitled to go on upon the amendment.

Mr. COCKRELL. Unquestionably; but I wanted to get at the real question.

The PRESIDENT *pro tempore*. When the Senator from Alabama concludes his remarks and submits the report, the Chair will determine whether that report is in order or not.

Mr. MORGAN. The report has been made to the Senate, but the question has not been acted on. The Senate has taken no action upon it except to receive the report of the disagreement of the committee. I have not yet moved that the Senate further insist on its amendments.

Mr. SLATER. Then I raise the question of order whether it can be introduced now.

The PRESIDENT *pro tempore*. When the Senator from Alabama makes a motion, the Chair will rule whether it is in order or not. The Senator from Alabama has as yet made no motion, but is entitled to the floor on the pending question, being the amendment he has offered to the pending bill.

Mr. MORGAN. I make that motion, Mr. President.

The PRESIDENT *pro tempore*. The Chair thinks that it is not in order except as a motion under Rule IX to proceed to the consideration of a different bill. That motion is in order and must be decided without debate. But as a privileged report the Chair thinks the privilege has been lost. The committee reported on a previous day that the committee had been unable to agree with the House conferees. That left the bill before the Senate for consideration on the Calendar, and it is in order, the Chair thinks, under Rule IX, to move to proceed to its consideration, just as the Senator might move to proceed to the consideration of any other bill, but not as a privileged report.

Mr. MORGAN. Then, Mr. President, having made the report and not having made any motion upon it at all, and the privilege, according to the opinion of the Chair, having been lost, I, of course, as the chairman of that committee of conference, am exonerated from bringing it again to the attention of the Senate. I supposed, however, that whenever the question was before the Senate it was at any time a question of privilege as to whether that report should be taken up for consideration. It has not been considered. It has merely been received.

However, I will restate the attitude of this case before the Senate in the hope that Senators may feel enough interest in it to take an intelligent view of one of the greatest questions that has ever been brought before this body; and that is, whether the United States Government will furnish any remedy at all to persons interested in railroad land grants for controverting what action we may take here, or for controverting the fact whether or not those lands were liable to forfeiture. It is said that there are about 200,000,000 of acres of land now subject to forfeiture, and I believe the attacks that are made by different bills upon land grants heretofore made involve now considerably over 100,000,000 acres of land.

The interests that are owned by different people in the United States and in foreign countries in these lands are diverse; they are scattered over all civilized countries, and of course they are very important. They are in the hands of all kinds of people, people belonging to foreign governments and the home government, people who are able to take care of their own interests and people who are not. There are thousands

doubtless of administrators, trustees, widows, and orphans who are interested in the bonds, and in other questions which arise out of these grants. I have not found one man in all the course of the investigations which have been made before the Committee on Public Lands who would come into that committee or send any intimation to that committee that he was satisfied to have his rights disposed of by an act of Congress without any hearing on his part. I never found one; so that all the adversary claimants, whoever they may be, and wherever they may be, under this enormous system of railroad land grants which was inaugurated thirty or forty years ago have an interest in this question. That question is whether the Government of the United States will forfeit these grants by a simple act declaring their forfeiture and relegating them to the public domain, or whether it shall be accompanied with some provision of law by which these rights may be asserted. When I have discharged my personal duty in regard to this matter by bringing forward their claims and submitting them to the Senate of the United States, I shall of course be excused in conscience and otherwise from any further responsibility in the matter.

This subject was presented to the Senate during the last session. It was debated as freely as any other question could have been debated at that time, perhaps four or five days before the close of the session. Several Senators engaged in the debate, and the question was as well understood by the Senate, I think, as any other that has been before this body. The Senate by a vote of singular unanimity, I believe 30 to 10 or 11, voted to put the amendment upon the Atlantic and Pacific bill precisely in the words of the amendment I now offer to this bill, and that amendment went to the House of Representatives, and without any debate at all it was not concurred in. The bill which came here from the House had never been debated there. The bill forfeiting the Atlantic and Pacific Railroad land grant, important as that grant was, was not debated; and I supposed that when the committee of conference got together there would be some debate, and there was, and a very instructive debate it was, but, so far as I am aware, without changing the opinion of the members of the conference on either side.

So the Senate has taken its attitude upon this question. It has taken it after discussion, after full debate; it has taken it upon a yea-and-nay vote of 10 or 11 to 30; and now the attitude then taken by the Senate is brought in question by the amendment I have had the honor to offer. If the Senate on a call of the yeas and nays on this bill should determine that this amendment ought to be abandoned, the committee of conference will when raised again doubtless consider itself instructed so to abandon the amendment, and we shall leave ourselves in the attitude which is demanded by some who are desirous of forfeiting these land grants of having done so without furnishing any remedy or redress whatever to persons who make honest and *bona fide* claims.

These claims are just as numerous as the roads; they are more numerous, for they are varied and multiplied with every distinct grant. It would not be fitting or becoming in me here to-day, although the questions are so very important, to go through these different land grants and point out the different wrongs and evils which would follow the legislation that is proposed in this bill, striking out the amendment that has been voted by the Senate on the Atlantic and Pacific bill and is offered also to this bill. But, sir, in every particular case of the forfeiture of a land grant a new and a very important question arises. I will give the Senate one or two examples of the questions that arise under these laws to enable it to determine whether or not we are willing to take the risk and responsibility upon ourselves of deciding all these grave matters by a legislative decree of Congress without a hearing of the parties to these controversies.

I will take now the Texas Pacific Railroad land grant, one that has not yet been considered by the Senate. That was a grant to the Texas Pacific Railway Company from the borders of Texas on through the public domain as far as San Francisco in California—an immense grant of land. A California corporation—the Southern Pacific Railway Company—commenced with its own funds and resources to build a railway from San Francisco in the direction of El Paso in Texas, or upon the border line between Texas and Mexico. As it came on with its immense power, its immense resources, building its road with extraordinary rapidity, it made proclamation to the world, and especially to Congress, that it did not ask or demand any subsidy, and it stood here in the attitude of an antagonist and opponent of the Texas Pacific Railway, which then, under the presidency of Mr. Thomas Scott, was claiming land grants and bounties or subsidies for the purpose of its construction.

But the Southern Pacific Railway, under the direction of Mr. Huntington, its president, I believe, or at least its chief manager, came on in the direction of El Paso, acting under the California charter and under charters from the governments of Arizona and New Mexico, and finally succeeded in completing the road to El Paso on the border between Mexico and the United States. After that had taken place, after that road had been built, the Texas Pacific Railway transferred its entire land grant to the Southern Pacific Railway, transferred it bodily, putting the Southern Pacific in the same position of ownership of the grant, so far as it could, as the Texas Pacific had under the act of Congress. Thereupon Mr. Huntington claimed that he had completed the road, that he had complied substantially with the condition of this land grant that the road should be completed within a certain time, and that having complied substantially with the purposes of the grant, and having obtained the grant by assignment from the Texas Pacific Railroad Company, his company became the rightful owner of the entire land grant.

The Committee on Public Lands of this body, following also the action of the Committee on Public Lands of the House of Representatives, have concluded that the transfer or assignment of this land grant by the Texas Pacific Railroad Company to the Southern Pacific Railway Company was without the authority of law, was in contravention of the statute, and was against public policy. In that land grant that great question arose, a pure question of law upon admitted facts, we, deciding that question for ourselves and excluding the courts from all participation in it, basing our action entirely upon our own judgment, declare that that land grant was not assignable in the manner in which it was assigned and that the Southern Pacific Railroad Company got no title under its assignment.

Now, Mr. President, not only the Southern Pacific Railroad Company but all the people between El Paso and San Francisco are interested in that question. Every man who lives in that section of country has a more or less direct interest in it. Not only they, but the holders of the different bonds issued by that company which are held by them to be mortgages on all the lands thus acquired are interested in the question.

Here is the great law question presented: Can one corporation receiving a land grant of this kind transfer it bodily to another corporation without the consent of Congress? We decide it, admitting no appeal to the courts, and as in some cases that have occurred here, we decide it entirely without debate. Is it not better, safer, wiser, and more just that we should have this law question decided by the courts in a direct proceeding?

Now I will take up another example. I will take the Atlantic and Pacific road. They claim a land grant reaching through the State of Missouri, the Indian Territory, Texas, New Mexico, Arizona, California, out to the seacoast of the Pacific Ocean. That land grant passes through a body of lands called the Indian Territory. That company, in order to perfect its grant and build its road, by agreement with the Cherokee Indians and the Creek Indians, extinguished their titles to the lands which constituted the bed of the road, the right of way, got a concession from them. They had also the authority of this act of charter for passing through the other Indian lands held in reservation by an executive order for the benefit of the Arapahoe and Cheyenne Indians within the Indian Territory. They made some arrangement, I do not know now precisely what, for passing across that part of Texas which is called the Pan Handle. Then they had a land grant and a right of way from the border of Texas on through to the Pacific Ocean, intended primarily to reach the Pacific Ocean at San Diego. Intermediate between the Texas line and the California line some bodies of wild savage Indians were taken by the United States Government after this grant was made, and they were located upon the very tract that the company was to build its road upon. This company, after having failed to build its road, after having failed to build more than about forty miles of its road within the period limited by law for its construction, made a mortgage under a special act of Congress to trustees to raise money to go on and complete the road, a mortgage upon its franchise, upon its road-bed, upon its property of every kind, including its land grant. This act of Congress was made expressly so broad as to enable the Atlantic and Pacific Railroad Company to make the mortgage in order to raise money to complete its road.

It is worthy of notice, in this connection, that the Atlantic and Pacific Railroad Company and the Northern Pacific Railroad Company were organized about the same time, and under contemporaneous acts of Congress, upon the idea that those roads could be built by the companies out of the endowment of public lands which the Government made to them; in other words, that they would be able to sell enough of the public lands to complete the construction of their roads. The Government of the United States, as well as the companies, found that that expectation was vain; that it could not be realized; that the roads could not be built without drawing in the assistance of outside capital. Thereupon the Government by acts of Congress changed its policy toward the roads and authorized them to mortgage their property and land grants, to issue bonds upon the mortgages, and to go into the markets of the world and raise money for the purpose of their construction. The Government, thereby becoming distinctly a party to this change of policy, omitted to name any period for a law-day in the mortgage, a most remarkable instance, as any lawyer is bound to admit. There was no period fixed in the mortgage for the maturity of the bonds, and if the railway companies had made the bonds to run for a hundred years they had the absolute right under the acts of Congress to do it.

Under such circumstances the companies went into the money markets of the country, they employed their syndicates in different parts of the world to place the bonds, and, as in the case in all matters of placing bonds, they found their way by drifting out through the communities into the hands of the owners of small sums of money. These small sums aggregrated furnished the capital which built the roads.

The Atlantic and Pacific Company, in virtue of the power given to it to make its mortgage and of the transactions which I have described,

received money and credit enough to go on and build nine hundred miles of that additional railroad, commencing at Albuquerque, within the period of three years. A most wonderful achievement it was! They completed a connection between an existing system of railways connecting with Saint Louis and Chicago out as far as San Francisco. They built to the point called the Needles, and there Mr. Huntington met them with one of the branches of the Southern Pacific Railway. They furnished to that country—a most interesting and valuable country it is—commercial facilities the like of which no one could have dreamed could possibly have fallen to the advantage of those people inside of a century.

Here is the bill for the forfeiture of the grant to the Atlantic and Pacific which passed the House. The bill is almost exactly like the bill of the Senator from Oregon—a bill of open confiscation without remedy; a bill of seizure and confiscation without adjudication; a bill that compels this railroad company and all of its incidental creditors to accept the decree of the Congress of the United States as something that can not be directly assailed through a United States court. That is the situation. The Atlantic and Pacific Railroad Company in reply to our demand of forfeiture (and I voted for the bill to forfeit) says: "You had an express guarantee in this charter that you would open the right of way through the Indian Territory for the road, and you not only have not done it but we have sent our parties of engineers there to survey the route, and you have compelled us to retire from the Territory time and again. We have spent thousands and thousands of dollars in our efforts to survey our route through the Indian Territory." And the Government of the United States, which in the charter of the road pledged itself to remove all obstructions and to extinguish the Indian title as to the right of way, compelled the railroad company to retire from the Indian Territory, not even allowing them to survey the line. These are facts; nobody can dispute them.

Then, again, it was averred by the Atlantic and Pacific Railroad Company that after they had commenced building their road beyond Albuquerque, when General Crook went down into the Mexican territory and got that savage band of Navajoes who had escaped from our jurisdiction and had gone there to make war upon us and brought them back, they were located right across the line of the railroad, and they were prohibited from interfering with the Indians or going along to build their road. They claim that under circumstances like these the Government of the United States had committed itself to the proposition that it would not insist upon a forfeiture of the lands, at least until after a reasonable time had elapsed after the difficulties that I mention had been removed. That is their claim. I can not deny its justice. I can only say that the railroad company are not building their road beyond The Needles, and are not, therefore, entitled to lands beyond The Needles.

Now, sir, how was that claim presented? It was presented, just like all the rest of the claims in favor of creditors of the railroad companies, by counsel before the Public Lands Committee of the Senate. Were they allowed to call witnesses to prove their claims? No, sir. The committee had no authority to make a judicial inquiry. I moved in this body in respect of one of these cases where personal fraud was alleged that the Committee on Public Lands should have authority to summon witnesses, and the Senate refused to give us the power and voted it down.

After you had shut the doors of the Senate committee against testimony, and the Senate committee have had nothing to rely upon at all except the records that have found their way into the Interior Department and the statements of counsel made before the committee, you require us to sit in judgment upon a title and to destroy it and give false their pretenses of title may be in my opinion or in the opinion of any one else upon the law or upon the facts; that, sir, is not a trial; that is not a hearing. Am I to come before the Senate of the United States as one of the committee charged with the investigation of this question and ask them to adopt my opinions upon the law and the facts of a case like this, and to adjudicate it finally and conclusively and never to allow the parties in actual interest to controvert these opinions unless they can go off and find some court where they can controvert them in a collateral way? I should feel that I had abused the confidence of the Senate and the trust imposed upon me if I had not sought out some remedy for the purpose of mitigating the harshness of the judgment that we are pronouncing in such a case.

I appeal again to the Senate, what have your Judiciary Committee recommended in cases of this kind? Bill after bill has gone before that committee and has been considered by them; they have made report after report to this body upon it, and they have uniformly refused to recommend to this body the adoption of any measure which did not include a remedy against their decision or a right to call it in question by a direct proceeding held in a Federal court of justice.

There was another case that I will cite as an example, a case upon which the House of Representatives acted and refused to declare a forfeiture. That was the celebrated case of the Backbone Railroad in Louisiana. In that case the majority of the House Committee on Public Lands reported in favor of the forfeiture, and the bill was taken up in the House of Representatives and practically without debate was acted upon in the negative; the House refused to follow the recommendations of the committee and declare the forfeiture. Now, what were the facts about that case? The Backbone Railroad Company had been chartered by the Legislature of Louisiana from New Orleans to Baton Rouge and to Vicksburg.

At Baton Rouge it was permitted to cross the Mississippi River going toward the northwest, and to extend its line to Shreveport by the way of Alexandria. That railroad company received in the very same act that made the grant to the Texas and Pacific Railroad a land grant in Louisiana. It never expended a dollar so far as we can find out. It did no work, it earned no land, and so faithless did it become, and so entirely useless, that the Legislature of Louisiana passed an act to repeal the charter. After that act had been passed and the charter had been repealed, a case was made in court, surreptitiously made, for the purpose of getting an adverse decision from the court to the effect that the Legislature had no constitutional power to repeal the charter. Another company, working in combination with Mr. Huntington for the purpose of extending his Pacific system on the west side of the Mississippi River into New Orleans, desired to build the railroad, and did build it on the west side of the river, on a route entirely different, from Baton Rouge down to New Orleans, from that which was occupied by the Backbone charter and also by the act making the land grant.

After the charter had been repealed, and after the company had been galvanized into a sort of semblance of life again for the purpose of making an assignment of its land grant, every member of the House and the Senate from Louisiana but one, I believe, was here inveighing against the charter, and asking the Congress of the United States to forfeit the land grant. Thereupon certain capitalists from the East came into the project, and they advanced some money for the purpose of assisting what is called the New Orleans Pacific road to build its way. They advanced some money, and thereupon they organized the old Backbone Railway Company, and they transferred the grant by assignment from the Backbone Railway Company to the New Orleans Pacific Railway Company. They took the property of the United States granted to a particular company which had become defunct, had been killed by an act of the Legislature of Louisiana, and transferred it by assignment into the hands of the New Orleans Pacific Railway Company, and these gentlemen who are so extremely anxious to forfeit land grants found sufficient reasons why they would not forfeit that.

Now, what is Congress going to do about that? The House defeated the bill and refused to forfeit the land grant. A bill was reported back to the Senate from its own committee with a declaration that the grant should be forfeited except as to those parts which may be considered as having been earned by the building of the road by the assignee company after the date of the assignment. Thus we make contradictory decisions on about the same state of facts, and yet we ask the world to admit that we are infallible as judges.

Here are questions of a grave character, and in great number and variety to be decided. Who is going to decide them? Who is going to prevent a court from coming in to adjudicate upon matters of this kind? Who is bold enough to do it? After the committees of the House and the Senate have passed upon measures of this kind, and after the Committee on the Judiciary of the Senate have continually advised you that you have no right and no power to do it, who is bold enough to do it? It must be a keen appetite for confiscation that will not stop to consider anything relating to power, but will gulp and gobble down railway company after railway company in the hope of being able to have afterward a quiet conscience and a good digestion. It may be that they will, but I do not want the burden of it. The better plan and the honest plan, as I conceive, to deal with this question is to make your declaration (which is equivalent to a seizure under a confiscation law) that in the name of the sovereignty of the United States of America we intend to reclaim these lands, but if you have rights which the courts of the country will sustain against that declaration as being superior to the declaration, let the courts pass upon the rights and so decide. Then you have got justice without sale, delay, or denial.

Because I take this position I have been assailed in the newspapers of the country (humble as I am and as my opinions must be) as being the man who desires to prevent justice from having its full sway against these forfeited land grants to the railroad. Mr. President, there is something that is not disinterested in these representations. There is some disposition it seems to me to hoodwink justice. There is some disposition to seize hold of the popular clamor for the purpose of compelling men to do that which they know is wrong and which they would not do in regard to the humblest man in the world. It is in moments like this that I thank God that he gives me the moral courage still to do what I conceive to be right without fear, favor, or affection; and I can not conceive that I would be doing right as a Senator to pass in judgment upon the rights of property of any individual or any corporation without giving to that person a right to question the validity of the decree that I have passed. I am not a judge, nor is the Senate a court, nor have we judicial power, nor can we administer the ultimate rights between the Government and a citizen by acts of legislation. It was not intended, and when we do it we violate the spirit of the Constitution of this land.

I am, therefore, for adhering to the action taken by the Senate by this decisive vote that in making declarations of forfeiture we will grant to the courts of the United States the jurisdiction to hear and determine these questions. That we will save the people from the myriad of lawsuits which must arise under the forfeiture of these land grants if we do not provide some speedy and efficacious remedy by which the questions can be settled.

What is that remedy? As provided in the amendment which was put upon the Atlantic and Pacific bill, and which I offer now to this bill, it is that the district attorney of the United States for the particular district shall file a bill in the circuit court of the United States in the nature of a bill of interpleader. He shall be under the direction of the Attorney-General of the United States, in order to insure probity and also in order to insure speed of action in the matter. He files his bill there in the name of the United States Government against the forfeited corporation and all others concerned. He makes as parties defendant to that bill those persons whose interests are obvious upon the face of the record, and they proceed to make up the issues and to controvert the questions before the court in which they think that their rights are involved. If there be other persons who are interested as claimants under the law of the United States against the Government or against the railroad company, they can come in by petition after due notice, and they can have themselves made parties defendant to that suit. If a great number of them come in their petitions can be consolidated so as to save the expenses of the trial of the same question on each petition and to speed the progress of the cause. Thereupon the court proceeds to judgment upon all these different controversies. No petition can be filed later than a year after the bill of interpleader has been filed. That is a pretty short statute of limitations, and the object is to encourage men to industrious action in presenting their claims. The cause is decided by the judge. Any party in interest has a right to appeal from the decision and take it to the Supreme Court. Then it is made the duty of the Supreme Court to advance the cause on the docket and to decide it as a cause of urgency, the object being that the Government of the United States shall come into possession of its real title to the lands, whatever that may be, in sufficient time to give to every man a clear title to the land that belongs to him, without embarrassment and without conflict with his neighbor.

Sir, I present that as a contrast to the plan under which questions have arisen in the courts and have been decided like the case of Schulenberg vs. Harriman upon the question of the title to logs cut off a piece of land. I put this system in contrast with that which has been suggested here and elsewhere, of permitting every man who has got an interest in a question of this kind to sue his neighbor in some court, and after winding around through the different difficulties and labyrinths of the law finally to get to the Supreme Court of the United States with his case. I put it in contrast with the system which involves a necessity of tedious, wasteful, and expensive litigation, with a system which delays the bestowal of the public lands, delays the completion of final and unquestionable titles until cross-interests of every description that can be thought of have sprung up in the country. I claim that the system which I have had the honor to introduce and which the Senate has put upon the Atlantic and Pacific bill is one, and the only one that I can think of at least, which furnishes an adequate and proper remedy to all persons concerned under the circumstances.

Now, what harm is there in it? I have asked that question here and I have asked it elsewhere. What harm is there in it? What injury or injustice can it do? The answer has been, "We are afraid to trust the judges of the United States," and that is all of it. That is the only answer which any sensible man can make, it seems to me. We are afraid to risk the judges of the United States. They and their officers, in other words, may be corrupted; and we can not afford to trust the public interests of the United States in the hands of its judiciary. If such a suggestion had ever arisen in my mind I should have felt a sense of patriotism that would have prevented me from urging it or suggesting it. But that is where it comes to at last. In order to beat the railroads we must have, it seems, the judgment of other tribunals than the Federal courts, if a judgment must be had; but above all and before all we must fence out with absolute bars, as far as we can make them absolute, all right of access to any court for the adjudication of these questions. We must lay down the stern decree of the two Houses of Congress, approved by the President, that these lands are forfeited, and tell the party who holds a thousand dollars of bonds—some orphan child or some widow woman perhaps it may be in this country or in Germany—to confront this decree of the Congress of the United States approved by the President and beat it if you can. How are they going to do it? They can not sue the United States. We forbid them to do it. They must sue some person who is in possession of the land or has an interest in it of some kind. They must sue in some outside court, some Territorial or State court. They can take an appeal, if cast in the action, to the supreme court of that State; and if there is money enough in the question to justify the appeal or to bring it to the attention of the Supreme Court of the United States, after years and years of delay they may bring it there and have it decided. In the mean time they are wrecked; the expenses have overcome them.

Sir, we are not without fault in these matters. Whatever rights there may be in favor of the United States Government in regard to these lands, there are some equities existing in favor of the holders of the bonds and of the different claims against these estates. By our carelessness, our inattention, and, as it is construed by them, by a fraudulent connivance at the situation, we have induced them to go on from year to year to expend their money and to raise more by the sale of bonds, and now they say to us: "You forfeit these lands out and out, and you furnish us no remedy. On the contrary, you bar the path to a remedy. You do that which Senators on this floor declare is an absolute confiscation out and out and is rightfully made." And all this we do, Mr. President, with haste and without mercy.

Mr. President, I have always understood since I have had the honor of a place at the bar in this country that penal laws and laws of confiscation and laws of forfeiture were not encouraged; that the Congress of the United States and the State Legislatures and the judges of the United States and of the State courts uniformly held, and had uniformly been controlled by the idea, that the Government would not break the law in its spirit in order to take advantage of it in its text. But if these moneys have been expended honestly and faithfully and in view of the security furnished by the public lands (admit that the people who advanced the money were mistaken in the law), can we shut our eyes to the equity of the transaction and to the equitable claims that arise out of it against us? Are we not bound to consider that these men have been misled by the laches and the other indifferent conduct of the Government of the United States into making their investments? When they come to a court and present these questions, as they have presented them to your committee, that court ought to be allowed to decide them, and your committee ought not to be compelled to decide them, cutting off the courts from all opportunity to investigate them.

Mr. President, I do not wish to pursue this subject any further, but I hope that the Senate will put this amendment on the bill. It can not hurt it. If there are no creditors of this railroad corporation, no bondholders, and no persons whose rights are interfered with, the bill which will be filed in the circuit court of the United States at the suit of the United States of America will be decided inside of six months; it will be all decided, and then nobody can complain. But if there are creditors who may be injured and who have rights, and we do not give to those creditors the opportunity to be heard in the courts of the United States, we do them an injustice. This bill was reported back to this body on an assurance given in the committee by at least one of the Senators from Oregon that there were no creditors of this railway company.

Mr. DOLPH. Mr. President——

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Alabama yield to the Senator from Oregon?

Mr. MORGAN. Certainly.

Mr. DOLPH. Since the previous discussion upon this bill I have called to the recollection of my colleague [Mr. SLATER] the circumstance that when he had written his report to accompany the bill he referred to the fact that these lands were mortgaged, and in the report claimed that the company had used the credit of the unearned grant for the purpose of constructing other portions of the road. I called his attention to the fact that while it was true that all the lands were mortgaged, the bonds were not issued except as the road had been completed, and the bonds had not been issued for the uncompleted portion of the road. I said in the former debate on this bill that I never had stated in the committee-room or elsewhere that these lands were not mortgaged. I could not have done so, because I either drafted or participated in the execution of the mortgages myself. It was only upon this question (I do not know that I should term it a question of veracity, but upon this question of fact) that I desired to speak at this time. The fact is that the fact was stated more than once in committee that the lands were mortgaged, and when my colleague reported upon the bill and prepared his report he referred in his report to the fact that the lands had been mortgaged.

Mr. MORGAN. Whatever may have been the recollection of either of the Senators from Oregon, I am quite sure that I addressed to one of them a question in the committee as to whether there were any creditors of the company, and I was answered that there were not. More than that, the honorable Senator who sits behind me [Mr. SLATER], on the morning that the bill first came up in the Senate during the present session, was interrogated by me, and stated that there were creditors of the company; that he had been recently informed of it; and when asked as to when he had ascertained the fact he said it was that morning he had first become acquainted with the fact. That was after the bill got into the Senate. The RECORD shows that statement was made. What I am complaining of—I do not complain of anything really——

Mr. SLATER. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. SLATER. The Senator is correct as to the colloquy that occurred in the Senate. As to that I was mistaken, and my attention was called to it by my colleague. He referred to what took place in committee, and the conversation that came up between my colleague and myself as to the language and terms of the report, and the part of the report he objected to was stricken out. I was led into the mistake and misapprehension from the fact that it was stated before the committee that there were no bonds out for the uncompleted portion of the road, and I was under the impression at the moment that there were none at all.

Mr. MORGAN. But the fact is, as the Senators now give it out, that there are bondholders who hold bonds against the railroad company, and whether they were given out after a portion of the road was completed or not the bonds were held against the franchise and against all the lands. These bonds have not been paid; no one pretends that, and if we do not cut off the entire security by this bill we cut off part of it.

Mr. LAPHAM. If the Senator will allow me I will state that the bonds are mainly held abroad. They are mainly held in London.

Mr. MORGAN. I did not know that, and I am a member of the committee.

Mr. BLAIR. If the Senator will permit me I will also state a fact which may be of importance to him just at this stage of the debate, a fact which has come to my knowledge from a person thoroughly acquainted with these lands and a reliable gentleman. The lands which it is attempted to forfeit are along a line about seventy miles in length. They are timber lands, covered with very heavy growth and are exceedingly valuable, and they are the very lands that by the amendment adopted by the Senate in reference to this bill have been cut down in value from $2.50 per acre to $1.25. If, as is now stated, those lands are held as security for the bonds which were issued, they are undoubtedly the most valuable portion of the security for the bonds.

Mr. MORGAN. This colloquy illustrates the point I am making, that it is an impossibility for a Senate committee or the Senate of the United States to try these questions intelligently and to come to a sound judicial decree about them under existing circumstances. We have not got the appliances; we have not got the means of rendering a proper decree. Here are Senators who announce that they did not know anything about this debt. Here is one of the Senators from Oregon who announces that he did not know anything about it when the bill came up. Here is another Senator who drew the mortgage. Here is another Senator who informs me now that the bonds are held abroad. Doubtless some of his constituents or some of his friends abroad have reminded him of their interests in this question. Here are bonds outstanding that are a lien by the express terms of the mortgage upon the whole land grant. Here is a Senator who announces upon information derived from a person whom he respects that the part of the land we are now confiscating is one of the most valuable parts of the security for the payment of the bonds. Here is the Senate of the United States about to decree an absolute forfeiture and confiscation of the lands, and here are the Senators from Oregon objecting that any court should have anything to do with it. They may have good grounds for that objection.

It is none of my business what their grounds may be, but there is danger ahead of us if we undertake to pass the bill without the amendment or something like it. There is a wrong to be done to somebody. How easy is it now, if we put this amendment upon the bill, to allow these people to go, yes, to cause the Government to go into its own courts and file a bill in the nature of a bill of interpleader and have all these questions settled. Why shall we refuse to do that? What great public demand is it that compels us thus to throttle justice in its own temple and refuse to allow our own judges to decide upon questions of controversy involving large estates like this?

I am astonished, sir, at the pressure against this amendment. It occurs to me that the honorable Senators from Oregon ought to invite its adoption. They ought to say to all people who are concerned in this grant: "Come into the court and show what your claims are, and show whether they are valid in law or not. If they are valid our judges are honest enough to respect them; if they are invalid they will be soon rejected and we will know exactly the state of the title to this land."

It seems to me that we can not avoid the duty under the circumstances presented before the Senate at this moment of time of voting this amendment on the bill. Surely I should have offered it in the committee. I should have taken the judgment of that honorable body upon the amendment if I had had a thought that there was a creditor outstanding whose rights could be affected by this act of violent confiscation. I am not prepared to confiscate lands out of hand by a legislative act. I am not here to seize the property of the people of the United States who claim it, whether they are railroad corporations or private people, and upon my judgment, derived from a meager, unsubstantial, and unreliable statement of facts, to deprive them of their property and then afford them no remedy.

Sir, there ought to be a remedy equivalent to the petition of right in the United States. The people of the United States will never enjoy the liberties of their ancestors under the English Government until they have the free right of suing the Government exactly as they do in England in respect of any matter that relates to their titles to real estate derived from that government. There ought to be, but there is not, such a right. Our system of jurisprudence has been so arranged as that we deny remedies to citizens against the Government, except where we give them under special acts of Congress. Here is a broad field of litigation opened by an act of Congress, forced upon the people by an act of Congress, and then we refuse to grant to the people the right of access to the Federal courts for the decision of these questions speedily, and almost summarily, because some men say that they are afraid to trust the judges. What sort of a government have we got if the judicial department of it can not be trusted to pass upon the title of a railroad company to a land grant? When did Congress establish its reputation for immaculate purity and honorable action to that high extent that it should rise above the title of the judges to the same distinction?

When have we found the precincts of the courts haunted by gangs of foul lobbyists who attempt to pervert the judgments of the courts of this country? No, sir; it is not the courts that they visit; they visit Congress. They are here; they are not there. They are not found in the sanctuary of the Supreme Court, but oftentimes they are found in the lobbies of this body. I will not say that where the carcass is there will the eagles gather together, for that would be unjust; but I will say that for a serene, honest judgment, of perfect integrity, and one upon which the country can rest with satisfaction, commend me to a court rather than to any legislative body.

Mr. SLATER. Mr. President, I shall not attempt to follow the Senator from Alabama in his long argument in relation to his amendment offered to another bill, but I desire to call the attention of the Senate to the fact that the bill before it relates to a different grant, couched in different language, and surrounded by different circumstances. Whatever may have been right in regard to the amendment as attached to the bill to which the Senator refers, no such condition of facts exists or surrounds this grant.

The grant was made in 1870. The road was to be completed in 1876. Some forty-odd miles were completed within the time within which the grant had life. Since 1876 not a single lick has been struck in the construction of the remainder of the road. For eight years the condition has been notoriously broken. The company has not even intimated that they would continue or make an effort to continue the road. More than that, the late president of the company, Mr. Villard, in a letter to the Chamber of Commerce of Astoria, signified that it was impossible for them to continue the effort, or something to that effect.

As to the question of the outstanding bonds it is not necessary for us to inquire into the facts in regard to that. We have only to refer to the terms of the statute upon which the grant rests. The language is explicit that the grantees are to build the road within the time specified; and the implication is, if implication can arise in the English language in any form in which it may be expressed, that if they did not complete the road within that time the lands were subject to be reverted to the Government of the United States as for a condition broken. That is precisely what we are asking here to-day. It is not confiscation; it is simply asking that which the terms of the original grant contain within it. It is the meaning, the purpose, the express intention so far as it could be expressed that if the road was not built within the time specified in the act Congress would reassert its title to the lands.

If the company having the grant went into the market with that title conditioned as it was and procured money, the persons advancing the money must look themselves to the security. It is not for us to look and see that they have their money when they put it upon security that has not been realized. They loaned their money upon a specified title; they loaned it to a corporation that had the right to build the road at the time of the loan, encumbered by the condition. The parties to whom they made the loan have not completed the work; they have not performed the conditions. They had notice in advance of this matter, and now it is not quite correct it seems to me that this plea should be made for them, when the company have come here in the way they have, with an eight years' lapse between any effort to complete the road—eight years of continuous broken condition.

The theory of the amendment of the Senator from Alabama is very beautiful to behold, but it is false, it is misleading. It goes upon the idea that these people will have no right, that they can not seek their remedy in the courts unless we give them a remedy in this form. That is entirely a mistake. It is utterly impossible for the Congress of the United States to take from any person a vested right. If there is any vested right existing under the previous act that would be affected by the passage of the pending bill they will be able to go into the courts at the proper time and in the proper form and assert their right. To go into court in the form that the Senator suggests by his amendment is simply to attach to this forfeiture a condition that is to stand in the courts an indefinite period of time. It unsettles everything and leaves everything at loose ends.

It is not proper, perhaps, that I should allude to the manner in which this thing is viewed outside of this Chamber, but I wish to say to the Senator and to the Senate in regard to the amendment to the bill that he refers to, now pending before the Senate on a conference report, that in my judgment the Senate ought to recede from its amendment, and if no other Senator moves that the Senate shall recede I shall take the liberty to make that motion myself. I think the Senate ought not to insist upon that amendment. I think we should be placing ourselves in a false position. I think the time has come when these forfeitures

should take place and the forfeitures should be just as broad as the original grant; that is, where the condition has been broken the United States steps in and retakes to itself what is remaining to which title has not been acquired.

There is one other point. The bill as it came from the House proposed to sweep from this corporation the entire grant, that which is classified as earned as well as the unearned land, the land adjacent to the forty-odd miles of completed road as well as the seventy-odd miles of uncompleted road. The Senate Committee on Public Lands did not believe the position of the House to be tenable, because in the original act it is provided that as often as the company shall complete twenty or more miles of road and and have it accepted as provided in the act the company shall be entitled to receive patents therefor. As a matter of course, a patent is only the evidence of title, but when the law says that on a certain state of facts existing a party shall be entitled to a patent it was deemed by the committee that although a patent had not issued, yet it was to be taken as if it had issued in point of fact, and that the title vested not only upon the issuance of the patent but upon the completion of the contract and the conditions and the acceptance of the road by the United States; in other words, that the grant for each section of twenty miles was the portion of a grant, and that the right of the company attached to the land adjacent to the completed road as fast as twenty-mile sections were completed and accepted by the United States, and that the Government of the United States could not go behind this acceptance, it being within the lifetime of the grant, and sweep from the corporation the lands that had been earned.

Hence the amendment of the Senate committee reaches only the unearned portion of the lands. There can be no litigation about that. The grant is a plain one. What right can the company exhibit in a court in regard to this matter? It is not possible that they can exhibit any. The end will be simply in affirmance of the act of Congress that the lands were forfeited. As to any other rights that may come up, they are all provided for either in the bill or in the laws of the United States that bear on this case. So there is no pretense, in my judgment, for any such amendment being attached to the bill, and I doubt whether it is proper upon any bill that is likely to come before the Senate. That is all I desire to say.

Mr. DOLPH. Mr. President, I do not proprose to discuss this bill at any length. On the 3d of July last I made some remarks on the then pending bill to forfeit the land grant of the Atlantic and Pacific Railroad Company, in which I went over the question of the power of Congress to forfeit unearned grants to railroad companies and of the propriety of the amendment offered by the Senator from Alabama to that bill.

It seems to me there is some confusion in the minds of some Senators as to the precise legal status of this grant. The grant was a grant *in præsenti*; it took effect from the date of the grant. It acquired precision by the location of a definite line of the road. It was a grant upon a condition-subsequent. The condition-subsequent was the construction of the road in accordance with the provisions of the act of Congress. The time within which the road was to be constructed was limited. In such a case at common law if the condition is not performed within the time limited in the grant, but is performed afterward and before entry for non-performance, the performance of the condition is as good as if it had been performed within the time prescribed. In other words, the title becomes perfect, and advantage can not then be taken by the grantor of the non-performance of the condition within the time provided in the grant.

In this case a portion of the road of the company was constructed within the time limited in the grant. No portion of the road has been constructed since the expiration of that time. Therefore, the question as to whether the company earned land by the construction of portions of its road after that time, and before Congress had interfered and declared a forfeiture, is eliminated from this case. It is not proposed by the bill to forfeit any portion of the land which has been earned. The object of the bill is simply to declare a forfeiture of the unearned portion of the grant. That is undoubtedly within the power of Congress. All lands granted to the company have been included in a general mortgage or mortgages, and also in a deed of trust, but, as I understand it, bonds have not been issued for the portion of the road which has not been constructed. Under the terms of the mortgage, bonds could only be issued as certain sections of the road were constructed and accepted by the President of the United States; consequently, while the lands not earned are included in the mortgages, it can hardly be said that the bonds issued for the constructed portions of the road are a lien upon the unearned lands.

Besides, I suppose the title of every corporation and person claiming under the railroad company depends upon the same conditions that affect the title of the railroad company itself, and if Congress has the power to forfeit the lands as against the railroad company, it certainly has the power to forfeit them as against every corporation and person claiming under the company.

In the case of the grants of the Atlantic and Pacific Railroad Company, the Texas Pacific Railroad Company, and the Northern Pacific Railroad Company another question arises. In each of those acts, in addition to a provision for the forfeiture of the land granted in case the road is not constructed within the time prescribed, it is provided in substance that in case of a breach in the conditions of the grant Congress may do whatever is necessary to secure the completion of the road; and it is contended that such provision is the only penalty which Congress reserved to the Government the right to inflict for a breach of the conditions upon which the grant was made, and that Congress can not deprive either of those three companies of its land grant except for the purpose of using the lands for the completion of the road. That is a question which I thought ought to go to the courts—a question which would be involved in the title to all the lands declared by the act to be forfeited if they should be opened to settlement and sale under the laws of the United States for the disposal of the public lands.

Therefore I favored the amendment offered by the Senator from Alabama to the bill to forfeit the grant of the Atlantic and Pacific Railroad Company, and with my present views upon the questions I shall feel bound to favor the amendment if offered to the bills to forfeit the grants of the Texas Pacific and the Northern Pacific Railroad Company, not because such an amendment is necessary to secure to the railroad companies and their grantees their rights, for it is utterly impossible for Congress to cut off or destroy a right which has accrued to the granted lands. A railroad charter granted by Congress is a contract between the Government and the railroad company, and so far as the land grant is concerned it is not in the power of Congress to pass an act which would impair that contract. In any controversy which may arise between the mortgagees of the railroad lands or any grantee of any of such lands from the company, or any other person claiming any interest in the lands under the company and persons claiming under the laws of the United States for the disposal of the public lands, the question of title can be raised and litigated in spite of any act of Congress. In any action of ejectment brought by a pre-emptor or a homesteader against a party in possession claiming lands under the railroad company the question as to whether the lands in controversy had been in fact forfeited and restored to the public domain by act of Congress might be raised and judicially determined.

It was because I thought such a controversy might be prolonged for years in the case of the Atlantic and Pacific Railroad grant, and extensive litigation might arise out of the attempted forfeiture of the grant, that I deemed it wise as a matter of policy to provide for settling the title before the lands should be placed in the market, and for that purpose to provide for the bringing of a suit by the United States at an early day and for its early decision to determine the title of the land declared forfeited. I do not think that the persons interested in this grant claiming under the railroad company are numerous enough, that there are controversies enough likely to arise, or that there is a question of sufficient importance as to the power of Congress to forfeit the grant in this case to require such an amendment. As I said, the question that arises in the case of the Northern Pacific, and which arose in the case of the Atlantic and Pacific, is not involved in this case. The act of Congress making the grant in this case simply, by appropriate words, provides that if the railroad is not completed within the time prescribed in the grant the lands shall be forfeited, and the question of the power of Congress to declare a forfeiture in this case I submit is not an open one. Congress can not do anything more than declare the lands forfeited, which would be equivalent to an entry at common law for a breach of the condition. No party having any vested legal right to these lands from the railroad company will be injuriously affected by any act Congress may pass.

In connection with this matter I desire to call the attention of the Senator from Alabama to his amendment. I read from the bill to forfeit the land grant of the Atlantic and Pacific Railroad Company which passed the Senate, which, I believe, is identical with the amendment offered to this bill. The third section of the amendment provides that it shall be the duty of the district attorney, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States by a bill in equity against any corporations or persons who claim any interest in the lands hereby declared forfeited arising under said act of Congress. The fourth section provides:

> That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim are necessary to do complete justice in said cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit.

I desire to call attention to the fact that while it is made the duty of the district attorney to file a bill against all parties claiming an interest in the land, and permission is given to any person not made a party defendant to come in by petition within a year, there is no provision that cuts off such claimants, as I understand the amendment, if they do not present their petition within a year. That is to say, if any corporation or person claiming an interest in any of these lands is not made a party defendant in such suit by the district attorney, and does not come in within the year and file a petition to be made a party, or if the court should decide that the case pending may go on and be determined in the absence of a party who applies by petition to be made a

defendant, in that case the claim is not heard and is not determined, and there is no statute of limitations provided against such claimants. I think if we are to adopt an amendment of this kind it ought to be broad enough to secure a complete determination of all questions and claims which can possibly arise to any portion of the grant under the act of forfeiture. There ought to be a provision requiring notice of the pendency of the suit to be given by publication to all persons, known and unknown, having or claiming an interest in the lands, and further provision that if they do not appear within a year and file their application to be made defendants they shall be forever barred. If this is not done I fear the amendment will not accomplish what it is claimed to be intended to accomplish.

Mr. MORGAN. Allow me to explain the amendment a moment. I had both questions in my mind under consideration at the time I prepared this amendment to the former bill. The first relates to putting in an absolute bar, a statute of limitations, to those persons who do not apply within a year. I understand the effect of a decision of the chancellor, after notice is given for instance in a bill of interpleader or in a creditors' bill that persons interested may come in within a certain time and propound their claims, is to cut them off if they do not propound their claims, unless they have some excuse, such as insanity or idiocy or infancy, which would be an exception under the rules of the common law in the country from which we have derived our jurisprudence. So I found it difficult to prepare an amendment in the statutory form that would cover the whole case. We give them the right to come in within a year. They can not come in later than that. The case then goes to the Supreme Court of the United States if any person sees proper to appeal it. All the questions in the case are necessarily settled in that adjudication, and they affect persons who are in privity of interest, whether parties to the record or not. Therefore I did not essay in preparing the amendment to go on and anticipate all the different classes of cases that might arise, but merely left them to the general disposition of the law as is done in all bills of this kind, as I understand.

As to the other question about giving notice, that is provided for in the general laws regulating practice in equity in the courts of the United States. It will be the duty of the district attorney in filing his bill to give notice by publication under the rules of practice of the Supreme Court, in respect of all persons who may have an interest in the case, to come forward and propound their claims.

Mr. DOLPH. I think the act goes to the extent of requiring notice to be published as to parties who are not within the jurisdiction of the court but who are known. Now, there are provisions in some of the States that publication shall be made against parties known and unknown; and I think in a case of this kind, where there are liable to be so many parties having diversified interests, that sort of notice had better be given and should be provided for.

Mr. MORGAN. The Senator correctly states the scope of the statute of the United States on this subject. At the same time the Supreme Court of the United States is a court of equity and has a right to establish rules of practice, and has done so. It has resorted to the English rules of practice as a general basis of the administration of the rights of parties in courts of equity. Now, take a creditors' bill and undertake to manage that. Under the rules of English chancery practice the court makes an order that all creditors who desire to prove their claims against the estate that is being administered shall have a certain time within which to come in, otherwise they shall be barred. Where did the court derive its authority to do that? Not from any statute of the United States, but from the rules of the English chancery practice, which have been adopted by the Supreme Court of the United States under their authority to adopt rules for the government of courts of equity, so that the whole case is covered.

Mr. BLAIR. Mr. President, I have on a former occasion given expression to substantially all the views which I desire to impart to the Senate or which are of any consequence to the Senate on this general question; but I think with reference to this particular bill that there are some considerations in addition to those which have already been offered that might well be considered by the Senate.

I suppose with reference to all these proposed forfeitures of land grants to various roads that have been chartered with rights in the public lands of the United States as an encouragement to the construction of railroads through those lands, and none of which, with the exception of the Southern Pacific, in constructing its line from San Francisco to the Colorado River, has ever complied with the conditions of the grant, that the real question with Congress and with the American people should be, what it is right to do and not what have we the power to do in dealing with these corporations, their grantees, and those who have derived rights of various kinds during the operations of these grants. I have not, as a member of the Committee on Public Lands, given so very much attention to the sharp technical legal questions that may arise on these grants and on the facts that exist in the various cases. Indeed I may say, and I think no one will contradict me when I say, that so far as regards an ascertainment of the facts in any case whatever that has been before Congress, there has been none. There has never been any such method of ascertaining the facts with reference to any one of these cases as would justify us in allowing a claim for pension. The Committee on Pensions has never to my knowledge passed a single case in favor of the defenders of this Union, the life of this Government, where they did not demand more rigid scrutiny as to the facts than has been made in any one of these cases involving the title to such tremendous masses of property.

It is idle to say that there has been any ascertainment of facts which is to be relied upon. There is none in this particular case. Neither Senator from Oregon nor any Senator on this floor can arise in his seat and say what amount of bonded indebtedness there is against this corporation to-day. It is still a question between the Senators, as I understand, whether there be one or two sets of bondholders or mortgagees. I doubt whether the Senator from Oregon on my left [Mr. SLATER] can answer whether there be two, or more or less. I know that the Senator on my right [Mr. DOLPH] says that he drafted these mortgages or was in some way connected with them. I am not quite sure whether he himself will say that there are two sets or only one, or whether there may be three; and who knows the amount of that bonded indebtedness or where it is located? It is admitted that there is a large bonded indebtedness, that it is owned abroad, that it is also owned in our own country in part, or that it may be owned in both; but nobody knows where it is, nobody knows its amount. The Senator [Mr. DOLPH] as he takes his seat says before the amendment proposed by the Senator from Alabama can be considered perfect it must provide for giving notice to all parties interested. It contemplates giving only one year's time for this settlement for these corporations, for these bondholders, no matter where they may be, to find their way to court, and it is a most egregiously severe provision in itself in that regard as it seems to me. But the Senator seems to understand that before these parties are to be deprived of their remedy—and it has been shown by the Senator from Alabama that they have no remedy practically when the question arises between the corporation and the United States—there should be notification given to them, they should have the opportunity to come in; and that idea is consonant with our most elementary notions of justice; but has there ever been such notice given in any of these cases?

You may say there have been pending these bills in both Houses of Congress, but that is not notice to the settlers on these lands. It is in no sense whatever legal notice. These parties have a right to presuppose that Congress will give them formal notice before it undertakes to find any question of fact whatever against them. Suppose in our States that we undertake the division of a township; suppose we undertake any other legislation which interferes with individual rights, such as the taking away of a water privilege, the erection of a dam for the purpose of increasing the manufacturing facilities of a given district, or to add property of that kind to the ownership of a corporation, we never legislate until we first give notice to all those whose interests may be concerned and they have the right and the opportunity to be heard. Yet no such notice has been given in any of these cases, and no American citizen has any reason to believe that Congress will undertake to steal his right without giving him notice. And yet, sir, I say—I say it because upon my conscience I believe it is the right, the honest thing to say—that this whole procedure in the direction of the forfeiture of these land grants where Congress has not undertaken first to ascertain the facts with some appearance of judicial fairness and some regard to judicial methods of procedure, although it may be finding those facts by its own committees—I say this whole process of taking these vested rights (for that it substantially is) is an organized robbery, and I am opposed to it.

I have opposed all these bills. I have opposed them in committee. I have voted against them because we had not first learned our facts, because we had not given those whose rights are concerned the opportunity to be heard; and I oppose this bill as much as any other of them on this general principle.

Now, let us look at this matter a little more closely. It is claimed here that whatever equities may exist, or whatever legal rights may exist, that ordinarily should be ascertained by means of a court, a tribunal provided by the General Government to the citizen, so that he could be heard in the nature of granting him the privilege of a writ of right, ought not in this particular case to be insisted on, because no questions arise save those which arise between the Government, itself the grantor, and the corporation or the grantees or assignees of the corporation; and if the Government has a right strictly to insist on the forfeiture of the lands so far as the corporation is concerned, as a necessary consequence, as a logical conclusion, it has a right to proceed further and take these lands without notice, without any formalities whatever, as against the assignees of the corporation which was the original grantee.

Now, sir, let us examine that position for a moment. It is now conceded that there are bondholders, at least one set of bondholders; that a portion of the road has been constructed; that the portion of the road which was built has been constructed with funds that were obtained from the bondholders, and that the chief security of the bondholders was an assignment or mortgage upon the land grant, upon the entire land grant, not the land grant opposite the constructed portion of the road, but the entire grant from one end to the other of the proposed route. That is conceded. So then the road, whatever there is of it, the forty or fifty or sixty miles completed, was built upon the faith of the entire grant, and these bondholders have an assignment of

it. So far as I can learn the facts—I do not know whether I am right or wrong in this regard, for there has been no opportunity to ascertain by taking testimony, but I have the sort of information which I believe in and which is as good as the information of anybody in the Senate on the subject—I say, sir, that as near as I can ascertain the facts, the more valuable portion of this land grant upon which the road was constructed, so far as it has been built, is that which it is now proposed to forfeit because it is not opposite or contiguous to the constructed portion of the road. While the portion of the road that has been constructed, if I mistake not, is the most expensive part of it, the security upon which the money was obtained to construct that portion of the road was obtained by the pledge of the land which is not opposite that part of the line that is completed.

Then, in equity, as everybody will see at once, these bondholders have some rights, whatever may be the case as between the Government and the corporation, that did not put in its own money, it seems, but raised the money in accordance with the ordinary custom of getting it out of somebody else, and if the loss fell anywhere putting it on these innocent parties, who on the faith of the grant furnished the money and built the road as far as it is built. However the case may be between the Government and the corporation itself, there can be no sort of doubt that there is an exceedingly strong equity in favor of holding this entire land grant so far as it is necessary to fully indemnify the bondholders. Any honest man would say so. The Government of the United States must say so, and any man who thinks that when they understand this question the people of the United States will become a party to any wrong such as I believe is here proposed much mistakes the temper of the American people.

So much as to the real equity. Whether it amounts to a legal claim or not, it is nevertheless a pertinent consideration for us to consider, and it ought to control our action, because we are called upon to legislate or not, as we see fit, to enforce this right of forfeiture or not to enforce it, just as may be in accordance with the dictates of justice. We are not called upon to enforce a right of forfeiture simply because it exists. Even the common law in the days of its utmost severity allowed the enforcement of the forfeiture of a condition subsequent to be waived; it could be enforced by nobody whatever except the original grantor, the original creator of the condition. No third party could interfere with it. And these forfeitures are not favored in the law. There has been no period in English or American history when they have been favored by the law, and if there be a half equity, the court will not enforce a forfeiture. And is there not an equity in this case upon this statement of facts which I make to you, which is the nearest to the truth I am able to ascertain—and I admit I have ascertained most of it since this bill reached the Senate, since the action of the committee, because I had supposed, like the Senator from Alabama, that he was correct in understanding that nobody was interested save the original corporation, and that its abandonment of the idea of completing the road was utter, absolute, and universally conceded.

Thus much for the matter of equity that ought to control us to the extent, as I think, of defeating this bill under the circumstances even with the amendment proposed by the Senator from Alabama. Now, sir, as to whether here is any legal right of forfeiture as against these bondholders at the present time I wish to address a few considerations to the Senate.

We know that in every case where there has been a land grant, save one, the time provided in the original charter has elapsed before the completion of the road, and it is true that there never has been a forfeiture in any case declared even by Congress as yet. In every instance there has been what I consider and what I believe the courts will hold to be a license given to the original corporation or its assignees to proceed even after the expiration of that time to the completion of their road, and under that license the great completed portion of the Northern Pacific has been constructed and its land grant transferred to it, and the entire reach of its road from the middle of the country to the Pacific slope is now in process of construction on the faith of its grants. The same is true of the Atlantic and Pacific.

The point is that by the act of the Government, the deed of the Government in permitting the company to proceed after the right of forfeiture had accrued, raising more money, pledging or continuing the pledge of the land grant for the purpose of raising money in the markets of the world, there arises a license on the part of the Government to proceed for some length of time. Everybody admits that. If there is such a license or right granted by the Government to proceed for some length of time, how long is that time? It must have duration; it must be longer or shorter. It is not limited by any statute; it is not fixed in any definite way in the law. Now, what rule have we, what rule does the law itself apply in a case like this? Only this rule, and it is the rule of sound reason, that a reasonable or rational period of time shall be allowed. For what purpose? It is to complete the road, is it not? Very well. It can be nothing else, as it seems to me.

So, then, if the original corporation elects to proceed and does proceed in good faith, using such exertions, strenuous or otherwise, as under the circumstances a prudent man would use in the prosecution of his own business, the Government has said to that corporation, "So long as you continue in this course of action you shall have the right to complete your road and to possess and enjoy all the privileges that are contained in your original charter, and which you may have pledged in order to obtain the means for the completion of your road." If that is not so, then this at least is true: that if the corporation proceeding thus honestly, prudently in the prosecution of its purpose to complete its road, yet fails to succeed for the lack of means or for any reason whatever beyond its own control or within its own control to complete that road as soon as the public good requires, so that the original object for which the grant was made can be attained, then that corporation, as a matter of good faith and honesty on the part of the Government, is entitled to notice as to the time within which it must complete its road or the forfeiture will be insisted on. That much at least is the duty of the Government.

If this be so, if this is justice, if this is probably the law, if these are points which a court may well consider, I wish to call attention to one further proposition with reference to this particular case, and that is that these bondholders certainly are entitled to such notice if the original corporation itself were not. These bondholders, these mortgagees, placed themselves in an attitude of contractors with this corporation. The Government creates the corporation and gives it the power to contract. It necessarily then contemplated the fact that the relation of grantor and grantee, assignor and assignee, should come to exist between the corporation and these bondholders.

Thus, Mr. President, the Government has notice of the relative attitude of the several parties in the relations they came to have toward each other in this contract. The Government, in other words, knows that the actual control of the road is not in the hands of the mortgagees, that they are not able to compel the reasonably rapid construction of the road; and until such time as the Government sees fit to give the original grantee, the corporation itself, notice that it must finish its road, certainly it must be conceded that justice would require that the bondholders had a still stronger right to such notice in order that they might protect themselves. Now, how can they protect themselves? There is only one way in which they can do it; and that is by entering into possession, which they must obtain under the forms of law, and discharging the obligations of the original grantee, and thus protecting their title as against the Government. Is there any justice in saying that we shall proceed to the forfeiture of the rights of these assignees who have not been in possession, who had no reason to suppose it was expected of them that they would enforce their mortgages and perhaps can not as yet do so? Is there any right or justice that we now undertake to forfeit the major part of their security when we have never intimated to them until now that we propose to forfeit the right of the original grantee itself?

They, I claim, have right of notice of what we propose to do as to this grantee in order that they may protect themselves by enforcing their legal rights against the corporation and thus enter into possession and complete the road.

Now, Mr. President, here is certainly a very strong equity with reference to these bondholders that does not exist with reference to the original corporation itself. I believe that here is a legal right in these bondholders. I believe it is a right that could be enforced as between private parties, and that the opportunity ought to be given to them to set up that right as against the United States. I do not believe myself, as I have said before, that until all these interested parties have had fair notice of our intent to take from them this land unless they completed the road, in justice and equity we should legislate at all. We should give the notice first. If after having given the notice these parties unreasonably fail to take those steps which are essential to the completion of the road, then the Government can enforce its right, undoubtedly. But we have done nothing like that in any of these cases. We have not done it with reference to these bondholders; we have not done it with reference to any one of the original corporations whose rights it is proposed to assail in any of these bills.

Mr. President. I have taken more time than I expected to occupy at the present on this subject. I think that whenever a land grant has been made, and the purpose to complete the road is abandoned and it is clearly abandoned, then it is not only the right but it is the duty of the Government to declare a forfeiture, to resume its possession, its control, and to dispose of the public lands to the people of the country as they may be called for. I am in favor of legislation of that kind; but the title of the poor man should be as well protected and as impregnable in the law as that of the wealthiest corporation. But, sir, when you assail the rich, or the corporation, you equally assail and you more assail and destroy that of the weaker individual, who is unable to protect himself by those means that a corporation may bring to its defense.

I look upon this effort disregarding the forms of law, the equities of the law, the methods that we pursue in the most ordinary controversies over property cases before justices of the peace, and every right that we have, whether it be of property or of person—I look upon the ignoring of all those just preliminary means of securing justice which are adopted in this legislation that is pending in Congress as a wild, agrarian movement veiled under hostility to corporations, but yet, really, the wildest and most dangerous movement as against property that has ever taken place in this country. I look upon it as likely to result only in very great ill and in the greatest ill to those who are the least able to bear it.

Mr. MORGAN. Mr. President, at the risk of incurring the displeasure of the Senate even I must beg to be allowed to say a few more words upon this bill.

The bill as it came from the House of Representatives is not at all the bill that is reported back by the committee and that we are now considering. All of the House bill is stricken out after the enacting clause and the Senate committee have reported entirely a new bill. The bill as it came from the House was a forfeiture out and out, as we call it, of all the lands granted to this railroad company notwithstanding the fact that the company had completed a very considerable portion of its line and to important places.

The Senate committee report back a bill as a substitute for that which forfeits only those lands which are "adjacent to the uncompleted portions of the said road." The attitude taken by the House in its bill was that when a cause of forfeiture exists in a grant like this it is a legal and technical cause of forfeiture, and reaches back to the original grant and unsettles everything that occurred from the time of the original grant down to the time of the enactment of the bill declaring the forfeiture. The position taken by the Senate is that notwithstanding that is true as an interpretation of the grant, yet the Senate has a right equitably to apportion the grant for them, so that while we might have the right to take the whole of it equitably, we should not be justified in that, and we will therefore only take that portion which is adjacent to the uncompleted portions of the railroad. So the Senate of the United States in this bill is to-day dealing with an equitable question. It has undertaken in a judicial way to sever this land grant into two parts, the one being its legal characteristics, the other its equitable characteristics or bearings. The first it rejects. The Senate rejects the right of the United States Government to claim a forfeiture of this grant in accordance with the terms of the act. Having abandoned that right, it assumes and asserts on the part of the Senate the right to apportion the grant and to say that we will give you so much and we will take so much.

Mr. DOLPH. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Yes, sir.

Mr. DOLPH. I attach some importance to what the Senator is saying if he assumes to speak for the committee. I wish to say, as one member of the committee, that I do not subscribe to the doctrine that Congress can declare a forfeiture which shall relate back and forfeit the entire grant. I think that each section of a road, under the peculiar provisions of these grants, is so far a separate grant that when the condition is performed as to that section the title is perfect and no act of forfeiture can affect it.

Mr. MORGAN. I was not speaking of the attitude of Senators in committee or elsewhere on this question. I was talking about the attitude of the House and the attitude of the Senate. I repeat, that the House treats this grant as one that is forfeited *ab initio* by the fact of non-compliance with the terms of the condition subsequent. The Senate says, "No; we will not enforce that view of the case at all. That is the legal view; that is what any court of law would order in a proper case; but instead of doing that we will cut the grant in twain, and we will confirm so much of it as is opposite to the completed portion of the road and will forfeit so much of it as is opposite to the uncompleted portion of the road."

Now I proceed to state again that the Senate of the United States in doing this assumes to itself the authority or the jurisdiction of a court of equity. That can not be denied. We depart from the law. We make not only a new law, but we make a new grant that is apportionable, when in fact, according to the terms of the grant, it is not apportionable. If this railroad company has actually earned one-half of this grant, and if that is the reason why the whole of it can not be forfeited, the whole grant remains and there has been no forfeiture. That is the logical, that is the legal, conclusion to which we are driven.

I voted for this bill in committee and I vote for it here, not because I believe that the Senate of the United States has the right to apportion a grant, but because I believe that the Government may waive a part of its remedy. That is all. But you do apportion the grant. Now when we are waiving a part of this remedy upon equitable considerations we waive it as against the bondholders, we waive it as against the corporation, we waive it as against everybody. Why then shall we set ourselves up as a court of law executing the absolute edict of the law so as to preclude these bondholders and these persons interested from asking a court for a further equitable consideration of their claims when we predicate our whole action upon the basis of equity?

That is a curious and a very ridiculous attitude for the Senate of the United States to be in. I regret it; but still it appears to be so. Having ourselves laid down that the true rule upon this grant is the rule of equity, a rule of fair apportionment, having admitted that this railroad company has earned a large portion of its grant, as it is termed, by building its road, we put our decree right upon that state of facts, and say, "Thus far shalt thou go, but no farther;" but when we come to a rule of equity we will shut the doors. If they desire to go into a court of equity to make a claim against this action of Congress, there is no court of the United States open to them; the United States can not be sued. We do not leave the title in abeyance; we do not leave it in the hands of private owners, we do not leave it in the hands of the corporation in any sense; but we relegate it back into the public domain, and it becomes the land of the United States, and the United States can not be sued. We shut the door, and after having pretended to act equitably in this case and upon the basis of the principles of equitable jurisprudence, we turn around and close out all opportunity on the part of persons who are interested from raising their questions of equity in respect to their mortgages.

When I say that these people claim that they have got equities under the mortgages, the honorable Senator from Oregon on my left [Mr. SLATER] replies to me, how can that be, how can they assert a claim of that sort when here is an act of Congress which contains certain conditions of forfeiture that everybody knows have not been complied with, and therefore they are shut out by the act itself? I respond to the honorable Senator from Oregon, you do not stand on the act; you abandon it yourself, and you establish a new rule of law in this case—one that never was heard of until this bill was enacted into a law. You abandon all previous rules and the grant itself; you establish a new rule which is based only on equitable considerations, and then you put your hand down and say they shall have so much equity and no more.

Mr. President, I protest that for a body skilled in law—and every gentleman on the floor of the Senate nearly is technically skilled in the law—to involve themselves in a matter of this kind when we are adjudicating, as the house of lords might do upon an appeal, a great question of law coming up before it; when we put ourselves in this attitude I think it is time we should consider what we are doing. We can not maintain ourselves on that position. No court will sustain us.

Then I ask again—and the question has not yet been answered—why should there not be a bill filed so that this whole matter may be construed judicially in the circuit court in Oregon? Why should it not be so? Who is going to suffer by the delay? Is it mere pride of opinion that we are controverting about here? God forbid. I have none of it in this case. Is there some great public necessity or demand to be supplied by this hasty action on our part? Must we have this grant forfeited instantly or not at all? Is it a question of peace and war? Why can we not await the adjudication of one of the courts of the United States upon a question like this? I protest again, sir; this bill would never have come into the Senate without at least a minority report accompanied by the amendment I have had the honor to offer if I had known that there was a creditor of this railroad company anywhere, for I would not sit in committee or elsewhere and allow such rights to be disposed of by a decree to which I am made a party against which no man is allowed to appeal. I can not do that.

Now, sir, I hope that the Senate in laying down this precedent which must have its bearing upon two or three hundred million acres of land will consider whether or not they intend to cut off men who claim against the Government under such circumstances from a proper remedy in the Federal courts. It is a great wrong to our people that they have no right to question the Government's action in its own courts. They can question the action of other people, but not of the Government. In this case when we are now undertaking to forfeit and recover lands because of forfeiture, this immense domain which runs through not only the territory of this railroad but a number of others in this country, let us be careful how we go, and let us feel that a sense of justice waits upon every step that we take in this important proceeding.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Is the Senate ready for the question on the amendment proposed by the Senator from Alabama?

Mr. MORGAN called for the yeas and nays, and they were ordered.

Mr. LAPHAM. Mr. President, there are business aspects of this case about which there is no dispute. It is conceded that by the act of Congress the title to these lands vested in the railroad company subject only to a condition subsequent. It is conceded that the company has executed a mortgage or mortgages upon its entire franchise and upon these lands, that bonds to a greater or less extent have been issued, bonds secured by the mortgages thus given, the mortgages having been executed to trustees. It is conceded that the company has built the most expensive portion of its road with the money thus raised upon bonds secured by mortgage on the entire property of the company.

It is eight years, it is said, since the company has done anything in the way of constructing its road. How do we know but what the trustees under the mortgage have foreclosed? Suppose they have foreclosed and purchased in the title to this property upon the foreclosure? If the Senator from Oregon is right the Government may nevertheless declare this forfeiture. Nothing could cut it off, according to his theory, because the mortgage is subject to the condition subsequent which was embraced in the original grant. Are we to decide those questions without giving the parties interested an opportunity to be heard? Suppose the Government had been authorized to enter its own courts and prosecute for a forfeiture of this grant and had commenced an action in the name of the United States, making this corporation only a party, not bringing in any of the bondholders as parties, and a judge of the United States should order final judgment without bringing in the parties really in interest and giving them an opportunity to be heard, what would be thought of such a judicial proceeding as that? Now, what are we doing? Who are we? We are the United States. We are a plaintiff declaring final judgment in our own favor without giving the parties interested any

opportunity whatever to be heard. That is our position exactly. That is what this bill proposes to do. I trust it will not be done. I trust, as I said when this bill was up before the recess, that the Senate will not recede from the position it took, when by a vote of nearly three to one it added to a prior bill now in the hands of a conference committee the precise provision which is embraced in the amendment of the honorable Senator from Alabama. We owe it to ourselves to maintain that position. It is not a question as to the number of parties interested, whether they be few or whether they be many. If but one man has an interest as a bondholder we should stop and hesitate about declaring this grant forfeited without giving him an opportunity to be heard. It is not a question of numbers. It is not a question of the magnitude of the claim. Those considerations do not weigh a feather in my judgment in determining the point of giving to all parties interested, whether they are many or whether they are few, an opportunity to be heard as to their rights before the Government shall resume and put into the market these lands for the purpose of giving title to absolute and *bona fide* purchasers.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Alabama [Mr. MORGAN], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS], who I see is absent from the Chamber.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. I do not know how he would vote on this question. I shall therefore withhold my vote.

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from Kentucky [Mr. WILLIAMS].

The roll-call was concluded.

Mr. HAWLEY. The pair between the Senator from Wisconsin [Mr. CAMERON] and the Senator from North Carolina [Mr. VANCE] has been changed to a pair with my absent colleague [Mr. PLATT], leaving Mr. CAMERON at liberty to vote.

Mr. DAWES. I wish to state that my colleague [Mr. HOAR] is paired with the Senator from Florida [Mr. CALL].

Mr. HARRIS. Did I understand the Senator from Massachusetts to say that his colleague was paired with the Senator from Florida?

Mr. DAWES. I so understood him.

Mr. HARRIS. The Senator from Massachusetts [Mr. HOAR] arranged a pair with me during his absence upon all questions that we should probably differ upon, and not knowing how he would vote upon this question I withheld my vote because of the pair.

Mr. DAWES. I withdraw the announcement of the pair with the Senator from Florida.

The result was announced—yeas 15, nays 28; as follows:

YEAS—15.

Allison,	Conger,	McMillan,	Sawyer,
Blair,	Dawes,	Miller of N.Y.,	Sheffield,
Cameron of Pa.,	Hawley,	Mitchell,	Wilson.
Cameron of Wis.,	Lapham,	Pike,	

NAYS—28.

Beck,	George,	Jones of Florida,	Sewell,
Camden,	Gorman,	McPherson,	Sherman,
Cockrell,	Groome,	Manderson,	Slater,
Coke,	Hampton,	Maxey,	Van Wyck,
Colquitt,	Harrison,	Morgan,	Vest,
Cullom,	Jackson,	Pugh,	Voorhees,
Dolph,	Jonas,	Saulsbury,	Walker.

ABSENT—33.

Aldrich,	Frye,	Kenna,	Plumb,
Bayard,	Garland,	Lamar,	Ransom,
Bowen,	Gibson,	Logan,	Riddleberger,
Brown,	Hale,	Mahone,	Sabin,
Butler,	Harris,	Miller of Cal.,	Vance,
Call,	Hill,	Morrill,	Williams.
Edmunds,	Hoar,	Palmer,	
Fair,	Ingalls,	Pendleton,	
Farley,	Jones of Nevada,	Platt,	

So the amendment was rejected.

The amendment heretofore made was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. I ask the Senator to withdraw the motion for a second.

Mr. CAMERON, of Pennsylvania. I do.

Mr. MORGAN. I desire to enter a motion to reconsider the vote by which the bill just considered by the Senate was passed.

The PRESIDING OFFICER. The motion will be entered.

HOUSE BILL REFERRED.

Mr. ALLISON. I desire to ask that the House joint resolution relating to an appropriation be laid before the Senate.

The joint resolution (H. Res. 308) appropriating $50,000 for the support of certain destitute Indians was read twice by its title, and referred to the Committee on Appropriations.

INTERSTATE COMMERCE.

On motion of Mr. CULLOM, and by unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 6, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PAIRS.

Mr. WILSON, of Iowa. I desire to make a statement to the House. I supposed on yesterday we had Mr. RICE, of Massachusetts, paired with Mr. CALDWELL, of Tennessee, but by inadvertence Mr. RICE was left out. Mr. CALDWELL is paired with Mr. SPOONER. Mr. ROCKWELL, of Massachusetts, requested me to have him paired on yesterday; but I found it impossible to obtain a gentleman on the opposite side to pair with him.

CHANGE OF REFERENCE.

Mr. ROBINSON, of New York. A bill introduced yesterday by the gentleman from Ohio [Mr. LE FEVRE] granting a pension to the widow of the late Commander S. Dana Greene was referred to the Committee on Invalid Pensions. It ought to have gone to the Committee on Pensions. I ask that it be referred to that committee.

The SPEAKER. The correction will be made if there be no objection.

There being no objection, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7830), and it was referred to the Committee on Pensions.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. TUCKER. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Tuesday, January 13, be assigned to the Committee on the Judiciary for the consideration of such business as may be presented by said committee; this order not to interfere with the consideration of general appropriation and revenue bills or prior special orders; and in case this order shall be interfered with on that day, it shall be continued in force until one day thereafter has been occupied by said committee.

Mr. HOLMAN. I suggest to the gentleman from Virginia that the bills to be brought before the House for consideration ought to be named.

Mr. TUCKER. I will say to my friend from Indiana that it was agreed in the Committee on the Judiciary that no measure to which there is any serious objection shall be considered under this order. There are a number of bills, some fifteen or twenty, that we think ought to be passed; these are bills looking to the administration of justice in the country, and to which there is no objection in the committee. I think no bill will come up under this order to which my friend from Indiana will object.

Mr. HOLMAN. I insist that reports from the Committee on Public Lands shall be excepted.

Mr. REAGAN. Unless the resolution excepts the bill now pending relating to interstate commerce I must object.

Mr. TUCKER. The order excepts all prior orders.

Mr. HOLMAN. Unless exception is made of reports from the Committee on the Public Lands I must object.

The SPEAKER. Objection being made, the resolution is not before the House.

ORDER OF BUSINESS.

Mr. RANDALL. I ask for the regular order.

Mr. BINGHAM. I hope the gentleman from Pennsylvania will yield to me for a moment.

Mr. STOCKSLAGER. If the regular order is demanded, I object to any exception being made.

Mr. RANDALL. I will state that I desire the House to pass the pension appropriation bill.

SUPPLEMENTARY REPORT OF GUN-FOUNDERY BOARD.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was

read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the supplementary report, dated December 20, 1884, made in pursuance of orders of the Secretary of War and the Secretary of the Navy, by the gun-foundery board, appointed by me in accordance with the act of Congress approved March 3, 1883.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 22, 1884.

CONSULAR SERVICE.

The SPEAKER also laid before the House the following communication from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In accordance with the provisions of the act making appropriations for the diplomatic and consular service for the year ending June 30, 1883, I transmit herewith a further communication from the Secretary of State in relation to the consular service.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 5, 1885.

CHEYENNE AND ARAPAHOE INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 2d instant from the Secretary of the Interior, inclosing certain papers in relation to the present condition of the Cheyenne and Arapahoe Indians in the Indian Territory, and recommending that some provision of law be enacted for disarming those and other Indians when such action may be found necessary for their advancement in civilized pursuits, and that means be provided for compensating the Indians for the weapons so taken from or surrendered by them.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 5, 1885.

CONSUL AT BUENOS AYRES.

The SPEAKER also laid before the House the following communication from the President of the United States: which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith, with a recommendation for its favorable consideration, a communication from the Secretary of State, in which he urges the adoption of measures to secure the consul at Buenos Ayres against loss through the dropping of his salary at the last session of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 5, 1885.

CIVIL EMPLOYÉS OF THE NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting statement showing names of civil employés of the Navy Department, the time they were employed, and the sums paid for their services; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

DEFENSE OF UNITED STATES IN COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Attorney-General, asking additional appropriations for defending the United States in the Court of Claims for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT EXPENSES OF TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the contingent expenses of the Treasury Department for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

COAL ON WHITE MOUNTAIN INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs inclosing a report of a commission appointed to examine coal on White Mountain Indian reservation, Arizona; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN BANNISTER.

The SPEAKER laid before the House the following request; which, by unanimous consent, was granted:

Mr. YAPLE asks leave to withdraw from the files of the House the papers in the case of John Bannister, without leaving copies.

AGRICULTURAL EXPERIMENT STATIONS.

The SPEAKER also laid before the House the following request:

Mr. JOSEPH D. TAYLOR asks unanimous consent to have printed in the RECORD the petition of the president and professors of the Ohio State University, asking for the passage of House bill 7498, to establish agricultural experiment stations; with the names of the faculty.

There being no objection, leave was granted.

The petition is as follows:

OHIO STATE UNIVERSITY,
Columbus, December 5, 1884.

To Hon. J. D. Taylor:

The Congressional bill H. R. No. 7498, "to establish agricultural experiment stations," has been favorably reported by the Committee on Agriculture, and its passage recommended. It is now before Congress, and ready to be acted upon; and you are earnestly requested to give it that consideration which its importance entitles it to receive.

This bill proposes to provide such stimulus for agricultural improvement as the patent laws do for mechanics, manufacturers, and artists, and the copyright laws for authors. This seems to be the only way in which such an end can be reached. Farmers can not maintain a personal right to improvements in tillage, in crops, in stock-breeding, in overcoming the diseases of animals or plants, or in withstanding the attacks of insect enemies. However much of labor, or study, or money the farmer may expend for either of these, his neighbor can imitate his work and get as much profit from it as he himself can, and that without asking permission or expressing thanks. Some action of the sort proposed by this bill may fairly be asked, in order to put agriculture on a par with the other industrial arts.

Agricultural experiment stations carry on investigations in subjects of the greatest importance to agriculture, by the use of the accurate methods and processes of chemistry, botany, entomology, physiology, and kindred sciences. The analysis and management of manures, the production and adaptation of new varieties of seeds and crops, the destruction of injurious insects, the protection against contagious diseases of animals, have all been the subject of successful and satisfactory investigation in experiment stations. Wherever they have been established they have proved themselves of great benefit to farmers, and have received their unanimous and hearty support. There are a hundred or more of them in the various countries of Europe, and in our country they have been established in Connecticut, North Carolina, and New Jersey for several years, and are highly valued. More recently they have been established in New York, Ohio, Wisconsin, and some other States, and are doing good work.

When the interests involved are looked at, it will be seen that the outlay contemplated by this bill is exceedingly small, $15,000 a year for each State, or $570,000 for all the States, while 7,500,000 men, which is 44 per cent. of our working population, are engaged in agriculture; $10,000,000,000 are invested in farm lands, $400,000,000 in its implements and machinery; $1,500,000,000 in its live stock, and its annual products are $2,200,000,000. Surely the farming community may ask this comparatively small provision for their interests.

The bulletins publishing the results of the work of the State experiment stations are printed as soon as the work is done, and sent without charge to farmers who desire them. And they are producing a great revolution in farm economy wherever their influence extends. The benefits of intelligence and skill in farming make themselves felt wherever they are applied. To produce these, no other means equal to that of agricultural experiment stations have been devised. And no thrifty and progressive farming community can afford to do without them.

The establishment of these stations in connection with the agricultural colleges will be strengthening to both. The colleges have done excellent work, and have given a large return to the country for the gifts by which they were established. The $7,000,000 fund created by the gifts of the Government has been supplemented by $5,000,000 more from States and benevolent individuals. The colleges have been established in all the States, and more than 4,000 students are profiting from the instructions of above four hundred professors. These institutions mainly teach the branches of learning which relate to agriculture and the mechanic arts, while the experiment stations apply these branches of learning to the practical wants of the agriculturist. The studies begun by the students in college are carried on by the practical farmer in the field, and the college professors will be quickened in their duties by seeing the useful purposes to which their sciences are applied. It brings learning and work fairly in connection, and meets a pressing demand of the age.

The advantages to be secured by the passage of this bill are wide and far-reaching, both for the farmers and for the whole country; and the interests which it is intended to promote are so vital to the prosperity of the whole country as to be entitled to the fostering care of the General Government. Trusting that these suggestions will commend themselves to your favorable consideration, we ask for the bill your earnest support.

Yours, very respectfully,

W. H. SCOTT,
Pres. Ohio St. University.
T. C. MENDENHALL,
Prof. of Physics, O. S. University.
R. W. McFARLAND,
Prof. Math. and Civ. Eng., O. S. U.
S. W. ROBINSON,
Prof. Mch. Eng., O. S. U.
A. H. TUTTLE,
Prof. Zool. and Comp. Anat., O. S. U.
F. H. ELDRIDGE,
Prof. Steam-Eng., O. S. U.
S. C. DERBY,
Prof. Latin, O. S. U.
EDWARD ORTON,
Prof. Geology, O. S. U.
N. W. LORD,
Prof. of Metallurgy.
N. S. TOWNSHEND,
Prof. of Agriculture.
J. R. SMITH,
Prof. of Greek, O. S. U.
WILLIAM R. LAZENBY,
Prof. Botany and Hort.
H. A. WEBER,
Prof. Agri. Chem., O. S. U.

WITHDRAWAL OF PAPERS.

The SPEAKER laid before the House the following requests; which, by unanimous consent, were granted:

Mr. BUCKNER asks leave to withdraw House bill 2339, entitled "A bill to prevent undue contraction of the paper circulation, and for other purposes."

Mr. POTTER asks leave to withdraw House bill 4975, to refund the bonded debt of the United States at 2½ per cent. interest, to reduce taxation upon circulating bank-note currency when secured by deposit of 2½ per cent. bonds, and to secure such currency against unnecessary disturbance and fluctuation by applying the national revenues economically to payment of the national debt.

Mr. DIBRELL asks leave to withdraw from the files of the House the papers accompanying the bill for the relief of W. T. Green; no adverse report.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

RELIEF OF DESTITUTE INDIANS.

Mr. ELLIS. I rise to make a privileged report. I am instructed

by the Committee on Appropriations to report the joint resolution which I send to the desk and to ask consent for its consideration at this time in the House as in Committee of the Whole.

The SPEAKER. The joint resolution will be read, after which the request of the gentleman from Louisiana [Mr. ELLIS] will be submitted to the House.

The Clerk read as follows:

Joint resolution appropriating $50,000 for the support of certain destitute Indians.

Resolved by the Senate and House of Representatives, &c., That the sum of $50,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be immediately available, to be applied to the support and maintenance of the Indians at the Crow, Fort Belknap, Fort Peck, and Blackfeet agencies in Montana Territory.

The SPEAKER. The gentleman from Louisiana presents this privileged report and asks that it be now considered in the House as in Committee of the Whole on the state of the Union. Is there objection? The Chair hears none.

The joint resolution (H. Res. 308) was read a first and second time.

Mr. ELLIS. Mr. Speaker, the estimate for this appropriation comes to us regularly from the Secretary of the Interior through the Secretary of the Treasury. It asks $50,000 for the Montana Indians at the four agencies mentioned in the joint resolution. This appropriation is most earnestly urged by the Commissioner of Indian Affairs, backed by the agents at all these respective agencies, and also re-enforced by the indorsement of the Army officers and inspectors there. It appears that these Indians have not been adequately provided for this year; they were not adequately provided for last year, and hundreds of them absolutely starved to death. To meet this urgent condition of affairs I report the joint resolution which has been read. If any gentleman desires further explanation of it, I stand prepared to give it.

Mr. COX, of North Carolina. I would like to know the number of these Indians.

Mr. ELLIS. There are fifteen thousand of them.

Mr. CHACE. To what tribes do they belong?

Mr. ELLIS. The Blackfeet, Piegans, Crows, Assinaboines, and Gros Ventres. The scenes of distress among those unfortunate people during the past summer were simply terrible, as they were shameful to our Government. And yet, when making the appropriations for the past year, we did not know the real condition of affairs. We did not know that the buffalo and other game which had in great part constituted the support of these tribes had disappeared, and therefore made a conscientious though inadequate appropriation. The appropriation for these Indians for 1883–'84 was about $196,000. To this we added in the first session of the present Congress $100,000, making in all $296,000. We gave for the present year, 1884–'85, $294,000. We believed it would be enough if properly administered, together with such crops as might be raised, to aid which, we gave money for purposes of irrigation and cultivation. But it seems that we did not give enough. There are no proofs of maladministration of the funds appropriated.

But even if there were, I would not pause to hold parley with revelations of fraud and peculation, but would move promptly to avert a repetition of the harrowing scenes of last year, when those unfortunate people were starving in sight and sound of sheaves of wheat and lowing herds.

Mr. Speaker, I have received from several sources letters asking why this appropriation was not more promptly made. To such I will reply that my attention was called to the matter of this emergency just before the holiday adjournment, when there was not time to ascertain from the Indian Office the real facts upon which this appropriation was asked, and the people, whose servants we are and whose treasure we expend, had the right to know fully the occasion of this and of every expenditure.

Besides, I knew that there was ample time after the holidays to provide and forward the necessary relief. No citizen of this country, no member of the Indian Relief Association, shall go before me in appreciation of the duties we owe the Indian or in prompt movement for his relief. I have thought it proper to say this much on this occasion; and now, if no gentleman desires to be heard or to ask further information, I will move the adoption of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS. I now ask that the documents which I send to the desk, and which serve to explain more fully the circumstances on which this joint resolution is based, be printed in the RECORD.

The SPEAKER. Is there objection? The Chair hears none.

The documents are as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 3, 1885.

SIR: Referring to your verbal request to be furnished with a statement of the necessity for the deficiency appropriation of $50,000 required for the Indians in Montana, what tribes are to be benefited by it, &c., I have the honor to state that the appropriation asked for is required for the support of the following tribes: Blackfeet, Bloods, and Piegans, located at Blackfeet agency; Assinaboines, Yanctonais Sioux, &c., located at Fort Peck agency; Crows, located at Crow agency; Gros Ventres and Assinaboines, located at Fort Belknap agency; numbering, as per reports for 1883, over 15,000 Indians.

In the estimate submitted to Congress for the support of these Indians for the fiscal year 1885, the sum of $256,700 was asked for. After the estimates were made and printed a communication was received from Agent Armstrong, of the Crow agency, strongly urging an increased appropriation for supplies for his Indians for 1885, and on the 7th of January last the honorable Secretary of the Interior transmitted to Congress letter from this office of the 5th of January, together with copy of letter from Agent Armstrong, and requested that the estimate for the Crows for supplies for 1885 be increased from $65,000 to $90,000 (see Senate Ex. Doc. No. 42, Forty-eighth Congress, first session), this making the amount estimated for the Indians named $291,700. The amount appropriated by Congress for the fiscal year is $296,000, or $65,700 less than estimated for.

The necessity for increased appropriation for the support of the Montana Indians arises from the total destruction of the game. In former years the prairies supplied these Indians with everything they needed, and up to two years ago the Indians were almost able to support themselves by hunting. But now the situation is changed; the game is gone, but the Indian is not sufficiently civilized to support himself. In addition, the Crows have only within the last year been moved from their old agency to the new location near Fort Custer. They are doing as well as can be expected of them, but for the next few years will be unable to support themselves. I am, however, satisfied that if the Government should furnish them with a sufficient ration for the next five years to keep them from want and enable them to engage in agriculture, they will, at the end of that time, require but little help from the Government.

For the information of the committee, I inclose herewith copies of letters from the agents at Crow, Blackfeet, and Fort Peck agencies, bearing on this subject, as well as telegrams from the Board of Trade of Helena, Mont., and the governor of Montana.

Very respectfully,

H. PRICE, *Commissioner.*

Hon. E. JOHN ELLIS,
Chairman subcommittee on Appropriations,
House of Representatives.

UNITED STATES INDIAN SERVICE,
Blackfeet Agency, Montana, August 11, 1884.

SIR: In reply to your telegram of the 9th instant, asking for facts in regard to the starving condition of the Indians at this agency, I have the honor to state the following:

Under date of June 4, 1884, I wrote your office reviewing the estimate for supplies made by my predecessor, John Young, for the year ending June 30, 1885, and showed that the amount of meat estimated for was only one-fourth the quantity required, and that of flour only about one-third the quantity required. He asked for 500,000 pounds beef gross, and only 400,000 pounds have been purchased—less than one-fifth rations, or less than five ounces per day for each person. The flour purchased for the current fiscal year gives less than six ounces per day to each person. On such an allowance, having nothing else, how could they avoid starving? I telegraphed you that I have supplies for present needs. If I were to divide 400,000 pounds beef gross by fifty-two, the number of weeks in a year, and issue only that amount, the needs would not be met, but I am issuing more than that, and will continue to do so while I have it on hand, for these Indians shall not die of starvation while I have anything to give them. If the supplies run out the responsibility may rest where it belongs.

At present there is a great abundance of berries, and these help to prevent starvation, for the Indians gather and eat them in great quantities, but the berries will soon be gone and then there will be nothing but meat and flour. It should be borne in mind that at no time since I assumed charge of this agency has there been a single pound of rice, beans, hominy, oatmeal, or anything of that kind to give the Indians. Do you wonder that it is reported they are starving? In May and June there were times when they stripped the trees and ate the inner bark to keep their souls and bodies together, and all the time they were begging for food. Does that look as though they were in a starving condition? I at one time issued over two thousand pounds of bacon that I had not receipted for and that had been condemned by a board of survey. I would never have done so had they not been in a starving condition.

Just now they are not suffering, but in a very short time the berries will be gone and supplies will run low, and the carpenter will again be kept busy making burial boxes unless something can be done in the way of getting them additional food.

Very respectfully, your obedient servant,

R. A. ALLEN,
United States Indian Agent.

Hon. E. L. STEVENS,
Acting Commissioner of Indian Affairs,
Washington, D. C.

FORT CUSTER, MONT., *December 5, 1884.*

SIR:

* * * * * * *

Although only ordered to inspect the annuity goods and witness the issue, I think it my duty to report to the department commander that the Crow Indians are only issued half rations of beef and that the bacon at seven-tenths of a pound per ration issued every six weeks will only last forty-eight weeks of the year, or until the last of May. The above I think are the figures given me. The Indian agent, Major Armstrong, has written a very urgent letter to his Department upon the subject, in which he stated that he was afraid the Indians by starvation would be driven to commit depredations upon their own (the Government) herd or upon citizen herds, which would most likely lead to further and more serious trouble.

I am, sir, very respectfully, your obedient servant,

A. G. FORSE, *Captain First Cavalry.*

The ASSISTANT ADJUTANT-GENERAL,
Department of Dakota, Fort Snelling, Minn.,
Through Post Commander.

UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., December 2, 1884.

SIR: I am very sorry indeed to annoy you again in regard to the insufficient supply of beef and bacon for this agency, but I dread to cut down the ration of beef below what we are now issuing (one and one-half pounds gross), and I feel that I must give due notice of the following facts: While it is well known that the Crows have always been friendly with the whites and never given the Government any trouble, there have been and are a few chiefs and leaders among them who in their hearts are really hostile. They have never been able to do any harm simply because the great majority of Crows have held them back. These evil-disposed Indians have been visiting the Sioux this summer and brought the Sioux here to visit the Crows. Now I really believe that if the Government is going to starve these people, the well-disposed Crows, who are in the majority, will go over to the minority, and there will be trouble.

I can not believe that the Indians at Wolf Point and at the Blackfeet agency suffered last winter as they were reported to have suffered. I should have thought they would have broken out and gone to war.

I am certain the Crows will not quietly sit down and suffer so. If they are starved they will fight. It is true they have a liberal allowance of flour for this fiscal year, but they are always hungry if they have no meat, and if I reduce the ration so as to make our supply hold out until we can get some on next year's contract they will receive almost none each week.

By issuing seven-tenths of a pound of bacon (which is almost nothing for a grown person for one week) once in six weeks, the total amount allowed us will not last through the year.

Can it be possible that for the sake of saving a few thousand dollars the Government will drive a people who are so well disposed as these have always been into a state of hostility? It is a common saying among white men who are best acquainted with the Crows that they will never go to war unless they are driven to it by starvation; and the same men will tell the honorable Commissioner in the next breath that they believe the Indians will fight before they will allow themselves to be starved.

I have shown in more than one letter, and especially by my letter of January 10, how funds to purchase the additional supplies needed can and ought to be provided from the moneys due the Crows. There is no reason why the supplies should be a gratuity. The Indians will be very glad to have a part of their moneys expended in purchasing the additional supplies. I beg that the honorable Commissioner will call upon the beef contractor for the additional 25 per cent, as provided for by the terms of the contract, and that he will also purchase 20,000 pounds more bacon for us.

I think it is too soon to crowd the Crows too far. I date the beginning of their farming operations from the past season. Nothing had been done at the time of my arrival at this agency, and the first two seasons after I came were thrown away because it was useless to try to place them on their homesteads so long as the question of their removal to this part of the reservation was undecided; so that they are really only partially to be blamed for not raising better crops than they have this past season.

If they are crowded, as we shall have to crowd them unless we get a further allowance of beef and bacon, I think the certain result will be that they will kill a great many of their stock cattle, a great many cattle belonging to stockmen in the surrounding country, and that it will cause them to be so nearly hostile that they will not try to farm much next season. The result may even be more serious. I believe they ought to be allowed one-half the established ration of beef for this fiscal year.

I hope we may get it, but if not will issue in such quantities as will make the cattle we now have last until the middle of July, no matter what the result may be.

I would be very much obliged if I could have a reply to this important matter soon.

Very respectfully,

H. J. ARMSTRONG,
United States Indian Agent.

Hon. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,
Fort Peck Agency, August 11, 1884.

SIR: Referring to office letter under date of July 14, 1884, wherein is stated the amount of subsistence supplies to be furnished this agency for the fiscal year 1885, and directing me to divide said supplies into fifty-two equal parts, and to issue one of said parts to my Indians each week during the year. As regards the amount of flour to be furnished (500,000 pounds) I would respectfully inform you that it will be impossible for me to keep my Indians on that amount and do the vast amount of work we have to do, and at the same time pay them for their labor in supplies. The 500,000 pounds of flour furnished for the fiscal year ending June 30, 1885, will be about one hundred pounds per capita for the year; but if I must divide my supplies into fifty-two equal parts, and issue one fifty-second part each week, as directed in your order of July 14, it will militate against our work; in fact I can not work the Indians on two pounds of flour per week.

Very respectfully, your obedient servant,

S. E. SNIDER,
United States Indian Agent.

Hon. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.

HELENA, MONT., *August 8, 1884.*

Hon. HENRY M. TELLER,
Secretary of the Interior:

Recent reliable information comes before this board that while the death-rate among the families of the Blackfeet Indians in Montana from want of food is not so great as in the preceding month of July, still the famishing condition and death-rate among the several tribes of the Blackfeet Nation are such at this time that immediate relief by your Department is demanded by every instinct of humanity and justice. The wailings of distress among the men, women, and children who have survived the cruel and inhuman famine cry aloud for food with such an appeal that their lamentations should be heeded by yourself without waiting for the slow process of feeding by contractors according to the usual mode at agencies far remote from your official observation.

A. M. HOLTER,
Vice-President of the Helena Board of Trade.

By order of the executive committee.

ROBERT C. WALKER, *Secretary.*

HELENA, MONT., *August 29, 1884.*

Hon. HENRY M. TELLER,
Secretary of the Interior, Washington, D. C.:

Mr. Urquhart, my special agent sent to investigate the condition of the Piegans at the Blackfeet agency, has just returned. These Indians have been slowly wasting away and dying for years for want of food, and the present ration of two pounds of beef and three of flour once a week is insufficient to sustain life in their present weak condition. Agent Allen's instructions from Commissioner Price forbid a larger issue; death averages 1 daily out of total of 2,000; game has disappeared and only ten acres land cultivated, and this small ration is the only means of subsistence, as the appropriation is inadequate for supplying daily wants of Piegans for fiscal year. I urge, in view of their desperate condition, the issuing of full rations until Congress meets in December. As Governor of Montana, in the name of her people, I protest against keeping the nation's wards within the limits of this Territory in such a pitiable, starving condition; humanity and justice demand their immediate relief.

JNO. SCHUYLER CROSBY, *Governor.*

Letter from the Secretary of the Treasury, transmitting an estimate of $50,000 from the Interior Department to supply deficiency in the appropriation for the support of Indians of the Blackfeet, Crow, Fort Belknap, and Fort Peck agencies for the current fiscal year.

DECEMBER 17, 1884.—Referred to the Committee on Appropriations, and ordered to be printed.

TREASURY DEPARTMENT, *December 17, 1884.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate received from the Secretary of the Interior to supply a deficiency in the appropriation for the current fiscal year for support of the Indians of the Blackfeet, Crow, Fort Belknap, and Fort Peck agencies, amounting to $50,000.

Very respectfully,

H. MCCULLOCH, *Secretary.*

Hon. JOHN G. CARLISLE,
Speaker, House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, December 17, 1884.

SIR: I have the honor to request that the item of $50,000 for the support of the Indians of the Blackfeet, Crow, Fort Belknap, and Fort Peck agencies, included in the estimate of deficiencies for the Indian service for the fiscal year ending June 30, 1885, and forwarded to your Department December 15, may be taken from said estimate and transmitted to Congress at the earliest practicable moment.

The appropriation for this purpose for the present year was insufficient.

This Department instructed the agent of the Blackfeet Indians to exhaust his supplies on the 21st of March, so as to increase the food issue by three months, trusting to an immediate appropriation by Congress.

Supplies must be sent in by January 15, 1885, or the chances are that they can not pass over the roads before the middle of June.

Immediate action should be taken, or starvation will ensue.

Very respectfully,

M. L. JOSLYN, *Acting Secretary.*

The Hon. SECRETARY OF THE TREASURY.

Support of Indians of Blackfeet, Crow, Fort Belknap, and Fort Peck agencies, being a deficiency for the fiscal year ending June 30, 1885, $50,000.

NOTE.—The sum of $100,000 was appropriated for this object by joint resolution of February 8, 1884 (23 Stat., p. 267).

Several members called for the regular order.

MORNING HOUR DISPENSED WITH.

Mr. RANDALL. I move, Mr. Speaker, by unanimous consent that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

PENSION APPROPRIATION BILL.

Mr. HANCOCK. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding to the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. ROGERS, of Arkansas, in the chair.

Mr. HANCOCK. I move, Mr. Chairman, that the House take up for consideration the bill (H. R. 7785) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The motion was agreed to.

The bill was read for information.

Mr. HANCOCK. I ask that the clerk also read the report of the Committee on Appropriations which accompanies it.

The Clerk read as follows:

The Committee on Appropriations, to whom was recommitted the bill (H. R. 7676) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1886, submit the following report in explanation of the accompanying bill, which is submitted as a substitute therefor:

The estimates upon which the bill is based will be found on page 139 of the Book of Estimates for 1886, and amount to $60,000,000.

The accompanying bill appropriates $59,976,000, apportioned as follows:

For the payment of pensions	$59,172,000
For fees of examining surgeons	500,000
For salaries of pension agents	48,000
For fees for vouchers and allowances to pension agents	253,000
For contingent expenses of pension agencies	3,000

The amount for examining surgeons is the same as was given for the current year; for pay and allowances of pension agents an increase of $1,000 is made; and for contingent expenses of pension agencies a decrease of $7,000 under the current year is made.

The direct appropriations from the Treasury on account of pensions for the current fiscal year amounted to $20,810,000. The amount reappropriated from unexpended balances for the same purpose is estimated by the Commissioner of Pensions to have been $68,250,000; making the total sum available for pensions for the year a little in excess of $89,000,000. Of this sum it is estimated there will remain an unexpended balance of $30,000,000 at the close of the fiscal year, which, under the operations of section 3690, Revised Statutes, will be carried to the surplus fund of the Treasury.

Section 4755 of the Revised Statutes provides that Navy pensions shall be paid out of the "Navy pension fund" upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,000,000, bearing interest at the rate of 3 per cent. per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of Navy pensions during the fiscal year 1884 aggregated $750,696.97.

The compensation of pension agents is fixed by the act of June 14, 1878 (Supplement to the Revised Statutes, pp. 347 and 348), and by the act of July 4, 1884. (Statutes at Large, vol. 23, p. 99.)

The compensation of examining surgeons is fixed at $2 for each examination by section 4 of the act of July 25, 1882. (Statutes at Large, vol. 22, pp. 175 and 176.)

New legislation is recommended in the bill, as follows:

* * * * * * *

"And hereafter each member of each examining board shall, as now authorized by law, receive the sum of $2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and $1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $1 only until twenty examinations shall have been made.

* * * * * * *

"And from and after July 1, 1885, there shall be no more than twelve agents for payment of pensions; and it shall be the duty of the President, and he is hereby

authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

* * * * * * *

"That from and after March 4, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees, provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available."

Mr. HANCOCK. Mr. Chairman, in the consideration of this bill I have little, almost nothing, to say in reference to anything outside of the new legislation proposed by the committee, and upon that I shall not detain the House but for a few moments. The total estimates for 1866 were $60,000,000, apportioned as set forth in the various paragraphs according to the direction of the Commissioner of Pensions. The amount appropriated is $24,000 less than the estimates, so that the total amount proposed to be appropriated by the bill is $59,976,000.

The new legislation proposed contemplates in the first instance a change in the law providing compensation for examining surgeons. I will state this is with the approval of the Commissioner of Pensions. As the law now stands these examining surgeons get $2 for the examination of each applicant for a pension. That law is proposed to be amended so as to give $2 for each one application up to the number of five with the proviso that if twenty or more applicants appear on o e day no fewer than twenty shall, if practicable, be examined on said day; and that if fewer examinations be made, twenty more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $1 only, until twenty examinations shall have been made. I presume this is a fair and just compensation for the labor required to be performed.

I do not wish to criticise the law on the subject, but I will be pardoned, I am sure, when I say, with the utmost deference to everybody, that probably the surgeon who can trace back the causes of chronic diseases twenty or twenty-five years ought, I think, to be entitled to the compensation here provided. But, it seems to me, it is an unsafe practice on the part of the Government to rely upon any such theory, while at the same time it is a strong temptation, in my judgment, to imposition and fraud.

Our pension-roll is growing to enormous proportions, and it ought I think to arrest the attention of those who would guard the people's money from being squandered for unworthy objects. We are now expending for pensions alone more than double as much annually as was necessarily expended by the General Government from 1840 to 1850, and it is difficult to say where it is to stop when it is looked upon as a powerful lever by many members of the House to secure a succession to their seats upon this floor. [Laughter.]

Now, I am in favor of pensions to every worthy object, but I do not think it the part of wisdom for any legislative body to hold out temptations to fraud and perjury. When you talk to me about a physician being able to go back for twenty or twenty-five years and trace disease to what occurred in the discharge of the line of duty, I must be permitted to question any one's skill to that extent.

Perhaps these remarks might better have been left unsaid. But, Mr. Chairman, it is a source of gratification sometimes to speak out what we really feel; and while I have as much sympathy as any man should have for those who deserved its bounty, I nevertheless think we are going too far and too fast in this direction.

Another provision proposed by this bill in the way of new legislation is in reference to the compensation of the agent as the law now is. It is contended and shown by very satisfactory testimony that many of these gentlemen get from $7,000 to $14,000 per annum. They get $4,000 for the first 4,000 certificates made out. This bill proposes to limit the compensation and make it uniform at $4,000 to each one of these agents, and that any excess that may be received for issuing certificates shall remain in the Treasury and not be drawn save for specific appropriations made under the bill.

I think this would commend itself to the approval of all parties, for it seems to me that a man whose time is not wholly occupied, who has an opportunity of remaining at home for the larger part of his time, ought to be satisfied with a compensation of $4,000 as a remuneration for the services rendered to his country.

Another provision of the bill is that the number of agents shall be reduced from eighteen, as now, to twelve, and to be apportioned or distributed over the country by the President, as he is authorized to do by the laws now in force. I have not much to say about this matter, as I may not understand it so thoroughly as many others; but on consultation with the officials of the Department I am satisfied that the pensioners could all be paid off with no longer delay than perhaps an average of three and one-half days for the more distant States, California, Oregon, and others, and that would only relate to the first payment, for afterward they would get their quarterly payments as now without any delay. I do not know how much would be saved, but according to the estimates submitted from the Department I assume that it will be in the neighborhood of $98,000. In reference to the question of fees, as that mode was condemned by the last House, it is not brought before this but dropped out in deference to the action then taken.

A change is made, however, as I have stated, in the number of the agents and in their remuneration.

These, Mr. Chairman, are all of the points of new legislation embodied in this bill, but I have no disposition to occupy the time of the committee further, and will therefore yield the floor for twenty minutes to the gentleman from Ohio [Mr. WARNER], reserving the remainder of my own time.

Mr. WARNER, of Ohio. Before taking the floor I would like to ask the gentleman in charge of this bill whether it is his purpose to open the bill for general discussion; and, if so, what length of time it is proposed to allow.

Mr. HANCOCK. I have not thought of any general discussion on the bill further than that we might perhaps occupy one hour. I hoped that we would be able to get through in that time.

Mr. WARNER, of Ohio. Very well; then I will occupy the twenty minutes at this time courteously yielded to me by the gentleman from Texas.

Mr. Chairman, I desire to call the attention of the committee to what I deem to be a very important matter in connection with the law relating to fees in pension cases passed at the last session of Congress, and the abuses, if I may be permitted to use that term, that have grown up under that law. It will be remembered that an amendment was offered by yourself, Mr. Chairman [Mr. ROGERS, of Arkansas], under instructions from the Committee on the Payment of Pensions, Bounty, and Back Pay, amending the law relating to the fees of claim agents.

That amendment was incorporated in the appropriation bill and passed the House, and just here I would be glad to have for a few minutes the attention of such gentlemen as have not before had their attention called to this matter. This bill as it passed the House repealed the law of June 20, 1878, and re-enacted the law of 1870 as far as relates to the collection of fees of claim agents. The law of 1878, it will be remembered, permitted claim agents to collect their fees before the allowance of the claim. The law of 1870 prohibited that and provided for the payment of the fees out of the claim after it had been allowed.

Under the act of 1878, abuses had grown up. Claim agents here in Washington had succeeded in getting a large number of claims in their hands, and as soon as they obtained control of them set themselves to work to obtain all the fees they could. Ten dollars which the law allowed, if they could get it all; if they could not get $10, then $5, and if they could not get five then two or one or any other sum that they could worm out of the claimants, and after getting all the fees they could, some of these agents—not all of them, but some of them—threw the papers in the cases aside and never even filed them in the Pension Office, abandoning both claims and claimants.

In some cases the papers were transferred to another claim agent, who in turn proceeded in the same way, and who perhaps in the end abandoned them again. To prevent such abuses the Committee on the Payment of Pensions, Bounty, and Back Pay recommended the re-enactment of that part of the law of 1870 providing that fees in such cases should not be demanded or received till the claim had been allowed. The bill further provided that on a written contract, approved by the Commissioner of Pensions, a fee of $25, instead of $10, might be allowed in cases filed after the passage of the act. In this form the bill went through the House. It carefully excluded all claims that were filed under the act of June 20, 1878; that is to say, all claims filed subsequent to the passage of that act and prior to the passage of the act in question were excluded from the provisions of the bill.

It was stated here in debate, stated by the gentleman who now occupies the chair, that the bill as reported and adopted by the House was in no way retroactive. I stated also, as the RECORD will show, that it did not cover any cases filed under the old law, and did not affect claims filed after June 20, 1878, and prior to the passage of this act. That was the understanding of the House at the time of the passage of the bill. That provision of the bill was stricken out in the Senate, and in the conference committee a provision differing very materially from the amendment as it passed the House was incorporated in the bill. The bill in this way was so changed as to become retroactive, and was made to cover all cases on file in the Pension Office—that is to say, all cases filed after June 20, 1878—amounting in effect to a blanket mortgage upon all the claims on file in the Pension Office for the benefit of these claim agents. I characterize it as one of the grossest abuses ever practiced upon pension claimants. As made use of by claim agents, I say it is an unmitigated outrage on all soldiers or their widows who had claims pending in the Pension Office when this act became a law.

It is due to my friend from Texas [Mr. HANCOCK] for me to say—and I only presume what I am about to say, for I have no authority from him to say it—but I presume the gentleman from Texas in the conference committee having charge of this bill generously left that provision to the distinguished soldier of the other House on the committee with him; nor is it to be presumed for a moment that the distinguished soldier referred to or any one else on the committee understood what the amendment offered in the conference committee and finally adopted really meant. But the claim agent—and I think I am safe in assuming that some claim agent proposed the amendment—knew perfectly well what it meant and what it would accomplish. He knew it would be worth $7,000,000 to the claim agents to have that become a law and made to cover all the claims on file at that time in the office, to say nothing of those to be filed after the passage of the act.

Not only that, Mr. Chairman, but that bill makes the Government a collector for these claim agents of old, stale claims. It actually requires the Pension Office to put its clerical force to work for them to go over claims long ago allowed, and collect from the pensioners the fees which the agent last of record claims that he has not received. Let me illustrate this by a case which came to my knowledge during the vacation at my own home: A pensioner called on me who receives a pension of $2 a month, $24 a year, and which he has been receiving, I believe, since 1878 or 1879. He found when his certificate should have come to him for the last quarter that there had been deducted from his pension all that was coming to him for that quarter, the $6, and that he was left still $4 in debt, to be taken out of the next quarter's pension. He said he had paid one claim agent $10 and another $5. This one claims to be the last agent and that he never received his $10; and under this law the Commissioner of Pensions is required to use the clerical force of his office to hunt up and adjudicate all such old claims; he has to put his clerks to work to find out what is due to these agents.

And from a communication which I hold in my hand from the Pension Office I learn that 20,000 cases of this kind have already been adjudicated, and the fee of $10 in each case paid; that pensioners who have been receiving their pensions under certificates for a number of years find themselves mulcted in the sum of $10 for the benefit of these agents, no matter how much has been paid to other claim agents. Twenty thousand cases of this kind, I say, have been already settled under this law. Thus $200,000 have been taken from widows and invalid soldiers by the Government through its own agencies and paid over to a lot of claim agents. Could a greater outrage be perpetrated on needy pensioners? The whole business of the Pension Office is retarded and impeded that claim agents at Washington may be satisfied.

Mr. Chairman, in my humble opinion piracy in the Middle Ages on honest commerce was an honest calling compared with some of the operations of claim agents in this city on the pensioners and claimants for pensions under this law. There have been already filed in the office under this law about 90,000 contracts, every one of which must be filed with the claim to which it relates. I mean now the old claims—claims on file before the passage of this act, and consequently under previous agreements expressed or understood. There have been allowed of these claims, to which the fee of $25 attaches, about 10,000, amounting in fees to $250,000; making, with the $200,000 collected from those before receiving pensions, $450,000. And there are other claims about to be settled which will swell the sum probably to $750,000 before this bill can become a law. The cost to the Government of the blank checks alone used by the agent in paying these attorneys' fees has already amounted, I am told, to $4,000; and altogether the cost to the Government of collecting and paying over these fees will run into hundreds of thousands of dollars. Think of $750,000 taken from invalid soldiers and their widows by the Government and paid over to the claim agents who infest the city of Washington.

These pension agents, Mr. Chairman, or some of them, seem to think or talk as if they thought Congress was under their control. And I dare say they do prepare four-fifths of all the bills relating to claims that are introduced in Congress, and they are bold to affirm what Congress will and what it will not do in matters of pension legislation. They act as though Congress would not presume to do otherwise than obey their behests. There is scarcely a petition that comes to either House relating to these questions that has not its origin with some claim agent here. They form associations; they have their bureau; they send out circulars, and assail any member of Congress who does not respond to their demands. They claim to be the friends of soldiers. They are friends of soldiers, as their raids under this law show, as the wolf is the friend of the sheep. And I imagine now that they are chuckling not only over the fact that they are gathering the fleeces of the soldiers, but that they are making the Government do the shearing for them. For under this law we are not only corralling the soldiers for them, or gathering them into their fold, but we are doing the shearing for them with the force in the Pension Office.

If I have time left in the twenty minutes allowed me, I desire to make an analysis of the law showing more in detail the difference between the act as it passed the House and as it finally became a law. But before doing that I desire to refer to the methods resorted to to secure contracts covering old claims on file when the law went into effect. It may be claimed perhaps that these are voluntary contracts made by the soldier with the claim agent, and therefore we have nothing to do with them, but the truth is the claim agent makes the soldier believe that these contracts are required of him by law, and that he must sign them and return them to the agent.

Let me call attention to a circular that has come into my hands which one of these agents sent out.

Remember—

He says to the claimant—

both fee agreements inclosed herewith must be executed and returned promptly to us in accordance with the requirements of the Commissioner of Pensions.

Conveying to the claimant the idea that the Commissioner of Pensions requires them to execute the agreements. This circular is sent out by Soulé & Co. In another circular sent out they say:

By the provisions of an act of Congress approved July 4, 1884, it was made unlawful, from and after that date, for any claim agent or any other person to charge an advance fee in a pension claim. The fee, which, since June 30, 1878, has been $10, is fixed at $25 under the new law, provided these duplicates are signed.

These circulars are sent out to claimants with the agreements to be signed.

I will not stop to read all the circulars that I have, but here is one sent out by George E. Lemon:

Why do you not execute and return the articles of agreement, or state your reasons for not doing so? Very few of my clients have failed to execute the contracts as authorized by law.

"Why do you not execute and return the contracts," he says. Claimants are thus led to believe that they can not get their claims allowed unless they do sign the articles of agreement.

Please comply with my request by promptly executing both the articles of agreement and return them to me at once.

Mr RANDALL. That circular is from the editor of the soldiers' paper?

Mr. WARNER, of Ohio. Yes; this is from the editor of the soldiers' paper—the Tribune, I believe it is called—the would-be friend of the soldier. This is the agent who bought out the Fitzgeralds, I believe, at least he says so in one of his circulars. After the Fitzgeralds had fleeced the soldiers by getting hold of their cases, collecting all the fees they could, they sold out their claims to Lemon, who, as I am informed, paid $20,000 for them.

Now he gets a law passed by Congress which gives him $25 on each one of these claims. What is that worth? You can figure it up very quickly. Supposing there were 20,000 claims at $25 each, they would amount to half a million dollars. A pretty good speculation, it would seem, since Congress has helped him out in it by giving him the use of the machinery of the Government and the clerical force of the Pension Office to make up and collect his claims for him.

A claim agent who has 10,000 claims allowed and receives $10 in each case makes $100,000. The increase of $15 in each case makes it $250,000. The $150,000 is virtually given him by an act of Congress; that is, the Government takes it from the soldiers and their widows and gives it to the claim agent.

In justice to the Commissioner of Pensions it should be said that no discretion is left him, and I do not see how he can do otherwise than he is doing, or how he can put any other interpretation on the law than he has given it. I think he has only followed the law; he could do nothing else.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I would be glad to have a little further time.

Mr. HANCOCK. I will give the gentleman five minutes more.

Mr. WARNER, of Ohio. I can not get through in five minutes.

Mr. HANCOCK. Then I will reserve the residue of my time, and the gentleman from Ohio can now take the floor in his own right.

Mr. WARNER, of Ohio. Very well; then I will take the floor in my own right. I was about to say that the Commissioner of Pensions in his interpretation of the law makes it apply to all claims on file, whether the agent who gets the $35 has done anything in the case or not. Though a claim may be entirely completed, if even the certificate has issued but has not yet received the final signature of the treasurer, and the new agreement overtakes it before the final signature is affixed, the lien attaches and the $25 is paid to the attorney or agent.

This is the retroactive feature of the law which the House was assured when the act passed the House was not in the bill, and it was not. As it passed the House the bill excluded in specific terms all claims filed under any previous act; the bill was made operative only from and after its passage.

I am further informed that it probably takes now about 5 per cent. of the entire clerical force of the Pension Office to execute this law, for the sole benefit of the claim agents who are reaping out of it a rich harvest. For instance, the 90,000 contracts which have come in had to be filed with the claims to which they relate. The claims must all be hunted up and these contracts filed with them. Then there are always 5,000 or 6,000 claims passing from one division to another which are not on the files. Clerks must be detailed to follow these up. This is more labor, a great deal, than to file them with claims that have not been removed. Clerks must follow these claims up and attach the contracts to them—see that they do not get through before the lien under the new contract attaches. Five per cent., I say at least 5 per cent. of the clerical force of the office is required, according to the estimates given me, to carry out the provisions of that law; and the only beneficiaries are the claim agents. The Government does all this work for nothing, takes from the soldiers and gives to the claim agent for nothing; and all because the claim agent likes to have it so.

But the worst feature of the law is that it requires the Government to go back six or eight years, and if an attorney says he has not had his fee, although other attorneys may have had fees, whether he has done anything in the case or not, the Government undertakes to hunt up his claim for him, adjudicate it, and collect his fee from the pensioner for him. Why should the Government do this?

That is a retroactive feature of the law which I think will condemn it in the eyes of every member of the House.

I wish now to call the attention of the House to a comparison of

the bill as it passed the House and as it passed the conference committee.

Mr. RANDALL. I was about to ask the gentleman from Ohio to make such a statement.

Mr. WARNER, of Ohio. I have a full abstract of the differences made out. Here it is:

Attorneys' fees in pension cases, abstract of act of July 4, 1884, first session Forty-eighth Congress, page 99.

Section 1 of the law (being section 4785 of the Revised Statutes), which I have before me, provides that "no attorney shall demand or receive for his services in prosecuting a claim for pension or bounty land any other compensation than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25."

That section of the law as it now stands in the bill reported from the Committee on the Payment of Pensions, Bounty, and Back Pay by the distinguished gentleman from Arkansas [Mr. ROGERS] who now occupies the chair, and which is here called the Rogers bill, provided that the fee should be $10 except in cases of special written contract, filed in the Pension Office and approved by the Commissioner, in which cases a claimant may contract with his attorney of record, in writing, in such form as the Commissioner might prescribe, for a fee not exceeding $25. Now comes in the exception: Except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the passage of the act, in which cases no fee above $10 shall be contracted for.

This provision would prevent allowing contracts already made to be increased, or new contracts made in cases pending after June 28, 1878; but the act of July 4 makes no such provision, but, on the contrary, expressly allows the attorney to make a new contract for the larger fee, provided it was a case in which a contract might be filed, although the repealing clause makes a saving as to contracts in pending cases under the act of 1870. The present law also provides that "no part of such compensation shall be demanded or paid until the pension claim is allowed." The bill reported from the Committee on the Payment of Pensions, Bounty, and Back Pay, the Rogers bill, contained a similar provision (section 2), and also the further provision that all fees in pension claims should be paid out of the first installment of pension due by the agent paying the claim, and no fee should be paid except through this agent.

The present law further provides that in all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner that the fee of $10, or any part thereof, has not been paid, the same shall be deducted from the pension, and the agent for paying pensions shall pay the same to the recognized attorney. This provision virtually makes the Pension Office a collection agency for stale attorney fees. There is no provision of the kind in the Rogers bill.

The present law provides that the attorney may cause to be filed with the Commissioner duplicate article of agreement, duly executed and verified, without additional cost to the claimant; setting forth the fee agreed upon by the parties; and where no agreement is filed the fee shall be $10, and no more.

The provisions of the Rogers bill on this subject have already been given.

Section 4 of the present law (being section 4786 Revised Statutes) provides that agreements are allowed to be filed in the following cases only:

First. Original pensions.

Second. Claims for increase on account of new disability.

Third. Claims for restoration where name has been dropped on testimony taken by special examiner, showing that disability or cause of death for which pension was allowed did not originate in the line of duty.

Fourth. In claims of dependent relatives whose names have been dropped on like testimony upon the ground of non-dependence.

Fifth. Such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize.

The Rogers bill does not classify the cases in which contracts may be filed, but merely designates the class of cases in which the fee shall not exceed $10.

The fourth section of the present law further provides that in cases where contracts are filed and it appears that the claimant had paid any sum to the attorney prior to the execution of the contract, and the amount so paid is not stipulated in the contract, then the claim is to be adjudicated as though no contract had been filed; and the amount which the claimant can show has been paid is to be deducted from the fee of $10 allowed by law.

This provision is in the nature of a penalty for failure to specify in the contract the amount previously received by the attorney. There does not seem to be any provision anywhere for the deduction of the amount paid in all cases.

In the Rogers bill it was provided that in all claims filed prior to the passage of the act the attorney shall file a statement under oath showing the amount of fee already received by him, and the amount so received shall be deducted from the fee allowed by the act. To willfully and knowingly make a false statement in regard to the amount received subjected the attorney to the penalty prescribed by the act.

The present law provides that no greater fee than $10 shall be allowed (1) in any claim granted by a special act; or (2) in claims for increase on account of increase of disability for which pension had been granted. You see, they only ask a fee of $10 where Congress passes a special act. They are considerate. Ten dollars only for a special act. The Rogers bill provided that no greater fee than $10 shall be allowed (1) in claims for increase of pension where no new disability is alleged; (2) in cases for pensions for service; (3) in all claims filed after June 28, 1878, and prior to the passage of the act.

No fee is allowed by the present law in any claim for arrears, as arrears of increase allowed by any act of Congress passed subsequent to the date of allowance of the original claim in which such arrears, or of arrears of increase, may be allowed.

The Rogers bill contains no provision of this kind. The penalty clause of the present law is the same as section 6 of the Rogers bill, except the omission of the part applying to an attorney who shall "willfully and knowingly make a false statement in regard to the amount of fee already received;" also except the fine is reduced from $1,000 to $500, and the phrase "and be forever debarred from practicing in the Pension Office" is omitted.

Section 5 of the present law is the same as section 5 of the Rogers bill, with a few verbal changes.

Section 6 of the act (which is found substantially in section 4 of the Rogers bill) gives the Commissioner power, subject to review by the Secretary of the Interior, to reject or refuse to recognize any contract for fees whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to his contract.

Mr. HENDERSON, of Iowa. May I ask the gentleman from Ohio a question?

Mr. WARNER, of Ohio. Certainly.

Mr. HENDERSON, of Iowa. I would like to ask the gentleman if this provision of the law to which he refers—

Provided, however, That the rights of the parties shall not be abridged or affected as to contracts in pending cases as provided for under said act, but such contracts shall be deemed to be and remain in full force and virtue, and shall be recognized as contemplated by said act—

whether that provision does not fix the fee at $10 in each case for claims filed prior to the passage of the act?

Mr. WARNER, of Ohio. The Secretary of the Interior and the Commissioner of Pensions do not so interpret it. The attention of the Department was called to that section referring to the act of 1870, and the Commissioner has decided that it does not prevent making a new contract with the claimant.

Mr. HENDERSON, of Iowa. That is, of course, if they are willing; but suppose that they refuse to make a new contract, are they not protected by the act?

Mr. WARNER, of Ohio. Of course, if they choose to decline; but I have shown that in all such cases the claim agents make the claimants believe that it is absolutely necessary for them to sign the contract, and the claimants believe that if they do not sign the new contracts they will not get their pension.

Mr. HENDERSON, of Iowa. But as a matter of law is not the claimant absolutely protected by that proviso—that he can not be compelled to execute a new contract and that the claim agent must finish the application for the $10 paid?

Mr. WARNER, of Ohio. He can not be legally compelled, of course, but practically they are compelled in the manner that I have stated.

Mr. GREENLEAF. As a matter of fact some 90,000 new contracts have been made in the face of that act.

Mr. WARNER, of Ohio. Yes, about 90,000.

Mr. HENDERSON, of Iowa. I am not questioning the right of the matter. I agree that it ought not to be done, but what I do contend is that the law prohibits it.

Mr. WARNER, of Ohio. It is done in the manner I have suggested, notwithstanding the law.

The main difference, Mr. Chairman, between the law as it now stands and the bill as it passed the House is in its application to the claims already on file. The present law amounts practically to a lien on all claims on file in the Pension Office at the date of the passage of the act, and adds $15 to the fee of the claim agent in many cases where they have done no service at all for the $15. It is an act of spoliation upon the invalid soldiers of the country, and their widows and orphans. And yet these pension agents are claiming to be the friends of the soldiers. They are friends just as wolves are friends to the sheep they seek to devour. They approach the soldiers in sheep's clothing for the purpose of robbing and plundering them.

Now, I propose, Mr. Chairman, the following amendment to the pension appropriation bill. I will send it to the Clerk's desk and ask to have it read, and I ask the attention of the House to it. After the reading I will explain one or two features of it.

The Clerk read as follows:

SEC. 1. No agent or attorney or other person shall demand or receive a greater fee than $10 for services rendered in behalf of any claimant for pension or bounty land under any law of the United States, and it shall be unlawful for any agent or attorney or other person to demand or receive any part of such fee until the claim for pension or bounty land shall have been allowed, and in case of pensions such fee shall be paid to the attorney of record out of the first installment due the claimant by the agent paying the pension, and in no other

way: *Provided*, That in claims for pensions filed after the passage of this act it shall be lawful for any agent or attorney, being a *bona fide* resident of the same State and county with the claimant, to contract in writing, in form to be approved by the Commissioner of Pensions, for a fee not exceeding $25, no part of which fee shall be demanded or received until the claim shall have been allowed, and then shall be paid only by the agent for paying pensions out of the first installment due the pensioner; and it shall be unlawful for such agent, attorney, or other person, directly or indirectly, to enter into partnership for the purpose of dividing said fee of $25, or in any manner to divide said fee, with any agent or attorney or other person residing in any other county or State or in the District of Columbia; and any person found guilty of violating this provision shall, in addition to the penalty prescribed by this act, forfeit all right to such fee.

SEC. 2. The provisions of this act shall apply to and include all cases filed in the Pension Office between June 20, 1878, and July 4, 1884, whether contracts have been filed in the same or not, and which remain unsettled, and to all cases filed after the passage of this act; and in all cases where any part of the fee of $10 has been paid by the claimant to any agent or attorney of record in the case, the same shall be deducted from the fee of $10 allowed by this act; and if any agent or attorney shall neglect or abandon any claim intrusted to him, it shall be lawful for the claimant to employ another agent or attorney, and the agent or attorney who prosecutes the claim to final settlement shall be entitled to the fee.

SEC. 3. Any agent or attorney or other person who shall directly or indirectly contract for, demand, or receive or retain any other or greater compensation for his services in behalf of a claimant for pension or bounty land than is herein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined in any sum not exceeding $500 or imprisoned at hard labor not exceeding three years, or both, in the discretion of the court.

SEC. 4. That so much of the act approved July 4, 1884, as relates to the fees of agents or attorneys, and all other acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 5. This act shall take effect on its passage.

Mr. MATSON. Will the gentleman from Ohio yield to me for a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. MATSON. I ask if there is anything in that amendment saving pending prosecutions for violation of this act?

Mr. WARNER, of Ohio. This amendment repeals the law of last July as far as it relates to cases remaining unsettled, but goes no further. We can not go back where cases have been settled and the money paid, but it repeals the law and makes void all contracts covering claims filed under the act of June 20, 1878, and down to July 4, 1884.

Mr. MATSON. I understand the last clause of the proposition is a general repealing clause.

Mr. WARNER, of Ohio. Oh, no; not a general repealing clause.

Mr. MATSON. I wish to know if there is anything in the amendment saving pending prosecutions.

Mr. WARNER, of Ohio. It only repeals those provisions of the act of July 4, 1884, relating to the fees of agents, and other acts that may be in conflict with this act.

Mr. MATSON. It strikes me there ought to be an express saving of any offenses that may have been committed, so that the Government might prosecute hereafter.

Mr. WARNER, of Ohio. It does not repeal the penalty clauses in other acts.

Mr. MATSON. It repeals the acts and parts of acts in conflict with this act.

Mr. WARNER, of Ohio. Yes; those in conflict with this act. I am very glad to receive any suggestion, and will accept any amendments that will make this bill safer. But I desire to explain further the proposed amendment and its effect.

One object of the bill which passed the House last session was to get these cases out of the hands of the claim agents that infest this capital. We know very well how much of the private business that comes before Congress, and that is imposed upon members, has its origin with claim agents whose motives are to get fees, sometimes plunder. We know that they write four-fifths of all the pension bills and other private bills that are introduced into the House. The purpose in part, I say, of the act which passed the House last session was to get these claims out of the hands of agents here and induce claimants to employ reliable attorneys at home to do their work. These claim agents do little or no work in a claim. They write letters and collect fees and send out blanks, but all the work of preparing the evidence must be done by parties where the claimant resides, and that is largely done gratis now.

The idea was to offer sufficient inducement to attorneys throughout the country to induce them to assist these claimants in the preparation of their claims. For $10 they could not afford to do it where there are but few cases in a locality; but for $25 they could. Now it is proposed in this amendment to limit absolutely the fees to claim agents here in Washington to $10, to be paid only when the claims are allowed, but to allow a contract for $25 to be made with an attorney or claim agent resident in the county and State of the claimant, and only in such cases to allow a fee of $25.

Mr. RYAN. Will that allow the making of two contracts with two agents?

Mr. WARNER, of Ohio. No; there must be no double contracts. That is provided against. This claim business in Washington has become altogether too profitable. It brings too many agents here. There is too much money in it. Where the carcass is there the buzzards gather; and they are thick here in Washington. Make this business less profitable and there will be fewer of these agents here.

Mr. CURTIN. As I understand, the proposition advocated by the gentleman from Ohio will transfer this business to the locality where the pensioner lives.

Mr. WARNER, of Ohio. That is the object of the amendment.

Mr. CURTIN. That is right.

Mr. WARNER, of Ohio. We propose to induce reputable, reliable attorneys at the home of the claimant to take these cases. They have to get the work done for them now at home and the agents here get the fees. The practice now is for these claim agents at Washington to send out blanks and then instruct the claimant to write to his member of Congress, and the member or somebody else does the work. The Pension Office does most of the writing. The agents here do not do the work, but they get the fee of $25 now in each case.

Mr. RYAN. The only person who can be of any practical use to the claimant is the home attorney.

Mr. WARNER, of Ohio. That is the fact, and there is very little use for pension agents here at all. I believe the soldier would be better off without them, and with attorneys at home to assist in preparing his evidence and the rest left to the Pension Office he would be much better off.

Mr. CURTIN. I will say to my friend that I have told hundreds of applicants in Pennsylvania not to sign these contracts at all.

Mr. WARNER, of Ohio. I am glad to learn that.

Mr. CURTIN. The gentleman properly denounces the mode of doing business as pursued by many of these agents as pillage of the soldier.

Mr. WARNER, of Ohio. This amendment proposes to repeal so much of the act of July 4, 1884, as relates to the fees of claim agents. It is carried back to cover all cases on file and not now settled, whether there are contracts in the cases or not. This is upon the theory that the law of 1884 was retroactive; and we are only repealing that provision.

Mr. CURTIN. That is right.

Mr. WARNER, of Ohio. It is retroactive and unjust. It permits the spoliation of the soldiers, and the claim agents have been very prompt in carrying it out. Ninety thousand cases are now on file and they are coming in at the rate of 20,000 or more a month. We propose to provide that by written contract attorneys at the home of the claimant may contract for a fee of $25, to be paid after the claim is allowed. These local attorneys can do the claimants some good. These agents here in Washington do them little or no good.

Mr. PERKINS. Would it not be well to make provision that the Commissioner of Pensions shall not honor any of these contracts which have been entered into pertaining to cases now pending?

Mr. WARNER, of Ohio. I see no objection to that; but if the law is repealed these contracts by the proposed amendment are made null and void.

Mr. PERKINS. But the contracts are there on file.

Mr. WARNER, of Ohio. I will state that this amendment does not affect contracts covering claims which have been filed since July 4, 1884. Contracts covering claims filed since that date are not touched by this amendment; it allows them to stand. We would have no right, I take it, to abrogate such contracts.

Mr. RANDALL. I would like to ask the gentleman whether his amendment in the terms in which it is drawn will be operative immediately upon the passage of the act?

Mr. WARNER, of Ohio. It will.

Mr. CURTIN. Is the gentleman quite clear in supposing that we have no right to abrogate these contracts made since July 4, 1884?

Mr. WARNER, of Ohio. We assume that it would not be judicious legislation to undertake to abrogate contracts made after July 4, 1884, relating to claims filed after that date—claims filed under the new law. As to such claims we propose to allow contracts made since July 4, 1884, to stand. But we propose to abrogate all contracts relating to claims on file before the passage of the act, because that act itself was retroactive, and retroactive as to that class of claims against the interests of soldier claimants.

I believe, Mr. Chairman, I have said all I desire to say, unless some gentleman wishes to ask some question. I reserve the residue of my time, and yield to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. In view of the statements which have been made, I think it proper to give a recital of the former action of the Committee on Appropriations and the House in relation to this subject. To this end I desire to insert in the RECORD the provisions originally recommended by the Committee on Appropriations, and embraced in the last pension appropriation bill as originally reported from the Appropriations Committee. Section 2 of the bill as we reported it was in this language:

SEC. 2. That section 1 of the act entitled "An act relating to claim agents and attorneys in pension cases," approved the 20th day of June, A. D. 1878, be, and the same is hereby, made applicable to bounty, arrears-of-pay, lost-horse, and bounty-land cases, and pension cases in which arrears of pension are or shall be claimed or granted. And the fee of $10 prescribed by law shall not be payable to nor demanded or received by any agent or attorney in any pension case, whether for arrears or otherwise, or in any bounty, arrears-of-pay, lost-horse, or bounty-land case, in whole or in part, until such claim shall be allowed. Upon allowance of arrears of pension and pension cases the Commissioner of Pensions shall direct that the same be paid by the proper pension agent in the manner provided for in sections 4766 and 4769 of the Revised Statutes. And the

provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate this act.

I think I am warranted in saying that under these provisions none of the abuses complained of by the gentleman from Ohio [Mr. WARNER] would have occurred. But from abundance of caution, and deeming that the Committee on Pensions, Bounty, and Back Pay had given more thorough and exhaustive examination to this subject, the Committee on Appropriations gave up the provisions which they had recommended with the view to caring for the interests of the soldiers, and adopted the report of the Committee on Pensions, Bounty, and Back Pay. The bill making appropriations for the payment of invalid and other pensions for the current year therefore contained as it went to the Senate the following provisions, being, as I understand, in substance about the same as the proposition now submitted by the gentleman from Ohio:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions, out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears of pension, or bounty-land claims shall be $10, except in case of special written contract filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 20, 1878, and prior to the passage of this act, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. And such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney, or other person, instrumental in prosecuting any claim for pension or arrears thereof, who shall, directly or indirectly, contract for, demand, or receive, or retain, any compensation for his services or instrumentality for prosecuting a claim for pension or arrears thereof greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall, for every such offense, be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

The House is clear, in my judgment, from any censure for any participation in this alleged improper legislation. It went, therefore, the way the gentleman from Ohio desires it now to go, a year ago, to the Senate. The Senate disagreed altogether to any proposition or any legislation having in view the correction of the abuse which the House sought to remedy. They struck the House proposition out entirely. They said, in substance: No; we want no legislation. This is in effect the result of the action of the Senate at the time to which I allude.

When the question came back to the House the House still insisted that legislation was required, and what the gentleman from Ohio has indicated was the character of the legislation upon which the House insisted. When the matter got into conference the change was made and legislation was inserted under which fees were unnecessarily taken from soldiers making applications for pensions, and by which they were compelled to employ lawyers here in the city of Washington rather than at their homes.

That, Mr. Chairman, is the way in which this legislation came to be placed upon the statute-book. It was never dreamed by any one that such a condition of things would arise as that which has since occurred, and I have deemed it proper to recite the provisions of the bill as reported and sent to the Senate so that the record may be made up and this House relieved from any reflection whatever in connection with this subject.

Mr. WOODWARD. What was the date of the conference report?

Mr. RANDALL. The bill was reported from the Committee on Appropriations on the 22d of March, and it was first passed by the House on the 23d of May, I believe.

Mr. KEIFER. April 22.

Mr. WARNER, of Ohio. The law was approved July 4.

Mr. WOODWARD. When was the conference committee?

Mr. WARNER, of Ohio. The very last days, at the very close of the session.

Mr. RANDALL. At the very end of the session, I believe, when there was not that full and quiet opportunity to know everything in connection with the matter. I might say that the Committee on Appropriations had then parted with the subject, or rather had remitted it to the conference committee. It does seem we ought to have been able under the circumstances to have checked any such legislation getting through the House; but so it is.

Mr. WARNER, of Ohio. I wish to say, Mr. Chairman, that the committee of which I have the honor to be chairman does not wish to shirk any responsibility, nor do I myself wish to shirk any responsibility in this matter. It never occurred to me that any change was made. Indeed I think I was not here. I have not looked up the record to see whether that is so or not. I did not know that any such amendment was made. I knew nothing about it. I do not wish to be exculpated from all blame in the matter. Still it could hardly be expected under the circumstances that it would have been noticed. I do not think I was here. I went to Chicago about that time. [Laughter.] Perhaps that is not a good excuse, however.

Mr. RANDALL. I had not that excuse, as I did not go to Chicago, but staid here until Congress adjourned, and I did not wish by any remark of mine to cast any reflection on any member of the House. I wished merely to state what was the current of legislation. I do not believe there is a member in either House who, if he had been advised this would have been the effect of what was enacted, would for an instant have advocated or voted for any such proposition. The truth is, in the hurry at the close of the session, under information derived, I suppose, from interested attorneys, we were led into the error. I do not wish to relieve myself entirely from blame in this particular, but I wish to say that the members here are not altogether censurable for having this legislation placed upon the statute-book.

Mr. WARNER, of Ohio. I did not in anything I said mean to make any reflection upon either House or upon any member of either House.

Mr. RANDALL. I so understood the gentleman.

Mr. WARNER, of Ohio. I do not wish to reflect in the slightest degree on any member of this House.

Mr. RANDALL. I do not consider that the gentleman has reflected upon any member of the House, and I do not believe there is any occasion to do so.

Mr. WARNER, of Ohio. I do not believe any member of the Committee on Appropriations or any member of the House, if his attention had been called to the matter, would have sanctioned this legislation; but one thing is remarkable, where mistakes of this kind do creep into legislation they are always against the Government and in favor of somebody. Somebody always knows about them, and some one understood the effect in this case. I do not believe it was known on the part of any member of any committee of the House, or of any member of the House, but the mistake was made. And when such mistakes are made, as I have already said, they are always against the Government and in favor of somebody.

Now while I am on the floor I wish to add one further remark. I do it because my attention has been called by my friend from Kansas [Mr. RYAN] to a publication sent out from this city by hundreds of thousands of copies to the soldiers of the country claiming specially and particularly to be the organ of the soldiers of the country. Soldiers do not know generally that it is sent out by claim agents, who have no other purpose than to gather into their hands all the claims of soldiers they can for the purpose of making as much as possible out of them.

A MEMBER. What paper is that?

Mr. WARNER, of Ohio. It is known as the National Tribune, published in this city. The soldiers do not understand, or did not understand, its character; but they are coming to understand it better. They are coming to know that it is merely an advertising sheet of certain claim agents. It seeks to exercise its influence through the organization of the Grand Army of the Republic, which is not a political organization, or is not intended to be, but almost always when one connected with this paper or any of this class of agents comes to the surface, whether as lobbyist in Congress or before some committee, it turns out somehow or other that he is a claim agent and has some ax to grind, and I place on record this statement for the reason that it ought to be known throughout the country what friends these people are in whose hands the soldiers of the country are falling.

I now, sir, yield the floor.

Mr. HANCOCK. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I shall ask to be recognized in my own right for the reason that I shall require something more than five minutes for what I wish to say. I happened to say on one occasion that the Committee on Payment of Pensions, Bounty, and Back Pay had proved the graveyard of all the important legislation committed to it; that it had never reported to the House for passage but a single bill, and that this one was so objectionable to the soldiers that the Senate gave it no consideration whatever, and hence it never became a law.

Not only this, but I made the broad declaration, which at that time I believed to be true, and which now I know to be true, that this committee never secured a single line of legislation during the last session of Congress. When I made that declaration, and when it went broadcast throughout the country, it was controverted by the chairman of that committee. My declaration in that regard was denied, and the

only scintilla of proof that was ever produced here or elsewhere that my statement in that respect was untrue was the fact that this committee claimed to be the author of this now objectionable section, which was added as an amendment to the pension appropriation bill at the last session of Congress.

To disprove my statement the chairman and other members of that committee pointed with pride to that one solitary amendment to the pension appropriation bill in reference to the payment of the fees of pension attorneys or agents. It seemed then to have been the glory of that committee, and especially the glory of those who were thus representing it, that they had secured some legislation, and that a bill which came from that committee had ultimately become law. It was pointed to with pride by the chairman of that committee on this floor only a few days since, when he stated that the bill reported by the gentleman from Arkansas [Mr. ROGERS], a member of this committee, in regard to the fees of pension attorneys, had been ingrafted upon the pension appropriation bill passed at the last session and had become a part of the statutes of this country.

Yes, Mr. Chairman, this very law, which is now so strongly condemned, was placed to the credit of the Committee on Payment of Pensions, Bounty, and Back Pay only a few days since, when its chairman introduced in this House a resolution to expunge from the RECORD certain things that I had said about this committee; and it was then stated that this provision of law was carefully considered by this committee, reported to the House by one of its members, and attached as an amendment to the pension appropriation bill, and made the law of the land. This was the statement then made by the gentleman from Ohio [Mr. WARNER] and the gentleman from Arkansas [Mr. ROGERS].

The distinguished gentleman from Arkansas [Mr. ROGERS] said on that occasion that this provision was reported by him from the Committee on Payment of Pensions, Bounty, and Back Pay, under its direction, and that it subsequently passed the House and became a law. And it should be remembered, Mr. Chairman, that this statement was made for the purpose of showing that I had not stated the truth when I said that that committee had secured no legislation whatever. The statement of the gentleman from Arkansas [Mr. ROGERS] will be found on page 229 of the RECORD of the proceedings of this House. He used this language; I will read it:

The bill which I reported as a substitute, under the direction of the committee, for a provision in the pension appropriation bill, and which subsequently passed this House and became a law, was reported April 16, 1884, as will be found by reference to volume 66 of the RECORD, page 3011.

There he declares that this bill which he reported under the direction of his committee became a law. That was the sort of evidence then introduced to disprove the declaration which I had on other occasions made. The gentleman pointed with pride to the fact that this bill increasing the fee of pension attorneys from $10 to $25 came from his committee and ultimately became a part of the law of this land.

And on the same occasion the gentleman from Ohio [Mr. WARNER] said on the floor of this House, page 222 of the daily RECORD:

Mr. ROGERS, of Arkansas, reported a bill, which will be found on page 3236 of the RECORD, relating to the fees of the claim agents, the substance of which bill was ingrafted on the pension appropriation bill, and is now a law.

And this was said for the same purpose, namely, to disprove my declaration that the committee of which the gentlemen from Ohio is chairman had secured no legislation whatever upon the statute-books of this country, although sixty-eight bills had been referred to it; for it will be remembered that I was making the point then that I make now, that that committee was the graveyard, has been the graveyard, and will continue to be the graveyard of all pension legislation in the Forty-eighth Congress. Yet the gentleman to disprove that declaration uses the language quoted.

Why this change of front? Only yesterday that was legislation which had come from the gentlemen's committee, and to which they pointed with great self-satisfaction. It was the only legislation to which they could possibly point, in seven long months, of which that committee claimed the paternity and authorship, and now all at once there is a change of front. I repeat, why this change? What is the occasion of this remarkable alteration of the sentiments of these gentlemen upon this floor and in the committee of this House? On one day claiming honor for what they professed to have done; on the next day ignoring the paternity of their own offspring and condemning it as a law corresponding with the piracy of the Middle Ages. They declare to-day that this committee never was the author of any such villainous legislation.

Mr. WARNER, of Ohio. It passed the House as the committee reported it.

Mr. KEIFER. And went into the bill as the committee reported it.

Mr. WARNER, of Ohio. Who put it in?

Mr. KEIFER. Your committee recommended it.

Mr. JOSEPH D. TAYLOR. I never denied, Mr. Chairman, that the gentleman from Arkansas [Mr. ROGERS] reported a bill. I never said that the bill was not a good one. I never raised that question; but I did him the honor and I did his committee the honor never to charge them with the authorship of this legislation. It never had occurred to me, Mr. Chairman, that the Committee on Payment of Pensions, Bounty, and Back Pay would claim the credit of this amendment to the appropriation bill, and consequently I made no allusion to it whatever. I simply stated the fact as I then believed it, and as I believe it now, more fully because of these explanations that no part of a bill from that committee ever became a part of the legislation of the country.

I only refer to this now because of my surprise and because of the surprise of other gentlemen on this floor that these gentlemen should attempt here before this House to arraign me for an alleged false statement, the entire truth of which they to-day frankly admit, since they are now engaged in exculpating themselves from the charge of authorship or paternity of this provision.

Now, Mr. Chairman, I agree with them, I agree with the gentleman from Ohio [Mr. WARNER] that this amendment was exceedingly unfortunate in some respects. It has enabled dishonest attorneys to rob soldiers of thousands and tens of thousands of dollars. It was retroactive, and unscrupulous agents have gone abroad all over this land, wherever they found the cottage of the Union soldier, or of his widow, or of his orphans, and claimed an increase of their fee from $10 to $25 without reference to the character or condition of the claim. I appreciate the character of that amendment. I saw its operation day by day. And yet I never accused that committee of having been the author of it. I never held the committee responsible for the wrong contained in it. And yet it is nevertheless true that when you take away that authorship or paternity you have established most conclusively the truth of the position I have heretofore taken that the committee never did secure any legislation whatever.

And now, after what was witnessed on this floor yesterday, after the record which was made then in the consideration of the Mexican pension bill as it was amended by the Senate at the last session, after what now goes out before the country everywhere from ocean to ocean, coupled with what has occurred here to-day, I want gentlemen to remember—and I want them to carry it home with them—that every sentence, and every word, and every syllable of those remarks of mine printed on the four hundred and ninety-fourth page of the Appendix to the CONGRESSIONAL RECORD, save and except the omission of two words, is entirely true; and it has been written down in the records of this country that those allegations stand unimpeached, because the last controverted proposition, the last disputed sentence, was surrendered yesterday and to-day. When I intended, on a former occasion, to say that that committee never reported but one bill for passage, the words "for passage" were omitted; and if this House had heard read, as it should have done, the other parts of those remarks, instead of voting in ignorance of what they contained, it would have understood what I then stated, that I was discussing what that committee was intending to do, what legislation it was intending to secure, and I repeat it now that that committee never reported but one bill for passage, and the facts and conduct of the committee warrant the conclusion that they never intended to pass any other bill involving general legislation or involving the principles of the Senate amendments to the Mexican pension bill.

I wish to say one more thing, Mr. Chairman; I regret the necessity of saying it. I take no pleasure in a discussion of this kind, but I felt that it was due to myself to make these statements, and to further say that all those allegations made by the gentleman from Ohio [Mr. WARNER] in regard to the time of my entering the service—the statement that I entered the service after the battle of Gettysburg, and after the battle of Vicksburg, and after the Mississippi was opened to the sea, &c.—were wholly untrue, as the Army records of the country, the records which are to-day in the War Department, will fully show.

Every paragraph, every sentence, every syllable of those allegations are entirely without a shadow of truth. But the gentleman made them with great declamation and then moved the previous question in order to prevent me from saying a word in reply. I submit whether such conduct as this should go unexplained and unchallenged.

Mr. Chairman, I had no thought of calling the attention of this House to-day or on any other day to this matter or to these statements. The circumstances of this hour and the surprising statements of these gentlemen have called them forth.

I reserve the balance of my time.

Mr. ROGERS, of Arkansas. I hope the House will not do me the injustice of supposing I will undertake to-day to open a question discussed here on a former occasion, and which, I take it, in the judgment of this House is now *res judicata*. I allude to the question which the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] has just been discussing. I did not take the floor, Mr. Chairman, with a view of responding to anything the gentleman from Ohio might suggest on this occasion. I had another object in view, which I will undertake to give the House the benefit of after I refer to a single remark which the gentleman from Ohio has just made, and I hope the gentleman will give me his attention, for I shall endeavor to set him an example which he could well follow in the future. I did state in the discussion which took place on the 13th of last month what the gentleman read from the RECORD. In other words, I said:

The bill which I reported as a substitute, under the direction of the committee, for a provision in the pension appropriation bill, and which subsequently passed this House and became a law, was reported April 16, 1884, as will be found by reference to volume 66 of the RECORD, page 3011.

That part of my remarks, of which the gentleman from Ohio now com-

plains, is the statement reported by me that this bill "became a law"—that, and that only. I did make that statement, and I made it under a misapprehension of fact. I now withdraw the statement, namely, "that bill became a law," and I commend the example I set to the gentleman from Ohio in the future.

This is all I have to say touching the controversy which grew out of the misconduct of the gentleman from Ohio after the adjournment of Congress at its last session. I thought, Mr. Speaker, when I made that remark that the bill which I had reported had become a law; and I now appeal to my friend and colleague on the committee, the gentleman from Massachusetts [Mr. WHITING] who sits on the opposite side of the House, to state whether the discovery of this fact was not made by the committee at a session subsequent to the debate in which I made the statement.

Mr. WHITING made a gesture of assent.

Mr. ROGERS, of Arkansas. The gentleman from Massachusetts answers in the affirmative. Until this discovery was made by our committee and since the debate to which I have referred no member of the House that I have heard except the gentleman from Texas—not even the chairman of the Committee on Appropriations, or any other member of that committee, so far as I have been able to learn—had discovered the fact that the bill which the Committee on Pensions, Bounty, and Back Pay reported, and which was accepted by the Committee on Appropriations, had not become a law.

I think, sir, that with this statement, supported as it is by my colleagues on the committee upon the other side of the House, I can well leave this branch of the subject where the House left it, and I do so. The gentleman from Ohio on this side [Mr. WARNER] can make any statement he may desire to submit after I am through.

Mr. Speaker, I now invite the attention of both sides of the House to a brief statement touching the business aspects of the proposition now pending. I will say in the beginning that when after the reassembling of the present Congress these abuses about which so much has been said were made known, I was struck with astonishment that the Commissioner of Pensions should have construed that statute, which we had matured in the committee, in such a way as to make the bill retroactive in its operation. In the progress of the debate upon the floor, gentlemen on both sides of the House, as I now recollect (and I have recently examined the RECORD), put the question to me, as the mover of that amendment upon the floor, whether or not it did operate retroactively, and I stated twice during the progress of the debate that it did not operate retroactively; that the intention was it should not so operate. I was therefore astounded when I ascertained the fact that the Commissioner of Pensions had placed that construction upon this measure, which I supposed was the bill I had reported and had become the law of the land.

But, Mr. Speaker, as I understood the recent colloquy between the gentleman from Iowa and the gentleman from Ohio, the construction of the Commissioner of Pensions on this subject was called in question by the gentleman from Iowa. I commend to his consideration, because I know from his conduct on this floor that he is the friend of the soldier, the fact that this bill which has become a law is substantially the same law which was passed in 1870, upon which the then Commissioner of Pensions placed the same interpretation that is now placed upon this act. No rule of construction is more potent or more seriously to be considered in determining the interpretation of a statute recently passed than the settled construction of a similar statute upon the same subject. The one, it is presumed, was passed in view of and with reference to the construction put upon the other. I say now to the gentleman, after a careful examination of this act, after a patient hearing of the Commissioner before our committee, after a thorough investigation of the subject myself at my rooms in the hope that I might be able to overturn the interpretation the Commissioner has placed on the act, I arrived at the conclusion, and so confessed to him, that his interpretation was correct. In view of the fact that this statute is substantially the same, so far as the provision under consideration is concerned, I have no doubt of it.

Mr. Chairman, the chief object I had in view in taking the floor was to invite attention to some amendments which I propose to offer to the bill now pending. I am somewhat loath to offer these amendments, because of the fact that the distinguished chairman of the Committee on Pensions, Bounty, and Back Pay has prepared an amendment which in the main seems acceptable to distinguished gentlemen on the floor. The amendment which I had proposed to offer—being in fact a bill every provision of which has been considered during the present session of Congress in our committee, although not authorized to be reported—is substantially the bill which this House passed at its last session, with the addition of several provisions, among others one looking to the annulment of those contracts which were filed between the passage of the act of 1878 and the act of 1884.

I have also added other provisions, the object of which is to prevent parties who have gone into this business of collecting claims for pensions, bounty, and back pay from doing as one firm in this city has done, transferring their business to a second firm in order that the latter might receive the benefits of the legislation which passed last session. So far as I am individually concerned, I have simply to say that I have not myself examined the record to ascertain who offered the substitute for the House bill in the Senate; but I have been informed that a distinguished soldier, whom in my boyhood I learned by practical experience to respect, offered the amendment. If he did, I now do him the credit to say that I believe when he offered it he was imposed upon as to the effect it would have upon the soldiers of this country.

But, sir, it makes no difference who prepared that Senate amendment. It was prepared carefully. Every feature of former legislation on the same subject had been scrutinized, and it was formed solely and exclusively in the interests of those men who make their living out of the soldier element of the country—the pension attorneys.

Mr. Chairman, I will avail myself of a statement made by the senior member of one of the most distinguished and honorable of the firms, engaged in this business in this city. When this bill was prepared last year he had been before the committee. He said to us in the committee that he believed it was as fair and as just as pension attorneys could require or demand. Yet, Mr. Chairman, during the present session of this Congress that gentleman tells me openly and frankly that when this bill which found its birth in the Senate, as I understand, perhaps in the conference committee, had become law, and he scrutinized it, he at once sent out circulars to thousands of clients all over the country asking them to enter into contracts increasing the fee $15 a case.

Sir, it is not my purpose here to attack these attorneys. I do not hold them responsible for this legislation. If the American Congress passes bills which find their origin in one end of the Capitol without mature consideration, or if it passes bills which have not been matured by any committee, I say it ought to be held responsible for the result. Its committees are intrusted with this legislation. Why, sir, the Committee on the Payment of Pensions, Bounty, and Back Pay spent nearly two months of the last session of Congress trying to mature some measure which would meet with the approbation of the country and give pensions to those who are justly entitled to them; but somewhere this bill they proposed was stricken out and another inserted, and the flood-gates thrown open and the soldiers wronged.

Sir, the responsibility belongs to us. I have said so far as I am concerned I never knew or dreamed that this had become a law until the present session of Congress. I did not know that it had become the law in its present shape. It may be while charged in the last days of the last session of Congress with specific duties on a special committee which sat during the sessions of the House this report came from the conference committee and was passed when I was not present. However that may be, if I had known at the time the bill passed this carefully matured bill of our committee which I have said over and over again I believe closed the gates against all sort of tyranny, oppression, wrong, fraud, or injustice on the soldier element of the country, if the opportunity had been offered me I would have entered my protest against it passage.

I believe these measures ought to be matured in committee. Perhaps the amendment now offered by the chairman of the committee of which I happen to be a member may be a good one, and, so far as I am concerned, the only objection I can offer to it is that I have not had the opportunity to examine it at all. This amendment I offer I have examined, and the committee of which I am a member have examined it. Every feature of it has been carefully matured; and although one feature of his bill may be better than ours, I believe it would be the part of wisdom for the Committee on Appropriations to accept this amendment in lieu of the one my friend from Ohio proposes to offer on the subject.

Now, in reference to one legal feature of this proposition and I am through. One section of this amendment, all of which during my remarks I will ask the Clerk to read, looks to the annulment of all contracts which have been entered into by attorneys and clients where the application was filed after the act of 1878 and before the act of 1884. The law then fixed the fee at $10. If we strike down that provision of it we get rid of nearly all the abuses which have grown up under the passage of the law of the last session. But few applications have been filed since July, 1884.

The question arises, how can you consistently, having in view wise and conservative legislation, undertake to annul these contracts which have been made under the operation of a statute which, however bad, is certainly valid. Mr. Chairman, it can be made to rest in my opinion upon one single proposition, and that proposition is this: that in the law as it now exists there is a provision which made it the duty of the Commissioner of Pensions to exercise his discretion as to whether or not he would allow the increased fee of $15 in each case. He did not exercise that discretion, but construed the law as allowing the additional $15 in all cases when contracts for $25 were filed. If we now enforce by statute what the Commissioner of Pensions might in his discretion do under existing law, I maintain that no contract will be violated in so doing. This position is re-enforced by the fact that the law, as it exists, operates retroactively and against the soldier; if it is not so in terms it is made so by construction; and I take it therefore that no injustice will be done the pension attorneys if we annul all contracts filed under the act of 1884, in cases filed between the passage of the act of 1878 and the act of 1884, thereby putting attorneys and clients on the same footing that they were when the attorneys undertook the cases.

The amendment which I propose to offer does not undertake to interfere with these contracts filed since July, 1884, which is the date of the passage of the bill in the last Congress. I say, Mr. Chairman, we ought not to interfere with those; that we ought to assume in the presence of the country whatever of responsibility belongs to that bad act. Bad though it be, whatever rights these men have under it they are entitled to justly.

Then there is another provision here, which I incidentally alluded to and to which I invite attention. It prohibits, under the penalties of this act imposed by the sixth section of it, any firm of lawyers from assigning their claim to others so that the assignee firm shall have the power to charge an additional fee for the prosecution of the claim; and it requires in that connection that the assignor firm, before the assignee firm can receive a single dollar when the claim is allowed, shall file an affidavit setting forth the exact sums that have been paid to them and which are entitled to be deducted from the original fee allowed by the law.

Now I believe I am through with the remarks I desired to make, and send to the desk to be read in my time the amendments which I propose to offer in conjunction with the original bill as it passed at the last session, the whole constituting the amendment to be offered now, reserving for the present the balance of my time until the reading is through.

The Clerk read as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears-of-pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant, and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears-of-pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney, or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive, and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

Mr. ROGERS, of Arkansas. Now, Mr. Chairman, I invite the attention of the House to the remainder of this amendment, it not being contained in the bill which passed the House at its last session—the portion just read having been offered as an amendment to that bill, and, as will be remembered, was adopted by the House.

Mr. HOLMAN. I would suggest to my friend from Arkansas whether it would not be better to confine the amendment solely to the matter already read, that is, the exact language of the provision that passed through the House at the last session. Would it not be better that the bill should go to the Senate as it passed the House then, and as approved by the members of the committee and of the House?

Mr. ROGERS, of Arkansas. I can satisfy my friend from Indiana on that point in a moment. The bill, as it passed the House last session, did not allow an increase of attorneys' fees on claims filed between the act of 1878 and the act of 1884. But the bill that was substituted for the House bill did, under the construction placed upon it, extend the increase of fee over that period. The bill, as it passed last session, does not annul the contracts since made covering cases filed during that period. We have to go further and annul these contracts and conform the bill so as to meet the changed condition of things.

Mr. HOLMAN. With that understanding, it would be better, of course, that the amendment should go further.

Mr. ROGERS, of Arkansas. I ask the Clerk to read the remainder of the amendment.

The Clerk read as follows:

SEC. 7. That no agent or attorney shall either demand or receive on account of the prosecution of any claim provided for under the provisions of this act, when such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10, nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit or in any other way that all or any part of said $10 has been paid, it shall be deducted therefrom and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts entered into fairly and without fraud or duress for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be upon conviction punished as provided in the sixth section of this act.

SEC. 8. That this act shall not be so construed as to prohibit any claimant, the prosecution of whose claims has been heretofore abandoned by his attorney, from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim the original attorney or agent shall not be allowed to demand or receive any part thereof under the penalties of the sixth section of this act.

SEC. 9. That hereafter no person or persons that may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever or who may have heretofore collected on account thereof any sum whatever shall be allowed to sell, assign, convey, or to make over to any other person any such claim or claims so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or to receive any other or greater fee than is hereinbefore provided for, nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims (if alive) shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act, and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act.

SEC. 10. That the act approved July 4, 1884, and all other acts in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage.

Mr. ROGERS, of Arkansas. I now yield to the gentleman from Ohio [Mr. WARNER], the chairman of the committee, such time as he requires, reserving the balance of the time which he may not occupy.

Mr. MATSON. Before the gentleman from Arkansas takes his seat I wish to ask him whether the substantial difference between his proposition and that submitted by the gentleman from Ohio [Mr. WARNER] lies in the fact that his does not attempt at all to annul the contracts filed between June, 1878, and July, 1884.

Mr. ROGERS, of Arkansas. I can not say precisely what are the distinctive features as between the two bills; but both seek to annul the contracts, so far as applications filed between 1878 and 1884 are concerned.

Mr. MATSON. Yours seeks to do that.

Mr. WARNER, of Ohio. And mine also does that.

The CHAIRMAN (Mr. CRISP). The gentleman from Arkansas [Mr. ROGERS] has twenty-nine minutes of his time remaining.

Mr. WARNER, of Ohio. I desire only to occupy the time of the committee for a few words in reply to what has been said as to the responsibility of the Committee on the Payment of Pensions, Bounty, and Back Pay for this legislation. I do not wish, Mr. Chairman, to shirk any responsibility which falls upon me as a member of this House in reference to this act or to any other. But I think it due to that committee to say that this bill after it had been reported to the House, and certainly after it had passed the House, was entirely beyond the control of that committee. It was ingrafted on the pension appropriation bill, a bill reported from the Committee on Appropriations, and the conference was between members of that committee and members of the Appropriations Committee of the Senate. No member of the Committee on the Payment of Pensions, Bounty, and Back Pay was on that conference committee, and no member of that committee was any more responsible for the changes in the bill than my colleague from Ohio or any other member of this House.

My colleague from Ohio, who is a member of the Appropriations Committee [Mr. KEIFER], I do not think would be willing to assume the responsibility for the errors connected with this legislation. I certainly do not charge him with any such responsibility. The amendment adopted by the House was stricken out in the Senate. The House had no control of that, much less the Committee on Payment of Pensions, Bounty, and Back Pay. The change was made, as I have already explained, in the conference committee. I have not looked to see, but I think I was not in the House. I certainly knew nothing of it. I think it was not read at all in the House; and I frankly admit I was not aware of any change until a few days before the adjournment of the House for the holiday recess. I ascertained that fact by calling upon the Commissioner of Pensions and asking how it was that the fee of $25 was allowed in cases filed prior to the passage of the act, and he called my attention to the law and I then saw that the law as it now stands on the statute-book was not the act as it passed the House. That was a fact I was not aware of when the discussion took place early in this session. I frankly admit it, but it has no bearing on that discussion. I do not think any member of this House had discovered the change. No one had spoken to me about it. So far as I know I made the discovery quite as early as anybody else.

The Committee on the Payment of Pensions, Bounty, and Back Pay, as soon as the facts were discovered, took the matter in hand, called the Commissioner of Pensions before it, asked him for an explanation of the law, the interpretation he put upon it, what had been done under the law, the number of claims filed, &c., and that information is furnished to the House. Certainly it can not be charged that that committee has been derelict in its duty in this matter from the time the facts about the law were discovered.

I do not propose, Mr. Chairman, to go back over questions that this House has already settled. I can not, however, let the occasion pass without a reference to the charge that is reiterated here by my colleague that the committee of which I have the honor to be chairman has neglected its duty, that it has acted in bad faith to this House. I do not think any other gentleman on this floor than my colleague would have made that charge. He charges my friend from Massachusetts [Mr. WHITING] as well as myself and all other members of the committee, my friend from New York [Mr. BREWER] and my friend from New York [Mr. GREENLEAF], and other members of that committee with acting in bad faith, as members of that committee in what they have done and reported to this House; that in the measures they have considered and reported they have been trifling with the House, not acting in good faith, not meaning what they have said and done.

Mr. Chairman, it seems to me that a gentleman must be devoid of a sense of the honor of gentlemen and the responsibility of members of this House to make such a charge, a charge affecting members who, I think this House will agree, are actuated by motives as high and honorable certainly as those which actuate him; gentlemen having as high a sense of honor and of the responsibility that pertains to them as members of this House as he can have.

Mr. Chairman, I shall not refer to what was said here on another occasion; but I deny the charge which is reiterated now that the Committee on the Payment of Pensions, Bounty, and Back Pay has not acted in as good faith as any other committee of this House; that it has not labored as faithfully in considering all measures that have been referred to it. Not a single bill has been referred to that committee which has not had consideration. Its chairman has referred all bills to subcommittees. They have been considered, and bills have been reported to this House and are on its Calendar expressing the judgment of that committee as to the legislation which this House ought at this time to adopt. When a committee has reported measures to the House those measures are in the control of the House.

But our committee went further and instructed the gentlemen who reported those several measures to take the first opportunity to call them up and press them to a passage. The bill which I had the honor myself to report was passed under a suspension of the rules. My colleague, in his speech printed after the adjournment of Congress, complained that we passed the bill under a suspension of the rules, and now complains that we do not pass more that way. We thought the only sure way to get that bill through at that session was to pass it under a suspension of the rules, and we deemed it important that it should be passed early. The other bills are here. The House can judge of their merits; and when they come up they will doubtless be acted upon as in the judgment of the House may be deemed best.

But when the gentleman charges members of that committee with acting in bad faith and not intending the passage of the measures they have reported he makes a charge without any authority or warrant whatever. What does he know of the action of that committee? What does he know as to what has been done in that committee or by members of the committee? Let me call his attention and the attention of the House to this fact: this committee in the Forty-seventh Congress, a Republican Congress, was called together, I believe, but once during both sessions. No bills were considered; not one bill was reported from it, if I am rightly informed. That Republican committee of that Republican House did not consider or report a single bill, as I am informed. If I am in error I hope I may be corrected. Certainly not one bill coming from that committee was acted on; and the records, as I am told, show that the committee was only called together once during both sessions of the Forty-seventh Congress.

But the committee of the present Congress is arraigned for a political purpose and charged with dereliction of duty, although it has held regular sessions twice a week nearly all the time, considering bills which were referred to it. And I will state now what I have not stated before, and what I did not intend to speak of, that under the instructions of the committee its chairman has been at work upon a report on pension legislation, going back to the earliest legislation upon the subject of pensions, beginning with the Continental Congress—a report designed to embrace a digest of all the discussions and legislation of Congress on the subject of pensions. This work, which must of course be somewhat voluminous, has not yet been completed. I hope to have time to complete it before the close of this session. I shall endeavor to do so, but may not be able. In that report it is proposed to show succinctly what has been the policy of our Government on this question, what distinguished men have said on pension measures in Revolutionary times or relating to Revolutionary pensions, as well as relating to pensions of the war of 1812, and later legislation of the same class.

He who thinks that the work which has come before our committee is light and ought to be turned off in a week or two has but a limited understanding of the scope and meaning of pension legislation. It must be remembered that pension legislation, involving the interests of thousands and hundreds of thousands of soldiers, and the expenditure of hundreds, yes, thousands, of millions of dollars, is a far-reaching subject. I have said many times that I thought it a greater and more important subject than the national debt. Very few questions before Congress are more important surely than questions relating to pensions.

The pension laws as they stand are much involved. They have been made up by a sort of patch-work process. I have favored a commission to digest and reconstruct our entire pension legislation; but such a work can not be done during a session of Congress. I think it ought to be done. I do not believe we shall have a wise and consistent pension system until there has been a complete revision of the pension laws. But to suppose that our committee, with all its other duties, can do all this work in a single session is ridiculous.

Mr. Chairman, I have the honor to be a member of another committee before which some 1,200 bills are pending, nearly one hundred of which have been placed in my hands for examination and report. Some of them involve millions of dollars. I finished the other day and am prepared to submit a report on one case involving $20,000,000. Is it expected that members can take up all the various questions presented in hundreds of bills, make lengthy reports upon them, and do justice in all cases to the subjects committed to them? All that it has been possible for members of my committee and for myself to do I believe we have done. I know we have endeavored to do so. We have sought to discharge our duties honestly and in good faith as members of this House. The charge made by my colleague is one which I ought to ask pardon of the House for making reference to at all. Such charges and such insinuations only merit the contempt of myself, as I believe they do of every other member of this House.

Mr. GOFF. It seems, Mr. Chairman, the explanations made by the chairmen of committees and also by individual members of the House have but little in fact to do with the matter now presented for our consideration. I think if the gentlemen who have even discussed this matter will examine the statute critically they will ascertain they have created a tempest in a tea-pot, and that there is in fact very little wrong which has been accomplished by the legislation of 1884. It has enabled these gentlemen to make their personal explanations and to endeavor indirectly or to shift responsibility from one committee to another, but we all know that our committees, like the king, can do no wrong.

Mr. WARNER, of Ohio. But my friend would not do me a wrong there or my committee.

Mr. GOFF. Certainly not.

Mr. WARNER, of Ohio. Will he then explain how the Committee on the Payment of Pensions, Bounty, and Back Pay could control the action of a conference between the two Houses?

Mr. GOFF. I am not laying the responsibility on the gentleman's committee.

Mr. WARNER, of Ohio. Thank you.

Mr. GOFF. I do not lay it on the Committee on Appropriations or that committee which has a subject of conference between the two Houses; nor do I think it proper to lay it on the other end of the Capitol either. We should assume our responsibility, and our Committee on Appropriations and the members who represented us in conference should bear their part of it if there be any to bear.

I say, Mr. Chairman, there has been little wrong if any by any committee, and I think the gentleman from Ohio when he offered his amendment and submitted his speech to the House said things which the facts will not bear out. The act of 1884, so far as it affects the rights of parties under contracts entered into previous to 1884, is not retroactive. There is no lawyer on this floor who will say so.

Mr. WARNER, of Ohio. The gentleman will not deny that under the interpretation given by the Secretary of the Interior and the Commissioner of Pensions——

Mr. GOFF. I say that is not the interpretation given by either the Secretary of the Interior or the Commissioner of Pensions.

Mr. HATCH, of Missouri. Will the gentleman from West Virginia allow me to say a word?

Mr. GOFF. Yes, sir.

Mr. HATCH, of Missouri. In conversation with the Commissioner of Pensions within the last forty-eight hours he said to me that was his interpretation, and that he felt himself compelled under the act to approve every single contract that had been filed.

Mr. WARNER, of Ohio. And the Commissioner of Pensions said the same thing before our committee.

Mr. GOFF. I beg the gentleman's pardon; I have not reached that question. That is a question of contract which takes place subsequent to the passage of the act of 1884, and in which the claimant and agent reached a conclusion. I say under the act itself the claimant can present this claim and make this demand. This House can not say to the citizens of the country, "You shall not enter into this contract."

Mr. WARNER, of Ohio. I have not claimed that. Nobody has claimed it.

Mr. GOFF. The gentleman from Ohio has claimed the effect of the act of 1884 is to make the fee of $25 applicable to all contracts entered into by virtue of the act of 1870, I believe it is. Now, such is not the case. I will concede to the gentleman some claim agents have made claimants for pensions believe that was the effect of the act, and I concede also certain parties have entered into contracts under the stipulations of this act by which they agree to pay $25 for that they were entitled to have done by the payment of $10. But that is not the effect and operation of this act; and I think if the gentleman from Missouri

will read the act he will so understand it, and he must have misunderstood the gentleman he alluded to a moment ago as referring to the effect of a contract entered into between an agent and attorney subsequent to the passage of the act.

Mr. HATCH, of Missouri. I held the same view of the law which the gentleman has stated before having the conversation referred to with the Commissioner of Pensions. He told me, however, that was the law, and that where contracts had been filed between claim agents and claimants in cases which had arisen and been completed as far as filing evidence was concerned under contract to charge only $10, he felt compelled under that act to approve a new contract, giving the claim agent $15 additional, or in all a fee of $25 for each case. That in my judgment is the greatest outrage ever perpetrated.

Mr. GOFF. I say so. We do not differ on that point. That is the contract, I say, that has been subsequently entered into between the attorney and the claimant. It is a voluntary contract. It is not the action of the Commissioner of Pensions which would be taken by virtue of this act, but for the contract subsequently made. That is what I mean. There is no bearing whatever in the case the gentleman from Missouri cites and the point the gentleman from Ohio makes in his argument. It is not owing to this language in this act of 1884 that this action on the part of the Commissioner of Pensions is taken, but it is owing to the fact that the claimant and the attorney have entered into a contract subsequently.

Mr. WARNER, of Ohio. Which contract could not have been entered into but for the passage of that act.

Mr. GOFF. Which could not have been done——

Mr. HATCH, of Missouri. If the gentleman from West Virginia will allow me, I want to relieve the Commissioner of Pensions from the responsibility of approving a contract which in his judgment is a fraud upon the face of it.

Mr. GOFF. I am with the gentleman in that respect. I am going to do that, too, if I can; but I want to say to this House that there has not been the great blunder or error which the gentlemen who represent the Committee on the Payment of Pensions, Bounty, and Back Pay, and also the Appropriations Committee, think has been made.

Now, what action might have been taken subsequently to that time is another thing, and some legislation may be necessary to prevent its continuance in the future. But it is no new thing to provide that a fee of $25 shall be allowed for prosecuting claims. It is not the first time in the history of this country that such a fee has been allowed. It was at the request of the soldiers themselves in the first instance.

It was allowed at the request of the claimants for pensions who had been demanding of the Government that owed them the pension—and I use the word "owed" to the gentleman from Ohio—that they should receive what they were entitled to.

Mr. WARNER, of Ohio. I assent to that in every case where there was a disability incurred in the military service.

Mr. GOFF. Well, we are not going to get off the track now, I hope.

Mr. WARNER, of Ohio. I trust not.

Mr. GOFF. Then I say this change was made originally at the request of the soldiers, and the same bugaboo which the gentleman now complains of did not seem to frighten them.

Mr. WARNER, of Ohio. I do not want to be understood as assenting to that part of the gentleman's remarks, however, that this was done at the request of the soldiers themselves. That I do not admit.

Mr. GOFF. Very well; we will see how it was. It was claimed that advantage had been taken of that act. I have no doubt of it. Sharp, shrewd, brainy men from the time that time was down to the present have imposed upon those not so fortunate as themselves, and they will continue so to do as long as time is, and no legislation of ours can prevent it.

But this legislation was subsequently changed, and it was provided that a pension fee could not be contracted for to exceed the sum of $10, and that remained in force down to the passage of the act of 1884. What was the reason of that change? I do not know who the distinguished gentleman from Arkansas, the chairman of the Committee of the Whole at the present time, alluded to a moment ago when he spoke of the distinguished soldier to whom he was referring, but I do mean to say that the distinguished soldier was not far wrong when he said that the interests of the soldiers of this country demanded that they might have the privilege, not that they should be charged, but that they might have the privilege of contracting to pay $25 for the prosecution of their claims. Why, it is not written in this act, it is not nominated in this bond, that these soldiers shall be compelled to pay a fee of $25; and in the absence of the contract—and I speak of the act of 1884—the absence of the contract to pay fifteen, twenty, or twenty-five dollars, which it shall not exceed, the sum of $10 is still paid for that service.

Now, there are cases which no attorney will undertake, I care not whether he lives in the city of Washington or in a county of any one of the different States of the Union where the claimant lives. There are some cases that can not be and will not be undertaken for the sum of $10. It will not be possible for a man to prosecute them for such a sum. If, then, you prohibit the soldier from contracting to exceed the sum of $10, and if you make it a penalty, ay, a felony, for the attorney to charge over the $10, or enter into a contract by virtue of which he will receive over $10, you simply say to the soldiers of that class, "You shall not be allowed to prosecute your claims."

Mr. WARNER, of Ohio. Will the gentleman from West Virginia allow a question?

Mr. GOFF. Yes, sir; a question.

Mr. WARNER, of Ohio. The gentleman understands that another amendment proposed cuts off that right in claims after the passage of the act?

Mr. GOFF. I have not reached your amendment yet. I am only discussing the law you are abusing here; that is all; and I will not take any longer the time of the committee on that point.

Now, the gentleman takes exceptions to this provision and he relies upon it more particularly. He claims that since the passage of the act of 1884 the clerical force of the Pension Department, to a great extent, has been occupied in ascertaining to whom this fee of $10 in old long-since adjudicated cases shall be paid. Does the gentleman mean to say that that is new legislation? I would like to know whether the gentleman from Ohio claims that that is new legislation. He has hurled the thunderbolts of his eloquence more particularly at that. Now, is that new legislation? If the gentleman does not intend to answer——

Mr. WARNER, of Ohio. If my friend will allow me, I wish to say I was trying to catch the full force of his question; my attention was otherwise occupied at the moment he commenced to address the question to me.

Mr. GOFF. This is one of the counts of the gentleman's indictment against this legislation, that it provided that the force in the Pension Office should ascertain to whom of the great number of claim agents throughout the country this fee of $10 should be paid, and that the Department should cause it to be paid.

Mr. WARNER, of Ohio. That is what the Pension Office is now doing in those cases where the fee of $10 has not been paid—that is, where the last attorney claims that it has not been paid. The clerical force—a part of it, the necessary part of it—of the Pension Office is turned on to those cases and is looking them up, and the Office has already adjudicated and paid some 20,000 of them $10 each, making $200,000.

Mr. GOFF. It has been the law of this country ever since 1868 that attorneys should have their claims adjudicated at the Department, and that it should be the duty of the Pension Commissioner to transmit that adjudication, together with the certificate of the allowance of the pension, to the pension agents of the country, who were to deduct that fee.

Mr. WARNER, of Ohio. I beg pardon of the gentleman from West Virginia. He is mistaken as to the act of June, 1878. Prior to that the law was as he states; but it was not the law from 1878 to 1884.

Mr. GOFF. I say it is not new legislation.

Mr. WARNER, of Ohio. But in this case Government clerks are set at work going back over these cases after men have been allowed their pensions, and when they have paid perhaps other attorneys, and the Government is required to collect these now stale claims and pay the amounts over to the agents. That is new legislation, and novel legislation, too.

Mr. GOFF. I claim it is not new legislation, and that is not the effect of the legislation. It is true it is made the duty of the Commissioner, if it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10 has not been paid. Now, if that fee of $10 has been paid to the claim agent, it is utterly impossible unless fraud is resorted to for the subsequent claim agent to have the fee paid to him again.

Mr. WARNER, of Ohio. I beg the gentleman's pardon. The practice of the Pension Office is this: If a claimant has paid a fee to somebody under the act of June, 1878, some agent—to the Fitzgeralds, for instance, who sold out to the Lemons afterward—and now the new claim agent comes in, not as the agent of the former attorney, and the fee is paid to him, although the soldier may have paid under a former contract half a dozen fees——

Mr. GOFF. I do not know what the practice may have been, but I say that can not be done under the statute. That is what I say and that is what I have been endeavoring to show, that you have been making statements here as to matters which have been done, as to contracts that have been entered into, as to outrages said to have been perpetrated, which, if they have occurred, find no warrant under the statute. That is what I mean. The Commissioner may be imposed upon, the Secretary may be imposed upon, you or I may be imposed upon. Fraud may have been committed. But that is not the effect of the operation of the statute. I insist that its plain construction does not warrant those things, and that the most critical attorney could not find in it a warrant for such things.

Mr. WARNER, of Ohio. Will the gentleman allow me to again interrupt him, although I do not desire to intrude on his time? If a former claim agent or attorney has been paid by the claimant under the act of June 20, 1878, which allowed the collection of fees prior to the allowance of the claim and without regard to the allowance of the claim, and another claim agent has been appointed, the former one having abandoned the claim, he comes *de novo* into the claim, and the Commissioner of Pensions can not do otherwise under the law than to pay him the fee.

Mr. GOFF. The gentleman is mistaken. I read the statute:

In all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney.

Now, if the fee has been paid to the attorney then prosecuting the case, or if any part of it has been paid to the attorney presenting the claim, then the Commissioner has to so ascertain from the facts submitted to him and to declare the result as any other judge would do. As to this subsequent claim to which the gentleman from Ohio alludes, the attorney may have imposed on the Commissioner; but that is not the fault of the law; nor from what I know of the Commissioner is he apt to be imposed upon in that regard.

I am not defending any agent or agents. I am endeavoring to defend the soldiers of this country, those that I think are entitled to the serious consideration of this Congress; and it is not to their interest, Mr. Chairman, that we should have these continuous changes in the pension laws of the land or in the legislation under which pensions are to be secured.

Nor do we subserve the interest of the soldiers by saying to attorneys who have become proficient in this line of business, who have made it their study for a quarter of a century, that they shall step down and out; that new men shall come in to prosecute these claims. The soldiers of this country, in their misery and penury, must contribute to the fund by which new men shall be educated to prosecute their causes.

It is utterly wrong to arraign an entire class in this manner. There are honorable and conscientious gentlemen engaged in the prosecution of these claims, and there are also bad men, men who defraud the soldiers of the country, and it is our duty to prevent the latter class from being successful. There are black sheep in all professions and in all communities, if not in all parliamentary bodies.

The proposed amendment of the gentleman from Ohio, wherein it is provided that an attorney residing in the city of Washington shall not prosecute one of these stale cases at a fee exceeding $10, is not in the interest of the soldiers of the country; on the contrary, it is a direct stab at their interest. It says to them that they shall not be permitted now, in their old age and in their want, to make contracts which will enable them speedily to obtain the pittance which the Government doles out to them.

The provision which proposes to permit a contract for $25 in the county where the party resides is not in the soldiers' interest. Why, Mr. Chairman, go to your own home; what reputable attorney there will undertake, for this fee of $25, a case which, bear in mind, is a peculiar case? The easy cases, the good cases, the cases rapidly and easily proven, have been adjudicated. It is the stale cases, the cases which demand strict attention, the cases where witnesses have gone to their long homes, where records have been destroyed, where claimants are not able to produce living witnesses to speak for them—it is cases of this kind that demand the payment of $25 fees. What attorney at the home of the claimant can undertake for such a fee a case of this kind, which may require him to visit the capital of the country and inspect the records of the nation before the case can be determined? Therefore, I say, that while by this provision you intend to benefit the soldiers of the country you do not do it; you in fact prohibit them from making a contract to secure the pensions to which they are entitled.

Another thing, the gentleman's amendment repeals all laws imposing penalties for offenses under our previous legislation on this subject. All men who are now arraigned in the courts of this country for fraudulent practices on the soldiers of this country, all men who are to-day under indictment for such offenses will by the operation of this amendment repealing the penalties for such offenses walk out of the courthouses of the country acquitted.

Mr. WARNER, of Ohio. My amendment only repeals provisions of law in conflict with the proposed amendment; it repeals no law not in conflict with it.

Mr. GOFF. Yes, it does.

Mr. WARNER, of Ohio. I beg the gentleman's pardon.

Mr. GOFF. It repeals such provisions as "relate to the fees of agents or attorneys, and all other acts or parts of acts."

Mr. WARNER, of Ohio. It repeals so much of the act of July 4, 1884, as relates to fees of agents and attorneys; that is all.

Mr. GOFF (reading):

And all other acts and parts of acts in conflict with this act are hereby repealed.

Mr. WARNER, of Ohio. Exactly. It repeals everything in conflict with it, but it repeals nothing else.

Mr. GOFF. I will show my friend that I am right. This act of July 4, 1884, embraces a penalty for the violation of the section relating to the collection of pensions. The previous acts passed by Congress imposed penalties for like violations.

Mr. WARNER, of Ohio, rose.

Mr. GOFF. Allow me to get through. Under these acts prosecutions have been commenced, indictments have been found, and those are the very acts that the gentleman's amendment would repeal.

Mr. WARNER, of Ohio. But they were repealed by the act of July 4, 1884.

Mr. GOFF. Oh, no; they were not; you can not find any such legislation as that.

Mr. WARNER, of Ohio. The gentleman will find it right in the act itself.

Mr. GOFF. No, sir.

Mr. WARNER, of Ohio. If my amendment is not perfect in its terms it can be amended; and any amendment which the gentleman from West Virginia may offer which will improve my amendment I shall be glad to accept.

Mr. GOFF. I should have no difficulty at all in suggesting an amendment which would cover that branch of the case. But I do think that the proposition which the gentleman has embodied in this amendment by which he would restrict to these stale cases—I borrow this adjective from the gentleman himself—the right of the claimant to contract for the payment of a fee of $25 is unwise and will be injurious in its effects. This twenty-five-dollar clause was restored, upon the petition of the soldier organizations throughout the country, owing to the extraordinary quantity of work which the attorney is often compelled to undertake in order to secure favorable action for his client.

Now, I insist that we had better go slowly in this matter; and while I do not mean to assert that any gentleman on this floor does not endeavor honestly to subserve the interests of the soldiers of the country, I do claim that legislation of the kind here proposed is directly against the interest of the men whom I assume gentlemen here desire to protect.

Mr. HANCOCK rose.

Mr. KEIFER. With the permission of the gentleman from Texas I would like to be heard.

Mr. HANCOCK. Certainly. How much time does the gentleman want?

Mr. KEIFER. I do not want to hold the floor under any limitation, but I will not occupy it to exceed five or ten minutes.

Mr. HANCOCK. I yield the floor to my colleague on the Committee on Appropriations, the gentleman from Ohio, for whatever time he desires.

Mr. KEIFER. Mr. Chairman, I do not wish to follow up the line of discussion we have drifted into here to-day. I commend, of course, the gentleman from Arkansas [Mr. ROGERS], the present chairman of this committee, in withdrawing the statement which he made some time ago in the discussion of a resolution which affected very seriously my colleague [Mr. JOSEPH D. TAYLOR]; I say I commend that as an example to my other colleague [Mr. WARNER]. We ought to sympathize with my colleague [Mr. JOSEPH D. TAYLOR] when we know this House is not now in condition to rescind its vote on that resolution some time ago, which was given largely on account of these statements which are now withdrawn.

Mr. WARNER, of Ohio, rose.

[Cries of "Order!" on the Republican side of the House.]

Mr. KEIFER. I can not yield to my colleague after having interrupted for two-thirds of the time of almost every member who has spoken on this subject. I hope he will allow me to finish a sentence before interrupting me. I will be courteous to him.

Mr. WARNER, of Ohio. I am much obliged to the gentleman.

Mr. KEIFER. I do not attribute it to the gentleman's discourtesy, but to his indisposition to wait. [Laughter.]

Mr. WARNER, of Ohio. I did not hear the remark of the gentleman. I would like to ask him a question. [Laughter.] I regret I did not hear what the gentleman said.

Mr. KEIFER. I only said this much, that in order it may be understood that the gentleman from Ohio, my colleague [Mr. JOSEPH D. TAYLOR], was condemned in part by a vote of this House the principal part of which was effected by statements which are now withdrawn——

Mr. WARNER, of Ohio. Not in the slightest degree. It had no effect on that at all.

Mr. KEIFER. I hope the gentleman will get my consent before he takes the floor from me—I mean the gentleman who is now running away. [Laughter.] He has spoken over an hour to vindicate his course while on committees.

Mr. WARNER, of Ohio. I now return. [Laughter.] There is a mistake about that; no one charged him with it anywhere.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] is entitled to the floor, and it cannot be taken from him without his consent. He will therefore proceed.

Mr. KEIFER. I am obliged to the Chair, as I have not yet been allowed so far to proceed without interruption. I will say that after the gentlemen from Ohio on the other side [Mr. WARNER] has occupied at least two hours to-day in vindicating his own conduct and his own industry while on committees of the House, he really ought to permit me to proceed for the few minutes which I intend to occupy the floor without interruption.

Mr. WARNER, of Ohio. I have not occupied as much time as my colleague did last term himself. If my colleague will vindicate himself I must be allowed to vindicate myself. [Cries of "Order!"]

Mr. KEIFER. I understand, Mr. Chairman, that a great deal of forbearance ought to be extended by the Chair to the gentleman from Ohio, because it is constitutional with him. [Laughter.]

Mr. WARNER, of Ohio, rose. [Renewed laughter.]

Mr. KEIFER. I do not want him to prove my assertion any more than he can help. [Laughter.]

Mr. WARNER, of Ohio. I will spare the gentleman any further——

Mr. KEIFER. I was about to say that the great difficulty lies in the fact that this House has been acting in this Congress as well as in previous Congresses under rules which were adopted to prevent action in the House rather than to favor it. I have been one of those ever since I came here and occupied a seat upon this floor who believed that the majority of this House ought to be able to take up any measure whenever it chose to do so. If that were done, in my judgment legislation would proceed with decorum and be settled with consistency and dispatch. Now, if that fact had been stated by the gentleman who is so fearful that he will not be known as a faithful and industrious man here it would have been a sufficient answer to any remark my other colleague could have made.

I believe the Committee on the Payment of Pensions, Bounty, and Back Pay, the Committee on Claims, and many other committees who have reported hundreds and thousands of bills now on our calendars which never can be reached, are entitled to credit for working out a work that is never to bear fruit, and which they must know can not bear fruit in this House. It is a good deal of a task to ask a man to sit down and consider a long claim, or the provisions of a bill, with a full knowledge that when he has worked out something satisfactory to himself or good to the whole country, that when it comes in here with a report covering all of the points in the case it must go to the burying-ground of all such matters, to wit, the House Calendar or the Committee of the Whole.

Now, Mr. Chairman, to the measure under consideration, as I have been forced to depart a little from what I had intended to say. I wanted to suggest in general debate on the subjects embraced in this bill a few points bearing directly upon it. I think with the present occupant of the chair that with some little additions or modifications to adjust it to the present day the bill which passed the House on the 22d day of April last was a wise bill on the subject of the payment of claim agents, provided we are going to tolerate any longer the present system at all. I entered my protest in the last session of Congress against this whole plan of claim agents. It has proved to be bad from the beginning. The whole system of preparing pension cases and sending them to the Pension Office is faulty. It is a bad system, and growing worse.

No lawyer, as I once said before in this House, of good standing in his own county or village will take one of these claims. Why? Simply because he can not afford to enter upon that sort of practice. The better lawyers, or those who rank among the younger and the rising men coming up throughout the country, never think of taking a claim of this kind. The claims, as a rule, which are presented in the Department are not prepared in a lawyer-like way. The statement is bad, and when presented it has the appearance of having been prepared by persons who do not understand the effect of evidence or what is competent evidence in the case, and this, I may say, is the rule in such cases. Every day the members of this House get hundreds of letters from all parts of the country with reference to pension cases, and one of our duties, and a heavy duty here, is in the writing of letters about pension cases. We all know upon examination of such cases on file in the Departments that it would be a shame or a disgrace to any lawyer of standing to have prepared the statements and claims as we find them.

We ought to provide in some way that these claimants for pensions should be allowed to employ men who know something of the law. The claim should be presented not only in the proper form of application, but the law and the testimony should be arranged in proper shape by men who know the effect of the law, and then sent to the Department to be considered and decided as any other case.

It would be to the interest of the Government to do this, and I undertake to say that there is more that one-half of all the clerks in the Pension Office now engaged in working upon claims or answering letters from ourselves and others about claims that are never to be allowed in the world, and which were never expected in many cases to be allowed when the applications were filed. How does the system work? A man or woman goes to a person who knows nothing whatever about the case, and cares less, and asks him to make an application for a pension. The application is made out in some shape and perhaps the applicant is told by the party who makes up the application that he will probably succeed in getting the pension. After awhile he is informed that the application is in, and then correspondence begins and the Department designates what proof is required. The applicant is notified and then goes around the country to try and find it.

The claim agent says to the claimant, perhaps some poor widow or broken-down soldier suffering from disease or wounds incident to the service, "You must furnish such and such testimony," and they are sent prowling around the country to find it. Years elapse and nothing is done. Within a week I have had inquiry with reference to a claim which was filed thirteen years ago. Letters are sent asking us every day what is necessary to do to get a claim long pending. So after a while the time comes when the claimant is asked to pay some money to the claim agent to cover expenses already incurred; and in point of fact the agent is not so much to blame. He is asked at times to go to a distant county or State perhaps to see if he can find witnesses or hunt up evidence or induce a witness to come before a proper officer and furnish the affidavit required by the office. How can he go? Must he go at his own expense? If he goes he must lose time; he must pay his expenses of traveling, his hotel bills, and yet all of this is expected to be undertaken for the paltry sum of $10. He can not be employed in the ordinary course of business as any attorney in any other case is employed.

Within a month a gentleman in my town, broken down in health and every other way, whether incident to the service or not is immaterial, has been notified to go one hundred and fifty miles to attend a special examination. He can not go himself. It is impossible for him to do so. He can not leave his own door. The claim agent is asked to go, and has to travel the one hundred and fifty miles. He goes and stays four or five days watching the case. Is it right to say that this man shall be paid but $10, and if he exceeds that sum that he shall be sent to the penitentiary; or is the solider obliged to abandon his case, his just claim, altogether, and surrender it because of the policy of legislation on the part of Congress?

[Here the hammer fell.]

Mr. KEIFER. I desire just one moment more on another point.

Mr. HANCOCK. I yield to the gentleman a few minutes more.

Mr. KEIFER. The gentleman from Texas yields to me that I may say a word in reference to another part of this bill that has not yet been spoken of—the reduction of the number of pension agents from eighteen to twelve. I do not believe that is wise in an economical point of view. I do not believe it is wise in view of the prompt payment of pensions. And I am authorized to say, because I have before me a letter written to the clerk of the Committee on Appropriations by the Commissioner of Pensions, that the Commissioner does not think it will be economical legislation to reduce the number certainly below sixteen. This bill proposes to reduce the number to twelve. I think it would be wise to allow the number of pension agents to stand where it is now.

Mr. HANCOCK. I do not feel I am arraigned here or on trial, or that it is necessary for me to offer any vindication of the participation I may have had in the conference between the House and the Senate on this bill in the last session. The measure complained of was brought forward and championed by a very distinguished soldier Senator who has been as conspicuous and probably as effective in his advocacy of the rights of the soldier as any man in this broad land. He strongly urged the provisions which are now so much objected to, and he impressed me with the conviction that they were such as were best calculated to secure the highest interests of the pensioner.

Simmered down to the actual point of complaint, it may be stated that the soldier has his liberty so far enlarged that he may make a contract to the extent of paying $25 for securing his pension claim. That is all there is in it so far as I can see, and all that has been presented on the part of the gentleman from Ohio [Mr. WARNER]. It seems that he and his colleague [Mr. JOSEPH D. TAYLOR], like old soldiers, delight to shoulder their crutch and show how battles were won and lost on the field in the last canvass.

It appears the law has been so interpreted that these agents were permitted to make additional charges for claims that probably had been long pending, and upon which $10 had been paid, and that now they have got an addition of $10. Whether that has been beneficial to the soldier or not I do not know. But I think it very likely it has been.

It was stated in the committee of conference, as I well recollect and I know my colleague on the committee will sustain me in that recollection, that it was frequently worth $100 to make up a claim, and that unless the soldier was permitted to make such a contract he would likely never have got anything. It was represented there was one instance where it would have required several weeks to go through all the different accounts in the disbursing offices in order to secure the information which was required by the Commissioner of Pensions before he could finally act upon the application.

I believe most of the soldiers are competent to act for themselves, and I think it would be in the line of their interests to let them do so under the supervision of the Commissioner of Pensions. This law left it under his supervision; and if he did not scrutinize the matter as closely as he might have done, I have no doubt an excuse is to be found in his having been heavily burdened at the time with political duties. He wished to be where the canvass waxed warmest and he was constrained to go where my friends had their encounter of which we have heard so much to-day, and he had not time to look at this thing.

I make these remarks rather in vindication of my colleagues on the committee of conference than of myself, for I do not feel I need any. A good deal of this pension matter is a grab game, and if lawyers get $25 out of it I do not think it is more than they are entitled to. The average is $8.33; not a very big thing. I have nothing more to say about that. I think, Mr. Chairman, this debate has occupied a sufficient time, and I move that the committee rise for the purpose of asking the House to limit the debate to thirty minutes. I will make that motion unless the committee will agree to proceed now to consider the bill under the five-minute rule.

The CHAIRMAN. The question is on the motion of the gentleman from Texas that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROGERS, of Arkansas, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1886, and had come to no resolution thereon.

Mr. HANCOCK. I move that the House again resolve itself into the Committee of the Whole House on the state of the Union to resume the consideration of the pension appropriation bill; and pending this motion I move that all general debate in Committee of the Whole be limited to one minute.

The SPEAKER. The question is on the motion to close debate.

The motion was agreed to.

The question recurring on the motion of Mr. HANCOCK, that the House again resolve itself into Committee of the Whole House on the state of the Union, it was agreed to; and the Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. All general debate is limited to one minute.

Mr. HANCOCK. I waive my right to occupy one minute in debate, and ask that the bill be now read by paragraphs for amendment.

The Clerk, proceeding to read the bill, read the following:

For fees and expenses of examining surgeons, $500,000. And hereafter each member of each examining board shall, as now authorized by law, receive the sum of $2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and $1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $1 only until twenty examinations shall have been made.

Mr. EVERHART. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the paragraph just read add:

"*Provided*, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted."

The question being taken on agreeing to the amendment, there were—ayes 53, noes 44.

Mr. BLAND and others. "No quorum."

Tellers were ordered; and Mr. HANCOCK and Mr. EVERHART were appointed.

The committee again divided; and the tellers reported—ayes 117, noes 14.

So the amendment was adopted.

The Clerk read as follows:

For the salaries of twelve agents for the payment of pensions, at $4,000 each, $48,000; and from and after July 1, 1885, there shall be no more than twelve agents for the payment of pensions, and it shall be the duty of the President, and he is authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

Mr. HEPBURN. I submit the amendment which I send to the desk.

The Clerk read as follows:

Amend line 30 by striking out the word "twelve" and inserting "eighteen;" amend line 31 by striking out "forty-eight" and inserting "seventy-two;" amend line 32 by striking out all after the word "dollars;" and strike out lines 33, 34, 35, 36, 37, 38, and 39; so that, as proposed to be amended, the paragraph will read:

"For the salaries of eighteen agents for the payment of pensions, at $4,000 each, $72,000."

Mr. KEIFER. I think the gentleman who offers this amendment does not intend to go quite so far as the amendment by its terms proposes. It seems to me the clause contained in lines 37, 38, and 39, which this amendment proposes to strike out, ought to remain, because that has relation to the preceding provision fixing the salary of these officers. I cordially concur in the amendment provided the gentleman in his proposition to strike out will stop at line 36.

Mr. HEPBURN. It seems to me that is not necessary. The salary is already fixed in line 31.

Mr. KEIFER. But sections 4778 and 4780 of the Revised Statutes should be modified so as to be in harmony with this legislation. That is the reason the last clause of the paragraph should be allowed to remain.

Mr. GOFF. Section 4778 provides simply that the President shall appoint pension agents; and section 4780 provides that he shall distribute them over the country at such points as he may deem proper. There is nothing in those sections on the subject of salaries.

Mr. KEIFER. Then I was under a misapprehension.

Mr. GOFF. If the concluding clause of the paragraph be struck out the President may still act under those sections and make these designations.

The question being taken on the amendment of Mr. HEPBURN, it was not agreed to; there being—ayes 48, noes 76.

The Clerk resumed and concluded the reading of the bill.

Mr. ROGERS, of Arkansas. I move to amend by adding at the end of the bill the sections which I send to the desk.

The Clerk read as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears-of-pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions, out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears-of-pension, or bounty-land claims shall be $10, except in cases of special written contract filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 20, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. And such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney, or other person, instrumental in prosecuting any claim for pension or arrears thereof, who shall, directly or indirectly, contract for, demand, or receive, and retain, any compensation for his services or instrumentality for prosecuting a claim for pension or arrears thereof greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall, for every such offense, be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

SEC. 7. That no agent or attorney shall either demand or receive on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10 or any part thereof be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act. And if it shall appear from said affidavit or in any other way that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts entered into fairly and without fraud or duress for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the sixth section of this act.

SEC. 8. That this act shall not be so construed as to prohibit any claimant, the prosecution of whose claim has been heretofore abandoned by his attorney, from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the sixth section of this act.

SEC. 9. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor, unless the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act. And any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act.

SEC. 10. That the act approved July 4, 1884, and all other acts in conflict with this act be, and the same are hereby, repealed; and that this act take effect from and after its passage.

Mr. WARNER, of Ohio. I desire to make an inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER, of Ohio. What has become of the amendment I offered to come in at the end of the bill?

Mr. KEIFER. The gentleman did not offer it, but only read it as a part of his remarks.

The CHAIRMAN. The Chair is informed that the gentleman did not offer his amendment.

Mr. WARNER, of Ohio. I did state that I sent up to the Clerk's desk to be read an amendment which I proposed to offer to come in at the end of the bill.

The CHAIRMAN. That is true; but when the end of the bill was reached the gentleman from Arkansas [Mr. ROGERS] offered his amendment, which is now pending.

Mr. WARNER, of Ohio. I offer my amendment, then, as a substitute for the pending amendment.

The CHAIRMAN. The substitute of the gentleman from Ohio [Mr. WARNER] will be read.

The Clerk read as follows:

SECTION 1. No agent or attorney, or other person, shall demand or receive a greater fee than $10 for services rendered in behalf of any claimant for pension or bounty land under any law of the United States; and it shall be unlawful for any agent or attorney, or other person, to demand or receive any part of such fee until the claim for pension or bounty land shall have been allowed, and, in case of pensions, such fee shall be paid to the attorney of record out of the first installment due the claimant by the agent paying the pension, and in no other way: *Provided*, That in claims for pensions filed after the passage of this act it

shall be lawful for any agent or attorney, being a *bona fide* resident of the same State and county with the claimant, to contract in writing, in form to be approved by the Commissioner of Pensions, for a fee not exceeding $25, no part of which fee shall be demanded or received until the claim shall have been allowed, and then shall be paid only by the agent for paying pensions out of the first installment due the pensioner, and it shall be unlawful for such agent, attorney, or other person, directly or indirectly, to enter into partnership for the purpose of dividing said fee of $25 or in any manner to divide said fee with any agent or attorney or other person residing in any other county or State or in the District of Columbia, and any person found guilty of violating this provision shall, in addition to the penalty prescribed by this act, forfeit all right to such fee.

SEC. 2. The provisions of this act shall apply to and include all cases filed in the Pension Office between June 20, 1878, and July 4, 1884, whether contracts have been filed in the same or not, and which remain unsettled, and to all cases filed after the passage of this act; and in all cases where any part of the fee of $10 has been paid by the claimant to any agent or attorney of record in the case, the same shall be deducted from the fee of $10 allowed by this act; and if any agent or attorney shall neglect or abandon any claim intrusted to him it shall be lawful for the claimant to employ another agent or attorney, and the agent or attorney who prosecutes the claim to final settlement shall be entitled to the fee.

SEC. 3. Any agent or attorney, or other person, who shall directly or indirectly contract for, demand, or receive, or retain any other or greater compensation for his services in behalf of a claimant for pension or bounty land than is herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for every such offense, be fined in any sum not exceeding $500, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

SEC. 4. That so much of the act approved July 4, 1884, as relates to the fees of agents or attorneys, and all other acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 5. This act shall take effect on its passage.

Mr. WARNER, of Ohio. The House will observe that the principal difference between the amendments I have offered and the amendments offered by my colleague on the committee, which embraces the whole of the act passed at the last session, is in making a difference of fee to agents residing in the District of Columbia and those residing in the States where the claimants reside. I think that is an important feature.

I wish to call the attention of my friend from West Virginia [Mr. GOFF] to a statement which he made in reference to this amendment, claiming that it repealed the penalties of former statutes. Let me read to him section 13, chapter 2, of the Revised Statutes, which is as follows:

SEC. 13. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

The gentleman stated with great positiveness it did repeal these penalties. He is a good lawyer, and I only called his attention to that statute.

Mr. GOFF. I do not care to know the number of the section, what is it?

Mr. WARNER, of Ohio. It is section 13, chapter 2, of the Revised Statutes.

While on the floor I wish to correct a misapprehension my colleague [Mr. KEIFER] is under as to what I said respecting what took place some time ago in this House, in correcting the statement I made that the bill reported by the Committee on the Payment of Pensions, Bounty, and Back Pay had become a law. I did not intend to and do not wish to be understood as retracting anything I then said in reference to the conduct of my other colleague from Ohio [Mr. JOSEPH D. TAYLOR], to which I then referred, save this one thing that the bill as it came from the committee passed the House and became a law as reported from the committee. When it passed the House it was beyond the scope and control of the committee. It had nothing to do with it. Therefore, what was stated at that time as far as respects the responsibility of the committee was entirely correct.

Mr. ROGERS, of Arkansas. Mr. Chairman, the gentleman from Ohio [Mr. WARNER] states that the provisions of this bill and the provisions of the amendment which I have offered are substantially identical, with the exception that attorneys resident here are not allowed in any case to charge for their services in prosecuting pension cases a fee exceeding $10. I assume that my friend is sincere in his conclusions as to the differences between the two propositions, and I do not know that he is not correct. The trouble, however, about his bill is that I have not had the opportunity, nor has the House nor any committee, as far as I am aware, had the opportunity, to give it that careful examination and consideration which all legislation should have in this respect, especially one involving so great and important an interest as that under consideration. So, while I shall not support his bill, I shall decline to do it upon the simple ground that I have not had the opportunity to give it that consideration which I think all important legislation should have before we are called to act upon it. In other words, I am not willing to trust even the careful preparation which he has given the subject without some opportunity to investigate it for myself, especially when I am to take it in comparison with a bill which has been matured by his committee both as to the original matter and the modifications of the bill which I have offered, making it conform to the changed conditions of circumstances since the act of July last.

Mr. KEIFER. Will the gentleman allow me to ask him a question?

Mr. ROGERS, of Arkansas. Certainly.

Mr. KEIFER. I only desire to offer a suggestion with reference to perfecting the text of the amendment. I wish to know, in the first place, whether the gentleman has examined his amendment so carefully as to be able to state the effect of it in the repealing clause upon pending prosecutions under the act of July 4, 1884, and other acts that may be in conflict with the provisions of this amendment?

Mr. ROGERS, of Arkansas. My friend from Ohio was obviously not listening to his colleague from Ohio a few moments ago, for if he had been he would have discovered the fact that, by consulting the thirteenth section of chapter 2 of the Revised Statutes, there is a general law providing that the repeal of a statute shall not affect pending prosecutions.

Mr. KEIFER. That does not apply in this case, I think.

Mr. ROGERS, of Arkansas. I will read it if the gentleman desires it:

The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide; and such statute shall be treated as still remaining in force for the purpose of sustaining any action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Mr. KEIFER. Now, if the gentleman from Arkansas will allow me, I submit that that provision of the law does not refer to criminal matters at all, but to penalties attached to statutes disconnected with criminal prosecutions.

Mr. ROGERS, of Arkansas. I have not at hand decisions of any of the courts to sustain my views of the case, but I think the language of the act itself is clear, and I am satisfied that upon an examination it will be found to apply to all penal prosecutions instituted before the statute is repealed.

Mr. KEIFER. It relates only to penalties.

Mr. HENDERSON, of Iowa. Why leave any doubt in reference to the matter?

Mr. ROGERS, of Arkansas. The language of the act is:

Shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Mr. KEIFER. Yes; penalty, forfeiture, or liability; but it does not extend to criminal prosecutions where there may be fine or imprisonment as a mere punishment. It refers to statutory penalties, where there is a forfeiture, and that was obviously the intent of the law when it was passed.

Mr. ROGERS, of Arkansas. As I have said, I have no decisions at hand to sustain my view of the case, but I think if the gentleman from Ohio examines the subject he will be convinced.

Mr. KEIFER. There are numerous decisions in the States with which I am familiar where the same principle is involved.

Mr. GOFF. Will the gentleman from Arkansas permit me to state that this has direct reference to the absolute repeal of a statute. Now, if a statute be substituted for another, if it is merely an ingrafting of the provisions of one statute upon another statute, to take the place of a portion of a statute still in force, to which penalties are affixed, the penalty clause remains and stands in like manner toward the new statute as it did toward the old. There is the difficulty; and the gentleman will find that the difficulty does exist if he will examine the decisions bearing upon this subject.

There are two questions to be considered in connection with the matter: whether the statute is absolutely repealed, or whether or not the penalty has been so affected as to change the punishment to be inflicted for an infraction of the statute.

Mr. ROGERS, of Arkansas. I have no sort of question on the subject myself, but will state in response to the gentleman from West Virginia that while I do not recollect any cases in the Federal courts, either the lower or the higher courts, determining the question, it is *res adjudicata* in my own State that where one statute repeals another, and prior to the passage of the repealing act parties have been indicted under the original statute, the repeal does not release such parties, because the offense was committed prior to the repeal.

Mr. KEIFER. That is not the question presented here, however.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HENDERSON, of Iowa. I am glad, Mr. Chairman, that we have gotten through with the Congressional campaign and have come down to the work of the committee in reference to the perfecting of this bill; and I am glad to know the earnest desire on the part of both gentlemen who have offered amendments to the present bill to protect the interests of the soldiers. Let us try to do that with a good purpose.

I do not like the substitute offered by the gentleman from Ohio, but am heartily in favor of the amendment offered by the gentleman from Arkansas. I am opposed to that of the gentleman from Ohio because of the very difference that he has named. It is a form of class legislation. It handicaps the citizen soldier in the employment of his agent or attorney. I do not want, if I have a claim before the Department in Washington, to have this Congress say to me, "You must employ a man in a distant town or State and not the man who is here on the ground in the District of Columbia, even if you wish to do so." I do not say this, sir, in the interest of any claim agent, for I believe I do not know one in the District of Columbia.

But I had some experience myself at the close of the war. I em-

ployed some local attorneys and they charged me $100 and kept me on the rack a year and a half, while I was trying to collect my back pay and failed. I then employed an agent in the District of Columbia, and within three weeks after I employed him I had my pay, and I had only to pay him $25. I believe the soldiers themselves as a rule would prefer to employ men here who could go in person to the Departments; and I believe if a fee of $25 be allowed, and if payment be not made till the work is done, the claim will be soon got through.

The truth is, the real agents of the applicants for pensions are on this floor. We are the pack-horses for the soldiers' interests. These men get their $10 for filling a little blank worth 5 cents, while the members of Congress and the Senators do the work. But if a fee of $25 be allowed and be not paid till the work is done, that will get work out of these claim agents. And I believe that a man here in Washington familiar with the law, familiar with the debates in Congress, familiar with the rulings of the Departments, who can go in person and point out the defects in decisions and demand rehearings, can better serve the soldiers than the claim agents at our own homes in our own cities. This may be unpopular talk. I know I am not playing the part of a demagogue in making this speech. Nor would I intimate the gentleman offering the substitute has done so.

But I do say it is almost impossible to get competent men in the States to take the position of claim agent. I have had to urge and beg men in my State to take that position. I would be glad to have the business of claim agents built up at home; but this will not do it. There is not a reputable lawyer on this floor that would ever take the position of a claim agent; I will hazard the statement that not one of you gentlemen on either side would do so. You can not afford to do so even for $25 a claim.

I say, then, do away with this discrimination. It is an insult to the intelligence of the American Congress to say that a citizen of Washington may not be as honest and reputable as a citizen of Ohio or a citizen of Iowa. I have faith in my fellow-men. I have faith in the intelligence of the soldier as well as of any other class, and I wish to let him select for himself his agents and attorneys.

The substitute offered by the gentleman from Arkansas [Mr. ROGERS] is clean cut and searching. It will guard against every danger and meet every necessity. From my intercourse with my fellow-soldiers I believe it will fully and comprehensively meet their desires and their necessities.

Mr. RANDALL. The committee desire to pass this bill and I call for a vote.

The CHAIRMAN (Mr. HAMMOND in the chair). Does the gentleman from Iowa withdraw the *pro forma* amendment?

Mr. HENDERSON, of Iowa. I do.

The CHAIRMAN. The question is on the substitute of the gentleman from Ohio [Mr. WARNER].

The question being taken, there were—ayes 35, noes 47.

So (further count not being called for) the substitute was not agreed to.

Mr. WARNER, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following proviso:

"*Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia."

Mr. WARNER, of Ohio. This amendment does not restrict the residence to the county but to the State alone. It limits the right to contract for a fee of $25 to attorneys residing in the same State with the claimant. Now, I do think, Mr. Chairman, that it is important to offer better inducements to attorneys and agents at home with whom the claimant may be acquainted to take such cases. They can better prepare the evidence. I think the gentleman from Iowa [Mr. HENDERSON] is mistaken in supposing that this work has mainly to be done here at Washington. Very little of it is to be done here or can be done here. It is mainly to be done at home. The affidavits of comrades, the evidence in fact to sustain the claim, must all come from outside the District of Columbia.

So far as record testimony goes my friend must know that claim agents here are not permitted to rummage the Departments and themselves examine the records. They have not access to them. They have no such rights. They must get them as attorneys or agents living in the States must get them. Our attorneys and agents at home, I believe, can and will better serve the claimants. They will prepare their cases. They will aid them in procuring the necessary evidence to sustain their claims. They must do the work anyway. There is very little that the agents here can do, but they gather here and get the claims into their hands because there is money in the thing.

I make no sweeping charge that all the claim agents here are rascals. Not at all. There are honorable gentlemen engaged in the business of claim agents and engaged in prosecuting pension claims. But we have here as claim agents hordes of men who are not professional lawyers. They may be barbers, shoemakers, saloon-keepers. There are among them men belonging to every other profession. Clerks in the Departments possibly are working up claims and getting claims into their hands for the sake of the fees that are in them. They can do the claim-ant very little good, while an attorney at home can; and if he is permitted to contract for $25 he will take the claim, while he could not afford to do it for $10. I think this is important. I think it is desirable to get these claimants out of the hands of the ghouls here at Washington.

Mr. ROGERS, of Arkansas. Mr. Chairman, during the progress of this discussion I have sent out for the volume containing the only adjudication, so far as I am aware, in regard to the construction of this statute. It is a case in 3 Dillon, page 532, in which it is held specifically that this statute applies to penal as well as to civil prosecutions; so that I can say to my friend on the opposite side that my construction of this statute is substantially correct. The precise point has not been adjudicated, but the principle has been decided in the case to which I have just referred—the case of the United States vs. Ulrici.

I will say, however, that if there is any sort of doubt as to this being the proper construction I shall be willing to accept an amendment to make the matter perfectly clear.

The question being taken on the amendment of Mr. WARNER, of Ohio, to the amendment of Mr. ROGERS, of Arkansas, there were—ayes 85, noes 22.

Mr. CANNON. No quorum has voted.

The CHAIRMAN. The point is made that no quorum has voted.

Mr. HOLMAN. If the amendment prevails there will be a vote in the House.

Mr. CANNON. If there is to be a vote in the House, all right.

The CHAIRMAN. The point that no quorum has voted is, as the Chair understands, withdrawn; and the amendment to the amendment is adopted.

Mr. HOLMAN. I ask that the last clause of the amendment of the gentleman from Arkansas may be read again.

The Clerk read as follows:

SEC. 10. That the act approved July 4, 1884, and all other acts in conflict with this act, be, and the same are hereby, repealed; and that this act take effect from and after its passage.

Mr. HOLMAN. I call the attention of the gentleman from Arkansas to the fact that the provision just read repeals the whole of the act of July 4, 1884. Of course that is not intended by the gentleman, as that act contains appropriations for the payment of pensions for the current year. I move to amend the last section of the gentleman's amendment so as to read:

That all of the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases are hereby repealed; *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

Mr. ROGERS, of Arkansas. I accept that amendment as a modification of my amendment.

The amendment of Mr. HOLMAN was adopted.

Mr. WARNER, of Ohio. I offer an amendment to come in after the amendment which I have already offered and which has been adopted. I think when this amendment has been read the House will see its propriety and importance. I will not take time in discussing it. I only ask for a vote on it.

The Clerk read as follows:

And it shall be unlawful for any agent or attorney residing in a State of which the claimant is a resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

Mr. HANCOCK. Pending this amendment, I move that the committee rise for the purpose of limiting debate.

Mr. HOLMAN. Let us have a vote on this amendment.

Mr. WARNER, of Ohio. I think there will be no objection to the amendment, and I do not desire to discuss it.

Mr. HANCOCK. I withdraw my motion.

The question being taken on the amendment of Mr. WARNER, of Ohio, it was agreed to; there being—ayes 81, noes 27.

The amendment of Mr. ROGERS, of Arkansas, as amended, was then adopted.

Mr. O'NEILL, of Missouri. I move to amend by adding after the amendment last adopted the provision which I send to the desk.

The Clerk read as follows:

Pension agents and other officers of the United States already authorized by law to administer oaths are hereby authorized and directed to take the affidavits of pensioners to their quarterly pay vouchers without charge.

Mr. O'NEILL, of Missouri. The object of this amendment is to save to the pensioners the money they now pay every three months for making affidavits to their vouchers that they are the identical persons entitled to the pension.

A MEMBER. No charge is made.

Mr. O'NEILL, of Missouri. A charge is made to the pensioners all over the country. They have to go before a notary or other officer authorized to administer oaths and pay 25 or 50 cents for each affidavit. As there are about 400,000 pensioners and an additional 350,000 claims pending, it amounts to a loss to pensioners, a direct loss, if the full fee is charged, of nearly $800,000 a year. It is an unfair tax on every pensioner in the United States. My amendment makes it the duty of

the officer to take these acknowledgments without charge. Certainly as the Government requires them to make affidavit to the voucher, it should exempt the pensioners from any tax or charge on that account; they should receive the full pension allowed.

Mr. ROBINSON, of Ohio. So far as Ohio is concerned it makes no charge.

Mr. O'NEILL, of Missouri. Mr. Chairman, we all have heard enough of Ohio. [Great laughter and applause.] Let us in Heaven's name talk about something else. [Renewed laughter.] I never knew what the Ohio idea was until this celebrated election case of Warner vs. Taylor came up to-day. [Laughter.]

But to return to my amendment. I know that pensioners all over the country are compelled to take that affidavit, and while it may be that they are not charged in Ohio for taking it, it is true they are charged in almost every other State for doing so. Why they are not charged in Ohio I do not know.

Mr. KEIFER. It is because the statute prohibits it.

Mr. O'NEILL, of Missouri. This will do no harm, then, to make the same law operative elsewhere. It makes it the duty of these officers to administer the oath without charge.

A MEMBER. What officer?

Mr. O'NEILL, of Missouri. Any United States officers authorized to administer oaths.

Mr. ROBINSON, of Ohio. Carry out the Ohio idea all over the country and there will be no necessity for any such amendment.

Mr. O'NEILL, of Missouri. This prohibits any charge and makes it the general law for the taking of these affidavits without charge to the pensioner. I call for a vote on my amendment and hope every soldier's friend will vote for it.

The question recurred on the amendment of Mr. O'NEILL, of Missouri.

The committee divided; and there were—ayes 47, noes 48.

Mr. O'NEILL, of Missouri. I call for tellers.

Mr. HOLMAN. Oh, no.

Mr. O'NEILL, of Missouri. Oh, yes. There is no quorum, Mr. Chairman.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint as tellers Mr. O'NEILL, of Missouri, and Mr. HANCOCK.

The committee again divided; and the tellers reported—ayes 53, noes 114.

So the amendment was rejected.

Mr. O'HARA. I move the following amendment.

Mr. HANCOCK. There is to be no debate on it.

Mr. O'HARA. No, I do not expect any. I ask the Clerk to read my amendment.

The Clerk read as follows.

After the word "available," in line 50, add the following:

"And hereafter the mode and manner provided by the law and regulations for the payment of white persons entitled to pensions shall apply to and govern the payment of all pensions."

Mr. HOLMAN. That is right.

Mr. RANDALL. I believe it is the law now, but if it is not it should be the law.

Mr. HOLMAN. That is all right.

Mr. LONG. There is no objection to it.

Mr. HANCOCK. Let the vote be taken.

The amendment was adopted.

Mr. WARNER, of Ohio. If this is not the law now, I am willing to have it so.

Mr. HOLMAN. I believe the amendment has been adopted.

The CHAIRMAN. Yes, the amendment was adopted.

Mr. MATSON. I offer the following amendment.

The Clerk read as follows:

That on and after the 4th day of March, 1885, the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 2. That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

Mr. HANCOCK. I make the point of order on the amendment, in the first place, that it is new legislation; and, in the second place, that it is the substance of a bill already pending before the House.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. JONES, of Wisconsin. I move the following amendment, to come in as an additional section:

That in all cases where a pensionable disability was incurred during the term of service of any soldier against whom no charge of desertion exists the disability shall be presumed to have been incurred while in the line of duty.

Mr. RANDALL. I make the point of order that that ought to come from another committee. It may be all right, but it has no place here.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. JONES, of Wisconsin. Not on the point of order.

Mr. HERBERT. I make the additional point that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. HEPBURN. I move the following as an additional section:

That in all cases where a pensionable disability is shown to exist at the date of the filing of a claim for pension, it shall be presumed that such disability was incurred in the line of duty and during the time of enlistment of the claimant: *Provided*, That this presumption may be rebutted by competent proofs.

Mr. RANDALL. I make the point of order that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. HANCOCK. I move the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROGERS, of Arkansas, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, and the committee had directed him to report the same back to the House with sundry amendments.

Mr. CANNON. These amendments we ought to see in print before being required to vote upon them, and therefore I move that the House do now adjourn.

Mr. HANCOCK. I demand the previous question upon the engrossment and third reading of the bill.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. CANNON. I will withdraw the motion temporarily.

Mr. HANCOCK. Then I insist upon the demand for the previous question.

The previous question was ordered.

Mr. CANNON. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 51; noes 95.

Mr. CANNON. I will ask for the yeas and nays on that motion.

The yeas and nays were not ordered.

So the House refused to adjourn.

The SPEAKER. The question is on agreeing to the amendments reported from the Committee of the Whole House on the state of the Union, which the Clerk will read.

The first amendment, offered by Mr. EVERHART, was read and agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The second amendment, offered by Mr. O'HARA, was read and agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The third amendment, offered by Mr. ROGERS, of Arkansas, was read.

Mr. KEIFER. I desire to have a separate vote upon the last part of that amendment; not the repealing clause, but just preceding.

The SPEAKER. The Chair thinks that it constitutes but one amendment.

Mr. KEIFER. Yes; but I ask a division of the question on the last proposition of the amendment. It is divisible, I think. I refer to the proposition relating to the discrimination against persons residing in the District of Columbia. It is but one amendment, it is true, in a certain sense, but it embraces several distinct propositions.

The SPEAKER. It has been always held in the House that an amendment reported from the Committee of the Whole House on the state of the Union is not divisible, being in the nature of an entire proposition to be voted upon by the House.

Mr. KEIFER. It is one entire proposition so far as the name is concerned, but it involves different propositions.

The SPEAKER. That question has been made, the Chair thinks, and frequently decided that when an amendment is reported from the Committee of the Whole House on the state of the Union, although it embraces several distinct propositions it is an entirety in itself to be voted upon, and is not divisible.

Mr. KEIFER. I have not examined the question with a view to ascertaining the precedents, but I think it has been held the other way.

The SPEAKER. The Chair thinks that the uniform ruling in the House, both by his immediate predecessor as well as others, has been to treat such an amendment as an entirety.

Mr. WARNER, of Ohio. There is a verbal change which should be made, if I have understood the reading of the Clerk aright. The date June 28 should be June 20.

Mr. KEIFER. It can not be modified now. The whole thing is made so absurd that it had better be voted down.

Mr. WARNER, of Ohio. That modification should be made if it is not already in the bill.

Mr. KEIFER. It can not be modified now.

The SPEAKER. The question is on agreeing to the amendment which has been read.

The question was taken; and on a division there were—ayes 114, noes 12.

Mr. CANNON. I suggest that we had better have tellers.

The SPEAKER. Does the gentleman make the point that no quorum has voted?

Mr. CANNON. I make that point.

Mr. RANDALL. I hope the gentleman from Illinois will not insist upon it, since the vote has been very decided in favor of the amendment.

Mr. CANNON. I will say to the gentleman from Pennsylvania that I think if we could see this amendment in print it would be more satisfactory, and we can vote on it to-morrow.

Mr. RANDALL. The Committee on Appropriations, or certainly a portion of the committee, are very anxious to get this bill out of the way to give place to other legislation that it is desired to proceed with to-morrow.

Mr. CANNON. I will call my friend's attention to the fact that this legislation now sought to be made is to correct other legislation made hastily, and shows the folly of hasty legislation.

Mr. RANDALL. It is always wise to correct folly, and therefore I ask a vote.

Mr. CANNON. It is not wise to commit a folly in endeavoring to correct one.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. CANNON and Mr. HANCOCK were appointed tellers.

The House again divided; and the tellers reported—ayes 145, noes 18.

So (no further count being demanded) the amendment was agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. RANDALL. I move the previous question upon the passage of the bill.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. This being a general appropriation bill, under the rule the yeas and nays will be taken upon its passage.

The question was taken; and there were—yeas 174, nays 5, not voting 144; as follows:

YEAS—174.

Adams, G. E.	Fiedler,	Long,	Seney,
Adams, J. J.	Findlay,	Lore,	Seymour,
Alexander,	Forney,	Lovering,	Shively,
Anderson,	Funston,	McComas,	Skinner, T. G.
Atkinson,	Fyan,	McCormick,	Smalls,
Bagley,	Geddes,	McMillin,	Smith, A. H.
Barr,	Gibson,	Matson,	Snyder,
Bayne,	Goff,	Maybury,	Spriggs,
Beach,	Green,	Miller, J. F.	Stevens,
Bingham,	Greenleaf,	Mitchell,	Stewart, Charles
Blackburn,	Halsell,	Money,	Stockslager,
Bland,	Hancock,	Morrill,	Stone,
Blount,	Hardy,	Murray,	Storm,
Boutelle,	Hart,	Mutchler,	Strait,
Bowen,	Hemphill,	Neece,	Struble,
Boyle,	Henderson, D. B.	O'Ferrall,	Swope,
Bratton,	Henderson, T. J.	O'Hara,	Taylor, J. D.
Breckinridge,	Henley,	O'Neill, Charles	Taylor, J. M.
Brewer, F. B.	Hepburn,	O'Neill, J. J.	Thomas,
Brown, W. W.	Herbert,	Paige,	Thompson,
Browne, T. M.	Hewitt, G. W.	Payne,	Throckmorton,
Burnes,	Hill,	Payson,	Tillman,
Campbell, J. M.	Hiscock,	Pierce,	Townsend,
Candler,	Hitt,	Peel,	Tucker,
Cannon,	Hoblitzell,	Perkins,	Van Eaton,
Chace,	Holman,	Peters,	Wadsworth,
Clements,	Holmes,	Pettibone,	Wallace,
Cobb,	Horr,	Phelps,	Warner, A. J.
Cosgrove,	Howey,	Post,	Warner, Richard
Cox, W. R.	Hunt,	Potter,	Washburn,
Curtin,	James,	Pryce,	Weaver,
Cutcheon,	Jeffords,	Pryor,	Wellborn,
Davis, L. H.	Johnson,	Pusey,	White, Milo
Davis, R. T.	Jones, J. H.	Randall,	Whiting,
Dibrell,	Kean,	Reagan,	Williams,
Dingley,	Keifer,	Reed,	Willis,
Dowd,	King,	Riggs,	Wilson, James
Eldredge,	Kleiner,	Robertson, J. S.	Wilson, W. L.
Elliott,	Lacey,	Rockwell,	Winans, E. R.
Ellis,	Lamb,	Rogers, J. H.	Wolford,
English,	Lanham,	Rogers, W. F.	Worthington,
Ermentrout,	Lawrence,	Rosecrans,	Yaple.
Everhart,	Le Fevre,	Rowell,	
Ferrell,	Libbey,	Ryan,	

NAYS—5.

Buchanan,	Hardeman,	Reese,	Turner, H. G.
Crisp.			

NOT VOTING—144.

Aiken,	Dargan,	Jones, J. T.	Robinson, W. E.
Arnot,	Davidson,	Jordan,	Russell,
Ballentine,	Davis, G. R.	Kelley,	Shaw,
Barbour,	Deuster,	Kellogg,	Shelley,
Barksdale,	Dibble,	Ketcham,	Singleton,
Belford,	Dockery,	Laird,	Skinner, C. R.
Belmont,	Dorsheimer,	Lewis,	Slocum,
Bennett,	Dunham,	Lowry,	Smith, H. Y.
Bisbee,	Dunn,	Lyman,	Spooner,
Blanchard,	Eaton,	McAdoo,	Springer,
Bradnerd,	Ellwood,	McCoid,	Steele,
Breitung,	Evans,	Millard,	Stephenson,
Brewer, J. H.	Finerty,	Miller, S. H.	Stewart, J. W.
Broadhead,	Follett,	Milliken,	Sumner, C. A.
Brumm,	Foran,	Mills,	Sumner, D. H.
Buckner,	Garrison,	Morgan,	Talbott,
Budd,	George,	Morrison,	Taylor, E. B.
Burleigh,	Glascock,	Morse,	Tully,
Cabell,	Graves,	Moulton,	Turner, Oscar
Caldwell,	Guenther,	Muldrow,	Valentine,
Campbell, Felix	Hammond,	Muller,	Van Alstyne,
Campbell, J. E.	Hanback,	Murphy,	Vance,
Carleton,	Harmer,	Nelson,	Watt,
Cassidy,	Hatch, H. H.	Nicholls,	Wakefield,
Chalmers,	Hatch, W. H.	Nutting,	Ward,
Clardy,	Haynes,	Oates,	Weller,
Clay,	Hewitt, A. S.	Ochiltree,	Wemple,
Collins,	Holton,	Parker,	While, J. D.
Connolly,	Hooper,	Patton,	Wilkins,
Converse,	Hopkins,	Poland,	Winans, John
Cook,	Houk,	Rankin,	Wise, G. D.
Covington,	Houseman,	Ranney,	Wise, J. S.
Cox, S. S.	Hurd,	Ray, G. W.	Wood,
Culberson, D. B.	Hutchins,	Ray, Ossian	Woodward,
Culbertson, W. W.	Jones, B. W.	Rice,	Yorke,
Cullen,	Jones, J. K.	Robertson,	Young.

So the bill was passed.

On motion of Mr. BEACH, by unanimous consent the reading of the names of members voting was dispensed with.

The following pairs were announced:

Mr. MULLER with Mr. DUNHAM, on all political questions, until further notice.

Mr. MORGAN with Mr. BAYNE, until further notice.

Mr. DARGAN with Mr. KELLOGG, until further notice.

Mr. BALLENTINE with Mr. FINERTY, until further notice.

Mr. JONES, of Arkansas, with Mr. RUSSELL, until further notice.

Mr. AIKEN with Mr. STEWART, of Vermont, until further notice.

Mr. DIBBLE with Mr. SMITH, of Iowa, until further notice.

Mr. CARLETON with Mr. ROWELL, until further notice.

Mr. HOUSEMAN with Mr. BREITUNG, until further notice.

Mr. CONNOLLY with Mr. BINGHAM, until further notice.

Mr. JORDAN with Mr. LAIRD, until further notice.

Mr. MORRISON with Mr. HISCOCK, until further notice.

Mr. CULBERSON, of Texas, with Mr. NUTTING, until further notice.

Mr. HATCH, of Missouri, with Mr. HATCH, of Michigan, until further notice.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until further notice.

Mr. ARNOT with Mr. BELFORD, until further notice.

Mr. POTTER with Mr. EVANS, until further notice.

Mr. CALDWELL with Mr. SPOONER, until further notice.

Mr. WELLER with Mr. MILLER, of Pennsylvania, until further notice.

Mr. DOCKERY with Mr. HOOPER, until further notice.

Mr. SPRINGER with Mr. GUENTHER, until further notice.

Mr. CLAY with Mr. MCCOID, until further notice.

Mr. FOLLETT with Mr. MILLIKEN, until further notice.

Mr. GRAVES with Mr. WHITE, of Kentucky, until further notice.

Mr. BENNETT with Mr. HOUK, until further notice.

Mr. WARD with Mr. JOHN S. WISE, until further notice.

Mr. MCADOO with Mr. RICE, until further notice.

Mr. CAMPBELL, of New York, with Mr. PAYNE, until further notice.

Mr. CONVERSE with Mr. CHALMERS, until further notice.

Mr. LOWRY with Mr. STEELE, until further notice.

Mr. VAN ALSTYNE with Mr. ELLWOOD, until further notice.

Mr. DUNN with Mr. RAY, of New York, until further notice.

Mr. VANCE with Mr. RAY, of New Hampshire, until further notice.

Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York, until January 12.

Mr. HAMMOND with Mr. VALENTINE, on this vote.

Mr. HOPKINS with Mr. PARKER, on this vote.

Mr. FORAN with Mr. HARMER, on this vote.

Mr. SNYDER with Mr. HANBACK, for this day.

Mr. NICHOLLS with Mr. LYMAN, for the remainder of this day.

Mr. CASSIDY with Mr. DAVIS, of Illinois, for the remainder of this day.

Mr. TALBOTT with Mr. HEWITT, of New York, on this vote.

Mr. HOPKINS with Mr. GLASCOCK, on the pension appropriation bill, for this day.

Mr. WAIT with Mr. BUCKNER, for this day.

Mr. ROBERTSON with Mr. BREWER, of New Jersey, for the remainder of this day.

Mr. DAVIDSON with Mr. NELSON, for the remainder of the day.

Mr. BUDD with Mr. GEORGE, for this day.

Mr. JONES, of Wisconsin, with Mr. HAYNES, for this day.

Mr. SINGLETON with Mr. BREWER, of New York, on this vote.

The result of the vote was then announced as above stated.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following title; when the Speaker signed the same:

A bill (S. 55) to provide for the erection of a public building for the use of the United States court, post-office, and other Government offices in the city of Carson, in the State of Nevada; and

A bill (S. 52) providing for the erection of a public building at Waco, Tex.

Mr. NEECE. I move that the House do now adjourn.

MISSISSIPPI RIVER COMMISSION.

Pending the question on the motion to adjourn,

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War transmitting the annual report of the Mississippi River Commission; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

Mr. KING. I ask that the report of the Mississippi River Commission be printed without the maps.

The SPEAKER. The Chair thinks it will be so printed in the first instance under the order just made.

Mr. KING. Not unless the House so orders.

The SPEAKER. The order will be made that the report shall be printed as a House document without the maps. It would be very expensive to print those maps.

MILITARY ACADEMY CLASS OF 1886.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of cadets at the Military Academy, class of 1886, for legislation to secure appointments to the Army to members of the said class; which was referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. BURNES, by unanimous consent leave was given to withdraw from the files of the House the papers in the case of James A. Price without leaving certified copies on file, no adverse report having been made thereon.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Thomas J. Wood and others, citizens of Jefferson County, Mississippi, for an appropriation to aid in repairing Mississippi River levees—to the Committee on Rivers and Harbors.

By Mr. BAYNE: Resolution of the council of Allegheny, Pa., in favor of a public building for that city—to the Committee on Public Buildings and Grounds.

Also, of General Alexander Hays Post, No. 3, Department of Pennsylvania, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of Pittsburgh, Pa., in favor of the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. BOUTELLE: Petition of S. B. Home and others, of Eastport, Me., in favor of the ratification of the reciprocity convention with Spain—to the Committee on Ways and Means.

By Mr. BRAINERD: Petition of citizens of Franklin, Pa., favoring the reciprocity treaty with Mexico—to the same committee.

By Mr. BUDD: Petition of regents of State University, California, for passage of bill establishing experimental stations—to the Committee on Agriculture.

By Mr. CUTCHEON: Memorial of George F. Hale and others, citizens of Bear Lake, Mich., favoring the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. ENGLISH: Petition of businesss men and merchants of Indianapolis, Ind., against the passage of the pending bankrupt bill—to the same committee.

By Mr. GEORGE: Petition from the Board of Trade of Portland, Oreg., asking for the establishment of an assay office—to the Committee on Coinage, Weights, and Measures.

By Mr. HAYNES: Petition of A. J. Johnson and others, of West Epping, N. H., for increase of pensions to widows, &c.—to the Committee on Pensions.

Also, petition of George N. Marden, relative to his claim—to the Committee on the District of Columbia.

By Mr. D. B. HENDERSON: Letter from Coolidge & Co., Waterloo, Iowa, urging the passage of the bankrupt bill—to the Committee on the Judiciary.

Also, papers from Capt. Robert Williams, urging legislation for the relief of soldiers for services at the "Cascades," in Washington Territory, in 1856—to the Committee on Military Affairs.

By Mr. LORE: Petition of the Harlan & Hollingsworth Company and other corporations and firms of Wilmington, Del., favoring legislation to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. LOVERING: Papers relating to the claim of Anna Ella Carroll—to the Committee on Claims.

By Mr. MATSON: Petition of W. S. Dunham and 200 others, citizens of Johnson County, Indiana, and of Abner Harden and 20 others, citizens of the same county, favoring the passage of the Lovering pension bill—to the Committee on Invalid Pensions.

By Mr. MURPHY: Petition of citizens of Davenport, Iowa, favoring a national bankrupt law—to the Committee on the Judiciary.

Also, memorial of the hardware trade, for the construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Memorial of Sarah Jane and Isabella Larmour—to the Committee on Invalid Pensions.

Also, petition of Vessel Owners and Captains' Association of Pennsylvania, urging the passage of Senate bill No. 1742—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. PAIGE: Petition of George H. Ely and others, of Cleveland, Ohio, against the proposed Spanish treaty—to the Committee on Ways and Means.

By Mr. PAYSON: Petition of S. A. Kent and many citizens of Chicago, Ill., for the necessary legislation to put in force the reciprocity treaty with Mexico—to the same committee.

By Mr. PHELPS: Petition of Ralph S. Demarest, relative to the Venezuelan awards—to the Committee on Foreign Affairs.

By Mr. PETTIBONE: Petition of J. H. Beal Post, No. 17, Grand Army of the Republic, Department of Tennessee, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. PRICE: Resolutions of the board of health of the State of Wisconsin on the subject of a national board of health—to the Committee on the Public Health.

By Mr. RANDALL: Memorial of the citizens of East Washington, D. C., concerning street improvements—to the Committee on Appropriations.

By Mr. ROSECRANS: Petition of Messrs. Baker & Hamilton and others, citizens of San Francisco, asking legislation to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. SENEY: Memorial of cigar packers of New York, against the ratification of the Spanish treaty—to the same committee.

By Mr. TULLY: Petition of the Board of Trade of Los Angeles, Cal., for a national bankrupt law—to the committee on the Judiciary.

By Mr. W. L. WILSON: Papers relating to the pension claim of Francis M. Shear—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 246 citizens of Cloud County; of 64 citizens of Belleville, and of 62 citizens of Riley County, Kansas.

By Mr. ARNOT: Of 300 ex-soldiers and citizens of the State of New York.

By Mr. ATKINSON: Of 130 citizens of Pennsylvania.

By Mr. BAGLEY: Of citizens of Schoharie County, New York.

By Mr. BEACH: Of citizens of Sullivan County, New York.

By Mr. BRAINERD: Of citizens of Erie County and of Warren County, Pennsylvania.

By Mr. F. B. BREWER: Of citizens of Cherry Creek and of Watts Flats, N. Y.

By Mr. T. M. BROWNE: Of 105 citizens of Jackson, Wayne County; of 35 citizens of Harrison, Wayne County, and of 134 citizens of West River, Randolph County, Indiana.

By Mr. BRUMM: Of 128 citizens of Tioga County, Pennsylvania.

By Mr. J. M. CAMPBELL: Of James Rollins and 75 others, citizens of Bedford County, Pennsylvania.

By Mr. CANNON: Of A. D. Ricketts and others, citizens of Fisher, Ill.

By Mr. CASSIDY: Of residents of Reno, Nev.

By Mr. COOK: Of W. Shunafelt and 58 others, and of D. D. Moore and 50 others, residents of Keokuk County, Iowa.

By Mr. CUTCHEON: Of citizens of Chase, of Mears, of Ferry, of Charlevoix, and of Sears, Mich.

By Mr. EATON: Of William J. Wilson and others, of Rockville, Conn.

By Mr. ELDREDGE: Of J. P. Boston and 43 others, of Henry Hicks and 34 others, of J. H. Jagger and 62 others, of Hillsdale County, and of O. P. Newcomb and 48 others, of Monroe County, Michigan.

By Mr. FORAN: Of 121 citizens of Medina County; of 58 citizens of

Latham, Pike County; of 37 citizens of Omega, Pike County, and of 108 citizens of Lockland, Hamilton County, Ohio.

By Mr. FUNSTON: Of citizens of Lawrence, of Miami County, of Allen County, of Paolo, of Montgomery County, and of Crawford County, Kansas.

By Mr. GEDDES: Of H. Pomerene and 64 others, citizens of Richland County, and of B. F. Watros and 91 others, citizens of Huron County, Ohio.

By Mr. HAISELL: Of sundry citizens of Kentucky.

By Mr. W. H. HATCH: Of citizens of Clark County, Missouri.

By Mr. D. B. HENDERSON: Of 47 citizens of Black Hawk County, and of 62 citizens of Delaware County, Iowa.

By Mr. HEPBURN: Of John D. Marlin and 65 others, citizens of Page County; of J. C. McDonald and 59 others, citizens of Appanoose County; of Ford Teal and 100 others, citizens of Decatur City; of H. White and 32 citizens of Blanchard; of W. D. Nelson and 162 others, citizens of Fingley; and of J. A. Johnson and 100 others, citizens of Lineville, Iowa.

By Mr. HILL: Of William Dilworth and 100 others, of Hicksville, Ohio.

By Mr. HOLMAN: Of James G. Endicott and 82 others, citizens of Decatur County, Indiana.

By Mr. JOHNSON: Of Levi Rock and others, of Morrisonville, N. Y.

By Mr. LAMB: Of citizens of Covington and of Clay County, Indiana.

By Mr. LAWRENCE: Of citizens of Beaver County, Pennsylvania.

By Mr. LE FEVRE: Of F. A. Washburn and 175 others, citizens of Allen County, Ohio.

By Mr. LORE: Of Edward Williams and 50 others, citizens of New Castle, Del.

By Mr. McCORMICK: Of W. H. Markin and 44 others, citizens of Gallia County, Ohio.

By Mr. MATSON: Of E. F. Harrold and 15 others, of Patricksburg; of Jacob Riegel and 200 others, citizens of Putnam County; and of William E. Telford and 100 others, citizens of Johnson County, Indiana.

By Mr. MITCHELL: Of citizens of New Haven County, Connecticut.

By Mr. MORRILL: Of John H. Carpenter and 64 others.

By Mr. MOULTON: Of 200 citizens of Shelby County, and of 1,000 citizens of Shelby County, Illinois.

By Mr. MURPHY: Of citizens of Jackson County, of Clinton County, of Preston, and of Clinton County, Iowa.

By Mr. MURRAY: Of John C. Wilkinson and 200 others, members of the National Military Home, Ohio.

By Mr. PAIGE: Of citizens of Cornet, Ohio.

By Mr. PAYSON: Of citizens of Iroquois County, and of Robert Ramey and others, citizens of Kankakee County, Illinois.

By Mr. PETERS: Of citizens of Edwards County, Kansas.

By Mr. PERKINS: Of T. A. Drake and 80 others, of Elk County, Kansas.

By Mr. PETTIBONE: Of M. Beckner and others.

By Mr. PRICE: Of D. J. Van Hovenberg and 43 others.

By Mr. PUSEY: Of citizens of Emerson, of Malvern, of Marne, and of Plum Hollow, Iowa.

By Mr. RANNEY: Of J. H. Gould and others.

By Mr. RIGGS: Of George P. Elser and 91 others, of Beardstown; of L. D. Simmonds and 33 others, of Quincy; of Peter Staff and 67 others, of Kinderhook, and of A. S. McDonald and 126 others, of Clayton, Ill.

By Mr. ROBINSON: Of 100 soldiers from Ostrander, of 30 soldiers of Pharisburg, of 118 soldiers from Minerva, of 62 soldiers of Mount Gilead, of 108 soldiers of Delaware County, and of 275 soldiers of Mount Vernon, Ohio.

By Mr. SEYMOUR: Of George W. Toms and others, of Stamford; of George W. Young and others, of North Stamford, and of W. C. Wile, M. D., and others, of Sandy Hook, Conn.

By Mr. SNYDER: Of A. J. Bickell and others, of S. J. Jarrett and others.

By Mr. SPRINGER: Of citizens of Grove City, of Arcadia, and of Mason County, Illinois.

By Mr. STEVENS: Of citizens of Niagara and Steuben Counties, New York.

By Mr. STORM: Of A. Rood and 64 others, of Luzerne County, Pennsylvania.

By Mr. STRAIT: Of 48 citizens of Zumbrota, Minn.

By Mr. TOWNSHEND: Of 110 citizens of Saline County, Illinois.

By Mr. WAKEFIELD: Of 39 ex-soldiers of Pipestone County, Minnesota.

By Mr. MILO WHITE: Of citizens of Freeborn County, Minnesota.

By Mr. E. B. WINANS: Of Henry E. Stokes and 60 others, of Genesee County; of H. C. English and 63 ex-soldiers, of Oakland County; of A. W. Dees and 76 others, of Clio; and of Albert S. Gibson and 46 others, of Eaton County, Michigan.

By Mr. JOHN WINANS: Of Edward Gillin and others, of Racine; of Sidney I. Thompson and others, of Watertown; of E. P. King and others, of Beloit; and of Edwin H. Smith and 50 others, of Allen's Grove, Wis.

By Mr. W. L. WILSON: Of citizens of Sleepy Creek, and of Michael Hartman and others, of Preston County, West Virginia.

SENATE.

WEDNESDAY, *January* 7, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 20th ultimo, a report of the Chief of Engineers, accompanied by a report of Capt. James C. Post, Corps of Engineers, on the work for the improvement of Buchanan River, in West Virginia; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting for the information of Congress papers showing the maintenance of the channel at the South Pass, Mississippi River, by Mr. James B. Eads, during the quarters ending March 9, 1884, June 9, 1884, September 9, 1884, and December 9, 1884, respectively; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on the Improvement of the Mississippi River.

REPORT OF MISSOURI RIVER COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, the annual report of the Missouri River Commission; which, together with the accompanying papers, was referred to the Committee on the Improvement of the Mississippi River, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a petition from the class which will be graduated at the United States Military Academy at West Point in June, 1885, praying for legislation which will secure appointments in the Army for those cadets who may be graduated that year; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GARLAND. The other day I introduced a bill (S. 2428) granting a pension to Margaret B. Harwood. I now present her petition praying for a pension, and move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. JONAS presented a memorial of merchants of New York city, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. LAPHAM presented a memorial of merchants of New York city, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of citizens of Machiasport, Me., praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented the petition of W. M. Folger, lieutenant-commander, United States Navy, and other officers of the Navy, praying for legislation in relation to rank and promotion in the Navy; which was referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present what is intended as a memorial, although it is addressed to me individually or officially, being a resolution of the Trades and Labor Assembly of the city of Saint Louis, composed of the representatives of the various labor organizations of that city, earnestly urging the passage of the bill to prohibit the importation of contract labor into the United States now before Congress and known as the Foran bill, and protesting against the ratification of the Spanish reciprocity treaty now before the Senate. I do not know whether the bill to prohibit the importation of contract labor has been reported from the Committee on Education and Labor. If it has not been, I ask that the memorial may be referred to that committee as a gentle reminder to them of the necessity of action.

The PRESIDENT *pro tempore*. The foreign-contract-labor bill is on the Calendar.

Mr. COCKRELL. Then let the memorial be laid upon the table.

The PRESIDENT *pro tempore*. The memorial will lie upon the table.

Mr. PLUMB. I present the memorial of a large number of persons, who represent in substance that they are now settled upon and occupy what are known as the Oklahoma lands in the Indian Territory. I ask that their memorial may be read at length, omitting the names, and that the memorial may then be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the memorial presented by him be read at length, omitting the names. Is there objection? The Chair hears none, and it will be read.

The Chief Clerk read as follows:

To the honorable the Senate and
House of Representatives in Congress assembled:

We, the people of Oklahoma, assembled in public meeting, at the town of Stillwater, in Oklahoma, do most earnestly and respectfully request the immediate attention of Congress to the following facts:

Oklahoma was bought by the United States from the Creek and Seminole Indians eighteen years ago. It has been paid for in full. The title rests solely and exclusively in the United States. There are no limitations of any kind whatever. No Indian or tribe of Indians owns, or claims to own, controls, or claims to control, one foot of these lands.

No one disputes any of these statements, yet notwithstanding these plain and undeniable facts, and notwithstanding the further fact that all of the western part of our country has been settled and improved, exactly as we have settled and improved this country, in advance of official invitation, we have repeatedly been driven from our homes by military force, our houses burned, our property destroyed, and our bodies dragged hundreds of miles into out-of-the-way places, and held for weeks, beyond the reach of civil processes, and then dismissed without trial or explanation.

When we have cited laws to these men wearing Federal uniforms, and asked them for justice, they have cursed us and told us they cared nothing for laws, they had the power and would use it.

We thoroughly and with one accord believe that our right to make homes for ourselves and our families upon these lands would not have been questioned had it not been for the fact that rich cattle syndicates were here ahead of us.

These men are few in number, but strong in the use of unlimited capital.

They do not pretend to have even a lease of these lands from any source whatever, yet they hold and inclose them with wire fences, and the Federal Army is used as their private police.

We are now in Oklahoma again.

We are here with our axes and our plows. Hundreds and thousands of our friends are on their way to join us from all States of the West.

We are here to stay. We deny the right of any man, or mob of men, whether in uniform or plain clothes, to molest us.

We do most earnestly request that Congress will henceforth guarantee to us our plain and undeniable rights under the laws and Constitution of our country; and as a means to secure and maintain those rights, we request that Congress may immediately order the withdrawal of the Federal troops from our midst, and at as early a day as possible organize Oklahoma as a Territory of the United States, and provide for the appointment of a governor and the election of other necessary officers.

Mr. PLUMB. I desire to say in reference to the memorial that the subject-matter of it has been before the Committee on Indian Affairs for some considerable period of time, and while I do not deny that the subject is one of very great importance and may involve extended deliberation, I submit that prompt action is necessary in view of the fact that these persons are there. While they are there, technically at least, in violation of the law, or at all events in violation of the law as construed by the Attorney-General and as understood by the President, at the same time the violation is merely technical, as I think. The Congress has said heretofore that these lands should not be occupied by Indians. It can only be in any event a brief period of time when they must necessarily be open to settlement, and it seems to me that the time has come when Congress should say "yea" or "nay," not merely to the petition of these people, but to the situation which is presented by the very considerable body of land which is not now in occupancy by Indians and not designed to be occupied by them hereafter. I therefore venture to suggest that the Committee on Indian Affairs should take this matter up and dispose of it at as early a day as possible, and I think that would not only conduce to the interests of the General Government, but, perhaps, to a peace which is liable to be disturbed by the contact of forces down there on the part of the settlers on one side and on the part of the Government seeking to restrain the occupancy on the other.

Mr. DAWES. I did not hear the remarks of the Senator from Kansas at the outset. Does the Senator contemplate any such immediate action as will meet the exigencies now existing there?

Mr. PLUMB. I do not want to interpose by getting into the domain of the committee; but I think, in consideration of the facts stated in the memorial, or so much of them as may be held to be without controversy, the committee would be warranted in saying "yea" or "nay" to the general proposition that the land should be opened to settlement by act of Congress. That may result from a variety of considerations of course; but that something should be said in view of what is clearly an emergency of the situation I have no doubt.

Mr. DAWES. The Senator is aware that at the last session the committee were instructed to make inquiry into the title to Oklahoma, and after a careful consideration they reported that it could not be under existing title open to settlement, and that report was adopted by the Senate. I am aware of the serious condition of things at this moment in what is called Oklahoma; and my inquiry was whether the Senator contemplated such immediate action as would interfere with the authorities, or in any way undertake to put an end to the troubles down there at this time.

Mr. PLUMB. I will say, in regard to that matter, that while I presume it would be practically impossible that legislation should be finally passed to meet the immediate situation, there may be other things which could be done in some way which would make more emphatic the expressions than have heretofore been made or which would modify them in some way so as to have influence to prevent the breach of peace which is now threatened. I am not undertaking to put myself in the position of criticising the committee, or assuming any responsibility, or in any way complaining of the committee for considering at some length probably this question, which is quite a serious one, involving as it does not merely the disposal of the land to various settlers and the surrounding tribes of Indians, but also the question of local government. At the same time I do say it is one of those things that ought to be met in some way very promptly, and I hope to present to the committee itself at no very remote day some facts and circumstances bearing upon this question, which I think will tend to facilitate a decision.

Mr. DAWES. I assure the Senator that the committee are as anxious as they can be to meet the exigencies of this case, and will give him or any other Senator the largest opportunity to present any suggestions that will meet the difficulties which surround it.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Indian Affairs.

Mr. FAIR presented a memorial of merchants of New York city, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a memorial of citizens of Steubenville, Ohio, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. HOAR presented a memorial of citizens of Massachusetts, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of merchants, manufacturers, and shipowners of Boston, Mass., praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1042) for the relief of the legal representatives of the late Capt. John G. Tod, of Texas, reported it back, and moved indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2296) fo. the relief of Thomas A. McLaughlin, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 578) for the relief of Dennis W. Mullan, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PIKE. I am instructed by the Committee on Claims, to whom was referred the bill (S. 2151) for the relief of William H. Davis, of Oakland, Cal., to report it adversely. The committee also instruct me to report the following resolution, referring the claim to the Court of Claims:

Resolved, That the claim of William H. Davis be transmitted, in accordance with the provisions of article 1, section 1059, of the Revised Statutes of the United States, to the Court of Claims of the United States, together with the vouchers, papers, proofs, and documents appertaining thereto.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire desire to have the resolution placed on the Calendar?

Mr. PIKE. I wish action upon it at this time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Why the necessity of passing a resolution of that kind? Has not the committee power to refer the claim to the Court of Claims?

Mr. CAMERON, of Wisconsin. It is not proposed to refer it under the provisions of the so-called Bowman act.

Mr. COCKRELL. It is to be referred under the general provisions?

Mr. CAMERON, of Wisconsin. Under the general provisions of the Revised Statutes.

The resolution was agreed to.

Mr. PIKE. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 1098) for the relief of V. B. Horton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 2050) for the relief of Mrs. Eliza Clark;

A bill (S. 640) for the relief of Rebecca Johnson;

A bill (S. 1392) to compensate John W. Smith for losses sustained by him during the war of the rebellion; and

A bill (S. 721) for the relief of Joseph W. Yates.

Mr. CAMERON, of Wisconsin. By direction of the Committee on Claims I submit a report which I ask may be read.

The Chief Clerk read as follows:

The Committee on Claims, to whom were referred the bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson; the bill (S. 866) for the relief of John F. Kranz; and the bill (S. 1167) for the relief of the estate of Marcus Walker, beg leave to report that, having referred the said claims to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, said claims have been returned by the said court to the committee as not coming within the jurisdiction of the court under the act referred to.

Mr. CAMERON, of Wisconsin. I desire to say, in connection with the report just read from the desk, that each of those bills represents a large class of claims now pending before the committee. The committee had doubt as to whether those classes of claims came within the provisions of the so-called Bowman act. The bills were referred to the Court of Claims for the purpose of obtaining a judicial construction of the act. That construction has been obtained, and the committee will be governed hereafter in transmitting cases to the Court of Claims according to the decision of the court.

The PRESIDENT *pro tempore*. If there be no objection, the report will be placed on file.

Mr. SHEFFIELD, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 1163) for the relief of Anson Atwood; and

A bill (S. 1901) for the relief of William H. Whiting.

Mr. SHEFFIELD, from the Committee on Claims, to whom was referred the petition of E. A. Farr, agent of the estate of S. O. Baker, deceased, praying compensation on account of supplies furnished United States soldiers during the late war, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

SUPPORT OF DESTITUTE INDIANS.

Mr. DAWES. The Committee on Appropriations, to whom was referred the joint resolution (H. Res. 308) appropriating $50,000 for the support of certain destitute Indians, have instructed me to report back the same, and to ask, owing to the exigencies of the case, that it may be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appropriates $50,000, to be immediately available, to be applied to the support and maintenance of the Indians at the Crow, Fort Belknap, Fort Peck, and Blackfeet agencies, in Montana Territory.

Mr. DAWES. I will state that the occasion for this special appropriation is all set forth in the RECORD this morning. The documents are somewhat voluminous, yet I can not but think that any Senator who has read them will be satisfied that this action is demanded by every consideration of justice.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. COCKRELL introduced bill (S. No. 2506) for the relief of Timothy McCormick; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a joint resolution (S. R. 108) authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's Headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried and in erecting a monument over the same; which was read twice by its title, and referred to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada; and

A bill (S. 52) providing for the erection of a public building at Waco, Tex.

ARREARS OF PENSIONS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the motion of the Senator from Kansas [Mr. INGALLS], that the Committee on Pensions be discharged from the further consideration of the bill the title of which will be read.

The CHIEF CLERK. "A bill (S. 1) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion.

Mr. MORRILL. The Senator from Kansas has kindly informed me that he would consent to have that go over until to-morrow.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Vermont to make that motion?

Mr. MORRILL. Yes.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the further consideration of the motion be postponed until to-morrow. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1886, in which it requested the concurrence of the Senate.

RECIPROCITY TREATIES, SO CALLED.

Mr. MORRILL. Now I ask that the resolution introduced by me on the 15th of December be read.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Senate proceed to the consideration of the resolution indicated, which will be read for information.

The Chief Clerk read the resolution, as follows:

Whereas the Legislature is the department of Government by which commerce should be regulated and laws of revenue passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. The representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employment and interests on which this description of measures will press, and may better discern what true policy prescribes or rejects, than is within the competence of the executive department of the Government: Therefore,

Resolved, That so-called reciprocity treaties, having no possible basis of reciprocity with nations of inferior population and wealth, involving the surrender of enormously unequal sums of revenue, involving the surrender of immeasurely larger volumes of home trade than are offered us in return, and involving constitutional questions of the gravest character, are untimely and should everywhere be regarded with disfavor.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to it.

Mr. MORRILL. Mr. President, the substance of the declarations in the resolution just read were copied from a report of the Senate Committee on Foreign Relations. I much regret, however, to be unable to ascribe the credit of its authorship to the committee of the Forty-eighth Congress.

The magnitude of the subject embraced in the resolution would seem to justify full and free discussion. Differing in opinion from those whom I greatly esteem, it will be my duty to give utterance to no sentiments not based upon my profoundest convictions. If the President, the Secretary of State, our envoy extraordinary, and all the newspapers may present elaborate statements relating to the new gospel of "reciprocity treaties," with the whole text fully displayed, it would seem passing strange that Senators, of all the world, must keep a padlock on their lips and remain silent. Though I am inflexibly opposed to revolutionizing all American traditions by having our revenue laws tampered with by those to whose especial care they were never constitutionally intrusted, it would be vain for me to indulge in any dreams of successful resistance to the apparent numbers and the power now enlisted in this rampant policy, but I may, at least, preserve the symmetry of my record to the last moment on the general subject, and present some special objections to the latest pattern of so-called "reciprocity," to which, under the rules of the Senate, I regret to say my remarks must be limited. Let me here say that some of the points now to be submitted were presented in my remarks made in executive session on the Mexican treaty, which the Senate kindly gave me permission to publish.

RECIPROCITY TREATIES UNCONSTITUTIONAL.

When the question of a reciprocity treaty was first presented to the Senate forty years ago, it was unanimously decided that it would be a grave and dangerous invasion of the prerogative of Congress to regulate commerce with foreign nations, as well as of the prerogative of the House of Representatives as to its exclusive power to originate revenue bills. The record shows (and it was long since made public) that two reports on the Zollverein treaty, with Prussia and other members of the Germanic Confederation, were made at different times by the Senate Committee on Foreign Relations, both reaching the same adverse conclusion—one by Mr. Choate, of Massachusetts, when the treaty was laid upon the table, as the least offensive mode of rejection, and one later, by Mr. Archer, of Virginia, when, at the request of the President for further consideration, the treaty was squarely and unanimously rejected—including even the vote of John C. Calhoun, although, while Secretary of State, the treaty had received his perfunctory support. That the standing of Mr. Choate, as a lawyer of profound learning, and the sound judgment of Mr. Archer, the long-trusted Congressional leader on foreign affairs, peculiarly qualified them to handle the subject, not only justly but with pre-eminent ability, will not be controverted even by the present distinguished Committee on Foreign Relations. Notwithstanding it was broadly claimed by Mr. Archer that the treaty would have promoted our interests, it was resolutely refused, and solely on the ground of paramount constitutional objections. This adverse determination was again and finally confirmed in 1848 by a record of the yeas and nays, with every member, both of the Democratic and Whig parties then present, in the negative, and at a time when among the members of the Senate were to be found, besides many others of national renown, such celebrities as Calhoun, Crittenden, Berrien, Badger, Corwin, Dix, Hamlin, Mangum, Bell, Davis of Mississippi, "Honest John Davis" of Massachusetts, Mason of Virginia, and Johnson of Maryland. We may well feel proud even to be members of a

body which has been decorated with names wearing such enduring national luster. I think the Senate would willingly be refreshed with at least a single paragraph from one of these adverse reports, from which it will be seen that my resolution has been taken, and I will therefore read the following from that of June 14, 1844:

In the judgment of the committee, the Legislature is the department of Government by which commerce should be regulated and laws of revenue passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it, in terms, to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is, indisputably, that the control of trade and the function of taxing belong, without abridgment or participation, to Congress.

They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods, and of all parties and opinions. They think, too, that, as the general rule, the representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly; may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes or rejects, than is within the competence of the executive department of the Government.

Mr. President, this was the well-considered and determinate argument accepted by a united Senate, solemnly bound as we are by an oath, and though floods of eloquence may come, and the winds of rhetoric beat against it, it will stand, for it is founded on the bed-rock of the Constitution. Its high and thorough seriousness, Senators will find, can not be dismissed with the sneer of silence, nor can its cogency be checkmated even by an imposing front of numbers. Antagonism to the constitutional position then announced by the Senate will not win future colossal reputations.

I regret not to find myself in accord with some of the ablest constitutional lawyers of the Senate at the present time; but, as humble as I feel myself to be, I am not ashamed to appeal from the new to the old Senate, and to remain an adherent to the constitutional doctrine asserted and promulgated by some of the most illustrious names that have adorned the history of the American Senate. One of the present distinguished Senators from Massachusetts—with whom on this question it is my misfortune to differ—has told me that "the great expounder of the Constitution," a grander name than even that Africa gave to Scipio, was once reported to have said, "I hope I know the Constitution of my country better than to think a reciprocity treaty is constitutional." If reciprocity treaties were unconstitutional when this declaration was made by Mr. Webster, they are surely none the less so now, and my friend the learned Senator from Massachusetts may find, even in the wayside opinions of his distinguished predecessor, "the bones of a giant."

Mr. HOAR. To which Senator from Massachusetts does the honorable Senator from Vermont allude?

Mr. MORRILL. I refer to the Senator now addressing me.

Mr. HOAR. The authority for Mr. Webster's opinion is good; but the Senator's authority for mine—he says I differ from him—is not good.

Mr. MORRILL. I am very happy to hear it, Mr. President.

The powers separately and specially granted by the Constitution to one branch of our Government can not be assumed or held in common by any other branch at its pleasure. The invasion of the jurisdiction of one by another can not be accounted less than rank usurpation. Any other interpretation of the Constitution would be derogatory not only to the Constitution itself, but to its far-sighted framers. The President is the Commander-in-Chief of the Army and Navy, but this gives him no authority to invade the power of Congress "to raise money to support the Army and Navy." The President, with the concurrence of two-thirds of the Senate, may make treaties, but under cover of this authority no constitutional treaty can be made "to regulate commerce with foreign nations" or to initiate "revenue bills," any more than to establish a "uniform law of bankruptcy" or "of naturalization;" and these, together with all other powers which were specially confided to Congress or to the House of Representatives by the Constitution, stand as a flaming sword against all encroachments of the Executive, and forever limit and exclude the reach of its treaty-making power.

The House of Representatives has ever been open-eyed as to the least apparent Senatorial usurpation of the power to originate revenue bills, and the Senate in all controversies on this point has promptly yielded to the claims of the House. This exclusive power of the House is consecrated in all of our earliest traditions, and will ultimately be found impregnable, whether threatened by the Senate alone or with the aid of the auxiliary forces of the Executive.

I know that the constitutional barrier is assumed to be avoided, if a profane illustration may be pardoned, by whipping His Sooty Majesty around the stump, or by obtaining the subsequent consent of Congress, or of the House of Representatives, to the stipulated requirements of the treaty; but this consent subjects Congress and the House to a state of suspended animation, and is only a flimsy subterfuge, by which the full power of Congress, or of the House of Representatives, for a term of years, is to be curtailed and abridged. In the first place, the Constitution does not contemplate the action of the House at all upon treaties. All legitimate treaties must be made by the Executive, with the concurrence of two-thirds of the Senate, and, when so made, no action of the House can amend or change them or defeat them by a legislative veto. But, in the examples of hybrid treaties now officially made known to the public, the vital part of each treaty is to be carried into effect, not by the concurrence of two-thirds of the Senate, but by a bare majority of each House. The rule of majorities is to prevail in contravention to fundamental law. In the second place, the action of the House, or even of Congress, in 1885 can not impair, abridge, or take away the legislative authority of the next or of any succeeding Congress "to regulate commerce" nor of the House of Representatives "to originate revenue bills." Nor can this legislative authority be abdicated even by making the Executive the heir apparent. No act of the executive branch of the Government or of Congress can suspend, repeal, or blot out plain provisions of the Constitution. If such provisions could be suspended and renounced for six years by a temporary majority of Congress or of the House of Representatives, they could of course be suspended or renounced for twenty years or a hundred. It appears to me, therefore, that any treaty which encroaches upon the power to regulate commerce or upon that to originate revenue bills involves a plain, open, and palpable violation of the Constitution.

Mr. JONES, of Florida. Will the Senator yield for a question? I would ask the Senator if in the early treaties of peace commercial advantages were not——

Mr. MORRILL. I should rather the Senator would not ask any questions until I get through.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Vermont declines to be interrupted.

Mr. MORRILL. It may be said that the power to regulate commerce and to originate revenue bills will remain in full force in spite of treaties, and may be still exercised at any time, and, if so exercised, would abrogate and, as the latest law, supersede all conflicting treaties. This may be true, but its exercise in defiance of treaties would be a flagrant breach of good faith, for which the fullest reparation might be demanded and a very sufficient provocation for a declaration of war by the party betrayed. The violence to the Constitution done through the making of a reciprocity treaty would be very lamely undone by any violence to the treaty itself.

The terms of these treaties appear to provide that they must be carried into effect by virtue of laws yet to be passed by Congress, and thus a dramatic foregone conclusion is to be rehearsed and enacted on the Congressional stage as a pageant of statecraft. If the treaties were to be operative when ratified, as it appears very innocently and rather haltingly to have been originally provided in the Mexican treaty before it was amended by the Senate, then any action of Congress or of the House of Representatives would be contemptuously disregarded, as will be sure to happen whenever the epidemic of reciprocity treaties shall so far prevail as to become the diseased and chronic policy of the country; but if treaties are to become operative by subsequent laws to be passed by Congress, it will be an introduction of a third and unknown party to the treaty-making power for which we have no warrant in the Constitution, and the deluded House of Representatives, like Samson shorn of his locks, will wake up to find its strength has departed. Not only will its share of power to regulate commerce and its exclusive power to originate revenue bills be gone, but its consent once given to a seven years' reciprocity treaty may be indefinitely elongated and perpetuated by a subsequent treaty to which its consent may no longer be held essential by the executive department.

To my blunt sense, if I have any sense, it appears strange how Senators learned in the law can regard the confession and avoidance contained in the eighth article of the Mexican treaty as anything less than a limping subterfuge, designed to escape a plain provision of our Constitution, and, as here presented, as I shall hereafter attempt to show, without even the excuse of any healthy national advantages. It would seem to contain an admission that the Executive and the Senate have unlawfully originated an illegitimate revenue bill, and this graceless bantling, left in a state basket at the door of the House of Representatives, the Executive proposes to legitimize by procuring a trustless and unveracious certificate from the House of its legislative fatherhood, although in truth it was a bill previously concocted and brought forth in the precise terms of the treaty with Mexico and with the same godfathers; and thus the House has been solemnly, perhaps seductively, urged to cheat itself, if not the world, by the farce of appearing to originate a bill which it dare not even amend, and which is already showing some signs of the decrepitude of age.

It is an insidious method by which the vastly important power of the House of Representatives over all revenue bills may, with an ambitious Executive, become obsolete and utterly valueless. The whole field of regulating trade and commerce by a tariff on imports may thus be opened to secret invasion, patch by patch, and twenty treaties may as properly be concocted as one, leaving only tattered remnants of tariff laws to be dealt with by Congress. A reciprocity treaty necessarily abandons protection by any tariff upon all the articles enumerated, and equally abandons all revenue and power to obtain revenue therefrom during the existence of the treaty. It is a measure clearly as inconsistent with the idea of "revenue only" as with that of "protection." It is hodge-podge free trade with special favorites only, and invidious restriction against all others.

If this departure from the revered example of our fathers is in harmony with our Constitution, I fail, and I think future patriots and statesmen, as well as the common people, will fail to so understand it. Friendly to all nations, they would proffer equal generosity to all. For the solid and enduring reputation of the Senate itself, sound policy dictates a prudent exercise only of the constitutional powers clearly granted, and the avoidance of all suspicious enlargements and doubtful amplifications. We can not afford to demolish the accepted theory of a republican government by sanctioning the initiation of revenue bills by the Executive. We can not afford to change the Constitution by merely a new interpretation, and without any change of the fundamental law.

THE PRETENDED PRECEDENTS.

The claim that the Mexican treaty originated in the House of Representatives, because the "sundry civil bill" of 1884 contained an appropriation "for the salaries and expenses of a commission to negotiate a commercial treaty with Mexico," is untenable, for the sufficient reason that commercial treaties may be of many descriptions and are daily negotiated, in fact nearly all being entitled treaties of "commerce and navigation;" but they have never been understood as synonymous with reciprocity treaties undertaken solely to regulate tariffs on imports; and if the "sundry civil" appropriation—doubtless prompted by and originating with the executive department—had borne the slightest hint of its secret "reciprocity" purpose, it would have encountered prompt opposition in both branches of Congress. Secrecy, as well before as after negotiation, possibly best enables such treaties to prosper. Congress can not give to the Executive its power of attorney in advance to make a tariff by treaty; and were that even possible, Congress, under the new patent theory, should at least be allowed to see such a tariff, even if not permitted to originate it. But Congress can only make a tariff uniform for all the world, and not for one foreign nation alone.

The further claim that in 1803, upon the Louisiana purchase from France, there was a precedent for "reciprocity treaties" in the provision of the treaty then made, that French ships for twelve years should be subjected to no greater duty on tonnage and merchandise than that paid by the citizens of the United States, is more untenable or simply preposterous. This was merely a condition precedent to obtaining full and complete possession of and jurisdiction over the territory for which we had made a bargain. France gave us no reciprocal privileges of any kind, but for twelve years retained a part of her original rights.

We made another convention in 1831 with France, our ancient ally, by which we limited for ten years the maximum duties upon red and white wines, in order to obtain the sum of twenty-five million francs for the unlawful seizure and confiscation of the vessels of United States citizens. There was not a shadow of "reciprocity" by which France made any reduction of duties in favor of the products of the United States, although on our part a weak concession was made—never to be again repeated—and made to obtain the payment of a just and long-delayed demand. Even this limitation of duties, and so hedged about as it was in consequence of the "favored-nation" conditions of our treaties, gave rise to reclamations by other governments for the excess of duties paid on wines above that imposed on French wines, and Daniel Webster, whose fame is not yet wholly eclipsed, as Secretary of State conceded the justice and legality of the claims.

Thanks are abundantly due to those who have revived the memory of the past. The advocates of reciprocity treaties appear willing to accept the thinnest of gossamer supports when they venture to claim that there is any example of a reciprocity treaty in the first sixty-five years of the history of the Government. There is none such, or none prior to 1854, and the treaty of that date was abrogated and stamped with the ban of the Government at the earliest possible moment.

EVERYWHERE INCURABLY WRONG.

If I could easily pass by, as I can not, the insuperable constitutional objections to reciprocity treaties, there are other grave and scarcely less substantial objections to the policy of such treaties. The most intelligent statesmen of the world "let them alone severely." Not a first-class government of Europe, so far as I am advised, now tolerates such treaties. Throughout the whole horizon none are visible even to reciprocity star-gazers—saving our own twinkling and pitiful show. England would be glad to make a treaty compact with the United States for the benefit of the Dominion of Canada, if that, sweetened by the bonbons and ribbons of occasional knighthoods, would keep the Dominion loyal, as well as proud and contented to furnish contingents to maintain British supremacy elsewhere; but she never permits the Canadas to offer favors to which Great Britain is not to become an equal participant, and never proposes to be a principal party to reciprocity herself. If we were to propose that American tobacco and whisky should be received duty free by Great Britain, and should offer all proper equivalents, the "no" of the British lion would resound across the Atlantic. But to some of our home administrations, I fear, it has happened that too many of their members have felt obliged to have a reciprocity treaty, like the small-pox, once in their lives, and it were to be wished that the malady would no more return in the one case than in the other.

The Cobden commercial convention with France was not a reciprocity treaty—which would properly only include one and the same list of articles to be made duty-free by both parties—but it was, like the pattern which threatens us, a give-and-take contract, one government freeing from duty certain articles and the other government freeing from duty certain other articles; and yet it proved fatally disastrous to the entire silk industry of England, and was very galling and detrimental in other directions to various important interests which have been loud in adverse criticisms. In France the Cobden treaty crippled their revenue, after the war with Germany, so seriously that the government of President Thiers urgently asked to be relieved from its oppressive terms, but England coldly refused, and insisted upon all that was "nominated in the bond." As quickly, under the provisions of the treaty, as France had the power, the Cobden treaty was terminated, and wherever or whenever mooted since there has been no chance of its renewal. We suffered a great and similar embarrassment from 1860 to 1864 from our Canadian reciprocity treaty. When such treaties are made, the resources of the nation, the sinews of war, are more or less tied up for a term of years, and even defensive wars must be dreaded, and peace, however ignominious, maintained at any price.

AT WAR WITH THE "MOST FAVORED NATION" CONDITIONS OF ALL OTHER TREATIES.

Among the oldest and ripest statesmen of Europe it is held and believed that "the most favored nation" stipulations, now to be found in nearly all international treaties, have some potential and enforceable meaning. If any production of one nation is subjected to a less duty than that imposed upon a similar production of some other nation, no matter whether the difference has been brought about by legislation or by treaty or by both combined, it would seem to be a substantial violation of all compacts which set forth that "no other or greater duties shall be imposed than those which are paid upon the productions of the most favored nation."

Every fresh example in the line of a possible future settled policy of select and special favoritism will be found dangerous and in conflict with our plighted faith given in treaties having "the most favored nation" provisions with between thirty and forty other nations. Any of these foreign powers strong enough to assert its rights or to enforce its compacts will scarcely fail to make any grievance of this sort known and to seek prompt redress.

Since the date of our treaty with Mexico Great Britain has suddenly resumed her diplomatic relations with Mexico, the latter having also mollified British creditors with new promises, and the first fruit of this sudden pledge of eternal friendship appears to have been a short treaty by which Great Britain has been restored to the footing of "the most favored nation," as has been still more recently accomplished with Spain. This has not been done with an aimless purpose, and whatever rights accrue will most likely be unflinchingly exacted.

In a former speech of mine the following statement was made of historic facts:

At the first rumor of the Zollverein treaty, negotiated by Mr. Wheaton in 1844, Lord Aberdeen notified Mr. Everett, our minister in London, that Great Britain would claim an equal relaxation of duties in their favor, and Mr. Everett admitted the propriety of the claim, provided it was accompanied by the same equivalents. To this Lord Aberdeen responded that he conceived that by the convention of July 3, 1815, we should be bound to admit British fabrics on payment of the same duties as the Germans without any such conditions.

The treaty, however, having been rejected by the Senate, no complications followed, although enough were here abundantly indicated.

Let me call attention to the elaborate terms of a treaty made, obviously with all of the renowned skill of the German school of diplomacy, by Germany with Mexico so lately as 1882, Article X of which is as follows:

Nooother or greater duties shall be imposed in the territory of either of the contracting parties upon the importation, re-exportation, or transportation of natural or manufactured productions of the other party than those which are paid upon the same class of productions of the most favored nation.

These terms are comprehensive and much too plain to be misinterpreted. Without any conditions whatever each party is solemnly bound to the other not to impose any other or greater duties than those paid upon the same class of productions of the most favored nation. Germany, now armed at all points, and more aggressive than even when ruled by Frederick the Great, perhaps still sore from our rejection of a similar treaty with her in 1848, will not lack the energy needful to assert all of her rights, and possibly might not much regret some provocation to enforce them, if by so doing she might plant a thorn in the side of a republic.

Among the most impassioned supporters of reciprocity treaties here, no one has ever contended that any nation, enjoying by treaty the promised advantages of "the most favored nation," might not, by a tender to us of equal terms, become entitled to all of the concessions granted by us to any party to a reciprocity treaty. If, then, Germany were to offer to receive from us free of duty ice and sausages, as well as all the other rattle-trap articles which by the proposed treaty Mexico offers to us, there can be no doubt that Germany would be entitled to all the privileges now to be yielded by us to Mexico, and the cheap tobacco and cheap sugar of Germany would also here find, perhaps, a new and most desirable market. Or, if Germany were to offer like terms to Mexico, then all the concessions made to the United States by Mexico must be accorded to Germany.

But, as I have already shown, it is more than doubtful whether or not a fair construction of the "most favored nation" clause in treaties does not alone entitle the party to have its productions subjected to no other or greater duties than are paid by any other nation, and without any reciprocal concessions. The phraseology of all such treaties is absolutely and wholly free from all conditions whatsoever. It appears to me, therefore, that it would be wise and prudent to avoid such obviously serious and wide-extending complications, and also especially wise to steer clear of any entanglements with foreign nations tending to restrict and circumscribe our freedom to legislate, whether in peace or war, upon the subject of increasing or reducing the national revenue.

LITTLE FOREIGN TRADE ACQUIRED FOR MUCH HOME TRADE SURRENDERED.

But, it is said, we must do something to build up and extend our foreign commerce—to which I agree—and to do this it is strangely proposed at once to surrender much more of our markets at home than is offered to us abroad—to which I do not agree. We are asked, so to say, to throw into the sea a greater amount of bait than will be returned in the catch of fish. Eleven years of this overbaited traffic, giving up superior markets in exchange for inferior markets, did not win the commercial or political friendship of the Canadas. Even during the existence of the so-called reciprocity treaty with them, their friendship was gauged infinitely below the price we paid for it. They would trade with us, but, like Shylock and Lord John Russell, they thought to catch us on the hip and "feed fat the ancient grudge." Financial benefits of treaties are never so far appreciated by nations as to create obligations of conscience for any returns. They are bargains without warranty as to the value given or received, sure to end in the discontent of the party overreached. Since the abrogation of the Canadian reciprocity treaty our trade with the Canadas has been larger and much more advantageous than ever before, being even larger than that of Great Britain. Were any treaty in force, to that fact alone the credit would be falsely ascribed. It may be well to recall precisely the wretched results of our Canadian reciprocity experiment. Our exports to Canada in 1855 were $20,828,676, but under the operation of reciprocity then commenced they dwindled in twelve years down to $15,243,834, while the exports of Canada to the United States increased from $12,182,314 to $46,199,470. When the treaty began the balance of trade had been $8,000,000 annually in our favor, and that paid in specie, but at the end the balance against us to be paid in specie in a single year was $30,000,000. Here was a yearly positive loss of over five millions of our export trade and a loss of thirty-eight millions of specie—all going to enrich the Canadas at our expense. This is the sore lesson of bitter experience.

The time is long past when nations can be enormously enriched by any excessive profits upon foreign trade. Even semi-barbarous colonies, however expensively maintained, resist the utter commercial enslavement of free trade. The universal expansion of manufactures, with gigantic production everywhere conspicuous, now presents unprecedented and many-sided competition, and the margin of net profits in distant commerce is reduced to very fine points and subject to many contingencies. It is only those articles produced by cheaper labor than anywhere else, or specialties not to be found elsewhere, that are even tolerably sure of a remunerative market, and then largely dependent on the cheapest transportation. National wealth must now and hereafter be mainly created by labor at home; and the home market is the only one of value over which any nation now has absolute control. Until trade in our own country becomes poorer than that abroad, our people will not seek to establish foreign trading posts. While foreigners, though handicapped by our duties upon imports, are still able, as in 1883, to send us annually manufactures to the amount of $460,000,000, we can not expect to rival them in other markets upon equal terms until the wages of labor in America shall have been razeed and brought down to the miserable level of wages abroad. Foreign trade gained by such a reduction of wages would be a calamitous degradation of American laboring men, and as much to be shunned as pestilence or famine. The day has gone by when silver spoons are to be found at the end of a rainbow, or when glass beads can be swapped for nuggets of gold. The splendor of the colonial system of Holland and Spain has vanished, and that of Great Britain, though still imperial, is environed with perils no less imperial. Disraeli, when chancellor of the exchequer in 1852, wrote to Lord Malmesbury that "These wretched colonies will all be independent, too, in a few years, and are a millstone around our necks." The monopoly of colonial trade was denounced by Adam Smith long ago as "mere loss instead of profit," and the monopoly of reciprocity trade can not be any better. We want no millstones around our necks.

But we can follow the advice of Washington and place our people at the summit of civilization and prosperity by cultivating peace with all nations and by seeking entangling reciprocity alliances with none. When any reductions of our tariff occur, we can tender the uniform benefit to all nations and excite the ill-will of none. We can, notwithstanding investments in ocean carrying trade yield little or no profit, show some favors to our shipping interests, rather than lean upon those who care not for us. American goods in British bottoms will always be apt to find poor and reluctant markets.

We may at least give ample remuneration to our own flag when carrying United States mails. We can also send able and wide-awake American ministers and consuls—knowing more of commercial business than of Apollo's lute—not only to Mexico but to every other government on the American continent, charged with the duty of making our Government and the country, the people and all of their manifold productions, better known, showing to them that we go down to the sea in ships, proving to them that we are not only potential neighbors, but really most enterprising friends, good enough for "human nature's daily use," and ever ready to meet them in any good work more than half way, as Mexico will find should any future Maximilian invade their territory.

It is parsimony to fit out one man to represent the United States as an itinerant minister at the capitals of three or four different nations. The State Department, so far as our foreign intercourse is concerned, and when not pregnant with unhealthy admiration of reciprocity treaties, is the most economical department of the Government. A more liberal representation of our country and its flag everywhere abroad should not be withheld; and our consuls should also be selected for well-known capacity to render active and efficient service, and not because they have neither ability nor industry to earn a living at home.

RECIPROCITY WITH MEXICO OR ANY INFERIOR COUNTRY IMPOSSIBLE.

Unwilling as I am to disparage the resources of any people, yet in making a national compact we should be derelict in duty to our own people were we to proceed wholly unmindful of the resources and responsibility of the party with whom we are negotiating. The rare beauty of the landscape and the natural advantages of the soil and climate of Mexico have been recognized through three hundred years of colonial bondage and fifty years of revolutionary vicissitudes. Her elevated plateaux, with their wondrous fertility when artificially watered, bring forth all of the products of the tropical, semi-tropical, and temperate zones. Unlimited northern grazing fields, vacated by the buffalo, give room for immense herds of cattle. Minerals everywhere abound, and silver seems to come forth from every smitten rock. The religion and culture of Southern Europe, such as it happened to be, were early sought to be imposed upon her people, overthrowing, indeed, human sacrifices and other Aztec superstitions; but with the departure of superstitions much of the early arts and of traditional Mexican splendors have also departed. The history of the country has been unfortunate, and has not kept pace in enterprises of "pith and moment" with that of her northern neighbors. Though once "loved and lost" by Spain, the mourning mother of colonies, brave soldiers and strong leaders of men have from time to time appeared in Mexico, but among her variously mingled and commingled inhabitants the material for stable human advancement in the principles and methods of free government, of law and order, has not, unless very lately, been in the ascendency, and its future industrial achievements are likely to depend too much upon colonies pushed by the intrepid greed of adventurers, not only from the United States, but from other countries and other hemispheres, when attracted by the extraordinary temptations we have proposed to offer.

A large amount of commerce with a country three-fourths of whose people are non-consumers of any foreign merchandise and contented to live almost exclusively upon corn and beans is impossible. Their whole trade, if we were to have it all, would hardly be more than that of one of our second-class cities, and the whole yearly value of the exports of all her states, as well as of their manufactures, is perhaps eclipsed by that of Texas, a State which broke away from Mexico, and so recently leaped fully grown into our Union. Outside of the precious metals, the entire exports of Mexico in 1883 amounted only to $12,178,937. The surplus available for foreign commerce will be found insignificant, and will furnish a slender and hopeless basis for reciprocal trade.

The character and habits of their population are almost insurmountable impediments to a large and progressive growth of commerce, which must always be based upon the natural and habitual industry of the people. One million only of the nine or ten million of her people are of pure Spanish lineage, the least industrious and the least bony race of Europe, holding, like their ancestors, that labor is beneath their dignity. Has any one heard of even moderate achievements, during recent centuries, of this proud and once prosperous race in any branch of trade or of laborious industry? Three or more million of the inhabitants of Mexico are of mixed breeds, African, Spanish, and Indian, the latter largely predominating; and the remainder, of about 5,500,000, are purely of the old aboriginal Indian stock, represented in the northern regions of Mexico by strong tribes of wild savages, most prosperous when at war with the more civilized inhabitants. This is the condition of the people—stamped with the features of their exhausted volcanoes and still troubled with earthquakes—upon whom the United States are urged to rely to build up a great and prosperous trade! On credit they may buy all we have to sell, but it will be Mexican credit, with all that implies of delay and insolvency, tempered by peonage. They are people living in a climate requiring for the major part less clothing than suffices for our blanketed Indians, and will be content to live as they long have lived, being races, whether pure or mixed, which never have been and are not soon likely to become producers of surplus commodities for sale or export.

A reciprocity treaty with the United States, on just and equal terms, is a financial impossibility, and could not be made, even by the illustrious hero of Appomattox (for whom I have great respect), except with a nation having an equal population, with a corresponding purchasing and consuming capacity. But no nation on the globe can offer these terms. Our acceptance of the "bad best," or of inferior reciprocity proposals is but the acceptance of international communism. Few nations are our equals in numbers, and no nation is comparable to the United States in the annual per capita production of wealth, nor consequently in the power of national expenditure and consumption. These facts alone forbid reciprocity treaties, which with us must always involve, as they do now, an equal exchange, no better than would be that of the American Lexington or Morgan horse and Jay-Eye-See for the Mexican mustang and stump-tail mule.

Notwithstanding these transparent facts, it is seriously proposed to give to Mexico, having only the comparatively small and heterogeneous population of 9,600,000, an opportunity, so far as the treaty goes, soon to enjoy on terms of equality the trade with over 60,000,000 of people, and a trade infinitely more valuable than that of any other country. I am unwilling to dilute the prosperity of the American people with such a sorry admixture.

I say this not forgetting that by the terms of the treaty itself Mexico is to have privileges immensely greater than those proposed for the United States. We are to open a great market, where the scale of wages is very high, for the chief natural productions of Mexico, and in return are offered a petty market for comparatively petty things where the scale of wages is very low. This kind of reciprocity may be illustrated by an incident in Scott's novel of "The Pirate," where Mordaunt and Magnus Troil sat down to drink brandy and water—that is, according to Scott, Magnus drank the brandy and Mordaunt the water. Obviously, here Mexico takes the brandy and the United States water only. Even St. John would not accept water on such terms.

It should not be overlooked that power has been reserved in article 5 of the treaty by which Mexico is free to make changes in her import duties by treaty with any other governments. When she does this our proposed pale-faced exclusive privileges, trivial as they may be, will grow "fine by degrees and beautifully less." Of course parties who make reciprocity treaties with us whenever it may be for their interest will make them with others. The chief European powers will not remain idle spectators of any monopoly of trade on our part obtained through treaties, but, if found to be of any value, will demand and receive equal favor.

WHATEVER MEXICAN AGRICULTURISTS GAIN AMERICANS MUST LOSE.

The treaty will be found to bear heavily upon our agriculturists—upon the owners of land. I do not think this class of our people are in a mood to be easily reconciled to additional and uncalled-for burdens. If there is a single article from the United States to be admitted into Mexico free of duty which will benefit farmers, planters, graziers, or owners of land, I have failed to discover it; but all there is of real importance to be admitted free of duty here, when coming from Mexico, will be found to be products of the soil or of pasturage, and all will come into most unwelcome competition with our own people. Look at the list of items we are to receive, and see if the facts are not as I have stated—for example: barley, beef, eggs; esparto and other grasses, and pulp for the manufacture of paper; fruits; henequen, sisal hemp, and other like substitutes for hemp; molasses, straw (unmanufactured), sugar, tobacco, vegetables, wood, and timber.

These articles, for the most part, admit of indefinite augmentation, and the amount which we may hereafter receive from the cheaper lands of Mexico, when cultivated in large haciendas by companies and coolies or by foreign emigrants (as have been those of Hawaii), should the treaty become operative, can no more be measured by the last year's productions than could the present crop of sugar in Hawaii have been measured by the crop at the date of the Hawaiian treaty. Mexico is a country with immense pasturage for sheep and cattle. The reciprocity offered, therefore, may be said to have "straw upon its horns," always among Spaniards the sign of dangerous bulls, and much pushing competition will be found lurking in every field. The climate and soil of nearly every State in Mexico admit of the production of tobacco and sugar. Not alone our own people, but other people will be, as they already have been, tempted to transfer their capital and machinery for the cultivation of these specialties to Mexico. Permit me to say frankly, if the American people are to be taxed for the protection of sugar in Mexico, and possibly in all the West India Islands as well as Hawaii, it is quite time to think not only about some real protection of American sugar, but of the total release of our own people from all taxes on sugar.

The farmers of our country will have reason to further appreciate the delicate left-handed attention bestowed upon them when they look at the lists of the articles we may export to or import from Mexico under the treaty. It is provided that we may take henequen bags, if made of Mexican henequen hemp, free of duty to Mexico "on condition that they be used for subsequent exportation with Mexican products." Such are the painstaking facilities we are actually seeking to bring Mexican barley, wheat, and corn into competition with similar products of the United States.

There is another item to be admitted free by Mexico, to which much importance has been attached—the loud cackle indicating that some biddy had laid an egg—and I hope it may not wholly escape attention, as the advantages claimed may possibly be disputed, namely:

Machines and apparatus of all kinds for industrial, agricultural, and mining purposes, sciences and arts, and any separate extra parts and pieces pertaining thereto.

All textile fabrics are excluded from the treaty, but to machines for their manufacture and to their owners Mexico is to open wide her doors. Practically very little increase of a market for American agricultural machines would be obtained, as even an Indian would be unlikely to buy any other. But the item punctuates the evidence that the great interests of the farmers of the United States have been altogether diligently surrendered. Agricultural machines and apparatus and any separate parts are to be invited and may be exported to Mexico duty free. Thus we have the high privilege of supplying without limit auxiliary forces to largely increase the agricultural products which we are to be bound to receive from Mexico free of duty. Will the American farmer look with composure upon this suddenly and secretly invited border rivalry to which he may be thus exposed, especially after the American reaper and kindred machines go to the ranches of Mexico and enable one man there to do the former work of five? Will he get a better price for his sheep and cattle or his barley and wheat? On the contrary, our commercial prosperity will be much like that of Coleridge's pig, which, while swimming down the river with wind and tide, it will be remembered, cut its own throat.

THE BARGAIN FOR US WRETCHEDLY BAD AND PITIFUL.

Having shown, as I believe I have shown, that the farmers and planters, never to be inebriated by reciprocity, are to derive no benefit from this treaty, and that their broad shoulders are to bear the chief part of its burdens—I was almost tempted to say insults—let me show up the sum total of the concessions which Mexico will be called upon to make to anybody and everybody in the United States. All of the duties released to us, based upon our export trade to Mexico in 1883, will be as follows, viz:

Petroleum	$472,045
Carriages	175,000
All other articles included by the treaty	95,306
	742,351
Less 10 to 15 per cent. difference of currency	74,235
Leaving total amount of duties to be remitted	668,116

The whole annual revenue of Mexico is not large, and the surrender by her of even six or seven hundred thousand dollars, as proposed, may be sorely inconvenient; but the statement shows that the chief portion of the duties to be surrendered, $472,045, was collected from petroleum alone, of which they are said to have an abundance, but to lack the enterprise to set it flowing. This American trade the Standard Oil Company would command without any aid from a national treaty, which they are not known to have asked for. We are not called upon to make any sacrifice on their account, and yet petroleum obtains nearly two-thirds of all the concessions granted to the United States. The duties collected by Mexico upon imported carriages amounted to $175,000. No other country than our own has supplied or ever can supply these carriages. The town of Concord, in New Hampshire, furnished stage-coaches for Mexico forty years ago. Indiana, Ohio, and other States are now largely in this line of trade, and their timber and skill assure it to them forever. No increased market for carriages, or for anything else of appreciable importance, will be gained in any region of our country by a bargain so barren of favors as that which is here proposed. Deducting petroleum and carriages from the account of our exports to Mexico, and we have for all other items named in the treaty upon which duties are to be relinquished the insignificant residuum of $95,306; and even this small sum must be whittled down a large percentage on account of the difference of the Mexican silver standard before we arrive at the actual sum total of the practically beneficial concessions promised to us by the treaty. For this paltry sum we are to throw away vastly more than an equivalent, to pinch and imperil extensive farming interests of our own people, risk many national entanglements, and yet its sanguine promoters, ever building "castles in Spain," would have us believe that a feat of magnificent statesmanship was about to be consummated by an international compact of untold comprehensiveness. There is, however, no sentimental statesmanship involved, nothing of carrying our flag, nor of the cross or crozier, as a missionary enterprise, but it is purely a sum in arithmetic, comprehensible by a child in Colburn's "First Lessons." I must be permitted to say, as a bargain it appears to me poor and mischievous, although as a diplomatic achievement we may at least feel consoled that we have not deceived the strong nor oppressed the weak.

The bargain, as a bargain, it will be discovered when carefully studied, fairly matches that of Moses, the son of the Vicar of Wakefield, who, having been intrusted to sell a colt at a fair, returned with the pack of a peddler, and said he had sold the colt for three pounds five shillings and two pence. This his mother thought no bad day's work;

and asked to see the money. "I have brought back no money," cried Moses; "I have laid it out in a bargain, and here it is—a gross of green spectacles, with silver rims and shagreen cases." It is needless to say that the "silver rims" of the treaty are likely to turn out no better, or "only copper varnished over." The theory of Mr. Darwin, through which the world has arrived at its existing perfection by the natural selection of the fittest, would seem to be refuted whether applied to the selection of the framers or to the selection of the commodities of reciprocity treaties. But if our tillers of the soil are to suffer, let us ascertain, if we can, to whom, if to anybody, the treaty promises prosperity.

NO OPENING FOR TEXTILE MANUFACTURES, AND NOT MUCH FOR ANYTHING ELSE.

There appears to have been little consideration bestowed by the treaty upon any United States export trade of manufactures, and none whatever upon textile manufactures. Cotton, woolen, silk, and linen manufactures are wholly ignored. Not a yard or thread of any of these is to be invited into Mexico. She retains all this trade to herself. While the widest streams of Mexican agricultural productions are to be allowed to pour in upon our country, only little puling rivulets, floating no great staples of commerce, nothing but the merest shreds and patches, are to go forth from us to Mexico in return. And yet the lofty pretension is made in some quarters that we have a compact which is to open a new and rainbow-tinted era, offering a great outlet for any surplus of our manufactures. Overproduction is to find a daily panacea and be only a memory of the past. But surely all this must be inspired by post-prandial dreams and destitute of any sober foundation. It is true that Mexico engages to receive free of duty a few small articles of iron and steel of a fragmentary and disjointed description, but there is no general or class inclusion of iron or steel, nothing of nails or spikes, nothing of cutlery, nothing of general house-furnishing hardware, and nothing of saddlery hardware, for all of which it might have been supposed there would be possibly some little demand. Instead of this the railroad corporations appear to have secured the foremost consideration, and iron and steel rails, locomotives, cars, and even their hand-trucks are to be admitted into Mexico free of duty. This might all be very nice for railroad repairs, but with the stock of the Mexican Central road down to less than a dozen dollars per share, the further construction of railroads does not seem to indicate "an incarnation of fat dividends," and may not after all be much encouraged. It is, however, more than suspected that the railroad managers had previously obtained Mexican promises for these identical favors, as in fact the same railroad articles under their existing laws appear to be exempt from duties, and therefore would be exempt treaty or no treaty. They, however, serve for padding, of which there is a prodigal expenditure to be found in the proposed treaty. For instance, the free-list for the benefit of the United States formally and ostentatiously embraces seventy-three articles, but of this number fifty-two articles were and are already free of import duties to all the world under the existing tariff laws of Mexico. This would look like a menagerie with its larger part made up of tame cattle.

It is well known, however, that the Mexican state governments, in defiance of the Mexican constitution, levy right and left what are called consumption duties, and if the treaty should have greater restraining force than the national constitution, these duties on treaty articles may be abandoned, but not otherwise.

TOO MUCH PRETENTIOUS PADDING.

The free-list proposed by us for the benefit of Mexico embraces twenty-eight articles, but of these eighteen are now free to all nations under the existing tariff of the United States. Take out the diplomatic padding, and this remarkable treaty at once shrivels up so as to actually cover only twenty-one articles on the one side and but ten on the other. One hundred and one articles are enumerated as the veritable component parts of chief value in this international compact, but the treaty, in sober truth after taking out the nests of empty boxes with nothing in the last box, will only modify or change the existing tariff laws of the contracting parties in relation to thirty-one of all the articles which have been so elaborately designated. Seventy of the articles are of the shoddy description, or free without the treaty, which leaves more than two-thirds of the treaty as bulky pretension, serving no purpose here except to create the false impression that the compact is valuable for all that appears on its face. In this statement I make no account of the nominal Mexican duty already mentioned of about one-fourth or half of a cent per pound applicable to nearly all of their imports.

I can not suppose that any Machiavelian deception has been intended by anybody, and, therefore, I had hoped, but in vain, that some friend of the treaty would move to strike out all of the articles which are now free to everybody under our existing laws, on the ground that it would be more to the honor and dignity of the respective countries, in the solemn terms of a national compact, when they mean nothing, to say nothing.

The PRESIDENT *pro tempore*. The Senator from Vermont will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. DAWES. I ask that the unfinished business may be informally laid aside.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending bill be laid aside informally in order that the Senator from Vermont may conclude his remarks. Is there objection? ["No objection."] The Chair hears none. The Senator from Vermont will proceed.

Mr. MORRILL. Of the twenty-one hop-o'-my-thumb articles (instead of seventy-three) to which Mexico is really to open her ports free of duty to the eager and ambitious trade of the United States, our people will learn with becoming rapture that among them will be found the following hitherto undiscovered and hereafter greatly to be appreciated nine wonders of future commerce, namely: Ice, dynamite, lithographic stones; sausages, great or small; wheelbarrows with one or two wheels, crucibles, faucets, accordions; henequen bags, on condition that they be used for subsequent exportation of Mexican products.

As Bean Brummel said of his Dresden china, these articles "are almost too fine to be looked at." The marvel is that some other equally important and kindred staples, found only in the milky-way of reciprocity, should have been overlooked, or that tripe, corkscrews, spigots, bootjacks, and hurdy-gurdies were not also included to complete the grandiose collocation. It seems that "motley is the only wear." Let me repeat from the original text of the treaty this part of the exquisite list of the goods which are to revolutionize international trade: Ice, dynamite, lithographic stones, sausages, wheelbarrows, crucibles, faucets, accordions, and henequen bags! Practically this congenial group embraces about one-half of all the articles upon which concessions are actually to be made by Mexico. What temptations are here disclosed, not to daze mankind in a museum of unique curiosities, but to laden argosies and continental railroads in new fields of commerce! Was ever a puissant nation in this humor wooed? Was ever any nation in this humor wed? If we must have reciprocity it appears to me that it should not be of this unfortunate and beggarly description, but something more worthy of our great Republic. If anybody has indulged the idle fancy that we are about to enrich and aggrandize our country by supplanting other nations in Mexican trade while leading off with such low commercial trumps as wheelbarrows with one or two wheels, or with sausages large or small, it may as well be dismissed as a delusion and a snare.

THE SUBSIDIZED RAILROADS LIKELY TO BREED NOTHING BUT NATIONAL CONFLICTS.

But it is said that the lately authorized railroads in Mexico will effect a revolution in the industrial character of the people, as well as in the variety and magnitude of their productions; but this is no more likely to occur than that health in the *tierra caliente* will become contagious. We are treated with too many prophecies in the air, which are most likely to be verified when the back of the man in the moon becomes visible, but not till then.

Marvelous claims are put forth on the ground that some of these railroad companies have been able to hire native laborers to help build their roads. In a country where labor has been accustomed to the slenderest compensation it would be strange if a few thousand workmen could not be obtained when new and extraordinary inducements were offered. When these works suspend, and some have already suspended, the temporary employment of the few thousand native laborers will cease, and with the disappearance of the prosperity arising from the lavish expenditure of foreign capital they will be relegated to their former complacent condition of idleness, indigence, and ignorance.

If the recent extensive system of lavishly subsidized railroads in Mexico had been adventured upon by a nation abounding in wealth and in gilt-edged credit from its debt-paying reputation, it would still be a doubtful experiment. Reliable support of railroads must chiefly be found in the thrift upon their borders. The lubricity of Mexican subventions will not last forever. Already the axles begin to creak.

I would by no means becloud the fortunes of those who have been, fortunately or unfortunately, induced to invest their money in Mexican ventures; but practical facts must control the actions of sober legislators, who ought not to be dazed by the tropical luxuriance of predictions concerning future possibilities. There is, perhaps, something too much of railroads in the warp and woof of the proposed treaty. After summarily forfeiting several prior charters, Mexico recently chartered railroads aggregating in length 17,194 miles, which, when completed and equipped, can not cost less than about $500,000,000. From whence is this magnificent capital all to be drawn? Not certainly from London or Paris, and the condition of not a few of our own dividendless railroad investments at home is not so brilliant as to attract further American contributions to enterprises abroad, where success would be much more problematical. A railroad halt here will not be the signal for an onward march elsewhere, even in Utopia.

Whether the success of our treaty depends upon the success of the railroads, or the success of the railroads upon the success of the treaty, is a complicated question, with which I do not propose to vex either myself or others by any discussion.

It is not possible that a large commerce shall spring up as by magic where there is comparatively none now, and where the people are too few in number and too poor to encourage its growth. I would gladly see the wealth, intelligence, and civilization of Mexico and the stabil-

ity of its government advance to a higher plane, but I do not think we shall aid her by inducing outsiders to revive the age of feudal proprietors upon all her large vacant estates, nor shall we aid her by sending restless adventurers there solely to gratify their greed for gain; and I am quite sure such a line of policy would not result to our advantage, but much to our disadvantage should it stimulate our hereditary Anglo-Saxon greed for the acquisition of all adjacent territory.

THE CLOUDY SIDE OF THE SILVER QUESTION.

Let me call the attention of the Senate for a moment to the silver side of the Mexican treaty. In our country we are hoarding for the most part our entire production of silver. We do not allow it to go out of the country as an article of merchandise, but with monthly precision and stolid endurance pile it away by millions and by tons in the painfully overloaded vaults of the Treasury, and restrict our exports accordingly to the same extent. Therefore the stipulation in the Mexican treaty that we may export to Mexico the precious metals or the legal money of silver and gold is as nugatory as it would be to grant the privilege of walking to a man whose legs were tied up in a bag. Our silver is tied up at home. The eccentricity of this provision, as an example of "carrying coal to Newcastle," challenges further attention when we remember that the track of silver ever has been and ever must be all the other way; that is to say, that the silver mines of Mexico are nearly as prolific as our own, and only a small part of their domestic product has ever been or ever can be absorbed at home.

Our entire imports from Mexico for 1883 were $17,960,109, and of this more than half, or $9,782,986, was in silver coin and bullion, which in 1884 was increased to $13,015,901. This was a large part of the annual production of silver in Mexico, where it is now very properly held to be sound policy to treat silver as one of the chief commodities they produce to sell. Mexican silver does and will come here—as overstocked as our market is likely to be—to compete with the silver produced from the mines of the United States. We have no laws, and nowhere but in Colorado is it proposed to have any, that will prevent this influx. It is the only commodity of which Mexico now produces a surplus with which to settle her yearly balance of trade with us. A demand, therefore, for our silver in Mexico may be looked for when more brimstone is called for in the realms of Pluto, but at no earlier date.

When this treaty shall be consummated there is little doubt that for the first time in our history some emigration will take place from the United States to a foreign country. It may be found more profitable to produce sugar and tobacco, hemp and beef in Mexico for our markets than in the United States, stimulated as all will be not only by cheaper land and cheaper labor, but by the large and special bounties offered by us through the relinquishment of our present duties.

Richer mines of the precious metals also may perhaps be found there than even in Nevada and Colorado. Adventurers will attempt the sudden acquirement of fortunes; and the silver mines of Mexico, glittering in history as well as in fable, will attract more or less the capital and the miners of the United States. From the application of greater numbers, with greater skill and better machinery, we may reasonably anticipate a much larger importation of silver from Mexico. If this were to be brought about without a drain upon our own people and our own capital, it would not be, perhaps, altogether objectionable, as all the silver received from Mexico will be received at its cash or bullion value. It might possibly interfere as an unwelcome and vigorous competitor with the profits of our own mines, and, if it should, some further depression in the commercial value of silver could hardly be escaped. That must be determined hereafter. But for myself I should much prefer to encourage our own mines and miners than to transfer either Americans or their capital to Mexico. If we are to have a deluge of silver, let it come from our own fountains and inure to the benefit of our own citizens and of those intending so to remain.

ALL EXPERIENCE ADVERSE TO RECIPROCITY.

The experience of our country should serve as an all-sufficient warning against so-called reciprocity treaties, with the reciprocity somehow always obtusely left out. The fault is not wholly to be imputed to the negotiators, but largely to the inherent impossibility of reciprocity, and yet, if such treaties are to be our daily food in the new and more resplendent coming era, as foretold, it might be well to provide a corps of profoundly trained diplomatists, equal to the "college of heralds and embassadors" of ancient Rome, or at least to have such as had learned some of the mysteries of commerce, some of the great highways of trade, some of the existing revenue laws, and also, in the solemn badinage of Sir Robert Peel to his friends when going to Paris—

They must understand the lingo,
Or they'll get cheated by jingo.

Our reciprocity treaty with the Canadas was so notoriously unequal and jug-handled that we have been offered large additional favors as temptations to a renewal. Our later arrangement as to reciprocity in the fisheries, with its hidden statistical frauds, was not one calculated to make us vain of American diplomacy. The preponderance of the favors granted by us beyond all doubt was worth millions, and yet we paid to the Canadas a bonus of millions to secure their acceptance. Our reciprocity treaty with His Hawaiian Majesty—a king with more alien Johnny Newcomes and coolies than subjects—is now maintained at a positive annual loss of nearly $4,000,000 of revenue on the sugar and rice duties remitted, and without any computable benefit to anybody, unless the benefits to Mr. Spreckels are computable, and computable not for any reduction in the price of sugar and rice on the Pacific coast and not because the kingdom of Kalakaua offers a market for American products, but for the reason that Mr. Spreckels, the sugared autocrat, and his sweet associates are the recipients of unearned millions annually, and hold His Majesty *sandwiched* in the hollow of their hands, flattering him with the éclat of a coronation and a triumphal airing in the royal courts of Europe, or curbing him with the suave mastery of a premier at their own sweet will and pleasure. In six years we have relinquished $13,717,436 of duties upon sugar and rice alone, while the gross value of all merchandise exported to the islands during the same time was only $13,033,314. This is the mountain of political ascendency bringing forth a mouse at Hawaii, supported by reciprocity, and all that has yet appeared of what is called "American influence," and we flatter ourselves with having American ascendency in the Pacific Ocean, but it is an ascendency incapable of withstanding the slightest aggression, exposed to the chances of sudden wars as well as of treacherous bribery, and which a modern gunboat, or a few Old World guineas, might extinguish in forty minutes.

The treaty we have had under consideration is of the same class of those mentioned, and will be found no less at war with our material interests. That is to say, it will be found that our concessions will ultimately be large and important, while those of Mexico, made up of trivialities, are wholly destitute of substance or of reciprocity. If the Senate had reached the conclusion to have a treaty with Mexico, then, as it seemed to me, it should have been carefully and decently amended, the "unlicked cub" should have been put in better shape by the Senate, so that when we go home to our respective States we might defend ourselves from the imputation of having hastily and unwisely consented to a compact with the unequal and peculiarly obnoxious conditions now presented. By its terms the compact can not take effect until the prescribed tariff shall have been enacted by Congress. Our only chance of escape with honor from the unfit and onerous compact will be to postpone indefinitely any tariff for Mexico only.

THE FREE ZONE, AS NOW EXTENDED, FATAL TO ALL TRADE SAVE THAT OF SMUGGLERS.

The former condition of the Zona Libre permitted all foreign dutiable merchandise to be imported into Matamoras, Reynosa, Camargo, Mier, Guerrero, and Nueva Laredo, in the State of Tamaulipas, free of all duties, except the nominal one of one-fourth or one-half cent per pound and 1.37 per cent. of the regular Mexican tariff on all imports. The goods thus imported were to be consumed in these towns, or transported to any other towns inside of the Zona Libre, and there consumed free of duties. This free zone was originally established by a decree of an *ad interim* governor of the then defiant, if not semi-disloyal, State of Tamaulipas, in order to build up, as it has built up, her border towns in competition with American towns, and it has succeeded in gathering a reckless population of flourishing and desperate smugglers, who are as eager for the business of illicit trade in domestic as in foreign merchandise, one way as the other, or as ready to defraud the Government of Mexico as that of the United States.

The trade through this free zone is largely supported by importations from Europe. While it exists it must heavily countermine the supposed advantages of any so-called reciprocity treaty. How are we to prosper, though having a free entrance at the front door of Mexico for a limited number of unimportant articles of American production, while back doors of Sodom and Gomorrah, as these free towns have been called, are left wide open and free for the universal admission of foreign productions of all descriptions? Some assurances were given that the national government of Mexico would soon be able and willing to abolish this very anomalous Zona Libre. If any such intention really existed, why was it not secured and riveted by some proper provision of the treaty? With such an ominous and overwhelming outlet and inlet, extending hundreds of miles along the boundary line, where smuggling is life's gamy business, opening a career to both sexes more remunerative than any other, the treaty could not be expected to hold even water except by a miracle, certainly not to hold anything of solid substance.

Rats have been said to mark the progress of civilization by keeping pace with the progress of railroads, and the free zone, no less enterprising, appears to follow the railroad progress of civilization in Mexico by an extension north to and beyond Paso del Norte. Looking, as we were taught to look, for the suppression of this licensed invasion of their constitutional laws, we discover instead its broad extension by a further national legislative act, passed since the date of the treaty, and of which the Senate certainly had no timely information.

It now appears that goods exempt from duty may be sold for consumption "to supply the towns of all that frontier line," from Matamoras to Pas del Norte, Nogales, and "as far as the limit of the respective municipal jurisdictions toward the interior of the country." After this how much will our treaty-bought privileges be worth? If reciprocity trade would have had much to encounter from the prior extent of the free zone, it will have much more to encounter from

this recent almost boundless expansion, with the possibility that the end is not yet reached. Our entertainment will be much like that prepared by the fox for the stork, and foxy Mexico, seeing that we partake so sparingly, may express sarcastic regrets "that the dish was not seasoned more to our taste."

The initiation of tariff bills, in whole or in part, or the ingenious legerdemain of substitutes, sent here in the shape of reciprocity treaties by the executive department of the Government, is not only an encroachment upon the privileges of the other House of Congress—breaking the very heart-strings of the Constitution—but contrary to the fundamental principles of our Government, wholly unrepublican, and only in harmony with empires and monarchies where the executive originates and monopolizes the introduction of all the leading legislative measures. A reciprocity treaty, wholly unknown to our fathers, is a modern invention, which, like the Trojan horse, hides in its belly all of its sinister and miscreated forces, including its insidious and ravenous absorption of revenue. This recently developed executive power I greatly fear threatens to increase, and not only ought to be diminished but wholly and forever inexorably denied. Should this power, unfortunately, be triumphant, so much of our revenue will be sacrificed as to require the early and prompt creation of new sources of revenue. I am unwilling to collect any revenue from our people for the sole purpose of giving it away to foreigners through reciprocity treaties.

I am willing to confess that I am not without some apprehension that future border difficulties may be engendered by measures of so-called reciprocity. Three-fourths of all wars arise directly or indirectly from the eagerness of foreign trade, its frictions, accidents, and complications. Investments of American capital in Mexico will give rise to conflicts of interest, to strife between the herdsmen of Abram's cattle and the herdsmen of Lot's cattle, and possibly to some flagrant wrong or violation of compacts, which even an unstable and revolutionary people must be called upon to atone, and which diplomacy may find no way to adjust except through a further transfer to us of territory. With the territory would come its miscellaneous tribes of inhabitants. Our own territory is now well rounded out, needing nothing for a scientific boundary, needing nothing for its symmetry, prosperity, or convenience, and we need no such inauspicious augmentation of our population as would follow. Little political confidence can be reposed in the transplanted Latin race, still less in the Indian race and its hybrids, for the maintenance of liberty, law, and republican institutions of government. We are already sufficiently weighted. Let us say to Mexico, "We will go this way and you may go that way, and we will live in perpetual peace and friendship, for we are republican brethren."

CONCLUSION: THAT ANY TARIFF FOR MEXICO ONLY SHOULD BE REJECTED.

I shall be constrained to oppose any legislative action required to carry the treaty into effect, first, because, as it appears to me, it is incurably wrong, a downright and flagrant invasion of the rights of Congress, and of the House of Representatives, to them exclusively granted by the Constitution.

Second, because a fair interpretation of the "most favored nation" clause in all of our treaty compacts forbids it, and controversies on this point, which must strain our relations with all friendly nations, should be carefully avoided.

Third, because the whole boundary line of the State of Tamaulipas on our border has long been and is now a Zona Libre, where merchandise from all foreign countries is admitted duty free, and the national government of Mexico seems to have neither the power nor will to prevent it, but since the date of the signatures to the treaty has authorized by law its very large northerly extension.

Fourth, because the treaty, if now made operative, will impose an unlooked-for burden upon farmers and planters, bringing the whole territory of Mexico into direct and untaxed competition with our own people, and that without any sufficient reciprocal or adequate compensation.

Fifth, because we have no opening presented for the export of any class of our productions, except in homeopathic prescriptions of no respectable magnitude and destitute of all national importance.

Sixth, because it would be likely at an early day to transfer the base of an incomputable share of cattle-raising, and of sugar, tobacco, and other important American industries, to a foreign land.

Seventh, because it would show Mexico to be the goal to-day from which we might start next week for South America, and the week after for Canada and the rest of mankind; and would also show that we are willing and eager to accept as a precedent for the future the far-reaching innovation of reciprocity treaties, though of the smallest merit and however undeserving acceptance.

Eighth, because it may hereafter contribute the materials for a Gordian knot, only to be cut by the acquisition of territory we do not need, and of inhabitants we do not want, as they seem better schooled to local revolutions than to the government of a republic.

Ninth, because such treaties are unrepublican in their origin and character, having been sternly and unanimously rejected by the earlier statesmen of our country, and because they obviously tend largely to the increase of the executive power by making Congress the obedient registers of its will.

I ask that the resolution may lie upon the table.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The resolution will lie upon the table, if there be no objection?

Mr. LAPHAM. I give notice that I shall ask to continue this discussion after the close of the routine business to-morrow morning by offering some remarks upon that portion of the President's message which relates to commercial treaties.

LIGHT-HOUSES AND FOG-SIGNALS ON NARRAGANSET BAY.

Mr. SHEFFIELD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to inform the Senate, without unnecessary delay, whether there exists a public necessity for the construction and maintenance of additional light-houses and fog-signals in order to afford proper facilities for the navigation and shipping employed on the waters of Narragansett Bay; and, if so, what light-houses and fog-signals are needed for that purpose; at what places should they be located, and what would be the probable cost thereof; and if any report in reference thereto is in his Department from the Light-House Board, that he communicate a copy thereof to the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays.

INTERSTATE COMMERCE.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business of yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, the pending question being on the amendment of Mr. CULLOM to add, at the end of section 11, the following:

And said commission shall accompany its first report with a bill presenting a just and comprehensive code for the regulation of the transportation of commerce among the States, which said bill shall embrace provisions for establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part rail and part water-routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation and in the preparation of said bill, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

Mr. CULLOM. The amendment which was offered by the Senator from Iowa [Mr. WILSON], and which was withdrawn by him with the understanding that I should reoffer it, is now before the Senate as the first amendment to be considered. I have no remarks to make upon it. I suppose the Senator from Iowa wishes to be heard.

Mr. WILSON. I do not wish to occupy the attention of the Senate on the amendment further than to say that its purpose is to impose a duty upon the commission, should the pending bill become a law, to pursue certain lines of investigation, and to report to the Secretary of the Interior in time for Congress to have the benefit of their findings by the commencement of the first session of the next Congress. There is nothing in the amendment which commits any person to any line of policy. It merely directs the investigation, with the results to be presented, accompanied by a bill in which shall be formulated the principles involved in the investigation directed.

Mr. CULLOM. I inquire of the Senator from Iowa, if he has his amendment before him, whether he would be willing to strike out, in line 5, the words "both maximum and minimum," and leave the rest of the amendment stand? I think the Senator will find that there will be serious opposition to the amendment with those words in. With them out, so far as I am personally concerned, while I have not the authority to speak for the committee, I would not object to the adoption of the amendment.

Mr. WILSON. As I have just said, the amendment commits no one to the policy of establishing a system of maximum and minimum rates. It simply directs the commission to pursue that as one of the lines directed in the investigation; and we are to get the results of the investigation concerning that feature of the amendment the same as the others embraced within its terms.

Mr. HARRISON. If the Senator from Iowa will allow me I will state one objection that I think I see in the amendment. If I were an advocate of a law which should establish maximum and minimum rates of transportation, I should not want to submit the framing of such a law to a commission that might be opposed to it. The commission is to report upon this question. Suppose after a full examination of the whole subject they should be unanimously of the opinion that an attempt to establish by law maximum and minimum rates for transportation was altogether unwise and not feasible? Now, to lay the duty

upon a commission holding such an opinion as that to frame a bill which should establish maximum and minimum rates I think would be illogical. I would rather frame it myself if I were in favor of it. Therefore I think if the Senator will get the facts and let the proper committee frame the bill, if one is to be framed, when the time comes, he will accomplish all that ought to be done.

Mr. WILSON. I should prefer to have the commission, which we direct to pursue this investigation upon certain lines, to give us a bill in accordance with the results of their investigation. Nobody is bound by their finding. It merely gives a result.

Mr. HARRISON. The Senator is mistaken. He does not require them to give a bill which may be conformable to the results they have reached at all, but he compels them to present a bill establishing a system of maximum and minimum rates, even if their opinion is clear against it.

Mr. WILSON. That can be of no disadvantage. We shall at all events get the best thought of that commission on this subject, and it is one of the most interesting features in the entire range of the investigation. If we can arrive at their best judgment as represented in the provisions of such a bill as they may present under the operation of this amendment it will certainly aid us; at least it can do no harm.

Mr. HARRISON. I think that the bill already calls for full information on this subject and for such recommendations as these commissioners after the experience of a year may feel willing to make to the Congress of the United States. Now, I am willing that the scope of that investigation shall be just as broad as possible, that it shall embrace this business of transportation in every detail, and that the facilities for making the investigation thorough shall be most ample; access shall be given to all the books and papers of every railroad company; but I doubt the wisdom of requiring that commission to report a bill with the limitations that are proposed in this amendment. They are not left free to report such a bill as they think ought to be submitted to Congress, as the Tariff Commission was, but they are required to report a bill which shall contain certain features, even though the commission should be unanimously of the opinion that Congress ought not to pass a bill containing any such features at all. It would come to us, and it would be said, "Here is the bill presented by the railroad commission." It would be known as "the railroad commission bill;" and yet it might be a bill that did not have the approval of a single member of that commission. As I have said, if I believed in a system of maximum and minimum charges by law I should want to commit the framing of that bill to some committee or some commission that agreed with me, not to a committee or commission that did not believe in establishing maximum and minimum rates. Therefore I think the Senator is wrong in principle when he requires them to report a bill containing a schedule of maximum and minimum rates. Suppose the commission should say, "We can not do it; it ought not to be done at all;" yet they are under the compulsion of this amendment to present such a bill and let it come before us as the commission bill.

This amendment says:

And said commission shall accompany its first report with a bill presenting a just and comprehensive code for the regulation of the transportation of commerce among the States—

That gives them discretion to frame it according to their wise view of what is proper, but it is added—

which said bill shall embrace provisions for establishing a system of both maximum and minimum charges for transportation.

It does not leave anything to their discretion. They are compelled to include in that bill such a system, and it would seem by reporting it that they gave it some sanction.

Mr. WILSON. Does the Senator suppose that the imposition of this duty upon the commission will prevent them from pursuing any other line of investigation or giving us any other results no matter how different they may be from the provisions of this amendment? Not at all. My purpose is to compel an investigation upon certain lines which will result in the formulation of a bill such as is described by the amendment; and the commission may go as widely over the field as they please. They may report a bill in accordance with the duty imposed by the terms of the law if the amendment shall be adopted, and report any other number of accompanying bills, and give us their best judgment. But I desire to have a definite investigation of the very difficult subject involved in the question of a system of maximum and minimum rates. If upon that investigation it shall appear that that is impracticable, all well. The mere fact that they are required to formulate the results of their inquiries in a bill will not detract from the effectiveness or value of the investigation and the consequent report.

Mr. HARRISON. Why, Mr. President, as I have said to the Senator from Iowa, I agree that this investigation ought to be without limit. I say it seems to me that it is absolutely without precedent to lay upon a commission that is charged with the duty of investigation a requirement that they shall report a particular measure. The Senator does not leave this open to their investigation. He concludes it now by this amendment.

Mr. WILSON. Not at all.

Mr. HARRISON. He says, "You shall report to us a bill fixing maximum and minimum rates, whatever your view may be, although the information that you bring us and the experience and observation of the year may satisfy every one of you that there ought to be no such bill, but even if you think so you have got to frame one."

Mr. WILSON. But at the same time they may accompany it with any recommendation or any number of bills they please touching the subject.

Mr HARRISON. Then, as the Senator from Massachusetts [Mr. HOAR] suggests, the difficulty would be obviated by inserting "if they shall see fit," or "if they shall believe they ought to report such a measure." That meets my point. Otherwise suppose their report comes in and they say it is utterly impracticable, that it would demoralize transportation?

Mr. WILSON. The answer to that is, that the commission never will come in with such a statement as that without having investigated the subject, and unless you impose the duty of that investigation upon them they may not pursue that branch of the subject at all.

Mr. HARRISON. I have said repeatedly that I want the investigation to be as wide as possible. The Senator from Iowa can have no controversy with me on that. He may make it as broad as he pleases; I want it to be broad; but the point of my objection is that we shall require them upon a specific point involved in this investigation to report a bill of a certain kind absolutely, divesting them of all discretion in framing their bill. If they should be of opinion that this ought not to be in the bill, they are obliged to come in here and here is the commission bill containing a system of maximum and minimum rates and charges reported to us.

Mr. WILSON. That would be the bill which they would report under the limitations of this amendment; but if their judgment should be against the practicability of such a measure, they can report also another bill or any number of bills. This limitation merely holds them to an investigation of the subject, the results of which shall be given us in this bill.

Mr. HARRISON. If that is so, why will not the Senator consent to an amendment that shall require them to investigate and report the result, instead of compelling them to report a bill with this feature in it?

Mr. CULLOM. Mr. President, for the purpose of enabling the Senate to understand what the bill itself contains on the subject of investigation and reports to the Congress, I will read the section originally in the bill, and which is in the bill now, requiring a report from the commission:

SEC. 11. That the commission shall, on or before the 1st day in December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of interstate commerce, together with such recommendations as to additional legislation for the regulation of interstate commerce as the commission may deem necessary.

That is the section reported by the committee in reference to the report of the commission. On the motion of the Senator from Iowa [Mr. WILSON] an amendment was adopted a day or two ago to section 2 which requires the commission "to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as may be necessary to the establishment of a just system of regulations for the government of the same."

That provision which I have just read has been added to the bill as a part of section 2. Now the Senator from Iowa offers his amendment, which has been explained by the Senator, and much of which to my mind is proper, and I have no objection to very much of it. In fact, I would vote for any of it personally if the words "both maximum and minimum" were stricken out. It leaves the amendment after that with the duty imposed upon the commission to make investigation, and to report a bill which "shall embrace provisions for establishing a system of charges for transportation and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities," &c.

So far as I am personally concerned I should be inclined to support the amendment with those two or three words out of it. I hope the Senator from Iowa will eliminate those words, so that the vote upon the rest of the amendment may be taken.

Mr. WILSON. I do not feel willing to eliminate the words mentioned by the Senator from Illinois. If the Senate, however, choose to amend the proposition by voting those words out, of course I can not help it. There will be enough of the amendment left to induce me to support it after the elimination; but I prefer not to consent to the words being stricken out. If it is done by the vote of the Senate, of course I can not avoid it.

Mr. CULLOM. If it be in order, I move to strike out in line 5, of the amendment, the words "both maximum and minimum."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois to the amendment of the Senator from Iowa.

Mr. CULLOM. My motion is to strike out of the amendment offered by the Senator from Iowa, though it appears as offered by myself, the words in line 5, "both maximum and minimum."

Mr. McPHERSON. I have in my hand an "amendment intended to be proposed" by the Senator from Iowa [Mr. WILSON], and I find those words on the second page, in line 9.

Mr. HARRISON. The Senator will allow me to explain. The amendment offered by the Senator from Iowa was temporarily withdrawn with the understanding with the Senator from Illinois that he would reoffer it, and as it stands now it is an amendment purporting to be offered by the Senator from Illinois.

Mr. CULLOM. The words I speak of are in line 5.

The PRESIDING OFFICER. The amendment now pending is the amendment offered by the Senator from Illinois [Mr. CULLOM], but really is the amendment of the Senator from Iowa [Mr. WILSON].

Mr. WILSON. Modified.

Mr. CULLOM. Substantially the same amendment.

The PRESIDING OFFICER. The Chair made a mistake in referring to it as the amendment of the Senator from Iowa, as it was simply the understanding that it was his. It is offered by the Senator from Illinois.

Mr. HARRISON. I want to call the attention of the Senate, and especially of the Senator from Illinois, to the effect of this amendment which he proposes. It seems to me it leaves the original amendment in a more objectionable shape than it was before; for whereas the amendment provided that the system of charges reported should be maximum and minimum, the amendment with those words stricken out will read:

Which said bill shall embrace provisions for establishing a system of charges for transportation.

Instead of fixing outside and inside rates of charges they would be required to make a schedule, if the amendment of the Senator from Illinois is adopted and then the original amendment is adopted. I do not want to repeat what I have said, but this whole amendment simply directs the commission to report a bill which shall contain certain things, not only the one to which I have referred, but they shall report a bill "for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points."

They must frame a bill by which the same rate of charges would be established between non-competing as competing points. In other words, while it may be that the Senator from Iowa is right, and the bill which we shall adopt when this report comes in should contain every one of these things, what I object to is establishing a commission for the investigation of certain questions, and then foreclosing that commission in advance by directing them to report a bill which shall contain certain things.

Mr. CULLOM. Mr. President, the only reason why I vote for the amendment with those words out is that the remainder of the amendment is of a general character, and as I think will enable the commission appointed to report just such a bill as they think is necessary in the premises. But with those words in they would be compelled to report a bill fixing maximum and minimum rates, and I do not feel ready to commit myself to that proposition.

Mr. HARRISON. May I ask the Senator from Illinois whether as he leaves the amendment they will not have to report a schedule of charges?

Mr. CULLOM. As the amendment would be left with those words out, the bill would necessarily have to embrace "provisions for establishing a system of charges for transportation and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same shall be competing or non-competing points."

Mr. SEWELL. Let me suggest to the Senator from Illinois that he also strike out "charges for transportation and," so as to read:

And which said bill shall embrace provisions for establishing a system for the preservation of free competition, &c.

The fixing of a rate by Congress in view of the facts I presented a few days ago showing that the cost of railroad transportation runs from less than half a cent per ton a mile to 20 cents per ton a mile on some railroads seems to be perfectly absurd. We can not fix a rate to cover all; it is a physical impossibility unless you choose to wipe out some corporations. That is a matter which must be left to the good sense of the commission absolutely.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois to the amendment of the Senator from Illinois.

Mr. BAYARD. Mr. President, before any further elaboration of these propositions is made by the Senate, I would venture to make a suggestion to the Senator from Illinois, in view of the fact that the matter touched by these bills and the amendments is one of the most important under any sense of the word that we can consider, and especially as it embarks for the first time upon a very great question of constitutional power in the regulation of commerce between the States. It is perfectly well understood that all the agencies of interstate commerce, all the agencies of transportation except the natural highways of water, are the creation of State charters and State incorporations. I am not here for a moment to deny, but on the contrary rather to affirm, the great necessity for some regularity of proceeding for the citizens of this country in regard to their intercommunication; nor am I here to seek at all to restrict the concession of power to the Congress of the United States to regulate commerce between the States. I am disposed to believe that the most intelligent and able of those minds now concerned in the business of transportation of merchandise and passengers between the States of this Union are to-day themselves as much as any impressed with the necessity of something like uniformity in the regulation of their business. But, sir, just in proportion to the gravity of this power and its importance, so is the necessity for a deliberate approach to the execution of the authority confided to us.

It is not a violation of the rules of this body to refer not to the debates or to the action of the co-ordinate branch of Congress, but to the fact that before the House of Representatives measures touching this same question are now pending, and if not approaching a finality of consideration are certainly under consideration, and that we may reasonably expect propositions in one form or another relating to this same great business to come to us in the course of a few days. Now it is obvious that there is not only a waste of time, but there is something more—the danger of the conflict of the pride of opinion between the two Houses that may lead to a disagreement in the event of our pursuing this great subject by separate paths at the same time. The regular course of legislation is for the origination of a bill in one or the other House of Congress, and after it has been matured as well as that body may see fit and has passed, then to submit the result of their opinions to the co-ordinate branch in order that there may be reached the great finality, concurrence of judgment between the two Houses upon any public question.

Now, therefore, as it is well known as a public fact, and known to us individually and known to us as members of this body, that the whole of this question is to-day, and even as I speak to-day, under debate at the other end of this Capitol building, I submit to the honorable Senator having charge of this measure whether it is not eminently wise and proper to delay the consideration of this class of measures until we have the outcome of the consultations and judgment of the House. I can well understand that if Senators shall take a stand so to speak, if there shall be here expressions of opinion positively made in advance of the action of the House, gentlemen may be unwilling perhaps to retire from such expressions; and that is unfavorable to that community of thought and community of action which is essential for legislation.

I will also say for myself that I do desire longer time and more knowledge than I now possess, before passing on questions of such far-reaching magnitude. Whether or not we may throw the action of the two Houses under the consideration of the judicial branch, to have questions put to us as to whether our action has been within the warrant of our powers, is something that I would greatly rather avoid. I never desire to vote upon a question of doubtful constitutionality. I think the affirmative and the affirmative proof is always upon Congress to show that they have the power to do that which they attempt to do or propose to do, and not that they shall legislate in doubtful premises. Therefore it is that I hope, quite irrespective of the merit or demerit of the amendment now proposed, that the entire question may be allowed to rest here until we shall have learned something more determinate of the action of the other House, which is just as essential for the practical enactment of any measure as our own, before we proceed on parallel lines with them—parallel lines that may never touch—in debating questions which simply occupy time without bearing fruit in practical results.

I know very well that the questions embraced in these bills have engaged the attention of my honorable friend from Illinois, and in regard to which we have heard from him from time to time are of enormous importance, important to every branch of American industry, important to individuals, important to communities, important to those vast aggregations of power and capital called incorporations; but just in the same measure that I perceive their importance so do I view the necessity of our being very guarded here in our action upon them.

I hope therefore the Senator will allow this measure and its amendments, as it now stands before the Senate, to be laid aside, not waiving any right of priority which it may have attained by being now taken up. I make the suggestion, not with a desire to avoid it or postpone it unduly; but the whole class of measures, the claim of power, the extent to which that power shall be exercised, are questions that require close scrutiny, for we have no legislative precedents upon the subject. Plain as may be the declaration of the power in Congress, it is certainly true that Congress has never up to this period in American history assumed to exercise the power. The power to regulate commerce is of itself one of ascertained judicial definition, and it is a very serious question how far the Congress of the United States may interpolate new conditions in the contracts formed by corporations or by individuals with the several States under the authority of law.

I hope, therefore, that this measure will not be further considered at this time. I submit to the honorable Senator having it in charge that we are, as I said before, moving upon parallel lines with the other House. That is not a proper method of legislation, because it is intended that the minds of the two Houses should go together, and for that purpose it is proper to have the determination of one before the other assumes to criticise or act upon it. I desire to see and I expect to see in the rational course of events measures relating to this great

subject passed by the other House and laid before the Senate. In that case we can consider what has been done, we can amend it according to the discretion of the Senate; but I submit respectfully to my friend from Illinois that his independent measure debated now, voted upon now, will rather tend to keep the action of the two Houses asunder and destroy that uniformity which is necessary for the purpose of enacting any law. That end is not reached by our acting separately and without regard to what is being done elsewhere.

Mr. CULLOM. In answer to the suggestions of the Senator from Delaware, I desire to say that this bill has been before the Senate now for many months. When I came into the Senate more than a year ago I was impressed with the feeling and belief that something should be done upon this very important question, and having been placed by the Senate upon the Committee on Railroads I gave it some attention. I prepared a bill, introduced it in the Senate; it was referred to the committee, amended and reported back by the committee to the Senate during the last session of Congress, and it has been upon the Calendar ever since.

So far as I am concerned I am not able to see any reason why the Senate should suspend the consideration of this very important subject because, forsooth, the other branch of Congress is considering the same subject. If the Senator is not aware I will inform him that that body has been considering this subject, as I understand, with the distinguished member of the House who now has charge of it there, about ten years. They have had all kinds of bills before them; they have been voted down; they have been debating them from session to session, and, as I am informed by the Senator, they are doing so now.

If it has come to be that the Senate of the United States, when it finds that the House is considering a subject, must lay it aside until the expression of the House is sent over to us in the shape of a bill, there are a good many other questions that we might lay aside just as well. I do not suppose that any man, either here or in the other House, knows what the action of the House is going to be on this subject. They have been debating it, as has been said, for a long time; there is a diversity of opinion upon the question; and it does seem to me if there is that importance attached to it that the Senator himself says there is, and that I believe every Senator regards as being attached to the subject, it is our duty to prosecute the question until we come to some conclusion about it.

There are before the Senate amendments to the bill covering, as I understand, the bill that is now under discussion in the other House, as well as other substitutes and amendments. The probability is that if the House is going to pass a bill at this session, it will have passed it and it will come into the Senate before the Senate concludes the discussion and consideration of the question. But I do not feel myself that there is one Senator upon this floor who would be doing right by the Senate or right by the people of the United States if he were to postpone the consideration of the question, important as it is, to await the action of the House of Representatives.

It seems to me that it is my duty and the duty of the Senate, now that the subject is before us, to proceed with the consideration of the bill. If in the mean time, before our consideration of the question is concluded, the House of Representatives should pass a bill upon the subject and it should come before us, there will be time then to determine whether that bill shall be substituted for the bill now before the Senate for consideration, or what shall be done with it; but I think we ought to go forward with the consideration of the bill that is now before us.

I am very sorry that my distinguished friend the Senator from Delaware does not feel himself thoroughly acquainted with the question. I think his expression upon that subject is more the result of his own modesty than a statement of a fact. I think when we get into the consideration of it the Senator will know as much about it as any other man upon this floor.

I hope the Senator will allow the discussion to go forward, that he will allow the consideration of the bill now before the Senate to proceed, and in the mean time, while it is being considered, the substitute offered by the Senator from Oregon [Mr. SLATER] will come before the Senate for consideration, which, I understand, is the exact bill that is under consideration by the House of Representatives.

Mr. BAYARD. Of course the practical object of either House of Congress is not only that a bill may pass its own consideration and obtain a majority, but in such form as to procure concurrence in the other branch. The assent of both Houses is essential. Therefore it is a practical course of legislation so to arrange the consideration and presentation of measures as to procure that which is essential for all laws, the concurrence of the co-ordinate body.

My friend says that for ten years the House of Representatives has been considering this question. So in some degree has the Senate. Certain it is that no measure as yet has been sufficiently matured to meet the independent judgment of either body, for as I am informed no bill upon this subject has ever passed either House of Congress.

Mr. CULLOM. I am informed by some Senators here that the statement of the Senator that no such bill has ever passed either branch is a mistake. One was heretofore passed by the House of Representatives, I understand.

Mr. BAYARD. Then, without considering its merits, I understand that a bill did pass the House a few years ago; but certain it is it did not meet the concurrence of the Senate; it never became a law, and we are as far off as we were originally.

My desire is that the minds of the two Houses shall come together upon this important subject. The question is how that shall be facilitated, and I certainly do not think that it is to be facilitated either in point of value or in point of time by proceeding upon parallel lines, which, as I said before, will never touch.

The commerce of the United States may be generically divided into exterior foreign commerce and interstate domestic commerce. Of the two we are told by high statistical authority that our internal commerce, the bargain and sale and contract among our own people and at home, outnumbers many times the whole of our foreign transactions and exchanges. I do not know how many times more. I have heard it estimated at twenty times as much. I believe that amount has been somewhat by guesswork, reduced to ten times; but certain is it that the bulk of American interests affected by interstate commerce far exceeds many times over the whole body of our exterior commerce with foreign nations.

Now, what is proposed by the Senate bill? Without going into particulars or details, it is proposed that the whole of a commerce five, six, eight, ten times as great as our foreign commerce, shall be submitted to the control of a commission of five men. Certain it is that if such a proposition had ever been made in regard to the foreign commerce of the United States it scarcely would have received respectful attention. We have had a body of commercial regulations, formed of necessity and instructed by experience following since the foundation of the Government. The body of our commercial regulations with foreign nations is very vast and complicated, much of it useless perhaps, a great deal obstructive; and nevertheless it has been a great growth, running through all the generations that have here lived since the foundation of the Government. Suppose it were now proposed to substitute for that great body of law, good, bad, and indifferent as it may be, the regulation of a commission under some such act as we find here to-day, would it receive a single vote in this Chamber? I apprehend not. And yet it is proposed to submit interests tenfold as great as the foreign commerce of the United States to the control of a single commission composed of five men.

The Senator from Illinois will see that I do not underrate the importance of the business in hand; but I do question most seriously and fundamentally the manner in which he proposes to deal with it—five commissioners, who shall take the affairs of all the great railway and canal companies and other means of transportation, and become the superior board of direction for all this great business, and have the power to pass upon such questions as are suggested by the bill. And the commission is to be "appointed so that the different interests affected"—that means to say the great industrial and leading interests of this country of sixty millions of people—"shall have a proper representation" upon the board of commission. What is "a proper representation?" Upon what basis is the propriety of that representation to be fixed? Is it to be upon the pecuniary interest or upon the number of people involved in it, the livelihood of a given number of inhabitants?

Further, they are to fix "a reasonable rate of compensation." I apprehend that questions of reasonable rates of compensation have engaged men all over this country by hundreds and thousands; and the quarrels, the objections, the protests, the litigation that has followed upon the attempt to bring the common carriers under some general rule of "reasonable rates of transportation" in the exercise of their powers has been more fruitful of indeterminate and unsatisfactory contests than almost any question that can be named.

I hope I shall not be understood as expressing here an unalterable determination to oppose the scheme of the honorable Senator and those who may think with him, but I have said this much only for the purpose of showing that we are attempting to deal in a somewhat summary manner with interests far greater than those which have ever been made the subject of regulation by a commission. A government by commission has in it strongly the suggestion of an unwarranted delegation of discretion. If the Congress may pass what laws they will in respect of regulating traffic, it is very much to be considered, and I submit it for the consideration of those who have interest in this subject, whether the discretion of Congress as to its regulations can be deposited in five men to be chosen by Congress.

This bill, as I have read it, abounds in discretionary powers. What has been commonly called the "rule of thumb" is to be found here in almost every section. Whether it "shall seem to be just," "shall seem to be reasonable," "shall seem to be proper," is the rule laid down; and whose minds are to be affected by these opinions and by this discretion? Five commissioners; and they are to deal with interests ten times greater than the whole external commerce of the people of the United States.

I say that nothing can exceed the importance of this question. Its magnitude grows the more it is considered. For that reason it is important that we should deal with it wisely; and in order to deal with it at all there must be concurrence between the two branches of Congress. I submit that even if it has taken the House of Representatives ten years or six years to mature a bill that came into this body only to die,

ten years of gradual approach and deliberation upon a subject of this kind is much wiser than one year of too great progression in a decisive direction that may turn out not to have been wise.

But sir, without regard to the wisdom or the want of wisdom of the measures proposed to the Senate, it is perfectly plain as a practical question that the concurrence of the judgments of the two Houses is essential for the purpose of framing law. We know that even to-day (and I have the right so far to refer to it), this very question is pending and under debate, it may be that it is now being voted upon, twelve hundred feet from where we now stand. It is plain to me that if we wish to be practical and to reach some result upon this very interesting subject we had better await some finality, some determination, some expression of judgment on the part of those whose concurrence is as essential to our suggestion as our own is to them. Neither can act by itself. It is the joint will of the two Houses and the constitutional majority of both that are essential. Therefore as this measure, I think not improperly—I do not say necessarily but not improperly—originated in the other branch, I prefer to see what they propose shall be done in this question. When it comes before us then we shall see whether we can concur or not, or concur with such amendments as shall be reasonable and proper.

I did not mean to express any opinion upon this subject, although I have indirectly perhaps by implication done so, for I can not but feel that there never was such a power proposed to be conferred upon five men on earth as is proposed to the five commissioners who shall regulate the interstate commerce of the thirty-eight States and the ten Territories of this Union.

Mr. CULLOM. I think the Senator in his remarks has shown conclusively that the best thing to do is to proceed with the discussion of the bill before the Senate. The Senator has intimated his views upon the question, and has undertaken to criticise the bill before the Senate, as I think, wrongly.

As a matter of fact the five commissioners provided for in the bill have no absolute power. The transportation companies of the country are not absolutely in their power, but the commission is put forward by the Government of the United States as a means of controlling and facilitating commerce between the States. If the Senator will read the bill he will find that the commission will have no absolute power to dispose of any question finally which is submitted to them for consideration. It is true the bill provides that they shall have a quasi power of arbitration, but any complainant, either the shipper or the transportation company, can refuse to abide by any decision that the commission, when it shall be created, undertakes to make between the parties. The Senator will find upon reading the bill that finally the courts of the country have the disposition of all controversies in case either party sees proper to take the controversy to the courts.

So I think the Senator misapprehends the provisions of the bill; and whether he does or not, it seems to me that his very statement of the importance of the question and of the uncertainty as to what the House of Representatives, if I may be allowed to refer to it, is going to do upon the question, calls upon the Senate to proceed with the consideration of the bill.

The Senator says the subject has not only been before the House of Representatives, but it has been before the Senate also. I am not advised as to whether that is true or not, but I take it for granted that it is; but the very fact that it has been before the Congress of the United States so long, coupled with the fact that the people of this country are calling upon us for some legislation upon this great question, is an argument in itself why we should proceed with it without further delay. It is true, as the Senator says, that nothing can be accomplished by the two Houses running in parallel lines, but nothing can be accomplished unless the two Houses consider the question and finally come to an agreement. Everybody knows that before anything can be accomplished some bill must be passed by the Congress of the United States, and, as I say, the people of this country expect this Congress to take action; and if they do, and if it is an important question to the country, why not proceed with the consideration of it in the hope that the two Houses of Congress may eventually get together and pass some proper legislation?

I am not disposed simply to consume the time of the Senate in running in parallel lines with the House of Representatives, but neither am I disposed to lay aside a bill that is before the Senate for the purpose simply of awaiting the action of the House, which is as indefinite as anything can be, to ascertain what they are going to do. I think we have some status in this country as a co-ordinate branch of the Congress of the United States. While, as I say, I am not disposed to consume the time of the Senate, yet I am disposed to insist upon the consideration of this bill until we arrive at some conclusion as to what is the best interest of the country in regulating and facilitating interstate commerce.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois to the amendment proposed also by himself.

Mr. GIBSON. Mr. President, I offer an amendment.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Louisiana is not at present in order, as it relates to a different part of the bill. There are two amendments now pending.

Mr. GIBSON. I ask that mine be printed.

The PRESIDENT *pro tempore*. It will be printed as an amendment intended to be proposed by the Senator from Louisiana, if there be no objection.

Mr. WILSON. Mr. President, in order to avoid the criticism of the Senator from Indiana [Mr. HARRISON], and at the same time to effect the purpose which the Senator from Illinois [Mr. CULLOM] and myself both have with reference to this amendment, I desire to suggest a modification of it, which I think upon hearing it read the Senator from Illinois may be willing to accept in lieu of the amendment proposed by himself.

The PRESIDENT *pro tempore*. The proposed modification will be read for information.

The CHIEF CLERK. At the end of section 11 it is proposed to add:

And said commission shall precede its first report with an investigation of the subject of interstate commerce which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations, in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of all the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

Mr. WILSON. The modification of the amendment just read simply directs the investigation of the general subject and eliminates the duty of the preparation and presentation of a bill.

Mr. INGALLS. Mr. President, the predisposition of my mind is always to listen to the opinions of the Senator from Delaware [Mr. BAYARD] with great respect; but I confess that I have been somewhat surprised by the observations he has made and the arguments he has employed this afternoon with regard to this bill.

I think upon reflection that he would hardly be willing to adhere to the proposition that contemporaneous discussion of a subject professedly of profound importance can not be permitted in the two Houses of Congress; that when the House of Representatives is engaged in deliberating upon a question that concerns the people of the entire country the Senate of the United States must either take up some other topic of thought or go into executive session.

Mr. President, I am disposed to believe that the Senator from Delaware did not give his customary deliberation to this subject when he advanced that as a reason why upon this great question debate should cease. We have been told that the House of Representatives now for ten years have been engaged in grappling with this great topic. Whether they have not sent us a bill I am not prepared to say. We are advised that at one time four or five years ago a bill did reach us that, as we are informed, either died in committee or was otherwise disposed of in the Senate.

Mr. CULLOM. If the Senator will allow me, I can state that the bill which passed the House was passed March 26, 1874.

Mr. INGALLS. Ten years ago the House of Representatives passed a bill upon a subject that during the entire interval since has engrossed the attention of the people of this country more than any other, and they have since that time been engaged in endeavoring to elaborate some measure that up to this time has failed to receive the support of a majority of that body; and we, after a week or ten days' discussion of this subject, are advised by the Senator from Delaware that it is best that we should cease to debate it until the House of Representatives see fit to send us the result of their deliberations. In the opinion of the Senator from Delaware the way to reach a decision upon this subject is not to discuss it or think about it! He informs us, what every one knows, that there is no topic of profounder interest at this time than the subject of interstate commerce and the regulation of railway transportation.

We have various propositions upon the subject before us. They are usually elaborated by debate. Discussion is commonly considered as the method by which valuable results are to be obtained. And here, with less than two months of this session remaining, the Senator from Delaware advises the Senate that the proper way to deal with the subject and to reach proper conclusions is to do nothing about it—practically that; because the House of Representatives have discussed this subject for ten years without reaching any decision, and they have been engaged during the greater part of this session in discussing this subject without reaching a conclusion. What assurance have we that, after this debate has thus long continued, we are shortly to receive the result of the deliberations of the House of Representatives?

Mr. President, we may as well deal candidly with ourselves upon this subject. The Senate of the United States is suspected by the peo-

ple of this country—I use plain language—the Senate of the United States is suspected by the people of this country with a desire not to do anything with this subject. I do not need to appeal to the consciousness of any Senator. I do not need to appeal to the current strain of observations that are made in the public press when I say that the Senate of the United States is not an object of public adoration at this time in this country. I regretted to hear the Senator from Delaware, supposed to be the leader of a new public opinion under the new evangel of reform in the days that are to come, gravely recommending to the Senate of the United States to pursue the do-nothing policy that has characterized Congress upon this subject for ten years last past.

I have not familiarized myself sufficiently with the various features of this bill and the amendments that are now before the Senate to be able to say which of them will ultimately command my assent; but, sir, I desire that the debate shall proceed for the purpose of enabling me to determine which of them is best calculated to reach a solution of this gigantic question that is at the present time engaging the attention of the people of this country. I do not stand here in any sense whatever as the advocate or champion of that cheap system of demagogy that appeals to public opinion against railroads. I would as much resist injustice to railroads as I would resist injustice to the humblest settler in the remotest dugout upon the frontier of the West. Railway corporations are creatures of law; they are entitled to the protection of the law. I would stand between them and injustice as I would between injustice and any one of my humblest constituents; but it can not be denied that there is in this country at the present time a conviction, in which I profoundly share, that the railway corporations of this country have made exactions that render it necessary that they should be subjected to limitation and to control. This subject is too far advanced, it is too wide, its proportions are too immense to allow us to sit down in a sleepy, Rip Van Winkle inactivity, and declare that because it is novel and tentative we will not deal with it, and because it is under discussion in the House of Representatives we will not deliberate upon it.

I do not know, Mr. President, but that the time is rapidly approaching when the active coalition of the conservative forces of this country is not to be required in order to prevent destructive organic changes in our system of government. The people of this country labor under burdens that they themselves do not understand and for which they ask us to afford satisfactory solution. They ask nothing that is unreasonable; they ask nothing that is unjust. They do demand that these subjects shall be discussed, and that if possible we shall reach some solution that will enable us to protect them from the burdens under which they labor. And, sir, the man or the body of men who attempt to stand in the pathway of this great inquiry, who attempt to arrest it or to block it, will be as absurd politically as would be physically the man who should attempt to refute the law of gravitation by jumping from the summit of the Washington Monument.

Mr. BAYARD. Mr. President, the few remarks that I submitted with respect to this bill have furnished the honorable Senator from Kansas [Mr. INGALLS] apparently with material for a good deal of discursive effort on his part. My object was to bring this legislation to some practical end, and I made the suggestion that to do that we must procure some concurrent action of the two Houses, that in the many years this question has been discussed there has been a failure to do that. The House of Representatives has passed a bill which has been brought here to the Senate and it here has died, and therefore we have no law of the United States upon this subject. I did state that in my judgment it was important and that the most intelligent men, those most deeply interested for themselves and others in this great problem of interstate communication and commerce, felt that there was a necessity for some general legislation, some general regulation under the Federal power over this broad and deep question. My object plainly was to reach a practical result and not to waste time upon that which was wholly without practical result.

The Senator suggests in some way that suspicion will attach to the movements of those who shall express their opinions in a manner that may lead to the inference that they are for or against certain measures. Well, Mr. President, I do not know how it feels to be suspected. So far in my life I have not suffered from that. I do not know how far the Senate of the United States is suspected, for if it has members open to suspicion they are not those of my association, and certainly I do not feel myself to be one of the number. I am perfectly indifferent to such suspicions if they exist; I do not think they do.

Mr. President, we have passed, as our Calendar will show, some two hundred bills that await the action of the House of Representatives. I only hope in the sixty days that remain of this session there may be action by the House of a concurrent nature that may lead to the enactment of those measures into laws, for among them there are many of importance. It is for that reason that I would be glad not to pass a bill in the Senate not in accord with the expression, almost the concurrent expression of the House upon the same subject, and have the two measures standing without any result for the rest of this session. I am desirous that there should be some step taken upon this grave subject. I am unable to see the wisdom of the proposition contained in this bill. But that is not the question. The thing is whether you will reach a practical result more quickly by continuing to debate this bill now upon an utterly dissimilar character of view and action from that which is going on elsewhere in this building to-day, or whether you will await that which every public paper tells us is probable, that there will be a measure brought before the Senate for its concurrence or for its rejection.

That is the practical question; and I interposed what was intended to be a practical suggestion in regard to it, that we should come much nearer to a common result by first hearing what the co-ordinate branch of Congress said. There was not one word in what I said suggestive of the idea that the same subject should not be currently considered by the two Houses. I referred to the fact that the minds of two Houses had met upon this subject and had differed; and if they differed in the past they were likely to differ in the future. But as this difference had occurred and had resulted in postponement of any action whatever upon a subject on which the Senator from Kansas is anxious, and all of us I trust are anxious, for a wise result, not an unwise one, it seemed to me that we should be more apt to get it speedily by not antagonizing in advance an opinion which, for better or for worse, formed the basis of our possible agreement. That is all there was of it; that is all that I meant; that is all that I mean now. I should be very glad to listen, and to no member of the body would I listen with more interest than the Senator from Kansas, if he would give us a disquisition, not upon the abuses, not upon the favoritisms, not upon the discriminations, not upon the obvious iniquities and wrongs which are to-day illustrated by our interstate commerce and the management of the transportation companies—not that, but as to what rule we may safely substitute for State regulation and State visitation upon such irregularities and such injustice.

That the various States of this Union have it in their power to prevent discriminations is already attested by laws of some of the Western States which have passed the criticism of the Supreme Court of the United States and have been sustained. Therefore the question is for the people of this country whether they shall now make a new departure and deposit in the hands of the central Government the exercise of those powers constitutionally granted, but which are to be exercised as suggested now, in lieu of the local legislative control to which the whole of these transporting companies owe their chartered rights, and under whose laws the contracts contained in their charters have been granted. Well, sir, as I said before, it is almost impossible to exaggerate the importance of this question, not only as to the variety of interests, but as to the enormous amounts involved, and as to the danger of dealing hastily with such powers as I believe are vested in the Government and in the Congress of the United States over this great question of interstate commerce.

If from what I have said there is to be inferred an opposition to the subject of abating this injustice, of compelling justice in respect of the contracts for the transportation of merchandise and the like in this country, I only can say that it will be very ignorant and very unjust on the part of any one so to consider it; and the trial of that charge must of course depend upon the votes or speeches and the like that I may give here in my place in the Senate. It is my good fortune, sir, to be able to deal with public questions with great frankness and with a great disregard of suspicions from any quarter.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment proposed by the Senator from Illinois.

Mr. CULLOM. I ask leave to withdraw the amendment which I offered, as I think the modified amendment of the Senator from Iowa does away with the necessity of the amendment I offered to his original amendment, or to mine, as it appears to be. So I ask leave to withdraw it.

The PRESIDENT *pro tempore*. The Senator has a right to withdraw it, the yeas and nays not having been ordered.

Mr. INGALLS. Let us understand, then, how the proposition is presented.

Mr. WILSON. I offer my amendment.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Illinois to withdraw his amendment to the amendment.

Mr. CULLOM. That was all.

The PRESIDENT *pro tempore*. So that the question is now on the original amendment proposed by the Senator from Illinois.

Mr. INGALLS. Now let us hear it read, Mr. President.

Mr. WILSON. I move to amend that by substituting for it the amendment I now send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Iowa proposes to amend the amendment offered by the Senator from Illinois, which is in print, by substituting therefor that which will be read.

The Chief Clerk read as follows:

And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed, for the prohibition of discriminations of any kind whatever.

Mr. HARRISON. The rest of the amendment is just as printed. The change is in the few lines that have been read, requiring the commission to precede their report on this subject with an investigation.

The PRESIDENT *pro tempore*. There is one later change, the Chair thinks, in the amendment.

Mr. HARRISON. If there is another, let it be read.

The Chief Clerk continued the reading, as follows:

For the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. WILSON] to the amendment of the Senator from Illinois [Mr. CULLOM].

Mr. ALLISON. Now I ask that the first part of the amendment of my colleague may be read.

The Chief Clerk read as follows:

And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation and for the preservation of free competition within the limits so fixed, &c.

Mr. INGALLS. Mr. President, I am satisfied that we ought not to be called upon to act upon a section so important as this without seeing it in print, so that we may know exactly upon what we are called to vote. With that object in view, I move that the Senate now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Chair understands that it is desired that the amendment offered by the Senator from Iowa be printed.

Mr. INGALLS. Yes, sir.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion to print the amendment.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1886, was read twice by its title, and referred to the Committee on Appropriations.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 308) appropriating $50,000 for the support of certain destitute Indians; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE SESSION.

Mr. INGALLS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 4 o'clock and 21 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 7, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

SUPPORT AND EDUCATION OF INDIAN PUPILS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, resubmitting the estimate from the Secretary of the Interior of an appropriation of $2,000 for support and education of certain Flathead Indian pupils, which estimate was transmitted to the House by the Secretary of the Interior December 11, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE, ETC., AT MOUTH OF DETROIT RIVER.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation of $18,000 for completing the light-house and fog-signal at the mouth of Detroit River, Michigan; which was referred to the Committee on Appropriations, and ordered to be printed.

GUN FACTORY, ETC.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, submitting estimates from the Secretary of the Navy of appropriations for the erection of a gun factory and for the purchase of steel for manufacture of heavy ordnance in pursuance of recommendations of the gun-foundery board, $2,500,000; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Several members addressed the Chair.

Mr. REAGAN. I call for the regular order.

The SPEAKER. The gentleman from Texas, as the Chair understands, insists upon the regular order.

Mr. TUCKER. I ask my friend from Texas to allow me to submit for consideration by unanimous consent a resolution in reference to business of the Judiciary Committee.

Mr. REAGAN. If the matter can be disposed of without debate, I withdraw for the present my demand for the regular order.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. TUCKER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That Tuesday, January 13, be assigned to the Committee on the Judiciary for the consideration of such business as may be presented by said committee; this order not to interfere with the consideration of general appropriation and revenue bills, and the special order adopted January 21 last, relating to reports from the Committee on Public Lands; and in case this order shall be interfered with on that day, it shall be continued in force until one day thereafter has been occupied by the Committee on the Judiciary.

Mr. TUCKER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

Mr. RANDALL and others called for the regular order.

The SPEAKER. The regular order being demanded, the Clerk will report the title of the bill which was under consideration at the adjournment of the House immediately before the holiday recess, and which now comes up as the continuing special order.

The Clerk read as follows:

A bill (H. R. 5461) to establish a board of interstate commerce and to regulate such commerce.

The SPEAKER. The Chair thinks there is an amendment pending.

Mr. TOWNSHEND. I desire to ask the gentleman from Texas when he expects to get a vote on this bill. I presume he can give us some indication.

The SPEAKER. The bill is now being considered in the House as in Committee of the Whole House on the state of the Union, and it is open to amendment on each section.

Mr. TOWNSHEND. I merely wanted the gentleman from Texas to indicate to the House when he intends to take a final vote on the bill.

Mr. O'NEILL, of Pennsylvania. In about two weeks, I suppose.

The SPEAKER. The pending question is on the motion to strike out the fourth section of the bill.

Mr. REAGAN. As I understand the yeas and nays were ordered on a motion to close debate on the fourth section.

The SPEAKER. The Chair will state to the gentleman from Texas that there was a motion made to close debate, but it was finally agreed that the gentleman from Pennsylvania [Mr. O'NEILL] should have ten minutes. There are now ten minutes remaining for debate upon the motion to strike out the fourth section. The gentleman from Pennsylvania is entitled to the floor.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I ask for the reading of the fourth section, which I propose to strike out.

The section was again read.

Mr. HORR. My recollection is, Mr. Speaker, that we have never debated that section at all under the five-minute rule.

The SPEAKER. Yes, it has been debated and amended, and finally, when there were no other amendments to the text, the gentleman from Pennsylvania [Mr. O'NEILL] moved to strike out the entire section, and on that the debate was limited to ten minutes.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I wish the gentleman from Texas [Mr. REAGAN] could have replied to the gentleman from Illinois [Mr. TOWNSHEND] when he asked when it was proposed to get through with this bill. The gentleman from Texas did not, I suppose, hear the question which was propounded to him, and I ventured at the time the short answer I supposed it would be disposed of in two weeks.

I will simply say, Mr. Speaker, that if it is the intention of this House to block all the important business of the session for the purpose of considering this bill, which seems to admit of so much discussion on every imaginable subject, then these gentlemen, if they wish to consult the interest of their constituents, had better make some movement to get before the House some of the important bills demanding attention, and let this matter be postponed for the present. Then we can see exactly where we stand in this House so far as the business of the country is concerned.

In reference to this particular question of long and short hauls I feel that I have been heard sufficiently in the remarks made when the matter was under discussion during the first days of the session. Now, all I desire to say further before yielding to my friend from Michigan

[Mr. HORR] is this, that the entire experience of railroad men, the entire experience of those interested in railroads, the innocent citizens so to speak, is that it is an utter impossibility to try to compel in their varied business the railroads to carry out any provisions restricting them to particular arrangements as to how they shall carry freights on long or short hauls. I do not see, Mr. Speaker, and I say this in all seriousness and in all sincerity, how it is possible to trammel the railroad corporations of this country so as to oblige them to carry out the idea promulgated in the fourth section of this bill. The experience of the members upon this floor—and I would like to call the attention of the House to the remarks of the gentleman from New York [Mr. HEWITT] on this subject, the remarks of a gentleman who has had so much to do in all kinds of business, who has been prominent in great enterprises—I say I would like to call particular attention of the members on this floor to the remarks of that gentleman where he showed in a logical manner how impossible it was to expect to trammel railroad corporations in the way indicated and so aid the shippers by any such injudicious action. I wish to protest again that never in the experience of any of these men who have been before the Committee on Commerce—I speak as well of railroad men as those interested in the carrying of freight on railroads—not one of them has given any intimation that any railroad company has charged more in proportion for a shorter haul simply because it wanted to charge less for a longer haul.

I will now yield to the gentleman from Michigan [Mr. HORR], with the expression of the hope that this House with a direct vote will strike out this fourth section of the bill, which, in my judgment, is so inimical to the business interests of this country.

Mr. HORR. Mr. Speaker, this fourth section contains a principle which will do more to render this bill absolutely injurious to the business interests of this country than all the balance of the provisions combined. That attempt to prevent competition in the carrying of products for long distances from the West and South to the East and to the seaboard will cripple the industries of this country beyond the power of expression. I say to the House that once enforce that bill and you will simply prevent the cheap food we eat to-day in the East from ever reaching that East at rates such as can compete with the importations from abroad.

The wheat of Minnesota, Kansas, Nebraska, and Iowa is reaching the seaboard to-day at a very low figure, and reaching it at those figures simply because the through rates are not trammeled as this bill would trammel them. You can not possibly run the railroads of this country and keep them in existence if you compel the local traffic to be carried upon the same principles or upon the same bases you do the long through traffic which travels thousands of miles.

I have stated already to the House, Mr. Speaker, but I want to repeat it, that this fourth section will do more to cripple the commerce of the West and to reduce the price of land in every Western and Southern State than any clause I can now possibly imagine this House could adopt.

Now, understand me. I expect you gentlemen intend to pass this bill; but let me say one thing, which perhaps I ought not to say, but once and awhile I like to say a thing which one may not have the right to say, and that is this: If you gentlemen would be governed by your ideas of what are proper business principles this fourth section could not get twenty votes on your side of the House, and if it is passed it will be passed simply as a matter of political clap-trap, in order that you may claim to have done something against the railroad monopolies of this country.

Take all of that sort of humbug out of the minds of you gentlemen, and as a business proposition I hope you know too much to pass a law which will cripple the entire business of the country, as this bill will cripple it.

I do not expect you to strike out this section, but I do expect to have the glorious privilege of not only telling this House what I believe the result will be, but of voting according to my convictions on business principles on such a purely business matter. On business principles, I repeat, no man can sustain this fourth section. It will do more to injure the transportation of this country than any one small section in any bill ever passed by this House. It ought to be stricken out.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to strike out the fourth section of the bill.

The question was taken.

Mr. VALENTINE. I think we had better have the yeas and nays.

The yeas and nays were ordered, forty-three members voting in favor thereof.

The question was taken; and there were—yeas 90, nays 128, not voting 105; as follows:

YEAS—90.

Adams, G. E.	Brewer, F. B.	Dingley,	Harmer,
Aiken,	Buckner,	Dorsheimer,	Haynes,
Atkinson,	Budd,	Dowd,	Henderson, D. B.
Barr,	Cannon,	Eaton,	Henderson, T. J.
Belmont,	Chace,	Findlay,	Hepburn,
Bisbee,	Clardy,	Glascock,	Hewitt, A. S.
Bonstelle,	Culbertson, W. W.	Greenleaf,	Hewitt, G. W.
Bowen,	Cullen,	Hammond,	Hitt,
Brainerd,	Cutcheon,	Hanback,	Holmes,
Breitung,	Davis, G. R.	Hardeman,	Horr,
Howey,	Milliken,	Pusey,	Thomas,
James,	Mitchell,	Ranney,	Tillman,
Jeffords,	Morrill,	Reed,	Wadsworth,
Johnson,	Morse,	Rockwell,	Walt,
Kean,	Nicholls,	Rowell,	Wakefield,
Kelley,	O'Hara,	Ryan,	Washburn,
Ketcham,	O'Neill, Charles	Seymour,	White, Milo
Lacey,	O'Neill, J. J.	Smalls,	Whiting,
Lawrence,	Payne,	Smith, A. H.	Wilson, James
Libbey,	Perkins,	Stone,	Woodward,
Long,	Peters,	Strait,	York.
Lyman,	Post,	Struble,	
Millard,	Price,	Taylor, E. B.	

NAYS—128.

Alexander,	Dibrell,	McAdoo,	Shively,
Anderson,	Eldredge,	McComas,	Singleton,
Bagley,	Elliott,	McCormick,	Snyder,
Ballentine,	English,	McMillin,	Stewart, Charles
Barksdale,	Ermentrout,	Matson,	Stockslager,
Bayne,	Everhart,	Mayberry,	Storm,
Beach,	Ferrell,	Miller, J. F.	Sumner, C. A.
Blackburn,	Fiedler,	Mills,	Swope,
Blanchard,	Foran,	Money,	Talbott,
Bland,	Forney,	Morgan,	Taylor, J. M.
Blount,	Fyan,	Moulton,	Thompson,
Boyle,	Geddes,	Murphy,	Throckmorton,
Breckinridge,	George,	Murray,	Townshend,
Brown, W. W.	Gibson,	Mutchler,	Tucker,
Browne, T. M.	Green,	Neece,	Tully,
Buchanan,	Halsell,	Nelson,	Turner, H. G.
Burnes,	Hardy,	Oates,	Turner, Oscar
Cabell,	Henley,	O'Ferrall,	Van Eaton,
Caldwell,	Herbert,	Payson,	Wallace,
Campbell, Felix	Holman,	Peel,	Warner, Richard
Campbell, J. M.	Hopkins,	Pierce,	Weaver,
Cassidy,	Houk,	Pettibone,	Wellborn,
Clements,	Houseman,	Pryor,	Wemple,
Cobb,	Hunt,	Randall,	Wilkins,
Cosgrove,	Jones, J. H.	Reagan,	Williams,
Covington,	Kleiner,	Reese,	Willis,
Cox, S. S.	Lamb,	Riggs,	Wilson, W. L.
Cox, W. R.	Lanham,	Robertson,	Winans, E. B.
Crisp,	Le Fevre,	Rogers, J. H.	Wise, G. D.
Curtin,	Lewis,	Rogers, W. F.	Wolford,
Davidson,	Lore,	Rosecrans,	Worthington,
Davis, L. H.	Lovering,	Seney,	Yaple.

NOT VOTING—105.

Adams, J. J.	Dunn,	Keifer,	Skinner, C. R.
Arnot,	Ellis,	Kellogg,	Skinner, T. G.
Barbour,	Ellwood,	King,	Slocum,
Belford,	Evans,	Laird,	Smith, H. Y.
Bennett,	Finerty,	Lowry,	Spooner,
Bingham,	Follett,	McCold,	Spriggs,
Bratton,	Funston,	Miller, S. H.	Springer,
Brewer, J. H.	Garrison,	Morrison,	Steele,
Broadhead,	Goff,	Muldrow,	Stephenson,
Brumm,	Graves,	Muller,	Stevens,
Burleigh,	Guenther,	Nutting,	Stewart, J. W.
Campbell, J. E.	Hancock,	Ochiltree,	Sumner, D. H.
Candler,	Hart,	Paige,	Taylor, J. D.
Carleton,	Hatch, H. H.	Parker,	Valentine,
Chalmers,	Hatch, W. H.	Patton,	Van Alstyne,
Clay,	Hemphill,	Phelps,	Vance,
Collins,	Hill,	Poland,	Ward,
Connolly,	Hiscock,	Potter,	Warner, A. J.
Converse,	Hoblitzell,	Rankin,	Weller,
Cook,	Holton,	Ray, G. W.	White, J. D.
Culberson, D. B.	Hooper,	Ray, Ossian	Winans, John
Dargan,	Hurd,	Rice,	Wise, J. S.
Davis, R. T.	Hutchins,	Robinson, J. S.	Wood,
Deuster,	Jones, B. W.	Robinson, W. E.	Young.
Dibble,	Jones, J. K.	Russell,	
Dockery,	Jones, J. T.	Shaw,	
Dunham,	Jordan,	Shelley,	

So the motion to strike out was not agreed to.

On motion of Mr. BAYNE, by unanimous consent the reading of the names was dispensed with.

The following members were announced as being paired on all political questions until further notice:

Mr. MULLER with Mr. DUNHAM.
Mr. DARGAN with Mr. KELLOGG.
Mr. SHAW with Mr. FINERTY.
Mr. JONES, of Arkansas, with Mr. RUSSELL.
Mr. YOUNG with Mr. STEWART, of Vermont.
Mr. DIBBLE with Mr. SMITH, of Iowa.
Mr. CARLETON with Mr. ROWELL.
Mr. HOUSEMAN with Mr. BREITUNG.
Mr. CONNOLLY with Mr. BINGHAM.
Mr. JORDAN with Mr. LAIRD.
Mr. MORRISON with Mr. HISCOCK.
Mr. CULBERSON, of Texas, with Mr. NUTTING.
Mr. HATCH, of Missouri, with Mr. HATCH, of Michigan.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. ARNOT with Mr. BELFORD.
Mr. POTTER with Mr. EVANS.
Mr. BENNETT with Mr. SPOONER.
Mr. WELLER with Mr. MILLER, of Pennsylvania.
Mr. DOCKERY with Mr. HOOPER.
Mr. SPRINGER with Mr. GUENTHER.
Mr. CLAY with Mr. MCCOID.
Mr. FOLLETT with Mr. JOHN S. WISE.
Mr. GRAVES with Mr. WHITE, of Kentucky.
Mr. WARD with Mr. RICE.

Mr. CONVERSE with Mr. CHALMERS.
Mr. LOWRY with Mr. STEELE.
Mr. VAN ALSTYNE with Mr. ELLWOOD.
Mr. DUNN with Mr. RAY, of New York.
Mr. VANCE with Mr. RAY, of New Hampshire.
Mr. MULDROW with Mr. MILLARD.
Mr. HILL with Mr. CHALMERS, on the interstate commerce bill.
Mr. FINLEY with Mr. STEWART, of Vermont, on the triple-damage clause.
Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York, until January 12.
Mr. PAIGE with Mr. HART, on this bill.
Mr. ROBINSON, of New York, with Mr. MILLER, of Pennsylvania.
Mr. RANKIN with Mr. OCHILTREE, on the interstate commerce bill.
Mr. SHELLEY with Mr. STEPHENSON, until further notice.
Mr. PATTON with Mr. VALENTINE, for this day.

Mr. BINGHAM. Mr. Speaker, my name has been announced as paired with my colleague, Mr. CONNOLLY. My pair was only to extend until Monday. I believe, however, it will be arranged. I make the announcement in justice to myself and to him, and will withdraw my vote.

The result of the vote was then announced as above recorded.

CONSULAR APPROPRIATION BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. DINGLEY. I reserve all points of order on this bill.

INTERSTATE COMMERCE.

Mr. EVERHART. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of section 4 add the following:

"*Provided*, That this restriction shall not apply to any railroad company in competition with water-way lines of transportation running laterally in the same direction."

The question being taken on the amendment, it was not agreed to.

Mr. HOPKINS. I desire to offer an amendment to this section corresponding with the amendment already adopted to the first section; and I ask unanimous consent that to avoid the necessity of offering repeated amendments to the different sections the same words be added in each section where they apply.

The SPEAKER. The gentleman from Pennsylvania will send up his amendment.

The Clerk read the proposed amendment, as follows:

In line 6, section 4, after the word "railroad," insert "or pipe line."

The amendment was agreed to.

Mr. HOPKINS. I also offer the following amendment.

The Clerk read as follows:

In line 7, section 4, after the word "road," where it twice occurs, insert "or pipe line."

The amendment was agreed to.

Mr. HOPKINS. I now ask unanimous consent that the same amendment be made to the subsequent sections of the bill.

The SPEAKER. The Chair will suggest to the gentleman from Pennsylvania that those parts of the sections where he desires to insert the words indicated may be stricken out. The gentleman had better reserve his amendment until the sections are under consideration.

Mr. HOPKINS. Very well, I shall do so.

The Clerk read section 5, as follows:

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

Mr. REAGAN. I desire to make a *pro forma* amendment for the purpose of expressing some views in reference to a speech made recently by the gentleman from New Jersey [Mr. PHELPS].

Mr. O'NEILL, of Pennsylvania. I hope other gentlemen will be allowed to express their views on this section without being cut off by calling the previous question.

Mr. REAGAN. On the last day before this on which the bill before the House was under consideration—the 19th of December—the gentleman from New Jersey [Mr. PHELPS] made a very extraordinary speech, to which I would then have replied if I could have heard his remarks, which I was prevented from doing by the confusion in the Hall. Though the holidays have intervened the remarks of the gentleman require an answer now, on the first occasion on which it could be made.

The gentleman said he arose to oppose the amendment of the gentleman from New York [Mr. HEWITT], but made his speech on the side taken by that gentleman. He then said:

I arise to oppose the amendment. The discussion begins already to emphasize the unwisdom and injustice of the bill. It is a vain effort to make a code which shall control the management of railways in all cases. But these cases are infinite in number and very nearly infinite in variety. How absurd to suppose that all these cases can be held in the iron grasp of half a dozen absolute restrictions.

This shows that either he had not read the bill he was animadverting on, or that if he had read it he did not understand it. It is not an effort to make a code which shall govern railroads in all cases, infinite in number and variety, as he alleges. It only prohibits their managers from committing crimes against their patrons, and provides for their punishment when they do so. He next says:

But you can not say to a railroad company, "You shall not discriminate, you shall not rebate, you shall not pool, you shall not charge more for a longer haul," because in many cases all these methods are right and in many cases they are necessary—necessary even to the very existence of the road. And because they are necessary often to their very existence the railways will elude, evade, and openly transgress the restrictions, looking to popular opinion to shield them from the penalty. Just as the gentleman from Texas, if his life were threatened, would, in defending it, violate all laws and escape all punishment.

But he has in no way enlightened us as to how the making of discriminations between shippers, the allowance of rebates, the practice of pooling, or the charging of more for a short than for a long haul are right and necessary "to the very existence of the railroads." And because they are necessary, he says the railroads will elude, evade, and openly transgress restrictions.

The gentleman undoubtedly wishes us to understand that the railway corporations are now the masters of this country and of its property and rights, and that, being masters, they will disobey and defy our laws if the laws do not please them. And we should remember that this comes from one who is largely interested in the ownership and management of railroads, and who has, at the same time, been selected by his constituents as one of the lawmakers of the United States. He then said:

* * * * * * *

And if you fear that some obstacles are too mighty, remember that ten years ago we all said, with the Erie, the Central, and the Pennsylvania Railways in the field, New York can secure no relief except from the resources of the national Treasury. But while we spoke, competition, raising $100,000,000 without public knowledge or public solicitation, threw the Nickel Plate and West Shore into the arena, and there they will remain. [Applause.]

* * * * * * *

Managers were never more solicitous for business, and never more ready to make sacrifices to get it. They know that rivals are so many they must themselves create and develop it, and in a one-sided partnership, where the customer gets all the benefit, they aid him in its creation or development.

If this means anything it is that these trunk roads named are competing roads, and that the Nickel Plate is a competitor of all the rest for cheap freights for the benefit of the people. Now, if he does not know it everybody else does, that this statement is not true. We all know, and he must know, that all of the roads he named and many more have pooled their freights and earnings, and are now being operated under the pool in order to effectually deprive the people of all the benefits of competition, and in order that they may be enabled to dictate such charges for carrying freight as they may think proper. And we must infer from another part of the remarks of the gentleman from New Jersey [Mr. PHELPS] that this is his idea of the method of making railroad management popular with the people and of gratifying the natural desire of the railroad managers to secure "that good report, that good reputation, which is the highest prize of life."

The gentleman from New Jersey draws a distinction between the managers of railroads, whom he honors, and the great speculators in their securities, whom he despises. His statement on this point would have been more satisfactory if he had gone a little further and told us to which of these classes he assigns Mr. Gould and Mr. Vanderbilt. Are they not both engaged in the management of great systems of railroads? Are they the good men who manage railroads, or are they of those who, to use the language of the gentleman from New Jersey, "seize the stock, hold it for a day, until they have worked their own wicked will on it, and then cast it out dishonored, to be the prey of the next adventurer."

The gentleman from New Jersey then caps the climax of his argument in the following brilliant peroration:

Let, then, the laws of man and of nature continue their work of progress and reform. Why attempt to restrict, why pass restrictions which will interfere with these general laws, which are working out the results you pretend to wish? Your effort is vain; your restrictions will be disregarded. Do you ask me how?

The railways, if these restrictions should become laws, will ostentatiously break them all. They will invite litigation until the wheels of the courts are clogged. That will challenge public attention, and public attention is redress. Or they will issue an order, which the whole railway system shall obey, that every locomotive from sea to sea shall stay in its roundhouse; then there will follow a silence from Portland in Oregon to Portland in Maine that can be felt, and only one voice will be heard, the familiar voice of our Speaker: "The gentleman from Texas asks unanimous consent to consider a bill to repeal an act entitled 'An act to regulate interstate commerce.' Is there objection?" Mr. Speaker, just so sure as the report follows the flash, we shall hear as the end of the matter: "The Chair hears none." [Loud applause.]

This is the language of a member of this House; of one branch of one of the most august legislative assemblies in the world. It is the language of a man of great wealth and of high social position. It is the language of an extensive railroad owner and representative. It is the language of one who, from his social position, great wealth, and political eminence, we would reasonably expect to find law-abiding and conservative, a lover of order regulated by law. But he chooses in this arena, in this law-making assembly, and before the whole American people, in the interest of a class of people, to menace and attempt to intimidate Congress with a threat that if it passes a just and reasonable and necessary law to protect the great body of the people against the greed, the rapacity, the tyranny of the class which he represents, that class will "ostentatiously" violate that law and "invite litigation until the wheels of the courts are clogged." And this threat is made in view of the fact that the managers of the railroads can, and do now, besides paying the interest on the investments in them, levy such tribute as they please on the commerce of the country to pay hired lawyers and lobbyists to control conventions and elections and to influence Legislatures and Congress in opposition to the passage of laws to take this extraordinary power from them and to protect the people against them. But I think the gentleman misjudges as to their power to block the wheels of the courts so as to prevent the administration of justice. His friends would no doubt soon become tired of this luxury. There are too many courts, State and Federal, and too much purity and patriotism still left on the bench of the country for the railroads to intimidate or to suborn them all.

His other threat, that the railroads will issue an order, if this bill shall be passed, "which the whole railroad system *shall* obey"—no *may* about this—"that every locomotive from sea to sea shall stay in its roundhouse until there will follow a silence which will be felt from Portland in Oregon to Portland in Maine," is as puerile as it is utterly without the support of law or the sanction of morals; as wanting in discretion as it is unjust in purpose. If the railroad managers should be foolish enough and wicked enough to attempt to put this threat into execution they would lay themselves liable, at the suit of every shipper, for the damage caused by their non-performance of their duty. And if they would adhere for a sufficient time to so suicidal a policy they would get judgments enough against them to cause the sale of their roads and their transfer to the hands of others, who would no doubt protect themselves by avoiding such folly in future. And, besides this, by such conduct they would forfeit their charters and subject them to be revoked on account of so wicked an attempt to use them for lawless and revolutionary purposes.

This attempt to intimidate and overawe Congress by such threats to use lawless violence to nullify an act of Congress passed in the exercise of its undoubted constitutional authority and for a most beneficent purpose is addressed to the wrong body and in the wrong age of the world to either have the desired effect or to command the respect of a virtuous and law-abiding people. [Applause.]

[Before Mr. REAGAN had concluded the above remarks the five minutes to which he was entitled expired.

Mr. WILSON, of Iowa, was recognized and yielded Mr. REAGAN his time.

Mr. REAGAN then resumed and concluded the remarks printed above.]

Mr. PHELPS was recognized, and asked how much time he was entitled to.

The SPEAKER. The gentleman from New Jersey is entitled to five minutes under the rules of the House.

Mr. PHELPS. It will be scarcely possible to treat of this whole subject, as touched by the gentleman from Texas, in so short a time. The time, however, is sufficient for me to say that I recognize in his remarks just that intellectual defect, if I may say it without offense, which has made it impossible for him to prepare a bill which would be operative and therefore useful; one that would work, and therefore that could be enforced. It is an inability to make proper and natural distinctions. I stated what under the laws of trade and nature will be; and the gentleman claims that I stated what ought to be, as if I were the Almighty, and threatened what should be. He has failed to recognise the distinction between a prophecy and a threat. I made no threat. I have no power to carry a threat into execution, and certainly have no wish to see the prophecy fulfilled and the business of this country blocked by the gentleman's bill and the action of the railways under it. Whether I am a true prophet or not time will show. Whether I have grounds for making this prophecy or not the past and its history fortunately can show. There are precedents.

Take a case, coming out of this House, not very different from this case which the gentleman from Texas is anxious to inject into it. Both cases struck the legislation of the country. Probably the gentleman is not familiar with the case I refer to. Were he, he would have recognized that my prophecy was only an easy prediction of the future from the past.

The gentleman from Texas was in another section of the country and engaged in giving his high character and his great ability to the support of another cause when a distinguished Representative of Pennsylvania, equally able, equally respectable, giving his efforts to the cause of the Union, concluded that he would undertake by legislation to correct the crying evil of those times. He thought the great obstacle to a successful prosecution of the war which was waged for our country was the speculation in gold—was that speculators would buy and sell it and raise its price—just as the great trouble at this time, in the opinion of the gentleman from Texas, is that railways will manage their business with the object of making money by it, will charge for their services, and will not consent to carry the freight and passengers of the country for nothing. He sees that it would be for the interest of his section of the country if they were forced to change this policy. So it was for the interest of Mr. Stevens's section of the country in its loyal struggle that gold should be kept at par, and he made the attempt to do it. Is there a man on this floor, unless possibly my friend from Texas, who forgets the result of that effort?

The great Republican leader passed his bill prohibiting all dealings in gold. He too was shocked at the suggestion that any act of this august legislative body should stand helpless before the facts, yet how short was the time before he found that his attempt to overcome the natural laws of trade and commerce was a pitiable failure. The price of gold, in proud defiance, rose rapidly out of sight; business was checked, the existence of the country was threatened; and, wise as patriotic, no member was readier than the author to assist in the immediate repeal of the unfortunate law. And I did the justice to the gentleman from Texas to suppose, as I stated in what he is pleased to call my eloquent peroration, that when the laws of commerce and trade should be found to be just as potent against his edict as they were against that of Thaddeus Stevens he would be just as wise and patriotic in the readiness with which he would ask that his edict might be annulled and the business of the country restored. This is why I say, Mr. Speaker, I had a right to prophesy, not to threaten, what I did; and in my statement there was much of prediction and nothing of threat.

[Here the hammer fell.]

Mr. PHELPS. If I could be allowed——

Mr. KEAN. I will take the floor and yield my time to my colleague.

Mr. PHELPS. Mr. Speaker, perhaps I now yield to an indiscretion—I certainly yield to a very natural feeling of injury, in view of the fact that it is the gentleman from Texas who makes this attack and seems to inspire it with a certain suggestion of personal feeling. I recognize this, I say, with an impression that it is unbecoming and unjust. He has been pleased to class me as among those citizens of this Republic who by frugality and industry, by honorable and honest methods, I hope, have accumulated a competence. He has been pleased to call me a rich man. If I may make a personal confession—and I make it now only under his taunt and in the interest of the truth, which we all search for in this great discussion—I can say this: If once I enjoyed that distinction, such as it is, which belongs to wealth, that distinction has been diminished, has been almost entirely destroyed; and if I were asked where I found the origin of my misfortunes, I should be obliged to say that the gentleman himself knows the origin; and the gentleman himself lives in the very section and uses the same railway in which half a million of dollars intelligently and honestly invested were sunk, and apparently were sunk forever.

I have no hesitation in charging that the railway which made his home at Palestine valuable, and gave it distinction other than the solitary distinction which it enjoyed before of being the residence of an able and patriotic citizen, obtained its railway connection, secured its growth and all the advantages which it now enjoys and which the gentleman from Texas himself shares, through the efforts and sacrifices of myself and some dozen of my friends, who, in a New York office, agreed to embark in the enterprise. It was an enterprise to build a railway which, starting at Houston, should traverse the State and open up counties which were then almost worthless to connection with the North and the South. This was an honorable and a useful purpose; I put in my money cheerfully, and citizens associated with me, of more wealth but with equally honest purpose, put in still larger sums. The money was expended, dollar for dollar, in the construction of the road; we took for it stock at par; we received for it nothing else, not even bonds, which we might have sold.

It was our pride to test and settle this question: Could a railway be built honestly, with each dollar that was actually invested represented and no other, no watering of stock or bonds, and pay a fair interest upon the money invested? So dollar after dollar, to the amount of some millions, each one of which passed through my hands, was faithfully sent down to the State of Texas and put into the Great Northern Railroad. It was invested in buying land, in making cuts and fillings, in bridging streams, in purchasing and laying the rails upon the road which

now connects the Gulf of Mexico with the great system of railways by which Palestine has become an important station on a great through route. That was the result for Palestine and Texas. What has been the result for us? Our money is in that railroad, honestly and carefully expended as a man expends his own, and as yet I have not received one dollar of interest upon that stock, nor do I ever expect to obtain any. The investment would be to me and to my friends an absolute loss, that money would all have been lost, except for this precaution: I foresaw the benefits that would be received by the gentleman from Texas and others who owned land along the route, so I wisely made some investment in it myself.

The lands did receive the benefit—were so far benefited by this New York money which was made to enrich them, and among them the farm and other real estate of my friend in Palestine, that our loss, although not recouped, was somewhat broken by their appreciation in value. Land on this road now sells for two, three, or four times its value at the time this undertaking was begun.

If, then, this railroad has accomplished so much for his section; if it has made us who gave it lose all of the money which built it; if we built it nor asked one dollar from the gentleman, though his farm was sure to get an advantage from it; if not one dollar was received from any other citizen of Texas, is it strange that having had this experience in that State and similar experience in other States we are hurt at the reception we receive here when we get up and speak not from theory but from experience, not immodestly, not arrogantly, telling only what we know, even if we do in the interest of truth tell the gentleman from Texas that we speak of actual knowledge while he speaks only as a theorist.

Nothing would give me greater pleasure than to show exactly how each one of his four restrictions, that against discrimination, against rebates, against pooling, against charging more for shorter than for longer hauls, all of them would injure every single acre of his farming land around Palestine, and crush, as if under an avalanche, every growing industry in its streets.

[Here the hammer fell.]

Mr. REAGAN. In the first place, Mr. Speaker, I wish to disabuse the mind of the gentleman from New Jersey that I was in any way animated by any feeling of special malevolence against him, as such was not the fact. I was dealing with a great public question, and to the language I then used I refer the House and the country to see whether the animadversions which I felt it my duty to make are justly founded or not.

I should regret, Mr. Speaker, if the gentleman had his investment sacrificed in building up the country or its railroads, but I apprehend the gentleman's picture is deficient in the statement of all the facts. He says the investment was made in that railroad. There were two of them, but both were under one charter. One of them received sixteen sections of six hundred and forty acres of land to the mile and the other received twenty sections of six hundred and forty acres of land to the mile. The one which received the smallest amount received a bonus, upon which I am now paying a tax, to the amount of $150,000 from the poor county in which I live in order to induce the building of a depot there. And I contributed also my full portion of about $50,000 in money and property in order to secure the building of a depot of the other road at that place.

Therefore, while the gentleman is speaking of the munificence of his liberality, he ought to remember that he and the others to whom he has referred received liberal charters from the State and most generous treatment on the part of the county in which I live.

I wish to say further, that notwithstanding the magnificent treatment on the part of the State, the county, and district in which I live to these railroads, there is not one there to-day who would desire to see any injury befall these railroads, so far as I know. We wish them to prosper. We regard them as valuable, as excellent servants; but we regard them also as detestable masters. We do not wish them as masters. We do not intend to have them as masters. We wish them well. We hope they may be profitable. In view of the liberal charters granted to the roads in which the gentleman is a stockholder, besides the bonus of land and money given by others in the State, I do not think that his remarks on this subject were quite what they ought to have been.

Mr. PHELPS. Mr. Speaker, I rise to oppose the amendment. I did not mean to say the railroads did not receive any aid from the State of Texas, nor do I think I made my statement so as to warrant that conclusion. What I said was, that there was no citizen of Texas asked to subscribe, or who did, so far as I know, subscribe one dollar of his private funds to the construction of this railroad. It was the gift exclusively of Northern capital.

With reference to the generosity of the State I want to say this: The inducement to build this railroad, for at that time the unoccupied country offered no business to encourage its construction, was the formal act of the State by which it agreed to give us its bonds. I regret that truth requires me to state what I had no intention of stating, and what is now drawn out by the comments of the gentleman, that the State of Texas having agreed with us that in consideration of building this road they would give us of those bonds a certain number to the mile, did absolutely refuse to keep their bargain, and did repudiate their obligation.

Every effort was made by appeals to the Legislature and to the executive and elsewhere throughout the State to obtain a fulfillment of their promise, but the State persisted. The bonds were prepared, signed, and ready for delivery, but Texas refused to issue and deliver them to the railroad company. Had the State of Texas kept its promises, had it not repudiated its just obligations, and had it given to us the $8,000 to the mile that were promised—a repudiation and refusal, which they wisely made after the railway was constructed and built—I believe that before this time we might have received some interest upon our investment. As it is, the investment is there; it produces no results for the investors. And the road is there; it is run satisfactorily and produces valuable results to Texas and its citizens who use it. It satisfies all their reasonable wants; it is giving them rates of freight and passage cheaper than any known outside of the United States; and yet we are not getting from it one dollar of interest. And while the gentleman from Texas tells us that the charter is so good and the State is so good that we shall see in time a profit, are we impatient when we complain in the face of his statement that he would be glad to administer the investment himself under the laws of the United States, that we ought to be paid some of the interest of the last twelve years before our property is taken from us?

I would like to show, Mr. Speaker, in the three minutes remaining, how the first restriction imposed by the gentleman would affect his own home at Palestine. He would forbid all discrimination. In the shipment of all classes of freights brought to the same station at the same time, he would enforce, under penalty, equal dispatch. If the railway moved one parcel before another it would be punished. Well, let us see how such a provision would work at Palestine. Let us suppose three kinds of freight are delivered at this station for transportation on the same day. Let us assume that one is a shipment of fruit, one a shipment of coal, and the other a shipment of grain. They are delivered at the Palestine station at the same time, and must therefore, under the Reagan law, be carried off at the same time. The daily freight train comes along to its regular morning task with the usual number of vacant cars ready for the ordinary needs of Palestine, but the three shipments make more than the usual tonnage. The capacity of the empty cars is not sufficient for all the freight, and only part of it can be taken. The wise conductor, remembering the law and knowing its penalty, glances at the three piles of freight, then at the empty cars on his train, and recognizes the fact that he has not accommodations for the whole. He signals the engineer, the whistle is blown, and the train goes southward to Houston, ignoring fruit, coal, and corn. All three classes of goods are left at the station. What is the result? The fruit which might have been carried forward without injury is either injured or destroyed by the delay. The coal which was needed at Houston to keep in blast an iron furnace is left at Palestine; operations stop at the furnace, its fires burn low and its workers stand in enforced idleness—loss of capital and of work.

The law of the gentleman from Texas must be charged with the loss of this work and capital and with the loss or destruction of the fruit. And with what is it credited? What has it accomplished? Nothing; and all this is done in order that the grain, which might have been delivered days after without loss or injury to anybody, shall have the same facilities and be delivered at the same time as the coal and the fruit. It has estopped the owner of the grain from assailing his member of Congress at Palestine with the complaint that some one's coal and some one's fruit was carried by the railway before his grain; that it was an outrageous discrimination, and that he demands that the laws of the United States shall be made to prevent such outrages. And that is all it has done.

[Here the hammer fell.]

Mr. REAGAN. I desire to say a word in response. The gentleman has made a charge which concerns me as a Representative of the State of Texas, of bad faith on the part of that State: that the State had agreed to give to one of these railroad companies $6,000,000 as a bonus to complete its road, and had refused to comply with the obligation.

It is true, sir, that the twelfth Legislature of that State did so—a Legislature which represented nobody in the main but a set of criminals and disreputable characters. They granted not only $6,000,000 to that road, but six millions to another road at the same time, and every sort of charter was made by wholesale out of which the legislators could make a profit to themselves and to the outsiders who were hanging around watching their chance to greedily pluck at the public treasury. That Legislature has become a byword and a hissing, and is to this day among the people of Texas. That proceeding was done while the other States in the Southern portion of the country were being robbed by the same sort of men, and almost to the same extent, at this period.

The people of Texas, knowing it to be notorious that these charters were obtained by fraud and corruption, determined not to pay the money fraudulently promised; but in order to do the best they could, and not to saddle the people with a debt of $12,000,000, made the company of which the gentleman from New Jersey is a member a grant of 12,800 acres of land to the mile of road built to satisfy their demand; and I may be permitted to state here that the land is worth at the lowest

figure $2 in cash per acre for pasture and other purposes, and much of it is worth more than that.

I dislike, sir, to have to go into these things, but the gentleman makes it necessary that I should do so, and so far as it is necessary I shall try as far as I can, as one of the Representatives of the State of Texas, to take care of the character of that State when it is assailed. She shall not be charged with the violation of her contract obligations when that contract was notoriously obtained by fraud and corruption, and when it was intended to saddle a debt of $12,000,000 upon the State, which the people would not pay, to gratify the class of men that held power when decent men and citizens could not be members of the Legislature.

That is all I have to say. I do not propose to answer the criticisms of the gentleman upon the bill itself.

Mr. STEWART, of Texas. The lands in question were also exempted from taxation.

Mr. REAGAN. My colleague reminds me by stating that these lands which can now be sold for $2 or more per acre are not taxable, and were exempted from taxation for a period of twenty-five years.

Mr. JONES, of Texas. And the railroad too.

Mr. REAGAN. Yes; and the railroad and the property connected with it are exempted from taxation for twenty-five years. So that in addition to the charter and 12,800 acres of land exempt from taxes for twenty-five years the railroad running through the center of the State and property connected with it are exempt from taxes for twenty-five years; and I think the gentleman might be satisfied and not arraign the State here.

Mr. CANNON. Mr. Speaker, I did not intend to discuss this bill. But perhaps in justice to myself I should make a remark or two about it. I have no doubt of the power of Congress to enact apt legislation that will accomplish the result aimed at.

In ten years' service in this House I have seen many bills brought forward touching the question of interstate commerce. I recollect, sir, in 1874, when it was held in most of the States in the country, by the courts and by many of the people who discussed these questions, that under the Dartmouth College case and a long line of precedents there was no power in a State to prohibit the railway fixing its charge under the charter granted to it under the doctrine of vested rights. At that time, under the lead of Mr. McCrary, of Iowa, then a member of the Forty-third Congress, we sought to pass a bill here to regulate interstate commerce. It was discussed for two months, if I recollect aright. It was a bill providing for a commission. I thought then, and am inclined to think now, it was a wise bill. It passed the House. I recollect, and I have verified my recollection by reference to the Journal, that the Democratic members then present, some of whom are now present, almost unanimously voted against that bill; ay, sir, going further than that, and putting themselves upon the record as denying the constitutional power of Congress to regulate commerce among the States by legislation prohibiting unjust tolls by railways upon such commerce.

Here is the resolution which on the 9th of February, 1874, was offered in the House and adopted under a suspension of the rules by yeas 172, nays 64:

Mr. J. Q. Smith moved that the rules be suspended and the following preamble and resolution adopted:

"Whereas the Constitution of the United States provides in express terms that Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes; and

"Whereas this provision of the Constitution imposes upon Congress powers and duties of such high moment to the common commercial interests of the people of these States, as the citizens of one nation, as to have been a leading cause for the formation of the Union itself: Therefore,

"*Be it resolved by the House of Representatives*, That in the judgment of this House it is within the constitutional power of Congress by law so to regulate commerce among these States as to protect that portion of our internal commerce which is among the several States from all unjust or oppressive tolls, taxations, obstructions, or other burdens, whether imposed by railroad companies or by combinations thereof, or by other common carriers, when engaged as the instruments of such portion of the commerce of the people; that the present condition and magnitude of the commerce among the States are such as to demand the prompt and wise exercise of the power and duty declared in this resolution."

That resolution was voted against by nearly all the Democratic members, including my friend from Georgia [Mr. BLOUNT], the gentleman from Pennsylvania [Mr. RANDALL], the gentleman from New York [Mr. COX], the gentleman from Missouri [Mr. BUCKNER], the gentleman from Texas [Mr. HANCOCK], also Mr. MILLS.

Since that time, however, under a proper public opinion, the courts have overthrown the doctrine of vested rights as it was then claimed; and the railway mileage of the country has more than doubled, and the amount of product carried by the railways has more than doubled also in those ten years; and while the mileage has doubled and the product carried has doubled, the rate at which it is carried has been decreased by one-half.

Now it is everywhere, I believe, acknowledged in this country, in this Hall, in the State Legislatures, by the Federal and by the State courts, that the common law obtains touching this commerce, namely, that it shall be done at a reasonable rate. And if any man thinks he is aggrieved, the courts, both State and Federal, in a proper case, are open to him for redress; and the common law, like the grace of God, as some one has said, always stands ready to adjust itself to the necessities of each case.

It is said, however, with great force, that it is a practical denial of justice to force a man who has been charged an unreasonable rate upon a small haul of goods to enter the courts to enforce his remedy. This is true in many cases. Therefore I would enlarge the remedy. I would make it cheaper and more speedy. I would appoint a commission and give the proper legislation to advance the remedy, leaving the common law all the while intact to adjust itself to the merits of each case.

Therefore I was in favor of the bill reported by a majority of the committee, which provided a commission. It may not be perfect—I apprehend it was not perfect—but I believe it to be a step in the right direction, and I stood ready to vote for it, and voted against the substitute offered by way of amendment by the gentleman from Texas.

[Here the hammer fell].

Mr. ADAMS, of Illinois, was recognized, and yielded his time to Mr. CANNON.

Mr. CANNON. I live a thousand miles from the seaboard and represent a constituency the products raised by which for the market have doubled in ten years' time. In that same ten years the rate for taking their product to market has decreased one-half. It stands me in hand, while I am always ready to co-operate in apt legislation to give needed relief—it stands me in hand as their Representative to see that the legislation proposed does not do exactly the thing that they do not want done. I believe that would be the effect of this legislation. I am not a very good railroad man. I have no interest in railroads and never had, except the interest that every citizen has. I have no pecuniary interest in them. Where, as in Illinois, in Iowa, in Nebraska, in Texas, car-loads originate by the multiplied thousands for the seaboard and for the foreign trade; where they gather them up at one station and then at another, and for a continuous haul, without stopping full employment for the cars from the beginning to the end, and where there is full employment in the main for the cars on the return trip, where it is no retail business, I do believe that kind of business is worth less than it is where you take it by the half car-load and the car-load at every station between those points and the seaboard, after you have waited two or three days to fill, in whole or part, the empty cars, and then take them up by retail to take to the market.

For these reasons, and many others, I can not get my own assent, although I have tried to get it by careful examination of this bill—the best examination I have been able to make—I can not get my own assent to vote for it. And I regret this, because I believe that some legislation on this subject should be had. Perhaps in the course of time, without legislation, under an enlightened and decided public opinion and a continuation of the development of railway management, these wrongs might largely right themselves. I would prefer, however, to assist in the righting of them by apt and proper legislation enlarging the remedy, but, as I before said, leaving the common law always ready to apply itself to the exact injury complained of. The arbitrary rule, proposed by the gentleman from Texas, that these roads shall not in any instance charge more for a longer than for a shorter haul, the folly of which he concedes himself, because in the last section he makes some exceptions, and as he concedes some exceptions he can not (for he is not all-wise) determine that there are no more exceptions—I say that this iron-clad rule would, as I believe, work harm and advance the rates upon the products of my section and of the greater part of the country without doing any good to the consumer of these products upon the seaboard or anywhere else. Therefore I shall, for these and other reasons my time will not permit me to state, be compelled, unless this substitute be materially amended, to vote against it.

Mr. REAGAN. I withdraw the *pro forma* amendment.

Mr. HORR. I renew the amendment. I desire to occupy the time of the House but a moment. In a former discussion on this bill the following language was used by myself and the gentleman from Texas [Mr. REAGAN]. I read from the RECORD:

Mr. HORR. If you can show me that railroad companies are becoming rich by means of extortionate charges I will go as far as any man to correct the evil. But does my friend from Texas claim that the roads in his own State are at present charging these extortionate rates? Can he name to me a single road in that great Commonwealth, renowned for its vast territory and "magnificent distances," that has ever paid one cent to its original projectors? Is there within the boundaries of the State a single road that has ever returned to the men of England, of Europe, of New England, or New York 1 per cent. interest on the capital they have furnished to build up the road and develop the State? I am informed upon good authority that up to this time you have never paid a shilling to any man who invested his money in those enterprises. The State needs those roads. These men have advanced their money for the purpose of benefiting that country. They have made your State richer, more prosperous. They expected no immediate returns; they depended upon the future. They are still waiting, hoping that the growth of the State, the increase of local business, may some day bring them a little interest on their hazardous venture.

Mr. REAGAN. The gentleman will allow me one moment. He seems to be very familiar with railroads and other matters in Texas; but I will say to him that the stock of the Central Texas Railroad is worth more in the market today than that of any other railroad that I know of; the dividend-paying profit is larger.

Mr. HORR. You surprise me. I confess I am making my statement from memory. I put this very question to men two years ago in the committee, as the gentleman from Texas will remember, and was then told that up to that time not a single road in Texas had ever paid a single shilling of dividend on its original stock.

Mr. REAGAN. I have heard a hundred as false statements as that made to the committee since I have been on it.

I have since taken pains to look into the condition of the Central Texas Railroad, to which the gentleman referred and for which he

vouched in such strong terms, and I now wish to correct him and to substantiate the statement I then made. I wish to show to the House that the gentleman was mistaken about this road being such a wonderful pecuniary success. I have before me the exact net earnings of that road for the years 1882, 1883, and 1884, which shows a large loss to its owners. Why, sir, they did not make within $200,000 enough money on that road during those three years to pay the interest on their bonds. To be accurate, they lacked $208,340. Thus it seems not only has this company failed to pay its stockholders anything, but it did not in those three years earn enough within over $200,000 to pay the interest on its bonded debt. And I assert that although the road is now connected with another road, the stock of the joint roads, instead of being the best-paying stock in the country, is nothing of the kind. So far as I can learn their stock is not found quoted on the boards anywhere in the United States as having any value at all. I merely make this statement now because on the former occasion I was taken at a disadvantage, and the gentleman from Texas seemed to think I was meddling with the affairs of his State, which he claimed to know so much more about than I did. I desire simply to show him that while my knowledge was not excessive he was in a much worse condition—indeed, was even more ignorant than I was myself. [Laughter.]

Mr. REAGAN. I wish to ask the gentleman whether he knows that after that road was built $12,000 of stock to the mile was issued—watered stock—on which we are now asked to pay dividends.

Mr. HORR. That does not affect the question; but I am glad the gentleman makes the statement. What difference does that make? Let me read again the statement of the gentleman from Texas:

He [Mr. HORR] seems to be very familiar with the railroads and other matters in Texas; but I will say to him that the stock of the Central Texas Railroad is worth more in the market to-day than that of any other railroad I know of.

The gentleman may get out under that clause limiting his statement to what he knows [laughter]; but certainly he can not get out in any other way. He concluded

The dividend-paying profit is larger.

Now what difference does it make, Mr. Speaker, whether the stock has been watered or not, if the road does not pay a shilling on either the watered or unwatered stock? Would watering the stock affect the amount of earnings? [Laughter.] If there is not profit sufficient arising from the running of the road to pay interest on its bonds, then my statement was accurate to the dot, and he should not have undertaken to place me, with my known diffidence, at such a disadvantage before the House. [Laughter.] Especially he should have known the condition of this road, so as to have been at least accurate.

Mr. BUDD obtained the floor.

Mr. REED. Do I understand the gentleman from Michigan [Mr. HORR] as intending to state that the stock which the gentleman from Texas said was the most valuable he knew of is absolutely valueless?

Mr. HORR. I will be careful in my statement.

The SPEAKER. The gentleman from California has the floor.

Mr. HORR. But let me answer the question of the gentleman from Maine.

Mr. BUDD. I will yield to the gentleman in order that he may answer that question.

Mr. HORR. What I stated is that I am utterly unable to find any quoted value of it in any work I have examined, and I tried to be thorough. How can the stock be valuable when the road does not earn the interest on its bonded debt?

Mr. REED. I am surprised.

Mr. BUDD. I offer the following amendment:

The Clerk read as follows:

Strike out after the word "provided," in line 23, the following words, "at least five days before the same shall go into effect," and insert instead thereof the words, "and it shall be unlawful to make or charge any increase of or on such rates until the schedule containing such increase shall have been posted as hereinbefore provided for a period of at least fifteen days."

Mr. BUDD. Mr. Speaker, I will state briefly the object and scope of this amendment. That the publication of rates is one of the effective modes of preventing railroad discrimination and abuse, no one who has carefully studied the railroad question will deny. The parliamentary committee of 1872 found that this would "let the public know what they are charged and why they are charged, and give them better means than at present exist for getting unfair charges remedied."

But in the section as proposed there is a provision that ought not to receive our indorsement. It is the provision prohibiting the lowering or decreasing of a rate without five days' notice thereof. I am in favor of prohibiting, and by this amendment I propose to prohibit, any increase in the rate charged by a railroad without a previous notice of fifteen days.

Commercial interests demand that the stability of rates be not disturbed by frequent or sudden increases therein. I would allow railroads—such as so desired—to lower their rates without hinderance or notice, but would force them when once they had made a decrease to maintain it until due notice was given to the merchants and the people of a proposed future increase.

Not only would this amendment benefit the people by preventing sudden increases, but it would also tend to prevent wars of rates, or so-called railroad wars, and thus also benefit transportation companies. Few companies would cut below the cost of transportation if they knew that they could not come back to paying rates without due public notice.

This amendment is a provision which has the sanction of some of the States of this Union, and also of several of the nations of Europe. The State of Kansas requires sixty days' notice before any increase is made. Nimmo in his report favors the publication of rates and prohibition of an increase thereof without due notice. In Belgium, Prussia, and Austria provisions requiring publication of rates are in force. In North Germany it requires a notice of six weeks before an increase in rates is lawful, and in Sweden thirty days is necessary. In England the royal commission of 1867 recommended publication of rates, and the joint committee of 1872, composed of six of the ablest members of each house of Parliament, indorsed and reaffirmed this recommendation in very strong language. In the United States Congress the Senate Committee of 1872 on Transportation Routes to the Seaboard in its report took decided grounds in favor of the publication of rates. It also holds that this publication should precede any increase of rates, but does not seem to deem it necessary to prohibit a decrease thereof without notice.

The committee says:

There is no doubt that a valuable reform in railroad management may be obtained by requiring such publication in this country, especially if accompanied, as in several European countries, with a provision prohibiting an increase of rates without reasonable public notice.

Now all I desire, and all I suggest, and all my amendment will effect is this: it will prevent any railroad that has once fixed its schedule and posted it, as required by the Reagan bill, from making an increase of rates without fifteen days' notice to the public. It can lower them without any notice as much as it wishes, and thus give the people cheaper rates, but must not make an increase without due notice.

I feel certain that this provision preventing railroads from making any decrease in rates without notice is wrong; but that one, such as my amendment, which has as evidence of its value the example of some of the States of this Union, the action of several European countries, the recommendation of the Senate committee which so fully investigated the matter a few years ago, the report of that able Government official who for many years has made internal commerce of the United States his special study and who stands to-day as an authority upon interstate commerce without a peer among the employés of this Government—I mean Joseph Nimmo, jr.—ought to be by this House incorporated in this bill.

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. I propose to insert thirty instead of sixty, and will make a remark on that amendment. The argument of the gentleman from California is unanswerable as to five days' notice; and giving five days only, opportunity is given to the railroad companies to cut under the rates, and thus defeat competition. If you make it longer you prevent undercutting in proportion to length of notice. You will not get the railroads to carry freights at a less rate for so long a time. Five days' notice is not enough, and I do not think the gentleman from Texas, after hearing what has been said by the gentleman from California, will be inclined to disagree with him.

But, Mr. Speaker, there is another point here—a point with reference to the expense thus imposed upon the railroad companies themselves. Congress does not wish, I am satisfied, to put them to an extraordinary and unnecessary expenditure of money. Why, sir, I believe we have about 40,000 post-offices in this country. We have just about as many railroad stations, probably more, and yet under the provisions of this bill requiring a five days' notice you compel the railroad companies to establish printing offices, to employ hundreds and thousands of men to carry out this idea of posting up every five days any increase in the freight rates. I want the House to look upon it in that light.

The gentleman protests that he is not endeavoring to crush out enterprises in railroad construction, or to depress railroad interests, or to depreciate their property; but here is an instance where he forces, absolutely drives them, to a great and useless expenditure of money. I believe we have about 2,200, perhaps more, people employed in the Government Printing Office to do the printing and binding for Congress and the Departments. It requires that number of persons to do it. Now, under the provisions of this section of the bill you will compel the railroads to establish printing offices just as large in order to prepare the schedules which they must post in their offices, and employ men by hundreds to do the work of printing.

But there is still another point to which I wish to invite attention. How will you manage with reference to the Canada railroads? I presume Canada railroads have agents in the city of Chicago and other cities on the lakes seeking business for them. The bill does not require that the rates of these foreign roads should be posted up in any office in the United States where they have agents doing business for them. I do not think, then, that it is fair to our American companies that this great expense and trouble should be incurred by them, and yet the Canada roads not required, where they have their agents in the cities along the lakes or at other points, to do the same. I do not know how, nor do I see why, the railroad companies are to do it; and yet you do

not oblige the canal and water-way transportation companies to post up their rates. It is an unjust discrimination against the railroads. I believe the section should be stricken out entirely, or perhaps with the amendments which have been suggested it might be made not so objectionable as to render it our duty to vote against it.

Mr. REAGAN. I allowed the colloquy between the gentleman from Michigan and myself to pass without an explanation which is due to the House as well as to myself in reference to one point suggested. My colleagues on this floor will indorse the statement when I say that up to a few years past the Central Railroad of Texas paid the highest dividend of any other road in the Union. I was not aware until informed by the gentleman from Louisiana of the changed condition of affairs brought about by the largely watered stock in recent years. So the gentleman from Michigan has had his joke, and I hope is satisfied.

In reference to the amendment before the House, Mr. Speaker, the provision about the posting up of notices announcing changes of schedules has been fully and seriously discussed by the committee during several Congresses past, and objection has been made to even the requirement of five days' notice. But here, lest I should pass from the subject about which the gentleman from Pennsylvania seems to be so much alarmed, I wish to say that this five days' notice is a very simple thing after all. The gentleman from Pennsylvania complains as if this was to be done continuously.

Mr. O'NEILL, of Pennsylvania. That is, five days' notice if they raised their freights.

Mr. REAGAN. Yes; but the gentleman speaks as if it was required to be done every five days. It may be done only once a year. It need not be done at all if they do not choose to change their rates.

Mr. O'NEILL, of Pennsylvania. But in a competition between railroad companies the rates are necessarily changed in a very short time.

Mr. REAGAN. I must decline to be interrupted in the short time that I have. The objections made to this bill by the railroad officers and by the lawyers representing them before the committee was that often five days was too long a time, and my recollection now is that the gentleman from Pennsylvania himself objected on that ground.

Mr. O'NEILL, of Pennsylvania. I say what occurred in committee when I state that I objected to the five days upon the very same ground on which I object to it in the House. The gentleman from Texas fails to recollect the facts.

Mr. REAGAN. Of course the gentleman from Pennsylvania objected to anything that places any control or restriction upon the railroads. But I must beg not to be interrupted.

Mr. O'NEILL, of Pennsylvania. I only objected to such things as destroy the railroads.

Mr. REAGAN. I trust the gentleman will not interrupt me and that the Speaker will require order to be preserved upon the floor.

The SPEAKER. The gentleman from Texas can not be interrupted without his consent.

Mr. REAGAN. The point of trouble on that subject to the mind of those gentlemen who appeared before the committee as lawyers and the officers connected with the railroads was not that it endangered anything with reference to the railroads in the United States, but that the requirement of a long notice before a schedule could be changed could not affect the intervening period during which the notice was given, and would give a privilege to certain roads in freight charges. The argument has been made by gentlemen here during this discussion that it gave the Canada railroads an advantage in that respect. The answers which I then made to it I now repeat, that no road managed by men of ordinary business sense would enter into a railroad war for the advantages in freight transportation, covering a period of only five days; and the other was that the Canadian roads which had less rolling-stock, which passed through a poorer country, less transportation facilities, and had to cross the Saint Lawrence River twice, were not capable of competing with our own roads in that respect.

But let us understand what this is. It is a requirement that the railroads shall post up their schedules of rates of charges at certain designated places. It requires that they shall not charge more nor less than the rates posted up until the schedule is changed, and gives them, when they wish to make a change, five days' time within which to change it, so as to post up the new schedule which is to supersede the old one. Such changes are of course at their own option; but there is no obligation resting upon them to make the changes if it is not to their interest to do so.

My opinion is that if the amendment of the gentleman from California and the amendment to it or the amendment of the gentleman from Pennsylvania shall be adopted it does give substantial validity to the argument that it gives advantages to the Canadian roads. And it is because I think it would be unjust to our railroads that I object to it. Kansas may well adopt that rule because there are no outside railroads, so far as I know, competing with the Kansas railroads. There can be no outside railroads competing with them in reference to commerce wholly within the State. Belgium and other countries which have been referred to have their systems of roads. We can not know whether there are competing roads there to be considered in connection with the system of transportation, as we must consider the Canada roads in connection with the great transportation system of the Northern lakes.

I hope neither the amendment nor the amendment to the amendment will be adopted. The five days' notice can work no harm. It will be easy of execution and will protect the people, while it can not harm the railroads.

Mr. BUDD. I move to strike out the last word.

The SPEAKER. There are already two amendments pending. The question is on the amendment of the gentleman from Pennsylvania [Mr. O'NEILL] to the amendment of the gentleman from California [Mr. BUDD] to strike out "fifteen" and insert "twenty."

Mr. O'NEILL, of Pennsylvania. I did not offer that as a *pro forma* amendment.

The SPEAKER. The question is on the amendment to the amendment.

The question being taken, the amendment to the amendment was not agreed to.

Mr. BUDD. I move to strike out the last word.

The gentleman from Texas [Mr. REAGAN] and myself agree as to the necessity for a publication of rates and of public notice being given of any change therein. We disagree as to the number of days and as to what notice should be given. In referring to Belgium and the roads there the gentleman from Texas says that we can not know whether or not there are competing lines that have to be taken into consideration. I thought that the Belgium system established by Leopold I was so well known, and that the competition of private lines with Government lines was so well understood, that all would know that there was competition in Belgium the same as in nearly all the other countries of Europe.

The gentleman from Texas states that his objection to my amendment is that it would give force to the objection made by the attorneys for the railroads before the Committee on Commerce. I have carefully read the arguments before the Committee on Commerce, and I believe I am correct when I say that the objection was based on a lowering of rate and an increase thereof was not mentioned. They stated that if we required five days before a railroad could come down in rates, the Canadian road could reduce one cent or some other amount, and when the five days were up and the United States railroad rates came down to meet the competition, the Canadians could still decrease and for another five days prevent competition and monopolize the trade. But I fail to see in all the arguments any valid objection against the time within which they should prescribe or publish their notices of any increase in rates.

This system has worked well in the old countries. It works well in some of the States of the Union. This amendment is, like other sections of this bill, taken from State statutes. And I state now that I believe the adoption of an amendment requiring notice before an increase of rates is the only kind of notice of change in rates that should be required; that it will prevent wars of rates; that it will neither injure railroad companies nor the people, but will be beneficial to both interests.

That was my object in offering the amendment. I have heard nothing advanced against the correctness of my position except the statement by the gentleman from Texas [Mr. REAGAN] that the railroad attorneys before the committee had said that it would prevent competition with the Canadian lines. But, as I understood their objection there, it was against prescribing a time within which they could not lower their rates to meet competition on the Canadian lines. I will print Mr. Depew's objection.

> Mr. DEPEW. * * * The schedules are to be posted from one end of the line to the other. But who can tell at what moments the connecting line may repudiate the schedule, and so make absolutely inoperative, so far as this railroad is concerned, from one end of the line to the other? You have got to stick to it for five days. The American Congress steps up and takes the American railway system by the throat, ties its hands behind it, and puts it in the lap of the Canadian system.
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> Suppose the Pennsylvania and New York Central, and the Baltimore and Ohio all agree upon a schedule. It is posted for five days. It is a remunerative schedule, and gives them a profit. The next day the Grand Trunk says to the country, "We will carry that freight at 5 cents less." Will you tell me what will become of the business of these American companies?
>
> Mr. REAGAN. Just as now; when the five days expire they can reduce the rates, as they do without this law, and as they could do with this law.
>
> Mr. DEPEW. In five days they come down, and they are fixed by your bill for five days more. And the next day again the Grand Trunk lowers and takes the business.
>
> Mr. REAGAN. That makes a railroad war, just as we have now.
>
> Mr. DEPEW. Then we have an unlimited railroad war.
>
> Mr. REAGAN. That is just as it is now.
>
> Mr. DEPEW. But the lines can drive the Grand Trunk into terms now; but under your iron-clad rule they can do no such thing, because they can always have five days the start, and five days' time is decisive usually in the railroad war.

I withdraw the *pro forma* amendment.

Mr. HEWITT, of New York. I renew the *pro forma* amendment.

I am compelled to recall attention to the point I made the other day. There is no analogy between the conditions in Belgium or any European country, or in any State in this Union, taken by itself, and the condition of the foreign commerce of this country, which is fed by long hauls on railways passing from State to State. What may work very well in a small community or in a single State, or a single European country, fails utterly to be of use when you come to deal with the great

foreign commerce of this country, consisting largely in the transportation of grain, provisions, and cotton to our customers in the Eastern Hemisphere. This business is now done by telegraph. There are not five days' interval between the unloading of a ship in the port of New York and the day of her sailing. The rates which can be paid for the transportation of grain from Chicago or Saint Louis to New York, and from New York to Liverpool, have to be determined in less than one day. They have to be determined very often in less than five minutes.

Now this being a question of minutes and not of days, the gentleman from Texas [Mr. REAGAN], who lives in the important city of Palestine, a name of which I have heard in my time, although I confess I thought it was an Oriental region—the gentleman steps in and undertakes to say to the merchants of New York and to the commerce which centers there that for five days it shall stand still while the requisite notice of a change of rates is being printed and posted. Here is a new Joshua who has come upon the scene and can bid the sun or the moon to stand still in their heavenly orbits. [Laughter.]

Let me say that I can not understand the position of the gentleman from Texas. The other day when I took the floor he objected to my proceeding for five minutes because the debate had already been exhausted. To-day I find him taking the floor and occupying the time of a gentleman who yields to him and by the grace of the chairman doubling the actual time——

Mr. REAGAN. I was replying to something that occurred after the occasion to which the gentleman refers.

Mr. HEWITT, of New York. It may have occurred afterward; but the gentleman should have remembered that other people besides himself want to be heard on this floor, and other communities besides the magnificent region of Palestine have a right to have their interests explained here.

And now I find him to-day making the only defense that I ever heard of the abominable reconstruction Legislatures of the Southern States. I have been taught by my Southern friends to abhor the outrages of those unconscionable men who went South and seized upon the sovereign power of those States for their own base uses. Yet the gentleman from Texas has stated here to-day that these unprincipled carpet-baggers for $8,000 a mile could secure and did secure the construction of a great highway through the State of Texas; and this was such an outrage that when the honest men came into power they disregarded the previous bargain and made a new bargain which, by his own admission, has given to these railroads $25,000 to the mile in land—12,000 acres to the mile worth, as the gentleman says, at the minimum $2 an acre—and exempted them from taxation for twenty-one years.

Mr. REAGAN. Twenty-five years.

Mr. HEWITT, of New York. Well, all I can say is if the gentleman's statement be true those "scalawags" "builded wiser than they knew;" they were men of farsightedness, who understood how to make better bargains for the State whose sovereignty they had stolen than the honest men who came in afterward, and who did not seem to understand the true interests of the State of Texas as well as the "scalawags" had done. If that is the case let us have scalawag government all over this country instead of such legislation as the gentleman proposes, only calculated to embarrass the conduct of business already deranged throughout the length and the breadth of the land. The people are clamorous for the removal of obstructions, not for the imposition of new impediments. Let us have freedom to trade and freedom to move our products under the beneficent law of free competition so regulated as to prevent abuses developed by experience.

[Here the hammer fell.]

Mr. REAGAN rose.

Mr. HEWITT, of New York. I am not altogether done. Perhaps the gentleman from Texas would like to shut me off again.

Mr. REAGAN. No, sir.

Mr. HEWITT, of New York. Thank you. I hope some gentleman will yield me five minutes.

Mr. ADAMS, of Illinois, obtained the floor and yielded his time to Mr. HEWITT, of New York.

Mr. HEWITT, of New York. Now, Mr. Speaker, I understand that the whole object of the gentleman's bill is to secure low rates. I have been taught that low rates and low prices are secured by competition. I know that the competitive system has reduced the rates of transportation in this counary in ten years, as the gentleman from Illinois said a few moments ago, to one-half and less than one-half what they were before. I know that this process of reduction has gone on, and is going on to-day, so that there is not a trunk line of railroad in the United States that is doing more than earning its running expenses. Now, the gentleman, who says he wants cheap rates and wants to protect the people, and who therefore ought to want competition, proposes by this section of his bill to muzzle competition. In the previous provisions of the bill he has prohibited pooling in order to secure competition. Yet if I have a cargo of wheat which I want to ship to Liverpool and go to a railroad company to obtain a rate that will make the shipment possible, I am met by the clause of this bill which tells me that I can not get a reduced rate in less than five days; that for five days, during which my steamship may be obliged to sail, no railroad company shall compete with any other railroad company and give me a favorable rate. The gentleman from Texas is here as the friend of the people, yet in his efforts to secure what he thinks will benefit commerce he muzzles it so that our ships will sail empty and our ports will be closed up, because we are not allowed to meet the requirements of the commerce of the world.

For one I am tired, I confess it, of this kind of legislation and of this indifference to the plainest facts which ought to be known to every man of business in this country, and even to the gentleman from Texas, who has had before his committee some of the ablest, wisest, and strongest men in the country on the subject of transportation business. From them he might have learned that it is not restriction but freedom that promotes the growth of commerce, and that nowhere is the maxim of *laissez faire* so beneficial and between the competing companies who have provided the means of transportation in advance of the wants of the country, and the possibility of unreasonable profits or of any profits, unless the business is pooled on a reasonable basis. It is the business of Congress to see that the basis is reasonable, and this can be secured by regulation under the supervision and control of a competent commission, for which I had the honor to report a bill so long ago as the Forty-fifth Congress.

Mr. REAGAN. Mr. Speaker, I have always given the gentleman from New York credit for great intelligence and information. But he has revealed the fact that he does not know where Palestine is. Why, sir, the smallest child on my place knows where it is.

Mr. HEWITT, of New York. Oh, I know where the original Palestine is. There was some sense there. [Laughter.]

Mr. REAGAN. The gentleman is very kind. I suppose by that he means to say there is none at the other place.

Mr. HEWITT, of New York. No; I mean no inference. I let the gentleman speak for himself.

Mr. REAGAN. Very well. The gentleman thinks this bill ought not to be passed because I have become a Joshua and am commanding the sun to stand still. If I could induce him to let his tongue stand still awhile I think the bill would pass. [Laughter.] I have never professed to be a Joshua; never professed to be a prophet; never professed to exercise extraordinary powers. I only ask the passage of a measure of ordinary justice and common honesty.

Why, sir, the gentleman talks about my objecting to hearing the voice of New York. Does he pretend to speak the voice of New York? The Legislature of New York is a better exponent of the opinions of the people of New York than the gentleman who has just addressed the House. That Legislature a few years ago demanded legislation like this.

Mr. HEWITT, of New York. For a commission, and I am in favor of a commission.

Mr. REAGAN. I am glad of that. I never heard of it before.

Mr. HEWITT, of New York. I stated it the other day.

Mr. REAGAN. The gentleman says that he is for a commission. That is, he wants a commission which means nothing, and which is not intended to mean anything. It is what is used and has been used all the time to antagonize my bill. If the voice of New York, if the voice of the people of New York could be heard to-day, instead of the voice of her money and aggregated capital, a different voice would be heard from that which has been uttered by the gentleman as well as others here upon this floor. [Applause.]

The gentleman talks of this bill inflicting irreparable injury on the commerce of the country. Shall I repeat what I have said so often on this floor? It prohibits the charging of one man more than another for like service. Is it wrong to say, "Gentlemen, you shall be honest; you shall not rob one for the benefit of the other?" What is there wrong in that?

It says no rebate will be allowed to one and denied to another. It says this system of secret and fraudulent methods employed to benefit one class of shippers at the expense of another shall be no longer indulged in, shall be no longer permitted; that to do so is a crime which shall be punished. I appeal to the common sense of all present, to the common sense of every honest heart, if both these provisions are not based on good morals, on sound philosophy, and upon the principles of eternal justice.

It says, sir, that there shall be no pooling. Why, that gentleman comes in with another statement about competition, just as the gentleman from New Jersey [Mr. PHELPS] did, and yet he knows to-day there are forty roads in one pool managed by pooling managers in New York for the purpose of denying to the people the rights and benefits of competition. Yet they talk about competition. He ought to know that the advocacy of a universal pool has been earnestly presented by Mr. Fink, Mr. Adams, and all the other leading railroad advocates of this country to make one grand monopoly out of all the inferior monopolies of this country.

Yet gentlemen, when I try to present these principles, and one more, which is that they shall not charge more for a shorter than for a longer haul, the shorter haul being included in the longer, tell me it is all wrong. Is it wrong, sir, to prohibit a railroad from charging more for a car-load for one hundred miles than for five hundred, including the one hundred? The gentleman from Illinois [Mr. CANNON], to make his argument plausible, broke the shipment into parts of car-loads, and

did not make the distinction that the charge should be for like service and like transportation.

These are the four principles involved in this bill, and I undertake to say that the man who means to benefit the interests of this country, who means to be just to his fellow-men, who means to curb the growing power of railroads which have defied us on this floor, who means to protect the people against the rapacity of the railroads, can not object to the provisions of this bill, but must rely on them, notwithstanding the appeals and the audacious declamation we continually hear, and which is miscalled argument, in opposition to this bill.

[Here the hammer fell.]

Mr. GREEN. I wish to submit an amendment.

Mr. BUDD. Is the gentleman's amendment an amendment to my amendment?

Mr. GREEN. No; it is an entirely independent proposition.

Mr. BUDD. My amendment is pending, and must, of course, be first voted upon.

Mr. GREEN. I will withhold my amendment, then, for the present.

Mr. BUDD's amendment was again read.

Mr. KEIFER. I move to strike out the last word, so I may be allowed to say what I desire on this bill. It is quite impossible for any of us not starting early to be able to give our views on so elaborate a measure as this. I shall not attempt it. It requires great study and care and large examination of statistics; but there are some general principles applying to this bill which we can of course understand, especially if we have been close observers of the trade and commerce between the States. I do not doubt the power of the Congress of the United States to regulate the trade and commerce between the States, but I doubt the wisdom of this bill in many respects. Its main features were before us in the Forty-fifth Congress, when I believe I voted for it, believing then there was some necessity for such a measure; but I believe that necessity has entirely passed away and that it does not now exist, however the gentleman may seek to magnify it.

There is another thing that has some influence on my mind, and that is the fact that the great Commerce Committees of the House of Representatives have had this subject before them from Congress to Congress for years past and have examined it carefully, have examined witnesses, experts and others, and they have with great uniformity of sentiment, since the Forty-fifth Congress at least, reported against this bill and in favor of another.

I know the distinguished gentleman in charge of this measure has seen fit to say that the Commerce Committee was packed in favor of a particular bill, and this same statement has been made more than once on the floor. It might have been so in the beginning, but in response to that it is proper for me to say that it is not true with reference to the Forty-sixth Congress, I know it was not true as to the Forty-seventh Congress, nor do I believe it to be true as to the present Congress; and the gentleman in the heat of debate made a statement which I think he will not insist upon now. I was not present in the House when the statement was made, but I do undertake to refute the assertion that the Committee on Commerce of the Forty-seventh Congress was packed against his bill. He was himself placed at the head of the minority of that committee, because he was chosen properly by the distinguished Speaker of the Forty-sixth Congress to preside over that committee, and chosen largely because of his fitness, his earnestness, and his zeal in his advocacy of this measure. There was put next to him on the committee the present governor of the State of Maryland, Mr. McLane; there was Mr. Ross, of New Jersey, a man of brains and will-power, a man of knowledge and investigation, who examined closely into these subjects. There was the distinguished scholar, the present Senator from the State of Louisiana [Mr. RANDALL L. GIBSON], and so on throughout the list on that side.

On the Republican side there was not a man put on the committee who, with any knowledge on my part, was opposed to the gentleman's bill. I understand the chairman of the committee, the gentleman from California, Mr. Page, advocated it; and he was the sole man, after hearing all of the testimony offered, to stand up on the side of the gentleman from Texas in the Forty-seventh Congress in advocacy of the bill.

The trouble in that Congress was the same as the trouble is here, that when the gentleman got all of the facts before the committee, and when they earnestly desired to do the thing they wanted to do, namely, the best thing for the whole country, they preferred another bill to that of the gentleman from Texas; that is to say, they preferred the bill providing for a commission. And it has great weight upon my mind in determining what I shall do here in this connection, although earlier in the history of my career in Congress I have been an advocate of the gentleman's measure and thought it one that would be likely to accomplish good in the direction sought to be accomplished.

[Here the hammer fell.]

Mr. REAGAN. I do not desire, Mr. Speaker, to have any personal issue upon this floor, but I am not satisfied with the statement of the gentleman from Ohio. Knowing that he had voted for the bill in a previous Congress, after his election as Speaker I went to him and told him that while I did not wish to ask any particular favors at his hands, I wanted him, if consistent with his views, to constitute the Committee on Commerce so as to let this measure come before the House and be acted upon by the representatives of the people. He suggested to me, occupying the chair, Mr. Speaker, you now occupy, that I had better write to him on the subject, because in the hurry of business he might forget or overlook the suggestion. I took him at his word and wrote a statement of what I wanted. I desired him, while I did not name any one to go upon the committee, to so constitute it, or that it was my wish that he should constitute the committee so as to allow the measure to come before the House, and in this request I was supported by memorials and petitions from all the sections of the country. When the committee was organized there were thirteen members who were opposed to that bill, and some of them who were its well-known opponents and had voted against it when the gentleman himself voted for it.

I do not like, sir, to speak of these things, because I am not authorized to speak for others, but there was no injunction of secrecy, and it is proper that I should say that the then chairman of the Committee on Commerce told me himself that there was a struggle to keep even me off the committee by the railroad interest. The gentleman from Ohio himself told me that these people quarreled with him because he left me on the committee. What other inference is there that the committee was made up to answer the purpose of men who desired for very particular reasons to have me off that committee, and so stated to the Speaker himself? I have nothing to do with motives. It is not for me to say that the Speaker, in making up the committee, knew the position of the men placed upon it; but the struggle of men to put persons there favorable to the railroad interests, and the struggle to keep me from being a member of the committee, afforded ample evidence of the truth of the position that I took.

I was obliged to the then Speaker for putting me on the committee. The discussion on this bill led to bringing out the remarks which I made and to which reference has been made here, remarks that I do not know under other circumstances I should have made, but after considering all of the facts I do not feel that I would be just to myself to withdraw the statement which I made.

Mr. KEIFER. I withdraw the *pro forma* amendment and renew it for the purpose of saying a word. I have no desire to pursue this matter in the shape of a personal controversy between the gentleman from Texas and myself, but I am authorized to say for the then chairman of the Committee on Commerce of the Forty-seventh Congress that he never made any such statement as the one now made here by the gentleman from Texas to me. As a personal friend of his I say this much.

Mr. REAGAN. It is simply a question of veracity.

Mr. KEIFER. And if he had made it I must say that it would not be true. There never was any such ground for it. I did not remember with great distinctness that the gentleman from Texas had applied to me to pack that committee in the interest of his bill. But if he says that is the case, as he repeats here to-day, I will make no issue with him.

Mr. REAGAN. I did not say that.

Mr. KEIFER. But I will say I did not pack the committee as he says he requested me, either in his interest or in the interest of his bill or in the interest of any railroad or of any person.

Mr. REAGAN rose.

The SPEAKER *pro tempore* (Mr. TOWNSHEND). Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. KEIFER. Yes, sir.

Mr. REAGAN. I wish to say the gentleman from Ohio should not use that offensive expression. I did not ask him to pack that committee. I only asked him to let the voice of this House upon that bill be heard.

Mr. KEIFER. I like very much to have a rule that will work both ways. In my absence from the floor a few days ago the gentleman from Texas used the word "packing" in reference to myself, and said a committee had been "packed." Now he asks that that word shall not be applied to himself, when he has just stated that he requested me to make up the committee so that his bill might get before Congress. What does that mean but to pack it?

Now I say nobody asked me to pack that committee. One gentleman did ask me if I was to put the gentleman from Texas on the committee, and I said, "Yes." That is the only thing that happened. I never proposed to pack the committee. The gentlemen who were on that committee were certainly of the best members of that or of any other Congress. Does the gentleman complain of his colleagues on his own side who were on that committee? Were they not of the best men of the country on that side?

Mr. REAGAN. They were all known to be hostile to that bill and had voted against it when the gentleman from Ohio voted for it. The yeas and nays were called and show that fact.

Mr. KEIFER. I can not say whether that is true or not. But a large number who had been put on the committee by the distinguished Speaker of the Forty-sixth Congress were continued on it in the Forty-seventh Congress because of their experience there.

But the misfortune is whenever that bill has passed under a scrutiny of gentlemen who have had time to devote to it, who have had time to gather and collate the facts relating to it and could investigate it by day and by night—whenever that time came, the bill has failed to meet the judgment of a committee. I do not know whether the gentleman claims that the committee of the present Congress is packed. But I am advised there were only one or two other gentlemen on the committee besides the gentleman from Texas who were in favor of his bill after they had heard the whole case.

Mr. REAGAN. That is not correct.

Mr. KEIFER. How many on the committee favored the reporting of your bill?

Mr. REAGAN. I beg to tell the gentleman that I am not on the witness-stand.

Mr. KEIFER. The gentleman from Texas undertakes to testify and then declines to state what is the fact. I suppose when a man who has a charge made against him stands mute that is a confession.

Mr. REAGAN. I wish only to say that the statement of the gentleman from Ohio [Mr. KEIFER] that one man asked him if he was to put me on the committee is not the statement he subsequently made to me. His statement to me was that "they," which meant more than one, had quarreled with him for putting me on the committee.

The question being taken on the amendment offered by Mr. BUDD, it was not agreed to.

Mr. GREEN. I now offer the amendment which I indicated a short time ago.

The Clerk read as follows:

That, within thirty days after the passage of this act the managers of each and every railroad embraced therein shall be required to have provided on each and every passenger train running on their line of road, which now carries a so-called express car, at least one car of like capacity for purpose hereinafter specified, and such car to be under the exclusive control of such road.

That, to the extent of ordinary carrying capacity of such car, every such railroad shall be required, under penalty of forfeiture of one-half of the ascertained and marked value of every package committed to it marked "*speed*," to take the same to its destination, or to the connecting road making such destination, with the usual celerity of the passenger train, provided that all such packages shall be of class and description usually carried by express companies, and no one package to exceed one hundred pounds in weight.

That, upon arrival at place of destination it shall be stored and cared for until delivered to the consignee in person or upon his written order, and at an additional charge not to exceed 100 per cent. over what would have been ordinary freight rate on same.

That, if destination of package so marked involves transfer to other and connecting railroads, whether owned or operated by the same company or not, such transfer shall be made with reasonable celerity on arrival at connecting point; and the road failing to make such transfer, or the one refusing to receive such package, if in good condition, shall be held responsible for such neglect and liable to aforesaid penalty on account thereof.

Provided, That nothing in this act shall be construed to require a passenger train carrying such freight to stop and deliver the same or any part thereof at any depot, station, or point other than one where the road has an accredited agent and where the train stops for ingress or egress of passengers.

Mr. GREEN. Mr. Speaker, if abatement of monopolistic assumption and extortion be the end in view of the bill under consideration, the amendment just read is certainly germane thereto.

Of all monopolies or close corporations with which we have to deal, there are few so close or with abuses more glaring than the three or four so-called express companies of a national character which enjoy the exclusive right of rapid freight carriage and arbitrary and extortionate charge. Actuated by no genuine or affected sentiment of public spirit, and deterred by no qualms of conscience, their motto seems to be—

The good old rule
Sufficeth them, the simple plan,
That they should take who have the power,
And they should keep who can.

They rarely come in competition with each other, but intrenched in franchise like the robber barons of the Rhine in a kindred era, on their castled crags, they seem by some occult understanding between themselves to map out the country to be despoiled by forced contribution, each taking their slice of territory. This arrangement is more objectionable to the public than a unitized monopoly. It is a good thing for the companies. Demand redress for overcharge or other grievance and the blame is sure to lie with the other company over the border, or if, perchance, discarding this stereotyped excuse, they will give you the equally hackneyed one of heavy bonus to the railroad for monopoly enjoyed. But, Mr. Speaker, the rapidly accumulating and already accumulated colossal fortunes of its chief functionaries and grand factotums completely negative and give the lie to that flippant but plausible pretext for their wholesale petty robberies.

But admit for the nonce that it is even so, and the reason for divorce between the two stands out the more apparent. What right, I ask, has the railroad to take the uttermost farthing of honest exaction from these poor innocents with the implied if not expressed understanding that in consideration therefor these last are to enjoy the exclusive privilege of exacting the very last farthing that they can get out of a reluctant public?

Mr. Speaker, there is no use in mincing terms. The profits of the express company under this delectable system, and they are enormous, when sifted down constitute an aggregation of petty swindles.

Whatever the road can afford to farm out the privilege at, that, with a reasonable percentage added for subagents, &c., is the proper gauge of measure and the aggregate of legitimate charge that it can conscientiously exact from the public if it did what it should do and what it should be made to do—attend to its own business instead of delegating it to another. The proposition covered by the resolution will probably be combated on the ground that patronage is not compulsory; in plainer terms, that no one is compelled to submit to the extortion. It is the India-inked plea of monopolists. As a rule it is fallacious, as it most certainly is here. Take a case for instance: You must have or deliver to another some article by a certain close day. The railroad can not take it. Why? It has barred itself from so doing by specific contract. And so it must come or go, if come or go it does, through the agency of the specially favored lessee yclept the express company.

Is there any limit as to duration of the powers enjoyed? Not the slightest. And there, sir, comes in another most objectionable feature. This privilege is in the nature of an interminable patent. Would you know its origin and the claim upon which it is based? If so, then hearken and I will tell you the tale as it was told me. An individual in the city of Boston conceived the brilliant and original idea of delivering bundles in the surrounding towns in a one-horse wagon. The idea grew, and its author grew, until it has developed into the mammothian, monopolized devil-fish known by its founder's name as "The Adams Express," whose feelers extend across the continent lengthwise and breadthwise, and whose age of life is not to be measured by that of the Republic, but of some succeeding despotism which may perchance arise out of its ruins. Is there not a brief specific limit to other patented ideas of grander conception and more beneficent scope?

We will be met on the threshold here, Mr. Speaker, with the pert retort that "The way is open to competition." But I say, not so.

Let competition dare to enter, as it has time and again, and it will be, as it has been, throttled, squelched, wiped out, obliterated by this pampered ogre as would a lady's lap-dog by a Siberian bloodhound whose dinner it dared invade. Like other monopolies which curse and afflict our land, it is all too powerful to tolerate the rivalry of competition. The public, in their eyes, is a very inconvenient bird. It may be too much for one but is not enough for two.

Doubtless, Mr. Speaker, the intermediary agent saves "the gentlemen of the road" (pardon the equivocal expression; it is not intended literally in the Dick Turpin sense) some trouble and annoyance in handling and delivery. But I submit whether it is fair or just that the public should be subjected to quadruple or quintuple tax for the convenience of the road. They might with equal right dispose of license to carry all freights at option and on terms most suitable to the lessee.

Nay, further; concede the right in the one case, and there is no barrier against farming out to the highest bidder all passenger traffic likewise. Already we see the entering-wedge to this, to some extent, in the parlor and sleeper department. But it is optional so far, I concede, with him who takes passage whether he will avail himself of greater comfort at higher cost. If, however, on precedent established, the sleeping-car company sees fit to buy up the monopoly of all live freight carriage, constructively, bipeds as well as quadrupeds, what recourse or alternative has the ordinary ticket-buyer but to submit to the claim set up and justified under long-established usage in fast-freight carriage and delivery? The right to sell the right to transport a poodle or a parrot, a monkey, a dude, or a donkey implies the kindred right to carry folks at a corresponding increase of rate. Is such intent within the scope or purview of any railroad charter granted outside of Turkey, China, Egypt, or Japan? I simply reiterate, by inference, Mr. Speaker, that if the last is not transferable, neither is the other by any rule of ethics or of equity that can be conceived or laid down. And hence I hold that it is within the scope of our restrictory powers to proclaim null, void, and nugatory in way, designed, and to that extent, all such transfers of exclusive rights and arbitrary monopolistic powers.

[During the delivery of the foregoing remarks, when five minutes had expired, Mr. DOWD obtained the floor and yielded his time to Mr. GREEN.]

Mr. REAGAN. I rise for the purpose of moving to close debate on this section and all amendments thereto in one minute.

Mr. WARNER, of Ohio. I hope the gentleman from Texas, before making the motion to close debate, will take time to explain what is meant by the second clause of section 5, which requires that schedules shall be posted at "the different places between which such property shall be carried." Is this intended to require that railroad companies shall post up in every station the rate to every other station in the United States to which freight may be consigned? This, it seems to me, would be impracticable.

Mr. REAGAN. This section, including the clause to which the gentleman refers, is to be construed *in pari materia* with the remainder of the bill. The bill is designed to regulate commerce between the States. The provision to which the gentleman calls my attention proposes to require railroads to indicate by their schedules the different places between which freight is carried. This every railroad company professes now to do. This provision adds nothing to their present obligation, takes nothing from it. But while they profess to do this, obedience to the rule by which they profess to be governed is the exception. We wish to make compliance with the rule universal. This section is intended to provide an instrument of evidence as well as an instrument of justice, so that the companies shall not charge more or less than their schedule rates, but that equal justice shall be done to all shippers. This provision simply requires the railroads to do exactly what they say they do now.

With reference to the amendment offered by my friend from North Carolina [Mr. GREEN], while I regard the question which it presents as one well deserving attention, it would involve at this time the consideration of questions which may operate injuriously upon a measure which has been fully considered. I would therefore be very glad if the gentleman would not press his proposition as an amendment to this bill.

Mr. Speaker, I now move that debate on this section and all amendments to it be closed in one minute.

Mr. STRUBLE. I have been endeavoring to secure recognition in order to offer an amendment.

Mr. REAGAN. Time is precious; and if the House will sustain me I propose to press this bill to a conclusion.

The SPEAKER. The Chair will state to the gentleman from Iowa [Mr. STRUBLE] that if the motion of the gentleman from Texas be adopted it will merely stop debate, and will not prevent the offering of amendments.

Mr. STRUBLE. Unless the gentleman from Texas should be willing to accept my amendment, I should like to be heard upon it.

Mr. REAGAN. If the gentleman wants to move an amendment, I will give way to him before moving to close debate, so that he may offer his amendment and occupy five minutes in its explanation, and then if necessary a brief rejoinder may be made.

The SPEAKER. The amendment of the gentleman from Iowa might be read with the understanding that after the motion to close debate has been adopted the gentleman may be allowed to occupy five minutes if he desires to do so.

The Clerk read the amendment of Mr. STRUBLE, as follows:

Add to section 5 the following:

"Fourth. It shall be the duty of said person or persons engaged in carrying property, as provided in the first section of this act, to file or cause to be filed, and within fifteen days from and after posting, a copy of each schedule, posted as in this section required, with the clerk of the circuit court of the United States in and for each judicial circuit in or through which any railroad may be operated; and it shall be the duty of said clerk to file and preserve the same as a part of the records of his office."

The SPEAKER. The gentleman from Texas moves to close debate upon the pending section and amendments thereto, with the understanding that the gentleman from Iowa [Mr. STRUBLE] may address the House for five minutes.

The motion of Mr. REAGAN was agreed to.

The SPEAKER. The first question is upon the amendment proposed by the gentleman from North Carolina [Mr. GREEN].

The amendment was not agreed to.

The SPEAKER. The question now recurs on the amendment of the gentleman from Iowa [Mr. STRUBLE].

Mr. REAGAN. I see no objection to that amendment.

Mr. STRUBLE. If the gentleman from Texas accepts the amendment I do not care to make any remarks upon it.

The amendment of Mr. STRUBLE was agreed to.

Mr. HOPKINS. I offer the following amendment:

In line 27 of section 5, after the word "railroads," insert "or pipe lines.

The amendment was agreed to.

Mr. O'NEILL, of Pennsylvania. In order merely to test the sense of the House I move to strike out this entire section.

The question being taken on the motion of Mr. O'NEILL, of Pennsylvania, it was not agreed to, there being—ayes 19, noes 61.

The Clerk read as follows:

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

Mr. HOPKINS. I move to amend by inserting after the word "railroads," in the eighth line of the section just read, these words: "or wholly by one pipe line or partly by several pipe lines."

Mr. HOPKINS's amendment was agreed to.

The seventh section was read, as follows:

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons, as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

Mr. BROWNE, of Indiana. I move, in line 10, section 7, to strike out the words "three times."

Now, Mr. Speaker, punitive damages under the old rule of the common law I believe are confined to cases where the injury is to the person. I see no reason why in an action to recover damages, simply because of injury to property, there should be awarded more than the actual damage sustained by the person injured. It seems to me there ought to be compensation for injury and no more. This section, as it now stands, provides in all actions against railroad companies by parties injured the sum recovered shall be equal to three times the amount of damage actually sustained. It seems to me this is an invitation to all persons who may be tempted to bring little suits against these corporations simply for the purpose of securing damages. I remember we used to have a great horror that the law gave a moiety to informers. There were many reasons for it, and one of them it seems to me would apply with the same force to this section. It put men as spies into the business of others in order that they might ascertain some infraction of the law so a suit might follow and they might share in the proceeds or result. Where damages are so extraordinary and so disproportionate to loss sustained it would be, it seems to me, a standing invitation to those who so desired to prosecute suits against the railroad companies.

Now, when we have given to a party injured the full measure of damage sustained, taken in connection with the other provisions of this section making it incumbent upon the court to give the party recovering attorney and counsel fees in addition—I say it seems to me that when we have given the party injured the full measure of damage sustained by the injury which he received and, in addition, providing for the payment of attorney and counsel fees, we have done quite enough.

While I am disposed to vote for the bill, I do not believe I will be able to do so if it shall inflict such extraordinary and unreasonable penalties. We ought to treat corporations as we treat others who have rights under the law. Corporations are simply the aggregate of citizens who have combined their capital for some public purpose. When the law visits a penalty on a corporation it simply visits it on the citizens composing it who have contributed their capital to build it up. And while we are considering this question let us look at it in the light of reasonable persons, and if it is possible for Congressmen to be statesmen we might then consider it as statesmen. For these reasons, which I have not time in five minutes to enlarge upon, I hope the amendment which I have moved will be adopted.

Mr. REAGAN. I wish to say in reply to the gentleman from Indiana, Mr. Speaker, that this provision of the bill for the payment of three times the amount of damages sustained by the party injured has grown out of the habitual practice on the part of railroads themselves to protract in every possible way any recovery on the part of those who have been injured. Many of these railroads have been in the habit of protracting litigation so as to deter all people of ordinary means from prosecuting suits to recover damages for losses sustained. If there is any wrong in this matter that wrong has grown out of the acts of railroad corporations themselves.

In addition to that, Mr. Speaker, if the gentleman from Indiana had noticed the remarks of the gentleman from Maryland [Mr. FINDLAY] who sits near me, he would have seen in a case actually tried in the courts of Baltimore the ordinary common-law damages were inadequate to meet the injury inflicted and that these triple damages are proper. If they can violate the law and the party injured can only recover actual damages—and we are informed by the gentleman from Maryland the court so held, that no punitive damages can be allowed, only the actual damages—then the railroads would be as safe in violating the law as in obeying it.

Mr. BROWNE, of Indiana. If the gentleman from Texas will allow me a moment——

Mr. REAGAN. The gentleman will permit me a moment longer. I will then yield to him.

The gentleman from Indiana presents another view of the subject, that this would invite informers. Evidently the gentleman has not contemplated the section; for if he had, with his clear head he would have perceived that the remedy is given to the party aggrieved, and not to the informer.

Mr. BROWNE, of Indiana. The gentleman from Texas misapprehended my statement entirely. I simply said that it was analogous to the law that allowed moieties and of which complaint was made.

Mr. REAGAN. But I understood that the gentleman claimed it would invite informers.

Mr. BROWNE, of Indiana. No; I knew that there was nothing in this section to induce informers.

Mr. REAGAN. Well, I was afraid the argument would be so understood, and I desired to set the matter right at the proper point.

Mr. Speaker, this question of giving triple damages is a very common one as a statutory remedy against torts such as this is intended to provide against. It is common both in English and in American State courts to give triple damages for willful wrongdoing, and that is all we propose. We propose to tell these gentlemen that they must obey the law, and if they do not we will put penalties upon them which will compel obedience.

If the gentleman from Indiana does not wish to make any further remarks I will move to close debate upon this section.

Mr. BROWNE, of Indiana. I would like to have a few moments longer, and for that purpose move to strike out the last word.

If it be true, as stated by the gentleman from Texas, that triple damages may be allowed in some cases, it seems to me, to say the most of this provision that can be said of it, that it ought not to be an inflexible rule. Here in every case in which there is a willful act that constitutes a violation the court must award damages equal to three times the amount of the injuries sustained. Now, in addition to the invitation to litigation contained in this section, it seems to me to be even intended to be a terror to the companies themselves, who may be afraid even to refuse to settle without bringing to the attention of the courts the question of their legal rights, lest they may be mulct in three times the damages, for every act against the statute would be willful, and its being willful, the violation would be construed to be willful also.

So I would not complain so much if it allowed this measure of damages to be fixed by the court in its discretion, so it might be applied to proper cases; but here it is inflexible and admits of no exception. If it were stated to be damages in the discretion of the court, I should not object to that.

I will say to the gentleman from Texas that I have had some little experience in litigation with railroad companies, and I want to say to him that the citizen is not in very much danger when he joins issue in the courts and before a jury with a railroad company—not in much danger. I have never known the corporation to succeed in any case where they should not have succeeded, and I have known many instances in which they have been defeated where I think under a due administration of law they should have been successful.

I want to state another fact, that there is no danger in these cases where a conviction follows that the damages will not be the full measure of the injury sustained. There will be no cutting down, no paring by the jury in the interest of the railroad company. If they prove damages and the amount be $10 or $10,000 the jury and the courts will award every penny of it, and there is no necessity for this provision in this bill.

I withdraw the *pro forma* amendment.

Mr. REAGAN. I now move, pending the motion of the gentleman from Indiana, to close debate in one minute on this section and the pending amendment.

The motion to close debate was agreed to.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Indiana.

The amendment was not agreed to.

Mr. BROWNE, of Indiana. I move a further amendment, which I send to the desk.

The Clerk read as follows:

Strike out all the words in line 18, after the word "injured," and also the word "fees," in line 19, and insert the words "a sum to be determined by the court in its discretion, but not to exceed his reasonable attorney's fees."

Mr. BROWNE, of Indiana. Just a word now.

The SPEAKER. Debate has been closed upon the amendments and the section.

Mr. BROWNE, of Indiana. I wanted to leave, inasmuch as there will be three times the damages awarded, the attorney's fees in the discretion of the court.

The question was taken on the adoption of the amendment; and on a division there were—ayes 36, noes 54.

So (no further count being demanded) the amendment was not agreed to.

Mr. BUDD. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 10 and 11 the words "equal to three times the amount of the damages so sustained," and insert instead thereof the words "equal to the amount of the damages so sustained, and in case such violation were willful, the person or persons so sustaining damage shall be entitled to judgment for three times the damages actually sustained."

The amendment was not agreed to.

Mr. O'NEILL, of Pennsylvania. I move to strike out the seventh section and insert in lieu thereof what I send to the desk. What I desire to insert is the sixth section of the bill which was reported by the committee. I propose to strike out the section in the substitute bill and insert the section reported in the committee's bill.

The SPEAKER. Debate is not in order.

Mr. O'NEILL, of Pennsylvania. I was taking the one minute.

The SPEAKER. Debate has been closed. The Clerk will read the amendment.

The Clerk read as follows:

Strike out section 7 and insert in lieu thereof the following:

"That any railroad company, officer of such company, or other person who shall violate any of the provisions of this act shall be liable to any person injured for the actual damages caused by such violation, which may be recovered in any State or United States court of competent jurisdiction. The court before which any such action is tried, if it shall be found that the violation was willful or continued after the notice provided by the tenth section of this act, shall make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees, and all expenses and disbursements in the action, including his own necessary personal expenses."

The question being taken on the amendment, there were—ayes 14, noes 50.

Mr. O'NEILL, of Pennsylvania. I want to call attention to the fact that a quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will appoint the gentleman from Pennsylvania, Mr. O'NEILL, and the gentleman from Texas, Mr. REAGAN, as tellers.

Mr. O'NEILL, of Pennsylvania. I did not call for a quorum. I merely called attention to the fact that a quorum had not voted.

So (further count not being called for) the amendment was not agreed to.

Mr. STRUBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "him," in the thirty-fourth line, the following words: "For violating any of the provisions of this act."

The amendment was not agreed to.

Mr. ADAMS, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 51 and 52 amend by striking out the words "or within one year after the party complaining shall have come to a knowledge of his right of action."

The amendment was not agreed to.

Mr. HOPKINS. I offer the amendment which I send to the desk as an addition to the section.

The Clerk read as follows:

Add to section 7 the following:

"And any circuit or district court of the United States having jurisdiction of the persons shall have the power, upon application of any person or persons, firms, railroads, or other corporations or associations, alleging undue and unjust discrimination against a person in violation of the provisions of this act, to issue writs of mandamus against such person, commanding such person to move and transport freight, or to furnish facilities for transportation for the party applying for the writ, upon such terms and in such manner as shall seem just and proper to the court in order to prevent any undue or unjust discrimination against the relator. The proceedings shall be as in other cases of mandamus; and in cases of urgent necessity or involving the transportation of perishable goods the writs of alternative mandamus may be made returnable forthwith: *Provided*, That no writ or peremptory mandamus shall issue under this act until the relator shall have given security, in such sum as shall be named by the court, to pay the defendant the proper and legal charges for the services required to be performed by the writ aforesaid: *And provided further*, That the remedy herein given by writ of mandamus shall be cumulative, and shall not exclude or interfere with the other remedies herein provided."

The amendment was agreed to.

Mr. HAMMOND. I offer the amendment which I send to the desk.

Add to section 7 as follows:

"No cause brought under this act in any State court of competent jurisdiction shall be removed to any United States court."

The question being taken on the proposed amendment, there were—ayes 36, noes 21.

Mr. O'NEILL, of Pennsylvania. I make the point that a quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Georgia, Mr. HAMMOND, and the gentleman from Pennsylvania, Mr. O'NEILL.

Mr. BROWNE, of Indiana. I ask that the amendment be again read.

The amendment was again read.

The House again divided; and the tellers reported—ayes 86, noes 32.

Mr. SMALLS. I insist upon a quorum, inasmuch as this amendment is in the interest of the Jim Crow car.

The tellers resumed the count and reported the result.

The SPEAKER. The tellers report ayes 111, noes 55. The amendment is agreed to.

Mr. BRUMM. I call for the yeas and nays.

ENROLLED JOINT RESOLUTION.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. Res. 308) appropriating $50,000 for the support of certain destitute Indians.

INTERSTATE-COMMERCE BILL.

Mr. BRUMM. I have called for the yeas and nays.

Mr. REAGAN. I make the point that the gentleman called for the yeas and nays too late.

The SPEAKER. The Chair did not hear the demand for the yeas and nays until after other business had been transacted.

Mr. BRUMM. I asked for the yeas and nays before the report was made from the Committee on Enrolled Bills.

Mr. REAGAN. But the gentleman did not call for the yeas and nays before the Chair had announced the result.

The SPEAKER. The gentleman from Pennsylvania states that he called for the yeas and nays before the title to the enrolled bill was read. The practice has always been in such cases to take the gentleman's statement.

Mr. REAGAN. The gentleman says that he called for the yeas and nays before the title of the enrolled bill was read. But the point is that he did not call for them until the Speaker had annouced the result.

The SPEAKER. It is usual when the Chair announces the vote that then gentlemen rise and demand the yeas and nays, and the Chair thinks the call for the yeas and nays was made in time.

The yeas and nays were ordered, 39 members voting therefor.

The question was taken; and there were—yeas 125, nays 88, not voting 110; as follows:

YEAS—125.

Adams, J. J.	Dowd,	McMillin,	Sumner, C. A.
Alexander,	Eaton,	Matson,	Swope,
Anderson,	Eldredge,	Maybury,	Taylor, J. M.
Bagley,	English,	Miller, J. F.	Thompson,
Ballentine,	Ermentrout,	Money,	Throckmorton,
Barksdale,	Ferrell,	Morgan,	Tillman,
Beach,	Fiedler,	Muller,	Townshend,
Bland,	Forney,	Murphy,	Tucker,
Blount	Fyan,	Murray,	Tully,
Bratton,	Geddes,	Neece,	Turner, H. G.
Breckinridge,	Gibson,	Nicholls,	Turner, Oscar
Buchanan,	Glascock,	O'Ferrall,	Van Eaton,
Buckner,	Green,	Peel,	Wallace,
Budd,	Halsell,	Pierce,	Warner, Richard
Cabell,	Hammond,	Post,	Weaver,
Caldwell,	Hardeman,	Pryor,	Wellborn,
Campbell, Felix	Hardy,	Pusey,	Wemple,
Candler,	Hatch, W. H.	Randall,	White, Milo
Cassidy,	Hemphill,	Reagan,	Wilkins,
Clardy,	Herbert,	Reese,	Williams,
Clements,	Hewitt, A. S.	Riggs,	Willis,
Cobb,	Hewitt, G. W.	Rogers, J. H.	Wilson, James
Cook,	Hoblitzell,	Rogers, W. F.	Wilson, W. L.
Cosgrove,	Holman,	Rosecrans,	Winans, E. B.
Covington,	Hopkins,	Seney,	Winans, John
Cox, W. R.	Jones, J. H.	Shively,	Wise, G. D.
Crisp,	Kleiner,	Singleton,	Wolford,
Culbertson, W. W.	Lamb,	Skinner, T. G.	Worthington,
Davidson,	Lanham,	Snyder,	Yaple.
Davis, L. H.	Lore,	Stewart, Charles	
Dibrell,	Lovering,	Storm,	
Dorsheimer,	McAdoo,	Struble,	

NAYS—88.

Adams, G. E.	Dingley,	Libbey,	Price,
Atkinson,	Elliott,	Long,	Ranney,
Barr,	Everhart,	Lyman,	Reed,
Bayne,	Findlay,	McComas,	Rockwell,
Bingham,	George,	McCormick,	Ryan,
Boutelle,	Hanback,	Millard,	Seymour,
Bowden,	Harmer,	Milliken,	Smalls,
Boyle,	Haynes,	Mitchell,	Smith, A. H.
Brainerd,	Henderson, D. B.	Morrill,	Stevens,
Breitung,	Henderson, T. J.	Morse,	Stone,
Brewer, F. B.	Hitt,	Mutchler,	Strait,
Brewer, J. H.	Holmes,	Nelson,	Taylor, E. B.
Brown, W. W.	Horr,	Nutting,	Taylor, J. D.
Browne, T. M.	Houk,	O'Hara,	Thomas,
Brumm,	Howey,	O'Neill, Charles	Wadsworth,
Campbell, J. M.	Hunt,	O'Neill, J. J.	Wait,
Cannon,	James,	Payne,	Wakefield,
Chace,	Jeffords,	Payson,	Washburn,
Cullen,	Johnson,	Perkins	Whiting,
Cutcheon,	Keifer,	Peters,	Wise, J. S.
Davis, G. R.	Lacey,	Pettibone,	Woodward,
Davis, R. T.	Lawrence,	Potter,	York.

NOT VOTING—110.

Aiken,	Ellis,	Kean,	Robinson, W. E.
Arnot,	Ellwood,	Kelley,	Rowell,
Barbour,	Evans,	Kellogg,	Russell,
Belford,	Finerty,	Ketcham,	Shaw,
Belmont,	Follett,	King,	Shelley,
Bennett,	Foran,	Laird,	Skinner, C. R.
Bisbee,	Funston,	Le Fevre,	Slocum,
Blackburn,	Garrison,	Lewis,	Smith, H. Y.
Blanchard,	Goff,	Lowry,	Spooner,
Broadhead,	Graves,	McCoid,	Spriggs,
Barleigh,	Greenleaf,	Miller, S. H.	Springer,
Barnes,	Guenther,	Mills,	Steele,
Campbell, J. E.	Hancock,	Morrison,	Stephenson,
Carleton,	Hart,	Moulton,	Stewart, J. W.
Chalmers,	Hatch, H. H.	Muldrow,	Stockslager,
Clay,	Henley,	Oates,	Sumner, D. H.
Collins,	Hepburn,	Ochiltree,	Talbot,
Connolly,	Hill,	Paige,	Valentine,
Converse,	Hiscock,	Parker,	Van Alstyne,
Cox, S. S.	Holton,	Patton,	Vance,
Culberson, D. B.	Hooper,	Phelps,	Ward,
Curtin,	Houseman,	Poland,	Warner, A. J.
Dargan,	Hurd,	Rankin,	Weller,
Dawster,	Hutchins,	Ray, G. W.	White, J. D.
Dibble,	Jones, B. W.	Ray, Ossian	Wood,
Dockery,	Jones, J. K.	Rice,	Young,
Dunham,	Jones, J. T.	Robertson,	
Dunn,	Jordan,	Robinson, J. S.	

So the amendment was agreed to.

On motion of Mr. McCOMAS, by unanimous consent the reading of **the names of members voting was dispensed with.**

The following additional pairs were announced:

Mr. COLLINS with Mr. KELLEY, on all political questions, for the remainder of the day.

Mr. FORAN with Mr. GOFF, for this day.

Mr. TALBOTT with Mr. HOLTON, for this day.

Mr. AIKEN with Mr. POLAND, for the remainder of the day.

Mr. MOULTON with Mr. BISBEE, on all political questions, for the remainder of this day. Mr. MOULTON would vote for the Reagan bill.

Mr. JONES, of Wisconsin, with Mr. KEAN, on the Reagan bill. If present, Mr. JONES would vote "ay" and Mr. KEAN "no."

Mr. ROBINSON, of New York, with Mr. PARKER, on the Reagan bill.

Mr. LEWIS with Mr. GREENLEAF, on the Reagan bill, for the day.

Mr. BLANCHARD with Mr. CHACE, on the interstate commerce bill, for the remainder of this day. Mr. BLANCHARD would vote for the Reagan bill and Mr. CHACE against it.

Mr. HURD with Mr. HATCH, of Michigan.

The result of the vote was then announced as above stated.

The Clerk read as follows:

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000.

Mr. CLARDY. I move to amend by striking out in the last line of the section just read the word "less" and inserting "more;" so as to make it read, "shall be fined not more than $1,000."

Mr. Speaker, the object of this amendment is to provide a maximum instead of a minimum punishment for a violation of the provisions of this bill. This bill applies not only to directors and managers of railroad corporations, but to agents and employés as well. So that any station agent who may ship or permit to be shipped property for which more than the reasonable cost of transportation is exacted can, under this section, be fined in any sum not less than $1,000. He might be fined $10,000 or $50,000, but the penalty can not be less under the terms of this bill than $1,000. When we reflect, Mr. Speaker, that for an error of judgment this penalty may be visited upon the officers or agents of railroad corporations, we can see at once that instead of fixing a minimum punishment we should fix a maximum. As stated by the gentleman from Indiana awhile ago, in a contest between a railroad company and an individual the juries of the country will always do justice to the individual, and I think it would be a great mistake indeed to permit juries, without any restraint, to impose a penalty in any amount that they might determine.

I repeat that I think there ought to be a maximum penalty. Under the bill as it now stands, if its provisions be violated by an agent who simply carries out a schedule furnished him by his superiors, he is liable to a penalty which in no instance can be less than $1,000. Perhaps $1,000 is not enough for the maximum penalty; but it is certainly more than the minimum penalty ought to be.

Mr. REAGAN. If the gentleman from Missouri [Mr. CLARDY] will consent to make the maximum penalty $2,000, I will not object to his amendment.

Mr. CLARDY. The gentleman from Texas suggests that my amendment be modified so as to fix the maximum penalty at $2,000 instead of $1,000.

Mr. REAGAN. In that form I have no objection to the amendment.

The amendment of Mr. CLARDY as modified, so as to make the last line of the section read "shall be fined not more than $2,000," was agreed to.

The Clerk read as follows:

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

Mr. HAMMOND. I move to make the formal amendment to the last section just read by striking out the last word. During the excitement growing out of the granger laws in the West, and just after the decision of the Supreme Court sustaining their constitutionality, I was in the constitutional convention in Georgia in 1877, in which many measures connected with railroads were discussed. I was so unfortunate then as to be in a minority. I believed that any rigid rule in regard to railroad tariffs or rates, any rigid, unbending rule as to their management, would work evil and only evil to the people. The Legislature of my State, which met in 1879 to carry out the action of the constitutional convention, started upon a measure as radical as this. With the experience of only those two years that Legislature, upon calm

consideration, receded from the measure which was first contemplated and gave us a commission. Whatever may be the defects of such arrangement, it has a great advantage in flexibility. While there is much to be said in favor of legislation on the subject of railroads, there is much more to be said against any procrustean bed upon which all must be made to lie, though it may require the knife to make them fit.

I know the wrongs and oppressions of the railroads, but I know that the people need railroads, and that every additional burden or expense put upon them must sooner or later come out of the pockets of the public. I know besides that this bill contains the first effort ever made by Congress to legislate as to the transportation of passengers on land, except in the civil-rights bill, which has lately been declared unconstitutional by the Supreme Court of the United States.

I can not in five minutes give fully my reasons for voting against this bill; but I was unwilling to vote without declaring that while I differ, with deference and reluctance, from my friends on this floor, I shall feel compelled to vote against this proposed legislation.

Mr. REAGAN. My friend from Georgia [Mr. HAMMOND] misapprehends the character of this bill. He speaks of it as a bill to regulate railroad freights—as a "procrustean bed"—implying that it is an arbitrary measure. One of the greatest troubles I have had even with the friends of legislation in this direction has been to get them to understand that this is not a bill to regulate freight rates, that it does not undertake to prescribe rates for the transportation of freight. I know the difficulties which would attend any measure attempting to prescribe rates of freight. I am persuaded that no law fixing rates of freight could be made to work with justice either to the railroads or to the public; and I have intended from the beginning to avoid that difficulty. I have sought to secure the passage of legislation which would strike down the greatest and most manifest abuses of the railroads in the exercise of their monopoly powers. They have a complete monopoly of the business done upon their several lines; there is no permission to others to compete with them for the carriage of freights upon those lines.

I simply propose to say they shall not discriminate in freight rates, but shall be just and equal in their charges to the public who have given them their charters and the right to charge at all; that they shall not allow rebate to swindle one class for the benefit of another; that they shall not deprive the public of the benefit of competition by pooling the freights of different railroads; that they shall not charge more for fifty miles than they would for five hundred miles, including that fifty miles in the distance. That is simply to strike down the exercise of the monopoly powers of railways, in which they inflict the most manifest and constant injuries upon the public.

What procrustean bed is there in that? I have not undertaken to say they shall charge this or that price as to freights.

The difficulty with gentlemen in considering the bill is that they can not keep out of their minds the arguments of the railroad lawyers and lobbyists, who are continually harping upon it that this bill establishes arbitrary rates of freight. It does no such thing. It carefully guards against that, simply intending to prevent the most manifest abuse against the public and control the monopoly powers of these corporations.

The SPEAKER. Debate is exhausted. [Cries of "Vote."]

Mr. HAMMOND, by unanimous consent, withdrew his formal motion.

Mr. PERKINS. I move the following amendment.

The Clerk read as follows:

SEC. 11. That to aid in executing and carrying out the provisions of this bill there shall be appointed by the President, by and with the advice and consent of the Senate, three commissioners, no more than two of whom shall belong to the same political party, and of whom one shall be of experience in the law and one of experience in railroad business, who shall be collectively known as the commission of interstate commerce of the United States. One of said commissioners shall hold his office for the term of two years, one for the term of four years, and the other for the term of six years, to be respectively designated by the President, and thereafter said commissioners shall be appointed for the term of six years; and a commissioner appointed to any vacancy shall hold office for the unexpired term. Any one of said commissioners may be removed by the President for cause, but not otherwise. Said commissioners shall devote their whole time and abilities to the duties of their office, and shall not accept or engage in any office or employment inconsistent with the provisions of this act. If either commissioner, after his appointment, shall be, or shall become by inheritance or operation of law, pecuniarily interested in any railroad or railroad security, he shall, within thirty days, divest himself of such interest; and upon his failure to do so, or upon his voluntarily becoming interested in any such railroad or railroad security, his office shall become vacant. No commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest whatever. Each commissioner shall receive an annual salary of $7,500, payable like the salaries of the judges of the courts of the United States: *Provided*, That before entering upon the discharge of their duties they shall, in addition to the oath required of them by law, take and subscribe to an oath that they are neither directly nor indirectly interested in the ownership or earnings of any railroad company whatsoever.

SEC. 12. That the said commission shall exercise only the powers by this act conferred. Said commission may appoint a clerk, whose duty it shall be to keep a full and faithful record of the proceedings of said commission, and otherwise to assist the members thereof in the performance of their duties, and who shall receive an annual salary of $2,500; and also one accountant at an annual salary of $2,500. The Secretary of the Interior, at the request of said commission, may also furnish the commission such additional clerical, engineering, expert, or other service as they may request and he shall deem proper. Actual and necessary traveling and other expenses incurred by said commissioners, or their employés under their orders, shall be allowed them, for which vouchers shall be rendered. The commissioners, their experts and clerks, may pass and repass over any railroad engaged in interstate commerce free of charge, whenever engaged in the performance of their duties under the provisions of this act, but neither shall accept any other pass, gratuity, or favor whatever from any railroad company.

SEC. 13. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commission by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts and in his opinion the complaint is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceedings to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power, and in a proper case is required, to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of such commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation; and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 14. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction, requiring such railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

SEC. 15. That the commission may make, and from time to time amend, such general orders as may be requisite for the order and regulation of proceedings before it, including all forms for proceeding, notices and the service thereof, and for the prescribing, directing, or regulating any matters authorized by this act. All the proceedings before said commission shall be upon reasonable notice to all parties interested, and such forms shall conform as nearly as may be to those in use in the courts of the United States. Any party may appear and be heard in person or by attorney.

SEC. 16. That for the purposes of this act the commission shall, subject as in this act mentioned, have full power to ascertain and report upon all questions of fact arising under this act, and shall also have the powers following:

(a) They may, by subpœna or order to be served by a person by them authorized, require the attendance of witnesses, and of all such persons as they think fit to call before them, or before any person by them authorized to prosecute an inquiry.

(b) They may require the production of all books, papers, and documents relating to any matter before them, and to that end may invoke the aid of any court of the United States.

(c) Either of them may administer oaths and affirmations.

SEC. 17. That the principal office of the commission shall be in the city of Washington, where its general session shall be held and its records and archives be deposited. Whenever the convenience of the public or of the parties may be promoted, or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, or one of the persons named in the eleventh section hereof, or by any person specially appointed by the commission, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact, and may specially delegate to the officer or person conducting such inquiry such powers to that end as are by this act conferred upon the commission and may be deemed necessary. Every vote and official act of either of the commissioners shall be entered of record. The commission may conduct its proceedings in such a manner as will most conduce to the dispatch of business and to justice; they may sit together or separately, and either in private or public, but any proceeding before them shall be public upon the request of either party thereto; and a majority of said commission may determine any question submitted. The commission shall prescribe a railroad year, and a system of re-

ports covering said year to be rendered by railroad companies; examine the books and accounts of said companies at such times as may be deemed by them necessary; see that all United States laws relating to said companies are enforced; furnish such information to the several Departments of the Government, or the Government directors of any of said railroads in regard to the tariffs of fares and freight, or the accounts of said railroads, as may be required of them or as they may deem expedient; and make an annual report of their doings to Congress on or before the 1st day of January of each year.

SEC. 18. That the Secretary of the Interior shall provide suitable offices and a room for the public sessions of the commission in the city of Washington. Witnesses summoned before the commission shall be paid the same fees as witnesses in the Federal courts, and depositions *de bene esse* and under commission may be taken to be used before the commission in the same manner and upon the same conditions as in such courts. The salaries and expenses of the commission shall be provided for, audited, and paid in the same manner as the salaries of judges and other judicial expenses.

SEC. 19. That in the construction of this act the phrases "railroad corporation" and "railroad company" shall be held to be synonymous, and to signify a corporation which either owns or operates a railroad as aforesaid, and shall include receivers, lessees, and trustees operating railroads.

SEC. 20. That the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for the uses and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto.

Mr. REAGAN. I rise to a question of order on that amendment. As read it is a copy of sections 10, 11, 12, 13, 14, 15, 18, and 19, which have been voted down by the House.

Mr. PERKINS. It is perhaps true that some of the sections I offer here as an amendment to the bill supported by the gentleman from Texas are the same as those contained in the bill heretofore rejected, but there are other provisions and sections materially different; and as to them it seems to me the point of order can not be sustained, and if the point of order can not be sustained as to them, then these sections to which the point of order is interposed can not be sustained, because they are necessary to the efficacy and effect of the bill. I desire to say this amendment is not offered for the purpose of embarrassing or interfering at all with the legislation contemplated by the gentleman from Texas. Instead of that it seems to me that this amendment should be accepted in order to give additional advantages and opportunities through which to secure the relief desired by all.

Mr. REAGAN. The gentleman is not debating the question of order.

Mr. PERKINS. It does not in any way impinge upon or conflict with the provisions of the bill already considered and acted upon by the House. We of the West know how important it is to have legislation upon this subject——

Mr. REAGAN. I make the point of order that the gentleman is not confining himself to the question of order, but is discussing the merits of the bill.

The SPEAKER. The gentleman from Texas makes the point of order that the gentleman from Kansas must confine his remarks to the question of order.

Mr. PERKINS. I was attempting to do so, and in connection with that was suggesting why in my opinion the point of order should not be insisted upon.

The SPEAKER. The Chair will state that this amendment is offered as an entirety. It must be one amendment, and the vote taken in the House on striking out what was known as the commission part of the bill, reported from the Committee on Commerce, was a vote upon one single proposition, although it embraced many sections, just as the amendment of the gentleman from Kansas embraces many sections.

Mr. PERKINS. And I offer this as an entirety.

The SPEAKER. It must, of course, be so offered.

Mr. PERKINS. And you will perceive on examining it that it is quite different in some important principles from the commission part of the bill of the Committee on Commerce which was rejected by the House.

The SPEAKER. The Chair thinks that while a large part of the proposed amendment is identical with some of the provisions stricken out by the vote of the House, yet it is not exactly the same proposition on which the House voted at that time.

Mr. REAGAN. I move to close debate in one minute upon the pending section and the amendment.

The SPEAKER. The Chair overrules the point of order and entertains the amendment.

The gentleman from Texas now moves to close debate upon the pending section and amendment in one minute.

Mr. PERKINS. But I believe I have the floor, Mr Speaker.

The SPEAKER. The gentleman had the floor in response to the point of order made by the gentleman from Texas.

Mr. PERKINS. But can the gentleman from Texas take me off the floor before I have exhausted my right to discuss the amendment under the five-minute rule?

The SPEAKER. The Chair did not understand that the gentleman from Kansas was recognized for debate upon the merits of the amendment, but simply upon the point of order.

Mr. PERKINS. Then I move to amend the motion of the gentleman from Texas by giving ten minutes for debate instead of five.

Mr. PETERS. I would like to suggest to the gentleman from Texas that it will save time by allowing debate——

Mr. REAGAN. This subject has been already fully discussed in the House. It is important that we should proceed with the consideration of the bill. It is growing late now and I can not yield further time for discussion.

Mr. PETERS. I only suggest that the gentleman will save time by giving time for debate.

Mr. REAGAN. If the gentleman wants to filibuster he can place himself in that attitude before the country,

Mr. PETERS. I do not like to be charged with filibustering, for I have not done any so far.

Mr. PERKINS. I did not intend to yield the floor.

The SPEAKER. But when the Chair had decided the question of order the gentleman from Texas immediately took the floor and made his motion.

Mr. REED. But, Mr. Speaker, the gentleman from Kansas states that he did not intend to yield the floor. The gentleman from Texas had the right to take the floor of course on the point of order even while the gentleman from Kansas had the floor, and the gentleman from Kansas says that he did not intend to yield the floor and thereby waive his right to discuss his amendment.

The SPEAKER. But the gentleman did not take the floor for the purpose of discussing the amendment.

Mr. PERKINS. I had the floor when the point of order was made and did not yield it except for the point of order; not for a motion.

The SPEAKER. The gentleman from Kansas took the floor on his amendment, which was sent to the desk. When it was read, the gentleman from Texas immediately rose and made the point of order and some remarks upon it. Thereupon the gentleman from Kansas took the floor on the point of order. In the course of his remarks the gentleman from Texas claimed that he was not confining himself to the point of order, and the Chair called his attention to that fact. When he had completed his remarks the Chair decided the question of order, and the gentleman from Texas took the floor and submitted his motion.

Mr. REED. Then the gentleman from Kansas was entitled to the floor, and he says he did not yield it. After the point of order was decided he had the floor on his amendment.

The SPEAKER. The gentlemen had not the floor to discuss the merits of the amendment but the question of order, and had completed his remarks and resumed his seat when the gentleman from Texas rose and made his motion.

Mr. REED. But the gentleman from Kansas says that he had not yielded the floor.

The SPEAKER. The Chair did not recognize the gentleman for debate after the point of order upon the amendment was overruled and before the gentleman from Texas moved to close debate.

Mr. REED. But the gentleman from Kansas was on the floor at that time.

The SPEAKER. If the gentleman states that he was on the floor after the question of order was decided, and before the gentleman from Texas made his motion to close debate, the Chair can only say that he did not see the gentleman.

Mr. PERKINS. I was not only on the floor but I was attempting somewhat to discuss the merits of the amendment, as the Chair will remember.

The SPEAKER. But that was before the Chair had decided the point of order.

Mr. PERKINS. I had not abandoned the floor at all.

Mr. REAGAN. The gentleman from Kansas took the floor and offered an amendment. The point of order was made on that. In discussing the point of order the gentleman from Kansas entered into a discussion of the merits of the proposition and his attention was called by the Speaker to the fact. Subsequently the Speaker decided the point of order in his favor, and I took the floor at that time and moved to close debate.

The SPEAKER. That was the observation of the Chair. The gentleman from Kansas had completed his remarks on the question of order and had resumed his seat, and thereupon the Chair decided the question of order.

Mr. PERKINS. I was on my feet when the decision was made.

Mr. LONG. The gentleman from Kansas was on his feet from the beginning.

Mr. WILSON, of Iowa. That does not cover the whole point involved here. The rules of the House under which we act permit that when a gentleman offers an amendment he can discuss it five minutes. Now, when the gentleman from Kansas offered his amendment the moment that the points of order connected with it were disposed of he had a right to go on and discuss his amendment for those five minutes. The gentleman from Texas can move that at the end of five minutes debate shall close, but he can not move now that it shall close in one minute, because, under the rules, the gentleman from Kansas had the right to speak for five minutes.

Mr. REAGAN. To obviate further discussion as to this I will move to close debate in five minutes, with the understanding that those five minutes shall be occupied by the gentleman from Kansas.

The motion of Mr. REAGAN, as modified, was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] is entitled to the floor for five minutes.

Mr. PERKINS. Mr. Speaker, as I have already suggested in the amendment I have offered, I am moved by no desire or interest to embarrass or hinder the proposed legislation to which for so many days we have given the attention of this House.

The importance of this legislation I believe is appreciated by all, and particularly by those of us who live upon the prairies of the West, far removed from the seaboard and the advantages of cheap water transportation. Hence, we have watched this debate with interest and examined with care the amendments offered from time to time to the bill reported by the committee to this House for its consideration. We have seen these great corporations—these handmaids to commerce and adjuncts to modern civilization—grow and increase in number until there are more than twelve hundred of them extending and ramifying their interests and their 125,000 miles of road into almost every community and hamlet in the land, carrying blessings and privileges to the people only to be secured by railroad communication.

We have learned of the seven billion of dollars invested in these great enterprises, and know of the two million of men given employment by them, and have witnessed the wonderful transformations worked by these agencies and instrumentalities, and while we have learned and know all this, we have felt their iron heel, and know how ruthlessly at times they ride down statutes, defy courts, and outrage the rights of individuals and communities; and knowing all this, Mr. Speaker, we want legislation that will be remedial, effective, and yet just to all. We would not by the strong arm of the Government take from these railroad companies that which is necessary to their vitality and usefulness—the legitimate prerogatives of common carriers—nor from their stockholders their accummulations and earnings; and neither would we permit them, in consequence of more ineffective legislation, to become stronger than the Government which gives them the right to live—chariots of Juggernaut, to accept the plaudits and peans of the people served, but to crush with its iron wheels those who complain of their ruinous extortions and unjust discriminations or have the effrontery to question their high-handed measures.

I am not unmindful of the fact that competition is doing much to relieve us of the wrongs we have suffered in the years gone; nor am I unmindful of the fact that these great corporations give to the people of the United States the cheapest and the best railroad service to be found in the entire circuit of the sun, but I am not of the opinion, apparently possessed by some gentleman upon the floor of this House, that competition will remedy all the evils we suffer, and hence it is that we favor legislation—healthy, vigorous, and effective legislation; and hence I hope this bill will be amended so that we of the West can sustain it. I know of communities in the West that almost bankrupted themselves in aid to what promised to be a competing line of railroad, but when the supposed advantage was secured, and hope was high with the anticipations of cheap transportation for the future, a pool was formed between the new and the old roads, and all competition was destroyed, and the towns lavish in their contributions to the road promising them competition were not only disappointed in their expectations but witnessed the growth of new towns brought into existence somewhat by their aid to the new corporation where advantages and rates were given, not given to the town with the two roads or more, because at the new town no pool or combination existed.

The amendment I offer does not in any way impair or impinge upon the provisions of the bill so earnestly advocated by the distinguished gentleman from Texas, but gives to the public and to the individual sufferer greater remedies and additional advantages. My amendment leaves in full force the common law remedy, the effective provisions, if any such there are, in the gentleman's bill, and the additional benefits of a nonpartisan, thoroughly accomplished, and I believe honest commission.

In my judgment this House should learn something from other legislative bodies and from the experience of others, and we know that this railroad legislation has proven abortive and ineffective I think in every instance in those States where by arbitrary statutes and inflexible rules they have attempted to remedy existing evils, instead of by the wise provisions of a commissioners' bill.

In the few minutes allotted me I can not attempt to speak of the many benefits to accrue from the aid furnished by the commissioners. Many of them have already been suggested in this debate, but one of the most important is the information it will furnish to the man or community that is compelled by the arrogance and continued wrong of the railroad company to go into court to secure a correction of the evil. Without this amendment the litigant with the company, as of the common law, will be compelled to find and secure his testimony as best he can, largely dependent upon the servants and employés of the railroad companies—the camp of the enemy—for his most important information. But with my amendment a thoroughly competent and dispassionate tribunal is furnished and delegated with full power to investigate the grievance and secure the information, and with it the litigant will be able to show the wrong, if wrong there is, of which he complains, and secure the justice denied him by the obstinacy of the railroad company and under other circumstances almost unattainable.

In my judgment, Mr. Speaker, with my amendment the bill will be a potent, effective, remedial measure, but without it a *brutum fulmen*, not honored even by the gentleman from Texas and not responsive to the desires and interests of the people, and hence I trust the amendment may prevail.

Mr. REAGAN. I now move to close debate on the amendment and section under consideration.

The motion was agreed to.

Mr. O'NEILL, of Pennsylvania. I offer the amendment which I send to the desk.

The SPEAKER. Is it an amendment to the pending amendment?

Mr. O'NEILL, of Pennsylvania. It is a substitute for the whole bill.

The SPEAKER. That will be in order at a later stage.

Mr. HAMMOND. I offer an amendment to the amendment.

The Clerk read Mr. HAMMOND's proposed amendment, as follows:

Add at the end of the amendment the following:

"*Provided, however*, That the commissioners herein provided for shall not be appointed until the 5th day of March, 1885."

Mr. REAGAN. I move that the House do now adjourn. But before the question is put upon that motion I ask that, in accordance with the suggestion of a number of gentlemen, the bill, as far as it has been matured, be printed in the RECORD.

There was no objection, and it was so ordered.

The bill is as follows:

The words stricken out are printed in brackets, and the additions to the bill are printed in Italics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad or *by pipe line or lines* from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is *by him or them* charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. *And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class without discrimination. But nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort and safety, or to relate to transportation relating to points wholly within the limits of one State:* Provided, *That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts, at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.* And all persons engaged as aforesaid shall furnish without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads [by dividing] *or to divide* between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, *which includes the shorter*, on any one railroad *or pipe line;* and the road of a corporation shall include all the road *or pipe line* in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads *or pipe lines* as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

Fourth. It shall be the duty of said person or persons engaged in carrying property as provided in the first section of this act to file, or cause to be filed, and within fifteen days from and after posting, a copy of each schedule posted, as in this section required, with the clerk of the circuit court of the United States in and for each judicial circuit in or through which any railroad may be operated; and it shall be the duty of said clerk to file and preserve the same as a part of the records of his office.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as

part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, or *wholly by one pipe line or partly by several pipe lines*, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons, as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint. *And any circuit or district court of the United States having jurisdiction of the person shall have the power, upon application of any person or persons, firms, railroads, or other corporations or associations, alleging undue and unjust discrimination against a person in violation of the provisions of this act, to issue writs of mandamus against such person, commanding such person to move and transport freight or to furnish facilities for transportation for the party applying for the writ, upon such terms and in such manner as shall seem just and proper to the court in order to prevent any undue or unjust discrimination against the relator. The proceedings shall be as in other cases of mandamus; and in cases of urgent necessity or involving the transportation of perishable goods the writs of alternative mandamus may be made returnable forthwith: Provided, That no writ or peremptory mandamus shall issue under this act until the relator shall have given security, in such sum as shall be named by the court, to pay the defendant the proper and legal charges for the services required to be performed by the writ aforesaid: And provided further, That the remedy herein given by writ of mandamus shall be cumulative, and shall not exclude or interfere with the other remedies herein provided.*

No cause brought under this act in any State court of competent jurisdiction shall be removed to any United States court.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not [less] *more* than [one] two thousand dollars.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

Mr. O'NEILL, of Pennsylvania. I ask that my proposed amendment, which is a substitute for the bill, be printed along with it.

There was no objection.

The amendment proposed by Mr. O'NEILL, of Pennsylvania, is as follows:

Strike out all after the enacting clause and insert:

"That the President of the United States, by and with the consent of the Senate, shall appoint five commissioners to be styled commissioners of interstate commerce, whose salaries shall be $6,000 per annum each, and whose duties shall be to hear complaints of shippers, and who shall make annual reports each fiscal year to the President of the United States, and for whom sufficient office-room shall be furnished by the Secretary of the Interior, and who shall have a clerk at the annual salary of $3,000, and an assistant clerk at the annual salary of $2,000, and a messenger at a salary of $75 per month."

SEC. 2. That said commissioners shall report, so that it may be submitted to the Forty-ninth Congress in printed form upon the day of its assembling and organization, the propriety of requiring from all railroad companies engaged in carrying merchandise as interstate-commerce carriers, publicity of all rates; ample public notice of change of rates, publicity and uniformity of all rebates, contracts with shippers for rates or rebates to be in writing and open to public inspection and the inspection of officials; publicity and uniformity of the accounts and reports of all interstate railroads and of interstate business of all other railroads; regular and unreserved reports of earnings and expenses, with penalties for falsification; no concessions in rates to large shippers, except to such as represent the actual merchandise saving in the expense of hauling large shipments over small shipments, such concessions to be in writing and invariably made known to the public; every pool or combination between interstate railroads or railroads doing an interstate business to be made in public, and their terms posted at every point interested.

Mr. HEPBURN. I desire also to have printed in the RECORD a bill which I propose to move as an instruction in connection with a motion to recommit.

There was no objection.

The proposed motion of Mr. HEPBURN to recommit with instructions is as follows:

Mr. HEPBURN moves to recommit the bill to the Committee on Commerce with instructions to report the following bill as a substitute at an early day, and when so reported the said substitute shall occupy the same status for consideration as the bill now being considered.

A bill to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, shall be reasonable for such service.

SEC. 2. That it shall be unlawful for any person or persons so engaged as aforesaid directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of compensation or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling the same under substantially similar circumstances; and all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being considered as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered as aforesaid by him or them, which, under similar circumstances, are not allowed to all other persons.

SEC. 4. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads; and it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 5. That the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 6. That any railroad company, officer of such company, or other person who shall violate any of the provisions of this act shall be liable to any person injured for the actual damages caused by such violation, which may be recovered in any State or United States court of competent jurisdiction. The court before which any such action is tried, if it shall be found that the violation was willful, or continued after the notice provided by the tenth section of this act, shall make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees, and all expenses and disbursements in the action, including his own necessary personal expenses.

SEC. 7. That any corporation or person violating this act is guilty of a misdemeanor, and subject to a fine of not exceeding $1,000 for each violation. The courts of the United States shall have exclusive jurisdiction of all prosecutions arising under this section. It shall be the duty of district attorneys of the United States to institute and prosecute to effect criminal proceedings for all such violations. The provisions of this section shall not apply to the first section of this act.

SEC. 8. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine commissioners, one from each judicial circuit in the United States, who shall be collectively known as the commission of interstate commerce of the United States, and shall be charged with the duty of carrying into effect the provisions of this act in respect of interstate commerce. Three of said commissioners shall hold their office for the term of two years, three for the term of four years, and three for the term of six years, to be respectively designated by the President, and thereafter said commissioners shall be appointed for the term of six years; and a commissioner appointed to any vacancy shall hold office for the unexpired term. Any one of said commissioners may be removed by the President for cause, but not otherwise. Said commissioners shall devote their whole time and abilities to the duties of their office, and shall not accept or engage in any office or employment inconsistent with the provisions of this act. If either commissioner, after his appointment, shall be, or shall become by inheritance or operation of law, pecuniarily interested in any railroad or railroad security, he shall, within thirty days, divest himself of such interest; and upon his failure to do so, or upon his voluntarily becoming interested in any such railroad or railroad security, his office shall become vacant. No commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest whatever. Each commissioner shall receive an annual salary of $7,500, payable like the salaries of the judges of the courts of the United States: *Provided*, That before entering upon the discharge of their duties they shall, in addition to the oath required of them by law, take and subscribe to an oath that they are neither directly nor indirectly interested in the ownership or earnings of any railroad company whatsoever.

SEC. 9. That the said commission shall exercise only the powers by this act conferred. Said commission may appoint a clerk, whose duty it shall be to keep a full and faithful record of the proceedings of said commission, and otherwise to assist the members thereof in the performance of their duties, and who

shall receive an annual salary of $2,500; and also one accountant, at an annual salary of $2,500. The Secretary of the Interior, at the request of said commission, may also furnish the commission such additional clerical, engineering, expert, or other service as they may request and he shall deem proper. Actual and necessary traveling and other expenses incurred by said commissioners, or their employés under their orders, shall be allowed them, for which vouchers shall be rendered. The commissioners, their experts and clerks, may pass and repass over any railroad engaged in interstate commerce free of charge, whenever engaged in the performance of their duties under the provisions of this act, but neither shall accept any other pass, gratuity, or favor whatever from any railroad company.

SEC. 10. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commission by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts and in his opinion the complaint is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceedings to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power, and in a proper case is required, to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of the commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings, which report and findings shall in all subsequent proceedings be regarded as *prima facie* true. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation, and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 11. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true, but shall presume such report to be true until the contrary is made to appear; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction, requiring such railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

SEC. 12. That the commission may make, and from time to time amend, such general orders as may be requisite for the order and regulation of proceedings before it, including all forms for proceeding, notices and the service thereof, and for the prescribing, directing, or regulating any matters authorized by this act. All the proceedings before said commission shall be upon reasonable notice to all parties interested, and such forms shall conform as nearly as may be to those in use in the courts of the United States. Any party may appear and be heard in person or by attorney.

SEC. 13. That for the purposes of this act the commission shall, subject as in this act mentioned, have full power to ascertain and report upon all questions of fact arising under this act, and in all subsequent proceedings their findings shall be taken as *prima facie* true, and shall also have the powers following:

(a) They may, by subpœna or order to be served by a person by them authorized, require the attendance of witnesses, and of all such persons as they think fit to call before them, or before any person by them authorized to prosecute an inquiry.

(b) They may require the production of all books, papers, and documents relating to any matter before them, and to that end may invoke the aid of any court of the United States.

(c) Either of them may administer oaths and affirmations.

SEC. 14. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held and its records and archives be deposited. Whenever the convenience of the public or of the parties may be promoted, or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, or one of the persons named in the ninth section hereof, or by any person specially appointed by the commission, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact, and may specially delegate to the officer or person conducting such inquiry such powers to that end as are by this act conferred upon the commission and may be deemed necessary. Every vote and official act of either of the commissioners shall be entered of record. The commission may conduct its proceeding in such a manner as will most conduce to the dispatch of business and to justice; they may sit together or separately, and either in private or public, but any proceeding before them shall be public upon the request of either party thereto; and a majority of said commission may determine any question submitted. The commission shall prescribe a railroad year, and a system of reports covering said year to be rendered by railroad companies; examine the books and accounts of said companies at such times as may be deemed by them necessary; see that all United States laws relating to said companies are enforced; furnish such information to the several Departments of the Government, or the Government directors of any of said railroads, in regard to the tariffs of fares and freight, or the accounts of said railroads, as may be required of them or as they may deem expedient; make an annual report of their doings to Congress on or before the 1st day of January of each year; and otherwise endeavor to procure the data necessary to the gradual enactment of an intelligent system of national legislation regulating interstate railroad commerce.

SEC. 15. That the Secretary of the Interior shall provide suitable offices and a room for the public sessions of the commission in the city of Washington. Witnesses summoned before the commission shall be paid the same fees as witnesses in the Federal courts, and depositions *de bene esse* and under commission may be taken to be used before the commission in the same manner and upon the same conditions as in such courts. The salaries and expenses of the commission shall be provided for, audited, and paid in the same manner as the salaries of judges and other judicial expenses.

SEC. 16. That said board of commissioners shall inquire into that method of railroad management or combination known as pooling, and state the results of their inquiry in their first annual report, and whether, in their judgment, any, and if so what, legislation is expedient in relation thereto.

SEC. 17. That nothing in this act shall apply to the carriage, storage, or handling of property wholly within one State or Territory and not destined for continuous carriage beyond such State or Territory, or to property carried for the United States, or to the transportation of persons or articles free or at reduced rates for State or municipal governments or for charitable purposes, or to or from public fairs and expositions for exhibition thereat.

SEC. 18. That in the construction of this act the phrases "railroad corporation" and "railroad company" shall be held to be synonymous, and to signify a corporation which either owns or operates a railroad as aforesaid, and shall include receivers, lessees, and trustees operating railroads, and all persons named in the first section of this act. The word "person" in this act includes plurality of persons, corporate and incorporate, and all persons in any manner engaged in interstate railway commerce in whatever capacity, whether as principals, agents, or employés.

SEC. 19. That the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for the uses and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto.

Mr. REAGAN. The gentleman from Kansas [Mr. PERKINS] inquires whether my motion to print embraces his amendment. I am not sure whether it would do so, but I ask that the gentleman's amendment may be included.

The SPEAKER. The amendment of the gentleman from Kansas, having been read and being now pending, will of course appear in the RECORD as a part of the proceedings.

Mr. HAMMOND. Allow me to understand the effect of the order in regard to my amendment.

The SPEAKER. The amendment of the gentleman from Georgia is also pending.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. I desire unanimous consent to introduce a bill for reference to the Committee on Invalid Pensions.

The SPEAKER. Several gentlemen who were not in their seats on last Monday desire to introduce bills or resolutions for reference, and, if there be no objection, the Chair will recognize them.

JOHN ANTRIM.

Mr. BROWNE, of Indiana, by unanimous consent, introduced a bill (H. R. 7858) granting a pension to John Antrim, late of Company A, Thirty-sixth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIVERS AND HARBORS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers, with accompanying papers from officers in charge of river and harbor districts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MISSOURI RIVER COMMISSION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the annual report of the Missouri River Commission for 1884; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INDEX OF SOUTHERN CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Clerk of the House of Representatives, in relation to the consolidated index of Southern claims, authorized by resolution of July 3, 1884; which was referred to the Committee on Accounts, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. CULBERSON, of Texas, by unanimous consent, obtained leave of absence for five days.

MARGARET A. BLAKE.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R.

7850) granting a pension to Margaret A. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTESTED ELECTION.

Mr. DAVIS, of Missouri. I desire to give notice that to-morrow I will call up the contested-election case of Craig vs. Shelley from the fourth district of Alabama.

HIRAM FOSTER.

Mr. KLEINER, by unanimous consent, introduced a bill (H. R. 7860) granting a pension to Hiram Foster, late second lieutenant Indiana Legion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF BOILER INSPECTORS, ETC.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 7861) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of local inspectors of hulls and boilers in the Michigan district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEWIS S. BATEMAN.

Mr. ROGERS, of Arkansas, by unanimous consent, introduced a bill (H. R. 7862) for the relief of Lewis S. Bateman, late private Company G, Fourth Regiment Arkansas Cavalry, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M. M'CHESNEY.

Mr. KEAN, by unanimous consent, introduced a bill (H. R. 7863) granting a pension to Thomas M. McChesney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. SMITH.

Mr. WILKINS, by unanimous consent, introduced a bill (H. R. 7864) for the relief of James A. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOSEPH P. AND EMILY J. TUTTLE.

Mr. LIBBEY, by unanimous consent, introduced a bill (H. R. 7865) for the relief of the heirs of the late Joseph P. and Emily J. Tuttle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES E. HOLMES.

Mr. BARBOUR, by unanimous consent, introduced a bill (H. R. 7866) for the relief of James E. Holmes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASSAY OFFICE IN OREGON.

Mr. GEORGE, by unanimous consent, introduced a bill (H. R. 7867) to establish an assay office in Oregon; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CONSTRUCTION OF A NAVY.

Mr. GIBSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved by the House of Representatives, That it is the duty of this Congress to enact such laws and make such appropriations as will enable the Government to at once commence the construction of a Navy suitable for both offensive and defensive purposes in time of war.

JOHN P. M'DONALD.

Mr. MORRILL, by unanimous consent, introduced a bill (H. R. 7868) granting a pension to John P. McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMELINE L. FITCH.

Mr. MORRILL also, by unanimous consent, introduced a bill (H. R. 7869) granting a pension to Emeline L. Fitch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BRADY.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 7870) for the relief of Mary Brady, widow of James H. Brady, late private in Company E, Sixteenth Regiment Missouri Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF HOUSE ENROLLING CLERK.

Mr. NEECE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Appropriations be requested to provide in the sundry civil appropriation bill for the payment to the enrolling clerk of the House of the difference between the pay of said clerk and the pay of the enrolling clerk of the Senate from December 1, 1883, to December 1, 1885.

REMOVAL OF POLITICAL DISABILITIES.

Mr. TUCKER, by unanimous consent, reported from the Committee on the Judiciary a bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. TUCKER, by unanimous consent, also reported from the Committee on the Judiciary a bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of, Virginia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. COX, of New York. I rise to a question of privilege.

The SPEAKER. The demand for the regular order of business was withdrawn, as was stated at the time, merely to permit gentlemen to introduce bills and joint resolutions for reference.

Mr. TUCKER. I hope I will be permitted to put these two bills removing political disabilities upon their passage at this time.

Mr. RANDALL. I do not think any one will object to passing bills removing political disabilities.

Mr. HOLMAN. I am on the floor asking to introduce a bill for reference.

The SPEAKER. The Chair will recognize the gentleman from Indiana.

BRIDGET MORRIS.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. 7873) granting a pension to Bridget Morris; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FREDERICK S. STRANG.

The SPEAKER. The Chair will now hear the privileged report from the gentleman from New York [Mr. COX].

Mr. COX, of New York. I am directed by the Committee on Naval Affairs to report back the following resolution with the recommendation that it be put upon its passage.

The Clerk read as follows:

Whereas it has been reported that Frederick S. Strang, late a cadet at the Naval Academy at Annapolis, has died in consequence of cruelties practiced upon him by senior cadets,

Resolved, That the Secretary of Navy be, and he is hereby, requested to communicate to this House any information he may have obtained in relation to the cause of death of the said Cadet Frederick S. Strang.

The resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. Mr. Speaker, I ask, by unanimous consent, to print in the RECORD a statement from the Committee on Naval Affairs on this subject.

The SPEAKER. Is there objection to printing the statement referred to?

There was no objection, and it was ordered accordingly.

The Committee on Naval Affairs have requested me to present this resolution. It relates to the allegation that Cadet Strang was hazed to death. It is a matter that could not be passed over when brought to the attention of the committee Those interested have said that they could get no response from the authorities who were interested in making an exposé of the matter; hence, through very reputable German friends interested in Cadet Strang, we were led to present the resolution as preliminary to more serious investigation should the matter require it.

It is not necessary to reproach Superintendent Ramsey or the authorities at the academy, though there is no doubt that hazing has existed in many types—some mild, some harsh, and some simply diabolical—at Annapolis, in spite of all denials to the contrary.

Damaging rumors, if not evidence, come that there is more or less of insubordination connected with the education at Annapolis. Rebellious demonstrations have disturbed the academy, and have threatened almost to culminate in revolt. The exasperating tricks and the mischievous demonstrations, with which the papers have been rife, indicate that some reform is necessary. One newspaper, the Hartford Courant, through its correspondent has referred to detailed reports concerning outrages at this national school. It says they show that a "great many young ruffians are getting their food and clothing from the public and giving promise of very slight return for the outlay." It gives this specimen of the doings of the young men:

Soon after the arrival of the "plebes" the august third-class man ascertains who are the pious young men. There are always pious young men at the first part of the academic course, but there are very few on graduation day. When the pious ones are found out, a religious service is held. With the pious ones for ministers and deacons, there is a meeting. It consists of preaching and prayer. Once every minute each one of the audience is required to give vent to hearty "amens."

But the immediate matter of this resolution concerns a young man whose home was in and whose appointment was from Oregon. I have letters before me which he addressed to his mother, and other evidences,

showing the relation which he bore to the academy. I have letters in my possession from those whose sons have been at the institution, and who rejoice that they have escaped its contamination. If these are credible we need not wonder that some of these scenes are simply horrible. Boys are sent from the influence of a pure home-life to battle with sin and vice in all its forms of hideousness at this academy, dedicated by our law and money to the best education possible. If such be the character of this school, it would be best if it were broken up.

The death of young Strang occurred in October, 1883. It is said to have been the effect of "horse-play," so called, on the part of the third class. Whatever this "horse-play" is, it is certain that within twelve hours after Strang went to the academy he was in the hospital. His injuries are alleged as the result of falling out of his hammock. It is further alleged that a surgical operation was necessary, and the boy died from the effects. But his friends believe that he was fatally hurt in an encounter with the third class, by being put in a barrel and rolled around until "the hazing party" chose to let him out.

Other instances of hazing have been brought to my attention. It is a violation of the oath taken on entering the academy. The cadet is required by oath to support all laws; and hazing is a violation of law. Still this hazing goes on. In my judgment, any man of ordinary skill and discipline might stop it; but I do not know. Some one should know and that soon. If this resolution is answered by the Secretary of the Navy, and it reveals a condition calling for general investigation, our committee will ask for it, for the honor and humanity of the service.

Mr. GEORGE. I wish also to make a statement on this subject to go into the RECORD.

The SPEAKER. The Chair hears no objection.

Mr. GEORGE. Mr. Speaker, this resolution should be adopted. The circumstances attending the appointment and death of young Strang were peculiar. I had the honor of naming him as a cadet at Annapolis. I was particularly impressed with his native energy and qualifications for the position. Practically left an orphan, his success over the many obstacles in his way demonstrated that he was possessed of those traits and characteristics that guaranteed success in the future. He was subjected in Oregon to a most searching examination, both mentally and physically, and it can well be imagined with what surprise and pain I heard of his sad and untimely death. He lived, I believe, but a few hours after his admission. Rumors were current in the press and otherwise that he met his death through hazing. If this be true we should know it, and should take such steps as will not only punish crime committed but prevent its repetition.

I know not whether there is any foundation for these rumors, but justice to the deceased, to his friends and relatives, to ourselves and to our country, and to that honored institution the Naval Academy itself, demand that the full light of investigation be turned upon the unfortunate event. I concur in the adoption of the resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the passage of joint resolution (H. Res. 308) appropriating $50,000 for the support of certain Indians.

REMOVAL OF POLITICAL DISABILITIES.

On motion of Mr. TUCKER, by unanimous consent, the House Calendar was discharged from the further consideration of the bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia, and the bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia, and the same were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof).

On motion of Mr. TUCKER, by unanimous consent, the bill (S. 737) to remove the political disabilities of J. R. Waddy was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

LOUISA LE G. JEFFORDS.

Mr. STRUBLE. I ask by unanimous consent to take from the Speaker's table the bill (S. 1337) granting increase of pension to Louisa Le G. Jeffords, for the purpose of putting it upon its passage.

I desire to say that a bill of like tenor was reported from the Committee on Pensions of the last session and was passed by the House. Another of like tenor was passed by the Senate. I hope under the circumstances there will be no objection to taking up this Senate bill and putting it upon its passage.

The SPEAKER. The bill is before the Committee on Invalid Pensions, and the gentleman from Iowa proposes to discharge that committee.

Mr. RANDALL. Has the committee reported?

The SPEAKER. It has not.

Mr. McMILLIN. We have an evening session every Friday night for the consideration of such bills, and I hope as the bill has not been reported back from the committee the gentleman will not press his motion.

Mr. STRUBLE. I understand this bill could not be considered on Friday evening under the order.

The SPEAKER. Objection is made.

SURVIVORS OF STEAMER JEANNETTE.

On motion of Mr. McADOO, by unanimous consent leave was granted for the withdrawal of the report from the Committee on Naval Affairs on Senate bill 1039, for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas.

On motion of Mr. McADOO, by unanimous consent the bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas was taken from the Speaker's table, read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

And then, on motion of Mr. REAGAN (at 5 o'clock and 5 minutes p. m), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Petition of James Lord, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. F. B. BREWER: Petition of citizens of Almond, New York, for increase of widows' pensions—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: Petition of 47 citizens of Henry county, Indiana, for the relief of John Antrim—to the same committee.

By Mr. COSGROVE: Petition of citizens of Saint Louis, Mo., in favor of the bill to prohibit the importations of foreign labor under contract—to the Committee on Labor.

By Mr. ENGLISH: Petition of merchants and business men of Indianapolis, Ind., against the bankrupt bill—to the Committee on the Judiciary.

By Mr. W. H. HATCH: Memorial of the American Ornithologists' Union—to the Committee on Agriculture.

By Mr. A. S. HEWITT: Petition of underwriters and merchants, praying for an additional appropriation for the Signal Service connected with the island of Nantucket—to the Committee on Appropriations.

By Mr. HOLMAN: Papers relating to the claim of Samuel Morrison, of Indianapolis, Ind.—to the Committee on Claims.

By Mr. JEFFORDS: Bill making an appropriation for the protection and improvement of the harbor at Greenville, Miss.—to the Committee on Rivers and Harbors.

Also, bill making an appropriation for the protection and improvement of the harbor at Vicksburg, Miss.—to the same committee.

Also, petition of R. S. & G. W. Woodbury, to have their claim referred to the Court of Claims, &c.—to the Committee on War Claims.

By Mr. KING: Bill appropriating $10,000 for the improvement of the harbor of Monroe, La.—to the Committee on Rivers and Harbors.

Also, bill appropriating $15,000 for the improvement of the Tensas and Macon Rivers, State of Louisiana—to the same committee.

Also, bill appropriating $12,000 for the improvement of the Bayou Bartholomew, State of Louisiana—to the same committee.

Also, bill appropriating $10,000 for the improvement of the Bœuff River, Louisiana—to the same committee.

Also, bill appropriating $100,000 for the improvement of the Ouachita River, Louisiana—to the same committee.

By Mr. LIBBEY: Petition of V. D. Groner, asking for an appropriation for the improvement of Elizabeth River, Virginia—to the same committee.

By Mr. MATSON: Petition of William J. Dobson and 200 others, ex-Union soldiers of Bartholomew County, Indiana, asking that a law may be passed giving each ex-Union soldier a land warrant of one hundred and sixty acres of public land—to the Committee on the Public Lands.

By Mr. MITCHELL: Petition of W. F. Hendrick, for increase of pension—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of citizens of Boston, asking for the enactment of all legislation necessary to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

Also, petition of certain ship-owners and brokers of Boston, and three petitions of manufacturers and merchants of Boston, Mass., praying for the immediate ratification of the recent reciprocity convention with Spain—severally to the same committee.

By Mr. NELSON: Resolution of Grand Forks Chamber of Commerce, relative to Red River improvements—to the Committee on Rivers and Harbors.

Also, memorials of Grand Forks Chamber of Commerce, relative to the Red Lake Indian reservation—to the Committee on Indian Affairs.

Also, petition of A. R. McFarlane and others, of Duluth, Minn., for a bankrupt law—to the Committee on the Judiciary.

By Mr. NICHOLLS: Memorial of citizens of Echols County, Georgia,

favoring the passage of the educational bill—to the Committee on Education.

By Mr. PETTIBONE: Papers relating to the claim of Thomas Barnes—to the Committee on Claims.

Also, petition relating to the claim of A. W. Harmon—to the Committee on War Claims.

By Mr. PRICE: Bill making an appropriation of $75,000 to dredge the Saint Louis Bay and River, in the State of Wisconsin—to the Committee on Rivers and Harbors.

By Mr. RIGGS: Petition of J. L. Staker and others, of Clayton, Ill., for increase of widow's pension—to the Committee on Pensions.

By Mr. J. H. ROGERS: Petition for the relief of Lewis S. Bateman—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of John Cushing and 55 others, praying for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. J. D. TAYLOR: Petitions signed by McGowan Brothers and others, citizens of Steubenville, Ohio, protesting against the ratification of the treaties with Spain, San Domingo, and the extension of the term with Hawaii—to the Committee on Ways and Means.

By Mr. VAN EATON: Papers relating to claim of J. W. Causey—to the Committee on War Claims.

By Mr. J. S. WISE: Petition of John N. Waddy, for the passage of Senate bill 737—to the Committee on the Judiciary.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions.

By Mr. ANDERSON: Of citizens of Ogden, Kans.

By Mr. BAGLEY: Of citizens of Ulster County, New York.

By Mr. BEACH: Of citizens of Unionville, N. Y.

By Mr. W. W. BROWN: Of 58 citizens of Potter County, Pennsylvania; of 92 citizens of Lycoming County, Pennsylvania; and of 202 citizens of Bradford, Pa.

By Mr. J. M. CAMPBELL: Of citizens of Cambria County, Pennsylvania.

By Mr. COOK: Of J. H. Gordon and 50 others, of Mahaska County, Iowa.

By Mr. COSGROVE: Of citizens of Marshfield, Mo.

By Mr. CUTCHEON: Of citizens of Rathbury, Mich.

By Mr. GREENLEAF: Of W. B. Young and others, of Albion, N. Y.

By Mr. GOFF: Of William Chapman and 49 others, of Samuel C. Knicely and 59 others, of W. N. Edgell and 109 others, of James T. Cries and 112 others, of Isaac Meekley and 80 others, of John C. May and 28 others, and of Samuel Brown and 61 others.

By Mr. HALSELL: Of J. D. Engler and 63 others.

By Mr. HANBACK: Of 124 citizens of Jewell City and of 250 citizens of Paris, Kans.

By Mr. W. H. HATCH: Of citizens of Knox County, Missouri.

By Mr. HEPBURN: Of D. H. Woodward and 94 others, citizens of Murray, Iowa.

By Mr. HOUSEMAN: Of C. E. Koon and 64 others, of Ottawa County, Michigan.

By Mr. HOWEY: Of citizens of High Bridge, N. J.

By Mr. LAWRENCE: Of citizens of Beaver County and of Industry, Beaver County, Pennsylvania.

By Mr. LE FEVRE: Of James R. Doty and 150 other ex-soldiers, of Allen County, Ohio.

By Mr. MCCORMICK: Of Joseph Imboden and 59 others, of Hocking County, Ohio, and of M. S. Blake and 119 others, of Gallia County, Ohio.

By Mr. MILLARD: Of citizens of Maine, N. Y.

By Mr. MORSE: Of soldiers of the Mexican war, Boston, Mass.

By Mr. PAYNE: Of citizens of Seneca County, of Butler County, of Ledyard, N. Y.

By Mr. PEEL: Of 37 citizens of Carroll County, Arkansas.

By Mr. PETERS: Of 128 citizens of Finney County, Kansas.

By Mr. PUSEY: Of citizens of Cass County, Iowa.

By Mr. RANDALL: Of citizens of Philadelphia, Pa.

By Mr. RIGGS: Of William Taylor and 55 others, of Perry; of H. M. Condee and 47 others, of Mount Sterling, Ill.

By Mr. ROBERTSON: Of citizens of Kentucky.

By Mr. ROBINSON: Of 64 soldiers of Ada, Ohio.

By Mr. ROWELL: Of citizens of Cooksville, of Arrowsmith, and of La Place, Ill.

By Mr. RYAN: Of 550 citizens of Kansas.

By Mr. STEVENS: Of citizens of Niagara County, New York.

By Mr. STOCKSLAGER: Of 64 citizens of Palmyra, Ind.

By Mr. J. D. TAYLOR: Of R. M. Black and 208 others, citizens of Harrison County; of S. F. Dean and 183 others, of Belmont County; and of Morris Allbaugh and 63 others, of Tappan, Harrison County, Ohio.

By Mr. TOWNSHEND: Of 62 citizens of Hamilton County, Illinois.

By Mr. WILKINS: Of D. R. Liggett and 70 others, of Holmes County, Ohio.

By Mr. YAPLE: Of Edwin E. Crandall and 41 others, of Schoolcraft; of B. O'Dell and 120 others, citizens of Decatur; of H. H. Van Camp and 29 others, of Decatur; of Thomas C. Bradley and 40 others, of Three Oaks, and of Charles W. Shepard and 115 others, of Mendon, Mich.

SENATE.

THURSDAY, *January* 8, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia.

The message also announced that the House had passed the bill (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented the petition of John C. Myers, of Reading, Pa., praying reimbursement for certain moneys expended and services rendered by him in the investigation of the conduct of George F. Seward, late consul-general, and Oliver B. Bradford, late deputy consul-general, at Shanghai, China; which was referred to the Committee on Appropriations.

Mr. HOAR. I present certain papers, and among them a petition of Jennette S. Kent, relating to the bill (S. 2384) granting a pension to Jennette S. Kent, and I move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. LAPHAM presented a memorial of Cigar-makers' Union, No. 223, of Amenia, N. Y., and a memorial of Cigar-makers' Union, No. 9, of Troy, N. Y., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented a petition of the American Ornithologists' Union, praying the establishment of a bureau of ornithology as a branch of the Agricultural Department; which was referred to the Committee on Agriculture and Forestry.

Mr. HALE presented a petition of citizens of Millbridge, Me., praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site, and the construction of suitable buildings thereon, to report it with an amendment in the nature of a substitute. I ask that the bill be placed upon the Calendar, and at the proper time I shall ask its consideration by the Senate.

The PRESIDENT *pro tempore*. The bill will go on the Calendar.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. 2458) for the relief of David L. Brainard and others, non-commissioned officers and privates of the Greely expedition, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

THE BARGE PIRATE.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York, to report it without amendment, and with a recommendation that it pass. I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HALE. What is the bill?

Mr. SHERMAN. Let it be read in full.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to grant and issue to the lighter or barge Pirate, now lying at New York, an American register or enrollment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HALE. From what committee does it come?

The PRESIDENT *pro tempore*. From the Committee on Commerce, reported by the Senator from New York.

Mr. MILLER, of New York. It is a House bill; it has passed the House.

Mr. HALE. What are the circumstances?

Mr. CONGER. It is a unanimous report from the Committee on Commerce.

Mr. HALE. Is there any report accompanying it?

Mr. CONGER. No; but there is a letter of the Secretary of the Treasury recommending it.

Mr. MILLER, of New York. I can briefly explain it, and I think there will be no possible objection to its passage.

The PRESIDENT *pro tempore*. The Senator from New York, if there be no objection, will be allowed to explain the bill, after which the Chair will ask for objection.

Mr. MILLER, of New York. The facts are simply these: The barge named in the bill was built in Boston in 1854 as an American vessel. Some years after it was sold under a mortgage foreclosure and came into the possession of a citizen of Hayti under the Haytian flag. It was then engaged in foreign commerce, and upon coming into the port of Norfolk in the United States some time ago it was there condemned as a wreck, having had a very stormy passage and being very much damaged. It was bought by a citizen of the United States and by him taken to New Jersey with the intention of repairing it as a sea-going vessel; but upon examination it was found to be so badly wrecked that that was abandoned, and it was subsequently rebuilt and made into a barge without any motive power, simply to be towed. It can be used in no other service save that of our internal waters. The American citizen before rebuilding it took legal counsel, which counsel advised him that upon so rebuilding it there would be no difficulty in obtaining an American register. After the money had been expended, some $3,500, when the papers were applied for the application was refused upon the ground that some of the material in the barge came from the old Haytian vessel, which was originally one of American build. It is impossible that this American citizen should get any return whatever for his money unless he be allowed an American register, for the vessel now, instead of being a sea-going vessel, is simply a barge to be towed about in the internal waters.

Mr. HALE. The Senator believes that the case comes under the spirit of the general law allowing an American register to be given to wrecked vessels that have been rebuilt, but not technically?

Mr. MILLER, of New York. There is no doubt but that it comes under the spirit of that law. The measure is simply asked for as a matter of equity. If it came absolutely under the law technically, of course the Secretary of the Treasury would have granted the papers; but it is one of those cases where the repairs are not equal to three-quarters of the value of the wreck, and therefore the papers can not be granted. This citizen acted in good faith, after having taken counsel; he has his money invested in it; and it is simply to put it in internal trade, because it is no longer a sea-going vessel. The Secretary of the Treasury has examined the case and reported favorably upon it, and it is necessary that the bill should be passed in order that the vessel may be used.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF SCHWATKA'S REPORT.

Mr. HAWLEY. There was referred to the Committee on Printing a communication from the Secretary of War, transmitting the official report of Lieut. Frederick Schwatka of his military reconnaissance on the Yukon River, in Alaska, to which considerable public attention was directed. The committee instruct me to report a concurrent resolution for printing the same, as follows:

Resolved by the Senate (the House of Representatives concurring), That the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use the War Department.

I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HAWLEY. The Secretary of War and the Lieutenant-General strongly recommend the printing of the report. I believe it is a matter of considerable public interest and value.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2507) to amend the law concerning mechanics' liens in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. MAXEY introduced a bill (S. 2508) to regulate the letting of mail contracts; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PALMER introduced a bill (S. 2509) to confirm titles to lands in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 2510) for the relief of the Good Intent and other companies; which was read twice by its title, and referred to the Committee on Claims.

Mr. PIKE introdnced a bill (S. 2512) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2513) to amend the law in relation to the registration of trade-marks; which was read twice by its title, and referred to the Committee on Patents.

FEES IN PENSION CASES.

Mr. ALLISON introduced a bill (S. 2511) relating to claim agents and attorneys in pension cases; which was read the first time by its title.

Mr. INGALLS. Let the bill be read the second time at length, Mr. President.

The bill was read the second time at length, as follows:

Be it enacted, &c., That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears-of-pension, or bounty-land claims, until the allowance of the claim.

SEC. 2. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fees for his services in a pension claim except through the agent for paying pensions.

SEC. 3. That the fee in all pension, arrears-of-pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 4. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or prosumptive claimant by word, circular, letter, or by advertisement.

SEC. 5. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

SEC. 6. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the sixth section of this act.

SEC. 7. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been heretofore abandoned by his attorney from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, that the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the sixth section of this act.

SEC. 8. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia; and it shall be unlawful for any agent or attorney residing in a State of which the claimant is resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

SEC. 9. That all of the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

Mr. ALLISON. Mr. President, I offer the bill this morning and ask its reference to the Committee on Pensions, for the reason that I desire to have the expression of that committee with regard to this proposed legislation. I do not wish to be held responsible for all the provisions of the bill. All the provisions of it are found in House bill 7785, being the pension appropriation bill for the next fiscal year. It is legislation the object of which is to regulate the fees of attorneys and agents in pension cases, and to repeal the legislation upon that subject

which was passed last year on the pension appropriation bill for the current year.

I desire this reference for two purposes: In the first place, that the Committee on Appropriations of this body, when the pension appropriation bill for next year comes up for its consideration, will not be confronted with the fact that the attention of the Senate has not been called to this important legislation; and in the next place, the legislation which is proposed to be repealed by the last section of the bill which I have introduced is the legislation of last year put upon the pension appropriation bill in a conference committee.

It will be remembered that when the pension appropriation bill was before the Senate last year it came to us with a large amount of legislation relating to this subject and to other subjects. Under the rules of this body it is impossible for the Senate Committee on Appropriations or for the Senate itself to consider legislation on an appropriation bill. Therefore, under the rulings of the Chair and under the practice of the Senate, the Committee on Appropriations on that very bill were instructed to report it back without any legislation whatever; and the committee, under the instructions of the Senate, so reported the bill; so that when the bill passed the Senate at the last session there was no legislation upon it as amended by the Senate. It then went to the House and, the House refusing to agree to our amendment striking out the legislation, a committee of conference was ordered upon the bill, and several sections relating to the question of compensation to pension attorneys were put upon the bill and agreed to. Now, there is great complaint that that was hasty legislation and legislation unjust to the soldiers of the country, and it has been stated in some quarters indirectly, although not directly, that the Senate of the United States is responsible for this legislation.

The object of the bill which I have introduced is, in some respects, if there was hasty and inconsiderate and unjust legislation on the pension appropriation bill last year, that that legislation may be corrected.

Mr. INGALLS. Will not the Senator state what the points are that are alleged to be unjust?

Mr. ALLISON. I am not so familiar, perhaps, with the acts relating to pension practice as I ought to be, and if I misstate them I hope the chairman of the Committee on Pensions or some other member of that committee will correct me. Under the act of 1870, or at any rate prior to 1878, the law was that no attorney should receive compensation for his services until after the pension had been allowed. By the legislation of 1878 that limitation was removed and pension attorneys were authorized to receive a portion at least of the compensation during the pendency of the claim, and the compensation was limited to $10. The Committee on Pensions in this body reported an elaborate bill at the last session of Congress looking to a re-establishment of the law of 1870, together with sundry and divers limitations for the regulation of the practice of attorneys before the Pension Bureau. When the pension appropriation bill came to the Senate it had upon it legislation looking in the same direction, and the Committee on Pensions, in the discussion that was had upon the bill, called attention to the fact that they had prepared an elaborate and well-considered measure on the subject; and I believe the chairman of the committee called attention to the fact that if legislation was had, in lieu of the legislation proposed by the House on the appropriation bill, that contained in the Pension Committee's bill should be adopted by the Senate. But under the rules of the Senate it was impossible for us to consider that bill at all on the appropriation bill; and therefore it was that the Committee on Pensions could not in this body, under our rules, propose, as an amendment to the legislation proffered by the House, anything in regard to this question of compensation.

Mr. INGALLS. Because it was legislation on an appropriation bill?

Mr. ALLISON. Because it was legislation on an appropriation bill, and therefore prohibited by the rules of the Senate. That bill restored the law of 1870, as I understand, and provided that in cases where a written agreement was filed in the Pension Office a fee of $25 might be charged by the attorney prosecuting a claim; but it also provided, as I remember, that where pension applications were made after the law of 1878 and before the passage of that proposed law, in no case should a fee beyond $10 be allowed.

Mr. DAWES. If the Senator will permit me, I think the provision of the last law was that a fee not exceeding $25, to be determined by the Commissioner, might be allowed.

Mr. ALLISON. That is as the conference committee reported the measure to the Senate and as it was finally passed. That provision in the bill of the Pensions Committee of the Senate, for some reason or other, I do not know how, does not appear in the bill reported from the committee of conference, and therefore the Pension Bureau has ruled, as I understand, that the pension attorneys can go back to 1878, and that upon all claims filed between 1878 and 1884 they can present a written agreement and receive a compensation of $25 in lieu of $10 as provided by the law of 1878. Thus it is claimed that these attorneys or agents in pension cases have oppressed and are oppressing the pension claimants who filed their claims between 1878 and 1884, covering, of course, all the cases of arrearages of pensions. Whether that is the correct construction of the law of last year, I do not pretend to say. It certainly is within the discretion of the Commissioner of Pensions to say whether the fee shall be $25 or $15, as suggested by the honorable Senator from Massachusetts.

Now, it is claimed that that was vicious legislation put upon an appropriation bill without due consideration; and to correct that vicious legislation it is claimed that these sections, nine in number, ought to be adopted this year on the pension appropriation bill, for the purpose of correcting legislation vicious in its character passed upon the pension appropriation bill last year.

I desire to call the attention of the Senate to the fact that under our rules it is impossible for us on appropriation bills to have well-considered legislation, because we can not offer amendments nor can we debate the questions that may come up with relation to legislative provisions on an appropriation bill.

I have presented this bill, taking it bodily from the appropriation bill which Senators will find upon their tables this morning, and I ask the especial attention and consideration of the Committee on Pensions to this proposed legislation, so that they may report to us (and I think the report should be as speedily made as the committee can find convenience to make it with the other matters they have before them), and that the Senate may know whether the legislation of last year was well considered or proper legislation; and, if it is not, that the Committee on Pensions, the proper committee of this body, acting under our rules, shall so inform us and present to us a bill upon this important subject, as it relates to all the pension claimants in this country. That is the object I have in introducing the bill.

Mr. JACKSON. Will the Senator permit an interruption just there?

Mr. ALLISON. Yes, sir.

Mr. JACKSON. I desire to inquire in what respect the bill he has just offered differs from the bill which was reported on behalf of the Pension Committee at the last session on that very subject?

Mr. ALLISON. It differs materially in many respects, so far as I am able to judge from having given it, of course, a somewhat hasty examination. All the features of detail which are involved in the bill reported by the Senator from Tennessee are omitted in this bill, and the legislation on the appropriation bill of last year is absolutely repealed so far as the detailed provisions are concerned.

What I desire, and what I think the Committee on Appropriations are entitled to have, is the judgment of the Committee on Pensions reported to the Senate in the form of a bill, their attention being called to the legislation of last year on an appropriation bill. Let that committee report to us such a bill, an independent measure, because under our rules we can not consider this measure on an appropriation bill. Let them report an independent measure so that we may send it to the House of Representatives and have their independent and separate judgment upon it.

I move the reference of the bill to the Committee on Pensions.

Mr. BECK. Mr. President, while all that the Senator from Iowa has said meets my approval in regard to his desire to relieve the Committee on Appropriations from great difficulties, it does not reach the root of the evil, because every other appropriation bill that comes from the House may contain legislation of the same character which the Committee on Appropriations of the Senate will be wholly unable to touch. Last year in the sundry civil bill we had a law regulating the fees of marshals and affecting the connection of the Government with the great Pacific and other railroads, among other things that were apparently and I suppose actually very imperfect, and which the House itself would have desired to amend. We could not touch any of them. There is now an appropriation bill that comes from the House of Representatives that may not have, as it did have last year (and at this short session it will be worse even than it was at the long session of last year), just such legislation, which we are obliged to reject or obliged to accept as it comes from the House; and when we reach a committee of conference we are obliged to agree to it or, if the Senate conferees refuse to strike it out, the bill is lost altogether. That is the way much legislation comes in.

We can only reach the object in view by the Joint Committee on Rules establishing some rule binding upon both Houses if they can, or, if they can not, reporting to us that they can not, and then we must take our stand upon the question of legislation on appropriation bills firmly and decidedly, let the consequences be what they may.

Mr. HARRIS. If the Senator from Kentucky will allow me, I will state that the Senate Committee on Rules at the beginning of the last session of this Congress reported a set of joint rules which have been before, and I suppose are being considered by, the House Committee on Rules. The Committee on Rules of the Senate, I simply desire to say, reported such rules as would effectually remedy this evil if the House would agree to the rules so reported or rules similar in effect. The Committee on Rules of the Senate have done all that it was in their power to do.

Mr. BECK. Let me ask the Senator from Tennessee, who knows very much more about the rules than I do, and has been quite observant in regard to the difficulties we have had on appropriation bills, if some joint rule is not absolutely necessary to protect the Committee on Appropriations in acting upon appropriation bills with legislation in them?

Mr. HARRIS. Oh, I quite agree with the Senator from Kentucky

and other Senators that a joint rule that will protect appropriation bills from general legislation is very important to the Committee on Appropriations, as it is to the country, in my opinion. I desire to suggest to the Senator from Kentucky that the only remedy in my judgment that the Senate has, in the absence of such joint rule, is that the Senate strike out, without regard to merit, every feature that is general legislation which comes to us in an appropriation bill from the House. There is a remedy in that, and so far as I am concerned I am ready not only to vote to strike out every such provision without regard to merit, but to stand upon the striking out to the last extremity.

Mr. BECK. The purpose I have in view is being attained quite rapidly by declarations of that sort. Then we are confronted with the fact that whatever the House of Representatives under its rules may put in an appropriation bill, even if it is stricken out by the Senate, only sends it to a committee of conference where it can hold us or reject the bill altogether. Then is the Senate prepared to refuse to pass appropriation bills into which the House under its rules can insert legislation that we can not amend? We go one step further, and when that step is reached an issue is made upon which the country will have to decide who is right and who is wrong.

All I rose to say is, that while the bill of the Senator from Iowa meets my approval, we shall in all probability be confronted with legislation on appropriation bills at this short session of Congress of only about fifty working days. I alluded to the sundry civil bill of last year, and the Senator from Iowa knows the trouble we had about it in regard to railroads and marshals and many other things that were very important. My real object is to impress upon the Joint Committee on Rules the importance of making a very earnest and serious effort, so as to avoid what this is only the beginning of in the pension appropriation bill and which may be followed in every other appropriation bill with things of the same sort. Our committee may appeal to them, attention having been called to it by the Senator from Iowa. If the Committee on Rules would make an earnest effort, the Senator from Ohio [Mr. SHERMAN] and the Senator from Tennessee [Mr. HARRIS] being very well able to explain our difficulties, they may succeed before many important bills come up in having some agreement that may save both Houses a great deal of trouble.

Mr. DAWES. I was a member of the committee of conference to which the differences of the two Houses upon the pension appropriation bill were committed at the last session, and signed the conference report. I regret that the chairman of that committee, the Senator from Illinois [Mr. LOGAN], is not present, as he had the matter especially in charge and could explain the considerations which led the committee to recommend the concurrence of the Senate in the report. It was a question of compromise. The committee on the part of the Senate were with the Senate in the proposition to make proper appropriations for the pension department of the Government and nothing more in an appropriation bill. They were met, however, by a bill which not only made those appropriations, but had in it very essential modifications of the existing law, and the conferees were in controversy for a long time between making these appropriations and adopting the proposed legislation. The legislation which came ultimately into that appropriation bill was put there in order to save the bill. It was a modification or substitute for the legislation which came to this body in the bill, better the committee thought than the proposition which came here, but so far as I am concerned and (I speak with some confidence) so far as the other members of the conference committee on the part of the Senate were concerned, unsatisfactory to them. It was in their opinion the best they could do. Under the rules of the Senate, the Senate was forbidden even to amend or modify that legislation. Their alternative was to take it exactly as it came from the House, or to reject it altogether. They rejected it. The House refused to pass the appropriation bill without that legislation.

The committee of conference was then brought at the very last moment to say that they would take this provision. I thought I foresaw the condition of things which is now represented to exist. A provision that all contracts heretofore made under the $10 limitation could be remodeled between the claim agent and the applicant within the limitation of $25, subject to the supervision of the Commissioner of Pensions, would certainly result in my opinion (although I had no opportunity to make that statement to the Senate when the conference report was adopted; it was adopted without debate and without opportunity of debate) in circulars sent out from here to all applicants insisting upon a new contract within the limitation of $25 and the Commissioner of Pensions would practically approve of them all; it would be impossible for him to review them. I understand that a corps of clerks is now set apart to review and investigate the amount of labor in each claim that is finally adjudicated to see whether $25 is or is not a reasonable sum.

Every applicant has this circular sent to him informing him in substance that the law has been modified and that he must sign a new contract, and he signs that contract believing that he is obliged to pay the $25; and under the law the Commissioner is obliged to look into the matter, and see whether $25 is a reasonable sum. It results practically in every applicant whose claim has not been adjudicated being obliged to pay $25 instead of $10.

But, sir, I do not see how the Senator from Iowa is going to reach this difficulty in the method which he proposes. He will get the opinion of the Committee on Pensions; he may get the opinion of the Senate; but when the pension appropriation bill comes up, here under our rules we can not amend that bill by modifying it according to the conclusions of our Committee on Pensions or of the Senate itself. We must reject altogether the legislation which is in that bill, and take the appropriations simply just as we did last year, and then be confronted in a committee of conference precisely as we were last year with the alternative, "take this legislation along with the appropriations, or not get the appropriations," with the additional pressure that will be on us that the session ends on the 4th of March.

Mr. President, the evil lies where the Senator from Kentucky has indicated it. Unless the two Houses can come to some common understanding about the form and shape of their appropriation bills we shall be constantly and always in the power of a committee of conference, or be faced with the alternative of taking such legislation in appropriation bills as may be brought here for us to consider. We have no deliberation upon the subject. This evil of legislation in appropriation bills has been growing upon Congress for these many years. When I first had anything to do with appropriation bills they were upon the objection of a single member stripped by an iron rule, in the body of which I was then a member, from everything that looked to independent legislation; and so careful were the members of that rule and so impressed were they with the importance of it that care was taken at the moment every appropriation bill was reported, before it went to a Committee of the Whole for consideration, to raise the objection, so that no omission of time might give any legislation, which peradventure might have crept into the bill unaware, exemption from the objection of any member. Now almost the entire legislation of Congress has found its way into appropriation bills, and the Senate has voluntarily tied its own hands. Knowing that under some rules legislation of any kind and however broad can come here in appropriation bills and under the pressure of the power and necessity of appropriations, we have voluntarily tied our hands and said that we will not permit ourselves to introduce any independent legislation which is right and absolutely necessary, and further that we will not even modify by any amendment such legislation as shall come to us. I can not conceive of anything so absurd, to say nothing of the evil tendencies of such a course of legislation and of such rules.

Now, Mr. President, what does the Senator from Iowa gain if he gets a report from the Committee on Pensions of a modified and well-considered and proper plan that shall meet unanimously the judgment of the Senate? He can not offer it as a modification of the existing law. All he can do and all that is possible is that a committee of conference can take that in their pocket into the conference room, and they can tender it to the conferees they meet there; but the conferees they meet there can do as they please with the 4th of March staring us in the face.

Mr. ALLISON. Mr. President, in answer for a moment to what the Senator from Massachusetts suggests as to the practical remedy, I will say that I do not know that anything can be accomplished, but certainly if here is vicious legislation, as is claimed, I take it for granted the House of Representatives will be swift to correct that legislation, especially when we send to them the means of doing so in the form of an independent bill. I can not for an instant suppose that legislation of this importance will be smothered under the two hundred bills said to be lying somewhere that have already passed this body. Therefore it is that I am endeavoring, knowing that we have put gyves upon our wrists in reference to our legislation, to see if I can not in some way untie our hands by means of an independent measure which is now said to be of pressing and immediate importance. Hence I have introduced this bill in the hope that we can send to the House of Representatives separate and independent legislation for their action, and thus relieve us under the rules from the embarrassment in which we are placed.

Mr. HALE. Mr. President, hardly anything could have come up that would show more clearly than the present situation the infirmity under which the Senate labors in resisting legislation upon appropriation bills. The Senate for some years has been making an earnest and consistent and steady fight against what it believes is a vicious practice in legislation—that is, incorporating upon appropriation bills important general legislation. The ground taken by the Senate has been that by that practice there is no opportunity for consideration; and appropriation bills dealing with the numerous items of expenditure needed by the different Departments of the Government come in almost always late in the session, and do not furnish a proper vehicle for the discussion of important legislative matters. So the Senate has endeavored to maintain its attitude upon appropriation bills, and if it were able to maintain this attitude and to so influence the co-ordinate branch of the Legislature, its purpose would be accomplished. But all the same, notwithstanding the fight that the Senate has made, every year important legislative provisions are incorporated in appropriation bills and become a part of the general law of the land, and are a portion of the general legislation of Congress.

Why is this? Because the Senate is always at a disadvantage; and

the present situation, as I have said, illustrates it more completely than anything I have seen in my service in this body. An appropriation bill comes to the Senate with a half-dozen provisions of general legislation which the other House has put upon it and sent to the Senate. The Senate refers the bill to the Committee on Appropriations and under the rules of the Senate and under the spirit of the rules the Committee on Appropriations strikes out all the legislative provisions from the bill and reports a clean and simple proposition for appropriations, as it did last year in the case of the pension bill. All that is very well so far as the Senate is concerned. The bill passes the Senate shorn of the objectionable features and goes back to the House, and the House, as it has a clear right under its rules to do, disagrees to the Senate's amendments and appoints a committee of conference. The bill is returned to the Senate, and the Senate appoints a committee of conference to meet the conferees of the House, and the whole matter is thrown into the conference, which is the deliberation of six men, three Senators and three Representatives. The outcome is that sometimes the Senate conferees are obliged either to abandon their ground *in toto* and consent to the House legislation, or exercising their best discretion to accept portions of or to modify the House legislation; and the result is that, under the whip and spur of a conference report passed on the appropriation bills almost always in the last three days of the session, the legislation goes through. We are here confronted precisely with that situation; and when I read the proceeding that took place in the House of Representatives as they appear in the RECORD I find that although all the legislation upon the pension appropriation bill which is now objected to was initiated in the other branch, still the Senate does not escape responsibility.

I was about to ask the Secretary to read from the RECORD of yesterday morning; but, on reflection, I will not ask to have anything read from the debates in the House, because some Senator might call attention to the point of order which would exclude it. But it is impossible to realize the serious condition that the Senate finds itself now confronting without taking into consideration the attitude and the debates of the two Houses. I will only then, without referring to anything that has taken place elsewhere, suppose this case: An appropriation bill comes from the House of Representatives loaded with legislation. The Senate strikes it off. It goes back to the House clean—an appropriation bill pure and simple. The House insists upon its legislation. The whole subject is thrown into conference, and out of that conference comes a bill with legislation upon it that a year's observation and a year's experience show to be very vicious, very pernicious legislation, and the Senate has not escaped the responsibility because it may be said by the House of Representatives in maintaining its ground that unless the particular items of legislation, just as they appear in the final law as it is enacted, were incorporated into the provisions of the House bill the House is not responsible for it; and so the responsibility may be thrown upon this body. So then, although the Senate is striving to prevent legislation upon appropriation bills and the House is insisting upon putting legislation upon them, if as an outcome of a conference vicious legislation is found to result because the House has insisted on putting legislation upon an appropriation bill, if it is not found in the law in precisely the terms of the House proposition, then the responsibility is shifted upon the Senate, and we are liable to find ourselves in that situation upon every appropriation bill.

I must say, Mr. President, that for one I am becoming somewhat weakened in my view as to our position under the present system of rules that we are doing legislation by; I am becoming somewhat doubtful about the wisdom of our rule with reference to legislation. We are all the time at the mercy of the House. We can not amend their legislation; we can put on no new legislation; we are thrown into conference, and they have the advantage of us. There is only one remedy, and that is the one suggested by the Senator from Tennessee. If the Senate as a body in all cases, no matter what the legislation is, will declare, and stand firmly to the declaration, that it will have nothing to do with general legislation upon appropriation bills, and will refuse to accept the reports of conferees whenever a particle of general legislation has been found to creep into those reports, then a monition would be served upon the co-ordinate branch that might be of some avail; but until that has been done we are at the mercy of the other branch.

I do not know whether the general rules applicable to both bodies, the rules referred to by the Senator from Tennessee as reported by our Committee on Rules, can be carried any further. But unless the House assents to give up its superior privilege and to adopt a joint rule that shall apply in common to both of the bodies, we are liable all the time to be found in the present condition.

The Senator from Iowa very properly proposes to take the provisions of legislation that are found now upon an appropriation bill, to refer them to the Committee on Pensions, and to ask that committee to report a bill containing them and send it to the House; but in the condition of the docket of the House that will not be acted on, and the House can do all the time what we can not do. It is not obliged to resort to the channels of the various committees that deal with the different subjects-matter of legislation as we are, but may wait until the waning days of the session and put legislation on an appropriation bill and send it here and we are confronted with it.

It seems to me that it is high time that something was done, either that a joint rule be made or that we let up on the stringency of our rule, which is constantly disabling us and putting us at the mercy of the other House.

Mr. BECK. I wish to submit to the Senator from Maine that the difficulty we have now, and the reason I suggested a modification of the rule was this: Even if the bill of the Senator from Iowa passes, it will necessarily go on the Calendar of the House, and there a single man can prevent it from ever being taken up; and I understand that there are two hundred Senate bills now before the House that have not yet even been referred. So we must either have a joint rule agreed to by both Houses or the present rule so modified that we can amend House provisions on appropriation bills to avoid trouble.

Mr. HALE. I had these difficulties in mind when I referred to the improbability of any action being taken by the other body on a bill reported by the Committee on Pensions and passed in this body. It is almost impossible for any new legislation sent over by us now to that body to be got through, from the difficulties that the Senator has referred to and others very numerous.

Mr. INGALLS. Mr. President, I have listened with a great deal of interest to those Senators who have roared so loud and thundered in the index about the impropriety of legislation upon general appropriation bills; and I admired the vigor with which the Senator from Tennessee with resounding clamor smote his desk and declared that for one he was willing to stand up in solid phalanx and declare that the aggressions of the House of Representatives should be resisted, if necessary, to the death. That amusing comedy has been repeated in my hearing over and over again *interum interumque* for the past five years. We have resolved that there should be no legislation on general appropriation bills. We have declared that the system was vicious, that it had been increased from year to year until finally it had come to pass that almost the entire mass of legislation was vested in the Appropriations Committees of the two Houses, and we have withdrawn ourselves and gone up into a high mountain and declared that for us and our people we would have nothing to do with that sort of legislation.

The Senator from Maine advised us in the observations which he has just closed, and to which I listened with so much pleasure, about the dangers of the situation and the fact that we were at the mercy of the House of Representatives. How are we at the mercy of the House of Representatives? "By tying our own hands," *soto voce* says the Senator from Missouri [Mr. COCKRELL]. We are at the mercy of the House of Representatives not by reason of any infirmity in the powers of the Senate, but by reason of the infirmity of the Committee on Appropriations of this body. "Tied our hands," again says the Senator from Missouri. Tied our hands! Why, sir, again and again, whenever this subject has been brought to the attention of the Senate upon a yea-and-nay vote, there never has been a single Senator recording his vote against any concessions to the House of Representatives—never one. There never has been a division of opinion as to what the powers of the Senate were and that our rules were correct and should be observed.

Mr. President, there being a definite and final disagreement between the two Houses, the whole subject goes into committee of conference and that committee of conference is composed of members of the Committees on Appropriations in the two Houses. The committee of conference on the part of the House confronts the members of the committee on the part of the Senate and says to them, "We intend to insist on our rights; we insist upon these amendments whether you call them legislation or not upon appropriation bills." Have not the conferees on the part of the Senate the same right to say to the conferees on the part of the House, "We insist upon the rules of our body that legislation shall not be upon appropriation bills?" But what is the result? After baffling about, after diplomacy, after discussion and debate until time is wasted and perhaps the hour of adjournment has been fixed, in comes the chairman of the committee of conference on the part of the Senate and says, "We were compelled to yield to the conferees on the part of the House; time was getting valuable, the hour of adjournment was near; it might be that appropriation would altogether fail, that we should have no money for the support of the Army, that there would be none to pay for the Navy, and therefore we thought best, under all the circumstances, to yield to the demand of the conferees on the part of the House, and we now submit our report including legislation upon general appropriation bills!"

I submit, sir, that so far as the action of the Senate upon this subject has been concerned, ever since this has been incorporated on our rules, we have been deliberately abandoned in every instance by the Committee on Appropriations. After having been admonished by the Senate by a vote that was unanimous, without a dissenting voice, Republican or Democrat, that we insisted upon our rule and that we did not propose to yield to the aggressions on the part of the House of Representatives, in every single instance the Committee on Appropriations have come in and said that they were compelled to yield to the members of the House of Representatives for fear appropriations might fail. Suppose appropriations did fail, under the circumstances would there be any more responsibility, if our rule is right, if we are a co-ordinate branch, if we have the same power that the House of Representatives have, would there be any more responsibility resting on the Senate than there would be on the

House of Representatives? I never have heard in the House of Representatives that the chairman of a committee of conference came in and said that the conferees on the part of the Senate refused to yield. That is a statement which never has echoed under the panels and through the corridors of that end of the Capitol. It would be refreshing, it would be a novelty, it would be charming indeed if sometimes we could hear the chairman of the Committee on Appropriations of the House of Representatives, or the chairman of a conference committee there say, "The Senate conferees refused to yield to us; we were compelled to abandon our position. Although we believed we were right, we were obliged to relinquish the ground on which we stood." But no! It is commonly supposed that each of these bodies is of equal dignity, but never within my experience, never during the twelve years that I have been honored with a seat in this body, have I heard it said in the House of Representatives, "The conferees on the part of the Senate compelled us to abandon our position and yield to their demand, although we thought they were wrong."

Mr. President, I believe that legislation upon appropriation bills is vicious. I think with the Senators who have spoken upon this subject that the practice has enormously increased until, as has been said, the power has been practically lodged in the Committees on Appropriations in both branches of Congress. We all know how the pressure is brought to bear; we all know the power of delay, of prograstination, until we are caught in the very jaws of expiring time. But, sir, we are, so far as I know, the sole illustration of a deliberative body that has voluntarily cast itself into a dungeon and loaded itself with chains and left its adversary free.

The Senator from Maine says let us have a joint committee on rules that will deal with this subject. We do not need a joint committee on rules. The Senator knows that the House of Representatives will not consent to a committee on rules that shall compel them to relinquish their prerogative.

Mr. HALE. My suggestion was not for a joint committee, but a joint rule such as the Senator from Tennessee has referred to.

Mr. INGALLS. That is, that there shall be no legislation on appropriation bills.

Mr. HALE. That there shall be a common rule upon this most important subject-matter applicable to both Houses, that the measure of restriction of legislation upon appropriation bills shall be the same there as here. I am beginning to believe, I state plainly to the Senator, that we never shall reach what I think is desirable without some provision of that kind.

Mr. INGALLS. Mr. President, nobody knows better than the Senator from Maine, I presume, that so long as the House of Representatives have notice served on them by the Committee on Appropriations from session to session that they can do exactly as they please in this matter, they will not relinquish that power.

Mr. HALE. Will the Senator allow me to interrupt him here?

Mr. INGALLS. Yes, sir.

Mr. HALE. It is a very easy thing, as the Senator knows, for one to claim that another body or that another person shall have more backbone. It is a very easy thing to charge that the Committee on Appropriations on the part of the Senate gives away the rights of this body; but let me tell the Senator that the Senate at any time is liable to find itself confronted on an appropriation bill with legislation that is in itself so strictly just, that has so much inherent merit, that the Senate itself will not stand against it. Here, in the very case now in question, the House of Representatives has put upon an appropriation bill provisions that cure serious defects, which apply to the vast mass of pensioners throughout the country. It is removing a grievance that hundreds of thousands of men are interested in, whose complaints come to our doors and speak in such tones that neither the Senator nor I will disregard them; and when upon the annual appropriation bill for pensions there is found a provision that cures the legislation of last year in the interest of pensioners, and the House of Representatives insist that it shall pass upon an appropriation bill, and that situation confronts the Senate in the last days of the session, the Senate will yield, and will allow that legislation to go on, and the Committee on Appropriations will not stand in the way of the Senate, and if it did it would be voted down. And unless the Senator from Kansas has himself changed his views and the propositions of legislation that he has enforced for the soldier, he will be the first man who will run from the position the Senate has assumed. The Committee on Appropriations is all the time confronted with this situation, and it is impossible, even by taking an attitude such as has been taken here by the Senator from Tennessee, to remedy this evil, because the Senate, not in any cowardly way, but realizing that it is confronted with legislation that may be sound and good, will yield. It will make the best fight it can, but under the present conditions it can not make an effective fight.

Mr. INGALLS. Mr. President, the Committee on Appropriations have never invited on any single occasion an expression of opinion as to the merits or demerits of the legislation to which they have consented in committee of conference. It does not do for the Senator from Maine to assume that I shall be a fugitive from the position that I have occupied until he has invited me to say whether I will run or whether I will stay. Whenever the Committee on Appropriations have invited an expression of opinion on the part of the Senate upon this proposition, as I said before, there has never been a vote against adhering to the rules of this body that there should be no legislation upon appropriation bills.

The Senator from Maine now says that we are brought into this emergency, that upon certain occasions there is legislation confessedly so just that the Senate of its own motion, by its own volition, recedes from its position and adopts the proposition made by the House. That condition of affairs has never been presented to this body; never once; but the Senate has declared affirmatively that it will adhere to its rules, that there shall be no departure from them. The conferees on the part of the Senate come in and make a report that has been signed by the conferees on the part of the House, and that has been signed by the conferees on the part of the Senate, which concludes their action so far as it is possible, and then ask the Senate to say yea or nay upon that proposition.

Mr. HALE. Now let me ask the Senator there this question: When a conference committee of three on the part of the Senate has made its report and has recommended yielding to the House upon certain features of legislation, after perhaps it has stripped the bill of a great many others, will the Senator tell me why his responsibility then as a Senator is not just as great as mine? Where is the difference in the attitude of any member of this body? If he desires to reject a conference report because it has recommended yielding to the House on matters of legislation, why does not the Senator from Kansas, when the report is made, at once antagonize it and make a contest over it here in the Senate? I should like to see him do it. The responsibility of the committee of conference ceases the moment it makes its report and presents it to the Senate, and after that every Senator who lets that report pass without having made the issue and brought the Senate to an attitude upon it, shares equally in the responsibility.

Mr. INGALLS. The Senator from Maine says that he never has heard me object to this method of procedure. If he has not heard it, it is because he has been absent giving the Senate away on other propositions, for there have been repeated occasions—not one but many occasions—when I have risen here and called the attention of the Senate to the absurdity of the proposition that after we had expressed our opinion upon these matters a committee of conference should come in here and say that they were compelled to yield to the House of Representatives, and that we must take that or take nothing.

Mr. HALE. What has been the result of the Senator's effort in that direction?

Mr. INGALLS. Nothing.

Mr. HALE. The Senate then has sustained repeatedly, whenever the issue has been raised, the committee in yielding; and that bears out the point I have made that from time to time the Senate will be found ready to yield.

Mr. INGALLS. I recall one or two instances upon a subject that may be of interest to the Senator from Maine. I think he is or has been acting as chairman of the Committee on Naval Affairs in the Senate. He has been greatly interested in the project of building up and rehabilitating the American Navy. At the last session of Congress the Senate adopted certain amendments to the naval appropriation bill that I believe went to the House of Representatives and were disagreed to there. I recollect that matter also went into conference, and the Senate resolved, I believe without a single dissenting voice, to adhere to the amendments that we had made to the naval appropriation bill. If I recollect aright, even in that matter the Senate abandoned its own amendments, of which the Senator from Maine, I think, was the responsible author, was more than any other Senator responsible for, and we passed what is known as an emergency appropriation bill for the period of six months. When we assembled here in December the Senator from Maine, resolved to insist upon the prerogatives of the Senate, declaring that we would for once try the strength of our mettle with the House of Representatives, refused to agree to another emergency appropriation bill, called up the old committee of conference, and had another committee appointed. The House refused to agree to the amendments proposed by the Senate; they sent over here another emergency appropriation bill covering the period of thirty-one days, and so strenuous was the Senator from Maine as to the strength of his position that he made up his mind that rather than abandon the attitude the Senate had taken upon the proposition they would absolutely refuse to adjourn over the holiday recess, and we spent two or three days here in wrangling and discussing and debating whether we would adjourn on the 22d or the 24th of December. I believe, after some discussion upon that important subject, after endeavoring to bring a pressure to bear upon the House of Representatives by refusing to adjourn for the holidays, discretion was finally concluded to be the better part of valor, even in that case, and on the 22d or 23d of December the adjournment resolution passed, and the amendments of the Senate were definitely abandoned so far as that was concerned.

Mr. HALE. Oh, no; they were not abandoned. The Senator was not here at that time, and therefore he has got the record wrong. The Senate insisted upon its attitude and before adjournment had amended the last House bill by a definite appropriation for the last six months of the present fiscal year based upon the estimates for the present year, thereby

maintaining its attitude. It never agreed to adjourn until it had done that and sent that action to the House of Representatives, and the Senate upon that matter stands to-day having taken its position that it will not agree to any appropriation that is not made in detail upon the estimates of the present year, upon the needs of the present year; and I hope it will maintain that attitude no matter what happens.

I only rose to correct the Senator, because the Senate did not in any way yield its position with reference to the naval appropriation bill, having sent over the third bill to the House before adjournment.

Mr. INGALLS. Did not the committee absolutely abandon all provisions for the construction of the Navy that were added to the first bill that the House sent over here?

Mr. HALE. Undoubtedly, because that was not the great point in controversy this year. The Senate very well understands, and the Senator does, that upon appropriations for money for specific objects neither House can coerce the other—that is, the House originating special specific objects can not stand if the other House is in opposition. That is not the controversy, and never has been on the naval appropriation bill this year. It was at the last session, but has not been this.

Mr. INGALLS. Did not the Committee on Appropriations recommend the adoption of the bill at the early part of this session as it passed the Senate at the last session?

Mr. HALE. Undoubtedly.

Mr. INGALLS. Very well; that is exactly what I said. The whole position taken by the Senate on this proposition has been abandoned at this session; and now we stand upon a simple matter of definition as to whether there shall be an appropriation in lump or whether we shall untangle and disravel and dishevel it and put it out dollar by dollar and cent by cent.

Mr. HALE. I do not agree with the Senator that that is a matter of very little importance. It is a matter of the greatest importance that appropriation bills should be considered with reference to the estimates in detail, with every object specified in the bill, and any other course and any other policy leads to permanent appropriations, which for years both Senate and House have been trying to abolish and do away with.

Mr. INGALLS. Mr. President, I have no desire to continue this discussion longer. It is apparent from what has been said and from the general course of legislation for the past five years that we have adopted a position that we can not maintain. Certainly if that statement requires modification, it is true that we have adopted a position that we do not maintain.

There are just two ways out of the difficulty: either we must have a Committee on Appropriations that will not yield in committees of conference to any demands made on the part of the House of Representatives, or we must strike out the first clause of the third section of Rule XVI. That is the simple proposition before us. And I submit, after what has appeared this morning with regard to the proposition made by the Senator from Iowa, that nothing could be more futile, nothing could be more trivial, nothing could be more unlikely to accomplish the object that he seeks to attain, than the consideration of the bill he has introduced by the Committee on Pensions of this body. The House have sent it over here as a part of their appropriation bill. How does it change our rules if the Committee on Pensions say that is good legislation? I wish the Senator from Iowa would be more explicit. If there is any method by which the affirmative action of the Committee on Pensions can relieve us of this difficulty, I shall be glad to concur with his proposition; but if there is not, I submit to him that he is darkening counsel by words without wisdom when he attempts to convince us that we can get around this dilemma by having the Committee on Pensions consider the bill that he has offered this morning.

Mr. ALLISON. Mr. President, I think I ought as chairman of the Committee on Appropriations to thank my friend from Kansas for the compliment he pays that committee, because, if what he says be true, it is a committee that is able to lead at its will and pleasure the seventy-six Senators on this floor, whether it be a triumphal march with the Senator from Kansas at the tail of the procession or whether it be one of humiliation toward the House of Representatives with the Senator from Kansas occupying the same position.

Mr. President, it is no easy task for the Committee on Appropriations to handle these questions, and I have said this over and over again in this body with reference to the position of the House of Representatives and with reference to the situation under our own rules; and I must beg to remind the Senator from Kansas that while he is engaged in other avocations at the close of the session of the Senate, either at the short session or the long, while he may be packing his trunk for the journey to Kansas at the close of his labors here, the Committee on Appropriations is diligent in its efforts to reach the difficulties pending with regard to the great questions concerning appropriations that must always be settled before we can have a final adjournment. The Senator must remember, as we all do know, that in these matters of appropriation where there is difference between the two Houses whether it respects the amount of the appropriations, or whether it respects regulations and rules with regard to their expenditure, or whether it respects legislation that is forced on the appropriation bills by the House of Representatives, after all, the Congress of the United States is composed of two bodies, the House of Representatives and the Senate; and when we have differences, no matter what they are, those differences must in some way be composed, because the Government of the United States must go on, and it can not go on without appropriations of public moneys.

I want to remind the Senator of another fact. He says that the Committee on Appropriations of the Senate on every occasion yields and surrenders to the House, that on no occasion within his knowledge has the Committee on Appropriations insisted upon its propositions with reference to matters of legislation and triumphed over the House, but that always the House of Representatives comes out triumphant in the end. Why, Mr. President, I need not tell the Senator that at the very last session of Congress most important matters of legislation were put upon the legislative appropriation bill and most important matters upon the sundry civil bill, both bills being required to be passed before the 1st day of July because the appropriations ceased on that day with reference to the great matters appropriated for in the sundry civil bill and in the legislative bill, and that finally the House of Representatives surrendered *in toto* and absolutely the important legislation that it had put on those bills, in deference to the Senate Committee on Appropriations if you please to designate it in that way, or in deference to the will and judgment of the Senate.

Look at the question of the compensation of marshals, regarded by the House of Representatives as a most important matter. Your Committee on Appropriations brought in here four disagreements upon that bill, standing by the rule which the Senator from Kansas says ought to be adhered to. Standing by the rule of the Senate in regard to legislation, four times upon that bill we stood here and finally the House did yield. It yielded also important legislation on the legislative and judicial appropriation bill; and the Senator from Massachusetts [Mr. DAWES] reminds me there was very important legislation upon that bill with reference to distilled spirits in bond. There were other important matters which I do not now call to mind but which occupied the conference committees by the hour, not during the light of the sun, but away into the gray hours of the early morning, endeavoring to secure an agreement.

Is it true that your Committee on Appropriations is so imbecile; is it true that its members know so little of the rules and regard so little the judgment of the Senate that they come in here, in violation of its rules and in violation of its will, and enforce upon the Senate reluctantly that which it does not agree to? The very accusation of the Senator from Kansas condemns himself. He is not without ability to discuss these questions; he is not too modest to discuss them when he desires to do so; but I have yet to know or hear of an instance where the Senator from Kansas has come and said to a conference committee, "You have yielded a principle to the House of Representatives which we insist upon." He says he has now and then and here and there expressed his opinion on this subject. Doubtless he has; but like every other Senator here, when we are confronted with a day of adjournment fixed by the House of Representatives and also yielded to by the Senate, then he sees that the appropriation bills must pass or an extra session must come. Take the bills of last year; I think I am permitted to say that those bills, important in their character, although that was a long session of Congress, running from the 3d day of December to the 7th day of July, were not received by your Committee on Appropriations until five or six months of the session had passed, until not only the House of Representatives had wended its way homeward with scarcely any of its membership left, but the Senate also was left with a bare quorum; and yet we were confronted with these important matters and had to settle them before we adjourned.

It will not do for the Senator from Kansas to say that the remedy is for us to stay here perpetually and forever. The Committee on Appropriations and the conference committees composed of members of that committee are as willing to remain here as any other Senators on this floor. We have resisted this legislation not only up to the mark of the judgment of the Senate and its persistency, but we have gone even beyond it, and Senators have discussed publicly on the floor, and have gone privately to the committee and discussed these questions with reference to the time of adjournment.

The Senator from Kansas says that this is a trivial matter that I have introduced here this morning; that my remedy is not a proper remedy. If it be true, as stated elsewhere, that there was vicious legislation put upon the pension appropriation bill last year, then that legislation should be corrected before we adjourn. I ask the Senator from Kansas—I need not ask him because he knows perfectly well that that legislation can not be corrected under our rules on an appropriation bill. Now it is the duty of the Senate in some way to correct that vicious legislation, if it be vicious. I have resorted to the only method whereby it can be done. I have introduced the bill and proposed to refer it to the appropriate committee of this body to consider it, and we are not required to say that that is futile because another body will not consider it. When we have passed that bill in this body and sent it to the co-ordinate branch, our duty in reference to it is ended. It may be that we shall be confronted with a remedy which the Senator from Kansas did not mention, namely, that the Committee on Appropriations and the Senate following them will be obliged to allow this Congress to expire on the 3d day of March without any appropriation being made for the payment of pensions to the soldiers of the country,

or else we shall be confronted with the other alternative that we shall have a called session of the Forty-ninth Congress.

I will say for myself, without being responsible to anybody else for what I say, that I am perfectly willing, if these matters are to be insisted upon as proposed, that these questions shall go over to another Congress, and let the men who are to come in on the 4th of March and who have been elected this year take the responsibility of settling them. It is perfectly well known that the Navy now is being run without appropriations. Why? Because the two Houses are at difference with reference to the amount of appropriation and the method of appropriation. If we are to follow the suggestions only of the House of Representatives, then, as a matter of course, we can easily pass these bills. We can easily pass the pension bill with all its legislation, whether vicious or beneficial. I do not know but that the Committee on Appropriations has ability enough, with all its imbecility, to examine these nine sections and ascertain whether or not they are necessary for the promotion of the interests of the administration of the Pension Department, and whether or not they are necessary to correct evils in the legislation of the last session. But it is not the business of the Committee on Appropriations, as I have said over and over again on this floor, to engage in the examination of these matters of legislation. It is our business, and we have adhered to it as rigidly as we could, to recommend appropriations of public money, and not to recommend legislation; and although the Senator from Kansas seems to think that we have yielded always upon such questions to the House of Representatives, if he will exert his giant intellect in a more careful examination of the record he will see that, taking the last three or four years, we have in many instances and in a majority of instances overcome and exhausted the House of Representatives, which he so largely respects, and which I also respect. In other words, if we are to sum up and weigh in the scales with the Senator from Kansas the number of surrenders and the number of successes, I think, with all due deference to what my friend so well knows, he will find that the House of Representatives in many instances would kick the beam.

Mr. President, it is an easy thing for a Senator to stand in his place here and scold the Committee on Appropriations. It is an easy thing for him to shut his eyes and fold his arms and slumber for a week or two at the close of the session or for three or four months during the session, and then come here and in a genteel and courteous philippic deliver himself with regard to the Committee on Appropriations and talk about their surrendering, talk about their imbecility and their infirmity. That, I say, is an easy thing to do; but I think if Senators who indulge in that sort of pleasantry were for a little time to have the responsibility of the Committee on Appropriations, they would see that it is not always easy sailing, that it is not always easy to drive a body, to say, "Thus you shall do, or else nothing shall be done." I know that that can sometimes be accomplished, and I often wish that I had the Senator from Kansas—I now wish it—by my side when these questions are up so that he could show his vigor and his energy, because I think it would be a great advantage to us sometimes at the close of a session on the morning of the 4th of March, perhaps at 2 or 3 o'clock, when we are endeavoring to compose the differences on appropriation bills; but unfortunately for the Committee on Appropriations they have for their membership mortal men only. They have a different class of persons from the Senator from Kansas; they have Senators who perhaps are more yielding in their disposition, have more infirmities than he has. We do the best we can; and if the Senate is not satisfied with our work it is an easy thing for it to reorganize the Committee on Appropriations and put the Senator from Kansas at the head of it. I do not object to that. I only say that while I am chairman of that committee, and while the committee is composed as it is, we will do the best we can with these great questions under the rules of the Senate. When we drop into error by reason of our infirmity we ask Senators, seventy-six of them here, to stand up in their rigidity and frigidity and tell us that we are surrendering to the House what we ought not to surrender; but if they sit in their seats with that quietude and genteleness which often characterizes the Senate when the report of a conference committee comes in, and if they will persist in doing that, or if my friend from Kansas, who is always in his seat on such occasions, remains there quietly, then I submit that the Committee on Appropriations have some reason to believe that the Senate is in accord with them in the suggestions that they make to the body in relation to the composition of the differences between the two Houses.

Now, Mr. President, I have introduced this measure and I ask that it be referred to the Committee on Pensions. I do not know that it will aid the Senate in coming to a correct conclusion with reference to this important legislation, but it certainly can do no harm to have the question considered by the important committee of this body whose duty it is under the rules of the Senate to consider pension legislation.

Mr. EDMUNDS (Mr. SHERMAN in the chair). It is 2 o'clock.

The PRESIDING OFFICER. One minute of it.

Mr. EDMUNDS. I do not think——

Mr. MITCHELL. I desire to say one word in justification of the Committee on Pensions.

Mr. EDMUNDS. I yield to the Senator from Pennsylvania.

Mr. MITCHELL. I think it is due to the Committee on Pensions that I should state that if the committee of conference had followed the recommendations which were made by the Committee on Pensions to the Senate in Senate bill 1407, introduced by the Senator from Connecticut [Mr. HAWLEY] and reported to this body from the Committee on Pensions by the Senator from Tennessee [Mr. JACKSON], it would have done what is right and what the Committee on Pensions of the Senate think it would have been right to do.

Mr. DAWES. I ask the Senator if he has any reason to suppose that the committee of conference omitted to do what the Committee on Pensions recommended?

Mr. MITCHELL. Yes, sir; there is a very important, and I think significant omission in the transcription of the amendment as presented.

Mr. DAWES. I do not inquire whether the legislation which actually came from the committee of conference was correct, but I only wish to inquire if the Senator has any evidence that the committee of conference did not insist upon the bill of the Senate Committee on Pensions.

Mr. MITCHELL. I have none whatever, and I have no desire to charge anything to the committee of conference on the part of the Senate.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. MITCHELL. I ask the Senate to allow me to proceed.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business. The Senator from Pennsylvania asks unanimous consent of the Senate that the matter which has been under consideration shall be continued. Is there objection?

Mr. HOAR. I hope the regular order will be laid before the Senate.

The PRESIDING OFFICER. The unfinished business will be laid before the Senate. It is the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes. The Senator from Pennsylvania asks unanimous consent to address the Senate upon the question which has been before the Senate during the morning. If there be no objection, that will be allowed.

Mr. HARRIS. The unfinished business being laid aside informally?

The PRESIDING OFFICER. Pending that the unfinished business will be informally laid aside.

Mr. CULLOM. I wish to ascertain what the purpose of the motion is. I did not hear what the motion was.

Mr. MITCHELL. I made no motion.

Mr. EDMUNDS. It is merely to set aside informally the unfinished business.

Mr. CULLOM. I have no objection to that.

Mr. MITCHELL. It is a singular thing that this conference committee's report on the legislation which is on the statute-book is in the very words almost of the bill which was presented by the Committee on Pensions of the Senate, and follows the language of that bill down to the point where it leaves out these words relating to the application of section 4768 of the Revised Statutes to certain pension cases:

Nor in any case filed in the office of the Commissioner of Pensions after June 20, 1878, and prior to the date of this act.

Those words were stricken out of the bill as it came before us in the conference committee report and as it stands on the statute-book. If they had been retained all this difficulty would have been avoided, because they expressly provided that the legislation should not apply to any of those cases which arose from the time of the passage of the act of 1878 down to the time of the passage of this law. In other words, the law would have been left to apply simply to cases arising in the future as the words of the bill reported from the Committee on Pensions expressly declared. I do not know how it occurred, but to my mind it is a very singular circumstance.

Mr. DAWES. As I have stated, I was upon that committee of conference. I stated to the Senate how the result came about. Though I have seen the practice indulged in very much in debate here, I have always considered it out of order to allude to the deliberations of committees in reference to measures pending in this body. I could tell the Senator where the draught of the existing law was made which the committee of conference on the part of the Senate, after having insisted upon the bill suggested by the Committee on Pensions, were compelled to adopt or lose the appropriation bill. But, Mr. President, I am free to say, and I am bound to say, that the provisions of the bill incurred my opposition, for one, in that committee of conference, and I only yielded in signing the report to the necessity which I have stated here. But arguments were presented to that committee of conference of this kind: It was said that the old cases were paralyzed and slept, because the fee of $10 in those old cases in a great many instances was insufficient to compensate attorneys for the actual labor in bringing them to a final determination; that the cases now existing were cases of a different character from those that originated and where application had been made when the ten-dollar fee was fixed; that a great deal more labor was necessary in sifting evidence and in procuring evidence on the part of attorneys; and they ceased to make that effort and the applicants were pressing members of Congress and pressing everybody to know why claims that had been filed five and six and eight years ago nobody had heard from, and they could not get any hearing.

It was represented to the committee of conference that in most of these cases it was fair and just and proper that the claim agent honestly pursuing his calling should have more compensation than the $10, and that that was as applicable to old applications as to new ones. That was the ground on which the committee of conference were induced to adopt the form of the existing legislation as their report. To me it seemed that it would result precisely as it did, that every applicant whose case was undetermined in that Department would have a circular sent out from Washington—that was the statement I made at that time which was repeated in the other branch—from which he would infer that the law required that people pay $25, and that the Commissioner of Pensions would only perform some perfunctory operation and indorse every new agreement for $25. So exactly it has turned out, with this exception, that the Commissioner in an effort to do his duty under that provision has established a bureau, as I understand, to examine into the work which each agent has been performing under the new contracts, to see whether $25 or a less sum should be allowed when the pension has been granted.

The Senator from Pennsylvania brought in here a bill which seemed to the committee of conference to be wiser and better than the provision which came from the House of Representatives and than the provision which was finally adopted; but that committee of conference acted as they understood all committees of conference are required to act, and acted under what they supposed was the permission of a committee of conference, not to stand without yielding, for that is no conference. It is no conference committee that goes instructed. A conference committee is bound by the commission that appoints it to confer freely and to bring out of the conference something to which all sides will agree, rather than to stand in the spirit of the Senator from Kansas upon the vote of the House they represent and yield to nothing. A committee of conference is a useless waste of time and machinery if that is all it has to do. Whether in the end the result is wise or not the body to whom they make their report must determine, and the body to whom they make their report is as answerable for the character of the legislation that comes with that report as they are as to the report of any committee. The report of a committee of conference in that respect does not differ from the report of any other committee.

Mr. MITCHELL. The remarks just made by the Senator from Massachusetts induce me to make a statement in explanation of my own conduct as chairman of the Committee on Pensions. I think it is due to that committee and to myself that I should state it, and I do not think I take up very much of the time of the Senate in discussing any subject.

I myself was misled in regard to this amendment made to the pension appropriation bill last year, because the law as it stands and the bill brought in here by the committee of conference pursued the very wording of the bill which had come from the Committee on Pensions, omitting the very important words I have spoken of and making some other changes that misled me. If I had not understood at the time that the conference report substantially agreed with the action of the Senate Committee on Pensions, I should have felt bound to examine into it more carefully. I did so understand. I supposed that it followed this bill substantially to the end, but I find, as I stated, that in the third section, as it appears in the bill as we reported it and the fourth section of the act of Congress as it became a law, the proviso reads:

Provided, That no greater fee than $10 shall be demanded, received, or allowed in any claim for pension or bounty-land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed, "nor in any case filed in the office of the Commissioner of Pensions after June 20, 1878, and prior to the date of this act."

That is the way the law reads; but the bill we reported contains these words, which are omitted:

Nor in any case filed in the office of the Commissioner of Pensions after June 20, 1878, and prior to the date of this act.

What was the effect of omitting these words? The effect of it was to apply this legislation to all of the cases standing in the Pension Office which had been filed between these two dates, and that is precisely where this mischief which is attracting the attention of the country creeps in. If these words had been retained in the conference committee report, and were in the law now, that difficulty would be avoided.

I want to say in this connection that I do not think the mischief is nearly as great as many believe it to be. I think that the pension department is able very largely to restrain it and to correct it. My impression is that the Secretary of the Interior has under this very act of Congress sufficient power to make a rule which will control it, for this legislation does contain an important provision on this subject. In the fifth section of the act the Secretary of the Interior is empowered to make rules and regulations. Prior to this time there was no such power vested in the Secretary, and I am inclined to think that, as he has entire control of the whole subject of the employment or engagement of pension attorneys relating to the business before that Department, he may establish a rule which will cut off those gentlemen who are availing themselves of this omission to defraud pension claimants. I trust that the question will be examined and that, if possible, a rule will be made to supply this omission.

I am not disposed to charge any responsibility for this omission on the Committee on Appropriations or on the committee of conference representing that committee on the part of the Senate. That is not my purpose at all; but I think it is important that the country should understand precisely how this thing crept in. It would look to me as if it might have been an error very easily made in the transcription of the law possibly, and it might be well that it should be investigated. I do not believe that any person intentionally omitted that clause from the bill as it came here finally, yet it follows, as I stated before, precisely the bill as reported to the Senate, with this single omission.

In relation to the bill now presented, I can only say that I shall call the attention of the Committee on Pensions to it, and if it is thought desirable make a report at an early day. But we have already acted upon the subject; the bill heretofore reported is still pending before the Senate, and if the Senate desire to take it up and make it the basis of action, the foundation for the action necessary is ready in the bill reported at the last session.

The PRESIDING OFFICER. The unfinished business is Senate bill No. 2112.

Mr. HOAR. I hope this reference will be made by unanimous consent, so that we shall not spend another morning upon this subject.

The PRESIDING OFFICER. If there be no objection, the bill introduced by the Senator from Iowa [Mr. ALLISON] will be referred to the Committee on Pensions. The Chair hears none, and it is so referred.

REPRINTING OF A BILL.

Mr. GARLAND. I wish to make a motion to have Order of Business 113, being the bill (S. 60) to declare certain lands subject to taxation, reprinted. The edition is exhausted, and I want the usual number of copies reprinted.

The PRESIDING OFFICER. The order to reprint will be made if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4273) for the relief of Madison R. Calvert;

A bill (H. R. 7329) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska; and

Joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position.

PUBLIC POLICY OF CONFEDERATE STATES EXECUTIVE DEPARTMENT.

Mr. HAWLEY submitted the following resolution, and asked for its immediate consideration:

Resolved, That the President of the United States be, and he is hereby, requested, if in his opinion it be not incompatible with the public interest, to communicate to the Senate a historical statement concerning the public policy of the executive department of the Confederate States during the late war of the rebellion, reported to have been lately filed in the War Department by General William T. Sherman.

Mr. HARRIS. Let that lie over.

The PRESIDING OFFICER. The resolution will lie over under the rules and be printed.

RECIPROCITY TREATIES, SO CALLED.

Mr. LAPHAM. I gave notice yesterday that at the close of the morning business to-day I should like to address the Senate on the resolution of the Senator from Vermont [Mr. MORRILL]. The time having been otherwise occupied, I suggest to the Senator from Illinois [Mr. CULLOM], as there is to be an executive session at 3 o'clock, that he consent that his bill be laid aside that I may offer my remarks now, which may occupy perhaps an hour.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to lay aside the pending bill without losing its place, so that he may address the Senate.

Mr. CULLOM. Informally.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from New York? If not, it will be considered as agreed to. The resolution of the Senator from Vermont [Mr. MORRILL] is before the Senate.

Mr. LAPHAM. Mr. President, I ask to take from the table the President's message for the purpose of basing my remarks upon it, and I send to the desk to be read an extract from it.

The Chief Clerk read as follows:

The countries of the American continent and the adjacent islands are for the United States the natural marts of supply and demand. It is from them that we should obtain what we do not produce or do not produce in sufficiency, and it is to them that the surplus productions of our fields, our mills, and our workshops should flow, under conditions that will equalize or favor them in comparison with foreign competition.

Four paths of policy seem to point to this end.

First, a series of reciprocal commercial treaties with the countries of America which shall foster between us and them an unhampered movement of trade. The conditions of these treaties should be the free admission of such merchandise as this country does not produce, in return for the admission free or under a favored scheme of duties of our own products—the benefits of such exchange to apply only to goods carried under the flag of the parties to the contract; the removal, on both sides, from the vessels so privileged of all tonnage dues and national imposts, so that those vessels may ply unhindered between our ports and those of the other contracting parties, though without infringing on the reserved home coasting trade; the removal or reduction of burdens on the exported products of those countries coming within the benefits of the treaties; and the avoidance of the technical restrictions and penalties by which our intercourse with those countries is at present hampered.

Mr. LAPHAM. Mr. President, I enter upon the discussion of the important questions involved in the proposed negotiations with a consciousness of my inability to grapple with the magnitude of the subject. It is not my purpose to dwell at length upon the expediency, propriety, or advantages of the details of the proposed treaties. I shall mainly devote my hour to the consideration of the position taken by the opponents of any and all treaties which in any manner relate to the subject of revenue, that they are unconstitutional and, for that reason alone, should be rejected. The honorable Senator from Vermont [Mr. MORRILL] in his eloquent and earnest remarks yesterday sought to maintain this position. He and other opponents of such treaties insist that they violate the Constitution because all revenue bills must originate in the House of Representatives, and because to the Congress is given the power to regulate foreign commerce. While these positions may appear plausible at first sight, a closer examination will, I believe, show that they are based upon an erroneous interpretation of the Constitution of the United States.

No one will doubt the soundness of the general proposition that each department of the Government should be confined within its constitutional limits. The error consists in the bold affirmation that a treaty dealing with the subject of revenue can be negotiated only in violation of the organic law. Such an interpretation would deprive the treaty-making power of the right of incorporating in treaties, as has been so often done during our history, stipulations calculated to promote and extend commercial relations with other powers, and thus in the end to increase our revenues and foreign trade. A very large number of our treaties with foreign nations contain provisions at war with the theories of those who advocate this construction. Thus, the treaty of commerce and navigation with France in 1822 embraced numerous provisions of the character named, fixed the duties on a variety of articles, and even provided that the extra duties levied under an act of Congress originating in the House of Representatives in the year 1820 should be refunded. Another treaty with France was framed in 1831, by which the duties on French wines were provided for.

Our treaties with China in 1844 and 1858 contain many provisions in relation to duties on imports and exports. We adopted a treaty with Great Britain in 1794, styled a "treaty of amity, commerce, and navigation," which embraces stipulations on the same subject. The reciprocity treaty with Great Britain, ratified in 1854, remained in force over twelve years. It provided for the admission of British or Canadian products free of duty, and was signed by William L. Marcy. The provisions for the passage of goods in transit in the treaty with Great Britain in 1871 is analogous in its nature, as well as the provisions in the same treaty for the admission of fish and fish oil free of duty, which are still in force.

Many other treaties might be cited containing provisions of a similar character—for instance, the treaty with Borneo, 1850; that with Hanover, 1840; with Japan, 1858 and 1864; with Mexico, 1848; with the Netherlands, 1852; with New Grenada, 1846; with Turkey, 1862; with Peru, 1851; with Siam, 1856.

The last-named treaty contains a tariff-list of both imports and exports.

Our treaty with Japan in 1858 contained important stipulations upon the subject, which was modified by the convention of 1866 establishing a tariff of duties between the United States, Great Britain, the Netherlands, and Japan, and was ratified by the Senate in June, 1868. To this treaty is annexed long schedules of specific duties upon both imports and exports, which on inspection would be open to all the criticisms made by the honorable Senator from Vermont [Mr. MORRILL] to the list embraced in the treaty with Mexico.

The commercial reciprocity treaty with the Hawaiian Islands is another instance of the exercise of the power, and the treaty remains in full force.

This usage, continued for so long a period, amounts to an interpretation of the constitutional provision on the subject which is fixed and binding upon the various departments of the Government.

The treaty-making power is granted in these words: "He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." What is implied by this grant? It is unlimited in terms. It must be construed by referring to the common law and the usage of nations on the subject. The grant to Congress of the power to regulate foreign commerce, or to the House of Representatives to originate revenue bills, does not necessarily conflict with it, and can not be permitted to restrict its legitimate exercise. The meaning of the constitutional provision simply is that when a revenue bill is to be enacted by Congress it shall originate in the House, and that when commercial regulations are the subject of legislation instead of a treaty, Congress is to legislate.

Mr. Rawle, a writer of acknowledged merit, in his treatise on the Constitution, places treaties, next to the Constitution, as the supreme law, and designates the laws of Congress as "the third rule of obligation." He also says, while the power of Congress to make laws is laid under restrictions, there are none in respect to treaties. He defines a treaty as a compact between independent nations, extending to such subjects as peace, alliance, commerce, neutrality, &c.

The primary definition of the word commerce is "the exchange of one sort of produce or property for another." Foreign commerce is the trade which one nation carries on with another. Inland commerce is the trade in the exchange of the commodities between citizens of the same nation. The Yankee has a pre-emption of this kind of traffic.

Chancellor Kent, in his chapter on the law of nations (volume 1, page 33), says:

Treaties of commerce defining and establishing the rights and extent of commercial intercourse have been found to be of great utility, and they occupy a very important title in the code of national law. They were considered, even two centuries ago, to be so conducive to the public welfare, as to overcome the bigotry of the times; and Lord Coke admitted them to be one of four kinds of national compacts that might lawfully be made with infidels.

And he adds:

Every nation may enter into such commercial treaties, and grant such special privileges as they think proper; and no nation to whom the like privileges are not conceded has a right to take offense, provided those treaties do not affect their perfect rights. A state may enter a treaty by which it grants exclusive privileges to one nation and deprives itself of the liberty to grant similar privileges to any other. Thus Portugal, in 1703, by her treaty with England, gave her the monopoly of her wine trade; and the Dutch, formerly, by a treaty with Ceylon, engrossed the cinnamon trade, and latterly they have monopolized the trade of Japan.

We embraced a stipulation of like character, which was to be enforced for ten years, in the treaty for the acquisition of Florida.

Story, in his Commentaries (volume 3, section 1502, page 355), says:

The power to make treaties is, by the Constitution, general, and of course it embraces all sorts of treaties, for peace or war, for commerce or territory, for alliance or succor, for indemnity for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other.

Story, in another place, adds:

There can be no doubt that the power competent to bind the nation by treaty may alienate the public domain and property by treaty. If a nation has conferred upon its executive department, without reserve, the right of treating and contracting with other states, it is considered as having invested it with all the power necessary to make a valid contract. * * * A power to make treaties of peace necessarily implies a power to decide the terms on which they shall be made.

Even private rights may be sacrificed by treaty to secure the public safety.

These positions are abundantly fortified by citations from Grotius, Puffendorf, and Vattel. It is also laid down by these writers, and others which might be cited, that the treaty-making power is neither exclusively executive nor legislative, but partakes of both. Hence, a treaty is made the supreme law, next in importance to the Constitution.

Judge Story, in his treatise (section 1507), says:

By the ninth article of confederation no treaty of commerce could be made whereby the legislative power of the States could be restrained from imposing such imposts and duties on foreigners as their own people were subject to; or from prohibiting the exportation or importation of any species of goods or commodities whatsoever.

And no treaty of alliance could be made without the consent of nine States. These limitations, he adds, "contributed to the prostration and utter imbecility of the Confederation." The grant without limit to the President and Senate may therefore be regarded as designed to remedy the evils experienced under the Articles of Confederation.

In another section (1509) he says:

It is difficult to circumscribe the power within any definite limits, applicable to all times and exigencies, without impairing its efficacy or defeating its purposes. The Constitution has, therefore, made it general and unqualified.

Mr. President, as I have already stated, under the Articles of Confederation the States reserved the right to impose duties, and yet it was provided that "no State shall lay any imposts or duties which may interfere with any stipulations of treaties entered into by the United States." Not only may portions of our territory be alienated by treaty, but it is now settled that we may acquire territory in the same way. The acquisition of Louisiana and the purchase of Florida and Alaska were all effected by treaty. The propriety of the treaty for the cession of Louisiana was severely challenged at the time, but Judge Story states (section 1292):

At the present day few statesmen are to be found who seriously contest the constitutionality of the purchase and admission of Louisiana into the Union. The general voice of the nation has sustained and supported it. Why, then, should not that general voice be equally respected in relation to other measures of vast public importance, and by many deemed of still more vital interest to the country, such as the tariff.

These citations serve to illustrate the magnitude and gravity of the exercise of the treaty power under our Constitution. To us at home treaties have the force of laws next in importance to the Constitution. With the nations negotiating them they are contracts only, but contracts of the highest character, and imposing the most solemn obligations. The language of the Constitution in regard to their effect and operation is deserving of notice. It is in these words:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land.

Whether the variance in describing laws and treaties was made to cover existing treaties, as some authors have stated, the fact remains that it is laws made in "pursuance of the Constitution," and treaties "made under the authority of the United States," that become the supreme law.

In the light of these general principles I desire to call attention to some of the questions which may arise in the exercise of the treaty-making power as thus provided in the Constitution. By the eighth section of article 1 it is provided that Congress shall have power to pay debts and provide for the general welfare, &c. Can there be any doubt that a treaty may deal with these subjects?

Congress has also power to regulate commerce with foreign nations and with the Indian tribes. Can there be any doubt about the exercise of the treaty-making power on these subjects? Many of our treaties with foreign powers contain regulations as to commerce, and our most important dealings with the Indian tribes have been by treaties.

By the same article Congress has power to establish post-roads, and yet by treaty we have postal conventions with many nations, and could not have obtained them in any other way. Congress has the power to give to authors and inventors the exclusive right to their discoveries; yet we have treaties on the subject of trade-marks with most of the nations with whom we have other treaty relations. Congress has power to declare war, but before a gun is fired or any other hostile act performed the treaty-making power may intervene and stop the contest without bloodshed by a treaty of peace.

Congress has power to dispose of and make all needful rules and regulations respecting the Territories of the United States. But the treaty-making power may be exercised on the subject, and territory be alienated or acquired, as the best interests of the country may demand. Congress has power to establish a uniform rule of naturalization; still, foreigners resident in the Territories, when acquired, have been declared to be clothed with the rights of citizens. In Alaska the treaty for its cession admitted foreigners to all such rights.

When we recall the fact that "all treaties made, or which shall be made, under the authority of the United States" override all State laws and acts of Congress, it would seem that the treaty-making power is not so restricted and circumscribed as the authors of the construction under consideration claim. They assert that the entire field of laying duties belongs to Congress, and that whenever the treaty-making power makes a free-list it usurps a function that does not belong to it. Suppose we should desire to open new commercial relations with a foreign power, or should deem it advantageous to establish a more free and extended intercourse with such power, and to that end it should become necessary to provide for the introduction of our products for a limited time and of a specific character into the dominions of such power, with the admission of its products as an equivalent therefor; Congress could not do that. The treaty-making power can alone accomplish the result.

The exchange of commodities stipulated for in the proposed treaty with Mexico, as was provided in the reciprocity treaty with Great Britain in 1854, can only be secured by the treaty-making power. The fact that this last-named treaty was negotiated and signed by William L. Marcy, who was familiar with the rules of diplomacy and profound in his knowledge of constitutional law, is a guarantee that this treaty was not an unauthorized exercise of power and an open violation of the Constitution.

The great advantages to us of the proposed treaty with Mexico are pointed out in the report of our minister resident, under date of August 14, 1883. By this he shows that while we surrender revenues amounting only to $179,075, we receive an exemption of $742,351. This makes the difference in our favor $563,276 per year, as shown by the imports and exports of 1882. It is a convention for six years only, and is designed to meet the growing wants of both countries in view of the rapidly increasing means of intercommunication by the railroads now in progress.

The position that treaties are beyond the reach of Congressional action is not wholly true. For good reason Congress can annul a treaty as it can repeal a law. By an act of Congress in 1798 Congress annulled our treaty with France. The power given Congress to declare war necessarily carries with it the power to annul treaties.

Mr. MORRILL. Would it interrupt the Senator for me to ask him a question?

Mr. LAPHAM. I prefer to get through, and then I shall cheerfully answer any question.

These are extreme cases. The general rule, as I have stated, is that a treaty overrides all existing laws and prior treaties in conflict with its provisions.

Mr. President, another and conclusive answer to the objection to such treaties is the stipulation contained in them that they shall not be operative until Congress shall have enacted the legislation necessary to carry them into effect.

The statement in the message under consideration is as follows:

All treaties in the line of this policy which have been negotiated or are in process of negotiation contain a provision deemed to be requisite under the clause of the Constitution limiting to the House of Representatives the authority to originate bills for raising revenue.

There has hitherto been no difficulty in providing the necessary legislation of Congress.

A treaty negotiated and ratified without containing this provision would become the supreme law, and Congress would be as much bound to provide for its execution as for the execution of the laws of its own enacting. The omission to do so would be a *casus belli* and subject us to national dishonor and disgrace.

It is a solecism to say that a treaty is unconstitutional when the constitutional power to make it is without any limit and it vests entirely in the exercise of the discretion of the President and the Senate. It requires the concurrence of two-thirds of the Senate to ratify a treaty. This being more than the usual party majority, no question of partisanship will arise in the consideration of treaties. The language of the President on this subject is as follows:

It seems to me that many of the embarrassing elements in the great national conflict between protection and free trade may thus be turned to good account; that the revenue may be reduced so as no longer to overtax the people; that protective duties may be retained without becoming burdensome; that our shipping interests may be judiciously encouraged, the currency fixed on firm bases, and above all such an unity of interests established among the states of the American system as will be of great and ever-increasing advantage to them all.

Mr. President, notwithstanding these are the views I entertain of the magnitude and importance of the treaty-making power, I deem it proper to say that I do not yield to the Senator from Vermont or any one else in my firm belief of the necessity and the constitutionality of laws for the protection of our industries and labor.

As I have already shown, under the Articles of Confederation the General Government had no control over the subject. The whole power to legislate upon the subject was reserved to each of the thirteen colonies. Even the treaty-making power was limited so that the consent of nine of the thirteen was necessary to the validity of a treaty. These are stated by writers as the causes which led to the overthrow of the Confederacy and the adoption of our present Constitution, and therefore the treaty power and the legislative power were given without limit in the Constitution. Congress may, therefore, enact a revenue tariff or a protective tariff or a prohibitory tariff in its discretion whenever the public interests or safety shall demand it.

The second act passed by Congress was a protective tariff bill. The preamble recited: "Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid upon goods, wares, and merchandise imported: Therefore, be it enacted," &c. This bill was introduced by Mr. Madison, who perhaps more than any other person took part in framing the provisions of the Constitution. In support of the bill Mr. Madison, among other things, said:

The States that are most advanced in population and ripe for manufactures ought to have their particular interests attended to in some degree. While these States retained the power of regulations of trade they had the power to protect and cherish such institutions; by adopting the present Constitution they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here. * * * Gentlemen who are opposed to giving sufficient encouragement to ship-building ought to recollect an argument that was considered of weight in the case of encouraging manufactures. It is certain that manufactures have been reared up by the fostering care of State Legislatures, displayed in the shape of protecting duties; but the people, by the adoption of this Constitution, have put it out of their power to continue them. * * * Those States, not being able to continue their encouragement, expect that we will attend to their policy and protect their citizens in the property they were led to acquire under the State regulations. If we disappoint them they will suffer more than is consistent with good policy.

Mr. President, the great ends sought are not alone to be accomplished by a tariff upon imports. We may enact laws to exempt our industries and labor from competition with the impoverished labor of other countries, and yet the remedy is incomplete. What is wanted now is a market for our surplus agricultural, mechanical, and manufactured products.

No law of Congress can secure to us such markets. It requires the exercise of the treaty-making power to accomplish these ends.

Instead of paying enormous subsidies, as is the custom of Great Britain, to secure foreign markets, we chiefly relinquish the duties imposed upon one of the prime necessities of life—more so than tea or coffee, which have been added to the free-list—for there is scarcely a man, woman, or child who is not a consumer of sugar. We are to receive as an equivalent therefor an exemption of many of our important products from the duties now imposed upon them, and we open the door for an annually increasing market abroad.

Many of the most ardent protectionists in the United States are advocates of the policy and wisdom of placing sugar with tea and coffee, upon the free-list, without obtaining any equivalent therefor. By the negotiation of treaties we secure advantages to our foreign trade, with all its surroundings, which no legislation of Congress can afford.

Mr. President, it is evident to my mind, or, as Mr. Webster once said on the floor of the Senate, "I see, or I think I see, * * * it may be an illusion, but, if it be an illusion, it appears to me with all the brightness of noonday," * * * that there are vast probabilities in the future of the Republic if the policy inaugurated in the proposed treaties shall become the permanent policy of the Government. Close commercial relations with all the South American states and with other countries, and a constantly increasing foreign trade commensurate with our needs, our coastwise traffic extending from Portland in Maine through the gates which in the near future will be opened between the two oceans, and also around the cape to Portland in Oregon and the harbors in Alaska, with a ready market for all our surplus products thus assured, the great commercial city of the State of New York will become the most important mart of trade and traffic in the world.

New empires will be carved out of the regions yet within our limits, each vying in enterprise and production with the older States.

Mr. President, this is no sketch of the fancy, but points to realities within our grasp; and when we shall have reached these desirable results, with a Constitution not violated, but adhered to with unswerving fidelity and with a patriotic purpose to achieve the great ends designed by its framers so nearly accomplished, our country will realize in full fruition the picture drawn by one of the best of poets, while dwelling upon the exalted statesmanship of the past and contemplating the auspicious promises for the future of the Republic:

Great were the hearts and strong the minds
Of those who framed, in high debate,
The immortal league of love which binds
Our fair, broad empire, State to State.

And ever hallowed be the hour
When, as the auspicious work was done,
A nation's gift—the sword of power—
Was given to glory's unstained son.

* * * *

Wide as our own free race increase,
Wide shall they stretch the elastic chain,
And bind, in everlasting peace,
State after State—a mighty train.

Mr. MORRILL. If the Senator will permit me now, I will ask him a question.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Does the Senator from New York yield to the Senator from Vermont?

Mr. LAPHAM. Yes, sir.

Mr. MORRILL. The Senator referred to some treaty that was pending where its term of existence was fixed at seven years. I wish to ask the Senator from New York whether, in his opinion, the President of the United States and the Senate would have the power, should that treaty be ratified, at the termination of seven years to continue the treaty for seven years or for twenty years longer without the consent of the House of Representatives?

Mr. LAPHAM. They would clearly have the discretion to do it, even without the consent of the other House; but I do not believe that it would be continued without asking the consent of the House, as it was provided that the consent of the House should be given to its original enactment. There is no difficulty upon these questions, as I have shown. The legislation of Congress has always been furnished and always will be. Respect will be paid to the action of the treaty-making power, and is sure to be. It will not be treated lightly, will not be scoffed at, will not be derided, will not be belittled, but will be treated as the exercise of one of the great fundamental powers of the Government—a power more important in a national point of view as respects our foreign intercourse than the legislative power given to Congress, as I have shown by the voice of all authority.

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Vermont.

Mr. MORRILL. I venture to propose that it be referred to the Committee on Finance, although I do not know but that we shall hereafter have no occasion for that committee—only the Committee on Foreign Relations and the State Department—and may get rid of the Committee on Finance and also the Secretary of the Treasury. I will move, however, to refer the resolution to the Committee on Finance.

Mr. MORGAN. I shall desire when the Senate is a little more at leisure to be heard on the question of referring it to the Committee on Finance. I can see very naturally why the Senator should wish his own bantling to be in the hands of his own nursing. It needs that attention, I think, from the Senator or somebody else. At the same time before it goes to the Committee on Finance I should like to be heard upon it, and I move that its further consideration be postponed until to-morrow.

Mr. MORRILL. If the Senator desires to address the Senate upon it I have no objection to a postponement.

The PRESIDING OFFICER. The Chair hears no objection, and the resolution is accordingly postponed.

INTERSTATE COMMERCE.

Mr. CULLOM. I should like to know where the pending order is.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. HOAR. There is a matter on the Calendar which was debated quite fully the other day and the report read, a bill for the relief of the Newton bank. A vote was about being taken but there was considerable doubt whether there was a quorum present, and accordingly it went over to stand at the head of the Calendar. I ask unanimous consent that that may be taken up now, saying that if it will require any further debate I shall withdraw the request.

Mr. HARRISON. I think the Senator from Michigan [Mr. CONGER], who I do not see in his seat, took some interest in that question, and it is very possible that it may give rise to debate. I see that the Senator is here now.

Mr. HOAR. I should like to inquire of the Senator from Michigan if he desires to discuss further the Newton National Bank matter, which went over the other day just before the adjournment?

Mr. CONGER. I think it would be well to discuss it some more. At least it would be very gratifying to me to hear some response to what I suggested before.

Mr. HOAR. Then I withdraw the request.

Mr. CULLOM. I call for the regular order.

The PRESIDING OFFICER. The regular order is before the Senate.

EXECUTIVE SESSION.

Mr. MILLER, of California. In accordance with the notice I gave on Monday, I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 8, 1885.

The House met at 12 o'clock m. Prayer by Rev. FREDERICK D. POWER, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL ESTIMATES, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting additional estimates from the Secretary of War of appropriations for the erection of a gun factory, improving the Missouri River, Missouri River Commission, the Frankfort arsenal at Philadelphia, Pa., &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PETITION.

On motion of Mr. ROSECRANS, by unanimous consent leave was granted to withdraw from the files of the House the petition of Machinists and Blacksmiths' Union, No. 2, of Detroit, Mich.

FREMONT, ELKHORN AND MISSOURI VALLEY RAILROAD.

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (H. R. 7329) granting the right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Fremont, Elkhorn and Missouri Valley Railroad Company, a corporation duly organized under the laws of the State of Nebraska, are hereby granted the right of way, one hundred feet in width, for their said railroad across and through the Fort Robinson military reservation, located in said State of Nebraska, not to interfere with any buildings or improvements thereon, and the location thereof to be subject to the approval of the Secretary of War.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Has this measure been reported from any committee of the House?

Mr. VALENTINE. I will state in response to the gentleman from Indiana that this bill was before the Committee on Military Affairs, and was directed by the committee to be reported favorably to the House. It was in the hands of my colleague [Mr. LAIRD] for that purpose. Owing, however, to the recent accident which has detained him from the House, the report has not yet been made. There is every reason for the passage of the bill. I saw the Lieutenant-General of the Army, General Sheridan, myself in reference to it, and am informed by him that it is the desire of the Department to have it passed, as there are many reasons in favor of its passage and none against it.

Mr. HOLMAN. It is limited, I believe, to the right of way only?

Mr. VALENTINE. Yes, sir; limited to the right of way; and the location is to be subject to the approval of the Secretary of War.

There being no objection, the bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MADISON R. CALVERT.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 4273) for the relief of Madison R. Calvert.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Madison R. Calvert, an assistant paymaster in the United States

Navy, the sum of $501, out of any moneys in the Treasury not otherwise appropriated, to reimburse him for a like amount stolen from his paymaster's safe on the United States steamer Mayflower, and made good by him; the said relief being recommended by the Paymaster-General of the Navy.

Mr. REAGAN. If this measure will give rise to no discussion, I shall not object to its present consideration.

Mr. ELLIS. It will not lead to any discussion, I am satisfied.

Mr. RANDALL. Has this been reported by any committee of the House?

Mr. ELLIS. It is unanimously reported by the Committee of Claims of the House.

The facts in connection with the matter, I will state briefly, are that this money was stolen from the claimant when in charge of the safe of the paymaster and was lost without any fault of his own. It was, according to the evidence in the case, deposited in a rickety safe furnished by the Government to which there were two or three keys, only one of which was furnished to him. The matter was examined into by the naval board, and at the moment the theft was discovered the claimant promptly made good the loss out of his own private means. The Paymaster-General has given the opinion that Mr. Calvert, the claimant, who was the assistant in charge, was not at all to blame. He made good the loss at once. In addition to this it is also a fact that he is on shore duty, and has been for several years, at a salary of $80 a month. He is in need of the money, and the bill ought to be passed for his benefit.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJ. WILLIAM LUDLOW.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to submit for present consideration a joint resolution.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the permission granted to Maj. William Ludlow, Corps of Engineers, United States Army, to accept a civil position in the service of the city of Philadelphia, without forfeiture of his military commission, until the 1st day of April, 1885, by the provisions of a joint resolution approved February 28, 1883, is hereby extended for the period of one year: *Provided, however*, That the said Ludlow shall not receive from the United States any pay or allowance whatever during said period.

There being no objection, the joint resolution (H. Res. 309) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REAGAN. I now call for the regular order.

Mr. BINGHAM. I ask the gentleman to yield for a request that a letter in connection with the subject be printed in the RECORD.

Mr. REAGAN. I am willing to yield for that purpose.

Mr. BINGHAM. I ask, then, that the letter which I send to the desk be printed in the RECORD.

There was no objection.

The letter is as follows:

WAR DEPARTMENT, *Washington City, December* 19, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, stating that Maj. William Ludlow, Corps of Engineers, was elected by the city council of Philadelphia chief engineer of the water department; that his commission has one more year to run; that he has entered upon important municipal work, and that a change in the general management of it would seriously interfere with the speedy completion of the work; and inclosing, for my views thereon, a draught of a joint resolution, which you state you propose offering in the House of Representatives at an early day, extending for the period of one year the permission granted by the joint resolution approved February 28, 1883, to Major Ludlow to accept a civil position in the service of the city of Philadelphia without a forfeiture of his military commission.

In reply I beg to inform you that the matter was referred to the Chief of Engineers, who reports that for the reasons set forth in your communication no objection is made by him to the continuation of Major Ludlow for an additional year upon the duties in which he is now engaged.

As the draught of the proposed resolution embodies the same conditions as to pay and allowances as that of the joint resolution approved February 28, 1883, no objection is urged to it by this Department.

The draught referred to is herewith returned.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. HENRY H. BINGHAM,
House of Representatives.

INTERSTATE COMMERCE.

Mr. REAGAN. I demand the regular order.

The SPEAKER. The House, as the regular order, resumes the consideration of the unfinished business coming over from the last adjournment, being the bill (H. R. 5461) to establish a board of interstate commerce, and to regulate such commerce. The question is on the amendment proposed by the gentleman from Georgia [Mr. HAMMOND] to the amendment proposed by the gentleman from Kansas [Mr. PERKINS]. The Clerk will report the amendment proposed by the gentleman from Georgia.

The Clerk read as follows:

Add at the end of the amendment the following:

"*Provided, however*, That the commissioners herein provided for shall not be appointed until the 5th of March, 1885."

The question being taken on the adoption of the amendment, there were—ayes 71, noes 12.

So (further count not being called for) the amendment was adopted.

The SPEAKER. The question recurs on the amendment proposed by the gentleman from Kansas as amended.

Mr. REAGAN. The amendment proposed by the gentleman from Kansas is of some length, and is printed in the RECORD of this morning. To save the time of reading, the substance of it might be stated.

The SPEAKER. It is the amendment offered yesterday afternoon by the gentleman from Kansas providing for the appointment of a commission.

The question being taken on agreeing to the amendment as amended, there were—ayes 65, noes 79.

Mr. PERKINS. I call for the yeas and nays.

The yeas and nays were ordered, 45 members voting therefor.

Mr. TOWNSHEND. I ask unanimous consent that the amendment on which we are to vote be again read.

Mr. NICHOLLS. I object.

The question was taken; and there were—yeas 96, nays 126, not voting 101; as follows:

YEAS—96.

Adams, G. E.	Dunham,	Ketcham,	Rockwell,
Adams, J. J.	Everhart,	Lacey,	Ryan,
Bingham,	Findlay,	Lawrence,	Seymour,
Bisbee,	Funston,	Libbey,	Smalls,
Boutelle,	George,	Long,	Smith, A. H.
Bowen,	Greenleaf,	Lyman,	Stevens,
Brainerd,	Hammond,	McComas,	Stone,
Breitung,	Hanback,	McCormick,	Straight,
Brewer, F. B.	Harmer,	Millard,	Struble,
Brewer, J. H.	Henderson, D. B.	Milliken,	Swope,
Brown, W. W.	Henderson, T. J.	Mitchell,	Taylor, J. D.
Browne, T. M.	Hepburn,	Morrill,	Thomas,
Brumm,	Hewitt, A. S.	Nelson,	Tillman,
Budd,	Hiscock,	O'Neill, Charles	Van Eaton,
Campbell, J. M.	Hitt,	Payne,	Wadsworth,
Candler,	Horr,	Perkins,	Wait,
Cannon,	Houk,	Peters,	Wakefield,
Culbertson, W. W.	Howey,	Pettibone,	Warner, A. J.
Cullen,	James,	Phelps,	Wemple,
Cutcheon,	Jeffords,	Post,	White, Milo
Davis, G. R.	Johnson,	Potter,	Whiting,
Davis, L. H.	Kean,	Pusey,	Wilson, James
Davis, R. T.	Keifer,	Ranney,	Winans, John
Deuster,	Kelley,	Robinson, J. S.	Woodward.

NAYS—126.

Aiken,	Eaton,	Lore,	Singleton,
Alexander,	Eldredge,	Lovering,	Skinner, T. G.
Anderson,	Elliott,	McAdoo,	Snyder,
Bagley,	English,	McMillin,	Stewart, Charles
Ballentine,	Ermentrout,	Matson,	Stockslager,
Bayne,	Fiedler,	Maybury,	Storm,
Beach,	Forney,	Miller, J. F.	Sumner, C. A.
Blackburn,	Fyan,	Money,	Talbott,
Blanchard,	Garrison,	Morgan,	Taylor, E. B.
Bland,	Geddes,	Moulton,	Taylor, J. M.
Blount,	Gibson,	Muller,	Throckmorton,
Boyle,	Glascock,	Murphy,	Townshend,
Breckinridge,	Goff,	Mutchler,	Tucker,
Buchanan,	Green,	Neece,	Tully,
Buckner,	Halsell,	Nicholls,	Turner, H. G.
Burnes,	Hancock,	Nutting,	Turner, Oscar
Cabell,	Hardeman,	Oates,	Wallace,
Caldwell,	Hardy,	O'Ferrall,	Warner, Richard
Cassidy,	Hatch, W. H.	Payson,	Washburn,
Chace,	Henley,	Peel,	Weaver,
Clardy,	Herbert,	Pierce,	Wellborn,
Clements,	Hewitt, G. W.	Bryor,	Wilkins,
Cobb,	Holman,	Randall,	Williams,
Cook,	Hopkins,	Reagan,	Willis,
Cosgrove,	Houseman,	Reed,	Wilson, W. L.
Covington,	Jones, J. H.	Reese,	Winans, E. B.
Cox, S. S.	Jones, J. T.	Riggs,	Wise, G. D.
Crisp,	Kleiner,	Robertson,	Wolford,
Curtin,	Lamb,	Rogers, J. H.	Yaple,
Davidson,	Lanham,	Rosecrans,	York.
Dibrell,	Le Fevre,	Seney,	
Dowd,	Lewis,	Shively,	

NOT VOTING—101.

Arnot,	Converse,	Hart,	Lowry,
Atkinson,	Cox, W. R.	Hatch, H. H.	McCold,
Barbour,	Culberson, D. B.	Haynes,	Miller, S. H.
Barksdale,	Dargan,	Hemphill,	Mills,
Barr,	Dibble,	Hill,	Morrison,
Belford,	Dingley,	Hoblitzell,	Morse,
Belmont,	Dockery,	Holmes,	Muldrow,
Bennett,	Dorsheimer,	Holton,	Murray,
Bratton,	Dunn,	Hooper,	Ochiltree,
Broadhead,	Ellis,	Hunt,	O'Hara,
Burleigh,	Ellwood,	Hurd,	O'Neill, J. J.
Campbell, Felix	Evans,	Hutchins,	Paige,
Campbell, J. E.	Ferrell,	Jones, B. W.	Parker,
Carleton,	Finerty,	Jones, J. K.	Patton,
Chalmers,	Follett,	Jordan,	Poland,
Clay,	Foran,	Kellogg,	Price,
Collins,	Graves,	King,	Rankin,
Connolly,	Guenther,	Laird,	Ray, G. W.

Ray, Ossian	Skinner, C. R.	Stewart, J. W.	White, J. D.
Rice,	Slocum,	Sumner, D. H.	Wise, J. S.
Robinson, W. E.	Smith, H. Y,	Thompson,	Wood,
Rogers, W. F.	Spooner,	Valentine,	Worthington,
Rowell,	Spriggs,	Van Alstyne,	Young.
Russell,	Springer,	Vance,	
Shaw,	Steele,	Ward,	
Shelley,	Stephenson,	Weller,	

So the amendment was not agreed to.

On motion of Mr. PERKINS, by unanimous consent the reading of names of members voting was dispensed with.

The following members were announced as paired on all political questions until further notice:

Mr. DARGAN with Mr. KELLOGG.

Mr. SHAW with Mr. FINERTY.

Mr. JONES, of Arkansas, with Mr. RUSSELL.

Mr. DIBBLE with Mr. SMITH, of Iowa.

Mr. CARLETON with Mr. DINGLEY.

Mr. JORDAN with Mr. LAIRD.

Mr. MORRISON with Mr. BARR.

Mr. CULBERSON, of Texas, with Mr. STEWART, of Vermont.

Mr. HURD with Mr. HATCH, of Michigan.

Mr. FORAN with Mr. BURLEIGH.

Mr. ARNOT with Mr. BELFORD.

Mr. BENNETT with Mr. SPOONER.

Mr. WELLER with Mr. MILLER, of Pennsylvania.

Mr. DOCKERY with Mr. HOOPER.

Mr. SPRINGER with Mr. GUENTHER.

Mr. CLAY with Mr. MCCOID.

Mr. GRAVES with Mr. WHITE, of Kentucky.

Mr. CONVERSE with Mr. CHALMERS.

Mr. LOWRY with Mr. STEELE.

Mr. VAN ALSTYNE with Mr. ELLWOOD.

Mr. DUNN with Mr. RAY, of New York.

Mr. VANCE with Mr. RAY, of New Hampshire.

Mr. MULDROW with Mr. EVANS.

Mr. WARD with Mr. RICE.

Mr. SHELLEY with Mr. STEPHENSON.

Mr. RANKIN with Mr. OCHILTREE.

The following pairs were also announced:

Mr. HILL with Mr. CHALMERS, on the interstate-commerce bill.

Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York, until January 12.

Mr. PATTON with Mr. VALENTINE, for to-day.

Mr. PAIGE with Mr. HART, on this bill.

Mr. ROBINSON, of New York, with Mr. PARKER, on the Reagan bill.

Mr. JONES, of Wisconsin, with Mr. KEAN, on the Reagan bill. If present, Mr. JONES would vote "ay" and Mr. KEAN would vote "no."

Mr. KEAN. I desire to say that I understood the pair just announced between myself and Mr. JONES, of Wisconsin, was only for yesterday.

The SPEAKER. The Chair is informed that on the notice of the pair it is not limited to any particular time.

Mr. KEAN. It was only for the remainder of yesterday.

The SPEAKER. It will be withdrawn. The Chair will state to gentlemen on the floor that they will prevent much confusion at the Clerk's desk if they will withdraw their pairs or notify the Clerk when they have expired.

Mr. WELLBORN. My colleague from Texas [Mr. MILLS] is kept from the House by serious sickness in his family. If present, he would vote "no."

The result of the vote was then announced as above stated.

NAVAL APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RANDALL. I give notice that I will call this bill up for consideration to-morrow morning immediately after the reading of the Journal.

Mr. KEIFER. I reserve all points of order on this bill.

The SPEAKER. All points of order are reserved by the gentleman from Ohio.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. 5461) to establish a board of interstate commerce, and to regulate such commerce.

The SPEAKER. The question is now on the substitute proposed for the bill by the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. I simply wish to say that I have taken the ideas of this substitute from an editorial in the Chicago Tribune of about the 19th of December last—an editorial remarkably conservative and just.

The SPEAKER. Debate has been closed.

Mr. O'NEILL, of Pennsylvania. I am aware of that; but I wanted to get this explanation in so that it might not be supposed I am "stealing the thunder" of other people—adopting their ideas without giving them proper credit.

The SPEAKER. The substitute proposed by the gentleman from Pennsylvania [Mr. O'NEILL] has not been read. It will be read if the gentleman so desires.

Mr. O'NEILL, of Pennsylvania. I do.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the President of the United States, by and with the consent of the Senate, shall appoint five commissioners, to be styled commissioners of interstate commerce, whose salaries shall be $6,000 per annum each, and whose duties shall be to hear complaints of shippers, and who shall make annual reports each fiscal year to the President of the United States, and for whom sufficient office-room shall be furnished by the Secretary of the Interior, and who shall have a clerk at the annual salary of $3,000, and an assistant clerk at the annual salary of $2,000, and a messenger at a salary of $75 per month.

"SEC. 2. That said commissioners shall report, so that it may be submitted to the Forty-ninth Congress in printed form upon the day of its assembling and organization, the propriety of requiring from all railroad companies engaged in carrying merchandise as interstate-commerce carriers publicity of all rates; ample public notice of change of rates; publicity and uniformity of all rebates, contracts with shippers for rates or rebates to be in writing and open to public inspection and the inspection of officials; publicity and uniformity of the accounts and reports of all interstate railroads and of interstate business of all other railroads; regular and unreserved reports of earnings and expenses, with penalties for falsification; no concessions in rates to large shippers, except to such as represent the actual merchandise saving in the expense of hauling large shipments over small shipments, such concessions to be in writing and invariably made known to the public; every pool or combination between interstate railroads or railroads doing an interstate business to be made in public, and their terms posted at every point interested."

Mr. O'NEILL, of Pennsylvania. As I have already indicated, the points upon which my substitute proposes the commission shall report are taken from an editorial in the Chicago Tribune——

Mr. REAGAN. I object to debate.

The SPEAKER. Debate is not in order.

Mr. O'NEILL, of Pennsylvania. I know that.

The question being taken on the adoption of the substitute of Mr. O'NEILL, of Pennsylvania, there were—ayes 37, nays 87.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, instead of making at this time the point that no quorum has voted, I will call for the yeas and nays.

The yeas and nays were not ordered, only 13 voting in favor thereof.

The result of the vote was then announced as above stated.

Mr. O'NEILL, of Pennsylvania. I make the point that no quorum has voted. This is an important proposition, and it ought to be voted upon by a full House.

Tellers were ordered; and Mr. O'NEILL, of Pennsylvania, and Mr. REAGAN were appointed.

The House again divided; and the tellers reported—ayes 35, noes 133.

So the substitute of Mr. O'NEILL, of Pennsylvania, was not agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

Mr. REAGAN. I move the previous question on the passage of the bill.

Mr. HEPBURN. At the proper time I desire to make a motion to recommit the bill with instructions——

The SPEAKER. The gentleman has that right now under the rules.

Mr. HEPBURN. I make the motion which I ask the Clerk to read. It is the motion as printed, for information of the House, in the RECORD of this morning, except that I have inserted the words "with or without amendment."

The SPEAKER. The Clerk will report the motion of the gentleman from Iowa.

The Clerk read as follows:

Mr. HEPBURN moves to recommit the bill to the Committee on Commerce with instructions to report the following bill, with or without amendment, as a substitute at an early day, and when so reported the said substitute shall occupy the same status for consideration as the bill now being considered:

"A bill to establish a board of commissioners of interstate commerce, and to regulate such commerce.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*——

The SPEAKER. If the reading be called for, the proposed bill of the gentleman from Iowa [Mr. HEPBURN] as already printed in the RECORD of to-day must be read.

Mr. HEPBURN. If I may be permitted to occupy a moment, I can state the special features of the proposed bill.

Mr. REAGAN. If no one else objects I do not object to permitting the gentleman from Iowa to state without argument the substance of his bill in lieu of having it read.

The SPEAKER. The bill is quite long, and, instead of demanding that it be read, the gentleman from Iowa asks unanimous consent to make a brief statement of the contents of the measure. Is there objection? The Chair hears none.

Mr. HEPBURN. Mr. Speaker, the bill which I have made a part of my motion is the bill reported by the Committee on Commerce, with three or four amendments. The eighth section is amended so as to provide for a commission of nine persons, one from each judicial circuit. The tenth section is amended so that the reports of the commission shall in all subsequent legal proceedings stand as *prima facie* true. The

eleventh and thirteen sections are also amended by the insertion of similar words. With these exceptions, the bill is the same as that reported by the Committee on Commerce.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. HEPBURN] to recommit the bill to the Committee on Commerce with the proposed instructions as read. [Having put the question.] The noes seem to have it.

Mr. HEPBURN. I call for the yeas and nays.

The yeas and nays were ordered, 55 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 92, nays 132, not voting 99; as follows:

YEAS—92.

Adams, G. E.	Davis, G. R.	Johnson,	Reed,
Adams, J. J.	Davis, R. T.	Kean,	Robinson, J. S.
Aiken,	Deuster,	Keifer,	Rockwell,
Atkinson,	Dunham,	Kelley,	Rowell,
Barr,	Everhart,	Ketcham,	Ryan,
Bingham,	Funston,	King,	Seymour,
Bisbee,	George,	Lacey,	Smalls,
Boutelle,	Greenleaf,	Lawrence,	Smith, A. H.
Bowen,	Hanback,	Libbey,	Strait,
Brainerd,	Harmer,	Long,	Struble,
Bratton,	Haynes,	Lyman,	Taylor, E. B.
Breitung,	Hemphill,	McCormick,	Taylor, J. D.
Brewer, F. B.	Henderson, D. B.	Millard,	Thomas,
Brewer, J. H.	Henderson, T. J.	Mitchell,	Tillman,
Brown, W. W.	Hepburn,	Morrill,	Wait,
Browne, T. M.	Hewitt, A. S.	Morse,	Wakefield,
Brumm,	Hitt,	O'Hara,	Warner, A. J.
Candler,	Hoblitzell,	O'Neill, Charles	Washburn,
Cannon,	Holmes,	Perkins,	White, Milo
Chace,	Horr,	Peters,	Whiting,
Culbertson, W. W	Houk,	Potter,	Wilson, James
Cullen,	Howey,	Price,	Wise, J. S.
Cutcheon,	Jeffords,	Ranney,	Woodward.

NAYS—132.

Alexander,	Dibrell,	Lanahan,	Shively,
Anderson,	Dorsheimer,	Le Fevre,	Singleton,
Bagley,	Dowd,	Lewis,	Skinner, T. G.
Ballentine,	Eldredge,	Lore,	Snyder,
Barksdale,	Elliott,	Lovering,	Stewart, Charles
Bayne,	Ellis,	McMillan,	Stockslager,
Beach,	English,	Matson,	Storm,
Blackburn,	Fiedler,	Maybury,	Sumner, C. A.
Bland,	Findlay,	Miller, J. F.	Swope,
Blount,	Forney,	Money,	Taylor, J. M.
Boyle,	Fyan,	Morgan,	Throckmorton,
Buchanan,	Garrison,	Moulton,	Townshend,
Buckner,	Geddes,	Muller,	Tucker,
Budd,	Gibson,	Murphy,	Tully,
Burnes,	Glascock,	Murray,	Turner, H. G.
Cabell,	Goff,	Mutchler,	Turner, Oscar
Caldwell,	Green,	Neece,	Van Eaton,
Campbell, Felix	Halsell,	Nicholls,	Wallace,
Campbell, J. M.	Hammond,	Oates,	Warner, Richard
Cassidy,	Hardeman,	O'Ferrall,	Weaver,
Clardy,	Hardy,	Patton,	Wellborn,
Clements,	Hatch, W. H.	Payson,	Wemple,
Cobb,	Henley,	Pierce,	Wilkins,
Connolly,	Herbert,	Peel,	Williams,
Cook,	Hewitt, G. W.	Post,	Willis,
Cosgrove,	Holman,	Pryor,	Wilson, W. L.
Covington,	Hopkins,	Pusey,	Winans, E. B.
Cox, S. S.	Hunt,	Randall,	Winans, John
Cox, W. R.	James,	Reagan,	Wise, G. D.
Crisp,	Jones, B. W.	Riggs,	Wolford,
Curtin,	Jones, J. H.	Robertson,	Worthington,
Davidson,	Jones, J. T.	Rogers, J. H.	Yaple,
Davis, L. H.	Kleiner,	Rosecrans,	York.

NOT VOTING—99.

Arnot,	Ferrell,	Miller, S. H.	Shelley,
Barbour,	Finerty,	Milliken,	Skinner, C. R.
Belford,	Follett,	Mills,	Slocum,
Belmont,	Foran,	Morrison,	Smith, H. Y.
Bennett,	Graves,	Muldrow,	Spooner,
Blanchard,	Guenther,	Nelson,	Spriggs,
Breckinridge,	Hancock,	Nutting,	Springer,
Broadhead,	Hart,	Ochiltree,	Steele,
Burleigh,	Hatch, H. H.	O'Neill, J. J.	Stephenson,
Campbell, J. E.	Hill,	Paige,	Stevens,
Carleton,	Hiscock,	Parker,	Stewart, J. W.
Chalmers,	Holton,	Payne,	Stone,
Clay,	Hooper,	Pettibone,	Sumner, D. H.
Collins,	Houseman,	Phelps,	Talbott,
Converse,	Hurd,	Poland,	Thompson,
Culberson, D. B.	Hutchins,	Rankin,	Valentine,
Dargan,	Jones, J. K.	Ray, G. W.	Van Alstyne,
Dibble,	Jordan,	Ray, Ossian	Vance,
Dingley,	Kellogg,	Reese,	Wadsworth,
Dockery,	Laird,	Rice,	Ward,
Dunn,	Lamb,	Robinson, W. E.	Weller,
Eaton,	Lowry,	Rogers, W. F.	White, J. D.
Ellwood,	McAdoo,	Russell,	Wood,
Ermentrout,	McCold,	Seney,	Young.
Evans,	McComas,	Shaw,	

So the motion was disagreed to.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. SENEY with Mr. VALENTINE, on all questions, for the remainder of the day.

Mr. MORRISON with Mr. HISCOCK, until further notice.

The vote was then announced as above recorded.

Mr. OATES. Mr. Speaker, I shall vote for the bill under consideration because I approve of the majority of the provisions contained in it. It strikes at abuses which ought to be corrected. But I am opposed to the provisions of the first section of the bill, relating to the transportation of passengers, as in my judgment there is no constitutional power in Congress to so legislate. The power to regulate commerce refers to and includes merchandise, the commodity transported, and has no reference to the vehicle, or carriage, or vessel in which it is transported. The carrying of passengers, in my judgment, can not by any fair interpretation be included within the power. I am also opposed to the clause restricting railroads to a charge of but 3 cents per mile for passengers. Some roads can better afford to carry passengers at 2 cents per mile than some others can for 5 cents per mile. But I vote for the bill as an experiment in the right direction, not free from doubts, but with hopes of beneficial results to all interests.

The SPEAKER. The question recurs on ordering the previous question on the passage of the bill.

The previous question was ordered.

Mr. O'NEILL, of Pennsylvania, demanded the yeas and nays on the passage of the bill.

The question was taken; and it was decided in the affirmative—yeas 161, nays 75, not voting 87; as follows:

YEAS—161.

Alexander,	Ferrell,	Matson,	Stewart, Charles
Anderson,	Fiedler,	Maybury,	Stockslager,
Bagley,	Findlay,	Miller, J. F.	Stone,
Ballentine,	Foran,	Money,	Storm,
Barksdale,	Forney,	Morgan,	Strait,
Bayne,	Funston,	Morrill,	Struble,
Beach,	Fyan,	Moulton,	Sumner, C. A.
Blackburn,	Garrison,	Muller,	Swope,
Blanchard,	Geddes,	Murphy,	Talbott,
Bland,	George,	Murray,	Taylor, J. D.
Blount,	Glascock,	Neece,	Taylor, J. M.
Brainerd,	Goff,	Nelson,	Throckmorton,
Breckinridge,	Green,	Nutting,	Townshend,
Brown, W. W.	Halsell,	Oates,	Tucker,
Browne, T. M.	Hanback,	O'Ferrall,	Tully,
Buchanan,	Hardy,	Patton,	Turner, H. G.
Budd,	Hatch, W. H.	Payson,	Turner, Oscar
Burnes,	Haynes,	Peel,	Van Eaton,
Cabell,	Henderson, D. B.	Perkins,	Wakefield,
Caldwell,	Henley,	Peters,	Wallace,
Campbell, Felix	Herbert,	Pettibone,	Warner, A. J.
Campbell, J. M.	Holman,	Pierce,	Warner, Richard
Cassidy,	Holmes,	Price,	Weaver,
Clardy,	Hopkins,	Pryor,	Wellborn,
Clements,	Houseman,	Pusey,	Wemple,
Cobb,	Hunt,	Randall,	White, Milo
Connolly,	James,	Reagan,	Wilkins,
Cook,	Jones, B. W.	Riggs,	Williams,
Cosgrove,	Jones, J. H.	Robertson,	Willis,
Covington,	Jones, J. T.	Robinson, J. S.	Wilson, James
Cox, S. S.	King,	Rogers, J. H.	Wilson, W. L.
Cox, W. R.	Kleiner,	Rogers, W. F.	Winans, E. B.
Crisp,	Lamb,	Rosecrans,	Winans, John
Cullen,	Lanham,	Rowell,	Wise, G. D.
Curtin,	Le Fevre,	Ryan,	Wolford,
Davidson,	Lewis,	Shively,	Worthington,
Davis, L. H.	Lore,	Singleton,	Yaple,
Dibrell,	Lovering,	Skinner, T. G.	York.
Eldredge,	McComas,	Smalls,	
English,	McCormick,	Snyder,	
Ermentrout,	McMillin,	Spriggs,	

NAYS—75.

Adams, G. E.	Davis, G. R.	Horr,	O'Neill, Charles
Adams, J. J.	Davis, R. T.	Houk,	Phelps,
Aiken,	Deuster,	Howey,	Post,
Atkinson,	Dowd,	Jeffords,	Potter,
Barr,	Dunham,	Johnson,	Ranney,
Bingham,	Eaton,	Kean,	Reed,
Bisbee,	Elliott,	Keifer,	Rockwell,
Boutelle,	Everhart,	Kelley,	Seymour,
Bowen,	Greenleaf,	Ketcham,	Smith, A. H.
Boyle,	Hammond,	Lacey,	Stevens,
Bratton,	Hardeman,	Libby,	Taylor, E. B.
Breitung,	Harmer,	Long,	Thomas,
Brewer, F. B.	Hemphill,	Lyman,	Tillman,
Brewer, J. H.	Henderson, T. J.	Millard,	Wait,
Brumm,	Hepburn,	Mitchell,	Washburn,
Candler,	Hewitt, A. S.	Morse,	Whiting,
Cannon,	Hewitt, G. W.	Mutchler,	Wise, J. S.
Chace,	Hitt,	Nicholls,	Woodward.
Cutcheon,	Hoblitzell,	O'Hara,	

NOT VOTING—87.

Arnot,	Ellis,	Lowry,	Shaw,
Barbour,	Ellwood,	McAdoo,	Shelley,
Belford,	Evans,	McCold,	Skinner, C. R.
Belmont,	Finerty,	Miller, S. H.	Slocum,
Bennett,	Follett,	Milliken,	Smith, H. Y.
Broadhead,	Gibson,	Mills,	Spooner,
Buckner,	Graves,	Morrison,	Springer,
Burleigh,	Guenther,	Muldrow,	Steele,
Campbell, J. E.	Hancock,	Ochiltree,	Stephenson,
Carleton,	Hart,	O'Neill, J. J.	Stewart, J. W.
Chalmers,	Hatch, H. H.	Paige,	Sumner, D. H.
Clay,	Hill,	Parker,	Thompson,
Collins,	Hiscock,	Payne,	Valentine,
Converse,	Holton,	Poland,	Van Alstyne,
Culberson, D. B.	Hooper,	Rankin,	Vance,
Culbertson, W. W.	Hurd,	Ray, G. W.	Wadsworth,
Dargan,	Hutchins,	Ray, Ossian	Ward,
Dibble,	Jones, J. K.	Reese,	Weller,
Dingley,	Jordan,	Rice,	White, J. D.
Dockery,	Kellogg,	Robinson, W. E.	Wood,
Dorsheimer,	Laird,	Russell,	Young.
Dunn,	Lawrence,	Seney,	

So the bill was passed.

Mr. BAGLEY. I ask unanimous consent to dispense with the reading of the names.

Mr. BARR. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. DORSHEIMER with Mr. THOMPSON, on the Reagan bill. If present, Mr. THOMPSON would vote "ay," Mr. DORSHEIMER "no."

Mr. GIBSON with Mr. REESE, on the Reagan bill, for this day. Mr. GIBSON would vote "ay," Mr. REESE "no."

Mr. FOLLETT with Mr. BURLEIGH, until further notice.

Mr. HISCOCK. I am paired, I believe, with the gentleman from Illinois [Mr. MORRISON]. Except for that I would vote "no."

The result of the vote was then announced as above recorded.

Mr. REAGAN. I move to reconsider——

The SPEAKER. The title of the bill has not yet been agreed to.

Mr. PETERS. I ask to amend the title of the bill.

Mr. REAGAN. Did not the adoption of the substitute carry with it the title?

The SPEAKER. The title is always the last thing adopted in the consideration of bills.

Mr. REAGAN. Then I shall call the previous question upon the adoption of the title.

Mr. PETERS. I ask to amend the title by adding to it the words "and for other purposes."

Mr. REAGAN. Instead of the title of the original bill, "to establish a board of commissioners of interstate commerce, and to regulate such commerce," I move the adoption of the substitute which the House has agreed to, namely, to regulate interstate commerce, and to prohibit unjust discrimination by common carriers; and on that I demand the previous question.

The SPEAKER. The Clerk will read the title proposed by the gentleman from Texas.

The Clerk read as follows:

A bill to regulate interstate commerce, and to prohibit unjust discriminations by common carriers.

Mr. REAGAN. Upon that I demand the previous question.

Mr. PETERS. I did not yield the floor.

Mr. REAGAN. I am on the floor myself.

The SPEAKER. The gentleman from Kansas proposed to amend the title, which is the title that was reported to the House by the committee with the original bill. Thereupon the gentleman from Texas obtained the floor and proposed as a substitute the title which has been read, and on that demanded the previous question.

Mr. PETERS. I ask to be heard upon my amendment.

The SPEAKER. The gentleman from Texas has demanded the previous question upon his motion. [Cries of "Regular order!"]

Mr. PETERS. I ask the gentleman from Texas to allow me a few moments. [Renewed cries of "Regular order!"]

The SPEAKER. The regular order is the demand for the previous question.

The previous question was ordered.

Mr. PETERS. I now propose my amendment as a substitute.

The SPEAKER. The Chair will state to the gentleman from Kansas that he proposed the amendment in the first instance, and then the gentleman from Texas took the floor and proposed a substitute for his amendment and the entire title, and immediately demanded the previous question.

Mr. PETERS. I now offer my amendment as a substitute for that of the gentleman from Texas.

The SPEAKER. But the previous question has been ordered.

Mr. PETERS. But I was on the floor.

The SPEAKER. The Chair will state again that the gentleman from Kansas moved to amend the original title, whereupon the gentleman from Texas moved a substitute for the proposition of the gentleman from Kansas, and suggested a title for the bill. On that the previous question was demanded and ordered. The only question now is on the adoption of the title proposed by the gentleman from Texas as a substitute for the motion of the gentleman from Kansas.

The substitute was agreed to.

The title as amended was agreed to.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REAGAN. I want to say that this is a fitting celebration for the 8th day of January.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The SPEAKER. This will require a two-thirds vote.

The question was taken; and on a divison there were—ayes 40, noes 59.

A MEMBER. No quorum.

Mr. TOWNSHEND. Let us have tellers.

The SPEAKER. Some gentleman on the left of the Chair having made the point of order that no quorum had voted the Chair will appoint tellers.

Mr. TOWNSHEND and Mr. DAVIS, of Missouri, were appointed tellers.

The House again divided; and the tellers reported—ayes 67, noes 90.

So (no further count being demanded) the motion to dispense with the morning hour was not agreed to.

SARANAC RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report from Lieut. Col. H. M. Roberts, Corps of Engineers, of results of survey of the mouth of the Saranac River, Plattsburg, N. Y.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CONTESTED ELECTION—CRAIG VS. SHELLEY.

Mr. DAVIS, of Missouri. I call up the contested-election case of George H. Craig vs. Charles M. Shelley, Fourth Congressional district of Alabama.

The SPEAKER. The Clerk will read the resolutions reported by the committee.

The Clerk read as follows:

Resolved, That Charles M. Shelley was not elected a Representative to the Forty-eighth Congress from the fourth district of Alabama, and is not entitled to a seat in said Congress.

Resolved, That George H. Craig was elected to the Forty-eighth Congress from the fourth district of Alabama, and is entitled to a seat in said Congress.

The SPEAKER. The gentleman from Missouri [Mr. DAVIS] is entitled to the floor.

Mr. ROBERTSON. I desire to make a statement in regard to this case before it is acted on by the House.

Mr. DAVIS, of Missouri. Does the gentleman propose to raise the question of consideration?

Mr. ROBERTSON. Yes, sir; and I do it on this ground: There is a minority report in this case. There was a dissenting opinion on the part of Judge BENNETT, of North Carolina. That gentleman is now at home sick. He wrote out a report and had it ready to be filed. The contestee, Mr. Shelley, is also absent. Therefore I do not think it is fair and right that this case should be called up at this particular time when both the contestee and the gentleman who prepared the minority report are absent and can not be heard.

The SPEAKER. Does the gentleman from Kentucky raise the question of consideration?

Mr. ROBERTSON. Yes, sir; I raise the question of consideration.

Mr. HART. Is not the contestee, Mr. Shelley, in the city?

Mr. ROBERTSON. If he is in the city I do not know it. I do not think he is.

Mr. PETTIBONE. The gentleman from North Carolina had six months in which to file his report.

Mr. REED. The trouble about Mr. Shelley's case is not that he is not in the city but that he is in the House. [Laughter.]

Mr. ROBERTSON. Is Mr. Shelley here now? If he is in the House he has got here in a very short time, because I did not know it. [Laughter.] Does the gentleman from Maine say that Mr. Shelley is here in person?

Mr. REED. Oh, no.

Mr. ROBERTSON addressed the Chair.

The SPEAKER. The question of consideration is not debatable.

Mr. REED. If the gentleman from Kentucky will think the thing over I think he will understand it.

The SPEAKER. The question is not debatable.

Mr. VALENTINE. Admitting that the question is not debatable I think the other side of the question should be stated before the vote is taken. I think that is but fair. The gentleman from North Carolina has had more than six months to file the dissenting report, and he is the only dissenting member of the committee.

The SPEAKER. The Chair did not permit the gentleman from Kentucky [Mr. ROBERTSON] to proceed with any debate after he raised the question of consideration. The gentleman rose, the Chair supposed, to make an appeal to the gentleman from Missouri not to press the consideration of the report to-day. The question is, Will the House now consider the report of the Committee on Elections?

The question being taken, there were—ayes 115, noes 27.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were not ordered, only 11 members voting therefor.

So the House determined to proceed with the consideration of the report of the Committee on Elections.

Mr. DAVIS, of Missouri. I believe there is no member of the Committee on Elections who desires to make a speech in this case. In reply to what the gentleman from Kentucky [Mr. ROBERTSON] has said about the case being called up prematurely in the absence of Mr. Shelley, I will state that this report was made at the last session of Congress, and its consideration has been delayed from day to day at the request of Mr. Shelley and Mr. BENNETT. I agreed to that with the understanding that at the beginning of the session of the House after the holidays the case should be disposed of.

All I have to say about the case is simply this: The official return made to the secretary of state of Alabama gave Mr. Shelley about 2,500 majority. But in order to secure this majority thirty-six voting precincts in that Congressional district were rejected. In a word, over 8,000 votes that had been returned for Mr. Craig were not counted.

These votes were rejected on technical grounds, such as that the polls did not open at 9 o'clock in the morning as required by law, and in other cases that the poll-list was not signed.

Mr. Craig gave notice of contest and took testimony; Mr. Shelley paid no attention to the contest, or but very little. The testimony shows that in, I believe, twenty-five or twenty-eight of the thirty-six townships that were rejected the election was held according to law and that most of the forms prescribed by law were complied with. At least the testimony shows this: that the people in those precincts attempted to have an honest and a fair election and that the votes were cast. Our conclusion is in accordance with the decision of the supreme court of Alabama, and in accordance with the rule on which we proceed in the Committee on Elections in all these cases.

If the testimony shows that Mr. Craig received a majority of votes, why of course he is entitled to the certificate and a seat in this House. The testimony clearly showed, notwithstanding all the forms of law were not complied with, that these votes were honestly cast, and I believe they should be honestly counted. And counting about twenty-eight of the rejected townships for Mr. Craig, he has a majority of something over 3,000. As has been stated, this was the almost unanimous opinion of the Committee on Elections. As I have said, I believe no member wishes to speak upon this question. If I am mistaken in this, I would like to be so informed.

Mr. PETTIBONE. No; nobody wants to discuss it. We are all united in opinion, and ready to vote.

Mr. DAVIS, of Missouri. Then I demand the previous question on the adoption of the resolutions reported by the Committee on Elections.

The previous question was ordered.

The question being taken on agreeing to the resolutions, it was declared that "the ayes seemed to have it."

Mr. NICHOLLS. I call for the yeas and nays.

The yeas and nays were not ordered, only 2 members voting in favor thereof.

So the resolutions reported by the Committee on Elections were adopted.

Mr. HART moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GEORGE H. CRAIG then presented himself, and was duly qualified as a Representative from the fourth district of Alabama by taking the oath prescribed by law.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills for the erection of public buildings, in accordance with the special order of the House.

Mr. TOWNSHEND. I raise the question of consideration.

The SPEAKER. No question of consideration can be raised. The motion of the gentleman from Indiana can only be opposed by voting against it.

Mr. TOWNSHEND. Then I give notice that if this motion be voted down, I shall call up from the Speaker's table the Mexican war pension bill.

Mr. SINGLETON. And I give notice that I shall endeavor to call up the bill for the erection of a Congressional Library building.

The SPEAKER. The Chair will state that the House has refused to dispense with the morning hour, and until that is done a motion to go into Committee of the Whole on the state of the Union is not in order.

Mr. STOCKSLAGER. Under the special order made in this case a motion to go into Committee of the Whole, I submit to the Chair, is in order now.

The SPEAKER. The Chair will not undertake to decide the point positively without looking at the order.

Mr. STOCKSLAGER. I think the Chair on a former occasion has so ruled.

The SPEAKER. Upon an examination of the order made by the House on the 7th of April last, the Chair finds that the motion of the gentleman from Indiana [Mr. STOCKSLAGER] may be made even before the morning hour has been occupied or dispensed with. The order made by the House in relation to business of the Committee on Public Buildings and Grounds is somewhat different from the order made on motion of the gentleman from Indiana [Mr. HOLMAN] in relation to bills reported from the Committee on Public Lands.

Mr. STOCKSLAGER. Yes, sir; it is different.

The SPEAKER. The question is upon the motion made by the gentleman from Indiana that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills in relation to the erection of public buildings under the order made on the 7th of April last.

The question being taken, there were—ayes 61, noes 69.

Mr. STOCKSLAGER. I call for the yeas and nays.

Mr. RANDALL. Would it be appropriate to ask the gentleman from Indiana how many bills this order embraces?

Mr. STOCKSLAGER. It is not appropriate now.

Mr. RANDALL. Thirty-five, I understand.

The SPEAKER. The question is on ordering the yeas and nays upon the motion of the gentleman from Indiana.

The yeas and nays were ordered, 49 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 110, nays 102, not voting 111; as follows:

YEAS—110.

Adams, G. E.	Davis, R. T.	Kean,	Pusey,
Aiken,	Dibrell,	Keifer,	Ranney,
Anderson,	Dowd,	King,	Riggs,
Barr,	Elliott,	Kleiner,	Robertson,
Bayne,	Ermentrout,	Lacey,	Rockwell,
Bisbee,	Everhart,	Lanham,	Rogers, J. H.
Blackburn,	Ferrell,	Lawrence,	Rosecrans,
Blanchard,	Findlay,	Lewis,	Smalls,
Boutelle,	Funston,	Libbey,	Smith, A. H.
Bowen,	Glascock,	Lore,	Snyder,
Brainerd,	Goff,	McCormick,	Stewart, Charles
Bratton,	Green,	McMillin,	Stockslager,
Breitung,	Greenleaf,	Maybury,	Swope,
Brewer, F. B.	Hanback,	Miller, J. F.	Tillman,
Brewer, J. H.	Hancock,	Milliken,	Tucker,
Brown, W. W.	Hardeman,	Money,	Van Eaton,
Browne, T. M.	Hart,	Mutchler,	Wakefield,
Caldwell,	Hatch, W. H.	Nelson,	Washburn,
Cassidy,	Haynes,	Ochiltree,	Weaver,
Chace,	Hemphill,	O'Ferrall,	Wellborn,
Connolly,	Henderson, D. B.	O'Hara,	White, Milo
Craig,	Holton,	Paige,	Wilson, James
Culbertson, W. W.	Hopkins,	Payne,	Wilson, W. L.
Cullen,	Horr,	Peel,	Wise, G. D.
Curtin,	Houseman,	Perkins,	Woodward,
Cutcheon,	James,	Peters,	Worthington.
Davidson,	Jeffords,	Phelps,	
Davis, G. R.	Jones, J. H.	Pryor,	

NAYS—102.

Adams, J. J.	English,	Matson,	Storm,
Alexander,	Fiedler,	Millard,	Struble,
Atkinson,	Forney,	Morgan,	Talbott,
Ballentine,	Fyan,	Morse,	Taylor, J. D.
Barksdale,	Geddes,	Moulton,	Taylor, J. M.
Beach,	Halsell,	Muller,	Thomas,
Belmont,	Hammond,	Murray,	Thompson,
Bland,	Hardy,	Neece,	Throckmorton,
Boyle,	Henderson, T. J.	Nicholls,	Townshend,
Brumm,	Hepburn,	Oates,	Tully,
Buchanan,	Herbert,	Patton,	Turner, H. G.
Buckner,	Hewitt, A. S.	Payson,	Turner, Oscar
Cabell,	Hewitt, G. W.	Pierce,	Wait,
Campbell, Felix	Hill,	Pettibone,	Wallace,
Candler,	Hoblitzell,	Post,	Warner, A. J.
Cannon,	Holman,	Potter,	Warner, Richard
Clardy,	Holmes,	Randall,	White, J. D.
Clements,	Houk,	Reed,	Whiting,
Cobb,	Howey,	Rowell,	Wilkins,
Covington,	Hutchins,	Seney,	Williams,
Cox, W. R.	Jones, B. W.	Seymour,	Winans, E. B
Crisp,	Lamb,	Shively,	Winans, John
Davis, L. H.	Le Fevre,	Singleton,	Yaple,
Deuster,	Lyman,	Skinner, T. G.	York.
Eaton,	McAdoo,	Stevens,	
Eldredge,	McComas,	Stone,	

NOT VOTING—111.

Arnot,	Dunham,	Laird,	Ryan,
Bagley,	Dunn,	Long,	Shaw,
Barbour,	Ellis,	Lovering,	Skinner, C. R.
Belford,	Ellwood,	Lowry,	Slocum,
Bennett,	Evans,	McCoid,	Smith, H. Y.
Bingham,	Finerty,	Miller, S. H.	Spooner,
Blount,	Follett,	Mills,	Spriggs,
Breckinridge,	Foran,	Mitchell,	Springer,
Broadhead,	Garrison,	Morrill,	Steele,
Budd,	George,	Morrison,	Stephenson,
Burleigh,	Gibson,	Muldrow,	Stewart, J. W.
Burnes,	Graves,	Murphy,	Strait,
Campbell, J. E.	Guenther,	Nutting,	Sumner, C. A.
Campbell, J. M.	Harmer,	O'Neill, Charles	Sumner, D. H.
Carleton,	Hatch, H. H.	O'Neill, J. J.	Taylor, E. B.
Chalmers,	Henley,	Parker,	Valentine,
Clay,	Hiscock,	Poland,	Van Alstyne,
Collins,	Hitt,	Price,	Vance,
Converse,	Hooper,	Rankin,	Wadsworth,
Cook,	Hunt,	Ray, G. W.	Ward,
Cosgrove,	Hurd,	Ray, Ossian	Weller,
Cox, S. S.	Johnson,	Reagan,	Wemple,
Culberson, D. B.	Jones, J. K.	Reese,	Willis,
Dargan,	Jones, J. T.	Rice,	Wise, J. S.
Dibble,	Jordan,	Robinson, J. S.	Wolford,
Dingley,	Kelley,	Robinson, W. E.	Wood,
Dockery,	Kellogg,	Rogers, W. F.	Young.
Dorsheimer,	Ketcham,	Russell,	

So the motion was agreed to.

During the roll-call the following additional pairs were announced from the Clerk's desk:

On all political questions, for this day only:

Mr. GIBSON with Mr. VALENTINE.

Mr. REESE with Mr. STEPHENSON.

Mr. MILLS with Mr. KELLEY.

Mr. REAGAN with Mr. O'NEILL, of Pennsylvania.

Mr. BARBOUR with Mr. ROCKWELL, on all political questions, until Monday next.

Mr. COX, of New York, with Mr. BINGHAM, on this vote.

Mr. STOCKSLAGER. I move, by unanimous consent, that the reading of the names be dispensed with.

Mr. RANDALL. I object.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the adoption of a resolution that the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department; in which concurrence was requested.

It further announced the passage of a bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York.

PUBLIC BUILDINGS.

Mr. MCMILLIN. I move to reconsider the vote just taken.

Mr. STOCKSLAGER. And I move that that motion be laid upon the table.

Mr. MCMILLIN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 125, nays 77, not voting 121; as follows:

YEAS—125.

Adams, G. E.	Dowd,	Kean,	Rockwell,
Anderson,	Dunham,	Keifer,	Rogers, W. F.
Atkinson,	Elliott,	King,	Rosecrans,
Barr,	Ermentrout,	Kleiner,	Rowell,
Bayne,	Everhart,	Lacey,	Ryan,
Bingham,	Ferrell,	Lanham,	Shively,
Bisbee,	Funston,	Lawrence,	Smalls,
Blount,	George,	Lewis,	Smith, A. H.
Boutelle,	Glascock,	Libbey,	Stewart, Charles
Brainerd,	Goff,	Lore,	Stockslager,
Bratton,	Green,	McCormick,	Stone,
Breitung,	Greenleaf,	Maybury,	Strait,
Brewer, F. B.	Halsell,	Milliken,	Taylor, E. B.
Brewer, J. H.	Hammond,	Money,	Tillman,
Brown, W. W.	Hanback,	Morrill,	Tucker,
Budd,	Hancock,	Muller,	Van Eaton,
Burnes,	Hardeman,	Mutchler,	Wakefield,
Cabell,	Harmer,	Nelson,	Wallace,
Caldwell,	Hart,	Ochiltree,	Washburn,
Cannon,	Hatch, W. W.	O'Ferrall,	Weaver,
Cassidy,	Haynes,	O'Neill, J. J.	Wellborn,
Chace,	Hemphill,	Payne,	Wemple,
Connolly,	Henderson, D. B.	Peel,	White, Milo
Craig,	Hepburn,	Perkins,	Wilson, James
Crisp,	Hewitt, G. W.	Peters,	Wilson, W. L.
Culbertson, W. W.	Hopkins,	Pettibone,	Wise, G. D.
Cullen,	Houk,	Phelps,	Wise, J. S.
Cutcheon,	Houseman,	Post,	Woodward,
Davidson,	Jeffords,	Pryor,	Worthington.
Davis, G. R.	Johnson,	Pusey,	
Davis, R. T.	Jones, J. H.	Riggs,	
Dibrell,	Jones, J. T.	Robertson,	

NAYS—77.

Alexander,	Eldredge,	Moulton,	Taylor, J. M.
Bagley,	Fiedler,	Murray,	Thompson,
Balentine,	Forney,	Neece,	Throckmorton,
Beach,	Fyan,	Nicholls,	Townshend,
Belmont,	Geddes,	Oates,	Tully,
Bland,	Hardy,	O'Hara,	Turner, H. G.
Boyle,	Herbert,	Patton,	Turner, Oscar
Brumm,	Hewitt, A. S.	Payson,	Warner, A. J.
Buchanan,	Hoblitzell,	Pierce,	Warner, Richard
Buckner,	Holman,	Potter,	White, J. D.
Candler,	Howey,	Randall,	Wilkins,
Clardy,	Jones, J. K.	Ranney,	Williams,
Clements,	Lamb,	Rogers, J. H.	Winans, E. B.
Cobb,	McAdoo,	Seney,	Winans, John
Cook,	McComas,	Singleton,	Wolford,
Cosgrove,	McMillin,	Skinner, T. G.	Yaple,
Cox, W. R.	Matson,	Storm,	York.
Davis, L. H.	Millard,	Swope,	
Deuster,	Miller, J. F.	Talbott,	
Eaton,	Morgan,	Taylor, J. D.	

NOT VOTING—121.

Adams, J. J.	Dunn,	Ketcham,	Seymour,
Aiken,	Ellis,	Laird,	Shaw,
Arnot,	Ellwood,	Le Fevre,	Skinner, C. R.
Barbour,	English,	Long,	Slocum,
Barksdale,	Evans,	Lovering,	Smith, H. Y.
Belford,	Findlay,	Lowry,	Snyder,
Bennett,	Finerty,	Lyman,	Spooner,
Blackburn,	Follett,	McCoid,	Spriggs,
Blanchard,	Foran,	Miller, S. H.	Springer,
Bowen,	Garrison,	Mills,	Steele,
Breckinridge,	Gibson,	Mitchell,	Stephenson,
Broadhead,	Graves,	Morrison,	Stevens,
Browne, T. M.	Guenther,	Morse,	Stewart, J. W.
Burleigh,	Hatch, H. H.	Muldrow,	Struble,
Campbell, Felix.	Henderson, T. J.	Murphy,	Sumner, C. A.
Campbell, J. E.	Henley,	Nutting,	Sumner, D. H.
Campbell, J. M.	Hill,	O'Neill, Charles	Thomas,
Carleton,	Hiscock,	Paige,	Valentine,
Chalmers,	Hitt,	Parker,	Van Alstyne,
Clay,	Holmes,	Poland,	Vance,
Collins,	Holton,	Price,	Wadsworth,
Converse,	Hooper,	Rankin,	Walt,
Covington,	Horr,	Ray, G. W.	Ward,
Cox, S. S.	Hunt,	Ray, Ossian	Weller,
Culberson, D. B.	Hurd,	Reagan,	Whiting,
Curtin,	Hutchins,	Reed,	Willis,
Dargan,	James,	Reese,	Wood,
Dibble,	Jones, B. W.	Rice,	Young.
Dingley,	Jordan,	Robinson, J. S.	
Dockery,	Kelley,	Robinson, W. E.	
Dorsheimer,	Kellogg,	Russell,	

So the motion to reconsider was laid on the table.

Mr. STOCKSLAGER. I ask, by unanimous consent, that the reading of the names be dispensed with.

Mr. STORM. I object.

Mr. STOCKSLAGER. If gentlemen wish to waste the day, very well.

The following additional pairs were announced from the Clerk's desk:

Mr. WILLIS with Mr. HENDERSON, of Illinois, on this vote.

Mr. AIKEN with Mr. WHITING, for the remainder of the day.

Mr. STONE with Mr. SUMNER, of California, for the remainder of the day.

Mr. GRAVES with Mr. STRUBLE, for this day.

The vote was then announced as above recorded.

Mr. RANDALL. I move that the House do now adjourn.

Mr. STOCKSLAGER. I hope the gentleman will not insist upon wasting the day in that way.

Mr. RANDALL. The motion to adjourn is not debatable, or else I would have something to say in reply to the gentleman's remark.

Mr. STOCKSLAGER. I thank the gentleman, and beg to inform him that I too would have something to say.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania that the House do now adjourn.

The question was taken; and on a division there were—ayes 47, nays 72.

Mr. RANDALL. I ask for the yeas and nays.

The yeas and nays were ordered, 44 members voting in favor thereof.

The question was taken; and there were—yeas 63, nays 137, not voting 123; as follows:

YEAS—63.

Adams, J. J.	Geddes,	Moulton,	Swope,
Alexander,	Harmer,	Muller,	Talbott,
Bagley,	Henley,	Murray,	Taylor, J. M.
Ballentine,	Herbert,	Nicholls,	Thompson,
Barksdale,	Hewitt, A. S.	Oates,	Throckmorton,
Bland,	Hill,	Patton,	Townshend,
Boyle,	Holman,	Pettibone,	Tully,
Buchanan,	Howey,	Pierce,	Turner, H. G.
Buckner,	Hunt,	Potter,	Turner, Oscar
Clements,	Hutchins,	Randall,	Warner, A. J.
Cook,	McAdoo,	Robertson,	Warner, Richard
Covington,	McMillin,	Seymour,	Wilkins,
Deuster,	Matson,	Shively,	Williams,
Fiedler,	Millard,	Skinner, T. G.	Winans, John
Forney,	Miller, J. F.	Stevens,	Wolford.
Fyan,	Morgan,	Storm,	

NAYS—137.

Adams, G. E.	Dowd,	Jones, J. K.	Riggs,
Anderson,	Dunham,	Kean,	Rockwell,
Atkinson,	Eaton,	Keifer,	Rogers, W. F.
Barr,	Elliott,	King,	Rosecrans,
Bayne,	English,	Kleiner,	Rowell,
Beach,	Ermentrout,	Lamb,	Singleton,
Bingham,	Everhart,	Lanham,	Smalls,
Bisbee,	Ferrell,	Lawrence,	Smith, A. H.
Blount,	Findlay,	Le Fevre,	Snyder,
Boutelle,	Foran,	Libbey,	Stewart, Charles
Bowen,	Funston,	Long,	Stockslager,
Brainerd,	George,	Lore,	Strait,
Bratton,	Glascock,	Lovering,	Taylor, E. B.
Brewer, F. B.	Goff,	Maybury,	Taylor, J. D.
Brewer, J. H.	Green,	Milliken,	Tillman,
Brown, W. W.	Greenleaf,	Mitchell,	Tucker,
Brumm,	Halsell,	Money,	Van Eaton,
Budd,	Hammond,	Mutchler,	Wadsworth,
Burnes,	Hanback,	Neece,	Wakefield,
Cabell,	Hancock,	Nelson,	Wallace,
Caldwell,	Hardeman,	Ochiltree,	Washburn,
Campbell, J. M.	Hardy,	O'Ferrall,	Weaver,
Cannon,	Hart,	O'Hara,	Wellborn,
Cassidy,	Hatch, W. H.	O'Neill, J. J.	Wemple,
Connolly,	Haynes,	Paige,	White, J. D.
Cosgrove,	Hemphill,	Payne,	White, Milo
Cox, S. S.	Hewitt, G. W.	Payson,	Wilson, W. L.
Cox, W. R.	Holmes,	Peel,	Wise, G. D.
Craig,	Hopkins,	Perkins,	Wise, J. S.
Crisp,	Houk,	Peters,	Woodward,
Cullen,	James,	Price,	Worthington,
Davidson,	Jeffords,	Pryor,	York.
Davis, G. R.	Johnson,	Pusey,	
Davis, R. T.	Jones, B. W.	Ranney,	
Dibrell,	Jones, J. H.	Reed,	

NOT VOTING—123.

Aiken,	Converse,	Henderson, D. B.	McCormick,
Arnot,	Culberson, D. B.	Henderson, T. J.	Miller, S. H.
Barbour,	Culbertson, W. W.	Hepburn,	Mills,
Belford,	Curtin,	Hiscock,	Morrill,
Belmont,	Cutcheon,	Hitt,	Morrison,
Bennett,	Dargan,	Hoblitzell,	Morse,
Blackburn,	Davis, L. H.	Holton,	Muldrow,
Blanchard,	Dibble,	Hooper,	Murphy,
Breckinridge,	Dingley,	Horr,	Nutting,
Breitung,	Dockery,	Houseman,	O'Neill, Charles
Broadhead,	Dorsheimer,	Hurd,	Parker,
Browne, T. M.	Dunn,	Jones, J. K.	Phelps,
Burleigh,	Eldredge,	Jordan,	Poland,
Campbell, Felix	Ellis,	Kelley,	Post,
Campbell, J. E.	Ellwood,	Kellogg,	Rankin,
Candler,	Evans,	Ketcham,	Ray, G. W.
Carleton,	Finerty,	Lacey,	Ray, Ossian
Chace,	Follett,	Laird,	Reagan,
Chalmers,	Garrison,	Lewis,	Reese,
Clardy,	Gibson,	Lowry,	Rice,
Clay,	Graves,	Lyman,	Robinson, J. S.
Cobb,	Guenther,	McCoid,	Robinson, W. E.
Collins,	Hatch, H. H.	McComas,	Rogers, J. H.

Russell,	Spriggs,	Sumner, D. H.	Whiting,
Ryan,	Springer,	Thomas,	Willis,
Seney,	Steele,	Valentine,	Wilson, James
Shaw,	Stephenson,	Van Alstyne,	Winans, E. B.
Skinner, C. R.	Stewart, J. W.	Vance,	Wood,
Slocum,	Stone,	Wait,	Yaple,
Smith, H. Y.	Struble,	Ward,	Young.
Spooner,	Sumner, C. A.	Weller,	

So the House refused to adjourn.

Mr. STOCKSLAGER. Mr. Speaker, I ask to dispense with the reading of the names.

Mr. MCMILLIN, Mr. STORM, Mr. WARNER, of Ohio, and others objected.

The following additional pairs were announced:

Mr. SUMNER, of California, with Mr. STONE, for the balance of this day.

Mr. FERRELL with Mr. FIEDLER, for this day.

Mr. LEWIS with Mr. ROGERS, of Arkansas, on this question.

Mr. POST, of Pennsylvania, with Mr. WILSON, of Iowa, on all political questions, for the remainder of this day.

Mr. HOBLITZELL with Mr. MCCORMICK, on all political questions, for the remainder of this day.

The result of the vote was then announced as above recorded.

Mr. WARNER, of Ohio. Mr. Speaker, I move that when the House adjourn to-day it be to meet on Monday next.

Mr. KEIFER. I make the point of order that that motion is not in order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. KEIFER. I do not care to discuss it further than to state that a motion was made and carried by which the House decided to go into Committee of the Whole House on the state of the Union for the purpose of considering such measures as were involved in a particular special order. After that motion was carried I submit, Mr. Speaker, that it is not in order for the Chair to entertain any motion of any kind, especially the motion to fix a time to which the House shall adjourn.

Mr. RANDALL. I ask for the reading of the rule.

The SPEAKER. The Chair will state that if this were an original question the Chair would probably have some doubt as to whether the motion to take a recess, or to adjourn, or to fix a day to which the House shall adjourn, would be in order after the House had resolved to go into Committee of the Whole House on the state of the Union.

The fifth paragraph of Rule XVI is as follows:

A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourns shall be entered on the Journal.

During the last Congress, while the gentleman who now makes the point of order was presiding in the House, this same question was raised on a motion to adjourn, which the House will observe is, under the rule, put upon precisely the same footing as a motion to take a recess, or to fix a day to which the House shall adjourn, and against which a similar point of order was raised. The point of order was overruled by the Chair and the motion was entertained after the House had resolved to go into Committee of the Whole House on the state of the Union. [Applause on the Democratic side.] And while the Chair would have great doubt as to whether such a motion could be entertained if it were an original question, after the motion to go into Committee of the Whole on the state of the Union had been adopted, the Chair thinks it is better to have uniformity in the rulings on the subject, and therefore overrules the point of order. [Laughter and applause on the Democratic side.]

Mr. KEIFER rose.

The SPEAKER. Does the gentleman from Ohio desire to be heard further?

Mr. KEIFER. I only desire to observe that while I am not familiar with the exact circumstances under which that question arose, I think that there is a distinction between the two cases. But perhaps the Chair is right and I am very thankful to it for following the precedent set.

Mr. RANDALL (from his seat). That is very gracefully done.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio that when the House adjourns to-day it be to meet on Monday next.

The question was taken; and on a division there were—ayes 57, noes 58.

Mr. WARNER, of Ohio. We had better have tellers.

Mr. STOCKSLAGER. Let us have the yeas and nays at once.

The yeas and nays were ordered, 48 members voting therefor.

The question was taken; and there were—yeas 41, nays 163, not voting 119, as follows:

YEAS—41.

Adams, G. E.	Davis, G. R.	Matson,	Robertson,
Atkinson,	Fyan,	Miller, J. F.	Skinner, T. G.
Ballentine,	Geddes,	Moulton,	Snyder,
Barksdale,	Herbert,	Murray,	Storm,
Bland,	Hewitt, A. S.	Patton,	Swope,
Browne, T. M.	Hill,	Payson,	Thompson,
Brumm,	Holman,	Pierce,	Throckmorton,
Chace,	Horr,	Pettibone,	Williams.
Cobb,	Hutchins,	Phelps,	
Cook,	Le Fevre,	Randall,	
Culbertson, W. W.	McAdoo,	Reed,	

NAYS—163.

Alexander,	Dunham,	Lanham,	Seymour,
Anderson,	Eldredge,	Lawrence,	Shively,
Bagley,	Elliott,	Lewis,	Singleton,
Barr,	English,	Libbey,	Staalls,
Bayne,	Ermentrout,	Long,	Smith, A. Herr
Beach,	Everhart,	Lore,	Stevens,
Bisbee,	Findlay,	Lovering,	Stewart, Charles
Blount,	Foran,	Lyman,	Stockslager,
Boutelle,	Forney,	McComas,	Strait,
Bowen,	Funston,	McMillin,	Taylor, E. B.
Boyle,	George,	Maybury,	Taylor, J. D.
Brainerd,	Glascock,	Millard,	Taylor, J. M.
Bratton,	Goff,	Milliken,	Tillman,
Breitung,	Green,	Money,	Townshend,
Brewer, F. B.	Greenleaf,	Morgan,	Tucker,
Brown, W. W.	Halsell,	Morrill,	Tully,
Buchanan,	Hammond,	Mutchler,	Turner, H. G.
Budd,	Hanback,	Neece,	Turner, Oscar
Burnes,	Hancock,	Nicholls,	Van Eaton,
Cabell,	Hardeman,	Nutting,	Wait,
Caldwell,	Hart,	Oates,	Wallace,
Campbell, J. M.	Hatch, W. H.	Ochiltree,	Warner, A. J.
Candler,	Haynes,	O'Ferrall,	Warner, Richard
Cannon,	Hemphill,	O'Hara,	Washburn,
Cassidy,	Hewitt, G. W.	O'Neill, J. J.	Weaver,
Clardy,	Holmes,	Paige,	Wellborn,
Clements,	Hopkins,	Payne,	Wemple,
Connolly,	Houk,	Peel,	White, J. D.
Cosgrove,	Houseman,	Perkins,	White, Milo
Covington,	Howey,	Peters,	Wilkins,
Cox, S. S.	Hunt,	Price,	Wilson, W. L.
Cox, W. R.	Jeffords,	Pryor,	Winans, E. B.
Crisp,	Johnson,	Pusey,	Winans, John
Cullen,	Jones, B. W.	Riggs,	Wise, G. D.
Curtin,	Jones, J. H.	Robinson, J. S.	Wise, J. S.
Cutcheon,	Kean,	Rockwell,	Wolford,
Davidson,	Keifer,	Rogers, J. H.	Woodward,
Davis, R. T.	King,	Rogers, W. F.	Worthington,
Deuster,	Kleiner,	Rosecrans,	Yaple,
Dibrell,	Lacey,	Rowell,	York.
Dowd,	Lamb,	Seney,	

NOT VOTING—119.

Adams, J. J.	Dunn,	Kelley,	Ryan,
Aiken,	Eaton,	Kellogg,	Shaw,
Arnot,	Ellis,	Ketcham,	Skinner, C. R.
Barbour,	Ellwood,	Laird,	Slocum,
Belford,	Evans,	Lowry,	Smith, H. Y.
Belmont,	Ferrell,	McCold,	Spooner,
Bennett,	Fiedler,	McCormick,	Spriggs,
Bingham,	Finerty,	Miller, S. H.	Springer,
Blackburn,	Follett,	Mills,	Steele,
Blanchard,	Garrison,	Mitchell,	Stephenson,
Breckinridge,	Gibson,	Morrison,	Stewart, J. W.
Brewer, J. H.	Graves,	Morse,	Stone,
Broadhead,	Guenther,	Muldrow,	Struble,
Buckner,	Hardy,	Muller,	Sumner, C. A.
Burleigh,	Harmer,	Murphy,	Sumner, D. H.
Campbell, Felix	Hatch, H. H.	Nelson,	Talbott,
Campbell, J. E.	Henderson, D. B.	O'Neill, Charles	Thomas,
Carleton,	Henderson, T. J.	Parker,	Valentine,
Chalmers,	Henley,	Poland,	Van Alstyne,
Clay,	Hepburn,	Post,	Vance,
Collins,	Hiscock,	Potter,	Wadsworth,
Converse,	Hitt,	Rankin,	Wakefield,
Craig,	Hoblitzell,	Ranney,	Ward,
Culberson, D. B.	Holton,	Ray, G. W.	Weller,
Dargan,	Hooper,	Ray, Ossian	Whiting,
Davis, L. H.	Hurd,	Reagan,	Willis,
Dibble,	James,	Reese,	Wilson, James
Dingley,	Jones, J. K.	Rice,	Wood,
Dockery,	Jones, J. T.	Robinson, W. E.	Young.
Dorsheimer,	Jordan,	Russell,	

So the motion to adjourn over was not agreed to.

Mr. STOCKSLAGER. I ask unanimous consent to dispense with the reading of the names.

Mr. MCMILLIN. I object.

The following additional pairs were announced:

Mr. HENLEY with Mr. BREWER, of New Jersey, for the remainder of the day.

Mr. TALBOTT with Mr. HOLTON, for the remainder of the day.

The result of the vote was then announced as above stated.

Mr. MCMILLIN. I move that the House do now adjourn.

Mr. STOCKSLAGER. I hope the House will not adjourn before 5 o'clock.

The question being taken on Mr. MCMILLIN'S motion, there were—ayes 92, noes 52.

Mr. STOCKSLAGER. As the House seems disposed not to go on with the public business I shall not call for the yeas and nays.

So the motion was agreed to.

And accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Papers relating to the claim of James Lord—to the Committee on War Claims.

By Mr. BARKSDALE: Bill making an appropriation for the repair of a certain levee on the Mississippi River, known as the "Bend," below Rodney, in Jefferson County, Mississippi—to the Committee on Rivers and Harbors.

Also, bill making an appropriation of $20,000 for the improvement of Big Black River, in the State of Mississippi—to the same committee.

By Mr. F. B. BREWER: Petition of citizens of Fredonia, N. Y., to increase widows' pensions—to the Committee on Invalid Pensions.

Also, petition of citizens of Ellington, N. Y., to increase widows' pensions—to the same committee.

By Mr. COVINGTON: Petition of citizens of Talbot County, Maryland, for the deepening of Dividing Creek—to the Committee on Rivers and Harbors.

By Mr. S. S. COX: Petition of W. M. Folger and 47 others, officers of the Navy, for relief from the stagnation in promotion, &c.—to the Committee on Naval Affairs.

By Mr. ENGLISH: Petition of merchants and business men of Indianapolis, against the bankrupt bill—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Memorial of Philadelphia Board of Trade, favoring the Lowell bankrupt bill—to the same committee.

By Mr. FORAN: Petition of vessel-owners and merchants of Cleveland, Ohio, praying for the continuance of the improvement of the harbor of Grand Marais, Mich.—to the Committee on Rivers and Harbors.

By Mr. FORAN: Petition of leading merchants and citizens of Cleveland, Ohio, praying for the passage of the bill providing for the construction of the Hennepin Canal—to the Committee on Commerce.

By Mr. HALSELL: Petition of W. A. Meredith and 62 others, citizens of Edmonson County, Kentucky, for repeal of tax on whisky—to the Committee on Ways and Means.

By Mr. HOPKINS: Paper relating to the claim for relief of Joseph Snapp—to the Committee on War Claims

By Mr. JEFFORDS: Papers relating to the claim of Robert S. Woodbury and George W. Woodbury, jr.—to the same committee.

By Mr. LIBBEY: Petition and papers for increase of pension of Henry Barton, late Company C, First Regiment Virginia Light Artillery—to the Committee on Invalid Pensions.

Also, papers to accompany claim of the heirs of the late Joseph P. and Emily I. Tuttle—to the Committee on War Claims.

By Mr. LONG: Petition of W. F. Bradbury and others, asking the passage of the bill to establish the metric system of weights and measures in the Departments of the Government—to the Committee on Coinage, Weights, and Measures.

By Mr. MAYBURY: Petition of Mrs. A. E. Bartholomew, guardian of John Winchell, for allowance of arrearage of pension—to the Committee on Pensions.

By Mr. MORSE: Petition of manufacturers and merchants of Boston, Mass., asking for the ratification of the reciprocity convention with Spain—to the Committee on Foreign Affairs.

By Mr. CHARLES O'NEILL: Resolution of the Board of Trade of Philadelphia, urging the passage at an early day of the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. PAIGE: Petition of Joseph Hugill and others, of Akron, Ohio, for the passage of the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. ROGERS: Memorial of Margaret B. Harwood, widow of Admiral A. A. Harwood, asking for a pension—to the Committee on Pensions.

By Mr. SENEY: Petition of American Mask Company, asking 25 per cent. additional tariff on imported masks—to the Committee on Ways and Means.

By Mr. A. H. SMITH: Memorial of the Philadelphia Board of Trade, urging the passage of the Lowell bankrupt bill—to the Committee on the Judiciary.

Also, remonstrance of 105 citizens of Lancaster County, Pennsylvania, against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of Betsy M. Taft, for increase of widows' pensions—to the Committee on Invalid Pensions.

Also, petition of Mrs. M. M. Milligan and others, for increase of widows' pensions—to same committee.

By Mr. A. J. WARNER: Petition of David H. Cunningham and others, citizens of Chauncey, Athens County, Ohio, asking for an increase of widows' pensions—to the Committee on Pensions.

Also, petition of William Kirk, asking for arrears of pension—to the Committee on Invalid Pensions.

By Mr. G. D. WISE: Memorial of the Richmond (Va.) public school board, asking the passage of the Blair educational bill—to the Committee on Education.

By Mr. YAPLE: Petition of Sarah Dowling and 20 others, citizens of Mendon, Mich., for increase of widows' pensions—to Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. BRAINERD: Of citizens of Warren County, Pennsylvania.

By Mr. BURLEIGH: Of citizens of Fort Ann, and of citizens of Fort Edward, N. Y.

By Mr. J. M. CAMPBELL: Of citizens of Woodbury, Pa.

By Mr. CONNOLLY: Of Thomas T. Morgan and 61 others, residents of Luzerne County, Pennsylvania.

By Mr. CULLEN: Of H. C. Stage and 89 others, citizens and ex-soldiers of Utica; and of A. H. Dale and others, citizens and ex-soldiers of Leland, Ill.

By Mr. CURTIN: Of citizens of Clearfield County, of Kylertown, of New Washington, and of Centre County, Pennsylvania.

By Mr. ELDREDGE: Of 63 citizens of Hudson, Mich.

By Mr. ENGLISH: Of George F. Walker, of Shelby County, Indiana.

By Mr. FORAN: Of 90 citizens of Guernsey County, Ohio.

By Mr. FUNSTON: Of citizens of Altamont; of Edgartown, Johnson County; of McCune; of Mulberry Grove, and of North Lawrence, Kans.

By Mr. GEDDES: Of E. S. Cleland and 150 others, citizens of Richland County, Ohio.

By Mr. HANBACK: Of 100 citizens of Portis, Osborne County, Kansas.

By Mr. HART: Of Elijah Davis and 124 others, citizens of Ohio.

By Mr. D. B. HENDERSON: Of 103 citizens of Butler County, Iowa.

By Mr. HUTCHINS: Of citizens of Westchester County, New York.

By Mr. JOHNSON: Of Warren H. Duell and others, of Johnsburg, N. Y.

By Mr. KEIFER: Of O. P. Crabb and 200 others, citizens of Madison County, Ohio.

By Mr. MILLIKEN: Of G. R. Barstow and others, of Newcastle; of Joseph G. Sawyer and others, of East Hampden, and of John Frisbee and others, of Winnegance, Me.

By Mr. MORRILL: Of R. L. Sturges and 126 others, of Kansas.

By Mr. MUTCHLER: Of citizens of Easton County, Pennsylvania.

By Mr. NUTTING: Of 124 citizens of Madison County; of 67 citizens of Oswego County, and of 53 citizens of Oswego County, New York.

By Mr. G. A. POST: Of citizens of Grover; of Fairdale; of Ariel; of 60 citizens of South Gibson; of 43 citizens of North Jackson; of 63 citizens of Milan, and of 125 citizens of Honesdale.

By Mr. A. H. SMITH: Of 120 citizens of Lancaster County, Pennsylvania.

My Mr. STRAIT: Of 283 citizens of Litchfield, Minn.

By Mr. STRUBLE: Of H. A. Scott and 125 others, of O'Brien County; of H. A. Jones and 100 others, citizens of Sac County; of A. R. Mattfield and 43 others, citizens of Carroll County; of David Collins and 70 others, citizens of Calhoun County; of R. A. Horton and 62 others, of Calhoun County; of Joseph M. Richards and 41 others, of Clay County, and of Lewis Kinner and 63 others, of Madison County, Iowa.

By Mr. E. B. TAYLOR: Of citizens of Ashtabula County; of A. T. Crafts and others, of Portage County, and of M. D. Wilsey, of Denmark, Ohio.

By Mr. J. D. TAYLOR: Of William Russell and others, of Belmont County, Ohio.

By Mr. VALENTINE: Of J. A. Armour and 52 others, citizens of Custer County; of William D. Meeker and 35 others, of Custer County; of William Sexton and 62 others, of Genoa, Nance County; of W. T. McFarland and 62 others, of Stanton County; of A. V. Murphy and 110 others, of Shelton; of E. P. Drake and 75 others, of Cedar County; of M. V. Day and 121 others, of Ainsworth, Brown County, and of L. H. Harris and 124 others, of Saint Paul, Nebr.

By Mr. WILKINS: Of Simon B. Kersteter and 70 others, citizens of Coshocton County, Ohio.

By Mr. WINANS: Of M. S. Newman and 40 others, soldiers of De Witt, Clinton County, Michigan.

SENATE.

FRIDAY, *January* 9, 1885.

Prayer by Rev. A. J. KYNETT, D. D., of Philadelphia.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th ultimo, a letter from the Chief of Engineers and accompanying report of Lieut. Col. George W. Elliott, Corps of Engineers, showing the necessity for the enlargement of the basin at Block Island, R. I., for the proper accommodation of the shipping seeking refuge at that place, and submitting an estimate of the cost thereof; which, with the accompanying papers, on motion of Mr. SHEFFIELD, was referred to the Committee on Commerce, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting the report of the board of officers appointed to investigate the comparative merits of anthracite and bituminous coal for ordinary naval uses. If there be no objection the communication will be printed, and, together with the accompanying papers, referred to the Committee on Naval Affairs.

The accompanying papers are quite voluminous, and if the Committee on Naval Affairs should think it desirable to print them they can report a resolution for that purpose.

HOUSE BILLS REFERRED.

The bill (H. R. 4273) for the relief of Madison R. Calvert was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7329) granting right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 7871) to remove the political disabilities of W. H. Ward, and the bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia, were read twice by their titles, and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. HARRISON. I present the petition of a large number of business men of Evansville, Ind., praying for the passage of the bill providing for the construction of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HARRISON. I also ask leave to present a communication from the cigar-makers' union of Union City, Ind., opposing any alteration of the tariff on imported cigars in the Mexican treaty. It is not quite in the form of a memorial, but I ask unanimous consent to present it, and move its reference to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Foreign Relations.

Mr. SAWYER presented memorials of the cigar-makers' unions of Milwaukee, Oshkosh, Eau Claire, and Watertown, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. LAPHAM presented a memorial of Cigar-makers' Union No. 12, of Oneida, Madison County, New York, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SEWELL. I present a memorial of cigar-makers of Newark, N. J.; a memorial of the cigar-makers' union of Jersey City, N. J., and resolutions adopted by the Irish-American Union of Hudson County, New Jersey, remonstrating against the ratification of the proposed Spanish reciprocity treaty on the ground of its interference with the industrial interests of the country, particularly with regard to the iron-mining industry. I move that the memorials be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PALMER. I present memorials of citizens of forty-eight cities and towns of Michigan, remonstrating against the establishment of a Government monopoly of the telegraph business. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. PLATT. I present a communication from the cigar-makers' union of Danbury, Conn., which, although addressed to me, is in the nature of a memorial, remonstrating against the ratification of the proposed Spanish treaty. I ask that it be received, and move its reference to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The communication will be received and so referred if there be no objection.

Mr. COCKRELL presented a memorial of the Academy of Sciences of Saint Louis, Mo., in favor of the removal of the duty of 25 per cent. on foreign scientific books and 40 per cent. on foreign scientific apparatus, and that they be allowed to enter free of duty; which was referred to the Committee on Finance.

He also presented a memorial and resolutions adopted by the board of directors of the Merchants' Exchange of Saint Louis, held on the 5th of January, protesting against the ratification of the Spanish-American treaty, and giving their reasons therefor; which were referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present certain evidence to accompany the bill (H. R. 5960) granting a pension to George Ziefle. The evidence includes the affidavits of Capt. A. J. Stewart, Dr. C. A. Williams, Dr. Thomas W. McArthur, and Lieut. Col. A. J. Swain; the petition of George Ziefle, and of many citizens of his residence; the affidavit of Lieutenant Hereford; the certificate of Dr. McArthur, and letter from the Secretary of War, transmitting official copies of orders made at the time referred to. I ask that these papers be received, and move their reference to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on the Library to report back a number of petitions praying for the purchase of the picture painted by Miss Ransom of General Thomas, and to report an amendment on the subject which will be offered to the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be printed and referred to the Committee on Appropriations.

Mr. SHERMAN. I present the petition of Miss Caroline L. Ransom, of Washington, D. C., offering to sell to Congress her portrait of Maj. Gen. George H. Thomas, and ask that it be placed on file with the petitions on this subject just reported by me from the Committee on the Library.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. SHERMAN. I am also directed by the Committee on the Library to report an amendment to the sundry civil appropriation bill for the purchase of the picture of the electoral commission.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be printed and referred to the Committee on Appropriations.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 6328) granting a pension to Samuel W. Bowling, to submit an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4708) granting a pension to Moses Fullington, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also instructed by the same committee, to whom was referred the bill (S. 2511) relating to claim agents and attorneys in pension cases, to report it favorably without amendment, and ask that it be placed upon the Calendar. I am also directed to give notice that I shall ask the Senate to take the bill up for consideration on Monday morning during the morning hour.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the petition of George N. Marden, praying compensation for land alleged to have been taken by the Government for the distributing aqueduct in Washington, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 2483) to amend section 2347 of the Revised Statutes, relating to the entry of coal lands, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, and to extend the provisions of said act and the amendments thereto to the public lands in the States of Mississippi, Arkansas, Louisiana, and Florida, reported it with amendments.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2231) granting a pension to Mrs. Kate A. Drummond, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1256) increasing the pension of Ben Morgan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5336) granting a pension to Maria C. McPherson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 2920) for the relief of John Johnson, reported it without amendment, and submitted a report thereon.

He also, from the same committee to whom was referred the bill (S. 2282) for the relief of John Johnson, moved its indefinite postponement; which was agreed to.

He also, from the some committee, to whom was referred the bill (H. R. 6665) for the relief of James Stack, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll, reported it without amendment, and submitted a report thereon.

DISTRIBUTION OF DOCUMENTS.

Mr. SHERMAN. I am directed by the Committee on the Library, to whom was referred the bill (S. 2449) to provide for the distribution of the statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories, to report it without amendment. I ask for its immediate consideration, as it relates to the distribution of documents and should be acted upon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It requires the Secretary of the Interior to furnish to incorporated bodies, institutions, and associations to be designated to him by Senators of the several States respectively, and by the Representatives in Congress, and by the Delegate from each

Territory, one bound copy of the statutes of the United States enacted by the Forty-eighth Congress and each succeeding Congress, and of the CONGRESSIONAL RECORD for that Congress and each future Congress, in the manner provided in sections 501 and 502 of the Revised Statutes of the United States for the distribution of other books and public documents therein mentioned.

Mr. MORGAN. I think we ought to amend the bill so as to furnish a copy of these papers, particularly the statutes, to the supreme courts of the Indian Territory, the Cherokee, Choctaw, Chickasaw, and Creek Nations. Those tribes have supreme courts well organized; they publish their decisions in very excellent form, and they are learned opinions, worthy of the bench in any part of the country. I attempted, some sessions ago, at the instance of a gentleman of the bar of the Creek Indian country, who is a full-blooded Indian, but a very accomplished lawyer, to have a similar provision made, and introduced a bill to that effect, which I believe the Senate passed, but at all events it never became a law. This being a good opportunity, I suggest to the Senator who reported the bill whether that would not be a good amendment to it.

Mr. SHERMAN. This bill does not increase or change the number of persons receiving public documents. It follows the language of the law. It simply provides that with the other documents that are distributed under the existing law a copy of the United States Statutes at Large and of the CONGRESSIONAL RECORD shall be sent. So I do not think the amendment the Senator suggests would answer the purpose. The bill does not increase, to any extent whatever, the number of persons to whom documents are sent. It only provides for sending them two other documents which they do not now receive.

I have no objection to the amendment of the Senator if he desires to frame it; but if he wishes to increase the number of persons entitled to documents, this bill does not do that; it does not change the law in that respect.

Mr. MORGAN. Of course if my amendment would not be effectual I do not wish to disturb the manner and form of the bill.

Mr. SHERMAN. I desire to say also that this measure is recommended by the Secretary of the Interior and is very much desired. Indeed, it seems to be absolutely necessary now, since the Statutes at Large are printed at the Public Printing Office and the RECORD is printed there, that these documents should be furnished in this way by the public authorities.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VESSELS OF GREELY RELIEF EXPEDITION.

Mr. CAMERON, of Pennsylvania. I am instructed by the Committee on Naval Affairs to report back favorably the bill (S. 2379) to authorize the transfer of one of the vessels of the Greely relief expedition to the Treasury Department for a revenue-cutter and the retention of the other two for use in the Navy, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOAR. If it leads to no debate I shall not object. If it leads to debate, I must object.

Mr. CAMERON, of Pennsylvania. If it leads to any debate, I shall withdraw it.

Mr. HOAR. I desire to reserve the right to object if the bill leads hereafter to discussion, except the Senator's explanation; I do not object to that.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave to object to the bill at any stage. Is there objection to that? The Chair hears none. The bill is before the Senate as in Committee of the Whole and will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Navy be, and is hereby, directed to transfer to the Treasury Department, for use as a revenue-cutter in the waters of Alaska, one of the vessels of the late Greely relief expedition, and place the other two for use in the Navy, as surveying vessels or otherwise.

Mr. CAMERON, of Pennsylvania. I will state that under the laws which exist at present the Secretary of the Navy is compelled to offer these vessels at public sale. I will read an extract from a letter from C. L. Hooper, captain United States Marine Service, addressed to the Senator from Oregon [Mr. DOLPH]. The captain says:

For a number of years our vessels have been called upon to cruise in the Arctic regions, but no provision has been made to furnish us with suitable vessels. Our little cutters are all right for the purpose for which they were intended, but are unfit for the work which we now have to do on the coast of Alaska, being entirely too small and not sufficiently strong in their build. The Corwin, a little vessel intended for service on the Columbia River, has been five successive years cruising from May until October in the waters of Behring Sea and the Arctic Ocean; and this without any special fitting other than a thin sheathing of oak to protect the pine plank from chafe by the ice. She has accommodation, by packing close, for thirty-seven persons; but almost every year it is found necessary, in order to relieve persons actually in distress, to take on board many (sometimes as high as forty) in addition to her regular complement. Of course the condition of so many people confined in such small quarters is very bad, and there is constant danger of disease breaking out. Therefore there is nothing to do but end the voyage and return to San Francisco.

Then her capacity for carrying provisions is entirely too small. It is criminal to send a vessel into the Arctic Ocean to take her chances in the ice and run the risks our vessels run each year without sufficient food on board to sustain life during the winter should she become fast.

The coal capacity of the Corwin is also entirely too small, and going out of the Arctic to coal several times each summer occupies a good deal of time which can be poorly spared.

If the Revenue-Marine Service is to be required to send a vessel into the Arctic Ocean each year to protect the interests of commerce and enforce the laws, a suitable vessel should be furnished for the purpose. I am not sufficiently acquainted with the relative merits of the Bear and Thetis to decide which would be the more suitable. It is probable that either would answer the purpose. The Alert is perhaps a little larger than we need.

This subject was referred to the Secretary of the Navy, and a letter was received from him this morning, which is in these words:

NAVY DEPARTMENT, *Washington, January* 9, 1884.

SIR: In response to your letter of January 8, inclosing a copy of Senate bill No. 2379, in relation to the vessels of Greely relief expedition, I have the honor to reply that in the annual report of this Department of December 1, 1884, the following opinion is expressed:

"The joint resolution of February 13, 1884, directed the sale of the vessels which might be purchased for the Greely relief expedition. The sale has not yet been made, and it is recommended that the Thetis and Bear be retained for surveying vessels, or to cruise in the waters of Alaska, or for use in the training service."

The views above expressed are confirmed by further consideration of the subject. It is very desirable that the Thetis and Bear should be retained for that peculiar service of the Government for which they are specially and admirably adapted.

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

Hon. J. D. CAMERON,
Chairman of the Committee on Naval Affairs, United States Senate.

From this letter it will be seen that one of the vessels will not be requisite for the service of the Navy, and it can be very readily transferred to the Revenue Marine. I hope the bill will be passed.

Mr. McPHERSON. I should like to supplement the statement made by the Senator from Pennsylvania by stating what I understand to be the true condition of affairs respecting these vessels. The law, it will be remembered, authorized their purchase for a special purpose, and that purpose having been accomplished, the Secretary of the Navy was required to immediately dispose of the vessels. It is well known that owing to the very small demand for vessels of this class, or indeed of any class, at the present time, it would be impossible perhaps to sell them for anything like the value that they may have to the Government for other purposes. If I understand the Senator correctly, the bill simply authorizes the Secretary of the Navy either to sell the vessels or to retain them in the service, as is deemed to be for the best interests of the country.

Mr. CONGER. Let the bill be read again.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The bill will be again read.

The Chief Clerk read the bill.

Mr. McPHERSON. I should like to suggest to the Senator from Pennsylvania if it would not be wiser to use the word "authorized," so that if an offer should be made for one of these vessels the Secretary of the Navy would have full authority to sell it, or it could be diverted to the purpose spoken of if it was found to be available. The bill leaves him no option whatever; it simply directs him.

Mr. CAMERON, of Pennsylvania. I have no objection whatever to his being authorized to retain the two vessels in the service, but the other one, I think, should be directly transferred to the Treasury Department for the use of the Revenue-Marine Service. I will so modify the bill.

Mr. McPHERSON. While the Senator from Pennsylvania is preparing an amendment, I should like to make an inquiry of him as to what action has been taken by the Government touching the vessel which was presented to us by Great Britain. I believe the bill of the Senator from Pennsylvania includes that too. I have heard it stated somewhere that it was the purpose of the Government to tender it back to the Government of Great Britain accompanied with thanks. I do not know but what we may complicate the situation if it should be the desire or purpose of the Government to send the ship back to Great Britain, and I ask whether we should not be legislating in such a way that it would be impossible to do that? I ask for information, as I am not thoroughly advised upon that question.

Mr. CAMERON, of Pennsylvania. In reply to the Senator from New Jersey I will state that from the letter of the Secretary of the Navy received this morning I am led to believe that he is compelled under the law to offer all these vessels for sale, including the one received from Great Britain. Whether there has been anything done by Congress relative to the return of that vessel to Great Britain with the thanks of Congress, I do not know; it has not been done since my return to the Senate; but I will put in an amendment, at the suggestion of the Senator, which I think will remedy his objection. The bill would read as amended:

That the Secretary of the Navy be, and is hereby, directed to transfer to the Treasury Department, for use as a revenue-cutter in the waters of Alaska, one of the vessels of the late Greely relief expedition, and is hereby authorized to place the other two for use in the Navy as surveying vessels or otherwise.

So that he need not place the two there unless he sees fit. I think the amendment covers the Senator's objection.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 6, after the word "and," it is proposed to insert the words "is hereby authorized to;" so as to read:

And is hereby authorized to place the other two for use in the Navy as surveying vessels or otherwise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUTHER STATUE ASSOCIATION.

Mr. INGALLS. I am directed by the Committee on the District of Columbia, to which was referred the bill (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia, to report it with the recommendation that it do pass; and at the request of the gentlemen interested I will ask the indulgence of the Senate for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill be now considered.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I should like to ask one question of the Senator reporting it, and that is why this incorporation can not be brought into existence under the general laws of the District of Columbia without this special legislation?

The PRESIDENT *pro tempore*. Strictly the Chair must ask if there be objection to the present consideration of the bill.

Mr. COCKRELL. I object to it unless that explanation can be given.

The PRESIDENT *pro tempore*. If there be no objection the Chair will allow debate to go on by unanimous consent.

Mr. CONGER. The general law provides a limit to the powers of a corporation. In this case the Lutherans of the United States have erected a statue on the point of church property fronting the Thomas Circle, and the land is a part of a point of the church property on which the Lutheran church is. Under the general law there is a limitation of the continuance of the corporate powers, which would make it necessary to watch and have new laws passed. All they desire is that there shall be a number of gentlemen of that denomination who shall succeed perpetually to the control and keeping of this statue.

Mr. COCKRELL. Five thousand feet is the amount of land they are to have by the bill. Is not that not much more than is occupied by the statue?

Mr. CONGER. But the bill was introduced before the site was selected and before the statue was brought to this country from Germany. Since that time the Lutheran Memorial Church has agreed to donate and as far as it can do so has donated the little point of land fronting the Thomas Circle between Vermont avenue and Fourteenth street. The statue has arrived here and been erected and placed there, and the amount of land is limited to whatever of that little point has been given by the church association.

Mr. COCKRELL. Ought there not to be a limitation in the bill? I know where the statue is, and I have no objection in the world to the bill if you limit it to the actual amount of land used there, but do not make it sufficient to cover a square or block and exempt it from taxation.

Mr. CONGER. The report of the House committee says:

The only power given is to erect and keep up the monument, to procure 5,000 square feet or less of ground in the District of Columbia whereon to build the monument, and to exempt the land so held and the monument, &c., thereon from taxation. But the proposed site, the church lot, is already exempt from taxation.

Except that the bill has come from the House, and the gentlemen composing this association are very anxious to have their organization so that they can perfect their arrangements, there would be no objection to limiting the bill as to the amount of property that may be held.

Mr. COCKRELL. That is the only point in the world. It ought not to be 5,000 feet, which would cover a whole block of land they may acquire to be exempt from taxation for all time to come.

Mr. CONGER. If the Senator remembers that little point——

Mr. COCKRELL. I know where it is exactly.

Mr. CONGER. The street bounds it on two sides, and the church on the other. There can be no encroachment upon any other land.

Mr. GARLAND. Let the last section of the bill be read.

The PRESIDENT *pro tempore*. The Chief Clerk will report for information the last section of the bill, if there be no objection.

The Chief Clerk read as follows:

SEC. 4. That the lands acquired and held by said body corporate, and the statue erected thereon, and all the improvements and appurtenances thereto, shall be entirely exempt from taxation, and shall not be chargeable or assessed for any purpose whatever.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GARLAND. I wish to offer an amendment to the fourth section by putting in the usual proviso, that this act may be modified, repealed, or amended at any time Congress may see fit.

Mr. CONGER. I have no objection except that the bill would have to go back to the House where it might not be reached this sesssion.

Mr. GARLAND. It is a very important matter, however, because the omission of such a proviso has given trouble in every one of these cases. It gives rise to a great deal of trouble, and I think if the Senator will reflect for a moment he will agree that it should be put in here, although it may occasion some delay.

Mr. CONGER. For every other denomination in the country we have passed such laws, and this is for a little piece of land not thirty feet on a side and twenty feet across the base. The statue having been already erected there, a very numerous denomination having contributed to its erection, and it being left in the hands of gentlemen of that denomination, and being so small a piece of land, it seems to me that the Senate might run the risk of passing the bill without sending it back to the House, where very probably it would not be reached this session. I hope the Senator will not insist on his amendment, although I have no objection to it in the world except that it will cause delay.

Mr. GARLAND. The Senator from Missouri [Mr. COCKRELL] has already indicated some possible objection in the future or some difficulties that might arise in reference to the bill. It is the experience almost every day in this country that such acts give rise to trouble and confusion which were not anticipated at the time of their passage. This is a safeguard that I think should be thrown around all such bills. I dislike very much to interfere in a matter the Senator from Michigan has so much at heart, but I think the amendment should be put on the bill.

Mr. CONGER. Is there any question but what Congress retains the power, if public occasion requires it, to alter, to amend, or repeal all such bills?

Mr. GARLAND. There is very great question, especially when intervening rights grow up or if in a subsequent transaction it should be undertaken to change or modify the status of the property involved. The right should be reserved at the time of the passage of the charter. I will state to the Senator from Michigan that in my experience and observation there is no question that has given rise to more serious controversies in the courts. I dislike to interfere with this matter at this time, but I think the amendment should be made.

Mr. CONGER. The Senator will bear in mind that this property is now, and will be until transferred under some agreement, actually in the occupancy of the church itself, exempt from all taxation, being a little point of land just large enough for the base and pedestal of the statue. Otherwise, if this right should not be given, it would be under the general laws exempt property. It seems to me there can be no risk about this little piece of land.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves an amendment which will be read.

The CHIEF CLERK. It is proposed to add to section 4:

Provided, That this act may be modified, repealed, or amended whenever Congress may see fit to do so.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. CONGER. I will say that I would rather the amendment should be adopted than to have the bill go over and not have speedy consideration. Therefore, I do not object to it, hoping that it may be reached in the other House and passed there.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2514) granting a pension to David T. Hoover; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2515) for the relief of Lauman & Kemp; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2516) to allow a pension to George F. West; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2517) providing for the distribution of certain copies of the Official Register of the United States; which was read twice by its title, and referred to the Committee on Printing.

Mr. PALMER introduced a bill (S. 2518) to prevent the introduction and diffusion of contagious and infectious diseases in the United States, and to promote the general sanitary welfare of the people; which

was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. SAWYER introduced a bill (S. 2519) to declare valid the titles to certain lands sold by the land officers of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 2520) for the relief of the heirs of colored soldiers who served in the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM introduced a bill (S. 2521) for the relief of Mrs. Antonia B. Lynch, widow of Capt. Dominick Lynch, United States Navy, deceased; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT ON APPROPRIATION BILL.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC POLICY OF CONFEDERATE STATES EXECUTIVE DEPARTMENT.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are in order. The Chair lays before the Senate a resolution which went over yesterday under objection.

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore*. The resolution submitted yesterday by the Senator from Connecticut [Mr. HAWLEY] will first be reported.

The Chief Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if in his opinion it be not incompatible with the public interest, to communicate to the Senate a historical statement concerning the public policy of the executive department of the Confederate States during the late war of the rebellion, reported to have been lately filed in the War Department by General William T. Sherman.

Mr. HAWLEY. I have been requested by the senior Senator from Tennessee [Mr. HARRIS] to let this lie over until Monday. I am quite willing to do so, but I ask unanimous consent that it may be laid before the Senate on Monday as of to-day.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the consideration of this resolution be postponed until Monday next and that it may be laid before the Senate then on the call for resolutions. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. That does not make it a special order, but gives the same right to object then as now, so as to have it go over one day.

The PRESIDENT *pro tempore*. The resolution was introduced yesterday and objected to, and under the practice adopted by the Chair, with the acquiescence of the Senate, a resolution that is objected to and goes over one day is the next day laid before the Senate when the order of resolutions is reached. That has now been done. The unanimous consent the Senator from Connecticut asked for is that it be again laid before the Senate on Monday as of to-day with the same rights. Is there objection? The Chair hears none, and it is so ordered.

TESTS OF IRON AND STEEL.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of tests of iron and steel and other materials for industrial purposes, by Maj. F. H. Parker, commanding the Watertown arsenal, transmitted to the Senate by the Secretary of War on the 31 of December, 1884, be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the act (S. 2393) to change the name of the Slater National Bank of North Providence, R. I.

UNION PACIFIC RAILROAD.

Mr. SLATER. I now move that the Senate proceed to the consideration of Order of Business 761, being House bill 181.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent ——

Mr. HOAR. What bill is that?

The PRESIDENT *pro tempore*. That the Senate now proceed to the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

Mr. WILSON. Before that is done I desire to offer a resolution.

The PRESIDENT *pro tempore*. The Senator from Oregon will withhold his motion until the call for resolutions is gone through with. It will then be in order to move to take up the bill.

Mr. SLATER. Very well.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate a copy of the report of the Government directors of the Union Pacific Railroad Company for the year 1884.

FORT GREENE.

Mr. SHEFFIELD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to report without unnecessary delay to the Senate whether any private person is in the possession and occupation of Fort Greene, in Newport, R. I., belonging to the United States, and, if so, under what authority does such person hold the same. Whether the said Fort Greene is of any present use to the Government of the United States, and, if not, will the United States probably have any future use for the said fort; and if there is no present or prospective use for the said fort, whether or not the same ought not to be sold, and the proceeds thereof be covered into the Treasury of the United States, and if the said Fort Greene is not of any present use to the United States but will probably be of use thereto hereafter, whether the said Fort Greene may not well be committed to the care and custody of the city of Newport, to be by the said city used as a public park until further action of Congress or of the Secretary of War is had in reference thereto.

FORFEITURE OF OREGON LAND GRANT.

The PRESIDENT *pro tempore*. Concurrent and other resolutions are still in order. If there be no further resolutions that order is closed.

Mr. SLATER. I now move that the Senate proceed to the consideration of House bill 181.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon. This bill passed the Senate on the 6th of January. The Senator from Alabama [Mr. MORGAN] moved that the vote passing the bill be reconsidered.

Mr. HOAR. I desire to ask whether the Calendar should not be laid before the Senate before that motion is put?

The PRESIDENT *pro tempore*. The Calendar is before the Senate. The Chair regularly should have stated that the Calendar under Rule VIII was before the Senate after the call for resolutions was concluded.

Mr. HOAR. I desire to ask the Senator from Oregon to withhold his motion for a few minutes. The bill for the relief of the First National Bank of Newton, Mass., came before the Senate just before the holidays. The report was read; the bill was debated; and one Senator desired to make some further examination of the report. I think the bill would then have been disposed of and would now be disposed of very shortly, and if it is not disposed of the whole time of the Senate will have been wasted which was spent in considering it on that day. I am very desirous that the bill should be disposed of and passed if possible.

The PRESIDENT *pro tempore*. It is the duty of the Chair to state that debate on this motion is not in order, nor is debate on the motion to reconsider in order.

Mr. HOAR. I so understand the matter; but if the vote should be reconsidered then I suppose on reconsideration the bill would be open to debate as originally. I suppose that was the expectation of the Senator from Oregon.

Mr. SLATER. I should like very much to accommodate the Senator from Massachusetts, but I think under the circumstances I ought not to yield.

The PRESIDENT *pro tempore*. The motion is not open to debate except by unanimous consent. The question is on agreeing to the motion of the Senator from Oregon that the Senate now proceed to consider the motion to reconsider submitted by the Senator from Alabama.

Mr. MORGAN. I ask unanimous consent of the Senate to make a statement in regard to this motion.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent of the Senate to submit some remarks upon the motion. Is there objection?

Mr. HOAR. I think I ought to object under the circumstances.

Mr. MORGAN. I merely desire to make a statement which will occupy only a minute.

Mr. HOAR. Very well, then; I will not object.

Mr. MORGAN. That bill passed and I made the motion to reconsider the vote by which it was passed, not for the purpose of interfering with the bill or delaying any action upon it or for any other cause than this: The same question precisely was before the Senate on a conference report which has not yet been considered by the Senate, the two Houses having disagreed on the question. The committee of conference have reported, and I have not yet drawn the attention of the Senate to that report and asked them to take it up. That question ought to precede this. I made the motion to reconsider in order that I might have an opportunity to ascertain from Senators who voted against my amendment to the Oregon bill, and who had previously voted for that amendment to the other bill, whether they were influenced by the consideration that they had changed their opinion, or only by the fact that they supposed the amendment was not a necessary amendment under the existing state of facts on the Oregon bill. I have satisfied myself that some of the Senators at least who voted against the amendment took the ground that it was not a necessary amendment to that bill; that there was really practically no question in the Oregon case as between the holders of the bonds of the railroad company and the corporation or the Government of the United States.

Now, having satisfied myself, and being able to state that I am so satisfied, I propose to yield to the judgment of the Senate thus ex-

pressed, believing that the judgment of the Senate as so expressed by their vote was not a judgment against the merits of the amendment, but was a judgment against its practicability, or rather its being necessary upon this bill. I will therefore ask the unanimous consent of the Senate that I may withdraw my motion to reconsider. After the explanation I have made I ask the unanimous consent of the Senate that I may withdraw my motion to reconsider.

The PRESIDENT *pro tempore*. The Senator from Alabama asks leave to withdraw his motion to reconsider. Is there objection? The Chair hears none, and the motion is withdrawn. The bill stands passed with the amendments of the Senate. The Calendar, under Rule VIII, is before the Senate.

RIGHTS IN RAILROAD LAND GRANTS.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The first case on the Calendar will be stated.

The bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress was announced as first in order on the Calendar under Rule VIII.

Mr. MORGAN. I ask that that go over to the Calendar under Rule IX.

Mr. HOAR. What has become of the Newton National Bank bill?

The PRESIDENT *pro tempore*. It is not yet reached.

Mr. HOAR. I thought that was up before partly.

Mr. MORGAN. I ask that the bill announced from the Chair go over to the other Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama objects to the consideration of this bill; and it will be passed over and take its place under Rule IX.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., was announced as next in order.

Mr. CONGER. Is that under Rule VIII?

The PRESIDENT *pro tempore*. The Chair will state the question. The bill has been heretofore read and considered as in Committee of the Whole and the amendments reported agreed to. The bill is still open to amendment.

Mr. CONGER. Is it now to be considered under Rule VIII?

The PRESIDENT *pro tempore*. Now under Rule VIII.

Mr. CONGER. I think it ought to be considered under Rule IX, to give further opportunity of discussion and further opportunity of examination.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the consideration of this bill.

Mr. HOAR. I move to take up the bill for consideration at the present time notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill notwithstanding the objection. The question is on agreeing to that motion.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

Mr. HOAR. Mr. President, the Senator from Michigan put a question the other day which might as well be answered now; it will take but one moment, if the Senate will give me its attention.

I can say that this whole case is in a nutshell. This is a bill authorizing the payment of interest to the First National Bank of Newton upon a claim against the Government. The teller of the bank and the cashier or teller in the United States subtreasury at Boston entered into a fraudulent arrangement by which certain property of the bank was delivered to this agent of the United States for the purpose of being exhibited to the examiners of the subtreasury to make the money in his hands apparently good.

After the transaction was discovered the United States seized these assets of the bank, which were interest-paying securities and cash, and $46,000 of them bonds of the United States bearing interest. The Supreme Court of the United States thereupon held that the United States was liable for that property; that the transaction did not make any change of property whatever; that the fraudulent knowledge by the United States teller was the knowledge of the United States, and of course—I do not know that the court said that, but it is apparent to everybody—that the teller was no agent of the bank for any purpose of disposing of this property either in that way or any other. So there had been no agency on the part of the bank. The principal sum has been paid, but this property was withheld from the bank for a large number of years, leaving the bank to fail, and the stockholders to be responsible for its debts, under the general statute, to the extent of their stock.

The committee examined the whole matter; the Senator from Tennessee [Mr. JACKSON] made a very thorough, patient, and faithful examination of the precedents, and he found that the precedents were very numerous, nearly uniform, in favor of paying interest in such cases. I can not see how any Senator can hesitate as to the duty of the United States. Here it seized upon its own interest-bearing securities, kept them cautiously from its creditor for thirteen or fourteen years, got the benefit of the interest which was due, and did not pay it, though the original seizure was a tort. That would apply to the $46,000 of its own securities. The entire property was withheld from the bank—the securities and the cash. Its debts were running on upon which it was bound to pay interest. The Supreme Court of the United States in the decision quoted by the Senator from Tennessee declared on a similar case, which was sent to the Court of Claims with a view to ascertaining what was the customary policy of the Government in like cases, that an examination of the legislation of this country showed that it is the established policy of the United States to pay interest in all such cases. That is the whole story.

Mr. CONGER. Mr. President, there has been no answer to the statement I made the other day, which ought to preclude at once, if true, the passage of this bill. There is no pretense in the answer just attempted that there is over $46,000 of the securities that were drawing interest which would have inured to the benefit either of the Government or of the party. There is an appropriation here, I am told, of $350,000, if that is the amount named in the bill.

Mr. INGALLS. Let the bill be read, that we may hear what it is.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be read if the Senator from Michigan yields.

Mr. CONGER. I do yield, but this should not be taxed to my five minutes, and my time taken up in reading.

The PRESIDING OFFICER. The Senate has voted to consider the bill, notwithstanding the objection, which relieves it from the five-minute rule.

Mr. CONGER. All right, then.

The Secretary read the bill as amended.

Mr. CONGER. The original claim, all told, was $371,000, as found by the court after litigation, and after the whole matter had been placed in the hands of the court to determine between the United States and this bank, or these claimants, whoever they were, what, if anything, was due from the Government to the bank or to the persons interested in the assets of the bank. The court rendered a judgment of $371,025. That judgment was rendered October 25, 1881. On that date whatever was due by the decision of the court to these parties was for the first time ascertained and liquidated at $371,025. The question of interest I have a right to assume was considered, whatever was due either in principal or interest or value—whatever the General Government was under any legal obligation to repay entered into this account, interest, damages, everything. There can be no denial of that on the record.

Mr. HOAR. The Senator will pardon me. Withholding interest in the case was put by the court distinctly on the ground of the peculiar phraseology of the act giving jurisdiction.

Mr. CONGER. Where is the record of that? It does not appear in the report; it does not appear anywhere. There is nothing to show but that the court either in the nature of damages or interest gave all that was demandable; and I may here say it is not the original owners of this property who come here for it now——

Mr. JACKSON. Will the Senator from Michigan yield to me?

Mr. CONGER. Yes, sir; I will yield all around.

Mr. JACKSON. I have the report of the decision of the court before me, and the court only gave judgment for the principal, which was the ascertained, fixed, and definite amount of the bank's assets that had been appropriated. There was no consideration of damages or of interest either, for under the statute the Court of Claims is not allowed to award interest except where the contract expressly stipulates for the payment of interest.

Mr. CONGER. That reads well, and the Senator is generally very accurate. What was the ascertained value of those assets? Their value with interest or their value without interest? Who shall tell us? The court's report does not tell, and the report of the committee does not tell, or whether, if not as interest, yet in the nature of damages for withholding this property the matter was not considered, the committee do not tell us.

Mr. JACKSON. They do tell, and so does the decision of the Court of Claims, that the judgment was for the fixed amount of principal which was claimed, allowing no interest and no damages.

Mr. CONGER. That may be; and if the Senator says so I suppose it is so. Then interest is not included in the judgment. But this was a matter of dispute between this Government and a bank. The agents of the Government proved unfaithful and false, and undertook to rob the Government. The cashier and one of the directors of the bank, having power in this matter to do what they did do, undertook to defraud the Government of the United States, and place themselves in jeopardy of being punished by the securities they gave to the officers of the United States being retained. They gave those securities with the chance of their being retained. There is no doubt about that. The subtreasurer of the United States, when the day of reckoning came, needed money in his hands to settle his accounts as subtreasurer, and he went to the cashier of this bank and he went to the principal managing director of this bank and he asked them to place in his hands money or its equivalent, that he might the next day make a showing to the examiners and satisfy the authorities of the United States that

the subtreasury, with its accounts, with its money, with its payments, with its bills receivable and bills payable, and all its transactions, balanced even, and that he was a faithful servant of the Government in keeping his money and his accounts as they belonged in the subtreasury.

The cashier or teller of this bank and the managing director did this; so the report says; I do not assert it; I think it was the cashier. At any rate the report says that the acting officers of this bank took money and securities out of the bank, and went to the subtreasury and placed them in the hands of the subtreasurer of the United States, and took a receipt from him showing that these officers of the bank knew the fraud; they took a receipt from him that, after the examination on a given day, the first, second, or third after the day of the examination, he was to return them; but, in the mean time, the Government found that there was a connivance between the bank officers and the fraudulent subtreasurer, and it took this property which had been placed there to be the representative of property belonging to the Government, in fraud of the rights of the Government, and used it. How, on that statement, any Court of Claims ever could refund to the bank the money so placed there by the cashier and by the managing director of this bank to defraud the Government, if it was returned, or could open the way for such a payment, I can not see.

On what principle of equity, of justice, of law, of right, any court of the United States could decide against the right of the United States to hold this property handed over by the bank's officers in fraud of the rights of the Government for the express purpose of cheating the United States, expecting to get it back again and leave the subtreasury without assets, which it pretended to have, I can not see. But that is not my business here. It was a very proper question between the bank and the Government in my judgment, and a proper question to submit to the proper court, whether under all the circumstances the bank was not bound by the action of its cashier and its managing director, whether they had not forfeited the property by the attempt to defraud the Government on a temporary placement of it in the hands of an officer who they knew was in default and fraudulent. But by persistent effort, after years, Congress sent the case to the Court of Claims with at least the sanction of such a sending that there was some equity in it, and the Court of Claims decided that the Government should restore the value of the securities, as the Senator from Tennessee says. What was that value? What was it that the Government should restore? What does our own court say ought to be returned to this bank on a settlement and liquidation? It had no right until it had the judgment of that court, and it had no pretense of having a right until the matter was litigated before the court. On the 25th of October, 1881, and we do not know whose delay it was in not bringing the mattter sooner to a hearing, the court decided that there was due $371,025.

Mr. COCKRELL. Will the Senator permit me one suggestion there?

Mr. CONGER. Yes, sir.

Mr. COCKRELL. The bank never sued until within three days of six years after the right of action accrued.

Mr. HOAR. But there was another case which involved it.

Mr. COCKRELL. The right of action accrued on the 27th of February of one year and the suit was brought on the 24th of February of the sixth year thereafter, just three days before the six years expired.

Mr. CONGER. Yes. I thank the Senator for giving me that information.

Mr. JACKSON. The question was before the Department all that while. From the 28th of February, the day after the seizure, the bank was pressing this claim before the Department.

Mr. COCKRELL. The Department had no jurisdiction. I do not understand that it was pressing it. There was another suit pending, and these gentleman were lying back to see what would be the result of that other suit, and there is another bank now lying back with a claim to come in here for over $100,000. They did not get their bill into court within the six years, and they want the limitation removed. That has been up and has been reported adversely by one of the committees.

Mr. CONGER. I am very glad that I have done what I thought my duty to be in guarding the Treasury against false and improper claims, let them come from wherever they may. It has been my fortune generally to meet in the House and in the Senate what I thought were improper war claims, or claims for the loss of property during the civil war in the South, which, according to the law of nations and the rules which finally the House and Senate have adopted, were not proper subjects of compensation from the Government. This comes from the State of Massachusetts. It comes here the result of a fraudulent transaction between this bank, through its officers, and a defaulting officer of this Government in charge of the funds of the Government. If it be true, as the Senator from Missouri says, that for six long years the stockholders and managers of this bank went through all the loss caused by the failure of the bank and the destruction of their interests without even asking this Government to refund this money, that is a subject worthy of consideration by Senators in voting upon this question, and, with what I am stating here as to the dates and times and action of the Government and of the court and of these claimants, comes in very well to show why this claim of $249,000 of interest should be refused by Congress without a dissenting voice.

As I said, on the 25th of October, 1881, the Court of Claims decided that there was $371,025 which the Government ought to refund. Four days after that, October 29, 1881, without waiting for any appeal, without waiting to carry the case up to the Supreme Court, without any further litigation, somebody neglected the interests of the United States and let this judgment become final without appeal, contrary, as I think, to law. There is nothing to show but that the officers of the United States ought to and might at any time have appealed from the decision of the Court of Claims to the Supreme Court, but in four days the men claiming the right to the money came to the Treasury and drew out $260,000. That was pretty swift payment of the judgment. These men were eager enough after they got the judgment to get the money, although they had let the claim lie by for six years without going into court. Then, August 30, 1882, the remaining $111,025 was paid, making the whole amount of the judgment $371,025, and then the entire face value, as is claimed here, of these securities was paid back, when in my humble judgment there was no responsibility in fact, and as I believe with my knowledge, whatever it may be, of law, if the case had been taken to the Supreme Court, as it ought to have been by those who defended the interests of the United States, no recovery could have been had. The whole amount was paid, $260,000 of it in four days after the judgment, and $111,025 on August 30, 1882, in less than a year, some ten months after the judgment was obtained.

Now, sir, I say without fear of contradiction that if there was any right at all to recover interest it was on the judgment which was obtained and on the balance which was unpaid for those ten months, which amounts to a little over $40,000 instead of $249,000.

But, sir, who are these men that come to ask this money back? What is the character of the men who come here? The bank failed, its assets were sold—the securities, the possible indebtedness of this Government—to those who were willing to give a little to speculate upon this matter.

Mr. HOAR. Why does the Senator say that?

Mr. CONGER. Because the report says that the bank failed and its assets were sold. That is why I say it. I can not go beyond the report because I have not had the opportunity. "The creditors bought it in," one Senator from Massachusetts [Mr. DAWES] says. He knows more about it than I do. Now, who bought in this contingent, this erratic, this nebulous, this wandering claim that slept for six years without anybody thinking it was worth bringing forward at all? Who owned it?

Mr. JACKSON. Where does the Senator find the statement in the report that these assets were sold?

Mr. CONGER. I find the report says that the bank failed.

Mr. JACKSON. And the receiver took charge of these assets and applied them to the payment of the debts, so far as they went.

Mr. CONGER. That bears me out in all I want.

Mr. HOAR. The Senator will pardon me. I never heard the suggestion that this claim against the Government had been sold to anybody, and I do not believe there is the slightest foundation for it.

Mr. CONGER. It appears so in the report.

Mr. HOAR. I do not understand it so.

Mr. CONGER. A receiver was appointed and the assets went to pay the debts, and they were sold or turned out, each one to pay equally his debt. These were not turned out; the Government had them; so that whatever they were considered worth was sold.

Mr. HOAR. The Senator will pardon me. I understand that he is stating not that the general assets of this bank were sold, but that this particular claim against the Government, being assets, were sold. That I never heard of, and I do not believe it. It is not implied from anything stated in the report as I understand it, and it can not be, because the statute expressly prohibits the sale of claims against the Government. Any attempt to sell it on the part of the receiver would have been a violation of law and a nullity.

Mr. CONGER. He could sell the right of the bank. Now in whose interest is this claim brought before the Government? Is it the claim of the bank? Does the bank own it? The bank is broken down, dissolved long ago. In whose name is it? Who are to be the recipients of the $249,000 voted by the Senate to pay the Lord knows whom, and no Senator can say? We know the bank failed; we know a receiver was appointed; we know from the report that the assets went to pay the debts; we know that with a contingency like this the right to prosecute could be sold. It could be sold for one dollar, or it could be sold for one hundred dollars, or a thousand, or a hundred thousand. What would anybody have given for such a thing as that with full knowledge of the fraud and wrong of the leading officers of the bank in a contest against the United States who had secured it by the fraud of the bank and by the fraud of its own officer? There is too little known about this. Did the men who are to receive the money we vote to-day pay a dollar for the claim, or a thousand, or a hundred thousand dollars? Does it belong to the bank? Will it go to the individual stockholders of the bank, and if it does, then in case their creditors were not paid by the assignment and receivership and distribution, we give it to the

stockholders of the bank in fraud of the rights of the creditors; and inasmuch as this report says the stockholders of the bank were ruined by this transaction, we may well believe that whatever right there is in this claim belongs to the creditors of the bank. If the receiver had it in any shape, and sold it, he sold it unquestionably for a song, and it is to speculators perhaps that we are granting away the money of the people of the United States—speculators who bought this claim for a song.

I am not going to dwell upon this longer than to call the attention of Senators to some facts which are plain and indisputable. I have already shown, as I think, that within the utmost limit and extent of the proprieties of paying interest on anything due from the Government it should be on a liquidated account after it is determined and acknowledged by the Government, or acknowledged in obedience to the direction of a court, and the difference is over $200,000 of money, to go, as I said before, to someone whom no Senator can mention here, some speculator who for his thousand dollars or his hundred dollars got hold of this uncertain, and as I believe improper claim against the Government has, his money having been paid to the receiver and been distributed to the creditors. Or if this is for the stockholders or for the bank by any agreement by which it may have retained it after its failure, then it belongs to the bank's creditors. Let us know who is to be the recipient of the wonderful bounty and generosity of the Senate.

Now, sir, I will not dwell longer on this case. I have performed my duty when I have said enough and shown enough both from the report and from the statement which I have made here to put every Senator on his guard against allowing this bill to pass without further information, and I shall content myself when the proper time comes with asking for the yeas and nays, that we may all have an opportunity of making our record on this bill.

Mr. HOAR. Mr. President, I desire to interpose to the suggestion of the Senator from Michigan my absolute and unqualified denial of the imputation that this bill places in the hands of any speculative purchaser or other person who has acquired it since this claim against the Government. The character of the gentlemen who represented this bank, which is the very highest possible, the fact that no such thing ever has been suggested to me or heard of by any member of the committee or by my colleague, makes me feel entirely warranted in stating so far as I can have knowledge of such a thing, that the suggestion is totally without foundation.

This bank went into the hands of a receiver, and its stockholders, who were I suppose like stockholders of other banks, men of capital and trustees of widows and orphans and various sorts of people, had to pay in out of their funds a sum equal to the amount of the capital stock to make good the liabilities of the bank, which, instead of being a prosperous, thriving institution, was compelled to fail by reason of this transaction, and when the bill is passed the money will go to the receiver. If there are any creditors they will be paid. If the creditors are paid and there is anything left, it will go of course to the funds of the stockholders to reimburse what they paid in.

It is true, as the Senator from Missouri suggests, that this bank waited until within three days of the end of six years before it sued the United States; but there was another test case pending, and I do not understand that public policy requires that if there are a dozen persons whose claims depend on the same state of things they shall all proceed to incur the expense of a suit at once if they bring their suits in time to save the statute of limitations, and one creditor brings his suit promptly. An appeal was taken by the Attorney-General. He examined the matter, and within the six months withdrew his appeal, because he found the case could not be distinguished in principle from another case decided by the Supreme Court. The Court of Claims had no authority to allow interest; but in a like case, the case of Francis Vigo, cited at length by the committee in their report, where Congress referred a claim to the Court of Claims with authority to give judgment according to the policy of the United States in like cases, the Supreme Court of the United States on appeal from the Court of Claims, on full examination of the statutes, declared that it is the policy of the United States to pay interest in such cases, and over fifty statutes are cited by the committee establishing that proposition.

Now, I should like to ask whether there is a Senator in this body who, if one of his domestic servants had conspired with one of mine to get some property of mine into his possession, and apparently his, would not restore that property? He would not proceed to talk about the fact that my servant was a party to the fraud. Neither of these persons was agent of the United States or of the principal for the purpose of the fraudulent transaction, and no change of property took place, nothing vested in the United States by the transaction.

That being the case, the demand was made on the United States for this property in the possession of its Treasury, and it refused to give it up. It is not the case of an unliquidated claim, which the United States is presumed always to be ready to pay. It is the case of an express refusal to pay on demand and a claim of right to the property, and thereupon the ordinary rule of law applies; and my friend from Michigan, for whose integrity I have so much respect, would put his right hand into a brazier of burning coal and have it burned to the stump before he would act in his own case, if he were dealing with me or any other person, on the principles upon which he now asks the United States to act.

Mr. HARRISON. I wish to ask the Senator from Tennessee who reported the bill of what items in a general way the claim was made up, aside from the $46,000 of Government securities. How much was in cash?

Mr. JACKSON. They were the checks of the cashier for actual moneys that were collected and actual moneys deposited.

Mr. HARRISON. So that the balance of the claim besides the $46,000 was money?

Mr. JACKSON. Actual money; yes, sir. Forty-five thousand dollars or $46,000 was in Government interest-bearing securities and the balance in actual money; so that the claim was really ascertained, fixed, and determined, and was not unliquidated in its character.

Mr. HARRISON. I asked the question because as to a part of this claim it seems to me to be perfectly clear. If the Government by a method which was held by the court to be ineffectual to transfer the property of this bank secured $46,000 of its own securities that were interest-bearing and held them and in effect got the interest upon them because it did not pay the interest, I take it that in that case there can be no question in the world that in equity and good conscience, and as a matter of law between individuals, the Newton bank would be entitled to the interest received or withheld by the United States on that sum. But it seems to me as to the money the question might be quite different.

The rule as between individuals and one that is supposed to rest upon a basis of sound reason and justice is that one individual shall render interest to another for the use of money, first where he stipulates to do so, and secondly where in the judgment of the court trying the case he has unreasonably withheld money from another person. That is the rule applied in our courts to open accounts between individuals. There may be a demand, and the question is whether it has been unreasonably withheld. That is the question as between individuals. If it has been, the courts then award interest in the way of damages upon the debt.

Now, what are the facts in this case? The cashier and the managing director of this bank entered into a fraudulent arrangement with the officer of the United States in charge of its funds in the city of Boston, by which they put into his hands certain moneys. Suppose that he cashed these checks and that the proceeds are in the Treasury as actual money. When the Government comes to account with its officers he produces that as United States funds in his custody, and *pro tanto* settles his accounts with the Government and passes the examination by presenting them. The presence of that money there did involve the fraud and the fault of the men who were held out to the world as authorized to represent the Newton bank. If the United States had given a consideration for that money, undoubtedly the courts would have held that the acts of these two officers, though in fraud of the bank, were binding upon the bank, on the principle that where one of two innocent persons must suffer it must be the person least at fault.

Mr. JACKSON. Will the Senator allow me in that connection to call his attention to what the court has stated on that direct point?

Mr. HARRISON. Yes, sir.

Mr. JACKSON. I read from the opinion of the court.

Mr. HARRISON. The Court of Claims?

Mr. JACKSON. The Court of Claims, as approved by the Supreme Court in the case of Newton Bank *vs.* United States:

> Upon the case as thus outlined, the simple question of law is whether the claimant's property in the assets was, by the fraudulent acts of its cashier and one of its directors, divested out of it and vested in the defendants. There is not the least ground for answering these points in the affirmative, unless the claimant was privy to those transactions and allowed its assets to be so used. But there is nothing in the case justifying a remote supposition that any officer, director, or stockholder of the Newton Bank, except Dyer and Carter, the conspirators, had the least knowledge or the faintest suspicion of, or the least cause to suspect, any part of the villainous scheme. It was simply a case of a bank being robbed and of its stolen assets being put into the hands of the cashier of the subtreasury for a purpose which, by no possible view, could, in law, be held to effect a transfer of the bank's right of property in them, either to him or to the United States.

One word more:

> Such being the case, "it ought," in the language of the Supreme Court of the United States, "to require neither argument nor authority to support the proposition, that where the money or property of an innocent person has gone into the coffers of the nation by means of a fraud to which its agent was a party, such money or property can not be held by the United States against the claim of the wronged or injured party. The agent was agent for no such purpose. His doings were vitiated by the underlying dishonesty, and could confer no rights upon his principal." (United States *vs.* State Bank, *ut supra.*)

Mr. HARRISON. Certainly. What the Senator has read is exactly in line with what I have said. The United States did not put itself in the position of an innocent party who had parted with something upon the faith of the acts of these men who were held out to have authority to represent the bank, and therefore the bank could recover the securities; but this is the situation: The United States finds in its vaults money that has been placed there, as we learn now, by the fraudulent connivance of officers of this bank with its own officers. Now, the Newton bank comes and asks that money.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. HOAR. I ask unanimous consent that the Senator from Indiana may finish his remarks, and then if there can be a vote that we may have it. If there can be no vote at that time and anybody else wishes to speak, I will not press the bill further now.

Mr. HARRISON. I am not asking the Senator from Illinois to give way to me. I will not do that myself.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the unfinished business be informally laid aside in order that the Senate may proceed with the consideration of the bill from which it has just passed. Is there objection?

Mr. CULLOM. I have no objection to the Senator from Indiana finishing his remarks, and if then the Senate will vote upon the bill I shall waive, as far as I am concerned, the consideration of the special order until that is over; but I must insist that the Senate give attention to the interstate-commerce bill after the Senator from Indiana has finished his remarks if any body else wants to speak on the bill of the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts that the unfinished business be informally laid aside in order that the Senator from Indiana may conclude his remarks and that the bill may be finally disposed of?

Mr. CULLOM. I understand that other Senators desire to speak. If so, I shall have to object.

The PRESIDING OFFICER. There is objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts; and

A bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia; and

A bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York.

ADJOURNMENT TO MONDAY.

On motion of Mr. SHERMAN, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Illinois [Mr. CULLOM].

Mr. GARLAND. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

Mr. CULLOM. I think the amendment before the Senate is that offered by the Senator from Iowa [Mr. WILSON].

The PRESIDING OFFICER. The Chair was informed that the pending question was upon the amendment of the Senator from Illinois, but he has subsequently been informed by the Secretary that it is upon the amendment of the Senator from Iowa [Mr. WILSON] to the amendment of the Senator from Illinois [Mr. CULLOM]. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to amend the amendment so that it will read:

> And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed, for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

Mr. GARLAND. I should like to have read now by title the bill that has just come from the House of Representatives.

Mr. HARRISON. I was going to inquire whether this stands as an amendment by the Senator from Iowa to the amendment offered by the Senator from Illinois.

The PRESIDING OFFICER. That is the question.

Mr. HARRISON. I thought the Senator from Illinois withdrew the amendment he had offered.

Mr. WILSON. The Senator from Illinois withdrew his amendment to his amendment, and then I offered this as an amendment in the nature of a substitute for the amendment of the Senator from Illinois.

Mr. CULLOM. Substantially the only amendment which is pending is that just read, offered by the Senator from Iowa [Mr. WILSON]. The amendment which I had offered was the same thing with a little change.

Mr. WILSON. The difference between this and the amendment originally offered by me, and subsequently in a modified form offered by the Senator from Illinois, was made in order to meet the objection of the Senator from Indiana, [Mr. HARRISON], by eliminating all that part of it which requires the reporting of a bill, and simply directing the investigation to be made on the several lines provided for in the amendment.

Mr. GARLAND. Now, Mr. President, I should like to have the bill reported by title that has come from the House to-day.

The PRESIDING OFFICER. If there be no objection the Chair now lays before the Senate a bill from the House of Representatives.

The bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers was read the first time by its title.

Mr. CULLOM. I move that that bill be referred to the Committee on Railroads.

Mr. GARLAND. I want to make a motion to commit the whole subject with the bill. That is the reason I had the title read, wishing to make a few remarks on that motion.

Mr. MCMILLAN. With regard to the bill now proposed to be referred to the Committee on Railroads I desire to say, representing the Committee on Commerce, that this subject is properly within the jurisdiction of that committee, but as the bill already before the Senate was introduced by the Senator from Illinois and referred to the Committee on Railroads, of which he is a member, I do not feel called upon at this time to insist upon a reference of the House bill to the Committee on Commerce, the matter having been reported from the Committee on Railroads in the shape of the bill already under consideration. For that reason I shall not insist upon any objection to the reference of the House bill to the Committee on Railroads, though the matter is properly within the jurisdiction of the Committee on Commerce.

Mr. CULLOM. I desire simply to say that when I introduced the bill, a part of which came back as a report from the Committee on Railroads, and which was, upon my motion, referred to the Committee on Railroads, I acted at that time without really knowing that the subject had heretofore been considered by the Committee on Commerce. Its reference to the Committee on Railroads was not for the purpose of in any way slighting the Committee on Commerce.

Mr. MCMILLAN. I so understood.

The PRESIDING OFFICER. Does the Chair understand the Senator from Arkansas as submitting a motion to refer the pending bill with the House bill?

Mr. GARLAND. The pending bill and all the amendments, with the House bill, to the Committee on Railroads.

The PRESIDING OFFICER. Does the Senator from Arkansas desire that the House bill should be read the second time and referred, or that it remain on its first reading?

Mr. GARLAND. Remain on its first reading for the present.

Mr. President, the Senator from Illinois [Mr. CULLOM], who has charge of the Senate bill, has labored with very commendable zeal in this matter, and has urged very properly the consideration of the subject from time to time before the Senate. The other day in answer to the remarks submitted by the Senator from Delaware [Mr. BAYARD] he made some complaints as to the delay that would occur in regard to the bill if a postponement of it was had at this time. The proposition the Senator from Delaware then had in his mind in reference to a bill which he mentioned is now made practical by the appearance of that bill from the House, in regard to which we had seen and heard a good deal through the papers and other sources of information.

Now, I am free to state to the Senator from Illinois that he is to be congratulated on making considerably more progress in this matter than is generally made before the Senate in matters of this importance. He reported this bill in April last, and at this time he is coming well-nigh to a final hearing of it. That, I say, is making much more progress than is generally made in measures of such importance before the Senate.

The first measure that ever I introduced into the Senate about eight years ago was a simple bill to revive an appropriation to pay some postmaster in the Southern country, and I have been urging it every session during the intervening time, but it is no nearer a final conclusion now than it was then. There was but one question involved in it and a very simple question, and I fear it will take twice eight years accordi-

ing to that progress, if not three times eight, to get to the conclusion of it.

This measure of the Senator from Illinois involves half a dozen if not a dozen very intricate, very close, and very important questions. I do not know within my knowledge and within my reading a question which has been before the Senate in my time that is exactly as intricate as this is. In connection with the bill there are various propositions before the Senate, not merely propositions differing as to details or as to mere matters of arrangement, but propositions differing among themselves fundamentally and organically. Now for the first time we have all these propositions brought before us in one form. Every gentleman who has studied the question has had an opportunity to be heard and present by speech or by amendment his views upon it. This is a question that demands, I think above all others, that we shall go slowly indeed in solving it.

If the Senator from Illinois shall see the end of his bill at this session he will have made the most rapid progress of any gentleman who has been in the Senate, charged with any important measure, since I have been a member of it. Now, I propose to detain the Senate for a short time by going through some of the features of this bill and indicating what I think to be radical defects in it, defects that are to my mind perfectly obvious, but if Senators differ with me in that regard and have doubts as to it, the very doubts themselves should command a committal of this bill with the House bill, that the whole subject may be before the proper committee of the Senate so that they may report it back to the Senate after proper advice. I may say here, what escaped me a moment since, that the distinguished gentleman who is the father of the House bill which we received a few minutes ago has been working at it just eight years, I think, in the House; and now after these long years of toil he is congratulated upon a successful issue of the matter. So the Senator from Illinois has no just ground to complain of any particular delay, for there has been expedition plenty and I think a little too much when we come to consider the frame of the bill we are asked to indorse.

The first section of the bill speaks of the proposed commission, provides for its organization, and then the next section proceeds in this language:

SEC. 2. That the commission hereby created shall have supervision over all matters pertaining to the regulation of commerce among the several States.

The word "supervision" there is the strong word of the phrase, which carries with it the power of these commissioners. Supervision for what? Supervision to make, to change, or to alter the regulations of commerce; or is it a supervision merely to put them in a particular order and arrange them in a certain way to be presented to the community? The first of these propositions is the true one. They are to have "supervision," that is, the entire control of, not merely the overlooking of these regulations, but power to see that they are in proper shape and properly passed out, properly spelled, and properly written. They are to have full supervision of the regulations of commerce among the States.

Now, what do we understand by regulating commerce, according to the constitutional provision? It means no more nor less than the power to prescribe the rules by which commerce is governed. The word "regulation" there means the laws of commerce so far as Congress can prescribe them. This is a legislative power delegated by the Constitution to Congress, and it is one of those powers which are national in their character, and the want of which in the old Confederation was one of the reasons that necessitated the enlarging of the powers of the Union and making it in respect to this one feature a nation. But when Congress, in the exercise of a legislative power delegated to it by the Constitution, may do a thing, where do we find the power in Congress to delegate this authority delegated to it to a mere commission of seven or five or three, as the case may be? This is not like the case of heads of Departments or Secretaries, who are sometimes empowered by Congress with authority to make rules and regulations to carry into effect certain laws, for there is no law prescribed in this bill, as we shall see as we go on; and even in the laws which have heretofore delegated the power I speak of to commissioners or to Secretaries or heads of Departments, they are generally circumscribed by the power of revision in the President or some higher authority.

If the Senate get possession of the idea I am working at, it is that the Congress of the United States in this bill, in the very second section of it, is divesting itself of its legislative power as to regulating commerce among the States and putting it in the hands of a commission. It is a fundamental rule, outside of any constitutional question, that a power delegated can not be subdelegated; and it is an unheard-of thing that a legislative power can be transferred from the legislative body to any subordinate power. That has been tested repeatedly, and as many times in your State as any other in the Union [Mr. HARRISON in the chair], on propositions to submit laws to the people to be voted upon before they become operative. Senators may examine this section and see if I am correct that the commission provided in this bill has the supervision of the regulation of commerce. We get this power, so far as Congress is concerned, entirely from the Constitution, to regulate commerce among the States; that is, in other words, translated properly, to make rules to govern commerce among the States. But here we say we will not do this, but we will transfer it to a commission to make these laws, these regulations, and supervise them. That is the starting point of the bill. It takes a very large space. That is the legislative feature of the bill—delegating the regulation of commerce to the commission.

Now take section 3:

That if any transportation company engaged in interstate commerce shall collect, demand, or receive, in the transaction of the business of interstate commerce, more than a reasonable rate of compensation for the transportation of freight of any description, or for the use or transportation of any railroad-car upon its railroad, or on any of the branches thereof, or upon any railroad it has the right, license, or permission to use, operate, or control, said transportation company shall be deemed guilty of extortion.

And the matter then is to be passed upon by the commission, and the commission may make proper inquiry. We have gone from the legislature feature of this bill, and we now come to a court. We make the commission a court to try the question of extortion and to assess damages for it. The assessment of damages is essentially, in any way you consider it, a judicial proceeding. It is the application of law to a given state of facts, and that is what is called in law a judgment. Just now we had a case, the consideration of which has just passed from us, which is in the hands of the Senator from Tennessee [Mr. JACKSON], as to the allowance of interest upon a given sum of money that a bank has lost. Interest is damages in one sense of the word. The assessment of damages is a question of law and of facts. Here is an assessment of damages provided for in the fourth section of this bill, following section 3, and this commission, now grown from a legislative body into a judicial tribunal, is to exercise the most important judicial function in disposing of the rights of transportation companies.

Next comes section 5:

That whenever complaint is made to the commission, in such manner as it may prescribe, charging any transportation company engaged in interstate commerce with extortion or unjust discrimination in the transaction of such business, a statement of the charges thus made shall be forwarded to the transportation company, which shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable given time.

Here you come to a hearing upon the case made before this court, before these commissioners. Then they are to proceed to assess the damages under section 6 of this bill. There is no avoiding the conclusion, Mr. President, that this erects a court in the country to try these most important questions, these most complicated questions, these questions in which every State in this Union and every Territory also has an interest. There are no more important questions and no more vexing questions, as I shall show after awhile, that have ever been before the courts of this country, from the Supreme Court to the lowest in the land, than the very questions this commission are empowered to try here. And they are to try these questions in somewhat of a summary proceeding, without jury, without appeal. Their assessment of damages is to stand; there is no appeal from it.

Why is not a body with such functions called a court? The name is nothing. It is clothed with all the essential features as well as all the paraphernalia of a court. You have to make your complaint; the party is to answer, and then he is to proceed to trial. That is a court; you may call it by any name you please. The power under the Constitution to make courts in this country is of course very large; it is almost unlimited to make courts for national purposes; but when you come, following this line of argument, to see in section 9 the winding up of the court feature of this bill there is something deserving the particular attention of the Senate:

SEC. 9. That in making any investigation required by this act the commission shall have power to summon and require the attendance of witnesses, to administer oaths, and to require the production of all books, papers, contracts, and documents, or properly certified abstracts thereof, relating to the matter under investigation and necessary for the information of the commission in connection therewith.

How has it been in the acts heretofore passed? Take the practice act, section 881 of the Revised Statutes, where provision is made for compelling the attendance of witnesses; no such power is given to a commissioner of the United States as is given here, or to any other officer, except a judge of the United States, who holds his position for life. That provision in the practice act requires the commissioner to certify the fact of the remaining away of a witness to the judges of the court, and they make the order issuing an attachment for him if necessary. Take the seventy-eighth rule of equity practice established by the Supreme Court of the United States. In the taking of depositions, where a witness is in contempt and fails to attend according to the subpœna, that fact must be certified to the judge of the court before he is compelled to attend. Take the institutions of inquiries in reference to revenue matters that are committed to subordinate officers over the country. Where they have power to administer oaths and examine witnesses, the power is expressly withheld from them to compel the production of books and papers and compel the attendance of witnesses by process such as is contemplated by this bill. It is true that in some of these statutes if the witness does not attend it is said he shall be liable to a penalty; but that is not the case here. The bill gives this commission the compulsory power at once to compel the production of books and papers and the attendance of parties, and subjects the companies to this investigation and witnesses to this compulsory process before this commission that is only to exist for a limited time.

Never before in the case of these mere outside commissions has the power to compel the attendance of witnesses been given. Congress sometimes seeks to compel such attendance through its own committees; but the Supreme Court in the recent Kilbourn case sheared this power down very materially.

Sir, this is a step which I do not think we are warranted under the Constitution in taking, and there has never been before anything of the sort attempted in this country, even in providing rules and regulations for the government of the Territories, over which it is conceded, as a general proposition, that Congress has unlimited legislative power. I ask Senators to pause and consider these propositions before they incorporate into our system this court to sit over these important matters with this unlimited jurisdiction, with no power of review, with the authority to compel a witness by attachment or other process to attend and subject himself to examination, as well as to require the production of the books and papers of the companies.

Mr. BAYARD. Will the Senator from Arkansas yield to me a moment?

Mr. GARLAND. Yes, sir.

Mr. BAYARD. I was not in when the Senator began his remarks. Has he considered the effect of section 9, which goes far beyond the books and papers?

Mr. GARLAND. I am on that now.

Mr. BAYARD. That compels any man's papers, whether he belongs to a transportation company or not, to be brought into court and subjected to examination.

Mr. GARLAND. Precisely. That is the part of the section I was considering. As the Senator from Delaware has suggested, it not only takes the party himself, but it gives the commission power to throw its lasso in every direction and to roam all over the country and bring in every person, every other man, so to speak, into this investigation. This is a power which I contend, under the Constitution, we can not put in the hands of this commission. We can not do it, though we have unlimited control over interstate commerce under the Constitution. When we understand what interstate commerce is, when we have prescribed what it is, yet we can not do this. There are other provisions of the Constitution which stand as high as that and are of as much importance, and as much sacredness, and as much dignity, that forbid the clothing of this commission with the power that is here proposed to be given.

Are not the courts of the country as at present organized competent to deal with these questions? It seems to me they are; but if they are not, and if it is proper, enlarge their jurisdiction as to this subject; but do not set up in the country an independent tribunal, with these vast powers, with no restraint upon them except their "discretion," as it is frequently mentioned in the bill.

To meet the case before us, what should be done? If I read this power of the Constitution aright, Congress should prescribe its regulations itself. It should not say if a company, in the judgment of the commission, charges extraordinary rates or practices extortion the commission shall prescribe regulations. That should not be left to any commission or person in the world to determine; but Congress should prescribe the rule itself, and that is what the Constitution means; that is one of the regulations contemplated by the Constitution.

One of the amendments pending to the bill, if I recollect aright—I do not know which it is in the multitude of them—goes so far as to provide that the commission shall prepare and report a code, an interstate-commerce code, you may call it. Now, where do we get the authority to delegate that power to the commission to make us a code of laws on the subject of interstate commerce? Congress itself may make a code, and Congress ought to make it, and after the code is made a commission might be organized by Congress, if it was necessary, to properly enforce and carry out the rules and regulations of the code. Our Revised Statutes were made by a committee of revision, but nobody ever contended that the action of that committee of revision was law until Congress adopted it.

We might organize a commission to investigate and report to us what, in their judgment, it was deemed best to do, and if we saw proper to adopt what it proposed and put it in the form of an enactment then it would be law, but nothing short of that could make it law. We had once in Arkansas a very interesting question of this character, running parallel with it. The constitution provided for a commission every few years to revise and digest the laws. The commissioners revised and digested them, and while they were at it they made twenty-five or thirty more laws. The first time the supreme court got hold of it they said, "This is no law at all, this extra work. You were authorized to revise and digest the statutes, but in addition to that you have gone to work and made laws. These we will expunge; we will blot these out of your report; and having done that, we will look at your digest of the laws that are existing and see what we will do with that." So the power that is here attempted to be conferred upon a commission simply provides that commission shall do what the Constitution says Congress has the power to do and which Congress can not delegate, that is, the power to make an interstate-commerce code. A commission to look into this immense business, collect information, and report facts and figures to Congress for legislation under its power to regulate commerce, is one thing and a very legitimate thing; but it is very essentially different from the power here given.

The bill proceeds in section 13 to determine what is meant by a transportation company engaged in interstate commerce. There the committee reporting the bill have struck the most dangerous precedent in the Government. There the committee in reporting the bill have struck, I say, the most important and the most intricate question that there is in the Government. The line of demarkation there is more difficult to run than anywhere else between the powers of the General Government and those of the States respectively; and we undertake to say here what that line is as a guide for the commission. I venture the assertion that Congress can not define what that is. Why? You can never define it except in the given case. You may take every case that has been reported in the Supreme Conrt of the United States, from Ogden *vs.* Gibbons down to the present day, and you will find no question upon which the judges differ so much as the one question, what is State commerce properly speaking, and what is interstate commerce as distinguished from it.

I have before me, in the twenty-first volume of Wallace's reports, the Maryland tax case, where Judge Bradley delivered the opinion of the court, in which there was a dissenting opinion upon this very question as to what was interstate commerce and what was State commerce properly speaking. Judge Bradley in language almost deplored the difficulty that the court had encountered in applying this doctrine and making this distinction. He finally decided, however, that it was a question entirely for the State, in which respect Judge Miller and others differed from him. Then Judge Bradley makes a dissertation upon the very difficulty upon which I am now dwelling, the fixing of landmarks, the proper plane to be seen and to be observed in regard to this distinction.

Here you undertake to do it in this bill. It is a question for the courts to pass upon, and no higher, no more difficult question comes before the courts than this. If I read the spirit of our institutions correctly, in a clash between the States and the Government of the United States the greatest danger under the Constitution arises upon this very question. The Senator from Illinois need not be in too big a hurry to encounter the question in all its length and breadth and call for a speedy settlement of it. He has made proper and legitimate and commendable expedition in this matter.

In making these objections to the bill of the Senator from Illinois I should in good faith attempt to give him, as we say in the courts, a "better writ." I do not like his, and now I will try to give him a better one in general. Looking over the amendments that have been offered here, there are some ten or twelve of them, the amendment of the Senator from Mississippi [Mr. GEORGE], according to my judgment, as well as the amendment of the Senator from Oregon [Mr. SLATER], looks in the proper direction; and from the cursory examination that I have been able to give the House bill that is now somewhat before the Senate for consideration, I am disposed to think that that is the best bill of all, because it undertakes to define exactly what we want done, and does not leave it for subordinate officers or agents to do the work.

It keeps to that extent within the Constitution. It does not attempt to delegate our legislative power to some one else. It does not attempt to delegate the power of making a code or making a law for interstate commerce to any one else; but we, the Congress, make it or attempt to make it in that bill. It leaves the question to the courts as the courts now are organized to enforce the law, and does not erect a court without any responsibility, a court without any appeal, a court without any review or any restraint to revise it. It leaves the courts to settle it as they are now organized, with the right of appeal according to the Constitution and the laws of the country. I think that is the better bill between the two, and I think, upon the cursory examination I have been able to give it, it is the best bill that has been offered upon the subject.

While I say the House bill appears to be more in the direction of what I think is needed, yet I do not commit myself to it, as I have not had an opportunity to examine it closely, and as this whole matter is one of peculiar difficulty to deal with.

With these general remarks, I ask the Senator from Illinois in good faith, because I want to accomplish what I think he is seeking, to let this matter go back to the committee, the House bill and all, with the benefit of the discussion that we have had upon it and the suggestions thrown out by the different amendments, and there let them prepare a bill that they in their judgment think will meet the exigency of the time. The House bill would necessarily go to the committee; but if the consideration of the Senate bill is still held up, unless I find some objectionable features in the House bill I shall offer it in the end, if the consideration of the Senate bill is pressed, as a substitute for the entire business. But let the House bill be printed and referred to the committee, let the whole subject be committed to the committee, and with the importance of this question, with the demand for making some changes in this great and important question, with the demand for legislation upon the subject, I, for one, will co-operate most heartily with the Senator from Illinois in getting final action at this session.

The Senator from Texas [Mr. MAXEY] suggests that there is no ne-

cessity for this matter to lose its hold upon the Senate, and I believe I speak for all Senators around me when I say that they will cheerfully aid in bringing the measure to a final close at this session. I can not give my sanction to this bill, or anything like it, for the reasons I have stated. I hope the whole matter will be committed to the committee, and let them, with all these details and amendments before them, frame a measure that they think will meet the exigency.

I submit the motion to refer the House bill, with the pending Senate bill and all the amendments, to the Committee on Railroads.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senator from Arkansas that a motion to refer the House bill until its second reading is not in order. If there be no objection, the House bill will be read by its title, when it will be considered as read the second time. Then a motion to refer will be in order.

The CHIEF CLERK. "A bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers."

The PRESIDING OFFICER. If there be no objection this will be considered the second reading of the House bill. The Chairs hears none, and it is so ordered.

Mr. CULLOM. I do not intend to take the time of the Senate more than a moment. I am certainly obliged to the honorable Senator from Arkansas for the compliment of having manifested some zeal in the effort that I have made in trying to get a bill on this subject passed by the Senate; but I was forced almost to believe that his remark that there had been very rapid progress made by the Senate upon the question was really meant as a joke. I have not been able to see that the Senate has made much progress. I have been almost induced to believe that the policy of the Senate was to get bills in here upon the Calendar from some committee and there let them sleep and die. I have supposed that the purpose of the Congress of the United States was to pass bills upon important questions; and while I am not disposed to press a bill beyond what seems to be propriety in the case or more rapidly than is consistent with due consideration, it does seem to me that if we are going to pass a bill upon this important question our duty is to consider it in the Senate, and to consider it as constantly as may be consistent with the other work of the Senate until we reach a vote and put it upon its passage.

While it may be proper to refer the bill to the committee before we take a final vote upon it, my desire has been to keep the bill before the Senate for consideration and discussion and amendment until we could learn what the views of Senators were upon it; so that if it finally was referred to the committee the committee would have some idea of the views of the Senate to guide them in the consideration of it in the committee. As it stands to-day we have merely, and but merely, entered upon the consideration of it by way of amendments. We have just come to that period of time. While I should be glad, indeed, to accommodate myself to the views of the distinguished Senator from Arkansas—because I regard him as one of the most eminent lawyers in this body or in the country—I would prefer that the bill should remain before the Senate for consideration and discussion and amendment until we can arrive at some understanding of what the views of the Senate may be upon these important and controverted points.

I have no personal ambition to have the bill that I have had the honor to bring to the Senate passed if it is not the best one. On the contrary, I am exceedingly anxious that this whole subject shall be discussed, shall be considered deliberately, and then that the very best bill in the interest of the public shall be passed by the Congress of the United States at the end. What I want to do is to get some bill passed. This subject, as was said a few days ago, has been considered now for ten years, mainly in the House of Representatives, but somewhat in the Senate of the United States. The people of this country have come to believe that it is a mere football for the Congress of the United States to kick at whenever they have an opportunity and nothing else to do. What I want to do is to convince the people that we are trying to do something in their interest, and that we are able to do it, and that we shall be able to pass some bill, so that if there is any need of giving them relief they shall have it.

I shall not stop at this moment to discuss the various constitutional questions that the honorable Senator has suggested, but I should like that both bills, if you please, shall remain where they are, and that we shall go forward in the discussion and amendment of the bill now before the Senate under consideration until we arrive at something near what we understand to be the best bill that can be passed. Then, if the bill seems to be in such condition that it would require a reference to the committee to be looked at more carefully, to consider the effect of one amendment upon another, so far as I am concerned if an understanding can be had by which we shall get the bill back again and finally reach a vote and pass it so that the two Houses can come together in favor of this important measure, I would not stand in the way. But for the present I must resist the motion of the Senator from Arkansas to refer the whole subject to the Committee on Railroads.

The PRESIDING OFFICER. The question is, Will the Senate recommit the bill?

Mr. BAYARD. Has the House bill been referred?

The PRESIDING OFFICER. The House bill has been read a second time and is now on the Secretary's table not referred.

Mr. BAYARD. Under the rule, ought it not to be referred to the appropriate committee now?

The PRESIDING OFFICER. A motion to refer it to the appropriate committee is in order. The Senator from Arkansas, however, has given a notice in regard to its disposition.

Mr. GARLAND. I asked that the House bill might lie on the table for the present, because if the motion to recommit the Senate bill is carried, then I desire the House bill to go too; but if the Senate bill is not recommitted, I wish to move the Senate to proceed to the consideration of the House bill, or I shall offer the House bill as a substitute for the whole matter. That is the position it is in.

Mr. BAYARD. The House bill is not yet printed. I do not know, nor do perhaps the members of the House know, precisely what bill they have passed. Certainly no member of the Senate does. It is in manuscript yet. It was variously amended in the House in the course of debate.

The proposition of the Senator from Arkansas is that the Senate bill shall be recommitted, and at the same time the House bill goes in the ordinary course of business to the same committee.

I submit to my friend from Illinois that it would rather facilitate the object he has in view to allow both bills (that is to say, the propositions heretofore made by the Senate, which we have now under consideration, and the result of the discussions in the House which has now come to us) to go to the committee of which he is a member, and from which we may therefore expect a very early report upon the subject.

My friend from Illinois is a practical man, eminently so, and his desire in this case is to have some practical result of the discussions in the Senate and the House. I submit to him that while it is perfectly proper and eminently wise that there shall be full discussion upon a subject of this kind, and that discussion must precede the vote of the Senate upon it, yet in order to discuss wisely there must be some definite proposition before the Senate. The Senate may not agree with the views of the House, but may take, as they have heretofore taken, a measure which I do not understand to be in accord with the suggestions of the House. I do not know fully what the measure of the House is, but I have the impression that it differs, and differs most importantly, differs upon principle as well as upon detail, from the measures and the propositions of the Senate. It is our first duty to come, if we can, into accord with the propositions of the House; and if we do so the propositions of the bill will take the form of law.

Mr. CULLOM. If the Senator from Delaware will allow me, I desire to say that I do not disagree with the honorable Senator. The situation of the subject is this: The Senate is now considering the Senate bill. Under the rules of the Senate, I understand it is the right of the Senate to proceed with the consideration of the Senate bill, the bill before the Senate, and perfect the text of that bill before any substitute can be offered. As a matter of fact the honorable Senator from Oregon has already offered substantially the House bill; it may be somewhat different in some particulars; but before the consideration and amendment of the Senate bill proper can be concluded the House bill which but a few moments ago came into the Senate will have been printed, and there will be an opportunity to offer it as a substitute for the Senate bill under consideration, after the Senate bill may have been discussed and considered and amended as the Senate sees proper to amend it.

So the purpose that the Senator from Delaware is seeking to accomplish and the purpose that I desire to accomplish are substantially the same; and I think if we go forward with the consideration of the Senate bill now and amend it as the Senate sees proper, the House bill will be in such a condition that Senators can see it and it may be offered as a substitute for the Senate bill, or the whole subject may be referred to the committee if it is the wish of the Senate to do so.

Mr. JONES, of Florida. I desire to ask the honorable Senator before he sits down whether under the definition given in the bill of transportation companies it is intended to include vessels engaged in the coasting trade.

Mr. CULLOM. Between the States?

Mr. JONES, of Florida. Yes; the coasting trade between the States. I ask if that is a subject of legitimate jurisdiction for the Committee on Railroads and whether the Committee on Commerce might not more properly consider it?

Mr. CULLOM. That question was discussed only a few moments ago. The honorable chairman of the Committee on Commerce has stated the reason why he did not seek to have the bill referred to that committee.

Mr. JONES, of Florida. The question of regulating the coasting trade is rather a complicated one and is entirely different from the railroad system.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas [Mr. GARLAND] to recommit the bill, with all pending amendments and amendments that have been received and printed.

Mr. INGALLS. Mr. President, I do not suppose that I contribute anything to the general stock of information on this subject when I say that if we are to have any bill regulating interstate commerce by this Congress it must be by action upon the bill just sent over from the House of Representatives. We may either adopt that with amendments, or we may strike out all of it except the title and insert whatever the Senate pleases by way of amendment; but in any event we shall make no step of substantial progress by continuing further the consideration of the Senate bill. It is true that something might be accomplished by debate in reaching a concert of minds with regard to the subject-matter of the bill; but in a parliamentary sense, the bill of the House having reached us, there is no further step in advance that can be taken except by consideration of the House bill.

I have no desire to antagonize the wishes of the Senator from Illinois who has this measure in charge; I shall consider myself as a volunteer to follow his direction; but it appears to me, looking at it as a proposition of parliamentary procedure, and also from the standpoint of one sincerely desirous of having something done by the present Congress, that the wiser course would be to have the bill of the House referred promptly to the Committee on Railroads, if that is the committee from which the measure proceeds. Let it be accompanied also by the bill of the Senate with all of the amendments that have been made and offered thereto. Then let a meeting of the committee be called immediately to consider these propositions, to-morrow morning if need be. I assume that the importance of this subject would justify such action. If a majority of the committee see fit to report back the House bill with every word stricken out except the title and propose as an amendment the bill that has already been presented to us by the committee of the Senate, well and good; we have been advanced one step in parliamentary progress; we are so much nearer our goal if we are to reach it at all. I should hope that the Senator from Illinois would see his way clear to this conclusion, but if he does not of course I shall follow him.

I wish to say one word more before I sit down. I have understood that the Senator from Illinois apprehended that there might be some loss of position by reason of the fact that the bill having been assigned as a special order and then recommitted it could not be again made a special order without the assent of two-thirds of the Senate. My understanding of the rules is that if the House bill should be reported to-morrow morning from the Committee on Railroads, with whatever amendments they see fit to add thereto, immediately, without debate, upon a vote of a majority of the Senate to that end, the bill can be taken up for discussion, and having been taken up, the discussion can continue without limitation so long as the Senate pleases.

Mr. CULLOM. As against special orders?

Mr. INGALLS. As against all special orders.

Mr. CULLOM. I desire to repeat that my purpose is simply that the Senate shall consider the Senate bill sufficiently to draw from Senators whatever suggestions they may have in reference to it in the way of amendment. I know that one or two Senators at least have prepared amendments to the bill which the Senate is now considering, which amendments I would be glad to have offered so as to know exactly what they are, because they may be of that class of amendments which will be somewhat in harmony with the general idea of the bill under consideration and may be incorporated in the bill without very much discussion or delay. If the bill is to be recommitted I should like to have the benefit of those amendments before the Senate before the reference shall be made. Besides, I should like to know, as the honorable Senator from Kansas has suggested, when the bill is recommitted and the Committee on Railroads consider it and report it back, that we shall not be crowded out so that in the end there would be nothing further heard from the subject during this session of Congress. My purpose is, as I said awhile ago, that Congress shall not only consider the question as it has been periodically doing for the last ten or twelve years, but that something shall be accomplished in the interest of the people of this country in the way of legislation.

Mr. GARLAND. The amendments referred to by the Senator from Illinois can all be offered and sent to the committee along with what is now before the Senate. Now that we have reached a place to solve this matter for the time being, under the suggestion of the Senator from Kansas, let these amendments be sent in with the others, and let the whole subject be referred to the Committee on Railroads, and for one (I can only promise for myself) I shall do all I can to aid the Senator from Illinois in getting this matter up at any time and having a final conclusion upon it.

Mr. HARRISON. I think with the Senator from Illinois who is in charge of the bill that if we had employed the time that has been used this afternoon in discussing the methods by which to arrive at this matter upon the bill itself we should have made substantial progress.

Now, the measure is likely to come out of the committee in one of two ways, if it goes there under the motion of the Senator from Arkansas. I should say it would probably come back from the committee with the recommendation that the bill which our committee has already reported, modified perhaps by reason of suggestions which have been made since the discussion began, should be adopted as a substitute for the House bill.

Mr. INGALLS. As an amendment to the House bill.

Mr. HARRISON. Yes, as an amendment, but practically in common parlance a substitute, striking out all after the enacting clause and inserting. I do not profess to be possessed of prophetic power, but if the Senate bill with pending amendments and the House bill should be referred to the Committee on Railroads I think we should find that that would be the result. If that is to be the result, is it not better, while the subject is before the Senate, instead of having the matter discussed in the committee, that the Senate itself should discuss it, letting the House bill go to the committee? Thus we should get the judgment of the Senate upon the pending amendments, one of which, as has been said, is substantially the House bill, at least the original Reagan bill, and when we have reached a conclusion upon the amendments in the Senate, if the Committee on Railroads will then take the bill as the Senate has perfected it, if it shall please them, and report it as a substitute for the House bill, we should be ready to vote in all probability and bring it to a speedy issue.

The only interest I have is that having this subject before us I think the wisest policy of those who would like to see legislation would be to adhere to the discussion of it and to go on with the decision of the pending questions upon the amendments until we have obtained an expression of the Senate upon the whole subject. Of course final action should be upon the House bill, but I believe we should be nearer an end of this matter if the Senate perfects the bill and if the committee are advised in advance, as they would be instructed by votes of the Senate upon each one of these particular propositions, and then present a bill as an amendment to the House bill which will meet concurrence without much discussion.

Mr. JONES, of Florida. The popular opinion is that this measure relates only to transportation by railroads. Whatever abuses or extortions have given rise to this and kindred measures I think have originated in that description of transportation. I have no hesitation in saying that the provisions of this bill, if the subject may require special attention, applies to the whole commercial marine of the United States engaged in the coasting trade. We have been legislating for a year or two with a purpose of building up our miserable commerce, as it has been called—our poor commerce, on the seas, not on the land, because I believe it was said that the railroad corporations have been well able to take care of themselves. But when it came to our struggling mariners and our little shipping interests along the coast, the Senator from Maine not now in his seat [Mr. FRYE] I remember session after session has been struggling to get laws repealed and laws enacted to encourage and build up that. I am sure on reflection that so far as that species of trade and commerce is concerned there is no special necessity for appointing a commission to prescribe the rates of freight that go to the poor ship-owners on our coast or that consideration ought especially to be given by the Committee on Railroads to that subject.

Mr. DAWES. I can not quite understand the reluctance to discussing this question, but I must admire the different devices which are resorted to for its postponement. If we desire to come to a conclusion upon this matter, the way is so plain, and the only existing way, that the effort to keep out of it is admirable to me. We have here the House bill and we have the Senate bill. If we are to accomplish anything, what we determine in the Senate will ultimately be put as a substitute or amendment for the House bill. The ordinary rules take the House bill to a committee. The Senate bill is under discussion. What we propose to substitute for the House bill must be the result of long discussion here. We have had part of that discussion; we are approaching a decision; we are coming to a conclusion as to what is the desire of a majority of the Senate; and the moment that appears evident every device seems to be resorted to in order to give it the go-by.

If we desire that the result of the discussions of the two Houses shall be a law, the plain way is for us to go on with the discussion of our own measure until we determine what is the will of a majority of this body. We bring it into shape and form, and when we have brought it into shape and form we have the thing which we are to offer as an amendment to the House bill; our discussion has closed; our minds are brought together; that which we shall determine is the best possible form of legislation will have been effected, and we shall have accomplished something.

But if there is any particular reason why this measure shall have the go-by for this session and not seem to be killed, if there is any good reason why we shall appear to be anxious to have some interstate commerce law and yet not have such a law, the means resorted to and the suggestions which I have heard within two or three days in respect to the best method to consider this bill are admirably calculated to bring about just such a result. We shall seem to the country to be exceedingly anxious to have some measure of relief, some law, and yet we shall go on with entire safety and with confidence that no such law will be the result of our deliberations.

As was said by the Senator from Illinois, such has been the course for ten years. The people of this country have understood that the Congress of the United States has been deliberating, has been devising some measure of relief as to interstate commerce; yet the Congress of the United States has rested in perfect confidence that however much it may debate the measure, sometimes at one end of the Capitol and sometimes at the other end of the Capitol, nobody may take alarm, nothing will come of it in the shape of a law.

But now the Senate of the United States has it in its power to enact a law. It has got in its possession the will of the other branch. All it has to do is to determine what is its own will, and it has a bill be-

fore it for that purpose. It has been for weeks trying to ascertain what its own will is. As it approaches the point where its will shall be determined, I hear from different parts of the Senate suggestions that after all we had better rest awhile; we had better take this deliberately; we had better not act rashly. A bill has come over here from the House and it is to go to a committee. Let us quietly subside and let that bill take its ordinary course in committee. It will come back here, and then after this interim we shall go on with our debate as to what measure we shall offer, if any, as a substitute for it, or some one will suggest that it had better go over until the next Congress.

Sir, if the Senate desires legislation it has it in its power to effect that result now, and the plain, honest, straightforward way is to consider the measure now before it. I hope the Senator from Illinois will resist any motion to take his bill out of the hands of the Senate and send it back to the committee to sleep there alongside of the House bill, which so long as it is there is safe.

Mr. CULLOM. I desire to inquire whether the motion to refer was not withdrawn.

The PRESIDING OFFICER. The motion to recommit is pending, with notice that, if that motion shall be agreed to, the motion then will be made to refer the House bill.

Mr. CULLOM. I hope the motion to recommit will be voted down.

Mr. CONGER. If these bills are to be referred to committees and to await the action there, both the Senate bill and the House bill, it seems to me the House bill should take its proper and legitimate direction and be committed to the Committee on Commerce, which has always had the consideration of intercommercial affairs. In conversation with some members of that committee it was thought that as the House bill had come over here it would be better that that bill should be referred, a little out of its order, to the Committee on Railroads, in order to facilitate the examination of the House bill and permit the Committee on Railroads in that examination to determine what disposition they shall make of the pending bill.

Without committing myself to either of these bills, or to all the provisions of them, I am free to say that I think the country expects some legislation upon this subject during this session that will in some manner relieve the country from the complaints which are continually made in regard to the subject of interstate commerce. I have thought, and so the chairman of the Committee on Commerce has thought, although I was not present when he made his remarks, that it would be better to forego the control of the House bill to the proper committee, the Committee on Commerce, and let it go to the Committee on Railroads, who have had so much charge of this whole question, and let the discussion in the Senate go on, and, as has been very properly said by the Senator from Massachusetts, let the Senate by its discussions and by its amendments at least come to some conclusion in regard not only to the Senate bill but as to what should be done with the House bill, for every Senator has the opportunity of seeing at a glance, even while the discussion is going on, what the House bill contains, although it may have been referred to a committee.

I assent to the proposition that the bill shall be referred to the Committee on Railroads instead of going to the Committee on Commerce, where it would probably belong, and where from some of its provisions in regard to water navigation it ought by all means to go, except that we can meet those questions perhaps here in the Senate as well as before the committee. Let this discussion go on and let the Senate proceed with the consideration of the Senate bill, and let the House bill be referred to the Committee on Railroads and be as soon as possible reported back in accordance with the will of the Senate with such amendments or such substitution as they shall think the votes of the Senate and the will of the Senate shall demand.

Mr. CULLOM. I hope the motion to recommit will be voted down, but I wish to suggest to the honorable Senator from Michigan that if it is the wish or view of the Senate that water-routes or transportation by water should not be included in the bill a very few amendments to section 12 would take all that out of the bill, if in the judgment of the Senate it ought not to be there.

Mr. CONGER. It was in view of the opportunity of making such amendments here that, after consultation at least with some of the members of the Committee on Commerce and what we thought would be the natural proprieties of amendments to the bill, we did not ask that even that part of the Senate bill should be sent to the Committee on Commerce—at least as individuals we did not—but that whatever amendments we might see proper to propose as individuals or as members of the committee for the interest of the water navigation of the country should be made in the Senate.

Mr. SLATER. It is quite apparent that there is no real difference on the two sides of the Chamber in regard to the result to be reached, parliamentarily speaking, on the bill. I shall vote to recommit the bill now under consideration, and should the Senate decide not to recommit it I shall then vote against the reference of the House bill, as I desire to have the two bills considered in conjunction. I think the proper method is by unanimous consent to let the House bill be printed, and let the Senate bill be considered as pending as a substitute to it. That will reach the point precisely, as I understand it, that both sides of the Chamber desire.

Mr. MAXEY. The object which I have in view is by some means to have the House bill considered along with the Senate bill. This bill now has hold of the Senate. The subject-matter of the House bill being the same as that of the bill before the Senate, the course which would be best would be to have the House bill considered along with the Senate bill, so that we may have the whole question before us. That is what I want to do, and if that can be accomplished better by retaining the Senate bill before the Senate, let the House bill be considered along with it without a reference, and then we shall have the whole matter before us.

Mr. CULLOM. I am informed that the House bill, which has been passed by that body and is now on the table of the Senate, will be printed by to-morrow morning, so that every Senator may have a copy of it. So far as I am concerned I desire that the House bill shall lie on the table and that we may go forward with the consideration of the bill before the Senate.

Mr. MAXEY. I said what I did with the expectation that the House bill would be printed by to-morrow, and with the further expectation that it was impossible to close the consideration of the Senate bill this evening, so that we should have the benefit of the House bill to-morrow.

Mr. ALLISON. I ask the Chair if the House bill will be printed unless there is an order to that effect?

Mr. MAXEY. I ask that it be printed.

The PRESIDING OFFICER. Under the rule when a House bill is referred it is printed. If it is not referred the Senate must order the printing.

Mr. ALLISON. I ask that it may be printed. Let that be understood.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate to move at this time that the House bill be printed. Is there objection? The Chair hears none, and the order to print is made. The question now is on the motion of the Senator from Arkansas [Mr. GARLAND] to recommit the Senate bill.

The motion was not agreed to; there being, on a division—ayes 18, noes 24.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON] to the amendment of the Senator from Illinois [Mr. CULLOM].

Mr. GARLAND. I want to make a motion that we proceed to the consideration of the House bill, but the House bill has been ordered to be printed. I wish the Senator from Illinois, if he can see his way through, to consent to the proposition I submit. If we pass a bill of our own here and send it to the House it goes there as a Senate bill and may not be reached this session. If we take up the House bill and pass that, that ends it; or if we amend that bill and send it back to the House with amendment, we shall get a result sooner. Will not the Senator from Illinois consent to let this bill go over until to-morrow and then have us proceed to the consideration of the House bill and accomplish what he wants?

Mr. CULLOM. I should like exceedingly to accommodate the honorable Senator from Arkansas, but my purpose is to go forward with the discussion and consideration of the Senate bill until we get it as nearly perfected as possible, by which time I have no doubt the House bill will be printed and on our tables, and then, if the bill remains in the Senate, I propose to offer as a substitute, or rather as an amendmendment to the House bill, the bill of the Senate as perfected.

Mr. GARLAND. That is perfectly feasible, and then it will go back, if amended in that way, to the House with the amendment.

Mr. CULLOM. Certainly

Mr. GARLAND. And they will get on there much quicker than if we send them the Senate bill.

Mr. CULLOM. I have no expectation of pressing the Senate bill to a passage by the Senate. What I desire is to offer it, when it is perfected by the Senate, as an amendment to the House bill, so that the two bodies may come together.

Mr. GARLAND. With that understanding, that to-morrow we shall get to the consideration of the House bill, my purpose is reached.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON] to the amendment of the Senator from Illinois [Mr. CULLOM].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois as amended.

Mr. INGALLS. Let it be read.

The PRESIDING OFFICER. The amendment as amended will be read.

The Chief Clerk read as follows:

And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed, for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end

that said commerce among the States may avail itself of the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

The amendment as amended was agreed to.

Mr. HARRISON. There is, I believe, now no amendment pending.

The PRESIDING OFFICER. There is no amendment except the one in the nature of a substitute.

Mr. HARRISON. I believe it was agreed that that should be withheld until the text of the bill as reported by the committee was perfected.

The PRESIDING OFFICER. The question upon the amendment in the nature of a substitute is suspended. Any amendment to either the original text or to the substitute will take precedence.

Mr. HARRISON. So I supposed. I rose for the purpose of moving to strike out in the first section the words after the word "President," in line 19, to and including the word "representation," in line 22.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Indiana.

The CHIEF CLERK. In line 19 of section 1, after the word "President," it is proposed to strike out:

And the commissioners shall be appointed so that the different interests affected by this act shall have, as nearly as possible, proper representation.

Mr. HARRISON. I believe the Senator from Louisiana [Mr. GIBSON] has an amendment pending to strike out the whole of this section after the word "Senate," in line 8, and it is proper, I suppose, that the vote should be taken on this, which proposes to strike out a smaller part.

I desire simply to say that it seems to me this commission should not be composed of men who are supposed to represent interests. The words which I move to strike out would imply that there was to be a railroad man on the commission, perhaps a railroad president or officer, and that there was to be some one representing the agriculturists, some one representing the manufacturing interests, and so on. If this commission is to accomplish the good which is expected of it it should not be made up of men who represent particular interests. We should not have there some one who understands that he is there as the representative of the railroad companies, and some one else that he is there as the representative of the interests of shippers who desire lower rates. We shall have no wise consideration of this question and no useful recommendations, in my judgment, from such a commission. I believe the President should be left free to choose men who will represent the general interests of the whole country, rather than to choose men who will stand for special interests. Therefore I move to strike out these words.

Mr. CULLOM. I was interrupted at the time when the amendment was read, and I ask that it be read again.

The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk read the amendment of Mr. HARRISON.

Mr. CULLOM. I do not care to take up the time of the Senate further than to say a word. So far as I am concerned I am not very particular whether that language remains in the bill or not. The Senate has had the opportunity of seeing the various enactments of different States upon this subject of transportation, and they will find that in most of them there is a reference to the different business interests of the country being represented upon the board. I think myself with the Senator from Indiana that there is probably nothing to be gained by that sort of a clause in this bill, if the appointing power exercises that discretion and prudence and wisdom which he ought to do, and which I suppose would be done in the case of the President of the United States.

I do not care to take up the time of the Senate in discussing the provisions, and hope the vote will be taken.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. McPHERSON. I should like to suggest to the Senator from Indiana that while the original appointments are made by the President with the advice and consent of the Senate, in the case of vacancies occurring by removal, resignation, or other cause there is no provision here that the Senate must agree to the Presidential appointments. Does the Senator from Indiana consider that that is implied in the section?

Mr. HARRISON. I am not responsible for that phraseology, but I should think that it would be implied.

Mr. McPHERSON. The original appointment, I see, must be by and with the advice and consent of the Senate; and in case of vacancy from any cause the provision is that the President shall fill it.

Mr. HARRISON. As this would be a public office, I suppose that without any such provision in the law the appointment could only be with the advice and consent of the Senate; but if the Senator has any doubt he can move to insert those words.

Mr. McPHERSON. I am not particular about it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

A division was called for.

Mr. CULLOM. So far as I am concerned, I will withdraw any opposition to the amendment.

The question being put, there were on a division—ayes 17, noes 9; no quorum voting.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. I ask that the amendment may be read.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment proposed by Mr. HARRISON.

Mr. BLAIR. The words there are "proper representation." I suppose that they are used simply in the sense of intelligent representation. It can not be possible that the provisions of the bill are for the creation of a commission that is to be made up of men interested specially for the railroads that are to be supervised; and yet the bill ought to provide, it seems to me, that this commission be made up of those who are intelligent upon the subject, and it would be very difficult to find men competent to supervise the transportation of the country who have not had more or less connection with and experience in the management of railroads.

I do not believe, since this language is taken from the acts of the various States, as the Senator in charge of the bill has stated, that there can be any possible objection to the present language. The word "proper" can simply mean intelligent, competent representation.

The question being taken by yeas and nays, resulted—yeas 26, nays 24; as follows:

YEAS—26.

Bayard,	George,	Miller of Cal.,	Sewell,
Beck,	Hampton,	Mitchell,	Sheffield,
Cockrell,	Harrison,	Pike,	Slater,
Coke,	Hoar,	Platt,	Vance,
Colquitt,	McPherson,	Pugh,	Van Wyck.
Dawes,	Manderson,	Riddleberger,	
Garland,	Maxey,	Sabin,	

NAYS—24.

Allison,	Conger,	Hawley,	Morgan,
Blair,	Cullom,	Jackson,	Palmer,
Brown,	Dolph,	Jonas,	Pendleton,
Camden,	Edmunds,	Jones of Florida,	Sawyer,
Cameron of Pa.,	Gorman,	Lapham,	Williams
Cameron of Wis.,	Harris,	McMillan,	Wilson.

ABSENT—26.

Aldrich,	Gibson,	Lamar,	Saulsbury,
Bowen,	Groome,	Logan,	Sherman,
Butler,	Hale,	Mahone,	Vest,
Call,	Hill,	Miller of N. Y.,	Voorhees,
Fair,	Ingalls,	Morrill,	Walker.
Farley,	Jones of Nevada,	Plumb,	
Frye,	Kenna,	Ransom,	

So the amendment was agreed to.

Mr. HARRISON. I move to insert at the end of section 3 these words:

Which is hereby declared to be a misdemeanor.

So as to make the section read:

SEC. 3. That if any transportation company engaged in interstate commerce shall collect, demand, or receive, in the transaction of the business of interstate commerce, more than a reasonable rate of compensation for the transportation of freight of any description, or for the use or transportation of any railroad-car upon its railroad, or on any of the branches thereof, or upon any railroad it has the right, license, or permission to use, operate, or control, said transportation company shall be deemed guilty of extortion, which is hereby declared to be a misdemeanor.

This bill is framed to punish what is here defined and is described as extortion by a criminal prosecution, but it is not anywhere declared in the bill what the grade of the offense shall be; it is not declared to be a crime or a misdemeanor, but it is said that a certain thing shall constitute extortion, and then in another part of the bill there is some provision for punishing it. I think it ought to be described so that the statutes upon that subject would apply.

Mr. CULLOM. I have no objection to the amendment, but the statement that it is nowhere described to be an offense, I think, is a mistake. I acquiesce in the adoption of the amendment.

The amendment was agreed to.

Mr. VANCE. Mr. President, I offer the following amendment——

Mr. HARRISON. Will the Senator from North Carolina while we are about it permit me to propose a similar amendment to the next section?

Mr. VANCE. Certainly.

Mr. HARRISON. I move that the same words be added at the end of section 4 where the offense of unjust discrimination is described. I move to add to the section:

Which is hereby declared to be a misdemeanor.

Mr. CULLOM. I have no objection to that amendment.

The amendment was agreed to.

Mr. VANCE. I now offer my amendment.

The amendment was read, being to insert as a new section after section 4:

SEC. 5. That it shall be a discrimination prohibited by this act if any railroad company shall charge, demand, or receive more for any package when shipped singly than for each of a number of like packages when shipped by the car-load, or in any greater quantity or number or in any less quantity or number than a car-load, the design and intent of this act being to secure an absolute

equality in rates between small and large shippers and consignees; except that a greater rate may be charged and demanded of shippers or consignees for freight shipped in less quantities than a car-load when such freight consists of horses, cattle, hogs, sheep, or other live stock, or of wheat, oats, corn, barley, or other grain shipped in bulk, and not put up in sacks, barrels, boxes, or other packages, or of pig, or bar, or slab iron, or of iron ore or other mineral ore, or of coal, coke, or coal-oil in a single tank or package to the car-load, or of lumber, logs, or firewood, or of any other commodity usually shipped or transported in bulk and by the car-load; but there shall be no difference or discrimination in rate as between shippers and consignees of the above excepted articles, whether such shipment shall be made by a single car-load or by a greater number of car-loads: *Provided*, That 10 per cent. may be charged and received on freight when shipped in single packages, and less than a car-load, in addition to the established charge on the same kind of goods, wares, or merchandise when shipped in like packages by the car-load, if the freight on all the articles shipped to the same consignee, to be delivered at the same point and at the same time, shall be less than $20.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina.

Mr. VANCE. Mr. President, the subject of the regulation of interstate commerce by the General Government was so ably and elaborately discussed by the Senator from Mississippi [Mr. GEORGE] a few days since that I do not deem it necessary to add anything more; but I desire to say a few words in the same line in relation to this amendment.

The tendency of our financial economy is toward the concentration of capital in a few hands; and capital concentrated in a few hands has a power of its own that enables it to tyrannize over capital that is scattered in many hands and in small amounts. Now, our laws forbid absolutely the tyranny of one man over another or of any kind of restraint whatever by one man over the personal freedom of another. Why should they not, as far as possible, also forbid the tyranny of superior means over inferior means?

The prime object of our free institutions is to secure the absolute equality of all the citizens before the law. Why not complete the idea and grant them all, rich and poor, an absolute equality in methods of acquiring wealth? You may say our laws already do this; that they apply alike to all men; and if one man is more shrewd, more zealous, more frugal and wise than another, and so gets ahead of his rival in business, it can not be helped, and it is not the function of legislation to remedy the disparity. Very true this is as between private citizen and private citizen. I would not have it otherwise if I could. It would indeed be an ill-arranged moral world if success was not the reward of diligence, frugality, and industry. And it would be quite as bad an arrangement perhaps if legislation were required or even permitted to step in and prescribe the dealings between the poor and the rich, between great dealers and small ones, between wholesale and retail bargainers.

If, therefore, a capitalist can by buying largely get goods at cheaper rates than the small dealer and thus undersell him and break him down, of course this is beyond the reach of legislation, for a man may lawfully do as he will with his own. He owes no duty to the public in this regard, and the law permits him to be selfish. But railroad carriers are public servants; they are created by the public for certain purposes, and to this end they are granted certain high powers and privileges. They are invested with a portion of public sovereignty; as the law expresses it, they are affected with a public interest and owe a duty to the public. In obtaining, therefore, a portion of the public sovereignty they necessarily relinquish a portion of the rights of private citizenship, notably that of exemption from the public control of their business methods within certain reasonable limits. To give them artificial life and perpetual existence, to give them power to condemn the private property of the citizen for their use, and to give them exclusive control of the highway for their vehicles, and then permit them to go uncontrolled as absolutely as though they were private citizens in the management of their business, would be a monstrous proceeding indeed. It would be the story of Frankenstein converted into actual fact.

Therefore when capital buys and sells by the quantity to the injury of small dealers we can, in either justice or wisdom, say nothing. But when capital obtains transportation for its wares over the railroad lines of the public carriers at cheaper rates than the small dealer, by reason of the wholesale character of the freights or for any other reason, to the injury of the poorer man, then the public, through the Government, becomes a party to this injury. It then becomes an injustice and a wrong, and not a mere misfortune inevitably resulting from the laws of trade. It then becomes the duty of the public by proper legislation to redress the wrong and to restrain its agents. In vain is the attempt to justify these discriminations on business principles; as well might a judge say that he is justified in imposing a light penalty on a criminal because he was a wholesale offender, and a heavy one on the unfortunate man who is honest enough to be brought into court only occasionally.

The function of the judge is to do justice impartially. The purpose of creating these carrying corporations was to carry goods for the citizens with like impartiality. Those acquainted with the details of the daily business of the people well know that the traders of small means are absolutely at the mercy of their rivals of greater capital in all traffic where freight charges enter considerably into the cost of the article. The big fish are constantly swallowing the little ones. It is bad enough that, in the nature of things, this must be so, but I submit that it becomes an iniquity when the law, through its chartered creatures, becomes a principal party to such a proceeding.

The subject to which this bill relates constitutes in my opinion the coming question of American politics. For the next twenty years it will be discussed and examined with ever-growing interest. Many mistakes will doubtless be made in the attempt to legislate upon it with justice to the people and the corporations. But a solution of the problem will be found. It may be that this bill is one of the mistakes, but it is a step in the direction of a much-desired object. I hail its appearance as proper tentative legislation.

One thing is very certain, indeed—that the people are not going to submit quietly to a condition of things which shall make the destiny of commerce and all other methods of acquiring wealth utterly dependent on either the caprice, the forbearance, or the greed of railroad corporations, uncontrolled and uncontrollable. I confess the difficulty of legislative interference in the practical details of railroad transportation without doing as much harm probably as good. It is a highly complicated and technical business, requiring both talent and experience to comprehend it aright. The experts are constantly throwing this into the teeth of legislators and defying their ignorant efforts at a remedy for the people's complaints. However little the average legislator may know about railroad transportation in contrast with an experienced official, he yet knows enough to understand that he should try to protect the people of little means against the extortions or discriminations of incorporated capital, and that effort will continue to be made until the proper remedy is found, for the genius of the people of the race to which we belong has always been found adequate to the proper redress of all grievances which have retarded their social and material progress.

This remedy would doubtless be found sooner, and at less cost to all parties, if the great body of the carrying corporations would co-operate, as some of them have done, with the people's representatives in procuring that just and wise legislation which is so much desired. In this way their experience and great abilities could not only be made of service to the country at large, but of greatest use to the interests of their own investments; for this is the safest and surest preventive of communism and the destruction of the mob. There are no reasons but mistakenly selfish ones why railroads should not be made as popular as they are beneficent in their general tendency as the chief implement of modern progress. Their recent management has created well-grounded fears both of their effect on the just distribution of public wealth and of their influence on the freedom and purity of our institutions. Let the wise among the many very able railroad men of the country look to it.

Mr. GEORGE. Mr. President, the amendment offered by the Senator from North Carolina [Mr. VANCE] is in my judgment very important, whether regarded with reference to the principle involved in it, or considered in reference to the practical effects to flow from its adoption. I am aware, sir, that it is not likely to meet the approbation of the Senate; yet my convictions are so clear both as to its abstract justice and the great good that would come from its adoption, that I should consider that I had failed in the discharge of my duty as a Senator if I were to allow any considerations as to its popularity or any motive connected with my personal fortunes or my personal comfort and convenience to influence me to omit any effort in my power in conjunction with the Senator from North Carolina to secure for it the favorable judgment of the Senate. While, sir, I think this as to the chances of its adoption now, I have the strongest conviction that in the near future the principle on which it is based will prevail.

In all the discussion on the subject of railroad supervision it seems to be conceded on all sides that if there be one evil in railroad administration which should be remedied it is the practice of discriminating between shippers. It seems to be acknowledged by all that these institutions, in discharging the functions for which they were created, should treat all alike; giving to none advantages denied to others, and imposing on none unequal burdens, so that these great and essential agencies of commerce would be equally the servants and benefactors of every class of our people. And with this conceded universally, it seems strange that the practice of charging for goods commonly shipped in separate parcels or packages a higher rate when one or a few parcels only are shipped than when a large number are the subject of the shipment should not be as universally recognized as an unjust discrimination against the small shipper. This must arise from the application of the commercial principle, as it is recognized and acted on in transactions strictly private, to the performance of public duties by an agency which, though private in its ownership and in the profits it may gain, is nevertheless in its essence, in its creation, and in its service a public instrumentality, and subject to the supervision and control of the State.

Certainly, sir, I need not prove that railroad companies are public institutions in the service they render, and are therefore subject to regulation and control in their methods by the State. If anything is settled in American law that is settled. These companies themselves acknowledge and act on this when favors are to be granted and exceptional privileges are to be bestowed. They have been the recipients of bounties and subsidies from the Federal, as well as from State and municipal treasuries. They are the donees of the power of eminent domain, by which they lay their tracks and erect their depots wherever they will, on whose land they please, without the consent of the

owner. On no other ground than that they are public institutions, created to perform a public work, useful and necessary for the public good, can these privileges or powers be claimed or granted. That is clear and undoubted law.

Then, sir, how are they to perform this service? We have assumed, sir—I believe nobody disputes that—that this service must be on reasonable charges. The bill reported by the committee assumes this and undertakes to enforce it. The bill also undertakes to prevent discriminating rates between shippers for a similar service under similar circumstances. We seem to be agreed on that. No bill, or substitute for a bill, has been introduced in either House of Congress, as far as I know, which does not provide against discrimination. The object of the amendment is solely to prevent discrimination. The question seems to be this, and this only—whether the fact that one man has a larger quantity of goods for shipment than another, but the goods of both being of the same kind and alike packed in separate parcels, and both received at the same place and shipped to the same destination, constitutes such a dissimilarity in the circumstances as will justify a railroad company in making discriminating rates, charging more per package to the smaller shipper than to the larger; or, to state the exact case in different language, whether the adoption of a rule by the railroad companies by which men of small capital shall habitually be made to pay more for the same service than is charged to their rivals in business who have larger capital is a just and proper mode of performing a public service. There seems to be but one answer to this proposition, unless we are prepared to say that a difference in wealth justifies a difference in charges, or burdens, by a public agent in favor of those who have the most of this world's goods. I do not think we are prepared to say this, nor is the country prepared to accept it as a just and proper rule of public service.

If it be said that a railroad company can transport goods more cheaply when a single person shall ship a car-load than when the car is filled by the goods of several shippers, I answer, if this be conceded, it is an argument which the railroad companies have no right to insist on, since they habitually refuse to regulate their charges by the cost of transportation. Their practice is to charge not according to the cost to them or the value to the shipper of the work done, but according to the rule of "what the traffic will bear." Cotton, corn, wheat, iron, coal, furniture, dry goods are charged different rates for the same amount of work. The division of freights into many different classes is based solely on the idea that these different classes are charged different rates for the same work. The rule of equal charges for equal work and equal cost on transportation is also habitually violated in the higher charges for short hauls between non-competitive points than for longer hauls where there is competition. This pretended rule has no existence whatever in railroad transportation. It is utterly repudiated in practice. I submit, sir, with confidence that an assumed rule, existing only in imagination, condemned and repudiated by the railroad companies in practice, can not be invoked by them to justify acts of injustice and wrong.

Sir, I am not bound to go further than to show that the railroad companies are estopped to make the argument what I have answered; yet I will do so. The amendment asks for positive interference with the business of railroad companies, and I admit that no such interference should take place for light or trivial causes, but only on grounds of great public good. I proceed now to demonstrate that the highest public good demands this interference.

No man who has given the slightest consideration to what is going on all over the civilized world can have failed to notice the centralization or concentration in commercial and industrial affairs which so strongly marks the present age, and no man who has reflected seriously on this subject has failed to perceive the great revolution it has wrought, and the still greater changes now daily going on as a consequence of it, not only in our economic system but in our social order, and even in our political institutions. A thoughtful English writer has said in a late number of McMillan's Magazine:

> Industrial concentration, above all, is the rule of the age. Steam has extinguished handicrafts, and as steam-power is most economically applied on the largest possible scale, its every development aggravates the general tendency to aggregation, to the concentration of business in larger and larger establishments, the extinction one after another of the smaller. Trade after trade is monopolized, not necessarily by great capitalists, but by great capitals. In every trade the standard of necessary size, the minimum establishment that can hold its own in competition is constantly raised. The little men are ground out, and the littleness that dooms men to destruction waxes year by year.

I regret, sir, that these uncomforting words are but too true. The condition of affairs they represent is sad and alarming. So evident is and has been their truth for years, at least to my mind, I shall beg the indulgence of the Senate to repeat what I said in this body in July, 1882, in advocacy of the proposition to remove all custom-house taxation from the tools of mechanics and implements of agriculture. I then said:

> Sir, I look with alarm at the modern tendency of affairs to destroy these independent laborers carrying on business for themselves and the absorption of all such in large workshops under a master. I fear that this tendency can not now be successfully resisted. The perfection of the many curious and useful machines to save human labor, the substitution of the steam-engine and machinery for human muscle and human intelligence, the greater efficiency of labor coming from its subdivision, all tend more and more to put all mechanical labor under the control of large capitalists in large shops. * * * We are in that era of the world's progress in which great capital employing large numbers of laborers is the rule.

I further said, on that occasion, that if this tendency to centralization in business affairs could not be successfully resisted, the evils, like all others, might be ameliorated, and the best means to do it was to foster and encourage independent workers in independent employments—small enterprises as against the overshadowing power of large establishments. I repeat that sentiment to day. I press this amendment with that object. I know, Mr. President, that large capital has a legitimate advantage over smaller means. This advantage is inherent in it. It can not be taken away. I have no wish to legislate against these advantages so far as they are legitimate and proper. They constitute the principal if not the sole incentive to the energy, enterprise, and self-denial necessary to the production of wealth. Without this enterprise, without this energy and self-denial, there can be no progress. It is the possession of these which makes the difference between an advancing and progressive people and the deadness of retrogression or the languor of a semi-civilization.

That a man will sell a million of bushels of corn or wheat, or a million yards of cloth, or a million pounds of meat, or of any other commodity, for a less sum per bushel, per yard, or per pound than he will sell a small quantity results from a necessary economic law—it is more beneficial to him. That he who is able to buy and does buy in these large quantities can buy cheaper than he who buys less results from the same law—it is more beneficial to the seller. This advantage, therefore, is inherent in the possession of large capital. No human law can take it away. The attempt to do so would be an unwarranted and, at the same time, unavailing invasion of private right—a despotic dictation in the private and personal affairs of mankind, inconsistent even with the enjoyment of private property. Nor, sir, can any human law regulate or fix the price to be paid for any commodities offered for sale in private trade, nor the price which one man may charge another for work or labor. All these must be left to the laws which govern and regulate trade and traffic among mankind, and the agreement of the parties, when they are on equal terms.

It is equally unavailing and equally violative of private and personal right to attempt to reverse by direct legislation, by positive enactments of repeal or destruction, the economic laws to which I have alluded, and which have produced the alarming tendency to concentration spoken of by the writer I have quoted and recognized as true by all thoughtful men. You can not, sir, by force of a statute decree that small enterprises, small establishments, shall be more profitable proportionately than larger ones. What has been evolved by the natural and normal operation of economic forces in the present condition of human progress and human conquest over the powers of nature must remain so until further progress, further conquest, shall produce different results.

But, sir, while we are thus impotent to reverse or repeal these economic laws and thereby arrest entirely or abrogate the present tendency to concentration and aggregation in industrial and business affairs, yet as human laws may and have increased this tendency human laws may retard it and lessen the hardships arising from it. If we can not fix the price of commodities as between private traders nor regulate the price of labor or service in private employments, we can and do accomplish this to a great extent in public employments. This bill now under consideration is an attempt to do this. The amendment is also an attempt to do this, with the superadded effect of counteracting this baneful tendency. If it be true, as we know it is, that under the present order of things the little men, little enterprises, are doomed to destruction, that the general tendency is to the aggregation and concentration of business in large and larger establishments, then it is also true that this tendency is increased and accelerated by the practice of these public institutions in adding to the weight of the already overburdened small enterprises a discriminating heavier rate in freight charges.

The little men, the little establishments, must not only contend with all the natural and inherent advantages arising from the possession by their rivals of larger capital, but they must also counteract an adventitious and inequitable superiority arising from the misuse of a public agency intended for the equal benefit of all. He who could but with difficulty stand the competition of larger capital, with its natural and inherent superior opportunities and greater equipments for the contest, is crushed by the superadded, differential burdens imposed by the railroad companies. Sir, there is no spectacle which ought to engender a warmer sympathy or a purer admiration than that field on which a man of high aspirations, yet undowered of fortune, wages with noble self-denial and tireless energy an unequal contest with inherited or acquired wealth for independence and success in life; and there is no sadder reflection than comes from the conviction that the conditions of life are such that the chances of such a man for success are diminishing more and more every year. I am not speaking now of those rare instances in which extraordinary talents and extraordinary natural endowments are seeking advancement, but of the general average of our people. What is good for them is good for the Republic; what is bad for them is bad for the Republic.

Mr. President, if society had so crystallized here into castes and classes that he who is born into one class must always remain in it, if a member of what is called the laboring classes—wage receiver—must always remain an employé receiving wages from others, I would admit that whatever would cheapen production, even this concentration and aggregation of capital, now favored if not compelled by the present system and the destruction of all smaller enterprises, would be a public good. For in that case the condition of the laboring classes would be improved in the opportunity furnished of providing comfort and necessaries at a cheaper rate. But, sir, we have not yet reached that state; it is the highest duty of statesmanship to devise measures which will prevent its coming. It has been our boast that under our institutions every child is born to all the possibilities of good fortune. We should take care that this boast is not idle.

We take a proper step in this direction when we make provision that at least in the administration of public institutions, the management of railroad companies, nothing shall be tolerated which shall make success more difficult to small enterprises, to men of small capital, in their struggle with larger establishments. We may well forego the utmost cheapness of production, possible only by the crushing out of all small enterprises, if we foster and encourage the manhood and independence of the American people by removing as far as we may the obstacles which bar success and advancement to most of them.

Mr. President, it will be a rueful day for America when the great mass of our people shall settle down in the belief that all improvement in their condition is impossible; that the prize of independence, at least, coming from the possession of that moderate degree of property necessary for the gratification of the tastes and domestic ambitions of men, can no longer be won by less than the most extraordinary abilities and the most tireless energy and the severest self-denial; which means that it is unattainable by the mass of the people. I quote from the author already referred to:

Men covet what they may hope to win; they grudge what they are practically if not legally forbidden to attain. Hopeless intellect, despairing ambition, are dangerous in proportion to the greatness of the prizes, the insuperability of the obstacles before them. The more heavily the powder is loaded, the more probable and more destructive its explosion. Aspiring strength and courage never acquiesce in defeat. They will climb the mountain if they can; but if not, they will strive to level it.

These words are the more weighty if it shall also be accepted as true that these hard conditions result or have been hastened or fostered by the action of the Government or the practice of public instrumentalities subject to the control of the state.

Mr. President, the greater part of a frugal and laborious life has been devoted to the acquisition of that small share of capital necessary for comfort and independence. I desire to protect and shield it, not to destroy or endanger it. I know this can not be done by making or permitting it to be a despotic and unfeeling master instead of a useful servant of society. There ought to be such relations between capital and labor, between large capital and small capital, as would secure the harmonious co-operation of both and all for the common good. And in the end, in a free country with universal suffrage, this co-operation will be secured, or either capital or the free institutions will be destroyed. They can not coexist for any long period in irreconcilable antagonism.

So, sir, if I could forget the ills resulting from its misuse, if I could forget its aggressions or its failures, if I shut my eyes to the misery of the thousands of idle laborers who, from a want of harmony and co-operation between them and their employers, are suffering in penury, and would consider alone the interests of capital, I would support this or any other just measure which would tend to a greater harmony, a surer co-operation between these now antagonistic forces.

At this very moment when we are considering this important measure, these conditions which intensify this antagonism exist more generally than ever before in our history. Notwithstanding our high protective tariff, passed avowedly in the interest of American labor and the owners of small capital, our farmers, there never was more distress. Strikes, which are the protests of labor against what it considers its failure to receive a just share of the joint products of labor and capital, were never so numerous. Want, hunger, and pinching poverty have invaded the households of nearly all who depend on their labor for their daily support. Where men are not wholly without work their wages have been reduced from 20 to 30 per cent. The products of the farm have fallen to that point where they do not pay the cost of production. The farmers are unable to pay their debts; they are unable to make purchases. This reacts on the commercial and manufacturing interests of the country. The pressure is so great that only the greatest and the strongest establishments can stand.

We hear everywhere the cry of overproduction, which is but another name for underconsumption, caused by the inability of the great mass of consumers to purchase. Overproduction can not commence till all have an abundance.

I read from the New York Herald of the 21st December last the following, and ask for it the careful consideration of the Senate:

Events have succeeded so fast in commercial and financial circles that it is difficult to keep pace with them. The universal clamor against the railroads, the continuance of business failures, the industrial depression, the disruption of the coal pool, and the general shake up in Wall street, all claim attention and are earnestly discussed.

DEPRESSED TRADE AND IDLE WORKMEN.

Failures are numerous as ever, and with the possible exception of cottons no improvement is reported in any branch of trade. It is pleasant to note that several iron and steel works in Ohio and Pennsylvania are to resume to-morrow after several months of idleness; but the general situation is by no means cheerful. Statistics collected by Bradstreet's in twenty-one States, which represent 90 per cent. of the manufactures of the country, indicate that 350,000 workmen are idle, and in this city alone about 55,000 industrious workers, besides several thousand clerks and salesmen, are unemployed. Of those who are at work the wages of unskilled laborers have been cut down—taking the country at large—from 20 to 30 per cent. during the current year, and skilled laborers generally are receiving from 10 to 15 per cent. less than a year ago.

LOW PRICES OF COMMODITIES.

Commodities have been reduced perhaps in proportion, and the "staff of life," in its crude form and at wholesale, touched the lowest price on record during the past week. Out West the farmers continue to cry out that they are not getting first cost for their crops, and the agitation against the railroads in that region is at white heat. Kansas farmers, who get but 12 cents a bushel for corn, while the railroads charge double that amount for carrying it to Chicago, are certainly confronted with a seeming injustice, and it is natural that they should call upon the roads to divide the pressure of hard times by reducing freights.

Now, Mr. President, I do not claim that all these ills come from the action of railroads in discriminating against small shippers. I call attention to these uncomforting facts more to show that our present condition is unsatisfactory and is of that sort that greatly tends to increase and intensify the antagonism between these belligerent forces. That some of these ills have been increased by this discrimination I do not doubt. It seems too clear to require argument that if there were more independent workers a fairer and more equal distribution of manufactures and business among the many, instead of this concentration in great establishments and under great capital, there would be a greater reserve fund for the community to fall back on in times of distress than there is now, or at all events this reserve fund would be more generally distributed and therefore more efficacious to ward off and remove distress.

Mr. President, if this amendment, or something like it in principle, should be adopted we might, I think, look with confidence to the following good results:

1. Small enterprises of all kinds would be encouraged and fostered, and the present tendency to divide the people of this country into two great classes, one of large or associated capital as employers and the remainder as employés, would be checked. That middle class of enterprising, energetic men, of little or no capital, who have done so much to advance our prosperity and to make our free institutions stable and orderly, and which under the present system are disappearing, would be increased not only in number but in influence and power.

2. There would be a great saving in the cost of distribution. Under the present system, as I fully pointed out on another occasion, our created wealth is largely concentrated in large cities, and from these centers both manufactures and agricultural products are distributed to the country tributary to them respectively. If small shippers were charged no more than the larger the agricultural produce of the West would go from the shipping point nearest to the place of production directly to the consumer in the South and in other States, and the expense and delay of shipping to the great cities and thence distributing to the consumer would be avoided. The producer and consumer would be brought nearer together and the profits of middlemen saved and divided between them. The producer would receive more and the consumer would pay less.

The present system of concentrating all agricultural products in the warehouses and elevators of a few large cities prior to distribution for consumption has begotten the great evil of dealing or gambling in futures, and enables a few men to make "corners," whereby the price of these products, after they have gone from the producer, is frequently raised inordinately to the consumer, and sometimes these prices are unduly depressed to the injury of the producer without corresponding benefit to the consumer. This would be checked by bringing the producer and consumer more directly together. My own State has been and is now the victim of the unequal charges sought to be remedied by the amendment, and of the higher charges for short over longer hauls, on which I commented a few days ago. The merchants and farmers of Mississippi are made to pay more on goods shipped from the North and West than consignees who receive their goods from railroads hauling them through the State. Freights from Cincinnati to New Orleans are lower than from Cincinnati to any point in Mississippi through which goods are carried on the longer trip. By the two evils combined the growth of her cities and towns and the advancement of her farmers have been sacrificed to the building up of other communities more favored in railroad transportation While, as stated in the extract from the New York Herald, the farmers of Kansas get 12 cents a bushel for their corn the consumers in Mississippi pay for it from 75 cents to $1. This great difference, amounting to from 600 to 800 per cent., is wholly lost to the producer and is largely added to the burden of the consumer over a fair and reasonable price.

4. It would be a step in the direction of having legislation in favor of labor and small capital, and would tend to dissipate a feeling and sentiment existing in too many localities and among too many persons that legislation has been and will continue to be adverse to these interests. This, sir, will be one of the most beneficent effects of the amendment.

The large and prodigal land grants made to railroad companies, and the failure of Congress to restore them to the public domain when they

have become forfeited; the extra privileges granted to the banks, whereby they are said by their friends to be the "pets of Congress," the relieving them of most of the taxes once imposed on them, the effort likely to succeed to relieve them entirely, and the leaving to them the power to contract or expand the currency at will; the establishment of a gold standard, whereby the burden of debts has been greatly increased; the taxation of the commonest necessaries of life and of the implements and tools used by laborers; the extravagance and corruption in administration; the collection of a large surplus not needed for the support of the Government, are some of the things which have created the impression among the people that the Government is unduly neglectful of the interests of labor and small property-holders. This impression produces discontent; and especially is this discontent in some parts threatening to-day. The best way to remove discontent is to remove the cause. Where there is injustice and wrong there will be remonstrance and active opposition.

I quote without indorsing fully the words of a great preacher, spoken only a few days ago:

DANGERS OF ANARCHY.

Let us remember that the same social movement of the workingmen is running abroad of the new Christianity, as in the time of Wycliffe, and an old order is passing away. Liberty has degenerated into license; self-interest has turned out selfishness; natural law has left us no place for moral law; the right of might has legitimized a new tyranny; *laissez faire* has resulted in chronic crises. If my buggy is constantly breaking down, I know it is time to get a new one. So when our commercial system comes to a standstill every ten years it is time to have a new one. Bradstreet's is authority for the statement that 300,000 are out of work in our most favored land. There is danger of anarchy to-day, and any one who reads the wild and fiendish utterances at Chicago on Thanksgiving Day may see the danger.

Power and wealth may try repression. Now, there is nothing quite so sure of creating an explosion as to pile the weights on the safety-valve when there is a furious pressure of steam on. That may come in the nineteenth century, as in the fourteenth. That will come unless relief is found for the forces of discontent.

And you large-minded men of business, see to it that no irritation springing out of the intolerant and disagreeable attitude which labor may assume to-day in its consciousness of power shall prevent you from doing your duty. See to it that the standard of the age which is held up before the advancing army of humanity is none other than the form of the Carpenter's Son.

He sees danger more imminent than I do, yet I confess there is that in the present condition of affairs which ought to make us pause and reflect whether in our rapid strides to and eager pursuit of great wealth we are not sacrificing to magnificence and splendor in outward appearances the real interests of the great mass of the people, upon whose labor, intelligence, and thrift all substantial progress depends.

I am sure, sir, that nothing can do more to remove discontent and to break down any incipient spirit of anarchic socialism than the conviction, if it should prevail, that the American Congress is doing and is disposed to do all that may rightly and constitutionally be done to make the operations of the Government equal to all in its benefits and in its burdens. The adoption of this amendment would aid in producing this conviction, and it would aid also the struggling weak in their unequal contest with the strong, by establishing a just equality in a public service.

I hope the amendment will be adopted.

Mr. BROWN. Mr. President, I desire to offer the following amendment to the amendment of the Senator from North Carolina:

And be it further enacted, That no merchant shall sell a larger package or quantity of goods at a smaller per cent. than he charges for a smaller package of goods of like quality if the goods have been produced in or transported from another State so as to fall within the power of Congress to regulate interstate commerce.

The PRESIDENT, *pro tempore*. The Senator from Georgia proposes an amendment to the amendment offered by the Senator from North Carolina. The amendment to the amendment will be read.

The Chief Clerk read as follows:

And be it further enacted, That no merchant shall sell a larger package or quantity of goods at a smaller per cent. than he charges for a smaller package of goods of like quality, if the goods have been produced or transported from another State so as to fall within the power of Congress to regulate interstate commerce.

Mr HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 9, 1885.

The House met at 12 o'clock m. Prayer by the Right Rev. H. A. NEELY, D. D., Bishop of Maine.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HUTCHINS. I rise for the purpose of moving to dispense with the morning hour, so as to bring before the House for consideration the naval appropriation bill.

Mr. TALBOTT. I ask the gentleman to yield to me for one moment.

Mr. HUTCHINS. I yield to the gentleman from Maryland.

JOHN W. FRANKLIN.

Mr. TALBOTT. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay John W. Franklin, executor of the estate of John Armfield, late of the county of Grundy and State of Tennessee, $18,000.21, out of any money in the Treasury not otherwise appropriated; it being the proceeds of $30,000.36 in legal money taken from the Bank of Louisiana, at New Orleans, La., by Capt. J. W. McClure, assistant quartermaster, under military order No. 202, and by him turned over to Col. S. B. Holabird, chief quartermaster of that department, and by him disbursed; and such payment shall be in full of all claims from any source upon the Government for repayment of said moneys.

Mr. HOLMAN. I suggest that the report should be read.

Mr. TALBOTT. I will state that the report in this case is quite a lengthy one. The bill has been twice reported and passed in the Senate. It has been unanimously reported by the Committee on War Claims of this House, and a similar bill is pending before the House.

Mr. DIBRELL. The bill simply proposes to give to a lady money captured from her husband and paid into the Treasury of the United States.

Mr. McMILLIN. I wish to state that I have examined the claim and I think it is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATHAN H. DUNPHE.

Mr. LONG. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 754) for the relief of Nathan Y. Dunphe, of Bridgewater, in the State of Massachusetts, and that it be now put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nathan Y. Dunphe, of Bridgewater, in the State of Massachusetts, the sum of $9,370, in full compensation for fifty hogsheads of sugar which were seized in the State of Louisiana, in the year 1862, by the military authorities of the United States, turned over to the Quartermaster's Department, and properly accounted for by that department.

The following amendments were reported by the Committee on War Claims:

In line 5, strike out "Y" and insert "H."
In line 6, strike out "$9,370" and insert "$2,400."
In line 8, strike out "50" and insert "25."
In line 10, strike out "1862" and insert "1863."
Amend the title so as to read: "A bill for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. Is there a report accompanying it?

Mr. LONG. There is a report. The bill is reported unanimously by the committee. If it is desired the report may be read.

Mr. HOLMAN. Let the report be read.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 754) for the relief of Nathan H. Dunphe, have had the same under consideration, and report as follows:

Nathan H. Dunphe, a citizen of Massachusetts, engaged in trade in Louisiana at the breaking out of the war, and was the owner of two lots of sugar of fifty hogsheads each. One lot has already been paid for by the Government, but owing to a lack of evidence as regards the other lot, until after the passage of a bill for his relief, the second lot was not included under the evidence before us. It is now certain that twenty-five hogsheads, weighing upon an average 1,200 pounds, and worth at the lowest price 7½ cents per pound, were taken by the proper seizing officer of the Army, under command of Maj. Gen. N. P. Banks, in May, 1863, and sent to New Orleans and turned over to the proper officer.

This sugar was in a public warehouse at Port Barre, La. All sugar in that vicinity appears to have been seized under orders.

Dunphe was a loyal citizen, and ought to be paid.

The remainder of his sugar was destroyed in a storm, so as not to be marketable, and was not sent to New Orleans, but was taken and used by the soldiers. This we do not allow.

We therefore recommend that the bill do pass, with the following amendments:

In lines 6 and 7 strike out the words "nine thousand three hundred and seventy" and insert in lieu thereof the words "two thousand four hundred;" and in line 8 strike out the word "fifty" and insert the word "twenty-five;" and in lines 9 and 10 strike out the word "sixty-two" and insert the word "sixty-three."

Mr. HOLMAN. I wish to ask a single question, whether it appears from the testimony that the proceeds of this sugar sent to New Orleans were paid into the Treasury.

Mr. LONG. It appears from the report that it was accounted for by the Quartermaster's Department.

Mr. HOLMAN. It is desirable that that fact should clearly appear.

Mr. LONG. The gentleman from Illinois [Mr. ROWELL], who reported the bill, can state what is the fact.

Mr. ROWELL. The sugar was turned over and accounted for at New Orleans, and used by the proper officers for the use of the Army.

Mr. McMILLIN. Was there a portion of this given as a reward for information at the time of the seizure?

Mr. ROWELL. Not in any way. It was only applied for the use of the Army.

Mr. TOWNSHEND. This bill is of the nature of a number of similar cases now pending.

Mr. HUNT. All of the same nature ought to pass.

Mr. TOWNSHEND. It is of the nature of a great many claims, some of which are from my own section, and not one of them has received the attention of the committee.

Mr. HOLMAN. I do not wish to object, but as to all this class of claims the fundamental principle has prevailed that in passing bills to refund money it should be made clear that the money has gone into the Treasury. The fact that here it has been accounted for does not appear definitely. I do not, however, wish to object.

The SPEAKER. The question is on concurring in the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read "A bill for the relief of Nathan H. Dunphe."

PERSONAL EXPLANATION.

Mr. POTTER. Mr. Speaker, I rise to a matter of privilege. The gentleman from Pennsylvania [Mr. EVANS] is stated in the RECORD of Wednesday last as having been paired with myself upon the pension appropriation bill. I was present and voted in favor of that measure, not understanding the pair to extend beyond last week. The gentleman from Pennsylvania understood otherwise. If he had been present he would have voted for the pension appropriation bill, and desires to have it so stated.

ENROLLED BILLS SIGNED.

Mr PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia; and

A bill (H. R. 4539) to issue American papers to the lighter, or barge, Pirate, now at New York.

HARBOR OF REFUGE AT LUDINGTON, MICH.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, inclosing report of board of engineers of a preliminary survey for a harbor of refuge at Ludington, Mich.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. THOMAS WILLIAMS, of Alabama, in place of Mr. Shelley, as a member of the Select Committee on Ventilation and Acoustics.

COLUMBIAN INSTITUTION FOR DEAF AND DUMB.

The SPEAKER also announced the appointment, under statutory provision, of Mr. TUCKER and Mr. RYAN to fill vacancies in the offices of directors on the part of the House of Representatives of the Columbian Institution for the Deaf and Dumb.

LEAVE OF ABSENCE.

Mr. SUMNER, of California, by unanimous consent, obtained leave of absence until Monday next, on account of important business.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The gentleman from Indiana calls for the regular order, which, this being Friday, is the call of committees for reports of a private nature.

Mr. HUTCHINS. I move to dispense with that order for the present. If this motion be adopted I shall move to go into the Committee of the Whole on the bill making appropriations for the naval service for the fiscal year which will expire the 1st of next July. I need not state to the House that the appropriations for the naval service expired on the 1st of the present month, and the Naval Department to-day is unable to expend a dollar for any purpose. This bill, I apprehend, will take but a very few moments for its consideration, and I hope there will be no objection to my motion.

Mr. McMILLIN. I will ask the indulgence of the House to say in response to the gentleman from New York [Mr. HUTCHINS] that during this session no part of any private bill day has been devoted to the consideration of private bills. There are hundreds of reports——

Mr. HUTCHINS. The gentleman will allow me to make a suggestion. I appreciate his objection, and under the circumstances of the case I will ask that unanimous consent be given to proceed with private business to-morrow, devoting that day to this business if the order of private business should be dispensed with to-day. I think there will be no objection to that.

Mr. McMILLIN. I believe it is indicated that one gentleman will object.

Mr. HUTCHINS. No; there is no objection.

Mr. McMILLIN. I have made a similar arrangement once or twice before, and it has come to naught. My only desire is to obtain consideration of these private measures. I think we ought to consider them. The Appropriations Committee can occupy to-morrow as well as they can to-day. I fear that if private business be dispensed with to-day we may have an adjournment over or some other difficulty, as we have had in the past, to prevent the consideration of these private claims. There are hundreds of them upon the Calendar. Either these claimants are to have no consideration of their cases at all by this Congress, or they must have it soon. It is for this House to determine whether it will lend an ear at all to these claimants.

Mr. RANDALL. Mr. Speaker, it is desirable that the naval appropriation bill should be passed to-day. I do not think it will occupy half an hour—certainly not an hour. The bill represents the unanimous judgment of the Committee on Appropriations, so far as I am able to learn. For one I shall be glad if the time taken from the consideration of private business to-day by reason of the consideration of the naval bill be given to the Private Calendar to-morrow. There will not, I think, be an adjournment over, because the consular and diplomatic appropriation bill is now ready to be called up.

Mr. McMILLIN. I will ask the gentleman from Pennsylvania whether the bill he desires to bring up is not the bill making appropriations for the Navy for the residue of the fiscal year?

Mr. RANDALL. Yes, sir.

Mr. McMILLIN. Have we not already pending in the Senate two bills making such appropriations?

Mr. RANDALL. There are three.

Mr. McMILLIN. And now we are to have a quartet, it seems.

Mr. REED. They want to make the appropriations in slices.

Mr. RANDALL. We think that the bill now presented as a new measure in a spirit of harmony, and in order to bring about co-operation between the two Houses, will meet the concurrence of the Senate; at least we hope so.

The SPEAKER. The Chair understood the gentleman from New York [Mr. HUTCHINS] to ask the postponement of private business for the purpose merely of considering and passing the appropriation bill. The Chair did not understand that the gentleman's motion sought to dispense entirely with the consideration of private business to-day.

Mr. HUTCHINS. That was not my intention.

The SPEAKER. The Chair so understood.

Mr. McMILLIN. I do not like to be unreasonable in this matter, but it seems to me that this appropriation bill could as well go over until to-morrow for consideration.

Mr. RANDALL. The idea was to have it passed to-day so as to go over to the Senate, where it could be passed to-morrow; otherwise it will have to go over until Monday next.

Mr. McMILLIN. If the House is willing to give unanimous consent and will agree also to substitute to-morrow for to-day for the consideration of business of the Private Calendar, with the further understanding that there shall be a session to-morrow, I do not feel disposed to interpose further objection to the consideration of the appropriation bill suggested by the gentlemen from New York; but I give notice, Mr. Speaker, that I shall hereafter insist that at least one day in the week shall be devoted, as the rules have provided, for the consideration of business of the Private Calendar.

Mr. STOCKSLAGER. I give notice, Mr. Speaker, that I shall object to any such arrangement. I am chairman of a committee which has had no proper consideration for the business which has been reported from it.

Mr. McMILLIN. Very well then; I shall insist on going on with the private business, which under the rules has been set apart for this day, and then will leave the matter to the determination of the best judgment of the House.

Mr. HUTCHINS. This bill will take but little time.

Mr. McMILLIN. But the gentleman from New York forgets that at 5 o'clock we take a recess until 8 this evening for the consideration of pension bills.

Mr. HUTCHINS. The time consumed in this discussion would have sufficed to have disposed of this naval appropriation bill.

The SPEAKER. Objection having been made, there is nothing before the House.

Mr. HUTCHINS. I move to dispense with the private business for to-day, giving notice that it is my intention to call up the naval appropriation bill.

Mr. McMILLIN. The motion to dispense with the morning hour will require a vote of two-thirds?

The SPEAKER. It will.

The House divided; and there were—ayes 67, noes 80.

So the motion was disagreed to.

Mr. HUTCHINS. I will not call for tellers, but will give notice, Mr. Speaker, that to-morrow, immediately after the reading of the Journal,

I shall ask the House to proceed to the consideration of the naval appropriation bill.

The SPEAKER. The regular order having been called for, committees will now be called for reports of a private nature.

NATIONAL BANK, BLOOMINGTON, ILL.

Mr. ADAMS, of Illinois, reported back with amendments the bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington, Ill.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying Senate report, ordered to be printed.

RICHARD C. RIDGWAY.

Mr. HERBERT, from the Committee on Ways and Means, reported back, as a substitute for H. R. 4598, a bill (H. R. 7875) for the relief of Richard C. Ridgway and others; which was read a first and second time, and referred to the Committee of the Whole House on the Private Calendar.

SAM C. REID.

Mr. CLEMENTS, from the Committee on Foreign Affairs, reported back adversely the joint resolution (H. Res. 76) to authorize the Secretary of State to reimburse Sam C. Reid for certain expenditures; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. RANDLE.

Mr. TAYLOR, of Tennessee, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. 6836) for the relief of William H. Randle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH C. CREIGHTON.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back the bill (H. R. 5086) for the relief of Elizabeth C. Creighton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD P. QUINN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 7732) granting increase of pension to Edward P. Quinn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PARTEN H. MOREY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 7728) for the relief of Parten H. Morey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS B. SMITH.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 7731) granting a pension to Louis B. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7727) for the relief of Sally C. Mulligan;

A bill (H. R. 7639) granting an increase of pension to John Kimmerling;

A bill (H. R. 5988) for the relief of Hamilton Boughton;

A bill (H. R. 6932) for the relief of Horace H. Burbank;

A bill (H. R. 7103) for the relief of Francis Daniels;

A bill (H. R. 6815) to rerate the pension of Philo Beardsley;

A bill (H. R. 7339) granting a pension to Newton O. Baker;

A bill (H. R. 7636) for the relief of S. S. Eighmy;

A bill (H. R. 5788) for the relief of Elizabeth C. Deutscher;

A bill (H. R. 6900) for the relief of Daniel M. Dill;

A bill (H. R. 5984) granting a pension to Mary A. Samuels;

A bill (H. R. 7341) granting a pension to Luther Spencer;

A bill (H. R. 7335) for the relief of Nicholas I. Campbell;

A bill (H. R. 6972) for the relief of George H. Lawrence;

A bill (H. R. 1096) granting a pension to Mary Abbott, widow of William Abbott;

A bill (H. R. 6807) for the relief of Margaret Regan;

A bill (H. R. 7733) for the relief of Robert Nelson;

A bill (H. R. 7257) granting a pension to William F. Randolph;

A bill (H. R. 7199) for the relief of the heirs of Maj. Andrew J. Grover, deceased;

A bill (H. R. 7332) for the relief of Jeanie H. Griffin; and

A bill (H. R. 3735) granting a pension to Mary A. Grennon.

SYLVESTER GREENOUGH.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back the bill (H. R. 7434) granting a pension to Sylvester Greenough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN SAUER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7417) for the relief of Stephen Sauer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANTHONY BEYER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7092) for the relief of Anthony Beyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEBERT TONY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7447) granting a pension to Sebert Tony; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA SPELLEN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7418) for the relief of Maria Spellen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN OTIS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6882) granting a pension to John Otis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. HOLMES, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2005) granting a pension to Samuel P. Glenn; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 1999) for the relief of Thomas Brockett;

A bill (H. R. 7364) granting a pension to Mary A. Keime;

A bill (H. R. 7423) for the relief of Samuel D. Harper;

A bill (H. R. 7415) for the relief of Jabez Chamberlin;

A bill (H. R. 7241) granting a pension to Edward Hogan, and for other purposes;

A bill (H. R. 7416) for the relief of Helen Chabot;

A bill (H. R. 2001) for the relief of Charles S. Moore;

A bill (H. R. 5739) for the relief of George W. Mills;

A bill (H. R. 7365) granting a pension to Thomas G. Allen; and

A bill (H. R. 478) for the relief of Baldwin B. Shafer.

JOHN C. CLARK.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back the bill (H. R. 3052) for the relief of John C. Clark; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 6166) for the relief of David Stonecypher; which was ordered to be laid on the table, and the accompanying report printed.

DANIEL S. LAY.

Mr. GEDDES, from the Committee on War Claims, reported back with amendments the bill (H. R. 740) for the relief of Daniel S. Lay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. G. P. WHITE AND OTHERS.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back the bill (H. R. 7274) for the relief of R. G. P. White, Peter Hanger, and L. T. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. J. P. WILLIAMS.

Mr. ROGERS, of New York, from the Committee on War Claims, also reported a bill (H. R. 7876) for the relief of Mrs. J. P. Williams; which

was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. A. HENRY AND OTHERS.

Mr. ROGERS, of New York, from the Committee on War Claims, also reported a bill (H. R. 7877) for the relief of J. A. Henry and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their committees were called.

HENRIETTA H. COLE.

Mr. MITCHELL, from the Committee on Patents, reported back with amendments the bill (H. R. 4206) for the relief of Henrietta H. Cole; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. THOMAS, from the Committee on Naval Affairs, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

The bill (H. R. 1787) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy;

The bill (H. R. 1789) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 9, 1879, in the case of Commander Charles B. Sigsby United States Navy; and

The bill (H. R. 1788) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander James H. Sands, United States Navy.

PAY OF NAVAL ACADEMY GRADUATES.

Mr. THOMAS. I also ask unanimous consent to report at this time a public bill.

There being no objection,

Mr. THOMAS, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 7752) to equalize the pay of graduates of the Naval Academy; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the joint resolution (H. Res. 293) to provide for the settlement of the accounts of the Mobile and Ohio Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SURVIVORS OF JEANNETTE EXPEDITION.

Mr. MCADOO, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette and the widows and orphans of those who perished in the retreat from the wreck of that vessel in the Arctic seas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REPORT OF COMPTROLLER OF CURRENCY.

Mr. BUCKNER, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That 500 additional copies of the report of the Comptroller of the Currency be printed for the use of the said Comptroller.

ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS.

Mr. STEVENS. I ask unanimous consent to report a public bill from the Committee on Indian Affairs.

There being no objection,

Mr. STEVENS, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (S. 48) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

THOMAS R. MONAHAN.

Mr. CURTIN. I desire to make a privileged report from the Committee on Foreign Affairs. I am instructed by that committee to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Whereas it is reported that Thomas R. Monahan, an American citizen, has been arrested by officers of the Republic of Mexico, and incarcerated in a Mexican prison and denied a trial:

Resolved, That the Secretary of State be requested to communicate to this House any correspondence he may have upon the subject of said arrest and imprisonment.

The resolution was adopted.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE CONGO CONFERENCE AT BERLIN.

Mr. CURTIN. I am also instructed by the Committee on Foreign Affairs to report back, with the recommendation that it be adopted, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President be requested to inform this House in respect to all the negotiations or arrangements (if in his opinion such information will not be incompatible with the public interests) between this Government and any other government or governments which led up to the Congo conference at Berlin, and the motives or purposes with which this Government consented to participate therein. And also that the President cause to be transmitted to this House a copy of all correspondence between this Government and other governments relating to the Congo conference, together with the names of those who have been authorized by this Government to act as its delegates or plenipotentiaries thereat, the text of the credentials or powers given to such representatives of the United States, and a copy of all dispatches, reports, or other communications received by this Government from its representatives at the conference. And that the President, if he shall inform this House of the precise objects and purposes with which this Government was represented in the conference, will also inform the House which, if any, of those objects or purposes have been accomplished, and also whether or not any of the opinions or purposes of this Government, or its delegates or plenipotentiaries, as set forth in such conference, was resisted in the conference by any of the governments represented there; and, if so, by which of the governments, on what points, for what reasons, and with what results.

The following is the committee's report:

The Committee on Foreign Affairs, to which was referred the resolutions of Mr. HERBERT and Mr. BELMONT, calling for information concerning the participation of representatives of the Government of the United States in what is known as the Congo conference, have considered the same, and deeming the information referred to as of great importance, report back the resolution of Mr. BELMONT and recommend its passage.

The resolution was adopted.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. CURTIN. I present another privileged report from the Committee on Foreign Affairs. I am directed to report back with the recommendation that it be adopted the resolution which I send to the desk.

The Clerk read as follows:

Be it resolved by the House of Representatives, That the President be, and he is hereby, requested to furnish to this House, if not incompatible with the public service, a copy of all correspondence had with the Government of France in relation to the French and American Claims Commission since the 23d day of November, 1881, the date of the first meeting of said commission, up to the present time.

Second. Also a copy of the communication or communications made by the two remaining commissioners to the Secretary of State on the resignation of Mr. L. de Geofroy, July 11, 1881, the date when he withdrew as commissioner on the part of the French Republic, and the 15th day of October following, in relation to the resignation of said commissioner; and a copy of the correspondence between the two governments relating to the same subject, and of the notice of the Government of France reappointing said commissioner.

Third. Also a statement giving the name and number of each and every claim which was withdrawn by the agent of either government after the same had been duly filed before said commission and the reasons for such withdrawal, and a copy of all correspondence between the two governments relating thereto.

Fourth. Also a copy of all reports or other communications made by the American commissioner, Hon. A. O. Aldis, to the Secretary of State relating to the business of said commission or to any matter or thing pending before said commission from the 23d day of November, 1881, to the present date

Fifth. And also a copy of the report or other communications pertaining to the French and American Claims Commission or any matter pending therein made by Hon. George S. Boutwell, the agent and counsel for the United States, to the Secretary of State from the 23d day of November, 1881, to the present date. Also, a copy of the correspondence between the two governments relating to the recall of said Mr. L. de Geofroy, and the appointment and substitution by the Government of France of Mr. Alexis Albert Lafaive as commissioner, on or about May 22, 1883.

The resolution was adopted.

Mr. CURTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CURTIN. I am also instructed by the Committee on Foreign Affairs to report back with the recommendation that it be adopted the resolution which I send to the desk.

The Clerk read as follows:

Whereas this House, by resolution of the 7th day of June, 1884, requested the Secretary of State to inform this House of the mode and manner, in detail, of the expenditure of the amounts appropriated by Congress for the expenses of the French and American Claims Commission, stating when, where, to what persons, and for what purposes the moneys so appropriated had been paid, and also what amounts had been paid by the French Government for the expenses of said commission; and

Whereas on the 25th day of June, 1884, there was laid before this House a message from the President of the United States, transmitting a report from the Secretary of State inclosing a statement of the expenditures of said commission under general headings, without stating the details of said expenditures and without any statement as to the times when, places where, and persons to whom the moneys appropriated had been paid, as was required by the said resolution: Therefore,

Be it resolved, That the Secretary of State be directed to inform this House of the mode and manner, in full detail, of the expenditure of the sums, amounting in all to $225,000, appropriated by Congress for the expenses of said French and American Claims Commission, stating specifically when, where, to what persons, and for what purposes the moneys so appropriated have been paid, giving in each case the date and amount of the payment, the name of the person to whom such amount was paid, and the object for which the payment was made; and also whether the officers of said commission, or any of them, continued in the exercise of their functions after the date fixed by treaty for the conclusion of such commission, and of the labors thereof; and, if so, how long and by what authority of law they so continued, what services they performed, and what payments were made them for the same.

The resolution was adopted.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. COX, of New York, in the chair.

Mr. MCMILLIN. Mr. Chairman, if there be no objection, I desire that we begin, on page 28 of the Calendar, with the bill (H. R. 4679) for the relief of Sarah E. Webster.

Mr. HOLMAN. I wish to inquire whether that is the first bill in order.

Mr. MCMILLIN. I desire that the bills standing before this on the Calendar be passed over informally for various reasons—absence of members interested or on similar grounds.

The CHAIRMAN. Is there objection to taking up first for consideration the bill indicated by the gentleman from Tennessee [Mr. MCMILLIN]?

There was no objection.

SARAH E. WEBSTER.

The Committee of the Whole House on the Private Calendar proceeded accordingly to the consideration of the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Sarah E. Webster, of the city of Buffalo, N. Y., administratrix, &c., of Isaac A. Verplank, deceased, late a judge of the superior court of Buffalo, out of any money in the Treasury not otherwise appropriated, the sum of money which was assessed as the income tax and was collected from and paid by said Isaac A. Verplank, now deceased, to the Government of the United States, upon his salary as a judge of the superior court of Buffalo, N. Y., such tax having been declared unconstitutional by the Supreme Court.

Mr. HOLMAN. For the purpose of avoiding interruption of the current business, I suggest that the report in each case be read without it being particularly called for.

The CHAIRMAN. The gentleman from Indiana calls for the reading of the report in this case.

Mr. HOLMAN. I was suggesting the propriety of having the report read in all cases without a special call being made for the reading.

Mr. MCMILLIN. Some of these reports are very long, and time might be saved by a statement of the case in lieu of the reading of the report.

Mr. HOLMAN. In such cases, if it be desired, the reading can be specially waived.

The CHAIRMAN. The gentleman from Indiana calls for the reading of this report.

The Clerk read as follows:

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report, to accompany bill H. R. 4679:

The Committee on the Judiciary, to whom has been referred H. R. 1038, respectfully report:

It appears that under the law of the United States assessing a tax upon incomes the tax was assessed on the income of Isaac A. Verplank arising out of his salary as a judge of the State of New York. The tax was paid.

After the payment the Supreme Court of the United States, in the case of Collector *vs.* Day (11 Wallace, 113), decided such tax upon the salary of a judge of a State to be unconstitutional. The tax was therefore unconstitutionally exacted from a citizen, and should be refunded.

The committee therefore report a substitute for the bill referred authorizing and directing the Secretary of the Treasury to refund so much to the administratrix of said Verplank as shall appear to have been paid upon an assessment of the income tax upon his salary as a judge of the State of New York.

All of which is respectfully submitted.

Mr. HOLMAN. I am very reluctant to interrupt the progress of business on this Calendar; but I wish to call the attention of the gentleman from Virginia [Mr. TUCKER], who I believe reported the bill, to two considerations which the case suggests. In the first place, it does not appear from this report that at the time of the payment of this money any objection was made to the payment. In other words, there is presented here at best but an equitable claim, not a legal one. Even if the Government of the United States were subject without special authority to be sued, or if this citizen had authority of law to go into the Federal courts with his claim, the action, as my friend from Virginia is well aware, could not be maintained, as the money was not paid under such circumstances as would entitle the party to a refund.

My second suggestion is this: If I remember correctly, an act was passed a number of years ago providing for refunding, within a definite period of time, money assessed upon and collected from State officers as tax upon income. That act, I think, prescribed some period within which claims should be made, and that time, of course, has expired. I am not able at this moment to refer to that act or to state when it was enacted, how long it remained in force, and whether the expiration of the time limited by the statute was declared to constitute a complete bar. But according to my recollection there was such a statute; and if there was, does my friend from Virginia think it proper that the bar created by a Congressional enactment should be overridden in every successive case presented without any particular reason being given for it? It is to this matter that I wish to call the attention of my friend.

Mr. TUCKER rose.

Mr. HOLMAN. I wish to say, however, before my friend takes the floor, that I do not think this Government should be held responsible and necessarily bound even in equity to make an appropriation for the purpose of refunding in all cases taxes improperly paid. No government, so far as I am aware, does that. I venture to say that the government of Virginia, bound to as high a faith to its citizens as the Government of the United States to its citizens, does not under similar circumstances refund money paid by a citizen in the form of tax.

Questions of this kind are constantly springing up under the interpretation of our customs laws. The law being construed as imposing a given duty upon an article, that duty is paid; but by a subsequent decision the article is declared not subject to the payment of such duty, and the party comes to Congress asking that the money be refunded. I think that in all this class of cases the Federal Government, if it makes repayment, should do so under exactly the same conditions that a State government or an individual citizen would make repayment. Where money is paid to the Government, not under protest, but voluntarily, I do not see any reason why the time of Congress should be constantly occupied to a large extent in the consideration of measures for the refund of the money. But in this case there is the further point that there was a day in court for this claimant. I think the time fixed by a general statute for the presentation of claims of this description has elapsed; and if I am correct as to this, there is now a complete bar to this claim, and I insist that the statute should not be disturbed.

Mr. TUCKER. Mr. Chairman, I am surprised that my friend from Indiana should make any objection to the passage of this bill. I supposed that all parties are agreed that the Government ought not to collect any more from the people of the country than it needs, and I had supposed that my friend from Indiana especially would agree with me that the Government has no right to exact from a citizen what the Constitution forbids. Now, this tax was paid, if I mistake not, some time in the year 1868. At that time there had been no decision made on the question of the unconstitutionality of such a tax. It is a tax on a State officer. It had long ago been decided that no State should tax any of the State officers or any of the officers of the Federal Government. In the case of Collector *vs.* Day it was decided for the first time that the Federal Government should not tax any State officer, that it could not impair the functions of the State by taxing any of its instrumentalities. Now, at the time of the payment of this tax that decision had not been made. It was made in 1871. There was no day in court for the party to object or protest, and it was only after that decision that the application was made. The question for the House to decide is this, whether they will refund that money held for sixteen years; whether they will pay back the principal of the money taken without interest; whether they will refund money unconstitutionally exacted according to the decision of the Supreme Court of the United States. And that is the whole question.

Mr. HOLMAN. My friend from Virginia has not met the point which is the important one in this case, and upon which I have dwelt in the remarks submitted by me in the House.

Mr. TUCKER. So far as the protest is concerned, I understand that is only a customs regulation. I do not think there is any such provision in reference to internal-revenue taxes. But even, sir, if there were, I hold, when the question is presented where the Government has put its hands into the pockets of a citizen against the Constitution of the country, Congress is bound to refund it whether there was a protest at the time or not.

Mr. HOLMAN. My friend has not met the main objection I have raised on this bill, and that is that this claim is barred by statute.

Mr. TUCKER. There is no statute against it.

Mr. HOLMAN. The point I have raised is this: That there is now by statute a bar against the payment of any such claim, and that if it is right to open that bar as to one case it is right to open it up as to all citizens who have similar claims.

Mr. TUCKER. I think so, too.

Mr. HOLMAN. And my friend from Virginia must know there are

a number of such claims pending before the House, and have been pending for years.

Mr. TUCKER. Yes; I know that.

Mr. HOLMAN. Then if it is proper to remove the bar under the statute as to one case it is certainly only equitable and just the bar should be removed as to all other like cases. Now, my friend has protested as much as, if not more than, any other member upon this floor against class legislation.

Mr. TUCKER. Yes; against class legislation.

Mr. HOLMAN. Not special, but class legislation; that is, legislation affecting a single party and not applying to a general class of persons. If it be proper that this bill should pass removing the bar as to this one special case, then it is proper and right to remove the bar as to all the other similar cases.

I hold in my hand the statute to which I referred. It is not the statute to which I thought I was referring at the time. My impression has always been that Congress, after the court decided it could not impose an income tax on the salaries of State officers, passed an act providing for the refunding of the amounts collected, provided the claims therefor were made within a given time. I believe the time fixed was two years. I may be mistaken. The statute to which I wish to call attention now may be the one to which I have referred. It is section 3228, as follows:

All claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive, or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within two years next after the cause of action accrued: *Provided*, That claims which accrued prior to June 6, 1872, may be presented to the Commissioner at any time within one year from said date. But nothing in this section shall be construed to revive any right of action which was already barred by any statute on that date.

That statute of course set up a bar against all these claims some time in the year 1870. I believe that none of these assessments were made later than 1868, although I may be wrong about that. After some thirteen or fourteen years have elapsed since the statute became a bar to these claims, I submit to my friend whether it is right to remove that bar against a particular case when it stands upon the same footing as the other cases? He does not pretend to show some special reason why Congress in equity should disregard the bar of the statute; he has assigned no special reason for it, but simply states that the assessment was paid by a State officer, and the law under which that assessment was made has been declared to be unconstitutional. He gives no special reason why the limitation of the statute should be set aside. I submit, therefore, Congress should not go on year after year enacting statutes of limitation, and then in every single case, without assigning any special reason, disregard the bar of the statute. If it is to be disregarded in this case it ought to be in every other. I expected when the report was read it would assign some good reason why in this case the bar should be removed, but nothing of that kind has been presented.

Mr. TUCKER. The views of the gentleman from Indiana are very technical, to be sure. He would plead the statute of limitations against a claim made by a citizen for the refunding of an unconstitutional tax. The statute of limitations to which he refers is one in reference to applications to the Internal-Revenue Department, which must have been made within two years in order to enable the party to bring suit for recovery under that particular statute. The statute of limitations, however, according to his own statement, ran out in 1870, and before the decision was made by the Supreme Court covering the case in point. Therefore the bar of limitation does not apply in the present instance.

The decision I have before me, Mr. Chairman, is one of the most remarkable that has ever been made by the Supreme Court—a decision that was delivered with great unanimity, one judge only dissenting. The opinion delivered by Judge Nelson declares in the most unequivocal terms that it is utterly beyond the power of Congress to lay a tax upon a judicial officer of a State. This case now before us relates to a judicial officer of the eighth district of New York. It was an effort on the part of the Government to impair the power of the State to carry on its judicial functions; and now when the administrator of that officer comes and asks that this tax, unconstitutionally collected, be refunded, the Government pleads the statute of limitations. Well, that is all I have to say about it. I think that is enough. I will not plead the statute of limitations against the claim of a citizen, a claim that he makes for money wrung from him against the Constitution of the United States.

Mr. HOLMAN. I trust that I will now be indulged for a few moments.

Mr. TUCKER. By the way, my friend says that I am much opposed to class legislation, and I wish to say a word in response to that. I answer, yes, I am, where it is for the benefit of a class; but where such legislation is to relieve a class against an unconstitutional exaction I favor it.

The gentleman says why not make the bill applicable to all these classes; why not make it broader? Will he vote for the bill if I do make it broader? I ask the gentleman for an answer.

Mr. HOLMAN (from his seat). I will answer in due time.

Mr. TUCKER. Yes, sir; I hope so. I would like to have an answer. Now, sir, I will pass any bill, I will report any bill in behalf of any citizen of this country for the refunding to him of an unconstitutional exaction; but I did not propose a general bill because there was no application for it. I only reported upon the bill which was referred to the committee.

Mr. HOLMAN. I trust I will be indulged for a few moments, because this question is not now for the first time before the House. There are thousands, I may say in bounds tens of thousands, of just such claims throughout the country, for, if I am correct in my remembrance, the assessment was made under the act of 1862, which was the act embracing the income tax, and applied to and embraced all State officers, whether judicial, legislative, or executive. Of course in a vast number of cases the amount paid under the act was small. But as a matter of course the salaries were taken only into account in making up the amount of income tax paid.

A comparatively small amount of the money thus collected has been refunded up to this time; and the great body of the claims were refunded perhaps for the reason mentioned by my friend from Virginia, that is, that the law has not been declared unconstitutional until a comparatively late date, and few claims had been presented, and if they had been the statute of two years' limitation constituted a complete bar.

This case is exactly analogous to the cotton-claims cases except in reference to its magnitude. Does my friend take the position of refunding the cotton claims? I do not understand him to occupy that position. That tax was illegally collected, as everybody knows, or as is generally understood. No law has been ever enacted to provide for its refunding, and I presume none ever will be; and yet here we are asked to take up a single case—a case selected out of the great body of men who paid the tax—and let Congress afford him relief. This I regard as certainly not the part of wisdom on the part of Congress. It is bad legislation. If there is to be legislation to affect large bodies of men let it be general in its character and not special. I do not believe that it would be a wise policy on the part of Congress now, after the lapse of fourteen years, to make provision for the refunding of this tax. I do not think that the public interests would be promoted. The tax has been paid. The objection to it is that the Constitution did not authorize Congress to levy such a tax. But if Congress attempts to correct all the mistakes which were made, and the errors committed in regard to revenue and taxation during the period of the war and afterward, your Treasury can not bear the drain, or any other treasury that we have ever had. So far as I know, the great body of persons who paid the tax did not claim this refund.

I believe there is a bill pending in the Senate to extend the bar one or two years; and if any law is to be passed upon the subject it should be some such provision as that and not a special case selected such as this from the great body of such claims.

Besides, my friend must remember that his committee did not properly have cognizance of this subject. It belongs to the Committee on Claims, not to the Committee on the Judiciary. It only went to the Judiciary Committee by a special order of the House and not under the rules of the House; and for the reason that it is a single case, a solitary exception referred to that committee, it has been taken up and reported upon, when possibly under other circumstances some general provision might have been formulated. Had this bill gone to one of the committees overburdened with business of the same character, it would not probably have been taken up and made a special exception to the mass of such cases, leaving the rest of them unacted upon to sleep the sleep that knows no waking. Let us have something like uniformity in our legislation and let us adopt wise business principles in dealing with a subject of this character.

Mr. HAMMOND. Let me ask the gentleman from Indiana, Will you vote for this bill if it is amended by making it general, so as to cover all such cases?

Mr. HOLMAN. I attempted to express the reasons why I do not think it would be to the public interest, or even to the interest of the claimants themselves, to do so.

Mr. HAMMOND. You think it honest to pay the debt, but not politic?

Mr. HOLMAN. I do not think that we can undertake to correct all the mistakes of legislation enacted under the revenue laws during the war; and I think if you attempt it by legislation you will find raids will be made on the Treasury far beyond what the benefit possibly could be to individual citizens by the refunding of amounts that would be demanded. These matters have been acquiesced in for so many years that it does not now appear to me to be the part of wisdom to open them up.

Mr. TUCKER. Only one word. My friend from Indiana has introduced a new plea, a plea in abatement—that this case ought not to have been referred to the Judiciary Committee. I will say to the gentleman as the cause is now at issue it is too late to allow the plea in abatement.

Mr. HOLMAN. I admit that.

Mr. TUCKER. The gentleman, of course, as a good lawyer, knows that. Therefore that is out of the case. I put the issue where I put it before, that no just government will hold on not only to an unjust tax but a tax which its own courts decided it had no right to exact, even

though there be a statute of limitations to protect it. And I want the gentleman to stand up here and say that he is willing to hold on to what the government had no right to exact under the Constitution, though it is proved you have it in your pocket and you have held it there all that time. And we only ask the principal, not the interest.

Mr. HOLMAN. This is not the only instance where that occurs. Will the gentleman allow me another moment?

Mr. TUCKER. I want to close the case, but I yield to the gentleman for a moment longer.

Mr. HOLMAN. The gentleman alluded to my suggestion that this case went to his committee instead of the proper committee, the Committee on Claims. I made that remark for the purpose of suggesting to my friend from Virginia that he was treating this as if it was the only claim of the kind. If it was the only one no member would occupy time in objecting to its consideration. But let me inquire of the gentleman from Tennessee [Mr. MCMILLIN], the chairman of the Committee on Claims, how many of these cases are pending before his committee?

Mr. MCMILLIN. I do not remember that we have had occasion to consider any of this class of claims.

Mr. TUCKER (to Mr. HOLMAN). You have had your answer.

Mr. HOLMAN. And how many are pending before the Committee on Ways and Means?

Mr. MCMILLIN. I do not know about that. There may be some cases of this kind pending before the Committee on Claims. There have been nearly a thousand bills referred to that committee. We have been able to report on probably half of them—I do not remember the exact number. But I do not remember one involving this question. There is a bill pending there for returning to the States taxes collected from individuals in the States, but that is not the question involved here.

Mr. HOLMAN. No; that is not the question. It is very possible that the practice has been to refer these bills to the Committee on Ways and Means. That would seem to be the appropriate committee to consider questions growing out of the revenue. I do not at this moment see any gentleman whom I recognize as belonging to that committee. But I know from former experience on the committee of which my friend from Tennessee is chairman that a very large number of these cases have been pending for many years.

Mr. MCMILLIN. My attention having been called to it, I desire to state that we have a claim of this kind in favor of a party who was at the time a resident of Louisiana, where a sum of about $12,000 was involved. Mrs. Adelicia Cheatham now, then Mrs. Acklen, paid illegally assessed taxes, and paid them under protest. She went to the Court of Claims, and the court decided she was entitled to the relief and ought to have had it. But following the advice of her attorney, probably, she had been a few days late in commencing her action. That claim we thought was eminently proper to be paid, and we have recommended the payment; and I shall be surprised if this House does not stand by the action of the committee under the circumstances. It was an illegally collected tax upon cotton, cotton that had already paid 11 per cent. taxes. Then there was an illegal tax assessed in addition to that. The Court of Claims held, I think, that the taxes ought to have been returned, but that the remedy was not sought in time, and she shows a reason for not having sought it in time.

Mr. HOLMAN. I think when it comes to be a question of bar, whether the statute of limitations shall act upon Congress or not, then it is equitable to consider the circumstances under which the claim is presented. And I have called attention to the fact that no excuse in this case is given for the failure to present it in reasonable time. If we are to enact bars to operate on our courts of justice, I insist the same bars should operate on Congress. But where a case of equity is presented, that bar should be waived.

Mr. TUCKER. I am willing to leave the issue to the jury on the plea of the statute of limitations. If the House is willing to put in what, without disrespect to my friend from Indiana, I must call the dishonest plea of the statute of limitations to the claim of a party who comes forward and says, "You have exacted a tax which your own courts declare to be unconstitutional," I am willing to leave the House to take that course.

Mr. MCMILLIN. Let us have a vote on it.

Mr. HAMMOND. Mr. Chairman, before the vote is taken I desire to call the attention of the committee to the fact that recently in this House a majority of members voted in favor of the payment of untold millions to a certain numerous class of voters in this country; and to the further fact that the main objection urged to the payment of this debt to-day is that the United States Government is not able to pay what it honestly owes.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it pass?

The question was decided in the affirmative; there being—ayes 99, noes 14.

Mr. HOLMAN. As a very large majority of the House has voted in favor of this measure, I will not insist on a quorum.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will read the title of the next bill in order.

The Clerk read as follows:

A bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico.

Mr. MCMILLIN. That is one of the bills which by consent were passed over informally not to lose their place on the Calendar. There were six such bills passed over under the agreement.

The CHAIRMAN. It will require unanimous consent to pass over this bill.

Mr. MCMILLIN. I make the point, Mr. Chairman, that by consent we commenced to-day with the bill just acted on, passing over informally the six preceding bills, so that we should now go forward with the other bills on the Calendar.

The CHAIRMAN. The gentleman is mistaken as to the order agreed to by the committee.

Mr. MCMILLIN. That was the motion I made; the Chair may have misunderstood it.

The CHAIRMAN. The Chair put the request as to one bill only.

Mr. MCMILLIN. Then I ask unanimous consent that the six bills preceding the one just acted on be laid aside informally without losing their place.

There being no objection, it was ordered accordingly.

CAMP DOUGLAS MILITARY RESERVATION.

The next business on the Private Calendar was the bill (H. R. 1782) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to relinquish and turn over to the Department of the Interior, for restoration to the public domain, such parts of what is known as the Camp Douglas military reservation, in the Territory of Utah, as are embraced in the claim of Mr. Charles Popper; the same being in accordance with the recommendations of the board of officers, comprised of I. N. Palmer, colonel Second Cavalry, president of the board; F. F. Flint, colonel Fourth Cavalry; and George O. Weber, first lieutenant Fourth Infantry, recorder, constituted for the purpose of examining the claim of the said Charles Popper, by order of Brigadier-General Crook, dated Omaha, Nebr., May 7, 1875, and approved by the Secretary of War, and described as follows, namely: The northwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter, and the northwest fractional quarter of the southwest fractional quarter, and the north half of the southeast quarter of the southwest fractional quarter, and the north fractional half of the southwest fractional quarter of the southwest fractional quarter of section 33, township 1 north, range 1 east of the Salt Lake meridian, containing in all one hundred and fifty-one and eighty one-hundredths acres, more or less, and all lying within the said Camp Douglas military reservation.

SEC. 2. That the Secretary of the Interior, after said restoration, shall, at the expense of said Charles Popper, cause the lands to be surveyed and segregated from the reservation by the surveyor-general of Utah; and that at any time within ninety days after the restoration of the lands the said Charles Popper shall be permitted to make a private entry of the said lands at the rate of $1.25 per acre; and during the ninety days no other person or persons shall be permitted to make an entry of the same, or to commence any proceedings to obtain title thereto under the homestead law or any other laws by which the lands of the United States are disposed of: *Provided*, That the money paid by Charles Popper for the survey of the land, as hereinbefore provided for, shall be deducted from the cost of the entry thereof.

Mr. DIBRELL. The report in this case is quite lengthy, and I desire to make a statement which I think may obviate the necessity for reading it. This bill was reported favorably by me in the Forty-sixth Congress and passed the House. In the Forty-fifth Congress it had passed the Senate. At the last session of the present Congress a similar bill passed the Senate, and it is now upon the Speaker's table. This man Popper had bought a head-right, and when the Camp Douglas military reservation was surveyed the survey included his head-right. He had previously expended $15,000 or $20,000 in making improvements with a view to establishing a dairy near Salt Lake City. Every officer who has been in command of that department, including General Sheridan and others, has recommended the passage of this bill. It has also been recommended by the Secretary of War. The measure has been unanimously reported by the Committee on Military Affairs. I presume under these circumstances the reading of the report will not be insisted upon.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

There being no objection, it was ordered accordingly.

EDWARD BYRNE.

The next business on the Private Calendar was the bill (H. R. 75) for the relief of Edward Byrne.

Mr. ROSECRANS. The gentleman [Mr. LAIRD] who, as a member of the Committee on Military Affairs, has this bill in charge is now confined to his room in consequence of a severe accident. I ask, therefore, that this bill be passed over informally without losing its place on the Calendar.

Mr. MCMILLIN. I hope that will be done.

The CHAIRMAN. If there be no objection, this bill will be laid aside informally without losing its place.

There was no objection.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

The next business on the Private Calendar was the bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $9,021.33 to John M. Dorsey, and the sum of $3,746.66 to William F. Shepard, in full settlement for beef and supplies furnished certain volunteer troops by said Dorsey, Shepard, and one S. B. Wallace, while said troops were engaged in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

Mr. HOLMAN. I think the report in this case had better be read.

The Clerk read as follows:

Mr. LORE, from the Committee on Claims, submitted the following report:

This bill has been three times favorably reported in the Senate and passed the Senate three times. It has also been three times favorably reported in the House of Representatives. No adverse report has ever been made upon it.

The bill directs the payment to John M. Dorsey of $9,021.33, and to William F. Shepard $3,746.66, in full settlement for beef and supplies furnished the troops by Wallace, Dorsey, and Shepard in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

In the spring of 1860 the Pinte Indians murdered several citizens in Carson Valley, and had assembled a large hostile force, threatening the various towns in that vicinity. An irregular force of the best citizens of Virginia and Carson cities was organized and proceeded against the Indians, but they were ambushed and defeated, and about sixty of their number, including Major Dunsby, their commander, and many other prominent citizens, were killed, and the others dispersed. Great alarm followed among the citizens of these and neighboring towns from attack by the hostile Indians, who had assembled in large force. The citizens were without arms or supplies. There were no troops, arms, or Government stores or supplies nearer than Salt Lake, five or six hundred miles distant. Under the circumstances the governor of California and the United States officer in command of the Department of the Pacific sent forward to Virginia City arms and ammunition in charge of proper officers, together with one company of infantry. Several hundred volunteers were organized, armed, and equipped, and placed under the command of Col. John C. Hayes, who, in conjunction with the company of United States troops, marched against the Indians, and after some severe fighting defeated them and conquered a peace.

Upon the organization of these forces they were without stores or supplies, and were unable to move without them. Colonel Hayes and the commissary of his command made contracts with Jordan & McPike to furnish beef, and with Dorsey and Shepard and S. B. Wallace to furnish and transport for the command flour, sugar, coffee, and other stores. Three vouchers were issued by the commissary of the expedition: one to S. B. Wallace for $1,528; one to Dorsey, Wallace, and Shepard for $5,050; and the third to the same parties for $6,190. Wallace assigned all his interests to Dorsey in 1861 and died in 1862; and there is due said Dorsey the sum of $9,021.33 and to said Shepard $3,746.66. It is claimed that the prices charged were the lowest cash prices at the time and places, and the goods were furnished in good faith. The United States received the benefit of these supplies, and the Government was probably saved hundreds of thousands of dollars by the prompt and patriotic action of these claimants.

The facts are all clearly proven by the evidence of Colonel Hayes and others.

On June 17, 1874, an act was approved directing the Secretary of the Treasury to pay John M. McPike the sum of $19,473.50 for beef and supplies furnished the troops by Jordan & McPike, and this bill is for the payment of Dorsey and Shepard for the flour, coffee, bacon, and other supplies furnished by them to the same troops and at the same times as those furnished by Jordan & McPike. The claims of Dorsey and Shepard appear to be just and proper, and ought, in justice, to have been paid years ago.

The committee recommend the passage of the bill.

Mr. LORE. I move that this bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

O. L. COCHRAN.

The next business on the Private Calendar was the bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to O. L. Cochran, out of any moneys in the Treasury not otherwise appropriated, the sum of $422.85, collected from him by the Post-Office Department on the 26th day of November, A. D. 1867, and which amount is in excess of what he was indebted to said Department.

Mr. STEWART, of Texas. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. The report in this case, I believe, is short?

Mr. STEWART, of Texas. Yes, sir.

Mr. HOLMAN. I suggest it had better be read.

The Clerk read as follows:

Mr. TILLMAN, from the Committee on Claims, submitted the following report:

This claim is based upon the following facts: O. L. Cochran was postmaster at Houston, Tex., in the year 1861. His account with the Government was settled in 1867, when he was found indebted to the United States in the sum of $568.71, which he paid under protest that he was not indebted.

In this settlement he did not receive any compensation for his services as postmaster at Houston for the months of April and May, 1861, for the reason that if his returns had been rendered they were never received by the Auditor's office or by the Post-Office Department for the months named.

Subsequent to this payment under protest Cochran submitted a duplicate return as postmaster for the months of April and May, 1861, which would have reduced his indebtedness in the settlement made in 1867 from $568.71 to $145.86, showing an overpayment made by him of $422.85, which is now justly due him.

All this is certified by the Auditor of the Treasury for the Post-Office Department.

Your committee, therefore, recommend the passage of the bill.

"OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 30, 1884.

SIR: In answer to your inquiry for the facts in the case of Owen L. Cochran, who was postmaster at Houston, Tex., I have the honor to submit the following statement:

A settlement was made in this office of Mr. Cochran's account in the year 1867, when he was found indebted to the United States in the sum of $568.71, which he paid under protest that he was not indebted.

In the above settlement Mr. Cochran did not receive any compensation for his services as postmaster at Houston for the months of April and May, 1861, for the reason that if the returns had been rendered they were never received by the Auditor's office or by the Post-Office Department for the months named.

Subsequent to this payment under protest Mr. Cochran submitted a duplicate return as postmaster for the months of April and May, 1861, which would have reduced his indebtedness in the settlement made in 1867 from $568.71 to $145.86, showing an overpayment made by him of $422.85, and the sum of $422.85 is justly due to Mr. Cochran.

Respectfully,

J. H. ELA, *Auditor.*

Hon. CHARLES STEWART,
House of Representatives.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ALEXANDER D. SCHENCK.

The next business on the Private Calendar was the bill (H. R. 1266) for the relief of Alexander D. Schenck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Alexander D. Schenck, a first lieutenant in the Second Artillery, the sum of $107.65, being the amount he has been required to deposit with the Treasurer of the United States to make good the loss of certain subsistence stores pertaining to the Commissary Department of the United States Army, and for which he was responsible, as acting commissary of subsistence at Fort Johnston, North Carolina, in the fiscal year ending June 30, 1880; said stores having been stolen or otherwise unlawfully disposed of by John V. Seyton, late a commissary-sergeant in the United States Army, without the knowledge, consent, fault, or neglect of said Schenck.

Mr. MCMILLIN. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

YOST HARBAUGH.

The next business on the Private Calendar was the bill (H. R. 4681) for the relief of Yost Harbaugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Yost Harbaugh the sum of $70, for his services as messenger in the office of the Third Auditor of the Treasury from October 10 to November 10, 1876.

Mr. MCMILLIN. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

WILLIAM W. THOMAS.

The next business on the Private Calendar was the bill (H. R. 691) for the relief of William W. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to pay to William W. Thomas, of Portland, in the State of Maine, the sum of $300 (being the amount of coupons of United States bonds lost by him, and now unpaid, namely: Coupons due December 15, 1867, of five-hundred-dollar seven-thirty notes numbered 13269, 13291, 14262, 142268, act of June 30, 1864, dated June 15, 1865; also coupons due January 15, 1868, of one-thousand-dollar seven-thirty notes numbered 24199, 24204, 39403, and 64136, act of June 30, 1864, dated July 15, 1865; and coupons due January 1, 1868, of bonds numbered 1437, 86826, and 86827, for $1,000 each, act of July 17, 1861), upon said Thomas giving a bond of indemnity in double the amount to be paid, with sureties satisfactory to the Secretary of the Treasury.

Mr. HOLMAN. Let the report in this case be read.

The Clerk read as follows:

Mr. ELLWOOD, from the Committee on Claims, submitted the following report:

Mr. W. W. Thomas was the owner of coupons of United States bonds of the value of $300. They were due, as stated in the bill, in December, 1867, and January, 1868. In some way Mr. Thomas lost the coupons after they were severed from the bonds. The Treasury Department reports that the coupons in question have never been presented for payment. While the law allows the Department to replace lost bonds, it does not allow it to replace lost coupons.

The bill provides that Mr. Thomas shall protect the Treasury by giving a bond in double the amount to repay the sum in the improbable event of any future presentation of the coupons.

The committee recommend the passage of the bill as amended, striking out "$450" and inserting "$300."

Mr. MCMILLIN. I move that the amendment be adopted.

The amendment was adopted.

Mr. MCMILLIN. I move that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

A. J. GUTHRIE.

The next business on the Private Calendar was the bill (H. R. 2154) for the relief of the legal representatives of A. J. Guthrie, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of A. J. Guthrie, deceased, of Louisville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $302.20, being for services rendered and money advanced in taking care of property of the United States.

The report (by Mr. BROWN, of Pennsylvania) was read, as follows:

That said Guthrie was made custodian of certain property seized by the Government, and had possession thereof from January 16 to April 20, 1867, at the agreed price of $2.50 per day. Upon the last-named day the movable property (consisting of whisky) was shipped from Carrollton, Ky., to Louisville, Ky., but Mr. Guthrie, under orders of the collector, continued in charge of the distillery, at the rate of $2 per day, from April 21 to July 9, 1867. That Mr. Guthrie filed

separate bills for his service, &c., both of which were approved. The first bill was:

For 95 days' time, from January 16 to April 20, at $2.50	$237 50
For 22 whisky-barrels furnished by him, at a price agreed upon, to wit, $2.75	60 50
Drayage and labor paid by him	4 20
Aggregating the sum of	302 20

The second bill being for the time while in charge of the distillery after the removal of the whisky, being eighty days, at $2 per day, from April 2 to July 9, amounting to $160.

The amount first mentioned was mislaid or lost, and the second bill was paid, as part of the costs in the case.

After finding that this first account had not been allowed by the court Mr. Guthrie placed the claim in the hands of a claim agent, as appears from affidavits filed, who soon died, leaving the claim uncollected.

The evidence of the collector, James Hudnall, United States Marshal W. A. Merriwether, and others, fully set forth the above facts, and your committee, therefore, report back the bill with the recommendation that it do pass.

On motion of Mr. MCMILLIN, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN F. SEVERANCE.

The next business on the Private Calendar was the bill (H. R. 2268) for the relief of John F. Severance.

The bill was read, as follows:

Be it enacted, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $85, to be placed to the credit of the Post-Office Department; and the proper accounting officers of the Post-Office Department are hereby directed to credit John F. Severance, of Shelburne, Mass., in his account as postmaster with the same, it being for loss by robbery of his post-office on the night of the 19th day of June, 1878, but without fault or neglect on the part of said postmaster.

The report (by Mr. VAN ALSTYNE) was read, as follows:

The files of the House of Representatives show that this claim was investigated and reported favorably by the Committee on Claims of the Forty-sixth Congress (Report No. 913) and also by the Committee on Claims of the Forty-seventh Congress (Report No. 158). The report first mentioned embodied a statement of facts relied upon, which was adopted by the last-named committee, and was as follows:

"This is a claim for relief by the said Severance, as postmaster at Shelburne Falls, in Franklin County, in the State of Massachusetts, from loss occasioned by the robbery of his office on the night of June 19, 1878. The claimant was appointed as postmaster at Shelburne Falls, and entered upon the duties of his office March 1, 1878. On the night of June 19, between 12 and 3 o'clock, burglars forced open the windows of the office, blew open the safe with gunpowder, and carried away all the stamps therein, of the aggregate value of $435, and all the money therein, of the value of $100, which money had been received from the sale of stamps and postal cards and from postage. At the same time the burglars broke open the jewelry store of J. G. Brown, in the next building to the post-office, and blew open the safe therein, and rifled it of jewelry and $375 in money, the loss of said Brown amounting in all to from $2,000 to $2,500. Early the next morning it was discovered that the post-office and jewelry store had been robbed. The post-office was separated by a partition from the express office, and the outer door of the express office and the partition door between that and the post-office had been forced open. The safe door was badly torn by powder and the inside door blown off. It was a fire-proof safe of the usual construction, and made by E. R. Morse, a manufacturer of good reputation. Pursuit was immediately made of the burglars. The same evening the said Brown and Mr. Bartlett overtook a man eight miles from the said village with a valise, and on asking to see it he emptied two revolvers at his pursuers, hitting Mr. Bartlett, and then ran into the woods. They followed his trail, but lost it. The next night the bridges over which he might escape were guarded and a similar man was seen on the railroad bridge near by. The patrol opened fire with revolvers, which the man returned. They fired away all their cartridges, but the man escaped into the woods. The next morning a man who lived near by found on the spot where this affray had occurred blood on the timbers and a bundle dropped on the abutments of the bridge. It contained the jewelry of the said Brown and specie belonging to him, and a package with $13 in silver change and all the postage-stamps which the postmaster had lost. Some weeks after, an old valise was found near the supposed trail of the burglars with $2 in pennies.

"The postmaster's account of his loss is, then, as follows:

Stamps stolen from the office		$435 00
Money stolen from the office		100 00
Total		535 00
Recovered:		
Silver	$13 00	
Pennies	2 00	
Stamps	435 00	
		450 00
Making the balance lost by the postmaster		85 00

"Full affidavits of all the facts were represented to the committee by the claimant and by other reputable citizens who are acquainted with the circumstances of the case, and some of whom joined in the hunt for the burglars.

"A report in the said case was made by the special agent of the Post-Office Department to said Department, which report is as follows:

"'BOSTON, *March 5, 1879.*

"'SIR: I have the honor to return ordinary case No. 11381, and to inform you that after investigation I found that the office was entered by burglars on the night of June 18, 1878; that $435 worth of stamps and $100 of postal money was stolen; and that the day following there was found all of the stamps and $13 of the money by the roadside, leaving a loss of $87 to the postmaster.

"'Up to this time no trace of the depredators has been found, although the town officers have been on the constant hunt and have offered a reward of $250 for their apprehension.

"'Very respectfully,

"'CHARLES FIELD,
"'*Special Agent Post-Office Department.*

"'DAVID B. PARKER,
"'*Chief Special Agent Post-Office Department, Washington, D. C.*'

"The testimony satisfies the committee beyond a doubt that the claimant and the officials connected with the office have always borne the highest character, and that they used due diligence in the care of the property intrusted to their charge. They did all that any man could reasonably have been expected to do in order to secure the property in the post-office. It is also evident from the circumstances, as reported, that everything was done that was possible to secure the burglars and the property which they had stolen, and it was owing to the diligence and perseverance of the pursuers that so large a portion of the stolen property was recovered, and the loss of the postmaster was reduced from the sum of $535 to the sum of $85. The committee believe that the claimant ought to be relieved of the loss, and therefore report back the accompanying bill, and recommend its passage."

Your committee find, from the testimony submitted, that the statement of facts in said report is true and correct, adopt the same as their own, concur in the conclusions therein expressed, and report the said bill back, and recommend that the same do pass.

Mr. MCMILLIN. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I should like to know why recovery could not be obtained under the general law.

Mr. BROWNE, of Indiana. If I understand it, the general law does not allow a recovery for money lost.

Mr. MCMILLIN. That is correct.

Mr. BROWNE, of Indiana. But only for stamps.

Now, the inquiry I desire to make of the chairman of the committee is this: Why is it when we come to legislate in general statutes we prohibit allowances covering money lost and then proceed to make them by special legislation?

Mr. MCMILLIN. I know of no reason for it. I see no reason why in one case it can not be recovered as well as in any other. It was an inadvertence, perhaps, on the part of those framing the general law in leaving out this special class of claims.

Mr. BROWNE, of Indiana. No; for a reason was given by the committee why a general law was not drawn covering the loss of money. It was because it was not always possible to distinguish money which had been accumulated in due course of trade, and money which properly belonged to the Post-Office Department, and received in exchange for stamps.

Mr. MCMILLIN. That difficulty, I think the gentleman will observe from the report here in this case, has been removed.

Mr. BROWNE, of Indiana. It was the policy of the Congress, then, not to allow recovery for money lost in any instance. I did not see any propriety in that legislation then, but we ought to pursue a general course in reference to these matters. A general law will be of little consequence if we are required in every case to pass a special act.

Mr. MCMILLIN. If the gentleman will remember the difficulty of getting to any private bill he must admit the general law is not entirely inoperative. It was the opinion of the committee that this officer had exercised all due diligence in the custody of these funds. The safe which had been provided for the funds of the postal department was as secure as that in which he kept his own money. His personal funds and those of the Post-Office Department were kept separate, in order that there might be no confusion between the two accounts. I make this statement only to show that the character of the safe in which the public funds were kept proved that this officer had exercised due diligence, that diligence which any business man would exercise over his own funds.

Mr. BROWNE, of Indiana. I hope the gentleman will not understand me as objecting to the passage of this bill.

Mr. MCMILLIN. No; I do not.

Mr. BROWNE, of Indiana. The reason why I mentioned it is this: At the time the general law was passed a bill was pending for the relief of the postmaster in my city who had lost money under circumstances similar to those in this case. His office was entered in the night-time and his safe blown open by gunpowder. He lost stamps, and also money which he had received in exchange for stamps. He pursued the burglar and captured him at very considerable expense, securing the return of most of the postage-stamps which had been stolen, but no part of the money. He was compelled under the general law after it had been passed to withdraw his claim, going to the Auditor of the Treasury for the Post-Office Department, where he recovered simply for the residue of the stamps not secured at the time of the capture of the burglar and lost every penny of the money which had been stolen. Now, I do not understand why there should be fish of one and flesh of another.

Mr. MCMILLIN. Does the gentleman think this presents a meritorious case? If so, I suggest that failure of justice in a former case does not excuse us from failing to do justice in this.

Mr. TILLMAN. Mr. Chairman, the United States Government does not want its faithful officers to lose money in the discharge of their duties where everything has been done that can reasonably be required of a functionary to protect the trusts confided to his charge. Now, sir, from the very foundation of the Government down to the present hour just such claims as the one we are considering have been paid almost without question when they were brought to the attention of this body, each claim standing upon its individual merits and upon the facts as developed. I am surprised that the gentleman from Indiana should object to the passage of this bill. Surely he is not in favor of making a public official work for nothing and pay for the privilege of doing it.

Congress, when it framed a general law for making good all losses by postmasters, where the loss occurred without fault of their own, in omitting to provide for the reimbursement of money losses, did not intend to deny all relief.

If such had been the case it would force postmasters not only to take extraordinary precautions in the care of public property, but would compel them to run extraordinary risks; in fact, to run greater risks than any other class of officers under the Government.

In excluding money losses from adjustment at the Post-Office Department the purpose was to prevent either fraud or collusion by postmasters or Department officials. A second reason for forcing postmasters to come to Congress for recovery of money losses was to compel scrutiny of all the facts and require the claimant to show that he had exercised due diligence and done his whole duty.

I submit, sir, that this is a meritorious claim. The case has been thoroughly inquired into and unanimously reported by the committee, and it ought to be passed by this House as hundreds of similar claims have been passed in the history of the Government.

Mr. BROWNE, of Indiana. Mr. Chairman, I wish to state again that I have not objected to the passage of this bill. I believe it ought to pass. The reason I referred to the matter at all was in order to bring to the attention of Congress some recollection of the character of legislation in which we sometimes indulge. I assert that at the time the general law was passed the question of excluding from its operation money losses by postmasters was to prevent frauds against the Government. It was the policy of Congress at that time to prohibit the allowance of money losses. That reason for adopting such a policy was then clearly stated, and the provision seemed to have been adopted almost unanimously. I refer to it, as I stated a moment ago, because it applies directly to a case affecting one of my immediate constituents.

It is true he may now come into the Congress, perhaps, and secure a favorable report on a bill allowing him all the balance of his loss; but every man of experience in legislative matters knows that he would rather put his hand in his pocket and reimburse a constituent out of his own funds to the extent of a hundred or two dollars than to attempt to take upon himself the burden of the passage of a special bill for his relief through Congress, where every Representative is peculiarly the guardian of the national Treasury, and where, under our peculiar system of rules, any captious gentleman, by the interposition of a single objection, may prevent the doing of justice to a private citizen. The manner in which we reach the consideration of these private claims would be disreputable if indulged in by any other body of less prominence than the American Congress. If we were to treat our neighbors in our dealings with them as citizens as the Government treats those to whom it becomes indebted, it is doubtful whether one of us, after a year or two, would be able to secure credit for a pound of soap at a corner grocery. That is all I desire to say.

Mr. MCMILLIN. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PAY OF CERTAIN OFFICERS.

The next business on the Private Calendar was the bill (H. R. 4683) to pay certain officers of the Army for services actually rendered during the late war.

Mr. MCMILLIN. Mr. Chairman, this bill is a general bill in its nature. There has been already a similar bill passed by the House, as I am informed by the Chairman of the Committee on War Claims. I therefore move that this bill be reported back to the House with the recommendation that it lie on the table.

The motion was agreed to.

CITIZENS OF MARION COUNTY, TENNESSEE.

The next business on the Private Calendar was the bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee, reported by Mr. GEDDES from the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the claims of certain citizens of Marion County, Tennessee, for quartermaster's stores and commissary supplies alleged to have been taken from them by United States troops during the late war, and known as claims filed before the "Jasper board," so called, be, and they are hereby, referred the Quartermaster-General of the United States Army, who shall have full jurisdiction to examine and consider said claims, and make report thereon to Congress as in cases provided for in the second and third sections of the act to restrict the jurisdiction of the Court of Claims, &c., approved July 4, 1864.

Mr. DIBRELL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ELIZABETH CARSON.

The next business on the Private Calendar was the bill (S. 12) for the relief of Elizabeth Carson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury of the United States, out of any money in the Treasury not otherwise appropriated do pay to Elizabeth Carson, of Bourbon County, Kentucky, the sum of $2,630.50, in full satisfaction for subsistence, use of jail, fuel, fire, care and attention furnished by her to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 12) for the relief of Elizabeth Carson, submit the following report:

It is alleged that in the years 1862, 1863, 1864, and 1865 the petitioner furnished subsistence, fuel, fires, &c., to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by order of the military authorities of the United States. Claim stated at $4,618.70.

The claimant made no complaint to the War Department, and the very statement of her case is vague and uncertain, and the proof submitted would not warrant the committee in passing it.

It seems to your committee that an investigation by the Secretary of War, or under his direction, is a matter of necessity before intelligent action can be had upon this case.

The committee therefore report herewith an amendment, in the nature of a substitute for Senate bill, conferring power upon the Secretary of War to have the case investigated through the Quartermaster's Department, and to report the result, with his recommendation thereon, to Congress for its action in the premises.

Mr. GEDDES. I move that the bill be laid aside to be reported favorably to the House.

The CHAIRMAN. The Clerk informs the Chair that the substitute has not been sent to the desk.

Mr. MCMILLIN. Do I understand that there is no substitute accompanying the bill?

The CHAIRMAN. There is no substitute on file at the desk.

Mr. MCMILLIN. I suggest to the gentleman from Ohio [Mr. GEDDES] the propriety, in the absence of the substitute, of passing over this bill informally.

Mr. GEDDES. I think the substitute will be found in the papers.

The CHAIRMAN. The Chair has sent to the file-room to ascertain if a substitute be pending or not.

Mr. GEDDES. I ask that for the present the case be passed over informally.

There was no objection.

NICHOLAS J. BIGLEY.

The next business on the Private Calendar was the bill (H. R. 1347) for the relief of Capt. Nicholas J. Bigley.

The bill was read, as follows:

Be it enacted, &c., That the sum of ——dollars be, and the same is hereby, appropriated, out of the funds in the Treasury not otherwise appropriated, to pay Capt. Nicholas J. Bigley for the value of the steamer Hercules and tow of coal, destroyed at Memphis, Tenn., in the month of February, 1863.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1347) for the relief of Capt. Nicholas S. Bigley, submit the following report:

The claimant in this case asks compensation for the alleged price and value of the following property destroyed during the late war: Four barge-loads of coal, aggregating 70,638 bushels, at 30 cents per bushel, $21,211.40; the value of the steam towboat Hercules, $25,000; total, $46,211.40.

This case is somewhat exceptional in not exciting much doubt or uncertainty as to the facts of the case. The evidence is very full, but not materially conflicting. The claimant has presented his case supported in all its important points by the most satisfactory testimony. The questions to be decided are therefore less difficult.

1. The loyalty of the claimant is clearly established.

2. His ownership of the property when destroyed and of the claim at this time can not be questioned.

3. The value of the property and the extent of the claimant's loss at the time it occurred must be conceded.

4. The remaining question is, whether, admitting the facts claimed, the Government is under any legal or equitable obligation to remunerate him for the loss.

A very brief review of the facts will be necessary in order to present the questions on which the right to compensation depends.

In the month of January, 1863, the United States military authorities occupied Memphis, Tenn., and, being in need of supplies for the Army, offered extraordinary inducements to parties who were willing to engage in such hazardous enterprises. At that time the quartermaster of the Army at that city sent the following order by telegraph:

DEPARTMENT QUARTERMASTER'S OFFICE,
Memphis, January 24, 1863.

E. R. BLASDEL, Esq.:

Furnish to this department 75,000 to 100,000 bushels of Youghiogheny coal; also 2,000 tons of hay, for which a good market price will be paid; coal at 30 cents per bushel, and hay at $27.50 per ton.

A. R. EDDY,
Per DAN. W. SENBE,
Chief Clerk.

This order by telegraph addressed to Mr. Blasdel was received by him. Heat the time resided at Lawrenceburg, Ind., a point on the Ohio River 130 miles above the city of Louisville, and he was at the time engaged in the produce business.

The claimant then resided in Pittsburgh, Pa. It does not appear, nor is it material, where Mr. Blasdel met claimant and delivered to him the telegraphic order.

There is no evidence tending to show that either Mr. Blasdel or claimant answered the telegram accepting the proposition made in it.

The military authorities at Memphis had no notice that this particular order would be complied with. Claimant appears to have relied on the well-known necessities of Government for such supplies at that time and place, or felt unwilling to incur the absolute obligation to deliver under the circumstances. The proof is clear that he fully realized the risks involved in the undertaking. He had before frequently undertaken such ventures that proved successful and profitable. He was engaged in a business of the most hazardous character, and voluntarily assumed the responsibility. He entered upon the performance of it without notice that he would perform it, and without demanding protection. Tempted doubtless by the prices offered and the profits of a successful voyage, he engaged in it.

The evidence clearly establishes the fact that claimant started on the expedition with about 100,000 bushels of coal of the description designated in the order mentioned, which was carried in six coal-boats towed by the steamer Hercules, Capt. Thomas McCloskey being in command. The claimant accompanied the expedition in person. They started down the river early in the month of February, 1863. They met with no serious obstacles until Memphis was reached. Claimant, in his affidavit in reference to the trip, among other things, says:

"That he hastened to Memphis with the towboat Hercules and seven fullboats, containing about 100,000 bushels of coal, knowing the Government was much in need of coal at that time; that fearing an attack from guerrillas, he made an application to the commanding officer at Cairo for a convoy, which was refused, and he was assured by that officer that there was no danger."

He then proceeded to Memphis, and makes the following statement in his affidavit as to the condition of things found to exist there and the reason for not landing at Memphis:

"That said steamer arrived off Memphis, Tenn., at 8 o'clock and 30 minutes on the morning of 18th of February, 1863. There was a heavy, dense fog prevailing at the time the steamer arrived at said point; the fog was so heavy and dense we could not see the Memphis shore. Owing to the circumstances by which we were surrounded at the time it was, after consultation together, deemed imprudent and unsafe by the captain and pilots of the vessel to attempt to land the vessel and tow at the Memphis wharf for fear of sinking some of the vessels and craft lying at and alongside that wharf."

Captain McCloskey, of the tugboat, in his affidavit, states the circumstances at Memphis on their arrival there:

"That when landing at Memphis, and just above the city, a heavy fog set in, and the current being strong and the wharf somewhat crowded with other craft, the officers of the boat deemed it unsafe just then to attempt a landing at the city wharf, and landed temporarily on the Arkansas side, nearly opposite the city. Soon after the steamer was attacked by a guerrilla band and taken possession of, burned, and destroyed."

One of the crew was killed; claimant, captain, and the rest taken prisoners. The next day they were released and returned to the landing about 1 o'clock, and found six of the coal-boats still afloat. They procured another towboat and succeeded in delivering three of the coal-barges, but that night the remaining three coal-barges were destroyed. The Government paid for the coal delivered at the price designated in the order mentioned. It is clearly established by the evidence in this case that no Government officer knew when this party would arrive with their supplies. No effort was made to advise the military authorities at Memphis of the approach of this party with coal. No one, on behalf of the Government, was consulted as to the propriety of landing, temporarily, on the Arkansas side of the river. The place where they landed was not considered by claimant as the place of delivery, but only a *temporary* landing until a more convenient time.

It is insisted on behalf of claimant that his acts constituted a delivery, and the affidavits of several rivermen engaged in the trade at that time have been submitted. They do not strengthen the claimant's case. One of them, Holmes Harper, says:

"As a riverman, knowing the usages and customs of the trade, I would say that if this coal in tow of the steamer Hercules had been sunk or lost in transit by reason of the dangers of navigation in storms, striking on a bar in the river or a snag, or striking against the shore, or by other incidents of navigation, then in that case the loss would undoubtedly have been Mr. Bigley's."

Here certainly there was no delivery, or what should in law be considered equivalent to delivery. The order was dated at Memphis. The military authorities were stationed at Memphis. Claimant regarded Memphis as the place of delivery, and would have landed there for that purpose if the obstacles mentioned had not intervened. The Government was evidently prepared to, and ready to, receive the coal at the time, for when notified of the landing of the three barges of coal at Memphis the quartermaster received the same and paid for it.

Thus was there no delivery of this property to the Government. It was destroyed when in the possession and under the exclusive control of the claimant. He followed his own judgment and the judgment of his men as to the safety of the course adopted.

In the absence of any legal liability of the Government, your committee do not consider the case as warranting any such generosity. The loss was heavy, it is true. It was a great misfortune. But losses, hardships, and misfortunes occur in peace and in war. The loss of life and limb, health and property, and other innumerable sacrifices entailed by the war can not be compensated for in money. Many of such losses and sacrifices resulted from pure patriotism, without hope of pecuniary reward, and the sufferers come to Congress asking for relief. Such cases often appeal with great force to our sympathy.

But this case is not of that character. There is no equitable consideration calling upon the Government to make compensation. It is a case of a contractor seeking to make money during the war. He was availing himself of the opportunities afforded by the necessities of the Government. He was influenced by the high prices paid for such services. It was fortunate for the Government that men of capital were found ready to risk their property in such hazardous enterprises. If he had been continuously successful throughout the war, and a great fortune had been accumulated by him, he would hardly appreciate the force of an argument that he was under a moral and equitable obligation to the Government to contribute liberally of his gain to relieve the country of the burden imposed by the war. He would doubtless then feel that he took his chances, made money, and, as it was a matter of *fair contract* in open market, he should be allowed to keep and enjoy his profits.

This claim has in years past been fully considered by the Government and payment refused. In a report of the War Department in 1870 the following statement appears:

"Reports adverse to the allowance of this claim have been made by the Quartermaster-General, the Judge-Advocate-General, and the Third Auditor, the latter report being concurred in by the Second Comptroller. The ground of the rejection is that the property was not delivered to the Government, but was destroyed while it was in the ownership and possession of the claimant."

Adverse report was also submitted by the Committee on War Claims to the Forty-eighth Congress.

In view of all the facts of this case and the considerations bearing upon it your committee feel called upon to report adversely to the allowance of the claim, and therefore recommend that it lie upon the table, and that the report be printed.

Mr. ROWELL. I call for the reading of the minority report.

The views of the minority were read, as follows:

This claim was before the last Congress, and was favorably reported from the Senate Committee on Claims for the value of the coal destroyed, $21,211.40, and the bill, as thus reported, passed the Senate. A similar bill was reported favorably from the House Committee on War Claims, but for want of time failed of consideration.

In reporting this claim to the last Congress the two committees stated the facts to be as follows:

"It appears from the evidence in this case that in the winter of 1862 and 1863 about 45,000 troops were stationed at Memphis, Tenn., under the command of General Hurlbut, and that there was a great scarcity of and demand for coal, with which to move the immense quantities of supply stores that were required to supply the Army of the Tennessee, and in order to supply this demand Capt. A. R. Eddy, post-quartermaster at Memphis, sent the following telegram to one E. S. Blasdel:

DEPOT QUARTERMASTER'S OFFICE,
Memphis, January 24, 1863.

E. S. BLASDEL, Esq.:

Furnish to this depot from (75,000) seventy-five thousand to one hundred thousand (100,000) bushels of Youghiogheny coal; also (2,000) two thousand tons of hay, for which a good market price will be paid.

Coal at 30 cents per bushel.
Hay at 27½ dollars per ton.

A. R. EDDY,
Per DAN. W. SENBE, *Chief Clerk.*

Upon the receipt of this telegram Mr. Blasdel immediately transferred the order to the claimant, N. J. Bigley, who was then furnishing large quantities of Youghiogheny coal to the Government at other points, who accepted the order and at once undertook to fill it. He had seven barges gauged by the proper officers, and forwarded his certificates to the post-quartermaster at Memphis, and notified him that he was *en route* with the coal, the seven barges being towed by the towboat Hercules to Memphis, reaching that point on the morning of February 17, 1863.

On reaching Memphis claimant notified General McPherson, then in command, that he had delivered the coal as per contract, but owing to the crowded condition of the wharves he was directed to land his towboat and barges on the opposite (Arkansas) shore, which order he obeyed. Claimant states that he was advised that a guard was detailed to protect the boat and coal, but they never reported for duty. Soon after the boat landed it was attacked by the guerrillas and burned, and four of the barges and their contents were sunk. The other three were paid for by the depot quartermaster at the contract price and according to the certificate of the gaugers which had been previously forwarded to him. Claimant presented his bill to the depot quartermaster for the other four barges and contents and for the value of his towboat, which had been destroyed by the neglect of the agents of the Government, but payment was refused because of a want of jurisdiction of the depot quartermaster over such claims. The claim was afterward presented to the Quartermaster-General of the United States Army for allowance and payment, and was by him rejected for the same reason, but was by him recommended to the favorable consideration and action of Congress.

Claimant now comes to Congress and asks compensation for the coal contained in the four barges that were sunk, at the contract price, and for the amounts as shown by the gauger's certificates, and for the loss of the towboat Hercules, at a price fully shown by the testimony to have been a fair and reasonable valuation. The items may be more definitely expressed as follows:

70,638 bushels of coal, at 30 cents	$21,211 40
Value of towboat Hercules	25,000 00
	46,211 40

The evidence shows conclusively that the claimant was acting under the direct and positive orders of the agent of the Government, and that the loss of the property above mentioned was in no way chargeable to his neglect or carelessness; that the claimant had always been loyal to the Government, and had given liberally of his own private means to aid the Government in its days of sore trial and dire necessity. This claim has been considered by the Quartermaster-General, the Judge-Advocate-General, the Third Auditor, and the Second Comptroller, respectively, and by them rejected for the reason that the property "was destroyed while it was in the possession of the claimant." Your committee can not see that this should be a bar to the claimant's right to recovery, as he was acting under the special and positive orders of the Government through its recognized agents. This opinion seems to have been shown by Quartermaster-General Meigs, who, in the conclusion of his decision rejecting the claim, under date of May 11, 1869, uses these words:

"Congress alone, it seems to me, can give relief. The loss was a heavy one, and the circumstances are such as, I think, should commend the case to the favorable consideration of Congress."

In reviewing the report of the Quartermaster-General on this case the Inspector-General, Hardie, uses these words:

"The views of the Quartermaster-General are concurred in by the undersigned. The loss was heavy and the circumstances such as entitle the claimant to such favorable consideration as can legally be granted."

Judge-Advocate-General W. M. Dunn concludes his final review of the entire case, under date November 22, 1870, with these words:

"I concur in the conclusions of the reports rejecting this claim, and also in the foregoing recommendations thereof to the favorable consideration of Congress."

There is every reason to believe that while these departmental officials could not legally allow the said claim, yet they fully recognized and candidly acknowledged its justice.

Your committee are of opinion that the claimant is entitled to the relief he seeks to the extent of the value of the coal.

Your committee are of opinion that claimant should not receive payment from the Government for the towboat Hercules, by which said coal was transported, for the reason that it was a loss incident to natural risks which he assumed in delivering the coal, and for the further reason that the boat formed no part of the goods contracted for by the Government to be delivered; but your committee are clearly of opinion that claimant is entitled to recover the value of the coal destroyed, at the contract price of 30 cents per bushel, amounting to $21,211.40, and accordingly report back said bill with this amendment, and recommend its passage.

In the Forty-seventh Congress three members of the House Committee on War Claims dissented from the report of the majority upon the ground that the coal was not delivered at the wharf at Memphis, and hence could not be held to be such a delivery as was contemplated in the order for the furnishing of the coal, and that therefore the Government was not liable for the loss.

The claimant has filed additional testimony in this Congress, in which at least eight old river men testify that they are acquainted with the coal trade and the customs governing the delivery of coal at the various landings on the Ohio and Mississippi Rivers at the time this loss was sustained, and they unanimously agree that the delivery of the coal by Captain Bigley at the point opposite the city of Memphis was a good and sufficient delivery under his contract, and that the Government did accept such deliveries as deliveries at the "Memphis depot," and that it was not customary to deliver coal at the usual wharfs, but at some convenient landing within a reasonable distance of the point where it is to be received.

The testimony all goes to show conclusively that Captain Bigley made a reasonable compliance with the contract, and that the loss is in no way chargeable to his negligence, and the officers and agents of the Government at Memphis so understood it at the time. As an evidence of this fact, they received and paid for the three barges of coal that were spared by the rebels, and received it at the landing opposite Memphis, where the entire cargo was delivered, thereby admitting that the delivery of the coal was good and sufficient under the contract.

We are of the opinion that Captain Bigley ought to recover the amount of the loss he sustained. As the claim for the recovery of the value of the steamer Hercules rests upon an entirely different basis to that for the recovery of the value of the coal delivered and destroyed, we recommend that he be paid for the 70,638 bushels of coal at 30 cents per bushel, amounting to the sum of $21,211.40, and herewith report a bill for that amount as a substitute for H. R. 1347, and recommend that it do pass. The substitute is identical with the bill that passed the Senate in the Forty-seventh Congress and to the bill now pending in that branch of Congress.

JNO. B. STORM.
THOS. M. FERRELL.
J. H. ROWELL.
L. H. WELLER.

A bill for the relief of Nicholas J. Bigley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not other-

wise appropriated, to Nicholas J. Bigley the sum of $21,211.40 for 70,638 bushels of coal lost at Memphis, Tenn., in the month of February, 1863.

Mr. GEDDES. I move that the bill and substitute submitted be reported to the House with the recommendation that they do lie upon the table.

Mr. ROWELL. I move to amend that motion so that the substitute reported by the minority of the committee shall be reported back to the House with the recommendation that it do pass.

The CHAIRMAN. The first question is on the motion of the gentleman from Illinois [Mr. ROWELL]. The question is, Shall the substitute be adopted?

Mr. STORM. I suppose the question is debatable.

The CHAIRMAN. It is.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. NICHOLLS took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the House of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon; and

A bill (H. R. 4088) to incorporate the Luther Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2379) to authorize the transfer of one of the vessels of the Greely relief expedition to the Treasury Department for a revenue-cutter, and the retention of the other two for use in the Navy; and

A bill (S. 2449) to provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations, within the several States and Territories.

The Committee of the Whole resumed its session.

NICHOLAS J. BIGLEY.

Mr. STORM. I desire to be heard upon this case. I was one of the Committee on War Claims who signed the minority report, and I desire to be heard in support of the motion of my colleague on the committee, the gentleman from Illinois [Mr. ROWELL].

There is no dispute in this case about the main facts. The whole controversy is at best about a bald technicality—a simple, sharp, legal question about what constitutes a delivery of property under the contract in this case. The facts are that the applicant in this case, Mr. Bigley, on a telegram received from the military authorities at Memphis to fulfill a large order for coal of which the Government was at that time in pressing need—in pursuance of that order loaded seven barges of coal and with a steamboat of which he was the owner commenced to take this coal down the Ohio River to Memphis, the point of shipment. There is no dispute about the quantity of coal or about the price of the coal. There is no dispute about the fact that three of the barges of coal were delivered to the Government and accepted. There is no dispute about the fact that he delivered the remaining four barges as near the point of delivery as possible, being the amount of coal for which this bill seeks to pay the claimant the sum of about $21,000.

The facts as I recollect them, and as they are set forth in the report, are these: The claimant received this telegram, or some other gentleman received it who delivered it to Mr. Bigley for fulfillment, and he commenced to fulfill the order. He went down the river with this convoy of barges and reached a point opposite Cairo. There was a heavy fog in the river, and some report about the dangers of navigation from the presence of rebels in that neighborhood. At that place Mr. Bigley made application to an officer of the United States Government, asking him to protect his boats while going down the river. He was assured by the officer that everything was all right and there was no necessity for that. He proceeded down the river with his barges of coal, arriving at Memphis; and being informed that the wharf there—the general place of delivery—was so crowded that it was dangerous to land there, he communicated this fact to General McPherson, at that time the officer in command.

Thinking it better, in view of the crowded condition of the wharf, he landed this convoy of coal upon the opposite side of the river—upon the Arkansas shore. While there with these seven barges he was attacked by some guerrillas, who came from the Arkansas side. He was captured and taken some thirteen miles into the country; he was robbed and subjected to very brutal and cruel treatment. One of the crew was killed. Being released the next morning, and returning to his boats, Mr. Bigley discovered that the United States Government had taken three of the boats and landed them on the Memphis side of the river, and for those three boat-loads of coal he received his pay from the Government. The other four boats were destroyed and sunk in the river—became a complete loss.

These are the facts, about which I think there can be no dispute. He landed the coal as near to the place of shipment as the condition of the wharf would allow, and I claim, as a matter of law (and this seems to be the point on which this whole question hangs), that there was a complete, absolute delivery of that property to the Government of the United States. It was a more complete delivery than that which the law says constitutes a good delivery; for, as gentlemen are aware, the mere delivery of the key of a warehouse passes the goods in it. Here was an actual taking of possession by the United States to the extent of three of the seven barges. Further than that, the United States sent a party of men over to protect the remaining barges, which were at that time within range of the guns of a United States war vessel then in those waters. The United States sent a guard there, which for some unexplained reason was subsequently withdrawn. I contend, Mr. Chairman, that upon every principle of law there was a good, valid, legal, actual delivery of this property by Mr. Bigley, the claimant, to the United States, and that the Government accepted it. These facts, I say, can not be disputed.

But there are still further considerations in favor of this claim. This case was favorably considered and reported by the Senate committee in the Forty-seventh Congress, and a bill similar to this passed the Senate. It also received a favorable report in this House from a majority of the Committee on War Claims in the Forty-seventh Congress.

Since that time, Mr. Chairman, there has been additional evidence taken upon the question as to the actual delivery of this property. Some eight or nine old rivermen on that river, having knowledge of the customs concerning the delivery of coal at this very point, Memphis, and other points along the river, testify that according to the customs prevailing on that river and the circumstances in this case the delivery is a good one. Whether or not the Government actually received this coal on the Arkansas shore as a good delivery, we claim that according to the customs prevailing on that river as proved in this case there was an actual delivery of the coal at the place called for.

The telegram requested that the coal be delivered at "the military depot" at Memphis. What was that military depot? Was it simply a wharf three or four squares long, which, as the testimony in this case shows, was already crowded by other vessels, or was it the point nearest that wharf where the coal could be safely landed? It is shown by the facts in this case that the coal was landed as near the wharf as possible. The telegram did not call for the delivery of the coal at the wharf, but at this "military depot," which occupied the whole river at that point.

Now, Mr. Chairman, there is a fallacy running all the way through the report of the able chairman of the Committee on War Claims [Mr. GEDDES] in this case. I know how hard it is to oppose a report made by that gentleman or by a majority of the committee. I know how hard it always is to overcome an adverse report of the Committee on War Claims, that committee being usually very careful in its reports. Yet there runs through this whole report the remarkable fallacy of assuming—what there is not a single particle of evidence in the whole case to show—that the price offered by the Government for this coal was not the ordinary price for coal at that place, but that Mr. Bigley, the claimant, was, by reason of an extraordinary price, induced to take upon himself these risks or hazards. It is assumed that the war risks and the risks of navigation were voluntarily taken by Mr. Bigley in view of the large price the Government was offering for coal. If you strike out of the report this assumption (which is entirely without foundation in the evidence), there is nothing to support the reasoning of the majority report; and that report stands at best, as I have stated, upon a mere technicality. The price offered by the Government was the ordinary price, as any one acquainted with the price of coal at the time knows.

This man was loyal to his country and its cause in the late war. Apart from his losses in this case he suffered greatly in the loss of his property during the war. He comes here now and asks the Government to pay him for these four barges of coal which he delivered at the nearest point practicable under the circumstances. The Government had taken actual possession of three of the barges and was legally in possession of the others; and the subsequent loss of the four remaining barges must fall upon the Government.

The Quartermaster-General of the Army in passing upon this claim and officers of other Departments have said that while technically they could not allow the claim, it was a proper case for Congressional action. And Congress ought to grant this relief. We are the only tribunal in which such relief can be given; and I believe the sense of fairness and justice prevailing in this House will sustain this minority report.

I yield the remainder of my time to my colleague on the committee [Mr. ROWELL].

Mr. ROWELL. Mr. Chairman, I do not desire to detain the House with any lengthy statement, but it does seem to me that a fair consideration of the facts and law in this case will induce a unanimous vote in favor of the minority report. The mistake made by the majority of the committee is both a mistake of fact and of law. If this coal was delivered to the United States Government, then it will be admitted that it ought to pay for it. Now, under the facts in this case, I insist upon it a legal delivery was made to the United States. Under the evidence by rivermen, the coal depot at Memphis for barge-loads of coal was anywhere in the neighborhood at coal wharves where the boat could

get into shore. With a convoy and a large number of barges they could not be taken into some particular wharf, but there were three or four places in the neighborhood of Memphis where coal was wont to be landed.

When this convoy and these barges reached the neighborhood of Memphis they landed this coal at one of the coal landings and notified one of the Government officers that the coal was there. They were afterward attacked by guerrillas, and the captain, the proprietor, and the crew captured. Subsequent to the capture and before the coal-barges were destroyed the city of Memphis took possession of all these barges and placed a guard over them and continued that guard for some length of time. While the owner was a prisoner, without any orders and in violation of its duty, this guard was withdrawn, and because the guard was withdrawn the enemy's force was subsequently enabled to destroy this coal.

Now, I undertake to say in any court of law a notice of the arrival of coal at the point of destination, at the depot of Memphis, at any coal wharf recognized as a coal depot, subsequently taking possession of that coal by the forces of the United States, was a delivery. The abandonment of the coal by the same forces did not change the fact nor the law that this was an absolute delivery of the coal.

For that reason the Government of the United States owes the money for this coal.

Not speculative prices. That is a mistake. In looking at the evidence it will be ascertained that this man was not selling the Government coal at exorbitant prices. He was selling to the Government coal at the market price. He delivered the coal to the extent proposed by this substitute, and the Government has refused to pay for it. For that reason I joined in the minority report, and I hope this House will have sense of justice enough to see to it that this man is not any longer delayed in the collection of his just debt.

He lost his barges and he lost his steam convoy as well, but this report does not allow him pay for them, because he was not to deliver to the Government a steamboat, nor was he to deliver to the Government barges. It was coal he was to deliver. He took the risk of his own property, and the Government took the risk of the coal after it had been landed at the depot at Memphis, and especially after the Government forces had been put in charge of it.

Mr. GEDDES. Mr. Chairman, I feel it is not a pleasant duty or responsibility to resist any claim which makes a strong appeal to one's sympathy, but I have become so accustomed to this class of work, involving one, two, three, or five hundred millions of dollars in amount, claims pending before the War Claims Committee, where we feel uniformly compelled to report on them adversely, that I feel constrained now to resist the approval by the House of this claim. I am gratified in being able to state to any who may listen in regard to it that the facts of the case are not complicated. There is no such conflict as will cause any embarrassment of mind in regard to it. Although in our statements of it here we may not exactly agree in regard to the substance of the case, nevertheless it will be found on comparison of views of gentlemen favoring as well as those opposing the claim that we do not differ materially in regard to the facts.

Now, this claimant was a resident of Pennsylvania, and the claim would naturally arouse greater sympathy on the part of the gentlemen from Pennsylvania than on my part. It is true, the Ohio River is only between us; and finding my own sympathies were aroused, I was put more on my guard in regard to its legal and equitable merits.

This gentleman, being a citizen of Pennsylvania, at the time a man of large means, engaged extensively in river traffic during the war, making large profits, accumulating large gains, becoming immensely wealthy by fortunate ventures of this and other kinds, also took upon himself what will be manifest upon casual investigation as not only a hazardous but profitable enterprise if he won. If he failed in this, he would only lose some of the profits which he had so frequently gained in his early and fortunate adventures during the war.

Gentlemen speak of it as if a contract had been made between the officers of the Government and this claimant, and argue it as though it was simply a question of the delivery of this property.

No contract was made between any officer of the Government and this party at any time from the beginning up to the time of the loss or at any other time.

The facts of the case are briefly these: The telegram, which will be found embodied in the report, upon which this party acted, was not addressed to him at all. It is a telegram addressed to E. S. Blasdel, another man accustomed to ventures of this description, residing at another point in the North.

How this telegram came into the possession of this claimant is not disclosed in the proof; how he was induced to act upon this telegram is not disclosed in the testimony before the committee. But he had the telegram in his possession, and he purchased the coal and undertook to transmit it to the Government without notifying the Government of his intention so to do. Now, observe; the Government gives out a general notice in the form of a telegram to a particular party, and it is the most liberal view that can be taken of it that any man would have the right to act upon that. They sent the telegram to this party that they were in need of certain supplies, and that if delivered they would be paid for upon delivery. That telegram is dated at Memphis, as will be seen by examining it. This party, the claimant in this case, obtained possession in some way of that telegram, and undertook to fill the demand referred to by it. How does he do it?

By telegraphing to any official at Memphis, any Government officer at Memphis, that he stood ready to deliver, or that he would undertake to deliver, or that he desired to perform that contract, or that they might expect him at any particular day, or at any future time? Not at all. He was so unwilling to enter into the contract in the sense of a contract that would bind him as well as the Government had he failed to meet or been unable to perform it, that he gave no information of any intention to do anything in the matter. He did not undertake to accept the proposition of the Government. It was an unaccepted proposition on the part of the officers at Memphis. But he did undertake to do something, and in that effort he met with the disaster upon which this claim is based. He starts down the river with a cargo of coal.

Mr. COSGROVE. May I ask the gentleman from Ohio a question?

Mr. GEDDES. Certainly.

Mr. COSGROVE. To whom was this telegram addressed to which you have referred?

Mr. GEDDES. To E. S. Blasdel.

Mr. COSGROVE. Who is the claimant in this case?

Mr. GEDDES. He is one Nicholas J. Bigley.

Blasdel lived at Lawrenceburg, Ind., a point on the Ohio River, as gentlemen well know. Now, coming to the more important point, and the very essence, I think, of this claim, to which I will invite the closer attention of gentlemen otherwise engaged, we find that in due time this party arrived at Memphis with the coal. No military officer had any knowledge or notice of his approach. He approached and found a dense fog on the Memphis side of the river. He made no application to any military officer to take the judgment of that officer as to what action he should pursue. He consulted no man representing the Government of the United States as to what he should do in reference to the coal. He was accustomed to act on his own judgment. He was there in person, with his own officers in charge of the boats, and declined to consult any military authority of the Government as to what should be done. Finding this dense fog on the river, instead of attempting to deliver the coal at Memphis or consulting any one as to the place of delivery, in the exercise of his own judgment and choice, and to which he was fairly entitled, he shipped over to the opposite shore and there landed. There he met with guerrillas. There the misfortune came. That is what produced his loss. He was captured and some of his crew were captured with him.

Now, subsequent to that time three of those barges with the coal were delivered. How? By whom? By this claimant. He procured another boat and succeeded in delivering to the Government, and that was the first notice that any military officer at Memphis had that any coal was approaching for delivery. This claimant procured a boat and secured the delivery of three of these barges with their contents to the Government of the United States. There is no controversy as to that. The Government promptly paid for the contents of these boats and for the coal thus delivered.

Mr. BUCKNER. Will the gentleman permit me to ask him a question just there?

Mr. GEDDES. Certainly.

Mr. BUCKNER. The gentleman from Illinois [Mr. ROWELL] stated, as I understood him, that the Government sent guards across to take possession of the seven boats. Do I understand the gentleman from Ohio to say that there is no evidence of that fact?

Mr. GEDDES. I do. My claim is—and I will read as bearing upon that point the testimony of one of the officers. Here is the testimony of one that I see before me on first opening this book:

Captain McCloskey and others got the towboat Wisconsin, on the evening of the 18th, to tow over to Memphis three of the coal-boats that the Hercules had charge of. Night coming on, it was deemed unsafe for the Wisconsin to make a second trip same day, and during that night the guerrillas destroyed the remaining four coal-boats with their contents. Three coal-boats were as many as the Wisconsin could tow at once. On reflection one of the coal-boats was sunk at the time of the burning of the Hercules. Only three were carried to Memphis, and further says not.

Mr. HOPKINS. Will the gentleman permit me one question?

Mr. GEDDES. In a moment. In that same connection I will read the statement of the claimant himself in regard to the circumstances under which he landed on the opposite shore and as to why he did not land on the Memphis side. He says:

That the steamer Hercules with her tow reached Memphis on the morning of the 17th of February, 1863, and was, owing to a fog, and the crowded condition of the wharf at Memphis landing just opposite—temporarily—

"Temporarily." I emphasize that as being significant in law, in fact, and in equity. It shows the judgment of the claimant at that time right at the turning point that he had no right to deliver this coal on the shore opposite to Memphis and that the order contemplated no such thing. It shows that in his judgment he had no right to deliver this coal where he now claims it was delivered in fact and in law; because he says he moved to the opposite bank temporarily on account of the fog on the Memphis shore. And then he adds:

And directly after landing was attacked by guerrillas, and set on fire and destroyed, as detailed in the affidavits of Thomas J. Collins (Exhibit C), Mike Myers (Exhibit D), John Bigley, and Thomas McCloskey (Exhibit E).

Another of the crew says:

Immediately on reaching Memphis, Peter G. Bigley, myself, and others got a towboat, the Wisconsin, and succeeded in towing over three coal-barges, which lay near where the Hercules had been destroyed. Darkness came on, and the captain of the towboat Wisconsin refused to go over again, considering it dangerous.

Mark you, they were acting under the orders of this claimant. They were in his employment.

Mr. HOPKINS. There is the point at which I would like to ask the gentleman the question whether it is not the fact that the steamship Wisconsin was a Government boat, owned by the United States and directed by the officers of the United States Army.

Mr. GEDDES. I am not prepared to answer that question.

Mr. HOPKINS. The testimony shows it.

Mr. GEDDES. I am under the contrary impression. But whether it was or not it was procured at the instance of this party, and the delivery at that boat was not regarded as a delivery to the Government. That night the remaining three coal-barges, he says, were destroyed.

Now, it is said, testimony has been taken tending to show that a delivery on the opposite side was by rivermen regarded as a delivery at Memphis. As I have already said the circumstances of this case clearly show that under this telegram this party did not so regard his duty, but an examination of the testimony of those rivermen, I think, instead of aiding this claimant, materially damages his claim as it stood before that testimony was submitted. As an illustration of that I will read from one of the affidavits a single paragraph as showing to my mind that the evidence does not strengthen his claim. This is the affidavit of Holmes Harger:

As a riverman, knowing the usages and customs of the trade, I would say that if this coal in tow of the steamer Hercules had been sunk or lost in transit by reason of the dangers of navigation in storms, striking on a bar in the river or a snag, or striking against the shore, or by other incidents of navigation, then in that case the loss would undoubtedly have been Mr. Bigley's.

Now, here clearly the loss was the result of one of the incidents of nagivation. Therefore as it strikes my mind there is but one thing that can be said in regard to this claim, and that is as to the equitable considerations on which gentlemen base their support of it. Unpleasant as the duty may be to state it, it seems to me that is a proposition easily answered.

We can not in our legislation at this day, twenty years after the close of the war, undertake to meet all the losses, compensate for all the sacrifices, make whole every man who from a patriotic sense of duty undertook to aid the Government in that hour of danger. And to select out one of this class and override thousands and tens of thousands of other claims, running up into hundreds of millions of dollars, can not secure the approval of my judgment. For of all the men who sustained losses, good though they may be, commendable as their acts were, a man of this class is to my mind the least deserving, and should be deferred until many others are compensated at the hands of a liberal Government.

No man appreciates more highly than I do the value of the services of men of wealth who stepped to the front and tendered of their means and capital during the war. But where a man goes in to make profit—not to turn over his property expecting nothing back, but always expending in the hope of greater returns—when this class of men appeal to me for sympathy, I will not say to them, what may seem harsh and unreasonable, that they are undeserving; I only say that they belong to a class whose claims can not now be met at the hands of this Government.

Mr. BROWN, of Pennsylvania. If the gentleman will allow me a moment——

Mr. GEDDES. With pleasure.

Mr. BROWN, of Pennsylvania. It seems to me that the point in this case is, whether the Government officers with a Government vessel were undertaking to take the barges across the river. On this point I think the gentleman now on the floor failed to answer the question proposed by my friend from Missouri.

Mr. GEDDES. I have before me one item of proof on that very point; and I say, on a careful investigation of all the proof in the case, it will be found that the Government assumed no responsibility as to the delivery of this property, did not undertake to accept the property. Upon this point I read from the evidence:

This affiant called upon Captain Lewis, assistant-quartermaster of transportation, for a guard to protect the three boats then remaining on the Arkansas shore—

After the others had been delivered—

and upon his order the provost-marshal detailed a guard of thirty men, commanded by an officer, for that purpose—

Now, mark you—

The guard so detailed went to the river to be crossed over, and while they were there they were recalled by the order of some officer—for what reason the affiant does not know.

Thus it appears that these three remaining boats had been placed by the claimant, on his own judgment, voluntarily, at this place as a temporary resort until they could be delivered on the other side. His own boat having been destroyed as the result of his own folly, or of the condition of things then surrounding him, there could be nothing more natural than that on his appeal the Government should afford such assistance as was within its reach.

Mr. BROWN, of Pennsylvania. Then there was a guard sent to take charge of the boats?

Mr. GEDDES. No, sir.

Mr. BROWN, of Pennsylvania. I so understood the gentleman.

Mr. GEDDES. A guard started but was recalled.

Mr. BROWN, of Pennsylvania. Recalled by whom?

Mr. GEDDES. That does not appear; the presumption is that the guard was recalled by the same authority that sent it.

Mr. BROWN, of Pennsylvania. And that was the Government?

Mr. GEDDES. I presume by the authorities there on that side.

Mr. FINDLAY. How far had the guard proceeded before being recalled?

Mr. GEDDES. To the river.

Mr. FINDLAY. Did they get on the other side?

Mr. GEDDES. No, sir; here is the plain statement:

The guard so detailed went to the river to be crossed over, and while there they were recalled.

Mr. FINDLAY. Were they recalled after they had crossed the river or before?

Mr. GEDDES. Before—as they approached the river. Now, I do not desire to detain the committee further——

Mr. HOLMAN. Will the gentleman from Ohio allow me to ask a question touching the guard?

Mr. GEDDES. Mr. Chairman, what time have I left?

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. GEDDES. Very well; then I will yield any portion of that time which the gentleman from Indiana may desire.

Mr. HOLMAN. I do not care to occupy the time of the gentleman unnecessarily, but have merely risen for the purpose of asking him a question. The question I wish to ask is this: Whether or not any further attempt was made to protect this property by the Government than it was exercising all over the country to protect all other property from being destroyed; whether it was doing more than it was everywhere else to protect as far as it could property from being destroyed by the forces of the enemy? It does not appear on the face of the papers, although it has been a great many years since I looked over them; it does not appear on the face of the papers, so far as I remember them, when that consideration was presented to the Third Auditor or some other officer connected with the Treasury Department, that the Government was not making the same effort to protect this property that it was to protect all other property, not because it was the property of the United States or because it had been accepted by the United States, to protect it as it was the purpose and duty of the Government to protect the property everywhere.

Mr. GEDDES. I so understand the evidence in this case

Mr. ROWELL. Was it not true there was a guard put aboard these barges, and is it not further true that that guard was afterward withdrawn?

Mr. GEDDES. No, sir; I do not understand such to be the case.

Mr. ROWELL. Is it not true that the gunboats put a guard aboard these boats and afterward withdrew that guard?

Mr. GEDDES. I am not aware any testimony was presented showing that fact.

Mr. ROWELL. Did not the gunboats put a guard on board these barges? I do not refer to any guard coming from Memphis, but to the guard coming from the gunboats.

Mr. FINDLAY. There were two sorts of guards.

Mr. ROWELL. That is it, and the testimony shows guards were put on board these barges from the gunboats, which guards were afterward withdrawn.

Mr. GEDDES. I do not remember that there was any active participation on the part of the Government to take possession of this property or to protect it or to have anything to do with it except as I have read from the testimony.

Mr. BAYNE. I scarcely think, Mr. Chairman, that the argument of the chairman of the Committee on War Claims is a fair one. He has done injustice to a citizen of my State of Pennsylvania, at all events in many of the things which he has said. He has endeavored to create an impression in the minds of the members of the House that Captain Bigley, who makes this claim, is a rich man. Now, to my certain knowledge Captain Bigley is not a rich man. He is not worth a dollar. I do not know what difference it makes, but I simply meet that man of straw with that statement on my part.

He has also attempted to create the impression that perhaps the reason why certain gentlemen favored this claim is because Captain Bigley is a citizen of Pennsylvania. It is scarcely fair to the Representatives of Pennsylvania to attempt to create any such impression. Captain Bigley is no more to me than any other citizen of this country. Captain Bigley is a man whom I casually know. Captain Bigley is an active member of a political party to which I do not belong.

Mr. GEDDES. The gentleman will permit me, I hope, to read from the testimony. The question was raised at the close of what I had to say, and now in reply I will read from the minority report. I did not

suppose that any claim would be made in that respect, but in response to that claim I will read from the minority report indorsing the report of the Senate, where it is stated on page 4 that "the claimant supposes he was advised a guard was detailed to protect the coal, but they never reported for duty." That is just as I claimed it.

Mr. BAYNE. The appeal I wish to make in this case is simply based on what I believe to be justice and fairness to this citizen of the country. The fact is very obvious that the Government wanted at Memphis 70,000 bushels of Youghiogheny coal; that an order was sent for that coal; that that order on the part of the Government reached Captain Bigley, and that Captain Bigley delivered that coal at Memphis. Those facts stand out indisputably, and no amount of quibbling or technicality will do away with them. The order for 70,000 bushels of coal was directed to Mr. Blasdel. Mr. Blasdel was also the man who was asked to deliver so many tons of hay. Who Mr. Blasdel was or is I do not know, nor do I care, but the fact is the order came into the possession of Captain Bigley. Captain Bigley provided the coal. He had the order in his pocket when he reached Cairo. He sought the Government officers and told them that it was unsafe to carry that coal to Memphis without a convoy. The Government furnished the convoy to protect that coal in its transit from Cairo to Memphis. The captain of the convoy, fearing to run one night when it was very dark, refused to go on farther and directed Captain Bigley to land. Captain Bigley, or the officer in command of the boat, said that he could not land at the point indicated by the officer in charge of the convoy. The difficulty, Mr. Chairman, of landing a fleet of that sort, some of them containing as much as 600,000 bushels of coal, over 20,000 tons and upward of 42,000,000 pounds in weight—I say the difficulty in controlling a fleet of that kind can not be measured or imagined except by those familiar with the navigation of these large streams under such circumstances—two and a half or three acres of coal floating on the surface of the water in barges and boats, and all of them controlled by one little steamer at the rear of the barges. So when the captain of the convoy required him to land the fleet that night, and he failed because he could not, he went on, and without the aid of the convoy succeeded in taking that coal and landing it on the Arkansas side of the river, two or three miles I believe only from the Memphis wharf proper.

Now, sir, what occurred? He took that coal there and landed it. He encountered a fog when he got there, which prevented him from landing on the Memphis side of the river. He found it impossible to take the coal to any other point than to the identical point to which he did take it. He could not take it to the Memphis wharf proper; it was too large a fleet to be taken there; and more than that, there were boats and barges lying at the wharf at Memphis, and to have attempted to land the fleet at the wharf proper would have resulted in the destruction of a number of boats and barges lying there at the time. But what more have we? He landed the fleet on the Arkansas side of the river, two miles proper from the wharf at Memphis, and there are eight old rivermen, captains and pilots of boats that navigate the Ohio River, experts in this business, who came before the Committee on War Claims, and every one of them swears that according to the customs and rules and practice in the delivery of coal on the Ohio River this was a good delivery. And there is not one tittle of evidence to controvert that fact.

No man comes before the Committee on War Claims and presents an affidavit or alleges in any manner that it was not a good delivery in accordance with the rules governing that traffic. These things must be taken into consideration as indicating the reasons which governed this claimant in the transaction now before us. It must be apparent to any man who will consider the matter and understands the facts that Captain Bigley was authorized to land at that point, because such a fleet as that which conveyed this coal could not be controlled as a skiff or an ordinary boat or a canal-boat or any other small craft, and that such a landing was a good delivery. He had to do the best he could, as all the rivermen have had to do the best they could before and since, and eight of these men testify that that was a good delivery.

And now what further? Just as soon as the fleet was landed, just the moment that it arrived at that point, Captain Bigley or his officers went over to the Memphis side of the river and notified the Government authorities that the coal was there.

Mr. COSGROVE. Let me ask the gentleman from Pennsylvania a question.

Mr. BAYNE. Yes.

Mr. COSGROVE. Is there anything in the testimony to show that under such circumstances similar freight had been delivered at this point and was considered as a good delivery by the Government officials in charge?

Mr. BAYNE. I do not know whether there has been or not, but there is evidence to that effect from others. There is evidence by six or eight old rivermen that they regarded it as a valid and good delivery at the point.

Mr. HOPKINS. If my colleague from Pennsylvania will permit me a moment, I can answer that question by referring to the testimony of John Moore, who was a riverman, and for forty years engaged in this business. He says:

I never delivered any coal to the Government at New Orleans. I delivered coal to the Government at Memphis in 1863. I did not land at the city wharf with any of it. I landed above the mouth of Wolf River, a mile or a mile and a half above the city wharf, where the Government always took charge of the coal upon its arrival and protected it.

Mr. ROGERS, of Arkansas. But that is on the Tennessee side of the river.

Mr. COSGROVE. Let me ask were the Federal authorities in possession of the place where the landing of this coal was effected?

Mr. GEDDES. That is just the point of trouble.

Mr. BAYNE. They were in possession of it. The Government gunboats were traversing the river constantly. They had control of that entire shore, and were expected to protect the property of citizens of the United States when they went there, independently of any contract on the part of this man for the delivery of this coal at that point.

My friend, the gentleman from Ohio [Mr. GEDDES] says that this was not a delivery. If that ground be taken away from his argument, if that proposition be eliminated from the report of the majority of the committee, then there is nothing in the world left to stand on. Now, was it delivered?

As I have said, six or eight old rivermen, captains, pilots, and others on the river, who were accustomed to the rules and regulations for the delivery of goods on that river, have all testified that it was a substantial compliance with the order to furnish the coal at Memphis.

It was taken there. The next step that was taken, as I have said, was for Captain Bigley to go over to the city of Memphis and notify the Government that the coal was there. The next thing that was done was for the Government to send over there and take away three of those barges of coal, taking them over separately to the wharf at Memphis. Why did not the Government take over the whole seven? Why did it not take them all over when it took the three? Why did it not prosecute that business and work of taking all these barges over at that time instead of taking only three of them over; and if it was not a delivery why did it take them over at all?

The reason why they did not take the whole seven barges over during that day was because, as testified by one of the witnesses, the whole seven barges could not be landed at the Memphis wharf without imperiling the other craft lying at that wharf. Then what more was done? The Government sent a number of men down to the river edge on the Memphis side to go over and protect those boats against guerrillas or any other interference that might be made with them.

What does the chairman of the Committee on War Claims admit? Why, he admits that after the Government had taken this step to that extent that very same Government ordered these men to the rendezvous or their barracks, and prevented this protection which it had insured by accepting the order to protect them. And yet he says the Government did not take possession of them. Guerrillas came in there and sunk those boats. Bigley was incapable of protecting them. But suppose that the force which went right down to the water's edge on the Memphis side had gone on those boats with rifles and bayonets and stood guard over those boats that night, would they have been destroyed? They would have been protected, and this loss to this citizen would have been averted.

I am amazed to hear anybody say that this was not a contract; and I am amazed to hear anybody say this was not a delivery; I am amazed to hear anybody say that the Government had not actually taken possession of this coal. The transaction was complete in all its parts. It lacked no essential of an executed contract. And the Government, on the strictest legal principles, apart from all the equities, is bound to pay that man that money.

Captain Bigley, as I have said, is a citizen of Pennsylvania. He is a reputable citizen of that State. He has raised a large family in that State, and they are all honorable people. He is a poor man, and the very poverty he is now enduring was brought upon him by the refusal of the Government to pay him what no honest man would withhold from another man under similar circumstances.

I ask Congress as a matter of simple justice, and with no other motive, for I have no interest in the case except to do what is fair and right by this man—I ask the House to pass this bill reported by the minority of the committee as a substitute.

Mr. HOPKINS. The gentleman from Ohio [Mr. GEDDES] attempted to create the impression that this was an appeal to the sympathy of this House. It is an appeal to the sense of justice of this House, and nothing else. The speech of the gentleman was very good as an appeal to a common jury. But I apprehend it will not be of equal effect upon intelligent members of this House.

The gentleman from Ohio was unfortunate in not having his memory refreshed as to the facts in this case. He said there was a telegram to Blasdel to furnish this quantity of coal, but it did not appear how this telegram came into the possession of this claimant. If the gentleman had been careful enough to read the next sentence after the telegram itself he would have found this:

That after receiving the said order this affiant [Blasdel] immediately proceeded North for the purpose of fulfilling the same, and in pursuance thereof obtained from N. J. Bigley, of Pittsburgh, 100,000 bushels of coal.

Now, I hope gentlemen will remember Blasdel was the agent of the Government. He was the man authorized to procure and forward this coal. Blasdel testifies that, acting as agent of the Government, he went

North and procured from Bigley that quantity of coal. Therefore that answers the statement as to the position of Mr. Bigley. It also answers the further statement that this was a volunteer assumption on the part of Bigley for speculative purposes.

There is nothing to sustain that assertion. The Government officer himself in his telegram fixes the price at 30 cents a bushel. The price is fixed by the Government. The Government agent then goes and seeks out Bigley. Bigley is not a volunteer. He does not carry the coal to Memphis at his own risk. He goes in pursuance of an agreement made with him at Louisville by the agent of the Government authorized to pay him 30 cents a bushel, which price he is willing to take.

The gentleman from Ohio is equally unfortunate in not remembering the facts in connection with the burning of the steamtug Hercules. I quote from the testimony of Daniel Pollard:

We, that is myself and Captain Langthorne, talked over the fact of the steamer that was then burning, and Captain Langthorne ordered a steamtug of the United States, having on board about twenty or more armed men, to proceed to the burning boat. United States Officer Moorehead was the officer commanding the United States steamtug that went over, and I went on board of her.

When we reached the place we found she, the steamtug Hercules, was not quite done burning, and that one coal-boat of her tow had been scuttled and sunk, leaving six coal-boats, laden with coal, that were safe; one of these six boats was afire aft, and the hose of the steamtug Captain Moorehead, put out the fire on said coal-boat.

There was the Government gunboat with Government soldiers in charge of the remainder of these boats, six in number. Another towboat, the Cricket, went over; and the boat already referred to, the Wisconsin, owned and controlled by the Government, carried three of these barges across, but it was too late at night to carry over the remaining three, and they were burned.

Now, gentlemen will remember that this was a contract for the delivery of this entire quantity of coal, not one barge, or two barges, or three barges; and I leave it to any lawyer whether under such circumstances the acceptance of a part is not the acceptance of the whole. The Government assumed control and custody of this entire cargo; the Government carried three of the barges across to its own wharf, intending to take the remaining three the same night, but failed to do so because night came on.

Mr. GIBSON (in his seat). The gentleman's law is not good.

Mr. HOPKINS. It is good. I assert that where there is a contract to deliver an entire quantity of coal, and the Government, by its officers, takes charge of six barges containing that coal and carries away three of them to the other side of the river, it assumes control and jurisdiction of the property and accepts a delivery of the whole. The Government in this case had taken all this coal into its custody, and had taken a part of it to another landing, leaving the residue in charge of its own officers.

Mr. HOLMAN. Upon that point—whether the Government did take possession of a part of this coal or not—I would like to read a few words from the evidence. On page 11 of the testimony I find the following statement made by the commander of the Hercules, which boat had this cargo in tow.

They then returned to the river—

He is speaking of the men after they had been captured and paroled—

They then returned to the river, which they reached about midday on the 18th of February, and were then taken on board the gunboat Cricket, after displaying a white flag, and carried over to Memphis. Immediately on reaching Memphis Peter G. Bigley, myself, and others got a towboat, the Wisconsin, and succeeded in towing over three coal-barges which lay near where the Hercules had been destroyed. Darkness came on, and the captain of the towboat Wisconsin refused to go over again, considering it dangerous.

Now my friend will perceive that the three boats which were towed across the river to Memphis and whose cargo was paid for by the Government were towed over for Mr. Bigley and at his instance—not as an act of the Government.

Mr. HOPKINS. No, sir; the testimony elsewhere shows that the Wisconsin was a Government boat; and on page 21 we have this evidence:

We were taken out about thirteen miles in the country; the next day we were paroled and permitted to return; found six of the seven boats still afloat, guarded by the United States gunboat Cricket, I believe.

These boats were guarded by the United States gunboat Cricket upon the motion of the Government itself. And before Mr. Bigley or any of his men had an opportunity to confer with any officers of the Government they were captured and carried thirteen miles into the country; and when they returned they found that these boats had been taken possession of by the Government, and were in charge of the gunboat Cricket.

Mr. GEDDES. I would like to have this made clear to me, a plain countryman: If there had already been a delivery complete and perfect on the Arkansas side of the river, how would a subsequent acceptance of three of the boats constitute a new delivery?

Mr. HOPKINS. I say it was in pursuance of the first acceptance and delivery that these boats were then in possession of the Government, whose officers, without consulting Mr. Bigley, took them to another landing. We do not contend that there was a new delivery at all.

Mr. BAYNE. And it was the Government boat that took them across?

Mr. HOPKINS. I have stated that the barges were carried across in charge of the Government; when these men returned from their captivity they found the Government in charge of these boats.

Mr. GEDDES. Would the effort of the Government to relieve those men from the guerrillas on the other side of the river make the Government responsible in this case? Both parties knew that the Arkansas side of the river was in the possession and under the control of the confederates.

Mr. HOPKINS. These coal-boats were landed under the charge of the Government gunboats and under the range of the Government batteries on the Memphis shore, as is proved by the testimony. The opposite side of the river, the Arkansas shore, was in effect in charge of the Federal forces, but a raid was made by guerrillas from the interior, who captured these men and carried them into the country.

Now, there is one other point which I must not overlook. Gentlemen will find upon page 19 a telegram from the colonel and quartermaster to N. J. Bigley:

Hurry on with your coal to Memphis. We must have it anyhow.

I have already, in answer to a question, referred to the testimony of one of the rivermen. Here is the evidence of eight of them, who, as my colleague [Mr. BAYNE] has said, are reputable men, men experienced in this coal business, and their uniform testimony is that a delivery within a mile or two of the wharf was a legal delivery in accordance with the customs of the coal trade, because it was often impossible to land a fleet of coal-boats at the ordinary landing of a city or town.

Mr. PETERS. What was the distance of the wharf at Memphis to the point where the boats delivered the coal?

Mr. HOPKINS. Simply the width of the river.

Mr. McMILLIN. Mr. Chairman, if there be no other gentleman desiring to speak on the pending question I shall move that the final vote be taken on the bill at once; otherwise I shall be compelled to move that the committee rise and go to the House for the purpose of closing debate, so that we may get through with this case before the hour of adjournment is reached. [Cries of "Vote!"]

Mr. HOLMAN. I wish to occupy a few minutes of time on this bill before the vote is reached.

Mr. McMILLIN. How much?

Mr. HOLMAN. Inside of ten minutes.

Mr. McMILLIN. I ask by unanimous consent that all further debate be closed on this case in ten minutes.

Mr. HOLMAN. That will not do.

Mr. McMILLIN. I will move, then, that the committee rise for the purpose of going into the House to limit debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1347) for the relief of Capt. Nicholas J. Bigley, reported adversely by the Committee on War Claims, and had come to no resolution thereon.

Mr. McMILLIN. I now move that all debate on the pending bill and amendment be closed in ten minutes after their consideration shall be resumed.

Mr. HOLMAN. Does the gentleman mean general debate on the amendment?

Mr. McMILLIN. I wish to close general debate on the pending amendment and bill in ten minutes.

Mr. HOLMAN. I would suggest to my friend to make it thirty minutes. The chairman of the Committee on War Claims, reporting adversely, wishes to be heard, and I also wish to say a word or two, as I have had some familiarity with the question.

Mr. McMILLIN. I fear if we go on for half an hour longer in debating this bill we will not be able to get through with it this evening.

Mr. HOLMAN. Why not dispose of the bills already reported from the committee?

The SPEAKER. The question is on the motion that all general debate be closed in ten minutes on the bill and pending amendments.

Mr. HOLMAN. I must insist on there being a longer time for debate.

The SPEAKER. Does the gentleman from Indiana move an amendment?

Mr. HOLMAN. Yes, I do; I move as an amendment that the debate be allowed to proceed for thirty minutes longer.

The SPEAKER. The question is on the amendment.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 60.

Mr. HOLMAN. In view of the fact that no quorum seems to be present, I think the gentleman from Tennessee will agree that thirty minutes is not unreasonable. [Laughter.]

Mr. McMILLIN. Then I will make it twenty minutes.

Mr. HOLMAN. All right, then; that will be acceptable.

The SPEAKER. The Chair, then, understands that the time to which debate is limited is twenty minutes.

There was no objection, and it was ordered accordingly.

Mr. McMILLIN. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar (Mr. COX, of New York, in the chair).

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 1347) for the relief of Capt. Nicholas J. Bigley, and by order of the House all general debate on the pending bill and amendments thereto is limited to twenty minutes. The gentleman from Indiana is entitled to the floor.

Mr. HOLMAN. Mr. Chairman, I hope I will have the ear of the committee on two points involved in this discussion, both of which are based on the report of the minority. I trust, too, I shall have the ear of the gentlemen who have joined in this minority report.

Now, Mr. Chairman, it is stated in the report made by the minority that Quartermaster Eddy, at Memphis, sent a telegram to one E. S. Blasdel, esq. That telegram is as follows:

DEPOT QUARTERMASTER'S OFFICE,
Memphis, January 24, 1863.

E. S. BLASDEL, Esq.:

Furnish to this depot 75,000 to 100,000 bushels of Youghiogheny coal; also 2,000 tons of hay, for which a good market price will be paid; coal at 30 cents, and hay at $27.50 per ton.

A. R. EDDY,
Per DAN. W. SENBE,
Chief Clerk.

Now, no such telegram was sent, and my friend must know that. Mr. Blasdel was at Memphis at the time. He was not engaged in the coal business; he never had been engaged in the coal business. This was a mere order to him to furnish facilities for speculation. The price was a handsome price.

Mr. STORM rose.

Mr. HOLMAN. I have only ten minutes.

Mr. STORM. But if the gentleman wishes the matter to be understood he must allow us to ask him questions.

Mr. HOLMAN. Certainly.

Mr. STORM. I wish to ask the gentleman a question, and it is this: Although there may be no direct proof of any special contract between the Government and the claimant, is not the Government by agreeing to take three barge-loads of coal and to pay for them estopped from claiming that there was no contract on that point?

Mr. HOLMAN. Is not my friend from Pennsylvania going far ahead of the point I am discussing? Blasdel started up the river with this order, and, according to the testimony, he delivered one of these at Lonisville to the present claimant. There was no relation between the present claimant, Captain Bigley, and the quartermaster at Memphis. It was purely an order given to Blasdel that if he should deliver coal it should be at so much per bushel. There was no obligation resting on Blasdel or anybody else to deliver to the Government a pound of coal. The order was that if they should deliver coal to the Government it would be at that price.

I say upon my own responsibility that the party to whom the order was delivered was in no wise connected with the coal business in any manner, shape, or form. I do not say so much upon examination of the papers in connection with the present case as upon a thorough examination of this subject which I had occasion to give to it some years ago, perhaps some ten or twelve years since. However, as soon as Mr. Bigley obtained this order or telegram addressed to E. S. Blasdel he procured the coal and proceeded on his way to Memphis. The testimony shows conclusively that this extraordinary paragraph of the report of the minority is entirely a misapprehension. It says:

The evidence shows conclusively that the claimant was acting under the direct and positive orders of the agent of the Government, and that the loss of the property above mentioned was in no way chargeable to his neglect or carelessness.

Mr. STORM. It is a fact nevertheless.

Mr. HOLMAN. Nobody pretends to say that it was the result of his neglect or carelessness, and even if it had been said, it is a matter that is entirely unimportant in connection with this case. My friend from Pennsylvania knows that he was not acting under the orders of the Government at all. The captain of the steamer Hercules claims, and most of the testimony states the fact, that before reaching Memphis a heavy fog arose, and it was not deemed safe to land upon the Tennessee side of the river; consequently he concluded to land the fleet on the Arkansas side. Immediately on landing this guerrilla raid was made upon the party, and boats and men were captured and taken possession of by the raiders. It seems, however, that somebody connected with the fleet got across the river and came back the next day, when it is alleged that a Government vessel transported them across the river. Now, the facts in the case are that they did not apply to the Government at all.

No application was made to the Government to take control of that fleet. They applied to the steamer Wisconsin, and when they next crossed the river it was in this steamer, which succeeded in procuring three of the barges of coal and delivering them upon the Memphis side, where they were accepted by the Government and paid for. It has been stated as an argument in support of this claim that the delivery of a portion of the coal—the partial delivery—constituted a delivery of the whole. But this delivery, this partial delivery, for which payment was made, was made in Memphis, not on the Arkansas side of the river. Gentlemen will perceive the distinction. There was no mutual contract at all. There was no agreement on the part of Captain Bigley to deliver so many boat-loads of coal to the Government, and on delivery to receive so many dollars for the service. But there was simply a proposition on the part of the Government that if you will deliver to us so many bushels of coal at Memphis you shall receive a good price for it; and, of course, so much of the coal as was actually delivered should be paid for, and I think to the extent of the three boat-loads actually delivered it was paid for. Unhappily, however, that very night the other boats were destroyed by guerrillas, which had possession of the opposite shore.

Gentlemen attempt in this argument to assume by way of support of this claim that the Government made efforts to protect this property and protected it as a part of the Government property. I must confess that when I first examined this case I was rather inclined to that opinion myself and thought it was entitled to some force, but after a more careful examination of the matter, on examining the reports of the Treasury officials, or perhaps some officer of the Quartermaster's Department, I find that it has no weight at all. It is a fact which will be verified by persons who are familiar with the circumstances existing there that the Government was engaged at this particular period in protecting property of its citizens on both sides of the river, and it protected this property of this citizen the same as if it had been the property of the Government. But it must be remembered also that it recognized the property as the property of Mr. Bigley, and just as it recognized and protected the property of other citizens. For Mr. Bigley was not bound to deliver that coal to the Government if he did not think proper. He was under no obligation to the Government to do so. If he did not deliver it he would have received no pay; that was all. But if he did deliver it, he would have received pay according to the terms of the order issued a month or more before.

I therefore submit the fact that the steamboat Wisconsin having taken the three barges of coal across the river proves nothing except the mere fact. It is not the act of the Government, and even if so it would prove nothing but that the Government was pursuing its general policy in protecting the property of loyal citizens as far as possible.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. BROWN, of Pennsylvania. Is it not true that before the steamer Wisconsin had anything to do with the boats, even before these people got them back from the possession of the guerrillas, when they returned they found these barges in possession—six of them—of United States soldiers and before the steamship Wisconsin had anything to do with the matter?

Mr. HOLMAN. I will say this: The captain of the steamboat Hercules—and any gentleman who reads this testimony will attach much importance to his statement, for he seems to have been a careful, impartial person; I refer to the officer of the vessel which was burnt, although he makes no reference to that—but it is undoubtedly true, as he testifies, that the Government had in front of Memphis at that time and for a long time before and afterward more or less of vessels constantly patrolling the river to protect under their guns as far as possible the property of citizens on both sides of the river. Any gentleman who happened to be at Memphis at that time will remember the fact, for it was notorious. This very vessel, the Cricket, to which reference has been made in this testimony, was engaged, and had been for a long time, protecting the property of loyal citizens on either shore, especially that within the reach of the guerrillas on the left side of the river. But the mere fact that the Government sent a gunboat or sent men or sent a whole regiment of men, if you please, to protect this property from the guerrillas on the Arkansas side of the river proves nothing in support of this claim, for it was just such an act as the Government was doing constantly with reference to the property of loyal citizens there, and was an act done in the exercise of its general powers to protect private property from destruction. That and nothing else.

Mr. Chairman, from the time I first examined this claim, a good many years ago——

Mr. STORM. How many?

Mr. HOLMAN. Ten or twelve.

Mr. STORM. The first I see anything of its appearance is in the Forty-seventh Congress.

Mr. HOLMAN. I think you will find it extends away back beyond that. I will not be certain, but I think it is several years since I reported on this measure myself. While this measure was in the hands of a bank at Baltimore, which was perhaps three or four years ago——

Mr. STORM. That is nearer it.

Mr. HOLMAN. The bank was pressing this claim on Congress, and I felt then, as I have always felt when the measure was under the control of Bigley, that it was one which required and demanded a careful examination. And I must say that during the time it has been under Bigley's control, as it is now, and as it was when it first came into Con-

gress, I thought he was himself entitled, as an amiable gentleman who had been manifestly eager to aid the Government as far as he could by furnishing coal at various points—he was entitled, I say, to every consideration. He had been employed by the Government and had executed such contracts time and again on express orders or telegrams from the Government. So far as I know, this was the only instance where he had attempted to make a shipment except on contract with the Government itself. Here he was dealing with Mr. Blasdel and not with the Government. He got a mere permission to ship the coal; nothing less, nothing more.

It will be observed that until Mr. Bigley and his men crossed the river and employed the Wisconsin to go over and tow the three boats the Government had no notice whatever even of Blasdel's transaction. It had no notice of it up to the time the Wisconsin crossed the river and towed the three boats over——

Mr. HOPKINS. I am sure the gentleman does not desire to misrepresent the facts.

Mr. HOLMAN. Certainly not.

Mr. HOPKINS. And therefore I call his attention to the testimony of Daniel Pollard, who was an officer on the United States boat V. F. Wilson, in which he says:

I wish to add to the above statement that Captain Langthorne said he was aware that the coal was for United States Government use, that is, for the United States Army department.

Mr. HOLMAN. How could he have known it that evening? Why, the very moment the boats landed it was boarded by guerrillas.

Mr. HOPKINS. Oh, no!

Mr. HOLMAN. The first notice the Government had was when the three boats were delivered on the other side.

Mr. GEDDES. I yield ten minutes to the gentleman from Kentucky [Mr. WOLFORD].

The CHAIRMAN. The gentleman has only six minutes remaining.

Mr. GEDDES. Then I yield what time I have to the gentleman from Kentucky.

Mr. WOLFORD. My distinguished friend from Pennsylvania [Mr. BAYNE] says there was an order. Now I assert there is no sense in which this telegraphic dispatch can be called a military order. An order delivered to whom and by whom? I say there is no sense in that claim; it is not an order.

The gentleman from Pennsylvania and other gentlemen have argued that it was a contract. I take it that there is not anything in this case that shows a contract. There was a proposition to receive so many bushels of coal, and to pay 30 cents a bushel for it. There is no proof in this case, and nobody pretends that that proposition was accepted. Neither by letter nor by telegraphic dispatch nor by messenger nor by any other way was there an acceptance. It is what we understand in our country to be a simple proposition, that may be accepted or may not be accepted. That is the way lawyers understand it in Kentucky.

I presume every lawyer understands an unaccepted proposition is not a contract. The gentleman from Pennsylvania, then, is mistaken about the order; he is mistaken about the contract. There was neither an order nor a contract. But a man voluntarily, for the purpose of making money, undertakes, of his own volition and according to his own mind, to make money out of the Government; he undertakes to deliver a certain amount of coal. He starts with it; sends word that he is unable to get through. Gentlemen say the Government sent assistance. But it seems to me the claimant violated the instruction of the Government officer who requested him to land, and whenever he refused to land he took out of the power of the Government any assistance that the Government offered him. He took his own risk. He says, "I know better than you." The officer commanding the gunboat says, "I will not go into that danger, I will not risk loss to my command and to the country, and therefore I will not go." Thereupon the claimant of his own accord voluntarily says, "I will go;" and he did go.

Now, that is the state of facts in this case. That is the statement of the gentlemen as they make it themselves.

But where does he land the coal? Gentlemen say there is proof here by experts that he landed it at a place where it was common to land it in time of war. Arkansas was then in the hands of the confederates; Tennessee in the hands of Union forces under McPherson; both parties were contending for the mastery; both parties were watching vigilantly for an opportunity to get anything they could that the others were grasping at. If the confederates could get this coal and destroy that much of our power they had a right under the rules of war to do it.

The claimant then chooses to land not on the side where it had been the custom heretofore to land supplies. He landed the coal on the confederate side. The great Mississippi rolls between the two forces. On his own authority this man lands this coal on the confederate side; and now he comes here and modestly asks the Government to pay him for the consequences of his own mistake. The guerrillas, it appears, captured and robbed him. He has my sympathies for what he suffered from the guerrillas; but if he had staid under the protection of the United States gunboats would the guerrillas have captured and robbed him? No. Believing that he was competent to take care of himself, he went to the other side of the river and was captured, and some of his boats were sunk. The Government undertook to protect him so far as it could. But is there a man in this Congress that had anything to do with the war who does not know that both parties did all they could to protect the men on their own side? It matters not about the contract. Here was coal which the Government wanted, and they sent men to protect it. I have seen similar things done a hundred times.

The CHAIRMAN. The time allowed for debate has expired. The first question is upon the amendment submitted by the gentleman from Illinois [Mr. ROWELL] as a substitute for the bill. The proposed substitute will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nicholas J. Bigley the sum of $21,211.40 for 70,638 bushels of coal lost at Memphis, Tenn., in the month of February, 1863."

The question being taken on agreeing to the substitute, there were—ayes 63, noes 78

Mr. BAYNE. I make the point that no quorum has voted, and call for tellers.

Tellers were ordered; and Mr. GEDDES and Mr. BAYNE were appointed.

The committee again divided; and the tellers reported—ayes 71, noes 79.

Mr. BAYNE. I have proposed to the gentleman from Ohio [Mr. GEDDES], who is ready to accept the proposition, that a vote on this question be taken by yeas and nays in the House.

Mr. HOLMAN. I suggest that by unanimous consent it be agreed that the bill with the pending amendment be reported by the Committee of the Whole without recommendation for the action of the House.

The CHAIRMAN. Is there unanimous consent that this bill with the proposed substitute be reported to the House without recommendation for the action of the House? The Chair hears no objection.

Mr. McMILLIN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

A. H. HERR.

Mr. McMILLIN. I ask that the House now take up the bills reported from the Committee of the Whole House on the Private Calendar.

The SPEAKER. The Clerk will first report the title of a bill coming up under this order as unfinished business, having been pending at the adjournment of the House on the 27th of June last.

The Clerk read as follows:

A bill (H. R. 4380) for the relief of A. H. Herr.

The SPEAKER. The question is on the passage of this bill, the previous question having been ordered.

The bill was passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH E. WEBSTER.

The House proceeded to consider as the first bill reported to-day from the Committee of the Whole House on the Private Calendar the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix.

The SPEAKER. This bill has been reported with a recommendation that it pass.

The bill was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAMP DOUGLAS MILITARY RESERVATION.

The next business in order, having been reported from the Committee of the Whole House on the Private Calendar with a recommendation that it pass, was the bill (H. R. 1782) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah.

Mr. DIBRELL. I ask unanimous consent that Senate bill 478, which is now on the Speaker's table, and is precisely like this bill of the House, be taken up and considered in lieu of the House bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this House bill be laid aside and a Senate bill of similar purport be taken from the Speaker's table for consideration. Is there objection? The Chair hears none.

The bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah, was accordingly taken from the Speaker's table, read three times, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar, with the recommendation that they do pass, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;

A bill (H. R. 1266) for the relief of Alexander D. Schenck;

A bill (H. R. 4681) for the relief of Yost Harbaugh;

A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;

A bill (H. R. 2268) for the relief of John F. Severance; and

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee.

The amendment reported by the Committee of the Whole House on the Private Calendar to the bill (H. R. 691) for the relief of William W. Thomas was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ADVERSE REPORT.

The bill (H. R. 4683) to pay certain officers of the Army for services actually rendered during the late war, reported from the Committee of the Whole House on the Private Calendar adversely, was laid on the table.

ELIZABETH CARSON.

Mr. WILLIS. What has become of the bill (S. 12) for the relief of Elizabeth Carson.

The SPEAKER. The Chair is advised that it was not reported, but informally passed over in the Committee of the Whole House on the Private Calendar and not again taken up.

Mr. McMILLIN. I think the House, after I have made a statement, will be willing to pass this bill. It was considered in the Committee of the Whole House and the question was raised as to whether or not the substitute had been printed. It was passed over informally until examination could be made. The substitute was found to have been printed, and the remedy of the gentleman from Kentucky is to discharge the Committee of the Whole from the further consideration of the bill and put it upon its passage.

The SPEAKER. That can be done by unanimous consent.

Mr. WILLIS. I ask then, by unanimous consent, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill and that it be put upon its passage.

There was no objection, and the motion was agreed to.

Mr. HOLMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury of the United States, out of any money in the Treasury not otherwise appropriated, do pay to Elizabeth Carson, of Bourbon County, Kentucky, the sum of $2,630.50, in full satisfaction for subsistence, use of jail, fuel, fire, care, and attention furnished by her to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by the military authorities of the United States, in the years 1862, 1863, 1864, and 1865.

Mr. WILLIS. Now let the Clerk read the substitute reported from the Committee on War Claims.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the claim of Elizabeth Carson, of Bourbon County, State of Kentucky, for subsistence, use of jail, fuel, fire, care, and attention alleged to have been furnished by her to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by the military authorities of the United States, in the years 1862, 1863, 1864, and 1865; such investigation to extend to the status of the claimant, whether loyal or not, the value of the supplies furnished, the actual rental value of the property for the time it was occupied and used by the United States authorities, the circumstances of the use of the jail and by whose authority or direction it was so used, and the reasons for the neglect to file her claim in the War Department; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress, for its action in the premises.

The substitute was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the several votes which had been taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPT. NICHOLAS J. BIGLEY.

The SPEAKER. The question next recurs on the bill (H. R. 1347) for the relief of Capt. Nicholas J. Bigley, reported from the Committee of the Whole House on the Private Calendar with amendments.

Mr. BAYNE. I move to take a recess until 8 o'clock this evening.

Mr. McMILLIN. The bill was reported back without any recommendation and was to be passed over until a yea-and-nay vote could be taken when a quorum was present.

Mr. HOLMAN. I think in accordance with the understanding that the yeas and nays ought to be ordered now on the substitute proposed to the bill.

Mr. McMILLIN. I have no objection to that.

The yeas and nays were ordered.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House now take a recess until 8 o'clock to-night, under the prior order of the House.

The SPEAKER. Several gentlemen have bills and resolutions which they desire to offer for reference; if there be no objection the Chair will entertain such requests at this time.

Mr. McMILLIN. I have no objection to that, and withdraw the motion for that purpose.

GUN-FOUNDRY BOARD REPORT.

Mr. REED submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives, That there be printed for the use of the House 1,000 additional copies of the gun foundry board report, transmitted to the Senate by the President of the United States on the 22d of December last.

TITLES TO CERTAIN PUBLIC LANDS.

Mr. MAYBURY, by unanimous consent, introduced a bill (H. R. 7878) to validate the title to certain entries, locations, and selections of public lands, and confirm the certificates and patents issued thereon; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PUBLIC BUILDING, NEWPORT, KY.

Mr. MAYBURY (by request), by unanimous consent, also introduced a bill (H. R. 7879) to provide for the erection of a public building in the city of Newport, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROSECUTION OF PENSION CLAIMS.

Mr. WARNER, of Ohio, by unanimous consent, introduced a bill (H. R. 7880) to regulate the prosecution of pension claims; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JOHN KEEPERS.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 7881) granting a pension to John Keepers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARY OF CLERK OF SUPREME COURT.

Mr. SENEY (by request) introduced a bill (H. R. 7882) to fix the salary of the clerk of the Supreme Court, and to provide for the printing of records in suits in that court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRANK G. MIX.

Mr. BAGLEY, by unanimous consent, introduced a bill (H. R. 7883) for the relief of Frank G. Mix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOUTHWESTERN RIVER COMMISSION.

Mr. BRECKINRIDGE introduced a bill (H. R. 7884) to provide for the creation of a southwestern river commission, and for other purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PHILIP HACK.

Mr. HALSELL, by unanimous consent, introduced a bill (H. R. 7885) granting Philip Hack a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH CLINE.

Mr. HALSELL also, by unanimous consent, introduced a bill (H. R. 7886) granting a pension to Jeremiah Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. TADDER.

Mr. BROWN, of Pennsylvania, by unanimous consent, introduced a bill (H. R. 7887) granting a pension to William W. Tadder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN HEBLE.

Mr. DEUSTER introduced a bill (H. R. 7888) to restore Christian

Heble to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN J. EATON, ADMINISTRATRIX.

Mr. LONG, by unanimous consent, introduced a bill (H. R. 7889) for the relief of Ann J. Eaton, administratrix of the estate of Jacob F. Eaton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN DOLAN.

Mr. LONG, by unanimous consent, also introduced a bill (H. R. 7890) for the relief of John Dolan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL, ETC.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. 7891) confirming the contract between the Louisville and Portland Canal and John P. Byrne; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM H. RAWLEY & SONS.

Mr. COVINGTON, by unanimous consent, introduced a bill (H. R. 7892) for the relief of William H. Rawley & Sons; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. ROSECRANS. Mr. Speaker, I ask unanimous consent to present for consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read subject to objection.

The Clerk read as follows:

Resolved, That House resolution of December 16, 1884, ordering that January 6, 1885, be devoted to the consideration of business reported from the Committee on Military Affairs and on the Calendar, be continued for January 13, 1885, or for the first day thereafter not taken for the consideration of appropriation or revenue bills or by prior orders, including the reports from the Committee on Public Lands under the order of January 21, 1884.

Mr. PETERS. I would like to make inquiry as to whether that includes an exception with reference to the bills from the Committee on Public Buildings and Grounds.

The SPEAKER. All prior orders are excepted. If there be no objection the question will be taken on the adoption of the resolution.

There was no objection.

The resolution was agreed to.

Mr. ROSECRANS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The hour of 5 o'clock having arrived, in accordance with the prior order of the House a recess will now be taken until 8 o'clock, for the consideration of pension bills.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m. The Clerk read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, January 9, 1885.

Hon. J. B. CLARK,
Clerk House of Representatives:

Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* during the session of the House this evening.

J. G. CARLISLE,
Speaker House of Representatives.

ORDER OF BUSINESS.

Mr. MCMILLIN, having taken the chair as Speaker *pro tempore*, directed the Clerk to read the special order of the House in relation to the business for this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of pension bills on the Private Calendar under the special order of the House which has just been read.

Mr. MATSON. I ask unanimous consent that the business of this evening may begin with the Calendar at the top of page 45.

There was no objection, and it was so ordered.

DANIEL W. ADAMS.

The first business on the Private Calendar, beginning on page 45, was the bill (H. R. 7141) granting a pension to Daniel W. Adams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Daniel W. Adams, late of Company A, Ninety-third Indiana Volunteers, subject to the provisions and limitations of the pension laws.

Mr. HEWITT, of Alabama. I ask for the reading of the report. I shall ask for the reading of the reports in all the cases to be considered this evening.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7141) granting a pension to Daniel W. Adams, respectfully report:

That claimant enlisted in the military service of the United States as a private in Company A, Ninety-third Regiment Indiana Volunteers, August 9, 1862, and was discharged on surgeon's certificate of disability February 11, 1863.

June 23, 1880, he filed a declaration for pension (alleging that a cold contracted at Madison, Ind., November 10, 1862, resulted in disease of heart and lungs), which was rejected May 5, 1883, on the ground that disability is not due to military service.

It is shown by both medical and lay testimony that claimant was a sound, healthy man prior to and at the time of his enlistment in the military service of the United States.

It is disclosed by the evidence of two of the commissioned officers of claimant's company and three or four comrades of the soldier that while in camp at Indianapolis, Ind., soldier contracted disease of heart and lungs, and that at Madison, Ind., he was compelled, by reason of his disability, to go to hospital, where he was treated; but the character of disability is not disclosed by the record.

The surgeon's certificate of disability for the discharge of the soldier says the disability existed prior to enlistment.

The existence of disease of heart and lungs, for which the soldier was discharged, is shown to have continued from the time of its incurrence while in the military service and in line of duty to the present time. And the United States examining surgeon, Columbus, Ind., in an examination of the soldier, January 12, 1882, reports him totally disabled from this disability.

His case was investigated in March, 1883, by a special examiner of the Pension Office. In this examination Dr. John S. Arwine, of Columbus, Ind., testifies to an acquaintance with claimant from 1856 to the date of his enlistment, and that he was a sound man at the time of his said enlistment.

Daniel H. Sharp, of Columbus, Ind., testifies, March 23, 1883:

"That he has known claimant since 1857; lived about one-half mile from him from 1857 to July, 1861; saw him almost every day; he was then as stout a young fellow as there was in the neighborhood, and was so up to July, 1861, when I enlisted in the Army; saw him at log-rollings, and he was as good a lifter as we had; but at jumping he was never behind; I have often seen him run, jump, and lift; never knew him to be sick in any way."

John White, of Columbus, Ind., testifies, April 2, 1883:

"That he has known claimant since August, 1861; lived within three-fourths of a mile of him, and in the fall of 1861 shucked corn with him in the same field, and knew him well from that time until after harvest, 1862; saw him every two or three days; worked together about two months of that time, chopped wood together, and I helped him in harvest time 1862; he was then a good, sound man, did a good, fair day's work; and I never knew or heard of his being sick any of that time."

James E. Hammond, of Columbus, Ind., says:

"I first knew claimant in 1860, and have known him ever since; worked with him from August, 1860, to March, 1861. During part of the time we eat together and slept and worked together; he was then a stout, able-bodied man."

This testimony given above is very fully corroborated by all the witnesses examined by the special examiner from the Pension Office; all were neighbors and intimate acquaintances of claimant prior to and at the time of his enlistment, and the testimony as to the soundness of the soldier at the time of his enlistment is conclusive.

There is no doubt in the case as to the right of this soldier to a pension, and your committee recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET A. MAGUIRE.

The next business on the Private Calendar was the bill (H. R. 6726) granting a pension to Margaret A. Maguire.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Maguire, of Philadelphia, Pa., widow of George R. Maguire, deceased, late a lieutenant in the Thirteenth Pennsylvania Cavalry, United States Volunteers.

The report (by Mr. PATTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6726) granting a pension to Margaret A. Maguire, have had the same under consideration, and beg leave to submit the following report:

Margaret A. Maguire is the widow of George R. Maguire, who served as first lieutenant and captain, respectively, in the Thirteenth Regiment Pennsylvania Cavalry, from October 28, 1862, to July 14, 1865. At the date of his death, June 8, 1879, he was in receipt of total pension for varicose veins of left leg, the result of typhoid fever contracted about June 1, 1863.

The claim of the widow has been rejected on the ground that the soldier's fatal disease, cancer of the bowels, was not chargeable to the military service.

It appears that Maguire came under the medical treatment of Dr. J. A. Holton, of Centreville, Md., March 22, 1879, for cerebro-spinal trouble and partial paralysis of entire right side, which, in the opinion of the physician, was caused by blood poisoning, the result of healing up of the ulcers of the leg, by which the drain from said ulcers was thrown back into the circulation, and general marasmus was produced. Previous to that time the soldier was confined to his room for weeks at a time by reason of the diseased condition of the leg, during which periods he was unable to retain anything in the stomach, as shown by the affidavit of Dr. Eugene Wiley. Recovering somewhat after three or four weeks' treatment by Dr. Holton, the soldier was removed to his home at Philadelphia, where he came under treatment by Dr. F. H. Gitchell, who testifies that when Maguire first came in his charge he was much broken down from the trouble with his leg, and, in the opinion of the affiant, would have recovered from the cancer of the bowels, which caused death, had it not been for the general impairment of his health by reason of the diseased leg.

The medical referee of the Pension Office admits that cancer is held to be referable to a blood taint, and implies the existence of such a cause necessarily, but denies that death in this case was caused by the condition of the soldier's leg.

The question to be decided by this committee is whether the opinion of that officer, who has had no personal knowledge of the case, should be accepted in opposition to the sworn statement of the attending physicians, who, from a professional knowledge of the case, are better able to judge that the cancer was caused by blood poisoning, superinduced by the too rapid healing of the ulcers of the leg.

The committee are clearly of opinion that the latter should govern its action in the determination of claimant's rights, and that whatever doubts may exist should be solved in her favor, and therefore report favorably on the bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET A. RINGWALT.

The next business on the Private Calendar was the bill (H. R. 4266) granting a pension to Margaret A. Ringwalt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Ringwalt, sister of Lewis Ringwalt, late of Company F, Seventeenth Pennsylvania Cavalry, and to pay her the pension allowed by law to the dependent relatives of deceased soldiers.

The report (by Mr. PATTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4266) granting a pension to Margaret Ringwalt, having duly considered the evidence in the case, report:

That Margaret A. Ringwalt is the dependent sister of Lewis Ringwalt, who enlisted in the military service of the United States as a private in Company F, Seventeenth Regiment Pennsylvania Volunteers, September 15, 1862, and was killed in action near Newtown, Va., by guerrillas October 11, 1864.

It appears that claimant is the sister of the deceased soldier, and lived with and was supported wholly by the soldier prior to his enlistment in the military service of the United States, and the fact that he contributed his pay as a soldier for the support of claimant is shown by the letters written to claimant at the time of sending the money, and by the testimony of the neighbors of claimant.

It is shown that claimant was never married, leaves neither father nor mother surviving, and that when 9 years of age she lost the sight of the left eye, and that she is now unable to perform any labor, as she has been an invalid for years, and is now over 71 years of age and without any means, and entirely dependent upon the charity of neighbors and friends for her maintenance.

The manner of the death of the soldier is shown by the following extract from a special correspondent of the New York Tribune, writing from Sheridan's army near Strasburg, Va., October 11, 1864, and which was published in the New York Tribune of October 18, 1864:

"A courier, arrived at headquarters at an early hour this morning, brings a report that the chief quartermaster of the Army, Lieutenant-Colonel Tolles, and Dr. Ohlenberger, medical inspector of the Army, had been shot by guerrillas on the road near Newtown. About 9 o'clock p. m. two ambulances came in, bringing both these gentlemen, mortally wounded. A brave old soldier named Lewis Ringwalt, belonging to Company F, Seventeenth Pennsylvania Cavalry, one of the escort, was also brought in. Colonel Tolles had a bullet wound in the back of his head, and one in his body. His face was also badly scarified, as if he had fallen from his horse or had been dragged over the rough pikes. The officers were returning from Martinsburg, with an escort of twenty-five men, and when about half way between Newtown and Middletown a company of guerrillas, led by 'White,' numbering from fifty to seventy-five, suddenly charged out of a belt of woods from the left of the road, firing as they came, and calling out to the officers to surrender. Seeing they were outnumbered, the escort endeavored to escape, but being well mounted the rebels overtook or cut them off, the officers being left in the rear. For some distance it was a running fight, in which the guerrillas had the advantage in numbers, being the pursuing party.

"The escort evidently did more running than fighting, only a portion of them using their carbines to any advantage. Ringwalt evidently fought with desperation, as he had one finger shot off, a serious scalp wound, and a mortal wound through the body. Ringwalt says the officers surrendered. Colonel Tolles's orderly says the same. Dr. Ohlenberger also surrendered; but the rebels rode close up to them, and putting their pistols to their heads fired, inflicting mortal wounds. One of our men was killed, named Samuel Deardorp, and seven were wounded. Ringwalt shot one of the guerrillas, and with the assistance of a part of the escort six or seven were wounded. The officers and men were robbed of money and watches. While the rebels were engaged in stripping their victims a party of infantry, who were accompanying a train, were seen coming up, and the guerrillas made off, taking one of our ambulances for their wounded. They carried off about half of the escort as prisoners.

"Colonel Tolles and Dr. Ohlenberger, with the wounded private, Ringwalt, were placed in ambulances and brought to General Sheridan's headquarters, where their wounds were dressed. Both officers were pronounced to be mortally wounded.

"The event has produced a sentiment of profound grief at the headquarters of the Army. Colonel Tolles was a most valuable officer, and a gentleman who had become greatly endeared to the officers during a long connection with the service. It is the general remark that he had no superior in the Army as an able and efficient quartermaster. He was a captain in the Fifteenth Infantry.

"Dr. Ohlenberger was also an officer of rare ability, and a gentleman who enjoyed the esteem and affection of a wide circle in the Army. They will be a great loss to the Army.

"*October* 12.—Lewis Ringwalt died early this morning. His family live near Carlisle, Pa. His faithful and soldierly conduct during this treacherous and overpowering attack upon the officers whom he was guarding entitles his memory to respect and his dependent family to the clemency of the Government.

"E. S."

The Philadelphia Press of Wednesday, October 26, 1864, says:

"DEATH OF A GALLANT SOLDIER.

"Lewis Ringwalt, a sergeant in Company F, of the Seventeenth Pennsylvania Cavalry, died on the 12th instant, near Strasburg, Va., from the effects of wounds received from guerrillas on the day previous, while gallantly guarding the medical inspector of Sheridan's army. As we have before stated, Lewis Ringwalt died on the 12th instant. The case of this brave soldier is entitled to more than ordinary notice. Surrounded by a large and influential circle of relatives and friends, residing near Carlisle, Pa., he was early impressed with the conviction that it was his religious duty to go forth and battle for his country, and while he had frequent opportunities for promotion, he declined them all, and preferred remaining in a humble position. The writer of this article knew him well, and has frequently heard of the valor he displayed on more than one occasion. His death will be deeply deplored, not only by his immediate family and a large number of our citizens in the locality where he lived, but by his fellow-soldiers, to whom he endeared himself by his kind and genial manner, and by the coolness and bravery he manifested in many perilous engagements."

December 17, 1883, General P. H. Sheridan certifies to the death of Lewis Ringwalt by wounds received from guerrillas between Winchester and Fisher's Hill, in October, 1864.

December 31, 1879, claimant filed her declaration for pension, which was rejected June 29, 1883, on the ground that the evidence filed by claimant shows that at date of soldier's death she was over sixteen years of ago, therefore not entitled under the law.

Your committee find claimant was dependent on the deceased soldier for maintenance and support, and is now in her old age deprived of her means of support by the casualties of the late war, and therefore recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. I wish to call the attention of the committee to the simple fact that this is adding a new class to the pension-rolls. The law gives to the dependent father or mother of a soldier who died in the service from wounds received or diseases contracted in the service a pension. That is the general law. It does not include a sister or a brother. This bill extends that provision of the law in this particular case upon strong grounds. I admit there are strong reasons for it, and that there are strong equities arising out of the circumstances of this case. I simply wish to call the attention of the House to the fact that it is a departure from the general law on this subject.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ESTHER HUDSON.

The next business on the Private Calendar was the bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Esther Hudson, mother of William H. Hudson, deceased, late a private in Company G, Twenty-sixth Regiment of Pennsylvania Volunteers, and afterward a sergeant of Company E, One hundred and ninety-first Regiment of Pennsylvania Volunteers, on the pension-roll, at the rate of $8 per month, and to pay her, or cause to be paid her, a pension at said rate from the death of her said son, subject to the general laws should she again marry or her dependence upon her son cease.

The bill was reported with the following amendment:

In line 10 strike out these words: "At said rate from the death of her said son, subject to the general laws should she again marry or her dependence upon her son cease."

The report (by Mr. PATTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2645) granting a pension to Esther Hudson, have had the same under consideration, and submit the following report:

That Esther Hudson was the mother of William H. Hudson, who enlisted as a private in Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and afterward a sergeant of Company E, One hundred and ninety-first Regiment of Pennsylvania Volunteers, serving from the year 1861 to the close of the war.

At the time he enlisted and some years prior he lived with and aided his mother in obtaining a living, and during the time of his service in the Army sent her part of his wages.

It appears on file in Pension Department that the said soldier, in the month of November, 1861, prior to his entering the service of the United States, made a will, in which he bequeaths to his mother all his pay, bounty, or money in any way due him; and as evidence that the said mother did receive support from her son, the committee find on file in Pension Department letter from Second Auditor's Office, dated February 19, 1870, notifying Esther Hudson, mother, that certificate had been issued for money due William H. Hudson.

The committee also find from the evidence on file in department that the Commissioner of Pensions rejected the claim of Esther Hudson because of the marriage of said William H. Hudson some time prior to enlistment, and it is alleged that he never lived with his wife; and it also appears on file in Pension Department that an application for divorce was granted at Philadelphia, Pa., May 7, 1864.

In view of the facts, your committee believe that Esther Hudson was dependent on her son for support, and recommend that the bill (H. R. 2645) do pass as amended, namely:

Strike out all of line 10 after the word "pension," and also strike out lines 11 and 12 of said bill.

The amendment reported by the committee was adopted.

The CHAIRMAN. The question is Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. HEWITT, of Alabama. I wish to call attention of the Committee of the Whole to the fact that it is nowhere stated in this report that this soldier is dead. I suppose that you might infer that he was dead, for the report states that his mother had applied for a pension and her application was rejected on the ground that the soldier had a wife or a widow.

If it should appear that the soldier is dead the report fails to show that his death had any connection whatever with his services in the war. It is not every dependent mother or every dependent father of a soldier that is entitled to a pension upon the death of a soldier under the general law. Under the general law the dependent father or dependent mother is entitled to a pension provid d the death of the soldier was caused by his service in the war. Now if this soldier's death was caused by his service in the war, the House, so far as this report is concerned, is in ignorance of that fact; and if the gentleman making this report is not in his seat, if any gentleman upon the committee can remember the facts in relation to this matter I would like to hear them before we are called upon to vote.

Mr. MATSON. My impression, and I think I may say my recollection, is that the question of the death of this soldier was not at issue at all. If I remember correctly, the death of the soldier was upon the

field of battle. At any rate, I am very sure there was no question and no dispute of that kind in this case.

The only question was as to the right of this mother to a pension, the soldier having been married and subsequently divorced. She seemed to show that she was in a dependent condition, and wholly dependent upon this soldier. Hence the committee did not hesitate to recommend the passage of the bill. I feel perfectly safe in saying there was no question at all as to the cause of the soldier's death being connected with the service.

Mr. HEWITT, of Alabama. I wish to call the attention of the chairman of the Committee on Invalid Pensions [Mr. MATSON] to the very first clause of the report in this case, showing that this soldier was not killed in battle during the war. The report states that he served from 1861 to the close of the war, that he was a sergeant in Company E, One hundred and ninety-first Regiment of Pennsylvania Volunteers, serving from the year 1861 to the close of the war.

I think this case had better be passed over. If the death of the soldier was caused by service in the war that fact ought to be stated in the report, so as to go on record. If the gentleman from Pennsylvania [Mr. PATTON] who reported this bill is not now in the House, let it go over till he comes in.

Mr. MATSON. I have no objection to allowing the bill to be passed over informally if the gentleman from Alabama so desires.

Mr. PATTON. My impression is that this soldier, William H. Hudson, died soon after coming home, and from wounds received while in the service. The question raised in the Pension Department was whether his mother was dependent. He had been married and his wife had obtained a divorce. It appears, as stated in the report, that there is on file in the Pension Department a letter from the Second Auditor's Office, dated February 19, 1870, notifying the mother that a certificate had been issued to her for money due Hudson, who had made a will bequeathing to his mother all his pay, bounty, or money in any way due him.

Mr. MCMILLIN. The gentlemen speaks of his "impression" concerning the cause of the soldier's death. Is he satisfied of the fact?

Mr. PATTON. No, I am not.

Mr. MCMILLIN. Then this bill ought to be passed over till the question can be examined. The point is one on which of course the House ought to be satisfied.

The CHAIRMAN. The gentleman from Alabama [Mr. HEWITT] asks unanimous consent that this bill be laid aside informally. Is there objection? The Chair hears none, and it is so ordered.

PLEASANT MINET.

The next business on the Private Calendar was the bill (H. R. 4751) granting a pension to Pleasant Minet.

Mr. MATSON. I ask unanimous consent that this bill be reported to the House with a recommendation that it lie on the table, as the man has, since the bill was reported, received a pension through the ordinary channel.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it lie on the table.

There was no objection, and it was ordered accordingly.

HENRY DAVIS.

The next business on the Private Calendar was the bill (H. R. 6997) granting a pension to Henry Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry Davis, late lieutenant-colonel of the Eighty-second Regiment Indiana Volunteer Infantry, on the pension-roll, subject to the limitations and conditions of the pension laws.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6997) granting a pension to Henry Davis, report:

That claimant enlisted in the military service of the United States as lieutenant-colonel of the Eighty-second Regiment Indiana Volunteers, August 27, 1862, and resigned October 1, 1863, on account of inability to stand the hardships of the service.

June 11, 1883, he filed an application for pension, alleging that at the battle of Chickamauga, September 20, 1863, he contracted hernia, which was rejected January 20, 1881, on the ground that claimant did not mention the disability in his resignation from the service.

Dr. John W. Newland, of Bedford, Ind., testifies, June 11, 1883, that he has known claimant for twenty-five years or more; was his family physician while he lived at Bedford before enlistment; he was then a sound, healthy man, free from hernia. About ten years ago he consulted affiant in reference to the use of the Egelson truss. At that time I made a personal examination of him, and found that he was ruptured on both sides at the lower extremities of the abdomen.

Dr. Addison W. Bare, Bryantsville, Ind., testifies, "that about September 20, 1862, the date of claimant's enlistment, and prior thereto, I was his family physician, and consequently very intimately acquainted with him; that he was then a sound man, in good health, and free from hernia."

Charles D. Briggs, Isola, Kans., testifies:

"At the battle of Chickamauga, September 20, 1863, I saw claimant at the time he received his injury. He was serving on foot with the regiment. I saw him fall during the heat of the battle, and supposed he was killed, and it was so understood along the line. He, however, only received an injury from which hernia of both sides ensued. Knows this from personal knowledge and being present at the time."

In answer to a letter from the Pension Office, the witness further says:

"I believe his hernia was received from an accident on the battlefield of Chickamauga. Companies A, B, and C, of the Eighty-second Indiana, were detailed with Churche's Fourth Michigan Battery to act as skirmishers, and while upon said line the rebel forces attempted to take said battery. Lieutenant-Colonel Davis started to that point to rally some of the men, when his foot caught in a root or his saber, and he fell heavily upon the same, which I think penetrated the groin and produced hernia, as I understood at the time."

Calvin E. Pearson, of Alaska, Ind., testifies to substantially the same as above witness.

Morton C. Hunter, colonel of claimant's regiment, testifies:

"At the battle of Chickamauga we were dismounted on account of the nearness of the enemy, and we were in the woods. My regiment formed the second line of the Third Brigade, Third Division, Fourteenth Army Corps. The first line was driven back and passed over my regiment, which at the time was lying down. After they had passed over I ordered my regiment to fire; then ordered a charge, which drove the enemy back and regained the breastwork from which the first line had been driven. I ordered Col. Henry Davis to deploy the two right companies and protect my right flank. This order he promptly obeyed. Colonel Davis with his line of skirmishers was driven back slowly, fighting from tree to tree. While going back his sword-scabbard was struck by a ball, the former getting between his legs, throwing him down. From this fall Colonel Davis was injured. I saw his saber-scabbard a few minutes afterward, and it was bent from having been struck by a ball."

In addition to the evidence specifically referred to above, it is clearly shown that the soldier was free from disease at the time of his enlistment, and that his disability has continued from the time of his discharge from the service, being given by the United States examining board of Mitchell, Ind., in an examination made September 5, 1883, at three-fourths total. In view of these facts your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

SAMUEL W. TRACEY.

The next business on the Private Calendar was the bill (H. R. 435) granting a pension to Samuel W. Tracey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Samuel W. Tracey, late of Company E, Twenty-fifth Regiment of Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws, from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 435) granting a pension to Samuel W. Tracey, having considered the evidence, respectfully report:

That claimant was mustered into the military service of the United States as a private in Company E, Twenty-fifth Regiment Indiana Volunteers, September 19, 1864, and honorably discharged June 4, 1865.

October 16, 1878, he filed a declaration for pension, alleging that, about December, 1864, about forty miles from Savannah, Ga., while tearing up a railroad, he received an injury to his back, causing disease of kidneys, which was rejected April 10, 1879, on the ground that no disability exists from cause alleged.

William K. Stewart, of Spencer County, Indiana, testifies that he was second lieutenant of claimant's company and regiment, and that the soldier was severely injured at the place, at the time, and in the manner stated in his declaration for pension.

Dr. E. S. Arwine, of Bedford, Ind., testifies that soldier came under his professional treatment in 1875 for disease of the kidneys, and that he continued to treat him for said disability until the year 1882, when affiant moved to Texas; that during the time he so treated him he was one-half disabled from the performance of manual labor.

Dr. U. N. Mellette, of Johnson County, Indiana, testifies to having treated claimant for disease of the kidneys during the year 1874.

Dr. J. T. Mattock, of Hartsburg, Logan County, Illinois, testifies that he treated claimant for kidney disease from September, 1865, until January, 1867, and that the soldier was unable to get out of bed or help himself during that period.

Joseph M. Young and Robert H. Fowler, of Brown County, Indiana, in a joint affidavit, testify, October 2, 1882, that they have been near neighbors and intimate acquaintances of claimant from the year 1867, and that during that time he has been suffering from kidney disease, and has been disabled for the performance of manual labor at least one-half of said time by reason of his disability.

Claimant is shown to have been a sound, healthy man at the time of entering the military service of the United States.

Manly Mead and Alexander Condon, of Brown County, Indiana, whose reputation as citizens is shown to be of a high character by a number of the county officers in the county in which they reside, testify to an intimate acquaintance with claimant and a personal knowledge of his condition since he came home from the Army in June, 1865, and that during this time he has been disabled at least one-half from the performance of manual labor by reason of the same.

The United States examining board of Indianapolis, Ind., in an examination of claimant, September 27, 1882, rate him at one-fourth.

Your committee are of the opinion that it is clearly shown that the disability of the soldier was contracted in the military service of the United States and in line of duty, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ABRAHAM COVER.

The next business on the Private Calendar was the bill (H. R. 4021) granting a pension to Abraham Cover.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraham Cover, late first lieutenant of Company M, Sixth Regiment Illinois Cavalry Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4021) granting a pension to Abraham Cover, report:

That claimant enlisted in the military service of the United States as first lieutenant Company M, Sixth Illinois Cavalry Volunteers, January 9, 1862, and resigned January 3, 1863, on surgeon's certificate of disability.

August 30, 1876, he filed a declaration for pension, alleging "chronic rheumatism and chronic nephritis, resulting in epilepsy, contracted during the winter

of 1861 and 1862, while on the road between Camp Butler and Shawneetown, Ill.," which was rejected November 28, 1876, on the ground that the disability existed prior to service.

It is shown that soldier went into camp with his company October 20, 1861, but was not commissioned until January 9, 1862.

Capt. Isaiah M. Sperry, of Cobden, Ill., testifies March 31, 1882: That he was captain of claimant's company, which was enrolled October 12, 1861, and mustered January 9, 1862; that about December 1, 1861, claimant incurred an attack of rheumatism from exposure to rain and cold; was in hospital several weeks; again, about September 16, 1862, while in line of duty was attacked with rheumatism and sent to hospital at Cairo, Ill., where he remained until November, 1862; in December, 1862, from exposure to rain, was again attacked with rheumatism. Claimant remained with the company until it reached Holly Springs, Miss., when he was discharged on surgeon's certificate for rheumatism and nephritis; that soldier was sound at time of enlistment; that from the date of his discharge to present time claimant has been entirely unable to perform manual labor, from disease contracted in the Army.

Dr. A. G. Agnew, assistant surgeon of claimant's regiment, testifies March 31, 1882, that claimant came home on a sick leave of absence, suffering from rheumatism and nephritis. As soon as sufficiently recovered he returned to his command. In December, 1862, claimant was again attacked with above-named diseases, in consequence of exposure, and it became necessary for him to go home to save his life. Affiant was claimant's family physician before his enlistment, and the soldier was then a sound man.

Dr. James S. Whitmer, surgeon of claimant's regiment, testifies March 31, 1882, that claimant was attacked with acute rheumatism in December, 1861, on the march from Dunnolin to Shawneetown, Ill., and was in the hospital about two months; during a part of the time affiant attended him.

R. Loomis, major of claimant's regiment, in accepting the resignation of the soldier, January 2, 1863, indorses on said resignation a statement that the disability existed before entering the service.

Dr. J. C. Allen, in an affidavit in his own handwriting, testifies March 31, 1882, that he knew claimant from 1853 to the time of his enlistment, and he was then well and hearty; that he was claimant's family physician from 1864 to April, 1873, during which time soldier was totally unable to perform any kind of manual labor, suffering from rheumatism and other diseases.

Dr. J. Bentley testifies, March 31, 1882, that he was claimant's family physician for nine years prior to his enlistment, and that he was a sound, healthy man at enlistment, free from all symptoms of rheumatism of the heart, or angina pectoris, with which he has suffered since his military service.

This medical testimony is substantially corroborated by that of Dr. James H. Hall.

A number of witnesses, all near neighbors and intimate associates of claimant prior to his enlistment, testify to his good health prior to and at the time of his enlistment.

The United States examining board at Carbondale, Jackson County, Illinois, examined claimant May 3, 1882, and report his disability at one-half.

Your committee are of the opinion that the soldier was free from disease at the time of his enlistment, and that his present disability is due to his military service, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JAMES STOCKTON.

The next business on the Private Calendar was the bill (H. R. 2377) granting a pension to James Stockton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of James Stockton, formerly of Company D, Thirty-first Regiment Missouri State Militia, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 2377, beg leave to submit the following report:

Your committee report that under the call of Hamilton R. Gamble, governor of Missouri, James Stockton organized Company D, Thirty-first Regiment Enrolled Missouri Militia, and that on the 19th day of September, 1861, said Stockton was commissioned and mustered in as captain of said company.

While in active service and on the 15th day of October, 1862, and in pursuit of a guerrilla band near Platte City, in Platte County, Missouri, the guerrillas turned and fired on said company, and at the flash of the guns the horse of Captain Stockton was killed, and in falling threw Stockton to the ground, injuring his arm so seriously that shortly thereafter it was amputated.

The only ground on which the Pension Bureau rejected the application of claimant is, to use the language of the Pension Commissioner, because "the claimant was not in the military service of the United States, the Thirty-first Enlisted Missouri Militia being a State organization, and therefore not pensionable under existing laws."

But said Stockton was acting under orders of officers in the Federal Army, and was co-operating with the troops of the United States in aiding to restore the supremacy of the Government, when he received the injury that resulted in the loss of his arm.

He is now perfectly impecunious and 85 years of age, and your committee recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

DAVID WHITTINGTON.

The next business on the Private Calendar was the bill (H. R. 6692) granting a pension to David Whittington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Whittington, late a private in Company K, Sixtieth Regiment Enrolled Missouri Militia.

The report of the committee was read, as follows:

That David Whittington enlisted in Company K, Sixtieth Regiment Enrolled Missouri Militia, August 10, 1862.

There is any quantity of evidence to the fact that prior and up to date of enlistment said Whittington was a hale, hearty, able-bodied man. That on or about the 1st day of February, 1863, near Germantown, Mo., and while in service, he was attacked by heart disease that so prostrated him he was unfit for duty, and on 21st of March, 1863, he was discharged from service on surgeon's certificate of disability. These facts are testified to by Jonathan Eskew, William Tuttle, and C. S. Tuttle. That from February, 1863, to present time he has almost all the time been disabled for labor one-half the time, and is now totally disabled for labor.

These facts are testified to by Dr. D. M. King, Dr. W. F. Baren, Dr. John Blockburn, Dr. A. H. May, D. C. Boyer, S. W. Calvert, and J. T. Vogan, some of whom lived in the same house, others at a distance of from one-fourth of a mile to five miles, and who saw and were in the company of said Whittington frequently every day. He is very poor, disabled from labor, and will be dependent on the charity of his neighbors if not relieved by the Government in whose service he incurred his disability. The only ground upon which the Pension Department rejected his claim is that the organization to which he belonged was not in regular United States service, and therefore not pensionable.

Your committee therefore recommend that the bill do pass.

There was no objection, and the bill was laid aside to be reported to the House with a recommendation that it do pass.

CLARK G. MAINE.

The next business on the Private Calendar was the bill (H. R. 7000) for the relief of Clark G. Maine.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clark G. Maine, late a private in Battery E, First New York Light Artillery.

The report (by Mr. BAGLEY) was read, as follows:

The basis of the petitioner's claim is that on the Weldon Railroad, Virginia, February 25, 1865, he was thrown from a horse, and sustained an injury to his right shoulder and side. The committee find from the claimant's affidavit that he was injured while riding toward City Point, Va., alone, about 10 o'clock at night; that he was ordered to go by a sergeant, and thinks none of his officers knew when he started or returned; that he does not know and can not learn the address of the sergeant who ordered him to go; that only Lieutenants Matherson and Humphrey were with the company at the time, and he is confident he saw neither of them; that Lieutenant Matherson has informed him that he can not recollect the facts definitely enough to testify, and that he has no other means of proving the facts except by his tent-mates, Seymour Lloyd and William E. Haskell.

The testimony of these two men, Haskell and Lloyd, who were tent-mates of claimant, is substantially as follows: That about March 1, 1865, in front of Petersburg, Va., in the night-time, petitioner was sent on horseback to ascertain the cause of artillery firing in the direction of City Point; saw the next day that his face and mouth were badly bruised, and complained of great injury to his right shoulder; stated the horse threw him, and struck or fell on him; the surgeon examined and directed him to go to the hospital, but he urged to be excused from the hospital, and was allowed to remain with the regiment. When he attempted to do anything requiring the use of his shoulder great pain was evident, and he was finally released from duty as No. 1 on the piece, and given charge of a team. His shoulder appeared to remain substantially the same until he was discharged.

James H. Graham, another comrade, testifies same as Haskell and Lloyd.

To show the continuance of the disability, Seymour Lloyd says, under oath, dated December 3, 1883, that after discharge he worked for claimant frequently for several years, and also worked with him; that claimant could not do heavy work that required a strain on his shoulder, and in his opinion he was disabled from the performance of manual labor one-half by reason of the injury.

Elbridge G. Seymour, M. D., testifies, April 19, 1883, that claimant called on him in July, 1865, for advice and surgical treatment of right shoulder joint. On elevation of arm distinct crepitus could be felt and heard at quite a distance, crepitus being in the shoulder-joint; felt most distinctly on upper anterior surface, giving a feeling of loose cartilage. Came to affiant's office at different times, with only temporary relief.

David S. Sayles testifies, April 19, 1883, that after claimant's discharge from the Army in 1865 he was very lame in his right shoulder. Lived near, and labored with, for, and on lands adjoining claimant the greater part of thirteen years. That during all that time claimant was lame and showed great suffering from injury to right shoulder. Thinks the labor done with the right arm for fourteen years was with great pain and suffering. Mary Lizzy Maine, who is not related to petitioner, corroborates and incorses the affidavit of Sayles.

Benjamin F. Dump, examining surgeon, says he finds the applicant in good physical condition, except the results of a fracture of the right scapula, involving all the scapula above the spine. There is strongly-marked crepitus upon rotation or any motion of the head of the humerus. Injury said by claimant to have been caused by the fall of his horse. The action and usefulness of the shoulder greatly impaired. Fully three-fourths disability.

The claimant's service was as a private in Company E, First New York State Artillery, in which he enlisted August 31, 1864, and from which he was discharged June 16, 1865. Declaration for pension was filed June 30, 1880, and rejected on the ground of claimant's inability to furnish any satisfactory evidence that injury was received in line of duty.

The committee, however, believe the statements made, and that the claimant is justly entitled to a pension, and therefore recommend the passage of the bill.

Mr. HEWITT, of Alabama. Mr. Chairman, I shall have to object to the passage of this bill. I do not think it is good policy for the House to pass bills which have been rejected by the Pension Bureau, not on account of any technical objection, but upon the ground that the evidence failed to sustain the application. Now, here is a claim for a pension which was not filed nor the claim made until about eighteen years after the close of the war. That very fact, the long delay in applying for a pension, while it is not conclusive, and I do not pretend to say that it is, nevertheless it is presumptive evidence at least against the fact that he was injured or had a pensionable disability at the time he was discharged from the service. I am aware there are many good men and good soldiers who have had pensionable disabilities at the time of their discharge who probably have not yet applied for a pension, but there are not many of them.

There is another fact connected with this case, and it is this: This soldier says he was sent by an order from his sergeant after night from Petersburg to some point in Virginia near there, and that in making that ride his horse fell and he was injured in the shoulder, but he says that he can not remember the name of the sergeant. The sergeant of his company gives him an order, and yet he says he can not remember the name of that sergeant!

Mr. BAGLEY. Let me correct the gentleman from Alabama. What he said was that he could not learn the address of the sergeant who had ordered him to make that night ride.

Mr. HEWITT, of Alabama. Now let us see about that.

Mr. BAGLEY. You are mistaken about his not remembering the the name of the sergeant.

Mr. HEWITT, of Alabama. He said that he can not remember the address. Well, he ought to have at least given the name of the sergeant, which is part of the address. The address is the name and the place of residence of the sergeant. So I was correct in my statement, as the report shows.

He says another thing, or at least this report states, that he did not believe that any of his officers knew of his being sent out.

Mr. BROWN, of Pennsylvania. They did not know when he went or when he returned.

Mr. HEWITT, of Alabama. Ah! The order, if issued regularly, would have to pass through these officers. It is therefore a strange thing to me that his officers did not know within a few hours or at least within a day of the time when he returned. If he was injured they must have known of it. It must have been reported to them.

Mr. MATSON. Will the gentleman from Alabama [Mr. HEWITT] permit me to ask him a question?

Mr. HEWITT, of Alabama. With pleasure.

Mr. MATSON. Does the gentleman intend to insist upon his objection to this case?

Mr. HEWITT, of Alabama. I do.

Mr. MATSON. Then I ask by unanimous consent that the case be informally passed over.

There was no objection, and it was ordered accordingly.

JOHN F. CHASE.

The next business on the Private Calendar was the bill (H. R. 6904) for the relief of John F. Chase.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John F. Chase, formerly a member of Company B, Eighteenth Regiment New York State Infantry Volunteers.

The report of the committee was read, as follows:

The petitioner was mustered into the service of the United States on May 17, 1861, and discharged July 12, 1861. His service was that of a private in Company B, Eighteenth Regiment New York Volunteers. Declaration for pension made March 20, 1879, and the basis of the claim is as follows:

"At Jersey City, N. J., about May 10, 1861, was ruptured in the right groin, caused by removing baggage from steamer to railroad, under orders of his captain."

In another declaration, made November 18, 1879, he says that about May 15, 1861, in lifting a large trunk, slipped and fell, causing a severe rupture.

Claim was rejected on the ground of claimant's inability to show the incurrence of rupture of the right side in the service and the line of duty.

Certificate of disability for discharge shows that claimant was discharged on the 12th day of July, 1861, at Washington, D. C., because of scrotal hernia of the right side, caused by extra exertion, on the 10th June, 1861. Certificate is signed by W. A. Jackson, colonel commanding the Eighteenth Regiment New York Volunteers, and is approved by A. N. McLaven, surgeon, United States Army, and medical director.

Claimant, in his affidavit filed May 4, 1881, says that while at Jersey City, *en route* for Washington, was injured in the following manner: He was ordered by an officer of his company to lift a large, heavy trunk from the barge to the dock; at that moment a steamer commenced moving off, causing the barge to rock, and throwing him off his balance; felt a severe strain in his right side as of something giving way, and he let the trunk fall and fell forward on its corner, injuring himself just above the right groin. When the regiment arrived at Meridian Hill, District of Columbia, he called on Surgeon Van Ingen, who examined him and pronounced it scrotal hernia. The surgeon told him, as the regiment was about to move, that he could go to hospital or be discharged, and he accepted the latter. After discharge he returned to his home, and in a few days called on Dr. Chambers, who advised him what kind of a truss to get. Dr. Chambers has since died. Claimant also swears that he has been unable to procure the testimony of an officer of his regiment as to incurrence of injury for the reason that the colonel and surgeon are dead. Other officers he has been unable to find and others do not remember circumstances.

Abram D. Fox and Charles C. Philips testify that they were boys with claimant, and frequently went in bathing, and know claimant was sound at enlistment. In addition to the above, Fox testifies that he saw claimant about a week after his discharge; he was then weak and emaciated, and complained of pain in his groin, and in walking put his hand on his bowels on his right side, and walked in a stooping position. Was not able to perform any labor for five or six months, and afterward but very light labor.

Robert B. Whitlock says he and claimant were drafted into the service during the year 1863, and were examined at Schenectady, N. Y., and affiant was present when claimant was rejected on the ground of being ruptured. Claimant then stated that he was ruptured while in the service of the Government.

The claimant is unable to furnish any affidavits of officers or comrades, which is, of course, unfortunate; but his own affidavit bears upon it the impress of truth, and his reputation is good in the community in which he lives. His prior soundness is supported by testimony of those who always knew him, and his debilitated condition immediately after his return from the Army are facts indicating disability received while in the service.

The committee think him entitled to a pension, and recommend the passage of the bill.

Mr. HEWITT, of Alabama. I have not had an opportunity to read the report, but I wish to ask the gentleman who reported the bill whether he favors the pension upon the unsupported affidavit of this soldier? I would infer so.

Mr. BAGLEY. The certificate of disability shows he was injured and the character of his injury. It is signed by W. A. Jackson, colonel commanding, and is approved by A. N. McLaven, surgeon United States Army. It was on that ground the favorable report was made, and that is good evidence.

Mr. HEWITT, of Alabama. Did he file an affidavit for a pension at the bureau?

Mr. BAGLEY. He did, but his claim was rejected, as he was unable to prove the rupture.

Mr. HEWITT, of Alabama. Does the discharge show that he was injured?

Mr. BAGLEY. It does; and it is signed, as I have already stated, by Colonel Jackson, the colonel commanding the regiment.

There was no objection, and the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARY MULHOLLAND.

The next business on the Private Calendar was the bill (H. R. 3355) for the relief of Mary Mulholland.

The bill was read, as follows:

Be it enacted, &c., That the certificate of pension heretofore granted Mary Mulholland, No. 193403, dated September 19, 1881, be, and the same is hereby, approved and confirmed; and the Commissioner of Pensions is authorized and directed to restore the said Mary Mulholland to the pension-roll, and to pay her all arrearages of pension that have been heretofore withheld.

The amendment reported by the committee is as follows:

Strike out and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Mary Mulholland, under certificate No. 193403.

The report (by Mr. LE FEVRE) was read, as follows:

Mary Mulholland is the stepmother of Robert Mulholland, of the One hundred and eighty-third Ohio Volunteer Infantry, and had the entire care, custody, and control of said Robert from his infancy, and supported him, by her own hard labor, until he was grown to manhood, when he became her sole support until and at the time he enlisted in the Army, and thereafter until he was taken prisoner at Franklin, Tenn., and died in prison at Andersonville, Ga. She applied for a pension, which was granted to her, as the mother of said Robert, to whom she had always sustained that relation, and in the belief that she was entitled to such pension as the mother of said Robert. Her claim to pension was allowed and a certificate therefor was issued, but before it was delivered to her, the fact that she was a stepmother becoming known, the certificate was withheld.

That the claimant was dependent upon her own labor after the death of her husband, the soldier's father, in 1852; and that the stepson, as soon as he became old enough to earn a living, did aid very materially in the support of his stepmother, was clearly shown by the evidence originally in the case, and fully confirmed by the testimony taken by the special examiner in 1882.

The general pension laws, although providing for pension in case of mothers and other near relatives, who were dependent upon a soldier, exclude stepmothers, no matter how much they may have been dependent upon a soldier stepson, and therefore the action of the Pension Office in refusing a pension to the claimant was proper. But your committee are of opinion that in cases like the one under consideration the relief denied by the general law should be granted, and therefore report favorably on the bill, amended, however, by striking out all after the word "assembled," in line 2, and insert therein instead the following words: "That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the name of Mary Mulholland, under certificate 193403," and thus amended ask that it do pass.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIANA ALMIER.

The next business on the Private Calendar was the bill (H. R. 2538) granting a pension to Christiana Almier.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christiana Eldermeier, mother of Frederick Eldermeier, deceased, late a member of Company I, Forty-ninth Regiment Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) is as follows:

The committee find that Christiana Almier is the mother of Frederick Almier who was a private soldier in Company I, Forty-ninth Regiment Ohio Volunteer Infantry, and died January 17, 1875. The claim for pension in this case is "gunshot wound in right knee, received at the battle of Chickamauga, Ga., on September 19, 1863, and was finally discharged from the service June 20, 1864, by reason of said wounds."

The claim was rejected by the Pension Department on the ground that the soldier's death was not the result of gunshot wound for which he was pensioned, as alleged. The testimony is clear in this case that Frederick Almier was disabled to a pensionable degree, and as long as he lived he received a pension of $8 a month. Frederick Almier enlisted August 26, 1861, and was discharged from the service June 20, 1864, by reason of wound received as stated.

The question is, did Frederick Almier die from the effects of the wound of knee received at Chickamauga, Ga.? The following affidavit of Dr. Anton Shiebenzuber, of Dayton, Ohio, made July 31, 1880, reads as follows:

"I am a practicing physician, and have been for fifteen years, and was well acquainted with Frederick Almier, late a private in Company I, of the Forty-ninth Regiment Ohio Volunteer Infantry. I attended him four months previous to his death, and found him suffering from disease of the spinal cord, caused by a gunshot wound through the right knee, effecting destruction of the nervus crularis, and in consequence of the constant irritation of the sear a chronic inflammation of this nerve and finally of the spinal cord, ending in the destruction of the vitality of this cord, and was, in my opinion, the only and last cause of the death of said Frederick Almier. I have no interest in the case, and am not concerned in its prosecution."

Christiana Almier has made several affidavits to the effect that her son was a strong, healthy man previous to enlistment, and there was no evidence of any other trouble, except his wound, at the time of his death. She is corroborated by many witnesses as to his condition previous to enlistment, and several express the non-professional opinion that nothing else could have been the matter at the time of his death but the wound received while in the service of the

United States. Dr. Anton Shiebenzuber is vouched for as being a man of excellent professional standing and personal reliability. Frederick W. Beck, on the 18th day of August, 1882, made affidavit as follows:

"In my business of undertaker I laid out the body of Frederick Almier preparatory to burial, and found that the right leg at the knee was very much swollen and of black and blue color. Further than that at this time the attending physician, Dr. Anton Shiebenzuber, said to me that the death of said Almier was caused by a gunshot wound of the knee received while in the service of the United States."

The testimony is clear that the claimant was entirely dependent upon her son for support, and is now very poor. There is no testimony to contradict the testimony of Dr. Anton Shiebenzuber, and all testimony is favorable to the claimant. The last examination of surgeons certifies that—

"Frederick Almier is totally disabled. Inflammation exists, with periodical swelling and constant pain, together with weakness of knee-joint, rendering him unable to perform manual labor."

Your committee recommend the passage of the accompanying bill, with the following amendments:

In lines 6 and 7 strike out the name "Eldromeir" and insert "Almier."

Amend the title so as to read: "A bill granting a pension to Christiana Almier."

Mr. HEWITT, of Alabama. Mr. Chairman, I would like to ask the gentleman who reports this bill whether or not this soldier left a widow.

Mr. LE FEVRE. No, sir; he did not. It is his mother who seeks the relief here. There is no question on that point at all.

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO CORNWELL.

The next business on the Private Calendar was the bill (H. R. 7046) granting a pension to Alonzo Cornwell.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Cornwell, late a private in Company F, Sixty-seventh Regiment Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) is as follows:

Your committee, having examined the evidence in above case, respectfully report that Alonzo Cornwell enlisted in Company F, Sixty-seventh Regiment Ohio Volunteer Infantry, October 27, 1861, and was discharged July 21, 1862, on surgeon's certificate of general debility of three months' duration, following typhoid fever, "with no prospect of recovery."

The claim for pension in this case is—

"That on or about February 15, 1862, while on the march up the Shenandoah Valley, Virginia, he was disabled by reason of ruptured veins of both legs below the knees; also by exposure and wading the Little Cacapon River, Virginia, he contracted rheumatism and chronic diarrhea, from which he has ever since been disabled."

The claim was rejected by the Pension Department on the ground that "no disability from alleged causes exists."

After examining the testimony carefully your committee is at a loss to understand how the department arrived at the conclusion that no disability exists.

Mrs. Elizabeth Cornwell, of Toledo, Ohio, May 22, 1882, testified as follows:

"I have been well and intimately acquainted with claimant for the past fifty-eight years. I well know that at the date of his enlistment he was a sound and healthy man, and free from varicose veins, rheumatism, and diarrhea; did all kinds of manual labor. I raised the claimant from a mere child to manhood."

Mrs. Harriet J. Johnson, of Toledo, Ohio, November 29, testified:

"I knew the claimant for about fifteen years prior to his enlistment; he worked for me and I paid him $20 per month, and I know that at the date of his enlistment he was a sound and hearty man."

Dewitt C. Dewey, of Toledo, Ohio, November 29, 1882, testified:

"For ten or fifteen years prior to his enlistment the claimant was a near neighbor of mine. I saw him very often, and considered him a sound, hearty man, free from the diseases for which he claims pension."

The same witness, Dewitt C. Dewey, in another affidavit, testifies:

"I know from personal observation, being captain of Company E, Sixty-seventh Regiment Ohio Volunteer Infantry, that while the claimant was a member of said company, and in line of duty on a forced march from Pawpaw Tunnel and Winchester, he had to ford with the regiment the Little Cacapon River, and in consequence of his being heated at the time and immersion in cold water, I believe he contracted rheumatism and varicose veins, because he was unable to march farther, and was conveyed to a hospital at Cumberland, Md., and remained there one month, after which he was sent to Mount Pleasant Hospital, Washington, D. C. About June 19, 1862, I observed varicose veins on his legs before he was transferred to the Mount Pleasant Hospital."

The above witness is vouched for as reliable and worthy of credit.

Two more reliable witnesses testify to claimant's soundness prior to enlistment. S. F. Forbes, surgeon of the Sixty-seventh Regiment Ohio Volunteer Infantry, states that claimant has had varicose veins, but can not swear that the trouble was contracted while in the service. W. H. Kief, captain in the Sixty-seventh Ohio Volunteer Infantry, in an affidavit made May 22, 1882, corroborates the testimony of Captain Dewitt C. Dewey.

Harriet J. Johnston, Dewitt C. Dewey, and Elizabeth Cornwell all testify to the existence of rheumatism and varicose veins ever since claimant's discharge from the Army.

Examining Surgeons J. S. Beck, J. M. Weaver, and A. S. Dunlap certify under date of January 23, 1884:

"The deep veins on both legs from knees to feet are very considerably enlarged. The internal saphenous vein has been ruptured, as indicated by a deep purple tint; rate, three-quarters, $6. Says he has no chronic diarrhea now; has had none since the summer of 1865."

The testimony as quoted seems to your committee sufficient to establish the claimant's case. The testimony is abundant as to his having been a sound man previous to enlistment. The witnesses to his disability (having originated while in the service) are not numerous, but very respectable and worthy of credit, while the testimony of his helplessness from date of discharge to the present time is perfectly conclusive.

Therefore your committee without hesitation recommend the passage of the bill.

Mr. HEWITT, of Alabama. Mr. Chairman, I would like to ask the gentleman reporting this bill when the application for a pension in this case was filed in the Pension Bureau?

Mr. LE FEVRE. I do not remember; perhaps my colleague [Mr. MURRAY] can give you the information.

Mr. HEWITT, of Alabama. I would like to know if it is of recent date?

Mr. MURRAY. It is of old standing. I can not give the exact date.

Mr. HEWITT, of Alabama. I would like to ask the gentleman making the report another question, whether these affidavits are *ex parte*, or whether the testimony was taken before a special examiner?

Mr. LE FEVRE. Part of it was taken before a special examiner and part of it *ex parte* testimony.

Mr. HEWITT, of Alabama. Then they are mere *ex parte* affidavits. Was any new testimony or any additional testimony taken before the committee that was not before the examiners of the Pension Bureau?

Mr. LE FEVRE. Mr. Chairman, these affidavits were taken in the usual way, as all the affidavits that are filed in the Pension Office are taken. There is no difference in that respect between this case and all other cases filed in that office.

Mr. HEWITT, of Alabama. This case, I suppose then, was rejected by the Pension Bureau on the ground that the proof did not support the allegations in the claim, and this is simply an appeal from the Pension Bureau to Congress. That being the case, if we pass this bill it is a reversal simply of the decision of the examiners in the Pension Bureau. It amounts to that and that only.

Mr. MURRAY. I would like to state, by way of explanation, that notwithstanding the decision of the Pension Department, the examining surgeons, Weaver and Beck, of Dayton, testify that the disability on the part of this claimant is fully three-fourths, and reputable witnesses have testified that the disease from which he suffers did not exist until after he went into the service. They are very reliable witnesses.

Mr. HEWITT, of Alabama. I would like to ask the gentleman if he knows of his own personal knowledge as to their reputation?

Mr. MURRAY. I know the person who makes the claim and many of the witnesses; not all of them.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN HAZLEWOOD.

The next business on the Private Calendar was the bill (H. R. 6596) granting a pension to John Hazlewood.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hazlewood, late a private in Company F, Seventh Regiment West Virginia Cavalry.

The report by (Mr. LE FEVRE) is as follows:

Your committee, having carefully considered this case, find that John Hazlewood enlisted in Company F, Seventh Regiment of West Virginia Cavalry, September 17, 1861, and was discharged from the service January 26, 1865. The claim for pension is that he "contracted piles at New Creek, Va., about May 15, 1862, and asthma at Culpeper, Va., about July 20, 1862."

The claim was rejected by the Pension Department on the ground of "inability to furnish medical evidence to show condition in the service or at date of discharge." It is true that he has been unable to furnish medical evidence of treatment for his disabilities while in the Army, because his regimental surgeon, Dr. James Putney, who treated him, has no record of said treatment, and can not remember the facts, but he does state the following, which dates the existence of the disease for which claimant asks for pension to within six months of the date of the discharge:

"Mr. John Hazlewood presented himself to me for medical treatment in July, 1865. I diagnosed his disease 'humoral asthma;' he had been but recently discharged from the United States service, and informed me, upon inquiry, that he had been affected for several months; that he had contracted the disease while in the service. I had no doubt as to the truth of his statement, as the disease appeared to be chronic, which has proven to be so, not having yielded to any treatment from that time to the present (February 12, 1878). He tells me that I ought to be able to state that he was sound when he entered the service; that I knew him before the war. Perhaps I did, but I can not remember him prior to July, 1865. I have treated him several times since then."

Thomas Martin, Joseph Quenby, and Darius Henry, all neighbors, testify under oath that John Hazlewood was a sound and able-bodied man prior to and at the date of enlistment. John McComb, late first lieutenant of the claimant's company, under oath, May 29, 1876, says:

"Claimant contracted asthma at or near Culpeper, Va., about the middle of July, 1862, and frequently complained of being unwell."

Fletcher C. Lanham, second lieutenant of claimant's company, under oath, November 5, 1875, testifies that claimant—

"Contracted piles near New Creek, Va., in May, 1862, and asthma in July, 1862."

Thomas J. Tucker, corporal in claimant's company, says that—

"Claimant contracted piles at or near New Creek, Va., about the middle of May, 1862, and asthma in July, 1862."

Robert W. Jones, first sergeant of claimant's company, under oath, November 15, 1877, says:

"Claimant contracted piles at or near New Castle, Va., and asthma at Culpeper, Va., in the year 1862."

Thomas Martin, Dr. A. L. Knight, Darius Henry, and Joseph Quenby, in separate affidavits, all testify that claimant has suffered from asthma and piles ever since he came home from the Army.

The examining surgeon says:

"Hemorrhoids are found protruding from anus in masses equal in the aggregate to the size of a hen-egg, and presenting the appearance of a ripe raw tomato. The evidences of asthma are well marked, the breathing being labored and accompanied by moist rales. I rate the piles as disabling him one-half total, the asthma as disabling him one-half total."

In view of the fact that three neighbors testify to the complete soundness of the claimant previous to enlistment, the first lieutenant, second lieutenant, first sergeant, and a corporal all swearing to the fact that the diseases from which

the claimant suffers were contracted while in the Army, with time and place stated; the surgeon, six months after discharge of the claimant, testifying to the existence of the disease in a chronic form, and four neighbors swearing to the existence of the disease from the time of leaving the service to the present time, ought to be, in the judgment of your committee, sufficient to overcome the fact that the claimant has been unable to furnish medical testimony of the existence of disability while in the service, and your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

R. D. LAWRENCE.

The next business on the Private Calendar was the bill (H. R. 6196) granting a pension to R. D. Lawrence.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of R. D. Lawrence, late a private in Company E, First Regiment Michigan Light Artillery, subject to the provisions and limitations of the pension laws.

The report (by Mr. LE FEVRE) is as follows:

Your committee, having under consideration the bill H. R. 6196, respectfully report that R. D. Lawrence was a private soldier in Company E, First Regiment Michigan Light Artillery. He enlisted December 24, 1863, and was discharged May 20, 1865. The basis of his claim for pension is that he was attacked by lumbago and piles while at Nashville, Tenn. After the original declaration was made he stated that he did not intend to apply for pension on account of lumbago, but that he had the disease and was much distressed in the back on entering the hospital, but when the piles appeared and bled the lumbago disappeared. The claim was rejected by the Pension Department on the ground that—

"There is no record of piles, and claimant's inability to furnish satisfactory testimony connecting said disease with the service."

The report of the Adjutant-General shows that the claimant was in hospital three times in the year 1864, but does not state with what disease he was afflicted, but the report shows that he was in hospital most of the time after first admission, in 1864, to May 20, 1865.

Sanford Birtz, a comrade, testifies to claimant's soundness prior to enlistment. He is unable to furnish the testimony of a commissioned officer as to the origin of his disability while in the service, but he does furnish the testimony of Surgeon Myers, who was in charge of post hospital, Nashville, Tenn., to the effect that—

"Claimant had charge of the linen-room of said hospital, and conducted his duty as faithfully as his condition would permit, as during that time he was suffering from lumbago, from which he had not recovered at the date of his discharge."

John H. Evans swears, July 21, 1882—

"That he is well acquainted with the claimant, and in 1866 he came to his brother's house quite sick with piles, for which he was attended by Dr. Hycoff for some time, and then went to Buffalo general hospital, and was still suffering from the same disease when he left the hospital. Was a great sufferer from piles while he knew him in 1866."

The standing of this witness is good.

The claimant has been unable to furnish medical testimony showing continuance of the disease from 1866 because his parents are dead, as is also his family physician. August Mellon testifies that he has been acquainted with the claimant during the past sixteen years, and swears that he has been afflicted with piles during the whole time. Dr. J. L. Bicknell, superintendent of the Buffalo general hospital, furnishes a certificate, dated March 26, 1879, in which he says:

"According to our hospital record, R. D. Lawrence entered the Buffalo general hospital April 18, 1866, was treated for triple lesions and for hemorrhoids, and was honorably discharged May 15, 1866. He again entered the hospital August 20, 1867, and was discharged the 27th of the same month. Treated for hemorrhoids."

The surgeon at the hospital at the National Military Home, Dayton, Ohio, says that the claimant was admitted for treatment August 30, 1867.

The examining surgeons, Drs. J. S. Beck, H. S. Jewett, and A. S. Dunlap, at Dayton, Ohio, December 29, 1880, report that—

"He has hemorrhoids external; they come down very badly and bleed profusely at times. They are now down, forming an external tumor about the size of a walnut. There are now also two small fistulous openings that discharge slightly."

There seems to be no room for doubt but that the claimant has been a constant sufferer from the time of his being in the service down to the present time with the disease for which he claims a pension, and your committee recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. Mr. Chairman, this is another case that has been rejected by the Pension Bureau upon the ground that the testimony which was filed there did not support the allegations of the petition, and there is nothing in the report to show that any additional testimony was brought before the committee of this House.

It seems from this report that this soldier was considerable of a "hospital rat," and that he had spent most of his time in the hospitals. We all know that this class of soldiers was not the best in the world, and I think we had better pass this over.

Mr. BAGLEY. In reply to the suggestion of the gentleman from Alabama in reference to this and the preceding case to which objection was made by the office, I wish to state that every case that comes down to the Committee on Invalid Pensions is a case that has been rejected by the Pension Office. We do not pretend to examine a case unless it has been rejected. Therefore the claim that he makes against this case and the preceding one is not good. If it was a good case, or if the proof complied with the technical requirements of the law, it would not come to us at all. It comes to us simply because of the fact that there is some little discrepancy in the case or in the evidence whereby the law does not reach it—some technical defect perhaps in the proof which does not allow it to come strictly within the provisions of the law so as to be allowed by the Department; and it comes here upon its equities for us to do justice to the man on the merits of the claim irrespective of the technicalities of the law. And the gentleman from Alabama must remember that these cases must be rejected by the office before the Committee on Invalid Pensions could take any control of them or have any cognizance whatever of them.

Mr. HEWITT, of Alabama. If Congress is to investigate all these cases that have been rejected by the Pension Bureau, it will take pretty much all the time of Congress to do it. We have seen proper and I think very wisely to create a bureau with officers and with capable men to examine into all these claims for pensions upon the facts that are presented; and I believe, sir, that they are better capable of judging of the facts submitted—I mean they have a better opportunity of judging—I do not mean to say they are abler men or more capable of judging of the effect or of the weight of evidence than members of the House; but I say they have a better opportunity to do it than we have, a better opportunity than the House can possibly have or any member of the Committee on Invalid Pensions or of the Committee on Pensions or of any other committee of this House.

Mr. BROWN, of Pennsylvania. May I ask the gentleman a question?

Mr. HEWITT, of Alabama. I am always ready to yield with pleasure to my friend from Pennsylvania.

Mr. BROWN, of Pennsylvania. What the gentleman states is very true as to the law of the case. But the Pension Office has not the power of examining into the equities of a case unless they are covered by the law.

Mr. HEWITT, of Alabama. I am not speaking now of cases that present equities. There are cases that come from the Pension Bureau here that are proper cases for us to consider. Those are cases that are rejected there on technical grounds; not on the ground that the evidence does not support the application, not on the ground that the man did not contract the disease or receive the wound in the service; but on some technical ground as to the bar of the statute of limitation or something of that sort. Such a case presents an equity, and the House ought to hear it.

But this is a mere appeal presenting no equities. It is only a question as to whether this soldier contracted in the service the disease which disables him; and that is a question which I say the bureau which we have established here can better inquire into than any committee of this House or any member of it. And when the claim is rejected upon the merits by the Pension Bureau I contend that that ought to be an end of it; because if all those cases which have been rejected upon the merits are to come here, there will be no end to your special legislation upon these pension claims. At the same time I think it is right and proper that where a claim is rejected not upon its merits but upon some technical ground then the House ought to take jurisdiction, and if it presents a meritorious case that the House ought to pass the bill.

Mr. MURRAY. Mr. Chairman, I examined this case very carefully. It is true there was not much testimony showing that the claimant was disabled in the service simply because he had no hospital record. But the testimony is clear, dating from early in the year 1866, that he was afflicted with the disability for which he claims a pension, and from that time down to the date of the filing or rejection of his claim there is no question of the existence of the disability. It seemed to me to be a clear case that this man was entitled to a pension, though he was unable to furnish the technical evidence that was required by the Department.

Mr. HEWITT, of Alabama. The only evidence required by the Department is not technical. All the Department asks for is satisfactory evidence that the soldier had received his disability in the line of duty and in the service; and when that is proven, when that is satisfactorily proven, it is the duty of the Pension Bureau to grant a pension.

Mr. BAGLEY. May I ask the gentleman from Alabama one question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. BAGLEY. Is the gentleman from Alabama not aware of this fact, that frequently cases are sent here to the Committee on Invalid Pensions for consideration or adjudication that have been rejected by the Pension Office, with the recommendation that a bill be passed for the relief of the claimant.

Mr. HEWITT, of Alabama. Yes, sir; and every one of those cases has been rejected on some technical ground. They are never sent here when they are tried upon their merits; when the Pension Bureau has full jurisdiction to try a case upon its merits, and when it has tried it upon its merits and rejected it upon its merits. It is only in those cases where the claim has been rejected upon some technical ground that there is any such recommendation as the gentleman from New York alludes to.

Mr. MATSON. I desire to ask the gentleman from Alabama a question.

Mr. HEWITT, of Alabama. I will hear the question with pleasure.

Mr. MATSON. The gentleman from Alabama states to the House that the Pension Office only requires satisfactory evidence of the allegations filed with the claim. I wish to ask him if he does not know that two kinds of evidence are required, the evidence of the comrades of the soldier and then the evidence of medical treatment in the service or immediately afte. the discharge; and that sometimes that kind of evidence is very difficult to obtain? Does the gentleman not know that we have acted upon such cases repeatedly? I may ask, making

the question broader than that, if he does not know in his experience in Congress, covering ten years I believe, whether during that time it has not been the habit of the House to act upon cases of that kind where the only question turned upon the merits of the case because of the man's failure to produce certain kinds of proof required by the law?

Mr. HEWITT, of Alabama. I answer my friend from Indiana by saying that the Pension Bureau requires medical evidence of a disability in the service where it can be furnished or satisfactory reasons showing why it can not be furnished. I admit that we have been here for years taking up cases that are mere appeals from the Pension Bureau to the House upon the merits of the cases involved. I think we have been doing that ever since I have been in Congress. But it is a bad practice, and I think it is time to quit it. It is never too late to stop doing wrong.

Mr. CUTCHEON. Mr. Chairman, I desire to call the attention of the gentleman from Alabama [Mr. HEWITT] to the fact that this case has been rejected at the Pension Office for a technical reason—the want of medical testimony as to the treatment of this man in the hospital for hemorrhoids and lumbago. That this man was in the hospital repeatedly, and for a considerable length of time with some disease, there is no doubt. From his own testimony there is no doubt that he was suffering from lumbago and hemorrhoids; but upon the hospital records it is not shown that he was treated for hemorrhoids, and for this reason, as the disability for which he claims a pension is hemorrhoids, this case was rejected.

Now that is a purely technical rejection. It is not denied that he was sick; it is not denied that he was in the hospital. The proof is here—competent proof that would be good in any court of record anywhere under heaven—that this man had hemorrhoids, that he contracted this disease in the Army, suffered from it after his discharge, and has suffered from it ever since. The bare technical reason for the rejection of his claim in the Pension Office is that there is no written record of his having been treated for this disease while in the service. The surgeon of the hospital neglected to do his duty and make a written record that this man was suffering from hemorrhoids and was treated for that disease in the hospital.

Right here I want to make a remark or two in regard to these rejections of claims at the Pension Office. We talk a great deal here as though these rejections were made by the Commissioner in person or by some officer high in authority, when the simple truth is that in ninety-nine cases out of a hundred the Commissioner never knows anything about these rejected cases or the reasons for which they are rejected.

Mr. HEWITT, of Alabama. Does not the law allow in every case where a case is rejected an appeal——

Mr. CUTCHEON. Yes, sir; and an appeal to the Commissioner of Pensions and an appeal to the Secretary of the Interior.

Mr. FUNSTON. And an appeal to Congress.

Mr. CUTCHEON. Yes; and an appeal to Congress. But there is nothing in this case, there is nothing in any of these cases we have been considering, from which it appears that the case ever went beyond the examiner. The cases as a rule go simply to an examiner in the Pension Bureau. These examiners are not men of legal learning; they are not accustomed by previous training to weighing evidence and determining questions of law. They are simply clerks; that is all; and I undertake to say from my experience and observation that many of them are more anxious to run through a list of cases and make a record upon the number of cases they submit than they are to do justice to the claimants.

Mr. BROWN, of Pennsylvania. Is it not true also that they are advanced on account of——

Mr. CUTCHEON. On account of the number of cases they submit.

Mr. BROWN, of Pennsylvania. And the objections they find to claims.

Mr. CUTCHEON. Yes, sir. The result is, as I said, that many of these examiners, I fear, are more anxious to "skin the files," as they call it, picking out the easy cases and running them through, and thus "making a record" for themselves, than they are to do justice to claimants.

I want to say that I have a great deal of confidence in these fifteen gentlemen constituting the Committee on Invalid Pensions. I believe they are equal in soundness of judgment not only to any one examiner of the Pension Office, but to any fifteen examiners, and equal in soundness of judgment to any board of review in the Pension Office. Now, when a case comes from this committee with a favorable recommendation, that recommendation is sufficient in any ordinary case to satisfy me that the bill should have the approval of this House.

In this case the objection of the gentleman from Alabama has no force. This is not an appeal simply upon the weight of evidence; it is an appeal "upon a technical ground." This case was rejected at the Pension Office for want of medical evidence of the treatment of this man in the hospital for hemorrhoids. The evidence is submitted here. It is competent evidence, although not technical medical evidence. In other words, it is not "record evidence." It is not written in the hospital register by the surgeon in charge that this man was treated for hemorrhoids. Yet there does not remain in your mind, Mr. Chairman, or in my mind, or in the mind of any gentleman on this floor, a doubt that this man was in the hospital with hemorrhoids, was treated for that disease, and that the surgeon in charge, whoever he may have been, failed to do his duty in making the necessary report. That wrong we are here to right. That wrong I hope we shall right, and right it speedily.

Mr. HEWITT, of Alabama. Mr. Chairman, I am very sorry to hear the serious charges made by the gentleman from Michigan [Mr. CUTCHEON] against the examiners in the Pension Bureau. I had hoped that when Mr. Cleveland shall come into office these men, under the civil-service regulations, might be continued in office; but if they have been doing as the gentleman from Michigan states, they ought to be turned out and better men put in their places. [Laughter.]

Mr. CUTCHEON. Some of them.

Mr. HEWITT, of Alabama. Now, I am sorry indeed to hear that under the Republican administration of the Pension Bureau men are there who in order to make a record of running through a great many cases reject meritorious pension claims.

I have confidence that when a change of administration takes place in that Pension Bureau all these men, if these charges be true, will then under the civil-service law be turned out and men put in their places who will do the soldiers of this country justice; who will give to every soldier who has a meritorious claim proper consideration; who will carefully examine to see whether a case is meritorious and the party entitled to a pension under the law.

Mr. Chairman, in all the charges which have been brought against the Republican party and its administration I have never heard a more serious one than that which has been made here to-night by the gentleman from Michigan, that the professed friends of the Union soldier who have had the administration of this Pension Bureau so long have done as he has indicated. It must be that he is in error; for I think that if such had been the case and the gentleman from Michigan had known of it he would have brought the fact to the notice of the Executive, who had the power to remove these unfaithful—I would say wicked servants, who would do such gross injustice to the soldiers of this country.

Mr. CUTCHEON. Mr. Chairman, I desire not to take up the time of this committee by prolonging this discussion, because we can do much more good by continuing the work of passing bills and relieving much distress. If I had supposed I would open the flood-gates of party harangue by reference to the fact that not every one of the 1,500 clerks engaged in the Pension Office is always faithful to the dictates of patriotism and reason I would have made no such allusion. I merely stated that in my examination of the files I had been led to believe that some of these examiners did neglect cases in order to make a record and secure promotion. I trust if any of these men are caught at it either the present administration or the succeeding one will find better or more faithful men for their places. I beg my friend from Alabama to remember that in the civil-service organization of the last two years quite a number of Democrats have stolen into places in this Pension Bureau, and that will probably explain the fact there are some unfaithful men there. [Laughter and applause.]

Mr. O'NEILL, of Missouri. The gentleman from Michigan is correct, for if any Democrats have gotten in there they must have stolen their way into the Pension Bureau. [Laughter and applause.] I do not know but it is the only thing a Democrat would steal. [Renewed laughter.] It is probably about all they will have the opportunity to steal when your party goes out of office. [Laughter and applause.]

I do not know, sir, but there will be some benefit from turning this session into a kind of experience meeting in regard to our efforts to secure for pensioners substantial justice from the Pension Department. It may be that the laws are too rigid, that the requirements in the collection of claims are too severe, but in the operations of the law as administered by that department I have myself found many instances where the barrier set up against the collection of claims against the Government resulted in the most flagrant wrong to claimants, whereby justice had been so long delayed that before they received the slightest benefit at the hands of the Government which they had helped to save great suffering resulted to them and their families.

I hold in my hand a paper received to-day in regard to a man who has been an applicant for a pension in consequence of injuries received in the service prior to 1860—an application which has gone through all the various rounds of rejection, having the rejection set aside and new testimony offered, &c. I have followed it up regularly for the reason that the poor, unfortunate fellow is blind; has a wife and children living in a cellar in Oak street, in Kansas City. I went to the department recently and appealed to them to try to do something for this poor fellow, who has been seeking a pension for years. He had forwarded the testimony of his comrades and others concerning the origin of his disability and its continuance, ample, I think, to have satisfied a court. It may be he did not comply with some technical rule, but I would give any officer more credit for integrity who would ignore rules in the

interest of substantial justice to a man who is suffering as this poor fellow is. Let me read the letter:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 7, 1885.

SIR: In answer to your personal inquiry of recent date, I have the honor to state that it has been found necessary to have pension claim No. 20971 of John Tobin further examined in Salt Lake County, Utah, the first examination not containing evidence sufficient to fairly and intelligently adjudicate the claim.

This is to be regretted, but as soon as examiner is located in that district the papers will be forwarded to him and the examination of this claim will be made without any unnecessary delay.

Very respectfully, O. P. G. CLARKE, *Commissioner.*

Hon. J. J. O'NEILL,
House of Representatives.

After a delay of years it is now referred to a blank district without a commissioner whose appointment and consideration of the papers remain a conundrum for the future. What a beautiful example of circumlocution!

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman a question.

Mr. O'NEILL, of Missouri. And this, sir, too, after many years of effort to complete the case.

I will hear the question of the gentleman with pleasure.

Mr. BROWN, of Pennsylvania. I only wanted to ask what is the number of the report in your case.

Mr. O'NEILL, of Missouri. My dear sir, I am replying to the speech of the gentleman from Alabama in connection with the remarks of the gentleman from Michigan. It is in that spirit I am replying. I do not choose to find fault with the officers of the department; but if they find that public sentiment and public opinion do not indorse their cold-blooded construction of rules and demand a little more heart and soul in the settlement of these claims, you would have fewer cases here to be subjected to criticism and discussion both in the committees and in this House.

Mr. WARNER, of Ohio. Mr. Chairman, a few words in reference to the question of evidence in the settlement of these claims pending before the House. I agree to a certain extent with the remarks of the gentleman from Alabama, that in general cases coming here should be limited to those where there are technical difficulties in the Pension Office in the application of the law which prevent the granting of the claim. But it should not be forgotten that in a case like this now before us in the Pension Office the claimant must prove in the first place that his disability was incurred in the service at a particular time and under particular circumstances, and also that it has continued as a disability down to the date of the application, connecting his present disability all the way back to the service, and then if his claim is allowed it carries arrears with it.

I am in favor myself of a regulation, or rather of a relaxation, of the rules of evidence in cases where arrears are not granted, as in special acts of Congress. If the claim does not carry arrears it should not be subject to the same restrictions, in my opinion, that are thrown around those applications where arrears follow. So in cases that come here to the House—a bill that passes Congress does not carry arrears with it, and consequently the same testimony, the same rigid, inflexible rule that is required in the Pension Office in cases that do carry arrears ought not to govern here. I think that many cases may be allowed on evidence here in the House that could not be allowed rightly in the Pension Office, where, if allowed, arrears would follow. [Cries of "Vote!" "Vote!"]

Mr. WOLFORD. Mr. Chairman, I only want to say a few words in relation to this matter. I submit to gentlemen on this floor the question as to whether this is a court or a Congress. If it is a court, then we ought to be, and must be, very particular in construing the law, as well as the rules of evidence, but if it is the Congress of the United States, for the purpose of passing laws, a body which has power to frame laws for the relief of the wronged and injured citizen, I care not whether he has been wronged by the ignorance, the carelessness, the hurry, the error, or in any other way by the officers of the Government, whether it be through their mistakes, the mistakes of a pure and honest man, or through the carelessness of incompetent men, then this is the body to right the wrong. The best men, sir, in the world and the purest judges have erred. Error is common to all men; none are free from it.

Now, all men have the right to come to the Congress of the United States by petition for the redress of grievances. That is the constitutional prerogative. Surely there is not a man in this House who would for a moment think of depriving a worthy, honest, wounded, or sick soldier, that got his wound or contracted his disease in the service of the country, of a pension, if he can not get it and has not gotten it through the channels provided by the law when it is right and proper for him to have it. I care not for the civil service of the Government; I care not who rejected it, whether it was a clerk in the office or the Commissioner himself; whether it was examined and rejected by the purest and wisest and best man on the earth, or whether it was an ignoramus who did it; if he has been wronged then this Congress in their wisdom, when justice and equity demand it, should come forward and rectify the wrong. They ought to be estopped from setting up the plea that the man is not entitled to it if his wound was received or his disease was contracted in the service of the country.

Now, sir, I appeal to my friend from Alabama if there is anything in this case, regarding it by the strictest rule, which under that law of justice to all would enable him to claim that this man should not be allowed by the law-making power the relief he seeks? I ask him if this body, the greatest body on earth, the Congress of the United States—for it ought to be if it is not one of the greatest bodies on earth—if this body can not take into consideration all of the facts and all of the circumstances and all the law, all the equities, in order to do justice to its citizens? If it can not, then it seems to me there ought to be an amendment to the Constitution, an amendment to enable us to act as the American Congress ought to act.

Let us consider for a moment. What are we doing here to-night? Are we adjudging about laws that have been enacted? The Pension Department ought to do that. They are the judges of the law; but when we come to make laws, I am sure my warm-hearted friend from Alabama will not insist upon applying the strict rules of testimony to the case of a poor disabled soldier to preclude him from his rights. Then if it is right for the applicant to be pensioned, the bill ought to be passed without hesitation. I am tired, sir, of hearing in Congress this idea of acting according to rules and precedents. We need no precedent. We rise higher than all precedents. All the equities of the law, all the facts, all the justice, and all of the mercy belong to us, and it becomes us to act in the premises as men possessed of their attributes.

I hope we will not seek for precedents in such cases, but that we will act as becomes patriots and lawmakers in the premises. [Applause.]

The CHAIRMAN. Without objection the bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. PETTIBONE rose.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. PETTIBONE. I ask to have a bill passed for the benefit of one of my constituents. It is the bill (H. R. 4626) for the relief of David N. Harrison. It is a case where a pension has been granted but the check has been destroyed or lost in the mail.

Mr. HEWITT, of Alabama. Is that bill reported by the Committee on Invalid Pensions?

The CHAIRMAN. What is the number of the bill?

Mr. PETTIBONE. It is bill H. R. 4626; report No. 1421.

Mr. BAGLEY. What committee reports the bill?

Mr. PETTIBONE. I hope the gentleman will not insist on asking that question.

The CHAIRMAN. What is the title of the bill?

Mr. PETTIBONE. It is "A bill for the relief of David N. Harrison." The gentleman from Missouri [Mr. DOCKERY] reported it. It will be found on page 41 of the Private Calendar.

The CHAIRMAN. The Chair will cause the special order of the House, governing the business of this evening, to be read.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calender reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. PETTIBONE. I am quite well aware that that is the rule.

The CHAIRMAN. The Chair can not entertain the motion of the gentleman from Tennessee.

Mr. PETTIBONE. I hope common consent will be given to taking up this bill. This House by common consent is always equal to the occasion, and I want relief for this constituent.

The CHAIRMAN. The House is in Committee of the Whole under the special order which has been read, and it is the duty of the Chair to see that the special order of the House is not violated.

Mr. PETTIBONE. Then I have got to sit down. [Laughter.] I shall ask for unanimous consent of the House.

Mr. MATSON. I ask for the regular order.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

Mr. HOLMES. On last Friday evening the bill (H. R. 1981) was under consideration and was passed over for the evening. I ask unanimous consent that that bill be now taken up.

Mr. MATSON. We want to get through to the bottom of the page, and the committee can then take up other cases.

FRANCIS CURRAN.

The next business on the Private Calendar was the bill (H. R. 3751) granting a pension to Francis Curran.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Curran, late a sergeant of Company E, Thirteenth Regiment of Indiana Volunteer Cavalry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3751) granting a pension to Francis Curran, submit the following report:

That Francis Curran enlisted in the Thirteenth Regiment Indiana Cavalry December 25, 1863, and was discharged from the Army November 18, 1865.

His claim for pension is sore eyes, resulting in total blindness, contracted at Huntsville, Ala., on picket duty, August 20, 1864.

The claim was rejected by the Pension Department on the ground that disability was contracted previous to enlistment in the Union service. The testimony shows that claimant first served in the rebel army. Your committee has been unable to find any satisfactory evidence that the claimant's eyes became diseased before joining the Union Army in December, 1863.

The Adjutant-General's report shows him present for duty most of the time while in the Union Army. The principal difficulty with the case is, that he was, previous to entering the United States Army, a soldier in the confederate army, and after being mustered out of the United States service, traveled through the South collecting charity, and used the following card in order to obtain assistance:

To a benevolent public:

The bearer of this, Francis Curran, having joined the confederate army at Senatobia, Miss., and as a good soldier served his time faithfully, having lost his eyesight while a prisoner of war at Louisville, Ky.

Sergeant Company B, Ninth Mississippi Regiment.

Any help will never be forgotten.

J. P. HOULIGHAN, *Captain.*
T. W. WHITE,
Colonel Ninth Mississippi Regiment.

The following testimony shows clearly that the statement that claimant lost his eyes while in the confederate service is not true.

Capt. Charles F. Bender, of Company E, Thirteenth Indiana Cavalry, states under oath that "claimant was sound in every respect at date of enlistment." Owen Maguire and John Tighe both state in separate affidavits—

"That they became acquainted with claimant about March, 1863, at New Albany, Ind., and said acquaintance continued until his enlistment, and they never knew him to complain of having sore eyes or being afflicted in any manner whatever, and always believed him sound in every respect."

Capt. C. F. Bender made oath in affidavit June 15, 1875:

"The claimant was attacked with disease of the eyes in line of duty on picket just near Huntsville about August 20, 1864."

Elisha Weakly, lieutenant of Company E, Thirteenth Regiment Indiana Volunteer Infantry, makes oath, under date of November 17, 1877:

"In the summer of 1865 I was doing provost duty near Columbus, Miss., and claimant was suffering from disease of the eyes during that time, which continued until the date of his discharge. He was a good and obedient soldier."

The following affidavit, signed by the surgeon of claimant's regiment, is sufficient to substantiate the loss of sight soon after leaving the United States service:

"NEW ORLEANS, *September 3, 1872.*

"I certify that the records of Charity Hospital, New Orleans, show that Francis Curran was admitted to this institution on the 19th day of March, 1866, and discharged the 11th day of June, 1866. He was suffering from total loss of sight."

A special examination conducted by Charles R. Connor, special agent, September 28, 1878, reads as follows:

"This is a very peculiar case, and I have been unable to find any satisfactory evidence that the claimant's eyes became diseased while he was in the confederate army. It is possible, but highly improbable, that his eyes were diseased at the time of his enlistment, December 25, 1863."

The fact that the claimant served in the confederate army ought not of itself to bar him from receiving a pension, and the testimony seems conclusive that he served faithfully nearly two years in the Army of the United States, and has been totally blind ever since his discharge.

The passage of the bill is recommended.

Mr. HEWITT, of Alabama. I desire to say just one word about this bill. It is proposed to give a pension of $72 a month to an applicant who was at one time a confederate soldier.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK MURPHY.

The next business on the Private Calendar was the bill (H. R. 7047) granting a pension to Patrick Murphy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Murphy, late a private in the Second Independent Battery, Ohio Light Artillery.

Mr. HEWITT, of Alabama. I ask that the report be printed in the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7047) granting a pension to Patrick Murphy, submit the following report:

The claimant in this case enlisted September 1, 1864, as a private soldier in the Second Independent Battery, Ohio Light Artillery, and was discharged August 10, 1865. The claim for pension is that—

"While encamped at Carrollton, La., in the fall of 1864, he became afflicted with sore eyes, and after moving with the battery to Ship Island, in the Gulf, they became worse, attributable to the glare of the sun upon the sand; was also from time to time while on the island threatened with brain disease, and before his discharge had one or two fits."

The claim was rejected January 8, 1883, on the ground that there is—

"no medical evidence of origin of disease or existence at discharge, and claimant's inability to furnish satisfactory evidence of origin in the service and line of duty and continuance since discharge."

The claimant says he can not furnish the affidavit of a surgeon for treatment for sore eyes in the Army for the reason that—

"he was not treated by any physician while in the service, but that he was treated for said disease immediately after he returned from the Army, and has made every effort possible to procure testimony from the surgeon who treated him, but can not find him."

John B. and Mary Moore, of Conneaut, Ohio, testify to having—

"known the claimant for ten years before the war; that he boarded a large part of the time at their house; that he was a sound, healthy man, and that his eyes were in a sound and good condition."

Hiram J. and Stephen W. Marsh, of Conneaut, Ohio, comrades and members of the same battery with him, testify that—

"in February, 1865, at Ship Island, Mississippi, claimant contracted disease of eyes."

In an affidavit given June 13, 1882, John B. and Mary Ann Moore again testify that—

"at the time of his return from the Army, in 1865, his eyes were badly diseased and the right one almost completely lost; that they often saw him between 1865 and 1878, and during that time his eyes were badly diseased, and that he could do but little manual labor and was almost wholly dependent upon others for support."

Dr. A. B. Stephens makes affidavit that "claimant was admitted to the National Soldiers' Home, Dayton, Ohio, in Febuary, 1878, with partial loss of sight from diseased retina, pulmonary phthisis, hemorrhage of lungs, and cough, and that he is partially blind, and is still under treatment there."

Fery Quinn and Thaddeus S. Young, neighbors in Conneaut, Ohio, both testify that "claimant was a sound, healthy man previous to enlistment," and Young, being in same battery with claimant, testifies that "claimant contracted inflamed and weak eyes while at Ship Island, Mississippi, and in the line of his duty;" and he remembers, in a general way, that there were others of the command afflicted in the same manner while at Ship Island.

Dr. L. P. Sturtevant, of Conneaut, Ohio, in affidavit made March 23, 1883, swears that he "attended claimant professionally in 1875 and 1876 for sore eyes; that they were weak and the sight nearly gone. The claimant said that the cause of his eyes being affected was the reflection of the sun's rays from the sand on Ship Island, Mississippi, while in the service; his disability was at the time of treatment such as to prevent his doing any manual labor."

John Gaffney, Mary Moore, and Maggie Trimble, of Conneaut, Ohio, all testify that they knew claimant previous to enlistment, and that he had no disease of eyes, and was able to do all kinds of manual labor done on a farm; they further state that upon his return home from the Army his eyes were badly inflamed and his sight greatly impaired, and from that time until his admission to the Soldiers' Home at Dayton he was so afflicted as not to be able to perform manual labor.

These witnesses last named are vouched for as being persons of credibility and integrity. The examining surgeons at Dayton certify as follows, under date of February 1, 1882:

"He has a cataract of right eye and one partially formed in left eye. He can barely discern enough to get around the ward. He is disabled from all manual labor."

The testimony is sufficient as above given to lead your committee to the conviction that the claimant ought to have had a pension long ago, and the passage of the bill is cheerfully recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RUSSELL F. DIMMICK.

The next business on the Private Calendar was the bill (H. R. 6594) granting a pension to Russell F. Dimmick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Russell F. Dimmick, late a private in Company E, First Regiment Wisconsin Volunteer Infantry.

The report (by Mr. LE FEVRE) was ordered to be printed in the RECORD. It is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6594) granting a pension to Russell F. Dimmick, submit the following report:

Your committee, having examined all the papers in this case, find that Russell F. Dimmick, the claimant, enlisted January 20, 1863, in Company E, First Regiment Wisconsin Volunteer Infantry, and was discharged June 15, 1865. The claim for pension is—

"That at Chickamauga, Tenn., September 19, 1863, he was struck in the right eye by a fragment of a shell."

In another declaration made December 24, 1877, he states:

"On the march from Nashville, Tenn., to Hoover's Gap, Tenn., from the middle of July to August 15, 1863, had his eyes continually filled with dust, which caused inflammation and injury of the optic nerve, also affecting the eyelids, which became granulated, all of which caused partial blindness of both eyes, the right eye being now almost totally blind, and the other gradually becoming so; that he was also hit with a splinter of a shell in the right eye at the battle of Chickamauga on the 19th day of September, 1863, which has also helped to cause the blindness as herein stated."

A pension in this claim was allowed by the Pension Department January 6, 1880, but was suspended September 4 of the same year. The pension was discontinued on the ground that the disability of the claimant existed previous to enlistment.

Philip Fay, under date of February 12, 1878, swore as follows:

"Have known the claimant for over twenty years—ever since he was a little boy. Never knew or heard of his eyesight being impaired prior to his enlistment in the Army."

Michael Malone, under date of February 12, 1884, also swore:

"Have known claimant nearly all his life, and never heard of his being troubled with any disease of his eyes."

Charles C. Kimball, late captain of Company E, First Wisconsin Volunteer Infantry, March 7, 1877, made oath as follows:

"The claimant was with me at the battle of Chickamauga, Tenn., September 19, 1863, and was there wounded in the eye with the splinter of a shell."

William Colter, late private Company E, First Wisconsin Volunteers, under date of February 12, 1878, makes oath:

"Claimant was disabled on the line of march from Nashville, Tenn., to Hoover's Gap, in 1863, by getting nearly blind in both eyes on account of dust and sand and a splinter of shell in his eye."

John Fitzgerald, under date of June 3, 1879, makes oath as follows:

"I know that claimant was disabled in eyesight on line of march to Hoover's Gap, from Nashville, Tenn., about July 2, 1863, by getting sand and dust in his eyes, and causing him to be sent back to hospital."

Benjamin F. Dieman, late private Company E, First Wisconsin Volunteer Infantry, under date of June 24, 1879, makes oath:

"Claimant got his eyes injured on the march from Nashville to Hoover's Gap, Tenn., in July, 1863, which was the cause of his being sent back to hospital."

Joseph Hoskin and D. C. McVean testify substantially as the last two affiants.

Norman Barnes, Patrick Murphy, Dr. I. H. Stevens, and Michael Malone all testify to the condition of claimant's sight since discharge from the Army, and agree that the disability has existed continuously from the date of his discharge.

The surgeon's certificate of discharge, June 16, 1865, reads as follows:

"I find him incapable of performing the duties of a soldier because of loss of right eye, caused by explosion of another soldier's gun, and powder being blown into the eye, incurred while in the line of his duty as a soldier."

The statement of the surgeon seems to differ from the claim of Dimmick that he was hit by a splinter of a shell, but in the haste of making out such reports it is not strange that there should be a slight variance.

At a special examination, conducted in November, 1880, by James H. Clements, special agent, several witnesses swear that claimant had sore eyes previous to enlistment; but the fact remains abundantly proven that he was struck in the right eye with fragment of a shell. The examining surgeons certify that "he sees but little with right eye."

Considering all the testimony, your committee recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The CHAIRMAN. The Chair calls the attention of the gentleman from Indiana [Mr. MATSON] to the fact that the next bill on the Calendar, the bill (S. 315) granting a pension to William Reinhardt, has been returned to the Senate in accordance with their request.

Mr. MORRILL. I wish to state that the House bill for the benefit of the same person passed the Senate and became a law at the last session. I was to make the motion that the bill be reported with the recommendation that it do lie on the table; but if the bill is in the hands of the Senate, of course that motion can not be made.

The CHAIRMAN. The bill is not here.

Mr. MATSON. Under the circumstances I think it should go off the Calendar.

FREDERICK P. DEARTH.

Mr. MORRILL. I desire to call up a bill on page 49 of the Calendar, the bill (H. R. 7315) granting a pension to Frederick P. Dearth. Mr. Dearth is 81 years old, and is in the poor-house in one of the counties of my district. He gave his son to the cause of the Union. The son died at Corinth of typhoid fever. The old man is quite feeble, and it is hardly likely that he will be alive at another session of Congress. I ask the indulgence of the House to take up the bill and pass it that he may derive some benefit from it.

The bill (H. R. 7315) granting a pension to Frederick P. Dearth was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Frederick P. Dearth, dependent father of Edwin P. Dearth, late of the Fifty-second Illinois Volunteers.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7315) granting a pension to Frederick P. Dearth, submit the following report:

The claimant was the father of Edwin D. Dearth, a private in Company H, Fifty-second Regiment of Illinois Volunteers. The soldier enlisted September 24, 1861. He served faithfully until the battle of Corinth, October 3, 1863, when he was taken prisoner. Near the close of that month he was paroled and sent to Benton Barracks. The following March he was returned to his regiment, near Corinth, Miss., and on the 21st of August, 1863, he died in the military hospital of dysentery. The soldier's mother died in 1870. The trustee of Louisville Township, Pottawatomie County, testifies:

"That by virtue of his office he is overseer of the poor; that Frederick P. Dearth for more than one year past to date (May 29, 1883) has been a pauper and supported at the public expense; that I have been for several years acquainted with Mr. Dearth, and know him to be a worthy man; and that he has not property of any kind out of which he can support himself."

The claimant testifies that he had property to the value of $200 when his son died; that he was in part dependent on his son for support, and that his son died leaving no wife or child. Claimant is now in his eighty-first year, old and decrepit, and unable to furnish the evidence required by the Pension Department showing his dependence on the soldier at the time of the latter's death.

While the evidence furnished establishes the facts stated above, they are not sufficient to justify the Pension Department in granting a pension, but it makes a case which Congress ought to act upon promptly by the immediate passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL M'ALPIN.

Mr. PETERS. Mr. Chairman, I ask consent to make a statement. I met yesterday a soldier of the war of 1812, now 90 years old. I am satisfied that he can live but thirty or sixty days longer. A bill granting him a pension has been reported favorably by the Committee on Pensions, and is on page 52 of the Calendar. I ask the indulgence of the Committee of the Whole that his case may be taken up and passed to-night.

There being no objection, the Committee of the Whole House proceeded to the consideration of the bill (H. R. 7503) for the relief of Daniel McAlpin.

The bill was read, as follows:

Be it enacted, &c., That the charge of desertion against Daniel McAlpin, Sixteenth United States Infantry, war of 1812, be, and it is hereby, removed.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the rules and limitations of the pension laws, the name of Daniel McAlpin, formerly of the Sixteenth United States Infantry, war of 1812.

The report (by Mr. LAIRD) was read, as follows:

The Committee on Pensions, to whom was referred the bill for the relief of Daniel McAlpin, respectfully report:

The records show that Daniel McAlpin enlisted on the 25th day of May, 1814, in the Sixteenth United States Infantry, for five years, war of 1812. He was present for duty up to February 28, 1815. On the April rolls he is reported as having deserted March 15, 1815. His claim was rejected by the Pension Office on that ground. Claimant says that he enlisted for five years or the war; that the war being over in March, 1815, he applied for leave to go home to see his sick mother; that his captain granted the furlough, and told him he could stay home until he called for him, and that he was never called upon, and had no knowledge that he was reported a deserter until he was so informed when he made his application for pension.

Your committee recommend that the charge of desertion be removed from this old soldier, and that he be allowed a pension for his few remaining years. They therefore offer a bill as a substitute for H. R. 6990, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

THOMAS SIMPSON.

Mr. MATSON. I have a request to make. I have received several letters from Indiana—one from a member of our State senate—in relation to the case of Thomas Simpson. The bill for his relief is on page 50 of the Calendar, having been reported favorably by the Committee on Invalid Pensions. This man is in extremely indigent circumstances, and relief in his case ought to be granted immediately. I ask unanimous consent that the bill be taken up out of its order and passed.

There being no objection, the Committee of the Whole House proceeded to the consideration of the bill (H. R. 1924) granting a pension to Thomas Simpson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Simpson, late a private in the Seventh Indiana Battery in the war of the rebellion.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1924) granting a pension to Thomas Simpson, late of the Seventh Indiana Battery, beg to offer the following report:

The claimant, Simpson, enlisted January 2, 1864, as a private in the Seventh Indiana Battery. At that time the evidence is conclusive that he was a strong and healthy man.

George C. Masterman, who was second lieutenant of the battery, testifies that on or about the 22d of July, 1864, at Atlanta, Ga., the battery was ordered into position; that the claimant, with others, was ordered in front of the battery to carry rails to build breastworks; while so engaged the order was given to fire; Simpson, not being aware of the order, came immediately in range of one of the guns, the concussion of the shell or the powder knocking him down, rendering him insensible for fifteen or twenty minutes, he being so close to the gun that his face was blackened by the powder; that after this occurrence he was never able to do full duty again during the remainder of his term of service; that before this he had always been able to do duty at all times.

Comrades Fletcher, Johnson, and Deford all testify substantially to the foregoing, saying they were present and witnessed the occurrence and that they can not be mistaken about it.

The evidence is that there was no surgeon with the battery regularly; that occasionally one would be detailed, but would remain only a short time. The records of the Surgeon-General's Office show that Simpson was admitted to general hospital at Jeffersonville, Ind., May 23, 1865, from New Albany, Ind., as convalescent (no other diagnosis), and returned to duty June 8, 1865. That the regimental records are not on file. Claimant was discharged July 13, 1865, under provisions of General Order No. 27, Department of Kentucky. His neighbors who were acquainted with him before he entered the service testify that since discharge he has not been able to perform labor for at least two-thirds to three fourths of the time.

The claimant filed application for a pension in June, 1866, and alleged partial deafness and blindness. Also incapacity to do manual labor, caused by concussion. This has been rejected by the Pension Office for the reason that the medical examination does not disclose the fact that applicant was injured to the extent of preventing him from obtaining a living by manual labor. Against this, however, is the testimony of his neighbors, who all unite in saying that they knew him before he entered the service to be a strong, healthy man, and since discharge that he is a broken-down man and not able to do manual labor; that his injury has developed into epilepsy, and at the present time that he is totally incapacitated from earning a living by manual labor.

Your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

RELIEF OF CERTAIN PENSIONERS.

Mr. HOLMES. I ask unanimous consent that the Committee of the Whole House take up for consideration out of its order the bill (H. R. 1981) for the relief of certain pensioners enrolled by special acts of Congress.

This bill applies to a small class of pensioners. It provides substantially that where a special act has been passed by Congress the Pension Office may increase the rate of pension if the disability has increased since the date of the passage of such special act.

Mr. HEWITT, of Alabama. I must object to the consideration of that bill, because it is not a private bill, but ought to be on the Public Calendar.

Mr. HOLMES. I will say to the gentleman from Alabama that if consent be given that the bill be taken up and favorably considered to-night in Committee of the Whole I will not press it to a vote in the House to-night, but it may go over to be voted upon by a full House.

Mr. HEWITT, of Alabama. Is it on the Private Calendar?

Mr. PERKINS. The order under which we are acting does not confine us to the Private Calendar.

Mr. CUTCHEON. But this bill is on the Private Calendar.

Mr. HEWITT, of Alabama. This, I understand, is a public bill, not a private bill. It applies to a class of pensioners. It is a general bill, and ought to be on the Public Calendar.

Mr. HOLMES. This bill has been placed by the Speaker of the House upon the Private Calendar; and I suppose he considered it a proper bill to be placed there. It relates to a small class of pensioners.

Mr. HEWITT, of Alabama. It may have gone to the Private Calendar because the attention of the Speaker was not called to the fact that it was not a private bill.

The CHAIRMAN. The Chair understands the gentleman from Alabama as objecting to the request of the gentleman from Iowa [Mr. HOLMES].

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the Chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with sundry recommendations.

The SPEAKER *pro tempore*. The Chair is informed there are two bills coming over from the session of last Friday night.

Mr. MATSON. I ask unanimous consent that they be passed over informally not losing their place.

There being no objection, it was so ordered.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed.

A bill (H. R. 7141) granting a pension to Daniel W. Adams;
A bill (H. R. 6726) granting a pension to Margaret A. Maguire;
A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;
A bill (H. R. 6997) granting a pension to Henry Davis;
A bill (H. R. 435) granting a pension to Samuel W. Tracey;
A bill (H. R. 4021) granting a pension to Abraham Cover;
A bill (H. R. 2377) granting a pension to James Stockton;
A bill (H. R. 6692) granting a pension to David Whittington;
A bill (H. R. 6904) for the relief of John F. Chase;
A bill (H. R. 7046) granting a pension to Alonzo Cornwell;
A bill (H. R. 6596) granting a pension to John Hazlewood;
A bill (H. R. 6196) granting a pension to R. D. Lawrence;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 7047) granting a pension to Patrick Murphy;
A bill (H. R. 6594) granting a pension to Russell F. Dimmick;
A bill (H. R. 7315) granting a pension to Frederick P. Dearth;
A bill (H. R. 7503) for the relief of Daniel McAlpin; and
A bill (H. R. 1924) granting a pension to Thomas Simpson.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 3355) for the relief of Mary Mulholland; and
A bill (H. R. 2538) granting a pension to Christiana Almier.

PLEASANT MINET.

A bill (H. R. 4751) granting a pension to Pleasant Minet, reported from the Committee of the Whole House with a recommendation that it lie on the table, was accordingly laid on the table.

Mr. MATSON moved to reconsider the various votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 25 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Papers relating to the claim of Frank G. Mix—to the Committee on War Claims.

By Mr. B. W. JONES: Petition and papers to accompany House bill 4954, for relief of Orin L. Dodd—to the same committee.

By Mr. BELMONT: Petition of J. J. Harris and 275 others, ship owners, builders, and residents of Port Jefferson, Suffolk County, New York, asking an appropriation for a harbor of refuge at Long Island Sound—to the Committee on Rivers and Harbors.

Also, petition of F. F. Darling and 64 others, citizens of Port Jefferson, Suffolk County, New York, asking an appropriation for a harbor of refuge at Long Island Sound—to the same committee.

By Mr. J. M. CAMPBELL: Petition of D. R. Smith, of Bedford County, Pennsylvania, and others, asking an increase in widows' pensions—to the Committee on Pensions.

By Mr. CURTIN: Petition of citizens of Forest County, Pennsylvania, asking an appropriation for improvement of navigation of Timesta Creek—to Committee on Rivers and Harbors.

By Mr. DUNHAM: Petition of vessel-owners and merchants of Chicago, favoring an increase of appropriations for the Signal Service work, so as to improve its efficiency—to the Committee on Appropriations.

By Mr. ENGLISH: Petition of merchants and business men of Indianapolis, Ind., against the passage of the pending bankrupt bill—to the Committee on the Judiciary.

By Mr. EVERHART: Petition of the Pennsylvania Club, praying for the passage of Senate bill 398, in aid of common schools—to the Committee on Education.

By Mr. ERMENTROUT: Petition of Hon. John C. Myers, for reimbursement of moneys expended by him while consul-general to Shanghai, China—to the Committee on Claims.

By Mr. EVERHART: Petition of Philadelphia Board of Trade, in favor of Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of Thomas Hutchinson and others, asking an increase in widows' pensions—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Petition of Ellen M. Brown and others, of Buchanan County, Iowa, urging increase of widows' pensions—to the same committee.

By Mr. HENLEY: Petition of John J. Krieg, of California, praying for an investigation of the French and American Claims Commission—to the Committee on Foreign Affairs.

By Mr. HOPKINS: Memorial of James B. Hayden, relative to cholera in swine—to the Committee on Agriculture.

By Mr. HILL: Petition of Elizabeth Mallett and others, of Paulding County, Ohio, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. LYMAN: Memorial of Arnold A. Rand and Albert Ordway, relative to a collection of photographic negatives illustrating the war of the rebellion—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Memorial of the Pennsylvania Club, of Philadelphia, urging the passage of Senate bill 398, in aid of common schools—to the Committee on Education.

By Mr. SENEY: Resolutions of New York Tobacco Board of Trade, against the Spanish treaty—to Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petitions of C. E. Williams and others, and also of Jane Barr and others, for increase of widows' pensions—to the Committee on Pensions.

By Mr. WORTHINGTON: Petition of Fanny Goodman and 39 others, for increase of widows' pensions—to the same committee.

By Mr. WILLIS: Petition of Maurice Power, for pension—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ARNOT: Of citizens of Steuben County, New York.

By Mr. BOUTELLE: Of Otis Martin and others, citizens of Guilford, Me.

By Mr. CANNON: Of Daniel Long and others, citizens of Urbana, Ill.

By Mr. FUNSTON: Of citizens of Memphis, Kans.

By Mr. GUENTHER: Of citizens of Lodi and of Briggsville, Wis.

By Mr. HORR: Of citizens of Saginaw County; of Montcalm County; of Henry W. Bancroft and others, citizens of Vestaburg; of J. M. D. Tucker and others, citizens of Howard City; of citizens of Gratiot, of South Saginaw, of Midland County, of Greenville, of Saginaw, of Byron; and of Andrew J. French and others, citizens of Saginaw, Mich.

By Mr. LOWRY: Of 100 citizens of Cromwell, Noble County, Indiana.

By Mr. POLAND: Of Joseph O. Freeman and others, of Waterbury, Vt.; and of E. W. Goddard and others, of Reading, Vt.

By Mr. PARKER: Of citizens of Edwards, N. Y.

By Mr. PAYNE: Of C. H. Wood and others, of Scipio, N. Y.

By Mr. PATTEN: Of citizens of Indiana County, Pennsylvania.

By Mr. SPRIGGS: Of citizens of Forestport, Oneida County, and of Camden, Oneida County, New York.

By Mr. VANCE: Of citizens of Polk County, North Carolina.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 10, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I call for the regular order of business, and move that the morning hour be dispensed with. My purpose is to go on with the naval appropriation bill.

Mr. STORM. I rise, Mr. Speaker, to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. STORM. At the adjournment of the House yesterday, or rather at the time of taking a recess, the yeas and nays were ordered on a substitute to a bill then pending for the relief of Capt. Nicholas J. Bigley. I desire to know whether that comes up this morning as the unfinished business.

The SPEAKER. It is the unfinished business of the class to which it belongs; that is to say, of private bills. Under the practice of the House, when the previous question is ordered on the passage of a bill at the time of the adjournment it comes up the next day as unfinished business. But in this case the previous question was not ordered, nor was the pending question on the passage of the bill, but on an amendment. It will come up next Friday as unfinished business.

Pending the consideration of the motion of the gentleman from Pennsylvania to dispense with the morning hour, the Chair by unanimous consent will lay before the House personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. WOOD, for ten days, on account of important business.

To Mr. DIBBLE, for five days.

To Mr. RANKIN, indefinitely, on account of illness.

To Mr. ADAMS, of New York, until Tuesday next.

RELIEF OF EX-ARMY OFFICERS.

The SPEAKER. The Committee on Military Affairs, by unanimous consent, asks leave to have printed for its use testimony taken referring to sundry bills for the relief of various ex-officers of the Army. If there be no objection it will be ordered accordingly.

There was no objection.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. Mr. Speaker, I desire to give notice that if the House shall not be disposed to dispense with the morning hour and take up the naval appropriation bill, I will ask the favor of the House to proceed to the consideration of the bills reported from the Committee on Public Buildings and Grounds under the special order of the House. If the House shall take up the naval appropriation bill, as the gentleman from Pennsylvania has assured the House it would not take longer than half an hour, I now give notice that when that bill has been disposed of I will call up the special order which I have indicated, which, under the order, takes precedence even of the morning hour.

Mr. RANDALL. Mr. Speaker, I wish to say that the special order to which the gentleman refers was made subject to the consideration of appropriation bills. Yet that special order is an extraordinary one, the like of which I never saw before during my entire Congressional career. It provides that it shall be in order until the many bills which the Committee on Public Buildings and Grounds have designated or may designate shall be considered and disposed of, and that this special order continue from day to day until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House.

In the next place, I wish the House to understand that unless it is ready to co-operate in the passage of general appropriation bills there may be danger of an extra session of the next Congress, which I consider will be of much injury to the country, and still more to the party to which I belong.

Mr. STOCKSLAGER. I desire to say, Mr. Speaker, a few words in reply to what has fallen from the gentleman from Pennsylvania. He speaks of the special order providing for the consideration of bills reported from the Committee on Public Buildings as an extraordinary one. Will he be good enough to point out in what respect it is extraordinary?

Mr. RANDALL. It is most extraordinary in this, that it combines all these public buildings bills together, and provides that it shall be continuous until every single one of the public buildings bills embraced in the long list of those reported from the Committee on Public Buildings and Grounds on the Calendars of the House and on the Speaker's table shall be considered and disposed of. I stated the other day that there were thirty-five of them, but since then I find there are very many more. That special order is peculiar in the fact that it specially provides that every one of those public buildings bills shall be considered and disposed of, and that that special order shall be operative until that takes place. It provides that the House shall consider every bill that the committee may present for consideration.

Mr. STOCKSLAGER. I say it is no such thing.

Mr. RANDALL. Read the order.

Mr. STOCKSLAGER. I have read it time and again.

Mr. RANDALL. Let it be read.

Mr. STOCKSLAGER. I have the floor, and when I get through the gentleman can have it for any purpose he desires.

I wish to state further, Mr. Speaker, that however extraordinary it may be in the opinion of the gentleman from Pennsylvania, it nevertheless received much more than a two-thirds vote in this House on the 9th day of last April. A gentleman suggests that he did not understand it; it was read at the time, and if that be so he may not be able to understand it, I will say with due deference to my friend.

Now, the only difference between this special order and going into Committee of the Whole upon the Calendar in the ordinary way, without such order, is, that instead of having these bills all considered in the Committee of the Whole House on the state of the Union, open to unlimited debate, it is provided that the debate on each bill shall be limited to thirty minutes—fifteen minutes on each side—with unlimited amendment. It also provides in the second place that the Committee on Public Buildings and Grounds shall have the power to designate what particular bills they shall call up for consideration. Those are the only two points of difference between this special order and proceeding in the ordinary way without it.

Mr. TOWNSHEND. Mr. Speaker, is this debate in order?

The SPEAKER. It is not.

Mr. TOWNSHEND. Then I object.

Mr. STOCKSLAGER. I hope that will not be done, after the remarks which have been made by the gentleman from Pennsylvania. [Cries of "Regular order!"]

Mr. TOWNSHEND. I wish to make a speech on the bill granting pensions to Mexican soldiers, and can not be heard.

Mr. STOCKSLAGER. I hope the gentleman will have an opportunity to be heard on that bill, and that he will not object to my proceeding.

Mr. TOWNSHEND. I withdraw my objection.

Mr. RANDALL. I hope the gentleman from Indiana will be permitted to go on and make his speech, although I do not think he can answer the objection I have made.

Mr. STOCKSLAGER. I will leave that to the House and the country if I can be heard.

Now, Mr. Speaker, a word in response to what the gentleman has said about having an extra session.

Mr. COX, of North Carolina. Mr. Speaker, I renew the objection to this debate.

Mr. STOCKSLAGER. I hope my friend from North Carolina will not make the objection now, in view of what has been said by the gentleman from Pennsylvania. What he has said demands some notice on my part. The gentleman has said that this proceeding would force an extra session. I want to show that he is the gentleman himself who led the filibustering against the order of the House made by a large majority of the House, and which proceeding if kept up by him may force an extra session.

Mr. TURNER, of Kentucky. Regular order!

The SPEAKER. The regular order is on the motion of the gentleman from Pennsylvania——

Mr. HOLMAN. Mr. Speaker, I submit that my colleague ought to have an opportunity of saying a word at least in response to what has been said by the gentleman from Pennsylvania, if he desires it.

Mr. TOWNSHEND. A great deal has already been said. The gentleman has made quite a long speech, and, as I have said, I would like to be heard on the Mexican pension bill. [Cries of "Regular order!"]

Mr. STOCKSLAGER. Then if the House will not permit me to be heard, I wish to state that I will take the opportunity to make a fitting response at some future time. I wish gentlemen to understand that I have some rights on this floor, and my constituents have also, and I shall endeavor to maintain them.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania to dispense with the morning hour.

The question was taken; and the Speaker decided that by the sound the noes appeared to prevail.

Mr. RANDALL. I demand the yeas and nays on the motion to dispense with the morning hour.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 83, not voting 105; as follows:

YEAS—135.

Alexander,	Dibrell,	Le Fevre,	Ryan,
Anderson,	Dorsheimer,	Long,	Seney,
Atkinson,	Dowd,	Lyman,	Seymour,
Bagley,	Eaton,	McAdoo,	Shively,
Ballentine,	Eldredge,	McMillin,	Singleton,
Barksdale,	Elliott,	Malson,	Skinner, T. G.
Beach,	Ellis,	Millard,	Stevens,
Bisbee,	English,	Miller, J. F.	Stewart, Charles
Bland,	Ermentrout,	Mitchell,	Storm,
Breckinridge,	Everhart,	Morgan,	Strait,
Broadhead,	Fiedler,	Morse,	Struble,
Buchanan,	Foran,	Moulton,	Swope,
Buckner,	Forney,	Muller,	Taylor, J. M.
Budd,	Fyan,	Mutchler,	Thompson,
Cabell,	Garrison,	Neece,	Townshend,
Caldwell,	Geddes,	Nicholls,	Tully,
Campbell, Felix	Glascock,	Oates,	Turner, H. G.
Campbell, J. M.	Greenleaf,	Ochiltree,	Turner, Oscar
Candler,	Halsell,	O'Ferrall,	Valentine,
Cannon,	Hammond,	O'Neill, J. J.	Van Eaton,
Cassidy,	Hancock,	Patton,	Wakefield,
Clardy,	Hardeman,	Peel,	Wallace,
Clements,	Hatch, W. H.	Pierce,	Warner, A. J.
Cobb,	Henderson, D. B.	Post,	Warner, Richard
Connolly,	Henderson, T. J.	Potter,	Wellborn,
Cook,	Herbert,	Price,	Whiting,
Cosgrove,	Hewitt, G. W.	Pryor,	Wilkins,
Covington,	Hill,	Randall,	Williams,
Cox, S. S.	Holman,	Reagan,	Willis,
Cox, W. R	Hunt,	Reese,	Wilson, James
Crisp,	Hutchins,	Robertson,	Winans, E. B.
Curtin,	Jones, R. W.	Robinson, W. E.	Wolford,
Davis, L. H.	Keifer,	Rogers, J. H.	Yaple.
Deuster,	Lanham,	Rosecrans,	

NAYS—83.

Aiken,	Green,	McCormick,	Smith, A. H.
Bayne,	Hanback,	Maybury,	Smith, H. Y.
Blackburn,	Hart,	Milliken,	Stephenson,
Blanchard,	Haynes,	Mills,	Stockslager,
Bouelle,	Hemphill,	Murphy,	Sumner, D. H.
Bowen,	Hepburn,	Nelson,	Taylor, E. B.
Brainerd,	Hitt,	O'Hara,	Taylor, J. D.
Breitung,	Holmes,	Paige,	Thomas,
Brown, W. W.	Hopkins	Payne,	Tillman,
Browne, T. M.	Houk,	Perkins,	Tucker,
Chace,	Houseman,	Peters,	Vancey
Culbertson, W. W.	James,	Pettibone,	Wait,
Cullen,	Jeffords,	Phelps,	Wemple,
Cutcheon,	Johnson,	Poland,	White, Milo
Davidson,	Kean,	Pusey,	Wilson, W. L.
Davis, G. R.	Kleiner,	Ranney,	Wise, G. D.
Dunham,	Lacey,	Ray, Ossian	Wise, J. S.
Ferrell,	Lawrence,	Reed,	Woodward,
Funston,	Libbey,	Rockwell,	Worthington,
George,	Lowry,	Rowell,	York.
Goff,	McCoid,	Smalls,	

NOT VOTING—105.

Adams, G. E.	Dibble,	Jordan,	Russell,
Adams, J. J.	Dingley,	Kelley,	Shaw,
Arnot,	Dockery,	Kellogg,	Skinner, C. R.
Barbour,	Dunn,	Ketcham,	Slocum,
Barr,	Ellwood,	King,	Snyder,
Belford,	Evans,	Laird,	Spooner,
Belmont,	Findlay,	Lamb,	Spriggs,
Bennett,	Finerty,	Lewis,	Springer,
Bingham,	Follett,	Lore,	Steele,
Blount,	Gibson,	Lovering,	Stewart, J. W.
Boyle,	Graves,	McComas,	Stone,
Bratton,	Guenther,	Miller, S. H.	Sumner, C. A.
Brewer, F. B.	Hardy,	Money,	Talbott,
Brewer, J. H.	Harmer,	Morrill,	Throckmorton,
Brumm,	Hatch, H. H.	Morrison,	Van Alstyne,
Burleigh,	Henley,	Muldrow,	Wadsworth,
Burnes,	Hewitt, A. S.	Murray,	Ward,
Campbell, J. E.	Hiscock,	Nutting,	Washburn,
Carleton,	Hoblitzell,	O'Neill, Charles	Weaver,
Chalmers,	Holton,	Parker,	Weller,
Clay,	Hooper,	Payson,	White, J. D.
Collins,	Horr,	Rankin,	Winans, John
Converse,	Howey,	Ray, G. W.	Wood,
Craig,	Hurd,	Rice,	Young.
Culberson, D. B.	Jones, J. H.	Riggs,	
Dargan,	Jones, J. K.	Robinson, J. S.	
Davis, R. T.	Jones, J. T.	Rogers, W. F.	

So (two-thirds not voting in favor thereof) the motion was not agreed to.

Mr. HARDEMAN. I wish to state, Mr. Speaker, that my colleague, Mr. BLOUNT, is detained at home on account of sickness.

Mr. STOCKSLAGER. I ask unanimous consent to dispense with the reading of the names.

Mr. RANDALL. I object.

The Clerk then recapitulated the names of those voting.

The following pairs on all political questions, until further notice, were announced from the desk:

Mr. RANKIN with Mr. HOWEY.

Mr. MORRISON with Mr. HISCOCK.

Mr. FOLLETT with Mr. BURLEIGH.

Mr. DARGAN with Mr. KELLOGG.

Mr. SHAW with Mr. FINERTY.

Mr. JONES, of Arkansas, with Mr. RUSSELL.

Mr. CARLETON with Mr. DINGLEY.

Mr. JORDAN with Mr. LAIRD.

Mr. CULBERSON, of Texas, with Mr. STEWART, of Vermont.

Mr. HURD with Mr. HATCH, of Michigan.

Mr. ARNOT with Mr. BELFORD.

Mr. MULDROW with Mr. EVANS.

Mr. BENNETT with Mr. SPOONER.

Mr. WELLER with Mr. MILLER, of Pennsylvania.

Mr. DOCKERY with Mr. HOOPER.

Mr. SPRINGER with Mr. GUENTHER.

Mr. CONVERSE with Mr. CHALMERS.

Mr. CLAY with Mr. STEELE.

Mr. VAN ALSTYNE with Mr. ELLWOOD.

Mr. DUNN with Mr. RAY, of New York.

Mr. WARD with Mr. RICE.

Mr. DIBBLE with Mr. BRUMM.

Mr. GREEN with Mr. ADAMS, of Illinois.

Mr. BARBOUR with Mr. ROCKWELL, until January 12.

Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York, until January 12.

Mr. LEWIS with Mr. KETCHAM, until January 12.

Mr. ERMENTROUT with Mr. HARMER, until January 12.

Mr. ADAMS, of New York, with Mr. WADSWORTH, on all political questions, for this day.

Mr. BLOUNT with Mr. O'NEILL, of Pennsylvania, on all political questions, for this day.

Mr. JONES, of Alabama, with Mr. KELLEY, on all political questions, for to-day.

Mr. RIGGS with Mr. WASHBURN, on this vote.

Mr. LOVERING with Mr. MCCOMAS, on political questions, for this day.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to have my vote recorded.

The SPEAKER. Was the gentleman in his seat when the roll was called?

Mr. WEAVER. I was not in my seat, but I ask unanimous consent to record my vote.

The SPEAKER. The Chair can not, under the rules of the House, entertain that request.

The result of the vote was then announced as above recorded.

Mr. STOCKSLAGER. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds under the special order. I should like to have unanimous consent for three or five minutes to make a statement.

Mr. RANDALL. I have no objection to that if we shall be allowed the same time in reply.

The SPEAKER. If there be no objection the gentleman from Indiana will be permitted to proceed for five minutes.

Mr. THOMPSON. Unless it is understood we shall have equal time to reply to the statement of the gentleman, I shall object.

Mr. HUTCHINS. I object. The Navy Department is without an appropriation to-day, and we ought to proceed to business. I object.

Mr. STOCKSLAGER. Will my friend from New York [Mr. HUTCHINS] allow me to ask him a question?

Mr. HUTCHINS. I object to that.

Mr. RANDALL. I ask for a division on the motion of the gentleman from Indiana, which I hope will be voted down at least by a majority.

Mr. STOCKSLAGER. If debate is not in order, I object to debate.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. STOCKSLAGER].

The House divided; and there were—ayes 72, noes 91.

So the motion was not agreed to.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HUTCHINS. I move to dispense with the morning hour for the call of committees.

The SPEAKER. The House has just refused by a yea-and-nay vote to dispense with the morning hour. But the gentleman from New York [Mr. HUTCHINS] may ask unanimous consent to dispense with the morning hour.

Mr. HUTCHINS. I withdraw the motion.

Mr. STOCKSLAGER. I desire to be more gracious to the gentleman from New York than he was to me, and shall not object to his request.

Mr. HUTCHINS. I withdraw the request.

The SPEAKER. The regular order is the call of committees for reports.

LANDS IN DETROIT.

Mr. MAYBURY, from the Committee on the Judicary, reported back with a favorable recommendation the bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

EVIDENCE TO QUIET TITLES.

Mr. POLAND, from the Committee on the Judiciary, reported, as a substitute for H. R. 7765, a bill (H. R. 7893) in relation to evidence to quiet titles. The bill (H. R. 7765) was laid on the table; and the substitute bill was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHTING NAVIGABLE WATERS BY ELECTRICITY.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for H. R. 6852, a bill (H. R. 7894) to authorize experiments upon the practicability of lighting the navigable waters of the United States by electricity. The bill (H. R. 6852) was laid on the table; and the substitute bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES JURISDICTION ABROAD.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 1867) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130 inclusive; which was referred to the House Calendar, and the accompanying report ordered to be printed.

VOLUNTEER FORCES.

Mr. MURRAY, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 7827) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ACCOUNT FOR ARMS—SOUTH CAROLINA.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5159) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING, NEW BEDFORD, MASS.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 7035) to provide for the purchase of additional land for the uses of a public building in the city of New Bedford, State of Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDINGS AT FORTRESS MONROE, VA.

Mr. LIBBEY, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 4649) to provide for the erection of a post-office at Fortress Monroe, Va.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT MARQUETTE, MICH.

Mr. BREITUNG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 7847) to increase the appropriation for the erection of a public building at Marquette, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

REPORT ON LABOR ABROAD

Mr. HOPKINS, from the Committee on Labor, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That there shall be printed 20,000 copies of the communication of the Secretary of State upon the condition of labor abroad, of which number 5,000 copies shall be for the use of the Senate and 15,000 copies shall be for the use of the House of Representatives.

HEIRS OF JOSEPH H. NICKELL.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back the bill (H. R. 6289) for the relief of the widow and heirs of Joseph H. Nickell; when the Committee on Invalid Pensions was discharged from the further consideration of the bill, and it was referred to the Committee on Military Affairs.

DESECRATION OF GRAVES.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 5656) for the promotion of anatomical science and to prevent the desecration of graves; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DENTISTRY IN THE DISTRICT OF COLUMBIA.

Mr. WORTHINGTON, from the Committee on the District of Columbia, reported, as a substitute for H. R. 6968, a bill (H. R. 7895) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District from empiricism in relation thereto; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed. By unanimous consent, House bill No. 6968 was laid on the table.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

Mr. NUTTING, from the Committee on the Library, reported back with a favorable recommendation the joint resolution (H. Res. 296) to aid in the completion of the pedestal for the statue of Liberty enlightening the world; which, with the accompanying report, was ordered to be printed and recommitted.

RIGHT OF WAY THROUGH INDIAN LANDS.

Mr. PEEL, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 7458) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

THANKS OF CONGRESS TO COL. CHARLES C. LONG.

Mr. COX, of North Carolina. I desire to make a privileged report from the Committee on Foreign Affairs.

The SPEAKER. The Clerk will report the title of the joint resolution which the gentleman from North Carolina presents as a privileged report.

The Clerk read as follows:

Joint resolution (H. R. 86) tendering the thanks of Congress to Col. Charles C. Long.

The SPEAKER. This is not a privileged report.

Mr. COX, of North Carolina. I understand it to be so.

The SPEAKER. The Chair is not aware of any rule or practice making resolutions of this character privileged. Resolutions of inquiry addressed to heads of Departments are privileged under the rules. But if there be no objection, this joint resolution, upon which the Committee on Foreign Affairs report adversely, will be laid on the table and the accompanying report ordered to be printed.

There was no objection, and it was ordered accordingly.

DAVID L. BRAINARD AND OTHERS.

Mr. COX, of New York. I desire that a bill which has been referred by mistake to the Committee on Naval Affairs may be referred to the Committee on Appropriations.

There being no objection, the Committee on Naval Affairs was discharged from the further consideration of the bill (H. R. 7767) for the relief of David L. Brainard and others, non commissioned officers and privates of the Greely expedition; and it was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. The call of the committees has now been completed.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of revenue and general appropriation bills. The Clerk will report the title of the bill first in order.

The Clerk read as follows:

A bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. BURNES. I ask unanimous consent that the bill be passed over for the present.

The CHAIRMAN. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

NAVAL APPROPRIATION BILL.

The next bill in order was the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HUTCHINS. I ask that the first reading of this bill be dispensed with, and that the Committee of the Whole now proceed to consider the bill by paragraphs.

The CHAIRMAN. If there be no objection the first reading of the bill will be dispensed with. The Chair hears none. The Clerk will now proceed to read the bill by paragraphs.

Mr. HUTCHINS. Before that is done I desire to state that this bill makes appropriations for the naval service for the fiscal year ending June 30, 1885; that is, for the six months beginning on the 1st of January last, at which time the appropriations made at the last session for this service expired. I ask that the Clerk read the report of the Committee on Appropriations which accompanies this bill and explains in detail its provisions. I think the reading of this report will better inform the Committee of the Whole in regard to the measure than any remarks I might be able to make on the subject.

The Clerk proceeded to read the report, which is as follows:

The Committee on Appropriations, in presenting the accompanying bill making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, submit the following report in explanation thereof:

The bill makes provision for the naval service for the six months ending June 30, 1885, on the basis of the bill which passed the House during the first session of this Congress, giving for each item of expenditure just one-half of the amount contained in said bill, with the following exceptions:

For current expenses Bureau of Yards and Docks, in lieu of one-half, or $100,000, there is given $80,000.

For necessary repairs under Bureau of Medicine and Surgery, in lieu of one-half, or $5,000, there is given $2,500.

For current expenses Bureau of Construction and Repair, in lieu of one-half, or $900,000, there is given $450,000.

For current expenses Bureau of Steam-Engineering, in lieu of one-half, or $375,000, there is given $280,000, together with the unexpended balance, $140,000, from the appropriation in 1884 for the monitors.

For pay of the Navy and the Marine Corps there is given, in lieu of one-half the amount contained in said bill, a sum equal to the balance remaining after deducting the appropriations for the first six months from the whole sum proposed in said bill.

There is nothing in the bill for the steel cruisers, appropriations to complete them having already been made.

The bill appropriates in all $6,120,155.48, which, added to the sum appropriated for the first six months which ended December 31, 1884, $8,880,317.11, makes the total appropriation for the Navy for the entire fiscal year of 1885 $14,980,472.59, or $913,961.64 less than was appropriated for the fiscal year 1884.

The bill as now proposed contains the same features of new legislation that were embodied in the bill which passed the House at the last session, except that the following is excluded:

"And all officers of the Navy shall be credited with the actual time they may have served as officers, clerks, or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service, in all respects in the same manner as if all said service had been continuous and in the regular Navy, in the grade having graduated pay held by such officer at the time of the passage of this act; and the record of all service of such officer shall be entered in full, opposite his name, in the appropriate columns of the Navy Register, in the same manner as service in the regular Navy is credited: *Provided*, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers: *Provided further*, That nothing herein contained shall be so construed as to give any additional or longevity pay to any such officer during the time of his service in the volunteer Army or Navy."

The unexpended balances of the appropriations made for the first six months of the year are reappropriated and made available for expenditure during the last half of the year.

Following is a table which shows by items the appropriations for the Navy for 1884; the amounts proposed by the House in the bill passed during the first session; the amounts proposed by the Senate by its amendments to said bill, and the amounts appropriated for the first half of the year 1885; the amounts proposed by the House for the last half of the year 1885; the first and second propositions of the Senate for that period; and the amounts now proposed by the accompanying bill.

Objects.	Appropriations for 1884.	Bill as passed House, 1885.	Bill as amended by Senate, 1885.	Appropriated first six months of 1885.	Bill as passed House for the second six months of 1885.	First proposed by Senate amendment for second six months of 1885.	Second proposed by Senate amendment for second six months of 1885.	Now proposed by House for second six months of 1885.
Pay of the Navy	$7,133,980 00	$6,917,605 00	$6,917,605 00	$3,566,990 00	$3,566,990 00	$3,350,615 00	$3,350,615 00	$3,350,615 00
Miscellaneous pay and contingent	400,000 00	390,000 00	435,000 00	200,000 00	200,000 00	235,000 00	190,000 00	195,000 00
BUREAU OF NAVIGATION.								
Current expenses	100,000 00	75,000 00	100,000 00	50,000 00	50,000 00	50,000 00	25,000 00	37,500 00
Special ocean surveys	10,000 00	.....	.....	.....	.....	.....	.....	.....
Compass-testing house	.....	7,000 00	7,000 00	.....	.....	7,000 00	7,000 00	7,000 00
Contingent expenses	4,000 00	3,000 00	4,000 00	2,000 00	2,000 00	2,000 00	1,000 00	1,500 00
Civil establishment	5,000 00	5,000 00	5,000 00	2,500 00	2,500 00	2,500 00	2,500 00	2,500 00
BUREAU OF ORDNANCE.								
Current expenses	150,000 00	100,000 00	140,000 00	75,000 00	75,000 00	65,000 00	25,000 00	50,000 00
Manufacture of modern guns	.....	.....	175,980 00	.....	25,000 00	175,980 00	.....	.....
Necessary repairs, &c	15,000 00	15,000 00	15,000 00	7,500 00	7,500 00	7,500 00	7,500 00	7,500 00
Miscellaneous items	3,000 00	3,000 00	3,000 00	1,500 00	1,500 00	1,500 00	1,500 00	1,500 00
Civil establishment	5,000 00	5,000 00	5,000 00	2,500 00	2,500 00	2,500 00	2,500 00	2,500 00
Torpedo corps	50,000 00	50,000 00	50,000 00	25,000 00	25,000 00	25,000 00	25,000 00	25,000 00
Torpedoes	100,000 00	.....	55,000 00	.....	.....	55,000 00	.....	.....
BUREAU OF EQUIPMENT AND RECRUITING.								
Current expenses	800,000 00	700,000 00	850,000 00	400,000 00	400,000 00	450,000 00	298,000 00	350,000 00
Expenses of recruiting	25,000 00	25,000 00	25,000 00	12,500 00	12,500 00	12,500 00	12,500 00	12,500 00
Contingent expenses	10,000 00	10,000 00	10,000 00	5,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Civil establishment	9,000 00	7,000 00	9,000 00	4,500 00	4,500 00	4,500 00	4,500 00	4,500 00
BUREAU OF YARDS AND DOCKS.								
Current expenses	264,000 00	200,000 00	250,000 00	110,000 00	110,000 00	140,000 00	86,000 00	90,000 00
Contingent expenses	20,000 00	10,000 00	20,000 00	10,000 00	10,000 00	10,000 00	5,000 00	5,000 00
Civil establishment	24,000 00	20,000 00	24,000 00	12,000 00	12,000 00	12,000 00	12,000 00	12,000 00
BUREAU OF MEDICINE AND SURGERY.								
Current and contingent expenses	115,000 00	115,000 00	115,000 00	57,500 00	57,500 00	57,500 00	57,500 00	57,500 00
Necessary repairs, &c.	15,000 00	10,000 00	20,000 00	7,500 00	7,500 00	12,500 00	2,500 00	2,500 00
BUREAU OF PROVISIONS AND CLOTHING.								
Provisions	1,100,000 00	1,100,000 00	1,100,000 00	550,000 00	550,000 00	550,000 00	550,000 00	550,000 00
Contingent expenses	40,000 00	30,000 00	40,000 00	20,000 00	20,000 00	20,000 00	10,000 00	15,000 00
Civil establishment	6,000 00	.....	6,000 00	3,000 00	3,000 00	3,000 00	3,000 00	3,000 00
BUREAU OF CONSTRUCTION AND REPAIR.								
Current expenses	1,100,000 00	1,000,000 00	1,300,000 00	550,000 00	550,000 00	850,000 00	450,000 00	450,000 00
Civil establishment	20,000 00	20,000 00	20,000 00	10,000 00	10,000 00	10,000 00	10,000 00	10,000 00
BUREAU OF STEAM-ENGINEERING.								
Current expenses	1,000,000 00	750,000 00	1,050,000 00	500,000 00	500,000 00	550,000 00	*250,000 00	*280,000 00
Contingent expenses	1,000 00	1,000 00	1,000 00	500 00	500 00	500 00	500 00	500 00
Civil establishment	10,000 00	10,000 00	10,000 00	5,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Increase of the Navy	2,320,000 00	1,705,100 00	6,850,100 00	2,150,100 00	.....	4,700,000 00	55,000 00	55,000 00
Naval Academy	181,282 73	181,229 45	181,229 45	90,641 36	90,641 36	90,588 08	90,588 08	90,614 73
Marine Corps	858,171 50	869,761 50	869,761 50	429,085 75	429,085 75	441,675 75	441,675 75	441,425 75
Total	15,894,434 23	14,334,695 95	20,863,675 95	8,860,317 11	6,735,217 11	11,904,358 83	5,986,378 83	6,120,155 48

* Also reappropriates an unexpended balance of $140,000 from appropriations for 1884 for the monitors.

Mr. HUTCHINS (before the Clerk had completed the reading). I think it unnecessary that the Clerk should read the remainder of the report, embracing merely a tabulated statement showing items of expenditure for 1884, which has been printed for the information of the House, and for comparison with the appropriations proposed in the pending bill.

Mr. RANDALL. I wish to say that, so far as I am advised, this bill has the unanimous concurrence of the Committee on Appropriations.

The Clerk proceeded to read the bill by paragraphs for amendment.

The Clerk read as follows:

For the pay of the Navy, for the active-list, namely: For one Admiral, one Vice-Admiral, eight rear-admirals, seven chiefs of bureaus, twenty-one commodores, forty-five captains, eighty-seven commanders, seventy-eight lieutenant-commanders, two hundred and seventy-two lieutenants, ninety-five junior lieutenants, ninety-five ensigns, ninety-eight junior ensigns, fourteen medical directors, fifteen medical inspectors, fifty surgeons, seventy-nine passed assistant surgeons, eight assistant surgeons, two assistant surgeons not in the line of promotion (who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, $2,100, when on shore duty $1,800, and when on leave or waiting orders $1,600), thirteen pay-directors, twelve pay-inspectors, forty-nine paymasters, twenty-nine passed assistant paymasters, twenty assistant paymasters, sixty-nine chief engineers, ninety-three passed assistant engineers, seventy-eight assistant engineers, twenty-four chaplains, eleven professors of mathematics, ten naval constructors, nine assistant naval constructors, ten civil engineers, one hundred and eighty-eight warrant officers, thirty-eight mates, two hundred and ninety-five naval cadets; in all, $1,743,750. Naval line officers may be detailed as instructors in mathematics or other branches of learning in any schools or colleges, according to the act of February 26, 1879; but the total number of all naval officers so detailed shall not exceed forty.

Mr. GLASCOCK. Mr. Chairman, I make the point of order on that part of the paragraph from line 32 to line 36, which is in these words:

Naval line officers may be detailed as instructors in mathematics or other branches of learning in any schools or colleges, according to the act of February 26, 1879; but the total number of all naval officers so detailed shall not exceed forty.

My point of order is that that is new legislation and not in the direction of economy.

Mr. HUTCHINS. That provision in the bill undoubtedly is subject to the point of order made by the gentleman from California, but I will state that the same provision passed the House at the last session of Congress, although the bill failed to become a law. If the gentleman insists upon his point of order I think it is well taken.

The CHAIRMAN. The point of order is sustained and the portion of the paragraph indicated is ruled out.

The Clerk read as follows:

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while travelling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets, and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1885, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require; for rent and furniture of buildings and offices not in navy-yards; ex-

penses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress, and pilotage, recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction, and information from abroad, and the collection and classification thereof, $187,500.

Mr. MORSE. I move, after the word "dollars," in line 88, to insert the following:

And all officers of the Navy shall be credited with the actual time they may have served as officers, clerks, or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy, in the grade having graduated pay held by such officer at the time of the passage of this act; and the record of all service of every such officer shall be entered in full, opposite his name, in the appropriate columns of the Naval Register, in the same manner as service in the regular Navy is credited: *Provided*, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers: *Provided further*, That nothing herein contained shall be so construed as to give any additional or longevity pay to any such officer during the time of his service in the volunteer army or navy.

Mr. HUTCHINS. I make the point of order that that is new legislation and not in the line of retrenchment.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. MORSE. I do not. If the point of order is insisted upon I have no doubt it will hold good as against my amendment. However, I would like to state that this provision was offered in the House before the bill went to the Senate, and that there was an almost unanimous vote in its favor. I regret, of course, that my friend from New York should deem it to be his duty to make the point of order against the amendment, because if the provision be not allowed to come into the naval appropriation bill it will be impossible otherwise to establish any such regulation in the law.

Mr. HUTCHINS. In reply to the gentleman from Massachusetts I will state that it is the desire on the part of the Committee on Appropriations if possible to have this bill passed as it has been reported, as the gentleman knows there has been a conflict between the House and Senate on this subject.

The regular annual appropriation bill for 1886 will come in in a short while, and to that bill the gentleman can move his amendment. At present we have not the time to consider it. I do not know what the effect will be, and I am therefore compelled to interpose the point of order.

Mr. MORSE. I will withdraw my amendment for the present.

The reading of the bill was concluded.

Mr. HUTCHINS. I move that the committee rise for the purpose of reporting the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. HUTCHINS. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. Under the rule the vote on the passage of the bill must be taken by yeas and nays.

Mr. RANDALL. Certainly.

The SPEAKER. This bill is based upon estimates of the Department, and as a general appropriation bill the rule requires the vote on its passage shall be taken by yeas and nays.

Mr. RANDALL. It is based upon the estimates of the Department and is a reappropriation of all moneys unexpended during the first six months, and then in another of its features it runs the two periods together so as to cover the fiscal year.

Mr. REED. I ask if we can not have unanimous consent to dispense with taking the yeas and nays?

The SPEAKER. The gentleman from Pennsylvania insists on the vote being taken by yeas and nays.

Mr. REED. Of course he must have his amusement.

Mr. RANDALL. I must have the rules of the House executed.

Mr. REED. But the rules can be dispensed with always by unanimous consent.

The question was taken; and it was decided in the affirmative—yeas 209, nays 0, not voting 114; as follows:

YEAS—209.

Adams, G. E.	Bayne,	Brainerd,	Brown, W. W.
Aiken,	Beach,	Bratton,	Browne, T. M.
Alexander,	Blackburn,	Breckinridge,	Buchanan,
Anderson,	Blanchard,	Breitung,	Buckner,
Atkinson,	Boutelle,	Brewer, F. B.	Budd,
Bagley,	Bowen,	Brewer, J. H.	Burnes,
Barksdale,	Boyle,	Broadhead,	Cabell,
Caldwell,	Hemphill,	Moulton,	Storm,
Campbell, Felix	Henderson, D. B.	Muller,	Struble,
Campbell, J. M.	Henderson, T. J.	Murphy,	Sumner, D. H.
Candler,	Henley,	Murray,	Swope,
Cannon,	Herbert,	Neece,	Taylor, E. B.
Clardy,	Hewitt, A. S.	Nelson,	Taylor, J. D.
Clements,	Hewitt, G. W.	Nicholls,	Taylor, J. M.
Cobb,	Hiscock,	Nutting,	Thomas,
Cook,	Hitt,	Oates,	Thompson,
Cosgrove,	Hoblitzell,	Ochiltree,	Throckmorton,
Covington,	Holman,	O'Ferrall,	Tillman,
Cox, S. S.	Holmes,	O'Hara,	Townshend,
Crisp,	Hopkins,	O'Neill, J. J.	Tucker,
Culbertson, W. W.	Horr,	Paige,	Tully,
Cullen,	Houk,	Patton,	Turner, H. G.
Cutcheon,	Houseman,	Payne,	Turner, Oscar
Davidson,	Hunt,	Peel,	Vance,
Davis, G. R.	Hurd,	Perkins,	Van Eaton,
Davis, L. H.	Hutchins,	Pettibone,	Wait,
Davis, R. T.	James,	Phelps,	Wakefield,
Dibrell,	Johnson,	Pierce,	Wallace,
Dorsheimer,	Jones, B. W.	Post,	Warner, A. J.
Dowd,	Jones, J. H.	Price,	Warner, Richard
Dunham,	Kean,	Pryor,	Washburn,
Eldredge,	Keifer,	Randall,	Weaver,
Elliott,	Kleiner,	Ranney,	Wellborn,
English,	Lacey,	Ray, Ossian	Wemple,
Everhart,	Lamb,	Reagan,	White, Milo
Ferrell,	Lanham,	Reed,	Whiting,
Fiedler,	Lawrence,	Reese,	Wilkins,
Finerty,	Le Fevre,	Riggs,	Williams,
Foran,	Libbey,	Rockwell,	Willis,
Forney,	Long,	Rosecrans,	Wilson, James
Funston,	Lynan,	Rowell,	Wilson, W. L.
Garrison,	McAdoo,	Ryan,	Winans, E. B.
Geddes,	McCormick,	Seney,	Winans, John
Glascock,	McMillin,	Seymour,	Wise, G. D.
Green,	Matson,	Shively,	Wise, J. S.
Greenleaf,	Maybury,	Singleton,	Wolford,
Halsell,	Millard,	Skinner, T. G.	Woodward,
Hammond,	Miller, J. F.	Smith, H. Y.	Worthington,
Hanback,	Milliken,	Spriggs,	Yaple,
Haneock,	Mills,	Stephenson,	York.
Hardeman,	Mitchell,	Stevens,	
Hatch, W. H.	Morgan,	Stewart, Charles	
Haynes,	Morse,	Stone,	

NAYS—0.

NOT VOTING—114.

Adams, J. J.	Dibble,	Jordan,	Robinson, J. S.
Arnot,	Dingley,	Kelley,	Robinson, W. E.
Ballentine,	Dockery,	Kellogg,	Rogers, J. H.
Barbour,	Dunn,	Ketcham,	Rogers, W. F.
Barr,	Eaton,	King,	Russell,
Belford,	Ellis,	Laird,	Shaw,
Belmont,	Ellwood,	Lewis,	Skinner, C. R.
Bennett,	Ermentrout,	Lore,	Slocum,
Bingham,	Evans,	Lovering,	Smalls,
Bisbee,	Findlay,	Lowry,	Smith, A. H.
Bland,	Follett,	McCold,	Snyder,
Blount,	Fyan,	McComas,	Spooner,
Brumm,	George,	Miller, S. H.	Springer,
Burleigh,	Gibson,	Money,	Steele,
Campbell, J. E.	Goff,	Morrill,	Stewart, J. W.
Carleton,	Graves,	Morrison,	Stockslager,
Cassidy,	Guenther,	Muldrow,	Strait,
Chace,	Hardy,	Mutchler,	Sumner, C. A.
Chalmers,	Harmer,	O'Neill, Charles	Talbott,
Clay,	Hart,	Parker,	Valentine,
Collins,	Hatch, H. H.	Payson,	Van Alstyne,
Connolly,	Hepburn,	Peters,	Wadsworth,
Converse,	Hill,	Poland,	Ward,
Cox, W. R.	Holton,	Potter,	Weller,
Craig,	Hooper,	Posey,	White, J. D.
Culberson, D. B.	Howey,	Rankin,	Wood,
Curtin,	Jeffords,	Ray, G. W.	Young.
Dargan,	Jones, J. K.	Rice,	
Deuster.	Jones, J. T.	Robertson,	

So the bill was passed.

Mr. RANDALL moved to dispense with the reading of the names.

Mr. REED. I would like to hear the names of the negative side read. [Laughter.]

The SPEAKER. Does the gentleman object?

Mr. REED. No; only I would like to hear the names in the negative.

The following additional pairs were announced:

Mr. NICHOLLS with Mr. ROBINSON, of Ohio, on all political questions, for this day.

Mr. SNYDER with Mr. GOFF, on political questions, for this day.

Mr. TOWNSHEND with Mr. SMITH, of Pennsylvania, for this day.

Mr. GEORGE with Mr. ROGERS, of Arkansas, on political questions, for this day.

Mr. PUSEY with Mr. MCCOID, for the remainder of this day.

Mr. LOWRY with Mr. PETERS.

The result of the vote was then announced as above recorded.

Mr. HUTCHENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURNES. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

Mr. THOMPSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. THOMPSON. I desire to ask unanimous consent——

The SPEAKER. The gentleman from Missouri has submitted a motion.

Mr. SINGLETON. I appeal to the gentleman from Missouri to allow this bill to pass over until Monday next, and give the balance of this day and part of Monday for the consideration of the Library bill. I am sure it can be disposed of in that time; and I think the House will agree that I have exercised a patience almost equal to that of Job himself in giving way as I have done to the consideration of other measures, knowing as I do that a majority of the House want the bill to pass.

Mr. HEWITT, of Alabama. Permit me to suggest that we had better take up the educational bill. [Laughter.]

Mr. SINGLETON. I will ask the gentleman to show some magnanimity in this matter.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

Mr. SINGLETON. I give notice, then, that I shall next week press this bill for consideration in season and out of season until it is disposed of.

Mr. TOWNSHEND. I would like to give notice to my friend from Mississippi that I shall antagonize his bill with the Mexican war pension bill.

Mr. WILLIS. The educational bill will probably take precedence.

The motion of Mr. BURNES was then agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WILSON, of Iowa, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the general appropriation bills.

The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. If there be no objection, the first formal reading of the bill will be dispensed with, and it will be read by paragraphs for amendment and debate.

The Clerk read the first section of the bill.

Mr. BURNES. I move that the first reading of the bill be dispensed with.

The CHAIRMAN. That has already been done by consent. The Clerk will now read the bill by paragraphs.

Mr. BURNES. I do not think it was the intention to proceed with the consideration of the bill by sections until after some general debate had taken place.

The CHAIRMAN. The Chair will recognize anybody who desires to debate the bill.

Mr. BURNES. I have nothing special to offer in the way of general debate upon the bill, but perhaps a brief explanation of some of its provisions ought to be made; and in view of the fact that some gentlemen upon the floor have expressed a desire to present some views with reference to certain features of the bill before it is read by sections, I have asked that general debate be allowed. I will state simply and generally that I think the bill now pending meets the approbation of the large majority of the members of both sides of the House. I also think it substantially meets the views of the State Department, although it does not materially differ from the legislation of the last session of Congress. The differences are so slight that it is perhaps unnecessary to call specific attention to them. There are one or two items, however, to which I shall refer and ask the attention of the House.

One item especially, with reference to an estimate of $224,000, which is omitted from the bill was recommended for the purpose of resurveying and re-establishing the boundary line between Mexico and the United States. Upon a careful investigation of the treaty with regard to this subject it is beyond all question in my mind—and I need not detain the committee by going over it entirely—but it is beyond all question in my mind that we are not yet in a position to make an appropriation for that survey, and there are a great many antecedent acts that have got to be done and performed before we will be in a condition to undertake the re-establishing of this boundary line.

It may be sufficient to state that the treaty provides for a reconnaissance, which shall be made by the representatives of the two governments; and necessarily we could not undertake to establish this line as it ought to be established or re-establish it without the approbation and the sanction of the Mexican Government. The treaty provided that representatives of that government should meet the representatives of this Government in the preliminary survey and reconnaissance. They were not present. They have made no report to their government as provided for by the treaty, and no international boundary commission as required by the treaty has been organized; nor have any estimates of the cost been made by this commission, as required by that treaty. In short, so many things remain undone that that treaty requires to be done before the Mexican Government would be bound to us for one-half of the cost of the work that I apprehend there can be no question as to the propriety at this time of not making an appropriation for that purpose. I may say in addition, sir, that if the appropriation should be deemed necessary it would be properly and more properly placed in the sundry civil bill than in this, so that it may be considered in that bill, if it is desired by the House or by the committee at any time hereafter to do so.

The reductions from the current law amount to $29,080; that is to say, the reductions made by the committee. Some $46,000—I mean of the current law—have been omitted at the suggestion and the instance of the State Department; so that it may be said the bill now pending reduces the current law but $29,000. It increases in the way of additional consuls and clerks to consulates and in an appropriation under the neutrality act of $12,000. The aggregate increase is $41,000; so that you perceive while the reduction is $29,000 the increase amounts to $41,000.

Mr. CHACE. Is the gentleman from Missouri speaking now of the gross appropriation of the bill?

Mr. BURNES. Yes, sir.

Mr. CHACE. I read at the end of the bill, in the recapitulation, that you have made a reduction.

Mr. BURNES. There is an apparent discrepancy, for the reason that the $224,000 appropriated for the Mexican boundary commission are not mentioned in these figures which I have given. That would increase the reduction. But I am speaking of the reduction and increase from the current law and not the estimates.

Mr. CHACE. As I understand the statement at the end of the bill, the amount of the law for 1885 was $1,225,140. The amount of this bill is $1,190,885. Am I right?

Mr. BURNES. That is right.

Mr. CHACE. Is not that a reduction of $34,255?

Mr. BURNES. There is a net reduction, including these items which have been dropped out at the instance of the Secretary of State and which have led to this confusion. There is a net decrease of $34,000.

I may say, Mr. Chairman, that the committee were by no means unanimous concerning the appropriation of $12,000 under the neutrality act. So far as I am individually concerned I am opposed to that appropriation. But I shall not undertake now to go over ground that was so thoroughly argued at the last session of Congress.

I yield now to my colleague on the committee, the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND addressed the House. [See Appendix.]

Mr. BURNES rose.

Mr. ROBINSON, of New York. I ask the gentleman to yield to me.

Mr. BURNES. I will yield to the gentleman for any time he may desire.

Mr. ROBINSON, of New York. Mr. Chairman, when a bill similar to the one now before the committee was under discussion, making appropriations for the diplomatic service for the current fiscal year, I expressed my opinion of it more fully than I shall attempt to do now. It is the same old subject of taxing the toilers at home to enable the fops and dandies of our diplomacy to make fools of themselves and of us abroad. It is not likely that I shall be here a year hence when the next grab upon the Treasury shall be made for this purpose, and therefore I venture a very few remarks now.

If I were preaching a sermon upon this subject I should choose for my text the question, "Who shall deliver us from the body of this death?" What Congress will have the courage to free us from the disgrace of our diplomacy abroad by abolishing the system altogether, as was suggested by Albert Gallatin and other illustrious statesmen of an earlier and better day? It is an eyesore to mankind and an ulcer on the body of republicanism. It is a school of snobbery, to which we send such dandy politicians as are of no use at home to disgrace themselves and degrade republicanism in the circles of the effete monarchies of the Old World. No longing eye or heavy heart of any republican in foreign countries ever caught a ray of hope from any act or word of any of our modern American ministers. All their ambition seems to be to curry favor with despotism and to find themselves at the table of some profligate lord. No member of this House can point to any service rendered by any of our recent ministers abroad worth the paper on which this bill is printed. Every penny we appropriate for this service is devoted to the task of teaching Americans to forget Americanism and to imitate, as far as they can, the follies of the aristocracy.

We have several times passed laws that our diplomatists abroad should not wear any dress but that which any plain American citizen would wear in common life at home, and yet I will venture to say that scarcely one member of our diplomatic corps obeys them. I have seen it stated in the columns of the Washington Republican of December 19, 1883, that a member of this House, visiting London, called upon our envoy extraordinary to the Court of St. James, and that he found him arrayed in court dress, with knee-breeches not too well adapted to his attenuated legs, ready to represent the workingmen of the United States at the Queen's drawing-room, and that our democratic member came away with the impression that Mr. Lowell was the best nickel-plated Englishman he had ever seen.

Now, what are we to do with this system? Here we are from year to year voting away about $2,000,000 for this not only useless but deleterious purpose. Why? Because we did it last year. Why then?

Because we did it the year before. And so it will be; the abuse has become chronic, and we go on making the useless and corrupting appropriation. If you want to spend so much money why not devote it to some useful purpose? The twenty or thirty millions we have thrown away in the last dozen years would have built and endowed a magnificent hospital in each State and Territory in the Union, where our sick and suffering soldiers or their widows and orphans, now begging for pensions, would have found a comfortable home. Why not rather in the future give it to the suffering poor at home than send it to our profligates abroad—to a lot of snobs, incurable snobs, who are trying to perpetuate their kind and enhance their value abroad? I protest against the whole system.

Imagine a poor fellow from Hocking Valley, an American workingman, where he and his companions are on a strike against monopolies in trying to get a reward for his labor sufficient to support his wife and family, going to Europe to see how the taxes which he is compelled to pay to support his Government are spent. In London he finds our minister, dressed up in the style to which I have referred, with his dear Lord Granville and other democrats around him, holding forth and illustrating in his person the beneficence and beauties of American diplomacy. In Paris he sees our amiable and gentlemanly minister, who misrepresents him and his fellow-workingmen at that gay capital, in the midst of the society which calls itself the American colony, who were described by the lady correspondent of the Washington Post, Mrs. Lucy H. Hooper, in that paper of June 22, 1884, as snobs, who were ashamed of their native land and of their nationality; who "scorn the society of chaste women and high-minded men, because, forsooth, those personages have been born in the United States and are undecorated with titles, while they welcome to their houses all the 'spotted peaches' of the Parisian society basket"—women who would not be admitted into any decent society in New York, if New York society knows herself, "and she thinks she do." What report do you suppose this American workingman would make as to the value or services of our ministers abroad?

As this bill appropriates money for the support of our ministers for the fiscal year commencing next July, the appointment of those ministers will most likely be made by a Democratic President. I hope for a change for the better, but if our ministers are more than useless under one party, they can hardly be expected to prove useful under another. Whichever party may be in power, I think the best thing to do would be to abolish the offices of ministers abroad and depend entirely on our consuls and commercial agents, by whom all the interests of the country could be properly cared for, or in case of any emergency special ministers could be appointed for the occasion.

I understand that already two men have been prominently mentioned for the English mission, each of whom feels confident of success and is spoken of with approbation by Democratic papers and politicians, and yet, sir, I have no hesitation in saying that I would infinitely prefer Mr. Lowell to either of them. Deeply as I despise his conduct and abhor his acts as our minister, I should greatly prefer his continuance in the office which he has disgraced than have a Democratic dude take his place to disgrace it and to disgrace the Democratic party, which as yet stands guiltless in this respect. Indeed, I think the venerable Dr. Burchard would be preferable to either of them. Dr. Burchard is not a snob and would not represent snobbery. He is a man of express ideas and runs into the alliterative. I do not say he should be appointed our representative either at home or abroad, but he would be preferable to either of the two gentlemen mentioned, from one of whom he learned his lesson of "Rum, Romanism, and Rebellion." It was not original with him, but copied from one of those who expect to succeed Mr. Lowell.

And here I take occasion to repeat, what I have often already stated, that I do not believe Dr. Burchard's famous alliterative speech at the Fifth Avenue Hotel reception changed the vote of one single citizen from Mr. Blaine to Mr. Cleveland; or if a single voter may have been influenced by it I feel quite certain that the number is very small, and that very few would apply for any reward that might be offered for the discovery of Irish-Americans whose votes were changed by that speech. The election did not turn upon any such nonsense. The American people will always frown upon bigotry from whichever side it comes, but they never permit the casual remark of any person to work detriment to those who are nowise responsible for it.

This diplomatic service is working our ruin by creating a desire for foreign customs and foreign follies. The disease is imported by our returning diplomatists and by the foreign embassadors sent here by monarchs and despots to corrupt and destroy our American ideas. They should both be quarantined as we quarantine foreign rags through fear of cholera. I find in the Boston Pilot of to-day a letter from the patriot Archbishop Croke, of Ireland, which expresses my opinion on our adopting English customs and habits so well, that I can quote a paragraph from it as my own, simply changing the word "Irishman" to "American." It is written to the secretary of the Gaelic athletic association, and is accompanied by a letter of similar import from Mr. Parnell. The paragraph reads thus:

One of the most painful, let me assure you, and, at the same time one of the most frequently recurring reflections that as an Irishman (American) I am compelled to make, in connection with the present aspect of things in this country, is derived from the ugly and irritating fact that we are daily importing from England not only her manufactured goods, which we can not help doing, since she has practically strangled our own manufacturing appliances, but together with her fashions, her accent, her vicious literature, her music, her dances, and her manifold mannerisms, her games, also, and her pastimes, to the utter discredit of our own grand, national sports, and to the sore humiliation, as I believe, of every genuine son and daughter of the land.

And then he goes on to designate as foreign and fantastic field-sports, lawn-tennis, polo, croquet, cricket, and the like.

Our Revolutionary fathers saw the danger we were in and provided, as well as they could, against it, both in the Constitution and by the law. In the Fifth Congress Mr. Tazewell, of Virginia, introduced into the Senate of the United States a resolution that no Senator should receive or give any visit to or from any agent or embassador of any foreign country without asking leave of the Senate; and when, in last May, I introduced a similar resolution in this House, it was denounced in a leading paper of this country as "rampant and unapproachable absurdity." The writer for that paper was an Englishman, and of course looked upon this American idea as absurd. And upon another occasion, when I introduced some very sensible resolutions to be acted upon by this House against these foreign influences, the gentleman from Chicago [Mr. DUNHAM], whom I see before me, building better than he knew, had it referred to the Committee on Public Health. A very proper reference, seeing that all this English craze is becoming a stench in the nostrils of the American people, and requires some powerful disinfectant to purify the American mind and the American atmosphere from these offensive and polluting influences.

Our Revolutionary fathers also wisely provided by constitutional enactment that no person holding office under the United States should receive any gift from any foreign power. They were afraid that any gifts thus received would weaken our hatred of monarchical institutions, and they took care that every subject of these monarchies seeking citizenship here should renounce and abjure all allegiance to such monarchy. All these provisions and precautions were intended to guard us from any influence which monarchs or their agents should attempt to exercise upon us. Now what is a present? The Queen of England sent a present of flowers to be thrown upon the coffin of our lamented dead President. Who received it? If he held office under the Government he violated the Constitution and should have been impeached. This present was a bid for our gratitude toward the giver, and that was the very thing the Constitution intended to prevent. It intended that we should not be under any gratitude or have any friendly feeling for any monarch or despot, and the more the gift is intended to evoke gratitude the greater the violation of the Constitution. The value of the present is not to be considered. The fear of our fathers was that it might excite gratitude to those to whom as republicans we should owe no gratitude. Embassadors of foreign countries come here to elevate and magnify monarchy above republicanism. Already they dominate society in Washington, and American republicanism is endangered.

If a Senator or Representative or officer of the Government finds gratification at receptions given to them by foreign embassadors, if they accept their dinners or drink their champagne, are they not violating the Constitution, which intended to prevent any who had sworn to support it from putting themselves under any obligation to monarchy? If our Congressmen and Secretaries are dining and wining with the agents of despotic governments, what chance has our citizens who languish in prisons under these despots of speedy deliverance or honest remonstrance in their behalf? These outrages on our citizenship we are enduring from all nations. It was only yesterday that the distinguished gentleman at the head of our Foreign Affairs Committee [Mr. CURTIN] had reported a case of this kind to the House. We want no presents nor social blandishments to dull the temper of our indignant demand against these outrages, and it might be well if we had such a rule as was proposed in 1798 against any member of Congress making calls upon or receiving any presents or favors, even a glass of wine, from the agents of powers inimical to republicanism. The framers of our Government intended that we should be guarded against all encroachments from foreign despots, and particularly against all presents and bribes, whether in liquid or floral form, that might induce us to cringe or fawn to monarchy or its representatives.

I fear that no remonstrance from me or from any other lover of American simplicity will stay or stem the current that is carrying us so swiftly toward monarchical ideas. I said some time ago, in a speech delivered in this House, that we were going to the devil very fast, if we had not already arrived there. Our duty—my duty—is, while we are here intrusted with the fate of the nation, to raise our voices against the vices that beset us and in favor of the American ideas of the fathers of the Republic.

Upon the floor of this House I have said many things that were considered foolish, yet if you will judge me fairly you will see that they all tend in one direction—to magnify republicanism and to repress monarchy. I have frequently had difficulty in obtaining the floor to express my views upon these subjects. I observe my friend from Ohio [Mr. KEIFER] near me who occupied that chair in the last Congress, and he seemed from the beginning to be determined that I should not be heard. No commander in any battle between Bull Run and Richmond ever exercised such care to resist the enemy's approaches as my distinguished friend did to keep me from being heard in this House. I, however, harbor no ill-will toward him. He and I are both going to a higher plane of civilization. We are shortly to shake from our feet the dust of this degenerate House of Representatives, to soar into the higher region of private citizenship and to enjoy the honors of those who despise office and its perquisites. I therefore harbor no animosity toward him, and I think as we have known each other better we have come to esteem each other more.

I remember how another gentleman, now no longer in Congress, kept guard around that chair that I should not be heard on this floor. Still, however, I persevered, and whether in order or out of order accomplished my purpose. In doing so I incurred the enmity of a portion of the press, which for some purpose to me unknown either suppressed all mention of my name or perverted and misrepresented what I had said and done. It was the same in the Fortieth Congress, when in 1867-'69 I met similar abuse and misrepresentation in doing what twelve or thirteen years afterward secured for me from my distinguished friend from New York [Mr. HEWITT] the eulogy which he so kindly bestowed on me in this House, which I so kindly appreciated, coming from one so distinguished as a scholar, a statesman, and a gentleman. In that eulogy he gave me credit for carrying through the Fortieth Congress the law of July 27, 1868, second only to the Declaration of Independence, amid abuse and misrepresentation similar to that which I have met in the same field of labor and under similar circumstances in the Forty-seventh and Forty-eighth.

I am now near the end of a long and checkered and somewhat eventful life. There are many things in it that might as well be blotted out. But taking it altogether, I have nothing to regret and nothing to apologize for. The sins I have committed will be forgiven. The follies I have been accused of will be forgotten. But I believe the efforts I have made to vindicate the sanctity of American citizenship, its dignity and glory, by inculcating the duty of the Government to exercise its power over all its citizens, native or naturalized, to protect them from insult in foreign countries, will be remembered to my credit. I believe that with all my faults many friends will remember me kindly when I am not here and will express regret for my absence.

But whatever fate may betide me, whether in this city or elsewhere, in prosperity or adversity, as a member of this House or in some humbler position, it will always be my pride to have it stated to my children, whom I love, and to all men whose good opinion it was my ambition to deserve, that I stood up here for American principles against the dominating influence of monarchy and despotism. [Loud applause.]

Mr. BURNES. Mr. Chairman, I apprehend that I meet the wish of the House in now asking that general debate be closed, and that we proceed to the reading of the bill by paragraphs.

Mr. KEIFER. I understand the gentleman from Rhode Island [Mr. CHACE] desires to be heard a brief time. I suppose there will be no objection to that.

Mr. BURNES. None at all.

Mr. CHACE. Mr. Chairman, I had not expected that this bill would be called up at this time. I had prepared myself with some comparative tables, showing the difference between our manner of treating this diplomatic and consular service and the methods pursued by some foreign countries. Those figures are at my rooms; I shall therefore necessarily be very brief.

The gentleman from Illinois [Mr. TOWNSHEND], in the course of his remarks, spoke of the importance of extending our foreign trade, of opening markets for the products of our farms, our factories, and our workshops. As to the desirability of such a result I join him most heartily; but from his methods I dissent as heartily. But I shall not attempt to-day to take up the general discussion on that subject. I wish, however, to make briefly a comparison between the policy and methods of this country and those of Great Britain.

Mr. TOWNSHEND. Will the gentleman allow me a moment?

Mr. CHACE. Certainly.

Mr. TOWNSHEND. I do not know that the gentleman fully understood the nature of the proposition which I advocated. If it were carried out it would give us a protected market in the countries of South America, Central America, and Mexico for our products. A barrier would be put up against England, France, and Germany, while we would have a free market there for our manufactured products. Would the gentleman object to the extension of the line of protection so as to embrace those southern countries with the States of this Union?

Mr. CHACE. Oh, no; but that is only a very small part of the gentleman's proposition.

Mr. TOWNSHEND. That is the principal feature of the proposition—its main purpose.

Mr. CHACE. If that is the case, I am very glad that such is the gentleman's object; but I thought I saw in the tenor of his remarks a very different object set forth. If I am mistaken, I am very glad to be corrected.

Mr. TOWNSHEND. I argued, in order to avoid any conflict with gentlemen claiming to be free-traders, that my proposition would extend the area of free trade to those countries. At the same time it would open up a new market for us, a market protected against our only competitors—Germany, France, and England.

Mr. CHACE. Well, if the gentleman has seen the error of his ways and come around to be a protectionist, I congratulate him.

Mr. TOWNSHEND. Not by any means.

Mr. CHACE. I shall be very glad to welcome the gentleman into our ranks; but I am a little suspicious of the genuineness of his conversion.

Mr. TOWNSHEND. The gentleman misapprehends me now more than ever. I have never been converted in the slightest degree to the doctrine of protection. I have only said this—that we ought to have as free trade with those countries as we have among our own States; and this policy will result in as great benefit to the manufacturers of this country as any doctrine of any of the protectionists.

Mr. CHACE. The gentleman is doing very well if he has reached a point where he can look even with complacency on protection, and I would remind him of the passage from Watts—

While the lamp holds out to burn, &c.

Now, we hear a great deal about overproduction and the extension of our markets. We hear it particularly from gentlemen on the other side, who are in favor of breaking down American industry and throwing open the markets of our country to the competition of foreign manufacturers. But I am sorry to say that whenever they are brought to the test we see by their actions, if I judge them aright, that they are as circumscribed in their policy in regard to our diplomatic service abroad as they are in regard to building up the industries of this country.

Now, the Government of Great Britain is wiser than we are in this respect. The English nation sees and realizes the importance of extending its foreign trade; and it acts accordingly. In order to illustrate the difference between the policies of the two countries in regard to the consular and diplomatic service, I desire to call attention to the contrast between the appropriations of the two countries for purposes such as are embraced in this bill.

The bill now before us appropriates, in gross, $1,190,885. This is for our whole consular and diplomatic service. Now, what do we find the Government of Great Britain appropriating in the year 1883, the last year of which I have any report? For that year Great Britain appropriated $2,769,658 for salaries in the diplomatic and consular service. Beyond this it should be borne in mind that the British Government constantly appropriates very large sums for the purpose of purchasing and maintaining offices, residences, telegraphic and mail connections, and other facilities in assisting the mercantile and manufacturing interests of Great Britain to extend their trade. More than that, Great Britain is constantly increasing her appropriations in this direction. Her appropriations for the consular service alone for the year 1883 were $1,290,000 against our appropriation of $1,190,000 for the whole diplomatic and consular service. Beside that, their consuls and consular agents collect large sums in the shape of fees.

Now what is the result of this? All over the world, in every trading country, wherever you find a mercantile center, you will find a representative of British interests, who is a competent man, thoroughly conversant with all the affairs pertinent to his position, who can afford to give his time to the service of the interests of his country, who is constantly alert, who is giving advice constantly to his home government how the trade of that country may be extended and improved, who is notifying them constantly of every step of every other nation which will tend to encroach upon their trade. And wherever an agent is found to be a valuable and successful man he is promoted in the service. It is the constant hope and expectation of these agents that, beginning as subordinates, they may work themselves up from agents to consuls and from consuls to legations. There is no limit except the limit of their ability to serve the country.

Whenever a change of administration occurs in Great Britain these men know that no change will take place in regard to their positions, but all over the world to-day every man in the diplomatic or consular service of the United States is packing his trunk and engaging his passage preparatory to returning home. [Laughter.] As long as this rule shall continue, this rule of poverty-pay and restrictions in regard to the outlay for this service and for its accommodation, we shall have poor service, and so long as we have poor service of this kind we shall have great difficulty in extending our trade.

I believe if gentlemen will examine this subject with care they would find it more far-reaching than they had supposed. The whole thing is in a nutshell. You can not get good service for a low price. I have before me the report of the consular and diplomatic service of Great Britain, and I will read a few of the items of appropriation. They appropriate for the diplomatic service a little over $1,000,000. They appropriate for the consular service, as I stated a short time ago, over a million and a quarter of dollars. They appropriate for subsidies to telegraph companies $165,000. They also appropriate large sums amounting to nearly $600,000 for wages of couriers, for postage, for fuel, for extra rent, for law charges, special missions, and for law advice.

Now, in view of this and in view of the importance of this subject to the material interests of this country, I submit it is no time for us,

under the false sentiment of economy, to be reducing this consular and diplomatic appropriation. I find it is reduced in reality about $200,000.

Mr. TOWNSHEND. Does not the gentleman know the reduction in the bill is owing to a failure to carry out the survey of the border between Mexico and the United States? He will find but a small reduction in the salaries of the consular service.

Mr. CHACE. In the consular service there is a reduction.

Mr. TOWNSHEND. There is but a slight reduction.

Mr. CHACE. I have the items of reduction, which I will give the gentleman if he wishes to know them.

Mr. TOWNSHEND. Reduction below the appropriation of last year?

Mr. CHACE. Undoubtedly.

Mr. TOWNSHEND. Very few instances and only small reductions.

Mr. CHACE. Not by any means. I will read some of them.

Mr. TOWNSHEND. We have increased the salaries above those appropriated for last year in several instances. The reduction of the bill arises from a failure to appropriate money, for the reasons given by the gentleman from Missouri [Mr. BURNES], to make the survey, or rather to establish the monuments marking the boundary line between the United States and Mexico.

Mr. CHACE. The gentleman from Illinois is a member of the Committee on Appropriations, and I do not wish to contradict him. I have not had time to analyze the bill as much as I would like, but I think the gentleman is mistaken. I will read a few of the items and then let him explain.

I find a reduction in clerks in the legation to Spain of $1,200. Am I right or wrong there?

Mr. WASHBURN. There is really an increase of $500 more than last year, as an assistant secretary of legation is provided.

Mr. CHACE. Why the reduction?

Mr. WASHBURN. The assistant secretary of legation has rendered that clerk unnecessary.

Mr. CHACE. Why then does not the committee vouchsafe the proper explanation of the matter?

Mr. TOWNSHEND. The committee found it would be better to provide an assistant secretary of legation.

Mr. BURNES. I will state for the benefit of my friend from Rhode Island that he is laboring under a mistake. There is an actual increase of appropriation for the consular service.

Mr. CHACE. How much?

Mr. BURNES. I can tell the gentleman in a moment. I can not do it now.

Mr. CHACE. I find several other items here, among them the salary of the secretary of the legation at Turkey has been reduced $300. That is quite a matter of economy for this great country, no doubt.

The rent of legation buildings in China is stricken out entirely, amounting to $3,100. Why should that be so? Great Britain is constantly buying and building homes for her foreign legations, and takes the best care always of her consuls.

Mr. BURNES. Let me answer the gentleman. The $3,100 to which he alludes is an unnecessary, or, rather, I may say an abnormal, appropriation, differing from the appropriations for all other legations in the world; that is to say, we make no such appropriation for any other legation.

Mr. CHACE. That may be all very true, but it does not alter the fact that it ought to be done.

Mr. BURNES. But I hope the gentleman will confine himself, if he pleases, to the point that he is making. He is referring to the consular service, as I understand him. Now, this is not an appropriation for the consular service, but an appropriation for incidental expenses in connection with our diplomatic service.

Mr. CHACE. Why is not that for our consular service abroad? That is exactly the point that I am making.

Mr. BURNES. It has relation to the legation.

Mr. CHACE. That is true, but are not our foreign legations of service to the country, and should they not be upheld?

Mr. BURNES. Very well, when the gentleman comes to talk of the legations I shall have something to say on that subject; but when he is speaking of the consular service I hope he will not confound the two.

Mr. CHACE. Now, these are the items which I have selected at hap-hazard from this bill, and if I had time I am sure I could find numerous others of the same kind. But perhaps one item that the gentleman will deem applies to the consular service is this alteration or reduction of the pay of thirteen consular clerks, who are reduced from $1,200 to $1,000 per annum, making a reduction of $2,600.

Mr. BURNES. If the gentleman from Rhode Island will permit me a moment I will state that by inadvertence in making up this bill there should have been a subsequent section incorporated in it which would operate as a provision for the pay of these clerks.

My colleague from Illinois [Mr. HITT] will offer an amendment to the bill to increase their salaries to the statute law. They will be increased by amendment, and have all been provided for.

My HITT. I will offer an amendment at the proper time to carry out that suggestion.

Mr. CHACE. And I hope when the gentleman from Illinois, who is more competent I believe to deal with this subject than any other gentleman on the floor, when he does offer his amendment, it will be so comprehensive in its scope and character that it will not only remedy this pitiful little error but that it will embrace the whole subject.

I hope that it will take a step toward putting us in a respectable condition in regard to our consular and diplomatic service. I feel like saying unparliamentary things about this matter when I examine this bill. I think it is a great shame for a great nation to be so parsimonious. Here are thirteen clerks reduced $200 each. There have been a great many reductions made in wages since the last election which have been charged to the result of the election. I do not know whether gentlemen have done this for the same reason or not.

Here is a consul at Ningpo abolished, I believe. Is not that so?

Mr. BURNES. I will say that this would properly come up when we are reading the bill for consideration by sections, and thereby save time. But in regard to Ningpo, that is abandoned, not provided for, with the full knowledge and approbation of the State Department and all the members of the committee, of both parties, for reasons that may be given if desired.

Mr. CHACE. Here is a consul at Hankow reduced from $3,500 to $1,500, a reduction of $2,000.

Mr. RYAN. And our commerce increasing at that point.

Mr. CHACE. Yes; as suggested by my friend from Kansas, and our commerce increasing there very much. Here is another item, a large saving, the allowance of clerks at consulates, $80!

Again, you have stricken out $1,000 for interpreters in China and Japan. The interpreter at Bangkok reduced $300. I am reading this simply because the gentleman from Illinois stated that there was no reduction.

Mr. TOWNSHEND. What was the reduction at Bangkok

Mr. CHACE. Three hundred dollars, I make it.

Mr. TOWNSHEND. For what purpose?

Mr. CHACE. Interpreter.

Mr. TOWNSHEND. The gentleman from Missouri can, I am satisfied, give the gentleman full information as to the necessity for that. I may say to him, however, that it is entirely unnecessary to have an interpreter at that point.

Mr. CHACE. And so on through sundry other items which I will not take the time to read now but reserve until we discuss the bill by sections. I only brought this up to answer the gentleman from Illinois at the time in regard to the matter of reduction to which I referred.

Mr. TOWNSHEND. My friend from Rhode Island, if he will examine the bill further, will admit that we have left out an item of over $200,000 for the international boundary survey of the United States and Mexico, and that is the only reduction of the estimates of the Department.

Mr. CHACE. I understand there are certain other items which are very properly left out. But instead of this reduction there should have been an increase, and a very large increase. These salaries are all too small. We can not employ competent talent for the price we pay these consuls, and it is time for the Government of the United States to reverse its policy in regard to this important matter.

Mr. BURNES. I beg to say to my friend from Rhode Island [Mr. CHACE] that I should like him some day to tell us why it is he prefers the commercial system of England as against the commercial system of this country. But that is unnecessary now. I beg to state to that gentleman, in all kindness, that when the American people have a commercial system similar to that of England we may not be driven to such straits of economy as to save $80 here, $500 there, $1,000 somewhere else, and the other pitiful sums to which he has alluded. But under the commercial system which we have at present and which has been in force in this country for many years we are compelled to economize with a due regard to that republican simplicity which should govern our legislation and which does govern our people.

If no other gentleman desires to speak I shall ask unanimous consent to close this debate.

Mr. WASHBURN. I desire to say a word in answer to the gentleman from Rhode Island [Mr. CHACE]. The bill we are now considering appropriates substantially the same as the bill of last year. In some instances the amount has been increased and in some it has been decreased; but in the main it is substantially the same bill as was reported and passed last year.

So far as the expense of the consular service is concerned, I desire to say briefly that I agree with my friend from Rhode Island that no expense should be spared to extend our trade and commerce and to furnish markets for our different productions, both agricultural and manufacturing. I would spare nothing to make this thing complete and effective. But to do this I do not believe it is necessary to ape the governments of the Old World. I do not believe in order to have efficient consular service that it is necessary to ape England. With the same propriety you might call for enormous appropriations in the same line as those in England to support the royal family. Those appropriations do not add anything to the efficiency of the English Government. And I believe that to-day, with the moderate conservative appropriations

made by this country, we have substantially in point of fact, and practically, as efficient a consular service as England has; and I hope it is not a part of the future of this country that it shall drift off into that kind of extravagant appropriations in connection either with our diplomatic or our consular service. I simply desire from this side of the House to enter a protest against this doctrine.

Mr. CURTIN. Mr. Chairman, you can not measure the diplomatic or the consular service by any economy of the Government. You can not add to the commerce of the country by increasing salaries, nor take from the trade of the country by decreasing them. I am in favor of the consular service, and of making it efficient and strong; and I would relieve the American merchant and mariner from the payment of consular fees and pay every consul abroad a salary, so that the system shall not be a tax upon the trade of the country.

Neither those clothed with diplomatic agencies nor those in the consular service can increase your trade or your commerce. Nor can you by increasing salaries get American citizens better qualified for the discharge of duties abroad than those now in the service.

I say, Mr. Chairman, the American ministers abroad get salaries large enough now with a proper consideration of the economy of this Government. I would not have this great country fall into the rut of any foreign government in the payment of salaries. The minister of the United States in London receives a salary of $17,500. It is the same at Paris and at Berlin and at St. Petersburg. An American minister living at either of these great courts can maintain himself respectably and represent this country on his salary. For while he may not make the ostentatious display of the ministers or embassadors of other nations which pay higher salaries, still he will always be treated with profound respect either in the courts or in the social circles which he may frequent, if he never fails to remember that behind him stand sixty millions of freemen and the strongest government in the world.

And we will always find men qualified to fill the consular service if the Government is careful in the selection of the men. It is not the ministers who should be paid high salaries. It is the consuls who should be compensated to the full extent of their labors. We should have proper men in that service wherever the American merchant goes or the mariner goes, wherever we have trade and commerce and the exchange of commodities. We should pay the consuls ample and full and handsome salaries that the Government may have the service of men competent to fulfill their duties.

Mr. CHACE. Will the gentleman yield to me a moment?

Mr. CURTIN. Yes, sir.

Mr. CHACE. I would like to ask the gentleman from Pennsylvania whether or not he has ever understood that several of our ministers to St. Petersburg have left that post because the compensation was too small—because they could not afford it?

Mr. CURTIN. I do not know whether that is true or not. I was there for four years and was always treated with respect; and I will say to my friend from New York [Mr. ROBINSON] that I wore the plain dress of an American citizen—as plain as that of a Quaker from Rhode Island [laughter], and I lived on my salary.

Mr. BURNES. What was the salary at that time?

Mr. CURTIN. I went there upon a salary of $12,500.

Mr. BURNES. The salary is now $17,500.

Mr. CURTIN. After I had gone there some gentlemen in this House from the State of Pennsylvania, in a spirit creditable to the State and complimentary to the minister, refused to vote for the consular and diplomatic bill unless my salary should be raised to $17,500.

I always had my *entrée* at court. I had my place in social circles at St. Petersburgh. I lived on my salary; and I had enough. I did not go there to make money, but while there I tried to protect myself from the cold of that frozen region and to represent this great republican people.

I say the present salary of our minister to Russia is enough. I will not vote for a dollar more; but I will go with my friend from Rhode Island in voting money for the support and extension of our consular system, to encourage trade and commerce and to protect the American merchant and mariner. More than that, wherever our flag goes all over the world, wherever it flies in commerce and trade, I would have there for the protection of that commerce a gunboat of the American Navy, with a big gun upon it. [Applause.]

Mr. BURNES. I now ask unanimous consent that general debate be closed and that we proceed to the reading of the bill by paragraphs.

There being no objection, it was ordered accordingly.

The Clerk proceeded to read the bill by paragraphs for amendment.

The following paragraphs were read:

For salary of consuls-general at Constantinople, Madrid, and Rome, at $2,000 each, $6,000.

For salaries of the agents and consuls-general at London, Paris, Havana, and Rio de Janeiro, at $6,000 each, $24,000.

For salaries of the consuls-general at Calcutta and Shanghai, at $5,000 each, $10,000.

Mr. HOLMAN. I desire to raise a question of order on the paragraph appropriating for salaries of consuls-general at Constantinople, Madrid, and Rome. My point of order is that the office of consul-general at Madrid is provided for in this bill without authority of previous legislation. In other words, this is new legislation on an appropriation bill. The appropriation law for this service for the present year provides for consuls-general at Constantinople and Rome at $2,000 each; the pending bill adds "Madrid" to the list at $2,000 per year.

Mr. BURNES. If the gentleman from Indiana will suspend a moment, I desire to suggest (though I am not familiar with these questions of order) that the paragraph against which this point of order is sought to be made had been read, and the Clerk was engaged in reading the second paragraph. I submit, therefore, that the gentleman from Indiana is too late in making his objection—for the first time, perhaps, in his life.

The CHAIRMAN. The Chair will state in fairness to the gentleman from Indiana [Mr. HOLMAN] that he was on the floor when the Clerk concluded the reading of the paragraph to which the point of order applies.

Mr. HOLMAN. I rose at the time for the purpose of making the point, but the Clerk continued the reading.

The CHAIRMAN. That is the understanding of the Chair.

Mr. HOLMAN. Upon the point of order I wish to state for the information of the Chair that the present law provides as follows:

For salaries of consuls-general at Constantinople and Rome, $2,000 each, $4,000.

This bill proposes to change that provision, so as to read:

For salary of consuls-general at Constantinople, Madrid, and Rome, at $2,000 each, $6,000.

In other words, a consul-general is now, without previous authority of law, authorized at Madrid.

The CHAIRMAN. The gentleman from Indiana will please state what the salary of this consular officer at Madrid has been heretofore.

Mr. HOLMAN. We have no consul-general at Madrid now provided for by law nor one provided for by law prior to this time. This office in its present classification is a new office, created by this appropriation bill.

Mr. BURNES. I venture to suggest in answer to my esteemed colleague on the committee, the gentleman from Indiana, that he is mistaken in saying that this consul-general is not provided for in any law. In the first place, a consulate is established by the action of the President and Senate. We have nothing to do in the establishment or abolition of consulates or legations. These, under the Constitution, are established by the act of the President with the assent of the Senate.

In this case we are not undertaking to make law in regard to this matter. We do not make law of this character. We simply appropriate in accordance with law made by the Executive and the Senate under the Constitution.

Under a law established by the action of the President, with the assent of the Senate, we have been appropriating year after year for this consul-general. But by oversight or for some other reason—no matter what—we failed to make the appropriation last year. This may be said to create a deficiency, and we might have been called upon to provide for this deficiency if the President had continued the consul-general at Madrid. Therefore it seems to me, Mr. Chairman, with my limited experience here, that as we have nothing to do with the making of the law establishing consuls, it can not be said we are changing any law or making any provision further than to appropriate the money for that which the law-making power has established by affirmative action.

Mr. HOLMAN. The only provision of the Constitution of the United States bearing on this subject is to be found on page 14 of the Manual, and I will send it up to the Clerk's desk to be read. It is the clause enumerating the powers of the President of the United States.

The Clerk read as follows:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Mr. HOLMAN. From that provision of the Constitution it will be seen that exactly the same powers are vested in the President of the United States with reference to foreign ministers, consuls-general, and other like officers as are provided in regard to judges of the Supreme Court and other like officers of the Government, "such as are provided for by law." I quote the language of the Constitution.

My friend from Missouri assumes the President of the United States has the power of appointment of foreign ministers and consuls under the Constitution of the United States without any preliminary legislation on the part of Congress, without legislative authority, and that all Congress has to do as to such public officers is merely to appropriate the money necessary to pay salaries. I submit that view is not and can not be correct, and that the President can not appoint a minister or consul-general except in pursuance with law. The law must not only provide the office but the salary.

It seems to me clear that no distinction has been made by the Constitution between a consul-general as an office under the Constitution and a judgeship in the Supreme Court. In both instances the President of the United States appoints where the office is created by law,

and not otherwise; and whether it be a minister, consul-general, or judge of the Supreme Court, the office must be created "in pursuance of law." That is the language of the Constitution. The Constitution simply creates here, as my friend from Kansas [Mr. RYAN] suggests, the appointing power, but the creation of the office still rests with Congress.

Permit me to add further that the office of consul-general at Madrid has never existed, so far as I am informed, by express provision of law at any time.

Mr. BURNES. In the law for the year ending June 30, 1884, I find that appropriation was made for secretaries of legations and consuls-general at Vienna, Rome, and Constantinople at $3,000 each, and for secretary of legation and consul-general at Madrid $3,000. Now, this looks to me a little as though there was a law establishing a consul-general at Madrid.

Mr. HOLMAN. What does my friend read from?

Mr. BURNES. I read from the appropriation bill of last year.

Mr. HOLMAN. I had not observed that fact, and if it is true I concede, if this office was provided for and appropriated for during the present fiscal year, it is, according to former rulings, to be regarded as authorized by law for the time being.

Mr. BURNES. Here is the law which I hold in my hands.

Mr. HOLMAN. Then it is, according to the former rulings of the Chair, to be considered the law of the land for that year. But do I understand correctly? Do I understand the gentleman to say that the appropriation was made for the present fiscal year?

Mr. RYAN. No; he said it was the law for 1884.

Mr. BURNES. It is not the current law, but an appropriation in the law for 1884.

Mr. HOLMAN. Then it seems that by a former appropriation bill an appropriation was made for a secretary of legation and consul-general for a former year now already expired. The gentleman does not assume the office was created in any other way than by making an appropriation for it during a former fiscal year. It is not assumed that this office was ever created by other provision of law than an appropriation. As a legislative rule for that period, the current year, I concede an appropriation for an office is to have full force for the period named; but submit that a mere appropriation of money for an office for a given year, say last year or any preceding year, if afterward it shall be discontinued, does not perpetuate that office, for the office is not created by law, it is but a temporary provision; in other words, suppose it was shown that ten years ago an appropriation was made for a consul-general at Madrid, and that from then on until now no appropriation had been made, can it be argued there was any such office as consul-general existing by virtue of law?

I think I have heard the gentleman from Iowa [Mr. WILSON] who now occupies the chair hold heretofore, when occupying the same position, on other bills, that where the office is to be created by specific law an appropriation made during a previous year can not be taken as creating such office so as under the rule to support an appropriation of money. There is no law now authorizing an appropriation of money for such an office as consul-general at Madrid. There was an appropriation for such an office combined with a secretaryship of legation, as my friend [Mr. BURNES] has shown, for a former fiscal year, but none for the present year. There is therefore no existing law which would justify an appropriation in accordance with the requirements of the rule of the House. In other words, there is not now and never has been, so far as we are informed, an independent provision of law creating the office of consul-general at Madrid.

Mr. LONG. Mr. Chairman, I understand that two years ago, as stated by the gentleman from Missouri, there was an appropriation for the consul-general at Madrid. There was at that time, therefore, some provision or some warrant of law for the appointment of a consular officer there. It now turns out that there was no appropriation made for this officer last year.

I would like to ask the gentleman from Indiana on these facts if he understands that the failure to appropriate for the consul-general last year repealed whatever law there was in existence authorizing the appointment of such officer at Madrid?

Mr. HOLMAN. I think, sir, if it was an appointment of a consular officer simply by virtue of an appropriation, that it existed as such during the period for which the appropriation was made; that is to say, for the current year. It was simply a law for that year, and when that year terminated there was no law on the statute-books providing for the continuance of the office; it was the law of the year only.

Now, if my friend from Massachusetts will allow me a little further, I will call his attention to the Statutes at Large, which contain the provisions in regard to consuls-general. They are provided for, as the gentleman will find by reference to the statutes, in Great Britain, British America, British India, France, Cuba, Mexico, the North German Union, Italy, the Turkish Dominions, and China.

These are the consuls-general provided for by statutory enactment, and this provision has gone into and become a part of the Revised Statutes of the United States. It will be observed that this consul-general at Madrid has not been provided for in this statute, and on the strength of that examination I assumed that such an office had not heretofore existed, my attention not being called to the provision in the bill of 1884 referred to by the gentleman from Missouri. I submit, however, I repeat, that the office existed only by virtue of an appropriation bill; that it was simply a law for the current year, or it was not a subsisting law which would operate from time to time until repealed.

Mr. LONG. Does the gentleman claim that the mere insertion of a clause in an appropriation bill providing for the salary of an officer constitutes or creates the office?

Mr. HOLMAN. For the period covered by the appropriation, the current year, undoubtedly.

Mr. LONG. That would apply to every office provided for in this bill for which a salary is appropriated.

Mr HOLMAN. It does; that is the very thing you are doing. You are legislating on this bill by providing a salary and thus creating an office, at least for the time being, but no more. If this bill should become a law, undoubtedly each office named would be a subsisting office, to be filled by appointment for the current year. The bill provides in effect that these officers shall be continued in service during that period, that is, the period for which you appropriate. So, if you provide a salary for the consul-general at Madrid you create the office for the time, and the President might appoint an officer there; but such an appointment would be subject to the provisions of the appropriation bill, and extend only during the current year. I admit that if the Revised Statutes and current general laws, in the classification of the consuls-general and the consuls and other foreign representatives, had made provision for this officer at Madrid, then it would have been a statutory provision; but the facts of the matter are that the statutes are silent on that subject, and the only provision is that incidental one in an appropriation bill of two years ago, which exhausted itself with the then current year.

The Chair will discover, I think, that except on a mere appropriation bill there has not been any legislation on this subject at all since the present Revised Statutes came into force, and it was upon the Revised Statutes, which designates the foreign officers of this Government and their salaries, that I made the suggestion; that is to say, that there is no law except the law of the current year, or rather an appropriation bill of a former year, providing for the consul-general at Madrid. Now that appropriation bill has ceased to be longer in force. It was an appropriation for the year 1884, and has ceased to be in force as a legislative provision, not being continuous in its character.

Mr. LONG. Mr. Chairman, if I understand the gentleman from Indiana, he claims that the office exists only by force of the appropriation for the current year. If that be the case, then the office expires with the appropriation for the current year. If that be the case, further, every consulship that is provided for in this bill is a new office created by the appropriation bill of this year, and the point of order lies against every such appropriation. That is the *reductio ad absurdum*.

Now, the fact is that this office had been provided for in former years by law. Two years ago there certainly must have been warrant of law for the establishment of a consul-generalship at Madrid. Last year there was a failure to appropriate. That failure to appropriate did not repeal the law any more than the appropriation this year would create it. In other words, a simple appropriation to pay the consul can neither create nor repeal the office; and therefore I can not see that this provision is obnoxious to the point of order, because it does not make a law at all. It simply provides a salary for the payment of an officer who has heretofore existed by virtue of law.

Mr. HEWITT, of New York. But it creates an office.

Mr. HOLMAN. If my friend from New York will permit me a moment, I desire to send to the Chair for his information in relation to what is the existing law on this subject the Revised Statutes, specifying where consul-generals shall be established to represent this Government.

Mr. BURNES. Referring back to the argument of the gentleman upon the Constitution, I desire to call his attention to the fact, and your attention, Mr. Chairman, to the fact, that the fathers of the Constitution were groping in great darkness from the adoption of the Constitution until 1856, because I undertake to say, after limited investigation, however, that you will not find any consulate or any legation was established from the time of the adoption of the Constitution until the year 1856.

So the Presidents, from Washington down to Mr. Buchanan, were constantly nominating, and the Senate confirming, and there was no law in existence defining or creating these offices. Now, why did they do that? I say that it was simply from their construction of this provision of the Constitution, which provides that the President shall appoint—

All other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

That has no reference to the class of officers named in the first subdivision of this provision of the Constitution. When you come to construe this provision of the Constitution you will find that this qualification has reference to other offices and not to those offices which were never established until 1856.

Mr. TOWNSHEND. I think my friend from Missouri is clearly right. The last clause of this provision of the Constitution relates only

to such offices not enumerated as may be established by law, and has no reference to those referred to in the preceding clause.

Mr. HAMMOND. Does the gentleman from Illinois mean that the President of the United States could nominate a judge of the Supreme Court before Congress had organized a supreme court?

Mr. TOWNSHEND. No, sir.

Mr. HAMMOND. That is in the same clause.

Mr. TOWNSHEND. I was about to give the explanation that this stands on a different footing. The appointment of a consul or embassador is the exercise of the treaty-making power of the President, and it stands upon a different footing from the appointment of any executive officer or judicial officer or any officer whose appointment is prescribed by law.

Mr. HAMMOND. Will the gentleman read the whole clause?

Mr. TOWNSHEND. I have read it. It has already been read to the House.

I make this point, in addition to the point made by my friend from Missouri [Mr. BURNES], that the power of the appointment of embassadors and other public ministers and consuls is the exercise of the treaty-making power of the President. Congress could not prevent the President from appointing a representative of the United States Government abroad if Congress failed to appropriate his salary.

Mr. HOLMAN. Does the gentleman from Illinois know of any treaty between the United States and Spain providing for a consul-general at Madrid?

Mr. TOWNSHEND. No, sir; but the Constitution of the United States has conferred upon the President full power to appoint such representatives of the United States Government abroad as in his judgment he may deem proper.

Mr. HOLMAN. By this provision?

Mr. TOWNSHEND. By this provision of the Constitution.

Mr. HOLMAN. By this provision of the law?

Mr. TOWNSHEND. He is empowered to appoint such representatives, be they embassadors or consuls-general or other agents of the Government, consular or diplomatic. I wish to throw in the suggestion that this stands on a different footing from the appointment of the other officers of the Government.

Mr. WASHBURN. It appears to me the logic of the gentleman from Massachusetts [Mr. LONG] is irresistible. There was a law in 1884 authorizing that appropriation, or the appropriation itself created the law. Certainly there was a law at that time. Now, that law has never since been repealed. The fact of failure to make an appropriation last year in compliance with the law certainly could not operate as in effect to repeal it.

Now, we have had for years and years an appropriation for a consul-general at Cairo. But the last Congress failed to make an appropriation. The gentleman did not make the point of order in that case, as he certainly should have done, because it would be a parallel case.

Mr. HOLMAN. What case?

Mr. WASHBURN. That of the consul-general of Cairo.

Mr. HOLMAN. I did not make the point of order on that.

Mr. WASHBURN. That was the same case as here. The law under which that appropriation has been made every year to pay the consul-general at Cairo certainly was not repealed because we failed to make the appropriation in accordance with law. And it seems to me this is a parallel case.

Mr. BURNES. I desire now, that the Chair may have time to investigate this point, to move that the committee rise.

Mr. BAYNE. Is the point of order pending?

The CHAIRMAN. It is.

Mr. BAYNE. The point of order will be considered in the committee?

The CHAIRMAN. Of course.

Mr. BAYNE. Is not this debate directed to the point of order.

The CHAIRMAN. Entirely so.

Mr. BAYNE. I want to say a word on the point of order.

Mr. BURNES. Can the gentleman not say it when the bill again comes up?

Mr. BAYNE. I do not see how you are going to limit debate on the point of order.

The CHAIRMAN. The Chair is ready to decide the point of order, but will submit the motion that the committee rise.

Mr. BURNES. I withdraw that motion.

Mr. BAYNE. The motion being withdrawn, I desire to say a word. I want to enter, here and now, a solemn protest, and an earnest one, against the assumption that the President may appoint any officer without the authority of Congress. I want to stand upon the declaration that this is a government of law, and that it is a government regulated by the will of the people, and that the will of the people must be reduced to law before the President can act with reference to a single appointment or a single duty pertaining to his office. As I read the law, and as I have reviewed hastily the acts of Congress on this subject, the appropriation for this office at Madrid is liable to the point of order. because there is no law now in existence creating that consulship.

Mr. WASHBURN. I desire to ask the gentleman from Pennsylvania how the appropriation was made in 1884 if there was no law?

Mr. BAYNE. You can make the appropriation now if nobody raises the point of order against it, or you can make it now if the Chair overrules the point of order and the Treasury will pay it. But I do not feel because the thing was done last year or the year before that it is right now.

The fact is, there is not now a solitary law on the statute-book authorizing the President to make this appointment. We have presented upon this appropriation bill new legislation creating this office of consul-general at Madrid. There is no way of escaping this conclusion.

It was assumed here a little while ago by some gentleman that the President, by virtue of his authority under the Constitution, has power to make these appointments. But, sir, the law has never been so regarded. The act of 1856 enumerates various places at which consuls are authorized; and a provision contained in the Supplement to the Revised Statutes enumerates specifically the places at which consuls-general, consuls, and commercial agents shall be appointed and what their salaries shall be. By the act of 1856 a discretionary power was vested in the President with reference to changing the grade of a consul to a consul-general, or a consul-general to a consul; a commercial agent to a consul, or a consul to a commercial agent. This discretion was vested in the President with reference to fixing the grade of these particular officers established by law. But we did not confer upon the President power to go further and say that he would create a new office by establishing a consulate at Madrid or some other point. Such an exercise of authority by the President was never authorized by law. I submit, therefore, that the provision embraced in this bill is liable to the point of order, and the point ought to be sustained by the Chair, because there is no law authorizing the office of a consul-general at the place designated.

Mr. HISCOCK. I desire to say a word on this point of order, because I regard it as very important I believe that when there is inserted in an appropriation bill an item providing for a salary to be paid to any officer the effect of that provision is to create that officer; and, on the other hand, the moment you refuse to make an appropriation for the office, it having been created only for the year, the refusal to make such an appropriation is tantamount to a repeal of the statute creating the office. The appropriation in the first instance having authorized the existence of the office for only one year, the office ceases to exist when that statute expires and Congress fails to make a new appropriation.

Now, this is not an unimportant question. I believe there has not been made by any chairman of any Committee of the Whole a ruling in favor of retaining in an appropriation bill legislation of this kind. Certainly, with some little experience in these matters, I do not remember a case in which upon an appropriation bill Congress has authorized the creation of an office where the point of order has been raised.

I have said that I regard this as a question of a good deal of importance. I believe that the extension of our consular and diplomatic service should be by general law. The party about to go out of power has been held to this rule; and I object to the establishment of any precedent by which the party about to come into power shall create offices in any other way. I only make this remark, Mr. Chairman, for the purpose of impressing upon your mind the importance of this question. If we can by new legislation upon an appropriation bill create this office of consul-general at Madrid, we can do the same thing all along the line—in reference, for instance, to officers in the Territories, &c. Such has not been the practice; and I believe this point of order is well taken.

Mr. HOLMAN. I will detain the committee but a moment further upon the point of order. Looking back through our legislation, a great many instances may be found in which we authorized ministers to foreign countries by a simple appropriation, notably in the cases of South America, Greece, and other countries to which we formerly accredited ministers. But because in former years we appropriated money for a minister, for instance to Greece or to any of the various South American States, could it be assumed now, after the lapse of years, that there is a subsisting law upon which an appropriation might be made? And if an appropriation can not be made under our present rules on the strength of such former legislation, even though the legislation were contained in an appropriation bill for the current year, can such an appropriation be made on the basis of a law which has already expired?

Mr. TOWNSHEND. Does not the gentleman recollect that several years ago Congress refused to make an appropriation to pay the salary of the minister to Greece?

Mr. HOLMAN. Yes, sir.

Mr. TOWNSHEND. Yet he was continued in office.

Mr. HOLMAN. But we did not abolish the office. The office was created by the very law now lying before the present occupant of the chair.

Mr. TOWNSHEND. I do not think that is the reason the minister was continued in office. He was continued simply because the President claimed the right to send a representative to that country, although no provision had been made for the payment of his salary.

Mr. HOLMAN. Oh, no. The law creating that office was not repealed until afterward.

The CHAIRMAN. This point of order is to be decided by refer-

ence to the Constitution of the United States, the Revised Statutes, and the rules of the House. It is provided, in a part of article 2 of the Constitution, that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, embassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law."

The Chair finds in the Revised Statutes no provision for the office now under discussion. Consequently, as the Chair believes, no provision is made by the general law of the land for this appropriation. The fact that Congress made an appropriation for this office in 1883 and did not do so in 1884 raises a presumption that it was only a temporary appointment. The only law to guide the Chair in the application of Rule XXI to the present case is the appropriation bill for the current year. If provision had been made for this office in the appropriation bill for the year ending June 30, 1885, the Chair would have been compelled to hold that the office was authorized under existing law. But clause 3 of Rule XXI provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

All right to object to such features having been reserved in the House, the Chair sustains the point of order.

Mr. BURNES. I move the committee rise.

The motion was agreed to.

The House accordingly rose; and the Speaker having resumed the chair, Mr. WILSON, of Iowa, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

JOHN DARDIS.

Mr. ROBINSON, of Ohio, by unanimous consent, introduced a bill (H. R. 7896) granting a pension to John Dardis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID HARRINGTON.

Mr. ROBINSON, of Ohio, by unanimous consent, also introduced a bill (H. R. 7897) for the relief of David Harrington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REBELLION RECORD.

Mr. DUNHAM, by unanimous consent, submitted the following resolution; which was agreed to:

Resolved, That the Secretary of War be, and is hereby, requested to inform this House of the number of copies of Annals of the War remaining undistributed at this date, and whether said copies are required for the future use of the War Department.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. HEWITT, of New York, by unanimous consent, submitted a report from the Committee on Ways and Means in favor of House bill 7586, to amend section 5 of an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and ordered to be printed.

MAIL FINES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting report of the fines imposed on mail contractors for the fiscal year ending June 30, 1884; which was referred to the Committee on the Post-Office and Post-Roads.

COASTER'S HARBOR ISLAND, RHODE ISLAND.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, submitting estimates from the Secretary of the Navy for the erection of house on Coaster's Harbor Island, Rhode Island, for the fiscal year ending June 30, 1886, $2,500; and also for hire of quarters for Marine Corps for the current fiscal year, $4,500; which was referred to the Committee on Appropriations, and ordered to be printed.

RED RIVER.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting report from the Chief of Engineers of the preliminary survey and examination of Red River above Fulton, and of Little Red River and of Petit Jean River, Arkansas; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. FINDLAY, for this day, on account of sickness.

To Mr. ROBINSON, of Ohio, on account of private business, until Friday next.

To Mr. BRAINERD, for one week, on account of important business.

To Mr. FYAN, indefinitely, on account of sickness.

And then, on motion of Mr. RANDALL (at 4 o'clock and 44 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALEXANDER: Petition of First National Bank of Milan, Mo., in favor of the McPherson national-bank bill—to the Committee on Banking and Currency.

By Mr. BLANCHARD: Petition of mayor, town council, and citizens of Baton Rouge, La., for building of shell road from Mississippi River, at that town, to national cemetery, near the town—to the Committee on Military Affairs.

By Mr. BREITUNG: Petitions of citizens of Milwaukee, Wis., and Chicago, Ill., asking an appropriation for the harbor of Grand Marais, Mich.—to the Committee on Rivers and Harbors.

Also, petition for light-house on Pipe Island, Saint Mary's River—to the Committee on Appropriations.

By Mr. CHACE: Petition of W. G. Sampson and others, relating to promotions in the Navy—to the Committee on Naval Affairs.

By Mr. FORAN: Petition and memorial of leading manufacturers and merchants of Cleveland, Ohio, protesting against the ratification of the Spanish treaty—to the Committee on Foreign Affairs.

By Mr. W. H. HATCH: Petition of Elizabeth A. Vars and others, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. HART: Petition of Richard G. Lewis and 29 others, asking for change in patent laws so as to prevent unjust and oppressive charges—to the Committee on Patents.

By Mr. D. B. HENDERSON: Petition of Esther H. Schenk and others, of Cedar Falls, Iowa, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. LIBBEY: Petition of the board of pilot commissioners and others, citizens of Norfolk, Va., asking an appropriation for the improvement of Norfolk Harbor—to the Committee on Rivers and Harbors.

By Mr. MORSE: Memorial of A. A. Rand and Albert Ordway, relative to a collection of photographic negatives illustrating the war of the rebellion—to the Committee on Appropriations.

By Mr. NUTTING: Petition of M. L. Wright and others, of Oswego County, New York, asking increase of widows' pensions—to the Committee on Pensions.

By Mr. J. J. O'NEILL: Petition of Trades and Labor Assembly of Saint Louis, in favor of bill prohibiting importation of contract labor and protesting against Spanish reciprocity treaty—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of Col. Percy Daniel and others, citizens of Crawford County, Kansas, asking for an appropriation of 20 cents per capita of population and $20 per square mile of territory contained in the organized counties of the United States, to be expended toward the establishment and construction of a system of highways to be called national roads—to the Committee on Appropriations.

By Mr. PETTIBONE: Petition of William S. Pangle, late of the Eighth Tennessee Cavalry Volunteers—to the Committee on Invalid Pensions.

Also, petition of S. H. Walker and 102 others, citizens of East Tennessee, asking the aid of Congress to improve the navigation of Clinch River—to the Committee on Rivers and Harbors.

By Mr. POLAND: Petition of Mrs. Clara Skinner, of Chelsea, Vt., for increase of widows' pensions—to the Committee on Invalid Pensions.

Also, petition of Mrs. Margaret Wright, of Ryegate, Vt., for increase of widows' pensions, and also of dependent relatives—to the same committee.

By Mr. RICE: Memorial of Supervisor Peter Hawkins, of Saint Croix County, Wisconsin, on the tariff question—to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Samuel W. Randall, asking a pension for disability incurred in service—to the Committee on Invalid Pensions.

By Mr. RIGGS: Petition of Alice A. Hughes and others, of Burton, Ill., asking increase of widows' pensions—to the Committee on Pensions.

By Mr. J. S. ROBINSON: Claim of Robert C. Kirk, for loss of goods occasioned by the Alabama—to the Committee on War Claims.

By Mr. J. H. ROGERS: Papers relating to the claim of Pryor N. Lea, of Arkansas—to the same committee.

By Mr. SENEY: Memorial of H. H. Boody and others, asking national aid to common schools—to the Committee on Education.

By Mr. VANCE: Papers relating to the claim of Eugene Tercuit, of Pointe Coupée Parish, Louisiana—to the Committee on War Claims.

By Mr. J. D. WHITE: Petition for the relief of M. V. B. Sutton, postmaster of Williamsburg, Ky.—to Committee on the Post-Office and Post-Roads.

By Mr. WORTHINGTON: Petition of James Cowper and 45 others, citizens of Abingdon, Ill., for increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. FUNSTON: Of citizens of Fort Scott, Kans.

By Mr. FYAN: Of J. S. Moody and others, of Polk County, Missouri.

By Mr. KLEINER: Of soldiers and citizens of Pike County, Indiana.

By Mr. McCOID: Of T. P. Reynolds and 44 others, soldiers at Wellman; of 115 at Brighton; of Alex. Fix and 82 others, at Cantril; of 108 at Letts; and of 183 at Montrose, Iowa.

By Mr. MORGAN: Of 92 citizens of Golden City; of 20 citizens of Dublin; of Thomas Waldron and 104 others, of Cass County; of 125 of Papinsville; and of 35 of Bates County, Missouri.

By Mr. MURPHY: Of Frank M. Slade and others, of Miles, Jackson County, Iowa.

By Mr. PATTON: Of citizens of Templeton, of North Buffalo, of Black Lick, of Reynoldsville, and of Saltsburg, Pa.

By Mr. RAY: Of E. G. Jackman and 35 others, of Lisbon, N. H., and of Phidelia M. Coffin and 17 others.

By Mr. REED: Of 126 citizens of Oxford County, of 76 of Lewiston, of 59 of Monroe, and of 64 of Hancock, Me.

By Mr. SHIVELY: Of D. P. Stevens and 58 others, citizens of Marshall County, Indiana.

By Mr. STEVENS: Of citizens of Niagara County, New York.

By Mr. YAPLE: Of C. H. Beardslee and 64 others, citizens of Gobles, Mich.

SENATE.

MONDAY, *January* 12, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

WILLIAM MAHONE, a Senator from the State of Virginia, appeared in his seat to-day.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting a chart, to accompany a previous communication from his Department of the 8th instant, relative to the use of coal in the Navy; which was ordered to be printed, and, with the accompanying chart, referred to the Committee on Naval Affairs.

HOUSE BILL REFERRED.

The bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts, was read twice by its title, and referred to the Committee on Claims.

VISITORS TO WEST POINT.

The PRESIDENT *pro tempore*. Pursuant to the thirteen hundred and twenty-seventh section of the Revised Statutes of the United States, the President *pro tempore* of the Senate announces the appointment of the Senator from Connecticut [Mr. HAWLEY] and the Senator from Kentucky [Mr. BECK] to be Visitors at the next annual examination of the Military Academy at West Point, New York.

PETITIONS AND MEMORIALS.

Mr. MILLER, of California, presented a petition of citizens of Stockton, San Joaquin County, California, praying that House bill No. 100, in relation to railroad land patents, may be amended before its passage by the Senate; which was referred to the Committee on Public Lands.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SAWYER presented a memorial of the cigar-makers' union of Chippewa Falls, Wis., and a memorial of the iron manufacturers of Northern Wisconsin and the Upper Peninsula of Michigan, remonstrating against the ratification of the Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. McMILLAN. I present a petition signed by a large number of wholesale merchants and business men of Saint Paul, Minn., in favor of early action upon the bankruptcy bill. As that bill has already passed the Senate and is awaiting the action of the House of Representatives, I move that the petition lie upon the table.

The motion was agreed to.

Mr. ALDRICH presented a petition of residents of Woonsocket, R. I., praying for an increase of the monthly rate of widows' pensions to $12; which was referred to the Committee on Pensions.

He also presented a petition of naval officers attached to the torpedo station at Newport, R. I., praying for legislation in regard to promotion in the Navy; which was referred to the Committee on Naval Affairs.

Mr. LAPHAM presented a memorial of tea-dealers and cigar manufacturers of Onondaga County, New York; a memorial of Cigar-makers' Union No. 159, of Dunkirk, N. Y., and a memorial of Cigar-makers' Union No. 142, of Lockport, N. Y., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Canandaigua, N. Y., praying for an increase of the pensions granted to widows and dependent relatives of persons formerly in the military service of the United States; which was ordered to lie on the table.

He also presented a petition of letter-carriers of Philadelphia, Pa., praying compensation for additional hours' work in excess of a legal day's labor; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Margaret F. Rawdon, widow of the late Freeman Rawdon, of Little Falls, Herkimer County, New York, in reference to the distribution of the moneys embraced in the Geneva award; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented a memorial of 262 citizens of Michigan, representing iron-ore producing and transporting interests, remonstrating against certain provisions of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. WILSON. I have received a memorial of William Mowthorpe, chairman of the board of supervisors of Osceola County, Iowa, and of several other members of that board of county officers and other citizens of the county, remonstrating against the enactment of any legislation by Congress tending to disturb the title to land within the limits of the grant of land to the Sioux City and Saint Paul Railroad Company, but not objecting to a resumption of the unearned lands of said grant. The memorial is addressed to the Senators from Iowa, but is evidently intended for the consideration of the Senate. I ask that it may be received and referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Public Lands.

Mr. FRYE presented a petition of Walter F. Marston and others, citizens of Hallowell, Me.; a petition of Randlett & Co. and others of Richmond, Me.; a petition of F. C. Curtis and others, citizens of Bath, Me.; a petition of E. D. Haley & Co. and others of Gardner, Me., and a petition of W. S. Badger and others of Augusta, Me., praying for an appropriation for the improvement of the Kennebec River; which were referred to the Committee on Commerce.

He also presented the petition of Nutter, Kimball & Co., of Portland, Me., praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN. I am requested to present a petition, signed by about 300 citizens of Ohio engaged in the leaf-tobacco trade and manufacturers of cigars, remonstrating against the ratification of the proposed Spanish reciprocity treaty. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CULLOM presented a memorial of the Illinois State Horticultural Society, urging the passage of the bill (H. R. 7498) to establish agricultural experimental stations in connection with the agricultural colleges established in the several States; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR. I present the petition of Belva A. Lockwood, late nominee of the Equal Rights party for President, asking that the ballots cast for her in the several States shall be counted, and that the electoral vote of the State of Indiana be adjudged to her. I am a little uncertain as to the proper committee to which the petition should be sent. I do not know but it would be proper to send it to the presiding officer of the Senate as a special committee, by reason of his constitutional relation to that question and his eminent fitness to deal with it; but, on the whole, I will move that it be referred to the Committee on Woman Suffrage.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented a petition of the board of supervisors of Saint Croix County, Wisconsin, praying that Congress may enact a law providing that railroads engaged in the transportation of commodities from one State to another shall not charge more for shorter distances than the same company charges for a longer distance; which was ordered to lie on the table.

He also presented a memorial of the Cigar-makers' Union of Eau Claire, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. PENDLETON presented a memorial of the Cigar-workers' Mutual Protective Union of Cincinnati; a memorial of the Cigar-packers' Union of Cincinnati, and a memorial of the Seed Leaf Tobacco Board of Trade of Cincinnati, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE.

A message from the House, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 691) for the relief of William W. Thomas;

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1266) for the relief of Alexander D. Schenck;

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;

A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;

A bill (H. R. 2268) for the relief of John F. Severance;

A bill (H. R. 4380) for the relief of A. H. Herr;

A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;

A bill (H. R. 4681) for the relief of Yost Harbaugh;

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;

A bill (H. R. 435) granting a pension to Samuel W. Tracey;

A bill (H. R. 1924) granting a pension to Thomas Simpson;

A bill (H. R. 2377) granting a pension to James Stockton;

A bill (H. R. 2538) granting a pension to Christiana Almier;

A bill (H. R. 3355) for the relief of Mary Mulholland;

A bill (H. R. 3751) granting a pension to Francis Curran;

A bill (H. R. 4021) granting a pension to Abraham Cover;

A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;

A bill (H. R. 6196) granting a pension to R. D. Lawrence;

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;

A bill (H. R. 6596) granting a pension to John Hazlewood;

A bill (H. R. 6692) granting a pension to David Whittington;

A bill (H. R. 6726) granting a pension to Margaret A. Maguire;

A bill (H. R. 6904) for the relief of John F. Chase;

A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;

A bill (H. R. 7047) granting a pension to Patrick Murphy;

A bill (H. R. 7141) granting a pension to Daniel W. Adams;

A bill (H. R. 7315) granting a pension to Frederick P. Dearth;

A bill (H. R. 7503) for the relief of Daniel McAlpin; and

A bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the House had passed the bill (S. 12) for the relief of Elizabeth Carson, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased; and it was thereupon signed by the President *pro tempore*.

REPORTS OF COMMITTEES.

Mr. VAN WYCK. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 5479) to prevent unlawful occupancy of the public lands, to report it with sundry amendments. I will state that at a very early opportunity I shall ask the indulgence of the Senate to have the bill considered. The principal amendment reported by the committee is the re-establishment of the vitality of the law of 1870, authorizing the President of the United States to use the civil and military forces, if necessary, to remove illegal obstructions upon the public domain.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 2482) to amend sections 1 and 2 of an act of Congress entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," approved June 3, 1878, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 100) for the relief of certain preemption and homestead settlers in California, to report it adversely.

Mr. MILLER, of California. Let the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the Committee.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 847) for the relief of Francis B. Van Hoesen, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2487) to establish an additional land district in Dakota, reported it with an amendment.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 2522) to provide for the purchase of the two canals known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-Canal Railway and Iron Company Canal, being the water communication across Keweenaw Point, Lake Superior, from Keweenaw Bay to Lake Superior by way of Portage River and Lake, in the State of Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 2523) to increase pensions of widows, minor children, and dependent parents from eight to twelve dollars per month, and providing that muster into service shall be *prima facie* evidence of soundness at enlistment; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2524) granting a pension to Harriet A. B. Corts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2525) for the relief of Ann Annis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON introduced a bill (S. 2526) to increase the pension of widows and minor children; which was read twice by its title.

Mr. WILSON. I wish to state, in moving the reference of the bill to the Committee on Pensions, that it embraces but one of the subjects of the bill introduced by the Senator from Pennsylvania [Mr. MITCHELL]. I have therefore thought it proper to introduce a separate bill. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ALDRICH introduced a bill (S. 2527) granting a pension to Robert Sheridan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2528) for the relief of James McKinley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK introduced bill (S. 2529) for the relief of J. M. Lobban; which was read twice by its title, and referred to the Committee on Finance.

Mr. HARRIS introduced a joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies; which was read twice by its title, and referred to the Committee on Military Affairs.

COUNTING OF THE ELECTORAL VOTE.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Privileges and Elections, and ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives the 11th of February, 1885, at 12 o'clock noon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

PUBLIC POLICY OF CONFEDERATE STATES EXECUTIVE DEPARTMENT.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution submitted by the Senator from Connecticut [Mr. HAWLEY] on the 8th of January, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if in his opinion it be not incompatible with the public interest, to communicate to the Senate a historical statement concerning the public policy of the executive department of the Confederate States during the late war of the rebellion, reported to have been lately filed in the War Department by General William T. Sherman.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. HARRIS. I desire to ask the Senator from Connecticut if he thinks there is anything contained in the paper to which his resolution refers requiring or rendering necessary any action upon the part of the Senate; and if he does not, I desire to inquire of him why the Senate should ask to have the paper communicated to it.

I called at the War Department on Saturday and examined the paper. It is a somewhat voluminous argument upon the part of General Sherman of his side of a personal issue made a short time since through the newspapers between himself and Mr. Jefferson Davis, the argument being based upon various records and documents, most of which have already gone into history—all of them, with perhaps the exception of one or two, and those documents are contained in the paper referred to and now a public record in the War Department, to which the Bureau of War Records has full access, and from which paper that bureau can draw the documents referred to if there be such as have not already gone into history.

I have no objection to the broadest publication of every fact that the paper contains; but, unless the Senator thinks the paper contains some

matter demanding the action of the Senate, I ask him why the Senate should ask to have a copy of the document sent here and assume the simple form of an executive document to be pigeon-holed and slumber here forever? If there is in the opinion of the Senator any action that the Senate ought to take in respect to that paper, then I shall interpose not the slightest objection to the adoption of his resolution and the transmittal of the paper to the Senate.

Mr. HAWLEY. When I first heard that such a paper had been filed by General Sherman I was told there was some new historical statement or document contained therein. I also on Saturday went to the War Department and looked the paper over. There is a very important and a very interesting paper in that communication which has never been before the public, and which, undoubtedly, will be exceedingly interesting to every man who cares anything about the history of the late war. It was on the supposition that there were such statements and papers in it that I submitted the resolution. I find there is at least one such document, whether there is anything more or not. I presume there are facts and allegations there that are new beside those in the document to which I refer, but there is one official document that is entirely new.

When I offered the resolution I desired to have this document in some authentic shape. I thought probably the whole matter would get into the newspapers some time or other, but very likely, being a long document, only in the way of extracts and mutilations, taking out that which the correspondent of the newspaper might think more interesting reading than any other portion; wherefore, I desired to have the entire document in an authentic shape from the Government Printing Office as a very important part of the history of the country. I still think it is worth while to do that, not for the sake of reviving any controversy or anything of that sort or taking any part in any personal quarrel, but because of its historical importance.

The Senator from Tennessee says very truly that the document is now in the archives of the War Department and will eventually come under the consideration of the officer who is preparing the Rebellion Records. That is true, but the paper I refer to pertains to the very closing year and months of the war, and will not come out in the Rebellion Records under two or three or four years; and as it is not a formidable pamphlet to print, I presume making twenty-five or thirty pages of the size of the ordinary miscellaneous document, I hope the Senator will make no objection to our printing it.

Mr. HARRIS. I shall not be understood as objecting to the printing if the Senator desires that it shall be printed in the form of an executive document. I think it is a somewhat unsafe if not a dangerous precedent. The United States Senate is in no sense a bureau for the collection or perpetuation of historical facts or a bureau for the purpose of printing history. We have a bureau organized for that purpose. The paper referred to is now on file under the very fingers of that bureau, and perhaps it is, or ought to be, on file in its pigeon-holes.

Now, exactly why we should ask for the sending to the Senate of every paper that we may regard as of historic interest in order that it may be printed as an executive document and encumber the files of the Senate, if it be upon a subject that no Senator will say demands the action of the Senate, I doubt very much the policy; and if it were not for considerations that I do not care to open or to even refer to here, I should very earnestly protest against the making of such a precedent where no higher object is even suggested by the Senator asking that the paper be brought here than the one he does suggest, simply in order that we may print it in the form of an executive document when it is already a public record in the archives of the Government and in the hands of the historical bureau, and will go into history in its proper place and through the proper channel. I doubt very much the propriety, but I shall interpose no objection if the Senator insists upon the adoption of his resolution.

Mr. VEST. I very much regret the introduction of this resolution, not that as an ex-confederate I have the slightest objection to the largest amount of publicity to the political history of the late Confederate States, but I regret it for the reason that it places the Senate of the United States in the attitude of becoming indirectly at least a party to a personal controversy in the public papers of the country. The Senate of the United States has over and over again refused to make investigation even when a member of this body rose and called attention to libels upon him in the public press; but the rule of the Senate has been, and I presume it will be adhered to in the future, to remand any Senator who has complaint of this sort to the remedies furnished by the laws of the country and by an appeal to public opinion through the same medium of communication by which the libel was inflicted.

My feeling toward General Sherman is personally of the kindest description. He is my constituent and I believe my personal friend; I have every reason to think so; but it is simple justice (and justice to a man of whom there may be great diversity of opinion, but who is still entitled to a fair and honest trial before this or any other tribunal) to say that the passage of this resolution commits the Senate of the United States, indirectly at least, to the side of this personal controversy, which belongs to General Sherman and his friends.

Without going into the history of this matter, I state what is known to the whole country, that in October last, at a meeting of Frank P. Blair Post, No. 1, of the Grand Army of the Republic, in the city of Saint Louis, General Sherman stated that the late war, or the last war, originated in a systematic conspiracy, and that he had seen a letter, he is reported to have said, from Mr. Davis to a gentleman once the governor of a confederate State and now a member of this body, which stated that Jefferson Davis as president of the late confederacy had threatened to coerce any one of the Southern States which attempted to secede from the confederacy, thereby giving the lie to his expression of belief in State rights, and falsifying the very issue upon which the Southern States had gone into the war.

This statement was published and wide-spread through the newspapers of the country. Mr. Davis responded by stating that no such letter had ever existed, and that he challenged its production, and in the absence of that letter he pronounced it a deliberate slander. The issue was made up, and General Sherman publicly avowed to all persons who approached him that he proposed to make his answer to Mr. Davis through the War Department at Washington. That answer has been made. It has been made in the shape of a letter not to a member of this body and late the governor of a confederate State, but a letter from Alexander H. Stephens, vice-president of the confederacy, to Herschel V. Johnson, in which he expressed his distrust and suspicion of Mr. Davis and his ultimate designs in the war. Another one of these documents to which I presume the Senator from Connecticut refers is a message sent by Jefferson Davis to the confederate congress, or to the confederate senate in secret session, in which he recommended the suspension of the writ of habeas corpus. Both these documents have been published in the public press; they are found in the New York papers of yesterday, and the letter of Mr. Stephens to Mr. Johnson is also found in the Washington city papers of to-day.

Is it fair, is it right, is it manly now, when Mr. Davis can not be heard upon this floor unless it be through the mouth of some one who chooses to espouse and advocate his side of this controversy—is it right now to use the Government of the United States and its instrumentalities in a personal controversy, no matter what may be its merits, no matter what may be the position of the parties to it?

Sir, there can come no good from this investigation. Its only result will be—I charge it not as the object—to arouse the bitter memories of the war. It will add nothing to the political history of the Confederate States. Jefferson Davis to-day is an old man, broken in fortune and in health, and living among the people who honor and love him. If the resolution be passed it will necessitate, upon my part at least, the public avowal (I was a member of the Confederate States senate) that I opposed with all my force measures which were advocated by Mr. Davis and which I thought were not for the public welfare of the confederacy, and it will necessitate the avowal also that I believe, as an overwhelming majority of the Southern people who risked and lost all in that terrible struggle to-day believe and will always believe, that Jefferson Davis was as true and loyal to the cause which he espoused as ever was wife to husband, as ever was religious votary to the God he worshiped. He made mistakes unquestionably, and who would not? Met and surrounded by unparalleled difficulties and dangers, arrayed against him the highest talent of the Confederate States in the persons of political leaders, who would not have been mistaken in the terrible ordeal through which he passed? But I should hold myself to be recreant and dastard, false to the memories of the past, all that is left to us, false to my hopes in the future as an honorable man, if I did not state here and now that General Sherman is mistaken in the assertion that the people of the Confederate States did not sympathize with their leader in that terrible conflict. I say nothing of its merits, I say nothing of its history, I simply make an avowal here in behalf of an absent man, who has suffered much, whatever may be thought of his past history, and who is entitled to this avowal from one who shares with him to-day the responsibility of that struggle and its results.

Sir, this investigation can do no good, it adds nothing to history. There are before us to-day great issues pressing upon us in the short time left of the life of this Congress; and in the language of a distinguished lecturer, a resident of this city, we have no more use for these personal opinions of General Sherman, for these documents which are already on file in the archives of the Government, than a shroud has for a pocket.

Mr. GEORGE. Mr. President, I was absent when this resolution was called up, and my object in rising now is not to asperse any individual, and certainly not General Sherman. I shall have accomplished my object when I say that this is purely a private and personal controversy between private citizens of this country, and I can see no occasion for the intervention of the Senate in the way this resolution proposes.

As I understand the controversy, General Sherman has made certain charges against Mr. Davis, made them not in an official communication, made them in a speech to his comrades. Mr. Davis replied, denying the charge. General Sherman has filed, as I understand—and I speak from the press—in the War Department what he conceives to be the proof of his charge. I do not see what the Senate has to do with this question. It is a matter that must be decided by the public whether or not General Sherman is right; but I do not think that this Senate in this private and person quarrel ought to lend its influence or

its aid to the one side or the other. It is for these reasons, sir, that I oppose the passage of the resolution.

Mr. CONGER. Mr. President, I do not quite understand that this is a contest between two private citizens of this country. I do not quite understand by what authority Mr. Davis is called a citizen of the United States. I think there is something for Mr. Davis to do and for Congress to do before Mr. Davis can be brought by his friends or anybody else into equality of relation of citizenship with General Sherman; he has some application to make to Congress, he has some action by Congress to get before he can be restored to the position in which the Senator from Mississippi has placed him as a citizen of the United States entitled to the protection of our laws or the rights of citizenship.

Mr. GEORGE. Mr. President, I presume it is unnecessary for me to answer the legal position taken by the Senator from Michigan. Although Mr. Davis may suffer or lie under the disabilities imposed by the fourteenth amendment, he is still a citizen, subject to the laws of the United States. I have not heard before that the fourteenth amendment had the effect, or was designed to have the effect, to destroy the citizenship of any person who came within its purview. But however that may be, the suggestions that I made would be just as potential whether the Senator from Michigan regards Mr. Davis as a citizen or not. It is certainly a quarrel between private persons, private individuals, and I can not see that there is any propriety in the Senate taking official action upon one side or the other.

If it be asserted that the documents which General Sherman has filed in the War Department ought to be known by the public, then I answer that they are already known. I saw them all published this morning in one of the papers of this city. I do not see how their being published through the agency of the Senate can give them more force or more effect than they now already have.

Allow me, Mr. President, to say again I will express no opinion here on the merits of this controversy. I have an opinion and a very decided one, but I do not believe that it accords with my duty to my constituents, to the State which I have the honor in part to represent on this floor, or to the good of this whole country, that I should express that opinion. But whatever opinion I may entertain, whatever opinion the Senator from Michigan may entertain, can not be enforced or strengthened by the action of the Senate. That controversy between these two eminent men must go down to history and must be settled as all other questions are settled, according to the truth and the merits of the case; and allow me to say, sir, that with that judgment I shall be perfectly satisfied. I have no fear that anything in that judgment will be adverse to the honor or patriotism of Jefferson Davis.

Mr. HAWLEY. I have spoken once. Can I speak again?

The PRESIDENT *pro tempore*. This resolution is not under the eighth rule

Mr. HAWLEY. I do not assent to the proposition that the proposed action of the Senate is an interference in a mere private quarrel or taking sides in a mere private quarrel. I do not know, nor for my present purpose do I care, how much of personal animosity there may be between Mr. Davis and the distinguished general. It has nothing to do with what I am after now. I desire to get in official form laid before the country a very interesting statement from a great general in the war, now on the retired-list, who has lately been the head of the Army, which statement contains in it information, and arguments if you choose, that I consider important to a proper understanding of all the great questions that have lately divided the country. Personally I do not care about the expression committing me to the side of General Sherman, for I am on that side with the greatest pleasure, with all my powers of mind and body. I believe him right in the personal and in the political and in the military side of that controversy; and now I am seeking to add authentically to the historic knowledge of the country. I do not care to go into the details of the communication, though since I offered the resolution I have read it.

Mr. HARRIS. Will the Senator allow me to put a question?

Mr. HAWLEY. Yes.

Mr. HARRIS. I simply desire to ask if the Senator thinks from what he knows of the paper under discussion that there is any action the Senate can take if the paper comes here except to print it as an executive document?

Mr. HAWLEY. I do not know what the other Senators might say about that, nor do I know that it is an essential question. We have not been in the habit always of weighing the value of a request for communications from the Executive Departments by the consideration whether we were going to take any action upon them or not. We desire the information. In a certain and broad sense you may say this historical statement might have to do with the action of the Senate. I do not think it would, but I do not think that is essential. We have a right to any information concerning the war or any thing that has happened since that we may think of value to us as legislators or to the public.

Mr. HARRIS. Unquestionably. There is no question about that, nor would any one, I imagine, desire to suppress a single fact or a single paper referred to in the communication submitted by General Sherman; but my point is, that it is already in the archives of the Government. It is already as authentic as it can be made; it is already public not only in the newspapers, but filed in one of the Executive Departments and within the hand of the War Records Office for whatever use history may demand or it may be proper that it should be appropriated to. If the Senate proposes to take no action except to print it, the printing by the Senate will give no additional authenticity or additional publicity to the paper referred to. It seems to me the action proposed is wholly unnecessary.

Mr. HAWLEY. I think it would add an additional authenticity, it certainly would an additional publicity. In that paper is a statement which establishes beyond all question to my mind the fact that there was a deliberate conspiracy in this city of Washington as early as the beginning of 1861 by which certain Senators decided upon a confederate government, upon the location of its headquarters at Montgomery, and appointed a committee of Messrs. Davis and Slidell to attend to this, the agreement being made that other Senators should remain here to prevent any legislation that might interfere with the success of the secession.

This is not a matter of personal quarrel between Mr. Davis and General Sherman, any further than it is true that many millions of us had a personal quarrel for four years, a personal quarrel of the most terrible character; and everything that pertains to that war and that may hurt the feelings of one man or another on this side or the other is not to be called a personal matter because his feelings were engaged in it.

Mr. DAWES. I should like to make an inquiry of the Senator from Connecticut. How will this paper be published among the war records? This is a recent paper in the Department, and it can not be covered by the authority under which those records are published. If published at all, it must be published by some order such as the one the Senator has submitted.

Mr. HAWLEY. I think that is true of the paper as a whole, although there is one document in it, a message from Mr. Davis to the confederate congress, that might come within the records to be compiled.

Mr. DAWES. All the rest is outside of the functions of that publication.

Mr. HAWLEY. I think the Senator is correct in that.

Mr. VEST. I only wish to supplement what I said before by a single remark. General Sherman states in this paper that it is a contribution to the war records; that he desires it should go down to history as a portion of the political history of the confederacy. I wish to call the attention especially of the Senator from Connecticut to this single fact, which it seems to me determines the nature of this paper and whether it is a portion of a personal controversy or not: When Mr. Davis distinctly and emphatically denied that he had ever written any such letter as General Sherman stated he had seen and read and challenged its production, General Sherman stated that he would make his reply to Mr. Davis through the War Department at Washington. This is then a reply to the letter of Mr. Davis, and, as a matter of course, is part and parcel of the personal controversy between them

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HAWLEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, as the yeas and nays have been called for on this resolution by the Senator from Connecticut, I think that it would be well that I should state my reasons for opposing it.

The Senator from Missouri has already informed the Senate, as they have been informed through the public prints, that this is a controversy between two gentlemen, both of whom were formerly members of this Government, holding distinguished positions, one Secretary of War and the other holding the position of General of the Army. A controversy unfortunately arose between them, possibly by some misrepresentation in its outset, as to the conduct of one of these gentlemen in the management of the affairs of a government which has passed out of existence and has no longer any recognition whatever except in history.

A controversy arose between them which found its way into the newspapers, an acrimonious controversy, one that was unpleasant in every respect, not agreeable I dare say to the general sentiment of the people of the United States, having no beneficial effect upon the future prosperity of this country, out of which there is no prospect of any advancement of the public good. It was the disposition, I think, of the press and the people of the United States to allow these gentlemen to have this matter out between themselves, without their becoming very much involved in it. It was stated, however, that one of these gentlemen, because of his merely nominal attachment at present to the Army of the United States, would take occasion to make a report, somewhat historical in its nature I suppose, to the Department of War, and that he would ask that that report should be taken as his defense against what Mr. Davis had had to say about General Sherman.

General Sherman assumes that because he has a nominal connection with the Army of the United States he has access to the War Department for the purpose of conducting his private quarrels. There is nothing public in this quarrel except its publicity and the fact that it relates to some matters that were once public, once matters of public concern, but are no longer so. Take out of it these elements, and it is particularly a private quarrel between two private gentlemen.

Now, sir, what shall we do after this paper has been ordered by the

Senate of the United States and printed and made an executive document? Shall we deny to Jefferson Davis, in the name of common humanity, the right to make his statement and send it to the War Department and have it sent to the Senate of the United States in the same form? For while it may be true that one of these citizens is under a disability in respect of his civil rights and powers, it is not true that he is any less a man than General Sherman because of that. While it may be true that he is under the reprobation of a very large portion of the people of the United States because of his connection with the rebellion, it is none the less true that he is yet beloved by millions in the United States. While it may be that he was actively concerned against the Government of the United States in open warfare, and as the president of the confederacy during the time of the rebellion and the terrible struggles that were made between that and the Government of the United States, it is not true that he was any more particularly the enemy of the United States than I was or than many Senators on this floor to-day were.

We are here representing sovereign States; we are here by the consent of the Constitution of this country; we are here by the action of State Legislatures; we are here by the votes of this body seating us as Senators; we are here exercising powers equal to those exercised by any men on this floor; and we are here to stay. Now, sir, how could we be called upon to vote that Jefferson Davis should have no chance to reply through the War Department to this accusation of General Sherman through the War Department? What connection has General Sherman with the Army of the United States to-day that authorizes him to make reports to that Department to become reports of an official character? He is a retired Army officer. Captain Armes in this city has just as much right to make his reports and report his private correspondence and quarrels with officers, if he ever had any, to the War Department, and have them brought before the Senate as papers of an official character or papers that may find their way into the rebellion records, as General Sherman has.

It is true General Sherman was a much greater man than Captain Armes, held very much more important and influential positions; but they are both retired officers of the Army of the United States, and the Senate of the United States would stultify itself to make a distinction between those two men. But you would do it in a moment if Captain Armes should undertake to thrust into the War Department some quarrel which he may have had with some officers of the United States Army, or with Belknap, in whose impeachment he was very efficient, and for which reason Captain Armes was no longer in favor. If he were to push his statement of his interference with that matter and of Belknap's conspiracy with other people, Senators if you please, in respect to the abuse of the powers of the office he held then as the director of the War Department of the United States, you would refuse to receive it, and you would do it simply because Armes was not an important man. That would be all.

Now, sir, are we required to take this ground? Are we so much men-worshipers and are we so much men-haters, too, as that we should receive from General Sherman because of his great eminence and ability as a soldier his statement of what occurred in a government that we have had no connection with as a government here except to fight it, and then we can turn around and refuse to receive the defense or plea of the man thus assailed through the Senate or by the Senate of the United States, whichever you choose to have it? When you have received this communication and put it among your executive documents you have given to it the stamp of your approval, and you will cut off Jefferson Davis from any right to make a defense against it. That will be the attitude.

Now, Mr. President, do not let us get into that condition. This is an unfortunate movement. There seems to be some disposition even to make it a party movement. Why, sir, the Democratic party of the United States can not be involved in this; but if the Democratic party of the United States are compelled to take ground about it, they will certainly take the ground that you shall treat all men alike, and that when the Senate of the United States, this august body, undertakes to call for information which may have the effect to wound the character or the reputation of any man in the United States he shall have an equal right to reply. We will not confer upon him the right to reply; we will shut our doors against this. It will be said that he is not a citizen of the United States, and he is not entitled to be heard by the Senate of the United States in any respect; that he is fit for nothing on earth but to be abused. We will indorse the statement made by General Sherman by putting it among our files, and we will close our doors to a reply from Jefferson Davis.

Mr. INGALLS. Mr. President, whenever any question arises in which Jefferson Davis is involved the Democratic party can always be found on the side of Jefferson Davis. I have heard the Senator from Alabama repeatedly air the same sentiments he has expressed to-day.

Mr. MORGAN. If the Senator will pardon me a moment, I should like him to present one occasion in which I have ever alluded to him. Now as a matter of history I wish to know it.

Mr. INGALLS. The Senator from Alabama says he would like specifically to have some reference made to the time when he as a member of the Democratic party has indorsed Jefferson Davis. There never has been an occasion in debate in this body, and the occasions have been frequent since I have been a member of it, when the Senator from Alabama and his associates have not always taken sides with Jefferson Davis, always indorsed him, always approved his course, and, as they have done to-day, risen in their places and declared that there was nothing in his record that would convince posterity that he was not a man of honor and a patriot; yes, a man of honor and a patriot! And the Senator from Alabama and the Senator from Missouri take occasion to inform the Senate of the United States that there are millions of people to-day who love Jefferson Davis, to whom Jefferson Davis is endeared by the memory of common hardships and common privations and common calamities.

Mr. President, we have just witnessed the spectacle of the election of a President of the United States by the votes of men who declare to-day that Jefferson Davis is a man of honor and a patriot; by the votes of men who loved Jefferson Davis, we are informed by the Senator from Alabama, by reason of the sufferings and privations and calamities that they have endured together. Sir, so long as men are found to stand on this floor and declare that Jefferson Davis was a man of honor and a patriot, and that there are millions of men in this country who love him to-day, it will be in vain to stand upon the rostrum, upon the political forum, and declare to the people of this country that the animosities engendered by the war are buried forever. It does not sound pleasantly to loyal ears, it is not an agreeable statement to men who were upon the other side of this controversy, to hear that Jefferson Davis was an honorable man and a patriot. It does not sound well to be told either that among those people whom we are called upon to recognize as brothers united by the bonds of a cemented Union there are millions of people to-day who love Jefferson Davis, and to have that continually flaunted in our faces and paraded upon this floor, and announced to the people of this country by members of this body who have taken the oath of allegiance, who have been relieved of their political disabilities, and upon every occasion repeat this story that Jefferson Davis was a man of honor and a patriot.

Sir, I have heard the Senator from Missouri upon more than one occasion allude with something of pride and something, it seemed to me, of satisfaction, to the part he had played in the political fortunes of the Southern confederacy. There is no occasion that I know of for a man who is a member of this body to continually dwell upon the fact that he was a member of the Confederate States senate. It is not a matter that concerns the argument of questions here; nor is it desirable, it appears to me, in a discussion of this kind, when no appeal was made to partisan passions, for one Senator after another to rise in his place and dwell upon the fact that he was a member of the Southern confederacy, that he was a member of the Confederate States senate, and that he believed that Jefferson Davis was beloved by the Southern people, and that he was actuated by the sentiments of a man of honor and a patriot.

I beg leave to say to the Senator from Missouri that if the memories of the war are to be forgotten, if a review of the transactions of the past is not desirable, if any reference to the passions of that epoch is to be reprobated, it is not desirable that a member of this body should repeat so often as the Senator from Missouri does that he was a member of the Confederate States senate; and inasmuch as he has on many occasions seen fit to make that statement, I beg leave to state to him that so far as the State of Missouri is concerned he never was accredited to the Confederate States senate. The State of Missouri was never out of the Union; there never was a governor that could accredit him, there never was a Legislature that could elect him; and in the name of the loyal people of that State, for whom I have a right to speak, I protest against the continual repetition here of the sentiments that I have heard the Senator from Missouri so often make.

Mr. President, I have no desire, so far as I am concerned, to take any part in any partisan discussion. I have seduloously refrained from it. I have never upon any occasion referred to these subjects during this session of Congress. Here is a simple question as to whether a certain resolution shall be adopted permitting the printing of material that has been transmitted to the War Department.

Mr. HAWLEY. Allow me to correct the Senator. So far as it has gone it does not even say it shall be printed. It asks the President, if not in his judgment incompatible with the public interest, to send it to us.

Mr. INGALLS. So that it may be printed.

Mr. HAWLEY. The printing will be a subsequent consideration.

Mr. INGALLS. This has been alluded to as an unfortunate controversy between two private citizens. It is in no sense whatever a controversy between two private citizens. It reaches the dignity of a great political question, of a great political discussion, and the Senators upon the other side of this Chamber have made it so by declaring that in a controversy between William T. Sherman and Jefferson Davis they are for Jefferson Davis. Well, sir, as between William T. Sherman and Jefferson Davis I am for William T. Sherman; and whenever this question is raised before the Senate, or before the people of the United States, the loyal men of this country, the loyal men of the North particularly, will always be in favor of William T. Sherman as against Jefferson Davis. And if the Senator from Alabama, the Senator from

Mississippi, and the Senator from Missouri think that they can afford to invite a renewal of that controversy, let them do it. We are as ready to meet that issue as we ever have been.

Now, sir, the allegation, I understand, is made that General Sherman—it may be upon a private occasion, upon a festive occasion, before a Grand Army post, an occasion when soldiers get together and renew the memories of that contest in which they were engaged—made a certain statement with regard to the part that Jefferson Davis took during the controversy between the States. There was a publication of his remarks. It was replied to by Jefferson Davis, who declared in effect that William T. Sherman was a liar—I suppose that is the plain English of it; that upon this question that involved not merely the personal relations of these two gentlemen to each other or the personal relations of Jefferson Davis to the confederacy, but his official relations, Mr. Sherman had made a statement that was willfully and knowingly false. General Sherman replied; he has made a public statement that it is desirable the people of this country should possess; and the Senator from Connecticut now asks a resolution that this may be transmitted to the Senate, not for the purpose of being printed, but that it may be ascertained whether it should be printed or not; and Senator after Senator arises upon the Democratic side of this Chamber and objects to it because it will involve the honor or the patriotism of Jefferson Davis!

Mr. SHERMAN. Mr. President, I should not have said a word about this matter, being restrained by a sense of personal delicacy on account of my relation with one of the gentlemen named in the resolution, but for the fact that Senators on the other side of the House seem to regard this as a mere personal controversy between two citizens. I know it will be very much a matter of surprise to General Sherman to learn that this is a controversy between himself and Jefferson Davis. He says in the correspondence that he does not know Jefferson Davis; he did not see him when he was Secretary of War, he was then not in the Army, and he never has had any personal relations with him whatever. Therefore there was no controversy of a personal character between them. On the other hand General Sherman, a citizen of Saint Louis, attends by invitation the Frank Blair Grand Army post, composed of soldiers, their wives and families. In the course of that meeting, entirely *impromptu*, without any preparation, he is called upon in pursuance of their customs to make a speech, and he does so, a brief speech, the contents of which were substantially stated in the public prints in Saint Louis.

The allegations contained in that speech as published in the papers and as mentioned in the statement by General Sherman now in the War Department are that he regarded Jefferson Davis not only as a rebel but as a conspirator, and that he saw not only letters but papers captured during the war, and especially while he was marching in his well-known march through Georgia, which tended to show that Jefferson Davis while the war was progressing had abandoned his State-rights doctrines and had become practically a dictator in the South. That was in substance the statement made by General Sherman without the slightest personal reference to Jefferson Davis as a man, but only referring to him as the leader of the great army and the great cause which these soldiers had endeavored to overthrow by superior force. That was the statement. As to any personal controversy between these two persons, there was nothing of the kind evinced, except General Sherman did insist that he had the historical right to class Jefferson Davis as a conspirator and a traitor. Did that make a personal quarrel between Jefferson Davis and W. T. Sherman? Far from it. I might in the same way make a personal quarrel with all the descendants of Benedict Arnold by stating the historical fact about him.

What followed? Mr. Davis, seeing this and becoming angered by it, writes a very bitter article, not to General Sherman, but to some newspaper in which he saw the publication, in which, as the Senator from Kansas very properly remarks, he said substantially General Sherman makes a false statement—stronger language even, substantially that General Sherman lied; gives him the lie. This was not addressed to General Sherman. General Sherman, who had the honor to command the Army of the United States and had been, to say the least, a conspicuous actor in the great military events of the war, and who was still in every sense an officer of the Army subject to the orders of the President of the United States at any time, who may be court-martialed and subject to the laws of war, did not respond by a letter to Jefferson Davis, or by sending his views to a public print and thus getting into a newspaper wrangle. He did exactly the opposite of that. As an officer of the Army he gave to his military superior the reasons and evidence, which justified every observation that he had made, and deposited this in the public records, as he was bound to do.

If an officer of the Army of the United States, whether retired or not, has put upon him any insult whatever, which among gentlemen would be regarded as a matter of reproach, he is bound in honor and by his military rank to make an explanation to the proper authorities to show that the imputation upon his honor is not correct, and that he only did what he was justified in doing in speaking of a historical character. That is what General Sherman did. That is the letter that he sent, after careful preparation, to the Department. I have read that letter. There is not a word of personal unkindness to Jefferson Davis or to mortal man in it, but there are statements there and letters of a striking character, which in my judgment ought to be published, so that they may become a part not of the newspaper literature of the day, but of the public records. The first is—and I think it is the first time I ever saw it, though it may have been published before—he produces resolutions adopted by a meeting of Democratic Senators and members from the Southern States who were about to participate in the rebellion, in which they resolved that they would organize a separate government, called the confederate government, at Montgomery, Ala., and fixed the day, the same day that was subsequently adopted.

They also resolved that a committee of three persons—not of two, as the Senator from Connecticut erroneously stated—consisting of Jefferson Davis and Mr. Slidell and Mr. Mallory, should be appointed to carry into execution the resolutions adopted, and that a portion of them should remain in Congress so as by their votes to prevent Congress from taking measures to defeat or delay their operations in the South. If that is not a conspiracy, in the name of God what is? Think of it! That members of this body should conspire together when under the same oath and sanction all of us are under, should go to a private chamber and there with others resolve that they will not only break up this Government of ours but actually prevent the Government from arming itself and defending its life! That is a conspiracy. If that is not a conspiracy God knows what is.

That justified General Sherman in one of the remarks that he made. The other was that a certain letter he had seen himself from Jefferson Davis to a gentleman since a member of the Senate of the United States tended to show that Jefferson Davis had changed his opinions in 1861; that instead of being a State-rights democrat he was practically intending to subvert even the government that had been established in the Southern States.

Mr. HAWLEY. Does the Senator mean a letter to a Senator of the United States or of the Confederate States?

Mr. SHERMAN. A letter from Jefferson Davis to one who, I think, has since been a Senator of the United States. General Sherman insists that he did see such a letter, states the circumstances when and where, and that this paper either came to Washington into the general collection here, where it is in the mass of unassorted documents difficult to find, or else it went to General Sherman's headquarters and thence to the headquarters of General Sheridan, where it was destroyed by the great Chicago fire, but that he did see it and remembers its contents. To show that the opinions avowed in the letter were entertained and acted upon by Jefferson Davis he produces a letter from Alexander H. Stephens, then an associate with Jefferson Davis in the government of the rebel confederacy, in which Mr. Stephens says of Jefferson Davis that he has abandoned his State-rights doctrine, that he was then in his opinion seeking to subvert the very government that had been established by the Confederate States. That letter has been recently published. It has never gone into the public archives until presented on this occasion. It is a very interesting letter, which was captured in the hands of the person to whom it was addressed, a person scarcely less distinguished than Mr. Stephens—Herschel V. Johnson.

That letter was captured at the house of Johnson. I have seen the original of that letter. I know Mr. Stephens's handwriting both before the war and since. I know that it is his handwriting, and it will not be disputed by any one. In that Mr. Stephens justifies every word that was said by General Sherman in respect to the change of mind in Jefferson Davis in the condition of affairs as they existed in 1861.

That is not all. He produces a message of Jefferson Davis himself, dated in January, 1864, addressed to the confederate congress, marked "secret," and kept in the rebel archives, and found there by an officer of the United States Army when Richmond was taken by the United States troops. In this official message, which has never heretofore been published, Jefferson Davis says that the movements in the South, but especially in North Carolina, would tend to subvert the confederate government and must be resisted by every means possible, and demands the suspension of the habeas corpus. The indorsements on the back of that paper show that in the confederate congress such a bill was introduced and was reported by a committee to that congress. Whether that bill passed or not is not known unless it is shown by the confederate records; but it is probably not shown by these records, because it was a secret document. That original document is now in the hands of an officer of the Army with the name of Jefferson Davis in his own handwriting—I am not familiar with it at all, I can not recognize it, but it is said to be so, and it has all the earmarks of an official document precisely such as the documents we have here shown.

Now, Mr. President, the question is at this time, twenty years after the war is over, when these documents are first presented to the public, when they are filed in the War Department, whether it is beyond a reasonable rule for the Senate of the United States to call for their publication. Publications in the newspapers scatter and disappear. This paper is filed in the war records, but it may not be printed in the war records, it may be excluded for the technical reason stated by the Senator from Massachusetts. Why should we not print it, why should there be a single objection to it? Are these papers mere random documents or are they official testimony of the aims, objects, and tendencies of the confederate congress at the time stated? Do they not show the origin of this great civil war through which we have passed? Do they not show the probable termination of the confederate government

even if the rebellion had not been borne down by the United States Army? Do they not show that in all human probability the termination of the rebellion, if successful, would have been an absolute despotism in the Southern States?

These are official documents and should be discussed without feeling. I have none and show none, I hope. All I desire is to prove that the general named in the resolution has only done what is becoming an officer and a gentleman. When his word to his fellow-soldiers was disputed he did not reply by writing to Jefferson Davis and calling him names or sending to any public print and entering into a contest with Mr. Davis. Mr. Davis is an old man. I do not desire to say anything personally unkind of him; I do not desire to wound his feelings; but, great God! will it ever be disputed in this country of ours at any time, even a thousand years hence, that Jefferson Davis in the war and before the war was a conspirator and a traitor to his country? Never, I trust. And while all these events have passed away, while we here from opposite sides are standing with each other making laws for our common people, yet, sir, we do not and I can not while I live at least see that great truth and fact in history challenged, and Jefferson Davis praised as a patriot any more than our Revolutionary fathers would have allowed in their time and their day the name of Benedict Arnold to be praised at least without entering their most solemn protest.

I am sorry this debate has sprung up. I was in hopes with the Senator from Connecticut, who introduced the resolution, that these papers would be published and nothing more would be said about them here, but let the people determine the issue and let this matter go down into history. But, sir, whenever, in my presence, in a public assemblage, Jefferson Davis shall be treated as a patriot, I must enter my solemn protest. Whenever the motives and causes of the war, the beginning and the end of which I have seen, are brought in question, I must stand, as I have always stood, upon the firm conviction that it was a causeless rebellion, made with bad motives, and that all the men who led in that movement were traitors to their country.

Mr. LAMAR. Mr. President, I have just stepped into the Senate, and have not yet heard the resolution which is under discussion. I presume it refers to a publication of some papers relating to the war of secession that are now on file in the War Department. Without knowing the position occupied by my friends on this side or upon the part of Senators on the other side, I desire here to say that I have no objection to any publication which will throw light upon the true character of that movement for the separation of the States of the South from the States of the North, and I should not have made any remarks except to have followed and to have given my vote silently upon this question but for the speech I have listened to of the Senator from Ohio. That speech, sir, is marked by flagrant inaccuracies in his statements of the issue between General Sherman and Mr. Davis. The issue between those two distinguished gentlemen is not the issue which the Senator from Ohio represents, and the issue which does exist between them he has not brought to the attention of the Senate.

Now, sir, according to the publication in the press, and which went not only to the extremities of this nation but to the extremities of civilization, it was not merely that the secession of the Southern States was the result of a conspiracy. That is a question, as the Senator properly remarked, of historical truth, and is to be ascertained by the facts of history as read in future generations. Whether it was a conspiracy of a few ambitious individuals, or whether it was the uprising of a whole people to preserve, as they thought, their autonomy and their institutions, is a question which I am willing shall be remitted to the verdict of posterity.

But, sir, General Sherman went further; and I wish to here say that there is no man on this floor who personally has kinder feelings for General Sherman than myself. No Senator here entertains a higher admiration for his military sagacity and genius. But General Sherman was betrayed by his feelings and by misinformation into an allegation and charge against Jefferson Davis that he can not sustain and that no man can ever sustain, and which is not the truth; and that is that he saw a letter from Jefferson Davis asserting that if a Southern State should secede from the confederacy he would put that down by military coercion of the Confederate Government. That is the statement which General Sherman made. There is no question of historical fact in relation to the character of that movement between General Sherman and Mr. Davis. It is outside of the record, and when he says that there is no personal controversy between these two distinguished gentlemen his statement comes in direct conflict with the assertion of General Sherman himself, for, when he was interviewed by the press of Saint Louis as to Mr. Davis's denial he refused to make a statement, and said, "This is not for the press of the country; it is a personal matter between me and Mr. Davis." The personality of it is made by General Sherman himself.

And, sir, the discussion which is brought out here can throw no light whatever on that naked, bald issue of fact, whether or not General Sherman saw a letter written by Jefferson Davis to a Senator now in the United States Senate, saying he would coerce a Southern State if it should secede from the confederacy. I assert that no such letter is in existence, and, in my opinion, no such letter was ever written; and in saying that, sir, I wish to disclaim here any reflection whatever upon the veracity of General Sherman. That is not my purpose. What I do mean to say is that he has been misled and misinformed; and when the proof comes before him that he has made an assertion, even against a political enemy, which he can not sustain, it would comport better with his high character and high position to acknowledge the inadvertent and unintentional injustice than to change the issue before the American people and raise a question as to the character of the secession of the Southern States.

Now, sir, I have a reason for saying this: Not more intimate than other gentlemen but still a friend of Mr. Davis and often in consultation with him, if he changed his opinion, if he varied one hair's-breadth from the beginning of that controversy to its close as to the importance of maintaining that government upon the consent of the people engaged in it and not upon any force to be brought upon them, his most intimate friends were ignorant of any such revolution of sentiment. No man stood by the doctrine that it should be a government based upon consent and not upon force through all the eventful scenes of the struggle than Mr. Davis did; and General Sherman was simply mistaken, he was misinformed. No such letter was written by Mr. Davis, for no such letter could have been written, entertaining the views he did.

Sir, I have made these remarks very unexpectedly to myself, for I was not aware that the simple issue of fact, whether or not General Sherman saw such a letter, was to be remitted to the arena of the United States Senate.

One other thing. We of the South have surrendered upon all the questions which divided the two sides in that controversy. We have given up the right of the people to secede from this Union; we have given up the right of each State to judge for itself of the infractions of the Constitution and the mode of redress; we have given up the right to control our own domestic institutions. We fought for all these, and we lost in that controversy; but no man shall in my presence call Jefferson Davis a traitor without my responding with a stern and emphatic denial.

Mr. VEST. Mr. President, I have very few words to say.

The Senator from Kansas can indulge in no debate that arises in this body without being personal. The character of debate in which the Senator from Kansas always indulges is impressed most emphatically upon the records of the Senate. The Senator is a verbal horror and an oral terror. In the old common law there was an offense called that of being a common scold, or *communis rixatrix*, which was punished under the old English statute with the ducking-stool. I would not, of course, prescribe any such punishment to the Senator from Kansas, but no occasion is permitted by him to pass by without reading lectures to his peers upon this floor in regard to every subject that comes for discussion.

Mr. President, by no legitimate course of argument can the issues of the late war be brought into this question to-day. The Confederate States are dead. The soldiers that fought for the confederacy and for the Union sleep side by side, having illustrated by matchless deeds of valor the heroism of both sections. The epitaph could be put upon them to-day as was put by the old chroniclers over the chivalry of the feudal ages:

> The knights are dust,
> And their good swords are rust,
> Their souls are with the saints, we trust.

With that declaration there should be an end of any acrimonious discussion upon the issues involved in that terrible conflict. But the Senator from Kansas seeks now by his lectures to Senators on this side of the Chamber to impute disloyalty to the oath that we have taken to support the Constitution of the United States.

The Senator says that I have been in the habit of alluding to the fact in a spirit of boastfulness that I had been a member of the confederate senate. It is not true. The records of this Senate show that upon two occasions only have I ever alluded—and then from the nature of the debate—to the fact that I had occupied that position in the confederacy; once when I delivered a eulogy upon Mr. Hill, with whom I had served in the confederate senate—every Senator will recognize the appropriateness of the allusion at that time—and again to-day, when in order to assume the full share of responsibility which is sought now in certain quarters to be put upon Mr. Davis for the war and its results, I alluded, in passing, to the fact that I had occupied the position in the confederate senate that I occupy here to-day.

The Senator says I was never accredited to the Senate of the confederacy; that there was no governor, no legislature from whom I could receive my credentials. Mr. President, I received my credentials from the governor of the State of Missouri, elected by 25,000 majority at a time of profound peace. I received my election to the provisional congress of the confederacy from a legislature elected by the people of Missouri in a time of profound peace, and before there was war flagrant in the State. I know that technically no State could secede; it is not my disposition to-day to go back into that question; and but for this personal allusion I should not have done so. And let me say now to the Senator from Kansas that my credentials to the confederate senate or to the United States Senate were never disputed by my own constituency, and he knows what I refer to.

The PRESIDING OFFICER (Mr. ALLISON in the chair). It is the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Will the Senator suspend a moment until the regular order is laid before the Senate, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 862) for the relief of Uriel Crocker;

A bill (S. 1625) for the relief of William Bowen;

A bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army;

A bill (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860;

A bill (S. 2045) for the relief of the Eastern Presbyterian church, in the District of Columbia; and

A bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota, and one between the States of Minnesota and Wisconsin.

The message also announced that the House had passed the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 5322) for the benefit of William H. Wheeler;

A bill (H. R. 5249) to provide a criminal code for the District of Columbia;

A bill (H. R. 5650) for the promotion of anatomical science and to prevent the desecration of graves; and

A bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. S. BARBOUR of Virginia, Mr. J. T. SPRIGGS of New York, and Mr. L. E. MCCOMAS of Maryland managers at the conference on its part.

DEATH OF SENATOR ANTHONY.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. Before that motion is put I ask the Senator to allow me to give a notice.

Mr. MILLER, of California. I withdraw the motion.

Mr. ALDRICH. I desire to give notice that on Monday next, the 19th instant, after the reading of the Journal, I shall ask the Senate to consider resolutions of respect to the memory of the late Senator ANTHONY.

EXECUTIVE SESSION.

Mr. MILLER, of California. I renew my motion.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 12, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

CORRECTION OF JOURNAL.

The Journal of Saturday's proceedings was read.

Mr. HOPKINS. Mr. Speaker, I rise to move a correction in the Journal. The Journal reports the Committee on Labor as having reported back a resolution referred to them. It should read a communication from the Secretary of State was referred to that committee which resulted in a report of that committee recommending the passage of a resolution to print an additional number of copies.

The SPEAKER. The Chair will have the Journal examined and the proper correction made.

The Journal as corrected was then approved.

CLEPHANE AND BOSWELL.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting the account of Clephane and Boswell for stenographic work in the case of Kilbourn against Thompson, $139.75.

Mr. RANDALL. The subject connected with the Thompson case has gone to the Judiciary Committee. This I think should take the same course. It is a mere claim against the Government, and perhaps should go to the Committee on Claims.

The SPEAKER. The Chair thinks so, too. But a part of the subject has gone to the Committee on the Judiciary, which relates to the compensation of the late Sergeant-at-Arms of the House. There was also a communication a week or two ago from the Attorney-General of the United States in relation to the compensation of stenographers, which went to the Committee on Appropriations. Now if the Committee on Appropriations can be discharged from the further consideration of that subject both of them might go together to the Committee on the Judiciary.

Mr. RANDALL. I think at any rate the papers relate to a claim rather than to an appropriation in obedience to law. I will ask the Speaker to examine and see if I am not right in this impression.

The SPEAKER. The Chair thinks, on an examination of the papers, that this is simply a claim for compensation. If there be no objection, the Committee on Appropriations will be discharged from the further consideration of the former communication upon the same subject and both referred to the Committee on Claims.

Mr. RANDALL. One committee had better have entire charge of that branch of the subject.

The SPEAKER. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

OSAGE INDIANS OF KANSAS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, with inclosures relative to the claim of Captain & Co. for supplies furnished the Osage Indians in Kansas in 1871–'72—$1,416.10; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF NEW YORK HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers inclosing a map of survey and report upon the work of deepening Gedney's Channel through Sandy Hook Bar, N. Y.; and also inclosing a report from the board of fortifications upon the plan for the permanent improvement of the entrance of New York Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (S. 491) for the relief of J. H. Franklin, executor of the last will of John Armfield, deceased.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. PERKINS, of Kansas, in place of Mr. ROBINSON, of Ohio, resigned, as a member of the Committee on Rivers and Harbors.

O. W. STREETER.

Mr. WHITE, of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 1821, for present consideration.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and adjust the claim of O. W. Streeter for moneys expended and services performed by him in the year 1860 as special agent of the United States to take the census of the country west of Minnesota, then known as Dakota, allowing to the said O. W. Streeter, in addition to the amount heretofore received by him, reimbursement for reasonable and necessary expenditures shown to have been made by him and reasonable compensation for his time and services, settling the same on principles of justice and equity; and that he be, and is hereby, further authorized and directed to draw his requisition in favor of said claimant, O. W. Streeter, for the amount which he may find justly due said claimant, on the Secretary of the Treasury, who is authorized and directed to pay the same out of any money in the Treasury not otherwise appropriated: *Provided*, That the amount allowed and to be paid hereunder shall in no event exceed the sum of $10,000.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I believe there has been a report from the Committee on Claims of this House on this subject.

Mr. WHITE, of Minnesota. There is a unanimous report from the Committee on Claims of the House, and also a report accompanying the Senate bill. The bills, I will state, are identical, word for word.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. WHITE, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. WHEELER.

Mr. HALSELL. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5322) on the Private Calendar be taken up for present consideration. It is a bill for the benefit of William H. Wheeler.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to William H. Wheeler, of Warren County, Kentucky, the sum of $1,278, for quartermaster stores furnished the United States Army in the year 1862, and used by said Army.

The committee recommend the striking out of the words "one thousand two hundred and seventy-eight dollars," and the insertion of "six hundred and thirty-three dollars and fifty cents."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Has this subject been considered by the Committee on War Claims?

Mr. HALSELL. Yes, sir. Here is the report.

Mr. HOLMAN. I hope the report will be read.

The SPEAKER. The Clerk will read the report.

Mr. KEIFER. Let the report be read subject to the right to object.

The SPEAKER. The right to object is reserved.

The Clerk read the report, as follows:

Mr. FERRELL, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 5322.

The Committee on War Claims, to whom was referred the bill (H. R. 5322) for the relief of William H. Wheeler, submit the following report:

This claim is for corn and fodder taken by the Union Army from the claimant, at or near Bowling Green, Ky., in the year 1862.

The claim was duly presented to the Quartermaster-General for settlement, and was referred by the Quartermaster-General to an agent for investigation and report. On November 22, 1881, the agent submitted a report, recommending that claimant be paid the sum of $533.53. General James A. Ekin, deputy quartermaster-general, United States Army, indorsed the agent's report as follows:

"The proof supplied appears to be of a reliable nature, and the claim, to a certain extent is, no doubt, meritorious. The estimate made by the investigating agent of corn and fodder taken in this instance, as a result of his investigation, is considered reasonable and just—placing its valuation at $633.50 unpaid for—and which sum he recommends be allowed claimant in full of claim. I concur in the agent's recommendation. Claimant was loyal."

The case was considered September 9, 1882, and no allowance recommended by the Quartermaster-General.

The loyalty of the claimant and the taking of the property and its value are proven to the satisfaction of the committee; and they report back the bill with the recommendation that it do pass with an amendment, as follows:

Insert in lines 6 and 7, in place of "one thousand two hundred and seventy-eight dollars," the words "six hundred and thirty-three dollars and fifty cents."

Mr. HOLMAN. I wish to ask a single question. This claim was subject to adjustment through the Quartermaster's Department. It would have gone to the Third Auditor in regular course under the law of 1864 and then would have been reported to the House. Will the gentleman from Kentucky state the reason why this was not done? Was this claim allowed by the Quartermaster-General?

Mr. HALSELL. Yes, sir; there was a mistake. The claim went to the Quartermaster's Department. It seems they had informed Mr. Wheeler that they were not satisfied as to his loyalty, and proof was taken as to that. When I investigated the papers I found it had been settled on a different question. The claimant had thus been thrown off his guard on the merits of the case. He took the necessary proof afterward. The Quartermaster-General sent out his agent and that agent makes the report in favor of the claim.

Mr. HOLMAN. This report was made after the time for allowing the claim?

Mr. HALSELL. Yes, sir; the proof was taken upon the claim after it was found the man had been thrown off his guard by reason of the fact that his attention was called all the time to the question of loyalty.

Mr. HOLMAN. There is a large body of those claims and a great many of them have been disallowed. I do not, however, interpose an objection.

Mr. BLACKBURN. The Quartermaster-General says there was a mistake which prevented the proper proof being taken at the time.

Mr. HOLMAN. I do not object.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALSELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANK OF BLOOMINGTON.

Mr. ROWELL. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington, Ill., and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the name of the National Bank of Bloomington, Ill., shall be changed to the First National Bank of Bloomington, Ill., whenever the board of directors of said bank shall accept the new name by resolutions of the board, and cause a copy of such resolutions, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act.

SEC. 2. That all debts, demands, liabilities, rights, privileges, and powers of the National Bank of Bloomington, Ill., shall devolve upon and inure to the First National Bank of Bloomington, Ill., whenever such change of name is effected.

The bill was reported by the Committee on Banking and Currency with the following amendments:

After the word "Bloomington," in the third line, insert the words "located at Bloomington."

In line 5, strike out "Illinois."

In line 3, section 2, strike out "Illinois."

In line 4, section 2, strike out "Illinois."

Mr. WELLER. I object to the present consideration of the bill.

Mr. HENDERSON, of Iowa. The gentleman is just back; he is just in time to save the nation.

Some time subsequently,

Mr. WELLER said: I withdraw my objection on the ground that the bill only makes a change as to the name and does not affect the bank otherwise.

The SPEAKER. Is there further objection to the present consideration of the bill?

There being no objection, the amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROWELL. The title should be amended by striking out the word "Illinois."

There was no objection, and it was so ordered.

URIEL CROCKER.

Mr. MORSE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 862) for the relief of Uriel Crocker.

The bill was read, as follows:

Be it enacted, &c., That the proper officer of the United States Treasury be, and he hereby is, authorized and directed to pay to Uriel Crocker, of Boston, in the State of Massachusetts, or to his proper attorney or legal representatives, the sum of $386, being the amount due upon four coupon bonds of the United States of the denomination of $50 each, and upon the coupons belonging thereto, which were payable from July 1, 1866, to July 1, 1881, both inclusive, which said bonds were of the loan of July 17, 1861, payable after June 30, 1881, were numbered 2519, 2520, 2521, 2522, and have been lost and are believed to have been destroyed: *Provided*, That he or they shall first file with the proper officer of the Treasury Department a satisfactory bond of indemnity in double the amount so authorized to be paid as aforesaid.

Mr. HOLMAN. I hope the report will be read.

Mr. MORSE. I send to the desk the Senate report.

The SPEAKER. The Clerk will read the report made in the Senate.

Mr. HOLMAN. Has not the bill been considered by the House committee?

Mr. MORSE. The House committee had the bill under consideration several times. The only objection they had to it was that they would prefer at some time or other to have a general bill passed to meet all such cases. But the members of the committee individually gave me to understand that they had no objection to my offering this bill.

Mr. HOLMAN. The gentleman alludes to the Ways and Means Committee?

Mr. MORSE. Yes, sir.

The Senate report was read, as follows:

The Committee on Finance, to whom was referred the bill (S. 862) for the relief of Uriel Crocker, have considered the same, and respectfully report:

On the 5th of July, 1866, Uriel Crocker gave notice to the Treasury Department of the loss of the bonds described in the bill, and notified the Treasurer not to pay the coupons. Similar notifications were sent to the Treasurer from this date until the year 1880.

Mr. Crocker is unable to account for the loss of the bonds, save only that they were put in a box, which was locked and kept in a bank vault, he having the key to the box, and, on the date indicated, after an examination of the box, he was unable to find them. He believes that they were at some time dropped, and with waste papers swept up and burned.

A letter from the Secretary of the Treasury, of date of February 7, 1884, states that these bonds appear as oustanding on the books of the Department, and that none of the coupons have been presented for payment since July, 1866. From this it would appear that the bonds have not been found since July 5, 1866, or during a period of eighteen years, so that it is probable that they are not now in existence. Existing law does not authorize the Treasurer to pay these bonds, for the reason that there is no evidence that they have been actually destroyed.

The committee is of opinion that the lapse of eighteen years is a sufficient time to create strong presumption that the bonds have been destroyed, especially as the bonds matured in 1881, and had been previously called and no sign or trace of them appears in any way, and during all this time no coupons have been presented.

Mr. Crocker, the claimant, is a man of undoubted respectability both as to character and means, and has persistently made his claim at the Treasury Department for many years.

The bill requires a bond of indemnity to be filed with the Treasurer in double

the amount authorized to be paid, which in any event would protect the Government in case the bonds should be hereafter found, which is not probable.

The committee recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CHICAGO, ILL.

Mr. DAVIS, of Illinois. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 3593) for the erection of a public building at Chicago, Ill., and to bring it before the House for present action.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to cause the erection of a substantial and commodious building, upon ground owned by the United States on the corner of Fifth avenue and Polk street, and known as the "Old Bridewell and dock property," in the city of Chicago, Ill., for the use of the United States local appraiser and other Government uses; the building, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $50,000.

SEC. 2. That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended in the erection of said building.

Mr. RANDALL. Let it be stated that that amount of money shall complete the building.

Mr. DAVIS, of Illinois. That is precisely what the bill does.

Mr. RANDALL. I do not understand that it quite says so.

Mr. DAVIS, of Illinois. That is all that is required, and the bill says so.

Mr. RANDALL. Let that part of the bill be read again.

The Clerk read as follows:

The building, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $50,000.

Mr. HOLMAN. I suppose the bill makes an appropriation of money, does it not?

The SPEAKER. It does.

Mr. HOLMAN. Is it reported by the Committee on Public Buildings and Grounds?

The SPEAKER. It is.

Mr. HOLMAN. I wish it to be noticed that the passage of this bill is recommended by the Treasury Department.

Mr. DAVIS, of Illinois. Yes, sir; it is recommended by the Secretary of the Treasury.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES M. BLAKE.

Mr. ROSECRANS. I ask unanimous consent to have taken from the Speaker's table for present consideration the bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed in the settlement of the accounts of Charles M. Blake, a post-chaplain in the United States Army, to allow him credit for all pay and allowances paid to or received by him as a post-chaplain in the United States Army from May 14, 1878, to May 20, 1881; *Provided*, That no pay shall be allowed or credit given for service for any purpose for the period from July 2, 1870, to May 14, 1878; and that said Blake shall accept the terms of this act in full satisfaction and discharge of any and all claims of every kind on his part against the United States growing out of his connection or alleged connection as chaplain or post-chaplain.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS MISSISSIPPI RIVER.

Mr. HENDERSON, of Iowa. I ask unanimous consent to have taken from the Speaker's table for present consideration the bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin.

Mr. HOLMAN. I do not wish to object to this measure, but there has been for a long time an understanding that the Committee on Commerce would report a general measure embracing all this class of legislation.

Mr. HENDERSON, of Iowa. I hope the gentleman will not object to this bill. The Committee on Commerce have thus far reported no general bill on this subject, and we have no assurance that they will report any bill of the character indicated by the gentleman. I submit to him that it will not do to have the business of the country suspended waiting for the possible or probable action of that committee.

This bill provides for the erection of bridges on a line of road running up the Wisconsin and Illinois side of the Mississippi River, and is of great interest to the commerce and transportation of Iowa and Minnesota. For these reasons I sincerely trust the gentleman from Indiana will make no objection to the passage of the bill.

Mr. HOLMAN. I will not interpose objection at this time.

The bill was read, as follows:

Be it enacted, &c., That the Chicago, Saint Paul and Saint Louis Railroad Company, its successors and assigns, be, and they are hereby, authorized to construct and maintain a railroad bridge across the Mississippi River at the most suitable point between the cities of Hastings and Red Wing: *Provided*, That Congress may at any time prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

SEC. 2. That any bridge built under this act may, at the option of the company building the same, be built as a pivot drawbridge or with unbroken or continuous spans: *Provided*, That if made with continuous or unbroken spans, it shall not be of less elevation in any case than fifty-five and one-half feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans give a clear width of water way of less than two hundred and fifty feet; and the main span shall be over the main channel of the river, and give a clear width of water way of not less than three hundred feet: *And provided also*, That any bridge built under this act as a pivot drawbridge shall have a draw over the main channel at an accessible and navigable point, and with spans giving a clear width of water way of not less than one hundred and sixty feet on each side of the central pivot pier of the draw, and the next adjoining span or spans shall give a clear width of water way of not less than two hundred and fifty feet, and said spans shall not be less than thirty feet above low-water mark and not less than ten feet above extreme high-water mark, measured to the bottom chord of the bridge: *Provided*, That said draw shall always be opened promptly upon reasonable signal; and said company, or its successors and assigns, shall at all proper times keep and maintain such lights as the Light-House Board may direct; and all plans for the construction of said bridge and approaches thereto must first be submitted to the Secretary of War for his approval, and when the same shall be approved by the said Secretary the work thereon may be commenced and prosecuted to completion: *And provided further*, That as nearly as practicable the said bridge shall be at right angles to and the piers parallel with the current of said river: *And provided further*, That any change in the mode of construction of said bridge shall be first submitted to the said Secretary for his approval, and when approved the said company may then proceed with the construction in accordance with said change: *And provided further*, That if said bridge when constructed shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the said Secretary shall require said company to change the construction thereof so as to avoid any serious and substantial obstruction to the navigation of said river, at the expense of the owners of said bridge.

SEC. 3. That the bridge hereby authorized shall be a lawful structure, and shall be a post-route, upon which no higher charge shall be made for the transportation of the mails of the United States, and the troops and munitions of war, or for passengers or freight passing over said bridge, than the rate per mile paid to railroads and transportation companies leading to said bridge.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 3 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 5. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872.

SEC. 6. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as shall be specified in his order in that behalf.

SEC. 7. That the United States shall have the right of way for postal telegraph across said bridge.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in such structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

SEC. 9. That said company, its successors and assigns, may construct and maintain a bridge across the Mississippi River at a suitable point between the western limits of Hastings, Minn., and the western limits of Saint Paul, Minn.: *Provided*, That the bridge authorized by this section shall have all the privileges and be subject to all the terms, restrictions, reservations of power, and requirements contained in the foregoing sections of this act.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. STEWART, of Texas, by unanimous consent, obtained leave of absence for this day, on account of important business.

ORDER OF BUSINESS.

Mr. BARBOUR. I call for the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call resolutions and memorials from State and Territorial Legislatures and also resolutions of inquiry addressed to the heads of Departments may be presented for reference.

SOLDIERS' HOME IN CALIFORNIA.

Mr. ROSECRANS introduced a bill (H. R. 7898) to provide for the establishment of a branch soldiers' home in the State of California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MATILDA CALDWELL.

Mr. LORE introduced a bill (H. R. 7899) for the relief of Matilda Caldwell, late Matilda Sparks, widow of Joseph Sparks, late private of Company E, Third Regiment Delaware Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CARRABELLE, FLA., A PORT OF DELIVERY.

Mr. DAVIDSON introduced a bill (H. R. 7900) making the port of Carrabelle, in the State of Florida, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM A. PLUMB.

Mr. TOWNSHEND introduced a bill (H. R. 7901) granting a pension to William A. Plumb, late of Company D, Thirty-third Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT MADISON, IND.

Mr. HOLMAN introduced a bill (H. R. 7902) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Madison, in the State of Indiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

VENEZUELAN AWARDS.

Mr. BROWNE, of Indiana, introduced a joint resolution (H. Res. 310) referring the controversy between the United States and Venezuela in respect to the award at Caracas of 1868 to the President; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DANIEL B. RANDALL.

Mr. FUNSTON introduced a bill (H. R. 7903) granting a pension to Daniel B. Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEPTHA L. WILKE.

Mr. PERKINS introduced a bill (H. R. 7904) granting a pension to Jeptha L. Wilke; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

A. J. RYAN.

Mr. PERKINS also introduced a bill (H. R. 7905) granting a pension to A. J. Ryan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES W. SAUNDERS.

Mr. PERKINS also introduced a bill (H. R. 7906) granting a pension to Charles W. Saunders; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MATILDA CODY.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 7907) granting a pension to Matilda Cody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CLARK.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 7908) granting a pension to Joseph Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY M'DANIELS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7909) granting a pension to Nancy McDaniels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS DEAN.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7910) to increase the pension of Thomas Dean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN FUGATE.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7911) granting a pension to Susan Fugate; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NASBY MILLS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7912) granting a pension to Nasby Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SANDLIN.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7913) granting a pension to John Sandlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS A. THORNBURY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7914) granting a pension to Lewis A. Thornbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW HOWARD, SR.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7915) for the benefit of Andrew Howard, sr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL STERNBERG.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7916) for the relief of Samuel Sternberg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB J. WILLIAMS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 7917) for the relief of Jacob J. Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROTECTION OF UNITED STATES MAILS.

Mr. ELLIS introduced a bill (H. R. 7918) to prescribe a penalty for the embezzlement of key-deposit funds, to provide for the better protection of mails placed in the post-office letter-boxes, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WAR CLAIMS OF THE STATES.

Mr. BOUTELLE introduced a bill (H. R. 7919) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILROAD.

Mr. TALBOTT introduced a bill (H. R. 7920) authorizing the Capitol, North O Street and South Washington Railway Company to extend their tracks; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GREELY RELIEF EXPEDITION.

Mr. McCOMAS introduced a joint resolution (H. Res. 311) tendering the thanks of Congress to Commander Winfield Scott Schley, Commander G. W. Coffin, and Lieut. William H. Emory, jr., of the United States Navy, and to the officers and men under their command, for the rescue of Lieut. A. W. Greely and his surviving comrades of the Lady Franklin Bay expedition; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WITNESSES IN UNITED STATES COURTS.

Mr. HORR introduced a bill (H. R. 7921) to amend section 858 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORLANDO S. PEARCE.

Mr. LACEY introduced a bill (H. R. 7922) granting a pension to Orlando S. Pearce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BOWKER.

Mr. LACEY also introduced a bill (H. R. 7923) granting a pension to George W. Bowker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON CERTAIN CHURCH PAINTINGS.

Mr. BREITUNG introduced a bill (H. R. 7924) to admit free of duty certain oil paintings for Saint Mary's Catholic Church at Sault de Ste. Marie, Mich.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MINNEAPOLIS BAR ASSOCIATION.

Mr. WASHBURN introduced a joint resolution (H. Res. 312) granting certain publications to the Minneapolis Bar Association Library; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM CLOSE.

Mr. STRAIT introduced a bill (H. R. 7925) for the relief of William Close; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUSAN M. HOUGHTON.

Mr. MURRAY introduced a bill (H. R. 7926) granting a pension to Susan M. Houghton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. HOGAN.

Mr. JEFFORDS (by request) introduced a bill (H. R. 7927) for the relief of James F. Hogan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNA M. ROHR, ADMINISTRATRIX.

Mr. JEFFORDS (by request) also introduced a bill (H. R. 7928) for the relief of Anna M. Rohr, administratrix of Frederick G. Rohr, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH W. ADAIR.

Mr. CLARDY introduced a bill (H. R. 7929) granting a pension to Elizabeth W. Adair, widow of William P. Adair, late captain in Company F, Forty-seventh Missouri Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS S. WHITE.

Mr. WEAVER introduced a bill (H. R. 7930) granting a pension to Silas S. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON PEARL BUTTONS.

Mr. FIEDLER introduced a bill (H. R. 7931) to amend the customs-revenue laws relative to pearl buttons; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATHANIEL M'KAY AND OTHERS.

Mr. FERRELL introduced a bill (H. R. 7932) for the relief of Nathaniel McKay, George M. Clapp, George W. Lawrance, Snowden & Mason, the executors of Donald McKay; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BEIDERBICK.

Mr. MULLER introduced a bill (H. R. 7933) granting a pension to Henry Beiderbick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MUSTER AND PAY OF CERTAIN OFFICERS AND ENLISTED MEN.

Mr. RAY, of New York, introduced a bill (H. R. 7934) amending an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHURCH OF THE ASCENSION, WASHINGTON, D. C.

Mr. SPRIGGS introduced a bill (H. R. 7935) for the relief of the Church of the Ascension of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PROTECTION OF THE NORTHERN AND NORTHWESTERN FRONTIER.

Mr. ROGERS, of New York, introduced a bill (H. R. 7936) to provide for the better protection of the northern and northwestern frontier and to facilitate commerce and diminish the expense of the exchange between the States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DISTRIBUTION OF THE SENATE AND HOUSE JOURNAL.

Mr. ROGERS, of New York, also introduced a joint resolution (H. Res. 313) to distribute Senate and House Journals; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER OF UNITED STATES.

Mr. ROGERS, of New York, also introduced a joint resolution (H. Res. 314) to distribute the Blue Book, &c.; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SEVENTH REGIMENT NEW YORK VOLUNTEERS.

Mr. WEMPLE introduced a bill (H. R. 7937) for the relief of the Seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMANDA ALLEN.

Mr. BREWER, of New York, introduced a bill (H. R. 7938) granting a pension to Amanda Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTAURANTS AND OTHER PUBLIC PLACES, DISTRICT OF COLUMBIA.

Mr. O'HARA introduced a bill (H. R. 7939) regulating restaurants and other public places in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN HOLLINS M'BLAIR.

Mr. MURRAY introduced a bill (H. R. 7940) for the relief of John Hollins McBlair; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MECHANICS' LIENS IN THE DISTRICT OF COLUMBIA.

Mr. WILKINS (by request) introduced a bill (H. R. 7941) to amend the law concerning mechanics' liens in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN FERGUSON.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 7942) removing certain charges against John Ferguson, late colonel Sixty-fourth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

VESSELS OF GREELY RELIEF EXPEDITION.

Mr. GEORGE introduced a bill (H. R. 7943) to authorize the transfer of one of the vessels of the Greely relief expedition to the Treasury Department for a revenue-cutter and the retention of the other two for use in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ALLISON LOUDERBACH.

Mr. LAWRENCE introduced a bill (H. R. 7944) granting a pension to Allison Louderbach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDITH WILSON.

Mr. EVERHART (by request) introduced a bill (H. R. 7945) granting a pension to Edith Wilson, widowed mother of Charles P. Wilson, late a private in Company A, Twenty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF ABNER M'COLLUM.

Mr. PIERCE introduced a bill (H. R. 7946) for the relief of the estate of Abner McCollum, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADOLPH CARBY.

Mr. MILLER, of Texas, introduced a bill (H. R. 7947) granting a pension to Adolph Carby, late a private in Company C, First Texas Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF THOMAS H. LEE.

Mr. MILLER, of Texas, also introduced a bill (H. R. 7948) for the relief of the estate of Thomas H. Lee, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES C. DAGGETT.

Mr. POLAND introduced a bill (H. R. 7949) to increase the pension of James C. Daggett, of Company E, Second Regiment United States Sharpshooters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF UNITED STATES JUDICIAL FORCE.

Mr. TUCKER introduced (by request) a bill (H. R. 7950) to increase the judicial force of the United States and prevent delays in the administration of justice in the courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT ABINGDON, VA.

Mr. O'FERRALL submitted (by request) the following resolution of inquiry; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this House as follows:

First. Whether a site has been purchased for a suitable building for the accommodation of the United States courts, post-office, and other Government offices at Abingdon, State of Virginia, as authorized by an act entitled "An act for the erection of a public building at Harrisonburg and Abingdon, State of Virginia," approved July 7, 1882.

Second. What price was paid for said site, if purchased, and whether a valid title has been vested in the United States, and whether the State of Virginia has ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Third. What amount of the money appropriated for the purchase of said site and the commencement of the erection of a suitable building has been expended, and how and for what expended.

Fourth. The estimated cost, including site, of said building, and the amount necessary to be appropriated, if any, in addition to the sum already appropriated, to complete the same.

Fifth. What progress has been made with the work of erecting said building, and, if little or no progress, the cause of it.

Sixth. Whether the progress of said work has been arrested through the influence or by the advice of any person or persons; if so, whom.

LEGAL REPRESENTATIVES OF W. ELLIOTT.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 7951) for the relief of the legal representatives of W. Elliott, deceased, late of Barbour County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. JULIA HARTLEY.

Mr. MAGINNIS introduced a bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSÉ ALBINO BACA AND OTHERS.

Mr. MANZANARES introduced a bill (H. R. 7953) for the relief of José Albino Baca, Romualdo Baca, and the heirs of Simon Baca, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS COOPER AND OTHERS.

Mr. MANZANARES also introduced a bill (H. R. 7954) for the relief of Thomas Cooper and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCISCO LOPEZ & SON.

Mr. MANZANARES also introduced a bill (H. R. 7955) for the relief of Francisco Lopez & Son; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANTONIO Y M. ABEYTA.

Mr. MANZANARES also introduced a bill (H. R. 7956) for the relief of Antonio y M. Abeyta; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PASCUAL BACA AND OTHERS.

Mr. MANZANARES also introduced a bill (H. R. 7957) for the relief of Pascual Baca and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF ANTONIO BACA Y BACA AND OTHERS.

Mr. MANZANARES also introduced a bill (H. R. 7958) for the relief of the heirs of Antonio Baca y Baca and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHANGE OF NAME OF NATIONAL BANK.

Mr. RAYMOND introduced a bill (H. R. 7959) authorizing the Citizens' National Bank of Grand Forks, Dak., to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LAND DISTRICT IN DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 7960) to create an additional land district in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

The SPEAKER. The call of States and Territories is now concluded; but if there be no objection the Chair will recognize, for the introduction and reference of bills and resolutions, gentlemen who were not in their seats when their States were called. The Chair hears no objection.

EIGHT-HOUR LAW.

Mr. MCADOO submitted the following resolution; which was referred to the Committee on Labor:

Resolved, That the Postmaster-General of the United States be respectfully requested to report to this House whether in his opinion section 3738 of the Revised Statutes, with reference to eight hours' employment constituting a day's labor for all laborers, &c., employed on behalf of the United States, applies to letter-carriers of the United States.

JETTY SYSTEM OF HARBOR IMPROVEMENTS.

Mr. BRECKINRIDGE introduced a bill (H. R. 7961) to secure special examination into the location and methods of harbor improvements by means of jetties as now being conducted by the United States Government, and for other purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

CHARLOTTE E. MYER.

Mr. KEIFER introduced a bill (H. R. 7962) granting a pension to Charlotte E. Myer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND TITLES IN THE DISTRICT OF COLUMBIA.

The SPEAKER. This being the second Monday of the month, business presented by the Committee on the District of Columbia is now in order.

Mr. BARBOUR. I call up from the House Calendar the bill (H. R. 7375) to amend the laws relating to land titles in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That the term "heirs," or other words of like import, shall not be requisite, in any deed or will hereafter made of land in the District of Columbia, to convey or create an estate in fee-simple, but every grant or devise of land in said District hereafter made shall vest in the grantee or devisee all the interest and estate, legal and equitable, of the grantor or devisor in the premises granted or devised, unless an intent to pass a less estate or interest is expressed or necessarily implied.

SEC. 2. That a general devise in any will hereafter made, and remaining in force at the date of the decease of the testator, shall be deemed and held to pass all the interest and estate, legal and equitable, which the testator had therein at the time of his death, whether acquired before or after the making of the will, unless a contrary intent is expressed or necessarily implied.

SEC. 3. That where two or more persons are named as grantees or devisees in any deed or will hereafter made, except when named or taking as trustees, such persons shall be deemed and held to take as tenants in common and not as joint tenants, unless a contrary intent is expressed.

SEC. 4. That any instrument of writing hereafter signed, acknowledged, and recorded in said District, and in the following form or to the like effect, namely: "This deed, made this —— day of ——, A. D. ——, between —— —— [the grantor] and —— —— [the grantee], witnesseth: That in consideration of —— [here state the consideration] the said —— —— [the grantor] conveys unto the said —— —— [the grantee] the following property situate in the District of Columbia: —— [here describe the property]. Witness the following signature," shall be deemed and held sufficient, in law and in equity, to vest in the grantee or grantees therein named, his, her, or their heirs and assigns, all the interest and estate, legal and equitable, of the grantor or grantors therein named and signing the same, in and to the land therein described, with all the improvements thereon and all easements, hereditaments, appurtenances, and rights thereunto belonging.

SEC. 5. That if in any such instrument as aforesaid the words "and warrants" (or "warrant") shall be used after the word "conveys" or "convey," the grantor or grantors shall be deemed and held to covenant, for himself, herself, or themselves, his, her, or their heirs and legal representatives, with the grantee or grantees, his, her, or their heirs and assigns, to forever warrant and defend the title to the premises conveyed unto the grantee or grantees, his, her, or their heirs and assigns, from and against the lawful claims of all persons whomsoever.

SEC. 6. That if in any such instrument as aforesaid the words "and warrants" (or "warrant") "specially" shall be used after the word "conveys" or "convey," the grantor or grantors shall be deemed and held to covenant, for himself, herself, or themselves, his, her, or their heirs and legal representatives, with the grantee or grantees, his, her, or their heirs and assigns, to forever warrant and defend the title to the granted premises, unto the grantee or grantees, his, her, or their heirs and assigns, from and against all persons claiming by, through, or under the grantor or grantors, his, her, or their heirs and assigns.

SEC. 7. That any person claiming title to land in the District of Columbia by descent, or having acquired title from or through any person or persons who claimed the same by descent, may file a petition on the equity side of the supreme court of the District of Columbia, verified by the oath of the petitioner, setting forth the name of the intestate, the date and place of his or her decease, as nearly as can be ascertained, a full description of the land and premises of which the intestate died seized, in law or in equity, and the manner in which the intestate acquired title to the same, the name or names of the person or persons claiming or who claimed to be the sole or only heir or heirs of the intestate, and the relationship of such person or persons to the intestate, and praying the court to decree that the person or persons so named is or are the sole or only heir or heirs of the intestate; and thereupon an order may issue, as of course, setting forth the substance of the petition, and warning all persons interested to appear by a day therein to be named, not less than thirty days from the date of the filing of such petition, and show cause against the granting of the prayer thereof, a duly certified copy of which order shall be published daily, Sundays excepted, for twenty days, in some newspaper of general circulation printed and published in said District; and if the intestate was at the date of decease domiciled outside of said District, like publication shall be made in such issue of some newspaper printed or published at the city, town, or county where he or she was so domiciled, for the period of at least twenty days.

SEC. 8. That on proof to the satisfaction of the court of publication being made as aforesaid, the court may direct evidence to be taken, by commission or otherwise, in support of the allegations of the petition, and in case of conflicting claims of heirship may direct an issue to be framed, and refer the same to the law side of the court for trial by jury; and on hearing and considering the proceedings the court may pass a decree declaring who were or are the only heirs at law of the intestate; and when a copy of such decree, certified by the clerk under his hand and the seal of the court, is recorded in the office of the recorder of deeds of said District, the record thereof shall be *prima facie* evidence in all courts of law and equity of the fact therein stated. The court shall have power to adopt such rules as in its judgment may seem requisite in the premises.

SEC. 9. That adverse possession of land in said District, heretofore or hereafter obtained without fraud or collusion, under a record claim of title, and held for fifteen years by any person and those under whom he claims, shall be deemed and taken in all courts of law or equity to vest such possessor with a fee-simple title to such land: *Provided*, That any claimant legally disabled from suing shall be entitled to one year after the removal of the disability within which to bring suit: *And provided further*, That no possession heretofore commenced and continuing for less than twenty years shall be a bar to any suit begun within one year from the passage of this act: *And provided further*, That as to unoccupied lands, they shall be deemed in the constructive possession of the person having a record claim of title thereto, and in whose name the same are assessed and who pays the taxes thereon, and such constructive possession shall be deemed an adverse possession under this act.

SEC. 10. That no conveyance of land, or any interest in land, whereof the grantor, at the date of such conveyance, shall not be in possession, actual or constructive, except when made by a person claiming under the person in possession, or those under whom he claims, or by a reversioner or remainderman, or by a trustee or officer executing a writ, order, or decree against the person in possession, or those under whom he claims, or by a public officer or officers in the discharge of official duty, or between persons claiming as co-tenants, shall invest the grantee or grantees, his, her, or their heirs or assigns, with any right to have or maintain any suit or action at law or in equity, in respect of or concerning the land or interest granted, against any person or persons in the peaceable possession, actual or constructive, of such land or interest, claiming adversely to the grantor or grantors in any such conveyance.

SEC. 11. That when possession has been acquired, and has existed as set forth in the ninth section of this act, and the person in possession, actual or constructive, desires to perpetuate record proof thereof, such person may file a petition on the equity side of the supreme court of the District of Columbia, verified by the oath of the petitioner, setting forth the fact of such possession, a full description of the property, and the manner in which the petitioner, or those under whom the petitioner claims, acquired title; and thereupon an order may issue, as of course, reciting in brief the substance of the petition, and warning all persons interested to appear by a day therein named, which shall be not less than thirty days after the filing of the petition, and show cause against the granting of the relief prayed, a copy of which order shall be published daily, Sundays and legal holidays excepted, for at least twenty days in some newspaper printed and published in said District and of general circulation therein. On proof to the satisfaction of the court of such publication being made, evidence may be taken in such manner and upon such terms as the court may prescribe; and on hearing the petition and proofs the court may, by decree, declare that the petitioner is vested with a fee-simple title to the land in question against every claimant; and when a duly certified copy of such decree is recorded in the office of the recorder of deeds of said District, the record thereof shall be *prima facie* evidence of the contents thereof, subject, nevertheless, to the exceptions in favor of persons laboring under disabilities mentioned in the ninth section of this act.

SEC. 12. That if in the proceedings aforesaid any person claiming an interest in the premises shall intervene and traverse the averments of the petition, the court may direct such proceedings to be had and such proofs to be taken as the nature of the case may require; and if upon a final hearing the court shall be satisfied that the petitioner is not entitled to the relief prayed, the petition shall be dismissed, but without prejudice to the rights of any of the parties in any suit or action thereafter brought to recover possession of the premises in question.

SEC. 13. That on the trial of any action of ejectment heretofore or hereafter

brought in said District, where the possession of the defendant, or those under whom he claims, is shown to have been obtained peaceably and in good faith, it shall be competent for the parties to make proof of—

First. The amount of taxes paid by the defendant, or those under whom he claims, during the period of his, her, or their possession, actual or constructive, on account of the land sued for, including all assessments, general or special.

Second. The value of all valuable, useful, and lasting improvements made or erected on the land sued for by the defendant, or those under whom he claims, prior to the commencement of the action.

Third. The rental value of the land sued for, without the improvements, during the period of the actual occupation thereof by the defendant, or those under whom he claims, or by his or their tenants.

Fourth. The value of the lands sued for without the improvements.

The certificate of the collector of taxes for the time being, and which he shall furnish on demand of the party interested, showing the assessment and payment of taxes during the period in which the defendant or those under whom he claims held possession, actual or constructive, shall be *prima facie* evidence that the taxes certified as paid were paid by the person in whose name the land sued for is shown by the certificate to have been assessed.

SEC. 14. That if, upon the trial as aforesaid, the jury, under the instructions of the court, shall find for the plaintiff for the possession of the land sued for, they shall return as part of their verdict and in such form as the court may prescribe, the amount of taxes and assessments, if any, found to have been paid as aforesaid; the value of the useful, valuable, and lasting improvements, if any, made as aforesaid; the rental value, if any, of the land sued for without the improvements, and the value of said land without the improvements, all which shall be entered upon the minutes of the court; and if the verdict shall show an amount for improvements and taxes in excess of the amount returned as the rental value of the land, no judgment shall be entered upon such verdict or execution awarded until the plaintiff, or his legal representatives, shall have paid or tendered in current money to the defendent, or his legal representatives, the amount of said excess as aforesaid, less the costs of suit, to be taxed by the clerk; or until the plaintiff, or his legal representatives, shall have tendered to the defendant, or his heirs or assigns, a good and sufficient deed of release and acquittance of all interest and estate in the land sued for, and demanded of the defendant, or his legal representatives, the value of the land sued for so as aforesaid found, and the rental value, if any, so as aforesaid found, and costs, in excess of the amount of taxes and assessments, if any, so as aforesaid found to have been paid, and the defendent, or his heirs or assigns, shall have refused or failed, for a period of ten days from and after such tender and demand, to accept the deed so tendered and to pay the sum so demanded: *Provid.d*, That nothing herein contained shall be deemed to affect the right of appeal or the right to a writ of error; and for that purpose judgment may be entered upon such verdict *pro forma*.

SEC. 15. That within thirty days from and after the rendition of a verdict as hereinbefore provided for, should no proceedings be taken to set aside the same, or if any such proceedings shall be entered within thirty days after the same are disposed of, should the verdict be sustained, the plaintiff, or his heirs or legal representatives, may pay or tender, in current money, to the defendant, or his heirs or legal representatives, the value of the improvements so as aforesaid found, and the amount of taxes so as aforesaid found to have been paid, less the rental value so as aforesaid found and less the costs of suit as taxed by the clerk, and on filing with the clerk an affidavit of such payment or tender, or in case the defendent shall evade or refuse such tender, on payment of such sum into the registry of the court, to the order of the defendant, his heirs or legal representatives, judgment shall be forthwith entered, as of course, in favor of the plaintiff, for possession of the premises sued for, and costs, and for any rental value found as aforesaid in excess of the taxes found to have been paid as aforesaid, and execution shall issue accordingly; or, within the period aforesaid the, plaintiff, or his heirs or legal representatives, may tender to the defendant, or his heirs or legal representatives, a good and sufficient release and conveyance of all interest and estate in the premises sued for, and demand of the defendant, or his heirs or legal representatives, payment, in current money, of the value of the land sued for without the improvements so as aforesaid found, and the rental value of the land without the improvements, if any, found as aforesaid, and costs taxed as aforesaid, less the amount of taxes, if any, so as aforesaid found to have been paid; and if the defendant shall fail, for the space of ten days, to accept such release and pay said sums, or in case the defendant, or his heirs or legal representatives, shall evade such tender or demand, the plaintiff, or his heirs or legal representatives, may file with the clerk a notice in writing of such tender and demand; and on failure of the defendant, or his heirs or legal representatives, for the space of ten days thereafter, to accept such tender and pay such demand, judgment shall be entered, as of course, in favor of the plaintiff, for the possession of the premises sued for, and improvements, and costs, and for the rental value of the land so as aforesaid found, if any, in excess of the amount of taxes, if any, so as aforesaid found, and execution may issue accordingly.

SEC. 16. That on neglect or failure of the plaintiff, or his heirs or legal representatives, to comply with the provisions of the fifteenth section of this act, the defendant, his heirs or legal representatives, may pay or tender to the plaintiff, his heirs or legal representatives, in current money, the value of the land without the improvements so as aforesaid found, and the costs of suit, taxed as aforesaid, together with the rental value so as aforesaid found, if any, in excess of the amount of taxes paid, if any, so as aforesaid found, and may demand of the plaintiff, or his heirs, a release and acquittance of all interest in the premises sued for; and should the plaintiff, or his heirs, refuse or neglect, for the space of ten days, to accept such tender and to comply with such demand, on the filing in the clerk's office by the defendant, or his heirs or legal representatives, of an affidavit of such tender, demand, and refusal, the plaintiff, his heirs and legal representatives, shall thereupon be forever barred from having or maintaining any other or further proceedings, suits, or actions of or concerning the premises in question, or for any rents and profits thereof.

SEC. 17. That the record of any will or codicil, or certified copy of any will or codicil, heretofore or hereafter recorded in the office of the register of wills of said District, and which shall have been admitted to probate, shall be received in all courts of law or equity as *prima facie* evidence of the contents and due execution of such wills or codicils, or certified copies. Any will hereafter made shall be deemed sufficiently executed to pass the title to real estate in said District if in writing, signed by the testator or testatrix, and attested and subscribed in the presence of the testator or testatrix by two or more credible witnesses.

SEC. 18. That the recitals in any trustee's deed, executor's deed, guardian's deed, or marshal's deed heretofore or hereafter recorded in the proper office in said District shall be *prima facie* evidence in all courts of law or equity of the facts recited.

SEC. 19. That the provisions of sections 450 and 451 of the Revised Statutes of the United States relating to the District of Columbia shall not be taken or held to apply to the acknowledgment of any conveyance heretofore made by a married woman of any estate or property referred to or contemplated by the provisions of sections 727 and 728 of said Revised Statutes, but every such acknowledgment shall be deemed and held sufficient, in law and in equity, if made agreeably to the provisions of section 442 of said Revised Statutes; and hereafter the examination of any married woman privily and apart from her husband shall not be deemed requisite to the validity of her execution or acknowledgment of any deed, deed of trust, or other instrument conveying or relinquishing her right or interest, vested, contingent, or inchoate, in any lands and tenements, whether executed and acknowledged by such married woman separately or conjointly with her husband; but every deed, deed of trust, mortgage, or other instrument of writing hereafter made by any person or persons, whether married or unmarried, shall be deemed entitled to be recorded, and the record thereof shall be deemed valid, if the same shall have annexed thereto a certificate of the proper acknowledging officer, his name and official title being thereunto subscribed, in the following form or to the like effect, namely:

"District of Columbia, ——, to wit:

"I, ——, a —— in and for said ——, hereby certify that ——, ——, well known to me [or satisfactorily proven to me] to be the person who executed the aforegoing and annexed deed [or other instrument], personally appeared before me, in said ——, and acknowledged the same to be — act and deed."

Subject, nevertheless, to the requirements of sections 443 and 445 of the Revised Statutes of the United States relating to the District of Columbia, when such acknowledgments are taken in the places therein mentioned.

SEC. 20. That equitable interests in lands, tenements, and hereditaments in said District existing of record at the date of this act, or hereafter acquired of record, shall be subject to seizure and sale on execution on any final judgment or decree for the payment of money hereafter rendered in the supreme court of said District, or on any judgment of a justice of the peace hereafter filed and docketed in the clerk's office of said court as required by law, and shall also be subject to attachment by mesne process; but as to purchasers for value and mortgagees of the judgment debtor, the title to lands and tenements in said District, or any interest therein, shall not be affected by the lien of any such final judgment or decree after the expiration of five years from the time when such lien shall have attached; and any judgment or decree hereafter rendered or docketed as aforesaid shall be deemed and taken to be fully satisfied after the expiration of ten years from the date of rendition or docketing thereof, unless the same shall be revived by scire facias before the expiration of that period, in which event it shall continue in force for ten years longer, subject to the preceding provision respecting the lien thereof as to purchasers and mortgagees. Execution may issue on any such judgment or decree at any time within the period of ten years from the rendition, or docketing, or revival thereof, without a scire facias. No execution shall lie against lands and tenements, or any interest therein, upon a judgment of a justice of the peace, nor shall any lien be thereby created, until such judgment shall have been filed and docketed in the clerk's office, as required by the provisions of section 1022 of the Revised Statutes of the United States relating to the District of Columbia. Nothing in this section shall be construed as depriving any judgment creditor of the right to enforce his lien upon an equitable interest in land by bill in equity without first making out a fieri facias.

SEC. 21. That the clerk of the supreme court of the District of Columbia shall keep an attachment docket, in which, as well as in the regular docket, all attachments against real estate hereafter issued, whether in cases heretofore or hereafter commenced, shall be entered; and said clerk shall also enter in such attachment docket, in brief, the description of the property seized under any such attachment. The lien of any such attachment shall take effect, as to purchasers and creditors, without actual notice, only from the time of the entry in the attachment docket of the marshal's return. All attachments so entered shall be indexed in the name of the defendant; and for keeping said docket the clerk shall be entitled to the same fees as are now allowed by law for keeping the record of mechanics' liens.

SEC. 22. That hereafter all tax deeds executed by the officer designated by law to execute the same, of land hereafter sold for taxes, shall vest in the grantee all the right and estate of the former owner in and to the land conveyed, and shall be presumptive evidence in all courts of the District of Columbia in all controversies and suits in relation to the rights of such grantee, his heirs and assigns, of the following facts:

First. That the property so conveyed was subject to taxation for the year or years stated in the deed.

Second. That the taxes were not paid before the sale, nor the property redeemed before the said deed was executed.

Third. That the property had been duly listed and assessed; that the taxes were levied according to law, and that the property was duly advertised for sale and sold for taxes as stated in the deed.

And shall be conclusive evidence of the following:

First. That the manner in which the listing, assessment, levy, notice, and sale were conducted were in all respects as the law directed, and that the grantee was the purchaser.

Second. That all the prerequisites of the law were complied with by all the officers who had or whose duty it was to have had any part or action relating to or affecting said property, or the title so conveyed, necessary and proper to make a good and valid sale and to vest the title in the purchaser, except in regard to the foregoing points, of which said deed is declared to be presumptive evidence only.

SEC. 23. That the supreme court of the District of Columbia shall have general jurisdiction, in equity, of the interest of infants and lunatics in real estate in said District; and on petition of the guardian of any infant or committee of any lunatic having an estate or interest in any lands or tenements in said District, may decree the sale or mortgage of the whole or any part thereof, or may authorize or confirm such contracts in respect of the same as, in its discretion, having regard to the interest and advantage of such infant or lunatic, it may deem proper. The proceedings on such petition shall conform as nearly as may be to the provisions of sections 958 to 960, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia, except that it shall not be necessary to make parties defendant those who would be heirs to the estate if the infant or lunatic were dead.

SEC. 24. That section 3 of the act of Congress approved August 15, 1876, chapter 297, entitled "An act relating to partition of real estate in the District of Columbia," be, and the same is hereby, repealed; and all sales of lands and tenements hereafter made under any decree or order in chancery shall be upon terms prescribed by the court; and the court may, by general rule, prescribe the manner and mode in which chancery sales may be made by a trustee or trustees appointed for that purpose, and the terms upon which such sales shall be made, and, unless otherwise in the decree prescribed, all sales under decree shall be in accordance with such general rule; and to that end a decree of sale may be in the following form, or to the like effect, namely:

"On consideration, it is by the court, this —— of ——, A. D. ——, ordered and decreed, that sale be made of the following real estate mentioned in the proceedings, namely; —— [description of the property to be sold]; and that —— —— [the trustee] be, and he is hereby, appointed trustee to execute this decree, in accordance with the rule of the court in such case made and provided."

No title to lands and tenements sold under any decree or order of court shall vest in the purchaser until the whole of the purchase-money is paid, or secured to the satisfaction of the court, and a conveyance ordered.

SEC. 25. That the term "land," wherever used in this act, shall be held to embrace tracts, lots, original lots, subdivision lots, or parts of lots; and the term "person," wherever used in this act, shall be held to embrace bodies corporate as well as natural persons, the plural as well as singular number and feminine as well as masculine gender.

SEC. 26. That all laws or parts of laws inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

Mr. BARBOUR. I ask that the report accompanying this bill be read.

The Clerk read the report (by Mr. MULDROW) as follows:

The Committee on the District of Columbia, to whom was referred H. R. 4958, report the accompanying substitute and recommend its passage.

The object of this bill, "to amend the laws relating to land titles in the District of Columbia" (bill H. R. 4958), is intended to simplify the present laws of the District in that respect and bring them more in harmony with modern legislation on that subject in the States.

The laws of the District on the subject of land titles are to be found partly in the common law and partly in old Maryland statutes, and require forms that are cumbersome, and include some rules unusual, not retained in modern legislation, and there seems to be a general opinion that both to make the law more simple and clear the provisions such as are embodied in this bill should be enacted.

The SPEAKER *pro tempore* (Mr. HAMMOND in the chair). The question is on ordering this bill to be engrossed and read a third time.

Mr. STORM. This bill proposes to change in some very important particulars the land laws of the District of Columbia. I desire to know whether it contains any suitable provision that existing vested titles shall not be disturbed, and whether the bill as drawn applies to deeds and wills which may have been executed before the passage of the bill.

Mr. BARBOUR. I understand that this bill came from the Bar Association of this District. It was referred to the Committee on the District of Columbia and received the unanimous recommendation of the legal gentlemen on that committee, constituting what we call the "Subcommittee on the Judiciary."

I am not lawyer enough to answer the gentleman's questions. The gentleman from Mississippi [Mr. MULDROW] who reported the bill is absent; but other gentlemen of the committee who are lawyers will make any explanations that may be necessary. I yield so much of my time as may be desired to the gentleman from Maryland [Mr. MCCOMAS] and the gentleman from Mississippi [Mr. JEFFORDS], who will no doubt answer the gentleman's questions satisfactorily.

Mr. HEWITT, of Alabama. This is a very important bill; and it seems to me best that we take it up and go through with it by sections in the House as in Committee of the Whole.

Mr. BARBOUR. I have no objection to that course.

Mr. HEWITT, of Alabama. The bill makes important changes in regard to the law of land titles and modifies the rules of evidence.

Mr. MCCOMAS. Mr. Speaker, the gentleman from Mississippi [Mr. MULDROW] who reported this bill, and who, if present, would take charge of it, is unavoidably absent. It is a long bill, and the suggestion that it be considered by sections would be reasonable enough if that course were really necessary. But I apprehend that such treatment of the bill would consume the remainder of this day, and I think gentlemen who will look at the bill will find there is no real need of considering it by sections. For instance, the first and second sections propose simply to adopt in this District what is the law perhaps in almost every State of the Union—that the word "heirs" shall not be required hereafter in any deed or will in order to pass a fee-simple title.

Mr. STORM. The question is not so much as to the law in the various States of the Union as in regard to the present law in this District which the bill proposes to change.

Mr. MCCOMAS. I can answer my friend on that subject satisfactorily, I think. The laws of this District on the general question involved in this bill are the common law of England as it stood at the time of the Revolution, with the addition of Maryland statutes up to 1801. Just there the law of Maryland is lopped off; and the stump has scarcely had any growth since.

The first and second sections of the bill provide that the word "heirs" shall not be required in a will or deed in order to pass a fee-simple title. By the third section the old common-law doctrine of joint tenancy with the right of survivorship is abolished; and it is provided in accordance with the law of Maryland, and perhaps most of the States of the Union, that where property is conveyed to two or more persons they shall take as tenants in common, unless joint tenancy be expressly provided for.

And so on with the fourth section. There is a short form of a deed in modern shape and not in the old form. Sections 5 and 6 only provide that there shall be, as is usual in most of the States, short forms of general and special warranty.

Now, Mr. Speaker, I hope if to that extent and to illustrate the general object of the bill my friend on the other side of the House should find no section which he thinks ought to be considered separately, then after looking over the whole bill, which has been on the Calendar and printed since June last, together with the accompanying report, it would hardly be necessary in my judgment that the House should go over the bill section by section.

Mr. PERKINS. Let the general debate be closed in five minutes.

Mr. MCCOMAS. Do I understand the gentleman from Pennsylvania [Mr. STORM] as insisting upon his suggestion or his desire of having the bill debated section by section?

Mr. STORM. That was not my suggestion. I only rose for the purpose of asking for some explanation. I infer from what the gentleman has said, and from reading the bill and the report, that the existing law of this District is the old common law and that the use of the word "heir" is necessary to convey title in fee-simple.

Now, the question which I wish to ask the gentleman from Maryland further is whether there is a saving clause in the bill so as to not disturb existing titles in this District, or whether it would be retroactive, so as to apply to deeds and wills executed before its passage.

I am favorable, Mr. Speaker, to the purpose of the bill. I know that the tendency of modern legislation is to simplify these matters. The question for us carefully to consider is what is the law we change in this District, and whether in making the change we interfere with vested rights and titles.

Mr. MCCOMAS. I agree with the gentleman from Pennsylvania in what he has said, but in the opinion of the committee reporting this bill it does not interfere with vested rights or titles in this District. I therefore ask unanimous consent, Mr. Speaker, that the bill be considered as a whole.

The SPEAKER *pro tempore*. That is not required. The bill having been read, it will require unanimous consent to have it read by sections.

Mr. BARBOUR. As it is suggested by several gentlemen that the bill should be temporarily passed over so that members may look into its provisions, and especially as the gentleman from Mississippi [Mr. MULDROW] who is the author of the bill is not present in the House to-day, I am willing, as chairman of the committee, to move that the bill be informally passed over not to lose its right upon the Calendar.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

PROTECTION OF CHILDREN.

Mr. BARBOUR I now move to take from the House Calendar the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, and reported from the Committee on the District of Columbia with amendments.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Association for the Prevention of Cruelty to Animals for the District of Columbia shall be known as the "Washington Humane Society," and shall be authorized to extend its operations under this act to the protection of children as well as animals from cruelty and abuse. In pursuance thereof the said society may cause its proper officers or agents to prefer complaints, before any court in the District of Columbia having jurisdiction, for the violation of any law relating to or affecting the protection of children in said District, and by its proper attorney may aid in bringing the facts before such court in any proceeding taken.

SEC. 2. That the commissioners of the District of Columbia shall, by the police force of said District, aid the said society, its officers and agents, in the enforcement of all laws relating to or affecting the protection of children; and the commissioners of the said District, and their successors, are authorized, in their discretion, to detail, from time to time, an officer or officers to aid specially in the work of said society, or they may commission any duly appointed agents of said society special police officers, without compensation; and such agents or officers shall have power to arrest, without warrant, all persons violating in their presence any law relating to or affecting the protection of children, or other parties so offending by virtue of a warrant issued by the police court of the District of Columbia, which offenders shall be taken by such agents or officers before the said police court of the District of Columbia for trial. Said agents or officers are also hereby empowered to bring before the said court any child who is subjected to cruel treatment, willful abuse, or neglect, or any child under 16 years of age found in a house of ill-fame; and said court may commit such child to an orphan asylum or other public charitable institution in the District of Columbia, with the consent of the constituted authorities of such asylum or institution, or make such other disposition thereof as now is or may hereafter be provided by law in cases of vagrant, destitute, or abandoned children: *Provided*, That any parent, guardian, or near relative who may feel aggrieved by any order of said court in the premises may appeal therefrom to the criminal court of the District of Columbia.

SEC. 3. That any person in the District of Columbia who shall torture, cruelly beat, abuse, or otherwise willfully maltreat any child under the age of 18 years; or any person, having the custody and possession of a child under the age of 14 years, who shall expose, or aid and abet in exposing, such child in any highway, street, field, house, outhouse, or other place, with intent to abandon it; or any person, having in his custody or control a child under the age of 14 years, who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus-rider, or a rope-walker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street-singer, or street-musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and, when convicted thereof, shall be subject to punishment by a fine of not more than $250, or by imprisonment for a term not exceeding two years, or both.

SEC. 4. That any person who shall entice, decoy, place, take, or receive any female child under the age of 16 years into any house of ill-fame or disorderly house, for the purpose of prostitution, or any person who, having in his custody or control such child, shall dispose of it to be so received, or to be received in or for any obscene, indecent, or immoral purpose, exhibition, or practice, shall be deemed guilty of a misdemeanor, and, when convicted thereof, shall be subject to punishment by a fine of not more than $1,000, or by imprisonment for a term not exceeding ten years, or both.

The amendments of the committee were read, as follows:

In section 2, line 11, strike out the words "within their view," and insert "in their presence;" and in section 4 strike out "twenty-one" and insert "sixteen."

Mr. WARNER, of Ohio. I hope we shall have some explanation of this bill.

Mr. WILSON, of West Virginia. The bill, I think, explains itself. It is not intended to interfere with personal liberty, but on the contrary to secure it. It is not in derogation of the rights of parents or guardians, but recognizes those rights to be possessed not for the benefit of the parents or guardians, but for the protection of their children and to supply their wants.

The bill is designed to embody in the statutes of the District of Columbia legislation which is found to be necessary and which has been adopted in many of the States of the Union. This bill has been prepared after careful examination of the statutory laws of the several States and especially of those of the State of New York.

The bill came from the Senate and has been reported back from the Committee on the District of Columbia with two amendments, one of them unimportant, merely correcting the verbiage in order to prevent what the committee thought might lead to ambiguity of interpretation of the law, and the other, in the fourth section, diminishing the age from 21 to 16 years. The committee supposed if the law was left at 21 it might afford opportunity for blackmail, and that there was danger that the object of the bill might be foiled or the bill rendered less successful.

I demand the previous question on the bill and amendments.

The previous question was ordered, and under the operation thereof the amendments were agreed to, and the bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CRIMINAL CODE FOR THE DISTRICT.

Mr. BARBOUR. I move next to take from the House Calendar the bill (H. R. 5249) to provide a criminal code for the District of Columbia; which was reported back from the Committee on the District of Columbia with amendments.

The bill was read, as follows:

Be it enacted, &c., That the justices of the supreme court of the District of Columbia be, and they are hereby, authorized to appoint one person learned in the law to prepare a code of criminal law for the said District of Columbia, to be submitted to Congress at its next session for approval.

SEC. 2. That the sum of ——— thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the same.

SEC. 3. That said commissioner or codifier so appointed is hereby authorized to cause his work to be printed, and the Public Printer is hereby directed to do such printing; and said code shall be reported to Congress as soon as practicable.

The amendments were read, as follows:

In section 1, line 5, after the word "law," insert the words "who shall receive a compensation not to exceed $3,000;" and in section 2, line 1, before the word "thousand," insert the word "three;" and also by adding the following as a new section:

SEC. 4. That 50 per cent. of the amount hereby appropriated shall be paid by the District of Columbia.

Mr. BARBOUR. This bill was reported from the Committee on the District of Columbia by the gentleman from Maryland [Mr. MCCOMAS], and I will yield the floor to him.

Mr. MCCOMAS. I ask for the reading of the report.

The report (by Mr. MCCOMAS) was read, as follows:

The condition of the statute law of the District of Columbia is deplorable. Congress has never found time to give to the subject the attention absolutely necessary. Repeated attempts to provide a code have resulted in repeated failures. The chance of success grows less as the volume of Congressional legislation increases. To attempt at this time to pass a code would surely fail. But something may yet be done which will meet present needs and serve as a basis for a code in the future. The condition of the criminal laws in force here is a public scandal. The laws of England prior to July 4, 1776, and the laws of Maryland as they existed February 27, 1801, constitute the body of the laws for the punishment of crime in this District. Congress at times has spasmodically patched the system. Substantially there has been no development or improvement upon the laws of Maryland in force in 1801. During eighty-three years some penalties and even crimes have become obsolete. New crimes have been frequent that are difficult to punish under existing statutes. Confusion and delay result which an able and upright bench can not prevent.

We are told that unusual difficulties arise in classifying offenses as misdemeanors or felonies, uncertainties as to the results of conviction respecting disabilities and forfeitures, the right of defendants and the Government to challenge the qualification of jurors, the selection of talesmen, the process for witnesses beyond the jurisdiction and their compensation. The laws respecting lotteries and gambling are very loose. There are no degrees in murder. A jury is compelled to find murder or manslaughter, and a criminal thus escapes with inadequate punishment. There is no penalty for incest. Adultery escapes with the slight penalty of four hundred pounds of tobacco, while for blasphemy the law prescribes boring through the tongue with a red-hot iron.

Arson in the daytime and arson at night are not differently punished. It was long doubted whether the appalling crime of Guiteau could be tried and punished in this District.

Enough instances have been cited to show the need of a criminal code, which is one step in the right direction. Others will follow. This reform should not be delayed.

This bill (No. 5249), as amended by the committee, provides that—

(1) The judges of the supreme court of the District shall appoint one competent lawyer as a commissioner to prepare a criminal code to [be submitted to] Congress for its approval. It does not limit the time to the duration of the present Congress, though it is believed that the limited scope of this undertaking will enable the codifier to report at the next session of Congress.

(2) The Public Printer is authorized to do the printing.

(3) The compensation is limited to $3,000.

(4) It is provided that 50 per cent. of the sum expended be paid by the District.

Mr. MCCOMAS. Now, Mr. Speaker, that report, which I had the honor to submit, as will be perceived, is a very brief one and a very matter-of-fact statement of the many reasons why some such legislation should be enacted. The bill empowers the court—the supreme court of the District—to appoint some one to frame a criminal code for the District.

There have been many times in the history of this District when efforts were made to get up a criminal as well as a civil code; but failure has always followed such efforts, as is stated in the report. Such efforts have always fallen still-born. That would be the case again, no doubt, in this effort but for the fact that because the criminal laws in this District are at this time in some respects barbarous, obsolete, and inadequate, it has grown to be a public sentiment, a clamor in favor of some such measure.

More than a year ago the Committee on the District of Columbia had this matter brought to its attention, and finally decided that the supreme court of the District could properly appoint a suitable person who, for a moderately reasonable sum or compensation, could take up the criminal code, which is now such a crying necessity, and that the other larger work which is so much demanded here should be left to the future. After a careful inquiry the committee believe that, with the basis of the code in the State from which this law has been largely derived, aided by codifications of the criminal laws of other States of this country, by the recent criminal act, for instance, in the State of New York, if you please, or Stephen's English Criminal Code, in the course of a year such a proper person could report to Congress a criminal code, not as an experiment, but one based upon existing law—the only way in which a code could and should properly be made—and that it may be done and done promptly and well, and when so done this law, which has been so long wanted and which has never heretofore been provided, notwithstanding the repeated efforts to have such a measure in this District, will meet the requirements of the people and afford relief where now there is none. It provides also that it shall remain for the consideration of Congress until approved or rejected.

I reserve the remainder of my time, Mr. Speaker, and unless some gentleman is opposed to this provision I shall move the previous question upon the adoption of the bill.

Mr. COX, of New York. May I ask the gentleman from Maryland a question?

Mr. MCCOMAS. Certainly.

Mr. COX, of New York. The publication of this code will cost a good deal of money. It is provided that it shall be done by the Public Printer. Is it proposed to divide that expense with the District also?

Mr. MCCOMAS. The act itself provides that the Public Printer shall print this code. But I will say to the gentleman from New York that as it is simply a criminal code, it will necessarily be brief. It does not undertake to embrace the civil provisions of the law within it. It is simply a criminal code, and the Public Printer, as the bill provides, shall do the printing of it.

Mr. COX, of New York. But there is another provision, which provides that the cost of carrying out the bill shall be defrayed equally by the Government and the District of Columbia.

Mr. MCCOMAS. Yes, sir.

Mr. COX, of New York. Now, does that provision apply also to the printing?

Mr. MCCOMAS. I think not to the printing.

Mr. COX, of New York. Suppose you amend it in that way.

Mr. MCCOMAS. I will accept that amendment.

Mr. HOPKINS. Will the gentleman from Maryland permit me to ask him a question?

Mr. MCCOMAS. Certainly.

Mr. HOPKINS. Is there any special reason why this appointing power shall be conferred upon the judges of the supreme court of the District of Columbia rather than upon the President of the United States?

Mr. MCCOMAS. If the gentleman will look at the bill, and at the time of its introduction, he will see that it was presented several months ago, and the committee thought it better that no political consideration should govern or hamper it. It was the desire of the committee not to create any claim of partisanship in connection with the appointment. It was expressly the sense of the committee that, being purely a local matter, it would be better for the judges of the supreme court of the District, those who are to administer the criminal law, to make the appointment of some person who in their judgment would be qualified to perform the labor assigned to him; and I think my friend from Pennsylvania will agree with me that it does seem wise to have the provision remain just as it is.

Mr. HOPKINS. Inasmuch as the President of the United States selects these very judges with a view to their fitness, he is certainly competent to select the subordinate officers. I move, therefore, to amend by striking out in the third and fourth lines the words "justices of the supreme court of the District of Columbia" and insert "President of the United States."

The SPEAKER. Does the Chair understand the gentleman from Maryland to have yielded the floor so that an amendment can be offered at this time?

Mr. MCCOMAS. No, sir; I retain the floor and yielded simply to any gentleman who desires to make an inquiry.

I will say to the gentleman from Pennsylvania that the committee would not consent to any amendment affecting the mode of appointment. The purpose was, as I have said, one year or more ago, to avoid any political appointment, the object being to avoid making a place for some political favorite, and the judgment of the committee being that the court might find some member of the bar who would be competent to at once proceed to the discharge of the duty, that thereby the work

would be done systematically and rapidly. It is desirable that this shall be brought before Congress at its next session.

I will assent to the amendment proposed by the gentleman from New York [Mr. COX]. But really, Mr. Speaker, in looking at the bill, it does seem to me that the bill itself provides for the printing in the form in which the gentleman from New York would have it done.

I ask the attention of the gentleman from New York [Mr. COX]. I find on looking at the bill that my statement was not quite broad enough. The third section already provides, as the distinguished gentleman suggests, that the Public Printer shall do the printing. Therefore the amendment will not be required. The printing is only for Congress, because the work has to be submitted to Congress; and that is the usual mode. I hope that is satisfactory to the gentleman from New York.

Mr. COX, of New York. It is not satisfactory at all. The printing to be done inures to the benefit of the District, and the rule has been applied to all expenditures for the District that one moiety shall be borne by the District and one moiety by the United States. I have prepared an amendment providing that the expense of one-half the printing also shall be paid by the District.

Mr. MCCOMAS. I do not object to that amendment.

Mr. KEIFER. That will be, I think, a very unusual provision. We have bills printed every day relating to the District, the expense of which is not charged to the District.

Mr. COX, of New York. But this may be a very large code.

Mr. KEIFER. It will be in the nature of a bill when brought before Congress. The Public Printer is ready to print bills relating to the District of Columbia or anything else.

Mr. COX, of New York. I remember a code relating to the District of Columbia which covered some five or six hundred pages; and that code, I believe, eventuated in nothing.

Mr. MCCOMAS. I assent to the amendment of the gentleman from New York, and upon that and the bill I move the previous question.

Mr. OATES. I ask the gentleman to withhold the motion for the previous question for a moment.

Mr. MCCOMAS. I yield to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I desire to ask the gentleman from Maryland if this commissioner, for whose appointment the bill provides, is not a mere compiler of existing law. Is that the intention of the bill?

Mr. MCCOMAS. That is the intention of the bill.

Mr. OATES. Then, it seems to me, the bill should be amended. The language is:

To prepare a code of criminal law for the said District of Columbia.

It does not say to compile the existing criminal law, or the criminal law at present in force in the District of Columbia.

Mr. MCCOMAS. I now understand the gentleman from Alabama. This is to enable the codifier to prepare a criminal code for the District of Columbia, taking the old laws with whatever additions may seem wise. That is the purpose of the bill.

Mr. OATES. That seems not exactly consistent with the third section:

That said commissioner or codifier so appointed, &c.

Mr. MCCOMAS. He is to prepare a code. The bill authorizes some one to be appointed to prepare a code, and if my friend from Alabama will look at the first section he will find that ambiguity can not occur, because the commissioner is authorized to prepare a code of criminal law for the District of Columbia.

The previous question was ordered.

The amendments reported by the committee were adopted.

The following amendment, offered by Mr. COX, of New York, was also adopted:

Add to the bill the following:

"*Provided further*, That one-half of the expense of printing said code shall be paid by the District of Columbia."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF ANATOMICAL SCIENCE, ETC.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 5650) for the promotion of anatomical science, and to prevent the desecration of graves.

The bill was read, as follows:

Be it enacted, &c., That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly-authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students: *Provided, however*, That if the deceased person, during his last illness, of his own accord, requested to be buried, or if, within twenty-four hours after his death, any person claiming to be, and satisfying the authorities that he is, of kindred to the deceased, asks to have the body buried, or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

SEC. 2. That every physician or surgeon, before receiving such dead body, shall give to the officers surrendering the same to him a sufficient bond that each body shall be used only for the promotion of anatomical and surgical knowledge within the District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the said District of Columbia, and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall on conviction be imprisoned for a term not exceeding three years, at hard labor, in the District (or city) jail.

Mr. WILSON, of West Virginia. I ask the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILSON, of West Virginia. I ask unanimous consent to have printed in the RECORD the committee's report upon the bill just passed.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on the District of Columbia, to whom was referred House bill 5650, entitled "A bill for the promotion of anatomical science and to prevent the desecration of graves," having had the same under consideration, report it back with a favorable recommendation.

The object of the bill is twofold: First, and chiefly, to provide sufficient dissecting material for the medical colleges of the District of Columbia; and secondly, and indirectly, to afford better protection to the graves of the dead from desecration.

There are now several flourishing medical schools in Washington well established, and one or more of them of long standing. It is known to all that such institutions can not be carried on or proper training for the practice of medicine and surgery be given without ample experience in the dissection of the human cadaver. This fact is recognized and approved by all, and yet public opinion as strongly approves and demands stringent laws for the punishment of the desecration of graves in order to procure the necessary dissecting material. Hence the laws of the District are very severe, and properly so, against the crime of grave-robbing. With such laws in operation and such necessities for the schools of medicine, the authorities of the District are compelled either to wink at this offense or seriously to cripple, if not to destroy, the efficiency and success of these schools. Furthermore, the heads of these institutions, professors and students of science, are compelled to supply their admitted necessities by confederating with and employing professional grave-robbers, and constantly to incur the risk of detection and criminal prosecution; and it being known in a community that the trade of resurrecting bodies for dissection is a common one, kindred and friends are frequently tortured with anxiety lest the hand of the resurrectionist shall remove the bodies of their dead.

This bill is intended to relieve from such fears—to do away with the necessity or temptation for violating the laws, and at the same time in an open and legal way to provide the requisite dissecting material for the study and advancement of anatomical science in the District. A careful comparison with the statutes of some of the States shows its provisions to be prudently and aptly framed, and intended to accomplish the purpose in view in a manner as little repellant to public sentiment and sensibility as practicable.

DENTISTRY IN THE DISTRICT.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 7895) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District from empiricism in relation thereto.

The bill was read, as follows:

Be it enacted, &c., That it shall be unlawful for any person to practice dentistry for compensation in the District of Columbia unless such person shall have received a certificate from the board of examiners hereinafter established, granted upon examination or upon presentation to said board of a diploma from the faculty or other proper persons of a dental college duly and legally incorporated in the United States, in which college there was, at the time of the issue of such diploma, a full course of lectures and instructions in dental surgery: *Provided*, That nothing in this section shall apply to persons now engaged in the practice of dentistry in this District who shall be registered as hereinafter provided.

SEC. 2. That the commissioners of the District of Columbia shall, immediately on the passage of this act, and in December of each and every year thereafter, appoint a board of examiners, who shall at the time of their appointment be practicing dentists in the District of Columbia, and who shall serve until their successors are appointed. That said examiners at their first meeting shall organize by electing one of their number president, and one secretary, and one treasurer; that they shall hold at least two regular meetings each year, and as much oftener as may be necessary; that a majority of their number shall constitute a quorum, and that a full record of their proceedings shall be kept in a bound book procured for that purpose, which shall be at all proper times open for public inspection.

SEC. 3. That it shall be the duty of said examiners to issue certificates to all applicants who shall present diplomas of the character and kind described in section 1 of this act, and to all others who shall, in the judgment of a majority of said examiners, upon examination of the applicants, be found competent to practice dentistry.

SEC. 4. That it shall be the duty of every person who is engaged in the practice of dentistry in this District, within ninety days from the date of the taking effect of this act, to cause his name, residence, and place of business to be registered by said board of examiners in a book kept for that purpose, naming the length of time he or she has been engaged in the practice in this District, and, if a graduate of a dental college, the college where graduating, for which a fee of 50 cents shall be paid by the person so registering. Every person so registering who is engaged in the practice of dentistry in the District aforesaid at the date of the passage of this act may continue to practice without incurring the penalties or liabilities of this act.

SEC. 5. That no person whose name is not registered as prescribed in the preceding section shall be permitted to practice dentistry in this District until such person shall have received from said board of examiners a certificate based upon an examination or upon a diploma as before defined.

SEC. 6. That the board of examiners shall receive from each practitioner of dentistry registering under this act a fee of 50 cents, and from each person having no diploma and receiving a certificate upon examination a fee of $5, and from

each person receiving a certificate upon a diploma a fee of $3, all of which fees so received shall be paid to the secretary of the board and entered of record, and shall be applied to the payment of the actual expenses incurred under this act upon order of the board. The members of the board shall receive no compensation for their time or services in the discharge of the duties prescribed by this act.

SEC. 7. That any person who shall practice dentistry in the District of Columbia without having complied with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $50 nor more than $200, and in default of the payment of such fine shall be imprisoned not less than thirty days nor more than ninety days, said fines, when collected, to be paid into the public-school fund of the District of Columbia: *Provided*, That nothing in this act shall be construed to prevent surgeons and physicians from extracting teeth and prescribing or treating diseases of the mouth.

Mr. WORTHINGTON. If there be no explanation desired, I move the previous question.

Mr. STORM. As I understand, this bill does not interfere with dentists now practicing in the District of Columbia without a diploma?

Mr. WORTHINGTON. It does not. It provides, however, for their registering.

The previous question was ordered.

Mr. WORTHINGTON. In the last line I desire to make a verbal correction. The word "for" should be inserted after the word "prescribing."

There being no objection, the amendment was made.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WORTHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 5735) granting a pension to Margaret Daily;
An act (H. R. 3382) granting a pension to Albert Brant;
An act (H. R. 4094) granting a pension to Henry Alden;
An act (H. R. 2440) granting a pension to Usebus Sweet;
An act (H. R. 452) granting a pension to Frederick Corfe;
An act (H. R. 3177) granting a pension to Charles F. Paris; and
An act (H. R. 3210) for the relief of Jacob Hoerth.

WILLIAM B. MOSES.

Mr. BARBOUR. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 1148) for the relief of William B. Moses, and that the House proceed to consider the same.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the claim of William B. Moses, of Washington, D. C., for certain goods and merchandise furnished for the use of the orphans' court of said District, under authority of the act of Congress approved July 28, 1866, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes," be, and the same is hereby, referred to the commissioners of the District of Columbia, with authority to examine and audit said claim; and if any amount is found to be justly due the said Moses, such amount, not exceeding the sum of $313, shall be included in the estimates to be submitted to Congress for the expenditures of the District of Columbia for the next fiscal year, and paid out of such moneys as may be appropriated therefor.

Mr. BARBOUR. This bill has been reported adversely by the Committee on the District of Columbia. I move that it be laid on the table.

The motion was agreed to.

WILLIAM BOWEN.

Mr. BARBOUR. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 1785) for the relief of William Bowen, and that the bill be now taken up for consideration in the House.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorised and directed to pay to William Bowen, out of any money in the Treasury not otherwise appropriated, the sum of $3,749.80, the same being the amount of the balance due him for filling up and draining certain lots in the city of Washington, under contract with the board of health of the District of Columbia, during the years 1871, 1872, and 1873, the said lots being located in the squares numbered 549, 849, and in the square north of square 853, and in square 996, the filling and draining thereof being ordered by said board to abate a public nuisance, and in the interest of the public health.

The amendment reported by the Committee on the District of Columbia was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the claim of William Bowen for $3,749.80, as a balance due him for abating certain nuisances under authority of the late board of health of the District of Columbia, be referred to the Court of Claims for its decision and adjudication upon the merits of the claim according to law and the practice of said court, without regard to the statute of limitations or the conclusiveness of a certain receipt signed by said Bowen, in 1875, in full settlement for all claims against the District of Columbia for said work."

Mr. WORTHINGTON. Mr. Speaker, the Senate has passed a bill identical in terms with the substitute just read.

Mr. WARNER, of Ohio. The proposition, as I understand, is to refer this claim to the Court of Claims.

Mr. WORTHINGTON. Yes, sir. The committee now asks that the House bill be laid on the table, and that the House proceed to consider Senate bill 1625.

There being no objection, it was ordered accordingly; and the bill (S. 1625) was taken from the Speaker's table and read, as follows:

Be it enacted, &c., That the claim of William Bowen for $3,749.80, as a balance due him for abating certain nuisances under authority of the late board of health of the District of Columbia, be referred to the Court of Claims for its decision and adjudication upon the merits of the claim according to law and the practice of said court, without regard to the statute of limitations or the conclusiveness of a certain receipt signed by said Bowen, in 1875, in full settlement for all claims against the District of Columbia for said work.

The bill was read three times, and passed.

Mr. WORTHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BARBOUR. I move to take from the Speaker's table the bill (H. R. 3108) in order that we may act upon an amendment of the Senate. It is a bill to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

The amendment of the Senate was read, as follows:

At the end of the bill add the following:

"SEC. 3. That from and after two months from the date of the passage of this act it shall be unlawful to allow any tar, oil, or other waste products of any gas-works, or of works engaged in using such products, to flow into or to be deposited in Rock Creek or the Potomac River, or into any pipe or conduit leading to the same; and any one guilty of violating this section shall be fined not less than $10 nor more than $100 for each and every offense, to be prosecuted for and recovered as provided in the preceding section."

Mr. BARBOUR. I understand, Mr. Speaker, that the amendment proposed by the Senate to this bill is objectionable. It is represented by the commissioners of the District of Columbia that the provision for cutting off the flow of certain matters from the gas-works might operate to shut up the works or to interfere materially with the lighting of the city. I move, therefore, that the House non concur in the amendment, and ask a conference with the Senate.

The motion of Mr. BARBOUR was agreed to.

The SPEAKER *pro tempore* (Mr. HAMMOND) announced the appointment of Mr. BARBOUR, Mr. SPRIGGS, and Mr. MCCOMAS as conferees upon the part of the House.

EASTERN PRESBYTERIAN CHURCH.

Mr. BARBOUR. I move to take from the Speaker's table for present consideration the bill (S. 2045) for the relief of the Eastern Presbyterian Church, in the District of Columbia.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That all taxes, together with the interest and penalties, now due and unpaid, for the years 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, and 1883, upon lots 34, 35, 36, 37, and 38, in square 891, in the city of Washington, D. C., now occupied by the frame church known as the Eastern Presbyterian church, be, and the same are hereby, remitted.

The bill was read three times, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BARBOUR. I believe this concludes the business that the Committee on the District of Columbia desires to offer to-day.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the consular and diplomatic appropriation bill. The gentleman from Missouri [Mr. BURNES] who has charge of the bill was here until a moment ago, but as he does not happen to be here at this instant, I have taken the floor to make this motion.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. WILSON, of Iowa, in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The Clerk read as follows:

For salary of the consul-general at Melbourne, $4,500.

Mr. HITT. Mr. Chairman, when this bill was under consideration on Saturday last, at the time the committee rose we were occupied with the second paragraph under Schedule B. The Chair had recognized the gentleman from Indiana [Mr. HOLMAN], who made the point of order upon the provision for consul-general at Madrid in the first paragraph under Schedule B.

The CHAIRMAN. The gentleman is correct, and the Clerk will read the second paragraph under Schedule B.

The Clerk read as follows:

For salaries of the agents and consuls-general at London, Paris, Havana, and Rio de Janeiro, at $6,000 each, $24,000.

Mr. HITT. I desire to offer an amendment: in line 130 to strike out the words "agents and." The word "agents," as here employed, I understand is intended to mean diplomatic agents; that is to say, our consuls at London, Paris, and Rio de Janeiro, where we have now ministers, are to be made quasi-ministers; and the ordinarily recognized commercial agents of this Government, or consuls, it is now proposed shall be placed beside our ministers and clothed with diplomatic powers. It will be certain to produce confusion. Diplomatic agents have been appointed heretofore, but never in such positions as these. Diplomatic agents, under that name and title, have been sent by our Government to countries which were semi-independent, like Egypt. By custom this title has come to mean this class of officers, not quite ministers, accredited to governments not quite independent; but the proposition here is to put near our minister at London and by his side a commercial agent accredited as a diplomatic officer, authorized to hold communication with a minister of foreign affairs in England, France, or Brazil. It can only result in conflict of authority, confusion of functions, perhaps quarrels. The words mean nothing or they mean mischief, and I hope, therefore, they will be stricken out.

Mr. RANDALL. The gentleman from Missouri who has charge of the bill is not present. He has been here all day in the expectation of calling up this bill and proceeding with its consideration. Now, this amendment affects a part of the bill which, in the subcommittee as well as in the general committee, was adopted after most careful consideration. I hope, therefore, that the words will not be stricken out.

Mr. BURNES. I trust the amendment of my friend from Illinois will not be sustained by the committee. Due consideration has been given to this subject not only by the members of the subcommittee but by the members of the committee generally and by many of the most experienced diplomats in the House and out of it. No difficulty, it is apprehended, can arise in consequence of the insertion of these words. I trust that the committee will see the propriety of retaining them.

Mr. HITT'S amendment was rejected.

The Clerk read as follows:

For salaries of thirteen consular clerks, to be appointed under section 1704 of the Revised Statutes, $13,000.

Mr. HITT. I move to strike out "thirteen," in line 149, and to insert "in pursuance of the provision of section 1704 of the Revised Statutes and section 5 of the consular and diplomatic act approved June 11, 1874, of eight;" and, in lines 150 and 151, to strike out "to be appointed under section 1704 of the Revised States, $13,000," and insert "at $1,200 each per annum, and five consular clerks at $1,000 per annum, $14,600;" so it will read:

For salaries in pursuance of the provisions of section 1704 of the Revised Statutes and section 5 of the consular and diplomatic appropriation act approved June 11, 1874, of eight consular clerks at $1,200 each per annum, and five consular clerks at $1,000 each per annum, $14,600.

Mr. HOLMAN. So far as that amendment is predicated on the appropriation act of 1874 I make the point of order that it is new legislation; so far as it applies to the consular offices provided by the Revised Statutes I presume the point of order will not lie.

Mr. HITT. The act of 1874 provides that clerks who have served five years creditably shall thereafter receive $1,200 instead of $1,000 per annum. It is general legislation incorporated in an appropriation bill, and has been followed ever since. This provision for their pay is made in view of the fact that although at this time there are only seven clerks entitled on account of five years' service to the additional pay of $200, yet during the fiscal year another will reach that term of service, and so eight are provided for in the amendment.

Mr. HOLMAN. I will concede the gentleman may be right if the appropriation act of 1874 contains independent legislation and provides for these offices.

Mr. HITT. It does in that paragraph provide general legislation.

The CHAIRMAN. The Chair wants to see the act of 1874.

Mr. BURNES. I am satisfied the gentleman from Illinois is right as to this amendment. I hope it will be agreed to.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. If the salaries were simply provided by way of appropriation I do insist on my point of order, but if, as stated by the gentleman from Illinois, there is an independent legislative provision in that act, I will not do so.

Mr. HITT. I have not the text before me, but the words contained in the appropriation act are in terms of general legislation.

Mr. HOLMAN. I suggest the paragraph be passed over for the present.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

The clerk read as follows:

CHINA.

Foochow; Canton; Amoy; Tien-Tsin; Chin-Kiang.

Mr. HITT. Mr. Chairman, I move to amend by inserting after the word "Foochow," the word "Hankow." Then you make this bill conform to the current law.

Mr. HOLMAN. Is that provided by law?

Mr. HITT. As I have said, it will make the bill coincide with the law as we passed it last year.

Mr. HOLMAN. I think that is subject to the point of order.

Mr. RYAN. That is the law for the current year. Hankow is simply provided for in this amendment as it is provided for in the current law. It is the existing law.

The CHAIRMAN. The Chair understands that the appropriation for the current year contained the proposed amendment. If that is the case the point of order is not well taken, and the motion will be submitted to the committee.

The Clerk will again report the amendment proposed by the gentleman from Illinois.

The amendment was again read.

Mr. RYAN. I think, Mr. Chairman, that the committee ought to be a little better informed, and should understand the amendment proposed by the gentleman from Illinois and the reason for it before being called to vote upon it. I do not know who the consul is at Hankow. I do not know his name; but I do know that the committee has taken Hankow from the thirty-five-hundred-dollar class and put it in the fifteen-hundred-dollar class. I do not believe we acted wisely in doing so. We have made this change in the face of the fact that Hankow is a place of growing commercial importance. Recently a large line of steamers—twenty-six in number—engaged in the river and coastwise commerce between Hankow and the coast, have passed into American hands and are now flying the American flag. It is the duty of the consul at this point to attend to all clearances and entries and all matters incident thereto in addition to his other duties as consul.

Mr. HITT. May I suggest to my friend from Kansas whether it is not true that that line of steamers to which he refers runs directly from Hankow to Shanghai?

Mr. RYAN. Yes, sir; and, as I stated a moment ago, since the last appropriation bill was passed, and within the last six months, in fact, that line of steamers has passed into the hands of American citizens, and they are running under the American flag.

But, as I have said, it is a place of growing importance and second only, in point of commercial magnitude, to Shanghai itself. I can not understand, with all of these facts confronting us, why it is that this consulship should be degraded, that the consulship at that point should be reduced from $3,500 per annum to $1,500 per annum.

Mr. REED. Why, it makes the appropriation bill $2,000 less, and that seems to be a sound reason. [Laughter.]

Mr. RYAN. That is the only reason that I know of, but I do not believe the House will regard it as a sufficient one. I think it important that the House should know of all these facts before we are called to vote upon the proposition.

Mr. HITT. Mr. Chairman, the Department of State recommended that this post, instead of being reduced, should be raised to $4,000 per annum. That recommendation is contained in a recent communication from the Secretary of State to this body.

Mr. BURNES. Mr. Chairman, I desire to state to the committee that I can not share the opinion as expressed by my distinguished colleague from Kansas, for the reason that the record from the State Department shows that instead of a gradually increasing commerce there, it appears to be a gradually diminishing commerce at Hankow. At all events, the returns from that point show the enormous sum of $716 in 1883, and in the past year $556. Against these receipts we pay a salary of $3,500. We lost by exchange $59.83, and we lost by contingent expenses for three-quarters of the year; and although the year expired on the 30th of June last, the consul at that point has not been able to complete his report for that year. But with receipts of $556, a diminished amount of receipts, there is an increase in the amount of expenditures, and I apprehend that it will be found there is a gradual diminishing of the volume of business.

In addition, sir, this is not all that we pay for the luxury of a consul-general at Hankow. There are $1,750 more that that gentleman receives, as will be found on page 28 of the report of the Fifth Auditor. Seven hundred and fifty dollars of that is for an interpreter, and $1,000 for a consular court. Now, I undertake to say, sir, that it is within the knowledge of my friend from Illinois that this consul has been incurring these expenses at a time when neither business at his consulate nor his own official action justify the wisdom of the maintenance of a consulate there at all. I will go further and show, with reference to the recommendations of the Department, and I apprehend it will not be denied by those who have communication with the Department, that it has been known, well-known, in official circles that this consul has received this $1,000 a year extra by the use of the name of a woman, who supplanted the consul's wife and took her place, and whose receipt is in the State Department for the $1,000 appropriated for the marshal of the consular court. That marshal, in short, was a woman, who supplanted the wife of the consul, his wife having been returned to this country.

But now, sir, we come to the most serious consideration, and that is with regard to this line of steamers. I would like my esteemed friend

from Kansas to show us why it is that so suddenly a line of steamers is established between Shanghai and Hankow? Does not my colleague know that a state of war existing between France and China has led to the sudden transformation or the sudden uprising of the American flag as a means of protection to a foreign bottom and a foreign interest? We have no interest in the line of steamers, either in its commerce, its ownership, or its business. And I would like my friend to explain to us why it is we should be so anxious to protect and preserve interests that seek our flag in a cowardly manner in the hour of danger and abandon it at the earliest moment when it can be of some service to our commerce.

Mr. REED. How do they get our flag over foreign-built ships?

Mr. BURNES. I believe I can not answer my friend's question now.

Mr. REED. I was afraid you could not.

Mr. CHACE. Allow me to supplement that question. Here is a statement made on the floor of the House that a foreign navigation company are sailing their ships under the American flag. I think it is really due to the committee that it be explained how that is done. Where do they get their register? I hope the gentleman from Missouri will not stop here with this statement, which is a very remarkable one.

Mr. BURNES. I will explain to the gentleman from Rhode Island, who seems to be anxious to understand this question, that I do not make this statement; but the statement has been made and has gone the rounds of the country; and I ask my friend from Kansas, as he brought in this line of steamers as a reason why we should continue this consulate on its present footing—I ask him to explain whether or not it is true, as alleged in the public press of the country and believed to be a fact, that the American flag is used in some way or other—how I shall not stop now to inquire—for the purpose of protecting interests not our own.

Mr. RYAN. I assume that the commercial transaction by which this line of steamers passed into American hands and is now sailing under the American flag was made in good faith until I have some better evidence of the contrary than mere rumor. I assume it is an honest commercial transaction and not done for any such purpose as indicated or intimated by the gentleman from Missouri. Whether it is for a dishonest purpose or not I know not; but I do know that there has been no evidence adduced other than mere newspaper rumor, upon which a committee of this House should not rely, nor should this House rely upon such for one moment in considering any legislation.

Mr. RANDALL. Will my friend from Kansas allow me to ask him a question?

Mr. RYAN. Yes, sir.

Mr. RANDALL. I wish to ask the gentleman whether the transfer of these vessels to Russell & Co. did not take place immediately prior to or immediately after the breaking out of the war between France and China.

Mr. RYAN. Very likely; but that does not imply any bad faith. It may be that those who were engaged in that commerce found it to their interest, in view of embarrassments growing out of the war, to sell out, and to sell out in good faith; and the circumstances may have been such that Americans could have made the purchase by reason of such facts to their great advantage, and for that reason made the purchase. But that does not detract from the honesty and good faith of the transaction.

I do undertake to say here that we ought to legislate with reference to the character and importance of this consulate, not with regard to the character of the incumbent. It may be that the insinuation that the gentleman from Missouri has made here is correct. It may be that this officer has been guilty of immorality. I do not know it. I have never heard his name. I care no more about him than I do about any other American citizen.

But I have it from the State Department that it is not true in any respect that he has been guilty of the immoral conduct charged here against him; that it is a calumny. Whether it is or not I know not, and for the purpose of this motion I care not. If he be an improper person, it is the duty of the Department to remove him and put a competent and suitable man in his place, for this officer holds in his trust some of the most important interests of mankind. He has jurisdiction, judicial power, judicial functions of the greatest magnitude to perform, involving the private rights of American citizens as between themselves and as between them and citizens of China. And he has not only those powers, but he has criminal jurisdiction to try for offenses from the least to the highest, involving the penalty of even death itself. I say that a person occupying such an exalted position, who has such high trusts in his charge, ought to be competent for the position; and I doubt not, if he is an improper person, inasmuch as the millennium of the civil service is about to dawn upon us, we shall have a change, and a competent and proper man will take the place, and such a one will not be overcompensated if the motion of my friend from Illinois shall prevail.

Mr. RANDALL. I do not propose to vote against the amendment for any reason connected with this line of steamers or for any reason connected with the immorality or alleged immorality of the present incumbent. But the gentleman from Missouri [Mr. BURNES] has shown that there is no occasion for the continuation of this consulate in the first class; that instead of the business, as shown by the fees, having increased at that point, it has actually decreased, and therefore the consulate can safely be placed where the committee has placed it, in the other class.

Mr. HITT. As the gentleman from Missouri [Mr. BURNES] referred to me as knowing that the disbursements made at this consulate were not justified in any degree by the business of the office or the duties of the consul, I will say, on the contrary, that I have had knowledge in the past of the great importance of this consulate, where the business of half a million of people with this country has to be conducted through one officer. The number of invoices and the amount of fees, as cited by the gentleman, constitute no test whatever of the quantity of business. One invoice for tea may amount to hundreds of thousands of dollars in value, while an invoice from Paris or Brussels may cover a few dollars' worth of trivial articles—toys, ornaments, &c., and the fee is the same in both cases.

I remember, too, that in that far-away place, in that semi-barbarous country, our consul is clothed with powers which require intelligence, discretion, and experience that you can not buy with $1,500, the salary for Hankow fixed in another part of this bill. It is no vain declamation when my friend from Kansas [Mr. RYAN] says that this consul has power of life and death. The consul has this power; it has been exercised. The consuls in repeated instances there in that Chinese world have tried and condemned American citizens. I could name cases where the consul tried a man, sentenced him to death, and hanged him at the consulate till he was dead. Will you clothe an officer with such terrible judicial powers when you know that with the pay allowed it is utterly impossible to obtain a man versed in jurisprudence, a man of experience as a judge, or even intelligent in the most elementary principles of law. If the duties require a man of ability and knowledge, the pay should command such a man. This consul, too, exercises his duties in an expensive and remote country. Abolish the office altogether, or allow a salary that will enable the President to send a man there who will know enough not to blunder; and a blunder in such a man, from whose action by our law there is no appeal, is a crime somewhere.

[Here the hammer fell.]

Mr. BURNES. I desire, in justice to myself, to say a single word of explanation, and then I will yield the floor. In reply to my friend from Kansas I will not say anything more than I deem absolutely indispensable in justice to myself.

The gentleman says he has been informed by the State Department that it is not true that a woman received this salary of $1,000.

Mr. RYAN. No, sir; I do not wish to be misrepresented.

Mr. BURNES. I understood the gentleman that way.

Mr. RYAN. I said I had been informed at the State Department that the statement that this officer was guilty of any immorality was not true.

Mr. BURNES. Oh, well, it makes no difference——

Mr. RANDALL. The gentleman from Missouri never alleged that.

Mr. BURNES. So far as the play on words is concerned, a thing may not be immoral in China but may be immoral elsewhere. But I desire to state what is well known to gentlemen on this floor, that officers high in the diplomatic service of the Government and members of the State Department themselves have conceded the fact that this woman of bad character has been maintained and did receive this sum of $1,000.

Mr. CANNON. Right there I would like to ask my friend from Missouri a simple question. I do not know this consul, not even his name, nor his wife, nor the other woman. [Laughter.] But I would like to know where in the record there is any proof of what the gentleman states concerning the private affairs of this consul.

Mr. BURNES. Well, sir, it is unwritten evidence. Such things are not usually committed to print.

Mr. REED. I should like to know how a foreign ship gets an American flag under our statutes. The circumstance is curious to me after all the fighting we have been doing here about it.

Mr. CURTIN. Mr. Chairman, I will eliminate from the question now before the committee the immorality of the consul and the woman who seems to be connected with it, and will accept the declaration of the gentleman who has charge of this bill as to what occurred at this consulate. Since I have been a member of this House I have constantly heard entreaties for legislation to increase our commerce and trade with foreign countries.

Having lived abroad for four years of my life, I came back to my country with the impression that our trade, commerce, and market for our surplus productions must grow up under the fostering care of this central Government. Appointing a consul in China, however moral, or taking a woman, however pure, as a marshal of a court which is clothed with the power to try men, deprive them of their personal rights, and even to hang them at their doors, as is asserted and not contradicted, will not make you markets for your surplus products. Great Britain understands this question perfectly, and has pursued this policy for centuries to unexampled wealth and power through all the legislation of that great country. Through the woof and web of her policy is woven, as a golden thread, the idea of securing a market for British products, until every country, every state, every corporation in the

world that needs money is held under the mortgage of that great commercial power and people.

Now, Mr. Chairman, what did they do in order to make markets for their products? They seized Malta and Gibraltar, and the Cape of Good Hope when it was on the highway to the commerce of the East, the keys to the commerce of the Mediterranean, and when French energy and science, under the lead of De Lesseps, built the Suez Canal to shorten communication between the Mediterranean and the Red Seas, Beaconsfield, the most distinguished prime minister of Great Britain since the age of William Pitt, by British money took the canal into British possession. And so they have acted until they have gathered up into their hands the trade of the Orient and of the far away isles of the sea. They take care, sir, that their merchants and their mercantile marine shall be protected wherever they may go.

Why, Mr. Chairman, from Quebec to the uttermost parts of this continent lines of steamers run as regularly as they do between Liverpool and New York. They have established markets everywhere for their trade. They trade with the people in every portion of the North and South American continents. They give their consuls power, and there is a British man-of-war always in the neighborhood where their trade is carried on.

Why, sir, they get more than one-half of the trade of South America, the total of which amounts to $694,793,000, when we ought to have the whole of it. We get, on the contrary, only 5 per cent. of it all.

I like the Monroe doctrine very much, but I would like that doctrine better if it gave us markets for the sale of our surplus products, the ingenuity of our people, our improvements in machinery, which we have improved to such an extent that seven-tenths of the productions of Rhode Island, Connecticut, and Massachusetts to-day need no protection while they do need a market. [Applause.]

How does England secure these markets, and how does it maintain its trade? By subsidizing lines of steamers; by securing the carriage and quick transmission of mails; by protecting British merchants and marine everywhere.

It has become the habit of the South American people to trade with Great Britain and not with us. We pay Brazil $48,000,000 a year, and yet we do not sell $9,000,000 a year to her. A man who goes to the store for supplies for his family soon gets into the habit of going to a particular store where he knows the merchant and is satisfied that trade is carried on fairly. So with communities and nations. The South American people have been in the habit of trading with Great Britain. The British have that trade to-day. Now let us see if we can not manage to take it out of their hands. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McMILLIN. I will take the floor and yield my time to the gentleman from Pennsylvania.

Mr. CURTIN. Very well; I am much obliged to my friend, because that is the way it seems to me in parliamentary language gentlemen are approached; but inasmuch as the gentleman is my friend I will call him that, and I do not call friends of mine who are not my friends. [Laughter and applause.]

Now, Mr. Chairman, I do not think that appointing consuls or increasing their salaries will increase our trade. I approve fully of the legislation which sent a commission to ascertain whether we could not extend railroads into South America on either side of the Andes, so that we might get increased production and offer to the world its riches as they come from labor, while at the same time we might secure that market.

When I lived in Russia, holding the commission of my Government, the cholera prevailed at Cronstadt, and I was informed that American sailors were dying. I applied in order to get American sailors put into British hospitals, but it was refused. A noble-hearted Scotchman, Sir Andrew Buchanan, who had lived in our country and was then ambassador at St. Petersburg, had imbibed some of our ideas, went down to Cronstadt and succeeded in having American sailors admitted into the British hospitals. Not one of our American sailors died afterward.

Wherever there is commerce of Great Britain you will find hospitals. Wherever they trade you will find means afforded for the succor and protection of their subjects. You will find lines of steamers touching in the Orient and away off in the isles of the sea and in our own country at stated intervals. The habit of trade becomes to be such that they absorb it all. If you want trade you can not make it by taking from the salary of a little consulate or by increasing a salary, or by frittering away the time of the House in a struggle as to an immoral man or an improper woman who happens to be in office. [Laughter and applause.]

The great question is the question of trade for this great people. [Applause.] It is a question of giving the nation what it desires. It is extension and protection of our commerce and trade throughout the world.

Henry Clay, that immortal man, whose great heart always beat in sympathy with the American people, that great leader of the American sentiment, once said in the Senate of the United States that if this great Government could protect the person of an American citizen under the Constitution and the teachings of the apostles of liberty of the Revolution, of the men who framed our Constitution, they had the right and it was their duty to protect his interest and his business. [Applause.] That is the true sentiment of the American people.

You talk about jobs! Let them make a job. The Suez Canal belongs to Great Britain. She has the trade of the East. She has most of our trade. We are decaying on the high seas. We need legislation to protect our trade and to extend it. We should have the trade of South America, of which we have to-day less than 6 per cent. Of all things I would strengthen the consular service of the country, not because a needy politician requires an office, but I would elevate men who are qualified for such places and who would creditably represent the commerce of our people. I would put there the very best men in the country so as to secure for our people the control of commerce and trade of the countries to which they are accredited. No one should be appointed as a consul who can not speak the language of commerce in the country or city where he is to serve.

Now, I have expressed these sentiments not so much on the section of the bill under consideration but for the reason that I desire to express them at some time in this House in this debate; and having expressed them, whether I make any impression on the enlightened audience to which I have the honor to speak or not, at least I will be accredited with giving my experience and my belief as to the duty of the American Congress in enlarging the power of the Government and in promoting the general welfare of the people. [Great applause.]

Mr. RANDALL. I join very heartily in the patriotic sentiments just expressed by my colleague from Pennsylvania, and think he has but expressed the views of the country. But still I join in the doubt that he has uttered as to the appropriateness of his language in connection with the amendment proposed. This is a proposition not to destroy any consulate but to regulate the salary. The committee have deemed that the salary now received is too much, and have therefore lowered it; that is all.

Mr. CURTIN. I beg my friend's pardon; I do agree with the committee on that point.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division there were—ayes 44, noes 67.

So the amendment was not agreed to.

The Clerk read as follows:

PERU.

Callao.

Class III.—At $3,000 per annum:

GREAT BRITAIN.

Ottawa; Manchester; Glasgow; Bradford; Demerara; Belfast; Singapore.

FRENCH DOMINIONS.

Havre.

SPANISH DOMINIONS.

Matanzas (Cuba).

MEXICO.

Vera Cruz.

Mr. HOLMAN. Mr. Chairman, I desired to make a question of order on line 164 of this bill. There was so much confusion during the reading of this paragraph by the Clerk that I confess I was not able to follow it.

The CHAIRMAN. The Chair will hear the point of order of the gentleman in view of the statement which he makes.

Mr. HOLMAN. In line 164 of the bill Singapore is increased in this appropriation by the sum of $500. That consulate has heretofore belonged to the fourth class, with a salary of $2,500 a year. The effect of the change, the placing of the consulate in the other class, where it now stands on the bill, is simply to increase the salary $500. I believe that Singapore is provided in the present law as of the fourth class.

Mr. BURNES. Will my friend yield to me for a moment?

Mr. HOLMAN. Yes, sir.

Mr. BURNES. I desire simply to say the amount we have raised the fee of the consulate at that point is saved by the allowance of clerk-hire, for reasons which were plain to the committee. I suggest, therefore, that if the gentleman insists upon the point of order I shall be compelled to move to make the appropriation for clerk-hire the same in amount as the last appropriation bill, which will not be so beneficial to the country and certainly will not save anything in that direction.

Mr. HOLMAN. I agree to that; but the clerk-hire is a less item than this. However, upon the statement of the gentleman from Missouri, I do not think that I shall press the point of order.

The Clerk read as follows:

UNITED STATES OF COLOMBIA.

Colon (Aspinwall).

JAPAN.

Nagasaki; Osaka and Hiogo.

CHILI.

Valparaiso.

BELGIUM.

Antwerp.

Class IV.—At $2,500 per annum:

GREAT BRITAIN.

Tunstall; Birmingham; Sheffield; Dundee; Leith; Nottingham; Victoria (British Columbia).

Mr. HOLMAN. Mr. Chairman, I can hardly keep the run of this reading. I had intended to make a point of order on line 178, the con-

sulate at Antwerp. That consul has been heretofore placed in the fourth class, at $2,500 a year.

Mr. BURNES. I must insist that the gentleman made the point of order too late. My friend did not rise at the time this provision was read by the Clerk, and the next section had been commenced and was nearly half through before he made the point of order.

The CHAIRMAN. The gentleman from Indiana claims, however, that he could not hear the reading by the Clerk. The Chair will endeavor to get order upon the floor.

Mr. HOLMAN. My friend will observe that this is simply an increase of the salary by transposing this consul from the third to the fourth class. Now, I tried to keep up with the run of this particular bill with a view of calling attention to such paragraphs as I have marked, but in the confusion I was unable to do so.

The CHAIRMAN. The Chair thinks, in view of the fact that there was some confusion on the floor, that the gentleman from Indiana should be allowed to make the point of order now.

Mr. HOLMAN. I make the point of order that this is new legislation and works an increase of the salary of $500.

Mr. BURNES. I have no desire to argue the proposition except to call attention to the point of order I have submitted. We had passed through the third class of consuls; the clerk had read the beginning of the fourth class, and had read the names of three or four different consulates without objection on the part of anybody that there was confusion on the floor and without any suggestion on the part of the Chair that there was any disorder in the committee. We had progressed to a new order of consulates, and the clerk had read three or four different names marking a distinct difference between the two grades. After he had commenced this reading my friend from Indiana rose in his seat and made a point of order on something that has been already passed over by the committee.

Mr. HOLMAN. In answer to the gentleman from Missouri I will simply say that I was watching the reading of this bill with a view to this item and several others which I have marked, but I did not catch the reading of the provision owing to the confusion.

The CHAIRMAN. In view of the fact stated by the gentleman from Indiana the Chair will entertain the point of order.

The Chair will hold, in view of the statement that this is new legislation and increases the salary, that the point of order is well taken.

Mr. HOLMAN. If I can get the ear of the gentleman from Missouri I will move that the words stricken out, "Belgium" and "Antwerp," be added immediately after the clause last read by the Clerk.

Mr. RANDALL. That will come in afterward at another point.

Mr. HOLMAN. It can come in here.

Mr. RANDALL. There is a proper place for Antwerp to come in further on in the bill.

Mr. HOLMAN. Very well. I shall not insist.

The Clerk read the following paragraph:

VENEZUELA.

Maricaibo.

Mr. HOLMAN. The same point of order applies there; this being a transfer from the fifth class to the fourth.

The CHAIRMAN. The point of order is well taken. The paragraph will be stricken out.

The Clerk read the following paragraph:

SPANISH DOMINIONS.

Cienfuegos; Santiago de Cuba; Sagua la Grande (Cuba).

Mr. HOLMAN. Sagua la Grande is transferred from the fifth class to the fourth, making an increase of salary of $500. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read the following paragraph:

BELGIUM.

Brussels.

Mr. HOLMAN. Antwerp, stricken out from the third class, should be inserted here under the fourth class.

The CHAIRMAN. If there be no objection, "Antwerp" will be inserted at this point.

There was no objection.

The Clerk read the following paragraph:

TURKISH DOMINIONS.

Smyrna; Beirut.

Mr. HOLMAN. Beirut is transferred from the fifth class to the fourth, with an increase of salary of $500. I make the point of order.

The CHAIRMAN. The point of order is well taken.

The Clerk read the following paragraph under Class V, consuls at $2,000 per annum:

SWITZERLAND.

Basle; Zurich; Horgen.

Mr. HOLMAN. Horgen is a new consulate. It is not in the last law. I make the point of order.

Mr. BURNES. I desire to be indulged a moment while I make this remark: If the rules are to be construed and enforced, as it seems they are, then how can we ever get a consul at Horgen or any other place, however meritorious? The rule it seems would prevent us from establishing any new consulate.

This is now a feed consulate. It is a very important one. The records of the consulate show that it is a valuable one; that it is one not only in the very line of commerce, but that its promotion to a salaried consulate is in the line of economy. As a feed consul, the record shows that the consul received $2,780 of fees for 1883, and $3,360 for 1884. Under the statute he is entitled to retain $2,500 of those fees and the balance is paid over into the Treasury. The law requires him to report all his fees, and the report shows there is a gradually increasing business there. Instead of his receiving $2,500 salary out of $3,300 fees we place him in the fourth class at $2,000. If that is not in the line of economy, I ask what would be in the line of economy?

Does the gentleman from Indiana desire that this consul shall continue to receive $2,500, not as a salaried consul but as a feed consul? Or does he desire to retrench, to be economical, and to reduce the salary to $2,000? He is really getting $2,800, counting all the fees. I suggest, therefore, if my friend from Indiana is in the spirit of economy this evening he should withdraw his point of order.

Mr. HOLMAN. I shall have to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read under Class VI, consuls at $1,500 per annum, the following:

GREAT BRITAIN.

Bristol; Newcastle; Auckland; Gibraltar; Cape Town; Saint Helena; Charlottetown (Prince Edward Island); Port Stanley; Clifton; Pictou; Winnipeg; Mahe; Kingston; Prescott; Port Sarnia; Quebec; Saint John's (Canada); Barbadoes; Bermuda; Fort Erie; Goderich (Canada West); Amherstburg (Canada West); Windsor (Canada West); Southampton; Ceylon; Antigua; Saint Stephen's; Malta.

Mr. HITT. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "Port Stanley," line 249, add the words "(Falkland Islands)."

Mr. HITT. There are two consulates of that name, one in Ontario, in the Dominion of Canada, and the other in the Falkland Islands, off the coast of South America.

The amendment was agreed to.

The Clerk read the following paragraph:

BELGIUM.

Verviers and Liege; Ghent.

Mr. HOLMAN. I make the point of order on "Ghent," which is transposed from Class VII to Class VI, with an increase of $500.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read, under Class VII, consuls at $1,000 per annum, the following:

GERMANY.

Stettin.

Mr. RANDALL. I ask that by consent there be inserted at this point the words "Belgium: Ghent," that consulate having been taken on the point of order out of Class VI. It should now be inserted in Class VII. I think the gentleman in charge of the bill will concur in this suggestion.

There being no objection, the words indicated were inserted.

The Clerk read the following paragraph:

For allowance for clerks at consulates, $17,840; as follows:

Mr. TOWNSHEND. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 329 insert:
"For salary of a clerk to the legation in Spain, $1,200."

Mr. HOLMAN. I must insist on the point of order that this is new legislation.

Mr. TOWNSHEND. The gentleman from Indiana at this time is counting without his host. This appropriation was made in the bill of last year, and the reason it was omitted from the present bill is this: When we were preparing this bill in the subcommittee we had created a consul-general at Madrid and had discontinued the appropriation for the clerk at that legation, supposing the consul-general would be of sufficient assistance to the minister there to render it unnecessary to employ a clerk.

In the debate last Saturday my colleague on the committee [Mr. WASHBURN] and myself supposed that the salary of the assistant secretary of legation had also been increased, which might have been a reason for not making this appropriation; but we were not correct in that supposition. No increase whatever has been made in the salary of the assistant secretary; and the provision for consul-general has been omitted from the bill upon a point of order made by the gentleman from Indiana. Now, all I desire to do is to restore the clerk which this minister has had under the bill of the current year, and, so far as I know, for a number of years.

I am informed that this clerk is very necessary for the convenient dispatch of business at the legation. It is necessary to have the assistance of a man who can write as well as speak Spanish. Ordinarily the legation has employed as clerk a Spaniard able to speak and write the language. The amendment proposes to give the legation nothing more than it has had under the bill of the current year. The point of order is not good, for the reason that a similar appropriation was made last

year and has been made perhaps for many years. It has been omitted from the present bill only because of the facts I have stated.

Mr. HOLMAN. I do not find this appropriation in the bill providing for the present fiscal year, but I am willing to take the statement of my friend from Illinois.

Mr. TOWNSHEND. The gentleman will find it on the first page of the bill of last year, under the clause appropriating salaries of secretaries of legation.

Mr. HOLMAN. Upon the statement of the gentleman I withdraw the point of order.

Mr. BURNES. I suggest to the gentleman from Illinois [Mr. TOWNSHEND] that the amendment be inserted after line 327.

Mr. TOWNSHEND. I have no objection to modifying my amendment in that way.

The CHAIRMAN (having put the question on agreeing to the amendment of Mr. TOWNSHEND). In the opinion of the Chair the amendment is adopted.

Mr. HOLMAN. I will not insist upon a division, though I do not believe this clerk to be necessary.

So the amendment of Mr. TOWNSHEND was agreed to.

The Clerk read as follows:

For an additional allowance for clerks at consulates, to be expended at the above-named places in the discretion of the Secretary of State, $4,000.

Mr. RANDALL. I make the point of order that the paragraph just read is new legislation, and not in the interest of economy. I am willing to withdraw the point if the gentleman from Missouri [Mr. BURNES] can show any necessity for the provision.

Mr. BURNES. I call upon my friend the distinguished chairman of the Committee on Appropriations [Mr. RANDALL] to bear testimony to the fact that I am as reasonably economical as I think anybody ought to be.

Mr. RANDALL. I have only made the point of order so that the gentleman may show, if he can, the necessity for the provision.

Mr. BURNES. I am advised by a great many gentlemen that the allowances under the head of clerk-hire are very scant; hence this general provision recommended by the State Department is believed to be but a proper supplement to the reduction of clerk-hire.

Mr. RANDALL. Does the appropriation in this paragraph exceed the aggregate amount of the reduction to which the gentleman alludes?

Mr. BURNES. My impression is that this is about $3,200 more than the current law allows for clerk-hire all told.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?

Mr. RANDALL. I do.

The CHAIRMAN. What is the point of order?

Mr. RANDALL. That this is new legislation, and not in the interest of economy.

The CHAIRMAN. Does the gentleman from Missouri concede that this provision is not in the present law?

Mr. BURNES. I concede that this particular provision is not; but the point of order would certainly not lie as to more than $3,200; and, indeed, I do not see that the point of order would lie at all.

The CHAIRMAN. If this appropriation exceeds the amount allowed by the present law the whole paragraph must go out; but an amendment can afterward be moved to insert the amount authorized by law.

Mr. BURNES. My impression is there is a general provision authorizing clerical assistance to consulates; but I have not been able to find it. I will, however, call the attention of the Chair to the fact that a thousand years from now, when we may have a thousand millions of people, we can not, if the present doctrine is to prevail, add a single clerk to our list.

Mr. RANDALL. If there is any clerk necessary at any particular point let such a provision be put in the bill; but I am opposed to giving this general allowance of $4,000, leaving its expenditure to the discretion of the Department. I have not been able to find any law authorizing this allowance. If the gentleman from Missouri will show me the law I will yield the point, of course.

The CHAIRMAN. The Chair will be compelled to sustain the point of order unless the law can be produced.

Mr. BURNES. Very well.

The CHAIRMAN. The Chair sustains the point.

The Clerk read as follows:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $12,000, or so much thereof as may be necessary.

Mr. HOLMAN. I raise the question of order against that paragraph.

Mr. BURNES. I am opposed to this provision of the bill, but I will not make the question of order against it. It is the old question we argued at the last session of Congress as to whether or not the President should have a fund which he should expend without accounting for it to the people. I am opposed to the provision.

Mr. RANDALL. The point of order has been made against it by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I rose in time and made the point of order.

Mr. BURNES. I do not think the point of order lies against it, as it is provided for by section 291 of the Revised Statutes.

Mr. HOLMAN. That provision is sought to be put onto this bill in pursuance of the following statute, to which I wish to ask the attention of the Chair. It is section 291 of the Revised Statutes. I submit that section of the statutes referred to by this paragraph is not a law providing for a public expenditure. It does not provide for a public service requiring the expenditure of money. It is a mere method of accounting in the event appropriation is made, as the Chair will see when the section is read.

The Clerk read as follows:

SEC. 291. Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Mr. HOLMAN. The first portion is the portion which controls this question of order, which I will proceed to state. The substance of that is, that where, in pursuance of a law, a sum of money shall be withdrawn from the Treasury; where, in pursuance of law—I do not quote the language but merely refer to the substance of it—that where a sum of money shall be drawn from the Treasury it shall be accounted for in a certain manner. It does not provide for a public service requiring an appropriation of money, but simply that if an appropriation shall be made according to law or made by the law, then it determines the manner in which the account shall be made. [Cries of "Vote!"]

Mr. CANNON. I wish to be heard for a moment on the point of order. The gentleman from Indiana has had read section 291 of the Revised Statutes. But this appropriation is not made under that section at all. When expended the account is to be settled in the way there indicated.

Mr. HOLMAN. If it is not under that section, then I hope the gentleman will furnish the law under which this does come.

Mr. CANNON. I will satisfy the gentleman on that point I think. This fund is to meet the execution of the neutrality act, and is to be expended under the direction of the President pursuant to the mode prescribed in section 291.

Mr. HOLMAN. Where is the law providing for the appropriation of money to enforce the neutrality act?

Mr. CANNON. The neutrality act, passed in the first place in 1818, has been in force ever since in precisely the way here provided. It has been appropriated for almost every year since its enactment.

Mr. RANDALL. There is none for the current year.

Mr. CANNON. I claim it makes no difference whether it is there or not.

Mr. RANDALL. It does, according to the decision of the Chair.

Mr. CANNON. The Chair will decide after he has heard my point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. CANNON. Now, if the Chair will turn to section 5281 of the Revised Statutes, on page 1001, he will find the neutrality act. It covers sections 5281 to 5291. One section gives the President power to prohibit military expeditions against people with whom the United States is at peace. Another gives power to compel foreign vessels to depart from our ports in certain cases. It provides for armed vessels giving bonds under certain circumstances. There are various other matters referred to in that neutrality act which I need not mention at this time. Now, this fund is given to the President of the United States for the purpose of enforcing the neutrality act. The accounts are to be settled in pursuance of the mode prescribed in section 291. In other words, Mr. Chairman, this is a confidential fund which has always been given to the President of the United States, and is settled and adjusted on his certificate.

Mr. HOLMAN. I submit that the neutrality act, like all other acts, does not execute itself. It is to be executed, and the question is simply presented whether an appropriation of a specific sum of money for the execution of that law is an appropriation of money in conformity with law. The general theory that we have indulged in, I think, is where the law has provided for expenditure, as, for instance, has provided a salary, provided an expenditure in connection with foreign ministers or any other branch of the public service—that where the law has provided for an expenditure, then that expenditure of money is in conformity with law.

But here the law is shown (the neutrality act), and stands on the same footing as any of the body of the laws which, under the Constitution, the President shall take care to be faithfully executed, using the language of the Constitution. Nor can you support the proposition that an appropriation of money is proper upon the simple basis that here is a legal enactment which, in common with all the other laws of the land, is to be enforced. The object of specific appropriations for the enforcement of law is to provide for the meeting of the current expenses of the channels or agencies through which the laws are to be enforced. But

here is a general statute, embracing many provisions, imposing certain duties upon the Executive of the Government. Does the fact that these powers are conferred upon the President by the provisions of the Constitution or the law authorize the appropriation of this money? That is the question.

Mr. RANDALL. And in addition to that I make the point that it is not in the existing law.

Mr. HOLMAN. No; there is no such provision in the present law nor in the present appropriation bill. I submit that law stands upon the same footing as any other law, and the specific sum of money for its enforcement is not an appropriation in conformity with such law. That is to say, there is no law requiring the appropriation of money for this purpose.

All the powers of the Government are used in support of the laws of the land, whether it be the appropriations for the support of the Army or the appropriations for the support of the Navy, and such appropriations are for the purpose of carrying into effect the body of the laws of the land and securing their enforcement. But here is a specific, definite appropriation of money for the purpose of carrying out a particular provision of law. If that principle prevails the Chair will perceive that there is no limit to the power of appropriation, because every appropriation of money you can mention affects the carrying into execution of some existing law. If there are exceptions, the general rule would be that they are merely for the purpose of carrying into effect some general or specific law.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard further?

Mr. CANNON. Only to call the attention of the Chair again to the fact that here is a public law that has rested upon the statute-books for half a century and that appropriations have been made all that time for the enforcement of it. Now, if it is possible for any appropriation to be in order in pursuance of existing law I suppose this would be.

It may be that the gentleman from Indiana knows some provision of law, or knows some way that the law will enforce itself. If so, I am only sorry that we have not had the benefit of his information throughout the general run of these appropriation bills.

Mr. HOLMAN. Why, here is a power imposed upon the President of the United States. The Constitution itself provides that he shall take care the laws are faithfully executed; and I apprehend that that constitutional provision refers to this as well as to the other laws or the same terms and conditions. But I submit under this general power, meaning the power to see that the laws are faithfully executed, if you can appropriate money for the execution of each specific law there is no limit to the extent of the appropriations.

The CHAIRMAN. The Chair will hold that the limitations imposed by the rules of the House themselves require specific existing law pointing out the way in which money shall be expended. The neutrality act is general in its provisions, and hence the Chair thinks the point of order is well taken.

Mr. CANNON. I shall be compelled, Mr. Chairman, to appeal from the decision of the Chair.

The CHAIRMAN. The Chair will entertain the appeal of the gentleman and will recognize him if he desires to be heard.

Mr. CANNON. Now, sir, I take this appeal for the purpose of saying that it occurs to me the chairman has given a construction of this rule not contemplated by the rules of the House. The rules are strict enough in themselves without receiving a construction by the Chair that would prohibit in a large majority of cases the making of an appropriation at all.

But, Mr. Chairman, pending this appeal, it being a matter of very considerable importance, I will be glad if the committee will rise; and therefore, if no other gentleman will do so, I will make the motion.

Mr. RANDALL. I hope that will not be done. I am under a sort of partial obligation to the gentleman from Virginia who has charge of the Judiciary Committee to make every proper effort to get rid of this bill to-day, so that the committee may have all to-morrow for the consideration of its bills.

A MEMBER. Then let us take a vote on the appeal at once.

Mr. CANNON. It is now five minutes to 5 o'clock. I am entitled to the floor. I have the floor upon an appeal.

Mr. RANDALL. Well, let the gentleman go on. [Cries of "Vote!" "Vote!"]

Mr. CANNON. If gentlemen will make less noise around me I will make much better progress.

Mr. RANDALL. Let the gentleman go on.

Mr. CANNON. I will proceed under the rules of this House by the recognition of the Chair, and not by direction of the gentleman from Pennsylvania.

Mr. RANDALL. I do not mean to direct the gentleman at all.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has the floor.

Mr. CANNON. I will state again, I believe this question is of sufficient importance, the usual hour of adjournment being already upon us, that the committee should rise, so that we may see what the point of order is and the decision of the Chair in to-morrow morning's RECORD, and if some gentleman will make the motion that the committee rise, I shall be glad to yield for that purpose.

Mr. BURNES. I would like to accommodate my colleague on the committee, but I must dispose of this bill to-night if I can have my will.

Mr. CANNON. I will take the sense of the committee upon it anyhow. I move that the committee rise.

The question being taken, there were—ayes 17, noes 60.

So the committee refused to rise.

The CHAIRMAN (putting the question). As many as are of opinion that the decision of the Chair shall stand as the judgment of the committee will say "ay."

Mr. CANNON. I have the floor.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. CANNON. I have not yielded the floor.

The CHAIRMAN. When the gentleman from Illinois made another motion he yielded the floor.

Mr. CANNON. I beg the Chair's pardon; I did not yield the floor.

The CHAIRMAN. Does the gentleman desire to appeal from the decision of the Chair?

Mr. CANNON. I did appeal from the decision of the Chair and had the floor, and in my own time I made the motion that the committee rise.

The CHAIRMAN. The Chair holds that the gentleman from Illinois, having appealed from the decision of the Chair, yielded the floor upon that appeal for another motion.

Mr. CANNON. I beg the Chair's pardon; nobody made the motion but myself.

The CHAIRMAN. That is the reason why the gentleman lost the floor. He yielded it when he made his motion.

Mr. CANNON. But I made the motion that the committee rise. I do not understand that that took me off my feet. I distinctly stated in my remarks that I expected to occupy the time to which I was entitled; but while I was occupying my time, and was entitled to the floor, I made that motion, stating I wanted to take the sense of the committee on the question of the committee rising.

The CHAIRMAN. The present occupant of the chair never knew the sense of the committee or the sense of the House to be taken by a gentleman entitled to the floor during his hour. Can the gentleman point the Chair to a precedent?

Mr. CANNON. Oh, yes. The Chair asks if I can point to a precedent. [Cries of "Regular order!"]

Mr. CANNON. If gentlemen will possess their souls in patience I will reply to the Chair.

The CHAIRMAN. The gentleman from Illinois has not the floor at present. The Chair will again put the question: As many as are of opinion that the decision of the Chair shall stand as the judgment of the committee will say "ay."

Mr. CANNON. I want to discuss that question.

The CHAIRMAN, having completed putting the question, stated that the "ayes" seemed to have it.

Mr. CANNON. I call for a division.

The committee divided; and there were—ayes 66, no 1.

Mr. CANNON. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Illinois, Mr. CANNON, and the gentleman from Pennsylvania, Mr. RANDALL.

Mr. CANNON. Pending that, I move the committee do now rise.

The question being taken, the Chair stated that the "noes" appeared to have it.

Mr. CANNON. I call for a division.

The committee divided; and there were—ayes 0, noes 47.

The CHAIRMAN. The committee refuses to rise.

The Clerk began to read the next paragraph.

Mr. CANNON. Is it in order for the Clerk to proceed to read? The Chair made a ruling. The judgment of the Chair not agreeing with mine, I appealed from the decision of the Chair, made, I think, improperly and by mistake. I was taken off my feet. Then upon the vote I called for a division, and as I understand tellers were ordered, and the vote by tellers should now proceed.

The CHAIRMAN. The gentleman is right. The gentleman from Illinois, Mr. CANNON, and the gentleman from Pennsylvania, Mr. RANDALL, will take their places as tellers. The question is, Shall the decision of the Chair stand as the judgment of the committee?

After the count by tellers had proceeded for some time,

Mr. CANNON said: As one of the tellers I make my report. There seems no one else coming forward to vote.

The CHAIRMAN. The tellers report—ayes 99, noes 3.

Mr. RANDALL (one of the tellers). One more has just voted in the affirmative. That gives an even hundred.

Mr. CANNON. I make the point that a quorum has not voted.

Mr. HAMMOND. I call for the regular order.

The CHAIRMAN. The regular order is the calling of the roll when the committee finds itself without a quorum.

The Clerk proceeded to call the roll, when the following members failed to answer:

Adams, J. J.	Dockery,	Jordan,	Rice,
Aiken,	Dorsheimer,	Keifer,	Robertson,
Anderson,	Dowd,	Kelley,	Robinson, J. S.
Arnot,	Dunn,	Kellogg,	Robinson, W. E.
Atkinson,	Eaton,	Ketcham,	Rosecrans,
Barksdale,	Elliott,	Lacey,	Rowell,
Barr,	Ellwood,	Laird,	Russell,
Belford,	Ermentrout,	Lamb,	Seney,
Belmont,	Evans,	Lawrence,	Shaw,
Bennett,	Findlay,	Le Fevre,	Singleton,
Bingham,	Finerty,	Lewis,	Skinner, C. R.
Bisbee,	Follett,	Libbey,	Slocum,
Blount,	Foran,	Lovering,	Smith, A. H.
Bowen,	Funston,	McCoid,	Smith, H. Y.
Boyle,	Fyan,	Millard,	Snyder,
Brainerd,	George,	Miller, S. H.	Spriggs,
Brewer, J. H.	Gilson,	Mills,	Springer,
Broadhead,	Goff,	Mitchell,	Stewart, Charles
Brumm,	Graves,	Money,	Stewart, J. W.
Buckner,	Guenther,	Morgan,	Stockslager,
Burleigh,	Hanback,	Morrill,	Struble,
Cabell,	Hardeman,	Morrison,	Sumner, D. H.
Campbell, Felix	Hardy,	Morse,	Talbott,
Campbell, J. E.	Harmer,	Moulton,	Taylor, E. B.
Campbell, J. M.	Hart,	Muldrow,	Taylor, J. D.
Carleton,	Henderson, D. B.	Muller,	Throckmorton,
Chalmers,	Hepburn,	Murray,	Van Alstyne,
Clardy,	Herbert,	Mutchler,	Vance,
Collins,	Hewitt, A. S.	Nicholls,	Wadsworth,
Connolly,	Hiscock,	Oates,	Wait,
Cook,	Holmes,	Ochiltree,	Wakefield,
Covington,	Holton,	O'Neill, Charles	Ward,
Cox, S. S.	Hooper,	O'Neill, J. J.	Wemple,
Craig,	Hopkins,	Paige,	Whiting,
Crisp,	Houk,	Payson,	Winans, John
Culbertson, W. W.	Howey,	Pettibone,	Wise, G. D.
Dargan,	Hutchins,	Phelps,	Wise, J. S.
Davis, G. R.	Jeffords,	Potter,	Wood,
Davis, L. H.	Johnson,	Price,	Worthington,
Davis, R. T.	Jones, B. W.	Pusey,	York,
Deuster,	Jones, J. K.	Rankin,	Young.
Dingley,	Jones, J. T.	Reese,	

The roll-call being concluded, the committee rose; and the Speaker having resumed the chair, Mr. WILSON, of Iowa, reported that the Committee of the Whole House on the state of the Union, having had under consideration the consular and diplomatic appropriation bill, had found itself without a quorum; whereupon the chairman, in accordance with the rule, had directed the roll to be called, and now reported the names of the absentees to the House.

Mr. RANDALL. It was not announced in the Committee of the Whole how many members had answered to their names. Perhaps that may be stated now as a matter of information.

The SPEAKER. The Clerk will read the names of the absentees, after which the Chair will announce the number of members present upon the roll-call.

Mr. BAYNE. I move that the House do now adjourn.

The SPEAKER. That motion is not in order at the present time; the list of absentees, as reported by the chairman of the Committee of the Whole, has not yet been read to the House.

Mr. RANDALL. I am advised that we are within a small number of having a quorum.

Mr. BAYNE. I move to dispense with further proceedings under the call.

The SPEAKER. There is no call of the House. The rule requires that when the Committee of the Whole finds itself without a quorum the names of the absentees shall be reported to the House. That report, as submitted by the chairman of the Committee of the Whole, will now be read.

The Clerk read the names of the absentees as already stated.

The SPEAKER. From the report of the chairman of the Committee of the Whole House on the state of the Union it appears that one hundred and fifty-six members (not including the Speaker) have answered to their names, being less than a quorum.

Mr. RANDALL. I move a call of the House. This seems to be a question between public duty and dinner. [Laughter.]

The motion of Mr. RANDALL was not agreed to.

Mr. DUNHAM. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR (by request): Petition of J. H. Murdough, for relief of disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States, and asking that the same may be removed by Congress—to the Committee on the Judiciary.

By Mr. BAYNE: Memorial of the Chamber of Commerce of Pittsburgh, Pa., for the purchase of the franchises of the Monongahela Navigation Company—to the Committee on Rivers and Harbors.

By Mr. ENGLISH: Petition of merchants and business men of Indianapolis, Ind., against the passage of the bankrupt bill—to the Committee on the Judiciary.

By Mr. FIEDLER: Petition for increasing duties on pearl buttons—to the Committee on Ways and Means.

By Mr. FORAN: Petition of John Cassidy, of Cleveland, Ohio, asking for compensation for loss of property by reason of the action of the courts of the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. HAMMOND: Petition of W. J. Kincaid and others, citizens of Griffin, Ga., urging the passage of the McPherson banking bill—to the Committee on Banking and Currency.

By Mr. W. H. HATCH: Papers relating to the bill for the relief of W. A. Dorner—to the Committee on Claims.

By Mr. HILL: Petition of Mary J. Beckford and others, of Belmore, Ohio, for increase of widows' pensions—to the Committee on Pensions.

By Mr. HOLMAN: Memorial and argument of citizens of Madison, Ind., in favor of the erection of a public building in that city for a post-office and other public offices—to the Committee on Public Buildings and Grounds.

Also, petition of Martin Thompson and 50 others, citizens of Ohio County, Indiana, urging the passage of a law to equalize the bounties of the Union soldiers of the late war—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. HOUK: Petition of Mary Worley, asking increase of widows' pensions—to the Committee on Pensions.

Also, petition asking for the continued improvements of Clinch River—to the Committee on Rivers and Harbors.

By Mr. JORDAN: Petition of citizens of Cincinnati, urging the passage of the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. KLEINER: Petition and memorial of citizens of Evansville, Ind., favoring the building of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. LONG: Petition of Alonzo Thomas and others of Plymouth County, Massachusetts, urging increase of widows' pensions—to the Committee on Pensions.

By Mr. LORE: Petition of Matilda Caldwell, formerly Matilda Sparks, widow of Joseph Sparks, Company E, Third Regiment Delaware Volunteers, for arrears of pensions, with accompanying papers—to the Committee on Invalid Pensions.

By Mr. LOVERING: Petition of 6,300 citizens and ex-soldiers of the United States, asking for the passage of bill (H. R. 6463) granting a pension of $8 per month to every honorably discharged officer, soldier, sailor, and marine of sixty days' service in the late war of the rebellion—to the same committee.

By Mr. LYMAN: Petition of managers of houses of refuge and reformatories for children, asking an appropriation for additional clerical labor and cost of printing for annual reports of said institutions—to the Committee on Appropriations.

By Mr. MATSON: Petition of General Thomas A. McNought and 75 others, ex-Union soldiers of Owen County, Indiana, asking for the repeal of the act limiting the time in which arrears of pensions may be obtained—to the Committee on Invalid Pensions.

By Mr. MAYBURY: Petition of Henry H. Smith, praying the proper construction of an act of Congress—to the Committee on the Judiciary.

By Mr. MILLIKEN: Petition of Abner F. Ward, guardian of Willie Ward, for pension—to the Committee on Invalid Pensions.

Also, petition of Thomas M. Hopkins and others, praying that a pension be granted said Hopkins—to the same committee.

By Mr. NICHOLLS: Memorial of G. A. Mattelle, school commissioner of Camden County, Georgia, urging the passage of the Blair educational bill—to the Committee on Education.

By Mr. NUTTING: Petition of the letter-carriers of Oswego, N. Y., in regard to number of hours of labor—to the Committee on the Post-Office and Post-Roads.

By Mr. J. J. O'NEILL: Petition of F. A. Meysinburg, president Tudor Iron Works, asking for passage of the reciprocity treaty with Mexico—to the Committee on Ways and Means.

Also, papers relating to the claim of Dr. F. Hercher—to the Committee on Invalid Pensions.

By Mr. PAIGE: Petition of J. B. Yoder and others, of Wardsworth, Ohio, against the passage of H. R. 5892, known as the Dingley pilot bill—to the Committee on Commerce.

By Mr. POLAND: Petition of James C. Daggett, Company E, Second Regiment United States Sharpshooters, for increase of pensions—to the Committee on Invalid Pensions.

By Mr. G. W. RAY: Petition of citizens of Otsego County, New York, urging an amendment to the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. OSSIAN RAY: Petition of Mrs. Louise Butler, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of W. D. Caldwell and others, of Nashua, N. H., urging speedy legislation to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. ROCKWELL: Petition of Harriet Crumb and another citizen, of Williamstown, Mass., urging increase of widows' pensions—to the Committee on Pensions.

By Mr. W. F. ROGERS: Petition of Nannie S. Cushman, widow of Commander Charles H. Cushman, for increase of pension—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Papers relating to bill granting pension to William A. Plumb, Company D, Thirty third Regiment Ohio Volunteers—to the same committee.

By Mr. TUCKER: Petition of J. Pembroke Jones, of Virginia, for removal of political disabilities—to the Committee on the Judiciary.

By Mr. J. D. WHITE: Petition for the relief of Jacob J. Williams, and for relief of Andrew Howard, sr.—to the Committee on War Claims.

Also, petition for the relief of Mrs. Susan Fugate and Mrs. Matilda Cody—to the Committee on Invalid Pensions.

By Mr. WOODWARD: Petitions of citizens of La Crosse and Monroe Counties, Wisconsin, in favor of increasing widows' pensions—to the Committee on pensions.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Mooresville, and of Clifton Hill, Mo.

By Mr. ARNOT. Of 200 ex-Union soldiers and others, citizens of the State of New York.

By Mr. BOUTELLE: Of George Colson and 253 others, citizens of Bangor, Me.; of 63 citizens of Albany County, Wyoming Territory; of Alonzo Moring and 63 others, of Lubec, Me.; of John Stewart and 63 others, of Smyrna, Me.

By Mr. F. B. BREWER: Of citizens of Chautauqua County, New York; of Forestville, N. Y., and of Cattaraugus County, New York.

By Mr. BURNES: Of Richard Horigan and others, of Saint Joseph, Mo.

By Mr. CONVERSE: Of L. S. Craig and 177 others, citizens of Perry County, Ohio.

By Mr. CUTCHEON: Of citizens of Clarion, of Lake, of Marble, and of Big Rapids, Mich.

By Mr. ELDREDGE: Of B. C. Randall and 150 others, of Lenawee County, Michigan.

By Mr. FERRELL: Of citizens of Salem County, New Jersey, and of Clayton, N. J.

By Mr. FORAN: Of 60 citizens of Staunton, Ohio; of 65 of Wayne County, and 154 of Clinton County.

By Mr. GEORGE: Of citizens of Forest Grove, Oreg.

By Mr. HALSELL: Of Richard Dickens and 124 others, of Cumberland and Clinton Counties, Kentucky; of W. T. Wilkins and 40 others, of Warren County, Kentucky.

By Mr. HEPBURN: Of G. W. Herbert and 52 others, of Seymour; of William B. Tannon and 56 others, of Clearfield; of R. C. Henry and 106 others, of Mount Ayr, and of H. M. Howard and 46 others, of Gravity, Iowa.

By Mr. HART: Of Frank Mank and 180 other Union soldiers of Ohio.

By Mr. HOUK: Of David Ley and others, citizens of the State of Tennessee.

By Mr. HOUSEMAN: Of H. B. Oliver and 63 others, of Allegan County; of S. B. Carlis and 55 others, of Kent County; of Royal S. Hiar, McMullen, and 176 others, of Portland; of John Hemzelman and 46 others, of Grand Rapids; of C. V. Nash and 73 others, of Allegan County, and of H. S. Warner and 43 others, of Ottawa County, Michigan.

By Mr. W. H. HATCH: Of 252 citizens of Macon County; of 63 of Schuyler County; of 34 of Shelby County; of 64 of Green Top, Schuyler County, and of 103 of Clarence, Shelby County, Missouri.

By Mr. JAMES: Of John Lefferts and 58 others, of Flatbush, N. Y.; of John W. Warner and 59 others, of Flatbush, N. Y.

By Mr. LAWRENCE: Of citizens of Washington County, Pennsylvania.

By Mr. MILLIKEN: Of G. W. McAlister and 168 others, of Hancock County; of G. W. Hutchins and 115 others, of Somerset County; of A. L. Kerney and 62 others, of Oxford County; of W. G. Sargent and 121 others, of Hancock County, and of R. F. Campbell and 110 others, of Washington County, Maine.

By Mr. MOULTON: Of 1,000 citizens of Macoupin County, Illinois.

By Mr. NELSON: Of J. B. Ashelman and 100 others, of Morrison County, Minnesota.

By Mr. O'FERRALL: Of John Southwick and others, of Harrison County, Virginia.

By Mr. J. J. O'NEILL: Of John Desoline and others, of Saint Louis County, Missouri.

By Mr. PERKINS: Of C. Sandbury and others, of Mound Valley, Kans.

By Mr. PUSEY: Of F. P. Spencer and 85 others, of Fremont County, Iowa.

By Mr. PAYNE: Of 122 citizens of Seneca Falls, N. Y.

By Mr. PATTON: Of citizens of Templeton, Armstrong County; of Kellersburg, Armstrong County, and of Clarion County, Pennsylvania.

By Mr. G. W. RAY: Of citizens of Bainbridge, Chenango County; of 103 citizens of Andes; of citizens of Plymouth; of 48 citizens of Delaware County; of citizens of Sherburne; and of 63 citizens of Delaware County, New York.

By Mr. OSSIAN RAY: Of A. C. Emerson and 106 others, of Rumney; of A. G. W. Dudley and 118 others, of Hanover; of J. H. Foster and 98 others, of Hanover, and of Mrs. A. Perry and others, of Andover, N. H.

By Mr. W. F. ROGERS: Of ex-soldiers of Buffalo, N. Y.; of ex-soldiers and citizens of Erie County, and of Collins Centre, Erie County, New York.

By Mr. ROBERTSON: Of citizens of Breckinridge County, Kentucky.

By Mr. STRUBLE: Of R. H. Johnson and 56 others, of Adair County; of William Price and 64 others, of Marion County; of Joseph Martin and 109 others, of Guthrie County; of M. C. True and 140 others, of Washington County; of B. F. Tabler and 122 others, of Osceola County; and of B. E. Allen and 49 others, of Pocahontas County, Iowa.

By Mr. SHIVELY: Of J. A. Rovenstine and 93 others, of Kosciusko County, Indiana.

By Mr. STEVENS: Of citizens of Niagara and Wyoming Counties, New York.

By Mr. TALBOTT: Of Seymour Smith and 200 others, citizens of Maryland.

By Mr. WEAVER: Of D. H. Graham and 127 others, of Rulo; of A. F. Davis and 75 others, of Table Rock; of W. H. H. Meyers and 230 others, of Falls City; and of William Tyler and 125 others, of Blue Springs, Nebr.

By Mr. WEMPLE: Of 62 citizens and ex-soldiers of Saratoga Springs; of 35 citizens and ex-soldiers of Saratoga County; of 110 citizens and ex-soldiers of Saratoga County; of 63 citizens and ex-soldiers of Fulton County, and of 53 citizens and ex-soldiers of Gloversville, N. Y.

By Mr. J. D. WHITE: Of citizens of Clark County, Kentucky.

By Mr. WILKINS: Of Thomas McLees and 200 others, citizens of Muskingum County, Ohio.

By Mr. WILSON: Of John C. Ross and 63 others, of Marion County, and of 62 citizens of Berkeley County, West Virginia.

By Mr. YAPLE: Of Judson Shears and 99 others, citizens of Hartford, Mich.

SENATE.

TUESDAY, *January* 13, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report from the Secretary of the Treasury, in response to a resolution of the 10th of January, 1884, regarding the collection of tonnage duties since January 1 from foreign steamships; which, on motion of Mr. VOORHEES, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting reports made to his Department in regard to carrying into effect the provisions of the act of July 7, 1884, for the establishment of signal stations upon the island of Nantucket, Massachusetts, and of submarine telegraphic communication from such stations to the mainland; which, together with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Interior stating, in answer to a resolution of the 9th instant, that a copy of the report of the Government directors of the Union Pacific Railroad Company for the year 1884 had been on the 9th instant submitted by his Department to the President for transmission to Congress; which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 435) granting a pension to Samuel W. Tracey;
A bill (H. R. 1924) granting a pension to Thomas Simpson;
A bill (H. R. 2377) granting a pension to James Stockton;
A bill (H. R. 2538) granting a pension to Christiana Almier;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 4021) granting a pension to Abraham Cover;
A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;
A bill (H. R. 6196) granting a pension to R. D. Lawrence;
A bill (H. R. 6594) granting a pension to Russell F. Dimmick;
A bill (H. R. 6596) granting a pension to John Hazlewood;
A bill (H. R. 6692) granting a pension to David Whittington;
A bill (H. R. 6726) granting a pension to Margaret A. Maguire;
A bill (H. R. 6904) for the relief of John F. Chase;
A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;
A bill (H. R. 7047) granting a pension to Patrick Murphy;
A bill (H. R. 7141) granting a pension to Daniel W. Adams;
A bill (H. R. 7315) granting a pension to Frederick P. Dearth; and
A bill (H. R. 7503) for the relief of Daniel McAlpin.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. 691) for the relief of William W. Thomas;
A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix; and
A bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;
A bill (H. R. 1266) for the relief of Alexander D. Schenck;
A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;
A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;
A bill (H. R. 4681) for the relief of Yost Harbaugh;
A bill (H. R. 4380) for the relief of A. H. Herr; and
A bill (H. R. 5322) for the benefit of William H. Wheeler.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (H. R. 5249) to provide a criminal code for the District of Columbia; and
A bill (H. R. 5650) for the promotion of anatomical science and to prevent the desecration of graves.

The bill (H. R. 3593) for the erection of a public building at Chicago, Ill., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 2268) for the relief of John F. Severance was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee, was read twice by its title, and referred to the Committee on Military Affairs.

PROTECTION OF CHILDREN.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which were in line 20, page 1, to strike out the words "within their view" and insert the words "in their presence;" and in line 27, page 2, to strike out "twenty-one" and insert "sixteen."

Mr. INGALLS. I should like to have the bill lie on the table until I can examine the amendments made to it by the House of Representatives.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be laid upon the table.

ELIZABETH CARSON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 12) for the relief of Elizabeth Carson; which was to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the claim of Elizabeth Carson, of Bourbon County, State of Kentucky, for subsistence, use of jail, fuel, fire, care, and attention alleged to have been furnished by her to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by the military authorities of the United States, in the years 1862, 1863, 1864, and 1865; such investigation to extend to the status of the claimant, whether loyal or not, the value of the supplies furnished, the actual rental value of the property for the time it was occupied and used by United States authorities, the circumstances of the use of the jail and by whose authority or direction it was so used, and the reasons for the neglect to file her claim in the War Department; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress, for its action in the premises.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Nebraska [Mr. MANDERSON] reported this bill to the Senate from the Committe on Claims.

Mr. MANDERSON. As a member of the Committee on Claims I reported the bill for which this is a substitute. I move that the bill and amendment be referred to the Committee on Claims.

The motion was agreed to.

FISH IN POTOMAC RIVER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a House bill which was passed by the Senate and sent to the House of Representatives with an amendment. The House returns the bill with a message which will be read with the title of the bill.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 12, 1885.

Resolved, That the House non-concur in the amendment of the Senate to the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. J. S. BARBOUR of Virginia, Mr. J. T. SPRIGGS of New York, and Mr. L. E. McCOMAS of Maryland be the managers of the said conference on the part of the House.

Mr. LAPHAM. The amendment of the Senate to the House bill was a provision simply preventing the gas companies of the District from depositing their refuse in the waters of the Potomac. It was recommended to us by Professor Baird, who informed us that he had seen the officers of the gas companies and that they assented to the propriety of such legislation. Professor Baird said that without that provision the original bill would be useless for the purposes for which it was designed. I move, therefore, that the Senate concur in the request of the House for a conference.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate insist upon its amendment to the bill, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. LAPHAM, SEWELL, and GROOME were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7895) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District from empiricism in relation thereto; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of E. J. Ormsbee, Henry R. Start, J. N. North, and W. G. Fairbank, trustees and superintendent of the Vermont Reform School, praying for such appropriation as will enable the Bureau of Education to make an annual report of the work done in reforming children intrusted to institutions for the care of neglected and criminal minors; which was referred to the Committee on Education and Labor.

Mr. JACKSON presented the petition of Emanuel Mason, of Washington, D. C., praying compensation for the services of his son in the Interior Department between the years 1861 and 1866; which was referred to the Committee on Claims.

Mr. PLUMB presented a petition of citizens of Augusta, Kans., praying that pensions granted widows and dependent relatives of persons in the military service be increased to $12 per month; which was referred to the Committee on Pensions.

He also presented additional papers to accompany the bill (S. 488) for the relief of Alexander J. Mueller; which were referred to the Committee on Claims.

Mr. MANDERSON presented a memorial of the Cigar-makers' Union of Lincoln, Nebr., remonstrating against the ratification of the proposed Spanish-American reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SEWELL. I present a memorial of the Glen Cove Manufacturing Company, New York; the American Glucose Company, Buffalo, N. Y.; the Peoria Grape Sugar Company, Peoria, Ill.; the Geneva Grape Sugar Company, Geneva, Ill.; the Marshall Sugar Refining Company, Marshalltown, Iowa; the Danville Refining Company, Danville, Ill.; the Saint Joseph Refinery, Saint Joseph, Mo., and the Davenport Glucose Company, Davenport, Iowa, remonstrating against the ratification of the Spanish reciprocity treaty. These establishments have a capital of about $10,000,000, and grind the product of about 700,000 acres of corn. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SEWELL presented a petition of the Jarvis Engineering Company, of Boston, Mass.; a petition of Motley & Sterling, of New York, and a petition of the Jersey City Wheel Foundery and Machine Works, of Jersey City, N. J., praying for the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. MILLER, of California, presented a memorial of the Chamber of Commerce of Eureka, Cal., urging further appropriations for the improvement of Humboldt Bay, California; which was referred to the Committee on Commerce.

He also presented the petition of Charles Murphy, of California, praying that his claim for compensation for certain work done on the dry-dock at Mare Island may be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. WILSON presented a petition of G. W. Alexander and 200 other citizens of Iowa, praying for the passage of an act of Congress for the resumption of certain lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company, and that settlers on said lands be protected in their rights; which was referred to the Committee on Public Lands.

Mr. CAMERON, of Wisconsin, presented a memorial of the Cigar-makers' Union of La Crosse, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL presented memorials of the cigar-makers' unions of Erie, Bradford, and Pittsburgh, Pa., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying that Congress provide for such a system of improvements on the Monongahela River as will meet the requirements of commerce and enable the resources of the Monongahela Valley to be fully developed; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Mansfield, Pa., praying that the pensions of widows and dependent relatives be increased from $8 to $12 a month; which was referred to the Committee on Pensions.

He also presented a petition of the American Philosophical Society, praying that certain scientific books and apparatus be placed on the free-list; which was referred to the Committee on Finance.

Mr. SAWYER presented a memorial of the Rock County (Wisconsin) Tobacco Dealers and Growers' Association, representing $5,000,000, remonstrating against the ratification of the Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CONGER presented a memorial of the iron-mining companies and citizens of Negaunee, Mich., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, to report it with sundry amendments. I ask that the bill be printed with the proposed amendments, and I give notice that I shall call it up to-morrow morning.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The bill will be so printed and placed upon the Calendar.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1546) granting a pension to Orin R. McDaniel, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 884) directing the Secretary of the Treasury to refund money wrongfully paid for duties on imports by Daniel Marcy, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 656) for the benefit of the States of California, Oregon, and Nevada (and Nevada when a Territory), reported it with amendments, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and moved their indefinite postponement; which was agreed to:

A bill (S. 77) for the disposal of the public lands; and

A bill (S. 426) to amend the homestead laws.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 1571) granting a pension to James McCallen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of James McCallen, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1162) granting a pension to Francis A. Liebschutz, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 6816) for the relief of Nathan J. Sharp, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Mrs. Kate Morgan Smith, widow of Edward W. Smith, late major of the Twenty-second United States Infantry, of Buffalo, N. Y., praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 760) for extension of pension of Mrs. Ann Leddy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 362) granting a pension to Abraham H. Burkholder, to report it adversely.

Mr. COCKRELL. Is the bill reported adversely because the case is pending in the Pension Office?

Mr. JACKSON. It is reported adversely because the pension has been granted. He asks for arrears, and the committee do not propose to grant arrears.

Mr. COCKRELL. I should have withdrawn the bill if I had thought the committee was going to act upon it so soon. I was aware of the fact that he had not applied and presented his papers to the Pension Office, and so advised him, and he then applied to the Pension Office.

Mr. JACKSON. The pension has been allowed since the presentation of the bill.

The PRESIDING OFFICER. If there is no objection, the report will be agreed to and the bill postponed indefinitely.

Mr. HAWLEY. From the Committee on Military Affairs I report favorably, without amendment, the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general in the United States Army. With the consent of the Senate I shall file a written report within a brief time.

The PRESIDING OFFICER. The bill will be placed on the Calendar, and the report will be filed hereafter.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. 5960) granting a pension to George Ziefle, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 99) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL submitted a report to accompany the bill (S. 2495) for the relief of John Hollins McBlair, reported by him from the Committee on Military Affairs on the 6th of January, 1885.

REPORT ON LABOR IN EUROPE.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably a concurrent resolution providing for printing the letter of the Secretary of State of December 12, 1884, and the accompanying reports of United States consuls on labor in Europe. I ask consent to state that this concurrent resolution has received the cordial approval of the Committee on Foreign Relations; the printing is strongly urged by the State Department, and it seems to the Committee on Printing that the document should be printed. I ask on behalf of that committee that the resolution be now considered.

The PRESIDING OFFICER. The Senator from Nebraska asks that the resolution be now considered. Is there objection?

Mr. COCKRELL. Let it be read for information.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of United States consuls on labor in Europe, be printed, and that 1,000 additional copies be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives; and for the use of the Department of State, 5,000 copies, and 10,000 copies of the Secretary's letter.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I should like to know of the Senator from Nebraska why the committee provide for printing a larger number of the letter of the Secretary of State than of the consuls' reports.

Mr. MANDERSON. The letter of the Secretary of State, I understand, contains a synopsis or digest of these consular reports, and it seemed important to the committee that it should be printed as a separate document, the printing of the letter being quite inexpensive.

Mr. COCKRELL. By the resolution there is allotted to the Senate only 1,000 copies and 2,000 copies to the House of the letter of the Secretary of State and the reports of the consuls printed together. It seems to me that the Senate and House should be furnished with some copies at least of the letter of the Secretary of State printed separately. We have a large number of applications for that class of publications, and the number, 1,000, allowed the Senate, which would be only about twelve apiece, would amount to very little. I think the number allowed to the Senate is too small.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it lie on the table for a while. I shall object to its consideration until I can have time to examine it.

The PRESIDING OFFICER. The resolution will lie on the table.

LUCY LE G. JEFFERS.

Mr. CULLOM. I report favorably from the Committee on Pensions the bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers. I should like to make a statement, and then ask the Senate to consider the bill. The Senate during the last session passed a bill similar to the one which I have now reported and it went to the House. The House during the same session passed this bill just like it, and it came here. I ask now that the Senate consider the House bill, which is a precise copy of the one heretofore passed by the Senate, so that I may then ask the House to return the bill of the Senate which the Senate heretofore passed, and there may not be two bills passed on the same subject. I ask for the immediate consideration of the House bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to increase the pension of Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers, United States Navy, from $25 to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the Senate request the House to return to the Senate the bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers.

The PRESIDING OFFICER. That order will be made, if there is no objection.

BILLS INTRODUCED.

Mr. GARLAND introduced a bill (S. 2531) granting an increase of pension to Sophia Brooke Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2532) granting an increase of pension to Prudence Bond; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2533) granting a pension to Jesse Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 2534) to grant the right of way to the Pierre and Southeastern Railroad Company across the Old Winnebago Indian reservation in Dakota Territory; which was read twice by its title, and referred to the Committee on Railroads.

He also introduced a bill (S. 2535) granting a pension to Mrs. Julia Hartley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2536) to provide for the erection of a public building at Madison, Ind.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. VAN WYCK introduced a bill (S. 2537) making railroad corporations organized by acts of Congress subject to the control of legislation of the States and Territories in which such roads may be constructed; which was read twice by its title, and referred to the Committee on Railroads.

Mr. PALMER (by request) introduced a bill (S. 2538) granting a pension to George T. Lloyd, late of Company I, Fortieth Massachusetts Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SLATER introduced a bill (S. 2539) to create a new land district in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

RETIRED GENERAL OF THE ARMY.

Mr. EDMUNDS. I offer a bill, which I ask may be read at length the first time.

The bill (S. 2530) to authorize an additional appointment on the retired-list of the Army was read the first time at length, as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been generals commanding the armies of the United States, or generals-in-chief of said Army, one person, and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly.

The bill was read the second time by its title.

Mr. EDMUNDS. I ask unanimous consent that the bill be now considered. Every Senator will see the object and purpose and application of the bill. It will authorize the President of the United States to appoint Ulysses S. Grant on the retired-list of the Army, and in its form it obviates the difficulty which we have observed in an executive message on another question in respect to such matters. It is in such a shape that the President of the United States may appoint General Grant, or he may appoint General McClellan; I do not remember whether there are any others, but I think there are some others who would fall within it. It gets rid of the constitutional difficulty which the President had with the Fitz-John Porter bill, and enables the United States to pay this act of gratitude and justice to General Grant. I ask unanimous consent that the bill be now considered.

The PRESIDING OFFICER. The bill having been read the second time, the Senator from Vermont asks that the bill may be further considered at this time.

Mr. COCKRELL. I ask that the bill be printed and laid on the table until we can read it. I do not think it is fair or just to ask this body to pass a bill simply upon one reading. I think we are entitled to the courtesy of having an opportunity to read the bill.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. EDMUNDS. I ask that it be printed and placed on the Calendar.

The PRESIDING OFFICER. The bill will be printed and placed on the Calendar.

Mr. EDMUNDS. I give notice that to-morrow morning I shall ask the Senate to consider it.

DISTILLED SPIRITS FOR EXPORTATION.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate copies of all orders, regulations, decisions, and correspondence made or approved by him since the 20th of December, 1884, relating to the collection, postponement, or remission of the tax upon distilled spirits intended to be exported.

PRINTING OF DOCUMENTS.

Mr. MILLER, of California, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 500 copies of each of the following documents, the same to be included in one document, namely:

1. Senate Executive Document No. 112, Forty-sixth Congress, second session.
2. Senate Executive Document No. 194, Forty-seventh Congress, first session.
3. Senate Executive Document No. 26, Forty-eighth Congress, first session.

PUBLIC POLICY OF CONFEDERATE STATES EXECUTIVE DEPARTMENT.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the resolution I had the honor to offer on the 8th of January calling upon the President to communicate a certain report by General Sherman.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate now proceed to the consideration of the resolution which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if in his opinion it be not incompatible with the public interest, to communicate to the Senate a historical statement concerning the public policy of the executive department of the Confederate States during the late war of the rebellion, reported to have been lately filed in the War Department by General William T. Sherman.

Mr. HAWLEY. I do this, Mr. President, because——

The PRESIDING OFFICER. Debate on this motion is not in order under the rule. Is the Senate ready for the question?

Mr. CONGER. The yeas and nays were ordered.

The PRESIDING OFFICER. This is a motion made this morning to take up the resolution. The yeas and nays were ordered on agreeing to the resolution.

Mr. VANCE. Do I understand the Chair to announce that debate is not in order?

The PRESIDING OFFICER. Upon the motion to proceed to the consideration of the resolution debate is not in order. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate. The question now is on agreeing to the resolution, on which question the yeas and nays have been ordered.

Mr. VANCE. Mr. President, as the Senate will probably pass this resolution and place upon its records an unofficial paper, filed in the War Department by General W. T. Sherman, which contains statements affecting certain persons, it is but right and proper that all persons so affected should be heard in the same forum. As one thus interested, I desire to notice some statements made in that communication to the War Department. In order that I may not be misinterpreted I have placed in writing the material portions of what I desire to say, which shall be very brief.

It is understood and, I believe, not denied that in a speech made not long since in Saint Louis, Mo., General Sherman said he had seen a letter written by Mr. Jefferson Davis to a governor of a Southern State during the war, now a Senator, in which Mr. Davis threatened the coercion of any Southern State that should attempt to secede from the confederacy. As there are, I believe, three Senators at least on this floor who were governors of Southern States during the war, myself being one, I immediately on the appearance of that statement denied through the Post of this city that any such letter had ever been received by me. The newspapers soon afterward stated that General Sherman had been interviewed as to my denial, and had stated that he had not alluded to me as the person to whom the alleged letter had been addressed. I very naturally thought that this denial at both ends of the line had concluded the matter so far as I was concerned; but it seems not. In the statement filed in the War Department, as published in the papers of the country, I find the following assertion:

> At Raleigh, though the mass of the public records had been carried off, yet a number were left behind at the state-house and at the governor's mansion, called the "palace," which we occupied as headquarters during our stay there, namely, from April 13 to April 29, 1865.
>
> These records and papers were overhauled by provost-marshals and clerks, who delivered to Adjutant-General Sawyer such as contained material information, and my personal attention was only drawn to such as were deemed of sufficient importance. Among the books collected at the palace in Raleigh was a clerk's or secretary's "copy-book," containing loose sheets and letters, among which was the particular letter of Mr. Davis to which I referred in my Saint Louis "speech." I gave it little attention at the time, because Mr. Davis was then himself a fugitive, and his opinions had little or no importance, but it explained to my mind why Governor Vance, after sending to me commissioners to treat for his State separately, had not awaited my answer. It was the subject of common talk about my headquarters at the time, or, as stated by Colonel Dayton in a recent letter to me from Cincinnati, "I am quite sure that we generally talked [that] it was the desire of Governor Vance and the State officials to take North Carolina out of the confederacy, as I have stated, but they were afraid of Jefferson Davis and wanted protection."

Concerning this I have the following observations to make:

1. That no letters or documents of a public character were ever left at my residence in the governor's mansion, while I was governor, at any time.

2. No clerk or secretary of mine ever used as a repository for my cor-

respondence a "copy-book;" all official or public letters being first copied in the letter-book required by law to be kept in the executive office, and then bound into bundles and placed in the files, where they remain to this day.

3. General Sherman did *not* find in that copy-book "the particular letter of Mr. Davis to which he referred in his Saint Louis speech," for the simple reason that there was no such letter there.

4. I aver most positively, on the honor of a gentleman and an American Senator, that no letter containing such a threat was ever received by me from Mr. Jefferson Davis. All letters from him to me of any nature are to be found copied in the letter-books of the executive department of North Carolina, now in the War Department in this city.

The reasons given by General Sherman by way of corroborating his statement are such as would scarcely be relied upon by a respectable lawyer. He says he paid "little attention to it at the time," and does not say that he ever saw it afterward; and further, that Mr. Davis was then himself a fugitive, and his opinions had little or no importance! It was, perhaps, the little attention given to the opinions of an unimportant man that enabled him to remember so well the contents of the letter in which they were expressed after the lapse of nearly twenty years! The suggestion as to the probable fate of that mysterious letter, that it was burned in the great fire in Chicago, is a mere apology for its nonproduction, which at the same time contradicts the idea of its importance; for had it been such as he says it was, it would certainly have found its way to the public files.

But there is another matter averred by General Sherman that more nearly concerns me, and to which I shall very briefly ask the attention of the Senate.

It may be that Northern gentlemen who were on the victorious side during the civil war can not properly appreciate the feelings and sentiments of those who were on the side of misfortune and defeat. They seem to regard it as quite a sin that we do not readily join in the denunciations of him who was our leader in the war, and hasten to condemn him on all occasions as the surest way of excusing our conduct and commending ourselves to the good opinion of our late opponents. Surely no man of even the slightest sense of honor could respect a Southern man who would thus debase himself. Surely the most flagrant and rampant trafficker in the issues of sectional hatred would prefer an adversary who walked upright on his feet to the one who crawled upon his belly. If not, what must be thought of his own manhood?

Now, sirs, be it known to you, that those of us who pledged our faith to each other for the establishment of the confederacy gave up all for which we contended when it failed, retaining to ourselves only one solitary satisfying reflection, and that was that we had at least served our country faithfully, honestly, and devotedly, as we understood it.

This satisfaction General Sherman's statement would to some extent take from me, and this it is, sir, which I resent. It is well known that I was drawn into secession unwillingly; it is also well known that in regard to many of the details of administration I was at variance with the authorities of the confederate government; but it is equally well known, I hope, that, after my own honor was engaged and the honor of my native State, there never was an hour during all that unhappy time in which I did not give every energy of my body, mind, and soul to the success of the cause to which I had pledged my allegiance. General Sherman, professing high respect for me, for which I thank him, thinks, perhaps, that he does me a kindness and commends me to the people of the country by holding out the idea that I was disaffected while Governor toward the cause for which I was ostensibly fighting, and that I was anxious to separate myself and State from the confederacy, but was restrained by fear. Sir, I want no man's respect or good-will based on the supposed virtues of treason to my country and the desertion of my associates. The good-will of a man who would respect these traits in another is not worth picking up from the dust of the common highways. General Sherman says that the commissioners whom I sent to meet him as he approached Raleigh, to wit, ex-Governor Swain and ex-Governor Graham and Surgeon-General Warren, told him that I wanted to make separate terms for the State, but was afraid of "Jeff Davis." I do not believe it. It can not be true. The two gentlemen first named are dead; they were eminent North Carolinians, of most exalted character in all respects, and most especially for truth. They *knew* I was faithful to the confederacy; they *knew* that I was not afraid of opposing Mr. Davis when I differed from him, because they had seen me constantly doing it, and they *never* told General Sherman or any other living man the contrary of what they knew to be true as perfectly as any men in North Carolina.

The other commissioner, Dr. Edward Warren, was surgeon-general of the State of North Carolina, is now living, and is an eminent physician in Paris. His statement would surely carry as much proof of what was said there as that of the witness cited to prove that there was talk about camp of "the desire of Governor Vance and other State officials to take North Carolina out of the confederacy, but they were afraid of Jeff. Davis and wanted protection." True it is that I sent a commission to him under a flag of truce to ask protection, not separate terms for the people of my State, but at that moment the war was virtually ended. Lee had surrendered, Richmond had fallen, President Davis and his official household were fugitives, and General Johnston, commanding the last remnant of an army devoted to the South, was about to march westward, no one knew whither, and uncover the capital of the State. With his consent and approbation that embassy was sent, and through his lines under his permit it went. Before its return Raleigh was uncovered and I had left to join Mr. Davis, at Charlotte, where the surrender of General Johnston was authorized and the finality of things brought about. Then and there I took my leave of Mr. Davis and of the confederacy, and went back with his full approbation to share the fate of my people.

General Sherman finds an explanation of my failure to await the return of my embassy in the contents of the mysterious letter—that I was afraid of Davis, then a fugitive without an army. Bold enough he says I was to send an embassy to the enemy, but I was afraid to await its return! Was ever conclusion more absurd? The reason why I did not wait was that I had been told my embassy after passing through the confederate lines had been captured by Kilpatrick's cavalry, promptly robbed of their personal effects, and taken before General Sherman as prisoners. Not returning up to midnight of the day on which they were sent, I concluded this to be true, and left with the retreating troops.

How well and how faithfully I served the lost cause the country knows. My own people, sir, about whose opinion I am most concerned, will wonder that anybody can be found to question it.

Mr. HAWLEY. Mr. President, when I offered this resolution on the 8th instant I certainly did not anticipate a debate, surely not a lengthened debate upon it. It was a simple call for information. I decline to be drawn into the question as to whether there is here merely a personal quarrel between General Sherman and Mr. Davis. I say there is not. I say inquiry concerns important facts of history which throw light upon the great dispute concerning the theories of our Government.

The Senator from North Carolina [Mr. VANCE] misapprehends the people who were on the side of the Union, I am sure, if he thinks that they expect those men who were associated in a mistaken struggle in favor of what I consider vicious theories of society and of government to turn now and rend each other. We expect of them the ordinary elements of manhood—that they shall stand by one another. They pledged their lives and their fortunes in that desperate struggle. No man expects one or another of them, in decency, honor, or fair play, to turn and villify his associates and throw blame on them, especially to seek favor by so doing. There is no such spirit in the North. On the other hand, those who won in that fight may be expected to assert and stand by precisely what they did win. They declared that secession was not known as a theory of government; they declared that the causes of secession were weak and unsatisfactory, existing chiefly in the imagination. So far as the system of slavery was at the bottom of it, they declared it was not worth support, it did not deserve the support of a democratic or a Christian people; they declared that the Union could not be dissolved by the voluntary secession of its members. All these things they made good on the battlefield. They are recorded in the legislation of the country. The characterization of that effort as a rebellion has gone into the Constitution of the country.

While I have no disposition to exult over those who lost, or to make their situation unnecessarily uncomfortable, whenever the question arises in any form or shape or by the provocation of whomsoever, I must stand absolutely by those principles as I did in the very heat of the war. I must vehemently assert their justice and stand ready to defend them at any moment. Those who were engaged upon the other side can expect nothing else. They can never ask us to speak of Jefferson Davis in public or political debate as anything but a conspirator and a traitor.

I did not seek this debate; I do not care to prolong it. I did hope this morning it would end with a simple vote on the resolution itself. If gentlemen desire—the provocation came from that side—if they really wish to obtain further debate, they know perfectly well of what character it must be. They can go back twenty or twenty-five years and find it in the records of Congress, and they will hear to-day the same vehement assertion of our belief on our side that they find recorded then.

I learned long ago to apply this rule to similar cases, to say that we must judge of men by the light they had and of measures by the light we have. The measure of disfavor or personal condemnation which shall be visited upon any man who was engaged in the confederacy is a matter outside of law and legislation; it is a matter for the favor of Heaven and the kind charity and consideration of his fellow-men as private citizens; but our judgment of their principles and measures is absolute, final, severe, crushing, as made good in the highest court to which mankind ever appealed.

There were certain political theories of great consequence advocated upon either side. Those who went out declared that a State had a right to secede under provocation of which it must be the judge. They asserted certain rights for what they called sovereign and independent States, which we denied to them. This chapter of history which we are now discussing goes to show that their avowed theories exhibited in a short time their inherent weakness; that they themselves found themselves unable to live by them in the attempt to maintain their own confederacy, and that Mr. Davis was disposed to resort to, intended resorting

to, and did resort to substantial measures beyond any powers that were assumed by the United States Government in the attempt to preserve its life. None know this better than two distinguished members of this body upon whom I am now looking, who were governors of States in the confederacy during the war.

I know the history of the distinguished Senator from North Carolina. I know that his heart did not go with this war. I know that thirty or forty thousand majority of the people of North Carolina were opposed to the thought of secession up to a certain period when they supposed their hearts were fired by the proclamation of Abraham Lincoln. I know that war on the part of the confederacy could not have been carried on if it had not been for the support ultimately rendered by the Union men of North Carolina, among whom was that Senator. I venture to say that he knows also that, in the judgment of those Union men and of others who were not classed with them, Mr. Davis did go beyond his rightful powers as president of the confederacy under the confederate constitution; that he did abandon theories which they considered essential to a free government; that they rebuked him therefor, and that one of them at least told him absolutely and directly and positively, in a formal written communication, that he would not obey him. One of those governors absolutely refused to obey a command of Mr. Davis to turn over the State troops of Georgia to the confederacy, and used language which admits of no question or argument as to what he considered the political character of Mr. Davis and his character as an executive officer.

Now, not to embarrass the Senator from North Carolina—for I think after his statement he need not be embarrassed, and can not be by it—but in order to justify these statements concerning the political history of that wonderful struggle, I venture to read a part of a communication from Governor Vance of North Carolina to Mr. Davis, dated February 9, 1864, and a small portion of the response made by Mr. Davis. The governor of North Carolina said:

> I hear with deep regret that a bill is certainly expected to pass the congress suspending the writ of habeas corpus throughout the confederacy, and that certain arrests will immediately be made in North Carolina. Of course, if congress and your excellency be resolved upon this, as the only means of repressing disaffection in this State, it would be a mere waste of time for me to argue the matter. And yet I should not hold myself guiltless of the consequences which I fear will follow did I not add yet another word of expostulation to the many which I have already spoken. If the bill referred to, about which I can form no opinion until I see it, be strictly within the limits of the constitution, I imagine the people of this State will submit to it, so great is their regard for law. If it be adjudged, on the contrary, to be in violation of that instrument, and revolutionary in itself, it will be resisted.

That is the doctrine of secession substantially, for the State of North Carolina assumed the right to itself to judge of the constitutionality and propriety of a measure of its federal government and promised resistance. Governor Vance continued:

> Should it become a law soon, I earnestly advise you to be chary of exercising the powers with which it will invest you. Be content to try, at least for a while, the moral effect of holding this power over the heads of discontented men before shocking all worshipers of the common law throughout the world by hurling freemen into sheriffless dungeons for opinion's sake. I do not speak this factiously, or by way of a flourish, nor do I believe that, as an enlightened lawyer, and a Christian statesman, you could feel any pleasure in the performance of such an ungracious task. I am, on the contrary, convinced that you believe it to be the only way to secure North Carolina in the performance of her obligations to her confederates. The misfortune of this belief is yours; the shame will light upon those unworthy sons who have thus sought to stab their mother because she cast them off. If our citizens are left untouched by the arm of military violence I do not despair of an appeal to the reason and patriotism of the people at the ballot-box.

Upon the theories held by the Senator from North Carolina, I say that is a manly letter, but my point is that the theories of the secessionists were failing them in their hour of need. Mr. Davis responded at considerable length. I do not care to read his whole letter; I will read the concluding paragraph of it:

> In respect to your general recommendations touching the exercise of any extraordinary powers conferred on me by Congress, I can only say that they will be used, if at all, with a due regard to the rights of the citizen as well as to the public safety.
>
> Arbitrary measures are not more congenial to my nature than to the spirit of our institutions. But should the occasion unhappily arrive when the public safety demands their employment, I would be derelict in duty if I hesitated to use them to the extent required by the exigency.

Mr. Davis declares virtually that he will do whatever he thinks necessary to the salvation of the confederacy.

I might prolong this by extracts from other similar correspondence, including something from the then governor of Georgia somewhat more decided, because it was a distinct defiance and refusal to obey. These things certainly tend to justify General Sherman and General Sherman's remarks. But the document in question is not before us; there is no authorized copy before us. I have not compared them with the original, and I can not say whether the copies in the newspapers are correct or not. It seemed to Senators with whom I consulted eminently proper that we should call for this historical statement made by that distinguished and honorable and truthful gentleman and soldier, that it might be laid before us in authentic shape and given to the country thus.

There is a wide chapter of history that opens at this point, but I did not consider this resolution a proper opportunity to go into it. I mention a fact, however, in conclusion, which I think has never been brought to the attention of the country, certainly not as it might have been. Notwithstanding the secession by reason of the alleged tendency of the Federal Government to improperly interfere with slavery in the States, toward the close of the war the Southern confederacy itself sent an authorized messenger to the British Government offering to abandon wholly, to abolish forever, the system of slavery if it could be assured of English countenance and assistance. There is no question in the world of that.

What becomes, then, of their own theories, upon which they so fiercely denounced us and Mr. Lincoln and all who were concerned in emancipation, or in the maintenance of the Union, when we, waiting, waiting in violence to our moral sentiments, waiting with a certain tenderness toward some which was a cruelty to others, till near the close of that great controversy, only finally as a last resort and as a military measure abolished slavery, the wicked cause of all this awful evil and crime, when, finding themselves in an emergency, they offered to Great Britain the destruction, the entire abolition of the system of slavery? By what means it was to be abolished I do not know. They had not obtained the consent of their individual States; we are not informed that there had been legislation by the States in that direction. It must have been, I suppose, under the war power; but that the offer was made is beyond question. It came too late; it reached Great Britain too late. I do not know how history might have been written if it had gone there one or two or three years earlier; it is quite useless to speculate; but the proposition was made, action under it was declined, the confederacy failed, slavery was abolished, and for thousands of years to come, and so long as history is written, the world will rejoice, including among those who rejoice the descendants of those who engaged in that war upon the wrong side.

Mr. BROWN. Mr. President, I have no disposition to reopen the correspondence that took place between the president of the Confederate States and the then governor of Georgia, on the questions of difference of opinion which existed between them. That record is made up; it has passed into history; and I am willing to stand upon my part of it. I will not therefore reopen it, nor will I discuss it in this presence. I think it proper, however, that I should make a short response to a part of the remarks made by the honorable Senator from Connecticut [Mr. HAWLEY] as the remarks made by him without some explanation do not put a proper construction upon my conduct at the time.

I never disobeyed any legal order that the president of the Confederate States had a right to make, if he had any right to order the governor of a State. In the case referred to by the Senator from Connecticut, the facts were these: The Confederate States statutes prescribed who should be subject to confederate military duty, and who might be called into the field by the president of the Confederate States. There had been a wide difference of opinion between him and me on the constitutionality of what was known as the conscript act. The male population of Georgia between certain ages had been ordered into the service under that act, as in the case of the other States. While I entertained certain views against the constitutionality of the act, I put no obstacles in the way of its execution by confederate officers in the State, nor did I do any act that could in any way cripple the military operations of the confederacy. But when General Sherman's army invaded Georgia, I then called into the field a class of old men and boys who were not subject to duty under the confederate statutes; including also the officers of the different counties of the State, such as sheriffs, clerks, ordinaries, and officers of that character. And I ordered the whole of them into service; permitting them to form themselves into companies and regiments, and elect their own officers. And as testified by General Johnston, under whose command they were first placed, and afterward by General Hood, who saw them under fire, they were a gallant and reliable body of soldiery. While they were in the trenches defending Atlanta, the secretary of war of the Confederate States made a requisition upon me to turn over those troops to the confederate government, a portion of them who lived below a certain line to report to the commander at Charleston, General Jones I believe at the time; and the others to report to General Hood at Atlanta.

By some mistake, as we must now suppose, the president of the Confederate States had not informed himself correctly as to the then status of those troops. While his order would have divided them and sent part of them out of my State when they were defending her growing young city in the trenches, I refused to turn over those troops and comply with that requisition, because the president of the Confederate States had no right to order into service any class of troops that the laws of the Confederate States did not make subject to military service. I held those troops as State troops for the exigency—men up to 55 and boys down to 16, both above and below the age prescribed by the statutes of the Confederate States. I stood upon that, and refused to turn them over, but kept them under the command of General Hood, who then commanded the confederate forces, and threw no obstacle whatever in the way of their use as part of the confederate army while he remained with his army in the State. I will state here that though they were furloughed after the operations at Atlanta, to go home and gather the crops, they were called back into the field, and as their supreme commander I surrendered them to General Wilson of the Federal cavalry after Lee and Johnston had surrendered.

I make this statement because I think it due to the truth of history in this connection, and to show that there had been a mistake made by the government of the confederacy in calling for a class of troops that the president, as I construed the law, had no right to call into service. But they were continued in the service during the operations at Atlanta, subject to my command, but in fact under the confederate general in command. And they did gallant service as State troops to the end of the war. That is the history of that transaction.

I have already stated that I differed with Mr. Davis very fundamentally and materially on several questions that came up during the war; I discussed those differences with him frankly and independently; but I threw no obstacle at any time in the way of any of the military operations of the confederacy. To show the position I took at that time, I will read two or three sentences from my message to the Legislature of Georgia in March, 1864. In that message I said:

When did Georgia embarrass the confederate government in any matter pertaining to the vigorous prosecution of the war? When did she fail to furnish more than her full quota of troops, when she was called upon as a State by the proper confederate authority? And when did her gallant sons ever quail before the enemy, or fail nobly to illustrate her character upon the battlefield?

She can not only repel the attacks of her enemies on the field of deadly conflict, but she can as proudly repel the assaults of those who, ready to bend the knee to power for position and patronage, set themselves up to criticise her conduct, and she can confidently challenge them to point to a single instance in which she has failed to fill a legal requisition for troops made upon her through the regular constitutional channel. To the very last requisition made she responded with over double the number required.

She stands ready at all times to do her whole duty to the cause, and to the confederacy; but while she does this, she will never cease to require that her constitutional rights be respected, and the liberties of her people preserved.

This is all I desire to say on the general subject. Before I take my seat, however, I wish to call attention to one statement in General Sherman's letter which I think does me injustice. I do not deny that the statement made is substantially true as far as it goes, but it does not state the whole truth. I have no doubt that the mistake was an inadvertence. I have no idea that General Sherman intended to do me an injustice, but he does I think do injustice by omitting a fact which it was important to state. In his letter, as I find it published in the New York Herald, he uses this language:

On the 15th of September, 1864, I telegraphed to General Halleck, in Washington: "Governor Brown has disbanded his militia to gather the corn and sorghum of the State. I have reason to believe he and Stephens want to visit me, and have sent them a hearty invitation." Two days after I received from President Lincoln this dispatch:

"I feel great interest in the subjects of your dispatch, mentioning corn and sorghum and the contemplated visit to you." On the same day I answered him direct, by telegram: "I will keep the department fully advised of all developments connected with the subjects in which you feel interested. Mr. Wright, former member of Congress from Rome, Ga., and Mr. King, of Marietta, are now going between Governor Brown and myself. I have said to them that some of the people of Georgia are engaged in rebellion, begun in error and perpetuated in pride; but that Georgia can now save herself from the devastations of war, preparing for her, only by withdrawing her quota of the confederate army and aiding me to expel Hood from the borders of the State; in which event, instead of devastating the land as we progress, I will keep our men to the high roads and commons, and pay for the corn and meat we need."

That would seem to imply that Mr. Stephens, now deceased, and myself had indicated some wish to have a personal conference with General Sherman with a view to separate State accommodation for Georgia. So far as I am concerned, and I know it is true as to Mr. Stephens, neither of us entertained any such purpose, nor would either of us have entertained any such proposition. We should have been very glad to have seen negotiations opened between the Federal Government and the confederate government, but neither of us was the authorized agent of the confederate government to negotiate for terms of peace, and therefore neither of us could indicate any such desire to General Sherman.

I never heard that General Sherman entertained any such view, or contemplated a mission, or the sending of an agent to either of us, until Mr. William King—for Judge Wright never came—came to Milledgeville, to the executive mansion, and told me that General Sherman had sent him to invite me to an interview in Atlanta, to invite me to visit his headquarters, with the assurance of safe conduct, &c. I asked him what was the purpose of the interview, and was informed that he desired to confer with reference to terms of peace so far as Georgia was concerned.

Mr. King presented no written communication from General Sherman, but simply said he had come as a messenger at the request of General Sherman. I at once replied that I had no power to negotiate for terms of peace. So far as Georgia was concerned, I claimed no such right for her, and that the trip to General Sherman's headquarters would be entirely useless, as I could conduct no negotiations with him. It was a conversation, as there was no written communication, as already stated; but I had notes of the interview taken, and that there might be no misapprehension (for I knew there would be excitement when it was heard that a messenger from General Sherman had visited me at Milledgeville) I at once published in the newspapers of the State my reply to Mr. King and the message which I sent to General Sherman.

I was not like a great many other persons who are still living and were very active and very faithful confederates; I was not an original Union man; I was a secessionist. I am aware that there are but few of the original panel now alive, but still *I was a secessionist*, and the movement was with my consent, and Georgia went into the compact with the other Confederate States with my consent, for I was her executive at the time and a citizen of the State. Therefore there was no state of the case under which I could permit her to negotiate in any manner that might carry with it even implied bad faith to the other confederates. I closed my message to General Sherman which I sent by Mr. King in this language:

Say to General Sherman that Georgia has entered into a confederation with her Southern sisters for the maintenance of the same sovereignty, of each, severally, which she claims for herself, and her public faith thus pledged shall never be violated by me. Come weal or come woe, the State of Georgia shall never, by my consent, withdraw from the confederation in dishonor. She will never make separate terms with the enemy which may free her territory from invasion and leave her confederates in the lurch.

That was the concluding part of my reply to General Sherman. The only complaint I make of this publication is that I think he should have stated that I did not entertain any such propositions. The inference from his letter might be that I was inviting it, and the communication does not tell what was the result.

I wished to make these statements that they might go along with the statements of General Sherman. As already said, I do not believe he desires to do me any injustice, and I certainly desire to do him none. This is all I care to remark on the subject at this time.

Mr. HAWLEY. I beg pardon of the Senate for trespassing a short time longer, but these historical statements would not be quite complete without the addition of what I propose to read. I do not do this for the purpose of introducing or implying any personal reflection on the Senator from Georgia. I am simply talking about the action of the governor of Georgia during the confederacy, and the bearing that action had upon the question whether the executive government of the confederacy adhered to its doctrines of State rights.

The governor of Georgia received in 1864 an order from the war department of the confederacy dated August 30, 1864:

SIR: The condition of your State, subjected to formidable invasion and menaced with destructive raids in different directions by the enemy, requires the command of all the forces that can be summoned for defense. From recent official correspondence submitted to the department, it appears, on your statement, that you have organized 10,000 or more of the militia of your State, and I am instructed by the president to make requisition on you for that number, and such further force of militia, to repel invasion, as you may be able to organize for confederate service. Those within the limits of General Hood's department will report to him; those outside to the commandant of the department of South Carolina and Georgia.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

His Excellency J. E. BROWN,
Governor of Georgia, Milledgeville, Ga.

The governor of Georgia, under date of September 12, 1864, responds at some length; I quote the paragraphs essential to my argument fairly here, I think. Reciting some of the preliminary facts, the governor of Georgia proceeds to say:

* * *

Another remarkable fact deserves attention. During the whole march of the enemy upon Atlanta, and for more than a month after it was closely invested and shelled by the enemy, it never seems to have occurred to the president to make requisition upon me for the militia of Georgia to aid in repelling this formidable invasion, or these "destructive raids," and it is only when he is informed that I have an organization of gallant, fearless men, *ready to defend the State against usurpations of power*, as well as invasions by the enemy, that he makes requisition upon me for this force and all others I can organize.

* * * * * * *

In making this requisition it is quite clear that it was no part of the president's purpose to get these brave men into service. They were there at the time, in the trenches, among those who were nearest to the enemy, where they never faltered in a single instance.

Again:

The president must have some other motive in making the requisition, and I think it not uncharitable under all the circumstances to conclude that *the object was to grasp into his own hands* the entire control of the whole reserve militia of the State.

* * * * * * *

If I am asked to trust the sound judgment and good faith of the president for their discharge and return to their homes at such times as their services are not indispensable in the military field, I can not forget the faith that was violated last fall to thousands of Georgians.

The constitution of the Confederate States authorizes the States, as well as the confederacy, to keep troops in time of war, when actually invaded, as Georgia now is. Her militia have been organized and called into active service, under her own laws, for her own defense; and I do not feel that I am authorized to destroy her military organization at the behest of the president, or to surrender to him the command of the troops organized and retained by her by virtue of her reserved power for her own defense, when greatly needed for that purpose, and which are *her only remaining protection against the encroachments of centralized power. I therefore decline to comply with or fill this extraordinary requisition.* While I refuse to gratify the president's ambition in this particular, *and to surrender the last vestige of the sovereignty of the State* by placing the remainder of her militia under his control for the war, I beg to assure you that I shall not hesitate to order them to the front, and they will not shun the thickest of the fight, when the enemy is to be met upon the soil of their beloved State.

And he called attention to the fact that Georgia had then fifty regiments in Virginia.

If, however, I should be informed that the president will send no re-enforcements, and make no further efforts to strengthen our defenses, *I then demand that he permit all the sons of Georgia to return to their own State*, and within her own limits to rally around her glorious flag, &c.

The confederate secretary of war, under date of October 8, 1864, responded somewhat at length. I make an extract. After summarizing Governor Brown's letter, Mr. Seddon said:

On analyzing your excellency's letter it is apparent that the prominent and influencing reasons of your action spring from a spirit of opposition to the government of the Confederate States and animosity to the chief magistrate whom the people of the confederacy have honored by their choice and confidence. Your reasons may be reduced to the following:

* * * * * * *

Fourth. That these troops, besides being necessary to a defense against invasion, are also necessary to defend the State against usurpation of power, and as "a protection against the encroachments of centralized power," and that the knowledge of the president's of their ability and disposition to do this was the motive for the call on you.

* * * * * * *

To your last reason I refrain from replying as its character would justify. I can not think the significancy of the language quoted has been duly appreciated by your excellency. I prefer to consider them as inconsiderate utterances rather than the foreshadowing of a guilty purpose to array your State in armed antagonism against the confederacy, and so to betray the cause of herself and sister States.

Governor Brown responded again at length, in the course of which response he said:

A word as to the use I shall make of this militia, and of all the troops at the command of the State. No sentence in my former letter is an "inconsiderate utterance." No word in it justifies the construction that I will array my State in "armed antagonism against the confederacy." On the contrary, I will use the troops to support all the just rights and constitutional powers of the confederacy to the fullest extent. No State is truer to the *confederacy* than Georgia, and none will make greater sacrifices to maintain its rights, its just powers, and its independence. * * * But while I will employ all the force at my command to maintain all the constitutional rights of the confederacy and of my State, *I shall not hesitate to use the same force to protect the same rights against external assaults and internal usurpations.* Those who imagine themselves to be the confederacy, and consider only loyalty to themselves loyalty to it, and who recognize in neither the people nor the States any rights which conflict with their purposes or future designs, doubtless see in this the "foreshadowing of a guilty purpose." It is, to say the least of it, a fixed purpose.

It is not only my right but my duty to uphold the constitutional rights of the people of Georgia, by force if necessary, against usurpation and abuses of power by the central government. The militia is, under the constitution, one of the proper instrumentalities for that purpose.

Again:

No military authority, State or confederate, can be lawfully used for any other purpose than to uphold the civil authorities, and so much of it as the constitution of my country has confided to my hands shall be used for that purpose, whether civil society, its constitution and laws, shall be invaded from without or from within. Measured by your standard, this is doubtless disloyalty. Tested by mine, it is a high duty to my country.

* * * * * * *

Doubtless you are right, as this is unquestionably the first instance in the annals of either the old or new confederacy of such a call made by the president. It presents the isolated case of an attempt by the president to single out a particular State, and, by grasping into his own hands its whole military strength, to divest it of its last vestige of power to maintain its sovereignty; not only denying to it the right (plainly reserved in the constitution) to keep troops in time of war when actually invaded, but claiming the power to deprive it of its whole militia, and leave it not a man to aid in the execution of its laws, or to suppress servile insurrection in its midst. As no such requisition was ever before made upon any State, and it probably never entered into the mind of any statesman that such a call ever would be made, it never became necessary to question the right to make it.

Mind, I am reading this to show that the extreme doctrines of the seceders failed in their own time of need, and they found themselves upon the very verge of civil war in defense of the doctrines of State rights and secession, against their own confederacy. And the statement filed by General Sherman in the War Department goes in the same direction. It is not a personal matter. It is a matter of serious interest to which the Senate has a right.

Mr. BROWN. Mr. President, the extracts which the Senator from Connecticut has read from the correspondence between President Davis and myself I will not say are garbled, but they are selected extracts. The correspondence is a very voluminous one, and when it is all read it shows that the president of the Confederate States and the governor of Georgia differed about some important questions; and they had a pretty sharp correspondence, which, as I stated in my remarks a while ago, I do not propose to reopen. I stand upon that correspondence as it is. It is too long to read to the Senate that it may be fully understood; but it has passed into history, and I am willing to be judged by it.

I can again state (for the Senator from Connecticut did not seem to understand me) the reason why I did not turn over those troops. It was, as the point is made clearly in the correspondence, if it were all read, that they were a class of troops that the president of the Confederate States had no right to call out—a class for which he made requisition on no other State. They had been organized by the State for State defense; they had been placed under the command of General Johnston, and when he was removed under the command of General Hood; they were in the trenches defending Atlanta at the time requisition was made upon me for them, and, as I stated, with the exception of the short furlough they got they remained in service until they were surrendered to General Wilson after the surrender of Lee and Johnston. In the mean time they had, with my consent, crossed into South Carolina and fought the battle of Honey Hill under General Gustavus W. Smith, where they gained an important victory. Everywhere on the field they were gallant men and good soldiers; but they were composed of State officers, county officers, old men above 50 years of age and boys under 17, and therefore they were a class not embraced in any statute of the Confederate States. I confess I thought the requisition very extraordinary at the time, and as they were doing good service I let them remain where they were till General Hood left the State, and refused to turn them over to be sent at the will of the president to another State or another command.

That is about all I desire to say. I wish the Senator from Connecticut had time to read the whole correspondence, but I would not wish the Senate to be burdened with it at present as it is quite lengthy.

Mr. HAWLEY. A single word. As an original secessionist in theory, the Senator from Georgia ought not to avoid the precise issue here. He then as governor of Georgia acted upon his own doctrines, his own theories of the sovereignty of the States. It was not, bear in mind, a difference of opinions as to military policy, not a question as to whether he should retain his troops for the defense of the soil of Georgia. He retained them distinctly that he might have a weapon of defense against the usurpations of centralized power, and he gave that to be understood by the confederate government in language that is unmistakable. I do no injustice to his whole letter in quoting these paragraphs, for they stand by themselves and are virtually the syllabus of columns of argument. He said to them:

I have an organization of gallant, fearless men, ready to defend the State against usurpations of power as well as invasions by the enemy.

* * * * * * *

The president must have had some other motive in making the requisition, and I think it not uncharitable under all the circumstances to conclude that the object was to grasp into his own hands the entire control of the whole reserve militia of the State.

Is it necessary that I read several columns of preliminary and subsequent explanation and argument? That is sufficient of itself.

The troops—

He says again—

are her only remaining protection against the encroachments of centralized power. I therefore decline to comply with or fill this extraordinary requisition

Mr. BROWN. I do not see that the Senator throws any new light on the question. I have already stated that I was a secessionist, and I stood by all the doctrines of the secessionists at that time, and I meant all that I said in this correspondence; but, as I have already stated, I do not propose to reopen that discussion. I am on the record, and I am willing to be judged by the record.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

The PRESIDENT *pro tempore* (when the name of Mr. EDMUNDS was called). The Senator from Vermont [Mr. EDMUNDS] is paired with the Senator from North Carolina [Mr. RANSOM]. If that Senator were present, the Senator from Vermont would vote "yea."

Mr. GROOME (when his name was called). I am paired on all political questions with the Senator from New York [Mr. MILLER]. If he were here, I should vote "yea."

Mr. CULLOM (when Mr. LOGAN's name was called). My colleague [Mr. LOGAN] is paired with the Senator from Florida [Mr. CALL]. If my colleague were present, he would vote for this resolution.

The roll-call having been concluded, the result was announced—yeas 52, nays 10; as follows:

YEAS—52.

Aldrich,	Dolph,	Jones of Florida,	Plumb,
Allison,	Fair,	Lamar,	Pugh,
Bayard,	Frye,	Lapham,	Sabin,
Beck,	Garland,	McMillan,	Sawyer,
Blair,	Gibson,	McPherson,	Sewell,
Bowen,	Gorman,	Manderson,	Sheffield,
Camden,	Hale,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Harrison,	Mitchell,	Vance,
Cockrell,	Hawley,	Morrill,	Van Wyck,
Coke,	Hoar,	Palmer,	Voorhees,
Conger,	Ingalls,	Pendleton,	Walker,
Cullom,	Jackson,	Pike,	Williams,
Dawes,	Jonas,	Platt,	Wilson.

NAYS—10.

Brown,	Harris,	Morgan,	Vest.
Colquitt,	Kenna,	Saulsbury,	
Hampton,	Maxey,	Slater,	

ABSENT—14.

Butler,	Farley,	Jones of Nevada,	Ransom,
Call,	George,	Logan,	Riddleberger.
Cameron of Pa.,	Groome,	Mahone,	
Edmunds,	Hill,	Miller of N. Y.,	

So the resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

The message also announced that the President had on the 12th instant approved and signed the act (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia.

The message further announced that the President had this day approved and signed the following acts:

An act (S. 52) providing for the erection of a public building at Waco, Tex.; and

An act (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada.

COMPENSATION OF ELECTORAL MESSENGERS.

The PRESIDENT *pro tempore* laid before the Senate the following

message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate:

I transmit herewith a communication from the Secretary of State, respecting the compensation for special electoral messengers to be appointed under the provisions of existing law.

I earnestly invite the attention of Congress to this communication, and recommend that an appropriation be made without delay to be immediately available for the purposes indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 13, 1885.

UNION PACIFIC RAILWAY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress the annual report of the Government directors of the Union Pacific Railway Company for the year 1884.

The report accompanies the message to the House of Representatives.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 12, 1885.

THE YORKTOWN MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, on motion of Mr. SHERMAN, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, dated January 9, 1885, inclosing a copy of one dated January 5, 1885, from Lieut. Col. William P. Craighill, Corps of Engineers, who was charged with the building of the monument at Yorktown, reporting the completion of the monument and recommending that the balance of the appropriation for building the same be used in paying the wages of a watchman and erecting a suitable keeper's dwelling on the site.

The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 13, 1885.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1422) for the relief of the Metropolitan police force of the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas;

A bill (H. R. 2576) to repeal section 840 of the Revised Statutes of the United States, and a portion of section 839;

A bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories;

A bill (H. R. 3714) to amend section 1000 of the Revised Statutes of the United States;

A bill (H. R. 4407) to relieve private soldiers in the United States Army from the disabilities imposed by section 1218 of the Revised Statutes;

A bill (H. R. 4409) to amend section 843 of the Revised Statutes of the United States;

A bill (H. R. 6076) to authorize terms of the circuit court of the United States for the eastern district of the State of North Carolina at the city of Wilmington, in said district;

A bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia;

A bill (H. R. 7584) for the relief of A. B. Montgomery;

A bill (H. R. 7585) for the relief of M. Gardner.

A bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit, and State of Michigan; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

PRINTING OF DOCUMENTS.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment:

Resolved, That there be printed for the use of the Senate 500 copies of each of the following documents, the same to be included in one document, namely:

1. Senate Executive Document No. 112, Forty-sixth Congress, second session.
2. Senate Executive Document No. 194, Forty-seventh Congress, first session.
3. Senate Executive Document No. 26, Forty-eighth Congress, first session.

Mr. MANDERSON. The Committee on Foreign Relations are very anxious to have these documents printed at once, and at their request I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes. The bill is before the Senate as in Committee of the Whole. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BROWN] to the amendment proposed as section 5 by the Senator from North Carolina [Mr. VANCE].

Mr. CULLOM. If there is nothing further to be said in favor of the two amendments before the Senate, I hope the Senate will vote both of them down.

Mr. PLATT. I should like to have both the amendments proposed by the Senator from North Carolina and the amendment proposed by the Senator from Georgia read.

The PRESIDENT *pro tempore*. The amendments will be read for information.

The CHIEF CLERK. The amendment proposed by the Senator from North Carolina is, after section 4, to insert as an additional section the following:

SEC. 5. That it shall be a discrimination prohibited by this act if any railroad company shall charge, demand, or receive more for any package when shipped singly than for each of a number of like packages when shipped by the car-load, or in any greater quantity or number or in any less quantity or number than a car-load, the design and intent of this act being to secure an absolute equality in rates between small and large shippers and consignees; except that a greater rate may be charged and demanded of shippers or consignees for freight shipped in less quantities than a car-load when such freight consists of horses, cattle, hogs, sheep, or other live-stock, or of wheat, oats, corn, barley, or other grain shipped in bulk and not put up in sacks, barrels, boxes, or other packages, or of pig, or bar, or slab iron, or of iron ore or other mineral ore, or of coal, coke, or coal-oil in a single tank or package to the car-load, or of lumber, logs, or firewood, or of any other commodity usually shipped or transported in bulk and by the car-load; but there shall be no difference or discrimination in rate as between shippers and consignees of the above-excepted articles, whether such shipment shall be made by a single car-load or by a greater number of car-loads: *Provided*, That 10 per cent. may be charged and received for the same amount of freight when shipped in single packages, and less than a car-load, in addition to the established charge on the same kind of goods, wares, or merchandise when shipped in like packages by the car-load, if the freight on all the articles shipped to the same consignee, to be delivered at the same point and at the same time, shall be less than $30.

The amendment to the amendment is to strike out the proposed section and insert the following in lieu thereof:

And be it further enacted, That no merchant shall sell a larger package or quantity of goods at a smaller per cent. than he charges for a smaller package of goods of like quality, if the goods have been produced or transported from another State so as to fall within the power of Congress to regulate interstate commerce.

Mr. VANCE. Mr. President, when the Senator from Georgia first offered that amendment to the amendment I was nonplussed to ascertain what his motive really was. I was inclined in the first instance to consider it a piece of rudeness toward a brother Senator, but I reflected upon his well-known character for suavity and kindness of heart, and I came to the conclusion that I was wrong in that. I then thought it must be intended as a joke. I reflected, however, and came to the conclusion that I was wrong, for whatever may be said of the Senator's career as a public man, I do not believe that a successful joke has ever been attributed to him, and I thought that I would as soon suspect him of dancing a jig on the floor of the Senate as of undertaking the perpetration of a joke upon a brother Senator. So, having viewed the whole ground over, I was forced to the conclusion that the Senator was in dead earnest; that he would not trifle with the Senate by a joke; that he would not do anything disrespectful or discourteous to a brother Senator, and that he was doing his level best to remedy the grievances of which the people complain in regard to railroad transportation.

I am satisfied that he really does believe that there is no difference between the relation which a private individual holds to the public in trade and that which is due from an official of the public in the shape of a railroad corporation. I am satisfied that he really believes that the power given by the Constitution to regulate commerce between the States applies to the sale of a pair of shoes at a Georgia cross-roads after the shoes have come from Massachusetts into Georgia, and as such I am compelled to treat the amendment with seriousness.

Now, sir, what is there in the amendment which I had the honor to offer that would call for an attempt to cumber it in this way for the purpose of defeating it? Was not the Senator already satisfied that the amendment which I offered could not pass this body? If he was not, I can not give him credit for the penetration which I supposed him to possess.

What is the matter with the amendment which I have offered? Wherein is it subject to such an assault as is made upon it in the amendment of the Senator from Georgia? Is there really and in good faith a desire to remove the grievances of which the people complain in regard to railroad transportation? If so, why shut one door of the building and leave all the others open? You propose by the bill, and I presume it meets the approbation of the Senator from Georgia, to close one important door in providing that a carrier shall not discriminate between persons for whom the like service is rendered; that is to say, as to freights carried over the same road between the same points, and in the same amount, one shall not have the advantage over the other. As long as you leave it in the power and discretion of the railroad corporations to prescribe the unit of quantity in the classification of their freights, as to what is wholesale and what is retail, you may pass all the bills like this that our statute-book can be loaded with, and they will evade them by increasing the unit of quantity so as to give their friends favors, and to discriminate against those they dislike, just the same as though no law were passed.

To make myself understood: Suppose the unit be a single package, as a barrel of flour; the amendment which I propose is to the effect that a carrier shall not charge more in proportion for that one barrel of flour carried between two given points than he shall charge the shipper of a thousand barrels of flour carried between the same points; that the barrel shall bear the same charge, the one or the thousand, and no more. It will be in the power of the operators, if this bill shall pass, to make the car-load the unit of quantity and to discriminate against the man who ships only a car-load and in favor of the man who ships a whole train-load. So I say it is patent that so long as you leave railroad corporations acting as carriers the power to classify as they please and the discretion to nominate the unit of quantity which shall distinguish wholesale from retail shipping, you might as well abandon the bill altogether if you reject the amendment which I offer.

I put forth my amendment I thought modestly. I admitted, as I always do when discussing this great subject, the great difficulty of legislating intelligently without doing as much harm as good. I acknowledged that. I went on to say that on business principles my amendment could not be justified. I went on to say that a private individual had a right to sell cheaper by the wholesale than he did by retail. He has the right not only to do that, but he has the right to give away his goods to those he favors; he owes no duty to the public; but I undertook to show a distinction between him and a railroad official, who is a public servant. Is that denied? Why, sir, it is held by the greatest legal minds in this country that the railroad companies and their agents are public servants. They are created for public purposes; they have extraordinary powers and privileges granted to them, and they do not have even proprietary rights in the roads which they operate, for they would revert to the State if they ceased to be used for the purposes of their incorporation.

That being so, why can we not regulate with propriety the charges of a railroad corporation as much as we can regulate the conduct of a municipal corporation? Who would bear the idea of a municipal corporation providing that citizens who dealt by the wholesale with that corporation should receive favors not granted to those who dealt by the retail? Suppose, sir, that the proposition was made to pave the streets of a city by charging the cost of that paving to the owners of the property in front of which it passed; and suppose the city should pass an ordinance that the rich man who owned a dozen lots on that street and whose property was worth ten times that of any of his neighbors should be charged upon his property at one-half or at wholesale rates while one of the small tenants in front of which the pavement passed should be compelled to pay the very highest rate. Who would bear such a discrimination as that?

I say to you, Mr. President, and to all who in good faith desire to meet the wishes of the people, to inangurate a reform in the respect of transportation by the railroads of the country, that they will not believe you if you tinker at this great subject and leave the abuses to go on in the shape of evasion and through the doors which legislation leaves open for them to pass. It is time, or if not now the time will soon be, when the legislators of the country will be compelled to respond to the wishes of the people in this respect. It will not do to say it is not proper for a railroad to be compelled to do differently and to conduct itself differently from that which is required of the private citizen. It will not do, because that is not the law and that was not the object of the creation of these corporations. I want to read to the Senate a short extract from the opinion of one of the greatest lawyers this country has ever produced in regard to this question of operating railroad corporations on strictly business principles; that is, such business principles as control the affairs of private individuals.

I am able to maintain—

Said Judge Black—

I am able to maintain that all the corruption and misgovernment with which the earth is cursed grows out of this fatal proclivity of public servants to make a business of their duty. Recall the worst cases that have occurred in our history and see if every one of them does not finally resolve itself into that. Tweed and his associates in New York; the Philadelphia rings; the carpet-bag thieves; the star-route conspirators; all went into business for themselves while pretending to be engaged in the public service. Oakes Ames distributed the stock of the Credit Mobilier where he thought it would do the most good to himself and others with whom he was connected, and that was business in him who gave and in them that took his bribes. Madison Wells, when he proposed to Mr. Kenner that he would make a true return of the election if he could be assured of getting "$200,000 apiece for himself and Jim Anderson and a less sum for the niggers," had as keen an eye to business as if he had been president of a railroad company instead of a returning board. Certain greedy adventurers made it a business to rob the nation of its lands, and, uniting with Congress, carried it on so magnificently that they got away with an area nearly equal to nine States as large as Pennsylvania. The imposition of the whisky tax, excluding what was held on speculation, was business to the officers and legislators who were sharp enough to anticipate their own votes. You will see on reflection that every base combination which officers have made with one another, or with outside parties, has been a business arrangement, precisely like that which the railroads justify on the sole ground that it *is* business. The effect is not only to corrupt those who engage in such transactions, but to demoralize all who are tempted by personal and party attachments to apologize for it.

Again he says:

But on the other hand the corporations deny that they owe any responsibility to the State more than individuals engaged in private business. They assert that the management of the railroads, being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interest without regard to public right. If they take advantage of their power to oppress the labor and overtax the lands of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always take this shape with more or less distinctness of outline. In whatever language they clothe their argument it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines: "Sirs, ye know that by this craft we have our wealth."

Now, sir, I have abandoned any hope of seeing this amendment passed; I do not know that it will receive more than one vote besides my own; but it is in the right direction, and twenty years from now, if not sooner, some man will rise in this Senate when I am here no longer perhaps, and will point to this amendment as the beginning of the proper application of the remedy to the complaints of the people.

With these remarks, sir, I submit my amendment to its untimely fate.

Mr. BAYARD. Mr. President, I wish to treat with respect the amendment of the Senator from North Carolina. I always listen respectfully to the ideas put forward by him. Sometimes the Senator, however, says things that are only to be met by a sympathetic chord of laughter, but this is not one of them. He has said one thing in which I most heartily concur, and that is that the subject he is dealing with is one not only of great importance but of the greatest difficulty, and the difficulty is lest in righting one admitted wrong we shall commit another and perhaps far greater, and whether in righting a wrong we shall trench upon a field fraught with danger to the rights of property and the rights of labor; in other words, to all rights that laws are intended to secure.

It is true that, common carriers as constituted being incorporated transportation companies, usually the railways are termed quasi-public corporations, and you may call them public contractors, and their duty of carrying a public duty; but is it not also true that this public duty is created by their assumption of the business of common carriage of merchandise and by the aggregation of the property of many individuals under the name of a corporation? Is not the corporation as a political entity based on separate subscriptions of their private property by individuals? If therefore it be an employment of the property of a number of individuals acting in combination as an agency for the use of the public and for the benefit of themselves, the natural and essential laws of property and the laws of its employment can not be disregarded. If it be true that a man can afford, as my friend says, to take a smaller percentage of profit by increasing the scale of his operations, or to use his own phrase, to make a wholesale profit at a less rate than he can a retail profit, can that fact and that principle in the use of property be denied or disregarded whether the ownership of the property so employed is in one man, or in the hands of ten, or in the hands of an aggregate of owners acting under a corporation? It seems to me we deal always with the same thing in the end and the same laws for the profitable or unprofitable employment of capital will necessarily prevail.

It may be that for the safety of the public there should be freedom of contract, which is permitted between individuals and which in my judgment is the very soul and essence of liberty; for if a man be not free to contract as he pleases for his labor and for its fruits, for his property, or for aught that belongs to him, it is idle to call him a freeman. Public policy has restricted and does restrict the powers of corporations more than it ventures to do in the case of an individal, for the common definition of corporate powers found in every hornbook of the law is that a corporation may do only those things that it is authorized by its special charter to do, and may not act *ultra vires*; it may not act outside of the letter of its creation. Not so with the individual. He may do anything that the law does not forbid him to do. But when we come to the laws of property acting for its own increase, acting as an agent for private or for public benefit, it seems to me that its laws of existence, of profit and loss, must be the same, and that which will destroy and bankrupt the individual carrier will destroy and bankrupt the aggregation of carriers under the name and title of a corporation. Is not this so? I put it to my friend from North Carolina, whose sympathy with those who are weaker and poorer and have but the single barrel and the single package to be carried I greatly admire; but I do not think it in his power or in my power, or in the power of the Congress of the United States, to deprive property of its natural strength and advantages.

If my friend from North Carolina shall show me that the laws which control the profitable employment of property are changed, when they are applied to the aggregated property of individuals or to a great amount of property, or a less amount in a single individual's hands, he will have shed a new light on my mind and he will have gone far to control me in the vote I shall cast on these questions; but I confess that I do not see how the principle is altered by dealing with smaller or larger amounts of property engaged in the same business. I do not see how the principle that controls profit and loss is altered by simply collecting a number of men and applying to their property under joint action and control a different rule than we apply to single individuals.

My friend's illustration, I say with due respect to him, is not sound. He likens the question of common carriage and transportation of merchandise, the single barrel or the single trunk or the 10,000 barrels or the 10,000 trunks, as being the same thing with the square yards of pavement which by law are laid in front of a man's property. That is scarcely a just simile. In one case it is true that the individual is involuntarily burdened by the cost and lien of the improvement, but that is not the case in the carriage of his merchandise. A pavement laid down in front of my house or his is used and traversed at will by every other citizen of the community. The pavement in front of his house is as much open to me for my use as that in front of my own. It is therefore a public work; it is not meant for him alone. It attaches as a burden to the land that he owns, and it is a public tax that must be equal under the terms of a general public law. They must be applied equally; if not they are certainly not justified in law or under any system of republican government. It is said that similes are very apt to mislead, and in this case the comparison is not sound nor the simile applicable.

The contract between the owner of merchandise and the carrier is a voluntary contract between those two. It is not a question of a law laying a tax for the use of others as well as for the person who is compelled to pay it. You can not divest it of the nature of a voluntary contract, which is a very different thing from a tax. A tax is the involuntary payment of the property of the individual, for what? For public use; and so the pavement is laid for public use. When you come to the question of transportation a very different and another element comes in; first the contract is voluntary, and next it is for private and not for public purposes, although one of the contracting parties may have certain public duties and functions attached to the performance of his duty of transportation. But I submit to the Senator whether he does not think that in the end the laws which naturally and necessarily control in the employment of property will prevail, so that if a contract or system of business which would beggar and bankrupt an individual was attempted to be pursued by an aggregation of individuals acting under the name of a corporation, the end of the corporation, as sure as the night follows the day, would be the same as that of the individual, unless there be something which I have yet failed to hear and am not able in my mind to comprehend to show the difference between the two.

It certainly can not be intended in the desire to reform abuses to disturb meritorious and lawful investment and, by the imposition of ruinous conditions, to destroy it, because it would be unjust to the loser, nor would it in any way be beneficial to the public. I can not understand how it can be to the benefit of the public to demand conditions for the execution of any business that must end in the ruin of the agency employed in it. The public Treasury might stand it for awhile, and we see in this country that the public Treasury stands a great deal of loss and for a long time; but I am speaking now not of the public Treasury, I am speaking of private treasuries—of the treasuries of the corporations created by the laws of the States or of the United States. Unless my friend can show that there is a difference in the laws of property, separate and aggregate, and that that which would be unfavorable and which will not permit one to exist will permit the other to exist, then I submit to him that his amendment is in violation of what he himself has stated to be the common consent and opinion of men, that a man can perform wholesale at a scale and rate of profit that would beggar him if he attempted to apply the same rate to retail transactions.

I remember it was stated once, probably for a different purpose, that the father of perhaps the greatest statesman that England ever produced, Sir Robert Peel, was a very wealthy manufacturer, and that his profit per yard upon the cotton cloth he manufactured was not more than the eighth part of a farthing. Who could pretend upon a retail and restricted manufacture to maintain such business at all? How was it to be maintained? Only by the enormous scale of manufacture to which that fraction of a farthing applied upon every yard, and by multiplying the yards from tens to tens of thousands he obtained a profit that enabled a great business to be conducted of vast proportions. But shrink those proportions to the measure of a retail trade and the business would be absolutely impossible. It is equally so in regard to the business of transportation. I know that I pay and my friend pays more to the carman who carries a barrel of sugar from the grocery store to our residence than the profit of the capitalist who refined and manufactured that sugar. How is it done? It is not unreasonable that the man who hauls the barrel should charge 25 cents for carrying a small amount of sugar a short distance to my residence. The sum is small; and by private contract all that is arranged. But if I have not a single barrel but 10,000 barrels to be carted, the cost or the rate of transportation will be reduced in proportion to the extent of the transaction.

There is reason in all things, and there is reason in this; and much as we may desire to relieve inequities we can not forget in the enactment of legislation that it must be conducted upon general and sound principles. If the principles invade the rights of private contract, if the principles invade the natural and necessary laws of property, depend upon it we had better not move in the affirmation of a false principle, nor attempt by such a proposition as this to overthrow laws of trade and industry which will prove themselves to be beyond our control, and for which no statute can ever prove a satisfactory equivalent.

Mr. VANCE. Mr. President, the concluding proposition of the Senator from Delaware seems to me to amount to this, that if in attempting to adjust the equities between the great corporations of the country and the people we find that the laws we should enact for that purpose would interfere with the profits of the railroads we must stop and go no further. He asks me if I can show that the laws of property which are applicable in the segregate are any ways different from those which are applicable to property in the aggregate. I tell him yes, most undoubtedly—that is, with reference to the purpose to which that property is applied.

Property in the segregate or property in the hands of private citizens has one law applicable to its use. When property is aggregated and then devoted to the service of the public under an incorporation and a contract with the State as to how the public shall be served by that property, then a different law is applicable to that property. If it were not so, there would be an end to the whole subject of regulating railroads or any other public corporations.

Understand what I mean, sir. Here is a coil of rope lying in the storehouse of a merchant. There is one kind of law applicable to the ownership and to the uses of that rope that all private men may avail themselves of. But when that rope passes into the hands of the hangman and it is encircled around the neck of a culprit, then an entirely different law is applicable to the uses which may be made of that rope. My friend himself, when walking through these corridors or on the street, can have my hand placed upon him kindly and his progress impeded without any violation of law; we are private citizens; but if he was armed with the power of the Government in some official capacity and approached me and I laid my hands on him the law would be very different immediately. That is what I mean by the laws of property with relation to the question whether it is owned by private individuals or whether it is dedicated to the public.

He says that my simile about the paving of the streets is not sound and not applicable in this case. I want to ask him, supposing a man was engaged to grade a road at so much per square yard for all earth removed and for all earth filled in, would he have a right under that contract without a stipulation therefor in the contract itself to charge more for the hard places in the road than he did for the soft ones?

Now, sir, a company of men aggregate themselves together and contribute their means and apply to the legislature for a charter of incorporation, giving them perpetual existence and making them a corporate identity, and giving them the sovereign power of the State to condemn the private property of citizens for their use in the face of the Constitution, which says that private property shall only be condemned for public use, and in return for all these privileges they enter into a contract to do the carrying of all the freights of all the citizens between the points embraced in the scope of their proposed road. A citizen comes up with a thousand barrels of flour or bales of cotton to be transported. The corporations say, "We will transport that flour for $1 a barrel over our highway." Another citizen comes up with one barrel of flour or bale of cotton to be transported, and they say, "Inasmuch as you have only one bale this is one of the hard cases in our contract, and we will charge you $2." Would that be right or equitable? Would that be permitted in a public servant?

A private individual would have the right to say that, but here is a corporation that has entered into a contract, a *lump contract*, if I may borrow an expression used by Judge Black, to carry all the freight of all the citizens offered to them. Have they any right to draw back from the small or hard portions of the contract because there is not so much profit in the one bale as there is in the thousand? That would be, it seems to me, a violation of the ordinary and well-understood principles of equity. The Senator says that the great distinction to be drawn in this case is that a contract with a railroad for the shipment of goods over it is a voluntary contract between the railroad and the shipper.

Mr. President, how much is there that is voluntary between the shipper and the railroad carrier where there is but the one railroad, and where he has no possible means of getting his article to market or of having himself transported unless he takes that one railroad? You step to the office of one of these railroads, the one leading from here South, for instance, which has from the starting point in this city no competition. You look through the window at the agent and you say, "I want a ticket to Columbia, S. C." He hands you out a ticket on which is printed in such close print that no man can read it without magnifying glasses under a very strong light a long list of contracts and terms and conditions on which it will carry you to Columbia, S. C. The train is waiting for you and it is important to go on that train or wait for twenty-four hours. You pay the money for the ticket; you put it in your pocket and you start, and that is called a voluntary contract between the passenger and the railroad company, and they hold him to all the conditions printed on that ticket. So it is with freight. The conditions and stipulations in a bill of freight upon the railroads are so long, some of them, that it is a job almost equal to reading for a law license to go through with them; and the shipper has no earthly means of transporting his freight to market except by that road; and he therefore swallows his objections and his indignation and makes a voluntary contract with the road to get that freight carried rather than to walk and carry it on his shoulders! That is what is called voluntary! Why, Mr. President, looking at it in its proper light, there is no greater instance of compulsion, of tyranny exercised over the citizen, known to our Government than this very thing of railroad transportation. You have to take their conditions, or you can stay at home and let your freight rot, because you can not help yourself.

It is true the law does give the privilege of taking your freight in your hand and walking where you choose to go. The law does not force you to take it by pains and penalties, it is very true, in a free country like this. It is said that a man has the right to go barefooted if he can not buy a pair of shoes. Precisely in the same way are all these contracts voluntary.

I hope, Mr. President, I shall never hear the exactions of railroad companies justified again on the ground that there is a voluntary contract between them and their patrons. If that is voluntary, may the Lord preserve me from that which is compulsory! [Laughter.]

Mr. MAXEY. Will the Senator from North Carolina permit me to suggest one thought in connection with the argument of the Senator from Delaware?

If there were but one wholesale house having a monopoly of sales of particular merchandise the analogy might have some force; but in the case of railroads in some portions of the country, and in mine certainly, the roads have an absolute monopoly of transportation. It is an utter impossibility for us to get anything from the State of Texas North, except under the Gould system, which has the absolute control of every line leaving the State.

Mr. VANCE. Of course I thank the Senator from Texas for the suggestion. That is, however, upon a branch of the subject that I was not undertaking to discuss. The general scope of the bill, as well as what has been said in favor of its general features here, all seem to admit on the part of everybody that legislation is competent, and that some legislation is necessary. I have just undertaken to show, in my disconnected way, that if we are really in good faith to stop the flow of grievances and exactions that pour out from these corporations upon the people we must stop all the doors and outlets, and not a few.

I refer again to the principle of my amendment, that if you can forbid discriminations as between man and man who ship the same distance you can forbid discriminations between the great shipper and the poor shipper, between the one who ships largely and the one who ships singly according to his means; and of all discriminations of which the people complain I say that is the worst, because it is a discrimination against a man simply because he is poor. If he is rich enough to fill a car or to lade a train with his products, he is favored by the system of the railroad corporations which the Senator from Delaware says is the law of business. I say, if the man whose poverty only enabled him to produce a small amount of freight to be carried is to be discriminated against because of that inability to do better, it would be the very worst and the most shameful of all the discriminations which our law permits these corporations to make. It would be bringing to the actual test the truth of the proverb of Scripture, that "the destruction of the poor is their poverty."

Sir, it is always understood in all governments which protect property that the rich and the great can take care of themselves, and that the first object of the Government is, or should be, to protect the weak. With that view I am not ashamed to stand here and advocate the cause of the small dealers and small shippers of the country as against the advantages which our laws confer upon the great traffickers and dealers.

If we are to be told that the laws of property, like those of the Medes and Persians, are immutable and can not be changed; if we are to be told that what is writ is writ; that we must not interfere, and that we must pass no laws whatsoever which will interfere with the business arrangements of the corporations, then we might as well give this thing up in fact, as we really do by our shilly-shally legislation. We might as well say that the corporations of this country are beyond human control. We might as well say that a State Legislature has created an incorporeal something and given it "a local habitation and a name," if it could not give it any soul, that thereafter could set the Legislature and its laws forever at defiance. We might as well say that it is in the power of men to create a thing that is greater than its creator; and we might as well confess the inability of human legislation to protect human weakness.

Mr. BAYARD. I am sure that my friend from North Carolina is really a very modest man, but no one would imagine it who considered the effect of his last declarations to the Senate, because it comes to this, that if the amendment he has now offered is not accepted, then there is to be a delivery over of this country to the unchecked rapacity of corporate power, for which no remedy can ever be found.

Although the amendment may not be adopted, I suspect that there would still be a great reserve of wisdom yet left in the mind of the Senator who offered it, and that he may be able to present an amendment that will obviate the difficulties and not be open to the objections which I respectfully submitted for his consideration.

I think when my friend comes to read the debate to-morrow as it is published, he will find that the propositions I submitted to him have not been answered by him. I know that the question is one of grave importance. I know that it is one in regard to which popular feeling is much interested. If I have learned one thing about the Government of this country, one thing that makes that Government possible of permanent success, it is just this, that where a public representative has a clear and distinct conviction upon a public subject he can perform no public duty so valuable as frankly to declare it, and that the people of this country will be served far more by the faithful delivery of independent and actual judgments than they can ever be by any advocacy, however eloquent or plausible, which takes the side of numbers, or of what seems to be the side of popular power, or power under any name or in any shape it may appear.

I was not discussing this great question in the interests of the transportation companies. I was not discussing the question in the interests of the retail shipper. I was trying to discover the safe and true principle upon which we safely could proceed to lay down general laws for the government of a vast amount of property, for it is with property in countless shapes and almost limitless value that we are proposing to deal, and it is with private property, not the property of the public, that we are proposing to deal. I asked the question (it was not answered) whether you do change the essential laws of property by increasing the amount or changing the ownership of the property in relation to which those laws are to be exercised. It is not the question of the poverty or the wealth of the shipper. It is not the question of the wealth of the corporation or of the individual opposing it. That is not the question. It is whether or not property in all its various shapes can be made subservient to human interest in violation of those economical laws that attach themselves to its use and are commonly recognized as essential to its preservation and increase.

My friend drew a picture—*ad captandum vulgus*—that the shipment of the single bale by the poor farmer should be treated differently as to rates of transportation from the shipment of the five hundred bales by his wealthier neighbor, and he said it was not a voluntary contract. Certainly my friend was not just in stating my position on that point. He had likened the dealings with a railroad company or any other transportation company with a payment of a tax upon the pavement in front of a man's house. I said that one was a public exaction for public use only, in which the convenience or the wishes of the individual were not regarded, a tax prescribed by general law, enforced by general law upon an equal scale of payment, in which all the citizens of the community, rich and poor, black and white, male and female, stood alike, in regard to the execution of which they were not consulted; and I said that laying a tax which was to build the public pavements in a city and laying that by a general law that made it an equal tax on all was a very different thing from prescribing rates for the carriage and transportation of property without the regard to the laws of traffic that control the capacity to carry more or less at a profit or at a loss—to carry a larger amount of merchandise at a lower rate proportionately than a smaller amount.

Now, let us suppose that the Senator from North Carolina and others of his friends should desire to ship, not in great quantities, but by small quantities, along the lines of railway, or the honorable Senator from Texas [Mr. MAXEY], who made a suggestion to him in the course of this discussion. Suppose they went to the Legislature of Texas or of North Carolina and they said, "We desire to build a railway through a certain section of country which we think will be profitable; carve out for us from the eminent domain of the State the right to condemn certain private lands along the route, and give us a charter that will enable us to build this road." Suppose the Legislature said to them, "We will give you this charter, and we will grant you the right of way through the lands of all these private parties, but you must take it on condition that you will carry a single basket or package or bale or barrel for the same rate and the lowest rate you charge for the greatest number of packages," what would be the answer to that? Both the gentlemen to whom I have referred are men of strong practical sense, accustomed to the care and management of property. They would know that they could conduct that business of transportation only by following the laws which control that business. I mean by the laws of economical management essential to the profitable management of that business, the laws of profit and of loss. If they were compelled to carry these things by retail at the same prices they would carry them by wholesale they would know that bankruptcy awaited their enterprise. No one would perceive it quicker; no one would sooner advise stockholders not to put their money in such an enterprise, and the railroad would never be constructed.

That is what I meant by the laws of property, that you can not change the principles upon which men make and lose money in their occupations by changing the person who is to exercise the occupation. That which a man can afford to do wholesale at a low scale of profit and rely upon the extent of his business as the source of his remuneration, he can not do if his occupation is diminished to a small scale. That is of every-day proof. The profit of the great manufacturer is but the fraction of a penny per yard. It has been stated by distinguished economists who are worthy of influence that one-half of 1 cent a yard upon cotton cloth will give the control of the markets of the world to the nation that can manufacture it that one-half cent per yard cheaper. Yet what is such a profit as that half cent in ratio compared to the ordinary profit of retail? A retail shopkeeper will starve and die upon such a ratio of profits. Such a per centum can not and will not satisfy the necessities of his life And yet increase the scale of the manufacturer

and you may bring in enormous fortune, as I have endeavored to illustrate in the case of Sir Robert Peel's father, and instances of which our own country is full every day. That is what I mean.

I have nothing to say in the way of defense of the transporting companies. I am not here defending any abuse. I am not the less sensible of the abuses and inequities that may be perpetrated by those who have the control or monopoly as has been suggested. That is not the question. I am asking Senators how can you make some general law which will do away with this power? You do not mean to do away with the roads themselves, and therefore, when you propose a measure, I ask you only to look to it that you do not reach results unjust and disastrous that you have not contemplated. It is not your intention to destroy property; it is your intention to regulate property; and if you seek to put upon property a regulation that will be destructive of it, you have reached a result that you certainly have not intended.

We are dealing with a subject that is not to be met by the question of its popularity or its unpopularity. He will serve the people best who tells the people the truth. I hold that a man's right to have the truth told to him is not to be controlled by his poverty or by his wealth. I was tempted to come unprepared into this debate by asking a respectful question of my friend from North Carolina as to whether property changed its laws by changing the amount in which it was held or the hands that held it.

Mr. VANCE. If the Senator will permit me, I think I answered that question. I said that the laws did change when the function of the property was changed, when the property was devoted to the service of the public instead of the private citizen who owned it.

Mr. BAYARD. Then must not the property be the property of the public? If we are to impose such regulations upon it as are now proposed it must be in some way the property of the public, else we will be coming near confiscation. I agree that you can and ought to regulate the powers of public corporations. I have said so distinctly. I have endeavored to state what is a mere hornbook definition, that you restrict corporations necessarily to the powers contained in their charter, and outside they are without power to act. However, I do mean to say you may let wealth stand in single hands or you may incorporate it, but you can not make an individual or an aggregation of individuals pursue a business on principles that will result in loss without producing the same result in the case of individual or corporation alike.

That is what I mean. And I here state in the presence of my two friends from Texas and North Carolina that they themselves could not and would not embark their capital, nor permit their friends to embark their private fortunes, upon a business that was not to be conducted according to those sound rules of profit and loss which the business itself declares to be essential, and that is, that much may be carried and always will be carried at a lower proportion than little. I need not illustrate the question of a single car running half full or wholly full. It is plain that if the car is to be filled or if the train is to be filled, the same expense and power of traction that will carry the many would practically carry the few, and of course they could afford to carry many packages at a less ratio of price than they could carry a few. We can not get rid of those facts. No discussion about whether it is the case of the poor man who sends the single bale of cotton, or the larger shipper who sends down a multitude of wagons and carts loaded with produce, can change the fact.

I suspect that my heart would respond just as quickly as that of my friend from North Carolina to the fact that the one man was very poor, and that he was put to a great disadvantage; but I am afraid we never shall be able to rectify the inequalities of fortune. The poor always will be with us, and I do not think we shall help them by breaking down those laws of property which every poor man hopes to procure, and which the institutions of this country are intended to facilitate him in procuring. Thrift, industry, and enterprise we encourage; the history of this country proves that they have encouragement.

We scarcely have a hereditary millionaire in the country. Almost all our men of greatest fortune are those who earned their first dollars by the toil of their hands. All over the country this is so.

I am not one who looks with any satisfaction upon the great and growing disparity of fortune. I regret it, and I recognize some of the causes for it. But will that induce me to vote for an amendment or to vote for a law which I think will make the possession of property insecure and the use of property impracticable? Oh, no.

I know the subject is difficult, but I do not think this amendment makes it less so. On the contrary, it is a step, as I think, in a dangerous direction. I shall be glad to vote for something that shall remedy, if we can, the inequities of this system of rebates, discriminations, and other monopolistic features. I have sometimes thought, and I think I am pretty nearly right about it, that the best cure for many of these inequities and for much of this monopoly and for much of this extortion is the competition and the free competition, to aid in which corporate power is to be granted for the purpose of lowering rates and creating that wholesome struggle for the same object which will result in the cheapening of the service. All that I recognize; and I confess that in regard to this bill, not having been a member of any committee charged with it, not having essayed the very difficult task of framing it, I have the fullest sympathies in opposition to those who create these abuses and inequities and all the other things that tend to strain the laws of property and the law that makes property possible at all. I read an article the other day upon the dangerous classes of this country, and they were not those who were poor or who were personally turbulent; they were those who, holding great estates and vast wealth and consequent power, forgot the ties of humanity for the responsibilities that are due by its possessors, and have ceased to remember that there is a justice between man and man that must be respected, or laws without it, and institutions without it, will fail.

Mr. SHEFFIELD. Mr. President, I am opposed to the amendment of the Senator from Georgia to the amendment of the Senator from North Carolina, because I believe it is one that Congress has no right to pass. I am opposed also to the amendment of the Senator from North Carolina, and for reasons which I will state in a moment. I favor the bill which was reported by the Senator from Illinois. I should not favor it if I believed it constituted a supplemental Congress, as was suggested by the honorable Senator from Arkansas, for the purpose of legislating for railroads, or a supplemental judiciary to determine the rights of railroads or the relative transactions of business between them and their customers. But I believe the bill is the exercise of a police power on the part of Congress to superintend the carrying on of interstate commerce by these great corporations, and I consent to support it because it affects corporations which, unless they are controlled by Congress, I fear will override the nation.

They are private corporations, created for private profit and gain. Although the railroads were constructed for private profit, according to my conception of their duty and their relations to the State they are charged with public uses, and it is the public use with which they are charged that authorizes them to take private property for their purposes. These corporations are created by the States, and over their charters I apprehend Congress has no power. They lie beyond its control and rest secure in the grants upon the conditions on which they have received them, within the territory of the respective States. Congress has no power, though I might apprehend it had from what I have heard since I have listened to this dissussion, over their private charters. They hold them by a tenure which has been granted them by the States from which they derive their existence. The only power which Congress has over these corporations is in regard to the execution of the public duties with which they are charged, to wit, their duty as common carriers; and Congress has precisely the same rights over any other person who holds the relation of common carrier to the public as over these corporations.

The bill as presented by the honorable Senator from Illinois undertakes to superintend the carrying out of the public duty with which the corporations are charged. The amendment of the honorable Senator from North Carolina does not propose, perhaps, directly to pass a bill of altainder (a bill of attainder, as I understand it, is to take away a man's property without process of law), but it undertakes to do the same thing by indirection; and what is that indirection? It is to render that property in the hands of its owners entirely valueless. That is the aim, that is the end, it seems to me, of the amendment which is proposed. To that, sir, I am opposed.

I do not wish, under the circumstances of this case, to occupy much of the attention of the Senate; but other questions lie behind this, I apprehend. Many of these railroads have certain chartered rights. If I mistake not—and I appeal to the honorable Senator from Massachusetts [Mr. HOAR] to correct me if I am in error—some of the charters of that Commonwealth granted to railroad companies are limited. In other words, the State has reserved the right to control the prices, the charges, of the corporations when their profits rise to a certain amount which is named in their charters.

Mr. HOAR. My impression is that the legislation goes a little further than that. Of course that right exists in our general power to amend, alter, or repeal the charters, but we also provide that the State may take a road when by the running of the road the profits on the capital stock reach a certain amount.

Mr. SHEFFIELD. Certainly; and then the State pays the original capital with a certain profit on it. That is the case, I think, with the charter of the Boston and Albany road and, perhaps, the Boston and Providence road. In the case of the charters of some of the roads in Rhode Island the Legislature is to interfere when the profits amount to a particular percentage. I think when they amount to 10 per cent. on the capital the Legislature has the power to interfere to reduce the fares, expressly in so many words. That being the case, it would be impairing the contract upon the faith of which the companies built the roads to undertake to interfere with those corporations in the way proposed by the Senator from North Carolina. By a police power to regulate merely, to superintend the carrying on of interstate commerce, to see that they do no injustice between individuals, between A and B, or between the village of A and the village of B, places which are on the line or individuals on the line, is a very different thing from the amendment proposed by the honorable Senator from North Carolina. I am opposed to that amendment, and, without taking more of the time of the Senate, I express the hope that the amendment will be voted down.

Mr. VANCE. Mr. President, just a word more before my bantling

is consigned to the dust of the valley, and I will cease to vex the Senate. I want to say that the general proposition so vehemently urged and insisted upon by the Senator from Delaware is not a correct one, to wit, that it is impossible for men on business principles to carry a single package for the same price that they carry one of a number of packages of the like kind. I want to say that in fact there is no such thing; it is not true. The number of small shippers is infinitely greater than the number of great shippers, and in the aggregate their products amount to more than those of the great shippers. It is just as easy for a railroad corporation to carry fifty barrels of flour for fifty men as it is to carry fifty barrels of flour for one man, and there is just as great profit in the transaction.

If the general propositions laid down by the Senator from Delaware are correct we are wasting the time of the Senate and of the country in talking about a bill regulating interstate railroads, because he says that a corporation can not be conducted by different laws from those which control private property. Now, private property seeks whatever investment it desires in any conceivable direction, uncontrolled and unregulated by law, and if we are to invest corporations with the same privilege we announce to the country that corporations can use their property in any manner and in any direction that they see proper uncontrolled by the law. If that be so, why do we undertake to deceive the people and to soothe their complaints and irritations by tinkering with the subject at all?

I say, sir, that I did answer the Senator's question when I showed him, or undertook to show him at least, that the law applicable to property when it was devoted to the service of the public and controlled by public agents was different from property in the hands of private persons. If that proposition is not true, again I say there is an end of the question.

The Senator says that business can not be conducted on other principles than those eliminated by the experience of private capital. I say that it can be; that one of the greatest businesses of this country is now conducted upon precisely the same principle advocated by the amendment, and successfully conducted, to wit, the carrying of the mails of the country. The Senators here and other public functionaries who are receiving about this time, at least those on this side of the Chamber are, and sending off perhaps a hundred letters a day, to say nothing of other mail matter, receive no rebate from the Government on account of the wholesale character of their correspondence; and while they are charged the full amount of the postage as fixed by our statute, the boy who is writing from the prairies of the West home to his mother a single solitary letter once a year to let her know how he is getting on pays the same price, to wit, 2 cents per letter. That business is conducted on precisely the same principles on which I propose to have the carrying business of this country conducted—absolute equality to all. Does any Senator advocate a reduction in price to the wholesale patron of the mails? Does any Senator advocate that the writer of a single letter in a week, a month, or a year shall be charged twice or quadruple or ten times as much as the one who writes four or five letters a day? That is the business principle. Notwithstanding our mail service is conducted on this principle of absolute equality, and notwithstanding the jobbery and the corruption that is sometimes seen to attend its administration and the enormously extravagant methods that we employ to carry mail facilities into all parts of the country the most remote—notwithstanding that, one year with another the Post-Office Department of this country is self-supporting.

Now, why could not the corporations that carry for the public packages of merchandise instead of packages of letters be compelled to observe the same absolute equality? Is there any Senator on this floor who will deny that equality is the rule of right? If equality is the rule of right, do we not violate it when we say to a man, "If you ship only a hundred pounds of freight you shall be charged twice as much as your neighbor who ships a thousand pounds?"

I say to you, Mr. President, as I said but a little while ago, that the time is coming when this question will be considered in quite a different spirit from that in which it is considered now. There are mutterings now to be heard in every quarter of the community. There is a firm and a fixed determination in the hearts of the great body of the American people that the corporations of this country shall not become their masters. They were created to be their servants, and the people are determined that they shall not change that relation. They may be bamboozled for a while. It is a highly technical subject; we all admit that. We must not change the laws of property, it is said; we would do more harm than we would do good, and therefore the only thing to do is to let it alone, or pass bills that will appear to give relief. Shut one door, but leave a dozen open. Stop one leak in the dike, but leave another open through which you could drive a coach-and-six. We may, I say, stave off this discontent a while by those means, but ultimately we will be compelled to see whether the tendency of this age toward the concentration of capital and the exercise of all the power that that confers, shall master this country or whether the people shall rule it.

As I have said before, I am for one not ashamed to stand up here and advocate the rights of the man who has only one bale of cotton to ship as against the privileges granted to the man who has a thousand bales. It subjects me, perhaps, to the imputation of demagogy, my arguments may be called *ad captandum vulgus;* but, sir, I shall do it nevertheless. If to try to do justice between man and man is to be laughed at, then, sir, like Falstaff, I am not only merry but willing to be a subject of merriment to others. If to try to do something for the weak in the community and to strengthen their hands in the battle of life against those who have been blessed with greater fortune and greater power is a subject of contempt, then I am like the Arkansas judge who was also an auctioneer, who fined a man for contempt of court while selling a mare and colt during a recess of the court, and said in answer to the application to remit the fine on the ground that a contempt could not be committed against him in his private capacity, that whether on or off the bench he was always an object of contempt. [Laughter.] At least I am so informed by the Senator.

I say, therefore, that if it is contemptible and to be laughed at to advocate the rights of the weak against the strong, I shall bare my bosom to the shafts and welcome them, and console myself as Saint Paul did with the reflection, "It is for the hope of Israel I am bound with this chain." And now I am done.

Mr. SEWELL. The Senator from North Carolina, in illustrating by the mail service of the country at the present time, thinks that equality is the rule of right. In connection with that service I would amend his statement by saying that equality is the rule of might. He forgets that the way lines of this country are required practically to carry the mails on the same basis that is fixed for through lines with large quantities of mail matter. The through lines probably get an ordinarily fair compensation, but the way lines, which make up the great portion of the railroad mileage in the country to-day, are carrying mails under the rule of might, the *fiat* of the Government that they shall have just so much and no more, and rather than kick and throw the mails out, believing that they ought to accommodate the public, they take the pittance that they get. There is no justice about that.

The proposition of the Senator from North Carolina in relation to the transportation of one package at the rate at which fifty or one hundred or five thousand packages would be carried may be illustrated in this way. He is not probably familiar with the system of railroad accounts: A man goes to a station in North Carolina and asks for ten cars for peanuts. It costs just the same and no more to make a way-bill for those ten cars as it does to make a way-bill in the case of the man who totes a bag on his back and asks to have it shipped. That waybill has to go through the same clerks' hands, it costs the same for stationery, it goes to the auditing department of the road, it goes through different hands, goes to the auditing department of the continuous line, and there may be a dozen of them to make up under this interstate commerce bill, and finally is adjusted at the head office; and while the freight on that bag, in proportion to the charges on fifty car-loads, may not amount to five cents, it costs five cents to make up that waybill.

Mr. VANCE. I admit the hardship of the case which the Senator from New Jersey has put, but let us look at it a little further. Suppose a man from New Jersey wanted to ship ten bushels of peanuts from North Carolina, and suppose the Legislature of New Jersey was assembled and waiting for those peanuts to organize, and could not be held together without their accustomed legislative aliment to console the weary hours of law-making, and suppose the hard-hearted railroad should impose a lot of conditions entirely extortionate because of the size of the freight, and tell the shipper that he might do better if he pleased, that it was an entirely voluntary contract, what would become of the Legislature of New Jersey?

Mr. SEWELL. I will simply say that the Legislature of North Carolina may be held together with peanuts but that of New Jersey could not be.

Mr. BROWN. Mr. President, I want to examine for a moment the amendment of the Senator from North Carolina [Mr. VANCE]. It does not seem to me that he accomplishes the object by the amendment which he has in view or the object which he has stated in his argument. The first portion of his amendment puts small packages upon an equality with larger shipments or car-loads, and provides that no more shall be charged for one sack shipped separately than shall be charged each for a hundred sacks shipped by the car-load. It provides that no discrimination shall be made in favor of large shipments or for the large amount of business tendered; but at the same time the Senator whittles away his amendment until he leaves so little of it that I am not sure but the legal maxim *de minimis non curat lex* might be applied to it. Let us look a little at it. First, the broad proposition is laid down to which I have referred. Then there is a class of exceptions that come in that is rather a large one, I think:

> Except that a greater rate may be charged and demanded of shippers or consignees for freight shipped in less quantities than a car-load when such freight consists of horses, cattle, hogs, sheep, or other live-stock, or of wheat, oats, corn, barley, or other grain shipped in bulk and not put up in sacks, barrels, boxes, or other packages, or of pig, or bar, or slab iron, or of iron ore or other mineral ore, or of coal, coke, or coal-oil in a single tank or package to the car-load, or of lumber, logs, or firewood, or of any other commodity usually shipped or transported in bulk and by the car-load.

Now, in the first place, you shall not ship a package and charge more for it than you charge for each of a hundred packages shipped in a car-load, but if the car-load is of a character that is shipped in car-loads,

then the Senator says his amendment shall not apply. As suggested by the Senator from Maine [Mr. FRYE], it does not apply to peanuts. It excepts from its operation the other commodities of North Carolina to a great extent, but it does fail to except the peanut. Then, after excepting all the live-stock he can mention, and the different productions of the farm, and excepting everything else that is usually shipped by car-load, the amendment contains the further provision that if the freight on the package is less than $20 there may be 10 per cent. added to the usual freight. I do not know exactly what is left, and especially when we take into the account another thing, that this can not apply to any shipments made from one point in North Carolina to another, for that is not interstate commerce, and the bill does not apply to any case where the package is sent by express, for we are not legislating for the express companies.

How many packages or what sort of packages would be left for the poor people to get the benefit of them here? All the exceptions I have mentioned, which cover almost everything, are made. Everything that is shipped from one point in North Carolina to another is excepted by the Constitution; everything that is shipped by express of course is excepted; and then every other thing where the freight is less than $20 on the shipment is subject to have 10 per cent. added, which destroys the equality. Then what is left? To what does the amendment apply? There may be a few things, it is true, to which it would apply, but I confess it seems to me the Senator has eliminated the whole force of his amendment by the exceptions he has made to the rule.

While on the amendment I desire most respectfully to call the attention of my friend to another objection. As his amendment stands I think it is subject to as strong a constitutional objection as he makes to my amendment. The language is:

> That it shall be a discrimination prohibited by this act if *any railroad* company shall charge, &c.

Is it very clear to the Senator from North Carolina that the Senate has any right to legislate to that extent by any kind of bill we can pass? That embraces the Central road of North Carolina or any other road that begins in North Carolina and ends in North Carolina—"any railroad." If he had said "any railroad engaged in interstate commerce," or "any railroad running into another State, shipping goods across the line," or anything of that character, his amendment might be constitutional; but as it stands it is broad and sweeping; it makes no exception whatever, but applies to any railroad company, it does not matter where the railroad company does business or whether it ships packages across the line or not. Therefore, I think he has a constitutional objection to get around in his amendment as well as I have in mine.

The Senator from North Carolina rather convinced me that there was some constitutional objection to my amendment, but I still thought it was as good as his, and that it was as free from constitutional objection as his was; and now if he will withdraw his I will withdraw mine, because I believe there is some constitutional objection to each. But if he insists on his, unless he will amend it so as not to embrace the railroads that are confined within the limits of North Carolina, I shall be obliged to insist on mine as being quite as constitutional as his.

Mr. VANCE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield?

Mr. BROWN. With great pleasure.

Mr. VANCE. If the Senator is in earnest in his objection, he will see at once that the previous sections of the bill confine its operation entirely to roads that run from one State into another, and that the amendment will have no greater operation than the body of the bill to which it is an amendment.

Mr. BROWN. I reply to that that there are no previous sections to the bill. We have not legislated at all on this question. I do not know in what shape any section of the bill is going to be passed. It may be that the previous sections of the bill, when we come to pass upon them, will do nothing to aid this amendment. Therefore it is better to have the amendment constitutional as we go along, unless we had agreed on what should be the other sections of the bill, so that we may bring it within the rule contended for by the Senator from North Carolina.

Therefore, I must still put my amendment against his on constitutional grounds. I say mine is as constitutional as his is. He thought I was disposed to treat his amendment as a joke or in some other such way. I confess that I had a little of that idea at the time, as I know my friend is always fond of a joke; but he very well rebukes me by saying that I never was successful with a joke, and I believe he is right about it.

So it is, I make the proposition that if he will withdraw his amendment I will withdraw mine. I think, probably, the whole thing is rather a joke. It seems to me it is something of a joke to undertake to relieve the people of North Carolina, or of any other State of the Union, by making provision that a small package shall be shipped as cheap separately as a like package in a car-load, and then excepting nearly everything you can think of from the benefit of it, and then making the sweeping provision that if the freights are under $20 there may be 10 per cent. added, which puts the small shipper again upon an inequality with the large shipper.

It seems to me that we ought to do one of two things. We ought to make the bill apply to all cases where we have any constitutional power or we ought not to apply it to any. The fact is that the Senator from North Carolina rather excited my sympathies on this question, and that is one of the reasons why I introduced my amendment. I heard his speech, which was an able one, well delivered. He said:

> If therefore a capitalist can by buying largely get goods at cheaper rates than the small dealer and thus undersell him and break him down, of course this is beyond the reach of legislation, for a man may lawfully do as he will with his own. He owes no duty to the public in this regard, and the law permits him to be selfish.

That is pretty hard, but the Senator from North Carolina did not see any remedy for it, and if there is a constitutional objection to my amendment I do not know whether there is any remedy. Still, I thought I would offer the amendment. Then again he said:

> Those acquainted with the details of the daily business of the people well know that the traders of small means are absolutely at the mercy of their rivals of greater capital in all traffic where freight charges enter considerably into the cost of the article. The big fish are constantly swallowing the little ones.

That excited my sympathy, for I sympathize with the mass of the people as much as the Senator from North Carolina does; but if my amendment will not remedy the difficulty I do not see exactly what other one will. It seems to me his amendment, with all the exceptions he has loaded it with, can not remedy it. Then, again, I did not quite so well understand this phrase of the Senator's speech:

> Therefore when capital buys and sells by the quantity to the injury of small dealers, we can, in either justice or wisdom, say nothing.

It seems to me, if it is an injury, if it is grossly wrong, as in the other case, we can in justice and wisdom say something, whether we can do anything or not. We can hardly admit the justice and equity of it or the justice and wisdom of it. Therefore I can not go as far as my friend from North Carolina goes on that part of it. I do not know that it is entirely just. At least if it is just in that case I do not see why it is not just in all other cases; and under the rule that has been drawn so often, that railroads are corporations and therefore are partly under the control of the public with some of the delegated powers of sovereignty, &c., I do not see what good it does. If the rule is a just one and a wise one as applied to commerce, then I do not see how it can be an outrageous and nefarious rule as applied to small transactions of the character to which the Senator refers. That much I state rather seriously.

My amendment, it seems to me, ought to pass, if the amendment of the Senator from North Carolina passes. If his is to be voted down, then I do not care to insist on mine.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BROWN] to the amendment proposed by the Senator from North Carolina [Mr. VANCE].

Mr. BROWN. In the hope that the Senator from North Carolina will withdraw his amendment, I shall vote in the negative on mine.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment of the Senator from North Carolina.

Mr. INGALLS. Mr. President, the people whom I represent are very largely interested in this question, and the products of their industry will be found largely in the exceptions to the amendment offered by the Senator from North Carolina. The farmers and graziers of Kansas export annually large numbers of horses, cattle, hogs, and sheep, and a very large amount of wheat, corn, barley, and other grains. I wish the Senator from North Carolina would be good enough to explain to me upon what theory in his amendment the man who wants to ship one horse should not have the same advantage compared with the man who ships a car-load of horses as the man who ships a tub of butter is to have as compared with the man who ships a car-load of butter in firkins. I ask the Senator in entire seriousness, because if there is any method of rectifying by legislation the evils that we all admit to exist, I certainly wish to act with him.

Mr. VANCE. Does the Senator wish an answer now?

Mr. INGALLS. Yes, sir.

Mr. VANCE. I have not my amendment before me, but if the Senator from Kansas will read the amendment which he has in his hand he will see that the exception is made in favor of those large, bulky articles that are usually shipped by the car-load. The Senator will also know, perhaps much better than I do about such things, that the shipment of live-stock ordinarily can not be as the shipment of other freight in this respect; and that it takes at least a car to transport one horse or one head of cattle, while in the case of packages of inanimate freight, as flour, grain, dry goods, &c., one man's package can be as easily placed in a car that is not yet full as it could go in a car by itself; while it would take at least a half car for one or an entire car to accommodate two strange animals; that is, animals strange to each other. A man shipping a number of animals accustomed to each other and reared together could perhaps fill a car with them, whereas in the case of a man shipping another animal in with strange animals they would damage each other—as horses, for instance. For those reasons, whether correct or not, I inserted the exception in the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

Mr. VANCE. Let us have the yeas and nays upon the amendment. There is an important principle involved in it.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER].

Mr. CULLOM (when Mr. KENNA's name was called). The Senator from West Virginia [Mr. KENNA] informed me that he was called away on account of sickness in his family, and that he is paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 4, nays 44; as follows:

YEAS—4.

George,	Vance,	Van Wyck,	Vest.

NAYS—44.

Aldrich,	Frye,	Lapham,	Pike,
Bayard,	Garland,	McMillan,	Platt,
Bowen,	Gorman,	McPherson,	Pugh,
Brown,	Hale,	Mahone,	Sawyer,
Camden,	Hampton,	Manderson,	Sewell,
Cameron of Wis.,	Harris,	Miller of Cal.,	Sheffield,
Colquitt,	Harrison,	Mitchell,	Sherman,
Conger,	Hawley,	Morgan,	Slater,
Cullom,	Ingalls,	Morrill,	Walker,
Dawes,	Jackson,	Palmer,	Williams,
Dolph,	Jonas,	Pendleton,	Wilson.

ABSENT—28.

Allison,	Coke,	Hoar,	Miller of N. Y.,
Beck,	Edmunds,	Jones of Florida,	Plumb,
Blair,	Fair,	Jones of Nevada,	Ransom,
Butler,	Farley,	Kenna,	Riddleberger,
Call,	Gibson,	Lamar,	Sabin,
Cameron of Pa.,	Groome,	Logan,	Saulsbury,
Cockrell,	Hill,	Maxey,	Voorhees.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the amendment proposed by the Senator from Oregon [Mr. SLATER].

Mr. SLATER. I desire, before the amendment in the nature of a substitute is put to a vote, to offer two amendments to section 4 of the bill. I move to strike out, in line 1 of section 4, the words "if any transportation company" and insert what I send to the desk.

The PRESIDENT *pro tempore*. Pending the amendment proposed by the Senator from Oregon on a former occasion to strike out all after the enacting clause and insert his proposed amendment, he moves to amend the text of the bill as will now be read from the desk.

The CHIEF CLERK. In section 4, line 1, it is proposed to strike out the words "if any transportation company" and to insert in lieu thereof:

> It shall be unlawful for any transportation company engaged in interstate commerce, directly or indirectly to allow any rebate, drawback, or other advantage in any form upon shipments made or services rendered either in the receiving, handling, storing, or transportation of freight, such freight being classified as interstate commerce, and if any such company so.

So as to make the section read:

> SEC. 4. That it shall be unlawful for any transportation company engaged in interstate commerce, directly or indirectly to allow any rebate, drawback, or other advantage in any form upon shipments made or services rendered either in the receiving, handling, storing, or transportation of freight, such freight being classified as interstate commerce, and if any such company so engaged in interstate commerce shall, directly or indirectly, by any rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater compensation for any service it may render in its transaction of interstate commerce than it charges, demands, collects, or receives from any other person for doing for him, in a like business and under similar circumstances and conditions, a like service, and if any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate-commerce freights to one person that is at the same time furnished to any other person for the carriage, receiving, delivery, storage, and handling of such freights of the same class, such transportation company shall be deemed guilty of unjust discrimination.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. SLATER. Mr. President, section 4 relates to discriminations, and by the terms of it it would seem to interdict anything in the nature of drawbacks or rebates, but on examination it will be found that it only prohibits the use of drawbacks and rebates where they are in such form that an inequality exists. Now, it occurs to me that this door of rebates and drawbacks is one of the fruitful avenues through which discrimination enters. It would be better to phrase our legislation in such form and in such terms as to be an absolute prohibition, to make the language distinct and effective, and this is the purpose and office of the amendment I have now offered, so that all rebates, all drawbacks, all devices which shall operate in any form to make a discrimination shall be illegal and unlawful; and, if I understand the amendment that was attached to the end of this bill, it will be found punishable under another section of the bill, it being declared at the end of the section, I think, to be a misdemeanor. I think it will be better that we put it in this form than leave the opening here for a question to arise whether in a given case a drawback or a rebate is or is not a discrimination. The foundation that I want to put it upon is that all drawbacks, all rebates, are unlawful and prohibited.

Mr. CULLOM. Mr. President, I hope that the amendment of the Senator from Oregon will not be adopted. The question that he seems to reach in this amendment he can reach just as well when the substitute which comes before the Senate is up for discussion. This section simply has reference to the question of unjust discrimination, and undertakes to guard against unjust discrimination by whatever means it may be undertaken to be exercised. I hope that the section will remain in the bill as it is written, as I think it reaches the question of discrimination, and is designed to reach that and nothing else.

If it is the judgment of the Senate hereafter that we shall put in statutory form a declaration that there shall under no circumstances be any rebates or any pooling or any drawback, that is a question for consideration that can come up in the discussion of the substitute which the Senator desires to offer, or on the bill known as the Reagan bill, which is now in the Senate, and which will be offered for consideration hereafter.

Mr. SLATER. Mr. President, it is true that if the substitute which I have offered should be adopted in preference to the bill now pending this amendment is there included in terms. It is also in terms, I believe, in the House bill, which, as I now believe the understanding to be, shall take the place, and the bill now being perfected in the Senate will be offered as a substitute for that bill. Therefore I desire to test the sense of the Senate in putting this provision into this bill, so that if it shall come to pass that this bill shall be substituted for the House bill we shall have the provision in the bill as it shall pass.

Mr. HARRISON. Mr. President, the section of the bill as reported by our committee, to which the amendment of the Senator from Oregon is proposed, declares in the broadest terms for an absolutely equal rate to all shippers. It prohibits under penalties any discriminations between shippers who may make consignments of freight at substantially the same time and of substantially the same class. Now, it may be possible for the managers of railway companies to avoid this, to evade it, and to conceal their evasion so as to escape the penalties of the bill; but that is equally possible under the amendment which the Senator from Oregon offers. So it seems to me that we avoid a question about which there may be some division whether there may not be circumstances under which it might be just for a railroad company to pay back to its shippers some part of the charges which it had received from them. If competition was prevailing between different lines, and it was ascertained after a shipment had been received and the freight paid, as for instance from Chicago to New York, that some other railroad had been carrying freight for its shippers of the same kind and at the same time for a less rate, I do not think it would be immoral. I do not think it would be a transaction that we should make penal, if the railroad company having received the higher rate which turned out to be a discrimination against its patrons should equally and to all who had shipped about the same time refund some part of the charges which it had received. I would not be willing to declare for one as a member of the Senate that it ought to be treated as a misdemeanor.

I am not very well skilled in these matters; perhaps those that are might suggest other cases where with reference to shipments abroad—I have seen that suggestion—it was necessary that some allowance should be made from the freights that had been received in order to enable the shippers to meet the foreign prices and to send their grains abroad.

It seems to me we should be adopting, perhaps, a rule that had too much iron in it if we were to say absolutely that in no case should a railroad company that had received a given rate for the shipment of merchandise return any part of it to the person who had paid it, even if that return was made upon an equal basis to everybody who had shipped at the same time so as to preserve an absolute equality between the shippers. Does the Senator from Oregon think that such a rebate, if it is allowed to all under circumstances which may seem to justify it, such as I have described, ought to be prohibited?

Mr. SLATER. I can not conceive why the case presented by the Senator from Indiana could not be as justly met by a direct reduction of the rate to the point which would be left after a part of the freight had been returned. In case of freight being shipped for foreign ports it would not relieve other shippers, for instance, in shipping from Chicago or other western points to New York, unless the freight shipped from New York on foreign account was at a different rate to some foreign port. There would be still a discrimination, and they can evade this point constantly by means of shipments from Chicago or Saint Louis through to Liverpool, making one charge for all. The reason why I object to the form in which the bill leaves it is because I believe it is simply a trap that will be left to the companies to practice deception upon those who ship by their lines.

Mr. HARRISON. The section as we find it in the bill explicitly and in the very plainest language declares that any discrimination by rebate or otherwise is made illegal. Now what can any one ask more than that? I think that is the great desideratum in this question of interstate commerce—an absolute equality between shippers. This section of the bill requires it. If the Senator says that because rebates are not explicitly prohibited the section may be evaded by a rebate, I answer that it may be evaded in the original charges by giving discriminating rates; and if discriminating rates are given originally, they may be just as difficult to find out as a discrimination by rebates. This section makes it illegal to discriminate in the original rate or to effect that discrimination by paying back any of the price which has been paid. It seems to me to cover the whole ground. All that we should need to know under this section would be to find out that the rebate had been

paid resulting in a discrimination, or to find out that a discrimination had been made in the original waybill or express charge for freight, and in either such case the transportation company doing the thing would be made amenable to the penalties of this law.

Mr. SLATER. But the Senator does not seem, as I understand him, to grasp the difference between the amendment as I offer it and the language of the bill. The bill is clear, so far as discrimination is concerned, if it be discrimination by drawback or rebate or other device; but if the drawback be uniform, if all are affected alike, then there is no breach of the law. That is the law to-day. If any shipper finds that he has been discriminated against, that he has been charged more than is the customary rate to other freighters, he may recover the excess with which he has been charged on showing it. Now, make drawbacks and rebates illegal in and of themselves, whether they effect a discrimination or not, and we have shut the door, if the door can be shut at all. It becomes a criminal offense then. It seems to me that the distinction is a very plain and a very broad one.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Oregon [Mr. SLATER].

The amendment was rejected.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 13, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. TOWNSHEND. I ask unanimous consent that so much of the Journal as relates to the introduction of bills and joint resolutions be dispensed with.

There being no objection, it was ordered accordingly.

The Clerk resumed the reading of the Journal, which was then approved.

APPOINTMENT OF MR. DEVINE.

The SPEAKER announced the appointment of Mr. Andrew Devine as one of the Official Reporters of the debates and proceedings of the House, to fill the vacancy on the corps occasioned by the death of William Blair Lord.

PERSONAL EXPLANATION.

Mr. STOCKSLAGER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. STOCKSLAGER. I send to the desk a copy of the New York Sun of yesterday, and ask the Clerk to read a short paragraph which I have marked.

The Clerk read as follows:

LOGROLLING FOR $15,000,000—MR. RANDALL LETS DAYLIGHT IN UPON THE BIG PUBLIC-BUILDINGS JOB.

WASHINGTON, *January* 11.

The extraordinary logrolling scheme of members of the House for getting about fifteen millions out of the Treasury for new public buildings has received two hard blows from Mr. RANDALL in the past week, and its defeat for the session is probable. There was a sharp parliamentary tussle Saturday between Mr. STOCKSLAGER, of Indiana, and Mr. RANDALL, in which the latter came off victorious. He let daylight in upon the job in these words:

"That special order is an extraordinary one, the like of which I never saw before during my entire Congressional career. It provides that until the many bills which the Committee on Public Buildings and Grounds have designated, or may designate, shall be considered and disposed of, this special order may continue from day to day until all such bills on the House Calendar shall have been acted upon. It is most extraordinary in this, that it combines all these public buildings together, and provides that it shall be continuous until every single one of the public-buildings bills in the long list reported from the committee shall be disposed of."

STOCKSLAGER'S motion to take up the bill got 72 votes, and 91 were cast against it. The vote was not taken by yeas and nays, so that the appropriation-seekers were not put on record. The organization of the logrollers is complete, and they still hope to drive their scheme ahead. The chances that they will catch Mr. RANDALL asleep, however, are very slim indeed.

Mr. KEIFER. I make the point that this does not present any question of personal privilege.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no question of personal privilege involved in this matter.

Mr. STOCKSLAGER. Does the gentleman wish to be heard on that point?

Mr. KEIFER. If the gentleman wants unanimous consent to make a statement——

The SPEAKER. The Chair does not see in what has been read anything involving a question of personal privilege. If the gentleman desires unanimous consent to make a statement the Chair will submit the request.

Mr. RANDALL. As this matter has proceeded partially, I think it should be concluded. I therefore ask unanimous consent that the gentleman be allowed to proceed.

The SPEAKER. If there be no objection, the gentleman from Indiana [Mr. STOCKSLAGER] will be allowed to make a personal explanation. The Chair hears none.

Mr. STOCKSLAGER. Mr. Speaker, under ordinary circumstances it would be very remarkable that a great public journal like the New York Sun should have a correspondent here who would be so reckless in the statement of fact as to what transpired in the House and as to the facts connected with the public records of the House as the correspondent of the New York Sun has been in the article which has just been read in the hearing of the House. But, sir, when we consider that statements almost as reckless have been made on this floor, and when we consider further that in interviews published in the newspapers of this city with members of this House, and notably with my friend from Ohio [Mr. WARNER], who I regret is not in his chair, who, in an interview published in the Post a few days ago, is reported to have stated that these bills reported from the Committee on Public Buildings and Grounds involved over $20,000,000, and who, when I called his attention to it, did not deny having made the statement, I say, Mr. Speaker, when such reckless statements are made by members of the House it is not to be wondered at that newspaper reporters should repeat them. I doubt whether they are much to blame for doing so.

Now, what are the facts as to the amount involved in the bills reported by this committee, for that is the first charge? All the bills reported by the Committee on Public Buildings and Grounds in this House, taking every single one of them, including also the three which have been passed, amounting to fifty-one or fifty-two in number, I am not exactly positive, taking them all, the cost will be $6,327,400 as against the statement made in this paper of $15,000,000.

A MEMBER. But that is only the amount to begin with.

Mr. STOCKSLAGER. It is less than one-half of the amount stated. It is less than one-third of the amount involved in the statement referred to as having been made by the gentleman from Ohio [Mr. WARNER].

Mr. STORM. Can the gentleman from Indiana state how much will be required to complete all these public buildings after they have been once commenced.

Mr. STOCKSLAGER. Yes, sir; I can say that each bill authorizing a building limits the total cost of the building proposed to be erected to the amount stated in the bill. The amount of total cost is specified in each case. And we have in addition a general law which prohibits the architect from making plans for a building which will cost more than the amount specified in the bill. If the House shall pass every single bill reported from the Committee on Public Buildings and Grounds, the total cost of all of them when completed will be only $6,327,400. That includes three bills already passed by the House, and it also includes $200,000 for a building for the Army Medical Museum and Library to be erected in this city.

Mr. YOUNG. And it also includes the extension of buildings which have already been commenced.

Mr. STOCKSLAGER. As suggested by my friend from Tennessee [Mr. YOUNG], it also includes appropriations to continue and extend buildings which have already been commenced by previous Congresses. Two million three hundred and seventy-five thousand dollars of the sum which I have mentioned is for the purpose of extending the limit of the cost of buildings already commenced.

Now, this is a moderate sum when you consider the amounts which have been appropriated by preceding Congresses.

From a digest of appropriations prepared by the Treasury Department for each fiscal year, it appears that the aggregate appropriation for public buildings and grounds during the Forty-fourth Congress was $5,731,632.78; Forty-fifth Congress, $8,037,475.97; Forty-sixth Congress, $8,252,047.17.

From Senate Executive Document No. 12, Forty-third Congress, first session, in response to a resolution of the Senate, a letter of the Secretary of the Treasury gives the aggregate amounts expended for public buildings and grounds from June 30, 1865, to June 30, 1873; from which it appears that the total expenditures, covering four Congresses, were $28,348,389.52, or an average expenditure during the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Congresses of $7,062,097.38; the average for the Forty-fourth, Forty-fifth, and Forty-sixth Congresses is $7,340,384.64; the aggregate appropriations for the Forty-seventh Congress, $8,636,000.

So far as my individual judgment is concerned, I would have been in favor of limiting the number of bills and have provided for a much smaller number than has been reported by the committee. But in view of the fact that it has been three years since any bill has been passed by Congress authorizing the erection of public buildings, the committee, in its wisdom, believed that the public interests required more than I, as an individual, would have been willing to report to the House. The committee, by its own action and for the reason that I have already stated, have reported some fifty-odd bills, as against sixty-five reported in the last Congress.

Now, that is the fact as to the amount involved and as to the number of bills reported. Even if the bills passed by the Senate and now on the Speaker's table, which are not duplicates of those reported by the

House, should all be passed, it would increase the amount to about eight millions and three-quarters. Then we come to the second proposition contained in the paragraph, that this is a log-rolling scheme and an extraordinary special order.

In the first place, Mr. Speaker, the assertion, from whatever source it may emanate, that there is any combination, that there is any log-rolling, that there is any tying together of these bills in any conceivable way so far as it applies to me personally and individually, so far as it applies to the committee of which I have the honor of being chairman—and in my judgment so far as it applies to any individual member of that committee—is wholly gratuitous, entirely uncalled for, and utterly false. There has been nothing in the action of the committee from beginning to end which would justify any gentleman upon this floor or anywhere else in making any such assertion. If this committee had desired or intended to combine these bills, as charged by the chairman of the Committee on Appropriations, they would have brought them all in in one omnibus bill, as the river and harbor appropriation bill comes from the Committee on Rivers and Harbors. That would have been the method if that had been the purpose they wished to accomplish. But, on the contrary, the committee studiously avoided any pretext for any charge of that kind by providing that each bill should stand upon its own merits; that each bill should stand alone, separately and apart from all the others.

Now, as to the remarkable statement that under the order these bills are to be all considered and all passed. What is the difference between this special order and other special orders, or indeed what is the difference between this special order and going into the Committeee of the Whole House on the state of the Union and taking up these bills in the ordinary way for consideration? Without the operation of the special order all bills upon the Calendar of the Committee of the Whole House, upon which these bills are, numbering hundreds and interspersed between them, would have to be taken up and laid aside, so these bills could be reached. And in case of objection the committee would have to rise in each instance and go back into the House, and thus consume much time. This is avoided by the provision in the special order, that the Committee on Public Buildings and Grounds shall have power to designate the bills which shall be taken up and considered. This has been done when the committee has had a hearing, and the order in which these bills are found upon the Calendar has been strictly followed.

Second, the debate is limited to thirty minutes—fifteen minutes on each side. Does any gentleman pretend to say that that is not enough? We spent two days in the consideration of these bills and succeeded in getting through with seven of them. There were not fifteen minutes spent in the discussion of either bill upon its merits, and simply because nobody desired to occupy time in the discussion of the merits of any one proposition. I therefore infer naturally that that length of time is amply sufficient, and besides, Mr. Speaker, it should be remembered that we consider and sometimes pass, under a suspension of the rules, where only the same length of time is allowed for debate, great revenue bills—bills involving the enactment of a bankrupt law, important public measures of all kinds, and yet in all such cases only fifteen minutes on each side is allowed. Under such circumstances no amendments are admitted, while here unlimited amendments may be permitted.

But my friend says further that if this is to be done at all—that is to say, if we take up the special order—we must proceed with the consideration until all of these bills are passed. I ask, is that borne out by the facts? Is it true as a matter of fact? As I have said, we considered seven of these bills after spending two days upon them. We considered seven in Committee of the Whole House and then stopped. Now, what is there extraordinary about that? You set apart one day in each week for the Committee on Private Claims. You set apart two days in each month for business from the Committee on the District of Columbia. You set apart one night in each week for the Committee on Pensions. We do not ask anything of that kind, and the House would not have given it to us if we had asked it. What, then, is the order under which we are operating? Simply a continuing special order for a specific purpose, just such orders as are usually made; nothing more, nothing less. The House, or a majority of the House, can take up the bills, consider, and pass such of them as are meritorious and refuse to pass such as are not meritorious, as the majority may decide, and this statement will be borne out by every member who knows the facts of which I speak. The House has made such orders time and again, and it may rescind this order or may carry it out, just as it pleases. There is nothing in the order differing from continuing special orders; nothing whatever.

Now, as to the general policy of the erection of public buildings. If the House would permit a discussion of that subject I might have something to say. I may say, however, that when there is a large surplus of $200,000,000 or more in the Treasury, and when this Congress has demonstrated clearly that it will not reduce taxation, I believe that wherever the interests of the public service require public buildings to be erected it is not only sound policy but wise statesmanship to spend a reasonable portion of the money in the Treasury for their erection. Especially is this true when there are perhaps half a million of idle men walking up and down the length and breadth of this great land, and when 90 per cent. of the appropriations for these buildings go into the pockets of the laboring men. I make this remark simply as to the question of public policy.

I have already shown that there is less than seven millions covered by all of the bills which have been reported or that the House is asked to consider; and I desire to repeat that if you take up the special order the House may consider them until the majority refuse to entertain it further. The House may pass such bills as it desires and then quit. There is nothing in the order of the House to continue the consideration when it does not desire to do so.

Mr. EZRA B. TAYLOR and Mr. TUCKER demanded the regular order.

Mr. RANDALL. I think the regular order will not be called under the circumstances.

Mr. STOCKSLAGER. I hope the demand will be withdrawn. My friend from Pennsylvania was kind enough to insist that I should have a hearing.

The SPEAKER. The regular order has been demanded by two gentlemen. Is the demand insisted upon?

Mr. EZRA B. TAYLOR. I have no interest in the matter which has been under discussion; but I have an interest in the public business for to-day. In the interest of such business I demand the regular order.

The SPEAKER. The gentleman from Ohio insists upon the demand for the regular order.

Mr. RANDALL. Then I will proceed in some other way, that is certain.

Mr. STOCKSLAGER. It will be a very remarkable spectacle if the chairman of the Committee on Appropriations can not proceed.

The SPEAKER. But the Chair understands that the gentleman from Ohio insists upon the demand for the regular order.

Mr. STOCKSLAGER. I hope the House will not treat the gentleman from Pennsylvania ungraciously, although I think I was treated in that manner a few days ago.

The SPEAKER. The regular order is demanded.

Mr. RANDALL. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. RANDALL. I want to say, in the first instance, that I never had knowledge of the article, or any of the facts connected with the article in the New York Sun, until it was shown to me yesterday afternoon.

The material point in controversy between the gentleman from Indiana and myself is, and I propose to take the bull right by the horns, whether there is a combination. I do not charge, and never did, that gentlemen were guilty of forming an improper combination, but I do say that the very effect of the resolution is combination—naturally and necessarily so.

The gentleman from Indiana says that there are fifty-one of these bills. I only stated that there were thirty-one. There were four more which came in at a later period; and I am advised by what I deem to be good authority that there are ninety-six bills in all, though some of course are duplicates. I have never said or heard about the amount involved.

But a step further as to the combination. After I presented my objections, as I was entitled to do, to the consideration of this horde of bills, since I have made those objections I have been appealed to on all sides to withdraw my opposition.

Mr. STOCKSLAGER. Did I appeal to the gentleman?

Mr. RANDALL. Oh, no; the gentleman never spoke to me about it nor I to him. When I stated that the House I believed were unanimous in the opinion that some of these bills should be passed and that if the committee would go into conference and say what bills should be selected from this great number, then we could proceed understandingly, say as to ten or twelve or fifteen of these bills, what was the answer made to me? The answer was that the moment you go to pick out ten or twelve or fifteen of these bills the gentlemen representing the bills not selected would turn against the proposition. That is the natural effect and the necessary result coming from it.

Now, I am willing so far as the public at least are concerned to let them judge between the statements of the gentleman from Indiana and my statements in connection with this matter whether there has been necessarily a combination or not. That this is an extraordinary order hardly any fair-minded man in this House will deny. It gives in the first instance a discretion to the chairman to discriminate among these fifty-odd or sixty or seventy bills which bills shall be considered.

Mr. HEWITT, of Alabama. That discretion is given to the committee.

Mr. RANDALL. I beg pardon; it is given the committee. Next, the very words of the resolution say that this thing shall continue from day to day until the whole of these bills have been considered and disposed of.

Mr. STOCKSLAGER. Will my friend allow me——

Mr. RANDALL. Not now. The gentleman will keep his seat. And, further, it says a half-hour shall be occupied in the consideration and discussion of each; and then, if we are to have the yeas and nays called, it will take another half-hour. And what time would it take of this session to complete and execute this order? It would take from

three to four weeks. I want to know if that is not an extraordinary proposition. And in this particular I am willing, so far as the public are concerned, that the gentleman's statements and mine shall go together as to whether it is extraordinary or not. That is all I have got to say.

Mr. TUCKER. I demand the regular order.

Mr. STOCKSLAGER. Just one word in answer to the gentleman from Pennsylvania.

The SPEAKER. The regular order is demanded.

Mr. STOCKSLAGER. The gentleman has referred to some matters that were not public at all.

Mr. RANDALL. I will give the gentleman my authority. He is a member of his own committee.

Mr. STOCKSLAGER. I give that as a reason why I want to say a single word.

Mr. TUCKER. I insist on the regular order.

REPORT OF GOVERNMENT DIRECTORS, UNION PACIFIC RAILROAD.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the annual report of the Government directors of the Union Pacific Railway Company for the year 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 12, 1885.

The message was referred to the Committee on Pacific Railroads, and ordered to be printed.

DEATH OF CADET FREDERICK S. STRANG.

The SPEAKER also laid before the House a letter from the Secretary of the Navy in response to resolution of the House calling for information as to the cause of the death of Cadet Frederick S. Strang, of the Naval Academy.

Mr. HISCOCK. I ask that that communication be printed in the RECORD. I think we all want to read it.

Mr. MORSE. I object.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] asks unanimous consent to have this communication from the Secretary of the Navy printed in the RECORD.

Mr. MORSE. I object.

Mr. HISCOCK. We all want to see it.

Mr. MORSE. I do not want you to see it.

Mr. ANDERSON. Is it in order to call for the reading of the communication?

The SPEAKER. It is.

Mr. ANDERSON. Then I call for the reading. I do not know what it is.

Mr. HISCOCK. Do I understand the gentleman from Massachusetts to say that he does not want us to see this communication?

The SPEAKER. The gentleman from Massachusetts objects to the communication being printed in the RECORD. The gentleman from Kansas [Mr. ANDERSON] calls for its reading. That is in order.

Mr. MORSE. I withdraw my objection.

Mr. COX, of New York. I have no objection to having the communication printed, provided I can make a statement of two minutes to go with it. The report is based on misstatements, as I can prove by documents. I do not think it decent to the House even to have it read here.

Mr. HISCOCK. I am willing either that it shall be read or that it shall be printed in the RECORD.

Mr. COX, of New York. I object to its being read unless I am permitted to make a statement to go with it.

Mr. ANDERSON. I believe we have a right to have it read.

The SPEAKER. The Chair has so stated. The gentleman is entitled to have the communication read.

Mr. COX, of New York. It does not go into the RECORD because it is read.

The SPEAKER. That is another matter.

Mr. HISCOCK. I will consent that the communication be printed and that my colleague [Mr. COX, of New York] have two minutes—I believe that is the time he wants—and that two minutes be allowed to some gentleman on this side if it be wanted.

A MEMBER. What is the proposition?

The SPEAKER. The Chair has laid before the House a communication from the Secretary of the Navy, which must be referred of course, under the rules of the House, to the appropriate committee. The gentleman from New York [Mr. HISCOCK] has demanded the reading of the communication, but withdraws the demand and asks to have the communication printed in the RECORD; and the gentleman from New York [Mr. COX] states that he will not object to the printing in the RECORD provided he can occupy two minutes in debate.

Mr. RANDALL. What is the subject of the communication?

The SPEAKER. It is a communication from the Navy Department in relation to the death of Naval Cadet Strang at the Naval Academy.

Mr. THOMAS. I give notice that if this communication is to be printed I shall ask to occupy five minutes.

Mr. WASHBURN. Mr. Speaker, I would like to know whether this is all by unanimous consent?

The SPEAKER. That is what is asked.

Mr. WASHBURN. Then I object.

Mr. HISCOCK. Is there objection to allowing the communication to be printed in the RECORD with the understanding that my colleague [Mr. COX] shall be allowed five minutes and some one on this side five minutes? This would only take ten minutes, and the reading would occupy that time.

The SPEAKER. Objection is made to that arrangement, as the Chair understands, by the gentleman from Wisconsin [Mr. WASHBURN].

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The regular order was called for, and this communication was put in by the Speaker without the request for unanimous consent having been submitted. Can it not be withdrawn for the present?

The SPEAKER. It can be.

Mr. HAMMOND. I am very anxious that the Judiciary Committee shall get to their business, to-day having been assigned to them.

Mr. THOMAS. I wish to know, as a parliamentary question, whether on the motion to refer this communication to the Committee on Naval Affairs I am not entitled to occupy five minutes?

The SPEAKER. If there were debate on the question, the gentleman, if he obtained the floor, would be entitled to one hour under the rules.

Mr. THOMAS. I ask to be heard on the question.

Mr. HISCOCK. I suggest this arrangement: That the communication be printed in the RECORD and that any gentleman may print in connection with it such remarks as he wishes.

Mr. THOMAS. I object to that. I do not print remarks unless I make them on the floor. I am conscientiously opposed to that. I would rather make my statement now. If the communication is to be printed, I want to make my statement to go with it.

Mr. HISCOCK. I did not understand the gentleman from Illinois.

Mr. THOMAS. I say I do not desire to print any statements not made on the floor. I am ready to make my statement now if this communication is to be printed in the RECORD.

The SPEAKER. How much time does the gentleman desire?

Mr. THOMAS. Five minutes.

Mr. HISCOCK. To allow five minutes on each side for debate seems to me the easiest way to dispose of the question.

The SPEAKER. The gentleman from New York [Mr. COX] and the gentleman from Illinois [Mr. THOMAS] request permission to address the House for five minutes each on the motion to refer this communication.

Mr. TUCKER. And dispense with the reading?

The SPEAKER. And dispense with the reading; the communication to be printed in the RECORD instead of being read. Is there objection? The Chair hears none.

The communication of the Secretary of the Navy is as follows:

NAVY DEPARTMENT, *Washington, January* 12, 1885.

SIR: I have the honor to acknowledge the receipt of the resolution of the House adopted January 7, as follows:

"Whereas it has been reported that Frederick S. Strang, late a cadet at the Naval Academy at Annapolis, has died in consequence of cruelties practiced upon him by senior cadets:

"*Resolved*, That the Secretary of the Navy be, and he is hereby, requested to communicate to this House any information he may have obtained in relation to the cause of death of the said Cadet Frederick S. Strang."

From information received by the Department from Capt. F. M. Ramsay, the Superintendent of the Naval Academy, it appears that Naval Cadet Frederick Schwatka Strang, of Salem, Oreg., reported at the Naval Academy for admission September 15, 1884, was examined physically September 20, and was admitted and entered September 25.

On September 27 he was placed in hospital and October 3 died there from peritonitis following an operation for the reduction of strangulated hernia. There had been doubt about the expediency of his admission on account of a predisposition to hernia, but the doubt had been resolved by the medical examiners in favor of his admission. His exercises at the first infantry drills, followed by exertion in getting out of his hammock, brought on the fatal hernia, which was judiciously and skillfully treated, although unsuccessfully.

There is no reason to believe that Cadet Strang died in consequence of cruelties practiced upon him by senior cadets, for the conclusive reason that there were no senior cadets at the academy at the time; and he had seen no cadets except his own classmates. There is no reason to believe that he experienced any ill-treatment from any of his own class or from any other person or persons, or that any such ill-treatment produced the hernia from which he died. On the contrary, the full surrounding circumstances dispel and negative any such idea and prove that the cause of the hernia was that above stated. The details, however, are not suitable for publication and should not be further explored. The unfortunate and blameless dead cadet should be allowed to rest in peace.

On October 1 the Superintendent telegraphed Mr. Thomas Strang, father of the cadet, at Salem, Oreg., that his son was very ill of strangulated hernia, and that the only hope was in an operation to be performed that morning. On the same day Mr. A. E. Strang replied from Salem, asking that his brother's exact condition should be telegraphed to him every day; and his request was complied with. Lieut. Frederick Schwatka, at 12 East Twenty-eighth street, New York city, in reply to an inquiry from him, was also informed of the cadet's condition, and went to Annapolis, arriving shortly after his death, and gave directions concerning the disposition of his remains.

Mr. A. E. Strang also sent two letters to the Superintendent, dated October 26 and November 5, the latter written after the newspaper rumors that the cadet had been injured by an encounter with senior cadets and had been rolled in a barrel; and Mr. Strang asked the "particulars concerning his illness and death, and especially the actual cause of the same."

In reply, the Superintendent, under date of November 22, gave a full account

of all the circumstances of the cadet's death, showing clearly that there were no grounds for the newspaper suppositions concerning the cause; and he offered to furnish any other information which might be desired. No further inquiry, however, was made.

The resolution of inquiry to which reply is now being made was introduced into the House December 15, 1884, and referred to the Committee on Naval Affairs.

No inquiry, either in writing or oral, was made of the Navy Department concerning the subject-matter of the resolution; but on January 7, 1885, it was reported back to the House and adopted and printed in the CONGRESSIONAL RECORD, accompanied by a report of the Committee on Naval Affairs, in which, in addition to the averments that Cadet Strang's death "is said to have been" the effect of "horse play," and that "his friends believe" that he was "fatally hurt" by being "put in a barrel and rolled around," are the following charges:

First. That "those interested have said that they could get no response from the authorities;"

Second. That some cases of hazing have been "simply diabolical at Annapolis, in spite of all denials to the contrary;"

Third. That there are at the academy "a great many young ruffians;"

Fourth. That there have been mock religious meetings among the cadets and that piety is ridiculed and discouraged;

Fifth. That some of the scenes at the academy are "simply horrible," that boys have "to battle with sin and vice in all its forms of hideousness;" and

Sixth. That hazing still goes on at the academy when "any man of ordinary skill and discipline might stop it."

Without intending any disrespect toward the House or any member, I deem it my imperative duty to state that in my belief there is no just foundation for such grave public condemnations of the management of the Naval Academy.

1. All inquiries concerning Cadet Strang's death have been promptly and fully answered. None have, in fact, been made, either of the Superintendent or the Department, except that of the brother, Mr. A. E. Strang, above mentioned, and that of a cousin of Mr. Strang, addressed to the surgeon of the academy, which was immediately answered.

2. There have been no "diabolical" cases of hazing. Every offense of hazing or annoying cadets that has come to the knowledge of the authorities during the past three years has been promptly punished, and thirteen cadets have been dismissed for this offense during the past two years. Complaints have been made to the Department that the authorities have dealt too severely with hazers; never that they have treated such offenders too leniently.

3. The cadets are, as a rule, orderly and well-behaved, and will compare favorably with any similar body of young men in the world. To stigmatize them as young ruffians is a gross wrong.

4. The cadets are required to attend divine service on Sundays. The chaplain is assiduous in the performance of his duties. A number of the cadets belong to a religious society which meets in the chapel every Sunday morning. The attendance is voluntary, and the chaplain states that it has been larger this year than usual.

5. To charge that sin and vice in all its forms of hideousness exists at the Naval Academy is an accusation which it seems impossible should have been made without some facts to apparently justify it. If such are within the possession of the House of Representatives I respectfully request that they may be immediately communicated to the Navy Department.

6. The Superintendent has been unremitting in his efforts to elevate the character and discipline of the academy, and has been so successful as to deserve the full approval of the Department and of Congress.

The last Board of Visitors was composed of the following: Rear-Admiral R. W. Shufeldt, General Robert C. Schenck, Senator GEORGE H. PENDLETON, Senator ANGUS CAMERON, Commissioner Dorman B. Eaton, Professor Edward S. Joynes, Representative NATHAN GOFF, jr., Representative SAMUEL S. COX, Stephen M. Allen, esq., E. S. Jouett, esq., and W. H. Upham, esq.

In their report of June 7, 1884, signed by all, they state as follows:

"The discipline of the academy seems all that could be desired and the many social privileges gained by the good conduct of the cadets is the best proof of the discipline maintained. The most remarkable illustration is the average of demerit for 1882 and 1883, as exhibited against the average to each cadet during the year just passed. The fall in demerit was as follows: The first class, from 50 demerit to 3; the second class, from 71 demerit to 38; the third class, from 94 demerit to 58; and the fourth class, from 99 demerit to 48, an improvement without a parallel in the history of the academy. The board highly commends the course of discipline adopted by the Superintendent in producing such results. The last four years the average number of demerit marks has been reduced 50 per cent. against the average number to each cadet for the preceding ten years. The board is satisfied that the cadets receive severe discipline in case of any infraction of the regulations, while accorded liberal privileges in case of good conduct."

Besides newspaper paragraphs from unknown authors, which certainly ought not to be adopted as sufficient reasons for formulating and placing upon the records of Congress charges of malfeasance against public officers, the only source known to the Department from whence could proceed so many railing accusations against the management of the Naval Academy is Mr. P. W. Moeller, principal of a young ladies' school in New York city, whose son was dismissed from the Naval Academy for hazing, and who has published a pamphlet on the subject and is persistent and malignant in his misrepresentations.

On the 27th of October, 1884, Mr. Moeller wrote to Captain Ramsay the following letter:

"NEW YORK, *October* 27, 1884.

"SIR: In the course of last week I forwarded to you some of our New York papers containing an article on the Naval Academy, showing you that we still remember the institution. Herewith I send you also a copy of a letter bearing on the finding of the court-martial by which my son was convicted of hazing, and whose verdict you approved of. Be assured that I shall avail myself of every opportunity to improve the school of which you are the head.

"Yours,

"P. W. MOELLER."

"Capt. F. M. RAMSAY."

On the 20th of December, 1884, Mr. Moeller wrote Captain Ramsay another letter, as follows:

"[Confidential.]

"NEW YORK, *December* 20, 1884.

"SIR: Yesterday I received a letter from Washington to the effect that you are opposed to an investigation in regard to Cadet Strang's death. I am sorry that I am obliged to apologize to you for the remark in my pamphlet where I say, 'The Superintendent may be a good soldier,' since you now seem to be afraid of a little questioning. Further I wish to say, so that you may not suspect anybody else, that through my exertions the case has been called up in Congress. Ever since you and your court-martial have chased my son away from the academy you have kept serenely quiet, and you may imagine how jubilant I now feel over your loquacity. My friend, Lieutenant Eaton, acted quite differently, for when he had read the pamphlet he excused himself before the class for having chased my son like a dog out of the mess-room, by saying that it had been his duty. There is a nice article on the academy in the New York Sun of the 17th instant, which I recommend to your attention. By the help of the newspapers and Congress I hope to achieve something good for your school.

"Yours,

"P. W. MOELLER.

"Capt. F. M. RAMSAY."

After Mr. Moeller's pamphlet had been published, in which he made the same accusations contained in the above letter against Lieut. J. G. Eaton, the following statement was made by that officer:

"As officer in charge last September, it was part of my duty to be present at mess formations of the cadets and preserve order in the mess-hall. After Mr. Moeller had received his dismissal and was no longer under my orders he came to dinner formation, not falling in ranks with the other cadets but loitering in the vicinity, and then entered the mess-hall and dined with the other cadets. At supper formation he was also present, not in ranks, and when he started to enter the mess-hall I called him aside and, as far as I can now remember, said to him, 'Mr. Moeller, you have now no connection with the Naval Academy; I have freely permitted you to dine with your class-mates, but I am sorry that under the regulations I can not allow you to come to supper.' I would further state that this conversation was entirely private, and that my words were kindly spoken, as I felt sorry for him."

The Superintendent also adds:

"When cadets resign or are dismissed they are always given a reasonable time in which to make preparations for their departure; as a rule they are asked how long they wish to remain."

Some method of investigation should be devised which will prevent malicious conspirators like Mr. Moeller and his associates from procuring by deception the utterance of their charges against public officials and institutions as parts of the reports of committees of Congress adopted without notice to the persons assailed or any hearing in their behalf.

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

The Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. COX, of New York. Mr. Speaker, I would not have objected to having this communication of the Secretary of the Navy spread upon the RECORD if it were not for a mistake into which he seems to have fallen after it had been thoroughly corrected. The other evening when the House was about adjourning——

Mr. HISCOCK. Do I understand that my colleague is to have five minutes, and that then five minutes are to be allowed to some gentleman on this side?

The SPEAKER. Five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. HISCOCK. Which he is to divide, I understand, with the gentleman from West Virginia [Mr. GOFF].

Mr. THOMAS. I will arrange that. I will yield a part of my time.

Mr. COX, of New York. Mr. Speaker, I do not think there is a member here who would not for humane as well as other motives stop this pernicious practice of hazing at Annapolis.

A MEMBER. Or hazing anywhere else.

Mr. COX, of New York. Or anywhere else. Our committee reported back this resolution. Thereupon I made my statement. I said that I had certain letters; some from the parents of those who had been more or less associated with this academy. These letters gave information. Upon this I predicated the resolution.

The other evening when I reported it back to the House as a question of privilege I asked that I might have "a statement" printed. It was not a report of the committee. I asked that the "committee's report," which was the resolution only, might be adopted; and afterward I also said that I had a statement which would go with it. If there was any error in the RECORD to mislead the honorable Secretary it was not of much consequence, as a reading of the RECORD shows what my "statement" really was. But I took pains to correct the error into which the Secretary had fallen.

By some little mistake of the printer, in a hurried moment the word "report" was inserted instead of "statement." The gentleman from Oregon [Mr. GEORGE] followed by saying:

I wish also to make a statement on this subject to go into the RECORD.

Thus our "statements" went into the RECORD. Thereupon the Secretary of the Navy, on the 8th of January, writes me this letter:

There is printed in the CONGRESSIONAL RECORD of January 8, 1885, in connection with the resolution of inquiry concerning the death of Naval Cadet Frederick S. Strang, a paper of which you are reported as saying, as follows:

"I ask by unanimous consent to print in the RECORD the report of the Committee on Naval Affairs on this subject, as it contains a statement of the facts."

This paper, which I can hardly believe is a deliberate report of the Committee on Naval Affairs, contains many extraordinary statements and charges concerning the Naval Academy.

It will thus be seen that the Secretary desired the letters upon which my statements were predicated. This was adroit. I declined the invitation; and on the 9th of January—three days before he makes the report now submitted—I wrote him a letter, in which I corrected his assumption that my statements had the dignity and importance of a report. This is the letter:

You have evidently misunderstood the matter. It was not a report of the committee, except in so far as the resolution as to Strang was a report. The matter in which you seem to be interested was simply a statement of mine, as will be seen by reading it, for which I am responsible individually. When you say that you can hardly believe it a deliberate report of the Committee on Naval Affairs, you make rather peculiar language. There are no statements which are extraordinary that are not placed under proper conditions. I have a great many statements, upon which my statement was made. You shall have them at the proper time. I would like very much to see your answer to the resolution, and I will see whether it is worth while to go on with the business. I will send some gentlemen who are interested in this hazing business to you, if they come along.

This letter was sent to the Secretary. If he never received it my remarks will lose much of their cogency. But is it not strange that three days after I thus told the Secretary that my statement was no report of the committee, he sends us this answer in which he perversely

insists all the way through that it is the report of the committee, and this after knowing to the contrary?

This report is intended in great part as an arraignment of the committee, if not of Congress, for their presumption in not first consulting the honorable Secretary, and, secondly, in not believing that the institution is absolutely immaculate.

The criticism I make on this report is that it pretends—

First. To criticise a member's remarks as a report of a committee when he knew the statement to be otherwise than such report. Hence it does not deserve much courtesy.

Second. That he assumes that certain references and quotations from a newspaper, the Hartford Courant (General HAWLEY's journal), in my remarks, were made by the committee.

The third and fourth specifications, which the honorable Secretary himself makes in his own way, were not in my remarks except as quotations. The expression "great many young ruffians" is from the newspaper. The statement as to the mock religious meetings, &c., where piety was ridiculed, was from the same source, as changed by the Secretary somewhat.

I desire, also, liberty to state, in response to the elaborate remarks of the honorable Secretary, as to a Mr. Moeller, that, so far as I know, he did not instigate the resolution. I do not know him. The papers upon which the resolution of inquiry was founded were sent to me by an excellent citizen of German descent—an ex-member of Congress. Whatever claim this gentleman, Mr. Moeller, may present as the author of this investigation in the future may redound to his credit. Any remarks on his motives are neither responsive to the resolution of inquiry nor proper to be considered in connection with the discipline and value of the academy.

It is my impression, sir, that all inquiries of the Department or academy as to the death of young Strang were not fully answered, if answered at all. But if they were, it does not follow that Congress should not make inquiry in a matter concerning one of our own institutions.

In other respects the honorable Secretary undertakes to do something more than respond to the resolution; but, as in all such cases, there is sure to be discrepancies, if not confession. In one of his statements he says that there is "no just foundation for such grave public condemnation" of the academy such as he had rehearsed, including hazing; and he further says, on the same page, that there have been no "diabolical cases of hazing;" and then confesses "that every offense of hazing or annoying cadets that has come to the knowledge of the authorities during the past three years has been promptly punished, and thirteen cadets have been dismissed for this offense during the past two years."

Gentlemen will thus see that I made all my statements conditional as to the truth of the allegations. I refrained from assuming that the statements were true. They were statements on which to found an investigation as to their truth. Of course, Mr. Speaker, I can not throw any reproach on the academy, unless to improve the institution by closer scrutiny.

We have heard and I believe that cadets have been compelled to eat soap, to drink ink, suffer indignities of many kinds, and even compelled to mock at their religion. No one has been able to stop it altogether. It should be stopped absolutely. I think any man of skill, firmness, and discipline might stop it.

The other day we noticed in the public prints that a cadet was dismissed for getting drunk in this city and attempting to shoot another cadet. I think that occurrence or the dismissal was after my resolution of inquiry came to the House. Perhaps we have done some good. Let us prosecute the inquiry until we succeed in getting at the facts and getting rid of the evils of hazing. Thus we may make the Naval Academy an institution fit in its highest sense for the education of our ambitious young men.

[Here the hammer fell.]

Mr. GOFF rose.

Mr. THOMAS. I will yield to the gentleman from West Virginia for two minutes and a half.

Mr. GOFF. Mr. Chairman, the committee, or at least this member of the Committee on Naval Affairs, desires it understood that the report or statement, call it what you please, made by the chairman of the committee, so far as it is considered by any one to be a statement of the facts in the Strang case, was not so reported by the Committee on Naval Affairs. It seems to me, in justice to the Secretary of the Navy, that the statement now made by the chairman of that committee, if it had been made in open House at or after the time he wrote the Secretary, as stated by him, and made part of the RECORD, why then it would have obviated that portion of the reply of the Secretary of the Navy to which the gentleman from New York takes exception. I call the attention of the House to this language, as reported on page 605 of the RECORD:

Mr. COX, of New York. Mr. Speaker, I ask by unanimous consent to print in the RECORD the report of the Committee on Naval Affairs on this subject, as it contains a statement of the facts.

Then follows the statement which the Secretary of the Navy explains and alludes to in the reply now laid before us, and which the chairman of the Committee on Naval Affairs now states was not intended as a report but as his individual statement. I say it necessarily followed, when it was so printed in the RECORD, that which the distinguished chairman of the committee now states he intended as his personal language, it did and has gone before the country as the statement of the Committee on Naval Affairs and as a statement of facts when it was not so intended by the committee nor its chairman.

Mr. COX, of New York. I wrote to the Secretary three days before that it was my personal language.

Mr. GOFF. That was a private letter to the Secretary and did not go before the country.

Mr. COX, of New York. But the Secretary knew it.

Mr. GOFF. But the RECORD was not corrected, and has gone to the country that these diabolical acts have been committed at the Naval Academy, when in fact the committee has made no such report as my friend has stated.

Mr. COX, of New York. The RECORD shows that it was only my personal statement.

Mr. GOFF. I have only two and a half minutes.

Mr. COX, of New York. I will not interrupt you further.

The SPEAKER. The gentleman's two and a half minutes have expired.

Mr. THOMAS. Mr. Speaker, I regret that so little time is allowed, and I specially regret that I am not able to yield further to the gentleman from West Virginia, my colleague on the Committee on Naval Affairs. I only demanded a hearing in order that the facts in this case might come out in connection with the Secretary's letter or report, which is based upon a false hypothesis.

The resolution reported by the Committee on Naval Affairs and adopted by the House of Representatives was considered by the committee. It was adopted by the House in conformity with the recommendations of the Committee on Naval Affairs. The statement which follows, and which purports in the RECORD to be a report from the Committee on Naval Affairs, is, as the chairman has stated, an error.

As to whether these charges are true or false I can not say, as they have never been investigated by the committee at all. There were certain facts brought to the attention of the committee by the chairman which justified us, we thought at the time, in reporting a resolution of inquiry, and it was accordingly done.

In order that I may be placed right as a member of the committee, and straight before the House and the world, I make this statement: This was not the report of the committee, and our chairman, recognizing that it was a misprint, very frankly stated to the Secretary in his letter of the 8th instant, as well as to the committee, that it was an error; that it was a statement of his own, for which he was himself responsible.

The question has never been considered by the Committee on Naval Affairs as to whether the statements in this statement are true or false. As I have said before, there was nothing before us to justify us in making any such report. I hope, with the chairman, upon the representations we have before us, that this House will not hesitate to probe this matter to its very depths, and that the sunlight of truth may shine in upon it; for I am as convinced as I am that I live that hazing goes on in that institution in every imaginable degree—from the mildest type to what may be denominated simply as diabolical. [Applause.]

ORDER OF BUSINESS.

Mr. TUCKER. I now call up the regular order.

Mr. WASHBURN. I will inquire if this resolution is to be printed in the RECORD?

The SPEAKER. It will be printed as a document, and referred to the Committee on Naval Affairs.

Does the gentleman from Virginia call for the regular order or the special order?

Mr. TUCKER. I call for the special order assigning this day to the Committee on the Judiciary.

The SPEAKER. The order of the House will be read.

The Clerk read as follows:

IN THE HOUSE, *January 7, 1875.*

Resolved, That Tuesday, January 13, be assigned to the Committee on the Judiciary for the consideration of such business as may be presented by said committee; this order not to interfere with the consideration of general appropriation and revenue bills, and the special order adopted January 21 last, relating to reports from the Committee on Public Lands; and in case this order shall be interfered with on that day, it shall be continued in force until one day thereafter has been occupied by the Committee on the Judiciary.

A. B. MONTGOMERY.

Mr. TUCKER. I yield to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, the first bill which the Committee on the Judiciary presents is the bill (H. R. 7584) for the relief of A. B. Montgomery.

The SPEAKER. That bill is in the Committee of the Whole House on the Private Calendar.

Mr. HAMMOND. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of this bill, and that it be considered in the House at this time.

Mr. HOLMAN. Let the bill be reported.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7584) for the relief of A. B. Montgomery.

Mr. HATCH, of Missouri. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HATCH, of Missouri. I make the point of order that the first business in order under this special order of the House is the unfinished business of the Committee on the Judiciary coming over from a former day, which is also the first bill on the House Calendar. That bill has been under consideration in the House. It is the bill relating to the redistricting of the State of Missouri, or the dividing of the districts of the State into several divisions.

The SPEAKER. The bill to which the gentleman from Missouri refers was left as unfinished business at the close of the business to which it belonged—that is, the business on the House Calendar. But on the 7th day of this month the House, on motion of the gentleman from Virginia, made the special order which has just been read, an order which provides that this day, January 13, shall be assigned to the Committee on the Judiciary for the consideration of such business as may be presented by said committee, thereby changing the regular order of business in the House by placing it in the power of the committee to indicate such bills as it chooses to call up.

Mr. HATCH, of Missouri. I desire to call the attention of the Chair to the fact, however, that when the bill in question was under consideration before the House it was under a special order similar to the one now in operation, and was called up by the Committee on the Judiciary. The bill was being considered by the House when we adjourned on that day, and was left as unfinished business.

The SPEAKER. That was an order fixing a certain specified day for the consideration of such business as the Committee on the Judiciary might choose to present, but did not extend beyond that day.

Mr. HATCH, of Missouri. Yes; similar to the order under which the committee now calls up the bill before us.

The SPEAKER. The committee presented that bill at the time referred to by the gentleman from Missouri under the order then being executed. But it will be observed that that order simply fixed a particular day for the consideration of bills reported from that committee, and did not continue from day to day, or to another day, it not being a continuing order. Of course, when that day expired all such business expired with it; and the House has now made a new order giving the control of this day to the Committee on the Judiciary for the presentation of such business as it may choose to present. That has been the ruling of the Chair heretofore on similar occasions, and the Chair sees no reason to modify it now.

Mr. HATCH, of Missouri. In connection with the present order, then, I desire to state that several of my colleagues and myself have been under the impression clearly that this bill, the unfinished business, and the first bill reported from the Committee on the Judiciary, as well as the first bill on the House Calendar, would be first called up by the committee to-day under this special order. We have so understood the special order. It was so understood by us when it passed the House by unanimous consent.

The SPEAKER. The gentleman from Georgia asks unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill which the Clerk will now read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed upon A. B. Montgomery, a citizen of Georgia, by the fourteenth article of amendments to the Constitution of the United States, be, and the same are hereby, removed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the bill was taken from the Private Calendar, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds voting in favor thereof).

WILLIAM GARDNER.

Mr. HAMMOND. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 7585) for the relief of William Gardner, and put the same upon its passage.

The bill was read, and is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed upon William M. Gardner, a citizen of the State of Georgia, by the fourteenth article of amendments to the Constitution of the United States, be, and the same are hereby, removed.

Amend the title so as to read: "A bill for the relief of William M. Gardner."

The SPEAKER. Is there objection to the request of the gentleman from Georgia to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill which has just been read?

There was no objection.

Mr. HAMMOND. Before this bill is ordered to be engrossed and read the third time, I wish to state that the committee are not certain as to the name being "William." The initials are "W. M.," and therefore I move to amend the bill by striking out the word "William" and inserting "W.;" so that it will read "W. M. Gardner."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

The title was amended to conform to the text of the bill.

REMOVAL OF ACTIONS IN STATE COURTS.

Mr. HAMMOND. I am instructed by the Committee on the Judiciary to call up the bill (H. R. 4409) to amend section 643 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 643 of the Revised Statutes of the United States be amended by inserting therein after the word "void," in the fourth sentence thereof, the following:

"*Provided, however*, That when any criminal prosecution shall be removed from a State court to a United States court before a presentment by a grand jury or indictment shall have been made and filed against the defendants in the State court, it shall be lawful for the State court to proceed in such case so far as to have such presentment or indictment made and filed in said State court; and after the same is so made and filed the clerk of the United States court shall issue a writ of certiorari to the State court for like purposes and with like effect as if the case had been so removed after such presentment or indictment was made and filed in such State court."

Mr. HAMMOND. I call for the reading of the report.

The Clerk commenced to read the report.

Mr. HAMMOND. It has been suggested that perhaps the reading of the report is unnecessary, and I do not wish to consume time. I ask that it be printed in the RECORD as the reason for the unanimous recommendation of the Judiciary Committee.

Mr. HENDERSON, of Iowa. Is the report unanimous?

Mr. HAMMOND. It is the unanimous report of the whole committee.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the report be printed in the RECORD.

There was no objection.

The report is as follows:

The Committee on the Judiciary, having had the subject under consideration, submit the following report:

Section 643 of the Revised Statutes of the United States has for its basis the act of March 2, 1833, "An act further to provide for the collection of duties on imports" (U. S. Stat., vol. 4, p. 632). It provided for the removal of actions in State courts against revenue officers on petition, &c., of defendant to circuit court. It declared that when the required proceedings had been had by filing affidavit, &c., "thereupon it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit or prosecution, upon delivery of such process (from the United States court) or leaving the same as aforesaid, shall be deemed and taken to be removed to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null and void."

By acts of July 13, 1866 (U. S. Stat., vol. 14, p. 171), February 28, 1871 (U. S. Stat., vol. 16, p. 438), and March 3, 1875 (U. S. Stat., vol. 18, p. 401), the act was so amended that the law now covers "removal of suits and prosecutions against revenue officers and officers acting under registration laws."

The language of the act of 1833 above quoted is still the language of section 643. The bill under consideration proposes after said sentence to add these words:

"*Provided, however*, That when any criminal prosecution shall be removed from a State court to a United States court before a presentment by a grand jury or indictment shall have been made and filed against the defendants in the State court, it shall be lawful for the State courts to proceed in such case so far as to have such presentment or indictment made and filed in said State; and after the same is so made and filed the clerk of the United States court shall issue a writ of certiorari to the State court for like purposes and with like effect as if the case had been so removed after such presentment or indictment was made and filed in such State court."

The judges of the United States courts have differed as to the construction of the clause of the act of 1833, and section 643, above quoted. Some have held that no removal could be had under the same until there was a case made by presentment or indictment and its filing in the office of clerk of a court of record, upon whom service could be made, and who could certify and send up such record.

On the other hand, it has been held that a removal may be had when naught had been done by the State authorities except the issuance of a warrant for arrest by some committing magistrate. In many States these magistrates have no clerk, and keep no record.

If that trouble be out of the way when a removal occurs at that stage of affairs, the State courts are enjoined from further proceedings, and the case is between the two jurisdictions suspended.

Who shall draw the indictment in the United States court? The United States attorney then is, by the statute, made the defendants' counsel. Can the grand jury of the United States court find a presentment or true bill for a State offense? That would seem to require express grant of authority, at least.

If the United States grand jury can so act it is more expensive to take witnesses to them than to the courts of the State and county in which the crime is alleged to have been committed, and let them determine whether the defendants should be put upon trial. Without deciding which of the two constructions of the act is correct, it seeming sufficient that the offered protection of the United States should attach only after formal and more serious charge of a crime, we recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. PEMBROKE JONES.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring), That the political disabilities of J. Pembroke Jones, of Virginia, incurred under the fourteenth amendment of the Constitution of the United States, be, and the same are hereby, removed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

CALIFORNIA JUDICIAL DISTRICTS.

Mr. TUCKER. I call up from the House Calendar the bill (H. R. 1808) to detach certain counties from the United States judicial district of California, and create the United States judicial district of Southern California; and yield to the gentleman from Missouri [Mr. BROADHEAD] who reported the bill.

The bill was read, as follows:

Be it enacted, &c., That all that portion of the State of California now comprised in the counties of San Diego, Los Angeles, San Bernardino, Ventura, San Luis Obispo, Santa Barbara, and Kern is hereby detached from the United States judicial district of California and made a separate judicial district, called the United States judicial district of Southern California.

SEC. 2. That the regular terms of the circuit and district courts of the United States shall be held at Los Angeles, in said district of Southern California, beginning on the first Monday in April, the second Monday in August, and the first Monday in December in each year.

SEC. 3. That the district of California shall hereafter consist of all of the counties of said State not named in this act, and shall hereafter be called the district of Northern California; and the circuit and district courts shall be held therein as follows: Beginning on the first Monday in April, the second Monday in August, and the first Monday of December in each year, at San Francisco.

SEC. 4. That the circuit or district court for either of said districts may, in its discretion, order special terms, and order a grand or petit jury, or both, to attend the same, by an order to be entered of record twenty days before the day at which said special term shall be ordered to convene; and said courts, respectively, at such special terms shall have all the powers that they have at a regular term appointed by law: *Provided, however*, That no special term of said circuit court for either district shall be appointed except by and with the concurrence and consent of the circuit judge.

SEC. 5. That all suits and other proceedings of every kind and nature now pending in the circuit or district court of the United States for the district of California shall be tried and disposed of in the circuit and district courts, respectively, for said district of Northern California as the same would have been if this act had not been passed, and for that purpose jurisdiction is reserved to said courts in the said district of Northern California; and the clerks of the circuit and district courts of the present district of California shall retain the records and files of said courts at the city of San Francisco, and do and perform all the duties appertaining to the said offices, respectively, within said northern district, except as hereinafter provided; and all process returnable to or proceedings noticed for any term of the present circuit or district court of California shall be deemed returnable to the next term of said courts, respectively, in the said northern district as fixed by this act.

SEC. 6. That upon application of any party to any suit or proceeding now pending in the present circuit or district court of the present district of California which would have been commenced in the proper court for the district of Southern California if this act had been in force at the time of the commencement thereof, the proper court shall order that the same be removed for further proceedings to the proper court for said southern district; and thereupon the clerk shall transmit certified copies of all the papers and of all orders made therein to the clerk of the court to which such suit or proceeding shall be removed, and all other proceedings shall be had in said court to which the same shall be removed, as if said suit or proceeding had originally been commenced therein.

SEC. 7. That the passage of this act shall not have the effect to destroy or impair the lien of any judgment or decree rendered in the circuit or district court of the United States for the present district of California prior to this act taking effect; and final process on any judgment or decree entered in the circuit or district court of the United States for the district of California, or which shall be entered therein prior to this act taking effect, and all other process for the enforcement of any order of said courts, respectively, in any cause or proceeding now pending therein, except causes or proceedings removed as herein provided, shall be issued and made returnable to the proper court for the said district of Northern California, and may be directed to and executed by the marshal of the United States for the said northern district in any part of the State of California.

SEC. 8. That there shall be appointed a district judge for said district of Southern California, who shall reside therein, and who shall receive an annual salary of $5,000, payable quarterly from the Treasury; and there shall also be appointed a marshal and a district attorney of the United States for said district of Southern California, who shall respectively receive such fees and compensation and exercise such powers and duties as are now fixed and enjoined by law.

SEC. 9. That the circuit and district judges of said district of Southern California shall appoint two clerks, each of whom shall be clerks of both the circuit and district courts for said southern district, who shall reside and keep their office at Los Angeles, in said district, and who shall receive such fees and compensation for services performed by them, respectively, as are now fixed by law.

SEC. 10. That either of the clerks of the circuit and district courts for said district of Southern California is hereby authorized, under the direction of the district judge of said southern district, to make transcripts of any of the records, files, or papers of the district and circuit courts of the United States remaining in the office of the clerks of the present district of California, and of all matters and proceedings which relate to or concern liens upon or titles to real estate situated in said southern district, and for that purpose shall have access to said records in the office of said clerks in the district of California; and such transcripts, when so made by either of said clerks, shall be certified to be true and correct by the clerk making the same, and the same, when so made and certified, shall be evidence in all courts and places equally with said originals.

SEC. 11. That nothing in this act shall in any manner affect the tenure of office of the judge, marshal, district attorney, or other officers of the present district of California, who shall respectively be entitled to the same salaries, fees, and emoluments now received by them.

Mr. BROADHEAD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 2 as follows: Strike out the words "circuit and" where they occur in the first line of said section and add the following at the end of said section:

"And the regular terms of the circuit court for said district of Southern California shall be held at Los Angeles, beginning on the first Monday of May, the second Monday of July, and the first Monday of November of each year."

The amendment was agreed to.

Mr. BROADHEAD. I offer also another amendment, which I send to the desk.

The Clerk read as follows:

Amend section 3 as follows: Strike out the words "circuit and" in the fourth line of said section.

The amendment was agreed to.

Mr. BROADHEAD. I propose also another amendment.

The Clerk read as follows:

Amend by adding the following section:

"This act shall take effect on the 1st day of June, A. D. 1885."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROADHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECURITY IN WRITS OF ERROR.

Mr. TUCKER. I call up the bill (H. R. 3714) and yield to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. I ask for the present consideration of the bill (H. R. 3714) to amend section 1000 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 1000 of the Revised Statutes of the United States of America be amended so as to read as follows:

"SEC. 1000. Every justice or judge signing a citation on any writ of error shall, except in cases brought up by the United States, or by direction of any Department of the Government, take good and sufficient security that the plaintiff in error or the appellant shall prosecute his writ or appeal to effect, and, if he fail to make his plea good, shall answer all damages and costs where the writ is a supersedeas and stays execution, or all costs only where it is not a supersedeas as aforesaid. But the security shall not be approved by any such justice or judge except upon reasonable notice to the adverse party, nor until the sureties thereon, if excepted to, have justified in such manner as the rules of the court shall provide, or if no provision therefor is made by such rules, as the justice or judge may direct."

The committee recommended the following amendment:

In line 16, after the words "adverse party," insert the words "or his attorney."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSHEIMER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL INCORPORATION ACTS OF TERRITORIES.

Mr. TUCKER. I call up the bill (H. R. 3058) and yield the floor to the gentleman from Ohio [Mr. SENEY].

Mr. SENEY. I am directed by the Committee on the Judiciary to call up the bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories.

The bill was read, as follows:

Be it enacted, &c., That section 1889 of chapter 1, title 23, of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1889. The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, or other industrial pursuits, or the construction and operation of railroads, wagon-roads, canals, or irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association."

Mr. MAGINNIS. I suggest to the gentleman from Ohio that the word "banking" should be inserted.

Mr. SENEY. The gentleman can offer that as an amendment.

Mr. MAGINNIS. I ask the Clerk to read my amendment.

The Clerk read as follows:

In line 10, after the word "mining," insert the word "banking."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS OF COURT IN NORTH CAROLINA.

Mr. TUCKER. I call up the bill (H. R. 6076) and yield to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. I call up the bill (H. R. 6076) to authorize terms of the circuit court of the United States for the eastern district of the State of North Carolina, at the city of Wilmington, in said district.

The bill was read, as follows:

Be it enacted, &c., That terms of the circuit court of the United States for the eastern judicial district of the State of North Carolina shall be held at the city of Wilmington, in said district, at the times now fixed by law for holding the terms of the district court of the United States at said place.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES OF CLERKS UNITED STATES COURTS.

Mr. EZRA B. TAYLOR. I call up House bill No. 2576, reported by the committee with an amendment, being a bill to repeal section 840 of the Revised Statutes of the United States.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, &c., That section No. 840 of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 2. That so much of section 839 of the Revised Statutes of the United States as is contained in the words "except as provided in the next section," in lines 2 and 3 of said section, be, and the same is hereby, repealed.

Mr. EZRA B. TAYLOR. In order to explain the object of this bill, I call for the reading of the very brief report which accompanies it.

The Clerk read the report (by Mr. EZRA B. TAYLOR), as follows:

That section 840 of the Revised Statutes of the United States, sought to be repealed by this bill, was enacted in 1853, and provided that the clerks of the several circuit and district courts in California, Oregon, and Nevada should be entitled to charge and receive double the fees allowed to clerks by general law, not to exceed $7,000 per year.

While your committee are aware that reasons may have existed formerly for the passage and continuance of this law, they are of the opinion that they are no longer operative, and that said section ought to be repealed.

The repeal of section 840 requires a modification of section 839 of the Revised Statutes by striking out the words "except as provided in the next section," in lines 2 and 3 of said section 839, and therefore they report an amendment to that effect.

The committee recommend the passage of the bill so amended.

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). The question is upon agreeing to the amendment proposed by the committee, which is the second section of the bill as reported.

The amendment was agreed to.

Mr. EZRA B. TAYLOR. I move to amend the title by adding the words "and a portion of section 839."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIMITATION OF TIME FOR PRESENTATION OF CLAIMS.

Mr. TUCKER. I call up House bill No. 5849, limiting the time for the presentation and payment of claims against the United States.

The bill has been reported with amendments.

The bill was read, as follows:

Be it enacted, &c., That all claims for back pay or bounty due to officers, soldiers, or to any other person, for services in the late civil war, or any previous war, shall be presented to the accounting officers of the Treasury Department, or other proper tribunal, for adjustment or payment, within two years after the passage of this act, and all other existing claims against the United States, excepting claims for pension, shall be presented within six years from the passage of this act; and all claims against the United States originating hereafter shall be presented, within six years from the time they originate, to the accounting officers of the Treasury Department, or other proper tribunal, for settlement and payment. No claim shall be acted upon or paid unless presented within the time herein named. In computing the years of limitation herein fixed no time shall be included when the person entitled to present the claim shall be a lunatic, a minor, or under any other legal disability: *Provided*, That the claims herein mentioned shall not be construed to include the accounts of paymasters or disbursing officers, or other persons disbursing money or accountable to the United States for property.

The amendment reported by the committee was read, as follows:

In line 7, strike out "two" and insert "three."

Mr. KEIFER. I do not rise to discuss this bill, but simply to make an inquiry as to what is to be its effect—whether it is to revive claims of any kind which are already barred by the statute of limitations.

Mr. TUCKER. I do not think it will have that effect. I will say to the gentleman from Ohio that the bill was drawn by an eminent officer of the Treasury Department upon the suggestion that it would give important aid in disposing of a large number of claims. The purpose of the bill is to make a limitation upon the officers of the Department. The bill makes the limit three years in certain cases and in other cases six years, and, according to the view of the gentleman who drew the bill, it will have no such effect as that feared by the gentleman from Ohio.

Mr. KEIFER. No doubt the gentlemen of the committee have looked into this question; but I think it is very important that we should not enact any law which will revive claims already barred. We all know that there is a large class of cases that have been barred for years by the statute of limitations, although I am not able to describe or specify them distinctly at this moment.

Mr. MOULTON. This bill removes no limitation whatever.

Mr. KEIFER. Then ought there not to be a provision in the bill, in clear and precise language, to the effect that nothing herein contained shall revive any claims that are now barred by the statute of limitations? I wish that such a provision could be inserted in the bill before it is passed.

Mr. HISCOCK. I desire to make this suggestion to the gentleman from Virginia, and the bill has been drawn with reference to the facts that I am about to state. Under legislation heretofore enacted the Treasury Department has been authorized to audit claims up to a certain period of time, where there were unexpended balances of appropriations to pay those claims which had been covered into the Treasury. That period of time has expired, unless it has been extended by some legislation of which I am unaware. The question then is whether the effect of this bill will not be to give the auditing officers power to pass upon and audit bills or claims as to which they have no such power to-day? The gentleman from Virginia must remember that in the Forty-fifth Congress, I think, a bill was passed, or an amendment was adopted upon an appropriation bill, which continued up to a certain period of time the power to audit claims for the payment of which unexpended balances had been covered into the Treasury, and I think that a subsequent Congress extended the time.

Mr. KEIFER. Is not the gentleman mistaken?

Mr. HISCOCK. The power was to audit claims, and those claims were to be reported to Congress. None of them can be paid by the Treasury Department, the unexpended balances having been covered into the Treasury. I am not mistaken about it.

Mr. TUCKER. I do not think, Mr. Speaker, that this act in its terms covers any cases of that character. I do not think it would cover any application to Congress, but only applications to the Department. Claims heretofore presented do not come within the terms of this act. It provides that "all claims against the United States originating hereafter shall be presented within six years from the time they originate to the accounting officers of the Treasury Department, or other proper tribunal, for settlement and payment."

Mr. KEIFER. Then, according to the statement of the gentleman from Virginia, this is to open the Department for the presentation of claims that have not been presented, and that have been barred from presentation long ago. That, I presume, is not the intention of the draughtsman of this bill or of the committee, and I am only seeking to have a provision put in the bill that will prevent the opening up of those old claims, many of which have not been presented. I do not understand, of course, that this bill undertakes to fix any limitation upon the Congress of the United States, for I have time and again denied that one Congress can by law fix a limitation against the presentation of claims to a succeeding Congress. In other words, I have held that the right of petition which is given by the Constitution to every citizen continues from Congress to Congress, and that each Congress as it assembles has the right, within the limits of the Constitution, to grant whatever relief it pleases.

Mr. TUCKER. Would it meet the objection of the gentleman if we should insert the words: "And all other existing claims not already barred?"

Mr. KEIFER. Yes; that would cover my main objection, I think.

Mr. TUCKER. I have no objection to making that amendment.

Mr. KEIFER. I would prefer, however, that it should be put in such a form as to provide that this act shall not have the effect to revive any claims now barred by the statute of limitations.

Mr. HISCOCK. But the point that I make—and I believe I am right in it—is this: that there is now no warrant for the auditing of any claims whatever of the character indicated by this bill, unless they have been already presented to Congress.

Mr. POLAND. This does not give any such right.

Mr. HISCOCK. I beg your pardon. This bill will probably be construed to mean that claims can be presented at any time within three years. I desire a distinct understanding on the part of the committee as to the effect of the bill. The period of time within which those claims could be presented has already expired, and the point I desire to call to the gentleman's attention is that this bill which he presses here will have the effect to extend that period.

Mr. TUCKER. The amendment which I have suggested meets that point.

Mr. HISCOCK. The question is whether you want to give claimants that chance.

Mr. TUCKER. We do not. I send to the Clerk's desk a proviso which I offer by way of amendment.

Mr. HISCOCK. The gentleman from Virginia will appreciate the point I make, that the period has expired within which any of these claims can be presented——

Mr. LONG. What claims?

Mr. HISCOCK. Claims for bounty and back pay, and claims of that class; and that this bill revives them.

Mr. MOULTON. I do not think the bill admits of any such construc-

tion; but the amendment which the gentleman from Virginia has just sent up will obviate that difficulty at any rate.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That nothing herein contained shall be construed to revive any claim now barred by the statute of limitations."

Mr. KEIFER. I certainly have no objection to that.

Mr. HISCOCK. I will ask the gentleman from Virginia this question: If it is true that these claims are barred to-day, do you wish to revive the right to present them to the Department?

Mr. TUCKER. Of course if they are barred to-day this proviso will prevent their being revived.

Mr. HISCOCK. They are not barred by any statute of limitations, but the power of the Treasury Department to receive and audit them has expired.

Mr. TUCKER. If the Department has no power to audit the claims, of course the question is *coram non judice*.

Mr. HISCOCK. Now some claims of this character were audited and allowed by the First Comptroller; but under section 4 of the act of 1878 there is now no power of the Department to receive and audit such claims. In my opinion, the effect of this bill will be to give the Department power to receive and audit them.

Mr. POLAND. The proviso cuts that off.

Mr. HISCOCK. I have sent for the act of 1878, and will read it in a moment.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment offered by the gentleman from Virginia [Mr. TUCKER] to come in as a proviso at the end of the bill.

The amendment was agreed to.

Mr. HISCOCK. Now, Mr. Speaker, there is a class of claims from the Quartermaster's Department which will be covered by this bill—claims of a character which have heretofore been allowed by the Second Comptroller. Under section 4 of the act approved June 14, 1878, the time has expired within which these claims can be received and audited. We are now asked to extend that time.

Mr. POLAND. Not at all. This proviso cuts them off.

Mr. HISCOCK. I read section 4 of the act of June 14, 1878:

That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed. And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said section, that may be brought before them within a period of five years. And the Secretary of the Treasury will report the amount due each claimant at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has once been examined and rejected unless reopened in accordance with existing law.

Now, the point I make is that this bill will extend the period which has expired for the presentation of these claims. A gentleman asks me why the proposition submitted, upon the suggestion of the gentleman from Ohio, does not meet this point? That is merely a limitation of the right of action; but we are not dealing with claims which can be sued upon. This is a mere question of audit.

Mr. TUCKER. The statute of limitations applies to auditing.

Mr. HISCOCK. I beg the gentleman's pardon. Now, the provision I have just read covers claims contemplated by this bill. The bill provides that—

All claims for back pay or bounty due to officers, soldiers, or to other persons for services in the late civil war or any previous war shall be presented to the accounting officers of the Treasury Department or other proper tribunal for adjustment and payment within two years after the passage of this act.

Now, I say the period of five years originally allowed having expired, you propose to extend it for two, or, as the amendment of the committee proposes, three years. I want the House to know precisely what it is doing. The gentleman from Virginia has now added to the bill a proviso to the effect that nothing in this act shall revive any claim now barred under existing law. This proviso refers to the bar of the statute of limitations. But the question is as to the right of presentation and auditing at the Department, and it will be found that under this bill parties will continue to bring in such claims as those to which I have referred. I wish to have it distinctly understood what is being done. I really thought the gentleman from Virginia was not aware of the section of the statutes which I have read. My friend from Georgia [Mr. BLOUNT] understands this question fully, I have no doubt.

Mr. BROWNE, of Indiana. I do not understand this section 4 which has been read by the gentleman from New York contains any limitation at all. The first part provides that so much of section 5 of the act approved June 30, 1874, as directs the Secretary of the Treasury at the beginning of each session of Congress to report with his annual estimates any balances of appropriations for specific objects affected by said section which may need to be appropriated be, and is hereby, repealed. That is the first clause of the section. It simply provides that this shall not be any longer in the annual report of the officer. It then proceeds: "And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of the claims under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said section as may be brought before them within a period of five years." The second clause simply provides——

Mr. HISCOCK. Let me say to the gentleman from Indiana, if he appreciates my point it is this: That five years has expired. This bill extends it two years more.

Mr. BROWNE, of Indiana. Now, the five years only applies to this character of claims. It only applies to the duty of the Secretary of the Treasury to continue to receive, examine, and consider certain claims under appropriations which have been exhausted.

Mr. HISCOCK. Well, go on.

Mr. BROWNE, of Indiana. The balances of which have been exhausted or carried to the surplus fund, under the provision of said section, as may be brought before them within the period of five years.

Mr. HISCOCK. What I say is this, that the claims indicated in this bill are covered by that description, every one of them.

Mr. BROWNE, of Indiana. I do not so understand it. It does nothing more than prescribe the time within which the Secretary of the Treasury may perform with reference to a certain specific class of claims a certain duty; that is all. It does not prohibit the payment subsequently to five years of a claim against the United States. It contains no limitation whatever against the liability of the Government for the payment of this class of claims, but it does limit the time within which the Secretary of the Treasury may perform with reference to them a particular duty.

Mr. HISCOCK. I think you will find a further fact in reference to this, that Secretary Folger made a report to Congress in which he recommended that this extension should be made for twelve months. This bill makes it for a much longer period of time. In the report which he submitted he indicated the language to be employed. I believe he submitted the provision himself, and he surrounded it with every safeguard and restriction. That provision was put on the deficiency bill by the Appropriations Committee, but it was stricken off in the Senate, they refusing to extend it at all. The present Secretary, Mr. McCulloch, you will find in his report in reference to that recommendation of his predecessor, approves of it, but he does not go to the extent of this bill.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JACKSON moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN RESERVATION IN YELLOWSTONE PARK.

Mr. TUCKER called up from the House Calendar a bill (H. R. 6404) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park.

The bill was read, as follows:

Be it enacted, &c., That the provisions of the laws now in force relating to the Territorial courts of any of the United States Territories shall be so construed as to authorize the execution and service of any process, civil or criminal, issued out of or by any of said courts, by the officer or person to whom the same may be addressed, within any military or Indian reservation or within the Yellowstone National Park: *Provided*, That such reservation or park is situated within the exterior limits or bounds of the county or district over which said court has jurisdiction; and when said process, civil or criminal, is executed or served, it shall be with like effect as though such reservation or park was a part of the county or district within which such process is served.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPEALS FROM SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. POLAND called up from the House Calendar a bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories.

The bill was read, as follows:

Be it enacted, &c., That no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the Territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of $5,000.

SEC. 2. That the preceding section shall not apply to any case wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of or an authority exercised under the United States, but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute.

Mr. POLAND. I call for the reading of the report accompanying that bill.

The report (by Mr. POLAND) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 6220) to regulate appeals from the supreme court of the District of Columbia, and from the supreme courts of the several Territories, have considered the same and recommend the passage of the same.

The committee deem it advisable to state the existing condition of the statutes governing appeals from said courts to the Supreme Court of the United States.

Appeals and writs of error are now allowed from the supreme court of the District of Columbia in cases where the matter in dispute, exclusive of costs, exceeds the sum of $2,500. (20 Statutes at Large, 320.)

From the final decisions of the supreme court of the Territory of Washington appeals and writs of error are allowed when the amount in controversy exceeds the sum of $2,000. (Revised Statutes, section 702.)

From the final decision of the supreme court in each of the other Territories an appeal or writ of error lies when the amount in controversy exceeds $1,000. (Revised Statutes, section 702.)

All cases involving the validity of patent rights or copyrights in any of said courts may be taken to the Supreme Court of the United States without regard to the amount involved. (Revised Statutes, section 699.)

Any judgment or decree of the supreme court of the Territory of Washington, wherein the "Constitution, or a statute, or treaty of the United States is brought in question," may be reviewed by appeal or writ of error. (Revised Statutes, section 702.)

This provision does not apply to the courts of the other Territories or of the District of Columbia.

No case can now be taken by appeal or writ of error from a circuit court of the United States to the Supreme Court (except where certain special questions are involved) unless the matter in dispute exceeds the sum of $5,000. (18 Statutes at Large, 315.)

In the judgment of the committee there is neither necessity nor propriety for this disparity in the right of appeal from the highest local tribunals.

Cases in the circuit court are tried before the circuit and district judge, and may be, and very often are, tried before a single judge, without right of appeal or review, except by the same court.

In the District of Columbia and the Territories their judicial systems are substantially the same as those in the several States; the cases are tried before a single judge sitting at *nisi prius*, with or without a jury, as the parties agree, and all questions of law raised upon the trial are heard and determined by a full court after argument at a law term.

There is no apparent reason why parties who have had an opportunity to have all questions of law involved in their cases deliberately determined by an appellate court should be allowed an appeal in a smaller class of cases than parties in the circuit courts who have no opportunity of review by another distinct tribunal.

It may be that the judges holding the circuit courts are as a rule more experienced and learned judges than the judges of the Territories, but if there be this difference the committee believe it is more than compensated by the advantage of a deliberate review by another court.

The committee do not feel that great evils would arise if the jurisdiction of the highest courts of the District and Territories were made final to the same extent as the courts of the several States, and that appeals and writs of error should be allowed only in cases where Federal questions are involved. But this would produce a change so great and radical as very likely would arouse opposition.

The committee therefore content themselves with reporting the bill as introduced, making the right of appeal uniform from all the courts which seem to stand upon the same legal basis, and to make that uniform with the right of appeal from the circuit courts.

It is well known that the business of the Supreme Court is now largely in arrear, and beyond the power of that court to accomplish, and that the evil is steadily growing.

For years efforts have been made in Congress to devise some remedy, but thus far without success. We fear that all efforts for relief in any of the ways attempted is far distant.

Wisdom seems to dictate effort in the direction of relieving the court of such classes of unimportant litigation, involving no important questions, as may be safely left to the final adjudication of the highest local courts.

This restriction of the right of appeal we believe to be in the real interest of parties as well as the country.

It will be seen that the bill provides for a review of all that class of questions national in character and which ought to be subject to the decision of the national court for national uniformity.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUITS FOR DAMAGES IN THE DISTRICT OF COLUMBIA.

Mr. POLAND called up from the House Calendar the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That when the death of a person is caused in the District of Columbia by the wrongful act or neglect of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, the person or corporation liable to such action if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured, and although the death is caused under such circumstances as amount in law to a felony.

SEC. 2. That such action shall be brought in the name of the personal representative of such deceased person, and commenced within two years from the decease of such person; and the court or jury before whom the issue is tried may give such damages as are just, with reference to the pecuniary injury resulting from such death to the wife and next of kin; and the amount recovered shall be for the benefit of such wife and next of kin, who shall receive the same proportions as in the distribution of the personal estate of persons dying intestate.

The report (by Mr. POLAND) was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 7131, have considered the same, and unanimously recommend that the same do pass.

At common law no action would lie for injury to a person, caused by the unlawful act or neglect of another, if the injury resulted in death.

Statutes have been in force in England for many years giving an action for damages in such case. Nearly every State has now such statutes, and so just is the principle involved as to now command universal approval.

The statutes of the several States are substantially alike, except that some have and others have not a limitation on the amount of the recovery.

In adopting such a statute for the District of Columbia it was manifest to the committee that a limitation should be fixed for reasons upon which it is not needful to enlarge.

The amendment from the Committee on the Judiciary was read, as follows:

After the word "kin," in line 6, section 2, insert "but not to exceed $10,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELEASE OF GOVERNMENT'S REVERSIONARY RIGHTS.

On motion of Mr. MAYBURY, by unanimous consent the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan, and the bill was brought before the House for present consideration.

By an act of Congress approved April 1, 1806 (Statutes at Large, vol. 2, p. 398), the governor and judges of the then Territory of Michigan were authorized to lay out a town upon a site embraced by the old town of Detroit and certain adjacent territory mentioned in said act, and to dispose of the same at their discretion. The purposes of the act were carried out, and, after donating certain lots to citizens who had suffered losses by the fire of 1805, the proceeds accrued from the sale of lots were to be applied under the provisions of the act toward the erection of a court-house and jail within the limits of the town.

In laying out the town in streets, squares, and public spaces certain of these latter were set apart for defined public uses, including public schools. In May, 1807, the governor and judges adopted a series of regulations concerning the uses to which the various public grounds and spaces should be devoted. On one of these public spaces, and being the one now in controversy, there was erected in 1823 a public building known as a court-house, which was afterward used as a Territorial and State capitol building, and continued to be so used until the removal of the State capitol to the present city of Lansing. A county jail was erected upon another of the public spaces so designated. By an act of Congress, approved August 27, 1842, supplementary to the act of 1806 heretofore cited, all the property mentioned in the act of 1806 not disposed of was vested in the city of Detroit, excepting the spaces then occupied by the capitol and county jail, and the residuary powers of the governor and judges passed to the authority of the said city. In 1847 the State capitol was removed from Detroit and the possession of the space mentioned in the memorial and the building erected thereon were surrendered to the city of Detroit by action of the State government.

On the 5th of October, 1847, the common council of the city of Detroit passed a resolution that as soon as the capitol should be vacated by the State authorities the same should be set apart and, under the sole direction of the board of education, should be used for the purposes of the several schools of the city in such manner as said board might direct. By virtue of this resolution the board of education, which is a corporation separate and distinct from that of the city, immediately took possession of said space, establishing first a common school and afterward the high school, which they have since and still maintain, having enlarged and improved the original building by expending thereon the sum of $100,000. In 1874 the city of Detroit, in the exercise of its municipal power, attempted to extend a public street through the space in question; this attempt on the part of the city was resisted on the part of the board of education upon the ground that the action of the city would completely change the nature of the public use to which this space was originally devoted, and that the title and possession of the board of education could not be disturbed. The controversy was terminated by a decision rendered in the supreme court of the State of Michigan (see Board of Education *vs.* City of Detroit, 30 Mich., 507); the position of the board was sustained, and since that time the city has made no claim to the proprietorship of the premises.

While there is no question of the title of the board of education to the premises so long as used by them for school purposes, yet the question is raised whether, if the interest of education should require a change in the location of the high School, through the encroachment of business interests, the General Government might not claim that under and by virtue of the reservation cited in the act of 1842 the title had reverted to it. It is against this contingency and for the cession of any such reversionary right on the part of the Government that the action of Congress is now invoked.

It is evident to us that the only valid reason that can be assigned for the reservation made in the act of 1842 was that the court-house, as it was then termed, was in the possession of the State, and that Congress did not desire nor deem it expedient to disturb the rights of the State in the premises in favor of the city. In a controversy originating in relation to the site of the jail, which was the other space reserved in the act of 1842, the supreme court of the State of Michigan held that after the removal of the jail the space it had occupied was under the control of the city of Detroit, and sustained the action of the city in granting said space to the board of education for the erection of a public library building. It is clear to your committee that Congress did not intend in the act of 1842 to reserve to the General Government the title or any other interest in the premises, except so far as it was necessary to protect the authorities of the State therein, and when the interest of the State in the premises ceased every reason for the reservation was terminated.

Your committee see no reason why the effect of this reservation should not be dispelled by the legislation requested, that the title to the space in controversy might be as absolute in the board of education as is its title to other public grounds and spaces whereon the schools of the city are erected.

Your committee would therefore recommend the adoption of the bill herewith submitted.

The bill was read, as follows:

Be it enacted, &c., That any right of reversion or otherwise which the United States may be supposed to have in the space on which the high-school building belonging to the board of education of the city of Detroit is situated, being a part of the old town of Detroit, laid out by the governor and judges of the Territory of Michigan, under an act of Congress approved April 21, 1806, entitled "An act to provide for the adjustment of the titles of land in the town of Detroit and Territory of Michigan, and for other purposes," be, and the same is hereby, granted and released to the said board of education.

Mr. ANDERSON. I should like to make an inquiry. Is this the same bill which was before the Public Lands Committee this morning?

Mr. MAYBURY. It was not.

Mr. ANDERSON. Nor on the same subject?

Mr. MAYBURY. No, sir.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAYBURY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTENSION OF UNITED STATES LAWS OVER UNORGANIZED TERRITORY.

Mr. TUCKER. I call up from the Calendar the bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

The bill was read, as follows:

Be it enacted, &c., That the laws of the United States are hereby extended over the unorganized territory south of the States of Kansas and Colorado and between the Indian Territory and the Territory of New Mexico, known as the public-land strip; and that for the purpose of the execution of said laws said public-land strip is annexed to the judicial district of Kansas and to the southwestern land district in said State; and the Secretary of the Interior is authorized to cause the subdivisional lines of townships in said public-land strip to be surveyed, under current appropriations for the surveying service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF PRIVATE SOLDIERS.

Mr. TUCKER. I now call up House bill 4407 to relieve private soldiers in the United States Army from the disabilities imposed by section 1218 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, &c., That section 1218 of the Revised Statutes of the United States, in so far as it now operates to prohibit the promotion to the positions of commissioned and non-commissioned officers in the regular Army of the United States of any private soldier in said Army, or who may hereafter enlist therein, and who has served, or shall have served, as such private soldier for the period of two years since September 1, A. D. 1866, be, and the same is hereby, repealed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EFFECT OF JUDGMENTS, UNITED STATES COURTS.

Mr. TUCKER. I now call up the bill (H. R. 7013) to regulate the effect of judgments and decrees of the courts of the United States in the several States.

The bill was read, as follows:

Be it enacted, &c., That judgments and decrees rendered in a circuit or district court of the United States within any State, shall take effect, by way of lien or otherwise, to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State: *Provided, however*, That whenever, by the laws of any State, judgments and decrees rendered in the courts thereof are made to depend for their effect, as liens or otherwise, upon the docketing, registry of the same, or upon any other requirement of law, the same shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States, unless now, or until hereafter, the laws of such State shall authorize them to be docketed or registered, or compliance with any other of said requirements, in the same manner as judgments and decrees of the courts of such State: *Provided, however*, That ninety days from the rendition of any judgment or decree of said courts of the United States hereafter rendered, or from the passage of this act as to any such judgment or decree heretofore rendered, be allowed to any party for compliance with the laws of any State as to the docketing or registry, or other requirements relating to judgments and decrees of the courts thereof; and such compliance shall be held sufficient to give full effect thereto according to said laws, anything therein to the contrary notwithstanding.

SEC. 2. That in all other respects the judgments and decrees of the said courts of the United States shall be enforced and carried into effect according to the laws of said State as if they were rendered in the courts of said State.

SEC. 3. That all laws and parts of laws inconsistent herewith be, and are hereby, repealed.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. ROGERS, of Arkansas. Mr. Speaker, I would like to ask the gentleman from Virginia whether or not the provisions of this bill apply to sales of real estate under decrees of the Federal courts? As he is aware, it is not infrequently the case that levies are made under executions, issued out of the Federal courts, on real estate lying in two or more or even several counties. The question is, whether or not the marshal shall conform to the requirements of the laws of the States in disposing of such property under decrees and judgments in the United States courts; in other words, must the sales be had at the several county seats instead of the place where the United States court is held, or in case of decrees at such time and place as the court may designate? The gentleman, of course, is aware of the fact that there are statutory enactments in many of the States requiring all sales to be made at the county seat.

Mr. TUCKER. The language of the second section of the bill is:

That in all other respects the judgments and decrees of the said courts of the United States shall be enforced and carried into effect according to the laws of said State as if they were rendered in the courts of said State.

In other words, this is to conform the proceedings under judgments and decrees of the Federal courts to the laws of the several States.

Mr. ROGERS, of Arkansas. But one of the laws of the States for the enforcement of judgments and decrees of the State courts is, that property levied upon under an execution shall be sold at the county seats. Now, the question is, whether the marshal in executing the process of a Federal court would not be compelled to make the sale at the several county seats wherein the lands are situated in compliance with the State laws?

Mr. TUCKER. Upon execution?

Mr. ROGERS, of Arkansas. Yes; or under a decree of the court.

Mr. TUCKER. I suppose it would.

Mr. ROGERS, of Arkansas. Then in the enforcement of a single judgment it might be that you would find it necessary to have sales at a dozen different county seats in which the lands are situated, instead of making the sale from the front door of the Federal court from which the writ issued. I refer to this simply to show that difficulties may arise in the execution of such a provision of law; and whether or not it would be well, in view of that fact, to pass such a bill.

Mr. TUCKER. The Committee on the Judiciary, after mature consideration of the subject, are satisfied that such a provision of law should pass. I do not see why under the Federal judgment any other process should be adopted than under the State courts. They could make a better sale of the property if compelled to sell at the court-house door than at a distant point, where the Federal court is held. I think we are right about it.

Mr. ROGERS, of Arkansas. That may be true in some cases; but I doubt if in all cases it would be a wise provision. I have grave doubts about the correctness of the principle involved. Especially do I think it wiser that we do not disturb the chancery practice as it has obtained in the Federal courts since the foundation of the Government. We ought either to preserve it in its purity, or else conform the entire practice to that of the States. The two systems will not work harmoniously together. I defer greatly in all these matters to the judgment of the Judiciary Committee, but I felt it my duty to mention this matter for its consideration.

Mr. CANNON. It occurs to me that this would impose unnecessary hardships upon the plaintiff without any corresponding benefit to the defendant. In most, if not all, of the States the defendant has from twelve to eighteen months for redemption. In practice there is no competition at such sales, the plaintiff being compelled ordinarily to purchase himself.

Mr. HANCOCK. But we do not have redemption everywhere.

Mr. ROGERS, of Arkansas. As I understand the gentleman from Illinois, his mind and mine run in the same channel as to this provision. I know as a matter of fact that it must increase the expenses, and I think will operate unsatisfactorily in a great many cases, and will probably be utterly impracticable in others, in many of the States, depending upon the peculiar legislation that exists in them.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

METROPOLITAN POLICE FORCE.

Mr. POLAND. Mr. Speaker, I desire to call up the bill H. R. 5668. This bill, I will say, is identical in all respects with a bill now on the Speaker's table passed by the Senate. I ask, therefore, unanimous consent to take from the table the Senate bill and substitute it for the House bill.

The SPEAKER *pro tempore*. Under the special order the gentleman can call up either bill. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia.

Be it enacted, &c., That the proper accounting officers of the Treasury Department are hereby directed to allow, and pay, out of any money in the Treasury not otherwise appropriated, to each of such persons, or their legal representatives, who were officers, clerks, and employés of the Metropolitan police force of the District of Columbia on the 28th of February, 1867, a sum equal to 20 per cent. on the salary of such persons as fixed by law, for the time stated in said resolution of the 28th of February, 1867.

Mr. POLAND. The committee have examined this subject very thoroughly, and there is a report of some length accompanying the House bill. I shall not ask to have it read unless some gentleman desires it, but will ask that it be printed in the RECORD.

The SPEAKER *pro tempore*. Without objection the report will be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The report is as follows:

The joint resolution of 1867 provided for the payment of an additional compensation of 20 per cent. on their respective salaries as fixed by law, or where no salary was fixed by law upon their pay respectively, for one year from and after the 30th day of June, 1866, to (among others) "all employés, male and female, in the Executive Mansion, and in any of the following-named Departments, or any bureau or division thereof, namely: State, Treasury, War, Navy, Interior, Post-Office, Attorney-General," &c.

The great point is whether the Metropolitan police force of the city of Washington were, in the sense of the joint resolution, "employés in the Department of the Interior," as they claim. Under the law requiring "the head of each Department to make an annual report to Congress the names of all of the clerks and other persons that have been employed in his Department," &c., the Secretary of the Interior has always reported to Congress the Metropolitan police as a part of his Department, together with the report of the police board, required to be made to the Interior Department.

It is not important to recite all the instances of such reports. They appear to have been regular and uniform. The supervision of the police force has been exercised by the Interior Department, and estimates for appropriations for its payment have been made to Congress by the same Department.

The connection of the police force with the Interior Department, and the right of supervision of that Department over it, has been recognized by the Attorney-General on several occasions when occasion arose to obtain some legal opinion in regard to it.

The police force has always been given in the official register as under the Interior Department.

The First Comptroller of the Treasury rejected the claim of the Metropolitan police to be paid the 20 per cent. under the joint resolution, and also rejected the claims of many other persons of various classes, on the ground that they did not come within the terms of the resolution. Certain claimants, under the joint resolution, commenced suits in the Court of Claims. Some of them were employed under the Commissioner of Public Buildings in various capacities, one was an employé in the office of the Capitol extension, and one (Manning) was a watchman at the jail. These cases were appealed to the Supreme Court of the United States, where the judgment of the Court of Claims in favor of all the claimants was affirmed. (The case is reported in 13 Wallace, 568.)

In an appropriation bill passed July 12, 1870, a provision was inserted:

"That all acts and joint resolutions or parts thereof, and all resolutions of either House of Congress granting extra compensation or pay be, and the same are hereby, repealed, to take effect on the 1st day of July, 1870."

After the passage of this act of 1870 the First Comptroller of the Treasury ruled that it precluded any further payments under the joint resolution of 1867, even if the persons claiming were included within the terms of the joint resolution.

Another suit was brought in the Court of Claims by a large number of claimants employed in various services under the Government in Washington. It is not needful to specify them in detail. The claims were allowed in that court, and the case appealed to the Supreme Court. That court adhered to the liberal view of the proper interpretation of the joint resolution of 1867, announced in the case in 13 Wallace, and also decided that the act of July 12, 1870, above referred to, did not affect the rights given by the joint resolution. (This case is reported in 20 Wallace, 179.)

After the First Comptroller had refused to recognize the claim of the police force, and suits had been brought by other claimants, the counsel of the police force advised them not to commence suit, as the suits commenced would probably settle the questions involved, and save them the expense of litigation.

Before the first suit was decided in the Supreme Court, the act of 1870 had been passed, and that was given as a further reason for refusing payment by the First Comptroller.

The second suit involved the determination of this question with others, and the police force were again advised to await the result of that case, and did so.

After the second decision, the police force again applied for payment, but were refused on the ground that the appropriation to pay this class of claims had been covered into the Treasury, and was not available. In the time of these delays the right to sue in the Court of Claims had expired. The committee are satisfied that the police force were "employés in the Department of the Interior" by law and long and uniform usage, and so entitled to the provision of the joint resolution. The decision of the Supreme Court as to the right of the watchmen and guards at the jail seems to establish the precise ground on which their claim stands.

This claim has been before Congress for several years. It was favorably reported in the Forty-third Congress, but not acted upon. It was passed in the Senate in the Forty-fifth Congress, but not reached in the House. It was favorably reported in the Senate in the Forty-seventh Congress, but not acted upon. It has again been favorably reported by a committee of the Senate at this session.

The right of these petitioners to be paid under the joint resolution seems to have been fully established by the decisions of the Supreme Court.

The reasons for delay on their part to enforce their claim by suit seems to the committee to have been not only reasonable but laudable.

The committee therefore recommend the passage of the bill reported herewith for their relief.

There being no objection, the Senate bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Without objection, the bill of the House, No. 5668, will be laid upon the table.

There was no objection, and it was ordered accordingly.

STATE NATIONAL BANK OF BOSTON, MASS.

Mr. TUCKER. I call up the bill (H. R. 2263) and yield to the gentleman from Massachusetts [Mr. COLLINS].

Mr. COLLINS. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., and that it be brought before the House for present consideration.

Mr. WELLER. I object.

Mr. COLLINS. Then I move that the House resolve itself into Committee of the Whole House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. ROGERS, of Arkansas, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of such business as may be brought before it by the Committee on the Judiciary.

Mr. COLLINS. I call up the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.

The bill was read, as follows:

Be it enacted, &c., That the claim of the State National Bank of Boston for the sum of $100,000, in gold, deposited by said bank in the subtreasury of the United States at Boston, Mass., February 28, 1867, be, and hereby is, referred to the Court of Claims for its decision and adjudication, upon the merits thereof, as a court of equity and justice, without regard to the statute of limitations or to any technical defense, according to the practice of said court.

SEC. 2. That said claim may be heard and determined by said Court of Claims on the petition of said bank now pending therein. And such portions of the records and findings of fact in case No. 6408, The State National Bank of Boston *vs.* The United States of America, filed in said Court of Claims January 11, 1872, as are relevant and pertinent to the claim hereby authorized to be heard and adjudicated, may be used as evidence by either party if otherwise competent.

SEC. 3. That there shall be the right of appeal from the finding and judgment of the said Court of Claims to the Supreme Court of the United States, as in other cases.

The bill was reported with the following amendments:

In section 1, line 10, strike out "or any technical defense."

In section 2 strike out all after the word "therein," namely, these words:

"And such portions of the records and findings of fact in case No. 6408, The State National Bank of Boston *vs.* The United States of America, filed in said Court of Claims January 11, 1872, as are relevant and pertinent to the claim hereby authorized to be heard and adjudicated, may be used as evidence by either party if otherwise competent."

Mr. WELLER. I call for the reading of the report of the committee on this bill.

Mr. COLLINS. I make the point of order that the reading of the report can not be called for as a right unless the gentleman desires to debate the question and makes it a part of his remarks.

The CHAIRMAN. The point made by the gentleman from Massachusetts is well taken.

Mr. WELLER. Then I desire to make the report a part of my remarks while contending against the correctness of the report.

The report (by Mr. COLLINS) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., submit the following report:

The State National Bank of Boston is a banking corporation, duly established and organized prior to February 28, 1867, under the laws of the United States, and having its place of business in the city of Boston, in the State of Massachusetts.

On that day, February 28, 1867, $725,000 in currency of the money of the State National Bank was abstracted from its possession by a fraudulent conspiracy between the firm of Mellen, Ward & Co., brokers, of Boston, and Julius F. Hartwell, the cashier of the subtreasury at Boston, acting as "the agent of the United States," exchanged for gold coin certificates of the United States, and these certificates deposited in the office of the assistant treasurer at Boston, where they were canceled and then forwarded to the Treasurer of the United States at Washington.

The manner in which this was accomplished has been found by the Court of Claims to be as follows, namely:

About a week before February 28, 1867, Mr. Carter, a member of the firm of Mellen, Ward & Co., went to the banking house of the State Bank, and said to the cashier, Mr. Smith, that he had been employed by the United States Treasurer to make an exchange of gold certificates for gold coin; that the gold certificates would be in the Merchants' National Bank of Boston; that he wished Smith to certify Mellen, Ward & Co.'s checks, drawn on the State Bank, as good at the rate of $125 in currency for every $100 in gold, on receiving the gold certificates; that Mellen, Ward & Co. had no funds in the State Bank, but that he, Carter, had made arrangements with the Merchants' Bank to have the certified checks paid from the proceeds of the sale of gold coin, and that they would not be presented to the State Bank nor go through the clearing-house; Smith agreed to certify the checks, and on February 28 Carter came to him and said that he wished to carry out the arrangement that day; Smith and Carter went to the Merchants' Bank, where Smith certified two checks of Mellen, Ward & Co. as good, one for $250,000 and one for $275,000, drawn on the State National Bank, and received gold certificates of the United States to the amount of $420,000. Carter said that it would be necessary to deposit the gold certificates in the subtreasury for examination, and that Smith would receive a receipt for the amount redeemable on demand; Smith having the gold certificates in his possession, went with Carter to the office of the subtreasury, where they were handed to Hartwell by Smith, who gave in return a receipt as follows:

"UNITED STATES TREASURY, BOSTON.

"Deposited by Mellen, Ward & Co., of Boston, on account of deposits of gold c'tf's, amount four-and-twenty thousand dollars, the same to be exchanged for gold c'tf's, or its equivalent, upon their order or demand.

"Date, February 28, 1867.

"J. F. HARTWELL, *Cr.*"

When Smith asked why the receipt was not made to him, Carter replied, because he, Carter, was the party employed to make the transaction; and he thereupon indorsed upon the certificate:

"Pay only to the order of C. H. Smith, cashier."

Smith took the certificate with him to the State Bank. Later, on the same day, Carter went a second time to the State Bank and said that a further amount was at the Merchants' Bank which he wished to arrange for in the same way. Smith went with him again to the Merchants' Bank, where another check, drawn on the State Bank by Mellen, Ward & Co., was certified as good by Smith for $75,000, and he received in exchange for it $10,000 in gold certificates and $50,000 in gold coin. The gold coin was afterward exchanged for gold certificates, and the two proceeded to the Second National Bank of Boston, where Smith certified another like check for $125,000, and received in exchange gold certificates to the amount of $100,000. He then had in his possession $160,000 of gold certificates; these were taken by Smith to the subtreasury, to be deposited as the others had been, and they were given to Hartwell, who gave the following receipt for them:

"UNITED STATES TREASURY, BOSTON.

"Deposited by Mellen, Ward & Co., of Boston, on acc't of gold certificates deposited, amount $160,000, to be exchanged for gold c't'f's, or its equivalent, on demand.

"Boston, February 28, 1867.

"J. F. HARTWELL, *Cr.*"

This was indorsed:

"Pay only to the order of C. H. Smith, cashier."

These receipts were taken by Smith to the State Bank. The next day he took them to the subtreasury, and was told that they would not be paid.

The purpose of this scheme of fraud was to screen Hartwell, who was an embezzler. Some time prior to February 28, 1867, Hartwell had embezzled the money of the United States, he, as an officer of the Government, having access to and more or less control over the money in the subtreasury belonging to the Government, and placed it in the hands of Carter, who knew that he embezzled it for the use of Mellen, Ward & Co. as a loan. It was known to both Hartwell and Carter that an examination of the assets in the hands of the assistant treasurer at Boston would be made February 28 or March 1, 1867, and Hartwell's guilt discovered. It was to conceal his guilt that the plan was devised and carried into effect, as above stated, and the $580,000 of gold certificates procured and lodged in the subtreasury. Hartwell and Carter intended that after the examination the gold

certificates should be returned to Smith; this was not done. After the close of business on February 28, 1867, Hartwell confessed his guilt to Whittle, a clerk in the office of the assistant treasurer, and told him that he had the gold certificates, and how he obtained them. After the office was closed, and while Hartwell and Whittle were on their way home, Whittle learned that Hartwell had the gold certificates with him, about his person, and Whittle induced him to give them to him, and they both returned to the office of the assistant treasurer, where they were canceled and forwarded to the Treasurer at Washington. It will thus be seen that Hartwell, one agent of the United States, fraudulently obtained these certificates, and another agent, with full knowledge of the fraud, and that the certificates did not belong to the Government, consummated the fraud on the rightful owners by canceling the certificates, and turning them into the Treasury Department in settlement of Hartwell's embezzlement.

This was the state of facts March 1, 1867. The Merchants' Bank held Mellen, Ward & Co.'s checks in the State Bank, in which they had no funds, for $600,000, certified as good by Smith, the cashier of the State Bank.

The Second National Bank had a like check for $125,000.

The cashier of the State Bank held the two receipts for $580,000 in gold, or its equivalent, payable on demand.

The United States held the gold certificates for which those receipts were given, knowing that they had been obtained by the fraud of their own agent, and refused to give them up because one of its officers engaged in the fraud had embezzled the funds of the Government.

From these facts many novel and important legal questions arose; among them, the reality of the sales of the gold certificates and the true ownership of them. The Merchants' Bank brought suit against the State Bank to recover $600,000 on the certified checks of Mellen, Ward & Co. it held. This suit was tried before the late Mr. Justice Clifford, of the United States Supreme Court, who, at a second trial, ruled that the Merchants' Bank could not recover. This ruling was ultimately reversed by the full bench, and the State Bank paid the full amount with interest and costs. (See 10 Wall., 604.)

After paying this, the State Bank filed its petition in the Court of Claims to recover the $480,000, without costs or interest. The claim was persistently resisted by the Government; and even after the decision of the Court of Claims in favor of the bank, took the case to the full bench, where, in 1877, ten years after the seizure of the funds, the judgment was affirmed, and the Government paid the bank the sum of $480,000, without interest. This left $100,000 unpaid, which the United States then held and still holds. In their opinion (6 Otto, 30) the court say:

"The finding of the court shows clearly that Hartwell knew when he received the certificates that they did not belong to Mellen, Ward & Co., and that they did belong to the State Bank, represented by Smith as its agent. Hartwell was privy to the entire fraud from the beginning to the end, and was a participant in its consummation. It is not denied that Smith acted in entire good faith; what he did was honestly done, and it was according to the settled and usual course of business. Hartwell was the agent of the United States. He was appointed by them and acted for them. He did, so far as Smith knew, only what it was his duty to do, and what he did constantly for others, and it is not denied that it was according to the law of the land. Smith no more suspected fraud, and had no more reason to suspect it than any other of the countless parties who dealt with the subtreasury in like manner. There could hardly be a stronger equity than that in favor of the plaintiff. * * * But surely it ought to require neither argument nor authority to support the proposition that where the money or property of an innocent person has gone into the coffers of the nation by means of fraud to which its agent was a party, such money or property can not be held by the United States against the claim of the wronged and injured party. The agent was agent for no such purpose. His doings were vitiated by the underlying dishonesty, and could confer no rights upon his principal."

The check for $125,000 given to the Second National Bank was by it transmitted to Jay Cooke & Co., of New York, to whom the gold certificates for $100,000 received through that bank originally belonged. Pitt Cooke, to whom the check was finally passed, commenced suit in New York on that check. This suit involved not only some of the same questions which were embraced in the Merchants' Bank case, but the nature of the original transaction and the title to $100,000 of gold certificates. The case was tried, taken to the general term, and then to the court of appeals, and judgment entered against the State Bank, February 10, 1873. This judgment was paid by the State Bank, and the title to all the gold certificates obtained by Hartwell and seized to pay for his embezzlements was fixed in the State Bank.

The opinion in the case reported in 6 Otto, 20, was not rendered by the United States Supreme Court until 1877, but it settles every question of fact or law that can arise on the merits of the case.

After the Government had paid the $480,000 in accordance with the judgment entered under the mandate of the Supreme Court, there was remaining in the hands of the Government of the United States $100,000 for which the State Bank, under the decision in the Pitt Cooke case, had paid $125,000 and interest from February 28, 1867. To this $100,000 the Government had no legal or equitable right; it had been obtained by the fraud of the agent of the United States, seized by another agent with full knowledge of the fraud, and turned into the Treasury of the United States. It belonged to the State Bank, and in January, 1879, after having made demand on the Secretary of the Treasury, that bank filed its petition for the recovery of the amount in the Court of Claims. The United States filed a general denial and pleaded the statute of limitations. As to the effect of this plea of the statute of limitations, your committee make the following quotation from the very able report of the Committee on the Judiciary presented to the House of Representatives of the Forty-seventh Congress, by Hon. George D. Robinson, the present governor of Massachusetts, to be found in the CONGRESSIONAL RECORD of January 28, 1882, page 8:

"Your committee suggest that if the right of action accrued at the time of the original deposit, to wit, February 28, 1867, the statute would seem to be well pleaded, but if it did not accrue until the rights of the parties were determined by decisions in the several suits hereinbefore referred to, or if, as the court intimates in 6 Otto, the United States were trustees for the true owners of the certificates, in which latter case a right of action might not accrue until a demand and refusal, the statute is not well pleaded. But under the language of the act creating the Court of Claims, and a construction recently given (see 99 United States, 493), the statute might be held to bar the claim.

"In view of the fact that the State Bank was constantly engaged for more than ten years in litigation required to determine the facts and to settle the difficult and novel questions of law involved, your committee are of the opinion that the case should be allowed a hearing before the Court of Claims upon its merits."

Your committee suggest that in defending the Pitt Cooke case the State Bank acted as much in the interest of the United States as of itself; for if successful in defending that suit, it would have placed the title to the $100,000 of gold certificates in Mellen, Ward & Co., who were *particeps criminis* with Hartwell in his embezzlements, and could not have made any claim on the United States.

A simple presentation of dates will justify the statement that the State Bank has not slept on its rights.

The transaction took place February 28, 1867. The United States, without right, and by the fraud of its agents, became possessed of the gold certificates on the same day.

The case of The Merchants' Bank *vs.* The State Bank, which settled the title to $480,000 of the gold certificates, was decided by the Supreme Court of the United States, December term, 1870.

The petition to recover the $480,000 was filed in the Court of Claims in 1872. The final decision on this petition was rendered by the Supreme Court in 1877, ten years after the conversion by the United States of the gold certificates.

The decision in the Pitt Cooke case against the State Bank was rendered by the court of appeals in 1873.

The relief proposed in the present bill has frequently been granted by Congress in similar cases. The attention of your committee has been called to the following instances:

An act approved March 3, 1873, for the relief of Leonidas Haskell.

An act passed by the Forty-second Congress, second session, chapter 89, authorizing the circuit court to hear and determine the claim of Thomas B. Valentine on its merits.

An act for the relief of Robert Tillson & Co., Forty-third Congress, first session, chapter 515, June 23, 1884.

An act by the Forty-fourth Congress, first session, chapter 279, August 14, 1876, for the relief of Harvey & Livesey.

An act by the Forty-fifth Congress, second session, chapter 166, June 7, 1878, directing the Court of Claims to hear the claim of Nannie Hall, "without regard to the statutes of limitation."

An act by the Forty-seventh Congress, March 3, 1883, for the relief of Sterling T. Austin, authorizing the Court of Claims to enter judgment, "any statute of limitations to the contrary notwithstanding."

On the facts presented to your committee, and following the law as laid down in 6 Otto, 30, it seems settled beyond dispute that the United States now holds $100,000 of the money of the State National Bank of Boston; that it obtained this money nearly seventeen years ago by means of a fraud to which its agent was a party, and that it has no equitable or moral right to retain it longer. To deprive the lawful owner of this money by insisting on the statute of limitations, under the facts presented to your committee, would be a violation of the simplest rule of common honesty.

A bill corresponding to the present bill was unanimously approved by the Committee on the Judiciary of the Forty-sixth and Forty-seventh Congresses, and was passed by the House of Representatives of the last-named Congress by a vote of 128 yeas to 22 nays.

Your committee recommend the passage of the bill as amended.

During the reading of the report,

Mr. WELLER said: I rise to a question of order. I inquire if the reading clerk has not omitted to read the finding of the court.

The CHAIRMAN. The Clerk advises the Chair that he inadvertently turned over two pages.

The Clerk resumed and concluded the reading of the report as printed above.

Mr. WELLER. How much time have I remaining?

The CHAIRMAN. The gentleman has thirty-five minutes of his time remaining.

MESSAGE FROM THE PRESIDENT.

The Committee of the Whole informally rose, and the Speaker took the chair.

Several messages in writing from the President of the United States were communicated to the House, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed a joint resolution and bill of the following titles:

Joint resolution (H. Res. 308) appropriating $50,000 for the support of certain destitute Indians; and

An act (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York.

STATE NATIONAL BANK, BOSTON, MASS.

The Committee of the Whole resumed its session.

Mr. WELLER. It seems, Mr. Chairman, that this bill covers matters largely that have already been adjudicated by the courts; $480,000 have already been paid by the Government on an adjudication by the Supreme Court of the United States.

This bill, as it now stands, involves the mere question of having the Court of Claims take full and complete jurisdiction of the amount that is still in abeyance, and provides that the statute of limitations shall be waived. It seems, Mr. Chairman, that in 1867 this transaction occurred—the time that has elapsed being almost twice the statute of limitations. These parties certainly have been sleeping upon their rights.

Mr. STORM. If they have any.

Mr. WELLER. The gentleman from Pennsylvania well says, "if they have any." They have been sleeping upon their rights since 1867 to the present time, which is evidenced by the fact that they request a waiver of the statute of limitations. These parties were engaged in a transaction that was purely personal, or at least in a very large degree personal, between individuals outside of United States authorities. So far as it came within the jurisdiction of United States authority it has been adjudicated, and the judgment of $480,000 has already been paid; $100,000 still remains. And as I have followed the report of the committee, it seems that this is asking the United States Government to come in and out of its Treasury to reimburse private parties because of their dereliction of duty. They certainly could have commenced the case in the proper court within these years. Independently of what might have been or of what was their action in other particulars, there was nothing in the case that barred them from a commencement of a proper suit. And yet they come at this hour and ask that the statute of limitations be waived and that this case go to the Court of Claims upon its merits, and, as I understand, that they shall also be permitted to take testimony, that heretofore has been introduced, as a part of their testimony. It seems to me to be wholly unwarranted by the facts in the case.

I have looked this matter over very carefully, and my belief from the standpoint of mature and deliberate investigation is that the bill ought not to pass.

I will yield to the gentleman from Indiana [Mr. HOLMAN] for ten minutes.

Mr. HOLMAN. Mr. Speaker, I do not know whether any motion has been made in regard to this bill, but if not I shall move to strike out in the first section all after the word "adjudication" in the eighth line down to the end of the paragraph. That portion of the bill referring to the records and other proceeding has, I see, been already stricken out by the Judiciary Committee.

When a bill in regard to this transaction was pending in the last Congress it seemed to me there were grave doubts as to the liability of the United States for any portion of this $580,000. But $480,000 have been paid by the Government, and the question now remains whether the $100,000 shall be paid. To my mind the circumstances presented in regard to the relations of the bank and the partnership named and the officers of the subtreasury suggest grave doubts as to whether in this brief statement of the case the full facts are now before us—whether there are not other facts which ought to be known before there can be a proper and fair adjudication of this matter. I do not think, therefore, there could be reasonable objection to referring this bill to the Court of Claims for the purpose of ascertaining the facts, especially if it should be so referred by the ordinary action of the House or the committee under the provisions of the Bowman bill. Indeed, sir, it seems to me it should have occurred to the Judiciary Committee at the very outset that this was an appropriate case to go to the Court of Claims for the purpose of ascertaining the facts, for it seems impossible to read carefully the decision of the Supreme Court without being apprehensive that the real case was not fully before the court, especially as to the personal relations of the parties through whom it is alleged this fraud was perpetrated.

I know nothing about the character of these gentlemen, of course, and nothing about their reputation for integrity; but I know that in reading the decision of the Supreme Court, it seemed to me there was not a full presentation of the case in all its various steps.

Mr. STORM. Does the report in this case disclose that there are any facts in dispute?

Mr. HAMMOND. No.

Mr. HOLMAN. No, sir; as to the facts stated here there is no intimation that there are any matters in dispute.

Mr. STORM. The object of the Bowman bill was simply to refer matters of fact to the court, not matters of law.

Mr. HOLMAN. Certainly. But the question here is whether we have all the facts as to the relations which existed between the officers of the bank and this partnership and the officers of the subtreasury.

Mr. STORM. The gentleman will allow me to ask whether the liability of the Government in this case does not depend upon the action of this agent Hartwell?

Mr. HOLMAN. It does very largely; and that is the very point of embarrassment—to determine whether this fraud was perpetrated by him and his associates connected with the Government, or whether other persons participated and permitted the thing to be done for the purpose of shielding Hartwell from the charge of embezzlement.

Mr. STORM. Upon what principle could the Government be held liable for the criminal acts of its agent?

Mr. HOLMAN. My friend now makes a suggestion which has great force in it, and which of course has sprung up in the minds of all gentlemen who have had occasion to consider to what extent the fraud of this agent of the Government should deprive the Government of the right to hold even equitable property coming into its possession in the ordinary course of proceedings between these banks and the subtreasury at Boston.

But I rose to say a word in regard to the amendment which I desire to offer to the bill. If this matter be referred to the Court of Claims, it seems to me it should be for the purpose of ascertaining and determining the legal rights of this bank. These transactions occurred in February, 1867. It is not pretended that so far as concerns this sum of $100,000 any proceedings were instituted until 1877; and now, when we have reached the year 1885, I think this bank, at the very best, should claim no more against the United States growing out of this transaction than one citizen has a right to claim against another in a court of justice.

In other words, I think the Government of the United States is in a position to take advantage of all legitimate defenses that have sprung up in the course of these transactions from February, 1867, when they arose, up to the present time. I do not see why you should enforce the statute of limitations in your judicial tribunals rigidly and remorselessly against the citizen, and yet waive that statute when you approach a transaction like this involving large sums of money and affecting gentlemen amply able to protect their rights. This statute has been regarded as necessary for the safety of the Government and the protection of its Treasury. In all the States of this Union it is regarded with favor because, in the language of the old writers, it is a statute of repose. The bar of this statute should not be removed, I submit, except where a case of unanswerable equity presents itself. Such cases may arise, especially in the dealings of the Government with its uninformed citizens, those whose circumstances in life do not enable them to be vigilant. Where the rights of the orphan, the widow, the uninformed are involved cases may arise and do constantly arise where no government should interpose the bar of the statute of limitations. But if there can be presented a case where the bar of the statute is proper and just it is such a transaction as this where persons, who have had dealings with the Government and now seek to draw from the Treasury money which has gone there in the regular course of business, allege that in their dealings with a subordinate of the Government, where some duty rested upon them to secure the integrity of the transaction a fraud had interposed.

I see no grounds, sir, upon which this bank can claim that the bar of the statute shall be removed. If this case must go to the Court of Claims let it go there as other demands against the Government go, subject to all the just defenses which the Government of the United States is able to interpose.

Mr. BROWN, of Pennsylvania. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. BROWN, of Pennsylvania. If the statute has run, why send the case to the Court of Claims at all?

Mr. HOLMAN. I think it has run, sir. I think that any gentleman who examines the act organizing the Court of Claims, and all the subsequent legislation, must reach that conclusion; but out of abundant caution I have made my motion.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker took the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage, without amendment, of a bill (H. R. 3661) granting an increase of pension to Lucy L. G. Jeffers.

It further announced that the President *pro tempore* of the Senate had appointed Messrs. HAWLEY and BECK as members of the Board of Visitors to West Point.

It further requested the return of a bill (S. 1337) granting an increase of pension to Lucy L. G. Jeffers.

It further announced the passage, with amendment, in which concurrence was requested, of a bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

STATE NATIONAL BANK, BOSTON, MASS.

The Committee of the Whole resumed its session.

Mr. WELLER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty minutes.

Mr. WELLER. I will reserve my time until remarks are made on the other side.

Mr. COLLINS. Mr. Chairman, I rise to a parliamentary inquiry. Having taken the floor I believe I am entitled to an hour after the gentleman from Iowa closes. The gentleman speaks in his own time. I do not desire to occupy the time of the House in anticipating him, when I can reply to him by and by.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. WELLER. Mr. Chairman, I can hardly add anything to the remarks that have been made on this subject by the gentleman from Indiana [Mr. HOLMAN]. I can only emphasize his statement by calling attention to the fact that this transaction occurred in 1867, as shown by the report of the committee. That the statute of limitations has run is very clear, as further shown by the report of the committee. Now, sir, here is a corporation, which is evidently quite able to protect itself, coming to the Congress of the United States and asking favors that are rarely, if ever, granted to the common citizen in any State of the Union. These parties ask that there shall be a waiver of the statute of limitations, and that this case shall be taken to the Court of Claims without regard to the loss of their rights, if any they ever had, by reason of the statute of limitations, or other bar under the law.

Now, I appeal to my friends the Republicans, and to my friends the Democrats, and to you all as friends of the people—I appeal to you to allow this corporation no rights but such as are commonly granted to the people of the United States in the courts in the several States. I think, Mr. Chairman, that if we are to grant special rights and favors to any person or class of persons, it should be to the common people instead of to corporations, which, as I have already said, are well able to protect themselves. We are on the eve of an incoming administration in the line of reform, and I would like to see a change from the system that has been in operation for at least the last fifteen years—I would like to see a change in the order of things, so as to let the great mass of the common people be protected and have their interests aided and abetted by this House, rather than that its powers should be exercised in behalf of corporations or powerful individuals that are abundantly able to care for themselves.

As to my own State I doubt whether any individual in Iowa in the whole history of the State has come before the court to ask them to waive in his behalf the statute of limitations. That statute is very rigidly enforced, and I understand that, as the gentleman from Indiana [Mr. HOLMAN] has well stated, it is the rule in all the States to enforce the statute of limitations as a means of promoting repose between parties. In this case nearly twenty years have elapsed, the case has been adjudicated by the highest judicial tribunals in the land; they

have made an award; that award has been paid, and now these parties are coming in appealing to the representatives of the people for favors and advantages that they can not get in any court, but can get only, if at all, through the House of Representatives. I trust that my Republican friends and my Democratic friends and all the members of this House, as friends of the people, will see to it that this bill does not pass; or at least that if in any particular it does pass this House it be only in such form as to refer the matter to the Court of Claims, that they may report to the House all the facts in the case. It may be that these parties, with their abundant wealth, have in some way presented a fair *prima facie* case; it may be that they have withheld important facts which, if they could be brought to light by the Court of Claims and brought to the attention of this House, would entirely alter the aspect of the case, so that thereafter the House of Representatives would spurn the idea of further considering this bill or any of the features embodied in it. I trust that that will be the action of the House.

Mr. COLLINS. Mr. Chairman, I understand there is a general agreement that after a very short reply the committee will rise. If not I shall move to have the committee rise now to limit the debate.

Mr. WELLER. I make no such agreement as that.

Mr. COLLINS. Mr. Speaker, I move that the committee rise for the purpose of closing the general debate on the pending bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROGERS, of Arkansas, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., and had come to no resolution thereon.

Mr. COLLINS. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, and pending that motion I move that all general debate on the pending bill in the committee shall be closed in ten minutes after its consideration shall have been resumed.

Mr. WELLER. Say thirty minutes—fifteen minutes to each side.

Mr. HOLMAN. There will be left the debate on the amendments under the five-minute rule.

The SPEAKER. The motion of the gentleman from Massachusetts is to limit the general debate.

Mr. HOLMAN. I presume so.

The SPEAKER. That is all that can be done at this stage of the proceedings.

Mr. WELLER. I will modify my motion so as to make it twenty minutes—ten minutes on each side.

Mr. HOLMAN. Inasmuch as the five-minute debate is left, I think the gentleman from Iowa will agree with me that will be ample.

Mr. WELLER. I do not think gentlemen ought to object to making it twenty minutes—ten minutes to each side.

The SPEAKER. The question is on the amendment. [Putting the question.] The noes seem to have it.

Mr. WELLER. I ask for a division.

The House divided; and there were—ayes 3, noes 64.

Mr. WELLER. No quorum has voted.

The SPEAKER appointed as tellers Mr. COLLINS and Mr. WELLER.

Mr. COLLINS. I am willing to give the gentleman twenty minutes if he wishes that time.

Mr. WELLER. It will be agreeable to me.

The SPEAKER. The Chair understands the gentleman from Massachusetts to modify his motion so as to limit general debate to twenty minutes.

The motion was agreed to.

The question recurred on the motion to go into Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. ROGERS, of Arkansas, in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., and by order of the House all general debate is limited to twenty minutes.

Mr. COLLINS. Mr. Chairman unless the rules which prevail between man and man of common honesty are set aside in considering this question, and unless a bank is to be pilloried whenever it is seen, then this bill should pass.

The proposition made by the gentleman from Indiana [Mr. HOLMAN] that this bill be referred to the committee under the Bowman act is an utterly useless thing to do, inasmuch as the Court of Claims have passed on every fact involved in this litigation in case No. 6887. There is no pretense here on the part of any human being that every fact in this case is not known. The amendment is intended therefore to have the effect to kill the bill.

The gentleman from Indiana says this money was received into the United States Treasury in the ordinary business way. I never knew before it had been claimed by an American legislator that stolen money—money stolen by an agent of the United States and put into the Treasury—was received in the ordinary business way. The fact is the Court of Claims, the United States being defendant and this bank the plaintiff, found the fact to be that $580,000 in gold belonging to this bank was then in the Treasury of the United States without any right on the part of the holder. The United States appealed to the Supreme Court, and by the decree and mandate of the Supreme Court this State Bank of Boston received this $480,000. My friend the gentleman from Iowa [Mr. WELLER] says it was a large sum of money. It was indeed a large sum of money for an agent of the United States to steal from one party.

It is now asked why the $480,000 was paid and this was not paid. It was because the suit in which the State Bank had litigated defending the checks drawn against it covering $480,000 was decided before the statute of limitations had run. Then they filed their petition against the United States. They defended against this $100,000 check which we seek to settle. They defended against that, but the statute of limitations had run before the matter was decided. They defended, as the report shows, in the interest of the United States, and had they won their case they would not be suitors here to-day.

Now, then, the United States hold, as the Forty-sixth, Forty-seventh, and Forty-eighth Congresses through their Judiciary Committees have held unanimously, as also the Court of Claims and the Supreme Court of the United States, that $100,000 of this money belongs to the State Bank of Boston, and the question is whether we shall raise the technical defense or permit it to be raised that one honest man in this country, whether he be from Indiana or from Iowa, would not raise against his neighbor whose servant had stolen his money. The United States of America is large enough to be honest and too mighty, I think, to be technical. Its attorneys in the courts are obliged to raise these technical defenses just as the attorney of any man in this House would raise a technical defense if he were not instructed to waive it by his principal or employer. The people who lost this $100,000 nearly twenty years ago now ask you to give them back the money without interest, and that is all they ask.

And in addition, Mr. Chairman, I want to say that the Government of the United States does not lay any claim to this money at all.

Mr. COSGROVE. The money is in the Treasury, is it?

Mr. COLLINS. Yes, sir.

Mr. COSGROVE. Acknowledged to be the money of the bank?

Mr. COLLINS. Yes, sir.

Mr. WELLER. Mr. Chairman, I wish to make one or two other suggestions in connection with my opposition to this bill.

The pensioners of the United States when they apply for their pensions, if they have permitted the legal period to elapse, are referred to the statute of limitation. You apply that same principle in the consideration of war claims, hundreds and thousands of dollars of which are due all over the country, and your statute of limitation has been allowed to run strictly against them. There is no redress of grievances anywhere, and yet when a corporation comes here for relief you are prompt to render it. I do not know, Mr. Chairman, but that I may have an undue feeling in this case, not so much, perhaps, because this is a corporation as that it is one of those infamous, undemocratic, unrepublican, and unconstitutional corporations—a national bank corporation. I do not know but that I have undue prejudice; but I say, sir, we are asked to consider claims here that would not for a moment be considered outside of the Congress of the United States of America. Now, for my part, I desire to have an overturning of the present régime, and the policy that has been pursued in these matters. Instead of letting everything go through I want to hold these men, when they come to this court of last resort, to the very same strict rule that you apply to the private citizen. [Cries of "Vote!" "Vote!"]

Mr. HAMMOND. Mr. Chairman, there is one fact in reference to this case that I am not quite sure is understood by the committee, as the debate has not been generally heard.

There were originally $580,000 in dispute with this bank, $480,000 of which was in the hands of certain holders in Massachusetts. Suits were brought and the bank demanded, as in duty it should have done, that these parties should show whether or not there was a liability. The Massachusetts court decided that there was. They recovered that sum through the Court of Claims, the decision of which was affirmed subsequently by the Supreme Court of the United States.

The other $100,000 had fallen into the hands of some New York party, Jay Cooke, I believe. The courts of New York operated more slowly than the courts of Massachusetts. The decision of the Massachusetts court came in time for the suits to be brought for the recovery of the $480,000, which sum, as I have said, was recovered. But the recovery on the claims in the hands of the parties in New York was so slow, owing to the process in the courts, that when the bank had to pay, the statutory bar for time for suit between it and the United States had run. Now, our court having decided that the $480,000 ought to be paid, and the facts being exactly the same in both cases, for the swindling was by the same officer, at the same time, and out of the same bank, the Committee on the Judiciary, after mature consideration, have come to the conclusion that we should pay the principal of this debt.

The CHAIRMAN. The Clerk will now read the first section of the bill for debate and amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the claim of the State National Bank of Boston for the sum of $100,000, in gold, deposited by said bank in the subtreasury of the United States at Boston, Mass., February 28, 1867, be, and hereby is, referred to the Court of Claims for its decision and adjudication, upon the merits thereof, as a court of equity and justice, without regard to the statute of limitations or to any technical defense, according to the practice of said court.

The committee recommend the adoption of the following amendment:

In line 10, strike out the words "or to any technical defense."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

Mr. HOLMAN. Mr. Chairman, inasmuch as an amendment which I propose covers the amendment of the committee, I suppose the question will first be taken upon that.

The CHAIRMAN. The Chair will hear the amendment of the gentleman.

Mr. HOLMAN. My amendment is to strike out all after the word "adjudication," in the eighth line, which embraces the words proposed to be stricken out by the committee.

The CHAIRMAN. The first question will be taken upon the amendment of the committee, after which the amendment of the gentleman from Indiana will be in order.

Mr. HOLMAN. But where two propositions are pending, one to strike out the whole of a paragraph and the other a part, I ask if the motion to strike out the whole paragraph is not first in order? It may be, however, that the Chair is right.

The CHAIRMAN. The question will first be taken upon the amendment proposed by the committee.

The amendment was agreed to.

Mr. HOLMAN. Now, I move to strike out all after the word "adjudication," in the eighth line, being the following words:

Upon the merits thereof, as a court of equity and justice, without regard to the statute of limitations as to any technical defense, according to the practice of said court.

Mr. HOLMAN. If the subject-matter is referred to the Court of Claims for adjudication that covers the whole ground, of course, and there is no necessity for the incorporation of the words which I have proposed to strike out. That is to say, this bank ought to be put in no better condition than any other citizen seeking redress through the Court of Claims in a case of which that court had jurisdiction.

We confer the jurisdiction upon the court to determine this case, but I insist it shall go no further than the law of the land would go in allowing this bank to go into the court and have its rights established under the law.

I have said all I desire to say in regard to the impropriety of extending peculiar favors to this bank which we refuse to the great body of our people. I have sought to suggest that to enforce the statute of limitations against the uninformed citizens of the country in general, and to open it up in favor of those possessing full information and full ability to act would be a discrimination scarcely worthy of Congress.

Mr. COLLINS. Of course it is understood, Mr. Chairman, if this amendment should pass the bill is dead. The Court of Claims has already done in this very case what the gentleman from Indiana suggests may be done. Now he says, and repeats what he said before, that we are undertaking to treat this bank as a specially favored subject, and not favored alike with the rest of our citizens. Not at all. The same law runs for the United States as for any defendant who goes into court to defend a suit. But an honest man whose clerk had stolen money which was a subject of litigation would certainly waive the statute of limitations if he merely held the money as trustee for the honest owner of it; and nobody but a dishonest man and no government but a dishonest government would keep stolen money when it admits that the ownership lies elsewhere.

Mr. HOLMAN. The Government of the United States does not admit this is stolen money the ownership of which lies elsewhere. On the contrary I undertake to say there is great doubt about the liability of this Government to refund this money, and that there has been great doubt of it from the beginning. The discussions heretofore indulged in on this floor which have been careful and extensive have demonstrated the fact of its being exceedingly questionable whether this bank has any claim on the Government whatever, and exceedingly doubtful whether the agent of the Government was the only party in complicity with this fraud.

Mr. MORSE. He was the only one convicted.

Mr. HOLMAN. I concede that he was the only one convicted; but it was always a question of doubt who the persons really were for whose benefit the fraud was committed.

Mr. RANNEY. It was not committed for the benefit of the Government.

Mr. HOLMAN. It is said to have been committed to cover up a defalcation of an officer of the subtreasury. What I insist is that the same law shall apply to this corporation as applies to every citizen of the United States. You say to your citizens the statute of limitations may be pleaded by the Government just as it is in every State of this Union. There is not a State of this Union but has found it wise on the ground of high public policy that a statute of limitations should be rigidly enforced in the interest of justice as well as in the interest of peace. What I object to specially here is discrimination in favor of one class of our citizens as against the great body of our people.

Last session Congress passed a bill opening up the statute of limitations for the benefit of certain banks in the city of New York. I think no gentleman read the views of the President of the United States upon that subject without feeling that it was not well for Congress to single out here and there in the interest of well-informed persons cases where the statute should be raised and keep it down steadily against the great body of our people. The statute of limitations is a wise provision, and is so considered by every State of the Union, and Congress ought not to remove it except in cases where justice imperatively demands it.

I admit that in the case of a widow, for example, not informed of her rights, or in the case of an orphan child, not supposed to have knowledge of claims against the Government, it would be a hardship and an impropriety for Congress to insist that the limitations should be enforced. But in cases between parties having large and extensive dealings with the Government, out of which dealings this difficulty arose some twenty years ago, it does seem to me if the statutes of limitations is proper in any case it is proper here.

Mr. WELLER. I desire as a part of my remarks to address an inquiry to the gentleman from Massachusetts [Mr. COLLINS]. If the amendment offered by the gentleman from Indiana shall prevail and this case goes to the Court of Claims, and they take all the testimony and return the testimony to this House for its consideration thereafter, will not the gentleman having the bill in charge have just as much right and all of his rights with the House thus informed as he has to-day?

Mr. COLLINS. I will answer that question by saying that when the Court of Claims gets through with this case, if the amendment prevails, we shall simply have this returned to us in the same position as we have to-day. That is all we shall ever know about it.

Mr. WELLER. I assume, Mr. Chairman, that the gentleman from Massachusetts is in error in regard to this matter. I apprehend if this case goes to the Court of Claims with the amendment offered by the gentleman from Indiana, and the Court of Claims, taking all of the testimony, as it will be its duty to do, returns the testimony to this House for its consideration, there will be developments made that are not observed by the members of this House to-day, and which, being observed, will change their opinions as to the merits of this bill.

I assume that; and I assume another thing—that every right which the gentleman has, every right which every party under this bill has to-day will be as good then as now; while the House will have the advantage of being fully advised. Nothing can be lost but the mere matter of time, while there may be great advantage in the protection of the rights of this House and the people, who by this means might be so fully advised that there would not be on this floor a vote in favor of this bill as now framed without the amendment.

I trust the amendment will be adopted in the interest of fair play and of equity. I do not wish to be considered as desiring that the Government shall retain any money that has been stolen from anybody; but I do say that the circumstances of this case, as disclosed in the report of the committee, convince me that further investigation should be had before this bill shall pass.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] withdraw his formal amendment?

Mr. HOLMAN. I do.

Mr. MORSE. I renew the formal amendment. I feel it my duty to say that there is one particular point in this case which I think has not been generally understood by members of the House. At the subtreasury in Boston there was employed a man named Hartwell, who had access to the money of the Government. He speculated with it, and lost a very large amount in his speculations. One day he was informed that the agents of the Government were coming to Boston to investigate the condition of the treasury. Knowing that there was a large deficit, he went, among other places, to this very bank that is now applying here for its money, and by fraud obtained the money, with which he tried to make good his accounts in the treasury. His fraud being discovered, he was tried, convicted, and sentenced, and served out his entire term of imprisonment. Before serving out his term he appealed to the United States court, claiming that the court which tried him had no jurisdiction over him, denying that he was an employé of the subtreasury at Boston. The court overruled his appeal; and, as I have said, he served out his entire time, as the records will show, for having obtained by fraud this money now in the Treasury. These people now simply say, "Give us back the money which a court of the United States decided was taken from us by fraud." That, I understand, is the entire case in a nutshell.

Mr. WEAVER. What position did Hartwell hold?

Mr. MORSE. He was a clerk in the subtreasury at Boston, holding his position by the approval of the Government here at Washington. He was tried, convicted, and sentenced in a United States court. He appealed, claiming that the United States court had no jurisdiction in his case; but his appeal was overruled upon the ground that he was an employé of the Government.

Mr. COLLINS. He was cashier of the United States subtreasury.

Mr. HENDERSON, of Iowa. Does the Government claim that this money in fact belonged to the Government?

Mr. COLLINS and Mr. MORSE. No, sir.

Mr. HOLMAN. The officers of the Government have insisted over

and over again that there was no fraud for which the United States should be liable.

Mr. HENDERSON, of Iowa. Does the gentleman from Indiana claim that the Government has a right to retain this money?

Mr. HOLMAN. Certainly.

Mr. MILLIKEN. Does the Government claim that this money belongs to it?

Mr. HOLMAN. All I can say is that officials of the Government have never conceded, so far as I am advised, that a dollar of this money went wrongfully into the Treasury. I have never seen an intimation from any source that the Government did not resist the payment of the whole of this money from the beginning through all the courts.

Mr. COLLINS. The Supreme Court has said the Government does not own the money.

Mr. HOLMAN. The money is now claimed by the officials of the Treasury.

Mr. COLLINS. Oh, they claim everything.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

The question being taken on the amendment of Mr. HOLMAN, to strike out all of the first section after the word "adjudication," in the eighth line, there were—ayes 46, noes 61.

Mr. HOLMAN. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HOLMAN and Mr. COLLINS were appointed.

The committee again divided; and the tellers reported—ayes 58, noes 105.

So the amendment was rejected.

The next section of the bill was read, as follows:

SEC. 2. That said claim may be heard and determined by said Court of Claims on the petition of said bank now pending therein. And such portions of the records and findings of fact in case numbered 6408, The State National Bank of Boston *vs.* The United States of America, filed in said Court of Claims January 11, 1872, as are relevant and pertinent to the claim hereby authorized to be heard and adjudicated, may be used as evidence by either party if otherwise competent.

The committee recommend the adoption of the following amendment:

Strike out, in section 2, the following:

"And such portions of the records and findings of facts in case numbered 6408, The State National Bank of Boston *vs.* The United States of America, filed in said Court of Claims January 11, 1872, as are relevant and pertinent to the claim hereby authorized to be heard and adjudicated, may be used as evidence by either party if otherwise competent."

The amendment was agreed to.

The next section of the bill was read, as follows:

SEC. 3. That there shall be the right of appeal from the finding and judgment of the said Court of Claims to the Supreme Court of the United States, as in other cases.

Mr. COLLINS. I now move that the committee rise and report this bill to the House with a recommendation that it be passed as amended.

The question being taken, there were—ayes 95, noes 26.

Mr. HOLMAN. Mr. Chairman, it is obvious that there is no quorum voting. If the committee reporting this bill will consent that a yea-and-nay vote shall be taken upon the main proposition with reference to the statute of limitations, I will agree that the bill may be reported to the House.

Mr. HAMMOND. I object.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. COLLINS were appointed tellers.

The committee again divided; and the tellers reported—ayes 128, noes 35.

So the motion was agreed to.

JAMES HOOPER.

Mr. MOULTON. I desire to call up House bill No. 736, being a bill for the relief of James Hooper. This bill involves the payment of no money out of the Treasury. It simply provides to refer the claim to the Court of Alabama Claims. The money for the payment of this claim is already in the hands of the Government, and this bill merely refers it to the Court of Alabama Claims for adjudication. If no one asks for the reading of the report, I will move that the bill be laid aside to be reported favorably to the House.

Mr. McMILLIN. I ask that the report be read.

Mr. MOULTON. Mr. Chairman, before the report is read, if the committee will give their attention, I will make a brief statement so that gentlemen may understand the point in this case. The claimant was the owner of the bark General Berry, which was in the employ of the Government in 1864 for the purpose of transporting supplies from the city of New York to Fortress Monroe. The Government had insured the vessel to the extent of $16,000, which was only a small part of her value. The vessel was captured and destroyed. Subsequently the matter was adjudicated and passed upon by the court, but they simply allowed the claimant $16,000; allowing nothing for the additional value of the vessel and its equipments, amounting to some $30,000. Later the whole amount was put in under a statement and went in among the other Alabama claims, and the claim was recognized and the money for its payment is now in the hands of the Government. By reason of the adjudication to which I have referred the claimant has been unable to get any more than the $16,000. This was one of the very first cases adjudicated, and the rules that were applied to subsequent cases were not applied to this.

In the very next case passed upon by the same tribunal, the case of another vessel lost a few days afterward, they made an allowance of the whole value of the vessel over and above the war risk. The report in this case sets out the facts, and, as it is very short, and as its reading has been asked for, I think it had better be read. The committee will understand that this claim is only for the difference between the amount received and the total value of the property.

A MEMBER. How much is it in money?

Mr. MOULTON. It is about $30,000. The whole value of the vessel was about $41,000.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McMILLIN] insist upon the reading of the report?

Mr. McMILLIN. My only object in calling for the reading was to find out something about the claim.

The Clerk read the report, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 736) for the relief of James Hooper, having considered the same, make the following report:

The object of this bill is to authorize and require the Court of Alabama Claims to reopen the case of James Hooper *vs.* The United States, decided in December term, 1874, of said court, and to allow the claimant to be reheard in regard to his claim, as provided by said bill.

This claim grows out of the loss of the bark General Berry, owned by James Hooper, and destroyed by a confederate cruiser while chartered and in the service of the United States.

Your committee deem it proper to state that the case referred to was one of the very first decided by the said court, and the rules of decisions afterward adopted in cases of this character were not applied in the decisions of the case of Mr. Hooper. By this decision no allowance was made for the difference between the war risk of the bark assumed and paid by the Government and the real value of the vessel, the same being $28,150.20. This last sum has never been paid Mr. Hooper.

The following is a short statement of the case, as it fully appears from the proof and papers on file, and submitted with the case:

"STATEMENT.

"The claimant, James Hooper, in June, 1864, chartered to the United States the bark General Berry, owned by him, for the transportation of quartermaster's stores from New York to Fortress Monroe, for the use of the Union Army. On the 10th day of July, 1864, she was captured and destroyed off Cape May, N. J., by the confederate steamer Florida.

"Four years afterward, it having been shown that the claimant had not insured the vessel in any private insurance company, for the reason that the understanding was that the United States assumed the war risk on the vessel, Congress appropriated $16,000 as an indemnity to him for the risk so assumed by the Government.

"Subsequently, during the negotiations between the Government of Great Britain and the United States in reference to the depredations of the Alabama and other confederate cruisers, advertisement was made for claimants to send to the State Department their claims for losses sustained by them through these cruisers, the intention being to submit these claims to the 'Geneva arbitrators,' as the basis of the indemnity demanded by the United States from Great Britain. Mr. Hooper accordingly filed his claim for the loss of the General Berry, and the statement of his claim was as follows:

Vessel, 462.78 tons, valued at $90 per ton		$41,650 20
Deduct amount received from United States (July 15, 1868)	$16,000 00	
Less costs and expenses of collection (if allowable)	2,500 00	
		13,500 00
Net balance due for vessel		28,150 20
Freight and primage on board	1,014 07	
One chronometer	250 00	
Hicks & Bell, ship stores and provisions	445 89	
Bentz & Co., advance to crew	600 50	
Hugh & Murry, ballast	300 00	
		2,610 46
Total due		30,760 66
William B. Hooper (master), personal effects	845 00	
Thomas J. Hooper (officer), personal effects	422 50	
Aaron Ring, Bath, Me. (chain-cable)	815 32	
		2,082 82
		32,843 48

"This sum of $32,843.48 was included in the list of claims sent to Geneva. Increased by a claim for the wages of seamen, the amount finally presented was $35,918, and the arbitrators allowed $40,757, and that last-mentioned sum was included in the final award. (See CONGRESSIONAL RECORD, vol. 2, part 5, first session Forty-third Congress; also Executive Documents, third session Forty-second Congress, Foreign Relations, part 2; Geneva Arbitrators, vol. 3, page 625.)

"Subsequently the Court of Commissioners of Alabama Claims was established by act of June 23, 1874 (18 Statutes at Large, page 245), by the twelfth section of which it was provided as follows:

"'No claim shall be admissible or allowed by said court for any loss or damage for or in respect to which the party injured, his assignees or legal representatives, shall have received compensation or indemnity from any insurance company, insurer, or otherwise; but if such compensation or indemnity so received shall not have been equal to the loss or damage so actually suffered, allowance may be made for the difference.'

"Under this section the claimant brought suit before that court, and all the foregoing amounts were allowed, except the claim for the vessel itself, $28,150.20, which was rejected.

"This decision is unintelligible to the claimant, inasmuch as the amount of the claim was actually collected and received by the United States from Great Britain, and the money is in the Treasury in trust for him; and inasmuch, also, as shortly afterward allowance was made for the bark Greenland, destroyed under precisely similar circumstances, and for which a similar part payment had been made by the United States. (See CONGRESSIONAL RECORD, &c., *ibid.*)

"It will be perceived that the sum of $16,000, paid by the United States as insurers of the vessel, does not enter at all into the claim forwarded by the Government to Geneva as the award finally allowed by the arbitrators, and that the award was for a balance due the claimant. This balance is payable to him independently of the $16,000 allowed by the Government.

"The mistake of the commissioners seems to have resulted from their having regarded the payment by the Government as a payment in full for the vessel, whereas, on the contrary, the Government itself did not regard it as any such payment in full. Yet they fell into no such mistake in reference to the Greenland.

"That the payment of $16,000 by the Government was a payment on account of the war risk, and as agreed insurance upon the vessel, is evident from the report made by the Senate Committee on Claims on March 13, 1868, upon which the claim for $16,000 was allowed and paid, after refusal, in the first instance, by the accounting officers of the Treasury, who took the view that the Government had not assumed the war risk. The payment was for the insurance of the vessel, and not payment, either in part or in whole, for the vessel.

"There is yet in the Treasury of the United States upwards of $32,000 paid by the British Government to the United States on account of the loss of the General Berry; and it is to establish his right to this sum, and to review what seems to have been a hasty and ill-considered, and certainly erroneous, decision of the Court of Alabama Claims Commissioners, that the claimant now seeks the intervention of Congress."

Therefore your committee report said bill to the House and recommend its passage.

Mr. MOULTON. Mr. Chairman, I think gentlemen must see that this is an eminently just claim, and I move that the bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. I desire to make a suggestion to the gentleman from Illinois. I notice that the last clause of this bill assumes that judgment will be rendered for the plaintiff, and provides for its payment. Ought not the provision to be that in the event of judgment being rendered for the plaintiff it shall be paid in such and such a manner?

Mr. MOULTON. This is the last clause of the bill:

And thereupon to render such judgment in the premises as may be just and proper, with interest at the rate of 4 per cent. per annum from the time the loss occurred, on such sum as may be due the said James Hooper.

Mr. HOLMAN. That assumes that judgment is to be rendered for the plaintiff.

Mr. MOULTON. No. The bill provides that the court shall consider the whole case and render such judgment as may be just and proper, and then it provides that if any allowance is made it shall be upon these terms.

Mr. HOLMAN. It provides that the court shall "render such judgment in the premises as may be just and proper."

Mr. MOULTON. Certainly; taking the facts of the case into consideration.

Mr. HOLMAN. "Such judgment in the premises as may be just and proper, with interest at the rate of 4 per cent. per annum"—that certainly assumes that judgment is to be rendered for the plaintiff.

Mr. MOULTON. I make the motion that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

L. A. MORRIS.

Mr. CULBERSON, of Texas. Mr. Chairman, I call up House bill No. 3196, being a bill for the relief of L. A. Morris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit a judgment obtained in the Federal court at Fort Smith, Ark., against L. A. Morris, upon his bond as an Indian trader, for the sum of $5,000, in favor of the United States, upon the payment of all the costs accrued in the prosecution of the cause.

Mr. CULBERSON, of Texas. I move that the bill be laid aside to be reported favorably to the House.

Mr. WHITE, of Kentucky. I think we ought to have some explanation of that bill, and I ask that the report be read.

The Clerk read the report, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 3196) for the relief of L. A. Morris, have considered the same, and make the following report:

On the 26th day of September, 1875, suit was instituted in the district court of the United States for the western district of Arkansas, at Fort Smith, in behalf of the United States, against T. T. Maxwell and L. A. Morris, under the name and style of Maxwell & Morris, partners in trade, John A. Fitch, and John Dorchester, to recover the penalty of a bond executed by the said Maxwell & Morris, as traders in the Choctaw Nation. The breach alleged in the complaint consisted in a violation of that provision of the bond which obligated the said Maxwell & Morris to obtain a license from the local authorities of the Choctaw Nation before offering or exposing their goods for sale.

On the 11th day of November, 1878, the suit was dismissed as to all the defendants except L. A. Morris, and judgment was recovered against him for the sum of $5,000, the penalty of the bond.

The facts in the case appear to be as follows: In 1875 Maxwell & Morris, having been appointed Indian traders, executed the bond declared upon, and the same was presented to and approved by E. P. Smith, Indian Commissioner. Upon the execution and approval of the bond license was duly issued to said Maxwell & Morris to trade in the Choctaw Nation.

L. A. Morris applied to George W. Ingalls, agent for the five civilized tribes of Indians, to ascertain if it was necessary to obtain a permit to trade from the local authorities of the Choctaw Nation, and was informed by him that it was not necessary. He was advised by Ingalls, the Indian agent, to get up a petition signed by a number of leading or prominent men, asking for the privilege of trading with the Indians. The petition was prepared and the signatures of several persons obtained, but was never presented, as, under the advice of the Indian agent, a permit was not believed to be necessary. One condition of the bond recites that "the principal shall faithfully conform to and observe all the laws and regulations made, or which shall be made, for the government of trade and intercourse with the Indian tribes." By reference to the treaty existing between the United States and the Choctaw Nation it will be seen that, in addition to the license granted by the Government, permission must be obtained from the local authorities of the nation before it shall be lawful to sell or expose for sale goods in the Territory.

It was also in proof before the court that shortly after Maxwell & Morris commenced selling the goods their store was closed by order of the authorities of the nation, and considerable damage resulted to the stock of goods on account of the seizure.

Upon this statement of facts the court gave judgment against L. A. Morris for the sum of $5,000, the penalty of the bond.

In view of the facts in the case, the committee believe that Morris did not intend to violate the law, and if such violation was established before the court it was merely technical.

The committee recommend the passage of the bill.

Mr. CULBERSON, of Texas. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. TUCKER moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROGERS, of Arkansas, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration bills coming from the Judiciary Committee under the special order, and had directed him to report back sundry bills.

STATE NATIONAL BANK OF BOSTON.

The SPEAKER. The first bill reported from the Committee of the Whole House on the Private Calendar is the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.

The amendments of the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN demanded the yeas and nays on the passage of the bill.

The House divided; and there were—ayes 33, noes 93.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 116, nays 63, not voting 144; as follows:

YEAS—116.

Adams, G. E.	Dibble,	Jordan,	Rice,
Aiken,	Dorsheimer,	Kean,	Robertson,
Atkinson,	Dunham,	Lacey,	Rockwell,
Bagley,	Eaton,	Lanham,	Rogers, W. F.
Belmont,	Elliott,	Libbey,	Seney,
Blount,	Everhart,	Long,	Seymour,
Boutelle,	Ferrell,	Lore,	Slocum,
Bowen,	Findlay,	Lovering,	Smith, H. Y.
Bratton,	Finerty,	McCold,	Spooner,
Brewer, J. H.	Foran,	McConnas,	Stephenson,
Broadhead,	Garrison,	McCormick,	Stevens,
Browne, T. M.	George,	Maybury,	Stone,
Buchanan,	Greenleaf,	Millard,	Strait,
Caldwell,	Guenther,	Milliken,	Struble,
Campbell, Felix	Hammond,	Morrill,	Thomas,
Candler,	Hancock,	Morse,	Tillman,
Cannon,	Hatch, H. H.	Moulton,	Tucker,
Cassidy,	Hatch, W. H.	Mutchler,	Turner, H. G.
Chace,	Herbert,	Nelson,	Valentine,
Clardy,	Hewitt, A. S.	Nutting,	Van Eaton,
Clements,	Hiscock,	O'Hara,	Wallace,
Collins,	Hitt,	O'Neill, Charles	Wellborn,
Cosgrove,	Holmes,	Parker,	Wemple,
Covington,	Horr,	Payne,	White, J. D.
Craig,	Houseman,	Pettibone,	White, Milo
Crisp,	Hunt,	Poland,	Whiting,
Culberson, D. B.	James,	Post,	Wilson, W. L.
Davis, G. R.	Jeffords,	Pryor,	Wolford,
Davis, R. T.	Johnson,	Ray, Ossian	Woodward.

NAYS—63.

Alexander,	Eldredge,	Patton,	Swope,
Anderson,	English,	Peel,	Taylor, J. M.
Beach,	Forney,	Pierce,	Townshend,
Bennett,	Graves,	Perkins,	Turner, Oscar
Bland,	Hardy,	Peters,	Warner, A. J.
Brown, W. W.	Hemphill,	Randall,	Warner, Richard
Cabell,	Hepburn,	Reese,	Weaver,
Clay,	Hewitt, G. W.	Rogers, J. H.	Weller,
Cobb,	Hill,	Shively,	Williams,
Converse,	Holman,	Singleton,	Winans, E. B.
Cox, W. R.	Lowry,	Skinner, T. G.	Wise, G. D.
Curtin,	McMillin,	Smith, A. H.	Wood,
Davis, L. H.	Matson,	Spriggs,	Worthington,
Deuster,	Miller, J. F.	Stewart, Charles	Yaple,
Dibrell,	Neece,	Stockslager,	York.
Dowd,	O'Ferrall,	Storm,	

NOT VOTING—144.

Adams, J. J.	Chalmers,	Halsell,	King,
Arnot,	Connolly,	Hanback,	Kleiner,
Ballentine,	Cook,	Hardeman,	Laird,
Barbour,	Cox, S. S.	Harmer,	Lamb,
Barksdale,	Culbertson, W. W.	Hart,	Lawrence,
Barr,	Cullen,	Haynes,	Le Fevre,
Bayne,	Cutcheon,	Henderson, D. B.	Lewis,
Belford,	Dargan,	Henderson, T. J.	Lyman,
Bingham,	Davidson,	Henley,	McAdoo,
Bisbee,	Dingley,	Hoblitzell,	Miller, S. H.
Blackburn,	Dockery,	Holton,	Mills,
Blanchard,	Dunn,	Hooper,	Mitchell,
Boyle,	Ellis,	Hopkins,	Money,
Brainerd,	Ellwood,	Houk,	Morgan,
Breckinridge,	Ermentrout,	Howey,	Morrison,
Breitung,	Evans,	Hurd,	Muldrow,
Brewer, F. B.	Fiedler,	Hutchins,	Muller,
Brumm,	Follett,	Jones, B. W.	Murphy,
Buckner,	Funston,	Jones, J. H.	Murray,
Budd,	Fyan,	Jones, J. K.	Nicholls,
Burleigh,	Geddes,	Jones, J. T.	Oates,
Burnes,	Gibson,	Keifer,	Ochiltree,
Campbell, J. E.	Glascock,	Kelley,	O'Neill, J. J.
Campbell, J. M.	Goff,	Kellogg,	Paige,
Carleton,	Green,	Ketcham,	Payson,

Phelps,	Robinson, W. E.	Stewart, J. W.	Wadsworth,
Potter,	Rosecrans,	Sumner, C. A.	Wait,
Price,	Rowell,	Sumner, D. H.	Wakefield,
Pusey,	Russell,	Talbott,	Ward,
Rankin,	Ryan,	Taylor, E. B.	Washburn,
Ranney,	Shaw,	Taylor, J. D.	Wilkins,
Ray, G. W.	Skinner, C. R.	Thompson,	Willis,
Reagan,	Smalls,	Throckmorton,	Wilson, James
Reed,	Snyder,	Tully,	Winans, John
Riggs,	Springer,	Van Alstyne,	Wise, J. S.
Robinson, J. S.	Steele,	Vance,	Young.

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk:

Until further notice on all political questions:

Mr. RANKIN with Mr. HOWEY.

Mr. MORRISON with Mr. HISCOCK.

Mr. FOLLETT with Mr. BURLEIGH.

Mr. DARGAN with Mr. KELLOGG.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. RUSSELL.

Mr. CARLETON with Mr. DINGLEY.

Mr. SPRINGER with Mr. STEWART, of Vermont.

Mr. ARNOT with Mr. BELFORD.

Mr. MULDROW with Mr. EVANS.

Mr. FYAN with Mr. MILLER, of Pennsylvania.

Mr. DOCKERY with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. VAN ALSTYNE with Mr. ELLWOOD.

Mr. WARD with Mr. LYMAN.

Mr. SNYDER with Mr. GOFF.

Mr. ADAMS, of New York, with Mr. WADSWORTH.

For this day:

Mr. PAIGE with Mr. HART.

Mr. SINGLETON with Mr. JOHN S. WISE.

Mr. TALBOTT with Mr. HOLTON.

Mr. GIBSON with Mr. REED.

Mr. O'NEILL, of Missouri, with Mr. RYAN.

Mr. KLEINER with Mr. PRICE.

Mr. YOUNG with Mr. WILSON, of Iowa.

Mr. THROCKMORTON with Mr. FUNSTON.

Mr. VANCE with Mr. WAKEFIELD.

Mr. JONES, of Texas, with Mr. BARR.

Mr. DAVIDSON with Mr. CULBERTSON, of Kentucky.

Mr. OATES with RANNEY.

Mr. THOMPSON with Mr. JOSEPH D. TAYLOR.

Mr. NICHOLLS with Mr. OCHILTREE.

Mr. BUCKNER with Mr. HENDERSON, of Iowa.

Mr. HALSELL with Mr. ATKINSON.

Mr. STEELE with Mr. LAMB.

Mr. ERMENTROUT with Mr. HARMER.

Mr. ROSECRANS with Mr. PHELPS.

Mr. BALLENTINE with Mr. HOUK.

Mr. HANCOCK with Mr. HANBACK.

Mr. McADOO with Mr. BREITUNG.

Mr. GREEN with Mr. KELLEY.

Mr. REAGAN with Mr. BINGHAM.

The vote was then announced as above recorded.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES HOOPER.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 736) for the relief of James Hooper.

Mr. TUCKER. I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Can we not adjourn now and take a vote on these bills in the morning just as well as to-night?

Mr. HAMMOND. I hope the House will not adjourn now, as we have only one other bill to act upon.

Mr. WELLER. I move that the House do now adjourn.

Mr. TUCKER. There is but one other bill remaining to be disposed of.

Mr. WELLER. I withdraw the motion.

L. A. MORRIS.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 3196) for the relief of L. A. Morris.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah;

A bill (S. 862) for the relief of Uriel Crocker;

A bill (S. 1625) for the relief of William Bower;

A bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army;

A bill (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860;

A bill (S. 2045) for the relief of the Eastern Presbyterian Church in the District of Columbia; and

A bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota, and one between the States of Minnesota and Wisconsin.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GEORGE D. WISE, for three days, on account of important business.

To Mr. GIBSON, for four days, on account of important business.

To Mr. HARDEMAN, indefinitely, on account of sickness.

DEATH OF HON. SCHUYLER COLFAX.

Mr. BROWNE, of Indiana. Mr. Speaker, I perform a sad office by announcing to the House the death of Hon. Schuyler Colfax, at one time the Speaker of this body, and late Vice-President of the United States. A telegram was received through the Associated Press this afternoon at about 2 o'clock announcing this sad fact. I desire that this telegram be read by the Clerk.

The Clerk read as follows:

[Received at 2.45 p. m.]

Schuyler Colfax dropped dead in the depot at Mankato, Minn., a few moments ago.

Mr. BROWNE, of Indiana. I wish to send to the Clerk's desk for adoption by the House a resolution upon this subject.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas the intelligence has just reached this House that Schuyler Colfax, for many years a member of this body, and its Speaker, and late Vice-President of the United States, died this day at Mankato, Minn.; and

Whereas the deceased was a distinguished citizen of the Republic and a conspicuous figure in its history; and

Whereas it is fit that this House, in which he so long served, and over which he presided as Speaker, should give expression of its sorrow for his loss, its regard for his memory, and its sympathy for his bereaved family: Therefore,

Be it resolved, That the House do now adjourn.

The resolution was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petitions of 100 citizens and of 80 citizens, of Huntingdon County, Pennsylvania, asking for the allowance of arrears of pensions—to the Committee on Invalid Pensions.

Also, two petitions of 100 citizens each, of Huntingdon County, Pennsylvania, asking for an allowance of land to each honorably discharged soldier—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. CURTIN: Petition of Ralph S. Demarest, for indemnity for moneys invested in the purchase of certificates on the faith of the act of Congress of February 25, 1873, relating to Venezuelan awards—to the Committee on Foreign Affairs.

By Mr. ERMENTROUT: Petition of American Philosophical Society, of Pennsylvania, for placing on free-list books on natural and medical science and apparatus—to the Committee on Ways and Means.

Also, petition of the committee of the Maritime Association of the port of New York, for modification and ratification of Spanish treaty—to the Committee on Foreign Affairs.

By Mr. HEMPHILL: Petition of E. Mullen Boykin and 70 others, members of the General Assembly of South Carolina, asking for an appropriation of $25,000 for work on the Wateree River—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: Memorial of the Chamber of Commerce of Pittsburgh, Pa., relative to the improvement of navigation and removal of toll burdens on the Monongahela River—to the same committee.

By Mr. KING: Petition of E. K. Converse and others, for public building at New Orleans, La.—to the Committee on Public Buildings and Grounds.

By Mr. MILLARD: Petition of Harriet Conklin, for increase of widows' pensions—to the Committee on Pensions.

By Mr. MURPHY: Petitions of Hon. Hugh H. Osgood, ex-mayor, and 14 others, business firms of Norwich; of Hon. H. B. Bigelow, ex-governor of Connecticut, and 24 others, leading business men of New Haven; of Jewell Belting Company and 92 other of the largest business firms of Hartford; and of E. J. Doolittle, mayor, and others, business firms of Meriden, Conn., asking Congress to construct the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. NELSON: Petition for the improvement of the Red River of the North, with letter from Governor L. F. Hubbard—to the same committee.

By Mr. NICHOLLS: Memorial of W. W. Gerger, Joseph S. Haymans, and A. G. Smith, of the board of education of Bryan County, Georgia, asking the passage of the educational bill—to the Committee on Education.

By Mr. SENEY: Petition of Erastus Winans, for passage of Senate bill 1447 and House bill 7165—to the Committee on Commerce.

By Mr. A. H. SMITH: A remonstrance from H. H. Miller and 155 others, citizens of Rock Hill, Pa., against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. STOCKSLAGER: Petition of citizens of Zenas, Ind., for increase of widows' pensions—to the Committee on Pensions.

By Mr. TUCKER: Petition of George Corpenning, and papers relating thereto—to the Committee on the Judiciary.

By Mr. J. D. WHITE: Petition of Thomas Dean, for increase of pension—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 210 citizens of Washington, of 64 citizens of Clyde, and of Frank Sager and 600 others, citizens of Republic County, Kansas.

By Mr. ATKINSON: Of 75 citizens of Perry County and of 72 citizens of Juniata County, Pa.

By Mr. BEACH: Of citizens of Liberty, N. Y.

By Mr. F. B. BREWER: Of citizens of Chautauqua County, New York, and of Vandalia, N. Y.

By Mr. CURTIN: Of citizens of Elk County, Pennsylvania.

By Mr. DEUSTER: Of August Klabunde and 29 others, of Milwaukee, Wis.

By Mr. DINGLEY: Of G. M. Knight and others, of Oxford County, Maine.

By Mr. FUNSTON: Of citizens of Earlton, of Vermillion, of Hedric, and of Girard, Kans.

By Mr. HANBACK: Of 93 citizens of Lebanon, Kans.

By Mr. D. B. HENDERSON: Of A. H. McCracken and 55 others, of Waverly, Iowa.

By Mr. JOHNSON: Of J. E. Barnes and others, of Westport, and of Charles W. Knot and others, of Schroon Lake, N. Y.

By Mr. KEAN: Of citizens of Freehold, Monmouth County, New Jersey.

By Mr. McCORMICK: Of James Eckley, of Wellston, Ohio, and 220 others, of Jackson County, Ohio; of Francis Downey and 75 others, of Jackson, Ohio.

By Mr. MILLIKEN: Of Irving Osgood and others, of Hancock County; of Edwin A. Pratt and others, of Somerset County, Maine.

By Mr. MORRILL: Of citizens of Jackson County, Kansas, and of Lancaster and Leavenworth, Kans.

By Mr. W. L. WILSON: Of 34 citizens of Taylor County, West Virginia.

By Mr. PERKINS: Of Henry Welty and 120 others, citizens of Elk County, Kansas.

By Mr. PETERS: Of 58 citizens of Edwards County, Kansas.

By Mr. POLAND: Of Albert Snow and others, of Pomfret; of John Ord and others, of Irasburg; of Philander Baily and others, of Proctorsville, and of W. B. Crane and others, of Concord, Vt.

By Mr. RYAN: Of George W. Reed and 130 others, of Morris County, Kansas.

By Mr. SPOONER: Of 147 citizens of Burrillville and of 64 citizens of Bristol, R. I.

By Mr. SPRINGER: Of 50 soldiers and citizens of Bolivia, Christian County; of 40 citizens of Mason County; of 80 citizens and soldiers of Christian County, and of 60 citizens of Mason County, Illinois.

By Mr. SPRIGGS: Of citizens of Oneida County, New York.

By Mr. STRAIT: Of 63 citizens of Olivia, of Dundas, and of Montevidio, Minn.

By Mr. WEAVER: Of J. Vandevoort and 60 others, of Salem, Nebr.

By Mr. MILO WHITE: Of citizens of Rochester; of 151 citizens of Austin, and of 132 citizens of Kasson, Minn.

By Mr. JAMES WILSON: Of 132 citizens of Iowa County; of 64 citizens of Marshall County, Iowa, and of 200 citizens of Gilman, Iowa.

By Mr. E. B. WINANS: Of F. W. Redfern and 181 others, citizens, and of Gabriel Anderson and 62 others, citizens and soldiers of Clinton County, Michigan.

SENATE.

WEDNESDAY, *January* 14, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in compliance with section 194 of the Revised Statutes, a report of the names of the clerks and other persons employed in the War Department, and the officials thereof, from December 1, 1883, to November 30, 1884. If there be no objection the letter will be printed, and, with the accompanying report, referred to the Committee on Printing for the time being.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; and

A bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2576) to repeal section 840 of the Revised Statutes of the United States and a portion of section 629;

A bill (H. R. 3714) to amend section 1000 of the Revised Statutes of the United States;

A bill (H. R. 4409) to amend section 643 of the Revised Statutes of the United States;

A bill (H. R. 6076) to authorize terms of the circuit court of the United States for the eastern district of the State of North Carolina at the city of Wilmington, in said district;

A bill (H. R. 7584) for the relief of A. B. Montgomery;

A bill (H. R. 7585) for the relief of M. Gardner; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia; and

A bill (H. R. 7895) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District from empiricism in relation thereto.

The bill (H. R. 4407) to relieve private soldiers of the United States Army from the disabilities imposed by section 1218 of the Revised Statutes was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit, and State of Michigan, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents the memorial of the Pennsylvania Academy of Fine Arts, remonstrating against the purchase of the portrait of General George H. Thomas named therein. The Chair understands that the Committee on the Library reported on the subject an amendment to an appropriation bill, which was referred to the Committee on Appropriations. The Chair will therefore refer the memorial to the Committee on Appropriations.

Mr. McPHERSON. I present the petition of Ralph S. Demarest, of Demarest, N. J., praying that no review of the Venezuela awards shall be had until provision shall have been made for him and for all those citizens of the United States who like him purchased the certificates of the Caracas commission on the faith of the treaty and of the act of Congress declaring that the awards were final and conclusive and were to be held as valid and subsisting against the Republic of Venezuela. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GORMAN. I ask unanimous consent to present a communication from the Baltimore Corn and Flour Exchange, remonstrating against the ratification of the proposed Spanish reciprocity treaty. It is a letter addressed to me, but evidently intended for presentation to the Senate. I ask that it may be received and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Foreign Relations.

Mr. HALE presented the petition of Arthur P. Nazro, lieutenant, United States Navy, and other officers of the Navy, praying for legislation in relation to rank and promotion in the Navy; which was referred to the Committee on Naval Affairs.

Mr. WILSON presented the petition of Lewis Countryman and 100 other citizens of Iowa, praying for the passage of an act of Congress for the resumption of certain lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company, and that settlers on those lands shall be protected in their rights; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. DOLPH. I am instructed by the Committee on Claims, to whom was referred the petition of Charles Murphy, of California, praying compensation for certain work done by him on the dry-dock at Mare Island, California, to report it adversely. I beg the indulgence of the Senate to say that no other claim has been so earnestly and persistently pressed upon the consideration of the committee at the present Congress as this claim, and no other claim has been so carefully considered by the committee. The committee, desiring to be right and fully informed, gave the claimant and his attorneys at the last session a hearing and at the present session a rehearing; and this report is the unanimous report of the committee.

The PRESIDENT *pro tempore*. If there be no objection, the report of the committee will be agreed to and the prayer of the petitioner denied. The Chair hears none, and it is so ordered.

Mr. SHEFFIELD, from the Committee on Claims, to whom was referred the bill (S. 2046) for the relief of Rittenhouse Moore, of Alabama, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WILSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 3691) for the relief of Joshua Shepard, to report it adversely.

Mr. COCKRELL. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 164) for the relief of John C. Herndon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

CAPTAIN WHEELER'S REPORT.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred a resolution to print the report of Capt. George M. Wheeler, to report it back with an amendment in the nature of a substitute, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be first read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the report of Capt. George M. Wheeler, Corps of Engineers, United States Army, on the Third International Geographical Congress and Exhibition at Venice, Italy, with the accompanying illustrations, transmitted to the Senate by the Secretary of War on December 10, 1883, be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the resolution be now considered. Is there objection? The Chair hears none. The amendment reported by the committee will be read.

The Chief Clerk read the substitute, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of Capt. George M. Wheeler, Corps of Engineers, United States Army, on the Third International Geographical Congress and Exhibition at Venice, Italy, with the accompanying illustrations, transmitted to the Senate by the Secretary of War on the 10th of December, 1883, be printed in quarto form, and that 3,500 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the Department of War.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ELECTORAL-VOTE MESSENGERS.

Mr. ALLISON. The Committee on Appropriations instruct me to report an original bill in response to the message of the President of yesterday, and I ask unanimous consent that it may be put upon its passage.

The bill (S. 2540) to provide for the expense and compensation of special messengers to be sent by the Secretary of State to the States respectively of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States, was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the bill be now considered. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole, and will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the sum of $1,500 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the compensation, expenses, or mileage, as the case may be, of two messengers, one to the State of Iowa and one to the State of Oregon, to receive from the United States district judge in each of said States the certificate of the electoral vote of November, 1884, for President and Vice-President of the United States, deposited with such judges under the provisions of section 140 of the Revised Statutes of the United States, and called for by the Secretary of State under the provisions of section 141 of the Revised Statutes of the United States.

SEC. 2. The sum hereby appropriated shall be immediately available and shall be disbursed under the direction of the Secretary of State.

Mr. ALLISON. I did not quite hear the reading. I understood from the Chief Clerk that the word "November" was inserted at a certain place.

The PRESIDENT *pro tempore*. The bill describes the electoral vote as having been given in November instead of December.

Mr. ALLISON. I move an amendment to cure that defect.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to strike out the word "November," where it occurs, and insert the word "December." If there be no objection that amendment will be considered as agreed to.

The bill was reported to the Senate as amended.

Mr. COCKRELL. I should like to have the Senator from Iowa make some explanation of the bill. Why is it that we have to send to these States for the electoral returns?

Mr. ALLISON. I understand the reason to be that the returns have not been deposited as the law requires.

Mr. COCKRELL. Would it not then be well to send a copy of the laws and regulations to these two respective States, in order that their electors may know what to do in future, and that we may not have to send special messengers at great expense to bring in the votes that they cast for President and Vice-President?

Mr. ALLISON. It is hardly worth while to put that in the statute. It might be well enough to intimate to the messenger that a copy of the laws should be sent. I understand that these returns are not here as the law requires, and therefore that this action is necessary. I hope the bill will pass.

Mr. DOLPH. If I understand the case correctly, although I did not catch the reading of the bill at the moment and do not know exactly what it is intended to accomplish, the certificate has been received in due form from Oregon by messenger, but the certificate required to be sent by mail has not been received in due form. Without looking at the law, as I recollect its provisions, if the certificate sent by mail is not received within a given time it is made the duty of the Secretary of State to send for the certificate which is required to be deposited with the district judge. The return from Oregon, by mail as well as the one sent by messenger, would have been here in time had it not been for an unusual detention of the mails. The fact is, however, that the first return which came by mail was without the necessary indorsement upon the outside of the package, but another return in due form would have been received by mail had it not been for a snow blockade upon the line of the Oregon Railway and Navigation Company's road, which prevented its arrival in Washington.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MADISON R. CALVERT.

Mr. SHEFFIELD. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 4273) for the relief of Madison R. Calvert, to report it favorably. The committee have adopted the House report, which contains about twelve lines, and if the Senate will permit it to be read I ask for the present consideration of the bill, as I am sure there will be no objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Madison R. Calvert, an assistant paymaster in the United States Navy, $501, to reimburse him for a like amount stolen from his paymaster's safe on the United States steamer Mayflower, and made good by him.

Mr. SHEFFIELD. I ask for the reading of the House report, which the Senate Committee have adopted.

The Chief Clerk read the following report, submitted by Mr. DOWD June 26, 1884:

The Committee on Claims, to whom was referred the bill (H. R. 4273) for the relief of Madison R. Calvert, having examined the same, respectfully report:

The money ($501) which is the basis of this claim was stolen from the safe of the paymaster, then in charge of said Calvert as assistant, on board the United States steamer Mayflower, while the said Calvert was on shore by permission.

The facts show that the safe was entered by the use of a key; that there had been two keys for the safe, only one of which ever came into the possession of the present claimant. As soon as the theft was discovered the claimant promptly made good the loss. The Paymaster-General has given the opinion upon investigation that Mr. Calvert, the assistant in charge, was not to blame at all, and the Secretary of the Navy, under date October 11, 1883, says:

"The Department concurs in the opinion of the Paymaster-General that on a review of the whole case no charge of carelessness against Mr. Calvert in connection with the loss of the money is sustained."

Your committee are likewise of this opinion, and recommend that the bill (H. R. 4273) for the relief of the said Madison R. Calvert be passed by the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON LABOR IN EUROPE.

Mr. MANDERSON. Yesterday, under the direction of the Committee on Printing, I reported favorably a concurrent resolution having reference to the printing of the letter of the Secretary of State, with the accompanying reports of United States consuls, on labor in Europe. I then asked for its consideration, but it went over on objection. By direction of the committee I have, without changing the number of copies to be printed, increased the number to be distributed by Congress and lessened the number to be distributed through the State Department. It seems to be important that this matter should be considered and acted upon. I ask unanimous consent that the resolution may be now considered.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the letter of the Secretary of State, dated December 12, 1884, and the accompanying reports of United States consuls, on labor in Europe, be printed, and that 1,000 additional copies be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives; and for the use of the Department of State 5,000 copies, and 10,000 copies of the Secretary's letter.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The resolution is before the Senate, and the Senator from Nebraska, by direction of the Committee on Printing, moves sundry amendments to the resolution, which will be announced in their order.

The CHIEF CLERK. In line 7 the committee propose to strike out "1,000" and insert "1,500;" so as to read:

And that 1,500 additional copies be printed for the use of the Senate.

The amendment was agreed to.

The next amendment was, in line 9, to strike out "2,000" and insert "2,500;" so as to read:

Two thousand five hundred copies for the use of the House of Representatives.

The amendment was agreed to.

The next amendment was, in line 12, to strike out "5,000" and insert "4,000;" so as to read:

And for the use of the Department of State 4,000 copies.

The amendment was agreed to.

The next amendment was to insert, at the end of line 12, the word "additional;" so as to read:

And 10,000 additional copies of the Secretary's letter.

The amendment was agreed to.

The next amendment was to add to the resolution:

Of which 1,500 shall be for the use of the Senate, 2,500 for the House of Representatives, and 6,000 for the use of the Department of State.

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of United States consuls on labor in Europe, be printed; and that 1,500 additional copies be printed for the use of the Senate, 2,500 copies for the use of the House of Representatives; and for the use of the Department of State 4,000 copies; and 10,000 additional copies of the Secretary's letter, of which 1,500 shall be for the use of the Senate, 2,500 for the House of Representatives, and 6,000 for the use of the Department of State.

FORT ROBINSON MILITARY RESERVATION.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 7329) granting right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska, to report it favorably. As it is a matter of some consequence that action should be taken upon the bill immediately, and as it involves no disputed question, I ask consent that it may be considered now.

The PRESIDING OFFICER (Mr. FRYE in the chair). Is there objection to the present consideration of the bill?

Mr. HOAR. If it requires no debate I shall not object.

Mr. SAWYER. Is there a letter from the Secretary of War approving it?

Mr. HAMPTON. There is. I ask for the reading of the letter of the Secretary of War.

The PRESIDING OFFICER. The Chief Clerk will read the letter of the Secretary of War.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, January* 13, 1885.

SIR: In reply to your communication of January 12, instant, asking an expression of my views upon House bill 7329, granting a right of way specified in the bill across the Fort Robinson military reservation, I have the honor to advise you that there is no objection to the passage of the bill, containing as it does a provision that the right of way shall not interfere with any buildings or improvements on the reservation, and that the location of the railroad shall be subject to the approval of the Secretary of War.

The bill inclosed with your letter is herewith returned.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. BENJAMIN HARRISON,
Acting Chairman of Committee on Military Affairs, United States Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants to the Fremont, Elkhorn and Missouri Valley Railroad Company, a corporation duly organized under the laws of the State of Nebraska, the right of way, one hundred feet in width, for their railroad, across and through the Fort Robinson military reservation, located in the State of Nebraska, not to interfere with any buildings or improvements thereon, and the location thereof to be subject to the approval of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 736) for the relief of James Hooper;

A bill (H. R. 1808) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California;

A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;

A bill (H. R. 3196) for the relief of L. A. Morris;

A bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States;

A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;

A bill (H. R. 6404) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park; and

A bill (H. R. 7013) to regulate the effect of judgments and decrees of the courts of the United States in the several States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah;

A bill (S. 862) for the relief of Uriel Crocker;

A bill (S. 1625) for the relief of William Bowen;

A bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army;

A bill (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860;

A bill (S. 2045) for the relief of the Eastern Presbyterian Church in the District of Columbia; and

A bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota, and one between the States of Minnesota and Wisconsin.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 2541) granting a pension to Margaret A. Blake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON introduced a bill (S. 2543) for the relief of the heirs of Charles B. Smith, deceased, late lieutenant Fifth Iowa Cavalry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. VAN WYCK introduced a bill (S. 2544) authorizing the Secretary of the Interior to extend the time of payment of installments to be paid by actual settlers of Omaha and Otoe Indian lands in the States of Nebraska and Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS introduced joint resolution (S. R. 110) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia; which was read twice by its title, and referred to the Committee on Printing.

PRINTING OF DOCUMENTS.

Mr. MILLER, of California, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That Senate Executive Document No. 78, Forty-seventh Congress, first session, parts 1, 2, and 3, be included in the publication of the 500 copies of

Senate Executive Documents No. 112, Forty-sixth Congress, No. 194, Forty-seventh Congress, and No. 26, Forty-eighth Congress, ordered printed by resolution of the Senate on the 13th instant.

RETIRED GENERAL OF THE ARMY.

Mr. EDMUNDS. The order of resolutions being gone through with, I move that the Senate proceed to the consideration of the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

The PRESIDING OFFICER (Mr. FRYE in the chair). Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole and open to amendment. It will be read at length.

The bill was read.

Mr. EDMUNDS. I move to amend the bill. I do not think it necessary, but to make it perfectly clear I move, after the word "person," in line 8, to insert the words "with the rank and full pay of such general or general-in-chief, as the case may be."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. COCKRELL. Mr. President, I desire to record my vote against the bill, not knowing whether the yeas and nays will be called upon its passage or not. I think there is neither justice nor propriety in it. The retired-list of the Army was created expressly for officers of the Army in the service who, by reason of age or disabilities incident to the service, have become unfit for that service and must either be discharged from the Army or must continue in the Army, an incubus and burden to it, and drawing their full pay, or be in some other manner provided for. We have provided the retired-list for those persons, and with my consent no one occupying a civil position, no matter what military position he may have heretofore occupied, shall ever be placed upon that retired-list. It is not the place for persons who are not in the Army and serving in the line of duty, and I think there is no reason for this proposed action.

It is perfectly understood what is the object of the bill, as it was avowed by the Senator from Vermont yesterday. It is to place a distinguished American citizen and soldier, General Grant, upon the retired-list, who is now, as the public press informs us, drawing annually the small sum of $15,000, which the average American citizen will believe is a sufficient amount to support any American citizen in comfort.

Mr. EDMUNDS. Mr. President, I agree with the policy that my distinguished friend from Missouri has stated, that it is not good policy as a rule to place private citizens on the retired-list of the Army, or to give them pensions, or to do anything for them that we do not do for all private citizens. I am a democrat of democrats on that point; and yet as one citizen of the United States and one Senator of the Senate of the United States I am glad to have the opportunity to urge the passage of this bill.

General Grant was educated at West Point. He served his country faithfully and gallantly in the Mexican war while a young lieutenant; I believe that was his rank at that time. He became General of the armies of the United States on an occasion of very considerable importance and interest. I state it mildly in order not to excite the temperament of anybody on either side of the Chamber. He was removed from the office of General of the armies of the United States from which he would have been retired when he reached the proper age and put on this very list, to assume again command of the armies of the United States as Commander-in-Chief under its Constitution. He did not seek it; he obeyed the call of duty. That removed him from the technical place that he held in the Army as an officer of it to a higher place, as the constitutional commander of it instead of the commander of it under the law. When his term expired he became, it is true, a private citizen.

In that state of the case, with the circumstances that we know and with the honor and the respect and the gratitude and the duty that we owe to him as *primus inter illustres* in the history of this country, I should be glad to have a unanimous vote in favor of the passage of this bill. I hope I shall get very nearly it.

The PRESIDING OFFICER. The question is on the engrossment and third reading of this bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MAXEY. The yeas and nays having been called for, I wish to say a few words before the vote is taken.

I once opposed a measure of this kind because then General Grant was in a position pecuniarily which placed him beyond the necessity of aid from the Government. I was not willing to break over the rule which we had adopted, and which I believe to be right, of not taking civilians and putting them on the retired-list. But there have been great and recent changes in the worldly affairs of General Grant as we all know. By the misfortunes of business all the fortune that General Grant possessed has been swept away. It was sudden and to him, as we believe, startling and unexpected. A movement was made—inaugurated by General Sherman, honorable to that gentleman—to raise a sum to relieve General Grant of his embarrassment. General Grant declined that. Subsequently, a proposition was made by Mr. Vanderbilt to Mrs. Grant to relieve General Grant of his indebtedness of $150,000 to him. That was declined by General Grant and also by Mrs. Grant. In the mean time he has suffered greatly from a fall which threatens to cripple him for life. Now this is the condition. All of us know that a President of the United States many years ago of extraordinary popularity was in his old age reduced almost to poverty, being dependent upon his relations for support. It did not speak well for the American people. All felt that it was not right, and I do not doubt that had Congress made ample provision for President Monroe, as we have since done for Mrs. Polk, Mrs. Tyler, and Mrs. Garfield, the manly, generous American people would have applauded the act.

Now, Mr. President, as a Southern man, one who to the extent of his ability aided the confederacy while General Grant led the armies of the Union, I do but justice to General Grant when I say that when the supreme hour came with the Southern States, when we had to abandon all hope and yield up everything save honor, no man in the wide world ever acted with more magnanimity and generosity than Ulysses S. Grant did at Appomattox. I remember that, and it is remembered by the people among whom I live, who sympathize with him in his misfortunes; and I do not believe there is a man in the South who would begrudge a reasonable and fair support for him during his declining years. It is for these reasons I vote for the bill, and I add that whatever others may think—having known that man for forty-odd years—I do not believe that in any possible or conceivable way he was blamable for the stupendous failure of Grant & Ward in New York save and except that he put too much confidence in others and left to others what he had better have done himself; it is simply because of his well-known supreme confidence in friends that he was led to his financial ruin.

So looking at these matters, Mr. President, for one I shall vote for the bill offered by the Senator from Vermont.

Mr. GIBSON. Mr. President, it may be that the form of this bill does not commend itself altogether to my judgment, but the purpose of the bill does. I respect the military character of General Grant, and I sympathize with the people of the country who desire to testify their appreciation of his services. I feel, therefore, that it is incumbent upon me as a Senator from Louisiana to vote for this bill as an evidence on the part of the people of that State of their good-will as well as of their manly sympathy for General Grant himself.

Mr. GEORGE. Mr. President, in the late unhappy conflict I was with my section; I belonged to the vanquished party; I desired at one time that the Union should be dissolved; I voted for the secession of the State of Mississippi. I tried to make that declaration good by all the means in my power. I deplored the loss of the cause to which I was attached. The Union has been restored. I am now here a Senator from Mississippi in a restored Union. I determined when I took my seat on this floor that on all questions of mere sentiment connected with the late civil strife not adverse to the honor or substantial interest of the people whom I represent I would vote exactly as if I had been a Union man during the war. I believe the people of this country who were in favor of the war for the Union, who prosecuted the war, and who triumphed in the war desire to give this testimonial to their great leader, and, believing so, I shall give my vote to that end.

Mr. JONAS. Mr. President, when a bill was reported here some two years ago to put General Grant upon the retired-list of the Army I voted against it and gave my reasons for so doing. General Grant was then in the full enjoyment of honors and of wealth. The bill proposed to take him as a citizen and restore him to the Army; it proposed to reward him, not for his great services to the country in time of war, but, as it appeared to me, for such services as he had rendered in civil office. I disapproved of his conduct as a civilian, and I would not give my vote to reward him; but I said on that occasion that if the time should ever come when the great soldier to whom the people of this country I admitted owed so much for his military services should need the aid of this people, to be accorded to him through legislation by Congress, it would be my pleasure to vote for any bill to give him the needed aid and assistance.

General Grant has fallen into misfortune, whether through his own fault and negligence or otherwise I care not now to inquire. It appears he is in distressed circumstances. It is the duty of the people of this country to provide for him. I shall therefore vote for this bill.

Mr. JONES, of Florida. Mr. President, when a measure similar to this was before the Senate a few years ago I think I was one of three on this side of the Chamber who voted for that bill. I did so feeling that I was discharging my duty in the matter, without regard to the pecuniary condition of this man. I did not put it on the ground of his poverty or his wealth. I said so very distinctly in the few remarks that I then addressed to the Senate. Having voted that way at that time, I shall certainly not contradict myself and vote contrary to my former vote.

Mr. VOORHEES. Mr. President, I intend to vote for this bill, and

would have preferred to do so without a word, but for the remarks that fell from the Senator from Missouri.

A statement that a man is in receipt of an income of $15,000 a year will have its effect on the public mind. The true state of facts, however, in regard to General Grant do not justify such a statement applied to him. He is not worth a dollar in property; everything is swept away, and he is in a condition never to own property because of the enormous losses occasioned by the failure of the firm of which he was a member. The trust fund heretofore raised for him is invested in railroad stocks, the interest on which is guaranteed for a certain number of years, and at the end of that time that fund will be of little, if of any, value. Therefore he is virtually destitute of property and will soon be without support.

Aside from considerations of this kind, however, there are others which have caused me to look with favor on a proposition to place General Grant on the retired-list of the Army. And were I a Southern man as I am a Northern and a Western man, I would embrace it with even more favor than I ever have heretofore. I was here in this Capitol when a good many on this side of the Chamber were not, and I well remember when Edwin M. Stanton proposed to arrest and imprison General Robert E. Lee after the surrender at Appomattox that General Grant interposed General Lee's parole as a prisoner of war, and said he should not be touched, nor a hair of his head harmed. This was General Lee's protection and it availed him in the hour of distress and danger.

General Grant has shown higher courage in civil life than even upon the battlefield. The one instance I have mentioned is supplemented by another that has fallen under the observation of all of us. Perhaps the other side of the Chamber will not approve what I now say, but when General Grant became convinced within the last two years that a great act of cruel injustice had been done to a brother Army officer in the person of General Porter, how fearless, how prompt, how courageous was his action!

I will not dwell upon these things, however, or be betrayed into any extended remarks. I rose wholly for the purpose of dissipating the idea which the remarks of the Senator from Missouri will impress upon the public mind, that General Grant is provided for now. He is not, and it is becoming this Government that he should be, and I know no better way than by the measure proposed by the Senator from Vermont. It interferes with the rights of no one, and the great heart of the country will not complain that General Grant's old age is put beyond the reach of want.

Mr. COCKRELL. Will the Senator please state when the guarantee expires?

Mr. VOORHEES. I will.

Mr. COCKRELL. I made a statement, and it is mathematically and morally correct. He is drawing now $15,000 a year. There is no mistake about that.

Mr. VOORHEES. That is true, but the sufficiency of that income depends on its duration. I think it is now about four years—if some Senator has a better recollection than mine I should be glad if he would interpose it—since his friends in New York raised the fund to which we are alluding. If I am correct in that, then there is yet about six years' duration to this income. This fund was invested in certain railroad stocks, and the interest at a certain rate on them was guaranteed by Governor Morgan and then by his estate for ten years. Four or five of those years have passed away, and when the last of them expires the reliability of that income will be destroyed. These stocks are now greatly depreciated, and they will never constitute a safe source of income nor a safe reliance for support.

Mr. COCKRELL. The generation then living will administer the affairs of this Government and do equal and exact justice to all its citizens.

The Secretary proceeded to call the roll.

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER], and hence withhold my vote.

Mr. CULLOM (when Mr. LOGAN's name was called). My colleague [Mr. LOGAN] is paired with the Senator from Florida [Mr. CALL]. If he were here, I am sure my colleague would vote for this bill.

Mr. LAPHAM (when the name of Mr. MILLER, of New York, was called). I desire to say that my colleague is paired, but I can assure the Senator from Maryland [Mr. GROOME] that my colleague if he were here would vote for the bill.

Mr. GROOME. I have no doubt about it, but I withhold my vote.

Mr. INGALLS (when Mr. PLUMB's name was called). My colleague [Mr. PLUMB] is detained to-day by illness. He is paired with the Senator from North Carolina [Mr. RANSOM].

The roll-call was concluded.

Mr. ALLISON (after having voted in the affirmative). The Senator from Delaware [Mr. BAYARD] is absent to-day, and I agreed to pair with him on political questions. I do not know how he would vote upon this question, and therefore perhaps I should withhold my vote.

Mr. HARRIS. I do not think this can be regarded as a political question in any case.

Mr. ALLISON. Very well; with that explanation I shall allow my vote to stand.

The result was announced—yeas 49, nays 9; as follows:

YEAS—49.

Aldrich,	Frye,	Jones of Florida,	Pugh,
Allison,	Garland,	Kenna,	Riddleberger,
Blair,	George,	Lapham,	Sabin,
Brown,	Gibson,	McMillan,	Sawyer,
Camden,	Gorman,	McPherson,	Sewell,
Cameron of Wis.,	Hale,	Manderson,	Sheffield,
Colquitt,	Hampton,	Maxey,	Sherman,
Conger,	Harrison,	Miller of Cal.,	Voorhees,
Cullom,	Hawley,	Mitchell,	Williams,
Dawes,	Hoar,	Morgan,	Wilson.
Dolph,	Ingalls,	Morrill,	
Edmunds,	Jackson,	Palmer,	
Fair,	Jonas,	Platt,	

NAYS—9.

Beck,	Harris,	Saulsbury,	Vance,
Cockrell,	Pendleton,	Slater,	Walker.
Coke,			

ABSENT—18.

Bayard,	Farley,	Logan,	Ransom,
Bowen,	Groome,	Malone,	Van Wyck,
Butler,	Hill,	Miller of N. Y.,	Vest.
Call,	Jones of Nevada,	Pike,	
Cameron of Pa.,	Lamar,	Plumb,	

So the bill was passed.

Mr. VEST subsequently said: I was unfortunately absent from the Senate this morning when the vote was taken on the bill placing General Grant on the retired-list, and I understand that the senior Senator from Kansas [Mr. INGALLS] announced a pair between the Senator from North Carolina [Mr. RANSOM] and his colleague [Mr. PLUMB]. That is a mistake. The pair was between the Senator from Kansas [Mr. PLUMB] and myself. I suppose probably the Senator from North Carolina would have voted for the bill, as he had voted for its passage before. I should have voted against it.

Mr. CAMERON, of Wisconsin. The senior Senator from Kansas [Mr. INGALLS] requested me this morning to obtain a pair for his colleague [Mr. PLUMB], the latter being confined to his house by sickness. I did not at that time recollect that there was a standing pair between the Senator from Kansas [Mr. PLUMB] and the Senator from Missouri [Mr. VEST], though I had known that such a general understanding did exist, and thereupon, with the consent of the Senator from North Carolina [Mr. VANCE], I did arrange a pair between his colleague [Mr. RANSOM] and the Senator from Kansas [Mr. PLUMB]. The mistake arose as I have stated.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, agreeably to its request, the bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers; and it was thereupon signed by the President *pro tempore*.

NAVAL APPROPRIATIONS.

Mr. HALE. I move to take up the House bill making appropriations for the service of the Navy Department for the residue of the current fiscal year.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HALE. I ask unanimous consent to dispense with the first or formal reading of the bill, and that it then be read for amendment.

The PRESIDING OFFICER (Mr. FRYE). The Senator from Maine asks unanimous consent to dispense with the formal reading of the bill, and that it may be read for amendment clause by clause. The Chair hears no objection.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in section 1, line 14, to strike out "ninety-five" and insert "one hundred and ninety-three;" so as to read:

One hundred and ninety-three ensigns.

The amendment was agreed to.

The next amendment was, in section 1, line 15, to strike out "ninety-eight junior ensigns."

The amendment was agreed to.

The next amendment was, in section 1, line 59, after the word "orders," to strike out "and for traveling expenses of apothecaries, yeomen, and civilian employés;" so as to read:

Mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets, &c.

The amendment was agreed to.

The next amendment was, in section 1, in the appropriations for "Bu-

reau of Provisions and Clothing," after the word "dollars," in line 242, to strike out the following proviso:

Provided, That all enlisted men and boys in the Navy, attached to any United States vessel or station and doing duty thereon, and naval cadets, shall be allowed a ration, or commutation thereof in money, under such limitations and regulations as the Secretary of the Navy may prescribe.

The amendment was agreed to.

The next amendment was, in section 1, in the appropriations for "Bureau of Construction and Repair," in line 269, after the word "exceed," to strike out "thirty" and insert "twenty;" so as to read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

The amendment was agreed to.

The next amendment was, in section 1, in the appropriations for the "Bureau of Steam-Engineering," in line 297, before the words "per centum," to strike out "thirty" and insert "twenty;" so as to read:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power.

The amendment was agreed to.

The next amendment was, in the same section and clause, after the word "power," in line 298, to insert—

But nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator in charge of the bill to line 314. Should not the word "other" have an "s" added to it?

Mr. HALE. Yes; so as to read:

For pay of professors and others.

The PRESIDING OFFICER. That amendment will be made unless there be objection. The Chair would also inquire if there should not be a comma after the word "stores," in line 281; so as to read:

Purchase and preservation of all materials and stores, purchase and repair of machinery, &c.

Mr. HALE. Yes.

The PRESIDING OFFICER. The bill will be so amended if no objection be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, in the appropriations for the "Naval Academy," before the word "library," in line 355, to strike out "reception-rooms" and insert "recitation-rooms."

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator in charge of the bill to line 402.

Mr. HALE. The word "constructed" should be "construed."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The reading of the bill was resumed. The next amendment was, in section 1, in the appropriations for the Marine Corps, after the word "dollars," at the end of line 435, to strike out the following clause:

And from and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, below seventy-five; and after the number of officers shall be reduced as above provided, the whole number of commissioned officers on the active-list in the Marine Corps shall not exceed seventy-five.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer: *Provided further*, That the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps, or commander in the Navy, who has been retired by reason of wounds received in service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LUCY LE G. JEFFERS.

The PRESIDING OFFICER. The bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers, has been returned from the House of Representatives in accordance with the request of the Senate.

Mr. CULLOM. I ask unanimous consent to have the vote of the Senate heretofore taken upon the passage of that bill reconsidered, so that the bill may be indefinitely postponed. Both Houses have passed a bill, which is on your table, I believe, ready for the signature of the presiding officer, so that the bill referred to by the Chair is not needed. I ask unanimous consent to reconsider the vote by which the Senate bill was passed heretofore, and then I shall ask that it be indefinitely postponed.

The PRESIDING OFFICER. The Senator moves a reconsideration of the vote by which the Senate passed the bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers. Is there objection? The Chair hears none, and the motion to reconsider is agreed to.

Mr. CULLOM. Now I move that the bill be indefinitely postponed.

The motion was agreed to.

FORFEITURE OF MICHIGAN LAND GRANT.

Mr. MORGAN. I desire to call up Order of Business 934, being the bill (S. 2363) to declare a forfeiture of a land grant to the State of Michigan to aid in the construction of a railroad.

I wish to make a motion to recommit that bill to the Committee on Public Lands, and, in support of it, I beg the Senate to indulge me in saying that I made the report of this bill on the 4th of July last, about the time we were breaking up our session here. I find, upon an examination of it, that the description of the railroad and the application of this forfeiture to it is entirely inaccurate. This bill, as reported here, does not express the views of the committee. The committee did not intend to forfeit the entire land grant, but only so much of it as is called unearned land, but the bill as reported does forfeit the entire land grant, there having been ninety miles of excellent road built, on which there are large towns and a number of villages, and where all the lands within the limits, I believe, have been disposed of. I ask, therefore, that the bill be recommitted to the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent to take up, out of order, the bill (S. 2363) to declare a forfeiture of a land grant to the State of Michigan to aid in the construction of a railroad. Is there objection? The Chair hears none. The bill is before the Senate, and the Senator from Alabama now moves that it be recommitted to the Committee on Public Lands.

The motion was agreed to.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER. I ask unanimous consent to take up Senate bill 729. The only purpose of asking it is to move to disagree to the House amendments and have a committee of conference.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to take up the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, now on the President's table. The Chair hears no objection.

Mr. RIDDLEBERGER. I move that the Senate disagree to the House amendments and ask for a conference on the disagreeing votes of the two Houses. It is suggested by the Committee on the District of Columbia that I make that request.

Mr. SAULSBURY. Had not the amendments better be read, so that we may know what we are acting on?

Mr. RIDDLEBERGER. I can explain in less time than it will take to read them. One is to strike out the words "within their view" and insert "in their presence," and the other is to strike out "21" and insert "16," so as to make it apply to those of 16 years. That is all.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia to disagree to the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the PRESIDENT *pro tempore* was authorized to appoint the committee on the part of the Senate; and Messrs. RIDDLEBERGER, PIKE, and BROWN were appointed.

INTERSTATE COMMERCE.

Mr. CULLOM. I hope the regular order will now be taken up.

The PRESIDING OFFICER (Mr. FRYE). The unfinished business will now be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Oregon [Mr. SLATER], proposed in the nature of a substitute.

Mr. SLATER. At the proper time I shall ask unanimous consent of the Senate to withdraw that amendment; but before that I desire to offer an amendment to the text of the bill. In line 14 of section 4 of the bill, after the word "class," I move to insert:

Or shall charge, or receive, any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction.

Mr. SLATER. Under the system of charging a larger price for a short haul than for a longer haul there have grown up greater abuses in the Western and Pacific States than under any other particular feature of the transportation system; and the amendment proposes to make it unlawful and to prohibit the charging of a greater price for transporting freight a shorter distance than similar freight of the same quantity a longer distance on the same line of road and in the same direction.

To illustrate the evil at which this amendment is intended to strike, I will refer to an instance brought to my attention by a constituent

living in my own county. Soon after the completion of the Northern Pacific Railroad a combination was made with the Oregon Railway and Navigation Company, making a through line. A merchant in my county desired to transport hardware from Chicago, I think it was, westward to a point on the Blue Mountains, known as Lincoln Station, a distance probably one hundred miles shorter than from Chicago to the city of Portland. He was asked $200 to send the freight to Portland and then ship it back some three hundred miles, or nearly that, to the point where he desired it; but if he shipped it direct to the point he desired to ship it he was asked $400. In other words, he was asked $400 for shipping a car-load of freight something like one hundred miles less distance than if he sent it direct to Portland. So it is on all the Pacific roads, as I understand, and it is so largely in all the Western States on other lines; the charges to any given central point are at certain rates per ton; and if a party ships on the same line of road in the direction of the central point, for instance Portland, not wishing to ship all the way to the central point, but to stop off one or two hundred miles short of that point, he is charged the through rates and in addition the local rates back to the point where he desires his freight to go. Hence, men are compelled to ship their freight one hundred, two hundred, or three hundred miles farther than they want it to go, and then back again to the point where they desire it to stop, paying the through freight and then the local freight back.

It is to cure this evil that this amendment is intended; and I think it will affect and reach a greater amount of discrimination that is now practiced by railroad companies than any one proposition that can be brought to the attention of the Senate and incorporated in this bill.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on the amendment proposed by the Senator from Oregon.

Mr. CULLOM. I do not propose to take up the time of the Senate further than to say that the proposition offered by the Senator from Oregon is a very important one, and one of the vital questions of difference between the House bill and the bill now under consideration. So far as I am concerned I think it would be very seriously detrimental to the business of this country, and especially of the Northwest, that such an amendment should be attached to any bill we may pass.

Mr. SAULSBURY. Why, Mr. President, it seems to me if the statement of the Senator from Oregon is correct as to the practice which obtains on the road to which he refers there certainly can be no objection to putting on the amendment if the principle of the bill is in itself right.

My difficulty has been in considering this measure to know in the first place whether Congress has any power to do this; whether it has any right or authority to take charge of and regulate the tolls and charges upon railroads that are incorporated by State authority and which do not owe their existence to the National Government. That is one of the objections which have been pressing upon my mind. I am satisfied that there are many grave outrages perpetrated by these corporations on the people, and I would be very glad to correct, as far as I can, any of them. But if this bill is correct in principle, then the amendment of the Senator from Oregon most unquestionably is correct. If a railroad company for the same amount of freight, a car-load of freight, charges a less price for a long haul than it does for a short haul there is no justice, there is no equity in it; and if Congress has the power to deal with the question at all I think the amendment of the Senator from Oregon is eminently proper and right. I shall vote for that amendment, without, however, committing myself to the support of the bill.

Mr. VAN WYCK. Mr. President, I should like to have the amendment reported again.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment of Mr. SLATER.

Mr. VAN WYCK. Mr. President, I was at a loss to understand the force of the objection of the Senator from Illinois in charge of this bill, that the amendment would defeat the purpose and object of the bill we now have under consideration. I supposed the practice prohibited by the amendment was one of the evils which were sought to be rectified by this legislation in some way.

The case given by the Senator from Oregon is paralleled by very many cases on all the Pacific railways. The Central Pacific has done this very thing for years, and now the Northern Pacific is doing precisely the same thing. In the case of a car-load shipped from New York city to San Francisco, where these roads have absolute control of the designating of the through rates, the through rate is fixed from New York to San Francisco, and if a car stops six hundred miles east of San Francisco, precisely the same thing is done with that as is done by the Northern Pacific Railroad, and this has been going on for years. For instance, $300 is the through rate to San Francisco from New York city; and if a car stops six hundred miles this side of San Francisco it is charged $300, the through rate to San Francisco, though it is carried six hundred miles less distance. That, in all conscience, ought to be sufficient; that is discrimination enough against a town or city or business man who lives six hundred miles east of San Francisco, that he is compelled to pay precisely the same rate of freight as a man in San Francisco six hundred miles beyond. But they do not stop there. Not only do they charge a man $300 for his car-load, but they charge also the local freight back from San Francisco six hundred miles east. The local freight is $500. So the man who lives six hundred miles this side of San Francisco is actually punished by being compelled to pay not only the rate which the San Francisco merchant pays, but $500 more.

That mere statement ought to be enough to condemn the practice. Could anything more call for the interposition of legislation than that statement? When the Northern Pacific Railroad was finished it was to be a competing road, we were told. We have been amused, Congress and the American people have been amused, by the statement that these were competing roads; and yet after this Government had given millions of acres of land to build a competing road, its managers come in and exercise precisely the same acts of tyranny, of despotism and outrage upon the people living along the line of the road, and in the end they make a combination to keep up the through rates. The Central Pacific, which was supposed to be in competition with the water ways around the cape, actually made a combination, and pays out the proceeds of its earnings to the Pacific Mail Steamship line. When the Northern Pacific comes in competition, it is said that it actually contributes a proportion—what was supposed to be between the railroads an equitable proportion—of money to pay the bonus given to the Pacific Mail Steamship Company!

I merely allude to that in connection with the allegation that these are competing roads. But here is an acknowledged evil. My friend from Delaware [Mr. SAULSBURY] says it is an acknowledged evil. I presume nobody will pretend that it is not an evil which should be met; and how are we to meet it except by such an amendment as is proposed by the Senator from Oregon? We can scarcely conceive, I take it, any sort of justice in tolerating a railroad corporation which exercises that despotism anywhere within the length and breadth of this country.

Mr. CULLOM. The Senator from Nebraska says he is unable to see what I mean by opposing the amendment. I desire to say that the theory of the bill is not to undertake to legislate upon all points of difference that may exist between shippers and railroad men and to make a statute to fit every case. Upon the other hand, the theory of the bill is that we shall have a commission appointed who shall look into all these questions and ascertain whether the railroads are guilty of the charges that are made against them or not, and, if they are, to report to the Congress of the United States the facts and their view of such additional legislation as may be necessary in the premises.

So far as I am concerned I am not here to say that it is right that the Pacific railroads or any railroads shall charge more for a shorter distance than a longer one, or as much; but I am here to say that I do not believe it is wise, in the interest of the business of this country, to make an iron-bound law that will work possibly, I may say, at least, an injustice not only to the corporations of the country but to the business interests of the country as well.

The amendment offered by the Senator from Oregon undertakes to specifically make it unlawful for a railroad under any circumstances to charge more for a short haul than it does for a long one. Such a law was some years ago enacted in the State of Illinois, which I have the honor in part to represent. It was almost exactly in the terms of the amendment proposed by the Senator from Oregon. The supreme court of our State decided that the Legislature could not constitutionally make such a law—that there might be cases where a railroad would be justified in charging as much or more for a short haul than it did for a long one.

I have sought to get around these controverted questions, which are, to say the least, difficult for us here as legislators to decide upon, and to place the duty upon a commission to look into these questions and at a future Congress to report to us what the facts are and what the remedy ought to be in their judgment. In the mean time the bill provides against extortion, against unjust discrimination. There is an amendment prepared to be offered providing that discriminations shall apply as well to places as to persons; and with those declarations upon those broad principles we authorize a commission to be appointed and then wait for another Congress to see what they will have to say upon these questions about which Congress differs and about which the people of the country are differing.

So far as my State is concerned, for the city of Chicago, and I may say for the whole Western country, we could not afford to allow a provision of that kind to be incorporated in a bill if we could prevent it, because to-day flour is being shipped from Chicago to New York for a less sum than it costs a man who buys it in the market at New York to carry it from the depot to his residence in that city.

Whenever you touch the subject in such a way as to cripple the efforts of those corporations in transporting the freights of the country to the Eastern markets and from there on across the ocean, to that extent you affect injuriously the whole people of the country, not only the producers but the consumers as well. I desire in perfect good faith to so shape whatever law we may pass as to protect the people of this country from being imposed upon by the corporations of the country. I admit there is liability to the imposition mentioned in the amendment and that it is practiced upon the people; but while I am trying to curb the conduct of these corporations and protect the people, I do not want to do it in such a manner as to injure the people and possibly break down the corporations as well.

There is the difference between the bills that are before the Congress

of the United States. One idea is to make a cast-iron law to fit every little instance of imposition that anybody knows about, and the other is to legislate upon some broader principle, and steer between the danger of injuring the people and of injuring the corporations of the country. My judgment is that the bill which the Committee on Railroads of the Senate has reported to this body is likely to work to the benefit of the public, and at the same time not cripple the corporations in any just operation that they are undertaking to carry out in the transaction of their business.

I might go on, and I am half inclined to go further in the discussion of this question, and show the difference between these two ideas or lines of legislation as proposed by the different Houses of Congress; but I shall desist from doing so at this time. I insist that if you ingraft such an amendment upon the bill you will injure hundreds and thousands of people who are the large consumers of the country, as well as the great agricultural West, who are trying to get their produce to the East so that they may get it into the markets of the world.

Mr. VAN WYCK. I have heard a great many times of the dangers to the West from a provision in any law such as the Senator from Oregon proposes in his amendment, but as yet I have been unable to see how it could injuriously affect the section of country which the Senator from Illinois so ably represents. The Senator states how cheaply flour is carried from Chicago to New York city. Undoubtedly; but suppose the Pennsylvania or any other railroad running out of Chicago should carry a car-load of flour from Chicago to New York for $50 per car-load, and then undertake to charge $75 per car-load for carrying a car-load of flour from Chicago to some point in the State of Illinois twenty-five miles distant from Chicago?

Mr. CULLOM. I will answer the Senator. In the first place, the bill before the Senate declares against extortion and makes extortion a misdemeanor. Then it declares against unjust discrimination, and makes that a misdemeanor. If a corporation is guilty of either, at any place or at any time, it is liable to a prosecution under the law.

Mr. VAN WYCK. The bill speaks of extortion. Does it define it?

Mr. CULLOM. Look and see.

Mr. VAN WYCK. I have read it. The bill speaks of discrimination. Does it define it? The Senator has not yet answered my question. We have been told that it would be injurious to the West if we should require a provision of this kind, and I have been industriously endeavoring to ascertain just where the hardship would come in to the section of country which the Senator and myself represent. I should again like to ask the Senator the question I propounded a moment ago.

The PRESIDING OFFICER. The Senator from Nebraska calls the attention of the Senator from Illinois.

Mr. CULLOM. If the Senator will go on and make his speech I can reply when he concludes.

Mr. VAN WYCK. No; I am not making a speech. The time has not arrived for that. I am simply propounding a question. I only desire information. We have been threatened in the West, our Legislatures have been threatened, our people have been threatened, their representatives in the national Capitol have been threatened that if they dare put a provision in either of these bills which they believe to be right, then they are to suffer injury from it, and it is precisely upon that point that I wish information. I desire to know, it is important for me, it is important for the people whom I represent, as it is for the people whom the Senator represents, to know whether a provision of this kind in the proposed law is going to work a hardship upon them. The Senator says we could not get our grain to New York out of the West if we had a provision of this kind in the law. He states the fact that flour is carried so cheaply from Chicago to New York, and he asks if they shall not have the privilege of transporting flour at cheap rates from Chicago to New York. Certainly; but the Senator fails to answer my question. Suppose the rate for a car-load of flour from Chicago to New York is $50 and the same railroad corporation should carry a car-load of flour of the same weight from Chicago to some town or village in the State of Illinois twenty-five miles distant from the city of Chicago and should charge $75, while they carry a car-load of flour from Chicago to New York city for $50, will my friend tell me what he would say of that proposition? Will he explain that? If he will do so, it will help solve this problem in my mind.

Mr. CULLOM. If the Senator will allow me, he has a way of getting the floor and cross-examining witnesses in the Senate, but I wish to say to him once for all that I think the fact that a railroad charges $75 a car for a shorter distance and $50 for a long one raises a presumption that the railroad is extorting from the man with whom the contract was made for the short haul, and would be unjustly discriminating against that man, and ought to be prosecuted for doing it. But there are circumstances surrounding these transactions whereby it might appear after all that there was neither extortion nor unjust discrimination. The Senator knows very well that there are a great many circumstances connected with the transaction of business in the transportation of freights that enter into the considerations which result in a contract, and that neither he nor I, with all the wisdom that we may think we possess upon the question, is able to determine whether the railroad is extorting or unjustly discriminating. The presumption is, as the supreme court of the State of Illinois decided, that if a corporation charges more for a short haul than for a long one, the corporation is extorting from the shipper, that it is unjustly discriminating against the shipper; and yet that supreme court decided that the mere fact that it was so was not absolute proof that it might be so, and that a law passed declaring it to be so would not stand in the courts of the country. Does the Senator want anything further on the subject?

Mr. VAN WYCK. I am always pleased to hear from the Senator from Illinois, but I can not yet see that he has resolved the doubt. He says that it would be evidence that there was extortion, and yet when you come into court to establish the fact of extortion, under this law or any other, the attorney would rise and say that it was unjust to the people of the great West that a great public corporation should be controlled in what they were doing, because I understand the Senator here at one time to justify it and say that a thing may be necessary, that it may be proper, that there may be circumstances where it would be eminently proper for a railroad in justice to a great section of country to do this thing. Where would be the possibility of obtaining a conviction of extortion if it should prove to be true in the courts, as it is claimed to be true in Congress, that on the part of the railroad companies it may be a virtue, absolutely a virtue, it may be promoting the prosperity of this great country, or sections of it, that they should be allowed to exercise this power of discrimination? Where would be your indictments for extortion when the legitimate basis of crime is the intent to do wrong, when attorneys could go into court and say just what is said on the floor of the American Senate and in the House of Representatives, that it is a virtue and not a wrong? There can be no doubt upon that part of the proposition, I take it.

The Senator says that some Senators have been combating the extortions of railroad companies for ten years and we are at a loss to know what to do just at this juncture. He says we want a commission. A commission to ascertain what? Here is a statement of facts that is undisputed. My friend from Oregon has stated it, I have stated it in regard to the Central Pacific Railroad, and we say we can state it in regard to a number of other railroads. No one here to dispute any of the facts stated. My friend from New Jersey would not do that. Nobody rises to defend them. I have not heard a state of facts whereby these things can be justified. That is all that is asked; and here is an attempt to mislead the public mind of the State my friend represents, that there is to be an injury worked to the great West when we seek to make a provision of this kind. No; there can not possibly be any injury there. We know it. I say to my friend that his people in Illinois and the people of my friend from Iowa [Mr. ALLISON], and those of the State which I have the honor to represent, feel the exactions, the hardships, and the extortion of this outrage. I should be pleased if the Senator from Illinois, or any other Senator, would rise in his place and show us the beneficence of this exacting power of a railroad company. Will you show us where it has benefited a community, a State, a whole people, that a railroad company shall have the power to charge $800 for a car-load delivered six hundred miles east of San Francisco while it charges $300 for a car-load of the same merchandise delivered at San Francisco, six hundred miles beyond? The Senator's people have felt this discrimination in his State; they have felt it in the State of my friend from Iowa and in my own State. We know day after day of hardships repeated, long continued, by reason of these exactions, and until these gentlemen can show us where there is some beneficence arising from it we claim that we ought to meet the proposition. We have been grappling with it for ten years; these things have been suffered for longer than ten years by the American people, and now my friend says we must not do a little because we can not do it all. We have waited long enough. Let us do a little something by adopting the provision which my friend from Oregon suggests, and now and then another provision which may be suggested. Let us count this something in the direction, and not continue to make to ourselves obstacles, because, forsooth, there are many things which we ought to reach in the end.

Mr. HOAR. Mr. President, I understand the pending proposition is to impose a penalty upon any railroad engaged in the transportation of merchandise from one State to another which shall demand or take any greater compensation in proportion (although that word is not in the amendment, but I understand that is the meaning of the amendment) for transporting any merchandise of the same amount and kind a shorter distance than it does for a longer distance over the same line of road and in the same direction.

Mr. ALLISON. The Senator will allow me to say that I do not understand the amendment to import the words the Senator from Massachusetts injects into it.

Mr. HOAR. I should like to ask the author of the amendment to explain whether that is not the meaning. I will ask the Senator from Oregon what it does mean. Suppose, for instance, a railroad charges $100 for a certain amount and kind of merchandise transported a thousand miles, does he not mean to prohibit by this amendment the charging more than $50 for making the same transportation five hundred miles?

Mr. SLATER. No, sir; that is not the effect at all. I will state the object. Take as an illustration the cities of Chicago and New York. Suppose for transporting wheat from Chicago to New York over a through line of road that is bearing interstate commerce a charge of $50 per car-

load is made from Chicago to New York. One hundred miles east of Chicago there is another city where freight is received, and from there they charge $60 to New York. The effect of the amendment is to say that when they charge $100 for a car-load of wheat from Chicago to New York they shall not charge more than $100 from any point east of that to New York. They may charge all the way up to $100; it gives them that margin and discrimination; but they shall not charge more. Then all points east of Chicago to New York would be upon an equality with Chicago.

Mr. HOAR. And that entirely independent of the fact whether at the longer distance the cars go back full and whether from the point of the shorter distance they go back empty? It is entirely without regard to the question whether there are several competing routes at the longer distance that do not exist at the shorter.

Mr. SLATER. Certainly.

Mr. HOAR. I now understand the Senator.

Mr. MITCHELL. Will the Senator from Massachusetts allow me to ask that the amendment of the Senator from Oregon be read?

Mr. HOAR. I will send the amendment to the desk and have it read at the request of the Senator from Pennsylvania.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon [Mr. SLATER] will be again reported by the Chief Clerk.

The CHIEF CLERK. The amendment is, in section 4, line 14, after the word "class," to insert:

Or shall charge or receive any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction.

Mr. HOAR. I do not propose to enter into a general discussion of the railroad policy, or even into a discussion of the problem in railroad administration upon which the pending amendment bears, but rather to state the present condition of my own mind upon the general subject. Some eight or ten years ago I had occasion to study as thoroughly and faithfully as I could at that time this problem. I lived in a city forty-five miles westward of Boston, a large and rapidly growing manufacturing city, making machinery of many kinds, and textile fabrics and boots and shoes, almost all of which had a market at the West, and it was dependent for its supplies of raw material and of food on the West and for its supplies of lumber on the North and Northeast. The evil which the Western communities that are growing so rapidly into life now complain of was complained of then. Our manufacturers had to compete with Boston and the cities in the immediate neighborhood of Boston, and had to pay a larger sum to have their freights, their food, and supplies of material brought from the West stop at Worcester than in many cases they would pay if they were carried clear through Worcester, forty-five miles west of Boston, and brought back again over the same road forty-five miles at the local rate. Our manufacturers used to pack their machinery, send it to Boston, bill it to the West from Boston, and look out of the windows of their manufacturing establishments and see it go by westward on its way from a point forty-five miles east, having that extra ninety miles of transportation.

I thought then that a measure of this kind was required, and wrote a letter to my constituents urging the taking up this railroad policy and establishing the principle which is now sought to be established here. Just about the same time we also chartered a railroad running to the north out of our city on the principle that the stock should be owned by the various towns through which it passed, the idea being that each town owning a share of the stock would be represented in the direction, and that would compel the management of the railroad with reference to local convenience. They would run trains out of the city on which workingmen living in the country could go in and out. I suppose most of the people in that community, who had the exact and only the exact interest which is represented by the Senator from Nebraska and the Senator from Oregon, were in favor of both those schemes regulating the imposition of railroad freights and the price of freights by law, so that in all cases the shorter freights should pay no more than the longer, and giving to the communities through which the road passed a voice and control in the management of the road, a semi-political control.

I have to say now that I believe that entire community, having no interest but a business interest, having very little interest as owners of railroads, having no business interest but that which the Senators who advocate this legislation represent here, has changed its mind. The road which we committed to the local management has been the least fortunate of the six or seven roads which run out of that city, and it has been able on the whole to give the least accommodation to the public. The Boston and Albany Railroad, of which we complained, being a profitable and successful road, has by reason of its success and the profit of its administration been constantly increasing for the local communities through which it passes railroad facilities, and has been constantly diminishing its prices. We are now probably as well accommodated a city with railroad facilities as exists on the continent, and it has been due not to the policy which I have described; but the laws of business and trade induced the railroads which passed there by a regard to their own interests operating through a series of years to find their account in developing the local interests by increasing the local conveniences and advantages. That has been done, let me say further, under the control and influence of a Massachusetts board of railroad commissioners. The State of Massachusetts established some twelve or fifteen years ago, about the time I speak of, a board of railroad commissioners. It gave them no judicial authority whatever. Perhaps some trifling matters have been added more recently; but when that commission was established it was established simply without giving the board any power to make or enforce a decree, but they were simply authorized to inquire into the administration of any railroad or of all railroads in the State, to hear every local or individual complaint, and to report their judgment to the Legislature from time to time, so that any complaint well founded might be redressed by the Legislature if the board of railroad commissioners should recommend it. I believe in no instance has there been a resistance to a recommendation of that board by the railroads concerned so that the authority of the Legislature has been necessarily invoked.

Under that system the railroad administration of Massachusetts has most marvelously and wonderfully improved. My belief, and I think I state the belief of the business men who, as I said, have the same interests that the Senator from Oregon represents, is that you can not undertake to regulate or control the railroads of this country successfully by undertaking to interfere with the ordinary laws of business or the ordinary laws of supply and demand by what my friend from Illinois speaks of as cast-iron legislation. The first thing to be done is to let the daylight into every one of their transactions, to see that nothing is done by a railroad company in dealing with the community or in dealing with any locality or individual which is not absolutely known to all mankind, so that the power of public sentiment will come in; in the next place, to have the railroads subjected to a most rigid and strict accountability in the matter of having their stock represent the actual cost of the road and no factitious cost by reason of watering stock; and in the third place, which is, perhaps, merely another way of stating the first proposition that I made, to require of them as simple, exact, and clear system of keeping accounts as possible, and to compel their accounts to be submitted to the scrutiny of the public and to the scrutiny of some public authority.

I believe that with those three principles in operation the railroad system of the United States will be improved as the railroad system of Massachusetts has been improved. I believe that these attempts to prescribe exact laws which are to interfere with the contract between the railroad and the freighter and shipper will fail. We have had in Massachusetts one or two. There is a short-haul law on our statute-book now, but it was so drawn that it never accomplished any useful purpose. I do not think any railroad was ever held under it.

Mr. COKE. I will ask the Senator from Massachusetts if he believes it possible that a commission of five individuals can supervise the railroad system of the United States as a similar commission could supervise the railroad system of the State of Massachusetts? I ask him if it would be possible for a railroad commission to hear and intelligently determine all the complaints against railroads throughout the entire country?

Mr. HOAR. Of course the railroad commission appointed by the National Government could not deal with interstate commerce carried on by rail with that minuteness of oversight and inspection which the commission of a small State of 1,700,000 or 1,800,000 inhabitants would, a State so small in territory as that of Massachusetts, although we have a very large number of miles of railroad, as the Senator knows. But I think practically they could deal with the system. They could deal with the system of freights, fares, and charges which was administered by any railroad. They could report whether there were reasonable or unreasonable discriminations practiced. I believe that a railroad commission such as is proposed in the original bill here would very largely cure this evil.

Mr. VAN WYCK. Right there, if the Senator from Massachusetts will allow me, he has expressed his view from a large experience in the matter we are discussing at this moment in regard to the subject of long hauls and short hauls. Does he think from the experience he has had in the last few years that any commission, whatever they might report in regard to that matter, would change or affect his judgment of the propriety of the thing?

Mr. HOAR. It would depend upon who the commissioners were and what they said. If the commissioners were men who talked wildly and rashly and heatedly, not looking for justice, they would not have any effect; but if the commissioners made a grave and serious argument, such as my honorable friend from Nebraska would make if he were on the commission, I have no doubt my judgment would be affected very much and my mind might be changed.

Mr. SLATER. The Senator from Illinois [Mr. CULLOM] seems to be very much concerned as to the effect of the amendment upon the movement of the products of the West eastward. I think a moment's reflection will show him and any other Senator who is cognizant of the situation that that could not possibly be so. The great freights moving from the West to the East are controlled by laws and markets not entirely within the United States. They are controlled by the prices of commodities in other countries, and the shipments are controlled by the prices that these commodities can command for export at New York

to Liverpool or some other foreign market. Hence the rate of freight is limited and put in such a form as will facilitate the movement of the wheat and the flour of the West to New York for the export trade.

But the great and marked effect of the amendment will be upon the westward-bound trade, and its influence will be felt and the opposition will come from the great central cities of the West. It will tend to build up many small towns that are now tributary to the great cities of the West, as Chicago, Saint Louis, Kansas City, and other places. I am one of those who believe that the prosperity of this country will be better served, its interests further advanced, by such a system of railroad control as will induce the building up of one hundred cities or towns of 10,000 population each, instead of building up one city of 100,000 population. The tendency of the United States is to centralization. The effect of the amendment will be to a very large extent to decentralize population, and will make many localities instead of a few localities that will prosper by trade and commerce.

The effect upon the Pacific States and Territories is far beyond what will ever be felt by any of the so-called Western States; for six, seven, or eight hundred miles eastward of San Francisco and eastward of the city of Portland the effect of the present rates is to make all towns, all localities, all manufactures, all business tributary to those centers, and this is what we object to. The people must either go to San Francisco or to Portland for all their merchandise, and as everything of that kind must necessarily come from the East, they must pay for the transportation right by their doors of the very merchandise they need upon their counters, the very machinery they need in their mills or upon their farms, two, three, four, five, six hundred miles, and await its return and pay the local freights back in addition to the through freights.

It will not do to say that the great through lines can not subsist without this system, because it does not increase the rate of the through line. It is proposed to allow the through line to charge as much for a short distance as it does for a longer distance on the same line of road and in the same direction and at the same time; but it is because an effort is made to build up centers, because it is intended to give an unnatural growth to particular localities, because it is intended to enrich one locality at the expense of many other localities, because in fact it is intended by this system to build up particular lines of local transfer at the expense of the people who reside upon the lines of local transfer. The effect of that, as I have said, is to build up a few great commercial centers at the expense and to the detriment of all interior portions of the particular section and vicinity of these centers, to dwarf the smaller interior towns and absorb them in the larger seaport towns, and this is the reason why it is generally objected to.

The case I have instanced, immediately after the completion of the North Pacific, its combination with the Oregon system, is an illustration and a fair one. They proposed to charge the merchant who desired to conduct business in an interior town four hundred miles for transporting one car-load of freight one hundred miles less in distance when he could have sent it to the city of Portland for $200, and then must probably pay $200 or $300 to have it go back to the point where he wanted it. The purpose and effect was to compel the man to purchase his merchandise in the city of Portland. The purpose of it was to make him contribute of his business, of his accumulation, of the wealth that he would create, to sustain the city of Portland. So it is upon the Central Pacific and all the other Pacific lines reaching out to the Pacific coast. As soon as the Northern Pacific was completed it was pooled with the Central Pacific and the Southern Pacific, so that we received no benefit whatever from it as a competing line.

The railroads completely destroy competition; and where there can be no competition I say it is the province of Congress to step in and fix the rule and the extent of discrimination, and this is the purpose of the amendment. The bill is very properly worded, and says, "if there is unjust discrimination;" and the amendment proposes to point out and make emphatic a class of elements that can be introduced into court to show that there is unjust discrimination. It proposes that if there shall be charged on an interstate line for hauling a given amount of freight of the same class and amount on the same line of road and in the same direction at the same time a greater price for a shorter haul than a longer one, that shall constitute an unjust discrimination. There is more to be effected, there are greater evils to be eradicated by the amendment than all the other provisions of the bill can possibly effectuate in any direction whatever.

Mr. MITCHELL. The Senator says "at the same time." I observe there is nothing in his amendment in relation to the time.

Mr. SLATER. That will be the effect of it. Of course that is understood. It is true, as far as the mere verbal wording of the amendment is concerned, it does not express "the same time," but that is a necessary part of it.

Mr. McPHERSON. I should like to ask the Senator from Oregon a question for information. The complaint, as I understand it, made by the Senator, and in short a majority of the complaints with respect to these extortions, come from the West on the line of the Pacific railroads, roads chartered by the United States Government. Extensive land grants have been given them to aid in the construction of the roads in order that the public benefit of having those roads might be received by the people. What is there to hinder the Government from so amending the charters of the so-called Pacific railroads as to compel them to charge reasonable rates and not to discriminate as to distance? Why does the Senator make his amendment applicable to all railroads in the country when it is averred by nine-tenths of all the railroads that such a provision means universal bankruptcy to the railroad system? I am not taking that side of the question; I am not committing myself to either of the bills. I only present and ask the Senator for an answer to that question. Why does he not propose to so amend the charters of the Pacific railroads under which these extortions are practiced, and from which quarters complaints have mainly come, they being roads of the United States Government? Why not compel them to accept reasonable and fair rates either for long or for short distances?

Mr. SLATER. The answer is a very easy one. We are now proposing to put upon the statute-book a statute controlling and regulating interstate commerce. When the railroad grants referred to by the Senator were made provisions of that character were not incorporated in the grants, and now when we come to legislate for the entire United States for interstate freight or traffic passing over other lines, as well as land-grant lines, it would be a strange exception to except land-grant roads, and it would be perhaps as strenuously fought if we were to attempt to amend their charters; it would lead to a long litigation in all probability, contesting the right of Congress to put amendments of that character upon the charters after the roads had been built and gone into operation. We are now dealing with the subject with which these roads are connected, as well as all other interstate roads and interstate lines of communication, and it is proper that this provision should be incorporated in this bill.

I do not apprehend that this provision will be ruinous to the railroad lines by any means. It may cause them to readjust their methods of business, it may cause them to readjust their scales of prices, it may compel them to charge greater prices to some places than they have been charging formerly in order to run out some other line of communication; it may do all that, but it is not going to produce insolvency in these railroads by any means. We do not undertake to fix the price at which freight shall be moved upon any of the roads, but we undertake to say that certain evils which now exist shall cease to exist, and put upon them the force of statutory prohibition.

Mr. HARRISON. Will the Senator from Oregon allow me to ask him a question?

Mr. SLATER. Certainly.

Mr. HARRISON. Does not the Senator think that the rates charged in cases he has used as illustrations were unreasonable and extortionate?

Mr. SLATER. I do not like to venture upon that line. I am not a railroad man; I have not been engaged in the transportation of freight.

Mr. HARRISON. If the Senator has not made up his mind as to whether they are fair or extortionate rates, I wonder that he denounces them so. I have no doubt in my own mind that the rates which he has described were extortionate and unreasonable and that any court in the land would hold them so, and I wonder that he doubts it.

Mr. SLATER. I am not denouncing the rates; I am denouncing the discrimination and the method of discrimination.

Mr. HARRISON. In other words, it amounts to this, that if a rate from one point, say from Portland, to some point on his line is a reasonable rate considered in itself, he would prohibit the charging of that reasonable rate because an unreasonable rate was charged somewhere else. This bill prohibits all unreasonable rates; it makes certain charges extortions; and if the instances to which the Senator has referred are instances of unreasonable charges, as I have no doubt they are, inexcusable and extortionate, then the bill in its present shape meets exactly the evils of which he complains.

Mr. SLATER. But does not the Senator see that before we go into the courts to establish the fact that a particular discrimination is unjust or a particular rate unreasonable, we must establish some standard to which the party when he goes to court can refer as a factor as evidence?

Mr. HARRISON. What further evidence would the Senator want than the evidence that they hauled it for a much longer distance for a less rate?

Mr. SLATER. That certainly is a very forcible proposition as put by the Senator from Indiana, and it is exactly at that thing that I desire to strike. I am willing to take the $200 a car-load as a reasonable rate and judge of the $400, supposed to be charged in the instance I gave, as an unreasonable demand; but I want to put it into the statute in such a way that it will be prohibited, and being prohibited it will not be exacted.

That is all I wish to say.

Mr. ALLISON. Mr. President, I desire to occupy a moment on the amendment proposed by the Senator from Oregon. In one respect, if not in many respects, this is a vital amendment. It is a departure in the first place from the theory, if I may use that word, of the Senate bill which we are considering. It has been said in the debate, and truthfully said, that the amount of capital invested in railway corporations in the United States reaches to thousands of millions of dollars, and the receipts of these corporations run far into the hundreds of millions. The mileage of our railroads amounts now to 125,000 miles. So then the interest involved as respects the capital invested in railways is a

vast interest and would admonish us to legislate with care, having reference only to that interest if we only had that to look to; but when we come to estimate the vast interests that lie behind these railroads, and that are compelled to use them for their purposes, we ought to be admonished especially to legislate with care lest we do injury to that class of people; and it is that class of people, as I understand, that we are intending to legislate for chiefly in the bill now before the Senate.

We have proposed in this bill, and the Senate I believe with unanimity has already agreed, that if this commission shall be appointed it shall investigate and report at the next session of Congress on the very questions which are involved in this amendment; and yet the Senator from Oregon proposes to incorporate this feature in the bill *in limine*, without examination on the part of these men whose duty it will be under the law as already agreed to make this investigation. If I felt perfectly clear, as the Senator from Oregon seems to feel, that this is an amendment which will operate beneficially to the great commercial interests and agricultural interests of the country, I would not hesitate to vote with him in planting it in this bill. But, Mr. President, if I understand this amendment correctly, it may do great injury to the interests which he and I in common seek to protect.

What is the principle which he endeavors to incorporate in this bill? It is that there shall be no competition and no advantage resulting from competition, because he lays down an iron-clad rule that there shall not be paid more for a shorter than for a longer distance, thus eliminating entirely the idea of competition, because if at a competitive point a certain rate is charged, that controls the entire charge from that competitive point to the point of destination; does it not? Is that a just rule as applied to all this country? Let me illustrate for a moment by some instances that have come under my own observation. The Senator from Oregon illustrates by instances that have come under his observation with reference to the charges made by the Northern Pacific Railway. If the statements made by the Senator from Oregon be true, as I have no doubt they are, then *prima facie* there is a case of extortion. But let us see how his rule would operate in other respects.

I see the Senator from Georgia [Mr. BROWN] before me. I noticed the other day in some debate upon this question that the rate of transportation from New York to New Orleans by way of Atlanta, Ga., was 75 cents per one hundred pounds, while the rate from New York to Atlanta—a distance of how many miles this side of New Orleans? Four hundred or five hundred miles?

Mr. BROWN. Five hundred miles.

Mr. ALLISON. To Atlanta, five hundred miles this side of New Orleans, the rate was a dollar per hundred. Of course, under the rule laid down by the Senator from Oregon, if the rate from New Orleans to New York city was fixed at 75 cents per hundred the rate all the way between New Orleans and New York must be 75 cents per hundred. That would appear to be a reasonable rule. But that is not the question. The question is, in the first place, is the rate of $1 per hundred from New York to Atlanta a reasonable compensation for the service rendered? If it be so, then another element enters into the question: why is it that 75 cents a hundred is charged from New Orleans? It is because at the city of New Orleans the railroads come into competition with ocean navigation, and the railways in order to meet that competition are willing to transport cotton or other articles that require transportation from New Orleans to New York at merely the cost of transportation, or perhaps a shade above that cost. They can only get the business by a charge which merely allows a shade of profit; or otherwise the ocean transportation will take the business wholly.

Mr. McPHERSON. May I ask the Senator from Iowa, does not the fact that the railroads charge $1.50 a hundred for a shorter distance and 75 cents a hundred for a longer distance imply unreasonableness in the rate somewhere?

Mr. ALLISON. That is precisely what I am endeavoring to elucidate, and the rate named by the Senator being an extreme rate probably would constitute a *prima facie* case. The cases between Atlanta and New Orleans as compared with each other were as 75 cents to a dollar. I say that does not constitute a *prima facie* case of extortion or unreasonable discrimination, because the presumption is, or at least the fact is, that at New Orleans the railways are compelled to come in active competition and severe competition with the ocean communication from New Orleans to New York.

Now, take the case of Chicago, if you please. Why is it that Chicago has a radiating system of railways to the Northwest and Southwest and to the East? It is because she has lake navigation and because there are railways connecting there which do not even pass through our own country. The result of that is, as every one of us knows, that at certain seasons of the year property is transported from Chicago at a rate sometimes less than cost and sometimes barely at a shade above cost. Now, are we required by law in the beginning—I am speaking now of the very beginning of this legislation—to unsettle all the relations that have grown up in our Western country, if you please, arising from the fact that there is lake navigation from Chicago to New York, including water navigation by the Erie Canal, and from the fact that there are eight or nine railways there competing for freight, and to compel these railways either to lose all local business on the various lines between Chicago and New York or to increase their charges from Chicago to New York?

I have an illustration in reference to this that came under my own immediate observation. I happened to be in an interior town in the State of Pennsylvania some years ago, when some gentlemen inquired of me with reference to the bill which was then as now known by the name of a distinguished member of the House of Representatives, as the Reagan bill, and I asked them what they wanted to cure by the bill. They said that from the town where we were the charges for cattle or live-stock—it being in a live-stock region—were $55 per car-load to New York from that point in Western Pennsylvania, and that the charges from Chicago to New York were only $50 per car-load. I said, "That looks unreasonable, because you are five or six hundred miles nearer New York than is Chicago," and yet I said, "what will be the effect of this proposed change in the system? One of two effects will occur: Either the rate between Chicago and New York will be increased or the rate between the point where we were and New York will be reduced. If the rate is increased from Chicago it affects the people of all the West; and unless the railways are receiving a larger compensation than they deserve, taking their whole traffic together, the chances are that the rates between Chicago and New York will be increased."

Now, my judgment is that upon a matter so material as this we had better not jump into action without examination and consideration and care; and especially do I believe this representing as I do a people who transport millions upon millions of property from the places of production to the places of consumption in the Eastern States. I do not care to have railroads add to the cost of transportation of one hundred pounds of wheat from Chicago 3, 4, or 5 cents, and to give me as an answer and to give the people of this country as an answer that they have been compelled to do so because we have laid down an iron-clad rule that makes the rate from Chicago to New York control the rates for all the local traffic between Chicago and New York. That may be just; but with my imperfect information as a Senator upon that question, and with my inexpertness in running railway trains over the many thousand miles of this country, I am not prepared yet to put upon the statute-book a provision which shall so radically and so severely cripple and confine the great through commerce of this country. I will not do it, especially when I am willing to put upon the statute-book here and now a provision that all these charges, whether they be over the mountain-tops or in the valleys without gradients, shall be reasonable, and that any charges which are not reasonable shall be properly punished; that they shall not only be reasonable, but that they shall be without unjust discrimination in favor of one locality or another locality or in favor of one section as against another section.

As was stated here the other day by some Senator in this debate, the relations of this country are so diverse, that what is a proper rule for one section of it may be an improper rule for another. Take the productions of the great Northwestern region in which I live, and they are cereal products largely if not chiefly; they are the products that are either used in the Eastern part of our country or transported abroad; take the Southwest and you have a production of cotton especially and almost exclusively; and when you come to the Eastern portion of the country the transportation is largely of manufactured articles. Now, it may be that you can establish a uniform rule which will apply equally to all these conditions and all these relations existing in these different parts of our country; but I for one—and I shall do that at some risk perhaps of criticism—propose to go slowly in respect to radical legislation upon this question. I want the proposition of the Committee on Railroads to be adopted, so that we shall have a commission of eminent men whose duty it shall be to investigate these questions and to give us their combined judgment and opinion, not the judgment of one man with respect to these great questions affecting not the railroads, but affecting the great interests of the people of this country, who are themselves compelled to rely upon the railroads largely for the transportation of their products and the articles they consume.

Therefore it is, Mr. President, that I deprecate the introduction of this amendment, which is a radical proposition with regard to the management of railroads, and in that differs from the proposition of the committee which we are now considering in the Senate, which is to examine, to in the first place lay down general rules whereby extortion shall be prohibited, whereby unjust discrimination shall be prohibited, and whereby reasonable rates only shall be charged, and then to have a commission that shall investigate these practical questions and report to us their action.

But, Mr. President, I wish to say one further thing in regard to this amendment of the Senator from Oregon. If the evils which it proposes to cure are existing evils universal in their character, this is a lame and impotent remedy. The Senator from Nebraska inquired awhile ago of the Senator from Illinois what he would think of a railroad corporation that charged $50 for a car-load from Chicago to New York and charged $75 for a car-load from Chicago to a little village twenty-five miles distant from Chicago. That would to me look like extortion. But what would the Senator from Nebraska think of a railway that would charge $50 from Chicago to New York, and $50 for a car-load from Chicago to a village twenty-five miles distant with no grade and upon an easy track? What would that be under the rule laid down by the Senator from Nebraska or by this bill, or by the common sense and judgment of all of us? That would be extortion too, would it not?

If a railway can charge $50 to carry a car-load a thousand miles from Chicago to New York, crossing the mountains it may be, and then charge $50 for the same freight, for a car-load from Chicago to a village twenty-five miles distant from Chicago, what would that be? Would it not be extortion? Yet under this amendment that can be done. That is exactly what this amendment says ought to be done practically, because it says a greater rate shall not be charged for a shorter than a longer distance. Therefore, notwithstanding a commission may come in and say that this is an unjust rate and too high a rate, yet the railway can turn to this amendment and say, "Here is the adoption of a principle by Congress that has practically settled this question, because they say a greater rate shall not be charged, thereby practically saying the same rate may be charged."

Those gentlemen who seek to regulate railway rates by act of Congress ought not to bring forward so lame and impotent a remedy. If they propose that we here shall fix rates that shall control all the railway corporations of this country, let them bring in their bill looking to that end, and then bring in a bill that will be just to the railroads, and especially just to the shippers, because I have shown you certainly one instance, and I might give you a hundred, wherein under the very provision of the Senator from Oregon a railroad could practice injustice.

Suppose the point named by the Senator from Oregon instead of an interior town in the State had been the city of Portland, and that $400 was the rate from Saint Paul to Portland. Under his amendment and his bill, if that was the rate the railroad company could charge $400 for a car-load twenty miles out of Saint Paul. Do you tell me that that is a remedy for a great evil? It is an impotent remedy, because it only touches the question here and there; and therefore it is that I for one desire to proceed carefully and slowly in this matter, relying upon the investigations that may be made by an intelligent and well-paid commission.

Why do I do that? I do it because that has been successful in many of the States of this Union; and, although there has been some complaint of the commissions here and there in the different States, yet in the main they have remedied great evils in the local transportation in the several States. I want to experiment at least for one session of Congress before I undertake to upturn and upheave the railway system of our country as it affects the men who produce things and transport things. I want to understand the question more before I cast my vote for an iron-clad proposition such as is proposed by the Senator from Oregon.

Mr. VAN WYCK. Mr. President, there seems to be a strange conflict between Senators who favor the same proposition. One Senator, the Senator from New Jersey, says the fact that a railroad discriminates is evidence of extortion, and by reason thereof it should become the subject of enactment.

Mr. McPHERSON. If the Senator will bear with me I will say that when he undertakes to quote me I wish he would quote me exactly as I state my proposition. I inquired of the Senator from Iowa if the simple fact of charging for a less distance, for instance, $1.50 per hundred and charging for a greater distance only 75 cents per hundred was not evidence of extortion in the rates somewhere.

Mr. VAN WYCK. Then I infer from that that it was the Senator's opinion that it was an unreasonable discrimination. My position was that the advocates of this proposition on one side intimate that the fact of this discrimination is evidence of extortion, and therefore wrong; and another Senator, the Senator from Iowa, says that if this thing is not allowed, this kind of discrimination which the Senator from New Jersey says is evidence of extortion in his judgment, you will bankrupt the railroads.

Mr. ALLISON. No; I did not.

Mr. VAN WYCK. Well, would make them insolvent.

Mr. ALLISON. No.

Mr. VAN WYCK. Cripple them. That I think the Senator said. "Cripple the railroads;" let us stand on that. If they are crippled, it is nearly as bad as bankruptcy or insolvency. One Senator says it is evidence of their extortion; the other Senator says if they are not allowed to do it they will be crippled.

Mr. ALLISON. No; I did not say that.

Mr. VAN WYCK. We will examine the RECORD in the morning. I will say, then, that for this purpose the Senator from Iowa did not say that; but I should like to have the liberty to state in a word that he was arguing, as I understood him, the injustice of not allowing railroads to make this discrimination. Am I correct about that?

Mr. ALLISON. Oh, no.

Mr. McPHERSON. Will the Senator yield to me just a moment for a question?

Mr. VAN WYCK. Certainly.

Mr. McPHERSON. Because I think I can give him a subject for discussion that will last him an hour. ["Oh, no!" "Oh, no!"]

Mr. VAN WYCK. I shall have to object to the gentleman's suggestion.

Mr. FRYE. So do I.

Mr. McPHERSON. The Senator need not take an hour to answer it. I should like to have the Senator's view of the suggestion I am about to make. There are several great lines of railroad leading from Chicago, which is a great distributing point, so to speak, of the grain and products of the West to New York, the great export city of the United States. In this bill which is proposed by the Senator from Illinois it is said that no less shall be charged for transportation from any station east of Chicago than the rate charged from the city of Chicago. A short time ago we found the elevators along the New York and New Jersey shores filled with grain. The export demand had not enabled the grain to be shipped abroad, so that the elevators were filled. The continuance of that state of things, would, of course, stop the transportation from Chicago to the elevators. The elevators were filled with grain. The railroad companies could bring no more because there was no receptacle for it. The owners of the grain would not transport it, because they could not get its cost abroad. They appealed to the railroad companies to know what share of the loss the railroads would sustain by reason of the shipments already made to the elevators.

The Western producers stepped in and said to the railroads, "What share will you suffer of this loss in order that we may move our grain to market, knowing that we have no market at home, that it is supplied, and in order that the grain may find a market at all it must be shipped at a loss to producers and transportation companies alike?" Under this bill, supposing it to be the law of the land, could a railroad company have reduced its charges between Chicago and New York without reducing the charges on every local shipment that might be made at any points between Chicago and New York? If the railway companies had not stepped in and given an unreasonably low rate, a rate below the cost of doing the labor in transportation, the grain would not have been shipped.

Now, will the Senator tell me what he wants to have done? Does he desire that that grain shall not find a market, that it shall remain in this country; that if the railway companies will agree to carry it for less than cost they must make a corresponding reduction on all other transportation to all other stations? Does the Senator insist that the railroad companies shall not have the privilege of doing that?

Mr. VAN WYCK. I will not take so much time to answer the question as the Senator did in propounding it. The Senator thought a state of facts existed whereby the railroads, in order to be transacting some business—there being no market for grain—in order to make an inducement to use their motive power, proposed to transport grain from Chicago to New York at a cheaper rate. That is what I understood. The necessities of the case were such that it was impossible for them to carry on business unless they had a great deal of through freight.

Mr. McPHERSON. Is it any object for them to get it at a loss?

Mr. VAN WYCK. I am not arguing that.

Mr. McPHERSON. Has a railroad corporation, has a transport line, any particular object in suffering a loss?

Mr. VAN WYCK. No; but the Senator's proposition was that they proposed to do business at greatly reduced rates, as I understood. Now, we start at Chicago with our elevators full, with no market anywhere, and the railroads in their liberality and generosity to the people under this state of facts, which facts exist over the whole country, perhaps, reduce the rate per car from Chicago to New York $50, if you please. My friend comes to me in the western part of Pennsylvania, or the eastern part of Ohio, in a city five hundred miles nearer New York than Chicago, and the same state of facts exists there precisely: their elevators are full, they have no market for their grain, business is depressed, and it is just as much a matter of public necessity to get the grain there to market. These are public carriers, and the spirit of justice in the railroad company should allow the same rates from this nearer point.

Then I ask my friend if he thinks it right, where another city is five hundred miles nearer New York under the same circumstances than Chicago is, for the railroad which charges $50 per car-load from Chicago to New York to charge $25 a car-load from this nearer point to New York? Does he believe that to be right?

Mr. McPHERSON. I believe that if the rate charged from any given point, be it less or more, is a reasonable rate—one that the railroad company is entitled to by reason of the service rendered—it can make no difference whatever in the principle of the thing if it agrees to do the work for nothing from a different point. It is no injury particularly to the man who pays a reasonable compensation for reasonable service that it should agree to do service for a less sum for a longer distance. I do not see any unreasonableness in that.

But the Senator will bear with me a moment longer, because I do not wish to interfere with his speech. The simple claim has been made here, and it is found in the amendment of the Senator from Oregon, and any fair-minded and candid man would say at the start, "Yes, that seems to be right; there is no reason why such a principle should not be incorporated in the legislation of the country." I say to Senators that the particular bill to which it belongs, the bill that came to us from the House of Representatives, contains within itself the iron-bound condition making requirements upon the railroads. The provision can be properly found there; but it will be remembered that the bill of the Senator from Illinois goes upon an entirely different idea. That idea is that it is better to appoint a commission, who shall have full supervision over all the business of railways, may hear complaints, may listen to cases of extortion and discrimination; in short, it places the power of adjudication in the hands of the commission. The House bill proposes to do by legislation what the amendment proposes to do by indirection.

Now I submit to the Senator from Oregon that the amendment he

proposes, while very proper (and I believe it is already found in the body of the bill which he has given notice of his intention to move as a substitute), does not belong upon the Senate bill at all, and that the vote of the Senate is to be taken distinctly on the two propositions, each one standing by itself, without injecting into the body of the Senate bill a proposition which has no place there at all. The idea of the Senate bill is to give the proposed commission the power to adjust and adjudge. This proposition proposes to restrict them in the exercise of that power. One part of their duty is fixed by the language contained in the amendment of the Senator from Oregon. The other part of their powers is the power given by the bill of the Senator from Illinois. Now, sir, without committing myself to either proposition, for I do not know which one I shall prefer, certainly the amendment of the Senator from Oregon has no place upon the Senate bill, because those Senators who wish to vote distinctly upon the proposition to create a commission and confer upon them the power to adjust these differences do not want to see the commission fettered by such an amendment as this.

Mr. VAN WYCK. I might argue with the Senator from New Jersey indefinitely.

Mr. President, the Senator from Iowa starts another objection to this proposition, and he desires to know whether if a company charges $50 a car-load from Chicago to New York it would be right for the same company to charge $50 for a car-load from Chicago to a place fifty miles distant? Certainly it would not be right, but I apprehend it is not in his mouth to undertake to antagonize this proposition because it does not do enough. That is the position of the Senator from Iowa, that this proposition does not do enough. This proposition leaves power in the hands of the railroads to charge as much to a shorter point. It is strange for him to propound an objection of that kind for the purpose of showing that this measure is not all it should be. It is, however, a movement in the right direction, and it remedies this wrong which is conceded and admitted to be a wrong and an extortion.

My friend from Iowa says we ought to deal with this matter gently, by slow means; and he undertook to show that unless we allowed the system of competition on the part of railroads, which was so dangerous at the extreme, it would cripple them to a certain extent. That is another strange proposition at this stage of the debate. I suppose my friend from Iowa is in favor of the Hennepin Canal; so is my friend from Illinois in favor of the Hennepin Canal; yet they are so solicitous about the welfare of railroad corporations that they are unwilling to place an act of justice in this bill.

My friend from New Jersey says a railroad company executing a public trust has a right to carry from Chicago to New York for nothing, as I understand him to say, and then the other part of the proposition must follow, that the expense of their road, the interest on their bonds, and their dividends must be made and taken from people living between Chicago and New York.

Mr. McPHERSON. The Senator will bear with me one moment. The Government of the United States, if I remember aright the laws, allows the manufacturer of spirits when he exports the spirits to a foreign consumer to do so without paying any tax on the spirits. Is there anything wrong in that principle, I should like to ask the Senator?

Mr. VAN WYCK. I do not suppose there is to a man who believes in spirits.

Mr. McPHERSON. Then, if a railway company, for goods transported out of the country in order to reach a market, chooses to allow a rebate, is there anything wrong in that?

Mr. VAN WYCK. Just the same as there is in a rebate on any other branch of business. The whole people are equally interested. Going back to the proposition of the Senator from New Jersey, that the railroads have a right to transport from Chicago to New York free, as I understood him to say, if they choose to do so, I follow it up by saying, if that be so, the business between New York and Chicago must bear the expense of transportation and interest on bonds and dividends on stock, must it not?

Mr. McPHERSON. I did not say they had the right, but had the power.

Mr. VAN WYCK. I understood the Senator to say that they had the right to do it. They have the power. Then he does not believe they have a right to do that thing. What is the force of the proposition the Senator made if he does not believe a railroad company has a right to do that? I want to say here that I deny that right. A railroad company, a creature of law, made by the people, has no right to become an engine of oppression and wrong. It has no right to carry grain and flour from Chicago to New York for nothing, and then require all the business that goes on the line of the road between Chicago and New York to pay not only its legitimate cost, but also the cost of the transportation of the grain from Chicago to New York. That is the very point where we take issue. I can not understand the willingness of some Senators to extend the power of railroad companies.

But to go back. My friend from Illinois is in favor of the Hennepin Canal; my friend from Iowa is in favor of the Hennepin Canal. They are opposed to placing a just principle in this bill because it will cripple railroads. They say it will hurt us in the West if you do not allow railroads to have different rates at competing points. And yet my friend from Iowa who is from the West is willing to contribute the money taken from the pockets of the people either by internal-revenue laws or tariffs and appropriate that in building a canal through the State of Illinois which will have the necessary effect to injure railroads so that they can not have the absolute control to fix their own rates and charge what they choose. These seem to me to be antagonistic propositions.

I only rose, however, for the purpose of calling attention to the position of the Senator from New Jersey as well as the attitude of the Senator from Iowa. There is nothing in conflict. I have desired these gentlemen to show the beneficence of this power on the part of the railroad companies. If my friend from Iowa would commune with his people at home on this subject he would learn more from them than he can learn from any commission created by any act of Congress.

Mr. JACKSON. Mr. President, I shall detain the Senate but a moment.

If I understand the amendment offered by the Senator from Oregon, as explained by him, it permits the charging of as much for a short haul as for a longer one by a transportation company. That is offered in a section which is intended to prohibit discriminations and to afford the same facilities to all shippers. It is in a bill defining by Congress what shall and what shall not be discrimination. What is to be the effect of that legislation if adopted? Assuming for a moment that there is an evil in charging more for a shorter than a longer haul from competing points, what is to be the effect of that legislation? It will result in infinitely more evils than it is seeking to correct. What will be the result? Two consequences will follow: through rates will be advanced, and local rates, without reference to distance, will be advanced with the through rates. It permits to be charged for transportation ten miles distance what is permitted on the through line for a thousand. There is no escape from it. You are incorporating a rule that works the most outrageous, the most ruinous, and the most destructive effects upon local freights. No other legitimate conclusion can be reached, because the amendment permits as much for the short haul as for the through without reference to distance. It gives the sanction of Congress that carrying companies may charge for ten miles what they charge on through trips for a thousand. The result would be destructive to all local interests, and would at the same time (even if it did not affect local interests) advance through rates to a ruinous degree.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7964) to provide for the expense and compensation of special messengers to be sent by the Secretary of State to the States, respectively, of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States; in which it requested the concurrence of the Senate.

SPECIAL ELECTORAL MESSENGERS.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7964) to provide for the expense and compensation of special messengers to be sent by the Secretary of State to the States, respectively, of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States; which was read twice by its title.

Mr. ALLISON. That is the same bill which was passed by the Senate this morning, except that there is a word "November" to be changed to the word "December." I move that amendment and ask that this bill be now put on its passage.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that this bill be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I move to strike out "November" and insert "December," in line 9; so as to read:

Electoral vote of December, 1884.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 736) for the relief of James Hooper;

A bill (H. R. 1808) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California;

A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;

A bill (H. R. 6404) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park; and

A bill (H. R. 7013) to regulate the effect of judgments and decrees of the courts of the United States in the several States.

The bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. HOAR. I think that should go to the Committee on Claims. The Committee on Claims has had several questions growing out of the same matter, and although one bill of this kind went to the Committee on the Judiciary, I believe it was afterward sent to the Committee on Claims.

Mr. JACKSON. The Committee on Claims have actually reported on that case. The bill ought to go to that committee.

The PRESIDENT *pro tempore*. The Chair was under the impression that it provided for a suit in the Court of Claims on a controverted question and that it should be thus referred. The Senator from Massachusetts moves that the bill be referred to the Committee on Claims.

The motion was agreed to.

The bill (H. R. 3196) for the relief of L. A. Morris was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States was read twice by its title, and referred to the Committee on Claims.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. SLATER].

Mr. SLATER. I do not wish to continue the debate, but I am not quite ready to let some arguments that have been made here pass entirely without reply.

The Senator from New Jersey at my right seems to think that this amendment has no place in this bill; that it is foreign to the line of policy adopted in the bill; that while it may properly belong to and form a part of the House bill, to which he understands this bill will be moved as a substitute, it should not be introduced into this bill. Now, I fail to see the force of the objection of the Senator when the very section which is proposed to be amended is precisely on the subject that the amendment relates to; that is, discrimination. The amendment proposes to make the doing of certain things unlawful as a matter of discrimination. In other words, it gives point and force and effect to the section. It gets something into the section that will be valuable to the country and to the people who are interested in transportation.

It is objected to by the Senator from Iowa and also by the Senator from Tennessee that there are possible objections to this amendment, that it is not a complete remedy for all the evils that may be imagined or conjured up in relation to transportation. It is true, sir, as suggested by the Senator from Iowa, that a railroad company transporting interstate traffic would have the right from one point to another given point to charge the same rate for the shorter haul, and for a very short part of the haul in some instances that it charged for the longer haul. The roads have that right now, and they are practicing that right. It is true this only goes to a certain extent; it does not propose to cover the entire ground; and I presume if we should formulate it so as to even cover that we should find that in some way or other the railroads would in some instance find a means of evading the statute; but that, it seems to me, is no reason why we shall not meet the obvious discriminations that are known to the country, and instances of which have been given here, have been known for years, and have been the subject of consideration.

I will not undertake to say that even if this provision should become a law there would not be instances of very great injustice perpetrated under the forms of law notwithstanding the prohibition. I anticipate that there will be; but this will certainly cure a very large part of the evils complained of. It is no objection that because some possible evils may be imagined that may come up under this statute if it shall pass, therefore we should not legislate upon the subject at all. That is the do-nothing principle. Simply because the subject is one of difficulty, is one where we may not readily and easily meet all the objections that may be presented to a particular form of legislation, it does not therefore follow that we shall do nothing. That will not satisfy the country.

I think I have said all I desire to say in relation to this matter.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. CAMDEN. Mr. President, I desire to make a practical suggestion in connection with this amendment.

I recognize the great difficulties and the great dangers of regulating and governing by statutary legislation the business interests, and especially the large transportation interests, of this country. I recognize the fact that these interests can be better regulated by competition and by the rules that govern other business transactions than they can be by arbitrary rules enacted by Congress. But, sir, it appears to me that there is more in this amendment of the Senator from Oregon to satisfy the demands of the people who make complaint of the discriminations of railroads than perhaps in all the bills that could be passed by this body.

The reason why competition does not remedy the evils complained of is because competition does not exist in very large sections of the country that will be affected by this amendment. For instance, there are only a few through lines of trunk road between the great West and the East. On these trunk lines there are large sections of country between the West and the seaboard dependent upon each of these roads as their sole mode of transportation to reach the seaboard markets. Take points like Chicago, Saint Louis, Cincinnati, and other large centers in the West: competition itself regulates the prices of the transportation of commodities from these great centers to the seaboard. That fact alone always insures to the great competing centers the lowest rates of transportation.

Now, take the several hundreds of miles in each of the States of Ohio, West Virginia, Pennsylvania, and other States lying between these great western points and the seaboard, and they, as I say, are dependent, respectively, upon single trunk lines of transportation to reach a market. The competition induces the railroads in very many instances to haul freight from these great western points to the seaboard cheaper than the roads can actually afford to do the business, and in order to make up for those losses they levy a higher rate than is reasonable upon the intermediate sections of country that are dependent upon them and are at their mercy. This produces a condition of feeling in the people along the lines of these roads antagonistic to the railroads, and they are demanding from Congress legislation to control the inequalities and injustices that affect them so seriously.

Take, for instance, a point in West Virginia two or three hundred miles from Baltimore, or the same proportionate distance from any other market, and there is a flouring mill there or any other manufacturing interest or live-stock gathered, the shippers there will be charged double the rate from that point to any of the eastern seaboard cities that would be charged from Cincinnati, or perhaps from Chicago, or a distance twice as great as that from the point in West Virginia to the seaboard. There is not only a glaring inconsistency in the rate itself, but there is a positive injury to those living on this interior line by allowing the products of the West to get to market at one-half the price they can get their own products, thereby enabling the West to undersell them in the very same market by this discrimination in transportation.

I could multiply these instances, but I simply give this as an illustration of what I know does exist. It happens every day in large sections of country, covering three hundred or four hundred miles along trunk lines, that a manufacturer or a flouring mill or person engaged in the live-stock industry will see car-loads of freight passing right by his door and going to the same market he wants to reach at one-half the rate at which he can ship from that point to the market, enabling those who have the cheaper rate of freight to undersell those nearer to market, without in my judgment any good reason for it.

Mr. President, I declare that in my humble judgment I believe the railroads have themselves made a very great mistake. There is no good reason that can be given why a railroad may not be enabled to haul a car-load of freight three hundred miles over the same line as cheaply as it can six hundred miles, taking it over the same line of road three hundred miles both ways. It is a mistake, in my judgment, in the policy of the railroads, and it has gotten up an unnecessary prejudice against that character of investment; and I believe the passage of this amendment will do more to satisfy the feelings of the country, while doing no harm to the railroads, than any or all other legislation upon this subject that we can pass.

Mr. ALLISON. I desire to ask the Senator from West Virginia a question. I understand the Senator from West Virginia to favor the amendment because he thinks the effect of it will be to compel railroads to reduce their rates at all points between Chicago and Cincinnati and New York, for instance.

Mr. CAMDEN. My idea is that it will compel the railroads, if they choose to take freight from a greater distance at a specific price, to reduce it to the same price for intermediate points.

Mr. ALLISON. I understand the reason the Senator gives for that is that the system which now permits railways to charge certain rates from Chicago, Cincinnati, &c., is a system which discriminates in favor of the agriculturist or manufacturer who lives west of those points as against the agriculturist or manufacturer who lives between those points and the seaboard.

Mr. CAMDEN. That is true.

Mr. ALLISON. Then I ask the Senator if in his judgment the effect of this will not be to increase the rates at the two competing points for through freights?

Mr. CAMDEN. My answer to that is that if competition forces the railroads to haul products long distances at a less rate than they can afford to carry them they shall not make up the loss off their local shippers on shorter distances.

Mr. ALLISON. Because the effect of the system as it now exists is to give the distant shippers the advantage of the local shippers?

Mr. CAMDEN. Yes, sir.

DEATH OF SCHUYLER COLFAX.

Mr. HARRISON. Mr. President, late yesterday afternoon a report was circulated upon the floor of the Senate that the honorable Schuyler Colfax, of Indiana, late Vice-President of the United States and President of the Senate, had suddenly fallen dead at Mankato, in the State of Minnesota. My colleague and I conferred together about this distressing news, but hoping that there might be in the report some element of mistaken identity, and deeming it proper that we should have absolute knowledge of the fact before calling the matter to the attention of the Senate, we did not yesterday make any announcement of the fact.

I do not know what the precedents of this body may be, but it seems to me to be eminently proper that when one who has occupied so conspicuous a place in this country as Schuyler Colfax has, and one who has been associated with this body as its presiding officer, is thus suddenly called away, the Senate should take some notice of the sad event.

Mr. Colfax was for many years in public life, first in the Legislature of his own State, then in the national House of Representatives, and then as Vice-President of the United States. He was greatly endeared to the people of his own State, and was especially held in respect and confidence by the people of that district in his State which he so long and so ably represented in the House of Representatives. He held this affection and this confidence unabated to the hour of his death.

In view of this sudden calamity, and as expressive of the sympathy and sorrow of the Senate, I move the adoption of the resolution which I send to the desk.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to offer a resolution at this time. Is there objection? The Chair hears none. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Senate has heard with great sorrow of the sudden death of Hon. Schuyler Colfax, late Vice-President of the United States, and that out of respect to his memory the Senate do now adjourn.

Mr. SHERMAN. Mr. President, I can not allow even this formal announcement of the death of an old friend whom I have known for many years to be entered upon the Journals of the Senate without adding one word to his memory.

It so happened that Schuyler Colfax and I entered Congress together, served for several years in the House of Representatives, were members of the same national conventions, were born in the same year, were of the same politics, and were thus intimately associated together both in public and in private life. He is now dead, suddenly carried away in the apparent vigor of life. I knew him well, and can say of him that he was generous, social, and friendly with every one. Sagacious and able in the management and control of men, industrious always in everything he undertook, faithful to his people and to the cause which he espoused, a good husband and affectionate father, and true always to his country.

For twenty years he enjoyed the full measure of public honors, repeatedly elected by his constituents, and three times honored by being chosen as Speaker of the House of Representatives, and then elected by the people of the United States as Vice-President. He was known in the Senate chiefly as its presiding officer. All who remember him here will bear witness to his impartial courtesy.

I wish simply to add my word of kindness to what has been said by his distinguished Senator. My respect, confidence, and friendship go with him to his grave. Honor to his memory. Peace and happiness in the future life to come.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to unanimously; and (at 4 o'clock and 21 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 14, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION OF JOURNAL.

Mr. ROGERS, of Arkansas. I do not know that I followed the reading of the Journal precisely, but I understood the Clerk to read that the gentleman from Virginia [Mr. TUCKER] and myself moved to reconsider certain votes. That is a mistake, if such be the entry on the Journal, so far as I am concerned. I made no motion of any description on yesterday.

The SPEAKER. The name of the gentleman from Massachusetts, Mr. COLLINS, should have appeared in place of the name of the gentleman from Arkansas, Mr. ROGERS. The correction will be made.

Mr. TUCKER. There was something in the Journal about the bill for the relief of the Metropolitan police force that I think was incorrect.

The SPEAKER. The Clerk will again read the entry in the Journal.

The Clerk read as follows:

On motion of Mr. TUCKER, by unanimous consent, the Committee of the Whole House was discharged from the further consideration of the bill of the House (H. R. 5668) for the relief of the Metropolitan police force of the District of Columbia; and the same was ordered to lie on the table.

On motion of Mr. POLAND, the bill of the Senate (S. 1432) for the relief of the Metropolitan police force of the District of Columbia was taken from the Speaker's table, read three times, and passed.

Mr. TUCKER moved to reconsider, &c.

Mr. TUCKER. I think the motion to discharge the Committee of the Whole House was made by the gentleman from Vermont [Mr. POLAND].

The SPEAKER. It is probable the motion was made by the gentleman from Vermont, but in each case the gentleman from Virginia, [Mr. TUCKER] was recognized in the first instance and afterward yielded. If there be no further correction, the Journal will be approved as read.

ORDER OF BUSINESS.

Mr. THOMPSON. I ask unanimous consent to call up for present consideration the bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862." This bill is in relation to the Niobrara Valley Railroad. I will state to the House it is a unanimous report of the Committee on Pacific Railroads. It grants no land and makes no concession of any kind save that of the right of way.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] asks unanimous consent to take from the House Calendar the bill he has indicated for present consideration. The bill will be read, after which the Chair will ask for objections.

The bill was read.

Mr. HOLMAN. In the confusion which prevailed on the floor it was utterly impossible to follow the reading of the bill.

Mr. CURTIN. This day having been assigned for the consideration of bills and resolutions of the Committee on Foreign Affairs, I must call for the regular order.

The SPEAKER. The gentleman from Pennsylvania demands the regular order.

Mr. THOMPSON. I should like to appeal to the gentleman from Pennsylvania to allow me just a minute to explain this bill and the attitude it occupies. It is somewhat long and I have no doubt many members did not hear distinctly the reading and could not understand it.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. CURTIN] yield?

Mr. RANDALL. I rise to what I believe to be a privileged question.

The SPEAKER. The gentleman will state it.

Mr. RANDALL. The subject certainly has connection with executing the Constitution of the United States. I ask that the letter which I send to the desk may be read.

Mr. VALENTINE. Is the bill called up by the gentleman from Kentucky [Mr. THOMPSON] objected to?

The SPEAKER. The regular order is called for, which is equivalent to an objection.

Mr. REAGAN. I should object to unanimous consent at any time for the passage of that bill, because of the danger of Congress giving its consent in advance when it does not know what it is consenting to, and because the Territories should not be allowed to grant charters to railroads. The legislation of the Territory of New Mexico and of the Territory of Arizona on the subject of railroad charters ought to be a standing warning to the American people against such legislation.

EXPENSES OF SPECIAL ELECTORAL MESSENGERS.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has risen to what he states to be a privileged question. The letter which the gentleman has sent to the desk will be read.

The Clerk read as follows:

DEPARTMENT OF STATE, *Washington*, *January* 12, 1885.

SIR: A message from the President, inclosing a communication from me, will be sent to Congress to-day, informing that body in substance that one of the certificates of the electoral vote of Oregon and one of the certificates of the electoral vote of Iowa, not having been received by the President *pro tempore* of the Senate, it becomes incumbent upon me to send a special messenger to each of these States, pursuant to section 141 of the Revised Statutes, and asking that an appropriation therefor, to be immediately available, be made without delay.

I have taken the personal responsibility of sending the messenger to Oregon, as the distance is so great that any delay might possibly prevent his return in time for the count of the electoral votes on the second Wednesday in February. I have the honor to draw your personal attention to the matter, requesting that the appropriation be made, if possible, to-day, or at least to-morrow.

I inclose for your convenience a draught bill, adding that the estimate of $1,500 is thought to be reasonable considering the distance of the two points, the season of the year, and the possibility of a snow blockade, which may require the Oregon messenger to incur unusual expense in order to return before the second Wednesday in February.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

The SPEAKER. The Chair will lay before the House a message from the President of the United States on the same subject.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, respecting the compensation for special electoral messengers to be appointed under the provisions of existing law. I earnestly invite the attention of Congress to this communication, and recommend that an appropriation be made without delay, to be immediately available, for the purposes indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 13, 1885.

Mr. RANDALL. I ask to have read the one hundred and forty-first section of the Revised Statutes. It will be seen that the Secretary of State is required by law to do just what he has done.

The Clerk read as follows:

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

Mr. RANDALL. I have not had the opportunity of conferring with all the members of the Committee on Appropriations, but I have conferred with the gentleman from Connecticut [Mr. EATON], who is chairman of the Committee on the Law respecting Election of President and Vice-President, and I submit in my individual representative capacity the bill which I send to the desk.

The Clerk read as follows:

A bill to provide for the expenses and compensation of special messengers to be sent by the Secretary of State to the States, respectively, of Iowa and Oregon, for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States.

Be it enacted, &c., That the sum of $1,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated to pay the compensation, expenses, or mileage, as the case may be, of two messengers, one to the State of Iowa and one to the State of Oregon, to receive from the United States district judge in each of said States the certificate of the electoral vote of November, 1884, for President and Vice-President of the United States, deposited with such judges under the provisions of section 140 of the Revised Statutes of the United States, and called for by the Secretary of State under the provisions of section 141 of the Revised Statutes of the United States.

The sum hereby appropriated shall be immediately available, and shall be disbursed under the direction of the Secretary of State.

Mr. RANDALL. Unless there be some one who desires to make some remarks touching this matter I demand the previous question upon the passage of the bill.

Mr. MILLS. I would like to ask the gentleman a question.

Mr. RANDALL. I yield to the gentleman from Texas.

Mr. MILLS. What I want to ask is whether there is any penalty provided in the law for the enforcement of that law. If the Government is bound to meet the failure of these parties by making a fifteen-hundred-dollar appropriation, it seems to me that if there is any penalty provided in the law it ought to be inflicted on the delinquents, and if there is no penalty I think we ought to amend the law.

Mr. RANDALL. My recollection as to that point is not very distinct. The officer concerned is rather a State than a Federal officer, but I have no doubt that the President and the Secretary of State will take notice of the question asked by the gentleman from Texas.

There being no objection, the bill (H. R. 7964) was introduced and read a first and second time.

The SPEAKER. If there be no objection the bill will be considered in the House without reference to the Committee of the Whole on the state of the Union, and this will be considered the second reading of the bill. The Chair hears no objection. The gentleman from Pennsylvania [Mr. RANDALL] demands the previous question upon ordering this bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONUMENT AT YORKTOWN.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, dated January 9, 1885, inclosing one dated January 5, 1885, from Lieut. Col. William P. Craighill, Corps of Engineers, who was charged with the building of the monument at Yorktown, reporting the completion of the monument, and recommending that the balance of the appropriation for building the same be used in paying the wages of a watchman and erecting a suitable keeper's dwelling on the site. The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 13, 1885.

SIGNAL STATIONS AT NANTUCKET, MASS.

The SPEAKER also laid before the House a communication from the Secretary of War, inclosing a report of the Chief Signal Officer on the establishment of signal stations on the island of Nantucket, Massachusetts, and declaring the appropriation for that purpose insufficient; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a communication from the Acting Secretary of the Interior, transmitting an abstract of sixteen claims for Indian depredations reported to the Department since December 10, 1884; which was referred to the Committee on Indian Affairs.

ENROLLED BILL SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 3661) granting an increase of pension to Mrs. Lucy Le G. Jeffers; when the Speaker signed the same.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for the withdrawal of papers in the following cases:

To Mr. STRUBLE, in the case of W. W. Norris; no adverse report having been made.

To Mr. LORE, in the case of John W. Thompson; no adverse report having been made thereon.

PROPOSED REVENUE COMMISSION.

Mr. MILLS, by unanimous consent, introduced a bill (H. R. 7965) to create a revenue commission; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REDUCTION OF BONDED DEBT.

Mr. WELLER, by unanimous consent, introduced a bill (H. R. 7966) to refund the bonded debt of the United States at 2½ per cent. interest, to reduce taxation upon circulating bank-note currency, and to secure such currency against unnecessary disturbances and fluctuations by applying the national revenues economically to payment of the national debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RETURN OF A BILL TO SENATE.

In compliance with request of the Senate the bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers was by unanimous consent ordered to be returned to the Senate.

FRENCH SPOLIATION CLAIMS.

Mr. CURTIN. I call for the regular order.

The SPEAKER. By the order of the House, this day is assigned to the consideration of such bills as may be presented by the Committee on Foreign Affairs.

Mr. TOWNSHEND. Mr. Speaker, does that take precedence of the morning hour?

The SPEAKER. The whole day is assigned to that business.

Mr. HENLEY. Mr. Speaker, I desire to give notice that at the earliest opportunity I shall call up the bill for the forfeiture of the land grants to the Northern Pacific Railway Company.

Mr. COX, of North Carolina. I call up House bill 745, and ask unanimous consent to lay it aside to take up for consideration in lieu thereof a bill (S. 1820) to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

The Clerk began to read the bill, but was interrupted by

Mr. HOLMAN, who said: Must not this bill receive its first consideration in Committee of the Whole on the state of the Union.

The SPEAKER. That point has not been made, and therefore the Chair has not decided it. The Senate bill is on the Speaker's table. The gentleman from North Carolina, under the special order, has called up for consideration the House bill, but asks that the House bill may then be laid aside and the Senate bill taken up. The gentleman asks unanimous consent. He has a right, under the order of the House, to move to take this bill from the Speaker's table, and then if the point of order were made the Chair would be called upon to decide it.

The Clerk resumed and concluded the reading of the bill, which is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided: *Provided*, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803; nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819; nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with

their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein or by the United States, but the same shall not be removed from the files of the court; and after the hearings are closed the records of the proceedings of the court and documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported. Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented to said court within the period of two years limited by this act shall be forever barred; and nothing in this act shall be construed as committing the United States to the payment of any such claims.

Mr. HOLMAN. Mr. Speaker, without having had an opportunity to examine this bill carefully I raise the question of order under Rule XXIII, clause 3, that the bill involves a charge upon the Government and must receive its first consideration in the Committee of the Whole House on the state of the Union. I base this point of order upon the general scope and purpose of the bill rather than on any special clause.

Mr. CHACE. I did not hear the point of the gentleman from Indiana. I would like to hear him state it again.

The SPEAKER. The gentleman from Indiana makes the point of order that under the rules of the House this bill must receive its first consideration in the Committee of the Whole House on the state of the Union.

Mr. CHACE. Upon what ground?

The SPEAKER. Upon the ground that it authorizes the examination of these claims by the Court of Claims, and will require hereafter an appropriation to be made to comply with the provisions of the bill if passed.

Mr. CHACE. I wish the gentleman from Indiana would point out what part of the bill requires an appropriation.

Mr. HOLMAN. Mr. Speaker, the language of Rule XXIII enumerates, as matters which must receive their first consideration in Committee of the Whole:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property.

It seems to me this measure is subject to the point of order I seek to raise, on the ground that it is a preliminary procedure upon which must be based hereafter an appropriation of money out of the Treasury.

Mr. MORSE. I would like to have the gentleman from Indiana point out any word in this bill which calls for a dollar of appropriation.

The SPEAKER. Will it not create a liability on the part of the Government?

Mr. MORSE. Not at all. The bill simply provides that these claimants may go before the Court of Claims and the court may ascertain what, if anything, is due to them. The bill contemplates nothing more.

Mr. WARNER, of Ohio. But that, Mr. Speaker, involves, of course, payment if anything should be found to be due.

Mr. MORSE. Not at all.

Mr. HOLMAN. I submit that the very first clause of the third paragraph of Rule XXIII seems to cover this case. I admit that the bill is very carefully drawn for the purpose of avoiding this question of order. But the language of the rule is:

All motions or propositions involving a tax or charge upon the people.

That this measure does "involve" or contemplate an expenditure of public money would seem to be an inevitable conclusion from the scope and character of the bill.

Mr. CHACE. I desire to call the attention of the Chair to the last three lines of the last section of this bill:

And nothing in this act shall be construed as committing the United States to the payment of any such claim.

Mr. MOULTON. That appears to be conclusive.

Mr. CHACE. If that does not settle the point of order I can hardly imagine any form of language that would do it.

Mr. RICE. I desire to present to the Chair distinctly this question: Is there anything in the bill which without further legislation would justify an expenditure of a single dollar of money by the United States? I believe there is nothing of the kind. The bill simply contemplates the auditing of these claims.

Mr. COX, of North Carolina. The bill expressly provides that the action of the court shall be limited to an ascertainment of the law and the facts, and that "such finding and report of the court shall be taken to be merely advisory as to the law and facts found." The bill makes no appropriation at all, and does not contemplate any unless Congress shall see proper hereafter to make one in pursuance of the finding of the court.

Mr. COX, of New York. I think it has been held heretofore that any bill looking toward an appropriation of money, anything tending to lessen the value of property of the United States, lands, money, or anything else, is obnoxious to the point of order, under the third clause of Rule XXIII.

Mr. DINGLEY. I desire to call the attention of the Chair——

The SPEAKER. The gentleman from New York has the floor.

Mr. COX, of New York. That is all I desire to say.

Mr. DINGLEY. Under the ruling in the Forty-fourth Congress, where a bill may involve the expenditure of money but does not directly require an appropriation it does not necessarily go to the Committee of the Whole.

Mr. HOLMAN. I wish to remark in regard to the last clause of the bill, the language of which is "and nothing in this act shall be construed as committing the United States to the payment of any such claim," that it is inoperative and means nothing so far as this question is concerned if the general scope of the bill involves or contemplates a public expenditure.

The SPEAKER. The Chair, upon examination of this bill, does not see that it makes any appropriation or requires any appropriation to be made by Congress, but it simply provides for an investigation of these claims by the court, leaving it, as the Chair understands the provisions of the bill, to Congress hereafter to say whether or not appropriation shall be made even where a claim is held to be just by the court. The Chair thinks the point of order is not, therefore, well taken.

Mr. COX, of North Carolina. Mr. Speaker, in advocating the passage of the pending bill, I do not propose to consume the time of the House by giving more than a brief historical outline of the origin of these claims, the action of our Government in regard to them, and the nature of the provisions of the bill it is proposed to adopt. If I should fail to be understood by any member I would be pleased if at the close of my remarks he would propound any questions which might tend to shed additional light on the subject.

It is a matter of familiar learning that in our Revolutionary struggle the United Colonies were sorely pressed for all the necessaries of successful war. Amid the hardships and discouragements at Valley Forge even Washington all but despaired, and emphatically declared that unless something was speedily done our little army must "starve, dissolve, or disperse." In this emergency France came to the rescue, and entered into a treaty of amity and "perpetual friendship." She supplied us with men and money, and gave us that moral and active support which infused new life into our waning cause. With this change Cornwallis began his retreat across the continent, soon was cooped up at Yorktown, where he was compelled to surrender his forces to the allies; then the blessings of a coveted peace followed, and the independence of our young Republic was assured.

It is also known that in the latter part of the last century nearly all the nations of Europe were engaged in war. France and England were at war. France claimed, or her friends claimed for her, that she was involved in war with Great Britain in consequence of the part she had taken in aiding us to achieve our independence. I will spend no time in pursuing that inquiry; it is not material to the present investigation. It is sufficient to know that our merchants, availing themselves of their neutral position, engaged largely in providing the belligerents of the Old World with supplies, chiefly of provisions.

Soon the war upon the continent assumed such violence and magnitude that all rules of civilized warfare and international law were set at defiance.

Our commerce became the prey to rapine and plunder; ships were seized, their contents appropriated, and our sailors detained. France was especially regardless of our rights, and the consequence was that our commerce was almost swept from the seas.

In this emergency Mr. Jefferson, then Secretary of State, addressed a circular letter to the merchants of the United States, in which he gave them this promise:

I have it in charge from the President of the United States to assure the merchants engaged in foreign commerce that due attention will be paid for any injuries they may suffer on the high seas or in foreign countries contrary to the law of nations or existing treaties, and that on their forwarding well-authenticated evidence of the same proper proceedings will be adopted for their relief. (Doc. 102, page 216.)

This, emanating from such a distinguished source, gave new impulse to our commercial enterprises and many captures and great losses ensued. As was to be expected, our Government did not fail to attempt to fulfill her obligations to her citizens, but at the earliest practicable moment made her demands on all who were engaged in these spoliations. England paid over $10,000,000 for her depredations, while Spain and other nations paid lesser sums.

When France was called on for indemnity she did not deny her liability, but sought to extenuate her conduct by declaring that, inasmuch as we and the people of Great Britain spoke the same language and

had much the same appearance, captures often occurred by mistake; that with the combined forces against her she was sorely pressed, and that necessity compelled her to get supplies when and where she could. While

THUS ACKNOWLEDGING HER LIABILITY,

she claimed that our Government had violated its treaty stipulations with her and thereby incurred responsibilities which must be taken into consideration in adjusting these claims. These treaty stipulations are so admirably summarized by Mr. Sumner, I can not do better than quote from his report to the Senate in 1870 the following:

The treaty of amity and commerce contained a succession of mutual stipulations, by which the United States undertook, first, to protect and defend by their ships of war, or convoy any or all vessels belonging to French subjects, so long as they hold the same course, "against all attacks, force, and violence, in the same manner as they ought to protect and defend" the vessels of citizens of the United States. (Articles 6 and 7.) Secondly, to open their ports to French ships of war and privateers with their prizes and to close them against those of any power at war with France, except when driven by stress of weather; and then "all proper means shall be vigorously used that they go out and retire as soon as possible." (Article 17.) Thirdly, to allow French privateers "to fit their ships, to sell what they had taken, or in any other manner whatsoever to exchange their ships, merchandise, or any other lading;" but privateers in enmity with France are forbidden even to victual in ports of the United States. (Statutes at Large, vol. 8, p. 13.) As if to round and complete these engagements it was further stipulated on the part of the United States, in a consular convention which, after many perplexities of diplomacy, baffling the tried skill of Franklin, was finally signed by Mr. Jefferson, in 1788, as a postscript to the earlier treaties, that French consuls and vice-consuls in the United States should have power and jurisdiction on board French vessels in civil matters, with the entire inspection over such vessels, their crews, and the changes and substitutions there to be made. (Article 7, *Ibid.*, p. 112.)

In addition, France had been guaranteed her possessions in America, which might at any time expose us to the hazards of war. Such was the price we paid for that alliance, which was a potential factor in our contest for freedom.

During the progress of the complications of the European powers a secret treaty was entered into between the United States and Great Britain which greatly exasperated France, especially when Washington issued his proclamation of neutrality and impartiality between the belligerent powers; and when this treaty was finally divulged there was an outburst against us, and our policy was openly branded as a violation of our engagement with France and war declared to be a "condescension of the American Government to the wishes of its ancient tyrant." The Directory refused to receive our ministers, and by a succession of edicts declared that it would treat our neutral vessels either as to confiscations or searches in the same manner in which they suffered the English to treat them.

In pursuance of this spirit, unjust and lawless spoliations continued to be committed against our vessels until it became necessary to authorize vessels of the United States to arm and retaliate. In this hour of perplexity our Government appointed a special mission, composed of three of her most eminent citizens, to visit France and see if they could not by treaty secure an adjustment. Mr. Pickering, Secretary of State, in his letter of instructions to them, employs the following language:

In respect to the depredations on our commerce the principal object will be to decide upon an equitable mode of examining the claims of our citizens and the manner and mode of making compensation. The proposed mode of adjusting the claims by commissioners appointed on each side is so perfectly fair we can not imagine that it will be refused.

Yet the plenipotentiaries were enjoined not to renounce the claims of our citizens nor to stipulate that they be assumed by the United States Government.

Our commissioners found the Republic in no condition to treat, for Napoleon was then victorious and Talleyrand was at the height of his power. They were therefore compelled to return without accomplishing the object they had in view. Subsequent causes of exasperation arose, when Congress suspended all commercial intercourse between the two countries until France should refrain from aggressions and depredations against the vessels and property of the citizens of the United States. Our Government even went further than asserting the rights of the claimants, by putting herself in an attitude of defense. The Directory of France thereupon invited negotiations, and Mr. Adams, for the sake of peace, appointed a new commission, to whom he gave explicit directions in regard to demanding indemnity. Upon our plenipotentiaries reaching Paris the Directory had ceased to exist. They were cordially received by Talleyrand, who presented them to the First Consul. Negotiations were at once commenced, which resulted in the treaty about which there has been an unending controversy.

France demanded that she should be allowed to

OFFSET HER CLAIM

for our violation of the treaty stipulations against those of citizens of the United States for spoliations of our commerce, but proposed to surrender the advantages secured to her on condition that our Government would yield its claims, as may be seen from the concluding paragraph of the basis suggested by her plenipotentiaries, which is as follows:

The indemnities which shall be due by France to the citizens of the United States shall be paid by the United States. And, in return for which, France yields the exclusive privilege resulting from the seventeenth and twenty-second articles of the treaty of commerce, and from the rights of guarantee of the eleventh article of the treaty of alliance.

BONAPARTE.
C. P. CLARET FLEURIEU.
ROEDERER.

The American plenipotentiaries on the contrary declared this proposition inadmissible. The claims of France were national while ours were individual, and the commissioners were not empowered to make any such negotiation. It therefore appeared as if no good could eventuate from this conference and a deadlock was inevitable. There were other provisions about which the commissioners could treat, and after meeting day after day, on the 30th of September, 1800, they agreed upon what is known as a provisional treaty, the most important stipulation of which is as follows:

ARTICLE II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.

Thus was this harassing and annoying subject, after eight years' controversy,

BROUGHT TO A CLOSE;

and so gratifying was it to all parties in France, that it was made the cause of general rejoicing and feasting, and at a grand banquet held in its honor, the First Consul was present and participating.

The result in the United States was not regarded with favor, and when the matter was brought before the American Senate, the second section was stricken out. On the 8th of February, 1801, President Adams, through the Secretary of State, proclaimed the convention duly ratified, save and except the second article, which was declared to be of no validity.

The question here arises whether our claims were abandoned? From the correspondence of the American minister and the plenipotentiaries of France it may be readily seen that this was a matter which each side feared and sought to evade. On the 31st of July, 1801, the convention was ratified by the First Consul with the second article eliminated, to which, however, he appended the following proviso: "That by this retrenchment the two states renounce the respective pretensions which are the object of the said article." The convention with this modification was submitted to the Senate by President Jefferson and again ratified. On the 21st of December, 1801, it was promulgated by the President in the usual form with the supplementary proviso, and all persons were enjoined to respect and obey every provision of the same.

From this time forward the Government of the United States

CEASED TO PRESS

the claims of her citizens against France. Was this a final settlement of the question? It appears to have been so regarded by each of the contracting parties, for we hear no more of claims and counter-claims.

Now the question arises, did our Government consider that she had offset the claims of her private citizens against the claims of France, or did she consider that she had done all that she peaceably could to enforce their just claims, and had thereby discharged her obligations to them?

No one will hesitate in determining that this treaty was of great public advantage, for it was a treaty of peace with a cherished ally. But was it not purchased through the claims held by our private citizens against the Government of France? The testimony of contemporary statesmen and concurring events all lead to this conclusion. Mr. Pickering, who was Secretary of State under Washington and Adams, and who wrote the instructions of our plenipotentiaries, in speaking of this treaty employs the following language:

Thus the Government bartered the just claim of our merchants on France to obtain a relinquishment of the French claim for a restoration of the old treaties, especially the burdensome treaty of alliance, by which we were bound to guarantee the French territories in America. On this view of the case it would seem that the merchants have an equitable claim for indemnity from the United States. * * * It follows, then, that if the relinquishment had not been made the present French Government would be responsible; consequently the relinquishment by our own Government having been made in consideration that the French Government relinquished its demands for a renewal of the old treaties, then it seems clear that, as our Government applied the merchants' property to buy off those old treaties, the sums so applied should be reimbursed.

Chief-Justice Marshall, in conversation with Mr. Preston, of South Carolina, said that "having been connected with the events of the period and conversant with the circumstances under which the claims arose, he was, from his own knowledge, satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations."

Madison, while Secretary of State, in his instructions to Mr. Pinckney, then minister to the court of Spain, bears testimony to the justness of these claims in the following words:

The claims from which France was released were admitted by France, and the release was for a valuable consideration in a correspondent release of the United States for certain claims on them.

This was written in 1804, some time after the adjustment.

I might cite other testimony of a similar character, both French and American. But it is not necessary for the approval of the measure now before the House to pass upon the validity of these claims, for it is insisted that if the petitioners have but the color of claim, or right, it is incumbent on our Government to

GIVE THEM AT LEAST A HEARING,

and this bill provides for no more.

We now come to the action of our Government in relation to this matter subsequent to the treaty of 1801. There have been, Mr. Speaker, altogether forty-six reports from committees of the two Houses of Congress on this subject. Three of these were made prior to 1824, and were adverse to the claimants. They were, however, made before the testimony then in the archives of the Government was accessible to members of Congress. They are necessarily incomplete and unsatisfactory. In 1824, by a resolution of the Senate, the Secretary of State laid before that body all the testimony in his Department in regard to the matter, which is embraced in these two large volumes I hold in my hand, which from their size must make it apparent to the mind of every member present that it is absolutely impossible for members to examine them with that care and deliberation, which the subject demands in order to arrive at a satisfactory conclusion as to the merits of the claimants.

After these reports were presented in 1826—for it took the Secretary of State two years to compile and arrange them—until the present time there never has been an adverse report to either House of the American Congress against the justness and validity of these claims; and it is a remarkable fact that to-day we have reports from two committees of this House, made to this Congress, unanimously recommending the passage of this bill, to wit, the Committee on the Judiciary and the Committee on Foreign Affairs. At the time these committees acted I do not suppose either was aware of the action of the other. Since 1836 there have been forty-three reports in favor of the petitioners, and the committees presenting them have numbered among their members some of the most eminent and distinguished statesmen of the nation. Among them I need only mention Messrs. Webster, Everett, Choate, Crittenden, Sumner, and others, who, after careful consideration and examination of the testimony, have all reported in their favor. Each of the thirteen original States of this Union have petitioned time and again in behalf of their settlement.

It is true, sir, that during this time only two bills have passed the House. One originated in the Senate, which was vetoed by Mr. Polk, chiefly on the ground that we were at war with Mexico, the condition of the Treasury was not such as to authorize an appropriation, and that the bill, passed so near to the close of the session, it could not receive that consideration to which it was entitled. Notwithstanding the veto, the Senate voted 27 ayes to 15 nays—not two-thirds—to pass it over the veto, which, though a large majority, was not sufficient to prevent its failure. Gentlemen will perceive that the present bill simply proposes to transfer the consideration of these claims

TO THE COURT OF CLAIMS,

where there will be ample time to judicially determine all questions of law and fact, which are to be reported to Congress for final action. Hence it is not obnoxious to the objections contained in this veto message.

In 1855 a second bill passed the House, which was vetoed by Mr. Pierce. In his message he entered elaborately into the discussion of the question. He argued that to recognize the validity of the claims at that day would be a reflection on the good faith of the Government, inasmuch as it had failed to adjust them theretofore. Why, Mr. Speaker, it was not the fault of the claimants that they had been so long postponed, for they had ever been vigilant, active, and urgent in their demands. So early as in 1803 they secured a report of the facts, which were in their favor. In 1807, in a report submitted to Congress, occurs this language:

That this Government by expunging the second article of our convention with France of the 20th of September, 1800, became bound to indemnify the memorialists for these just claims which they otherwise would have rightfully had on the Government of France.

Furthermore, it is no apology for the Government to seek to avoid its responsibility by declaring that the claims are stale, when they may have become so by its own action. And not only this, Mr. Speaker, it would be a greater reflection upon the distinguished men who, after careful examination, have made reports in their favor to the respective Houses to declare that they had been inconsiderate and negligent in arriving at their conclusions. I repeat, it would be an unjustifiable reflection upon these men to say they had not bestowed sufficient care and thought upon the reports which they submitted, leaving out the fact that there were 113 yeas to 81 nays in the House, in which it originated, in favor of passing the bill over the veto of the President. There are some five or six objections urged against these claims to which I will now invite your attention.

The first is, that the claim is stale. That I have answered. The second is that the state of the Treasury was not in a condition to warrant an appropriation. That is not the case to-day, and was never a valid objection provided the claims are just. The third, that there was a state of war between France and the United States during the time these depredations were committed upon our commerce. That is a question of fact which can be more thoroughly investigated in a court of law than by this body, pressed as it is for want of time. Hence it should be referred to the Court of Claims. Fourth, it is said these claims were embraced in the Louisiana convention. That is a question of law and fact which the Court of Claims is peculiarly suited to determine. Fifth, that they were embraced in the convention of 1831. That is a question of law and fact, and should have a similar reference. Sixth, Congress annulled the French treaty, and thereby vacated these claims. A mixed question of law and fact eminently appropriate for this court. There are, therefore, shown to be several objections which, should the court determine either one in favor of the Government, would put an end to the claims. Be that as it may, as a citizen can not sue his government, it is but just and equitable that she should at least give him a hearing.

When we consider, Mr. Speaker, how these claims arose, that they originated in the days of our weakness and amidst our early struggles for independence; when we consider that the original claimants were the hardy pioneers of our commerce, and stood by our ancestors in their struggle for those liberties we to-day enjoy, and that their claims were the probable means of amicable adjustment of difficulties that might not only have continued our Government in entangling alliances abroad, but eventually involved us in war with the very government that had contributed so much to our independence—I repeat, when we consider these things, and that all the Revolutionary soldiers and their descendants have been provided for, and that we have recently completed and are to dedicate with impressing ceremonies one of the highest monuments in the world to the memory of the Father of his Country, justice, equity, and good faith alike demand that we should at least grant these claimants an impartial hearing. That is all that is proposed by this bill. After the court shall have determined the law and the facts, and ascertained whether the original claimants had good cause of action, and whether the present claimants are their descendants or assignees for a valuable consideration, then, and not until then, will Congress be called upon to determine what is its duty in the premises.

We ask for no appropriation, as the Speaker has ruled. But all we ask is that this tribunal may act as a commission to advise the conscience of Congress, in the same way that a chancellor may call upon his clerk and master, or a jury to aid him in ascertaining the merits of a cause, or, in other words, to advise his conscience. I have called attention to the documentary evidence in this case and the impossibility of a body of legislative character, changing, as it does, every two years in this House, giving that careful consideration in regard to the law and the facts which this case so imperatively demands. And I call attention to another fact. Of the forty-six reports heretofore made forty-three of them contemplated an appropriation by this Government to pay these claims. I repeat it, they contemplated an appropriation, whereas the present bill contemplates nothing of the kind. Furthermore the bill protects the interests of the Government of the United States in this respect: It provides that every claim that shall be presented, or a list of all the claims that shall be presented, shall be handed to the Attorney-General of the United States, and that either he or his assistant may appear before that court, examine the testimony, examine the witnesses, make arguments, and interpose legal barriers. Also that after

THE COURT HAS PASSED UPON THEM,

they shall from time to time report to Congress the law and the facts as ascertained by them. And it not only does this but goes further and excludes a conclusion. It says that the Government shall not be bound by the finding of this court; and, therefore, before any act can be placed upon our statute-books, calling for an appropriation, Congress must provide at a future session for whatever amount, if any, it sees proper to apply for the benefit of the claimants.

The question has been asked what amount the Government will have to pay, if it ever pays anything to these claimants. There are various estimates. I have a statement from the honorable Secretary of State, Mr. Frelinghuysen, predicated on the estimate of Mr. Sumner, which is published in connection with this bill, which estimates the probable amount to be between twelve and thirteen million dollars. But he says he has no accurate data by which he can ascertain the amount. It has been estimated that it will range from five to seven million dollars. We know that all of the original claimants have long since passed away, and many claims with them. Another generation has risen up and most of them have crossed the river. All that the present claimants ask of this Congress, and they have a right to make that demand, is that they may go before a tribunal established by the American Government and have their rights inquired into, for it is well known that no citizens can sue our Government. They must, therefore, appeal to the honor and magnanimity of their great Government to allow them to go before a tribunal of its own creation, peculiarly appropriate to the ascertainment of claims of this character, that it may pass upon them and say whether they have any claim to indemnity.

If it be true that they were embraced in the treaty of 1803 that is the end of the litigation. If they were embraced in the convention of Louisiana that is the end of it. But the law and the facts should be ascertained before some such tribunal as this. If they are not concluded by the conventions and treaties I have adverted to then this court is to ascertain

WHETHER THESE CLAIMS ARE WELL-FOUNDED,

and, if so, then whether the claimants now before Congress are entitled to the relief they ask for.

I know it may be said, and it sometimes is said, that these claims have fallen into the hands of speculators, insurance companies, or others. Suppose they have? Why, in the Alabama Claims Commission insurers were allowed out of the fund the amount of the losses they had sustained. Why? Because, according to all well recognized principles

of law, they were entitled to be subrogated to all the rights of the insured. But that is not material.

Mr. MILLIKEN (in his seat). It is not true, either.

Mr. COX, of North Carolina. That is not material, because this bill goes on and provides that this court shall ascertain who are the *bona fide* owners of these claims; whether any have been assigned, and, if they are in the hands of assignees, the court will so report. And they will not only do that, but they will ascertain further the amount which the assignees paid for the claims. The bill is guarded in every respect, and no injury, but much good, will result to this Government in preserving its good faith toward its citizens by complying with the reasonable request of those who can only, I repeat, appeal to its magnanimity and sense of justice for a redress of their alleged grievances. We are not required to pass upon the justice of the claims. We need only to inquire whether they have a color of right, and surely forty-three reports by able and distinguished committes are enough to establish that; and if these claimants have a color of right, it is insisted that this Government is bound at least to give them a hearing, especially when they are asking for no appropriation. It may be insisted, as I judge it will, that this would be the first step toward an appropriation. Ah! if that should be so it is right that this Government should meet the question and not seek to avoid her responsibility because she fears that a proper examination of these claims will disclose the fact that she is justly and honestly indebted to these claimants! I say, therefore, that if gentlemen will carefully examine the provisions of this bill they will see that there is nothing in it to cause any member of the House to hesitate to comply with the reasonable request made by these claimants.

Mr. COX, of North Carolina, by unanimous consent, was granted leave to extend his remarks in the RECORD.

Mr. McMILLIN. Will the gentleman allow me to ask him one question?

Mr. COX, of North Carolina. With great pleasure.

Mr. McMILLIN. If I understand the gentleman correctly, the bill does not seek an appropriation to carry out any opinion that may be delivered by the court?

Mr. COX, of North Carolina. No, sir; it does not.

Mr. McMILLIN. Then why is it that such an opinion as is desired could not be obtained by the committee under what is known as the Bowman act?

Mr. COX, of North Carolina. I am not familiar with the Bowman act.

Mr. McMILLIN. The Bowman act provides that any Department or any committee of Congress may call for an opinion upon the facts and the law in any case pending in the Department or before the committee.

Mr. LONG. Not in all cases.

Mr. McMILLIN. Not in all cases, it is true; but in all cases provided for in the Bowman act.

Mr. COX, of North Carolina. I will say, in reply to the gentleman from Tennessee, that this act provides for a judicial examination in the presence of the Attorney-General, who shall protect the United States Government. The questions will be argued, the testimony will be inquired into, and all the facts will be laid before this House; whereas such would not be the case if an opinion were simply asked for by a committee, unless the committee should see proper to print all the facts, which would not be convenient. In fact, the objects of this bill could not be accomplished under the Bowman act, because this bill provides for the presentation of claims.

Mr. McMILLIN. I made the suggestion in regard to the Bowman act because that is the simpler method wherever it can be resorted to.

Mr. JONES, of Wisconsin. Mr. Speaker, these claims have had a wonderful career. The original claimants, their children, and their grandchildren have long since gone the way of all the earth. But the hoary claims themselves are immortal. They appear before us this January morning in the year 1885 as fresh and vigorous as when in the last century they commenced their journey to the nation's Treasury.

I know of only two possible grounds on which the liability of the United States to these claimants can be based. It has been suggested, not by the gentleman who has just taken his seat [Mr. COX, of North Carolina], but elsewhere, that between the years 1793 and 1800 our Government failed to do its whole duty to the merchants and others who met with losses on the high seas; that there was some negligence in failing to press with zeal these claims upon the French Government. There is a suggestion, though it hardly takes the form of argument, that because the French Government allowed its cruisers to prey upon our commerce, and because our merchants were unable to obtain redress, there arose in some way a claim for redress against the home government.

But I am satisfied that it will not be contended by the lawyers upon this floor or anywhere that there is any validity in such a claim. A good government is always eager to protect the rights of its citizens from foreign aggression. But there is no rule of law which compels a government to reimburse its citizens for the losses they may incur in the hazards of commerce. Moreover, it can be confidently asserted that no government ever struggled more assiduously to obtain redress for the wrongs of its citizens than did our struggling Republic in those eventful years between 1793 and 1800. If time permitted I could review the long series of acts which brought our Government to the very verge of war in its attempts to enforce these claims.

But I pass at once to what I conceive to be the only plausible ground on which these claims can be based. It is alleged that when the final treaty of 1800 was made between France and the United States our Government traded off these private claims of its own citizens, growing out of the losses I have mentioned, for a claim which France held against us, and that thereby in law and in justice our Government assumed the payment of these claims. On that basis rest all these claims. On that assumption is founded this whole argument. I admit, sir, that the argument is ingenious. I regard the argument made by Mr. Sumner in that famous report of 1870 as one of the ablest productions of that remarkable man. But, with all deference to the distinguished gentlemen who assert the validity of these claims, it seems to me that their argument rests upon this false assumption that France had a valid claim against our Government.

It has been argued with much earnestness and force by Thomas H. Benton, by Silas Wright, and by other eminent statesmen that when the treaty of 1800 was made it was the settlement of actual war between France and the United States. If that view be correct, under the laws of nations these claims were no longer valid against any government. But without stopping to press this argument, I may admit for the purposes of the discussion that our citizens did hold valid claims against France, growing out of the depredations upon our commerce.

The more serious question is, did France have any valid claim against our Government? If there was such a claim existing and valid under the laws of nations there is some solid foundation upon which the ingenious arguments of gentlemen can rest.

Now, sir, out of what did this pretended claim of France arise? There is but one answer. Out of the old treaty of alliance between France and the Colonies, made in 1778, and the alleged violation of that treaty by the United States. When the French monarchy passed away and the new republic arose from its ruins the visionaries of France were disposed to draw our young Republic into the great struggle which was convulsing all Europe.

It seemed to be the opinion of the impetuous French Minister Genet that the treaty of 1778 bound our Government to enter upon any war in which France might be engaged, offensive or defensive. He claimed that French privateers had not only the right to enter our ports, but to enlist American seamen for foreign war and to build on our soil ships for foreign aggression. In fact, that they had the right to make America the theatre of this great war between England and France. But the gentlemen who composed the administration of the Government of the United States in 1793 and between that time and 1800 never for one moment yielded to any such absurd pretensions. At the head of that Government was the Father of his Country. The Cabinet was composed of such men as Jefferson, Hamilton, and Edmund Randolph—men who knew something of international law, who knew something of that treaty and the force of its obligations. The history of that time shows that these great men carefully considered the provisions of that memorable treaty. They concluded that it imposed no obligation upon our Government to enter upon that offensive warfare which France was entering upon and which not long afterward indulged the ambition of Napoleon.

I must not trespass upon the time of the House to read even extracts from that treaty. For one, I am willing to accept the construction placed upon it by the sages and the fathers of the Republic. No one will contend that Jefferson can be accused of any leaning toward England or any prejudice against France. It is enough to say, without entering into elaborate argument upon this treaty, that the great statesmen of that day never failed to insist that our Government was under no obligation to engage in this great European war.

Do gentlemen understand the full meaning of this claim, that our Government, under the administration of Washington, violated its treaty? It means that we must reject the views of the men who formed that treaty and who bore so conspicuous a part in those memorable events. Not only that. The suggestion imputes a breach of faith, a violation of solemn obligations made with France on the part of those very men who, of all others, were likely to be animated by sentiments of gratitude toward their old ally.

At this distance from those events gentlemen flippantly assert that our Government violated this solemn treaty. I appeal from these claimants and their advocates to the opinions of Washington, of Jefferson, and of Hamilton. They always insisted that our Government had kept its faith and that France had been the first and constant violator of this treaty. And they were right. It was one of the vital and most valuable provisions of that treaty that free ships should make free goods. In 1793, at the very outset of these difficulties between France and the United States, the French Government issued a proclamation renouncing this principle. From the day that France gave this stab to the treaty of 1778 it had no worth or vitality to the United States; but from that day on until 1798 France was violating every month, I think it safe to say every day, the provisions of the treaty.

What was our Government doing between 1793 and 1800? American ships were being driven from the seas, preyed on to-day by the

French cruisers, to-morrow by the English cruisers, both France and England violating not only their treaties but every rule of international law. Did our Government fail in any way in its duty toward these claimants? Not at all. From the very beginning our Government was carrying on negotiations for the redress of these wrongs. She sent commissioners and envoys repeatedly to France to secure for these claimants their rights. She exhausted every art of diplomacy. Not only that, our Government was not only negotiating in a peaceable way, but went to the very verge of war. Preparations were made for war. Expenditures for troops and the building of vessels were authorized. American vessels were authorized to retaliate and to bring into port for condemnation vessels bearing the flag of France. Finally Washington, after he had ceased to be President, was called from private life to take command of the American Army. He gave as one of the reasons for responding to the call that the aggressions of France had become unbearable, and he referred to her repeated violations of the treaty.

How can it be claimed that France could make this treaty which she had persistently violated and spurned for years a basis of a claim for damages? Will gentleman contend on this floor that France was not the contracting party which first broke the compact? Could France violate and ignore the treaty for seven long years and then invoke its aid and seek indemnity?

When did France discover that she had a claim against the United States? When our commissioners in 1800 went to France to negotiate concerning these claims, and also to secure future peace to American commerce, then, for the first time, as I remember the facts, arose this most remarkable pretension upon the part of France. Then it was that France put forward the claim that we were indebted to her. In the first instance the French commissioners scouted the idea that private citizens had claims against France. They asserted that there had been war between France and the United States, and that our citizens like other must accept the hazards of war. But, as I will show presently, Talleyrand came to their relief with a more diplomatic if not more plausible defense.

What was the condition of France? Her armies were scattered; her treasury was exhausted; she had not a sou with which to pay these claims of $20,000,000 or more. What did she do? Her minister of foreign affairs, Talleyrand, was equal to the emergency. With sublime audacity he trumps up this pretension that our Government was indebted to France in a far greater sum; and upon what ground? Because we had failed to keep our treaty, the very treaty which France had despised; the treaty which she had been breaking from 1793 to 1800; the treaty which had long since ceased to be in effect between the two nations. Then they brought forward this claim. What could our commissioners do? They could not say to Talleyrand or his commissioners, "You are a pack of knaves and rascals. The claim you present is a pretense and a sham." That would not have been diplomatic language. [Laughter.] They were obliged to consider and treat with apparent respect this claim among the many other questions presented. Now I shall not stop here to follow these negotiations.

Mr. BLOUNT. The gentleman speaks of that treaty being of no effect. I do not now remember the history of the matter. I would like to know on what ground the treaty became of no effect.

Mr. JONES, of Wisconsin. I should have referred to the formal renunciation of the treaty by our Government. Of course I have not the time to go into details. After our Congress had taken various steps, some of which I have mentioned, to secure the rights of its citizens, in the year 1798 they declared formally this treaty null and void. It had long before ceased to be regarded by the French Government. For five long years they had been violating it every month.

I will pass over the history of the negotiations between these various commissioners. I will only say that finally the test came. The time came when our Government had to decide whether it would prolong the fruitless negotiations or whether it would have peace. However the situation may have been described in technical language, we were then practically in a state of war with France. Blood had been shed upon the seas, provision had been made for the calling forth of armies, and, as I have said, Washington had been called forth from his retirement to command them. The great question presented itself to our Government, Should it longer press these private claims? Should it press them to the extent of involving our young and feeble nation in war once more—in this great continental war? Our Government decided, and decided wisely in my judgment, not to continue further negotiations. Our Government simply refused to enforce these claims at the point of the bayonet. Anxious though the Government had been to secure their payment, it was not willing to pay the fearful price of plunging into this great struggle in which all Europe was engaged.

Mr. MILLIKEN. I would like to ask the gentleman a question.

Mr. JONES, of Wisconsin. Certainly.

Mr. MILLIKEN. Suppose it be true, as the gentleman contends, that these claims were not originally valid against the Government of the United States, but were merely trumped up by Talleyrand, and that this Government, for the sake of peace or for the sake of meeting trumped up claims, used the property of private individuals for that purpose, would the Goverment be relieved from the duty of reimbursing such private individuals for what it had taken from them for its own use? Did not the Government become in that way responsible by its own act for these claims as claims against this Government, whether those claims were originally void or not?

Mr. JONES, of Wisconsin. In my judgment our Government did no such thing.

Mr. MILLIKEN. That seems to be the position.

Mr. JONES, of Wisconsin. I know that is the position taken by the gentleman.

Mr. MILLIKEN. That is the position I get from the gentleman's argument.

Mr. JONES, of Wisconsin. That is not the position I take. I start out with the statement that you are wrong in assuming that our Government traded claims with France. That is the assumption the friends of this bill always make, and that is where your argument, in my judgment, is weak.

Mr. MILLIKEN. With what did our Government purchase peace?

Mr. JONES, of Wisconsin. I do not think our Government did purchase peace. We were in that condition which I have described.

Mr. MILLIKEN. I must have very much misunderstood the gentleman if he did not so state.

Mr. JONES, of Wisconsin. We were in that condition I have described. If it were not open war and manifest war, it certainly was quasi-war. In my judgment the claims of France never would have been presented against our Government except as a sham defense against the just claims we had against them. They were false claims.

Mr. LONG. What then has become of our just claims against France?

Mr. JONES, of Wisconsin. Our Government simply refused to carry on this contention so far as to engage in war against France.

Mr. ADAMS, of Illinois. Allow me to ask the gentleman a question so I may understand his position accurately.

Mr. JONES, of Wisconsin. Certainly.

Mr. ADAMS, of Illinois. Does the gentleman from Wisconsin say that our Government simply ceased to press the claims, or does he admit that our Government expressly abandoned them and did not any further press them?

Mr. JONES, of Wisconsin. It did that precise thing; and no citizen of this Government or any other government, under the rules of international law, can require its government to press private claims until war ensues.

Mr. ADAMS, of Illinois. Did our Government expressly, by the terms of the ratification of the convention exchanged in July, 1800—did our Government and the French Government not expressly declare they would not press these claims on either side?

Mr. JONES, of Wisconsin. They did.

Mr. ADAMS, of Illinois. The gentleman says they did.

Mr. CHACE. Permit me for one moment. Now, the gentleman from Wisconsin having said that the two governments did not trade claims, I will read to him a clause of the treaty and ask how the gentleman explains it in connection with his remarks. It is as follows:

> The Government of the United States, having added in its ratification that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

How can the gentleman say, then, that the Government did not trade claims when we have here a specific declaration that they did make that very convention on that precise basis?

Mr. JONES, of Wisconsin. But that is not the final convention between these two governments. I grant you there was every phase of negotiation during the pendency of these claims. France made her pretensions to our Government, but unless you can establish the fact that France had a valid claim against our Government, then you can not hold our Government liable to these claimants; and why not? The whole argument rests on this assumption: that our Government had a valid consideration for assuming the payment of these claims. If this claim of France against our Government was a false one; if our Government had kept its faith and its treaties; if France was the guilty party, then whatever might have been claimed there was in fact, in justice, and in law no claim against our Government.

Mr. MILLIKEN. Let me ask the gentlemen whether a disputed consideration is not a valid consideration.

Mr. REED. When accepted.

Mr. MILLIKEN. Is it not true that the two governments considered and pressed their claim against each other?

Mr. JONES, of Wisconsin. Our Government would have ceased to press these claims in any event. Our Government would not have plunged its people into war in order to secure these private claims. It had gone, as I have repeated, to the brink of warfare during these years. It had led to bloodshed upon the seas and to commotion and alarm upon land. It had expended more money than is involved in these claims in protecting the claimants during these years. It had gone far enough in sacrificing the public good to the interests of private claimants.

These claims were not the only or the principal subject of negotia-

tions. It was, of course, desirable to secure indemnity for these losses of the past. But it was infinitely more desirable to protect our commerce from future outrage. Our Government simply decided, and decided wisely, that it would not allow its advocacy of these claims to bar forever its peace with France.

And now what is the spectacle which we behold? The claimants and their friends now torture the kindness of the Government in their behalf as a covenant to pay their claims.

The gentleman from Illinois [Mr. ADAMS] intimated a moment ago by his question that when our Government expressly declared it would no longer press these claims it thereby undertook to pay them. The gentleman forgets that this is not the first time our Government has declined to press similar claims.

The French Government was not the only government which allowed its cruisers to prey upon our commerce. During the same years British cruisers were vying with the French in the same work. They too were capturing our vessels, taking them into their ports, and unlawfully condemning them as prizes of war.

The Government lent to its citizens its aid to secure compensation for those losses, yet years afterward our Government made a treaty with Great Britain and abandoned those claims, and Great Britain has never paid them to this day. I repeat, there is no rule of international law which imposes upon a government any liability to pay such losses as these to its citizens, nor does a government become the guarantor of the collection of such losses by reason of attempting to collect them.

Mr. Speaker, I have thus far spoken purely upon the legal questions involved in this proposition. I grant you, sir, that if these claims are strictly legal, if there is a strict liability—a legal liability—on the part of the Government of the United States to pay them we must pay them, no matter what the cost may be; but, on the other hand, if they appear to be of doubtful legality we are justified in considering other facts which bear upon the equities of the case.

In that view I call attention to the fact that during the period between 1793 and 1800 our merchants were pre-eminently prosperous. That period marked an era of extraordinary prosperity in American commerce. The merchants of this country made money more rapidly than those of any other nation. American products were shipped by them and sold abroad for unprecedented prices. They took great risks, it is true, but they made marvelous gains. They lost a cargo now and then it is true, but still it was the golden era of mercantile prosperity. American ships carried not only the products of our own country but those of all the world, while the vessels of Great Britain and France were being swept from the seas.

Not only that, it was also a golden harvest for the insurers and underwriters. I do not now remember the authority for the statement, but I have read somewhere that the rates of insurance ranged from 15 to 50 per cent. upon these mercantile risks. These insurers assumed for no mean consideration the hazards of these ventures.

And now what are we asked to do? I hold in my hand a book purporting to contain a list of these claims. It is a book containing 275 pages. In looking over the list of claimants I should judge that at least four-fifths of these claimants are designated as underwriters. It would doubtless be safe to say that of the remaining one-fifth of the claims the greater number have gone into the hands of speculators, who have bought them for a few cents or a few mills on the dollar.

Mr. WELLER. I think it is most likely that that is true.

Mr. CURTIN. That is altogether a mistake.

Mr. MORSE. You can not show a single instance where one of these claims has changed hands.

Mr. JONES, of Wisconsin. There are so many interrupting me that I scarcely know to whom I ought to reply.

Mr. CURTIN. I will state to the gentleman that few, if any, of these claims have passed out of the hands of the original parties or their heirs. It is safe to assume that nineteen-twentieths of them are in the hands of the legal representatives of the original claimants.

Mr. JONES, of Wisconsin. The gentleman from Pennsylvania [Mr. CURTIN] will hardly deny the authority of this document which I hold in my hand. It was printed at the instance of these claimants by public money and as a public document. It bears the authority of the Secretary of State. It shows that the great mass of the claims are owned by the insurance companies. I only judge from the usual history of such claims that they have mostly passed into the hands of the brokers and speculators. I will leave the public to decide between us upon that issue.

I hear some one asking, What difference does it make? No difference, I grant you, if there is a strict legal liability to pay. But, sir, gentlemen are invoking the equities in favor of these claims. It is frequently suggested that widows and orphans are among the claimants. How many of these insurance companies are widowed and orphaned I will not venture to guess. But I can predict with safety that the passage of this bill will bring a long-expected harvest to the corporations and speculators and attorneys who are interested in these claims.

Perhaps I may venture the suggestion that the every-day tax-payers of the country are entitled to quite as much sympathy as this class of widows and orphans.

The gentleman from North Carolina [Mr. COX], in the course of his discussion, tells us of the eminent men who have favored the payment of these claims. It is very true, sir, that many distinguished citizens of this country have favored these claims. The commercial classes of New England have always espoused them, and not even the great men of New England have been beyond that influence. But it is equally true that many distinguished citizens have been opposed to them. Among those who have been prominent in their opposition were Thomas H. Benton and Silas Wright. Among eminent living statesmen who have also opposed them are Mr. Thurman and Mr. SHERMAN.

But, sir, is it not a significant fact that during the lifetime of the men who best understood the question in controversy and the history of these claims, during the years from 1800 to 1826, although these claims were pending before Congress, not one favorable report was made in either branch of Congress. But there was a change when there came a surplus in the Treasury, along in 1833 and 1834 and 1835. When our Treasury was plethoric then the claims came into life and activity. They were then pressed with the same zeal with which they are pressed to-day. But it is most significant that these claims never found favor in the American Congress until they had outlived the men who knew them best.

Mr. COX, of New York. They were never recommended by any President in the early days.

Mr. JONES, of Wisconsin. The gentleman from New York is usually correct, and I have no doubt he is in this instance.

Now, sir, I come to other features of this bill. It is a most harmless looking measure. The gentleman from North Carolina says that all we ask is to let us go into the Court of Claims and adjudicate the question; all we ask is that you shall give us our day in court. Mr. Speaker and gentlemen, has it occurred to you that there are tens of thousands of claimants in this country to-day who are making that same modest, humble request? Does it occur to you that if it be the true principle that we should open the Court of Claims to these parties that it will also be right and proper to open it to the tens of thousands of claims against the Government, rebel claims, so called, and all.

That is all they ask, and they could prove their claims, too, in the courts to-day. And why? Our Government has not been keeping track of these claims during the years that have been slipping by. The claimants have. They have been tenderly nursing and guarding them. They have their affidavits filed away. They have their *ex parte* testimony. And thousands, I might say without exaggeration tens of thousands, of claims are quietly biding their time to enter the Court of Claims. These same *ex parte* affidavits are strong enough to place these so-called rebel claims on impregnable grounds if that rule is to be applied and if our courts are to be thrown open whenever, as the gentleman from North Carolina [Mr. COX] says, there is the color of right.

Mr. MILLIKEN. May I ask the gentleman another question?

Mr. JONES, of Wisconsin. Yes, sir.

Mr. MILLIKEN. If a man can put his claim on impregnable grounds against this Government, whether he has been a rebel or not, does the gentleman say he should not have the opportunity to do it? Should the Government deny to its own citizens an opportunity to show it owes them?

Mr. JONES, of Wisconsin. Go down to the room of the Committee on War Claims——

Mr. MILLIKEN. I do not care if there be a hundred million dollars of claims pending. If a government owes an honest claim, I do not care whether the man fought on the one side or the other, he ought to have a hearing, and ought to be paid if the government owes it.

Mr. JONES, of Wisconsin. Go down to the room of the Committee on War Claims and you will find innumerable cases. I believe about 3,000 bills of that character have been introduced in this Congress. Some of them are honest claims. Probably the majority of them are without merit, and yet the affidavits are fair on their face.

Establish the rule that this *ex parte* evidence is to be received, open the courts to these claims, and any court would be compelled to allow the claims, false and perjured though many of the affidavits are.

Mr. MILLIKEN. Can not the courts settle their validity?

Mr. JONES, of Wisconsin. The trouble is the courts would have only one side of the controversy. The rule should be this: Our Government should not open its doors to old, stale claims unless Congress is satisfied those claims are just. The effect of any other rule would be the depletion of the national Treasury.

Mr. MILLIKEN. The gentleman talks of "stale" claims. I ask him shall this Government plead the statute of limitations?

Mr. JONES, of Wisconsin. This Government does plead the statute of limitations, and any government that protects the rights of its citizens will do it.

Mr. MILLIKEN. In my country we consider a man pretty mean who pleads the statute of limitations.

Mr. JONES, of Wisconsin. Why, sir, your own State pleads it. Every State in this Union pleads it. This Government pleads it to protect its Treasury from false and trumped-up claims.

Now, what are the rules of evidence provided in this bill? Not the rules of evidence of common law; not at all. It gives to the Court of Claims the widest discretion as to how it shall treat these claims. All "suitable" testimony—that is the word which is used; a new word

in legal phraseology. They shall receive "all other proper evidence, historic and documentary," old newspapers or old affidavits. All this testimony is *ex parte*. Therein lies the danger of opening the doors to these claims. Our Government has no testimony. These claimants have carefully preserved and filed theirs.

Now, let me refer to one other feature. I regard this bill as a worse bill by far than those which have been introduced and sometimes passed Congress to meet the veto of the President, appropriating $5,000,000. And why? Because this bill is utterly unlimited in its scope. There is no end to the amount of claims that might be allowed against the Government. There is no sort of limit.

And what is the amount of these claims? The gentleman from North Carolina estimates it at about $12,000,000. He says that is the estimate of the Secretary of State. I have no doubt that is about correct. I know that in 1870 the estimate of Mr. Sumner, who investigated this subject carefully, was twelve and a half million dollars. It was the judgment of Mr. Sumner, too, that if these claims should be allowed, then our Government justly owed interest on them. And I confess I see no answer to that proposition. If they are valid, if they are so valid that they should be paid, then they should draw interest, and the interest on those claims, even at 4 per cent., would bring them to a sum exceeding $50,000,000.

Now I would rather pay $5,000,000 and be done with this business with one appropriation than to open the Court of Claims and allow these claimants to come before it for the next twenty years. They may file their claims for two years, but there is no limit to the time they may pursue them. I would rather pay some given sum than $1,000,000, $2,000,000, or $3,000,000 per year for the next twenty years.

Mr. Speaker, I know the many influences that are at work to secure the passage of this bill. It will probably become a law. But as time shall develop the amount of the expenditures to be incurred by this legislation it may be that the warning which we now give may be remembered, even though not heeded to-day.

Mr. RICE. I desire to occupy a very few moments in considering the remarks which have been made by the gentleman who has just taken his seat.

These claims have been before the Congress and the Government too long and have been urged too prominently to be now disregarded or brushed aside as unimportant and worthless, or as "perjured" claims, as the gentleman has called them. If they are valid claims against the Government they ought to have the opportunity, which this bill seeks to afford them, of having their day in court, and being audited, that it may be ascertained upon what they rest, what is their amount, and to whom, if to anybody, they are due. That is all that this bill provides. If these claims, or any of them, be just claims against the United States (which we seek to ascertain), then the United States ought in the first place to allow the claimants to produce their testimony and make manifest their claims, and if the validity of the claims is sustained, then the United States ought to provide for their payment whether they amount to $5,000,000, $15,000,000, or even $50,000,000.

The gentleman from Wisconsin says that the question is whether the United States ever used these claims for its own benefit; and he says, properly—so I understand him—that if that be the fact, then he admits that the United States ought to meet, liquidate, and settle them.

Now, sir, we go back to the close of the Revolutionary war, and we find that that war was won by this country by the aid of the French Government. We made a treaty with France at that time, the provisions of which were a guarantee on the part of France to the struggling young Republic of the United States—not then the United States, but this American Republic—and a guarantee in return by the Republic to France. France guaranteed to this country liberty. France said: We will send you money, our fleets shall go out upon the ocean to fight for you, our soldiers shall join with your soldiers, we will fight out your contests until you have won your freedom, and we will guarantee that freedom to you thenceforward. And the United States said to France: In return for these great favors to us, we, the United States, will guarantee to France from this time and forever, against all hostile powers, her possessions in America as well as those to which she shall obtain title by a treaty of peace. In addition, we gave to the ships of France certain rights in our ports.

These were the mutual guarantees of France to the United States and, in return, of the United States to France. In performance of the guarantee of France she spent $250,000,000. Her ships were sunk; her soldiers shed their blood on land and on the ocean that we might be free in fulfillment of her pledge. We obtained our freedom, and we obtained it at the cost of these great outlays and sacrifices by France. Then, not long after, the hour of France's need came. Stimulated by our example she flung to the breeze the banner of a free republic and sought to maintain it against the embattled powers of Europe. Then England, the power against which France had guaranteed our liberty, joined those that were seeking to crush the young French Republic, and sent out her fleets to conquer, one after another, the remaining possessions of France upon this continent and around it which we had guaranteed forever to France.

England also established severe provisions against neutral commerce and forced France to adopt like provisions for her own protection. Thus the claims arise for the violation of the treaty made between us and France. France broke that treaty, being forced to do it by England; by seizing our ships, which under the treaty should have been protected, and it was for the seizure of those ships and the damages to their owners—those who, as the gentleman says, were building up the young commerce of our country—it was out of those seizures and those spoliations that the claims arose which Washington sought to enforce against the French Republic. Those are the claims which are the subject of this bill to-day. During the decade from 1790 to 1800 our commerce was despoiled upon the waters by Spain and by England and by France—by France in violation of this treaty which she had made with us, and which by the necessities of her position she was forced to violate. Our ship-owners, the men engaged in commerce, trusted to the promises of the Government to protect them and to obtain them compensation for the injuries that they received from the powers which were contending with each other in Europe. That reparation was obtained from England and from Spain, and the only American merchants who suffered during those years and to whom compensation has not yet been made were those who suffered from the French spoliations committed in violation of the treaty to which I have referred. Now, why have not those men been paid as well as the others? That is the question. They had valid claims. Their claims were under the protection of our Government, under a guarantee that they should be remunerated. Why have not those claims been paid? Why has not the merchant of Georgia, of Massachusetts, of Connecticut, or of Maryland, who lost his property by the spoliations of French cruisers between 1790 and 1800—why has not he been paid as well as those who lost their property through the depredations committed by Great Britain or by Spain?

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. RICE. Certainly.

Mr. BLOUNT. I have in my hand the message of the President of the United States transmitting these claims, and, opening the list of claims casually at page 185, I find that every single claim upon the page is the claim of an underwriter; and the same appears to be true of almost any page you look at. In view of this fact I want to ask the gentleman if it is not a fair inference that the merchants depended upon underwriters rather than upon the Government?

Mr. MORSE. If the claims are right they ought to be paid.

Mr. BLOUNT. I am not now arguing the question of subrogation; but the gentleman [Mr. RICE] has insisted that these are claims of merchants, and that they ought to be paid because they are the claims of merchants who have been relying upon this Government; whereas it appears from this document that they are largely the claims of underwriters.

Mr. RICE. In the first place, it does not affect the justice of the claims——

Mr. BLOUNT. I am not discussing the legality of the claims; I am not raising any question as to the doctrine of subrogation, which I did not understand the gentleman to be discussing. I understood him to be stating by way of persuasion, as a matter of fact, that these claims were the *bona fide* claims of merchants and their heirs.

Mr. MORSE. If my colleague [Mr. RICE] will allow me, I would like to state to the gentleman from Georgia that, having taken a little interest in this bill, I have received personally more than three hundred letters from individual claimants, and not a single one from any corporation. I state that upon my honor.

Mr. BLOUNT. If the gentleman will allow me——

Mr. RICE. I think I must object to further interruption.

The SPEAKER *pro tempore*. Does the gentleman yield further?

Mr. RICE. I do not want to have an outside discussion "injected into the belly" of my speech; that is all. [Laughter.] But the gentleman may proceed.

Mr. BLOUNT. I do not care to interrupt the gentleman further. I was simply about to say, as the gentleman from Massachusetts [Mr. MORSE] has received a great many letters urging the claims of individuals, that the document from which I read came from the highest source, the President of the United States; and by that document it appears that these are not all claims of merchants.

Mr. RICE. Mr. Speaker, I hold in my hand, I suppose, the same document to which the gentleman refers. I see here some pages of claims of underwriters. I see also many pages of claims of individuals not underwriters. The bill provides that the court shall report who are the holders of the claims—whether underwriters or those individuals whose ancestors suffered the losses. I care not whether some of these claims come from individuals or not. Hundreds of them are held by the descendants of men who owned the ships, these claims having been kept in attics or elsewhere from that time to this in the hope that some time or other the Government would redeem its faith and pay to these people what their forefathers lost for the sake of the country. I speak for that class. Let the few underwriters over whom my friend from Georgia [Mr. BLOUNT] stumbles so badly pass. Congress may set these claims aside, if it sees fit, after the report of the court is made.

Mr. COX, of North Carolina. And this bill provides that it shall be ascertained who are the holders of these claims.

Mr. RICE. But let us do justice to the grandsons and the granddaughters of the men who kept our flag afloat from 1790 to 1800 at the sacrifice in many cases of their entire fortunes.

Now, Mr. Speaker, to come back to the point of my argument, I say

these were valid claims against France; that the losses were honestly sustained; that the claims should have been cared for by the Government in seeking remuneration from France. Did this Government do that? It sent commissioners, one board after another, to France—to what purpose? To secure payment of these very claims. Our Government deemed them of importance; it deemed them just; and it sought to collect them. Why, then, did it not collect them? Because these commissioners were met by France with this counter-guarantee on our part in the treaty; and the representatives of the French Government said to our representatives, "Now, gentlemen, are you willing to perform your part of this agreement? If you are, we will talk with you about performing our part. We agreed that your ships should be free, that they should be protected on the seas by us as the ships of a friendly power. We have been obliged by our necessities to violate that agreement, and you have suffered loss at our hands. You agreed that the islands along your coast and all the American possessions of France should be protected to France, by your Treasury, by your armies, and by your fleets. Are you ready to do it? There are the fleets of England sweeping down upon Antigua and the other islands belonging to France; are you ready to send out your fleets to protect those islands to us? If so, then let us talk it over and see how many millions we owe your despoiled claimants and how much you shall do to protect us in that which you guaranteed to us."

Our representatives wrote back to the Government which had accredited them, "We do not dare to enter upon that discussion; it will cost us more to perform our part of the guarantee than we lose by the violation on the part of France. We did not dare to measure the damages by our breach with the damages by the breach on the part of France."

But when at last the agreement was reached Napoleon wrote as a condition of agreement that France should be relieved from the payment of these claims and that the United States should pay them. That was the agreement Bonaparte required as the ground of his consenting to the arrangement, and the treaty with that provision was returned to this country.

The Senate struck it out and said we will not make the exchange, we will not assume to pay those claims; and the treaty went back to France with the provision which Bonaparte had incorporated upon it stricken out. But Bonaparte had just come from Marengo and he would not withdraw the proposition which he had made. He wrote again on the treaty that the guarantees must be offset one against the other, and with that renewed condition the treaty was returned to the United States and was ratified by the Senate. And thus these claims of our merchants were made to offset the claims of France against the United States to carry out the guarantee she had made in the treaty to protect the possessions of France on this continent and about this continent forever against all comers.

Now, Mr. Speaker, that is all I have to say. These claimants suffered loss from France by the violation of France of her treaty stipulations with this country. Their claims against France were waived by this country, which had recognized their validity and their justice and were used by this country to buy itself off from performing very important duties on its part, duties which would have cost millions of treasure and thousands of lives. The one was offset against the other. Our nation availed itself of the claims of these merchants and business men. It used them for its own profit; and now, after the lapse of three-quarters of a century, the representatives of these claims come and simply ask, "Give us an opportunity to show the basis upon which the claims we make against the United States rest. At this late day permit us at least to show in the face of the world what our fathers sacrificed and upon what grounds they made the sacrifice, whether in the interest or at the expense of the country on its pledge to remunerate them or not."

I now yield the remainder of my time to the gentleman from Missouri [Mr. BROADHEAD].

Mr. BROADHEAD. Mr. Speaker, this same subject was before the Judiciary Committee, and I was instructed unanimously to make report by that committee in favor of a similar bill. I, therefore, am glad of the opportunity of saying a few words in favor of the bill now under consideration which has passed the Senate, and which contains with one exception substantially the provisions reported in the bill from the Judiciary Committee.

The gentleman from Wisconsin [Mr. JONES], who has made the first objection to the provisions of this bill and the adjustment of these claims, presses his chief objection upon the ground that when the treaty of 1800 was ratified between the United States and the French Republic, France had no valid claim for indemnity against the Government of the United States. I am not here, Mr. Speaker, for the purpose of defending the claims of France against our own Government arising during the period between 1793 and 1800. It is not necessary to do so. It is begging the whole question to say there were no valid claims in favor of the French Government against the United States; but whether valid or invalid, there were claims which became the subject of negotiation between the plenipotentiaries of the two powers. And the gentleman forgets, when he says there is no valid claim, that by the treaty with Great Britain, adopted under the negotiations of Mr. Jay in 1794, there was a provision opening the ports of this Republic to the prizes of Great Britain taken in the war then waging between the two governments of France and Great Britain.

The gentleman forgets there is a provision in the treaty of 1778 by which it was stipulated that no such privileges should be given to the British nation. The gentleman forgets that prior to the adoption of the treaty of 1800 the West India Islands were lost to the Republic of France, although by the provisions of the treaty of 1778 it was guaranteed on the part of the American Republic that she would aid and assist the French Republic; in other words, that she would guarantee, to use the language of the treaty of 1778, the French possessions in America, including the West India Islands.

That these were valid claims we can see by reference to these facts that came under consideration in the negotiations which took place between the plenipotentiaries of the two powers in Paris when the terms of the treaty were being discussed; that these claims were set up against our Government, that they were urged against the Government of the United States at the same time that we urged against the French people the payment of the damages which our citizens had suffered by reason of the decree of the French Republic renouncing the doctrine which France and the United States had announced and maintained, that free ships made free goods, to the effect that they could no longer be enforced by the French Republic, because she was then beset by all the powers of Europe, and it was necessary she should exercise the same power over the commerce upon the high seas which the British Government exercised by claiming the right to seize goods destined to the enemy's port, whether contraband of war or not. By the provisions of the treaty of 1778 they could not have been taken. Free ships made free goods according to the conditions of that treaty, and it was not legitimate according to the liberal policy first announced by these two governments, France and the United States, in 1778, that free ships made free goods; a principle promotive of commercial prosperity and civilization the world over, and which had been announced by them for the first time in that treaty; I say it was not according to that liberal policy that such seizures were permissible.

I say then, Mr. Speaker, that there were claims against the Government; and to show you, sir, that these claims were urged by both powers when the negotiations were going on in regard to the treaty of 1800, I call the attention of the House to the instructions given by Mr. Pickering, then Secretary of State, to our commissioners at Paris, and to the further instructions on the part of the French Republic to the commissioners representing that government at the conference, to show that these claims were to be taken into consideration in the pending negotiations. The very first instruction given by Mr. Pickering to Oliver Ellsworth, William Richardson Davie, and William Vans Murray is in the following words:

> First. At the opening of the negotiation you will inform the French ministers that the United States expects from France, as an indispensable condition of the treaty, a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents. And all captures and condemnations are deemed irregular or illegal when contrary to the law of nations generally received and acknowledged in Europe, and to the stipulations in the treaty of amity and commerce of the 6th of February, 1778, fairly and ingenuously interpreted, while that treaty remained in force.

These are the instructions given to our plenipotentiaries. Now, a letter dated Paris, 23d *Thermidor*, in the year 8 (August 11, 1800), addressed by the French plenipotentiaries, Bonaparte, Fleurieu, and Roederer, to our ministers, Messrs. Ellsworth, Davie, and Murray, stated that they had received the following instructions from their government:

> In the first place they will insist upon the principle already laid down in their former note, namely, that the treaties which united France and the United States are not broken; that even war could not have broken them. But that the state of misunderstanding which has existed for some time between France and the United States by the act of some agents rather than by the will of the respective governments has not been a state of war, at least on the side of France. * * * Thus the first proposition of the ministers of France is to stipulate a full and entire recognition of the treaties and the reciprocal engagement of compensation for damages resulting on both sides for their infraction.

So that the main subject of consideration between these ministers was the question not simply as to whether they should adopt the other provisions of the treaty, but whether these claims for indemnity before them of one government against the other should be considered and adjusted; and it was the first proposition to be considered, according to the instructions given by the two governments to their representatives intrusted with the negotiations.

That I say was the main subject under consideration, and it will not do to say that the claim of France was not a good or valid claim. It was a claim that was the subject of negotiations between the two governments at this conference—a claim which she would not remit or surrender except upon condition of the surrender by the Government of the United States of the claims of Americans against France by reason of spoliations upon their commerce between the years 1793 and 1800, for these were the claims, the just and valid claims, of our Government on behalf of American citizens against the French Republic.

But, sir, let us see what was done after these instructions were given. But before calling the attention of the House to that I want to show another fact. This treaty was submitted to the Senate in February, 1801,

during the last month of the administration of Mr. Adams. The Senate refusing to agree to the second article, it was again referred to our commissioners at Paris, and fully ratified by them on the 31st day of July, 1801, and was not promulgated by the President until the 19th day of December, 1801, during Mr. Jefferson's administration. But just before its final adoption and ratification between the ministers plenipotentiary, and before the negotiations in regard to this matter had been completed in France, Mr. Murray, one of our commissioners, wrote to Mr. Madison, the Secretary of State, the following letter:

> PARIS, *July* 15, 1801.
>
> SIR: From a conversation which I had two days since with one of the French ministers, I understand that they are deliberating upon the choice of one of the two following modes of ratification:
>
> To ratify on condition of reciprocal abandonment of pretensions under the second article, or to ratify on our terms, but with a declaration incorporated in the language, that they consider the suppression of that article as an abandonment of all claims and pretensions under it. I can answer for the substance only, as it is from conversation that I learn it.
>
> I believe, sir, and wish that they will pursue the last mode. Nothing will be done on my part to affirm their construction of the motives which led the United States to the suppression.

Then on the next week Mr. Murray writes:

> PARIS, *July* 23, 1801.
>
> SIR: At length they will ratify, but with a declaration in the body of their act that the omission of the second article, and the addition of the new one of limitation, to both of which they will formally assent, are to be considered as an abandonment respectively of the pretensions under the second article.
>
> Convinced, sir, as I am that nothing better can be gained, and confiding in a liberal judgment in Government upon the situation in which I am placed, I shall exchange upon these terms.
>
> In a very few days I trust I shall be able to inclose to you the instrument exchanged.
>
> I am, &c., W. V. MURRAY.
>
> Hon. Mr. MADISON, *Secretary of State.*

And thereupon they did on the 21st of July exchange ratifications at Paris. Here is the treaty. The second article is the article in dispute, and the question is whether under the provisions of the second article of the treaty, or rather because of its suppression, these claims have any legitimate existence. Here is the final ratification to which Mr. Murray referred in his letter of July 23, signed by the First Consul of France:

> Bonaparte, First Consul, in the name of the French people: The Consuls of the Republic, having seen and examined the convention, concluded, agreed to, and signed at Paris, the 8th Vendémiaire, ninth year of the French Republic (30th September, 1800), by the citizens Joseph Bonaparte, Fleurieu, and Roederer, counsellors of state, in virtue of the full powers which have been given to them to this effect, with Messieurs Ellsworth, Davie, and Murray, ministers plenipotentiary of the United States, equally furnished with full powers, the tenor of which convention follows. (Here follows the treaty):
>
> Approves the above convention in all and each of the articles which are therein contained; declares that it is accepted, ratified, and confirmed, and promises that it shall be inviolably observed.
>
> The Government of the United States, having added, in its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention with the addition, importing that the convention shall be in force for the space of eight years and with the retrenchment of the second article: *Provided*, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

Now that second article is as follows:

> ARTICLE II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce, of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.

And then it goes on to state these regulations in the other articles of the treaty. When the treaty which was ratified by the ministers plenipotentiary had been first submitted to the Senate of the United States they approved the treaty, except the second article, which they insisted should be stricken out. Of course that required the approval of the French nation, because it was a change of the treaty as originally agreed upon; and it was resubmitted to France, and agreed to finally by the representatives of the Federal Republic at that time upon the condition that there should be a mutual renunciation of the claims arising under the treaty of 1788.

What were those claims? Why the claims on the part of the French Government against the United States Government for its violation of the treaty of 1788 and the counter-claim of the United States Government against the French Government for acts committed since the treaty of 1788 and during the wars which were waged from 1793 to 1800 with the monarchs of Europe on the part of the French Republic. Of these claims there was then a mutual renunciation.

The Government of the United States had in its hands as trustee for the merchants and other claimants of indemnity for depredations committed on their property by the French nation the prosecution and recognition of those claims. If an individual or a nation has in its hands claims belonging to another, and it settles those claims by giving up claims of its own in consideration of that settlement, by the plainest principles of law, whatever may be the amount of those legitimate claims thus settled, the party who has used them as a means for satisfying obligations of his own is under the highest duty, according to the principles of law and morals, to reimburse to the party for whom those claims were preferred the amounts so settled. Our Government holds the position of trustee for those claimants, and it is their bounden duty to see that these claims are paid. And that is all that this bill asks. I do not put it on the ground that this is a mere inquiry; that they may be ascertained by the Court of Claims and then paid or not at our discretion. I put it on the ground that these are just and equitable claims, due by the plainest principles of law and justice.

Now, as to these pretensions referred to in the second article of the treaty, I would like to call the attention of the House more particularly to their nature. What were the pretensions or claims thus renounced? As to their relative value to the two nations it is not necessary to inquire. But if the claims preferred by the United States against France were for indemnities for losses sustained by private citizens of the United States by reason of the wrongful action of the French Government, and our Government surrendered these claims for a consideration deemed at that time sufficient, the obligation rests on our Government to make good those losses to its own citizens, and no lapse of time can weaken the force of the obligation.

Mr. WARNER, of Ohio. Will the gentleman permit me to ask him a question?

Mr. BROADHEAD. Yes, sir.

Mr. WARNER, of Ohio. I ask the question for information, as I am seeking information on this question. Does the evidence sustain the claim now made, and made in the report of the committee, that the claims included in this bill were among the claims assumed or intended to be assumed by this Government in the treaty of 1800?

Mr. BROADHEAD. The gentleman's question, as I understand it, is, Were the claims intended to be assumed——

Mr. WARNER, of Ohio. Were these a part of the claims assumed or intended to be assumed by the treaty of 1800?

Mr. BROADHEAD. That is the proposition I am undertaking to demonstrate. There were no other claims on the part of the United States except the claims for spoliations committed on its citizens.

Mr. WARNER, of Ohio. Certain of those claims I understood were allowed and certain others have not been allowed.

Mr. BROADHEAD. By the fifth article of the treaty of 1800 there was a provision made for the settlement of certain debts, not claims, but debts between the Government of France and citizens of the United States.

Mr. WARNER, of Ohio. They were simply adjudicated claims, were they not?

Mr. BROADHEAD. Yes, sir; they were adjudicated claims or debts. The fifth article of the treaty expressly excepts any other claims from its operation.

Mr. WARNER, of Ohio. But did not that treaty include all claims which France had ever admitted to be just claims against her?

Mr. BROADHEAD. Admitted to be just?

Mr. WARNER, of Ohio. Yes. Did not that treaty include all the claims which France had ever admitted to be just claims against the Republic of France?

Mr. BROADHEAD. It included all claims for indemnities for seizures which had not been adjusted, as the language of the second article which I have just read shows, and by the fifth article which was retained it included all debts due to private citizens.

Mr. WARNER, of Ohio. Not all claims; but all claims that France admitted to be just.

Mr. BROADHEAD. France agreed to adjust them, and they were in process of adjustment when the treaty was made.

Mr. WARNER, of Ohio. But my question is, Did not that treaty include all the claims that France admitted to be just?

Mr. BROADHEAD. What treaty do you mean?

Mr. WARNER, of Ohio. The treaty of 1803.

Mr. BROADHEAD. By the provisions of the Louisiana treaty these claims are expressly excluded, and nothing was provided for by that treaty except debts, the whole of which had not been paid, and judgments for captures where the council of prizes had ordered restitution. It did not include pending claims for spoliation.

Mr. EATON (in his seat). Entirely. It has nothing to do with them.

Mr. BROADHEAD. I know that Mr. Pierce in his veto message uses the argument that the gentleman now uses; but I think it is easily answered, and I think he failed to refer to that article of the treaty and relied simply on the preamble. The fifth section of the treaty of 1800 expressly excludes all these claims. I will read it for the gentleman's satisfaction. It is as follows:

> The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

Mr. HUNT. Is that in the treaty of 1800? It is in the treaty of 1802 or 1803, is it not?

Mr. BROADHEAD. There is a similar provision in the treaty of 1803. I understand that the gentleman from Ohio means to make the argument that these claims were settled by the treaty of 1803.

Mr. WARNER, of Ohio. I was not referring to the treaty of 1803.

Mr. BROADHEAD. You mean the Louisiana purchase?

Mr. WARNER, of Ohio. No, sir; the treaty of September 30, 1800.

Mr. BROADHEAD. Well, I have read the fifth article of the treaty, which shows that those claims were expressly excepted. When that treaty was submitted to the Senate of the United States they agreed to ratify it, with the exception of the second article, which they proposed to strike out, and it was sent back. Bonaparte agreed to the proposal of the Senate to strike out the second article, provided it was understood that the claims of the respective nations were mutually abandoned. This fifth article was still in the treaty in regard to debts, and remained in full force, excluding these claims, because they were undertaken to be provided for by the second article, which was expunged, and in lieu of it was adopted the stipulation made between France and the United States that they should be mutually abandoned. The fact was that there were indemnities mutually due by the two governments, so conceded by their ministers plenipotentiary when they agreed to the adoption of the second article, as will be seen by reading that article. In 1826, when for the first time the history of these claims was fully investigated and made public, and when was first made public the correspondence which took place between the two governments between the years 1793 and 1800; in other words, when the first public light was thrown upon the history of these transactions, then it was that Mr. Clay made his report as Secretary of State.

As Mr. Clay says in his communication as Secretary of State of the date of May 20, 1826:

> The two contracting parties thus agreed, by the retrenchment of the second article, mutually to renounce the respective pretensions which were the object of that article. The pretensions of the United States to which allusion is thus made arose out of the spoliations, under color of French authority, in contravention to law and existing treaties. Those of France sprung from the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788.

Each of these pretensions for indemnities mutually due and mutually claimed.

> The amount of the indemnities due to citizens of the United States was very large, and on the other hand the obligation was great (to specify no other French pretensions) under which the United States were placed in the eleventh article of the treaty of alliance of the 6th of February, 1778, by which they were bound forever to guarantee from that time the then possessions of the Crown of France in America, as well as those which it might acquire by the future treaty of peace with Great Britain, all these possessions having been, it is believed, conquered at, or not long after, the exchange of ratifications by the arms of Great Britain from France.

Of course I have no censure to pass upon our own Government. The Republic was then in its infancy. It was but shortly after the Revolution, and it was not thought politic, because self-preservation is the first law of nature among nations as well as among individuals—it was not thought politic that the Republic should by any act of hers seem to become a party to the gigantic war then raging on the continent of Europe, and she would have done so if she had undertaken to carry out the provisions under which she was bound by the treaty of 1778 with France.

Let us see what were those pretensions which became the subject of negotiation between the two states and were referred to in the second article in the convention of 1800:

The treaty of 1788 between France and the United States provides as follows:

> The two parties guarantee mutually, from the present time and forever, against all other powers, to wit, the United States to his most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace. And his most Christian Majesty guarantees on his part to the United States their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce; and also their possessions and the additions or conquests that their Confederation may obtain during the war from any of the domains now or heretofore possessed by Great Britain in North America.

It was further stipulated that "in case of a rupture between France and England the reciprocal guarantee shall have full force and effect the moment such war shall break out."

At the same time a treaty of amity and commerce was entered into between France and the United States, by which the United States undertook, first, to protect and defend by their ships of war and convoy any and all vessels belonging to French subjects, so long as they hold the same course, against all attacks, force, and violence, in the same manner as they ought to protect and defend the vessels of the citizens of the United States (Articles 6, 7). Secondly. To open their ports to French ships of war and privateers with their prizes, and to close them against those of any power at war with France, except when driven by stress of weather. Thirdly. To allow French privateers to fit their ships, to sell what they had taken, or in any other manner whatsoever to exchange their ships, merchandise, or any other lading; but privateers at enmity with France are forbidden even to victual in the ports of the United States.

Now, there is no question of our having violated those provisions of the treaty. I do not think that it was unwise to do it. France by her own act had renounced one of the provisions of the treaty, having been forced to do it by the conduct of Great Britain at that time. She had renounced the doctrine that "free ships make free goods;" and we had suffered by reason of that renunciation. There were violations on both sides; and it was because of this that those negotiations were carried on at Paris in 1800. The obligations assumed by France and the United States were onerous, but so far as the United States were concerned they were a part of the price paid for American independence. But for this treaty and the aid given by France to the suffering and struggling soldiers of the war of Independence the cause of American liberty and of popular government might indeed have perished from the earth.

In the light of the events which followed it would not be possible to estimate the value of this treaty to the American people and to the cause of free government throughout the world. Lafayette stood by the side of Washington, the blood of the French people mingled with that of our own illustrious soldiers, and the treasures of France were freely offered and given in aid of our suffering countrymen until the army of Cornwallis surrendered at Yorktown and the war closed by a recognition of our national independence.

No event in modern history is marked with more significance or has had a greater influence upon the destinies of our race.

Let us glance briefly at the events which followed. Not many years after the recognition of our national independence, and the establishment of our system of popular government upon a sure foundation, the French people, following our example, also established a republic, and then it was that monarchical Europe arrayed itself against republican France; in 1793 Great Britain joined the alliance. It was a war of gigantic proportions—such as the world had not seen for centuries preceding it. And it was natural that our infant Republic, weighed down by the debts of the Revolution, should have desired, if possible, to keep aloof from the conflict. The proclamation of neutrality on the part of the United States was adopted on the 22d of April, 1793. The English navy swept the seas, and France was deprived of her West India possessions. France claimed privileges in American ports which it was held were in conflict with obligations due to other belligerent powers. This our Government could not assent to without making it a party to the conflict which was then shaking Europe to its center. The principle announced in the twenty-third article of the treaty of 1778, that free ships make free goods and that subsistence and supplies were not contraband of war unless destined for a blockaded port, was found to operate disadvantageously to France, because Great Britain, one of her chief enemies, asserted under the law of nations the right to capture as contraband supplies destined for an enemy's port.

The Government of France thereupon issued a decree on the 9th of May, 1793, to the effect that "the French people are no longer permitted to fulfill toward the neutral powers in general the vows they have so often manifested, and which they constantly make for the full and entire liberty of commerce and navigation," and that nation authorized the seizure of neutral vessels bound to an enemy's port in the same manner as was done by Great Britain, and this decree was to continue in force until the enemies of France should desist from depredations on neutral vessels bound to the ports of France. Then followed the embargo, by which a large number of our vessels were detained at Bordeaux, the seizure of British goods on board of American vessels and of the property of American citizens under the claim that it belonged to English subjects, and even the imprisonment of American citizens captured on the high seas. From 1793 to 1797 our Government used every means to obtain redress by negotiation. The controversy went so far that for a time diplomatic relations between France and the United States were suspended. On the 28th of May, 1798, an act of Congress was passed for the employment of the American Navy against the armed vessels of France hovering on our coast, and another act in June prohibiting commercial intercourse between the two nations; another on July 27, 1798, abrogating the treaties between France and the United States. There was no declaration of war by which every citizen of one nation becomes the enemy of every citizen of the other, but there was in fact a partial maritime war, and this condition of things was only terminated by the treaty of Paris of September 30, 1800.

Certainly the claims which originated prior to the abrogation of the treaty of 1778, which abrogation did not occur until 1798, have nothing to do with the claims originating prior to the passage of the act of Congress abolishing those treaties, even if one party to a contract can by its voluntary act deprive the other of their rights under that contract.

The claims now under consideration originated between 1793 and 1800. They were originally claims against the French Government. They were the subject of negotiation between the plenipotentiaries of the two powers which preceded the ratification of the treaty. As between the two nations they were adjusted by that treaty, and the citizens of the United States who were the sufferers from the spoliations of France upon American commerce have lost all claim upon the government of that country, and by the plainest principles of law and justice the United States became liable to indemnify them for their losses. So thought some of the most illustrious statesmen and jurists of that day.

I could refer to their statements, but it is unnecessary. Under the provisions of this bill the whole subject must undergo a full investigation before anything can be allowed, and even then it is subject to the final action of Congress. By the first section of the bill the claimant is authorized to apply by petition to the Court of Claims within two years from the passage of the act.

Notice of all petitions presented under the act are to be served on the Attorney-General of the United States, who is authorized to attend to these claims on the part of the Government, and to resist all claims presented by all proper legal defenses, and the court is to decide upon the validity of the claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and to report to Congress all conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

Gentlemen say that these claims have slept for a long period of time. They were first presented in 1802, when Mr. Giles made a report in their favor; but no action was taken, and it was not proposed to take any action They were presented again by Mr. Marion, of South Carolina, in 1807, who referred to the report of Mr. Giles and the facts contained therein; but as he was instructed merely to inquire into the equity of those claims against the United States, no bill was introduced for the purpose of adjusting the claims. But he did report in the strongest terms that the claims were valid against the Government of the United States. I have here his report, made in 1807; and the language is as strong as it can be in holding that by virtue of the abrogation of the treaty of 1800 and the substitution of the proviso inserted by Talleyrand, the minister of Napoleon, and adopted by him, the claims of the two nations were mutually released, and that the Government of the United States became liable to pay them to her own citizens.

I shall not refer to them again. I say that the subject of these claims never met with thorough investigation until 1826. I hold in my hand the report made upon them at that time to the Senate of the United States after this thorough investigation.

Mr. Holmes made a report in their favor to the Senate of the date of February 8, 1827. Then it was that the origin and history of the claims and all the correspondence between the two governments from 1793 to 1800, and the instructions to our ministers and the notes of their proceedings, were published and preserved in the fifth volume of the Executive Documents, first session Nineteenth Congress, which I have before me.

Mr. Holmes had all these documents before him. He gave a history of the claims; and appended to his report is a list of the claimants whose claims had been filed in the Department.

Gentlemen make the objection, "Why have not these claims been allowed?" I asked why have not a great many claims which every man must admit to be just been allowed by the Congress of the United States? Has Congress time to pass upon all these claims? Does it pass upon one-half of those presented? And are not the half which fail to receive action just as meritorious as those passed upon? I have shown by a plain statement of historical facts that the claims are founded in justice, and surely the claims of justice upon an honorable and honest government preferred by its own citizens can never die so long as the government itself is permitted to exist; and so far as the objections are concerned there is not one of them which can not be presented and passed upon by the Court of Claims when the petitions of the claimants are presented before that court; for all that this bill proposes to do is to open the tribunals of the country to these claimants for a hearing upon the principles of law, municipal and international, and under the provisions of the treaties to which I have referred, and surely this can not be denied them. This much is due not only to our own citizens, but to this Government and to the people of France also, whose government has long since paid to ours the indemnities due to its citizens—not in money, it is true—but in a mutual release of obligations.

The treaty of 1800 was to our people a most important event and of almost inestimable value. It relieved us from the enormous obligations of the treaties of 1778 and the convention of 1788; it relieved our commerce from the dangers of further spoliation on the part of France in the gigantic war then raging on land and sea between the French Republic and the allied powers; but, above all, it established a permanent peace between the two nations and a restoration of that friendship which had been so instrumental in the establishment of our national independence. And permit me here to say that it must be gratifying to us to know that although for a period of seven years, from 1793 to 1800, there were serious dissensions between the two nations—a suspension of diplomatic intercourse, a recall of ministers, embargoes, and acts of spoliation on the part of France by which millions of property of our citizens were destroyed, and acts of hostility between the armed vessels of the two nations amounting almost to a state of war—yet after the treaty of peace and for a period of now more than three-quarters of a century, with one slight interruption, the utmost cordiality and friendship have prevailed, a friendship which has but recently manifested itself on the part of the French people in another act destined not only to perpetuate the memory of their early friendship for us, but to assure the world that republican France recognizes the fact that here in this free land of ours the light of true liberty was first enkindled; for at the entrance to the harbor of the great commercial metropolis of our country is within a few weeks to be erected a colossal statue of Liberty enlightening the world, a gift of the French people to the people of the United States. It will be a beacon-light to the storm-tossed mariner, assuring him of a safe harbor; it will shine afar among the nations, showing to the oppressed of other lands the pathway to the land where freedom has found a home.

Mr. COX, of North Carolina. I desire to ascertain how long the opponents of this bill desire to discuss it. I propose at the end of one hour to call the previous question.

Mr. CURTIN. Why not call it now?

Mr. BLOUNT. I hope the gentleman from North Carolina will not call the previous question at this time.

Mr. COX, of North Carolina. How much time does the gentleman want?

Mr. BLOUNT. I do not know that I wish to occupy the floor at all; but there are other gentlemen who may want to speak.

Mr. HUNT. There will be an hour for debate after the previous question is called.

Mr. BLOUNT. An hour belonging to the gentleman from North Carolina.

Mr. EATON. The gentleman from Wisconsin [Mr. JONES], who is opposed to the bill, has some time remaining which he can yield.

Mr. JONES, of Wisconsin. I have agreed to yield it to other gentlemen.

Mr. COX, of North Carolina. Well, I give notice that I shall call the previous question at the expiration of half an hour.

Mr. HUNT. Say one hour.

Mr. WARNER, of Ohio. I hope this limitation of debate will not be insisted upon.

Mr. CURTIN (to Mr. COX, of North Carolina). Call the previous question now.

Mr. COX, of North Carolina. I do not want to press this matter with unnecessary haste; but I desire to ascertain the wishes of gentlemen in regard to the debate.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. JONES] has twenty-three minutes.

Mr. CURTIN (to Mr. COX, of North Carolina). At the end of that time call the previous question.

Mr. COX, of North Carolina. I will call it at the end of twenty-three minutes.

Several MEMBERS. Say one hour.

Mr. CURTIN. I do not consent to one hour. If the disposition of the House is to pass this bill, we must not fritter time away.

The SPEAKER *pro tempore*. The gentleman from Wisconsin has twenty-three minutes remaining.

Mr. BLOUNT. I hope gentlemen on the other side will not insist on limiting the debate to twenty-three minutes.

Mr. CURTIN. There will be an hour allowed after the previous question has been called.

Mr. BLOUNT. But that will be given to those who favor the passage of the bill.

Mr. CURTIN. It will be divided equally between the two sides.

Mr. BLOUNT. It is important that the House should determine whether it is proper to order the previous question in the first place.

Mr. CURTIN. When this time is exhausted it will be soon enough.

The SPEAKER *pro tempore*. The gentleman from Wisconsin is entitled to the floor for twenty-three minutes.

Mr. JONES, of Wisconsin. I will yield five minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, the gentlemen who have charge of this bill seem to be anxious to pass it this afternoon. Considering this measure has been in the American Congress off and on since 1802, we might perhaps claim a little more time in opposition, especially as it has had on two occasions, in the time of the Presidency of Mr. Polk and in the time of the Presidency of Mr. Pierce, on both occasions very stringent and rational vetoes.

Now, this bill involves how much? It was stated in the veto of President Polk that it involved then five millions of money. That was in 1846.

Mr. CHACE rose.

Mr. COX, of New York. No; I have only five minutes.

Mr. CHACE. Has this bill ever been vetoed?

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. COX, of New York. This bill involves $5,000,000 ultimately. I know what the gentleman from Rhode Island means.

Mr. CHACE. Certainly.

Mr. COX, of New York. This bill is to draw all the cases into the Court of Claims.

Mr. CHACE. And that is a material difference.

Mr. COX, of New York. Oh, yes! The Germans have a proverb that if the devil gets hold of a hair of your head he will drag in the whole of your body. [Laughter and applause.]

Mr. CHACE. And that is what the gentleman is trying to do now.

Mr. COX, of New York. It is an entering-wedge. If you begin with this bill, referring these claims to the Court of Claims, I know, although there may be an appeal from the Court of Claims to the Supreme Court, it is always fixed in appropriation bills to pay these judgments. And I appeal from the lack of sincerity on behalf of my Quaker friend from Rhode Island to the fidelity and earnestness of my friend from Missouri, who says outright that he does not place his argumentation on any such ground as that. He says that he argues it on the legality, on the equity of the cases, and not upon any presumed power over it in

the Court of Claims. Why, I believe the State Department has said that this involves $12,000,000, and more than that if you add the interest, and I know, in some cases at least, the Committee on Foreign Affairs——

Mr. HUNT rose.

Mr. COX, of New York. Do not disturb me, as I only have five minutes. I say the Committee on Foreign Affairs have allowed interest on large claims against the Government in bills pending.

But, sir, one rule against allowing these stale claims is well grounded in reason. There is a necessity that all litigation should cease. There is the old proverb: There is greater reason in government why time should run against claims where the evidence is liable to be destroyed by the lapse of time. That is the very reason for a statute of limitations; and the only reason why there is no statute of limitations in this case is because there never has been a claim crystallized and fixed against the Government. I think that the statute of limitations could not be better defined by any lawyer, not even by my distinguished friend from Missouri, than it was by Plunkett, the great Irish lawyer, when he said that—

Time is the great destroyer of evidence, but the great protector of titles. With one hand he cuts down the muniments of our possessions, while with the other he measures out those periods of duration which render those muniments no longer necessary.

[Applause.]

It is our duty as individuals to observe such proper limitations, and time stands in states as a plea against these old claims which come down from the remote past. That the title to the Treasury was in the people of this country; it was a part of our possessions. Time may destroy evidence upon which to destroy a portion of these treasures of the people. The periods of duration referred to by Mr. Plunkett render those muniments no longer necessary to protect the resources of the United States which are gathered in our Treasury.

I might read to you in answer to what has fallen from my friend from Missouri [Mr. BROADHEAD], who has argued this question so well, but I say the result will show that there is no claim on the Treasury. If there were a claim there is no reproach connected with France or the United States for the non-adjustment of it.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. COX, of New York. There are some clauses in the veto message of President Polk which I would like to append to the remarks I have submitted if there be no objection.

There was no objection, and it was ordered accordingly. They are as follows:

Now, from the provisions of the treaties thus collated the following deductions undeniably follow, namely:

First. Neither the second article of the convention of 1800, as it originally stood, nor the retrenchment of that article, nor the proviso in the ratification by the First Consul, nor the action of the Senate of the United States thereon, was regarded by either France or the United States as the renouncement of any claims of American citizens against France.

Second. On the contrary, in the treaties of 1803, the two governments took up the question precisely where it was left on the day of the signature of that of 1800, without suggestion on the part of France, that the claims of our citizens were excluded by the retrenchment of the second article, or the note of the First Consul, and proceeded to make ample provision for such as France could be induced to admit were justly due, and they were accordingly discharged in full, with interest, by the United States in the stead and behalf of France.

Third. The United States, not having admitted in the convention of 1800 that they were under any obligations to France, by reason of the abrogation of the treaties of 1778 and 1788, persevered in this view of the question by the tenor of the treaties of 1803, and, therefore, had no such national obligation to discharge; and did not, either in purpose or in fact, at any time, undertake to discharge themselves from any such obligation at the expense and with the property of individual citizens of the United States.

Fourth. By the treaties of 1803 the United States obtained from France the acknowledgment and payment, as part of the indemnity for the cession of Louisiana, of claims of citizens of the United States for spoliations, so far as France would admit her liability in the premises; but even then the United States did not relinquish any claim of American citizens not provided for by those treaties; so far from it, to the honor of France be it remembered, she expressly reserved to herself the right to reconsider any rejected claims of citizens of the United States.

Fifth. As to claims of citizens of the United States against France, which had been the subject of controversy between the two countries prior to the signature of the convention of 1800, and the further consideration of which was reserved for a more convenient time by the second article of that convention, for these claims, and these only, provision was made in the treaties of 1803, all other claims being expressly excluded by them from their scope and purview. It is not to be overlooked, though not necessary to the conclusion, that by the convention between France and the United States of the 4th of July, 1831, complete provision was made for the liquidation, discharge, and payment on both sides of all claims of citizens of either against the other for unlawful seizures, captures, sequestrations, or destructions of the vessels, cargoes, or other property, without any limitation of time, so as in terms to run back to the date of the last preceding settlement, at least to that of 1803, if not to the commencement of our national relations with France.

This review of the successive treaties between France and the United States has brought my mind to the undoubting conviction that while the United States have, in the most ample and completest manner, discharged their duty toward such of their citizens as may have been at any time aggrieved by acts of the French Government, so also France has honorably discharged herself of all obligations in the premises toward the United States. To concede what this bill assumes would be to impute undeserved reproach both to France and to the United States.

I am, of course, aware that the bill proposes only to provide indemnification for such valid claims of citizens of the United States against France as shall not have been stipulated for and embraced in any of the treaties enumerated. But in excluding all such claims it excludes all in fact for which, during the negotiations, France could be persuaded to agree that she was in any wise liable to the United States or our citizens. What remains? And for what is five millions appropriated? In view of what has been said, there would seem to be no ground on which to raise a liability of the United States, unless it be the assumption that the United States are to be considered the insurer and the grantor of all claims of whatever nature which any individual citizen may have against a foreign nation.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments House bills of the following titles:

A bill (H. R. 4273) for the relief of William R. Calvert; and

A bill (H. R. 7329) granting the right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2530) to authorize an additional appointment on the retired-list of the Army;

A bill (S. 2540) to provide for the expense and compensation of special messengers, to be sent by the Secretary of State to the States respectively of Iowa and Oregon, for the certificates of the electoral votes of 1884, for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States; and

Joint resolution to print the letter of the Secretary of State of December 12, 1884, with accompanying reports of United States consuls, on labor in Europe; and the report of Capt. George M. Wheeler, United States Army, of the Third International Geographical Congress and Exhibition at Vienna, with accompanying illustrations.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

FRENCH SPOLIATION CLAIMS.

The House resumed the consideration of the bill (S. 1820).

Mr. JONES, of Wisconsin. I yield now fifteen minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, our experience here leads to the conclusion that where reference of demands against the Government of the character named in the pending bill are made either to a commission or to a judicial tribunal, the probabilities are the demand will be sustained, the act of Congress making such a reference itself indicating to the court or tribunal somewhat the favorable views of Congress in reference to the justice of the demand. The results have almost uniformly been favorable to the demand and to the views of Congress as expressed in the enactment of the law, and Congress has uniformly appropriated the money to carry into effect the report of the tribunal to which the reference was made. So I should hesitate as much to vote for this bill making this reference as I should for an appropriation of money to pay the large sums involved in these claims, aggregating many millions of dollars.

Without intending the least disrespect to any judicial tribunal, I am compelled to believe that the passage of this bill means the payment of these claims. I do not insist that the antiquity of these claims should of itself absolutely exclude them from consideration and absolutely control the action of the House of Representatives, but I do insist that the long period of time which has elapsed since those claims originated, and the refusal of Congress to recognize them at all for nearly half a century, ought to have great weight in deciding this question. It is certainly a strong argument against these claims that nearly half a century had elapsed before any bills at all passed Congress either recognizing their validity or proposing their payment, and that bill was promptly vetoed by the President. I think the argument in favor of the claims—in favor of their validity as against the United States—if I understand it correctly, is based upon the proposition that the Government of the United States in the treaty of 1800 with France yielded away to France, in consideration of the concession by France to the Government of the United States of certain French claims against the United States, claims belonging to citizens of the United States against the French Government, and therefore the Government of the United States ought to pay the citizens of the United States the claims they held against France, in view of the benefits to the United States arising from the concessions made by France. That, I repeat, sir, seems to be the basis of the argument. I submit that if the papers laid before the House are to be trusted, that view of it, although supported by plausible suggestions and arguments, can not in fact be sustained.

I hold in my hand a document published by the authority of the House to which I shall refer. It seems to be conceded that the second article of the treaty of 1800 between France and the United States was stricken out by the Senate of the United States. That second article was as follows:

ART. II. The ministers plenipotentiaries of the two parties not being able to agree at present respecting the treaty of alliance of the 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they

may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.

* * * * * * *

Mr. ADAMS, of Illinois. By Bonaparte I.

Mr. HOLMAN. By the Senate of the United States, as I understand these papers, and in lieu of it the following was adopted by the Senate:

Provided, That the second article be expunged and that the following article be inserted: "It is decreed that the present convention shall be in force for a term of eight years from the time of the exchange of ratifications."

And thus amended the Senate of the United States ratified or proposed to ratify the treaty.

In that form the measure went back to the French Government. That government ratified the treaty, appending, however, to it a note which was designed, as now alleged, to modify the treaty. That notice is in the following words:

The Government of the United States having added in its ratification that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

Here is the hinge upon which the whole argument seems to turn: "That by this retrenchment (of this second article) the two states renounce the respective pretensions (that is, claims of citizens of respective governments against each government) which are the object of the said article." That is, the respective pretensions of the citizens of each state respectively against the other. That note added by France to the treaty and the effect would naturally suggest just the argument which President Pierce indulged in when he vetoed the bill to pay these claims in 1855. That veto message in its statement and analysis of this question is absolutely exhaustive of the subject.

Mr. BROADHEAD. Let me ask the gentleman from Indiana if he is not aware of the fact that Mr. Jefferson submitted that question to the Senate in 1801 and action was taken upon it. It was not regarded as a part of the convention.

Mr. HOLMAN. After so long a lapse of time even history becomes obscure where it is presented from different standpoints. Mr. Pierce presented the following view of that subject:

The convention, as thus ratified by the First Consul, having been again submitted to the Senate of the United States, that body resolved that "they considered the convention as fully ratified," and returned the same to the President for promulgation, and it was accordingly promulgated in the usual form by President Jefferson.

But I will present further on the views of President Pierce as to the effect of that French note.

Now, the question presented is whether that treaty as ratified also embraced the note of the French Emperor. President Pierce's argument is so full and complete upon this subject, and so unanswerable as I think, that I desire to present it to the consideration of the House. He says:

Now, it is clear that in simply resolving that "they considered the convention as fully ratified" the Senate did, in fact, abstain from any express declaration of dissent or assent to the construction put by the First Consul on the retrenchment of the second article.

* * * * * * *

By the second article, as it originally stood, neither republic had relinquished its existing rights or pretensions, either as to other previous treaties or the indemnities mutually due or claimed, but only deferred the consideration of them to a convenient time. By the amendment of the Senate of the United States, that convenient time, instead of being left indefinite, was fixed at eight years; but no right or pretension of either party was surrendered or abandoned.

If the Senate erred in assuming that the proviso added by the First Consul did not affect the question, then the transaction would amount to nothing more than to have raised a new question to be disposed of on resuming the negotiations, namely, the question whether the proviso of the First Consul did or did not modify or impair the effect of the convention, as it had been ratified by the Senate.

That such, and such only, was the true meaning and effect of the transaction; that it was not, and was not intended to be, a relinquishment by the United States of any existing claim on France, and especially that it was not an abandonment of any claims of individual citizens, nor the set-off of these against any conceded national obligations of France is shown by the fact that President Jefferson did at once resume and prosecute to successful conclusion negotiations to obtain from France indemnification for the claims of citizens of the United States existing at the date of that convention; for, on the 30th of April, 1803, three treaties were concluded at Paris between the United States of America and the French Republic, one of which embraced the cession of Louisiana, another stipulated for the payment of sixty millions of francs by the United States to France, and a third provided that for the satisfaction of sums due by France to citizens of the United States at the conclusion of the convention of September 30, 1800, and in express compliance with the second and fifth articles thereof, a further sum of twenty millions of francs should be appropriated and paid by the United States.

Just that and nothing more.

But, Mr. Speaker, let us see whether the treaty of 1803, three years later, does not fully sustain the argument made by the President of the United States in his veto message of 1855. The treaty of 1803 contains, among other articles, the following:

ARTICLE I. The debts due by France to citizens of the United States, contracted before the eighth Vendémiaire, ninth year of the French Republic (30th September, 1800), shall be paid according to the following regulations, with interest at 6 per cent., to commence from the periods when the accounts and vouchers were presented to the French Government.

ART. II. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, can not exceed the sum of 20,000,000 of francs. The claims comprised in the said note which fall within the exceptions of the following articles shall not be admitted to the benefits of this provision.

* * * * * * *

ART. IV. It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States who have been and are yet creditors of France for supplies for embargoes and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, eighth Vendémiaire, ninth year (30th September, 1800)."

Now, Mr. Speaker, what follows? Under that provision, the 20,000,000 francs were paid by the United States to the creditors named. President Pierce, in that message, says the United States did not abandon the claim of their citizens on France, and adds:

On the contrary, in the treaties of 1803 the two governments took up the question precisely where it was left on the day of the signature of that of 1800, without suggestion on the part of France that the claims of our citizens were excluded by the retrenchment of the second article or the note of the First Consul, and proceeded to make ample provision for such as France could be induced to admit were just, and they were accordingly discharged in full, with interest, by the United States in the stead and behalf of France.

Third. The United States, not having admitted in the convention of 1800 that they were under any obligations to France, by reason of the abrogation of the treaties of 1778 and 1788, persevered in this view of the question by the tenor of the treaties of 1803, and therefore had no such national obligation to discharge, and did not, either in purpose or in fact, at any time undertake to discharge themselves from any such obligation at the expense and with the property of individual citizens of the United States.

Mr. BROADHEAD. Does the gentleman consider the word "debts" as synonymous with claims?

Mr. HOLMAN. Yes; the terms used seem to compel that conclusion, for the terms used, "for supplies for embargoes and prizes made at sea," in which the appeal has been properly lodged within the time mentioned in the said convention of 1800, show the meaning of the term. I have not read the whole of article 4, and I should be very glad if I had the time to read the whole article, which is a long one, but it excludes claims of citizens of the United States who were in partnership with citizens of England and other specified claims.

Now, how is it possible if the note affixed to the treaty by the French Government is to be regarded as a part of the treaty, or that note is regarded as an interpretation of that treaty—how is it possible that by the first and second articles of this treaty of 1803 a part at least of the very claims are provided for, and to the extent of 20,000,000 francs were paid to our citizens by the United States, which my friend insists the Government of the United States became responsible for because the Government of the United States had obtained a corresponding benefit from France by France waiving her claims against the Government of the United States?

Mr. BROADHEAD. Will the gentleman permit me to read the fifth article?

Mr. HOLMAN. I regret that I have only fifteen minutes. I would be glad to yield to the gentleman if I had time. That article, I think, does not change the case. It is clear the treaty of 1803 is absolutely unintelligible if the claims of American citizens against France were waived by the treaty of 1800. If the views expressed by Mr. Pierce are correct, the treaty of 1800 settled nothing as to claims of American citizens against France and the note of the French consul was never regarded either by France or the United States as a part of the treaty. The exclusion by the fourth article of large claims of American citizens from participating in the distribution of the 20,000,000 francs shows conclusively that either the treaty of 1800 was entirely lost sight of when that of 1803 was made or else that treaty of 1800 does not bear the interpretation which gentlemen have thought proper to impose upon it.

A word further. I have said all I am able to say in the few minutes allowed me on the argument of this case; but let me inquire whether there is not force in this argument of the President of the United States in the veto of 1855:

If new facts, not known or not accessible during the administration of Mr. Jefferson, Mr. Madison, or Mr. Monroe, had since been brought to light, or new sources of information discovered, this would greatly relieve the subject of embarrassment. But nothing of this nature has occurred.

That these eminent statesmen had the best means of arriving at a correct conclusion no one will deny. That they never recognized the alleged obligations on the part of the Government is shown by the history of their respective administrations. Indeed it stands, not as a matter of controlling authority, but as a fact of history, that these claims have never, since our existence as a nation, been deemed by any President worthy of recommendation to Congress.

Have any new facts been brought to light since that message was delivered? I think President Polk in his message vetoing this measure, in 1846, presents the subject with equal force, when he says:

I can perceive no legal or equitable ground upon which this large appropriation can rest. A portion of the claims have been more than half a century before the Government, in its executive or legislative departments, and all of them had their origin in events which occurred prior to the year 1800. Since 1802 they have been from time to time before Congress. No greater necessity or propriety exists for providing for these claims at this time than has existed for near half a century, during all of which period this questionable measure has never until now received the favorable consideration of Congress.

That was forty-six years after the origin of these claims! President Polk proceeds as follows:

It is scarcely probable, if the claim had been regarded as obligatory upon the Government, or constituting an equitable demand upon the Treasury, that those who were contemporaneous with the events which gave rise to it should not long since have done justice to the claimants. The Treasury has often been in a condition to enable the Government to do so without inconvenience, if these claims had been considered just. Mr. Jefferson, who was fully cognizant of the

early dissensions between the Government of the United States and France, out of which the claims arose, in his annual message in 1808—

Only five years after the convention of 1803—

adverted to the large surplus then in the Treasury, and its "probable accumulation," and inquired whether it should "lie unproductive in the public vaults;" and yet these claims, though then before Congress, were not recognized or paid. Since that time the public debt of the Revolution and of the war of 1812 has been extinguished, and at several periods since the Treasury has been in possession of large surpluses over the demands upon it. In 1836 the surplus amounted to many millions of dollars, and for want of proper objects to which to apply it it was directed by Congress to be deposited with the States.

During this extended course of time, embracing periods eminently favorable for satisfying all just demands upon the Government, the claims embraced in this bill met with no favor in Congress beyond reports of committees in one or the other branch. These circumstances alone are calculated to raise strong doubts in respect to these claims; more especially as all the information necessary to a correct judgment concerning them has been long before the public. These doubts are strengthened in my mind by the examination I have been enabled to give the transactions in which they originated.

This argument was made against these claims forty-six years after the treaty of 1800 was made on which this claim is based against the United States, and now after eighty-four years have elapsed and the facts have become more obscure by the lapse of time, these ancient claims are sought to be fastened upon the Treasury through the skillful expedient of a judicial proceeding. The facts of history are against the measure, and the argument addressed to Congress by a President of the United States thirty-eight years ago ought to be potential in averting action on this bill.

[Here the hammer fell.]

Mr. JONES, of Wisconsin. I yield three minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. I have also ten minutes from the gentleman from North Carolina [Mr. COX].

Mr. COX, of North Carolina. We have agreed with the other side not to call the previous question at this time. When the gentleman from Georgia [Mr. BLOUNT] shall have occupied twenty minutes I will resume the floor in my own right, and I will yield to my friend from Louisiana after I take the floor in my own right.

Mr. HUNT. I will reserve, then, the three minutes I have received from the gentleman from Wisconsin, and take the thirteen minutes together.

Mr. COX, of North Carolina. The gentleman from Georgia [Mr. BLOUNT] will occupy twenty minutes, and I will then resume the floor.

Mr. BLOUNT. I regret, Mr. Chairman, that the circumstances under which this bill comes before the House precludes that full consideration which the subject ought to receive. It has been a long while since I have gone over the history of these claims as it has been presented from time to time before the Congress of the United States, and I say I regret that the circumstances under which this bill comes before us are such that, like other gentlemen, I have been unable to refresh my memory as to the occurrences connected with the origin of these claims.

It has been urged before the House by gentlemen in favor of this bill that the United States Government, in consideration of being released from the obligations under the treaty of 1778, to guarantee the title of the French to their territory on this continent and the West Indies and the various other provisions of the treaty, had agreed to renounce the claims of private citizens of this country whose property had been destroyed by French vessels. If that was true, if those were the real facts of the case, if it rested simply upon that proposition, it would be, as urged by a distinguished gentleman on this side of the House, a matter that could be stated in a nutshell.

But, sir, I do not so regard it. These claims had been pressed time and again on the part of the United States Government but to no effect. Other claims had been adjusted. The French Government never set up its claim for damages except as a set-off by reason of failure on our part to comply with the treaty of 1778. It never invited the attention of the Government of the United States to the violation of that treaty or asked damages for it. The United States Government had expressly declared that it was not so bound; that even under the terms of that treaty we were simply bound to aid France in her own defense when she was engaged in a purely defensive war, and the action of the Government and the opinion of the times indicate, and the answer to that French claim has always been, that the war in which France was then engaged was not a purely defensive war. Whenever we brought up claims for depredations committed by France on the commerce of our citizens we were met by the diplomats of France with this claim, but under such circumstances only was it ever presented. We were a weak power; we were few in number; there were certain things that we as a nation might safely attempt; there were other things that we as a nation were unable to do or to assert.

I undertake to say that no man at that time would have justified the United States Government in attempting to enforce these claims by any act of aggression. We found ourselves, when we were in negotiation with the French Government, discussing not the subject of our release from the guarantee obligation of treaty of 1778. That was not the subject uppermost in the minds of our negotiators. There were other important articles in the treaty and it was to them that public attention was most directed. I have the treaty before me. In the time at my command I can not examine its provisions in detail, but I will rapidly run over some of the subjects to which it relates: Article III refers to the restoration of captured public ships; Article IV to captured property not definitely condemned to be restored. Other subjects dealt with are form of passports to merchant ships; payment of debts due by individuals of either nation; freedom of commerce; acquirement and disposal of property, &c.

There were various important questions—live questions about which there might be dispute—about which there was necessarily trouble, and those were the questions that were interesting this Government. Incidentally there came up this question about our obligations under the treaty of 1778. The Government of the United States did, it is true, bring forward these spoliation claims, but that was not the important subject of the treaty. Was our weak, feeble nation in its then existing attitude in any condition to renounce the interests of the balance of the people of the United States and to insist upon the payment of this class of claims? I say there is no principle of morals, there is no principle of common sense or justice, upon which this Government could be expected under such circumstances to stand and demand payment of these claims, to the injury and the sacrifice of the interests of the country in regard to many other commercial questions out of which great troubles were likely to arise. When the Government had done what it could for these claimants; when it had negotiated; when negotiation had ceased and had been renewed in their interest; and when it was finally represented to this Government on the part of the American minister that nothing could be done with the proposed treaty unless we ceased to press these claims upon the French Government, then it was and not till then that the acceptance of the proviso of Napoleon Bonaparte was agreed to.

Now it seems to me that these facts do give answer to the question, why did not the public men who then controlled the Government see fit to insist upon the payment of these claims? Why did they not insist that the Government of the United States should pay these claims?

I hold in my hand the only document, so far as I know, illustrating the character of these claims. It comes from the President of the United States. I refer to it for the purpose of showing that the persons interested in these claims are small in number as compared with the population that was then located all over this land and interested in the other provisions of the treaty. I turn casually to page 185 of this document, on which I find the names of about twenty claimants, all of whom are underwriters; I turn to another page and find that the claimants, with one exception, are of the same class. If you take up this document and examine it, you will find that nine out of ten of these claims are the claims of underwriters. These people who were paid for the risks they undertook by the merchants of this country are insisting that the Government of the United States shall take the consequences of a failure to negotiate a great treaty of this kind in order that their claims might be effectually asserted.

These are the gentlemen behind this measure who have been agitating it from the beginning, and I suppose the men who lived in the days to which I have referred and exercised then the functions of government understood well who these claimants were—better than we do now; and that in this rests a part of the reasons for their refusal to provide for payment. These men were doubtless paid for all the risks that they undertook by the merchants.

Gentlemen here continually talk about American merchants who are put forward as the people who were conducting our commerce and whose interests were destroyed; and this is done with the view of persuading this House that these claimants are in general a class entitled to consideration, rather than a lot of underwriters who have been once fully and amply paid by the men who conducted American commerce at that time.

The gentleman from Massachusetts [Mr. MORSE], when I read to-day from this document furnished by the President of the United States as containing information from the highest source, did not deny my assertion as to the general character of these claims, but stated that a number of gentlemen interested had written to him and that these gentlemen did not belong to corporations. I do not know to what class those gentlemen belong. It may be that they belong to the merchant class. If those claims are claims which originated in the losses of merchants, then that class of men did not follow the general policy of insuring which we have found to obtain elsewhere.

Mr. Speaker, the statement which has been made on this point is important in another point of view. President Polk, in his veto message, estimated these claims as amounting at the time of his veto to $5,000,000. Now they are estimated by this administration, as I am informed by the honorable gentleman from Wisconsin and others who have examined the matter, to amount without interest to $12,000,000; so that since Mr. Polk vetoed the bill for the payment of these claims the amount has increased, on the part largely of these underwriters, from $5,000,000 to $12,000,000. The gentleman from Massachusetts [Mr. MORSE] has stated that quite a number of these claims—I believe his language was "hundreds"—are unreported; and the gentleman from Maine [Mr. MILLIKEN] came to my desk and said that he represented citizens who he thought had hundreds of these claims.

Mr. MILLIKEN. You put it too high. I did not say "hundreds."

Mr. BLOUNT. My friend may make his statement again. I understood him to say hundreds.

Mr. MILLIKEN. I did not name any number. I said that there were claims that were not reported. And I desire to say now, inasmuch as the gentleman has called me out——

Mr. BLOUNT. Mr. Speaker, I can not yield except for a correction.

Mr. MILLIKEN. Well, I claim that the gentleman has no right to call my name out in the House and then refuse me a chance to reply.

Mr. BLOUNT. I am entitled to the floor; and I insist that the gentleman has no right under any such sophism as that to take me off the floor.

Mr. MILLIKEN. The gentleman should not undertake to quote me unless he allows an answer.

Mr. BLOUNT. The gentleman can not dictate to me. When he has made an announcement, I think I have a right to criticise it as a member of the House.

Mr. MILLIKEN. And when the gentleman states my remarks erroneously I have a right to correct him.

Mr. BLOUNT. But the gentleman wanted to go further and make remarks. I do not insist that the gentleman shall not correct me. But my recollection of the conversation was that the gentleman at first said there were cases in his district, and when I asked him how many, I understood him to say a great many; perhaps hundreds.

Mr. MILLIKEN. You made a mistake; you did not hear correctly; that is all.

Mr. BLOUNT. Well, it matters not. There are two gentlemen at all events whose constituents have such claims. They are coming from every quarter. They are held by myriads of people, but they are all to go before this court, and all on *ex parte* showing as to their character.

Mr. MILLIKEN. There is nothing *ex parte* about it.

Mr. BLOUNT. The gentleman says there is nothing *ex parte* about it. I would like to know how he would be able to go in and take care of the Government under the circumstances proposed by this bill any better than we are able to take care of it in the matter of claims pending before this House.

Mr. MILLIKEN. The bill itself provides for that.

Mr. BLOUNT. Well, there is a difference of opinion upon that subject, and I do not wish to be interrupted. Our own experience teaches us how much reliance is to be placed in the argument that we shall be able to guard the interests of the United States in investigations of that character.

Mr. MILLIKEN. Read the bill.

Mr. BLOUNT. I wish to say to the gentleman that I have carefully read the bill, and I am not able to observe that there is any better feature in it which protects the Government than is to be found in investigations in this House.

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired.

Mr. COX, of North Carolina. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has twenty minutes.

Mr. COX, of North Carolina. I yield ten minutes to the gentleman from Louisiana [Mr. HUNT].

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Louisiana for thirteen minutes, three minutes having been yielded to him by another gentleman.

Mr. HUNT. Mr. Speaker, assuming the knowledge upon this subject which faithful readers of American history have, it suffices for me to say that there was between France and the United States a treaty of alliance, a treaty of commerce, and a convention known as the convention of November, 1778.

In the stormy period of the French revolution the commerce of the United States was swept from the seas, in violation of our conventional rights, secured by the treaty with France.

When the plenipotentiaries of the United States resorted to Paris for the purpose of negotiating in reference to the spoliations thus committed upon American citizens they were unable to agree with the French plenipotentiaries, and it is so stated in the following language of the second article of the treaty of 1800:

The parties will negotiate further on these subjects—

The indemnities mutually claimed by the two countries—

at a convenient time, and until they may have agreed upon the points the said treaties and convention shall have no operation, and the relation of the two countries shall be regulated as follows, &c.

This convention was returned to the United States, and the Senate amended it to the effect "that it is agreed that the provision should be in force for the term of eight years." So stood the matter when it was brought to the attention of the First Consul, who was willing to ratify the convention as amended by the Senate of the United States:

Provided, That by this retrenchment the two states renounce their respective pretensions which are the objects of the said article.

The amendment of the First Consul was accepted by the Senate, and the treaty as amended was promulgated and became the law of the land.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Louisiana a question.

Mr. HUNT. I must beg my friend to excuse me, as I have but a very brief time.

The Constitution of the United States provides, article 5 of the amendments to the Constitution, that private property shall not be taken for public use without just compensation. Now, the citizens of the United States had these claims for spoliations committed upon the commerce of the United States by French vessels. They had property in the claims.

Property implies exclusive dominion. It can be given *inter vivos*. It can be bequeathed *mortis causa*. It may be transferred by deed or otherwise. It may be corporeal or tangible, or incorporeal and intangible as a claim. The richest property is frequently in claims. The richest hopes that are bequeathed are often those which are vested in claims, and the property in claims was that kind of property which was the subject of consideration and of final settlement by the convention between the high contracting parties; and it is property like this which, as well as other kinds of property, under the Constitution of the United States can not be taken except for just compensation.

Gentlemen here have dwelt upon the claims of France against the United States as of no account in this controversy. That great government deliberated upon them, not by the Emperor, as the gentleman from Indiana has erroneously called him, but by the First Consul, who took his stand upon them. They must be, he held, taken into consideration in the agreement about to be concluded, or he would not go into the convention at all.

The First Consul considered them as good claims and was willing to negotiate upon them, and provided they were received as a *quid pro quo* by the United States. Our plenipotentiaries could not treat except by way of mutual concessions of the claims of both governments. Now, what were our claims against France? They were for our commerce spoliated upon every sea. These were claims for damages inflicted upon a gainful, prosperous people, and whom unjust spoliation finally impoverished. By executing the treaty with France the Government of the United States gave up the claims. As against France they no longer existed; but they survived evidently in favor of the citizens interested against their own Government, which had parted with them for a valuable consideration.

Now, sir, it is only left for me to comment briefly upon the sentimental reading which the gentleman from New York [Mr. COX] has given us from Plunkett upon the doctrine of limitations. That gentleman tells of the beauties of this doctrine—the repose which comes from the oblivion which gathers about old claims. But he has forgotten altogether to tell us of the reason for the doctrine, and the application of it to the matter in hand.

Who ever heard of the doctrine of limitations being applied to parties always in court? Who ever heard that the doctrine could be applied to parties who like those here involved for one hundred years have been knocking at the gates of the Capitol. Who ever heard that the statute of limitations or law of prescription could have any such application?

Mr. Speaker, says Senator Sumner, a learned international jurist, who reflected honor upon his great State by his proficiency in that branch of law:

Memorials and petitions from the beginning testify to the sleeplessness of these claims. On the 5th of February, 1802, only forty-six days after the promulgation of the convention of 1800, they began, and they have continued from that early day down to this very session of Congress, making in all 3,293. Of these, 1,489 were in the Senate, 1,804 in the House. They are chiefly from original sufferers, their executors, administrators, assigns, widows, and heirs, residing in the large seaports from which the despoiled vessels originally sailed; but there are some from all parts of the country, where, in the vicissitudes of life, the representatives of original sufferers have been carried—all of which may be seen in a list of these petitioners.

Who does not know that unliquidated claims are hardly ever transferred from the nature of the case, because the transferee does not know the price he ought to pay? Who does not know, and none better than the gentleman from Georgia [Mr. BLOUNT], that if an underwriter pays a claim he is subrogated of right and ought to be to the claim? The truth is, this bill only gives to these people a *persona standi in judicio;* only a right to come into the courts of the country and promote their suits; only a right to say to the judges: We have had these claims pending before the country for a hundred years; allow us now to make due proof of them.

National honor is made up of an aggregation of individual consciences. The same sentiment that ought to lead the gentleman from Indiana [Mr. HOLMAN], and does lead him to be prompt in the payment of his debts, to refuse gratuities at the hands of others and to keep his promises, must apply *a fortiori* in the instant case to a country so great, so powerful, so wealthy as our country is.

And this brings me to the last remark I have time to make. I am sorry that a statesman, for the gentleman from Indiana holds that position, has been willing to say here that the Louisiana convention of 1803 provided for the payment of these claims. Says Senator Sumner:

The objection that these claims were provided for in the convention of 1803, for the purchase of Louisiana, is equally untenable. It is difficult to understand how such an objection was ever made; but the history of this question shows the strange shifts of opposition, especially when without any restraint from a knowledge of the subject.

I commend that language to the distinguished gentleman from Indiana, and also the language with which the report of Senator Sumner, as chairman of the Committee on Foreign Relations in the Senate of the United States, concludes, in which he says that Mr. Livingston,

then in Paris, and than whom nobody was perhaps more fully able to decide properly, had declared it to be beyond doubt, I might say *luce clarior*, that the convention of 1803 included no provision whatever for the claims under consideration; that the claims included in the convention of 1803 and known as the Louisiana compact were *dehors* the treaty of 1800.

And has it come to this, that claims of the magnitude of those provided for in the bill before the House concerning persons so deserving, and touching the national sentiment connected with our public history as a people, intimately interwoven with the administration of Washington, consecrated by the approval of Madison, depending on the construction of a strong, great, and powerful international compact, the other party to which was the First Consul of France—has it come to this, I ask, that such claims are to be dismissed on assertions which are trampled under foot on the best authority? Are we to be governed in a matter so high and important by the sentimental excursion of the gentleman from New York [Mr. COX] and his loose quotation from Mr. Plunkett on the doctrine of limitations, entirely inapplicable to the condition of the parties in interest? [Applause.]

Mr. COX, of North Carolina. I yield six minutes to the gentleman from New Jersey [Mr. PHELPS].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate disagreed to the amendments of the House of Representatives to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN to be the conferees on the part of the Senate.

FRENCH SPOLIATION CLAIMS.

Mr. PHELPS. This is certainly a piece of ancient history, but none the worse for its age, if it be a true piece. We are now at the end of the nineteenth century providing for the debts of the eighteenth. If they are just this delay is the strongest reason for our action; and that they are just I honestly believe, and to that conclusion public opinion has at last settled. Fortunately the origin of these claims is so simple that the obscurity of the past can not becloud it.

In our Revolutionary war we very generously but very foolishly guaranteed to France the security of her West Indian power. When the war grew fierce between France and England we of course did not make good our guarantee. We could not; so we were not to blame for this.

But we went further; we said we would not, and in official document we declared that our status should be one of absolute neutrality between the two contesting powers. For this we were to blame, and the French marine, hostile before to the English-speaking sailors who came from Great Britain, grew hostile to the English-speaking sailors from America. In their fury they set out on a career of destruction against every craft that was manned by Anglo-Saxon men. They destroyed many merchant vessels. The owners of these are the claimants in this case. Their government promptly demanded redress of the French Republic. We talked of $20,000,000. We were met by a counter-claim of two hundred and eighty millions damage which the French Republic had suffered because we had broken our treaty of guarantee.

Twenty millions against two hundred and eighty millions! The gentleman from Wisconsin would have hesitated. Not so our commissioners. They jumped at the bargain, and were too happy to call it quits. And their treaty was ratified more quickly than will be any of those now pending in the Senate.

By this convention the United States became the debtor in place of France to all who suffered from French spoliation. Nor did these claimants sleep on their claims. They followed down the centuries—I beg pardon, the century, although they may need to follow down the centuries. They followed the different Congresses down the century, and got what? Forty reports, of which thirty-eight were favorable and the other two decidedly unfavorable. They got committed in the reports which they prepared the greatest lawyers of the age—Webster, Clayton, Choate, Everett, Sumner, Cushing, each preparing one or more reports indorsing the legality of the case. Their minds were too robust to find in the ingenious but minute objection of my young friend from Wisconsin any obstacle to bar.

But these waking claimants got no money. It is time now that they did; and our committee to-day are taking a first step, not a long one, in the direction of giving them some. We are sending their claims to the Court of Claims, that they may there be judicially examined and judicially stated. And when they come out in legal shape I hope, and I hope that the House wishes, that the moral claim which they will have to payment may be promptly recognized. There are but two substantial objections. They tell us the claims are stale and assigned. Mr. Speaker, will there ever be a private claim against this Government which will not be so delayed as to be stale? Will there ever be a number of citizens, owning claims, who will not in this delay be forced by their necessities to sell their rights? But delay when the Government only is at fault and assignment are no bars to legal claimants. And these claims have the rights of law, not the charities of equity.

I trust, Mr. Speaker, this bill, the first step toward paying these old debts, may pass. It must if there is much chance that these claims of the eighteenth century shall be paid in the nineteenth, and not have to wait for the twentieth.

Mr. COX, of North Carolina. I yield one minute to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I do not propose, in the course of one minute, to discuss the merits of this question. I desire simply to call the attention of the House to the character of the bill which is before us, and upon which we are to pass.

This, I think, is the last claim growing out of the struggle of this country for its independence. These claimants have been knocking at the doors of Congress for a period of eighty years. This bill, it is true, does not provide that these claims shall be paid; it does not settle the merits of the question at all; it simply provides that these claimants who have been so long seeking redress shall have an opportunity to go into court and have their claims investigated and have the result of that investigation reported to Congress, leaving Congress entirely free to act in the matter as it shall deem best. Shall these claimants have an opportunity to go into court and establish their claims if they have any? Shall they have an opportunity to go into court and have their claims adjudicated so far as it can be done, leaving the court to give to Congress the information which it obtains in the course of that adjudication? That is the only question before this House.

[Here the hammer fell.]

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. COX, of North Carolina. I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. WARNER, of Ohio. I move that this bill be referred to the Court of Claims under the Bowman act, if that motion be in order.

The CHAIRMAN. It is not in order.

Mr. WARNER, of Ohio. Then I move to commit the bill to the Committee on Claims without instructions.

The motion was not agreed to.

The question was taken; and it was decided in the affirmative—yeas 181, nays 71, not voting 71; as follows:

YEAS—181.

Adams, G. E.	Dibrell,	Ketcham,	Robinson, W. E.
Aiken,	Dingley,	King,	Rockwell,
Alexander,	Dorsheimer,	Kleiner,	Rogers, W. F.
Atkinson,	Dunham,	Lacey,	Rowell,
Bagley,	Eaton,	Lamb,	Russell,
Barbour,	Elliott,	Lewis,	Seney,
Barr,	Ellis,	Libbey,	Seymour,
Bayne,	Evans,	Long,	Shively,
Belmont,	Everhart,	Lore,	Skinner, T. G.
Bennett,	Ferrell,	Lovering,	Slocum,
Bingham,	Findlay,	Lyman,	Smalls,
Blackburn,	Finerty,	McAdoo,	Smith, A. H.
Blanchard,	Foran,	McComas,	Smith, H. Y.
Routelle,	Funston,	McCormick,	Spooner,
Bowen,	Garrison,	Maybury,	Stephenson,
Boyle,	George,	Milliken,	Stewart, Charles
Bratton,	Glascock,	Mitchell,	Stone,
Breckinridge,	Green,	Money,	Strait,
Breitung,	Greenleaf,	Morrill,	Talbott,
Brewer, F. B.	Guenther,	Morse,	Taylor, E. B.
Brewer, J. H.	Hanback,	Moulton,	Taylor, J. D.
Broadhead,	Hancock,	Murphy,	Thomas,
Brumm,	Harmer,	Mutchler,	Thompson,
Budd,	Hart,	Nicholls,	Throckmorton,
Cabell,	Hatch, H. H.	Nutting,	Tillman,
Caldwell,	Hatch, W. H.	Oates,	Tucker,
Campbell, J. M.	Haynes,	Ochiltree,	Valentine,
Cannon,	Hemphill,	O'Ferrall,	Vance,
Chace,	Henderson, T. J.	O'Hara,	Van Eaton,
Clardy,	Herbert,	O'Neill, Charles	Wait,
Clay,	Hewitt, A. S.	O'Neill, J. J.	Wakefield,
Collins,	Hitt,	Patton,	Wallace,
Covington,	Hoblitzell,	Payson,	Washburn,
Cox, W. R.	Hopkins,	Perkins,	Wellborn,
Culberson, D. B.	Horr,	Pettibone,	Wemple,
Culbertson, W. W.	Houk,	Phelps,	White, Milo
Cullen,	Houseman,	Pierce,	Whiting,
Curtin,	Hunt,	Poland,	Willis,
Cutcheon,	Hurd,	Post,	Wilson, W. L.
Dargan,	James,	Potter,	Wise, J. S.
Davidson,	Johnson,	Price,	Wolford,
Davis, G. R.	Jones, J. T.	Ranney,	Worthington,
Davis, L. H.	Jordan,	Ray, Osslan	Young.
Davis, R. T.	Kean,	Reed,	
Deuster,	Keifer,	Reese,	
Dibble,	Kelley,	Rice,	

NAYS—71.

Ballentine,	Eldredge,	Matson,	Swope,
Beach,	English,	Miller, J. F.	Taylor, J. M.
Bland,	Forney,	Mills,	Townshend,
Blount,	Geddes,	Muller,	Tully,
Browne, T. M.	Graves,	Murray,	Turner, H. G.
Brown, W. W.	Halsell,	Neece,	Warner, A. J.
Bachanan,	Hammond,	Nelson,	Warner, Richard
Campbell, Felix	Hardy,	Peel,	Weaver,
Candler,	Hepburn,	Peters,	Welker,
Cassidy,	Hewitt, G. W.	Pryor,	White, J. D.
Clements,	Hill,	Randall,	Williams,
Cobb,	Holman,	Reagan,	Wilson, James
Converse,	Holmes,	Rogers, J. H.	Winans, E. B.
Cosgrove,	Jones, B. W.	Singleton,	Winans, John
Cox, S. S.	Jones, J. H.	Stockslager,	Wood,
Craig,	Le Fevre,	Storm,	Yaple,
Crisp,	Lowry,	Struble,	York.
Dowd,	McMillin,	Sumner, D. H	

NOT VOTING—71.

Adams, J. J.	Ermentrout,	Lanham,	Ryan,
Anderson,	Fiedler,	Lawrence,	Shaw,
Arnot,	Follett,	McCold,	Skinner, C. R.
Barksdale,	Fyan,	Millard,	Snyder,
Belford,	Gibson,	Miller, S. H.	Spriggs,
Bisbee,	Goff,	Morgan,	Springer,
Brainerd,	Hardeman,	Morrison,	Steele,
Buckner,	Henderson, D. B.	Muldrow,	Stevens,
Burleigh,	Henley,	Paige,	Stewart, J. W.
Burnes,	Hiscock,	Parker,	Sumner, C. A.
Campbell, J. E.	Holton,	Payne,	Turner, Oscar
Carleton,	Hooper,	Pusey,	Van Alstyne,
Chalmers,	Howey,	Rankin,	Wadsworth,
Connolly,	Hutchins,	Ray, G. W.	Ward,
Cook,	Jeffords,	Riggs,	Wilkins,
Dockery,	Jones, J. K.	Robertson,	Wise, G. D.
Dunn,	Kellogg,	Robinson, J. S.	Woodward.
Ellwood,	Laird,	Roscerans,	

So the bill was passed.

The following pairs were announced:

Mr. TURNER, of Kentucky, with Mr. GEORGE D. WISE, on this bill. Mr. TURNER would vote "no" and Mr. WISE "ay."

Mr. ROSECRANS with Mr. COOK, on this bill. Mr. ROSECRANS would vote "ay" Mr. COOK "no."

Mr. BARKSDALE with Mr. WOODWARD, on this bill. Mr. BARKSDALE would vote "no" and Mr. WOODWARD "ay."

The following were announced as paired on all political questions until further notice:

Mr. RANKIN with Mr. HOWEY.
Mr. MORRISON with Mr. HISCOCK.
Mr. FOLLETT with Mr. BURLEIGH.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. CARLETON with Mr. DINGLEY.
Mr. SPRINGER with Mr. STEWART, of Vermont.
Mr. ARNOT with Mr. BELFORD.
Mr. MULDROW with Mr. EVANS.
Mr. FYAN with Mr. MILLER, of Pennsylvania.
Mr. DOCKERY with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. VAN ALSTYNE with Mr. ELLWOOD.
Mr. WARD with Mr. STEELE.
Mr. SNYDER with Mr. GOFF.
Mr. ADAMS, of New York, with Mr. WADSWORTH.

The following were announced as paired for the day:

Mr. ROBERTSON with Mr. RAY, of New York.
Mr. FIEDLER with Mr. MILLARD.
Mr. GIBSON with Mr. JEFFORDS.
Mr. ERMENTROUT with Mr. ANDERSON.
Mr. LAWRENCE with Mr. LANHAM.
Mr. STEVENS with Mr. HENDERSON, of Iowa.
Mr. WILKINS with Mr. BRAINERD.
Mr. PAIGE with Mr. PARKER.

The result of the vote was announced as above stated.

Mr. COX, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 7964) to provide for the expenses and compensation of special messengers to be sent by the Secretary of State to the States respectively of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States in pursuance of the provisions of section 141 of the Revised Statutes of the United States.

CHINESE INDEMNITY FUND.

Mr. WAIT. On behalf of the Committee on Foreign Affairs I call up for consideration at the present time the bill (H. R. 1004) relative to the Chinese indemnity fund. The bill has been reported from the committee with amendments.

The SPEAKER. The bill referred to by the gentleman is in the Committee of the Whole House on the state of the Union. Does the gentleman move to go into Committee of the Whole or ask that the committee be discharged from the further consideration of the bill?

Mr. WAIT. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from its further consideration and that the House now proceed to its consideration.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized and directed to cause the residue of the indemnity received from China, which is now in the custody of the Secretary of State, and is known and designated in the accounts and reports of the Department of State as the Chinese indemnity fund, to be returned to the Chinese Government.

The amendments reported by the Committee on Foreign Affairs were read, as follows:

At the end of the bill strike out the words "returned to the Chinese Government" and insert "converted into coin, and the sum of $583,400.90 be returned to the Chinese Government, and the balance of said fund, if any, be covered into the Treasury of the United States."

Add the following proviso:

"*Provided*, That before the payment to China, the Secretary of State shall pay from said fund to the executors of Charles E. Hill the sum of $130,000, upon receipt of a release in full for all claims upon China for the use and loss of the steamer Kenjeor, in or about the year 1863.

Mr. WAIT. Mr. Speaker, I will detain the House no longer than is necessary to state the reasons which the Committee on Foreign Affairs believe call for the prompt passage of this bill and the pending amendments.

The bill now under consideration provides for the return, to the Government of China, of certain funds, now in the hands of the Secretary of State, known as the "Chinese indemnity fund."

In order that the House may fully understand the reasons which influenced the Committee on Foreign Affairs to report the bill with a favorable recommendation, I will, as briefly as possible, review the circumstances under which this money came into the custody of the United States. Under the privileges granted by the treaty of 1844, between the United States and China, known as the "Treaty of Wanghia," a large number of American citizens took up their residences in China, and engaged in various pursuits.

The opening of the Empire to foreigners, under the provisions of the various treaties with foreign countries, created a very hostile feeling among a large class of the Chinese people.

Between the years 1844 and 1858 numerous losses were sustained by American residents of China by reason of the destruction of their property through the acts of lawless bands of Chinese; the greatest number and the heaviest losses occurring after the year 1850, when the powerful revolt known as the Taeping rebellion broke out, which continued to render the power of the central government nugatory in a large section of the country for a number of years.

In 1858 these losses were scheduled by the United States minister in China, and a demand was made by him upon the Chinese Government for their payment. After some delay, and a reduction of the amount demanded to 500,000 taels ($735,258.97), a treaty was concluded between the two governments providing for the payment of this sum from the customs receipts at the three principal open ports of the Chinese Empire.

Under the provisions of an act of Congress two commissioners, Messrs. Charles W. Bradley, United States consul at Ningpo, and O. E. Roberts, United States vice-consul at Hong-Kong, were appointed to adjust the claims and award such sums as might be found to be justly due; their decisions to be final.

The commissioners appointed were both at the time residents of China, and familiar with all the circumstances under which the claims arose.

They met at Macao, in China, November 18, 1859, and concluded their labors on the 13th day of January, 1860.

Upon examination all the claims were found to be more or less exaggerated, and some to be entirely groundless; while others were presented by persons not citizens of the United States.

After paying all the claims to the apparent satisfaction of the claimants—no protest being filed in any case—with interest for five years at the rate of 12 per cent. per annum, there remained a surplus of more than one-third of the gross sum received from China.

As the money was paid upon the representations of the United States Government that it was required to cover losses arising from the destruction of private property of Americans resident in China which occurred prior to 1858, and as the terms of the treaty expressly specified that it was to be applied to that purpose, it followed as a matter of right and justice that the surplus should have been returned to China as soon as its amount had been ascertained. This course was recommended by President Buchanan, and has been repeatedly urged by every succeeding Executive, including President Arthur, yet no conclusive action has been taken by Congress to carry these recommendations into effect.

In consequence of this inaction on the part of Congress, the Secretary of State was constrained to direct the money to be sent to the United States for safe-keeping, and it was deposited in the vaults of the State Department.

In the exigency of the stringent money market during the civil war the money was used by the United States Government, and bonds of the Government were deposited with the Secretary of State to represent it.

The facts, as here outlined, clearly show that this "fund," which is still in the custody of the Secretary of State in the form of United States bonds, should be returned to the Chinese Government without further delay.

The fund having always been regarded and treated as the property of China—as it manifestly is—any increase in the nature of earnings which may have accrued during the pendency of its return attaches to the principal under the clearest construction of law and the simplest rules of justice and equity.

The question presented by the bill (H. R. 3766) is the claim of the owners and insurers of the bark Caldera, pillaged and destroyed by Chinese pirates in October, 1854, to five years' interest, at the rate of

12 per cent. per annum on the 60 per cent. of their original claim, which was disallowed by the board of commissioners in making their awards, with interest thereon at the rate of 5 per cent. per annum from January 26, 1860, to date.

After a careful review of all the evidence in this case the committee find, from the protest of the master of the Caldera, filed with the French consul at Hong-Kong immediately after the occurrence, and from other conclusive testimony, that the bark encountered a severe typhoon on her first day out from Hong-Kong bound for San Francisco with a cargo of tea; that the sails were "torn into shreds" and the vessel was so severely strained by the force of the gale and the heavy sea that she leaked very badly, necessitating the constant working of the pumps to keep her free; that after driving before the gale for two days she grounded while endeavoring to take shelter in a bay on the coast of the Five Islands, suffering considerable damage to her hull. After working off the bar upon which she had struck she anchored in the bay, the men being kept continually at work at the pumps to keep the water in the hold from gaining upon them; that while thus engaged the crew were surprised and overpowered by Chinese pirates and the cargo plundered; that at that time there was four feet of water in the hold, immersing about one-third of the cargo; that the vessel proved a total loss, and a large part of the cargo was carried away by the pirates; that upon being informed of this outrage the Chinese Government sent several war junks, in conjunction with war vessels of foreign powers, and dispersed the pirates, recovering a small portion of the stolen property. That both the hull of the vessel and her cargo had been seriously damaged by the elements and her rigging almost totally destroyed before she entered the harbor where the robbery was committed is placed beyond all question by the testimony of the master of the Caldera and others.

In considering this case the board of commissioners in China had recourse to the aid of experts, who testified as to the amount of damage sustained previous to the piratical attack, and reached the conclusion that it was 60 per cent. of the first cost, and they therefore allowed 40 per cent. of the claims, with five years' interest at the rate of 12 per cent. per annum, making a sum equal to two-thirds of the gross amount of the claim without interest.

As the rate of interest which prevailed in China at that time was 5 per cent., that rate should have controlled the commissioners in making their awards. By disregarding this rule, which governs all judicial tribunals, they actually gave to the claimants about 50 per cent. of their claims, with the lawful rate of 5 per cent. interest per annum for the five years contemplated in the awards, leaving but about 50 per cent. unpaid.

Under authority of an act of Congress approved June 19, 1878, the United States Court of Claims reviewed the Caldera claims and awarded to the claimants the disallowed 60 per cent., with interest thereon at 5 per cent. per annum from January 26, 1860, to the date of the findings of the court, amounting to $113,077.11, and that award was paid by the Secretary of State.

As the total amount of these claims, presented and scheduled by the United States minister in China, was but $90,009.60, they have been paid to date a sum about equal to the full amount of their entire claim, with 5 per cent. interest from the date of the loss to the date of the final payment made by the Secretary of State. This makes no deduction whatever for the damage previously done to the vessel by the elements, which, from the testimony adduced before the board of commissioners, was about 15 per cent. of her first cost, nor for the value of the portion of the cargo recovered, amounting to several thousand dollars.

The sum awarded by China was, in gross, to cover an entire list of claims; and the Court of Claims was right in finding for 60 per cent. of the claim with simple interest, instead of 60 per cent. with the interest prior to the payment of the fund compounded.

In view of all these facts the committee are of the opinion that these claimants have been paid every dollar to which they can possibly lay claim, and more than the merits of the case seem to have demanded.

To summarize: The United States Government, in making a statement of account against China, overcharged that government nearly 100 per cent. through inadvertence. This excess, with its earnings while withheld from China, should be returned forthwith.

The Caldera claimants have received their utmost equitable demands.

The sum received from China under the provisions of the treaty was $735,238.97. After paying all the claims there remained $239,165.77 in gold, which, when transferred to the United States and deposited in the State Department, yielded the sum of $390,223.72. This fund has been invested in United States securities, and at this time, with interest at the rate of 5 per cent. per annum added, amounts to $583,400.90, after having paid from it the Caldera claims, awarded by the Court of Claims.

The Secretary of State, writing to the chairman of the subcommittee under date of March 18, 1884, in answer to an inquiry, says: "The Department of State knows of no just claim against this fund."

The excess having been in reality the property of China from the day of its payment into the hands of the United States by every rule of justice, whatever it may have earned while in the custody of the Government of the United States is also the property of China by the strictest construction of law.

The committee therefore report the bill (H. R. 3766) adversely, and recommend that it lie upon the table; and the bill (H. R. 1004) favorably, with an amendment, and recommend its passage.

Mr. WARNER, of Ohio. I would like to know whether this claim for $130,000 which it is proposed to deduct has ever been adjudicated?

Mr. WAIT. It has been adjudicated in this way: This claim, the justice of which has been contended for by the representatives of the United States at the court of China and by the several Secretaries of State, has been virtually admitted by China to be just, and some of her prominent officials have said that when this fund was returned the amount of that claim with interest such as Congress should allow should be deducted.

Mr. WARNER, of Ohio. That is satisfactory.

Mr. WAIT. The Committee on Foreign Affairs have, after consideration of the whole matter, allowed on the loss of the steamer seized, &c., 5 per cent. interest from that time to the present. In round numbers it is $130,000, which we propose Congress should deduct from the sum to be returned to China.

I demand the previous question on the bill and amendments.

The previous question was ordered.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WELLER demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. WAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL MESSENGER TO GET ELECTORAL VOTE.

On motion of Mr. RANDALL, by unanimous consent the bill (H. R. 7964) to provide for the expense and compensation of special messengers to be sent by the Secretary of State to the States respectively of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States, returned from the Senate with an amendment, was taken from the Speaker's table and the amendment read, as follows:

In line 9, strike out "November" and insert "December."

Mr. RANDALL. The bill as introduced by me this morning was an exact transcript of the draught furnished by the Secretary of State. However, I think the Senate amendment is correct, and will move that it be concurred in.

The amendment of the Senate was agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

On motion of Mr. RANDALL, by unanimous consent the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, with amendments of the Senate, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed with Senate amendments.

PUBLIC BUILDING, TERRE HAUTE, IND.

Mr. LAMB, by unanimous consent, introduced a bill (H. R. 7967) to change the limit of the appropriation for the public building at Terre Haute, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HITT. I am instructed by the Committee on Foreign Affairs to move to take from the Speaker's table Senate bill 343 and ask its immediate consideration.

Mr. COX, of New York. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 77, noes 78.

Mr. WELLER. I demand the yeas and nays.

Mr. RANDALL. Let us take the vote by tellers.

Mr. HITT. I will not ask consideration of this bill to-night, but only that it be brought before the House and remain as unfinished business.

The SPEAKER. The Chair will state that the mere fact of bringing it before the House to-night would not give it any priority over other business. If the consideration of the bill should not be concluded to-day it would not come up as unfinished business, the day alone being set apart for the consideration of business reported from the Committee on Foreign Affairs.

Mr. HITT. The committee have unanimously instructed me to ask the consideration of this bill.

The SPEAKER. The question is on the demand of the gentleman from Iowa for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

Mr. STORM. I ask for tellers on the motion.

Tellers were ordered, 45 members voting in favor thereof.

AMENDMENT TO THE M'PHERSON BILL.

Mr. BRUMM. Pending the vote by tellers, I ask unanimous consent of the House to introduce and have printed in the RECORD a proposed substitute for the McPherson bill.

Mr. WELLER. I rise to a parliamentary inquiry. I desire to know, consent being given for the introduction and reference of that bill proposed by the gentleman from Pennsylvania, if it cuts off on to-morrow the presentation of a substitute for the bill?

The SPEAKER. The Chair will state that the gentleman from Pennsylvania proposes simply to have printed in the RECORD a proposed amendment to the bill. It is not yet a pending amendment.

There being no objection, the proposed amendment of Mr. BRUMM was ordered to be printed.

It is as follows:

Substitute for a bill to provide for the issue of circulating notes to national banking associations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. Strike out all of section 5224 of the Revised Statutes of the United States after the word "business," in the third line, and insert the following: "Or retire its circulation, or any part thereof has been made, the bonds deposited by the association to secure payment of its notes shall be reassigned to it in the manner prescribed by section 5162. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed and canceled at the Treasury of the United States. And if any such bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall cancel the bonds pledged for the circulation of said bank, and after providing for the redemption and cancellation of said circulation pay over any balance remaining to the bank or its legal representative."

SEC. 2. That any association organized under this act, or any of the acts of which this is an amendment, shall, upon the expiration of its charter, return to the Treasurer of the United States its circulating notes, or make a sufficient deposit of lawful money to redeem its outstanding circulation, whereupon the bonds deposited by the association to secure payment of its notes shall be reassigned to it in the manner prescribed by section 5162; and thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and said notes shall be redeemed and canceled at the Treasury of the United States. And if any such association shall fail to make the deposit and take up its bonds for three years after the expiration of its charter, the Comptroller of the Currency shall cancel the bonds pledged for the circulation of said association; and after providing for the redemption and cancellation of said circulation he shall pay over any balance remaining to the association or its legal representatives.

SEC. 3. That from and after the passage of this act the Treasurer shall not be permitted to issue or sell any United States bonds.

SEC. 4. That the Secretary of the Treasury be, and is hereby, authorized and directed to cause to be printed and engraved notes of the United States, in addition to those heretofore authorized, and of the same kind and character as those now in circulation, in denominations of one, two, five, ten, twenty, fifty, and one hundred dollars, to an amount not exceeding the aggregate national-bank-note circulation.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to substitute and pay out the notes hereby authorized, in lieu of the national-bank notes now outstanding and in circulation, as soon as said bank notes are redeemed.

SEC. 6. That for the purpose of carrying into effect the objects of this act the Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary and proper. And all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

ORDER OF BUSINESS.

The SPEAKER. The House having ordered tellers, the Chair will appoint the gentleman from New York, Mr. COX, and the gentleman from Illinois, Mr. HITT.

The House again divided; and the tellers reported—ayes 104, noes 43.

So the motion was agreed to; and the House accordingly (at 5 o'clock p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Petition of the Pennsylvania Club, of Philadelphia, favoring the Senate bill in aid of common schools—to the Committee on Education.

Also, petition of persons interested in tobacco industry in Philadelphia, against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. COLLINS: Memorial of Daniel Sheehan and other seamen, asking modification of the Dingley shipping bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. S. S. COX: Petition, with draught of bill, to reduce the expenditures of the Government in lighting its public buildings and grounds—to the Committee on Public Buildings and Grounds.

Also, petition of Louis P. Moros, to be appointed boatswain on the retired-list of the Navy—to the Committee on Naval Affairs.

By Mr. DEUSTER: Memorial of Chamber of Commerce of the City of Milwaukee, urging the necessity of much larger appropriations for improvement of the harbors of Ludington, Grand Haven, and Manistee, Mich.—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of the tobacco industry of Philadelphia, against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. EVANS: Petition of citizens of Philadelphia interested in the tobacco industry, against the Spanish treaty—to the same committee.

Also, resolutions of the Philadelphia Board of Trade, urging the passage of the Lowell bankruptcy bill—to the Committee on the Judiciary.

Also, petition of citizens of Montogmery County, Pennsylvania, asking for increase in widows' pensions—to the Committee on Pensions.

By Mr. EVERHART: Petition for relief of Michael Connelly—to the Committee on War Claims.

Also, petition of citizens of Philadelphia interested in tobacco, protesting against the Spanish treaty—to the Committee on Ways and Means.

By Mr. JOHNSON: Petition of Van Buren Miller and others, of Franklin County, New York, asking for increase of widows' pension—to the Committee on Pensions.

By Mr. MILLARD: Petition of the Pennsylvania Club, favoring the passage of the Senate bill in aid of common schools—to the Committee on Education.

Also, petition of the Maritime Association of the port of New York, favoring the passage of the Potter refunding bill.

By Mr. MITCHELL: Petition of B. V. Hawkins and others, of East Wallingford, Conn., urging increase of widows' pensions—to the Committee on Pensions.

By Mr. MURPHY: Petition of Hon. Moody Courrier, governor-elect of New Hampshire, and others, asking Congress to construct the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. NICHOLLS: Memorial of W. H. Roberson, county school commissioner of Wayne County, Georgia, urging the passage of the educational bill—to the Committee on Education.

By Mr. PARKER: Petition of Maritime Association of New York, in favor of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. PETERS: Paper relating to the claim of G. W. Veale—to the Committee on War Claims.

By Mr. PRICE: Petition of the Maritime Association of New York city, asking for the passage of the Potter refunding bill—to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the city of Milwaukee, in relation to the harbors of Grand Haven, Ludington, and Manistee, Mich.—to the Committee on Rivers and Harbors.

By Mr. RANDALL: Petition of persons engaged in the tobacco industry in Philadelphia, asking the rejection of the Spanish-American treaty—to the Committee on Ways and Means.

Also, petition of trustees, &c., of Church Orphanage of 525 Twentieth street, Washington, D. C., for $10,000—to the Committee on Appropriations.

By Mr. J. H. ROGERS: Memorial of citizens and visitors at Hot Springs, Ark., urging the passage of the bill regulating the Hot Springs reservation—to the Committee on the Public Lands.

By Mr. SENEY: Petition of the board of directors of the Merchants' Exchange of Saint Louis, against the Spanish treaty—to the Committee on Ways and Means.

By Mr. SLOCUM: Memorial of Charles A. Van Bokkelen, relative to the injustice done him by the Government of Hayti—to the Committee on Foreign Affairs.

By Mr. A. H. SMITH: Petition of 95 citizens of Lancaster County, Pennsylvania, against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. STEELE: Petition of National Temperance Union, asking favorable action on the sixteenth amendment—to the Committee on the Judiciary.

By Mr. STOCKSLAGER: Papers to accompany bill for the relief of Louisa Heath, widow of Milford S. Heath—to the Committee on Invalid Pensions.

By Mr. STORM: Petition of Bridget Smith and others, of Luzerne County, Pennsylvania, asking for increase of widows' pensions—to the Committee on Pensions

By Mr. J. D. TAYLOR: Petition of Ann Grundy and 10 others, of Bowentown, Ohio, asking increase of widows' pensions—to the same committee.

By Mr. WOODWARD: Memorial of the Chamber of Commerce of the city of Milwaukee, Wis., urging an increase of appropriations for the improvement of the harbors of Grand Haven, Ludington, and Manistee, in the State of Michigan—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 152 citizens of Waterville, Kans.

By Mr. ATKINSON: Of 80 citizens of Perry County, Pennsylvania.

By Mr. J. H. BREWER: Of citizens of Pennington, of Brown's Mills, of Mount Holly, and of Hammonton, N. J.

By Mr. BOYLE: Of citizens of West Newton, Westmoreland County, Pennsylvania.

By Mr. T. M. BROWNE: Of 61 citizens and ex-soldiers of Henry County, Indiana.

By Mr. W. W. BROWN: Of 126 citizens of Tioga County, of 23 citizens of McKean County, of 22 citizens of Tioga County, of 60 citizens of Tioga County, and of 100 citizens of Tioga County, Pennsylvania.

By Mr. CONNELLY: Of John G. Benden and 51 others, ex-soldiers,

and of H. C. Magee and 110 ex-soldiers, all of Luzerne County, Pennsylvania.

By Mr. CONVERSE: Of A. L. Gierhart and 52 others, of Fairfield County; of Owen Roberts and 144 others, of Franklin County; of J. E. Crooks and 64 others, of Perry County; of James M. Nye and 64 others, of Perry County; of R. O. Kittsmiller and 63 others, of Hocking County; of Walter Mundell and 186 others, of Franklin County; and of Solomon Perry and 116 others, of Fairfield County, Ohio.

By Mr. COOK: Of William Spencer and 50 others, of Eddyville; of C. H. Mackey and 100 others, of Sigourney; of John Morrison and 60 others, of Sigourney; of T. Saffegate and 100 others, of Searsborough; and of W. H. Percy and 100 others, of Marion County, Iowa.

By Mr. W. W. CULBERTSON: Of 127 voters of Olive Hill, Ky.

By Mr. ELLWOOD: Of 150 citizens of McHenry County, Illinois.

By Mr. EVANS: Of citizens of Tullytown, Pa.

By Mr. FORAN: Of 136 citizens of Adams County, Ohio.

By Mr. H. H. HATCH: Of citizens of Emmet County, and of Harbor Springs, Emmet County, Michigan.

By Mr. W. H. HATCH: Of citizens of Putnam County and of Macon County, Missouri.

By Mr. HEPBURN: Of W. O. Parish and 122 others, citizens of Hopeville, Iowa.

By Mr. HOLMAN: Of H. K. Rector and 47 others, of Switzerland County, Indiana.

By Mr. HOUSEMAN: Of F. N. Headly and 32 others, of Ottawa Station; of James Quick and 16 others, of Allegan County; of P. H. McBride and 24 others, of Holland; of Milton Chase and 60 others, of Otsego; and of J. E. Rice and 106 others, of Coopersville, Mich.

By Mr. HURD: Of Francis Kleinegger and others, of Ottawa County; of E. R. Furgeson and others, of Erie County; of William L. Crosby and others, of Ottawa County, Ohio.

By. Mr. KLEINER: Of 100 citizens and ex-soldiers of Evansville, Ind.

By Mr. LAMB: Of 110 citizens of Fountain County; of 64 of Warren County; of 52 of State Line, Warren County, and of 122 of Clay County, Indiana.

By Mr. LE FEVRE: Of A. O. French and 62 others, citizens and ex-soldiers of Mercer County; of Warren Clark and 127 others, citizens and ex-soldiers of Allen County; of Frank J. Lovett and 63 others, citizens and ex-soldiers of Auglaize County, Ohio.

By Mr. MILLARD: Of 20 citizens of Tioga County, New York.

By Mr. MORGAN: Of 90 citizens of Calhoun County, Missouri.

By Mr. MOULTON: Of 500 citizens of Raymond; of 500 citizens of Fayette County; of 500 citizens of Montgomery County, Illinois.

By Mr. MURPHY: Of 202 citizens of Monticello; of 108 citizens of Lyons; of 28 citizens of West Branch; of 64 citizens of Calamus; and of 156 citizens of Andrew Jackson County, Iowa.

By Mr. MURRAY: Of G. W. Ely and 200 others, citizens of Montgomery County, Ohio.

By Mr. PATTON: Of citizens of Smicksburg, Indiana County, Pennsylvania, and of citizens of Herman, N. Y.

By Mr. PAYSON: Of A. Goodell and others, citizens of Iroquois, Ill.

By Mr. PRICE: Of W. W. Wiman and 21 others, of Buffalo County; of William Rosenbush and 30 others, of Barron County; of W. E. Markham and 90 others, of Independence; and of Henry Glasspool and 91 others, of Dunn County, Wisconsin.

By Mr. PUSEY: Of C. O. King and others, of Hancock, Iowa.

By Mr. REED: Of Charles W. Keyes and others, of Franklin County, Maine.

By Mr. RIGGS: Of T. J. Musgrave and 62 others, of Lima, and of L. C. Carico and 114 others, of Elsah, Ill.

By Mr. SENEY: Of Joel W. Gibson and 123 others, of Wyandot, Ohio.

By Mr. STEELE: Of Joseph Gardner and 63 others, of Wabash; of John A. Lymons and 54 others; of Daniel Schuster and 103 others; of R. E. Torrence and 62 others; of John H. Barr and 74 others, of Roanoke; of William Scott and 185 others, Howard County, Indiana.

By Mr. STEPHENSON: Of John Fetzer and others, of Door County; of John Stumpf and others, of Stevens Point, Wis.

By Mr. D. M. SUMNER: Of citizens of Fond du Lac County, Wisconsin.

By Mr. J. D. TAYLOR: Of W. C. Hedges and 139 others, of Belmont County; and of C. F. De Long and 94 others, of Noble County, Ohio.

By Mr. TOWNSHEND: Of 125 citizens of Macedonia, Ill.

By Mr. WAKEFIELD: Of 60 ex-soldiers and citizens of Le Sueur County; and of 41 ex-soldiers and citizens of Redwood County, Minnesota.

By Mr. WELLER: Of William M. Dill and 104 others, of Volga; of Dr. R. C. Ambler and 105 others, of New Albin; of Hon. N. C. Deering and 60 others, of Osage; of E. J. Weisner and 86 others, of Decorah; and of C. J. Stilwell and 62 others, of Brush Creek, Iowa

By Mr. JOHN WINANS: Of C. M. Davis and 17 others, of Evansville; of Albert Stillman and 45 others, of Rock County; of F. A. Ames and 78 others, of Clinton; of R. M. Boyd and 52 others, of Racine; and of D. B. Devendorf and 38 others, of Delavan, Wis.

By Mr. WORTHINGTON: Of Hermann Abraham and 306 others, citizens of Knox County, Illinois.

SENATE.

THURSDAY, *January* 15, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceeding was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1829) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

The message also announced that the House had passed a bill (H. R. 1004) relative to the Chinese indemnity fund; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia;

A bill (H. R. 4273) for the relief of Madison R. Calvert; and

A bill (H. R. 7329) granting right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska.

PETITIONS AND MEMORIALS.

Mr. CONGER presented a memorial of the Chamber of Commerce of Milwaukee, Wis., in favor of increased appropriations for the improvements of the harbors at Grand Haven, Ludington, and Manistee, in the State of Michican; which was referred to the Committee on Commerce.

He also presented the memorial of Neal Sawyer, president, and Harry Beitler, secretary, in behalf of the Cigar-makers' Union, No. 209, of Coldwater, Mich., and the memorial of William Warner, president, and Nelson T. Fueher, secretary, in behalf of the Cigar-makers' Union, No. 130, of Saginaw, Mich., remonstrating against the tobacco clause in the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. CAMERON, of Wisconsin, presented a memorial of the Cigar-makers' Union, No. 162, of Green Bay, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. JONAS presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented the petition of Prudence Bond, widow of Richard Bond, a soldier of the war of 1812, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. PENDLETON presented a memorial of the Cigar-makers' Union, No. 182, of Eaton, Ohio, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Chamber of Commerce of Cincinnati, Ohio, remonstrating against the passage of the bill (S. 2374) to authorize the lighting of the navigable rivers of the United States with electricity; which was referred to the Committee on Commerce.

Mr. WILSON. I present a memorial of the Cigar-makers' Union, No. 72, of Burlington, Iowa, and a memorial of the Cigar-makers' Union, No. 60, of Keokuk, Iowa, remonstrating against the ratification of the proposed Spanish reciprocity treaty. These memorials were addressed to me personally, but are evidently intended for the consideration of the Senate. I ask that they may be received, and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection, the papers will be received and referred to the Committee on Foreign Relations.

Mr. FAIR presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a memorial of the Cigar-makers' Union, No. 182, of Eaton, Ohio, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SAWYER presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying that an immediate appropriation be made for the improvement of the harbors of Grand Haven, Ludington, and Manistee, in the State of Michigan; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. JACKSON. I am directed by the Committee on Claims, to whom was referred the bill (S. 1189) for the relief of the heirs at law of John Graham, to submit an adverse report thereon. The Senator from Oregon [Mr. DOLPH] desires to present the views of the minority, which will place the case on the Calendar.

Mr. DOLPH. I desire to present the views of the minority.

The PRESIDENT *pro tempore*. The Senator from Oregon asks leave to present the views of the minority on the bill just reported from the Committee on Claims. If there be no objection the views of the minority will be received and printed in connection with the report of the committee.

Mr. JACKSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5452) for the relief of John W. Martin, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. 1266) for the relief of Alexander D. Schenck, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2387) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, reported it with an amendment.

TESTS OF IRON AND STEEL.

Mr. HAWLEY. The Committee on Printing, to whom was referred a concurrent resolution to print the annual report of tests of iron and steel and other materials for industrial purposes, by Maj. F. H. Parker, United States Army, instruct me to report it favorably and without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of tests of iron and steel and other materials for industrial purposes, by Maj. F. H. Parker, commanding the Watertown arsenal, transmitted to the Senate by the Secretary of War on the 3d of December, 1884, be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

STATEMENTS BEFORE SELECT COMMITTEE ON ORDNANCE.

Mr. HAWLEY. The Select Committee on Ordnance and War Ships instruct me to ask authority to print certain statements and papers which will accompany their report for the use of the committee. I therefore offer the following resolution and beg its immediate consideration:

Resolved, That the Public Printer be, and he is hereby, directed to print for the use of the Select Committee on Ordnance and War Ships, and under the direction thereof, the statements and tables prepared to accompany the report of said committee.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2545) allowing the widow of William H. Hunt, late minister to Russia, one year's salary; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. McMILLAN introduced a bill (S. 2546) granting a pension to Charlotte C. B. Hatch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of California, introduced a bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; which was read twice by its title.

Mr. MILLER, of California. I wish to respectfully call the attention of the Committee on Pensions to the bill. The widow of this officer, who was one of the great commanders in our late war, is now receiving a pension of $30 a month, which is totally inadequate to her necessities. The bill I introduce proposes to increase it to the same amount that the widow of Admiral Farragut receives, $2,000 a year. That I believe to be just, and I am sure it will meet the approbation of everybody in the country. I ask the Committee on Pensions to be good enough to consider the bill as soon as possible. I move its reference to that committee.

The motion was agreed to.

Mr. BAYARD introduced a bill (S. 2548) to amend section 1000 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That Adolph Feininger have leave to withdraw his papers from the files of the Senate, no adverse report having been made upon his claim.

FORT BRADY MILITARY RESERVATION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. CONGER. Before we go to the Calendar I desire to ask unanimous consent to take up Senate bill 1374, Order of Business 982, for present consideration.

The PRESIDENT *pro tempore*. The Senator from Michigan has the right at this time to move that the Senate proceed to the consideration of any bill on the Calendar.

Mr. CONGER. Then I make the motion to take up the bill indicated.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site, and the construction of suitable buildings thereon. The question is on agreeing to the motion that the bill be now considered.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. MAXEY. In order to save time I will state that the Committee on Military Affairs report a substitute for the bill which is being read, which fills the blank, and which is somewhat different. It will save time to simply read the substitute reported by the committee.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the further reading of the text of the bill be dispensed with and that the amendment recommended by the committee be read. Is there objection? The Chair hears none, and the amendment reported from the committee will be read.

The Chief Clerk read the amendment reported by the Committee on Military Affairs, which was to strike out all after the enacting clause of the bill and to insert:

That the Secretary of War is hereby authorized to sell the military reservation known as Fort Brady, in the village of Sault Sainte Marie, in the State of Michigan, except that portion lying north of Water street extended, which shall be reserved for canal and wharf purposes, and except the plat of ground now occupied as a military cemetery, which shall also be reserved. In disposing of said property the Secretary of War shall cause the grounds to be platted in blocks, streets, and alleys, corresponding as near as may be with the plat of the village of Sault Sainte Marie, and in lots not exceeding one-quarter of an acre in each, unless with due reference to the requirements of the houses and buildings now located on said grounds. The Secretary of War shall also cause the lots to be appraised and sold at public or private sale, at not less than the appraised value, having first been offered at public sale. The expense of advertising appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the balance paid into the Treasury of the United States.

SEC. 2. That the Secretary of War is also authorized to purchase suitable grounds in or near the village of Sault Sainte Marie, and construct thereon necessary buildings, with appurtenances, sufficient for a four-company military post, to be known as Fort Brady, in accordance with estimates to be prepared by the War Department; and a sufficient sum of money, not exceeding $120,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act.

SEC. 3. That in platting these grounds the Secretary of War, in his discretion, may reserve all that part of the reservation lying south of Portage street, to be set apart and kept by the municipal authorities of Sault Sainte Marie as a public park for its citizens and the people of the United States.

SEC. 4. That section 1 of this act shall be of effect when the purchase of a new site provided for in section 2 shall have been effected.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MAXEY. I ask as a parliamentary question whether, now that the substitute proposed by the committee has been passed, it will be necessary to postpone indefinitely the original bill?

The PRESIDING OFFICER. The original bill is already disposed of by the substitute being agreed to.

INVITATIONS TO INTERNATIONAL EXHIBITIONS.

Mr. MILLER, of California. I move to take up the bill (S. 2436) to enable the President to accept invitations of foreign governments to international exhibitions and to appoint commissioners thereto, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

Mr. HOAR. Has the Calendar been laid before the Senate?

The PRESIDING OFFICER. It has been.

Mr. HOAR. I want very much to dispose of a matter pending on the Calendar which has been heretofore debated and discussed.

Mr. MILLER, of California. It will take but a few minutes to dispose of this bill. The Committee on Foreign Relations have directed me to ask the Senate to take up the bill.

The PRESIDING OFFICER. The Chair will state to both Senators that the question before the Senate is not debatable, unless by unanimous consent.

Mr. HOAR. I so understand, but I suppose the usages of the Senate permit the inquiry for an explanation when a bill is asked to be taken up, as to what the desire of the Senator is, and his expectation about the length of time which it will take. I understand that debate on such a motion must proceed by unanimous consent.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that whenever the Government of the United States receives official intimation from any foreign government that it is proposed to hold an international exhibition whereat the representation of the United States is invited, the President may, in his discretion, accept such invitation, and appoint honorary commissioners, without salary, to represent the United States at such exhibition. In order to defray the reasonable and necessary expenses of such commissions and such exhibit as the President may au-

thorize to be made, the bill appropriates $25,000, or so much thereof as may be required, to be immediately available, and to be expended under the direction of the Secretary of State.

Mr. SEWELL. I now offer the amendment which I heretofore proposed to the bill, and which is in print.

The PRESIDING OFFICER. The amendment offered by the Senator from New Jersey will be reported.

The CHIEF CLERK. It is proposed to strike out all after the title and insert:

Whereas the Government of the United States has received official intimation from that of Belgium that it is proposed to hold an international exhibition, which will embrace all industrial products, all goods forming objects of commercial transactions, and all objects and appliances of interest to navigation, to be opened at Antwerp, May 2, 1885, and will have a duration of at least five months, whereat the representation of the United States is invited; and

Whereas also, by its action as a government and by the active enterprise of merchants, the United States has attained and holds a prominent place in all that relates to the development of all industrial products, the extension of the great commercial relationship with other countries, based on the exportation of goods forming objects of commercial transactions, which now form an important factor in the national wealth, and it is expedient that the industries and interests thus concerned should be adequately represented on the occasion: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the invitation of the Belgium Government be accepted; and that, under the auspices of the Department of State, the United States commissioners to the World's Industrial and Cotton Centennial Exposition at New Orleans be, and they hereby are, instructed to prepare or cause to be prepared, upon the termination of said World's Industrial and Cotton Centennial Exposition, a complete and systematic representative exhibition of the Government exhibits at the exposition at New Orleans, and to take such further measures as may be necessary in order to secure a proper representation of the productions of our industry and of the nature of the natural resources of the country at the International exhibition to be held at Antwerp in 1885.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint three commissioners to represent the United States in the proposed exhibition at Antwerp, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the exhibits and contributions from this country, and to control the expenditures incident to the proper installation and exhibition thereof, and to the preparation of reports on the exposition.

SEC. 3. That the President be authorized, in his discretion, to assign one or more public vessels to transport to and from Antwerp, free of cost, under regulations to be prescribed by the commissioners to the Antwerp exposition, such articles of the Government exhibit as may be selected and prepared for transportation by the commissioners to the New Orleans exposition, and such other articles as may be offered for exhibition by the citizens of the United States.

SEC. 4. That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioners, made under the direction of the Secretary of State and with his approval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, for the purpose herein specified, which sum shall be expended under the direction of the Secretary of State.

Mr. MILLER, of California. There are quite a number of invitations from various governments that come in from time to time, requesting the United States to participate in international exhibitions. The first one about to occur, I think, is that in May or June at Antwerp. There is also to be an inventions exhibition in London this year, opening in May, and there have been other invitations extended. The committee thought that a general bill giving the President of the United States the authority to accept these invitations and have this Government properly represented would be the best course to pursue. The Senator from New Jersey and some other Senators think that such a bill as that goes a little too far, and he has offered a substitute, which relates solely to the exhibition at Antwerp.

I am not tenacious about the bill. Of course the Government ought to be represented at Antwerp. We have been invited by Belgium and urged to participate in that exhibition. A place has been kept open for the United States. The Belgian Government is very anxious that this nation shall be represented there; so there is a reason for the substitute; and there are reasons for passing such a measure even if the general bill should not be passed, but if the general bill should be passed it would provide for all cases, the London exhibition of inventions and all other international exhibitions. However, it would apply to none but those held under the auspices of some government. There is to be an exhibition in London next year which seems to be a private one. The general bill which I ask to have considered this morning would not include that exhibition. It is for the Senate to decide which of these courses it will pursue; but something ought to be done in reference to the subject immediately.

Mr. SEWELL. The only great international exhibition undisposed of at present, so far as we are concerned, I believe is the one at Antwerp, under the auspices of the Belgian Government. That exposition opens in May. It is extremely desirable that we should be represented there. Our merchants and manufacturers can there find one of the best and most central outlets in Europe for our products. Antwerp is the best located outlet with a view to railroad and water transportation that there is in Europe. The Belgian Government is very anxious that we should be represented there.

King Leopold of Belgium takes a great interest in the manufacturing interests of his own country. There is no other such level-headed, industrious business man in Europe as he is, occupying a similar position. He has even gone so far as to suggest to gentlemen interested that he would keep the American allotment boarded up until July, until the exhibits could be removed from New Orleans, and also that we could ship them from there direct to Antwerp. Belgium was represented at our great Centennial Exhibition, and is now represented by quite an exhibit at New Orleans.

I should not have any objection to the general bill if I thought it would not give rise to a discussion not alone here but at the other end of the Capitol, which would endanger the passage of any bill on the subject during this session. I trust that the substitute will be adopted.

Mr. PLATT. I wish that the Senator from New Jersey as well as the chairman of the Committee on Foreign Relations would consent that this matter may go over until to-morrow without prejudice, with a tacit understanding that it shall be taken up then, and for these reasons: There is to be held in London next May an international inventions exhibition, to which attention was specially called in the message of the President of the United States communicated to Congress at this session. I will read from the President's message what he says:

An international inventions exhibition is to be held in London next May. This will cover a field of special importance, in which our country holds a foremost rank; but the Executive is at present powerless to organize a proper representation of our vast national interests in this direction.

The inventors of this country have been very anxious that some bill should be passed by Congress which should enable the inventive progress of this country to be displayed at that exhibition, and I had supposed that under the general bill which it was proposed to pass something might be done.

It will be remembered that the Patent Office is the only branch of this Government which yields a revenue to the Government over and above the expenditures necessary to carry it on. There is in the Treasury of the United States to-day a fund amounting to something like $3,000,000 which has been derived from the Patent Office. It has been paid to this Government by inventors who have made applications for patents and to whom patents have been granted or whose applications have been rejected.

Certainly it is a matter of as much importance for this country to show what progress has been made in the art of invention as to show what progress has been made in any other direction by our people. The inventors feel that there can be no exhibition which can be more properly patronized by this Government than the exhibition which is to take place in London next May.

I am not prepared to submit any amendment and am not prepared to say exactly what I desire to do with reference to the matter before the Senate. Therefore I suggest that the bill may lie on the table until to-morrow morning, when it may be taken up and pressed to a conclusion. I hope the suggestion will be satisfactory to the Senators who are promoting and in charge of the bill.

Mr. SEWELL. If the chairman of the Committee on Foreign Relations will consent I have no objection to the bill lying over until to-morrow morning so that it may be amended to cover the views of the Senator from Connecticut, provided we have general consent to take it up to-morrow morning. It is very important that we should have early action upon it.

Mr. PLATT. We can take it up to-morrow.

Mr. COCKRELL. Mr. President, I simply rise to correct what I believe to be a very grave mistake of my distinguished friend from Connecticut; and he is not in the habit of making mistakes. I understood him to say that there was a surplus now in the United States Treasury of some $3,000,000 arising from the Patent Office fees paid into the Government over and above all the expenditures of that office. That statement has often been made, and it has long been claimed that the Patent Office was yielding a clear net surplus to the Government over and above all its expenses. I took some occasion last winter to have the matter thoroughly investigated and to have the figures revised, and when they were revised by the present Commissioner, General Butterworth, they showed a different state of facts from what had been represented. There is no $3,000,000 in the Treasury arising from that source, and it has only been within the last year or two that the office has been self-sustaining.

Mr. PLATT. Will the Senator from Missouri refer me to the document in which this revision of the figures has been made?

Mr. COCKRELL. I will refer the Senator to the distinguished chairman of the Committee on Appropriations, at whose instance the Commissioner was requested last session to revise and examine the report which he had already made and which had been printed, showing the immense surplus. The Senator from Kansas who is not now in his seat [Mr. PLUMB] (the Senator from Massachusetts [Mr. DAWES] was also present) and a number of us had doubted the correctness of these figures. We told the Commissioner we doubted them and asked him to go back to his office and revise and correct them and report to us the exact status, which he did, confessing that his printed report was incorrect, and he gave us the real figures.

Mr. PLATT. What is the amount which had been derived from the Patent Office over and above its expenditures?

Mr. COCKRELL. I do not remember exactly now. He gave it to us, however; but I do not know whether it has ever been printed in a document or not.

Mr. ALLISON. I will say to the Senator that the statement of the Commissioner of Patents to our committee only covered a single year

or two years. We did not ask him to go back, as my recollection is now.

Mr. COCKRELL. But the Senator will remember that the Commissioner told us he made his estimates on the estimates of his predecessors, and when he examined he found that his predecessors had left off a very large item of expense.

Mr. ALLISON. So I remember; but I think the Commissioner of Patents for the year 1883 stated to us that the excess of fees over expenditures, including all expenses for printing and everything connected with the expenditures of the office, amounted to $175,000 in round numbers.

Mr. COCKRELL. Last year?

Mr. ALLISON. That is my recollection.

Mr. PLATT. Of course, Mr. President, I have had no means of determining this question from conferences which have been had between the Commissioner and the Committee on Appropriations. The published documents of the Commissioner and all the official documents set forth that the fund amounts to about $3,000,000. I gave the figures in a speech which I had the honor to deliver here during the last session. I never heard any question made until to-day. Of course I have had no opportunity to investigate this new claim, but I venture to say that whatever revision the Commissioner may have put upon his former figures and estimates, there is still a very large surplus in the Treasury derived from the operations of the Patent Office.

Mr. ALLISON. There is no doubt of that, but what the amount is I would not like to state from the information given us by the Commissioner.

Mr. DAWES. Has this matter gone over?

The PRESIDING OFFICER (Mr. HARRIS in the chair). It has not. The Senator from Connecticut ask unanimous consent that the further consideration of the bill be postponed until to-morrow. Is there objection?

Mr. COCKRELL. Has the amendment of the Senator from New Jersey been printed?

The PRESIDING OFFICER. It has been.

Mr. MILLER, of California. There is no objection to the bill going over, retaining its place.

The PRESIDING OFFICER. The Chair hears no objection, and the further consideration of the bill is postponed until to-morrow.

FIRST NATIONAL BANK OF NEWTON, MASS.

Mr. DAWES. What is the pending business now, Mr. President?

The PRESIDING OFFICER. The Calendar under the eighth rule.

Mr. DAWES. I call for the unfinished business under that rule.

The PRESIDING OFFICER. There is no unfinished business during the morning hour.

Mr. DAWES. There was a bill before the Senate when the Calendar was last considered.

The PRESIDING OFFICER. The Secretary will report the bill referred to by the Senator from Massachusetts by title.

The CHIEF CLERK. Order of Business 378, being the bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. DAWES. The Senator from Indiana [Mr. HARRISON] had the floor when 2 o'clock arrived the last time the bill was under consideration.

Mr. HARRISON. Perhaps it is due to the Senate that I should complete the remarks which were interrupted by the arrival of 2 o'clock, when this bill was previously under discussion.

I had stated then as to $43,000 of this claim which was represented by Government interest-bearing bonds belonging to the Newton bank which were transferred by the fraudulent combination between the officers of that bank and the officer of the United States at Boston. I thought it was clear that the bank was entitled to interest; to pay interest to that extent would be simply returning what the Government received; but I think it is quite a different question whether the Government should pay interest on money that has come into its Treasury, and whether it is to return all the money that did come into its Treasury. As to the interest-bearing bonds, the principal as well as the interest did come into the Treasury of the United States, and in making restitution the interest as well as the principal should be repaid. I stated before that I thought it was quite a different question as to the money, the currency that came into the Treasury in the method which has been several times described.

It can not be said that the bank was without fault. Its managing officers, those who were held out to the world as authorized to deal with the public in its transactions were *participes criminis* in this fraud; they combined with the officer of the United States to enable him to practice a fraud upon the Government of the United States upon its Treasury.

Now it may be that the bank under the circumstances is not to be held bound by their act; that is, the United States having parted with no valuable thing on the faith of their act, as matter of law the bank is now entitled to say, "You pay us back that money." The courts of the United States have so held, and the doctrine of course is not to be impeached here by us, for I take it, as it was held in this case, that it is strictly *res adjudicata*. But what was the duty of the officer at Boston who attempted this fraud? What was the duty of the Secretary of the Treasury? Here is a claim made by this bank to have the currency put in the subtreasury returned. I take it that it must be admitted even by all who support this claim that the case was one where the officers in charge of the public funds of the United States might well challenge proof; that it was not a case where the United States Treasury at Boston, or the Secretary of the Treasury, the honorable Senator from Ohio [Mr. SHERMAN], I believe, at that time, upon this claim being made, could say "The money must be returned." It was plainly the duty of those officers to have that matter judicially investigated, to require proof to be made of the circumstances under which the money came into the Treasury. That proof, when it was made, disclosed fraudulent participation on the part of the officers of this bank, but not to a degree to hold the bank answerable for their act. Now it seems to me that when the principal is returned as to that sum, it is making an exception in a weak case rather than a strong one for the Government to pay interest upon that money.

I have not felt interest enough in this case to attempt to search out all the precedents that have relation to it or that might be thought to be in line with it or to throw light upon it; but, so far as I recollect, whenever the question of paying interest upon money refunded by the Government has arisen in any committee of this body of which I have been a member, and so far as I know has arisen on the floor of the Senate, in every case since I have been here interest has been refused. We are frequently having cases here where money has been taken illegally by a tax-officer of the United States in good faith but upon erroneous construction of the customs or internal-revenue laws of the country. The money is levied under duress, under stress of law; it is paid under protest; the party paying it is in no manner in fault; he is asserting his rights, but he yields to the power of the Government and pays the money in. I do not believe that in any case where the judgment of the collector has been reversed by the courts, and Congress has been appealed to to repay that money, we have paid interest. Perhaps we ought to pay it; perhaps in all such cases we ought to adopt on the part of the Government precisely the rule that would prevail between individuals. The Senator from Massachusetts [Mr. HOAR] may be right when he insists upon such a rule; but as to that I make this point, that if such a rule is to be established, it ought to be established by a general law, which would authorize the Court of Claims or any other tribunal having jurisdiction of a claim against the Government that appoints it to award it, and it ought to be made applicable to all cases of persons whose property is wrongfully taken or withheld by the Government, of all persons to whom the United States is indebted.

I object that in a particular case, contrary to the practice of the Senate, at least so far as my observation goes, interest should be allowed without any attempt to make general the rule which is applied here in the case of a bank that was not without fault, that had commissioned and introduced to the public officers who were corrupt men and whose participation brought about this very trouble—I object that in a case like that the rule should be applied when it is not applied in cases where there is absolutely no fault on the part of the claimant, but the money is exacted from him by the Government. I think in this case if this is to be the rule—and it may be the just rule—it should be made the rule by general provision of law, and not adopted in exceptional cases. So far as I recollect there never has been a claim passed in the Senate since I have been here upon which interest has been allowed.

Mr. DAWES. Mr. President, this bill has consumed so much of the time of the Senate that I should not feel justified in asking their attention to anything I might add to what has already been said upon the subject, did I not feel that the Senators who have opposed the passage of the bill have failed to understand the legal condition of this question, arising from their want of opportunity to understand all the facts of the case. I am quite sure the Senator from Michigan and the Senator from Missouri who have opposed this bill, just men as they are, although disposed as they are to guard the Treasury of the United States, if they really understood the facts as they exist and their legal bearing on this case, would be the last men in the Senate to oppose the passage of the bill.

The character of the transaction out of which this bill has arisen has been before the Supreme Court of the United States, and they have declared what is the legal condition of this case, and have declared that the funds of the Newton bank were stolen from that bank, that the United States was the receiver of the stolen goods with the guilty knowledge of its agent, who deposited them in its Treasury; I do not mean to say the guilty knowledge of anybody who has had the management of this affair except that agent. I agree with the Senator from Indiana, that the circumstances presented a case which called for investigation; but if the Senate desire to know what the Supreme Court of the United States say in reference to the facts in this case it is easily accessible. There were two banks robbed, both at the same time, and by the same men, and by the same process. One case had gone through

all the courts to the Supreme Court, and in the ninety-sixth United States Reports, The United States *vs.* The State Bank, the facts came before the court, and they declared that by a fraudulent conspiracy between two officers of the bank and an officer of the Government the bank was robbed of its securities and they were deposited in the United States Treasury by one of the guilty parties; and having been so robbed, the property, the title to the securities, still remained in the Newton bank, the securities and moneys were its property when they were deposited in the subtreasury by the guilty officer of the United States. The transaction itself is defined in the Massachusetts statutes as larceny. It could not be otherwise than larceny. A secret conspiracy to obtain clandestinely the funds of the bank and convert them fraudulently to the use of a third person is defined by the Supreme Court of the United States as larceny. The United States, then, without the moral guilt of anybody but the first party participating in it, received these bonds as receivers of stolen goods. With full knowledge of the facts communicated to them they prosecuted the offender and sent him to the penitentiary, and after that full knowledge the Newton bank demanded the return of its securities.

Mr. HARRISON. Will the Senator allow me to ask him, simply by way of information, what became of the officers of the bank?

Mr. DAWES. I shall not omit to discuss the fact that one of them was equally in the fraud and wrong, just as much a party to this larceny as the officer of the Government.

The Newton bank demanded its securities. The United States officers declined to give them up. The State Bank, which was robbed at the same time, commenced a suit against the United States to recover its securities. The Newton bank waited until within three days of six years for that suit to be decided, and it not being decided, and it not being able to wait any longer without losing its opportunity, commenced its suit. That suit was, by order of court, continued until the decision of the first case. In the decision of the first case by the Supreme Court it was held that the property in these securities continued in the bank, and that the United States in receiving them, stolen as they were, was holding them against right, and they must be delivered up.

The United States continued to resist the case of the Newton bank, and it was compelled to carry its case to judgment. In 1882, fifteen years after the transaction, which happened on the 28th day of February, 1867, after fifteen years of struggle to get the United States to deliver up what the law said were stolen goods in its hands, the bank got a judgment for the goods, and the United States then appealed that case to the Supreme Court as it had the other. Six months afterward the Attorney-General, upon examining the case, finding it to be precisely the case that had already been decided in the Supreme Court, withdrew his appeal, and then the Newton bank obtained its securities after the lapse of a little over fifteen years. It is now seventeen years since the transaction. What were the securities? Forty-seven thousand dollars of them were interest-bearing bonds of the United States, and the United States cut the coupons from those bonds that it knew—for the facts were all before it—were stolen from our bank, and the Supreme Court had declared that the property in those bonds was in the Newton bank. For fifteen years the United States cut the coupons from those bonds and put their proceeds into the Treasury; it took the other securities and sold them for cash, and the cash was either used to buy in its own interest-bearing bonds or was put in the place of money in the Treasury that was used for that purpose. The United States used the funds. The United States used our property fifteen long years before it delivered it up to us, and having had that use fifteen years—having put into its own Treasury our coupons and had the use of our money—at last under a judgment of court it says: "We will deliver you back your securities, but we will keep in our Treasury all they have earned." If these securities were at 6 per cent., they have more than earned in that time the full amount of the securities themselves. So the United States was able, if the position taken by my friend is correct, to hold property which the United States had declared it had no right to use until it had earned from it enough to pay for it. That is the legal position of this thing.

Of course I am charging no moral guilt upon any official of the United States except the one who stole the goods and deposited them in the United States Treasury. It was right and proper that the United States should, before it delivered them up, take the opinion of the highest tribunal, and it was right and proper and fair when it did obtain that opinion to make restitution not only of the principal which it had held all that time, but of all it had earned. It is precisely the same as if the United States during the war, or under any other circumstances, had taken possession of some building in this city for its uses, and held it against the owner and compelled the owner to resort to the courts to recover possession and at the end of fifteen years and under a judgment of the courts had come and said: "We will deliver up to you possession of this building of yours, but we will not pay you anything for the use of it." It is precisely the same thing as if A had stolen B's horse, and put it into C's hands with the guilty knowledge on the part of C that this was a stolen horse, and C resists the return of that horse for fifteen long years, and when the court compels him to return the horse he is to pay nothing for the use of it! That is the legal aspect of this case.

My friend from Missouri says it is a stale claim. It is, I am sorry to say, seventeen years old. But why is it seventeen years old? Is it from any omission on the part of the Newton bank to press its claim? The Newton bank made demand for the return of its securities immediately upon the disclosure of the facts and after the United States had indicted and sent to the penitentiary the guilty agent, and it waited six years within three days, and my friend from Missouri thought that was against it. I take it that instead of that being against the bank, it showed a disposition on its part to meet the United States fairly in an investigation. There was a suit pending all this time involving precisely the same facts, and when the bank's representatives commenced their suit at the end of the six years it was by the court continued until the other case could be decided; and when the other case was decided the United States instead of taking that decision to govern itself in this case continued its resistance in the Court of Claims, and it was several years then before judgment was obtained in the Court of Claims, and when it was had in the Court of Claims the United States appealed it to the Supreme Court, and it was six months after the appeal before the Attorney-General here on examination of the case found that it was precisely the same case decided already by the Supreme Court and withdrew his appeal.

Mr. SAULSBURY. The Senator will allow me to ask him whether any of the proceedings taken on the part of the United States in regard to this bank were intended for delay, or whether it was not action absolutely necessary to protect the Government from a claim that was made upon it? Was not the action of the officers of the Government perfectly legitimate?

Mr. DAWES. The Senator from Delaware is aware that, as I have already stated, I lay no charge of complaint against these officers. It was proper for them to make a fair, thorough investigation. If there is any ground of complaint against them on account of the delay, it is that after having had the decision in the first case they did not consider themselves as governed in this case by it. That they caused it to be delayed in the courts for the sake of delay I do not charge; and I do not charge that it was on the whole, according to the sense of duty of the officers, an unreasonable delay on their part; but it put us in such a position that the Senator from Missouri ought not to have charged upon us that this is a stale case. That was what I was meeting.

Then the Senator from Michigan said he could not understand how it was possible that the Supreme Court could have decided that the restitution should be made when the bank's officers were just as much in the fraud as the officer of the United States. Now, Mr. President, I think I can make that perfectly plain. It is under a principle of law that the Senator from Michigan will as quickly recognize as anybody else. The officers of the bank and the United States officer conspired and were equally guilty in the robbery and the reception of the stolen goods. The United States wants to hold on to the goods obtained by means of the fraud; it wants to ratify and adopt the fraud in order to hold on to the goods. The Newton bank repudiates the fraud. The United States can not claim any title or right whatever except through the fraud. The Newton bank, however, repudiates the fraud, goes into court and says: "You have through fraud our funds;" and the United States answers thus: "We have your funds through fraud, a fraud in which your officer participated as well as ours; now we will ratify and adopt the fraud and hold on to the funds." The Newton bank says: "No; you hold them by and through a fraud which can not give you any title;" and the United States Supreme Court discuss and decide that very point, and it seems to me to be as sound law as could possibly be enunciated. That is my answer to my friend from Indiana a moment ago. He says the bank was not without fault. The bank was without fault. It was an officer of the bank, like the officer of the United States Treasury, that was in fault. The bank was not responsible because one of its officers turned thief, and the bank is not to lose its title to its property because two thieves got together and put it somewhere else; and it can not be held by the person having it unless he ratifies and adopts the fraud itself.

One other objection on the part of the Senator from Michigan was that this was in the hands of speculators; that the claim to these securities had been sold by the receiver of the bank and sold for a farthing, and that speculators were prosecuting this claim in their interest. When asked for his proof, for the evidence, the Senator said that that must be so, although there was no evidence of it, and he finally in the argument put it "in the hands of speculators, perhaps," and thereupon argued "shall we pay interest to those who held it as speculators?" In the absence of all proof that this was in the hands of anybody except the real owners, my friend from Michigan ought to have abstained from that remark. My colleague is upon the committee which reported this bill, and he knows more thoroughly than I do all the facts in the case. But I happen to know of it, for it is a case which attracted so much attention in Massachusetts that every one had some knowledge of it. This statement was news to me, as it was to my colleague on that day, and we searched in vain in the record for anything to justify my friend in that remark, and my colleague has since put in my hands a letter written to him by the counsel in this case before the discussion came up, a gentleman of as high character as lives in Massachusetts, who, writing to him about the points in this case, without any disposition to cover any point in it, uses this language, which I desire to read as a statement of

a responsible member of the bar of Massachusetts, above possibility of reproach:

> This case is most meritorious in this, that the original sufferers will receive the money. The beneficial interest in not a single share of the stock has been transferred, I believe, from the beginning; and the stockholders and creditors at the time will receive the amount granted.

So that I think unless my friend can produce some evidence that this statement is not correct, he ought to give up that point. Now, sir, why should the United States——

Mr. CONGER. Will the Senator allow me a word about that?

Mr. DAWES. Certainly.

Mr. CONGER. The report shows that there was a receiver appointed for the bank who received the assets of the bank. There is nothing to show whether they were sold and whether this claim goes to one class or another. It is the duty of a party presenting his claim here to make a clean case, not for me or for any other Senator to make it for him.

One other thing I call the attention of the Senator to. There is nothing in this bill that tells to whom this money shall be paid. It does not say to the Newton bank. There is no such clause in the bill. I will not detain the Senate now, but I call the Senator's attention to that.

Mr. DAWES. Is it not a sufficient answer to the Senator from Michigan, as my colleague and the chairman of the Committee on Claims have suggested to me, in the absence of all evidence that this has been sold, that the statute prohibits the sale? In point of fact the receiver held these assets for the benefit of the bank. They have not been sold. From my personal knowledge I am justified in saying they have not been sold. If the Senator has any evidence that they have, let him present it and I will take back the statement. I put upon the record the statement of a member of the Massachusetts bar, than whose no name would go further in the assertion of a fact.

I was about to inquire why the United States should pay interest. It is true that when men deal with the United States they do not expect interest as between them and the United States unless there is an agreement to pay interest, because they deal with the United States on the cash principle. When they have contracts with the United States they expect cash down and get no interest, unless they stipulate for interest, and the United States does not in those cases pay interest. But this bank did not deal with the United States. The United States has held for fifteen years the securities of this bank, not with the consent of the bank but against its will. They were taken without right from us and were held by the United States for these fifteen years without right. They earned in that time more than the principal, and the United States has it in its Treasury at this moment. In all such cases interest should be paid. The Senator from Tennessee [Mr. JACKSON] has recited fifty cases, my colleague says. Look in the report and see the list of acts of the United States where the United States have given interest in cases where they had the property of a citizen without the citizen's consent; and look at the right of it. Is the United States to say to one of its citizens, "We have got into our Treasury, against your consent, your funds; we will keep them in our Treasury until their earnings will more than amount to the principal, and then we will turn them over to you and keep the benefit of their earnings." Nobody would put the United States in that position, but that is the position in this case.

Here was a small bank of $150,000 capital robbed of more than twice its capital in securities, and those securities came into the possession of the United States under circumstances that the Supreme Court say, at the end of fifteen years, "You should have returned them in the beginning." Without moral fault, in keeping them so long the United States has nevertheless kept them out of the possession of their rightful owner so long and they have earned to the United States more than the principal itself; and does the United States seek to put that in its pocket and deliver over the securities? That is why this bill should pass. It secures that end; and I do not think that the sense of justice of my friend from Michigan, as high and as keen as that of any other Senator, notwithstanding his proper and just zeal in defending the United States against unjust claims, can prompt him to put the United States in such a position as with one hand gathering without right property of the citizen and with the other reaping the profits of it until they amount to more than the principal, and then quieting itself and contenting itself with delivering up the principal.

Mr. CONGER. Mr. President, I should be very glad if any of the arguments which have been made by the two Senators from Massachusetts upon this bill relating to a claim of their constituents could satisfy me of the propriety of paying this $300,000 and over of interest on a claim where, it seems to me, the moral wrong of the initiation of the whole transaction was with the officers of this bank.

It is well enough for a Senator here to arraign the United States as a robber and its officers as thieves and villains, and quote the opinion of the Supreme Court in another case that in the case they were speaking of there was villainy and robbery on the part of the United States through its officers. But the Senator forgets that there was drawn out of the Treasury of the United States the very money in dispute by the officers of this bank. One of the officers of the bank, who procured this money to be taken from the bank and placed in the subtreasury to make the accounts balance when the examiner came along, was the man who drew out of the subtreasury by connivance with the subtreasurer this whole amount of money. A member of the firm of Mellon, Ward & Co., this report says, got the money out of the Treasury by collusion with the subtreasurer, and when his accounts were to be investigated by the examiner sent to see how the money in that subtreasury stood and to examine the accounts of the subtreasurer, the subtreasurer very naturally said to this officer of the bank, "Bring back that money that contrary to law I have taken out of my deposit of United States moneys and given to you for your use; put it back so that I can be saved." The obligation to return the money to the United States was above all this villainous transaction which, with that peculiar choice of language, the Senator from Massachusetts sees fit to charge against the United States as a whole and its officers as a part.

Mr. DAWES. Why, Mr. President, I did not make that statement. The opinion of the court says that it was "a villainous scheme;" I used the words of the Supreme Court.

Mr. CONGER. I said so; I said that in another case——

Mr. DAWES. No; in this case.

Mr. CONGER. In another case the Senator read a decision of the Supreme Court. Does he contend that this case ever went to the Supreme Court? The Senator says it was an analogous case; and because in that particular case on its own facts the court said a transaction was villainous——

Mr. DAWES. The chief-justice of the Court of Claims, in delivering the opinion of the court in this case, uses the words, "It was a villainous scheme."

Mr. CONGER. Yes.

Mr. DAWES. I did not use it quite as strong as that. I said that I acquitted every officer of the Government, except the original thief, of any moral guilt in this matter. The Senator knows that I did not lay to the charge of the Government any unreasonable delay. In answer to the Senator from Delaware I said that I could not say that there was unreasonable delay, but it nevertheless was a delay.

Mr. CONGER. Yes, the Senator said that. I am not speaking of that part of it.

Mr. DAWES. The Senator must not accuse me of calling the United States a robber. I did not do that.

Mr. CONGER. I did not talk about that part of the case at all. As usual the Senator has shielded himself behind the decision of the Supreme Court quoted here. He did not read from it but quoted it from memory with that remarkable tenacity of memory which can hit upon the very thing desired for his remarks.

Mr. DAWES. Here is the report made by the Senator from Tennessee in this case which shows the language of the court.

Mr. CONGER. I have the report before me. The Supreme Court never passed an opinion in this case, and never characterized it as I understood the Senator to say they had; but he says that in an analogous case they said that the other fellow was a scoundrel and a thief who dealt with the bank and that the Government justified the fraud by resisting it. Well, sir, I will not engage in a discussion with the Senator as to whether that be a proper observation to make against the Government of the United States, a great part of which the Senator is.

I was saying, and I ask attention to it because it has a bearing on this case, that the report showed on its very first page that a person by the name of Hartwell was cashier of the United States subtreasury in Boston, and that—

> While acting as such cashier he embezzled a large amount of the Government's money by lending the same to the firm of Mellon, Ward & Co., who were extensively engaged in stock speculations.

That is the first history, I think, of this transaction. The money in the subtreasury was loaned by Hartwell, the subtreasurer, to Mellon, Ward & Co. for stock purposes. As I said, when the examiner of the Treasury was coming around for his examination Hartwell very naturally went to the managing director of the bank, who was the managing man of Mellon, Ward & Co., and said: "Restore here, that I may be saved, the money I loaned you." He brought back these securities. Whether they were the exact securities and moneys which Hartwell, the subtreasurer, had loaned to the director of the bank, I do not know The probability is that they were. First they had been stolen from the Government and delivered over to Mellon, Ward & Co.; second, when the subtreasurer was in danger of an examination and of being found in the wrong, he asked Mellon, Ward & Co., or the manager of the bank who was manager of that firm, to place back in the subtreasury the securities he had let them have, and they did it. Up to that time then in justice and in equity, in law and in right, the manager of the bank and its cashier merely took out of the bank securities and moneys which came from the subtreasury and put them back into the subtreasury.

That is the history of this case undisputed on the record and on the first page of the report. The officer of the bank committed the first wrong and got the Government money into the bank's possession, and, as it was bound to do with its accomplice in iniquity, it restored it or its equivalent to the subtreasury, and there it was at the time of the examination, and thus the accounts were made good. When it had served the purpose of making the subtreasurer's accounts good the bank

wanted the securities shifted back again to the manager and cashier of this bank. From the beginning until the end, from the best reading that I can find and from all the testimony, this money or its equivalent was first loaned from the United States by the partner of Mellon, Ward & Co., or borrowed, and it was put back to cover up the fraud and to save Hartwell, the subtreasurer; and then it was to go back again. Here was this money floating back and forth between the Treasury of the United States and this bank with the connivance and consent of its manager, for the purposes of fraud all the way through. That is what makes me wonder how any court, when the case was properly presented as it is in the report, could have decided, the first wrong being the possession of the Government property to this amount by a fraudulent connivance of its officer, that when it was restored, although it may have been in fraud of some right, it could be claimed that it belonged to the bank or anybody else but the Government.

But I will not dwell upon that. I think this case lacks so much evidence and the bill is drawn in such a way that the report throws no light upon it. This property and all the property of the bank, with all its rights, went into the hands of a receiver, as the report shows. I have a right to conclude that all that did belong to the bank then belonged to the receiver and went to pay the debts of the bank, for it is said it was robbed, and in order to keep the bank going the old stockholders had to renew their subscriptions and make a new deposit.

I say there is nothing before the Senate to show that the deficit of the subtreasurer was not caused by the loans of the subtreasurer to the officers of the bank. There is nothing in the report or in the bill to show who will receive this interest; what estate. The bill says that interest shall be paid upon a judgment rendered. Rendered to whom? Who received the proceeds of the former judgment? The bill is worded so carefully that it does not even tell to whom the money shall go, either by implication or directly, and there is nothing to show who will receive this interest. It is the duty of those coming here to demand this three hundred or more thousand dollars of interest on money that the bank officers have stolen from the Government, and which these same iniquitous bank officers for an iniquitous purpose restored to the subtreasury, to show to whom the money is to go. There is nothing in the bill or in any of the proceedings here to show that any one of the innocent sufferers of the bank will receive one cent of this amount if it is returned.

I think this report lacks having given attention to the *prima facie* considerations which the report itself sets up. Commence with the fraud of the officers of this bank in robbing the subtreasury, and then follow it with the connivance of the subtreasurer and of Mellon, Ward & Co., and the general manager of the bank and the cashier of it, these securities finally got back into the subtreasury where they belonged, where they should have been. It was the money of the Government that was stolen; it was the money of the United States that was returned. But for the managing director, both of the bank and of the firm of Mellon, Ward & Co., with the connivance of the cashier, who, the report says, was under his influence and direction, the Government never would have been robbed in the first instance; there never would have been any occasion for carrying on this drama of iniquity between the officers of this bank and an unfaithful officer of the Government. If Senators can see how the Treasury of the United States can be protected against ten thousand times ten thousand claims that can be brought up in Congress on all the innumerable matters which have been settled and the judgments paid and the cases disposed of years after the occurrences took place—if Senators can see how they can protect the money of the people of the United States by the passage of such a bill as this, be it so; but I can not. Here the officers of this bank engaged in the first iniquity, and took the money in the first instance from the United States; and afterward, for a temporary purpose, for the sake of their colleague in complicity, they tried to make good the United States, temporarily, and the United States got possession of its own money. I do not see how a court would ever return it to the bank, and, least of all can I see with what kind of propriety any man who has examined even this report can come here and accuse the United States and its honorable officers, who have kept the money in the Treasury, of villainy and robbery up to this time, and defend a bank whose principal officers first stole from the United States, and then placed the money they had stolen back, temporarily, to conceal their fraud, and then came and got a judgment against the United States and received back the whole of what they had first stolen from the United States, and now, years afterward, come in here and demand more than the principal to be paid in interest.

Sir, I have done what I conceive to be my duty in thus calling the attention of Senators to a case which has not been investigated enough; and if the Senate shall pass this bill it will open the way for a long army, a long line of claims, innumerable in number and overshadowing in importance, which will gather around the Treasury of the United States and demand compensation. So far as I remember the cases and have had an opportunity to know them, I venture to say that there is not one single case of the great array which have been submitted here in the course of the administration of this Government, which is on all fours with this, where interest has been paid. Questions of public policy in our treaty stipulations, questions of public right and of public demand enter into many of the cases cited in the report, like the Alabama claims treaty questions, which do not affect the general course of the United States. In regard to many of those cited interest has been paid, not to those who first stole the money from the United States and then got it again, not to the original trespassers, but where there was in equity and right a reason why the Government should not only restore the value of the property taken, but also should make remuneration for its use

Mr. HARRISON. Will the Senator from Michigan allow me to ask him a question?

Mr. CONGER. Yes, sir.

Mr. HARRISON. I understand from his statement that the managing director of the bank was concerned in the original fraud.

Mr. CONGER. Yes, sir; and the managing director of the firm which took the original money out of the Treasury.

Mr. HARRISON. I wish to follow that with a suggestion. If that be true, that director was undoubtedly a stockholder in the bank, and the bill would then return to him his share as a stockholder in the bank of this very money, notwithstanding that he was the party who originally got the money which was extracted from the United States Treasury. Unless he is excepted from the benefits of this proposed act he as a stockholder of the bank would be getting a share of this very money.

Mr. CONGER. I should like to read from the report, so that it shall not be, as the Senator from Massachusetts says, with some little undercurrent of malignity, that——

Mr. HOAR. Will my friend allow me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. CONGER. For what purpose?

Mr. HOAR. The Senator will permit me to say in reference to what——

The PRESIDENT *pro tempore*. The Senator from Massachusetts will please address the Chair. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. CONGER. I will yield as soon as I read from the report.

The PRESIDENT *pro tempore*. The Senator from Michigan declines to yield.

Mr. CONGER. I call the attention of Senators to the beginning of the report. It begins in this way:

> That on and prior to February 28, 1867, Julius F. Hartwell was cashier of the United States subtreasury in Boston, Massa While acting as such cashier he embezzled a large amount of the Government's money by lending the same to the firm of Mellon, Ward & Co., who were extensively engaged in stock speculations. As the time for the examination of the funds in the subtreasury approached, March 1, 1867, when Hartwell's accounts would have to be passed, some plan had to be devised by the guilty parties to prevent or delay exposure. The device resorted to and put in operation was to procure funds and assets of innocent third parties to be placed temporarily on deposit in the subtreasury till the examination was had, and then to be immediately withdrawn again, and thus tide Hartwell and his associates in the embezzlement over the crisis. Edward Carter, the active financial member of said firm of Mellon, Ward & Co., who concocted this scheme with Hartwell, was a director in the First National Bank of Newton, and seems to have possessed not only the confidence of, but unlimited influence over, E. Porter Dyer, the cashier of said bank. By means of this confidence and influence, and in execution of his and Hartwell's fraudulent conspiracy, Carter procured from Dyer the money, bonds, securities, and checks of the First National Bank of Newton, to the amount of $571,025, which were deposited in the subtreasury on February 28, 1867, Hartwell giving a receipt therefor, as cashier, that the deposit was "to be returned on demand in Governments, or bills, or its equivalent"—

Not this money—

> This receipt, being in the name of Mellon, Ward & Co., was immediately indorsed by Carter, as follows: "Pay only to the order of E. Porter Dyer, jr., cashier"—

The cashier of the Newton bank—

and signed, Mellon, Ward & Co.

That is the condition of the case, and I have expressed it as plainly as language can, that the paying of this money back into the bank by Dyer, the cashier, by Carter, the director, and by Mellon, Ward & Co., who had received this money, or Carter had received it from Mellon, Ward, & Co., of which firm he was the manager, shows that it was the second transfer. When this got back into the Treasury of the United States it was the third transfer of money: first, from Hartwell to Carter, the managing director of the bank; second, the return by Carter of this or other proceeds in equivalent amount to make Hartwell good; and third, the decree of the court, which found that this money belonged to the officers and stockholders of the bank on account of the fraud of Hartwell and of Dyer. There can not be a plainer case.

If it had been a clear case on the other side it did not need fifteen or twenty pages of report to show it. There were many other things which ought to have come in, to which I have alluded. There is no notice taken of the obligation of the bank to make good the fraud or the borrowing of these officers, of Carter, the director, from the subtreasury in violation of all law. There is no attempt to make the United States good, but the company come and get back the money which belongs in right and in law and in equity to the United States, and when they got money enough to pay back this which I say they never had the right to, they have the effrontery to come into this Congress and ask to be paid over $300,000 of interest on these securities while they were in litigation.

Now, sir, I think the precedent to be established for such a payment of interest on such a claim as this, crimsoned all over with iniquity and fraud and wrong and treachery against the Government of the United States, will be very unfortunate on future claims that may come before Congress; and that is why I oppose the bill more than that I know or care anything about the persons in this case. I know and care nothing in regard to who this money goes to as a matter of fact. It seems as if a large part of it would go to the principal actor in these frauds.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The Senator from Michigan will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. SLATER] to the text of the bill.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I should like to make a remark before that motion is put.

The PRESIDENT *pro tempore*. Does the Senator from California withdraw the motion?

Mr. MILLER, of California. I do, to enable the Senator from Illinois to make a remark.

Mr. CULLOM. I do not feel disposed to resist the motion of the Senator from California to go into executive session, for the reason that, as I am informed, there are some important considerations why there should be an executive session to-day; but I desire to say that when the interstate-commerce bill, which now goes upon the Calendar as unfinished business, is again taken up, I hope that the Senate will allow the consideration of it to go forward until it is concluded.

HOUSE BILL REFERRED.

The bill (H. R. 1004) relative to the Chinese indemnity fund was read twice by its title, and referred to the Committee on Foreign Relations.

PRINTING OF DOCUMENTS.

Mr. MILLER, of California. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. MANDERSON. I hope the Senator from California will allow me to make a report from the Committee on Printing.

Mr. MILLER, of California. I will yield for that purpose.

The PRESIDENT *pro tempore*. Does the Senator from California withdraw his motion?

Mr. MILLER, of California. For the present.

Mr. MANDERSON. I report back from the Committee on Printing without amendment a resolution to print certain documents, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator from California withdraws his motion, and the Senator from Nebraska asks unanimous consent to make a report from the Committee on Printing at this time. Is there objection? The Chair hears none. The resolution reported by the Senator from Nebraska will be read.

The resolution was read, as follows:

Resolved, That Senate Executive Document No. 78, Forty-seventh Congress, first session, parts 1, 2, and 3, be included in the publication of the 500 copies of Senate Executive Documents No. 112, Forty-sixth Congress, No. 194, Forty-seventh Congress, and No. 26, Forty-eighth Congress, ordered printed by resolution of the Senate on the 13th instant.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution. The Chair hears none. The question is on agreeing to it.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 7964) to provide for the expense and compensation of special messengers to be sent by the Secretary of State to the States, respectively, of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7964) to provide for the expense and compensation of special messengers to be sent by the Secretary of State to the States, respectively, of Iowa and Oregon for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States; and

A bill (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

EXECUTIVE SESSION.

Mr. MILLER, of California. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 15, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. WILKINS. I demand the consideration of the special order.

The SPEAKER. The Chair will first, if there be no objection, lay before the House certain executive communications.

PURCHASE OF PRIVATE DIE STAMPS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting letters from the Commissioner of Internal Revenue relative to a proposed appropriation to pay purchasers of private die stamps commissions erroneously withheld; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC ORDER DURING INAUGURATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the commissioners of the District of Columbia for an appropriation of $10,000 to enable them to maintain public order during the ceremonies attending the dedication of the Washington Monument and the inauguration of the next President; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY RESERVATION, FORT MONROE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation of $21,600 for the purchase of land required to enlarge the military reservation at Fort Monroe, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

CARE OF IRONCLADS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Navy of appropriations to pay contractors for the use of their yards by the ironclads Puritan, Amphitrite, and Terror; which was referred to the Committee on Appropriations, and ordered to be printed.

NEZ PERCÉ INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Interior of an appropriation for the removal of the Nez Percé Indians from the Indian Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT EXPENSES, MILITARY ESTABLISHMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of expenditures from the appropriations for the contingent expenses of the military establishment for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the War Department.

BREAKWATER, FALKNER'S ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers concerning preliminary survey for breakwater at Falkner's Island, Connecticut, and the river and harbor at Niantic; which was referred to the Committee on Rivers and Harbors.

CUYAHOGA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of the channel known as the Old River Bed in Cuyahoga River; which was referred to the Committee on Rivers and Harbors.

SURVEY OF LAC LA BELLE HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers on surveys of Lac la Belle Harbor, Wisconsin; which was referred to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that

the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4273) for the relief of Madison R. Calvert; and

A bill (H. R. 7329) granting right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska.

WHIPPLE CREEK, ILLINOIS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting report from the Chief of Engineers of preliminary examination of Whipple Creek, in Quincy Bay, Illinois; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LIEUTENANT SCHWATKA'S REPORT.

The SPEAKER. Under the statute the Chair lays before the House the following concurrent resolution of the Senate for reference to the Committee on Printing.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 8, 1885.

Resolved by the Senate (the House of Representatives concurring), That the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance be printed, and that 3,500 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

The resolution was referred to the Committee on Printing.

REPORT ON GEOGRAPHICAL CONGRESS AT VENICE.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *January* 14, 1885.

Resolved by the Senate (the House of Representatives concurring), That the report of Capt. George M. Wheeler, United States Army, on the Third International Geographical Congress and Exhibition at Venice, Italy, with the accompanying illustrations, transmitted to the Senate by the Secretary of War on the 10th of December, 1883, be printed in quarto form, and that 3,500 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the Department of War.

REPORTS ON LABOR IN EUROPE.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *January* 14, 1885.

Resolved by the Senate (the House of Representatives concurring), That the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of the United States consuls on labor in Europe, be printed; and that 1,500 additional copies be printed for the use of the Senate, 2,500 copies for the use of the House of Representatives; and for the use of the Department of State 4,000 copies; and 10,000 additional copies of the Secretary's letter, of which 1,500 shall be for the use of the Senate, 2,500 for the House of Representatives, and 6,000 for the use of the Department of State.

CONTINGENT EXPENSES OF WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the expenditures from the appropriations for contingent expenses of the War Department for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

HARBOR AT PORTSMOUTH, N. H.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers on the preliminary examination of Little Harbor at Portsmouth, N. H.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRAINERD, from Monday morning, for five days, on account of important business.

LEAVE TO PRINT.

By unanimous consent, Mr. ROBINSON, of New York, obtained leave to have printed in the RECORD some remarks on the French spoliation bill.

WITHDRAWAL OF PAPERS.

On motion of Mr. BROWNE, of Indiana, by unanimous consent leave was given to withdraw from the files of the House, without leaving a copy, the papers in the case of Nimrod D. Kineaster; there having been no adverse report thereon.

NATIONAL-BANK CIRCULATION.

Mr. WILKINS. I call for the regular order, and ask to take from the Speaker's table the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

The SPEAKER. The gentleman from Ohio [Mr. WILKINS], under the special order made on the 15th of December last, calls up for consideration the bill S. 1155. The bill will be read.

The Clerk read as follows:

A bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

Be it enacted, &c., That upon any deposit already or hereafter made of any United States bonds bearing interest in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 2. That associations organized for the purpose of issuing notes payable in gold, under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest with the Treasurer of the United States, shall be entitled to receive circulating notes to the amount and in the manner prescribed in this act for other national banking associations.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. There has been so much confusion that, although paying the most careful attention, I have been unable to gather the drift of the bill as read by the reading clerk. I desire to inquire if the bill as read is what is known as the McPherson bill.

The SPEAKER. It is.

Mr. WELLER. Then I desire to inquire if it be proper at this time to offer a substitute for that bill?

The SPEAKER. The gentleman from Ohio [Mr. WILKINS] has the floor. The gentleman in charge of the bill under the rules of the House is entitled to the floor.

Mr. WILKINS. I only desire to take a moment this morning in making a brief statement of the object of this bill.

Mr. HENLEY addressed the Chair.

Mr. WILKINS. I decline to yield to the gentleman. As I have stated, I desire only to take a moment in explaining the object of the bill, and will yield the balance of my time.

Mr. HENLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENLEY. There was a great deal of tumult and confusion in the Hall at the time the gentleman from Ohio took the floor to call up the bill to which he is just about to speak. I did not know he had done that. I supposed when he opened his mouth just now he was on the floor for the purpose of calling up for consideration that measure. I intended to antagonize it with another matter which I have in charge.

The SPEAKER. That could not be done, because this day is set apart or dedicated by order of the House for the consideration of the two bills mentioned in the order.

Mr. MILLS. Could we not raise the question of consideration?

The SPEAKER. The House has set apart this day immediately after the reading of the Journal for the consideration of the bills. The order differs from a case in which a bill is made a special order merely. In that case the question of consideration can always be raised.

Mr. HENLEY. The Chair then rules that the question of consideration can not be raised?

The SPEAKER. The Chair thinks not when the House has dedicated the day to the consideration of measures.

Mr. HENLEY. Then I beg to state that the notice I gave the other day will be rescinded on account of the condition of other business, and on Saturday I will call up the bill for the forfeiture of land grants to the Northern Pacific Railroad.

Mr. MILLS. What arrangement is to be made about the discussion of this bill? How much time is to be given for its discussion? We desire that both sides shall have an opportunity to be heard.

Mr. WILKINS. I was just about to proceed to make a statement to the House when I was interrupted by the gentleman from California.

It is not my purpose, Mr. Speaker, to take up the time of the House this morning in discussing this bill. I shall content myself with making a plain statement of the substance of the bill, and leave discussion to others; and I do this in order that other gentlemen who desire to be heard may have an opportunity, and that there may be full and fair discussion of this measure for a little while to-day.

Mr. MILLS. How long?

Mr. WILKINS. I expect that we shall call the previous question perhaps about half past 2 o'clock, thus giving two hours for the discussion of the bill.

Mr. MILLS. We desire to have an opportunity for a fair and full discussion of this bill.

Mr. WARNER, of Ohio. I trust that the previous question will not be called in an hour and a half from this time.

The SPEAKER. The gentleman from Ohio [Mr. WILKINS] has the floor.

Mr. MILLS. But we want to know what opportunity our side is going to have to be heard on this bill?

Mr. WILKINS. The gentleman has no right to assume that I am upon the one side or upon the other, except that I am in favor of this bill.

Mr. MILLS. And I am against it.

Mr. WILKINS. I have no right to assume that the gentleman is on the other side.

Mr. MILLS. I think the gentleman from Ohio owes it to those who are opposed to this bill to give them some reasonable time to discuss it and not attempt to put it through under the gag law. And he will find it much easier to pass the bill by giving a fair opportunity for discussion than in the other way.

Mr. WILKINS. That is no doubt true.

The SPEAKER. The gentleman from Ohio [Mr. WILKINS] now has the floor to discuss this bill. When the proper time comes the Chair will, of course, recognize other gentlemen to make appeals to the gentleman in charge of the bill.

Mr. WILKINS. The fact is, Mr. Speaker, that our committee has but this afternoon for the discussion of two measures. Since the beginning of the Forty-eighth Congress the Committee on Banking and Currency have been endeavoring to be heard upon this floor, but not until we got this special order have we had an opportunity. I desire to extend to every gentleman upon this floor the opportunity of being heard for a short time—necessarily for a short time—upon this bill.

Now, Mr. Speaker, I desire to state the reasons why this bill is before Congress. At the assembling of this Forty-eighth Congress, in December, 1883, when the reports from the Departments were received, the Secretary of the Treasury, in his annual report, says:

The Secretary of the Treasury has been compelled, on account of the large receipts of revenue in excess of expenditures, to call in rapidly for payment that portion of the bonded debt which is payable at the pleasure of the United States. During the year ending November 1 more than one hundred and five millions ($105,322,450) of the public debt has been paid, and all of the remaining 3½ per cent. bonds, amounting to $91,596,250, have been called for payment, and ceased to bear interest on November 1. Notwithstanding the fact that two hundred and sixty-two new banks were organized during the past year, with a capital of $28,654,350, depositing $9,375,550 of bonds as a security for circulating notes, the aggregate amount on deposit for that purpose has diminished from $362,490,650 to $352,907,300, a reduction of $9,583,350. More than forty millions of 3½ percents held by the banks on November 1, 1882, have been withdrawn or called for payment; the threes have increased less than twenty-two millions, and the fours and four-and-a-halfs less than nine millions.

Unless there shall be legislation by the present Congress which shall reduce the receipts of the Government it is probable that the United States bonds will continue to be paid at the same rate as during the past year, in which event all the threes will be called for redemption within the next three years. This will reduce the bonds held by the banks from three hundred and fifty-three millions to one hundred and fifty-one millions, and cause a contraction in the national-bank circulation of about sixty millions per annum.

And further on in his report he recommended that his Department be authorized to issue circulating notes to national banks to the amount of 90 per cent. of the market value, the average market value of the bonds, for the twelve months prior to the deposit of bonds deposited as security. And, sir, in conformity with these views and recommendations a bill was introduced in the Senate by the Senator from Ohio, Mr. SHERMAN, and another by the Senator from Vermont, Mr. MORRILL. Other bills, no less than five in the Senate and possibly as many in the House, have been introduced, each embodying the views of its particular author although widely different in general plan, yet with the same end in view, namely, "to prevent undue contraction of the currency."

There was a funding bill introduced by Senator ALDRICH, and upon this floor two funding bills were introduced by my colleague [Mr. POTTER, of New York] because of this recommendation of the Secretary of the Treasury. Senator MCPHERSON, of New Jersey, introduced a bill in the Senate which received the consideration of that body—I hope I am not transcending the rules of this House in stating that fact. The bill introduced by Senator MCPHERSON received the consideration of the Senate as against all other funding bills and as against all other measures of relief presented in that body, and it passed there and has come to us for consideration.

This bill provides for an increase of the circulation of national banks from 90 per cent. of the par value of all classes of Government bonds deposited with the Treasury to secure such circulation to 100 per cent. or the par value of the bonds so deposited, but not to exceed the then actually paid-up capital. That is to say, the circulation based upon the bond is limited to the par value of the bond and to the sum the Government promises to pay the holder of the bond.

This, sir, is in brief the substance of the bill we are called upon to consider to-day. It is so simple, so comprehensive, that discussion seems a waste of time.

Mr. YAPLE obtained the floor.

Mr. HENDERSON, of Iowa. I suggest to the gentleman in charge of this bill that an effort be made to reach an understanding as to the length of time to be occupied in debate.

Mr. WILKINS. I am perfectly willing to arrive at some understanding. I am quite ready to give the gentlemen opposed to the bill an hour and fifteen minutes, and we will occupy the same length of time.

Mr. MILLS. Say one hour and a half on each side.

Mr. YAPLE. Mr. Speaker, this interruption does not come out of my time?

The SPEAKER. It does not. The Chair understands that an effort is being made to arrive at some understanding as to the time to be occupied on the bill.

Mr. WELLER. This is too important a measure to be discussed on either side in an hour and-a half.

Mr. HENDERSON, of Iowa. I suggest to the gentleman from Ohio that an hour be given to each side.

Mr. WILKINS. I would be very willing to do so; but, unfortunately, the other side will not consent.

Mr. MCMILLIN. Permit me to suggest that one or two hours' consideration for a measure making a vital change in our banking system is too short, and such a limitation ought not to be contemplated. I will suggest that the discussion for the present run on, and later in the debate we can better tell how much time is needed.

Mr. WILKINS. If the House will consent that after occupying to-day the bill go over till to-morrow, we are perfectly willing the discussion shall continue as long as gentlemen may desire.

Mr. BUCKNER. Mr. Speaker, there are only two measures from this committee to be considered—the pending bill and the bill known as the "Dingley bill." If we confine ourselves in this discussion to the matters which really relate to the bills, if we do not run off into irrelevant and extraneous discussion, an hour on each side ought to be sufficient, and should enable members to discuss the question, and the House to decide it; but if general debate affecting everything connected with the national banks and legal-tenders is to go on, I presume two weeks would not satisfy the demands of gentlemen who would wish to engage in such discussion. I suggest, therefore, that my friends and the House ought to be satisfied with an hour on each side. I am opposed to this bill, and shall speak against it.

Mr. WARNER, of Ohio. I hope the House will not assent to having the discussion on this bill cut off with a single hour's debate on each side. I regard this bill as the most important measure before this House, and a fitting discussion of it cannot be had in one hour on either side. There should not be less than three hours allowed; and then the speakers must confine themselves strictly to the questions at issue.

Mr. WELLER. May I be permitted to make a suggestion? This is a bill, as I understand, changing in a large degree the financial policy of the Government; and it does seem to me to involve matters of so much importance that there should be a full and free discussion of the merits of the bill, so as to make but little consideration necessary upon the bill which is to succeed it. I hope, therefore, that the time for discussion will not be limited even to two hours or two hours and a half. I desire that there shall be at least three hours' discussion—an hour and a half on each side.

Several members called for the regular order.

The SPEAKER. The regular order is demanded.

Mr. WILKINS. I desire only to give notice to the House that we propose to call the previous question at 3 o'clock, and will give half the time to gentlemen opposed to the bill.

The SPEAKER. The gentleman from Michigan [Mr. YAPLE] is entitled to the floor. The House will be in order so that the gentleman may be heard.

Mr. YAPLE. Mr. Speaker, the real question before the House is how to make it profitable to the national banks to furnish the people a currency adequate to the demands of business. The Government is at the feet of Shylock. It is thought by some that the passage of this bill will induce the banks to increase their circulation. Will this gift of $32,000,000 be a sufficient inducement? We have no assurance from the banks, and therefore we do not know. They are not compelled to take out another dollar of circulation. Will they do so? We do not know. Would it not be better to appoint a committee to ascertain just what their terms are? This appropriation may not be large enough. We are groping in the dark; the result is uncertain. Even the friends of the banks disagree. One gentleman says that if we do not pass this bill the banks will surrender their circulation. Another gentleman says that if we do pass this bill it will have the effect to increase the premium on the bonds so high as to tempt the banks to sell their bonds and go out of the banking business. The same result will follow—contraction of the currency—whether we pass the bill or not. What are we to do? What can we do to induce these gods who preside over the world of finance to save us from the evils of contraction? We are in their hands, and all we pray for is mercy. This is a Government of the banks, for the banks, and by the banks. Nobody denies that. If anybody ever did deny it, the spectacle of Congress making this bargain with them for a sufficient volume of currency would be conclusive evidence.

I think, sir, that the people have made sufficient offerings to those gods, and I shall vote against this proposition. I shall vote against any measure that tends to increase or perpetuate this national-bank currency. The ultimate object to be secured by this legislation is the perpetuity of the national banking system. That involves a perpetual national debt. There is no other basis for the system.

There can be no credit—

Says the Secretary of the Treasury—

reliable enough for the basis of a national paper currency except the national credit. Nothing, therefore, but the bonds of the Government can perfectly secure a national-bank note circulation. Nothing else will answer the purpose.

No one seriously proposes any other security. Now, it is the duty of the Government to do the best thing it can with its debt, and that is to pay it. No one in this discussion will dare to openly advocate the perpetuation of our debt for the purpose of having it as basis for the national banking system, and yet unless it is to be continued this

measure will only breed greater evils. It will increase the volume of bank currency to be retired with the payment of the bonds and in the end produce greater contraction. As a measure of relief from the evils of contraction it will be worse than a failure. As a means to fasten upon the people the burden of a permanent debt it will have dangerous force and effect. Every vote cast in favor of this bill will be a vote cast in favor of continuing a bond-based circulating medium. The bank note has no other source of life than the debt. To preserve the one you must continue the other.

It is not necessary that the nation continue in debt in order that it may possess itself of a sound currency, and it will not. The debt will be paid, and the national-bank currency must give way to some other. What will it be? It ought to be a currency cheap, convenient, and safe. It ought to be a legal tender for the payment of debts; or, in other words, possess the quality of money. The Government should never allow anything to pass as substitute for money. The legal tender should be equal in amount to the wants of business. It should be issued and its volume be controlled by the Government. Every argument which can be urged against a currency issued and controlled by the Government is equally good as against the currency issued and controlled by the banks. The bank currency is not an elastic, flexible currency. It does not increase and diminish in volume in answer to the demands of business. Its volume is not regulated by the requirements of trade. It depends on the profit it yields to the banks. In order to secure a dollar of it the Government must first guarantee a profit to the banks. In order to keep it in circulation it must continually increase that profit.

We have never had a more dangerous, treacherous currency, not even the wild-cat State-bank currency of former years. It is a political currency. It contracts under the prospect of Democratic success. It expands when the returns show a Republican victory. It was contracted $22,000,000 in the year 1876 and $15,000,000 in the year 1877 for no other reason in the world than to secure the success of the Republican party. It was contracted during the year 1881 and during the last year for no other purpose than to influence national legislation. The national banking association is a huge political machine at work in every township and village of the Union, subsidizing the press and corrupting the ballot.

There is nothing which can be said in favor of this currency which can not be said in favor of Government currency. The Treasury note has every virtue possessed by the bank note. It bears the impress of nationality. It circulates in every part of the Union. It does not stop at State lines. The bill-holder is perfectly secured.

It possesses virtues which the bank note does not. The profit on its circulation inures to the people. It saves interest. It is lawful money for the redemption of the bank note. It is legal tender.

We have always been compelled to resort to Government currency in emergencies. Banks of issue are banks of failure in every crisis of war or peace. It was the Treasury note that furnished the sinews of war when "liberty hung trembling in the balance." It armed and equipped the mightiest army that ever trod the earth. It built the strongest navy that ever floated the waters. It lighted the fires in our furnaces. It turned our rivers to weaving, carving, and grinding. It won the battle for freedom and saved the nation. It ought to be as sacred to us as the flag. [Applause.]

The banks instead of rendering any service to the Government are, like mendicants, always clamoring for aid from the Government. Already there have been introduced in this Congress, in their interest, bills to repeal the tax on their circulation, to give them the privilege of loaning money on real estate security, to suspend the coinage of silver, to refund the debt, and the bill under consideration to increase the profits on their circulation.

On what ground is this kind of legislation—increasing the profits of the business of a certain class by an act of Congress—justified? Is it on the ground that the people derive a benefit from the existence of the business? That is the ground on which the protective tariff and every other system of robbery is defended. That is the ground on which the invasion of the rights of the people by railroad corporations is justified. That is the ground on which every monopoly is built. The people derive a benefit from the existence of any legitimate business, and we have no right to discriminate and say that one business shall have a profit secured to it by the Government and that another must take care of itself.

Is it on the ground of necessity? There is no necessity. The Government is independent of the banks if it will but use its rightful powers. The plea of necessity is a confession that the Government is a failure.

Is it on the ground of expediency? Class legislation is the expedient of despotisms. Democracy knows no class but the whole people. This is the kind of legislation against which Lincoln warned us, legislation "placing capital above labor in the structure of the Government." It is the sickle with which capital harvests the fruits of labor.

It is a matter of regret that any one professing to be a Democrat should be the advocate and defender of a measure like this. A Democrat should vote favoritism and monopoly out of our laws; a Democrat should represent the people.

Sir, it is not bread that the banks are begging for; it is power. The purpose of all these measures is to give them increased power over the currency. They are seeking the control of all property and values which power over the currency gives. Where should this power rest? That is the supreme question. I oppose this bill because it helps to determine this question in favor of the banks. We are told that it would be unsafe, that it would be a dangerous experiment, to trust the exercise of this power to Congress. The theory of popular government can not exclude the exercise of sovereign powers from the representatives of the people. You can not lodge this power elsewhere without changing the nature of the Government. If the credit of the Government is a thing of value, is property, it is the property of the whole people, and we have no right to allow any individual or combination of individuals to appropriate it to their own private use and emolument. The constitutionality of the national bank can not be claimed except upon the theory that it is the fiscal agent of the Government to do the will of the Government with respect to the currency. That is the theory of its existence, but it is only a theory.

These moneyed corporations tremble at the idea of the people taking possession of the Government. Why should they? Is democracy a peril to capital?

What is democracy but justice enacted into law? The argument used to sustain the policy of delegating the control of the currency to national banking associations would end in delegating all the powers of Government to corporations. It would end in the destruction of the representative principle of our Government. History shows that this old argument against popular government, that it is unsafe to trust the people with power, has no foundation in fact. The experiment which all the world predicted would fail, the Republic of America, is proving a magnificent success. We need not fear the people. The more power they exercise the more democratic will be the Government. We have not yet half realized the idea of democracy.

The national banks for a long time found shelter behind the Constitution. That has been the fortress of every great wrong. That was the instrument with which treason first armed itself to destroy the Union. Logic failed and the sword was drawn. The issue of the battle was that the Constitution established a nation. It would seem that there are a few relics of the ante-national period. During the debate upon this very bill in the department of the Government "where wealth accumulates and men decay" [laughter] the Constitution was the weapon used to kill all measures to substitute Government currency for the notes of the banks. The same weapon was then used for the purpose of cutting down the Government.

Every national banker is an ultra-strict constructionist. He denied the constitutional right of the Government to issue paper money, even as a war measure. He acquiesced in the course taken by the Government during the war, because he was a patriot (?) and was willing that anything should be done to save the Union. But when the Supreme Court decided that the Constitution was not the grave of popular government, and that not only a "war" but a "peace" greenback was constitutional, he begun war on the Constitution. That decision will stand, however, and the Constitution will never be amended so as to limit the rights of the people. "A throne," said Napoleon, "is a mere block of wood covered with velvet." Yet kings exercise the very power which is here sought to be taken from the sovereign—the people. The national banker would make our Constitution mean less than the block of wood stripped of its velvet covering. He would even convert it into a guillotine to behead the sovereign.

Why should the United States be deprived of this function of government? What is the argument in favor of the exercise of this function by corporations, creatures of the Government? That its exercise by Congress would be a dangerous centralization of power. Where should power be centralized? In the creature instead of the creator? Power centralized in a single man gives us a king. Power centralized in a class gives us an aristocracy. Power centralized in the hands of the people gives us democracy. [Applause.] A proper centralization of the powers is necessary to a just distribution of the benefits of government. When the Secretary of the Treasury says that the recent legal-tender decision of the Supreme Court casts a "dark cloud over the financial outlook" he speaks against democracy. He speaks in favor of an aristocracy of wealth. That decision is simply a declaration of our national independence in money matters as well as in other matters. The tories in Wall street may rail at it, but the people welcome it as their shield and protection against the incoming flood of the power of national banks. To one who believes in panics as a means of grace I have no doubt it bodes evil.

This is a currency question, not a banking question. I am not opposed to banks. I recognize their necessity. As institutions for loaning money, receiving deposits, and buying and selling exchanges they render an essential service to commerce. As an agency of trade they are second in importance only to money itself. Our civilization can not dispense with them any more than it can dispense with merchants and railroads. But the issue of currency is not a function of banking. It is a function superadded to banking. Banking is a private business.

The issue of currency for the people is a public act; it covers the whole nation; it is the business of the nation. Even England has outgrown the dogma of Wall street—that there should be a union of banking functions with those of issue. The issue department of the Bank of England is an office of the state, and Prof. Bonamy Price tells us that the nation receives twice as much profit from the issue as the

bank. We are not keeping pace with monarchies, and so long as New York makes our laws we will be in the rear. If we must get our financial policy from England, let us not go to her graveyards for it. Let us not adopt a system which she has outgrown and thrown aside. Let us not wear her old clothes. That is toryism gone to seed. [Laughter.]

The advocates of this measure urge it as a remedy for the contraction of the national-bank circulation. Is it a remedy? What is the cause of this contraction? It has been well answered, the high premium value of the bonds. What will be the effect of the passage of this bill? To increase the premium value of the bonds. Will not that aggravate the difficulty? "No," answer these homeopathic doctors of finance, "like cures like." The evils of a currency whose movements depend on the fluctuations of the bond market can not be cured or mitigated by any such treatment as this. The only sure cure is death. The national banks are simply private money-making institutions, and the currency which they furnish to the people must first yield a harvest of wealth to them. If we depend upon them we must make it more profitable for them to take out circulation than to sell their bonds. In so far as the appreciation of the value of the bonds neutralizes the benefits conferred by this bill, so far will they, regardless of the public welfare, feel coerced by their own interest to sell their bonds and retire their circulation. This is a "public-be-damned" kind of currency. [Laughter.] Its movements are regulated wholly in the interests of greedy, grasping corporations. Their concern for the people is the concern of the wolf for the lamb.

Suppose, however, these homeopathic doctors are correct in their opinion, and the bill has the effect predicted by them, how will it affect the tax-payer, the man who pays the bonds? He might properly be called the forgotten man in every act of Congress. These bonds constitute a mortgage on his property. To increase the premium value of the bonds is to add so much to his mortgage. Is this right? Is it honest? Was this nominated in the bond? No; this is blood-money, every dollar of it "coined infamy." Is this apple of Sodom to be your New Year's gift to the people already overburdened with taxation? Are the tax-payers criminals that they should be subjected to this fine? Who are they? They are the knights of labor, the producers of wealth. They are the builders and supporters of the nation. Every dollar paid by them in taxes is the frozen sweat of labor. You have just struck out the enacting clause of a bill for the relief of the tax-payers, and now, as a crowning act of injustice, you propose to pass this bill for the benefit of the tax-eaters.

This bill has many of the qualities of a credit-strengthening act. It has been the policy of the Republican party to strengthen the credit of the Government every little while, not by the payment of its debt, but by increasing the value of its bonds to the holders of them. Every dollar legislated into bonds is legislated out of the pockets of the people. The bondholders have been enriched and the people have been impoverished long enough by this species of robbery.

This question of currency is a question of privilege, of prerogative. Our Constitution, sir, is not the coffin, but an ordinance of national sovereignty. To institute and regulate the medium of exchange is the prerogative of sovereignty. It is a right which belongs to the people, and they will sooner or later take possession of their own. They are coming into power. Free society is the greatest educator in the world, and education is the kind of dynamite with which to blow up false systems. Thought is freedom. Thought is the builder of republics and destroyer of despotisms. When the people begin to think, kings tremble and thrones totter. When the people begin to think, new and better laws are made. When the people begin to think, a fire begins to burn that will turn to ashes every page of our statutes blotted and desecrated with unholy class laws. [Applause.]

The Democratic party is under no political obligations to these corporations. It has been lifted into power, not by them, but in spite of them. It has been lifted into power by the people. Its triumph is a victory over monopolies. Let it be a party for the people and the days of its life are not numbered.

Mr. Speaker, during the debate upon the bill for the relief of Fitz-John Porter certain members of this House were urged to refrain from taking any part in the decision of that question, not that they had any pecuniary interest in the event of it, but because, as was alleged, the condition of their minds was such that they could not cast a fair and impartial vote. [Laughter.] If there was any reason in that argument, when there was no pecuniary interest involved, how much greater the reason that no member should vote upon any question in the event of which he has a pecuniary interest. It is a rule of this House, and a wise one, that "every member shall vote upon each question put, unless he has a direct personal or pecuniary interest in the event of such question."

Now, I say to gentlemen who are presidents and stockholders of national banks, if there are any, that good faith, good taste, and your own pecuniary interest in the event of this question should cause you to refrain from voting or speaking upon it. It is a matter of vital importance to the corporations to which you belong. You are beneficiaries of this bill. [Applause.] John Quincy Adams had such a fine sense of honor that he sold his stock in the United States Bank in order that he might be qualified as a member of Congress to vote upon the bill to recharter that institution. I commend his example as worthy of imitation. I do not expect, sir, that any word of mine will defeat this measure. The bill will pass. The master outside has given the order and the only question here is, "Who will be the first to obey?" I now offer the amendment which I send to the Clerk's desk, to be considered at the proper time, and yield the balance of my time to the gentleman from Pennsylvania [Mr. BRUMM].

The Clerk read the amendment, as follows:

After the word "repealed" in the fourteenth line insert the following:

"The Comptroller of the Currency is hereby directed to require, at such times as he may think proper, all national banks to report to him whether or not they receive standard silver dollars on deposit and receive and pay the same over their counters on the same terms as gold. And all national banks that refuse to receive standard silver dollars on deposit and to receive and pay the same over their counters on the same terms as gold are hereby denied the privileges of this act. And the Secretary of the Treasury is hereby directed, in calling bonds for payment, to call first the bonds of those banks which refuse the standard silver dollars, as aforesaid."

Mr. DINGLEY. I make the point of order that this amendment is not germane to the pending bill.

The SPEAKER. That point of order will be considered as reserved. The gentleman from Michigan [Mr. YAPLE] has yielded to the gentleman from Pennsylvania [Mr. BRUMM], who has yielded fifteen minutes to the gentleman from Iowa [Mr. COOK].

Mr. COOK. Mr. Speaker, I regret that the consideration of measures so important as the two bills brought before the House under this special order should be limited to one half day. I trust I may have the attention of the House while I endeavor to point out my objections to the present bill, attempting to address myself to the judgment of those who are expected to vote upon the measure.

I believe that among the most important questions before the two Houses of Congress are the financial questions. We are having throughout the length and breadth of the land a business depression that is to be attributed in my judgment largely to the unsettled condition of the finances. I have before me here a communication addressed to Bradstreet, in which the writer says:

Among other causes to account for the existing depression in all departments of business there is ever arising the question of the extent and effect of the contraction of the bank-note currency that is to ensue, &c.

I believe that the uncertain condition, the elastic condition of our currency system lies at the root of our financial trouble. The currency in my judgment should be inelastic. It should be fixed in its volume, and the elasticity of the finances should depend upon the coin that comes and goes.

The avowed object of this bill is to prevent contraction of the bank-note currency, or rather to induce the banks to issue more paper.

Now, Mr. Speaker, as has been said by the gentleman from Michigan [Mr. YAPLE], we have no assurance that this bill will accomplish its purpose. To-day the national banks of this country under their charters and capital have the right to issue currency to the amount of $471,500,000. As a matter of fact they are supplying the country with only $286,500,000. If they do not see fit to avail themselves of the privileges of the limit now allowed them by law, what assurance have we that this bill will accomplish anything?

The great objection to the national banking system is that it takes from the Government the duty of controlling the volume of currency, of giving to the country its currency, and transfers this duty to the banks, under whose operations the currency may be contracted and expanded at their pleasure.

I believe, Mr. Speaker, that we shall have no rest from this continuous meddling with the currency until Congress shall put its foot down upon all interference by private corporations, stop all this temporizing with the question, and assert the power and dignity of this nation with its boundless resources, and say, "We will give the country a currency of so many hundred million dollars; we will pledge the faith of the country that this currency shall not be depreciated in its purchasing power or its value; that it shall be maintained side by side and at par with coin, if you choose; that its volume shall be neither diminished nor expanded to any dangerous degree."

Every session Congress is appealed to by the banking and bond interests for legislation in their favor, with the threat that the currency will be reduced or contracted if we do not comply with their demands. Business is disturbed and confidence is shaken. I am not an alarmist. I am addressing you as one business man may address another, and looking to the future only.

The legislation of the past twenty years has been outrageously in the interest of the money-changers and schemers, who fatten at the expense of the masses, and the country has suffered because Congress has yielded to the advice and the demands of the money centers and those who seek by national laws to secure an advantage over their fellow-men.

Though we are powerless to undo what has been done in the past, there is no excuse for us if we refuse to profit now and in the future by the lessons which the past has taught us.

It is no longer a question of coin or currency. The business wants of our people and the condition of the country require a paper currency. It is immaterial whether there is coin in the world or in this country sufficient to meet the demands of commerce and trade. Our people can not use it to a great extent. The countries of Europe, with their small area, dense population, of settled habits and habitation, are no guide to us and our wants.

The habits of a people come of these conditions, necessities, and convenience. Our habits require paper money. We travel over vast distances and handle money freely. By Government estimate there is now about $610,000,000 of gold in the country, while of paper currency we have:

Treasury notes, or greenbacks	$346,681,016
National-bank notes, about	286,500,000
Silver certificates	131,556,531
Gold certificates	120,343,320

From this it will be seen that, after making proper allowance for the gold and currency held in the vaults of the Treasury, there is in nominal circulation in the United States about two-thirds as much gold coin as there is of paper money and currency of all descriptions. Yet I feel that I am safe in saying that we find in actual use by the people one thousand dollars in currency to one dollar in gold. And thus we have an actual demonstration that coin is not adapted to the wants of our people and business.

No one disputes that we must have a national currency of some kind. It is the duty of Congress to supply this medium of exchange; and if the Forty-eighth Congress expires without meeting this responsibility and discharging this duty it shows itself recreant to the trust reposed in it. The Democratic party is now the dominant party of the country and is chargeable with the results of action or inaction.

The first thing necessary is to settle once and for all the future of the paper money. No man will deny that we should have a settled, sound, and honest fiscal policy and monetary system; one that requires no tinkering and no expedients. One objection to the McPherson bill is that it is an expedient; it is a makeshift only. No man pretends here that it supplies a permanent system. I believe we have come to the time when this House should have the courage to choose one of two schemes, and it should make that a permanent one. Either we should have as the permanent system of this country the national banking system, or we should have as a permanent currency the Treasury note. We should have the courage here to adopt a system that shall last for all time; that shall supply a currency of sufficient volume and of a character that will give the country confidence in it.

Mr. Speaker, I want to say here that I shall vote for the motion which I understand is to be made by the gentleman from New York [Mr. POTTER], to recommit this bill with instructions, not because I favor his bill, but because I believe we ought now to choose between the two systems and fix upon one or the other. We should say either we will have a Treasury note that is a legal tender for all debts, public and private, with a fixed volume and with reasonable measures by the Government to maintain that note side by side with coin, or we will give the country a permanent national debt and issue bonds designed exclusively for use by national banks as a basis for notes to be by them supplied to the country. Between the two we must choose. There should be no hesitation on this point. As I said before, the volume of currency should be fixed at a point sufficient to meet the requirements of trade and business.

The banks can at any time contract the currency or expand it as they choose. This is a dangerous prerogative. Is it safer to trust this to the Government, that is interested in the welfare of the people, or in the banks, that are interested in making money off the people? But beyond this it is impossible in the very nature of things that under the national banking system we can have a fixed volume of currency. And, I repeat, this is essential to stability.

Here and there I hear it said that it is dangerous to intrust Congress with the power of regulating the currency. Fear is expressed that too much money would be issued; an excess of currency would depreciate its purchasing power; it would be to the advantage of the poor man as against the rich, and in favor of the debtor as against the creditor. I may be pardoned for saying what every man in this assembly knows to be truth, that there is no danger of the poor man getting any advantage here. The strong are always here. Nine-tenths of the legislation here is in the interest of the strong and wealthy. If the poor man gets his just share of attention here it will be after a wonderful change has come over the legislation of the past and far beyond my most sanguine hopes of the future.

Mr. BRUMM. Mr. Speaker, I prefer to reserve my time until I have heard gentlemen on the other side. I hope those gentlemen on the other side will do us the justice to consume some of their time before we are asked further to proceed.

Mr. WILKINS. Consume your hour and we will take the next hour. If no person desires to be heard further on the question then, Mr. Speaker, I will call for the previous question. I do not wish to do it if there are other gentlemen who desire to be heard.

Mr. DINGLEY. There are other gentlemen who wish to be heard.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor unless he yields it.

Mr. WILKINS. Then let him proceed.

Mr. BRUMM. Mr. Speaker, I do not know that I shall delay the House for more than a few minutes on this subject, as we have been warned heretofore that we will be allowed only an hour on each side of the question, a time so short that it is hardly worth while starting out to discuss the general merits of this bill, without going into the general merits of the question at all. The fact that this House refused at the last session to consider this bill or any other bill touching the question of finance is to me a very humiliating spectacle. You take up hours in discussing the question of the election of individual members, as was done in the Taylor and Warner case. You consumed almost the whole of the last session in the discussion of your horizontal nonsense, but when it comes to the question which in my judgment is more important than all the other questions you tell us we will give you a few hours for its discussion.

I do not know but this bill should be entitled a bill to offer a premium to the present bondholders and to perpetuate the national debt, for that is the only practical result that will be reached by the passage of this bill. It is merely a makeshift on the general question of finance. It is simply postponing the day when you must act upon some permanent measure for the relief of the country. Of all the bills which have been offered in both branches of Congress, of all the arguments that have been advanced, not one has been shown which does not involve the idea of basing the national banks upon the national debt. If that be true, then the days of the issuing functions of the national banks are numbered, and can not possibly last beyond the payment of the national debt. Why is it that Congress, assuming to be statesmen, will not at once give us some bill, some remedy that will be permanent in its nature, and settle this question for a reasonable time at least.

The refunding bill which is proposed to be offered by the gentleman from New York [Mr. POTTER] is only a makeshift. It is only putting off the final day. The day of judgment will come, and inasmuch as the Democratic party is now starting out as the party in power, why then, gentlemen, have you not the courage to take up something which will be a permanent measure, which will give permanent relief, and which will settle this question at least for a reasonable time? You may attempt to shift it for a moment, for a day, for a session, for a year; but you must meet it eventually, and you ought to meet it now.

Gentlemen tell us it will not do to substitute for this national-bank currency the legal-tender note. Gentlemen tell us that although the Supreme Court has settled the question as to the constitutionality of it, that that decision will be reversed, that that decision is an erroneous one, and attempts even are made by gentlemen—all Democrats—in both branches of Congress to change the Constitution so as to nullify and vitiate that decision. Do you mean to wait and let the country call all these financial horrors upon its head and pass on with this troubled question unsettled until you have changed the Constitution? Do you mean to wait until you have reversed the decision of the Supreme Court? Let me tell you if you had any hope because your own member of that court gave his dissenting opinion, I wish to say in that even he was greatly in error as to the fact—for I have not time and will not undertake to discuss the legal status and constitutionality of that decision in its general scope—but when he says that Chief-Justice Chase as Justice of the Supreme Court reversed his decision as Secretary of the Treasury he says that which is not correct.

But I say here, and I challenge contradiction, that there is not a decision in the books which does not establish the absolute power of the National Government to issue Treasury notes and make them legal-tender. Take the cases in Wallace and read them. They only say that for the payment of antecedent debts, contracted to be paid for in gold, you can not pass a law declaring any other currency a legal tender in which you can pay that antecedent debt.

That is the full extent of the dissenting opinion in every case except one case—by Justice Field. There is a uniform line of decisions running down from the foundation of the Government—decisions of the Supreme Court of the United States and of the several States—all of which agree upon the right of the National Government to issue legal-tender notes; and I ask you gentlemen why will you not now exercise that function? It is your right, it is your duty to do so, and if you will exercise that right it is a permanent relief; it is the establishment of a permanent system. It is the practical wiping out of the national-bank currency, and you will have the honor of doing to-day what must be done in the near future.

I intend offering a substitute that I had printed in the RECORD yesterday, which embraces the idea of issuing legal-tender notes just as fast as the national-bank notes are surrendered. It is not revolutionary in any of its conditions or in any sense. It is not so radical as to create any difficulty in the finances of the country. It will act slowly but surely until it has replaced every national-bank note that is redeemed either by the bank asking a reduction of its circulation by going into liquidation or by the expiration of its charter by authorizing the Secretary of the Treasury to issue legal-tender notes to destroy the bonds as soon as they are paid, and in that way furnishing a substitute for the national-bank note as a circulating medium. It will place in the Government the power that justly belongs to it. It will act, as I have said, slowly just as these notes are brought in. It will give a circulating medium just as fast as it is required by the withdrawal of the national-bank notes.

Mr. Speaker, I shall now ask to offer my substitute for this bill.

Mr. WILKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILKINS. Is it proper to reserve the point of order upon that amendment?

The SPEAKER. It will be. The amendment can be read for information.

The Clerk read as follows:

Substitute for a bill to provide for the issue of circulating notes to national banking associations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. Strike out all of section 5224 of the Revised Statutes of the United States after the word "business," in the third line, and insert the following: "Or retire its circulation, or any part thereof has been made, the bonds deposited by the association to secure payment of its notes shall be reassigned to it in the manner prescribed by section 5162. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed and canceled at the Treasury of the United States. And if any such bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall cancel the bonds pledged for the circulation of said bank, and after providing for the redemption and cancellation of said circulation pay over any balance remaining to the bank or its legal representative."

SEC. 2. That any association organized under this act, or any of the acts of which this is an amendment, shall, upon the expiration of its charter, return to the Treasurer of the United States its circulating notes, or make a sufficient deposit of lawful money to redeem its outstanding circulation, whereupon the bonds deposited by the association to secure payment of its notes shall be reassigned to it in the manner prescribed by section 5162; and thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and said notes shall be redeemed and canceled at the Treasury of the United States. And if any such association shall fail to make the deposit and take up its bonds for three years after the expiration of its charter, the Comptroller of the Currency shall cancel the bonds pledged for the circulation of said association; and after providing for the redemption and cancellation of said circulation he shall pay over any balance remaining to the association or its legal representatives.

SEC. 3. That from and after the passage of this act the Treasurer shall not be permitted to issue or sell any United States bonds.

SEC. 4. That the Secretary of the Treasury be, and is hereby, authorized and directed to cause to be printed and engraved notes of the United States, in addition to those heretofore authorized, and of the same kind and character as those now in circulation, in denominations of one, two, five, ten, twenty, fifty, and one hundred dollars, to an amount not exceeding the aggregate national-bank-note circulation.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to substitute and pay out the notes hereby authorized, in lieu of the national-bank notes now outstanding and in circulation, as soon as said bank notes are redeemed.

SEC. 6. That for the purpose of carrying into effect the objects of this act the Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary and proper. And all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. DINGLEY. I desire to ask if this amendment is offered now to be considered as a pending amendment.

The SPEAKER. The gentleman from Pennsylvania proposed to offer it as a substitute, and the gentleman from Ohio [Mr. WILKINS] has made the point of order against it. The point of order will be considered as pending against the substitute.

Mr. BRUMM. I now yield the remainder of my time to the gentleman from Indiana [Mr. SHIVELY].

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. HENDERSON, of Iowa. Mr. Speaker, the sole purpose of the McPherson bill, so-called, now under consideration, is to increase the amount of money as a circulating medium in the hands of the people.

It proposes to do this by permitting the national banks to issue notes up to the par value of the United States bonds deposited by them with the Government. The present law only allows an issue of national-bank notes up to 90 per cent. of the par value of the bonds so deposited. This bill, therefore, permits an increased issue of 10 per cent. upon the bonds deposited by a national bank to secure its circulation.

NO NEW PLAN OF BANKING PROPOSED.

This bill offers no new system of banking, no new kind of money for the people, nor is it intended to perpetuate our national banking system. It should have no terrors for the most extreme Greenbacker even if he belong to that volcanic few who suffer from an eruption of words when any measure is proposed that may have in it the to them startling words "national banks." The Greenbacker, pure and simple, above all men, claims to desire a large amount of money in circulation among the people. This bill ought not to meet the hostility of this class; for, as I have before stated, its purpose is to give the people more money, and a safe, a well-secured money.

I may here state that the brainiest Greenbacker in Iowa, and he never was a candidate for office, told me in October last that he was strongly in favor of this legislation. The questions to be answered before acting upon this measure are few and simple, as it seems to me. The first one to be considered is this:

IS THERE A CONTRACTION OF THE CURRENCY GOING ON AND IS IT LIKELY TO CONTINUE?

The Secretary of the Treasury and the Comptroller of the Currency answer this question.

In his last report the Secretary says:

Inasmuch as about $135,000,000 of the circulation of banks is based upon our 3 per cent. bonds, which are now redeemable and being rapidly redeemed, remedial action can not be postponed beyond the present session if a rapid reduction of our bank-note circulation is to be avoided. The subject is a very important one, and should receive immediate attention.

The foregoing calls attention to the fact of a reduction, and also states some of the reasons for it. The following from the same report gives more light:

The market prices of the 4 per cent. and 4½ per cent. bonds of the United States have declined somewhat during the past year; but that these bonds are still too high to enable banks to base circulation upon them at a profit is plain, from the fact that the circulation has been voluntarily decreased more than $25,000,000 during the year.

The Comptroller of the Currency puts the decrease in circulation for the year ending November 1, 1883, at $8,284,017, and for the year ending November 1, 1884, the decrease is $24,170,676. As to the probable reduction in the future I quote his own words:

Unless legislation shall shortly be had which will enable the banks to issue currency at a fair profit, circulation will from the present time be reduced at the rate of at least $40,000,000 per annum.

There is, then, a contraction of the national-bank currency going on, and it is rapidly on the increase. We all know it. The country knows it; and there is danger that the pepole may soon feel it, if they are not now feeling it.

I am not an alarmist, nor do I forget that on October 1, 1884, we had in this country a total circulating medium of $1,806,412,324, and giving a per capita circulation of $17.41 in paper and $19.39 in specie, based on our census returns of 1880. I note the fact that our monetary system gives to each individual a larger proportion of money than is given to the people of Great Britain, Canada, Germany—in brief, every government on earth save France.

But these facts may deceive us. Our people need greater facilities in this regard than any other people. Our extended domain, our varied industries, our tremendous system of railroads making rapid transits and changes of persons and products—these, combined with the wonderful mental activity of our people in all business matters, make necessary a larger amount of money in this country than is needed in any other land.

The next question that naturally comes up is:

WILL THIS LEGISLATION INCREASE THE CURRENCY OF THE COUNTRY?

It will, and to an extent that will prove a safe antidote to the decrease now going on.

On September 30, 1884, there were 2,664 national banks in the United States, holding on that date Government bonds amounting to the sum of $327,435,000. On that amount, under this bill, they would be entitled to increase their circulation $32,743,500 without the deposit of another bond. This amount we are sure of. The Comptroller in his last report gives the "increase by the McPherson bill on maximum of bonds" as $229,574,845. This must be understood as the possibilities under the McPherson bill, and not as the probabilities. But there can be little doubt that with the increased inducement presented by this bill a very large increase in the issue by the banks must follow.

I will here give the Comptroller's table, which shows the increase by States under this bill:

Table, by States, Territories, and reserve cities, exhibiting the number of banks in each, with their capital, minimum amount of bonds required by law, bonds actually held and circulation issued thereon September 30, 1884, and showing the increase of circulation authorized under the McPherson bill.

States and Territories.	Number of banks.	Capital.	United States bonds.		Circulation.		
			Minimum.	Held September 30, 1884.	On bonds held September 30, 1884.	Increase by McPherson bill on bonds held.	Increase by McPherson bill on maximum of bonds.
Maine	71	$10,300,000	$1,950,000	$8,897,300	$8,007,570	$889,730	$2,292,430
New Hampshire	48	6,105,000	1,476,250	5,820,000	5,238,000	582,000	867,000
Vermont	49	8,011,000	1,550,250	6,478,000	5,830,200	647,800	2,180,800
Massachusetts	195	45,727,500	8,125,625	40,471,950	36,424,755	4,047,195	9,302,745
Boston	54	50,950,000	2,700,000	27,156,150	24,440,535	2,715,615	26,509,465
Rhode Island	63	20,640,050	2,503,250	15,323,600	13,791,240	1,532,360	6,748,610
Connecticut	88	25,956,820	3,696,437	18,575,100	16,717,590	1,857,510	9,239,220
New England States	568	167,599,370	22,001,812	122,722,100	110,449,890	12,272,210	57,140,480

Table, by States, Territories, and reserve cities, exhibiting the number of banks in each, with their capital, minimum amount of bonds, &c.—Continued.

States and Territories.	Number of banks.	Capital.	United States bonds. Minimum.	United States bonds. Held September 30, 1884.	Circulation. On bonds held September 30, 1884.	Circulation. Increase by McPherson bill on bonds held.	Circulation. Increase by McPherson on maximum of bonds.
New York	267	35,223,360	7,878,815	28,450,650	25,605,585	2,845,065	9,617,775
New York city	44	46,250,000	2,187,500	15,602,500	14,042,250	1,560,250	32,207,750
Albany	7	1,800,000	350,000	1,518,000	1,366,200	151,800	433,800
New Jersey	71	$12,253,350	$2,410,837	$9,506,850	$8,556,165	$950,685	$3,697,185
Pennsylvania	225	32,243,840	6,744,718	27,364,600	24,628,140	2,736,460	7,589,740
Philadelphia	33	18,058,000	1,637,500	9,652,800	8,687,520	965,280	9,370,480
Pittsburgh	23	10,150,000	1,125,000	7,080,500	6,372,450	708,050	3,777,550
Delaware	15	1,823,985	380,200	1,763,200	1,586,880	176,320	237,105
Maryland	27	2,679,200	656,875	2,479,000	2,231,100	247,900	448,100
Baltimore	17	11,713,260	850,000	6,201,000	5,580,900	620,100	6,132,360
District of Columbia	1	252,000	50,000	250,000	225,000	25,000	27,000
Washington	5	1,125,000	225,000	730,000	657,000	73,000	468,000
Middle States	735	173,541,995	24,496,445	110,599,100	99,539,190	11,059,910	74,062,805
Virginia	24	3,536,700	732,850	2,558,350	2,302,515	255,835	1,234,185
West Virginia	21	2,001,000	511,250	1,544,450	1,390,005	154,445	610,995
North Carolina	15	2,401,000	519,000	1,279,000	1,151,100	127,900	1,249,900
South Carolina	14	1,935,000	396,250	1,247,600	1,122,840	124,760	802,160
Georgia	15	2,436,000	434,000	1,861,000	1,674,900	186,100	761,100
Florida	3	150,000	37,500	92,500	83,250	9,250	66,750
Alabama	10	1,735,000	352,500	1,033,800	930,420	103,380	804,580
Mississippi	4	305,000	76,250	180,000	162,000	18,000	143,000
Louisiana	1	100,000	25,000	100,000	90,000	10,000	10,000
New Orleans	8	3,525,000	400,000	2,325,000	2,092,500	232,500	1,432,500
Texas	59	5,970,000	1,327,500	1,860,250	1,674,225	186,025	4,295,775
Arkansas	4	405,000	88,750	277,500	249,750	27,750	155,250
Kentucky	58	9,458,900	2,018,475	7,230,300	6,507,270	723,030	2,561,630
Louisville	9	3,551,500	450,000	3,033,700	2,730,330	303,370	821,170
Tennessee	33	5,005,300	845,000	2,571,500	2,314,350	257,150	2,690,950
Southern States	278	42,515,400	8,244,325	27,194,950	24,475,455	2,719,495	18,039,945
Ohio	184	22,039,000	4,981,250	16,038,250	14,434,425	1,603,825	7,604,575
Cincinnati	12	8,600,000	600,000	6,384,500	5,746,050	638,450	2,853,950
Cleveland	8	5,664,100	400,000	1,405,000	1,264,500	140,500	4,399,600
Indiana	95	13,828,500	2,787,125	8,540,300	7,686,270	854,030	6,142,230
Illinois	155	13,549,600	3,299,900	7,808,750	7,027,875	780,875	6,521,725
Chicago	12	10,550,000	600,000	933,500	840,150	93,350	9,709,850
Michigan	93	9,734,600	2,148,500	4,183,000	3,764,700	418,300	6,029,900
Detroit	5	2,450,000	250,000	883,400	795,060	88,340	1,854,940
Wisconsin	47	5,750,000	925,000	1,885,500	1,696,950	188,550	2,053,050
Milwaukee	3	650,000	150,000	610,000	549,000	61,000	101,000
Iowa	123	10,145,500	2,411,375	4,674,000	4,206,600	467,400	5,938,900
Minnesota	50	11,357,700	1,330,000	2,231,500	2,008,350	223,150	9,349,350
Missouri	34	3,065,000	691,250	1,358,600	1,222,740	135,860	1,842,260
Saint Louis	6	3,250,000	300,000	760,000	684,000	76,000	2,566,000
Kansas	59	3,844,580	961,145	1,487,250	1,338,525	148,725	2,506,055
Nebraska	63	4,735,000	1,133,750	1,907,750	1,716,975	190,775	3,018,025
Western States	949	127,473,580	22,969,295	61,091,300	54,982,170	6,109,130	72,491,410
Colorado	23	1,807,000	451,750	1,097,500	987,750	109,750	819,250
Nevada	1	75,000	18,750	40,000	36,000	4,000	39,000
California	14	2,050,000	412,500	972,500	875,250	97,250	1,174,750
San Francisco	1	1,500,000	50,000	600,000	540,000	60,000	960,000
Oregon	8	695,000	161,250	410,900	369,810	41,090	325,190
Arizona	2	150,000	37,500	46,500	41,850	4,650	108,150
Dakota	36	2,258,000	564,500	703,000	632,700	70,300	1,625,300
Idaho	4	250,000	62,500	67,800	61,020	6,780	188,980
Montana	13	1,650,000	325,000	474,350	426,915	47,435	1,223,085
New Mexico	8	630,000	157,500	467,500	420,750	46,750	209,250
Utah	5	600,000	150,000	462,500	416,250	46,250	183,750
Washington	15	955,000	238,750	325,000	292,500	32,500	662,500
Wyoming	4	525,000	131,250	160,000	144,000	16,000	381,000
Pacific States and Territories	134	13,145,000	2,761,250	5,827,550	5,244,795	582,755	7,900,205
United States	2,664	524,266,345	80,443,127	327,435,000	294,691,500	32,743,500	229,574,845

Touching the effect of this bill as an inducement to the banks to keep up and to increase their circulation the views of the Comptroller will be of interest. He says:

The bill introduced by Senator MCPHERSON provided that any national banking association shall be entitled to receive from the Comptroller of the Currency circulating notes not exceeding in amount the par value of the bonds deposited, and further provides that the total amounts of such notes issued to any association shall not exceed the amount of its paid-in capital stock. The bill passed the Senate and was favorably reported to the House by the Banking and Currency Committee, and is now upon the regular Calendar of the House. In case it should become a law, it would increase the aggregate circulation of national banks upon the basis of the present deposit of United States bonds with the Treasurer in trust to the amount of about $32,000,000, and would increase the profit to the banks on circulation from two-fifths to three-fifths of 1 per cent. per annum. No doubt the increased profits which by this bill would inure to the banks would induce those holding fours to continue to hold them, and the profits would probably be sufficient to induce banks who hold threes to replace them when called for redemption with 4 percents. The passage of this bill seems a simple and feasible measure of relief to the banks, and while it is possible that some bill which provided for the funding of the high-rate bonds into bonds bearing a lower rate of interest would afford more permanent relief, the bill of Senator MCPHERSON is regarded as an excellent measure by the Comptroller, and would not interfere with any funding bill which might hereafter become a law.

In another place he says:

Whatever course may be deemed expedient by Congress in regard to the funding or future payment of the public debt, the Comptroller is of the opinion that it is perfectly safe and will afford great benefit to the public to permit an issue by the national banks of circulation to the extent of 100 per cent. of the par value of the bonds deposited instead of 90 per cent., as under the present law.

If, sir, it is clear that there is a rapid decrease in the national currency and that the proposed legislation will stop that decrease, then it seems to me that there is but one question remaining, namely,

WILL THE BILL-HOLDER BE PERFECTLY SAFE UNDER THIS LAW?

I believe, sir, that he will be absolutely safe. I have shown that the Comptroller so believes. Briefly let us consider the protection given to the holder of the bills.

First. The bond of the Government is good. It must be paid in full at its face value.

Second. Should the market value of the bonds fall below their face value the law steps promptly in with this iron-clad provision:

Whenever the market or cash value of any bonds thus deposited with the Treasurer is reduced below the amount of the circulation issued for the same, the Comptroller may demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association, to be deposited with the Treasurer as long as such depreciation continues.

Third. If a bank fail to pay its notes, the law promptly forfeits the bonds deposited as security and the Comptroller may cancel the same, the Government paying the notes in full.

Fourth. Therefore the bill-holder has the Government back of his bills, making him absolutely safe.

Fifth. Then the law gives a paramount lien on all the assets of the association in favor of the bills.

Sixth. The stockholders are personally liable to the amount of their stock for the debts of the association.

Seventh. The 5 per cent. deposited for redemption is also a protection.

Mr. Speaker, safeguard after safeguard is left to protect the bill-holder. I repeat, he is absolutely safe. Did I believe that there was even a doubt upon this point I would oppose the bill, for I want the currency of the country absolutely safe in the hands of our people.

If I am correct in my conclusions thus far, I find my duty clear to vote for the pending bill. It is a measure in the interests of the people and not in the interests of the banks.

LARGE CITIES WILL OPPOSE.

I expect that the opposition to this measure will come mostly from the largest cities or great money centers, especially if they have before them the hope that they can secure legislation peculiarly favorable to them, as I believe that the Potter bill, so called, is.

The large cities are not the places where national-bank circulation is most liberally given to the people. This circulation comes more largely from the country banks.

Let us see what the increase under this bill will be to the eleven large cities of the country and consider this in connection with the capital of their banks. I will demonstrate that in proportion to their bank capital they do not get the increase of circulation that the country banks will receive:

Cities.	Bank capital.	Increase.
New York	$46,250,000	$1,560,250
Boston	50,950,000	2,715,615
Chicago	10,550,000	93,350
Cincinnati	8,600,000	638,450
Cleveland	5,664,100	140,500
Saint Louis	3,250,000	76,000
Philadelphia	18,058,000	965,280
Pittsburgh	10,150,000	708,050
Baltimore	11,713,260	620,100
New Orleans	3,525,000	232,500
San Francisco	1,500,000	60,000
Total	170,210,360	7,810,095

The total bank capital of the country is $524,266,345. Take from this the total capital of the cities just named, and it leaves $354,055,985 as the bank capital outside of these great centers. The total increase to the country of circulation under this bill is $32,743,500. Subtract the increase going to said cities, and it leaves $24,933,405 increased circulation to the outside banks. So that while the country banks, with a capital of $354,055,985, give the country an increased circulation of $24,933,405, these great money and business centers, with their bank capital of $170,210,360, give only an increased circulation of $7,810,095. With these facts before us we can understand perhaps why this bill does not meet such generous support from the great cities as from other quarters.

But I can see still another reason why some of the banks, at least of one great city, New York, should oppose this bill while they have a hope that the Potter bill may pass. The Potter bill contains a scheme for the refunding of the $250,000,000 4½ per cent. bonds and the $737,691,550 4 per cent. bonds into 2½ per cent. bonds, the Government to pay the premium on the fours and four-and-a-halfs. This, if made a law, would involve very large bond transactions, and the city of New York, with her ever keen eye for "a good thing," would become the rich field for these gigantic bond transactions. Even now, I doubt not, more than one far-seeing banker is casting over in his mind for congenial spirits with whom to form a syndicate to reap the harvest ripening in the Potter bill. In these remarks I do not include the respected author of said bill in this House. I believe that he is full of an honest purpose in advocating it. I only regret that he is so in love with his own bill that I fear he can not see the good that is in any other.

And here let me add a few words concerning

THE POTTER BILL,

which we have been told will be offered as a substitute. I am opposed to it now certainly because—

First. I am certain that if this House does pass it, still it will not become a law at this session.

Second. It is being used to destroy the McPherson bill, which, after full debate, if I may refer to this, has passed the Senate, and if passed here the country is assured of relief from the danger of contraction that is now upon us.

Third. I believe the Potter bill to be most largely in the interest of the banks, while the McPherson bill will best serve the public.

In support of—as proof of this view I quote from the report signed by Mr. George S. Coe, president of the American Exchange National Bank of New York, said report being to the "Chamber of Commerce of the State of New York," and circulated in support of the Potter bill. Mr. Coe's third reason for favoring the Potter bill is as follows:

Third. For the national banks, this opportunity to capitalize the premium cost of the long-date bonds, when purchased, would make these bonds available for note issue at a margin of profit in all sections of the country, *i. e.*, in all localities where ordinary rates for money do not exceed 18 per cent. per annum. As a result of the enactment, therefore, it might reasonably be expected that the national banks would gradually, in time, become possessed of 4 per cent. bonds, or their substitute, 2½ per cent. bonds, and these are not redeemable for twenty-two and a half years. In this respect the proposition is superior to the measure known as the McPherson bill, which, without further legislation, would not serve to make note issue profitable in localities where current rates for money exceed 7 per cent. per annum.

Here we have an admission, boldly made, that the Potter plan will let banks operate even in a field giving a profit of 18 per cent. It means this or nothing. It is also stated that the McPherson bill holds forth no such captivating inducements to the national banks.

Fourth. I am afraid of the Potter bill for the reason that I believe the bonds to be bought can be secured by the Government at a lower rate than that fixed in the second section of that bill.

But the friends of the Potter bill tell us that

THE M'PHERSON BILL IS BUT A TEMPORARY MEASURE.

This is true. It is equally true of the Potter bill. Both aim at keeping up the circulation until some system can be wisely chosen, some system that will outlive our national debt, finally maturing in 1907. The McPherson bill insures relief for many years to come, but not beyond 1907, and Mr. POTTER's plan, he admits, dies in 1907.

We have no plan before us proposing a security for national-bank notes after our bonds all mature. Our ablest financers thus far are silent in the presence of this great problem.

This being true, it only remains for this House to say whether it will pass the McPherson bill now, giving safety at a time when all business is uneasy, or whether it will kill the McPherson bill by substituting the Potter bill, knowing as we do that the latter can not become a law at this session of Congress and probably never will.

THE NATIONAL BANKING SYSTEM.

Some may oppose the present measure because they are opposed to the national banking system. If such are patriotic and desire the prosperity of their country they will not make this the time to strike at the system, even though they may find the occasion tempting for the usual abuse with which some enjoy feeding the minds of those with kindred views.

Before closing my remarks I desire to submit a table, prepared at my request by the honorable Comptroller of the Currency, giving the dividends paid by the national banks since September, 1869, as far back as the Government has data on this point. I include this as a complete answer to the stale and unwarranted charge that these banks are robbing the people. Here are the facts:

Percentage to capital of semi-annual dividends paid to stockholders of national banks from September, 1869, to September, 1884, inclusive, by geographical divisions of the country and for the whole United States, as shown by reports made to the Comptroller of the Currency, with general averages for fifteen years.*

Dividends declared—	New England States.	Middle States.	Southern States.	Western States.	United States.
September, 1869	5.2	5.3	5.8	6.1	5.4
March, 1870	5.0	5.1	6.3	5.4	5.2
September, 1870	4.9	4.9	5.6	4.9	5.0
March, 1871	5.0	5.0	6.0	5.7	5.2
September, 1871	4.9	4.9	5.2	5.2	5.0
March, 1872	5.0	5.1	5.0	5.3	5.1
September, 1872	4.9	4.9	5.3	5.8	5.1
March, 1873	5.1	5.1	5.1	5.5	5.2
September, 1873	5.1	5.0	4.6	5.5	5.1
March, 1874	4.8	4.8	4.3	4.9	4.8
September, 1874	4.9	5.0	4.8	5.6	5.1
March, 1875	4.8	5.0	4.3	5.4	5.0
September, 1875	4.8	4.8	4.4	5.3	4.9
March, 1876	4.4	5.2	4.5	5.2	4.9
September, 1876	4.0	4.6	4.3	5.1	4.5
March, 1877	3.9	4.4	4.3	5.3	4.4
September, 1877	3.7	4.1	4.0	6.9	4.5
March, 1878	3.5	4.1	3.8	4.7	4.0
September, 1878	3.3	3.8	3.5	4.9	3.8
March, 1879	3.2	4.0	3.5	4.6	3.8
September, 1879	3.2	3.9	3.5	4.8	3.8
March, 1880	3.3	4.2	4.1	4.8	4.0
September, 1880	3.5	4.2	3.7	4.7	4.0
March, 1881	3.6	4.1	4.2	5.3	4.1
September, 1881	3.6	4.4	4.1	5.1	4.3
March, 1882	3.7	4.3	4.2	5.6	4.3
September, 1882	3.5	4.1	4.0	6.5	4.4
March, 1883	3.5	4.3	4.1	5.1	4.2
September, 1883	3.5	4.3	4.0	4.7	4.1
March, 1884	3.4	4.4	4.4	4.7	4.1
September, 1884	3.3	4.0	4.2	4.3	3.9
General average	4.1	4.6	4.5	5.2	†4.6

* Dividend reports were first required by the act of March 3, 1869, and there are no data on file earlier than the dates given.

† General average of the whole country for fifteen years.

Do these dividends show the system to be one giving unreasonable profits? What business man will be content with such low profits on the capital invested in his business? Let us here contrast these dividends with those paid by the banks in other countries, and it will be found that the rates are lower here than in nearly all the other countries on earth.

In the Bankers' Magazine, Journal of the Money Market, and Commercial Digest, for December, 1884, published in London, I find that the Bank of England pays 9¾ per cent., and that the London and partly provincial banks pay dividends ranging mostly from 10 per cent. to 22 per cent. The Yorkshire and northern banks pay mostly from 10 per cent. to 20 per cent. The Bank of Scotland pays 14 per cent., and the Scotch banks mostly pay from 12 per cent. to 16 per cent. The Irish banks pay about 12 per cent., some running to 20 per cent. The Bank of France pays 29¼ per cent., and the French banks mostly pay from 10 per cent. to 19 per cent. The German banks, like our own, pay low dividends.

In conclusion, I am frank to say that I care nothing for the national banks excepting as they are instruments of convenience to the people and as they are a part of the business interests of the country which have the same rights here, and no more, than the citizen whose only capital is in his head and hands.

Certain it is, however, that our monetary system of the past decade has given and is still giving the greatest satisfaction to the people, and he must be a very thoughtless or reckless man who, in the light of the past and the present of our financial experiences and in the light coming from other and older governments, is prepared to strike down the national banking system of this country.

To this system I am committed until such time as a better is offered, a time that has not yet come.

Mr. ERMENTROUT was recognized.

Mr. BRUMM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. I desire to ask, Mr. Speaker, if the five minutes which were occupied in the discussion with reference to the proposition to call the previous question were taken out of the time of the gentleman from Michigan [Mr. YAPLE]. If so, he was thereby deprived of five minutes of his time which he subsequently yielded to me. I was informed of this by a gentleman who kept the time. That being the case, I desire to ask if after having yielded the remainder of my time to Mr. SHIVELY he is not now entitled to five minutes.

The SPEAKER. Undoubtedly, if there was a mistake in the computation of the time. The Chair will cheerfully correct any such mistake, as it was not the intention that there should be any reduction from the time of the gentleman from Michigan on account of the remarks made with reference to the limitation of the debate.

Mr. BRUMM. I was satisfied that the time so occupied should not have been deducted from the time allowed the gentleman from Michigan.

The SPEAKER. It should not have been.

Mr. ERMENTROUT. I believe I have the floor.

Mr. BRUMM. I understand I have five minutes remaining, and this I yield to the gentleman from Indiana [Mr. SHIVELY].

Mr. ERMENTROUT. Am I recognized?

The SPEAKER. The gentleman will be recognized at the expiration of the remaining five minutes which the gentleman from Pennsylvania [Mr. BRUMM] now yields to the gentleman from Indiana.

Mr. SHIVELY. Mr. Speaker, the pending measure, known as the "McPherson currency bill," together with the amendment submitted by the gentleman from Pennsylvania [Mr. BRUMM], clearly illustrates the two antagonistic ideas struggling for supremacy in the financial legislation of the country. The discussion of these propositions develops and sharpens the real issue which the liquidation of the national debt is thrusting on the attention of Congress. The issue does not lie between a metal currency and a paper currency. The issue does not lie between a redeemable and an irredeemable currency. The issue does not lie between a State-bank currency and a national-bank currency. On the contrary, the issue does lie, clearly and distinctly, between a corporation currency on one hand and a Government currency on the other. Here the issue is drawn, broad, plain, and deep, and on this line this controversy will proceed until it is settled in the interest of the Government, and settled forever.

The gentleman from Iowa [Mr. HENDERSON], who just resumed his seat, insists that the provisions of this bill are "very simple," and adds that it is only designed to "get more money into the hands of the people." Indeed, sir, the provisions of the bill are very simple, and so far from getting "more money into the hands of the people," it involves a plain, broad, explicit proposition to appropriate $32,743,500 to the national banks without requiring a single farthing of compensation to the Government in return. The people, through the Government, are to furnish all the funds and bear all the burdens, while the banks are only required to monopolize the profits and harvest all the benefits. Such is the delicate partnership contemplated by this measure; such the philanthropic impulse inviting its adoption.

But, sir, we have not the slightest assurance that this measure will arrest the contraction of the currency. Even the distinguished gentleman from New York [Mr. POTTER], who is not only friendly to the banks but claims partial authorship of the present system, admits that it must produce the opposite effect. This gratuity to the banks would certainly enhance the value of their issue franchise; to enhance the value of their issue franchise is to increase the premium on their bonds; to increase the premium on their bonds is to render the stockholders more clamorous than ever for the retirement of the notes and the sale of the bonds to secure the benefits of the premium. So this measure, while containing a rich morsel for the banks, would only aggravate and intensify the evils which threaten the people.

Moreover, it does not appear that the contraction by the banks during the past year has been at all compulsory. On the contrary, the report of the Comptroller of the Currency shows conclusively that the banks can avail themselves of over $196,000,000 additional circulation under existing law. In spite of this, however, the Comptroller, in substance, distinctly avows that Congress must by legal enactment increase their profits or they will still further deplete the volume of currency. These facts clearly demonstrate not only that the contraction by the banks is entirely voluntary, not in any sense compulsory, but also that profit is their only object, whether sponged from the fields of prosperity or gathered from the wrecks of insolvency. Profit points the compass, and greed, armed by the Government with the power of expansion and contraction of the currency, leads the way, careless alike of outraged patriotism and bankrupted industry.

Such, Mr. Speaker, are the difficulties that must arise from every experiment of associating a public function with private enterprise. Such are the inevitable results of transforming a prerogative of sovereignty into an instrument of individual profit. As well, sir, might Congress lodge the right to "declare war and make treaties of peace," to sit in judgment on the issues of life and death, to a corporation of manufacturers of gunpowder and fire-arms and expect uninterrupted peace, as to lodge the purse-strings of society in a symposium of credit corporations and expect uninterrupted prosperity. As well delegate the power of collecting and disbursing the public revenues to a junta of prohibitory tariff enthusiasts and expect justice to the consumer, as to transfer the power of issuing and controlling the volume of currency to twenty-six hundred non-producing corporations and expect safety and stability to the productive and distributive interests of the country. Every transfer of public power to private control for private gain quickens into activity the most selfish instincts in human nature, and breeds disaster to the people and danger to the Government.

The present attitude of the national banks toward the Government and the business interests of the country presents a striking illustration of this truth. Within the past eighteen months the lines of credit have been drawn with constantly increasing tension, caused by contraction, from manufacturer to wholesaler, from wholesaler to retailer, and from retailer to consumer. And now these 2,600 children of privilege demand that Congress accede to their terms and grant this gratuity, or by further contraction they will snap these lines and ripen a harvest of foreclosure and confiscation. Even this accession to the banks would be no guarantee to the people. Privilege acknowledges no reciprocal obligation. It knows no friendships. It claims tribute of all. It feels grateful to none. It has no heart to touch, no sympathies to arouse, no conscience to awaken. Privilege would lay the whole world under contribution, but stand sponsor to nothing.

Then, sir, shall we seek a remedy by increasing the power of privilege? Why, alternate expansion and contraction, appreciation and depreciation, prosperity and bankruptcy, are the unfailing fruits of banks of issue. Neither regard for the Government nor solicitude for the people can be imparted to them by legal enactment. Said Mirabeau, "Banks of issue support governments as ropes support criminals." Their guardianship over the business interests of a country is the guardianship vouchsafed by the highwayman to his victim. This is no impeachment of national bankers. I distinctly disclaim the slightest hostility toward any class of men for availing themselves of the advantages conferred by the laws of their country. It is not a question of men, but of systems. It is not a question of individuals, but of institutions. It is not a question of private profit, but of sovereign prerogative. National bankers are but the beneficiaries of a system granted to them by the highest law-making power in the land. Congress has only been taken at its own word. He who hoists the floodgates should not complain of the deluge.

In their capacity as banks of exchange, discount, and deposit the national banks are useful and necessary factors in the business economy of the country. In their capacity as banks of issue they are the source of constant annoyance to the Government and menace to the people. As the former their business stands on its own merits, as does that of the merchant, the manufacturer, and the farmer. As the latter they exercise a public power only for private gain and utterly regardless of the public welfare. As the former they take equal chances with all other forms of private enterprise. As the latter they hold despotic sway over the producing and distributing forces of the country. As the former they are useful servants. As the latter they are despotic masters. The defects shown by these distinctions clearly indicate the proper remedy. Leave their exchange, discount, and deposit functions, all clearly private and local in character, intact, and let the national

banks do business on their own capital, with no more and no less protection under the law than is granted to other forms of private business. Let the issue function, entirely public and national in character, revert to the Government, where it belongs. Such a divorce of the proper from the improper functions of the national banks will destroy none of their power for good, and will remove all their power and temptation to harm. The temptation is removed by the repeal of the law which confers the power. That a law tempts only the selfishness of human nature is conclusive evidence of its injustice and abundant cause for its repeal.

The economic world is subject to laws as immutable in their character and as universal in their application as are the laws of nature. Violation of these economic laws is followed by commercial distress as certainly as the violation of natural law is visited with physical distress. Violent expansion and contraction of the volume of currency are a clear violation of one of these economic laws, and business bankruptcy and commercial paralysis are the inevitable penalties. To increase the temptation of private corporations to ignore these laws is suicidal policy. The proposed measure will not only provoke a further contravention of these principles, but also delay a permanent solution of the financial problem.

Want of time, sir, forbids me to dwell on the comparative merits of a corporation currency and a government currency. Suffice it to say that beyond all points of similarity as between the two the latter must ever possess substantial and conclusive advantages over the former. Every element of strength and safety inhering in our national-bank currency is lent to it by the Government, while all its defects arise from private control of its volume. Gentlemen who question the wisdom and expediency of trusting the control of the volume of currency to the Government are left to their skepticism in popular institutions; for the last analysis of every objection to such a currency demonstrates that it is founded on a lurking doubt in the ability of the people for self-government. Professing faith in free institutions, I leave such objections to others. They are the excuse of kings, the only plea of tyrants, the first and last argument of despotism. If the chosen and instructed representatives of fifty million people must abdicate the sovereign prerogative of issuing and controlling the volume of currency to private corporations, as a means of self-defense, the problem of popular government is yet unsolved. That only is a pure democracy, a perfect republic, where all the essential prerogatives of sovereignty are lodged in and exercised by the whole people in their collective capacity, through their representatives, for the common good of all. That government under which such prerogatives are farmed out to private corporations, to be prostituted to the individual gain of the few, is unworthy of the name democracy.

Again, sir, I respectfully suggest, in the interest of candor and fairness, that the substance of this measure should have been clothed in different form, submitted to the House, referred to the Committee on Appropriations, and reported back here, to stand on its own merits as an appropriation bill. It is certainly nothing more nor less. We deceive neither the public nor the banks; why humbug ourselves? Why present a gift and seek to obscure its value? Why tender the banks a tray of diamonds labeled "cobble-stones?"

Mr. Speaker, in the few minutes allotted me I have sought to emphasize the folly of this measure, which is as unjust in principle as it is vicious in policy. It would relieve the distress of the many by granting gratuities to the few. It is privilege seeking by additional legal enactment to fortify itself against the processes of natural justice. No candidate for public position would dare go before the people advocating such a measure as this. Its friends may steal a march on public opinion, but can it form a truce with fate. My vote shall be cast in favor of settling the question that this House is the exalted refuge of the people, not the paradise of class legislation.

Mr. ERMENTROUT. In the brief argument I propose to make in advocacy of this bill it is not my intention to follow the gentlemen who have already spoken in a discussion of the various theories advanced by them. I propose to pay my attention directly to the matter in hand, making only this preliminary remark: The gentleman from Michigan [Mr. YAPLE] has shown a disposition to arouse antagonism to this bill by appealing to party spirit. He says that the measure is anti-Democratic. In all that has been said by gentlemen in that line I beg leave to disagree with them.

We have heard a good deal of Bourbon Democracy and progressive Democracy and the Old South and the New South. I think if the gentleman who has thus appealed to the Democratic side of this House will take the Chicago platform as his guide on this question his doubts would vanish. That platform declares:

> We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss.

And they announced another principle as a guide for legislative action and as a matter of policy:

> That legislation affecting the occupations of the people should be cautious and conservative in method, not in advance of public opinion, but responsive to public demands.

Mr. BRUMM. Will the gentleman permit me——

Mr. ERMENTROUT. I decline to be interrupted. If the gentleman can not find his answer in my general remarks on this subject I do not propose to fritter away my time in any colloquy.

If there is one section in the Union which has become notorious, whether truthfully or falsely, for upholding the banner of Bourbonism, whether truthfully or not, it is, by common report, the State of Kentucky. And yet even a Senator, a Democratic Senator from the State of Kentucky, in some remarks made before the Senate, used the following language in regard to the national banking system:

> National banks are out of politics. There is nobody making war upon them; nor are they as such interfering in political affairs. We need their circulation for a growing country, and therefore it will be a benefit for us all to maintain it.

I read the above from Money in Politics, a work lately published by J. K. Upton. You may call this new Democracy if you will; that is the Democracy which I follow.

Now, the argument for this bill is in a nutshell. Briefly stated, it is as follows: The President of the United States in his message, the Secretary of the Treasury and the Comptroller of the Currency in their reports, have told us that in consequence of the rapid payment of the 3 per cent. bonds and their withdrawal as a basis for the issue of national-bank currency there has been an inconvenient contraction of the currency. This amount is stated by the Comptroller of the Currency to have been for the year ending November 1, 1883, $8,284,017, and for the year ending November 1, 1884, $24,170,676, aggregating for the two years $32,454,693. It is also said by these authorities that of the two hundred million of these bonds outstanding one-fourth will be retired by the operations of the sinking fund during the coming year; that, if this state of things is allowed to continue and no appropriate legislation had, this process of contraction will proceed at the rate of $40,000,000 per annum. Because it is well understood that the high rates at which the 4 and 4½ per cent. bonds rate preclude their profitable use by the banks as a basis of circulation. All these authorities unite in a recommendation, almost universally approved by the business community, that something be done to retard contraction and maintain circulation. Of all the bills having this for their object but two are presented for the consideration of this House. They are, in all likelihood, the only bills which the House will have an opportunity to act upon, if action is to be had in the present Congress. The one is known as the McPherson bill. It has already passed the Senate and is the one immediately before us for discussion. It is a measure which has also the approval of all the authorities I have named. The opposition to the measure comes from a very incongruous combination indeed. It is composed of two classes of persons:

First. Those who denounce national banks as burglars, robbers, and everything diabolical, and who are bent on expediting the approaching extinction, real or supposed, of the national banking system, by refusing to broaden the basis for the issuing of the national banking currency, and by substituting greenbacks in its place.

Second. Those who have proclaimed themselves, in season and out, as the progenitors, protectors, and defenders of the system, and who now profess to be actuated by a desire to make a more permanent basis for the issue of the national-bank notes by a refunding of the national debt in a bond bearing 2½ per cent. interest.

It is a sufficient answer to the opposition embraced in the first class to say that the action of the Forty-seventh Congress in passing the bill for the rechartering of national banks was a declaration on the part of the representatives of the people that the national banking system should be maintained for the present. It would be superfluous to enter into the reasons for this conclusion. They still exist and are as potent as ever. For obvious reasons the large majority of the people do not wish any disturbance or change in the system unless it be unavoidable. Believing this, it is my intention to support any and all proper measures looking to the maintenance of the present system. I do not mean that I would seek to perpetuate the public debt, or even extend the time of payment to subserve such a purpose. But, subject to that limitation, with my present lights, I am in favor of using the national debt as long as it may exist for national banking purposes.

Exclusive of all other bonds representing the debt there are $738,000,000, nearly two-thirds of our bonded indebtedness, that can not be liquidated under existing laws till July 1, 1907, more than twenty-two years. Certainly a sufficient basis for banking purposes for years to come. It needs only appropriate legislation. So that in my judgment the time is not yet on us when it has become a pressing duty "to provide for the retirement of the national banking system with the payment of the public debt," nor for the settlement of the other proposition, what currency shall take its place in the future?

To the opposition embraced in the second class I say that the funding of the public debt in bonds bearing a lower rate of interest is at all times desirable when it can be accomplished. But believing that there is no likelihood of Congress agreeing upon any such measure at this time, I think it wiser to support such measures as are more easily comprehended, as will give rise to less discussion, and are more likely to become law. Therefore, I am not disposed at this time to undertake any such legislation.

I am well aware that much effort has been made to forward the success of the particular project advocated by my distinguished colleague from New York [Mr. POTTER] through the press, by private correspond-

ence, and the action of public bodies. I confess that the representations thus made are entitled to great consideration. In all probability if I saw daylight I would yield the measure at the present time my hearty support. But my conclusion as to its unfeasibility is more than fortified by the fact that the funding scheme presented in Mr. Potter's bill, though introduced into this House as early as January 16, 1884, just one year ago, has up to this hour failed to receive the *imprimatur* of the intelligent committee to which it was referred.

It is but just to Mr. BUCKNER, the chairman of the Committee on Banking and Currency, who may probably join the ranks of the opposition, that I should say that he is not identified with either class, but has a project of his own, embraced in a bill he has introduced in the present session, which he will no doubt take occasion to explain, and which may prove a useful measure. It is obnoxious to the objection made to the Potter bill. I believe that legislation of so comprehensive a nature on so important a subject as is embraced by both these bills should come before the House through regular and appointed channels, and after due consideration by your committees. Such a course affords the surest guarantee against unwise action.

The only bills having for their object the maintenance of circulation which I see any hope of passing, and which the Committee on Banking and Currency propose to consider to-day, are the McPherson bill and the Dingley bill. If it appear that they will accomplish their purpose, I should consider their passage the best possible thing at present feasible.

The McPherson bill, by allowing the issue of notes to the par value of the national bond, instead of 90 per cent., would allow an additional circulation upon the bonds at present deposited of $32,000,000, a sum of itself sufficient to fill up within nearly half a million the decrease in circulation of the past two years. If, in addition to this, we should pass the bill introduced by my colleague on the committee [Mr. DINGLEY], authorizing the Secretary to invest in United States bonds the fund deposited by national banks for the redemption of their outstanding circulating notes, an additional amount of $42,837,408 would be put into circulation. Both bills together would be instrumental at this time in increasing the circulation nearly $75,000,000, or, in exact figures, $74,837,408—more than twice the net decrease circulation of 1883 and 1884. These measures will not only remedy a present evil, but will also prevent future mischief. Should we fail to legislate on this subject, the decrease in circulation, it is estimated, will be at the rate of $40,000,000 per annum—an estimate by some believed below the mark.

The fund which the Dingley bill aims to loosen up, as explained by its author, would increase at the rate of about $15,000,000 per annum. The result of these bills is, therefore, to relieve present and prevent future contraction. If the figures of those who ought to know are correct, and there is no reason to doubt them, these bills would restore and keep in circulation for the next two years $187,000,000, as follows:

McPherson bill	$32,000,000
Dingley bill	42,837,408
Present operation of the bills	74,837,408
In absence of legislation, estimated decrease in bank circulation:	
Two years	$80,000,000
Increase of redemption fund, two years, from $42,837,408 to $75,000,000	32,162,592
Total	112,162,592
Present operation of the bills	74,837,408
Total	187,000,000

I do not understand any one yet to have found fault with the bill touching the redemption fund, and yet in results the action of the McPherson bill seems to me to be far more effective, by restoring and keeping in circulation a greater amount. It is objected to because it is a makeshift, and we are told that it is discredited and dishonored by its own author and friends because of this admission. I make nothing of this argument, because it is an objection that applies to both bills proposed and to the national banking system. It was a makeshift and is a makeshift to-day so far as its circulation is concerned. There are few laws which are not makeshifts. I am not going too far in saying that all legislation, whether it be contained in your constitutions or your enactments, are makeshifts, measures calculated for given times and given circumstances, all liable to change and abolition with changing times and circumstances. But a makeshift which produces the results that I have shown in financial matters is a makeshift which rises to the dignity of wise and judicious legislation.

It is objected that this is a step in the direction of the perpetuation of the debt. There is no provision in either of these bills affecting that question. The committee I have the honor in part to represent, by the passage of a resolution early in the first session of the present Congress, while declaring their desire to continue the benefits of the national banking system, expressly protest against the perpetuation of the national debt for any such purpose. A point is attempted to be made against the bill because it is said that if you give the banks the additional 10 per cent. of circulation when they go out of business the contraction will be greater to that extent. This argument goes upon the presumption that the banks go into business to go out of it again. It does not take into account the inclination that men have to adhere to a business in which they are engaged, which they understand, and for which there is a call in the community in which they reside. No man changes his business, particularly the business affected by this legislation, so long as there is a safe and reasonable profit.

Gentlemen speak of all legislation touching the national banking system as being in the interests and to the profit and advantage of national banks exclusively. I do not so regard it. Have the people, the community, no interest in having a safe, sound, and universal currency, and in maintaining its circulation to the point called for by the business of the country?

If this legislation were not, in my judgment, of reciprocal and mutual advantage to all concerned and all affected by it it would not have my support. It is because I believe that the universal sentiment is for legislation of this kind that I am here to advocate it to-day. It would be a difficult thing indeed always to construct legislation in such a way that its benefits could be meted out in equal and exact proportions to all men. It is our province to enact just and wise laws of whose provisions all may avail themselves. That this man or that man may sometimes get more out of legislation is a result against which no human foresight can provide.

I make nothing of the argument that the passage of the McPherson bill will appreciate the bonds. To whom and why will it appreciate the bonds? It will appreciate them simply because of their use as the basis of circulation. The party that desires to go into the banking business will buy them and he will pay the price. They will be affected in the market simply by their value for these purposes. I see very little, if any, increased temptation in this for the banks to withdraw from business. If, as alleged, the banks by reason of the high premium will sell their bonds and retire, then investors will also largely sell. They can only find their purchasers in those who wish to go into banking or other investors. These parties will meet each other in the market, and at the end this matter will square itself. Under the present system the banks will remain in as long as it is profitable and no longer. The case will be no different in the future.

This argument seems to be singularly inconsistent with the argument made in the same breath that the McPherson bill in wiping away the 10 per cent. wipes away conservatism and prudence in banking. The gentlemen assert that by the passage of this bill the bonds will go up, away up, as high or higher than the difference between 90 and 100. I submit that under these circumstances the inducement for the banks to avoid mismanagement, for the purpose of holding on to these valuable bonds, will be no less persuasive than at present with the 10 per cent. margin. And the Government will be just as securely protected against fluctuations and risks arising from bank mismanagement. Under this law there will be about as much conservatism and prudence in banking as there has been in the past. I think experience has shown that this depends more upon the character of the people who are engaged in the business than upon legislative fines, penalties, and restrictions. Finding nothing in the objections made to this bill to change my convictions, I propose to give it my support.

[During the delivery of the above remarks, when the ten minutes yielded by Mr. HENDERSON, of Iowa, had expired,

Mr. ERMENTROUT said: I should like to have five minutes longer.

Mr. HENDERSON, of Iowa. As the gentlemen in favor of this bill are anxious to get to a vote, I yield the remainder of my time.

The SPEAKER. The gentleman from Pennsylvania [Mr. ERMENTROUT] asks the extension of his time for five minutes.

Mr. HENDERSON, of Iowa. I yield the gentleman five minutes more.

Mr. ERMENTROUT then resumed and concluded the delivery of the remarks printed above.]

Mr. POTTER addressed the House. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a resolution, in which the concurrence of the House was requested, for printing the report of tests of iron and steel and other materials for industrial purposes by Maj. F. H. Parker.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon.

NATIONAL-BANK CIRCULATION.

Mr. HEWITT, of New York. Mr. Speaker, in the singularly felicitous and very eloquent presentation of the argument against this bill made by the gentleman from Michigan [Mr. YAPLE], he was pleased to refer to New York and, when he predicted the passage of the bill, to read out of the Democratic party the Representatives of that State who might vote for this measure. Now, I know him to be an earnest Democrat, and I know he appreciates the fact that the party is not yet large

enough to spare any of its members, even in the State of New York, where we did not get through with a majority of the popular vote. He will be relieved, therefore, when he discovers that the vote of the city of New York, so far as I have been able to canvass it, will be found to be cast against this bill.

I am opposed to this measure, and I am opposed to it not because I am either the friend or the enemy of the banks or the banking system. I look upon banks as a part of the machinery with which the business of the country is carried on. They would not exist if they were not useful; and my only concern in regard to the banks is that the machinery shall be kept in good order so that it will run. But this bill will not, in my judgment, contribute to the public welfare, although it may add to the profits of the banks, in regard to which we have no other concern than not to deprive them of the opportunity of making enough profit to induce them to serve the public, so long as the public shall require their services.

I have no concern in these profits. This House has no concern in these profits. The only question is whether the operations of commerce will be promoted or damaged by the passage of this bill. I think they will be damaged. Therefore I am against the bill. It proceeds upon a false assumption, which has been repeated many times in the course of this debate. It proceeds upon the idea that there has been during the last year a contraction of the currency. There has been no such contraction. I hold in my hand the report of the Comptroller of the Currency. On page 14 he estimates that the net decrease of bank circulation has been $24,170,676. But it is a remarkable fact that the increase in the coinage of silver represented by silver certificates (which are currency) during the same period was exactly $24,000,000. The bank currency, therefore, that has been retired was driven out of circulation by a currency of superior circulating power, and it lost its place in the circulation of the country because there was no use for it. We want circulation when we have an active business. The circulation of this country prior to the past fiscal year was adjusted to a very large volume of business.

Naturally, in time of depression, when prices are low, the amount of money required to make the exchanges is reduced. And not only were the twenty-four millions driven out by another currency which took its place, but by the last bank statement in the city of New York it appears there were $47,000,000 over and above the legal reserve required for the security of the bill-holders of this country; $47,000,000 lying idle because the productive power of the country has been paralyzed and is standing still.

This bill, if you pass it, will authorize the issue of $32,000,000 of additional currency to be added to the $47,000,000 for which to-day there is no profitable use. You will say it will not be issued if there is no use for it. But that is a mistake. It does not cost the banks who have got the bonds lodged in the Treasury as security one dollar to take this $30,000,000 into their possession; and it is more than you can ask of human nature to resist the temptation to take possession of $30,000,000 which, if it can not be loaned at 6 per cent., can be loaned at 5 per cent. or at 3 per cent. or at 2 or even 1 per cent., as it is to-day being loaned at call in the city of New York.

This bill then gives us expansion when we need contraction. Will it give us expansion when we need expansion? The test of the merit of this bill is then to be applied. When shall we need this expansion? When business revives? Heaven knows when that will be; certainly not until many obstructions created by the existing tariff laws to the free course of trade shall be removed. But when this revival comes, whether it be in two years or in three years hence, will the passage of this bill have prevented the payment and retirement of the bonds upon which the bank circulation is based? No, sir; the surplus in the Treasury under the McPherson bill must be invested day by day and month by month in retiring the principal of these bonds. And hence when the time comes that we shall need bonds to get new issues of money the bonds will have been paid off and canceled, and the injury we have been seeking to avoid will have been accomplished beyond redemption. It is for that reason that I oppose this bill.

I confess that I advocate the substitute offered by my colleague from New York [Mr. POTTER], not because I think either of the bills is of such immediate or transcendant consequence as the banks contend and as the advocates of these measures in this House would try to have us believe. But what the Potter bill accomplishes is this: It takes the surplus money in the Treasury and uses it for reducing the rate of interest. In other words, it anticipates a portion of the interest for which it gets full compensation in the reduced interest on the debt, instead of using it for paying off the principal of the bonds. The mathematical calculation shows that the Government will be the gainer by this process. But the great advantage which this plan offers to the mercantile community is that the principal of the bonds will still remain as the basis for circulation when needed. The debt consists of the principal and the interest. We shall have discharged the interest, and the principal will remain as the basis for banking.

The SPEAKER *pro tempore*. The ten minutes yielded to the gentleman from New York [Mr. HEWITT] have expired.

Mr. POTTER. I have four minutes still remaining. I yield that time to my colleague.

Mr. HEWITT, of New York. My colleague [Mr. COX] asks me to explain a little more fully—I certainly had not intended to explain it at all—the process by which the United States, in anticipating the interest on the bonds—that is, the reduction from 4½ per cent. and 4 per cent. to 2½ per cent. by the Potter bill—would make a profit. The reason is this: When you pay a debt before it is due, and the interest is a debt which the Potter bill proposes to pay before it is due to the extent of 2 per cent., we get a discount. That discount is realized by the Government in the shape of a reduced rate of interest thereafter payable on bonds. The saving in interest thus made leaves in the Treasury a sum in cash which otherwise would have been paid out for interest. The sum thus saved, if invested quarterly at the rate of 3 per cent. per annum, will produce an amount equal to the compensation paid to the holders of the bonds for reducing the rate of interest to 2½ per cent. Practically the Government gets 3 per cent. upon its advances and pays 2½ per cent. on its debts, and thus makes a profit.

Now, when my time expired I was about to call the attention of the House to the contingency when contractions, severe and griping, will come upon this country. That day I can not predict, but within one year, within two years, within three years at latest, it will come without notice like a thief in the night. That day will be when, by the steady coinage of silver and the issue of silver certificates, this country shall pass from a gold basis to a silver basis in the commercial transactions of its citizens. That day is as inevitable as the Day of Judgment, and when it comes then every dollar of gold in the Treasury and in the banks and in the possession of private individuals will be hoarded. It is estimated that the gold of the country amounts to $610,000,000. In one day that six hundred and ten millions of gold will disappear from the circulating medium of this country. It will not be lost; it will not be stolen. It will cease to be money.

Mr. WARNER, of Ohio. Where will prices go then? Will not prices shrink?

Mr. HEWITT, of New York. Prices will shrink, fortunes will shrink, a financial earthquake will open gaps greater than those that Spain has just seen, and we shall be plunged, rich and poor alike, into a common ruin.

Mr. WARNER, of Ohio. Will not gold come in then? If prices fall to the degree which the gentleman predicts, will not gold come in from other countries as fast as ships can bring it?

Mr. HEWITT, of New York. The difference between the commercial value of gold and silver will make silver the standard of value, and the ships of which the gentleman from Ohio speaks will come back loaded with the silver of all the world to be tumbled into our reservoir in exchange for the gold thus driven from circulation. Our greenbacks will then be redeemable in silver, the interest on our debt be payable in silver, and all private obligations not by contract expressly made solvable in gold will be discharged in silver.

The losses will be terrific, and business will for a time come to a standstill. Then will come from every quarter of the land a wail of distress and a demand for more money. Congress will respond to the public demand, and, exercising its new-found power of issuing legal-tender notes in times of peace, will supply circulation equal to the wants of trade. No deliberative body can convert itself into a bank of issue without bringing on a suspension of specie payments. It was so during the Revolution. It was so during the war of the rebellion. It was so in France, in Germany, Austria, Italy, wherever the issue of paper money has depended upon the will of the legislature responsive to the clamor and the sufferings of the people.

Thus it ever will be; and when the gentleman from Michigan invites the Democratic party to accept the doctrine that the issue of paper money is to be made dependent upon the will of Congress he invites it to its downfall and the country to its ruin.

[Here the hammer fell.]

Mr. HEWITT, of New York. I ask unanimous consent to append to my remarks the resolutions of the New York Chamber of Commerce, of the New York Board of Trade and Transportation, and of the leading bank officers in the city of New York.

The SPEAKER. Is there objection? The Chair hears none. Leave is granted.

Resolved, That the Chamber of Commerce of the State of New York views with anxiety the existing doubts and uncertainties as to the extent and effect of the continued contraction of national-bank notes and concurrent disturbance of the national banking system.

Resolved, That, for the general welfare in all the varied business interests of the country, these doubts and uncertainties ought to be dispelled. And, in conformity with the report of its committee on finance and currency,

Resolved, That, for remedial legislation, this chamber approves and hereby urgently appeals to Representatives and Senators in Congress to promptly enact the measure known as the Potter refunding bill, amended as now proposed, and of which a copy is hereto annexed.

Resolved, That copies of these resolutions, together with copies of the amended bill and committee's report, be forwarded at once to kindred organizations of the merchants and business men of other cities, in suggestion of like action on their part if they approve.

Resolved, That like copies be forwarded at once to the Representatives and Senators in Congress from this city and State of New York.

We have the honor to transmit herewith copy of preamble and resolution adopted at the annual meeting of the New York Board of Trade and Transportation yesterday:

Whereas any considerable contraction of national-bank notes, such as is justly apprehended by the continued redemption by the Government of the bonds

which are pledged by the banks as security for their notes of issue is reasonably calculated to excite financial distrust and consequent embarrassment to all business interests throughout our country: Therefore,

Resolved, That the Board of Trade and Transportation of the City of New York regards the measure known as the "Potter refunding bill," amended as now proposed, a copy of which is hereto annexed, as being skillfully devised to promote and protect the public interests, and, to the end that existing fears and doubts be allayed and public confidence restored, would respectfully but firmly urge upon Congress the immediate passage of the bill.

AMBROSE SNOW, *President*.
FRANK S. GARDNER, *Acting Secretary*.

Being asked to express our opinion of the measure known as the Potter refunding bill, amended to read as per copy hereto attached, we, the undersigned officers of the associated banks of New York city, hereby reply that we approve and heartily recommend its prompt enactment:

National Bank of Commerce in N. Y., by Rich'd King, prest.; Bank of New York, N. B. A., in N. Y., by Chas. M. Fry, pt.; Mechanics' National Bank, by O. H. Cox, pt.; Union National Bank, by Wm. H. Male, prest.; Continental Nat'l Bank, by E. D. Randolph, pt.; Third National Bank, by Wm. D. Booth, pt.; The Importers and Traders' Nat. Bank, by E. H. Perkins, jr., pt.; The Nat. Park Bank of New York, Geo. H. Potts, prest.; The Amer. Exchange Nat. Bank, Geo. S. Coe, prest.; The Hanover Nat. Bank, by Jas. T. Woodward, prest.; The Merchants' Nat'l Bank of New York, by J. D. Vermilye, prest.; The Phenix Nat'l Bank of New York, by Eugene Dutilly, preslt.; The Leather Manufs. Nat. Bk. of New York, N. F. Palmer, pt.; The Mercantile Nat'l Bank of the City of N. Y., Wm. R. St. John, pt.; National Broadway Bank, L. A. Palmer, prest.; The Merchants' Exchange Nat'l Bank of the City of New York, Wm. A. Thomson, prest.; The Chemical Nat'l Bank of New York, G. G. Williams, pt.; The Tradesmen's National Bank of the City of New York, Nathaniel Niles, pt.; The Central National Bank, by Wm. M. Bliss, pt.; The Ninth National Bank, John T. Hill, pt.; National Shoe and Leather Bank, by J. M. Crane, pt.; The Chatham National Bank, by G. M. Hunt, pt.; Seventh Ward Nat. Bank, H. Shreiner, pt.; Chase National Bank, J. Thompson, pt.; Gallatin Nat. Bank, F. D. Tappen, pt.; Bank of North America, by Wm. Dowd, pt.; Corn Exchange Bk., W. D. Nash, pt.; Bank of America, Wm. L. Jenkins, pres.; The Germ. Amer. Bk., H. Rerhale, pt.; Bank of the Manhattan Co., D. A. Hays, prest.; Saint Nicholas Bank, Arthur B. Graves, prest.; U. S. Nat. Bank, S. C. Murray, pt.; Oriental Bank, Washington A. Hall, prt.; The National Butchers and Drovers' Bank, by G. G. Brinckerhoff, pt.; Pacific Bank, H. B. Brandreth, v. pt.; The National Citizen's Bank, W. H. Oakley, pt.; New York Nat'l Exchange Bank, L. B. Halstead, pt.; Irving Nat. Bank of New York, C. J. Snow, pt.; Fulton Nat. Bank, Thos. Monahan, pt.; Market Nat'l Bank, R. Bayles, pres.

Mr. LYMAN. I ask unanimous consent that the time of the gentleman from New York [Mr. HEWITT] be extended.

Mr. WILKINS. The opposition to this bill has occupied two hours and fifteen minutes.

The SPEAKER. Does the gentleman from Ohio [Mr. WILKINS] yield to the gentleman from Massachusetts to ask unanimous consent that the gentleman from New York [Mr. HEWITT] may be permitted to proceed with his remarks?

Mr. REAGAN. That can only be consented to in case an opportunity is allowed to answer the gentleman.

Mr. WILKINS. I would be very glad indeed to yield to the gentleman from New York, but our time is limited. I regret that I can not do it and I ask his pardon for not doing it, but under the circumstances I can not consent.

I send to the Clerk's desk to be read a letter touching this question which I have received from Hon. John J. Knox, late Comptroller of the Currency.

Mr. HEWITT, of New York. I ask the gentleman from Ohio [Mr. WILKINS] to yield to me to make a request.

Mr. WILKINS. I will do that.

Mr. HEWITT, of New York. I ask permission to attach to my remarks the resolutions and report of the chamber of commerce, to which, if I had had more time, I would have referred, and also a statement signed by all the banks in the city of New York, in regard to the operations of the Potter bill as compared with the McPherson bill.

The SPEAKER. If there be no objection the request of the gentleman from New York will be granted. The Clerk will report the letter sent up by the gentleman from Ohio [Mr. WILKINS].

The Clerk read as follows:

THE NATIONAL BANK OF THE REPUBLIC,
New York, January 13, 1885.

MY DEAR SIR: I have received your letter of the 30th ultimo asking for my views in reference to the passage of the McPherson bill which is now pending in the House. This bill passed the Senate during last session by nearly a unanimous vote, many Senators who had previously opposed similar measures voting in favor of this. Other bills providing for the funding of the 4 and 4½ per cent. bonds into 2½ or 3 percents have been under discussion in the Finance Committee of the Senate for more than two years, and have failed to obtain a favorable report. One other measure providing for a greater rate of issue than par upon bonds deposited was debated in the Senate and defeated, the McPherson bill afterward passing the Senate by a non-partisan vote. This bill authorizes either an increase of circulation upon United States bonds deposited with the Treasurer of 10 per cent. or authorizes the withdrawal of 10 per cent. of the bonds at the option of the banks. Thus a bank having $100,000 of United States bonds on deposit with the Treasurer may increase its circulation from $90,000 to $100,000, or it may withdraw $10,000 of its bonds and dispose of them, still retaining the same amount of circulation as at present.

The whole amount of 3 percents outstanding on the 1st January, 1885, was one hundred and ninety-six millions, of which the banks hold one hundred and forty-seven millions as security for circulation. As these bonds are called, fours or four-and-a-halfs must be substituted or the circulation reduced. The banks hesitate to buy other bonds at the present high rates, and are therefore rapidly reducing their circulation to the minimum point; that is, to an amount equal to one-fourth of their capital or less, as provided by law; but if the McPherson bill shall pass increasing the amount of circulation from 90 to 100 cents on the dollar, the banks will generally substitute other bonds for those which are called. It is not probable that the circulation will be largely increased, but the passage of the bill will have the effect to prevent any rapid reduction in national-bank circulation. Some of the banks will dispose of 10 per cent. of their bonds which are released by the operation of the bill, while others will increase their circulation. The price of the bonds in the market will not therefore be materially changed nor the aggregate bank circulation be largely increased at present. The bill will, however, do much good in the future, for as the time for payment of the fours and four-and-a-halfs diminishes the value of the bonds will also diminish, and they will be purchased by new banks as well as by those already organized, for the reason that the premium will not be large and that circulation can be obtained upon them for the par value thereof. The banks will thus probably come into possession of a sufficient amount of the fours to maintain their circulation for the next twenty years, thus perpetuating the national banking system with a slightly increased circulation and without much inconvenience to the banks.

The prompt passage of the bill will have a good effect upon the business of the country. Many of the banks have suffered losses during the present financial crisis, and such institutions will appreciate the relief afforded by the provision of the bill adding 10 per cent. of the amount of bonds held by them to their available funds. The passage of the bill by the House by a non-partisan majority like that which it received in the Senate will reassure the country that the policy of the new administration toward the banks is not to undergo any sudden change. During the present depression such an assurance is needed, and can not fail to have a beneficial effect upon every business interest. The pending measure, which is simple in its provisions, originated with a leading Senator in the Finance Committee of the Senate, who is an influential member of the party which is to control the incoming administration, and is the only financial measure now before Congress which is likely to pass during the present session, and its passage will be hailed by the business men of the country as one step toward furnishing the relief needed to remove the business depression, and its future effect will be much greater than is generally supposed.

You request me to inform you if the banks in this city are in favor of the passage of the McPherson bill. I have met many of the officers of the leading banks, and with but one or two exceptions they are heartily in favor of the bill. Many of the banks would as a matter of choice prefer a refunding bill, and have affixed their signatures to a paper recommending the passage of such a bill, but it is generally believed that such a measure can not pass during the present year, and it was not their intention in signing such a recommendation to obstruct or interfere with the passage of the McPherson bill, but simply to express a preference for a bill of that kind as an independent measure.

The banks in this city hold but a small amount of bonds upon which circulation is issued, and are not therefore interested directly in the question; but they are the correspondents of all the smaller banks in the country, and it would be an ungrateful act upon their part to oppose a measure now pending in Congress which will afford but moderate relief to their correspondents.

A similar bill to the refunding measure now pending was recommended by the Comptroller in his report for 1882, and has been fully discussed by the Finance Committee, and I am informed by members of that committee that there is no probability of such a measure, even if it should pass the House, being reported by the committee during the present session. The McPherson bill, on the other hand, has already passed the Senate and been reported upon by the Committee on Banking and Currency. It has been repeatedly recommended by the President, Secretary of the Treasury, and other officers of the Government, and a day has been fixed for its consideration, and it now only requires the vote of the House to insure its enactment.

The two bills should not be allowed to antagonize. They are not inconsistent with each other. If the Potter bill should be adopted as a substitute for the McPherson bill, the defeat of both measures is certain. Let each bill stand upon its own merits.

I earnestly hope that the McPherson bill, which is the only measure which has a reasonable chance of becoming law during the year upon which we have just entered, will receive the vote of the House, and that the Potter refunding bill will receive favorable consideration from the next Congress.

Very truly, yours,

JOHN JAY KNOX.

Hon. BERIAH WILKINS,
Committee on Banking and Currency,
House of Representatives, Washington, D. C.

Mr. WILKINS. I yield ten minutes of my time to the gentleman from Louisiana [Mr. HUNT].

The SPEAKER. The gentleman from Louisiana does not appear to be in the Hall.

Mr. WILKINS. Then I yield ten minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. I want more than ten minutes. My side of this question has not had a fair opportunity to be heard. The gentleman from New York who opposes this bill advocates one infinitely worse. The views which I wish to present to the House, my own and the views of those who are associated with me in opposition to the bill, have not had a fair chance to get a hearing to-day, and I want something more than ten minutes, and it must be accorded.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7964) to provide for the expenses and compensation of special messengers to be sent by the Secretary of State to the States, respectively, of Iowa and Oregon, for the certificates of the electoral vote of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States; when the Speaker signed the same.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 1820) to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; when the Speaker signed the same.

NATIONAL BANKS.

Mr. WILKINS. I observe that the gentleman from Louisiana [Mr. HUNT] is now in his seat. I yield to him ten minutes of my time.

Mr. HUNT. Mr. Speaker, we are warned by the officers of the Government of the reduction in the national-bank circulation, which is occasioned by the redundant revenue of the country. We know that the warning rests upon a proper foundation, because a large part of the indebtedness of the Government is in bonds redeemable at its own pleasure, and the revenue available therefor is appropriated as it comes in to the payment of the bonds. In the reports which were placed last session upon the desks of members it is stated by the Secretary of the

Treasury that so rapid is the reduction going on that a contraction in the banking currency of the country amounting, say, to some $60,000,000, will have taken place in a very brief period of time.

Now then, Mr. Speaker, what are we called on to say in the present bill? Simply whether in our belief the increase of circulation called for can be furnished with safety. I do not address myself to the bill of the gentleman from New York [Mr. POTTER], because I apprehend that under the rules it will be found impracticable to have a vote on that bill, and that it will be found practicable at the present session to determine little else than the issue presented in the bill reported from the Committee on Banking and Currency now before the House.

Now, then, how can the circulation which seems to be required by the country be properly utilized through the instrumentality of the national banks? At present the banks are allowed to receive currency to the amount of 90 per cent. of the face of the bonds deposited by them, and besides they have to lodge in the Treasury a reserve of 5 per cent.; so that really they are under a restraint amounting to 15 per cent. The present bill proposes as a measure of relief to permit the banks to receive currency to the amount of the par value of their bonds. But, Mr. Speaker, it ought to be noted the banks, under this bill, would still be subject to the restraint of depositing 5 per cent. for the redemption fund. So that in reality there is a margin of 5 per cent. for security other than has been generally understood or generally insisted on, at least in the present debate.

The gentleman from New York [Mr. POTTER] argues that there will be great danger in allowing the banks, as is proposed, to receive in currency the par value of their bonds. If he has that apprehension regarding the United States bonds to be deposited when it is brought to his notice that there is a reserve in the redemption fund of 5 per cent., so that the banks would really handle only 95 per cent.—if he thinks it unsafe to trust the banks with circulation to that extent, I undertake to say he is one of a very limited number of persons. I venture to add, too, that the apprehension he has expressed has not found expression in the consideration which has been given this topic elsewhere and in the best-informed quarters.

But, Mr. Speaker, the gentleman from New York, having indulged in this one apprehension, goes on to another, and says the measure before the House will be unwise because the bonds in question will be necessarily enhanced in value in the hands of the banks, will rise in the market, and the Government be thus obliged in the end to pay a great premium in the redemption of its debt. The gentleman then proceeded to indulge in a prophecy of evils. I submit we have no business with speculations here. This proposition involved in the bill under discussion has been before the country at least one year. It passed the Senate with the approval of those in that body who are best informed on financial topics, and no such rise as the gentleman now predicts ever came with the improving prospects for the final passage of the measure. If we are to occupy ourselves with speculations, we may as well take the speculations of some other gentleman who may be thought equally sound in judgment with the gentleman from New York. I think this is not a proper, not a statesmanlike course. The true and only question before us is, I submit, Can we not give the banking currency security, and do we not give it security when it is based by us upon United States bonds, the banks receiving only 95 per cent. thereof in circulating notes?

But, says the other gentleman from New York [Mr. HEWITT], the banks have directors and officers, who are human; and the entire currency to be authorized will be issued at once, and the country afflicted with a redundant circulation. Are the banks then going to give away their funds? Are they going to loan money unless they get interest on it? Are the channels of trade going to be overflowed in violation of the laws of demand and supply? Will the banks take out circulation if it is not to their interest to do so? And will the people call on the banks for loans unless the conditions of trade require it? These questions, Mr. Speaker, I think answer themselves.

One great advantage which the country has enjoyed under the national banking system has been a good circulation. Thirty years ago a traveler leaving the Mississippi River and going East lost upon his bank-bills from the time he left his point of departure until he reached his destination; and the increase in the loss was in proportion to the distance he traveled. Under the national-bank system the circulation has been stable and satisfactory; by it nobody has suffered loss. Besides the security upon which this bank circulation rests, and which I have endeavored to explain, it is secured by the guarantee of the Government. It is morally impossible, therefore, that any holder of a national-bank note shall lose one cent.; and it is familiar, as a matter of fact, that no note-holder ever has lost.

Will you then authorize this additional amount of currency to go into circulation to be used if the demands of trade exact it, or to be left unused if not needed—to respond to the demands of the time, to answer the varied requirements of business? Or are you to listen to the proposition which, with so much astonishment, I have heard presented to-day, that the United States shall issue legal-tender notes, and the amount of the issue become matter for political consideration and action in Congress——

[Here the hammer fell.]

Mr. WILKINS. Mr. Speaker, how much time have I left?

The SPEAKER. Thirty-three minutes.

Mr. WILKINS. I yield fifteen minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. If I could be permitted to take the floor in my own right I would much prefer it.

The SPEAKER. The gentleman from Ohio [Mr. WILKINS] now holds the floor.

Mr. WARNER, of Ohio. If I can not obtain the floor in my own right I will take it for what time I can get, but would like at least twenty minutes.

I send to the Clerk's desk to be read an amendment which I propose as an additional section, and which I desire may be considered as pending.

The Clerk read as follows:

SEC. 3. That whenever the volume of circulating notes of national banks shall fall below $303,318,984 by the redemption of national-bank notes, as provided by section 4 of the act of June 20, 1874, and of section 6 of the act of July 12, 1882, the Secretary of the Treasury is authorized and directed to issue United States notes redeemable in lawful money, in denominations as nearly as may be of the bank notes redeemed, in sufficient amount to keep the volume of paper currency at all times up to a total of $650,000,000, including national-bank notes, greenbacks, and notes issued under this act; and such shall have the same legal-tender power as is now given by law to national-bank notes, and they may be deposited by national banks with the Treasurer of the United States as lawful money for the redemption of their outstanding circulation.

Mr. DINGLEY. Mr. Speaker, are there not two amendments already pending?

The SPEAKER. The Chair was about to state the situation of the bill. The gentleman from Michigan [Mr. YAPLE] while holding the floor in his own right proposed an amendment to the bill, after which the gentleman from Pennsylvania [Mr. BRUMM] while holding the floor offered a substitute for the bill. Under the rules of the House there may be pending at the same time an amendment to the bill with an amendment to that amendment, and a substitute for the bill with an amendment to that substitute.

Mr. WARNER, of Ohio. Then I will offer this as an amendment to the amendment of the gentleman from Michigan.

Mr. DINGLEY. If it is offered I desire to reserve all points of order on it.

Mr. WARNER, of Ohio. Mr. Speaker, this country is undergoing one of those periods of depression which so frequently visit modern nations. In the midst of plenty there is want. The granaries of the farmers are overflowing with abundance; the shelves of the merchants are loaded with manufactured products; yet trade is stagnant; industries are broken down; labor is out of employment; exchanges are obstructed; business is paralyzed, and money, as the gentleman from New York [Mr. HEWITT] has just said, is gathered in money centers and lies idle, while failures in business have increased from $65,000,000 in 1880 to $250,000,000 in 1884.

There must be some cause for all this. I believe there are two principal causes. The first is, disproportionate production; not general overproduction—that is a condition that cannot exist; there can not be a surplus of everything. That is, a surplus or overproduction of some things as compared with others often takes place and is always followed by more or less disturbance of business, and not unfrequently by great suffering.

For as modern society is constituted and as civilization advances the dependence of man upon his fellow-man increases.

Capital and labor must go together. Machinery becomes as necessary to the laborer as are his own hands. When industries break down and the machinery of production stops the laborer is deprived of the very means of earning bread. This is the condition now over a large part of the country. I do not, however, propose to enter into a discussion of the question of overproduction. But to refute an error that seems so widely to prevail I will print with my remarks some things which have been said on that subject by men who have more ably discussed it than I can.

Among the first to combat the theory of overproduction was James Mill, one of the clearest and ablest writers on political economy. He says:

A commodity which is the instrument of demand is always at the same time a commodity added to the stock of supply. Of two men who perform an exchange, the one does not come with only a supply, the other with only a demand; each of them comes with both a demand and a supply. The supply which one brings is the instrument of his demand, and his demand and supply are, of course, exactly equal to one another. But if the demand and supply of every individual are always equal to one another, the demand and supply of all the individuals in the nation, taken aggregately, must be equal. Whatever, therefore, be the amount of the annual produce, it can never exceed the annual demand.

Professor Nicholson, late of Trinity College, Oxford, by three questions and answers completely overthrows the doctrine of overproduction.

What is demand? Demand is the offering a commodity which we have in exchange for one which we want.

What is supply? Supply is the commodity itself which we offer in exchange.

Can demand, as we define it, exist without supply, or supply without demand? Certainly not; for we must furnish a supply of some sort or other in order to offer it for the commodity which we want.

John Stuart Mill discusses the question at greater length, but with the same conclusion. He says:

The argument against the possibility of general overproduction is quite conclusive, so far as it applies to the doctrine that a country may accumulate capital too fast; that produce in general may, by increasing faster than the demand for it, reduce all producers to distress. This proposition, strange to say, was almost a received doctrine so late as thirty years ago.

Is it not almost a received doctrine now in this country? One would think so from what is said not only in the public press but on this floor.

And the merit of those who have exploded it is much greater than might be inferred from the extreme obviousness of its absurdity when it is stated in its native simplicity. It is true that if all the wants of all the inhabitants of a country were fully satisfied, no further capital could find useful employment; but in that case none would be accumulated. So long as there remain any persons not possessed—we do not say of subsistence, but of the most refined luxuries, and who would work to possess them—there is employment for capital; and if the commodities which these persons want are not produced and placed at their disposal, it can only be because capital does not exist disposable for the purpose of employing, if not any other laborers, those very laborers themselves, in producing the articles for their own consumption. Nothing can be more chimerical than the fear that the accumulation of capital should produce poverty and not wealth, or that it will ever take place too fast for its own end. Nothing is more true than that it is produce which constitutes the market for produce, and that every increase of production, if distributed without miscalculation among all kinds of produce in the proportion which private interest would dictate, creates, or rather constitutes, its own demand.

And again:

A want of market for one article may rise from excessive production of that article, but when commodities in general become unsalable it is from a very different cause; there can not be excessive production of commodities in general. * * * What a country wants to make it richer is never consumption, but production. Where there is the latter we may be sure there is no want of the former.

A German writer of distinction, Rodbertus, has undertaken to show that the equilibrium of production, as modern industries are carried on, is necessarily destroyed periodically.

The following figures will serve to illustrate this theory of periodical disproportion in production. According to the census of 1880 there were employed in the United States—

In agriculture	7,670,000
Average earnings, each	$289
Total earnings	$2,220,000,000
In manufacturing and mining	3,800,000
Average earnings, each	$350
Total earnings	$1,380,000,000
In trade and transportation	1,800,000
Average earnings, each	$500
Total earnings	$900,000,000
In professional and personal service	4,000,000
Average earnings, each	$400
Total earnings	$1,600,000,000
Aggregate earnings or share of total production of the industrial and professional classes	$6,100,000,000
Gross products of the country, say	$10,000,000,000
Left for capital and the non-producing classes	$3,900,000,000

Now, if the production of things consumed by the different classes here given be in the proportion of the earnings of the different classes, then the equilibrium of production and consumption would continue. But changes are ever taking place; improvements in production are constantly being made, and the quantity of things produced increases much faster than population. Suppose, for illustration, that production per capita doubles in a given time. Then it is clear that unless the share that falls to the different classes, that is, the wages of labor and earnings of all classes, is doubled, the power of consumption of the different classes would not increase with the increase of production. Production in some lines would then become excessive, and such industries must shut down. Idleness is then forced at first upon a small class; but as the wages of one class is cut off their power to consume, that is to buy, is taken away, and this in turn affects other industries, until the disturbance has its run through all; when a readjustment takes place and a new equilibrium is established.

CONTRACTION OF THE CURRENCY.

Another cause of the depression we are now undergoing, and the one I propose more particularly to discuss, is the contraction of the currency not only in this country, but throughout the world. For the first time since the discovery of this continent the production of gold has fallen below consumption in the arts, for ornaments and dentistry. And it is a startling fact that we are now actually encroaching upon the world's stock of coined gold for other uses than for money. By the stoppage of the coinage of silver in other countries and its restriction in this money supply from the silver mines is limited or cut off entirely. Then, in this country there is added to this general stringency a contraction of the paper currency of from three to four millions of dollars a month, with the danger of a still greater contraction in the near future. That cloud hangs over us. In my judgment, therefore, the most important thing before Congress is to stop this contraction of the currency. I wish it were the duty of the Speaker every morning when he takes the gavel to warn the House that its first duty is to stop the contraction of the currency, as in the Roman senate it was declared that Carthage must be destroyed.

It must be stopped if we would have a resumption of prosperity. It must be stopped if we would see our industries in a healthful state of activity again and the suffering hopelessness of the laboring classes relieved.

But the gentleman from New York [Mr. HEWITT] who has just spoken says that money is too abundant, that there is no profitable use for it. Is it strange that money is idle? Does the gentleman not know that when the volume of money in any country is undergoing contraction prices necessarily fall, and that money in consequence is withdrawn from business? A fall of prices is the necessary effect of a contraction of the currency. It can not be otherwise.

A contraction of the money volume changes the relations between money and other things, and necessarily affects prices. John Locke long ago laid down the true law relating to the value of money, as follows:

Money, while the same quantity of it is passing up and down the kingdom in trade, is really a standing measure of the falling and rising value of other things in reference to one another, and the alteration in price is truly in them only. But if you increase or lessen the quantity of money current in traffic in any place, then the alteration of value is in the money.

That is, with a stable volume of money for a given population with given wealth, which determines the volume of business, variation in the price of commodities is a variation in the goods themselves as compared one thing with another; but when the volume of money is changed, then the measure itself is changed, and we have what is taking place now, a double effect—that is, both a change in the commodities under the law of supply and demand, as above stated, and a change in the measure itself affecting the price of everything. In fact, it is an admitted doctrine of political economy that there can not be a general rise or a general fall of prices except by a change in the value of money. A general fall or a general rise of prices, when properly understood, means simply that there has been a change in the measure itself.

Nor is this law affected by the use of checks, drafts, or other means of economizing money, any more than the law of supply and demand is set aside in relation to coal because of improved means of economizing fuel. The effect of economizing the use of money or lessening the need of money amounts simply to this. In England £20 per capita, with the use of checks, drafts, clearing-houses, &c., answers the purpose of £40 per capita in France without these appliances.

I repeat, then, that prices will always fall when the money volume is undergoing contraction, and as prices begin to fall money is withdrawn from investment and hoarded in idleness. Why? Because investment is not safe. It is neither profitable nor safe to put money into property that is falling in value nor to employ it in business. Production is therefore checked or stopped. For if what is produced one month is worth less the next, who wants to invest money in production? That road need only be followed long enough to carry any one into bankruptcy. It has already carried thousands there, and has just carried the great firm of Oliver Bros. & Phillips, of Pittsburgh, into that pitfall.

No, money is not invested, because when prices are falling it is not profitable or safe to invest it. It is profitable at such times to lock up money, because although it may draw no interest it is increasing in purchasing power. It is gaining in its power of command over property. In short, to use it is to lose, to lock it up is to gain. It is the buried talent that, under such circumstances, gains other talents, and the active talent that loses. Hence it is that a contraction of $10,000,000 leads to locking up two, three, or five times as much, which reacts to reduce prices still lower. And this operation will continue just so long as contraction continues, whether it be one year or ten years.

Instinct as to money is always acute. In 1874 I heard a gentleman of wealth say he had placed in the Bank of England a million dollars at 2 per cent.—just as money is now being sent to England to be loaned. When I asked him "why he did not invest it here," he replied, "Why, I expect to be able to buy next year for $900,000 more property than I can buy now for a million." He was right. But people say there is a want of confidence. Certainly; but how can there be confidence in investments or in business when prices are falling? And if one having money of his own will not invest it, who will want to borrow on "good security" to invest?

Is it to be wondered, then, that interest is low? Interest is always low at such times, and always will be. Interest in the long run depends on profits, and if there is no profit there can not long be interest. Interest is highest and surest when business is prosperous, and is usually high too at the beginning of a decline in prices, for then everybody is trying to save himself; but when prices have fallen and business in consequence has become stagnant, then interest falls for the reason I have given. George Ward Norman, in his evidence before the parliamentary committee of 1857, stated that rate of interest did not depend on the amount of currency. He said (see page 318, question 3522):

There is no doubt that all over Europe, in the last few years, there has been a great increase in the quantity of money. The currencies of all countries have expanded, but the rate of interest has been very high. The very reverse would be the case if the rate of interest depended on the amount of currency.

Taken all in all there is nothing so far-reaching, or so ruinous in its consequences, as a shrinking volume of money. Money is the life-blood of all industrial activity, and when it is taken away it is felt in every vein and artery of trade. Stop contraction and business will revive and industries will show new life.

I have spoken only of the effect of contraction when wealth and population are at a stand. It is easy, however, to see the double effect of contraction if, on the contrary, population is on the increase as it now is in this country. In fact, in order to keep the money volume to its proper relation to population and wealth there should be at this time an annual increase of from forty to fifty millions of currency of some kind.

Hence, even if there was no actual contraction, the increase of population itself would produce all the consequences of contraction. But in fact we have now both a contraction of the currency and an increase of population.

Hence, Mr. Speaker, the importance of stopping the contraction of the currency now. Unfortunately, perhaps, that can be done only by Congress. It is the operation of law upon national banks that has brought on contraction, and it is only by law that it can be stopped; and I repeat that it is idle to hope for a return of prosperity as long as contraction continues.

How shall we stop the contraction of the currency? There are three plans before the House. One is the McPherson bill now under consideration; another the Potter funding bill, and the third the amendment which I have sent to the Clerk's desk. I see no objection to allowing banks to take out currency equal to the face value of the bonds they deposit to secure their circulation. At the time the national-bank act was passed there was, perhaps, good reason for restricting circulation to 90 per cent. of the bonds; but that reason no longer exists. If banks were permitted to take out currency equal to the face value of their bonds it would operate as a temporary inflation of some twenty to thirty millions of dollars; but this would be followed by a more rapid contraction. In other words, the fall would be from a higher level. The reason is simple. Now, when the Government pays a $1,000 bond and a bank surrenders its circulation it surrenders $900. After the passage of the McPherson bill the bank would surrender $1,000 on the payment of a $1,000 bond; so there would be a contraction of $100 more in the one case than in the other.

I can not, however, agree with my friend from New York [Mr. POTTER] when he claims that under the McPherson bill bonds would rise in value, and that on this rise bankers would sell their bonds rather than take out new circulation. His proposition, it seems to me, is subject to a *reductio ad absurdum*. Bonds, he says, will go up in the market under the demand for them by banks for the additional 10 per cent. circulation, and on this rise banks will sell out! That is, banks will make the demand, and then sell out on the demand they themselves make! That would be like a man lifting himself up by his boot-straps.

There are some features, however, of the proposed Potter funding bill that I should favor, especially the reduction of interest, which is really a reduction of the debt itself.

CURRENCY REGULATIONS.

But the question we must meet sooner or later, and might as well meet now, is, Shall we continue to subject the paper currency of this country to regulation by private corporations and as private interests may dictate, or shall it be subjected to such regulation by law as shall secure stability of volume and thereby uniformity of value?

It has been well said by the gentleman from Michigan [Mr. YAPLE] that banks now put out currency when it is profitable for them to do so, and they retire it when it is not profitable. The quantity and regulation of the volume of money is now determined by private interests alone—the private interests of a few hundred men controlling national banks—and in permitting this we subject the value of all property, the prices of commodities and wages of labor, the relations of debtor and creditor, in no small degree to the control of private interests; for in the regulation of the currency banks are governed by no other principle. Now, I say this principle of currency regulation in which is involved such vast interests is unsound and indefensible.

Sir Robert Peel in his great speech of May 6 and 20, 1844, on the British act regulating the issue of currency, said:

There is no contract, public or private; no engagement, national or individual, which is unaffected by it. The enterprises of commerce, the profits of trade, the arrangements made in all the domestic relations of society, the wages of labor, pecuniary transactions of the highest amount and of the lowest, the payment of the national debt, the provision for the national expenditure, the command which the coin of the smallest denomination has over the necessaries of life, are all affected by the decision to which we may come on that great question which I am about to submit to the consideration of the committee.

Is it wise or safe, I ask, to submit the control of the paper currency to private interests? Is this to become the established policy of this country? If not, now is the time to meet the question. I know we are told that national-bank notes are abundantly secured. That is all true, but there is a very great difference between security of final payment and such regulation of quantity as will insure stability of volume, and consequently stability in the value of the whole currency. Notes might be issued on the whole $1,200,000,000 of bonds, and the final payment of the notes would be amply secured; but is it not apparent enough that the value of the whole volume would be depreciated by such an issue? If you would allow national banks now, as during the war, to have bonds at par bearing 6 per cent. interest, does anybody doubt that they would put out currency by the hundreds of millions? There would be no suspension of issues until the inflation ended in collapse. The security of the final payment of notes by deposit of Government bonds, if only the profit were large enough, would not prevent the sort of expansion and contraction which took place under State banks.

On the other hand, take away the profits on issuing currency, and the banks will take away the currency itself. This is the condition of things now. It comes to this then: If you make it their interest to do so the banks will put out an abundance of currency, even to the wildest inflation; but if it is not made their interest to do it they will not put out any.

And this is the principle on which the currency volume is now regulated in this country, and on this volume, I say, depends in a large degree the business concerns of the country, as well as the value of everything that enters into commerce. For, say what you will, the truth is such currency, for the great purposes of trade, has the same influence on prices as so much gold and silver would have, and by placing in the hands of these corporations the power at will, or as their interests may prompt them, to change the volume of circulation, you place in their hands the power to control the value of all property and the obligations of every existing contract.

I attack, therefore, the very principle of bank regulation of currency. It is unsound. It is Lawism, and nothing else. John Law proposed to issue money on land. Why not on land as well as on bonds? It would seem that land, which is by nature limited, ought to be as secure as bonds, that may be unlimited. The error lies in accepting security for final payment as such regulation of quantity as is necessary to secure at all times stability of value. Value depends on quantity as compared with use; final payment upon the assets of the issuers; and this is true whether the issuers be the banks or the Government.

I come now to the principle on which those who favor bank regulation of currency lay greatest stress. The banks, they claim, adjust the volume of currency to the demands of business; that they give out and take up circulation in response to the wants of trade, so that there will always be just as much currency as business requires and no more. The real contest is over this principle, for if such an adjustment were possible there would be great force in the argument in favor of bank regulation of currency. But, even if this principle were ever operative, it certainly does not apply to national banks. National banks take out circulating notes equal to 90 per cent. of the bonds they deposit. When once taken out they are out to stay. In this respect there is no difference between national-bank notes and greenbacks. The banks do not even pretend now to be governed by any such principle as is claimed for them.

But if they did, the principle itself is deceptive. The old State banks claimed to act on this principle, but the result was always alternate inflation and collapse. The truth is there is no such relation existing between business and the money volume as admits of automatic adjustment through banks or in any other way. Such a relation or adjustment, from the nature of things, is impossible. No doubt there is greater business activity at one time than another; a greater number of exchanges at one time than at another, and if the demand for money grew only out of this relation there might be some ground for supporting the elastic principle, as this principle is called, in currency regulation. But no sooner is currency issued in abundance than a rise of prices takes place; and every rise of price is a new demand for currency. When prices are doubled the demand for two dollars to make an exchange is as great as the demand for one was before the rise.

In short, this is a demand that is never satiated. You might as well talk of adjusting fuel to the flames. The demand for more money was never greater than in times of greatest inflation during and at the close of the war. Lord Overstone said in his evidence before the parliamentary committee of 1857 (page 365), "I have no hesitation in saying that the Bank of England can put out any quantity of its notes that it thinks proper." I think this is enough to show that the elastic principle in currency regulation is a fallacy. Indeed it is a notion long ago exploded, but nevertheless one of those persistent errors that are all the time coming up anew.

The object of the amendment I have offered, Mr. Speaker, is to make fixed the existing volume of the paper currency and stop contraction. It does not propose to compel banks to give up any part of their circulating notes, nor to take from them a single privilege. I shall vote to allow them to take out circulation equal to the face of their bonds, and would vote to reduce the tax on circulation. But I want to have go along with these provisions the provision I have offered, so that if after the bill passes the banks voluntarily surrender circulation so as to reduce the total volume of paper below what it now is—about $650,000,000—the Secretary of the Treasury shall be required to issue Treasury notes having the same legal-tender power the retired bank notes possessed, in sufficient quantity to keep the volume of paper permanently up to $650,000,000.

The proposed amendment is as follows:

SEC. 3. That whenever the volume of circulating notes of national banks shall fall below $303,318,984 by the redemption of national-bank notes, as provided by

section 4 of the act of June 20, 1874, and amendments thereto, the Secretary of the Treasury is authorized and required to issue United States notes redeemable in lawful money, in denominations as nearly as may be of the bank notes redeemed, in sufficient amount to keep the volume of paper currency at all times up to a total of $650,000,000, including national-bank notes, greenbacks, and notes issued under this act; and such notes shall have the same legal-tender power that is now given by law to national-bank notes, and they may be deposited by national banks with the Treasurer of the United States as lawful money for the redemption of their outstanding circulation.

This will prevent further contraction and hold the whole currency volume fast at the level at which it now stands, at the same time leaving to banks every right and privilege they now possess.

This is substantially the principle of Peel's act of 1844. That act recognized a given volume of paper as forever constituting a part of the money volume of England. To get more paper, coin or bullion must be deposited in the issue department of the bank, which, by the act of 1844, was put under the exclusive control of the Government. So it is proposed here to make the $650,000,000 of paper currency a permanent part of the money volume of this country, and then if a larger part of the whole money volume is required to be in paper, let gold or silver be deposited with the Treasurer for certificates. This principle is sound and perfectly safe. It prevents contraction; it permits no inflation; it looks only to stability. The principles on which this proposition rests are safe and incontestable. They may be stated thus:

First. If the volume of paper in any country be less than the whole volume of money required to maintain prices in that country up to the international level of prices, then coin will flow to such country and remain in such amount as, together with the paper currency, will suffice to sustain prices generally at the international level. For instance, if $1,200,000,000 of active currency is necessary to maintain prices in this country up to the international level of prices under our tariff system, and we have but $650,000,000 in paper, then $550,000,000 of the world's money will come here.

Second. If the paper currency, as above stated, be kept below the volume necessary to maintain prices at the international level, then such paper, if it have general acceptance as money, can not become depreciated; that is, can not fall below the coin level.

Third. A currency, part paper and part coin, will be regulated by the influx and efflux of the coin part, precisely as a purely metallic currency would be self-regulating.

I state these principles to show the perfect safety of the proposition I submit.

Mr. Speaker, these principles are not new or novel. They are deductions made after thorough investigation of the subject by as able men as any country has ever produced. In no country, perhaps, has this subject been subjected to as many crucial examinations as in England, beginning with the bullion report of 1819, and continuing down to 1857, and even to the present day. The act of 1844 was the result of an investigation by the parliamentary committee of 1840.

In 1857, again, a commission, composed, I believe, of as able men as ever sat on any commission, heard evidence on the operations of the act of 1844. At the head of that commission was the chancellor of the exchequer, and on it were such men as Gladstone, Disraeli, Sir James Graham, Sir James Wilson—both distinguished writers on economic questions—Sir Francis Baring, of banking fame, Sir Charles Wood, and others hardly less distinguished. Such witnesses as John Stuart Mill, Lord Overstone, George Ward Norman, also Weguelin and Twells, who were or had been presidents of the Bank of England, and others, were heard by the commission.

The one question before this commission was, Should the right to issue circulating notes be restored to the banks, or should it be kept under the control of the government, as provided in the act of 1844? I will read a part of Lord Overstone's examination by that commission. It should be remembered that Lord Overstone, besides being a distinguished writer on currency questions, was also a great banker; and I have thought it a misfortune that bankers in this country did not more of them study this question as he studied it.

At the beginning of the examination of Lord Overstone this question was asked him (question 3647, page 328):

Do you consider the separation of the issue and banking departments of the Bank of England to be founded upon the principle that the business of issue and the business of banking are in their nature distinct?—Undoubtedly; it is impossible to entertain any other view of the matter.

Again he says:

I certainly think it quite essential that the issue of paper money should be kept entirely separate and distinct from everything connected with the banking business (page 336, question 3664).

Again (page 337):

The present system of country issues which exists in this United Kingdom is undoubtedly a complete anomaly. We have it, and we do not very well know how to get rid of it; but I apprehend that no rational and intelligent person can say that he likes the system or that he approves of it.

Again (page 328):

First, the supply of the current coin, that is, the money of the realm, ought to be entirely separated from banking business, which is simply trading in money, borrowing at a low rate and lending at a higher rate. * * * Notes or certificates ought to be issued as the money, whether copper, silver, or gold, is coined, under strict provisions of law, and by no authority, such as the mint, established by law, and subject to strict regulations laid down in that law.

He then quotes this from Daniel Webster:

The circulation of paper tends to displace coin; it may banish it altogether. At this very moment it has banished it.

I would ask the committee—

Continues Lord Overstone—

to mark well that fact. There is a distinct statement of the entire banishment of coin from the United States by paper money, payable to the bearer on demand, and issued in obedience to what were deemed to be the wants of the public.

Then he continues his quotation from Webster:

If others may drive out the coin and fill the country with paper which does not represent coin, of what use is that exclusive power over coins and coinage which is given to Congress by the Constitution? Wherever paper is to circulate as subsidiary to coin, or as performing in a greater or less degree the functions of coin, its regulation naturally belongs to the hands which hold the power over the coinage. This is an admitted maxim by all writers; it has been admitted and acted upon on all necessary occasions by our own Government throughout its whole history.

Again, on page 329, Lord Overstone says:

The sole privilege of coining money, whether copper, silver, gold, or paper, ought to be vested in one institution, established for that exclusive purpose, and subject to strict regulations of law. No share of such privilege ought to be conceded in any form to banks or to private individuals.

Again, on the same page:

Perfect freedom of competition should be established in the business of banking, correctly understood, and effectually distinguished from the function of coining or from that of issuing paper tokens or representatives of coins, that is, bank notes, which, in fact, is coining under a form peculiarly susceptible of abuse, because the undue issue of paper notes is not restricted by that intrinsic value which effectually regulates the issue of metallic money.

Then he quotes Tooke as follows:

The privilege of issuing paper money is a delegation of that which is universally considered as a privilege residing in the state.

Sir Robert Peel, in the speech before referred to, said:

We might, I think, infer from reasoning, without the aid of experience, that an unlimited competition in respect to issues will not afford a security for the proper regulation of the paper currency.

But I need not multiply evidence on this point. The literature of political economy, and especially of that period extending from 1797 to 1857, covering the period of suspension and resumption in England, and of the discussions that led to the act of 1844, are full of evidence all pointing to the same conclusion, and that is, that the issue of currency should be separate and distinct from the business of banking, and that the regulation of the volume of money can not be safely left to private interests. The business of banking is to deal in money, not to create money. It would be as reasonable to leave the control of coinage to the goldsmiths as the creation of paper money to banks.

I say, in conclusion, Mr. Speaker, that enlightened statesmanship throughout the world has discarded the practice of bank regulation of currency, and we must give it up too. What other country would turn over the issue of currency to twenty-five hundred banking corporations to be put out or taken up only as their own interests might dictate? No nation in Europe to-day, not one, intrusts the issue and regulation of currency to private interests or to a bank, unless the bank is a state institution and the issue of its circulation is under the direct control of the state and subject to strict regulation by law. The right to issue circulating notes is not necessary to the existence of banks, nor to the existence of the national banking system. As the public debt is paid bank notes must be retired And the people demand that the debt shall be extinguished, and the sooner provision is made to supply the place of retired bank notes the better for the country.

Mr. WILKINS. I ask unanimous consent that the leave to gentlemen to extend and publish their remarks on this bill be made general.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all gentlemen who desire to do so may print in the RECORD remarks on this bill. Is there objection? The Chair hears none.

Mr. BUCKNER. As a member of the committee I had some desire to express my views in opposition to this bill. But I am very anxious to get another bill to final action, and therefore will not assert my right. I hope the gentleman from Ohio will call the previous question.

Mr. MILLS. If the gentleman from Ohio has yielded the floor, I move that the House do now adjourn.

Mr. WILKINS. I have not yielded the floor. I move the previous question on the engrossment and third reading of the bill.

Mr. MILLS. I rise to a privileged question.

The SPEAKER. The Chair will state the question and will then recognize the gentleman from Texas. The gentleman from Ohio demands the previous question upon the amendments and upon ordering the bill to be engrossed and read a third time. Pending that the gentleman from Texas desires to submit a motion.

Mr. MILLS. I move that the House do now adjourn; and pending that I move that when the House adjourns to-day it be to meet on Saturday next.

The question being taken on the motion to adjourn, there were—ayes 47, noes 107.

Mr. MILLS. I make the point that a quorum has not voted.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Texas, Mr. MILLS, and the gentleman from Ohio, Mr. WILKINS.

The House again divided; and the tellers reported—ayes 31, noes 139.

Mr. YAPLE and Mr. MILLS called for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLS. I move to reconsider the vote ordering the yeas and nays, in order that the House may adjourn on account of the proposed caucus.

Mr. WILKINS. I object.

The SPEAKER. The Clerk will call the roll.

Mr. MILLS. I move to reconsider the vote by which the yeas and nays were ordered. [Cries of "Too late!" "Too late!"]

The SPEAKER. That is a privileged motion. The gentleman from Texas moves to reconsider the vote by which the yeas and nays were ordered.

Mr. WILKINS. I move to lay the motion to reconsider on the table.

The motion was disagreed to.

The question recurred on the motion to reconsider the vote by which the yeas and nays were ordered.

The House divided; and there were—ayes 104, noes 6.

So the motion was agreed to.

Mr. MILLS. I now withdraw the demand for the yeas and nays.

Mr. WILKINS. Mr. Speaker, I rise to a parliamentary inquiry. The gentleman from Texas made the motion to reconsider, and I moved to lay that motion on the table. Thereupon there was a division of the House, and his motion was laid upon the table.

The SPEAKER. The House refused to lay the motion of the gentleman from Texas on the table, and thereupon the Chair submitted the question of reconsideration, and the House determined to reconsider. Now the gentleman from Texas withdraws his demand for the yeas and nays.

Upon the motion that when the House adjourn to-day it adjourn until Saturday next, there were ayes 31, noes 139.

So the motion was not agreed to.

Mr. MILLS. I move that the House do now adjourn.

The House divided; and there were—ayes 131, noes 57.

Mr. HENDERSON, of Iowa, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 130, nays 112, not voting 81; as follows:

YEAS—130.

Adams, J. J.	Dorsheimer,	Lovering,	Shively,
Aiken,	Dowd,	Lowry,	Singleton,
Alexander,	Eaton,	McAdoo,	Skinner, T. G.
Anderson,	Eldredge,	McCormick,	Spriggs,
Bagley,	Elliott,	McMillin,	Stewart, Charles
Ballentine,	English,	Matson,	Stockslager,
Barbour,	Finerty,	Maybury,	Sumner, C. A.
Bland,	Foran,	Mills,	Taylor, J. M.
Blount,	Forney,	Mitchell,	Thompson,
Bratton,	Garrison,	Morrill,	Throckmorton,
Broadhead,	Geddes,	Moulton,	Tillman,
Brumm,	Glascock,	Muldrow,	Townshend,
Buchanan,	Graves,	Neece,	Tucker,
Budd,	Greenleaf,	Nicholls,	Tully,
Cabell,	Halsell,	Oates,	Turner, H. G.
Caldwell,	Hancock,	Ochiltree,	Turner, Oscar
Cassidy,	Hatch, W. H.	O'Ferrall,	Vance,
Clardy,	Hemphill,	O'Neill, J. J.	Wallace,
Clay,	Henley,	Paige,	Warner, Richard
Clements,	Herbert,	Patton,	Wellborn,
Cobb,	Hewitt, A. S.	Peel,	Weller,
Collins,	Hewitt, G. W.	Pierce,	Wemple,
Connolly,	Hill,	Potter,	Williams,
Cook,	Hobilitzell,	Price,	Wilson, W. L.
Cosgrove,	Holman,	Pryor,	Winans, E. B.
Crisp,	Jones, B. W.	Pusey,	Wise, G. D.
Culberson, D. B.	Jones, J. H.	Reagan,	Wolford,
Cullerton, W. W.	Kelley,	Reese,	Wood,
Curtin,	King,	Robertson,	Worthington,
Dargan,	Kleiner,	Rogers, J. H.	Yaple,
Davis, L. H.	Lanham,	Rogers, W. F.	Young.
Dibble,	Le Fevre,	Roseerans,	
Dibrell,	Lewis,	Seney,	

NAYS—112.

Adams, G. E.	Dingley,	Keifer,	Rice,
Barr,	Dunham,	Ketcham,	Rockwell,
Beach,	Ermentrout,	Lawrence,	Rowell,
Bennett,	Everhart,	Libbey,	Russell,
Bingham,	Fiedler,	Long,	Ryan,
Bisbee,	Findlay,	Lore,	Seymour,
Boutelle,	George,	Lyman,	Smalls,
Bowen,	Guenther,	McCoid,	Smith, A. H.
Boyle,	Hammond,	McComas,	Smith, H. Y.
Breitung,	Hanback,	Millard,	Spooner,
Brewer, F. B.	Hardy,	Miller, S. H.	Stephenson,
Brewer, J. H.	Harmer,	Milliken,	Stevens,
Brown, W. W.	Hart,	Morse,	Storm,
Browne, T. M.	Hatch, H. H.	Murray,	Strait,
Buckner,	Henderson, D. B.	Nelson,	Swope,
Campbell, J. M.	Hepburn,	O'Hara,	Talbott,
Candler,	Hiscock,	O'Neill, Charles	Taylor, J. D.
Cannon,	Hitt,	Parker,	Valentine,
Chace,	Holmes,	Payson,	Wait,
Converse,	Hopkins,	Peters,	Wakefield,
Cox, S. S.	Horr,	Pettibone,	Warner, A. J.
Cox, W. R.	Houk,	Phelps,	Washburn,
Craig,	Howey,	Poland,	Weaver,
Cullen,	Hunt,	Post,	White, J. D.
Cutcheon,	James,	Randall,	Whiting,
Davis, G. R.	Jeffords,	Ranney,	Wilkins,
Davis, R. T.	Johnson,	Ray, Ossian	Woodward,
Deuster,	Kean,	Reed,	York.

NOT VOTING—81.

Arnot,	Ellwood,	Lacey,	Snyder,
Atkinson,	Evans,	Laird,	Springer,
Barksdale,	Ferrell,	Lamb,	Steele,
Bayne,	Follett,	Miller, J. F.	Stewart, J. W.
Belford,	Funston,	Money,	Stone,
Belmont,	Fyan,	Morgan,	Struble,
Blackburn,	Gibson,	Morrison,	Sumner, D. H.
Blanchard,	Goff,	Muller,	Taylor, E. B.
Brainerd,	Green,	Murphy,	Thomas,
Breckinridge,	Hardeman,	Mutchler,	Van Alstyne,
Burleigh,	Haynes,	Nutting,	Van Eaton,
Burnes,	Henderson, T. J.	Payne,	Wadsworth,
Campbell, Felix	Holton,	Perkins,	Ward,
Campbell, J. E.	Hooper,	Rankin,	White, Milo
Carleton,	Houseman,	Ray, G. W.	Willis,
Chalmers,	Hurd,	Riggs,	Wilson, James
Covington,	Hutchins,	Robinson, J. S.	Winans, John
Davidson,	Jones, J. K.	Robinson, W. E.	Wise, J. S.
Dockery,	Jones, J. T.	Shaw,	
Dunn,	Jordan,	Skinner, C. R.	
Ellis,	Kellogg,	Slocum,	

So the motion was agreed to.

The following pairs were announced from the Clerk's desk, on all political questions, until further notice:

Mr. RANKIN with Mr. BRAINERD.
Mr. MORRISON with Mr. PAYNE.
Mr. FOLLETT with Mr. BURLEIGH.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. SPRINGER with Mr. STEWART, of Vermont.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. WILSON, of Iowa.
Mr. DOCKERY with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. VAN ALSTYNE with Mr. ELLWOOD.
Mr. WARD with Mr. EVANS.
Mr. SNYDER with Mr. GOFF.
Mr. GIBSON with Mr. WADSWORTH.
Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York.

The following were announced as paired for the day:

Mr. LAMB with Mr. STONE.
Mr. BRECKINRIDGE with Mr. WHITE, of Minnesota.
Mr. CARLETON with Mr. THOMAS.
Mr. JONES, of Alabama, with Mr. FUNSTON.
Mr. BARKSDALE with Mr. PERKINS.
Mr. HARDEMAN with Mr. BAYNE.
Mr. COVINGTON with Mr. JOHN S. WISE.
Mr. CAMPBELL, of New York, with Mr. HOLTON.
Mr. GREEN with Mr. RAY, of New York.
Mr. MULLER with Mr. NUTTING.
Mr. FERRELL with Mr. STRUBLE.
Mr. PUSEY with Mr. LACEY.
Mr. DAVIDSON with Mr. ATKINSON.
Mr. WILLIS with Mr. HAYNES.

Before the result of the vote was announced the following business was transacted:

BEACON-LIGHTS ON MOOSEHEAD LAKE.

Mr. BOUTELLE, by unanimous consent, introduced a bill (H. R. 7968) for the erection of beacon-lights on islands in Moosehead Lake, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I ask unanimous consent to make a report. The Committee on Appropriations, to whom was referred, with the amendments of the Senate, the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, have directed me to report the same back with a recommendation that the House non-concur in the amendments, and ask a conference with the Senate. I make that motion.

There being no objection, the motion was agreed to.

The SPEAKER announced the appointment of Mr. RANDALL, Mr. HOLMAN, and Mr. LONG as conferees on the part of the House.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Orange County, New York, for increase of widows' pensions—to the Committee on Pensions.

By Mr. COLLINS: Petition of James Johnson and others, seamen of Massachusetts, for the modification of the Dingley shipping bill—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. CONVERSE: Petition of C. E. West and 3 others, asking increase of widows' pensions—to the Committee on Pensions.

By Mr. A. S. HEWITT: Petition of the president and professors of the College of the City of New York, asking Congress to establish the metric system of weights and measures in the Departments of the Government—to the Committee on Coinage, Weights, and Measures.

By Mr. B. W. JONES: Petition and memorial of Milwaukee Chamber of Commerce, urging increased appropriations for the harbor of Ludington, Grand Haven, and Manistee, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. KETCHAM: Petition of citizens of Wappinger's Falls, N. Y., asking for an increase in widows' pensions—to the Committee on Pensions.

By Mr. LE FEVRE: Petition of H. Weible and 47 others, leading citizens of Delphos, Allen, and Van Wert Counties, Ohio, asking for increase of widows' pensions—to the same committee.

By Mr. McCOMAS: Petition of Thomas Barnum, of Washington County, Maryland, for payment of war claim—to the Committee on War Claims.

Also, petition for the relief of Samuel Emmert, of Washington County, Maryland—to the same committee.

By Mr. MURPHY: Petition of Holyoke Paper Company and 13 other large manufacturing firms of Holyoke, Mass.; of Washburn & Mones and 16 other large manufacturing firms of Worcester, Mass.; of Putnam Machine Company and 7 other firms of Richfield, Mass.; of Phœnix Mills and other firms of Pittsfield and North Adams, Mass.; and of Business Mens' Association and other business and manufacturing firms of Springfield, Mass., asking Congress to construct the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. NICHOLLS: Memorial of Joseph S. Hagin, county school commissioner of Bullock County, Georgia, praying for the passage of the Blair educational bill—to the Committee on Education.

By Mr. PATTON: Petition of citizens of Parker's Landing, Armstrong County, Pennsylvania, asking for an appropriation of $300,000 for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. ROSECRANS: Petitions for the purchase of Miss C. L. Ransom's life-size portrait of General George H. Thomas and placing same in the Capitol at Washington from the following Grand Army Posts, namely: From the Department of Arkansas, Posts Nos. 1 and 21; from the Department of California, Posts Nos. 1 and 6; from the Department of Colorado, Post No. 20; from the Department of Connecticut, Post No. 2; from the Department of Dakota Territory, Post No. 16; from the Department of District of Columbia, Lincoln Post; from the Department of Florida, Posts Nos. 1 and 6; from the Department of Illinois, Posts Nos. 152 and 204; from the Department of Indiana, Posts Nos. 106, 107, 136, 176, 266, 292, 344, and A. D. Sholtz Post; from the Department of Iowa, Posts Nos. 6 and 256; from the Department of Kansas, posts at Florence, Wier, Halsted, Prescott, Winchester, Cheney, Milan, and one signed by A. R. Wilkin and others; from the Department of Maine, Post No. 2; from the Department of Massachusetts, Posts Nos. 35, 41, and 48; from the Department of Michigan, Nos. 22 and 97; from the Department of Minnesota, Post No. 37; from the Department of Missouri, Posts Nos. 84, 126, and 156; from the Department of New Jersey, Post No. 23; from the Department of New York, Posts Nos. 4, 29, 129, 179, 240, 344, and 498; from the Department of Ohio, Posts Nos. 10, 12, 25, 141, 229, 258, 289, 307, 445, 456, and one at Toledo; from the Department of Pennsylvania, Posts Nos. 2, 112, 116, and one at Huntingdon; from the Department of Virginia, Posts Nos. 11 and 13; from the Department of Wisconsin, posts at Dorchester, De Soto, East Troy, and Stevens Point; and one from officers at San Antonio, Department of Texas; also one signed by W. F. Ford and 31 other war veterans—to the Committee on the Library.

Also, petition of William Dewand & Co. and 8 other large business firms, urging the speedy enactment of all necessary legislation to carry into effect the Mexican reciprocity treaty—to the Committee on Ways and Means.

By Mr. SENEY: Petition of Mary F. Nigh and 54 others, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. A. H. SMITH: Petition of the National Woman's Christian Temperance Union for an amendment to the United States Constitution prohibiting the disfranchisement of any citizen on account of sex—to the Committee on the Judiciary.

By Mr. STEPHENSON: Memorial of the Chamber of Commerce of Milwaukee, Wis., urging an increase of appropriations for the improvement of the harbors of Grand Haven, Ludington, and Manistee, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. STRUBLE: Petition of C. H. Butts and 16 others, of Cherokee County, Iowa, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. TOWNSHEND: Resolutions of the City Council of Grayville, Ill., asking for an appropriation for repairing the breaks by levees, wing-dams, &c., to protect the river banks of said city—to the Committee on Rivers and Harbors.

By Mr. YAPLE: Memorial of Milwaukee Chamber of Commerce, relative to appropriations for harbor improvements at Grand Haven, Ludington, and Manistee, in the State of Michigan—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. CULLEN: Of C. J. Murray and 222 others, citizens and ex-soldiers of Morris, and of Floyd Clendenen and 405 ex-soldiers and citizens of La Salle, Ill.

By Mr. DINGLEY: Of 945 citizens of Lewiston and Auburn, Me.

By Mr. FUNSTON: Of citizens of Goodrich, of Olathe, of Barnard, and of Eudora, Kans.

By Mr. HOWEY: Of Ellis Newman and 116 others, of Phillipsburg, N. J., and of William R. Call and 63 others, of Oxford, N. J.

By Mr. B. W. JONES: Of Amos Mills and 102 others, of Black Earth, and of M. M. Hangerford and 53 others, of Blue River, Wis.

By Mr. KLEINER: Of 300 citizens and ex-soldiers of Warrick County, Indiana.

By Mr. LOWRY: Of 38 citizens of Noble County, of 61 citizens of De Kalb County, and of 206 citizens of Waterloo, De Kalb County, Indiana.

By Mr. McCORMICK: Of H. D. Workman and 126 others, of Vinton County, and of A. Rankin and 112 others, of Jackson County, Ohio.

By Mr. S. H. MILLER: Of citizens of Sharpsville, and of Miller's Station, Pa.

By Mr. OSSIAN RAY: Of William A. Smith, M. D., and 40 others, of Campton, N. H.

By Mr. W. F. ROGERS: Of citizens of Erie County, New York.

By Mr. SENEY: Of M. L. Lindwood and 48 others, of Wyandot County, Ohio.

By Mr. STEVENS: Of soldiers and widows of soldiers of Niagara County, New York.

By Mr. STEPHENSON: Of A. R. Laing and others, of Marinette, Wis.; of Morgan Riley and others, of Wood County; of Cyrus B. Barnes and others, of Waupaca County; of Joseph B. Hunton, of Oconto County; of H. K. Moore and others, of Portage County; of Augustus Atkins and others, of Oconto County; of H. T. Treadwell and others, of Wood County, and of Moses H. Ducate and others, of Marathon County, Wisconsin.

By Mr. W. L. WILSON: Of 31 citizens of Preston County, and of B. F. Minear and 89 others, of Preston County, West Virginia.

SENATE.

FRIDAY, *January* 16, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico in the case of private land claim No. 134, in the Territory of New Mexico, known as the San Mateo Springs tract; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico in the case of private land claim No. 136, in the Territory of New Mexico, known as the Sautiago Ramirez grant; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. JOHN D. LONG of Massachusetts managers of the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. MITCHELL presented a memorial of the Cigar-makers' Union, No. 108, of Farrandsville, Pa., and a memorial of cigar manufacturers and cigar-makers of Philadelphia, Pa., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Maritime Association of New York city, favoring the passage of the so-called Potter refunding bill; which was referred to the Committee on Finance.

Mr. LAPHAM. I have a communication in the nature of a memorial, addressed to me, from iron manufacturers of Northern New York, remonstrating against the ratification of the proposed Spanish reciprocity treaty. I ask that the communication may be received and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and so referred.

Mr. McMILLAN. I present the memorial of George H. and S. P. Ely, for the Minnesota Iron Company, and a large number of business

men and firms representing the iron-ore producing and transporting interests of the Northwest, remonstrating against the ratification of the proposed Spanish reciprocity treaty. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. McMILLAN presented a petition of citizens of Red Wing, Minn., praying for the repeal of the act of May 15, 1820, and acts supplementary thereto, fixing the tenure of certain administrative offices at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Saint Paul, Minn., in favor of an appropriation of $50,000 for the improvement of the channel of the Mississippi River along its westerly bank in the city of Saint Paul; which were referred to the Committee on Commerce.

Mr. PIKE presented the petition of W. G. R. Mellen and 13 other citizens of Dover, N. H., praying for the passage of a bill repealing the act of May 15, 1820, and acts supplementary thereto, fixing the terms of certain administrative officers; which was referred to the Committee on Civil Service and Retrenchment.

Mr. SEWELL presented a petition of the board of agriculture of Trenton, N. J., praying for an appropriation for the establishment of experimental stations for the improvement of agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Ralph S. Demarest, of Demarest, N. J., remonstrating against a review of the Venezuelan awards until provision is made for certain claimants under certificates of the Caracas commission; which was referred to the Committee on Foreign Relations.

He also presented the petition of Samuel Hufty, receiver of the Gloucester City (N. J.) Savings Institution, praying for legislation restoring the value of the trade-dollar; which was referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania. I present the petition of the Chamber of Commerce of Pittsburgh, Pa., signed by John F. Dravo, president, and S. L. McHenry, secretary, praying—

First. That Congress, by appropriate action, provide for such a system of improvements, by the erection of dams and other works on the Monongahela River, as will meet the requirements of commerce, and enable the resources of the Monongahela Valley to be fully developed.

Second. That Congress will take such action looking to the purchase of said works as will at once secure the navigation of the Monongahela River free to all persons desiring to use its waters.

I commend this petition to the favorable consideration of the Committee on Commerce, to whom I move its reference.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania. I present resolutions adopted at a meeting of the cigar manufacturers of Philadelphia, appended to which are the signatures of 3,000 cigar manufacturers and their employés, against the ratification of the proposed Spanish reciprocity treaty. As the resolutions are short, I ask that they may be read by the Chief Clerk.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania presents a memorial of those interested in the tobacco industry in the city of Philadelphia, and asks that it be read. Is there objection? The Chair hears none, and the memorial will be read.

The Chief Clerk read as follows:

To the honorable Senators and Representatives of Pennsylvania:

The following preamble and resolutions, adopted at a meeting of those interested in the tobacco industry in Philadelphia, are respectfully submitted for your consideration and support:

Whereas there is now pending a reciprocity treaty between the United States and Spain, which we consider in general unjust and unequal in its terms and provisions to the entire population of the United States; and

Whereas if the said treaty is adopted it will remove from the United States one of its most thriving industries, and with it millions of dollars of capital invested in the growth and manufacture of American leaf-tobacco, and throw out of employment almost as many American citizens in this particular industry as there are inhabitants in the provinces to which the treaty is to apply, and reduce the value of the labor of the few who may be able to find employment here to a par with pauper, slave, and coolly labor: Therefore,

Be it resolved, That we, cigar manufacturers and cigar-makers of Philadelphia, do most earnestly protest especially against the ratification of that part of the treaty relating to tobacco and cigars, and do respectfully urge and request the United States Senators from Pennsylvania, and through them their colleagues in the Senate, to use all honorable means and their best efforts to defeat the ratification of said treaty.

Be it further resolved, That a copy of these resolutions be forwarded to the honorable Senators Cameron and Mitchell, and to every Representative in Congress from Pennsylvania.

The PRESIDENT *pro tempore*. The Chair will state that this paper is not in the form of a memorial to Congress; but if there be no objection it will be received and referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented a petition of the American Philosophical Society, praying that books relating to the physical, natural, and medical sciences be placed on the free-list; which was referred to the Committee on Finance.

He also presented memorials of the cigar-makers' unions of Erie, Meadville, Bradford, Williamsport, and Farrandsville, in the State of Pennsylvania, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of Bert Berry and 14 other citizens of Detroit, Mich., praying for the repeal of the four years' term acts of 1820 and later years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., urging the necessity of larger appropriations for the improvement of the harbors of Ludington, Grand Haven, and Manistee, Mich.; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented the petition of William B. Faulds, of Burnside, Wis., praying for the repeal of the act of May 15, 1820, and acts supplementary thereto, by which the constitutional term of many administrative offices was changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. HOAR. I present the petition of W. W. Newton and other citizens of Pittsfield, Mass., praying for the repeal of what is called the four years' tenure act. I understand that a bill to that effect is before the Committee on Civil Service and Retrenchment, and I hope that committee will be able to report upon the subject, so that the work which has been begun in that direction may be completed by the present Congress. I move the reference of the petition to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. CULLOM presented a memorial of the cigar-makers of Rock Island, Ill., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. WILSON. I present resolutions adopted by the Cigar-makers' Union, No. 198, of Avoca, Iowa, remonstrating against the ratification of the proposed reciprocity treaty between the United States and Spain. While this communication is addressed to me, it is evidently intended for the consideration of the Senate. I therefore present it, and ask that it be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The paper will be received and referred to the Committee on Foreign Relations, if there is no objection. The Chair hears none.

Mr. PLATT. I present the petition of Jennette Chollar, a resident of Granby, Conn., praying that pensions granted to widows and dependent relatives of persons in the military service at a less rate than $12 per month be increased to that rate. I wish to say that the petition commends itself to my judgment. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1941) declaratory of the meaning of section 3 of the act of June 16, 1882, for the relief of Howard University, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 790) to authorize Col. George W. Getty, United States Army (retired), to be placed upon the retired-list of the Army with the rank and pay of a major-general, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2383) in relation to chaplains in the Army who served one year or more in the war of the rebellion as officers or privates, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of C. B. Searle and various other citizens of Iowa, praying for the passage of a special act of Congress granting a pension to Isabella Higgins, late hospital matron of the Eighth Regiment Iowa Volunteer Infantry, submitted a report thereon, accompanied by a bill (S. 2549) granting a pension to Isabella Higgins; which was read twice by its title.

Mr. WILSON. From the Committee on Pensions I report adversely the bill (S. 1854) granting a pension to William D. Esley. I wish to state that the report is based upon the fact that a pension has been granted to the person named since the matter has been brought to the attention of the Senate. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON. I also report adversely from the Committee on Pensions the petition of David Frazier, praying for an increase of pension, and the petition of sundry citizens of Ohio making the same prayer. The adverse report is based on the fact that the increase, if the petitioner is entitled to one, may be obtained under the present law.

The PRESIDING OFFICER. The committee will be discharged from the further consideration of the petition, and it will lie on the table.

Mr. WILSON. I also report adversely from the same committee the petition of William S. Pardee, late private of Company C, One hundred and twenty-ninth Indiana Volunteers, praying for an increase of pen-

sion. The report is also based upon the ground that the petitioner may obtain an increase, if he is entitled to it, under the existing law.

The PRESIDING OFFICER. The committee will be discharged from the further consideration of the petition, and it will lie on the table.

Mr. WILSON. I report also from the same committee adversely the petition of Martha A. F. Terrett, widow of Colville Terrett, late a lieutenant in the United States Navy, praying for an increase of pension. Inasmuch as this belongs to a class of cases concerning which there is a diversity of view in the committee as well as in the Senate, I ask that the case may be placed on the Calendar.

The PRESIDING OFFICER. Does the Chair understand this to be a petition?

Mr. WILSON. It is a petition. I ask that the report be placed on the Calendar.

The PRESIDING OFFICER. There is nothing in the rules, as the Chair understands, which authorizes the placing of a petition on the Calendar. The petition may lie on the table subject to be called up at any time.

Mr. WILSON. It is a contested case, and I desire to have the report printed.

The PRESIDING OFFICER. The report will be printed, and the petition will lie upon the table.

Mr. HOAR. I ask leave respectfully to make an observation in regard to the intimation just made from the Chair. The Chair's intimation was entirely correct, that there is no provision in our rules for putting a petition upon the Calendar. It seems to me, therefore, that when a committee differs about the disposition of a petition and desires to have the question taken up in order on the Calendar, as if it were a question upon a bill, the true way is for the committee to report an original resolution that the petition be indefinitely postponed, or that the petition lie upon the table, in which case the resolution would go upon the Calendar under the rule, it being a calendar of bills and resolutions. I suggest to my honorable friend from Iowa that if he would put the order that the petition lie on the table or be indefinitely postponed, or whatever disposition he chooses to make, in the form of a written resolution to that effect, it would come within the rule.

Mr. WILSON. Very well.

Mr. BLAIR. From the Committee on Pensions I report back adversely the bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman. This is one of those controverted cases which the majority of the committee reports adversely. The minority is in favor of the passage of the bill and submits its views, and asks that they may be printed along with the report.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

Mr. BLAIR. I ask that the bill go on the Calendar, and that the views of the minority be printed.

The PRESIDING OFFICER. That order will be made.

Mr. BLAIR. I also, by direction of the same committee, report adversely the bill (H. R. 3065) granting a pension to Emma De Long, the widow of Lieutenant-Commander De Long, recommending its indefinite postponement. Along with it I also submit the views of the minority of the committee, which I ask to have printed, and that the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill reported by the Senator from New Hampshire will be placed on the Calendar with the adverse report, and the views of the minority will be printed.

Mr. BLAIR. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 4822) for the relief of Frances McNeil Potter, to report it adversely. I ask that it be placed upon the Calendar, and will state that the views of the minority of the committee are in favor of the passage of the bill.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report, and the views of the minority will be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 3703) granting a pension to James W. Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6461) granting a pension to Nelson Gammons, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leech, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1336) granting an increase of pension to Ann Cornelia Lanman, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1504) for the relief of Millia Staples, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 751) granting a pension to Emma Martin and Harry E. Martin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 2083) for the relief of Fannie B. Giltner, to submit an adverse report thereon.

Mr. COCKRELL. Let that bill go on the Calendar, please.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 342) to increase the pension of Mrs. Margaret R. Jones, widow of Col. James H. Jones, late of the United States Marine Corps, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2520) for the relief of the heirs of colored soldiers who served in the war of the rebellion, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schayler Sutton," approved June 4, 1872, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 760) granting an additional pension to Watson S. Bentley, reported it without amendment, and submitted a report thereon.

Mr. CONGER, from the Committee on Territories, to whom was referred a petition of the board of supervisors and others, of the county of Mono, State of California, praying that an error in running the boundary line between the States of California and Nevada, by which the counties of Mono, El Dorado, and Alpine, of the former State, suffered a loss of territory, may be corrected, and a new survey of the boundary line made by the proper officers of the United States Government, reported it without recommendation, and asked that the committee be discharged from its further consideration; which was agreed to.

PORT OF ENTRY AT MOUNT DESERT FERRY.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2470) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine, to report it favorably with an amendment.

The Maine Central Railroad corporation extended its road last season to Mount Desert Ferry, built extensive wharves and other erections, and commenced to receive at that port a very large amount of business from the Dominion of Canada and from other sections of the world. The port of entry is at Ellsworth, forty miles above, at the head of a river. The harbor at Mount Desert Ferry is one of the best on the coast, and it is absolutely necessary that some facilities for business shall be given at that port.

This bill was referred to the Secretary of the Treasury, and by him approved with the amendment which the committee has reported. It is important that the bill should become a law in readiness for the approaching season, and therefore I am very anxious that it shall pass the Senate now and go to the other branch. The Committee on Commerce authorized me to ask unanimous consent for its consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was to add the following proviso:

Provided, That the official duties of said port shall be performed under the direction of the collector of customs for the district of Frenchman's Bay and by a deputy detailed by him for that purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH CARSON.

Mr. CAMERON, of Wisconsin. The Committee on Claims, to whom was referred the bill (S. 12) for the relief of Elizabeth Carson, with an amendment of the House of Representatives thereto, have instructed me to report the bill back with a recommendation that the Senate concur in the amendment of the House. If there is no objection I should like to have it considered at this time.

The PRESIDING OFFICER. If there be no objection the bill will be regarded as before the Senate, and the question is on concurring in the amendment of the House of Representatives.

Mr. SHERMAN. I should like to have the amendment of the House read.

Mr. CAMERON, of Wisconsin. I will state that this is the claim of a woman residing in Kentucky, who, during the war, was the keeper of a county jail in that State. She was required by the military authorities to furnish rations, lodgings, &c., to confederate prisoners and also to Union soldiers. She made a claim for rations furnished, also for her personal services, and also, I think, for rent. The Senate Committee on Claims, after considering her petition and claim, reported in favor of allowing 60 cents a day for the rations which she actually furnished by order of the military authorities. That bill was favorably

considered by the Senate and passed and went to the House of Representatives.

Mr. SHERMAN. Was the order made by the Union authorities?

Mr. CAMERON, of Wisconsin. Yes; by the national military authorities. The House amended the bill by striking out all after the enacting clause and providing that her whole claim should be investigated by the War Department, and that the Secretary of War after such investigation should report to Congress his conclusions. That is all there is of it. The committee recommend concurrence in the House amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

JUSTICES OF THE PEACE IN WYOMING.

Mr. HARRISON. I am directed by the Committee on Territories to report favorably and without amendment the bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory. As it is a House bill, consisting of only five or six lines, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that justices of the peace in the Territory of Wyoming shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds $300.

Mr. HOAR. What is the present law?

Mr. HARRISON. The amount fixed in the present law is $300 in several Territories and $100 in some others. The Legislative Assembly of Wyoming has petitioned to have the jurisdiction of the justices of the peace in that Territory fixed in the same way as in other Territories, not to exceed $300.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2550) to settle and adjust the claims of any State for expenses incurred by it in the defense of the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAULSBURY (by request) introduced a bill (S. 2551) for the relief of George E. Moore, of the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. DOLPH introduced a bill (S. 2552) for the relief of P. C. Davis; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2553) to grant an increase of pension to Frederick Beno; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES (by request) introduced a bill (S. 2554) to equalize the pay of graduates of the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 2555) granting a pension to Van Buren Dorr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 2556) for relief of settlers under the homestead laws; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL (by request) introduced a bill (S. 2557) for the relief of William Wolfe, of Shelbina, Shelby County, Missouri; which was read twice by its title.

Mr. COCKRELL. I move that the bill be referred to the Committee on Claims, and express the hope that the committee will refer the same to the Court of Claims under the so-called Bowman act.

The motion was agreed to.

Mr. BUTLER introduced a bill (S. 2558) for the relief of Theodore De Hou; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SEWELL introduced a joint resolution (S. R. 111) referring the controversy between the United States and Venezuela in respect to the awards of the mixed commission to the President; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MANDERSON introduced a joint resolution (S. R. 112) providing for the sale of public documents; which was read twice by its title, and, with the accompanying letter from the superintendent of the Senate document-room, referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and, together with the accompanying paper, ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes; which was ordered to lie on the table and be printed.

MEMORIAL TABLET TO HENRY WILSON.

Mr. HOAR. I offer the following resolution, and ask for its present consideration:

Resolved, That the Architect of the Capitol, under the direction of the Committee on the Library, place a neat marble tablet in the room in the Senate wing of the Capitol where Vice-President Henry Wilson died, appropriately recording the fact and date.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suppose there will be no objection on the part of any Senator to the passage of this resolution. The eminent citizen to whom it relates ended a very brilliant and distinguished public service in this Chamber of more than twenty years by his death in the Vice-President's room. His wife and children had preceded him to the grave, and for many years this Chamber, more than any other place on earth, was his home.

He was an eminent instance of the opportunity afforded by American institutions to the humblest person, without early advantages, struggling against poverty, to raise himself to the highest station. He was at the time of his death one of the most beloved citizens of the Republic. He held the second office within the gift of the people, and a large number of his fellow-citizens were looking to him as likely to be elevated to the first office within the gift of the people if his life had been spared.

It will be agreeable to his friends and fellow-citizens of Massachusetts, and I think to every American who visits the Capitol, to have this simple record of the spot where he closed his distinguished and useful life.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

INVITATIONS TO INTERNATIONAL EXHIBITIONS.

The PRESIDING OFFICER. If there are no further resolutions the order of morning business is closed, and the Chief Clerk will report the first bill on the Calendar under Rule VIII.

The CHIEF CLERK. "A bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass."

Mr. PLATT. I thought that the bill relating to the appointment of commissioners to international exhibitions was the unfinished business for this morning by general consent.

The PRESIDING OFFICER. There is no unfinished business of the morning hour.

Mr. MILLER, of California. Then it will be necessary to move to take up that bill.

Mr. HOAR. I understand there was unanimous consent asked for and obtained that the bill referred to might come over to this morning from yesterday.

Mr. PLATT. The bill was postponed until to-day. However, I shall move to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 2436) to enable the President to accept invitations of foreign governments to international exhibitions and to appoint commissioners thereto, and for other purposes. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the substitute proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. PLATT. I move as an amendment to the amendment of the Senator from New Jersey to add a new section, as follows:

SEC. 5. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, shall appoint a commissioner to represent the United States in the international inventions exhibition to be held in London in May next, and, under the direction of the Secretary of State, make all needful rules and regulations in reference to the exhibits and contributions from this country, and control the expenditures incident to the proper installation and exhibition thereof, and to the preparation of reports upon the exhibition. That under like direction exhibits may be prepared in the Patent Office, and with appropriate letters patent, models, and drawings therefrom, transmitted to such exhibition, and under like direction all exhibits authorized by the commissioner may, when practicable, be transmitted to such exhibition in public vessels free of cost. And in order to defray the necessary expenses authorized by this section, and for the proper installation of the exhibition and the expenditures of the commissioner made under the direction of the Secretary of State, and with his approval and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary for the purpose herein specified, which sum shall be expended under the direction of the Secretary of State.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut to the amendment of the Senator from New Jersey.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from New Jersey as amended.

Mr. COCKRELL. Let it be read as amended.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to strike out all after the title of the bill and to insert:

Whereas the Government of the United States has received official intimation from that of Belgium that it is proposed to hold an international exhibition, which

will embrace all industrial products, all goods forming objects of commercial transactions, and all objects and appliances of interest to navigation, to be opened at Antwerp, May 2, 1885, and will have a duration of at least five months, whereat the representation of the United States is invited; and

Whereas also, by its action as a government and by the active enterprise of merchants, the United States has attained and holds a prominent place in all that relates to the development of all industrial products, the extension of the great commercial relationship with other countries, based on the exportation of goods forming objects of commercial transactions, which now form an important factor in the national wealth, and it is expedient that the industries and interests thus concerned should be adequately represented on the occasion; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the invitation of the Belgium Government be accepted; and that, under the auspices of the Department of State, the United States commissioners to the World's Industrial and Cotton Centennial Exposition at New Orleans be, and they hereby are, instructed to prepare or cause to be prepared, upon the termination of said World's Industrial and Cotton Centennial Exposition, a complete and systematic representative exhibition of the Government exhibits at the exposition at New Orleans, and to take such further measures as may be necessary in order to secure a proper representation of the productions of our industry and of the nature of the natural resources of the country at the international exhibition to be held at Antwerp in 1885.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint three commissioners to represent the United States in the proposed exhibition at Antwerp, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the exhibits and contributions from this country, and to control the expenditures incident to the proper installation and exhibition thereof, and to the preparation of reports on the exposition.

SEC. 3. That the President be authorized, in his discretion, to assign one or more public vessels to transport to and from Antwerp, free of cost, under regulations to be prescribed by the commissioners to the Antwerp exposition, such articles of the Government exhibit as may be selected and prepared for transportation by the commissioners to the New Orleans Exposition, and such other articles as may be offered for exhibition by the citizens of the United States.

SEC. 4. That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioners, made under the direction of the Secretary of State and with his approval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, for the purpose herein specified, which sum shall be expended under the direction of the Secretary of State.

SEC. 5. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, shall appoint a commissioner to represent the United States in the international inventions exhibition to be held in London in May next, and, under the direction of the Secretary of State, make all needful rules and regulations in reference to the exhibits and contributions from this country, and control the expenditures incident to the proper installation and exhibition thereof, and to the preparation of reports upon the exhibition. That under like direction exhibits may be prepared in the Patent Office, and, with appropriate letters patent, models, and drawings therefrom, transmitted to such exhibition; and under like direction all exhibits authorized by the commissioner may, when practicable, be transmitted to such exhibition in public vessels free of cost. And in order to defray the necessary expenses authorized by this section, and for the proper installation of the exhibition and the expenditures of the commissioner, made under the direction of the Secretary of State and with his approval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, for the purpose herein specified, which sum shall be expended under the direction of the Secretary of State.

Mr. PLATT. It did not occur to me when I drew my amendment that there is a public statute which provides that the words "And be it further enacted" shall not be put at the head of sections. I ask, therefore, that by unanimous consent those words be stricken out, and that the section begin with the word "That."

The PRESIDING OFFICER. If there be no objection that order will be made. The question is on agreeing to the amendment as amended.

Mr. COCKRELL. I wish to call the attention of the Senator from New Jersey to his amendment. The preamble reads:

Whereas the Government of the United States has received official "intimation," &c.

The bill then says, "the invitation." I suggest that the word "intimation" ought to be stricken out and "invitation" inserted, unless there has not been any invitation extended; and if there has not been, the bill ought not to be passed.

Mr. SEWELL. The Senator from Missouri is correct. The Government has received an official invitation. It ought to read "official invitation."

Mr. COCKRELL. Then I move to amend in the second line of the first whereas by striking out the word "intimation" and inserting "invitation." Probably "information" would be better in that connection. Let it read "official information."

The PRESIDING OFFICER. Does the Senator from Missouri move that amendment?

Mr. COCKRELL. Yes, sir.

The PRESIDING OFFICER. The Chief Clerk will report the amendment to the amendment.

The CHIEF CLERK. In line 2 of the first division of the preamble it is proposed to strike out "intimation" and insert "information;" so as to read:

Whereas the Government of the United States has received official information from that of Belgium that it is proposed to hold an international exhibition, &c.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SEWELL, the title was amended to read: "A bill to authorize the President to appoint commissioners to the Belgium international exhibition at Antwerp, and for other purposes."

NAVAL APPROPRIATIONS.

Mr. HALE. I ask the Chair to lay the message from the House of Representatives in regard to the naval appropriation bill before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Messrs. HALE, ALLISON, and BECK were appointed.

FIRST NATIONAL BANK OF NEWTON, MASS.

The PRESIDING OFFICER. The Secretary will report the first bill on the Calendar under Rule VIII.

The bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. PLATT. I do not remember that during this discussion any attention has been called to a report made in the other House upon this subject. I should like to inquire, if it be in order, whether a report has been made in the House on this subject, and if so, whether it is for the full amount of this interest or for a less sum?

Mr. JACKSON. My impression is that there has been a House report for a less amount, though I am not entirely sure.

Mr. PLATT. I do not think I can vote for the payment of interest to the extent which the bill provides. It seems to me that it is equitable that the amount of interest which has accrued upon that portion of the securities which were Government bonds, upon which the United States was relieved from the payment of interest while the bonds were in its possession, should be paid; or perhaps it is equitable and proper, and I do not know but that it is according to law, that interest should be paid since the date of the judgment in the Court of Claims.

Mr. COCKRELL. That has been paid.

Mr. PLATT. I think that has not been paid, and it is my impression that the committee of the House has reported a bill fixing the amount of interest to be paid as that which has accrued since the date of the judgment of the Court of Claims. I have not had an opportunity to send for the House report, but I think that is the sum which is reported by the House committee. It is not for me to propose amendments to this bill, but on the bill in its present shape I think I shall be obliged to vote in the negative.

Mr. COCKRELL. If there were no interest paid on this judgment after its rendition by the Court of Claims it was the fault of the claimants, not of the law; and I should like to know why it is that they did not follow the law and secure the payment of interest upon the judgment.

Mr. SHERMAN. As a matter of course the judgment itself and the interest accruing thereon was paid, because the judgment drew interest.

Mr. COCKRELL. But they claim that they did not get any interest after the rendition of the judgment on the amount of the judgment.

Mr. JACKSON. The Senator will allow me to say that after the rendition of the judgment in the Court of Claims the Attorney-General took an appeal to the Supreme Court in the spring of 1881, and in the fall of 1881 he dismissed that appeal, so that no judgment was rendered in the Supreme Court and no interest was awarded or paid, not a cent.

Mr. COCKRELL. That is an explanation which does not explain anything, I must confess. I read the law, section 1089 of the Revised Statutes:

SEC. 1089. In all cases of final judgments by the Court of Claims, or, on appeal, by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

Section 1090 provides:

In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.

If when this judgment was rendered and the Attorney-General brought an appeal they had presented a transcript of the judgment to the Secretary of the Treasury, as the law provided, they would have been entitled to 5 per cent. interest upon it. Section 1091 provides:

No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Under the general law no interest can be allowed by the Court of Claims upon any judgment rendered therein prior to the rendition of the judgment unless the contract upon which suit has been brought expressly provides for the payment of interest; but just as soon as judgment has been rendered the claimant then has a right to file a certified copy of it with the Secretary of the Treasury, and then that judgment draws 5 per cent. per annum interest thereon from that time. I read section 1092:

SEC. 1092. The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

Mr. President, this is to my mind a very peculiar case, and it is to me remarkably strange how it is proposed to pay to these claimants an amount of interest greater than the original claim.

Mr. JACKSON. Oh, no.

Mr. COCKRELL. What was the original claim?

Mr. JACKSON. Three hundred and seventy-one thousand and twenty-five dollars.

Mr. COCKRELL. And what is the amount here?

Mr. JACKSON. Two hundred and forty-nine thousand dollars.

Mr. COCKRELL. Lacking then about $125,000 of being the amount. Now, Mr. President, what are the facts in this case?

The PRESIDING OFFICER. The Senator from Missouri has spoken five minutes.

Mr. COCKRELL. This is not under that rule, I will inform the presiding officer with all due deference.

Mr. HARRIS. It has been relieved from the five-minute rule by a vote of the Senate.

The PRESIDING OFFICER. Not this morning.

Mr. COCKRELL. Then I object to its consideration.

Mr. PLATT. At the last sitting of the Senate the suggestion was made that some Senator had spoken five minutes or more than once on this bill, and my recollection is that the President *pro tempore*, then occupying the chair, ruled that this discussion did not proceed under Rule VIII, and the person speaking was permitted to go on and conclude his remarks.

Mr. HOAR. This bill was taken up by vote of the Senate.

The PRESIDING OFFICER. The bill came up this morning regularly under Rule VIII as the first bill on the Calendar.

Mr. COCKRELL. I object to its consideration. Now let the Senator from Massachusetts move to take it up.

Mr. HOAR. I want to state to the Chair that the Senator from Tennessee [Mr. HARRIS] was in the chair at the time this bill was considered under Rule VIII. Thereupon, objection being made, the Senate voted to proceed to its consideration notwithstanding the objection. Upon that question I consulted the President of the Senate *pro tempore*, and the eminent parliamentarian who is now upon his feet [Mr. HARRIS], and I think I am warranted in saying that they both were of opinion that taking it up notwithstanding the objection still left it under Rule VIII, but took away the right of any Senator to object to it, and removed it from the operation of the five-minute restriction of debate.

Mr. HARRIS. I simply desire to say, Mr. President, that the very question that is now raised occurred to me yesterday when I chanced to be in the chair when this bill was taken up. I indulged unlimited debate because the Senate had by vote proceeded with the consideration of this bill notwithstanding the objection, and the debate proceeded without limit because of that order. That was my construction. But when the President *pro tempore* of the Senate returned to the chair, not being absolutely certain as to the correctness of my construction of the rule, I presented the question to him, and he is decidedly of opinion that the consideration of this bill is relieved from the five-minute limit of debate, just as I held it to be by indulging the debate yesterday morning.

The PRESIDING OFFICER. Debate can proceed by unanimous consent only unless a motion is made to proceed with the consideration of the bill notwithstanding the objection.

Mr. HOAR. I will not of course appeal from the decision of the Chair under the circumstances, but I will move to proceed with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed with the consideration of the bill notwithstanding the objection of the Senator from Missouri.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. COCKRELL. Now, Mr. President, I want to make a simple statement of the facts in this case from the record in the Court of Claims. I now read from the sixteenth volume of Court of Claims Reports, 1880, page 55, the following:

At the same time there was in Boston a firm of brokers doing business under the name and style of Mellon, Ward & Co., of which firm the Edward Carter above named was the junior member.

Edward Carter was a member of the firm of Mellon, Ward & Co. He was at the same time the agent of the First National Bank of Newton, stationed in Boston. He was the agent of the bank, and he was also a member of the firm of Mellon, Ward & Co., and he it was who induced Mr. Julius F. Hartwell, the disbursing clerk in the office of the assistant treasurer of the United States in Boston, to take money belonging to the United States, upon which they engaged in a speculation. Now I read from page 56:

Prior to the 1st day of March, 1867, the said Mellon, Ward & Co., acting by and through the said Carter, had succeeded in inducing the said Hartwell to take out of the subtreasury in Boston, at various times, and place in Carter's hands large amounts of money belonging to the United States.

I read again from page 57:

Carter told Hartwell that he saw no way but to go on, and make his money whole on the 1st of March.

Carter was the agent of this bank and he was a member of the firm of Mellon, Ward & Co., and he seduced Hartwell, a Government employé, and induced him to loan them money to operate upon in stock speculations. That is the position of the bank; its trusted agent, the man who did its business, and a Government employé take the money of the United States and it is squandered and stolen. Now why should the United States be liable for interest upon this claim any more than upon thousands and hundreds of thousands of other claims? It languished for years, and judgment was finally rendered, but not a dollar of interest is allowable until after the rendition of the judgment and its presentation to the Secretary of the Treasury. Take the Sugar-rebate cases, where millions of dollars were paid into the Treasury and applied to the extinguishment of the interest-bearing debt of the United States. Afterward a decision of the proper court declared that these payments were not required to be made by law. In other words, the interpretation of the Secretary of the Treasury was not justified, and an excessive tax had been exacted. Those who had paid the money sued, and they got judgment in the proper court. Was any interest paid to them? Their money went into the Treasury; their money extinguished the interest-bearing debt of the United States; but no interest has been paid to them; and are their equities not just as strong as the equities of this bank, whose own trusted agent seduced and induced an official of the Government to betray his trust and take the sacred fund from the Treasury and use it for his private speculations?

There are thousands of cases where money has gone into the Treasury, been applied to the payment of the interest-bearing debt, and the party has recovered it afterward, but no interest has been allowed. I say there is no reason why an exception should be made in this case.

Mr. HOAR. Will the Senator allow me to correct him as to a matter of fact?

Mr. COCKRELL. Certainly.

Mr. HOAR. I do not understand that it is true that any person occupying the relation of a trusted agent of the bank did what the Senator says.

Mr. COCKRELL. I was only reading what the Court of Claims said, that Mr. Carter was the trusted agent of the First National Bank of Newton.

Mr. HOAR. "The trusted agent?" Where do you find that?

Mr. COCKRELL. He was intrusted with large sums of money and with delicate and intricate business transactions, and unless he had been trusted he would not have been the agent. Therefore, he was the trusted agent.

Mr. HOAR. If the Senator will pardon me, this person was one of the directors of the bank. He had no agency whatever as an individual. He was one of the board of directors. He had an influence. Somebody said the other day in debate that the managing director of the bank did this thing and therefore the bank was responsible. You might as well say that a leading Senator of this body did something and therefore the Senate was responsible. He had no agency, no power to bind the bank.

Mr. COCKRELL. Then who is responsible on the part of the United States? Here is a humble financial clerk in the Boston subtreasury, and he is seduced by the agent of this bank; and the people of the United States, who seem to have no representatives here, are to be mulct in the payment of $249,000 because some insignificant employé in the Boston subtreasury was seduced and bribed to betray his trust.

Where is the equity and justice in this case now? This money comes out of the pockets of the tax-payers of the United States. This man was no more their agent than was any other employé of the Government. He was not the Government of the United States, he was an insignificant officer of theirs, who by reason of the seductive influences held out by this man Carter, the agent of the Newton bank, betrayed his trust and perverted the funds of the people placed in his hands from a legitimate to an illegitimate object, and now the people of the United States are to be held as indorsing the thefts and larcencies of this scoundrel Hartwell, and be made to pay $249,000 for his dereliction of duty when it was superinduced and caused by the agent of this bank.

Mr. President, I fail to see any justice or equity in such a case as this. Mr. Carter was a member of the firm of Mellon, Ward & Co.; he was the agent in Boston of the Newton bank, and he transacted its important business, as the records of the Court of Claims show:

At the same time the said Carter was a special agent, in Boston, of the Newton bank, appointed by the directors thereof to transact the business of the bank connected with Government, and to assist the cashier of the bank in matters pertaining to the bank which required attention in Boston.

He was the agent of the bank appointed by the directors for the express purpose of transacting business with the officers of the United States. They trusted him. He was their trusted agent to confer and transact business with the officers of the United States, and he, for illegitimate gains and profits, seduced and led astray the officer of the United States; and now the people of the United States, the Government, the men who pay all the taxes, are to be mulct $249,000 to this bank for the action of its trusted agent and representative!

Mr. President, I can see no justice in allowing this interest. The greatest amount that could possibly be allowed would be the amount suggested by the Senator from Connecticut, the amount due upon the bonds which were taken and converted. There is pending elsewhere a bill (H. R. 5669) making appropriation for the relief of the First National Bank of Newton, Mass., and that bill, in its second section, appropriates the sum of $36,746.15 "for the purposes set forth in section 1 hereof, out of any money in the Treasury not otherwise appropriated;" and section 1 reads thus:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest at the rate of 5 per cent. per annum on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States, in the sum of $371,025, from January 24, 1881, to the date of payment of said judgment; also the sum of $17,949, interest on $25,000 in United States bonds and $20,000 in United States interest-bearing notes taken from said bank and deposited in the United States subtreasury at Boston, Mass., on the 28th day of February, 1867.

In other words, the House bill proposes to pay interest upon the judgment from the day of its rendition in the Court of Claims, and then proposes to pay interest on the Government bonds which were canceled and which were found in the subtreasury, and interest on which the Government thereby saved. It was the laches of the claimants that no interest was paid upon the judgment of the Court of Claims, but so far as I am concerned it may have been excusable, and I will not raise that point. It may have been excusable, and therefore I should join with the Senator from Connecticut in saying that I would offer no further opposition to the passage of a bill making the allowance indicated in the House bill. I shall offer that as a substitute for the pending bill.

Mr. CONGER. Will the Senator allow me to ask him whether in the last of his remarks he refers to the interest on the unpaid portion of the judgment for about ten months?

Mr. COCKRELL. Yes, sir.

Mr. CONGER. There was a large part, two-thirds of the judgment or more, paid within four days after the rendition of the judgment, and the balance of it, one hundred and odd thousand dollars, within ten months.

Mr. COCKRELL. This sets forth the amount. I move now to strike out all after the enacting clause and insert what I send to the Chair.

The matter proposed to be inserted was read, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest at the rate of 5 per cent. per annum on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States, in the sum of $371,025, from January 24, 1881, to the date of payment of said judgment; also the sum of $17,949, interest on $25,000 in United States bonds and $20,000 in United States interest-bearing notes taken from said bank and deposited in the United States subtreasury at Boston, Mass., on the 28th day of February, 1867.

SEC. 2. That the sum of $36,746.15 is hereby appropriated for the purposes set forth in section 1 hereof, out of any money in the Treasury not otherwise appropriated.

Mr. COCKRELL. I now ask for the reading of a report which I hold in my hand, and in that report I will call attention to one or two facts which were not elicited, or I did not observe them, in the report of the Senate committee.

On the 24th of January, 1881, the First National Bank of Newton obtained in said court a final judgment against the United States in said cause for the principal claimed, namely, $371,025. (See thirteenth Court of Claims Reports.)

On the 28th of April, 1881, it served a copy of the judgment upon the Secretary of the Treasury—

That was three months after the rendition of the judgment—

as is prescribed by section 1090, Revised Statues of the United States. In March, 1881, the incoming Attorney-General of the United States appealed from said judgment to the Supreme Court of the United States, and on the 25th of October, 1881, withdrew the appeal.

On the 29th of October, 1881, the Treasurer of the United States paid $260,000 of said judgment, and waits only for an appropriation to pay the balance.

But it is claimed that the judgment bears no interest, because it is not within the letter of the section 1090 of the Revised Statutes of the United States, and the bill under consideration is to obtain such interest and have an appropriation made for paying the balance of the judgment.

The act of March 3, 1863, ch. 92, sec. 7 (12 U. S. Stat., 766), provided as follows:

"'In all cases of final judgments by said court, or on appeal by the said Supreme Court where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of said Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

"'And in cases where the judgment appealed from is in favor of said claimant, or the same is affirmed by the said Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid.'"

Now I ask that the whole report may be read, as sustaining the amendment which I have offered.

The Secretary read the following report, submitted by Mr. COLLINS in the House of Representatives March 4, 1884:

The Committee on the Judiciary, to whom was referred bill H. R. 751, having considered the same, beg leave to make the following report:

This case was fully investigated by the Committee on the Judiciary of the House of Representatives of the Forty-seventh Congress, whose favorable report we quote from and make a part of our report, as follows:

"[H. Report No. 353, Forty-seventh Congress, first session.]

"The State National Bank of Boston was swindled by Hartwell, a United States subtreasury agent, at Boston, Mass., in 1867. It sued the Government, obtained final judgment therefor, and was paid. For the facts, see 10 Court of Claims Reports, 519, and 96 U. S. S. C. Reports, 30.

"The First National Bank of Newton was also swindled by Hartwell at the same time, and substantially in the same way. It brought suit against the United States in the Court of Claims in February, 1873, but allowed its cause to await the final judgment in the suit of the State National Bank *vs.* The United States, above mentioned. On the 24th of January, 1881, the First National Bank of Newton obtained in said court a final judgment against the United States in said cause for the principal claimed, namely, $371,025. (See 13 Court of Claims Reports.)

"On the 28th of April, 1881, it served a copy of the judgment upon the Secretary of the Treasury, as is prescribed by section 1090, Revised Statutes of the United States. In March, 1881, the incoming Attorney-General of the United States appealed from said judgment to the Supreme Court of the United States, and on the 25th of October, 1881, withdrew the appeal.

"On the 29th of October, 1881, the Treasurer of the United States paid $260,000 of said judgment, and waits only for an appropriation to pay the balance.

"But it is claimed that the judgment bears no interest, because it is not within the letter of the section 1090 of the Revised Statutes of the United States, and the bill under consideration is to obtain such interest and have an appropriation made for paying the balance of the judgment.

"The act of March 3, 1863, chapter 92, section 7 (12 U. S. Stat., 766), provided as follows:

"'In all cases of final judgments by said court, or on appeal by the said Supreme Court where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of said Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

"'And in cases where the judgment appealed from is in favor of said claimant, or the same is affirmed by the said Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.'

"Section 1090 of the Revised Statutes of the United States is as follows:

"'In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.'

"The first sentence in the act of 1863, quoted above, provides for payment of judgments against the United States, whenever final, either in the Court of Claims (of which that statute was the basis), or if appealed from by the United States, made final by affirmance in the Supreme Court of the United States, and makes the mode of payment simple and prompt.

"The second sentence of the act of 1863, above quoted, provided for payment of interest upon and after notice of either of those facts duly served upon the Secretary of the Treasury. In transferring the quoted law into the Revised Statutes of the United States it was made sections 1089 and 1090. But in section 1090 the 'or' after claimant was changed to 'and.' This changed the law, in the letter, so that no interest can be collected on a final judgment against the United States in said court unless, if it be appealed from, it is also affirmed by the Supreme Court. At least this is the construction of the Treasury Department. Under that construction the United States may simply appeal in every case with or without meritorious ground for appeal, put the claimant to the delay and expense of having the cause docketed and dismissed by the claimant under rule of the Supreme Court, or, worse, wait till the cause is about to be heard and withdraw the appeal and save interest *ad interim*. For there is no concurrence of final judgment below and affirmance by the Supreme Court, as there is no judgment of the Supreme Court affirming the judgment below. Such a construction manifestly does violence to the intention of the law and to justice between the Government and claimants who obtain judgments against it on its contracts. After any final judgment by its own Court of Claims, and notice thereof served upon the Secretary of the Treasury, it is right for the Government to pay interest unless it shows that judgment below to be wrong. It may be perfectly right for the disbursing officers to stick thus to the letter, for they should pay out no money without plain statutory authority.

"We suppose that the revisers did not intend to produce such an absurdity, but meant to say, 'In cases where the judgment appealed from is in favor of the claimant, and in cases where the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed,' &c.; that is, on the original judgment."

Among the funds taken from said bank were $25,000 in United States coupon bonds, and $20,000 in United States compound-interest-bearing notes. The interest upon these bonds and notes, of which the Government received the benefit, and of which the bank was deprived by the conversion, amounts to $17,949.

The bill calls for and the counsel for the bank claim interest upon the whole amount ($371,025) from the date of conversion to the date of payment. Many precedents and authorities were cited in support of the claim.

But your committee are of the opinion that while this is an exceptional case, and one of extreme hardship, the general policy of the Government is fixed and declared to be that—

"No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest." (Revised Statutes, section 1091.)

The bonds and compound-interest notes are such contracts. The Court of Claims did not allow this interest, and your committee believe that good faith, justice, and equity require the payment thereof.

They therefore report the accompanying bill as a substitute for the one referred to them, and recommend its passage.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. SHEFFIELD. Mr. President, it seems to me that this is a very narrow question and depends on very narrow principles, principles that are well settled. The powers of this Government are distributed into three departments. The judiciary department has determined that

this debt is due. Out of comity to that department we should regard that judgment as a final judgment, as the end of the matter, and not undertake to go behind it. When the court determined that question it determined at the same time that the United States was the tort debtor of this bank. It is well settled as a matter of law in questions of this character, the court being deprived of the power to grant interest or damages by way of interest, that where the United States are tort debtors interest should be allowed. If that is the case, it seems to me that is the end of the argument; it is a mere cold question of law; and on these principles it seems to me that the whole matter would be easily settled. I may be in error about this, but this is the way the question strikes my mind.

Mr. JACKSON. Mr. President, I wish to say a word or two in reference to the objections which have been urged by the Senator from Missouri and the Senator from Michigan.

It is a very unusual proceding to me, and could have been objected to as out of order, to bring in a House bill and a House report here to defeat the action of a committee of this body. Here is a unanimous report from a committee of this body who have gone over the whole subject. But let that pass.

What is the position taken by these gentlemen? Let me briefly state the facts, so that the Senate will have its recollection of them refreshed for a moment. Hartwell was the cashier of the subtreasury at Boston. Mellon, Ward & Co. were stock speculators in the city of Boston. Carter was a member of the firm of Mellon, Ward & Co., and he was also a director of the First National Bank of Newton, some distance out from Boston. The firm of Mellon, Ward & Co., with Hartwell's consent, got possession of the Government funds; they used them, and lost them in stock speculations. Subsequently, after the loss of those funds, after the Government had sustained this loss, in order to make it good Carter assisted in robbing the Newton bank, and took the stolen assets and placed them in the subtreasury with the knowledge of the Government agent. He did this to make good that loss. Mr. Whittle, the chief clerk, was told by Hartwell himself at the very time he took and appropriated these assets that they were the assets of the First National Bank of Newton. That is the fact disclosed by the record in the court and by the proof before our committee.

The gentlemen are in the position of asserting that because of the accidental circumstances of Carter being a member of the firm of Mellon, Ward & Co., and at the same time a director of the bank, he was justified in making good Hartwell's default by stealing the assets of the bank of Newton! Why, suppose the case of a director of a national bank in the city of Washington conniving and colluding with a paymaster to get possession of Government funds, by which that paymaster becomes a defaulter, and after that money is lost, not a dollar of which ever gets into the bank, as was intimated by the Senator from Michigan in regard to this case—and after that money is lost the man who has thus colluded with the paymaster of the Government to obtain these funds and squander them then robs the bank of which he is a director and places that money there to make good the default, would it be said that that justified the robbery?

The case does not admit of discussion when the facts are understood; but there is no committee of this body and there is no committee report that can answer objections when they are developed from gentlemen's own imaginations. There is not, as argued by the Senator from Michigan, an iota of proof to warrant the idea that the assets which were stolen from the Government by Hartwell ever found their way to the First National Bank of Newton—not a dollar, not a cent, not a single item of the securities, and yet he argues this case as though the same funds came back from the Newton bank which went out of the subtreasury by the default of Hartwell and of Mellon, Ward & Co. That is not the fact.

Mr. CONGER. The Senator will allow me to say that I did not argue that they were the same funds. I did not intend to say that they were the same funds, but I said that they came back through exactly the same source, and from the same person who took out of the subtreasury the money. The transaction was by the same person.

Mr. JACKSON. The RECORD shows that the Senator did say what I have stated. But let me go on. The bank had nothing to do with the original embezzlement, and the highest courts in the land have ascertained every fact in this case, and have stated that by no possibility could the act of Dyer, the cashier, and Carter, the director, have transferred the title either to Hartwell or to the United States in those assets placed there to make good the previous robbery. The United States is first robbed, and after that the money is squandered and lost in speculation, and then the three parties robbed the bank and it is proposed to say that that robbery in favor of the United States is valid and should be sustained.

Mr. President, no interest was allowed in this case as I have stated before; none was allowed after the rendition of the judgment, though every compliance was made with the law, and a committee of the House under some report and under some bill are seeking to give interest from the date of the rendition of the judgment; and that is appealed to here to break down this meritorious claim.

I think it would be a shame for this Government to shield itself behind the fraud and rascality of agents to make a profit out of other people's money, use it to sink and satisfy its own interest, to cancel its own interest-bearing obligation, and employ that money to stay and stop interest on its other obligations, and then to say "we will profit by that fraud" and deny to the private citizens the relief which every court in the land would grant as between private individuals.

How does the fact that the statute forbids jurisdiction to the Court of Claims to allow interest except in cases where it is expressly stipulated for bear on this case? That does not meet the obligation of the Government in a case like this where the private relation of debtor and creditor was not voluntarily assumed. Here is a case where it was involuntarily assumed. The bank was robbed, in the language of the court, and its stolen assets used to make good the previous default of the Government's agent; and at the time of the appropriation the chief clerk was told by Hartwell that these were the assets of the bank of Newton. That is the whole case. If there ever was a case that called for the payment of interest for the honor of the Government this is one.

Mr. COCKRELL. Mr. President, it is remarkably strange to me why it is that the distinguished Senators advocating the payment of interest in this case will not come down to the plain, naked fact that Carter was the special agent of the bank of Newton. My friend from Tennessee spoke of Mr. Carter as a member of the firm of Mellon, Ward & Co.

Mr. CAMERON, of Wisconsin. If he were a special agent he was a special agent for some purpose. What purpose was that?

Mr. COCKRELL. I will read what the court says. I never heard of the case until I found the facts stated in the Court of Claims report, upon which you rely. I will read it:

At the same time the said Carter was a special agent, in Boston, of the New ton bank, appointed by the directors thereof, to transact the business of the bank connected with Government, and to assist the cashier of the bank in matters pertaining to the bank which required attention in Boston.

He was the general agent of the bank of Newton in Boston. Let me read a little further. Finding 7 is:

At the same time the Newton bank had been appointed, and was, a depository of United States moneys; and received also deposite of collectors of internal revenue; and received from the Government of the United States fractional currency and revenue stamps, ordered by it from the Treasury at Washington, in which said bank did a large business, often sending orders to the Treasury to the amount of $30,000 a week.

Then I read the eighth finding:

At the same time the said Carter was a special agent, in Boston, of the Newton bank, appointed by the directors thereof, to transact the business of the bank connected with Government, and to assist the cashier of the bank in matters pertaining to the bank which required attention in Boston. The Newton bank ordered the fractional currency and revenue stamps to be delivered, for the sake of convenience, to Carter, in Boston, by mail or express, for they were to be used in that city; and he disposed of the stamps to banks, stationers, and other parties requiring them, and the fractional currency to banks and manufacturing corporations, and returned to the bank the funds derived from such disposition, and those funds were placed by the bank to the credit of the United States Treasury. The stamps were usually sent by mail to Carter by the Internal Revenue Department, and the currency was sent by the Treasury Department to him by express—usually $10,000 at a time—packed in sealed paper boxes.

There he was the general special financial agent in the city of Boston of the bank of Newton, receiving money from the United States, appointed to transact business with the officers of the United States. And now what did he do? Let us see:

Prior to the 1st day of March, 1867, the said Mellon, Ward & Co., acting by and through the said Carter, had succeeded in inducing the said Hartwell to take out of the subtreasury in Boston, at various times, and place in Carter's hands large amounts of money belonging to the United States, until, first and last, the sums which Hartwell so let Carter have aggregated a million to a million and a quarter dollars.

They were speculating upon these funds and there had been no adjustment of the account. About the last day of February it became necessary to have an account and settlement; the funds in the subtreasury had to be counted, and this man Carter, the special agent of the Newton bank, was the man who went to Hartwell and told him how he could arrange the whole thing; that he would get these drafts and certificates of deposit, and he would take them and place them in the subtreasury, and they would be counted, and the moment they were counted then Hartwell was to deliver them back to him, and he would put them in the bank; and in that way would tide the matter over until they could have a settlement of their transactions. Hartwell was the only living man in the subtreasury (and he was merely the disbursing clerk) who knew anything about it. The Senator from Tennessee speaks about the chief clerk, Mr. Whittle, knowing about this matter. That was after all the larceny and stealing had been committed.

Mr. JACKSON. I beg your pardon.

Mr. COCKRELL. I beg your pardon. I speak by the record as it is, and I challenge the Senator to show one solitary thing contrary to this statement in the record in the Court of Claims.

Mr. JACKSON. It was the 28th of February.

Mr. COCKRELL. Everything was done then; the assets were there; and Hartwell saw that the storm was coming, and he went and made a confession. That was all there was about it. Hartwell told Whittle and the subtreasurer that he and Carter had been speculating with the Government funds and they had lost, and these things had been put there by Carter, and thereupon the officers of the United States did their duty: they refused to let the thief, Carter, have the securities; they refused to let the principal of the thief Carter take away the stolen goods which he had obtained from the bank as its trusted

agent and placed in the hands of the innocent officer of the Government. They did exactly right; and now because the officers of the United States would not recognize the stealing by the scoundrel Carter and his seduction of an employé of the Government by leading him astray and inducing him to permit him to use the funds of the people for speculation, doubtless with the intention of dividing the profits, the tax-payers are to be made to pay $249,000, in violation of the acknowledged and well-established principle of law that no claim against the Government draws any interest until it is in the form of a judgment of a court of competent jurisdiction; and there is no reason why that principle of law ingrafted upon our statutes and maintained there for half a century or more shall be set aside in this case. The committee recommend the absolute repeal of that law in this case.

I have been here now nearly ten years, and it is the first instance in the history of the United States Senate in the last ten years that an attempt has been made to override that well-established principle of law, of the statutes, that the United States shall not be made responsible for interest. Here is a case where the principals, who employed a thief and enabled him to seduce and lead astray a poor Government clerk, are trying to take advantage of the larcenies of their own trusted agent, and advantage of the seduction of a mere clerk in the subtreasury, and make the tax-payers of the United States responsible in $249,000; and the Senator from Tennessee thinks that it is a strange thing that a Senator should speak in behalf of the tax-payers of the United States to prevent the payment of this $249,000 as interest on what was stolen by their agent.

Mr. JACKSON. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. JACKSON. I wish simply to say that I was not talking about the tax-payers or anything but the justice of this claim.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; in which it requested the concurrence of the Senate.

INTERSTATE COMMERCE.

The Senate, as in Conimittee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, the pending question being on the amendment proposed by Mr. SLATER in section 4, line 14, after the word "class," to insert:

Or shall charge or receive any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction.

Mr. HOAR. I have but a word to say to correct a statement I made the other day. In speaking the other day of the railroad commission and the railroad policy of my own State, I said that while there was a short haul law, so called upon our statute-book, the railroads were not held by it. I think I ought to qualify that statement by stating a fact which has since been called to my attention by a friend in the other House, though I had myself proposed to make the statement before he called the matter to my notice.

There has been no enforcement of that law by the courts so far as I am aware; on the contrary, the only attempt to enforce it failed in consequence of a decision that it was not applicable to the particular case before the court; but the railroad commissioners have certainly in one instance, if not in more than one, called the attention of the railroads to the fact that complaint was made of their charging a larger sum for short distances than for long distances, and the railroads have yielded to the expostulation of the railroad commissioners and reformed their practice in the particular case. I have no doubt that the existence of the law upon the statute-book, and the fact that if the suggestion of the railroad commissioners was not complied with further action might be had, had considerable effect in causing their recommendations to be acceded to; and to that extent I ought to modify what I said the other day, supporting so far as it did go the argument on the other side.

Mr. VAN WYCK. Mr. President, I suppose the Senator from Massachusetts will concede that an enactment of that kind by the Congress of the United States might have a similar effect upon the railroad system throughout the country.

Mr. President, the position of the Senator from Iowa [Mr. ALLISON] that this act of justice proposed in the amendment of the Senator from Oregon will necessarily increase the through rates can not be sustained. The through rate is controlled entirely by other considerations. He says competition from Chicago east is on account of the great lakes and Erie Canal. The railroads now charge up to the highest point water competition allows, and justice to the local shippers could not increase it.

West of Chicago we have no water, therefore no real competition; instead, a system of discrimination and pooling, which the Senator [Mr. ALLISON] alleges is just the thing to protect railroad property.

Mr. ALLISON. Will the Senator allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. ALLISON. I desire that the Senator in making his remarks shall not address himself personally to me and put words in my mouth which I have not uttered. I have said no such thing as is now quoted by the Senator from Nebraska anywhere in any remarks that I have made upon this question.

Mr. VAN WYCK. If the Senator has not used the words his whole line of remark spoke them distinctly. The Senator was arguing substantially from beginning to end that injustice would be done commerce, and when he speaks of commerce he necessarily means the railroads, the channels of commerce, by the amendment proposed by the Senator from Oregon. He said it would be injustice to the people in his State and in mine, because when you decrease the local rates you necessarily force the railroad companies to increase the through rates where competition exists, and, therefore, it was that the proposition to provide that the local rates should not extend beyond the through rates would drive corporations to the necessity of increasing the through rates. That was the argument of my friend. And is that not saying by argument as strong as the Senator could make it that the system we have now is just the thing to protect railroad property and to protect commerce?

The Senator spoke of the water routes being in competition with railroads. So it is from Chicago east; and the rates from Chicago to New York—I think no one will deny that—are fixed on the basis of the water communication by lake and canal; and, therefore, it is no matter what may be the local rates between Chicago and points intermediate to New York; they do not control the through rates, but they are settled by the water communication and the water competition. The Senator well knows that west of Chicago there is no real competition. It is true we have now through his own State and reaching the Missouri River from Chicago no less than six railroads. The through rate from Chicago to Omaha and Council Bluffs is established, because the roads pool and do not compete. Under no circumstances would the roads think to raise it even though compelled to stop extortion on local shippers.

Years ago there were three roads from Chicago to Council Bluffs. Now six or more. Are the rates lower now than when three roads were running? Every new road forces itself into the pool and carries on competition only to secure that end. The great elevators at Council Bluffs, Des Moines, and other cities in Iowa, owned or controlled by a railroad ring, can reach the ears of the Senator from Iowa and assure him the present management is complete, but the multitude of business men and small operators, if enjoying his confidence, could illustrate the extortions which injure business and paralyze trade.

Mr. President, since 1872 all political parties in national and State conventions with great unanimity have demanded redress from grievances in transportation—that no more grants of public lands be given to corporations and that lands not earned be restored to the public domain. Since 1872 the great corporations have stifled the cry of the people, have paralyzed Legislatures and Congress so that but little of redress and no forfeitures have resulted.

WHY?

Jay Gould in his testimony before a committee of the New York Legislature, and Huntington in his wonderful letters, giving historical and biographical sketches of legislators in Congress, make mysterious revelations as to how they claim this work of infamous betrayal of the people is accomplished. So often deceived, their sufferings yearly more intense and bitter, power of corporations more aggressive and defiant, the people have become more in earnest, even to the sundering of party ties.

WARNINGS.

Warnings of the great men long since passed away seem like inspirations. The teachings of Jefferson, discarded by his own party when he declared that in the contest on account of slavery there was no attribute of Deity that could side with them, were made the corner-stone of the Republican platform, and in a hundred battlefields his truths became historic. His other great denunciation of the injustice and despotism of monopoly will become equally so. Had we in our legislation made that the keystone of the arch, as the other the corner-stone, the legions of Democracy had never prevailed against us. Politicans may have a blind man's holiday searching for the reasons of our overthrow, but to the people there is no mystery. So Jackson's proclamation that the Union must be preserved, denounced by his own, became the shibboleth of the party the people spoke into existence and continued for a quarter of a century—became history in the hour of the nation's victory. Had we as devoutly followed and drawn inspiration when he denounced the machinations of monopoly, not now, at the demand of the enemy, would we surrender our baggage and camp equipage

DISASTER.

We seem to learn no lesson from disaster, and are still trying to amuse and cajole the people, forced to seem to do something or go into still greater retirement in the expiring days of great achievements, when the people have emphasized their determination by the defeat of

an organization to which they are still attached. Party managers seem determined their cry shall remain unheeded. They now ask for forfeiture. You would give it with such conditions and limitations as will not secure it in another quarter of a century; this through the specious amendment of the Senator from Alabama under the claim of a worshipful respect for the Supreme Court, when the same court in the decisions to which he refers expressly hold that Congress has the power to declare forfeitures which are so absolute that the courts can not disturb them.

POPULAR CLAMOR.

The Senator from Alabama thanked God he had the courage to disregard popular clamor. Many men have done the same without feeling the necessity of thanking God. They had sufficient respect for the Almighty not to hold Him responsible for any such performance.

Politicians not even Senators do not always have that contempt for popular clamor—not when themselves or party seek position. How earnestly they excite, and how gracefully they glide into place and power by, popular clamor!

There were men in the days of the Revolution who boasted they yielded not to popular clamor, but after seven years of privation and war the birth of a new republic showed that in popular clamor the voice of the people was the voice of God.

So in 1860 there were men in the North who boasted they had the courage to despise popular clamor, which grew deeper and more in earnest to resist the aggressions of slavery; still they boasted of their contempt for it, even when that popular clamor was the voice of the nation. And when in the nation's triumph came the second birth of freedom, and the fire-bells in the night, referred to by Jefferson, were sounding the ring of victory, and this country had become in fact as well as in name the land of the free, the voice of the people was the voice of God.

So, to-day, Senators from the Northwest, while the dwellers on the plains of Iowa, Kansas, and Nebraska are suffering with granaries full to overflowing and compelled to burn corn as fuel, while the toilers in Wisconsin and Minnesota are selling wheat below the cost of production and secure but a fraction above what the pauper labor of India receives; the Senators from Pennsylvania, where the dependent and unemployed are denied the privilege of increasing production of coal and are suffering for the corn consumed on the prairies; the Senators from New York, where, with bended head, sorrowing heart, and weary fingers, women stitch, stitch their famishing lives into shirts at 3 cents each while perishing for wheat, which the Western farmer produces at an actual loss; the Senators from New England, where thousands of men and women with haggard faces and children of tender years, prematurely grown old, stand, begging to toil, at the closed doors of her factories, where tariff protection had promised immunity from suffering and the privilege to labor at fair recompense—they can all unite in the proud boast of the Senator from Alabama that they have the courage to oppose popular clamor.

But through suffering and gloom, but not through blood and prison-pen, the final victory will again come when, as in '76 and '60, the day of final rejoicing will demonstrate that the voice of the people is the voice of God.

RAILWAY REGULATION.

Now, the people are demanding—and most of the Senators are here on that platform—the regulation of railways and protection from their extortions, and while they "ask for bread you give them a stone."

You propose to amuse them with a commission without power, which really gives the citizen less redress than he has at common law, furnishing an expensive association of five men with a salary to each of $7,500 per annum, much greater than members of Congress receive, and with necessary expenses while traveling, which, by the practices of the Treasury Department, mean expenses for railroad fare, sleeping-car and porter, hotel and laundry bills, wine and lager-beer; so that the salary exceeds that of a Cabinet minister or judge of the Supreme Court. With all this they are given no power to correct abuses or redress wrongs. The only thing required is to write essays.

The bill passed in the House known as the Reagan bill is infinitely better. It declares offenses, affixes penalties, directs the prosecution, and allows the citizen to select attorneys and a State or Federal tribunal. The Senate bill denies all these privileges, and makes the latter end worse than the first. The people only demand reasonable rates, no discrimination, no pooling, no rebates, no greater charge for a short than a long haul.

THE REAGAN BILL.

All these are in the bill passed by the House. And if the Senate is in earnest to redeem pledges solemnly made by leaders of both parties, ostentatiously proclaimed in all platforms, to obey the resolutions of nearly all the Legislatures of the Union to rescue the people from the grinding of the upper and nether millstone—if we desire to rescue the Senate from the suspicions of the nation that it is controlled in the interest of railroads, we have now the opportunity. The Reagan bill enunciates a few principles which the entire nation believes, furnishes a simple remedy; true, only a beginning, but the entering of the wedge that will in the end rend extortion and discrimination.

This is no time to delay. The work of deception can not longer be carried on. You can not pretend a willingness to do something, and that an obstinate or unwilling House of Representatives refuses. If the Senate falters now to accept the House bill, an indignant people will believe that it "palters in a double sense" and is seeking by disagreement to prevent the legislation so long sought and long denied.

The Senate bill promises nothing, not even a slight veneering; the people are in no mood to be trifled with or deceived. It will be an unfortunate day when a Republican Senate declines to accept a measure adopted by a Democratic House in the interest of the people. Our hesitancy now will be our voluntary accusation and will prove in the end our condemnation by the people.

NATURAL LAWS OF TRADE.

The Senator from New Jersey [Mr. SEWELL] innocently believes that railroad corporations, like kings, can do no wrong; that stocks and bonds represent actual money expended; that pooling is one of the sources of our national prosperity, and under that we can never be miserable. I commend to his careful consideration the decision of an Ohio court that a railroad had actually wronged a citizen of that State by discriminating against him in favor of the Standard Oil Company, a gigantic corporation, into which railroad magnates had entered; wronged the State by driving honest men out of business, the extent of which may be imagined when it is reported that this company has received in rebates from railroads $10,000,000 in sixteen months.

This adjudicated case is only one of thousands establishing the injustice and robbery of discrimination extending to all branches of commerce, to grain and meats. They own and control elevators, and the farmer, if he desires, can not possibly ship his own grain and cattle, for he can obtain no rebates. Then, that no greater sum shall be charged for a short haul than a long one, the West is to be frightened by the threat that no more grain can be shipped to the East. The proposition does not affect the through rate, only this—no more shall be charged for hauling a car from New York to Philadelphia than from New York to Chicago; no pretense that the charge should be a pro rata of the through rate; only, no more should be charged for carrying a car fifty miles than five hundred miles. No farmer in the West is opposing this. Only railways see a lion in the path.

The power of absolute control by railroads is not always exercised in a saintly manner by the saints certified by the Senator from New Jersey [Mr. SEWELL]. Let me illustrate: The Union Pacific became incensed at Columbus, an active interior city of Nebraska, whose citizens were enterprising and aided to secure another road, thinking the natural laws of trade would promote their prosperity. But the Union Pacific became indignant at this attempt on the part of a public-spirited community for the development of the natural laws of trade, and determined they should be punished for such temerity and rebellion, for Columbus was called, in the vernacular of railroads, "in their territory." So rates were changed, and more was charged per car-load from Omaha than to Kearney and points farther West.

So, the Central Pacific, without the excuse of revenge or punishing rebellious subjects in their territory, actually charge to points east of San Francisco through rates to San Francisco and then local rates back. For instance, from New York to San Francisco a car is charged $300. That must be considered according to railroad honesty a fair rate, for they fixed it without competition. Then to a point six hundred miles east of San Francisco, where the car is stopped, they charge $300, the rate to San Francisco, and $500 back, the local rate, making that car cost $800, while the one carried six hundred miles farther is only charged $300. Is it not evident railroads should be restricted from exacting more for the short haul than the long one? Will some Senator defend this, and then show how the natural laws of trade can stop such outrages? The same is practiced on the Northern Pacific.

STOCK-WATERING.

The Senator from New Jersey [Mr. SEWELL] also says, with apparent earnestness and innocence, that he thinks the stock is not much watered, very slightly diluted. Poor's Manual, an acknowledged authority with rail road men, shows that nearly two-thirds is watered. If that does not satisfy the Senator I beg to refer him to a letter written April 23, 1884, by a distinguished statesman from his own State, in which he says:

By purchase on the same terms as they were sold on the Boston market to all applicants; sold to * * * and to other reputable merchants. He negotiated for a block of the securities, which were divided as usual in such enterprises into three kinds—first-mortgage bonds, second-mortgage bonds, and stock. The price, I think, was 3 for 1. That is, the purchaser got first-mortgage bonds for his money and an equal amount of second-mortgage or land-grant bonds, and of stock thrown in as the basis of possible profits. * * * I went myself at this time into several adventures of the kind on that ratio, and have always understood that Senator ——and his friends got their interest in the Burlington and Missouri road on the same basis of 3 for 1. * * * I know of my own knowledge that Governor ——, Mr. ——, and Senator ——, and many of my friends while in Congress acquired and held interest in such enterprises.

He says that he made his investments on that basis, and that the men of Boston do this. That, of course, is the end of the law and testimony. Boston does it approvingly; that probably accounts for the disregard of popular clamor by New England Senators.

Certainly, stocks and bonds according to this evidence are owned in this Chamber and the other end of the Capitol on that basis; that is, you put down one dollar and take up three. So it would appear even members of Congress learn where the little joker is.

No wonder there is here manifested the same contempt for public clamor as Vanderbilt is said to have exhibited in language more forcible but not so reverential as by distinguished Senators.

According to the written and printed statement of one New Jersey statesman and Poor's Manual $4,000,000,000 fictitious watered stock is represented in the stocks and bonds of railroads. On this, interest and dividends are collected from the people, made a mortgage on every acre of land in the Republic—an inflation paralyzing industry, laying a tax upon the producer and consumer; yet we must remand all this to the natural laws of trade.

Who are the railroad corporations for which so much sympathy is expressed in this Chamber? Mainly a half score of syndicates of millionaires, made millionaires by the manipulation of these same roads. We are asked to further submit to extortion and stock-watering on the plea of the "innocent purchasers." For the last ten years there have been few innocent purchasers without notice. Whoever buys railroad stocks well knows the hazard he runs. The whole world is advised of the suspicions and fraud attending. The Senator from Massachusetts [Mr. HOAR] must well know that since the report he in part made as Representative in the House denouncing the frauds of the Union Pacific, frauds which he and his colleagues said were sufficient to have the charter forfeited, the crimes and frauds which he denounced not only were continued, but increased and made public, so there could be really few innocent purchasers; but the small holders of stock, supposed to be innocent, are only used as a breastwork behind which the managers can hide and inveigle Senators into their service.

JEFFERSON AND JACKSON ON MONOPOLIES.

Pardon a sentiment from Jefferson:

The truth is that capital may be produced by industry and accumulated by economy, but jugglers only will propose to create it by legerdemain and tricks with paper. * * * Our citizens will be overtaken by the crash of this baseless fabric without other satisfaction than that of execrations on the heads of those functionaries who from ignorance, pusillanimity, or corruption have betrayed the fruits of their industry into the hand of projectors and swindlers. * * * It is raising up a moneyed aristocracy in our country which has already set the Government at defiance. * * * These have taken deep root in the hearts of that class from which our legislators are drawn. * * * And thus those whom the Constitution have placed as guards to its portals are suborned from their duties. * * * A general demoralization, a fleeing from industry its honest earnings wherewith to build up palaces and raise gambling stock for swindlers who are to close their career of piracies by fraudulent bankruptcies. * * * My dependence for a remedy, however, is with the wisdom which grows with time and suffering.

So Jackson, whom the 8th day of January keeps in grateful remembrance, said:

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. * * * In the full enjoyments of the gifts of Heaven and the fruits of superior industry, economy, and virtue every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government; its evils exist only in its abuses. * * * Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress.

At this day Jefferson and Jackson would be stigmatized as cranks and demagogues. They did not evidently bless God that they "were not as other men," and take courage to repel popular clamor. So did not the great Lincoln, who boasted that he did not create, but followed and was guided, by popular clamor.

CORN AND COAL.

In Kansas and Nebraska fifty bushels of corn will not purchase one ton of soft coal; one hundred and fifty bushels will not buy one ton of hard coal. Your sympathy expands for the pauper labor of Europe and India, while your hearts seem steeled against the cry for bread from the Americans who are forced to work at starvation wages or have their places supplied in the mines, by the specially protected mine-owners, by pauper and convict labor imported under contract from Europe.

You see an embargo placed upon the transportation of corn to the East and coal to the West—and you relegate to the tender mercies of Gould and Vanderbilt the problem of the natural laws of trade, to the uncontrolled avarice and extortion of stock gamblers, who are as merciless in demanding interest and dividends on 4,000,000,000 watered stocks and bonds as English landlords, who would take bread from the mouths of the Irish tenants. Possibly a Representative or Senator might be as unwilling as either to forego any legislation that would depreciate the three dollars for one actually expended, and to consent to any legislation which would prevent the usual dividends on stocks and bonds for which he paid nothing. So, too, in Minnesota and Wisconsin, the men who elect Representatives and Senators on the theory they will represent them and protect their interest must give nearly twenty bushels of wheat for a ton of soft coal or forty for a ton of hard.

In the CONGRESSIONAL RECORD of December 20 last, "The railways will elude, evade, and openly transgress the restrictions;" "The railways, if these restrictions should become laws, will ostentatiously break them all;" said to have been uttered on the floor of the House of Representatives.

A Senator from New Jersey [Mr. SEWELL] blandly gives them saintly attributes—a New Jersey Representative refers to them as despotic as masters, and gives notice that the laws will not be obeyed; still this property goes on capitalized on the basis of 3 to 1.

MORAL SUASION.

The Senate bill is gentle moral suasion very much watered.

This is the bill the railroads have been begging from Congress, just as the amendment of the Senator from Alabama is providing the panacea they have been desiring to administer to the American people, not only begging but denouncing Congress for not creating a commission. Only yesterday, in the city of New York, where her merchants before the railroad commission were seeking the redress given by that State, the New York Central and Vanderbilt appeared and by counsel, substantially admitted the grievances, and claimed that it was an interstate grievance, and any action there could only affect New York roads. Said the eloquent attorney, "What is needed is the appointment of a national commission, having powers similar to those of the New York and Massachusetts boards. If the idiots at Washington would establish such a board much could be done to rectify whatever grievances exist, and which are conceded." This was more unkind than the gentle suggestion of the Senator from Kansas [Mr. INGALLS], who intimated the Senate was only "suspected," whereas the New York Central insists it is idiotic. The public at large will accept one or the other of the conclusions suggested.

We trust, now that Vanderbilt has given his approval of some power in a commission, that the Railroad Committee will consent to insert in their bill that quantum of power which Vanderbilt kindly assures us in advance he will accept.

The Senator from Iowa [Mr. WILSON] is fearful we will do too much. Pass this bill, he need have no anxiety; it will be as near nothing as legislative dexterity can make it. Here is a great and acknowledged wrong. The people of every State understand it if Senators do not. The remedy is simple. Make extortion, discrimination, and pooling a crime, provide penalties, and make the State and Federal courts open, and you will then have made a beginning. There should be no dread in that even for a Senator from Iowa.

The modesty and meekness and confession of ignorance is amazing. This body claims to be fully informed on every subject of legislation—about Japan, China, India; as to the sufferings of the nations from the exactions of England, Russia and Turkey, Congo and Africa; even willing to grasp the great problem of a commercial treaty with Spain and a treaty for building a canal with Nicaragua, if correctly reported in the newspapers; but the entrance of the railway problem strikes consternation and paralyzes this great body into a protestation of weakness and ignorance, and they try to conceal each and distract the nation by seeking refuge in a commission.

To-day the farmers in the West are working their own farms on shares, the railroads taking the lion's share; they receive not a dollar profit or interest on money invested in land, teams, and machinery. Other industries are equally depressed. Yet the American Senate seem intent on how not to do it; determined, at whatever sacrifice, that railroad stocks and bonds shall secure liberal interest and dividends, and great lamentation is made if stock gamblers, who have stolen $4,000,000,000 from the industries of the nation, shall be disturbed in wringing interest on the same from an overburdened people. You stand apologizing for the swindlers who are wrecking still more the prosperity of the people.

THE CONTRAST.

Look at Kansas and Nebraska, great and rich in the wealth of their soil, the energy and intelligence of their people; yet Jay Gould, who neither toils nor spins, has greater wealth than the assessed property, real and personal, of both States. And Vanderbilt could buy both States, their farms and lands, villages and cities, hotels, banks, manufactories, and railroads, and have a snug fortune of $40,000,000 left for the necessaries of life and to keep the wolf from the door.

NO NEED FOR APOLOGIES.

Do you believe these millions were acquired honestly and by legitimate means? Yet the Senator from Iowa [Mr. WILSON] trembles lest we shall do too much, and before these worse than feudal robbers we must seem to apologize and indicate the awe with which these colossal wrongs are approached and the great risk we are assuming, and disclaim our hearty disinclination to rend the spoiler of his prey. In the language of the Senator from Kansas [Mr. INGALLS]:

I do not stand here in any sense whatever as the advocate or champion of that cheap system of demagogy that appeals to public opinion against railroads. I would as much resist injustice to railroads as I would resist injustice to the humblest settler in the remotest dugout upon the frontier of the West. Railway corporations are the creatures of the law. They are entitled to the protection of the law.

The two men who each can purchase the States of Kansas and Nebraska certainly need no proffer of assistance. No possible danger of injustice can come to them. It is the dweller in the dugout who with raised hands is appealing to the protection of the law. The Senator never believed strong and arrogant slavery in the days of its control of Congress and the judiciary needed sympathy and proffers of assistance as did the slave manacled and cringing beneath the lash. Corporations behind four billions of stolen property, for years controlling State Legislatures, the national Congress, the judiciary as remorselessly as did slavery, need not the sympathy or active support of Senators. It is the toiler seeking labor in the furnace heat, in the underground labyrinth, the settler in the dugout on the frontier of Kansas and Nebraska, whose wives and children are drawing warmth from corn because great corporations refuse to reduce the rates of freight so the coal of Pennsylvania may be exchanged for the corn of the West.

This position is sustained by an authority which will not be questioned by any Senator. Charles Francis Adams, jr., now the president of the Union Pacific Railroad, in his chapters on Erie years ago, spoke of the great State of New York as enslaved by two great corporations, the New York Central and Erie:

Vanderbilt, embodying the autocratic power of Cæsarism, introduced into corporate life the Erie ring, representing the combination of a corporation and the hired proletariat of a great city. The system of corporate life as applied to industrial development is yet in its infancy. It always tends to development, always to consolidation. It is ever grasping new powers or insidiously exercising covert influences. Even now the system threatens the General Government.

In a few years more we shall see corporations as much exceeding the Erie and the New York Central both in ability and will for corruption as they will exceed these roads in wealth and length of iron track. We shall see these great corporations spanning the continent from ocean to ocean. Now their power is in its infancy. In a very few years they will re-enact in a larger theater and on a grander scale, with every feature magnified, the scenes which were lately witnessed on the narrow scale of a single State.

His prophecy of fifteen years ago is history to-day. Does the Senator from Kansas [Mr. INGALLS] believe that Mr. Adams at that time "stood as the advocate or champion of that cheap system of demagogy that appeals to public opinion against railroads?"

For twenty years these corporations have grown rich, strong, and defiant, in violation of law, and now let us see to it that the protection of the law shall be given to those who are the victims of their extortion.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin). The question is on the amendment offered by the Senator from Oregon.

Mr. COCKRELL. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

Mr. McPHERSON. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 4, line 14, after the word "class," it is proposed to insert:

Or shall charge, or receive, any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction.

Mr. McPHERSON. Before proceeding to discuss the amendment, which I shall do very briefly, I wish to state that I did not correctly understand or hear the references made by the Senator from Nebraska to the position I had taken upon this question. If there is anything for me to answer in what he has said, when I see his speech in print I will undertake to answer it then. But I should like to have the Senator from Oregon give me a little attention in order that I may vote intelligently on the amendment which he has offered.

It seems to me it can not be possible that the framers of the Constitution ever intended any such exercise of Congressional power as is embodied in the amendment he proposes. As there is no way of presenting a subject so forcibly as by illustration, if the Senator from Oregon will permit me to illustrate my argument, I will then wait for an answer. It is well known to the Senator that there are different stages of transportation. There is a line of railroad, say, starting from New York that runs to a certain great distributing point, as Buffalo or Pittsburgh, and there ends. There are other lines of railroad separate and distinct in their organization, yet perhaps composing in a measure parts of the eastern trunk lines reaching from Pittsburgh and Buffalo to Chicago. I name Chicago because it is the greatest distributing point in the West.

I will now mention two railroads whose tonnage is greater than that of any two other railroads in the world, the New York Central Railroad and the Pennsylvania Railroad. The New York Central is within the territory of a single State in which the laws of that State are supreme, and is entirely beyond the grasp of the amendment of the Senator from Oregon which he proposes to this bill. It runs for four hundred and fifty miles, or one-half the distance from New York to Chicago, in one State. The Pennsylvania Railroad, in like manner starting from the city of Philadelphia, is within the territory of a single State, subject not to this law but to the supreme control and power of that State, and it runs almost an equal distance toward Chicago, the great point of distribution, in one State. These two railroads, subject only to State control and beyond the reach or grasp of this bill, make such local rates as the State laws permit. As to the other lines starting from both Buffalo and Pittsburgh as objective points, these roads make such rates to Chicago as will best tend to destroy their adversaries. Who are the adversaries? Let me name them.

The West Shore Railroad is an interstate road under the provisions of this bill. It runs through the States of New York and New Jersey. The Delaware, Lackawanna and Western, another competing line, runs through the territory of three States, to wit, New York, Pennsylvania, and New Jersey. The New York and Erie Railroad, another great trunk line, runs through the territory of three States, New York, Pennsylvania, and New Jersey, yet it has both ends of its line in the State of New York. The Baltimore and Ohio Railway between Pittsburgh and Baltimore runs within the territory of three States, Pennsylvania, West Virginia, and Maryland. Two of the railroads I have named therefore as to every act and thing within the power or control of the corporation are within the territory of a single State; they make such rates as the State laws permit, while the other lines, the West Shore, the Delaware and Lackawanna, the New York and Erie, the Baltimore and Ohio, the Lehigh Valley, and such other lines as may connect with them, are interstate railroads within the meaning of this bill.

The New York Central may take freights at Buffalo low for the purpose of driving a rival out of the city of Buffalo, say at $10 a car for through freight between Buffalo and New York, and that will not interfere with or in any manner control the rates for local traffic on that road, while if the Erie, the West Shore, the Delaware and Lackawanna, and other competing lines reduce the through rate to $10 a car they will be required to reduce the rate on local traffic in the same proportion. Thus it is within the power of the two great corporations to absolutely bankrupt the others and to drive them out of the market entirely. Is not that plain? The others, being interstate railroads, would be forced to make their local rates proportionate to the through rates; while the two stronger corporations, located as I have named, would have the power to earn sufficient on local freights, added to the rates on the through business, to give them a reasonable compensation for the whole. So it is made the interest of both these great roads to drive off every rival, and when that is done they can make such rates as they please.

Mr. President, I do not believe it was the intention of the framers of the Constitution to put in the power of any body by legislation here, however just and fair and equitable it may seem upon its face, to destroy capital in that way. The bonds of the Erie Railway, the West Shore, the Delaware and Lackawanna, and the Baltimore and Ohio are held by whom? Very largely by trust companies, fiduciary trusts, the property of the widow and the orphan in very many cases; and I believe it is as much the duty of Congress, if it can be done without violation of the great public interests of all the people, to refrain from legislation which absolutely, in effect, destroys the property of those unable to defend themselves. When you come to add together the vast amounts of money dependent upon fair and equitable rates of transportation which are held in investments by parties entirely unable to defend themselves, it certainly seems to me a proper subject for the Senate to consider that interest.

Now, sir, I can not myself subscribe to a doctrine which permits a condition of things to exist that absolutely prevents all competition entirely. The result of the pending amendment added to this bill will simply be to enable the New York Central and the Pennsylvania Railroads, happily located as they are with respect to the terms of the bill, to bankrupt every competing company and at the same time lay such rates as will enable themselves to profit. That is my objection to the amendment. I based my objection to it the other day principally upon the ground that I thought the Senator from Oregon should permit the two main propositions to stand as they appeared before the Senate. When he presents his substitute, as I understand he proposes to do, in the form substantially of the Reagan bill from the House of Representatives, then you will find a bill consistent in all its parts for a practical working machinery; but to ingraft this amendment upon the present Senate bill would be to destroy absolutely its effect and at the same time to destroy the Senate bill. I would rather vote upon the two distinct propositions separately than undertake to revise and reform this bill by the adoption of the amendment offered by the Senator from Oregon, and I submit to that Senator, if I am correct in my view, whether he himself would then vote for a proposition which is so damaging in its results. I should like to have the Senator from Oregon answer the case I have stated.

Mr. SLATER. The Senator's practice is like that of some individuals I have heard of. He imagines a case that suits the purposes of his argument, and then asks some one to meet it. However, I will endeavor to answer some of the points as I have gathered them from the Senator.

He has presented, as illustrations of his meaning, certain railroads having their centers on the east in New York and on the west in Buffalo, and another road in Pennsylvania, from Philadelphia to Pittsburgh, as contrasted with roads that are interstate roads; but more particularly does he draw attention to the case of the New York and Erie as a competitor to other roads whose western terminus is Buffalo and eastern terminus New York, they passing through two or more States and being interstate roads, while the New York and Erie is a road entirely within the jurisdiction of a single State, as I understood him.

Mr. MITCHELL. The Senator will allow me to say that as a matter of fact the Erie road is not wholly within the State of New York, but passes through a small portion of the State of Pennsylvania.

Mr. SLATER. I understand that to be correct; but the question was whether in moving freight from Buffalo to the city of New York the Erie road had not the advantage and could make the charge $10 per car-load.

Mr. McPHERSON. The New York Central.

Mr. SLATER. The New York Central, I should have said. I understand the pith of the inquiry to be that the New York Central is a

road entirely within the jurisdiction of New York, and the question is asked whether in hauling freight from Buffalo to New York by the Erie or by some of the interstate roads that pass portions of the way through other States with the same class of freight to New York city the New York Central would not have power under this amendment to destroy these other roads.

I do not undertake to say but that it might have some power to damage the other roads. But there is another question that would attach to the freight, and that is what we are trying to reach as controlling this matter. We are not reaching links of railroad, but endeavoring to reach streams of commerce. There are classes of commerce classified as State commerce within one State which are excluded from the operation of our bill. That which comes within its provisions is interstate commerce. The question would be whether a car-load of freight shipped from Buffalo to New York city, both being within the same State, over a line of road that might pass somewhere through some other State or part of some other State, would be interstate commerce or State commerce. My impression is that the place of its original starting and the place of its destination would determine its character as interstate or State commerce if it came from a point outside of New York, and although it might pass through other States in its transit, it would be interstate commerce. What constitutes interstate commerce is that it is commerce that passes from a starting-point in one State to a destination in another State; and in this instance the starting-point and the destination of the freight would be in the same State The fact that it passed through other States would be an immaterial matter.

Mr. McPHERSON. According to the Senator's own statement, then, I suppose he admits that as to freight taken by the New York Central between New York and Buffalo as local freight it would have to pay local rates.

Mr. SLATER. Certainly; within the limits of one State.

Mr. McPHERSON. The Senator very well knows that more than 75 per cent. of the grain that leaves Chicago goes to Buffalo by lake. It goes into elevators there for a market, and either for consumption throughout the country or for shipment in this direction or any other direction as occasion may require; and the New York Central as to that freight is not hampered by this bill.

Still further, let me ask the Senator how will this bill reach this condition of things? The main line and the property of the New York Central Railway are, within the State of New York. It is also the owner, so to speak, or we will say the lessee, of a line of railroad running to Chicago, or has intimate connection with some railroad running to Chicago. Grain is shipped from Chicago to Buffalo on a separate waybill, without any knowledge, we will assume, on the part of the shipper of what is to be done with it after it reaches Buffalo. It is then taken on another waybill by the New York Central Railroad to New York. It is the habit of the New York Central Railroad and of the Pennsylvania Railroad to make a separate waybill for all property over those distinctive lines of road. The first bill is from Chicago to Buffalo, the second from Buffalo to New York, and to avoid and evade the whole bill, if these railroads should so determine, they could provide that a shipper who shipped his goods from Chicago to Buffalo could then by telegraph order them further, and I wish to know under that condition of affairs if your bill could be made effective?

Mr. SLATER. It would be a matter of very extreme doubt whether that class of freight could be reached by any bill Congress might pass. That course would seem to so affect that class of freight as to make it State commerce and not interstate commerce. Therefore we need not worry ourselves about that class of freight; we need not bring up phantoms here of possible danger or doors of possible evasion to meet a plain proposition that is intended to correct the evils that the country is now suffering from.

Another point. The Senator, it seemed to me, asked if it would not be better that the direct question should come between the House bill and the amendment which is now pending as a substitute, known as the Reagan bill, instead of this clause being interpolated into the Senate bill, it being, as he said, a different system or framed on a different line of policy. That is a point with me. As was stated by the Senator who preceded the Senator from New Jersey and myself, the Senator from Nebraska [Mr. VAN WYCK], I regard the Senate committee bill now under consideration as the nearest step to nothing in the form of legislation that a bill could be proposed in this body. I want to get something into it that will have some merit in the way of striking at some of the evils; and, unless we can get something of this character into it, it is but a shadow and it will prove to be worthless, so far as regards remedying any of the evils that are now complained of. It may turn out, and very likely it will turn out when the vote shall come between the Senate committee bill now under consideration and the House bill for which it is to be offered as a substitute, that a majority will sustain the present bill and make that the action of the Senate; and if that should be so, I desire in that contingency that we shall have so much at least of the Reagan bill as I have now offered in the bill that shall receive the sanction of the Senate.

I do not apprehend the difficulty that the Senator from New Jersey speaks of in destroying these railroads, or any of them. Suppose his position is correct, and suppose it should turn out when these cases come before the courts that freight shipped from Chicago to New York by a route of transportation that passes through more than one State should be held to be interstate commerce and not State commerce, and that the route of transportation shall determine the character of the freight, not the points of shipment and destination as I think. Suppose I am incorrect in my view, what then? The result is simply that it would devolve upon the State of New York and the State of Pennsylvania to see that injustice was not done within their States. Congress will have done its duty, and it will then devolve upon the State of New York and the State of Pennsylvania to meet Congress and correct the evils within those States and make the system harmonious.

I think I have now answered the Senator's question.

Mr. MITCHELL. Mr. President, I call the Senator's attention to the peculiar wording and connection of this amendment with the fourth section of this bill. As I understand, if the amendment were to be adopted it would be an effort on the part of Congress to undertake to regulate not interstate commerce, but the commerce of the respective States, and I do not suppose the Senator will undertake to say that we have any such authority as that here. This amendment, taken in connection with the operative words of the section to which it relates, would read as follows:

> That if any transportation company engaged in interstate commerce shall charge, or receive, any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction * * * it shall be deemed guilty of unjust discrimination.

The Senate will observe that in the fourth section of the bill as it stands the words "in its transaction of interstate commerce" occur in connection with what is declared to be prohibited or provided for in both instances; that is to say, it reads in respect to one of these clauses as follows:

> That if any transportation company engaged in interstate commerce shall, directly or indirectly, by any rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater compensation for any service it may render in its transaction of interstate commerce than it charges, &c.

And in the other case it says:

> And if any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate commerce freights, &c.

So that the section of the bill now under consideration very carefully provides that the action here proposed shall relate only to interstate commerce, while, as I understand the effect of this amendment, it would relate not only to that, but to the commerce of every State of the Union. It would, therefore, as I have stated, be doing what I think we have clearly no power whatever to do; and, so far as my own State is concerned, if we had the power I could not consent to the doing of that thing, because the people of that State, by the adoption of the constitution of 1873, have regulated that subject for themselves. In the third section of the seventeenth article of that constitution I find the following:

> Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Therefore I find myself compelled, if I am disposed to observe what the people of my own State have done upon this subject, to vote against the amendment as proposed by the Senator from Oregon.

But I am not able to bring my judgment to favor this proposition even if it were properly worded. It will be observed, by careful attention to this provision of the constitution of Pennsylvania, that the State convention which framed that instrument employed words very carefully to guard against any possible misconstruction or trouble in relation to this subject.

It will be seen that the prohibition against charging more for a shorter than for a longer distance does not, according to the terms of the amendment now proposed, relate to every case of a shorter distance, but it only relates to cases of shorter hauls where the freights shall be taken up contemporaneously, in the same train of cars, if you please, at the same time and place. The reasons in the one case might be strongly in favor of such a proposition, while in the other, to my mind, they might be and in many instances would be strongly against it. It is entirely a different thing to say, as the Senator proposes by the amendment, that you shall stop at every way station along a great line of railroad to take up freight as well as to deliver it, and that you shall not consider the inconveniences and the increased expense which would attend the adoption of such a rule in regard to the transportation of freight over it.

But, Mr. President, I did not intend and do not intend to speak at any length upon this proposition. Possibly when the bill shall reach a further stage, and the measure which is so radical, known as the Reagan bill, is proposed to be substituted for this bill, I may avail myself of the opportunity to say something further. I take it that the amendment as proposed by the Senator from Oregon does not carefully guard and secure precisely what he endeavors to reach.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. SLATER].

Mr. SLATER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. I should like the Senator from Oregon to state whether in his opinion it is right that the railroad corporations should receive the same compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction?

Mr. SLATER. I think there are many instances in which that may be justified. I think I could state a good many instances where it is a very common practice, especially in transporting bulky freight for export and the purpose is to get it to a market where it may be exported, to make common points on the line of the road.

Mr. INGALLS. Suppose it were not more than half the distance? I can readily understand that if the difference was a mile or five miles in a haul of a thousand miles, it might perhaps be *de minimis* to say that the transporters should make a discrimination between nine hundred and niney-five miles and one thousand miles; but suppose the respective distances are five hundred miles and a thousand miles, does the Senator then think it would be right to charge the same amount for five hundred miles that is charged for a thousand miles?

Mr. SLATER. That would be perhaps an extreme case.

Mr. INGALLS. But a possible case.

Mr. SLATER. Under the law as it would be it might be a possible case.

Mr. INGALLS. Is it not a case that occurs every day?

Mr. SLATER. I do not think it is a case that we could properly deal with.

Mr. INGALLS. But now let us come down to the practical aspect of the case. Suppose a railroad company should do that, does the Senator think it would be justifiable; that is to say, if it should charge the same for five hundred miles that it would charge for a thousand miles on the same road, and for carrying similar property, and in the same direction?

Mr. SLATER. I must answer the Senator by making a statement of the case that will show his position to be that because we can not remedy in this provision all the possible evils, because we can not reach all we must not try to reach any. Take the case that I gave the other day, where $200 was asked for a car-load to Portland, Oreg., and $400 was asked for the same car-load to be carried one hundred miles short of Portland. Under the provisions of the amendment the company would have been entitled to charge $200 for the shorter haul. We propose by the amendment to say that it shall not in a case like that charge $400; but now the Senator supposes a case, for instance, five hundred miles farther east of Portland, where the company proposes to charge the same price that it does at Portland. As a matter of course there would be an apparent, at least, if not a real, discrimination, one that perhaps in time we may find some means of remedying or preventing, but they are doing precisely that on the Union and Central Pacific and on the Northern Pacific roads now. All the roads beyond a certain point, I do not now remember where, in the western part of Montana are charging these extortionate rates. Shippers must pay all the way to Portland and then back again, which makes the rate more than double; and because the amendment does not reach a possible danger—the logic of the Senator's question and argument is that—therefore we must do nothing at all. I admit that the amendment will not reach the case that the Senator supposes; I admit that the supposed case would be one of wrong; but the amendment does not propose to reach that class of wrong.

Mr. INGALLS. Does not the amendment justify and permit that wrong?

Mr. SLATER. Not at all. It is possible now.

Mr. INGALLS. Then there is no possible interpretation that can be put upon language. *Expressio unius est exclusio alterius.* It says that the company shall not charge a greater amount, therefore it may charge the same amount, and you leave this whole subject open to the most odious and invidious discrimination about which complaint has existed. That is to say, take shipments of grain from Chicago to New York; if this provision shall be adopted, suppose it costs $100, for example, to ship a car-load of wheat from Chicago to New York city. The amendment, if adopted, will allow the railroad corporation to charge $100 for shipping a car-load of wheat to Fort Wayne, to Cleveland, to Buffalo, and to every intermediate point. That is exactly the evil that is complained of, and when the Senator puts in his amendment the declaration that they shall not charge a greater amount he simply gives away the whole principle.

The amendment is a Trojan horse. It introduces into legislation the worst elements that have ever been complained of in practice and gives them the sanction of law.

Mr. SLATER. The answer to all that is that the railroads practice these very extortions now; and because the amendment does not propose to extirpate all the extortions at once the argument is that we shall not extirpate any of them.

Mr. INGALLS. No, sir; you do not propose to correct any of them. That is where the Senator leaves this question by his amendment. By saying that they shall not charge a greater amount for a short haul than they do for a long haul he leaves it lawful for them to charge the same amount. Therefore the railroad corporation that charges a hundred dollars for a car from Chicago to New York is permitted by the amendment to charge a hundred dollars for a car to a point ten miles east of Chicago. If the Senator from Oregon regards that as an adequate correction of the evil which has existed by way of discrimination by railroad corporations I think he has been excessively unfortunate in his choice of terms.

Mr. SLATER. For years the Central Pacific and the Union Pacific have charged $700 per car for freight to Reno and other points east of the Cascade Mountains, while they only charge $300 per car to San Francisco. Under the provisions of the amendment they could not charge a greater price to Reno or to Virginia City or other points eastward of San Francisco than they charge to San Francisco; but because it does not go so far as to say that they shall prorate, and does not extirpate all the evils that come in there, the argument is that we must do nothing because we can not make a complete equitable arrangement.

Mr. WILLIAMS. Mr. President, this is a very complex and difficult question, but it is perfectly apparent to my mind that there is no justice in the world in charging more for a short haul than for a long one. It can not be justified upon any principle of right or justice.

Mr. INGALLS. Is it right to charge the same for a short haul as for a long one?

Mr. WILLIAMS. No, sir; it is not right to do that. The amendment allows that to be done, but forbids charging any more.

It has been in proof before a committee of the other House that from Omaha city to San Francisco a railroad company would charge $300 for a through trip, and to Virginia City, or a point upon the same road, $800 would be charged. Before the same committee it appeared that from Cincinnati to New York, by a road running through Pittsburgh, nearly twice as much was charged upon a car-load of wheat and flour to Pittsburgh as to New York from Cincinnati. Will any man say that is just or right? Will any man say that the intermediate shippers are to be taxed, that they are to contribute to make up the losses which the railroads may sustain at terminal points by being compelled by competition with other roads to carry at a less rate than will pay a fair and just compensation?

All the railroads do not practice this extortion, let me say. There is a railroad running through my State which does not practice it. The Chesapeake and Ohio Railroad runs from Louisville through Richmond, Va., to Newport News, and has running connections to New York and to Baltimore. The rate from Louisville through for a car-load of cattle, or tobacco, or freight of any kind, is one price, and then they make divisions. At Lexington it is another price, at Mount Sterling it is another price, at Big Sandy it is another price, and so on through; and I have never heard any man complain of any injustice or discrimination on the part of that road. The freights are high, it is true, but nobody complains and everybody is friendly to the road, because its management is conducted upon principles of equity and justice to the people along the whole line.

But we hear complaints on other lines, and what is the occasion? You start a car-load of wheat from Cincinnati or Chicago to New York. The roads pass through Clarksville, Wheeling, and Pittsburgh. If the shipper of flour at one of these points on the road is compelled to pay twice as much as the shipper at Chicago what does it amount to? It amounts to a contribution by the way-shipper of so much money to save the Chicago merchant from any loss that he might sustain by shipping over the longer route. Is there any justice in taxing the man for that purpose at Columbus, Ohio, at Pittsburgh, at Clarksville, or anywhere along the road? These people send their commodities to the same market, and if the shipper living at an intermediate point is compelled to pay a larger amount of freight on his grain or his flour, when he gets to New York he comes in competition there with the merchant who has shipped his grain or flour from Chicago, and as that man gets it carried for half the freight, he must reduce the price or be undersold by the other man, or he can not sell at all.

Mr. ALLISON. Does it not amount to still another thing, if the Senator will allow me to interrupt him? It amounts to enabling the producer of the flour or the wheat, or whatever, at Chicago or beyond Chicago to receive the same price that is allowed to the producer at Pittsburgh.

Mr. WILLIAMS. Yes, and the intermediate man is taxed in order to give him that price which he is not justly entitled to. It is unjust, it is inequitable, it is wrong. His wheat and his flour, and my wheat and my flour, at an intermediate point go to the same market, and if you charge me more freight than he is charged, I help to pay the railroads their losses, and I help to make up to him in the New York market the price of his wheat or his flour.

Sir, railroads are great things for the country. They are great institutions. They have aided in the development of the country more than any other material cause. I am a friend of the railroads. I look upon them as the great instrumentality in the development of our country. I think the Gospel, the common school, and the railroad have been the three great agencies under Almighty God in the progress and the civilization of the world. The railroads have equalized things everywhere. They have afforded means of transportation and of distribution of the fruits of the earth, so that the humble, the poor, the laborer in every civilized country is enabled to enjoy not only the necessaries but the comforts and many of the luxuries of life by their means. I would do nothing to discourage them, but I would have them do jus-

tice. I would have all roads do the same justice that some I know of do. The railroads have rendered a famine throughout the civilized world an impossibility in modern times by providing ready means for the distribution of the fruits of the earth from one part to another. The people are not disposed to be hostile to the railroads, and should be their friends; and if the railroads were justly and properly managed they would be the most popular institutions in the whole country.

One thing I know. The cause of complaint is not on account of high freights, because everybody knows that from year to year freights are coming down and down all the time, but it is because of the unjust discriminations, such as have been mentioned in this discussion, which have rendered the railroads odious to the people. We all know that where there is no railroad everybody is anxious to have one. Individual men, counties, towns, and States contribute liberally of their means to encourage the building of railroads, but the moment they are constructed they become odious and hateful to the people. Why is it? It is because they are not managed upon the principles of justice and right.

The railroads have rights as well as the people. They are entitled to a fair and just compensation, a fair and reasonable profit upon the capital invested in them, and they ought to have it. Everybody will agree to that. But they should by law be restrained from improper discriminations and unjust extortions upon the country. Every man will agree to that. I do not know how that is to be done. I confess there are so many difficulties and complications about the question that I do not see my way clear to do it. We need more light. We need more special and technical information on this subject before we shall be prepared to legislate and fix the rates of freight and passage-money for the railroads.

I think the law settles the fact that railroads are common highways; that the companies are common carriers, and as such are subject to law, the same as turnpikes and toll-bridges and ferries are; but when you come to fix all these things there comes the difficulty. I do not know how to do it. We can not say what the rates on the railroads ought to be for freight or for passage-money. We can not pass a general law. We can not appoint a commission and give them power to regulate it, because that would be delegating to the commission legislative power, which Congress has no right to confer. We can not do that ourselves.

If the pending amendment does not go far enough it certainly meets some of the grievances of which the country complains. The great grievance is unjust discrimination in favor of particular cities and towns and particular individuals at terminal points and against way-freight stations. That is the trouble in the country. The present system is an admirable one, I admit, to build up great cities and populous and powerful towns at the terminal points, but what is the effect upon the intermediate towns? You see hundreds of little villages all along the line of a railroad, but you do not see a great town anywhere. The effect is to throw into the terminal points from all the country about everything that is to be transported out of a State.

I saw an authentic statement recently of the amount of interstate commerce and the proportion it bore to all the internal trade of this country. It was more than 75 per cent. More than 75 per cent. of all the trade of the American States is interstate commerce, and when you consider that much of the State commerce consists in sending to terminal points their own productions to be shipped into other States, I think it will amount to 95 per cent. Hence you see that interstate commerce is far more important than State commerce. There is very little shipped from one town in my State to another town in the State. Every county raises around about the towns everything that the towns want; and the surplus is shipped elsewhere to be distributed over the broad land and to be sent to foreign markets.

I am unwilling to hamper the railroads. I want them built in my State. We have not half enough. We have immense wealth in my State. We have far more iron, coal, and timber undeveloped than has yet appeared upon the surface, and we must look to railroads to develop them. I would not hamper or cripple them, but I would make them deal justly with the people. I would make all railroads do as some of them do now. Why do the railroads claim these privileges to build up great cities at the termini of the roads and gut the whole country between? It is unjust, it is unfair, it is not right; and with all my friendly disposition toward railroads as the great instrumentality in developing the wealth and resources of our country I am unwilling to give them absolute power over the taxation of the people of this land. We have to-day 125,000 miles of completed railroad, estimated at the value of $7,000,000,000, carrying freight of the people annually to the amount of $1,700,000,000 of their property. This is a tremendous power. The railroads have a revenue to-day larger than that of the Government of the United States. The question is whether we shall take control of them or not.

I confess that the inclinations of my own mind are in favor of a commission. We had a commission in my own State partly through my instrumentality. The roads had all sorts of rates and extortionate charges. A commission was appointed merely with a supervisory power, and the very first year of its existence the roads all came to terms, not by any coercion, but they got together and settled their fares and freights upon such terms of equity and justice that the people were satisfied. They reduced the maximum charges upon all the roads to 3 cents a mile for passenger travel, and some of them carried for much less, and upon coal and other heavy commodities the charge was reduced so as to divide traffic in grain and open coal mines through the State everywhere along the line of the roads. Now why can not that be done? But after the first year the roads got over their scare and nothing else has been done, and the commission is not now worth a cent.

Mr. VAN WYCK. The position seems to me a strange one that the amendment does not go far enough and therefore ought to be opposed. I understood the Senator from Kansas [Mr. INGALLS] to propound an inquiry to the Senator from Oregon [Mr. SLATER], desiring to know whether it was right to charge as much for carrying freight 500 miles as for carrying it 1,000 miles. I should like to ask the Senator from Kansas if he thinks it is right to charge as much for transporting a car from Leavenworth or Kansas City to Topeka or Lawrence as to the city of Denver? Does the Senator from Kansas think it is right to charge as much for transporting a car from Kansas City or Leavenworth to Lawrence or Topeka as to Denver? The Senator may not understand and I will repeat the question. I should like the Senator to answer whether there should be as much charged for transporting a car from Kansas City or Leavenworth to Topeka or Lawrence as to Denver. That is the point embraced in the amendment of the Senator from Oregon.

Some one suggests the Senator is thinking. Then while the Senator from Kansas is thinking upon that question I will propound one to the Senator from Iowa [Mr. ALLISON]. Does he think it is right for a railroad to charge for transporting a car from Chicago to Des Moines as much as for transporting a car from Chicago to Council Bluffs? I will repeat the question. If he thinks it right to charge more for transporting a car from Chicago to Des Moines than for transporting a car from Chicago to Council Bluffs? Does the Senator think that is just?

Mr. ALLISON. Which Senator from Iowa is asked?

Mr. VAN WYCK. The one before me.

Mr. ALLISON. I will answer the question put by the Senator from Nebraska by propounding one to him. I will ask him if he thinks it is right to charge as much for a car from Chicago to Des Moines as to Council Bluffs?

Mr. VAN WYCK. No, sir. Now answer me, please.

Mr. ALLISON. That is what your amendment authorizes to be done.

Mr. VAN WYCK. The Senator seeks to get behind another question to evade an answer to mine. I have answered his question. I say I do not believe it is right. Now, will he answer mine, whether he believes it is right for a railroad company to charge as much for transporting a car-load from Chicago to Des Moines as from Chicago to Council Bluffs? Will you answer?

Mr. ALLISON. That would depend, of course, upon the circumstances. Ordinarily it would not be right.

Mr. VAN WYCK. Under what circumstances would it be justified? Ordinarily it would not be right, he says. Now, what circumstances would justify it? Will the Senator explain?

Mr. ALLISON. I do not want to get into a colloquy with my friend.

Mr. VAN WYCK. No, I should think not.

Mr. ALLISON. The rate from Chicago to Des Moines ought to be a reasonable rate. The rate from Chicago to Council Bluffs ought to be a reasonable one. If they are both reasonable and on the same line and in the same direction the rate from Chicago to Council Bluffs should be greater than that from Chicago to Des Moines. I do not know that it would, but it might occur that at Council Bluffs some time the pool which my friend from Nebraska spoke of this morning, which he says operates so injuriously to Council Bluffs and Omaha, would be broken, and in that case severe competition might arise at Council Bluffs between the railroads, and they would charge between those points less than cost. In that event, to use it as an illustration, I will ask the Senator if he thinks it would be right to charge less than cost also from Chicago to Des Moines?

Mr. VAN WYCK. I should not think it right to charge less than the cost to Des Moines; neither would I think it by any means right to charge less than the cost to Council Bluffs. We are dealing with facts as they are furnished by the experience of years past. There have been the same railroads running across the Senator's State from ten to fifteen years from Chicago to Council Bluffs. There has not been during these fifteen years a single state of facts that has occurred since those roads have been running that would justify the thing that the Senator says would be justified by these peculiar circumstances. It has not happened in fifteen years, nor would it happen in fifty years to come. Is not that a remarkable attitude? The Senator has finally admitted that ordinarily he does not think it right, neither does he think it right that the railroad company should charge as much, and he is right about that. Ought it not really to charge less from Chicago to Des Moines than from Chicago to Council Bluffs? What I desire in propounding these questions is to see upon what ground certain Senators who are finding fault with and antagonizing the amendment put their opposition, with a view of showing really that they want to do nothing. They step forward and oppose the amendment; they say the amendment does not go far enough; and yet there is an extreme unwillingness on the part of Senators to explain just what they do think upon a given state of facts.

My friend from Iowa did finally assent to the proposition that this thing is wrong.

Let there be no misunderstanding about this matter. Here are two admitted evils. The Senator from Iowa admits that there are two evils, one where a railroad charges the same amount for a shorter haul that is charged for a longer haul, and the other where it charges actually more. The attitude of Senators is that the amendment does not go far enough, that while it seeks to strike down one evil it refuses to put its hand upon the other; yet when they are asked for an explanation they are unwilling to admit that either is wrong. When they are desirous to be understood by their people they will seem to be out-Herroding Herod. They say that they want more, and they can not go for this proposition because it does not go the length they desire, when they do not desire to go any length at all.

Here are two acknowledged evils. One is that a railroad charges more for a short haul than a long one, and the other is that it also charges as much for a short haul as for a long one, both of which are wrong. Now, what are we to do? We are here seeking to accomplish something. The Senator says these evils have been existing for years. So they have. No serious attempt has been made by the American Congress to right them, and now we start, and what are we to do? We seek to get the most we can in this measure. If it be the Reagan bill, we will take the Reagan bill. If it be only the little commission bill of the Senator from Illinois, then we will take that. We will take what we can get; but when we stand here asking for this amendment which strikes at an acknowledged evil, an acknowledged wrong, I apprehend the people will not recognize it as a good excuse for voting against the amendment that it does not go far enough and strike at another evil which they also desire to have remedied.

It is not true that forbidding the charge of more for a short than long haul is impliedly legalizing a charge of the same amount for a short as long haul. If Congress says this state of facts shall not be tolerated, it by no means goes the length of saying that the railroads may do other things. One Senator [Mr. INGALLS] says it is giving the whole thing away if we pass this amendment striking at this acknowledged wrong. Oh, no! The judiciary power will be as operative the day after the passage of the amendment as it was before. The law never has taken hold of this wrong. The law never has struck at it. The railroad companies claim that they are right in making these discriminations, and some of their friends upon this floor claim that they are right also. There is no excuse to be found in a refusal to vote for the amendment by saying that there is another state of facts which ought to be included. Let the Senators who believe that insist on amending the amendment. I will follow, and I think the Senator from Oregon will go as far as they will lead in that direction. If these Senators think the amendment does not cover all the cases, we shall be most happy to have them introduce amendments which will cover them.

Mr. INGALLS. Compensation should always be equivalent to service. If it were possible to establish railroad rates for freight transportation and passenger traffic so that the pay should be pro rata in accordance with the distance of the carriage, that would meet my approbation.

There are two evils, both of which are admitted, and one is just as much an evil as the other. I am opposed to both. I believe it is wrong to charge a larger amount for a short haul than for a long haul. I believe it is wrong to charge the same amount for a short haul that is charged for a long haul. I desire if possible to obtain some legislation that will prevent both, so that competition in each case shall be as nearly as possible exactly equal to the service.

The fault that I find with the amendment is not that it goes too far, and not that it does not go far enough, but that in denying the right of the corporations to charge more for a short haul than they do for a long haul, it legalizes the wrong of charging as much for a short haul as for a long haul.

I am unwilling to adopt any legislation that shall legalize an admitted wrong. I am not in charge of this measure; I am not proposing any amendments; it is a subject with which I am not familiar; but so far as these wrongs are concerned I want to right all of them, and I do not propose by my vote to legalize any of them.

Mr. PLATT. I think I must vote against the amendment, and I wish in a few words to state the reasons why I shall do so.

I think a great deal of abuse has been perpetrated by railroads by charging more for a short haul than for a long haul, or by charging more at points along the line to which freight was carried than at the terminus of the railroad beyond those points. But the subject is full of difficulties, and I doubt myself very much whether any rule which may be established by legislation to cover all cases can work justice. It may remedy injustice in some particular cases, but I think it will scarcely work justice in all cases.

My hope is that the commission which the bill provides for, to which such subjects are to be committed and by which all such topics must be passed upon, will result in at least partially remedying the abuses which I know have prevailed. I am, therefore, disposed to take the commission as a tentative measure, hoping that justice will result from that, and waiting a little to see what its effect shall be.

Mr. GEORGE. I do not believe that the amendment offered by the Senator from Oregon is liable justly to the criticism that it legalizes and authorizes an equal charge for a short haul as for a long haul; but some Senators on this floor for whose judgment I have respect seem to think that that is the proper construction of the amendment. In order to obviate an objection which I do not think justly lies, but to remove all doubt upon that subject, I move to add to the amendment of the Senator from Oregon the following:

But this provision shall not be construed to authorize the charging as much for a shorter as for a longer distance in any case where such charge would be unlawful prior to the passage of this act.

Mr. INGALLS. If it is "unlawful prior to the passage of this act" how could it be enforced in any event?

Mr. GEORGE. I do not understand the Senator.

Mr. INGALLS. If it is unlawful now before the passage of the act, how could it be made effective in any event?

Mr. GEORGE. I assume that the objection is that this provision would legalize the charging of as much for a shorter as for a longer haul, and that that could not now be done, because if it could not now be done then the effect charged to the amendment of the Senator from Oregon could not follow. I may not have been fortunate in the language which I have used in my amendment, though I submitted it to several Senators around me. I propose simply to obviate the objection which has been urged, neither more nor less. I will change the amendment verbally so as to meet the objection of the Senator.

The PRESIDING OFFICER. The Senator from Mississippi modifies his amendment to the amendment. It will be read as modified.

The CHIEF CLERK. It is proposed to add to the amendment:

But this provision shall not be construed to legalize the charging as much for a shorter as for a longer distance in any case.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Oregon as amended.

Mr. INGALLS. Let it be read as amended.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section 4, line 14, after the word "class," it is proposed to insert:

Or shall charge or receive any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction; but this provision shall not be construed to legalize the charging as much for a shorter as for a longer distance in any case.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended, on which the yeas and nays have been ordered.

Mr. SAULSBURY. Mr. President, I shall vote for the amendment, but I confess that I do not expect it to remedy the evil which it is intended to meet. The provision of the amendment is that the railroad companies shall charge no more for the same quantity for a short haul than a long one. It is intended to provide against that; but it is well known that the companies can alter the number of pounds to be carried from one point to another, and under the amendment the freight would have to be the same quantity and over the same road precisely. However, the amendment is in the right direction.

While I am on my feet I will say that I do not suppose we can enact any law which will entirely remedy the evils that are complained of. There are great complaints in the country about the exorbitant charges made by transportation and railroad companies, but I do not know how we can remedy them. In my opinion the provisions of the bill which propose a commission will utterly fail to correct the evils complained of, and I doubt exceedingly whether anything we can do will take from the companies the power to evade our legislation and carry out their own purposes. A commission, in my opinion, is about the only thing that can correct the evil.

The amendment is in the right direction. It proposes to curtail one of the evils complained of, and that is that for a shorter haul greater charges are made than for a longer haul. That is so evidently unjust that it strikes me the amendment ought to meet the approbation of every Senator.

Objection was made to the amendment by the Senator from Kansas because, as he alleged, it authorizes taking as much for a short haul as for a long one. It will be seen by the construction of the language of the amendment that it does not authorize anything, but only prohibits a certain wrong. The amendment of the Senator from Mississippi [Mr. GEORGE] has obviated that supposed defect in the amendment. I shall vote for the amendment, but in doing so I confess I have very little hope that it will accomplish the object in view.

Mr. CULLOM. I do not care to occupy the attention of the Senate for more than a few moments. I think the discussion which has been had upon this question has proved the proposition that the Congress of the United States is not prepared with that sort of definite information which would justify it in passing a law and making it apply to every possible supposed condition of affairs connected with railroad operations. The purpose I had in view was not to legislate in favor of long hauls as against short hauls, or upon any of the questions that were controverted among the people, about which the public differed, but to leave these questions so that the commission which might be created by

the bill, after thorough and deliberate investigation, would report to us what should be done upon those controverted points.

I do not stand here to insist upon the proposition that a railroad should charge as much for a short haul as for a long one, or more. My judgment is that in nine cases out of ten a railroad or transportation company does wrong when it charges as much for a short haul as for a long one; but I am not prepared to say that we ought to put that sort of provision in the bill, so that under no circumstances that might arise in the operation of a transportation company could the company charge as much for a short haul as for a long haul.

I hold in my hand a volume of Illinois Reports, in which there is a case decided by the supreme court of that State where the Legislature of our State had passed a law declaring that there should not be as great a charge for a short haul as for a long one. The supreme court decided in an able opinion that under the constitution of the State such a law against unjust discrimination and extortion could not stand in the courts of the country. The law was decided to be unconstitutional. The court said that the Legislature under that provision of the constitution might have the power to declare that such an act was *prima facie* evidence of unjust discrimination where they charged as much for a short haul as for a long one, but that the Legislature could not go further in legislating upon the question than simply to declare that it would be *prima facie* evidence in the courts of the country that the corporation was extorting or unjustly discriminating.

I think that it is our duty if we are going to get anything done by Congress on this question to pass a bill that will avoid an explicit declaration upon all these controverted questions, so that we may be able to take the first step and get a commission to investigate these questions about which we are in doubt and about which we differ, and then at a future Congress we shall be better able to meet the questions and determine what sort of law we can pass consistently with the interests of the people of this country.

I do not stand here to advocate the cause of the corporations of the country. The bill was drawn in part by me with the sole purpose of protecting the interests of the people against the transportation companies; but while I was doing that I did not desire to come into Congress with a bill simply to run a raid against the corporations without a reason. On the contrary, I want to do that which is fair between the people and the transportation companies; and if we are going to get a bill passed in this Congress, which I hope we shall be able to do, we must go forward in the consideration of this bill and get something through the Senate of the United States.

While I am on the floor I wish to say that I intend to insist upon the consideration of the bill, and I shall resist an adjournment over to-morrow until Monday unless we progress and conclude the consideration of the bill to-day. I give notice to the Senate now that if the consideration of the bill is not completed to-day and a motion shall be made for an adjournment over until Monday I shall resist it as strongly as I may be able to do and shall call for the yeas and nays upon it, because, while I realize that the consideration of the bill is obstructing other important legislation, I realize at the same time that the consideration of the bill is important to the people of this country, and I do not propose to let go of it until I am voted down by the Senate, before we accomplish something in the direction of legislation in behalf of the people and in the control of the corporations of the country.

I hope that the amendment will be voted down, and that the Senate will proceed with the further consideration of the bill.

Mr. SLATER. If I understand the Senator correctly and understand the decision of the supreme court of his State, it does not properly meet the case here. Although the supreme court of Illinois decided that under the peculiar constitution of that State the Legislature could not provide that no greater price could be charged for a short haul than is charged for a long haul by its railroads, that decision does not meet the case here, because there is in the constitution of the State of Illinois a direct provision that there shall be no discrimination (I do not quote the language but the purport) in the rates charged among railroads, and that the Legislature shall provide against those discriminations. In allowing possible discriminations within certain limits, under the provisions of the Constitution of the United States, we are not limited in the way that the Legislature of the State of Illinois is limited by its constitution. Hence the decision of that court does not apply here in any manner.

Mr. INGALLS. Before voting on the amendment as subsequently amended by the suggestion of the Senator from Mississippi I will venture to call the attention of the Senate to the way in which the section will read in case the Senate should vote affirmatively:

SEC. 4. That if any transportation company engaged in interstate commerce shall, &c.; and if any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate-commerce freights to one person that is at the same time furnished to any other person for the carriage, receiving, delivery, storage, and handling of such freights of the same class, or shall charge, or receive, any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction, but this provision shall not be construed to legalize the charging as much for a shorter as for a longer distance in any case, such transportation company shall be deemed guilty of unjust discrimination.

If any Senator thinks that the Senate can afford to place itself in the attitude that will be occupied by the adoption of such provisions in that connection he ought to vote in the affirmative.

Mr. CULLOM. If there is to be no further debate I shall not make the motion, but I rose to move to lay the amendment on the table.

Mr. BROWN. I beg the Senator from Illinois to withhold the motion.

Mr. CULLOM. I will do so, if the Senator desires to address the Senate upon the pending question.

Mr. BROWN. I desire to make some remarks on this question before the vote is taken, and they will be of some length, perhaps. I prefer to say what I have to say in this connection, because I shall devote a portion of my speech to the subject-matter of the pending amendment.

Mr. CULLOM. I withdraw the motion, as the Senator gives notice that he desires to speak.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BROWN proceeded to address the Senate. Having spoken for some time,

PROPOSED ADJOURNMENT TO MONDAY.

Mr. HARRIS. If the Senator from Georgia will yield to me for a moment, I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. BROWN. I yield.

Mr. HARRIS. I make that motion.

Mr. CULLOM. I hope that motion will not prevail. I hope there will be a session to-morrow for the consideration of this bill.

The PRESIDING OFFICER. The Senator from Tennessee moves that when the Senate adjourn to-day it be to Monday next. The question is on that motion.

Mr. CULLOM. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 31, as follows:

YEAS—26.

Bayard,	Garland,	Jonas,	Ransom,
Beck,	George,	Jones of Florida,	Saulsbury,
Brown,	Gibson,	Kenna,	Vance,
Camden,	Gorman,	Maxey,	Vest,
Cockrell,	Hampton,	Pendleton,	Walker.
Coke,	Harris,	Platt,	
Colquitt,	Jackson,	Pugh,	

NAYS—31.

Aldrich,	Dolph,	McMillan,	Riddleberger,
Allison,	Edmunds,	Mahone,	Sawyer,
Bowen,	Frye,	Manderson,	Sheffield,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hawley,	Mitchell,	Slater,
Conger,	Hoar,	Morgan,	Van Wyck,
Cullom,	Ingalls,	Morrill,	Wilson.
Dawes,	Lapham,	Pike,	

ABSENT—19.

Blair,	Groome,	Logan,	Sabin,
Butler,	Hale,	McPherson,	Sewell,
Call,	Hill,	Miller of N. Y.,	Voorhees,
Fair,	Jones of Nevada,	Palmer,	Williams.
Farley,	Lamar,	Plumb,	

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its amendments to the bill (S. 729) for the protection of children in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. L. WILSON of West Virginia, Mr. J. T. SPRIGGS of New York, and Mr. ELZA JEFFORDS of Mississippi managers at the conference on the part of the House.

INTERSTATE COMMERCE.

Mr. BROWN. Mr. President, I desire to submit some remarks on the general subject of railroads, and on the enormous loss which has been sustained by those who put their capital into the roads, while the capital invested in that manner has immensely increased the wealth and power of the whole country.

I shall also have something to say about the effect of unlimited competition between railroad companies which results in consolidation. I shall also discuss briefly the pooling system, and the provision of the bill which proposes to prohibit any railroad company from carrying through freight of the same quantity and quality a longer distance for less money than the same quantity and quality of freight is carried a shorter distance as local freight.

The first railroad that was completed and made an excursion trip upon the face of the earth was the road between Liverpool and Manchester, in England; and that trial trip was made in September, 1830, a little over half a century ago.

Mr. Charles Francis Adams, in his book, says there is some reason for saying that South Carolina was the first State in the world that commenced to put into operation a portion of a railroad to be run successfully by steam or by engine power. He disclaims the honor for the Quincy road of his own State, Massachusetts, which is generally claimed for Quincy, as it seems it was but little more than a tramway.

Probably next to South Carolina come the States of New York and

Maryland, so that South Carolina, England, New York, and Maryland may be said to be the first four states on earth that ran trains of cars propelled or carried by engines with steam power, and that as late as the year 1829, when the first experiments were made, and in 1830 when the first grand trial excursion was run. To warn men of the danger of railroading, an accident occurred during the excursion between Liverpool and Manchester by which a man lost his life. The Duke of Wellington, then premier and very unpopular, attended and gave his sanction on the occasion of the trial trip. What has been the result of these experiments? It is wonderful! Within half a century the whole world has been revolutionized—its cities, its transportation, its commerce. Formerly the cities were built only at the mouths of rivers which penetrated the country. Now they are built where the greatest concentration of railroad power happens to be.

Take our own country. What has been the result? There are now in round numbers about 125,000 miles of railroad in the United States in operation. Counting all that as having cost $25,000 per mile, and counting the equipment and all, it has cost more than that, no doubt largely more, and we have as the result $3,125,000,000 invested in railroads in the United States. That investment has doubled and in many cases trebled the value of real estate and other property, and especially the real estate of the sections traversed by the railroads, while a very large proportion of this enormous sum has been lost by those who invested it in railroads for the benefit of the public. Take my own State as an illustration. I have been informed that since the year 1830, since the first railroad train ran on earth, a lot of two hundred and two and one-half acres of land in the very center of Atlanta sold for a horse, bridle, and saddle. Railroads have made Atlanta what she is. There are probably more than $15,000,000 worth of property now upon that lot of land besides the large improvements on adjoining lots. Had it not been for the railroads there would probably have been none of that property there, and that lot of two hundred and two and one-half acres would still have sold for a few hundred dollars. This is no isolated case. There are numerous cases like it all over the country. Railroads, then, I say, have revolutionized the country, built cities, great commercial centers, where formerly none existed, nor could exist under the old system, vastly added to the value of real estate and property of every character, and given new life and new energy to everything, not only upon this continent, but upon all the continents of the world, for they now have railroads in Europe, Asia, and Africa as well as in America.

That is not all. The invention of the telegraph seems to have been either directed by Providence or to have happened just when it was needed in connection with the railroads. And while the trains now sweep over the face of the earth with a velocity of from twenty to fifty miles an hour, men converse with each other from one side of the continent to the other, and flash their thoughts across the ocean instantaneously. A wonderful age this we live in. The system that has produced this great result is worthy of human consideration. It is worthy of the consideration of the ablest statesman, as well as the profoundest political economist. It is a gigantic system, however, and while it has made this country what it never could have been without it, I do not think it should be left entirely unbridled, without regulation, which should be done wisely and constitutionally if done at all. But I do say that those who seek to control it should not do gross injustice to a system that does so much for our whole people.

A few years ago they burned corn in the West for fuel. Why? The lands were exceedingly fertile, and the people made vast quantities of corn. They had no means of transportation. They could use only what they fed to their stock and their families, and the rest was left in that prairie country as the cheapest fuel they had. Before railroads penetrated the great West 10 cents a bushel was high for corn; many times it would not command that. In that day your exchanges were conducted mainly upon our cotton crop. What has happened since the days of railroads? These long steel-rail lines that so much has been said against have penetrated the great West, and by thousands of miles go upon the plains and prairies; and by combining and placing long lines under one management have been able to carry productions rapidly to the Eastern cities, and then, by the aid of steamships, speedily to land them on the other side of the ocean, to fill any vacuum there, so as to make the teeming productions of the West a great auxiliary to those of the South in conducting commerce and the exchanges of the Government and people of this country.

Look at the statistics, and you will see that the meat and the flour and other productions of the West figure very largely now in the account.

We have had commercial depression and periods of inflation, and we shall continue to have them. Whether at as regular intervals as in the past I can not say, but we shall have them. How has it been, however, for the last few years? The balance of trade has run in our favor as high as $260,000,000 in round numbers in one year. In other words, in trading with foreign powers we have shipped to them of our productions and manufactures $260,000,000 in a year more than we have received of their productions in return, and they have had to pay us that large balance in gold and silver. This poured in the lap of our country an immense amount of the precious metals, creating what is called "the great business boom." Would it have been but for these railroad facilities? Clearly not. Why, we have even pressed England to the point where some of her people held meetings and demanded a protective tariff to keep the productions of the United States at such low prices out of their markets, as the English farmer can not compete with us raising grain on the free-trade basis.

Well, now, I say any great interest or development that men have put their money into that has produced such a result as this is entitled to the consideration and protection of statesmen everywhere. I know how easy it is to excite popular prejudice against corporations and monopolies, as they are called. It is an easy task to excite the people, as it would be easy to influence many of them by the doctrines of agrarianism, and make them believe it would be better every ten years to divide out the property equally among everybody. Many of them would shout and throw up their caps at such a doctrine; and it is easy enough to have followers when you say, "Let other people build railroads and let us take charge of them and run them for our own benefit without having cost us anything." But is it just? I address cool-headed, sensible men, grave Senators, who were sent here to represent the people. I ask for no privileges for the railroads that are unreasonable, but I do ask that you do something like justice by them, and deal with them upon principles of fair play.

So much for the history of railroads and the results that have been produced by them. But this new state of things, this great revolutionizing element that has come into existence, that has revolutionized commerce and changed the basis of your exchanges and the balance of trade, has brought about a grave problem for the economist and the statesman. How are these great interests to be managed so as to do justice to the people and at the same time do no injustice to those who have invested their means in constructing them, thereby building up society and commerce? That is a problem that every civilized nation has had more or less to do with. It has been found a very difficult one to deal with. It is claimed that the great law of trade is "encourage competition—the more competition the better for the people." And yet the experience of the world has already shown most conclusively that that system applied to railroads ends inevitably in consolidation, and does the greatest injustice while it is working out that result. The competitive system has been virtually abandoned in England. It was never tolerated to any great extent in France. In Belgium the government owns interest enough in the railroads to keep, as Mr. Adams says, the thumb upon the regulator all the time and regulate the competition. In Germany the government is taking hold of it, so as to control the competition.

It is worth while to inquire into the system England has adopted. There was the first successful railroad on earth, and there are statesmen there competent to deal with the problem. Indeed, I may justly say that the statesmanship of England towers like a vast, pyramid upon the plain of time. This question has there been agitated more, I think, than anywhere else; it has received a fuller investigation, and they have finally reached a solution. And that solution is that in railroading consolidation is the rule, and not competition. They tried various experiments, but have finally settled down upon a railroad commission, whose powers are mainly judicial, and in most cases their decision is final and conclusive. This commission is one of the high courts of the realm, possessing great ability and great dignity; and it is said that they have to a great extent so regulated matters by the commission taking judicial cognizance that there is now but little trouble in working the railroad system in England.

But it is said there are abuses in the railroad system which can not be justified. That is doubtless so; abuses will creep into every great system where great interests are at stake, and it is the duty of wise legislators as far as it lies in their power to correct such abuses.

It is said the railroads have oppressed the people. There may be instances of this character, but the people in turn have often oppressed the railroads. The whole tenor of our legislation looks to establishing rules in reference to railroads that are more onerous to them than the rules applied to people generally. Legislation often discriminates against them; courts and juries do them injustice. A jury of citizens acting under the solemnity of an oath frequently gives five or ten times as much damage to a citizen against a railroad company as they would give in a case between citizen and citizen where the injury was the same.

The people are always ready to encourage bankers, merchants, or anybody else who has capital to put into railroads. Let a new railroad enterprise be started, and public meetings are held and patriotic speeches are made, the men applaud and the ladies throw up their handkerchiefs when heavy subscriptions are made, and every possible inducement is held out to the company to put its money in and build the road; but no sooner is it completed and in condition to conduct the business of transportation than the whole tone of popular sentiment is changed, and those who put not a dollar into its construction are often foremost in the crusade for its confiscation—not by an act of the Legislature, not by a decree of a court, but by putting down freights and passenger fares to a point where the capital invested can never be remunerative, and with a view to giving the people who invested nothing in the road the almost free use of the road and its rolling-stock for their accommodation. Railroad commissions or any one having con-

trol over the railroads are expected to favor constant reduction in rates and in fares, until the company is driven to bankruptcy and the road sold to pay its indebtedness. And in this manner the money put into the road by the original stockholders is entirely lost, their property having been virtually confiscated by the popular clamor for low rates, which drove them into bankruptcy and resulted in their ruin.

Take my own State as an illustration. There are two great rival corporations whose interests are now consolidated—the Georgia Railroad and Banking Company and the Central Railroad and Banking Company. They have not gone into bankruptcy, and during a very considerable proportion of the time since they have been built they have paid reasonable dividends to the stockholders; but not so with most other companies. Go to the northern part of the State, and there is the road formerly known as the Alabama and Chattanooga. A large amount of its stock was paid in by citizens of Georgia, and every dollar of it was lost, and the company went into bankruptcy and the road has been sold a time or two since.

Next is the Selma, Rome and Dalton, running from Dalton into Alabama. The part of this road that lies in Georgia was sold under a decree of the superior court of Floyd County and purchased by a company, and the stockholders lost every dollar. I believe the part in Alabama shared about the same fate. The road did not even pay all the bonds which had been issued.

Next comes the Cherokee road. That, too, has gone into bankruptcy and has been sold and the stock lost to the original holders. Then take the Air Line, from Atlanta through the Carolinas, which cost some $13,000,000, which sold under the marshal's hammer for about one-third of the amount, and the original stock and a large percentage on the bonds were entirely lost.

Then comes the road from Griffin to Carrollton, which has shared the same fate. The road from Macon to Augusta has also gone through the insolvent court and been sold for the benefit of the bondholders. Go to Columbus, and there you will find that the North and South road shared the same fate, and the stockholders lost all they had put into it. Then take the Macon and Brunswick; that, too, has been sold, and all the stock put into it by citizens lost. And the road from Brunswick to Albany has been treated in like manner.

Again we have the great line from Savannah into Florida and Alabama, known as the Savannah, Florida and Western. This, too, passed through the court of bankruptcy, and the original stockholders lost their capital.

Of the sixty-odd millions of dollars invested in railroads in my own State much the larger half of the capital has been absolutely lost to the stockholders, and in many cases the bondholders received only a percentage upon the amount invested, and much of this has been the result of the popular clamor for reduced rates.

I know some patriotic citizens and officials who do not practically understand this question are of opinion that all railroad companies should be put under about the same iron rule as to freights and passage; each should only be permitted to charge the same that another charges.

Now, it is very obvious that this rule is grossly unjust and oppressive to weaker companies, where they have but little business as compared with the stronger companies that have large business. Let me illustrate what I mean. The great line controlled by the Pennsylvania Railroad Company between the two great cities of New York and Philadelphia runs trains at very short intervals between these great cities well loaded with freights or passengers. They can afford to carry at a very low rate, on account of the vast quantity of freight and the vast number of passengers, and still make money. Take a place in the rural districts where there are not freight and passengers enough to load one train each way per day, and if they are compelled to carry at the same rate that the Pennsylvania road carries they can not pay fixed expenses. They can not keep the road in repair or in safe running order; and still the citizens who are served by the road through the rural districts expect their freights and passage as low as railroads in any section of the Union can carry like freight and passengers.

Whenever a road is run through a section that has little business to do, the people of that section must expect to pay a higher freight than those who live along the line of a road where there is much to do and where there are long through connections which serve as feeders. Let me again illustrate:

There is a vast quantity of valuable pine timber in my State between Savannah and Montgomery County that is worth large fortunes if there was any way to get it to market. The people there are too poor to build railroads. Suppose a company of capitalists were to say, "We propose to build you a railroad from Savannah into Montgomery County, say a hundred miles, and give you an outlet for your timber;" what would be the increase in the value of lands and property in that section? Would not the property be worth four times as much as it now is? The tract covered by the pine timber would be worth a large sum that is now not worth a dollar an acre in the market. In such cases it would be simply absurd for the people of that section to say you must charge as low a rate as the Central charges, which does a heavy business.

Rather than do without a railroad the people of Montgomery County could well afford to pay three times as much as the freights on the Central, which does a heavy business. No company of capitalists, with the present lights before them, and with the railroad commission over them, would think of building such a road without some guarantee that the freights would be kept constantly up to a point where the capital invested might pay dividends. What man of sense will put his money into a railroad between Savannah and Montgomery County for the accommodation of the people there without some such guarantee? But if the capitalists could be induced to make such an investment there would be a clamor all along the line for lower rates, rates as low as the Central.

Of course such a reduction in rates would soon drive the company into bankruptcy, but after the railroad is built what do the people care for that? True, the stockholders would lose their capital, but the people along the line would have the benefit of a railroad for the development of their section, which would cost them nothing and would enable them to make fortunes by the increased value of their lands and the sale of their timber.

This character of legislation, if persisted in, will soon stop the building of railroads.

In the North and West you may have enough of railroads; the people may have game enough in the trap that they can afford to pull the trigger and be content to rob those that now have capital invested. This is not our condition in the South. We have great need of other railroads, and until we get more capitalists to put their money in the construction of our railroads I think we had better wait and let more game go in the trap before we pull it down upon them.

The constant cry is that the railroads are oppressing the people—that they are great monopolies, growing rich by their oppression. The fact is that a very large proportion of them have gone and are going into bankruptcy, and those who are weak enough to put their capital in them are losing the amount invested on account of the clamor of the populace for the control and use of the railroads without anything like just compensation to the owners.

But great stress is put by the advocates of stronger measures of reform upon the fact that railroad companies often carry through freights longer distances for less money than they carry local freights for shorter distances. That practice is vehemently condemned by the advocates of virtual confiscation of railroad property. If we should pass the interstate-commerce bill and should prevent that practice the people, when they saw the workings of it, would very soon be clamorous for the repeal of the obnoxious law. You must permit through freights to be carried longer distances for less money than local freights are carried shorter distances, or you exclude through freights from your lines of road entirely, and then the railroad companies must fall back upon their home productions, and make their money, if they make any, out of local freights. The same rate of freight per mile will not do.

Let me again illustrate. Suppose a farmer brings ten tons of corn to the railroad depot at Marietta, twenty miles from Atlanta, which he desires transported to Atlanta. The railroad company takes charge of it, receives the corn into the depot, the employés take the trucks, roll it to the car, and load it in at Marietta; then the company hauls it to Atlanta, takes the trucks, runs it out, unloads it, and delivers it to the consignees. What would be a reasonable charge for the transportation? Would any reasonable man object to $5 for carrying the ten tons of corn twenty miles and $2 for loading and unloading? I presume not. It would be less than a cent and a half a bushel. It would be 2½ cents per ton per mile. None can question that the freight for so short a distance is reasonable.

Now, suppose another farmer brings ten tons of corn and delivers it at the depot of the same road at Dalton, one hundred miles from Atlanta. It must be carried at the same rate per mile from Dalton to Atlanta at which it was carried from Marietta to Atlanta, which is 2½ cents per ton per mile. This would make a car-load of ten tons cost the shipper $25 between Dalton and Atlanta.

Now, suppose another farmer in Kansas City, Mo., delivers ten tons of corn to the railroad to be shipped to Atlanta. The same rate per ton per mile must be charged for the longer distance which is charged for the shorter distance. What would be the freight between Kansas City and Atlanta, which is in round numbers a thousand miles? It would be $250 on a car-load of ten tons or three hundred and fifty bushels. This would be a fraction over 71 cents per bushel freight from Kansas City, Mo., to Atlanta. What say the Western planters to this rule as applied to the transportation of their produce to market, and what say the cotton-planters of Georgia to the application of the rule as applied to the productions of the West which they purchase for home consumption? No one will complain that the rate charged between Marietta and Atlanta in the case supposed is unreasonable, and yet if we apply the same rule to freights for longer distances it soon reaches a point where it amounts to a prohibition to carry it at all. In the case supposed the freight on a bushel of corn between Kansas City, Mo., and Atlanta, Ga., would be more than the corn would bring in either market. The rule which produces this sort of inconvenience, this sort of absurdity and injustice, can not be a wholesome or wise rule.

But other patriotic persons engaged in the regulation of interstate commerce will disavow this rule, and will declare that it is not their purpose to require the same rate of freight per mile on local and through

shipments, but that they only intend to prevent the carrying of the same quantity and quality of through freight a longer distance for less money than is charged on the same line for a like quantity and quality of local freights for a shorter distance. On first presentation the reasonableness and equity of this rule seem to be apparent, but when we apply to it the test of practical experience it will not bear examination, and its absurdity becomes obvious.

As already stated, a large majority of the railroad companies who have built the railroads in this country have gone into bankruptcy, and the railroads when sold have been purcharsed at prices greatly below the cost of construction by companies which have consolidated them into a few long trunk lines, which now run in competition with each other, and which have become necessary in conducting the business of transportation. And many of them purchased at prices far below cost do not pay dividends on the purchase-price.

As long as competition can be maintained without ending in consolidation, which point I will discuss further on, competition seems to be conducive to public prosperity, but if you apply the rule that railroads shall in no case carry freights of like quantity and quality a longer distance for less money than they carry similar freights a shorter distance, you will soon check and destroy a great deal of the competition which now exists.

The position amounts to this: that a car-load of corn when conveyed as through freight shall not be carried twenty-five miles for less money than a like car-load of corn conveyed as local freight is required to pay for twenty miles. Now, if you will fix a reasonable rate of local freight for twenty miles, such as will enable any railroad company to pay even the fixed expense of keeping its road in repair and running it, and you will then fix a through rate for the same car-load for twenty-five miles at the same rate charged for twenty miles of local transportation and extend that rate of 1,000 miles, you will find in every instance that the rate of freight will amount to a prohibition and you can not transport the goods and pay the rate. To maintain the rule you must either fix the local rate below the point absolutely necessary to pay the running expenses or you must fix the through rate so high it will prohibit the transportation of the commodity.

Take the case already supposed of a car-load of corn shipped from Marietta to Atlanta, charging a local rate of $5 per car-load for twenty miles. Then suppose a through shipment over the same road at a rate that would carry the car-load of corn twenty-five miles for $4. This would be a violation of the proposed legislation, as it would be a case where a like commodity is shipped a longer distance for less money. Or if you discriminate even more than this between local and through freight, carrying the through freight a still greater distance for less money than you carry the local, unless you extend it very materially it will amount to a prohibition and you can not ship through freight at all.

In the case supposed we carry a car-load of local freight for twenty miles for $5 and a car-load of through freight twenty-five miles for $4. For a hundred miles this would be $16, and from Kansas City, Mo., to Atlanta, a thousand miles, it would be $160 for transporting a car-load of three hundred and fifty bushels of corn. This would be about 45 cents a bushel on the corn for freight. What say the farmers of Missouri and Kansas? Would their corn bear this freight? Clearly not. A great deal of corn is now shipped from Kansas City into Georgia. Such a law would at once prohibit further shipments of corn for so long a distance.

But to meet the objection of the hypercritical as to rates, let us suppose the case that the local rate on a car-load of corn from Marietta to Atlanta, twenty miles, is only two dollars and a half—and no railroad can keep long out of the insolvent court which carries its local freights as low as that; then suppose the rate on a car-load of through freight between Kansas City and Atlanta should be $2 for every twenty-five miles. This again would violate the law if the proposed legislation should be enacted. The car-load of corn carried as local freight from Marietta to Atlanta being charged two dollars and a half for twenty miles, and the car-load of through freight being charged only $2 for twenty-five miles, we would be carrying the same commodity a longer distance for less money, but even the low rate of two dollars and a half per car-load for twenty miles of local freight would, when we apply the rule to through freight, be prohibitory. If we charge $2 for twenty-five miles on a car of through freight this would be $8 per hundred miles and $80 for a thousand miles. This would be a fraction over 22 cents a bushel freight on corn from Kansas City, Mo., to Atlanta.

Now, if we may credit the newspapers, I believe a bushel of corn is worth but little more than that in Kansas City at the present time. Even at this ruinously low rate of local freight (which no railroad company can afford to charge and continue to do business) the rule applied to through freight makes it prohibitory before it reaches a thousand miles distance. It would probably be prohibitory in the case supposed at five hundred miles distance.

If you enact such a law as this you will derange the whole transportation of the country, and you will either drive the railroads generally into bankruptcy on account of the low rate you permit them to charge for their local freights, upon which they rely mainly for their support, or you will prohibit the interchange of commodities at a greater distance than five or six hundred miles. As the figures plainly show it could not possibly stand the rate for a thousand miles.

Under such a rate of freight how would the farmers of the teeming West ever reach European markets with their productions? It would be simply an impossibility.

Such a law would destroy not only the interstate commerce of the country, but utterly ruin our foreign commerce, by prohibiting the exportation of our productions to foreign markets. I take it that wise men will not be guilty of enacting into a law a proposition so manifestly absurd.

Some of the Southern lines of railroad and steamships are trying to build up competition with the Northern roads for the Western business.

For a long time the Northern roads have had a monopoly of that business. They run four trunk lines, as you are aware, from the Eastern cities into the great West—the Baltimore and Ohio, the Pennsylvania, the Erie, and the New York Central. These are the four great trunk lines that penetrate the West in every direction, going to Chicago, Saint Louis, and other central points in that section, and they do the business between the East and the West.

They frequently, while at war with each other, carry freights for almost nominal prices from the West through to New York and thence by steamer to Charleston and Savannah. Then they load their steamers with cotton and other productions back to New York, and load their cars in New York with Western-bound freights. Now that freight landed in Savannah by the steamers from New York can be taken and carried to Louisville, Ky., at a very low rate, and the railroads still make money on it.

This shows the feasibility of opening another great trunk line between New York and the other Eastern cities and the great West. In prorating freights railroad men count one mile of rail equal to three miles of water. Why so? The company has to secure the right of way, grade the road, lay down the track and prepare it for the cars, which is a heavy expense for each mile.

God has prepared the ocean, and it is ready to receive the burden of transportation without the construction of a track, and all man has to do is to put on the rolling-stock. In other words, build the ship, and the road is already prepared for use.

It is very evident, therefore, that freight can be transported three miles by water as cheaply as it can be carried one mile by rail. Now we have a splendid line of steamers running between New York and Savannah, which make their trips with great regularity and carry passengers and cargoes of freight. Then we have a line of railroad from Savannah through to Louisville, Ky., connecting at different points with other roads penetrating the West and reaching Saint Louis, Chicago, and Kansas City, and other commercial centers. Now apply the prorating rule to the portion of the distance which includes conveyance by water, and counting three miles of water for one of rail, and the line from New York to Louisville is shorter by way of Savannah than any one of the four great Western trunk lines from New York to Louisville. The same is true as to Memphis, Saint Louis, Kansas City, and in fact to all cities of any importance west of Cincinnati and Chicago.

There is an immense section of the West which should have the benefit of a competing line between that section and the Eastern cities which is the shortest of the five competitors. Then it has this additional advantage so far as the transportation of freight from the East to the West is concerned: Of the immense number of trains which run from the West into Georgia and the South Atlantic States to supply the cotton planters with Western productions, seven out of every ten of the cars go back empty when they return to the West for another load. Now, a cargo of goods in New York intended for Saint Louis has the advantage of the shortest line by Savannah; it has the advantage of transportation by ocean from New York to Savannah, and of transportation from Savannah to Saint Louis in cars that would otherwise go back empty.

There are four links, composed of different companies, in the line of rail between Savannah and Saint Louis. Now, suppose each of these receives but $5 on a car-load of goods going from New York to Saint Louis; it makes money on the shipment, because the car would go empty if it were not permitted to carry the goods.

It is nearly three hundred miles from Savannah to Atlanta Suppose the Central road receives but $5 for the car-load for that distance. As the car was going back empty, it is $5 made. But if you lay down the rule that the Central shall charge $5 a car only for carrying the local freights three hundred miles, it ceases to be able to pay fixed expenses and goes into bankruptcy in a single year.

Therefore you can not reduce the rate of local freight on the Central to $5 a car; but if the Central undertakes to carry a car-load of goods in transit between New York and Saint Louis from Savannah to Atlanta for $5 when the car would otherwise go empty, you prohibit it by establishing the rule that no company shall carry on its own road the same freight for a longer distance for less money than like freight is carried for a shorter distance, and the Central is excluded from carrying this freight at all. The people of the West are deprived of the competition while it lasts of a fifth great line between them and the Eastern cities, and deprived of a cheaper rate of freight which they could secure by the shipment over the line referred to.

Now, what good, let me ask, does it do any one, except the great trunk lines, to prohibit the opening and operating of a fifth great line between the East and the West?

And what good does it do any one but the trunk lines to drive this freight around upon the trunk lines by establishing the rule that you can not carry the like freight a longer distance for less money? In this case you must carry this great through business a longer distance for less money than you carry local freights a shorter distance, or you must prohibit the use of the line for the purpose of carrying through freights.

Mr. MORGAN. If the Senator from Georgia will yield to me, as I see he has still considerable material before him, I move that the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Georgia yield to that motion?

Mr. BROWN. Yes, sir.

Mr. CULLOM. Will the Senator allow me before the motion is put to make a statement?

Mr. MORGAN. Certainly.

Mr. CULLOM. I propose when this interstate-commerce bill comes up for consideration to-morrow to ask the Senate to remain here until the discussion and consideration of it shall be concluded. I give that notice now, so that Senators may understand that it is my purpose to press the bill to a conclusion to-morrow, if possible.

Mr. BECK. Will the Senator from Illinois state what he means by the conclusion of the bill?

Mr. CULLOM. Yes, sir. My purpose is and has been all the time, as I have stated once or twice before, to have the bill under consideration considered and amended as the Senate sees proper to amend it, and when we get through with amendments I propose to ask the Senate to take up the House bill, and then I shall offer the bill that is now under consideration as an amendment to that bill, proposing to strike out all after the enacting clause and insert this as a substitute.

Mr. BECK. All that is proposed now therefore is to finish the amendments of this bill. Is that all?

Mr. CULLOM. No, sir; I want to finish the whole subject.

Mr. BECK. Oh, Mr. President, I shall object to that, and for this reason, if I may be allowed——

The PRESIDING OFFICER. The Senator from Illinois has merely given a notice.

Mr. CULLOM. Of course it will be in the power of the Senate to take its own course.

Mr. BECK. Allow me to make a statement. I have regarded the discussion of this bill, the Senate bill which has been under discussion for two or three weeks, after the avowal made that there was no expectation of sending it to the House to be passed there, as simply a waste of time. If we are to pass any bill at all it must be the House bill amended as the Senate shall see fit to amend it. There will be, there can be, no serious, earnest discussion of any practical measure on this subject until the House bill is taken up. When the House bill is once taken up and proper amendments suggested then there will be some discussion looking to the accomplishment of something; to tell us that we are to close all that to-morrow is not reasonable. By taking up the House bill there will be some chance of securing concurrent action on a measure that may become a law; but for us to go on talking upon a bill that nobody supposes means anything, and then to close the whole subject up to-morrow, seems to me to be a proposition that can hardly be seriously thought of. I hope this bill will be finished and finished now.

Mr. HOAR. Mr. President, I should like to inquire of the Senator from Kentucky whether, in his judgment, it is not the best way, as we have gone so far with this bill, which has been the basis of discussion and amendment and is the draught of the Senate committee to whom the subject was referred, to perfect this bill, which will be then the opinion of the Senate, and when we have done that to take up the House bill and make this perfected bill a substitute for it? That will put it in the position of an amendment to the House bill, and a committee of conference will have jurisdiction.

Mr. BECK. When the proposition was made to send the House bill and this bill to the Committee on Railroads, and that committee refused to take it, I regarded that as a confession on the part of that committee that they had nothing to offer us or to enlighten the Senate about. I may be mistaken as to what was the meaning of their objection, but that was the way I construed it, and I was waiting for the House bill to come up so that we could look at something that meant something.

Mr. CULLOM. If the Senator will allow me, I think that the bill which is now under consideration means something, so far as that is concerned; but, as I have said over and over again, the Committee on Railroads reported the bill which is now under consideration as their deliberate judgment of what ought to be done upon this question, and it has been before the Senate for its consideration. I have been anxious to have the Senate discuss it and amend it in the line of the theory of the bill under consideration as it thought it best to do, and I have said all the time, and say now, that when that is concluded I shall make the motion to take up the House bill, and then move to strike out all after the enacting clause of that bill and insert the bill which is now before the Senate under consideration as perfected by the Senate.

I have felt and believe that in that way we would accomplish the work that the Senate desires to do in the passage of a bill quicker than by referring the subject back to the committee and then having the committee report the whole thing again, because inevitably the discussion will come up upon the two lines of thought and the two policies, whether it comes from the committee by being referred to it again or whether it remains here in the Senate. My idea has been that if we could perfect the bill now before the Senate, then the substitution of it for the House bill would enable those who were in favor of the House bill to give their views upon it, if they wanted to do so, and then to vote upon the question of which measure or line of legislation they were in favor of, and that we should get the two Houses together eventually, as the Senator from Massachusetts says, either by a concurrence on the part of the House in the bill as perfected by the Senate or by a conference committee that the two Houses could finally agree upon. The only object I have had is to accomplish some legislation upon the question as quickly as possible.

Mr. MORGAN. I renew my motion to adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 16, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENTRY AND WITHDRAWAL OF DISTILLED SPIRITS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, submitting draught and recommending the passage of a bill to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses and the withdrawal of the same therefrom; which was referred to the Committee on Ways and Means, and ordered to be printed.

PURCHASE OF PAINTINGS BY THE GOVERNMENT.

The SPEAKER, by unanimous consent, also laid before the House a protest of the board of directors of the Pennsylvania Academy of Fine Arts against the purchase of a portrait of General George H. Thomas by Miss Ransom and a picture of the Electoral Commission by Mrs. Fassett; which was referred to the Committee on the Library.

ARRANGEMENT OF THE HALL OF THE HOUSE.

Mr. HARDY. I rise to make a privileged report from the Select Committee on Ventilation and Acoustics. I ask that it be read.

The Clerk read as follows:

The Committee on Ventilation and Acoustics, having had under consideration the subject of improving the acoustics of the Hall of the House of Representatives, have come to the conclusion that the proper transaction of the business of the House will be greatly facilitated by the removal of such parts of the railing and screen in the rear of the members' desks as are not required for the comfort and convenience of the members, and accordingly recommend the adoption of the following resolution:

Resolved, That the Architect of the Capitol be authorized and directed to remove such parts of the railing and screen in the rear of the members' desks as may not be required for the comfort and convenience of the members, under the direction of the Committee on Ventilation and Acoustics.

The resolution was adopted.

Mr. HARDY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER MISSISSIPPI AT MEMPHIS.

Mr. YOUNG. I ask unanimous consent to have taken from the House Calendar and put on its passage now the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

The SPEAKER. The bill will be read, subject to the right of objection.

The Clerk read as follows:

Be it enacted, &c., That the Tennessee and Arkansas Bridge Company, a corporation organized and created under and by virtue of the laws of the State of Arkansas, and the Tennessee Construction and Contracting Company, a corporation organized and created under and by virtue of the laws of Tennessee, be, and the same are hereby, jointly authorized and empowered to erect, construct, and maintain a bridge over the Mississippi River from or near Memphis, in the State of Tennessee, to or near the town of Hopefield, in the State of Arkansas. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporations by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That said bridge shall be made with unbroken and continuous spans; two spans thereof shall not be less than five hundred and fifty feet in length in the clear, and no span shall be less than three hundred feet in the clear. The lowest part of the superstructure of said bridge shall be at least sixty-five feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 2 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said railroad companies for the use of said bridge.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said companies or corporations shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of two miles above and two miles below the proposed location, the topography of the banks of the river, the shore-lines at extreme high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide the public interests require it, is also expressly reserved.

SEC. 7. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the companies or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, steamboats, and other water craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any district court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WELLER. I hope the gentleman from Tennessee [Mr. YOUNG] will, subject to the right to object, make a brief explanation in regard to having the free navigation of the Mississippi at the point where this bridge is contemplated protected by proper sheer-booms, dikes, &c.

Mr. YOUNG. Mr. Speaker——

Mr. HOLMAN. Is it understood that the right to object is reserved?

The SPEAKER. That right is reserved.

Mr. YOUNG. In drafting this bill, Mr. Speaker, I undertook to guard against every possible danger to the free navigation of the river, and I endeavored also to avoid every objection that could be suggested to its passage by any one. If there is anything in it that ought not to be there I am willing that it should be stricken out, or if there is anything omitted that ought to be in it I am willing it should be so amended.

It is an important measure, one I have been trying to get considered by the House for several years, but have never been able to reach on the Calendar. There are seven railroads now centering in Memphis, and all the trains have to connect from east to west and *vice versa* by crossing the Mississippi River. Three transfer boats are now used to cross these trains, and not unfrequently there is great delay in transporting freight and passengers from one side of the river to the other. I know of no crossing of the Mississippi River where a bridge is more urgently demanded in the interest of commerce and travel than at the city of Memphis. If there is any objection to it I am willing to have it amended so as to conform to the views of any gentleman who thinks any part is objectionable.

Mr. HOLMAN. I wish to ask the gentleman a question.

Mr. YOUNG. Certainly.

Mr. HOLMAN. It was impossible to hear the reading of the bill on account of the confusion in the House. Inasmuch as up to this time no bridge has been allowed on the Mississippi River below Cairo, of course the importance of this measure is apparent. Now, I wish to ask the gentleman from Tennessee whether this bill has been reported from the Committee on Commerce.

Mr. YOUNG. It has been reported from the Committee on Commerce, and I have the report of that committee now in my hand.

Mr. HOLMAN. What is to be the number of the spans, and what is to be the length of the span?

Mr. YOUNG. I do not remember now, but the bill was drafted after consultation with the best-informed men and two or three officers of the Government, and I think it is free from any reasonable objection.

Mr. HOLMAN. It provides for the same length of the main spans.

Mr. YOUNG. It does. I consulted one of the supervising inspectors of steamboats in reference to that matter, and followed his suggestions.

Mr. HOLMAN. It is to be necessarily a drawbridge?

Mr. YOUNG. Yes, sir.

Mr. HOLMAN. One or more?

Mr. REED. I can not hear the discussion.

The SPEAKER. There are a great many discussions going on.

Mr. HOLMAN. I do not wish to object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WELLER. The gentleman from Tennessee is willing to entertain the amendment which I offered. In line 5, section 7, after the word "maintained," insert "at the time of erection of said bridge."

Mr. YOUNG. I am willing to let it go in.

The SPEAKER. The Chair hears no objection to the consideration of the bill, and the question will first be on the amendment of the gentleman from Iowa.

Mr. WELLER'S amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ATLANTIC AND PACIFIC LAND GRANT.

Mr. MILLIKEN rose.

Mr. McMILLIN. I demand the regular order of business.

Mr. COBB. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. COBB. I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, after full and free conference have been unable to agree.

THOMAS R. COBB,
BARCLAY HENLEY,
L. E. PAYSON,
Conferees on the part of the House.

JOHN T. MORGAN,
H. W. BLAIR,
P. B. PLUMB,
Conferees on the part of the Senate.

Mr. COBB. I desire to call the attention of the House specially to the conference report. I do not care to discuss it myself. But I trust if there are any members on the floor who desire to discuss it they will do so. This is a report coming from the committee of conference having in charge the Atlantic and Pacific land-grant bill. The committee of conference have failed to agree, the difference growing out of the amendment which was placed on the bill by the Senate, commonly known as the Morgan amendment.

The reason why I call the attention of the House to it is that we want a full and fair expression of the opinion of the House with reference to that amendment. I may say this: that I believe that the committee will be able to agree in the future; that the committee of conference on the part of the House will be able to sustain the views your committee have already expressed; that the Senate, in other words, will recede from its amendment. The Senate has done so to the extent of rejecting this amendment, when offered by the Senator from Alabama, to the Oregon Central land-grant bill. They refused to place that amendment upon that bill; and for greater reasons the amendment ought not to be placed upon the Atlantic and Pacific land-grant bill. There are no good reasons to my mind which ought to cause the Senate to insist on this amendment to the Atlantic and Pacific land-grant bill. There are no intervening rights known to your committee which would warrant us, in my judgment, concurring in the Morgan amendment.

What we do desire is to have as full an expression of the opinion of the House as possible upon this report, whether or not we will insist upon our position and stand by it, whether the House will sustain us in that or not. I do not care to discuss the question myself as it was pretty fully discussed by members of the Committee on Public Lands when the bill was before the House before. The facts were then stated fully in detail, and the law in the case was generally discussed. I do not care, therefore, to go over that ground again unless it is desired by some gentleman to have a fuller discussion of the subject; or if any gentleman has any suggestion to make in regard to these amendments of the Senate I shall be glad to hear him, and the committee of which I am a member will be pleased to hear any suggestions which are calculated to throw light upon the subject. We think we are in possession of all

the facts and all the laws governing the case, but we are ready and anxious to hear any one who may have anything to say upon the subject.

The SPEAKER. What motion does the gentleman from Indiana submit?

Mr. COBB. To insist upon the disagreement, and ask a further conference.

Mr. HISCOCK. Has the Senate amendment been read?

Mr. COBB. It has been read; not this morning, however.

Mr. HISCOCK. I think the Senate amendment ought to be read.

The SPEAKER. The gentleman has the right to have the amendments of the Senate read, for the motion is to insist upon the disagreement and ask a further conference.

Mr. COBB. I have not the bill before me, but I have the amendments as printed in the RECORD.

The SPEAKER. The bill itself ought to be in the possession of the conferees when they make their report.

The Chair will ask the gentleman from Indiana whether the House conferees disagree as to all of the Senate amendments to that bill, or only to one of them?

Mr. COBB. We disagree to all of them.

The SPEAKER. The Clerk will read the amendments of the Senate.

The Clerk read as follows:

Strike out after the word "forfeited," in line 17, down to and including line 24, as follows:

"And the title thereto resumed by the United States, and said lands restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made; but nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations."

And insert:

"And the title thereto resumed by the United States, and said lands declared to be part of the public domain, but not subject to disposal under the general laws of the United States until after the termination of the legal proceedings prescribed by this act: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

"SEC. 2. That jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited land that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

"SEC. 3. That it shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited, arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

"SEC. 4. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim are necessary to do complete justice in said cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

"SEC. 5. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree thereon to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

"SEC. 6. That nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations."

Mr. HISCOCK. I would like to inquire of the gentleman from Indiana as to the purport of these amendments of the Senate. From the reading of the amendments, as I understand them, it would seem that they hold in abeyance the disposition of these lands, and provide for a judicial determination of the rights of the parties—that is to say, it opens the courts for all parties, and in the mean time it holds in abeyance the title, as far as any disposition may be made of the lands.

Mr. COBB. That is the effect of the amendment. It provides further that the Attorney-General shall commence suit and have the matter judicially determined by the courts, making the United States the plaintiff, and requiring the institution of these suits by the Attorney-General for the purpose of settling the question of forfeiture, as well as such other questions as may intervene with reference to the lands covered by this bill.

Mr. HISCOCK. I desire to inquire whether there is any objection to providing a way in which the rights of these parties may be promptly determined, getting the matter before the courts at once.

Mr. COBB. We think so.

Mr. HISCOCK. I would like that the House should be advised upon that subject as to what objection there can be to providing some speedy way for the determination of the rights of parties to this land. Of course I assume that the Senate, from its amendments, has grave doubts as to what these rights are; or at least that there is serious doubt with reference to the matter; and that it is wise to reach a conclusion speedily. I would like therefore to have the ground of the objection fully stated.

Mr. OATES. Mr. Speaker, the first part of the first amendment, relating to the forfeiture in this case, is perhaps an improvement of the verbiage of the bill, and the second portion of the first part of the amendment is only to make that part of the bill in accordance with the Senate amendment.

The second amendment not only sends any controversy that may arise to the courts of the United States, but compels the district attorney of the United States in the district named to commence proceedings, and in that way makes the Government the actor, whether it desires to enter into the controversy or whether there be just cause to enter into the controversy or not. I therefore concur with my colleague from Indiana [Mr. COBB] in the opinion that this amendment is improper; and while I would favor any provision that would give either party in interest the right, if they have it not under the general law, to go into the courts of the United States for the purpose of adjusting their rights, I do not and would not favor the second amendment, which compels the Government to go into the courts.

Mr. HISCOCK. Will the gentleman from Alabama yield to me for a question, as I wish the House to be fully informed upon this subject? Would the gentleman do this: would he open these lands to entry under the homestead or pre-emption law with this question of title undetermined? I desire to make this suggestion, whether it is wise for the Government to turn this land back into the public domain subject to entry under these laws, the homestead and pre-emption laws, leaving the question of legal ownership undetermined?

Now, then, is it not wise to provide the Government shall go ahead and have this question determined, to the end that a period may be soon fixed and the rights settled of these parties in these lands with reference to their going back into the public domain?

Mr. OATES. I think the bill settles the question of law, subject, of course, to the adjudication of the court. But I would not compel the Government to inaugurate proceedings for the purpose of adjusting any claims of other parties.

Mr. HISCOCK. Suppose this land is turned over immediately and becomes a part of the public domain under this act, it is made subject to entry under the homestead law. Now suppose you do go to the court and the court should perchance hold this railroad company had some right or title to this land, then of course claimants to this land, parties that have entered upon it, will come here with their claims for indemnity. Now the point on which I wish information is whether it is not best to have that question settled with reference to the future before this land becomes a part of the public domain, and if that is wise whether the Government should not proceed promptly to have it settled.

Mr. OATES. The gentleman from New York certainly knows it has been frequently adjudicated by the highest courts that he who purchases land from the Government takes it under the maxim *caveat emptor*.

Mr. HISCOCK. I concede that to be true. But since I have been here I believe I know of instances where the parties making entries went upon the land and made improvements upon it and we gave compensation. I believe, notwithstanding that technical rule, when by an act of Congress we have turned over land and invited people to enter on it they are entitled to the sympathy of Congress.

Mr. OATES. The measure of relief to which such parties are entitled, having entered upon the land under the maxim I have alluded to, is the amount of money they paid for it. And sufficient unto the day is the evil thereof. I think we can wait until the exigency arises.

The SPEAKER. The gentleman from Indiana [Mr. COBB] moves that the House insist on its disagreement to the Senate amendment and ask for a further conference.

Mr. HISCOCK. I move that the House recede from its disagreement to the Senate amendment.

The SPEAKER. The motion to recede has preference over the other.

The question being taken on Mr. HISCOCK's motion, there were—ayes 45, noes 85.

So (further count not being called for) the motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Indiana [Mr. COBB].

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House the gentleman from Indiana, Mr. COBB, the gentleman from California, Mr. HENLEY, and the gentleman from Illinois, Mr. PAYSON.

PROTECTION OF CHILDREN IN THE DISTRICT.

Mr. WILSON, of West Virginia. I ask unanimous consent to take from the Speaker's table the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, desiring to move that the House insist on its amendments to the bill disagreed to by the Senate and agree to the conference asked by the Senate.

Mr. HOLMAN. I ask that the amendments be read.

The amendments were read, as follows:

In line 20, page 1, strike out the words "within their view" and insert the words "in the presence."

In line 27, page 2, strike out "twenty-one" and insert "sixteen."

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] moves that the House insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House the gentleman from West Virginia, Mr. WILSON, the gentleman from New York, Mr. SPRIGGS, and the gentleman from Mississippi, Mr. JEFFORDS.

ORDER OF BUSINESS.

Mr. McMILLIN. I call for the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

Mr. McMILLIN. I move to dispense with the morning hour for the call of committees for reports.

The question being taken, there were—ayes 79, noes 45.

So (two-thirds not having voted in favor thereof) the motion was not agreed to.

THOMAS F. PURNELL.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 7411) for the relief of Thomas F. Purnell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRY W. MARTIN.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with an adverse recommendation the bill (H. R. 5590) for the relief of Harry W. Mason; which was laid on the table, and the accompanying report ordered to be printed.

HARRIET ARMSTRONG.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 1898) granting a pension to Harriet Armstrong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM HAZLE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 7090) for the relief of William Hazle; which was laid on the table, and the accompanying report ordered to be printed.

LOUISA A. ESTES.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7709) granting a pension to Louisa A. Estes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORNELIA V. BLACKMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7571) granting a pension to Cornelia V. Blackman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AMOS M'DOWELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7572) granting a pension to Amos McDowell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HOLDEN COOK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7707) granting a pension to Holden Cook; which was referred.

CAROLINE TRECKELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 929) granting a pension to Caroline Treckell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7601) granting a pension to James Dye;
A bill (H. R. 7599) granting a pension to Eli W. Campbell;
A bill (H. R. 7330) for the relief of Henry Van Blaricom;
A bill (H. R. 540) granting a pension to Henry C. Williams;
A bill (H. R. 7782) granting a pension to John Benson;
A bill (H. R. 7435) granting a pension to L. A. Davis;
A bill (H. R. 7487) granting a pension to James Brown; and
A bill (H. R. 7448) to increase the pension of Robert M. Forsythe.

ABBY P. ARNOLD.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (S. 764) granting an increase of pension to Abby P. Arnold; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ABBY S. SLOCUM.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 1427) granting an increase of pension to Abby S. Slocum; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HONORA M'CARTHY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 764) granting a pension to Honora McCarthy; which was laid on the table, and the accompanying report ordered to be printed.

ANN E. GRIDLEY.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. ADELINE E. CHADBOURNE.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH S. SAMPSON.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back, with an amendment,, H. R. 6311 granting a pension to Mrs. Sarah S. Sampson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EBENEZER K. MARDEN.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1822) granting a pension to Ebenezer K. Marden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN SWEENEY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1112) granting a pension to John Sweeney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALBERT D. SIMMONS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7295) granting a pension to Albert D. Simmons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH KENNEDY.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2692) granting a pension to Sarah Kennedy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRIETTA A. LEWIS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 1858) to increase the pension of Henrietta A. Lewis, widow of Capt. Robert F. A. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. LOU GOBRIGHT M'FALLS.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1446) granting an increase of pension to Mrs. Lou Gobright McFalls; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM E. AYERS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7773) granting a pension to William E. Ayers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY F. BLAKE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7538) granting an increase of pension to Mary F. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSIAH SCOTT.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 7637) granting a pension to Josiah Scott;

which was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7734) for the relief of James H. Horton;

A bill (H. R. 7777) granting a pension to William Christie; and

A bill (H. R. 7195) for the relief of Stephen Sauer.

WIDOW OF COMMANDER S. DANA GREENE.

Mr. ROBINSON, of New York, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. EMILY L. ALVORD.

Mr. WOLFORD, from the Committee on Pensions, reported back favorably the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF MARY JANE VEAZIE.

Mr. GEDDES, from the Committee on War Claims, reported back with amendments the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STEPHEN G. DORSEY.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back adversely the petition of Stephen G. Dorsey, accompanied with a report of the Court of Claims in the case of Stephen G. Dorsey *vs.* The United States; which was laid on the table, and the report of the committee, together with the accompanying report of the Court of Claims, ordered to be printed.

SAMUEL CONES.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with amendments the bill (H. R. 3276) for the relief of Samuel Cones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES M. MASON.

Mr. PRICE, from the Committee on Claims, reported, as a substitute for H. R. 3824, a bill (H. R. 7969) for the relief of James M. Mason; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed; and, by unanimous consent, the bill H. R. 3824 was laid on the table.

ANN ANNIS.

Mr. MORGAN, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 2906) for the relief of Ann Annis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TENTH CENSUS.

Mr. COX, of New York, by unanimous consent, submitted from the Select Committee on the Tenth Census a report upon the bill (H. R. 4843) to further carry out an act entitled "An act to provide for the taking of the tenth and subsequent censuses," approved March 3, 1879; when the report was ordered to be printed, and recommitted.

FORFEITURE OF RAILROAD LAND GRANT IN OREGON.

Mr. COBB. I ask unanimous consent that the bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon be taken from the Speaker's table for non-concurrence in the amendments of the Senate.

There being no objection, the bill was taken from the Speaker's table, and the House proceeded to consider the same.

Mr. COBB. I move that the House non-concur in the amendment of the Senate, and ask a conference.

The motion was agreed to.

The SPEAKER. The Chair will announce hereafter the conferees on the part of the House.

MARY A. GRENNON.

Mr. PARKER. I ask unanimous consent that a bill reported adversely from the Committee on Invalid Pensions and laid on the table may be placed on the Private Calendar. It is the bill (H. R. 3735) for the relief of Mary A. Grennon.

The SPEAKER. Was the bill reported this morning?

Mr. PARKER. No, sir; it was reported heretofore, when I was not present, so that I did not know of its being reported adversely.

The SPEAKER. The Chair will direct that the bill be placed on the Calendar of the Committee of the Whole House. Any gentleman has the right to have placed on the Calendar a bill reported adversely. Such bills are laid on the table only by unanimous consent.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House resolve itself into Committee of the Whole for the purpose of proceeding with business on the Private Calendar.

Mr. TOWNSHEND. Mr. Speaker, I wish to know whether I can raise the question of consideration as between the Mexican pension bill and the motion of the gentleman from Tennessee [Mr. McMILLIN].

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] can oppose the motion made by the gentleman from Tennessee to go into Committee of the Whole House; but there can be no question of consideration raised against such a motion.

Mr. TOWNSHEND. Then I hope the motion will be voted down, in order that we may take up the Mexican pension bill to-day.

The SPEAKER. The Chair will state to the gentleman that this is private bill day.

Mr. TOWNSHEND. But a majority vote, as I understand, will enable us to take up the Mexican pension bill.

The question being taken on the motion of Mr. McMILLIN, there were—ayes 107, nays 15.

Mr. TOWNSHEND. I make the point that no quorum has voted.

Mr. McMILLIN. I hope the gentleman will not press that point. This day is assigned by the rules to private business; and if any business of that sort is to be done this session, it must be done now.

The SPEAKER. The question is not debatable.

Mr. McMILLIN. I know that, Mr. Speaker, but believed the House would indulge me to make this statement.

Mr. TOWNSHEND. If we can have a vote upon this question by yea and nay, I will withdraw the point as to quorum. I want gentlemen to go on record as to whether they are in favor of the Mexican pension bill or not.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. TOWNSHEND. I make the proposition that we have the yeas and nays.

The SPEAKER. No one has demanded the yeas and nays.

Mr. HEWITT, of Alabama. We would have no objection to going on record upon the Mexican pension bill; but the bill to which the gentleman from Illinois [Mr. TOWNSHEND] refers is not the Mexican pension bill, but the Senate's amendments, which are against the Mexican pensions.

The SPEAKER appointed as tellers Mr. McMILLIN and Mr. TOWNSHEND.

[The tellers proceeded to take their places, but some disagreement arose between them as to the places they should respectively occupy.]

Mr. KELLEY. Mr. Speaker, I understand that tellers have been appointed; but members who desire to vote can not find them. [Laughter.]

Mr. McMILLIN. I have taken the position usually assigned to those appointed to act as tellers, and am ready to act as teller.

Mr. TOWNSHEND. And so have I.

Mr. BROWNE, of Indiana. If the tellers can not agree upon their respective places——

Mr. KELLEY. I ask that, as tellers have been ordered, the gentlemen may take their places, so that the vote may be counted. If they cannot find their positions, I ask——

Mr. McMILLIN. I am occupying the accustomed position for the tellers. I insist that the gentleman from Illinois ought not to undertake to change the method that has been adopted here for nearly a century.

Mr. TOWNSHEND. I ask that the Speaker appoint some other member to take my place.

The SPEAKER. The Chair appoints as a teller the gentleman from Indiana [Mr. HOLMAN].

Mr. TOWNSHEND. I shall ask for the yeas and nays.

The SPEAKER. Does the gentleman demand them?

Mr. TOWNSHEND. I will demand the yeas and nays if I can do so at this time without waiving the right of insisting on the point that there is no quorum.

The SPEAKER. The gentleman's proposition can not be entertained, as the tellers have not yet reported.

The tellers reported—ayes 137, noes 34.

Mr. TOWNSHEND. I demand the yeas and nays. I have made an effort to see how many friends there are of the Mexican pension bill, and I see only thirteen on the other side.

On the demand for the yeas and nays there were—ayes 23.

Mr. HOLMAN. Count the other side.

The other side was counted; and there were—noes 122.

Mr. TOWNSHEND. No quorum.

The SPEAKER. No quorum is required for the yeas and nays and one-fifth of those present have not voted for them, and they are therefore not ordered. On the motion of the gentleman from Tennessee [Mr. McMILLIN] there were ayes 127, noes 34. So the ayes have it, and the motion is agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

HIRAM JOHNSON.

The CHAIRMAN. The first business on the Private Calendar is the bill (H. R. 1477) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. TALBOTT. I move that all the bills upon the Private Calendar be set aside or informally passed over until we reach the bill (H. R. 2158) for the benefit of John C. Herndon.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. GEDDES. I object. In reference to the Hiram Johnson bill, I think it is improperly on the Calendar. It was disposed of at the last session of the House by a reference of it to the Committee on War Claims, where it is now pending.

Mr. McMILLIN. I think the gentleman from Ohio on examination of the RECORD will find there was an agreement that this bill should retain its place on the Calendar, and that is how it came to be here, so that when it was reported back it should not go to the heel of the Calendar.

Mr. GEDDES. That may be the case.

Mr. McMILLIN. I am not sure, as I speak from a memory six months old. I ask that the bill be passed over informally.

There was no objection, and it was ordered accordingly.

PRIVATE LAND CLAIM.

The next business on the Private Calendar was the bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico.

Mr. McMILLIN. The gentleman from Kentucky [Mr. HALSELL] who has reported this bill has requested me to move that it be passed over informally, and I make that motion.

There was no objection, and it was ordered accordingly.

INDIAN APPROPRIATION BILL.

The committee informally rose; and the Speaker having resumed the chair, Mr. ELLIS, from the Committee on Appropriations, reported a bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for the fulfillment of treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. ELLIS. I give notice that I shall ask for its consideration tomorrow.

WILLIAM H. DAVIS.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 4382) for the relief of William H. Davis.

The bill was read, as follows:

Be it enacted, &c., That the sum of $3,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to indemnify William H. Davis for the destruction of his wharf and warehouse at San Diego, in the State of California, by the United States troops, during the winter of 1861 and 1862. That the sum hereby appropriated is made immediately available.

The report (by Mr. GEDDES) was read, as follows:

The claimant in this case asks to be allowed and paid the sum of $60,000 to indemnify him for the destruction of his wharf and warehouse at San Diego, in the State of California, by United States troops, during the winter of 1861 and 1862. He avers that in the year of 1861 and 1862 he was the lawful owner and in the actual peaceable possession of said property, in what was then known as the New San Diego. The wharf was constructed of wood, 550 feet in length and 50 feet in width, with an addition adjoining the same at right angles 225 feet in length, the whole being constructed of piles of redwood ot from 30 to 75 feet in length, and from 15 to 28 inches in diameter, driven into the soil six feet apart, and braced together with plank, and covered with imported spruce plank. The warehouse stood contiguous to and was used in connection with the said wharf for the storage of goods. It was constructed of heavy timbers and planks, and being 50 feet in length by 32 feet in width, and two stories high. The alleged cost of the construction of said property was the sum of $60,000; that at the time the same was destroyed by the United States troops it was in a good state of preservation, as he claims, and worth the sum of $60,000.

It is further claimed that said property was appropriated and rendered useless by the United States troops in active service, under the command of Maj. G. O. Haller and other officers; that the material of said wharf was used for fuel, building, and for other purposes by said soldiers.

It is further claimed that it was the only wharf then existing at said town of San Diego; that from the time of its construction in 1851 until its destruction in 1861 the claimant had received wharfage affording a net average profit of $150 per month.

This claim was first presented to Congress in 1872, where it has been upon the files of the committees of the two Houses without action until the Forty-fifth Congress, when it was reported favorably by the Claims Committee of the Senate and the Committee on War Claims of the House. It was not reached on the Calendar of Private Business, and was again re-referred in the Forty-sixth Congress, when an act was passed approved March 3, 1881, as follows:

"An act for the relief of William H. Davis.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged taking by the United States authorities, for the use of the United States troops, during the years 1861 and 1862, of a certain wharf and warehouse property, formerly situated in San Diego, Cal., alleged to have been the property of William H. Davis, of Oakland, Cal., and to have been used by troops of the United States for fuel; such investigation to extend to the title of the property and the incumbrances thereon the status of the owner, whether loyal or not, the value of the property destroyed, the circumstances of the destruction, and by whose direction, authority, or permission it was destroyed, and the reasons for the neglect to give notice to the War Department at or soon after the destruction occurred; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

"Approved March 3, 1881."

In pursuance of the above act the Secretary of War authorized and directed an investigation of said claim by the Quartermaster's Department of the United States Army, and report the conclusions to which the Quartermaster-General would arrive after consideration of the evidence upon the questions submitted. The case was referred by the War Department to the Quartermaster-General's Department, April 5, 1881, and immediately re-referred to Colonel Saxton for investigation. A thorough investigation followed and was returned by him to the Quartermaster's Department November 12, 1881, as follows:

"PHILADELPHIA, PA., *November* 12, 1881.

"GENERAL: I have the honor to return herewith your reference of the 8th of April, 1881, directing me to investigate, in compliance with private act No. 106 [chap. 200], approved March 3, 1881, the claim of William H. Davis, of Oakland, Cal., *vs.* The United States, for use of certain wharf and warehouse property at San Diego, Cal., alleged to have been used by troops of the United States in 1861-'62.

"No papers connected with the claim were referred to me, but putting myself in communication with Mr. Davis, he placed at my disposal copies of his original petition to Congress and affidavits before Congress, and also presented new evidence in the case, as well as other papers bearing upon the subject.

"Learning from some articles published in the San Francisco Chronicle early in 1880 that the claim had been denounced a fraud, I called upon the editor of that journal, and obtained from him a list of persons whose evidence he advised taking. He also gave me the address of the writer of the articles in his paper against the claim, Mr. B. F. Catlin, a clerk in the San Francisco naval office. Messrs. Catlin and Davis also furnished me the names of a number of persons who were supposed to have knowledge of the facts in the case, and on May 18, 1881, I sent to each of these parties, whom I could not see personally, a letter (copy inclosed, marked 1), requesting their testimony in the form of an affidavit as to their knowledge of the matter. I received but very few responses to this letter.

"Desiring to verify the testimony of as many of the witnesses who had already testified as possible, and to place the evidence I could gather bearing upon the case in a convenient form for reference, I constituted myself a committee of investigation, employing one of my clerks as recorder. I held sessions at San Francisco, on May 2, 7, 8, and 9; at San Diego, June 7, 8, and 9; and again at San Francisco July 21, August 25, September 1, 17, and 28, 1881.

"In the case of all the previous witnesses who were yet alive, whose presence could be obtained, they verified their previous testimony, except in a few unimportant instances, where slight corrections were made.

"There came also before the commission other witnesses, testifying both for and against the claim.

"The fact that the witnesses were so widely scattered has made the investigation occupy a period of several months, but it was at last concluded on the 28th of September, 1881. At this time Surgeon Bally, U. S. A., having ordered a change of climate as necessary to my recovery from a severe attack of rheumatism, I went on leave of absence, and this has delayed my final report until the present time.

"I inclose herewith a full report of the proceedings of the commission (see inclosure marked 2), together with affidavits pro and con (marked Exhibits A to W, inclusive). I inclose also a tracing made in my office of a map of San Diego, on file in the engineer's office, headquarters Military Division of the Pacific. This map shows the location of Davis's wharf and warehouse, as well as the location of the block now occupied by the United States military barracks and the Government wharf site, which were given by Mr. Davis to the United States. It does not, however, show the location of another block given by Mr. Davis to the United States, and which is now used as a quartermaster's corral and stables. (See inclosure marked 3.)

"In addition to my report of the proceedings of the commission of investigation, I submit the following as replies to the questions embraced in the act of relief, answering them *seriatim*:

"1. The title to the property and the incumbrances thereon?

"The title is not questioned. It is partially proved by the testimony taken, and the records of the assessor's office at San Diego, which I saw, showed the property to have been assessed in Mr. Davis's name for taxes for several years past before 1861.

"2. The status of the owner, whether loyal or not?

"The testimony is full and explicit on this point, and I have not heard Mr. Davis's loyalty questioned.

"3. The value of the property destroyed?

"The testimony shows the property to have been worth from sixty to eighty thousand dollars when built, and for some time thereafter, but it is greatly at variance as to its value in the winter of 1861-'62.

"4. The circumstances of the destruction and by whose direction or permission it was destroyed?

"The evidence on this point is voluminous and is very contradictory. A large number of witnesses, including several ex-Army officials, testify to the destruction of the property; while others, also including ex-officers and soldiers, testify to the reverse. A charitable explanation of this discrepancy in the evidence is that men's memories are not always to be relied upon after a lapse of eighteen years.

"5. The reasons for the neglect to give notice to the War Department at the time or soon after the destruction occurred?

"This point is fully answered by the testimony taken.

"The sessions of the commission of investigation were open, and the most of the testimony was given orally, and recorded by my clerk. Mr. Davis did not employ a clerk or stenographer, and shortly before the labors of the commission closed, his attorney, Mr. Metcalfe, asked me to furnish him, at his expense, a copy of the testimony taken and of all the affidavits printed, in order that he might make up his argument in the case. I was not certain that I had the authority to grant his request, and advised him to apply to the War Department for permission, which he did. In the mean time I allowed him to read my record and complete his argument in my office, and to have the paper printed under the supervision of my chief clerk, no copies to be delivered until the Secretary of War should give the necessary authority. This has since been given, and printed copies similar to the one inclosed have been furnished the claimant's attorney, to which he has appended his own argument. I inclose this in addition as convenient for reference in making up your report on the case. In conducting this examination it has been my earnest endeavor to collect all the evidence possible bearing on the case, and to put it in such a form as to enable the Department to come to a correct judgment.

"In the hope that I have been in a measure successful,

"I am, very respectfully, your obedient servant,

"RUFUS SAXTON,

"*Deputy Quartermaster-General,*

Chief Quartermaster Military Division of the Pacific.

"The QUARTERMASTER-GENERAL, U. S. A."

On the above report of Col. Rufus Saxton, as above given, the Quartermaster-General made a report December 5, 1881, in which, among other things, he says:

"As a result of the investigation, I am of opinion that—

"First. The title of the property is in W. H. Davis, the claimant. No incumbrances thereon have been discovered.

"Second. The owner was loyal.

"Third. The value of the lumber taken for fuel did not exceed $3,000 as material.

"Fourth. There was an unusual rainfall in December, 1861, and January, 1862, which probably rendered it difficult to haul fuel for the garrison, and this led the garrison to use a portion of the material on the wharf for fuel. The wharf being thus injured, they may have used a small quantity also for fencing, and one or two shallow wells may have been supplied with wooden curbs from the same source.

"Fifth. The commanding officers, Capts. Thomas E. Roberts and W. F. French, California Volunteers, were present, and as the wharf material could not have been taken up and burned in the barracks and quarters without their knowledge, they must be held accountable for whatever depredation was actually committed by the troops.

"Sixth. The reasons for not notifying the War Department at or soon after the injury was done are to be found in the impoverished condition of the claimant; his absence at a long distance from San Diego, the slow communication by mail between San Diego and that part of California in which he then resided, and also in the fact that the War Department when the mischief was done had no power to relieve him by payment of damages."

Thereupon the Secretary of War reported to Congress as follows:

"WAR DEPARTMENT,
"*Washington City, December* 13, 1881.

"SIR: In pursuance of the act of Congress approved March 3, 1881, entitled "An act for the relief of William H. Davis," I have the honor to report that the investigation thereby directed to be made has been completed, and that the result thereof is embodied in a report of the Quartermaster-General of the United States Army, a copy of which is herewith transmitted, together with copies of the papers on which it is based.

"In further pursuance of the above-mentioned act, I have the honor to recommend that the authority of Congress be given for the payment to said William H. Davis of the sum of $3,000, with interest thereon from the 1st day of February, 1862, at the rate of 6 per cent. per annum, in full satisfaction of his claim arising out of the matters referred to in the said act.

"Very respectfully, your obedient servant,
"ROBERT T. LINCOLN,
"*Secretary of War.*

"The SPEAKER *of the House of Representatives.*"

The principal and most difficult question involved in this case from the beginning has been the measure of compensation to which the claimant was entitled. The unsatisfactory character of the testimony submitted prior to the act of March 3, 1881, led the Committee on War Claims to submit to this House a report which induced said legislation. In that report, Mr. Colwell, among other things, says:

"Other proof as to their value is wanting, and your committee is of opinion that even if affidavits of experts were presented it would not be entirely fair to the Government to have this point left entirely to *ex parte* testimony. They have thought better to let the damages be assessed by a sworn officer of the Government; and as the facilities at the command of the Secretary of War for determining this point are better and can be applied more readily than perhaps those of any of the officers of the Government, they report in favor of leaving this task to him."

Congress having submitted to the War Department for investigation and to report on all the questions involved in this case, your committee, after a careful examination of the evidence taken and the reports made thereon, see no reason for overruling the findings submitted. Your committee therefore recommend the passage of the accompanying substitute for the bill (H. R. 107) filed herein.

Mr. GLASCOCK. I move a substitute for the pending bill.

The Clerk read as follows:

Strike out and insert as follows:

"SECTION 1. That the claim of William H. Davis, of Oakland, Cal., for the alleged destruction of his wharf and warehouse at San Diego, in said State, during the winter of 1861–'62, by Union troops, be, and the same is hereby, referred to the Court of Claims for adjudication, with jurisdiction to ascertain and render judgment for the actual value only of the aforesaid property so destroyed, without interest: *Provided*, That the testimony taken pursuant to an act of Congress entitled 'An act for the relief of William H. Davis,' approved March 3, 1881, or filed before the commissioner, Col. Rufus Saxton, designated to make the investigation directed by said act, or true copies of said testimony, may be used on trial before the Court of Claims by either party, together with such competent evidence as may be introduced by either party: *And provided further*, That the said Davis shall begin his action to recover said claim within one year from the passage of this act."

Mr. GLASCOCK. Mr. Chairman, as the report of the committee, read at the Clerk's desk, has been so full in this statement pertaining to the history of this matter, I have no desire to detain the House by making any unnecessary or tedious relation of the facts involved. However, as these reports as read by the Clerk are rarely listened to by members I desire to make a brief statement, after which I am satisfied the merits of this case will become so apparent to the House that the modest measure we ask will be adopted—that is, reference to the Court of Claims, so it may be determined by a competent tribunal.

In 1850–'51 a wharf was constructed at the town of San Deigo, in California, by the claimant, William H. Davis. In 1861–'62 the testimony taken, to which I will subsequently refer, shows that that wharf was in good condition. The testimony is conflicting, I will admit, but the finding of Col. Rufus Saxton was that the wharf was in good condition at that time, not having suffered at that time from the toredo or other destroying insect. In 1861–'62 we had in California an unexampled bad winter. Rains fell. San Diego was practically cut off from the surrounding country. No teams could be run over the roads, as the horses would mire. No fuel could be obtained for the United States military post established at that place, and they were compelled to rely, I will state in passing, upon wood hauled a distance of twenty or thirty miles to afford fuel for the post. In that condition of affairs, fuel being needed, the soldiers, under and by, I submit, the instructions of their superior officers, acting upon a military necessity, I admit, took a portion of this wharf and consumed it for fuel, besides that which went into the making of fences and other Government improvements required about the post. I will admit also that the testimony is conflicting as to the amount of this wharf taken, and the warehouse, for there is a warehouse as well as a wharf embraced in the claim; but the evidence of Col. Rufus Saxton shows the work of demolition was commenced by the United States troops, and the testimony further shows that one hundred feet at least of that wharf were removed during the time when one officer was in charge of that post.

Now it is a well-known fact that when a work of demolition of this kind is commenced as a military necessity—I will admit under and by the advice and with the consent of those in charge of that post—I say as soon as this work is once begun it does not take very long for the ordinary people of the town, the laymen, to find some authority for the further demolition of the structure. Be this as it may, I submit that the Government has determined its liability in the findings adopted by the Secretary of War, and by the report rendered by him. The Secretary of War finds in his report that $3,000 worth of damage has been done to the property of this claimant, and he reports that as the extent of the liability of the United States, as admitted damages for the work of demolition. It makes no difference to us whether or not the wharf had been entirely demolished or the warehouse torn down by the authority of the United States. When its authority is once admitted, then we say this House can not refuse at least to go behind that admission on the part of the United States and ascertain the full extent of the damages.

That this was a valuable improvement is shown conclusively by the testimony of all the witnesses in the case. That it cost from sixty to eighty thousand dollars to construct it is admitted. It was bringing in a yearly revenue of $1,800 to its owner, which at a 6 per cent. rate would represent a capitalized value of $30,000 at least.

When this large and valuable improvement was attached, when the first work of demolition was begun by the authority of the soldiers of the United States, when that is admitted, we say that this House can not go behind that evidence, can not claim that the United States was not liable, or that that evidence is so conflicting that the citizen whose property has been so destroyed should be allowed only the smallest or minimum damages. We submit, sir, if the testimony is gone through with by every member of this House, if gentlemen will sit down and read it carefully, there is not a well-minded man on the floor of the House who will not come to the conclusion that Mr. Davis should have the full amount of his claim, $60,000 at least.

The committee of the Forty-seventh Congress, by whom the matter was passed upon, rendered a report through Mr. HOUK, the chairman of that committee, and advocated the payment of $20,000 as an act of partial justice at least. If this committee had presented a report giving $15,000 or $20,000 there would have been no opposition on our part, for though we believe the full amount would be just, we know how tedious matters are of this sort before this and its kindred body. But, sir, this matter being in this condition, this report having been rendered by Mr. HOUK in the Forty-seventh Congress, and having been rendered in the present case by the present Committee on War Claims, and the House, seeing the difference, on the statement of facts, between the conclusions arrived at by the present committee and that of the last House, is as well prepared to pass upon it as we ourselves who have examined it so carefully. We submit that the Secretary of War, in rendering his report advocating the payment of $3,000 as an adequate measure of damages for the destruction of this property, is entirely wrong in the basis upon which he founds his opinion. They have taken the claim and assessed the property as a claim for so much cord-wood; and valuable property, which cost from $60,000 to $80,000, which was bringing in a yearly rental of $1,800, has been destroyed by the instrumentality of the United States Government, and the damages in the case are fixed on the same basis as if it had been so much cord-wood consumed by the United States post at that time. If they had taken into consideration the value of the franchise, the value of the property, of the investment, and then arrived at a conclusion, there would have been some justice in the matter. But evidently that has not been done; and in support of that I desire to read a few words from the report of the Quartermaster-General, M. C. Meigs, rendered to the Secretary of War. He says:

The wharf was so important to the town, being apparently at the time and for many years the only wharf in its harbor, that any injury done to it by tearing up its roadway and using it for fuel or for any other purpose would make a great impression upon the town's people, and they would be liable to exaggerate the injury done.

The testimony shows that the wharf was entirely dismantled in course of time, the greater part of the injury having been done in December and January:

As the quantity of fuel needed for a month's supply appears to have been about twenty-two cords, which is equal to 33,792 feet, board measure, of timber, it appears that if the troops depended entirely upon this source of supply for their fuel during the month of December and one-half the month of January, they would have used 46,688 feet of timber, board measure.

Of 3-inch plank covering the wharf, I found that there were in place, if the covering was all there, 204,500 feet, board measure, and therefore taking up one-fifth of this covering would have furnished all the fuel that was probably needed in that time.

Soldiers do not undertake severe labor for purposes of wanton destruction, and the least laborious method of getting fuel from the wharf was to take up the planking. I do not, therefore, think it probable that any great injury was done by them to the capping, bracing, and piles, all of heavy timber, and more securely fastened than the plank covering and more difficult to take away.

The testimony shows that the piles were sawn off even with the water.

The removal of one-fifth of the plank covering would have made a part of the wharf impassable for carts and horses. But it would not have destroyed the wharf.

At $30 per M, 46,688 feet of plank cost only $1,400. Its cost laid on the wharf at a place where skilled labor was scarce and costly may have been $2,800, and I think that the value of the material taken from the wharf by the troops for fuel can not have exceeded this sum. The wharf has disappeared, except some piles.

"I think," he says, "the value can not have exceeded this sum arrived at in this manner." I submit that no court or competent tribunal could base a conclusion of that sort upon competent evidence. There is no conclusion arrived at. There is a mere hypothesis, a guess, that the same may reach $2,800, and therefore $3,000 is given as being a large and munificent sum for this Government to tender for a total damage and destruction done to a building that cost from $60,000 to $80,000, and which was bringing in $1,800 a year revenue.

It can not be seen, Mr. Chairman, that this report is based as he has stated it. The measure of damages is board measure for a valuable franchise, so many dollars per thousand feet for a valuable wharf and warehouse. Why, sir, suppose a piano had been destroyed and used for fuel under those circumstances, the honorable Secretary would have given so many dollars for board measure for that valuable instrument. I submit it is all wrong and that this House should not countenance anything of that sort.

In conclusion, I want to state that we do not ask this House to give any $60,000 now. We do not ask this House to give any $20,000, as was advocated by the last Committee on War Claims in the Forty-seventh Congress. All we ask this House to do in justice to this man is to send the case to the Court of Claims and let it be adjudicated by a competent tribunal upon competent evidence introduced before that tribunal. That is the full extent of our claim. We say let the Court of Claims take the claim; let the testimony already collected under the law of Congress under which Colonel Saxton acted as commissioner and before whom this evidence was collected, let that evidence be considered as legal evidence before this court, and let the parties have the additional privilege of introducing any other competent testimony that they may require. And further we place a limitation upon this; we say that unless Mr. Davis prosecutes his claim before that tribunal within one year from the time of the passage of this act he shall be barred from all further claim for relief.

I reserve the balance of my time.

Mr. GEDDES. In submitting a few words in vindication of the action of the Committee on War Claims in this case, I think it proper to advert briefly in the first place to the order of proceeding in the case before I make any reference to its merits.

The damages alleged to have been sustained by this claimant are said to have occurred in the winter of 1861–'62. No claim was made by him to any department of the Government; and no appeal was ever made by him to Congress for remuneration until, perhaps, the Forty-sixth Congress, or it may have been a little earlier, certainly not until 1872, ten years after the damage is said to have accrued to him.

He then laid his claim before Congress, and on investigation of it in the War Claims Committee I find that committee concluded that the case was imperfectly prepared; that there was no such evidence, either *ex parte* or otherwise, before them as to warrant any finding of the committee. And the Committee on War Claims of this House in the Forty-sixth Congress, appreciating manifestly that the case was thus imperfectly prepared, made a report. I desire to read a single paragraph from that report as indicating the considerations that induced a reference of the case to the War Department for investigation. In that report they say:

They have thought better to let the damages be assessed by a sworn officer of the Government; and as the facilities at the command of the Secretary of War for determining this point are better, and can be applied more readily than perhaps those of any other officers of the Government, they report in favor of leaving this task to him.

Thereupon an act was passed based upon that report, approved March 3, 1881, referring the subject-matter of this claim to the War Department for investigation. That investigation followed, and was full, complete, and thorough. The officers of the Government, visiting San Francisco and San Diego and the homes of the witnesses, took a large amount of testimony, such proof as the parties representing the Government and representing the claimant had within their power and saw proper to submit.

I will read a single paragraph from the report based on that thorough investigation, and which indicates the thoroughness of the investigation:

In conducting this examination it has been my earnest endeavor to collect all the evidence possible bearing on the case, and to put it in such a form as to enable the Department to come to a correct judgment.

That certainly was done. There will be found here a mass of testimony exceedingly voluminous. It would be unjustifiable to undertake to repeat it here, or any portion of it. But upon that this report of the War Department was made.

Now, we come to the report itself based upon the investigation of Colonel Saxton, who represented the War Department in the case. The War Department recommend, as has already been stated, the payment of $3,000. I am not going to stop now to discuss whether they overrate or underrate the damages sustained by this party. I am not here to discuss the question of damages, or to controvert the claim made by those representing this claimant on the floor of the House.

I only say that a reinvestigation of this case, although by a judicial tribunal, will not perhaps afford any more thorough opportunity to get at the facts than has already been had. I will submit one or two statements in regard to the merits of this case in order to justify the resistance which our committee is now making to a reference of the case to the Court of Claims. A proposition to refer a claim of this kind always impresses me favorably. I always feel that this House as a body does not constitute the safest tribunal for the investigation of judicial questions or the ascertainment of matters of fact upon which the law is to be applied. I know the difficulty of obtaining the attention of gentlemen representing other sections of the country and overburdened with other matters of importance to each individual claim as it comes up, and therefore I always feel willing to refer these cases to the Court of Claims wherever it can be safely done. I ought to say at this point that, under the Bowman act, committees can refer cases to the Court of Claims; this House may refer cases to the Court of Claims under the Bowman act; and so far as my observation and experience go our committees are very liberal in that respect. Many cases have been referred from the Committee on War Claims, and some of them are now being decided by the Court of Claims and being reported back to the committee. So that, so far as regards a reference of these cases to the Court of Claims, there is abundant opportunity for it and great liberality in that direction; but the Committee on War Claims did not consider this to be a proper case for reference at this stage.

In justification of the action of the committee, let me read from the report of Colonel Saxton to the War Department. Under the fourth proposition he says:

The evidence on this point as to the destruction of the property is very voluminous and very unsatisfactory. A large number of witnesses, including several ex-Army officers, testify to the destruction of the property, while others, also including ex-officers and soldiers, testify to the reverse. A charitable explanation of this discrepancy in the evidence is that men's memories are not always to be relied upon after a lapse of eighteen years.

I think he might very pertinently have added there that the weight of testimony often turns upon the opportunity that the witnesses have had to obtain knowledge of the facts to which they testify. The testimony of an Army officer who was in charge at the time, who occupied these grounds in the winter of 1861–'62, and who had abundant opportunity to know the extent of the damage done, if any damage was done, would be entitled to more weight as a witness in any tribunal than the testimony of a mere casual observer, having a more imperfect opportunity to know the facts. To illustrate this view, let me read a statement which appears in a report in regard to the testimony: November 28, 1881, Colonel Saxton forwards for filing with his report two affidavits made by Pascal Margry and John Baker, dated, respectively, October 28 and November 1, 1881. In these affidavits the affiants substantially testify that in January, 1862, they were members of Company D, Fifth California Infantry; that they went with their company to San Diego and were stationed there about ten months from January, 1862—covering the very period within which it is claimed this damage occurred.

They further state that when they arrived at that place there was an old wharf, in a dilapidated condition, near the buildings occupied by the troops, and that while they were there part of it fell down from natural decay and was carried out to sea by the tide. They further state that neither the wharf nor any part of it was destroyed by United States troops; that a quantity of wood was on hand, corded up and in the quartermaster's charge, when they came to the post, which wood was used by the troops as fuel, and that, moreover, a quantity of wood for the use of the garrison was cut on the island near San Diego and boated over by the troops for their use.

Now that is an illustration of the character of the testimony in this case, which abundantly justifies the statement of Colonel Saxton that, after full and liberal investigation as regards the rights of this claimant, it was found that there was a serious and irreconcilable conflict in the testimony in the case. Acting, doubtless, upon the well-known legal rule that a claim like this need not be established beyond a reasonable doubt, but that a mere preponderance of evidence in favor of the claim ought to prevail, not merely gave this claimant the benefit of the doubt, but found, upon the preponderance of evidence, that some damage had been sustained, and recommended $3,000 as the proper amount of compensation, and that amount is allowed by the Quartermaster and by the Secretary of War. I beg the attention of the committee to the fact that it is proposed that this case shall be heard in the Court of Claims on this same testimony. The claimant would hardly desire a reinvestigation of the case and the taking of the testimony in chief and on cross-examination according to the rules of the court to which it is to be sent. Doubtless, also, many of the witnesses are dead, some of them beyond the reach of the Government, many of them probably beyond the reach of this claimant; so that to get this case to the Court of Claims it is necessary to override the ordinary practice in referring

cases to that court, and to ask that this case shall be heard there upon this same testimony, with all its uncertainties, with all its doubts, with all its indistinctness, that was before the War Department and before the Committee on War Claims.

Now, I submit that that may be an exceedingly dangerous thing to the Government, or possibly it may be exceedingly dangerous to this claimant. It is a question of the thoroughness of the investigation. If our committee, or if this House, should, under the Bowman act, refer a case to the Court of Claims, that court will not consider the *ex parte* testimony that is to be found in the case; the court will not take up the case and base its decision upon an *ex parte* showing; but the case will be thoroughly prepared by the examination and cross-examination of witnesses in the way which has been found to be most effective in eliciting truth, in the interest of claimants as well as for the protection of the Government.

Mr. JOSEPH D. TAYLOR. I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GEDDES] yield for a question?

Mr. GEDDES. I do.

Mr. JOSEPH D. TAYLOR. Was this property in charge of any person? Was there anybody in possession of it and caring for it at the time?

Mr. GEDDES. No, sir; I believe not—though I am not certain, and I desire to be very careful in any statement that I make here. My friend from California [Mr. GLASCOCK], representing the claimant, will not state, I think, that the property was in possession of any one. It had been abandoned.

Mr. GLASCOCK. We deny that it had been abandoned.

Mr. GEDDES. They deny that; but the property was not in actual use, I believe, during the winter of 1861–'62.

Mr. GLASCOCK. It was in actual use.

Mr. JOSEPH D. TAYLOR. Is the franchise of any value?

Mr. GLASCOCK. Mr. Davis, the owner of the property, was not there at the time; he was somewhere in the northern part of the State, and all this transaction occurred in his absence. The franchise was still in Mr. Davis.

Mr. JOSEPH D. TAYLOR. My question was whether the franchise was of any value.

Mr. GLASCOCK. It was, as a matter of course. The testimony in the case shows that.

Mr. GEDDES. Let me say, as bearing upon the point raised by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], that, judging from what I have learned in regard to this case, at a particular time the franchise was perhaps of value to the claimant, but after the wharf went into decay and was no longer used, other parties built a wharf adjacent to it and this became comparatively worthless. And the claimant gives that as an additional reason why he did not return to his property and guard it.

I believe that I have said all that I feel called upon to say in vindication of the action of the Committee on War Claims. It is not asserted that there is any newly discovered evidence in the case or that any evidence not within the reach of the party when this matter was investigated has since been found and can be produced.

I am not compelled, therefore, to say that it would not be such evidence even then as would warrant opening up the case, for I have not heard that there is any claim of that kind. I have supposed that it is sought to readjudicate this case in the Court of Claims substantially upon the testimony taken by Colonel Saxton and submitted to the War Department, and if we assent to a reference of the case to the Court of Claims, it must certainly be because we conclude it is safer that such a tribunal should pass upon this claim than that it should be finally determined by us or by the War Department, or by such other tribunals as have had connection with it.

Mr. HISCOCK. I desire to ask whether the War Department has approved this claim.

Mr. GEDDES. Yes, sir.

Mr. GLASCOCK. The War Department has approved it to the extent of allowing $3,000 and interest.

Mr. GEDDES. Perhaps the earlier statements in this debate were not heard by the gentleman from New York; and I will say that this is a favorable report from the committee based upon the investigation of the War Department, and allowing the amount allowed by that Department.

Mr. GLASCOCK. But without the interest allowed by the Department.

Mr. GEDDES. Yes, sir; we allow no interest; that is never done here in any claim. Now, from the report of the committee, the gentlemen representing the interests of this claimant dissent, thinking that a larger amount should be allowed; and they now ask action on the substitute proposing to refer the case to the Court of Claims.

Mr. HISCOCK. I wish to ask a single question. In sending this case to the Court of Claims do you propose to send it there upon a different rule as to the measure of damage from that adopted by the War Department, or do you limit the Court of Claims to the amount found due by the War Department?

Mr. GLASCOCK. We propose that the court shall allow an amount corresponding with the injury actually done, if any.

Mr. HISCOCK. But a certain measure of damages was adopted in this case by the War Department in determining the amount which should be allowed.

Mr. GLASCOCK. We do not endeavor to put any limitation upon that court. Assuming it to be a competent tribunal, we simply say to the court——

Mr. GEDDES. I do not understand that the substitute proposes any new measure of damages. It simply refers the case to the Court of Claims that the amount of the damage may be ascertained.

Mr. HISCOCK. But there is a question in this case as to the measure of damages.

Mr. STORM. Yes, sir.

Mr. GEDDES. That is the sole question.

Mr. STORM. The War Department has adopted the rule that where lumber has been taken and used for fuel, the Department will not allow for it on the basis of lumber, but will only make compensation upon the basis of fuel. Of course this basis of estimation is admittedly incorrect and unjust. If the case were in the Court of Claims, I take it the court would not be bound by this practice of the Quartermaster's Department of only allowing for lumber as cordwood if it was consumed by the Army as fuel. If the case were in the Court of Claims, the court would have to do justice between the parties and allow the actual amount of damage.

Mr. HISCOCK. What would probably be the difference in the amount?

Mr. STORM. The gentleman can imagine what would be the difference between allowing for red cedar, as cord-wood at $4 a cord, and allowing the value as lumber sawed into planks.

Mr. HISCOCK. Has there been an investigation, so that this House can be apprised——

Mr. GEDDES. Oh, yes; but only in this way: it must be borne in mind that there is a serious conflict in the evidence, first, as to whether the Government did any damage——

Mr. GLASCOCK. That is admitted.

Mr. GEDDES. That is found by the report, based upon the preponderance of evidence, I admit. It does not appear in the testimony or in the report that the War Department made its estimate of damages on the theory suggested by my colleague on the committee [Mr. STORM]. Our understanding in the committee was that the Department adopted in this case the ordinary method of making their estimates for damages. I think that if gentlemen had an opportunity to examine the evidence in this case they would find that the War Department had no special rule upon which to make that estimate; that it made in this case a kind of liberal allowance based upon all the evidence in favor of a citizen against the Government, finding, first, that there was some damage, and then guessing as to the amount upon the basis of the proof, and saying, "We will give the claimant $3,000." That is all there is of it.

Mr. GLASCOCK rose.

Mr. SPRIGGS. What is the amount claimed?

Mr. GEDDES. The amount reported by the committee is $3,000, but I understand the gentleman representing it would take $20.

Mr. GLASCOCK. I know the gentleman from Ohio does not desire to misstate, and I therefore now ask to correct an error into which he has fallen. The wharf referred to by the gentleman from Ohio was not constructed, nor indeed the construction commenced, until after the work of demolition was begun on this wharf and it was entirely dismantled.

Mr. GEDDES. That is so.

Mr. GLASCOCK. I understood the gentleman to say, at that time they were taking in the lumber from the wharf and that there was not a wharf in good condition in San Diego.

Mr. GEDDES. I do not wish to be so understood.

Mr. GLASCOCK. The report of Colonel Saxton shows that the wharf at that time was in a good, serviceable condition.

Mr. RAY, of New Hampshire. Mr. Chairman, there seems to be no question that something should be paid to the claimant in this case. In the first place, the Secretary of War recommends that he be paid the sum of $3,000 with interest from the 1st day of February, 1862. Now, if we follow the recommendation of the Secretary of War the sum to be allowed the claimant is about $7,000 instead of the amount reported. In the Forty-seventh Congress a unanimous report from the War Claims Committee recommended the allowance of $20,000, and that only as a partial measure of relief. For some reason or other the present War Claims Committee go back not only upon the former report, but also upon the recommendation of Mr. Lincoln, the Secretary of War, allowing the interest, and recommend that only $3,000 be allowed as full compensation for the destruction of a large warehouse and wharf at San Diego, Cal., which more than thirty citizens in the vicinity, testifying under oath, have estimated to have been worth $60,000 and upward at or near the time they were destroyed.

Mr. HISCOCK. Is it not true that the expectation of the builders when they constructed this wharf was not realized and this wharf therefore was only valuable for the lumber that was in it?

Mr. RAY, of New Hampshire. Yet; it was valuable as a wharf.

Mr. HISCOCK. This city was laid out. There was no commerce there, no use for a wharf, and was only valuable for the lumber in it for fire-wood or to be transported somewhere else.

Mr. RAY, of New Hampshire. Not so. The property may have depreciated somewhat from decay.

Mr. HISCOCK. Is it not true that the wharf had gone into decay from non-use?

Mr. RAY, of New Hampshire. I do not undertake to represent that it may not have decayed to some extent, but the weight of the evidence makes it quite clear the property was worth much more than $3,000.

Mr. HISCOCK. It was not kept in repair because of the decay of the commerce of the town.

Mr. RAY, of New Hampshire. Probably the property had decayed somewhat. It was not in perfect repair, but that it had become of no value, that it had been abandoned as a piece of worthless property, no one pretends.

Now, then, I wish to call the attention of the committee, in reply to the question of the gentleman from New York [Mr. HISCOCK], to the finding made by the chief quartermaster, Colonel Saxton, detailed by the War Department to make the investigation under the act of March 3, 1881. He says that the testimony shows the property to have been worth from sixty to eighty thousand dollars when built and for some time thereafter, but that its value was less in 1861 and 1862 when destroyed. The difficulty with this case, like every other where the damages are unliquidated, is that no one can tell precisely how much ought to be allowed. It appears by an overwhelming weight of evidence that this property was at one time worth from sixty to eighty thousand dollars. Undoubtedly it was well worth the amount reported by the distinguished chairman of the Committee on War Claims in the Forty-seventh Congress [Mr. HOUK], namely, $20,000. Indeed, he may not have set the value of the property at the time of its destruction high enough. I can not tell. I do not believe any member of the House can tell.

Now the substitute proposed by my friend from California [Mr. GLASCOCK] is—what? To send the whole thing with the evidence, not the unsatisfactory evidence alluded to in the report made by Mr. Caldwell, of the Committee on War Claims in a former Congress, but the testimony since taken pursuant to the act of Congress passed March 3, 1881, already alluded to, whereby the War Department was authorized to take the testimony on both sides, to examine and cross-examine the witnesses, and under which Colonel Saxton acted. That testimony is of value now because it was taken in a quasi-judicial proceeding, and the record shows that some seventy-five or one hundred witnesses have given evidence bearing on this question. The findings of Colonel Saxton are all in favor of the claimant, that his title to the property was perfect, that he was a loyal citizen during the war.

But I wish to call the attention of the House, and particularly of my friend from New York [Mr. HISCOCK], to a most singular finding of the Chief Quartermaster in reference to the rule of damages adopted by him in estimating the value of the property when destroyed. The Secretary of War and the present Committee on War Claims seem to have fallen into the same error:

As a result of the investigation—

Colonel Saxton says—

I am of the opinion that the value of the lumber taken for fuel did not exceed $3,000 as material.

Now I think that is a most remarkable principle to adopt in determining the value of a man's warehouse or similar property taken by the Government. He simply appraised its value for a particular purpose only, namely, as so much wood or fuel, and not its value as a wharf and warehouse. Let me illustrate: The coat that I have on, although it may not be very good or very valuable, costing possibly not more than $2 a yard, answers my purpose very well. Still, I do not want anybody to take eight inches square out of the back of it and then propose to settle the damages by paying me at the rate of $2 a yard for the size of the hole. [Laughter.] That would not satisfy me at all. The trouble is, it spoils the coat. I think, therefore, that the chairman of the Committee on War Claims failed to realize the absurd principle involved in the recommendation made by the War Department and adopted by his committee in this case. The quartermaster who made the investigation tells us that the warehouse and wharf, as such, are destroyed, but for the purpose of fuel the material of which they were made is worth only $3,000, and therefore he recommends the payment of that sum only.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman if that wharf was standing there to-day reconstructed, as it then stood, whether it would be worth any more than the mere material of which it is built?

Mr. RAY, of New Hampshire. I do not know what it would be worth. I can not tell anything about it. That is exactly the trouble we all have in cases of this character. Therefore, my friend from California proposes by his substitute to send the matter to the Court of Claims for a final adjudication. We have six judges there whose business it is to investigate and decide upon just such a question as has arisen here. The Court of Claims can do this far more carefully and intelligently than Congress can. Look at this substitute bill for a moment. The Committee on War Claims fixes the amount of compensation for the damage done at $3,000. They ignore altogether the recommendation of the Secretary of War that interest should be allowed, which, if done, would just about double the amount.

I do not know what the claimant ought to have for the destruction of his property, but it is apparent to me he should receive something substantial, and by reason of the erroneous rule of damages recommended by Quartermaster Saxton and by the Committee on War Claims I am inclined to the opinion that the House ought to adopt the substitute as a more just and equitable measure than the committee's bill. The substitute provides that the claim shall be referred to the Court of Claims for adjudication. Jurisdiction is given to that court to ascertain the facts and render judgment for the actual value of the property which was destroyed, without interest. I recognize the doctrine that we can not pay interest ordinarily on these claims; but if we are to give this man only the fuel or firewood value of his buildings I think he should certainly have interest.

The substitute bill contains a provision that the court shall have the benefit of all the testimony taken under the act of March 3, 1881; that the same may be used by either party, together with such additional competent evidence as may be offered by either party, and further provides that the claimant shall begin suit within a year from the passage of the act. Now, sir, if the Court of Claims is to be of any value to Congress, it would seem to be in a matter of unliquidated damages, like the present case. How can any man justly say that Mr. Davis ought not to have more than $3,000? Perhaps he ought not to have even that sum; but from my examination of the case, from the fact that three committees of Congress have reported that something is due him, and from the further fact that the Secretary of War recommends the payment of $3,000 with interest from February 1, 1862, I assume that something is really and honestly due, and I would be much better satisfied to have the decision of a tribunal appointed to sit in judgment, between the citizen on the one hand and the Government on the other, and whose especial business it is to do equal and exact justice to both. It is almost impossible to investigate a claim of this character with that care and attention it ought to receive, and hence I hope the substitute will be adopted.

Mr. ROWELL. Mr. Speaker, I hope this House will not forget how this bill comes here for our consideration. The Forty-seventh Congress by enactment provided a forum in which this claim should be tried. They provided that the Secretary of War should investigate the facts connected with the claim of Mr. Davis, and report them to Congress. He did investigate the facts by his quartermaster; evidence was taken in accordance with rules in judicial proceedings; witnesses were examined; a large body of testimony was taken, and a report made in accordance therewith. The War Claims Committee have made a report confirming the action of the Secretary of War, and have provided in this bill the payment to this claimant of the amount found due by the Secretary of War.

The real question is whether we shall provide a forum, have that forum, the court we provide, determine the facts, and then ignore that determination and seek another forum.

The facts in this case, out of which this claim grows, are these: In 1851 Mr. Davis built a wharf at San Diego, in California, at a cost of some $60,000 or $80,000. Eleven years thereafter United States troops occupied that town. Mr. Davis in the mean time had become financially in trouble. He was not then staying in San Diego. He had left a custodian in possession of that wharf, and that custodian, as I recollect, had afterward died, so that at the time of the occupancy of this town by troops there was nobody in custody. Now, the question determined by the quartermaster was whether or not the troops had destroyed a wharf worth $60,000 or $80,000, or whether they had simply taken for wood the lumber of that wharf, which had already been substantially destroyed. One of the questions at issue was whether or not the worms which destroy the piles of wharfing on the Pacific coast had entered the harbor of San Diego. If they had, then by all the testimony the piling in ten years' time would have been utterly destroyed, eaten off; so that the wharf would have ceased to be of any value except for the lumber that was in it. Some witnesses insisted that these worms had not entered that harbor, and that the timber out of which the piles were made was of that kind of cedar that the worms would not work in, and that, therefore, ten years after the construction of the wharf it was just as good as when constructed. Other witnesses, and large numbers of them, testified that these worms had entered the harbor, that the piles had been eaten off and numbers of them had dropped into the water, and a portion of the wharf had fallen away, so that at the time the troops occupied San Diego one portion of it had been entirely swept away, and the other portion was simply standing there, not strong enough to be safe for wagons to go out upon it.

This was the conflict of the testimony, and this claimant claims on the one hand that a good wharf worth $60,000 had been destroyed by the troops. The report of the Quartermaster-General finds upon the other hand that no such destruction had taken place. Now, while I am not satisfied with the method of ascertaining the value of the property taken by the quartermaster—that is to say, reducing lumber or planking to firewood—yet because the tribunal to which Congress re-

ferred this claim so determined, I am in favor of sustaining that determination. In my judgment, upon all the evidence I believe that this wharf had become substantially destroyed; that the life of a wharf in that harbor was not over ten years; that one portion of it previous to 1861 had been washed away by a wave of the sea; that another portion of it had been destroyed when a vessel approached the dock, and that it was no longer serviceable for a wharf except that as it was the only one there such vessels as entered San Diego had to make use of it. In my judgment, under this evidence all the Government could be responsible for would be the value of the material taken, because I do not think that taking the planking off the wharf and taking such piles as had been eaten away for fuel would have caused the destruction of any other portion of the wharf.

I am opposed to having an act passed by this Congress providing a forum, and then when we have the decision of that court passing another act providing another forum. That is giving a claimant before Congress larger rights than claimants get in private life.

And I think there ought to be an end to this claim. The Secretary of War having ascertained upon all this evidence that $3,000 ought to be paid, I think we ought to confirm that decision, thereby carrying out the act passed by the Forty-seventh Congress.

It is very hard to ascertain whether there was that amount of lumber taken. Some of the officers stationed at that point insist upon it that there was not any lumber taken. They insist upon it and show details that the wood used for that post was obtained on an island near by. They insist that the lumber taken from that wharf was taken by citizens, and not by soldiers; and one witness at least testifies that he, by consent of the custodian of the wharf, took a large amount of the planking away for his own purposes for building and making fences before the occupancy by the United States troops. The surgeon in charge testifies that by his order these planks were taken for use in the hospital for walling up wells, &c. It appears, therefore, from the testimony that some lumber was taken. The Secretary of War estimates the value at $3,000. The committee report a bill to pay the claimant $3,000; and, to make an end of this claim, I am in favor of carrying out the recommendation of the Secretary of War.

Mr. JOSEPH D. TAYLOR. Does not the Secretary of War recommend the payment of interest from a certain date?

Mr. ROWELL. He does.

Mr. MCMILLIN. Let us have a vote.

The CHAIRMAN. The first question is on agreeing to the substitute offered by the gentleman from California [Mr. GLASCOCK].

The question being taken, there were—ayes 35, noes 57.

So (further count not being called for) the substitute was not agreed to.

Mr. GLASCOCK. I offer an amendment which I send to the desk, and which I understand the committee will not oppose.

The Clerk read as follows:

Strike out "$3,000" and insert "$6,000;" so that it will read: "That the sum of $6,000 be, and the same is hereby, appropriated."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. HERNDON.

Mr. MCMILLIN. Mr. Chairman, I have been requested to ask the committee to pass over informally a number of bills in order to take up House bill 2158, which was reached on last Friday. I ask unanimous consent that that may be done.

There being no objection, the committee proceeded to consider the bill (H. R. 2158) for the benefit of John C. Herndon.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to John C. Herndon, late of Mason County, now of Louisville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $1,785, in full compensation for 105,000 pounds of hay furnished, under verbal contract, to Capt. D. W. McClung, assistant quartermaster, United States volunteers, for the use of the Government of the United States, in March, 1865, and which was swept away by a flood in the Ohio River and lost in consequence of the failure of the Government to remove said hay after due notice had been given to its authorized agents so to do.

Mr. MCMILLIN. Mr. Chairman, I move that this bill be laid aside to be reported favorably to the House.

Mr. O'HARA. I call for the reading of the report.

The report (by Mr. FERRELL) was read, as follows:

This is a claim for 105,000 pounds of hay sold to Capt. D. W. McClung, assistant quartermaster, United States volunteers, for the use of the United States Government, in March, 1865, at an agreed price of $1.70 per hundred, amounting to $1,785.

It was sold under a verbal contract, to be delivered on the banks of the Ohio River, at any point between Cincinnati, Ohio, and Maysville, Ky., and the same was delivered about March 3, accordingly, near Moscow, Ohio, on the banks of the river, in order for shipment, and the Government officers were duly notified thereof. Captain McClung gave written orders for boats to take it away on the part of the Government, but it was not done because no boats came except those which were already too full, and none others could be got by the officers of the Army.

When the river opened and the thaw begun the river was rising, and Mr. Herndon, fearing that it might rise so high as to reach the hay, proposed to Captain McClung that he would remove it from the banks, but was not permitted to do so, the captain saying that he had made arrangements for its removal with the captain of the boat, and that it would be removed at once; that by reason of this statement the hay was allowed to remain on the bank of the river where it had been placed in delivery. The captain of the boat failed to stop, and a rapid rise of the river occurred during the nights of March 14 and 15, 1865, and the hay was swept away and entirely lost. Mr. Herndon claimed the agreed price of the hay, to wit, $1,785.

The claim was duly presented to the proper department, fully investigated, and disallowed. The facts, as above stated, are proved beyond doubt, and appear conceded in official documents, and are proven to the satisfaction of the Government and the committee; and the disallowance of the claim was based on two grounds: First, that the hay not having been inspected by the Government, as was usual and according to an invariable rule, it could not be said to have been accepted and the title to have passed; second, that the purchase by the quartermaster in an emergency (in case of which it would be authorized by law) should have been filed with the accounts of the disbursement, and the order of the commanding officer directing the purchase, or a certified copy thereof, and also a statement of the particular facts and circumstances constituting the emergency; and it not appearing that any such order was made, or that the statement required was filed, or that any such emergency existed, the purchase and sale were null and void.

It is, however, said by Henry C. Hodges, assistant quartermaster United States Army, that there may be a case in equity. It seems to me that there was either a manifest error in this decision or that it is a case where the Government on every principle of justice should pay this claim.

It was the duty of the Government officers to have the hay inspected within a reasonable time after the delivery and notice of the same, and either to accept or reject it; that if this was not done it was the fault of the Government, and they would be bound by the purchase; that the purchasing officer being duly notified, and not having rejected it, and besides, having told the vendor not to remove it when he proposed to do it in anticipation of the threatened rise of the river, saying that he had made arrangements for its being taken by the boats that night, was an acceptance, and either passed the title, or the Government became responsible, and took the risk of its remaining, and must bear the loss.

As to the second objection, it appears that Captain McClung did propose to do what was required, but concluded not to do it, lest he should render himself personally liable. He was the proper purchasing officer. His papers were destroyed, and he did not furnish items. His failure to do his duty in rendering proper accounts, &c., can not operate to the prejudice of the vendor and throw the loss on him, for Mr. Herndon had no power to compel the officer to do his duty, and was not responsible for his failure to do subsequently what he was required to do. It were not a thing to be done before the hay was accepted and taken as essential to the completion and the sale. It does not appear that there were no proper orders, and if it must be assumed or presumed, that the assistant quartermaster was acting rightfully. But in any event the committee are of the opinion that the Government should pay for this hay as a matter of justice, if not that of law; and they accordingly recommend that the bill do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WARNER, of Ohio. One important element in this case is the question of the delivery of this property, and I desire to ask my colleague [Mr. GEDDES] whether this property was delivered at the place where under the contract it was required to be delivered.

Mr. GEDDES. It was. There is no question about that. The only point made in regard to the delivery is that the hay had not been accepted by the officers of the Government. Although it was delivered at the point at which it was agreed to be delivered, and was there ready for inspection, the claim of the Department, when payment was demanded, was that the hay had not been inspected and therefore had not been technically delivered.

Mr. WARNER, of Ohio. In that case the inspection, of course, was the duty of the officers of the Government, and if there was any fault in the matter it was the fault of the Government.

Mr. GEDDES. Yes. I ought to state further in that connection that this claimant did all he possibly could in the matter. He was there insisting that the hay should be removed; he was there guarding it even after it had reached its destination; and when he saw that there was to be a rise of the river, and that this property would be in danger, he insisted that he should be allowed to move it out of danger at his own expense; but the Government officer refused to allow him to do so, saying that a boat would be along and that the hay would be removed. The consequence was that the boat did not come until after the water had come; the water came first and took off the property.

Mr. WARNER, of Ohio. Then the fault was on the part of the Government?

Mr. GEDDES. Yes.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ROBERT TALLY.

The next business on the Private Calendar was the bill (H. R. 4685) for the relief of Robert Tally, colored.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert Tally, colored, of Memphis, Tenn., the sum of $325, out of any money in the Treasury not otherwise appropriated, for two horses taken from him by the Army of the United States during the late war.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MRS. ELIZA E. HEBERT.

The next business on the Private Calendar was the bill (H. R. 684) for the relief of Mrs. Eliza E. Hebert.

The CHAIRMAN. There is an adverse report from the Committee on War Claims upon this bill.

Mr. ELLIS. There is also a minority report, and if the matter were to be determined by numbers that would be the majority report, because in point of fact it has the support of the majority of the members who actually considered the case in committee.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it do pass?

Mr. STORM. I move that the bill reported by the minority be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I call for the reading of both reports.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] calls for the reading of both reports. The majority report will be read first.

The report (by Mr. JONES, of Wisconsin) was read, as follows:

This claim grows out of this alleged taking of property by the United States troops in Louisiana, under command of General Halbert E. Paine, in 1863. The amount now demanded is $21,090. The claim has been before each Congress since the Forty-third, and has generally been favorably reported, although there has been one or two adverse reports. It is now unnecessary to recite at length the facts and proofs as they may be found in the numerous printed reports. (See Senate report 527, Forty-third Congress; report No. 309, Forty-fourth Congress; report No. 216, Forty-fifth Congress; report No. 936, Forty-sixth Congress; report No. 1683, Forty-seventh Congress.

Your committee have examined the various reports and have carefully examined all of the testimony in the case. The claimant has supplemented her proofs from time to time by adding new affidavits to meet the objections which have arisen, and there is now a large amount of evidence bearing upon the alleged taking of the property and the loyalty of the claimant. If it were not for the features in the case alluded to further on in the report, your committee might feel bound to say that the preponderance of evidence is with the claimant on these issues. But in the view which we take it becomes unnecessary to decide whether the witnesses for the claimant or those for the Government are the more credible. The claimant is herself a witness in her own behalf, and on numerous occasions has given in writing her sworn statements as to the grounds of her claim.

In claims of this character your committee understand it to be their duty to scrutinize very carefully the statements of claimants made under oath, and that in cases where those statements are evidently fraudulent or probably incorrect, the entire claim should be regarded with great suspicion. The reasons for applying such a rule are obvious. The testimony is usually *ex parte*. No opportunity is given those passing upon the weight of the testimony to see the witnesses or to cross-examine them. Again these claims are often ancient before they make their appearance in public. In this instance the claimant rested about ten years before she made it known to the authorities that she claimed the Government was indebted to her in the sum of many thousands of dollars. After such a lapse of time it is necessarily very difficult for the Government to obtain proofs, and it is no injustice to hold such dilatory claimants to the rule of stating, at least with reasonable accuracy, the facts constituting their claims.

Your committee now call attention to the two accounts which claimant has filed, as showing the items of her claim. The first was filed before the Southern Claims Commission January 24, 1873, and was as follows:

8,000 barrels corn, at $1.50	$12,000
500 cords wood, at $6	3,000
100 chickens, at $1	100
200 turkeys, $2	400
30 hogs, $10	300
5 milch cows, $100	500
8 oxen, $50	400
5 horses, $160	800
4 mules, $125	500
Unknown quantity of lumber, consisting of hogsheads, staves, pickets, and posts, estimated	5,000
Total	23,000

The other was the claim subsequently filed before Congress, and is as follows:

8,000 barrels corn, at $2.50	$20,000
1,500 cords wood, at $4.66⅔	7,000
1 lot lumber, consisting of staves, headings, pickets, &c.	10,000
1 pair carriage horses	1,000
3 riding horses	900
4 mules, at $300	1,200
30 hogs, at $30	900
5 choice milch cows	375
20 head beeves	500
1 lot poultry	100
Fencing on plantation	6,000
	47,975

We do not overlook the fact that it is now argued that, in making the first claim, Mrs. Hebert was only seeking one-half of the property taken, on the theory that the other half belonged to her husband, and that before making the second statement she had obtained an assignment from her husband, from whom she had been divorced.

If it should be conceded that the assignment from Jules Hebert to the claimant was made at the time she now alleges, and that she has never made any misstatements or fraudulent concealment respecting it (a matter about which there have been differences of opinion in former committees), still the fact remains that the two statements are so utterly unlike that they can not possibly be reconciled to each other.

The corn is alleged to be worth $1.50 per barrel in the first statement and $2.50 in the second. In the first, 500 cords of wood are charged for, and alleged to be worth $6 per cord; in the second statement we are told there were 1,500 cords of wood, worth $4.66⅔ per cord. In the second statement is a charge for fencing of $6,000, which seems to have been forgotten in the first. It is unnecessary to call attention in greater detail to the remarkable discrepancies which appear throughout the accounts. The discrepancies are too glaring to be explained by the mere statements that claimant had forgotten, or that she was unaccustomed to business transactions.

It is, perhaps, not necessary to place our judgment against the validity of the claim upon the ground that the claimant has made fraudulent statements, within the meaning of that statute which forbids the payment of any claim wherein the claimant has knowingly made a false statement thereof. It is enough to say that we find those statements upon which the whole claim rests so utterly unreliable that we can not make them the basis of a favorable decision.

But there is another objection to the allowance of this demand to claimant, which seems to your committee insuperable. The legal title to the land and to the personal property was in Jules Hebert, and not in the claimant. It appears from the evidence that she had no separate estate. Your committee can not adopt the theory of Mrs. Hebert that one-half of the property in question belonged to her as the wife of Jules Hebert.

It appears, from recitals in claimant's brief, that judgment of divorce was entered November 10, 1871, between the said parties, but that no alimony was given, and the judgment did not decree any division of the estate or property of Jules Hebert, but this subject was left open for the future determination of the court.

Your committee are of the opinion that the claimant had no authority or right to prosecute this claim, except such as might have been conferred by the assignment made in 1874 by Jules Hebert to herself. But assignments of this character are clearly and expressly made null and void by section 3477 of the Revised Statutes. We are asked to hold that this statute only applies to assignments made to claim agents. But that would be ingrafting an exception upon the statute which is not mentioned therein. It is to be presumed, so long as this section remains upon the statute-books, that there is good reason for its existence, and your committee have no inclination to treat the statute as of no effect.

The committee, therefore, report adversely and recommend that the petition do lie on the table.

The Clerk also read the minority report, as follows:

Mr. TULLY, from the Committee on War Claims, submitted the following as the views of the minority:

The adverse report of this committee upon this claim is based not upon the demerits of the claim, but on the following grounds:

First. That the statements, made by the claimant in her petition, presented to the Southern Claims Commission, and the statement of the account presented to Congress are irreconcilable and so conflicting that they can not be made the basis of a favorable decision.

Second. That the legal title to the land and the personal property was in Jules J. Hebert, her husband, and not in the claimant, and that she had no separate estate, and the committee refuse to adopt the theory that one-half of the personal property belonged to her as the wife of Jules J. Hebert.

As to the first objection, we can not adopt the views of the committee as expressed in the adverse report.

We do not think that the discrepancies in the two accounts, namely, the one presented to the Southern Claims Commission and the one presented to Congress after she had procured the assignment from her husband, are such as to convict this claimant of an intention to commit or perpetrate a fraud upon the Government, and therefore to discredit her. On the contrary, we think that they are such as might have occurred, under the circumstances of this case, with persons far more conversant with the business affairs of life than this claimant can be supposed to have been.

But it is not necessary to rely upon the statement of the claimant in this case. The taking of the property and its use by the Army are conclusively proved by the officers in command of troops, who ordered the seizure, and the quantity, kind, and value are all satisfactorily proven by parties who had personal knowledge of the same.

The loyalty of the claimant and her husband is also proven beyond controversy, and we are clearly of opinion that upon the merits of the case the claimant ought to be paid for the property which the Government has had the benefit of.

As to the second ground of objection named in the adverse report, we have to say that we do not think this case comes within the spirit of section 3477 of the Revised Statutes. That act was evidently passed to prevent persons who were well advised as to the status of a claim from taking advantage of the ignorance of the claimant and purchasing it for much less than the real value, as known to the would-be purchaser, and this is not only our view, but it has been so held by Congress in several instances; in fact, this same question has been passed upon in this case at six different times by different committees in the House and Senate, and the bill passed the House once after a full discussion of this question.

Again, in the case of the claim of Dodd, Brown & Co., assignees, reported by Mr. HOAR, of the Committee on Claims in the Senate, in the second session of the Forty-sixth Congress, report No. 714, the question was directly made, and the assignment was allowed, and the claim paid to the assignees, amounting to some $40,000. But it is not necessary to get rid of this statute to establish the right of this claimant to prosecute this claim before Congress or elsewhere; and to show that we are right and that the grounds taken in the adverse report are wrong upon this question, we quote substantially from the laws of Louisiana bearing directly upon this question, as follows:

"Every marriage contracted in the State of Louisiana superinduces a right of partnership, or community of acquets or gains, if there be no stipulation to the contrary. (See Voorhies, Rev. Civil Code, page 440, art. 2399.)

"This partnership or community consists of the profits of all the effects of which the husband has the administration and enjoyment, either of right or in fact, of the produce of the reciprocal industry and labor of both husband and wife, and of the estates which they acquire during the marriage, either by donation made jointly to them both or by purchase, or in any other similar way, even though the purchase be only in the name of one of the two, and not of both." (See Voorhies, Rev. Civil Code, page 441, art. 2402.)

Again:

"The effects which compose the partnership or community of gains are divided into two equal portions between the husband and the wife, or between their heirs, at the dissolution of the marriage; and it is the same with respect to profits arising from the effects which both husband and wife brought reciprocally in marriage, and which are administered by the husband or by husband and wife conjointly, although what has been brought in marriage by either the husband or the wife be more considerable than what has been brought by the other, or even although one of the two did not bring anything at all." (See same authority as above, page 442, art. 2406.)

And further:

"The fruits hanging by the roots on the land belonging separately to either the husband or the wife at the time of the dissolution of the marriage are equally divided between the husband and the wife or their heirs; it 'is the same with respect to the young of cattle yet in gestation.'" (See same authority, article 2407, same page as above.)

Again:

"The woman separated from bed and board, or absolutely divorced, has no need in any case of the authorization of her husband, as this separation or dissolution of the marriage carries with it not only a separation of property, but a disolution of acquets and gains." (See same code, page 65, article 123, and page 72, article 159.

Under these laws it is difficult to see how it can properly be said that the claimant had no authority or right to prosecute this claim except such as might have been conferred by the assignment made in 1874, and that that assignment was void.

It seems to us that she clearly had the absolute right to half of this property when she presented her petition to the Southern Claims Commission in 1873, by the laws of her State, and that she subsequently acquired the right to the other half by the assignment from her husband, from whom she was divorced in 1871, and had the clerk of the Southern Claims Commission understood the laws of the State of Louisiana on this subject he would not have sent her away to procure an assignment from her husband, telling her that she had no right to prosecute the claim without it, even for one-half.

Under his direction, however, she returned home, and not until a year had elapsed did she succeed in procuring the assignment, and then the time for filing claims before the Southern Claims Commission had expired, and she came to Congress, and, of course, asked for the whole amount of the claim.

Since that time there has been no less than six favorable reports from committees of both Houses of Congress upon this claim, varying in amounts from $21,090 to $31,700.

It seems to us, from the evidence before us, that there can be no question about the merits of this claim or the loyalty of the claimant, the only question being as to the amount, and that asked for in the bill is the least amount for which the case was ever reported by the several committees that have personally examined the claim, to wit, the sum of $21,090, and that sum we think she ought to be paid.

P. B. TULLY.
L. H. WELLER.
WM. P. KELLOGG.

From facts and information acquired since the majority report was made, I agree to the above report.

JNO. B. STORM.

I concur in the above.

WM. F. ROGERS.

Mr. STORM. Mr. Speaker, I feel no personal interest in this case, and am conscious of no feeling whatever growing out of my connection with the minority report. The claimant is to me an entire stranger. In the first consideration of this case I agreed with the majority of the committee in the report that was first read, but after that report was printed I discovered that we had made a mistake, and subsequently I was led to join the minority of the committee in making the report last read.

There was not much difference in the committee, I think, as to the fact that the Government took the property as claimed in this case; but there was a question about the legal capacity of the claimant, Mrs. Hebert, to prosecute this claim, in view of her disability under the married woman's law of the State of Louisiana. But learning subsequently that we were clearly mistaken with regard to the law of that State upon this subject, a number of us reconsidered our assent to the majority report and joined in making the minority report.

Permit me to say, Mr. Chairman, that although this is styled the report of the minority, yet it has the support of a majority of the members who considered the case. There were nine members of the committee present during the consideration, and five of them have now signed the minority report.

Mr. Chairman, the report of the majority is based largely upon the fact that there is a discrepancy between the statement made by this claimant when her claim was originally presented to the Southern Claims Commission and her claim as she subsequently made it to Congress. This discrepancy is relied upon as evidence of fraud; and the majority of the committee say it ought to work the defeat of the entire claim. But when we consider the unfortunate condition of the claimant in this case, living at the time the property was taken far away from the place where it was taken—living in the city of Saint Louis while this property was taken from a plantation in a parish in Louisiana—and when we consider also that these claims are usually made through the assistance of attorneys or claim agents, it would certainly seem to be unjust to scrutinize the claim presented by this woman under the circumstances of this case by the same rules which we would apply to cases where the parties were in a situation to know all the circumstances surrounding their claim and had the means of obtaining all the information necessary upon which to base a full and complete claim.

This lady when she made her claim before the Southern Claims Commission did not know the whole amount of the property which had been taken by the Government; and afterward, when she made her claim to Congress, this subsequent claim embraced property which had been omitted in the former claim, because the fact that such property was taken had not come to her knowledge when the first claim was presented.

It is a rule of law that a plaintiff may recover a smaller sum than that claimed in his declaration, but not a larger sum; and we do not propose now to pay this claim to the extent of the amount set forth in the second claim. Indeed the amount which the minority of the committee have recommended to be paid—and the amount proposed to be paid by the bill which the minority ask the House to adopt—is smaller than the amount named by this lady either in her claim before the Southern Claims Commission or her claim as presented to Congress. It is less by several thousand dollars than the smaller claim, and much less than one-half of the larger claim. I am sure no gentleman of this House will say that if this claimant did lose property to the amount of $21,900 she ought to be deprived of all compensation because she at one time filed a statement claiming a much larger sum.

The Government of the United States, having taken this property and rendered no vouchers for it, having taken it when the claimant was a thousand miles away from the place where the property was taken, ought not now to say that because the claimant is obliged to rely upon the testimony of some colored people who lived upon the plantation and such Army officers as may recollect the transactions and give their statements or affidavits in support of the claim therefore this testimony ought to be regarded with great suspicion. Colonel Allcot, who was present, testifies to the taking of the property, says that some 4,000 Government troops were in the immediate neighborhood of this plantation, and states that it was his intention to issue the proper vouchers for the property taken, but owing to a sudden order for the troops to move from that neighborhood there was not time to make out the vouchers.

This claimant, now some twenty or twenty-three years after the occurrence of the facts, presents the best testimony she can, and all that she can. Some twenty or twenty-five witnesses have testified to their recollection of the quantity of property—the corn, the wood, the poultry, the fencing, &c., that were taken and used by the Army. I take it that it ought to be considered conclusive of the fact that the Government did take her property and use it to the extent of $21,900; and indeed I understand the majority goes to that length. It states:

Your committee have examined the various reports and have carefully examined all of the testimony in the case. The claimant has supplemented her proofs from time to time by adding new affidavits to meet the objections which have arisen, and there is now a large amount of evidence bearing upon the alleged taking of the property and the loyalty of the claimant.

And further on in the report it is stated that—

If it were not for the features alluded to further on in the report your committee might feel bound to say that the preponderance of evidence is with the claimant on these issues.

I may say there is no evidence here against this claim. There is not a counter-statement or affidavit anywhere in the case contradicting this testimony. It is only that general way of carping over it, of picking at it, because the statements are more or less indefinite—not specific, gathered some time after the property was taken, and not satisfactory; that it is *ex parte*, and so on. I believe the evidence which comes into this House to support claims, as a rule, is *ex parte*, and, of necessity, must be such.

Then what is the ground by which the majority of the committee seek to avoid paying this claim for the amount of property they admit in their report was really taken?

Mr. HOLMAN. Before the gentleman answers the question which he now asks, I would like to inquire of him whether or not this claim was presented to the Southern Claims Commission, and, if so, what explanation is given of that matter, if any.

Mr. STORM. I will say in answer to the gentleman from Indiana [Mr. HOLMAN] that this claim was presented to the Southern Claims Commission. It is in the testimony that the clerk of the Southern Claims Commission stated that the claimant, Mrs. Hebert, being at that time a married woman, had no standing in that court and could not make the claim herself; that she must go and get an assignment of the interest or right of her husband before she could have any standing in that court. She testifies that she proceeded to do so, but before she was able to get that assignment from her husband that commission itself expired by limitation of time and was no longer in existence as a tribunal before which she could present her claim. But I will discuss that subject further on, because the question involves further discussion under the second head of this case.

I think at the time when Mrs. Hebert presented this claim to the Southern Claims Commission her husband was living. Whether she was at that time divorced from him or not by decree of the court of Louisiana I am not sure. I believe the decree of divorce had been issued from the court in Louisiana, but that no decree of alimony had been made in the case. Believing the clerk of the Court of Claims was properly advising her, she went to get that which I will argue it was not necessary at all for her to have. For we claim under the law of Louisiana such authorization or assignment from the husband was unnecessary. In fact, as I understand the report of the majority, they say they are of the opinion that the claimant had no authority or right to prosecute this claim, except on the ground of the assignment in 1874 by Jules J. Hebert to herself. He was her husband.

It is upon that mistaken assumption of the law that the majority of the committee have reached the conclusion they have. I desire now to call the attention of the committee to what the law of Louisiana is on that subject. It was read by the Clerk, but I desire again to call the attention of the committee to it, because upon the proper understanding of that law you will have to decide the case. The law of Louisiana differs from the laws of many States, and especially from the laws of my own State, where the right of a married woman to acquire an estate in the joint earnings of husband and wife during coverture is very limited. Indeed, married women are not permitted under the laws of Pennsylvania to have any estate in their earnings; but that is not the law in Louisiana:

Every marriage contracted in the State of Louisiana superinduces a right of partnership, or community of acquets or gains, if there be no stipulation to the contrary. (See Voorhies, Rev. Civil Code, page 440, art. 2399.)

This partnership or community consists of the profits of all the effects of which the husband has the administration and enjoyment, either of right or in fact, of the produce of the reciprocal industry and labor of both husband and wife and of the estates which they acquire during the marriage, either by donation made jointly to them both or by purchase, or in any other similar way, even though the purchase be only in the name of one of the two and not of both. (See Voorhies, Rev. Civil Code, page 441, art. 2402.)

Again:

The woman separated from bed and board, or absolutely divorced, has no need in any case of the authorization of her husband, as this separation or dissolution of the marriage carries with it not only a separation of property, but a dissolution of acquets and gains. (See same Code, page 65, art. 123, and page 72, art. 159.)

So in this case there was no necessity for the authorization; there was no necessity for the assignment to her, because the divorce *ipso facto* restored her to all the rights of what I would call in my State a *feme sole* trader.

That being the case, and discovering with many others that I was mistaken as to the laws of Louisiana governing the right of the claimant in this case, we have done what we could to prevent any wrong to this claimant by submitting a minority report, putting ourselves right not only upon the facts, but the law applicable to those facts.

Since then the husband of this claimant has died, and all possible claims against the estate, as I am informed by gentlemen learned in the law in that State who sit on either side of me, would be barred. There can be no one to question the right of this claimant in this case not only to have a standing in court, were such a tribunal in existence before which she could appear to assert her right to one-half of the property, but she has the right to claim the whole because of the good and valid assignment of her husband either before or subsequent to the divorce, and by virtue of the laws of the State of Louisiana, by which she acquires a good title to all of the property claimed in the bill. So that she has a complete legal right in the case, and no one, except it be the creditors of the estate of the husband—who do not appear, and who have no standing here as I understand it, for they would be barred by the statute of limitation—would have any right as against her in the premises. She is here the sole claimant and owner of this claim and is the only person entitled to full compensation for the property taken or destroyed.

As far as the loyalty of this claimant is concerned it is fully proved by competent testimony and will not be questioned in the debate, whatever else may be said about her. And I submit that after some twenty-two years' waiting, having all the personal property on a large plantation utterly destroyed and she reduced to want and penury—when she has been before this Congress these many years seeking a hearing and redress, it is our duty to listen patiently to her appeal and give full consideration to the facts presented. She has had already two favorable reports from the Claims Committee of the Senate. She has had two favorable reports from committees of this House as against one adverse report—I think in one case made by General Bragg, of Wisconsin; but five times out of six the reports have been favorable to the allowance of this claim, and this bill once passed the House.

Mr. ELLIS. Twice.

Mr. STORM. Yes, I recollect, twice passed the House; and I do think, therefore, that there ought to be an end to this contest and delay, and that this woman who has been dancing attendance in the halls of this House for twenty years ought now to receive a just compensation, which I assert here is equitably due her. I hope the relief will be granted.

Mr. JONES, of Wisconsin. Mr. Chairman, it is only fair to the Government of the United States that there should be some short presentation of the other side of this case. In the Committee on War Claims this case was referred to me as a subcommittee. I gave it as careful and as attentive consideration as I could, and it seems to me, after a full investigation, that there are various grounds on which it ought not to be allowed.

I call the attention of the committee in the first place to the fact that ten years slipped away before the claimant found out that she had any claim whatever, of either $20,000 or $40,000, against the Government, and before it was presented to any court or to any Congress, in fact before it was heard of in any shape. Where her husband was I know not. It is only fair to presume that if he had a claim of $20,000 or $47,000 against the Government he would have presented his claim at an earlier period. But finally in 1873 the claim was first heard of. It was then presented to the Southern Claims Commission. Not succeeding in that court, the claimant comes to this last resort of claimants, the Congress of the United States, and presents her claim here, and we are called on to examine the testimony and pass judgment upon it. Ten years had passed away. The Government had had no opportunity to gather testimony to defend against this claim. Under such circumstances it is only fair to the Government of the United States that we should look with careful scrutiny upon the *ex parte* evidence thus produced.

It seemed only fair that the plaintiff should have presented a statement of the facts on which she bases her claim such as would bear upon its face at least a semblance of accuracy and truthfulness. But instead of that the claimant has presented statements of so remarkable a character that I wish to call them to your attention. I may say, briefly, that the testimony she presents is highly contradictory. There are witnesses swearing that this claimant lost a considerable amount of property. But General Halbert E. Paine, then in command of the troops at that point, and who ought to know something of the merits of the claim, has a statement in the papers on file in the case in which he says that it was his custom to give vouchers for all goods and supplies used for the troops at that time. He states that he has no recollection whatever of any such dealings as are claimed in this particular case. The claimant in this case, instead of being a thousand miles away, as suggested by the gentleman from Pennsylvania [Mr. STORM], testifies herself to having several times had communication with General Paine. She claims that he knew the facts concerning the amount of the claim and the character of the property taken. He says that he did not.

He says that there were ample supplies for his troops and that there was not any reason why this large amount of property should have been taken under these circumstances. And not only that, but the Government of the United States appointed a special agent to go and examine into the facts and merits of the claim. That special agent went down there and examined witnesses, looked carefully over the ground, and gave as his opinion that the whole plantation, if in cultivation, could not have produced or supported the amount of property the claimant said had been taken. He states further that in the year in question only a very small portion of the plantation was in cultivation. His statement is to the effect that the cribs on the plantation would not have contained half the corn claimed to have been taken. In fact, I should infer from his statement that her claim is one tissue of exaggeration, if not of absolute falsehood. I should infer from it that she charges as much for fencing, for example, as the whole plantation was worth.

Now we come to the testimony of the claimant herself in support of her claim. She has made two or three sworn statements. She came first to the Southern Claims Commission and made her statement, stating her claim in the first instance against the Government at $23,000. Years afterward she makes another sworn statement before Congress. She doubtless then assumed that the old statement was forgotten. I say she assumed that, for she must have known that the two statements could not have looked each other in the face. That each would have straightway stared the other out of countenance. There are the most glaring misstatements, discrepancies, and differences between them; such discrepancies as can not possibly be reconciled.

In the first statement, for example, she swears that she lost five hundred cords of wood, and puts a price upon it; in the second statement these five hundred cords of wood had grown to 1,500. Both statements were sworn to by the claimant. Which will you accept?

In the one statement she charges for poultry to the amount of $500; in the other statement she had forgotten her long-lost chickens and turkeys or the most of them; at least she charges only $100. In one statement she charges for eight oxen; in the next statement those eight oxen had propagated their kind with such success that they had become twenty beeves. [Laughter.] In one statement she charges lumber to the amount of $5,000 against the Government; in the other she thinks the Government can afford to double the amount, and she swears that it was worth $10,000. Then we come to another item, a trifling item, a mere bagatelle, which she had forgotten entirely in the first statement—only $6,000 for fencing. In one statement she omits this; in the other she claims it.

When our committee came to look over those statements and pass upon them they seemed to us such statements as no jury in Christendom ought to be asked to accept. It seemed to us that those statements must be reckless, and, to put it mildly, utterly unreliable, and we had to disregard them. The specious pretext is now made that in the first claim she was simply demanding the value of one-half of the property taken, and that before the second claim an assignment had been made. These two statements quarrel too bitterly to be reconciled by any such theory. In the one the claim for lumber is three times what it is in the other; not one-half. The claim for mules, in one statement, is $1,200; in the other, $500; not one-half. In the one statement hogs are worth $30 each; in the other, $10; ten is not one-half of thirty. In the one statement she charges for twenty beeves and in the other for eight oxen. There is no arithmetic or process of logic which can make eight oxen the half of twenty beeves or $100 worth of poultry the half of $600. The two statements are utterly inconsistent. They can not be reconciled with each other.

We do not need therefore to discuss the law of the State of Louisiana. I say, with all deference however, I think the gentleman from Pennsylvania [Mr. STORM] is mistaken as to that law. I do not profess to be learned in the civil law of Louisiana, but my impression is that the civil law of Louisiana does not give to a wife on her marriage one-half of all her husband's estate.

Mr. HUNT rose.

Mr. JONES, of Wisconsin. I will tell you what I think it does do. I think it gives the wife one-half of the gains, one-half of the accumulations subsequent to marriage. The gentleman from Louisiana takes his seat. I think he will not dissent from that proposition. He concedes that I am right in that view. Now, search this evidence and you will find no evidence whatever which shows that this property was accumulated after the marriage of these parties.

Mr. HUNT. Will the gentleman allow me to correct him there? He is not exactly right. The law of Louisiana presupposes a partnership in the absence of a contract between husband and wife, which they call a community of acquets and gains.

Mr. JONES, of Wisconsin. Do you claim that on a marriage the real estate belonging to the husband at once becomes in half the property of the wife?

Mr. HUNT. No, sir; nobody ever claimed that.

Mr. ELLIS. But the presumption is that in the absence of a contract this community exists.

Mr. JONES, of Wisconsin. As to property subsequently acquired?

Mr. ELLIS. Yes; and this property was acquired long after the marriage.

Mr. JONES, of Wisconsin. As to that you are mistaken.

Mr. ELLIS. I am not mistaken.

Mr. JONES, of Wisconsin. If I remember rightly this property belonged to Hebert before the marriage.

Mr. STORM. The gentleman from Wisconsin claims these rights

apply only to acquisitions subsequent to the marriage. How does he explain this in the code?

The effects which compose the partnership or community of gains are divided into two equal portions between the husband and the wife, or between their heirs, at the dissolution of the marriage; and it is the same with respect to profits arising from the effects which both husband and wife brought reciprocally in marriage—

Now mark—

and which are administered by the husband, or by husband and wife conjointly, although what has been brought in marriage by either the husband or the wife be more considerable than what has been brought by the other, or even although one of the two did not bring anything at all.

That must refer to property acquired before they were married.

Mr. JONES, of Wisconsin. I have before me Kent's Commentaries, and I think it will bear out my statement. I have not time to stop to discuss this question at length. I do not regard it as a material question in this case. And the gentlemen from Louisiana do not seem to materially differ from me on this subject.

I leave these two statements of the claimant to any man who will weigh evidence, and let him say if he could with any degree of certainty find what property was taken by this Government from this woman. The statements are so utterly contradictory, it is so impossible to reconcile them, that it is useless to quibble about the laws of Louisiana on that subject. I discredit these statements, or, to be more accurate, they discredit themselves.

Mr. HUNT. The gentleman will not question that property which is the separate property of one of the spouses may *post* marriage produce fruits, which fruits by virtue of contract will form part of the community of acquets and gains?

Mr. JONES, of Wisconsin. I do not dispute that. I think the gentleman from Louisiana [Mr. HUNT] and myself more nearly agree than I do with the gentleman from Pennsylvania [Mr. STORM]. I think the gentleman from Louisiana [Mr. HUNT] is right in his view of the law of his State. My claim is that the evidence shows this property not to have been the accumulations made after marriage, but the separate property of Jules Hebert. This farm belonged to him before marriage. What right had the wife to compensation for this fencing, for instance?

Now, let me refer for a moment to this assignment. The gentlemen who are advocating this claim assert that a plain statute of our Government ought to be disregarded. They argue in their report that when our statute prescribes that certain assignments are null and void, Congress should exercise its discretion and treat them as valid. If these assignments are invalid under the statute of the United States, then this Congress has no right to disregard the law. If we disregard it in this case we will be asked to ignore it in others. We should repeal it or respect it.

I have tried, Mr. Chairman, to be brief in presenting the objections to this claim. I will say also that neither in my report nor in my remarks have I been severe upon this claimant. There has been another report filed previously in another Congress which was far more severe in its strictures upon these two remarkable statements which have been made by this claimant.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory.

Also, that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 2470) providing for the establishment of a port of entry at Mount Desert ferry, in the town of Hancock, in the State of Maine; and

A bill (S. 2436) to authorize the President to appoint commissioners to the Belgium international exhibition at Antwerp, and for other purposes.

Also, that the Senate had agreed to the amendment of the House to the bill (S. 12) for the relief of Elizabeth Carson.

The message further announced that the Senate insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and further, that it had appointed Mr. HALE, Mr. ALLISON, and Mr. BECK as conferees on the part of the Senate.

MRS. ELIZA E. HEBERT.

The Committee of the Whole House on the Private Calendar resumed its session.

Mr. ELLIS. Mr. Chairman, for twelve years, in summer's heat and winter's snows, this claimant has knocked at the doors of Congress, the great ultimate court for everybody who has a claim against this Government, for justice. This claim was presented to the Forty-third Congress, was reported favorably, and passed this House almost unanimously.

A MEMBER. Under a suspension of the rules.

Mr. ELLIS. It was reported in the Forty-fourth Congress by the present distinguished Senator from Michigan, then a member of this House [Mr. CONGER], and we all know that if there was any one who was prejudiced against claims of this class it was he. It was easier, of course, for a camel to pass through the eye of a needle than for a claim to pass favorably the rigid inspection of OMAR D. CONGER; yet he reported this claim favorably and was active in favor of its passage in the Forty-fourth Congress.

In the Forty-fifth Congress it was again reported favorably, but it died, as so many of our bills die, on the Calendar. In the Forty-sixth Congress it was again reported favorably, and finally it fell into the hands of a member from Wisconsin, General Bragg, and was by him reported to the House in a characteristic way—adversely. Passed twice by the House, five times favorably reported by committees of this House, twice passed in the Senate, it comes to us with the indorsement of committees and of Congresses. I take it, Mr. Chairman, that all we want to do is justice.

Let us see, then, in the first place, if this lady is the proper claimant. This House will require that it be proven and shown, first, that she is the proper claimant. In the second place, the House will demand that it be shown that she and her husband were loyal to the Government of the United States. In the third place, it will be demanded that it shall appear that this property was taken for the use of the troops of the United States. If these three propositions be maintained, then there is not a man in this House who will vote against this claim.

The first question is, Is this the proper claimant? My friend from Louisiana [Mr. HUNT], long a learned professor in our law institution there, has correctly stated the law. The law of Louisiana presupposes, from the very act of marriage, in the absence of contract, a community of acquets and gains. It is established by virtue of the marriage. The husband may bring in separate property; it remains his separate property. The wife may bring in separate property; it remains her separate property. But whatever is acquired after the marriage by the common economy, the effort of both, enters into the community of acquets and gains, in which the wife is entitled to share equally with the husband.

A MEMBER. The testimony utterly fails to show that this property was acquired subsequent to their marriage.

Mr. ELLIS. Mr. Chairman, it was not real property that was taken; it was personal property; it was poultry, animals, stock, cords of wood—property of the kind that is accumulated in a year or in two years or sometimes in a month. It was not real property, it was personal property that was taken, and the burden is upon the Government to show that it was the separate property of the husband; for the presumption of the Louisiana law is that it was acquired after marriage and belonged to the community of acquets.

Now, what about the assignment? Sir, the provision of the code is textual, that the husband may give his wife anything that he could give to a stranger. The exception is that he can not give her anything in fraud of creditors. He may assign to her during the marriage not in fraud of creditors; but if he is out of debt and there is no fraud upon any creditor, then the husband may give to the wife whatever he could give to anybody else. So in that view of the case the assignment is legal.

But the truth is that the community was dissolved prior to the presentation of this claim by divorce in 1871; and whenever the community of acquets and gains is dissolved, whether by death, marriage, or divorce, that moment the rights of the parties are fixed and at that very moment the wife becomes entitled to one-half of the property. So that, whether you take it in view of the assignment, or whether you take it in view of the divorce, or whether you take it in view of the recent demise of the late husband, the rights of this claimant have become fixed, and she is entitled to one-half the claim. But the committee have guarded the bill so as to require her to produce the receipt of the late husband or of his legal representatives, and to take the amount in full and final payment of the entire claim. She is the guardian of their children, some of whom are minors. She is the guardian of the children, and as such is constituted, by the law of Louisiana, the administratrix of the estate. So that in every view of this case she is the proper party in court.

But the gentleman says that there was an assignment in fraud or in violation of law. Why, Mr. Chairman, the provision of the United States statute which prohibits the assignment of claims is made for this purpose only, to prevent parties who are well informed as to the value of claims from taking advantage of the ignorance of the parties in interest and buying up valuable claims for a mere song. That is the intendment of the statute.

Mr. Chairman, I think I have succeeded in showing the House beyond peradventure of a doubt that the proper party is in court, and that there has been no violation of any statute of the United States in the assignment in this case. Why, sir, what led to that assignment? Coming here a woman, ignorant of the law, she went to the Commissioners of Southern Claims and was informed that she was not the proper party to present the claim. Ignorant of the law at her home, ignorant of the law here, she took the word of the clerk, who was himself an ignoramus in the civil law, in the common law, and in the law of justice, and she went off to obey what she thought was the *ex ca-*

thedra judgment of the commissioners of Southern claims to get the assignment, and her husband gave it. Therefore she is the proper party in court.

In the second place, was she loyal to the Government of the United States? Why, Mr. Speaker, there can be no question of that fact. She and her husband remained loyal to the United States throughout all that long and dismal period of the civil war. Her home and her outbuildings were the hospitals and the home of Union soldiers; she herself was the nurse of Union soldiers. Her house was the headquarters of Federal officers. General Banks testifies to this; General Halbert E. Paine testifies to it; Captain Allcot testifies to it; Governor Wiltz testifies to it; Mr. KELLOGG, now a member of this House, who was then down in Louisiana, has testified to it. Ay, out of the lips of a hundred witnesses her loyalty and the loyalty of her husband to the Government of the United States have been perfectly established. I take it, then, that my friend from Wisconsin [Mr. JONES] will not controvert the second point in the controversy.

This lady, then, is the proper party in court, and she was loyal to the Government of the United States. It remains but to see whether this property was taken. Here is the testimony. My friend from Wisconsin certainly has not read General Paine's testimony recently. He says General Paine does not know anything about this matter. Now let us see whether he does or not. General Paine, now a well-known lawyer of this city, was in command of the troops who were encamped upon the plantation of the claimant. Of course the general in command of the troops was not supposed to know minutely or particularly what was or what was not impressed for the service of the troops; but here is his own statement;

DISTRICT OF COLUMBIA:

Halbert E. Paine, having been duly sworn, on his said oath deposes and says, that on the 7th day of February, 1863, the Second Brigade, Third Division, Nineteenth Army Corps, arrived at Indian Village, on Bayou Plaquemine, in the State of Louisiana, under his command, and remained there until the 22d of the same month; that on the 8th of that month he detailed Captain Craig—

The gentleman from Wisconsin says there were plenty of provisions there, plenty of supplies; that there was no need of impressing anything. Here is what the general in command says, and there is a difference between his statement and that of my friend from Wisconsin on this point—

On the 8th of that month he detailed Captain Craig, of the Fourth Wisconsin Regiment, and Allcot, of the One hundred and thirty-third New York Regiment, to seize necessary mules, horses, carts, wagons, forage, wood, and boats for the quartermaster's department, and sugar, beef, and pork for commissary department of his command.

If the statement of my friend from Wisconsin is true, that there were ample supplies there and no need of impressing any, upon what reason was this order of General Paine based?

That he required them to give receipts in a prescribed form for all property so taken and to turn the same over to Lieutenants Wooster and Brevorts, brigade quartermaster and commissary; that he required said Wooster and Brevorts to take up the property so turned over to them on their returns and to dispose of it according to law. That he required Captains Craig and Allcot to inquire and report concerning the loyalty of all persons whose property they should seize, and to avoid as far as they could the seizure of any property of loyal persons. That under this order so issued said officers, with the assistance of non-commissioned officers and privates detailed for that duty, made numerous seizures of property, which was used by affiant's said command. That affiant has no particular recollection as to the amount of the several kinds of property seized as aforesaid. And affiant further says that he stationed a detachment of troops at Plaquemine, on the Mississippi River, and another at a point on the Bayou Plaquemine, between Indian Village and Plaquemine, which points were mentioned, as affiant believes, until his command left that part of the country on the 22d of February. That he remembers Mr. and Mrs. Hebert, whom he saw at their residence on the road between Indian Village and Plaquemine. That he supposes his troops, of course, used the wood which they found most convenient for fuel.

The troops were encamped on the plantation of the claimant, and this wood was piled up on the bank of the bayou—

and that which was seized also by the officers detailed as aforesaid to seize wood and other property. That he has no personal knowledge of the taking of any such. That he has no doubt that all the forage, fuel, corn, and wood used by his command, which consisted of the Fourth Wisconsin, Eighth New Hampshire, One hundred and thirty-third New York, One hundred and seventy-fifth New York Regiments, and a battery of artillery of the regular Army, during the time they remained at Indian Village and Plaquemine, and at the intermediate post mentioned, were taken from the neighborhood.

Now, let us see why General Paine's order to these officers to give receipts to parties whose property they impressed was not obeyed. I turn to the testimony of one of the seizing officers, Captain Allcot, of New York. I invite attention to the testimony of the impressing officer himself:

CITY AND COUNTY OF NEW YORK,
State of New York:

John H. Allcot, of said city and State, being duly sworn, doth depose and say as follows: That he resides at No. 102 East One hundred and fourth street, in said city; that in the year 1863 he was captain in the One hundred and thirty-third Regiment New York Volunteers, and in the brigade commanded by General H. E. Paine, while in camp at Indian Village, Iberville Parish, Louisiana, near the plantation and house of Mr. and Mrs. Jules J. Hebert; that he was detailed as forage-master of the brigade at the time, his command comprising one captain besides himself and, as near as he can now recollect, some twenty enlisted men; that he visited the plantation of Mr. and Mrs. Hebert, and found thereon large quantities of cordwood, lumber, corn, and other articles; said wood, lumber, corn, &c., was seized by him and his command stationed at Indian Village. Further, said wood, corn, lumber, &c., were taken to camp in quantities as required, with the understanding that a receipt for the same should be given before the troops left. Said receipt was not given in consequence of the brigade being suddenly ordered away.

That is the reason this lady does not come here with the receipt of the impressing officer in her possession.

Further, that the place where the property was seized was known as Jules J. Hebert's plantation. That the stock, comprising cattle, sheep, mules, and hogs, were taken from the plantation of Mr. John A. Darden, and were claimed by Mrs. Hebert as her property while on our way to the camp; the cows were given up to her, but the remainder were refused and driven to camp. Further, that it has been represented to him that a certain Jules O. Neraux (who was at that time about 16 years of age), has made a statement to the effect that quantities of flour, pork, sugar, coffee, &c., were taken from the commissary stores by General Paine and his officers and given to Mr. and Mrs. Hebert in exchange for articles taken from them. Said statement deponent knows to be untrue, as no such transaction took place, or could have taken place, without his knowledge.

Thus we have from the lips of the impressing officer himself the story of this impressment of supplies for the service of the troops of the United States.

Then in another affidavit this impressing officer gives the following testimony:

STATE OF NEW YORK,
City and County of New York, ss:

John H. Allcot, of said city and county, being duly sworn, deposes and says, that in the year 1863 he was captain in the One hundred and thirty-third Regiment New York Volunteers, and was in the brigade commanded by Col. H. E. Paine while in camp at Indian Village, near the plantation and home of Mr. and Mrs. J. J. Hebert, and that as well as he can now recollect there were quite a number of troops encamped there in the spring of 1863, probably about 4,000, and that these troops were there for some considerable time, and while there cordwood and lumber were taken from their plantation and premises, Mr. and Mrs. Hebert's, by the Army, for the use of the Army, and the cordwood was used by the Army for fuel, and was necessary, and the lumber was used by the Army for flooring in the tents, the ground being very damp from overflow, and was necessary, and the said wood and lumber was so taken and used by officers and soldiers with the knowledge and authority of the officers, and was necessary at the time. The wood was used in the camp-fires to cook and wash by and was indispensable, as neither officers or soldiers could do without some fire. And further, that from all he could learn Mr. J. J. Hebert was always a loyal man and devoted to the cause of the Union from the beginning of the war.

Now, gentlemen of the committee, this testimony of the impressing officer is upborne by twenty-five or thirty witnesses, some of them black, some of them white, some of them soldiers, some of them civilians, who in one concurrent strain testify that the plantation and home of this loyal woman were devastated as only troops can devastate a place. Poultry, hogs, horses, mules, wood, lumber, were all taken with the knowledge and authority of the Federal officers, some by the direct order of the officer in command, for the use of the Army—taken from a loyal person. Then by what right under the law does any man say that this claim shall not be paid?

But my friend here, for whose ability and character I have so high a respect, declares that he can not support this bill because there is a discrepancy in the two statements presented.

Now let us see. These statements do conflict. But how? She presented her first claim to the Southern Claims Commission. Bear in mind that she was a lady, that she was unused to business matters, that she made out to the best of her knowledge and belief a true statement and fixed the prices thereto, that she was not a merchant, she was not in business, she was not a dealer in produce, poultry, cordwood, or anything of that sort, and was not supposed to know, and could not be supposed to know, the correct value of these things. She got some of her ideas from the state of affairs which existed in the South during the war when a cord of wood was worth $30 or $40, when a man would give all he had for a turkey and almost bankrupt his very soul for a chicken—she got some of these ideas from the war. That was in her first statement, but in her second statement these things are all moderated. They are cut down. The original claim, when these extravagant estimates were made, was in 1873 for $47,000, but it has been trimmed down, and the claim presented to-day, and which we believe to be just, is for $21,000.

I think, without detaining the committee any further, I have shown, first, that she is the proper party in court; in the second place, she was loyal to the union of the States, and in the third place the property was seized. I trust the committee will proceed at the proper time to do justice to this party. I reserve the balance of my time.

Mr. JONES, of Wisconsin. The gentleman from Louisiana thinks that I have made some mistake as to the letter of General Paine, and I will send to the Clerk's desk, to have read, his statement, so that the House may judge for itself.

Mr. ELLIS. I have read it.

Mr. JONES, of Wisconsin. Let the Clerk read it.

The Clerk read as follows:

WASHINGTON, D. C., *January 28, 1880.*

DEAR SIR: Your favor inquiring respecting an alleged seizure of quartermaster's and commissary's stores by my order in Iberville Parish, Louisiana, during the war (the property of Mr. or Mrs. Hebert), was duly received.

I have on several occasions answered the same inquiry, addressed to me by committees of Congress and by agents of the Southern Claims Commission, and perhaps of other tribunals; and in answering have been able, availing myself of my order-books, to give more precise information than I shall be able to give now, without any memoranda to refresh my recollection.

During the winter of 1862-'63 I was sent from Baton Rouge with my brigade (then the Second Brigade, Third Division, Nineteenth Army Corps), a squadron of cavalry, and one or two light batteries, to a place called Indian Village, on the Bayou Plaquemine, about nine miles distant from the village of Plaquemine, at

which the bayou makes its exit from the Mississippi River. I was sent to observe a force of the enemy then encamped at Rosedale, on the Bayou Grossetete, not far from Indian Village, and easily accessible from that point.

I established my headquarters at Indian Village, but also established posts at the village of Plaquemine and at a point about half-way between Plaquemine and Indian Village.

One day I was returning from an inspection of these posts, accompanied by your friend George W. Carter, then a captain in the Fourth Wisconsin Regiment, and at a point not far distant from this middle post was accosted by a gentleman at the road-side, apparently in feeble health, who said that his wife, who he said was sitting on the porch of his house, would be glad to see me. I alighted and went with him to the house, which was but a few feet from the road-side, where he introduced me to a lady whom I suppose to have been Mrs. Hebert, respecting the seizure of whose property you inquire. I think Captain Carter alighted also and heard our conversation, but I am not sure on this point. This lady said to me that her husband was sick and suffering for want of wheat flour, that the soldiers had taken her poultry, and that it would be a great favor to her if I would furnish her some flour. On my arrival in camp I sent her a barrel of flour. This was the first and last I ever heard of this lady, until I saw many years afterward in the city of Washington a lady whom I understand to be, but did not recognize as, the lady whom I saw that day.

Now I have no personal knowledge whether any property belonging to Mr. or Mrs. Hebert was or was not taken by my troops, but the facts which I am about to state will enable you to judge as well as I can as to the probabilities on this subject. Our supplies furnished by the Government at that time were abundant and excellent. A steamboat transported them to our camps. Immediately on my arrival at Indian Village I detailed a party, consisting of several commissioned officers and a considerable number of enlisted men (one of the officers being Colonel Craig, the last commander of the Fourth Wisconsin Regiment), whose duty it was, as defined in the order making the detail, to make seizures of corn, sugar, molasses, forage, beef, mules, and other supplies of which the country was then full, and to give to the owners of all property seized written receipts therefor. The party so detailed satisfactorily performed their duty, and no complaint ever reached me that they made any seizure without giving the voucher as my order required.

In view of the abundant supplies furnished by the Government and the large quantity seized by this party, I can imagine no temptation for the soldiers to incur the trouble of making seizures themselves of any of these articles except poultry.

I think that Colonel Craig is now in the mining region of Michigan, and that, if you desire it, I could procure his address and that of the officers who were associated with him in this business, and that from them you may be able to obtain information which is more definite and tangible than any I am able to give.

Regretting that my memoranda are not at hand to enable me to give you a more satisfactory answer to your inquiry,

I am, yours, truly,

H. E. PAINE.

Hon. E. S. BRAGG, M. C.,
House of Representatives.

Mr. ELLIS. May I inquire what is the date of that letter?

Mr. JONES, of Wisconsin. January 28, 1880.

Mr. ELLIS. Seven years before General Paine made the affidavit I read from, when his memory was better.

Mr. JONES, of Wisconsin. The affidavit does not state anything differently.

Mr. ELLIS. The affidavit states that he ordered the property to be taken, and the report of the officers shows that they went and took it. There is the issue, and I must ask again, in my own time, to show what there is in it.

Mr. JONES, of Wisconsin. You are mistaken, I think.

Mr. ELLIS. No; I am not mistaken. Let me read it:

DISTRICT OF COLUMBIA:

Halbert E. Paine, having been duly sworn, on his said oath deposes and says, that on the 7th day of February, 1863, the Second Brigade, Third Division, Nineteenth Army Corps, arrived at Indian Village, on Bayou Plaquemine, in the State of Louisiana, under his command, and remained there until the 22d of the same month; that on the 8th of that month he detailed Captain Craig, of the Fourth Wisconsin Regiment, and Allcot, of the One hundred and thirty-third New York Regiment, to seize necessary mules, horses, carts, wagons, forage, wood, and boats for the quartermaster's department, and sugar, beef, and pork for the commissary department of his command; that he required them to give receipts in a prescribed form for all property so taken and to turn the same over to Lieutenants Wooster and Brevorts, brigade quartermaster and commissary; that he required said Wooster and Brevorts to take up the property so turned over to them on their returns and to dispose of it according to law.

That was General Paine's order, and Captain Allcot's statement, which I have read, shows he took the property. If that paper be sent to me I will recur to it again.

Mr. STORM. The reporters have taken it.

Mr. ELLIS. He ordered the property to be taken, and the officers say that they took Mrs. Hebert's property.

The CHAIRMAN. The bill is reported from the committee with an adverse recommendation.

Mr. ELLIS. I move that the adverse report be non-concurred in.

The motion was agreed to.

The question was taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation.

The House divided; and there were—ayes 54, nays 17.

Mr. THOMAS. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. THOMAS. I withdraw the demand for tellers.

Mr. BREWER, of New York. I renew the demand.

The CHAIRMAN. The Chair will appoint tellers.

Mr. BREWER, of New York, and Mr. ELLIS were appointed tellers.

The committee again divided; and the tellers reported—ayes 138, noes 27.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills to the House with various recommendations.

PAPERS ON FILE IN THE STATE DEPARTMENT.

Mr. HITT, by unanimous consent, introduced a joint resolution (H. Res. 315) relative to certain papers in the State Department; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. MILLER, of Texas.

ORDER OF BUSINESS.

The SPEAKER. The first bill reported from the Committee of the Whole House on the Private Calendar is a bill coming over from last Friday.

Mr. MCMILLIN. Mr. Speaker, upon that bill the yeas and nays were ordered. I suggest that by consent, as within about five minutes the House will take its usual Friday recess, we pass that bill over informally and take up the bills reported by the committee to-day, to which there is no objection, and which may be passed before the recess.

Mr. VALENTINE. Will the gentleman allow me a moment?

Mr. MCMILLIN. I wish to state that I have no interest in the matter except to further the business of the House.

Mr. VALENTINE. I ask the gentleman to allow me to make a brief statement in reference to a bill which I hold in my hand.

Mr. MCMILLIN. I have no objection to the gentleman making a statement.

Mr. VALENTINE. I have a bill here upon which I desire immediate action. It is a very important measure, and I am satisfied a brief statement will convince gentlemen of the propriety of its adoption.

This bill if passed will relieve the Private Calendar of more bills than have been taken from it during the present session of Congress, although it is general in its nature. It is a bill for the purpose of extending the jurisdiction to the Secretary of the Treasury to issue certified copies of lost checks.

Mr. STORM. Regular order!

Mr. VALENTINE. I hope the gentleman will not call for the regular order.

The SPEAKER. The regular order is the call of the roll on the adoption of the amendment reported from the Committee of the Whole House on last Friday. On that amendment it will be remembered the yeas and nays were ordered.

Mr. BAYNE. I ask unanimous consent that inasmuch as it is within a very few minutes of the recess, the previous question be considered as ordered and then let it go over to come up as unfinished business to-morrow.

The SPEAKER. The question is on the adoption of the amendment, upon which the yeas and nays have been ordered.

Mr. BAYNE. I ask unanimous consent that the previous question be considered as ordered on the bill and amendments, and then I will accept the proposition of the gentleman from Tennessee and let it go over.

Mr. MCMILLIN. It will be too late for the gentleman to accept the proposition in a moment, the time having about arrived for the recess. [Cries of "Regular order!"]

The SPEAKER. The regular order is the call of the roll. The Clerk will call the roll.

Mr. BAYNE. I hope my request will be submitted to the House.

Mr. STORM. I withdraw the demand for the regular order.

The SPEAKER. The gentleman from Pennsylvania requests that the previous question may be considered as ordered upon the adoption of the amendment reported from the Committee of the Whole House on the Private Calendar and upon ordering the bill to be engrossed and read a third time and also upon its passage, for unless that is done it will not come up as unfinished business except on Friday.

Mr. WARNER, of Ohio. And if that is done will it come up to-morrow?

The SPEAKER. It will.

Mr. WARNER, of Ohio. What bill is that?

The SPEAKER. It is the Bigley bill—the bill for the relief of Nicholas Bigley, coming over from last Friday. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOLMAN. I hope the bill will be read.

Mr. BAYNE. I hope the gentleman from Indiana will not insist on having the bill read now, but will consent to the request I made.

Mr. WARNER, of Ohio. Let the vote be taken upon it on Friday next.

The SPEAKER. Objection being made, the regular order is the

question on the adoption of the amendment to this bill, and upon that the yeas and nays have been ordered. The Clerk will proceed to call the roll.

Mr. HEWITT, of Alabama. It only lacks a minute and a half of the time for recess. I move that the House do now adjourn. [Cries of "No!" "No!"]

The question was taken; and on a division there were—ayes 34, noes 61.

So the motion was not agreed to.

Mr. VALENTINE. I make the point of order that the hour has now arrived when under a previous order of the House we must take a recess.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] will preside as Speaker *pro tempore* at the evening session.

The hour having now arrived when by order of the House a recess is to be taken, the Chair declares the House in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business under the order just read.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. STOCKSLAGER in the chair.

Mr. MATSON. I ask unanimous consent that the business of this evening may begin, on page 45 of the Calendar, with the case of David T. Dudley. There are some cases preceding it on the Calendar which have been disputed. I ask that these be passed over informally.

There was no objection.

DAVID T. DUDLEY.

The Clerk read the bill (H. R. 6965) granting a pension to David T. Dudley, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David T. Dudley, late a private in Company C, Fourth Regiment Michigan Volunteers.

Mr. HEWITT, of Alabama. I ask that the report be read, and to save time I ask now that in each case after the reading of the bill the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6965) granting a pension to David T. Dudley, submit the following report:

We find that this soldier enlisted in Company C, Fourth Michigan Volunteers, June 20, 1861, and was discharged June 13, 1864. He was taken prisoner at the battle of Gettysburg, July 2, 1863, and was confined at Richmond until August 29, when he was paroled. He claims to have contracted rheumatism and diarrhea while a prisoner of war. Two of his comrades, S. Morse and W. J. Munroe, testify that he was sound and well up to the time of his capture; that when returned to his command he was sent to the hospital to be treated for rheumatism and diarrhea. The hospital records show that he was treated for intermittent fever, which is not inconsistent with the testimony of the comrades above referred to.

Orderly Sergeant F. G. Halstead testifies:

"He was taken prisoner with me while in line of duty; was well while on the march to prison, and was stricken down with the rheumatism about the last of July, 1863, and was very bad off from the first, and grew worse, until he was unable to help himself. That I did take care of him the most of the time until his release, which I think was in August, 1863. This disease was contracted while in Belle Isle, Virginia, a prisoner of war, taken in the battle of Gettysburg, July 3, 1863."

He further says his knowledge of the above facts is obtained from the following source, namely:

"That I was with him most of the time during his service in our company, and having the care of him while sick on Belle Isle. That I saw him in 1865, and he was suffering from the same disease."

November 28, 1881, Dr. M. M. Butler testifies that he has been claimant's family physician since 1872, and that he has been and still is suffering with rheumatism and diarrhea.

July 20, 1881, the examining surgeon at Plattsmouth, Nebr., certifies that he finds the right leg smaller than the other, measuring two inches less in circumference. That he finds his disability from rheumatism to be one-half, his disability from diarrhea nothing. The case was rejected in the Pension Office on the ground "that there was no record of alleged disease," &c.

Your committee, after a careful examination of the papers in the case, find that he has clearly proven that he was taken prisoner at Gettysburg; that he contracted rheumatism and diarrhea while confined at Belle Isle, and that it has continued ever since, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH TYLER.

The next business on the Private Calendar was the bill (H. R. 4055) granting a pension to Sarah Tyler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Sarah Tyler, dependent mother of William Tyler, deceased, late of Company B, Fifty-second Indiana Volunteer Infantry, to date from January 1, 1863, on the pension-roll, subject to the restrictions and limitations of the pension laws.

The committee recommend the following amendment:

In line 6, strike out the words "to date from January 1, 1863," and insert in lieu thereof "on the pension-roll."

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4055) granting a pension to Sarah Tyler, submit the following report:

We find that Sarah Tyler was the mother of William Tyler, who enlisted in Company B, Fifty-second Regiment Indiana Volunteers, December 26, 1861. The Adjutant-General's report says: "Frozen to death near Fort Pillow, Tennessee, December 31, 1863."

Claimant seems to have been unable to satisfy the Pension Department that she was dependent on her son at the time of his death. The evidence shows that Allen Tyler, the husband of claimant, was 75 years old at the time of his death in 1883, and for past sixteen years has been unable to work, and the aged couple have been supported by the charity of their neighbors. The claimant is 64 years old, feeble, and penniless. The affidavits of six of her neighbors, whose good character is certified to by the postmaster, are offered to substantiate the foregoing statements. The evidence is entirely satisfactory. The case is a very strong one, and your committee without hesitation recommend the passage of the bill with amendment striking out the words "to date from January 1, 1863," and inserting in lieu thereof the words "on the pension-roll."

The amendment was adopted.

Mr. HEWITT, of Alabama. Does this bill put the applicant on the pension-roll subject to the provisions and limitations of the pension laws?

Mr. MATSON. Yes, sir.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JEREMIAH P. SWARTZELL.

The next business on the Private Calender was the bill (H. R. 7026) granting a pension to Jeremiah P. Swartzell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah P. Swatzell, late first sergeant of Company I, Seventeenth Regiment Kentucky Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell, submit the following report:

Your committee find that this man was enrolled and was taken into actual service September 20, 1864, though not mustered until April 9, 1865, in Company I, Seventeenth Kentucky Cavalry. That he served faithfully as first sergeant of his company until October 4, 1865, though his discharge is dated September 20, 1865. On the 8th of October, four days after his discharge reached him, he was taken down with a severe attack of rheumatism and disease of the liver, confining him to his home for nearly six months and from which he has never recovered. J. W. Freeman, Dr. N. S. Johnson, J. T. Clark, R. R. Morgan, and Martha J. Hunt all testify that they knew claimant intimately before and at time of enlistment, and that he was a sound, able-bodied man: Charles E. Van Pelt, captain of Company I, Seventeenth Kentucky Cavalry, testifies:

"Claimant was a faithful soldier, and stout and able-bodied in every particular during his service; and that if he was disabled immediately after discharge on account of rheumatism, it was certainly the result of or caused by his service, and that his habits were correct and temperate."

Several witnesses testify as to his severe sickness, commencing October 8 and continuing until the next spring, and also as to his condition until 1869. Dr. W. W. Woodring testifies to treatment from 1871 to 1881 for chronic hepatitis, and that he has been frequently prostrated, and for the last three years of the time he has been compelled to abandon his occupation as a carpenter. Robert L. Brooking and J. W. Duston testify to the same effect from 1874 to 1881. Six or eight other witnesses testify as to his condition during the years from 1865 to 1881. Dr. B. F. Mastaman, examining surgeon at Independence, Kans., reports in 1882:

"I find him suffering from chronic rheumatism, affecting the right side, but more especially the right shoulder, hip, and knee; I find slight enlargement of the knee-joint; at times he suffers from this trouble very severely. He also suffers from chronic hepatitis; there is enlargement of the liver, and well-marked tenderness. At times he is confined to his bed for several days. He is unable to perform any manual labor."

The case was rejected in the Pension Office for the reason that the sickness did not manifest itself until after claimant had left the service. But it seems very improbable to suppose that the severe sickness that prostrated him four days after his discharge did not originate in the service. Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. KINMAN.

The next business on the Private Calendar was the bill (H. R. 7177) granting a pension to William H. Kinman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of William H. Kinman, formerly of Company F, Thirty-fourth Ohio Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7177) granting a pension to William H. Kinman, submit the following report:

This soldier enlisted July 25, 1861, in Company F, Thirty-fourth Regiment of Ohio Volunteers, and was discharged March 27, 1862, for disability. March 3, 1876, application was made for a pension on the ground that at Barboursville, W. Va., he contracted lung fever on or about November 1, which resulted in disease of the lungs. The application was rejected on the ground that the disability existed prior to enlistment, the only evidence of disability being the statement of the captain of the company in his certificate of disability that "he has been afflicted for about eighteen months with lung disease." On the other hand, Mrs. Miriam Williamson, M. D., says:

"I was claimant's family physician and was frequently in attendance upon the different members of the family (especially on the father); that she had good and frequent opportunity to know of condition of claimant prior to and at the date of his enlistment in the Army; that he was to all appearance and from her

knowledge of him at that time a sound and able-bodied man, free from lung disease; that had he had any lung trouble she would have known it."

The postmaster at Waynesville, Warren County, Ohio, says:

"Mrs. Williams is an excellent lady, who is a regular physician, having studied with her husband, and her character is unimpeachable."

A. H. Dodge testifies that he had known the claimant from 1857 to time of enlistment and considered him a strong, healthy man. The postmaster says, "He is a good, truthful man." Mary and J. A. Malony say they had known claimant for four years before enlistment, boarded in the same family with him, and to the best of their knowledge he was not troubled with lung disease. The postmaster speaks in high terms of the character for truth and sincerity of these witnesses. W. F. Rosenboyer, a comrade in the same company, says claimant was taken down with lung fever at Barboursville, in December, 1861, and he was left under treatment of Dr. Clark, one of the regimental surgeons. G. W. Ebright, another comrade, testifies that they had made a long, hard march of over one hundred miles, and that in consequence of the exposure and hardship of this march claimant was taken sick and that he never recovered.

Dr. Ayers, assistant surgeon in charge, testifies to having treated him during his sickness. The testimony is full and complete that he never fully recovered; that he was unable to do any further service in his command; that he was discharged the following March, has been an invalid ever since, and that he is now sick and poor. The case would doubtless be allowed without hesitation in the Pension Department were it not for the unfavorable statement of the captain of the company in the certificate of disability.

Your committee believe that the strong evidence by unimpeachable witnesses to the contrary ought to have been received and the pension allowed. But admitting that the claimant's lungs were weak when he enlisted, it is evident that the long marches and exposure to inclement weather severely injured his health, and he is clearly entitled to relief during the very few years yet remaining to him. Your committee heartily recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARLAN JACKSON.

The next business on the Private Calendar was the bill (H. R. 4458) granting a pension to Harlan Jackson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harlan Jackson, late of Company L, Sixth Regiment Kansas Militia.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4458) granting a pension to Harlan Jackson, would submit the following report:

The evidence shows that claimant was an enlisted man in Company L, Sixth Kansas State Militia; that the company was called into the United States service to repel the invasion of the State by the rebel forces under the command of General Sterling Price; that on the 24th of October, 1864, an engagement took place in Linn County, Kansas, known as the "Battle of Mine Creek," in which claimant received a gunshot wound in the left shoulder and arm. Capt. John H. Belding, Lieuts. John M. Seright and William A. Baugh testify that they know the above statements to be true from personal knowledge. The Pension Department can not grant a pension, because the law provides that all claims for pensions filed by militiamen must be proved up before July 4, 1874. It has been the universal custom to grant pensions by act of Congress to members of the State militia wounded in action in line of duty while under the command of officers of the United States Army. Your committee therefore recommend the passage of the bill.

Mr. HEWITT, of Alabama. I desire to say just one word. I do not think that Congress, the House or the Senate either, has ever failed to pass one of these bills. It does seem to me there ought to be a general law repealing the limitation as to the militia. If that were done it would relieve the Private Calendar of a great many of those cases.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA ANGELL.

The next business on the Private Calendar was the bill (H. R. 2138) granting a pension to Martha Angell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Martha Angell, widow of Lieut. John C. Angell, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, subject to the limitations and provisions of the pension laws.

The Clerk commenced to read the report.

Mr. BAGLEY (interrupting the reading). I ask unanimous consent that the further reading of the report be dispensed with.

Mr. HEWITT, of Alabama. Let it be printed in full in the RECORD.

There being no objection, the further reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2138) granting a pension to Martha Angell, submit the following report:

Claimant is the widow of John C. Angell, who enlisted September 10, 1861, in Company F, Benton Cadets Infantry Volunteers, and who was at time of his discharge, December 23, 1864, a lieutenant of Company B, Ninth Regiment West Virginia Volunteers. Lieutenant Angell died September 3, 1876, from St. Vitus's dance, produced by overexertion during hard marching in the mountains of West Virginia. Samuel Bell, first sergeant of Company B, Second Virginia Veterans, testifies that he knew Lieut. John C. Angell from 1860 until the time of his death, and was present when he died and knew him during the war and after. Was in the same brigade with him when he was assigned to the ambulance corps on account of a nervous, tottering step. He had no bodily ailment such as would cause him to require medical attendance. The same nervous disease terminated his life at Laclede, Mo., September 3, 1876. He was unable to perform any manual labor from the time of his discharge until his death. That Drs. John R. Philson and J. C. Griffith, who treated him, are dead. We believe the disease of which Lieutenant Angell died was contracted or produced by the heavy mountain campaigns of West Virginia during the three years of service.

J. H. Lowhead, late first lieutenant of Company E, same regiment as Angell, says:

"I have known the late Lieut. John C. Angell since 1857, during the war, and for two years after the war intimately. When he joined the Ninth Regiment West Virginia, early in 1862, he was in good health and always with his command in all the arduous marches to Cayd's Mountain, under General Crook, to Lynchburg, under General Hunter, and the campaign in the valley of Virginia. I repeatedly said to him, 'Lieutenant, you are killing yourself by your excessively hard duty.' I knew him in the Army as one of the bravest soldiers; always doing duty, many times physically unable. After the war I knew him as a broken and wrecked man, physically and mentally. I would further say that the disability seemed to be excessive nervousness. I might say he was suffering from nervous prostration. I solemnly say that from the time he began to fail while in the service up to the last time I saw him, probably in 1867, he gradually and rapidly failed physically and mentally, and was in such a helpless condition that he had to be waited on by his friends."

Professor Lowhead is superintendent of schools of Bourbon County, Kansas, and a man of unquestioned integrity. Hiram Curtis, a man of undoubted veracity, testifies:

"He knew Lieutenant Angell before enlistment; that he was a healthy man when he entered the service. I participated in some of the battles in which Lieutenant Angell was engaged up the Valley, Hunter's raid and retreat, and battle of Winchester. I believe the rigid mountain campaigns of Virginia produced the nervous debility from which he suffered. I knew him after the war, and that he was not capable of performing manual labor, and that the nervous debility grew on him and affected his mind until he died; that he left a family of wife and six children with nothing whatever, homeless, and dependent on friends; that his wife and children are still dependent."

W. A. Ellis and J. C. McElroy testify in strong terms to his high character and good health during the five years preceding his enlistment.

I. Malloy, captain Company A, One hundred and sixth Ohio Volunteers, says:

"Lieutenant Angell was in the full sense of the term a No. 1 soldier. I was personally associated with him in many battles in the valley of Virginia, also on the Hunter raid, which was one of the hardest of the war. I knew him before and after the service, and believed him to be a healthy man when he enlisted. The disease of which he died, St. Vitus's dance, was due to the many long marches made by his command in the campaigns of West Virginia."

A. Campbell, captain Company A, Second Virginia Volunteers, testifies:

"He knew Lieutenant Angell from childhood to time of enlistment; that he attended school with him, worked in the same mill with him, and was especially intimate with him. That prior to the war he was always well and sound; that he entered service about the same time and saw him frequently in the service. Up to beginning of the Hunter raid know he was in good health. During that raid I observed that his strength failed and his mind became flighty. At that time I thought the hardships and exposure of that campaign had broken him down, and still believe so. Met him again after my own discharge at Racine, Ohio, and found him unfit for any mental or physical labor. His condition was the subject of common conversation among his acquaintances, every one considering him 'out of his mind.' At that time suggested that he apply for a pension, but he refused, as he had an insane idea that he was sound in body and mind. He was strictly temperate, and his moral character was excellent."

T. J. and B. A. Elliot, men of excellent character, make full and strong affidavits to the same effect.

Dr. Z. T. Stanley says:

"I attended Lieutenant Angell in his last illness, and that he died at Laclede, Mo., September 3, 1876, of a nervous disease commonly known as St. Vitus's dance. Excessive overexertion and exposure of a long and fatiguing march in a mountainous district would produce the disease of which he died."

While from the nature of the disease it seems impossible to secure the rigid proof required in the Pension Office, yet your committee feel that considering the amount of the evidence and the high character of the affiants there can not be the slightest doubt but what this soldier's death was caused by his severe and arduous service, and unhesitatingly recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL HANSON.

The next business on the Private Calendar was the bill (H. R. 542) granting a pension to Samuel Hanson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hanson, late a private in Company D, Thirty-fourth Regiment of Iowa Volunteer Infantry.

The Clerk read the report in part.

Mr. PERKINS (interrupting the reading.) This is a long report. I ask that the further reading be dispensed with, and that the report be printed in the RECORD.

There was no objection.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 542) granting a pension to Samuel Hanson, submit the following report:

This soldier enlisted January 16, 1864, in Company D, Thirty-third Regiment Iowa Volunteers, and was mustered out with his company August 15, 1865. In 1870 he applied for a pension, alleging disability from lung disease; that in March, 1864, at Little Rock, Ark., he was attacked with lung fever from exposure while in service, which seriously affected his lungs and from which he never recovered. The Adjutant-General's report shows that he was left sick at Little Rock March 23, 1864. The Surgeon-General's report shows that he was admitted to general hospital at Little Rock March 22, 1864, for treatment for "pleuro-pneumonia," and returned to duty April 11, 1864.

Riley Jessup, late captain of Company D, in affidavit made September 23, 1870, states:

"At Little Rock, March, 1864, while in the line of duty, claimant was attacked by lung fever, brought on by exposure in the service; said disease affected his lungs, and that they continued affected until discharge; that his lungs were not affected at the time of enlistment or prior to said attack of lung fever; that claimant was of good habits while in the service, and, in affiant's opinion, the disease was the result of unavoidable exposure."

Dr. D. A. Hoffman states:

"Claimant was examined by me before he enlisted, for the purpose of ascertaining whether he was a sound man physically. That at that time he was not affected with any disease of the lungs. On his return from the service, immediately after his discharge, I treated him for disease of the lungs, which was the result of acute inflammation of the lungs, contracted while he was in service. I have treated him for the said disease at various times since September, 1865, to the present time (December, 1870), and that his disease still continues."

The testimony is ample and undisputed that his disease has continued ever since, excepting that Dr. Huntsman, of Oskaloosa, the examining surgeon, said in 1772 that he found no disease of the lungs. A few months later another examining surgeon says:

"I find upon examination that the applicant has a deep, hollow cough, expectorating purulent and muco-purulent matter, night-sweats, and emaciation; auscultation shows in the upper portion of the left lung; cavernous râle; respiration and voice amphoric; dullness on percussion over the whole left lung; the lower portion very dull, and can not ascertain that air passes into that portion of it. He is physically unable to perform manual labor."

A few months later Dr. W. S. Orr, examining surgeon at Ottumwa, reports him totally incapacitated from obtaining a sustenance by manual labor, and says the disability is probably permanent.

It would seem as though nothing was wanting to establish a case in the Pension Department, but two special examiners were sent out and a mass of contradictory evidence was submitted, and the case was finally rejected on the ground that claimant's lungs were affected when he went into the service. If the evidence submitted by the special examiners proves anything, it proves that the soldier was a weak man, physically unfit for the service when he was accepted; that he was a hale, hearty man after his discharge, working at heavy work in a stone-quarry and receiving full wages; that he was before enlistment a sound, rugged young man, of excellent habits, and at the same time a confirmed drunkard; that he had a severe consumptive cough; and by other witnesses equally reliable it is proven that he "never had the least symptoms of anything being the matter with his lungs prior to his going into the Army; that he was frequently employed to chop wood and split rails, and was noted as a first-rate wood-chopper." The Commissioner of Pensions in 1878 was evidently bewildered by this mass of contradictory evidence, for in a letter to claimant's agent he says:

"The invalid pension claim No. 162081, of Samuel Hanson, was rejected September 16, 1875, upon competent evidence (medical and lay) elicited by special examinations, showing that the alleged disease was not due to the service; in other words, that his lungs were diseased at the time he enlisted, and that the principal cause of his disability was due to an attack of lung fever since his discharge. It is proper to add that an examination made March 2, 1872, fails to discover any disease of the lungs."

This is certainly being equal to the occasion. The disability existed before enlistment, the disability was caused by lung fever after enlistment, and finally the disability never existed at all.

The simple facts seem to be that some two months after enlistment the soldier had an acute attack of lung fever from which he has never recovered, and that he is now totally incapacitated from performing manual labor. By the passage of this bill his few remaining years will be made comparatively comfortable. He loses the twenty years of arrears to which he seems to have been as clearly entitled as his more fortunate comrades who received them. Believing that simple justice requires that the Government should care for this soldier, your committee recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL M. BARTLETT.

The next business on the Private Calendar was the bill (H. R. 7094) granting a pension to Lemuel M. Bartlett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lemuel M. Bartlett, late a private in Company K, Thirty-fourth Regiment Illinois Volunteers.

The Committee on Invalid Pensions recommended the following amendments:

In line 6, strike out "Lemuel" and insert "Samuel."

Amend the title so as to read:

"A bill granting a pension to Samuel M. Bartlett."

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7094) for the relief of Samuel M. Bartlett, submit the following report:

Samuel M. Bartlett enlisted in Company K, Thirty-fourth Illinois Regiment, December 2, 1861, and was discharged December 20, 1862, for disability. He filed an application for pension June 28, 1880, basing his claim on injuries received in line of duty while on detached service, guarding baggage trains, by jumping hastily from wagon, the train at the time being suddenly attacked by guerrillas; in jumping he struck on his right foot and ankle, turning same under and crushing and disabling it. He also claims to have ruptured himself at the same time, which rupture has since developed into an aggravated hernia. His claim was rejected by the Pension Department, the reason being "claimant discharged for old fracture of right ankle."

The evidence in the claim is strong and conclusive that prior to enlistment he was a sound, healthy, able-bodied man, with no apparent disabilities.

Elijah Hubbard testifies:

"Knew claimant years before he enlisted; he was sound, wholly free from lameness of right ankle and foot, and affiant believes claimant had no hernia; was well known for his prowess in athletic sports and at hard labor; lived near him much of his life; never knew of his being ill before his enlistment."

T. E. Stockwell testifies:

"Knows claimant was sound at and before enlistment, doing hard labor, with no lameness of right ankle and foot, and to best of belief was free from hernia; knew claimant a number of years before enlistment."

John Thompson, comrade, testifies:

"I knew claimant about a year before enlistment; lived near him; saw him almost daily; enlisted with him the same day, and believe he was sound and free from hernia, lameness of right foot and ankle, and varicose veins."

D. C. Wagner, captain of claimant's company, says:

"Claimant was sound, with no lameness of right foot and ankle or hernia prior to being detailed during the fall of 1862 for guard duty over the mountains between Tennessee and Kentucky; had previously been able to perform any duty assigned him; never saw claimant after he went on said duty."

John Thompson, comrade, says:

"He was in hospital at Louisville, Ky., when claimant was brought in with injuries of right foot and ankle and great soreness and pain in pit of stomach. After discharge saw claimant at his home in Portland, Ill.; he was quite lame from injury to foot and ankle, and his stomach trouble had developed into an aggravated hernia."

Benjamin Woodwood, surgeon Twenty-second Illinois Volunteers, in charge of Park barracks in November and December, 1862, testifies that there was a man who was injured as claimant alleges to have been, but can not swear to his identity.

C. L. Fisk, examining surgeon, Franklin, Mass., certifies:

"Applicant received an injury to right ankle-joint by jumping from a train-wagon, which has resulted in permanent lameness, attended with fearful swelling and varicose veins of the leg. He also has a hernia midway of the lower portion of the sternum, and the umbilicus as large as a small orange, or about three inches in diameter. I rate one-half on ankle and results and one-half on hernia and results."

S. K. Field, R. A. Dudley, E. O. Dickenson, selectmen of Leverett, Mass., certify that claimant is old, in poor health, totally disabled for manual labor, and a charge upon the town, being in its poor-house.

In view of all the facts, your committee think a case is made and well established by all the evidence; they therefore recommend the passage of the accompanying bill, with the following amendments: Substituting "Samuel," in the title and also in the sixth line, for the word "Lemuel."

Mr. HEWITT, of Alabama. I would like to make an inquiry of the gentleman who reports this bill. I did not catch in the reading whether the report states what this soldier was doing in the wagon.

Mr. MATSON. The gentleman from Massachusetts [Mr. LOVERING], who reported the bill I believe is not present. The report distinctly states that this soldier was injured, while on detached service guarding baggage trains, by jumping hastily from wagon, the train at the time being suddenly attacked by guerrillas.

Mr. HEWITT, of Alabama. When the guard of a wagon is discharging his duty is his place inside the wagon? Is that the soldier's place?

Mr. MATSON. I suppose it may sometimes be right for the soldier in such a case to ride on the wagon. I have heard of officers riding on wagons.

Mr. HEWITT, of Alabama. But that is not the place for them.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LLOYD W. HIXON.

The next business on the Private Calendar was the bill (H. R. 6798) to grant a pension to Lloyd W. Hixon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lloyd W. Hixon, late an assistant surgeon in the service of the United States of the Thirteenth Regiment of the Massachusetts Volunteers.

The report (by Mr. LOVERING) was read, as follows:

That claimant was mustered into the military service of the United States as assistant surgeon, Thirteenth Regiment Massachusetts Volunteers, March 3, 1862, and honorably discharged August 1, 1864.

November 6, 1882, he filed a declaration for pension, alleging that he contracted deafness while in the service and in line of duty, which was rejected January 18, 1884, on the ground of existence of disability prior to enlistment.

Charles W. Hovey, inspector of customs, Boston, Mass., testifies:

"That he was a lieutenant-colonel of claimant's regiment in the service; remembers that he was troubled with deafness at Belle Plain, Va., in the winter of 1862–'63, which was greatly increased by exposure; at discharge was seriously troubled, and believes it was the result of exposure in the service."

A. W. Whiting, M. D., of Newton, Mass., says he was surgeon of claimant's regiment:

"That the exposure incident to the service was such as to seriously affect claimant's hearing, and his deafness was increased to such an extent as to incapacitate him from practicing his profession, which resulted, in his opinion, from the exposure and hardships of the service."

Dr. J. O. Green, of Boston, Mass., testifies, December 3, 1881:

"Known claimant since 1863, but first treated him in 1873 and during each year to 1876 for catarrhal deafness of an aggravated type, which made gradual progress, producing more and more thickening of the tympanum, mucous membrane, and secondary disease of auditory nerve, until now (May, 1883) he can not distinguish words through the most powerful ear-trumpet nor hear a vibrating tuning-fork when placed on the skull and mastoids, and there is no question about the disease being hypertrophic inflammation of the mucous membrane, aggravated in character and progress."

Oliver E. Cushing, of Lowell, Mass., testifies April 21, 1884:

"I have known Lloyd W. Hixon for many years, and at no time prior to his enlistment in the United States service in 1861 was he incapacitated from the discharge of any professional duties by his inability to hear."

Artemus S. Tyler, of Lowell, Mass., testifies April 21, 1884:

"I have known Lloyd W. Hixon for many years, and at no time prior to his enlistment in the United States service was he incapacitated for the discharge of any professional duties by his inability to hear."

In addition to the testimony specially cited above, it is clearly shown by a preponderance of the evidence that the claimant was free from the disability at the time of his enlistment in the military service; that the disease had its origin in the service and while in line of duty; that the disability so incurred has continued to increase in severity until the soldier is now shown by the report of the United States examining surgeon to be totally disabled.

Your committee, in view of the facts, unhesitatingly recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

EDWARD WILCOX.

The next business on the Private Calendar was the bill (H. R. 6775) granting a pension to Edward Wilcox:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Edward Wilcox, an imbecile son of Leonard Wilcox, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and pay his legally appointed conservator a pension of $25 per month from and after the passage of this act.

The report (by Mr. LOVERING) was read, as follows:

Edward Wilcox is the orphan imbecile son of Leonard Wilcox, late of Company A, Twenty-first Regiment Connecticut Volunteers, who died at Falmouth, Va., December 16, 1862, the mother of Edward having died prior to the enlistment of the father, or on June 16, 1859. Edward Wilcox was born March 11, 1858, an idiot, and is now 26 years of age.

After the death of his father he drew a pension as a minor child until he was 16 years of age, when, under the law, his pension ceased. He has lived with an uncle and aunt, who have done what they could for him, which at best was not much, as they themselves were very poor, being often helped, as the records of the town of Stonington, Conn., frequently show, by its authorities, in the matter of food and supplies. The uncle is now dead, and the poor unfortunate is left in the keeping of the aunt, who is poor in purse and feeble in health, and is scarcely able to maintain herself except by assistance above quoted.

Herewith is appended the sworn affidavit of Dr. E. Frank Coats, of Mystic Bridge, Conn., namely:

"That he has known Edward Wilcox, of Mystic Bridge, Conn., only son and child of Leonard Wilcox, since the time of his birth, March 11, 1858, and that he is now and always has been an idiot, incapable of taking care of himself, and is wholly dependent upon an aunt, who is feeble and dependent upon her own hands for support. His mother died of hemorrhage of the lungs in 1859, and his father died in the Army of the late war in the service of his country. I have been physician to the family ever since the birth of the said unfortunate child."

Inasmuch as Congress has power to grant the relief asked, and have in several like instances granted its aid to those who, like the beneficiary in this bill, are more helpless than a minor child, your committee are of opinion that the relief sought should be granted, and would therefore recommend the passage of the accompanying bill with an amendment striking out the words "twenty-five," in the eighth line, and substituting the word "eighteen" therefor; so it shall read, "a pension of $18 per month," &c.

The amendment reported by the committee is as follows:

In line 8, strike out the word "twenty-five" and insert "eighteen."

The amendment was agreed to.

Mr. MATSON. Mr. Chairman, I offer another amendment. After the word "conservator," in line 7, insert the words "for his use and benefit;" so that it will read: "and pay his legally appointed conservator, for his use and benefit, a pension," &c.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

Mr. CULBERTSON, of Kentucky. Mr. Chairman, two weeks ago House bill No. 4079, for the relief of James B. Kirk, was laid aside informally, as some of the gentlemen present may remember, and I desire to have it taken up and disposed of.

Mr. MATSON. Mr. Chairman, I will say to the gentleman from Kentucky that I will yield to him after we shall have gone through with the bills on the page on which we are now working, as I think it is the desire of the House to give all the members present an opportunity to call up such bills as they see fit.

WEALTHY H. SEAVEY.

The next business on the Private Calendar was the bill (H. R. 6966) granting a pension to Wealthy H. Seavey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of Interior is authorized and directed to restore to the pension-roll the name of Wealthy H. Seavey, of Erroll, N. H., as dependent foster-mother of Charles W. Seavey, late a private in Company I, Seventh Regiment Maine Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. RAY) was read, as follows:

That Charles W. Seavey, when an infant, was adopted by the claimant as her own child. She brought him up and he always resided with her till his enlistment as a private in Company I, Seventh Regiment Maine Volunteers, in 1861. Mrs. Seavey had the benefit of his earnings before his enlistment, and he frequently sent her money from his earnings after going to the war—at one time $5, at another $30, and at another $100. Mrs. Seavey was a widow when her adopted son enlisted, and is a widow now. The son died while in the service and in the line of duty. There is no question about her dependence upon the deceased for support. A pension was allowed her at the Pension Office, but was shortly afterward stopped, because the deceased was not her own son. The correspondence of the soldier with Mrs. Seavey during his Army service has been produced, and shows clearly that the deceased called the claimant his mother, and it is clear that he treated her as such from infancy to his death.

Mrs. Seavey now is an old lady, in feeble health, and entirely without means of support. The deceased left no near relatives who ever took any interest in him during his lifetime or since his decease. The only reason for disallowing the pension at the Pension Office was because the claimant was not his natural mother. Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

SARAH A. BURCHFIELD.

The next business on the Private Calendar was the bill (H. R. 7373) for the relief of Sarah A. Burchfield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to adjudicate the pension claim of Sarah A. Burchfield, widow of Robert L. D. Burchfield, who was a lieutenant of Company D, Third North Carolina Mounted Infantry, as though he had been regularly mustered into the service of the United States at the time of his being wounded.

The report (by Mr. J. S. WISE) was read, as follows:

That Robert L. Burchfield was a second lieutenant in Company D, Third North Carolina Mounted Infantry, and was appointed as such on the 1st of January, 1865, and served to 8th August, 1865, as appears by act of Congress of March 13, 1872.

By the above act of Congress the said Burchfield was paid for services as such officer for the period above mentioned. But this private act failed to direct that his name should be placed on the rolls of said regiment as a second lieutenant, for which reason the Pension Office refuses to grant the relief asked by the widow of said Burchfield.

Not only does this act of Congress recognize the fact of his being such officer, but the proof from persons having actual knowledge shows that said R. L. D. Burchfield was a second lieutenant in Company D, Third Regiment of North Carolina Mounted Volunteers, and that he served faithfully as such soldier and officer.

That said Burchfield, while in line of his duty, was severely wounded by the enemy in Cherokee County, North Carolina, which rendered his left leg entirely useless, the ball taking effect in the left thigh, near the hip-joint, and passing through and coming out near the knee-joint, and unfitting the left leg for any kind of use.

The said Burchfield filed his application for pension in consequence of disability on the 3d day of January, 1873, which was rejected on 20th July, 1874, for the reason hereinbefore stated.

The said Burchfield was honorably discharged on the 8th day of August, 1865, at Knoxville, Tenn. The said Burchfield has since died, and Sarah A. Burchfield is his widow, now surviving.

Under the holding of the Pension Office the widow could not obtain a pension. The committee, being of opinion that her claim is meritorious and that she is entitled to prosecute her claim for a pension free from obstructions, do recommend the passage of the accompanying bill as a substitute for H. R. 1135.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

WILLIAM S. RAY.

The next business on the Private Calendar was the bill (H. R. 7374) to restore William S. Ray to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to restore William S. Ray, late a private in Company G, Third Regiment North Carolina Mounted Infantry, to the pension roll.

The report (by Mr. JOHN S. WISE) was read, as follows:

William S. Ray was duly enlisted as a private in Company G, Third North Carolina Mounted Infantry. He was placed on the pension-rolls on account of wounds received which totally disabled him, receiving at the time $18 per month. He was dropped from the rolls the 26th of May, 1877, on a report from G. H. Ragsdale, special agent from Pension Department, on a charge that he was not in the line of duty when wounded. The affidavits of comrades show that the soldier came through the lines from his regiment in Madison County, North Carolina, on the special duty of piloting recruits for the Federal service, which he often did, and was fired upon by rebel scouts while so employed, receiving his severe wound at the time. This testimony is corroborated by that of soldiers in the confederate army who were eye-witnesses to the whole affair.

The committee think that the testimony is sufficient to restore the soldier, and we recommend the passage of a substitute for the original bill.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. HEWITT, of Alabama. Mr. Chairman, I desire to make one or two observations in relation to this matter. It appears that in this case a special examiner was sent out, I suppose to the home of this soldier, to inquire into his title to a pension. That examiner must have had the witnesses before him and must have had an opportunity to examine them face to face. Obviously, therefore, he could better tell whether or not they were testifying truly than this House possibly can from mere *ex parte* affidavits—none of us having even seen any of the witnesses. This man was dropped from the rolls upon the report of that special agent. If that agent was a bad man, or if he was an incompetent man, this report fails to so state. Now the point I desire to make is this, that wherever there has been an examination by a special examiner of the Pension Office who has had the witnesses before him, he certainly has had at least a better opportunity of getting at the facts than any committee of this House, any dozen men in this House, or the whole House together, can possibly have upon mere *ex parte* affidavits.

One other remark I wish to make. There is a general law that has stood upon our statute-book for many years, which requires the Commissioner of Pensions in all cases where a pension claim has been rejected in his bureau, and where he deems the case a meritorious one in regard to which Congress should act, to report the facts to this House, together with the evidence upon record in the bureau, with his recommendation that Congress shall take action upon it. I do not wish to take up the time of the House with this matter, because I despair of preventing the passage of these measures except by filibustering—which I do not propose to do; but I wish to say that in my opinion a case that can not be made out before the Commissioner of Pensions or before the Pension Bureau upon *ex parte* affidavits is certainly a very poor case to come before Congress.

Mr. KETCHAM. Mr. Chairman, I would like to ask the gentleman from Alabama [Mr. HEWITT] if he can tell us whether this special examination was held under the new system, which gives the claimant the privilege of cross-examining the witnesses, or under the old system where the inquiry was wholly *ex parte?*

Mr. HEWITT. I do not know. I do not suppose that the report gives that information. I will say, however, that I approve of the new system, for I do not believe in sending out spies to make secret examination into these cases. I will ask the gentleman from Indiana [Mr. MATSON] whether this is one of the old cases?

Mr. MATSON. It is.

Mr. HEWITT, of Alabama. Well, the observations that I have been making upon this subject are general and are not meant to apply specially to this particular case; but I do say that this House ought to lay down the rule that it will not receive or consider a case coming from the Pension Bureau that has been investigated there and finally adjudicated, unless it is accompanied by a recommendation from the Commissioner of Pensions under the general law.

Mr. MATSON. Mr. Chairman, the objections made by the gentleman from Alabama, in relation to this case, are not without force. However, as to the point that this case has been investigated by a special examiner of the Pension Office, I desire to call the gentleman's attention to the date of that examination. It appears from the report that the examination was made in May, 1877. At that time the practice of the Pension Office was to send out secret agents to examine into cases pending, or cases that had been adjudicated in the office, giving no notice whatever to the claimant, but examining the witnesses without his knowledge, taking the testimony of persons who were opposed to him, and giving him no opportunity to meet and cross-examine those witnesses. The examination in this case was probably of that kind, because that was the practice at the time it was made.

Then, as to the objection that pension bills ought not to be passed by this House unless in cases recommended by the Commissioner of Pensions, that is to be answered by the fact that if the Commissioner of Pensions and the clerks in the Pension Office are to be required to perform that additional labor, to examine not only into the legal features of each case, but also into its equitable merits, then the adjudication of claims in that office will necessarily be even slower than at present. I think the gentleman would hardly propose to put that additional labor on the Pension Office, because it would, of course, necessitate the employment of a large additional number of clerks.

Mr. HEWITT, of Alabama. I will ask the gentleman whether there is not a number of cases that come before his committee with the recommendation of the Commissioner of Pensions under the general law?

Mr. MATSON. There are cases of that kind, and we have reported, I suppose, as many as twenty or thirty of them, or possibly more than that, during this Congress. I believe that all the cases that have been recommended by the Commissioner have been reported favorably by the committee. But the fact that some cases have been recommended in that way is no reason for assuming that they are the only meritorious ones. Those cases were recommended because it happened that the parties prosecuted them and followed them up and brought them to the special attention of the Commissioner, who therefore recommended them to Congress under the resolution of 1830.

Mr. HEWITT, of Alabama. I would further ask the gentleman whether or not it is the duty of the examiners of the Pension Office, wherever they think a case has equitable merits, although it does not meet the requirements of the law, to call the attention of the Commissioner of Pensions to it?

Mr. MATSON. I do not remember the exact language of the resolution of 1830, but my impression is that it applies only to the Commissioner of Pensions.

Mr. HEWITT, of Alabama. Of course it applies to the Commissioner of Pensions, but it is the Commissioner who passes upon all these cases. The clerks and other employés of the department are merely his agents.

Mr. MATSON. I am quite sure that the practice of the office is not such as to require the examiners to call the attention of the Commissioner to the fact that in their opinion Congress ought to intervene in particular cases, and I am quite sure also that those cases in which the Commissioner has made recommendations have been cases to which his attention was specially called.

Mr. WOLFORD. As I understand the report in this case, the Commissioner of Pensions rejected this claim because he held that conducting recruits to the Army was not in the line of this soldier's duty.

Mr. HEWITT, of Alabama. I think the claim was rejected because the man was considered to have been a deserter.

Mr. MATSON. I will say in reply to the gentleman from Kentucky [Mr. WOLFORD] that the rejection by the Commissioner of Pensions, as I understand, was not upon the ground that conducting recruits was not a part of the soldier's duty; the Commissioner did not say that; but in rejecting the case he said it appeared from the evidence taken by this secret special detective that the man was not in the line of duty when wounded.

Mr. WOLFORD. Another question: Does not the report state that the proof shows the man was conducting recruits at the time he was wounded?

Mr. MATSON. Yes, sir; the report so states.

Mr. HEWITT, of Alabama. But suppose he had no order to be conducting recruits; that he left his command and engaged in this service on his own responsibility, what do you say about that kind of a case? A man might much prefer to go out and bring in recruits than to be engaged in fighting battles.

Mr. MATSON. I think that if the soldier was engaged in that kind of occupation, whether he had the command of an officer to do so or not, he was serving his country in a military capacity, and if wounded while so engaged ought to be pensioned.

Mr. HEWITT, of Alabama. Though he had left his command without orders and without leave?

Mr. MATSON. I do not say that if he was absent without leave or was a deserter he would be entitled to a pension; but I do say that in the absence of any proof on that point, if at the time he was wounded he was engaged in his military service, which was for the benefit of his country, he ought to be pensioned.

Mr. HEWITT, of Alabama. If he had been regularly detailed by a proper officer having authority to detail him for that purpose and was performing that service under a lawful order, and was wounded while so engaged, he would be entitled to a pension, because he would have been in the line of duty.

Mr. MATSON. In that case he could get a pension through the Pension Office.

Mr. HEWITT, of Alabama. But if he had left his command without orders and entered of his own choice upon this kind of service, and had been killed while so engaged, he would not have been killed in the line of duty; and neither his widow nor any one else who had been dependent on him would be entitled to a pension under the law.

Mr. MATSON. This soldier might not have been in the line of duty in the strict meaning of the term, and at the same time might not have been a deserter or absent without leave. He might have had the right to be absent from his command, might not have been a deserter in any sense of the word, and I repeat, if he was not a deserter, was not absent without leave, and was engaged in this business, I think he ought to be pensioned if he was wounded while in the performance of such service.

Mr. O'HARA. Mr. Chairman, in regard to the objection raised by the gentleman from Alabama [Mr. HEWITT] as to the *ex parte* statement in behalf of the petitioner, it is clearly shown by the report of the committee that the information upon which this soldier was dropped from the pension-roll was purely *ex parte;* so that in this respect the case is equally balanced. But, as shown in the report, disinterested parties, the soldier's comrades, men who were with him at the time, testify that he was in the line of duty.

The gentleman from Alabama makes a further objection that perchance the soldier engaged in this particular line of service without a command from some superior officer. This objection is also met by the affidavits of his comrades, who state that he was there in the line of duty; and as has been said by the chairman of the committee, whether he was or was not there by express command, he was doing a service to his country, which was then imperiled. He was discharging a duty for which every loyal citizen of the Government would commend him; and I think the mass of the American people will indorse the action of Congress in giving him a pension under circumstances of this kind.

Mr. WOLFORD. Only a few words in relation to this case, for I do not want to occupy the time of the House.

It occurs to me that if ever there was a case where a man was fairly, justly, and honestly entitled to a pension, this is such a case, if we can believe the facts as stated in the report. I am not talking about the man being entitled to a pension according to the rules and regulations made by the Pension Department under authority of law, but I am talking about his being entitled to a pension from the Congress of the United States on account of having been wounded in the service of his country.

Now, I want to call the particular attention of my friend from Alabama and of the House to a few facts in relation to this case as reported.

It is in proof according to the report that he was in the line of his duty. Not only that, but it is in proof he was in the line of his duty. How in the line of his duty? Why, sir, that he was conducting recruits. He was then in a country which was in possession of the enemy, and in order to conduct recruits to our Army he had a very dangerous and difficult task to perform. The man who stood in battle face to face with the enemy, on equal terms, with equal numbers, was not in the danger, nothing like the danger, and was not doing the same service to his country in the highest sense of a dangerous service as the man who undertook to conduct recruits through the enemy's country, through the enemy's lines into the lines of our Army.

I know something about it from experience and observation. I know something about the difficulty of such a service. Here is a man that the law presumes, every single principle of common sense presumes, did not undertake this difficult and dangerous service in order to evade his duty, but the presumption arises and ought to arise in this Congress, and will in the mind of my distinguished friend from Alabama [Mr. HEWITT], and in the mind of everybody else who will pay attention to it—the presumption arises from the proof that he was ordered there. That is the legal presumption, the sensible presumption. And why? Because the proof according to the report is that he had previously been engaged in that very service of which no complaint was made. He was not arrested as a deserter when he brought, perhaps, many companies of recruits to our armies and did great service to it. If, then, the presumption is that he was previously engaged in doing that duty, would a deserter, would a man who had gone without authority, have selected this dangerous service; would he have repeated it without reprimand or arrest or punishment from his officers?

The legal presumption, the sensible presumption, the fair presumption for this Congress to make is that he was ordered there, or at least if not ordered, I will put it upon the ground where it is more credit and honor to him—if he was not ordered there he was permitted to go. His love of country, his desire to serve a cause which nobody could tell whether it would be triumphant or not, at a time when it was doubtful how the scale of war would turn, how the issue would eventuate; this man, from love of country, from the desire to get more men into our Army, that we might be stronger, that we might be more powerful, that we might preserve and maintain the nation in its glory and beauty, that we might be triumphant—this man, actuated by the highest motive of patriotism, by the greatest desire to see his country victorious, may have requested time and again that he should be allowed to go and get more men. If he did, it was commendable, and his pension ought to be passed that much sooner.

That is all, and the very worst phase which can be put upon it, that this man, who loved his country, desiring to go, and who did go, and did a great deal more good than he could have done as an individual standing alone in the ranks of battle. But I go further than that. I wish to say a word or two more. There are now thousands and tens of thousands of most worthy individuals, most loyal soldiers of our Army,

who are debarred from receiving a pension. The rule in the Pension Department, the law, may not give them ample protection.

I go further and say, now that the war is over, that the effort to divide and make two governments in a territory where there was but one—and that was the real issue—when that is all over we ought to do justice to the men who stood so bravely by us. [Applause.] There are of those who were in the confederate army none now but Union men. Every soldier who fought against us in the war is now for perpetuating this Government. The Government should be kind and just to its soldiers. It ought to make the soldiers love it. If you wish to perpetuate the Government in its glory and beauty—and every man does; my friend from Alabama [Mr. HEWITT] does; every man on this floor does; if you wish to perpetuate it in its glory and beauty and power and dignity, so as to hand it down as long as time shall last; if you would hand it down in its integrity, in prosperity and in honor, you must encourage the idea that this great Government will be grateful to those patriotic soldiers who fought to maintain it in the hour when its existence was imperiled. [Applause.]

Indeed, I will vote to pension every soldier of every war who has an honorable discharge. I am for doing that out of the love of liberty and to make the soldiers grateful to the country. I would do it because they have loved their country. [Applause.] I am for pensioning every one who can bring a case as meritorious as the one now presented. In every case where a man did most dangerous duty which could be done in the army, as was the case with this man, I never would forgive myself, nor would my distinguished friend from Alabama, if I voted against it. [Applause.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

W. H. H. COLEMAN.

The next business on the Private Calendar was the bill (H. R. 6982) granting a pension to W. H. Coleman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension-roll the name of W. H. H. Coleman, late a private of Company B, Eleventh Regiment Pennsylvania Reserve Corps, and pay him a pension from and after the passage of this act.

The report (by Mr. PATTON) is as follows:

The committee find by the report of the Adjutant-General that H. Coleman, a private of Company B, Eleventh Regiment Pennsylvania Reserves, was enrolled on the 10th day of June, 1861; three years at Camp Wright, and reported to February 28, 1862; present up to June 30, 1863, to August 31, 1863; absent sick in general hospital since August 10, 1863; transferred to Company B October 31, 1863; absent sick February 29, 1864, to April 30, then present; mustered out with company June 30, 1864, as William H. H. Coleman.

Surgeon-General's Office reports W. Coleman, Eleventh Pennsylvania Reserves, was sent from regimental hospital to Alexandria March 29, 1862—date of admission—and returned to duty May 26, 1862.

Examining Surgeon J. M. Torrence certifies May 31, 1882:

"William H. H. Coleman is one-fourth incapacitated from obtaining his subsistence by manual labor. Claimant's disability, so far as I can judge at present, is due to the so-called muscular rheumatism; symptomatic features, tongue slightly furred; some stiffness in motion."

Examining surgeon board at Kittanning, Pa., in March 7, 1883, find—

"William H. H. Coleman's disability was possibly incurred in the service as he claimed, and he is entitled to one-eighth total rating. Also find the affidavit of Dr. Thomas St. Clair, who says, "I have known William H. H. Coleman before his enlistment and since childhood; was the family physician of his father, and believe him to have been sound when he entered the Army."

Also the affidavits of Henry Miller and Frank Hamers that—

"They were well acquainted with William H. H. Coleman, and have known him since the year 1860; that they knew at the time said claimant enlisted in the Army in the year 1861 he was a sound, able-bodied young man, and have known him since his discharge in the year 1864, and that he has been suffering with rheumatism, and they have often visited said Coleman at his residence and found him confined to his bed with rheumatism, and that he has been afflicted with said disease during all the time since he came home until the present time, and have often seen him so badly crippled with said disease as to be unable to move around."

And the sworn statement of D. H. Lucas, similar to that of the above affiants, Miller and Hamers.

Also comrades J. T. Gibson and G. A. McLain testify that—

"William H. H. Coleman was left in camp, can not remember date, but was in the fall of 1863 or spring of 1864, and affiants knew that at the time said Coleman was left in camp he was suffering with rheumatism, and affiant G. A. McLain saith that Coleman at the time he enlisted in the Army was a sound, able-bodied man and free from rheumatism. Also affiants further say that said Coleman was detailed from the company into the commissary department, and that John F. McClain, the regimental postmaster, and Joseph Hoffman, who acted as butcher for commissary department, messed and tented with said Coleman; that they are both dead."

The committee also find twelve letters from prominent citizens of Indiana, Pa., the home of William H. H. Coleman, recommending him for a pension, which letters we would add to this report.

The committee are of the opinion, after considering all the facts in the case, that the claimant is entitled to a pension, and they therefore recommend the passage of the accompanying bill.

Mr. MATSON. Mr. Chairman, I desire to offer an amendment to that bill. The form of the bill, it will be observed, is as follows:

That the Secretary of the Interior be, and is hereby, directed and authorized to place on the pension-roll the name of W. H. H. Coleman, late a private of Company B, Eleventh Regiment Pennsylvania Reserve Corps, and pay him a pension from and after the passage of this act.

I move to strike out all after the word "corps," in line 6, and add the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN EDMISTON.

The next business on the Private Calendar was the bill (H. R. 4605) granting a pension to Ellen Edmiston.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Edmiston, widow of Elias Edmiston, late of Company —, —— Regiment Volunteers.

The committee recommend the following amendment:

Fill the blank in line 7 by the words "A, Fifty-fifth;" so that it will read: "Company A, Fifty-fifth Regiment Volunteers."

The report (by Mr. PATTON) is as follows:

That claimant is the widow of Elias Edmiston, who enlisted in the military service of the United States as a private in Company A, Fifty-fifth Regiment Pennsylvania Volunteers, November 30, 1863, and was honorably discharged June 19, 1865.

The soldier was pensioned in his lifetime at $14 per month, for gunshot wound of both thighs, left shoulder, and head, and died March 4, 1875.

The application of the widow was rejected on the ground that the death of the soldier was not due to his military service.

It is shown by both medical and lay testimony that the soldier was a constant sufferer from his wounds, and that for a short time before his death his mind was affected by the wound of his head. He wandered from his home on the night of the 3d of March, 1875, and on the following day was found dead in the woods. It is shown by the report of the inquest held upon his dead body that he came to his death "by exposure and cold."

Your committee are of the opinion that the death of the soldier was due to wounds he received in defense of his country, and that his widow should receive a pension, and therefore recommend the passage of the accompanying bill, amended, however, by inserting after the word "Company," in line 7 of said bill, the words "A, Fifty-fifth."

Mr. HEWITT, of Alabama. I would like to ask as to what, in the opinion of the medical board who examined this case, is the ground for granting a pension?

Mr. PATTON. I do not remember distinctly without again looking over the papers, but the facts are stated in the report. He lost his mind for some cause, supposed on account of his wounds, and while wandering in the woods died, and was found dead the next morning. He was shot three times.

The amendment proposed by the committee was agreed to.

Mr. MATSON. I move a further amendment: to insert in line 7, after the word "regiment," the word "Pennsylvania."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA WARR.

The next business on the Private Calendar was the bill (H. R. 2646) granting a pension to Eliza Warr, widow of Isaac Warr, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteers.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eliza Warr, widow of Isaac Warr, late of Company F, of the One hundred and fourteenth Regiment of Pennsylvania Volunteers, on the pension-roll, and to pay her a pension at the rate of $8 a month from the date of the death of her husband, November 14, 1879, to continue during life, or until she should again marry.

The committee recommend the following amendment:

Strike out in lines 7, 8, 9, and 10 the words "and to pay her a pension at the rate of $8 a month from the date of the death of her husband, November 14, 1879, to continue during life, or until she should again marry," and insert "subject to the provisions and limitations of the pension laws."

The report (by Mr. PATTON) is as follows:

The committee report that it appears from the claim for pension and evidence filed in the Pension Office in the case of Eliza Warr, widow of Isaac Warr, late private of Company F, One hundred and fourteenth Regiment of Pennsylvania Volunteers, that said soldier enlisted in said service as a private August 21, 1862, and served (when not under treatment for disabilities) until July 1, 1865, when he was honorably discharged; that while in said service and line of duty in action he was wounded at Petersburg, Va., April 2, 1865, and that also from exposure in like line of duty he contracted a severe cold, which resulted in disease of lungs, of which he died November 14, 1879; that soon after his death the widow made her claim for pension, and based her claim upon the belief that her husband's death resulted solely from his wound by depletion of the system, and the evidence of the doctors who attended him tended at first to that conclusion, but by the evidence afterward that the soldier also contracted a cold, which caused affection of the lungs, in said service; that his family doctor testified lastly more specifically as to his disease of the lungs from the time of his arrival home at the time of his discharge, showing that the consumption of which he died, although it did not originate from his wound, did result from his lung disease, which originated from cold contracted in said service. At the first the claimant had no regular attorney, and believing that she was entitled to a pension on account of her husband's wound alone (which was, it appears, a bad one), she at first omitted to state anything about her husband's disease of lungs, which she subsequently did.

The evidence filed in the case in support of the fact that consumption of the lungs, which was the immediate cause of the soldier's death, originated in the service named, is to the following effect:

Samuel Dentel and John Butcher testify that they knew the soldier from 1847; that they saw him a few weeks or a few months after his discharge and return from the Army in 1865, and he was then thin in flesh and much changed in appearance from what he was when he enlisted in August, 1862; that he had a cough and was never free from it afterward, and got worse from year to year, and died of consumption, the result of his army life; that he was sound when he enlisted, and came home broken down, and was never well afterward and not able to do laborious work; that he was also wounded and suffered from that as well as from his disease of lungs. He was energetic and never complained, and worked and attended to business when he was not able; that they lived near neighbors to him both before and after the war, and witness Butcher helped him at his work sometimes, which was that of a florist, he not being able to do it.

John I. Shuster and William France testify that they were in his company in the Army, the first named as sergeant of the company, and the last named as private, and that about the middle of December, 1864, near Petersburg, Va., from exposure in cold weather without shelter, the said soldier contracted a cold, which troubled him while in the service afterwards; that the enemy, under Wade Hampton, made a raid on the cattle of the Union Army, and the One hundred and fourteenth Regiment, to which the soldier and witnesses belonged, was sent out after the enemy, and were out all night, and spent part of the night in a temporary fort, which they called that night "Fort Freeze to Death;" that the weather was cold and they were without shelter, and the said Isaac Warr caught cold, from which he never recovered; that he was a kind of man who would not give up, and kept on duty afterward until he was sent away wounded; that up to the time he contracted his sickness he was a strong man and free from cold or cough; that witness, France, saw him several times after the war and he was still troubled with cough, and grew worse from year to year.

Peter Devereux testifies that he knew the soldier from 1855, and saw him often before he enlisted in 1862, and after his discharge in 1865, and that before his enlistment he was a strong, healthy, vigorous man, and had been a soldier in the Mexican war; that the witness saw him a few weeks after his discharge from the Army in the summer of 1865, and then formed the opinion that a strong, vigorous man had been broken down by army life. Witness saw him often each year afterward, and he gradually wasted away until he died; that he had a cough after his return from the Army which resulted in consumption, of which he died.

A. W. Given testifies that he was first lieutenant and brevet captain of the soldier's company, and remembers him being off duty on account of sickness about the first of 1865. Witness could not remember the exact time nor the nature of his sickness, but is almost certain it was from cold contracted from exposure in line of duty; that he had a cough after, about December, 1864; that he was a man who would not give up, and kept on duty when not able, and after December, 1864, he got thin in flesh and had a hectic flush on his face.

Dr. James M. Leedom testifies (after the claimant better understood her rights, and based her claim on her husband's disease as well as his wound) that he attended the soldier from about August, 1865, after his return from the Army, to the fall of 1870 or disease of lungs; that when he first called to attend him in August, 1865, he was confined to his bed and had a cough and incipient phthisis, and also suffered from a wound in his left hip, which was suppurating very much, and so continued for about six months; that the witness attended him more or less every year for his lung trouble, and he had the cough during the whole time, and toward the last of said treatment his expectoration was of that nature peculiar to phthisis, and he had tubercles in the lungs when he first attended him after his discharge; that the witness has no doubt and believed that his lung disease was caused by exposure incurred in the Army, and that his wound contributed to said disease from the drain on his system; that witness knew him for three years before he enlisted and was his family physician and never had occasion to attend him then. He was then in sound health and free from lung disease.

Dr. Jacob H. Wehner testifies that he attended him from October 16, 1878, till November 14, 1879, the date of his death, for phthisis pulmonalis (consumption), and the disease was in the third or last stage; that he believes exposure while he was in the Army was the exciting cause; that he also had a wound on his left hip which had left a large cicatrice, and that the drain on his system from the wound might have contributed, and probably did contribute, to his disease.

The claim was rejected by the Pension Office before the widow filed the additional evidence as to the origin of the soldier's lung disease in the military service from cold and exposure, and notwithstanding the nature of the evidence as herein reported the Pension Office refused, under their strict ruling, to reopen or reconsider the case.

The conclusion arrived at in this case by the committee from the evidence recited is that the soldier was a remarkably strong, healthy man before and at the time he entered the service; that while in the service he contracted a severe cold which resulted in disease of the lungs; that he was also badly wounded in one of his hips, and that from these disabilities his death resulted. We therefore report the bill favorably, and recommend its passage, amended, however, by striking out all after the words "pension-roll," in line 7 of said bill, and insert in lieu thereof "subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JESSE C. BUCK.

The next business on the Private Calander was the bill (H. R. 5146) granting a pension to Jesse C. Buck.

The bill is as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of Jesse C. Buck, late a private in the Third Pennsylvania Heavy Artillery (One hundred and fifty-second Regiment Pennsylvania Volunteers), at the rate of $8 per month.

The committee recommend the adoption of the following amendment:

Strike out in lines 8 and 9 the words "at the rate of $8 a month."

The report (by Mr. PATTON) is as follows:

Jesse C. Buck enlisted as a private in the One hundred and fifty-second Regiment (Third Artillery) Pennsylvania Volunteers, February 29, 1864, and was honorably discharged July 5, 1865, and filed his declaration for pension November 27, 1868.

That in July, 1864, while stationed at Fortress Monroe, Va., as an unassigned recruit, he was injured by a blow on his left leg from the toe of his comrade's boot while marching at a double-quick; that the rest of the company passed over him and he was severely injured. The fact is fully established by four of his comrades, who also testified to his being sound before his enlistment and free from all lameness; also to the fact of his being lame and entirely disabled since the time of his injury.

The medical testimony is to the same effect. The doctors show that the injured limb is shorter and smaller than the other; that the injury to the tendon of the muscle has caused atrophy of the said lower left leg, severe pain, and a permanent lameness. He must use a crutch and cane in order to move.

Against all this is the certificate of the examining surgeons, who say:

"The man is now in good general health, with the exception of extreme obesity—three hundred and sixteen pounds—now really a disease, which he claims is a sequence of his enforced inactivity. That this statement and conclusions are not true and legitimate we are not prepared to assert. He claims his army weight was one hundred and sixty pounds."

They find all the signs of an injury claimed by the soldier; find him wholly unfitted for manual labor, and rate him at three-fourths. The committee find that he has properly and satisfactorily accounted for his inability to furnish any other kind of proof of his injury; that the proof by his comrades and physicians must be accepted as fully establishing his claim. The committee agree that he should be allowed a pension, and recommend the passage of the accompanying bill with the following amendment: Strike out, in lines 8 and 9, the words "at the rate of $8 per month."

Mr. HEWITT, of Alabama. I would like to ask my friend from Pennsylvania who makes this report if there has been any application to the Pension Bureau in this case?

Mr. STORM. Yes, sir.

Mr. HEWITT, of Alabama. On what ground was it rejected?

Mr. STORM. On the ground that he had not sufficiently proven, or had not proven to the satisfaction of the office, the fact that the injury was received in the service. We show here by the testimony of four of his comrades, men who were with him at the time that the injury was received, as set forth in the report, the facts in connection with his disability.

Mr. HEWITT, of Alabama. How is that stated in the report? I did not catch the reading.

Mr. STORM. The fact as set forth in the report is as follows:

The fact is fully established by four of his comrades, who also testified to his being sound before his enlistment and free from all lameness; also to the fact of his being lame and entirely disabled since the time of his injury.

Mr. HEWITT, of Alabama. I want to know the manner in which he was lamed originally.

Mr. STORM. That is also set forth in the report:

That in July, 1864, while stationed at Fortress Monroe, Va., as an unassigned recruit, he was injured by a blow on his left leg from the toe of his comrade's boot while marching at a double-quick; that the rest of the company passed over him, and he was severely injured.

Mr. HEWITT, of Alabama. He now weighs about 300 pounds, I believe.

Mr. STORM. Three hundred and sixteen; but that ought not to weigh against him now. [Laughter.]

Mr. HEWITT, of Alabama. I think he had better have a pension.

The amendment reported from the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM PAUGH.

The next business on the Private Calendar was the bill (H. R. 5581) granting a pension to William Paugh.

Mr. STORM. I ask unanimous consent that this bill be passed over informally without prejudice.

There being no objection, it was ordered accordingly.

AMOS STROH.

The next business on the Private Calendar was the bill (H. R. 5387) granting a pension to Amos Stroh.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Amos Stroh, late lieutenant-colonel of the Eighty-first Regiment Pennsylvania Volunteers, on account of disease contracted in the military service of the United States, while captain of Company G, in said regiment, at the rate of $15 per month from the 1st day of August, 1863.

The committee recommend the adoption of the following amendment:

Strike out, in lines 8 and 9, the words "at the rate of $15 per month from the 1st day of August, 1863," and insert "subject to the provisions and limitations of the pension laws."

The report (by Mr. PATTON) is as follows:

That Amos Stroh was mustered into the service of the United States on the 16th day of September, 1861, as captain of Company G, Eighty-first Regiment Pennsylvania Volunteers, for three years, and was promoted to lieutenant-colonel of same regiment April 17, 1863. He claims that while in the military service of the United States and in the line of his duty he contracted a disease of the kidneys, from which he is now totally disabled.

This claim was originally filed ——, and was rejected upon a final hearing on the 11th day of December, 1879, on the ground that claimant was not disabled by disease of kidneys before or since his resignation from the Army. Additional evidence was filed, and the case reopened. On October 2, 1882, the claim was again rejected on the ground that the additional evidence filed did not change the status of the case. It is in evidence that claimant was in perfect health when he entered the service, and that he took sick on or about the close of the seven days' fight, in July, 1862, on the Peninsula, Virginia, and that in view of said sickness he was sent home on recruiting service; that after his arrival home he was confined to his room for over two weeks, and that during his stay home, a period of three months, he was treated for disease of the kidneys by Dr. A. C. Smith, his family physician; that, though only partially restored to health, at the expiration of said period he returned to his command, and, as shown, was as soon after promoted to the rank of lieutenant-colonel of the regiment. In this capacity he served until the day of his resignation; and though it is not shown that he resigned on account of sickness, it is shown that his kidney trouble had not left him. The medical testimony of Drs. Bowman, R. B. Kirby, A. C. Smith, R. Leonard, De Young, B. S. Erwin, and J. G. Zem, who have treated him from time of discharge to the present time, clearly and fully establishes the fact that he was treated for kidney disease, and no other.

Since the rejection of the claim by the Commissioner of Pensions the certificate of six physicians of Carbon County, Pennsylvania, where Colonel Stroh resides, setting forth his soundness before going into the Army, and his impaired physical condition after his return from the Army, and at the present time. They all unite in saying that he has chronic affection of the kidneys and bladder; some of these physicians knew him personally before he went into the Army.

Also a certificate of seven of his fellow-laborers (the applicant being an iron-molder), setting forth the physical condition of the soldier before and since his military service, and his inability now to pursue manual labor as a means of securing a livelihood.

Also a statement signed by twenty-eight of the officers and privates of the said Eighty-first Regiment, showing that claimant was a sound man when he entered the service, and that he became disabled in the line of his duty while on the Peninsula in 1862, from disease, which the regimental surgeon, Dr. Gardner, pronounced kidney trouble, caused by exposure, and on this account was off of duty for about four weeks, and was afterward sent home on recruiting service

in order to allow him an opportunity to regain his health. That he has suffered from the same disease since his return; that he is now sixty-three years old, and is unable to earn a livelihood by manual labor, and that a pension be allowed him. Taking all the evidence, both before and after rejection of this claim, and it makes a very strong case, and on its showing the soldier is clearly entitled to relief.

Your committee therefore recommend the passage of the accompanying bill as amended, by striking out in line 8 all of said line after the word "regiment," and strike out lines 9 and 10. And add to the bill "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE TAPP.

The next business on the Private Calendar was the bill (H. R. 6018) increasing the pension of George Tapp.

The bill is as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the pension of George Tapp, late a lieutenant of Company B, Eleventh Regiment Pennsylvania Volunteers, now on the pension-roll of the United States as certificate numbered 72534, to be increased, and to pay him a pension at the rate of fifty dollars per month.

SEC. 2. That this act shall be in force from its passage.

The committee recommended the striking out of the word "fifty," in line 9, and the insertion of "forty-five."

Mr. MATSON. I ask unanimous consent that, for manifest reasons, the reading of the report be dispensed with, and that it be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The report (by Mr. PATTON) is as follows:

From the papers presented to your committee we find the petitioner, George Tapp, served honorably in Company B, Eleventh Pennsylvania Infantry Volunteers, from December 11, 1861, to November 21, 1863, and subsequently in the Veteran Reserve Corps.

In the first-named service he received three gunshot wounds, viz: August 28, 1862, a bullet entered his left arm just above the elbow-joint, and he is now, as a result of this wound, unable to extend this arm, but carries it in a horizontal position. On the same date his right forearm was pierced by a bullet, which cut into the bone and caused sloughing off of an artery, leaving this arm useless where weight is concerned.

At Gettysburg, Pa., July 1, 1863, a bullet cut the cord of right testicle in such manner that amputation of the testicle resulted; the same ball continued through the adductor muscles of the thigh. The wounds enumerated have steadily grown worse since they were received, and his left arm is practically useless, as also is his left leg for locomotion, being but a partial prop when placed in position, and it is dragged by a serpentine or semi-circular movement when the claimant tries to move over short distances by aid of a cane in his partially disabled right arm. The loss of testicle has resulted in impotence, and, deserted by his wife, he has for years existed, by means of his pension, in a hut.

Your committee are of the opinion that such disabilities as this officer has received demand that a pension sufficient to relieve him from want or dependence upon others should be granted. We therefore report favorably upon his claim and recommend the passage of bill 6018, granting a pension of $45 per month to said George Tapp, amended by striking out of bill, in line 9, "fifty dollars" and insert "forty-five dollars."

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Indiana if, from his own knowledge, this is a case where the pension ought to be increased?

Mr. MATSON. It is undoubtedly such a case. The testimony is conclusive.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT PATTERSON.

The next business on the Private Calendar was the bill (H. R. 1759) granting a pension to Robert Patterson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Patterson, late a private in Company F, Thirty-seventh Regiment Wisconsin Volunteers.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 1759) granting a pension to Robert Patterson, having had the same under consideration, hereby submit the following:

The claimant, Robert Patterson, enlisted and was mustered into the United States military service on the 19th day of April, 1864, as a private in Company F, Thirty-seventh Wisconsin Volunteers, and served until May 24, 1865, when he was honorably discharged.

He made application for a pension upon the 4th day of February, 1876, upon the ground that he was disabled on account of rheumatism and erysipelas contracted in said military service, which was rejected by the Pension Office upon the 8th day of September, 1877, upon the ground that there was "no record of alleged disability, and inability of the claimant to furnish medical evidence connecting the alleged disability with the military service."

The proof is clear that he was a sound and healthy man when he entered the service. The testimony is also satisfactory that he contracted the diseases alleged at White House Landing, in August, 1864, in the State of Virginia, and while in the line of duty. It is also fully established that he was suffering from the effects of those diseases when he was discharged from the service, and that he has continued to suffer therefrom ever since that until the present time. That his disability is the result of diseases contracted in the service seems to be fully established. Examining Surgeon F. V. Burroughs, of Mauston, Wis., testifies:

"In my opinion the said Robert Patterson is one-half incapacitated for obtaining his subsistence by manual labor from disability resulting from erysipelas and chronic rheumatism."

The foregoing findings and conclusions are supported by the testimony of six witnesses besides the examining surgeon. Your committee therefore report in favor of the passage of said bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS J. BLAIR.

Mr. LOWRY. I crave the indulgence of the committee to allow me to call up a short bill unanimously reported by the Committee on Invalid Pensions. It is the bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll, and will be found on page 49 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Lewis J. Blair, late lieutenant-colonel of the Eighty-eighth Regiment Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The bill was reported with the following amendment:

In line 4 strike out the word "restore to" and insert in lieu thereof the words "reinstate on."

Mr. LOWRY. Perhaps it will be in the interest of expedition and will allow other gentlemen to come in if I am permitted briefly to state the facts in the case in place of having the report read. This is a bill to reinstate General Blair as lieutenant-colonel on the pension-roll he having heretofore been allowed a pension. His name was dropped in consequence of a special examination and a report of a special examiner, *ex parte* in its character, where no opportunity was afforded the pensioner of being heard. That report was to the effect that his wounds had not been contracted in the service. On a full examination of the case the committee find the facts to be quite otherwise. They state that the evidence is full and satisfactory as to the fact that the injuries were received in the service, and that they are fully satisfied his name should not have been dropped from the pension-roll. They recommend his restoration. The amendment proposed is simply a slight verbal alteration.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The report (by Mr. MATSON) in this case is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 372) to restore Lewis J. Blair to the pension-roll, having considered the evidence in the case, beg leave to report:

That claimant was mustered into the military service of the United States as captain of Company H, Eighty-eighth Regiment Indiana Volunteers, August 29, 1862; was subsequently commissioned major and lieutenant-colonel, and was honorably discharged June 7, 1865.

July 14, 1870, he was granted a pension of $20 per month for injuries of left side and ankle, received at the battle of Missionary Ridge, November 25, 1863.

November 29, 1876, his name was dropped from the pension-roll by order of the Secretary of the Interior, on the report of a special examiner of the Pension Office, on the ground that the disability for which the soldier was pensioned was not due to his military service.

The committee have examined this case very carefully, and find from the evidence of the colonel commanding the regiment at the battle of Missionary Ridge, and other officers present at this engagement, that Lieutenant-Colonel Blair was injured in his left breast, arm, side, and leg, by a bursting shell, and by being struck on the ankle by a spent ball; that he was treated in hospital for these injuries. The assistant surgeon of the regiment certifies to treatment for these injuries at the battle. The continuance of the disability from these injuries is shown by the testimony of the physicians who have treated him since his discharge. He is also shown to have been free from any disability prior to and at the time of being mustered into the military service of the United States.

The pension was originally granted by Commissioner of Pensions Bentley, after a personal examination of the evidence on file.

Your committee find in the evidence on file in this case, as well as that taken by the special examiner of the Pension Office, no sufficient reason for the action of the Commissioner in dropping the name of this soldier from the pension-roll, and therefore recommend the passage of the accompanying substitute bill.

MRS. ANN E. GRIDLEY.

Mr. WINANS, of Michigan. I ask unanimous consent to call up out of its order the bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Ann E. Gridley, a volunteer nurse in the late war, and pay her the sum of $25 per month from and after the passage of this act.

The Clerk commenced the reading of the report.

Mr. HEWITT, of Alabama [interrupting the reading]. I do not think it is necessary to read any more of the report. It may be printed in full in the RECORD. It presents only one question, whether or not we shall put nurses in the Army on the pension-roll. It is a new class.

Mr. BAGLEY. The gentleman will remember that we had several precedents of that kind last year.

Mr. HEWITT, of Alabama. Oh, yes.

The report (by Mr. WINANS, of Michigan) is as follows:

The Committee on Invalid Pensions, to whom was referred H. R. 7617, granting a pension to Mrs. Ann E. Gridley, report:

That said Mrs. Ann E. Gridley is a resident of Hillsdale, in the State of Michigan; that she commenced her work under the auspices of the Soldiers' Relief Association as a volunteer nurse in the spring of 1864, and was continuous in her patriotic services until the close of the war. She was not only an Army nurse but a disbursing agent of the association to aid the sick, wounded, and dying soldier, and provide special articles needed for his immediate relief.

The secretary of the association, Mr. T. Moses, says: "She was especially systematic and energetic in her methods, carefully examining her reports, as she came to me for funds and stores with which to prosecute her work."

And further: "I was personally cognizant of her work in the field and hospitals after the great battle of Cold Harbor. Perhaps her most important work was for the Andersonville prisoners as they languished in hospitals at Annapolis, after exchange. Her devotion to this most exacting and laborious duty nearly cost her her life. She contracted a fever from the contagion brought from Andersonville, from the effects of which she may never fully recover."

Dr. G. S. Palmer, late surgeon United States Volunteers, says: "She did

most excellent work among the sick soldiers at Annapolis. She contracted a severe fever and came near losing her life while in hospital service."

Dr. Bliss, brevet colonel (late surgeon), United States Army, says of her:

"As a volunteer nurse during the late war she was an efficient and faithful worker in the field and hospital. Her services were directed by good judgment and accomplished great good to the sick and wounded soldier."

Dr. Radcliff says:

"She served with efficiency at the United States general hospital at Annapolis during 1864 and 1865, especially during a severe outbreak of hospital fever, where she came near sacrificing her own life."

Dr. Heden Densmore says:

"Mrs. A. E. Gridley worked untiringly for the soldiers in the capacity of nurse during the war without compensation. Her labor was given over a large portion of time in various places with a heroism I have seldom seen equaled."

Dr. J. E. Dexter says:

"I knew Mrs. A. E. Gridley both in field and hospital as a volunteer nurse in the late war; none were more devoted and faithful. She merits special consideration from the Government."

D. T. Pierce, a member of the Michigan Relief Association, says:

"I can of my own personal knowledge state that no one rendered more valuable service than Mrs. Ann E. Gridley. Her present impaired health is undoubtedly the result of continual labor in the field and hospital."

E. W. Barber, reading clerk for several Congresses, and late Assistant Postmaster-General, says:

"She gave her whole time to the nursing and care of sick and wounded soldiers. No person from Michigan was more faithful, earnest, and devoted. Besides her personal and unpaid service she gave two boys to the service of her country—one to the Navy and the other to the Army, the latter entering the service at the age of 15 years, and remaining during the entire war. If there is anything on earth or in the loyal North that deserves consideration from the hands of the agents of the Government, it is Mrs. Gridley. She needs it to keep the wolf away from her door."

Harry H. Smith, the present efficient journal clerk of the House, says:

"I made the acquaintance of Mrs. Gridley in 1864, while a private in the Twenty-sixth Regiment of Michigan Infantry, on detail in this city, while assisting Dr. Tunnecliff, then Michigan military agent, looking after sick and wounded Michigan soldiers. Mrs. Gridley was similarly engaged; but did not confine her labors solely to Michigan soldiers, but assisted all sick and wounded Union soldiers to the extent of her ability."

Considering the above testimony, and in view of the further fact that her services were gratuitous, and that she has never received any compensation and is now poor and in ill-health, we recommend the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE TRECKELL.

Mr. PERKINS. I ask unanimous consent to take up out of its order the bill S. 929.

There being no objection, the bill (S. 929) granting a pension to Caroline Treckell was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to place on the pension-roll, subject to the limitations of the pension laws, the name of Caroline Treckell, widow of Lieut. Greenbury Treckell, deceased, late of the Aubrey Cavalry Company, Kansas Militia.

Mr. PERKINS. I desire to make a brief statement in connection with this bill as the report of the House committee has not been published.

Mr. HEWITT, of Alabama. Is that bill on the Calendar?

Mr. PERKINS. It has passed the Senate, and was reported by the House committee this morning, but the report has not been printed.

Mr. MATSON. I understand that the bills reported this morning are now at the Printing Office as well as the reports accompanying them.

The CHAIRMAN. The bill is in the hands of the Clerk.

Mr. PERKINS. I will make a brief statement. This is an old widow lady. I desire to say a word to explain why she has not obtained a pension through the Department. Her husband had undertaken to organize a company, and had been commissioned lieutenant of the company by the governor of Kansas. But he was killed by Quantrell's guerrilla organization before he was mustered into the United States service. For that reason the widow has not been able to obtain her pension through the Pension Bureau. There is no question as to the facts, and they are as I have stated.

The bill has passed the Senate, and has been unanimously reported by the committee to this House. This claimant is an old lady, now supported by the charity of her friends, and I ask that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MRS. JENNIE E. JOHNSON.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson be taken up.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Jennie E. Johnson, the mother of Capt. Charles P. Johnson, deceased, late a captain on the retired-list of the Army of the United States, as a pensioner at the rate of $25 per month.

The report (by Mr. HOLMES) was read, as follows:

That claimant is the mother of Charles P. Johnson, who enlisted in the military service of the United States as a private in Company A, Seventeenth Regiment Iowa Volunteers, February 25, 1862, and was promoted successively first lieutenant and captain, and who was by special act of Congress approved February 21, 1868, retired as a captain, and died April 12, 1879, from the effect of wounds received at the battle of Big Black River.

The evidence in the case discloses the following facts:

He enlisted at Leon as a private in Company A, Seventeenth Volunteer Regiment of Iowa Infantry, and was mustered into United States service March 21, 1862, as first sergeant. Through natural efficiency and strict attention to duty he was promoted to the rank of second lieutenant September 4, 1862, and was commissioned as captain June 3, 1863, and was the only officer in the regular Army commissioned by special act of Congress.

In the same year, while leading his company in a charge at the Big Black River in the rear at Vicksburg, he was wounded by a minnie-ball passing horizontally from side to side through the body, between the rectum and the spinal column, tearing away a part of the former, fracturing a vertebræ of the latter, and injuring the spinal cord to such an extent as to paralyze the lower extremities. The hospital surgeon thought the case hopeless, but by request, and also thinking to perform the last kind act for a friend, the regimental surgeon came and dressed his wounds by drawing a silk handkerchief, one-half at a time, entirely through his body.

The next day he fell into the hands of the rebels and was transported in a cattle-car to Atlanta, where his mother, having heard of his condition, reached him some time afterward. He remained here until the occupation of the city by General Sherman, when he, with his mother, was sent to Saint Louis, Mo. The nature of his wounds finds no parallel in the medical records of either Europe or America. The only position he could assume was that of lying on his face, and for sixteen years he could not find relief from his sufferings in any other position. For years, upon eating tomatoes, blackberries, or any fruit having fine seeds, these would tear open his wounds afresh and the natural excrement of the body find three avenues of escape.

After the death of Captain Johnson his widow was granted a pension, which she continued to receive up to the time of her death.

The soldier left no children, and with the death of his widow there was no one left with a legal claim against the Government for pension.

It is shown by the evidence that the mother, who is the claimant in this case, nursed the soldier back to life; cared for and watched over him as only a mother could, and in her care and attention exhausted all her means in ministering to his wants. She is now old and infirm from the long years of constant watching over her soldier son, and is left without any means of support, and with no one to look to for support in her declining years. She is shown to be an estimable lady, and a pension is asked for her by Governor Sherman, governor of Iowa, and many other leading men of the State, and by all who are familiar with the long years of laborious devotion to and the great sacrifices of health and means made for her son, who by reason of his wounds received in battle for his country was more than a child again.

Your committee think this claim appeals with peculiar force to the equities of Congress, and confidently believe that a pension should be given claimant for the sacrifices she has made, not only of her health, but of the means that otherwise would have been ample for her maintenance in her old age, and therefore recommend the passage of the accompanying bill, amended, however, by striking out all after the words "United States," in line 7 of said bill, and inserting the following: "subject to the provisions and limitations of the pension laws."

The amendment reported by the committee was as follows:

In lines 7 and 8, strike out the words "as a pensioner at the rate of $25 per month" and insert the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

EMMA O. ZEIGLER.

Mr. HILL. I ask unanimous consent for the consideration of the bill (H. R. 4878) granting a pension to Mrs. Emma O. Zeigler. General Robinson, the author of the bill, is no longer upon this floor, and I ask that the bill be considered now.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma O. Zeigler, widow of W. A. Zeigler, late captain of Company —, First Regiment West Virginia Infantry Veteran Volunteers.

The report (by Mr. LE FEVRE) was read, as follows:

That claimant is the widow of William A. Zeigler, who enlisted in the military service of the United States as a private in Company B, First West Virginia Light Artillery Volunteers, August 5, 1861; was commissioned second lieutenant in Company I, Fifth Regiment West Virginia Volunteers, January 13, 1863; first lieutenant West Virginia Veteran Infantry Volunteers, September 5, 1864, and captain March 29, 1865, and was honorably discharged July 21, 1865.

September 20, 1869, soldier filed a declaration for pension, alleging that on or about August 5, 1864, near Middleburg, Md., while retreating from the enemy, and in command of Company I, Fifth West Virginia Volunteers, he received sunstroke.

April 20, 1876, the soldier died, pending the final adjudication of his claim. After the death of the soldier, Emma O. Zeigler, the widow, completed the claim, and was granted a pension up to the date of her husband's death. But her claim for pension as the widow of said soldier was rejected on the ground that the fatal disease of which the soldier died was not due to and was not a result of his military service.

Surgeon Hysell, of the Ninth Regiment West Virginia Volunteers, testifies, November 3, 1879:

"That he frequently prescribed for the soldier in the summer of 1864 for hemorrhoids, or piles, and chronic diarrhea, and as surgeon of the First West Virginia Volunteers he prescribed for the said officer on several different occasions during the winter of 1864 and 1865 for the same trouble, together with ulceration of the rectum; that after both officers were discharged from its service in 1865 they settled about ten miles apart, affiant at Wyandotte, W. Va., and the officer at Catlettsburg, Ky.; and that he frequently saw and prescribed for the said Zeigler during the following winter and the summer of 1866 for what he called his old trouble, and the officer appeared to be suffering with the same disease for which he had treated him while in the service."

A. Robb, M. D., testifies, May 27, 1876:

"That he attended soldier in his last illness; had been his family physician for three years; he died April 20, 1876, of what he supposed was hemorrhoids, or piles, but shown by *post mortem* examination to be cancer of rectum, involving lower part of spinal cord, sciatic nerve of left side and the bladder; that he treated soldier March 17, 1876, for what he considered piles; soldier died April 20, 1876; a *post mortem* examination made eight hours after death showed the disease to be of a cancerous nature."

Captain Ewing swears to an intimate acquaintance with the soldier from 1864 to 1870; they occupied the same room as an office from 1865 to 1870, and knows soldier was frequently complaining of piles and under treatment for the same by Dr. Pugh, who was a physician boarding in the soldier's father's family; affiant filed soldier's application for pension and did not allege piles because Dr. Pugh was dead and they could not prove medical treatment.

Alcinous Carnahan swears he was ward-master in the regimental hospital of the Fifth West Virginia Volunteers, and had a personal knowledge of the fact

that Lieutenant Zeigler was afflicted while in the service with piles, and that from 1865 to 1870 soldier complained of piles.

Colonel Enochs, of soldier's regiment, swears that soldier was treated for piles in 1864, during the summer campaign in the Shenandoah Valley of Virginia, and from that time on to the date of his discharge in 1865.

James C. Ely testifies that he is a druggist in the town of Catlettsburg, Ky., and sold medicines to the soldier frequently during the year 1865, and on to 1870, which he desired for piles.

This case was investigated by a special examiner of the Pension Office in 1882, and the testimony thus taken is very voluminous and conflicting. In submitting the evidence in the case the special examiner says:

"I also believe that William A. Zeigler contracted piles in service, and that they continued to slightly affect him up to death."

It is shown by the evidence that the widow has not remarried, and that the soldier abandoned her a few years before his death, being at the time in fear of arrest for having used money belonging to an insurance company. The soldier located at Blanchester, Ohio, where he assumed the name of Avery, and July 19, 1871, was married to Miss Alice Jerrall, with whom he lived until the date of his death, April 20, 1876; and that ten children were the result of this marriage. During the time he was living with this woman at Blanchester, Ohio, he kept up a correspondence with and sent small sums of money to his lawful wife at the town of Catlettsburg, Ky., in which he impressed her he could not return home by reason of his liability to arrest for the use of money belonging to the insurance company as aforesaid. It is shown conclusively that no divorce proceedings were ever had by the soldier or claimant, and the legal marriage of claimant is fully established. Your committee find from the evidence in the case that the soldier's death was due to the disability contracted in the military service, and that his legal widow, which is the claimant in this case, is entitled to a pension, and therefore recommend the passage of the accompanying bill.

Mr. MATSON. Mr. Chairman, I ask that this bill be laid aside to be reported favorably to the House. I wish to state the reason why I make that request. When the bill was up before General Gibson made some objection to it, but he came to me last Friday night, after the committee had risen and we had gone into the House, and stated that he had investigated the matter, and that after that investigation instead of having any objection to the bill he wished to have it pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH DAVIS.

Mr. WILSON, of Iowa. I ask unanimous consent to call up the bill (H. R. 457) granting a pension to Elizabeth Davis.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Davis, widow of Hannibal B. Davis, late captain of Company K, Fourth Regiment Missouri State Militia, to date from the death of said Hannibal B. Davis.

The report (by Mr. HOLMES) was read, as follows:

The claimant, Elizabeth Davis, is the widow of Capt. Hannibal B. Davis, late a captain of Company K, Fourth Regiment of Missouri State Militia. This bill was favorably reported by the Committee on Invalid Pensions in the Forty-seventh Congress. As the report referred to is a very fair résumé of the points in the case, your committee herewith incorporate the same into their report, namely:

[House report No. 593, Forty-seventh Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the (bill H. R. 315) granting a pension to Elizabeth Davis, having had the same under consideration, respectfully report:

We find from the papers on file in the original case at the Pension Office, and those presented to your committee, that the petitioner is the widow of Hannibal B. Davis, who was a captain of Company K, Fourth Regiment Cavalry, Missouri State Militia; that he was mustered September 10, 1862, and resigned April 8, 1864. He was killed by a band of guerrillas at Tipton, Mo., September 1, 1864, a few months after his resignation from the service. The evidence shows that Captain Davis had made himself particularly obnoxious to the guerrilla forces in the State of Missouri during his service as captain of the Fourth Cavalry, and threats had been made repeatedly that when opportunity occurred he should be killed.

Having resigned from the service and located at Tipton, he was pursuing his avocation when notice was given of an impending raid by guerrillas upon the town. A force of home-guards was quickly organized and placed in charge of the captain, who did valiant service in repelling the invasion of the guerrilla band, but was unsuccessful in staying its progress. He, with others, was captured, and as soon as he was identified was placed in close custody, his comrades being released. He was carried across the county line into Cooper County, Missouri, where he was shot and killed. This case was rejected by the Pension Office on the ground that the officer was not in the service of the United States and in line of duty at the time of his death.

Your committee understand that under the law this widow is not pensionable, but there are equities of the case deserving of attention and recognition by Congress. The deceased officer for two years had been a gallant soldier in the service of the Government, and in that service had incurred the displeasure of the many bands of the enemy which were prowling through the State of Missouri at the time. The homes of himself and other Union men were threatened with attack on account of the action he had taken in the past, and hastily donning his former uniform he led his neighbors to repel the incursion of the enemy in defense of his home, and on account of his former service to the United States he was killed, and his services were forever lost to his wife. She claims, and your committee is of the opinion justly and equitably, the recognition of his services by the Government in the payment to her of a pension, the same as if he had been regularly upon the muster-rolls of the United States Army. An act granting him a pension passed the House in February, 1881, but failed to be reached in the Senate.

Your committee recommend that the bill be passed.

Your committee indorse all the statements of the foregoing report as fully borne out by the record proofs, and therefore recommend that the pending bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH M. BISSELL.

Mr. HEWITT, of Alabama. I ask unanimous consent to take up the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah M. Bissell, widow of Commodore Simon B. Bissell, late of the United States Navy, and pay her a pension of $50 per month from and after the passage of this act.

The report (by Mr. HEWITT, of Alabama) was read, as follows:

The committee have given Mrs. Bissell's case thoughtful consideration, and are convinced that no more deserving claim has come before Congress. Mrs. Bissell is the widow of the late Commodore Simon B. Bissell, who gallantly and faithfully served his country through a long and honorable career in the Navy, and now in utter helplessness she appeals for a pension barely sufficient to keep her from actual want. And in this connection the committee calls attention to the following letter from that gallant patriot Admiral David D. Porter; it tells its own eloquent story. The committee makes the said letter a part of this report:

OFFICE OF THE ADMIRAL, *Washington, D. C., June* 19, 1884.

MY DEAR SIR: Please accept my warmest thanks for your kind and encouraging letter regarding the pension of Mrs. Bissell.

I regret very much to hear that there is not a prospect of getting a bill through for the relief of Mrs. Bissell during the present session. The distress of this interesting family is the most dreadful that has come to my knowledge for many years.

It can scarcely be conceived that a person once holding Mrs. Bissell's position as the wife of a commodore in the Navy could be reduced to such poverty. Mrs. Bissell and her daughter have not a cent in the world. They have been obliged to sell every little article of value to purchase food. Fortunately they have a small house of their own in which they can hide their grief and their poverty.

I never knew until day before yesterday their actual destitute condition, and I yesterday sent them the first square meal they have had for two weeks.

Commodore Bissell, when he was retired, took his family abroad to a cheap place, where he was enabled to lay up a little from year to year. He put the money in the hands of a relative of his wife's to invest for her. After the commodore's death his family returned to America to find that all their savings which they had sent home had been made way with, and that absolute poverty stared them in the face. Their own relatives are unwilling to help them by the loan of even a dollar.

How they will get along God only knows, unless they can get this pension.

It is not right that the family of an officer who so faithfully performed his duty as did Commodore Bissell should be suffering such extreme poverty from no fault of their own.

I hope you will excuse me for troubling you with this long story; but as you have interested yourself in the matter, and it comes under your cognizance, I thought it my duty to state to you the exact condition of this family. If anything could be done for them this session, it would be an act of mercy.

I am sure you have sympathy enough for this case to excuse my intrusion on your time, and I am glad to know that you consider the claim of Mrs. Bissell a just one.

I am about the only one who interests himself in the cases of the wives of old officers left by the death of their husbands in distress. I do so because I know their merits and demerits, and must be the last one to recommend any person for a pension who did not actually deserve it. These good people, Mrs. Bissell and her daughter, deserve more than ordinary consideration. Thanking you for your courtesy in finding time to write and give me such encouraging news for the future,

I have the honor to remain, very respectfully and truly yours,

DAVID D. PORTER, *Admiral.*

Hon. G. W. HEWITT, M. C.,
Chairman Committee on Pensions,
United States House of Representatives.

The committee earnestly recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

HECTOR W. SUMMERS.

Mr. HALSELL. I ask unanimous consent to take up for present consideration the bill (H. R. 7501) granting a pension to Hector W. Summers.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Hector W. Summers, of Bucksville, Logan County, Ky., late a private in the Twenty-sixth Regiment Kentucky Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. LE FEVRE) was read, as follows:

That claimant enlisted in the military service of the United States as a private in the Twenty-sixth Regiment Kentucky Volunteers the latter part of December, 1861, at Calhoun, McLean County, Kentucky. He was regularly enrolled and was paid one month's pay by John MacMorton, and was furnished a uniform and arms and assigned to duty. Colonel Burbridge was in charge of the camp of rendezvous, and Major Davidson of the Twenty-sixth Kentucky Regiment. In a few days after being enrolled he was detailed for recruiting service and ordered to Bonyer's Ferry, on Green River. While on duty at this place he was captured by a party of confederate soldiers, under command of John M. Porter, late Commonwealth's attorney for the third judicial district of Kentucky, and now deceased. He was taken to Bowling Green, Ky., and confined for about six weeks, when, on the evacuation of that place by the confederates, he was removed to Salisbury, N. C., where he was confined in prison for more than six months, at the expiration of which time he was paroled and sent home, and reported to Colonel Maxwell, then in command of the Twenty-sixth Regiment Kentucky Volunteers. On reporting to the colonel of his regiment for duty he was told by that officer to go home, as he could not live in camp; to live at home if he could.

It is shown that the soldier was suffering from chronic diarrhea at the time of his release from confinement in the confederate prison, and from heart disease, with which disabilities he has continued to suffer ever since; that he is now an old man, being 67 years of age, and broken down in health, as a result of his confinement in rebel prisons.

The fact of his military service is clearly established, as well as that of his capture in the line of duty; the latter being shown by the testimony of John M. Porter, commanding the confederate forces who captured him.

His application was rejected by the Pension Office solely on the ground of his not being mustered into the military service.

Your committee find from the evidence that the soldier was regularly enrolled

and assigned to duty, and that he was detailed as a recruiting officer and was on duty as such at the time of being captured, and that his long confinement in confederate prisons was the cause of the permanent disability from which he is now suffering, and that he should be pensioned by the Government in whose service he lost his health, and therefore report a bill to place him on the pension-roll, and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

RACHEL SMITH.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to take up for present consideration the bill (H. R. 5813) granting a pension to Rachel Smith.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Smith, dependent mother of Andrew M. Smith, late a private in Company E, Twenty-sixth Regiment Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

Mrs. Rachel Smith, as appears from the papers accompanying said bill, was the dependent mother of Andrew M. Smith, who enlisted in Company E, Twenty-sixth Ohio Volunteer Infantry, on the 19th day of June, 1861, and served until July 25, 1865, when he was honorably discharged from the service; that during the entire term of his said service he was the sole and only support of his mother, said Rachel Smith, as he had been before he enlisted in the service; that after his discharge from the service he continued to support his mother until he was intermarried with Miss Mary E. Work, when she became an inmate of his family, and so continued until his death; that on the 8th day of February, 1873, a pension at the rate of $4 per month, beginning from the 9th day of December, 1872, was granted to said Andrew M. Smith by the Commissioner of Pensions, Hon. J. H. Baker; that on the 9th day of February, 1872, said pension was increased to $24 per month upon the order of said Commissioner of Pensions; that on the 5th day of May, 1876, said Andrew M. Smith died; that thereupon his widow, Mary E. Smith, applied for a widow's pension, which was granted to her from and after the death of her said husband, which pension she divided with the said Andrew M. Smith's mother, said Rachel Smith; that on the 17th day of July, 1880, the widow of said Andrew M. Smith, Mary E. Smith, remarried, in consequence whereof said pension lapsed. Therefore, the said dependent mother, Rachel Smith, prays that she may be granted a pension as said dependent mother.

Your committee, in view of the above-recited facts, as shown by the papers, recommend the passage of said bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ELIZA SLUSS.

Mr. WOLFORD. I ask unanimous consent to take up for present consideration the bill (H. R. 3605) granting a pension to Eliza Sluss.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Eliza Sluss, widow of John M. Sluss, late captain of Company A, Third Indiana Volunteers (serving in the war with Mexico), subject to the provisions and limitations of the pension laws.

The report (by Mr. STOCKSLAGER) was read, as follows:

Eliza Sluss, the claimant, is the lawful widow of John M. Sluss, deceased, who was captain of Company A, Third Infantry Indiana Volunteers, in the war with Mexico, and who was pensioned for injuries received in the line of duty, said pension bearing date of August 14, 1849, at the rate of $13.33⅓ per month. That his pension was suspended in 1850, reinstated, and increased to $20 per month in 1855, and again suspended in 1864. The case was referred to Dr. Hood, medical referee of the Pension Office, in 1874, who went to the home of Captain Sluss, and made a personal examination of the case.

Dr. Hood, after a careful consideration of the evidence and an examination of the physical condition of Captain Sluss, says:

"I declare it to be most unqualifiedly my opinion that wrong was done to Captain Sluss when payment of his pension was suspended. I recommend resumption of payment at the rate paid at date of suspension, for injury to lower part of abdomen and results. I may be permitted to add that I entertain no doubt at all as to the perfect justice of this recommendation, something which I can not always say."

On this recommendation of the medical referee of the Pension Office, Hon. Columbus Delano, then Secretary of the Interior, says:

"In view of this opinion, I deem it my duty to direct the restoration of Captain Sluss's name to the pension-roll, and hereby authorize the same to be done. His pension will be resumed from the date of suspension in 1864, and at the rate formerly paid."

On this order from the Secretary of the Interior, Captain Sluss's name was again placed on the pension-roll, he being paid for the full time that he was unjustifiably deprived of his rights, and he continued to draw a pension of $20 per month until his death, February 25, 1879. The immediate cause of his death was (in the opinion of Dr. Maxwell, the attendant physician) acute bronchitis.

He says, however, that:

"I have no doubt but that the general debility resulting from the disease for which he was drawing a pension and that as well as debility from age were important factors in bringing about the fatal termination."

The claimant, Eliza Sluss, widow aforesaid, is now old and feeble and is in need, and we deem it but just and right that her name be placed on the pension-roll; therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HOLDEN COOK.

Mr. MORRILL. I ask unanimous consent to take up the bill (H. R. 7707) to pension Holden Cook. The report in this case is in the hands of the Printer; but if any gentleman desires I can state briefly the circumstances of the case.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Holden Cook, late a private in Company A, Thirty-first United States Infantry.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JASPER J. HENRY.

Mr. PEEL. I ask unanimous consent to take up the bill (H. R. 3074) granting a pension to Jasper J. Henry.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the name of Jasper J. Henry be placed on the pension-roll of invalid persons, on account of wounds received while acting as guide and pilot for the First Arkansas Cavalry Volunteers in the war of the rebellion, subject to the restrictions and limitations of the pension laws of the United States.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARGARET A. BERRY.

Mr. BAGLEY. I ask unanimous consent to take up the bill (H. R. 5925) granting a pension to Margaret A. Berry.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Berry, widow of William M. Berry, late a private in Company I, Tenth Indiana Cavalry.

The report (by Mr. MATSON) was read, as follows:

The claimant, Margaret A. Berry, is the lawful widow of William M. Berry, who enlisted as a private soldier in the Eighteenth Indiana Infantry in the year 1861, and afterward was promoted to a lieutenant, and resigned in 1864, returning to his home and family only to remain a short time (about sixty days), when he again enlisted, this time in Company I, Tenth Indiana Cavalry. His captain, James E. Mathers, testifies—

"That the said Berry was a man somewhat addicted to drink, but nevertheless was an excellent soldier and a man of fine business qualifications, and with kind treatment seemed to be very manageable. On account of superior business tact and qualifications, he was detailed by George R. Swallow, colonel commanding the regiment, as acting commissary sergeant of the regiment, the duties of which post he discharged with credit to himself and regiment while Colonel Swallow retained command."

Afterward Maj. Thomas G. Williamson had temporary command, and he reduced Berry to the ranks by a public order. The disgrace from this seemed to bear so heavily on the soldier's mind that he never seemed the same man afterward.

The evidence declares the fact that about 4 o'clock on the morning of the 25th of July, 1865, Berry was found dead about twenty feet from his tent with a gunshot wound through the head. The evidence also discloses the fact that for about ten days previous to this time Berry was insane, and the said wound was supposed to have been inflicted by his own hand.

Captain Mathers further testifies in the following language:

"While I believe that strong drink may have been one of the causes leading him to insanity, I at the same time believe that the mortification and disgrace felt on account of the public order referred to had much more to do with bringing on insanity than anything else."

The evidence shows that the said Berry was a sound man when he entered the service, and that he was a good soldier, and that he served faithfully for about four years. The claimant is very poor and oftentimes in want for the necessaries of life, and is now well along in years.

In view of all the circumstances, your committee think this a deserving case, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JACOB FUNKHOUSER.

Mr. WILSON, of West Virginia. I ask unanimous consent to take up the bill (H. R. 2872) granting a pension to Jacob Funkhouser.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Funkhouser, of the county of Preston, West Virginia, a private soldier of the war of 1812.

The report (by Mr. JONES, of Texas) was read, as follows:

The said Jacob Funkhouser is shown by the records of the Interior Department to have enlisted in Capt. Christian Core's company, Virginia Militia, and served therein from February 20 to March 4, 1815. He received a land-warrant for one hundred and sixty acres under the act of 1855, but his claim for pension was rejected July 30, 1878, by the Pension Office, on the ground that his service was rendered subsequent to the treaty of peace. Applicant is now in his ninety-fifth year, poor and dependent. While excluded from a pension by a strict construction of the law, yet inasmuch as he enlisted, and doubtless served part of his time before the news of the treaty of peace was received in the remote northwestern section of Virginia, in which he then resided, the committee deem his case a meritorious one, and recommend that the above bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIA V. BLACKMAN.

Mr. PETERS. I ask unanimous consent to take up out of its order the bill (H. R. 7571) granting a pension to Cornelia V. Blackman. This bill has been reported by the Committee on Invalid Pensions, and is on the Calendar, but the report is still in the hands of the Printer.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place the name of Cornelia V. Blackman, widow of Harvey C. Blackman, late a second lieutenant in the Eighth Kansas Volunteer Infantry, on the pension-roll, and grant her a pension from the date of the passage of this act, subject to the pension laws.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ABBY P. ARNOLD.

Mr. MATSON. I ask unanimous consent to take up for present consideration a Senate bill reported to-day from the Committee on Invalid Pensions—the bill (S. 764) granting an increase of pension to Abby P. Arnold. This bill, like a great many others which we have passed, proposes to increase the pension of the widow of a general officer.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Abby P. Arnold, widow of the late General Richard Arnold, United States Army, from $20 to $50 per month; said increase to take effect from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARION D. EGBERT.

Mr. MATSON. I ask unanimous consent to have taken up for consideration at this time the bill (H. R. 2975) granting a pension to Marion D. Egbert. This bill has been once considered, when objection was made by the gentleman from Virginia [Mr. GEORGE D. WISE]. The bill was introduced by the Delegate from Washington Territory [Mr. BRENTS], from whom I have received a letter stating that he is confined to his house by reason of a fractured ankle, and asking that the bill be passed. I am also requested by the Delegate-elect from Washington Territory, Mr. Voorhees, to look after this matter. Both of these gentlemen assure me that the beneficiary is a very worthy person and the claim a very meritorious one.

I will also state that the gentleman from Virginia [Mr. GEORGE D. WISE] desires to withdraw any opposition he may have manifested heretofore to the bill.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteers, for pension.

The report (by Mr. JOHN S. WISE) was read, as follows:

Marion D. Egbert was a corporal in Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and in service in September, 1863, at Cumberland Gap. He was detailed to act as ordnance-sergeant. One day in the latter part of November, 1863, while he and the men working under his orders were sunning the ammunition in the magazine, a comrade lit a port-fire, which communicated with damp powder on the ground, and would in a moment have produced a fatal explosion of a large amount of cannon ammunition. Egbert, seeing the danger, and that he could not flee from the explosion, threw himself across the line of burning powder and broke the trail, thus preventing the explosion. The fire burnt his blouse and pants quite severely, and the fright, shock, and fire produced a partial deafness, loss of sight, and paralysis in the left side.

The Pension Office required proof of the soldier's condition from a surgeon and two comrades. These Egbert frankly states he can not furnish, because, as the ill effects of the fright and burning did not culminate at once, he was not treated in hospital, and because those present when the accident occurred were men detailed from a Tennessee regiment, whose names he did not know and does not now know. But he does prove by a comrade that he saw him a few days after the explosion suffering severely. He proves by many of his acquaintances that he was sound prior to his going into the service, and has not been sound since. He proves a good character as a man, and his physician testifies that he has been attending him off and on since 1864 for partial paralysis of his tongue and left side.

We are satisfied of the merits of this case, although it falls short of the degree and character of testimony required at the Pension Office. We recommend passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JOHN W. ROBSON.

Mr. JONES, of Wisconsin. I ask unanimous consent to take up for present consideration the bill (H. R. 3833) for the relief of John W. Robson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, arrearages included, the name of John W. Robson, late a private in the Sixth Wisconsin Battery, at the same rate as other soldiers of similar disability.

Mr. BAGLEY. Has this bill been reported by the Committee on Invalid Pensions?

Mr. JONES, of Wisconsin. It has been.

Mr. BAGLEY. With arrears?

Mr. JONES, of Wisconsin. I think not with arrears.

Mr. HEWITT, of Alabama. I am oppposed to this bill, and can not allow it to go through. I object to its consideration.

The CHAIRMAN. The request of the gentleman from Wisconsin is objected to.

JOHN O. GARDNER.

Mr. MORRILL. I ask unanimous consent to take up out of its order the bill (H. R. 7178) granting an increase of pension to John O. Gardner.

There being no objection, the committee proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John O. Gardner, formerly of Company A, Ninth Maine Volunteers, to $20 per month.

The report (by Mr. MORRILL) was read, as follows:

Claimant enlisted September 22, 1861, in Company A, Ninth Maine Infantry, and was honorably discharged August 4, 1865, having served faithfully for nearly four years. December, 1879, he applied for a pension, alleging that about the 18th of July, 1863, he was injured and wounded by a ball from the enemy's lines, which struck in his cartridge-box and threw him violently to the ground, causing injury to his spine and back. This occurred near Fort Wagner during the siege of that fort. Also wounded in the hand August 22, 1863; also on the 20th day of May, 1864, he was wounded in the shoulder by a ball during an attack by the confederate forces at Bermuda Hundred, Va.

On account of these wounds he was transferred to the Veteran Reserve Corps. He was allowed pension for the gunshot wound of right shoulder at rate of $2 per month, but his claims for the other and far more serious injuries were not allowed, because he was unable to show medical treatment in service and at time of discharge.

Dr. A. G. Peabody, who treated the soldier from 1865 to 1867, is dead, and his testimony can not be had. The hospital records say, "was wounded severely in shoulder at Bermuda Hundred, May 20, 1864," but do not mention his other injuries.

Lieut. S. A. Doten testifies:

"The army was retreating, and a bullet from the enemy's gun struck the cartridge-box of applicant, which he had thrown back across the small of the back where the injury was received. This was, as near as affiant can recollect, about July 18, 1863."

Affiant says he was personally present and speaks from personal knowledge of the facts.

Several of claimant's old neighbors testify that when he returned from the service he was so injured in the back that he was unable to resume his work in the mills. Claimant testifies that he was treated for the wound in the back by Surgeon Delon H. Abbott. Dr. Abbot says he remembers treating applicant, but can not recall the particulars, and is unable to state what he treated him for.

Dr. D. W. Lewis testifies:

"That he has known applicant intimately since 1871; that during all that time he was suffering more or less from affection of the spine, and was disabled at least three-fourths. Have treated said John Gardner for injury to the spine, said to be caused by gunshot striking the cartridge-box, which seems to have caused concussion of the spine. Has been entirely unable to work at his trade for seven weeks."

Dr. A. M. Vail testifies that he treated applicant from 1878 to 1880, for weak back, which he diagnosed as "chronic spinal congestion," and that he was disabled at least three-fourths.

Dr. E. W. Bliss, examining surgeon at Hiawatha, also speaks of the injury to the back, and rates it at one-half disability.

There seems to be little reason to doubt the origin and continuance of the disability, and yet it is not as clearly established as the rigid rules of the Pension Office require. The soldier was three times wounded on the battlefield. He is unable to perform manual labor, and has a family dependent upon his daily labor for support. Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. STOCKSLAGER reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6965) granting a pension to David T. Dudley;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
A bill (H. R. 7177) granting a pension to William H. Kinman;
A bill (H. R. 4458) granting a pension to Harlan Jackson;
A bill (H. R. 2138) granting a pension to Martha Angell;
A bill (H. R. 542) granting a pension to Samuel Hanson;
A bill (H. R. 6798) granting a pension to Lloyd W. Hixon;
A bill (H. R. 6966) granting a pension to Wealthy W. Seavey;
A bill (H. R. 7373) for the relief of Sarah A. Burchfield;
A bill (H. R. 7374) to restore William S. Ray to the pension-roll;
A bill (H. R. 6018) increasing the pension of George Tapp;
A bill (H. R. 1759) granting a pension to Robert Patterson;
A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley;
A bill (H. R. 4878) granting a pension to Emma O. Zeigler;
A bill (H. R. 457) granting a pension to Elizabeth Davis;
A bill (H. R. 6940) granting a pension to Sarah M. Bissell;
A bill (H. R. 7501) granting a pension to Hector W. Summers;
A bill (H. R. 5813) granting a pension to Rachel Smith;
A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 7707) to pension Holden Cook;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;
A bill (H. R. 2872) granting a pension to Jacob Funkhouser;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
A bill (H. R. 2975) granting a pension to Marion D. Egbert; and
A bill (H. R. 7178) granting an increase of pension to John O. Gardner.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third

time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 4055) granting a pension to Sarah Tyler;
A bill (H. R. 6775) granting a pension to Edward Wilcox;
A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
A bill (H. R. 4605) granting a pension to Ellen Edmiston;
A bill (H. R. 2646) granting a pension to Eliza Warr, widow of Isaac Warr, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteers;
A bill (H. R. 5146) granting a pension to Jesse C. Buck;
A bill (H. R. 5387) granting a pension to Amos Stroh;
A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson; and
A bill (H. R. 7094) granting a pension to Lemuel M. Bartlett (title amended by striking out "Lemuel" and inserting "Samuel").

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 764) granting an increase of pension to Abby P. Arnold; and
A bill (S. 929) granting a pension to Caroline Treckell.

Mr. MATSON moved to reconsider the various votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 40 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition for the speedy passage of Senate bill 2169—to the Committee on Military Affairs.

By Mr. BALLENTINE: Petition of Joseph Townsend, of Giles County, Tennessee, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. CARLETON: Petition of citizens of Louisiana, for appropriation for a public building at New Orleans—to the Committee on Appropriations.

By Mr. FINDLAY: Memorial of business men of Baltimore, Md., in behalf of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. GUENTHER: Petition of citizens of Lodi, Wis., praying for the immediate passage of House bill 6990, granting a pension to John Mortar, jr.—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Petition of W. H. Quin and 39 others, merchants of Boston and other cities, praying for the passage of the Brewer bill to regulate the commerce between the States, pertaining to commercial travelers—to the Committee on Commerce.

By Mr. HOWEY: Resolutions of the executive committee of the State board of agriculture of New Jersey, asking for the passage of House bill for the establishment of agricultural experiment stations—to the Committee on Agriculture.

By Mr. LIBBEY: Petition of Virginius Freeman, asking that his political disabilities be removed—to the Committee on the Judiciary.

By Mr. B. W. JONES: Petition of O. S. Montz and others, compositors on the CONGRESSIONAL RECORD, asking relief—to the Committee on Labor.

Also, petition of John Bascom, president, and of the faculty of the Wisconsin State University, in favor of bill establishing national experiment stations—to the Committee on Agriculture.

Also, memorial of the Maritime Association of the port of New York, in favor of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. KING: A bill appropriating $5,000 for a survey of Little River, in the State of Louisiana—to the Committee on Rivers and Harbors.

By Mr. McMILLIN: Petition of O. S. Montz, R. P. Fithian, and 64 others, laborers on the RECORD work of the Government Printing Office, for relief—to the Committee on Labor.

By Mr. MILLARD: Petition of O. S. Montz and others, laborers on the RECORD work of the Government Printing Office, for relief—to the same committee.

Also, petition of T. G. Rich and others, in favor of the Potter refunding bill—to the Committee on Ways and Means.

Also, petition of 23 business men and firms, representing the iron-ore producing and transporting interests of the East, against the Spanish treaty—to the same committee.

By Mr. MILLER: Petition of citizens of the Allegheny Valley, Pennsylvania, in favor of liberal appropriations for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. MITCHELL: Petition of Sherman B. Warne and others, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. MURPHY: Petition of citizens of Jackson County, Iowa, asking for increase of widows' pensions—to the same committee.

By Mr. PARKER: Petition of Sumner L. Hazen and others, of Franklin County, New York, for increase of widows' pensions—to the same committee.

By Mr. PAYNE: Petition of 325 citizens of Allegheny, Pa., in favor of the improvement of the Alleghany River and its tributaries—to the Committee on Rivers and Harbors.

Also, petition of 649 business men of Allegheny, Pa., in favor of the improvement of the Alleghany River and its tributaries—to the same committee.

By Mr. PIERCE: Petition of G. C. Ferris, of Gibson County, Tennessee; of William Erwin, of Gibson County; of L. K. Gillespie, heir of John C. Gillespie, deceased, of Gibson County; of W. W. Hutchinson, administrator of Gillam Jackson, deceased, of Obion County; of N. J. Heathcock, of Gibson County; and of Margaret A. Talley, Joseph M. Talley, H. A. Talley, heirs of Benjamin F. Talley, deceased, of Gibson County, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. OSSIAN RAY: Petition of James W. Sanders and 20 others, for removal of charge of desertion from Sewell W. Piper, late private in Company C, Twelfth New Hampshire Volunteers—to the Committee on Military Affairs.

By Mr. SENEY: Memorial of A. N. Zevely & Son on letting of mail contracts—to the Committee on the Post-Office and Post-Roads.

By Mr. SPOONER: Petition of Manufacturing Jewelers' Board of Trade of Providence, R. I., for passage of Lowell bankruptcy bill as amended by Senate—to the Committee on the Judiciary.

By Mr. TUCKER: Petition of James Albert Bonrack—to the Committee on Patents.

By Mr. WILLIS: Petition of Merchants' National Bank of Louisville and others, in favor of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. E. B. WINANS: Memorial of the Milwaukee Chamber of Commerce relative to harbor improvements at Grand Haven, Ludington, and Manistee, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Petition of Indiana E. Hughes, of Shelby County, Tennessee, and of George T. Taylor, of Tipton County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Sullivan County, Missouri.

By Mr. BAGLEY: Of citizens of Ulster and Greene Counties, New York.

By Mr. BOYLE: Of citizens of Greene County, of Westmoreland County, of Fayette County, and of Greene County, Pennsylvania.

By Mr. W. W. BROWN: Of 121 citizens of McKean County, of 132 citizens of Tioga County, and of 72 citizens of Rixford, Pa.

By Mr. J. M. CAMPBELL: Of citizens of Somerset County, Pennsylvania.

By Mr. COOK: Of C. P. Kintz, and 150 others, of Clyde, Iowa.

By Mr. CURTIN: Of citizens of Centre County, Pennsylvania.

By Mr. CUTCHEON: Of citizens of Reed City, of Fremont, and of Bailey, Mich.

By Mr. ELLWOOD: Of 9 citizens of Boone County, of 94 citizens of Cary Station, McHenry County; of 63 citizens of Hebron, McHenry County, and of 63 citizens of De Kalb County, Illinois.

By Mr. FUNSTON: Of citizens of Gardner, Kans.

By Mr. T. J. HENDERSON: Of Silas F. Thayer and 71 others, of Lee County; of N. A. Lathrop and 91 others, of Bureau County; of Truman Culver and 73 others, of Whitesides County, Illinois.

By Mr. HILL: Of Thomas Clague and 42 others, and of W. J. Bailey and 133 others, of Wood County, Ohio.

By Mr. HOUK: Of 130 citizens of Jefferson County, Tennessee.

By Mr. KLEINER: Of 125 citizens and ex-soldiers of Perry County, Indiana.

By Mr. LAMB: Of citizens of Waynetown, of Harmony, of Terre Haute, of Martz, of Bowling Green, and of Independence, Ind.

By Mr. LE FEVRE: Of Enos Betchel and 104 others, ex-soldiers and citizens of Herring; and of J. N. Heitzler and 124 others, ex-soldiers and citizens of Celina, Ohio.

By Mr. MATSON: Of C. D. Holdren and 15 others, of Johnson County, Indiana.

By Mr. S. H. MILLER: Of citizens of Cochranton, of Sonora, of Denny, and of Harrisville, Pa.

By Mr. MOULTON: Of 500 citizens of Edgewood, Effington County, Illinois.

By Mr. NELSON: Of citizens of Douglas County, of Stearns County, and of Fair Haven, Minn.

By Mr. PATTON: Of citizens of Clarion County, Pennsylvania.

By Mr. PERKINS: Of Adam Dietz and 144 others, of Elk County, and of George G. Curtis and 45 others, of Cherry Vale, Kans.

By Mr. PRICE: Of John W. Brown and 33 others, of Clark County, and of S. P. Johnson and 100 others, of Knapp, Wis.

By Mr. OSSIAN RAY: Of Edwin E. Shattuck and 171 others, of West Lebanon, N. H.

By Mr. ROBERTSON: Of 115 citizens of Grayson County, Kentucky.

By Mr. SENEY: Of C. S. Burton and 162 others, of Seneca County, Ohio.

By Mr. SHIVELY: Of A. J. McCarter and 83 others, of Warsaw, Ind.

By Mr. SNYDER: Of John H. Davis and others, of Kanawha County, West Virginia.

By Mr. STEVENS: Of 154 citizens of Warsaw, of 96 citizens of Castile, of Arcade, of Cawlerville, of Hartland, and of Linden, N. Y.

By Mr. STRUBLE: Of J. W. Hovey and 100 others, of Palo Alto County, Iowa.

By Mr. TOWNSHEND: Of 64 citizens of Equality, of 62 citizens of Burnt Prairie, of 62 citizens of Gallatia, of 34 citizens of Effingham, of 167 citizens of McLeansborough, of 63 citizens of McLeansborough, and of 49 citizens of Carlyle, Ill.

By Mr. A. J. WARNER: Of citizens of Otis Hill, Washington County; of S. J. Sharp and others, citizens and ex-soldiers of Athens County; of Elizabeth Rowles and others, of New Matamoras; of George M. Fultz and 62 others, of Meigs County; of William Elliott and 43 others, of Morgan County; of John Wheeler and 39 others, of Murphy's, and of Charles E. Hull and others, of Hull, Athens County, Ohio.

By Mr. WEAVER: Of Joseph Malcolm and 63 others, of Avoca, Nebr.

By Mr. WOOD: Of citizens of Fowler, of Hammond, of Valparaiso, of Lowell, of Star City, of Fulton, and of Delphi, Ind.

By Mr. WORTHINGTON: Of A. M. B. Wilson and others, of Fulton County, and of J. M. Campbell and others, of Saint Augustine, Ill.

SENATE.

SATURDAY, *January* 17, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Secretary read the following letter:

WASHINGTON, *January* 17, 1885.

To the Senate:

Pursuant to the rules I do hereby designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to preside in the Senate during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

Thereupon Mr. ALLISON took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

PUBLIC POLICY OF CONFEDERATE STATES EXECUTIVE DEPARTMENT.

The PRESIDING OFFICER (Mr. ALLISON in the chair) laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, on motion of Mr. MORRILL, ordered to lie on the table and be printed:

To the United States Senate:

I transmit herewith a copy of a letter addressed to the Secretary of War by General W. T. Sherman under date of January 6, 1885, as called for by resolutions of the Senate of January 13, 1885, as follows:

"That the President of the United States be, and he is hereby, requested, if in his opinion it be not incompatible with the public interest, to communicate to the Senate a historical statement concerning the public policy of the executive department of the Confederate States during the late war of the rebellion, reported to have been lately filed in the War Department by General William T. Sherman."

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 16, 1885.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Ordnance inviting the special attention of the Committee on Appropriations to the estimates for the fiscal year 1886 for a milling-shop at Springfield armory, Massachusetts, and for a set of officers' quarters at New York arsenal; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

The bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented memorials of the cigar-makers' unions of Ithaca and Hornellsville, in the State of New York, remonstrating against the ratification of the Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a resolution of the Maritime Association of the port of New York, urging speedy action for the establishment of a permanent United States hospital at that port; which was referred to the Committee on Commerce.

He also presented a memorial of the Maritime Association of the port of New York, favoring the passage of the so-called Potter refunding bill; which was referred to the Committee on Finance.

He also presented the petition of Miss Frances T. Willard, president of the National Woman's Christian Temperance Union, and others, praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the disfranchisement of any citizen on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. SAWYER presented a memorial of the cigar-makers' union of Oshkosh, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MAXEY presented the petition of Edward Braden and Job W. Angus, of Washington city, praying to be paid compensation claimed to be due them on a contract for a public building at San Antonio, Tex.; which was referred to the Committee on Claims.

Mr. VEST presented the petition of Herman Nagel and 53 other citizens of Missouri, praying for the repeal of the law fixing the terms of United States collectors, district attorneys, and other Federal officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PENDLETON presented a petition of the citizens of Milan, Ohio, praying for the repeal of the law fixing the terms of office of collectors, marshals, district attorneys, and other Federal officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. INGALLS presented a petition of citizens of Kansas, praying for the passage of a bill repealing the limitation of four years in the term of certain Federal offices; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the memorial of William McIlvaine, president, and George M. Steinmiller, corresponding secretary, of Cigar-makers' Union No. 36, of Topeka, Kans., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. INGALLS. I also present a petition, numerously signed by citizens of the District of Columbia, praying for the passage of a bill to incorporate the North Capitol and Glenwood Cemetery Horse Railroad Company. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MITCHELL presented a petition of citizens of Pittsburgh and Allegheny, Pa., praying for the passage of a bill repealing sections 769, 1864, 2217, 2244, and 3830 of the Revised Statutes of the United States, relative to the terms of certain administrative officers; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of 602 business men of Pittsburgh, Pa., praying for an appropriation for the improvement of the Allegheny River and its tributaries; which was referred to the Committee on Commerce.

Mr. CONGER presented a memorial of iron-mining companies and citizens of Iron River, Mich., and a memorial of a large number of iron manufacturers of different States, protesting against the ratification of the proposed Spanish treaty; which were referred to the Committee on Foreign Relations.

Mr. PLUMB. I have certain petitions which, while addressed to me, are evidently designed for the Senate. I ask unanimous consent that they may be received. They are two petitions of citizens of Wichita, Kans., in regard to the opening of a certain portion of the Indian Territory known as Oklahoma. I move that they be received and referred to the Committee on Indian Affairs.

The motion was agreed to.

PRINTING OF DOCUMENTS.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs to ask that there be printed for the use of that committee the letter of the Secretary of War and accompanying documents concerning the bill (S. 2492) to prevent the discharge from the military service of the United States of graduates from the Military Academy under the provisions of section 3, chapter 181, of the Supplement to the Revised Statutes, and for the repeal of the said section.

The PRESIDING OFFICER. That order will be made if there be no objection.

WILLIAM H. M'BRIDE.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2488) to remove the charge of desertion against William H. McBride, late a private in Company F, Seventeenth Pennsylvania Cavalry, to report it with an

amendment in the nature of a substitute. I ask that the bill may be put upon its passage at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Military Affairs was, to strike out all after the title, and to insert:

Whereas William H. McBride did, while a minor, enlist in Company I, First Pennsylvania Reserves, on the 10th day of June, 1861, and served in the same until the 2d day of October, 1862, when he returned to his home; and

Whereas he enlisted on the 13th day of October, 1862, in Company F, Seventeenth Pennsylvania Cavalry, and served until the 7th day of August, 1865, when he was mustered out with that company; and

Whereas his name now stands upon the rolls of the War Department as a deserter: Therefore,

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion standing against the name of William H. McBride, Company I, First Pennsylvania Reserves, on the records of the Adjutant-General's Office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CAMERON, of Pennsylvania, the title was amended to read: "A bill to remove the charge of desertion from the military record of William H. McBride."

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 2559) for the encouragement of the American merchant marine and to promote postal and commercial relations with foreign countries; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LAPHAM introduced a bill (S. 2560) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 2561) granting a pension to Sarah Ann Waters; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 457) granting a pension to Elizabeth Davis;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 2646) granting a pension to Eliza Warr, widow of Isaac Warr, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteers;

A bill (H. R. 4055) granting a pension to Sarah Tyler;

A bill (H. R. 4605) granting a pension to Ellen Edmiston;

A bill (H. R. 4878) granting a pension to Emma O. Zeigler;

A bill (H. R. 5146) granting a pension to Jesse C. Buck;

A bill (H. R. 5387) granting a pension to Amos Stroh;

A bill (H. R. 6775) granting a pension to Edward Wilcox;

A bill (H. R. 6940) granting a pension to Sarah M. Bissell;

A bill (H. R. 6982) granting a pension to W. H. H. Coleman;

A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;

A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll; and

A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley.

The message also announced that the House had passed the following bills:

A bill (S. 764) granting an increase of pension to Abby P. Arnold; and

A bill (S. 929) granting a pension to Caroline Treckell.

FIRST NATIONAL BANK OF NEWTON, MASS.

The PRESIDING OFFICER. If there be no further morning business, the Calendar under Rule VIII is now in order.

The bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., was announced as first in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. PENDLETON. Let the amendment be reported.

The PRESIDING OFFICER. The Chief Clerk will report the amendment.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest at the rate of 5 per cent. per annum on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States, in the sum of $371,025, from January 24, 1881, to the date of payment of said judgment; also the sum of $17,949, interest on $25,000 in United States bonds and $20,000 in United States interest-bearing notes taken from said bank and deposited in the United States subtreasury at Boston, Mass., on the 28th day of February, 1867.

SEC. 2. That the sum of $36,746.15 is hereby appropriated for the purposes set forth in section 1 hereof, out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER put the question on the amendment and declared that the noes appeared to prevail.

Mr. COCKRELL. Let us have the yeas and nays on it.

The yeas and nays were ordered.

Mr. INGALLS. Will not the Senator from Missouri now be good enough to state succinctly what the difference is between these two propositions?

Mr. COCKRELL. One proposition is to pay $249,000, interest upon the whole amount.

Mr. INGALLS. What is the other?

Mr COCKRELL. The other is to pay $36,000, the interest upon the Government bonds and some compound-interest notes that were deposited in the subtreasury and used by the United States.

Mr. INGALLS. What is the difference between the two amounts to be paid under the separate propositions?

Mr. COCKRELL. One is $249,000 and the other is $36,000.

Mr. INGALLS. Is $36,000 the entire amount to be paid under the Senator's amendment?

Mr. COCKRELL. It is the entire amount. The amendment proposes to pay interest upon the Government bonds and the compound-interest notes.

Mr. SHERMAN. I should like to ask the Senator from Missouri a question. I ask whether the deposit, apart from the securities mentioned, was in money? Besides the bonds and interest-bearing notes of the United States deposited in the Treasury, was the balance entirely in money?

Mr. COCKRELL. Money and certificates of deposit or certified checks—or something of that kind. The bonds and compound-interest notes named were the only securities of the United States that were bearing interest by the cancellation of which the United States saved interest.

Mr. SHERMAN. The other was money, or matters that could be converted into money immediately?

Mr. COCKRELL. Yes, sir.

Mr. HOAR. In other words, it increased the surplus of the United States upon which the United States authorities based the amount of the public debt they should pay in each year, and went to pay the public debt of the United States and stop its interest. The United States got the interest on one just as much as on the other.

Mr. INGALLS. That is a very important statement; and I suppose, of course, there can be no doubt but that the Senator believes it.

Mr. HOAR. I do.

Mr. INGALLS. If it were fully substantiated by the facts I should vote for the original proposition; but if the statement of the Senator from Missouri is correct, I think his amendment ought to prevail. That is to say, if there were interest-bearing securities of the United States by reason of which the United States only saved that amount of interest, I do not think we ought to be called upon to pay this enormous excess upon the balance of the securities. The general idea, of course, as everybody understands, is that the Government does not pay interest; but if the Government saved interest, it ought to reimburse it or return it. If the facts are as the Senator from Missouri states, and this is the only amount of interest that the United States saved, of course that is all we ought to repay.

Mr COCKRELL. When I state facts they are facts.

Mr. INGALLS. I did not doubt that.

Mr. COCKRELL. Here is the record in this case that no Senator will deny. Here is the receipt given by Hartwell to Carter, and here are the various items composing the $371,000. The only items in the statement of the character referred to by the Senator from Kansas are compound-interest notes, $20,000, and Government bonds, $25,000. Here are all the items. The first item is the proceeds of Dyer's check of February 21 on the First National Bank of Boston, and then the compound-interest notes.

The Senator from Massachusetts says that the balance of these funds went to the extinguishment of the interest-bearing indebtedness, and thereby the United States saved interest on that amount. The balance of these funds went just like all the Treasury funds go. Any surplus of the general amount in the Treasury was applied to the extinguishment of the debt.

Mr. HOAR. That is what I said.

Mr. COCKRELL. That is all. This particular fund did not go to extinguishing the interest-bearing debt any more than the tariff taxes collected on sugar went. There are millions of such taxes that have to be refunded. Are you going to pay interest on those? Every dollar that is collected in the customs revenue goes into the general Treasury and aids in the extinguishment of the debt. Millions of dollars are paid as rebates almost every year. There is a large amount of rebate on sugar. The Senator from Ohio [Mr. SHERMAN] can probably state the amount of rebate on sugar. According to the theory in this case the Government had interest stopped on that amount. Are we going to pay those claimants interest? They have just the same claim to interest that this claimant has.

Mr. FRYE. I wish to ask the Senator from Missouri a question, if he will allow me.

Mr. COCKRELL. Certainly.

Mr. FRYE. The Government, according to the court and its findings, took money belonging to the Newton bank, kept it some seven or

eight years, when a judgment was rendered for the exact amount of money taken without interest. Is not that true?

Mr. COCKRELL. No; that is not true.

Mr. JACKSON. That is true.

Mr. FRYE. So I understand.

Mr. COCKRELL. I beg pardon; the Government of the United States did not do it. A little clerk, a disbursing officer in the subtreasury, was seduced and led astray by the agent of the Newton bank and bribed into letting the agent of the bank have $371,000 of the people's money out of the subtreasury, and he was speculating upon it. He undertook to put it back into the bank, and he put certain funds there in the bank. It was then, when the disclosure came, that the agent confessed what Mr. Carter and he had been doing. The Government had nothing more to do with it than the Senator had—not a particle. The idea that a little disbursing clerk in Boston is the Government of he United States!

Mr. FRYE. I did not intend to take any part in this discussion, but I confess I can not see the distinction which the Senator from Missouri makes. The court held beyond any manner of question that the Government of the United States did wrongfully take and convert to its own use money belonging to the Newton bank—there is no question about that—and the Government of the United States had the use of that money for seven or eight years.

Mr. COCKRELL. The same as it has the use of money on all rebates.

Mr. FRYE. It had the use of that money. I do not care whether it has the use of it on rebates or not; I am looking to this question alone. The Government had the use of that money seven or eight years. Of course the Government received interest on that money, because it extinguished a certain portion of its liabilities which otherwise would be bearing interest if the Secretary of the Treasury did his duty.

The Newton bank recovered judgment some seven or eight years subsequent to that, and a judgment only for the amount of money taken. I say I see no reason on earth why the United States Government should not return 5 per cent. or whatever per cent. interest it received on the use of that money during the seven or eight years. I say as between individuals no such question would ever be made. I say no honorable man receiving money under like circumstances would ever make the question that he ought not to pay interest for those seven or eight years.

Mr. President, I do not believe in the doctrine of the United States that it never shall pay interest. It is a custom. It is a bad custom.

Mr. COCKRELL. It is the law.

Mr. FRYE. The United States does not pay interest, and yet it claims interest on every default that is ever made to it. It demands limitations of liability against itself; it claims it shall have no limitations of liability when itself is the claimant. I have known instance after instance reported by the Committee on Claims where a perfectly just claim was awarded against the United States Government which had been subsisting in full justice for years and years, and yet no interest was allowed.

Pray, why should not the United States pay interest under the same circumstances that I should be compelled to pay interest? No good reason can be given why a citizen of the United States should not be permitted to go to the United States courts, if he has a claim against the United States. My recollection is that no civilized nation on this earth, except the United States of America, prevents its citizens from exercising that right. If they could go to the courts of the United States and recover judgment they would recover judgment under the rules of the court and under the laws of the country, and would receive the interest under the judgment of the court which is claimed here and which is reported favorably by the Committee on Claims.

Sir, I see no justice in the position taken by the Senator from Missouri, but I see entire justice in the report made by the Committee on Claims.

Mr. HARRISON. If the Senator from Maine is right in the position which he has argued with so much warmth, then I ask him to make his theory practical by submitting to the appropriate committee and to the Senate some general law that will give interest to everybody. He has just stated himself that it is the constant habit of the Committee on Claims to report for the repayment without interest of moneys which the Government has received without the sanction of law. So it has been done and is being done session after session; and yet we are asked to pay interest in this case, which is not as strong a case as many of the others. Here is a case where the bank officers were *participes criminis* in this fraud, and we are asked to pay interest, and yet we are to go on adhering to that rule which the Senator says is dishonest. If such a rule should be established, let us meet it by a general law instead of taking exceptional cases and giving interest and then adhering in the long run to our rule, which he says is not honest, not to pay interest.

Mr. FRYE. Will the Senator allow me to interrupt him?

Mr. HARRISON. Certainly.

Mr. FRYE. I stated, or intended to state, that in my opinion this is an exceptional case, but that I myself went a great way beyond the claim made in this exceptional case, and believe that where the United States withholds payment of a just claim it should pay interest in all cases.

Mr. HARRISON. If this case is exceptional it is exceptional against the claimant. Does the Senator from Maine think this is as strong a case as where a tax-collector of the Government has, over the protest of a citizen, wrung from him illegal taxes, and after ten years it is decided that there was no authority of law for the collection, and absolutely without any fault he asserts his rights all the time, and the Government refuses to pay interest on the money so held? Does not the Senator think that that is a stronger case than the case here, where a man connected with the bank was the person who got the money from the Treasury originally and another officer of the bank combined with him to put it back there, but under circumstances that did not bind the bank?

I am inclined to agree with the Senator from Maine in thinking that in a great class of cases the Government should pay interest, but my point is that it should be done under some provision of law that makes the payment of interest equal and honest all around to its citizens, humble as well as influential, poor as well as rich.

Mr. HOAR. I do not wish to prolong this debate, but I wish to restate the point once more. The matter of taxation stands on its own footing, and this Government, as all governments, has to commit to executive officers, often humble officers, the duty of assessing and collecting a tax and holding it, and it is held until the United States can settle the question, if there is any question about the liability of the Government. But this case stands upon the ground which the Supreme Court of the United States have solemnly affirmed in the case of Francis Vigo, cited by the report. Here is a case where it is the uninterrupted policy of the Government to pay interest.

The case of Francis Vigo was a case referred to the Court of Claims by an act of Congress to be settled according to the usual policy of the Government. It went from the Court of Claims to the Supreme Court, and they say that, aside from the tax policy, which is otherwise, in other cases which are familiar to us, where the United States has seized upon the property of a citizen and wrongfully converted it to its own use, as it did in this case, it is the policy of the United States to pay interest, and fifty cases are cited in the report of the committee which establish that policy.

Mr. HARRIS. I desire to ask the Senator from Massachusetts, if he will allow me, in order that I may distinctly understand the facts upon which this claim is based, if I am right when I say that certain interest-bearing securities owned by the First National Bank of Newton, and certain cash funds so owned, were illegally transferred to the possession of the United States Treasury.

Mr. HOAR. Yes, sir.

Mr. HARRIS. Then the claim for interest is based, if I understand it, purely upon the fact that the United States Treasury was in possession of these interest-bearing securities and these cash funds for a number of years.

Mr. HOAR. No, sir. The claim for interest is based upon the fact that after the facts were all known to the United States officials by the confession of the parties implicated, a demand was made and a refusal to pay over, which would have made any citizen in the world under similar circumstances liable to interest.

Mr. HARRIS. Still, if I understand it, however, it depends upon the fact that moneys of a private citizen or corporation were wrongfully held——

Mr. HOAR. Yes, sir.

Mr. HARRIS. By the Treasury, and not restored to the rightful owner.

Mr. HOAR. That is true.

Mr. HARRIS. In principle I desire to know how that differs from every other case where the moneys of a citizen or private corporation have found their way into the United States Treasury and are wrongfully held there, and whether in such cases the invariable rule has not been to refuse to pay interest and simply to restore the principal, when it was restored at all.

Mr. HOAR. I can answer the Senator. It is the invariable policy of this Government to pay interest except in two classes of cases; one in cases of property taken during war under the war power, where the whole theory goes on the ground that the repayment of the property is made as a gratuity and bounty of the Government and not as of strict right, and the other being the case alluded to by the Senator from Indiana, which is the case of a tax. Taxation is in its nature unequal; it is in its nature clumsy; it is in its nature purely artificial; and the policy of the Government, as of every State, is to commit the power to certain officers, a large number of officers, many of them persons in a humble place in life, officers low down in the scale of official life, who assess as well as they can in the first instance the tax, take the property into the possession of the Government by the processes of tax collection, and then the Government examines any case if there is a case of injustice or illegality, and restores to the citizen what he has paid; and the man who gets the money back without interest after three or four years in court, when it has been wrongfully seized by a tax-collector, is no more wronged than I should be if I were compelled to pay taxes on a large sum of money when my neighbor, who perhaps is worth four times as much as I am, under the unequal arrangements of the tax laws pays nothing. That stands on its own footing. With

these two exceptions the principle is as the Supreme Court of the United States has stated it.

Mr. HARRISON. Will the Senator allow me to ask as to the French spoliation claims?

Mr. HOAR. They do not draw interest.

Mr. HARRISON. They ought to have it, I should think, according to the doctrine we laid down.

Mr. HOAR. I do not think so. Now, Mr. President, another thing I wish to state before I sit down. I wish to repeat what I said when the Senator from Missouri was on his feet before in regard to the equity of making any distinction between the interest-bearing securities to the Government and the money or cash which was received. The Government received $46,000, which it was bound to pay to the owner of the property with interest. It stopped paying that interest because it had the muniment of the debt in its own possession. That, it is agreed, ought to be paid back. But it also took a quantity of funds needed to pay to the creditors of this bank the money for which its stockholders were personally liable to the extent of their capital stock, and they were obliged to make the payment under the statute obligation. That money swelled the surplus of the United States in its Treasury, and the amount of that surplus determined the question how much of the public debt from time to time should be paid by the Government each year; and therefore the Government got, in the one case just as much as in the other, the benefit in the saving of interest on its public debt with these funds. That is my proposition.

Mr. BAYARD. Mr. President, I have listened to this debate for several days, apparently involving some important questions as to the liability of the Government to pay interest upon money adjudged to be due from it; but I do not think this case is so technical a question as that. If it were a case of voluntary contract with the Government, if it were a case of an ordinary claim for loss or damage against the Government, then the rule as to the payment of interest would be adjusted according to the many precedents of which the volumes of Opinions of the Attorneys-General are so full. But it is not a technical case. It is a case sounding rather to my mind in what is the honorable and the moral obligation of the Government to one of its own citizens. Here is the case proven to us where there was a breach of trust, amounting perhaps to a felony, committed by the agent of one of the banks, and the result of that breach of trust and felony was to transfer the property of that institution into the custody of the Government of the United States, one of whose agents accepted it. Why, sir, there is an old saying and a strong one, that seems to me to cover this case, that the receiver is as bad as the thief, when the receiver, knowing the origin of the property, consents to take and keep it and enjoy the fruits of another's crime.

Mr. President, if between any two Senators in this body a case similar in its general facts could be supposed, that one Senator should be robbed by his trusted servant and the property received by the servant of the other and converted to his use—I do not think that the analogy is unsound between that case and the present, where the trusted servant and agent of one member of this body should take his private property and place it in the hands of the agent of another member of this body who had also been equally delinquent. Is it possible that if I went to one of my friends on this side or the other side of the Chamber and showed him that his balance in bank had been made good by the delinquency of a clerk in my employment and that his loss had been made good by my loss, can there be a doubt but such loss would be suffered to fall upon the individual who was the primary loser and not the one to whom that loss had been transferred by collusion and the commission of a second fraud?

If this be so, it seems to me simply just and right that this Government would only be setting the example that an honorable citizen irrespective of legal obligation would set to the community in which he lived, if it refused to let the Treasury of the United States become the beneficiary of a fraud, or to gain money, either principal or interest, by a transaction founded upon that which was in substance a felony.

The proposition of the bill reported by the Senator from Tennessee, which he has so carefully and elaborately reported and discussed here with so much ability and fairness, is simply this: That from the time the property of this bank was converted through these dishonest channels to the use of the United States and they began to gather the fruits of that conversion those fruits should be paid back; that is to say, the fruit called interest should be paid back with the fruit called principal.

I do not think, with all respect to my friend from Missouri, whose care for the public interests so constantly excites my respect and admiration, there ought to be a distinction between an interest-bearing bond and a fund that bore no interest, and yet the use and benefit of which went into the Treasury of the United States. Was it honest? Was it right? Does this Government propose to fatten upon stolen property? No, sir; no, sir. If an honest agent of the Government had been there knowing the origin of these bonds, he never would have permitted either the cash or the bonds or anything else, interest-bearing or not, to be received at all. But is the case changed because the Government also had in its employ another dishonest agent who should collude with the first culprit in the employment of the bank, and the Government receive and retain any advantage from their combined dishonesty? It seems to me not. If it were a question of contract; if it were a question sounding in pecuniary damages; if it were a question of tort, or a question of contract, then I should be disposed to consider this matter of interest upon the amount more closely. But it is not so. The whole of this transaction is bottomed in fraud; it is bottomed in crime; and I ask ought we to shelter the Government of the United States by a technical defense when we know that fraud in one of its worst forms brought that money and converted it to the use of the Government, and that the Government has had its profitable use from that time to this?

The example to be set by the Government of the United States to its people always should be the highest good faith, of honesty, of honor in its transactions; and when we who are the agents of the Government to give expression to these views have it in our power by a practical act of this kind to show our hostility to fraud, our unwillingness to profit by the fruits of fraud, it seems to me that technical questions and defenses should give way to the robust and honest and true question, Can the public Treasury profit and can the American people wish to profit by stolen goods, whether it be in principal or interest? I say not, and therefore it is not a question for the technical application of a rule that the Government does not pay interest upon a sum ascertained to be due, although there are exceptions and they have been fully set out in this report; but this case goes far below it. This is not a case of contract, or quasi-contract, or of damages in tort or contract. But here is a case that grows out of a felony, and the question is whether the Government ought to pocket either principal or interest by that felony? It seems to me it ought not, and that everything received into the Treasury from a source so tainted ought to be restored to the original owner, who was robbed of his property and never lost his title to it.

Mr. MORRILL. Mr. President, if this case can be made an exceptional case, I see no objection to the passage of the bill; but the Senator from Delaware admits at the outset of his remarks that this is not a technical exception from other cases, but he places it upon broader grounds. Now what I very much fear is that the report of the Senator from Tennessee on this case and the speech of the Senator from Delaware as well as that of the Senator from Maine may make this a precedent for any case that may hereafter arise for the payment of interest. I do not myself wish to reverse the past action of Congress in relation to denying interest upon all claims, or nearly all claims, except those with peculiar and exceptional conditions.

The Senator from Delaware admits that this is a case of fraud. I think the case in this respect is very much in the condition of the woman that made a confession in a conference meeting, which was that she had never done wrong but once, and then Mr. So-and-so was as much agin to blame as she was. [Laughter.] In this case the Government of the United States has done wrong, but the bank of Newton was as much agin to blame as the Government itself.

Now the question that arises is whether in this instance the bank comes here entirely with a clear conscience in demanding that the Government should sustain all the loss.

Then in relation to the computation of interest; if any interest is to be allowed, the question arises whether interest ought to be computed before even the bank had made any claim or instituted any suit for recovery of the amount of loss. I understand it by the report to have been about six years before the bank even pretended to have any claim against the Government.

Then another question arises whether the interest ought to be computed prior to the date of judgment in the suit.

Under these circumstances it seems to me there is some danger that if this case be passed upon favorably, it may stand as a precedent for any case that may hereafter arise in the payment of interest.

Mr. MORGAN. Mr. President, I concur with the Senator from Vermont that this matter is getting to be rather in danger of being drawn into precedent hereafter; and I am not willing to subscribe to the doctrine stated by the Senator from Maine and the Senator from Delaware as being applicable to the Government of the United States. Both the Senators cite the cases of dealings between private individuals, and attempt to draw an analogy from those dealings which they say would bind the Government to pay interest in a case like this. There is no analogy really between transactions or dealings or torts perpetrated by one individual upon another and like transactions occurring between individuals and the Government of the United States. The Government of the United States is here merely for the purpose of conducting the Government, preserving the public property, collecting the public revenues, and disbursing them for public objects. It is not engaged in commercial pursuits, in banking, or anything else out of which it can make money, or if it is it is very improperly at work at it. If I obtain money of a citizen, whether I do it by a tort or upon a contract, I am supposed to put it into my own private business and make profit out of it; I am supposed to have used that with all the advantage that the other party, to whom it rightfully belonged, could have used it in the event I had allowed him to retain it. Consequently I am made liable for interest; and that, it must be remembered, is not a common-law rule; it has its origin in statute, which undertook to impose this matter of justice upon the private consciences of men. But when the Government of the United

States receives from a private individual, tortiously, if you please, or by contract, or by accident, by finding, or in any other manner, money, and it goes into the common treasury, while it is there there is no presumption that that money is being used for the purpose of profit. On the contrary, the money is there as public money, and only for public uses, liable to be paid out in that way and only in that way.

There is no expressed or implied obligation that arises in such a case as that against the Government that it should pay interest. If the Government is so situated as that it can make interest out of the money, or (as is true of a part of this claim) so situated that it can save interest as against itself upon some of its obligations, then it is right enough that it should pay interest; but it would never do to apply the rule of interest which obtains between individuals for the rectification and balancing of their transactions and dealings, between any creditor and the Government unless the Government is under an express obligation to pay interest. It would never do. We should bankrupt the coming generations by the accumulation of claims that we allow to lie over from year to year if as a rule they were to bear interest because we had committed some tort which deprived a man of his property or because we had the use of a man's money in some way and deprived him of it so that we kept him from making the interest which he says we are liable for.

Take the claims for French spoliation that occurred in 1800; put interest upon them as a court of equity or a court of law would permit interest upon individuals in cases of that kind, and we should never get out of paying the debt. Take all of the claims that lie back now in the musty records of the Congress of the United States and of the Departments and commence to pay interest upon them; we should never get done paying the interest upon them. No government ever yet bound itself, unless it was by an express legislative agreement, to the payment of interest to its creditors. I remember the case of the claims under the Spanish treaty of 1819, called the "Florida claims." They were very numerous. The judges of the Territorial courts first and afterward of the district courts of the United States were empowered by an act of Congress pursuant to the treaty of 1819 to consider claims that were allowed in that treaty. That was between Spain and the United States. These judges put interest upon those claims as a part of the debt, and they were reported to Mr. Levi Woodbury, Secretary of the Treasury at the time, in combination—the principal debt and the interest as one sum charged up by the judgment and decree of the court; and the question arose then whether Mr. Woodbury, having the ultimate power of decision upon questions of the kind, and acting as upon an appeal from the decision of the judge as a commissioner, would commit the Government of the United States to the payment of interest upon that debt. He decided against it, decided correctly what has been sustained by every Secretary of the Treasury from that time to this and by every Attorney-General but one. That claim is still here demanding that we shall pay the back interest upon it. The Government has uniformly refused to do it, and rightfully refused to do it, and in so acting it has called into pretty wide and loud clamor what Spain had to say about our conduct on that occasion.

There is another case that must be fresh in the memory of Senators. We received during our war, about the year 1862, I think, from the Government of Japan $750,000, in the nature of an indemnity for certain wrongs that were alleged to have been committed by the Japanese against our flag and against our ships. Mr. Seward, at the time that money was received, declared distinctly and put it on record and sent it to both Houses of Congress, that there was no sound, conscientious ground upon which the Government of the United States could receive that money; hence he never put it into the Treasury at all; he kept it in the State Department; he put it to work by investing it in bonds and reinvesting the proceeds, from time to time, until the accumulations upon that sum of money amounted to very nearly $2,000,000. The Government of the United States never refused to pay that back to Japan upon the ground that she was not entitled to it; but yet there was a good long delay about it. Congress could not get its consent as to the form in which that money was to be sent back to Japan.

What was the result? The Committee on Foreign Relations reported a bill here to pay the money back to Japan with the accumulated interest upon it; not upon the ground that the Government of the United States had committed itself to the payment of interest by the receipt of the money merely, but that it had been kept out of the Treasury; had never been converted into the Treasury; had been used by the Secretary of State in speculations, we may call them, or investments and reinvestments in our own bonds, and that amount of money which had been accumulated in bonds of the United States—nearly $2,000,000—was more than half of it the result of interest that we had saved ourselves from paying to other parties. When we came to pay this acknowledged debt the Congress of the United States refused to pay to this friendly government the interest upon that money.

Mr. FRYE. Do you think it did right?

Mr. MORGAN. I did not think so at the time because the case was different from any other that I know of. I thought we put the case on a wrong principle. If the case had been liable to be put on the principle that Congress decided it on the decision was wrong; but I think Congress put it on the wrong principle. But suppose that, instead of having received the money from Japan as we did we had received it under the belief of its being rightfully received, being our own money, without any demur on our side at all as to the nature of our claim upon it, and then suppose we had put it into the Treasury and we had expended it in the public service, the principle would have been entirely different and the action of Congress would have been justified by the highest morals.

There is no analogy, I maintain, between the dealings of private individuals with each other and the dealings of a private individual with the Government of the United States, simply because the Government is not here for the purpose of making interest out of money that is put into its Treasury. That is not one of its functions or purposes.

There is more than that in this case. Interest is not a debt of justice for a tort; it may be upon a contract; and I was a little surprised to hear the Senator from Delaware say that if this had been a contract perhaps he would not have been willing to pay interest, but it being a tort, or rather a crime, as he denominated it, he was. In an action of trover for the conversion of property, in an action of replevin or detinue for the wrongful detention of property, interest when given is given only as in the nature of damages, and entirely in the discretion of the jury. They may impose it or they may not impose it, according to the circumstances of the case.

If I go along the highway and I find a pocket-book that contains a thousand dollars in money and the name of the individual is marked upon that pocket-book, that identifies the ownership of the money, and I take it to my house and lock it in my safe and keep it there for three, four, or five years; I am trying to find out who is the owner of that money. The owner comes to me within ten days and makes proof before me, not satisfactory to me, however, but he makes proof before me that that is his thousand dollars and his pocket-book, and that is his name, and that he is the man who is there described. I say to him, "Still, sir, you must excuse me; go into court and prove it; I do not know you; I want a judgment to defend me in this matter; I am acting honestly and sincerely about it." Would it be expected that a jury would give interest against me upon that money when I had locked it in my safe and had made no use of it? Surely not. And hence it is that in the action of replevin or of trover or of detinue interest, I repeat, is not a debt of justice; it is merely a privilege given to a jury to assess it in the nature of damages so as to do justice between men and men according to their own conduct.

Here we got a sum of money, it is said, that was stolen from a bank in Massachusetts, and through the connivance of a subordinate officer of the Treasury of the United States was carried into the Treasury of the United States, and it is asked that the people of the United States shall be required to pay interest upon that sum of money. What profit have the people made out of it? Have they ever refused to pay it? They have never refused to pay it, and they have never put this money to any use which would increase its amount in the Treasury of the United States. Hence I say that we are about to set a precedent here which I concur with the Senator from Vermont in believing would be a very dangerous one, and one that would violate some very well-established precedents which have been adopted by the Congress of the United States after very full and learned debate upon this question.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL], upon which the yeas and nays have been ordered.

The yeas and nays were taken, and resulted—yeas 18, nays 37; as follows:

YEAS—18.

Cameron of Pa.,	Harrison,	Morrill,	Vest,
Cockrell,	Hawley,	Platt,	Voorhees,
Coke,	Ingalls,	Ransom,	Williams.
Conger,	McMillan,	Saulsbury,	
Harris,	Morgan,	Sherman,	

NAYS—37.

Allison,	Dolph,	Hoar,	Pugh,
Bayard,	Fair,	Jackson,	Sawyer,
Beck,	Frye,	Jonas,	Sheffield,
Blair,	Garland,	Kenna,	Vance,
Bowen,	George,	Lapham,	Van Wyck,
Brown,	Gibson,	Maxey,	Walker,
Butler,	Gorman,	Miller of Cal.,	Wilson.
Cameron of Wis.,	Groome,	Mitchell,	
Cullom,	Hale,	Pike,	
Dawes,	Hampton,	Plumb,	

ABSENT—21.

Aldrich,	Hill,	Mahone,	Sabin,
Call,	Jones of Florida,	Manderson,	Sewell,
Camden,	Jones of Nevada,	Miller of N. Y.,	Slater.
Colquitt,	Lamar,	Palmer,	
Edmunds,	Logan,	Pendleton,	
Farley,	McPherson,	Riddleberger,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. SHERMAN. Before the bill passes I desire to say that if I supposed this bill would receive the sanction of the House of Representatives and become a law I certainly would resist it; and I think I could bring a great many forcible considerations to bear, most of which, however, have been stated by Senators who have debated the question.

I believe the establishment of the proposition of this bill as a principle of legislation in regard to claims would involve the sacrifice of millions upon millions of dollars. There are classes of claims depending now where very great sums of money are involved, so large that we can hardly measure them.

I believe the principle of the bill is altogether wrong. The Government of the United States did no harm to these parties. They had the full measure of redress according to the law. They have received back the principal sum. The original money stolen was from the Treasury of the United States. Afterward, from other money taken from this bank wrongfully and placed in the Treasury of the United States and there found, that money has been refunded. The only loser of the principal sum is the United States, which has lost the principal of the money taken by its cashier from its Treasury and placed under the control of persons who managed or controlled this bank. To pay interest on this sum of money now, it seems to me, is a very dangerous and doubtful principle. I do not propose to discuss it any further, but simply to record my vote against the passage of the bill.

Mr. COCKRELL. Let us have the yeas and nays on the passage of the bill.

Mr. SAULSBURY. I shall vote against this bill, and I desire to say that I shall do so not because I do not think there is not some merit in the bill, and that a portion of the claim ought not to be paid, but as I understand this case it is entirely a departure from the precedents which have heretofore obtained protecting the Government against the payment of interest upon claims against it. In my opinion it will come home to plague us hereafter, and perhaps some of the very cases we have passed refusing interest will be back here asking for the payment of interest which has already been refused.

As I understand, the case is this: An agent of the Newton bank induced an officer in the subtreasury at Boston to let him have for his firm the assets or money of the Government of the United States which he lost; and to indemnify the Government he placed in the possession of the subtreasury bonds and other assets belonging to the bank. After those assets belonging to the bank were in the hands of the Government they could not be paid out. What officer of the Government could take those bonds that had been delivered to the Government and hand them over to the bank? The Government only pursued the proper course in keeping them until a final judgment was obtained. There is no charge here that there was any unnecessary delay on the part of the officers of the Government. They were compelled for their own protection to let the matter go to judgment.

I repeat that as I understand the case the agents of the Government, the officers of the Government, were guilty of no delay; that every step they took was necessary for their own protection; that as soon as the matter could be properly adjudicated the Government paid a large proportion of the demand of the bank; and on the remaining portion I should be perfectly willing to see the Government pay, from the date of that judgment, interest, as also to pay back the interest it saved on the bonds that belonged to the bank which were handed over to the agent of the Government in Boston. But I am not willing to go beyond that. I am not willing to go beyond the judgment obtained against the Government and pay anything more whatever to this bank, because it is a departure from the policy that has heretofore obtained and which is expressed in our statutes upon this subject.

If we make this innovation upon the part of the Government, how many claims will come here, just as proper and valid claims against the Government, for the interest which has been refused heretofore? How many claimants of that character will come back to ask us to indemnify them by paying them the interest which has heretofore been refused? It is a precedent that I do not think we ought to establish, and, therefore, I shall vote against this bill, at the same time believing that there is some merit in the bill, and that a portion of the money ought to be paid.

Mr. CONGER. Mr. President, in the commencement of the discussion of this bill I stated that I thought it might be proper enough for the Government to pay interest on the interest-bearing bonds while they were held by the Government. I computed and stated to the Senate the amount of interest on the balance of the money between the rendition of the judgment and the final payment of the balance, $111,000. I computed it and stated it to the Senate. An amendment has been introduced by the Senator from Missouri to pay that amount, the only amount that there is any possible right, or equity, or decency for the bank or these men to demand of the Government at all. The Senate has refused to incorporate that amendment in the bill, and goes for the $249,000 of interest.

Sir, in the sixteen years that I have served in Congress in the other House and this, having been six or seven years of that time upon the Committee on Claims in the House and in this body, I state here publicly that no such claim for interest has ever been allowed on any bill presented in either House. I defy contradiction by anybody. We have both in the House and in the Senate stood refusing bills ever since the war closed, where the equities, where the sympathies, where the rights of individuals were infinitely stronger than the right of this bank, or of Carter, a large stockholder of this bank, or of its cashier. We have been compelled to refuse claimants even the principal, to say nothing of interest, on account of the precedent which would bring in demands against the Treasury of the United States to the extent of millions and hundreds of millions of dollars.

The House and the Senate passed a bill called the Best bill which appealed to the sympathy and to a kind of native sense of justice of Congress, where the residence and adjoining property of a loyal citizen of the United States was destroyed to make room for fortifications, when there was no war in the neighborhood and no immediate threatening of war at that point, and where it would seem as if the property of that loyal citizen might have been saved, as the result proved that it might. Congress passed that bill, and the President of the United States, seeing to what an extent that would be used as a precedent in this unfortunate class of cases, where good men and loyal men had suffered from the circumstances surrounding their cases and from the laws of war, vetoed the bill; and from that day to this that class of cases, stronger in their merits, more just in the enforcement of law in favor of the sufferer than this is or can possibly be made to be, have been rejected, both principal and interest.

As I said before, I have no knowledge except from the record of this case. I have no feeling in regard to it. It would be more agreeable to my feelings, where there was a seeming equity, to vote in favor of the Government doing more than was necessary to an individual sufferer, a citizen or citizens of the United States, than a private citizen would be required to do. Yet I say to you, sir, and to the Senators here that there are piled up in the room of the Committee on Claims of the House and in the room of the Committee on Claims of the Senate amounts aggregating hundreds of millions of dollars equally defensible and equally proper to pass both as to principal and as to interest with this claim. That is why I oppose the passage of it.

I have as carefully as I was able to do, during all the course of my Congressional life, sought to pay honest and just claims where it was possible that they should be paid even where there were only equities in the matter, unless to do so would establish a precedent which if followed out would ruin the Treasury, would impose a burden of taxation upon the people beyond what they could possibly bear; but we might as well give up the Government in the beginning as try to allow interest in all the classes of claims equally meritorious with this.

It makes no difference to me that this claim comes from New England; it makes no difference to me that it comes from Massachusetts. If it came from any other State, North or South, if it came from any Southern State connected with all the changes and the diversities of opinion and the conflicting views in regard to war claims, or those which might be classed with the general ruin and conflagration which accompanies the marching of troops and the inflictions of war, I feel my duty to be just as great to meet this case from Massachusetts or Michigan as I should if it came from Louisiana or North Carolina.

I shall have performed my duty, sir, in voting to the extreme extent which I think proper, and to which I brought myself to coincide with the views of this last amendment offered and rejected, in the first remarks I made on this bill; and now I desire to have the opportunity of recording my vote against the passage of this precedent, which I think the most dangerous of any bill which has been under consideration in the House or in the Senate since I have been a member of either body.

The PRESIDING OFFICER. The question is on the passage of the bill, on which the Senator from Missouri has demanded the yeas and nays. Is there a second?

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 16; as follows:

YEAS—31.

Bayard,	Dolph,	Jackson,	Plumb,
Blair,	Fair,	Jonas,	Sawyer,
Bowen,	Frye,	Jones of Florida,	Sheffield,
Brown,	Gibson,	Manderson,	Slater,
Camden,	Gorman,	Maxey,	Van Wyck,
Cameron of Wis.,	Groome,	Miller of Cal.,	Walker,
Cullom,	Hampton,	Mitchell,	Wilson.
Dawes,	Hoar,	Pike,	

NAYS—16.

Cameron of Pa.,	Harris,	Morgan,	Saulsbury,
Cockrell,	Harrison,	Morrill,	Sherman,
Coke,	Hawley,	Platt,	Vance,
Conger,	McMillan,	Pugh,	Vest.

ABSENT—29.

Aldrich,	Garland,	Lapham,	Riddleberger,
Allison,	George,	Logan,	Sabin,
Beck,	Hale,	McPherson,	Sewell,
Butler,	Hill,	Mahone,	Voorhees,
Call,	Ingalls,	Miller of N. Y.,	Williams.
Colquitt,	Jones of Nevada,	Palmer,	
Edmunds,	Kenna,	Pendleton,	
Farley,	Lamar,	Ransom,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the bill (H. R. 1004) relative to the Chinese indemnity fund.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 181) to declare forfeiture

of certain lands granted to aid in the construction of a railroad in Oregon, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. T. R. COBB of Indiana, Mr. BARCLAY HENLEY of California, and Mr. L. E. PAYSON of Illinois the conferees on the part of the House.

EFFICIENCY OF THE ARMY.

Mr. CULLOM. The morning hour has nearly expired, and I ask that the Senate proceed to the consideration of Senate bill 2112.

Mr. CAMERON, of Wisconsin. I hope the Senator from Illinois will allow the Senate to proceed with the Calendar at least until 2 o'clock.

Mr. CULLOM. Very well; I withdraw the motion.

The bill (S. 1420) to increase the efficiency of the Army of the United States was announced as next in order on the Calendar.

The PRESIDING OFFICER. This bill is to be passed over by request of the Senator from Illinois [Mr. LOGAN], the Chair understands.

Mr. HARRISON. The Senator from Illinois who reported that bill and has it in charge is absent, and I ask that it be passed over without prejudice.

The PRESIDING OFFICER. It will be so done.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2872) granting a pension to Jacob Funkhouser;
A bill (H. R. 2975) granting a pension to Marion D. Egbert;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 5813) granting a pension to Rachel Smith;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;
A bill (H. R. 7178) granting an increase of pension to John O. Gardner;
A bill (H. R. 7501) granting a pension to Hector W. Summers;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman; and
A bill (H. R. 7707) to pension Holden Cook.

DES MOINES RIVER LANDS.

The bill (S. 1886) to quiet titles of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, was announced as next in order.

Mr. BAYARD. Is there a report connected with this case?

The PRESIDING OFFICER. There is; but it is quite lengthy.

Mr. LAPHAM. I suppose it is very plain that this bill can not be considered under the five-minute rule. I was not in when it was called up. Of course it is a bill that can not be discussed under this rule.

The PRESIDING OFFICER. Does the Senator object to its consideration under Rule VIII?

Mr. LAPHAM. I see the Senator from Arkansas [Mr. GARLAND] is not here. I do not want the questions in reference to it disposed of in his absence.

The PRESIDING OFFICER. Does the Senator object to its consideration?

Mr. LAPHAM. I ask that it may stand over without prejudice, as it did before, until the Senator from Arkansas is here.

Mr. PLUMB. It is now within ten minutes of the time when the regular order of the Senate, the bill in regard to interstate commerce, will come up. I shall not now make the motion which I have designed to make to take up this bill, the objection of the Senator from New York to the contrary notwithstanding, but I will do so at the time the bill is next reached on the Calendar. I desire to say that this bill is a bill which, if it is ever disposed of, ought to be disposed of now. It has been in Congress in one shape or another for a long time.

Mr. HOAR. Will the Senator pardon me a moment? I think I can relieve the difficulty. I understand that the Senator from Arkansas has given notice publicly to the Senate that he expects to be absent, after Monday, for some time. He is staying here until Monday only to take part in the eulogies on Senator ANTHONY. The Senator from New York will probably not secure his presence by postponement. This bill might as well come up to-day as next week, for any expectation of the Senator from Arkansas being present.

Mr. LAPHAM. There will be no business done on Monday, I understand.

Mr. HOAR. But after that the Senator from Arkansas expects to be absent for some time.

Mr. PLUMB. I think I will, notwithstanding what I said at the beginning, make the motion now to proceed with the consideration of this bill, the objection of the Senator from New York to the contrary notwithstanding.

Mr. LAPHAM. I hope it will not be taken up.

Mr. PLUMB. When it comes up in this way it is not under the limitation of the five-minute rule of debate. The Senator from New York can certainly express himself on the subject at length, if not now, the next time the bill comes up; but I am unwilling, so far as I am concerned, that the consideration of this bill shall be longer postponed, without in any way detracting from the importance of the position which the Senator from New York assumes in regard to it. I therefore move that the Senate proceed with the consideration of the bill in question, notwithstanding the objection.

Mr. LAPHAM. That motion is not in order.

The PRESIDING OFFICER. The motion is in order.

Mr. LAPHAM. How is it? I have not objected.

Mr. MORGAN. I object.

Mr. PLUMB. I understood the Senator from New York to object.

Mr. LAPHAM. No; I asked to have the bill stand over without prejudice.

Mr. PLUMB. Very well; objection is now interposed.

Mr. LAPHAM. I do not want a vote taken upon the bill now.

The PRESIDING OFFICER. The Senator from Kansas moves that this bill now be taken up notwithstanding the objection.

Mr. LAPHAM. I ask for the yeas and nays on this motion.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 13; as follows:

YEAS—32.

Allison,	Conger,	Jonas,	Sanlsbury,
Bayard,	Cullom,	Kenna,	Sawyer,
Beck,	Dawes,	Manderson,	Slater,
Bowen,	Dolph,	Miller of Cal.,	Vance,
Brown,	George,	Mitchell,	Van Wyck,
Camden,	German,	Morgan,	Vest,
Cameron of Wis.,	Hampton,	Plumb,	Voorhees,
Coke,	Jackson,	Pugh,	Wilson.

NAYS—13.

Cameron of Pa.,	Hawley,	Maxey,	Walker.
Frye,	Hoar,	Morrill,	
Garland,	Lapham,	Sheffield,	
Groome,	McMillan,	Sherman,	

ABSENT—31.

Aldrich,	Farley,	Jones of Nevada,	Pike,
Blair,	Gibson,	Lamar,	Platt,
Butler,	Hale,	Logan,	Ransom,
Call,	Harris,	McPherson,	Riddleberger,
Cockrell,	Harrison,	Mahone,	Sabin,
Colquitt,	Hill,	Miller of N. Y.,	Sewell,
Edmunds,	Ingalls,	Palmer,	Williams.
Fair,	Jones of Florida,	Pendleton,	

So the motion was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday; pending which the Chair asks leave to lay before the Senate some messages from the House of Representatives.

Mr. CULLOM. That can be done by unanimous consent.

CHINESE INDEMNITY FUND.

The PRESIDING OFFICER laid before the Senate the following resolution of the House of Representatives:

Resolved, That the Senate be requested to return to the House the bill (H. R. 1004) relative to the Chinese indemnity fund.

The PRESIDING OFFICER. Will the Senate agree to the request of the House of Representatives?

The bill was ordered to be returned to the House of Representatives.

FORFEITURE OF OREGON LAND GRANT.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SLATER. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Messrs. SLATER, DOLPH, and PLUMB were appointed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 457) granting a pension to Elizabeth Davis;
A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
A bill (H. R. 2646) granting a pension to Eliza Warr, widow of Isaac Warr, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteers;
A bill (H. R. 4055) granting a pension to Sarah Tyler;
A bill (H. R. 4605) granting a pension to Ellen Edmiston;
A bill (H. R. 4878) granting a pension to Emma O. Zeigler;
A bill (H. R. 5146) granting a pension to Jesse C. Buck;

A bill (H. R. 5387) granting a pension to Amos Stroh;
A bill (H. R. 6775) granting a pension to Edward Wilcox;
A bill (H. R. 6940) granting a pension to Sarah M. Bissell;
A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;
A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley;
A bill (H. R. 2872) granting a pension to Jacob Funkhouser;
A bill (H. R. 2975) granting a pension to Marion D. Egbert;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 5813) granting a pension to Rachel Smith;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;
A bill (H. R. 7178) granting an increase of pension to John O. Gardner;
A bill (H. R. 7501) granting a pension to Hector W. Summers;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman; and
A bill (H. R. 7707) to pension Holden Cook.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 542) granting a pension to Samuel Hanson;
A bill (H. R. 1759) granting a pension to Robert Patterson;
A bill (H. R. 2138) granting a pension to Martha Angell;
A bill (H. R. 4458) granting a pension to Harlan Jackson;
A bill (H. R. 6018) increasing the pension of George Tapp;
A bill (H. R. 6798) granting a pension to Lloyd W. Hixon;
A bill (H. R. 6965) granting a pension to David T. Dudley;
A bill (H. R. 6966) granting a pension to Wealthy H. Seavey;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
A bill (H. R. 7177) granting a pension to William H. Kinman;
A bill (H. R. 7373) for the relief of Sarah A. Burchfield; and
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INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Oregon [Mr. SLATER] as amended, which will be read

The CHIEF CLERK. The proposed amendment is, in line 14 of section 4, after the word "class," to insert:

Or shall charge or receive any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction; but this provision shall not be construed to legalize the charging as much for a shorter as for a longer distance in any case.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BROWN] is entitled to the floor.

Mr. BROWN. Mr. President, when the Senate adjourned last evening I was discussing the question of the transportation of through freights going from New York to Saint Louis over the Central Railroad of Georgia, a longer distance for less money than the company charges for carrying its local freights a shorter distance. I now propose to resume the discussion where I left it.

But you may say it is unjust to the people of Georgia to permit this through business going from New York to Saint Louis to pass over the railroads in Georgia a longer distance at less rates than they pay for the shorter distance. What harm, let me ask, does this do any citizen of Georgia?

The freight goes to Savannah by steamer; it is loaded on a car that would otherwise go empty to Saint Louis, and it passes rapidly over the soil of Georgia, doing nobody any harm, but really doing a service to the people of Georgia. But you may ask how. I reply that the railroads of Georgia must make out of some business money enough to keep them in good condition and run them, to say nothing of the justice of paying dividends to their stockholders.

Now if we can not conduct through business over these long lines as cheaply as it is done in other sections, or can not be permitted to compete with other long lines for the business, then we must levy the amount that we would make on through freight as an additional charge on the local business.

In other words, each $1,000 that the through line makes in carrying return freights on cars that would otherwise go empty is that much that goes into the support of the railroads forming the line, and that much which must be levied upon the local business, if we are not permitted to collect it on this class of through business.

What good sense, let me ask, what sound policy, what statesmanship, would justify the exclusion of this freight from the soil of Georgia, driving it around on some other line, because it must pass through the State, if at all, on account of the great distance it has to travel, at a lower rate than we can charge for local freights and continue to live. These freights between New York and Saint Louis must go over some line.

What injury does it do any man, woman, or child in Georgia for it to pass on a Western and Atlantic Green Line car loaded in Savannah across the soil of the State to Saint Louis, which car would otherwise go back empty? None possibly that I can perceive.

If the freight does not go in a car that would otherwise go empty over the line between Savannah and Saint Louis it will go in a car that runs between New York and Saint Louis over one of the trunk lines. If it goes in a car over our Southern line that would otherwise go back empty, and we make $5 for each company on it, it is that much clear profit to the people of Georgia. Then why should it be prohibited?

But you may say that an act of Congress prohibiting transportation of that character will apply as well to the other trunk lines. True; and if so, then it would disturb the whole through business between Eastern cities and the West, and the people would be clamorous for its repeal as soon as they saw the mischievous and injurious impediments which the rule throws in the way of the business of the country.

But it may be said in the case supposed, in carrying the through freight from New York to Saint Louis over the Central road of Georgia, if the company carries it from Savannah to Atlanta for $5 in its transit across the territory the company should not charge more than $5 if the consignee should require it to be taken off the train and delivered at Jonesborough, twenty miles before reaching Atlanta.

In other words, that a car-load of the same character of freight going from New York to Jonesborough, Ga., should only be charged $5 if the company carries a like car-load of through freight consigned to Saint Louis from Savannah to Atlanta, which is twenty miles farther, for $5. In the one case the freight shipped from New York by steamer to Savannah and then shipped by the Central road from Savannah to Jonesborough would be local freight, so far as the Central road is concerned; and if the Central road should be required to transport like freight by car-load from Savannah to Jonesborough, and to put all its local freights at the same rate, its income would not pay one-half of the fixed expense of maintaining and running the road, and bankruptcy would follow.

Then no reasonable man would insist that the Central road should be required to put its local freight at $5 a car-load between Savannah and Jonesborough, as all must admit that the railroad could not run and charge such rates. In the other case the through consignment from New York to Saint Louis reaches Savannah by steamer, and it is put upon a car that is going by the next train from Savannah to Saint Louis for a load of bacon. The car is going empty, as the company has no freight with which to load it. By receiving the consignment from New York to Saint Louis on board the car and charging $5 for transporting it to Atlanta and delivering it to the Western and Atlantic road the company makes $5 clear money, which goes into its general income for its support, and of course charges $5 less on account of local freights. Where is the injustice? Where is the wrong?

But, says the objector, if the company only charges $5 on the through freight from Savannah to Atlanta, three hundred miles, it should not be permitted to charge more than $5 on a car-load of local freight from Savannah to Jonesborough, twenty miles less distance. Why not? It actually costs the company more to deliver it at Jonesborough than at Atlanta.

You may ask me, how? I reply that a car-load of through freight hitched on by the Central at Savannah to a train going to Atlanta is carried through without any necessary stoppage at Jonesborough, and when it reaches Atlanta it is simply uncoupled from the Central train and is coupled to a Western and Atlantic train, which takes it in charge and carries it to Chattanooga and there delivers it to the Nashville, Chattanooga and Saint Louis Railroad. The transfer is made by the simple operation of uncoupling it from one train and coupling it to the other, and the Central road in that case has no delay or stoppage at Jonesborough, and no trouble or expense of switching off the car and delivering the freight; but if it is required to deliver the freight at Jonesborough instead of Atlanta, the train must be stopped at Jonesborough and the car must be switched off from the track to a side track, causing several minutes' delay and consequent expense; for every minute of time lost by a train costs something in the salaries of persons managing the train, in the fuel consumed, in the engine, and other necessary expense.

Then the agent at Jonesborough must take the car in hand, and unload the freight upon a platform, place it in the depot, and roll it out again, and deliver it to the consignee when it is called for.

In the case supposed it actually costs the Central Railway decidedly more to deliver the car at Jonesborough than it would to run the train through to Atlanta, uncouple the car, and turn it over to the Western and Atlantic, which couples it to its train and carries it along. But the more important point is that the Central can not maintain itself and put its local freights as low as $5 a car-load from Savannah to Jonesborough, and it must break down and go into the hands of a receiver if it attempts it, while in the case supposed it can take the car-load of through freight consigned to Saint Louis in a car that would otherwise go empty from Savannah to Atlanta and carry it for $5 and make money on it, and all the money it makes by carrying freight of that character goes to aid in supporting the road and paying its expenses, and to that extent lightens the burdens which have to be put upon local freights for its support.

No citizen of Georgia is injured in the slightest particular by the action of the Central Railroad in loading the Saint Louis freight into the car that would otherwise go empty and transporting it across the territory of the State; while, on the other hand, every citizen who is a patron of the Central Railroad, and has to pay local freights upon it, is to that extent relieved, as his local freights can to that extent be placed at a lower rate; while, therefore, the rule that you shall not carry the same quality and quantity of through freights a longer distance for less money than you carry the like quality and quantity of local freight for a shorter distance is plausible and appears to be right in itself, all railroad experience shows it to be impracticable, seriously disturbing the operations of through transportation, and to be highly detrimental to the commerce of the country.

Many things connected with railroading that seem plausible and right when submitted in the abstract will not work in practice. For instance, the general rule recognized in almost all business transactions that competition, unlimited and uncontrolled competition, is best for the community and for the trade, does not always work, and frequently will not work at all, in railroading.

This proposition may seem to Senators somewhat startling, but it is nevertheless strictly true. As I have already stated, when there is unlimited and uncontrolled competition between different railroad companies in a State, or section of the country of anything like limited boundaries, competition becoming sharp soon results in the failure of the weakest competitor.

Say, for instance, there are three railroad companies competing for the freight of the same section of country, all in condition to serve that section, and competition becomes sharp; they begin to underbid each other for freights; the result is that they soon get the freight so low that the three roads can not support themselves on what each receives as its share of the business at the low rate to which each is driven by the competition, and the result is that the weaker one of the three breaks down and goes into bankruptcy and is sold out, and generally purchased by the strongest of the three. Then the competition is intensified between the remaining two roads, and they cut rates and put down fare until they finally reach the point where the weaker of the two gives way and goes under the marshal's hammer. That is generally purchased by the stronger company, and the three are then consolidated into one and go under one management, and consolidation, as usual, results from unbridled competition in railroading.

So many Southern railroads have gone into bankruptcy by the workings of this system of competition that about ten years ago the remaining companies formed an association known as the Southern Railway and Steamship Association. I had the honor to aid in its organization and to be elected its president, which position I have held ever since. I have had an opportunity, therefore, to watch something of the general workings of the organization, and can speak with some knowledge on the subject. The organization is frequently denominated the pool, because the different companies undertake to pool the business so as to maintain something like reasonable rates, at least rates which will enable them to keep their roads in fair condition to serve the public, whether the stockholders get dividends or not.

Our plan has been in the main to divide the freights and not cut each other's throats by ruinous competition. Take the cotton freights of Atlanta as an illustration. There are seven railroads centering in Atlanta. If we undertook to compete actively and to cut rates every day for the control of the cotton none of the companies would make a dollar by the transportation of it. Instead of that, we agree between ourselves that each company shall have a certain per cent. of the whole amount of cotton to be shipped out. The railroad which has the best facilities for the business, and which has usually carried the most cotton, gets a larger per cent. than the road having inferior facilities that has carried less.

In practice we try each to carry our proportion of the cotton at the rate agreed upon. If one of the companies gets more than its proportion the general commissioner gives notice of that fact, and the company being in excess at once advances its rate to a higher point and the skippers drop over to the other roads that are carrying at the agreed rate. In this way we get a reasonable but really a low rate upon cotton which is sent to Eastern and foreign markets from Atlanta—a rate at which our shippers do not complain.

But it may be said that this places the shipper at the mercy of the pool, and that they may put up the prices to any extent they please and make them exorbitant. The reply is that in practice there has been no such difficulty, and I have never heard a complaint during the ten years that the association has been in existence that the rates fixed were exorbitant. The tendency of all railroad business is to constant reduction of freights; and notwithstanding our efforts to keep freights at a reasonable rate from Atlanta, and from all the other Southern cities, the freights charged by the pool are about one-third lower than they were ten years ago, and nobody complains of them as exorbitant. The association covers the territory between the Ohio and the Atlantic and reaches to the Potomac, and includes all the steamship lines between the Southern cities and the Eastern cities. Assaults have been made upon it on the ground that the association tends to monopoly, but in practice the results have been so favorable that opposition to it from merchants and other interested parties has well-nigh ceased.

I state to the Senate and to the country very frankly that the very object had in view by the companies in the formation of the association was to prevent destructive competition. And just in this connection let me say that unbridled competition, frequent railroad wars, and the cutting of rates at short periods are most detrimental to the merchants and to the business men of the country generally. You may dissolve the Southern Railway and Steamship Association and say that the railroads shall keep up unrestricted competition with one another as long as they are able to fight. While you may have the power to put penalties on us by law to prevent pooling, you have not the power to prevent us from meeting and saying each to the other, we will not charge more than a certain rate, or we will not charge, say, on first-class freights from New York to Atlanta less than a reasonable rate, say $1 per hundred pounds. While we could make this agreement as to maintaining rates, somebody would frequently violate it, as members of the Southern Railway and Steamship Association may do, though it has seldom been done.

But if there is no association and no common arbiter to which the different companies can appeal, the result would frequently be a railroad war and a cut of rates. How will this work? Will it be best for the interest of our merchants and traders and business men generally, or will the wars unsettle business and discriminate most unjustly between different companies engaged in the same branch of business?

Let me show you how it works in practice.

We have two large wholesale dry-goods houses in Atlanta. The Messrs. Moore & Marsh and the Messrs. Kiser. Frequently there is a dispute among their friends as to which firm sells the most. They are all very honorable, high-toned gentlemen. They are the leading houses of our city in their line and do a large business.

We will suppose the Southern Railway and Steamship Association to have been dissolved, and that the railroad lines are left to settle the question between themselves by the rule of unrestricted competition, which will result in frequent wars of rates.

The Messrs. Kiser go to New York at a time when all the roads, by agreement among themselves, are maintaining rates. They buy largely and lay in a very heavy stock of goods for their wholesale house in Atlanta. They then go around to see the different railroad agents in New York, and inquire what they will carry the goods to Atlanta for. It happens to be a time when all the lines are maintaining the rates agreed on among themselves, and the agent of each line answers, the rate on your goods will be a dollar a hundred pounds from New York to Atlanta. Being unable to get the freight for less, they pay the $1 per hundred pounds and their goods are shipped. Two weeks later the railroads disagree; some one has not acted fairly; a war of rates breaks out, and cutting begins.

At this time the agent of the Messrs. Moore & Marsh goes on to buy a large stock for that house. Having made the purchase, he goes around to the office of one of the transportation lines and asks the agent what he will charge to carry his goods to Atlanta.

The agent replies, "We are now cutting rates. The regular rate of freight agreed on would be a dollar a hundred, but I will take your goods for 75 cents a hundred." The merchant then goes to the next agent and he agrees to carry them at 60 cents. The third agrees to carry at 50 cents per hundred pounds, and the trade is closed with him and the goods are shipped, and the Messrs. Moore & Marsh receive their freight from New York paying 50 cents per hundred pounds, while two weeks before the Messrs. Kiser, who bought at a time when the railroads happened to be maintaining rates, were compelled to pay $1 a hundred.

Now the Messrs. Kiser have paid on their large stock from New York to Atlanta just double the amount that the Messrs. Moore & Marsh paid upon theirs.

This is certainly not a desirable state of things when both houses are selling at close profits. It tends to derange business, it is inequitable and unjust as between the different commercial houses; it keeps everything in a feverish state of excitement; merchants do not know when to buy or how heavily to buy, as they do not know when the railroads will maintain the rates and when they will not. But it is a state of things you can not prevent by any law you can pass as long as the system of

unbridled competition exists, any more than you can prevent Messrs. Moore & Marsh from selling calico at 8 cents per yard. I presume you will not make it penal for a railroad company to carry goods for less than reasonable charges; you can not make it penal for the railroads to charge a reasonable rate of freight; you can not by law regulate the fluctuations and uncertainties that must always follow competition, resulting as it does frequently in wars of rates between the different companies.

This system works injustice both to the merchant and the purchaser. What the merchant wants is a uniform system, where every man will be charged reasonable prices and no more, and where everybody is charged alike, and that is right. But, as matters now stand in the transportation world, you can get that only under the pooling system. There is no other possible way to reach it in practice. As there has been some sharp criticism of the Southern Railway and Steamship Association, as there must be about the management of all great interests of that character, I want to read here what a very wise and very able man, who is no way connected with the South or with the association, says on the subject—a gentleman who has spent many years of his life in studying the railroad problem, a gentleman who is one of the oldest railroad commissioners in America, a man of high character and distinguished ability as well as of a distinguished family. I refer to Hon. Charles Francis Adams, of Massachusetts. But before I quote his remarks, I beg to state that he is a member of the railroad commission of Massachusetts, which I think has the best system as administered in that regard of any State in the Union. The main object of the Massachusetts system, as stated by her able Senator the other day, seems to be to throw everything open to the light of day, and when that is done the system regulates itself, and the commission, which has very little power except the power to report to the Legislature, has no trouble in keeping the peace between the railroad companies and the people. Mr. Adams and the commission to which he is attached have, I think, managed the system admirably well in that State.

But I was about to quote the remarks of Mr. Adams in his book on the origin and problem of railroads, in which he discusses the merits of the Southern Railway and Steamship Association, the pooling system, and the system of unbridled competition. I will ask the Secretary to read his remarks, with my comments made on another occasion and in a different forum.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Secretary will read as indicated.

The Chief Clerk read as follows:

He discusses the railroad problems ably, looks into the whole question, reviews the French system, the English system, the Belgian system, and the German system, and then the American system. Then he refers to the many devices that have existed in the North to prevent the cutting of rates, by those in the West also, and everywhere in the United States, in fact; and he sums it all up by saying in substance that the Southern Railway and Steamship Association has come nearer solving the railroad problem than any other device on earth. After discussing the Vanderbilt power, the Jay Gould power, and the different powers and systems that have been devised to solve the railroad problem, he says (page 197, Railroads: their origin and problems):

"But however this may be, it is a question of the future, and certainly has no immediate bearing on the existing combinations. Of these, the only one that seems entitled to any thoughtful consideration is the Southern Railroad and Steamship Association. So far as the public is concerned, everything essential as a safeguard against abuse seems in the case of that association to be provided. It is a complete, but not a secret combination. It exists in the full light of publicity. The purposes for which it was organized are openly avowed, and its every transaction is, or may easily be made, matter of general observation. To secure this result it would only be necessary to give it legal recognition. By its originator it is confidently claimed that if properly developed and recognized by legislation, it would afford a complete and practical solution of the American railroad problem. Whether it would or not, it is certainly a great advance on any other form of solution which has yet been suggested. It is at once far more philosophical, more practical, and more in consonance with American political usages and modes of thought. Indeed, it is not easy to point out any respect in which it might not fairly be accepted as the natural outgrowth of American railroad development as it has gone on up to this time. The difficulty with all of the many other solutions which have from time to time been suggested has been that they disregarded what had gone before; they were none of them in the nature of a logical sequence or natural outgrowth."

Thus, Mr. President, you see that Mr. Adams gives his sanction to our association as the very best that has been devised, and pronounces it as entitled to more favor than all the rest of the combinations or associations he has discussed; and says it is confidently claimed that it only needs legal recognition to solve the problem. In other words, we meet and agree that we will not cut rates; that we will carry freights at a reasonable price, and that one merchant buying in New York shall have his goods delivered in Atlanta as cheaply as another. There is no legal sanction for that contract. What he means by legal sanction is that the law should come in and say when we make this agreement among ourselves we shall carry it out.

The Massachusetts railroad commissioner, probably the ablest and most distinguished in America, gives us the credit of having devised the wisest solution on earth, needing only legal sanction to make it as nearly perfect as it is possible for it to be.

But Mr. Adams goes further and discusses the questions of combination and competition with a great deal of force. He says (*Ibid.*, page 199):

"Irresponsible and secret combinations among railroads always have existed, and so long as the railroad system continues as it now is they unquestionably always will exist. No law can make two corporations, any more than two individuals, actively undersell each other in any market if they do not wish to do so. But they can only cease to do so by agreeing in public or private on a price below which neither will sell. If they can not do this publicly they assuredly do it secretly. This is what, with all alterations of conflict, the railroad companies always have done in one way or another; and this is what they are now doing and must always continue to do until a complete change of conditions is brought about.

"Against this practice, the moment it begins to assume any character of responsibility or permanence, statutes innumerable have been aimed, and clauses strictly interdicting it have of late been incorporated into several State constitutions. The experience of the last few years, if it has proved nothing else, has conclusively demonstrated how utterly impotent and futile such enactments and provisions necessarily are. Starting, then, from this point—accepting what is and what must continue to be—the fundamental idea of the Southern Steamship and Railroad Association is to legalize a practice which the law can not prevent, and by so doing to enable the railroads to confederate themselves in a manner which shall be at once both public and responsible. This is the railroad side of the question. The other side of the question—that of the public—admits of a statement equally clear. Its essential point, however, is that through this process, and this process only, can the railroad system, as an organized whole, be brought face to face with any public and controlling force, whether of law or public opinion.

"Once let railroad companies confederate in accordance with law, and the process through which this all-important confronting result would be brought about is apparent. The confederation would be a responsible one, with power to enforce its own decisions upon its own members. The principles upon which it could act, as a creature of the law, would be formulated in the law. It could compel obedience, but obedience only to legal decrees, and the question in each case would be whether the decree was legal. At exactly this point the machinery for State supervision would come into play in the form of a special tribunal, like those which have already been provided in England and France or that now being matured in the Prussian Parliament. The field of discussion before this tribunal would be commensurate with the whole subject of transportation by rail, including questions not only of law but of economy. Then at last the correct principles governing railroad traffic would be in course of rapid development. The essential features of what constitutes discrimination and extortion would gradually be formulated into rules; and the moment that is accomplished competition will work equitably."

As I had occasion to say in the earlier part of this argument, this question has undergone a great deal of investigation in England. There is a road there called the Northeastern. The competition was very strong between that and other roads that traverse the same territory.

That competition produced the usual results that follow unbridled competition. What are they? Suppose you provide by law that nothing shall interfere, that it shall go on unbridled. What is the result? That state of things can not last long till the weakest road will become insolvent and will go into bankruptcy and be sold under the marshal's hammer and the strongest road buys it. The strong road is then still stronger, for it has absorbed that competitor and turns it into a feeder. That gun is spiked. The competition goes on and the next weaker one goes under, and so on, and so on, till all the weaker ones have gone under. The last trial of strength has to be between the two strongest, and when one of these goes under the other is left supreme. Then where is your competition? On that subject Mr. Adams says (*Ibid*, page 207):

"The Northeastern Railway is composed of thirty-seven lines, several of which formerly competed with each other. Before their amalgamation they had, generally speaking, high rates and fares and low dividends. The system is now the most complete monopoly in the United Kingdom. From Tyne to the Humber, with one local exception, it has the country to itself, and it has the lowest rates and highest dividends of any large English railway. It has had little or no litigation with other companies. While complaints have been heard from Lancashire and Yorkshire, where there are so-called competing lines, no witness has appeared to complain of the Northeastern, and the general feeling in the district it serves appears favorable to its management."

Again Mr. Adams says (*Ibid*, page 208): "There is scarcely a section of the United States which could not tell of an experience very like the English one just referred to. Massachusetts, for instance, could supply a well-known case in point. Of two sections of that State, lying north and south of the city of Boston—the one known as the Cape Ann and the other as the Cape Cod district—the first has from the beginning been served by two rival lines, whose whole history has been one long trial of strength, resulting at last in the absolute ruin of one and in the severe crippling of the other. How many millions of dollars were recklessly squandered in the long course of the struggle it is impossible to compute. While the Cape Ann district has thus enjoyed the benefits of the railroad competition, the southern, or Cape Cod, district has, on the other hand, been served by a single consolidated corporation, the cardinal principle with which has been monopoly. It appropriated to itself a certain district, and that district it undertook to furnish with all reasonable railroad facilities; but within the limits of its own territory it did not propose to tolerate any rival. The result in these two cases, whether in accordance with theory or not, is confirmatory of experience."

Again he says (*Ibid*, page 210): "The reliance on competition seems to give throughout a false direction to public opinion as respects railroads. They are looked upon as something alien, if not hostile. The public welfare is associated in the popular mind with their misfortunes. On the other hand, the intelligent and peaceful operation of a consolidated company is generally followed by a sense of responsibility on the one side and of ultimate friendliness on the other."

Again he says (on page 214): "Owing to the extremely complicated character of the American railroad system, rendering anything like a territorial division among corporations impossible, results here work their way cumbrously. When they do work their way out, however, it is apt to be on a large scale and in a way not easily susceptible of change. So far as any progress has yet been made it is obviously in the direction indicated—the development of Government supervision on the one side and the concentration of railroads to escape competition on the other. The manner, indeed, in which, starting from different standpoints of interest and opposite sections of the country, the Massachusetts commission and the Southern Railway and Steamship Association have unconsciously worked toward a common ground is noticeable. On the one hand, the whole effort of the commission has been to develop a tribunal which, in all questions affecting the relations of the railroad system to the community, should secure publicity and that correct understanding of the principles upon which only legislation of any permanent value can be based, and which is reached through intelligent public investigation. That secured, all else might safely be left to take its own course. A sufficient responsibility would be secured to afford a guarantee against abuse. On the other hand, the fundamental idea of the association, without the realization of which it remains incomplete, is to so confederate the railroad system that the members of it should be amenable to control, and that responsibility should attach to it. Could the two results be brought about the machinery would be complete. The confederated railroad system would confront the Government tribunal, and be directly responsible to public opinion. This is almost precisely the result arrived at in France and in Great Britain, and is that contemplated in Germany."

This, then, is the Southern Railway and Steamship Association, and these are the comments made by one of the ablest men in the United States, who has been longer a railroad commissioner, probably, than any other man connected with the system. And I must say, with all due deference to my friends here, that Mr. Adams's remarks and their speeches are very unlike each other. He shows that unbridled competition leads to the bankruptcy of all the weaker companies and to ultimate consolidation, and that the Southern Railway and Steamship Association would be, with legal sanction, the very best solution of the railroad problem.

Mr. BROWN. Mr. President, I have had read these extracts from the writings of a very able man, who has probably studied the railroad

problem with as much or more care than any other man in this country, who understands the practical workings of it, and whose high character entitles him to respectful consideration.

I have now gone through the argument which I desired to submit, and before I take my seat I wish to say in conclusion that a great many good people in this country, as well in the Northern and Western States as in the Southern States, feel that the tendency of the times is to a constant enlargement of the powers of the Federal Government, both in theory and in practice. From year to year we are organizing commissions on various subjects filled by gentlemen who receive from the Treasury of the United States large salaries. We are enlarging the powers and the practice of the Government greatly beyond the point which was recognized as proper for the exercise of these powers by all sections of the Union twenty-five years ago, and we now propose by this legislation to take one of the most far-reaching steps of any that has yet been taken.

As very properly stated by the Senator from Delaware [Mr. BAYARD] a few days since, the internal and interstate commerce of the United States is probably eight or ten times as large as the whole of our foreign commerce, and that runs to an enormous sum.

Now we propose by this legislation that the United States Government, under the plea of regulating interstate commerce, shall take charge of, or supervision over, this immense business.

We may first appoint a commission composed of a small number of persons. In practice it will soon be found that they need numerous assistants and subagents scattered all over this country. The job we are undertaking will be entirely too large for any five, or seven, or ten men, without an enormous retinue of subalterns. What commission at Washington can grasp this whole subject and look into all the details of railroad transportation? It is simply out of the question, and in practice it will soon be found so, and the position will then be taken that it is absolutely necessary to increase the force, and it will grow from one point to another, until the agents of the Government in a few years will be found located in all parts of the Union supervising this immense interest.

At present we propose only to take charge of the railroads. What just reason exists for regulating them that does not apply as well to the internal commerce of the country conducted on the rivers by steamers? And if we regulate all that, then why not appoint a commission to regulate our foreign commerce, over which we have the same power?

While I think a commission with limited powers, as in the case of Massachusetts and Great Britain, the best regulation that the subject is susceptible of, still there is great risk even in that. As between that, however, and more radical legislation, I have no hesitation in favoring the commission. But I think we should consider very maturely before we act whether we are not, in attempting to regulate some evils which now exist, taking steps that will in the end produce greater evils by interruptions and impediments to be thrown in the way of the legitimate commerce of the country. The bill passed by the House of Representatives will, in my opinion, if it becomes a law, result most disastrously to the whole internal commerce and carrying business of the country.

I could under no circumstances give my sanction to a measure fraught with the innumerable evils which I see must result from such legislation as is proposed in that bill. But while I can not support that bill under any circumstances as it now stands, I am prepared to vote for a commission with proper powers of investigation and report, leaving the true regulation of this great class of common carriers where the common law leaves it, which indeed, after all, is the wisest solution; or if that will not do, let us then arm the commission with powers to lay down and enforce some general and just rules as a solution of this great problem. We can never regulate all the details of our internal transportation by legal enactments. If we do we, will cripple our internal commerce to an extent that will be most disastrous to all the great interests of the country.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is upon the amendment offered by the Senator from Oregon [Mr. SLATER] as amended, upon which the yeas and nays have been ordered.

Mr. SLATER. I think the amendment offered by the Senator from Mississippi [Mr. GEORGE] is the one pending.

The PRESIDING OFFICER. That has been agreed to as an amendment to the amendment offered by the Senator from Oregon.

Mr. WILSON. Mr. President, it seems like a reasonable thing to say that a railroad company shall not charge more for a shorter distance than for a greater distance for hauling freight, and yet I can not bring my mind to an approval of the amendment upon which we are about to vote. Briefly, I wish to put a practical test of the amendment and its results before the Senate.

Let me take as an illustration a train-load of wheat to be transported 1,000 miles at a rate of 40 cents per hundred pounds, which all agree would be a low rate. A car-load of wheat at that rate transported a thousand miles would earn $80. That is the low rate on the long haul. Now, it is said that no greater rate shall be charged for a short haul than for a long one. The train conveying that wheat would earn for each hundred miles $8 per car. This would be at the rate of eight-tenths of 1 cent per ton per mile of haul. That, it seems to me, is a very low rate, yet the amendment upon which we are about to vote would authorize the same aggregate rate to be charged for a short haul.

Now, let us take the short haul of one hundred miles. The train conveying wheat for one hundred miles would earn $80 per car, which would be 8 cents a ton per mile; and if it should convey that wheat but ten miles, which would be a still shorter distance, the amendment would allow a charge of 80 cents a ton per mile for transporting that freight.

It seems to me that we can not afford to put into the laws of the United States an authorization to the transporting companies to make any such charges or lay any such burdens upon the interstate commerce of the country. It is an easy thing to discuss a question of this character in general terms, but when we come to apply it to the practical operation of commerce we find very many difficulties in the way.

I said in some remarks that I made on this subject on the 5th of this month, that while I should be very glad to get rid of the principle that is here involved to a reasonable extent, I can see no way at this time to apply the rule of the amendment, inasmuch as our present system as established and enforced compels a general centralization, which requires the surplus products of this country, either manufactures or agriculture, to be transported over great distances. I said further on that occasion that until we change this system by proper legislation and its administration in such manner as to shorten the haul between producers and consumers, the people of the country residing in the remote interior must have the advantage of the lower rate on the long haul.

On another occasion I made some remarks on this subject, from which I will read an extract or two. I then said:

> Another has well said that the unit of profit in railroad management is a car-wheel in motion, and that the unit of loss is a car-wheel at rest. Each represents a proportionate amount of fixed capital. The fixed capital is the total cost of the road. The wheel in motion is a worker, earning money to pay interest and meet expenses. The wheel at rest earns nothing, and, consequently, increases the burden that the worker carries. Here we have the entire philosophy of successful railroad management, both as regards the corporations themselves and the people and sections of country which they serve. The wheel which carries freight 1,000 miles has more steady employment than the one that traverses ten miles.

And yet I may say that the pending amendment proposes to give to the wheel working for ten miles the same compensation that is given to the one working a thousand miles.

> Therefore it can afford to work for a lower rate of wages. This means a low rate for a long haul and a higher rate for a short haul. This is the whole story. It discloses the principle that develops regions remote from market and converts waste places into gardens.

Pursuing this subject further, I said:

> Who has been wronged by the application of the low rate to the long haul? Has harm come to the East by it? Why, the millions of people of the Western States, who depend on the practice of this rule to get their vast products to the world's markets, are most generous contributors to the prosperity of the East. They are liberal consumers of everything which the East manufactures. The low rate for a long haul of the manufactured articles of the East promotes consumption in the West. This keeps the Eastern spindles in motion, and they consume the cotton of the South. It keeps the looms in action, and they use the wool of all sections of the country. It fills the furnaces and forges and rolling-mills with orders. It deepens and extends the mines, and creates a market for the product. It fills manufacturing localities with dense populations, and thus secures to the Eastern agriculturist a home market and good prices for all of the products of his farm. In every way it benefits the East. Does it harm the country at large? Look at the balance of trade against Europe in our favor—

Which was larger at the time I made these remarks than now—

> What would it have been but for the enormous crops of the West and the low rate for the long haul which carries them to market? This it was that brought the cattle, sheep, hogs, wheat, flour, corn, and other products from the remote West, and sent them abroad to feed the people of the Old World. This it was that largely made up for our balance of trade, and brought home your bonds and gave us the coin of Europe. No such results would have been realized but for the wondrous development of the West, and that development could not have occurred under the fourth section of this bill—

which section contained the proposition embraced in this amendment.

Now, Mr. President, apply to the conditions of the country the change which I advocated in my former remarks, it will bring about a shortening of the haul and a change of the system which now centralizes everything in a few centers, and then let your low rate on the long haul apply to the surplus that must go abroad, and you will have a very complete and perfect system of transportation.

I do not care at this time to occupy longer the attention of the Senate, but I felt that I could not vote upon the pending amendment without explaining in some degree the reasons which will control my vote against it.

Mr. CAMDEN. Mr. President, in the remarks I shall make upon the amendment under consideration I will not attempt to go into the history and growth of railroads further than to repeat in substance what was said by the Senator from Georgia [Mr. BROWN], that it has been only about fifty years since railroad transportation by steam was first known, and within that time the business of the world has been revolutionized, and the history of that revolution has been more marked in the United States than in any other country. Within that fifty years there has been built in this country 125,000 miles of railroad, and the wealth of production and development created would have occupied centuries at any other period of the world's history. These 125,000 miles of railroad have cost, at a low estimate, for construction, equipment, double tracks, sidings, shops, terminal facilities, &c., at least $40,000 per mile, making five billions of money actually invested. This enormous sum of

five billions, or $5,000,000,000, is held by all classes and conditions of people scattered over the whole country, and is not owned and controlled by those engaged in operating and controlling the management of railroads, as is assumed by many. It is true that there are a few noted instances of immense fortunes accumulated in the hands of individuals by the manipulation of railroad interests and railroad stocks, but the number of these conspicuous fortunes, which stand out as finger-boards pointing to mismanagement and oppression in railroad management, are exceptional, and point only to Wall street speculations, and not to fortunes made by earnings in operating railroads.

As a rule railroad investments have not paid well on the money actually invested. It is safe to say that there has been as much unremunerative money invested in railroads as there have been exceptionally remunerative investments, based upon the actual cost of the roads, but the exceptionally remunerative investments attract attention, while the vast amount invested which is either lost entirely through bankruptcy or fails to pay dividends is lost sight of. Just as the few large fortunes made in mining stand out in bold relief, while the thousands who fail and lose all they have are forgotten. As I stated before, the development on this continent in the last half century, or, in fact, I may say in the last thirty years, has been unprecedented; and the wealth created to the people of this country by this railroad development has been greatly in excess of the wealth created to the railroads themselves and to the investors in them. Occupying the position of a Senator on this floor, I recognize the fact that it is just as much the duty of Congress to protect the property of the people of this country represented by one species of property as of another, and to protect property represented by railroad securities as it is to protect the interests of the people invested in any other property, whether it be in lands, in manufactories, in mines, or in the bonds of the Government, for very large amounts of these railroad securities are held by those who may not be able to protect themselves—by families, by minors, by trust estates, and charitable institutions.

The few conspicuous instances of overgrown fortunes resulting from railroad manipulation and railroad mismanagement have tended to create a prejudice in the minds of the people against the whole railroad management of the country, and I do not hesitate to say that in my judgment there are evils existing that ought to be corrected, but it should be done wisely and carefully. The system has grown up gradually under the care and best attention of the very ablest men in the country, men who have devoted themselves faithfully and honestly to the study of these railroad problems, and while this study was directed mainly to the interests of the railroads they meant to study and advance also the interests of the people who were their patrons, because, on general principles, it was their interest to do so. As this railroad system and its management has grown and perfected itself gradually without legislative restrictions, so must we arrive at a system of legislative restrictions and control gradually and carefully, otherwise we might disarrange and confuse the greatest and most largely distributed property interest of this country.

Entertaining these views I favor a railroad commission, with a few general rules laid down for their guidance, as a starting point in this undertaking, rather than any legislation prescribing arbitrary and inflexible rules of law to be applied to their government all at once. It is not reasonable to suppose that Congress could safely overturn at once, with its imperfect knowledge of railroading, the rules and principles that able men who have devoted a lifetime to the practical study and operation of railroads have established, without doing more or less violence to the railroad system and to the people.

In my judgment, many of the evils complained of against the railroads are the result of unwise and undue competition between the roads, which forces them to do things which are unnatural and unhealthy in a business point of view, and I believe that careful and progressive legislation will result in great advantage to the railroads as well as to the people by protecting the roads from the necessities of their own errors, for in nine cases out of ten the unwise action of one road in making undue discrimination forces all the other competing roads not only to do the same thing and to adopt for the time being the same policy, but even at times to go to a further extreme in the same direction.

It is now a well-established principle in railroading that the movement of car-loads of freight costs the railroad so much per ton per mile on the average. This amount is ascertained and known by each road with almost mathematical exactness. We may assume, if you please, for illustration, that this cost is at the average rate of 1 cent per ton per mile for all the freight hauled over the whole line of road, and it is equally well known that long hauls can be made at somewhat less cost in proportion than short hauls. It is, therefore, a fundamental principle in railroading that the average rates of tonnage per mile must be kept up to a point necessary to yield the road a fair profit on its capital from its gross business. Now, when a road takes its through freight from competitive points on a long haul at less than it can afford to do the business per mile and make a profit, or at less than it can afford to do the business and pay actual expenses, it must make up the deficiency on its average business from non-competitive points between the starting place and the market to be reached, and the lower it is forced to take through freight the higher it must charge on its local freight.

This is the result of competition forced upon railroads by themselves rather than their voluntary action. For it is fair to presume that railroads as a matter of business would not of choice discriminate unjustly between shippers, but would equalize rates to a reasonable extent to produce the average earnings per mile required if they could follow out their own judgment of what would be equitable and fair and their own inclinations to do it.

Among the rules that may be safely laid down for the guidance of the commission I favor the amendment of the Senator from Oregon, which embodies the principle that railroads shall not charge a greater amount for a short haul over the same road in the same direction than it does for a longer haul. And I do it not only in the interest of the people, but in the interest of the railroads themselves, as a means of enabling the railroads to do the very thing they would do from choice if they had the power to regulate it. This amendment seems to have been misunderstood by the Senator from Georgia or is misunderstood by me and, I think, by the Senate. The Senator from Georgia assumes that the amendment means that it shall be so much per mile instead of so much per hundred pounds or so much by the car-load, and the illustrations given by the Senator with so much force are not applicable to the meaning of this amendment or to the same provision in the Reagan bill.

This amendment means, as illustrated by the Senator from Georgia, that if a car-load of freight was shipped from a hundred miles north of Marietta, Ga., to Atlanta, at $40 per car, the rate from Marietta to Atlanta, which is less than one-half the distance, shall not be more than $40. Or, if a car-load of freight was shipped from twenty miles north of Marietta to Atlanta at $20, that the rate on a car-load shipped from Marietta to Atlanta should not exceed $20. And so on from Atlanta, Ga., via Marietta, to the farthest point on the through line. Or, taking Atlanta as the point to be reached, a point twenty miles distant shall not be charged a greater rate for a car-load than is charged on a car-load from a point thirty miles distant, and the point thirty miles distant shall not be charged a higher rate on a car-load than is charged from a point fifty miles distant, and so on to the end of the line.

To illustrate it more forcibly: If the seat of the Senator from Georgia [Mr. BROWN], which is on the middle aisle of this Chamber, represent a distant competing point for freight which is to be transported to a market represented by the seat of the Senator from Indiana [Mr. VOORHEES], which is on the extreme left of the Chamber, and the seat of the Senator from Missouri [Mr. COCKRELL] represents one-third of the distance between the two points, and the seat of the Senator from Tennessee [Mr. HARRIS] represents another one-third of the distance between the two points, then a car-load of grain, or flour, or live-stock starting from a point represented by the seat of the Senator from Georgia comes up one-third of the distance to the point represented by the seat of the Senator from Missouri and there another car-load is taken on, it shall not be charged a greater amount for the two-thirds of the distance than was charged for the whole distance; and passing on up another one-third of the distance to a point represented by the seat of the Senator from Tennessee and there takes on another car-load, it shall not be charged a greater amount for the one-third of the remaining distance than was charged for the last car taken at two-thirds of the distance, which would be transported double the distance of the last car.

This gives the railroad a very large margin of discretion in fixing their local rates. As was stated by the Senator from Tennessee [Mr. JACKSON], and by other Senators, it would enable railroads to charge as much for one-half the distance as for double the distance. But this is not complained of to any great extent by shippers; the people are willing to pay the roads fair prices. As a general thing complaints are not that rates are too high. But what is complained of, and what shippers consider unfair discrimination, is the fact that in some instances shippers engaged in the same business, situated at points more distant from market than those nearer the same market, should have freight pass by their own doors at a lower rate than they are paying to reach the same point of destination. This, too, is of vital importance to many shippers, as many heavy articles which are produced at close margins of profit might enable the more distant shipper to undersell and drive from the market the manufacturer or shipper who is nearer the market.

This also results in driving manufactories to the important centers of railroad competition in order to get cheap freights, to the detriment of the towns better suited for the same manufactories, but lacking in railroad competition, to insure better rates given to more favored points by competition.

I desire here to say in reply to the Senator from Iowa [Mr. WILSON] that shippers do not complain of the cheap rates given to the long hauls from the West. They have no objection to that. What shippers occupying a middle position do object to is that the far-distant shipper shall ship the same class of freight past their doors at a less rate than is given the nearer shipper.

In my judgment there can be no good reason assigned to justify railroads in making these discriminations, and I do not think they do make them from choice, but from necessity, to bring up their average earnings.

There can be no more reason for a railroad charging more for half the labor than for twice the amount of labor than there would be for any other interest governed by the rules affected by machinery and labor, or than there would be for charging more for making one plow than for making

two plows, or for a cart to charge more for carrying a load half a mile than it would for a mile over the same road; or for a hod-carrier to charge more to carry brick to the first story of a house than he would to carry the same brick to the second story over the same ladder by which he reached the first story. The cost of transportation to a railroad is measured by the wear and tear of the road and equipment and the expenses per mile for fuel and labor in moving the train; and there is no theory that I have ever seen advanced that satisfies my mind that these physical conditions are varied to any great extent per mile in proportion to the distance.

I am, therefore, fully persuaded that this is a wise provision to be inserted as one of the rules to govern the action of the commission, and I shall vote for it.

I believe this amendment will go further to correct the evils complained of by the people than everything else that can be placed in a bill regulating interstate commerce, and it is also in the interest of the railroads. What the people want is an approximate uniformity in rates. They do not care to the same extent about what the rates are. They are willing that the railroads shall have paying rates; but they do complain of one section getting cheaper rates at the expense of another section, which is charged higher rates to make up the deficiency produced by the cheaper rates.

The criticism of the Senator from New Jersey, that this amendment can only reach railroads that pass into or through more than one State and can not affect freights carried by roads wholly in one State is true, but the argument does not furnish a reason why Congress should not pass rules regulating interstate commerce. The argument of the Senator means that the New York Central or the Erie Railroad might carry freight coming from beyond their State lines through the State to New York at nominal rates, and make the shippers along the line of its road in New York pay the transportation for shippers outside of the State. This is a very extreme view to be taken, and it is not to be presumed that railroads would voluntarily brave public opinion to do such acts of injustice or that the Legislature of the State of New York would permit it. It is rather to be presumed that if the Congress of the United States makes fair and just rules governing interstate commerce to be carried out by a railroad commission, the roads not controlled by the laws relating to interstate commerce would adopt the same principle as applied to their local shippers. Public opinion would require it, and the Legislatures of the States would, when necessary, place their States in accord with the national legislation affecting interstate commerce.

Mr. BROWN. My friend the honorable Senator from West Virginia states that either he does not understand the amendment of the Senator from Oregon [Mr. SLATER] as amended by the Senator from Mississippi [Mr. GEORGE] or that I do not. It is very true we do not understand it alike.

I wish to refer to the bill passed by the House of Representatives and see what its language is; also to the language of the amendment offered by the Senator from Oregon to the bill now pending. It seems to me there is scarcely any reason for dispute about this question. It is very true, if it should pass into a law, that the amendment of the Senator from Oregon would embrace the cases suggested by my friend from West Virginia; but it is not true, I think, that those are all the class of cases that it would embrace. It would also embrace the class of cases mentioned by me in my remarks yesterday evening.

The fourth section of what is known as the Reagan bill reads as follows:

> That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line; and the road of a corporation shall include all the road or pipe-line in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

It seems to me if that provision means anything it means that a railroad company engaged in the transportation of property shall in no case charge or receive a greater compensation for carrying the same kind and quality of freight a shorter distance than it charges for carrying a longer distance. Now let us see what the amendment of the Senator from Oregon is. It reads:

> Or shall charge or receive any greater compensation for transporting a similar amount and kind of property a shorter distance than for a longer distance over the same line of road and in the same direction.

And then the amendment of the Senator from Mississippi has been added:

> But this provision shall not be construed to legalize the charging as much for a shorter as for a longer distance in any case.

That clearly, if I understand it, prohibits any railroad company from receiving a greater compensation for carrying a similar amount and kind of property a shorter distance than it charges for a longer distance, and in every case where the same property is carried a shorter distance and more charged upon it than is charged for a longer distance, or where it is carried a longer distance and less charged than is charged for a shorter distance, it is a violation of the rule.

As I have stated, I admit that the instances mentioned by my friend from West Virginia fall within the rule of prohibition, should it become a law, but the case that I supposed falls equally within it, and there are hundreds of other cases that have not been enumerated here which fall within it and the range of the whole transportation business of this country.

I supposed this case: A cargo of corn carried from Marietta to Atlanta, Ga., twenty miles, on the Western and Atlantic Railroad, to be put at the rate of $5 for the local freight. Then I supposed a like cargo of corn carried from Kansas City, Mo., to Atlanta, a thousand miles, for a lower rate of freight; and I showed that if you charged the same rate on the car-load of corn from Kansas City to Atlanta that you charged from Marietta to Atlanta it would cost $250 freight to carry three hundred and fifty bushels of corn a thousand miles. Then I supposed that a car-load of freight be carried twenty-five miles, or at the rate of twenty-five miles, for $4, the distance between Kansas City and Atlanta being a thousand miles, and the carrying the car-load at $4 for every twenty-five miles, when it reached a point five miles above Marietta on the Western and Atlantic Railroad it would travel the last twenty-five miles over the Western and Atlantic for $4, while the car-load of local freight from Marietta to Atlanta, five miles less, would pay $5. If that does not violate this provision of both the Reagan bill as passed by the House and the amendment offered by the Senator from Oregon then I confess I do not understand the meaning of the English language. If you carry the same car-load of corn twenty-five miles from a point five miles above Marietta to Atlanta for $4, and charge $5 for carrying it from Marietta to Atlanta, twenty miles, you would surely have charged a less rate for carrying the like freight a longer distance.

I cited this to illustrate the numerous instances that might be mentioned where the passage of such a law as this would be extremely mischievous. The trouble is it embraces so much more than its advocates seem to understand it to embrace that they fall into the error of supposing that the construction put upon it would only embrace the extreme cases they mention. For these extreme cases neither my friend from Oregon nor my friend from West Virginia needs this amendment at all.

I believe my friend from Oregon mentioned an incident where the Union Pacific carried a car-load the whole length of the road for $200, and charged $400 for carrying it a shorter distance than the whole length. He does not need his amendment to meet that case, because the body of either of these bills, if passed, declares that such a charge for a short haul would be an unreasonable charge. It is true it would fall within the amendment if the amendment should prevail; but the case I put would also fall under it. While it would not be the glaring case of injustice mentioned by the Senator in the instance stated by him, still it would be a case of carrying a car-load of corn for a greater rate for a shorter than for a longer distance. I think he would accomplish his object by proceeding against the company under the provision that the company shall not charge unreasonable rates, without embarrassing the through commerce of the country in the case supposed by him.

I believe this is all the reply I desire to make to my friend from West Virginia.

Mr. HAWLEY. I have no purpose to make any extended remarks, but as I intend to vote against this amendment I desire briefly to state the reasons why.

I have no delicacy whatever in voting to undertake—I do not precisely say to what extent—the regulation of commerce between the States by rail as well as otherwise. These great corporations are a product of modern civilization and an immense factor in the progress of the race; but we are to remember that they have extraordinary powers. They have eternal life given them by the law, the power to acquire, and the right to hold to all eternity what they may acquire, in which respects they surpass any power held by private individuals or any power ever held by the nobility of any nation.

I do not accede to the apparent claim of some gentlemen that they may be trusted so always to govern themselves as to act in harmony with the rights and best interests of the people. I believe they are quite as likely to trespass as individuals are. We have precedent enough for the regulation of them in the conduct of many of the States. In my own State we have a railroad commission, which has given great satisfaction and been of very great use there. Its duties cover a multitude of details with regard to the construction and management of railways, the manner of crossing highways, for example, the manner of crossing streams, the nature of their bridges, the sufficient accommodation for passengers in their cars, the nature of the signals to be put up at the crossing of highways and the crossing of other railways, the manner in which they shall cross navigable streams, halting before drawbridges. Scores of provisions in our statutes show that our Legislature has undertaken to assist in the government of railways notwithstanding the assumption of supreme wisdom on their part, and it has been for the good of the people. Some years ago a railway train plunged into an abyss there, through a drawbridge being left carelessly open, and twenty, thirty, or forty lives were lost. That led to the beginning of legislation in our State on the subject, and the work has proved beneficial to the people and satisfactory.

Now, there prevails throughout the country a very considerable degree of uneasiness in regard to what are alleged to be the encroachments of railways. It is, I take it from reading and observation, the general judgment of the men wisest in these matters that it is time for the Federal Government to take some position with regard to the regulation of commerce between the States. It is useless, however, in my judgment, to undertake to go into details, as some seem to desire; it is unwise to attempt to cover the whole ground now; and therefore, as a member of the Railroad Committee, and I might say perhaps of the subcommittee that assisted in preparing this bill, I accepted for myself the general judgment of the men wisest in these matters, who decided that we should begin with what we are generally agreed upon; that is, that there should be a national commission, and that we should progress slowly, tentatively, acquiring whatever information is necessary to wise legislation that it may be possible to get through that commission.

It is possible we may proceed some time or other—yes, we must proceed to consider the matters proposed in what is known as the Reagan bill; but we are not agreed upon that; we are very far from being agreed upon it. We shall perhaps come nearer to a unanimous judgment, or there will be a decided majority for something or other, it may be, within two or three or four years after we shall have thoroughly informed ourselves through a commission. Some gentlemen will say the commission has too limited powers and is likely to be of little practical use. Anything that affords a vent for the popular dissatisfaction, or a tribunal to which it may appeal, before which it may lay its grievances, and by which commission those grievances may be formulated and well stated to the public, is a relief and is wise legislation; and some things, it is possible, that are now matters of common complaint and criticism may be dissipated entirely by such thorough investigation and collation of facts as a commission might be able to lay before us.

Many who now, without any such relief and in the continued silence of the Federal Government, would continue to organize and agitate, could then go before the commission and make their arguments, present their facts, and make their appeals, and insist that they be laid before the Federal Government. That of itself, supposing the object of the commission to be nothing but the collation of facts and the giving of advice, will provide a popular relief and a popular satisfaction.

What I might do with regard to the pending amendment offered by the Senator from Oregon, if driven to a final conclusion upon it now, I do not say; I am not quite able to say. I can not for my life, however, see why a railroad company which gets its enormous powers for the benefit of the people has a moral right to charge less for carrying goods 1,200 miles than it charges for carrying them a thousand miles. I do not see how it can be made just that goods shall be carried past my town of Hartford to Boston for less than they can be carried to Hartford, and that the cheapest way shall be to let the goods be carried first to Boston and then brought back to Hartford. It is very difficult to make us concede that there is no possible remedy for this.

So, then, while I perceive that our Western friends are willing that we shall suffer in this way, we do not feel quite as they do about it. I say, however, that I am not ready to take up, consider, and vote upon some or at present any of the various remedies proposed, some of which are contained in the Reagan bill. I would rather wait for such information as the commission might be able to lay before us.

Let me say, speaking in regard to the short-haul matter, that it is practically within the power of great railroads and combinations of railroads now, I may say, to depopulate certain localities, to carry business around them, to destroy them as centers of manufacturing and business in general. I have known in my own town a large wholesale concern compelled by the railroad necessities to transfer its main office of business to the city of Boston. I am not willing to concede that these great servants of ours, beneficial as they are to modern civilization, shall have within their power the possibility of crushing out a man or a locality. I do not think it demanded by any of the supposed necessities of trade. I think we are likely to carry to an excess the doctrine of *laissez faire*—let it go; let them slide; leave all to competition; competition is the solvent of everything. We know, sir, that it is not by any manner of means.

These great corporations assume to themselves a power which in my opinion abstractly they have no right to exercise. But I shall be led off into a general discussion of matters that I would rather wait for until this commission shall have had a year to act. That we shall be compelled to do something, I have no manner of doubt; that we ought as a Federal Government to do something, I have no manner of doubt; and that we have the constitutional power to do something—I do not say how much—no man can possibly question. We have barely touched the exercise of it, but we have done enough to show that we assume the power, as the Government did in the case of the New Jersey railroads, where it provided for the right of a railroad to carry passengers, freight, &c., upon reasonable terms, and conferred the right to make connection with railroads outside of the State, which destroyed the famous New Jersey monopoly, by which all of us in the East paid a dollar to the support of the State of New Jersey every time we came in this direction. And again, we have virtually asserted our right to a certain control over interstate commerce by the law concerning the transportation of cattle.

For the present I coincide with the Railroad Committee in saying that we ought to begin with what is very generally demanded by the best students of this great question, a commission with comparatively limited powers to study the subject carefully, and proceed as may seem best afterward. So I shall be compelled now, standing by my committee, to vote against this amendment of the Senator from Oregon, without committing myself precisely to what I might do if I considered it in place now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon as amended on the motion of the Senator from Mississippi. Upon this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I should vote "yea" and he would vote "nay."

Mr. GEORGE (when his name was called). On this amendment I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 11, nays 32; as follows:

YEAS—11.

Camden,	Fair,	Slater,	Vest,
Cockrell,	Kenna,	Vance,	Voorhees.
Coke,	Maxey,	Van Wyck,	

NAYS—32.

Allison,	Frye,	Jackson,	Platt,
Brown,	Gorman,	Jonas,	Pugh,
Butler,	Hale,	Lapham,	Ransom,
Cameron of Pa.,	Harris,	Manderson,	Sawyer,
Cameron of Wis.,	Harrison,	Mitchell,	Sheffield,
Conger,	Hawley,	Morgan,	Sherman,
Cullom,	Hoar,	Morrill,	Walker,
Dolph,	Ingalls,	Pike,	Wilson.

ABSENT—33.

Aldrich,	Farley,	Lamar,	Plumb,
Bayard,	Garland,	Logan,	Riddleberger,
Beck,	George,	McMillan,	Sabin,
Blair,	Gibson,	McPherson,	Saulsbury,
Bowen,	Groome,	Mahone,	Sewell,
Call,	Hampton,	Miller of Cal.,	Williams.
Colquitt,	Hill,	Miller of N. Y.,	
Dawes,	Jones of Florida,	Palmer,	
Edmunds,	Jones of Nevada,	Pendleton,	

So the amendment was rejected.

Mr. HARRISON. Mr. President, I move to amend, in line 7, section 4—I am using the original print of the bill; I do not know whether the print before the Secretary is the same—after the word "under," by inserting "substantially;" so as to read, "in a like business, and under substantially similar circumstances and conditions."

Mr. CULLOM. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. HARRISON. In the next line, after the word "conditions," it seems to me there ought to be some word introducing the element of time. The clause as it now reads is:

> For doing for him, in a like business and under substantially similar circumstances and conditions, a like service.

It does not seem to have any limit as to time. That is, if a greater charge were made for a like service rendered next week than was made for one rendered to-day, it might be subject to the restrictions of the bill. That certainly is not the intention. I move therefore to insert the word, for want of a better one, "contemporaneously" after the word "conditions," in line 8 of section 4; so as to read, "under substantially similar circumstances and conditions and contemporaneously, a like service."

Mr. ALLISON. That is, at a particular time.

Mr. HARRISON. About the same time, I would intend to mean; not that they should be punished for adopting a different rate a week apart. Unless there is some objection suggested to the use of that word, I move that amendment.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be read.

The CHIEF CLERK. In section 4, line 8, after the word "conditions," it is proposed to insert "contemporaneously."

Mr. CULLOM. I believe I have no objection to that.

The amendment was agreed to.

Mr. HARRISON. In the same line the conjunction "and" is used. I think it should be "or." The intention of the bill evidently was to describe two offenses here. The first is "directly or indirectly, by any rebate, drawback, or other device," collecting a greater compensation; and the second is——

Mr. CULLOM. The Senator is correct.

Mr. HARRISON. I move to strike out the word "and" and insert the word "or."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana, to strike out, on line 8, the second word

"and" and insert "or;" so as to read, "or if any such transportation company shall neglect," &c.

The amendment was agreed to.

Mr. HARRISON. In the same section, in line 8, it will be noticed that the provision reads as follows:

If any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate commerce freights to one person that is at the same time furnished to any other person for the carriage, receiving, delivery, storage, and handling of such freights of the same class.

I move to insert, after the word "class," the words "and under substantially similar circumstances."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. ALLISON. In the first section of the bill, line 6, I move to strike out "five" and insert "nine;" and in line 8, after the word "Senate," to insert "one of whom shall be selected from each judicial circuit in the United States."

The object of my amendment is that these commissioners shall be distributed over every portion of our country, in order that they may properly listen to, hear, and correct inequalities and injustice in each particular locality. I think it will be almost impossible for this to be done with five commissioners. Necessarily a portion of these commissioners will be compelled to remain here in Washington nearly all the time, and it seems to me that if this matter is worth regulating at all it is worth having a sufficient number of men to compose the *personnel* of the commission, to hear and decide all the complaints that may come before them. It is certainly the most important question that can be placed in the hands of any number of men. Then, as provided under this bill, they will have very large powers, at least compared with the existing laws on our statute-book in reference to interstate commerce. Therefore I think the number ought to be increased, and I am rather fortified in this by observing that the bill which was passed by the House of Representatives, I think in the Forty-third Congress, provided for nine commissioners.

I submit these suggestions to the Committee on Railroads, and to the chairman of that committee, with a view to ascertain what particular reasons led the committee to limit the number to five persons.

Mr. CULLOM. The committee in the consideration of the question of number only arrived at the number specified in the bill as a sort of compromise between the number fixed in the House committee bill, which was finally voted down, which provided for only three commissioners, and the number nine that had been suggested in previous bills, as the Senator from Iowa has stated. We believed that five commissioners, with the sort of clerical force that might be needed to carry on the work, would be able to do the work of the commission fairly well.

So far as I am concerned, as one member of the committee, I am not very particular which number is selected. I appreciate the suggestion of the Senator from Iowa that it is a very important work, and we have a very large country over which the work has to be supervised. We considered the question of expense somewhat in the determination of the number. This and the other considerations I have mentioned were the only ones that entered into determining the number specified in the bill.

I am willing, without taking up the time of the Senate, to leave it to the judgment of the Senate to fix whatever number may be deemed proper.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be reported.

The CHIEF CLERK. In line 6 of section 1 it is proposed to strike out "five" and insert "nine."

Mr. INGALLS. Let the remainder of the amendment be read.

The PRESIDING OFFICER. The remainder of the amendment will be read.

The CHIEF CLERK. In line 8, after the word "Senate," it is proposed to insert:

One of whom shall be selected from each judicial circuit of the United States.

So as to read:

To be known as the Interstate-commerce Commission, which shall be composed of nine commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be selected from each judicial circuit of the United States.

Mr. INGALLS. I hope the amendment suggested by the Senator from Iowa will be adopted. Considering the magnitude of the interests which are involved and the vast relations which are to be adjusted it is evident that a commission of nine would be quite small enough for the objects that are contemplated by the proposed statute. The distribution also meets with my approval. I can think of no arrangement that would be more satisfactory to all the interests that are involved. It appears to me, however, that it might be well to provide that one or two of the commissioners should be men practically familiar with the operation of railroads, but upon that I have no further suggestion to make.

Mr. HAWLEY. I doubt the wisdom of the amendment. I think it will be considered that we are making an unnecessary, cumbersome, and expensive commission. We shall be dividing responsibility. They will not be able to act as a body very often. You can get five men together—everybody knows how it is with committees—much more easily than you can nine. I do not believe that the commission will be as effective. I do not care from what section of the country they may come; I care more about what the character of the men shall be.

There is some wisdom in the suggestion of the Senator from Kansas that one should be a man familiar with railroad affairs; but I think we can trust something to whatever Executive will have the appointment of the commission. In my State, where we have three, it is provided by law that one shall be an engineer, one shall be a lawyer, and one shall be a business man, but none of them shall have any pecuniary interest in railways, as stockholder, officer, or in any other way whatever. It is possible that some provision of a similar character in regard to the five might be useful; but, as I say, I am quite willing to leave the appointment to such Executive as may have it in charge. However, I distrust very much the wisdom of a commission of nine. The expense will be some objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. ALLISON].

The question being put, there were on a division—ayes 15, noes 18; not a quorum voting.

Mr. BECK. There is no quorum, I believe.

The PRESIDING OFFICER. There is no quorum present.

Mr. BECK. I move that the Senate adjourn.

Mr. CULLOM. I ask for the yeas and nays on the question of agreeing to the amendment. I hope we shall get the bill a little further along before we adjourn so that I can ask to take up the House bill. I will state to the Senator from Kentucky that if the Senate will remain here long enough to complete this bill so that I can ask to take up the House bill from the table I shall not be disposed to ask the Senate to stay longer; but I should like to do that much, so that the bill may be printed as amended before we consider it again.

Mr. BECK. I have no objection to going through with this so-called bill. I should be very glad to stay until we can perfect it, as it is called, and have it printed, so that we can see it Monday morning, so that the motion may be acted upon to take up the House bill and have that bill open to amendment. I am one of those who propose to vote for a good deal that is in the Reagan bill. I expect to offer some amendments to that measure; but I do not care anything about this thing, which I regard as nothing. Let it be made as perfect as it can be made to-night. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn, and the yeas and nays are called for upon the amendment offered by the Senator from Iowa. Is the call seconded?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. I do not know how he would vote if he were present.

The roll-call was concluded.

Mr. GROOME. I am paired with the Senator from New York [Mr. MILLER].

The result was announced—yeas 22, nays 20; as follows:

YEAS—22.

Allison,	Conger,	Jackson,	Ransom,
Beck,	Garland,	Kenna,	Slater,
Brown,	Gibson,	Manderson,	Walker,
Cameron of Pa.,	Harris,	Mitchell,	Wilson.
Cameron of Wis.,	Harrison,	Morgan,	
Cockrell,	Ingalls,	Pugh,	

NAYS—20.

Blair,	Frye,	Maxey,	Sawyer,
Camden,	Hampton,	Morrill,	Sheffield,
Coke,	Hoar,	Pike,	Sherman,
Cullom,	Jones,	Platt,	Vance,
Dolph,	Lapham,	Saulsbury,	Van Wyck.

ABSENT—34.

Aldrich,	Farley,	Lamar,	Plumb,
Bayard,	George,	Logan,	Riddleberger,
Bowen,	Gorman,	McMillan,	Sabin,
Butler,	Groome,	McPherson,	Sewell,
Call,	Hale,	Mahone,	Vest,
Colquitt,	Hawley,	Miller of Cal.,	Voorhees,
Dawes,	Hill,	Miller of N. Y.,	Williams.
Edmunds,	Jones of Florida,	Palmer,	
Fair,	Jones of Nevada,	Pendleton,	

So the amendment was agreed to.

Mr. ALLISON. It will be necessary for some changes, which I have indicated to the clerks at the desk, to be made in the following lines, to correspond with the amendment just agreed to. I ask that the amendment I now offer may be read.

The PRESIDING OFFICER. The Senator from Iowa further moves to amend the first section of the bill. The amendment will be reported.

The CHIEF CLERK. In section 1, line 10, it is proposed to strike out the words "one," "three," "and five," and to insert in lieu of the word "five" the word "six;" so as to read:

The commissioners first appointed under this act shall be appointed for and continue in office for terms of two, four, and six years, respectively.

Mr. INGALLS. Let that be reported once more. It sounds a little obscure.

The PRESIDING OFFICER. The amendment will be again reported.

The CHIEF CLERK. In section 1, line 9, after the word "shall," it is proposed to insert the words "be appointed for and;" so as to read:

The commissioners first appointed under this act shall be appointed for and continue in office.

And in line 10 it is proposed to strike out the words "one," "three," "and five," and in lieu of the word "five" to insert the word "six;" so as to read:

Shall continue in office for terms of two, four, and six years, respectively.

Mr. ALLISON. That is, three of them will be appointed for two years, three for four, and three for six.

Mr. INGALLS. The bill does not say so as amended. The commissioners first appointed under this act will be nine. They are to continue in office under the terms of the amendment offered by the Senator from Iowa for two, four, and six years, respectively.

Mr. ALLISON. Three of whom.

Mr. INGALLS. Let it read, "three of whom shall be appointed for two years, three for four years, and three for six."

Mr. ALLISON. I accept the suggestion of the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Iowa modifies his amendment.

Mr. ALLISON. Let it read, "three of whom shall be appointed for two years, three for four, and three for six years, respectively."

Mr. INGALLS. Now how does it read, Mr. President?

The PRESIDING OFFICER. It does not read yet.

Mr. ALLISON. I shall prepare a further amendment in a moment.

Mr. INGALLS. I suppose that "1884," in line 12, should be changed to "1885."

Mr. HARRISON. That has been done.

The PRESIDING OFFICER. That was done.

Mr. INGALLS. Lines 22 and 23, at the end of the section, provide:

And not more than three shall belong to the same political party.

Has that been changed?

The PRESIDING OFFICER. That has not been changed.

Mr. INGALLS. Under this provision of the bill we should be obliged to have three Republicans, three Democrats, and three Prohibitionists or three Independent Republicans.

Mr. ALLISON. In the first section, line 8, after the word "Senate," I move to strike out all down to and including the word "years," in line 14, as follows:

The commissioners first appointed under this act shall continue in office for terms of one, two, three, four, and five years, respectively, the term of each to be designated by the President; but their successors shall be appointed for terms of five years.

And to insert in lieu thereof the following:

Three of the commissioners first appointed under this act shall continue in office for terms of two years, three for four years, and three for six years, the respective terms to be designated by the President; but their successors shall be appointed for terms of six years.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa as modified.

The amendment was agreed to.

Mr. INGALLS. There is one other amendment to be made in line 22.

Mr. ALLISON. In line 22, I move to strike out "three" and insert "five;" so as to read:

And not more than five shall belong to the same political party.

That is, I move that provision, if it is a wise thing to put in at all.

Mr. CONGER. I should like to inquire why not put in "when appointed?" Would a change of politics in the estimation of the Senator work a forfeiture *per se?*

Mr. ALLISON. I shall have to remand the Senator from Michigan for information on that point to the committee who have inserted this provision. I merely change the provision in order to make it conform to the amendment already agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. HARRISON. I wish to propose an amendment to section 6. It will be noticed that by section 6, if any transportation company neglects to pay the damages which the commission may find to have accrued to an individual or to desist from further violation of this proposed act, it is made the duty of the commission "to certify the facts to the district attorney of the United States for the judicial district in which the act complained of occurred." The section then provides that it shall be the duty of the district attorney, at the request of the complainant, to commence proceedings in the name of the complainant to recover any damages he may have sustained.

In the first place, the district where these acts occur may happen to be a district where the United States circuit court would not have any jurisdiction unless it is affirmatively conferred. That jurisdiction might depend upon the question of citizenship. It might be that the difficulty occurred in the State of Indiana as between a corporation of Indiana and a citizen of Indiana. There is nothing in the bill which gives jurisdiction, and yet it requires the report to be sent to the district attorney, while it may turn out to be a case where if the district attorney were to begin the proceedings provided for in the bill he would be sent out of court on a question of jurisdiction. If it is right that the proceedings should be begun there, then we ought by an amendment to confer jurisdiction without regard to citizenship upon that court.

Senators will notice that there are two things spoken of in the introductory part of the section, namely, a failure to pay damages which are found, and a failure to comply with the request or a persistency in continuing the transgression. The district attorney is only authorized to bring a suit for damages under the section as it stands. He is not authorized in the name of the complainant to bring a suit for a mandatory injunction, or for an injunction, or for some process that will compel the transportation company to cease from some illegal discrimination.

I therefore propose the amendment which I send to the desk. It is intended to give the district attorney discretion to commence a suit in the nature of an injunction simply, or a mandatory injunction, or any other form of equitable relief that may be necessary. It is intended to confer jurisdiction upon the court to whom the report is required to be made without regard to citizenship, and it contains a further provision that the district attorney shall have some compensation for what he does. I have believed that to load upon the district attorneys of the United States all this litigation without any provision of law in the world for giving them any compensation for it would result in having a very slipshod and inefficient prosecution of these cases.

In the amendments I have proposed, as well as in this one, I have tried to follow the general scope of the bill. I thought at one time of suggesting some more important changes, but waived that suggestion with a view of assisting in perfecting the bill, thinking it was probably the best we could do.

The PRESIDING OFFICER. The amendment offered by the Senator from Indiana will be reported.

The CHIEF CLERK. In section 6, line 11, after the word "him," it is proposed to insert:

Or to compel the transportation company to comply with the provisions of this act, or both; and the circuit court of the United States for said district shall have jurisdiction to try said cause without regard to the citizenship of the party. Costs shall be awarded as in other cases, but in case judgment is rendered against the defendant the court may, in its discretion, allow to the district attorney a reasonable fee for prosecuting said cause, to be taxed as part of the costs.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Indiana.

The amendment was agreed to.

Mr. SLATER. I now ask leave to withdraw the amendment that I offered by way of substitute, so as not to encumber the proceedings, with a view of offering as a substitute the House bill.

The PRESIDING OFFICER. The yeas and nays not having been ordered upon the amendment the Senator has a right to withdraw it. The Senator from Oregon withdraws the amendment indicated by him.

Mr. VAN WYCK. At the end of section 8 it is provided that "a majority of the commission shall constitute a quorum for the transaction of business." I move to amend by adding "except as hereinafter provided," because at the end of section 9 it is provided:

The commission is hereby authorized to conduct investigations in such portions of the United States as it may deem necessary, and for that purpose may delegate the powers conferred by this section to any member or members of the commission.

Mr. CULLOM. I have no objection to the addition of those words.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. DOLPH. I should like to hear again what is supposed to be the exception.

The PRESIDING OFFICER. The amendment will be reported.

The Chief Clerk read the amendment of Mr. VAN WYCK.

Mr. DOLPH. I should like to ask the Senator from Nebraska what the exception is supposed to be.

Mr. VAN WYCK. At the end of section 9 it is provided that—

The commission is hereby authorized to conduct investigations in such portions of the United States as it may deem necessary, and for that purpose may delegate the powers conferred by this section on any member or members of the commission.

I have no doubt that means that less than a quorum may transact business.

Mr. DOLPH. That is not to be the action of the commission. That is merely a commission to take testimony which is to be submitted finally to the whole commission. I am opposed to the amendment, because it seems to suppose a case where a minority of the commission may act.

Mr. VAN WYCK. Is not such an investigation, to be made under the direction of the commission, a part of its business? You first provide in section 8 that a majority of the commission shall be necessary to constitute a quorum for the transaction of business.

Mr. DOLPH. No action of the commission is contemplated in section 9, any more than taking testimony before a notary public or a subcommittee.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to—ayes 23, noes not counted.

Mr. HARRISON. In line 29 of section 6 there is an inaccurate expression, which ought to be corrected:

Any such transportation company or any person or persons that shall violate any of the provisions of this act not herein specified, or that shall in any manner attempt to obstruct the enforcement of its provisions, shall be deemed guilty of, &c.

The "not herein specified" evidently refers to the section, and I move to strike out the word "herein" and insert "not in this section;" so as to read, "any of the provisions of this act not in this section specified," &c.

Mr. CULLOM, What does the Senator want to strike out?

Mr. HARRISON. You have here the words "herein specified." What does the Senator understand them to refer to; to the whole act?

Mr. CULLOM. They are intended to refer to the section.

Mr. HARRISON. Then the amendment I propose "not in this section specified" would be better language.

Mr. CULLOM. I accept that amendment.

The PRESIDING OFFICER. The Senator from Indiana moves to amend by striking out "herein" and inserting "in this section;" so as to read, "that shall violate any of the provisions of this act not in this section specified."

The amendment was agreed to.

Mr. HARRIS. I rise for the purpose of suggesting to the Senator from Illinois, if there be no other amendments to the Senate bill to be acted upon this evening, that he ask for an order that the Senate bill as amended be printed. There are no copies of the original bill that I can obtain from the document-room, nor have I one in my files, but I desire to see the bill in print as amended by the Senate, and I suggest to him the propriety of having it so printed by Monday morning.

Mr. PUGH. Before the vote is taken on that motion I desire to offer an amendment to the second section, to which, I suppose, there will be no objection.

It will be remembered that in the beginning of the debate upon this bill the Senator from Arkansas [Mr. GARLAND] objected to the second section because it amounted to a delegation of all the power Congress had over commerce between the States. I have an amendment that I have shown to the Senator in charge of this bill and the Senator from Arkansas and they say it meets the objection, and I now offer it. It is to amend section 2 by striking out all after the word "have," in the first line down to and including the word "power" in line 7, and inserting other words, so that the first paragraph will read:

That the commission hereby created shall have and exercise the powers and discharge the duties defined and granted in this act pertaining to the methods of regulating the operation of all transportation companies engaged in interstate commerce.

That limits the powers of the commissioners to those defined in the act itself, and does not leave it open to the objection of the Senator from Arkansas, that under the second section their powers go beyond those defined in the act and amount to all the powers Congress has over commerce between the States.

The PRESIDING OFFICER. The Senator from Alabama moves an amendment, which will be read.

The CHIEF CLERK. In section 2, after the word "have" in line 1, it is proposed to strike out:

Supervision over all matters pertaining to the regulation of commerce among the several States and Territories and the methods of operation of all transportation companies engaged in interstate commerce, and it is hereby made the duty of said commission to enforce the provisions of this act by all lawful means within its power.

And in lieu thereof to insert:

And exercise the powers and discharge the duties defined and granted in this act pertaining to the methods of regulating the operation of all transportation companies engaged in interstate commerce.

Mr. CONGER. That may be giving a power that the bill I suppose does not contemplate giving—the power to regulate all transportation companies, including companies owning vessels on our rivers and lakes. I do not propose to vote for any proposition that will give control to this railroad commission of all persons engaged in the transportation of commerce between the States. It does not need any such provision for transportation companies on the water, and it would be a very serious thing if any such powers should be given to control companies or individuals conducting water transportation. The power is already given in this bill, I am told. If the amendment does not give the commissioners any power that the bill already contains, it is useless; and if it does give any, it extends to water transportation.

Mr. HOAR. Every section of the bill provides for "transportation companies," not for railroads, so that the Senator's objection applies apparently to the whole bill.

Mr. CONGER. If it relates to water transportation the bill needs considerable revision. It relates, I know, to that kind of transportation which is part water and part land; but transportation companies by water, pure and simple, I had not supposed anybody believed were embraced within the provisions of this or any like bill.

Mr. ALLISON. It provides for all transportation companies in the United States engaged in interstate commerce.

Mr. CONGER. It purports to appoint railroad commissioners. Every analogy and every reference has been to the system in the States of railroad commissioners.

Mr. CULLOM. The thirteenth section of the bill defines what the term "transportation company" means, and it includes railroads and vessels that may be used for transporting freight in connection with railroads. This is its language:

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part, provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad, or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory.

Mr. CONGER. For the present let the amendment be printed, and I propose now that the Senate adjourn. If this bill is intended to give power or control over water transportation on rivers and lakes independent of railroad connections, to cover our whole coasting trade, it is time we came to a halt and strangled the bill or amended it. I have voted for different provisions of this bill with the understanding that it applied only to railroad transportation or where railroad companies had vessels of their own forming part of the same through route by land and water, and therefore belonged to the same company, the communication being part water and part rail.

Mr. CULLOM. I can not see that the amendment now proposed covers the point suggested by the Senator from Michigan. If the Senator will look at sections 12 and 13 of the bill, he will see that they are the only ones which have any reference to carriage by water in any way, and it depends on whether those sections remain as they are whether the point he makes can be sustained.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. PUGH].

Mr. HARRISON. I would suggest to the Senator from Michigan that this amendment does not affect the question that is in his mind in the smallest degree. It simply takes out of the bill those general terms which profess to confer on this commission the general supervision of the subject, and says they shall exercise such powers as are conferred by the bill. It uses the words "transportation companies," but that is the term used throughout the whole bill, and we have a definition of it—section 13. So if this amendment is adopted and the Senator thinks the scope of the bill includes some case he would want to leave out, his amendment should be addressed to section 13, the definition. This does not affect that question in the smallest degree.

Mr. CONGER. Where is this amendment proposed to come in?

Mr. HARRISON. In section 2.

Mr. CONGER. Section 12 provides:

That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company, whether owned by said company or used by it under license, lease, or permission otherwise given.

That makes what water communication there is a part of the route, a means of transportation, and property which a railway company acquires by putting boats on the water as part of its through communication from one point to another. As I understand the amendment, it confers absolute power on this commission over any transportation company which may be entirely by water.

Mr. PUGH. The power of the commissioners——

Mr. CONGER. I should like to have the amendment printed with the others. I understand a motion will be made to print, and I will wait for that motion.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. PUGH. The subject-matter of the jurisdiction of the commission is stated in the second section, as originally framed, to be railroads or transportation companies. If the Senate desire to enlarge that subject-matter so as to embrace water ways it can do so, as suggested by the Senator from Indiana, in another section, which defines the extent of the jurisdiction. My amendment to the second section simply confines the commissioners to the powers and duties granted and defined in the act wherever found. It is no grant of power except the powers specified in the different sections of the act. It is a limitation of the powers of the commission. If it is desired to restrict or enlarge the powers, it must be done by amending other sections.

Mr. HOAR. I want before the Senate adjourns to-night to call the attention of the Senate and the Senator who has the bill in charge to a question which may possibly have been discussed; but I wish to understand more distinctly than I do what is the Senator's answer to the proposition that he has given judicial power to a commission not appointed for the constitutional tenure of good behavior. I understand that the fifth section of the bill authorizes this commission to inquire into extortion or unjust discrimination and then to assess the damages, and the damages when they are assessed are found to be absolutely due; but while the payment of those damages is only enforced by a decree of a court, the finding of the commission is conclusive upon the court.

Mr. CULLOM. The bill does not give the commission any absolute power whatever so far as the finality of any finding that they may make is concerned. It runs upon the theory that if a shipper makes a complaint against a transportation company to the commission, the commission is called upon by the bill to inform the corporation or transportation company of the fact and ask it to settle. If the corporation or transportation company fails to do so, the commission are authorized under this bill to proceed to investigate the question and determine so far as they have any power to do it the amount of damage, if any, that the shipper has sustained by virtue of any extortion or unjust discrimination. When they have done that, it is their duty under this bill to notify the transportation company that they are expected to settle that damage within a given time specified by the commission; but there is nothing in the bill anywhere that requires the transportation company to do so unless it chooses; and there is nothing in the bill anywhere that makes their finding as a matter of fact evidence in the court if the transportation company refuse to settle; but the shipper is to go to court finally for the adjudication of the case.

Mr. SHEFFIELD. The Senator will allow me to ask if when the action is brought by the district attorney the finding of the commission would not be assumed to be substantive facts? It is a condition precedent to sustaining the action that the shipper has proceeded before the railroad commission; and in that way the finding of the railroad commission goes before the jury as persuasive evidence of the facts alleged in it.

Mr. CULLOM. I do not understand that under this bill the findings could go before the court at all, but it is the duty of the commission to turn the subject over to the district attorney, and the presumption is that the testimony taken by the commission in the investigation that the commission has made, when placed in the hands of the district attorney, will be of great service to him in the prosecution of the case, he thus having a knowledge of the witnesses and what they have testified to. But the testimony before and the finding of the commission would not absolutely be evidence before the court at all under the rules of evidence.

Mr. SHEFFIELD. I do not think the Senator has met the point precisely which I stated; and that is, that going before the commission and the commissioners investigating the case and making a finding upon the facts and assessing the damages are conditions precedent to going to the district attorney and having him institute legal proceedings. These being conditions precedent, when he came into court he would have to show those facts to entitle him to maintain his action. The showing of those facts in court coming to the knowledge of the jury would operate to influence the minds of the jury whether the facts as so presented were or were not strictly legal evidence.

Mr. CULLOM. Mr. President, I do not think I understand the point of the Senator. At the same time I do not understand that under the provisions of this bill the district attorney would be controlled by what the commission had done; neither would the facts found by the commission necessarily go before the jury. Probably the finding of the commission would not be allowed to go before the jury under the rules that govern the admission of testimony.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. PUGH].

The question being put, a division was called for, and the ayes were 33.

Mr. CONGER. May I make a parliamentary inquiry? If this be now inserted by a vote of the Senate, can it be afterward stricken out?

The PRESIDING OFFICER. When the bill reaches the Senate the question then will be on agreeing to the amendments adopted in Committee of the Whole.

Mr. CONGER. There are several amendments that I think should be made to sections 1, 2, and 3, and they may modify and correct my idea on this question. I will not call for a further count now.

The PRESIDING OFFICER. No further count being insisted on, the amendment is agreed to. If there be no further amendment the bill will be reported to the Senate.

Mr. CONGER. I move that the bill as amended be printed for the use of the Senate.

Mr. CULLOM. If there are no other amendments to be made to this bill, I desire now to ask leave to take the House bill from the table.

The PRESIDING OFFICER. The bill is still in Committee of the Whole.

Mr. CULLOM. I am not very well advised as to the rules of the Senate either in Committee of the Whole or out of it, but I think it is in order for me to move to take up the House bill, and then I shall ask to offer this bill as an amendment to it, striking out all after the enacting clause, and then I want to have the Senate bill printed.

Mr. HARRIS. The Senator will have to pass from the consideration of the Senate bill when he asks the Senate to consider the House bill. Hence I was going to suggest to him that he ask the Senate now to order the Senate bill as amended to be printed, so that it will be on our desks on Monday morning. Then the Senate can, by unanimous consent or by a majority of the Senate, take up the House bill for consideration.

Mr. CULLOM. I desire to make the motion that the bill as amended be printed.

The PRESIDING OFFICER. The Senator from Illinois asks for an order that the bill as amended may be printed for the use of the Senate, so that it will be on the desks of Senators on Monday next. Is there objection? The Chair hears none, and that order is made.

Mr. CULLOM. Now I move to take up the House bill.

Mr. HAWLEY. I rise to a parliamentary inquiry. This bill is still in committee. When it is reported to the Senate some of us, I presume, will ask for further action on some of these amendments. I know there is one amendment that has been made upon which I desire another vote. The bill is not complete yet. We can not tell precisely what shape it will be in. Let the bill be reported to the Senate, and give us a chance to look at the various amendments.

Mr. HOAR. The Senator from Connecticut will allow me to make a suggestion. The Senator from Illinois, as I understand, proposes to take up the House bill, so that that will be the unfinished business on Monday. It is this bill he proposes to move as an amendment to the House bill. It will stand in parliamentary consideration just as if anything else was proposed. All this has merely enabled the Senator from Illinois to get the general sense of the Senate about the frame of this bill; but it being in the Senate or out of the Senate, and having been amended again or not amended, will make no difference—it will stand just as if the Senator had written in his room a bill which we had not amended at all, which we had never heard of, and bring that in as an amendment. Then it would be in order to move to amend the substitute by striking out, or by striking out and inserting, or by adding. So the whole matter will be before the Senate just as much as it would be if the Senate bill had been carried further.

Mr. MITCHELL. And the original House bill also will be open to amendment.

Mr. HOAR. Certainly.

Mr. CULLOM. I ask unanimous consent to take up the House bill, so that it may be left as the unfinished business of the Senate.

Mr. ALLISON. I desire to ask the Senator from Illinois what he proposes to do after we take up the House bill, because if the House bill—at least I so understand our rules—is substituted for this bill——

Mr. CULLOM. No; I want to substitute this bill for the House bill.

Mr. ALLISON. I mean if the consideration of the House bill is substituted for the consideration of this bill, then, unless we have some understanding, every provision of the House bill will be open to amendment and consideration in the Senate before we reach the substitute which we have already perfected now in Committee of the Whole.

Mr. CULLOM. I so understand it, and I do not know any possible way to prevent it if I wanted to do so.

Mr. HARRIS. There is none.

Mr. ALLISON. There is none unless we have some understanding about it.

Mr. HOAR. You can not get that.

Mr. ALLISON. Very well.

Mr. HARRIS. There can be no difficulty about this question. It is perfectly competent for the Senator from Illinois to move that the Senate do now proceed to the consideration of the House bill or any bill upon the Calendar. When it is taken up it is certainly amendable, and the Senator from Illinois, or any other Senator, can move the Senate bill as a substitute for the House bill. When he has so moved, then it is competent for any Senator to move any amendment to the text of the House bill, or any amendment to the amendment proposed by the Senator from Illinois as a substitute; and these amendments, whether offered to the House bill or the Senate bill, will have to be acted upon before the question can be taken upon adopting the substitute for the House bill.

Mr. CULLOM. I so understand.

Mr. HARRIS. There can be no difficulty about it, and it is perfectly in order for the Senator from Illinois to move now, if he chooses to do so, that the Senate proceed to the consideration of the House bill.

Mr. BECK. Will the Senator from Tennessee allow me to ask him a thing I have been endeavoring to get at for some time? I ask what progress then have we made with the last bill?

Mr. HARRIS. We have been arriving at the conclusions of the majority of the Senate as to the merits of the various propositions contained in the Senate bill.

Mr. BECK. But that bill is now to be withdrawn from the consideration of the Senate as if it had never been up, as I understand, before the House bill can be taken up.

Mr. HARRIS. I can only repeat that if the Senator from Illinois or any other Senator chooses to move to take up the House bill and proceed to its consideration it is in order to do so, and then——

Mr. BECK. But he can not get it up without a vote.

Mr. HARRIS. A majority of the Senate can take it up. The result is that the Senate bill will lose its right of way as unfinished business, and then the Senate bill may be offered, if any Senator chooses to offer it, as a substitute for the House bill.

Mr. FRYE. That is precisely what I did last session with the bill touching the merchant marine.

The PRESIDING OFFICER. What is the motion of the Senator from Illinois?

Mr. CULLOM. I have two motions; one is to print the bill that the Senate has been considering as amended——

The PRESIDING OFFICER. That order has been made.

Mr. CULLOM. Then the motion now is to take from the table the House bill for consideration, so that it may be left as the unfinished business of the Senate. I ask unanimous consent to do that.

The PRESIDING OFIFCER. The Chair is informed by the Chief Clerk that the bill is not on the table, but is on the Calendar. Then the motion is to proceed to the consideration of the House bill.

Mr. CULLOM. I ask unanimous consent.

Mr. HARRIS. It is perfectly competent for a majority to order it, but I have no doubt that the Senator can get unanimous consent.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent of the Senate that the Senate now proceed to the consideration of the bill (H. R. 5461) to regulate interstate commerce, and to prohibit unjust discrimination by common carriers. Is there objection? The Chair hears none.

Mr. CULLOM. Now allow me to say a word, Mr. President.

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole, and open to amendment.

Mr. CULLOM. Some honorable Senators have seemed to feel that I have been consuming the time of the Senate unnecessarily or insisting upon doing so. This has been a source of some embarrassment to me; but I have felt that it was my duty to pursue the course I have taken, for the reason that the Committee on Railroads reported the Senate bill as its best judgment upon the subject. As has been said by many distinguished Senators it is an exceedingly important subject, and one involving a great many important questions. I have felt that a reference of the bill back to the committee with the House bill would, when the time came for the consideration of the two bills together, not facilitate a final disposition. The committee would be just as much in the dark as to the sense of the Senate upon very many of these questions as they were before the original report was made. My purpose has been to hold to the consideration of the bill we reported until, as the honorable Senator from Tennessee says, we could get the sense of the Senate upon these important questions, so that we might know where we were. That is my excuse, if any is needed, for asking the Senate to proceed with the consideration of the Senate bill as long as we have done.

Now, Mr. President, I move that the Senate bill, as amended, be made an amendment to the House bill, striking out all after the enacting clause of the House bill and inserting it as a substitute.

The PRESIDING OFFICER. When the House bill was taken up the Senate bill dropped back to its place on the Calendar. The Senator from Illinois now moves that the House bill be amended by striking out all after the enacting clause and inserting the Senate bill.

Mr. INGALLS. No, not that. He can not insert the Senate bill after the title of a House bill.

Mr. CULLOM. Inserting the following words, being the words of the Senate bill.

Mr. HOAR. I suppose the Senate will give unanimous consent that that document with which we are so familiar shall not be read from the desk at this time, but that the motion may be treated as pending.

Mr. CULLOM. That is all I desire to-night.

Mr. HOAR. The motion is that these words be substituted for the House bill.

Mr. CULLOM. I ask unanimous consent that the reading of the amendment I offered be dispensed with for the present, so that it may be printed.

Mr. COCKRELL. Has there been any order made to print it?

Mr. CULLOM. Yes, sir.

Mr. COCKRELL. Let the Senate bill be printed together with the House bill and the amendment.

Mr. CULLOM. The House bill has been printed.

Mr. HARRISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 17, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

ORDER OF BUSINESS.

Mr. RANDALL. I do not desire to interfere with the morning hour, but I call for the regular order, as my object is after the morning hour to proceed to the consideration of the appropriation bill.

PERSONAL EXPLANATION.

Mr. GIBSON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. GIBSON. My attention has been called to a series of telegraphic publications in the morning papers this morning and yesterday morning, which report me as having indulged in a number of very harsh and unjust criticisms of a member of this House, as well as having made other foolish speeches in connection with the legislation of this body. I do not desire to be put in such a position nor to do any gentleman in this House injustice.

Those publications have reference to a conference held between a few of my friends and myself in the city of Wheeling, the capital of our State, at which we undertook to advise with one another in reference to legislation now before this body. At that conference the question of tariff was spoken of, and, as a matter of course, the name of the distinguished gentleman from Pennsylvania was mentioned. To talk of the tariff without mentioning his name would be like the play of Hamlet with the name of the melancholy Dane left out.

Mr. GEORGE D. WISE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GEORGE D. WISE. It is that the gentleman from West Virginia is not discussing a question of privilege. He states that he is speaking in reference to a communication made to sundry papers not affecting the integrity of any member of this House.

The SPEAKER. The Chair has not discovered anything in the statement which entitles the gentleman to take the floor on a question of privilege.

Mr. ELLIS. The gentleman is proceeding to state it.

The SPEAKER. It seems to be a personal explanation, which the gentleman has the right to make with the consent of the House.

Mr. GIBSON. I hope no gentleman will dissent to my doing justice to a member of the House as well as myself.

The SPEAKER. If there be no objection the gentleman will proceed to make his explanation. The House will please be in order. Does the gentleman from Maine object?

Mr. REED. Not at all. I said it was important we should hear. [Laughter.]

Mr. GIBSON. I desire to say when the name of the gentleman from Pennsylvania was mentioned, so far from making any unjust or unkind allusion to him I declared on that occasion however much I might differ from him in his political views on some things, that his long record had taught us to respect his capacity and integrity. [Applause.] The papers published in Wheeling on the next morning declared that so far from attacking him, one said I had defended him and the other that I had no war to make upon him.

Further than that I desire to make another correction. Some of these reports undertook to state that I said in that conference I had had an interview with Mr. Cleveland in which our views had clashed. [Cries of "Hear!" Hear!" on the Republican side.] I want to say in that connection that I referred to the fact of the fight made in West Virginia, and that I believed if our Democrats there were harmonious the State would be recognized by Mr. Cleveland in his incoming administration.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The SPEAKER, by unanimous consent, laid before the House the annual report of the receipt and distribution of public documents by the Department of the Interior; which was referred to the Committee on Printing, and ordered to be printed.

SANTIAGO RAMIREZ GRANT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, transmitting the report of the United States surveyor-general for New Mexico in the case of private land claim No. 136, in the Territory of New Mexico, known as the Santiago Ramirez grant, Harvey E. Easterday, claimant; which was referred to the Committee on Private Land Claims, and ordered to be printed.

SAN MATEO SPRINGS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico, known as the San Mateo Springs tract, the heirs and legal representatives of Santiago Duran y Chaves, claimants; which was referred to the Committee on Private Land Claims, and ordered to be printed.

MOVABLE DAMS.

The SPEAKER also, by unanimous consent, laid before the House a report of the board of engineers in regard to examination at Pittsburgh, Pa., of models, plans, &c., for movable dams and other purposes; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MILLING-SHOP, SPRINGFIELD ARMORY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, forwarding communication of the Chief of Ordnance in relation to estimates of appropriations for the fiscal year 1886 for a milling-shop at Springfield armory, Massachusetts, and for a set of officers' quarters at New York arsenal; which was referred to the Committee on Appropriations, and ordered to be printed.

PASQUOTANK RIVER, NORTH CAROLINA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers in relation to the results of a preliminary examination of

Pasquotank River, North Carolina; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

HARBOR AT HYANNIS, MASS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers in relation to the results of a survey of the harbor at Hyannis, Mass.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

IRON AND STEEL TESTS.

The SPEAKER, as required by section 3795 of the Revised Statutes of the United States, laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the tests of iron and steel and other materials for industrial purposes by Maj. F. H. Parker, commanding the Watertown arsenal, transmitted to the Senate by the Secretary of War on the 3d of December, 1884, be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

BOEUF RIVER, LOUISIANA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers in relation to a preliminary examination of the outlet of Boeuf River, in Louisiana; which was referred to the Committee on Rivers and Harbors.

AGATE AND BURLINGTON BAYS, MINNESOTA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers in relation to the results of a survey of Agate and Burlington Bays, Minnesota; which was referred to the Committee on Rivers and Harbors.

INDIAN SCHOOLS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to an appropriation of $25,000 to purchase property for Indian school purposes; which was referred to the Committee on Appropriations.

RETURN OF A BILL FROM THE SENATE.

The SPEAKER. The Chair will also ask the House to consider at this time a resolution in relation to the return of a bill from the Senate.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House the bill (H. R. 1004) relative to the Chinese indemnity fund.

The SPEAKER. The Chair will state that there is an error in the engrossment of the bill, and this request for its return is made with a view to its correction.

The resolution was agreed to.

OREGON LAND-GRANT FORFEITURE.

The SPEAKER announced as the conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon, Mr. COBB, Mr. HENLEY, and Mr. PAYSON.

QUARANTINED NATIONAL LIVE-STOCK TRAIL.

Mr. MILLER, of Texas, by unanimous consent, introduced a bill (H. R. 7971) to establish a quarantined national live-stock trail, and to regulate commerce between the States as to live-stock; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

APPLICATION OF EIGHT-HOUR LAW TO LETTER-CARRIERS.

Mr. HOPKINS. Mr. Speaker, I rise to submit a privileged report from the Committee on Labor.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Labor, to whom was referred the following resolution—

"*Resolved*, That the Postmaster-General of the United States be respectfully requested to report to this House whether in his opinion section 3738 of the Revised Statutes, with reference to eight hours' employment constituting a day's labor for all laborers, &c., employed on behalf of the United States, applies to letter-carriers of the United States—

respectfully report that on December 15, A. D. 1884, the House passed a resolution asking the Attorney-General to give his opinion as to the application of section 3738 of the Revised Statutes to letter-carriers. The Attorney-General replied that his authority for giving official opinions is limited to calls made by the President or the head of an Executive Department. This is, no doubt, the correct view of the law governing the office of Attorney-General.

In order to secure an official legal opinion upon the important question as to whether letter-carriers came within the provisions of the eight-hour law your committee recommend the passage of the resolution above recited with an amendment. The resolution calls for the opinion of the Postmaster-General. Your committee think a legal opinion by the law officer of the Government would be more satisfactory and conclusive, and believing that the Attorney-General would promptly reply to a request for such an opinion made by the Postmaster-General, recommend the adoption of the resolution in the following form:

Resolved, That the Postmaster-General be respectfully requested to ask the Attorney-General for his opinion whether section 3738 of the Revised Statutes, with reference to eight hours' employment constituting a day's labor for all laborers, &c., employed on behalf of the United States, applies to letter-carriers of the United States.

Mr. HOLMAN. Permit me to suggest to the gentleman from Pennsylvania that the language uniformly used when attention is called to a subject of this character is that this officer be directed to make the application.

Mr. HOPKINS. The committee adopted the phraseology of the resolution reported to them.

Mr. COX, of New York. That was my mistake in the original resolution, and I hope it will be corrected here.

The SPEAKER. Without objection the word "directed" will be substituted for the words "respectfully requested."

There was no objection.

The SPEAKER. The question is on the adoption of the amendment proposed by the committee on the original resolution.

The question was taken; and upon a division there were—ayes 38, noes 3.

So the amendment was agreed to.

The resolution as amended was agreed to.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. YOUNG. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. YOUNG. I do not know whether the House will listen very patiently to another explanation under a question of personal privilege this morning, but in justice to myself I deem it proper that I should make a very brief one. I wish to state, however, in the outset, that I have not held any conference with President Cleveland nor been discussing the tariff, as has been charged against the gentleman from West Virginia [Mr. GIBSON]. [Laughter.] It is a less important matter than that; but it is of interest to me and of some concern too, I think, to this House and the country.

In a newspaper published in this city on yesterday there appears an article under the head of "Queer purchases—how the contingent expenses of the House are created," &c., containing a paragraph which upon its face does me the greatest injustice; for, although it embraces no direct charge against me, it does give reasonable ground for an inference that I had improperly expended public money in the performance of an official duty. I wish the Clerk to read so much of this article as is marked in the paper which I now send to his desk.

The Clerk read as follows:

QUEER PURCHASES—HOW THE CONTINGENT EXPENSES OF THE HOUSE ARE CREATED—A PENCHANT FOR PAPERS—THE KIND OF LITERATURE DEVOURED BY THE LEGISLATIVE SOLONS—THE POPULARITY OF FARMERS' ALMANACS—OPERA-GLASSES GALORE AND PLUSH BOXES IN PROFUSION.

The report of the contingent expenses of the House shows a number of curious purchases during the last session. For instance, when the remains of the late Representative Haskell, of Kansas, were taken home the Congressional escort spent more than $7 for newspapers with which to while away the tedium of travel. They had any number of lunches and extra meals. They also soothed their nerves with the fragrant weed, a bill of $14 for cigars being paid.

Fruit was also bought to please their palates. In addition to numerous specified purchases of the committee going and coming there is one which for convenience, perhaps, is worded this way: "Expense account from Indianapolis to Washington, $43.37." The way that outlay is worded would seem to suggest that some members of the funeral party were thirsty. An undertaker's firm charged $3 for opening and closing the glass case of the coffin. A number of clocks were bought during the session. They must have been good ones. The prices paid were between $20 and $40, the latter being most frequently paid.

A terrestrial globe was bought for $75, but it is not stated to what use it was put. Perhaps it was purchased because of its being symbolic of a desire on the part of members of the House to possess the earth. A Colton's General Atlas came into the possession of the House in consideration of the sum of $30. At the funeral of the late E. W. Mackey twelve sashes were bought for $108, ten pairs of cotton gloves for $5, and twenty-four pairs of kid gloves for $48. Similar expenses attend all the Congressional funerals. James Wormley got $828 for furnishing a lunch at one of the funerals.

For one month there were fifty-two dozen towels washed for the bath-rooms at an expense of $26. The charge for laying out a body at a Congressional funeral was $10. Hon. CASEY YOUNG's expenses as a member of the committee that investigated the Hot Springs, outside his transportation there and back, amounted to $125.

Mr. YOUNG. I have no knowledge, Mr. Speaker, of the items of expenditure alluded to in that article outside of so much of it as refers to those alleged to have been made by me. It may be true in that respect or it may not. I do not undertake to say how that is, but so far as it refers to me there is nothing connected with the Hot Springs investigation that authorizes any such statement. When I first saw the article I was of course surprised, and this morning I called upon the proprietor of the paper which contains it, and with him went to the office, and had a conversation with the reporter who wrote the article. I was informed by him that he ascertained the facts upon which it was based in relation to myself from the Clerk's report of the expenditures of the contingent fund of the House. I then called at the Clerk's office and obtained the report referred to, which I now have before me. In it I find nothing that could by any possibility, as I think, authorise a statement of this character.

I was under the impression at first, and I am still of that opinion, that it was not the purpose of the reporter to do me any injustice. It is one of those mistakes, I must conclude, into which gentlemen of the press, in the hurry of their vocation, sometimes quite naturally fall. I ask that the Clerk read so much of the report as is embraced in pen marks, with this explanation: When the resolution passed the House

authorizing the committee to proceed to Hot Springs to investigate the Government work at that place, thanks to the vigilant guardianship of the gentleman from Indiana [Mr. HOLMAN], who always looks carefully to the expenditure of the public money, only $1,000 was appropriated to pay the expenses of the committee in the prosecution of the investigation with which they were charged by the House.

The investigation was made by a subcommittee of three of the Committee on Expenditures in the Interior Department; and we took with us a Government engineer, a stenographer, and a clerk of the committee, making in all six persons. We proceeded to Hot Springs, remained there for one week, or nearly that length of time, in the investigation of the matters embraced in the resolution under which we were acting. My colleagues on the committee, Mr. STORM, of Pennsylvania, and Mr. PAYNE, of New York, had some important matters before the House that they expected to come up which necessitated their immediate return. The investigation was not completed. It was important, to enable us to make an intelligent report, that a resurvey and a measurement of the work should be made. I was requested by the committee to remain at Hot Springs with the clerk long enough after the departure of my colleagues to have that done. I accordingly remained for two and a half days after the committee left, having the work remeasured and the estimates made over again.

In order that the expenses of the committee might not exceed the appropriation we took with us no sergeant-at-arms, and the money was placed by the clerk in the hands of my colleague, Mr. STORM, who superintended and directed all the expenditures. When he left he placed in my hands the sum of $150 to pay my own expenses and those of the clerk back to Washington. Out of that, for hotel bills, transportation on the cars, and other absolutely necessary expenses, I expended $125.50. The remainder I turned over to Mr. STORM when I returned to Washington. And this statement published in the report of the Clerk of expenditures of the contingent fund shows that every dollar that went into my hands was expended legitimately and properly in the prosecution of the work with which I had been charged by the House and the committee. I now ask the Clerk to read so much of the report as refers to the expenditures made by me.

The Clerk read as follows:

Casey Young, for investigating public works at Hot Springs, Ark.:

March 24.	
Hotel bill at Hot Springs for self and clerk while completing investigation	$12 00
Tickets for two to Malvern, $4; carriage to depot, $1	5 00
Tickets for two, Malvern to Little Rock, $2.60; dinner, $1.50	4 10
Tickets for two, Little Rock to Saint Louis, $20.70; sleeping-car, $5.50	26 20
Breakfast, Saint Louis, $1.50; railroad tickets, Saint Louis to Washington (2), $40.50	42 00
Sleeping-car, Saint Louis to Washington, $10.50; porter, $1	11 50
Two dinners, Terre Haute, $1.50; supper on cars, $2.20	3 70
Breakfast at Pittsburgh, $1.50; dinner on cars, $2.50	4 00
Carriage at Washington, $1; baggage, 25 cents	1 25
Telegrams on business of investigation to M. C. Harris, $2.10; answer of Harris, $5.90	8 00
To M. C. Harris, 75; to J. M. Keller, 75	1 50
From F. L. Linse, $1.25; to M. McKeogh, 75 cents	2 00
Answer of McKeogh, $1.25; to M. McKeogh, 75 cents	2 00
Answer of McKeogh, $1.25; to M. H. Hanbury, 50 cents	1 75
From J. W. Brewer	50
	125 50

Mr. YOUNG. I have never found it necessary before in a public service extending over a period of more than ten years to trouble the House with any personal explanation. Perhaps it was not absolutely necessary that I should have done so now, but I thought it was due to myself and due to the House that I should say something in refutation of this article to which I have called attention. I have always been treated with great kindness by the gentlemen of the press; often they have done me more than justice. And I am satisfied in this instance it was not intended to misrepresent any fact to my prejudice. Yet by this statement going abroad the inference would be fully authorised that I had been guilty of some improper conduct.

I desire to say further, in justice to my colleagues on the committee and myself, that I venture to say no investigation ever ordered by this House was so cheaply done as that by the committee sent to investigate the Government work at Hot Springs. There is not a charge for a lunch, for a bouquet, for a pair of gloves, for a bottle of wine, for a cigar, or even for a drink of whisky or a glass of beer. [Laughter.]

I hope I shall be pardoned for calling attention to the fact that we traveled twenty-five hundred miles in going to and returning from Hot Springs, where we remained for nearly a week, remaining in session until late at night every day we were there; that there were six persons in the party, and the total expenses of the trip only amounted to $580 exclusive of the pay of the stenographer, a matter with which the committee had nothing to do, he being appointed by the Speaker to attend us.

ORDER OF BUSINESS.

Mr. RANDALL. There has been too much time occupied this morning, and I feel like testing the sense of the House as to whether it is desired to dispense with the morning hour, so that we may proceed immediately to the consideration of appropriation bills.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. KEIFER. Will my colleague on the committee allow me to dispose of a short matter from the Appropriations Committee?

Mr. BURNES. I yield to my colleague.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. I report back from the Committee on Appropriations the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, with Senate amendments; and I shall move, as instructed by the committee, that the House non-concur in those amendments.

The Clerk read the amendments of the Senate, as follows:

On page 2, line 12, strike out "and officers on increased rank."
On page 2, line 13, strike out "$9,525," and insert "$8,898.50."

Mr. KEIFER. These amendments should go together. If one is concurred in the other ought to be concurred in. If one is non-concurred in the other should be non-concurred in. The pay of professors at the Military Academy is fixed by law. If these amendments are adopted it will have the effect, as I understand it, of carving out of the pay of each professor about $60 a year. In other words, the bill would not appropriate as much money, as we understand it, as the law would give those professors; and not being appropriated, of course it would not be paid.

Section 1336 of the Revised Statutes is as follows:

SEC. 1336. Each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors 10 per cent. of their current yearly pay for each and every term of five years' service in the Army and at the academy: *Provided*, That such addition shall in no case exceed 40 per cent. of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.

In other words, Mr. Speaker, this law provides for officers of increased rank receiving the longevity pay of that rank. This being the law, it was the judgment of the committee that it was best to non-concur in this amendment and to ascertain if there was any reason why we should undertake to affect a law that has been a long time in operation by merely refusing to appropriate the sum of money necessary to carry it out. My motion is to non-concur in the Senate amendment.

The motion was agreed to.

Mr. KEIFER moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole on the state of the Union, to resume the consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. WILSON, of Iowa, in the chair) and resumed the consideration of the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. When the House was last in committee it rose, not having a quorum present. Does the gentleman from Illinois [Mr. CANNON] insist on a further count?

Mr. RANDALL. Oh, let us pass on from that.

The CHAIRMAN. If a further count is not insisted upon the Clerk will read the pending bill.

The Clerk read the last paragraph of the bill, as follows:

For expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, $4,500.

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $12,000, or so much thereof as may be necessary.

For the payment, under the provisions of section 1749 of the Revised Statutes of the United States, of the widows or heirs at law of diplomatic or consular officers of the United States dying in foreign countries in the discharge of their duties, $5,000.

Mr. TOWNSHEND. Mr. Chairman, I offer the following amendment:

That the President of the United States be, and he is hereby, requested to invite the co-operation of the Governments of the American nations in securing the establishment of a commercial league by and between the said nations, to be known as the "Customs Union of America," the arrangement of a common basis of import duties from other countries than those which may compose said league, and that the commercial intercourse among the people of all the American States may be freed from the payment of any customs or other dues whatever; and that a common system of weights and measures may be also established for the purpose of facilitating such intercourse.

Mr. HOLMAN. I suggest to the gentleman from Illinois [Mr. TOWNSHEND] that that amendment had better be reserved until we can have an opportunity to understand fully what it means.

Mr. TOWNSHEND. Does the gentleman make the point of order?

Mr. HOLMAN. No; but I suggest that the amendment had better be reserved for the present.

Mr. RANDALL. Mr. Chairman, in the interest of a speedy passage of the appropriation bills I feel called upon to make the point of order upon this amendment. The subject itself may be a very proper one to receive the attention of the House, but the Senate have deliberately advised us that they will agree to nothing on the appropriation bills in the nature of legislation, and any attempt of this kind will only lead to a controversy which we ought to try as far as possible to avoid. I am perfectly willing to hear the gentleman for a brief time upon his amendment, but I feel that we ought to try to dispose of two of these appropriation bills to-day.

Mr. TOWNSHEND. Mr. Chairman, this proposition does not involve the expenditure of a single dollar. The sole purpose of it is to enable us to obtain more extended foreign markets for our own products. Almost every one who has thought upon the question has reached the conclusion that it is absolutely essential, in order to bring about the prosperity of this country again, to secure employment to idle hands, to put our mills and factories in operation, and in order to increase the present low price of farm products that we shall find additional foreign markets. Every one who alludes to this subject in debate on this floor avows himself emphatically in favor of devising means for the extension of our commerce. Yet, strange as it may seem, measures presented for the accomplishment of that object are often strangled in committees to which they are referred by non-action, and when we do get a measure before the House, no matter how faultless it may be, efforts are made to strike it down by points of order. This is amazing. Here is a proposition which, in my judgment, will more effectually accomplish the end we have in view than any other plan that can be devised, much more effectually than reciprocity treaties, for the reason that under the most favored nations clauses of existing treaties between the southern and European countries the same advantages offered us can be secured by them, thereby lessening the value of the privileges obtained by means of such reciprocity treaties. It is contended by some that we can not compete with Europe in the South American markets because of the low wages and the abundance of capital in European countries. Now, here is a proposition which secures to American products a free market protected against European competition. If the southern countries will enter into such a commercial league as I propose, a union similar in its nature to the German Zollverein, we shall secure such exclusive privileges and advantages as will give us control of the rich southern markets.

If you will look at the statistics for 1883 you will find that England is sending to Peru ten times as much of her manufactured products as this country sends there; yet the principal seaport of Peru (Callao) is on the coast-line with San Francisco, at a distance of about 2,100 miles, while England, in order to reach that market, has to brave the perils of the Atlantic and around Cape Horn for a distance of 11,604 miles, or else break bulk and pass across the Isthmus of Panama at a distance of about 6,000 miles, yet she monopolizes that market. I mention but one of the southern countries as an illustration of the situation with reference to all. This proposition simply authorizes the President to invite the co-operation of Mexico, Central and South American states for the purpose of establishing a commercial union between them and the United States with common customs duties against all other countries. I hope the gentleman from Pennsylvania [Mr. RANDALL] will withdraw his point of order. If the proposition does no good it can not possibly do any harm.

Mr. RANDALL. The idea that the carrying out of the proposition is not going to cost the Government any money is a curious one to my mind. I have never known any proposition of this character that did not cost a good deal of money. But the cost is not the controlling consideration with me in this case——

Mr. TOWNSHEND. I say again that it will cost nothing—nothing but a few postage-stamps.

Mr. RANDALL. Well, Mr. Chairman, if it were to cost thousands of dollars I would not object to it if I believed it was going to accomplish the desired result. But a proposition of this sort ought not to come from the Committee on Appropriations. There is a committee in this House—there are more committees than one—charged with matters relating to this general subject, and, for my part, my present desire is to get the appropriation bills passed. The gentleman from Illinois [Mr. TOWNSHEND] can, I believe, get unanimous consent at any time to consider his proposition in the House. I make my point of order because I do not want to create a difficulty on the appropriation bill by raising the question of new legislation if it can possibly be avoided. I must therefore insist upon the point of order.

Mr. TOWNSHEND. I wish to say to the gentleman that I am satisfied that his point of order is well taken, but I trusted that his desire to extend the markets for our manufactured products as well as our other products might induce him to withdraw the point.

Mr. RANDALL. I have already told the gentleman that, so far as I am concerned, he shall have unanimous consent at any time for the consideration of his proposition in the House.

Mr. HUNT. Mr. Chairman, I feel it my duty to correct the statement which has been made by the gentleman from Illinois [Mr. TOWNSHEND] that legislation relating to the encouragement of our commercial and postal facilities has been strangled in committee. The first bill on the special Calendar for the encouragement of the American merchant marine provides for that object, and is ready to be called up.

Mr. TOWNSHEND. I made no remark applicable to the bill the gentleman [Mr. HUNT] mentions. The gentleman from Louisiana misunderstood me. I intended no reference to the committee he represents.

Mr. BURNES. The gentleman from Illinois having conceded that the point of order is properly taken, I apprehend there is nothing before the committee, and therefore we might as well proceed with the bill.

The CHAIRMAN. The Chair is ready to decide the question, but dislikes to cut off gentlemen who desire to have a hearing.

Mr. RANDALL. I want the point of order decided.

The CHAIRMAN. The Chair desires to state very briefly that, with regard to these points upon which he has been called to decide, he has had in view the prerogatives of the House as against the executive department that trenches upon our rights to fix customs duties, as against the Senate that is grasping the power over the national purse, and as against the privileged committees of the House that have been rendering unnecessary all other committees. If gentlemen who preside in the Committees of the Whole will rigorously sustain points of order preventing privileged Appropriation Committees from bringing in legislation on any, on all questions not authorized by law on appropriation bills properly belonging to other committees, the dignity of the legislative committees of the House will be preserved, and they will have a hearing upon their reports instead of having those reports gorging our calendars and the work of a large majority of members made thereby useless. This is the spirit in which the present occupant of the chair has acted in making rulings which seem to have caused some gentlemen some astonishment. The Chair has been ruling with regard to the prerogatives of the House and with regard to the dignity of its committees not privileged. The Chair sustains the point of order, and rules out the amendment.

Mr. BURNES. I desire now, by unanimous consent, to offer amendments to be inserted in lines 208 and 210, on page 9 of the bill. I send my amendments to the desk to be read.

The Clerk read as follows:

In line 208 insert the following: "Venezuela, Maracaybo; Turkish dominions, Beirut."

After Porto Rico, in line 210, insert the words, "Sagua la Grande (Cuba)."

Mr. BURNES. It will be remembered that by reason of points of order made by the gentleman from Indiana [Mr. HOLMAN] these consulates were dropped out from the portions of the bill in which they had been inserted, and I desire now to place them in the bill in such a way as to correspond with the current law.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks leave to recur to lines 208 and 210 to restore provisions for some consulates which have been dropped out of the bill on points of order.

Mr. HOLMAN. In line 220 should not the gentleman from Missouri insert "Beirut, Turkish Dominions?"

Mr. BURNES. That is included in my amendment.

Mr. TOWNSHEND. Will the gentleman from Missouri state why he offers this amendment?

Mr. BURNES. Yes, sir; with pleasure. By reason of points of order made upon these consulates as reported in the bill, upon the ground that there was an advance in the salaries, the bill now contains no provisions for these consulates even as they exist under the law for the current year. I apprehend that this Committee of the Whole desires to provide for these consulates to the extent at least that they were provided for last year.

Mr. CANNON. Mr. Chairman, I rise to oppose the amendment. To my mind the rules under which we proceed touching appropriations, especially Rule XXI, and the constructions from time to time given it by the chairmen of the Committees of the Whole, instead of tending to broaden the privileges of the other committees and of the House, tend to strengthen certain gentlemen who see proper to make points of order against certain amendments and not against others of the same nature nor of superior merit. In other words, it is conceded, I apprehend, by a large majority of the members of this committee that the amendment now offered by the gentleman from Missouri and many others which were ruled out upon points of order were in themselves proper, yet all subject to a point of order under the ruling of the chairman. Now it suits the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] not to make points of order against certain amendments and to make them against certain others. It is true other members of the committee may make points of order against provisions that these gentlemen do not so antagonize, but the fact is they regard all the provisions as proper, those antagonized and those not antagonized by these gentlemen; so that in fact where appropriations are made for consulships not provided for in the

appropriation act for the current year they are made by the grace of one or two gentlemen who are willing in particular cases to withhold points of order—a very unsatisfactory way to proceed, in my opinion. And I will add further that the construction given to Rule XXI greatly narrows an already very narrow rule.

I want, however, upon the merits of this bill, to congratulate the Committee of the Whole and my friend from Missouri that some errors of judgment which, in my opinion at the time, were committed during the last session of Congress touching these appropriations, under the lead of the Committee on Appropriations, have been corrected in this bill. For instance, I notice in particular that the provision for consul-general at Cairo, which was dropped out entirely in the appropriations for the current year after a very sharp fight, is in the present bill, no point of order having been made against it; yet that consul-generalship is just as important for the current year as for the coming year.

Now I want to be charitable about this matter, and will say that I presume it is some new light and further information coming upon the minds of the Appropriations Committee that has enabled them to provide in this bill for the consul-general at Cairo and for similar positions at various other places—positions which were not provided for in the last bill. I would not intimate for a moment that the change of administration under which these expenditures are to be made had anything to do with the recommendations embraced in the present bill.

Now I believe my five minutes are about out. I did want to say one or two other things——

Mr. LONG. If the Chair will recognize me I will give my time to the gentleman from Illinois.

The CHAIRMAN. If no gentleman objects, the gentleman from Illinois will be recognized as proceeding in the time of the gentleman from Massachusetts. The Chair hears no objection.

Mr. CANNON. I wish to say further that I do not think this is a very extravagant bill. I think other amendments might well have been made for the benefit of the service; yet it is true that the bill is more liberal than the bill appropriating for the current year. While it does not rest on my shoulders or on the shoulders of gentlemen on this side of the House to champion this bill, the expenditures under which are to be made by the incoming administration, yet I believe that the minority here are now ready, as I believe they will be in the future, to meet gentlemen on the other side in support of apt and proper provision for the public service.

Mr. COX, of New York. I desire, Mr. Chairman, *pro forma* to move to strike out the last word.

I do this for a purpose. The purpose may not be germane to this bill or in conformity with the parliamentary suggestions just delivered from the chair. But, sir, I would re-enforce, if possible, here and now the idea of my most valued friend from Illinois [Mr. TOWNSHEND]. I feel more like doing this, as he is compelled to withdraw his "continental" amendment by the point of order. It is about time this Congress should understand one thing. It is this: That the times are hard; that enterprising men are breaking; that industry is paralyzed; that labor is unhappily unemployed; and that even the best "protected" industries, like that of iron and steel, are going down, down to the depths of financial despair.

Sir, the best judgment of the best men in this country should be heeded. I will voice that sentiment.

It will be conceded, Mr. Chairman, by all business men that the present condition of the country is not very happy and hopeful. It has not been brought about by political successes or reverses. It is conditioned on economic reasons. We have been told by those who are absorbed in their special instead of general objects that the paralysis will pass away; but, sir, in the judgment of some of our statesmen who trust to general thought and principle and not to the specific bias of their own occupations, these hard times are likely to grow worse. If that be the case, it should put us on our best caution and courage in our legislation. All times and occasions, therefore, are opportune for such a discussion as my remarks will provoke.

Our bills as to currency and bonds have failed. Our fiscal troubles are not only those pertaining to commerce between our States and communities, but between our own and other nations.

The balance of trade grows less favorable to us day by day. This can not be disregarded. France, Germany, and other countries have adopted what I might call the Republican platform. They hold that it is the duty of government to "protect" industries. The chief thought in my opinion should be to allow the laws of trade to operate without disturbing them by legislation. If we would enhance our industries, dispose of our surplus production, or make more valuable that surplus by increasing our markets, either at home or abroad, or enable people at home or people abroad to buy more, and thus once more start the wheels of industry, we should practice more upon the doctrine of just reciprocity. One illustration will suffice. It is this: When in Paris, some years ago, I learned that a certain class of petitions were filling a certain room in the French Chambers. They were petitions to prohibit American imports of bread and meat stuffs. Since then the anti-corn-law party in France has grown to be a potential factor in her economies. The doctrine of M. Chevelier, who made with Cobden the great reciprocity treaty with England, is being discarded to our disadvantage. His tenets are unheeded. The Bastiats of France are dead. Her selfishness is immortal.

Other countries by absolute prohibitions and by customs duty of a prohibitory kind are cutting us off from their markets. It is not a question of pork with Germany, nor of wheat with France and Russia, nor of cotton from India and Egypt. It is a question of prices for Wisconsin, Iowa, Illinois—prices for the labor results of our millions of farming men.

Our platform—I will not say the Democratic platform, but the platform of the Republican party—is being followed in Germany by your blood-and-iron statesmen who dislike republics, emigration, and America. In England Gladstone's liberal administration to-day stands trembling in the balance, almost ready to fall, not so much before her Egyptian or Indian policies as before what is called the "fair-trade" policy.

What, then, is our remedy? Every one will say here—reciprocity. With whom? I mean genuine reciprocity, not any one-sided reciprocity, but real reciprocity. With whom? Why, with the republics and neighbors in our own hemisphere.

Let us learn to reconcile the differences of soil, climate and production by amicable and prosperous interchanges and methods. Let us open the markets of these countries, as the gentleman from Illinois [Mr. TOWNSHEND] proposes, to the domestic products, whether of growth or manufacture, of other countries on our continent and elsewhere, to fair and free competition.

In doing this, sir, is there any violence to the great idea of allowing every man to dispose of the avails of his own labor to the best advantage? Where is the disadvantage of allowing him to buy under treaty or other conditions where his interests can be best subserved? Where in this policy is the inequality of taxation? Where is the immoderate gauge of taxation, if arranged for the needs of honest government only? Is there any hateful retaliation in such a system?

Here is our opportunity. I favor the treaty with Mexico. It is an old, familiar, and favorite theme of mine. I do not say what should be done with the treaty with Spain; but whatever this House has to do about it should be heedfully done, and must be done to aid our largest industry—agriculture. This Congress will be derelict unless it take notice that we should begin with such enterprise as to make our markets abroad for our surplus products. For, sir, is not the law of economy irreversible and irrefragable? Oh, you can sell, can you, when you can not buy? One or the other of the parties to the trade will be bankrupt unless you barter. Barter is business. You must have a market for our produce or your produce will be burned at home. It does not involve your tariff. It only involves what Germany once had. I mean the Zollverein. It only involves what we once had with Canada—reciprocity. Now, alas, that mutuality is murdered by "protection," and New England mourns. It only involves what Pennsylvania has with New York. It involves what every State in our federation has with every other State.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I will take the floor, Mr. Chairman, and yield my time to my colleague.

Mr. COX, of New York. I thank my colleague. On this theme I am pursuing the thought suggested to me by the most distinguished statesman in New York, except perhaps himself. [Laughter.] I mean Horatio Seymour.

This most conspicuous Democratic statesman in America, a citizen of New York, in a letter which I have of the 14th of this month, says:

If Gladstone's administration shall go down, the "fair-trade" party in Great Britain will modify their laws so that free trade will be confined to those countries which give free trade. In this event we shall suffer for a long time. I think hard times are to last some years unless a European war shall make a demand for our breadstuffs and provisions. The Western States are quarreling with the railroads on account of their charges, although their members of Congress have increased the cost of the roads by the tariff on iron, &c. I do not think there is any hurry about tariff reform. It is best to let the public suffer some, so that our people will learn the causes of hard times.

There is a great change going on in the strong Republican States of the Northwest. The present tariff is teaching our people great truths more rapidly than an improved tariff will.

Now let the Clerk read what Governor Seymour has again said in a public journal.

The Clerk read as follows:

The Republican platform gave offense to European countries where the West seeks to find markets for its products, and they are taking active measures to get their supplies of breadstuffs and provisions from other quarters. For a number of years past the crops of Europe have been poor. This year they are good. The West, and particularly the Northwest, are forced to sell at prices which do not pay them. The future looks dark for those regions, for recent facts show that European governments have adopted the Republican platform and mean to fence out our products by duties upon them and by other measures, such as building railroads, which will open up new sources for supplies. It is clear that the question that concerns the interests of the West will attract public attention hereafter. The States lying west of the Alleghanies now have a controlling power in Congress, and this power will be felt hereafter.

Mr. COX, of New York. My colleague is doubtless proud and pleased to know that his courtesy to me has called forth such rare wisdom from our State.

But, sir, Governor Seymour is not merely a New York statesman. He has interests in the West. He has interests connected with transportation. He is bound up with agriculture. His head is as clear to-day as

it was in the earliest days of his chivalric service to the State and Republic. He gives a warning to those that are heedless most prophetic—one that rises higher than these mere wrangles on this floor, higher far than our discussions in economy from party standpoints. What is the warning? It is this: we must seek markets abroad. If we would enhance our prosperity we must open new realms of trade. If we would have markets for our plethoric trade, if we would lay down the foundations of future commercial prosperity, we must go out upon the seas and adventure with other nations into strange lands, even into Ethiopia and India. We must sell and buy, buy and sell.

Gentlemen from the great West know, gentlemen from Minnesota with its flour know, gentlemen from Chicago with its commerce know what we in New York and other places know, that there is a sentiment born of self-interest now dominating in the Northwest, in the South, and in portions of the East which will compel us to make a market for this great and embarrassing surplus production caused by an iniquitous tariff which has produced more than it should by reason of the unnatural, heating, and forcing processes of our legislation. Let commerce be unhampered except for honest revenue, and we will leap out of our present troubles wise and full armed to contend with the new elements which are seeking fresh fields for colonization and commerce.

Mr. THOMAS. Mr. Chairman, in answer to the remarks of the gentleman from New York [Mr. COX] in reference to the Republican platform giving offense to Germany, I desire to have read an extract from one of to-day's papers which has a direct bearing upon the subject.

The Clerk read as follows:

PROTECTION IN GERMANY.

Prince Bismarck adopted free trade as the economic rule of the German Empire, and was not satisfied with the results. Since 1880 he has been experimenting with protection, and he now finds reason to congratulate the Reichstag upon the change of policy. He asserts that the new tariff schedules have had a favorable effect upon home industries, and that the condition of the people has steadily improved. This is undoubtedly true. New factories have been built, an impulse has been imparted to manufacturing enterprises, wages have been nearly doubled in many branches of industry, emigration has been diminished, and a policy of commercial extension has been entered upon with vigor and confidence. Under free trade there were continuous shrinkages of values, reductions of wages, and failures of industrial enterprises. English competition closed German factories and reduced the number of employments open to an impoverished people. Under protection the factories have been reopened, and the Fatherland is more prosperous.

Instead of reducing the tariff schedules, which were admitted in 1879 to be only tentative, Prince Bismarck is now anxious to raise the rates on certain articles and also to impose a duty on corn as a means of protecting German agriculture. This last suggestion is ridiculed by Herr Richter and the liberal deputies, whose policy of free trade proved ruinous to Germany. It will also be derided in London as a crowning exhibition of Prince Bismarck's incapacity to govern Germany in accordance with English ideas. Mr. Bright will declaim against the barbarism of high-tariff legislation, and Mr. Chamberlain will lament over an economic delusion that may carry the Fatherland back a long way toward mediæval ignorance. It is not likely, however, that Prince Bismarck will be deterred by English strictures from following out this policy if the Reichstag will allow him to do so.

During the reading of the above the following proceedings took place:

Mr. COBB. Mr. Chairman, there is so much confusion in the Hall that it is impossible to hear what the Clerk is reading.

The CHAIRMAN. The Clerk will suspend the reading until order is restored upon the floor.

Mr. BURNES. Mr. Chairman, I feel it my duty to interpose at this point to inquire what is before the committee to justify the continuation of this debate? The bill has been read through; the last section has been agreed upon——

Mr. REED. What justified the beginning of it?

Mr. HAMMOND. Nothing.

Mr. BURNES. Nothing that I am aware of, and I propose to stop it now if I can.

I submit that the last section of the bill has been agreed upon; a few formal amendments had been offered by unanimous consent; and I can see nothing to justify the reading of extracts from newspapers in reference to the tariff question.

Mr. DUNHAM. Why not let both sides be heard since one has been?

Mr. THOMAS. I apprehend that no attempt will be made to cut off a reply to the gentleman from New York. The subject-matter under discussion is the providing for the diplomatic and consular service of this Government, having as its object the honor of the country, its political relations with foreign governments, and providing an outlet for its commerce. I therefore ask that the remainder of the article be read.

The CHAIRMAN. The gentleman has two minutes of his time remaining.

Mr. THOMAS. It can be read in that time.

The Clerk resumed and concluded the reading as above.

Mr. DORSHEIMER. Mr. Chairman, I venture to trespass upon the patience of the committee for a moment to say that I agree in the opinions expressed by my colleague [Mr. COX], but not precisely for the reasons assigned by him. I think that the most important gift that it is in the power of the Government of the United States to give to the people of this country is freer trade with foreign countries.

I believe in reciprocal trade—not reciprocal trade growing out of special treaties alone, although I would be indulgent and liberal in the consideration of such treaties, but such reciprocal and liberal arrangements of trade as will secure to our people the great markets of the world.

What are the great markets of the world? Are they in the West India Islands or in South America? Not at all. Notwithstanding our present imperfect trade arrangements, England takes from us more of our products than all the South American states could take if they received their whole supply from us. It is impossible for South America and the West Indies to make up in any degree that is appreciable fo the loss of the great European markets we so long have had and which have been the foundations of the commercial prosperity of this country.

I am in favor of a liberal commercial policy toward the other communities in this hemisphere, to use the largest applicable phrase; but I would not press that policy upon the attention of the world as growing out of any spirit of retaliation, much less from any spirit of hostility toward the European people. I do not wish the enterprise, the capital, and the intelligence of Europe to be occupied with the problem of how to get along without American productions; and the danger in the policy on which we seem to be setting out, especially the danger in avowals like those made upon this floor, is that we will excite against us all the power of these communities in an endeavor to find out how they can get along without the cotton and the wheat and the corn of the United States.

Reciprocal and liberal arrangements! Yes; but let them be with all the world; and while I for one shall favor the proposed treaty with Mexico if I have any power to act upon it, while I frankly say that with certain modifications I shall favor the treaty with Spain, my action will not grow out of any hostility to European governments or any desire to retaliate upon them.

[Here the hammer fell.]

Mr. HISCOCK. I move to strike out the three last words.

Mr. BURNES. Mr. Chairman, I trust that some understanding by which the distinguished gentleman from New York may occupy five minutes of time may be reached without continuing this debate any further.

Mr. CHACE. I hope the gentleman will not object to a few moments of debate.

Mr. BURNES. I think some conclusion ought to be reached, and unless we can make some arrangement as to the limit of debate I shall feel it my duty to move that the committee rise for that purpose.

Mr. HISCOCK. I desire to say to the gentleman from Missouri, if he means fair play in this matter, that this had better go on for a little while and we will get through without any unnecessary delay. I think the shortest way is to let it run for a few minutes, and there will be no more time occupied, as far as I am concerned, than is necessary to make fitting response to what has been said on the other side.

Mr. DORSHEIMER. Do I understand that my colleague when he speaks of "letting it run" proposes to yield his time to me?

Mr. HISCOCK. I am entirely willing to yield my five minutes to my colleague if he will reciprocate. I expect also to have five minutes yielded to me by my other colleague [Mr. COX]; and with the five minutes of my own I will have fifteen. That is all I wish for.

Mr. BURNES. I would like to know what gentlemen want.

Mr. HISCOCK. I yield my five minutes to my colleague [Mr. DORSHEIMER].

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] has the floor.

Mr. HISCOCK. I was recognized before the gentleman from Missouri was and I have not resumed my seat.

The CHAIRMAN. But the gentleman from Missouri rose to make a proposition to the committee and had the floor.

Mr. HISCOCK. The gentleman could not take me off my feet to make a motion.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. HISCOCK. I yield my five minutes to the gentleman from New York [Mr. DORSHEIMER].

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. DORSHEIMER. I was proceeding to say when my time expired that with certain modifications I was disposed to entertain favorably the proposed treaty with the Spanish Government; and inasmuch as the whole subject is before us, I hope I may be excused for taking this opportunity to say that the treaty with Nicaragua in my judgment furnishes to this country a method for avoiding a great peril in the future as well as securing an important present advantage.

The peril in the future which I have in my mind is this: I find that by the construction of the canal through the Isthmus of Suez European politics have been changed. It must be remembered that that canal was built against the wishes of the power most interested in the construction of such a highway, and which has since come into the control of the canal and substantially into the control of the country through which the canal is built. But no sooner was it built than it became the pivotal question in European politics, and it now presents the only subject which threatens to disturb the peace of the European continent.

I do not believe it to be possible that a canal shall be built through the Isthmus of Panama by any foreign government without giving to this people, to use a most temperate phrase, causes for serious disqui-

etude. How would it be when to the fleets of some foreign power there was a direct way open to the Pacific coast, while our fleets were required to make the long passage around Cape Horn? Is there not sufficient reason to say that under such circumstances, in some possible exigencies of the future, the people of the United States would not permit that highway to remain in foreign hands, but would take it in their own, by the exercise, if need be, of all the power they possess?

[Here the hammer fell.]

Mr. BURNES rose.

Mr. HISCOCK. I move to strike out the last four words.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. BURNES], who is in charge of the bill.

Mr. MCMILLIN. I hope the gentleman from Missouri will not insist on asking to limit debate, at least till the gentleman from New York [Mr. HISCOCK] has been heard, inasmuch as he yielded to his colleague [Mr. DORSHEIMER].

Mr. HISCOCK. There are two or three gentlemen on this side who desire to speak.

Mr. BURNES. Will you be content with fifteen minutes on each side?

Mr. HISCOCK. Suppose we take twenty minutes.

Mr. BURNES. Very well.

Mr. HISCOCK. I understand from gentlemen around me that twenty-five minutes will be satisfactory to this side.

Mr. BURNES. I understand unanimous consent is given that debate shall be limited to twenty minutes on each side.

Mr. HISCOCK. Twenty-five minutes on this side. All the time hitherto has been taken on the other side.

Mr. BRUMM. All except five minutes.

Mr. BLOUNT. I want to know on what subject debate is to be limited.

Mr. HISCOCK. On the tariff. [Laughter.]

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks unanimous consent that debate shall terminate after twenty minutes have been occupied on each side.

Mr. HISCOCK. Say twenty-five minutes.

Mr. HOLMAN. I object to twenty-five minutes, but will agree to twenty minutes on each side.

The CHAIRMAN. Is there objection to limiting the debate to twenty minutes on each side? The Chair hears no objection.

Mr. REED. I objected to twenty minutes. I think twenty-five minutes should be allowed.

The CHAIRMAN. Objection has now been made both to twenty-five minutes and to twenty minutes.

Mr. BURNES. Make it twenty-two and a half minutes. [Laughter.]

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks unanimous consent that debate shall be limited to twenty-two and a half minutes on each side. The Chair hears no objection. The gentleman from New York [Mr. HISCOCK] is entitled to the floor.

Mr. HISCOCK. I listened to my colleague from New York [Mr. COX], and also to the reading of the profession or declaration of political faith on the part of the distinguished Democratic statesman Mr. Seymour, and to my colleague from New York [Mr. DORSHEIMER], as they enunciated the old Democratic doctrine that this country should be a purely agricultural country. Jefferson taught it that we ought to have free trade and interchange of commodities with other nations, we selling them the fruits of the earth and buying their goods, and will either of my colleagues state what we have to exchange but agricultural products—our cotton, our wheat, our corn? Yes, it is again the old Jeffersonian doctrine that my colleagues proclaim: that with cheap farm labor we should confine ourselves to tilling the soil, sell our surplus abroad, and buy all except our food abroad; and that the vast mineral resources of our country, the boundless facilities for manufacture, the market of 55,000,000 of people engaged in or supported by our various industries should all be surrendered, and we shall become a nation of farmers and nothing else.

Are we to understand this is to be the policy, too, of the next administration? Is the country to understand such to be the policy of the next administration? The country expecting, fearing that, we hear the sad news from Pittsburgh of the failure of a great iron and steel enterprise. Expecting that this is to be the policy of the next administration, a great banking house in New York, having their capital invested in railroad bonds and seeing nothing but disaster and depression in business in the future, is compelled into insolvency.

And while I am not a prophet, I have no hesitation in declaring that before this Congress adjourns, from other manufacturing centers and from other business centers we shall hear of greater distress and more failures, all precipitated by the agitation that is threatening this country on the part of the next administration. [Derisive laughter on the Democratic side.]

It is idle, Mr. Chairman, to talk about making this a purely agricultural country. Do gentlemen think that other lands would not have developed their agricultural interests—that India would not have extended her production of wheat; that Australia would not have become a great producer of wheat and wool, even if it had been the policy of this country to remain purely agricultural? Who will say that enterprise would not have gone into the wheat fields of Australia and of India and would not have developed them, and those and other countries would not compete with the American farmer, even though we had confined ourselves to agriculture alone? This country has been compelled to build up her manufacturing interests. She has been compelled to establish the forge and the factory in juxtaposition with the farm, because in other countries and in other lands the agricultural areas were being extended, and our farmers were being forced to find a market at home for their products.

Mr. Chairman, one word in regard to this proposed scheme for the promotion of trade with the South American states, and with reference to the suggestion made by my colleague from New York in favor of certain treaties that are pending. I ask that gentleman what there is that we can sell in those countries even if those treaties be ratified? Do you propose to degrade the manufacturing industries of this country, or those engaged in them—do you propose to degrade American labor down to that point where we can compete with the English manufacturer? We can have nothing to sell in those markets. We can have nothing to send to them, except you are prepared to reduce the price of labor in this country so low that we shall be able to compete with England in the manufacture of those goods South America and Mexico consume. What is to come to us from the treaties then? What benefit are we to have from them? Can we grasp those markets simply because we make these treaties? Those nations will still buy where they can buy cheapest; and if they can buy in England cheaper than they can buy of us, they will buy from England instead of from us. And is there any way in the world for us to compete with England except by reducing the wages of labor in the United States to the same rates that exist in England?

[Here the hammer fell.]

Mr. WHITE, of Kentucky, and Mr. BURNES both addressed the Chair.

The CHAIRMAN. On the understanding that a gentleman on the other side of the House is next entitled to the floor, the Chair will recognize the gentleman from Missouri [Mr. BURNES].

Mr. CHACE. Mr. Chairman, I hope that that rule will not be rigidly enforced.

Mr. HISCOCK. There are several gentlemen on this side that desire to speak, and I prefer to hear them. [Laughter.]

The CHAIRMAN. The only question is whether the two sides of the House are to be heard alternately.

Mr. COX, of New York. That is the rule.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I yield a portion of my time to my friend from New York [Mr. COX].

Mr. COX, of New York. Mr. Chairman, I think it is a little more vivacious if not dramatic for both sides of the House to alternate in these five-minute debates.

Mr. HISCOCK. I expect that at the proper time my friend from New York [Mr. COX] will yield me five minutes—either he or Mr. DORSHEIMER.

Mr. COX, of New York. The gentleman is a member of the next Congress and I shall be happy then to accommodate him. [Laughter.]

Mr. HISCOCK. Then I shall appeal to my friend, Mr. DORSHEIMER.

Mr. COX, of New York. Very well. My distinguished friend from New York, who is perhaps the leader of the Republican side of the House——

Mr. HISCOCK. Oh, no!

Mr. COX, of New York. My distinguished friend undertakes to say that this country ought to be in some sense a manufacturing country, but that we ought not to send our manufactures abroad.

Mr. HISCOCK. I am quite sure that my colleague does not intend to misrepresent me. What I did say is this: that we can not send our manufactured products abroad unless we can manufacture as cheaply as other nations can.

Mr. COX, of New York. I did not yield, Mr. Chairman, and I trust this does not come out of my time.

I did not misinterpret my friend in the inference I drew from his remarks, because I have heard him debate before on these economic questions. He believes in drawing a line, in building a wall of restriction around this country. He said in debate here once, when we had this same subject up in connection with the consular and diplomatic bill, that he was opposed to certain liberalities in our commercial relations with foreign countries.

We come forward now to discuss a question of reciprocity. It is one of diplomacy. It is not altogether a question of tariff, and the gentleman misrepresents us when he says that the Democratic party, or the incoming administration, or Governor Seymour, or somebody, is in favor of making this country altogether agricultural. We are not. This country has grown up under enormous and unnatural fostering influences for manufactures, but, sir, is not the farm itself an adjunct to the factory? In fact the farm itself is a great factory.

But are gentlemen consistent in this tirade against liberal commercial policies? Why, sir, this Republican party, after many years of protection, have come forward all at once with a lot of reciprocal treaties, free-trade treaties.

Mr. HISCOCK. I beg the gentleman's pardon—not the Republican party.

Mr. COX, of New York. Well, at least the Republican administration. Bismarck once said of Napoleon, after the battle of Sedan: "Napoleon has a great future *behind* him." That is the condition of our Republican friends. [Laughter on the Democratic side.] They have made these unconfirmed treaties through their administration, and now, when trouble and ruin are coming upon the industries of the country, when even the great petted industry of all—iron—is breaking up in Pittsburgh, its very seat and center, the gentleman says it is all owing to Democratic success.

Why, is it not under these very laws passed by Republicans that this calamity has come upon the country? You, gentlemen [addressing the Republican side of the House] are reponsible for that sort of hotbed growth which gave us our surplus and which has brought on us bankruptcy. You are responsible, for your laws still remain. And is it not a sad commentary or is it a vengeful Nemesis that the very man who as a member of the Tariff Commission did the most to cook up your last tariff revision is among the first to fall as a five-million victim before the blow of your vicious legislation?

We may as well have this thing understood now as in the future. What authority has my friend and colleague [Mr. HISCOCK] to speak for Governor Cleveland? Where did he get the power to read the policy of the administration not yet in power which was elected in November last? Who told him what would be done by that administration? All that he can find out about that future is written in our platform; and if our platform be ambiguous he must wait for the future in the legislation of Congress. We promise nothing as to a future We only say, as was said so well by my colleague behind me [Mr. DORSHEIMER], that when it comes to reciprocity, when it comes to building up trade with republican nations of our own hemisphere, we will do by them what our fathers wisely did as between the States of this Union. They adopted the principle of *laissez faire*. [Here the hammer fell.] With that French phrase I will stop. [Laughter.]

Mr. REED. Mr. Chairman, I wonder that the gentleman from New York [Mr. DORSHEIMER] does not for a moment consider what would be the sole result of the action which he advocates. It surely can not be he is ignorant that to-day we have the most perfect access to all the markets of the world. The difficulty is that we can not sell our goods in the markets of the world, because we can not produce them as cheaply as other nations can produce theirs. And what is the reason? It is one and simple: because for every dollar that competing nations pay to their laboring men the United States pay $1.60. How can we compete? Again the answer is simple: take the 60 cents from the laboring man. Does the gentleman from New York dare to avow that this is his purpose? Yet it must be his purpose, because in no other way can the markets of the world be opened to us for the sale in them of our products to any greater extent than they are sold there to-day. There is the whole subject in a nutshell.

And when the gentleman talks about throwing open to us the markets of the world, that is not the real meaning of what he says. What he means is to throw open the markets of the United States to the outside world—to give the cheap labor of other nations free course against our more costly labor; in other words, to cut down by that action the wages of our laboring men. Thereby he will achieve that splendid result which is to-day the dream of the free-trader, of having our goods jostling in the markets of the world with the products of the cheap labor of Europe at the expense of cheaper wages for our mechanics and our laboring men.

There is another paradise of the unwise which is perpetually being urged here, and that is "free raw material." "The markets of the world" and "free raw material" are what delight the Democratic heart. "Free raw material" means what a Democrat wants to introduce into his mill; what goes out at the other end he wants protected. What he means by "free raw material" is that he shall get at the lowest prices the work of such men as are not strong enough to come here and see that they are protected.

It is the constant repetition of these mistaken ideas that is liable to do damage, unless people go right down to the bottom of these matters and recognize the great fact that labor is the cause of all wealth, and that we can not make discrimination between one class of labor and another, but all must be sustained by the same American system.

[Here the hammer fell.]

Mr. BURNES. I yield five minutes to my friend from New York [Mr. ADAMS].

Mr. ADAMS, of New York. I yield to my colleague [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Chairman, perhaps the House apprehended my meaning when I was interrupted before, and therefore I shall not resume the line of comment I was then making, but which I would have been glad to have finished. I turn to the more tempting fields which have been opened by my colleague from New York [Mr. HISCOCK] and by the distinguished gentleman from Maine [Mr. REED].

My colleague says that manufacturing establishments are closing their doors and bankers failing because of the public apprehensions as to the effect of Democratic administration. Did the failures of 1873 grow out of apprehensions of Democratic administration? Did the disasters of last April and May grow out of such apprehensions? Is there any man in this country who eats less, wears less, uses less, than he would have done if Governor Cleveland had not been elected?

No; it is perfectly clear what the reason of the present distresses is. It is the result of Republican administration, which has taken a hundred millions a year more than was needed out of the pockets of the people [applause on the Democratic side], and which has caused a large part of the laborers of this country to be employed in unprofitable occupations.

I say now to my colleague and to the distinguished gentleman from Maine that we are not to be frightened at all by any suggestion about the labor question, and we distinctly avow that it is neither to the interest of the country nor to the interest of the laborer that the workingman should be employed at unprofitable occupations. Let our people seek, as they well can, the employments which the country with its natural aptitudes and resources will furnish them for profitable employment, and let an end come to that mistaken policy which gives the workingman high wages for his summer work, but which during the winter months sends him to starve in the streets and highways.

It is no time now, with our cities filled with discharged workmen, with the highways frequented by tramps going from house to house asking for food—it is no time, I say, to talk about the higher wages in this country. You make statistics on the wages which are paid; you take into no account whatever all the long months of no work. Your policy has brought upon the workingmen the affliction of no work, and that policy has been the cause of the distresses which my friend from New York jestingly perhaps attributes to an apprehension of the consequences of Democratic rule.

The workingmen are not scared into idleness; they are idle because you have ground them down by taxation, taking from them savings which might have supported them in periods of distress by a policy which has set them at unprofitable occupations which have disappeared with the first blast of adverse winds. [Applause on the Democratic side.]

Mr. HISCOCK. Mr. Chairman, my colleague [Mr. DORSHEIMER] and myself disagree as to the causes of the failures in the past year. When the people of this country made the mistake of electing this Congress and it was understood that the tariff agitation was reopened failures commenced, the business of the country was unsettled; and when this House convened, when it was organized by the elevation to the Speaker's chair of a distinguished gentleman from Kentucky, and the gentleman from Pennsylvania was deposed and the gentleman from Illinois [Mr. MORRISON] was put at the head of the Committee on Ways and Means and the 20 per cent. reduction scheme was proposed here the list of insolvents and the bankruptcies in this country increased. Mr. Chairman, the agitation which was begun by this House in my judgment is the sole and only cause of the financial distress of the past year.

Mr. HERBERT. Does not the gentleman know——

Mr. HISCOCK. And looking forward to the policy of the next administration, with the utterances ringing in my ears of my friend from New York—"the friend" of Grover Cleveland from New York—who seems almost authorized to speak for it on this floor, I fear there is nothing but financial distress for us in the future.

Mr. HERBERT. Does not the gentleman know this late panic did not begin until after the defeat of the Morrison bill and until the agitation had ceased?

Mr. HISCOCK. Mr. Chairman, I will answer that suggestion. In the late Presidential canvass the parties quite openly announced that for which they were fighting, and during that contest everything was held in abeyance, and now that it was decided in favor of Grover Cleveland and a Democratic administration the whole country pauses and waits to see what will be the outcome of it all. I regret, Mr. Chairman, that two Representatives from New York, one understood to hold close relations to the next President, have taken occasion on this floor, seemingly by authority, to indicate what the policy of that administration is to be. Mr. Chairman, I believe that the only security of this country for the next four years will be found in certain Democrats on the other side of the House, some twenty-five or thirty in number, who will be found uniting with this side of the House and standing by the laborers of the country, with the manufacturers of the country, and in support of that policy which has so grandly developed our industries and prospered the nation.

Mr. Chairman, one word more in reference to this labor question. My colleague from New York [Mr. COX] has alluded to the past of the Republican party; he said truly we can look back upon a glorious past, considering my country, not my party. I have no hope his party has in front of it so glorious a future. In the past we have given remunerative profits to manufacturers, we have given remunerative wages to laborers, but as was well said by the gentleman from Maine, as was most tersely said by that gentleman, it is utterly impossible for us to build up this commerce with South American states or with any other states unless you reduce the prices of the wages in this country from

33 to 50 per cent. And when gentlemen urge those treaties upon us, I must assume they intend to legislate for cheap labor and the ignorance, vice, poverty, and degradation incident to it.

It is true the two great parties went before the country upon the issue. I regret, and so will this country regret, that the platform of the Democratic party looked in both directions upon this great question. And a cheated, defrauded country for four years will wait in the distress, in the poverty, in the bankruptcy of its industries and the pauperism of its people to right the wrong.

[Here the hammer fell.]

Mr. BURNES. I yield five minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, the old idea that a low rate of wages makes low cost of production is a relic of barbarism. It has long been exploded in politico-economic science. The law is precisely to the contrary, that high rates of wages make low cost of production.

If the gentleman—my friend from Maine—who has been predicting such ruinous consequences to follow by opening up our trade with the world had read carefully the articles in this volume of the census manufactures, being a tabulated statement of the cotton and woolen manufactures and the iron as well as other different branches of manufactures in this country, he would have seen by all the authorities that the rate of wages has been constantly on the increase in the United States while the cost of production has been constantly on the decline.

What is the cause of the change? It is because the people of the United States, sir, more largely than any other people in the world, produce by the great and multiplied power of machinery. Why, by the process of machine labor to-day we turn out by hundreds and thousands per cent. more of our products than by the manual labor of fifty or sixty years ago. It has multiplied the productive power of labor a thousand-fold; and if the gentleman will take the article on cotton manufactures, an article written by Mr. Edward Atkinson, and which I read this morning before I came up here to the House, he will find a multitude of facts to show the constant and largely increased reduction in the cost of production of this branch of manufacture, while in the last fifty years the wages of the operatives employed in the cotton mills have grown higher and higher, until they are to-day at least 100 per cent. in advance of what they were at that time.

Let me ask how are these facts to be reconciled? It is so also in great measure with Great Britain.

Mr. HISCOCK. May I ask the gentleman a question?

Mr. MILLS. Certainly.

Mr. HISCOCK. Does not the gentleman from Texas understand that so far as this is concerned it applies exclusively or mostly to the cheaper fabrics?

Mr. MILLS. I do not so understand it: it applies to all.

Mr. HISCOCK. But in larger part it applies to the cheaper fabrics.

Mr. MILLS. But the gentleman will perceive that it applies to iron as well as to cotton goods. It applies to all branches of manufacture where machinery has been largely introduced. Everything produced by machinery shows the same increase, an increase exceeding 20 per cent. and 100 per cent. or a thousand per cent. more than mere manual labor can do.

Take the old spinning-jenny and the weaving-machine, the hand-loom of our ancestors, and compare it with the process of to-day. One weaver on a power-loom to-day will turn out a thousand times more work than could possibly have been done by the hand-loom; and just in proportion as that man has the capacity to turn out more profit for his employer are his wages increased, because it is an invariable rule of political economy that the price of the wage measures the value of the labor, just as the price of the interest measures the value of money.

Why, it is perfectly preposterous to talk of low wages entering into and forming an important factor in the low cost of production. It must be evident that such an idea is preposterous; for if it be true, how is it that Germany does not drive Great Britain out of the markets of the world? I ask gentlemen to answer me that question. Germany pays wages 50 per cent. lower than Great Britain does—yea, more than 50 per cent. So also with France. France pays lower wages than Great Britain, and yet both France and Germany are clamoring for protection against the free-trade labor of England. Why, if Great Britain could make larger profits by cheapening her labor, does she not follow the example of France and Germany? Why is it that France and Germany do not give fairer wages to their laborers. The answer is, simply because they still continue to work at the old hand system in labor; and the laborer is not worth the tenth or the twentieth as much to his employer as the laborer who sits down and acquires the capacity to understand the machinery intrusted to his care, and can run six power-looms, with all their immense capacity for turning out work.

[Here the hammer fell.]

Mr. HORR. Mr. Chairman, it seems to be exceedingly proper that this question should be exhaustively discussed on the consular and diplomatic appropriation bill; and I am not surprised at the position taken by gentlemen who have spoken already on the other side of the House. The only thing that confuses me is this—we have only heard from one branch or wing of that side. Why this quietness, this silence on the part of the other wing? What is the cause of this remarkable stillness on the part of the other branch of the Democratic party? Where is the distinguished leader whose voice has been heard throughout the South during the holiday vacation converting you gentlemen, at least so said the Democratic press. Where are the converts? I would like to have them stand up and be counted. [Laughter.] I had been led to suppose that the entire South had been revolutionized on this great tariff question by the gentleman from Pennsylvania, but to my astonishment the ignorance seems to be as deep and dark as ever over there. [Great laughter.]

As to the position taken by the gentleman from Texas and my friend from New York, Mr. DORSHEIMER, they claim and have been for years claiming that the manufacturers of this country are growing rich beyond all measure out of the enormous profits they are gobbling up from the laborers of this land aided by the Republican tariff system. Explain, if you can, why Mr. Oliver, of Pittsburgh, has had to succumb, one of the most able and careful business men living in the United States. Why have so many other able and upright business men gone down in the same way during the past eight months?

Was it because the Republican party has heaped wealth, as we have been repeatedly told, into the coffers of these manufacturers? Ah! by no means. The trouble with business to-day arises from the fact that you gentlemen are continually tinkering and meddling with laws that ought to be left alone. When business gets established and people are doing it in a prosperous way your party comes into power in Congress, and the first thing you seek is to hunt out somebody who is making something somewhere, and then go for him. [Laughter.] The policy of the Democratic party has been for the last fifteen years to prevent as much as possible anybody from having a prosperous business, to deprive every one who has anything of what he has, and then arrange the law so that no one can hereafter find any profitable enterprise to engage in. That seems to be your policy to-day.

Mr. Chairman, this country needs two or three years for its business to become stable. First let it be well settled that we are not seeking to rob the workingmen of this country, that we believe in higher wages for them in the United States than they can get in any other nation on the face of the earth, and then let the tariff laws alone. The Republican party believes in so administering the laws of this land as to everywhere protect labor. To do that you must build up those industries that furnish employment. The diversity of industries is necessary to furnish work for all our people and to enable fair prices for their work to be maintained.

I am very glad that this question has come up, because I had supposed that our Democratic friends had gone to sleep in the security of their success, and I had hoped they were going to permit the wiser counsels of the minority of their party to prevail for at least this session. But I find I am mistaken. The old element has——

Mr. BROWN, of Pennsylvania. Broken loose.

Mr. HORR. Yes; as my friend suggests, the old element has broken loose again. The country will understand—it is no revelation to me; I have sat here long enough to have learned the fact—that the majority of the Democratic party at heart are free-traders. I have known this for some time. Many of you actually believe in free trade. A few of you only have the courage to say so. I desire the country to know just where you do stand.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I hope some gentleman on that side will have time to answer the present administration—the Secretary of the Treasury and the President—on the tariff question.

Mr. WHITE, of Kentucky. Does the gentleman refer to the present Secretary of the Treasury extending the bonded period seven months after this House refused to do it? Free whisky is what you want.

Mr. BURNES. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. HISCOCK. I would inquire of the Chair how much time we have on this side?

The CHAIRMAN. After the gentleman from Georgia [Mr. BLOUNT] finishes there will be two and a half minutes left for debate on each side.

Mr. BLOUNT. The gentleman from Michigan seeks to adjust the Democratic party to what he conceives to be right political thought. Before we see fit to take up any issue with him on that subject we will remit him to work that has to be done in his own Congressional district. The people there seem to be needing education as well as here. [Laughter.]

I regret very much, Mr. Chairman, that it so happens that we have taken upon ourselves, in a debate of thirty minutes, to deal with various subjects which it is impossible for us to discuss in that time. One gentleman thrusts upon us the treaty with Mexico; and then comes the Spanish treaty; and then comes the Nicaragua Canal question, and the Monroe doctrine, &c.

Mr. HISCOCK. Who thrust those questions upon you?

Mr. BLOUNT. I do not care to be interrupted. The witnesses are all about. I am complaining of no particular person. But I say that any speeches which may have been made on this side of the House on these questions do not bind every one on this side, I trust. There are likely to be diversities of opinion on these questions not marked at all

by the differences which grow out of views upon the tariff, or internal taxation, or any questions of taxation.

Then again, sir, we have thrust upon us the question of the tariff, and the gentleman from New York [Mr. HISCOCK], forgetting the accuracy that belongs to this floor, rehearses to us the campaign speeches which failed so notably in November last in effect upon the people. He tells us that the election of Grover Cleveland brought about the great distress in the manufacturing establishments. Sir, the people of this country are too intelligent to accept that statement. The men conducting the business of those establishments are announcing day by day, as the cause of their failure, that they are producing more than the people of this country can consume. And the gentleman from Maine [Mr. REED] tells us in this attitude of affairs this truth, which I can not believe can be questioned by any fair-minded man, that we have no hope of unloading this overproduction on foreign markets. Then they have a class of laborers engaged in the manufacturing industries of this country that are doomed to the great severities and hardships which, by reason of overstimulation of production, the policy of the Republican party has brought upon them.

[Here the hammer fell.]

Mr. HORR. I desire just half a minute, and I will then yield to the gentleman from Maine [Mr. REED].

Mr. BURNES. My understanding is that five minutes still remain for debate on each side.

The CHAIRMAN. Only two and a half minutes.

Mr. CHACE. Did not the gentleman from Missouri [Mr. BURNES] propose that twenty-five minutes should be allowed on each side?

Mr. BURNES. That was my understanding.

Mr. CHACE. That will leave five minutes still to each side.

The CHAIRMAN. The Chair put the question on twenty minutes and on twenty-five minutes, and objection was made to both propositions. Then the proposition for twenty-two and a half minutes on each side was submitted and was agreed to.

Mr. HISCOCK. Let us have it understood now that the whole time for each side shall be twenty-five minutes.

The CHAIRMAN. Is there objection to the proposition of the gentleman from New York?

Objection was made.

Mr. HORR. I have merely one word to say, and that is to express my astonishment that my friend from Georgia [Mr. BLOUNT] should have the impression that because in the last election there was a majority of votes in my district for another man, therefore our argument on this question falls to the ground. It would not, perhaps, be polite for me to say that that is a kind of reasoning that I have heard before on this floor, and that always up to this time it has come from men of very small caliber. Heretofore it has never struck me as meaning anything.

I want to say to him further, that he is not the man who should throw that in my face, for I find from the Directory that he holds his seat in this House on a vote of only a little over 3,000; and let me tell him that over 17,000 voters tried to send me back here at the last election; so that I have got more votes even now than he has ever had in four long years, put them all together. [Laughter.] With such a vote as that I submit he should be slow to put on airs.

Mr. BLOUNT. Mr. Chairman, I should like to know what time there is remaining?

The CHAIRMAN. There was an understanding that five minutes should be allowed on each side. That leaves two minutes and a half on the Republican side, and five minutes on the Democratic side.

Mr. BLOUNT. I prefer to take my time at the conclusion of the debate.

Mr. REED. Mr. Chairman, have I four minutes left?

The CHAIRMAN. No. The gentleman from Maine has only two minutes and a half.

Mr. BURNES. I understood the Chair to say awhile ago that there was five minutes left on this side.

The CHAIRMAN. Yes.

Mr. BURNES. Well, as a matter of course, the five minutes on the other side should be consumed——

Mr. REED. Mr. Chairman, the gentleman from Missouri concedes that I have four minutes, and he is on the other side. Can not the chairman do as well for us as that? [Laughter.]

The CHAIRMAN. The gentleman from Maine has only two minutes and a half left. The Chair can not go beyond the agreement.

Mr. REED. But a gentleman on the other side says that we have four minutes.

Mr. BURNES. The gentleman from Michigan [Mr. HORR] used up half of the time on that side.

The CHAIRMAN. The gentleman from Maine [Mr. REED] will proceed. He has only two minutes and a half left, unless more time is allowed.

Mr. REED. Mr. Chairman, it is utterly impossible to take up the thread of this discussion in that time, so I propose only to make one or two suggestions. I was very anxious that my colleague [Mr. DINGLEY] should have taken my place, for he could have given the figures. It will not do to permit this discussion to go on under the impression that during the last twenty years our foreign trade has decreased. The fact is that our foreign trade has increased, and it has more than doubled during the prevalence of the system to which the gentleman from New York has so great an objection.

I have also a suggestion to make to the gentleman from Georgia [Mr. BLOUNT]. He says there is overproduction of the various manufactures in this country. That is true in the sense that now our markets are glutted. He says that there is no remedy for it, no means by which we can find markets abroad. Now, why is that? Our products are selling at starvation prices to-day. Why is it that we can not sell them abroad? Simply because under free trade there has been precisely the same so-called overproduction in other nations and the markets of the world have become crowded, so that manufactured products in other countries are selling at what are starvation prices even with reference to the low wages that are paid in England.

Mr. Chairman, I want to say to this House, in my judgment we are suffering from a depression which does not have so much to do with the subject in controversy here as it does with the eternal laws of human nature. If you look abroad you will find failures and commercial distress all over the world, and you are going to have in the future, in due time, recuperation. The foundation for that recuperation is to be the return of general confidence, and that can only come by stability in our legislation and by letting the tariff alone.

[Here the hammer fell.]

Mr. BURNES. I yield half of my remaining time to the gentleman from Georgia [Mr. BLOUNT], and the other half to the gentleman from Ohio [Mr. CONVERSE].

Mr. CURTIN. I ask the gentleman to yield to me for a moment. I want to say that all the business centers are becoming more prosperous, confidence is reviving, labor is better paid, everything is improving. I do not wish this debate to go out to depress the people. I desire rather to dissipate the clouds that have been hanging over the business interests of the country. Gentlemen on the other side ought to have made their speeches before the election instead of now. It is all humbug. [Laughter.]

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is entitled to the floor for two minutes and a half.

Mr. BLOUNT. Mr. Chairman, the gentleman from Michigan [Mr. HORR] in his irritation took occasion to say substantially that the remark I made came from a small source.

Several MEMBERS. Oh, no.

Mr. MILLER, of Pennsylvania (to Mr. BLOUNT). He excepted you.

Mr. HORR. I said "the remarks up to this time." I made you an exception. [Laughter.]

Mr. BLOUNT. Mr. Chairman, the gentleman is happier now than he was when he made his speech; and he gives a better tone to his voice. I trust that his happiness may continue from now on, and that we shall have no more of his asperity.

But it is proper, sir, that I should say something in reply to his statement of the vote for myself as shown by the Congressional Directory. The gentleman states it as about 3,000.

Mr. HORR. A little bit over 3,000.

Mr. BLOUNT. "A little bit over 3,000." Now, Mr. Chairman, the whole explanation of the case is that I represent a population largely agricultural, and I happen not to have had opposition in my canvass. On the earlier occasions when I ran for Congress I had a contest, and there was a full vote. An examination of the record discloses the fact that in the Congressional districts of other gentlemen from Georgia where for many years there was a hot contest there was a full vote. This is an entire explanation. And this accounts for the full vote of my friend from Michigan. He had a hot contest, I am told, and there was a full vote polled—enough, sir, to bring about the election of his opponent, notwithstanding the enormous vote that my friend received. Perhaps, however, I ought not to refer to that again, as I wish to say nothing unpleasant.

But so far as concerns my own vote and the vote of some other gentlemen of my State, the condition of things pointed out by the gentleman grows entirely out of the fact that there happened to be no opposition. I may add that in my district and in others this state of affairs has grown oftentimes out of suggestions on the part of the Republicans that they should have no candidate. The policy of the Republican party was to make their fights in other directions. Again, there is the further fact that in that section of the country that party has hardly anybody agitating elections except the men who want offices; and these men fight each other, not wanting anybody else nominated, because they come here and claim office by reason of their candidacy.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BLOUNT] has expired. The gentleman from Ohio [Mr. CONVERSE] is now entitled to the floor for the remainder of the time of the gentleman from Missouri [Mr. BURNES].

Mr. CONVERSE. Mr. Chairman, it must be a matter of profound regret to the country that on this important question we have heard from but one wing of the Republican party to-day, and that does not happen to be the administration portion of the party. We have not

heard from the gentlemen who represent on this floor the views of the President, or the gentlemen who represent Secretary McCulloch. [Laughter and applause on the Democratic side.]

Gentlemen who have spoken upon the opposite side of the Chamber have no authority to state the present position, and they do not correctly state the past position, of the Democratic party upon the questions of tariff, taxation, revenue, protection, or the various questions affecting the industries of the country. The position which Jefferson and Madison and Jackson occupied was not that ascribed to them by the gentleman from New York [Mr. HISCOCK]; but I can say to him and to other gentlemen on that side that the Democratic party to-day does occupy precisely the position occupied by Jefferson, by Madison, by Jackson upon those important questions. We are all in favor of a reduction of taxation. We are all in favor of administrative reform.

Gentlemen need not undertake to say that the country is frightened by the prospect of the Democratic party coming into power. Have you not a Republican Senate? Can there be any radical changes in the laws without the consent of a Republican Senate? There will not probably be any change in the political complexion of the Senate for the next two, three, or four years. The Democracy have made no changes in the laws which could bring about the present embarrassed condition of the industries, and no such changes are contemplated. But there is a prospect of effecting some reform in the administration of the Government; and upon this question our party is united as one man. The central and most pressing thought in the late political canvass was administrative reform, and I hope it will be such in the incoming administration. If gentlemen desire to look into the cause of the hard times and the business failures, they will find it in the fact that the people have been robbed by excessive taxation, and those taxes have been to the extent of hundreds of millions withdrawn from the productive industries and the channels of trade to be piled up in the Treasury. That vast sum unjustly exacted from the people and hoarded by the Government excites the cupidity of the dishonest and serves as a temptation to the weak to induce them to sustain all sorts of extravagant enterprises. An overflowing Treasury has led to a multiplication of offices, to an increase of salaries, and to vast appropriations for various improper objects. These things at least, it is to be hoped, the Democratic party will reform in a measure during the next four years. No more money ought to be collected than is sufficient to carry on the Government, economically administered, and pay its debts. All beyond that necessity of the Government should be left in the channels of industry and the pockets of the people.

But certain it is that our party will be united upon the doctrine expressed in the platform adopted at Chicago. Gentlemen suggest that that platform may look two ways. It does not look two ways.

Mr. MILLIKEN. Which way does it look?

Mr. GIBSON. It looks to the White House.

Mr. CONVERSE. It looks exactly where Jefferson looked, where Madison looked, where Jackson looked. The incoming President will give it interpretation by his acts and his administration.

Mr. MILLIKEN (while the chairman rapped loudly) addressed to Mr. CONVERSE a question which could not be heard.

Mr. CONVERSE. I can not hear the gentleman's inquiry; but I can say to him that that platform looks to reform in all the Departments of the Government; it looks to a more rigid accountability and a more exacting economy; it looks to the stopping of stealing; it looks to stopping the attempt to carry elections by "bull-dogs" or by money sent from New York. [Applause on the Democratic side.] We propose to have honest government and honest elections, North as well as South.

[Here the hammer fell.]

The CHAIRMAN. The time allowed for this debate has now expired. The question recurs on the amendments moved by the gentleman from Missouri [Mr. BURNES].

The amendments were adopted.

The CHAIRMAN. Under agreement we will now return to dispose of the amendment offered by the gentleman from Illinois [Mr. HITT], which the Clerk will read.

The Clerk read as follows:

On page 7, line 149, strike out "of thirteen" and insert "(in pursuance of the provisions of section 1704 of the Revised Statutes and section 5 of the consular and diplomatic appropriation act, approved June 11, 1874,) of eight," and same line and lines 150 and 151, strike out "to be appointed under section 1704 of the Revised Statutes, $13,000" and insert "at $1,200 each per annum, and five consular clerks at $1,000 each per annum, $14,600;" so that it will read:

"For salaries, (in pursuance of the provisions of section 1704 of the Revised Statutes and section 5 of the consular and diplomatic appropriation act, approved June 11, 1874,) of eight consular clerks at $1,200 each per annum, and five consular clerks at $1,000 each per annum, $14,600."

The CHAIRMAN. The appropriation bill referred to, in the opinion of the Chair, is directory for the appropriation of that year. The amendment contemplates more money than the Revised Statutes, and the Chair sustains the point of order and rules the amendment out.

Mr. BURNES moved that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. WILSON, of Iowa, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes; and had directed him to report the same back to the House with sundry amendments.

Mr. BURNES demanded the previous question on the bill and amendments.

The previous question was ordered.

By unanimous consent the amendments were agreed to in gross, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. Under the rule the vote on the passage of the bill will be taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 240, nays 0, not voting 83; as follows:

YEAS—240.

Adams, G. E.	Dingley,	Ketcham,	Russell,
Adams, J. J.	Dockery,	Kleiner,	Ryan,
Alexander,	Dorsheimer,	Lamb,	Seymour,
Anderson,	Dowd,	Lanham,	Shively,
Atkinson,	Dunham,	Lawrence,	Skinner, T. G.
Bagley,	Eaton,	Le Fevre,	Smalls,
Ballentine,	Eldredge,	Lewis,	Smith, A. H.
Barbour,	Elliott,	Long,	Smith, H. Y.
Barksdale,	Ellis,	Lovering,	Snyder,
Bayne,	English,	Lowry,	Spooner,
Beach,	Ermentrout,	Lynan,	Spriggs,
Bennett,	Evans,	McAdoo,	Steele,
Bisbee,	Everhart,	McComas,	Stephenson,
Blackburn,	Ferrell,	McCormick,	Stevens,
Bland,	Findlay,	McMillin,	Stewart, Charles
Blount,	Finerty,	Matson,	Stockslager,
Boutelle,	Foran,	Maybury,	Stone,
Bowen,	Forney,	Miller, J. F.	Strait,
Boyle,	Funston,	Miller, S. H.	Swope,
Bratton,	Garrison,	Mills,	Taylor, E. B.
Breckinridge,	Geddes,	Mitchell,	Taylor, J. D.
Breitung,	George,	Money,	Taylor, J. M.
Brewer, F. B.	Gibson,	Morgan,	Thomas,
Brewer, J. H.	Glascock,	Morrill,	Thompson,
Brown, W. W.	Goff,	Morse,	Throckmorton,
Brumm,	Graves,	Moulton,	Tillman,
Buchanan,	Green,	Muldrow,	Townshend,
Buckner,	Greenleaf,	Muller,	Tully,
Budd,	Guenther,	Murphy,	Turner, H. G.
Burnes,	Halsell,	Mutchler,	Turner, Oscar
Cabell,	Hammond,	Neece,	Valentine,
Caldwell,	Hanback,	Nelson,	Vance,
Campbell, J. M.	Harmer,	Nicholls,	Van Eaton,
Candler,	Hatch, H. H.	Oates,	Wait,
Cannon,	Hatch, W. H.	O'Ferrall,	Wakefield,
Chace,	Haynes,	O'Neill, J. J.	Wallace,
Clardy,	Hemphill,	Paige,	Ward,
Clay,	Henderson, D. B.	Parker,	Warner, A. J.
Clements,	Henderson, T. J.	Patton,	Warner, Richard
Cobb,	Henley,	Pierce,	Weaver,
Collins,	Herbert,	Peters,	Wellborn,
Connolly,	Hewitt, G. W.	Pettibone,	Weller,
Converse,	Hill,	Phelps,	White, J. D.
Cook,	Hiscock,	Poland,	White, Milo
Cosgrove,	Hobilitzell,	Price,	Whiting,
Cox, S. S.	Holman,	Pryor,	Wilkins,
Cox, W. R.	Holmes,	Pusey,	Williams,
Craig,	Hopkins,	Randall,	Willis,
Crisp,	Horr,	Ranney,	Wilson, James
Culberson, D. B.	Houk,	Ray, Ossian	Wilson, W. L.
Cullen,	Houseman,	Reagan,	Winans, E. B.
Curtin,	Howey,	Reed,	Winans, John
Cutcheon,	Hunt,	Reese,	Wise, G. D.
Dargan,	James,	Rice,	Wise, J. S.
Davidson,	Jeffords,	Riggs,	Wolford,
Davis, L. H.	Johnson,	Robertson,	Woodward,
Davis, R. T.	Jones, J. H.	Rockwell,	Worthington,
Deuster,	Jones, J. T.	Rogers, J. H.	Yaple,
Dibble,	Jordan,	Rogers, W. F.	York,
Dibrell,	Keifer,	Rowell,	Young.

NAYS—0.

NOT VOTING—83.

Aiken,	Fiedler,	Laird,	Robinson, W. R.
Arnot,	Follett,	Libbey,	Rosecrans,
Barr,	Fyan,	Lore,	Seney,
Belford,	Hancock,	McCold,	Shaw,
Belmont,	Hardeman,	Millard,	Singleton,
Bingham,	Hardy,	Milliken,	Skinner, C. R.
Blanchard,	Hart,	Morrison,	Slocum,
Brainerd,	Hepburn,	Murray,	Springer,
Broadhead,	Hewitt, A. S.	Nutting,	Stewart, J. W.
Browne, T. M.	Hitt,	Ochiltree,	Storm,
Burleigh,	Holton,	O'Hara,	Struble,
Campbell, Felix	Hooper,	O'Neill, Charles	Sumner, C. A.
Campbell, J. E.	Hurd,	Payne,	Sumner, D. H.
Carleton,	Hutchins,	Payson,	Talbott,
Cassidy,	Jones, B. W.	Peel,	Tucker,
Chalmers,	Jones, J. K.	Perkins,	Van Alstyne,
Covington,	Kean,	Post,	Wadsworth,
Culbertson, W. W.	Kelley,	Potter,	Washburn,
Davis, G. R.	Kellogg,	Rankin,	Wemple,
Dunn,	King,	Ray, G. W.	Wood.
Ellwood,	Lacey,	Robinson, J. S.	

So the bill was passed.

The following were announced as paired on all political questions until further notice:

Mr. RANKIN with Mr. BRAINERD.

Mr. MORRISON with Mr. PAYNE.

Mr. FOLLETT with Mr. BURLEIGH.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. SPRINGER with Mr. STEWART, of Vermont.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. VAN ALSTYNE with Mr. ELLWOOD.

Mr. LORE with Mr. WADSWORTH.

Mr. CAMPBELL, of Ohio, with Mr. SKINNER, of New York.

The following were announced as paired for this day:

Mr. SENEY with Mr. LIBBEY.

Mr. MURRAY with Mr. RAY, of New York.

Mr. STORM with Mr. O'HARA.

Mr. HARDY with Mr. BINGHAM.

Mr. CARLETON with Mr. HITT.

Mr. COVINGTON with Mr. DAVIS, of Illinois.

Mr. POTTER with Mr. STRUBLE.

Mr. MCMILLIN with Mr. KELLEY.

Mr. TOWNSHEND with Mr. WASHBURN.

Mr. PEEL with Mr. PERKINS.

Mr. JONES, of Wisconsin, with Mr. LACEY.

Mr. FIEDLER with Mr. OCHILTREE.

Mr. KING with Mr. CULBERTSON, of Kentucky.

Mr. TALBOTT with Mr. HOLTON.

Mr. AIKEN with Mr. BROWNE, of Indiana, till January 19.

Mr. MCMILLIN. I am paired with Mr. KELLEY, but he has given me the right to vote on appropriation bills and other things.

The vote was then announced as above recorded.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. Mr. Speaker, under instructions from the Committee on Rivers and Harbors I submit a bill and report, what is commonly known as the river and harbor bill, making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes. I ask that the bill be printed and recommitted to the committee.

Mr. HOLMAN. All points of order being reserved.

The SPEAKER. The reservation of points of order will be noted.

Mr. WILLIS. It is proper to say that there is an item on which the committee is divided. I refer to the Hennepin Canal. The minority believe it is not within the jurisdiction of the committee; the majority think otherwise.

Mr. RANDALL. Will a separate vote be allowed on the two reports?

Mr. WILLIS. That is for the House to say.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7972) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The bill was read a first and second time, ordered to be printed, and recommitted to the Committee on Rivers and Harbors.

Mr. WILLIS. I believe a member of the committee, Mr. BRECKINRIDGE, desires consent to file a minority report.

Mr. BRECKINRIDGE. If it be necessary, I ask consent of the House to submit the report of the minority on this bill.

The SPEAKER. Without objection, the views of the minority will be printed to accompany the report of the committee.

There was no objection, and it was ordered accordingly.

Mr. WARNER, of Ohio. It is understood that points of order are reserved?

The SPEAKER. Points of order have been reserved by the gentleman from Indiana [Mr. HOLMAN].

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 929) granting a pension to Caroline Treckell; and

A bill (S. 764) granting an increase of pension to Abbie P. Arnold.

KICKAPOO INDIANS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, recommending legislation on behalf of members of the Kickapoo tribe of Indians; which was referred to the Committee on Indian Affairs.

HENRY C. FRAZIER.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting papers in the claim of Henry C. Frazier on account of depredations by Chiricahua Indians; which was referred to the Committee on Indian Affairs.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union, my object being to reach the consideration of the bill making appropriations for the Indian service.

Mr. CHACE. I would suggest to the gentleman from Louisiana that it is only within the last hour that members of the House have been able to get printed copies of this bill. It is late in the afternoon, and there are a number of little matters that gentlemen want to have taken up and which they have been trying to get before the House for a long time. There are also some bills that members would like to have passed by unanimous consent. I suggest to the gentleman from Louisiana, therefore, that he allow this bill to go over and give members the opportunity to do some little things that are pressing very much indeed.

Mr. RANDALL. There is nothing pressing so much as the annual appropriation bills.

Mr. CHACE. We have had no opportunity to examine the bill.

Mr. BLOUNT. I would like to ask the gentleman from Rhode Island if this is allowed to go over if he will promise to read the bill through? [Laughter.]

Mr. CHACE. The bill is a very long one, and would not be more than read through this evening; and gentlemen will probably have until Tuesday to examine it if it is allowed to go over this evening.

Mr. ELLIS. I must insist upon the motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The Clerk will read the title of the first bill.

The Clerk read as follows:

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

Mr. HOLMAN. Mr. Chairman, this is a very long bill and its consideration will probably extend over until next Tuesday. I therefore suggest that by unanimous consent the first formal reading of the bill be dispensed with, and that——

Mr. CHACE. Mr. Chairman, I shall object, and insist upon the reading of the bill.

Mr. HOLMAN. Mr. Chairman, perhaps it would be wholly beneficial to the views of the gentleman from Rhode Island if he will listen to the proposition that I desire to offer. The gentleman from Louisiana, as I understand it, does not desire to proceed with the argument this evening.

Mr. CHACE. Will he make way then for these little matters to which I have referred?

Mr. RANDALL. I shall object to that. If we are not to go on with this bill we had better adjourn.

Mr. KEIFER. Let the first formal reading of the bill be dispensed with, with the understanding that we do not go on to-day with the general discussion of the bill.

Mr. ELLIS. I am willing to agree to a general understanding that the committee rise and the House adjourn. On that agreement we will dispense with the first formal reading of the bill.

Mr. REED. I think there will be no objection to that.

The CHAIRMAN. The Chair will submit the request. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. ADAMS, of Illinois. I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. KEIFER. Mr. Chairman, I understand the gentleman who made the objection did it under a misapprehension and is willing to withdraw it.

Mr. REED. It is understood that we are to adjourn at once on going back into the House?

Mr. RANDALL. There will be no objection to that.

Mr. ELLIS. Then I make that proposition.

The CHAIRMAN. Does the gentleman from Illinois withdraw his objection?

Mr. ADAMS, of Illinois. I withdraw the objection to the reading of the bill.

The CHAIRMAN. The objection being withdrawn, the first formal reading of the bill is dispensed with.

Mr. ELLIS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. ELLIS. I move that the House do now adjourn.

Mr. BAYNE. I hope the gentleman will yield to me that I may introduce a bill for reference.

Several members demanded the regular order.

The SPEAKER. The regular order is the question on the motion to adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CLAY: Petition of O. S. Parker, for increase of pension—to the Committee on Invalid Pensions.

By Mr. DIBRELL: Petition of W. E. Clark, of Monroe County, Tennessee, for relief—to the Committee on War Claims.

By Mr. FUNSTON: Petition of citizens of Stanley, Kans., asking increase of widows' pensions—to the Committee on Pensions.

By Mr. GOFF: Petition of Dr. Samuel Mayfield and 57 others, asking for a pension for Joshua L. Sturm—to the Committee on Invalid Pensions.

Also, petition of James G. Marshall and 7 others, of Fairview, W. Va., asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. HALSELL: Petition of G. W. Long and others, citizens of Kentucky, asking for improvement of Green and Barren Rivers, in said State—to the Committee on Rivers and Harbors.

By Mr. B. W. JONES: Petition of Francis E. Willard and others, in favor of female suffrage—to the Committee on the Judiciary.

Also, petition of the Maritime Association of the port of New York, in favor of the Spanish treaty, with modification of Article XIX—to the Committee on Ways and Means.

Also, petition of N. Olmsted and others, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. LAMB: Petition of James F. Murphy and other ex-soldiers, asking an equalization of date of arrearages of pensions—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of Mrs. Ruth Adams and others, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. W. F. ROGERS: Petition of citizens of Buffalo, N. Y., for the passage of a national bankrupt act—to the Committee on the Judiciary.

By Mr. A. H. SMITH: Resolutions of parties interested in the tobacco interests in Philadelphia, Pa., against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. STRAIT: Petition of Sarah Cates and 24 others, of Prior Lake, Minn., asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. W. L. WILSON: Of Howard Fleming and others, of Marion County, West Virginia, for the passage of the Potter refunding bill.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 111 citizens of Wakefield, Clay County, Kansas.

By Mr. ARNOT: Of 63 ex-Union soldiers and others, citizens of Steuben County; of 93 of Allegany County; of 60 of Chemung; of 124 of Whiteville; of 60 of Oramel; of 38 of Greenwood; of 121 of Wellsburg; and of 98 of Wallace, N. Y.

By Mr. BOYLE: Of citizens of Fayette County and of Greene County, Pennsylvania.

By Mr. BURLEIGH: Of 59 ex-soldiers of Sandy Hill; of 51 ex-soldiers of Hoosick Falls, and of 63 citizens of Whitehall, N. Y.

By Mr. W. W. CULBERTSON: Of 82 voters of Ashland County, Kentucky.

By Mr. DOCKERY: Of citizens of Harrison County, of Bethany, of Worth County, and of Gentry County, Missouri.

By Mr. EATON: Of citizens of Tolland, of Plainville, and of Hartford, Conn.

By Mr. ELDREDGE: Of W. W. Crabbs and 157 others, of Morenci, Mich.

By Mr. FERRELL: Of citizens of Paulsborough, N. J.

By Mr. FUNSTON: Of citizens of Star Valley, of Barnesville, of Baxter Springs, of Salina, of White Church, and of Stanley, Kans.

By Mr. GIBSON: Of citizens of Ritchie County; of Mole Hill, Ritchie County, and of Jackson County, West Virginia.

By Mr. HANBACK: Of J. M. Jones and 100 others, of Lincoln County; of Thomas B. Smith and 50 others, of Osborne County, and of James Pain and 40 others, of Portis, Osborne County, Kansas.

By Mr. D. B. HENDERSON: Of L. D. Anthony and 63 others, of Waterloo, Iowa.

By Mr. W. H. HATCH: Of citizens of Tuscola County, of Emmet County, of Watronsville, of Alpena, of Otsego County, Michigan.

By Mr. HOLMES: Of 64 ex-soldiers and citizens of Humboldt and Kossuth Counties; of 63 ex-soldiers and citizens of Story County, and of John W. Mahoney and 63 others, of Winne County, Iowa.

By Mr. B. W. JONES: Of J. B. Treat and 34 others, of Monroe; of Richard Noble and 61 others, of Fayette County; of 106 citizens of Avoca and Muscoda, Iowa County, and of John Swan and 86 others, of Green County, Wisconsin.

By Mr. KETCHAM: Of 63 citizens of Washington; of 60 citizens of Philmont, and of 59 citizens of Stamford, N. Y.

By Mr. KLEINER: Of 50 citizens and ex-soldiers of Reno, Ind.

By Mr. McCORMICK: Of 63 citizens of Scioto County and of 59 citizens of Vinton County, Ohio.

By Mr. MORRILL: Of F. H. Russell and 60 others, of Garrison, Kans.

By Mr. PERKINS: Of J. E. Snow and 102 others, of Linn County, Kansas.

By Mr. POLAND: Of Marvin W. Ball and others, of Newark; of Sumner Rowell and others, of Canaan, and of C. C. Gokey and others, of Rochester, Vt.

By Mr. W. F. ROGERS: Of ex-soldiers and citizens of Erie County; of citizens of Marilla, Erie County, and of ex-soldiers of Buffalo, N. Y.

By Mr. STEELE: Of Daniel Strauss and 144 others, of Wabash County; of W. M. Thompson and 20 others, of Howard County; of B. F. Williams and 72 others, of Wabash County; and of Peter Armantrout and 100 others, of Miami County, Indiana.

By Mr. SHIVELY: Of Andrew J. Bates and 95 others, of Kosciusko County, Indiana.

By Mr. SEYMOUR: Of P. T. Barnum, jr., and others, of Greenfield Hill; of Henry Howard and others, of Litchfield County, and of A. M. Warden and others, of Stamford, Conn.

By Mr. J. D. TAYLOR: Of Cyrus Caldwell and 79 others, of Jefferson County, Ohio.

By Mr. E. B. TAYLOR: Of N. L. Badger and 38 others, ex-soldiers, of Lake County; of J. B. Burrows and 58 others, ex-soldiers, of Painesville; and of E. H. Butler and 65 others, of Ashtabula County, Ohio.

By Mr. WELLER: Of J. Charlesworth and 90 others, of Osage, and of Wm. Wright and 67 others, of Wauconna, Iowa.

SENATE.

MONDAY, *January* 19, 1885.

THE PRAYER.

The Chaplain, Rev. E. D. HUNTLEY, D. D., offered the following prayer:

Let us pray. Almighty God, our Heavenly Father, we come again to worship before Thee; and we pray that Thou wilt so dispose our minds that the words of our mouth and the meditation of our hearts may be acceptable in Thy sight. Our iniquities have separated between us and our God; and that we are at all tolerated as worshipers in Thy presence is another proof of that long suffering which ages ago was proclaimed as one of the distinguishing characteristics of Thy nature.

Thou art He by whom kings reign and princes decree justice. Thou art pleased to carry out Thy purposes in no small part by the governments which men, under the direction of God-implanted impulses, have established throughout the earth. One of these governments is represented in this Chamber, and we pray that the legislation of this body may be so under Thy control that the history of the nation, so far as may be learned by the proceedings here, may show us striving to become a people whose God shall be the Lord.

We are this day to be reminded of the uncertainties of life. Members of the Senate shall rise in their places to honor the memory of the distinguished dead. They shall recount his virtues; they shall emphasize the intellectual and moral characteristics which eminently fitted him for the high position he occupied so long and with such credit to himself and to the country; and we humbly pray that this recital may stir us up to such a consecration of our talents as shall develop an absolutely faithful service to the nation for the days that are to come.

And do Thou help us so to spend the few days which remain to us upon the earth that the discriminating eulogist may pronounce upon our personal and political career, as he in candor must this day pronounce upon the career of him we mourn, the benedictions of a grateful and appreciative country.

And, more than this, may the services we shall be able humbly to render to the nation be impelled by such a desire to please the nation's God that, while men shall speak well of what has been, it shall please Thee to pronounce blessings upon us during the ages yet to be. We ask it in the name of Him who is the resurrection and the life. Amen.

THE JOURNAL.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 13th instant, Circular No. 282, regarding the assessment and exportation of distilled spirits; which, with the accompanying papers, was laid on the table, and ordered to be printed.

REPORT OF PUBLIC PRINTER.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Public Printer, transmitting his annual report, showing the condition of the public printing, binding, &c., for the fiscal year ending June 30, 1884; which was ordered to be printed, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of John H. Williams and 12 other citizens of Arkansas, praying compensation for services rendered by them as United States soldiers under Col. A. H. Ryan, in the State of Arkansas, during the late war, and for the use and loss of their horses while thus engaged; which was referred to the Committee on Military Affairs.

Mr. HARRIS. I hold in my hand a paper addressed to myself, to my colleague [Mr. JACKSON], and to my colleague in the House, the member from the Memphis district [Mr. YOUNG], signed by a committee of the city government, a committee of the Cotton Exchange, and a committee of the Merchants' Exchange, of Memphis, Tenn., praying for an appropriation for the protection of Memphis Harbor. It is evidently intended as a petition to the Senate, although addressed to us personally. I ask the unanimous consent of the Senate that it be received as a petition, and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received, and so referred.

Mr. SHERMAN presented a joint resolution of the General Assembly of the State of Ohio; which was read, and referred to the Committee on Finance, as follows:

Joint resolution requesting our Senators and Representatives in Congress to procure the passage of a law "to adjust certain accounts between the United States and the several States and Territories and the District of Columbia, as set forth in House bill 110 and dated December 10, 1883.

Whereas on December 10, 1883, Hon. BARCLAY HENLEY, of California, introduced in the House House bill 110 which was referred to the House Committee on Claims; and on December 18, 1883, Hon. JOHN F. MILLER, of California, introduced in the Senate Senate bill 795, which was referred to the Senate Committee on Finance, as follows, namely:

"A bill to adjust certain accounts between the United States and Territories and the District of Columbia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit each of the several States and Territories, and the District of Columbia, with the amounts of money heretofore laid upon and apportioned to said States, Territories, and District of Columbia, respectively, levied as a direct tax under the provisions of the eighth section of the act of Congress, approved August 5, 1861, entitled 'An act to provide increased revenue from imports to pay interest on the public debt, and other purposes;' and he shall thereafter state an account between the United States and each of said States, Territories, and District, respectively, and he shall pay to each thereof, out of any money in the Treasury not otherwise appropriated, such sums of money as may appear to the credit of each thereof upon the books of the Treasury arising from such settlement."

The foregoing bill provides that the Secretary of the Treasury shall credit each State with the amount of money assessed against it for direct taxes under the act of August 5, 1861.

The effect of the passage by Congress of said bill will be to refund to those States which have paid the amounts of such assessments to the extent of the sums by them so paid, and to release those States which have not paid, from hereafter paying all said taxes, and also from all future liability to pay the same. While the right of the General Government to raise revenue by direct taxation is unquestioned, it is patent that this direct tax was in the nature of an enforced loan; and it was made in this form only because it was required to meet the great exigency then upon the country; and

Whereas several of the States now owe the General Government from a quarter to a half million dollars each, on account of this direct tax, while others have paid their full quota: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to urge the passage of the bill hereinbefore referred to, and use their best endeavors to secure to the State the amount paid to the United States by this forced tax.

Resolved, That a copy of this resolution be forwarded to each of the Senators and Representatives by the governor of Ohio.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted January 14, 1885.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of house joint resolution No. 66, adopted by the General Assembly of the State of Ohio, on the 14th day of January, A. D. 1885, taken from the original rolls filed in this office.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 15th day of January, A. D. 1885.

[SEAL.] J. S. ROBINSON, *Secretary of State.*

Mr. HOAR. I present the petition of John J. Smith and other citizens of Massachusetts, saying that they have seen with pleasure the passage of a bill through the House relating to interstate commerce, containing a clause forbidding any discrimination in passenger traffic on account of race or color; and they desire that in any bill which may be passed by the Senate on the subject a similar provision may be inserted. I move that the petition lie upon the table, as the bill is now pending.

The motion was agreed to.

Mr. HOAR presented the petition of George H. Maintien Post, No. 133, Department of Massachusetts, Grand Army of the Republic, praying for the publication of certain photographic illustrations in the Official Records of the War of the Rebellion; which was referred to the Committee on Printing.

Mr. MILLER, of California. I present a statement, in the nature of a memorial to Congress, signed by merchants of New York city, setting forth their opinion "that the proposed Spanish treaty is as a whole against the interest of the people of the United States, and ought not to be ratified." I present the paper and ask that it be received as a memorial and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and so referred.

Mr. MILLER, of California, presented resolutions adopted by the Blue and Grey Veterans of Fresno, Cal., urging that General U. S. Grant be placed on the retired-list of the Army with the rank of General; and stating that the ex-confederates belonging to that organization especially desire that this may be done in gratitude for his determined stand in protection of their paroles of honor; which were ordered to lie on the table.

Mr. MITCHELL presented a petition of 301 business men, officials, and workmen of Allegheny, Pa., praying for an appropriation for the improvement of the Allegheny River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1684) for the relief of Clement A. Lounsberry, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 2399) for the relief of Maj. Michael P. Small, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

JOHN E. WHEELOCK.

Mr. LAPHAM. The Committee on Foreign Relations have instructed me to report back with amendments the joint resolution (H. Res. 237) for the relief of John E. Wheelock, and I ask for its present consideration.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments reported from the Committee on Foreign Relations were, in line 5, to strike out the word "gross" and insert "alleged;" and in lines 7 and 8 to strike out the words "demand and enforce in such manner as he may deem best, an immediate" and to insert "urge an early;" so as to make the joint resolution read:

That the President be directed to bring to the attention of the Government of Venezuela the claim of John E. Wheelock, a citizen of the United States, for indemnity for alleged outrages and tortures inflicted upon him by an officer of said Venezuelan Government, and to urge an early settlement of said claim.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

BILL INTRODUCED.

Mr. COKE introduced a bill (S. 2562) to establish a quarantined live-stock trail, and to regulate commerce between the States as to live-stock; which was read twice by its title, and referred to the Committee on Commerce.

RAILWAY MAIL SERVICE.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be, and he hereby is, directed to communicate to the Senate a document prepared in his Department containing a documentary history of the railway mail service from its origin in 1834 to the present time.

DEATH OF SENATOR ANTHONY.

Mr. ALDRICH. According to previous notice, I offer the following resolutions and ask for their present consideration:

Resolved, That the Senate has heard with profound sorrow of the death of HENRY B. ANTHONY, late a Senator from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended, to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

Mr. ALDRICH. Mr. President, he who was here the senior in service, and first in the affections of his associates, rests in

The lone couch of his everlasting sleep.

His great heart with all its attractive qualities has ceased to beat. His stalwart form, so recently instinct with strength and life, is crumbling in the dust.

He who has so often lighted up with the touches of his matchless eloquence the character of others is no more. Oppressed by a sense of

personal loss which is beyond expression, and by the sorrow of separation from a wise counsellor and faithful friend, I despair of rightly interpreting the story of his honorable life and rendering an adequate tribute of praise to his memory.

HENRY BOWEN ANTHONY was born at Coventry, R. I., April 1, 1815. His ancestors had for more than a century and a half resided on Rhode Island soil. His father, William Anthony, and his maternal grandfather, James Greene, were Quakers. His father was a cotton manufacturer, and the establishment of which he was manager was the third of its kind erected in the State.

William Anthony was a man of strong character, greatly respected by his neighbors, and it is easy to trace the influence of his wise teachings and watchful care in the future character of the son. The latter was, in his early life, imbued with the doctrines of the Society of Friends, which left their impress on his nature, developing that gentleness of manner and love of peaceful methods, that strict integrity and conscientious devotion to duty, which were the most striking traits of his character.

He received a preparatory education in a private school at Providence and entered Brown University in 1829. At college he had the benefit of the teachings of the distinguished Dr. Wayland, then president of the university. After his graduation, in 1833, he entered the office of his brother in Providence with the intention of engaging with him in the business of manufacturing. He remained there five years, spending, however, a portion of his time in the prosecution of his business at Savannah, Ga. At this time he was a casual contributor to newspapers and magazines; and a poem written by him during his stay in Savannah attracted considerable attention. We can readily imagine that he found literary work more congenial to his tastes than the exacting demands of a business life.

Mr. ANTHONY first became connected with public affairs as a journalist. In 1838, at the age of twenty-three, without previous training, except as an occasional contributor of literary articles, he assumed the editorial charge of the Providence Journal. He accepted the position at the request of a kinsman, who was then the proprietor of that paper, to fill a vacancy, and with the understanding that the arrangement was to continue only for a few weeks; but the connection thus made did not cease until the day of his death. His success as an editor was instant and marked. The time at which he took charge of the Journal was one of great political excitement in Rhode Island. The bitter struggle which was then going on to change the government of the State for the avowed purpose of securing an enlargement of the suffrage brought the contestants to the verge of civil war.

In this contest, Mr. ANTHONY, who when a young man, as in later years, was conservative in his instincts, naturally took the side of "law and order." The triumph of the party to which he was attached was largely due to the vigorous and incisive advocacy of the Journal under his control. His brilliant leadership attracted some of the brightest and best men of his State to his support. The members of the party which he led with such consummate ability, were prompt to acknowledge and to show their appreciation of the invaluable service which he rendered their cause at this period. The conduct of the Jonrnal in this controversy established Mr. ANTHONY'S reputation as a journalist, which then, and as long as he was actively engaged in the exercise of the profession, extended far beyond the limits of his own State. In the midst of a political contention of unsurpassed virulence he was never tempted by the impetuosity of youth nor driven by the malevolence of personal attacks to write a sentence or utter a sentiment which would not bear the test of his maturer judgment, or which his friends would prefer should be erased or forgotten.

He was best known for the vigor and ability with which he wrote of political affairs, both State and national, and for his brilliant and genial satire; but the native dignity and courtesy of the man were manifested in the grace of style and ornate eloquence which distinguished all his literary workmanship. With a strong love for his profession, he had all the faculties of the ideal journalist—that of ready, clear, and forcible writing; of prompt decision in emergencies, combined with fair and temperate judgment; of wise choice in his associates and subordinates, with the cordial and friendly spirit of appreciation which secured their warm zeal and co-operation.

There was nothing labored in his work. He was an exceedingly rapid as well as an industrious writer, and has been known to keep four expert compositors busy in setting his editorial manuscript. For years he performed the greater part of the editorial writing for the Journal, and even after his election to the Senate was for a long time in the habit of sending to the paper his daily editorial contribution. To his latest day he kept up the habit of writing for its columns, and did not abandon it even under the pressure of enfeebling illness. The last paragraph, contributed a few days before his death, was a friendly notice of an acquaintance, and his last suggestion in its management was a request to spare a political enemy. The Journal was always the object of his affectionate care. His supervision of its columns was constant and close, and the suggestion that he should relieve himself of its responsibility, after the sudden death of his trusted associate, Mr. Danielson, under whose editorial management its reputation had been ably sustained and its sphere of usefulness enlarged, moved him to the expression that he would as soon think of parting with a child.

As a journalist Mr. ANTHONY was vigorous in controversy and dealt in hard and sharp blows when he felt they were needed; but it was a characteristic of his temper as well as the secret of his success that he never indulged in unnecessary controversy or yielded to the temptation of being satirical merely for the sake of showing his skill. He never descended to abuse, and there was a kindly element in his keenest satire which robbed it of half its severity. His opponents always felt that they were dealing with an antagonist who would take no unfair advantage. His style of argument in the discussion of important subjects was remarkably clear and simple, and no one was ever at a loss to understand what he meant, or was at fault in following his train of thought.

In his later years he took special delight in writing on local topics in a spirit of genial humor and with all the graces of a true Addisonian style. His simple tributes to the memory of friends were marked with the same feeling eloquence which distinguished his elegiac orations in this Chamber. For many years Mr. ANTHONY was the Providence Journal. His individuality and his intellectual not less than his political influence made it the center of the intellectual life of Rhode Island and attracted to it the contributions of the highest minds in the State.

It is perhaps not too much to say that no paper in the country outside of the metropolitan journals had a higher reputation than the Providence Journal while Mr. ANTHONY was its editor; and that it was merely the limitation of its sphere that prevented him from being ranked in influence as a journalist with his great contemporaries of that remarkable era in American journalism. The volumes of the Journal while under his direction constitute his most conspicuous monument.

In 1849 Mr. ANTHONY was the nominee of the Whig party for governor of Rhode Island and was elected. His administration was successful, and he was re-elected in 1850 but declined the nomination for a third term.

Governor ANTHONY'S position as a political leader in Rhode Island was then assured. The confidence of her people in his capacity and sagacity continued in a marked degree, and it was manifested in 1858 by his election to represent the State in the United States Senate. This office he assumed on the 4th of March, 1859, and by the uninterrupted favor and generous faith of his constituency, shown by five successive elections, he retained it for more than twenty-five years, until he was the oldest Senator in service and long after all his early associates had left this chamber.

Entering the Senate in the full vigor of early manhood, he was splendidly equipped, by nature and education, by a careful study of political history, and by an intimate knowledge of the science of government, for the responsible duties of his high station. At this time the shadows of the approaching "irrepressible conflict" which was soon to involve the country in war had fallen upon the Capitol. Elected as a Republican, the first who was not openly allied with the Abolitionists, his conservative tendencies did not prevent his taking the earliest opportunity to attest his devotion to the cause of liberty.

To recount the events in which Senator ANTHONY during the years of his service was a participant, or of which he was a witness, would be to recite the history of the country for its most interesting and important period. I can not, however, forbear an allusion to his valuable services during the critical years of the late civil war. In this momentous crisis he brought to the discharge of his important duties in the Senate, and as a trusted counselor of the Executive, great good sense, sound nerves, a clear, cool judgment, a courage never dismayed by disaster, and a loyalty and patriotism equal to any sacrifice or emergency. We have, as a people, justly bestowed our highest honors upon the military heroes who at that time rendered conspicuous service to the country, but it may be doubted whether we have properly estimated the influence and services of those who in the national councils shared the responsibilities of the great contest.

Measured by the length of time employed, Senator ANTHONY'S greatest labors while a member of this body were on the Committee on Public Printing, of which he was the chairman for more than twenty-two years. During this period, and largely through his influence, the extravagant and corrupt system of contract printing was abolished, a national printing office established, the publication of debates transferred from private hands to the Public Printer, and economical reforms in the manner of purchasing paper and other supplies were initiated. He sought, unsuccessfully, to restrict the public printing to the legitimate demands of the various Governmental Departments, and to prevent the publication for popular distribution of large and expensive editions of works of questionable value. He also endeavored, with equal lack of success, to make the CONGRESSIONAL RECORD what it purports to be, a faithful transcript of Congressional proceedings, and to prevent its "leaden columns" from being weighed down by the insertion of speeches which were never spoken.

Senator ANTHONY served from 1863 to his death on the Committee on Naval Affairs, of which he was for many years the senior member. He was familiar with the condition and wants of the Navy, and was greatly interested in promoting all measures which promised to add to

its efficiency. Meritorious officers always found in him an earnest advocate and firm friend.

Senator ANTHONY was elected President *pro tempore* of this body in March, 1863, and re-elected in March, 1871, serving for four years. In this position he displayed rare abilities as a parliamentarian and presided over the Senate with grace and dignity. In January, 1884, he was again elected, but "with a heart overflowing with gratitude" felt obliged to decline, as the state of his health warned him not to assume any labors that he could honorably avoid.

Senator ANTHONY never consumed the time of the Senate in useless discussions, but on the rare occasions when he participated in debate his remarks were characterized by both clearness of statement and soundness and force of argument. His memorial addresses, in which he rendered graceful and grateful tribute to the memory of departed Senators, are accepted as models of perfect taste, and are marked by an elegance of style and a spirit of kindly but just criticism which command universal admiration. Ranking with these in grace of style are his address at the completion of the equestrian statue of General Greene near the Capitol, which owes its existence to his exertions; his speeches on the occasion of the presentation by the State of Rhode Island to the National Government of the statues of Roger Williams and General Greene, and his remarks in favor of an appropriation for the restoration of the monument which marks the last resting-place of the Chevalier De Ternay, at Newport.

As a Senator he applied himself steadfastly to the absorbing duties which crowd a senatorial life, never neglecting any appeal or demand from his constituents. No man had a more exalted idea of the dignity and importance of the senatorial office than he; and none was more careful to preserve intact its time-honored privileges and prerogatives. He was inflexibly opposed to all innovations on established precedents in modes of procedure, and was accepted as authority on all matters pertaining to senatorial etiquette. He held a position of honorable and commanding influence among his associates in the Senate and in the councils of his party.

He was by nature incapable of doing a mean act. With a high sense of political and personal honor, no narrow influences ever controlled his political action. Living at a time when few reputations escaped attack, it is a matter for congratulation that his long public career closed without a stain upon his honor and without the breath of suspicion resting on any of his official acts. Neither foes nor rivals ever ventured to question his uprightness or his strict integrity.

Senator ANTHONY was a devoted son of Rhode Island, proud of her institutions, fond of her traditions, and familiar with every phase of her not unglorious history. With uncommon solicitude he had watched her wonderful industrial growth and intellectual development. For half a century he had been more influential than any other of her citizens in molding public sentiment and directing the policy of her people; and as the acknowledged leader of the dominant party in the State, his influence in political matters was, for a large portion of this time, controlling. He implanted and nurtured a patriotic spirit in the hearts of her sons which will continue to bear fruit in perpetual remembrance of his example.

In every forum and on every occasion, whenever her institutions were assailed or any principle dear to her people brought in question, he became her advocate and defender, using every weapon of offensive or defensive warfare with all the skill of a veteran and all the enthusiastic ardor of a youthful recruit. He was impelled to this service rather by the promptings of affection than the demands of duty. This engrossing love for his native State was his grand passion, and to serve her interests with fidelity was the one undeviating purpose of his life, dominating all circumstances and surroundings. He never, however, found his intense loyalty to his State in conflict with his duty as a Senator of the United States.

His exceptional success as a political leader, in a community where many ambitious and able men were disposed to dispute his ascendency, did not depend alone upon that esteem and confidence of his fellow-citizens, which is the natural reward for devoted services. He had the faculty of forming a correct judgment of the character and capacity of those with whom he came in contact, and there was a subtle charm in his nature which appealed strongly to the sensibilities of others, attracting men of the most diverse characteristics and attaching them firmly to himself and his fortunes. His manner was always conciliatory; his temper was never impulsive, and his persistence rarely assumed an aggressive form. He persuaded and prevailed more by the moderation of his spirit than by the vigor and comprehensiveness of his understanding. He was faithful to his friends, clinging fondly to old companions and associations; but this did not prevent his prompt recognition and appreciation of the new men, with special qualities for leadership, whom changing circumstances brought into prominence.

He was a zealous party man, but he never used the patronage or power of official station to advance his personal interests. When required to decide, as he often was, upon the comparative merit of aspirants for political preferment, he invariably made fitness and a capacity to advance the public welfare the only standard of judgment.

His associates here can hardly fail to speak with warmth of his striking personal characteristics; of his genial and gracious presence—in manner and essence that of a gentleman—which has so long adorned this Chamber. Here he was faithful in his attachments, tolerant of his opponents; and the unusual sweetness and uniformity of his temper endeared him to all with whom he came in contact. He never practiced the arts of the demagogue, but he had a strong attraction for all that was real, genuine, and manly, and an instinctive dislike for shams and everything like cant or hypocrisy. He detested display and pretension, and shrank from notoriety. He had an inexhaustible fund of human gentleness, which made him naturally courteous and amiable; but his courtesy and politeness never offended by taking the form of condescension. He was considerate of the feelings and comfort of others; quick to discover and commend merit. His nature was cast in the finest mold—

> His life was gentle, and the elements
> So mix'd in him, that Nature might stand up
> And say to all the world, This was a man!

He was a strong man mentally and physically, but no disproportion marred the symmetry of his character, and no irregular outlines called attention to the strength and beauty of the structure.

His conversation abounded in simple and delightful charms, and he was a favorite in every social circle. His hospitality had all the elegance of that of a gentleman of the old school, and his house in Providence was always the attractive centre of a circle of brilliant men and women.

It was painfully evident when Senator ANTHONY last attended the sessions of the Senate that death had marked him for its victim; and no one knew this better than himself, for he had been informed by his physician as early as April, 1883, of the fatal character of the disease from which he was suffering. Returning to his home in April last, he proceeded with perfect composure to set his house in order for the great change. During the months which followed he awaited the dread summons with a patience and philosophic calmness which deeply impressed all those who were about him. With the slow wasting of his physical powers there was no visible impairment of his mental faculties. The letters written by his own hand during this period had all the peculiar grace and charm of style which made him master of the epistolary art.

He was singularly reticent even to his most intimate friends in regard to his inner being, but whenever the uncertain tenure of his life was mentioned he always manifested a spirit of humble submission to Divine will, and would say, "God's time is best." In the face of death his courage never faltered; and the lessons of faith which had been taught him by a Christian mother were never forgotten. "He had," to use the words of his friend, Rev. Mr. Woodbury, in his eloquent funeral discourse, "schooled himself to that serenity of soul which could not be disturbed either in life or death." At his home devoted friends and relatives ministered to his comfort, and the ablest medical skill sought by the use of every remedy known to science to stay the progress of the disease, but all their efforts were in vain. On the 2d of September last he peacefully sank to rest. He was buried from the neighboring church where the funeral rites of his beloved colleague, General Burnside, had been so recently solemnized. "Twin heirs of fame," their precious dust reposes in the same cemetery, and their memories are together graven on the hearts of the people of Rhode Island.

His funeral, without pageantry or display, was an appropriate tribute of honor to the distinguished dead. It was attended by the President of the United States, a large number of Senators, and the official representatives of his State and city.

In the history of the Senate others have served as faithfully and as honorably as he whom we mourn, but it is rare that length of service unite with a high order of intellect and a spotless reputation to form a senatorial career as impressive, as instructive, and as patriotic as that which is now closed in the grave of HENRY B. ANTHONY.

Mr. EDMUNDS. Again, Mr. President, we pause in our consideration of measures affecting the material welfare of millions of living beings and give the hour to our recollections of our departed friend and associate and to lay upon his tomb our glad tributes to his worth and our sad memories of his loss to his friends and his countrymen.

Scenes like this, common as they are, never over the wide world lose their interest. Infidel, and pagan, and Christian, alike celebrate them, and in varying forms, and with differing hopes and aspirations, come to weep over the graves of their fellow-men. To all alike the veil that separates the present of life from its future is equally impenetrable to the natural eye; but to the eye of faith and hope, and, as I think, to the philosophic vision as well, there opens a field of view which should lead us not to mourn at the death in the fullness of accomplished years of those we have loved and respected, but rather to be soberly glad for them, who, having faithfully filled their space and appointed time and having borne the last trial of humanity, have been admitted to the life of the mysterious future. We see "through a glass darkly," indeed, but our friend and all who have gone before and with him do I believe see and feel clearly the peace that belongs to them who with pure hearts and faithful endeavor have, in whatever station, run the race that was set before them.

The almost twenty years of close intimacy with which Mr. ANTHONY honored me filled me more and more, as time went on, with admiration

of his character and with strong personal affection. A gentleman of more perfect honor and of more perfect kindness of heart, of more catholicity of spirit, of less bigotry, of less envy or uncharitableness, or of less self-seeking I have never known. So knowing him I could not choose but love him.

He never made a brow look dark.
Nor caused a tear but when he died.

His public life was one embracing a period of events as stupendous and important as any that can occur in the history of nations. Through it all in the respects I have mentioned he was almost peerless among his peers. His close associates were among the pillars of the nation's fortune. Many of them have gone to their reward before him. There were Sumner, and Wilson, and Collamer, and Foot, and Johnson, and Wade, and Fessenden, and Chandler, and Howard, and Grimes, and Howe—these were they who chiefly in the Senate carried the nation triumphantly through its great struggle and restored it to its broad foundations with the bright, new corner-stone of liberty, and they honored him in his place in his party and in the Senate, as I now do his gracious memory, as with a constant benediction.

Strongly devoted to his party he yet always stood for the liberty of individual senatorial opinion and action, and in all conferences, when needful, he reminded his colleagues of the rule of his party in the Senate that preserves to each Senator the full liberty to follow his honest convictions without reproach from his fellows. He desired unity of action, but he desired still more to "follow right because right *is* right in scorn of consequence." He could not believe that "dissimulation in political action was to be regarded as a public virtue, or that when men asserted the dignity of truth their candor was to be charged against them as a heinous crime." In all the long trials of the war and in all the time of the difficulties and bitterness that followed it I have never heard that he had wounded the feelings or incurred the resentment of any gentleman of either party in the Senate. In all contests and disputes his gentleness of feeling and manner and his strict observance of every courtesy in debate compelled the sympathy and good will of his opponents, if they did not secure their adhesion to his views.

As a speaker his voice was clear and sweet, but his real diffidence of himself and his fear of consuming time sometimes produced a faulty and too rapid utterance. As a writer he had marked excellence, and in some departments of composition his writings have seemed to me as perfect as any in the English language with which I am acquainted.

The same qualities of mind and heart to which I have alluded made him a favorite in the wide social circles of the capital. He was everywhere a welcome visitor. He was neither scandal-monger nor tale-bearer. He never indulged in coarseness or vulgarity, but his conversation ran pleasantly along on topics of history, biography, anecdote, and poetry, for which last he had a particular fondness. I have often heard him repeat favorite passages with a tenderness of feeling and a grace of expression that showed how perfectly he sympathized with the inmost sentiment of the writer.

As he has here so often done for the memory of his departed friends, we now make our last formal memorial of him. In the years that are to come I can only hope for our country that all her Senators may have his fidelity and worth, and that those who hereafter celebrate similar occasions in the Senate may be able to speak as truly and kindly of the departed as we now do of him.

He leaves behind him, freed from grief and years,
Far worthier things than tears,
The love of friends without a single foe:
Unequaled lot below!

Mr. BAYARD. Mr. President, the list has grown to be long indeed which records the deaths of those who have been my associates in this Chamber, and among them all, the living as well as the dead, I know not one more sedulous, considerate, and impressive in the payment of the last marks of sorrowing respect and brotherhood to his deceased associates than the worthy gentleman whose death induces these remarks.

To "weep with them that weep" was an injunction little needed by Mr. ANTHONY, whose kindly and sympathetic nature found frequent, eloquent, and admirable expression in the elegiac addresses delivered by him in the Senate as one after another his friends and associates passed in melancholy procession before him to the tomb. And now, at last, he also, ripe in years and wisdom, has been gathered in the harvest of mortality by the inevitable hand of the grim reaper.

As a Senator from the State of Rhode Island Mr. ANTHONY sat in this council chamber for nearly twenty-six years, and seldom has any one served so long and so worthily.

Without the wish or probably the faculty to impress himself as a leader among men, yet he was recognized and sought by those who were and are leaders as a wise and safe counselor. While not participating frequently in debate, few were so intelligently observant of the course of public business or wiser or juster in their judgments respecting it.

As a parliamentarian Mr. ANTHONY excelled, and elected, as he frequently was, to be the President *pro tempore* of the body, his skill in parliamentary law and procedure and in the dispatch of business, accompanied by unfailing courtesy and impartiality, gave him a hold upon the respect of all parties that always remained unbroken.

The spirit of comity, courtesy, and thoughtful consideration of others animated him and marked his conduct in the performance of his duties in this Chamber; and while we who were the beneficiaries of these admirable qualities felt our indebtedness, there can be no doubt that his usefulness and capability as a representative to render successful and important services to his constituents was in turn greatly increased.

Mr. ANTHONY was strict and tenacious as a party man, and was largely controlled here by his party allegiance, but I never knew it to take the form of offense or imputation of a political opponent, and I may truly say that in sixteen years of association here I never saw his face darkened by a frown, much less disfigured by a sneer.

A touching and impressive instance of the feeling he had inspired among his associates was afforded when, at the commencement of his fifth term of senatorial service as he advanced to take the constitutional oath, the entire Senate rose and remained standing during its administration.

I knew him well, and relations of steady friendliness subsisted between us, unbroken by differences of opinion and political association, and it was as a sincere mourner that I followed his body to its last resting-place, in the State of his nativity which he had served so long and well.

We had been sorrowful witnesses here of the gradual decline in his health for several years, and the final summons was not unexpected by him nor by those who surrounded him.

In the death of Mr. ANTHONY the United States have lost one of their most experienced and respected public servants, the State of Rhode Island a distinguished, valued, and faithful representative, and every member of this Senate a genial and well-beloved friend.

Mr. PENDLETON. Mr. President, I bring my tribute of respect and affection for our dead brother.

Senators who had the pleasure of long association with him in this body, and that intimate acquaintance which the public and private proceedings of the Senate seem always to promote, have done and others still will do justice to his life and character, to his qualities of head and heart, to his principles and methods. Although not always in the association of the Senate Chamber, I knew Senator ANTHONY long and well.

When he came to the Senate I was a member of the House of Representatives. The stirring events which soon followed in 1860–'61 brought us into contact. The differences of our party associations and modes of thought as to the impending struggle were very great. They did not divide us; indeed, they seemed to bind us closer together, so soon as we fully understood that each of us honestly cherished and faithfully supported a common purpose to preserve by whatever variant methods an "indissoluble Union of indestructible States."

I soon learned to know how decided were his convictions, how resolute his assertion of them, how unbending his will in carrying them into execution. And yet how courteous his manners and gentle his judgment of opinions and actions differing from his own! I soon learned to appreciate those genial qualities of temper and manner which soften the asperities of thought and action dealing with the fate of nations in flagrant civil war.

Time passed. Our intercourse as members of Congress ceased. A most agreeable companionship followed, when for many years the heats of long, exhaustive summers were escaped in the delights of an unequaled climate at Newport, or on the shores of his native Narragansett. There he threw off the cares of public life, the harness of party, and was the genial, friendly, cultivated, agreeable gentleman, administering to the enjoyment of many friends who gathered in that most favored region of Rhode Island.

Again we met as members of this body. The favor of our respective party friends assigned us corresponding positions in our party conferences; and then I came to know him still better. His fidelity to party obligation was inflexible and pronounced. His appreciation of a like fidelity among his opponents, his candor, and suavity, and honor were equally conspicuous.

His intellect was strong; his information was large; his culture was wide and generous; his views of public duty were fixed; his aims were lofty; his methods were honorable; his heart was true and kind; his courtesy never failed. I think he never willingly wounded the feelings of any one. He was faithful and wise as a committeeman. He was fully conversant with the current business of the Senate. He was an admirable presiding officer; the very master—*facile princeps*—in all questions of ceremonial and dignified propriety.

The little volume of addresses in which Senator ANTHONY commemorated the qualities of his friends who had died in the Senate testifies to the truth of all I have said.

The style is rich but simple. The taste is faultless. The fountain of sympathetic appreciation is exhaustless. The judgment is just but kindly. The philosophy is of that calm and patient and hopeful faith in which he was born. "There is One that doeth all things well" was the pervading thought as the great dead fell around him. Even as early as 1874, "musing on the transitory nature of all sublunary things," he recalls with touching pathos that since his entrance to this Chamber every other seat save one had changed its occupant and into

the vacant places had stepped others, who had put on the armor which those who had gone before had worn, lifted the weapons which they had wielded, and marched to the work which they had inaugurated.

And thus—

He exclaimed—

I am filled with reverent wonder at the beneficent ordering of nature, and inspired with a loftier faith in that almighty Power without whose guidance and direction all human effort is vain, and with whose blessing the humblest instruments He selects are equal to the mightiest work that He designs.

For twenty-five years he served well his State; and, with faculties unimpaired, with the duties of life discharged, the trusts of life fulfilled, died at the age allowed by the wisdom of God and the experience of man as the most fortunate for translation to other spheres of existence and duty; even to the last the recipient of the highest honors, political and social, which the respect and confidence and affection of its citizens could confer.

In his own language I repeat:

To complain at the close of such a life is to complain that the ripened fruit drops from the overloaded bough, that the golden harvest bends to the sickle; it is to complain of the law of our existence, and to accuse the Creator that He did not make man immortal on the earth.

To him the wondrous portals of the unseen world have opened; and perhaps the mysteries of death, revealing "what was and is and is to come," have solved the mysteries of life. Faith may disclose to our grateful eyes glimpses of heaven's beatitudes, yet when his associates here realize that we shall see his face again no more forever "one human tear shall fall and be forgiven."

Mr. MORRILL. Mr. President, called, as we so often are, to lament the departure of one of our fellow-members, we are prone to feel the lesson less bitter from its frequent recurrence, and forget it as "a tale that is told;" but the prominence here of the late Senator ANTHONY, for a quarter of a century of continuous service, lends to the present occasion exceptional interest. To me, his senior in age, and attached to him by all the ligaments which bind associates in public and private life, the event brings a message of admonition peculiarly impressive. In the common course of nature the scene would have been reversed and my labors should have earliest ended, while he should now be here. Truly "we know not what a day may bring forth." Almost from my first entrance to the Senate it was my good fortune to sit by the side of him whose decease we now mourn, and it is almost unnecessary to say that I found my near neighbor not only a delightful talker but a patient listener, and his occasional wayside conversation, with its full flow of spirits and store of anecdote, indulged in tones not drowning senatorial debate, made his presence welcome by the same abounding attractions which everywhere made him so general a favorite in society. His empty chair proclaims the Senate's loss, and I feel sure many longing hearts are ready with me to exclaim:

Oh, for a touch of a vanished hand,
And the sound of a voice that is still.

HENRY B. ANTHONY was a man beloved. His character, as well as his person, was attractive, and his bearing manly. Even those who chanced to differ with him in opinion, found nothing repulsive in his manner. His ambition was fully satisfied with being an American Senator, and, having befitting intellectual tastes and aptitudes, having a high ideal standard for the service, he was careful to maintain the prestige and to preserve the traditions and prerogatives of the Senate. He was familiar with all of its parliamentary usages and forms, and the proprieties of its proceedings, when guided by him, lost nothing of grace and dignity. As the President *pro tempore* of the Senate he was thoroughly the master of the rules, wholly impartial, and largely contributed to the correct and brisk dispatch of business. His handiwork, known as "the Anthony rule," is likely to be long approved as a method of forwarding the daily work of the Senate. In the chair, as everywhere, he was a ready man. His mind moved with the same electric swiftness that characterized his spoken words. Questions of order did not hang fire, and from his prompt decisions an appeal was seldom or never taken.

As the chairman of the Joint Committee on Printing, the late Senator, from his practical knowledge, exercised a constant and commanding influence, and, though not always able to restrain the vote to print documents—the value of which often disappears with the revolving year—within the limits he judged proper, yet his conservative action was ever deeply rooted in the line of economy. The art of printing he esteemed as really the "art preservative of all arts," and he had some pride in having Government printing done by the Government, and better done than it could be elsewhere. This he believed to have been successfully accomplished, and we are indebted to the late chairman as the promoter of many improvements, until at length, more or less under his promptings, the Government commands the skill and machinery to produce work in the foremost style of typography.

The services of Senator ANTHONY upon the Committee on Naval Affairs were long and conspicuous. With the exception of the late Senator Grimes, of Iowa, whose mastery of all naval matters was simply marvelous, I think he had a more precise and thorough knowledge of every vessel and of every officer of the Navy than any person not officially connected with its service. He was proud of the "old sea dogs" and of their heroic exploits. He could name those competent to command a fleet or a squadron, or those whose genius and blood could be trusted to conduct a naval battle, and he looked upon a proper navy in a large measure as the custodian of the national honor, as well as the chief if not all-sufficient arm of national defense. He was alert in guarding the high reputation of the *personnel* of the Navy, or in keeping it clear of epauletted barnacles, and no officer, when dismissed from the service for worshiping Bacchus instead of Neptune, ever had a fresh opportunity to lose a ship or the lives of men by being restored to place through his aid. He was full of reverence for our national flag, and to his eye the starry banner when waving from "the mast of some great admiral" appeared in its highest splendor.

Senator ANTHONY did not often venture upon *extempore* speaking, though upon emergencies he appeared to lack neither fluency nor effectiveness; but his prepared speeches were marked by abundant research, vigor of thought, and were clothed with all the graces of classical culture. His speech in defense of some peculiar features of the constitution of his native State, inherited from its colonial origin, displayed the full forces of his learning, logic, and loyalty, and Rhode Island will look in vain for a defender more intrepid or better equipped.

His memorial addresses, of which years ago he reprinted a collected edition, were models of beauty and pathos. Few more impressive and appropriate tributes to deceased associates will be found in the records of the Senate than the felicitous eulogiums pronounced here by him whose long and honorable career has just closed, and whose decease brings us all together here as a band of brothers. His discourses on these sad occasions sometimes seemed to me almost to rob death of its terrors, and that, heralded to the "unseen world" covered by his gracious mantle of testimonials, one would "even dare to die." These utterances were the throbbings of a generous heart, eloquently and conscientiously spoken, and delicately perfumed. Thinking no evil, and incapable of malice, he could not have a "sterile admiration" for his friends, and when he bid them an everlasting farewell he did not fail to decorate them with *immortelles*.

His brief address to the governor of Massachusetts, as chairman of the committee accompanying the remains of Charles Sumner, was worthy of the "illustrious dead;" and will live as a happy specimen of spontaneous and genuine eloquence.

The late Senator ANTHONY was void of all conceit; did not "think of himself more highly than he ought to think;" never attempted to offer instruction upon questions he had not fully studied; and never pretended to that intuitive genius which comprehends all subjects, but he aimed to do thoroughly well the work that fell to his lot. Without surrendering cardinal principles, he was outspoken and generous in his appreciation of the merits of others, whether they were arrayed on this side of the Chamber or the other. Though affectionately attached to his friends, no asperities of political life invaded his personal or social relations. Eloquence in the Senate or a great debate, equally with the foremost examples of ancient history, lingered long in his memory, and was accounted by him as an appropriate and enduring contribution to the renown of his country.

Senator ANTHONY was one of the proprietors, and for many years the chief editor, of the Providence Journal, the leading Republican paper of Rhode Island, with an enviable reputation throughout the country. The editorials of the Journal were bright and scholarly, but, somewhat like those of Thurlow Weed, George D. Prentice, and Horace Greeley, generally rather short, and noted, as well as extensively copied, for their sterling good sense. The editorial profession, which he so early adorned, did not fail to tincture his later career, nor fail to largely contribute to his public usefulness. In his copartner, Mr. Danielson, so long as he lived, he found also a gifted and most valuable editorial associate, and the Journal securely maintained its position as one of the most prosperous and influential papers in New England.

As a man he never seemed to be deserted by his good genius, and never to do or say a foolish thing. All of his speeches, therefore, were scarcely less than models of good taste. They were never dull, but always crisp and without redundant words. His calm judgment, undisturbed by crotchets, together with his transparent sincerity, gave to his opinions positive weight, and to any discussion, where he was a participant, he brought visible and valuable contributions.

He was in the first year of his fifth term of service in the Senate. This remarkably protracted distinction emphasized the abiding confidence and affection of the people of his State, and was in harmony with the almost equal love and respect of the people of the country at large. It will not be too much to say that it was thoroughly merited by his high-toned integrity, by his conceded ability, and by his unselfish devotion to every public duty. Throughout the long and historic career of this distinguished son of Rhode Island, who here survived all of his early associates, the world has ever recognized the bearing and just proportions of an American Senator, and virtues most worthy of imitation. He leaves us without a word he could wish to blot. He leaves us with the completed record of a useful and blameless life. He faithfully bore his part in the Senate during an era of great national events, and history will lovingly guard his memory.

Mr. GARLAND. Mr. President, in the accurate sketch of the life and character of Senator ANTHONY just now presented by his former

colleague on this floor we have a beautiful picture of a life noiseless and of even tenor, but industrious and laborious, devoted to good private acts and great public service, and a character simple, amiable, affectionate, yet commanding.

Educated for that most jealous and exacting of all professions, the law, his health failing, he embarked in the business of newspaper editing. In this broad field of influence and of usefulness, in which so many of the first men of our country have figured, he maintained, as he did in all things he undertook, a high and prominent rank. From this sphere he went to the governorship of his State, where he served her so well and so faithfully she became not merely attached to him, but devoted to him, from that time till he was laid away for the long sleep in the dark chamber, in her own bosom.

Coming to this body as her Senator in 1859, when such men as Fessenden, Douglas, Seward, Hunter, Sumner, Toombs, Trumbull, Jefferson Davis, Crittenden, and Benjamin were honored members of this Chamber, he soon took rank with them as a most able and valuable co-laborer. Elected for five consecutive terms, he rendered longer unbroken service here than any Senator in our history save Mr. Benton, of Missouri. Mr. King, of Alabama, served longer, but his terms were not continuous, while Mr. Sumner had twenty-three years of consecutive service.

While this compliment is so rare, in this case it was well merited, for Mr. ANTHONY was industrious in his Senatorial work, well instructed in all its details, and faithful to the last.

He rarely engaged in what are called purely political debates, but when he did he showed he was equal to the demands of the occasion.

His speeches, made generally with a view of throwing light on questions of public policy and aiding in their solution, were plain and simple in their style—"neither affected nor elaborate, and remarkable for the absence of all words of questionable authority."

Well versed in parliamentary law, he was a stickler for the enforcement of the rules of the Senate as a means for the preservation of order and the transaction of business; and his usefulness in this way was on several occasions fully recognized by his brother Senators in their selection of him to preside over the deliberations of this body.

Almost from the time I began to take an interest in Congressional proceedings Mr. ANTHONY was a well-known and distinguished actor in them. From then till very recently, to read these deliberations was to become somewhat familiar with him. Eight years ago, when I became a member of the Senate, he was here, conspicuous and leading, and was then, except for the presence of the venerable Hamlin, the father of the Senate, as he was so affectionately called by his brothers here in the latter days of his service. To me, therefore, the Senate seems unnatural without him; it is most difficult to realize his absence, and by us all and the country his loss is deeply deplored.

His conduct in life was without parade or ostentation. Without pretensions, his movements and acts spoke for themselves, a full exemplification of what Sallust said of Cato: "Esse, quam videri.",

His manners were attractive to the last degree to those who associated with him, and to be thrown with him was to sincerely admire him.

He merited by his public works and by his private virtues the respect and affection of his countrymen, and the best wish for his country and his office is that his mantle may fall upon his successor.

Mr. HOAR. Mr. President, in paying the tribute of the Senate to our senior, the eminent Senator from Rhode Island, it is fitting that his State and those who were nearest to him in friendship and in length of service should have been first heard. But it would be unjust to Massachusetts if her profound sympathy with her neighbor and her own sense of public loss did not also find expression. No two States in the Union are bound together by closer ties than Massachusetts and Rhode Island. Their affection was never broken. When Roger Williams went out to lay for the first time in human history the foundation of a State in religious liberty, he retained, undiminished, his love for the people he had left behind. He earnestly desired that the younger Winthrop should become the governor of his infant Commonwealth. From that day to this the occasions have been few and unimportant and temporary in which there has been any considerable difference of opinion between these sister States. Their character, their interests, their employments have been the same. Together their soldiers and sailors met danger and victory under Perry and Greene, the illustrious captains of Rhode Island. William Ellery Channing, who, beyond all other men, has influenced the character of Massachusetts in later times was the gift to her of Rhode Island. When the whole structure of her civil society was in danger, Rhode Island sought and found her successful champion in Daniel Webster. There were no sincerer mourners at the grave of Burnside than the citizen soldiers of Massachusetts. No voice spoke the universal sorrow for the death of Sumner more affectionately and tenderly than that we miss to-day.

Mr. ANTHONY, after having been twice governor of his own State, was five times chosen to the Senate for a full term. If his life had been spared, he would have had a longer period of unbroken service here than any other person since the Senate was organized. Owing to the delay in the admission of Missouri, Mr. Benton was not elected until late in 1821. His first term ended March 4, 1827. Mr. ANTHONY served in the Senate, in fact, longer than any other person, except Mr. Benton.

I think we may offer him to the judgment of history as the model of the character of the Senator as our fathers conceived it. Superior, by the length of his constitutional term of office, and by his own personal weight, to what is fluctuating and temporary in the popular sentiment of his State, yet representing what is best and most permanent in its character and opinion—member of a body whose organization has continued and is to continue without a break from the time the Constitution was inaugurated until it shall perish, the never broken chain binding the remote past to the far remoter future—the Senator alone, as his name implies, stands for the principle of seniority in the Republic. Mr. ANTHONY was the depositary of the unwritten traditions of this body. He never failed to maintain, so far as in him lay, its authority and dignity. He had a wide circle of friends, and was above all others the one most welcome guest in the hospitable circles of Washington. But his only home was the Senate Chamber. It can not be doubted that he was thinking of his own lot when he uttered that touching passsage in his eulogy on Wilson:

Home he had none. No man shared more largely in the affections of the American people; no man was more beloved by his immediate constituency; but those pleasures which the greatest of American orators placed above all the other immeasurable blessings of rational existence, above the treasures of science and the delights of learning and the aspects of nature, even above good government and religious liberty, "the transcendent sweets of domestic life" were no more for him. Those relations which nature intended for the joy and the rapture of our youth, for the happiness and the embellishment of our maturer years, for the comfort and consolation of age, had been severed by the remorseless shears of fate. No eye grew brighter when he raised the latch that held his lonely dwelling; no outstretched arms of wife, no ringing laughter of children, welcomed his returning footsteps, when he crossed the threshold over which all that had given life, and joy, and beauty to that simple abode, and had lighted it up with a glory not of palaces, had been borne never to return. He had nothing left to love but his country.

He was fully able to defend himself and his State and any cause which he espoused. No man would attack either with impunity under circumstances which called on him for reply, as he showed on some memorable occasions. But he was of a most gracious and sweet nature. He was a lover and maker of peace. When an indignity was by his own political associates put upon the great leader of emancipation in the Senate which had been the scene of his illustrious service, no man regretted the occurrence more than Mr. ANTHONY.

And straight Patroclus rose,
The genial comrade, who, amid the strife
Of kings, and war of angry utterance,
Held even balance, to his outraged friend
Heart-true, yet ever strove with kindly words
To hush the jarring discord, urging peace.

Mr. ANTHONY was a learned man; learned in the history of the Senate and in parliamentary law; learned in the history of his country and of foreign countries; learned in the resources of a full, accurate, and graceful scholarship. Since Sumner died I suppose none of us can be compared with him in this respect. Some passages in an almost forgotten political satire show that he possessed a vein which, if he had cultivated it, might have placed him high in the rôle of satiric poets. But he never launched a shaft that he might inflict a sting. His collection of memorial addresses is unsurpassed in its kind of literature. He was absolutely simple, modest, courteous, and without pretense. He was content to do his share in accomplishing public results, and to leave to others whatever of fame or glory might result from having accomplished them.

—— to be, and not to seem,
Was this man's wisdom.

Gentle and kindly in his judgments he could be firm and stern when public duty required. He steadfastly resisted everything which seemed to him to relax the discipline or lower the standard of character in the Navy to whose glory his State has so largely contributed.

He was fortunate in life. He lived and took a great part in great historic events in a great age. His Senatorial service corresponded almost exactly with the term of power enjoyed by the great party to which he belonged. He saw the beginning and the final triumph of the political movement to which a race, that, within two generations, will number more than thirty millions in this country, owes its emancipation. He had his full share in advising and framing the measures by which rebellion was subdued and his country saved. He had his full share, also, in that great self-control by which the restored nation manifested alike its unparalleled clemency and its unparalleled integrity, greater in ruling its own spirit than in conquering states or taking cities. Through all this, I can not think of an utterance he would wish to blot, or a vote he would desire to recall. *Recte, te, Cyre, beatum ferunt, quoniam virtuti tuæ fortuna conjuncta est.*

He was fortunate also in death. He escaped that sudden and unprepared parting against which the church offers her prayers. He escaped, also, the weakness and decay of age. Death came to him, without pain, and without a shock, while his intellectual forces were unimpaired. His life had been stainless, honored, useful, happy. He was beloved by his associates here, beloved by the people of the State of which he was the citizen first in honor and in station, beloved by his whole reunited country.

The great orator and philosopher of Rome declared, in his youth, and repeated, in his age, that death could not come prematurely to a man who had been consul. Cicero spake to a Senate to whom Christianity was unknown, and immortality but a dream. Surely we can not mourn as untimely the ending of the life of a man who has been five times Senator. To us, to whom Christianity holds out its promise of an existence continued somewhere, where the virtues developed here shall continue and grow, it is matter of high exultation that a soul so pure, so lofty, so fortunate, has passed on safely, and without a stain, to another stage of being, where—

—— that, which lived
True life, lives on.

Mr. BUTLER. Mr. President, my friendly regard and high respect for Governor ANTHONY began soon after I became a member of this body and continued uninterruptedly to his death. Though one of the oldest veterans in the service, and many years my senior, he was nevertheless accessible at all times to younger men, and invariably courteous and kindly. His personal qualities were so attractive that we were instinctively drawn to him. His equanimity of temper, amiability of disposition, dignified and affable demeanor, and cordial social virtues were uniform and almost exceptional, so that he was always a welcome guest in social life, a genial, companionable gentleman.

Simple, unaffected, unpretending in his professions, he was a most faithful, trustworthy, and devoted friend. We all remember how devotedly attached he was to his life-long friend and colleague, General Burnside; how devotedly this attachment was reciprocated, and what a touching eulogy he pronounced upon that friend in this Chamber. During my term of service here with Governor ANTHONY we have passed through some of the most exciting, acrimonious debates ever known in the Senate, and yet I do not remember that one expression of bitterness or one word of personal reproach toward his political opponents ever escaped his lips. This is a great deal to be said of any man, Mr. President, who has passed through such trying ordeals and irritating scenes, but I am sure every one of his brethren of this body will bear me out and that it is sustained by the record. I can pronounce no higher encomium upon his character as a Senator and gentleman. His mental qualities and intellectual attainments were as marked and high as his personal attractions. In a word, sir, his whole make-up, moral, mental, intellectual, and physical, was as completely rounded off with uniform symmetry as any man I have ever known. As gentle and kindly in his sympathies as a woman, he was nevertheless as stern, as earnest, and unyielding in the discharge of what he conceived to be his duty as the most robust nature.

Our party affiliations and associations threw us on opposing political lines; and while he was regarded by his political opponents as a staunch and faithful adherent to the party of his faith, his partisanship never became so intense or unreasonable as to become offensive to those who differed with him or to forfeit their personal regard. I do not think that Governor ANTHONY, in a popular sense, could have been considered a party leader. His mental and intellectual organization rather led him to the literary and scholarly side of politics. And yet it was generally understood by those of us not in the councils of his party that in consultation his judgment exercised a commanding influence in determining party policy. In questions before the Senate of a non-partisan character, in the conduct of business, in the real work of legislation, his well-earned experience, faithful, conscientious attention to the duties of his high station carried great weight with his brother Senators of all parties.

He rarely participated in general debate, but was always at his post of duty and when he did speak he commanded the respectful attention of the Senate and always spoke with effect. His last elaborate effort that I remember was in defense of his State, whose institutions and rights he thought had been unfairly criticised and unjustly assailed, and I question if there is on record a clearer and more convincing exposition of the rights and reserved powers of the States of the Union than is given in this speech. If he had done no other public service, this speech would entitle him to take rank among the ablest expounders of the constitutional powers of the State and Federal Governments.

It was my fortune, Mr. President, to attend the funeral ceremonies of this venerable and distinguished Senator at his home in Providence, and the large attendance from other States, the outpouring on that occasion of all classes and conditions in that community to do honor to their fellow-citizen and dead statesman, bore evidence of how much he was beloved by his neighbors and how highly he was esteemed by his fellow-countrymen. It is drawing no invidious distinction to say that no Senator has ever gone out of this Chamber to his last account more universally respected and lamented than Governor ANTHONY; few Senators ever served a constituency longer, and none more faithfully. His long and distinguished public career is closed without a shadow to dim its luster, or a suspicion upon his integrity to mar its completeness.

Mr. INGALLS. The service of Senator ANTHONY in this body exceeded the entire period of Republican ascendency, from Lincoln to Garfield—a momentous interval, characterized by unprecedented activity of the material, intellectual, and moral energies of the nation, and resulting in structural changes in government and society.

It was an epoch of tremendous passions; of vague and indefinite morality; of frenzied debate; of anomalous statesmanship. There were giants in those days, and when the Macaulay of another age shall turn to rehearse their history, he will find little in our recorded annals to explain the remarkable and long-continued prominence of Senator ANTHONY in his State and the country, or the extraordinary influence he exercised upon all his contemporaries.

Without the learning and eloquence of Sumner, the logic of Fessenden, the restless industry of Wilson, or the intense and relentless energy of Chandler and Morton, he was the trusted counselor and companion of all, and was accorded the highest positions of confidence and honor to which a Senator can aspire.

For twenty-five years Senator ANTHONY uttered no word in debate in this Chamber that is not recorded, but how faint and unsatisfactory is the portrait that this will present to posterity. Those who recall the melody of his diction and the dignity of his delivery will always wonder with regret that he so seldom spoke who spoke so well; but no printed page could record the gentle and benignant courtesy which shone in his demeanor and lent a nameless but irresistible charm to his deportment and bearing; the confident courage that despised the paltry arts and the hollow clamors of the demagogue; the stainless honor that knew no taint of perfidy or guile.

He was a minister of grace. He never made an enemy and never lost a friend. The envy that might have been aroused by his early success was averted by the sensitive delicacy of his nature; and the jealousy that might have been excited by his long supremacy was disarmed by his loyalty to his friends; by his fidelity to his convictions; by his unsullied integrity, by the temperate restraint of his spirit which no heat of controversy could disturb, nor any rancor of partisanship provoke to retaliation unworthy of a Christian and a gentleman.

The entire career of Senator ANTHONY was one of unique and singular felicity. For him fate spared its irony. Nemesis was propitiated. Fortune favored him. Time denied him none of those possessions that are regarded as the chief requisites of human happiness. He escaped calumny, and detraction passed him by. There was no winter in his years. He had length of days without infirmity. His ambition was satisfied. Honor, health, love, friendship, affluence, which so often with capricious disdain elude the most strenuous pursuit, attended him as courtiers surround a monarch. His life was not fragmentary and unfinished, but full-orbed and complete. Death was not an interruption, but a climax. His sun was neither obscured nor eclipsed, but followed its appointed path to the western horizon. So he departed, and above his spirit and his fame abides the enduring covenant of peace:

His memory, like a cloudless sky;
His conscience, like a sea at rest.

Mr. HAWLEY. Mr. President, so much has been said by many who knew Mr. ANTHONY long and well that much speaking by me is neither needed nor becoming.

He was a most devoted, reverent, and obedient servant of his State. He was very proud of the trust Rhode Island reposed in him. He was an American, a patriot, a lover of liberty and union in every fiber of his being. Submissive to the Divine will and fearless of death, he yet wished to live, and I think he longed to complete thirty years of Senatorship. During the last few months of his life he earnestly desired to return to Washington, and could he have chosen the place of departure I believe he would have selected this Capitol.

In speaking to the memory of Henry Wilson he said:

Nor was the occasion of his death inappropriate to his life. It has been lamented that the inevitable hour found him away from his home and without the tender ministrations of woman. In this regret I do not share. * * * Where should the patriot statesman whose life has been devoted to freedom die, rather than in the Capitol, whose uplifted Dome bears aloft the vindicated statue of Liberty?

In the succeeding paragraph, which the Senator from Massachusetts has already quoted, Mr. ANTHONY refers in lines of exquisite delicacy and feeling to the circumstances of domestic bereavement and loneliness in which his own domestic life was a parallel to Mr. Wilson's, and adds.

He had nothing left to love but his country. It was proper then that he should die here, where his greatest work had been wrought; here, where his greatest triumphs had been achieved.

Mr. ANTHONY possessed a strong, deep, loving nature, though not demonstrative or careless of choice, and he grappled his friends with hooks of steel. Senators who heard it can not forget the fervor and profound pathos of his lamentation over the loss of his beloved and inseperable friend Burnside.

In some characteristics he gave evidence of the teachings of Quaker ancestry, molding a congenial nature. His courtesy and gentleness, his pleasing tone of voice, his love of peace, his refined wit and humor, his tender poetic sentiment, his fund of literary, historical, and political reminiscences made him most welcome in many circles of admiring and attached friends, here and elsewhere.

His classical education, his reading, and his more than twenty years of successful experience as an editor, beginning at the age of 23, gave him a charming and polished style as a writer, of which he has left

admirable illustrations in many addresses. Of his varied services, and especially of his zealous and effective labors during the stormy years of war, my seniors in this Hall have spoken. Personally I was nearly four years associated with him in that committee, of which he was twenty-one years the chairman. His society made labor agreeable. All sense of drudgery was lost in the pleasure of social intercourse.

Connecticut will join her neighbor of two hundred and fifty years of unbroken friendship in tributes of respect to the memory of the distinguished and honored citizen who has gone to "the sublime equality and sacred fraternity of the tomb."

When all things move in what we imagine to be the due course of nature, as year after year hurries along, the Divine Father greatly mitigates the dread of death. Before one reaches the allotted three score and ten, the time comes when he feels that the majority of all whom he could know well and love well have gone over to the other side. * The sound of a tree that has fallen in the forest becomes a familiar sound, no longer alarming. The multitude of old and dear friends, who are invisible but still very real, occupy more and more of our thoughts. Calling our faith and philosophy to our aid, we try to believe that it is not death we dread, but dying. We get so weary of eternal turmoil, that in despondent hours we fancy that we can almost envy that brilliant soldier of the late war whose last words were, "Let us cross the river and rest in the shade."

Our friend could not have been surprised by his summons. It is a comforting belief, and let us try to indulge it, that he is fully at peace in the society of the host of his friends and colaborers who have preceded him.

Said a Greek poet:

> Little it imports
> The dead, I think, if any shall obtain
> Magnificent and costly obsequies;
> Vain affectation of the living, this.

But no one has gone from us who would feel a richer joy to know that all men speak of him kindly and lovingly.

Mr. MANDERSON. Mr. President, the eloquent tributes to the noble dead whose virtues we extol to-day from those who have been his coworkers in the Senate during the eventful years when HENRY B. ANTHONY did his full duty here would seem to have so fully met the demands of reverence and affection, that it was not needed that one who so lately came to full personal appreciation of his noble qualities should be heard in words of eulogy. Yet I can not resist the opportunity offered me to speak of the high esteem in which I held him during the many years when to me he was simply one of the most prominent of public men, and of how much I came to revere and love him when it became my great privilege to know him personally.

I can never forget the cordiality of the welcome extended when I became his associate in the public work to which he had brought such high appreciation and advantageous effort; the encouraging words and valuable aid given me by the noble son of Rhode Island will ever remain in my memory as one of its most valued treasures. The mere acquaintance of the latter part of the Forty-seventh Congress ripened into something stronger during the winter of 1883–'84, and when, during the last summer, it was my fortune to spend a few delightful days with him at Block Island, in the State he loved so dearly, and when I saw him surrounded by his neighbors, relatives, and friends, an admiring acquaintanceship became a warm friendship.

Coming to the United States Senate in 1859, and serving there for the next quarter of a century, Governor ANTHONY was an active participant, if not a leader, in the most important legislative affairs during those eventful years of the Republic. He took his seat at the time when partisan spirit and sectional politics were at the flood. During the dark and gloomy days of the war of rebellion he did his full duty to the country he had sworn to protect and serve. His voice was ever raised for the cause of the right. He could find no excuses for rebellion and did not attempt to palliate treason. Too gentle in nature to be fiercely denunciatory of the misguided and misled men who were engaged in that which he deemed to be an unholy and inexcusable crusade against the dearest and best interests of the Republic and a base attack upon the rights of man, yet he had none but words of condemnation for their course and of strong support and hearty help for the soldiers of the nation. Those who wore the blue ever found in him a friend.

The dreadful conflict over, his shaping hand and controlling brain may be seen in the measures of reconstruction and the important laws designed to cement a divided nation and bring again together the warring States that they might once more dwell in unity and peace.

Twenty-five years of intelligent, active, painstaking, appreciative performance of his arduous and perplexing duties! How grand the record! There was much during the time to perplex and annoy, a great deal of a nature calculated to change the patient, loving spirit into one impatient and petulant, but no colleague in the Senate, constituent in his State, or fellow-citizen of HENRY B. ANTHONY ever found such change.

The poet of the early English, grand Geoffrey Chaucer, says, "He is a gentleman who does gentle deeds;" and the life of our departed friend is so full of the constant performance of such deeds that he made himself of the true gentry and issued his own patent of nobility. He did not seem to tire of such well-doing; the passing of the years and the coming on of old age brought physical change, but "that good gray head which all men knew" was ever the servant of the kind heart. He seemed to have followed the sound advice of the old philosopher, and to be able "to resist with success the frigidity of old age by combining the body, the mind, and the heart, keeping these in parallel vigor by exercise, study, and love."

But I do not propose any review of the noble life that has gone or to comment upon the valuable lessons that it teaches. Others have done it far more profitably than I could hope to do. In one official capacity, however, it seems fitting that I should speak of the lamented dead. At an early period in his life Mr. ANTHONY assumed editorial charge of the leading newspaper of his native State and made the Providence Journal a power for good. It was a fitting recognition of his intimate knowledge of the printer's craft that prompted the Senate in December, 1859, to place him upon the Committee on Printing. He served continuously upon this committee for nearly twenty-five years, and for twenty years of this period he was its alert, attentive, accommodating, and efficient chairman.

During the first year of Senator ANTHONY'S service upon the committee, at a time when the political party with which he acted was in the minority, investigations were made of the contract system under which the printing and binding for the Government had been performed. This investigation showed so many abuses, so much of favoritism and fraud, that the result was the purchase of a printing office, of small size and insufficient in its appointments, which grew with the country's needs and growth to its present immense proportions. In the management of this office, and in its gradual enlargement as the work done there has increased, Senator ANTHONY took a deep interest.

The busy hive, with its thousands of industrious, intelligent employés, whose active brains and deft fingers furnish to the world the best public literature it has ever read; with its mighty forces, steam and electricity, giving life and motion to delicate machinery that seems to think and reason as it performs its allotted task; this great Printing Office, throbbing and pulsating day and night for the public good, stands as a mighty monument to the dead ANTHONY.

The record of the proceedings in the Senate bear testimony to his repeated efforts (unfortunately not often crowned with success) to diminish the cost of the public printing by curtailing the amount and dispensing with masses of official verbiage, which now swell too many of the public documents. He had a true man's hatred of "shams," and made bold assaults upon many of the works of deceit where they lay strongly entrenched.

One of the abuses which he sought persistently to do away with was the cumbering of the CONGRESSIONAL RECORD with remarks alleged to have been made but never delivered in Congress. Permit me to give an extract from one of the latest speeches made by him, and which, listened to with great interest in the Senate, should have brought forth abundant legislative fruit:

> Whatever may be said of the unimportant character of too much of the debates of Congress, as of other deliberative bodies, the importance of the proceedings can hardly be overestimated, and upon these the debates throw great light. They are the proceedings which establish and modify the Government of 40,000,000 of free, active, adventurous people, and whatever makes these proceedings plainer is of high value to the people, by whose servants they are transacted.

Further on he said:

> The CONGRESSIONAL RECORD should be what it purports to be. Its phonographic accuracy and completeness should mirror exactly what is said and done. It should speak, like a credible witness, "the truth, the whole truth, and nothing but the truth." Its correctness is the essential quality of its value. If not correct it is not only useless but injurious, it deceives instead of informing, it misleads instead of guiding, and throws confusion upon what it undertakes to enlighten.

Words of wisdom these, and abundantly worthy of the man who uttered them.

Another matter is well worthy of note as showing the sense of fairness that characterized the late chairman of the Committee on Printing. In the early days of his service investigation showed that many scandalous frauds had attended the purchase of paper and other material used in the public printing. These were done away with by changes in the law conceived and carried into execution by Governor ANTHONY. Purchases made in open market from favorites were no longer countenanced. Advertisements are now made for sealed proposals to supply according to samples furnished to each bidder, and bids are opened in public by the Joint Committee on Printing, and awards made to the lowest bidder who will best subserve the interests of the Government.

But I need not deal in further detail. Our brother's life was open as the day; he knew not concealments. So many were his virtues that "none knew him but to love him."

A life of virtue and well-doing prepared him for the great end. As his life had been so was his death. It was most fitting that it should come to him quietly, gently, and without shock.

He was to all of us most excellent example, and like him

> So may'st thou live till like ripe fruit thou drop
> Into thy mother's lap, or be with ease
> Gathered, not harshly plucked, for death mature.

Mr. SHEFFIELD. Mr. President, as I recall the intimate personal relations which existed between the late Senator ANTHONY and myself for a period of forty years and upwards, the pleasure I have felt from his society, the wisdom I have derived from his counsel, the many acts of kindness I have received at his hands, and my attachment to his person, I hardly dare to trust myself to review his life and character in the presence of so many reminders of his death. This Chamber was the scene of his long-continued and useful service to his country. The presence of his honored associates to pay a tribute to his exalted worth, and my own entry here to occupy the place his death made vacant, bring before my mind in bold outline the genial man whom I could have wished would have lived always.

No Senator long acquainted with Mr. ANTHONY will arise to address the Senate on this occasion without having in mind the eulogies pronounced upon deceased Senators by him, eulogies which welled up from a mind and heart filled with human sympathy, as pure water from a natural spring, and expressed in language as pure as the fountain in which those eulogies originated; and especially will each Senator recall the burning words with which Mr. ANTHONY, as the representative of the Senate, delivered to the authorities of Massachusetts under the dome of its capitol the dead body of a great Senator; but the voice then so eloquent over the remains of Sumner is now hushed in death. The brilliant imagination which then mingled sadness and triumph has now been put out forever.

Well may we say:

> Who would not sing for Lycidas? He knew
> Himself to sing, and build the lofty rhyme;
> He must not float upon his watery bier
> Unwept, and welter to the parching wind
> Without the meed of some melodious tear.

Mr. ANTHONY was a lineal descendant of John Anthony, a native of Hempstead in England, who came to Boston in the Hercules in 1634, and to Rhode Island soon after 1640. Gilbert Stuart, the artist, whose mother was an Anthony, who has preserved on canvas so faithfully the features of Washington, descended from the same ancestor. William Anthony was the father of Senator ANTHONY, and his mother was a daughter of James Greene, of Warwick. The Warwick Greenes have been a conspicuous family in Rhode Island from the foundation of the Colony. General Nathanael Greene, whose statue adorns a place in a hall of this Capitol, and Col. Ray Greene, who commanded at the battle of Red Bank, were members of this family, and two of its representatives have been members of the Senate. The ancestors of Governor ANTHONY belonged to the Society of Friends, which for a considerable time in our colonial history was the most influential denomination of Christians in the Colony. After Mr. ANTHONY graduated from college, he went to reside for a time and engaged in some mercantile pursuit at Savannah. He returned to Rhode Island, and was there married to Sarah Aborn, daughter of the late Christopher Rhodes, in 1837. In 1838, at the age of 23, he assumed the editorial control of the Providence Journal.

At that time, and for more than a score of years thereafter, he was surrounded by a coterie of young men, mostly college friends, of learning, wit, and of marked ability as writers, who aided him more or less in the conduct of his paper. But while his associates contributed to its success, his was the critical judgment, the controlling mind which carried the Journal to the front rank of the New England press, a standing which it yet maintains. In the heated contests which preceded the insurrection in the State in 1842, and during and subsequent to that event, while a constitution for the State was being framed and adopted, the Journal was the organ of the government, and the distinguished ability with which it was conducted brought Mr. ANTHONY prominently before the people of the State, and in 1849 he was presented by the young Whigs as their candidate for governor, an office to which he was elected that year, and re-elected in 1850, when he declined to be further a candidate for the office. In 1854 the great sorrow which ever after shadowed somewhat the life of Governor ANTHONY fell upon him. On the 12th of July of that year his wife died. I might pause here to dwell upon the tenderness of his nature as developed by that affliction, but the theme is too sacred—I will not sully it. Burdened with this great sorrow, early in 1855 he visited Europe for rest and relief. Upon his return he resumed control of his paper.

Governor ANTHONY inherited from his father an interest in a manufacturing establishment located in his native town of Coventry. Though for a time he was interested in carrying on business at this establishment, he retired from it when he went abroad, but omitted to give notice of his withdrawal. In 1857 the company became involved in the financial distress of that time. The creditors claimed that Governor ANTHONY was liable for the debts of the company. He did not stop to have the question of his liability for these debts settled in the courts, but manfully came forward and met them, and honorably settled the claims made upon him. This added to his popularity, and in 1859, after a sharp contest, he was elected to the Senate of the United States, and to this office he was four times re-elected. This shows alike the stability of the character of the Senator and of the people of the State who elected him. While in the Senate during this most interesting period of our national history the conduct of Senator ANTHONY was seen and known of all men.

As an editor, Mr. ANTHONY clearly comprehended the rights and duties of his office. He understood the wants and necessities of the industrial interests of New England, of which Providence is a great center, and it was his laudable ambition to make his paper a leading advocate and organ of those interests. He thought clearly and selected with rapidity the words which could best express his thoughts in the most forcible manner. There was no room left for construction in what he wrote. His style was direct, clear, and forcible, without excess of verbiage—it needed no interpreter. When he entered the Senate he had no superior in New England in writing effective editorial paragraphs, and though his Senatorial career was correct and very creditable to himself, it may be well doubted if he had continued in his profession whether his fame as an editor would not have been as desirable as it is as a Senator.

As a politician Mr. ANTHONY stood by his party, seeking to correct its errors and to improve its policy within and not without its lines. He always adhered with fidelity to his convictions of duty, yet he always treated his opponents with a generous justice, while that treatment was duly appreciated, and when it was not he was yet just. He won the respect and regard of the opposing party by tempering the expression of his convictions with evidences of good-nature and with an address which conciliated rather than repelled them.

The secret of Mr. ANTHONY'S influence was an entire frankness, the natural outcome of his character, with his absolute integrity of purpose, which prevented him from supporting any measure which he believed to be prejudicial to the best interests of the public. In the Senate he never made the most of himself, for he always underrated his own capabilities in comparison with the capabilities of others. He was careful never to undertake what he feared he might not be able to accomplish.

Mr. ANTHONY was a man of amiable and even of fascinating manners, deferential to those about him, and mindful of all the proprieties of life; he was well calculated to impress with a sense of regard and respect all with whom he was brought into close relations; never obtrusive, full of conversational resources, endowed with a ready wit and a rich fund of pleasing anecdotes always at command to illustrate a point without encumbering it; strong in his friendships, tender in his sensibilities, yet with absolute self-control. That he was a student of the science of government apart from his observation of the practice of that science in the Senate, no one will pretend; and while he could state a point which would expose a defect in the argument of an adversary as clearly and as effectively as any of his compeers, he was not the man to present by public address a subject involving complicated details. He rather directed his force against an adversary by isolated assaults at his weak points than by an attack upon his entire line—by sortie, rather than by siege. He was a conciliatory man, and was possessed of great forbearance. He would go to the very verge of propriety to avoid the giving of offense, and would exhaust the resources of a very charitable disposition before he would believe that cause for offense was intended to be given to him. But there was a line which his self-respect would not allow him to pass or an adversary to cross, and when forced to resistance he was a vigorous and unyielding adversary.

Mr. ANTHONY loved his native State. He was devoted to its institutions and thoroughly imbued with the spirit of its history. He believed with Lord Coleridge that the character of a state was not to be determined by the number of acres of ground it contained or by the number of its population, but rather by the characters and achievements of its people. In quiet retirement, in company with men of kindred thoughts, in conversation Mr. ANTHONY dwelt with admiration upon the fortitude and self-denial of those exiles of exiles who settled the Rhode Island Colony; upon their sufferings and hardships, and withal upon the Christian charity which they exhibited in planting and maintaining the great ideas upon which the Colony was founded. Then he would trace the progress of the colonial history, the growth of the Colony, and its development into a State; the rise of its commerce until its canvas whitened every sea; and that commerce alone, and the commercial enterprise of its people, merited the glowing eulogy of Burke in the House of Commons upon the commercial enterprise of all the Colonies. Then he would describe how wars and the adverse policy of the Government drove that commerce from the ocean, and forced upon reluctant New England a blessing in disguise, that wiser policy, which the great commoner of Kentucky called "the American system" of fostering and protecting American industries; and how Rhode Island, upon the ruins of its commercial industries, reared factories and workshops and operated them, until their handiwork under the operation of this benign system won for them a place among the foremost industries of the country. At these times he would also delight to dwell upon the men who had illustrated Rhode Island history and their achievements, to show the claims of Rhode Island upon the National Union, a part of which achievements he appeared to feel to be his by inheritance from a line of ancestors who had borne an important part in settling, developing, and maintaining the Colony and State during every period of its history.

The grave has closed over him and shut in his mortal remains. Throughout his life he anticipated the harvest of a good name, and he did nothing to blight it. His end did not come until after a long career of useful public service, when his physical energies had been exhausted and the ends of life had been attained. It is a sad thought; but it will not be long before "our lighted torches will pass to other hands."

Senator ANTHONY was a fortunate man; fortunate in his moral and intellectual endowments; fortunate in his friends and in his surroundings; fortunate in his life, fortunate in his death in his own house with kind friends around him. He has left no stain upon his good name; his finished course covers nothing to be regretted, leaves undone nothing desired, but that his career could have been prolonged and that his usefulness could have been continued. But it has been otherwise ordered, and his friends should be thankful for the blessings which his life has conferred, rather than to murmur at the Providence which has determined it.

Mr. President, I second the resolutions on your table.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions.

The resolutions were agreed to unanimously; and (at 2 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 19, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PRIVATE LAND CLAIM IN NEW MEXICO.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a tracing of the plat of the preliminary survey of the unconfirmed private land claim No. 132, New Mexico; which was referred to the Committee on Private Land Claims.

UNITED STATES NAVAL VESSELS—NEW ORLEANS EXPEDITION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates for appropriation for incidental expenses of vessels of the United States Navy in attendance upon the World's Industrial and Cotton Centennial Exhibition at New Orleans; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT AUGUSTA, ME.

Mr. MILLIKEN. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 235) providing for the erection of a public building at Augusta, Me. It is the same as the House bill that has been reported favorably by the Committee of the Whole, and is for the erection of a public building at the capital of the State.

Mr. RANDALL. I ask if there is a report accompanying this bill?

Mr. MILLIKEN. There is a report.

Mr. RANDALL. I think that in reference to all these public buildings, when consent is asked for the passage of a bill, very full information should be given.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. I ask that the report be read; and I ask further if the report is not full the gentleman from Maine shall then be permitted to make a statement.

The SPEAKER. The Senate report is not here. If there be no objection the report made by the House Committee on Public Buildings and Grounds will be read.

Mr. COOK. I object to the present consideration of the bill.

ROAD TO NATIONAL CEMETERY AT NATCHEZ, MISS.

Mr. VAN EATON. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H R. 3268) to construct a road to the national cemetery at Natchez, Miss., and to put the bill on its passage.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DUNHAM. I do not know that I want to object, but I would like to know something about this. What is the length of the road?

Mr. VAN EATON. The report of the Committee on Military Affairs gives every information. It is in the hands of the Clerk.

Mr. DUNHAM. Let the report be read.

The SPEAKER. If there be no objection the report will be read.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PETTIBONE and Mr. BUCHANAN called for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The demand for the regular order is equivalent to an objection to the consideration of the bill. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are in order; also resolutions of inquiry addressed to the heads of Departments for reference to the appropriate committees, and resolutions for amendment of the rules for reference to the Committee on Rules.

Mr. PETTIBONE. I withdraw the demand for the regular order.

The SPEAKER. The gentleman from Georgia [Mr. BUCHANAN] demanded the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SLATER, Mr. DOLPH, and Mr. PLUMB the conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1331) making appropriations for the relief of the First National Bank of Newton, Mass.; and

A bill (S. 2488) to remove the charge of desertion from the military record of William McBride.

The message further announced that the Senate had returned, in compliance with the request of the House, the bill (H. R. 1004) relative to the Chinese indemnity fund.

FIRST NATIONAL BANK OF LITTLE ROCK.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 7973) to change the name of the Merchants' National Bank of Little Rock to the First National Bank of Little Rock; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

TO PRINT THE UNITED STATES CONSTITUTION AND STATUTES.

Mr. HENLEY introduced a bill (H. R. 7974) to print the Constitution of the United States and amendments thereto with the United States Statutes at every session of Congress; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CALIFORNIA INDIAN WAR DEBT.

Mr. HENLEY also introduced a bill (H. R. 7975) to indemnify the State of California on account of indebtedness incurred in the Indian wars therein, and which has heretofore been paid by said State; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BARNEY LUDDY.

Mr. HENLEY also introduced a bill (H. R. 7976) granting a pension to Barney Luddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALIFORNIA INDIAN WAR DEBT.

Mr. HENLEY also presented a joint resolution of the Legislature of California, requesting Congress to pay the California Indian war debt; which was referred to the Committee on War Claims.

Mr. HENLEY also presented a concurrent resolution of the Legislature of California, requesting Congress to pay California Indian war debt; which was referred to the Committee on War Claims.

Mr. GLASCOCK presented a concurrent resolution of the Legislature of California, requesting Congress to pay California Indian war debt, &c.; which was referred to the Committee on War Claims.

Mr. GLASCOCK also presented a joint resolution of the Legislature of California, requesting Congress to pay California Indian war debt, &c.; which was referred to the Committee on War Claims.

Mr. TULLY presented a joint resolution of the Legislature of California, requesting Congress to pay Indian war debt, &c.; which was referred to the Committee on War Claims.

Mr. TULLY also presented a concurrent resolution of the Legislature of California, requesting Congress to pay California Indian war debt; which was referred to the Committee on War Claims.

MRS. E. A. BENHAM.

Mr. SEYMOUR introduced a bill (H. R. 7977) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry W. Benham, deceased; which was read a first and second time, referred to the Commitee on Pensions, and ordered to be printed.

OKLAHOMA LANDS.

Mr. TOWNSHEND offered the following resolution; which was read, and referred to the Committee on Indian Affairs:

Resolved, That, if compatible with the public interest, the President be requested to furnish this House with all papers and correspondence with any of the Departments of the Government relative to the so-called "Oklahoma lands," in the Indian Territory, together with any official action which has been taken by the Government relating thereto, and the present condition of the controversy, if any there be, between any officers of the United States thereof, growing out of the occupation or attempted occupation of said lands.

O. C. CARPENTER.

Mr. CANNON (by request) introduced a bill (H. R. 7978) granting a pension to O. C. Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARK HERON.

Mr. RIGGS introduced a bill (H. R. 7979) to restore the name of Clark Heron to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTAGIOUS DISEASES.

Mr. WARD introduced a bill (H. R. 7980) to amend an act entitled "An act to prevent the introduction of contagious diseases;" which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

JAMES T. WEBB.

Mr. ENGLISH introduced a bill (H. R. 7981) granting a pension to James T. Webb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER CURRAN.

Mr. ENGLISH also introduced a bill (H. R. 7982) granting a pension to Peter Curran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ROBINSON.

Mr. ENGLISH also introduced a bill (H. R. 7983) granting a pension to William Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALISON KINSLEY.

Mr. ENGLISH also introduced a bill (H. R. 7984) granting a pension to Alison Kinsley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH BALDWIN.

Mr. ENGLISH also introduced a bill (H. R. 7985) granting a pension to Joseph Baldwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL KAIN.

Mr. ENGLISH also introduced a bill (H. R. 7986) granting a pension to Michael Kain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. COOK submitted a resolution; which was read, as follows:

Resolved, That the order of business be so changed for the remainder of the present session that pending a motion to proceed to the House Calendar or to go into the Committee of the Whole House on the state of the Union, it shall be in order to amend said motion by designating a bill for consideration.

Mr. COOK. If it is in order at this time I will ask the immediate consideration of this resolution.

The SPEAKER. That is not in order. The resolution will be referred to the Committee on Rules.

The resolution was referred accordingly

N. B. M'KAY.

Mr. MORRILL introduced a bill (H. R. 7987) granting a pension to N. B. McKay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. PERKINS introduced a bill (H. R. 7988) to limit the jurisdiction of the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DANIEL T. FERGUSON.

Mr. HALSELL introduced a bill (H. R. 7989) granting a pension to Daniel T. Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH SANSOM.

Mr. HALSELL also introduced a bill (H. R. 7990) granting a pension to Joseph Sansom; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. KING submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That during the remainder of the present session motions to suspend the rules shall be in order on the second and fourth Mondays of each month, immediately after the call of States and Territories, preference being given to individuals.

WILLIAM E. CHRISTIAN.

Mr. HATCH, of Michigan, introduced a bill (H. R. 7991) for the relief of William E. Christian; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHRISTIAN ARNDT.

Mr. STRAIT introduced a bill (H. R. 7992) for the relief of Christian Arndt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM STANSBERRY.

Mr. STRAIT also introduced a bill (H. R. 7993) for the relief of William Stansberry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS BAYOU BARNARD, MISSISSIPPI.

Mr. VAN EATON introduced a bill (H. R. 7994) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PILOTS OF UNITED STATES GUNBOATS.

Mr. BROADHEAD introduced a bill (H. R. 7995) to establish a uniform grade of office and rate of pension for pilots who served on the United States gunboats during the war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. WEAVER introduced a bill (H. R. 7996) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES A. VAN BOKKELEN.

Mr. PHELPS submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States be requested to furnish to this House, if not incompatible with the public interest, all the correspondence and other papers in the hands of the Government relating to the case of Charles A. Van Bokkelen, a citizen of the United States, imprisoned for a year past, as alleged, at Port au Prince, Hayti.

MARY E. FILLEBROWN.

Mr. BAGLEY introduced a bill (H. R. 7997) to increase the pension of Mary E. Fillebrown, widow of the late Commodore Thomas Scott Fillebrown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FITZ-JOHN PORTER.

Mr. SLOCUM submitted the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the President be respectfully requested to transmit to this House a copy of the recent appeal of Fitz-John Porter, together with the accompanying papers.

STEEL GUNBOAT.

Mr. COX, of New York, introduced a bill (H. R. 7998) to authorize the construction of one steel gunboat; which was read a first and second time.

Mr. COX, of New York. I ask the reference of this bill to the Committee on Appropriations.

The SPEAKER. It would not go there under the rules.

Mr. COX, of New York. This subject has already been referred to that committee; and I prefer the bill should go there.

The SPEAKER. If there be no objection, the bill will take that course.

There being no objection, the bill was referred to the Committee on Appropriations, and ordered to be printed.

RETIRED-LIST, UNITED STATES ARMY.

Mr. COX, of New York, also introduced a bill (H. R. 7999) to promote the efficiency of the line of the Army by affording an opportunity for lieutenants and captains of a certain age to be placed upon the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ANTONIA B. LYNCH.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 8000) for the relief of Mrs. Antonia B. Lynch, widow of Captain Dominick Lynch, United States Navy, deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DONATION OF GROUND FOR MONUMENT TO GENERAL WARREN.

Mr. KETCHAM introduced a joint resolution (H. Res. 316) for the appointment of a committee to investigate and report upon the advisability of accepting grounds donated by citizens of Cold Spring, N. Y., upon which to erect a monument to the memory of the late General G. K. Warren; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN MINGUS.

Mr. VANCE introduced a bill (H. R. 8001) for the relief of John Mingus, a soldier of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILSON RICE.

Mr. VANCE also introduced a bill (H. R. 8002) for the relief of Wilson Rice, a blind soldier of Thirty-fifth New Jersey troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC F. MOORE.

Mr. VANCE also introduced a bill (H. R. 8003) for the relief of Isaac F. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES I. ALGOOD.

Mr. YORK introduced a bill (H. R. 8004) for the relief of James I. Algood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM STALEY.

Mr. YORK also introduced a bill (H. R. 8005) for the relief of Adam Staley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL MAXWELL.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 8006) granting a pension to Samuel Maxwell, deaf and dumb son of John B. Maxwell, late private Company G, Thirtieth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES J. BISHARD.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 8007) granting a pension to Charles J. Bishard, late private Company B, Ninety-seventh Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. DALZELL.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 8008) granting an increase of pension to J. M. Dalzell, late sergeant-major One hundred and sixteenth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. KENNEDY.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 8009) granting a pension to James B. Kennedy, late private Company D, Twelfth Regiment West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADJUSTMENT OF ACCOUNTS.

Mr. WARNER, of Ohio, presented joint resolution of the General Assembly of Ohio, requesting its Senators and Representatives in Congress to procure the passage of a law "to adjust certain accounts between the United States and the several States and Territories and the District of Columbia," as set forth in House bill 110, and dated December 10, 1883; which was referred to the Committee on Claims, and ordered to be printed.

FRANCIS M. HENRY.

Mr. KEIFER introduced a bill (H. R. 8010) granting a pension to Francis M. Henry, of Mechanicsburg, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE M'CARRON.

Mr. WALLACE introduced a bill (H. R. 8011) granting a pension to Catherine McCarron, widow of Hugh McCarron, alias Logue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. BRAMLETT.

Mr. GEORGE introduced a bill (H. R. 8012) granting an increase of pension to William H. Bramlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. W. SHIPLEY.

Mr. GEORGE also intoduced a bill (H. R. 8013) for the relief of H. W. Shipley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND ASIA.

Mr. CURTIN introduced a bill (H. R. 8014) to revive and amend the act of Congress of August 15, 1876, to encourage and promote telegraphic communications between America and Asia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EDWARD G. PENDLETON.

Mr. BINGHAM introduced a bill (H. R. 8015) for the relief of Edward G. Pendleton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY W. JOHN.

Mr. EVERHART (by request) introduced a bill (H. R. 8016) granting an increase of pension to Mrs. Mary W. John; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMISSIONS TO ARMY AND NAVY APOTHECARIES.

Mr. RANDALL introduced a bill (H. R. 8017) to authorize the President of the United States, by and with the consent of the Senate, to grant to apothecaries both of the Army and Navy a commission; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER LYLE.

Mr. RANDALL also introduced a bill (H. R. 8018) for the relief of the legal representatives of Peter Lyle, deceased; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

AMENDMENTS TO THE RULES.

Mr. MILLS submitted the following proposed amendments to the Rules of the House; which were read, and referred to the Committee on Rules.

That Rule XXIV be so amended as to read as follows:

"6. Business on the Speaker's table having been disposed of, it shall be in order to entertain motions in the following order, namely: First, that the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, any designated bill relating to the revenue and any designated general appropriation bill, and then other business on its Calendar."

Also amend Rule XXVIII as follows, to come in at the end of the first paragraph:

"*Provided*, That a vote of the majority of the members present may suspend the rules and pass any bill relating to the revenue."

JAMES CARLIN.

Mr. POLAND introduced a bill (H. R. 8019) to increase the pension of James Carlin, private in Company I, Third Regiment Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING MONTPELIER, VT.

Mr. POLAND also introduced a bill (H. R. 8020) to provide for the erection of a public building at Montpelier, Vt.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DR. W. LEIGH BURTON.

Mr. GEORGE D. WISE introduced a bill (H. R. 8021) authorizing the Commissioner of Patents to grant an extension of letters patent upon the application of Dr. W. Leigh Burton; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SAMUEL B. COE.

Mr. RAYMOND introduced a bill (H. R. 8022) granting a pension to Samuel B. Coe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSOCIATE JUSTICES, DAKOTA, ETC.

Mr. RAYMOND also introduced a bill (H. R. 8023) to amend an act entitled "An act providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July 4, 1884; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INSANE ASYLUM, DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 8024) to amend an act granting to the Territory of Dakota section 36, township 56, range 94 west, in the county of Yankton, in said Territory, for the purposes of an asylum for the insane, &c., approved June 16, 1880; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHRISTIAN R. PURDUM AND OTHERS.

Mr. SINGISER introduced a bill (H. R. 8025) for the relief of Christian R. Purdum, Hervey E. Clark and John M. Lamb, and Julius Shainwald; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories.

If there be no objection, the Chair will now recognize gentlemen who were not in their seats when their States were called for the introduction and reference of bills and joint resolutions.

There was no objection.

THANKS TO OFFICERS AND CREW REVENUE-STEAMER CORWIN.

Mr. COLLINS introduced a joint resolution (H. Res. 317) proposing the thanks of Congress to Capt. M. A. Healy and the officers and crew of the revenue-marine steamer Corwin; which was read a first and second time.

The resolution was read, as follows:

Resolved, &c., That the thanks of Congress are due, and they are hereby tendered, to Capt. Michael A. Healy, of the United States Revenue-Marine Service, and the officers and crew of the revenue-marine steamer Corwin, under his command, for their humane and heroic conduct in cruising with that vessel among the ice-floes and in the dangerous seas of the Northwestern Arctic Ocean for the relief of persons in distress and for their successful efforts in rescuing and bringing away within the last thirty months ninety-seven persons, who were either shipwrecked or in destitution and distress in that region.

The joint resolution was referred to the Committee on the Library, and ordered to be printed.

TAXES ON DISTILLED SPIRITS IN BONDED WAREHOUSES.

Mr. BLOUNT introduced a bill (H. R. 8026) to enforce the collection of taxes on distilled spirits in bonded warehouses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PRINTING A PETITION.

Mr. WOLFORD. Mr. Speaker, I ask unanimous consent that the petition I now send to the desk be printed in the RECORD and appropriately referred.

The SPEAKER. The Chair will state to the gentleman that that request is not in order at this time.

Mr. WOLFORD. Can it not be printed?

The SPEAKER. The Chair is simply recognizing gentlemen for the introduction and reference of bills and joint resolutions by unanimous consent.

This petition will be referred through the petition-box.

SOLOMON R. BENHAM.

Mr. PARKER introduced a bill (H. R. 8027) for the relief of Solomon R. Benham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. SCOTT.

Mr. PERKINS introduced a bill (H. R. 8028) granting a pension to James L. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday in the month, the regular order is the call of committees for motions to suspend the rules. The call rests with the Committee on Foreign Affairs.

CONSULAR COURTS, ETC.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs I move to suspend the rules, take from the Speaker's table Senate bill 343 to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130 inclusive, and put the same upon its passage.

Mr. COX, of New York. Mr. Speaker, that is a very long bill, some fifty pages——

Mr. RANDALL. I object to any bill passing this House without being first read.

Mr. COX, of New York. The gentleman from Pennsylvania simply anticipates my purpose. It was my object to insist upon the reading, and also that the other side might be heard.

Mr. RANDALL. This is a very important bill.

Mr. COX, of New York. That is exactly my opinion, and I want to have some debate on the other side of the question. For that reason I want to have the bill read, and demand a second upon the motion.

The SPEAKER. The Clerk will read the bill.

Mr. HITT. Mr. Speaker, with the consent of the House, I will state that this Senate bill coincides, word for word, with House bill No. 1867, which is printed; so that any gentleman by using House bill No. 1867 can follow the reading.

Mr. RANDALL. I insist upon the reading of the bill. I have seen in my legislative experience great injury done by the passage of bills without having them read.

The SPEAKER. The gentleman from Illinois [Mr. HITT] does not ask to dispense with the reading, but simply states that there is a House bill identical with the Senate bill.

The Clerk read the bill, as follows:

A bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130, inclusive.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction which the United States now have or hereafter may have and enjoy, by treaty, custom, usage, or otherwise, in countries or places out of their territory or dominion, so far as the same is judicial, shall be exercised through and by the courts herein provided for, each of which shall be a court of record and have a seal. In China and Japan it shall be exercised through and by consular courts, district courts, and one supreme court. In all other such places out of the territory and domain of the United States such jurisdiction shall be exercised through and by consular courts in manner as provided in this act.

And the consuls authorized hereby to hold such courts shall be responsible to the United States and amenable to the laws thereof not only as consular officers but as judicial officers when they perform judicial duties.

The several provisions of this act shall apply and be enforced in the several countries herein named, in whole or in part, to the extent to which the United States are authorized by treaties and capitulations of the said countries, respectively, to exercise jurisdiction.

SEC. 2. That the sections of the Revised Statutes from and including section 4083 to and including section 4130 be, and the same are hereby, repealed: *Provided*, That the said sections, and every part thereof, shall be and remain in force so far as may be necessary for the purpose of defining, prosecuting, and punishing crimes committed before this act takes effect, and of saving and enforcing civil actions pending at that time.

BORNEO, COREA, EGYPT, MADAGASCAR, MOROCCO, MUSCAT, PERSIA, SAMOA, SIAM, TRIPOLI, TUNIS, AND TURKEY.

SEC. 3. That to carry into full effect the provisions of the treaties of the United States with Borneo, Corea, Egypt, Madagascar, Morocco, Muscat, Persia, Samoa, Siam, Tripoli, Tunis, and Turkey, respectively, and any capitulations of either of said countries, the consuls of the United States duly appointed to reside in each of those countries shall, in addition to other powers and duties imposed upon them respectively by the provisions of such treaties and capitulations, be invested with the judicial authority herein described, which shall appertain to the office of consul, and be a part of the duties belonging thereto, so far as the same is allowed by treaty or capitulation.

SEC. 4. That such officers are invested with all the judicial authority necessary to execute the provisions of such treaties and capitulations in respect to crimes charged to have been committed by or against citizens of the United States, and to issue all necessary processes to carry this authority into execution as hereinafter provided.

SEC. 5. That such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties or capitulations, respectively, in regard to civil rights, whether of property or person; and in all matters of contract or of other controversy, the consul at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, or the cause of controversy arose, or the damage complained of was sustained, shall entertain jurisdiction. Such jurisdiction shall embrace all controversies provided for by this act or by such treaties and capitulations, respectively.

SEC. 6. That jurisdiction in both criminal and civil matters shall in all cases be exercised and enforced in conformity with the laws of the United States heretofore enacted or hereafter to be enacted, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States furnish appropriate and sufficient remedies, the Secretary of State and the Attorney-General shall prepare a code to supply such defects, which shall be submitted to Congress by the President.

SEC. 7. That the consul of the United States in either of the countries mentioned in section 3 of this act, within the consular district for which he is appointed, is authorized, upon facts within his knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the code of practice hereinafter provided, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country any criminal offense against law, and to arraign and try any such offender, and to sentence him to punishment in the manner herein prescribed. If the offense is punishable with death or imprisonment, and there be a diplomatic representative of the United States in the country in which the consulate is situated, the consular officer shall report the proceedings in full, without delay, to him, calling attention to any palliating circumstances. The consular officer shall at the same time report such proceedings in full, with the palliating circumstances, to the Secretary of State, to be submitted by him to the President. Execution of the sentence of death shall be suspended until the approval of such sentence by the President. When it appears that the offense has been committed within another consular jurisdiction, such consul may, on the application of the consul of the district in which the crime was committed, send the offender in custody to the consul making the requisition, or require him to give security for his appearance there. In civil cases, wherein judgment is rendered for more than $200, appeals on questions of law, according to the forms of the code of practice hereinafter provided for, shall be allowed as follows: From the consular courts of Borneo, Corea, Madagascar, Muscat, Persia, Samoa, and Siam, to the supreme court of Japan; from the consular courts of Egypt, Morocco, Tripoli, Tunis, and Turkey, to the circuit court of the United States for the eastern district of New York. Execution shall not be stayed by reason of such appeal unless the appellant shall execute a bond to the appellee, in such sum as shall be fixed by the consular court, with sureties approved by it, conditioned to pay any final judgment that may be rendered against him.

SEC. 8. That the consuls in the countries mentioned in section 3 of this act are hereby authorized, under the direction of the Secretary of State, to provide suitable prisons for the safe-keeping and confinement of persons under arrest or conviction, and for their suitable support.

SEC. 9. That in criminal cases in all consular courts, except those of China and Japan, the Supreme Court of the United States, or any judge thereof, shall have jurisdiction to issue writs of habeas corpus and suspend execution of sentence in said consular courts, upon petition of the accused, stating in detail the errors committed in said courts, for the purposes of a review of the decision of the consular courts in the Supreme Court; and the said Supreme Court shall have power, upon such application, to render final judgment or to remand the case for further execution. In such proceedings the appearance of the accused in person shall not be deemed necessary to confer jurisdiction unless ordered by the court or judge allowing the writ.

CHINA AND JAPAN.

SEC. 10. That the consular courts in China and Japan, and the grades and ranks of the officers thereof, shall be as now established, except as changed hereby. The acting consular officer of the district is authorized to hold such court. The Secretary of State may assign to each consulate in China and Japan a consular clerk, who shall also act as clerk of the court and as a master in chancery; and for this purpose the number of consular clerks authorized by section 1704 of the Revised Statutes is increased to twenty-five. Such consular clerk shall have the custody of the seal and records, with the usual powers and duties of the clerk of a court of record, and shall also be under the consul in his consular capacity, and shall execute a bond to the United States for the faithful discharge of his

duties, in such amount as shall be fixed by the Secretary of State, and with sureties who shall be approved by the court.

SEC. 11. That the consular officers authorized to hold such courts shall continue to have the power, as fully as they now have, to issue warrants and cause to be arrested citizens of the United States charged with the commission of misdemeanors, offenses, or crimes. When it appears that the offense or crime has been committed within another consular district, they may, on the requisition of the consul of the district within which the crime was committed, send the offender in custody to the consul making the requisition, or require him to give security for his appearance there. When it is charged that the misdemeanor, offense, or crime was committed within the consul's district, the consular court may take jurisdiction of, try, and punish citizens of the United States so charged when the offense is not punishable with death; and a review may be had in the proper district court on the rulings of the consular court on questions of law. It shall be the duty of the judge in the consular court to certify for review in the proper district court any ruling of law adverse to the accused which he may wish to have reviewed and to which exception has been taken during the trial.

Said consular courts shall have original jurisdiction in civil cases arising under such treaties wherein the matter in controversy does not exceed the sum of $500.

All provisions authorizing appeals from consular courts to a minister or other diplomatic officer, or to the circuit court for the district of California, are hereby repealed. The rulings of a consular court in civil cases on questions of law may be reviewed in the district court within which the consular district is situated when the amount in controversy, exclusive of costs, exceeds $200, or when the court certifies that the case should be so reviewed.

CHINA AND JAPAN—DISTRICT COURTS.

SEC. 12. That, for the purposes of this act, there shall be appointed by the President, by and with the advice and consent of the Senate, two judges for China, and a judge for Japan, whose term of office shall be eight years, respectively; and in case of vacancies, the persons appointed to the place from time to time shall hold office for like terms. Each judge shall receive compensation at the rate of $5,000 a year, payable monthly, and his necessary traveling expenses in the discharge of his duty, payable on his own voucher, at the rate of 8 cents a mile.

The consular districts of Canton, Amoy, Foo-Chow, Ningpoo, and Swatow shall constitute the first judicial district, with the seat of the court at Canton; the consular districts of Shanghai, Hankow, Chin-Kiang, Tien-Tsin, and New-Chwang shall constitute the second judicial district, with the seat of the court at Shanghai; and the consular districts within the Empire of Japan shall constitute a judicial district, with the seat of the court at Yokahama. But the Secretary of State may from time to time change these districts as convenience may require.

The President may also, by and with the advice and consent of the Senate, appoint a clerk for each district court in China, one of whom shall have his principal office at Canton and the other at Shanghai, and shall also be the clerk of the supreme court for China, and a clerk for the district courts held by the judge for Japan, who shall have his principal office at Yokahama, and shall also be the clerk of the supreme court for Japan. Each of said clerks shall have power to appoint a deputy, and shall give bond to the United States for the faithful discharge of his duties in such amount as shall be fixed by the Secretary of State, with such sureties as shall be approved by the court. Each clerk and deputy, before entering on the duties of his office, shall take and subscribe an oath before the judge to faithfully observe the laws of the United States in force in China or Japan (as the case may be), and to discharge the duties of his office. Each of these clerks shall also be a master in chancery, and receive an annual salary of $2,500 and his fees as master in chancery, such portion of his fees as clerk as he is entitled to retain under the provisions of this act, and his necessary traveling expenses in the discharge of his duties, payable on the voucher of the judge at the rate of 8 cents per mile.

The judges for China may appoint an interpreter for the district courts in China, and the judge for Japan may appoint an interpreter for the district courts in Japan. Each of these interpreters shall be also a translator, and shall receive a salary at the rate of $2,000 a year, payable monthly, and his necessary traveling expenses in attending court, to be computed and certified as in the case of the district clerks. The interpreter for the second judicial district of China and the interpreter for Japan shall also be the interpreter and translator for the supreme court of the country for which he is appointed. Before entering upon the duties of his office each shall subscribe and take an oath before the district judge faithfully to observe the laws of the United States in force in China or Japan (as the case may be) and the rules of the court of which he is an officer, and truly to interpret and translate in all causes, civil or criminal, in which he may be required to act, which oath shall be filed in the archives of the court. A willful failure to so interpret and translate truly shall make the offender guilty of perjury, for which he may be tried and convicted by the proper consular court, although he be not a citizen of the United States.

The said district courts may appoint temporary officers when necessary to the proper conduct of their business, and fix a reasonable compensation for their services, which shall be paid by the clerk out of any funds in his hands applicable to that purpose, or by the consul of the district on the certificate of the clerk that he has no such funds.

A term of court in each district shall commence on the second Monday in January in each year and end on the last Wednesday in December. The judges for China shall hold the district courts in China, and the judge for Japan shall hold the district court in Japan; but either judge may sit in a district of the other if desired to do so. If no judge is present at the opening of term, court shall be opened by the clerk, or, in his absence, by the principal consular officer of the district or by the clerk of the consular court of the district, and shall be adjourned to some time to suit the convenience of the judge; but court shall be held at least once a year in each district, and as much oftener as the necessities of business require and the convenience of the court permits.

Each district court within its own district shall have power to issue writs of habeas corpus.

Said district court shall have original exclusive jurisdiction in all cases in equity and admiralty, and original jurisdiction concurrently with consular courts in all civil suits where the amount involved exceeds $200, exclusive of costs. They shall also have appellate jurisdiction in civil and criminal causes, according to the provisions of section 11.

Persons charged with offenses punishable by death shall be tried in a district court held in the consular district where the offense was committed. This court shall be held by a district judge, as presiding judge, and the person authorized to hold the consular court in the district. In case of difference of opinion, the ruling of the district judge shall stand as the ruling of the court.

If the judge of the district certifies in writing to the consul that neither judge can be present, the court shall be held as a district court by the consul, as presiding judge, together with four impartial citizens of the United States selected by the district judge from the leading citizens residing in the consular district. In case of difference of opinion between the consul and his associates, the ruling of the consul shall prevail on questions of law. The proceedings shall be prosecuted in such court to final judgment, and sentence in case of conviction. All rulings of law adverse to the accused in a court not presided over by a judge shall be subject to review in the district court.

It shall be the duty of the presiding judge at all convictions for capital offenses to report immediately the proceedings in full to the principal diplomatic representative of the United States in the country, with a statement of any palliating circumstances, if there be such. If the diplomatic representative thinks the case a proper subject for pardon or commutation, he may grant a reprieve not exceeding six months, and shall at once forward the papers to the Secretary of State, in order that they may be submitted to the President.

On any final judgment of said district court in a case brought up for review from a consular court, where the matter in controversy, exclusive of costs, exceeds the sum of $2,500, and on questions of law in suits originally begun and prosecuted to final judgment in said courts, where the matter in controversy is of like amount, an appeal shall be allowed to the supreme court for China or Japan, as the case may be.

It shall also be the duty of the judge to certify for review in the proper supreme court any rulings of law adverse to the accused in a capital trial which the accused shall desire to have reviewed.

CHINA AND JAPAN—SUPREME COURTS.

SEC. 13. That the said judges sitting together at Shanghai shall constitute and be styled the supreme court for China; and the said judges sitting together at Yokahama shall constitute and be styled the supreme court for Japan. The senior judge for China shall be the presiding judge at Shanghai, and the judge for Japan shall be the presiding judge at Yokahama.

The supreme court may also, during sessions of court, appoint temporary officers when necessary for the proper conduct of the business in the supreme court, and may fix a reasonable compensation for their services, which shall be paid by the clerk out of any funds in his hands applicable to the purpose, or by the consul-general out of the appropriations for contingent expenses of consulates on the certificate of the clerk that he has no such funds.

The supreme court for China shall have appellate jurisdiction to hear and determine all causes, whether civil or criminal, decided in China, and brought before it for review under the foregoing provisions; and the supreme court for Japan shall have like jurisdiction as to cases decided in Japan and brought before it for review.

The said judges jointly shall make rules for the conduct of causes in the consular and district courts in China and Japan, and for regulating the forms of pleadings in all the courts, and the manner of granting new trials, removing causes to the appellate courts, and of defining the points to be reviewed, and for the taxation of costs in those courts and in the supreme court, not inconsistent with the provisions of this act and rules for governing proceedings in the supreme courts and the transmission of causes to and from them.

The said supreme courts may affirm, modify, or reverse any judgment, decree, or order lawfully brought before them for review, and may direct such judgment, decree, or order to be rendered or such further proceedings to be had by the inferior court as the justice of the case may require. They may enter final judgment or decree and issue executions thereon.

In all civil cases in the consular and district courts where a judgment for money is rendered, if the party against whom such judgment is rendered appeals and desires to have execution stayed, he shall execute a bond to the appellee, in such sum as may be fixed by the court, with sureties to be approved by the court, which bond shall be filed with the clerk, conditioned to pay any final judgment that may be rendered against him. The appellant may prosecute his appeal without bond, but in such case execution shall not be stayed.

In all criminal cases in the consular or district courts which may be taken for review to a higher court, execution of judgment may be stayed, and in case of judgment of death, shall be stayed, by the court rendering judgment, until the order of the reviewing court.

REVIEW IN SUPREME COURT OF THE UNITED STATES.

SEC. 14. That a final judgment or decree in any suit in the supreme court of China or Japan, or in any of the consular courts named in this act, where is drawn in question the construction of any clause of the Constitution or of a treaty or statute of or commission held under the United States, and the decision is against the title, right, privilege, or exemption specially set up or claimed by either party, under such clause of the Constitution, treaty, statute, or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the presiding judge of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court of the United States; and the proceedings upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision, may, at its discretion, proceed to a final decision of the same, and award execution.

MARSHALS.

SEC. 15. That the President is authorized to appoint one marshal for each of the judicial districts in China and Japan, and one for Turkey and one for Siam, each of whom shall receive a salary of $1,000 a year, in addition to the fees allowed under this act. Each such marshal may appoint one or more deputies, who shall be compensated from the fees under this act, and for whose official acts the marshal shall be responsible.

It shall be the duty of the marshals to execute all process issued by the courts of the United States in those countries, respectively, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed in regard to their duties.

Each marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof, in a penal sum not to exceed $10,000, with two sureties to be approved by the judge of the district or the consul-general at Constantinople, or the consul-general at Bangkok, as the case may be. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the clerk of the court of the district, or of the consul-general at Constantinople, or of the consul-general at Bangkok.

Whenever any person desires to bring suit upon the bond of any such marshal, it shall be the duty of the Secretary of the Treasury, or of the clerk, consul-general, or consul having custody of a copy of the same, to give to the person so applying a certified copy thereof; and in any action upon the official bond of the marshal such certified copy shall be received in evidence with the same force and effect as the original bond.

Upon a plea of non est factum, verified upon oath, or any other good cause shown, the court trying the cause may require the original bond of the marshal to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court requiring the same.

All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the said marshals shall be directed to and executed by such persons as may be appointed for that purpose by the court issuing the same.

COURT-HOUSES AND PRISONS.

SEC. 16. That the minister of the United States in China shall, under directions of the Secretary of State, as soon as possible after the passage of this act, purchase or lease for a term of not less than ten years, with privilege of renewal for ten years more, a suitable building or buildings for court-house, with convenient rooms for the offices of the clerk, marshal, janitors, and other attendants of the court, and also a suitable, safe, and convenient room for a prison, which shall be used for the confinement of persons undergoing sentence, after conviction, and of such accused persons as may be held awaiting trial, at each of the following places in China, namely: Canton, Shanghai, and Tien-Tsin.

The minister of the United States in Japan shall, under like directions, purchase or lease for a similar period, and upon the same conditions, suitable buildings for such court-house and offices, and a suitable building for a prison at Yokahama; and the minister of the United States for the Ottoman Empire shall purchase or lease for a similar period, and under like conditions, suitable buildings for prisons at Constantinople and Smyrna; and the consul-general at Siam may, under the direction of the Secretary of State, purchase or lease for a similar period, and under like conditions, a suitable building for a prison at Bangkok. The contracts in each case shall be submitted to the Secretary of State, and be approved by him and the President before being concluded.

SEC. 17. That the President is authorized to allow, in the adjustment of the accounts of consuls-general or consuls within whose districts a prison is situated, the necessary wages of the keepers of the prison and the necessary expenses of the care of offenders, not exceeding $5,000 a year in all at Shanghai, or $2,500 a year at Yokahama, or $1,500 a year at any other place.

SEC. 18. That any consular officer of the United States, under direction of the Secretary of State, may assist in establishing and maintaining municipal governments in settlements occupied by Americans, Europeans, and other foreigners in any such place out of the territory and dominion of the United States, by the concessions of the government in which it is situate. Citizens of the United States residing in such municipalities, either already or hereafter to be organized, are and shall continue to be subject to such regulations as fully as if the same were imposed by due authority of law within the dominions of the United States. The consular courts of the United States shall take jurisdiction of and enforce the regulations issued by such municipal bodies of which a consular officer of the United States is a member, and render judgment for fines and penalties imposed by the same, and cause such judgments to be enforced and make such disposition of such fines and penalties when collected as may be provided by the municipal regulations.

SEC. 19. That in the event that any consul is interested, as party or witness, in any case before him, such fact shall be entered of record, and the consul of the next adjoining district shall preside at the trial thereof.

SEC. 20. That it shall be the duty of the consuls to encourage the settlement of controversies of a civil character by mutual agreement, or to submit them to the decision of referees agreed upon by the parties. The Secretary of State and the Attorney-General shall, as part of the code herein provided for, prepare and issue a general form for such submission, to be signed by the parties and acknowledged before the consular court. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed *ex parte*. After hearing any case, such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he shall not for cause set it aside he shall confirm it, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul.

SEC. 21. That in all cases of misdemeanor it shall be lawful for the parties aggrieved or concerned therein, with the assent of the consul of the district, to adjust and settle the same among themselves, upon pecuniary or other considerations.

SEC. 22. That on the representation of any diplomatic or naval officer of the United States, any court under this act may issue all proper writs to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States as may at the time be within his reach.

SEC. 23. That whenever, by custom, usage, capitulation, treaty, or otherwise, a consular officer of the United States has the right to sit in or be present at a sitting of a mixed court which takes jurisdiction of the rights of citizens of the United States, such officers are hereby required to be present at such sittings, and to do or perform such official acts with respect thereto as may be necessary or proper under such custom, usage, capitulation, treaty, or otherwise, in conformity with such regulations as the code of practice may from time to time prescribe.

SEC. 24. That the ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries respectively.

SEC. 25. That the provisions of this act relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries therein named shall extend to any country of like character with which the United States may hereafter enter into treaty relations.

SEC. 26. That the powers conferred upon consuls by this act, not specially relating to China, Japan, or the dominions of the Ottoman Porte, are also extended to consuls and commercial agents of the United States at islands or in countries not inhabited by any civilized people or recognized by any treaty with the United States.

SEC. 27. That whenever it shall be made to appear to any court of the United States under this act that a similar court of any other power within the limits of the country within which the court is held denies to citizens of the United States the right to sue therein the citizens or subjects of such power, it shall be the duty of the court to suspend action in all suits pending therein in favor of the citizens or subjects of such power against citizens of the United States until the disability of the citizens of the United States is removed. With this exception, said courts of the United States are open to citizens and subjects of all nations to sue and prosecute to judgment suits against citizens of the United States within the judicial district of the court in which the suit is brought, subject to such rules and regulations regarding the conduct of such suits and security for costs as may be made by the provisions of the code aforesaid.

SEC. 28. That no person shall be arrested or imprisoned on any civil process issuing out of any court provided for or referred to in this act, or on any execution issuing out of such court in any suit or proceeding instituted for the recovery of any money due upon any judgment or decree founded on contract, or due on any contract, express or implied, or for the recovery of any damages for the non-performance of any contract. The following property shall be exempt from being taken on execution issuing out of any of the courts established by this act: His necessary household and kitchen furniture, according to his station in life, but to an amount not exceeding $500; the necessary wearing apparel of himself, his wife, and children; family portraits; watches usually worn by himself and his wife; library and books, not exceeding in value $200; implements of his trade; and sufficient food for himself and family for ninety days.

SEC. 29. That no fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed $50; nor shall the imprisonment exceed twenty-four hours for the same contempt.

EVIDENCE—DEPOSITIONS.

SEC. 30. That in all cases, criminal and civil, the evidence shall be taken down in writing, in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

SEC. 31. That whenever the evidence of a citizen of the United States within any of the consular districts of the United States referred to in this act shall be desired to be used before the consular or other court of some other power within the same district, the consular officer of the United States may, on request of the proper court, issue a writ of subpœna, and, if desired a writ of subpœna duces tecum, requiring him to appear and testify before the said consular or other court; and on the failure of the witness so to appear, the consular officer may cause the offender to be arrested, and may punish him for contempt as fully as he might do if the witness had been summoned to appear before the consular court of the United States and had failed to do so. The provisions of this section shall not be applied in favor of consular courts of other powers which deny similar favors to the consular and other courts of the United States.

SEC. 32. That depositions of citizens of the United States, or of other persons submitting voluntarily to the jurisdiction, to be used in any civil cause pending in any court hereby established, may be taken before such court, or the clerk thereof, or before any judge or consular officer, or the clerk of any court in the country in which the cause is pending. The proceedings in taking and returning depositions shall be conducted according to the provisions of the Revised Statutes, so far as applicable thereto and of the said code to be prepared by the Secretary of State and the Attorney-General, and, in China and Japan, of the rules which may be prescribed therefor by the respective supreme courts in those countries.

LIMITATION OF ACTIONS.

SEC. 33. That the following provisions relating to limitations of actions shall be in force as to all actions in the courts of the United States in any and all the said places out of the territory or dominion of the United States:

No action for the recovery of real property, or for the recovery of the possession thereof, shall be maintained unless it appear that the plaintiff, his ancestor, predecessor, or grantor, was seized or possessed of the premises in question within twenty years before the commencement of such action, unless the person entitled to commence such action be, at the time the title to the property shall first descend or accrue, either within the age of 21 years, or insane, or a married woman. In case of either such disability, such action may be commenced within ten years after the disability has ceased, but not after that period.

The periods prescribed for the commencement of actions other than for the recovery of real estate are as follows:

On a judgment of a court of the United States, including the courts established hereby, or of any State or Territory, or on a sealed instrument, within ten years after the cause of action accrues.

Actions on contracts, and all actions for torts, except as hereinafter provided, within six years after the cause of action accrues.

Actions against an officer of any of the said courts, in any of the said places, for alleged liability by reason of the doing of any act in his official capacity or the omission of an official duty, actions for the recovery of fines and penalties, actions for libel, slander, or false imprisonment, seduction, or breach of promise of marriage, within two years after the cause of action accrues.

But if the person entitled to bring any of the said actions, other than for the recovery of real estate, be, at the time the cause of action accrues, within the age of twenty-one years, or insane, or a married woman, such action may be commenced within two years after such disability has ceased, but not after that period.

In construing these provisions, and all the provisions of this act, the courts of the United States hereby authorized shall be governed by the decisions and rulings of the Supreme Court of the United States when there is found to be a conflict of opinion between that court and any other courts; but this shall not be construed as preventing any such court from enforcing any universally recognized commercial custom and usage at the port or place where such court is established, even though the same may differ from a commercial usage prevailing in the United States.

STATUTE OF FRAUDS.

SEC. 34. That the following provisions relating to fraudulent conveyances, and to assignments, and to chattel mortgages shall be in force as between citizens of the United States in all the said places out of the territory and dominion of the United States, and in all the courts of the United States therein:

All deeds, conveyances, transfers, or assignments, verbal or written, of goods, chattels, or things in action, made in trust for the use of the person or persons making the same, shall be void as against creditors existing or subsequent.

Every agreement that by its terms is not to be performed within one year from the making thereof, and every special promise to answer for the debt, default, or miscarriage of another, shall be void unless such agreement, or some note or memorandum thereof expressing the consideration, be in writing, and subscribed by the party to be charged thereby.

Every contract for the sale of any goods, chattels, or things in action, for the price of $50 or more, shall be void unless a note or memorandum of such contract be made in writing, and be subscribed by the parties to be charged thereby, or unless the buyer shall accept and receive part of said goods, or the evidences, or some of them, of such things in action, or unless the buyer shall at the time pay some part of the purchase-money.

Every assignment of goods and chattels by way of mortgage or security, or upon any condition whatever, shall be presumed to be fraudulent and void, as against the creditors of the person making such assignment, or subsequent purchasers in good faith, unless the same be accompanied by immediate delivery and be followed by an actual and continued change of possession, or unless the mortgage, or a true copy thereof, be filed with the clerk of the consular court of the district in which the property is situated; and the clerks of said courts are hereby required to receive such papers when offered for filing, and to keep them where they can be seen and examined, and to keep a register, wherein shall be noted all such mortgages or copies filed, and the date of each filing.

Every conveyance of every estate or interest in lands, or the rents and profits of lands, made or created with intent to defraud prior or subsequent purchasers for a valuable consideration, as against such purchasers, shall be void.

Every contract for releasing real estate for a longer period than one year, or for the sale of any lands or interests in lands, shall be void unless the contract, or some note or memorandum thereof expressing the consideration, shall be in writing, and be subscribed by the party by whom the lease or sale is to be made.

Every instrument required by any of the provisions of this section to be subscribed by any party may be subscribed by the lawful agent of such party.

MARRIAGE.

SEC. 35. That the following provisions in regard to marriage and divorces and the rights of married women shall be in force as to citizens of the United States in all the said places out of the territory and dominion of the United States:

Marriages celebrated by any consul, or by any minister of the gospel in presence of any consular officer of the United States in a foreign country, between persons authorized to marry under the provisions of this act, or under the provisions of section 18 of this act, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. When the laws of the country in which a consulate is situated require marriages to be celebrated before a civil officer of the country, the presence of the consul at the civil ceremony shall be taken to be a compliance with the provisions of this act. And such consular officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept. Such certificates shall specify the names of the parties, their ages, places of birth, and residence.

Marriages between parents and children, and grandparents and grandchildren of every degree, ascending and descending, and between brothers and sisters of the half as well as the whole blood, are declared to be incestuous and void, whether the children and relatives are legitimate or illegitimate.

The real and personal property of any married woman a citizen of the United States, within any of the said places out of the territory and dominion of the United States, which she shall own at the time of a marriage in such place, or shall thereafter acquire, except by gift from her husband, and the rents, issues, and profits thereof, shall not be subject to the disposal of her husband nor liable for his debts, and shall continue her sole and separate property as if she were a single woman, and she shall be entitled to the control and disposition of her own earnings.

WILLS—GUARDIANS—SUCCESSION.

SEC. 36. That the following provisions respecting probate of wills, settlement of estates of deceased persons, succession to property, guardians of minors, and other similar matters shall be in force, in all said places out of the territory and dominion of the United States, as to citizens of the United States and their property and estates:

All such citizens, including married women, not being idiots or persons of unsound mind, or infants, may devise real estate and bequeath personal property by will, made in writing, subscribed and published by the testator as his or her last will and testament, in the presence of at least one person, who, in the testator's presence and at his request, affixes his name thereto as a subscribing witness.

Power is hereby conferred upon the Secretary of State and the Attorney-General to frame, as part of the code hereinafter provided for, full provisions respecting the mode of proof of wills, all necessary proceedings in the settlement and distribution of the estates both of testates and intestates, and the care and custody of the estates of minors during proceedings in probate.

The consular courts are hereby made courts of probate with respect to the property of citizens of the United States dying in their respective consular districts, with full power, in the manner which may be provided by such code, to cause probate of wills, to issue letters testamentary or letters of administration, to cause the estates of deceased persons to be settled, and, after payment of just debts and expenses, to distribute the surplus, to appoint guardians of minor children, to fix the amount of security to be required of executors, administrators, and guardians, to pass upon their accounts, and generally to do any and all acts usually done by a court of probate in such cases.

Under such rules regulating appeals as may be made by the supreme court for China and Japan, appeals may be taken from consular courts to the proper district court from decrees approving or rejecting a will, or on any interlocutory proceeding affecting private rights to the extent of $500, or from a decree of distribution when any one distributive share amounts to $500. The district court may, when justice requires it, order proceedings in the consular court stayed pending proceedings in the district court.

In case it becomes necessary to sell real estate, or an interest therein, in order to pay the just debts or settle the estate of a deceased person, the probate court may order the sale, taking such steps with reference thereto as may be prescribed in such code.

The distribution of such surplus estate shall be made as follows: One-third part thereof to the widow, and all the residue, by equal portions, among the children, and such persons as shall legally represent such children if any of them have died before the deceased. If there be no children nor any legal representatives of them, the whole surplus shall be allotted to the widow.

If the deceased leave no widow, the whole surplus shall be distributed among the children, in equal parts, and the representatives of any child that may have died before the deceased shall take the share of such child.

Real estate owned by citizens of the United States, in such places out of the territory and dominion of the United States, who shall die without devising the same, shall descend in manner following: First, subject to the right of dower of the widow, to his lineal descendants; second, to the widow; third, to his father; fourth, to his mother; fifth, to his next of kin.

If the intestate shall have several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity may be; and if any of such persons shall have died before the intestate, leaving children, such children shall take his or her share, in equal parts.

But the consular court as a court of probate may, on petition of any party interested, order any or all such real estate to be sold for the purpose of distribution, and in that event the proceeds shall be distributed in the same way and to the same persons to whom the real estate would have fallen by descent.

PARTNERSHIPS.

SEC. 37. That the following provisions as to partnerships shall be in force in all the said places out of the territory and dominion of the United States, so far as concerns the citizens of the United States and the consular and other said courts hereby provided for:

A copartnership of which a citizen of the United States is a general partner may sue and be sued in said courts, and proceeding had in any such suit as if all the parties were citizens, except that execution shall not issue against the separate property of a member who is not a citizen of the United States, unless permitted by treaty or capitulation.

Persons desiring to form a partnership in any consular district for the transaction of business with a limited liability may do so under the rules and regulations of the code of practice herein directed to be made: *Provided*, That such rules and regulations shall provide for making public, in the consular district where the business is to be transacted, a certificate, to be signed by all the proposed partners, wherein shall be stated the names of all the partners, the amount of the cash capital contributed by each, the nature of the business, the duration of the partnership, and the interest and liability of each partner. Any false statement in such certificate shall cause a general liability of each and every partner for all the debts of the partnership.

ATTACHMENT.

SEC. 38. That in a civil action for the recovery of money the plaintiff may, at or after the commencement thereof, have an attachment against the property of the defendant upon the grounds herein stated:

First, when the defendant or one of several defendants is a foreign corporation or a non-resident, and the cause of action has arisen in the country wherein the consular district is situate; or,

Second, when the defendant has absconded with the intent to defraud his creditors; or,

Third, has left the jurisdiction to avoid the service of a summons, or,

Fourth, so conceals himself that a summons can not be served upon him; or,

Fifth, is about to remove his property, or a part thereof, out of the jurisdiction of the court, with the intent to defraud his creditors; or,

Sixth, is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or,

Seventh, has assigned, removed, disposed of, or is about to dispose of his property, or a part thereof, or conceals it with the intent to defraud his creditors; or,

Eighth, has fraudulently or criminally incurred the obligation for which suit is about to be or has been brought.

The said remedy of attachment shall be obtained and enforced according to the regulations and forms prescribed by the code of practice, which shall include the making of an affidavit and the giving of a bond, with sufficient security, on or in behalf of the plaintiff.

JURIES.

SEC. 39. That a grand jury for each consular district shall be impaneled and sworn, to inquire into and take cognizance of all crimes and offenses committed therein. The number of members, the number necessary to find an indictment, the selection, summoning, rules, and forms of proceedings of such grand juries shall be regulated by the code of practice herein directed to be made.

No one shall be held to answer for a capital crime or other felony except on indictment of a grand jury, or for any other offense except on such information as may be prescribed by said code of practice, unless, after being duly advised by the court, the accused shall waive such indictment or information and consent to be tried upon such charge as the court may enter of record against him.

In all criminal prosecutions the accused shall have the right of trial by jury; but he may waive the same and submit to be tried by the court alone, or he may plead guilty to the charge.

In all civil actions according to the course of the common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, but the parties may waive the same and submit the cause to trial by the court.

SEC. 40. That every male citizen of the United States resident or temporarily sojourning in any of the places covered by the provisions of this act, of the age of 21 years and upward, being able to speak and read English, not having been convicted of any infamous crime, shall be qualified to serve on a jury. All persons so qualified shall be liable to serve on a jury, except persons in the diplomatic service, officers and employés of the courts and prisons, officers in the Army or Navy on duty, attorneys in actual practice, and persons disabled by mental or bodily infirmity.

On or before the second Monday of January in each year a list shall be made out by the consul of persons residing in the district and qualified to serve as jurors. This list shall be conspicuously posted in the court-room and consulate until the 31st of the same month. As soon thereafter as it can conveniently be done, the consul shall, in open court, revise and settle the list for the current year, and until the next list shall be settled.

Whenever a jury is required, the court shall summon at least fifteen persons from the said list. Any one failing to appear when so summoned shall be liable to such fine, not exceeding $50, as the court may see fit to impose, to be collected in such manner as the court may direct.

A trial jury shall consist of five jurors, and shall be required to give a unanimous verdict. No person interested in the result shall sit as juror. In cases tried before a jury the rule of challenge shall be as follows: Challenges for cause shall be unlimited in civil and criminal cases, and all challenges for cause shall be tried by the court. In civil actions there shall be no peremptory challenges. In criminal prosecutions peremptory challenges shall be allowed; if the case is capital, the defendant nine and the Government three, to be exercised alternately, the defendant challenging three and the prosecution one. In all other criminal cases the defendant shall have five peremptory challenges and the Government two, to be made in the same manner.

Jurors shall receive for their subsistence while in attendance at court $2 each per day, and shall also be entitled to traveling expenses, at the rate of 8 cents per mile, from their homes to the place of holding court, and from such place to their homes, respectively.

The clerk shall pay the jurors' fees and mileage from a roll which shall be provided by him for each term of the district court, and be known as "the court pay-roll for the term of 18—," out of any funds in his hands from which court expenses are payable, as hereafter provided. Each juror on receiving his per diem and mileage fees shall sign such roll; and the court pay-roll thus signed and approved by the signature of the district judge shall be the clerk's sufficient voucher.

SEC. 41. That if it shall be found impossible to obtain a trial jury of five competent persons among all the citizens of the United States in the consular district, the consul shall enter that fact on the record of his court, and proceed with a jury of three such citizens; and if it should be impossible to obtain a jury of three, he shall call on three disinterested persons not citizens of the United States, but otherwise qualified to act as jurors.

CRIMES—PUNISHMENTS.

SEC. 42. That the following provisions as to punishments and penalties for crimes and offenses committed by citizens of the United States shall be in force in all of said places out of the territory and dominion of the United States.

In all cases, except as herein otherwise provided, the punishment of crimes and offenses shall be by fine or imprisonment, or both.

Every person convicted of murder shall be condemned and sentenced to suffer death, but the President shall have the power to commute such sentence to imprisonment.

Every person convicted of manslaughter or of assault with intent to kill shall be sentenced to suffer imprisonment for not less than two nor more than twenty years.

Every person convicted of rape, or of being accessory thereto before the fact, shall be sentenced to suffer imprisonment for not less than ten nor more than twenty years.

Every person convicted of assault with intent to commit a rape shall be sentenced to suffer imprisonment for not less than five nor more than ten years.

Every person convicted of burning, or setting fire to with intent to burn, any dwelling-house, or any other house, barn, or stable adjoining thereto and belonging to such dwelling, or any store-house, warehouse, or shop, or any church, meeting-house, chapel, school-house, public library, public hall, theater, or other building, or any ship or vessel, shall be sentenced to imprisonment for not less than one nor more than twenty years.

Every person convicted of burglary, or of robbery, or of mayhem, or of being accessory before the fact to either of those crimes, shall be sentenced to suffer imprisonment for not less than three nor more than fifteen years.

Every person convicted of perjury or subornation of perjury shall be sentenced to suffer imprisonment for not less than two nor more than twenty years.

Every person convicted of having, within any of the consular judicial districts, falsely forged and counterfeited any gold or silver coin which now is or shall hereafter be passing or in circulation within any of the countries mentioned in this act; or of having falsely uttered, paid, or tendered in payment any such counterfeit or forged coin, knowing the same to be false and counterfeit; or of having aided, abetted, or commanded the perpetration of either of the said offenses; or of having falsely made, altered, forged, or counterfeited, or caused or procured to be falsely made, altered, forged, or counterfeited, or having willingly aided or assisted in falsely making, altering, forging, or counterfeiting, any paper, writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, with intent to defraud such person, body politic or corporate, or voluntary association, or of having passed, uttered, or published, or attempted to pass, utter, or publish, as true, any such falsely made, altered, forged, or counterfeited paper, writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to defraud such person, body politic or corporate, or voluntary association, shall be sentenced to suffer imprisonment for not less than one nor more than seven years.

Every person convicted of larceny where the value of the property stolen shall be $50 or more shall be sentenced to suffer imprisonment for not less than one nor more than five years.

Every person convicted of larceny where the value of the property stolen shall be less than $50 shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $250, or by imprisonment for not more than six months, or both such fine and imprisonment.

Every person who shall be convicted of receiving or buying stolen goods or money, knowing the same to have been stolen, with intent to defraud the owners thereof, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding double the value of the property received or bought, and by imprisonment for not more than six months, or both such fine and imprisonment.

Every person convicted of obtaining by false pretenses any goods or chattels, money, bank note, promissory note, or any other instrument in writing for the payment or delivery of money or other valuable thing, shall be sentenced to suffer imprisonment for not less than one nor more than five years.

Every person convicted of assault, or assault and battery, with intent to inflict a great bodily injury, shall be sentenced to suffer imprisonment for not less than one nor more than three years.

Every person convicted of assault, or of assault and battery, shall be punished by a fine of not less than five nor more than fifty dollars, or by imprisonment for not more than thirty days.

In all cases of conviction by a consular court for a breach of any municipal, city, or town ordinance, the punishment shall be such as may be provided for the offense by such municipal, city, or town ordinances, but the punishment imposed in any such case shall not exceed a fine of $100, or imprisonment for ninety days.

When the sentence or punishment is, in whole or in part, by fine, the court may, in its discretion, add to the sentence that the person so fined shall stand committed until the fine is paid, but such commitment shall in no case exceed six months.

In all cases of conviction for crime where the punishment provided by this section is by imprisonment for one year or more, the person sentenced may, in the discretion of the court, be condemned to labor at such work, if any, as may be provided for prisoners in the prison or place in which the sentence is to be carried out.

FEES.

SEC. 43. That the following provisions relating to clerks' fees, marshals' fees, and fees of interpreters shall apply to all of said places out of the territory and dominion of the United States.

The clerk shall tax and collect as a docket fee—

First. In all cases where the amount in controversy is not more than $500, $5.

Second. Where the amount is over $500 and not more than $1,000, $10.

Third. Where the amount is over $1,000, $15.

Fourth. Where no specific damages are sought, the fee shall be graduated according to the nature of the case, not less than $5 nor more than $15, to be determined by the court.

The clerk's fee shall be, for—

Fifth. Issuing all writs, warrants, or other compulsory process, $1.50.

Sixth. Docketing every suit commenced, $1.

Seventh. Issuing executions, 50 cents.

Eighth. Issuing summons, subpœnas, and notices, 25 cents.

Ninth. All records and transcripts in appeals or for other purposes, for each hundred words, 15 cents.

Tenth. Seal and certificate to such record or transcript, $1.

Eleventh. Drawing any notice, paper, order, or process, on the request of any party to a suit or one interested therein, and which is not otherwise provided for, $2. If such notice, paper, order, or process exceed two hundred words, for each additional hundred words, $1.

Twelfth. Filing each paper upon the return of the marshal, and all other papers filed in court, 10 cents.

The marshal's fees shall be, for—

Thirteenth. Serving any writ, warrant, or other compulsory processes, for each person included in said writ or process, 25 cents.

Fourteenth. Serving summons, 25 cents.

Fifteenth. Each bail bond, $1.

Sixteenth. Subpœnas, for each witness summoned, 25 cents.

Seventeenth. Levying execution, $1.

Eighteenth. Advertising property for sale, $2.

Nineteenth. Releasing property under execution, by order of plaintiff, $1.

Twentieth. Selling property under execution, when the amount collected does not exceed $1,000, 5 per cent.; if over one and not exceeding three thousand dollars, 3 per cent.; if over $3,000, 2 per cent.

Twenty-first. Traveling fees in serving all process, per mile, 8 cents.

Twenty-second. Serving any notice not herein provided for, exclusive of mileage, 50 cents.

For extraordinary services performed by the marshal, or any deputy, or bailiff appointed by order of the court, a reasonable allowance may be made by the presiding judge, which shall be paid by the clerk out of the fund for court expenses.

The interpreter's fees shall be, for—

Twenty-third. Each day's attendance on court, $5.

Twenty-fourth. Making special translations, $3.

Twenty-fifth. If more than two hundred words, for each additional hundred words, $1.

The witness's fees shall be, for—

Twenty-sixth. Each day's attendance at court, $1.50.

Twenty-seventh. Each mile traveled in going to and returning from court, 8 cents.

Appeal fees shall be, for—

Twenty-eighth. Docketing case in the district court on appeal, $5.

Twenty-ninth. Entering judgment on appeal in the district court, $5.

Thirtieth. Docketing case on appeal in the supreme court, $10.

Thirty-first. Entering final judgment in the supreme court, $5.

Thirty-second. Recording opinion of the court in either the district or supreme court, for the first two hundred words, $3.

Thirty-third. Each additional hundred words, $1.

Thirty-fourth. Any intermediate or interlocutory order of the district or supreme court in appeal cases, $1.

Thirty-fifth. Mandate or order of the appeal court to the court from which the appeal was taken, $2.

The fees prescribed for marshals and interpreters shall be retained by them, respectively, as official emoluments.

Fee No. 11 in this schedule shall be the personal emolument of the clerk. All other docket, court, and clerk fees shall be paid to the clerk and by him safely kept as a part of the court-expense fund, from which the said clerk is authorized to pay any bills or accounts, fees, or mileage which shall be presented to him, having indorsed thereon the approval in writing of the district judge.

All fines and penalties imposed by the provisions of this act, except those imposed for a violation of municipal regulations, shall be paid to the clerk, by whomsoever collected, for the use of the United States, and the proceeds of the fees, fines, and penalties thus collected by or paid to the clerk shall constitute the expense fund of the court; and the clerk shall, on or before the 1st day of February of each year, transmit to the Secretary of State a detailed account of all moneys received and all disbursements made by him, which account shall, before transmission, be submitted to the district judge, who, if he finds it correct, shall indorse his approval thereof on the account. Any surplus in the hands of the clerk shall be held by him, subject to the order of the Secretary of State, on behalf of the United States; and if the moneys thus received in any one year shall be found insufficient to meet the expenses of the court, the deficiency shall be paid from the contingent fund for diplomatic and consular expenses, on the order and by the direction of the Secretary of State; and in case there shall not be in the hands of the clerk sufficient money for that purpose, he shall be authorized, on the approval of the district judge and Secretary of State, at any time during the year in which such deficiency shall occur, to draw on the Secretary of State for the necessary amount to meet such deficiency, which shall be paid by the Secretary of State out of the said contingent fund for diplomatic and consular expenses.

SEC. 44. That the Secretary of State and the Attorney-General shall, as soon as possible after the passage of this act, prepare a code of practice sufficient to carry into effect all the provisions of this act, for the use of the said courts and of parties practicing therein. The said code shall provide for proceedings which shall be simple and direct, so as to enable all persons to obtain speedy justice from said courts. It shall contain suitable forms for the principal business; but no advantage shall be taken in said courts of defects in form. Free liberty of amendment shall be allowed by such courts, to the end that justice may not be denied for defects which do not go to the merits.

The said code shall also contain suitable directions for proceedings in probate, for the formation of limited partnerships, and for all other matters hereinbefore provided for. The said code shall first be approved by the President, and shall then take effect in six months thereafter. It may be changed, amended, or modified from time to time by the Secretary of State and the Attorney-General, with the approval of the President.

SEC. 45. That whenever in this act a duty is imposed upon a consul, the duty, unless otherwise specially provided, shall be performed by the principal consular officer at the port or place where the consulate is situated; and in his absence or inability to act, by the vice-consul-general or vice-consul; and in his absence or inability to act, by the deputy consul, if there shall be a deputy consul, or, if not, by such person as the principal diplomatic representative of the United States in the country may authorize in writing.

Nothing in this act contained shall be construed to affect in any way the powers conferred upon consuls of the United States by sections 1709, 1710, and 1711 of the Revised Statutes, except as herein expressly provided.

SEC. 46. That the word "minister," when used in this title, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with and exercising the functions of consul, whether named consul-general, vice-consul-general, deputy consul-general, consul, vice-consul, deputy consul.

SEC. 47. That as to directions to the Secretary of State and the Attorney-General to prepare a code, and the authority conferred upon the President to approve the same, contained in section 41, and as to the provisions for the purchase or leasing of buildings, contained in sections 8 and 15, this act shall take effect immediately. As to all other provisions it shall take effect in six months from the approval of such code by the President.

The SPEAKER. Is a second demanded?

Mr. HOLMAN and Mr. COX, of New York, demanded a second.

Mr. HITT. I ask that the second be considered as ordered.

Mr. HOLMAN. I think we had better have a count by tellers, as required by the rule.

The SPEAKER. A second being demanded, the Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. HITT].

The House divided; and there were—ayes 97, noes 54.

Mr. HOLMAN (one of the tellers). I do not insist on further count.

So (further count not being called for) the motion to suspend the rules was seconded.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it. The Chair will recognize the gentleman from Illinois [Mr. HITT] to control the time in support of the motion, and the gentleman from Indiana [Mr. HOLMAN] to control the time in opposition to it.

Mr. HITT. In the few moments of time given for discussion it will hardly be possible to even explain the provisions of the bill, much less to make an argument in their support. It is a long bill, although it is much shorter than the law of which it takes the place, for it is a revision of many laws enacted at many times concerning the extraterritorial jurisdiction of the United States. Those laws have in the course of time been amended, and it is believed that they need further amendment, and that they need to be methodized and perfected.

This bill is one aiming at that purpose. It was prepared with great care in the department of the Government specially charged with our foreign affairs. It has been considered by the committees of both Houses for two Congresses and many modifications made. It has received their continuous attention for several years. It has been the subject of two messages from the President, of several executive communications, of extended discussion elsewhere, and very full discussion in the Committee on Foreign Affairs of the House.

The need for this kind of legislation need not be explained to any one who is familiar with the condition of our citizens abroad, their rights, and their affairs. No one among us would be willing in Pagan or Mahommedan countries to be subjected to their fantastic laws and cruel punishments, and inefficient, ignorant, corrupt courts. Our Government, from the beginning of our national history, has taken vigilant care to protect its citizens everywhere around the world, providing in its treaties with Oriental, far Asiatic, and island countries of half-civilized peoples, that they shall not be subjected to the jurisdiction of local law and local tribunals. And when gentlemen ask, as they may, where is the authority in the Constitution for exercising this jurisdiction or for establishing a judicial authority in a foreign country, I may

remind them that this was done by nearly all Christian governments under public law, in treaties centuries ago, and by our own Government in its earliest existence. This system of establishing and exercising judicial power outside of our country began even before the Constitution, and at the very moment that the Constitution was framed, when by the treaty with Morocco, in 1787, judicial power over our citizens in that country was confined to courts authorized by our Government.

A long series of similar treaties made since have received the assent of our wisest and most eminent statesmen. These treaties withdraw our countrymen from the local laws of Eastern countries; we are bound by reason and necessity to supply their place. The laws that have extended, perfected, and methodized this system are, it is believed, where conflicting, reconciled, abbreviated, and in some things extended in the elaborate measure which is now presented to the House. I may say briefly that this bill is a digest and arrangement of the present statutes on this subject, with some things omitted which were deemed superfluous or unwise, with many limitations put upon the judicial powers of our consuls as they are now exercised under the law. It also greatly abridges the present extraordinary, almost uncontrolled, judicial authority of our ministers. The powers of the consuls, acting as consular courts, through the countries of Northern Africa and the islands and the East are more sharply defined, and in cases of importance an appeal is given to the United States court for the eastern district of New York.

In China and Japan, where the American interest is so large and increasing so fast, where our merchants in single cities, our fellow-citizens, can be counted by hundreds, where their transactions amount to millions upon millions, it has been deemed necessary to establish courts purely judicial, and to take away from the consuls and from the ministers the power of life and death which they now have and have long held. Our consuls can now try a man for his life. There is no appeal save to the minister. If the minister is away it is to the gentleman who is exercising the functions of *chargé*, perhaps a young man of little experience. If he does not see fit to send it to the President the man is executed. Several times in cases the records of which lie before me have citizens been tried there for their lives, and have perished under this law. It is time that our citizens have a more adequate, systematic protection in accordance with the spirit of our laws and our institutions.

It was remarked to me a day or two ago by a gentleman long in China that we have not had a minister of the United States in that empire since the time of Mr. Burlingame who had read law. The gentleman who made the remark was himself an ex-minister. Yet the minister is the appellate court for that great multitude of Americans in China, and for that enormous body of property which passes through the hands of the American merchants, dealers, and workers, whose brain and muscle are carrying such a mighty American influence into China. Therefore it has been deemed by the Department and by the committee wise that independent judicial tribunals be established. This will cause, of course, an additional expense. That is the item in the bill that will undoubtedly subject it to the criticism of some gentlemen upon this floor. The bill provides for two judges in China and one judge in Japan, at $5,000 each, who are to take the place of our minister in his capacity as judge and of the consul in many cases, which are defined very carefully in the bill. These judges and the *personnel* of their courts altogether, in China and Japan, will not entail as much cost upon our Government as one of the numerous English courts established in those remote countries for the protection of British subjects, the security of their lives and property, by that great and wise government, chiefly with a view to the extension of its commerce and its power; and we, seeking to-day by every means that legislation can compass to extend American commerce, can hardly find a more immediate and practical way of doing it than by protecting American life and property everywhere throughout the world by our flag and by our laws.

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes remaining.

Mr. HOLMAN. I yield ten minutes of my time to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, at the present time we have what are called consular courts in these heathen lands. I mean the Mohammedan countries and the pagan countries, such as Japan and China. This bill proposes to extend the jurisdiction of our courts there beyond the consular business. It makes somebody else besides the consul a judge. It creates a district court in China and Japan, with two judges for China and one for Japan, and a supreme court to be held by all the judges.

Now, my friend from Illinois [Mr. HITT] very properly says that the basis and the authority for legislation of this kind is to be found in the Constitution under the treaty-making power. It has been sometimes alleged to be a power connected with commerce. It is sometimes alleged to be a power arising under the second section of the third article of the Constitution, the general judicial power; but I think all hands agree, especially since the argument of Mr. Cushing, when he was our minister to China and made the treaty there—I think all hands now agree that if there is any authority in Congress to carry the body of our judicial power beyond the limits of our own nation it comes from the treaty-making power, and is to be found there and nowhere else. It has been doubted by men of ability whether or not we can lift up the body of our judicature and bear it into a foreign country; whether we can give it extraterritoriality; whether we can carry our constitutional requirements as to evidence and as to trial by jury and kindred subjects to a foreign land.

But there comes in the condition, and in so far as the treaty makes it conditional we may do so. If these foreign countries agree to it we may do so, but it is a matter of very grave doubt. Can we, merely by the consent of another party, expand our Constitution? Can we do it so as to set up a judicial system in a foreign country?

I need not argue that question. It seems to be taken for granted that we have the power to make a consular court, and *a fortiori* to make these other courts. I may deny the latter according to my present lights.

I agree with my friend from Illinois [Mr. HITT] that there is no time in a half hour's debate for the proper discussion of a subject of this magnitude. It is a bill covering fifty-two printed pages. It is a bill involving a code for human society. It is a code relating to partnerships, to the laws of evidence, to marriage, wills, and successions, and to the laws as to attachments. It involves crimes and punishments. It creates juries. It concerns life and death itself.

Mr. Speaker, if the Constitution of the United States allows us to set up our judiciary in a foreign country, should we not have our jury system there? What provision is there in this bill for a jury? The jury is sacred to Anglo-Saxon traditions.

Here, sir, is a provision for a jury of five American citizens, if so many can be found, or of three, if only so many can be found within the bailiwick; but if three Americans can not be found, then the jurors are to be selected from whom? Why, from your Chinese, or your Japanese, or your Samoan or Siamese friends. You may select the whole five from any of the peoples where these courts are to be established.

Mr. LONG. Do not our consuls at present exercise judicial powers?

Mr. COX, of New York. They do.

Mr. LONG. Where do they obtain them?

Mr. COX, of New York. They obtain them under the present law of Congress. But this bill proposes to set up regular courts.

Mr. LONG. Will not the power exercised by those courts be the same judicial power that is now exercised by the consular courts?

Mr. COX, of New York. I doubt our right to establish regular courts outside of consular and commercial relations. It has been doubted by those who know more than I do. I merely throw out the doubt now. We have no time to discuss the question in this brief debate. Here, sir, is a bill which repeals forty-eight sections of our Revised Statutes. Very likely it has ameliorating clauses in it. It is so framed, however, that no one can tell, in the hurry of to-day and in view of the reform going on in our own and other countries, what particular code is the best for the emergency or what is needed for the protection of our citizens and their property and persons in these barbaric realms.

Mr. Speaker, these courts of ours in foreign countries have grown, as the gentleman from Illinois [Mr. HITT] has well said, out of our first treaty with Morocco. That treaty was made shortly after the organization of our Government.

At that time these Mohammedan and pagan countries were governed by bigotry. They were prejudiced against foreigners. They were ruled by their caprices, and restrained only by their own rules of evidence and trial. Many of these rules were drawn, as the gentleman reminded us, from the Koran. But since that time there have been marvelous changes. Consider what has been transpiring in the world since. We can truthfully say, "We have changed all that." In China, wherever we can reach it, in Algiers, in Morocco, in Siam, in the Corea—in all these remote and so-called barbaric nations there has been progress. They regard such courts as these as irksome. They are a sort of wheel within a wheel—an *imperium in imperio*. In Egypt, but for its distractions, our court would long since have been abolished. These abnormal and extraterritorial courts are the remnant of the bigoted and unprogressive past. They are provoking; they are odious, just as all creations of foreigners in defiance of home rule. They should not be encouraged. Nor should we, in view of their unpopularity and in the new "light of Asia" and new enterprise in Africa, and under the dawn of a new century, extend these alien institutions into those remote countries. We would not suffer them. We should not inflict and certainly should not extend them in defiance of our own organic order. If the Constitution be sacred to us; if its ungranted powers are reserved; if we would reserve our powers and not push them too far federally, not push them into the far-off and jealous Orient, then let us be heedful about passing a bill of this nature. If we must repeal our statutes let the repeal be under liberal and just conditions.

Besides, this bill encourages the creation of many new offices. There are already coming to the front many men of many minds, if not of many tongues, to be appointed marshals and clerks and judges of the courts to be established under this bill.

Why not wait a little? Let this be considered in Committee of the Whole—perhaps in the next Congress. Perhaps we may then see what the wisdom of the State Department has not seen.

There may be many defects in a bill of this nature which can be cured by more considerate deliberation. Until that time, and in view

of a general reform of our consular system under the new processes of our era of steam, electricity, interchange, and intelligence, we may perfect closer and happier relations with this Moslem and pagan world, some of whose institutions and customs are so much finer and better than our boasted policies and politics that we may well hesitate before reproaching their advancement by such bills as this.

Mr. HOLMAN. I now yield four minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, if we are to build and support in the very heart of the Orient an American state, I think we should proceed with great deliberation and caution in planning the edifice. Here is an elaborate code which in its civil aspects is almost as large and intricate as that of the Empire State of New York; and incorporated in this bill is also a criminal code. In other words, this bill creates several ready-made American states, both as to civil and criminal jurisdiction, with two supreme courts, one in China and one in Japan. Now I ask, is it right that in the half-hour allowed for its discussion in this House we should hastily pass a bill to create an American government in a foreign country? I would respectfully suggest to the gentleman from Illinois [Mr. HITT] that the title of this bill should properly read somewhat as follows: "An act to create small experimental American states in China, Turkey, Japan, and other remote countries, and to provide offices abroad for home statesmen." It will never do for us to begin our administration of the Government in this way.

I call attention to another feature of this bill. It not alone deals with the question of partnership, the question of marriage, the entire social and legal relations of Americans residing in those countries, but it deals with the question of life; and the American citizen abroad finds himself under this code tried by what? By a jury of his countrymen? By a jury of twelve men, in accordance with our Constitution? No; he may be tried for his life under this bill by a mongrel jury of three men—something unknown to the laws and Constitution of the country which he has left and of which he is a citizen.

Mr. HITT. That is the law now, or, rather, it is worse now.

Mr. MCADOO. No; the gentleman is in error. The present law provides that the consul shall conduct the trial, with a right of appeal to the minister; and I say that a citizen of this country had better be tried by a consul or a minister than by a jury of three men, as provided in this bill. Say, as may be the case, three Chinamen, who can very imperfectly speak English. Trial by an intelligent consul seems to me superior to this novel jury of three pigeon-English-speaking Chinamen or Japanese.

Moreover, under this bill there is a discretionary power as to the creation of offices. There is provision for an increased number of interpreters; and, in this bill, after the foreign interpreter takes the oath he is for the time being a sort of temporary American citizen. This bill gives leave, so long as the funds hold out, so long as the clerk has any unexpended portion of the appropriation, to create temporary offices; and it gives to the Secretary of State the right to make an elaborate code regulating the practice of these courts.

I protest, sir, against this exportation of an American state, a mongrel state at that, to a foreign country under the flag of the United States. Why, it will involve us in all kinds of international difficulty. We do not know, speaking facetiously, but that, following the example of our history, this American state in China may want to secede from that government, and so involve us in all manner of international trouble.

I hope, sir, that this bill will not pass, and am sorry that in the short time allotted me I can not point out the many other defects it contains. We have here at home a great continent to develop and absorbing problems of free government to work out without embroiling ourselves in Africa or Asia.

Mr. HOLMAN. Mr. Speaker, it seems to me a very perilous proceeding to pass a bill of this magnitude, a bill of fifty-two pages, involving the highest questions of government, with no opportunity for amendment and only half an hour's debate. There are many provisions of this bill which are embraced in the present law; but the bill proposes to create many new offices—judges, consular clerks, marshals. Innumerable provisions are made under which public expenditures will be very largely increased.

But, sir, there is one new feature in this bill to which I wish especially to call the attention of the House. I ask the Clerk to read the eighteenth section. Its extraordinary character may have been overlooked in the hasty reading which has occurred.

The Clerk read as follows:

SEC. 18. That any consular officer of the United States, under directions of the Secretary of State, may assist in establishing and maintaining municipal governments in settlements occupied by Americans, Europeans, and other foreigners in any such place out of the territory and dominion of the United States, by the concessions of the government in which it is situate. Citizens of the United States residing in such municipalities, either already or hereafter to be organized, are and shall continue to be subject to such regulations as fully as if the same were imposed by due authority of law within the domains of the United States. The consular courts of the United States shall take jurisdiction of and enforce the regulations issued by such municipal bodies of which a consular officer of the United States is a member, and render judgment for fines and penalties imposed by the same, and cause such judgments to be enforced and make such disposition of such fines and penalties when collected as may be provided by the municipal regulations.

Mr. HOLMAN. Mr. Speaker, that provision is a new one, and it seems to me confers extraordinary powers on the Secretary of State, powers hitherto never conferred upon an officer of this Government. The consul, with the approval of the Secretary of State, may absolutely organize municipal governments within the limits of any outlying dominion. To what extent the Government of the United States in the progress of years might, by the single action of the Secretary of State, become involved in the affairs of foreign governments no human foresight could predict. If there were an opportunity to move to strike out this section I would then call attention to others which I consider equally objectionable. I am opposed to passing a bill containing so broad a power as this confers upon a consular officer and the Secretary of State.

The SPEAKER. The gentleman's time has expired. The gentleman from Illinois has six minutes remaining.

Mr. HITT. I desire to occupy only three minutes; the remaining three minutes I yield to the gentleman from Pennsylvania [Mr. CURTIN], the chairman of the Committee on Foreign Affairs. Will the gentleman take his time now?

Mr. CURTIN. I will, and will ask the gentleman to notify me when the three minutes have expired.

Now, Mr. Speaker, this bill is not intended to acquire foreign property in foreign territories, or to establish new nationalities. It is intended essentially to protect, to foster, and to extend the trade and commerce of the people of the United States; to give our citizens in foreign countries the just protection they deserve.

Here on this floor I continually hear gentlemen say we need the extension of our commerce—we need new markets for our surplus products. This is an effort, sir, in that direction.

The gentleman has stated to you that out in these countries they put men to death without the form or semblance of law.

Now as to the question of the right to establish these courts and appoint all the officers provided under it, why our Government has exercised it from the very beginning—before the formation of the Constitution. There is scarcely anything in this bill new except that which goes to strengthen the hands of officials abroad for the protection of our people. It is merely the putting together of the various acts of legislation on this subject—digesting, arranging, codifying them into one bill. For years the subject has been under the consideration of Congress, of the Executive, of the State Department, and whatever is here provided has been on ample information from abroad and after most careful investigation of the law as it is. The bill was fully considered in the Senate Committee, unanimously reported, and was passed by that body. It has received the deliberate consideration of the Committee on Foreign Affairs of this House, and that committee has unanimously recommended its passage to this House.

As I have said already, it is no new power; it is only an enlargement of the present powers for the purpose of protecting our citizens, as well as the interests and commerce of the country. If such legislation be required would it not be better to pass this bill rather than it should fail, and have a new bill commenced at the next session? It might be amended hereafter, and limited to suit gentlemen.

Mr. EATON. Read the last clause.

Mr. CURTIN. I will call the attention of the House to the last clause of the last section: "As to all other provisions, it shall take effect in six months from the approval of such code by the President."

Mr. HOLMAN. Very important powers are given to the courts.

Mr. CURTIN. I know there are. But if we are to secure trade and commerce, to extend the interests of American citizens in foreign countries, we must protect them.

The SPEAKER. The gentleman's time has expired.

Mr. HITT. I will yield the remaining portion of my time to the gentleman from Pennsylvania if he desires it.

Mr. CURTIN. No; I am obliged to the gentleman, but I have said all I desire to.

Mr. HITT. The gentleman from New Jersey [Mr. MCADOO] urged against this bill that it gave arbitrary and despotic power apparently over human life, and that the consul has the appointment of a jury of only three, and they not necessarily Americans, in certain possible cases which might arise under the bill. That may be true, but it is even worse as the law now stands. This bill is an effort to supply defects in the present law, a law which gives such enormous powers to the consul. By this measure he is required to have a jury, and in view of the small number of Americans there obtainable, the jury is to be of five men, and he must get them if he can. That is better than it is now when he passes on human life by himself—a man, too, it may be in some cases, who never read law, and who has perhaps one hundred American citizens doing business in the town where his office is located. The gentleman's fear of the eighteenth section, which might be used to found new governments, is simply to regulate and legalize the action of our consuls in barbarous places like the Samoan Islands, where all the consuls unite in a sort of municipal council to preserve order and have some sort of government. Their action in such cases has long been recognized by the Department of State.

It is true the bill is not absolutely perfect, but it is as perfect as can be made in its methods with the material that must be employed to

procure juries. It is all in the direction of a limitation of arbitrary power. It is all in the direction of the protection of the lives and property of our citizens abroad from arbitrary dealings by the officers in charge. It aims to place power into the hands of those who are supposed to have knowledge and experience to enable them to exercise such powers in conformity with law and justice.

The code of general law, crimes, and punishments which is embodied in this bill—very brief it is true, and I wish it could have been more extensive—is necessary for a reason that I wonder should have escaped the acuteness of that gentleman; and that is, that our Federal laws do not and can not touch the most numerous and ordinary questions of municipal law, and the rights of our citizens in person and property which are governed by State laws. But this is not the case with reference to the English, French, Italians, and others whose whole body of law is one; and therefore this code is provided as a guide to our consuls, containing as it does the elementary principles of our law, so as to guide them with reference to those questions which may and probably will come before them under the operation of this bill.

Mr. MCADOO. May I ask the gentleman a question?

Mr. HITT. I hope the gentleman will excuse me, as I have but a moment. The defects or omissions of this bill, by a code which it expressly provides, shall be supplied by the Attorney-General and the Secretary of State, and before it goes into effect must be passed upon by this body.

Mr. MCADOO. I wanted to ask the gentleman a question in reference to this very subject of jury trial as provided in this bill.

Mr. HITT. I must decline to yield to an interruption, having but a very brief time to answer the arguments which have been made against the bill.

Mr. MCADOO. I will yield such time as I had left to the gentleman.

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. And as to the question of offices and their multiplication, the creation of new offices, especially the numerous marshals to which reference has been made, the gentleman should remember that those marshals already exist. They are now provided for the consulates under our present statutes, and this only provides that they shall aid these judicial officers in the exercise of their duty.

[Here the hammer fell.]

The SPEAKER. The question is on the motion of the gentleman from Illinois to suspend the rules and pass the bill.

The question was taken.

Mr. HOLMAN. I ask the yeas and nays.

The yeas and nays were ordered, 66 members voting in favor thereof.

The question was taken; and there were—yeas 148, nays 104, not voting 71; as follows:

YEAS—148.

Adams, G. E.	Elliott,	Kean,	Rogers, W. F.
Aiken,	Ellis,	Keifer,	Rosecrans,
Atkinson,	Ermentrout,	Kelley,	Rowell,
Bagley,	Evans,	Kellogg,	Russell,
Barbour,	Everhart,	Ketcham,	Ryan,
Barksdale,	Finerty,	King,	Slocum,
Bayne,	Garrison,	Lacey,	Smalls,
Beach,	George,	Lamb,	Smith, A. H.
Bingham,	Gibson,	Lawrence,	Smith, H. Y.
Blount,	Goff,	Le Fevre,	Snyder,
Boutelle,	Greenleaf,	Lewis,	Steele,
Bratton,	Guenther,	Long,	Stephenson,
Breckinridge,	Hammond,	Lyman,	Stewart, Charles
Breitung,	Hanback,	McCoid,	Stewart, J. W.
Brewer, F. B.	Harmer,	McComas,	Stone,
Brewer, J. H.	Hart,	McCormick,	Strait,
Brown, W. W.	Hatch, H. H.	Millard,	Struble,
Browne, T. M.	Hemphill,	Miller, S. H.	Taylor, E. B.
Brumm,	Henderson, D. B.	Morgan,	Taylor, J. D.
Campbell, J. M.	Henderson, T. J.	Morrill,	Thomas,
Candler,	Hepburn,	Moulton,	Tillman,
Cannon,	Herbert,	Nelson,	Valentine,
Chace,	Hill,	Oates,	Vance,
Clements,	Hiscock,	O'Hara,	Van Eaton,
Cox, W. R.	Hitt,	O'Neill, Charles	Wait,
Craig,	Holmes,	Payson,	Wakefield,
Culbertson, W. W.	Holton,	Perkins,	Ward,
Cullen,	Hopkins,	Peters,	Washburn,
Curtin,	Horr,	Pettibone,	Weaver,
Cutcheon,	Houk,	Phelps,	Wemple,
Dargan,	Howey,	Poland,	White, Milo
Davis, G. R.	Hunt,	Post,	Whiting,
Davis, R. T.	Hurd,	Price,	Wilson, W. L.
Dingley,	James,	Ray, Ossian	Winans, John
Dorsheimer,	Jeffords,	Reed,	Wise, J. S.
Dunham,	Jones, B. W.	Rice,	Wolford,
Eaton,	Jordan,	Rockwell,	Woodward.

NAYS—104.

Alexander,	Clay,	Dockery,	Henley,
Ballentine,	Cobb,	Dowd,	Hewitt, G. W.
Bennett,	Collins,	Eldredge,	Holman,
Bisbee,	Connolly,	English,	Jones, J. H.
Blackburn,	Converse,	Ferrell,	Jones, J. T.
Bland,	Cook,	Follett,	Lanham,
Boyle,	Cosgrove,	Forney,	Lowry,
Buchanan,	Cox, S. S.	Geddes,	McAdoo,
Budd,	Crisp,	Glascock,	McMillin,
Cabell,	Culberson, D. B.	Graves,	Matson,
Caldwell,	Davidson,	Green,	Maybury,
Campbell, Felix	Davis, L. H.	Halsell,	Miller, J. F.
Campbell, J. E.	Dibble,	Hardeman,	Mills,
Clardy,	Dibrell,	Hatch, W. H.	Muldrow,
Muller,	Ranney,	Stockslager,	Warner, A. J.
Mutchler,	Reagan,	Sumner, C. A.	Warner, Richard
Neece,	Reese,	Sumner, D. H.	Wellborn,
Nicholls,	Riggs,	Swope,	Weller,
O'Ferrall,	Robertson,	Talbott,	Wilkins,
Paige,	Rogers, J. H.	Taylor, J. M.	Williams,
Patton,	Seney,	Throckmorton,	Willis,
Peel,	Singleton,	Tully,	Winans, E. B.
Pierce,	Skinner, T. G.	Turner, H. G.	Wise, G. D.
Pryor,	Spriggs,	Turner, Oscar	Wood,
Pusey,	Springer,	Van Alstyne,	Yaple,
Randall,	Stevens,	Wallace,	York.

NOT VOTING—71.

Adams, J. J.	Dunn,	Laird,	Ray, G. W.
Anderson,	Ellwood,	Libbey,	Robinson, J. S.
Arnot,	Fiedler,	Lore,	Robinson, W. E.
Barr,	Findlay,	Lovering,	Seymour,
Belford,	Foran,	Milliken,	Shaw,
Belmont,	Funston,	Mitchell,	Shively,
Blanchard,	Fyan,	Money,	Skinner, C. R.
Bowen,	Hancock,	Morrison,	Spooner,
Brainerd,	Hardy,	Morse,	Storm,
Broadhead,	Haynes,	Murphy,	Thompson,
Buckner,	Hewitt, A. S.	Murray,	Townshend,
Burleigh,	Hoblitzell,	Nutting,	Tucker,
Burnes,	Hooper,	Ochiltree,	Wadsworth,
Carleton,	Houseman,	O'Neill, J. J.	White, J. D.
Cassidy,	Hutchins,	Parker,	Wilson, James
Chalmers,	Johnson,	Payne,	Worthington,
Covington,	Jones, J. K.	Potter,	Young.
Denster,	Kleiner,	Rankin,	

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

Mr. COX, of New York. I move to dispense with the reading of the names.

Mr. MCMILLIN. I object.

The Clerk then recapitulated the names of those voting.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. BRAINERD.

Mr. SHAW with Mr. LAIRD.

Mr. ARNOT with Mr. BELFORD.

Mr. DUNN with Mr. CHALMERS.

Mr. FIEDLER with Mr. ELLWOOD.

Mr. COVINGTON with Mr. JOHNSON, until January 21.

Mr. MORRISON with Mr. PAYNE.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. FYAN with Mr. HOOPER.

Mr. HARDY with Mr. WADSWORTH.

Mr. CARLETON with Mr. SKINNER, of New York.

The following were announced as being paired for to-day:

Mr. BURNES with Mr. WILSON, of Iowa.

Mr. O'NEILL, of Missouri, with Mr. HAYNES.

Mr. CASSIDY with Mr. MORGAN.

Mr. HOHLITZELL with Mr. BOWEN.

Mr. BELMONT with Mr. SPOONER.

Mr. FORAN with Mr. NUTTING.

Mr. THOMPSON with Mr. WHITE, of Kentucky.

Mr. KLEINER with Mr. RAY, of New York.

Mr. TOWNSHEND with Mr. OCHILTREE.

Mr. TUCKER with Mr. FUNSTON.

Mr. YOUNG with Mr. LIBBEY.

Mr. POTTER with Mr. BURLEIGH.

Mr. WHITE, of Kentuky. I desire to withdraw my vote. I am announced as being paired. If voting, I should vote in the affirmative on this proposition.

The result of the vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory; and

A bill (S. 12) for the relief of Elizabeth Carson.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURNES, for this day.

To Mr. BROADHEAD, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. LOWRY. I move that the House do now adjourn.

Mr. WILLIS. I hope my friend from Indiana will not insist upon that motion.

Mr. KELLEY. Permit me to say that this day has been fixed for eulogies on the late Senator ANTHONY. The resolutions are probably at this time on their way from the Senate here.

Mr. MCMILLIN. I understand the message will not come over till 5 o'clock, if at all.

Mr. KEIFER. It is expected at half past 4.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. LOWRY] that the House do now adjourn.

The question being taken, there were—ayes 79, noes 96.

Mr. LOWRY. I ask for tellers.

Tellers were ordered, 58 members voting therefor—more than one-fifth of a quorum.

The SPEAKER appointed as tellers Mr. BROWNE, of Indiana, and Mr. LOWRY.

The House again divided; and the tellers reported—ayes 79, noes 107.

Mr. MCMILLIN. I call for the yeas and nays.

The yeas and nays were ordered, 54 members voting therefor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the joint resolution (H. Res. 237) for the relief of John E. Wheelock.

The message further communicated to the House resolutions of the Senate on the announcement of the death of HENRY B. ANTHONY, late a Senator from the State of Rhode Island.

ORDER OF BUSINESS.

Mr. CHACE. I ask unanimous consent to dispense with the roll-call on the motion to adjourn, and that the House proceed to take up for immediate consideration the resolutions as to the death of the late Senator ANTHONY.

Mr. BAYNE. I object.

Mr. MCMILLIN. I hope that will be done.

The SPEAKER. Objection is made by the gentleman from Pennsylvania [Mr. BAYNE]. The Clerk will call the roll.

The question was taken; and there were—yeas 60, nays 192, not voting 71; as follows:

YEAS—60.

Alexander,	Dibrell,	Le Fevre,	Seney,
Barksdale,	Dockery,	Matson,	Singleton,
Bennett,	Eldredge,	Miller, J. F.	Skinner, T. G.
Blackburn,	Follett,	Mills,	Snyder,
Blanchard,	Geddes,	Moulton,	Springer,
Buchanan,	Gibson,	Ochiltree,	Stewart, Charles
Caldwell,	Graves,	Patton,	Stone,
Clay,	Green,	Peters,	Sumner, D. H.
Cobb,	Halsell,	Pryor,	Taylor, J. M.
Converse,	Hancock,	Reagan,	Throckmorton,
Cox, W. R.	Hatch, W. H.	Reese,	Turner, H. G.
Crisp,	Hill,	Riggs,	Van Eaton,
Davidson,	Houseman,	Robertson,	Warner, Richard
Davis, L. H.	Jones, J. T.	Robinson, W. E.	Weller,
Denster,	King,	Rosecrans,	Wood.

NAYS—192.

Adams, G. E.	Dunham,	Laird.	Shively,
Aiken,	Eaton,	Lanham,	Slocum,
Atkinson,	Elliott,	Lawrence,	Smalls,
Bagley,	Ellis,	Long,	Smith, A. H.
Barbour,	English,	Lovering,	Smith, H. Y.
Bayne,	Ermentrout,	Lowry,	Spooner,
Beach,	Evans,	McAdoo,	Spriggs,
Bingham,	Everhart,	McCoid,	Steele,
Bisbee,	Ferrell,	McComas,	Stephenson,
Blount,	Finerty,	McCormick,	Stevens,
Boutelle,	Forney,	McMillin,	Stockslager,
Boyle,	Garrison,	Maybury,	Strait,
Bratton,	George,	Millard,	Struble,
Breckinridge,	Gibson,	Miller, S. H.	Swope,
Breitung,	Glascock,	Milliken,	Talbott,
Brewer, F. B.	Goff,	Mitchell,	Taylor, E. B.
Brewer, J. H.	Greenleaf,	Morgan,	Taylor, J. D.
Brown, W. W.	Guenther,	Muldrow,	Thomas,
Browne, T. M.	Hammond,	Muller,	Tillman,
Brumm,	Hanback,	Mutchler,	Tully,
Buckner,	Hardeman,	Neece,	Valentine,
Budd,	Harmer,	Nicholls,	Van Alstyne,
Cabell,	Hart,	Oates,	Vance,
Campbell, Felix	Hatch, H. H.	O'Ferrall,	Wait,
Campbell, J. E.	Haynes,	O'Hara,	Wakefield,
Campbell, J. M.	Henderson, D. B.	O'Neill, Charles	Wallace,
Candler,	Henderson, T. J.	O'Neill, J. J.	Ward,
Cannon,	Henley,	Paige,	Warner, A. J.
Chace,	Herbert,	Parker,	Washburn,
Clardy,	Hewitt, G. W.	Payson,	Weaver,
Clements,	Hiscock,	Peel,	Wellborn,
Collins,	Hitt,	Perkins,	Wemple,
Connolly,	Hohman,	Phelps,	White, J. D.
Cook,	Holmes,	Pierce,	White, Milo
Cosgrove,	Hopkins,	Poland,	Whiting,
Cox, S. S.	Horr,	Post,	Wilkins,
Craig,	Houk,	Price,	Williams,
Culbertson, W. W.	Howey,	Pusey,	Willis,
Cullen,	Hunt,	Randall,	Wilson, W. L.
Curtin,	James,	Ranney,	Winans, E. B.
Cutcheon,	Jeffords,	Reed,	Winans, John
Dargan,	Jones, B. W.	Rockwell,	Wise, G. D.
Davis, G. R.	Jones, J. H.	Rogers, J. H.	Wise, J. S.
Davis, R. T.	Jordan,	Rogers, W. F.	Wolford,
Dibble,	Kean,	Rowell,	Woodward,
Dingley,	Keifer,	Russell,	Worthington,
Dorsheimer,	Kelley,	Ryan,	Yaple,
Dowd,	Ketcham,	Seymour,	York.
	Lacey,		

NOT VOTING—71.

Adams, J. J.	Broadhead,	Fiedler,	Holton,
Anderson,	Burleigh,	Findlay,	Hooper,
Arnot,	Burnes,	Foran,	Hurd,
Ballentine,	Carleton,	Funston,	Hutchins,
Barr,	Cassidy,	Fyan,	Johnson,
Belford,	Chalmers,	Hardy,	Jones, J. K.
Belmont,	Covington,	Hemphill,	Kellogg.
Bland,	Culberson, D. B.	Hepburn,	Kleiner,
Bowen,	Dunn,	Hewitt, A. S.	Lamb,
Brainerd,	Ellwood,	Hoblitzell,	Lewis,
Libbey,	Murray,	Ray, Ossian	Thompson,
Lore,	Nelson,	Rice,	Townshend,
Lyman,	Nutting,	Robinson, J. S.	Tucker,
Money,	Payne,	Shaw,	Turner, Oscar
Morrill,	Pettibone,	Skinner, C. R.	Wadsworth,
Morrison,	Potter,	Stewart, J. W.	Wilson, James
Morse,	Rankin,	Storm,	Young.
Murphy,	Ray, G. W.	Sumner, C. A.	

So the motion was not agreed to.

On motion of Mr. BAYNE, by unanimous consent the reading of the names of members voting was dispensed with.

The following additional pair was announced:

Mr. HURD with Mr. RAY, of New Hampshire, on this vote.

The result of the vote was then announced as above stated.

Mr. CHACE. I have no desire to antagonize the bill which gentlemen desire to have called up, or any other; but in order that the House may have an opportunity to express its feelings in regard to this matter, I now ask that unanimous consent be given for the consideration of the resolutions in regard to the death of the late Senator ANTHONY.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to take up for consideration at this time the resolutions received from the Senate in relation to the death of the late Senator ANTHONY.

Mr. SLOCUM. I object.

The SPEAKER, as the next committee in order for motions to suspend the rules, called the Committee on Military Affairs.

Mr. LOWRY. I move that the House take a recess till half past 11 o'clock to-morrow.

Mr. RANDALL. Another committee has been called.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] moves that the House take a recess until half past 11 o'clock to-morrow.

Mr. WILLIS. Mr. Speaker, I rise to a parliamentary inquiry. If the House take a recess until to-morrow morning will not the order in regard to the suspension of the rules continue?

The SPEAKER. It will.

Mr. WILLIS. Then I hope the recess will be taken, because I want to reach the education bill.

Mr. HAMMOND. How long will it continue, Mr. Speaker?

The SPEAKER. Until the House adjourn, whether it be one day or three days.

Mr. WASHBURN. If it is in order, Mr. Speaker, I move that the House do now adjourn.

Mr. COX, of New York. Mr. Speaker, would it be in order to move to amend the motion for a recess so as to fix another hour?

The SPEAKER. Certainly.

Mr. SLOCUM. I move to amend by making the hour 8 o'clock this evening.

Mr. MILLS. Is a motion to adjourn in order?

The SPEAKER. The House has transacted no business since the motion to adjourn was rejected.

Mr. WELLBORN. Was not asking unanimous consent the transaction of business?

The SPEAKER. The gentleman from Rhode Island asked unanimous consent, which was objected to.

Mr. WELLBORN. Was not that business?

The SPEAKER. It was objected to by a single member; not by any action of the House.

Mr. PAYSON. Mr. Speaker, is not the calling of the Committee on Military Affairs the transaction of business?

The SPEAKER. The Chair thinks not. It is not the transaction of business by the House. The House has taken no action on any question since the motion to adjourn was rejected. The question is on the amendment proposed by the gentleman from New York [Mr. COX] to the motion of the gentleman from Indiana [Mr. LOWRY] to take a recess.

Mr. MILLS. Mr. Speaker, is it in order to move that when the House adjourn to-day it adjourn to meet the day after to-morrow?

The SPEAKER. The Chair will cause the Clerk to read the rule which states the order in which these motions can be made.

The Clerk read as follows:

RULE XVI.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely.

The SPEAKER. The House will see that the motion to fix the day to which the House shall adjourn has precedence over the motion to adjourn, and also over the motion to take a recess. Therefore the motion, if made, to fix the day to which the House shall adjourn, is in order.

Mr. MILLS. I move that when the House adjourn to-day it adjourn to meet on Wednesday next.

The motion was not agreed to.

Mr. MILLS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker decided that by the sound the noes seemed to have it.

Mr. MILLS. I demand a division.

The House divided; and there were—yeas 101, noes 85.

Mr. SLOCUM. I demand tellers.

Mr. BAYNE. Let us have the yeas and nays.

The yeas and nays were ordered, 38 members voting in favor thereof; being more than one-fifth of the last vote.

The question was taken; and there were—yeas 119, nays 137, not voting 67; as follows:

YEAS—119.

Adams, G. E.	Eldredge,	Lewis,	Seney,
Alexander,	Ferrell,	Lovering,	Shively,
Barbour,	Follett,	Lowry,	Singleton,
Barksdale,	Forney,	McMillin,	Skinner, T. G.
Belmont,	Garrison,	Matson,	Snyder,
Bennett,	Geddes,	Maybury,	Springer,
Blackburn,	George,	Miller, J. F.	Steele,
Blanchard,	Gibson,	Mills,	Stewart, Charles
Bland,	Glascock,	Mitchell,	Stockslager,
Blount,	Green,	Money,	Sumner, D. H.
Buchanan,	Halsell,	Muldrow,	Taylor, J. M.
Buckner,	Hammond,	Muller,	Throckmorton,
Cabell,	Hancock,	Neece,	Tillman,
Caldwell,	Hardeman,	Nelson,	Turner, H. G.
Candler,	Hatch, W. H.	Oates,	Turner, Oscar
Clardy,	Henderson, D. B.	Ochiltree,	Van Alstyne,
Clay,	Hepburn,	Patton,	Van Eaton,
Clements,	Herbert,	Payson,	Wakefield,
Cobb,	Hewitt, G. W.	Peel,	Warner, A. J.
Connolly,	Hill,	Peters,	Warner, Richard
Converse,	Hiscock,	Pierce,	Washburn,
Cosgrove,	Holman,	Pryor,	Wellborn,
Crisp,	Horr,	Reagan,	Weller,
Dargan,	Houseman,	Reed,	Wemple,
Davidson,	Jones, J. H.	Reese,	Williams,
Davis, L. H.	Jones, J. T.	Riggs,	Wilson, W. L.
Dibrell,	King,	Robertson,	Winans, E. B.
Dockery,	Lamb,	Robinson, W. E.	Wood,
Dowd,	Lanham,	Rogers, J. H.	Yaple.
Eaton,	Le Fevre,	Rosecrans,	

NAYS—137.

Aiken,	Dingley,	McAdoo,	Smith, H. Y.
Atkinson,	Dunham,	McCoid,	Spooner,
Bagley,	Elliott,	McComas,	Spriggs,
Bayne,	Ellis,	McCormick,	Stephenson,
Beach,	English,	Millard,	Stevens,
Bingham,	Everhart,	Miller, S. H.	Stewart, J. W.
Bisbee,	Finerty,	Milliken,	Stone,
Boutelle,	Goff,	Morgan,	Strait,
Boyle,	Graves,	Morrill,	Struble,
Britton,	Greenleaf,	Morse,	Swope,
Breckinridge,	Guenther,	Mutchler,	Talbott,
Breitung,	Hanback,	Nicholls,	Taylor, J. D.
Brewer, J. H.	Harmer,	O'Ferrall,	Thomas,
Brown, W. W.	Hart,	O'Hara,	Tully,
Browne, T. M.	Hatch, H. H.	O'Neill, Charles	Valentine,
Brumm,	Haynes,	Paige,	Vance,
Budd,	Hemphill,	Parker,	Wait,
Campbell, Felix	Henderson, T. J.	Perkins,	Wallace,
Campbell, J. M.	Henley,	Phelps,	Ward,
Cannon,	Hitt,	Poland,	Weaver,
Chace,	Holmes,	Post,	White, J. D.
Collins,	Hopkins,	Price,	White, Milo
Cook,	Houk,	Pusey,	Whiting,
Cox, S. S.	Howey,	Randall,	Wilkins,
Cox, W. R.	Hunt,	Ray, Osslan	Willis,
Craig,	James,	Rice,	Wimans, John
Culberson, D. B.	Jeffords,	Rockwell,	Wise, G. D.
Culbertson, W. W.	Jones, B. W.	Rogers, W. F.	Wise, J. S.
Cullen,	Kean,	Rowell,	Wolford,
Curtin,	Keifer,	Russell,	Woodward,
Cutcheon,	Kelley,	Ryan,	Worthington,
Davis, G. R.	Ketcham,	Seymour,	York.
Davis, R. T.	Lawrence,	Slocum,	
Deuster,	Long,	Smalls,	
Dibble,	Lyman,	Smith, A. H.	

NOT VOTING—67.

Adams, J. J.	Dorsheimer,	Johnson,	Potter,
Anderson,	Dunn,	Jones, J. K.	Rankin,
Arnot,	Ellwood,	Jordan,	Ranney,
Ballentine,	Ermentrout,	Kellogg,	Ray, G. W.
Barr,	Evans,	Kleiner,	Robinson, J. S.
Belford,	Fiedler,	Lacey,	Shaw,
Bowen,	Findlay,	Laird,	Skinner, C. R.
Brainerd,	Foran,	Libbey,	Storm,
Brewer, F. B.	Funston,	Lore,	Sumner, C. A.
Broadhead,	Fyan,	Morrison,	Taylor, E. B.
Burleigh,	Hardy,	Moulton,	Thompson,
Burnes,	Hewitt, A. S.	Murphy,	Townshend,
Campbell, J. E.	Hoblitzell,	Murray,	Tucker,
Carleton,	Holton,	Nutting,	Wadsworth,
Cassidy,	Hooper,	O'Neill, J. J.	Wilson, James
Chalmers,	Hurd,	Payne,	Young.
Covington,	Hutchins,	Pettibone,	

So the motion that the House adjourn was not agreed to.

The following additional pair was announced:

Mr. ADAMS, of New York, with Mr. HOLTON, on this vote.

The result of the vote was announced as above stated.

Mr. MILLS. I move that when the House adjourn to-day it adjourn to meet on Wednesday next.

Mr. TALBOTT. And I move that when we adjourn to-day it be to meet to-morrow morning at 10 o'clock.

Mr. MILLS. That would be a recess.

Mr. TALBOTT. Very well; then I move a recess until 10 o'clock to-morrow morning.

The SPEAKER. The Chair thinks a motion to adjourn over is not amendable by a motion to take a recess. The question is on the motion of the gentleman from Texas, that when the House shall adjourn to-day it adjourn to meet on Wednesday next.

Mr. BAYNE. I make the point that the proposition is not in order, the same question having been already submitted to the House and voted down.

Mr. MILLS. But business has intervened since.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAYNE] makes the point of order that this motion is not in order, because it is precisely the same as one which the House has already refused to adopt.

Mr. MILLS. But under the rules of the House we may alternate indefinitely these two motions, first to adjourn, and then to fix a time to which the House shall adjourn.

The SPEAKER. But the point of order which the gentleman from Pennsylvania makes is that the motion of the gentleman from Texas is precisely the same motion which the House has already refused to adopt.

Mr. MILLS. But since that time the House has voted directly on a motion to adjourn, and that is intervening business.

The SPEAKER. The gentleman from Pennsylvania does not make the point that no business has intervened since this proposition was voted upon; he makes the point that the gentleman can not make precisely the same motion which the House has rejected.

Mr. MILLS. Why, sir, I stood here when those two motions were alternated at one time for about seventy hours.

The SPEAKER. The Chair thinks that a motion to fix as the time to which the House shall adjourn precisely the same time to which the House has already refused to agree, is not in order.

Mr. WELLBORN. Suppose, Mr. Speaker, that two hours ago the House had voted down a proposition to adjourn, and that now the identical motion should be repeated, does the Chair say that would not be in order?

The SPEAKER. That is a very different proposition. But the gentleman from Texas can reach precisely the same end which he seeks to accomplish by moving to reconsider the vote by which the House refused to make the order that when the House adjourn to-day it adjourn to meet on Wednesday next. The motion to reconsider being in order, it is not in order to make over again the original motion.

Mr. MILLS. Then I make the motion to reconsider.

Mr. COX, of New York. I move to lay that motion on the table.

Mr. MILLS. On that question I call for the yeas and nays.

The SPEAKER. The gentleman from Texas moves to reconsider the vote by which the House refused to order that when the House adjourns to-day it will adjourn to meet on Wednesday next. The gentleman from New York [Mr. COX] moves to lay on the table the motion to reconsider; and on this question the gentleman from Texas calls for the yeas and nays.

Mr. MILLS. I withdraw the demand for the yeas and nays.

The question being taken on the motion of Mr. COX, of New York, there were—ayes 80, noes 65.

Mr. MILLS. I make the point that no quorum has voted.

Mr. SPRINGER. I move that the House do now adjourn.

The SPEAKER. The point is made that no quorum has voted.

Mr. MILLS. I withdraw the point.

The SPEAKER. The point being withdrawn, the motion of the gentleman from New York is agreed to, and the motion to reconsider is laid on the table. The gentleman from Illinois [Mr. SPRINGER] moves that the House adjourn.

Mr. KEIFER. If I can be allowed to make a suggestion, representing the friends—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. KEIFER. I wish to make a suggestion which I think will solve this whole question. [Cries of "Regular order!"]

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Two petitions of citizens of Perry County, Pennsylvania, praying for an increase of widows' pensions—to the Committee on Pensions.

By Mr. BAYNE: Bill to provide for a survey and examination of the Galveston Harbor, its approaches and entrance—to the Committee on Rivers and Harbors.

By Mr. BRECKINRIDGE: Papers relating to the claim of Peter Cook, of Lonoke County, Arkansas—to the Committee on War Claims.

By Mr. BOUTELLE: Petition of the selectmen and others, citizens of the town of Veazie, Me., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. BROADHEAD: Petition of citizens of Saint Louis, in favor of the Mexican reciprocity treaty—to the Committee on Ways and Means.

Also, petition of the Academy of Science of Saint Louis, Mo., for the abolition of the duty on scientific books and apparatus—to the same committee.

By Mr. T. M. BROWNE: Petition of Munk, Roberts & Co. and others, manufacturers of Connersville, Ind., for the consideration of the bankruptcy bill—to the Committee on the Judiciary.

By Mr. BUDD: Joint and concurrent resolutions of the California Legislature, requesting Congress to pay the California Indian war debt, &c.—to the Committee on War Claims.

By Mr. CANNON: Petition of Henry Gross and others, of Atwood, Ill., asking for a pension for Clarkson Tryon—to the Committee on Invalid Pensions.

By Mr. CURTIN: Petition of Margaret F. Rawdon, relative to her claim against Venezuela—to the Committee on Foreign Affairs.

By Mr. DARGAN: Petition for additional appropriation for the improvement of the Waccamaw River—to the Committee on Rivers and Harbors.

By Mr. R. T. DAVIS: Petition of New Bedford Indian Rights Association in behalf of the Indians—to the Committee on Indian Affairs.

By Mr. DINGLEY: Petition of William C. Sprague and others, of Madrid, Me., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Letter from W. S. Robertson, president Iowa State board of health, urging an appropriation for National Board of Health—to the Committee on Appropriations.

By Mr. HOLMAN: Petition of Lewis P. Noble, for compensation for his services in saving from destruction the steamer Forest Queen while running the blockade on the Mississippi River in front of Vicksburg, on the 16th of April, 1863—to the Committee on War Claims.

By Mr. HOPKINS: Petition of citizens of Pittsburgh, Pa., in favor of improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. HUNT: Recommendation to Congress of the board of health of the State of Louisiana—to the Select Committee on the Public Health.

By Mr. B. W. JONES: Memorial of the Milwaukee Chamber of Commerce, recommending the purchase of the Portage Lake and Lake Superior Ship-Canals by the United States Government—to the Committee on Rivers and Harbors.

By Mr. KETCHAM: Petition of Susan J. Dinger and 21 others, of Dover Plains, N. Y., asking increase of widows' pensions—to the Committee on Pensions.

By Mr. LAMB: Petition of citizens of Vermillion County, Indiana, for an appropriation of $100,000 for the improvement of the Wabash River—to the Committee on Rivers and Harbors.

Also, petition of Isabella Ransom and others, asking increase of widows' pensions—to the Committee on Pensions.

By Mr. MULDROW: Petition of William Surratt, of Alcorn County, Mississippi, for reference of claim to Court of Claims for review of decision of Southern Claims Commission—to the Committee on War Claims.

By Mr MURPHY: Petition of John A. Wood & Sons and 23 other firms, with Committee of the Chamber of Commerce of Pittsburgh, Pa., asking Congress to construct the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. NELSON: Petition of the Board of Trade of Duluth, Minn., urging the purchase by the United States Government of the Portage Lake and Lake Superior Ship-Canals—to the same committee.

By Mr. O'NEILL: Petition of aged and disabled seamen and mariners of the United States Naval Asylum at Philadelphia, asking that their pensions be not forfeited when they enter a naval asylum—to the Committee on Pensions.

By Mr. PETTIBONE: Petition for the relief of Asbury Fowler, of Cocke County, Tennessee—to the Committee on Invalid Pensions.

By Mr. POLAND: Papers relating to the claim of James Carlin, Third Regiment Vermont Volunteers, for increase of pension—to the same committee.

By Mr. ROCKWELL: Papers relating to the claim of George N. Mardin—to the Committee on the District of Columbia.

By Mr. J. H. ROGERS: Resolutions of the city council of Hot Springs, Ark., relating to the Hot Springs reservation—to the Committee on the Public Lands.

By Mr. ROSECRANS: Joint resolution of the California Legislature, requesting Congress to pay the California Indian war debt, &c.—to the Committee on War Claims.

Also, memorial of Caroline L. Ransom to Congress explaining the design of her historic picture of General George H. Thomas at Chickamauga, and praying that the picture may be purchased and placed in a suitable position in the Capitol—to the Committee on the Library.

By Mr. RUSSELL: Petition of Frank S. Hart and others, of Lowell, Mass., to establish the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Petition of the Louisiana Educational Society, for national aid for educational purposes—to the Committee on Education.

By Mr. SEYMOUR: Petition of J. H. Randall and others, of David M. Read and others, and of P. T. Barnum and others, of Bridgeport, Conn., asking for an appropriation to improve the harbor of Port Jefferson, N. Y.—to the Committee on Rivers and Harbors.

By Mr. SPRIGGS: Petition of Margaret F. Rawdon, relative to her claim against Venezuela—to the Committee on Foreign Affairs.

By Mr. STEELE: Petition of Mary Young, asking to be restored to the pension-roll—to the Committee on Invalid Pensions.

By Mr. VAN ALSTYNE: Petition of William Stanton and John B. Doyle, for relief—to the Committee on Claims.

By Mr. WAIT: Papers relating to the claim of Rebecca A. Minion, of Adams County, Mississippi—to the Committee on War Claims.

By Mr. WHITE: Petition of 400 citizens of Minnesota, favoring a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WOLFORD: Petition of William H. Frear and others, against the awards of the French-American Claims Commission—to the Committee on Appropriations.

By Mr. WOOD: Petitions of ex-soldiers of Star City, Ind., asking for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. BOUTELLE: Of Randall Gallison and others, of Sherman Mills, and of Thomas H. Wentworth and others, of Bradford, Me.

By Mr. T. M. BROWNE: Of 237 citizens of Fayette, Delaware, and Wayne Counties, Indiana.

By Mr. CANNON: Of T. Anderson and others, of Oakwood, and of H. H. Jeter and others, of Douglas County, Illinois.

By Mr. J. E. CAMPBELL: Of citizens of Clermont County, of Butler County, of College Corner, Butler County, and of Hamilton, Butler County, Ohio.

By Mr. W. W. CULBERTSON: Of 251 voters of Lewis County, Kentucky.

By Mr. CURTIN: Of citizens of Centre County, of Clearfield County, and of Clinton County, Pennsylvania.

By Mr. R. T. DAVIS: Of L. E. Chamberlain and 503 others, of Plymouth County, Massachusetts.

By Mr. HEPBURN: Of J. B. W. Davis and 140 others, of Hopeville; of Henry Muchmore and 90 others, of Osceola, and of C. O. Conger and 61 others, of Seymour, Iowa.

By Mr. KLEINER: Of 100 ex-soldiers and citizens of Cynthiana, Ind.

By Mr. MURRAY: Of William M. Williamson and 87 others, of Marion County; of Charles R. Fessenden and 123 others, of Morning Sun; of A. K. Miller and 100 others, of Preble County; of Thomas Carmichael and 55 others, members of the Soldiers' National Home, Montgomery County, and of Alexander A. Cooper and 59 others, of Camden, Ohio.

By Mr. PATTON: Of 64 citizens of Pine Flats, Indiana County, and of 150 citizens of Armstrong County, Pennsylvania.

By Mr. PETTIBONE: Of J. A. February and 185 others, of Washington County, Tennessee.

By Mr. RUSSELL: Of John Nichols and 38 others, of North Uxbridge, and of Joseph O. Parker and 164 others, of Essex County, Massachusetts.

By Mr. SENEY: Of Henry Flates and 80 others, of Hancock County, Ohio.

By Mr. A. H. SMITH: Of 97 citizens of Pleasant Grove, Lancaster County, and of 63 citizens of Chester and Lancaster Counties, Pennsylvania.

By Mr. STEELE: Of O. Elliott and 100 others, of Wells County, Indiana.

By Mr. WASHBURN: Of 112 citizens and ex-soldiers of Becker and Sherburne Counties, Minnesota.

By Mr. WOOD: Of Grand Army Post, No. 14, Department of Indiana.

SENATE.

TUESDAY, *January* 20, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

CREDENTIALS.

Mr. COLQUITT presented the credentials of JOSEPH E. BROWN, chosen by the Legislature of Georgia a Senator from that State for the term commencing March 4, 1885; which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of the preliminary survey of the unconfirmed private land claim No. 132, in the Territory of New Mexico, known as the Antonio de Salazar grant; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. COKE. I present the petition of F. Barnard, R. M. Garrett, D. Tooke, W. H. Strahan, C. C. Herberts, J. G. Newsom, J. B. Stalyard,

W. J. Herbert, and others, of Colorado County, Texas, respecting a large amount of cotton said to have been seized in that county after the war by the authorities of the Government, for which they set up a claim. I move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. HARRISON presented a petition of the judges of the supreme court of the Territories of Montana, Washington, Utah, Arizona, and Wyoming, praying for an increase of salary; which was referred to the Committee on the Judiciary.

Mr. CONGER. I present a petition of the American Association of the Red Cross, through its president, Miss Clara Barton, praying for a further print of a document which was ordered to be printed heretofore by the Senate, giving the history of the treaty arrangements between this and other governments in regard to the Red Cross Association, the edition of which has been entirely exhausted. A reprint is asked at this time because the Red Cross Associations of the United States have on exhibit at the New Orleans Exposition such things as belong to that association which are illustrative of its objects and uses. They have also been made the depository of all exhibits sent from similar organizations by the different governments of the Old World, as from Germany, England, and France. There is a great demand for this document to be distributed at the New Orleans Exposition, and all the numbers have been exhausted.

I ask that the petition may be printed in the RECORD, as it is brief, and that it be referred, with the document in question, to the Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the petition presented by him may be printed in the RECORD. Is there objection? The Chair hears none.

The petition is as follows:

WASHINGTON, *January* 1885.

SENATOR: Availing myself of your kind permission, I beg to present through you to the honorable body of which you are a member the following requests, namely:

That leave be given to extend the printing of the History of the Red Cross of Geneva to the number of 20,000 copies for general circulation among the people at the exposition of New Orleans, where that international and national organization will hold an exhibit.

Two thousand copies of this pamphlet were printed by order of Congress early in the spring of 1883. This copy is in stereotype at the Government Printing Office, and its reproduction will incur only the cost of material and labor of printing, which will be comparatively small.

As this pamphlet was printed at the request of the Senate, in order to inform the country of the adoption of the treaty of Geneva in 1882 by this Government, is largely official in character, and by its date can not contain the reports of the legitimate work performed by the national association acting under the treaty since that period, nor that of the international conference of last year, which information is earnestly sought for by the people, I would ask further that an appropriation of $5,000 be applied through the Government printing department for the purpose of bringing the history of the treaty of the Red Cross down to present date.

When I shall recall the facts that this association, in almost constant activity in the national relief work of the great calamities of the country, and, as we believe, performing its part with credit to the nation, draws nothing from the Government; that through four months' work in the floods of the Ohio and Mississippi of last year, running its relief boats side by side with those of the Government, not a dollar of the munificent appropriation made by your honorable body for that relief came to this association for distribution or otherwise, and that of the million and a half so generously and so well appropriated for the exposition at New Orleans still not a dollar has been passed to the use of this association; that the Red Cross must make its own exhibit and receive and care for the foreign Red Cross exhibits as well; that the $1,000 appropriated by Congress to print the history of the treaty of Geneva and the official relation of our Government to it is all the cost the organization has been to the Government; that the treaty was without cost to it, we feel warranted in believing that your honorable body will not unwillingly accord the favor we have dared to name.

CLARA BARTON,
President American Association Red Cross.

Hon. OMAR D. CONGER,
United States Senate.

Mr. CONGER. I should have said that although the petition is directed to me it is accompanied with a request that I shall present it to the Senate as a petition.

The PRESIDENT *pro tempore*. If there be no objection the paper will be so received and referred to the Committee on Printing.

Mr. HARRIS. I present the petition of Frank Rives and his brothers and sisters, praying that the Government may purchase what is known as the Congressional Globe building, in the city of Washington. As the building is used by the Public Printing Office, having been rented by the Government for some years, I move the reference of the petition to the Committee on Printing.

The motion was agreed to.

Mr. MCMILLAN presented a petition of the Chamber of Commerce of Minneapolis, Minn., praying such legislation as will result in the United States acquiring the title to the canals and waterways connecting Kewenaw Bay with the waters of Lake Superior, in the Upper Peninsula of Michigan; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Minneapolis, Minn., representing that the appropriations for harbor improvements at Grand Haven, Ludington, and Manistee, in the State of Michigan, are inadequate to the needs of commerce passing through those ports, and praying for sufficient appropriations for such improvements; which was referred to the Committee on Commerce.

He also presented a memorial of the Cigar-makers' Union of Saint Peters, Minn., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. SAWYER presented a resolution of the Chamber of Commerce of the city of Milwaukee, Wis., praying for the purchase of the Portage Lake and Lake Superior Ship-Canal, in the State of Michigan, and that it be opened to commerce; which was referred to the Committee on Commerce.

Mr. WILLIAMS presented a memorial of cigar-makers of Henderson, Ky., a memorial of cigar-makers of New York city, and a memorial of citizens of New York city, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Eureka, Cal., praying further appropriations for the improvement of the harbor of Humboldt Bay; which was referred to the Committee on Commerce.

Mr. VOORHEES. I present the memorial of Knights of Labor, District Assembly No. 66, of Washington, D. C., remonstrating against the passage of the bill (S. 2507) to amend the law concerning mechanics' liens in the District of Columbia. As it is a matter of importance, I move that the memorial be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House returned to the Senate the bill (H. R. 1004) relative to the Chinese indemnity fund.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 12) for the relief of Elizabeth Carson;
A bill (S. 764) granting an increase of pension to Abby P. Arnold;
A bill (S. 929) granting a pension to Caroline Treckell; and
A bill (S. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 600) to refund internal-revenue tax illegally collected, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HARRISON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 692) for the relief of Michael Reynolds, to report it adversely, upon the ground that the relief which is asked for can be obtained under existing general legislation. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 2509) to confirm titles to lands in certain cases, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2519) to declare valid the titles to certain lands sold by the land officers of the United States, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH. I give notice that on some morning in the near future I shall ask unanimous consent to take up the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture. In this connection I will say that the bill as reported from the Senate Committee on Public Lands proposes material changes in the bill as it came from the House. Those changes are all explained in the printed report which has been laid on the desks of Senators. This being a House bill, the opportunity is offered to secure much-needed legislation in regard to laws for the disposition of public land, legislation which has been recommended by the Secretary of the Interior and the Commissioner of the General Land Office for years past. If that bill should pass the Senate, a measure just reported favorably, and some other measures of general importance which have been reported favorably, may be attached to it, if the Senate should concur in the judgment of the committee to so amend the bill of the House, and they would thus become a law.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (H. R. 652) for the relief of Brannin, Summers & Co., reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1628) granting a pension to Elizabeth Howard, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 1594) granting a pension to Mrs. Elizabeth F. Asper, to submit an adverse report thereon.

Mr. COCKRELL. Let the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 586) granting an increase of pension to Samuel S. Hite, to submit an adverse report thereon. I call the attention of the Senator from Kansas [Mr. INGALLS] to this report. I wish to know whether he desires that the bill shall be placed on the Calendar.

Mr. INGALLS. Let it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1334) granting arrears of pension to Mary Ringgold Archer, widow of Robert H. Archer, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 2082) granting a pension to George W. Nokes, to submit an adverse report.

Mr. COCKRELL. Let that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. Upon the suggestion of the Senator from Missouri the bill will be placed upon the Calendar with the adverse report of the committee.

Mr. SLATER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1654) granting a pension to Selinda E. Smith, to report it adversely. By request of the Senator from Indiana [Mr. HARRISON], I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 2576) to repeal section 840 of the Revised Statutes of the United States and a portion of section 839, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 3663) granting a pension to John T. Marshall; and
A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5776) granting a pension to Louis D. Petty; and
A bill (H. R. 2399) granting a pension to Clarissa McKee.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 6927) granting a pension to Merit M. Oakley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1790) granting an increase of pension to Edgar L. Dutton, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 320) granting a pension to Kate Amann, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2535) granting a pension to Mrs. Julia Hartley, to report it adversely.

Mr. MCMILLAN. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 5951) granting a pension to Abel J. Lewis, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2263) granting a pension to Abel J. Lewis, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4059) granting a pension to Isaac Demaranville, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2398) granting a pension to Cyrus Reeser, reported it without amendment, and submitted a report thereon.

HEIRS OF CHARLES B. SMITH.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to which was referred the bill (S. 2543) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry, to report it favorably without amendment. I am further instructed by the committee to ask unanimous consent for the immediate consideration of the bill. It is simply to heal an incompleteness in an act of Congress passed June 8, 1880.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers of the Treasury to close the subsistence and quartermaster's accounts upon the books of the Treasury of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry,

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

USES OF COAL IN THE NAVY.

Mr. HALE. Certain papers, accompanying the letter of the Secretary of the Navy of January 8, 1885, transmitting the report of the board of officers appointed to investigate and report upon the comparative merits of anthracite and bituminous coal for ordinary naval uses, were referred to the Committee on Naval Affairs, in order that that committee might examine and see what are needed to be printed. I now report them back, and ask that the documents accompanying the letter, together with the letter, be printed.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine, with the accompanying papers, will be referred to the Committee on Printing. The rule requires such a reference.

Mr. HALE. I do not think that such a reference will be needed. It is not anything that will be beyond the rules of the Senate.

The PRESIDENT *pro tempore*. It is competent for the Senate to order the printing without another reference. The rule requires that such motions shall be referred "unless otherwise ordered." If there be no objection, the question will be put on agreeing to the motion of the Senator from Maine that the papers returned by him from the Committee on Naval Affairs be printed for the use of the Senate.

The motion was agreed to.

NATIONAL BANK OF BLOOMINGTON.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington, to report it favorably and without amendment. The Senator from Illinois [Mr. CULLOM] is very anxious to have the bill acted upon at once, and, as it will take no more time than to read the bill, I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. LOBBAN.

Mr. BECK. I am instructed by the Committee on Finance to report back favorably the bill (S. 2529) for the relief of J. M. Lobban. I do not know whether the Senate will grant unanimous consent to act upon the bill at present, but I should like to state why it ought to be done. The bill authorizes the issuing of a duplicate check, in place of one that was lost, above the amount where the Secretary of the Treasury can authorize it to be reissued. The officer who drew the check can not settle his accounts until this is done. The bank to which the check is payable was a national depository, but is no longer so; the funds have been transferred to Omaha, and its affairs can not be closed until the account is settled. For these reasons I ask unanimous consent that the bill may be considered now. I do not think it will take more than a moment.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with amendments: in line 3 to strike out "War" and insert "the Treasury;" in line 8 to change the name to "James M. Lobban;" in line 11 to strike out "War" and insert "the Treasury;" in line 12 to change the name to "James M. Lobban;" and in line 14 to strike out "War" and insert "the Treasury;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, instructed to direct Maj. G. B. Dandy, quartermaster, United States Army, to issue duplicate check No. 20, for $4,698.50, dated April 26, 1884, in favor of James M. Lobban, on the the Stock-Growers' National Bank, Cheyenne, Wyo., in place of one lost on or about May 3, 1884: *Provided*, That the Secretary of the Treasury be satisfied the same has not been paid: *And provided further*, That said James M. Lobban shall first execute a bond, with sureties to be approved by the Secretary of the Treasury in due form, to save the United States harmless against any loss or injury by reason of such duplicate check or the payment of the original.

The amendments were agreed to.

Mr. SHERMAN. The report has been filed, I presume.

Mr. BECK. All the papers accompanying the bill have been sent to the desk.

Mr. SHERMAN. It is all right. The report ought to be printed so as to show the circumstances, as this is a case of the issuance of a duplicate check.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended to read, "A bill for the relief of James M. Lobban."

The PRESIDENT *pro tempore*. The Chair understands that no report has been sent up with the papers accompanying the bill.

Mr. BECK. I have the report, which I will furnish to the Secretary. It is embodied in a single letter. I was ordered to write it this morning, but after carefully reading the letter I did not have time to copy it.

Mr. SHERMAN. There ought to be a report in all cases where du-

plicate checks are issued in order to have an accurate statement of the facts.

Mr. BECK. I will furnish a copy of the letter in the form of a report.

DESCRIPTIVE CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably with certain amendments the joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications. I wish to state that this material, ordered to be compiled by former Congresses, is now ready for the Printer. It is considered a very important publication, and I am directed by the committee to ask for the immediate consideration of the joint resolution.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the Committee on Printing were: in line 5, to strike out "5,780" and insert "6,600;" in line 21, to add the letter "s" to the word "it;" in line 22, after the word "Office," to insert:

Eight hundred and eighteen copies to be delivered to the Secretary of the Interior for distribution to such libraries not depositories of public documents as shall be named for this purpose by each Senator, Representative, and Delegate in Congress.

And in line 27, after the word "Institution," to insert:

Two copies for the Government Printing Office.

So as to make the joint resolution read:

That there be printed and half-bound in leather, with the exception of the reserve sets, which shall be full-bound in leather, 6,600 copies of the Descriptive Catalogue of Government Publications, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House of Representatives; 4 copies for the library of the Senate; 12 copies for the library of the House; 60 copies, 50 of which shall be for foreign exchanges, for the Library of Congress; 2 copies for the library of the Executive Mansion; 40 copies for the Department of State; a copy to be sent to each legation of the United States abroad; 25 copies for the Treasury Department, including its bureaus; 20 copies for the War Department, including 1 for the library of the Military Academy at West Point; 20 copies for the Navy Department, including 1 for the library of the Naval Academy at Annapolis, and 1 copy for the Naval Observatory at Washington; 25 copies for the Department of the Interior, including its bureaus, the Railroad Commission, the Geological Survey, and the Census Office; 818 copies to be delivered to the Secretary of the Interior for distribution to such libraries not depositories of public documents as shall be named for this purpose by each Senator, Representative, and Delegate in Congress; 10 copies for the Post-Office Department and its bureaus; 10 copies for the Department of Justice, including a copy for the library of the Supreme Court and a copy for the library of the Court of Claims; 2 copies for the Department of Agriculture; 2 copies for the Smithsonian Institution; 2 copies for the Government Printing Office; 1,000 copies to be bound and distributed with the reserved documents; and 50 copies for the use of the Joint Committee on Public Printing, to be distributed among those who have aided in the compilation of the work.

SEC. 2. That the Public Printer shall print 500 additional copies of the above-named work, to be half-bound in leather, and sold at 10 per cent. advance on cost price to any person applying for the same, a notice stating the price to be inserted at least once a week in the daily edition of the CONGRESSIONAL RECORD until the edition shall have been disposed of.

SEC. 3. That all provisions of law under which any additional copies of the above-named work might be printed are, so far as they apply to the above-named work, repealed.

The amendments were agreed to.

Mr. CONGER. There is no provision, I think, in the joint resolution for distribution to the libraries of the different States and Territories, and if it pleases the Senator I shall move in the first section to provide that one copy shall be delivered to each library of the respective States and Territories.

Mr. MANDERSON. I will state for the information of the Senator from Michigan that that is already provided for in the joint resolution. The provision with reference to reserved documents, over a thousand in number, is for that purpose.

Mr. CONGER. If that is so, I have no more to say. I noticed that omission, as I thought.

Mr. MANDERSON. The joint resolution is carefully guarded. I will state further that it carefully guards against cases of omission. It is carefully provided, and I think will meet all cases.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 17th instant, approved and signed the act (S. 1432) for the relief of the Metropolitan police force of the District of Columbia.

BILLS INTRODUCED.

Mr. WILLIAMS introduced a bill (S. 2563) granting a pension to Eliza Francesco; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAYARD introduced a bill (S. 2564) relating to improved signal side lights for sail vessels under way in the inland and lake waters; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2565) to change the limit of appropriation for the public building at Terre Haute, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DAWES introduced a bill (S. 2566) to provide for the sale of the United States court-house at Boston, Mass.; which was read twice by its title, and referred to the Committee on the Judiciary.

PORTRAITS OF WASHINGTON.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Committee on the Library be instructed to inquire into the expediency and propriety of purchasing 1,000 copies of the work entitled "The Portraits of Washington," by Elizabeth Bryant Johnson, for distribution to the public libraries of the country.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. ALDRICH. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during this session of Congress, by a subcommittee or otherwise, with the same authority given the committee under resolution of July 5, 1884.

Mr. INGALLS. What was that resolution?

Mr. ALDRICH. A resolution authorizing and directing the committee to collect certain statistics in regard to the cost of transportation; practically a continuation of the Windom report published in 1873.

The resolution was considered by unanimous consent, and agreed to.

LANDS IN INDIAN TERRITORY.

Mr. PLUMB submitted the following resolution, and asked for its present consideration:

Whereas the United States in 1866 acquired from the Creek and Seminole Indians, by treaty, certain lands situate in the Indian Territory, a portion of which have remained unoccupied until the present time; and

Whereas a widely extended belief exists that such unoccupied lands are public lands of the United States, and as such subject to homestead and pre-emption settlement, and pursuant to such belief a large number of citizens of the United States have gone upon them claiming the right to settle and acquire title thereto under the general land laws of the United States; and

Whereas it is understood that the President of the United States does not regard said lands as open to settlement, and believes it to be his duty to remove all persons who go upon the same claiming the right to settle thereon, and for that purpose has directed the expulsion of the persons now on said lands by the use of military force, and there seems to be a probability of a conflict growing out of the attempt to expel said persons so claiming right and attempting to settle: Therefore,

Resolved, That the President be requested to advise the Senate as to the status of the lands in question as viewed by the Executive, the action taken, if any, to expel persons seeking to settle thereon, and the reason for the same, together with any other information in his possession bearing upon the existing controversy.

Mr. HOAR. I should like to have that printed.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to have this resolution now considered.

Mr. HOAR. I should like to have it go over for a day so that we may see it in print.

The PRESIDENT *pro tempore*. The resolution will go over until to-morrow and be printed.

WASHINGTON WATER-SUPPLY.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General is hereby directed to report to the Senate whether any of the claimants of lands taken by the Government under the act of Congress passed July 15, 1882, for increasing the water-supply of the city of Washington remain unpaid, and what obstacle, if any, exists that prevents payment for lands taken for the purpose in said act provided.

HOUSE BILLS REFERRED.

The bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 1004) relative to the Chinese indemnity fund. A bill of that number passed the House of Representatives and was sent to the Senate. Afterward, on request of the House of Representatives, it was returned to the House. Apparently the same bill is again returned to the Senate with one word in it changed. The Chair thinks it must be treated now as an original bill, it not being the same bill that was read twice before. The Chair therefore lays it before the Senate as an original bill from the House of Representatives.

The bill (H. R. 1004) relative to the Chinese indemnity fund was read twice by its title, and referred to the Committee on Foreign Relations.

FRENCH SPOLIATION CLAIMS.

Mr. HALE. I ask for the passage of the following order:

Ordered, That there be printed, for the use of the Senate, 1,000 copies of Senate bill No. 1820 to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, as passed by the Senate December 9, 1884, and by the House of Representatives, without amendment, January 14, 1885, and that the said copies be furnished to the Senate document-room.

There is a great demand from all parts of the country for a copy of the French spoliation bill as passed by the two Houses, and I have introduced this order and ask for its present consideration in order that Senators may have these copies to send out.

The order was considered by unanimous consent, and agreed to.

Mr. HOAR. I should like in connection with that same subject to introduce for reference to the Committee on Printing a resolve that 5,000 extra copies of the communication of the Secretary of State giving a list of the spoliation claimants be printed. If the Secretary will take that down, I shall be obliged to him.

Mr. HAWLEY. Allow me to ask the Senator how much of a document that is?

Mr. HOAR. It is a document twice as big as that [exhibiting]. I presume one hundred pages will cover it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will repeat his resolution so that the Secretary may take it down.

Mr. HOAR. I will change the number to 3,000 and offer the resolution in this form:

Resolved, That 3,000 additional copies of the communication of the Secretary of State, containing a list of claimants against France by reason of spoliations committed prior to 1801, be printed.

Mr. HAWLEY. My object in making the inquiry was to suggest to the Senator from Maine whether, as these things will both be called for, it might not be as well to put the act in with that pamphlet. The act is not very long.

Mr. HALE. My object only was to answer the needs for a few days. After the bill has become a law undoubtedly there will be a larger number printed than I have called for here, and then I should think it would be very proper that all of these lists should go with it.

Mr. HOAR. I propose to refer my resolution to the Committee on Printing; and that committee will report a resolution to print the bill with it, I presume.

Mr. HALE. My resolution went through, I believe.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent for the consideration of a resolution which will be read.

The Chief Clerk read as follows:

Resolved, That 3,000 additional copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations prior to the 31st day of July, 1801, be printed.

Mr. HOAR. Let it be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

BILL RECOMMITTED.

Mr. PIKE. I desire unanimous consent to take up Senate bill 1501, Order of Business 736, for the purpose of moving its recommitment.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (S. 1501) for the relief of Robert Strachan, John H. Johnson, Samuel M. Bryan, George Combs, Annie Botts, and George A. Hawkins, with the object, as he states, of moving its recommitment to the Committee on the District of Columbia. If there be no objection the bill will be considered before the Senate for that purpose. The Chair hears none. The Senator from New Hampshire moves that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

ARMY INSPECTOR-GENERAL'S DEPARTMENT.

Mr. SEWELL. I move to take up Order of Business 904, being House bill 1017.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the Senate proceed to the consideration of the bill (H. R. 1017) relative to the Inspector-General's Department of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. INGALLS. Is there a report?

The PRESIDING OFFICER (Mr. SHERMAN in the chair). There is. The report will be read.

The Secretary read the following report, submitted by Mr. SEWELL July 2, 1884, down to the portion of the report which embodies the report of the House committee:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1017) in relation to the Inspector-General's Department of the Army, respectfully report:

The Inspector-General's Department is constituted, under existing law, as follows:

One senior inspector-general with the rank of brigadier-general; one inspector-general with the rank of colonel; one assistant inspector-general with the rank of lieutenant-colonel; two assistant inspectors-general with the rank of major.

The present bill proposes to reorganize the department as follows: One Inspector-General, with rank, pay, and emoluments of brigadier-general; two inspectors-general, with the rank, pay, and emoluments of colonel; two inspectors-general, with the rank, pay, and emoluments of lieutenant-colonel; and two inspectors-general, with the rank, pay, and emoluments of major.

This increases the number of inspectors-general of the Army by two.

The number of officers, in addition to those now belonging to this department, which has been needful to detail for the performance of the necessary duties of the department, is given in the letter, hereto appended, of the Acting Adjutant-General of the Army.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 1, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of this date, inclosing a copy of a bill (H. R. 1017) to reorganize the Inspector-General's Department of the Army, and requesting information as to the officers now detailed as inspectors, &c., and to state in reply that there are four officers regularly detailed as acting assistant inspectors-general under the act of Congress approved June 23, 1874, namely, Lieut. Col. E. C. Mason, Fourth Infantry, in the Department of the Platte; Capt. Thomas Ward, First Artillery, in the Department of the East; Capt. R. P. Hughes, Third Infantry, in the Department of Dakota; Capt. J. B. Russell, Ninth Infantry, in the Department of the Missouri.

In addition to these the following-named officers are on inspection duty, though not regularly detailed as acting assistant inspectors-general: Lieut. Col. H. M. Lazelle, Twenty-third Infantry, in the Department of California; Maj. A. K. Arnold, Sixth Cavalry, in the Department of Arizona; Maj. S. S. Sumner, Eighth Cavalry, in the Department of Texas.

Very respectfully, your obedient servant,
CHAUNCEY MCKEEVER,
Acting Adjutant-General.

Hon. WILLIAM J. SEWELL,
United States Senate, Washington, D. C.

It will be seen by the foregoing communication that there is one lieutenant-colonel and three captains of the line doing duty, under regular detail, with the department, in addition to which there are three field officers on temporary detail.

The Committee on Military Affairs of the House of Representatives made a report on this bill, and were in favor of permanently increasing the number of officers in this department to a number sufficient for the performance of all its duties without making details from the line of the Army.

Mr. SEWELL. It is not necessary to read the full House report. Let the Secretary read the conclusions of our committee.

The PRESIDING OFFICER. The Senator from New Jersey asks that the report of the House Committee be omitted from the reading of the report.

Mr. INGALLS. Does the report of the Senate Committee contain all the facts that appear in the report of the House committee?

Mr. SEWELL. Yes; only in a much more concise manner.

Mr. INGALLS. That is satisfactory.

The Secretary resumed and concluded the reading, as follows:

The committee are of the opinion that, in view of the necessity for a strict investigation and inspection of all the accounts appertaining to the administration of the Army, besides the ordinary military duties of the inspectors-general, that the increase proposed in this department is necessary to the service, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EFFICIENCY OF THE ARMY.

The PRESIDING OFFICER. The Calendar, under Rule VIII, is now in order. The first case will be reported.

The bill (S. 1420) to increase the efficiency of the Army of the United States, was announced as first in order.

The PRESIDING OFFICER. This bill has been laid aside informally heretofore to await the return of the Senator from Illinois [Mr. LOGAN]. That will be considered as the order to-day.

DES MOINES RIVER LANDS.

The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill having been objected to was taken up by vote of the Senate, and is now pending, free from the five minutes' limitation of debate.

Mr. LAPHAM. Mr. President, the Senator from Arkansas [Mr. GARLAND] is absent to-day, and he requested that this bill be passed over for the day without prejudice, retaining its place.

The PRESIDING OFFICER. The Senator from New York asks that this bill be passed over, retaining its place upon the Calendar. Is there objection?

Mr. PLUMB. I rise to inquire if that changes it from the position it is in now?

The PRESIDING OFFICER. The Chair thinks not.

Mr. PLUMB. I will not object to the bill going over to-day, the Senator calling my attention to the fact that the Senator from Arkansas [Mr. GARLAND], who desires to discuss the bill, is absent to-day. I have no objection therefore to the bill going over as requested.

The PRESIDING OFFICER. The bill goes over, retaining its place on the Calendar.

Mr. LAPHAM. I desire to say that, if the Senator from Arkansas is not here to-morrow, I shall make a motion to send the bill over again, because this whole subject was under his special charge in the Judiciary Committee, and there are very important considerations involved.

Mr. PLUMB. No one would go further than I to meet any wish of the Senator from Arkansas, or the Senator from New York, or any other Senator on this floor. But this bill is in somewhat of a chronic condition. It ought to be passed, or the Senate ought to say that it will not pass it, at a very early day. The Senator from New York is posted in regard to all that has preceded it, all the circumstances surrounding it, and can enlighten the Senate, I have no doubt, as well as any one on the subject. While I am willing to have the bill go over to-day, I do not wish by silence to seem to acquiesce in any suggestion that it may go over any other day if the convenience of the Senate should be consistent with its coming up.

Mr. LAPHAM. We shall see what a day will bring forth.

FRAUDULENT ISSUE OF PASSPORTS.

Mr. MILLER, of California. I move to take up Order of Business

519, being the bill (S. 2098) to amend section 4078 of the Revised Statutes.

The PRESIDING OFFICER. Pending the Calendar the Senator from California moves to take up the bill indicated by him.

Mr. CAMERON, of Wisconsin. I know the motion made by the Senator from California is not debatable, but I hope no one will object while I say that I sincerely hope the Senate will go on with the Calendar. I presume the bill to which he refers is a meritorious bill, but it has its place on the Calendar and will be acted upon when reached.

The PRESIDING OFFICER. The Chair must remind Senators that the motion is not debatable.

Mr. CAMERON, of Wisconsin. I object to the motion.

The PRESIDING OFFICER. The Senator from California moves that the bill named by him be taken up. The question is on that motion.

Mr. CAMERON, of Wisconsin. The title of the bill does not explain anything.

The PRESIDING OFFICER. The section of the Revised Statutes referred to will be read.

Mr. ALLISON. Let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of the bill.

The question being put, a division was called for; and the ayes were 9.

Mr. MILLER, of California. Although this is an important bill and ought to be passed at once, I will not insist on it now as there is objection made to it, and I do not wish to break up a quorum.

The PRESIDING OFFICER. The motion is withdrawn. The Chair is satisfied that a quorum is present and will proceed with business unless objection is made.

RAILROAD MAIL TRANSPORTATION.

The bill (S. 1450) for the readjustment of compensation for the transportation of the mails on railroad routes was announced as next in order.

Mr. ALLISON. That can not be considered under this rule.

The PRESIDING OFFICER. The consideration of the bill is objected to and it goes over.

JURISDICTION OF DISTRICT JUSTICES.

The bill (S. 880) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, was announced as next in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. This bill has been read in full and the amendments of the Committee on the District of Columbia have been agreed to. The bill is still open to amendment. The Chair is informed that one amendment has been once acted upon but has been reconsidered. It will be now read.

The CHIEF CLERK. In section 3, line 4, the Committee on the District of Columbia reported an amendment to insert after the word "dollars" the words:

Nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be recovered in the appellate court, and costs.

So as to make the section read:

SEC. 3. That no appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of $20, nor unless the appellant enters into an undertaking, with sufficient surety, approved by the justice, to pay and satisfy whatever final judgment may be recovered in the appellate court, and costs.

The PRESIDING OFFICER. The question is upon this amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER subsequently moved to reconsider the vote by which the bill was passed, and the motion to reconsider was entered.

WOMAN SUFFRAGE.

The joint resolution (S. Res. 19) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. Objection being made, the joint resolution will be passed over.

GABRIEL NEUDECKER'S PATENT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1417) to enable Martrom D. Lewis, public administrator of the city of Saint Louis, in the county of Saint Louis and State of Missouri, having charge of the estate of Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent No. 70012, for a process of preparing tobacco, granted October 22, 1867, to said Gabriel Neudecker, deceased.

Mr. McMILLAN. Is there a report accompanying that bill?

The PRESIDING OFFICER. There is a report.

Mr. McMILLAN. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. PLATT March 28, 1884:

The Committee on Patents, to whom was referred Senate bill 1417, to empower the Commissioner of Patents to extend letters patent numbered 70012, granted to Gabriel Neudecker, October 22, 1867, to Martrom D. Lewis, administrator of said Neudecker, deceased, respectfully report:

That they have duly considered said bill and the reasons in its support, adopt as their report the following report of the House Committee on Patents made thereon, and recommend the passage of the bill:

"On the 22d day of October, 1867, letters patent No. 70012, for an improvement in process of preparing tobacco, were granted to Gabriel Neudecker, of Richmond, Va.

"It appears from the memorial in this case, which is sworn to by the widow of the said Neudecker, that he was engaged in experimenting and developing the invention, for which said patent was granted, during the years of 1863, 1864, 1865, 1866, and a part of 1867. The value of his labor during such period is estimated as reasonably worth $1,000 per annum, making a total of $5,000. It further shows that the inventor expended in materials not less than $350; that he paid out for hired assistance not less than $800; that he consumed and wasted tobacco amounting in value to not less than $350; that he paid the Government fees required by law for a patent, namely, $35; and that he paid out, in the way of professional fees, about $50. These several sums aggregate $6,685, expended in money and time on account of the said invention.

"It also appears, from the sworn memorial, that after the patent issued in October, 1867, the patentee used the process covered thereby in Richmond, Va., in the works of Neudecker Brothers, with which firm he was then connected. This user of the invention continued for about one year, when a failure of that firm, in November, 1868, terminated such user.

"The profits derived from this user of the invention are set down as not exceeding from $400 to $600. Allowing that $600 was the actual gain derived therefrom during this period, it thus appears that $6,085 have been expended in time and money on the invention in excess of the profits derived therefrom.

"It also appears from this sworn memorial that Neudecker was taken sick in 1869; that he moved from Richmond, Va., to Baltimore, Md., where he resided for about a year, when he moved to Saint Louis, Mo.

"At this latter place he and his family were, in the main, supported by relatives, he continuing in sickness and gradually declining, until he met his death in January, 1877, in consequence of consumption. He left a wife, Elizabeth, and four children, unprovided for.

"It is averred that in consequence of this long sickness and the financial condition of Neudecker the patent was not further introduced.

"So far, the facts in this case are strongly in favor of the prayer of the memorial. It appears, from a number of affidavits filed with the papers, that the invention is of great practical value, and that it is a benefit to the consumer, the tobacco laborer, and the manufacturer.

"Two hundred and eighty-one citizens, from several States, have signed petitions strongly urging the passage of this bill.

"In view of these facts, and the further fact that no opposition has appeared against the passage of the bill in question, your committee favorably recommend the same."

Mr. McMILLAN. I am unable to see any reason why this patent should be extended from the facts stated in the report. However, I have no special feeling in regard to it, and shall content myself with voting against the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPORTIONMENT OF IDAHO TERRITORY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts.

The PRESIDING OFFICER. This bill has been read and certain amendments reported by the Committee on Territories have been agreed to, and one is still pending. It will be read.

The CHIEF CLERK. In section 4, line 3, the Committee on Territories report, before the word "Monday," to strike out "first" and insert "fifth;" so as to read:

SEC. 4. That the members constituting such board of apportionment shall assemble at the capital of said Territory and complete their work on or before the fifth Monday in September, 1884.

The amendment was agreed to.

Mr. PLATT. I wish that that bill may be laid aside informally for a few moments.

The PRESIDING OFFICER. The bill will be passed over informally for the present, if there be no objection.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 85) for the relief of the Citizens' Bank of Louisiana was announced as next in order.

Mr. McMILLAN. That had better be laid over.

The PRESIDING OFFICER. The bill is objected to.

Mr. CAMERON, of Wisconsin. Let it go over.

RAILROAD TO KEY WEST.

The bill (S. 779) for a survey and estimates for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes, was announced as next in order.

Mr. COCKRELL. That is reported adversely. I object to it.

Mr. CAMERON, of Wisconsin. Let it go on the other Calendar.

The PRESIDING OFFICER. Objection is made and the bill goes over.

MINA M. GWYNN.

The bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo., was announced as next in order.

Mr. COCKRELL. Let that go on the other Calendar.

The PRESIDING OFFICER. The bill will be passed over, and the next bill reported adversely will be passed over in the same way.

TENEDORE TEN EYCK.

The bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers, was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. The bill goes over, objection being made.

Mr. CONGER. I ask that that bill hold its place under Rule VIII.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent of the Senate that the bill just mentioned may retain its place on the Calendar. Does the Senator from Missouri object?

Mr. COCKRELL. I do not.

The PRESIDING OFFICER. No objection being made, the bill will retain its place on the Calendar.

JOHN G. ROSE.

The bill (S. 717) for the relief of John G. Rose was announced as next in order.

Mr. CAMERON, of Wisconsin. I object.

The PRESIDING OFFICER. The bill will be passed over.

TEXAS AND INDIAN TERRITORY BOUNDARY.

The bill (S. 1947) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas was announced as next in order.

Mr. HARRISON. I call the attention of the Senator from Missouri [Mr. VEST]. This is a Senate bill that is now reached as Order of Business 465. Order of Business 633 is a House bill on the same subject; and if this bill is disposed of, that bill should be called up in connection with it.

Mr. VEST. I call the attention of the Senator from Texas to this bill.

The PRESIDING OFFICER. The bill will be read, unless objection is made.

Mr. HARRISON. I do object to that bill. We have on the Calendar, at Order of Business 633, a House bill on this same subject, and if any legislation is to be had it ought to be the House bill.

Mr. McMILLAN. Let this go over.

The PRESIDING OFFICER. The bill being objected to goes over.

Mr. HARRISON. I am entirely willing that the friends of the measure shall substitute the House bill for consideration. That would be the right thing to do.

Mr. VEST. So far as I am personally concerned I should prefer to have the House bill taken up. The Senator from Texas who is now absent [Mr. MAXEY] requested that the bill should not come up in his absence.

Mr. HARRISON. Let it go over informally without losing its place.

Mr. COKE. I ask that the bill go over informally until to-morrow, my colleague being now absent.

The PRESIDING OFFICER. If there be no objection the bill will be passed over informally, retaining its place under Rule VIII.

W. H. TIBBITS.

The bill (S. 2004) for the relief of W. H. Tibbits was considered as in Committee of the Whole.

The preamble recites that it appears from the records of the General Land Office that W. H. Tibbits did, in good faith, on the 4th of January, 1872, make homestead entry of the northeast quarter of section 21, township 9 north, range 11 east, in the State of Nebraska, and resided thereon for the full period of time required by existing statutes, and improved and cultivated the same; and that the same tract was patented to the Burlington and Missouri River Railroad at a time subsequent to the homestead entry, and sold by the railroad company to other parties.

The bill proposes to authorize W. H. Tibbits to locate one hundred and sixty acres of surveyed land which may be subject to pre-emption entry, his right not to be assignable, or to make homestead entry, without residence or payment of fee or commissions, for one hundred and sixty acres of land subject to such entry; or, if Tibbits shall make application to the Secretary of the Interior within one year, the Secretary may make payment to him in cash, at the rate of $2.50 per acre, for the number of acres of lands embraced in his canceled homestead entry, in full satisfaction of his rights and claims, in the same manner as in cases of repayment under existing laws.

Mr. CONGER. I ask the Senator who reported the bill whether that limits the new location to the State in which the entry was made.

Mr. PLUMB. It does not limit it to the State.

Mr. CONGER. I think it should. In the proper place—I can not tell where it is from merely hearing the bill read—I shall move to amend by providing that the new location shall be within the State of Nebraska.

The PRESIDING OFFICER. The Senator from Michigan proposes an amendment, which will be read.

Mr. CONGER. The Secretary will find the proper place to insert it.

The PRESIDING OFFICER. The Senator will please restate it.

Mr. CONGER. It is:

That such new location shall be on public lands within the State of Nebraska.

Mr. VAN WYCK. What is the point of the amendment? The bill refers to a homestead claim on Government lands, free from objections which have been heretofore made to issuing scrip. Why should it be limited to Nebraska? It would seem to be an act of injustice to restrict it to Nebraska.

Mr. CONGER. The objection to a general clause is that it makes it floating scrip.

Mr. VAN WYCK. I think the Senator is mistaken about that.

Mr. CONGER. It would be like the Valentine scrip. I oppose giving permission to anybody to go around and hunt up lands in an old-settled State, and in the hearts of villages pick out land that by mistake has not been properly disposed of, and locate on it under such provisions as this. In Nebraska, a new State, there is no objection to that, perhaps; but I have seen great wrong done by such scrip being located on lands. In my own county a man had lived twenty-five years on a tract of forest land, made a home, expended the labor of himself and family for twenty-five years in making that home, and it came out finally that by virtue of a grant by Congress of swamp lands the land had become State land; and this gentleman with his family, the State selling the land, was driven from his home by the decree of the United States court, with the patent of the United States in his hand to the land paid for twenty-five years before. He was without remedy. I tried in vain in the House, and my friends did in the Senate, to give some relief to a man who, with the patent of the United States in his hand, was driven from his home and from his land.

Such kind of opportunities of seizing upon land that has some defect in the title occur all over the older Western States, and this is another class which might be located as land-scrip on school lands. I think there should be a guard against permitting that class of rights of location or selection.

Mr. VAN WYCK. There may have been injustice in denying relief in the case to which the Senator refers, but that is no reason why justice should be denied in this case. Undoubtedly settlers are those who suffer most at the hands of the Government. They lose their homesteads, and when they lose them they lose all. They have no chance against a large railroad corporation or even a small one; and, therefore, it becomes a matter of absolute necessity, in order to do stern justice between the Government and its citizens, to grant relief in cases of this kind. There is no hardship in doing it.

This man years ago located his claim, but it was taken away from him by a railroad company. He located under the authority of the land officers of the General Government. He merely asks now the privilege to enter the public domain and occupy a quarter-section and become the owner of one hundred and sixty acres. The right conveyed by this bill is not assignable. It is a mere personal right. There is no reason why the claimant should be restricted to Nebraska any more than a citizen of Michigan should be restricted to Michigan. True, Nebraska is young in years, but her agricultural land is exhausted to-day; and when you give him land there you give him nothing; all the agricultural land is taken up, and he is driven to the arid lands, which now are almost valueless except by the expenditure of a large sum of money. He is in the situation to-day of a humble homesteader who has been robbed by an agent of the Government, and he seeks the mere privilege, which is all the bill proposes to give him, for himself to go and occupy and make himself a home, and as I have said before, his interest under this bill is not assignable.

Mr. CONGER. I have spoken on the amendment, and with the leave of the Chair I will now speak to the bill.

The PRESIDING OFFICER. The rule limits the Senator to one five minutes, the Chair thinks.

Mr. CONGER. Upon each question.

The PRESIDING OFFICER. If there be no objection, the Senator may proceed.

Mr. CONGER. I reserved my right by saying that I would speak to the bill now, and not to the amendment.

The PRESIDING OFFICER. The pending amendment is the question before the Senate; but the Chair hears no objection, and the Senator will proceed.

Mr. CONGER. In regard to the bill which I had presented in behalf of one of my own people, the Senator from Nebraska, the chairman of the Committee on Public Lands, and every one of the gentlemen who have recommended the passage of this bill, and every other Senator on this floor, so far as I could get their opinions, either publicly expressed or by their votes, refused to consider that extreme case of hardship where the bill proposed merely provided for the right of selection.

Now, this man had a homestead and was driven from it. I propose that he may select other land in the same State of Nebraska. It is ridiculous for the Senator from Nebraska to pretend or intimate before this august assembly, or in the hearing of the world, that it is possible that any Nebraska citizen could be tempted to go to any other of the

inferior States to find a home after he has once lived in the State which the Senator from Nebraska so ably represents; and I am afraid, in his desire to show his love for his State and its institutions and its people, he will unwittingly find that he has overstepped the mark and lost some things that he has gained by a consistent, continual, bold, and heroic opposition to all corporations and all interests except that of the dear people of his State. I warn him against losing the advantages he has acquired by so much labor and so much pains.

Mr. PLUMB. This bill does touch upon a class of cases which has attracted a good deal of attention and probably has received as little consideration at the hands of Congress as any other that has in any way been brought to their attention.

The facts in this case, as they were found by the committee, are that Mr. Tibbits went upon a piece of land shown upon the Government plats at the proper land office to be Government land; that he received besides the assurance of the officers of the land office that it was Government land and subject to pre-emption entry. He made valuable improvements upon it, and lived there for a number of years. The improvements he put upon the land were probably worth more than the land itself at any time up to the time when he was evicted. It is not worse nor harder in its aspects than the case the Senator from Michigan has announced or many others that have come under my attention. I have given a great deal of thought to this question as to what the Government should do to meet what I consider to be its fair obligation in regard to persons who have been misled by its officers into entering upon the public domain and who have afterward been put off by reason of what was then found to be the superior claim of a railroad company. But so far as I have been able to give the matter attention, I have not arrived at any conclusion as to general legislation which it would be proper to enter upon. The committee, therefore, has taken up the cases as they have come and dealt with them as separate cases.

I do not remember the case that the Senator from Michigan has spoken of. I do not think that it was brought to my attention or that I in any wise opposed legislation in behalf of the person he mentions. But whether I did or not, this case I think has merit in it, and should receive the favorable consideration of the Senate.

The committee in reporting this bill inserted words in the fifth line which, as they thought, take this right out of the category of all the scrip which the Senator has so justly anathematized, and puts this party in a class by himself. This right of his is not assignable. He is simply authorized to locate one hundred and sixty acres of surveyed land which may be subject to pre-emption entry, and the right is not to be assignable. Consequently he can not receive a paper from the Land Office, or a piece of scrip which he may transfer to any one else by delivery or by assignment or otherwise, and this transaction therefore has no relation, as I think, to the scrip which has been issued under various acts of Congress and which has gone into the market and been sold and used for the purposes which the Senator from Michigan has very justly characterized.

We simply give to this party the right to take one hundred and sixty acres of land, and by reason of the fact that he has already lived on one hundred and sixty acres of land the requisite time under the law, and made the requisite improvements upon it, and paid the requisite fees, and done everything he could to acquire a perfect title, and did it in good faith, and did it relying upon the representations made to him by the Government officers, we thought he might very properly be relieved from the necessity of making any further settlement, or of paying any further fees in the completion of an entry of one hundred and sixty acres of land, which should, in some measure at least, be compensation to him for the loss sustained by reason of the misrepresentations of the Government officials on which he relied.

Mr. CONGER. Will the Senator allow me a word? With that explanation and this being but one case and not a general law, I withdraw the amendment which I offered to the bill. I can see some reason why there would not be the injury in this case that there might be from scrip, the right not being assignable and there being but one individual provided for in the bill. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question now is on agreeing to the preamble.

The preamble was agreed to.

TEXAS AND INDIAN TERRITORY BOUNDARY.

Mr. MAXEY. Order of Business 465, being the bill (S. 1947) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas was informally passed over on account of my momentary absence. I ask that that bill be taken up.

The PRESIDING OFFICER. If there be no objection the bill referred to will now be taken up, having been passed over informally a few minutes ago.

Mr. MAXEY. I want to make a motion in that case. Order of Business 633 on the Calendar, being House bill 1655, relates to exactly the same subject-matter as Senate bill 1947. I ask that the House bill be taken up.

The PRESIDING OFFICER. If there be no objection the House bill relating to the same subject-matter as the pending bill will now be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

The amendment reported by the Committee on Territories was to strike out all after the title of the bill and in lieu thereof to insert:

Whereas the treaty between the United States and Spain executed February 22, 1819, fixed the boundary line between the two countries west of the Mississippi River as follows: Beginning on the Gulf of Mexico at the mouth of the Sabine River, in the sea, and continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches or Red River; thence following the course of the Rio Roxo westward to the one hundredth degree of longitude west from London and the twenty-third from Washington; thence crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 42 degrees north; and thence by that parallel of latitude to the South Sea; the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818; and

Whereas a controversy exists between the United States and Texas as to the point where the one hundredth degree of longitude crosses the Red River, as described in the treaty; and

Whereas the point of crossing has never been ascertained and fixed by any authority competent to bind the United States and Texas; and

Whereas it is desirable that a settlement of this controversy should be had, to the end that the question of boundary, now in dispute because of a difference of opinion as to said crossing, may also be settled: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to detail one or more officers of the Army who, in conjunction with such person or persons as may be appointed by the State of Texas, shall ascertain and mark the point where the one hundredth meridian of longitude crosses Red River, in accordance with the terms of the treaty aforesaid; and the person or persons appointed by virtue of this act shall make report of his or their action in the premises to the Secretary of the Interior, who shall transmit the same to Congress at the next session thereof after such report may be made for action by Congress.

SEC. 2. That the sum of $10,000, or so much thereof as may be necessary, to be expended under the direction of the War Department, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of the United States in carrying out the provisions of this act.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. MAXEY. I ask unanimous consent that we be permitted to continue the consideration of this bill until we get through with it.

The PRESIDING OFFICER. The Chair will first announce the order of business and then put the question on the Senator's request.

The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers. The Senator from Texas asks unanimous consent of the Senate to proceed with the bill which was under consideration at the close of the morning hour.

Mr. MAXEY. I will state to the Senator from Illinois that this is a very important bill to settle a matter which ought to be settled promptly, and I do not think it will require five minutes to dispose of it.

Mr. CULLOM. If the bill will only take a few minutes for its disposition I shall not stand in the way of it. I hope it will not take long, and I will reserve the right to call up the unfinished business at any time.

The PRESIDING OFFICER. The unfinished business will be passed over informally, and the Senate, as in Committee of the Whole, resumes the consideration of House bill 1565.

Mr. MAXEY. I wish to say in a very few words that the bill as it passed the House was the result of very mature consideration, and is in substance and essence the bill which at a former Congress passed the Senate without objection and without a dissenting voice. The House bill was referred to the Committee on Territories of the Senate, who reported it with a substitute; but in the mean time the same committee had reported Senate bill 1947, being No. 465 in the order of business, which is in terms the same as the House bill. Now, my purpose is to have the bill of the House passed, so as to get the survey made between Texas and the territory of the United States, and I will state that the House bill pursues the precedents, as I know, from 1823 without a single break, the precedents in the cases between the State of Georgia and the Territory of Florida, the State of Louisiana and the Territory of Arkansas, the State of Illinois and the Territory of Michigan. Beginning in 1823, there is not a single break in that bill from the precedents. The only object of the bill is to carry out the unfinished work contemplated by the act of 1858, a part of the boundary having been defined, but the rest was not done, and it is important to the United States and important to Texas that that boundary should be settled.

Mr. CONGER. The Committee on Territories in charge of this bill

objected to the House bill on two points, and it could not have been reported by that committee with the feelings there entertained. One objection was that by the bill the boundary line between the Indian Territory and the State of Texas would be determined by the proposed commission; the landmarks determining which branch of the Red River, or what was the Red River, would be fixed by a commission without further action by Congress, and that it would be fixed by a commission consisting of the same number of persons appointed by the President of the United States and by one of the parties in interest, the State of Texas.

That objection, to my mind, was insuperable. The Government itself may make the proper inquiry. It is capable of ascertaining what the terms of the treaty mean, as far as they depend upon a survey and examination and the construction of the language in the treaty, independently of any joint commission between the State of Texas and the United States. It savors a little too much, without any umpire, of putting a party interested on one side to decide a question in his own favor, which I think is objectionable, and I think it is unnecessary.

On these two points—first, that one of the parties in interest is to have an equal voice in the decision, and next, that the final result is to be determined by the commission without reference again to Congress—the committee thought that the House bill was objectionable. We considered that the only matter to be settled was the geographical question as to the point mentioned in the treaty and designed to be the guiding point where the particular degree of longitude crossed the Red River, and by questions which have arisen since there is a dispute as to what stream, in the view of the treaty and of those who made the treaty, is to be considered the Red River for the purpose of ascertaining this crossing.

The amendment reported by the Committee on Territories, the chairman of the committee not being present, I will state is tentative. It is to ascertain by all the means which a commission might have—the treaty, correspondence, maps, views, anything that throws light on the question—which of two or three particular streams is referred to in the treaty, that region then being comparatively unexplored or somewhat unexplored. The result is to be reported to the Secretary of War, and by him, with all the information obtained, to be reported to Congress. I think that is the proper way in which the bill should pass, if it pass at all.

The Government of the United States has set apart a portion of this territory as an Indian territory for the benefit of tribes which are the wards of the United States; and there should certainly be the same care and watchfulness in regard to the territory appropriated to the Indians as if it was a neighboring Territory or State. For myself I should be unwilling to vote for the bill as it came from the House, but I am willing to support the amendment as reported by the Committee on Territories.

I regret that the chairman of the Committee on Territories, who investigated this subject more particularly, is not present to state in addition to what I have said the reasons which influenced the committee.

Mr. MAXEY. As I said before, the bill as it came from the House once before, on the report of this very committee, passed the Senate unanimously. The same bill in substance and essence as it came from the House was at the last session reported by the same committee without dissent, so far as I know, by the Senator from Missouri, and stands on the Calendar to-day. Subsequently the House bill came over, and after the House bill came over for the first time in this body the substitute now proposed by the committee was offered. Now, I say this to the Senator, so far from wanting the slightest privilege, all I ask or desire is that the line between the territory of the United States and the territory of Texas be fairly and honestly ascertained and found. When the Senator states that one of the parties in interest, to wit, Texas, is represented on the commission, I only reply that both parties in interest are represented on the commission, because on one side of the one hundredth degree of west longitude Texas has an interest, and on the other side the United States. The precedents which I consulted in drawing the bill were all the precedents from 1823 down. But as I see the Senator from Michigan thinks there is some advantage somewhere, I will withdraw my objection to the substitute and permit that to be adopted by the Senate, because I know that this thing ought to be settled some way, and I would rather have a settlement by the substitute, which is not as good as the bill, than have no settlement at all. Therefore I withdraw any objection I have to the substitute.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, reported by the Committee on Territories.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. CONGER. Let the title be read. It ought to be amended.

The Secretary read the title, as follows:

To authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

Mr. CONGER. I move to strike out the last clause.

Mr. MAXEY. I can not see the point in that. If a line is to be run, if a commission is appointed on behalf of the United States and of the State of Texas, which is a fact, as the whole bill shows, why not state the fact in the title? The title recites the fact that commissioners on the part of the United States and of Texas are joined in the matter.

Mr. CONGER. But the amendment of the committee does not provide for a commission from Texas, but authorizes this examination to be made by the United States.

Mr. MAXEY. The committee has not changed the title, I understand.

Mr. CONGER. I say the amendment excludes the idea of a commission to be appointed by the State of Texas. Therefore it should not be recited in the title.

Mr. MAXEY. I do not understand that the United States is to run a dividing line between its own territory and a State without having the other party represented.

Mr. CONGER. The amendment which the Senate has adopted provides for an examination by the United States authorities.

The PRESIDING OFFICER. It is the duty of the Chair to say that the same words are used in the amendment that has been adopted which are used in the original bill.

Mr. MAXEY. The enacting clause of the bill shows that Texas is to be represented. I ask the Secretary to read it.

Mr. CONGER. My recollection was that the examination was to be made by the authorities of the United States and reported to Congress.

Mr. MAXEY. Not at all.

Mr. CONGER. If it is a joint commission in the bill——

Mr. MAXEY. It is a joint commission in the bill.

Mr. CONGER. Then I have no objection to its being in the title, although I was not aware that the State of Texas was to have a commission.

Mr. MAXEY. If the Senator will look at the enacting clause of the bill he will see that that is the fact.

The PRESIDING OFFICER. The title will stand unless objection be made. The Senate bill on the same subject-matter will be indefinitely postponed if there be no objection. The Chair hears none, and that order will be made.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

SPANISH-AMERICAN TRADE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Commerce, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate, passed December 16, 1884, I transmit herewith a letter of the Secretary of State, of the 19th instant, submitting a report containing certain information in the Department of State in relation to the foreign trade of Mexico, Central and South America, the Spanish West Indies, Hayti, and San Domingo, and also in relation to the share of the United States to the trade in question.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, January 20, 1885.*

INTERSTATE COMMERCE.

Mr. CULLOM. I call for the regular order of business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. CULLOM] in the nature of a substitute for the House bill.

Mr. CULLOM. The first thing I suppose is to read the House bill, which has not yet been read. I do not ask for it myself, however.

The PRESIDING OFFICER. The House bill will now be read.

Mr. INGALLS. The House bill was read the first and second time by title, I think, and then ordered to lie on the table. It is now called up for action.

Mr. HARRIS. The House bill went to the Calendar after being read the first and second time by title.

Mr. INGALLS. It should be read once at length.

The PRESIDING OFFICER. The bill will now be read as of course.

The Chief Clerk read the bill:

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois [Mr. CULLOM] in the nature of a substitute for the bill.

Mr. INGALLS. That had better be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be read.

The Chief Clerk proceeded to read the substitute, and read to the end of the twelfth section.

Mr. CONGER. Is the bill being read for amendment by sections?

The PRESIDING OFFICER (Mr. FRYE in the chair). It is not now being read for amendment.

Mr. BECK. I desire to ask the Senator from Illinois whether his substitute proposes to deal with all the water ways of the country as well as the railways of the country? I understand from the reading of it that it does, while the House bill is confined to the railways of the country and the pipe-lines. Am I correct in that?

Mr. CULLOM. The substitute offered by me as it came from the committee does propose legislation in regard to water ways as well as railways. The Senator from Michigan [Mr. CONGER] has some amendments which he proposes to offer upon that particular point.

Mr. BECK. I expect to agree with him in that respect, but I suppose that the bill as it came from the House is now the bill before the Senate, and is first open to amendment before the substitute will be considered or amendments offered to it. After the text of the House bill is perfected, I suppose the substitute will then be offered to the House bill as perfected by the Senate amendments, and will itself be open to amendment, at which time the amendments of the Senator from Michigan would more properly apply, I assume.

Mr. CONGER. It seems to me, if the Senator will allow me——

The PRESIDING OFFICER. If Senators will suspend a few moments, the Chief Clerk had not quite finished the reading of the substitute.

Mr. BECK. I beg pardon; I thought he had.

Mr. CONGER. On that very point I wish to remark that I understood the bill was being read now for amendments, having been read on other occasions.

The PRESIDING OFFICER. No; the amendment is being read for information on the demand of the Senator from Kansas [Mr. INGALLS].

Mr. CONGER. I give notice now that I have prepared amendments by which, in sections 12 and 13, the provisions relating to water carriage shall be striken from the bill.

Mr. BECK. I expect to agree with the Senator from Michigan that those sections should be stricken out, but it is not the time now to act upon the question.

Mr. CONGER. I supposed the proper time to offer those amendments would be on this full reading of the bill by sections. I do not understand that amendments must necessarily come to the House bill, the body of the bill now under consideration, before the substitute is amended. The substitute being offered for it, the substitute may be first amended, and then the original bill can be amended before the substitute is voted upon.

Mr. BECK. I do not so understand it.

The PRESIDING OFFICER. The reading of the substitute will be resumed.

The Chief Clerk resumed and concluded the reading of the amendment of Mr. CULLOM, which was to strike out all after the enacting clause of the bill and to insert:

That for the purpose of providing for the regulation of commerce among the several States and Territories a commission is hereby created and established, to be known as the Interstate Commerce Commission, which shall be composed of nine commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be selected from each judicial circuit of the United States. Three of the commissioners first appointed under this act shall continue in office for terms of two years, three for four years, and three for six years, the respective terms to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for incompetency or malfeasance in office. Vacancies occasioned by removal, resignation, or other cause shall be filled by the President. And not more than five shall belong to the same political party.

SEC. 2. That the commission hereby created shall have and exercise the powers and discharge the duties defined and granted in this act pertaining to the methods and regulating the operation of all transportation companies engaged in interstate commerce, and to take into consideration and to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as may be necessary to the establishment of a just system of regulations for the government of the same.

SEC. 3. That if any transportation company engaged in interstate commerce shall collect, demand, or receive, in the transaction of the business of interstate commerce, more than a reasonable rate of compensation for the transportation of freight of any description, or for the receiving, delivery, storage, or handling of property, or for the use or transportation of any railroad car upon its railroad, or on any of the branches thereof, or upon any railroad it has the right, license, or permission to use, operate, or control, said transportation company shall be deemed guilty of extortion, which is hereby declared to be a misdemeanor.

SEC. 4. That if any transportation company engaged in interstate commerce shall, directly or indirectly, by any rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater compensation for any service it may render in its transaction of interstate commerce than it charges, demands, collects, or receives from any other person for doing for him, in a like business and under substantially similar circumstances and conditions, contemporaneously, a like service, or if any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate commerce freights to one person that is at the same time furnished to any other person for the carriage, receiving, delivery, storage, and handling of such freights of the same class, and under substantially similar circumstances, such transportation company shall be deemed guilty of unjust discrimination, which is hereby declared to be a misdemeanor.

SEC. 5. That whenever complaint is made to the commission, in such manner as it may prescribe, charging any transportation company engaged in interstate commerce with extortion or unjust discrimination in the transaction of such business, a statement of the charges thus made shall be forwarded to the transportation company, which shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable given time.

If such transportation company shall within the time specified make reparation for the injury done, and the complaint shall be withdrawn, the case shall be dismissed, and the transportation company shall be relieved of liability for any other penalty for the particular violation of this act thus complained of.

If such transportation company shall not satisfy the complaint within the time specified, or if it shall neglect or refuse to answer the same as required, or if either party to the proceeding shall demand a hearing, and there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of, to determine all questions of fact at issue, to record its finding, and to furnish a report thereof to both parties.

And if it shall appear that the transportation company has been guilty of either extortion or unjust discrimination as charged, it shall be the duty of the commission to give notice to such company to discontinue the practice thereof forthwith, and to pay the complainant within a reasonable given time the damages, if any, to which the commission may find the complainant justly entitled in consequence thereof.

And if such damages shall be paid as required, and the commission shall be satisfied that the transportation company has ceased to practice the extortion or unjust discrimination complained of, an order to that effect shall be entered of record by the commission, and the transportation company shall be relieved of liability for any other penalty for the particular act complained of.

SEC. 6. That if any transportation company engaged in interstate commerce shall neglect or refuse to pay the damages assessed against it by the interstate commerce commission, and to desist from the further violation of this act, it shall be the duty of the commission to certify the facts to the district attorney of the United States for the judicial district in which the act complained of occurred; and it shall be the duty of the district attorney, at the request of the complainant, to forthwith commence such proceedings, in the name of the complainant, as may be necessary to recover any damages sustained by him, or to compel the transportation company to comply with the provisions of this act, or both; and the circuit court of the United States for said district shall have jurisdiction to try said cause, without regard to the citizenship of the parties. Costs shall be awarded as in other cases; but in case judgment is rendered against the defendant, the court may, in its discretion, allow to the district attorney a reasonable fee for prosecuting said cause, to be taxed as part of the costs; and in case of failure to recover, the complainant shall pay the cost of suit, attorney's fees excepted.

Any such transportation company that shall be convicted under the provisions of this act of either extortion or unjust discrimination shall forfeit and pay for each offense a fine of not exceeding $1,000.

Any such transportation company that shall neglect or refuse to make such annual reports as the commission may require, or that shall neglect or refuse to answer any question or to produce any book, paper, contract, or other document, or properly certified abstract thereof, called for by the commission in making any investigation under the authority of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $1,000 for each offense herein described.

Any such transportation company or any person or persons that shall violate any of the provisions of this act not in this section specified, or that shall in any manner attempt to obstruct the enforcement of its provisions, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $1,000.

SEC. 7. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior. All necessary expenses incurred by the commissioners, or by their employés under their orders, in making any investigation in any other place than in the city of Washington, shall be allowed and paid on the approval by the Secretary of the Interior of itemized vouchers therefor. The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. All of the expenses of the commission shall be paid on the presentation of vouchers approved by the president of the commission and by the Secretary of the Interior.

SEC. 8. That the commission may make such orders as it may deem necessary for the regulation of its business, and prescribe the forms to be used therein. A majority of the commission shall constitute a quorum for the transaction of business, except as hereinafter provided.

SEC. 9. That in making any investigation required by this act the commission shall have power to summon and require the attendance of witnesses, to administer oaths, and to require the production of all books, papers, contracts, and documents, or properly certified abstracts thereof, relating to the matter under investigation and necessary for the information of the commission in connection therewith. The commission is hereby authorized to conduct investigations in such portions of the United States as it may deem necessary, and for that purpose may delegate the powers conferred by this section to any member or members of the commission.

SEC. 10. That the commission is hereby authorized to require annual reports from all transportation companies engaged in interstate commerce, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the commission may need information. Such annual reports will show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year, and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies, as the commission may require.

SEC. 11. That the commission shall, on or before the 1st day in December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of interstate commerce, together with such recommendations as to additional legislation for the regulation of interstate commerce as the commission may deem necessary. And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

SEC. 12. That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company, whether owned by said company or used by it under license, lease, or permission otherwise given. And it shall be unlawful for any transportation company as aforesaid to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of interstate-commerce freights from being continuous from the place of shipment to the place of destination, whether said freight is carried on one or several railroads, or partly by rail and partly by vessel. And no break of bulk, stoppage, or interruption made by said transportation company shall prevent the carriage of any interstate-commerce freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 13. That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that they may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part, provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad, or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory; and the provisions of this act shall apply to all persons, firms, and companies, and to all associations of persons or companies, whether incorporated or not, and to all associations of corporations engaged in thus transporting freights or property of any description, in the manner above set forth, from one State into any other State or Territory, or from any Territory into any State or any other Territory.

SEC. 14. That the sum of $60,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto; and it is expressly provided that no pending litigation between railroad companies shall in any way be affected by this act.

The PRESIDING OFFICER. The question before the Senate is on the amendment offered by the Senator from Illinois [Mr. CULLOM], which has just been read.

Mr. BECK. Mr. President, I desire to offer some amendments to the original House bill in order to perfect the text of that bill before the amendment in the nature of a substitute is passed upon, and I suppose my amendments to be in order first.

The PRESIDING OFFICER. They are.

Mr. BECK. The first amendment I offer will be to strike out all after the word "reasonable," in line 14 of the first section of the House bill, down to and including the word "person," in line 31, in the following words:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

May I suggest one or two other amendments, so that I may make a few remarks in reference to all of them at the same time?

The PRESIDING OFFICER. Without objection they may be stated for information.

Mr. BECK. In section 4, line 5, after the word "same," I move to strike out the words "for a shorter than for a longer distance, which includes the shorter" and to insert "for any distance less than the whole length of the line than is charged for similar service over the whole length of the line;" so that the section will read:

That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for any distance less than the whole length of the line than is charged for similar service over the whole length of the line, on any one railroad or pipe-line; and the road of a corporation shall include all the road or pipe-line in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

I propose also to amend, when the proper time comes, in section 5 of the bill, line 19, by inserting after the word "changed" the words "so as to increase the rates or charges;" so as to read:

And no such schedule shall be changed so as to increase the rates or charges in any particular except by the substitution of another schedule containing the specifications above required.

The object of this amendment is to allow the roads, if they desire it, to reduce their rates without giving five days' notice. The public will not complain of that, so that they publish the schedule afterward. One of the grounds of complaint now is that there is a fixed rate and that the companies can not accommodate themselves to change with other roads. The provision is that they shall not increase the rates without five days' notice, but they may reduce them, so they put the schedule up. There may be other amendments that I shall propose, but I indicate these for the purpose of saying a few words.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BECK] first offered.

Mr. BECK. Mr. President, I feel that we are now for the first time really considering how far and in what way Congress can and ought to regulate interstate commerce over the great railroads of the country. It has been confessed for weeks by the managers of the Senate bill that there was not only no hope of passing it through the House, but that there was no intention of even asking the Senate to vote on it as an original proposition. It is now abandoned and returned to the Calendar to die. All that can be said in favor of the long debate we have had on it is that Senators may be better prepared to vote on the propositions involved in the bill of the House and on the amendments or substitutes that may be offered to or for it than they would have been if the debate had not taken place, and perhaps some consolation may be drawn from the fact that if we had not been engaged in that we might have been doing something worse.

It has been conceded all along that if we intend to do anything practical it must be by taking action on the bill sent to us by the House. Of course every section and line of the House bill is subject to amendment before any substitute for it, or, rather, any amendment in the nature of a substitute, can be considered, and when the substitute or amendment of that character is taken up every section and line of it is subject to amendment before a vote can be reached on the proposition as a whole. The Senate will depart from its usual mode of proceeding if it does not exercise its rights in all these regards freely. Never having observed that a debate in this body on any proposition convinced those who were in a minority when the vote was against them or either exhausted or curtailed debate when like questions were presented in another form, I have insisted that the debate on the Senate bill which has for weeks blocked all other business was useless.

Another suggestion which I regard as of value is (assuming that we really desire to pass a law of some sort on this subject) that we are far more likely to reach an agreement with the House by retaining the provisions of the bill sent here as the result of long and careful deliberation by that body, amended, if you please, as the majority of the Senate desires, than we can if we, without consideration, as the motion so promptly made by the Senator from Illinois [Mr. CULLOM] indicates, substitute bodily the proposition which he will call the Senate bill, striking out and ignoring bodily the bill of the House. If that is done, it simply leaves the conferees of the two Houses, when they meet to consult, in direct and absolute antagonism, each presenting a different system, with no sort of chance for the conferees of either to accede to the propositions of the other without an absolute abandonment of the action taken by one or the other of the co-ordinate bodies.

Of course, when I hear the managers of the Senate bill proclaim on this floor their anxiety to pass some law, to do something practical on this great question before we adjourn, I am bound to give them credit for sincerity; but I can not help believing that every movement that has been made, every step that has been taken so far, has been in the direction of making an agreement with the House more and more improbable, if not impossible. The railroad managers and their attorneys, with the same knowledge we have in regard to the action and temper of the House, could not have devised a plan to secure no legislation during this short session more likely to be successful, and at the same time induce the country to believe that an earnest effort to do something was being made, than the course that has been and is being pursued here. More than a week has passed since the House bill was laid before us; it is now for the first time looked at, and had not even been read at the Clerk's desk before a motion to strike it all out and substitute totally different propositions was made and a vote asked upon it.

The Committee on Railroads was urged a week ago to take the House bill and all the Senate propositions, and, after consultation and deliberation with all the bills and amendments before them, advise the Senate what course to take in order to secure some practical legislation. The chairman of that committee and his friends defeated that proposition, and a week has been spent in debate on propositions—I will not say *intended*, but the obvious effect of the adoption of which, as now proposed, is to render any agreement between the two Houses on any measure almost if not absolutely an impossibility. Thirty-eight working days only remain before this Congress dies. If we are not deceiving ourselves or deluding our constituents, ought we not to try to agree with the House as far as possible, and not ruthlessly strike down all their carefully considered work? Both the House bill and the Senate's substitute assume that we have jurisdiction over the subject-matter under the power of Congress to regulate commerce among the States, and no one will deny that whatever Congress may authorize to be done by or through a commission it has power to do directly by its own authority; while some of us, of whom I am one, believe that there are many things in regard to prescribing the rules and regulations by which interstate commerce shall be governed which Congress can direct un-

der its delegated power and enforce through the courts of the country which it can not transfer to any commission.

If the argument made on last Friday week on this floor in that regard by the honorable Senator from Arkansas [Mr. GARLAND] has ever been answered by any advocate of any of the Senate propositions for a commission I have failed to observe it. Surely it was worthy of serious consideration by the advocates of such a commission as the Senate proposes to substitute for the House bill. I have regarded their failure to respond as a confession of the truth of the positions assumed by the Senator from Arkansas, to which I need not add anything. The House bill obviates all these difficulties; it deals directly with the subject; it opens the courts to all who are aggrieved, and submits all constitutional questions which may be raised in regard to its action to the tribunals organized and empowered to pass upon them. It does not undertake to decide what roads are under State control, or which of them come under the jurisdiction of Congress; it asserts the right and the duty of Congress, prescribes the rules and regulations under which railroads may engage in commerce among the States; it assumes that railroads are public highways and their managers common carriers; that all the people have equal rights in regard to the transportation of their goods over them; and that whenever the managers of these roads undertake to extort unreasonable charges from or make unjust discriminations between men engaged in transporting goods over their roads from one State to another they shall be punished.

The Constitutions of many of the States and the laws in nearly all of them contain provisions, in one form or other, almost identical with the provisions of the House bill in regard to the local railways and the commerce which they carry exclusively within their several jurisdictions, all assuming an undoubted right to do so without infringing the vested rights of the railroad companies, and all the States concede that as to interstate commerce the exclusive jurisdiction to enact laws, prescribe and enforce rules and regulations governing it is vested by the Constitution in the Congress of the United States. Obviously the several States have no power over the commerce which is moving from New York to San Francisco, and *vice versa*, through numerous States and Territories. If Congress has not, the strange anomaly is presented of State commerce being protected against extortion and discrimination by local State authority, while the immense interstate commerce, which covers perhaps nine-tenths of all our exports that can not be taxed, is left without protection against the rapacity of railroad managers, who may impose taxes in the form of charges for transportation far in excess of any tax Congress would ever venture to impose; thus destroying the right of our citizens to export their products more effectually than by any other means. Not only so, but by discriminations in favor of one set of men or of favorite localities the railroad managers can enrich and build up men and places as they please, and impoverish or break them down to suit their interest or caprice.

The distinguished gentleman from Texas, Judge REAGAN, after whom the House bill is properly named because of the energy, ability, and earnestness with which he has pressed it, gave a very striking illustration of the absolute necessity of Congressional control to prevent ruinous discriminations in favor of influential shippers of freight, to the ruin of their competitors, when he said in a debate elsewhere:

> In the legislative investigation in New York three years ago it was shown that the railroad companies had allowed and paid rebates to the Standard Oil Company to the amount of $10,000,000 in sixteen months, and yet we have no legislation to prevent or to punish these great wrongs committed by this vast power. In the world's history there is no instance of the exercise of such powers affecting so many people and such great interests as these which is not controlled and regulated by law except alone the American railway system. Assumptions have been made that the common law furnishes remedies for these evils. I will show as I proceed that it does not.

The House bill declares that a repetition of such conduct as that developed before the legislative committee of New York in granting to the Standard Oil Company or anybody else rebates or drawbacks or reduced charges in any form not given to every other citizen transporting the same things at the same time shall be a misdemeanor, punishable by fine and imprisonment, and the courts of the country are opened to all who complain on either side. There can be no question that if Congress has the power it ought to be exercised to the fullest extent. The House bill presents the direct mode of doing it.

Let it be borne in mind that the position taken by the railroad companies all through the progress of these measures, in their arguments before the committees and everywhere else, has been that Congress has no power over them and no authority to control them; that it has no right to punish them even for extortions and unjust discriminations such as the Standard Oil Company transactions illustrate. I have before me the argument of one of the ablest lawyers, representing leading railroads, sent to me the other night, perhaps to convince me that I was wrong in the views I entertain—an argument made by Hon. John C. Brown, general solicitor of the Missouri Pacific, Texas and Pacific, and Saint Louis, Iron Mountain and Southern Railway Companies, before the House Committee on Commerce on the 26th of January, 1884, in which he begins by saying:

> I beg to say that I am here as the accredited representative of over 6,000 miles of railway in the Southwest, which pay taxes upon values amounting to over $100,000,000 and employ between 40,000 and 50,000 men.

On page 16 of his printed argument he makes this statement:

> But for Congress to declare that it is unlawful for a railway company to charge one citizen of a State more than another citizen of the same State for contemporaneous transportation into another State of like commodities, I apprehend will not be seriously insisted upon. Certainly no warrant can be found for it in the Constitution.

That is the position taken by all of them, not in debate in either House, perhaps, but taken by all the railroad companies, so far as I know, who have been heard before our committee. Proceeding with his argument, on page 22 he puts the following interrogatories:

> Has Congress the constitutional authority—
>
> 1. To make it unlawful and fix a penalty for a railway company to charge one shipper in a State more than another shipper in the same State for the transportation of property from that State into another?
>
> 2. To make it unlawful for any discrimination to be made by a railway company between shippers of the same State, either in facilities to be furnished, or manner of shipment, or expedition of the service from that State into another?

He contended before that committee elaborately and learnedly that no such constitutional power exists in Congress. That is the question that I desire to have settled now in the promptest and most emphatic manner. If the States have the right, as the Supreme Court has decided they have, and all their constitutions and laws are based upon their now unquestioned power to regulate commerce within their respective borders, surely all that great body of commerce which passes from one State to another which the States do not pretend to have any power to regulate or pass laws for the government of must be vested in Congress. If the Congress of the United States has not authority, then the railroads are masters of the situation, and both the bill of the House and the substitute presented by the Senate committee fall to the ground. The simplest way to test it and to settle it is to test the question in the direct form in which the House has put it, and let the aggrieved party go to the courts and settle these vital questions without being entangled by any question as to the legality or illegality of an intermediate commission.

It being conceded that it is only through the House bill that any action can be taken which will be available for any purpose at this session, surely the Senate will be only playing into the hands of the railroads by preventing any legislation at all if we strike out these provisions of the House and substitute a new bill of our own, the provisions of which the House have by an immense majority rejected. It would be the merest farce to send it to them and ask them to abandon all their action, which the Senate knows now they will not do and their conferees can not consent to.

What harm, I ask Senators, can come from adopting the first and second sections of the bill of the House instead of the provisions proposed in the Senate in regard to discriminations, rebates, drawbacks, and those things which both bills denounce as illegal? None. Are Senators in earnest? Nobody will be deceived by specious talk about desiring to do through a commission this, that, and the other thing, when we know now that nothing will be in fact done unless we approach it substantially in the same manner as the House has done, especially when the mode prescribed by the House is better, simpler, clearer, and beyond all doubt constitutional as to its method of enforcing its mandates. If we have the power at all why should we avoid an agreement by seeking to adopt another system which we know the other House has rejected and will never look at? It can not be the purpose of Senators to pretend to want to do something and at the same time to make sure that they will do nothing. Yet the effect of their action is just as absolutely certain to end in no legislation as if they intended that it should do so.

It is no use to say that the House is as responsible as the Senate for the disagreement. That amounts to nothing, even if true. But it is not true. They have sent us a bill in the usual form of legislation to cure admitted evils. We agree that the evils exist, but we refuse to consider the remedy proposed unless the House places the power in the hands of a commission and departs from all the forms usually adopted by Congress in the passage of laws.

Can there be any question that a direct, positive law ought to be passed without reference to a commission or any other sort of circumlocution, making it impossible for any railroad to repeat the offense shown, as I have read, before the Legislature of New York—that $10,000,000 had been given in the form of rebate or drawback to the Standard Oil Company in eighteen months?

I have no doubt that nine-tenths of it was given back to that company when it was in direct competition with citizens of the same State who were shipping oil over the same roads and at the same time into another State. Yet we are told by the railroad lawyers that we have no power over that subject and that no man will seriously assert that we have. I assert it very seriously. The House of Representatives have asserted it more seriously, and I assert that the absurdity is too great to be seriously argued that freight passing from New York to San Francisco and *vice versa* through States and Territories must be left forever absolutely to the mercy of any body of men who may be controlling the railroads of the country and that Congress has no power to interfere with them. No matter what extortions they may exact or what discriminations they may make, no matter though they do give the Standard Oil Company $10,000,000 advantage over its competitors in

eighteen months, we are told that we shall not, and can not, and it is unconstitutional for us to attempt to say that equal justice shall be done by those roads to all men who are doing business over their lines, and that no class of our people shall be driven from the markets of the world with their products through the favoritism shown by railroad managers to their competitors.

If we settle nothing but that and but leave all the rest for a commission to report and advise us what else we ought to do, we will have taken a great step forward in the assertion of our power to regulate the railroads of the country. If we can not do that much, there is no use in trying to do anything. I have no doubt the courts will sustain us and decide that the railroads of this country are public highways, that their officers are managers or trustees over a great public trust. Will it be contended that the Congress of the United States would have given millions and millions of acres of public lands to the States long before 1860 to aid them in building their railroads and enough for a great empire through our States and Territories to railroad companies since 1860 to build railways—lands belonging to all the people; lands upon which the poor men of the country would have a right to settle as homesteads and take up as pre-emptions—but for the fact that it was given by Congress to great railway corporations, or to the States to aid them in building railroads for public highways, or unless those public highways were to be maintained and carried on for the common and equal use and general good of the whole people? Can it be successfully maintained that a railroad has the right to condemn private property and take it for any other than for public use when they get control of it? Will any one contend that they can lawfully say to one farmer, "You may transport your grain by paying us a dollar a ton," and to his neighbor, "You shall not transport your grain over this road unless you pay $5 a ton," although both are going from Dakota to New York, or both may be seeking a market in Liverpool, if you please?

That is the claim of the railroads. That has been their conduct in regard to the Standard Oil Company. Ten million dollars was given back in eighteen months to that single corporation. I use it as an illustration, but that illustrates all. If they have the power to do that and Congress is powerless to prevent them, they have the power to say, "Our roads are private corporations; we will run them as we please; charge one citizen double what we charge another;" or say to any one, "You shall not haul over our road unless you give us half the profit you make, or you shall not run over it unless you first sell your produce to us at our own price; then, and then only, we will haul it." They have a right to do all these things if their view of their power and our want of authority over them is correct.

I repeat, the first question to settle is the authority of Congress to see to it that the public highways thus built by the condemnation of private property, by the donation of lands, and by bonds and money given by the United States or by taxes levied on the people, are operated in the interest of all the people equally, and that justice is done to all and to all alike. That is what I desire to settle first.

To show that even the railroad companies have no great respect for commissions, I observe, in the same argument from which I have read, Mr. BARKSDALE, of Mississippi, put a question to the distinguished gentleman who was arguing the case. Mr. BARKSDALE said:

> Admitting, for the sake of argument, which I do not, that the case you gave of the roads in Louisiana and Texas illustrates objections to Judge REAGAN's bill, is the proposition to establish a commission to regulate freights amenable to the same objections?
>
> Governor BROWN. To appoint a commission, and give them power to fix rates, would be just as objectionable. I would rather that Congress do it.

Even the railroads say, Let Congress act directly when they assert their constitutional power; let them make the test as to their right under direct laws, as they seem willing to do. Much more might be said on that question, but I must hurry on, as I do not propose to make an elaborate speech or a constitutional argument.

One reason why I offered the amendment I did to the first section of the House bill is, because that section introduces a number of subjects not necessary to the test of the question of power. Here is one provision found in the section:

> Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

I do not care to go into that question at all. Here is another provision:

> *Provided*, That no discrimination is made on account of race or color.

I do not care about going into that. The first section of the bill would read, after the matter is stricken out as I propose, just as it was presented by Judge REAGAN to the House of Representatives. I have the original draught in my hand, and the clause would remain as he first presented it, clear of all these embarrassing questions if the words I suggest are stricken out. Another reason why I suggested that these clauses should be stricken out is that the question might be met fairly and distinctly without embarrassment from doubtful provisions. The other amendments I suggest to other sections will, I think, get clear of one class of evils, if we do not reach all; that should not prevent us from trying to get rid of some, and assert our right to deal with others hereafter if it should be found necessary to do so.

The bill as it passed the House provides that there shall be no greater charge for a shorter than for a longer haul over the same part of the roads. We have heard arguments time and again to the effect that some parts of a road are very difficult and some parts of a road are very easy to haul over, and many complain that such a provision would embarrass the roads. But the suggestion I make by way of amendment, and it is merely a suggestion, is that they shall not charge for any distance less than the whole length of the line more than is charged for similar service over the whole length of it.

I remember that some years ago Mr. Daggett made a very elaborate argument in the House of Representatives, in which he proved, and the same facts have been stated on this floor time and again—I have heard it from the Senator from Nevada [Mr. FAIR], and I have never heard it contradicted—that it is very usual for the Pacific roads to charge, say, $300 a car from Omaha to San Francisco and $800 for a car-load precisely like it run on the same train from Omaha to Virginia City, which is six hundred or eight hundred miles nearer Omaha than San Francisco. That is either extortion or unjust discrimination, or both, and ought not to be allowed. If the road is allowed to charge as much to Virginia City from Omaha as its charges to San Francisco, that is all that ought to be permitted. My proposition can work no injustice when the rights of all sides are looked to.

It was stated in a very able argument, which I have before me, by Judge Black, of Pennsylvania, that it was no uncommon thing at that time for the Northern Central road, running from coal mines in Pennsylvania to Baltimore, to charge from $1 to $1.50 a ton more to carry coal to York, sixty miles north of Baltimore, than to carry the same amount of coal to Baltimore on the same train and in the same class of cars. That destroys all competition in any business depending on coal. It was proven before the committee of the House that a railroad would haul a bale of cotton from Memphis to New Orleans for $1 a bale, and charge $3 per bale from Winona to New Orleans, which is one hundred and twenty miles south of Memphis and nearer to New Orleans, on the same line. I am seeking to guard against that class of discriminations without going into any other questions now. There can be no injustice in saying that no railroad shall charge for hauling over a part of its line more than it charges for hauling over the whole length of the line.

It will not do to say they have to haul more cheaply from Memphis because of competition, as will be contended in the Winona case, for example, because there is competition with the river, and therefore they are compelled to make up a profitable through haul by charging enormous rates to the people of Winona, who can not reach the river. The very evil I propose to provide against is that a railroad shall not be permitted to reduce its rates below the cost of hauling at the end of a line in order to run off some competing line or water way, so that they may absorb the trade; and the moment they run off their competitors put up the price to what they please, and in the mean time make up the loss they incur on the through hauls by doubling, trebling, and quadrupling the charges upon the products of the people along the line, as they do, by charging $3 a bale from Winona to New Orleans, while only $1 a bale is charged from Memphis to New Orleans.

If they can not run in fair competition with the river from Memphis, let the river take the freight and let the roads take what they are legitimately entitled to; but to give them power to tax double, and treble, and quadruple, what the carriage is worth to the people all along the line to pay them the losses they see fit to make by hauling too cheaply from the end of the line in order to run off a competing line ought not to be tolerated. If they are common carriers on public highways, as I assert they are, all the people of this country ought to be treated with decent if not exactly equal fairness; and no body of men should have the right to lay unjust tribute on the people along the line who can not help themselves to make up for losses that they have sustained by their gambling at the end of the line in order to drive off competition, because they only haul for less than they can afford to haul for in order to get control of the trade and thus destroy competition, so that they may charge what they please after the competitor is driven out of the business. I will not speak of the evils of the pooling system now; others will discuss that; it would take too much time, and I do not desire to weary the Senate.

There are serious questions about many other things, but when we allow the railroads to charge as much for hauling over any part of the road, as my amendment proposes, as they see fit to charge for hauling over the whole line, that ought to satisfy any body of men who profess to be dealing with anything like decent fairness in transporting goods.

The other amendment I suggest is in line 19 of section 5, where they are required to keep schedules. Where it is provided that no such schedule shall be changed without five days' notice, I propose to add: "So as to increase the rates or charges in any particular except by the substitution of another schedule." That gets clear of a difficulty which they claim this legislation would impose upon them. It has been argued by their attorneys and agents everywhere that if we require them to fix a schedule and to hold to it until notice of change has been given for five days, some competing railroad not carrying on interstate commerce, or some competing steamboat company, will put down their freights not being covered by this law and take their trade away from them.

My amendment will allow them, if that is attempted at any time, to

reduce their rates without giving any notice. The country will not be injured by that, and there is no danger of their freight being taken away from them by any competing line increasing its charges. They will not be hurt by their competitors putting up their rates, but I propose to give them the right to reduce without notice, provided they publish the reduced schedule afterward and give the people notice of what they intend to charge them thereafter. I think my friend from Mississippi [Mr. GEORGE] has that amendment in a better shape than I proposed it, but it embraces I believe the same idea, does it not?

Mr. GEORGE. Yes, the same idea exactly.

Mr. BECK. The language of the Senator's amendment, to which he now calls my attention, is:

Provided, That there may be a reduction of rates prior to the posting of such new schedule; but in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made; and said schedule shall also specify the date at which the reduction commenced.

That is better language; it has been more carefully considered. I insist that that is a proper amendment and is just legislation. Why? The men of this country who are purchasing wheat or hogs or cattle or anything else have a right to know by looking at the schedule of a road what is going to be the cost of transportation. They can not buy safely unless they do know, and they can only know through the printed schedules posted up what rate is going to be charged them. Suppose I am a merchant in New York and desire to buy a car-load or a train-load or any number of train-loads of wheat from farmers in Minnesota, Dakota, or anywhere else, that I wish to sell in Liverpool, the first thing I must do is to ascertain what the Liverpool price is, then what will be the cost across the ocean; then what will be the rate of transportation from Saint Paul or the Red River of the North to New York. I can see all that by the printed schedules of the railroads.

But if those railroads have a right at any moment without notice, after I have bought my wheat, to double or treble the cost of transportation without warning, they may bankrupt me in an honest effort to buy at a fair price the crop of that country. That ought not to be allowed; no manager of a public highway ought to be allowed to do it. He may do it just at the very moment the merchant had made the purchase and was about to ship it at the rate published; he might have made money at the advertised rate, but when the road doubles or quadruples its charges, and there is no other way of shipping it, and no competing railroad that can be reached, and makes the purchaser pay $500 a car where he only expected to pay $200, the man may be bankrupted if the transaction is a large one; he is injured no matter how small it is.

We all know that Congress can impose no tax upon exports. The Constitution prohibits that from being done. But if we allow the railroads to do as they please and to charge what they please and discriminate as they please, and put up their rates of tariff charges for hauling whenever they please, they can by increasing the cost of transportation impose a tax upon the exports of this country far beyond what any Congress would venture to do. If Congress could impose a tax it would necessarily be a uniform tax, bearing equally upon all men and well known and understood of all men, and the representatives of the people would be instructed to get clear of it if it was intolerable; but when the railroads act under the powers they assert and now have they can discriminate in favor of one man and against another. They can double their rates without any notice. In short, they can make or break men in their legitimate business; they can build up or tear down towns and villages, even cities, just as they please, and they will very soon, unless they are checked, control both Houses of Congress, if they have not got the power to do it now.

It is a question whether Congress has the power and whether it has the courage to exercise that power to say to these corporations, "You are our agents when engaged in carrying on interstate commerce; your roads are public highways, authorized to be built and carried on for the benefit of the people; we gave you lands, we gave you bonds, we gave you the right to condemn private property, we gave you all proper facilities; we desire you to be prosperous and make reasonable profits; all your possessions shall be protected, but all the people of the United States shall have equal rights and privileges over your roads, and you shall give them fair notice before you attempt to make any charges whereby they could be injured or bankrupted in their honest ventures."

Mr. President, I do not desire to go a step further than is necessary to take fair control over the roads and require them to do justice. I do not seek to cripple any of them. I do not speak of them as extortioners or in any other disrespectful way. They have built up the country and rendered long hauls possible; but I want them to be regulated as all men engaged in public trusts are, and to require them as common carriers to do equal justice to all men. The House bill, as far as I see, in declaring that they shall not discriminate between one man or one set of men and another, that they shall not by rebate, drawback, or anything else give anybody an advantage, surely does no injustice. When it says that they shall charge no more for hauling over a part of their road than they do for a haul along the whole line, surely it gives them the right to charge all that they ought to have for the short haul; and when it says, "You may reduce your schedule but you shall not without notice increase the rates, because traders and business men can not operate if they are at your mercy," no harm can be done by that.

When these things are done, or something like them, then I am willing to have a commission appointed—not a commission to legislate, not a commission to try causes, not a commission to meddle with railroads or their business, but a commission to investigate, to ascertain whether in the laws we have passed we have done the roads injustice, and if so, advise us so that we may correct them. If there are still other things to be done, let the commission advise us, so that we may proceed still further in the direction of regulating the commerce over these roads.

When I voted the other day for a commission of nine instead of a commission of five, it was with the idea that we would so amend these bills as to make it a commission to give Congress information, and nothing else. Let it be a commission of able and learned men; let them be well paid (I do not care what it costs, so the work is well done); one residing in each United States judicial circuit within the United States, who can consult in his own neighborhood relative to the evils growing up there. For example, I believe Ohio, Kentucky, Indiana, and perhaps Illinois, form a circuit. I am not very sure. The Senator from Indiana will correct me if I am wrong.

Mr. CULLOM. It is Michigan instead of Illinois.

Mr. HARRISON. We have not the pleasure of having Illinois associated with Kentucky.

Mr. BECK. I am wrong, I suppose, as to the boundaries of that circuit. No matter, I will put it this way: Two or three or four States form that circuit. If we appoint a commissioner who resides there he will be in close proximity, and in a position to consult with the State commissions that have been appointed, I believe, by all those States. Kentucky has its commission, the other States have their commissions, to look after their State commerce. If we appoint a United States commissioner who resides in the circuit they can meet at Chicago or Louisville or anywhere else, and our commissioner can hear the grievances that are complained of in respect to State commerce, and compare them with the grievances in regard to interstate commerce. That commissioner thus consulting with the local commissions inside of the circuit, and each commissioner consulting with the local commissioners inside of his circuit, can get together at Washington, or somewhere else, three or four times a year, and they can report all the facts and lay all the grievances before Congress, and we can see what ought to be done to remedy them. If we have done anything in this bill that we ought not to have done, if we have gone a step too far in regard to regulating the railroads, the commissioners consulting with the State commissioners can report to us, from time to time, wherein we ought to modify our law.

That is the sort of commission I desire to see inaugurated. That is the kind of commission that is clearly constitutional; but more good will be done by taking jurisdiction by this bill, by giving the railroads to understand that we have the power and we intend to exercise it in regard to flagrant wrongs, and that we have appointed a commission to look into their conduct and to investigate. It is said that an ounce of prevention is worth a pound of cure. The prevention of wrong will be more valuable than all the cures of the evils, for the evils will never occur to one-tenth part of the extent they have occurred when jurisdiction is once assumed. Do you think, under a law like this, punishing men by fines and imprisonment, the Standard Oil Company could ever have received $10,000,000 in eighteen months by way of drawback against competitors? The very fact that we have assumed jurisdiction over them, and that we have appointed commissioners to act in conjunction with the State commissioners to watch and to report their action, will make all the managers of these roads infinitely more careful than they have been. So long as they are taught to believe, as they are by all their counsel and all their agents, that they are beyond our control and above us and can defy us and that we can not interfere with them no matter what they may do, the first question to settle is to get that idea out of their heads, and the House bill settles it directly, makes its determination easy, sends them to the courts, so that no troublesome constitutional question intervenes.

I said to the Senator from Michigan that I expect to vote with him in regard to the water ways. This question is big enough now in dealing with the railways of the country. These railways are highways, upon which nobody can go except the owners and controllers of the corporations. They have a monopoly of their use and the right to charge what they please unless we regulate them in that regard, and they claim the right to make discriminations against anybody who may be obliged to use them. They may have destroyed the only other highways the people had before the railroad was built, as they have done virtually in my State, as my colleague knows, thereby destroying the means men had before of getting their crops to market, and then by discrimination and other favoritism or extortion, if you please, placed the country at their mercy. I am not charging any of these things upon railroad managers in Kentucky, but the power they have to do these things makes it important to control them everywhere by legislation, so as to obtain equality and justice. The water ways bear no such relation to the people. They are free.

Every man at Louisville or Cincinnati or anywhere else, if he has money enough, can put his barge with goods on the Ohio or Mississippi, can float it down to New Orleans, land at any public wharf, and ask no favor of any railroad or steamboat corporation. Nobody can exclude him from the use of that water way. Therein lies the distinction, if there were no other, between the railroad and the river and lake and other transportation by water. The one is a free highway; the other is a highway granted to a corporation with the exclusive right to use it, and it is very proper that we should in this bill seek to regulate the use of that highway of which we have given any body of men the exclusive use, without bringing up the question further of regulating free water ways of which everybody has the use and from which nobody can be excluded.

Let us deal with one thing at a time. This, as I said, is a beginning, is going to be resisted earnestly enough. I seek to go just as far as it is perfectly safe and proper to go without injuring the roads, and am willing to postpone further action till a commission is appointed to investigate and consult and report to Congress what they learn in regard to what ought to be done further, or what ought to be undone that has been done. I seek to inaugurate a system that will work harmoniously. That done, the good relations that ought to exist between great corporations of this sort and the people all along their lines will be brought about, and it will restore confidence. Then good feeling will prevail, and it will not be two years before the railroads will thank Congress for having taken it in hand and stopped a great many evils that they in their contests with each other bring about and are often unable to avert.

As I said, I had not prepared myself to argue these great questions as I ought, but I am prepared to say that those of us who earnestly desire to do something will do great injustice to ourselves if we do not amend the House bill as best we can, and keep that bill in its substance before both Houses, so that when a conference is agreed to, as it will be, we can see if our committees can not agree upon something practical, and not go off at a tangent on divergent lines, one House going one way and one the other, getting so far apart that our conferees can not do anything, and will not be expected to do anything, and all that the railroads and their attorneys want will be accomplished by having two variant bills plausibly advocated, and yet so arranged as to make it perfectly apparent that we are not going to curtail their power and privileges, which is exactly what they want.

That is all I care to say at present.

Mr. MAXEY. Mr. President, I had intended to submit some extended remarks on this subject, but it has been so fully discussed, the grievances complained of have been so plainly presented not only in the Senate but elsewhere, that I only care now to give my reasons for the vote I shall cast on the pending measure and to discuss the essential distinction between the House bill and the Senate bill.

I recognize that railroads are high up among the greatest means in the development of this great country, that they have enabled the people to utilize immense areas of agricultural and timber lands in the great Southwest and far West which without these means of transportation would yet be waste land. I recognize all that. I have no prejudice against railroads. I recognize their incalculable value in intercommunication, in the spread of intelligence, and cementing more closely the Union. I never owned any stock, any bonds, or any interest of any kind or character in railroads, and do not now, and am not and never was a railroad attorney. I am not a shipper, and have no further personal interest in freight rates than what I pay for the freight of articles for family use. I can say, therefore, that I am impartial.

The only question, it seems to me, necessary now to be discussed, because all others have been fully elaborated, is, Shall we adopt a commission system for the ascertainment of grievances, or shall we declare certain known grievances to be unlawful, and place in the courts the power to hear, judge, and determine as to them? That, it seems to me, is the only question.

A great deal has been said in respect to the power of Congress to touch the subject at all. If I doubted that Congress had power, I should vote against any measure, however great the grievance might be. I believe the salvation of this country depends upon a strict adherence to the Constitution in all its parts. It is known that the origin of the present Constitution was in the fact, first, that the old Articles of Confederation gave to Congress no power of taxation for the purpose of supporting the Government; and second, that under those articles Congress had no power whatever over commerce with foreign nations or among the several States. These two causes brought about the assembling of the convention which framed our Constitution, matchless in conception, and whose principles, without jar or confusion, meet the expanding necessities of the American people.

The Constitution declares that Congress shall have power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." Whatever power is embraced in a fair construction of those words Congress undoubtedly possesses, and possesses exclusively. I remember the case of McCulloch vs. Maryland, in 4 Wheaton, one of the greatest questions that ever occurred in the judicial history of this country, grew out of the United States Bank charter. In that case—I am speaking entirely from memory—the United States Bank had been chartered by Congress, and the State of Maryland undertook to levy a tax upon the stock of that bank. The charter was granted under that clause of the Constitution which says "Congress may borrow money on the credit of the United States." That is an unqualified and unlimited power. It does not point out how the money shall be borrowed. It simply says Congress shall have power to borrow money on the credit of the United States. When that case went to the Supreme Court, the court, through the Chief-Justice, said that the power to borrow money on the credit of the United States being vested by the Constitution in Congress and without qualification or limit, the means and method whereby that power might be made effective were in Congress, and the attempt of the State of Maryland to lay any tax upon the bank to that extent crippled the power of Congress and was in its nature the assertion of a power vested in Congress, and more, that the power being without limitation or qualification in Congress, it was exclusive. That principle is settled there.

It has since been applied to every bond issued by the United States. In Gibbons vs. Ogden, in 9 Wheaton, the same principle is reaffirmed in that great interstate-commerce case which arose between the United States and the State of New York. If Congress has the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes, then what do we mean by that regulation of commerce? It has exercised power over commerce from the foundation of this constitutional Government. It has done it by its navigation laws, its tonnage laws; it has done it by acts passed at the very first Congress that assembled under the Constitution; it has done it ever since. It prevents a steamboat from being loaded in our waters unless it is under a licensed pilot and is a licensed steamboat. It makes unlawful any contract to employ a boat unless it has a licensed pilot and is a licensed boat. It makes it unlawful to hire such a boat, to make a contract for such a boat, and it is unlawful on both sides. Both contracting parties to such a contract, according to the navigation laws, violate the act.

In the case of Gibbons vs. Ogden the Supreme Court asks, through Chief-Justice Marshall, if commerce from one State to a distant State must pass through intermediate States, can it be said that the intermediate States can obstruct that commerce? That question itself is a most powerful argument in favor of the power of Congress to regulate commerce between the States. To the full extent of the reserved powers of the States I concede that Congress has no authority whatever; but to the full extent of the granted power, the Congress of the United States is supreme under the Constitution, because the Constitution itself says that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

If, then, the House bill is within the scope and purview of the commerce clause of the Constitution I have quoted, no constitutional obstruction is in the way. And the same of the Senate bill.

I concede and have always conceded that to the extent of the granted powers an act of Congress under the Constitution is supreme; and the only question as to the pending measures is, do they fall within the granted power? I assert the authority of the General Government to the extent of the granted powers as fully and freely as I would resist an attempt on the part of Congress to exercise any of the reserved powers of the States.

Mr. President, what does the Senate bill attempt to do? It raises a commission of nine persons. I have examined with great care to find what they are to do; and I must confess that the duties of the commission to my mind are very vague and indefinite. I do not exactly see what they are to do. They are authorized to send for books, persons, and papers, and to examine witnesses—they can do all that—and to "investigate the matters complained of, to determine all questions of fact at issue, to record its finding, and to furnish a report thereof to both parties."

One of the grand characteristics of a court is that it can hear and determine. Is this a court? Is it designed to be a court? If so, undoubtedly the Senate bill is unconstitutional, because the judges of the courts of the United States must hold their office during good behavior, and these commissioners do not hold their office during good behavior, but for a term of years. Are they invested with judicial powers? Then where have you the authority to invest a commission outside of a court with judicial powers? No such authority exists.

But suppose that this commission goes out and hears and determines and gathers up all this great body of facts, and furnishes one copy to the railroad and the other to the party claiming to be aggrieved, what then is to be done with this testimony or with these papers after they are obtained? That question was asked one day last week—I believe Saturday afternoon—of the Senator in charge of the bill. Are they evidence? If they are evidence, how do they get to be so? I do not know of any method of getting evidence before a court in the form of depositions save and except by a commissioner of the court. It must be a commissioner of the court that takes depositions. These men are not commissioners authorized to take depositions. A United States commissioner is a part of the machinery of the court itself and he is authorized by the court to take depositions. Those depositions properly taken and properly returned are evidence before that court. But these facts that are ascertained by this commission are not evidence.

Well, in reply to the question asked him, "What are you going to do with them?" the Senator in charge of the bill said he was going to send them to the district attorney. In other words, after you have gone to all this expense of $5,000 each for your nine commissioners, your $3,500 for your clerk, with the privilege under this bill of any number of employés that the commission may deem proper over and above the pay to the commissioners and their clerk and office-hire, stationery, and all that, making an enormous amount of money—after you have gathered up all these facts what are you going to do with them? Are they evidence before a court?

It is admitted that the commissioners can not adjudge between the parties, because that would make them a court beyond all peradventure, but these facts are sent up, as gathered, as memoranda to the United States district attorney for him to prepare an indictment or the necessary petition in equity, as the case may be, to bring the railroad company complained of before the court.

Then, after all this has been done, what next do you do? You have to take all these papers in order to prepare the indictment or petition, and the district attorney says that the testimony of A in Ohio or B in Texas or C in Iowa is important to the ascertainment of the facts in the case, and you have then got to send out to a United States commissioner and gather up in due form of law all these facts developed by the data furnished by the commissioners to the district attorney. There you have a double labor and expense. In other words, the whole machinery of the commission to my mind is cumbersome and ineffective. If it has the power to be effective it is judicial power, and if it has the judicial power to be effective then it is not a constitutional power, unless we create it into a court, as we did the Court of Claims, unless we create a court and permit them to hold their offices during good behavior, and make it, as we did the Court of Claims, a court of investigation, limited, as to this commission, to railroad matters. The bill does not pretend that this commission is to go out and gather up information as the basis of legislation, but as a sort of friendly mediator without effective power to adjust controversies, or failing in that, to lay the huge pile of facts unauthenticated as testimony before the district attorney.

So I can not see for the life of me what is the object of this commission. It is not the character of commission to which the Senator from Kentucky [Mr. BECK] referred—and I have not much use for commissions any way—a commission to go all over the land and gather up evidence in order to enable Congress to proceed understandingly. That is not the nature of this commission; but the commission here, according to the wording of this Senate bill, is:

To investigate the matters complained of, to determine all questions of fact at issue, to record its finding, and to furnish a report thereof to both parties.

Then when you come to test it to the bottom they do not determine the facts; that is done by a court, and this investigation which they make is nothing in the world but an investigation for the purpose of furnishing data, as I understand, to the district attorney. It is the most remarkable proceeding I have ever heard of, and I do not think it will do.

What is the use of attempting "to determine all questions of fact at issue" when they can determine nothing? What is the use of recording "its finding" when its finding binds nobody?

Come, then, to the House bill. I concede at the outset that any legislation in respect to railroads is in its nature tentative; it is bound to be so. Where we have a great complicated machinery as delicate in its operation as a watch, extending from the Atlantic to the Pacific, extending from the lakes to the Gulf, over all this broad land, with its connections and interconnections and arrangements with each other—when you have such a system as that, any attempt whatever at legislation, in its very nature, being as it is now new legislation, must be simply tentative. It can not be otherwise. But you want to start. If it be true, and of that fact I have no doubt, that there are grievances, and well-grounded and well-ascertained grievances, against the railroads, we should, if we have the power, remedy them. The great body of the people of the United States whose raw products or manufactured goods are shipped on these roads are, as we know most of them are, complaining, and especially so on the part of the agricultural community, who always work hard and still remain comparatively poor, while the high officers of railroads are growing fabulously rich. Men who a few years ago, within your memory and mine, were poor are now worth their ten, fifteen, or fifty millions of dollars. If we have the constitutional power, a remedy should be applied. On that point I beg to say that the House bill is in the spirit and letter of the Constitution in my judgment. While Congress has never exercised the power in the regulation of commerce to the extent provided in this bill, I am clearly of opinion that it is constitutional and would be upheld by the Supreme Court.

Recurring to the widespread complaint, I beg to say that where there is a gathering up of wealth from the great body of the community, and a transfer of that wealth into the hands of the few, there is necessarily complaint. That country is the happiest and most prosperous where wealth is equitably distributed among all the people—none very rich and none very poor. That country is in a dangerous attitude where the few are rich and the many are poor, and day after day we are getting more and more in that condition, and the people find that these railroads have a power over them which is absolutely enormous.

It is the height of unwisdom on the part of railroad companies to resist reasonable and fair legislation. It is to their interest, as to all, that justice to all be done. Why, sir, take the case of four, five, or six men in the city of New York, who can sit down and raise the price of transportation of your wheat 5 cents on the bushel in ten minutes. What does that mean? Millions of dollars transferred from the earnings of the people to their pockets. So they can, as they do, change the rate of freight, and put an additional dollar per bale on our cotton which we raise in Texas and the other Southern States, and which we send to New York and Boston and Liverpool. Suppose they raise that a dollar on the bale, and what does that mean for Texas? A million dollars on one single article; and they can do it in five minutes and you have not now the power to stop them, and they do it by the comparatively trifling increase of two mills or one-fifth of 1 cent on the pound. But that one-fifth of 1 cent per pound takes $1,000,000 out of the pockets of the people of Texas and transfers it to theirs.

These are grievances that strike at and touch the sense of justice of an honest man. Who will say that it is right to charge me as much for hauling a car from New York to where I live in North Texas at Paris as to haul it to Galveston, four hundred miles beyond? There is not any justice in that. No amount of fallacious reasoning can make any man believe that is right. That is one of the causes people have to complain of. And there is the charging of more for a short haul than for a long haul of the same character. That is not right.

Another is that where roads are competing, and thus a fair show for justice, they combine and pool their issues. Another is the buying up or leasing all roads by a few corporations. Take the roads of my State. You can not get into Texas from the north side or the east without passing over the roads of what is known as the Gould Southwest system. Every road which enters into the State of Texas on the north and east, except the Texas and New Orleans, from Houston to New Orleans, are under the same control.

In the town where I live when Mr. Thomas Allen controlled the Saint Louis, Iron Mountain and Southern Road, leading from Saint Louis to Texarkana, and the Missouri Pacific and Missouri, Kansas and Texas, leading from Saint Louis to Denison, were under different control, the agents of both companies were there seeking for business to Saint Louis, and a very large business was done. Two weeks after that purchase was made of the Iron Mountain Railroad by the Missouri Pacific combination, away went up the price per car from Paris to Saint Louis. Was there any additional expense to the road? Before that purchase it was immaterial to our shippers which way they went out, whether by Texarkana or Denison, the price was the same; and yet as soon as the Iron Mountain Road passed under the same control and dominion as the Missouri Pacific system, the price per car went up. These are grievances that the people complain of.

So long as the roads were under different ownerships there was fair competition. After the purchase made the shippers were at the mercy of the Missouri Pacific combination.

It is just such things which produce discontent. The intelligent sentiment of the country is in favor of fair play, but it favors fair play all around the board.

But a short time ago, during the last cotton crop, when I was at home last fall, the price of freight on a bale of cotton was raised from Paris to New York a certain amount, I do not remember how much. What was the consequence? The day the new arrangement went into operation cotton buyers, as a matter of course, lowered their prices per pound on cotton. The people inquired the cause. There were the reports of the prices in Liverpool and in New York. Cotton had not gone down. The prices in these great markets were as good that day as the day before. Why, then, was it that cotton went down? The cotton buyers had to explain to them, "The reason why it has gone down is that freight has gone up."

Wherever this vast power is in the hands of any corporation it will be used unless there is some controlling power in law above the corporation. Recognizing as I do that railroads are a grand instrumentality of civilization, I look upon them as creatures of the law with special privileges and subject to lawful and just control. Like fire, which is one of the inestimable blessings God gave us; but you have got to control it, you must keep it in check, or it becomes your master. So, sir, railroads must be controlled by law the same as other natural or artificial persons. I would not favor any law to bear upon anybody which I thought oppressive. I believe the provisions of the House bill conservative and reasonable, and I think it would be a most unfortunate thing to let this Congress adjourn without some legislation in the right direction. I think this is in that direction.

I want to give railroad companies equal and exact justice, and alike with everybody else, neither greater nor less.

This bill ordinarily called the Reagan bill, the House bill, pursues the old-fashioned course as we all understand it; points out and makes unlawful certain acts which are specifically named in the bill, for a violation of which jurisdiction goes to the courts in the usual and ordinary way. That is the simple way of doing it. The grievances set forth in that bill are those which are recognized all over the land as being grievances. It is eminently a conservative bill.

I do not expect any bill to leap out of the brain of my friend from Illinois [Mr. CULLOM] like Minerva out of the brain of Jove—perfect.

I do not expect that from the brain of any human being on earth. The question before the Senate is a complicated question. It is a knotty question. It is a difficult question, and the ablest lawyer in this land, the most experienced man in this land, is not disparaging his reputation by admitting it is difficult of comprehension. But where there are known causes of grievance let us begin with those. Here we have the constitutional power, as I think we have, and then as the years roll by experience will show what changes and additions to make. If we have gone too far in one place we can modify it; if we have left out some other important matter we can insert it. We can go on altering and amending until in the course of a few years we have a good and commendable system.

I do not know of a valuable statute in respect to an important controverted question on the books that is not the result of time and experience suggesting important changes. I know of no statute which has not had to be amended if it was one of great practical importance. The human mind is fallible. We can not reach out all at once. We have to take things by degrees, and this is especially true of a subject so vast and complicated as railroad management, and how far it may be justly controlled by law.

I believe that the commission system will do no good. It will be of no value. I believe that the House bill is a conservative bill. I can not point out its defects, if any, for I do not profess to be perfect in railroad information; but I do know that, as far as these points complained of are concerned, they exist. Now let us start with them. Let us give to the courts jurisdiction over these things which we declare to be unlawful, and let the courts proceed in the usual way. We create no new bodies. We do not create a commission which has vague, indefinite powers, and which amounts to nothing except to gather up data for the district attorney; and if it goes beyond that and becomes invested with jurisdictional power, then we have no right to erect that commission, unless at the same time we make it a court inferior to the Supreme Court which Congress may establish from time to time. We have that power, and you may call that court what you may, but whatever name you call it, it is a court if it has jurisdictional powers, and as a court its judges must hold during good behavior.

I do not doubt that everybody is sincere; but some of us honestly believe that there ought to be legislation and others doubtless honestly think there ought not to be. Some of us believe that the country thinks so—not the ignorant and thriftless, but the most enlightened men in this land. Men of ability, men of experience, men of large business throughout the United States believe there is a necessity for some control of railroads and that Congress has the power. Farmers, a very intelligent part of the body-politic, almost universally believe it. I believe it, and if we intend to begin there is no better time than now, and if we begin let us begin with a bill which will bring up the only conceivable question that can be brought before the courts as to the bill—that is to say, has Congress the constitutional power to regulate freight charges, &c., of railroads? That tests the whole question, for no one can say that if we have the power to declare these acts unlawful we have not the power to hand them over to the courts to hear and determine. That is the proper place for them, and there that will be the only question. That being settled affirmatively, we can go on improving the legislation here and there as time and experience dictate. If the bill is not broad enough, amend it. If it is too oppressive or too severe, amend it, and in the course of time we shall have, in my judgment, a fair system for the settlement of these grievances between the people and the railroad companies.

Mr. COKE. Mr. President——

Mr. HARRIS. If the Senator from Texas will yield, I move that the Senate proceed to the consideration of executive business.

Mr. MAHONE. I ask leave to have printed an amendment which I desire to offer at the proper time to the substitute for the bill under consideration.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The proposed amendment will be received and printed if there is no objection.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 20, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ANTHONY EULOGIES.

Mr. ELLIS. I demand the regular order of business.

Mr. CHACE. Pending that I ask now, Mr. Speaker, that the House assign 4 o'clock to-morrow afternoon for the consideration of the Senate resolution in regard to the death of the late lamented Senator ANTHONY, of Rhode Island.

Mr. ELLIS. I hope there will be no objection to that.

There was no objection; and it was ordered accordingly.

LEAVE OF ABSENCE.

Mr. HITT, by unanimous consent, was granted leave of absence for to-day, on account of important business.

LOCKAGE OF SAULT SAINTE MARIE'S CANAL.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting report of the Chief of Engineers in regard to the insufficiency of the lockage of the Sault Sainte Marie's Canal; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

HOLDING LANDS BY ALIENS PROHIBITED.

Mr. OATES, from the Committee on the Public Lands, reported back a bill (H. R. 5266) to prohibit aliens and foreigners from acquiring a title to or owning lands within the United States of America; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DRAWBACK ON DUTIES, ETC.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported back the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. ELLIS. I move to dispense with the morning hour to-day.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. ELLIS. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the Indian appropriation bill.

Mr. SINGLETON. I trust the House will not resolve itself into the Committee of the Whole House on the state of the Union on the Indian appropriation bill at this time.

Mr. ELLIS. I demand the regular order of business.

Mr. SINGLETON. I propose, if I can, to get up the Congressional Library bill this morning, and I hope there are friends enough of that measure who will assist me to take it up.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. I desire to ask, after the motion of the gentleman from Louisiana is voted down, if it will not be in order for me to move to go into the Committee of the Whole to consider the educational appropriation bill? I desire to say, if his motion is voted down, I will make that motion.

The SPEAKER. It would be in order to move to go into the Committee of the Whole House on the state of the Union, but not for any particular bill.

Mr. WILLIS. But I can indicate that is my object.

The question was put on Mr. ELLIS's motion.

The SPEAKER. The noes seem to have it.

Mr. ELLIS. I ask for a division.

The House divided; and there were—ayes 103, noes 30.

Mr. WILLIS. No quorum has voted.

The SPEAKER appointed as tellers Mr. ELLIS and Mr. WILLIS.

The House again divided; and there were—ayes 125, noes 54.

So the motion was agreed to.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House takes up for consideration the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The first reading of the bill has been dispensed with, and the Clerk will now proceed to read the bill by paragraphs for amendment.

Mr. ELLIS. Mr. Chairman, if I can have the attention of the committee I hope to make such an explanation of this bill as will perhaps prevent a good deal of debate in its passage when under consideration by paragraphs. The estimates for this branch of the public service for the fiscal year amounts to $7,328,049.64; the recommendations of this bill are for $5,664,135.80. The recommendations are therefore $1,663,914 under the estimates. The law of the current year provided $5,859,402.91; the recommendations of this year are $5,664,135.80; so that the recommendations of this bill are $195,267.11 below the law of the current year.

I would say the reductions are in the estimates for the support of the Indians. It has been the policy of the committee for several years to endeavor to make the Indian more self-sustaining, and for that purpose there has been a gradual decrease of the support given him by the Government, letting him know in this way that there was coming a time

when he would be totally dependent on his own exertions, and therefore that it would behoove him by industry, by improving all the advantages about him, to become self-sustaining.

There is one exception to this general decrease in the estimates for the support of the Indians, and that is with regard to the Indians in Montana Territory. The items for the support of these Indians have been increased about $53,000.

Right here, Mr. Chairman, I desire to make an explanation personal to myself and personal to the committee. There has been a great deal of distress among the Indians in Montana Territory. The condition of these Indians in the winter of last year and in the early spring was pitiable indeed. They actually starved to death, some of them; many of them died for necessaries of life. When this condition was made known to the Committee on Appropriations in the early portion of the long session of Congress by estimates sent to us from the Indian Office, and as soon as the matter could be considered, the total amount asked for was promptly forwarded to them.

I would like to put on record, sir, what has been done for these Indians during the past four or five years. I hold in my hand a tabulated statement of the expenditures made for the support of the Montana Indians from and including the year 1881 down to 1885, the present year. In 1881 there was appropriated for their support the sum of $282,000. In 1882, we appropriated $267,000. In 1883, $277,000; in 1884, $343,000, and in 1885, $296,000. The appropriation for 1884 was originally fixed at $243,000. That appropriation was cut down because there was no complaint of any deficiency from the Indians, or that a certain state of facts existed in connection with them of which the committee was in ignorance. Hitherto the Indians in this Territory had been largely supported by game found upon their reservations, by the ordinary avocation of hunting. But without the knowledge of the committee, uninformed by the Department of any change in this condition of affairs, believing that the game which had entered so largely into their livelihood on the reservation in preceding years still existed, and in accordance with a well-settled and as we believed a wise policy on the part of the committee, their support was cut down for the year ending June 30, 1884. But the fact was that the game was gone. The buffalo had disappeared from the reservation; their crops had totally failed; and consequently, without any fault on the part of the Committee on Appropriations—the Committee on Appropriations of the last session of the Forty-seventh Congress—and without any knowledge on the part of that committee of this condition of affairs, inadequate appropriations were made. When this state of facts was made known to the committee of this Congress the committee promptly gave every dollar that was called for by the estimates. We appropriated the full amount of the deficiency estimated by the Department—that is to say, $50,000. The Senate increased the appropriation $50,000, which increase was promptly concurred in by this House.

When we came to frame the bill for the present year, we based it upon the appropriations for 1884 plus this deficiency for $100,000, believing that that sum would be ample. Notwithstanding that, however, we are again informed by the Department that there will be suffering among these Indians unless relief is promptly sent to them. Therefore, when the deficiency estimate reached the committee it was promptly considered, and on the 6th day of this present month the $50,000 deficiency asked for by the Department was immediately made available for the support of these Indians.

Notwithstanding these facts, a certain gentleman connected with the "Indian rights" department has seen fit to write me an open letter, and has seen fit to let loose upon my devoted head the anathemas of the press East and North—one Mr. C. C. Painter, I believe, a member of the Indian Rights Association, one of those self-constituted friends of the Indians, coming here by what credentials I do not know, appearing frequently before the committee and urging us to discharge our duty.

In the letter of Painter, which was published in the New York Tribune, appear the grossest misrepresentation and statements which he should have known were utterly and infamously false. I desire now, sir, to place on record here the full history of this matter in order that that gentleman, who is represented to be a minister of the gospel, may either inform himself properly before he undertakes to write a public letter to anybody, or else that he may refresh his memory with the story of Ananias. [Laughter.]

In the matter of education, Mr. Chairman, the increase in this bill over the law of the present year—that is, the amount of increase recommended by the present bill—is $20,200. I am glad to state to the committee that the report from all the industrial schools, from all the educational institutions of the United States where these people are being taught, is most satisfactory in its character. From every quarter we learn that the Indian is disposed to work, disposed to learn, and that in the large majority of cases they are making most commendable progress in education and the arts of civilized life. I believe that this work of education should be persevered in. I believe that it is one of the main essentials which are to give a permanent, peaceful, and civilized solution to this important question.

Some new legislation is recommended upon this bill, to which I shall now invite the attention of the committee. The Commissioner of Indian Affairs complains that the penalty attached to selling intoxicating liquors to the Indians is so low that men do not mind conviction, and that it does not result in breaking up the traffic. He reports that they are frequently arrested, frequently tried and convicted and sentenced to a day's imprisonment and $1 fine; that they stand the imprisonment, pay the fine, and then go on with their traffic; and we have been earnestly urged by him, and indeed by the voice of humanity in our own hearts, to increase the penalty so as to make it a terror to these people and endeavor to stop the liquor traffic among the Indians. It is necessary to do this, Mr. Chairman, for vain are all educational appliances and efforts, vain are all industrial schools, vain are all the soft and civilizing influences which may be brought upon him, and with which we endeavor to civilize the savage heart, if you permit men to go in their midst and infrenzy the devil in the savage nature, and pull him back to make a double savage of him.

Therefore, in accordance with the recommendation of the Department, we so amended and re-enacted a section of the Revised Statutes as to make this punishment the minimum. The section is amended and re-enacted so as to read as follows:

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000.

And it goes on to re-enact the balance of the section. I believe the wisdom of the committee will sanction this change.

The Department urged upon us very strenuously—and I call the special attention of the committee to this—to give discretionary power to the President of the United States to disarm certain Indians within his discretion. The section which we propose reads as follows:

SEC. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition, or munitions of war, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That this provision shall not apply to the civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best to preserve peace and prevent depredations. All arms thus taken shall be received by the Secretary of War, who shall report all arms received by him, from what tribe taken, and the just value of said arms; and Congress shall appropriate the requisite funds to pay for all arms taken, and said sum shall be paid to said tribe, and, as near as may be, to the original owners of said arms, or their heirs.

We believe, Mr. Chairman, that this is a wise and salutary provision. We believe that its very enactment will prevent depredations and disarm hostilities. We know that there are especially two tribes, the Sioux and the Northern Cheyennes, and that there are also the Apaches and Utes, all of whom are thoroughly armed with the best weapons of war; that they are by treaty stipulation provided with every thing they need by the Government; that they are indisposed to work; that there is no necessity for them to work, because they are supported by the Government under, I believe, unwise treaty stipulations; and they constantly realize the old adage that an idle brain is the devil's workshop, and they interfere with peaceable Indians, and are constantly threatening hostilities and depredations. We believe if they find out the discretion is with the President of the United States to disarm them, that fact itself will incline them to peaceful pursuits, and deter them from depredations on other Indians and on white settlements.

I desire now to call the attention of the committee to the claims of the Pottawatomies and Cherokees for unfulfilled treaty stipulations. By the treaty of 1868, the tenth article of the treaty, the United States bound itself to ascertain the difference between gold and currency, our treaty stipulations being to pay certain annuities to the Pottawatomies in gold; and in 1863, 1864, 1865, 1866, and 1867 we paid their annuities in currency, when there was a great difference between the value of gold and currency. By article 10 of the treaty of 1868 the United States bound itself to ascertain the difference between gold and the currency thus paid, and to pay the same. In pursuance of that treaty we appointed a commissioner, who took into consideration the annuities paid to the Pottawatomies and the value of gold as compared with currency during those years; and he reported there was a balance due the Pottawatomies on this account of about $49,000.

By the same article of the treaty we bound ourselves to ascertain how much we owed them on account of unfulfilled treaty stipulations from 1819; ay, sir, from 1795 up to this time. That commission was appointed and ascertained that we owed those Indians $267,000. Now, my judgment is that that sum ought to be paid and that it ought to be appropriated for. It was found to be due by the commission constituted by us under our treaties and under our acts of Congress, and justice demands that it should be paid. But there was this trouble in the way, we did not know exactly what pro rata was due the several bands of this tribe. There is one band in Michigan, the Huron band; one in Kansas known as the Prairie band; another band in the Indian Territory known as the Citizens' band; still another band in Kansas, a portion of the Citizens' band. The committee was unable to determine what pro rata of these amounts should go to the respective bands. They therefore believed the whole matter should go to the Court of

Claims for ascertainment of the facts and law, and finding out the proper bands to whom the sums should be paid.

The same difficulty existed with regard to the Cherokees on account of unfulfilled treaty stipulations with the Cherokees, from whom we obtained so magnificent a domain east of the Mississippi River. We appointed a commission in 1882 by a law which passed this House and the Senate and received the approval of the President to find out what balance we owed them; and that commission has reported that we owed them—all the Cherokees, the Old Settlers, the Cherokees east of the Mississippi River—somewhere in the neighborhood of $750,000, with interest during a long series of years. It is a matter which has arisen to torment us now, and which has assumed great proportions because of our violation of treaty faith with these Indians. Had we fulfilled our treaties with them and with the Pottawatomies and with the Cherokees, as we should have done year by year, this would not have come to vex our souls to-day.

But there was the same difficulty in the minds of the committee. We did not know what proportion of the amount so ascertained to be due should be paid to the respective bands of Indians, and therefore we have referred it to the Court of Claims that they may ascertain the facts and direct the payment in the proper way.

There is one other clause, the one in regard to claims against Indian treaty funds on account of depredations. In our treaties with all these Indians there are clauses providing that if they commit depredations upon the property of whites the cost of such depredations, ascertained and reported by the Interior Department, shall be paid out of the tribal or treaty funds. That provision has not been carried out. It has been neglected from year to year until those claims piled up in the Interior Department have grown to the large sum of $5,000,000, Congress neglecting from year to year to provide for their payment out of the tribal funds as stipulated in the treaties.

The United States Government is the trustee of those funds; the United States Government, with these claims acknowledged and with a provision made for their payment out of the tribal fund, has yet paid over that fund in full to the debtor, and therefore I believe that if the question ever comes before the courts it will be found that that action has rendered the United States responsible for every dollar of this indebtedness.

In regard to this matter the committee has provided that the Secretary of the Interior, before the next meeting of Congress, shall present to Congress a full statement of all these claims, the name of each claimant, his post-office address, the name of the tribe by whom the depredation was committed, the amount ascertained to be due, and the clause of the treaty which stipulates for the payment of the cost of such depredation; and when the next Congress shall be face to face with this question, and shall have all the facts before it, we believe it will recommend a pro rata payment from year to year, in order that these claims may be finally adjusted. But the committee, believing that the Indians should be made to remember the treaty obligations which bind them to pay for these depredations, has put in some few claims against the tribal funds. They are those which have been particularly urged by members of Congress, and there are, I suppose, twenty or twenty-five of those claims that have been put in here, more as a reminder to the Indians that the cost of these depredations must be paid out of their funds than for any other purpose. We hope and believe that, with all the facts before them, the next Congress will legislate intelligently and wisely upon this question and pave the way for its gradual and final settlement.

I believe, Mr. Chairman, that is about all that I have to say in explanation of the clauses of this bill.

My own idea of this general Indian question—and this is the last time I shall present this bill here, my term of service being about to expire—my own idea is that the future legislator will find the solution of the Indian question in another way.

I believe that if a commission were appointed with power to go out into the Northwestern country, and from some of the territory of the United States select an Indian reservation similar to the present Indian Territory, but not so large, and then negotiate treaties with the tribes whereby they would all agree to abandon their present reservations and go to this new reservation, where you could concentrate your industrial schools, where you could concentrate your agencies, where you could concentrate your missions, where you could establish and concentrate depots of supplies, where the inspection, because of its narrower circuit, would be more rigid and thorough, where you could concentrate all the energies and all the appliances of your civilizing machinery, thus giving to the Indian the protection of courts and of law, and holding up before him the hope of civilization and citizenship—if that plan were adopted and carried out, I believe that in the course of ten or twelve years the Congress of the United States would not be called upon to sit in Committee of the Whole for the purpose of considering a bill for the support of any Indian tribe.

I believe that the Indians would become self-supporting, and that they would thus develop a capacity for citizenship which would lead to their organization first into a Territory, with Delegates upon this floor, and ultimately as a State to be admitted into this Union, with Representatives and Senators in Congress to take care of the interests of their people. I put this on record for the consideration of gentlemen who may follow me in the preparation of this Indian bill.

And now, Mr. Chairman, if there is any question that any gentleman desires to ask in relation to this bill, I will endeavor to give him such information as I can.

Mr. THROCKMORTON. I wish to ask the gentleman from Louisiana what is the Indian population, exclusive of Alaska?

Mr. ELLIS. I think about 260,000.

Mr. THROCKMORTON. How much is appropriated by this bill for the education of the Indians?

Mr. ELLIS. One million nine thousand and forty dollars.

Mr. THROCKMORTON. That does not include appropriations made under the specific articles of treaties?

Mr. ELLIS. That is for the support of schools alone.

Mr. THROCKMORTON. But I find in this bill, in regard to each tribe of Indians, a specific appropriation for teachers and for schools, and then, outside of that, I find an appropriation of $1,011,000 for other educational purposes.

Mr. ELLIS. The bill appropriates for the support of schools $575,000. Added to that there is an appropriation of $20,000 for Alaska. Added to that, for the support of the industrial school at Arkansas City, there is $30,000; for the support of the Indian school at Carlisle, Pa., $76,000; for the support of one hundred Indian pupils at Saint Ignatius Mission school, Montana, $10,000; for the support of the Forest Grove industrial school in Oregon, $41,500; for the support of one hundred and fifty Indian pupils at Genoa, in Nebraska, $29,750; for the support of the school at Hampton, Va., $19,000; for the support of fifty Indian pupils at Lawrence, Kans., $66,300. Then there is an appropriation out of the unexpended balance for the support of schools for the year 1884 for the Indian industrial school for boys on the Flathead Indian reservation, $2,000. That is a deficiency. For the support of the Lincoln school at Philadelphia, Pa., there is appropriated $33,400. Then for the care and support of five hundred Indian pupils at other industrial schools there is an appropriation of $83,500; and for the transportation of Indian children to and from school (which is for educational purposes) the sum of $30,000.

Mr. THROCKMORTON. Mr. Chairman, I find on looking over this bill that there is an appropriation of about $150,000 for the education of the different tribes coming under treaty stipulations, and, as stated by the gentleman from Louisiana, about $1,011,000 for other educational purposes.

I wish to call the attention of the committee to the fact that of an aggregate appropriation of five and a half million dollars for all Indian purposes about one-fifth is applied to education. Now, although I feel as kindly toward the Indians as can any member of the committee, and desire to see their educational facilities promoted, I think it out of all proportion that one-fifth of this sum of five and a half million dollars should be appropriated for educational purposes. I think the Committee on Appropriations must be at fault in proposing to appropriate such large sums of money for the education of the Indians at points so remote from where they reside. It does strike me that if the Government should keep up this policy of education these schools should be located nearer to where the Indians belong, thus saving at least that much to the Government on account of transportation. There is no kind of question in my mind that just as good schools could be established in Missouri, in Kansas, in Iowa, and in Nebraska as the schools which have been established in more distant portions of the country. I do not believe it correct policy that so much of the money appropriated for the Indians should be consigned to this particular use.

Without undertaking to criticise any further the details of this bill, I believe that the appropriations are not in general as specific as they should be made. I submit to the Committee on Appropriations for their future consideration that where they report an appropriation for the civilization of the Indians the amount of the appropriation for such purpose should be expressed, where they report an appropriation for the support of the Indians that amount should be stated, and so on. Many of the items in this bill appropriate from ten thousand to fifty or one hundred thousand dollars for the support, for civilization, for clothing, or for education of the Indians. It is impossible to take this bill and dissect it, as I attempted to do last evening, and determine how much is for the education of the Indians, because large sums of money in which education is included apply also to the support or civilization of the Indians. I think it would be wise policy on the part of the committee if they would in making up the appropriation bills specify what amount is designed for the support of the Indians, what amount for their education, what amount for clothing, what amount for hospital stores, &c., giving each item under its particular head.

By an examination of this bill it will be found there are thirty-five different paragraphs providing for the support and civilization of different tribes. Sometimes these paragraphs do not only include subsistence and civilization, but include the purchase of goods, education, clothing, medicine, medical attention, care of the aged and sick, and promotion of the comfort of the Indians. These different paragraphs aggregate within a fraction of $1,000,000, and embrace sums ranging

from $4,000 to $10,000, $20,000, $40,000, $80,000 and as high in one clause as $390,000. So that it is impossible to determine from the reading of the bill what amount is appropriated for subsistence, what amount for civilization, or what amount for education, or for any particular purpose. These things ought to be corrected, so that we might know how much money was to be appropriated for particular purposes.

I have been gratified to hear the remarks of the gentleman from Louisiana in regard to the future of the Indians and what should be the effort of the Government in regard to them. While I concur fully with him in that respect, I think so far as the Indians are concerned there are other considerations of paramount importance to which Congress should give its attention. I believe the first great step to be taken toward the advancement of the Indians, where they are on reservations, is that those lands should be set apart to them in severalty, so that when they have improved and cultivated the land they may have a home which they may know is to be theirs and their children's. I believe this policy should be applied to every one of the Indian tribes where they are upon reservations. Their agents should be authorized to set apart a homestead for every single man and every head of a family. I believe this would be the first great step toward the civilization and improvement of the various Indian tribes of the country. Some of them are yet too wild and wandering in their habits, perhaps, to admit of such a policy, but as to two-thirds of them or the great bulk of them, I believe such a system would be advisable.

I know that the Indians themselves have made frequent applications to those friendly to their interests to see that they have homes set apart for them. In carrying out this policy the title of the lands may be reserved in the Government for a period of years—say twenty years; and after that time, if meanwhile the Indians had remained attached to their homes, had improved and cultivated them, then I think the title of the lands should be vested in the Indians themselves.

There is another proposition to which I desire to call the attention of the committee. We have heard much about the leasing of Indian lands for grazing purposes, and there are some investigations now going on in regard to that matter. In my judgment, Mr. Chairman, the Indian Department ought to be charged with the duty of seeing that the different Indian tribes on reservations have the right, if they so desire, to lease a portion of their lands for grazing purposes. This would be in many instances the very beginning of making the Indians self-supporting. But any law which might be passed in that direction should be carefully guarded for the protection of the Indians. On the northern border of Texas, where are situated Cheyennes, Apaches, Arapahoes, Comanches, Kiowas, and Wichitas, and some other remnants of tribes, a large reservation has been set apart for their occupancy and use—much more than is needed or can be used or utilized at present by them.

It is excellent grazing and much of it fine agricultural land. Many of these Indians desire to be permitted to lease some of their lands for the purpose of grazing. Now, sir, if that power were given to the Secretary of the Interior and these leases could be made under the supervision of their agents it would be a great benefit to the Indians. For instance, there are multiplied millions of acres of land that they could lease from 8 to 10 and 12 cents an acre. They would be employed by persons leasing the lands as herders. They could thus learn the art of raising stock and taking care of it, as some of them on the northern border of Texas are now doing; that is, leasing their lands and acting as herders for those to whom the lands are leased without any authority of law for that purpose. They have been to the Department and asked the Secretary of the Interior for permission to lease their lands for the purpose indicated. The Secretary has no law under which he can authorize them to do it, and hence he has taken no steps in regard to it. Still, some of these Indians have leased their lands and have been employed by the men leasing them in taking care of their cattle as herders. Those Indians are prospering. From one of the Comanche chiefs I have a letter asking Congress to pass a law to allow him and other Indians to do this thing. I know him personally and I know his tribe. I know that he has accumulated quite a large stock of cattle for an Indian, and he has done so because he has been employed as a herder and sometimes takes his pay in cattle. He is increasing his stock, and I hope will become one of the cattle-kings of that country.

I submit this matter to the committee, and I trust the time will come when it will meet with the serious consideration of this body. By this means the Indians in a few years will become self-supporting and will no longer remain a charge upon the Goverment. If this policy should be adopted and care be taken to protect the rights of the Indians, by the time the treaty annuities have expired the Indians will become self-supporting. I trust the matter will be taken up and acted on favorably by Congress at an early day.

Mr. Chairman, in our legislation touching Indian affairs it should be kept in mind that there are different classes of Indians. Some have made much progress in civilization; others not so much, but have made a fair beginning; and still others who are entirely unwilling to change their savage habits.

The five civilized tribes, consisting of Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, have advanced greatly in all the arts of peace, in matters of religion, education, agriculture, mechanism, and in commercial pursuits. All of these tribes have their governors, legislatures, their own judges, and enforcement of the laws. Their administrations in all respects are equal in character and dignity to that of any of the Territories of the United States. They have given special attention to the subject of education, and among these people will be found churches, school-houses, and academies that would be a credit to any State or community. These people are so far advanced that it is, in my judgment, money thrown away to keep an agent among them. They know their rights; they know their relations to one another and to the Government. All business transactions between them and the Government should be directly with their respective executive authorities without the cost and intervention of an agent. We should go a step further and declare them citizens of the United States and establish courts in their midst, and, with their consent, give them Territorial representation on this floor. Such a step would gradually and surely prepare the way to finally admit them as a State into the Union. At an early day of this session of Congress I introduced a bill having that object in view.

The lands are theirs, and the Government should not interfere in their disposition. They have demonstrated fully and completely their capacity for self-government, and should be encouraged to march forward in improvement until they attain a population sufficient to enable them to come into the Union as a State. When Texas was annexed she retained her public lands. These five civilized tribes should be allowed to manage their land affairs as to them may seem best, and derive all the benefits growing out of their own control and disposition of them. Such a policy pursued toward these Indians, and the allotment of lands in severalty to the Indians on the reservations in the western part of the Indian Territory, would be a great inducement and incentive to them to turn their attention to stock-raising, agriculture, education, and religion.

The United States courts established among the civilized tribes should have jurisdiction over the wilder tribes. This policy would greatly facilitate the administration of the laws among the Indians and be a great economy to the Government. Gentlemen who are acquainted with the delay in trying causes originating in the Indian Territory, and the expenditures in the Department of Justice growing out of the fact of the remoteness of the courts from many portions of the Indian Territory, will readily understand what a great saving could be effected in the enforcement of the laws by establishing courts directly in the Indian Territory.

Mr. Chairman, if we expect to improve the Indians and induce them to become self-supporting, Congress should see that the money appropriated for them is honestly and fairly applied. Too much of the money should not be given for education. You should first teach the wild tribes to value stock, to utilize the luxuriant grasses that now go to waste, to become herders and stock-raisers and owners of herds. When the Indian realizes the value of stock he will very readily fall into agriculture, and by these means soon become self-supporting. You had far better give him this kind of an education; it will be of more use to him. I mean the recently wild Indian. When he has learned these things he will begin to value the school-house that has been erected at his home under treaty stipulations; and when the Indian children have made sufficient progress, then the brighter ones and those desiring better opportunities might be transported to better and more distant schools.

This bill appropriates in the neighborhood of $150,000 for schools at the agencies and on the reservations, and over a million dollars for education outside of their home schools. This, in my judgment, is a wasteful and almost useless extravagance. If this sum was applied to the purchase of goats and sheep and cattle, and honest, capable men employed to take charge of them and teach the Indians how to manage, control, and increase this stock, a far greater good would be accomplished for the Indians. They would thus learn to rely on their own exertions, and as they progressed in improvement would appreciate the advantages of an education.

Above all things, Mr. Chairman, in dealing with the Indians the faith of the treaties made with them should be sacredly maintained on our part, and they should be required to keep fully up to their obligations. The effort to make new treaties, to induce them to exchange their lands and seek new homes should not be encouraged, except in instances where their hostile course has required such action. They should be encouraged to become attached to their homes and to learn that by pursuing a peaceful and industrious life the Government would protect them from the greedy encroachments of the white man. It is by a just, firm, and humane policy on the part of the Government toward the Indians, a faithful compliance with every obligation, and a rigid requirement of compliance with treaties on their part that the peace of the frontiers is to be maintained and the welfare of these children of nature promoted.

A just and humane solution of the Indian problem invokes the highest order of American statesmanship. With the exception of the incursions of a few predatory bands who seek shelter in our sister Republic of Mexico, there is a more perfect state of peace existing on our Indian borders than at any former period of the country's history.

The present time, therefore, is peculiarly propitious for entering upon the serious consideration of this subject, and I indulge the hope that another session of Congress will not pass away without witnessing a

marked change and improvement in the management of our Indian affairs.

Mr. ADAMS, of Illinois. I wish to ask the gentleman from Louisiana to give his attention to that part of the bill beginning with line 1164. I hardly think it is a legitimate objection to this particular year that one-fifth of the entire appropriation is for educational purposes. Of course that amount will vary from year to year. The very purpose of these appropriations for the education of the Indians is to render them independent of the Government, not only in regard to their support, but in regard to that education which is the means of making them self-supporting.

And I coincide with the views of the gentleman from Texas [Mr. THROCKMORTON] that that education which is of the most value to the Indians and the most valuable to the people of the United States is that education which will enable them to become herders and take care of their grazing-lands. But we have not got so far as that yet, and we now appropriate money to educate these Indians in day schools, and reservation schools, and also in schools in other parts of the country.

But the question I wish to ask the gentleman from Louisiana is why it is necessary to appropriate only at the rate of $167 for each pupil in the various industrial schools scattered throughout the country at a distance from the reservations when other schools ask $175 a pupil.

I remember, Mr. Chairman, that I made an amendment to this bill last year by which that amount was raised to $200. It was adopted by the House, but was lost in some conference committee. The idea I had then and have now is that there is a certain advantage in educating the Indian child a good way off from the reservation. I remember when this bill was under discussion last year that the gentleman from Montana [Mr. MAGINNIS] told us that day schools on the reservations were comparatively valueless as compared with the boarding schools, because the Indians went to the school for a few hours and returned right back to his savage associates and so lost the benefit of that association which he had while in school. And it occurs to me that that argument would apply with greater force to placing Indians in schools a thousand miles away from the reservations, for although the child cannot receive better instructions, he does get a certain advantage which he can not have on the reservation.

Of course I do not desire to move an amendment for the purpose of having it voted down, but I should be glad to have the gentleman from Louisiana explain as to whether the number of children provided for in the section to which I have called his attention is greater than the number provided for in the bill of last year.

Mr. ELLIS. It is the same, exactly the same. This provision, I will say to the gentleman from Illinois, simply permits any already established industrial school to take the Indian children, and allows $167 per capita for that purpose. It is not the establishment of an Indian school; but, as I have said, if any already established institution desires to take Indian children and will take them at that rate, it may do so under the provisions of this bill.

Mr. ADAMS, of Illinois. I am aware that that is the object of the provision in controversy. I simply desire to call the attention of the gentleman to this fact, that if what I have said be true there is a strong motive on the part of the people of the United States why that particular class of schools should receive inducements to provide for these children; and I will ask him whether there would be any objection to allowing an amendment to this bill raising the amount to the same amount that is given to other industrial schools engaged in this work?

Mr. ELLIS. I suspect that there would be very serious objection from various members of the Committee on Appropriations, as well as a strong protest on behalf of the Treasury of the United States against making such an increase. It was the amount allowed in the current year, the bill of last year for this purpose, and the Department has asked no increase of that amount. Many Indian children are now being educated at that rate.

Mr. ADAMS, of Illinois. Do I understand that this is the amount asked for by the Department?

Mr. ELLIS. The exact amount that has been asked for.

Mr. MAGINNIS. Mr. Chairman, I generally agree with the remarks of the gentleman from Texas [Mr. THROCKMORTON] as to the Indian policy, and the necessity of giving to the Indians their lands in severalty. But I entirely disagree with him now in regard to the policy which is adopted in reference to the leasing of the Indian lands. I hold, sir, that it is not in accordance with the policy of this Government, or with any good policy, that the Indians should be allowed to hold a large amount of unnecessary lands and lease them at their will to cattle syndicates or cattle-kings at merely nominal sums as they do now. There is an investigation now going on which shows by what means large tracts of country have been leased in this manner through certain influences and for nominal amounts; leases whereby certain of these cattle syndicates or rings have secured an immense monopoly and for a paltry sum of money.

The Crow reservation, for instance, in Montana, contains over 4,000,000 acres of land. A little while ago a cattle company from Kansas, Colorado, or somewhere else, went there and negotiated a lease for over 3,000,000 of acres of these lands at a rate of $30,000 a year, which lease would have been perfected and carried into execution by the Interior Department but for the fact of the general clamor which was raised against it in this country. Now, if the policy of leasing these Indian lands was to obtain at all, there are men engaged in this business legitimately, cattle-owners, cattle dealers throughout that region of country, who stand ready to give three, yes, five times as much for the use of this property as I have named; and, therefore, if the policy of making these Indian leases is to obtain at all instead of permitting parties to go there and negotiate underhand and privately with the Indians, let the Department take the matter in charge and the lands be leased, after advertisement, to the highest bidder.

But I hold, sir, that is not the line of policy for this Government to pursue at all. The Indians should be given all the lands they want for agricultural and grazing purposes and no more, and the remainder of these vast reservations, which are entirely useless to them and which are the homes of lawlessness, should be cut off, should be segregated, taken from them, and returned to the public lands of the Government, and let the Government put out the money at interest as a trust fund for the benefit of the Indians. That is the policy that should commend itself to all as a wise one for the benefit of the Indians. It will not be contended that it is not better for the Indian, and also more in harmony with the line of policy pursued by this Government; and if we ever adopt any policy on this subject at all, I trust it will be to withdraw these lands from any possibility of being leased—to forbid, in fact, these leases to grazing companies entirely.

Mr. THROCKMORTON. I agree, Mr. Chairman, in the main with the remarks of the gentleman from Montana, except in so far as he opposes the policy of leasing these lands. Now, as a matter of course, if the lands are to be leased, it should be under a careful supervision of the law to protect the rights of the Indians. They should not be permitted to lease their lands for a nominal sum, say for 2 or 3 or 4 cents an acre, when they could just as readily lease them for 10 or 15 cents. I do not mean this remark to apply to the five civilized tribes, because the land is theirs, and they should be left free to manage their own affairs. I would throw around wilder tribes all the restrictions and guards to protect them; but it must be remembered that an Indian can not live on as small a spot of land as a white man can.

Mr. MAGINNIS. I do not claim that. It is no part of my argument.

Mr. THROCKMORTON. They have these lands under treaty agreements in exchange for lands in other localities. They have been set aside for their use under the treaty stipulations.

But there are many millions of acres of land more than they actually need; and sufficient would be left to be employed for their own agricultural and grazing purposes, and millions of acres could be leased for their benefit, the proceeds of which should go directly to the tribe.

I hold it would be of the greatest advantage to them to encourage the rearing of stock; and it is the only way I see in which they can be induced to engage in that pursuit. You must make them herders before you make them tillers of the soil. After you have made them herders and tillers of the soil you can then expend your millions for education with some prospect of advantage. But until they increase their stock and become herders and cultivators of the lands, the money given for education by the million of dollars which you appropriate from year to year will be thrown away and squandered.

Mr. RYAN. Mr. Chairman, there are in connection with this Indian question problems very difficult of solution. The question of educating the Indian and successfully solving the Indian problem by that method, while the tribal relation is maintained, is one that is seriously doubtful. No one can doubt the success of the efforts that have been made to educate the Indians outside of the tribal influences. It has been found that educating the Indian in the midst of civilization advances him much more rapidly than any effort that ever has been made to educate him in his tribe, and hence schools have been established in several of the States, where the Indian is taught the several industries as well as mere book education. But the difficulty has been to some extent that when we educate children at Carlisle, in Pennsylvania; at Hampton, in Virginia; at Chiloco, near the northern boundary of the Indian Territory; at Lawrence, Kans.; at Genoa, Nebr., and the other industrial schools in the several States—when we have taught them there for three or four years, have fitted them for the duties of civilization to a very large extent, prepared them so that they could go out into civilized life and obtain a livelihood, we are constrained to turn them loose and turn them back into the influences of that barbarism from which we took them when we put them in the schools. It is not long before they succumb to those influences and become exactly what their surroundings are, and lapse back into that barbarism from which they were taken.

These are some of the difficulties that we are encountering in our efforts to civilize the Indian by the educational method which we have adopted; but they are not sufficient to discourage the country from pursuing that method. The evil lies very largely in permitting those tribal influences to obtain. The influence of the tribal relation ought not to be permitted, in my judgment, to exist except in cases of absolute necessity. I believe that in conjunction with the system of education which has been adopted and which ought to be extended we ought as far as practicable and as fast as practicable to destroy the tribal rela-

tion. I believe that we ought to extend the laws of the white man over the Indian as far and as rapidly as it is practicable to do so. I believe that what he needs of the lands which he holds now in common ought to be set apart to him in severalty and the surplus opened to settlement.

I concur in some of the remarks made by my friend from Montana [Mr. MAGINNIS]. I do not believe it is for the best interests of the Indian, and I believe it to be contrary to public policy, to allow him to hold a large portion of the public domain, or, if you please, of his own domain, for no other purpose under heaven than to roam over it. In the Indian Territory, a section of country capable of sustaining a population of four or five millions of people, we have now—what? Eighty-two thousand Indians occupying the whole of that Territory. For what purpose? What good purpose does it subserve to the Indian? It rather detracts from his civilization. It encourages that roaming disposition which is the characteristic of the savage. He does not cultivate the soil. It lies there useless to him and useless to mankind. I would not take one rod of it from him without affording him the fullest compensation for it. I would treat with him fairly for all that he does not need for his own purposes, and the balance I would open up to settlement in a way that would place him side by side with the white man engaged in the cultivation of the soil, that his children at least might find employment in the industries surrounding him, and that he might thereby be in the very midst of the active forces and influences of our white, industrious civilization without power to alienate his land, except possibly to rent a portion of it for brief periods for a share of the soil products.

I do not care to occupy the time of the committee further just now. I desire to press on and pass this bill. But I wish to add one other word. Much has been said about leasing these lands. It is said that they could be leased for a much larger sum. I have no doubt of it. But if you are going to retain these lands in their present condition, then it is high time that Congress adopted some regulation for leasing them temporarily, if you please, subject always to the disposition of Congress, that they may be subserving some useful purpose to mankind and be of some benefit to the Indians.

It is true, as the gentleman from Montana has said, that some of these leases have been procured at a sum below what they perhaps ought to have been procured for. But take the case he alludes to in Montana. The gentleman informs us that somebody somewhere has attempted to lease a portion of these lands and pay these Indians $30,000 per annum for it. That I believe is in pursuance of a law enacted two years ago. He tells us that sum is inadequate. That may be, sir. But the fact is the Indians have held that Territory all these long years, and the grasses have rotted upon the ground upon which they grew without producing one dollar either to the Indians or anybody else.

Had this temporary provision been made to allow these Indians to reap the benefit of this $30,000, while I do not approve of that if they are entitled to more, still they would be reaping that much, they would be gathering that much money from grasses which would otherwise rot on the ground, and for which in the past they have not realized and are not now realizing one dollar.

All this in my judgment, however, ought to be regulated by law, and this large public domain now occupied by the Indians of this country ought to be subserving some good purpose for mankind and some better purpose than it has subserved hitherto for the Indian. Why, sir, we have 244,400 Indians in this country to-day, occupying 135,900,000 acres of land, over five hundred and fifty acres per capita; for the man and his wife 1,100 acres; for the man and his wife and one child 1,600 acres; and if you take a family of seven, over 3,800 acres. And yet that land is subserving no good purpose either to the Indian or to anybody else, for he does not cultivate it, and the game which once supported him, in whole or in part, has almost wholly disappeared from it.

I wish to say just one word more on a point of almost supreme importance. I wish to refer to the Indian Territory again for a moment. It is a most tempting field for settlement by the white people of this country. A portion of it is believed by a vast number of the people of this country to be part of the public domain—that portion of it known as Oklahoma. What is the result? The result is that white settlers have poured in there from every section and possessed themselves of that country. They believe they are there rightfully under the law. The administration believes they are there in violation of law. The Army has been sent there repeatedly to remove them, and the Army is there now for the purpose of removing them by force from that Territory; and if we are correctly advised by the public press the settlers have reached the point where they have concluded to let the Army of the United States shoot rather than remove or be removed from what they seem to regard as their homes. This is a question—and I am glad to address you [Mr. WELLBORN in the chair] as chairman of the Committee on Indian Affairs—of supreme moment and one to which I now invite the attention of your honorable committee.

I think it time that your honorable committee brought before this House some proposition for the solution of this problem, for civilization is pressing upon that Territory on nearly all sides. On the Kansas side settlements have crowded clear up to the border. So it is on the Arkansas side; so it is on the Texas side pretty largely; and so it is on the Missouri side. Something must be done in order that we may avoid a condition of things which, to say the least, would not be creditable to the people of this country.

Mr. BLAND. I wish to ask the gentleman a question. I understand that there are settlers, or persons claiming to hold leases, occupying those lands now under the permission of the Government.

Mr. RYAN. I am very glad my friend asked that question. In reply I want to say that there is not a rod of the Oklahoma country claimed by any lease of any sort whatever.

Mr. BLAND. Are there not parties there having lands fenced in for cattle ranges?

Mr. RYAN. I think not in the Oklahoma country.

Mr. PERKINS. There may be some settlers there.

Mr. RYAN. Yes. As I stated awhile ago persons have gone upon those lands to settle under a claim of right, and those settlers may have put up fences around their homes to some extent, but beyond that I am not advised that any portion of that section of the Territory has been fenced. I understood the gentleman from Missouri [Mr. BLAND] to inquire particularly whether those lands had not been fenced in by cattle-men for range purposes.

Mr. BLAND. Yes.

Mr. RYAN. In reply to that I have to say that I have never received any information that that portion of the Indian Territory has been under fence at all, and certainly no portion of it is under lease.

Mr. BLAND. Then the portion of those lands which the Government is seeking to dispossess those people of never has been leased?

Mr. RYAN. No, sir.

Mr. Chairman. I do not desire to say anything more at this time.

Mr. KEIFER. Mr. Chairman, I desire to ask the gentleman from Kansas [Mr. RYAN] a single question before he takes his seat. I want to know whether the settlers proposing to go into this Cherokee country have any color of right or title to go there at all?

Mr. RYAN. That is purely a question of law. The settlers claim that they have a lawful right to go there. They claim that the lands belong to the United States; that that portion of the Territory is public land. I, for my own part, have no need now either to affirm or deny their right. The fact is, I believe that the region in question, the Oklahoma section, is a portion of the lands that were ceded to the United States in 1866 by the Seminole tribe of Indians and by the Creeks.

Mr. PERKINS. And by the Cherokees.

Mr. RYAN. No; the Seminoles and Creeks ceded the Oklahoma section.

Now, it is claimed by the Government that the Indians ceded that region to the United States for a specific purpose, namely, to locate friendly Indians there; and doubtless that was the policy of the Government, that was the purpose for which it wanted those lands in 1866. But subsequently the Government changed its policy with regard to locating Indians in the Indian Territory, and, if my recollection serves me right, it was in 1875 that Congress passed a law prohibiting the settlement of any more Indians in the Indian Territory. The parties now going in there claim that the purpose for which the Government obtained those lands no longer existing, the lands have become a part of the public domain, subject to settlement. Whether that theory be right or wrong, the importance of the subject can not be overestimated; and again, sir, I would appeal to your honorable committee to take early action upon it. I introduced a bill in the beginning of this session with a view to opening that portion of the Territory to settlement, it being no longer owned, occupied, or used by the Indians for any purpose; and it is upon that bill that I now invite the action of your honorable committee—not that it is perfect, not that it is necessarily right, but that it may form the basis of some action that will solve this difficulty.

Mr. STEELE. As I understand it, all that the settlers ask is a judicial decision of the question. Is not that so?

The CHAIRMAN. The gentleman from Missouri [Mr. O'NEILL] has been recognized. Does he yield the floor?

Mr. O'NEILL, of Missouri. I yield for a question, not for a speech.

Mr. RYAN. My information may be incorrect, but I understand that when the troops were first sent into the Territory, and when they arrested those settlers that had gone upon this Oklahoma section, some of the leaders, among them one Captain Payne, since deceased, were arrested and turned over to the civil authorities; and I am informed that they were turned loose by the courts without ever reaching any judicial determination of the question.

Mr. STEELE. That is what the settlers desire—a judicial decision of the question.

Mr. O'NEILL, of Missouri. Mr. Chairman, it has been my good fortune to travel through that portion of the Indian Territory through which the railroad runs. No one unfamiliar with the conditions of population incident to that Territory can appreciate without seeing it the remarkable condition of affairs existing there. Population, settlement, houses, improved farms continue up to the very line, and then, as if you approached some land peculiarly afflicted so that human beings could not exist there, all these evidences of civilization cease as if by magic, and you see no more of them, except a few settlements along the line of the road, until you reach the Texas frontier. All this time you have been

passing through as grand and beautiful a land as there is in this country, but a land almost bereft of population. Gentlemen who have passed through the Territory in other directions have found the same singular condition of things. I can not on this occasion refrain from referring to this subject, for I feel that this Indian question has reached a point where it must be taken hold of by Congress, not alone for the purpose of taking care of the Indians, but also for the purpose of taking care of our poor white and colored people.

Some few days ago we heard these would-be leaders of political sentiment on the two sides of this House standing up here and attempting to explain to the country the cause of the suffering in our large cities, the cause of so many mills being idle and so many men out of employment. They need not imagine that they deceived the people for one instant. The workingmen of this country realize most clearly that the solution of the marvelous growth of labor-saving machinery and the consequent displacement of labor is to be found only in encouraging your workmen to leave your cities, the hot-beds of vice and corruption, and settle on the public lands, where they can earn a livelihood by their labor, where contentment is the result of honest toil and the gaunt wolf of hunger is seldom seen at the door.

This is the only solution of the question, and while you may undertake to account for the present depression of labor by the assignment of local causes, yet we find that the same condition of things exists throughout the world. Your newspaper of yesterday brought you the intelligence of one of the largest public meetings ever held in the city of London, at which the representative of the land question, Henry George, addressed thousands of people, and there the same cry went up, "The land for the people!" For they realize that in no other direction is there any future for the labor of the world. You may resort to temporary makeshifts, but the only secret of happiness in any country is by increasing the number of the owners of the soil. France today owes her prosperity more to the fact that 6,000,000 of her people are owners of the soil than to any other agency.

Now, Mr. Chairman, I realize that no sense of justice will tolerate an empire or territory like the Indian Territory, rich in soil, most glorious in climate, to remain a waste, beyond any possible hope of ever being fully occupied or cultivated by the Indians, a vast domain left there subject to the rapacity and speculation of every combination of thieves or "rings" that can enter into that Territory to make nefarious bargains with those Indians. Hundreds of thousands of acres are leased for a nominal sum, and for many years, by this syndicate or that; and while hundreds of thousands of our people are clamoring for the opportunity to obtain homes, that opportunity does not exist because the great mass of your lands that should be open to settlement and cultivation are already controlled and owned. You have but little arable public land outside of the Indian country. Treaties within proper limits should be respected, but this idea of the sacredness of Indian treaties should not be carried to the verge of idiotic sentiment.

You should do substantial justice to the Indians; you should set apart as much land for them as they can use; you should compel them to be cultivators of the soil or in some way to earn a livelihood for themselves by legitimate, honest labor, instead of leading a wandering, nomadic life. You should recompense them for whatever land you may take from them. But the Indian lands not required for the use of the Indians, together with every foot of public land, should be reserved for actual settlers only.

This is the only solution of the labor question. I refer to this matter because of my honest conviction that now, when you realize that there is a glut in the labor market, that famine stalks broadcast through your land, that there is no hope of fully providing employment for your working classes, your minds should be turned toward this question to see whether or not greater aid and encouragement can not be extended toward our workingmen to enable them to become cultivators of the soil. [Applause.]

Mr. PERKINS. Mr. Chairman, I have no disposition to trespass upon the attention of the committee for more than a few minutes; but in connection with some suggestions which have been made here I wish to present some resolutions which were adopted at a meeting held in my own Congressional district, and which relate in part to the subject we have been discussing.

While it may not be entirely pertinent to this bill, yet it is appropriate for this House to inquire into the condition of the lands in the Indian Territory, and particularly the section known as the Oklahoma country. In consequence of the peculiar condition of that land it has attracted the attention of the entire country. Settlers have gone there by hundreds, and though they have been evicted by the Government, yet they have persisted in their efforts and are going there to-day in larger numbers than ever.

Prosecutions have been instituted by the Government against some of these men as wrongdoers, but in every instance I think the prosecutions have failed and the intruders have been discharged without punishment. This has been in part, as I understand it, because the courts have held there is no legislation under which these men can be prosecuted or punished as trespassers. And hence we find ourselves in this somewhat anomalous position: we find the Government owning this great area of land, the Indians having ceded it to the United States, and yet declaring through its executive department that settlers must not go there to make homes for themselves, and that all so going shall be evicted as trespassers and wrongdoers.

It does not belong to the Indians; it is not a source of revenue or profit to the Government, and the edict is that the progressive pioneer shall not look upon this fair land with a covetous eye and make there a home for wife and little ones because of some peculiarity or provision of the treaty under which the Indian title was extinguished.

As has been suggested by my colleague [Mr. RYAN], quite early in this session a bill was introduced by him providing for the opening of that country to homestead settlement. That bill was referred to the Committee on Indian Affairs, a committee of which I had the honor to be a member, and that bill was referred to me as a subcommittee. Realizing the importance of the proposition or measure, and by direction of the committee, that bill has been referred to the Interior Department for the views of that Department, and the Commissioner of Indian Affairs has expressed his views in writing; but in consequence of the absence of the Secretary of the Interior that communication has not yet reached our committee. It is withheld for the action of the Secretary, the Assistant Secretary deeming it of such importance that the chief of the Department should be consulted rather than that action should be taken in his absence. I make this statement in vindication of our committee as well as for the information of the House and the public.

As has been suggested, Mr. Chairman, there are hundreds of settlers now on that land asking that they may be protected there, asking that they may be given the privilege of making homes there; yet an armed force of the Government is marshaling and is going there to evict them.

In 1866 that land was ceded to the Government of the United States, but ceded, as the Indians claim, for a particular purpose; ceded in order that freedmen and friendly Indians might be settled there. That was the specific purpose, I confess, for which the Indians ceded that land to the Government of the United States. But, as has been stated, it is not available for that purpose, and these white settlers desire it as homes. The Government takes the position, as I understand, that it is powerless without legislation or treaty negotiations to open it to settlement. Under these circumstances, either as a part of this bill or as independent legislation, we should have the action of this House.

If it can be had here properly I desire to call the attention of the chairman of the subcommittee having this bill in charge to this important question, that we may incorporate into it the necessary provisions looking to the opening of that country to homestead settlement. In consequence of the limited term of this session of Congress, it is not probable we can get it by independent legislation, and if we can get it here by a proper amendment to this bill it seems to me we should have it.

The Indians, I repeat, claim we have not the right without further treaty negotiations to open this land to settlement. They claim, as I have already said, that it was ceded by them for a particular purpose, and not to allow white men to occupy it and to come in contact with the Indians and to take from them, as they fear, many privileges which they now possess. It is not occupied for cultivation or other purposes by the Indians. It is not occupied by men claiming it under Indian leases. The Indians have no jurisdiction over it. They ceded their title to the Government in 1866 for the purpose, as they claim, of settlement by freedmen and friendly Indians; and hence the embarrassment to the Government and the necessity of action. I desire to say one word more in connection with these leases which have been discussed here. The Indians are not receiving from those lands what the occupation of the land is worth, but that is not entirely in consequence of combinations formed or of advantages taken, but is largely because of the peculiar tenantcy of these lessors.

If there were some law, if there were some provision of treaty or statute giving them the right to go there and under which they could be protected in these leases, the Indians would realize much more from them and the lessees would be much better pleased. And the little they do realize is to be charged to the fact there is no certainty of tenure. Because of the uncertainty of these leases the men holding them, not knowing whether they will be permitted to remain there thirty days, or six months, or a year, whether they may be driven out at once, are not willing to pay more than they do for the privileges they enjoy. As a consequence of this uncertain tenure, the Indians do not realize more from their lands; and while, Mr. Chairman, I do not advocate this system of leases, if it is to prevail or is to be permitted it should be open to all, and should be regulated by wise and wholesome statutory provisions.

And, Mr. Chairman, if we can get, in connection with this bill, because we can not get at this short session as independent legislation, if we can get provisions of the character I have suggested incorporated into this pending Indian appropriation bill upon these two important subjects, it will be important and of great benefit, not only to the Indians but to the country. And, as a part of my remarks, I desire to have read the proceedings of a meeting held quite recently in my own Congressional district. Other meetings of a like character have been held in other portions of the State; and, to show the feeling of our people, I ask to have them read.

The Clerk read as follows:

HOWARD, KANS., *January* 10, 1885.

At a meeting of the citizens of Howard and vicinity, held at the court-house, the following proceedings were had and the following resolutions were adopted:

The meeting was called to order by L. Scott, and, on his motion, B. L. Brush was elected chairman. John W. Marshall was elected secretary. Some very able speeches were delivered by B. L. Brush, L. Scott, J. F. Lewis, W. D. Parker, H. S. Douthitt, J. M. White, D. W. Dunnett, S. B. Oberlender, and others on the question of opening Oklahoma and the rights of the people to settle therein.

The following resolutions were adopted as an expression of the sense and desire of the meeting:

Whereas the armed forces of the United States have been directed against peaceable citizens that have entered on public lands in the Indian Territory, known as Oklahoma: Therefore,

Be it resolved, That we denounce as an outrage the treatment of loyal American citizens, who are striving to make homes for themselves and their families on lands belonging to the people of the United States; and we further denounce it as the grossest injustice to the people of those States that border on the Indian Territory.

Resolved, That we are opposed to the policy of the Government in using the Army to drive out or interfere with actual settlers upon any of the public domain, as being foreign to the genius of our institutions.

Resolved, That we demand that the armed forces of the United States be immediately withdrawn from Oklahoma, and that all American citizens, that so desire, be allowed peaceably to enter these lands, under no restrictions whatever, other than those that would be found in any other part of the public domain.

Resolved, As this self-same, bold spirit, that is now advancing to the front, has ever existed since the Pilgrim Fathers set their feet on Plymouth Rock, and will ever exist so long as we remain true citizens of this grand Republic, that we, the citizens of Howard and vicinity, pledge ourselves to firmly support this grand element—the van-guard of civilization.

Resolved, That the leasing of any public lands to cattle-men is in direct violation of the laws of the United States and rights of the people, and we demand that all such leases be immediately canceled.

Resolved, That we denounce the inaction of our Representatives and Senators concerning said lands, and that we demand of them to use all means in their power to secure the proper recognition of the rights of the people in this matter from the Government of the United States, and for the faithful performance of this duty we hold them responsible at the ballot-box.

Resolved, That we are opposed to the settlement of any more bands of wild Indians in the Indian Territory.

Resolved, That our Representative, B. W. PERKINS, be requested to present to Congress the sentiments of our people upon this question, and to use all honorable means in his power to secure the necessary legislation at this session of Congress.

Resolved, That a copy of these resolutions be sent to each of our Representatives in Congress, to the head of the Department of the Interior, to the chairman of the Senate Committee on Indian Affairs, and to the President of the United States.

It is the sense of this meeting that the Democrat and Courant publish these resolutions, and that the remaining county papers copy the same.

Much enthusiasm existed during the adoption of the above resolutions.

On motion of W. D. Parker to appoint a committee on organization, W. D. Parker, Robert Shelby, S. B. Oberlender, Thomas Greenwood, and B. L. Brush were appointed as such committee, to report at the next meeting of the people.

Adjourned to meet at the court-house on Saturday, January 17, at 7 o'clock p. m.

B. L. BRUSH, *Chairman.*
JOHN W. MARSHALL, *Secretary.*

Mr. SHIVELY. Let me ask the gentleman from Kansas to state at whose request or instigation the Army is being used to dispossess those settlers in Oklahoma?

Mr. PERKINS. In answer to the question of the gentleman from Indiana, I will say that my understanding is that it is at the instigation or suggestion of one of the Departments of the Government. Whether at the suggestion of the Interior Department or the Department of Justice I do not know, but my understanding is, as suggested heretofore in my remarks, the Administration takes the position that without additional treaty negotiation, or without further legislation, it is the duty of the Government to protect that land from occupation by settlers. It is in consequence of this position taken by the Government that this military force was sent out there to evict the settlers, who from time to time have undertaken to establish homes there, the Government thinking it to be a duty to the Indians to protect those lands from occupation until the Indians themselves cede them to the Government for purposes of settlement and for occupation by the pioneers. That is the position of the Administration, and it is in accordance with that position, as I understand it, that these troops have been sent there.

Mr. CUTCHEON. May I ask the gentleman from Kansas a question?

Mr. PERKINS. Certainly.

Mr. CUTCHEON. I wish to ask if it is not true that proclamation has been made from time to time by the executive department of the Government forbidding settlers to go upon these lands at all?

Mr. PERKINS. There have been, I understand, such proclamations from time to time; and not only that, but armed forces have been sent each time when the proclamations were issued to evict these settlers. But when the intruders have been arrested and taken into the court the courts have decided that they can not be prosecuted as trespassers, for the reason that there is no legislative enactment providing that they shall be so tried, or fixing a penalty or declaring it to be an offense. That being the case, we find ourselves in this anomalous position: the men who go there can not be prosecuted as intruders, and yet they are evicted as trespassers, while the land is public and belongs to the General Government.

Mr. LONG. Acquired for a specific purpose.

Mr. PERKINS. The land is public land of the United States, acquired for a specific purpose. It is there, an inviting field for settlement to the pioneers. They go there and ask to be permitted to make homes, but are not allowed to do so. Now, if we can give them legislation which will enable them to do this it is important that such steps should be taken and these restrictions removed. Each month almost, I may say each day, these complaints will recur until provision is made and until some opportunity is given for the occupation of that land in a legal way. It is because of this anomalous condition that I have brought it now to the attention of the committee. I have been personally to the Commissioner of Indian Affairs and have conferred also with the Secretary of the Interior on this subject in connection with this contemplated legislation, urging action upon the part of the Department so that we may be informed and the machinery of legislation put in motion here to the gratification of the country.

Mr. CUTCHEON. Mr. Chairman, I would like to add a word upon this subject of the Oklahoma lands, because it is a part of this great Indian question, although perhaps not strictly germane to the bill under consideration; and yet I submit the discussion comes in here most pertinently, pertaining as it does to our Indian policy.

It is manifest, from what has been said by the gentleman from Kansas who has just taken his seat, that this land formerly was indisputably the property of the Indian tribes, the Creeks and Seminoles, I believe; that they have never parted with their title in that land, except for a specific purpose; that it has never been restored to the public domain in any proper or ordinary sense of the word, and that whatever title the United States took from the Indian tribes it took not in fee-simple, but simply as trustee—a trustee for a specific purpose; and that land can not be diverted from that trust except by the consent and stipulation of the parties creating the trust—that is to say, the Indian tribes themselves.

Now, that is the situation of affairs. This land, I declare, in my judgment and in the judgment of the Department of the Interior, as I understand it, and of all the Executive Departments of this Government, is not a part of the public domain. It is a parcel of land that the Government of the United States holds simply as trustee for certain Indian tribes for a specific use. Now, if the United States desired to put this land to that specific use, it has the right to do so. If they wish to settle upon it friendly Indians and freedmen, it is their privilege to do so. But when it goes beyond that it departs from the trust which has been committed to it, and violates its treaty obligations. This illustrates in a great measure our habitual methods of dealing with the Indians. We make treaties, and we make agreements with them, and then the people, not the Government so much as we individual citizens, turn around and violate these obligations. These settlers have gone in there and taken possession of the lands upon the plea that they desired to make homes upon them. But they have gone with the full knowledge and understanding that they are trespassers, and also that they had no legal rights there. They have gone there against the repeated warnings and proclamations of the Executive Departments of this Government. They are liable to be evicted by armed force; because in the absence of law—in the absence of any municipal or Territorial law or regulation by which they are to be evicted—there is no other force to be used except the military force of the Government. There is no sheriff with his posse comitatus to arrest and remove them; and there is no means of removing them except the Government shall use the military force.

It seems to me, sir, to be a very simple proposition. That Territory ought to remain in *statu quo* until there has been a recession to the United States free of all trust, or else the United States should preserve it free from invasion by lawless citizens.

Mr. ELLIS. Mr. Chairman, the time having now arrived which was fixed by the previous order of the House for the consideration of resolutions respecting the memory of the late Hon. JOHN H. EVINS, a member of this House from the State of South Carolina, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union having had under consideration the Indian appropriation bill, had come to no resolution thereon.

EULOGIES ON HON. JOHN H. EVINS.

The SPEAKER. By order of the House this hour, 2 o'clock, has been set apart for the consideration of resolutions in relation to the death of a late member of this House from the State of South Carolina. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Tuesday, the 20th of January, at 2 o'clock p. m., be fixed as the time for delivering tributes to the memory of the late Hon. J. H. EVINS, late a Representative from South Carolina.

Mr. BRATTON. Mr. Speaker, I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of Hon. JOHN H. EVINS, late a Representative from the State of South Carolina.

Resolved, That the business of the House be now suspended that fitting tribute may be paid to his memory.

Resolved, That, as an additional mark of respect, the House shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. BRATTON. Mr. Speaker, these resolutions are offered for the consideration of the House that we may perform a sad duty to departed worth; that we may do honor to one who has occupied a seat on this floor for several successive terms. His career in this House is best known to the honorable gentlemen who were associated with him here, and is confidently intrusted to their care. In the exercise of the melancholy privilege claimed by myself on this occasion, I speak necessarily rather from the standpoint of the constituents of my distinguished and lamented predecessor, of those who knew him as boy and man at home, and who attested their appreciation by repeatedly returning him to this truly important field of service.

JOHN HAMILTON EVINS was born in Spartanburg District, South Carolina, on the 18th day of July, 1830. His father, Samuel Evins, being a man of ample means, gave his son the benefit of a good academic and collegiate course. Mr. EVINS graduated at the South Carolina College in the class of 1853, and at once began the study of the law, his chosen profession. In December, 1856, he was admitted to the bar and entered upon the practice of his profession in the town of Spartanburg. He continued to be so engaged until he was called by his State to leave this quiet pursuit and serve her in another field. He joined the first company that was organized in his county for military duty in the war between the States; was elected lieutenant; afterward became captain, and served the cause he had espoused with faithfulness and gallantry until disabled for field service by a wound received at the battle of Seven Pines. Though retired from the field he was promoted to the rank of lieutenant-colonel and assigned to light duty in the rear. While thus employed he was called upon by the people of Spartanburg to represent them in the State Legislature, which he did to their entire satisfaction.

At the close of the war Mr. EVINS reopened his law office in the town of Spartanburg, and devoted himself closely and successfully to his profession until 1876, when he was called to a higher sphere of honor and usefulness. He entered the Forty-fifth Congress as the Representative of the fourth Congressional district of South Carolina, and served in that capacity, with faithfulness to his immediate constituents and fidelity to the whole country, until stricken down by disease. His death, though sudden, was not unanticipated by himself and his friends. His health had been declining for a year prior to his demise; and, after consultation with eminent physicians, he became satisfied that his disease was incurable. This conviction did not turn him aside from the path of duty; he entertained it with calm, Christian resignation, and moved forward in the discharge of his public duties as undisturbed as if no shadow of death was impending over him.

On the 20th of October last, at his home in Spartanburg, in the bosom of his family, at 11 o'clock in the forenoon, while seated in a chair, the messenger came to call him across the river.

He was not found unprepared for the summons. In early life he had made a profession of religion and attached himself to the Presbyterian Church, the church of his father. In 1867 he was chosen one of the deacons of the Spartanburg Presbyterian church, and in 1870 was called to be a ruling elder in the same church. From 1868 to his entrance upon his career as a member of Congress he was superintendent of the Sunday-school of his church, and devoted himself to this work with characteristic earnestness and singleness of purpose.

Such, Mr. Speaker, are, as it were, the stations which mark the course of the life which has passed away; the prominent events which, in the lives of men as of nations, are the hill-tops and mountain summits seen from afar and affording a general idea of their progress or decay, but no definite knowledge of the causes producing them, nor any intimate acquaintance with their real history. They are but points of observation from which the thread of the real life may be traced, from which the real character may be read, and the full history studied and learned. Subjection to such scrutiny is necessary to bring out the true force and merit of Mr. EVINS.

From this, the highest plane of public service to which he attained, the track of his life down through its fields of usefulness to his State, his county, his town, his church, and into the privacy of his family circle, glowed with the same light, and was characterized by a constant and consistent uprightness born of high principle. His cultured and highly developed moral sense kept him ever alive to the duty of the hour, whether it led him to the mountain-top or through the lowly vale, whether it called him to positions of distinction and honor or along the humble walks of true charity among the weak, the poor, and the needy.

In that great conflict between the principles of good and evil which seems to be the heritage of humanity, and of which this world seems to be the battle-ground, the life of this pure-minded gentleman, guided by sound principles of morality and true Christian sentiment, has made for itself no uncertain record. As a man, as a citizen, as a neighbor, in the conduct of his private and professional business, in the service of his State in both peace and war, in every relation of life, his influence was elevating and for good.

And when at a critical period in the history of the State to which I belong, while the weight of aspersion and misrepresentation and of misapprehension was bearing upon us with ruinous pressure, we succeeded in sending Mr. EVINS here as our representative and exponent, it was with the expectation that the purity and sincerity of his character and the honesty of his political sentiments would vindicate us from the one and relieve us from the other. From the earnest expressions of regret for his loss with which I have been greeted since my entrance upon this floor by gentlemen of both political parties and from all sections of this country, I now venture to indulge the hope that our expectations have been realized; that his influence here, as elsewhere, has been for good, has been a potent contribution toward the restoration of those relations of respect and confidence between the members of this "indissoluble Union" which is so necessary to the full enjoyment by any of the blessings which our incomparable system of government was designed to secure to all.

In the death of Mr. EVINS we have lost one with a character for honesty so high that slander could not reach it, a merit so modest that envy never assailed it, a public spirit so uniform that suspicion of self-interest never impugned it, a Christian consistency so unassuming that it escaped the sneers of the scoffer, and one whose moderation and wisdom in his public life, unmoved by partisan or sectional purposes, were doing much to close the gap of estrangement between the two great sections of this Union which happily for the good of this whole country is every day becoming narrower and narrower, and will soon, I hope, be a thing of the past.

Mr. DIBBLE. I imagine, Mr. Speaker, that the contribution of the most gifted individual to the sum total of the world's progress and prosperity is of itself comparatively insignificant; yet such contributions, when aggregated, and transmitted with accumulations from time to time, make up what we call the advance of civilization—the improvement of the human race. And it is likewise true that the enlightened policy of a nation as illustrated in the conduct of its public men is the safeguard of its future. The traditions of a people give direction to their aspirations, and tend to shape their national character. The hero or the statesman who has been through life a pattern of patriotic worth becomes after death the exemplar for the guidance of those whom he leaves behind him. It is in this aspect that the eulogy upon the dead becomes a lesson of practical patriotism; the purposes of laudable ambition are transmitted from generation to generation; public and private virtue are kept untarnished, and love of country is blended with love of the good and the true. And in the land where the achievements of her sons live after them in story and in song, "monuments more lasting than brass," where history bestows, as an heirloom, upon the children the honorable record of their sires—it is in such a land that freedom makes her lasting habitation, safe in the stronghold of a public opinion, consecrated by inheritance to the perpetuation of civil and religious liberty.

Three thousand years ago, in the Egypt of the Ptolemies, it was their custom to appoint magistrates to judge the memory of the deceased citizen, and to award to prince and to subject alike condemnation to the vicious, and to the virtuous the honor of a public eulogy granted to him by his country's laws. And although this custom has long since passed away, and judges sit no more in solemn quest over the ashes of the dead, yet fame has become such a tribunal; and as she dictates posterity listens to her decrees and history records them.

It has been well said that "it is right that the tomb should be a barrier between flattery and the prince, and that truth should begin where power ceases." And it is a matter of satisfaction to me, Mr. Speaker, that in recounting the incidents of the life of my deceased colleague and friend there is nothing that his friends would desire to pass over with the charity of silence, or that needs the embellishment of fulsome praise. It shall be my endeavor, therefore, to present in plain, unvarnished narrative the outline of his career, secure in the assertion that purer man never entered this House, nor one who was possessed of a loftier sense of honor, a more conscientious devotion to duty, than JOHN HAMILTON EVINS.

Such traits of character were his by inheritance. The families of Evins and Moore (from the latter of which he was descended on his mother's side) brought with them from the mother country energy, thrift, integrity, and piety. They came first into Pennsylvania and thence to Virginia and the Carolinas. Both families settled in South Carolina, on Tyger River, in what is now Spartanburg County, prior to the Revolutionary war, and were ardent patriots in the struggle for independence. Alexander Evins, the grandfather of our late fellow-member, served as a soldier under "Mad Anthony Wayne," and was wounded so severely in the left shoulder at the storming of Stony Point, that most brilliant of all the battles of the war, as to have been disabled in his left arm for life. He changed the spelling of his surname from "Evans" to "Evins," substituting an "i" for the "a," because a brother of his had espoused the side of the King; and although the Tory left the country, the family has retained this mode of spelling the name ever since. This gallant patriot lies buried in the graveyard of Nazareth Church, the oldest Presbyterian church in Spartanburg County—a house of worship

of which he was one of the founders and a ruling elder. He left six sons, all of whom became leading citizens of their section of South Carolina, and four of whom were at different times members of the State Legislature. One of them was Col. Samuel N. Evins, the father of JOHN H. EVINS.

Among his ancestry on his mother's side was General Thomas Moore, who fought in the battle of Cowpens against the British when a boy 16 years old. In mature years, he was prominent in the politics of the State, and was a member of Congress from South Carolina from 1801 to 1813, and again from 1815 to 1817; and in the interval between the two periods of service in this House he was in the field in the war of 1812, as a brigadier-general, commanding troops on the coast of South Carolina. He was a man of great public spirit, and was one of the founders of the first high-school in Spartanburg District, an institution which is still in existence. He was the great-grandfather of our deceased colleague.

JOHN HAMILTON EVINS was born at the ancestral homestead, on Tyger River, on the 18th day of July, 1830. In early life he enjoyed such advantages of education as the country afforded, besides the precept and example of parents who were distinguished for high-toned principle, broad views, liberal hospitality, and earnest Christian character. He received his higher education at the South Carolina College in its palmiest days, and graduated from that institution in the class of 1853.

I first knew him in 1855, when both of us were young men, living under the same roof. He was then a student of the law, to the practice of which he was shortly afterward admitted, and I, somewhat his junior, was a college student pursuing my last year's course. He was then, as all his associates have ever found him to be in later days, a warm-hearted friend, a courteous and cheerful companion, a just and honorable man. At this period of his life, in easy circumstances as to fortune, living in a section where his ancestry for several generations had attained merited distinction in social, religious, and political circles; fitted by a liberal education for the practice of his chosen profession, and enjoying daily intercourse with the people of a refined and cultivated community, there opened before him the prospect of a happy and successful career. My deceased friend was fortunate in the possession of those traits which enabled him to utilize the advantages which surrounded him, and to achieve as high a degree of substantial success as his friends could have desired.

After his admission to the bar he was associated in practice with that distinguished jurist Hon. Thomas N. Dawkins, afterward one of the judges of our State courts, and with Jefferson Choice, Esq., an able and experienced lawyer at Spartanburg, S. C. Throughout his whole life he has been engaged in the active duties of the profession, except when in military service as an officer of South Carolina troops in the confederate army, or when serving his State in the Legislature and in Congress. At the outbreak of hostilities between the States in 1861 he was an officer in the first company raised in Spartanburg, and fought gallantly in the first battle of Manassas and other conflicts of the war. At the battle of Seven Pines in 1862 he was so severely wounded in the left arm that amputation was proposed, but he refused his consent, and assumed the risk of the attempt to save the arm. This was accomplished through the skill and attention of his brother, who was a surgeon in the army, and the limb was preserved, but he was so seriously disabled as to be incapable of further active service in the field, and I am satisfied that the effects of this wound were felt by him during the rest of his life. He continued, however, in the performance of light military duty until his election to the State Legislature of South Carolina, where he served two terms.

At the close of the war Colonel EVINS had suffered in fortune, in common with his neighbors, but did not repine; on the contrary, he went to work with all his energy to repair the disasters entailed upon the South by that fearful struggle. About this time he married Miss Hattie D. Choice, the daughter of his former partner at law. The union was a congenial one, and his was a happy home, the seat of comfort, refinement, and generous hospitality. Successful at the bar, and enjoying the esteem and confidence of all who knew him, he was content to devote himself to his profession and to take a leading part in enterprises for the development of the resources of his native county and did not aspire to political honors. But in the agony of final reconstruction his State summoned him to her service. In 1876 he was tendered the nomination for Congress from his district without solicitation on his part, and for a time hesitated to accept it, but finally consented to do so as an act of duty, and was elected to the Forty-fifth Congress by a considerable majority. Since then he served continuously as the Representative of the fourth Congressional district of South Carolina, up to the time of his death.

Without endeavoring to enter into the details of his useful services as a member of this House, I will simply sum up his character as a public man by calling attention to that independence of thought and action, that freedom from all the arts and devices of the demagogue which distinguished his career. He was one of those who considered that the representative should not be like a weathercock, turning hither and thither according to every popular breeze, but that he should be rather a leader than a follower of public opinion in regard to matters pertaining to the work of legislation. He was of the class celebrated in the language of the classic poet:

> Justum et tenacem propositi virum
> Non civium ardor prava jubentium,
> * * * *
> Mente quatit solida.

In the early days of the present Congress, his health, which had been gradually failing for some months, became more seriously affected, and he then informed his friends and constituency of his intention to decline a renomination, and to retire to private life. It was his hope at that time, and also that of his friends, that the eminent medical skill which he called to his assistance would avail to arrest the malady which threatened him. But alas! all fond anticipations of returning health were gradually dispelled by the inroads which disease slowly but surely made upon his constitution, until finally it was evident to himself and all his friends that in a short time he would be in the immediate presence of death.

For this emergency he had the preparation of a consistent Christian life. Calm and undismayed, and trusting in God, he was ready to die. I have alluded to the lines of Horace in illustration of his independence of thought and action as a Representative. I can with equal fitness apply to him, when awaiting the last mortal struggle, the omitted line of the stanza, and say—

> Non vultus instantis tyranni
> Mente quatit solida.

The session of Spartanburg Presbyterian church after his death thus placed among their minutes his religious record:

> Colonel EVINS made a public profession of religion early in life, joining Nazareth, the church of his fathers. On the 4th of July, 1867, his membership was transferred to this church, and on the 28th of the same month he was ordained to the deaconship. He continued to serve in this office until promoted by the unanimous voice of the congregation to the eldership, to which he was ordained November 13, 1870. He was also superintendent of the Sabbath-school from 1868 until he entered Congress in 1877. He was also deeply interested in the welfare of the church, liberal in supporting every good work, true and wise as a counselor to his pastor, and in every respect a most valuable member and officer.
> * * * His unswerving fidelity to religion, his genuine and practical loyalty to his own church, and his eminent purity of life, ever shone out brightly in all the circumstances in which he was placed, whether in the walks of private life, in the quiet pursuit of his profession, or amid the temptations of the military camp or of the national capital.

It was at his home in Spartanburg on Monday, October 20, 1884, that he quietly and peacefully breathed his last, passing literally from sleep to death.

And now—

> 'Tis little; but it looks, in truth,
> As if the quiet bones were blest
> Among familiar names to rest
> And in the places of his youth.

Were I to yield, Mr. Speaker, to the emotions which arise as I recall to mind many incidents of my association with my departed friend, and feel how closely our lives were blended in the recent past, I would be unfitted for the discharge of the duty of this hour. And I realize that when the country, in her legislative halls, laments the death of one of her public servants, there is little room in the liturgy of memorial ceremonies for the expression of a feeling of personal bereavement. Only around the desolate hearthstone, whence the loved one has departed, or in the select circle of his kinsmen and dearest friends, is there appropriate place for that sacred sorrow which shuns the public gaze; while here are uttered only "the lesser griefs that may be said."

And yet, while we, his fellow-members, are engaged in the last offices of respect to his memory, and are celebrating in solemn eulogy his public career, in his relations to his State as a citizen, to his constituency as a Representative, and as a legislator to his country, it is proper also to think of him as a true and tender husband and father, a trusty and warm-hearted friend, and an earnest and humble Christian.

And occasions like the present, interspersed here and there in the routine of our official occupations, furnish to us the opportunity for solemn reflection, teaching the frail tenure by which we maintain our foothold on earth ere we sink into our resting-places beneath its surface. Is there not something for our inspiration, Mr. Speaker, in the example of one who has, as a sentinel upon his post, walked uprightly upon his appointed round holding fast to the watchwords of honor and of truth?

> No life
> Can be pure in its purpose, and strong in its strife,
> And all life not be purer and stronger thereby.

Mr. BROWNE, of Indiana. These memorial occasions, Mr. Speaker, come to this House with frightful frequency. Those who meet here are one by one dropping by the wayside as they journey on. Not a session passes but we pause to embalm in the records of this body a tribute to the faithful public services of some honored Representative who has gone to "that undiscovered country." At each Congress there are those who come to these halls ambitious of distinction, inspired by high resolves, buoyant with hope and having promise of long and useful lives, who play their parts but for a day and are then called forever from their labors. This sorrowful experience repeats itself with unvarying regularity, and so it will be until the end. And yet how little we know of death save its certainty! We know it is appointed that all shall die and that from this stern decree there is no appeal. To-day we speak words of tribute to the memory of one who sleeps under the sunny skies of the South; to-morrow we may be called to perform a like sad office for one whose new-made grave rests under the white raiment of the Northern snows. Who knows? Fortunately to none has been given the power to cast upon the horoscope the figure of our coming griefs, and we know

> But the page prescribed, the present state.

May we not here indulge the hope that of every tear of sorrow shed on the graves of our dead some good will be born, and that in the "destroyer's pathway there will spring up bright creations that will defy his power" and convert the valley of darkness into a pathway of light. May not this day repeat the solemn lesson that death reigns in all portions of time; that—

> The golden sun,
> The planets, all the infinite host of heaven,
> Are shining on the sad abodes of death.

> The autumn with its fruits provides disorders for us, and the winter's cold turns them into sharp diseases, and the spring brings flowers to strew our hearse, and the summer gives green turf and brambles to bind upon our graves. Calentures and surfeit, cold and agues are the four quarters of the year, and all minister to death; and you can go no whither but you tread on dead men's bones.

I was not wholly unprepared, Mr. Speaker, for the announcement of the death of JOHN H. EVINS. While he was still with us, taking part in our counsels and in the business of this House, I was told by an eminent physician who had been consulted by him that he was incurably stricken by a malady that has long defied the skill of the medical profession, and that his life could be prolonged but for a few months at most. It was difficult to believe that one I saw here almost daily in the performance of his public duties, who moved so calmly among us, was so soon to die; but, as was predicted, to that inexorable disease he soon fell a victim. Burdened, doubtless, with the consciousness that his pilgrimage was near its end, he stood at the post of duty until near the close of the session, when he left us, and, after a brief and fruitless search for health, returned to his home that his grave might be made in the land of his nativity and among those of his ancestors.

Mr. EVINS died just as he touched life's meridian. With his culture and intellectual equipment, his unexhausted resources, had health and life been spared him, what position might he not have attained! Who can tell? Who can measure what of effort and of achievement were prevented by that dread disease that held him in its grasp and drained the very fountains of his life? Who knows what it is to feel the life-current ebbing gently but surely away? How the icy touch of the death malady must obscure every light and paralyze every energy! It was not my good fortune to know the deceased as he was known by those neighbors and associates who enjoyed his personal companionship and hospitality. Those who met him in the family circle, who sat at his table and by his hearth-stone, have fitly spoken of the excellence of his social and the refined purity and happiness of his domestic life. A happy home was his. How home hallows and elevates the human character! How cheerless would life be without its endearments, and how aimless our ambitions but for the impulse it gives to our efforts!

All bear witness to the uprightness of his daily life and his sterling integrity of character. He exemplified the sincerity of his Christian faith by his works—works in the fields of the Master. By no truer test than this can man be judged, for

> 'Tis not the wide phylactery,
> The stubborn fast, nor stated prayers,
> That makes us saints; we judge the tree
> By what it bears.

That his personal and public life commanded the respect of his people is shown by the unanimity with which he was twice chosen to represent them in the Legislature of his State, and by four successive elections to a seat in this House. A manly character only could have inspired such confidence; a faithful service only could have secured its continuance. That he went to the field, that he put his life to the hazard of battle for the cause that had his sympathy, proved that he had the courage to follow, regardless of personal peril, his duty as God had given him to see it. It has been said:

> No one knows what is absolutely right, but every one knows what he thinks to be right, and the highest law is obeyed by him who follows honestly the best light that shines within him and gains the approval of his conscience.

Who does better than he who puts his best thought, his highest and maturest convictions of right, into his life-work? Perfection is for God alone. Among men he deserves well who follows with unfaltering courage where his best and most enlightened judgment leads.

I but give voice to the spontaneous expression of an intelligent constituency, under whose eye passed in review every act of his private and public career, when I put on the enduring records of the national Congress their united testimony that JOHN H. EVINS was an honest man; that everywhere, at all times and in the largest and truest sense, he was an honest man and an incorruptible public servant; that his personal integrity was manifest in his professional and political life, and in his every-day dealings. It is said of him that as an advocate he refused to prosecute those he thought innocent, or defend the cause that was tainted with dishonesty or wanting in the element of justice. What a commendable example was this to that high profession whose mission it is, regardless of the blandishments of power or the temptations of reward, to defend the right and secure redress for the wronged.

My first meeting with Mr. EVINS was in the Forty-fifth Congress. A trivial circumstance led me seek his acquaintance. Emigrants from Virginia and the Carolinas, among whom were the sons of the men who fought with Morgan on the memorable field of the Cowpens, settled more than a half a century ago in the Congressional district I have the honor to represent, and gave the name Spartanburg to the village in which for many pleasant years I made my home, and whose people for more than a third of a century have reposed in me an unmerited confidence. I desired to know the representative of the historic district of Spartanburg, S. C., a section so familiar to many of my people, and that I enjoyed that honor will be one of the cherished memories of my life. My acquaintance with him began and ended here. It was a brief friendship, but was long enough to leave with me enduring impressions of the man. He was of nature's nobility and a typical representative of that section of our Union that in the colonial day gave to our Revolution and the cause of popular government such heroic men as Wood and White, Moore and Roderic.

From the first he impressed me by his dignified but gentle courtesy and his unostentatious personal bearing. He at once won my sincerest esteem. One who knew him intimately, one of his distinguished colleagues here, tells me that one of his most notable characteristics was his unobtrusive modesty; that this kept him from pressing forward here and asserting his title to the high position which by reason of his learning and his talents rightfully belonged to him. This statement is corroborated by my observation. Life, however, has no brighter ornament than a true and unadorned modesty, and the character in which this resides is always enriched by the noblest of virtues.

Mr. EVINS was in his very nature tolerant. I always found him most charitable to those who challenged his cherished beliefs. He let mere differences of opinion glide—

> Into the silent hollows of the past.

Espousing opposite sides of the bloody controversy through which our people passed but a score of years ago, and widely separated as we were in opinion on many questions, we were in full accord in the hope that from the reunited Republic would be banished every hate; that every wound would be healed; that the waste places would be repaired, and there be ushered in a new and enduring era of prosperity and fraternity. He was a disciple of that great Teacher who taught the inspired philosophy that the most heroic revenge was the return of good for evil. With me he believed this truth should be taught in ever pulpit, inscribed on the doors of every temple and on the folds of every banner.

It is a pleasing faith that God has planted in the human heart the germ of an unresting progress, and that in His own good time it will unfold a charity strong enough to paralyze the ambitions of men and convert armies and navies into ministers of peace and love. It will be a glorious era when love takes the government of men out of the hands of force. How beautiful would be that reign, how bloodless and painless its triumphs! If, as the astronomers tell us, the moon with its white arms reaches down and lifts the mighty billows of the sea toward the stars, may not pity reach down and lift the impulses of the human heart to love and God, and banish violence and warfare from the world forever?

Mr. EVINS was a member of the church, a consistent follower of the Nazarene, and lived and died in the Christian's faith that there is in the universe an overruling Providence and an immortal life beyond the grave. With that cold materialism of the age which teaches the annihilation of the human soul he had no sympathy. Who can believe that beyond the grave there is only nothingness?

> If that marvelous microcosm, man, with all the costly cargo of his faculties and powers, were indeed a rich argosy, fitted out and freighted only for shipwreck and destruction, who among us that tolerate the present only from the hope of the future, who that have any aspirings of a high and intellectual nature about them, could be brought to submit to the disgusting mortifications of the voyage?

True, no thought comes to us from the mute lips of the dead. They do not speak to us across the darkness. They display no beacon from the shoreless beyond to light us through the gloomy abyss; but—

> A voice within us speaks the startling word,
> "Man, thou shalt not die!" Celestial voices
> Hymn it 'round our souls; according harps,
> By angel fingers touched, when the mild stars
> Of morning sang together, sound forth still
> The song of our great immortality!
> Thick-clustering orbs, and this our fair domain,
> The tall, dark mountains, and the deep-toned seas,
> Join in this solemn, universal song.
> * * * *
> The dying hear it; and, as sounds of earth
> Grow dull and distant, wake their passing souls
> To mingle in this heavenly harmony.

Is it probable that creative wisdom would have made gross matter eternal, indestructible, and provided that sensation, life, only should be forever destroyed?

Although JOHN H. EVINS is dead, He who every springtime with sunshine and shower touches the bosom of the earth that the rose and the jasmine may come forth and shed their fragrance and beauty on the world will not allow a human soul, the very culmination of His creation, to remain forever in the night of the grave. Sorrowing friends and a mourning household find consolation in this sad hour in the

thought that there is a light radiating from the cross haloing the world with its brightness, glowing with divine beauty—the light of an example and a Christian philosophy—that points the soul to a better life and implants within the human heart both a hope and a faith in the resurrection.

Mr. HARDEMAN. Mr. Speaker, the destiny of man is dissolution, and the history of material organization is decay. To know our end is the lesson of life, for life in its entire analysis is but a lesson; its preface the cradle, its finale the grave. The great voice that John heard out of Heaven saying "There shall be no more death" was not the language of earth, but the unmistakable vernacular of that celestial land above. "Dust to dust, earth to earth, ashes to ashes," is the idiom of earth, voiced by the shroud, the coffin, and the grave. To that voice this House is listening to-day, as it comes from the grave of JOHN H. EVINS of South Carolina, who but a few months ago responded to our roll-call and was zealously engaged in the discharge of official duties and public trusts. His death has made another blank page in our Congressional history. How many are there in our book of records, each one suggesting to the living that their names will soon be written in the journal of death. Looking upon those pages I commune with the past—with its hopes and disappointments, its victories and its defeats, its life and its death. The living present recalls the dead past. The "now" reviews the "before" and foreshadows the "hereafter." The Representatives living walk in the cemetery where their comrades sleep and read upon the tombstones the epitaphs and eulogies of those who have passed away. Among the sleepers there, none were more entitled to respect than was he whose funeral ceremonies we are observing to-day. Born on Southern soil and under sunny skies, he imbibed in his nature their genial attributes as evidenced in the gentleness of his manner, the warmth of his nature, and the purity of his life. Devoted to that South, his whole being was fired with an ardent love for the welfare of his people, the honor of his section, and the glory of his State. Patriotism with him was an innate principle.

It mattered not, whether upon the tented field battling for what he deemed "the right" or in this Hall counseling reconciliation and peace, but one star went before him to light his way. That was the star of patriotic duty, and the light of that star was only obscured by the night of death. Upright in his deportment, warm in his friendship, truthful in his nature, and exemplary in character, he commanded the esteem of all who knew him. Honored by his fellow-citizens for a series of years with State and Federal offices, he performed their duties with strict fidelity, retaining to the close of his life the unwavering confidence of those he was serving. Sensitive in his nature, quiet and retiring in his manners, studious, as far as a weak constitution would permit, he was most appreciated by those with whom he was best acquainted. Fidelity to principle was the chart of his life. Duty discharged the rule of his action. He had a presentiment for months that his end was approaching, so the summons was not unexpected and the grim monster found him panoplied in the armor of a Christian faith and ready for his summons. It soon came.

On the 20th October last, when nature was clothing herself in saffron and autumn was searing flower and forest, he went down to the grave "like a shock of corn that cometh in his season." In scanning the actions of his life, nothing that was unmanly or unbecoming met the eye; for his life was irreproachable; for, Enoch-like, "he walked with God." Stricken down in the meridian of life and the zenith of his usefulness, his loss will be felt around the family altar, where his qualities of head and heart shone most brightly, in the circle of friends that he enlivened with a refined geniality and in this legislative hall, where he was serving with ability his fourth term. A man of education and intelligence, his convictions were the outgrowth of an enlightened judgment, and though unpretentiously asserted, they were maintained with inflexible firmness—not the firmness born of self-conceit and inordinate vanity, but that which is prompted by a consciousness of right and modest merit.

Serving with him upon a committee of this House of which he was chairman, I soon learned to estimate his character and appreciate his solid worth. To the members composing that committee it became apparent early in the session that he was laboring under a malady that had numbered his days. We were not surprised when the end was announced. The book of his life has been closed, and if we are not permitted to break the seals thereof we can profitably recall the memory of him whose name is written therein, associated as it is with a life of usefulness, of strict integrity, of noble impulses and Christian graces. In recalling his memory, in reviewing his life, we are forcibly reminded that—

Our lives are albums, written through
With good or ill, with false or true;
And as the blessed angels turn
The pages of our years,
God grant they read the good with smiles,
And bless the ills with tears.

The history we now make will live after we go hence, for, as was written by Paul, "None of us liveth to himself, and no man dieth to himself." Truly may this be said of him whose memory we now commemorate; for though he has passed away he yet lives in precept and Christian example. As the winds that sweep over a bed of violets bear on their wings their fragrant perfume, so does a pure life carry with it the fragrance of noble deeds, exemplary virtues, and Christian graces. But such a life is no barrier against the approach of the fell destroyer; and, yielding to his power, our companion fell.

Then gave his name to the world again—
His blessed past to Heaven; then slept in peace.

Peaceful be the repose, for he only sleeps. The beautiful flower, scorched by summer's suns or blighted by autumn's frost, withers and apparently dies; but it does not die; it only falls to sleep in the lap of winter and will bloom again when "the springtime cometh." So our friend has fallen to sleep on the bosom of his Saviour, there to remain until the Father wakes him to the joys of eternal life. With great satisfaction we can review his character, so strong in its structure, so complete in its appointments, so polished in its finish. And callous is the heart to all instincts of the good and the true who can contemplate the life of such a man, so pure, so gentle, so lovely while in health, so patient in sickness, so calm and triumphant in death, and not exclaim with Balaam, "Let me die the death of the righteous and let my last end be like his."

Mr. GEORGE. Mr. Speaker, I wish to add a few words of tribute to the memory of our departed friend.

Although I had but a limited acquaintance with Mr. EVINS, I learned to respect him for his many good qualities of mind and heart.

His integrity of character was of the highest order, and he was positive in his convictions of right and duty.

As a law-maker he was not bound by local limits, but entered fully into the spirit of legislation for all sections.

Though representing States far distant, we were often drawn together on common ground in matters of legislative interest. I always found him kind and considerate, sociable and earnest.

I state my own impressions very briefly concerning his life and character, and leave to others who knew him longer and more intimately the duty of a more elaborate recital of his life and services. It is a day of sadness for all who knew him.

Our late associate, so universally esteemed, now lies beneath the sod, and under the pine and the palmetto of his native State. May his many good deeds long be remembered! May his memory ever brighten!

Mr. DOWD. Mr. Speaker, my acquaintance with the deceased may be said to have commenced upon the occasion of the funeral of the late President Garfield. Before that I had met Colonel EVINS on one or two occasions only, and our acquaintance was merely casual, although our homes were but sixty miles apart. During the long and melancholy trip to Cleveland, Ohio, and back, we were much in each other's company. There was no one in the entire party whom I had ever met before except Colonel EVINS, and I naturally gravitated to him as a neighbor and friend.

From the beginning of the Forty-seventh Congress our relations grew closer and our friendship stronger. During that Congress I was more intimate with Colonel EVINS than with any other member of the House. We boarded at the same hotel, occupied seats at the same table, and sat near each other in this Hall. We often lunched together, occasionally attended church and theaters together, and frequently took long walks and drives through the city. I think I knew him well. I believe I thoroughly understood his character.

I am not of those who believe that all good is in the past, or that only good men die. I have said upon another occasion that the true office of eulogy is not the bestowal of indiscriminate praise. The highest test of character is to place the good and the bad in sharp contrast. I am no enthusiast, but think I can discern the imperfections as well as the merits even of very warm friends. Nor do I believe any man can be absolutely free from guile, or that much good can be found in the world unmixed with evil. On the contrary, I believe that everywhere within the domain of human existence evil and good, if not actually intermixed are in close proximity. Nothing is perfect; no man can be perfect. And yet, I say with deliberation that I have never known a better man than JOHN HAMILTON EVINS. I have known men of greater intellects and greater learning, men of more obtrusive and conspicuous qualities, but I have never known a more conscientious and thoroughly good man. Long ago he must have fought life's supremest battle and gained the victory over self. Early in life he must have put in complete subjection those evil impulses and passions which are the common heritage of us all, and which surely conquer all who do not conquer them, and by which so many thousands and tens of thousands of weaker men, after struggling against them for years, have at last been enslaved and ruined.

While I knew Mr. EVINS I am sure he never did anything which he believed was wrong. He held an easy mastery over all manner of temptation. Without regard to pain or pleasure, he never for an instant hesitated between what was right and what was even dubious or questionable in its character. He was a sincere and genuine Christian. He believed in the Bible, the God of the Bible, and all its teachings, as naturally and as implicitly as the babe warms and glows in the mellow radiance of a mother's love. The precepts of that Great Book were his guide through life, and its promises and assurances were, no

doubt, his solace and comfort as he approached the valley and shadow of death. I had not the pleasure to know much of the domestic life of Colonel EVINS, but it was evidently beautiful and lovely in the highest degree. He left a widow who must have been from the day of their marriage indeed "an helpmeet for him." He left also a large and interesting family of children. A recent letter from Mrs. Evins contains the following pathetic and touching language:

Of my loss it is impossible for me as yet to speak; bereft of such a husband, with the terrible responsibility of bringing up our children without the help and comfort of his living presence, I feel my burden to be almost greater than I can bear. My trust, however, is in the God of the widow and orphan, and I know he will not forsake us.

I append and beg to present in connection with my remarks the minutes of Spartanburg Presbyterian church, adopted at a session held November 10, 1884, which very fully and very accurately portrays the sterling qualities and exalted merits of the lamented deceased.

Minutes adopted by the session of Spartanburg church, November 10, 1884.

JOHN HAMILTON EVINS was born of pious parentage, at the family homestead, on Tyger River, Spartanburg District, South Carolina, July 18, 1830. His father, Col. Samuel N. Evins, was a man of broad intellect, sterling integrity, high-toned principle, and Christian zeal; and his mother, a woman of decided character and earnest piety. He thus grew up under the most wholesome influences, receiving from his childhood that stamp of character which he developed in manhood. Possessed of ample means, his father gave him such advantages of education, both in the common school and the college, as the country afforded, and he was graduated at South Carolina College in 1853. Soon after this he began the study of law at Spartanburg, and was admitted to the bar in 1856. To this profession he devoted himself with energy and success, and won a high place in the legal fraternity of this section.

Upon the breaking out of the civil war in 1861 he promptly tendered his services to his native State, and served faithfully in the confederate army, first as lieutenant and afterward as captain of the Spartan Rifles. He was severely wounded in the left shoulder at the battle of Seven Pines, and was disabled from further active service in the field, but was nevertheless promoted to the rank of lieutenant-colonel and assigned to lighter military duty nearer home. While thus detained at home he was elected to the State Legislature, and served there in the sessions of 1863 and 1864.

After the war he resumed the practice of law, in which he was actively and constantly engaged until 1876, when, in the great political struggle for the recovery of the State from the hands of aliens and plunderers, he was nominated for Congress from the fourth Congressional district, and was elected by a large majority. At three successive elections he was again chosen to the same high office, and continued to serve faithfully and well in the national Legislature until arrested by death.

Colonel EVINS made a public profession of religion early in life, joining Nazareth, the church of his fathers. On the 4th July, 1867, his membership was transferred to this church, and on the 28th of the same month he was ordained to the deaconship. He continued to serve in this office until promoted by the unanimous voice of the congregation to the eldership, to which he was ordained November 13, 1870. He was also superintendent of the Sabbath school from 1868 until he entered Congress in 1877. He was deeply interested in the welfare of the church, liberal in supporting every good work, true and wise as a counselor to his pastor, and in every respect a most valuable member and officer. About one year ago his health began to fail, and upon consultation with eminent physicians in Washington he became convinced that he was the subject of incurable disease. He bore this fearful conviction calmly and with Christian courage and resignation, at the same time diligently using all human means that gave promise of relief. But he gradually sank under the steady encroachments of disease. His heart had become seriously affected and his lungs so obstructed thereby that breathing at times became difficult and painful. Yet his mind remained clear and his spirits cheerful. He was well aware that his days were few, but he was not disturbed at the thought, his confidence resting in God. And on Monday, October 20, about 11 o'clock a. m., calmly and without a struggle fell asleep while sitting in his chair at his home in Spartanburg.

The tidings quickly spread throughout the city, and the whole community mourned his loss. The next day the funeral services were held in the church where he had so often and so long delighted to worship God. An immense concourse of people, more than the house could contain, gathered to pay the last tribute of respect to one whom all honored and cherished. The pastor conducted the services, assisted by the Rev. R. H. Reid, the former pastor and warm personal friend of the deceased, and the Rev. Ellison Capers, who had attended with a delegation from the city of Greenville; and the body was solemnly and sadly laid away in the family plat of the town cemetery to await the resurrection of the just.

Colonel EVINS was married in 1865 to Miss Hattie D. Choice, the daughter of his former law partner, and she, with eight children, the youngest an infant of five months, survives him. He was a tender husband and a wise and conscientious parent, and the loss to his family in his untimely removal is sad and inestimable.

Our lamented brother was a man of noble impulses, of exalted principles, and of most exemplary life. His character possessed a completeness and beauty rarely found on earth, and the virtues which distinguished him were many, excellent, and striking. His unswerving fidelity to religion, his genuine and practical loyalty to his own church, and his eminent purity of life ever shone out brightly in all the circumstances in which he was placed, whether in the walks of private life, in the quiet pursuit of his profession, amid the temptations of the military camp, or the corrupt atmosphere of the national capital. And withal he was a public-spirited citizen, who lived and labored not for selfish gain and aggrandizement, but always felt a lively interest and performed an active part in anything looking to the welfare of the community, the State, or the country. The loss of such a man may well be mourned and his example sacredly treasured.

Mr. LANHAM. Mr. Speaker, there are two occasions in the proceedings of this House when no sound of tumult cometh to mar its grave decorum or disturb its solemn stillness. The one is when we bow the head at the voice of prayer; the other is in the obituary service we are accustomed to perform when one of its members has yielded to the ultimate appointment of our race and gone the way of all the earth. Reverence for the Deity and respect for our holy religion prompt us in the one case; regard for the dead and a forced recognition of our own mortality move us in the other. Our attention is arrested, clamor ceases, the proprieties of dignified silence are observed, and we can not escape a serious and profound reflection. The latter occasion is once more upon us, and I obey the impulse of my heart when, participating in these ceremonies, I offer my humble contribution to the work of this hour and attempt to bear testimony to the worthy life and excellent character of my departed friend and brother Carolinian. It seems not inappropriate that I should do so, for I have known the deceased from my boyhood. We were born and reared in the same county. He was the honored and trusted representative of my people and kindred. Little would it have been imagined years ago, when I bade him and other friends of my youth farewell and quitted my early home to seek a settling-place "in the land of the setting sun," that he and I should long afterward be reunited in these Halls to mingle awhile together and enjoy the fellowship of other days, then to part again in death, and that I should be called upon in this presence to perform the sad duty which now devolves upon me.

Who knows the ways of the world,
How God will bring them about?

Life is strange; personal history is mysterious. The vicissitudes of humanity, the multiplied and diversified incidents which make up our pilgrimages through the world, the transitions, the separations and reunions, the changes of the times and our changes in them, the innumerable strange things that come to pass along the journey of life; and then the fallings by the wayside, the scenes and circumstances which attend "the inevitable hour," the periods and methods at and by which we are taken off, the inscrutable purposes involved, all carry with them their often sad and always instructive lessons, and serve to impress upon the minds of thoughtful men a confirmation of that philosophy which teaches that—

There's a divinity that shapes our ends,
Rough-hew them how we will.

I shall never forget how kindly and cordially he received me here, the welcome he gave me, the generous pleasure he evinced at meeting his former county-man in this body, the unselfish interest he took in my behalf, how readily and cheerfully he instructed me in my new duties, giving me the results of his own experience and offering friendly and needful suggestions for my guidance. My gratitude, my esteem, my affection toward him daily grew and strengthened by the renewal of our intercourse and his numerous offices of friendship and kindness. Whether I can now speak of him as I would desire or as becomes the occasion, my tribute is at least sincere and heartfelt.

He once said, "In this dark world of ours there is no richer gem than sorrow's diadem—a tear." I can, indeed, give to his memory that "test of affection," and say of a truth that I deplore his loss and grieve that he is no more. His death, which occurred at his home in Spartanburg, S. C., October 20, 1884, was not unexpected to me, for I had observed with constant solicitude and increasing apprehension the fearful inroads which a dreadful and fatal malady were rapidly making upon his strength and constitution; and when a few weeks before the adjournment of the last session he was compelled to seek the supposed benefits of a different climate and healing waters, and told me good-bye, I felt and feared it was the last time I should see him in the flesh.

JOHN HAMILTON EVINS was born in Spartanburg District, South Carolina, July 18, 1830. He was graduated from the South Carolina College in 1853, when, to bear a diploma from that institution was to bespeak a thorough and classic education, and to carry a passport to the best circles of refinement and culture. He chose the law for his profession, and successfully practiced the same until the beginning of the war. He joined the confederate army, and rose to the rank of lieutenant-colonel. His army life meant actual service, exposure to danger, and loss of blood. He always had "a place in the picture near the flashing of the guns," and was severely wounded at the battle of Seven Pines. No man made better record as a soldier.

For two years he represented his district with great efficiency and acceptability in the Legislature of his native State, and in 1876 he was nominated for Congress, and went vigorously to work in what then appeared a most difficult undertaking, to assist in the redemption of the State he loved so well from the conditions of misrule and political degradation to which her people had been reduced. Immediately succeeding the war the lot of no Southern State was easy; that of South Carolina was harder than all. She was the inviting prey of roving and greedy adventurers who gathered about her prostrate form and fattened upon her misery. Not the valiant soldiery who had defeated her in war—not these, heroic and chivalrous, who always

Raise the foe when in battle laid low,
And bathe every wound with a tear—

not patriotic and established citizens of any State who could claim a permanent local habitation, or were inspired by a pure purpose of genuine and salutary reconstruction for the common good of the common country; but migratory spoilsmen and local recreants, itinerant stirrers of strife and home agitators of discord who never saw the smoke of battle, found their special field of operation in the Palmetto State, and sought by every means to aggravate, mortify, humiliate, and crush her suffering people. Disquietude and antagonisms were excited and kept alive as the appointed means of selfish gain. It was amid such conditions as these, and infinitely worse than here described, the recollection of which is not revived from any partisan motive but to illustrate his important service—when success seemed almost hopeless—that Colonel EVINS was summoned to the front by his confiding and admiring people, and right gallantly he bore their standard and led them on

to victory. He was re-elected for three successive terms, and, owing to his declining health, voluntarily retired, when it is well known that he could have received a fifth nomination.

My actual knowledge of his Congressional service is limited to the present term and what I saw of him in the committee of which he was chairman and on the floor of the House in the last session; but I have learned from others that his course has been uniformly commendable, manly, and patriotic. He seems to have possessed in an unusual degree the esteem and confidence of those with whom he has been associated here, without regard to political creed or party affiliation. Exemplary conduct, daily walk and conversation exceptionally pure, habits discreet and temperate, methods direct and honorable, a correct and stainless private and public life are universally affirmed of him. He was a quiet, observant, thoughtful man, accustomed to a careful and considerate analysis of the right or wrong of a measure. He was not afflicted with any undue or indecent eagerness for mere *pro forma* public utterance, but spoke only when actuated by a sense of duty and the necessity of the case, and then earnestly and honestly.

He was singularly free from any disposition for mere empty display or artificial appearance. He disdained disguise and despised dissimulation. He was a thoroughly earnest man. His influence, although quietly exerted and employing only such forces as appeal to reflecting minds, was always cogent and pervasive. All men had respect for his judgment and the rectitude and soundness of his convictions. He might not perhaps be classed as a great and distinguished statesman in the usual acceptation of the term, and yet I think he was an extraordinary man, and that he towered among his fellows in all the solid and sterling elements of character. He was safe, accurate, sound, and practical. He was positive, reliable, and useful; always trusted, never doubted. In him wherever a true man was wanted a true man was found. Such are the men who enact wise and wholesome legislation. This can not be said of erratic, uncertain, and visionary men, how brilliant soever they may be. It can be well remarked of him as he said of his deceased colleague, Mr. O'Connor:

> No constituency ever had a more faithful and devoted Representative, South Carolina no truer son, the cause of liberty no firmer friend, tyranny and wrong no more relentless foe.

I come now, Mr. Speaker, to say a word of his higher manhood and "holier chivalry." It was once observed by an eminent religious philosopher that—

> In Christianity, and in Christianity alone, can be discovered character in harmonious wholeness, at once the "*righteous* man," high in the practice of all social virtues, stern in his inflexible adhesion to the utter right, and the "*good* man" who has won for himself a revenue of affection, at whose name men's eyes sparkle and their spirits glow as if a sunbeam glinted in.

He had this "harmonious wholeness." He was an efficient elder in the Presbyterian church and a consistent Christian. He was always ready with hand and purse in the encouragement of religious enterprises. From the appeals of charity he turned not away. He preserved in his metropolitan associations and public life the same devotion to his religious obligations which he practiced at home and among his friends and neighbors.

It requires a true heroism to withstand the solicitations to vice and dissipation which abound in high places. It must be confessed that temptations lie thick in the pathway of a public man at the Federal capital. The allurements of the world, the pomp and pageantry of sin are difficult to resist. To keep a conscience void of offense and maintain an unsullied moral or religious life bring into constant requisition the highest capabilities and strongest forces of resolution. He who can safely pass the ordeal is indeed a hero and entitled to wear a victor's wreath. No human perception can fully discern the spiritual relations which subsist between a man and his Maker, but from what was seen and known of the deceased can be found comforting evidence upon which to predicate the conviction that he kept himself "unspotted from the world." He believed that the bane of public life was immorality and irreligion, and carefully avoided the appearance of either. He exemplified the personal excellence of true Christian character. He died in the triumph of his faith. I believe if a man die he shall live again, and that the deathless spirit of my friend has passed the gate and entered into the city of everlasting peace.

> His day has come, not gone;
> His sun has risen, not set;
> His life is now beyond
> The reach of death or change,
> Not ended, but begun.

All that was mortal of him rests in the old graveyard at home among the ashes of the generations of his people who have preceded him to the silent land. The memory of his virtues will live on and remain bright and beautiful in the hearts of those who knew and loved him. He has left to his family and friends a heritage better than riches—a good name. Ere long and the time will come when each of us shall also "sleep with our fathers." May we profit by his example; live a life of equal rectitude; be as ready for the final departure as he was, and at last rejoin him in the bright beyond.

Mr. TILLMAN. Mr. Speaker, although it is as natural to die as to be born, yet the beginning of life is nearly always associated with joy and hope while its ending is attended with sorrow and sometimes despair.

This is especially the case when a Christian gentleman, wise, good, practical, patriotic, like our late associate, JOHN HAMILTON EVINS, is stricken down in the meridian of his powers and usefulness.

The death of the aged does not shock the sensibilities, because it is expected in the course of nature as the fulfillment of destiny, but the abrupt departure forever of one in the prime of life, who had the happiness of many in his keeping, lacerates feelings that time alone can heal and creates a void which nothing can ever fill.

Our friend, Colonel EVINS, died at the early age of 54, sixteen years short of the span allotted to man by the psalmist; and, in addition to a large family of his own to care for, he was the trusted friend and adviser of hundreds, yea thousands, who had long learned to rely upon him as guide, neighbor, benefactor, attorney, and lawgiver. A mere statement of these facts would be sufficient answer to the questions, Will JOHN H. EVINS be missed; and is the dedication of this day to the commemoration of his virtues and services a sincere tribute to his worth, or is it a ceremonious mockery?

From time immemorial, among all peoples, when a faithful and capable public servant has been cut off in the midst of his career, a suitable record of his life and character has been made, partly from a sense of gratitude, but mostly in justice to the dead and to encourage the living to imitate his example. This is meet and proper. The world's successful men, who preserve their good name untarnished while they succeed, are too few to be permitted to pass into oblivion. As less than one in ten is said to so succeed, the best method perhaps to stimulate the living to fight the battle of life nobly is to make a permanent record of the conduct and character of every deceased citizen who honorably acted a conspicuous part.

Probably nothing contributed so much to the development of the manhood, the intellect, and the greatness of Rome as the honors she paid to her illustrious dead by pronouncing elaborate funeral orations over them and burying them with imposing ceremonies, usually near a public highway, and erecting splendid monuments to perpetuate their fame. Propinquity is a great moral power; and hence it is that the choice young spirits of every separate community generally select their best native models by which to mold their own character with as much fidelity as the writing of a school-boy conforms to his copy-plate. The emulation which prevented Themistocles from sleeping when he reflected on the glories of Miltiades was an ennobling sentiment, and it should be nurtured in the rising generation everywhere and at all times by bestowing appropriate honors upon the distinguished dead and by the recital of their merits.

Colonel EVINS was not a great man, but he certainly had many great qualities of head and heart that deserve to be remembered, and he so conducted himself in all the relations of life, both public and private, that the youth of the country would do well to tread in his footsteps. Posterity may be able to properly appreciate the intellect and achievements of a dead man, but it is only his surviving contemporaries, his friends and intimate acquaintances who can fairly estimate his character. I claim the privilege of attempting to do this for our late associate, not only because he was my colleague here and in the Legislature of our native State, but because we were lifelong friends. I had ample opportunity to know him well, and if I could only describe him as he really was, without a particle of exaggeration, his memory would never perish.

As I said, he was a remarkable man, both intellectually and morally, and, like nearly all noted men, he was largely indebted to his mother's early training for his after success. She was a woman of unusual strength of mind and character, and so indoctrinated her children by precept and example in the principles of probity, industry, and piety that Colonel EVINS never forgot those principles. His father was likewise a man of sterling worth, and left his children a good property, as well as a good example to imitate.

Both his paternal and maternal ancestors emigrated from Pennsylvania to Spartanburg County, South Carolina, many years before the Revolutionary war. His name is of Welsh origin, but he also had Scotch blood in his veins, and he united, both in mind and character, in a high degree, the leading faculties and traits of both nationalities of his forefathers. He combined all the patience, prudence, conservatism, benignity, and plodding industry of the Welshman, with the quickness of perception, mental acumen, clear analysis, sound judgment, strong religious faith, practicality, persistence, and thrift of the Scotchman. In a few words, he had common sense, an honest heart, and tireless energy—the three indispensable prerequisites to honorable success.

He toiled while others slept and worked when others idled, and therefore it was that he outstripped more brilliant competitors. He never believed in luck or duplicity as a means to attain an end, but always relied upon labor, truth, and manly methods in whatever he undertook.

One secret of his success was his thorough preparation on all occasions. His motto was *festina lente*. In his early days, although blessed with robust health, studious habits, and abundant means to pursue his education, he never completed his collegiate course and gained admission to the bar until he was 26 years of age. But when he did come to the legal forum he was so fully equipped for "the occasion sudden

and practice dangerous" that he at once took front rank among some of the ablest country lawyers in America, which position he held until his failing health and exacting duties as a member of this House compelled him in a measure to relinquish his profession.

Another cause of his nearly uniform success at the bar, in the political arena, and in private business was his almost unerring judgment. While he preferred time to examine carefully every phase or relation of a subject, still, in an emergency, he had all the lightning-like accuracy of intuition belonging to the Scottish race, which generally is so clear-headed that it can follow a principle through a maze of rubbish or split a hair without cutting into either side. Whether with or without sufficient time to consider a given proposition, or state of facts, he hardly ever reached a wrong conclusion, and his most confidential associates, myself among the number, habitually distrusted their own judgment when it differed from his. This God-given faculty of common sense not only contributed largely to his success, but it likewise explained, when taken in connection with his honesty and industry, why he had so much influence both in private and public affairs. Every succeeding Congress in which he served only increased his strength here and his popularity among his constituents.

Colonel EVINS was not an orator, but he was emphatically a logician who could trace cause and effect, link by link; not a man of words, but of action; a dealer in facts, not fancies, yet he cherished the loftiest sentiments. He was well read, particularly in history; but he spent the prime of his life in the laborious study of the law as a science, as a whole, not by mere desultory or case reading. He mastered not only its general principles but the qualifying exceptions, and he was familiar with most of the leading cases, fixing each in both American and English jurisprudence.

As an attorney he brought no suit except he believed it to be right. Having brought it, he as completely identified himself with his client's cause as if it had been his own. His mind was pre-eminently judicial, equally expert at analysis or synthesis, and he would have adorned any bench.

His acquirements and his tastes better fitted him for his profession than for politics, and he made a great sacrifice both of feeling and interest when he left the bar to serve in Congress. But duty called him to the political field, and he promptly obeyed, because to do his whole duty was ever the dominating principle of his character. In fact, his unselfish devotion to duty may truly be said to have hastened his end.

When his State in 1860 summoned her sons to arms, he was one of the first to respond, and went to the front with his command, where he proved himself a true soldier at the first battle of Manassas. He continued in active service, participating in all the skirmishes and combats of the army of Northern Virginia, until, while engaged in a terrific struggle at Seven Pines, he received a very dangerous wound in the arm by a ball which splintered the bone just below the shoulder-joint. For a long while he patiently endured intense agony, the irritation of the wound causing much suffering, threatening to compel amputation; but the skillful and tender nursing of his brother, Dr. Thomas Evins, a confederate surgeon, saved his arm. Although never able to rejoin his regiment again, feeble as he was and with his arm still in a sling, as lieutenant-colonel he took command of the home-guard in Spartanburg County and effectually protected that and adjoining counties against the incursions of deserters and native marauders from the mountain fastnesses until the close of the war.

He then resumed the practice of his profession, in which he soon acquired a large, paying clientage, much of which adhered to him even after he became a member of Congress. But the double labor of attorney and Representative in the National Legislature was too much for his enfeebled constitution, which had never entirely recovered from the violent shock to his nervous system caused by his severe wound in the war. He frequently complained in his latter days that he had been overworked. All of you can bear witness how laborious the life of a faithful Congressman is. Most of you remember how punctual and thorough Colonel EVINS was in the discharge of all his duties here until his health broke down. It had been against his wishes that he was translated from the quiet walks of private life and the lucrative practice of his profession to the exciting, irregular, exacting forum of politics. He neither had fondness for the hustings nor relish for the rough-and-tumble debates and scrambles of this House; but as he was selected, without any premeditation on his part, in 1876 to lead a "forlorn hope" for Congress, he could not refuse, and his constituency would have kept him here indefinitely if his failing health had not compelled him to decline a fifth election.

Moreover, neither the impure and heated air of this Hall, nor the climate of this city, with its fickle and sudden extremes, nor the habits and customs of public life here could prove anything but injurious to a man in Colonel EVINS's state of health. Bright's disease was said to have been the immediate cause of his death, but his disabling wound, his uncongenial Congressional life, and the trying climate of Washington, one or all, must have contributed largely to aggravate his disease if not to produce it. He often expressed regret that he had ever permitted himself to be drawn into politics, but said his people would have it so, and it was his duty to serve them. Any one who knew him before he was so badly wounded could not but remark, ever afterward, how sadly that wound had marred his striking physique and commanding presence. Before that calamity he was tall, erect, lithe, and strong—the picture of vigorous health—with the grace, gallantry, and courtly bearing of a troubadour; but after the wound, notwithstanding much of all these remained, he never was himself again. Therefore it may justly be said he died prematurely—a martyr to duty.

Colonel EVINS was a singularly diffident man, particularly in public speaking. While always modest yet self-possessed in conversation, he still could not rise to address a jury, the House, or the hustings without seeming actually bashful. One of his friends used to say he was the coolest man in a chair and the most frustrated man on his feet in the world. This absence of self-possession, or perhaps I ought to say his lack of sufficient "brass," was a great drawback to him, as it often kept him from talking when he was much fuller of the topic under discussion than most of the blatant, self-sufficient orators who monopolized the debate. You all recollect he never could rise to speak on this floor, even after seven years' service here, without blushing like a timid, embarrassed girl; yet you also remember he was equal to every occasion. He failed in nothing, not even in public speaking, simply because duty, his pole star, forbade. His lack of self-confidence as a speaker has been so aptly described by a friendly hand that I must read it:

> When he first began to speak his natural diffidence would so overpower him as to make it painful to his friends to witness his discomfiture; but with an indomitable will he would subjugate his own self-consciousness, and rising to the demands of the occasion would soon transform an apparent failure into a brilliant success. He never succeeded in overcoming his natural diffidence only in so far as to be able always to fully meet the requirements of the cause which called him before the public. It was only a sense of duty that brought him before the public gaze, and that he always met at any sacrifice to his personal comfort or convenience. The success of his public career was due to this: his conscience was stronger than his consciousness.

And just as he always overcame his strong reluctance to public speaking, when it was his duty to do so, he likewise followed the dictates of his conscience first in espousing the cause of secession at the command of his State and then in regarding the war as having forever settled that question. No man at the South more cheerfully acquiesced in the supremacy of the Union and the abolition of slavery than Colonel EVINS, and up to the end of his busy life he did all he could to rebuild the ruins of the South and to restore fraternal relations between the sections. As he was human, of course he could not at all times wholly divorce himself from the feeling of sectionalism or partisanship, but he was as free from carrying either to excess by vote or speech as any member of this body.

Among his many virtues he had high public spirit, and felt a deep solicitude, as well as aided with his means to the best of his ability, to establish every enterprise intended to develop the resources or promote the general welfare of the community in which he was born, lived, and died. Although reduced from affluence to poverty by the war, he was so successful at the bar and other business that he accumulated a moderate competency for his large family. And notwithstanding he was a splendid economist, there was nothing of the miser about him, and his hand was always open to the unfortunate. No real object of charity ever appealed to him in vain. Nor did he publish it on the house-tops when he aided the distressed. It comes within my knowledge that so generous was he in this regard that he was often imposed upon.

I have briefly spoken of him as a business man, as a citizen, a soldier, attorney, and legislator. What shall be said of him as a husband and father? Nothing can be said in too much praise. In 1861 he married Miss Harriet Choice, of Spartanburg, a young lady of beauty, common sense, and rare accomplishments, who survives to care for their many promising children. Every one who ever saw Colonel EVINS in the bosom of his family always felt happier himself at beholding the unalloyed happiness of that household. His bright children were treated as companions, as all children should be treated by parents, so as to possess their confidence and affection, instead of being held at a distance in rebellious awe. His adored wife was habitually consulted about great as well as small things. Her opinion frequently overruled his own.

When husband and wife have lived together long and happily it is a beautiful provision of nature that they love each other better and better as old age comes on. Especially does the good husband seem to think, as his wife's beauty fades, that she actually grows handsomer and wiser, until finally he learns to look up to her and lean upon her, or rather to honor and obey her almost as a mother. This was charmingly illustrated in the married life of Colonel EVINS.

And here, Mr. Speaker, let us pause for a moment to contemplate the sudden, the extreme, the startling changes from prosperity to adversity, from happiness to misery, that beset humanity. Less than two years ago JOHN H. EVINS was a trusted member of this House, in full possession of the confidence and esteem of his admiring constituents, with a fair prospect of higher honors in store for him. He seemed to be in good health, and was blessed with a happy family, a devoted wife, promising children, troops of friends, prosperous business, and a bright, enduring future appeared assured to him and his. But what a contrast between then and now. He in the grave, his wife a widow, his children orphans. Man, indeed, vibrates like a "pendulum between a smile and a tear," and the uncertainty toward which side his fate will swing

creates such an undefinable dread of the future even in the happiest and most prosperous moments that every one admits—

> Life is all a mist,
> And in the dark our fortunes meet us.

To crown Colonel EVINS's well-balanced and well-rounded character, he was a sincere Christian, an unfaltering believer in the Presbyterianism of his fathers. But while he adhered tenaciously to the stern doctrine of predestination, he never confounded the acts of will with acts of fate, and regarded free agency as the only means of self-redemption. Nor was there any touch of bigotry in his nature. He believed, as our free Constitution provides, that religion is an affair between man and his God, and that—

> If a man's belief is bad,
> It will not be improved by burning.

To speak naught but truth of the living and only good of the dead are golden precepts that have come down to us from antiquity. When Colonel EVINS was living nothing dishonest or dishonorable was ever charged against him, although he was a fast friend and an open foe. One of the noblest traits in his admirable character was that he never would under any circumstances permit an absent friend to be slandered in his presence. As nothing ill could be said of him in the flesh, of course nothing but good can be spoken of him in the grave. So if he were brought to trial instead of eulogy, as the Egyptians used to try their dead, no prosecutor could appear against him. What a proud epitaph, yet literally true.

And how did he die? Calmly and resignedly, as every brave, honest man should die, without cowardly repining or vain ostentation. The land of shadows had no terrors for him, because he knew he had to journey through it, and as he had done all the good his means would allow, and as little harm as the frailty of the flesh would permit, he felt that he had no cause to dread the hereafter.

I move the adoption of the resolutions offered by my colleague.

The resolutions were unanimously adopted; and in accordance therewith the House (at 4 o'clock and 5 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOYLE: Petition of citizens of Rosstown and of Chartiers Station, Pa., asking for an appropriation for the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. DEUSTER: Memorial of the Chamber of Commerce of Milwaukee, recommending the purchase by the United States Government of the Portage Lake and Lake Superior Ship-Canal—to the Committee on Commerce.

By Mr. LONG: Petition of Milley Estes, of Brockton, Mass., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. S. H. MILLER: Petition of 39 citizens of Turkey City, of citizens of Cooksburg, and of 110 citizens of Saint Petersburg, Pa., favoring the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. MURPHY: Two petitions of citizens of Omaha, Nebr., asking Congress to construct the Hennepin Canal in the interest of transportation—to the same committee.

By Mr. O'FERRALL: Petition of W. H. Baker, Holmes Conrad, Oscar Barr, C. W. Hensell, and 40 others, citizens of Winchester, Va., for the prompt passage of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. PETERS: Petition of C. S. Bowman and 64 others, ex-soldiers of Harvey County, Kansas, favoring the purchase of Miss Ransom's full-length portrait of General George H. Thomas—to the Committee on the Library.

By Mr. PETTIBONE: Petition of George W. Huntsman, of Hawkins County, Tennessee, for relief—to the Committee on War Claims.

Also, petition of Elizabeth Bell and 20 others, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. OSSIAN RAY: Petition of C. B. Simpson and 450 others, praying for an increase of pension to George W. Clark, formerly private Company E, Twelfth Regiment New Hampshire Volunteers—to the Committee on Invalid Pensions.

By Mr. REED: A bill for the improvement of the harbor of Portland, Me.—to the Committee on Rivers and Harbors.

Also, petition of Capt. John Linscott and many others, of Orr's Island, Me., for a light-house—to the Committee on Commerce.

By Mr. RIGGS: Petition of Mrs. Jane R. Griswold, for increase of widows' pensions—to the Committee on Pensions.

Also, petition and sworn statement in support of House bill 7979, to restore the name of Clark Heron to pension-roll—to the Committee on Invalid Pensions.

By Mr. POWELL: Petition of citizens of Lexington, Ill., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. SENEY: Joint resolution of the General Assembly of Ohio, requesting the passage of House bill 110, to adjust certain accounts between the United States and the States, Territories, and District of Columbia—to the Committee on Claims.

By Mr. J. D. TAYLOR: Petition of C. A. Gordon and 25 others, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. WASHBURN: Petition of the Chamber of Commerce of Minneapolis, Minn., relative to harbor improvements at Grand Haven, Ludington, and Manistee, Mich.—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Minneapolis, Minn., relative to acquiring title and ownership of Lake Superior Ship-Canal, Portage Lake Canal, water ways, &c.—to the same committee.

By Mr. J. D. WHITE: Petition for the relief of Mrs. Matilda Cody and others—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BRENTS: Of citizens of Pomeroy, Columbia County, Washington Territory.

By Mr. CHACE: Of Eliza Whitford and others, of Washington County, and of N. F. Dixon and others, of Narragansett, R. I.

By Mr. D. B. HENDERSON: Of W. A. Morse Post, G. A. R., of Manchester, and 281 citizens of Delaware County, Iowa.

By Mr. KLEINER: Of 100 ex-soldiers and citizens of Posey County, Indiana.

By Mr. LAIRD: Of Oliver J. Moppett and 39 others, soldiers and citizens of Fillmore County; of A. B. Throap and 204 others, soldiers and citizens of Webster County; of Sidney A. Howe and 123 others, soldiers and citizens of York; of L. W. Hastings and 122 others, soldiers and citizens of Aurora; of D. C. Hanger and 176 others, soldiers and citizens of Indianola; of Peter Hendrickson and 30 others, soldiers and citizens of Utica; of J. J. Walley and 60 others, of Edgar; of Robert T. White and 55 others, of Kearney County; of E. H. Fink and 64 others, of Bradshaw; of John Moore and 61 others, of Tobias; of C. F. Broadwell and 79 others, of Webster County; of J. Y. Winings and 99 others, of Franklin; of John T. Early and 150 others, of Saline County; of W. J. Hildreth and 55 others, of Exeter; of S. O. Carman and 147 others, of Thayer County; of T. Q. Spain and 121 others, of Polk County; of Curtis Chandler and 140 others, of Harlan County; of L. N. Long and 165 others, of Fillmore County; of T. A. Adkins and 194 others, of Butler County; and of Edward T. Post and 124 others, of Thayer County, Nebraska.

My Mr. McCOMAS: Of 118 citizens of Frederick County, Maryland.

By Mr. MORGAN: Of J. L. Parham and 60 others, of Saint Clair County; of Thomas Van Swearingen and 44 others, of Montevallo; of W. L. Potter and 30 others, of Barton County; of Anton Eppenauer and 60 others, of Vernon County; and of D. B. Williams and 45 others, of Vernon County, Missouri.

By Mr. REED: Of John Speed, of South Atkinson; of Harvard Whitney and others, of Monroe; of John Bagley, jr., and many others, of Troy; of J. W. Sylvester and many others, of Etna; of James R. Polk and many others, of Freeman; of William H. Hooper and others, ex-soldiers, of York County; of John L. Bradford, of Union; of J. H. Ellis and others, of Smithfield; of A. K. McKenzie and others, of Indian River; of Ignatius Sergent and others, of Machias; and of Robert Colren and others, of East Hampton; and of E. T. Gitchell and others, of Cumberland County, Maine.

By Mr. ROWELL: Of citizens of Macon County, Illinois; of citizens of Piatt County, Illinois.

By Mr. SENEY: Of H. S. Mathias and 105 others, of Crawford County, Ohio.

By Mr. D. H. SUMNER: Of citizens of Fond du Lac County, and of citizens of Dodge County, Wisconsin.

By Mr. VAN ALSTYNE: Of Edgar A. Coon and 112 others, of Albany, N. Y.

By Mr. WELLER: Of Eli S. C. Rogers and 52 others, of Fayette; of Samuel G. Tyrrell and 62 others, of Mitchell County, and W. H. Moore and 81 others, of Brush Creek, Iowa.

SENATE.

WEDNESDAY, *January* 21, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of Washington, D. C.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Chief Clerk (CHARLES W. JOHNSON) read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to perform the duties of the Chair in my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *January* 21, 1885.

Thereupon Mr. ALLISON took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of the proceedings of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. ALLISON in the chair) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 9th instant, a report of the Chief of Engineers and a report and plat of Newport Harbor, from Lieut. Col. George H. Elliott, Corps of Engineers, in reference to turning over Fort Greene to the city of Newport for use as a public park; which, with the accompanying papers, was, on motion of Mr. SHEFFIELD, referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 19th instant, a documentary history of the railway mail service from its origin in 1834 to the present time; which, on motion of Mr. WILSON, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented the petition of Harriet P. Dane and 8 others, nurses in the military service of the United States during the late war, praying for immediate action by Congress on the bill (S. 2248) to provide for the payment of female nurses during the war; which was referred to the Committee on Military Affairs.

Mr. PENDLETON presented a memorial of citizens of Miamisburg, Ohio, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CONGER presented the petition of the Franklin Mining Company and citizens of Hancock, Mich., the petition of A. H. Hafenreffer, C. D. Sheldon, Josiah Paul, and other citizens of Houghton County, Michigan, four petitions of citizens of Houghton County, Michigan, and a petition of 128 vessel-owners and citizens of Detroit, Mich., praying for the passage of Senate bill 2522, providing for the purchase by the Government of the two canals across Keweenaw Point, Lake Superior, in the State of Michigan; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 568) for the relief of John B. Davis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 523) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 5322) for the benefit of William H. Wheeler, to report it adversely. I ask that the bill be placed upon the Calendar with the adverse report.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts, reported it without amendment, and submitted a report thereon.

YOST HARBAUGH.

Mr. PIKE. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 4681) for the relief Yost Harbaugh, to report it without amendment. I ask the consent of the Senate that the bill may be put upon its passage at this time.

Mr. PLATT. Let it be read for information.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to Yost Harbaugh $70, for his services as messenger in the office of the Third Auditor of the Treasury from October 10 to November 10, 1876.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PIKE introduced a bill (S. 2567) for the relief of Rachael J. Floyd; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2568) granting a pension to Mrs. Adeline E. Chadbourne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2569) granting a pension to Mrs. Lydia S. Huggins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TAX ON DISTILLED SPIRITS.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to communicate to the Senate copies of all official letters and other correspondence in his department of date subsequent to the 30th of November, 1884, relating to the collection or postponement in any manner of the tax upon distilled spirits, and not accompanying his communication to the Senate in response to its resolution of the 13th instant.

LANDS IN INDIAN TERRITORY.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Kansas [Mr. PLUMB], which will be read.

The Chief Clerk read the resolution, as follows:

Whereas the United States in 1866 acquired from the Creek and Seminole Indians, by treaty, certain lands situate in the Indian Territory, a portion of which have remained unoccupied until the present time; and

Whereas a widely extended belief exists that such unoccupied lands are public lands of the United States, and as such subject to homestead and pre-emption settlement, and pursuant to such belief a large number of citizens of the United States have gone upon them claiming the right to settle and acquire title thereto under the general land laws of the United States; and

Whereas it is understood that the President of the United States does not regard said lands as open to settlement, and believes it to be his duty to remove all persons who go upon the same claiming the right to settle thereon, and for that purpose has directed the expulsion of the persons now on said lands by the use of military force, and there seems to be a probability of a conflict growing out of the attempt to expel said persons so claiming right and attempting to settle: Therefore,

Resolved, That the President be requested to advise the Senate as to the status of the lands in question as viewed by the Executive, the action taken, if any, to expel persons seeking to settle thereon, and the reason for the same, together with any other information in his possession bearing upon the existing controversy.

Mr. CONGER. Let that lie over.

Mr. INGALLS. Mr. President——

The PRESIDING OFFICER. The resolution is in order this morning, having been submitted yesterday.

Mr. INGALLS. I was about to observe that my colleague [Mr. PLUMB] is unavoidably absent from the Senate to-day, and I presume he would prefer to be present when action is taken upon the resolution. I will therefore ask that it may lie over until to-morrow, retaining its place on the Calendar of Resolutions, if that will be agreeable to the Senator from Michigan.

Mr. VEST. I have not the slightest objection to the resolution going over on account of the absence of the Senator's colleague, but I wish to offer a substitute for the resolution. I desire simply to have the substitute printed and go over with the original resolution.

Mr. INGALLS. I should like to have the substitute reported.

Mr. VEST. Certainly; let it be read.

The PRESIDING OFFICER. The amendment proposed as a substitute by the Senator from Missouri will be read at the desk.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Interior is hereby directed and empowered to ascertain by communication with the authorities of the Creek and Seminole Nations of Indians in the Indian Territory upon what terms the said nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in Article III of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain, to be divided by a line running north and south," the lands so described in the treaty being now known as Oklahoma, and being fully described in Senate Executive Document No. 109, Forty-eighth Congress, first session, page 4; and the lands described in Article III of the Seminole treaty of March 21, 1866 (14 Statutes, 756).

That the Secretary of the Interior shall communicate with the authorities of the Creek and Seminole Nations immediately by special agent or otherwise, as he may deem necessary, and transmit the result to Congress.

The PRESIDING OFFICER. The Senator from Kansas asks that the resolution may lie over for the day, retaining its place on the Calendar. Is there objection?

Mr. CONGER. I shall not make the motion this morning, but I shall ask to-morrow, or whenever the resolutions are called up, that they be referred to the Committee on Indian Affairs. If the Senator who presented the substitute thinks it will facilitate the consideration of them not to have it done this morning, I shall not make the motion, but I suggest that the reference had better be made now.

Mr. DAWES. I was not in when the last resolution was read. Is it proposed as an amendment to the resolution offered yesterday by the Senator from Kansas?

The PRESIDING OFFICER. The Senator from Missouri offers an amendment in the nature of a substitute for the resolution submitted

yesterday by the Senator from Kansas. The amendment will be printed, and the whole question will lie over until to-morrow morning without prejudice, there being no objection.

Mr. INGALLS. To be called up under the order of resolutions.

The PRESIDING OFFICER. To be laid before the Senate when "concurrent or other resolutions" shall be in order.

Mr. VEST. I was about to say that my resolution is insisted upon in order to save time, because time is of very great importance now. I do not want to be at all discourteous to the absent Senator from Kansas, but if the question of reference is to be determined by the Senate I should be very glad to have it done now. I have no objection to the matter going to the Committee on Indian Affairs to be reported back to the Senate.

Mr. CONGER. I think the subject-matter of the resolutions should have the consideration of the Committee on Indian Affairs and should also be considered by the Committee on Territories. They are important resolutions and affect very materially the status of the Indian Territory, or some portions of it, a part of which the Committee on Territories have had under their consideration.

Mr. DAWES. All the matters contained, as well in the resolution offered yesterday as the resolution offered to-day, have been before the Committee on Indian Affairs at this Congress and have been considered by them. The conclusions of that committee have been reported to the Senate, and the Senate have adopted those conclusions, and their report is upon our tables. Therefore it would be entirely useless to have the subject recommitted to that committee.

I am inclined to think if any good can come from the resolution offered by the Senator from Kansas, it will be as a basis of communication to the deluded people who are down in that Territory of the exact position which they occupy in relation to the law of the land. Some good may come from an opportunity being given to the President of the United States to reproclaim the position which he has time and again announced in proclamations to those people, so that they may see again and anew and afresh that they are in the place they are in violation of law, and that it is his bounden duty, in accordance with the oath he has taken, to maintain the supremacy of the law there. So I think some good may come from the adoption of the resolutions. When they come up for consideration I shall feel it to be the duty of some member of the Committee on Indian Affairs to state to the Senate what has been done heretofore to make it apparent to those people that they had no right to go there, and that they were invading other people's rights rather than that (as I see it announced in another part of this Capitol) the President of the United States is invading the rights of citizens of this country in maintaining the law of the land.

Mr. VEST. Before the matter goes over I should like to state to the Senator from Michigan that he is mistaken in regard to the question involved in either of the resolutions ever having been before the Committee on Territories, at least during the last two sessions. There is now a bill before the Committee on Territories in reference to the public lands and a portion of the Cherokee lands outside of the limits of the Indian Territory, but there is no bill pending before the Committee on Territories in regard to this Oklahoma territory, which is a different territory entirely, and all of which is inside of the Indian country proper, as the statutes call it. I will say now, without undertaking to discuss the question, for it is a very large one and a very serious one, that the last advices from the Indian Territory are that the United States troops are prevented only by high water from a conflict with the people who have gone in there, I think under a very great mistake, and led by a lot of very bad men; but I do not undertake to discuss the matter.

I ask Senators who feel any interest in the question to look at Executive Document 109, and they will find a full discussion of this entire subject, a description of all the lands in the Indian Territory, and all the information that can possibly be obtained from any Department of the Government upon the subject.

Mr. DAWES. Would not the Senator like to have that document looked at in connection with Senate Report No. 64?

Mr. VEST. Yes; the two documents give all the information that it is possible to obtain.

The PRESIDING OFFICER. This debate is proceeding by unanimous consent, the resolution and the substitute having gone over in the absence of the Senator from Kansas [Mr. PLUMB].

JULIA HARTLEY.

Mr. CULLOM. Yesterday I made an adverse report from the Committee on Pensions on the bill (S. 2535) granting a pension to Mrs. Julia Hartley. I am informed by the junior Senator from Minnesota [Mr. SABIN] that there is other evidence which he desires to have considered by the committee. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PIKE. I desire unanimous consent to call up the bill (S. 1025) for the relief of William Ervin. It is a very just claim, and I do not think there will be any opposition to it.

Mr. MORGAN. I prefer that the Chair would lay before the Senate the bill called the Des Moines bill, in order that it may be disposed of before any other business is taken up. That was made the special order for the morning hour to-day.

The PRESIDING OFFICER. The Senator from Alabama objects.

Mr. MORGAN. I do not object to the bill indicated by the Senator from New Hampshire being called up, but I merely desire that the Des Moines bill may be disposed of before the Senator's bill comes up.

The PRESIDING OFFICER. The Senator from New Hampshire will delay a few moments until the regular order is laid before the Senate, being the Calendar under Rule VIII.

Mr. PIKE. Very well.

EFFICIENCY OF THE ARMY.

The bill (S. 1420) to increase the efficiency of the Army of the United States was announced as first in order on the Calendar.

The PRESIDING OFFICER. This bill will lie over, on the request of the Senator from Illinois [Mr. CULLOM], until the return of his colleague [Mr. LOGAN].

DES MOINES RIVER LANDS.

The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was announced as next in order on the Calendar.

Mr. MORGAN. In the absence of the Senator from Kansas [Mr. PLUMB], who is unavoidably detained from the Senate to-day, I ask that the bill may be passed over without prejudice until to-morrow, retaining its place.

The PRESIDING OFFICER. The Senator from Alabama asks that the pending bill be passed over until to-morrow without prejudice. The Chair hears no objection, and that order will be made.

WILLIAM ERVIN.

Mr. PIKE. I now move that the Senate proceed to the consideration of the bill (S. 1025) for the relief of William Ervin.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. COCKRELL. I should like to know why there is any reason that that bill should be proceeded with, being a Senate bill, in preference to a large number of other cases which seem to be equally meritorious and which have precedence in order of time upon the Calendar. It seems to me that we ought to proceed with the Calendar, and we can probably reach all the cases of which any final disposition can be made at this Congress. If there is no possibility of the bill being disposed of at this Congress, there will be very little use in consuming the time of the Senate in passing it. I make that suggestion to the Senator from New Hampshire.

The PRESIDING OFFICER. This is not a debatable motion. The Senator from New Hampshire moves to take up the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to William Ervin, his heirs or assigns, $7,650, being the value of one hundred and eighty head of beef-cattle seized unlawfully and taken out of his possession in Kansas, in the year 1862, by order of Col. Charles R. Jennison, commanding the Seventh Regiment Kansas Cavalry, United States Volunteers, the beef-cattle having been used as subsistence for the officers and soldiers of that regiment.

Mr. HOAR. Is that a Senate bill?

The PRESIDING OFFICER. It is a Senate bill.

Mr. HOAR. I suggest to my friend from New Hampshire to strike out the words "his heirs or assigns" and to insert the words "or his legal representatives." The word "heir" is technically appropriate, but there is a law in regard to assigns.

Mr. PIKE. I have no objection to those words being stricken out. I move that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in lines 4 and 5, to strike out the words "his heirs or assigns" and to insert "or his legal representatives;" so as to read:

William Ervin or his legal representatives.

The amendment was agreed to.

Mr. COCKRELL. Is there any report in that case? If there is, let it be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report submitted by Mr. PIKE June 16, 1884:

The Committee on Claims, to whom was referred the bill (S. 1025) for the relief of William Ervin, having considered the same, beg leave to make the following report:

In the year 1862 the claimant was a resident of Kansas and the owner of one hundred and eighty head of cattle which were pasturing near Emporia. About April 15, 1862, the said cattle were taken from the claimant by the order of Col. Charles R. Jennison, commanding the Seventh Regiment Kansas Cavalry, and used by such regiment for food.

This appears from the sworn statement of the claimant himself, and the affidavits of Col. Charles R. Jennison and First Lieut. John A. Tanner. Colonel Jennison says the regiment was in want of beef, and he ordered the seizure of the claimant's cattle, and the same were used for the subsistence of his officers and men, and he did not pay for them. Lieutenant Tanner swears the cattle were taken by the command of Colonel Jennison, and were used for the subsistence of the regiment.

Charles F. Garrett and James S. Emery, residents of the city of Lawrence, Kans., swear they were well acquainted with the claimant from 1857 to 1866, and

during that time they knew he was thoroughly loyal to the United States Government.

James Angus swears he was employed by the claimant in the month of April, 1862, herding one hundred and eighty head of cattle, and that about the 15th day of April the said cattle were taken from the possession of the claimant by the Seventh Regiment Kansas Cavalry. Furthermore that he has a distinct recollection that a few days prior Saint Louis cattle-dealers offered the claimant $42.50 a head for these cattle, but the claimant declined to sell them at that price.

The claimant himself swears to receiving the same offer, but that he declined because he considered them worth $55 a head.

In explanation of the long delay in presenting his claim to Congress the claimant swears that in the year 1867 he placed his claim in the hands of a Mr. L. M. O'Brien for prosecution, who, being unable to attend to it, turned it over to Chipman & Hosmer, claim agents in Washington, D. C., together with a number of affidavits of persons who knew of the taking of the cattle. Chipman & Hosmer told the claimant he must furnish the statements of some officers in command of the Seventh Regiment Kansas Cavalry relative to taking his cattle. The claimant was unable to find officers who had knowledge of the transaction until last year, when he procured the affidavits above mentioned of Colonel Jennison and Lieutenant Tanner. For the lack of such evidence Chipman & Hosmer did not present and prosecute the claim.

A letter from Chipman & Hosmer, dated April 30, 1867, acknowledges the receipt of the claim and accompanying papers.

The claimant holds no receipts from Colonel Jennison or any of his command for the cattle, but from records in the War Department it appears that the Seventh Regiment Kansas Cavalry were careless and reckless, accustomed to appropriate property of both friend and foe to their own use, rarely, if ever, giving vouchers therefor. Many complaints were entered against them by different generals who commanded the division in which they were, and finally Colonel Jennison was obliged to leave the service on account of his unsoldierly conduct.

For the above reasons your committee attach less importance to the want of vouchers.

Your committee think the claim is fully substantiated by the evidence, and that the amount offered for the cattle by the Saint Louis cattle dealers—$42.50 per head—just prior to their seizure, is a fair price; they therefore recommend the passage of the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPORTIONMENT OF IDAHO TERRITORY.

The PRESIDING OFFICER. The next bill on the Calendar in regular order will be announced.

The bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts was announced as next in order.

Mr. PLATT. That bill came up yesterday and was passed over informally upon my request. It was reported some time ago. On examination of the bill I find that it will be necessary to change the date when a commission authorized in the bill shall report. To do so intelligently, I felt that it was necessary to find the Delegate from the Territory, but I have been unable to find the Delegate from the Territory. I therefore ask that the bill may be passed over without prejudice for the present.

The PRESIDING OFFICER. The Senator from Connecticut asks that this bill go over without prejudice. The Chair hears no objection.

TENEDORE TEN EYCK.

The bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retited-list of Army officers, was announced as next in order.

Mr. COCKRELL. Unless this matter can lie over until to-morrow morning, retaining its place on the Calendar, I shall be compelled to object to the bill. I am just examining the papers in the case, and it is a very unsatisfactory case to me. I was opposed to it in the Committee on Military Affairs and have been and am now. I think it exceedingly vicious and dangerous, and I think I can show it if I have a little more time to examine the papers. I shall either object to its consideration or let it lie over until to-morrow morning.

Mr. CULLOM. As I understand, the Senator from South Carolina [Mr. HAMPTON] reported the bill, and I see he is not in his seat. I shall be glad to have him present when the bill is considered. I see he is coming now.

The PRESIDING OFFICER. The Senator from Missouri asks that this bill may lie over until to-morrow without prejudice.

Mr. COCKRELL. I simply suggest that to the friends of the bill.

Mr. CULLOM. The Senator from South Carolina has come in.

Mr. COCKRELL. I suggest that this bill lie over, that I may have further time to examine it.

Mr. HAMPTON. I will acquiesce in the request of the Senator from Missouri.

The PRESIDING OFFICER. The bill will go over until to-morrow without prejudice.

S. N. WOOD.

The bill (S. 1554) for the relief of S. N. Wood was announced as next in order.

Mr. CAMERON, of Wisconsin. Let that go over.

The PRESIDING OFFICER. The bill is objected to.

VALUATION OF AUSTRIAN FLORIN.

The bill (S. 459) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878 was announced as next in order.

The PRESIDING OFFICER. The bill is reported adversely.

Mr. BECK. Let it go over.

Mr. COCKRELL. Let it take its place on the other Calendar under Rule IX.

The PRESIDING OFFICER. The bill is objected to and goes over.

POSTAL-TELEGRAPH SYSTEM.

The bill (S. 2022) to establish a postal-telegraph system was announced as next in order.

Mr. WILSON. I suggest that that be allowed to pass over to retain its place until the return of the Senator from Colorado [Mr. HILL], the chairman of the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I should have no objection in the world to its retaining its place on the Calendar; but we have now got enough cases on the Calendar laid over in this way to consume five or ten minutes every morning in calling them. It is manifest that this bill can not be considered under the five-minute rule in the morning hour, and it loses nothing by taking its place on the other Calendar, because it can be called up by a majority vote at any time.

Mr. WILSON. I suggest that it may be well to let it pass over until the return of the Senator from Colorado, who may then indicate the course he desires to have taken in reference to the bill.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be passed over without prejudice.

MISSISSIPPI RIVER BRIDGE AT SAINT LOUIS.

The bill (S. 200) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That it shall be lawful for the Illinois and Missouri Railway Company, a corporation created by the laws of the States of Missouri and Illinois, or its assigns or successors, or any other legally incorporated railroad company or companies which may be associated with it therein, to build a bridge as hereinafter described, and maintain the same, across the Mississippi River, at any point north of Grand avenue, in the city of Saint Louis and State of Missouri.

SEC. 2. That the bridge to be constructed under this act and in accordance with its limitations shall be a lawful structure, and shall be recognized as a post-route; and for the transmission of the mails, troops, and munitions of war of the United States passing over said bridge no higher charge shall be made than the rate per mile paid for their transportation over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph purposes over said bridge.

SEC. 3. That if said bridge be located below a point four and one-half miles above Grand avenue, it shall be made with unbroken and continuous spans; it shall have at least two channel-spans of not less than four hundred and fifty feet clear width of channel-way each, or one span of five hundred feet clear width of channel-way, the said channel-ways to be measured at right angles to the current at any and all stages of water, and a clear head-room under each channel-span of not less than fifty feet, measured to the lowest part of the superstructure at extreme high water. The said high span or spans shall be placed over the best channel or channels of the river at all stages of water; and in case the channel is variable, the length or number of channel-spans shall be increased so as to furnish a good and navigable passage for all classes of boats under some parts of the bridge at all navigable stages of water; and all other spans covering the water way between the shore-lines of the river at average boating stage shall be at least three hundred feet in length, and the clear head-room under such spans shall not be less than ten feet at extreme high water.

SEC. 4. That if said bridge be located above a point four and one-half miles above said Grand avenue, it may be constructed either as a high bridge or as a low bridge. It shall, if a high bridge, have at least two channel-spans of not less than four hundred feet clear width of channel-way each, or one span of five hundred feet clear width of channel-way, the said channel-ways to be measured at right angles to the current at any and all stages of water, and a clear head-room under each channel-span of not less than fifty feet, measured to the lowest point of the superstructure at extreme high water. The said high span or spans shall be placed over the best channel or channels of the river at all stages of water; and in case the channel is variable, the length and number of channel-spans shall be increased so as to furnish a good and navigable passage for all classes of boats under some parts of the bridge at all navigable stages of water; and all other spans covering the water way between the shore-lines of the river at average boating stage shall be at least three hundred feet in length, and the clear head-room under such spans shall not be less than ten feet at extreme high water. Said bridge shall, if a low bridge, have at least one draw or pivot-span opening of not less than four hundred feet clear channel-way, measured at right angles to the currents at all navigable stages of the river, which shall be located over that channel of the river which is most convenient and accessible to boats with tows at all navigable stages of water; and in case that such location be not easily accessible by all classes of boats at all such stages, then another draw or pivot-span opening shall be provided elsewhere for the passage of single boats, which said draw or pivot-span shall have at least one opening of not less than two hundred feet clear channel-way, measured at right angles to the currents at all navigable stages of the river; and that all fixed spans between the shore-lines at the average navigable stage of water shall be three hundred feet or more in length, and that the clear head-room under such spans shall not be less than ten feet at extreme high water.

SEC. 5. That in case said bridge be constructed as a low bridge, as provided in section 4, there shall be at least one protection-pier of masonry, crib-work, or piling, extending from the upper end of a pivot-pier or one of the rest-piers of a draw-span, up stream, for a distance of not less than five hundred feet from the center line of the bridge, or such other distance as may be determined by the Secretary of War, which protection-pier shall be properly arranged with ring-bolts and fender-planking so as to enable boats to tie up alongside of it and drop down through the draw-openings at such times as it may be dangerous to attempt the passage of the draw-opening under headway.

SEC. 6. That all draw or pivot-spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and in case the opening of a draw be delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the bridge.

SEC. 7. That the piers of all high-channel spans and all pivot-spans shall be built parallel with the current of the river at that stage of water which is most

important for navigation; and riprapping or other protection for imperfect foundations which will materially lessen the water way shall not be employed in the channel-ways of the high spans or of the draw-openings; and piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection-walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge.

SEC. 8. That in case the approaches to draw-span openings, channel-spans, or raft-passages in said bridge be found to be dangerous or difficult of access by any important class of river traffic, the Secretary of War shall order the construction of such sheer-booms, guide-piers, or other similar device as will obviate the difficulty, which sheer-boom, guide-pier, or other device shall be paid for by the persons owning said bridge.

SEC. 9. That the persons owning, controlling, or operating the bridge authorized by this act shall maintain at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights or other signals as the Light-House Board shall prescribe, and shall, in case a high bridge be constructed, during the season of navigation, have posted in a conspicuous place on or near the bridge, the clear headroom under the channel-span on that day, the figures expressing this height to be not less than two feet high, and to be readily visible from any point in the channel of the river for a stretch of 3,000 feet above and 1,000 feet below the bridge.

SEC. 10. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the persons owning or controlling said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit courts of the United States of Missouri or Illinois in which any portion of said bridge may be located.

SEC. 11. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon a payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 12. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of five miles above and one mile below the proposed location of the bridge, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 13. That in case the construction of the bridge authorized in this act be not commenced within three years from the date of its approval, then this act shall be null and void.

SEC. 14. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. McMILLAN. I should like to inquire of the Senator from Missouri whether the provisions in this bill conform entirely to the recommendations of the Chief of Engineers with reference to the width of span in both the cases of a high bridge and a low bridge, which ever may be erected.

Mr. VEST. Yes, sir; this is a bill prepared by the Engineer Bureau. It was drawn by me and sent to the Committee on Commerce and carefully altered by the engineers in regard to the time when the work should be commenced, requiring it to be within three years, and also that jurisdiction shall be given to the circuit court either of Illinois or Missouri. The bill, as sent by the Engineer Corps, provided for jurisdiction in Illinois alone. This provides for a high or a low bridge, just as the Engineer Corps proposed.

Mr. CAMERON, of Wisconsin. I inquire of the Senator from Missouri [Mr. VEST], who I see reported the bill from the Committee on Commerce, whether, in his opinion, it contains all the usual provisions necessary in bills for the erection of bridges over the Mississippi River for the protection of navigation and commerce?

Mr. VEST. It does. It is a bill very carefully drawn and guarded in every way possible, and not subject to any of the objections made to the original bill. I drew the original bill which was sent to the Engineer Bureau, and this is the substitute proposed by the bureau, one of the best bills ever submitted on this subject.

Mr. CONGER. I think there are more provisions embodied in this amendment—some that we recommended for a general bill—than have generally been imposed in regard to sheer-booms and lights and openings and such things.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION TO CENTRAL AND SOUTH AMERICA.

The next bill in order on the Calendar was the bill (S. 1700) to authorize the appointment of three commissioners to visit the principal countries of Central and South America for the purpose of collecting information looking to the extension of American trade and commerce, and the strengthening of friendly and mutually advantageous relations between the United States and all the other American nationalities.

Mr. CAMERON, of Wisconsin. The substance of the bill which the Secretary is about to read was included in an appropriation bill at the last session, and the commission are now performing their duty, so that this may as well be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Wisconsin moves the indefinite postponement of the bill.

The motion was agreed to.

RICHARD PHŒNIX.

The bill (S. 1860) for the relief of Richard Phœnix was announced as next in order.

Mr. HARRIS. That is adversely reported. Let it go over.

Mr. MILLER, of California. Let it be indefinitely postponed.

Mr. HARRIS. Very well.

The PRESIDING OFFICER. The Senator from California moves that the bill be indefinitely postponed.

The motion was agreed to.

COURT OF APPEALS.

The bill (S. 2035) to establish a court of appeals was announced as next in order.

Mr. HOAR. Before the bill is read so as to have it open to objection, I ask unanimous consent to make a brief statement.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to make a brief statement with regard to this bill. Is there objection? The Chair hears none.

Mr. HOAR. Mr. President, this bill has passed the Senate once. It is the bill popularly known as the David Davis bill for the relief of the Supreme Court of the United States. It has passed the Senate once with something approaching unanimity, I believe. I am not quite certain in my recollection about the vote, but it has, I am satisfied, the concurrence of both sides of the Chamber. It is a Senate bill, and, if it goes down to the House, I suppose I am violating no rule in saying that it can not pass that body much before the close of the session of Congress, so that the appointments to be made under this bill, beyond all reasonable question, will be made by the incoming, and not by the present, administration.

I say that very frankly so that no gentleman may be determined in regard to giving it consideration now by any apprehension that a large number of new appointments will be made by an administration just expiring. There can be no expectation that that will happen. I hope therefore that the bill may be considered at the present time and sent down to the House for their action.

Mr. JONAS. I object to the consideration of the bill. I think there is very decided opposition to the bill. The Senator is mistaken in that respect.

Mr. HOAR. I move to take up the bill for present consideration, nothwithstanding the objection.

The PRESIDING OFFICER. The Senator from Massachusetts moves to take up for consideration this bill notwithstanding the objection. The question is on that motion.

Mr. JONAS. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. FRYE. I am paired with the Senator from Louisiana [Mr. GIBSON] who is detained from the Senate by sickness.

The result was announced—yeas 26, nays 13; as follows:

YEAS—26.

Aldrich,	Dawes,	Jackson,	Platt,
Allison,	Fair,	Lapham,	Pugh,
Bayard,	Hampton,	Miller of Cal.,	Sabin,
Brown,	Harrison,	Morrill,	Sewell,
Butler,	Hawley,	Palmer,	Van Wyck.
Cameron of Pa.,	Hoar,	Pendleton,	
Cameron of Wis.,	Ingalls,	Pike,	

NAYS—13.

Cockrell,	Jonas,	Sawyer,	Wilson.
Conger,	Miller of N. Y.,	Sherman,	
George,	Morgan,	Slater,	
Harris,	Riddleberger,	Vest,	

ABSENT—37.

Beck,	Farley,	Kenna,	Ransom,
Blair,	Frye,	Lamar,	Saulsbury,
Bowen,	Garland,	Logan,	Sheffield,
Call,	Gibson,	McMillan,	Vance,
Camden,	Gorman,	McPherson,	Voorhees,
Coke,	Groome,	Mahone,	Walker,
Colquitt,	Hale,	Manderson,	Williams.
Cullom,	Hill,	Maxey,	
Dolph,	Jones of Florida,	Mitchell,	
Edmunds,	Jones of Nevada,	Plumb,	

So the motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read the bill.

Mr. HOAR. Section 2, which fixes when the jurisdiction of the old circuit court is to terminate, should be changed from "eighty-four" to "eighty-five," in line 5. I move that amendment.

The PRESIDING OFFICER. The amendment is to strike out "eighty-four" and insert "eighty-five" in line 5 of section 2; so as to read "December, 1885."

The amendment was agreed to.

Mr. BAYARD. I would suggest that the same amendment in section 7 is required.

The PRESIDING OFFICER. The same amendment is proposed in line 4 of section 7 after the word "and," to strike out "eighty-four" and insert "eighty-five."

Mr. HOAR. Then in section 9, line 12, the word "five" should be "six;" so as to read:

The first term of said court shall be held at each of said places on the second Tuesday in May, 1886.

The PRESIDING OFFICER. The amendments will be considered as agreed to unless objection be made.

Mr. MORGAN. I ask the Senator from Massachusetts to explain what provision is made for writs of error in criminal cases.

Mr. HOAR. Section 8 provides for it. Let that section be read again if the Senator from Alabama desires. That will answer his question.

The PRESIDING OFFICER. Section 8 will be read.

The Secretary read section 8, as follows:

SEC. 8. That a writ of error, if allowed by a judge of the proper court of appeals, may be sued out of that court from the final judgment of a circuit or district court in any criminal case to such court of appeals within ninety days after the entry of such judgment; but such writs shall not operate as a stay of proceedings, except in capital cases, unless it is so ordered by the judge who shall allow the writ, nor after a refusal to allow the writ by one such judge shall it be allowed by another judge. The judgment upon such writ shall be final unless certified as hereinafter provided in the tenth section of this act, and shall be remitted to the circuit or the district court appealed from, to be enforced according to law.

Mr. MORGAN. The precise point I was trying to get at was whether the right to a writ of error was absolute, or whether it was dependent upon its allowance by the court that tried the cause.

Mr. HOAR. It is neither. It depends upon the allowance by a judge of the appellate court, not by the judge who tried the cause on the one side, nor is it an absolute right on the other. It is like a writ of error to the Supreme Court of the United States now, which I do not understand to be strictly absolute, but the judge must be satisfied that the case raises a jurisdictional question.

Mr. MORGAN. The appellate court, then, or a judge of the appellate court in vacation, for instance, can take the record of conviction, examine it, and see whether he is satisfied that the cause ought to go up.

Mr. HOAR. No; it does not change the existing practice of the courts in that respect. No change of law is made. It is the same law under which we have lived from the foundation of the Government which is continued. I understand that law to be, not exactly that the judge should be satisfied that the case ought to go up, because the question may be the most frivolous question; still if the parties choose to carry it up, the judge is only to be satisfied, as I understand, that the facts on which the writ of error is based exist—that is, that there has been such a trial in the court below and that the case presents the jurisdictional question. That is my general understanding of the matter.

Mr. MORGAN. I think there is some difficulty in applying the existing rule of practice in the Supreme Court as fixed by law and by the rules of that court to criminal causes, and we ought to be a little careful about how we make the application. The judge of the Supreme Court of the United States, or the Supreme Court of the United States, or the judge of the supreme court of a State from which a Federal question is to be carried to the Supreme Court of the United States by a writ of error in a civil cause, takes the record and examines it, as the Senator from Massachusetts has said, for the purpose really of ascertaining whether there is in that record a Federal question, a question of which the Federal Supreme Court would have jurisdiction; and if he ascertains that there is such a question involved, then he orders that the writ of error shall issue, or he issues it himself, directed to the inferior court, and thereupon such proceedings are had as that the record is transferred into the Supreme Court of the United States.

Now, we undertake in this bill, as I understand it, to adapt that practice to criminal cases. We have had no right of appeal or writ of error in criminal cases from any inferior court of original jurisdiction of the United States to the Supreme Court; we have had from the district courts of the United States to the circuit courts, and in those cases the right to a writ of error or the right to have the revisory power of the circuit court exercised over the court of original and inferior jurisdiction has been an absolute right, not one dependent upon the opinion of the judge as to whether the case when presented in the appellate court would be within the jurisdiction of that court or not.

I think that in a bill of this character, organizing an intermediate court of appeals, or an intermediate supreme court, having a power of final adjudication upon the life of a man, for instance, that the right of appeal ought to be given in terms that are direct and absolute, and it ought not to depend upon the caprice or whim or opinion or judgment of any judge or any court. In other words, the second trial of a man for a crime or misdemeanor upon the question of his guilt under the law ought to be had as a matter of right after the court to which the appeal is taken has heard arguments of counsel and has had opportunity of investigating the case under such enlightenment as counsel on both sides can give. To deny him that right is to deny him a very essential right, it seems to me, for the protection of his liberty and for the protection of his person.

The bill, as I read it and as I understand it as stated by the Senator from Massachusetts, enables a circuit court of the United States, after the conviction of a man, and one of its judges shall be upon the bench in the appellate court, to deny to that party the right of appeal unless that appellate court shall consider in advance, without the assistance of argument, that the appeal would likely be successful. There is no reason stated here why they may grant or none stated upon which they may deny an appeal. It is a question of discretion in the appellate court, as I understand it, and not a matter of right on the part of the appellant.

Mr. HOAR. Perhaps before the Senator proceeds further, it will be as convenient for him to allow me to make a statement of my understanding.

Mr. MORGAN. I shall be very glad to have it.

Mr. HOAR. Perhaps I ought to have made the statement when the bill was first read before any discussion, but I thought it would not be necessary.

As I understand it, it is not the purpose of this bill to change the existing law or the existing practice. It is not an attempt to make a new code of laws or to make amendments in the law in any way except so far as is necessary to create the new tribunal which shall relieve the Supreme Court of the United States of its present duties.

The policy which exists in regard to the allowance of writs of error in criminal cases, whether wrong or right, it did not seem to the committee proper to review in this bill, because if we entered upon such a task we should be compelled by the same process of reasoning to examine thousands of questions growing up in the existing jurisprudence of the United States. But this bill does, from its necessary operation, enlarge very much the right of a person who is charged with a crime and put upon his trial, because, as the law now exists, he may be tried in the circuit court and he can have no resort to a higher court; he may be tried by a single judge or by a court held by a circuit and district judge sitting together, and he can have no revision, even if it is a capital case, of the rulings of that court upon his trial unless the judges certify that there is a disagreement between them, when it goes up to the Supreme Court of the United States. But, under this bill, after his trial in the ordinary circuit or district court held by one judge or by two, as the case may be—never more than two—he has the right as of course to proceed to this new court for a revision of the proceedings in the court below on his writ of error, when that is, as of course, in the same mode in which writs of error are prosecuted in civil cases—that is, the judge examining it and seeing that it is a fit case, he has a resort to a court consisting of sometimes seven or eight judges, and I do not know but nine, but a court where at least there must be four to make up a quorum, being three judges of the circuit court and at least one district judge in addition. Ordinarily there will be five sitting to hold these courts—I suppose three circuit judges and two district judges.

The person charged as a criminal in a United States court, therefore, has a right in the ordinary course of the administration of justice to resort to a tribunal which there is every reason to anticipate will be a tribunal of equal weight for character, learning, experience, amount of salary, with the supreme court of any State in the Union unquestionably. You take the Senator's own State, or take my own State. The court of appeals established by this bill will command very easily the services of any man who would consent to go on the supreme court of Massachusetts, or the supreme court of Alabama; so that in the particular to which the honorable Senator alludes the right of the prisoner is very much more tenderly dealt with than it is by the present law, because now a man may be hanged on a judgment of a single judge; he is ordinarily hanged if he is tried as a pirate or for a capital offense under the laws of the United States on the judgment of one circuit and one district judge, that judgment not being revised unless they certify that they differ in regard to their opinion, and then it goes to the Supreme Court of the United States. Under this bill it would go, as a matter of course, to this new court of appeals, where there are three circuit judges, and ordinarily two district judges, and where there must be at least four judges to make a quorum.

Mr. MORGAN. Mr. President, this bill does undertake to change the law as it exists now by giving an appeal in criminal causes to a court intermediate to the Supreme Court composed of judges of the circuit and district courts. That is entirely a new right and a new privilege given to a man who is convicted. At the present time if a man is indicted and tried in the circuit court of the United States for any offense or crime whatever, and he is convicted, he is beyond all reach of a revision of his case unless there happen to be a circuit judge and a district judge presiding upon the bench at the time and there is a division of opinion upon a question of law, which they will certify to the Supreme Court of the United States. If there is but one judge presiding in the circuit court, whether he is a circuit judge, a justice of the Supreme Court, or a district judge, and that man is convicted, the fates have fixed

his destiny beyond all appeal and all revision, and he must throw himself either upon the pardoning power of the President or upon the pardoning power of the King of the universe; that is an end of him.

There is a manifest absurdity and a manifest cruelty in the existing system upon that subject. That one man presiding in court, who happens to be there alone, should have a power which would prevent a man from taking an appeal or having his case revised on a question of life and death, when if there had been two judges on that bench he would have had the advantage at least of a division of opinion if the question was one of embarrassment or doubt or difficulty, is a very great defect in our system. The very first impression that I ever had in respect of the criminal jurisdiction of the courts of the United States was one of abhorrence. To think that a Government like the United States should refuse, merely because it did not have time and opportunity, to furnish to men indicted for crime the ability and the good conscience of its highest tribunal for the investigation of the laws upon which they were indicted, always struck me as being a sort of violation by the political power of the Government of the United States of that maxim that lies at the foundation of our republican system, that justice shall be administered without sale, delay, or denial. This bill undertakes to remedy to some extent that system, and to a very considerable extent, but I hope the honorable Senator from Massachusetts will agree with me that it does not go quite far enough.

This bill does give to a party who is convicted of a crime, whether in the circuit or in the district court of the United States, the right to a writ of error to this intermediate high court of appeals, but it makes that right dependent upon the discretion of the judge to whom he may make an application for that writ. He may deny it without incurring any legal penalty, or he may grant it from mere favoritism if he chooses, but it is made a matter entirely in the discretion of the judge to whom the application is made for the writ of error, whether that man shall hang or whether he shall have an opportunity for a new trial or an opportunity of having his case heard in the appellate tribunal.

Section 8 of this bill provides—

That a writ of error, if allowed by a judge of the proper court of appeals, may be sued out of that court from the final judgment of a circuit or district court in any criminal case to such court of appeals within ninety days after the entry of such judgment.

Mr. HOAR. If the Senator will draw some amendment to carry out the views he has suggested I would like to hear it. I think there is something in his point, and I should think it worth while to consider the amendment.

Mr. MORGAN. I have prepared an amendment. I have prepared an amendment to come in at the end of line 15, on page 9, reading as follows:

And in case of conviction for crime the writ of error shall issue as a matter of right.

That, I believe, is entirely in harmony with the general principles of the bill.

Mr. HOAR. It would come in better in the eighth section.

Mr. MORGAN. I thought it would come in better where I proposed it.

Mr. HOAR. Otherwise the eighth section would have to be modified.

Mr. MORGAN. Where does the Senator suggest that it come in in the eighth section? I do not find any place where it would read exactly right.

But such writ shall not operate as a stay of proceedings, except in capital cases, unless it is so ordered by the judge who shall allow the writ, nor after a refusal to allow the writ by one such judge shall it be allowed by another judge.

Mr. HOAR. It strikes me that the way to do it would be to make the eighth section read as follows:

That a writ of error may be sued out of the court of appeals from the final judgment of a circuit or district court in any criminal case to such court of appeals within ninety days after the entry of such judgment; but such writ shall not operate as a stay of proceedings, except in capital cases, unless, &c.

Striking out the words "if allowed by a judge of the proper court of appeals."

Mr. MORGAN. I should be entirely satisfied with that.

Mr. HOAR. I think it will accomplish the whole thing to strike out of the eighth section, beginning in line 1, the words "if allowed by a judge of the proper court of appeals;" and then strike out, beginning in line 7 of the section, the words "nor after a refusal to allow the writ by one such judge shall it be allowed by another judge."

Mr. MORGAN. Yes; strike that out also. That would make it entirely satisfactory to me.

Mr. HOAR. If the Senator will move that amendment, I shall not oppose it.

Mr. MORGAN. I will move that amendment.

Mr. HOAR. I think it is unobjectionable.

Mr. MORGAN. I move to strike out in line 1 of section 8 after the word "error" the words "if allowed by a judge of the proper court of appeals."

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. HOAR. Then strike out all after the word "writ," in line 7, to the end of the sentence.

The PRESIDING OFFICER. The Senator from Massachusetts moves an amendment, which will be read.

The CHIEF CLERK. In section 8, line 7, after the word "writ," it is proposed to strike out:

Nor after a refusal to allow the writ by one such judge shall it be allowed by another judge.

The amendment was agreed to.

Mr. MORGAN. I will now further inquire of the Senator from Massachusetts whether any provision is made here for taking from the district courts of the United States to the circuit court of the United States appeals in that class of cases where the district court acquires jurisdiction over controversies in which the sum of $50 or more is involved. My impression of this bill as it was before the Senate heretofore, and I presume it is the same bill, was that in its language it took away an existing right of appeal from the district to the circuit court of the United States in those cases where the sum in controversy was not in excess of $100 according to my remembrance; perhaps it was $50.

Mr. HOAR. I do not understand it to be so. You mean in existing cases?

Mr. MORGAN. Yes, sir.

Mr. HOAR. I do not understand that it affects them at all. Section 2 as it has been amended, substituting 1885 for 1884, prohibits the taking of appeals or writs of error from the district court of the United States to the circuit court except in bankruptcy reviews, after the 1st of December, 1885. Then it substitutes after that the provision in this section where the value of the property in controversy exceeds $500, and in all other cases where an appeal or writ of error lies from such judgment or decree.

Mr. MORGAN. Now, Mr. President, the effect of that is to limit the jurisdiction of the appellate court to $500.

Mr. HOAR. In mere matters of property, not in other cases.

Mr. MORGAN. Very good; in matters of property where the sum involved in litigation is $500. It then cuts off the existing right of appeal from the district to the circuit court of the United States in all cases under $500 involving questions of the right of property by the following language:

That the several circuit courts of the United States shall have and exercise no jurisdiction in cases of appeals or writs of error from the district courts allowed, taken, or sued out after the 1st day of December, 1885, except that reviews in bankruptcy cases, in the exercise of their supervisory jurisdiction, may be had as heretofore provided.

That does cut off the present existing right of appeal in all causes from the district to the circuit court of the United States where the sum in controversy in the district court is less than $500.

Mr. HOAR. It leaves all bankruptcy cases, all patent cases, all cases where the jurisdiction of the United States court arises merely on account of the question where there is a Federal question, and it leaves also all cases where the district judge certifies that the adjudication involves a question of general importance. But if it is a question of the mere title to property, if no question has arisen of general importance, it does extend final jurisdiction to the district court up to $500, and I think it should. Five hundred dollars is a less amount in value now than $100 was formerly, and we can not relieve the dockets of the courts in any other way. I think that is the best thing we can do on this subject.

Mr. MORGAN. Cutting off the right of appeal?

Mr. HOAR. To that extent.

Mr. MORGAN. Very important questions arise in cases under $500, frequently; just as important as any other questions.

Mr. HOAR. This bill provides for them.

Mr. MORGAN. As an instance, there is the case of Marbury vs. Madison, which arose in regard to the right of a justice of the peace to hold the office; and it led to one of the most important decisions we have ever had in the United States. Very important questions may arise to affect a man the amount of whose litigation may be less than $500, and that man ought to have the right to have the opinion of the appellate court, nothwithstanding the small amount involved. It would be right now to provide in this bill that the jurisdiction of the circuit court to hear appeals from the district courts in sums exceeding $500 shall no longer exist, and then leave the jurisdiction otherwise as it stands now intact. That would be securing all the rights that exist and giving additional rights to litigants to take appeals from the district court to the circuit court where the sum in controversy exceeds $500.

Mr. HOAR. If the Chair will delay one moment the striking of the hammer, by unanimous consent I wish simply to say in reply that the right of appeal where there is no question involved of any general importance, but only a small amount of property involved, is ordinarily only a means of oppression which can be practiced by rich litigants against poor litigants. They can appeal and employ counsel and carry the cases to the distress of the person claiming justice; and it seemed to the committee, and it did to Judge Davis when he drew this bill and carefully considered the point, that on the whole more justice would be obtained by leaving the bill as we have left it, that

is, in all cases under $500 to give the right of appeal where there is an important general question involved, and also in these special cases, but not to give it merely on account of the amount under that sum.

Mr. MORGAN. If the Senate will indulge me just one moment, I wish to say in reply to the Senator from Massachusetts that this right of appeal has existed since the first organization of our judicial system. It has not worked badly. Doubtless, in many cases, it has been the means of securing justice to men who had small sums in litigation. There is no complaint against it. There is no reason why it should be destroyed, and we can easily preserve it without infringing in the slightest degree upon the jurisdiction of this intermediate appellate court. I therefore think that in the arrangement of this bill we ought to make it a bill to confer additional rights rather than to destroy any that exist where the practice has been useful.

INTERSTATE COMMERCE.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on the first amendment offered by the Senator from Kentucky [Mr. BECK], on which the Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. COKE. Mr. President, I have not participated in the debate upon the subject of interstate commerce now before the Senate up to this time for the reason that the House bill, it was known, would after awhile become the subject of discussion, and my opinion of the Senate bill is and has been that it is a measure of no practical value, and that any amendment in accord with its theory would fail to give it anything of usefulness or merit.

The House bill is one which I hope will be examined thoroughly by the Senate. It is a conservative measure. It is thoroughly well considered. It is the product of a debate and discussion in the press, in the two Houses of Congress, and among the people of ten years' standing, and it represents in its principles and policy the popular will on this great question.

This bill provides that freight and passenger in interstate railroad transportation rates shall be reasonable. It prohibits all discrimination in freight rates between individuals. As an adjunct to that proposition it prohibits rebates and drawbacks. It prohibits pooling and thereby promotes competition. It prohibits discrimination in freight rates between localities by forbidding a greater charge for a short haul than for a longer haul. Lastly, it requires the posting up of schedules of the rates of freight charges, and announces a penalty for charging more or less than the posted rates.

These are the great, leading, salient points of the House bill. I appeal to Senators to give the bill a candid examination and a fair hearing. I deem it proper to say this because the votes of the Senate taken within the last two weeks seem to indicate an opposition to the provisions of the House bill. An examination of that bill will show that it is a just and reasonable measure. It will show further that it embodies in its essential points that which is already the common law of the land in all the States. The States have the common law. The United States have no common law. That is to say, in every State in this Union the common law, as it is understood and adjudicated, prevails, while under the Government of the United States, a government of granted powers and of statutory enactments, the common law is not the general law. I believe I have stated the proposition correctly as it has been adjudicated in the courts, hence the necessity for Congressional legislation.

The Reagan or House bill contains the common law as adjudicated and enforced in the States on the subject of common carriers. I assert that to be a proposition which can not be denied. It prohibits all discriminations in freight rates between individuals. Is it necessary for me to cite authorities upon this proposition? I apprehend it is not with members of the legal profession at least. If it were, I could cite any number of decisions of the highest courts in this country.

Mr. MORGAN. Does the Senator refer to the common law or the statute law of the States?

Mr. COKE. I am speaking of the common law. I will refer to two or three cases which I find conveniently grouped in an able argument of Mr. Chittenden, of New York, before the House Committee on Commerce, which fully illustrates the common law on the subject of pooling. Ten or twelve canal-boatmen in the State of New York scraped together a thousand or twelve hundred dollars each and bought each one of them a canal-boat. Upon these canal-boats they lived winter and summer and the year round with their families, and made their living by running them. Ten or twelve of these horny-handed men concluded that they would form a pool; that they would make a combination; that they would put their boats into a joint-stock company and run them under one head and divide the profits. Those men were sued in the courts of New York, and the supreme court of New York decided that the pool, the agreement, the joint-stock company of these canal-men was an illegal enterprise, and the combination was broken up. I have here what the judge delivering the opinion of the court said with reference to the combination. He said:

It is nothing less than the attainment of an exemption of the standard of freights, and the facilities and the accommodations to be rendered to the public, from the wholesome influence of rivalry and competition. To produce that end more completely, each member binds himself not only to run all his present boats according to the agreement and turn their earnings into the common stock, at the rate agreed upon, and at which rate he is to be charged in the final distribution, though he may have received or charged less, but he is also prohibited, under severe penalties, from employing on any other terms boats subsequently acquired. The association being thus secure against internal defection and external encroachments, and the members having thrown their concerns into stock, to derive an income in proportion to the number of shares they hold, and not according to their merited activity in business, and safe against the reduction of compensation that would otherwise follow mean accommodations and want of skill and attention, the public must necessarily suffer grievous loss. Indeed the consequences of such a state of things would be that freighters and passengers would be ill served just in proportion that carriers were well paid.

That was a pool between canal-boatmen whose misfortune it was to be poor and to only have a thousand or twelve hundred dollars apiece with which to purchase ten or twelve canal-boats. Here in the sixty-eighth volume of Pennsylvania State Reports, page 173, is the case of The M. Railroad Company vs. Barclay Coal Company, in which the court said:

The effects produced upon the public interests lead to the consideration of another feature of great weight in determining the legality of the contract, to wit, the combination resorted to by these five companies. Singly, each might have suspended deliveries and sales of coal to suit its own interests, and might have raised the price, even though this might have been detrimental to the public interest. There is a certain freedom which must be allowed to every one in the management of his own affairs. When competition is left free, individual error or folly will generally find a correction in the conduct of others. But here is a combination of all the companies operating in the Blossburg and Burdy mining regions, and controlling their entire productions.

They have combined together to govern the supply and the price of coal in all the markets from the Hudson to the Mississippi Rivers, and from Pennsylvania to the lakes. This combination has a power in its confederated form which no individual action can supply. The public interest must succumb to it, for it has left no competition free to correct its baleful influence. When the supply of coal is suspended the demand for it becomes important and prices must rise; or, if the price goes forward, the price fixed by the confederates must accompany it. The domestic hearth, the furnaces of the iron-master, and fires of the manufacturer all feel the restraint, while many dependent hands are paralyzed and hungry mouths are stinted. The influence of a lack of supply or the rise in the price of an article of such supreme necessity can not be measured. It permeates the entire mass of the community and leaves few of its members untouched by its withering blight. Such a combination is more than a contract; it is an offense.

That is the decision of the supreme court of Pennsylvania. It is leveled against combinations of the character denounced by the Reagan bill, which but voices in its main provisions the best established maxims of the common law. Judge Hallett, in delivering the opinion of the court in another case, which was concurred in by Judge McCrary, commences with the following declaration:

The duty of common carriers to give equal service upon equal terms and upon reasonable compensation to all who may apply to them to carry persons and property is as well established as any rule of the common law.

Mr. MORGAN. Was that a Federal court?

Mr. COKE. Yes, sir; Judge McCrary and Judge Hallett, in the circuit court of the United States. Judge Hallett proceeded as follows:

And whatever is inconsistent with it or with the purpose for which it is adopted is against public policy, and can not be upheld. The defendant refuses to carry to and from Denver except in connection with the Rio Grande road; not absolutely, indeed, but for the price charged in connection with that road. To say to the public that the rate should be less by the Rio Grande road than by any other line is in effect to say that the public shall use that road only. A very little difference in tolls will prohibit traffic over other lines, and clearly enough such was the effect in this case. It is admitted that the defendant refuses to carry, in connection with the complainant, at the same rate of charges as with the Rio Grande Company, and then it charges for such carriage a much higher rate. For all practical purposes this course of proceeding amounts to a refusal to carry except in connection with the Rio Grande road.

Says Mr. Chittenden:

After considering the excuses urged for the necessity of this action, Judge Hallett declines to speak at length of the contract, lest he "might convey an impression that for some purposes these corporations have the powers which, in this instrument, they have assumed to exercise." He declares that it is enough to say that it is a conspiracy to grasp commerce and to suppress the building of railroads in two great States, and he cites decisions of the courts of New York, Pennsylvania, and other States in which similar provisions have fallen under condemnation.

That is a very instructive case, and a very able note to that case by Mr. Adelbert Hamilton, one of the editors of the Law Reporter, says:

There can be no question that according to American authority a railroad pooling contract is monopolous in its tendency and objectionable as such, for these three reasons, so tersely reported by Lord Coke in Darcy v. Allen (2 Coke's Reports, 84), where, speaking of such monopolies, it is said: "A monopoly hath three incidents mischievous to the public: First, the raising of the price; second, the commodity will not be so good; third, the impoverishing of poor artificers."

I assert as an undeniable proposition: First, that at common law the charges of a common carrier must be reasonable. Second, that a common carrier can not discriminate in freight rates between individuals. Third, that common carriers can not pool and thereby prevent competition. At common law these propositions are indisputable. I will go further and say that the prohibition upon pooling, that the equality as to all persons for whom they carry enjoined upon common carriers at common law, prohibits discrimination between places. I assert further that the highest public policy requires that common carriers who, like railroad corporations, exercise a part of the sovereignty

of the state in condemning land under the right of eminent domain, exercise to a certain extent public offices, public trusts, shall be amenable to public supervision, and that these public offices, these public trusts, the people are entitled to know all about in their administration, and that, therefore, the railroad companies should be required to post up their schedules of rates of freight charges as required by the House bill. All the propositions which I have enumerated are contained in the House bill. There is nothing more nor anything less in the House bill than those propositions except the modes and methods of enforcing them.

Mr. McPHERSON. Would it interfere with the Senator's speech if I should in this connection ask him a question?

Mr. COKE. Not at all, sir.

Mr. McPHERSON. I ask the question for information entirely. As I understand the Senator's remarks, they reach the point that a railway company having the power to condemn or take private property for a use, it must be a public use and to the public benefit. So far I agree with the Senator fully, and perhaps I might even go further, because I believe that if a railway company, having the power to condemn private property for public use, fails to conserve the public interest, it has then no more right to that land than a custom-house officer has to the custom-house at the end of his term of office.

But the point I wanted to raise was this: Does the Senator go so far as to say that Congress should intervene when the rates are reasonable? I do not suppose anybody would go beyond saying that the rate must be reasonable. Suppose it is reasonable, and still the railway companies decide to pool. In short, how can you reach a railway company for pooling the freight while maintaining reasonable rates? How do you propose to punish them? Let me put the question still broader. What is the justice in attempting to punish a transportation line for pooling its business with other lines when at the same time all the lines in the pool maintain reasonable rates?

Mr. COKE. I understand the Senator's question. I will say to him that in the State of New York, where the pooling contract of ten or twelve canal-boatmen was incontinently squelched and sat down upon by the courts, there is a pool of forty-odd railroads, which control the commerce of that great city and all its dependencies, which openly defies all the power and authority of the State. The conclusive presumption of law is that damage results from a violation of law. To hold that a party may violate the law on his idea that no damage will result from it would destroy all law. The mere fact of violating the law is an offense or crime without reference to its results.

Mr. McPHERSON. If I may again interrupt the Senator, I think there is a very wide distinction between the parallel he draws and a railroad company. It is well known to the Senator that the people of the State of New York, owning the Erie Canal, which the people of that great State and the property of that State were taxed to construct, decided to abate all the tolls upon the canal because they deemed it to be a public benefit. They furnished the so-called canal-boatmen, of which the Senator speaks, with water ways free of cost from the lakes to the seaboard, upon which they had the privilege of traveling without any cost whatever except simply that of pulling their boats. If I understand the case correctly they undertook to establish an unreasonable rate, and by means of a pool to continue an increased rate to the public detriment. I must submit to the Senator that there is a very wide distinction——

Mr. COKE. I yielded for a question and not for a speech.

Mr. McPHERSON. Very well; I shall sit down.

Mr. COKE. I will say to the Senator from New Jersey that the pool among these canal boatmen, of which I speak, according to my remembrance, was made and decided before the State of New York ever threw open her canals, and the action of the court in deciding that the pool was unlawful, because in contravention of the common law, was dependent upon no such action of the State of New York as that to which the Senator adverts.

Mr. McPHERSON. That alters the case in a measure.

Mr. COKE. Yes, sir.

Mr. President, I say that the Reagan or House bill is simply a codification of the principles of the common law in all the great leading points of the bill—principles that are enforced every day in the administration of law in the States. They can not be enforced in interstate commerce by the States, because there is no authority in the States having jurisdiction over the subject, and Congress alone has the power.

Mr. HARRISON. Will the Senator from Texas allow me to ask him a question?

Mr. MORGAN. If the Senator from Texas will allow me to ask him a question just there, I will ask if he has not cited a case here in which Federal judges have in a circuit court of the United States applied these principles of common law to transactions between railroads out in the West, and if the Federal courts have not as much power as the State courts in the administration of those principles of the common law which he says are codified in the Reagan bill?

Mr. COKE. Yes, the decision to which I adverted awhile ago, participated in by Judge McCrary, was the decision of a Federal circuit court. The principles of the Reagan bill are legal principles that are standing in every State in this Union and enforced every day by the State courts.

Mr. HARRISON. I wished to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Indiana?

Mr. COKE. Certainly.

Mr. HARRISON. Perhaps the Senator from Alabama asked the question which is in my mind; I could not hear quite what he said. If it be true that the Reagan bill simply puts into the form of statutory law the common law of the country, is not that common law now applicable to interstate commerce, and have not the courts of the United States jurisdiction to enforce it without reference to any statute?

Mr. MORGAN. That was the point of my question precisely.

Mr. COKE. The Senator from Indiana is simply repeating the question of the Senator from Alabama.

Mr. HARRISON. I could not hear what the Senator from Alabama said.

Mr. COKE. I say that the principles of the Reagan bill are the principles of the common law in all substantial respects; but the railroad companies deny the power of Congress over this subject. The Senator from Kentucky [Mr. BECK] yesterday read from the argument of Governor Brown, of Tennessee, representing 6,000 miles of railroad in the Southwest, to show that he denies that Congress has the power to legislate upon this subject. I believe that the courts of this country have a right to enforce the leading propositions of the Reagan bill, but the country generally is in doubt on the subject. The railroad companies deny the power, and it has been thought by the House of Representatives of sufficient importance to the country that Congress should legislate upon the subject, and if necessary re-enact what may be, and as I think is already, the law of the land on the subject of common carriers.

Mr. Fink, a leading and representative and very able railroad man, the man who, at the head of the New York pool of upward of forty of the leading lines of road in the United States, denies the power of Congress to legislate on this subject, and in his argument before the House Committee on Commerce made this denial in the most emphatic terms. Let Senators who desire information on this subject consult the records of the House Committee on Commerce, and they will find that the leading, governing men in our railroad system and the attorneys of the roads all deny the power of Congress to legislate as proposed in the Reagan bill, and are defiant in the assertion of their right to violate every principle asserted in it and to be themselves the judges of what is reasonable and right in running the roads.

And besides, the Reagan bill provides remedies not given by common law, remedies shown to be necessary to enable the citizens to overcome the great advantages the railroad corporations have over them in matters of litigation and contest.

The Reagan bill says that freight charges shall be reasonable. No Senator will controvert the correctness of that proposition. The Reagan bill provides that railroad corporations shall not discriminate in their charges between individuals. Is not this just and right? Let the Senator who claims it is not rise in his place in the United States Senate and declare that these public corporations, public agents and trustees, have the right to discriminate, as they are now doing every day between persons, and that all American citizens are not equally entitled to the service rendered by these public servants. Let him put himself on record as affirming that some people in this country ought to have freights at half that charged to others and that the railroad managers are of right the sole judges as to who these persons should be.

In order to prevent discriminations between persons the Reagan bill prohibits rebates and drawbacks. Rebates and drawbacks occur where a person is ostensibly charged as other people are for similar service, and the railroad companies pay him back amounts by way of rebate, and thereby give him an advantage. It is said by Judge REAGAN, who had charge of this bill in the other House and is its author, that in eighteen months $10,000,000 were paid to the Standard Oil Company, in the State of Pennsylvania, in rebates, and through that discrimination in favor of that company the company has been able to strangle every particle of competition in the United States.

These are two of the propositions in the Reagan bill. The third prohibits pooling. I have read to you from decisions of both State and Federal courts and could read hundreds of others, for the books are full of them, declaring that combinations of that character are contrary to public policy and unlawful. In the language of the Pennsylvania judge, "It is more than a contract, it is an offense."

The fourth is that it prohibits discrimination in the freight rates between localities by forbidding a greater charge for a short than for a longer haul. If the individual ought not to be discriminated against, if there should be no discrimination between single individuals, ought there, by parity of reasoning, to be any discrimination between collections of individuals in cities and towns? Ought there to be any discrimination between a collection of individuals in a city or town if the law requires that there shall be none between individuals? I think the one proposition is corroborative of the other.

If the first proposition is correct the latter can not be wrong. All the complications sought to be thrown around the difference between "the long and the short haul" can not obscure the fact which stands out in bold relief that all the individuals, all the people, between the initial

and the terminal points of the long haul are discriminated against and taxed with high freight rates in order to make up alleged losses on the long haul. The Reagan bill, conservative in this as in all its provisions, does allow as much charged for the short haul as for the longer haul, but not more; and because of the prohibition upon more for a short haul than a longer one on the same road is assailed violently as an effort to disturb the laws of commerce. In my judgment the bill is too liberal to the railroads in this respect, but of this they have no right to complain.

The fifth proposition requires the posting up of schedules of rates of freight charges and prescribes a penalty for charging more or less than the posted rates. Have not the public a right to know the rates? Mark you, the railroad corporations exercise functions derived from the States in the condemnation of their right of way through this country. They have possession of the highways. They carry the mails. They drive off all other sorts of competition. There is no way of exchanging our products overland except by their cars. Does any gentleman mean to say that the action of these corporations, which in the language of a New York judge execute public offices, should be secret, and that they should not post their rates in public places so that the public whose powers they are exercising can know about them and govern itself accordingly? Is this not a fair and reasonable requirement?

These five propositions, prohibiting discriminations between individuals, prohibiting rebates, prohibiting pooling, prohibiting discrimination between places, and requiring rates to be posted up in public places, are all the requirements of the Reagan bill, and everything else in the bill simply prescribes the methods of enforcing them. This is the bill which has been denounced by railroad officials and attorneys, by members of the United States Senate and House of Representatives and a considerable portion of the press of the country as a most intolerable outrage upon the rights of railroad corporations. For the most part, a simple re-enactment or codification of well-established common-law principles necessary to protect the citizen against the rapacity of corporate power which the corporations declare are not binding on them and violate every day, is declared from these sources to be a most dangerous, revolutionary, and abominable thing for Congress to do.

A motion was made by the Senator from Illinois [Mr. CULLOM] to take up the House bill, and after it was taken up he moved to strike out all after the enacting clause and to insert the Senate bill. What does that mean? It means that the prohibition upon discriminations in freight between individuals shall be stricken out of the House bill.

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. COKE. Certainly.

Mr. CULLOM. If the Senator will allow me, I will state that the Senate bill does not mean that. It expressly prohibits unjust discriminations.

Mr. COKE. I will discuss the Senate bill after a little. I will show what sort of a bill it is. It will strike out the prohibition of discrimination between individuals. It will strike out the prohibition of rebates and drawbacks by which the railroad companies secretly discriminate in favor of individuals. It will strike out the prohibition upon pooling. Is there anything in the Senate bill which prohibits pooling, declared by the highest State and Federal courts to be unlawful? It will strike that out. It will strike out the prohibition against discrimination in freight rates between localities. It will strike out the requirement that the railroad companies shall let the public know what their rates are, so that men may make their business contracts accordingly. The motion is to strike out these provisions and insert the Senate bill.

The Reagan bill comes here from the House of Representatives, not upon popular clamor, but upon a settled popular judgment. I know that the people sometimes go wrong, but give them a little time and they will always rectify their own errors. Their sober second thought is the perfection of human wisdom. The popular clamor, which it is said wafted this bill from the House here, has been a steady demand from the people for ten years through every method by which public opinion is ever voiced. The constitutions of twelve States of this Union contain the provisions of the Reagan bill in their substance. Legislatures of States, political conventions, boards of trade and exchange, county, district, national, and State conventions have all in turn spoken in behalf of the provisions of the Reagan bill. It comes here indorsed by the other House after ten years of discussion, after ten years of debate, and it would never have come over the obstructions and hindrances and opposition of the railroad corporations and their retainers and friends but for the masterly ability and the courage and persistency of a distinguished citizen of my State, whose name the bill bears, and who has linked that name imperishably with a manly and brave defense of popular rights against the encroachments of corporate power. This bill thus indorsed, thus containing in the main only the principles of the common law as they are decided in the States day after day and year after year and as it is settled and established—these plain, clear provisions are to be stricken out, and the Senate bill substituted, if the motion of the Senator from Illinois [Mr. CULLOM] prevails.

Now, Mr. President, I propose to discuss very briefly the Senate bill. That bill was denounced upon the floor of the Senate a few days ago by the honorable Senator from Arkansas [Mr. GARLAND] in an argument that no man has attempted to answer as unconstitutional. No Senator has risen in his place and controverted the positions of the Senator from Arkansas as to the unconstitutionality of that bill.

Mr. PUGH. If the Senator from Texas will allow me, I will state that the amendment which I offered to the second section was to meet the objection of the Senator from Arkansas to the second section, and I showed him that amendment and he admitted that it avoided his objection. The objection was that the second section would be a delegation of all the power Congress has over interstate commerce. The amendment limits the powers of the commission to those specified in the act itself. It is a limitation of the power and not a delegation of the power Congress possesses over that subject.

Mr. COKE. I understand the amendment to be just as the Senator from Alabama states it so far as it goes; but the Senator from Alabama must remember that the objection of the Senator from Arkansas went not alone to the second section. To use his own language, under this bill these commissioners start out as a legislative body, but as they go on into the sections they become a court; they have the power to administer oaths, to call for books and papers, to summon witnesses, to enter judgments. Yet they are to be appointed by the President and removable at his will and pleasure. Are they to be judges? If they are to be judges, if they are to exercise judicial functions, that bill violates the plain letter of the Constitution and all the traditions of this Government and of the Anglo-Saxon race in making a judge dependent for his salary and his bread upon the pleasure of the President or any executive officer. In so far as the President is authorized to remove, it trenches upon the constitutional requirement that judges shall be appointed for life. It destroys the independence of the judge. If there is one thing established in American constitutional jurisprudence it is that the judges are and shall ever be independent of the Executive.

This bill as originally reported to the Senate gave legislative powers to this commission, except that it did not authorize a penalty in its enactments without which they could not have been enforced. It gives as it now stands to this commission judicial powers, except that it can not issue an execution or injunction nor enforce its judgments. What then does the bill amount to? When the House of Representatives, obeying the mandate of the American people, send here a bill putting a curb upon the power of great railroad pools and corporations for the protection of the people you move to strike that out, to ignore it, and to insert under the enacting clause a provision which establishes a commission which has no legislative power under the amendment of the Senator from Alabama, and whose judicial power is unconstitutional and void, and if it were not, whose judicial power is a mere bauble and plaything, because without power to enforce itself, or even to protect itself by fining for contempt.

Then what do you propose to give to the House of Representatives in place of an efficient bill declaring that which is right and just and reasonable? What do you propose to give them in place of that bill which the motion of the Senator from Illinois would trample under foot and ignore, but this hybrid concern, a legislature which is impotent and a court which is powerless? That is the Senate bill.

But I call attention to another feature of this bill. Under sections 5 and 6 there are clauses which provide for a complaint to the commission by parties having grievances against railroad corporations. The commission is to hear the complaints and the evidence in support of them, and to make out its judgment and advise the railroad companies to comply, to obey. If the railroad companies choose not to obey, then the commission are to turn the papers over to the United States district attorney of the district where the grievance occurred for suit against the railroad company. The evidence taken, however, is only for the information of the district attorney, not of the court or jury. The point I make is this: It is a well-settled legal principle that Congress has power to regulate interstate commerce. The States may act upon the subject as long as Congress chooses not to intervene; but, as was decided in McCulloch *vs.* Maryland and in Gibbons *vs.* Ogden, whenever Congress does intervene, whenever Congress does regulate, the power of Congress is exclusive and supreme.

Now Congress, if this bill passes, does act and its action is exclusive. Would not the citizen upon the passage of this bill, if it should pass, find himself compelled to apply to this commission, and is he not ousted of the remedies that he now has in the courts of the country, and must he not come before this commission first? Must he not make his complaint first before this commission and wait until the commission has heard him and has sent his papers to the United States district attorney before he can go into the courts of the country as he can go now?

I object to it on that ground, and I call attention to the fact that there are nine commissioners provided for. Including the district of Columbia and other Territories there are forty-seven States and Territories in this Union. Divide 47 by 9. Each commissioner will have an average of five States and Territories under his jurisdiction. Can any one man hear and determine the complaints against the railroad companies in five States and Territories embracing long distances? I think not.

Mr. MAXEY. Will my colleague allow me to suggest a point in

that connection? If the citizen is required under the Senate bill to go before the commission, and if the railroad companies refuse to abide by its decision and force him into the courts, the costs are double, making the burden that much more.

Mr. COKE. I was coming to that proposition. Here you take away the remedies the people now have and send them before a commission that is unconstitutional in its judicial functions; you interpose this powerless commission between the people and a remedy. You must recollect that these complaints against railroad companies are by the statutes of the different States mostly barred in one year, that there are hardly any of them which are not barred in two years; yet you force a man in Oregon, in California, in Texas, in the remotest confines of the Republic, to Washington before this commission with his witnesses and attorneys at great expense, and for what? To get the commission to express an opinion which the railroad corporations deride and ignore with impunity; and while this is being done the statutes under which the complaint is barred by local law run and the citizen's remedy is gone. That is the proposition before us; that is in substance and effect this commission bill. Instead of giving a remedy to the citizen you are taking away from him the only remedy he has and giving him a worthless thing that is not worth the paper it is written on. The people ask for bread and you cast them a stone.

Now, Mr. President, it is proposed that the Senate of the United States shall ignore the reasonable, sensible, simple propositions contained in the Reagan bill, embodying substantially the common law of the land, which should be left to the courts of the country at the homes of the people of the United States to enforce, as is done in the Reagan bill. It is proposed to ignore these, although the people have demanded them in every form in which they can speak, and give them the remedy of a commission, which takes away from the people the only remedy they now have and leaves their complaints against the railroad companies barred by limitation before they find out whether the commission will allow them to bring suit or not.

I call attention to another feature of this bill. It provides that when the commission send these complaints to the district attorney the Federal courts, regardless of citizenship, shall have jurisdiction. It discriminates against the State courts; it ousts the citizen of his right to sue in his courts at home and drags him to the Federal courts perhaps hundreds of miles away. In the first place it drags him perhaps three thousand miles to Washington with his witnesses and lawyers in order to present his case to a commission which is utterly powerless to give him redress.

Mr. MORGAN. Will the Senator allow me to ask him a question? I had supposed that the purpose of the House bill was to confer jurisdiction on the Federal courts.

Mr. COKE. No, sir. The House bill leaves all litigation that arises under it at home where the transaction occurred and witnesses and parties reside.

The Senate bill will bring litigants in the first place to Washington before the commission; and who believes that this commission can hear 10 per cent. in a year of the complaints that ought to be filed against railroad companies? Does any man believe that this commission can hear them and intelligently decide them? It can not be done. The offer of such a remedy is a denial of any remedy at all.

Mr. President, these are the bills: The Reagan bill, a plain, direct bill, to be enforced by the courts of the country; the commission bill, establishing a new tribunal, which will be declared unconstitutional, and which, if it is constitutional, has no more power to enforce what the commissioners believe to be right than I have or any Senator sitting around me has. These are the bills between which we must choose.

Mr. President, there is more in this debate than appears on the surface to the casual observer. We hear on all sides earnest professions of a desire to remedy evils which all admit permeate our present system of railroad management. These professions are doubtless sincere. It is the more difficult in view of this fact to understand and account for the evident leaning of the Senate, as shown by the numerous ay-and-no votes taken on amendments proposed to the Senate bill, against the simple, direct, and straightforward provisions of the Reagan bill, so reasonable in themselves and so easy of enforcement by the courts of the country already established, and the equally evident disposition of the Senate to adopt a commission bill establishing at a heavy expense a tribunal without power to accomplish anything, and from the date of its creation as proposed in the Senate bill perfectly helpless and powerless.

The honorable Senator from Georgia [Mr. BROWN] has aided materially in solving the difficulty referred to in a bold and explicit avowal of his own views on this subject, and in the light of his able and learned speech made a few days ago we are able to understand much of what before was enigmatical. The high character as well as the acknowledged ability of this distinguished Senator, while vouching for the sincerity of his utterances, when coupled with the fact that he is a successful railroad president and practical administrator of railroad affairs—in a word, a leading and representative railroad man—gives to the views expressed by him peculiar significance. The honorable Senator, disdaining any subterfuge while directing his adroit and powerful argument against the Reagan bill, which he regards with the utmost aversion, and declaring that he will support the Senate bill in preference, does not hesitate to say that he is opposed to both bills and to any legislation on the subject. He says further that he favors the pooling of railroad lines as the only practical solution of the railroad problem in this country, and in the short extract I now read from his speech places himself distinctly on the ground now advocated by Mr. Charles Francis Adams, jr., of Massachusetts:

> This system works injustice both to the merchant and the purchaser. What the merchant wants is a uniform system, where every man will be charged reasonable prices and no more and where everybody is charged alike, and that is right. But, as matters now stand in the transportation world, you can get that only under the pooling system. There is no other possible way to reach it in practice. As there has been some sharp criticism of the Southern Railway and Steamship Association, as there must be about the management of all great interests of that character, I want to read here what a very wise and very able man, who is in no way connected with the South or with the association, says on the subject—a gentleman who has spent many years of his life in studying the railroad problem, a gentleman who is one of the oldest railroad commissioners in America, a man of high character and distinguished ability as well as of a distinguished family. I refer to Hon. Charles Francis Adams, of Massachusetts.

The honorable Senator then quotes copiously from Mr. Adams in advocacy of the pooling or consolidation of railroad lines, and says:

> We may first appoint a commission composed of a small number of persons. In practice it will soon be found that they need numerous assistants and subagents scattered all over this country. The job we are undertaking will be entirely too large for any five, or seven, or ten men, without an enormous retinue of subalterns. What commission at Washington can grasp this whole subject and look into all the details of railroad transportation?

Again, he says:

> It is simply out of the question, and in practice it will soon be found so, and the position will then be taken that it is absolutely necessary to increase the force, and it will grow from one point to another until the agents of the Government in a few years will be found located in all parts of the Union, supervising this immense interest.

The honorable Senator opposes the Senate bill commission, but would infinitely prefer that to the Reagan bill. He desires, like Mr. Adams, that the Government shall "hands off" and leave the railroad lines to consolidate in a "federation" under one head and a government of their own. This *imperium in imperio*, I will remark, it is not contemplated shall have in it any representation from the people, but is to be constituted of railroad men and to be a law unto itself, free from Government interference, with full power to tax all the products of this country—the vast commerce carried by rail—as it may deem expedient and right.

An examination of the discussions before the House Committee on Commerce, which were able and exhaustive, will show that the views expressed by the Senator from Georgia on this subject and by Mr. Charles Francis Adams are shared by all the leading railroad men of this country, and that the project of perfecting a grand consolidation of all the railroad lines in the United States in a federation under one government and one head is not only contemplated but in process of consummation, and will be consummated if Congress shall fail to act energetically on the subject. I read from what Mr. Adams has written about it:

> Beyond and behind this, however, the railroad corporations of the United States have from the beginning enjoyed a sort of lawless independence. Corporations, like communities, accustomed to this, necessarily remain for a long time restive under any sense of control. They need constantly to feel that a policeman's eye is upon them, and that there is a station-house in the next street. No one or two great corporations have yet been developed with power sufficient to assume a coercive protectorate over the others and to compel obedience. The combination of the trunk lines and their recent action toward their connections in the West is the first approach yet made toward this result. But without the cohesive influence of some such protectorate there is in all voluntary combinations a natural tendency to anarchy. In the absence, therefore, of any compelling force to secure order and subordination, the mill of competition has got to keep on grinding for some time yet. Its work is not done. Indeed, it will not be done until, through the process of its grinding, the great principle of the survival of the fittest is finally ground out.
>
> This process is unlikely to prove a rapid one, for order is not easily established in any community which has been long in a state of anarchy. In such cases the demoralization becomes general; the tone of the individual deteriorates. This is what is now the matter with the railroad system of America.

I ask the attention of Senators to this:

> Lawlessness and violence among themselves, the continual effort of each member to protect itself and to secure the advantage over others, have, as they usually do, bred a general spirit of distrust, bad faith, and cunning, until railroad officials have become hardly better than a race of horse-jockeys on a large scale. There are notable individual exceptions to this statement, but taken as a whole the tone among them is indisputably low. There are none of that steady confidence in each other, that easy good faith, that *esprit de corps*, upon which alone system and order can rest. On the contrary, the leading idea in the mind of the active railroad agent is that some one is always cheating him, or that he is never getting his share of something. If he enters into an agreement his life is passed in watching the other parties to it, lest by some cunning device they keep it in form and break it in spirit. Peace is with him always a condition of semi-warfare, while honor for its own sake and good faith apart from self-interest are, in a business point of view, symptoms of youth and defective education. Under such circumstances, what is there but force upon which to build? It was the absence of the element of force which caused the failure of the Saratoga association and probably will cause the failure of those which have succeeded it. Taken as a whole, the American railroad system is in much the same condition as Mexico and Spain are politically. In each case a Cæsar or a Napoleon is necessary.

He proceeds:

> When, however, the time is ripe and the man comes, the course of affairs can even now be foreshadowed; for it is always pretty much the same. Instead of the wretched condition of chronic semi-warfare which now exists, there will be one decisive struggle, in which from the beginning to the end the fighting will be forced. There will be no patched-up truces made only to be broken, for the object of that struggle will be the complete ruin of some one in the shortest possible time. Then will come the combination of a few who will be sufficiently powerful to restrain the many. The result, expressed in a few words, would be a railroad federation under a protectorate.

Again he says:

> The united action of the great through lines is necessary to bring this about; and how to secure that action is now the problem. If the elder Vanderbilt were alive and in the full possession of his powers, he would probably solve the difficulty in the way most natural to him. Meanwhile, although Commodore Vanderbilt is dead, there are very significant indications that his work is going on. His vast property, in the peculiar shape in which he left it and as it is now handled, seems to be little else than an accumulated fund devoted to bringing about a consolidation of railroad interests on the largest possible scale. The New York Central is the basis upon which this superstructure rests.

These are the views of Mr. Adams, so highly eulogized by the Senator from Georgia. He favors a railroad federation, a railroad government, under the imperial head of some great railroad magnate. I will read to you a little more from him. I have a speech entitled "Views of Charles Francis Adams, jr., on the subject of a national railroad commission," delivered before the Merchants' Association at Boston, and after discussing the character of men who ought to be on a commission, and fearing that such men would not be put upon a commission, he said:

> Given a commission such as I have suggested, and the so-called railroad problem would present few difficulties. It would either be understood and regulated, or, what I consider much more probable, it would be understood and largely let alone.

I read from Mr. Adams, because he is a leading representative railroad man, and expresses the views of the governing men of that class in this country. He desires and expects to see the railroads of the United States united in one grand federation, one grand and magnificent monopoly, made up of all the smaller monopolies. If he were in the Senate to-day he would vote for the Senate bill and denounce the Reagan bill, and would defeat both, if in his power, as the Senator from Georgia would, for the simple reason that he believes the railroad corporations should be "let alone" to go on and perfect their "federation."

I read again from the same speech:

> Composed of such men the commission would be of the greatest public service, and a credit to the country. Men like these, I assure you—and I am now talking of what I know—wielding the great force of publicity, and letting light into dark places, with Congress behind them, would call for few of those stringent laws which the average legislator loves so to pass. If, however, your commission is to be made up not of men like these, but of men with "claims on the party," or any of that kind of cattle, then it would be a nuisance and a disgrace, and the end would be worse than the beginning.

It would be a disgrace to have in the commission any representative man of the popular sentiment of this country on this subject, and that is precisely what Mr. Adams means when he speaks of "such cattle."

Now, Mr. President, I desire to call the attention of the Senate to the fact that, learned and scholarly and intellectual man as Mr. Adams is represented to be and illustrious as his family name is, he sometimes changes his opinions as well as do others. I will read some extracts from his book on the railroad problem, written some years ago, when surrounded by circumstances different from those which now attend him, and ask the Senate to mark the dangers he then so ably depicted to the Government and the people of the railroad combinations he now so earnestly advocates:

> Gould and Fisk will at last be obliged to yield to the force of moral and economical laws. * * * Though the regular process of development may be depended upon in its ordinary and established course to purge American society of the worst agents of an exceptionally corrupt time, there is in the history of this Erie corporation one matter in regard to which modern society everywhere is directly interested. For the first time since the creation of these enormous corporate bodies one of them has shown its power for mischief and has proved itself able to override and trample on law, custom, decency, and every restraint known to society, without scruple and as yet without check. The belief is common in America that the day is at hand when corporations far greater than Erie—swaying power such as has never in the world's history been trusted in the hands of mere private citizens, controlled by single men like Vanderbilt, or by combinations of men like Fisk, Gould and Lane—after having created a system of quiet but irrepressible corruption, will ultimately succeed in directing government itself. Under the American form of society there is now no authority capable of effective resistance. The National Government, in order to deal with the corporations, must assume powers refused to it by its fundamental law; and even then is always exposed to the chance of forming an absolute central government, which sooner or later is likely to fall into the very hands it is struggling to escape, and thus destroy the limits of its power only in order to make corruption omnipotent. Nor is the danger confined to America alone. The corporation is in its nature a threat against the popular institutions which are spreading so rapidly over the whole world. Wherever there is a popular and limited government this difficulty will be found in its path, and unless some satisfactory solution of the problem can be reached popular institutions may yet find their very existence endangered.

Again he says:

> Here, amid the ruin they had contrived, it is best to leave the Erie Railway, its directors, their tools, and their victims, the exchange, the business community, and the Gold Board—

Referring to the celebrated Black Friday.

> When all is said and done, the confusion and dismay prevailing was only no more than what the presence of such a disturbing power as the Erie Railway, in the control of such hands, must always render possible, even if it be not periodical. In themselves the men are nothing; as rulers of the corporation they become terrible. The spring and autumn of 1868, and the spring, summer, and autumn of 1869 had seen the last appliances of civilization perverted into the machinery of organized theft; and through them acts of fraud, treachery, and violence had been unblushingly perpetrated before all men. Since the days of the feudal barons no private hands had wielded such a power in a way so unscrupulous. Risk will not deter them, for ruin can not touch them; to them belongs the gain, but not to them the loss.
>
> Other depredators, by sea and by land, fly from the officers of justice; but these men [Fisk and Gould] ever find securest shelter under the protection of courts of law, whose magistrates they make. Safe in that protection, cowed but not subdued, it is fit and proper here to leave them, masters of Erie, and, as a consequence, masters of the situation, but a blot upon the civilization of the nineteenth century and a lasting disgrace to that financial and commercial organism which renders possible, and that public opinion which tolerates, their existence.

As was said by another:

> Such was the picture drawn of Mr. Gould in the earlier stages of his great career by Mr. Charles Francis Adams, jr., now sitting beside him in loving companionship in the same board over which, by Mr. Gould's will and pleasure, he now presides.

Mr. Adams, since the above was written, has been made by Mr. Gould the president of the Union Pacific Railroad Company.

There is his description of Mr. Gould. Here is the description of the power of railroad corporations. He says the Government will have to assume powers not granted by the Constitution in order to protect itself against the dangers they threaten to it, speaking of one single corporation, the Erie; and now this same gentleman advocates a consolidation of all the railroad corporations in the United States, under one grand head, free from Government control. Against his views of former years he advocates a grand railroad federation; and in the speech that I have just read to you, delivered before the Board of Trade of Boston, he does not even desire a commission to interfere; he desires no legislation; but wishes the combination to run on under the will and control and government of men of whom he says, in an extract from his book which I have just read to you, they are simply the worst character of horse-jockeys on a large scale.

I read again. Says Mr. Adams:

> One leading feature of these developments, however, is, from its political aspect, especially worthy of the attention of the American people. Modern society has created a class of artificial beings who bid fair soon to be the masters of their creator.
>
> It is but a very few years since the existence of a corporation controlling a few millions of dollars was regarded as a subject of grave apprehension, and now this country already contains single organizations which wield a power represented by hundreds of millions. These bodies are the creatures of single States; but in New York, in Pennsylvania, in Maryland, in New Jersey, and not in those States alone, they are already establishing despotisms which no spasmodic popular effort will be able to shake off.

Yes, Mr. Adams would have a grand railroad federation of all the corporations in this country when he says a few of them in these States have established despotisms "which no spasmodic popular effort will be able to shake off."

> Everywhere, and at all times, however, they illustrate the truth of the old maxim of the common law that corporations have no souls. Only in New York has any intimation yet been given of what the future may have in store for us should these great powers become mere tools in the hands of ambitious, reckless men. The system of corporate life and corporate power, as applied to industrial development, is yet in its infancy. It tends always to development—always to consolidation—it is ever grasping new powers or insidiously exercising covert influence. Even now the system threatens the central Government.

He does not now feel that a consolidation of all the railroads will do it.

> The Erie Railway represents a weak combination compared to those which day by day are consolidating under the unsuspecting eyes of the community. A very few years more and we shall see corporations as much exceeding the Erie and the New York Central in both ability and will for corruption as they will exceed those roads in wealth and in length of iron track. We shall see these great corporations spanning the continent from ocean to ocean. * * * Now their power is in its infancy; in a very few years they will re-enact, on a larger theater and on a grander scale, with every feature magnified, the scenes which were lately witnessed on the narrow stage of a single State. The public corruption is the foundation on which corporations always depend for their political power.

That was six years ago; and instead of Mr. Adams warning the people now as he did when this was written against the power of these corporations, we find him cheek by jowl with the men he was then condemning and favoring a grand federation of all the railroads of the country.

> There is a natural tendency to coalition between them and the lowest strata of political intelligence and morality, for their agents must obey, not question. They exact success and do not cultivate political morality. The lobby is their home, and the lobby thrives as political virtue decays. The ring is their symbol of power, and the ring is the natural enemy of political purity and independence. All this was abundantly illustrated in the events which have just been narrated [in the chapter of Erie]. The existing coalition between the Erie Railway and the Tammany ring is a natural one, for the former needs votes, the latter money. This combination now controls the Legislature and courts of New York. That it controls also the executive of the State, as well as that of the city, was proved when Governor Hoffman recorded his reasons for signing the infamous Erie directors' bill. It is a new power for which our language contains no name. We know what aristocracy, autocracy, democracy, are; but we have no word to express "government by moneyed corporations." Yet the people already instinctively seek protection against it, and look for such protection, significantly enough, not to their own Legislatures, but to the single autocratic feature retained in our system of government—the veto by the executive. * * * The next step will be interesting. As the Erie ring represents the combination of the corporation and the hired proletariat of a great city; as Vanderbilt embodies the autocratic power of Cæsarism introduced into corporate life, and as neither alone can obtain complete control of the government of the State, it perhaps only remains for the coming man to carry the combination of elements one step in advance, and put Cæsarism at once in control of the corporation and of the proletariat, to bring our vaunted institutions within the rule of all historic precedent.

Can the English language condemn more strongly what Mr. Adams has since with equal vigor approved and advocated?

I deal, I repeat, with Mr. Adams as a public man and a great railroad expert, whose views have been invoked in this debate by the Senator from Georgia as having great authority and with the purpose of ascertaining as nearly as possible the weight to which his recent utterances in advocacy of a new policy are entitled.

Now I will read, in order that you may have some little idea of what a grand universal pool would mean, from the argument before the Commerce Committee of the House, made by Mr. Chittenden, of New York, a description of the pool at New York:

This pool commenced in 1877; it was then a pool contract between the four trunk lines centering in New York. It has grown and stretched out its arms and increased, just as an English judge said such contracts would grow and increase, until now it embraces certainly more than forty—that was the last enumeration I had—of the principal railroads of this country. There is in New York city an equipped and organized pool government. It has its executive committee of the trunk lines; its executive committee of the pool, and another executive committee composed of one member from each pooling railroad; it has its board of arbitration, which is intended to take the place of the judiciary; it has its corps of, I do not know how many hundred, clerks, an enormous concern, and over it all is the emperor, the commissioner, Mr. Fink, who to-day exercises a power for good or evil over the commerce and products of this country greater not only than that of any of his contemporaries, but greater than any man ever before exerted in the United States of America. He and his imperial organization are as independent of the law as it is possible for man or state to be, and the whole charter or contract which binds these forty roads into this one copartnership and confederation, judged by the principles of the common law, is as unlawful and as much against public policy, if we are to accept the declarations of the judges of the common law, as the Louisiana State lottery or any other similar institution which is confessedly without the pale of the common law.

There is a picture of the New York pool. Now imagine a pool or combination of all the railroads in the United States, embracing the whole country under one head and a central government like that in New York, and you see exactly what the railroad men of the United States are trying to accomplish. I have here the New York Journal of Commerce, handed me by a friend, of January 15. I read from the headlines of a column in order to show what the people may expect from the proposed "railroad federation," judging it by the New York pool:

Diverted freights and trade—Mercantile interests sacrificed to railroad pool necessities—Roundabout shipments and delays—Complaints of buyers and injury of trade—Merchants and railroad men in conference—Regulation of interstate commerce.

Now hear the New York State commission and the merchants of New York about the pool:

The Merchants' Club committee was represented by Mr. William F. King, of Calhoun, Robbins & Co., who opened the case with an address setting forth the cause of complaint. "Not only," said Mr. King, "has trade been diverted from our own city, but the merchants have suffered large losses from the return of goods, because of the serious delay in delivering to the consignee. These evils began with the organization of the pooling system in 1878 and have increased with the lapse of time, until for the past two years, and especially for the last year, they have been beyond the patient endurance of the mercantile community. Throughout the business of last spring every mercantile house suffered seriously by transfers of freight from the so-called fast freight lines known as the Merchants' Dispatch, the Star Union Line, the Union Line, the Empire Line, and the White Line to the Lackawanna and the West Shore, the Merchants' Dispatch alone transferring daily from three to two car-loads to the West Shore. The consequence was that from four to eight weeks elapsed before the goods so transferred reached their destination in Michigan, Illinois, and other Western States. The agent of the Merchants' Dispatch himself informed me that there were claims against them amounting to $50,000 for diversion of freight and for losses thereon. If you will pardon an allusion to the house of which I am a member, we had to duplicate a bill of merchandise purchased and pay the charges by express, the original shipment only reaching the customer in Michigan after very nearly two months' delay. All the merchants claim to have had similar trouble during the last spring with all fast freight lines having a system of connections to the West."

Mr. King here presented a quantity of documentary evidence, giving circumstantial details of cases in which delays had taken place. Among the examples was a shipment of goods by the Star Union Line which took fifteen days to reach Chicago. Several shipments to Pittsburgh, made on the 10th, 14th, 18th, and 21st of November, all reached their destination together on December 1, showing that the goods must have been held back to make up a car-load.

Mr. King continued: "The instances which these papers present are only a few of the many thousands of similar impositions from which the mercantile community has been and is now suffering, and on behalf of that long-suffering community the committee of three pray for speedy relief from these serious evils, and that such relief may be had prior to the opening of our spring business, which begins about February 1, so that the merchants here represented may be able to notify the customers that there will henceforth be no cause for complaint because of the slow delivery of whatever merchandise they may choose to purchase in this market."

I read that as a sample. There is a column representing different organizations in which similar statements are made.

I read again:

Mr. Abel Cook, on behalf of the Traders and Travelers' Union, urged that the merchants should have the right to choose the line by which they have their goods go, and said they did not like to be put in the position of suppliants for what they had a right to demand. The remedy they sought was some means of getting into court to enforce their common-law rights without being compelled to resort to the attorney-general and wait his determination in case the railroads refused to carry their freight without consent to the bill of lading imposed upon the shippers. The suggestion that the roads would refuse to act as forwarders beyond their own termini if compelled to do this he thought would be regulated by the principle of competition.

A recess here took place, after which Mr. Depew proceeded to make a general reply to the statements and suggestions presented. At the outset he said the State commission would be met by the difficulty that this is a question of interstate commerce, beyond their jurisdiction. Their action could only affect one section of the business of the New York Central, and could not touch the other roads. He thought the fact emphasized the need of intelligent national legislation on the subject, and denounced the Reagan bill as calculated to defeat the very object here sought.

At the conclusion—

In the course of the colloquy Commissioner Kernan said the commission were of opinion that the pool was illegal.

That was a modest suggestion made by the New York State commissioner, Mr. Kernan. He knows that the courts of the country have declared all such combinations unlawful; but Mr. Depew reminds gentlemen of the New York State commission that this is a matter of interstate commerce, which they as railroad commissioners of the State of New York can not reach, while at the same time he opposes all that is attempted to be done in Congress to give relief to the people.

This is a pool of forty railroads. We see here a column loaded with the complaints of men who are suffering from it, but we have not heard from the people of the other States to whom the goods sold by these merchants ought to have gone. How many of them are broken, how many are crippled, how many are injured by the action of the pool? We have not heard that. Yet in the face of the illegality of a combination admitted to be illegal because so decided by all the courts, the idea of the leading railroad men of the country is to establish a grand universal pool embracing all the railroads of the country.

Mr. President, the railroad problem has evolved an issue between two opposing ideas, and will be solved on one or the other of them. The railroad corporations must be governed by laws passed by Congress, or they will be governed by a despotism created by themselves and over themselves in a universal pool or federation which will embrace all the railroad lines in this country. Congress is brought face to face with this dilemma and must accept one horn or the other of it. Delays are dangerous, because the "grand federation" is already in process of formation under able and skillful operators, its nucleus in the city of New York where more than forty of the leading lines are already confederated or pooled under a central government strong enough already to bring the merchant princes of that great city to its feet. When the single corporation of Erie could dominate the State of New York in the manner so graphically described by Mr. Adams; when the merchants and business men of New York are already suppliants at the feet of the pool now existing there, how can any limit be placed on the power of a great federation of all the railroad corporations of the country backed by unlimited wealth, with the best talent of the country in its service, and an active, vigilant, intelligent, and well-paid army of employés at command, with power to crush all who oppose its schemes by discriminating against them and to reward its friends, with power to build up or destroy at pleasure cities and towns, and to levy such tribute as avarice may suggest, unobstructed and unhindered, upon the great commerce carried over the roads, with all the influences and agencies so vigorously described by Mr. Adams for corrupting legislatures and congresses and governments—I repeat, how is it possible to resist such an organization in possession of such tremendous power? It simply can not be done, and if perfected the railroad federation will dominate and control this Government, will corrupt and undermine it.

This Government must govern and control the railroad corporations or will be governed and controlled by them. We have at this time our choice between these propositions. If we fail to choose between them now, we may not at a future time be able to choose at all. If we adopt the Reagan bill, its moral effect will be very great on the railroad corporations. Mr. Adams says that only "force" will control them. He sees nothing but the despotism of a Cæsar or Napoleon of their own creation. I desire the "force" of law constitutionally enacted and vigorously executed by the Government of the United States, representing the majesty and the sovereignty of the American people. The Reagan bill will give this. If we pass it, these corporations will realize that we are in earnest, that the people are aroused, and will govern themselves accordingly.

The moral effect upon the country of the passage of the Reagan bill will be good, because it will be universally felt to be not only a just vindication of the dignity of the Government, but a grand measure of protection for the best interests of the people. The English railway commission bill has been alluded to in this debate and its admirable operations made an argument in favor of the Senate bill. The harmless and impotent measure proposed in the Senate bill is utterly unlike the English railway law in every respect. There is no point of resemblance between them.

The English commission possesses all the powers and attributes of a court. It is composed of three commissioners. That commission has jurisdiction over every question affecting railroad transportation That court can summon witnesses. It can fine for contempt; it can issue injunctions; it can issue executions; it can do everything that any other court can do. That is the English commission. It is no such powerless thing as is provided for in the Senate bill.

And besides, the English railroad regulations act, as it is called, formulates the law to be administered by this commission. I read one extract from it, which alone contains the substance of the Reagan bill:

That all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of railway under the same circumstances.

In conclusion, Mr. President, I read from the speech of Mr. Charles Francis Adams, delivered before the Committee on Commerce of the other House. He said:

So far as the railroad system and the railroad business of the country is concerned, I propose to argue to this committee, and endeavor to convince it, that hitherto in the case of the vast body of legislation enacted in respect to them no attempt whatever has been made to study anything except outward manifestations; that almost uniformly the symptoms have been mistaken for the disease and the remedies intended to remove the evil have consequently only

tended to aggravate it. That I may have any chance of success in this effort, I must ask you to dismiss all preconceptions from your minds and to fairly consider what is the real cause—

Now, mark you—

what is the real cause of the inequalities, the injustices, the discriminations of the existing railroad service—those ills of the body-politic for which you are now undertaking to prescribe? I will not stop to dwell upon them or to denounce them. It is not necessary to do so, for I hold them to be proven and their existence notorious. The record is full of evidence on the subject. We all know—every one knows—that discriminations in railroad treatment and charges do exist between individuals and between places. We all know that railroad tariffs fluctuate wildly, not only in different years but in different seasons of the same year. We know that certain large business firms—the leviathans of modern trade—can and do dictate their own terms between rival corporations, while the small concern must accept the best terms it can get. It is beyond dispute that business is carried hither and thither—to this point, away from that point, and through the other point—not because it would naturally go to, away from, or through those points, but because rates are made on an artificial basis and to serve ulterior ends.

In regard to these things I consider the existing system nearly as bad as any system can be. Studying its operations, as I have, long and patiently, I am ready to repeat now what I have repeatedly said before, that the most surprising thing about it to me is that the business community sustains itself under such conditions. The first principles—

Mark this—

The first principles of law governing common carriers are habitually violated. Special contracts, covering long periods of time, are made every day with heavy shippers, under which the common carrier, whose first duty it is to serve all equally—

As the Reagan bill requires them to do—

gives to certain parties a practical control of the markets. There is thus neither equality nor system, law nor equity, in the matter of railroad charges. A complete change in this respect is a condition precedent to any just and equitable system of railroad transportation.

That is what Mr. Charles Francis Adams felt constrained to admit when arguing before the House committee against Congressional legislation. Yet it is said that there is no ground for complaint. When twelve States in the Union have embodied in their constitutions the substance of the Reagan bill; when political conventions, boards of trade and exchange, when the leading railroad man of this country, Mr. Adams, all tell you about these grievances, they are dismissed with the remark that it is popular clamor. Mr. President, it is not popular clamor. I have shown you that in the great State of New York, the leading State in this Union, with all her wealth and power, her authorities have suppressed a little combination, a little pool of ten or twelve hard-handed canal-boatmen as being contrary to law, and that at the time the judge was delivering his opinion, in the heart of the city of New York there was a pool government, pool headquarters, with hundreds of clerks, and an emperor at the head of the pool presiding over the whole, and that the great merchants of the grand and magnificent commercial center of our country were bending their knees before that power. I have shown this, and yet I am told that it is not time for the law to step in and put its hand upon these corporations and say what they shall do and what they shall not do.

Mr. President, in submitting to the lawlessness and power of these corporations we are sowing the seeds which will be reaped in a harvest of communism at some future day. When poor men see that the law takes them promptly by the throat while these powerful combinations of corporate wealth defy the law with impunity, they will think that their own rights ought to be asserted in some form or other. We can avoid this by harkening to the voice of the House of Representatives and giving support to the bill they have sent us. It is a moderate bill. It is a conservative bill. It employs methods well known and well established in the common law. There is nothing harsh about it. It is an assertion of the power of the people and the Government that I desire to see. The moral effect of it would be worth more than Congress could do in any other way. Let the people of this country be informed that the Senate and House of Representatives of the United States have determined that this is a people's government, and that no power shall live under it which is not dominated by the Government and by the people, and this the Reagan bill will do.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia; in which it requested the concurrence of the Senate.

DEATH OF REPRESENTATIVE EVINS.

The message also communicated to the Senate the resolutions of the House on the announcement of the death of Hon. JOHN H. EVINS, late a Representative from the State of South Carolina.

Mr. HAMPTON. Mr. President, I ask that the action of the House be laid before the Senate.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Chair will lay before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 20, 1885.

Resolved, That this House has heard with profound sorrow of the death of Hon. JOHN H. EVINS, late a Representative from the State of South Carolina.

Resolved, That the business of the House be now suspended that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the House shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. HAMPTON. Mr. President, I offer the resolutions which I send to the desk to be read.

The PRESIDING OFFICER. The Senator from South Carolina presents resolutions which will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JOHN H. EVINS, late a member of the House of Representatives from South Carolina.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the Senate shall, at the conclusion of these ceremonies, adjourn.

Mr. HAMPTON. It has been established by long custom that when one of our associates in the legislative branch of the Government falls at his post of duty we pause for a time from our daily routine of work to pay a proper tribute of respect to his memory. This time-honored custom, which had its origin in the tenderest and noblest instincts of humanity, has been consecrated to us by many and sad precedents. The Senate has just done becoming honor to the memory of one who was, when living, its oldest member, one of its most honored and now one of its most lamented. To-day, the other branch of Congress, by the resolutions just read, tells us that death has again invaded its halls, and stricken down one of its most useful, honored, and beloved members, JOHN H. EVINS, of South Carolina.

As a Senator from the State which now mourns the loss of one of her truest and most devoted sons, it becomes my painful duty to take official action here touching his death. As he was a very close and dear friend, this duty is rendered doubly painful; but, sir, that pain is greatly alleviated by the fact that the best, the highest eulogy that could be pronounced upon him is to speak of him not in the mere conventional terms of panegyric, but in the calm and sober language of truth. The record of his upright and unblemished life, from his youth to its close, gives the strongest evidence of the integrity of his character, and the manner of his death proved the sincerity of his faith as a Christian.

JOHN HAMILTON EVINS was born in Spartanburg District on the 18th July, 1830, of honorable and pious parents, who, besides affording him ample means for a liberal education, taught him early, a lesson he never forgot, that higher and better knowledge, the fear of the Lord. Graduating at the South Carolina College in 1853, he studied law, was admitted to the bar in 1856, and soon achieved a high and honorable reputation in his profession. During the war he served in the confederate army with conspicuous gallantry, receiving a severe wound, from the effects of which he never entirely recovered. While detained at home by this wound he represented his district for two sessions in the Legislature with the conscientious fidelity that marked his discharge of every public trust.

In 1876 he was elected a member of Congress from the fourth Congressional district in South Carolina, and he was re-elected for three successive terms, on each occasion by a large majority. At the last election he declined to become a candidate, as his health had failed, and he realized even then that the shadow of death was over him, for his physicians held out to him no hope of recovery. He bore their verdict doming him to an early death with the heroic fortitude of a soldier and the sublime resignation of a Christian. His sufferings were great and constant, but he never murmured nor repined, and with everything to make him cling to life he resolutely looked death in the face, feeling a confident hope he had so lived on earth that life eternal would be his in heaven.

On the 20th of October last, without one pang, without one struggle, he was summoned to his final rest, respected, honored, loved, and lamented, not alone by his immediate constituents, but by our whole State.

Such, Mr. President, is the brief, simple narrative of a life unmarked by any strange or great events, but which has left an impress for good on every one associated with it. It is in this aspect that I regard the career of Colonel EVINS as so noteworthy and so exemplary, and it is for this reason that I have dwelt more largely on his marked moral qualities than on his intellectual. But I by no means underrate his attainments and his ability, for these were of a high order. He was an able lawyer, an admirable Representative in Congress, a cultivated gentleman, and a wise counselor. In every position he was called on to fill he brought to its discharge a well-trained, vigorous intellect, and an ever-present sense of duty. Thus it was that his influence was always widely felt and beneficently exercised.

It seems to me, Mr. President, that the example left by such a life and the lesson taught by it are of higher value to the world than all the earthly prizes that ambition, wealth, power, place can win. These latter may for a time sway mankind, but in the balance held by the hand of the Great Judge at the last day they will weigh but as a feather against integrity, virtue, and piety. All these noble attributes of character were possessed in an eminent degree by the subject of this imperfect sketch, and he surely could have exclaimed triumphantly and exultingly when called to meet his God—

O death, where is thy sting?
O grave, where is thy victory?

Mr. FRYE. Mr. President, having been a member of the House of Representatives in the Forty-sixth Congress, and having then an acquaintance pleasant and agreeable with Mr. EVINS, I do not feel at liberty to allow this occasion to pass without paying a brief tribute to his memory.

I recall without difficulty the first time I ever saw him. It was on the Sabbath day in a crowded church. I saw a face loving, gentle, and without any weakness in it; and it so attracted me that I inquired as to its owner, and found it to be Mr. EVINS. Subsequent acquaintance with him only justified to me that face as the index of his character.

Mr. EVINS, of course, was not conspicuous in debate in the Forty-sixth Congress. Senators know well that in that brief term of service, even with the highest genius for debate, he could not be. And he was not in any sense a wrangler, and he could not be, for his spirit was never disputatious. He did not force himself to the front, and he could not, because he was as modest as a girl. And yet, sir, he had that strength of character and that acquirement which would have made him conspicuous and prominent in public life or anywhere in time. He had thorough culture, undaunted courage, earnest devotion to principle and duty, quick perception, and a profound sense of responsibility to God and man. He added to an attractive face accomplishments and graces unusual to men in active, stirring life—agreeable manners and a warm social nature. But, sir, he had what seems to me greater and better than them all—he was a devoted, sincere, earnest Christian man. I see from the records of the Spartanburg Presbyterian church, in his own State, this:

On the 4th July, 1867, his membership was transferred to this church, and on the 28th of the same month he was ordained to the deaconship. He continued to serve in this office until promoted by the unanimous voice of the congregation to the eldership, to which he was ordained November 13, 1870. He was also superintendent of the Sabbath school from 1868 until he entered Congress in 1877.

Mr. President, it is easy for men in public life, I care not how eminent they may be, to gracefully acquiesce in the fundamental doctrines of the Bible and to talk eloquently of the glories of a blessed immortality to come; but to lead in the midst of the cares and perplexities and enticements and allurements and distractions of public life a lowly, devoted, practical Christian life,

Hoc opus, hic labor est.

Yet, Mr. President, I have reason to believe that from the day Mr. EVINS entered upon his public life here in Congress up to its close he did so walk day by day. He deliberately chose the straight and narrow way and walked directly toward the goal without swerving to the right or to the left. I believe, sir, that Mr. EVINS dying could say with Paul in chains at Rome, "I have fought the fight; I have kept the faith." I believe, sir, that Mr. EVINS dying could say, "I know there is a crown prepared for me." And now he knows it; he wears it.

Mr. President, may the gracious, loving God temper this heavy but kindly blow to his wife and to his children.

Mr. BUTLER. Mr. President, I might safely leave the character of the lamented EVINS where his enlogist and his own unblemished life left it, without stain and without reproach, but a duty of earnest friendship apart from official courtesy and custom requires that I add my contribution, imperfect as it is, to the words of praise so generously and justly bestowed upon him.

South Carolina never had a more devoted son than JOHN H. EVINS, nor popular government a more faithful advocate. The people never had a champion more honest, more courageous, nor this Congress a member more respected for his public and private worth. I knew him intimately for more than a quarter of a century from his early manhood—and there was not much difference in our years—as a friend, citizen, lawyer, soldier, representative of the people; in every relation of life, and can therefore speak advisedly and accurately of him. It was our fortune to be born in the same region of country, the Piedmont belt of South Carolina. The first horizon that greeted our visions was fringed by the same range of mountains, as lovely and picturesque as ever graced the outlines of nature.

He preceded me in the same college but a few years. We entered the confederate armies almost simultaneously, although in different arms of that service. It was our fortune to come upon the arena of national politics about the same time, and here to cultivate relations of the closest personal and political friendship. I knew him, therefore, as few men knew him, and venture to affirm that in the eloquent tributes just paid to his memory in this Chamber and in the other Hall of Congress which he adorned so long and ably, there is not one word of hyperbole or extravagant encomium. He well deserves all that has been so gracefully said of him, and I only wish that in closing these mournful ceremonies of respect to his memory in this the highest forum which an American citizen may enter, I could command language worthy of his exalted character.

I do not know that I need say more of his public life than that he was faithful to every public trust committed to his care. He held the conscientious discharge of every public duty above personal or private considerations. In his public conduct he was honest, he was direct, he was courageous and truthful, he was always true to his constituents, and above all true to himself. There was nothing of the charlatan or demagogue in his nature. He was modest, conservative, considerate, and deferential. He was careful and painstaking, and when he made up his opinion he maintained it with independence, courage, and ability. His judgment was sound, and his intellectual methods were as honest and straightforward as the impulses of his heart were generous. He was well educated and well informed, but did not aspire to the plane of what is known as scholarship or genius. He did not sacrifice the practical to the ideal, nor the real to the theoretical, the substance to the form, and, therefore, was a safe counselor and judicious leader, an able, conscientious representative.

What higher praise, Mr. President, can be conferred upon any public man. What more need be said to embalm his memory in the grateful hearts of his countrymen and establish him as an exemplar to those who come after him. This is my estimate of the man, sincerely entertained. True, something must be allowed to the partialities of friendship on occasions like this, to the license of rhetoric, to the flow of eulogy, and to that inclination of the human heart to speak nothing of the dead except what is good, but, sir, I invoke with confidence the voice of his people to sanction these words in behalf of this distinguished citizen of their State. They are truthful and just; would they could be said of every public servant who assumes a trust for the people. Mr. EVINS was as free from the sordid vices of our nature as the best of his race. He was wonderfully circumspect in his private life, and I believe sincerely and conscientiously true to his profession of the Christian religion. He made no sanctimonious parade, but walked modestly in the fear of God and lived up to his convictions. The duties of life were dearer to him than life itself.

When he was first stricken with the disease that proved fatal to his life, I well remember how earnestly I urged him to leave the capricious winter climate of Washington and seek relief in the mild outdoor atmosphere of Florida, where he could successfully combat the inroads of disease on his vigorous constitution by calling to his assistance not only the curative powers of art and science but the endless resources of kindly nature. In response to my importunities he said his duty required him to remain at his post, and he did and died. Possibly the time allotted him on earth was about to expire, and the change may not have arrested his malady. Of this no one had knowledge, save the God who made him. But I refer to this incident to further illustrate what manner of man he was. It was characteristic of him, and the recital will not surprise those who knew him best.

Military heroes who give up their lives in the flush and excitement and glamour of battle are sustained in the discharge of duty by the rush and conflict of physical forces, the hope of earthly glory and renown, and they are generally bestowed; but the man who stands by his post in the civil walks of life, dying inches by inches, has nothing to sustain him but that high sense of duty, the essence of which true heroes are made. To this class Mr. EVINS properly belonged, and such will be the verdict of his countrymen.

Nothing now remains for me, Mr. President, but to move the adoption of the resolutions before the Senate, which I do with the mournful satisfaction that they have given me the opportunity to pay this sincere but inadequate tribute to the memory of one of the best of men, and that they express, as I believe, the sentiments of his associates and friends.

The PRESIDING OFFICER. Will the Senate agree to the resolutions?

The resolutions were agreed to unanimously; and (at 4 o'clock and 28 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 21, 1885.

The House met at 12 o'clock m. Prayer by Rev. A. FLORIDUS STEELE, of St. Mark's church, Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

CYPRESS BAYOU, ETC.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, communicating a report from the Chief of Engineers, with an estimate of the cost for an improvement of Cypress Bayou and the lakes between Jefferson and Shreveport; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CONTINGENT EXPENSES NAVAL OBSERVATORY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, communicating estimates of appropriations received from the Secretary of the Navy as additional to the estimates submitted heretofore under the title of "contingent and miscellaneous expenses, Naval Observatory;" which was referred to the Committee on Appropriations, and ordered to be printed.

AMERICAN AND HAYTIEN COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, communicating an estimate of appropriation received from the Secretary of State to provide for the expenses on the part of

the United States in the matter of the American and Haytien industrial claims commission; which was referred to the Committee on Appropriations, and ordered to be printed.

OFFICE OF AUDITOR FOR POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, communicating an estimate of appropriations for file-boxes, file-cases, shelving, and book-cases of the office of the Auditor of the Treasury for the Post-Office Department; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES O. BRADLEY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Charles O. Bradley, Twentieth United States Infantry, praying for reimbursement for property lost by him by the burning of his quarters at Fort Reno; which was referred to the Committee on Claims.

QUARTERS AT MILITARY ACADEMY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury communicating an estimate of appropriation, received from the Secretary of War, for the construction of quarters for enlisted men at the Military Academy; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE TENDER LILY.

The SPEAKER also laid before the House a letter from the Treasury Department, transmitting a letter of the Light-House Board in regard to the burning of the light-house tender Lily at Cincinnati, September 20, 1884, and inclosing claims of the officers and men of the vessel for reimbursement of losses of their private effects; which was referred to the Committee on Claims.

CHINCOTEAGUE BAY.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a report from the Chief of Engineers in relation to the results of a survey from Chincoteague Bay, in Virginia, to Delaware Bay, at or near Lewes, Del.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CHANGE OF REFERENCE.

The SPEAKER. If there be no objection, two bills which have been heretofore erroneously referred to the Committee on Military Affairs will be referred to the Committee on War Claims.

There being no objection, the Committee on Military Affairs was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on War Claims:

A bill (H. R. 4291) for the relief of Perez Dickinson; and

A bill (H. R. 6622) for the relief of I. L. Cain and others.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE, of Minnesota, for two days, on account of sickness.

To Mr. POST, of Pennsylvania, two days.

To Mr. ADAMS, of New York, until Monday next.

ACCOUNTS BETWEEN THE UNITED STATES AND THE STATES.

Mr. JOSEPH D. TAYLOR asked and obtained unanimous consent to print in the RECORD the following:

Joint resolution requesting our Senators and Representatives in Congress to procure the passage of a law to adjust certain accounts between the United States and the several States and Territories and the District of Columbia, as set forth in House bill 110, and dated December 10, 1883.

Whereas on December 10, 1883, Hon. BARCLAY HENLEY, of California, introduced in the House House bill 110, which was referred to the House Committee on Claims; and on December 18, 1883, Hon. JOHN F. MILLER, of California, introduced in the Senate Senate bill 795, which was referred to the Senate Committee on Finance, as follows, to wit:

"A bill to adjust certain accounts between the United States and Territories, and the District of Columbia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit each of the several States and Territories, and the District of Columbia, with the amounts of money heretofore laid upon and apportioned to said States, Territories, and District of Columbia, respectively, levied as a direct tax under the provisions of the eighth section of the act of Congress, approved August 5, 1861, entitled 'An act to provide increased revenue from imports to pay interest on the public debt, and other purposes;' and he shall thereafter state an account between the United States, and each of said States, Territories, and District, respectively, and he shall pay to each thereof, out of any money in the Treasury not otherwise appropriated, such sums of money as may appear to the credit of each thereof upon the books of the Treasury arising from such settlement."

The foregoing bill provides that the Secretary of the Treasury shall credit each State with the amount of money assessed against it for direct taxes under the act of August 5, 1861.

The effect of the passage by Congress of said bill will be to refund to those States which have paid the amounts of such assessments to the extent of the sums by them so paid, and to release those States which have not paid from hereafter paying all said taxes, and also from all future liability to pay the same. While the right of the General Government to raise revenue by direct taxation is unquestioned, it is patent that this direct tax was in the nature of an enforced loan; and it was made in this form only because it was required to meet the great exigency then upon the country; and

Whereas several of the States now owe the General Government from a quarter to a half million dollars each, on account of this direct tax, while others have paid their full quota: Therefore,

Be it resolved by the general Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to urge the passage of the bill hereinbefore referred to, and use their best endeavors to secure to the State the amount paid to the United States by this forced tax.

Resolved, That a copy of this resolution be forwarded to each of the Senators and Representatives by the governor of Ohio.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted January 14, 1885.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of the House joint resolution No. 86, adopted by the General Assembly of the State of Ohio, on the 14th day of January, A. D. 1885, taken from the original rolls filed in this office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, at Columbus, the 15th day of January, A. D. 1885.

J. S. ROBINSON, *Secretary of State.*

SERGT. ERNEST BECHNER.

Mr. ROSECRANS, by unanimous consent, obtained leave to withdraw from the files without leaving copies the papers in the case of Sergt. Ernest Bechner, Eighth United States Infantry, as the case is covered by the general law.

EXPORT-TOBACCO MANUFACTORIES.

Mr. KELLEY, from the Committee on Ways and Means, reported a bill (H. R. 8029) to authorize the establishment of export-tobacco manufactories and for drawback upon imported articles used in manufacturing exported tobacco; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LABOR IN EUROPE.

Mr. ROGERS, of New York, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred Senate concurrent resolution to print additional copies of the letter of Secretary of State, dated December 12, 1884, and the accompanying consular reports on "Labor in Europe," has been duly considered by the committee and a concurrence in the same recommended.

The letter and reports referred to contain a mass of information valuable to Congress in legislating upon matters wherein our own citizens are directly affected by the condition of labor abroad, and of general use in the investigation of important economic questions.

IN THE SENATE OF THE UNITED STATES,
January 14, 1885.

Resolved by the Senate (the House of Representatives concurring), That the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of United States consuls, on Labor in Europe, be printed; and that 1,500 additional copies be printed for the use of the Senate, 2,500 copies for the use of the House of Representatives; and for the use of the Department of State 4,000 copies, and 10,000 additional copies of the Secretary's letter, of which 1,500 shall be for the use of the Senate, 2,500 for the House of Representatives, and 6,000 for the use of the Department of State.

The concurrent resolution was agreed to.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

Mr. ROGERS, of New York, from the Committee on Printing, also reported back with favorable recommendation joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

Mr. HOLMAN. What publication is that?

Mr. McMILLIN. Let us have the report read, Mr. Speaker.

The report was read, as follows:

The Committee on Printing, to whom was referred House resolution 288, authorizing the printing of 500 additional copies of the annual report of the health officer of the District of Columbia, have duly considered the same and recommend its passage.

These additional copies are intended to supply a general demand, and for the purpose of foreign exchange. The type is already up, having been used in printing the District commissioners' report: which reduces the cost to about $1,000.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the joint resolution, there were—ayes 49, noes 17.

Mr. COBB. I make the point that no quorum has voted.

Tellers were ordered; and Mr. ROGERS, of New York, and Mr. COBB were appointed.

Mr. KING. This resolution I believe provides only for the printing of the health report of this District.

The SPEAKER. The resolution has been read.

The House again divided; and the tellers reported—ayes 83, noes 59.

Mr. COBB. I will not insist on a further count.

So the joint resolution was passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL, from the Committee on Agriculture, reported a bill (H. R. 8030) making appropriation for the Agricultural Department

for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MILLS. I reserve all points of order on this bill.

The SPEAKER. The gentleman from Texas reserves all points of order.

Mr. DIBRELL. I give notice that I shall ask the House to consider this bill on next Saturday.

ORDER OF BUSINESS.

Mr. ELLIS. I move to dispense with the morning hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 1017) relative to the Inspector-General's Department of the Army; and

A bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

The message further announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1417) to enable Martrom D. Lewis, public administrator, of the city of Saint Louis, in the county of Saint Louis and State of Missouri, having charge of the estate of Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent No. 70012, for a process of preparing tobacco, granted October 22, 1867, to said Gabriel Neudecker, deceased;

A bill (S. 2004) for the relief of W. H. Tibbits;

A bill (S. 2529) for the relief of James M. Lobban;

A bill (S. 2543) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry; and

Joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs on the motion of the gentleman from Louisiana [Mr. ELLIS] to dispense with the morning hour.

The motion was agreed to; there being—ayes 92, noes 14 (two-thirds voting in the affirmative).

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Indian appropriation bill; and pending that motion I move that all general debate in Committee of the Whole be limited to one minute.

Mr. KEIFER. I hope the gentleman will allow us ten or fifteen minutes.

Mr. ROGERS, of Arkansas. There is a proposition pending in this appropriation bill which from practical experience I know ought not to become a law. We shall not be able to discuss this matter satisfactorily under the five-minute rule, and I do trust we shall have some limited time for the discussion before the commencement of the five-minute debate. I ask the gentleman from Louisiana, who I understand is acting under the direction of the Committee on Appropriations, that some little consultation be had, and that the general debate be extended for a short time.

Mr. ELLIS. Yesterday we had two hours' discussion, of which I think about an hour and a half was *dehors* the bill—upon matters that did not properly enter into the consideration of the bill. I believe that as a general thing any gentleman will be able to say intelligibly anything he may wish to say upon any clause of this bill in five minutes. I must object, therefore, to any further general debate.

Mr. ROGERS, of Arkansas. I move to amend the motion of the gentleman from Louisiana by striking out "one minute" and inserting "forty minutes."

Mr. CHACE. I wish to call the attention of the gentleman in charge of this bill to the fact that nearly all the time occupied yesterday in debate upon this bill was on the other side—by gentlemen who advocate the provisions of the bill as reported. Several gentlemen on this side desire to speak on the general merits of the question, and they can not express themselves as they desire in the five-minute debate.

Mr. ELLIS. I do not recognize any "other side" on this bill. It is a bill in which gentlemen on both sides are interested. There is no "other side" of the question.

Mr. CHACE. I did not allude to it as a political question; but I believe the gentleman will find that there is another side, and a very wrong side, in this bill.

Mr. ELLIS. I have no doubt the gentleman knows his own position.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] moves that all general debate in Committee of the Whole on the Indian appropriation bill terminate in one minute. The gentleman from Arkansas [Mr. ROGERS] moves to amend so as to close debate in forty minutes.

Mr. WASHBURN. I move to amend the amendment by striking out "forty minutes" and inserting "fifteen minutes."

Mr. WASHBURN's amendment to the amendment was not agreed to.

The question recurring upon the amendment of Mr. ROGERS, of Arkansas, it was agreed to; there being—ayes 88, noes 36.

The motion of Mr. ELLIS as amended was then agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Louisiana [Mr. ELLIS] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Indian appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. ELLIS's motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

General debate has been limited by order of the House to forty minutes.

Mr. ROGERS, of Arkansas, took the floor.

Mr. ELLIS. I suppose that time, Mr. Chairman, will be equally divided between this and the other side of the House.

Mr. ROGERS, of Arkansas. I do not know how the time is to be divided.

Mr. HOLMAN. I suppose it will be under the five-minute rule, of course.

Mr. ELLIS. Not at all. It is under the rule for general debate.

The CHAIRMAN. Is there any agreement as to the division of the time to which the general debate has been limited by the House?

Mr. ROGERS, of Arkansas. I will state frankly to the chairman while we are making this arrangement I do not wish it to come out of my time. I am not opposed to the bill, but simply desire to discuss an amendment to the bill.

The CHAIRMAN. Is there any understanding?

Mr. ROGERS, of Arkansas. There is no understanding. I shall vote for the bill myself at the proper time, but I wish to discuss an amendment. Shall I proceed?

Mr. ELLIS. I simply ask there might be an understanding. The gentleman from Ohio [Mr. KEIFER], my colleague on the committee, who desires to speak, as well as some other gentlemen, I should like to have some understanding before my friend from Arkansas proceeds, and I therefore ask, by unanimous consent, that the forty minutes be divided, twenty minutes to be controlled by the gentleman from Arkansas, and twenty minutes by the gentleman from Ohio.

The CHAIRMAN. Is that satisfactory?

Mr. ROGERS, of Arkansas. Entirely satisfactory to me.

The CHAIRMAN. If there be no objection that arrangement will be made.

Mr. CHACE. What is it?

The CHAIRMAN. That the gentleman from Arkansas shall control twenty minutes, and the gentleman from Ohio [Mr. KEIFER] the other twenty minutes. Is there objection to that division of the time?

There was no objection, and it was ordered accordingly.

Mr. ROGERS, of Arkansas. Mr. Chairman, my purpose this morning in addressing the committee is to invite attention first to the last section of this bill, and I especially invite the attention of my friend from Louisiana [Mr. ELLIS] and the Committee on Appropriations to that section of the bill.

Now, section 2139 of the Revised Statutes of the United States provides as follows:

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person [*except an Indian, in the Indian country*] who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than $3,000. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

The section of the bill which the Committee on Appropriations proposes to substitute for that section differs from it only, so far as my purpose is concerned this morning, in fixing the minimum of punishment. I say frankly, Mr. Chairman, that my objection to the amendment by the committee is not to the maximum of punishment. It is but little difference to me how high the punishment may be. But, Mr. Chairman, it should be kept in mind that it is not always the severity of punishment which prevents crime, but rather the certainty of its execution.

What I object to, therefore, is the minimum punishment fixed by this bill. As amended, the law reads as follows:

Every person * * * who introduces, or attempts to introduce, &c., * * * liquors, &c., * * * into the Indian country, &c., shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000.

Let me illustrate to my friend from Louisiana [Mr. ELLIS]—and I speak, Mr. Chairman, on this point from personal knowledge on this subject. As some gentlemen know, the court which enforces in the main the intercourse laws with Indian people in the Indian Territory sits at my town. Of course, I am of necessity made familiar with the execution of the law in that court. It will be remembered one of the provisions of the statutes is that no spirituous liquors or alcohol in any quantity can be introduced into the Indian Territory except by authority of the War Department. To illustrate, let us take the case of a man living across the line in the Indian country, a member of whose family is suffering from pneumonia, from consumption, or from some form of malarial disease common in that country.

It is the universal practice of the most distinguished, honorable, and high-minded members of the medical profession in that country to use spirituous liquors in some form in this class of cases, and yet the man who introduces a pint of alcohol or a gill of liquor to save the life of a member of his family, if detected, must be imprisoned under this amendment for not less than six months and fined $50. Now, what is the sense or wisdom of a provision like this? I say frankly, Mr. Chairman, in justice to the Committee on Appropriations, that the Commissioner of Indian Affairs not only recommends what they have done in this bill, but he urges a severer penalty than that which the Committee on Appropriations have provided in this bill.

On page 7 of his report I find these words:

After the offender has been arrested, tried, and found guilty, the punishment under the law as it now stands may be, and in many instances is, so light as to be no terror to the evil-doer. When from $100 to $500 have been expended in prosecuting a case to conviction of the offender and then have him fined $1 and imprisoned one day, as has been the case in some instances, it is very obvious that this worst of all evils in the Indian country will not be removed, and is so broad a farce as to be justly ridiculed and despised. The only effectual remedy for this is the one which I have repeatedly recommended, and that is to make the penalty not less than $500 fine, and not less than two years' imprisonment. The law now reads not more than $500, and not more than two years' imprisonment.

Mr. Chairman, the Commissioner of Indian Affairs, no doubt a kind-hearted, clever old gentleman, and, as he thinks, a friend to the Indians, is as innocent of any practical knowledge of the operations of these laws in that Indian Territory as ex-Governor St. John was of any complicity in the procurement of the recent order from the Secretary of the Treasury touching the tax on bonded whisky. He knows nothing whatever of the operation of these laws in that Territory, and in his efforts to execute and enforce the law he advises this Congress to do that which, permit me to say, with proper deference for him, is precisely what should not be done. I may be permitted to say also, Mr. Chairman, that the Commissioner pays no compliment whatever to the Federal judiciary when he goes out of his way to say that men who have violated the law have been let off with merely nominal sums, or a fine of $1 and a day's imprisonment, thus indicating that they should have been fined a much larger sum. *Ne sutor ultra crepidam.* For the information of this committee as well as of the Commissioner of Indian Affairs, I will say for the judge who presides over the western district of Arkansas that it is the public sentiment of the people of that region of country that at times upon this and kindred subjects he has been most severe in the penalties imposed for this offense where such offenses have been shown to be flagrant. Is it not safe and wise to leave the fixing of the proper penalty in the sound discretion of the presiding judge, who can ascertain all the facts and graduate it to the character of the case?

Let me illustrate the wrong contained in this amendment by other classes of cases which I can cite—and I could cite a dozen instances if necessary. Ours is comparatively a new country. The western part of our State, adjoining the Indian country, is rapidly developing, filling up with people from all parts of the Union. I can not forbear to mention that Arkansas, since 1874, under a thoroughly Democratic State administration, presents this remarkable anomaly. During the last fall and this winter, indeed for three years past, perhaps longer, a large number of negroes from other Southern States have been coming and making their homes with us, becoming permanent citizens of the State.

Whether they have been led to believe that our laws are more humane or more impartially enforced; whether they expect cheaper lands and homes, or better wages, better school facilities, or a more healthful climate, I do not know; but, however that may be, the stubborn fact remains, they come and they stay. These people from abroad never heard of this intercourse law which prohibits a man from carrying into the Indian country a gill or a pint of liquor for his own use. With these classes of people, strangers in the country, not knowing the law, technical violations of this statute must occur, and occur frequently.

Under this provision of the law to which I am now referring a man who is as ignorant of any intended wrong as a child unborn is to be imprisoned six months and fined $50 for such technical violations of the statute as I have just stated. Sir, our common sense can not approve a statute like this. Humanity demands a different course. Can we not trust our judiciary in the exercise of a sound discretion, after we have fixed the maximum punishment, to say what ought to be imposed under all the circumstances? If we can not, the fault is not the law, but it is in our judges, and the suggestion of the Commissioner of Indian Affairs is a reflection either on their capacity or their integrity.

But I repeat that I could go further and cite many other instances of a similar character where the same trouble would arise. Why, sometimes, sir, merchants, druggists in their ordinary business pursuits, in taking liquor from one part of the State to another travel down the Territorial line; there may be, in point of fact there are, slight deflections in the road which takes them into the Indian Territory; they do not stop, but pass through on their way to their destination, and yet under the provisions of this law, and by the rulings of the courts under the law as it stands, these men are not only to be arrested and prosecuted but their property is to be confiscated and they are subject to fine and imprisonment. If the law stands as it is now the court could fine them a dollar and imprison them a minute, but if this amendment is adopted the minimum is $50 and imprisonment six months.

Mr. BROWN, of Pennsylvania. That would not be the case unless they undertook to dispose of the liquor. It would not be a violation of the law simply to pass through in that manner.

Mr. ROGERS, of Arkansas. Under the provisions of the law as it is now and as it is in this bill, the introduction is a violation of the law. If a man travels down the line between the Territory and the State, and if, as I have said, a deflection in the road shall take him across that line into the Territory, if he is inside of the Territory for only a hundred or two hundred yards, and if he has a gill of whisky in his wagon, he is subject to the punishment imposed by this law—that is to say, fine and inprisonment.

Mr. BROWN, of Pennsylvania. But not if he keeps the liquor in his wagon.

Mr. ROGERS, of Arkansas. Yes, sir; and not only that, but the wagon itself is liable to be condemned under the statute. He is himself also subject to indictment and prosecution for a violation of the law and to the penalty fixed by this act. The introduction as well as the selling constitutes an offense, and the intent with which the introduction was had is not a necessary ingredient of the offense. The law allows no introduction for any purpose without authority from the War Department.

Let me put another case much stronger than those I have already given.

Every fall there is a constant stream of emigrants from the State of Missouri to the State of Texas, and from the State of Texas back to the State of Missouri. When traveling the roads at this season of the year one will scarcely get out of sight of covered wagons.

In traveling from Missouri to Texas the road for fifty miles borders closely along the line of the Indian Territory, then goes into the Territory, and on to Texas. Hundreds of these people are totally ignorant of this intercourse law. They and their families traveling through this country under these circumstances often have with them small quantities of liquor for medical purposes. However ignorant they may be of the law, if they introduce one gill of liquor of any description into this Indian country they incur the penalty of this act and subject their property, as I have said, to confiscation.

All will agree that if an emigrant with his family, under the circumstances stated, should introduce a small quantity of liquor for the purposes stated into the Indian country, the act would not constitute the evil which Congress undertook to suppress in the passage of these intercourse laws. Yet, if it be held that such introduction was not a violation of the statute, the gates would be thrown wide open for all sorts of imposition and subterfuge to get liquor into the Indian country. Hence it is that the courts have held, and properly held, that every act of this character is a violation of these intercourse laws.

So that—to sum it all up—for no purpose, except by authority of the War Department, can liquor be carried into this country, not even for sacramental purposes, without incurring the penalties of this statute.

The question then presented is whether or not Congress is willing to enact a law which absolutely requires the Federal judiciary, for the classes of technical cases which I have undertaken to state, to impose upon a citizen six months' imprisonment and a fine of $50. Is it not wiser and better and safer to let the law stand as it is now, without any minimum penalty, leaving the Federal judiciary, in the enforcement of the statute and in the exercise of sound discretion, to graduate the penalty in each case according to the nature and character of case developed on trial? I say it is; and the amendment proposed involves unsafe legislation, and I give notice now at the proper time I shall move to strike out the minimum penalty fixed by the act.

Mr. Chairman, the recommendation of the Commissioner of Indian Affairs on this subject is in keeping with other provisions of the report which he gives to Congress on this Indian question. Let me read for a moment for the enlightenment of the committee on this subject. He says:

Outside the five civilized tribes in the Indian Territory, who have their own legislatures, courts, and judicial machinery, and among whom life and property are as secure as they are in the States, the Indian is not amenable to any law for injuries committed on one of his own race in the Indian country.

I state, sir, that when the Commissioner of Indian Affairs undertakes to say that "life and property are as secure" in the Indian courts as in the States, he innocently, it may be, perpetrates a slander upon the States. I know that statements of this character have come up to Congress in this shape, and have been repeated again and again until the

Indian Commissioner himself perhaps believes the statement to be true. But he ought to know better. Let me give you a sample of the administration of the law in that Indian country.

I select for illustration a case somewhat personally known to me—the case of Jerry Ward; it is a recent case—not four months old. That gentlemen may know that Jerry Ward is a citizen of the Choctaw Nation, I refer to the session acts of the Choctaw council for 1880, which I hold in my hand, showing that a resolution was passed by the Choctaw council, signed by the governor, directing Jerry Ward, as judge of a certain circuit, to do certain things. I shall have the resolution itself printed in my remarks.

[Bill No. 14.]

A resolution requesting Judge Ward to revoke or suspend a certain writ of injunction at Savanna.

Be it resolved by the general council of the Choctaw Nation assembled, That in consideration of the public necessity, Hon. Jeremiah Ward, circuit judge of the first judicial circuit, Choctaw Nation, is hereby requested to revoke or suspend a certain writ of injunction granted by Hon. James Thompson, on the 24th day of August, 1880, then circuit judge of said first judicial circuit, stopping the working of a certain coal claim near Savanna, Tobacksy County, Choctaw Nation, which was being operated by the Choctaw Coal and Mining Company under contract with the Choctaw and Chickasaw Nations.

Be it further resolved, That the national secretary is hereby requested to furnish Judge Ward with a certified copy of this resolution as early as practicable, and this resolution shall take effect from and after its passage.

BENJAMIN WESLEY,
Chairman Committee on Judiciary.

Approved November 1, 1880.

J. F. McCURTAIN, *P. C., C. N.*

Now, it so happens that I know Jerry Ward personally. He is a man, I think, not less than 60 years of age. I believe since 1867 at intervals he has been elected as circuit judge, holding his office under the constitution and laws of the Choctaw people. At the last election in that country Jerry Ward was again elected circuit judge; and when the Choctaw council met, without notice to him, who held his commission as one of the circuit judges, they passed a resolution declaring he was not a citizen in that Indian country; and upon that the governor issued an order demanding the surrender of his commission and turned him out of his official position.

And this, according to the Commissioner of Indian Affairs, is that due process of law, that protection to property, which obtains in the States. I assert it is a fair sample of Indian justice in that country. Jerry Ward did not belong to the "Tubbe" or the administration party. He was not a willing tool. He did not answer the purpose. And this old man, more than once honored by his people with high judicial office, educated and intelligent as he is, is to-day, in law, if this is law, an exile.

Jerry Ward never lived anywhere else in his life but among the Choctaws and for years and years in the Indian country, and yet this is the treatment he receives, not at the hands of a subordinate court, but at the hands of the legislative council of the Choctaw Nation, indorsed and carried into effect by the governor of that Territory. I have seen a copy of the resolution, and the original letter of the governor demanding the surrender of his commission, based on that resolution.

I will give another case, by way of illustration. I take the case of Judge Cribbs, of the Choctaw Nation. I will read the forty-third article of the treaty of 1866. It is as follows:

The United States promise and agree, that no white person except officers, agents and employés of the Government, and of any internal improvement company, or persons traveling through or temporarily sojourning in said nations or either of them shall be permitted to go into said Territory unless formally incorporated and naturalized by the joint action of the authorities of both nations into one of the said nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted, or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective nations from authorizing such works of internal improvement, as they may deem essential to the welfare and prosperity of the community, or to be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of the said nations.

What was the object of this provision of the treaty? Why, Mr. Chairman, it was to teach these people the arts of civilization by actual example; it was to bring into their midst teachers, mechanics, persons skilled in agriculture, honorable and worthy laborers, who would teach them not only letters but how to work, how to open their farms, how to till the soil, how to produce corn and meat, how to become self-reliant and self-sustaining. In short, the object was to promote Indian civilization, letting education go hand in hand with labor; and yet the Choctaw council, in pursuance of what it perhaps conceived to be the correct construction of the provisions of this treaty, but in point of fact in direct contravention of its spirit, as well as of the policy of the Government touching the civilization of these Indians, by an act approved November 2, 1882, imposed a tax of $16.50 upon every lawyer, doctor, carpenter, wagon-maker, blacksmith, wheelwright, millwright, tailor, shoemaker, miller, machinist, sawyer, tanner, clerk, teamster, or any other artisan or non-citizen, and further provided that any person who shall employ any non-citizen in any other manner than is provided for by this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than $50 nor more than $100.

Thus we find that the action of the council itself nullifies this provision of the treaty; thus we find that the council of this nation brings to bear the whole power of its national administration to impede the development of that country in those very directions which it was the policy of the Government to promote.

Judge Cribbs, whom I have mentioned, is a citizen of the Choctaw Nation. He was indicted under this act of the Choctaw council for the employment of a laborer without first having obtained the permit provided by law. He was fined. He undertook to appeal his case to the supreme court of that Territory, to secure its reversal. He took the necessary steps in their crude practice to secure that appeal. It was granted by the supreme court of that Territory. Afterward, for some cause and without any trial, the appeal was dismissed and Cribbs subjected to the punishment, under the conviction of the lower court.

He sent all these papers to me, and requested that I lay them before the Secretary of the Interior for his revision. I did so, urging my views before the Secretary touching the provisions of this treaty; but I found that a different interpretation had been placed upon it, not only by the Secretary of the Interior, but by a committee of the Senate of the United States, and, of course, no relief could be had, the constitutionality of this act being upheld by the Department of the Interior.

And now I have come to the point which I desired to make in citing this case, and I speak from a personal knowledge of the facts.

When the Choctaw authorities ascertained that Cribbs had called the attention of the Interior Department to his case, and asked its reversal, the chief-justice of that Territory, without notice and without trial, issued an order over his own signature canceling the license of Cribbs and prohibiting him from practicing in the Indian courts; and for the simple reason, as stated in substance, that he had undertaken by his appeal to the Interior Department to overturn the laws of his own people.

I suppose that the honorable Commissioner of Indian Affairs would regard this as due process of law in any of the States of this Union, but it has been held everywhere in all the States, so far as I know, that no member of the profession can be disbarred without notice and a trial upon specific charges duly preferred.

Let us look for a moment at the operation of this decision. In that Indian country society can be well divided into two great classes. The one which is in power is the one that desires no progress and no development in that nation. The one to which Cribbs belongs is that class of its citizens who are progressive, who seek to make a living on their farms and by their labor. It is this class that deserves well, not only of the Indian government but of the Government of the United States. It is this class which has done more and will do more in the future to civilize and elevate the Indian than all the funds which we have appropriated; and yet we find that this class is the one at which the Choctaw council, by virtue of this act, aimed a deadly blow.

Why, sir, there are Indian citizens in that Indian country who, under the operations of this act, in order to till their farms would be compelled to pay more taxes than, perhaps, the wealthiest citizens of the country in which I live. It will be remembered that there is no necessity for a tax upon its own citizens in the Indian country. Their resources are ample for an economical administration of the law and the maintenance of their schools; while in my own State the highest rate of taxation obtains permitted under the constitution; struggling to meet the obligations of an undisputed State debt and to maintain our common school system, we go to the very limit of the law. Yet this class of citizens in that Indian country who are doing so much to advance and promote its civilization, where no taxes are required, are taxed under this law, as I have said, more oppressively than the people in the States.

Let me give you another example, Mr. Chairman. All along the line of this Indian country, between it and my State, are large and prosperous farmers—I mean on the State side—men who are pursuing agriculture, who have their horses and their cattle and their little property of that description; and yet, sir, if a cow or a horse turned out on the range crosses the line into the Indian country and the Indians shoot one, hamstring another, mutilate another, or commit any similar injury upon it, there is no authority under the heavens to do anything by way of redress or punish the party who commits this act. Every now and then at my own home honorable and worthy citizens come to me and say that Congress ought to pass some law for the protection of their property that accidentally finds its way across the line into the Indian country.

In other words, we are there without criminal or civil jurisdiction for acts like these. It so happens that even if a rascally debtor in the State desires to avoid his debts he simply picks up his property, crosses the line into the Indian country beyond the civil jurisdiction of any court, and there he is as safe as if he were on the opposite side of the Atlantic Ocean. Yet we stand here to-day, Mr. Chairman, with the report of the Commissioner of Indian Affairs telling us that in that country life and property is as secure as it is in the States.

Mr. Chairman, I have one other suggestion to make in connection with this bill. I know that the habit of discussing great questions of public policy upon the consideration of an appropriation bill is perhaps more honored in the breach than in the observance. But there is one idea that I desire to throw out now. At some future time, and on some more fit occasion, I shall endeavor to show that the operation of the whole Indian policy in connection with that Indian country is to defeat the very object for which the Government itself has inaugurated that policy.

Sir, as long as these delegates that represent those tribes are permitted to walk around the lobbies of this Capitol, drawing large salaries from these Indians and misappropriating their funds, as I believe one committee of the House has now undertaken to show, just so long they are interested in keeping back the civilization and the progress of the Indian country; and just so long as the Indian agent sent into that country by this Government is permitted to stay there and draw his salary, just so long is he interested in perpetuation of that state of affairs which it is our duty to prevent; for it is our duty, our moral duty, to lift these people up, if we can, to a higher civilization.

Mr. Chairman, our whole Indian policy has degenerated into a single proposition, namely, to appropriate the people's money to feed, educate, and clothe them, while they eke out a life of laziness and indolence. I do not allude now to the Indian Territory so much, but more particularly to the other tribes of Indians in other parts of the country. Sir, there is a philosophical truth underlying this question of dealing with our Indian population which I want to enforce to-day upon the attention of this body. That truth is that no people on earth were ever civilized by simply educating them. Sir, the very soul of civilization is rooted deep down in labor. Education and labor must go hand in hand in order to produce good results. I will give you this idea in a form that I could not give it myself, and in the words of a distinguished Christian and philanthropist who has published a book upon the question of the education of the negroes at the South. It applies with equal force to the Indian. It deserves our candid consideration and earnest thought. The author says:

Doing things for and giving things to people does not lift them up, if the doing and the giving do not spring a new hope, a new aspiration, a new purpose in them, or in some way vivify into fruitful life some dormant good already in their souls. The test of our usefulness to others is to be found in their character. Do we make them wiser, stronger, braver, truer? Then we have lifted them up by helping them to grow out of their weakness and evil into their strength and goodness. Why is it better to give a poor man a day's work than a day's rations without work? The one gift lifts him up, the other pauperizes him. In all our plans and efforts to lift up the negro, let us remember that our best help to him is whatever most effectually enables him to help himself.

Sir, this race must be taught to lay aside the hunting-rifle and take up the hoe and the chopping-ax. The Indian will never learn this lesson in schools and colleges. If the few we educate did learn it, when they return to their own people they must go back to their habits and customs, advocate the measures that are popular among the dominant element, right or wrong; doff the spike-tail coat and stove-pipe hat, and don the hunting-shirt and the navy-six, or they are practically ostracized by their own people. To teach these people to work it must be made honorable among them. The way to make it honorable is to bring them in contact with whites who do work, who desire to improve their condition, who want churches, schools, farms, and homes, and laws that are respected because humanely enforced.

There is a solution of this Indian problem in the Indian Territory. We are upholding these rotten governments there under the pretense of civilizing the Indians. We justify our conduct by clinging to treaties that have served their purpose, and were never intended as anything but temporary expedients. We expected the time would come when the logic of events would enforce a different condition for them. We knew by past history that in the march of civilization these Indian governments must give way.

They are giving way year by year. Everybody seems to realize this except the Indian delegates, the Indian agents, and perhaps the Indian Office. Why, sir, we are treated in this last report of the Commissioner of Indian Affairs to a recitation of what the Cherokee delegates have done touching certain acts of this Congress granting charters to railroads through that country, and reminding us that this legislation overturns the theory of that office touching the construction of the treaties with the Indians. He does not seem to have learned yet that Congress, several years since, settled, after mature debate, that the right of eminent domain obtained there, notwithstanding the Indian treaties; that the Government, being sovereign, could not cede that right if it would.

He does not seem to realize that Congress years ago, overriding the treaties, extended the internal-revenue laws over that country, and the courts upheld the act of Congress. I grow impatient under this Bourbon-Indian policy of ours, sir; the better, the intelligent, and progressive Indians are tired of it. I have talked with many of them; I know their sentiments—sentiments they dare not express among their own people.

They understand that the time will soon come when their numbers will so multiply, by intermarriage with whites and by natural increase, that their distributive shares of their land will amount to but little. They therefore begin to want homes of their own; moved by natural instincts they want to provide for themselves and their offspring.

Sir, I believe the Indian people would consent, if a fair expression could be had, to an equal division of their lands among them and to the establishment of a Territorial government. They do not, as I believe, approve of the suggestion of setting apart to each Indian a limited amount of land and turning the balance over to the Government for sale and investment of the proceeds for them. They, as I believe, prefer to control their own lands; they prefer an equal division of it all, and Congress can by proper legislation make their lands inalienable as long as it chooses. They may prevent its being encumbered. Then they may lease it to those who will cultivate it, and the very contact with the better laboring element of the whites will do more to promote their civilization than all the surplus in the Treasury can do.

Going hand in hand with this is citizenship, courts, and laws. It is coming to this. We know it. They know it. It is their interest to accept the situation. It is our duty to protect them by humane laws. Sir, it is the favorite theme of sentimentalists that we must hold sacred the treaties; that good morals demand it. Sir, good morals demand, wise statemanship dictates, and sound public policy requires that we should establish a humane and an honest government in that country, that life and property should be made safe, that peace and order should be maintained. Sir, I would do these people no injustice; I would lift them up by the adoption of a wiser, a more humane, a more honest policy to a higher plane of Christian civilization. Sooner or later it will be done, and the sooner the better for them and for us.

Mr. KEIFER. Mr. Chairman, the gentleman in charge of this bill perhaps correctly characterized this morning the discussion that went on here yesterday. If he be right in saying that the greater part of that discussion was not confined to the bill, that may still be an excuse for the few remarks that I shall submit. There is no time here, it seems, for anybody to say a word in behalf of these tribes of people who have no voice in the Congress of the United States and yet are being continually legislated about and to their great injury.

Allow me to say, partially in answer to the argument made by the gentleman who has just taken his seat [Mr. ROGERS, of Arkansas], that I think the present Commissioner of Indian Affairs understands all about the operation of the laws against selling to the Indians intoxicating liquors, and it may be time enough to talk about mitigating the penalties in such cases when we find gentlemen coming here and praying us to grant relief to them because they are engaged only in the missionary or philanthropic work of prescribing intoxicants to sick Indians!

The argument which the gentleman makes is on the theory that these people who were engaged in selling liquor to the Indians are so engaged merely for the purpose of relieving the Indians when sick. Now, when we meet a case of that kind we might appeal at least to executive clemency. But the law is directed against those who want to speculate by selling liquor to the Indians, and thus causing nearly all the trouble that we have in that Indian country.

But my principal purpose at present is to say something on a subject that was referred to in the discussion on yesterday.

Some of the speeches made by distinguished gentlemen here have been in effect an excuse for men going into the Indian Territory and settling upon the Indian lands, and their defiance of the powers of the Government. I mean exactly what I say; for an examination of the treaties with these Indians will show that there is no color of right on the part for any of these people, whether they be from Kansas or Arkansas, or wherever they may be from, going into the Indian Territory and undertaking to occupy it. There is not a shadow of right of that kind, and I want to protest, Mr. Chairman, against anything being said in the Congress of the United States to excuse those people for going into the Indian Territory to rob these poor Indians of their lands. I want also to say a word in justification of the War Department exercising a power expressly given to it, a power not only given to it under the Constitution and the laws, but expressly authorized by treaties to be exercised in protecting the Indians in their rights to their lands.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. PERKINS. Have not the Indians, so far as the Oklahoma territory is concerned, sold it to the Government of the United States and received their money?

Mr. KEIFER. Mr. Chairman, I answer no. Now let me answer the question more fully. I read from the treaty of June 14, 1866. That treaty was made with these Indians after the war, after many of the Indians had gone off with the so-called confederate government and when it was desired to have a treaty that would provide in terms that slavery or involuntary servitude should not exist within the territorial limits occupied by these Indian tribes. Other things, too, were taken into account. The United States with its grasping power sought there, under the claim that it desired to settle other tribes of Indians upon a portion of the territory of the Creeks—not only other tribes of Indians, but also freedmen who had gone off into that territory—upon part of those lands, and for that purpose a stipulation was put into this treaty. I will read it, or at least enough of it to be a perfect answer to the question of the gentleman from Kansas. I read:

ARTICLE 3. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided, &c.

Now, Mr. Chairman, that furnishes a complete answer to the gentleman's question. The language is: "In compliance with the desire of the United States to locate other Indians and freedmen thereon." These lands were ceded for what? By the express terms of this article they were ceded to the United States to be sold to and used as homes for such other civilized Indians as the United States may choose to

settle thereon, and not for any other purpose. The Indians may very well prefer to have as their neighbors other civilized tribes of Indians or freedmen than white men. They may greatly prefer to have Indians as neighbors than people who under the guise of settlers would occupy lands and then encroach upon the reservation until ultimately the Indians, the rightful owners, were driven away.

Mr. PETERS. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. PETERS. Did the Indians have a right to select what class of people or what tribes should be located upon those lands?

Mr. KEIFER. The Indians by this treaty stipulated that only other Indian tribes and freedmen were to be sent upon those lands, and under that clause of the treaty settlers have no right to go there and usurp the lands, and every one of them should be driven at the point of the bayonet from that Oklahoma territory.

Mr. PETERS. Was it not also decided that the word "freedmen," as there used, was confined to those who were freed by the Creek and Cherokee Nations?

Mr. KEIFER. I am not certain about the reading of the decision, but that does not affect my argument.

Mr. Chairman, I have but very little time, and I wish to call the attention of the House to the position of this territory on the map.

Mr. PERKINS. Has not Congress provided that no Indians shall be settled there?

Mr. KEIFER. I think not. If Congress has provided that Indians shall not be settled there, does it follow in law, reason, or logic that any person in the United States may go there and occupy the land? Congress can yet provide for the settlement of Indians on these lands according to the terms of the treaty.

Mr. PERKINS. Then, I will ask, what shall become of the land?

Mr. KEIFER. The gentleman asks, what shall become of the land? I reply, hold it for the purposes for which we obtained it, and for no other.

Mr. CUTCHEON. Or else recede it.

Mr. PETERS. If no Indians are to be settled there, why hold it?

Mr. KEIFER. The gentleman says no Indians are to be settled there. I say there are Indians to be settled there. If no others, there are the Creeks and Seminoles who might have the right to use it until the United States shall choose to use it as the treaty provides.

Mr. PETERS. The Creeks reserved the eastern half of their territory to themselves.

Mr. KEIFER. And by treaty limited the use the western half was to be put to.

Mr. RYAN. I suppose my friend does not wish to produce any false impression. The land ceded by the Seminoles and Creeks was ceded absolutely for the purposes specified.

Mr. KEIFER. For the purposes I have stated.

Mr. RYAN. But you have just stated that by the terms of the treaty they had a right to retain possession of the ceded territory until the Indians were located upon it.

Mr. KEIFER. Mr. Chairman, I can not allow the gentleman to occupy the little time I have remaining. I have stated nothing of the kind. The gentleman did not understand what I said. In answer to gentlemen who wanted to know what would be done with this land, and who undertook to say there were no Indians to occupy it, I said there were yet Seminoles and Creeks who could occupy it if the United States could not cause it to be used as agreed in the treaty of June 14, 1866.

But, Mr. Chairman, in a brief debate of ten or fifteen minutes I am not going to enter into a legal discussion as to the effect of the stipulation of the treaty in regard to this land and whether, if the United States should fail to use it for the purposes for which it was ceded, it should revert to those tribes. That would be the ordinary result in a transaction between citizens of the United States; but when we are dealing with a poor helpless tribe of Indians it may be that the rule is the other way. At all events, I am justified in saying that the United States did not acquire this territory for any public purposes at all.

The Oklahoma region of country is located [pointing to a map of the Indian Territory] in the very heart of the Indian Territory, the whole of which has long since been dedicated as an Indian country for the settlement of various tribes of Indians. The Creek Indians originally owned all this Oklahoma territory; then a part of it went by treaty to the Seminoles, and the Creeks and Seminoles together ceded, as I have already stated, this Oklahoma territory. On the part of this Indian country originally owned by the Creeks there have been settled the Seminoles, the Iowas, the Kickapoos, the Pawnees, and the Sac and Fox Indians, but there is a portion, commonly called Oklahoma, which has not been occupied at all, and because it has not been occupied the land thieves of the country claim they have a right to go and steal it. I want to enter my protest here as strongly as I can against that being done. If the time should come when we must take this land from these poor Indians and give it to our people because we need more room, let us do it by purchase. If we must steal it let us do it boldly and openly, acknowledging to the world that we are robbing those Indians of the country that has been by solemn treaty dedicated by the United States to them forever. Let us not take possession step by step and piece by piece; let us be open and, if possible, manly about the matter.

Mr. PETERS. Was there any law other than the law which included the whole Louisiana territory that designated this as Indian country?

Mr. KEIFER. Treaty after treaty with the Cherokees, the Choctaws, the Creeks, and other tribes of Indians has dedicated this territory for the occupation of Indian tribes.

Mr. PETERS. I meant any general law.

Mr. KEIFER. Gentlemen talk about the Cherokee lands. Let me say one or two things about the way we deal with these Indians. The Cherokees owned all the northern part of the Indian Territory. They originally stipulated upon the idea that they were to have an outlet indefinitely to the far West. They were settled on the Arkansas, but they wanted an outlet to the great buffalo plains, as they called them. They found that they had more land than they needed or wanted; and they entered into a treaty with the United States by which the western part of their reservation was to be appraised and taken by the United States for the very purpose for which the Creeks and the Seminoles surrendered the western half of their lands.

The United States was to appraise them. It sent a commission there, and that commission went over the country and selected the better parts of it. It appraised some of it at about a dollar an acre and some at 30 cents. It appraised it at various prices and made return to the Government. The average appraisement was 50 cents, or about that, per acre. When that appraisement was returned here to our Government—I do not know what officer is responsible, and care not—it was fixed at an average price of 47 cents an acre for all these Cherokee lands. The United States under treaty said, We will take some of these lands at that average rate of 47 cents, and it sent surveyors in there to select and survey reservations of the very best and choicest of those lands, proposing to pay only to the Cherokees therefor the average price of 47 cents an acre, leaving the comparatively worthless lands for the Indians. Up to this day the United States has not said it was willing to comply with the treaty by paying these Indians the average price for all of the lands. This adjoins the Oklahoma country on the north, and our people are claiming they are public lands, although we have not paid the Cherokees for them. We have not even paid for the good lands we have arbitrarily taken and sold to other Indian tribes for an increased price.

It is in this way that we deal with the Indian tribes, and I want, in the very brief time I have allotted to me, to have it understood there are at least some persons in the Congress of the United States willing to protest, if they have no stronger voice or vote, against such a policy.

It may be, Mr. Chairman, that we are approaching the time when we shall consummate that barbarity of ours growing out of a policy which looks to the final extermination of the Indian tribes, and by taking away from them all their lands. It may be that the decree of destiny has gone forth that they shall all go, but I protest, sir, against this generation at this late day, in our supposed high civilization, I protest against our being charged with the infamy of the Indian policy as it was originally adopted. We can do our duty in the light of the present toward what remains of these Indian tribes. We can keep our own contracts made in recent years with these Indian people. We should pay them according to the terms of our agreement, paying all we agreed to pay them. We should deal justly with them. It is true we abrogate treaty after treaty, and say to the Indians you are getting too much beef and too much bread, and having too good a time under a particular treaty.

When we abrogate a treaty with the Indians we never go and say to them come and take your land. No; but we hold on to all we have got from them and say to them, we must make a better treaty for the United States with you for the future. So we go on, and I think the time has come when we should have a policy carried out, not pretended to be carried out, but actually carried out, that would at least relieve us from some of the charges of the great injustice done toward these people. They are Indians, it is true, but we ought not to stand up here in the presence of the American people and say they have no rights; and when we undertake to trade with them let us be honest to ourselves and to them. They are at least our wards and entitled to our tender care. In conscience we should not rob them.

If I have any time remaining I will yield it to the gentleman from Michigan.

The CHAIRMAN. The time for general debate has expired, and the bill will be reported by paragraphs for amendment.

The Clerk read as follows:

The Secretary of the Interior is hereby directed to pay, out of the treaty funds herein appropriated for the Apaches, Kiowas, and Comanches, to William Midkiff, $2,600; to J. M. Waide, $3,250; and to Henry A. Whaley, $1,650; the same being claims for damages caused by depredations by said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. ELLIS. By direction of the committee I move to strike out from line 162 to 170 which has just been read; and in lieu thereof to insert the provision which I send to the Clerk's desk.

The Clerk read as follows:

The Secretary of the Interior is hereby directed to pay out of the treaty funds herein appropriated for the Kiowas and Comanches, 15 per cent. to each of the following-named persons upon their respective claims herein described, and in part payment thereof, to wit: To S. N. Wood, $1,285; to William Beddo, $18,500; to L. W. Vaughan, $247; to R. Vaughan, $695; to J. H. Baker, $110; to J. D. Halsell, $19,625; to James Martin & Brothers, $1,950; to C. C. Fuller, $800; to John Hensley, $2,350; to William M. Hardin, $1,385; to A. J. Henson, $1,250; to C. W. Cooper, $2,250; to Henry A. Whaley, $1,500; to Daniel E. Moore, $3,000; to James P. Lindsey, $2,625; to F. C. Bulkley, $7,500; to the legal representatives of John S. Chisum, $20,000; to J. M. Waide, $2,250; to William Midkiff, $2,600; to Overton Love, $7,350; to Mary Stick, administratrix of Wyatt Gilchrist, $300; the same being claims for damages caused by depredations by said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. BLOUNT. I wish to ask the gentleman from Louisiana if it has been usual to put those claims in the Indian appropriation bill.

Mr. ELLIS. Yes, sir; it has been done year by year. We appropriate all these moneys in fulfillment of treaty stipulations, and by other clauses in those treaties it is provided these amounts for depredations shall be paid out of the treaty funds.

Mr. BLOUNT. I have seen them on the deficiency bill.

Mr. ELLIS. The Government in paying trust funds pays the obligations on them.

Mr. BLOUNT. That may be the reason for making up the bill in this way; but the general practice I think has been to put these on the deficiency bill when they are allowed at all.

Mr. ELLIS. The deficiency bill does not deal with Indians. This is the practice.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby directed to pay, out of the treaty funds herein appropriated for the Pillager band of Chippewa Indians of Minnesota, to John Cook, $1,500; the same being a claim for damage caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. ELLIS. By direction of the Committee on Appropriations I send an amendment to the desk. It appears that John Cook, whose name is mentioned in this paragraph, is dead, and it is necessary to provide that the payment shall be made to his executor.

The Clerk read as follows:

In line 243, after the word "to," insert "the estate of;" so that it will read: "To the estate of John Cook."

The amendment was agreed to.

The Clerk read as follows:

For this amount, due the Choctaw Nation, to be placed to the credit of the Choctaws on the books of the United States Treasury, to draw interest at 5 per cent. per annum from the 21st day of May, 1883, the date of the passage of an act by the Choctaw legislature to adopt the Choctaw freedmen as citizens, being three-fourths of the balance of the sum of $300,000 stipulated to be paid and to draw interest under the third and forty-sixth articles of the treaty between the United States and the Choctaws and Chickasaws, dated April 28, 1866, less such sums, at the rate of $100 per capita, as shall be sufficient to pay such persons of African descent belonging to said nation who shall elect to remove and actually remove from the said nation, $52,125; in all, $82,157.89.

Mr. ELLIS. By direction of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

That the claim of the Cherokee Indians residing east of the Mississippi River at the date of the treaty of 1835–'36, and also the claim of the old settlers or Western Cherokees, both claims being set forth in the report to Congress by the Secretary of the Interior of February 3, 1883, made under the act of August 7, 1882, and as contained in Senate Executive Document No. 60 of the second session of the Forty-seventh Congress, and such sum or sums as may be found to be legally and equitably due to them, be, and the same are hereby, referred to the Court of Claims for adjudication, disposition, and report as provided by the Cherokee treaties of 1835–'36 and 1846, and jurisdiction is hereby conferred upon said court to hear and determine the rights of all parties interested therein, and to enter a decree respectively defining such rights; and said claims shall be heard and tried by preference and without delay; and in case of appeal to the Supreme Court of the United States the said appeal shall also be advanced and tried without delay and by preference; and said court shall especially determine the respective interests of the various bands of said Cherokee Indians and the amounts due each band or any individual members thereof.

Mr. HOLMAN. I reserve the point of order upon that amendment.

Mr. ELLIS. I believe points of order were not reserved upon this bill when it was reported and referred.

Mr. HOLMAN. That may be; but this is an amendment to the bill and subject to the point of order.

Mr. ELLIS. It is an amendment of the Committee on Appropriations.

Mr. HOLMAN. Undoubtedly; but like all other amendments it is subject to the point of order.

Mr. ELLIS. However, I will waive that.

Mr. HOLMAN. I do not wish the gentleman to waive anything. The point of order is good against it.

Mr. ELLIS. Then I will urge the adoption of the amendment at the proper time.

Mr. HOLMAN. I reserve the point of order.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard now?

Mr. HOLMAN. I am willing to withhold the point of order.

Mr. ELLIS. Mr. Chairman, in the year 1882, by the act approved August 7 of that year, the Congress of the United States enacted the following law:

The Secretary of the Interior shall investigate and report to Congress what, in his opinion, would be an equitable settlement of all matters of dispute between the Eastern band of Cherokee Indians (including all the Cherokees residing east of the Mississippi River) and the Cherokee tribe or nation west; also all matters of dispute between other bands or parts of the Cherokee Nation; also all matters between any of said bands or parts thereof and the United States, arising from or growing out of treaty stipulations or the laws of Congress relating thereto, and what sum or sums of money, if any, should, in his opinion, be paid in such settlement; and the sum of $2,500 is hereby appropriated for such investigation.

That act was approved by the President of the United States; and under it the Commissioner of Indian Affairs or the Secretary of the Interior, appointed a commissioner who was duly sworn and has fully examined into all matters between these people and the United States growing out of unfulfilled treaty stipulations. This commissioner reported that a sum of between $700,000 and $800,000, with interest, is due to them. This sum was sent up by the Department to be appropriated for, but on account of our inability to determine to what respective bands of Cherokee Indians this sum properly belonged, or rather the proportion belonging to the eastern and western bands, we were unable properly to distribute the sum found due. Moreover, Mr. Chairman, there was a legal question involved, and we thought it best to refer the whole subject to the Court of Claims.

There is no question, gentlemen of the committee, but that these sums are due the Indians on account of unfulfilled treaty stipulations.

Mr. HOLMAN. Mr. Chairman, I must insist upon the point of order that this proposition to refer these claims to the Court of Claims is new legislation. I understand that questions of order were not reserved upon the bill, but as a matter of course, this being an amendment, it stands simply upon the footing of any other amendment to an appropriation bill, and is subject to any point of order that would lie against a similar amendment if points of order had been reserved upon the bill.

I wish to say in behalf of the point of order that if this were a provision for paying this money, near $800,000, directly from the Treasury, it might be that the point of order would not apply. But here is a proposition, involving independent legislation, referring the subject to the Court of Claims, conferring jurisdiction upon that court to hear and decide the cause and providing for the mode of procedure, which provisions are not authorized by any existing law or treaty.

I wish to say one word, with the permission of the gentleman from Louisiana, in regard to the merits of this matter. I raise this point of order for the reason that these are ancient claims running back half a century. We are not informed as to the thoroughness of the investigation which has been had under the act of the last Congress. The subject does not legitimately belong to the Committee on Appropriations; it belongs to the Committee on Indian Affairs. That committee has considered the subject, and I understand the subcommittee having charge of this subject is prepared to report adversely on these claims and to the effect that the claims are without just foundation.

I have been willing all the time that these claims should go to the Court of Claims under the provisions of the law providing for the employment of that court to ascertain the facts and report to Congress. But I am not willing that these very large claims which have been resting there nearly half a century, some of them more than half a century, shall receive the sanction of Congress to the extent of being referred to the Court of Claims and jurisdiction conferred with a view to a final judgment, which of course Congress must pay. I am therefore compelled to insist on the point of order.

Mr. ELLIS. The rule provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except, &c.

The intendment of that is separate and independent legislation, legislation not growing out of or based upon any existing law; and certainly not legislation intended to carry out existing law.

The legislation intended by the provision offered is based on the treaty stipulations of the United States, which are the very highest law of the land, and the provision is in the nature of carrying out those treaty stipulations. The whole legislation is based on the treaty stipulations of 1835, 1836, and 1846. I suppose the gentleman from Indiana will not dispute the proposition that the claim of these Indians which it is proposed to refer to the Court of Claims is based on treaty stipulations which are the law of the land.

Is there any change intended, sir? The only change intended is that we shall fulfill our duty like men, as we should do, and carry out our treaty stipulations with these people, and do what we have promised them we would do, instead of by a niggardly and falsely economical style of legislation letting these things grow upon our hands year by year, until they have assumed a proportion that has frightened the economist. The provision is based upon existing law. It does not change existing law except in the mode of the execution of the law, and is intended to carry out the provisions of the existing law. The gentleman from Indiana will not dispute that this legislation is based on treaty stipulations which are in existence to-day.

Now, sir, as to the merits. Here is a report carefully drawn in which every single item of these treaty stipulations is gone over, a report covering twenty-nine pages, sanctioned by the Secretary of the Interior, sanctioned by the Commissioner of Indian Affairs, and it comes here with their authority, in which it is shown, ay, it is demonstrated, if a proposition be susceptible of demonstration, that we do owe these Indians justly and righteously a very large balance under our treaty.

What are we going to do about it? Why, sir, to place it in the Court of Claims and hurry it to trial is in the direction of economy. These Indians are getting 5 per cent. interest, and the law of the treaty says they shall have it, and the sooner this litigation is ended between these parties, the Government and the Indian, the better for all parties concerned.

I hold it is not new legislation, but legislation based on existing law for the purpose of carrying out existing law. It is not separate and independent legislation at all.

Can we trust our own courts? Can we trust the Supreme Court of the United States? If it be within the breast of any member of this House to dispute this claim, will he not concede at once that the Supreme Court of the United States can be safely trusted with whatever interest the Government of the United States may have in this matter? The proposition is to refer the question to our own highest tribunal and let that tribunal decide what are the rights of the parties to this controversy.

Ah, Mr. Chairman, if we had had honesty in the administration of these Indian treaties; if there had not been this false sense of miscalled economy, this littleness of soul, by which men have constantly sought, for partisan purposes, to cut down appropriations; if it had not been for this dishonest sort of legislation, this claim would not have risen up here to-day in these great proportions to vex our souls. I say let it be carried to the Supreme Court of the United States, and there let it be finally determined.

Mr. HOLMAN. Mr. Chairman, I wish simply to add to what I have already said that there is nothing in either one of the treaties referred to by this amendment which contemplates the reference of any controversy or contention between this tribe of Indians and the United States to any court or tribunal.

Mr. ELLIS. No; except the tribunal of common honesty.

Mr. HOLMAN. There is no provision in either of those treaties which contemplated any such reference. This is purely independent legislation, conferring jurisdiction which does not now exist by law over the subject-matter of this amendment.

I wish to add a word in relation to what the gentleman has thought proper to say outside of the question of order. I wish to say that there is reason to believe that there is not a shadow of foundation for this claim.

Mr. ELLIS. Will the gentleman from Indiana give the reason?

Mr. HOLMAN. And inasmuch as my friend near me [Mr. PEEL] is a member of the proper committee to investigate this subject—which the Committee on Appropriations is not—and inasmuch as the committee to which my friend from Arkansas belongs has had occasion to make an investigation of these claims, I trust that he will be heard by the House upon this question.

Mr. PEEL. Mr. Chairman, the question now proposed to be referred to the Court of Claims was referred to the Committee on Indian Affairs, of which I am a member, on a memorial of these claimants, and it was submitted to my colleague on the committee, Mr. SMITH, from Pennsylvania, and myself as a subcommittee. I have given the question, so far as it regards the claim of the Settlers, or Western old Cherokees, a very diligent and very thorough examination. They claim this amount upon alleged errors which they say were committed by the accounting officers of the Government in 1850, four years after the date of the treaty of 1846, out of which this claim springs. This claim is based, they say, upon errors committed against them in stating their accounts by charging them with the removal and subsistence of the Eastern Cherokees as stipulated in the fifteenth article of the treaty of 1835. Those accounts were adjusted by the accounting officers, and passed upon and confirmed by the Senate, and the sum of $887,480.15 appropriated, which has been paid to these Old Settlers, save and except a small balance of $680 which is now in the Treasury, for the payment of which I have an amendment now in my hand which I will offer to this bill at the proper time. The act appropriating that $887,000 coupled with the appropriation a proviso that it was not to be disbursed by the disbursing officer unless each Indian for himself executed a receipt acknowledging that it was in full satisfaction of all claims against the Government under the fourth article of the treaty of 1846. I have examined most thoroughly the report of Mr. C. C. Clements, the special agent employed under the resolution of the Senate by the Secretary of the Interior to investigate this question. I have also examined the report of the honorable Commissioner of Indian Affairs upon the same subject. Both those reports bring out the Government in debt to these Indians on these claims in the sum of $1,120,000 and odd. But I can say to this committee and to the members of this House that I do not think any lawyer can examine those reports and the treaties upon which these claims are based without coming to the conclusion which I have reached, that we do not owe these Indians one single cent.

Mr. ELLIS. Then why not refer it to the courts?

Mr. PEEL. This same question has been referred to the Court of Claims under the Bowman act at this Congress and is now pending there, and I understand that a report has been made—indeed I have a copy of the report—in which the auditor of the Court of Claims shows that these claims have no foundation.

Mr. ELLIS. Mr. Chairman, I would like to see that report.

Mr. PEEL. I have it at my room.

Mr. HOLMAN. That shows the importance of having the proper committee consider matters of this kind.

Mr. PEEL. My friend from Louisiana is mistaken also in regard to the interest. That was fixed by a resolution of the Senate allowing these parties 5 per cent. on whatever amount might be found due.

Mr. ELLIS. Mr. Chairman, I would like to ask the gentleman whether the report of the Court of Claims, of which he has spoken, is printed?

Mr. PEEL. I have the printed report of the auditor at my room.

Mr. ELLIS. But I understood my friend to say that the question had been referred to the Court of Claims by the Senate under the Bowman act.

Mr. PEEL. Yes.

Mr. ELLIS. And that the Court of Claims had reported upon it. Now, what I want to know is whether that report is published.

Mr. PEEL. The report is not published, but I have a printed copy of the report of the auditor to the Court of Claims.

Mr. ELLIS. Is that the report of the Court of Claims?

Mr. PEEL. I can not say that it is. It is the auditor's report to the Court of Claims.

Mr. ELLIS. It is the report of an expert then.

Mr. PEEL. Mr. Chairman, so far as I am concerned, I have no objection to this claim being investigated by any tribunal. I have my report upon it prepared, and I have to-day notified the counsel who represent these claimants that I will submit it to the full committee on Tuesday next. When I commenced the investigation of this matter my partialities were all with the claimants, because it came to us so highly indorsed by the authorities to which the gentleman from Louisiana has referred here that I felt strongly inclined to believe that the claim was just; but the more I have investigated it the more thoroughly have I become satisfied that it has not a shadow of foundation, and never has had any foundation since it was first made in 1851.

The CHAIRMAN. The point of order against this amendment is raised, as the Chair presumes, under the third clause of Rule XXI; and the ground is taken that the amendment violates that rule, because it changes existing law and does not on its face retrench expenditures in any one of the three ways specified in the rule. In reply to this point, it is urged by the gentleman from Louisiana first that points of order were not reserved on this bill, and that this amendment having been proposed under direction of the Committee on Appropriations, the failure to reserve points of order admits the amendment. The Chair thinks that this position is not tenable; that an amendment offered under direction of the Committee on Appropriations occupies precisely the same attitude, so far as this question is concerned, as an amendment submitted upon the individual responsibility of a member.

The other answer urged to the point of order is that the amendment does not change existing law. The Chair, however, thinks that it does. There is not in any treaty or in any existing law any provision for the reference of this claim to the Court of Claims or to any other tribunal. This amendment not only proposes the reference of the claim to the Court of Claims, but it goes on to prescribe the method of trial, the mode of payment, &c., all of which provisions are, in the opinion of the Chair, modifications of existing law. The Chair therefore sustains the point of order.

The Clerk read as follows:

For interest on $675,168, at the rate of 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June 14, 1866, $33,758.40.

Mr. COSGROVE. I would like to hear some explanation of the provision just read.

Mr. ELLIS. That is the customary provision of law, unchanged.

Mr. COSGROVE. Has this appropriation been customary in former bills?

Mr. ELLIS. Oh, yes.

Mr. HOLMAN. If my friend from Missouri [Mr. COSGROVE] will allow me a moment, I will try to explain the purpose of this proposition. My friend will find that the sundry civil appropriation act passed at the last session contained the following provision:

For this amount, to pay the Creek Nation of Indians for 151,870.48 acres of land, being the amount taken by the United States in excess of the estimate made in the third article of the treaty with said Indians proclaimed August 11, 1866, at 30 cents per acre, $45,561, in full payment for said land.

Now, Mr. Chairman, I wish to say one word in addition. Congress at the last session in appropriating the sum of $45,561, and using the term "in full payment for said land," manifestly intended that that should be the final disposition of this matter. It has not been up to this time the policy of Congress to pay interest.

Mr. ELLIS. But here there is a treaty stipulation.

Mr. HOLMAN. But this being a subject of adjustment and compromise, it does not stand on the same footing as the provision of a treaty. It is matter outside of the treaty.

If I may add a single word in this connection I will say I do not concur in the view which has been expressed that the land which was acquired from these Creeks is to be regarded as public land and subject to settlement as such. It is absolutely certain that the treaty of June

14, 1866, with this tribe of Indians by which this land was acquired repels, every word of it, the idea that this land was acquired as public lands of the United States for general purposes, and to be subject to the laws governing the public domain; but, on the contrary, the treaty expressly declares that the land acquired from the Creeks under that treaty should be acquired solely for the purpose of settling thereon civilized tribes of Indians, not for the general purpose of settlement or disposition by the United States. Hence it would be a palpable violation of public faith and national honor if Congress, without the consent of the Indians, should appropriate these lands for any other purpose.

Mr. ROGERS, of Arkansas. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. ROGERS, of Arkansas. I do not understand what lands the gentleman is discussing.

Mr. HOLMAN. The Creek lands ceded to the United States.

Mr. ROGERS, of Arkansas. The Oklahoma strip?

Mr. HOLMAN. Yes, sir; a part of it.

Several MEMBERS. Oh, no.

Mr. HOLMAN. Oh, yes; a part of it.

Mr. ELLIS. This is the same old story of dishonesty and bad faith. By the treaty of 1866 with the Creek Nation, article 3, the United States made this agreement with them. They agreed to purchase from the Creek Indians the west half of their entire domain, to be divided by a line running north and south, a meridian line running directly north and south. They were to purchase lands from these Indians, exactly one-half, for the same price of 30 cents an acre. Then they estimated what that would amount to and fixed the amount at $975,000. They agreed, after disposing or paying over certain portions in certain ways, they would place a certain portion of it in the United States Treasury, after this language: "The United States agree to pay the said Indians, in such manner and for such purpose as the Secretary of the Interior may direct, interest at the rate of 5 per cent. per annum from the date of the ratification of this treaty."

There it is, sir, written in the law made by your people. Your Government, I call the attention of the gentleman, agreed to pay these people at the rate of 5 per cent. per annum upon the purchase price of this Territory—upon all there was left of it in the Treasury.

By another provision of the treaty the United States Government was to make the survey and run the lines directly north and south. How did you do it? With your usual bad faith, with your usual violation of solemn treaty, what did you do? Your own surveyor ran a line north and south, and I call the attention of the committee to this line of shame [holding up a map]. They ran it north and south until the surveyor found it conveniently necessary to diverge a little, to steal a little from the Indians in order to fill out a reservation for the Seminole Indians. We stole by that survey 350,000 acres of land. These are the plain unvarnished facts.

Mr. COSGROVE. Is it customary to make this appropriation for the payment of interest on former appropriation bills?

Mr. ELLIS. So far as this is concerned you have settled the Seminoles on the stolen portion. They have built their homes; they have cleared their fields; they have their stocks, and let the Government of the United States be honest and carry out its solemnly plighted faith to these Indians.

Now, sir, when this steal was discovered the Indians made a claim for it, and after a long time the Government of the United States paid the interest—they paid the interest and acknowledged the principal.

Mr. HOLMAN. Paid the principal, you mean.

Mr. ELLIS. Yes, paid the principal. The Indian had no voice here. One of the contracting parties to the treaty wrote in it "in full," as if I owed the gentleman from Indiana a note of hand for $100 with interest for two or three years, and I should pay him $100 and then should write in an *ex parte* contract and say I have paid $100 in full for all I owed him. I can not better illustrate it. We stole 350,000 acres of lands from these Indians; after nearly twenty years we acknowledged the theft and paid the principal. Now here is the law which we made for the Indian and bound ourselves to pay 5 per cent. interest. What member of the committee will move to strike it out; what man who believes good faith should reside in the breast of government as in the breast of individuals, and particularly so, Mr. Chairman, when dealing with the plundered, robbed, oppressed, and outraged ward? This provision simply closes the books and makes settlement in full by paying the stipulated interest.

The CHAIRMAN. The Chair has been indulging gentlemen in this debate although there is nothing before the House.

Mr. HOLMAN. I move to strike out the paragraph.

Now, Mr. Chairman, it is conceded that we acquired the west half of the Creek lands under the treaty of the 14th June, 1866. No one denies it, that we have acquired that west half at the rate of 30 cents an acre.

Mr. ELLIS. I deny it.

Mr. HOLMAN. It turns out when the line was run there was embraced within the limits of our line 151,870 acres more land than one-half. Of course, it was fair and proper for the Government to pay for it if it took it or placed any other tribe of Indians on it. If the Government took the additional 151,870 acres the Government should pay for it at the rate of 30 cents an acre. For that purpose the last Congress appropriated the sum of $45,561 to pay for the land. We concluded to take it according to the line which had been run. We agreed to pay the Indians $45,561 for it. We paid the money, and now the proposition comes in after this has been finally disposed of—after that line was ratified and confirmed by the passage of that act last year and the acceptance of the money by the tribe—now it is proposed that interest shall be paid on the $45,561 from June 14, 1866, at 5 per cent. per annum, paying interest from the date of the original treaty.

Mr. ELLIS. Wait till we come to the other clause.

Mr. HOLMAN. The clause I wish to speak upon is the pending clause as it is involved in the other clause. I concede the whole of this matter is not involved in the pending provision, but it is in part so involved; and the remarks of the gentleman himself which were addressed to the pending clause were much more applicable to the subsequent clause than the clause now under consideration. But I concede the discussion more fitly belongs to the subsequent clause than to the one now pending; and for that reason and for the purpose of making the discussion more intelligible I withdraw the motion.

Mr. BURNES rose.

The CHAIRMAN. The motion has been withdrawn and there is no proposition pending. Debate is not in order.

Mr. RYAN. I did not understand why the Chair admonished my friend from Missouri [Mr. BURNES] that debate is not in order.

The CHAIRMAN. The motion has been withdrawn, and there is nothing pending before the committee.

Mr. RYAN. I desire to renew the amendment for the purpose of saying a word.

Mr. HOLMAN. I withdrew the motion thinking the discussion can be better taken up on the next paragraph.

The Clerk read the following paragraph:

For interest, at 5 per cent. per annum, on the sum of $45,561, being an additional amount appropriated for cession of land under the third article of their treaty dated June 14, 1866, by act approved July 17, 1884, from July 19, 1866, the date of ratification of the treaty, to July 19, 1884, the date said principal was placed to the credit of the nation, eighteen years, $41,004.90; in all $112,973.30.

Mr. BURNES. I desire, if points of order have not been reserved——

Mr. RANDALL. They have been.

Mr. BURNES. I desire to reserve the right to make a point of order against this paragraph; and with that reservation I have a few remarks to offer that I think may throw some light upon this whole transaction. First, however, I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding the following at the end of line 353:

"*Provided, however*, That no part of the above sum shall be paid until the Creek Nation shall make and file in the office of Secretary of State a deed of cession and conveyance transferring to the United States 150,000 acres of the east half of said Creek lands reserved by the Creek Nation for a permanent home in the treaty of June 14, 1866; and also a statement in writing releasing the United States from the seeming trust created by said treaty as to the west half of said Creek lands sold to the United States by said treaty."

Mr. ELLIS. I reserve the point of order.

Mr. BURNES. Now I desire to call the attention of the committee to the fact that under the treaty of June 14, 1866, the Government of the United States obtained a conveyance from the Creek Nation of the west half of all their lands, and they reserved the east half for their permanent home forever. The line dividing the nation into two parts, according to the terms of the treaty, was to be a direct line running from north to south.

Mr. CHACE. Which treaty was that?

Mr. BURNES. The treaty of June 14, 1866. Now, you observe that by the terms of that treaty and by the granting clause of the treaty, the Government of the United States obtained a title, subject to certain limitations, to the west half, and the west half only. It obtained no title to the east half—to any part of the east half. It obtained title to the west half, and the east was reserved as a home for the Creek Indians forever. This being so, it is conceded, I apprehend, by my distinguished colleague, who has this bill in charge, and it is a fact, that if this line had been run directly from north to south, dividing this territory into two equal parts, the quantity of land paid for would have been the quantity of land that we received. This being so, will any one contend that it was our duty, or that we had a right at the last session of Congress, to appropriate $45,000 for the purpose of paying for land not within the west half. We did appropriate the $45,000, under the gentle coercion of a Senate amendment, and it looks to me now as if we were appropriating for interest on a claim that never rightfully existed, and for which we receive nothing; for I say to the committee now that we get no legal title to the 150,000 acres of land—none whatever, either by statute or under the treaty.

Mr. KEIFER. Why not?

Mr. BURNES. For the reason that the Creek lands were to be divided into two equal parts by a line running due north and south; the west half to be ours and the east half to belong to the Creeks forever. But a surveyor, not having the fear of God or the United States before his eyes and in violation of the express grant under the treaty, voluntarily chose to make a détour from what ought to have been under the treaty a direct line, and pretends to take into the west half 150,000

acres which belonged then and belongs now to the Creeks and was a part of the east half. Will my distinguished colleague on the committee [Mr. KEIFER] please read the granting clause of the treaty and dispute if he can the express grant of the west half and the express reservation to the Creeks of the east half as a permanent home forever? He will find it was a perfect and complete reservation of every part and parcel of the east half. My colleague, able lawyer that he is, will find a further answer to his question in the certainty that title to unpurchased land can not be obtained in the face of express reservation or otherwise by an illegal line run by some surveyor in direct disregard of the law of the land.

Now, then, by the terms of this treaty the Creek Indians ceded and conveyed to the United States the west half, and the west half only, of their lands. If you pay this purchase-money, or the interest on it, do you get the title to the lands? You may say that you have a right to take the lands from the Creek Indians, and that they would acquiesce in that proceeding. But I say that there is no sanction of law, there is no title to or ownership of the lands in the Government of the United States at all. Of course I am not speaking of mere equities that such conditions might create. This being true, the question arises, shall we sit here, having appropriated $45,000 to pay for that to which we have no title either under any existing law or the treaty of 1866, and now appropriate for interest on the former illegal appropriation? Shall we appropriate and pay this money for that which we do not lawfully get; which we can not lawfully hold; which does not belong to us, and which we have solemnly, by treaty obligations, pledged as a permanent home for these Creek Indians forever? That is the question.

But it will be said, and it has been said, that the Seminole Indians have a portion of it. We purchased, or properly speaking coerced, from the Seminoles their entire tract of land at 15 cents an acre and sold to them, good Yankee traders as we are, 200,000 acres of this so-called Oklahoma country, the ceded lands of the Creeks—200,000 acres at 50 cents an acre. So that while the Seminoles sold us their lands at 15 cents an acre we sold to them 200,000 acres at 50 cents an acre. So much, therefore, for the Seminoles and their connection with this transaction. Under threats of confiscation, just after the war had closed, we drove a hard bargain with them as with the Creeks.

I desire, now, sir, to call attention to another feature——

Mr. JOSEPH D. TAYLOR. Before the gentleman leaves this subject will he give, if he can, or state what reason is given for making this détour?

Mr. BURNES. When a surveyor, without any sanction or without any authority of law, either statute or treaty, goes and makes a détour or deviates from a direct line established by law I can see no motive in such a proceeding that is lawful or justifiable. No department of the Government could empower him to violate the law, yet he did it. No other reason is assigned for the action of the surveyor.

Mr. CUTCHEON. Is there any reason given for the divergence? Was it possibly to follow the course of a stream, or anything of that kind?

Mr. BURNES. There is nothing whatever that I have ever heard of to warrant or justify the proceedings at all. It seems to be wholly unjustifiable. Perhaps the gentleman who has the bill in charge—the gentleman from Louisiana—can explain if there is any reason for the divergence except lawlessness. I do not know of any; on the contrary, he must have known he was violating the law of his country, and that no sanction of his proceeding by any officer or department of the Government, save the one of which we are a part, could give even a color of legality to it. I would also say to my friend from Michigan [Mr. CUTCHEON] that there were no topographical or other impediments to the running of a straight line as the treaty requires. It appears to have been done without any sanction of law and in violation of the treaty of 1866, by which we acquired these lands.

I would like to ask the Clerk to read the third section of the treaty of 1866.

The Clerk read as follows:

ARTICLE III. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agree to pay the sum of 30 cents per acre, amounting to $975,168, in the manner hereinafter provided, to wit: $200,000 shall be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and to pay the damages sustained by the mission schools on the North Fork and the Arkansas Rivers not to exceed $2,000, and to pay the delegates such per diem as the agent and Creek council may agree upon as a just and fair compensation, all of which shall be distributed for that purpose by the agent with the advice of the Creek council, under the direction of the Secretary of the Interior; $100,000 shall be paid to soldiers enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; $400,000 shall be paid per capita in money to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians. The United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of 5 per cent. per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said $200,000; the residue, $775,168, shall remain in the Treasury of the United States, and the interest thereon, at the rate of 5 per cent. per annum, be annually paid to said Creeks as above stipulated.

[During the reading of the foregoing the hammer fell.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RANDALL was recognized and yielded his time to Mr. BURNES.

The Clerk then resumed and concluded the reading as above.

Mr. BURNES. Now, let me call the attention of the committee to another proposition. You will observe that this treaty was made in 1866. These Creek Indians had been unfortunate enough to array themselves against the United States in the civil war just then closed, and you will observe, by reading the provisions of the treaty, that following the example of adventurers in the Southern States the administration of the Government of the United States at that date seemed disposed to speculate upon the misfortunes of the terrified Indians. The Creeks, having been transported from their early homes in this country to the western wilds of the Indian Territory, had been given their territory as a permanent home forever. They were at the mercy of the Government at the close of the war. They were told by the treaty itself that they had forfeited all their lands, their rights, and their other property; that by the ceding of one-half of these lands to the Government at 30 cents an acre they might hold the rest for themselves as a permanent home. Now we are taking, at the instance of a Government surveyor, without sanction of law, 150,000 acres more of their territory at the rate of 30 cents an acre, while we are selling at the rate of 50 cents to the Seminoles.

Mr. KEIFER. Is not the correct amount 350,000 acres?

Mr. BURNES. Two hundred thousand acres are provided for and sold in the Seminole treaty of the same year. I have found nothing in any treaty with either the Seminoles or Creeks to justify the statement which I have heard made upon this floor that the Government sold the Seminoles 350,000 acres of the ceded land of the Creeks. I would like for some gentleman who asserts the fact to point us to the treaty that gave more than 200,000 acres to the Seminoles. And if the fact exists, will some one inform us when and where and how the Seminoles paid for the excess? I apprehend it can not be found. The treaty of 1866 between the Seminoles and the United States sustains the statement I have made.

I mention these things now for the purpose of making a basis for the amendment which I have had the honor to offer. We have been told that a state of war exists in this territory of Oklahoma, and that the settlers are now face to face with their destiny, that destiny being under the command of an officer of the United States Army. There can be no fair-minded man, I apprehend, who will for one moment claim that the grant of this Oklahoma territory, so called, is not subject to an express trust created by the treaty, the third section of which has been read in our hearing. These settlers, it had better be said here, have not the lawful right to go upon those Oklahoma lands.

I say this in the face of valued and esteemed constituents who are desirous of going, and some of whom have gone there, and I warn members of this committee that they will be responsible for the blood which may be shed in the conflict said to be impending if they hesitate to speak here and now firmly and distinctly to the high-hearted and gallant people hovering on the borders of Oklahoma that they have no lawful right to invade or settle that territory at this time. They should be told the truth. Congress should give them the right to enter and settle—a right denied them by solemn treaty stipulation. They see large cattle companies enjoying the blessings of the territory, and naturally and properly they think they have as much right there as these favored few with their great herds.

This being so, what follows? The Creek Indians and their enterprising attorneys want $45,000 in money. The always able and fair-minded gentleman who has this bill in charge has investigated this claim, and comes to the conclusion that the Government owes this money to the Creeks. I do not believe a word of it; but it may be so. In this condition of things what had we better do as American representatives? Let us compromise this matter and save the threatened bloodshed to which allusion has been made here. Adopt this amendment, and let the compromise be made, providing that we shall have the lands which my esteemed friend thinks we ought to pay for, and that the Creeks in receiving the money shall relieve us from this seeming trust in the treaty, and allow this fair land to be opened up for the lawful settlement of the poor and homeless people of this country who may desire to go there. It has been seen in this discussion that it is lawful now to settle on these lands Indians and freedmen; and it is a well-known fact that practically a few white men with immense herds of cattle enjoy them without military or other interference on the part of the Government as completely as if they owned them in fee-simple. Let it be our work, by adopting the amendment, to make the honest and humble seeker of a home in this splendid region equal in right there with the favored ranchmen, Indians, and freedmen for whom it now seems to be exclusively held.

Sir, there are in this Oklahoma territory a little less than 5,000 square

miles of territory. Shall we prepare the way for 20,000 hardy, honest, industrious families to make their happy homes thereon, or by inaction allow them to be driven off by the Army of the United States, and under the merest pretense of keeping the lands for Indians and freedmen, who are not there, allow a few cattle-kings to hold and enjoy it all without let or hindrance?

Mr. RYAN. Mr. Chairman, I would suggest to the gentleman from Missouri [Mr. BURNES] to modify his resolution so as to require that the Creek Indians shall file with the Department an acceptance on their part of the survey that was made; because the lands that are sought here to be paid for are all on the west side of that line, and there might be at least some ambiguity as to whether we were paying for lands east or west of the line if the resolution or the amendment should be adopted in its present form. The object my friend has in view is simply to require the Creek Indians to accept the survey that was made, because it is by reason of that survey that the surplus number of acres that we are required to pay for is ascertained.

Mr. BURNES. Mr. Chairman, I am satisfied that the suggestion of my colleague is a good one, and I accept the amendment.

Mr. RYAN. I want to say one word more in this connection. We agree by treaty to divide the Creek country in two equal parts. As my friend from Missouri [Mr. BURNES] has said, the survey that was made and finally accepted does not divide it in two equal parts, but gives to the Government the larger portion by 350,000 acres.

Had the territory of the Creeks been divided in two equal parts we should have received 35,000 acres less than we estimated and paid for. Hence there are 151,000 acres more than we paid for by reason of running the line too far to the east.

Now let me call the attention of the House for one moment to what is stated in a letter upon this subject by the present Secretary of the Interior. He says:

It is found that the line was not so run as to divide the reservation into two equal parts, but was surveyed in such manner as to embrace in the portion west thereof 3,402,430 acres, or an excess of 186,935 acres over and above the one-half of the whole domain, or an excess of 151,870 acres over and above the estimated quantity stated in the treaty. The quantity of 3,250,560 acres stated in the treaty has been paid for at the stipulated price of 30 cents per acre.

I am of opinion, after a careful review of the whole case, that the Creek Indians are entitled to payment at 30 cents per acre for the additional 151,870 acres taken by the United States and not paid for, with interest at the rate provided by the third article of the treaty for the unpaid portion of the consideration for the ceded land.

Now, Mr. Chairman, we should be greatly embarrassed if we should require a resurvey of those lands and divide them exactly in the middle.

[Here the hammer fell.]

Mr. RANDALL obtained the floor and yielded his time to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I ask only a moment more in order to explain the embarrassment that the Government would encounter if it were to resurvey this Territory now and divide it in the middle, instead of paying for the surplus lands we have taken under the incorrect survey. And now, Mr. Chairman, let me call the attention of the House to the fact that we have located the Sac and Fox tribes of Indians right up against the line, as we find by that survey. If we were to have a resurvey and run the line exactly in the center, we should be obliged not only to remove the Sacs and Foxes but also the Pawnees, who are located upon a portion of it. That could only be done at great expense—much greater expense than the mere payment of 30 cents per acre for these surplus lands.

Besides, the Sac and Fox Nation of Indians, as I understand, have paid for their lands to the Government of the United States; and they believe, of course, that the boundaries as already determined are correct. Therefore it seems to me to be equitable and just to pay for the lands we have taken by this inaccurate survey rather than undertake to resurvey them and open this question of difficulty with the Indians, whom we have already located upon these lands.

One word more. This question came up in the last Congress. The Senate of the United States put upon the sundry civil appropriation bill an amendment providing for payment for these excess or surplus lands, amounting to 151,000 acres, together with interest, as provided by the treaty. That amendment went into conference, and finally came out in a form providing for the payment of the principal without interest. I have explained, I believe, as clearly as I am able, the exact status of this proposition now pending, which is to pay the interest on that sum, which we did not provide for in the last bill.

Mr. ROGERS, of Arkansas. I would like to put a question to the gentleman from Kansas [Mr. RYAN]. I find from the gentleman's remarks that he is familiar with this whole subject; and I now ask whether in connection with the proposition he makes we ought not to ratify this false survey?

Mr. RYAN. That was the first suggestion I made to my friend from Missouri.

Mr. ROGERS, of Arkansas. It escaped my attention.

Mr. RYAN. I suggested to the gentleman that he so modify his amendment as to require the Creek Nation of Indians to file a ratification of this survey before this money is paid over.

Mr. KEIFER. I move to amend by striking out the last word. My friend from Missouri offers this amendment and calls it a proposition for compromise. I am glad he agrees with me in one thing—that no citizen has a right to go upon these Oklahoma lands and make settlement. But I must differ with him widely upon his proposition, whether he leaves it in the form in which he presented it or whether he modifies it as suggested by the gentleman from Kansas. The proposition is that these 150,000 acres of stolen land, which not only by the terms of the treaty fixing the basis of payment but by the highest sense of national honor we are bound to pay for at this low rate, at least shall be made the basis of a compromise by which we are to compel these Creek Indians, willing or unwilling, to recede to the United States unconditionally all the western portion of their former reservation. By the latter clause of this amendment they are required to file in the Indian Office a statement in writing, releasing to the United States the seeming trust created by the treaty as to the west half of the Creek lands sold to the United States by the treaty of June 14, 1866. In other words, without a shadow of right on our part, as the gentleman from Missouri must agree, to withhold one cent of the money proposed to be appropriated in this bill, we undertake to say that before we pay them this money these Indians shall waive the trust, waive the condition as found in article 3 of the treaty of June 14, 1866. This is to be done without consulting these Indians. This proposition is as bad as the clause which the gentleman from Indiana has read from the act of July 7, 1884, in which we undertook to say to the Indians that they should accept a given sum of money in full payment for the lands that we have taken from them.

Mr. Chairman, it is agreed on all hands that 150,000 acres of these Creek Indian lands have been taken from the Indians; and now I do not think it very important whether we have a release in writing filed in the Indian Office or not. If we take these lands and settle for them in the manner we have already settled the circumstances in regard to this disputed tract, we need not be very particular about the form of our title, for if we are to go on with our present policy we shall steal the balance some day. We need not be very critical in regard to any release, guarantee, or warranty. If we will only pay for the land we shall have some shadow of title to it. We have already authorized the occupancy of this land by other tribes of Indians, to whom we have sold it, and from whom we have received the money. And now we are talking about the title!

Mr. PETERS. Mr. Chairman, I can not permit to go unchallenged the statement made several times in this debate that persons endeavoring to occupy this Oklahoma territory are doing so without any shadow of right. The first question which presents itself to be decided is whether this Oklahoma territory is Indian country. The only law to be found anywhere in the statutes of the United States that describes any territory as Indian country is the law of 1834, the first section of which reads as follows:

Be it enacted, &c., That all that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana or the Territory of Arkansas, and also that part of the United States east of the Mississippi River, and not within any State, to which the Indian title has not been extinguished, shall for the purposes of this act be taken and deemed to be Indian country.

There is the only foundation in all the laws of the United States for this cognomen "Indian country." When you come to examine the Revised Statutes you will find this section has been omitted; it is not now regarded as a part of the laws of this country. Under that first section of the act of 1834, if it still remains in force, Kansas is Indian country, Nebraska is Indian country, Colorado is Indian country. Will gentlemen stand up here to-day and claim that those States are a part of the Indian country? The courts have decided what is properly Indian country. By their decisions they have proclaimed that Indian country is country to which the Indian title has not been extinguished. Now, has the Indian title to this Oklahoma country been extinguished? Where is the man who will say that under any treaty or any law these Creek Indians can go into that Oklahoma country and claim it as theirs?

Where is the man or lawyer who will say this Creek Nation can go into Oklahoma territory and exercise supervision over it? Their title has been extinguished by the treaty of 1866. I care not what provisions were made in that treaty in reference to its occupation by the United States, the title of the Creeks in that territory was extinguished, and by the extinguishment of that Indian title it ceased to be Indian territory; and whenever it ceases to be Indian country then it comes under the general provisions of law in relation to pre-emption and homestead of the public domain.

Mr. LONG. How was the title extinguished?

Mr. PETERS. By the Indians themselves ceding it.

Mr. LONG. For a specific purpose?

Mr. PETERS. I say that the title was extinguished so far as the Indian was concerned. I am not saying anything about the proviso, but I say in the absence of any provision in that treaty providing in case the United States should not occupy this country by settling in it civilized Indians, or by any other means under the proviso, that in the absence of any statement in the treaty providing this land should revert to the Creek Indians, their title is absolutely extinguished, and it is only a question with the United States what it shall do with this country. Under the provisions of section 2257 of the Revised Statutes the

law says all land belonging to the United States to which the Indian title has been or may hereafter be extinguished shall be subject to the right of pre-emption under the conditions, restrictions, and limitations provided by law.

Now, the whole trouble with this Oklahoma territory is there is no machinery there under the law of the Government by which the settler can occupy this land.

[Here the hammer fell.]

Mr. ELLIS. I insist on the point of order against the amendment.

The CHAIRMAN. The gentleman from Missouri has raised the point of order, as the Chair understood him or reserved the right to make the point of order, against the paragraph.

Mr. BURNES. Yes, sir.

The CHAIRMAN. After that point of order is disposed of the point of order of the gentleman from Louisiana against the amendment will be heard.

Mr. ELLIS. Is not the amendment to the paragraph?

The CHAIRMAN. Yes; but the gentleman from Missouri raises the point against the paragraph, and the Chair is desirous of hearing what that point of order is.

Mr. BURNES. The point of order I desire to make is this, that there is no law by treaty or statute authorizing the appropriation of this money, and that the appropriation is in fact in violation of law. But I will not insist upon the point of order now if the gentleman from Louisiana will withdraw his point of order to the pending amendment.

Mr. ELLIS. No; I insist on my point of order.

The CHAIRMAN. The Chair understands the point of order to be that the amendment changes existing law and does not retrench expenditure. Does the gentleman desire to be heard on that question?

Mr. BURNES. I desire to say only this: Here is a paragraph in this bill which appropriates $45,000 for the purpose of paying interest alleged to be due to the Creek Indians eighteen years ago under the terms of a certain treaty.

Mr. ELLIS. I thought the subject had been debated.

The CHAIRMAN. There has been no debate on this point of order.

Mr. ELLIS. I understood there had been; I knew, however, it had not touched it.

Mr. BURNES. I wish to say on the point of order of the gentleman from Louisiana that this is a paragraph appropriating $45,000 under the terms of the treaty of June 14, 1866, alleged to be due the Creek Indians eighteen years ago. By referring to that treaty I find this is interest on land not included in that treaty. Then the gentleman comes to the point and says although it is not included under the treaty we acquired title to it by the unlawful act of our surveyor. This, therefore, is a proposition to pay for land never ceded to the United States, never granted and never conveyed to the United States, but, on the contrary, expressly reserved by the terms of the treaty to the Creek Nation of Indians as a home forever. I say the Government can not acquire title to real estate by the act of a surveyor. This is an alleged appropriation under the treaty, and that treaty says the appropriation is illegal and without consideration.

The CHAIRMAN. The Chair sustains the point of order against the amendment and rules it out.

Mr. ELLIS. Which point of order does the Chair sustain?

The CHAIRMAN. Against the amendment, and it is ruled out. The other point of order the Chair understands was withdrawn.

Mr. BURNES. Did I understand the Chair to overrule the point of order?

The CHAIRMAN. No; the Chair sustains the point of order and rules the amendment out.

Mr. BURNES. Then I desire to press upon the attention of the Chair my point that the paragraph is without the sanction of law.

The CHAIRMAN. The Chair understood that point to be waived.

Mr. BURNES. No; I beg the Chair's pardon; I expressly stated I would not insist upon it unless I was forced to do so.

The CHAIRMAN. Does the gentleman state that he did state he would withdraw the point of order?

Mr. BURNES. I did not, or at least I did not intend to. I remarked I would waive my point of order if the gentleman from Louisiana would waive his.

Mr. KEIFER. I wish to state in reference to this matter that while the gentleman announced that the point of order was waived temporarily, I think he did in fact waive it altogether when he offered the amendment.

The CHAIRMAN. But that was offered with the implied understanding on the part of the committee, and acquiesced in by the Chair, that he reserved the point of order.

Mr. KEIFER. As against the clause?

The CHAIRMAN. Yes, as against the clause.

Mr. BURNES. I desire now not only to have the Chair pass upon the point of order as to the paragraph itself, but to have a vote upon that paragraph in the committee if the Chair shall overrule the point of order.

Mr. ELLIS. I understand the point of order of the gentleman from Missouri to be that there is no provision of law upon which to base the appropriation contained in the paragraph?

Mr. BURNES. That is correct.

Mr. ELLIS. In the first place, I will say that it is too late to make the point of order now, the Clerk having passed from that particular paragraph.

But there is this point which I think is fatal to it, and that is when this bill was reported to the House, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union, no points of order were reserved upon the provisions of the bill. That, I take it, would be in itself fatal to the point of order.

But, Mr. Chairman, in answer to the gentleman from Missouri, I will state that there is law for it. In the first place, there is the treaty of 1866, by which we purchased the lands from the Creek Indians at so much per acre, part of which we paid and a portion of which we did not pay. The balance of the principal we paid by the law of last year. The interest—and this is the paragraph which makes provision for the interest—necessarily follows the principal.

Now, what is the gentleman's argument? He argues that the Government acquires no title. Why, sir, the Creeks are claiming this money for the sale of that land made to the United States. We have paid the principal, and they have acquiesced in that arrangement. They now ask that the interest due them be paid and when we pay the interest we will have paid the purchase-money, the price agreed upon by the treaty of 1866, and the equitable title follows.

Mr. BURNES. Will the gentleman allow me to make a suggestion?

Mr. ELLIS. Certainly.

Mr. BURNES. I would like to ask my colleague on the committee if it be not the fact that by the terms of this treaty there is neither cession nor conveyance of these 151,000 acres of land, or any part of it, to the Government?

Mr. CHACE. Mr. Chairman, if the gentleman from Louisiana will yield to me for a moment I would like to suggest to the gentleman from Missouri that his question would be fully answered by reading the eighth article of this treaty.

Mr. BURNES. Then the gentleman from Rhode Island can answer the question asked of my colleague.

Mr. CHACE. It seems to me the language of this article is so clear that there is no room for a mistake. Besides that, if there be any charge that this Government itself made a mistake, they are estopped from taking advantage of their own laches.

I will read this section of this article of the treaty; it is very short:

ARTICLE VIII. It is agreed that the Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of Creek lands to the United States, in Article III of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expenses of which survey shall be paid by the United States.

Now, if the United States Government has made this survey, as the report of the Commissioner shows, can the Government come in here and take advantage of its own laches?

Mr. ROGERS, of Arkansas. By doing what?

Mr. BURNES. I hope the gentleman from Rhode Island will not object to my answering his question by the old process of asking another. I ask him in the first place was this an "accurate survey" under the terms of the treaty? And secondly, can the Government acquire title by an inaccurate survey by a surveyor of its own selection?

Mr. CHACE. There is nothing to show that this is an inaccurate survey. The gentleman from Missouri has asserted that it is, but so far as I am aware he has not produced any evidence in support of the claim.

Mr. BURNES. I beg pardon; it has been read in the hearing of this committee, and it shows clearly that this Territory was to be divided into two equal parts; that we were to have the west and the Creeks the east half of the territory. Now it is shown that the division is not equal.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard further upon the point of order?

Mr. ELLIS. No. Let us have a ruling.

The CHAIRMAN. The Chair has no difficulty in overruling this point of order; and he does so on the ground that the bill was committed to the Committee of the Whole House on the state of the Union without the reservation of any points of order.

The Clerk will read.

Mr. ROGERS, of Arkansas. Mr. Chairman, I now offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding at the end of line 353:

"*Provided further*, That no part of the above sum shall be paid until the Creek Nation shall make and file in the office of the Secretary of State an acceptance and ratification of the survey made and approved by the Department under the treaty of June 14, 1866."

Mr. HOLMAN. That amendment, I suggest, is subject to the point of order.

Mr. BURNES. To test the sense of the committee, the Chair having overruled the point of order on the paragraph, I move to strike out the paragraph.

The CHAIRMAN. An amendment to the paragraph has been moved. The Chair will recognize the gentleman from Missouri [Mr. BURNES] for the purpose he has indicated at a later stage.

Mr. ELLIS rose.

Mr. RYAN. I hope my friend will not object to the amendment.

Mr. ELLIS. I have no objection to it.

Mr. HOLMAN. I think it is subject to the point of order.

Mr. ROGERS, of Arkansas. I do not know what the point of order is.

Mr. HOLMAN. The point of order is that it is new legislation.

Mr. ELLIS. I hope the point of order will not be insisted on. The amendment perfects the title of the Government.

Mr. HILL addressed the Chair.

Mr. ROGERS, of Arkansas. I believe I have the floor.

The CHAIRMAN. Does the gentleman from Indiana insist on the point of order?

Mr. HOLMAN. Yes, sir.

Mr. ROGERS, of Arkansas. I ask the gentleman from Indiana to reserve the point of order until I shall have made a brief statement.

Mr. HOLMAN. Before doing so I wish to say this: By the act of the last Congress we appropriated $45,561 to pay for this land, and that money has been accepted. I submit there is a complete estoppel here against the Creeks setting up any claim to the land lying between the line intended to be run in terms of the treaty and the line actually run. There is no trouble about the line title. But my desire is, so far as I am concerned as a member of the House, that that land shall go under the provisions of the treaty, and that it shall not be kept over separate from the land covered by the treaty, which would be a violation of the spirit and purpose of the treaty.

Mr. ROGERS, of Arkansas. The only point involved is whether or not the Creeks by the acceptance of the payment last year are estopped now to deny the title to this property in the Government. The object of the amendment I have offered is to preclude any controversy for all time on that subject.

If we have taken this land unjustly, which seems to be conceded, by an improper survey, and we have partially paid for it without getting any relinquishment of title from the Creeks and that operates as an estoppel, as the gentleman from Indiana seems to think, and perhaps he is correct, what is the objection to requiring these parties to relinquish to the Government whatever claim they may have, and forever put a stop to any controversy?

Mr. HOLMAN. I will answer the gentleman from Arkansas by saying that the body of this land is acquired under that treaty and for a specific object. The land that would be acquired under this provision if acceded to by the Creeks would be on an entirely different footing. And here we would have a strip of land, subject to settlement on the part of our people, creating disturbance from the beginning. It would be far better that all the land we buy from the Creeks should rest on one condition—the provisions of the treaty of 1866; let us acquire whatever right we acquire from them hereafter by treaty.

Mr. ROGERS, of Arkansas. My friend from Indiana is mistaken. The object of the amendment was simply to require these parties to ratify the survey, so that the unjust survey shall become law in the future, and that the title of the Government shall be perfected by virtue of this ratification, so as to place it beyond all controversy in the future.

Mr. ELLIS. Under the treaty?

Mr. ROGERS, of Arkansas. Yes; not under this act, but under the treaty, and under the survey made under the treaty also. That is the object of the amendment; and I hope my friend from Indiana will not insist on the point of order against the provision, which manifestly secures the Government against any controversy in the future.

Mr. HILL. It seems to me a very strange proposition that an amendment should be offered here to require a few Indians to agree now to what they agreed to do several years ago; that is, to ratify a survey which they bound themselves to do under a treaty. Now, sir, if I read this treaty aright, under article 3 they specially agree to cede these lands to the United States upon certain conditions, and those conditions are that these lands are to be subject to settlement by Indians and freedmen, not by citizens of the United States.

This Oklahoma territory is situated in the very heart of the Indian Territory, and whenever you open it up to settlement by citizens of the United States, by cattle-kings or monopolists or any other persons, you grant them the right of way through the Indian Territory, and you might as well talk about putting a bullet through a man's heart and expect the blood afterward to circulate through his veins as to talk about taking that territory and giving it to citizens of the United States, while you reserve the right to use it to these Indians. They are the wards of the Government. A guardian has no right to make bargains with his ward; and in Ohio, where I live, when a guardian swindles his ward he is sent to the penitentiary.

It was a mere case of "might makes right." That is all there is of it. I agree with my colleague [Mr. KEIFER] that those lands ought to be held sacred for these Indians until in the course of nature, which takes its way in everything, they have become extinct, as they will. But so long as they are powerless, so long as they are lying at our feet, a poor people dependent upon our magnanimity, we should not violate the honor, the dignity of the American Congress by robbing them, piece by piece, until we have robbed them of everything which they originally owned on this continent.

Mr. HOLMAN. Mr. Chairman, I ask that that amendment be again reported. I wish to suggest that if the terms are so limited as that this shall be deemed only a portion of the ratification of the acts of the Government under the treaty, so that this strip of land shall stand on the same footing as the balance of it, imposing as to the whole of it good faith on the part of the Government toward these Indians, then I shall be willing to withdraw the point of order, although I think the appropriation ought not to be made.

Mr. ROGERS, of Arkansas. Mr. Chairman, I desire to make one suggestion to the gentleman from Indiana and to the committee. The object which is sought is precisely the object of this amendment; and I want to make this additional suggestion, that perhaps it would be wise to modify it so as to require the Indians to make this acceptance and ratification within a limited period of time, so as not to keep it open longer than, say, six months or perhaps four months. I ask to have the amendment read.

The Clerk read as follows:

Amend by adding after the line 353 the following:

"*Provided, however*, That no part of the above sum shall be paid until the Creek Nation shall make and file in the office of the Secretary of State an acceptance and ratification of the survey made and approved by the Department under the treaty of June 14, 1866."

Mr. HOLMAN. I ask the gentleman from Arkansas [Mr. ROGERS] to consent to add the following language:

The additional lands to be held by the United States under the provisions of the treaty of the 14th of June, 1866.

Mr. ROGERS, of Arkansas. I have no sort of objection to that, Mr. Chairman.

Mr. ELLIS. I suggest further to the gentleman from Arkansas that his amendment be inserted after the word "cents," in line 352, so that it shall not conflict with the title.

Mr. ROGERS, of Arkansas. Mr. Chairman, I accept that modification also. And now, if it will be satisfactory to the gentleman having the bill under control and to the gentleman from Indiana [Mr. HOLMAN], I suggest that there be an additional provision that the acceptance shall be made within six months or twelve months or whatever period may be acceptable to them.

Mr. ELLIS. Make it twelve months.

Mr. CHACE. Mr. Chairman, I would like to have the amendment reported again; and I wish to ask whether all points of order are reserved?

The CHAIRMAN. The amendment has not yet been perfected. The gentleman can, of course, reserve his point of order.

Mr. CHACE. I will do so.

The CHAIRMAN. The point of order was made originally by the gentleman from Indiana [Mr. HOLMAN], and the question is now whether or not he will withdraw it.

Mr. HOLMAN. If I should determine to withdraw it after this amendment is read of course the gentleman from Rhode Island can renew it.

The CHAIRMAN. Unquestionably the gentleman can renew the point of order. The Clerk will report the amendment as proposed to be amended.

The Clerk read as follows:

Provided, however, That no part of the above sum shall be paid unless the Creek Nation shall within twelve months make and file in the office of the Secretary of State an acceptance and ratification of the survey made and approved by the Department under the treaty of June 14, 1866.

Mr. CHACE. Mr. Chairman, I make the point of order that that modifies existing law and puts a new condition into this treaty.

Mr. ROGERS, of Arkansas, addressed the Chair.

The CHAIRMAN. Does the gentleman from Arkansas desire to discuss the point of order?

Mr. ROGERS, of Arkansas. I do not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROGERS, of Arkansas. I now move to strike out the whole section, from line 342 to line 354.

Mr. CHACE. I withdraw the point of order.

The CHAIRMAN. The Chair will again submit the amendment as soon as it is perfected according to the agreement.

Mr. KEIFER. If there is to be further modification of it we reserve all rights.

The CHAIRMAN. The Clerk will report the amendment as perfected according to the agreement.

The Clerk read as follows:

Amend by adding after the word "cents," in line 352, the following:

"*Provided, however*, That no part of the above sum shall be paid unless the Creek Nation shall within twelve months make and file in the office of the Secretary of State an acceptance and ratification of the survey made and approved by the Department under the treaty of June 14, 1866; and the additional lands acquired by the United States by the survey shall be held by the United States under the provisions of the treaty of June 14, 1866."

Mr. KEIFER. That is right.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to ask whether that may not be construed to mean that when the Indians accept this money lands will then be opened for settlement?

Mr. ROGERS, of Arkansas. Not at all.

Mr. WHITE, of Kentucky. I suggest whether it had not better be understood now that this is not for the purpose of opening up those lands to white settlers, and that the intention is to reserve the lands for the purposes expressed in the treaty.

Mr. ROGERS, of Arkansas. Will my friend from Kentucky allow me to make a statement on that point? I will state to him that in two, or perhaps in more, cases, in the district court of the United States for the western district of Arkansas, under the provisions of this treaty the court has held that this land was not open to settlement, and Payne was convicted under the criminal statutes of the United States for invading that territory, and then he was sued in the civil court and judgment for the penalty of the law recovered against him for moving in there a second time, and I think that at the time of his death two other suits of the same character were pending against him. So that up to the present time, so far as the courts have passed upon this question, they have uniformly held, so far as I am advised, that these lands are not open for settlement under the treaty of 1866.

Now let me say another thing. It is to be deprecated as exceedingly unwise that one single word should fall from any gentleman upon this floor urging the people of the States to go into that country under this treaty. The courts having decided that it is not open, and that those people have no rights there, it is wiser and better for us to meet the issue as it now stands, and either pass some law fixing a penalty that can be enforced, or else, on the other hand, take direct steps for the opening of that country to settlers.

Mr. KEIFER. I want to suggest also to the gentleman from Kentucky that these lands that have been taken by this wrongful survey are now in possession of the Sac and Fox and Pawnee Indians, and would not come within the Oklahoma tract as that now stands.

Mr. WHITE, of Kentucky. I understand that.

Mr. KEIFER. It is all possessed by other tribes of Indians and paid for by them.

Mr. WHITE, of Kentucky. I am very much obliged for the information. Information is what I am trying to elicit. The question raised in my mind by the reading of the amendment was this: Whether when the Creeks accepted this money it would not be said that this Oklahoma reservation would be open to settlement, inasmuch as this money was in lieu of the extra amount of land that was taken, when Oklahoma was surveyed, from the eastern portion of the Indian Territory?

Mr. KEIFER. The modification which has been put upon the amendment settles that.

Mr. RYAN. The proposition does not affect the status of the Oklahoma country one particle.

Mr. KEIFER. Not at all.

The question being taken on the amendment of Mr. ROGERS, of Aakansas, as amended, it was agreed to.

Mr. BURNES. I now move that the paragraph as amended be stricken out. This motion is in the interest of peace and the people at large. It will be for the interest and the well-being of the people, especially of the Western States, whose citizens have a deep concern in this matter. The sight of a number of large cattle companies spread out all over this Indian Territory, like a network of steel, protected by our Army, has deeply impressed itself upon the minds of the people of the West. They see a few persons occupying those lands as fully, to all intents and purposes, as if the Indian title were entirely extinct and a fee-simple title vested in these few occupants. The struggling and anxious settler, poor and needy, sees Oklahoma to-day practically in the possession of a small number of persons composing cattle companies. He feels that by some means special privileges are given by his country to others and denied to him; and he realizes that a wrong is being done to him. An American, and least of all a homeless frontiersman, will not long submit to wrong or outrage.

Let us not by neglect or indifference still further arouse the deep-seated sentiment of the people who are now hovering upon the borders of this Territory. Let this provision be stricken out. Let the members of this House take time to investigate a subject upon which depends, it may be, the blood and lives of American citizens. When we have investigated it carefully and thoroughly some action perhaps may be reached which will quiet the public mind, bring peace and happiness to a people upon whom now sit gloom and discontent, and mark another victory for that great principle of equality of right in all which is dear alike, we trust, to every Representative of the people on this floor.

Let this paragraph for the present go out. It is of doubtful propriety. It is outside of any treaty, outside of any law. Say what you please about acquiring title by the act of a surveyor, you are appropriating this money after the lapse of eighteen years for interest on a pretended debt that never existed—an old, stale claim—and nothing is offered by it that will in the least show a disposition to protect rights of persons now threatened, abolish special privileges now grown hateful to great masses of earnest men, or save the border from commotion and conflict.

Mr. VALENTINE. Are there any cattle now upon the Oklahoma territory?

Mr. BURNES. The Oklahoma territory, 5,000 square miles in extent, is covered with cattle as a dead carcass in midsummer with flies.

Mr. VALENTINE. Is that country so occupied under a lease?

Mr. KEIFER. They ought to be driven off.

Mr. BURNES. To my friend from Nebraska I answer no; neither lease nor known tribute to any one. I blame no one; I censure no one; but the fact exists that this Oklahoma country in its entirety is occupied without molestation by the cattle of great cattle companies. They occupy every acre of it to the practical exclusion of the individual settler. Our people believe that if it is lawful for a man with a vast herd of cattle to go into that territory, it is lawful for the settler to go there with his wife and little ones. They can not help feeling this way. Under these circumstances I hope the Committee of the Whole will strike out this provision and let the matter rest until some proper provision can be made that will give peace, quiet, and equal rights in Oklahoma to all alike.

Mr. ELLIS. Mr. Chairman, I want to disabuse the mind of this committee of the impression that the payment of this debt to the Indians will in one way or another affect the status or the dedication of Oklahoma. Some gentlemen seem to have Oklahoma "on the brain." The strip of land now in question does not affect Oklahoma, does not touch Oklahoma, but is a portion of the lands purchased from the Creek Indians, which the Government took title to or took possession of, and upon which it has settled the Seminoles and the Sacs and Foxes.

Mr. KEIFER. And the Pawnees.

Mr. WHITE, of Kentucky. Is not this eastern line of the survey, as described by the gentleman from Missouri, on which the Government has located the Sacs and Foxes and other Indians—is not this a part of the Western Creek territory which was ceded to the Government?

Mr. ELLIS. Undoubtedly.

Mr. WHITE, of Kentucky. And if that part is affected is not the whole affected?

Mr. ELLIS. Oh, no! There is no dispute about the status of Oklahoma. That has all been paid for. The dispute is about 150,000 acres of land which were included in an unjust survey made by the United States. This matter does not affect the status of Oklahoma at all.

Gentlemen say there is no law for the payment of this money. Why, sir, here is the treaty of 1866, by which we bought this land at 30 cents per acre. We were to run a line north and south. We did so until, running south, we reached a certain point, and then we diverged so as to cheat the Indians out of 150,000 acres. After eighteen years we acknowledge our error and pay the principal. But the treaty carries a provision for interest, which it is now proposed to pay. Yet gentlemen say there is no law for it. If ever the Government of the United States owed a just debt, it owes this debt to the Creek Indians; and never do I want to hear a member of the American Congress cast one slur upon any weak and unfortunate State that has repudiated a portion of its obligations so long as our archives show the utter repudiation of the obligations of the Government, the shameless violation of its plighted faith to these wards of the Republic.

Mr. ROGERS, of Arkansas. I desire unanimous consent to insert an additional clause in the amendment just adopted. I take it to be essential that in the ratification of this treaty these Indians proceed in pursuance of an act of their national council. Therefore, I ask unanimous consent to modify the amendment as adopted by inserting after the word "months" the words "and in pursuance of a resolution of its national council first had and obtained."

Mr. KEIFER. I think that is right.

Mr. ELLIS. There is no objection to that.

The CHAIRMAN. Is there objection to modifying in the manner now proposed the amendment already adopted? The Chair hears none; and the amendment will be modified accordingly.

Mr. HOLMAN. Mr. Chairman, the gentleman from Missouri [Mr. BURNES] thinks this claim to $45,000 is without foundation, and that really is the question to be considered. It is admitted by running this line more eastwardly than was contemplated by the treaty the Government acquired 151,000 acres of land, for which it ought to pay at the rate of 30 cents per acre under the terms of the treaty if the new line was approved by the United States and the tribe; and it is proposed to pay the tribe interest at 5 per cent. per annum on the price of the land at 30 cents per acre, amounting to something over $45,000, the interest on the $45,000 to be computed at the rate of 5 per cent. for eighteen years, that is, from 1866. The survey was not made in 1866, but I am not able to say how much later. The Government did not acquire the ownership of this strip of land in any form in 1866. It did not acquire it when the survey was made. The basis of the Government title rests entirely upon the act of the last Congress appropriating $45,561 to pay for the lands. The Indians accepted the money, and there is the basis of our title.

Mr. KEIFER. What does the gentleman do with the treaty of 1866.

Mr. HOLMAN. It provides for a definite line dividing the tract in equal parts, and the amount which would be given to the United States by that line, as has been stated, has been provided for and secured to the tribe to the extent of every dollar. I do not say paid, but provided for. This is for other lands and the 151,000 acres. We did not acquire those lands until the survey was made and until we voted the money to pay for them. That was only last year. Until that time we had no title to this 151,000 acres of land. We had no right of occupation to the land. The Indians had not acquiesced in it, and Congress had not acquiesced in the line run until we appropriated that $45,000 for the land and the Indians accepted the money. There is its title, and there

is its origin, to the 151,000 acres, and yet it is proposed to pay interest on that sum of money as though we had acquired the land eighteen years ago. I object to that view as clearly untenable.

Mr. KEIFER. Was not the land acquired at the time of the ratification of the treaty?

Mr. ELLIS. Certainly, and taken possession of.

Mr. HOLMAN. Certainly not. By the treaty we acquired the half of the lands of the tribe and no more. This survey was not made until after that treaty was ratified and the line by which we acquire the additional 151,000 acres was not surveyed in conformity with the treaty; if it had, no question could have arisen; but the line was run farther east, giving us the additional 151,000 acres.

Mr. KEIFER. But we certainly put Sac and Fox Indians there. We sold it to them before we surveyed it.

Mr. HOLMAN. We provided by the eighth article of the treaty that an accurate survey should be made of that line. The survey was afterward made, and was not in conformity with the treaty. The subject was brought to the attention of Congress, and we appropriated the money to pay for the land, and the Indians received it. Will you tell me on what basis any claim for interest rests?

Mr. KEIFER and Mr. RYAN rose.

Mr. HOLMAN. Excuse me for a moment. It has been said the act we passed appropriating $45,000 contemplated the payment of interest. On the contrary, the concluding words of that law are "in full payment for said lands."

Mr. KEIFER. That is what we said, but the Indinas did not have anything to say about it.

Mr. HOLMAN. Until then we did not acquire the lands. What title have we acquired until the Indians accepted the money and thus recognized the line established by the survey which gave us the increased amount of land?

Mr. KEIFER. We sold it and got the money for a good portion of it.

Mr. RYAN. Will the gentleman inform the House when the Government located the Sac and Fox Indians on these lands?

Mr. HOLMAN. It located them on the land many years ago, but after the treaty of 1866; the Government, I think, did not locate them on the land between the true line and the line actually run. It located them on the land ceded to the United States by the Creek Nation, as they had the right to do; but I am not certain as to the time or manner of their location.

Mr. RYAN. They located the Sac and Fox Indians on these lands before the survey was made.

Mr. HOLMAN. On this specific strip?

Mr. RYAN. Yes; on the lands embraced in this specific strip.

Mr. ELLIS. In 1866 they took possession of it and settled these Indians on it.

The CHAIRMAN. Debate is exhausted.

Mr. BURNES's motion to strike out the paragraph was disagreed to.

Mr. PEEL. I offer an amendment to this clause.

The Clerk read as follows:

Amend by inserting on page 15, after line 353:

"That the Secretary of the Treasury of the United States pay to the treasury of that part of the Cherokees known and denominated as the Old Settler or Western Cherokees the sum of $660.80, together with 5 per cent. interest from the 12th of June, 1838; it being the balance now in the Treasury of the appropriation of $887,480.15, made to them by act of Congress September 30, 1850."

Mr. PEEL. I ask the Clerk to read the report which I have made in respect to this matter to the Committee on Indian Affairs, and which was referred by that committee to the Committee on Appropriations.

The Clerk read the report (by Mr. PEEL), as follows:

The committee find that on September 30, 1850, Congress appropriated to pay to that part of the Cherokee Indians known as the "Old Settler" or "Western Cherokees," in compliance with treaty stipulations, the sum of $532,896.90, with interest thereon from June 12, 1838, until said amount should be paid, at the rate of 5 per cent. per annum (9 Stat., page 556).

That the payment of that sum, with the interest thereon as aforesaid, was made on September 22, 1851, and the whole amount to be thus disbursed was the sum of $887,480.15.

It appears that the disbursement was made by John Drenan, as superintendent of Indian affairs. The Second Auditor of the Treasury, by his letter to J. M. Bryan, commissioner of the "Old Settler" or "Western Cherokee" Indians, dated June 27, 1882, states that of the sum thus appropriated there was remaining in the hands of said John Drenan as such superintendent, upon the settlement of his accounts as such disbursing officer, the sum of $660.80, which was not paid to said Indians; that said Drenan turned said balance over to Thomas S. Drew, also superintendent of Indian affairs, and that the said Drew failed to either pay the same to said Indians or to account therefor and pay the same into the Treasury of the United States. The Second Auditor states that upon the failure of Superintendent Drew to account for said balance suit was instituted against him to recover the amount of said balance, and the sum of only $449.30 was collected from him, which seems now found to be in the Treasury.

The committee are satisfied that there was withheld from these Indians of that appropriation, by the agents of the United States, the sum of $660.80, which ought to have been paid to them at the time the other disbursement was made, namely, on 22d day of September, 1851. That that sum, with interest thereon from September 22, 1851, at the rate of 5 per cent. per annum until the same shall be paid, is now due to these Indians. Therefore, the committee report the memorial back to the House with the recommendation that the same be referred to the Committee on Appropriations for the necessary appropriation to pay the said balance and interest as above stated, amounting to $——.

Mr. PEEL. I ask that the memorial appended to the report be printed in the RECORD.

There was no objection.

The memorial is as follows:

MEMORIAL OF THE "OLD SETTLER" OR "WESTERN CHEROKEE" INDIANS.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, J. M. Bryan, as the commissioner and agent of the "Old Settler" or "Western Cherokee" Indians, for and in behalf of said Indians, respectfully represents unto your honorable bodies that there is now due to said Indians, from the United States, the sum of $660.80, together with interest on said sum from September 22, 1851, until the same shall be paid, at the rate of 5 per cent. per annum, the same being a balance not disbursed of the appropriation of $532,896.90, made by act of Congress approved September 30, 1850, to be paid to said Indians in compliance with the treaty between the United States and the Cherokee Nation of Indians in the year of 1846.

Your petitioner further represents that the circumstances under which this claim arose are as follows: After the above-mentioned appropriation was made, one John Drenan, a superintendent of said Indians, was authorized and directed by the Department of the Interior to disburse or pay the same to the said Indians, as prescribed in and by said treaty, and for that purpose the amount of money necessary therefor was placed in his hands by the proper authorities of the United States; that he, on or about September, 1851, disbursed said amount, except the sum of $660.80 aforesaid, being the balance aforesaid, and for which, together with interest as aforesaid, this claim is made.

That the said John Drenan, after making the disbursements aforesaid, and in the month of May, 1853, turned over to one Thomas S. Drew, another superintendent of said Indians, the said balance of $660.80, and that the said Drew failed and neglected to disburse said balance, or any part thereof, to said Indians, or account therefor to the United States. That, to recover said balance, the United States instituted suit against him, upon which a recovery was had, and upon the judgment the sum of $449.30 only was collected, as will more fully appear by reference to a letter of Hon. O. Ferriss, the Second Auditor of the Treasury, hereto attached as Exhibit A.

Your petitioner further represents that said Indians have repeatedly applied to the Commissioner of Indian Affairs, and requested the payment of said balance with the interest thereon, as aforesaid, but without avail.

Wherefore your petitioner, for and on behalf of said Indians, prays your honorable bodies to authorize and direct the payment of the said balance and interest, and to make the necessary appropriation therefor, and to direct the payment of the same to said Indians may be made by the proper officer of the United States in such manner as the said Indians by their counsel have or may request. As in duty bound he will ever pray.

J. M. BRYAN,
Commissioner and Agent of the "Old Settler" or "Western Cherokee" Indians.

Mr. PEEL. This sum, Mr. Chairman, $660.80, is the balance of that appropriation of $887,000 made in 1851. The law appropriating that sum to the payment of these Indians required that it should be distributed among them per capita. By reason of that requirement of law in making the distribution of the fund this small balance was not paid by the commissioner appointed for that purpose. The change could not be made, and this sum was left over. It can not be paid to them per capita under the terms of that law, because the amount is so small. There is no question that it belongs to the Cherokees, and is now in the Treasury as a part of the fund appropriated to them. If paid, however, under the terms of that law it would require a new census of the nation. This simply provides that it shall be paid into their treasury.

Mr. HOLMAN. Let me ask the gentleman from Arkansas this question, whether or not, from his examination of the subject, the Committee on Indian Affairs find this to be the total amount due with reference to the claims set up by the Cherokees which accrued prior to 1851?

Mr. ELLIS. Let me ask the gentleman if this is based upon treaty stipulations?

Mr. PEEL. Yes, sir.

Mr. ELLIS. Did not that treaty require that it should be paid per capita?

Mr. PEEL. No, sir; that was a provision in the act of Congress.

Mr. ELLIS. This, then, is an addition to the treaty?

Mr. PEEL. Yes, sir.

Mr. ELLIS. Then I make the point of order against it.

Mr. HOLMAN. The point comes too late.

Mr. PEEL. I will state to the gentleman that the act of Congress appropriating $887,000 was a provision of law to pay the amount found due to them by the Senate in 1851—the amount found due to the old settlers, which we are discussing here now.

Mr. ELLIS. I make the point of order upon it.

Mr. HOLMAN. It is too late to make the point of order now.

Mr. ELLIS. I do not think it is. I submit the point to the Chair.

The CHAIRMAN (Mr. HAMMOND in the chair). The present occupant of the chair is not informed as to the exact condition of this amendment. As the Chair understands it, the amendment was offered by the gentleman from Arkansas, and he proceeded to make an argument in support of it. The report which has been read by the Clerk was read as part of his remarks. The Chair thinks it is now too late to make the point of order.

Mr. ELLIS. Very well. [Cries of "Question!"]

Mr. HOLMAN. I wish to ask the gentleman whether or not, upon his examination of the subject, it would be proper to add the following:

In full of any balance due to said Indians prior to that date.

Mr. PEEL. I see no objection to that.

Mr. ELLIS. Oh, yes; there is.

Mr. RYAN. That will not do at all.

Mr. ELLIS. I shall oppose the amendment of the gentleman from Indiana, and reserve the point of order upon that portion of it.

Mr. RYAN. As I understand it, the gentleman from Arkansas makes the motion to pay the balance due to the Western Cherokees. The Western Cherokees are but a small portion of the Cherokee Nation. It is what is called "the old settlers' claim." The old settlers who get the benefit of this particular claim are, I repeat, but a small portion of the nation; and now if you add the amendment suggested by my friend from Indiana, you preclude the rest of the nation from asserting a claim they have pending here also. It would be grossly unjust. The nation has a claim pending here for something like $300,000.

Mr. HOLMAN. But my friend says that claim has no foundation whatever.

Mr. ELLIS. In that he differs from the Secretary of the Interior, the Commissioner of Indian Affairs, and the sworn commissioner who investigated the claim.

Mr. RYAN. In reply to the gentleman from Indiana, I will say that the same authority which determined that the old settlers are entitled to their claim here has also determined that the nation is entitled to the claim which it has presented; and if one is unjust it is altogether likely that the other is. I do not mean, however, to be understood as saying that the old settlers' claim is unjust.

Mr. PEEL. I think I can explain this satisfactorily in a moment.

The CHAIRMAN. Will the gentleman from Indiana submit his amendment in writing?

Mr. HOLMAN. I will withdraw the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Arkansas.

Mr. HOLMAN. I understand the gentleman wishes to be heard on that.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas.

Mr. PEEL. I wish to be heard for a moment.

This amendment simply includes the balance of the appropriation of 1851. That appropriation was found to be all that was due to the Old Settler or Western Band of Cherokees growing out of the treaties of 1835 and 1846. When that settlement was made in 1850 by the Senate this sum of $887,000 and over was appropriated and paid. It was all paid excepting this balance to which I now refer. This part of it remains in the Treasury and can not be disbursed, because it would require the distribution to be made per capita, as I have said. The superintendent who disbursed the money could not make the exact change, and hence this balance remains on hand, amounting to $660. It has been in the Treasury ever since, and can not be paid out now without a new census was taken. The reason it can not be paid per capita is that it does not amount to 5 cents apiece to each member of that band.

Mr. RYAN. What is the amount?

Mr. PEEL. Six hundred and sixty dollars and eighty cents.

Mr. RYAN. That is not the claim I had in view. I think this claim is just.

Mr. ELLIS. I withdraw my objection.

The question being taken on the amendment offered by Mr. PEEL, it was adopted.

The Clerk read the following paragraph:

KANSAS.

For interest, in lieu of investment, on $200,000, at 5 per cent. per annum, per second article of treaty of January 14, 1846, $10,000.

Mr. ELLIS. Under instructions of the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 405 insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to apply the net proceeds arising from the sales of Kansas Indian lands, in the State of Kansas, now in the Treasury, and such as shall from time to time be in the Treasury, to the credit of the Kansas tribe of Indians, to the payment of all of the present indebtedness of said tribe, principal and interest, represented by the certificates issued in the years 1862 and 1863, and known as Kaw or Kansas Indian scrip; said payment to be made as follows: He shall, ninety days after the approval of this act, apply $67,386.89, being the net proceeds on hand March 27, 1884, together with such sum as may have accrued since said date, in pro rata payment, principal and interest, of all such scrip certificates aforesaid as shall be filed in the Department of the Interior on or before the said ninetieth day after the approval of this act, and of the genuineness of which he shall be satisfied; and thereafter whenever the proceeds, after the deduction of the expenses of the sale of said lands, shall equal the sum of $10,000, the Secretary of the Interior shall pay said sum, together with any excess thereof, upon such certificates as aforesaid as shall be on file at the Department of the Interior on the date of such payment and for thirty days thereto preceding, and shall continue so to pay until the indebtedness of said tribe represented by said scrip certificates, with the interest thereon, shall be fully liquidated, or until the entire net proceeds of the sale of said lands, that are now on hand or that may hereafter be acquired, shall be exhausted: *Provided*, That not exceeding 5 per cent. interest per annum shall be allowed on any of such scrip."

Mr. ELLIS. If the committee desire an explanation I am ready to give it. Perhaps it may be as well that I should give it.

In 1859 the Kaws in Kansas had more land than they desired. By a treaty of 1860 they agreed to move to what is known as the diminished reservation in Kansas. It was furthermore agreed that the proceeds of the surplus lands should be sold and applied to purposes of their comfort and civilization. In 1862 some parties were employed, one of them now an honored member of this House, Mr. STEVENS, of New York, to build houses for these people and to do work and labor for their civilization. In accordance with the terms of the treaty of 1860, that work was done. There was no money to pay for the work done. Under a provision of that treaty the Secretary of the Interior was authorized to issue this scrip, which he did to Mr. STEVENS and others to the amount, I believe, of about $76,000. This has remained unpaid up to this day. It was to be paid out of the proceeds of the sale of the surplus lands of the Kaw Indians.

By the report of the Commissioner of the Land Office there was on the 27th March, 1884, $67,386.89 of the proceeds of this land upon which this scrip bears a lien, to pay which it is devoted.

The committee recommend that the proceeds of this land—the money on hand in the Treasury—be applied to the payment of this scrip. They have changed the interest on the scrip from 6 per cent. to 5 per cent., so as to make it the same rate of interest as the settlers are paying on the lands. It is right and ought to be paid.

The amendment offered by Mr. ELLIS was agreed to.

The Clerk read the following paragraph:

The Secretary of the Interior is hereby directed to pay to Dennis Sheedy the sum of $4,658, and to B. J. Everett $3,550, out of treaty funds herein appropriated for the Northern Cheyenne Indians; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. JAMES. I desire to offer an amendment, to insert after the words "Cheyenne Indians," in line 495, the words "to be carried to the surplus fund;" and to strike out the words "out of treaty funds herein appropriated." That is the suggestion of the Committee on Indian Affairs, that this be carried to the surplus fund.

Mr. ELLIS. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following paragraph:

OMAHAS.

For third of twelve installments, being last series, in money or otherwise, per fourth article treaty of March 16, 1854, $10,000.

Mr. ELLIS. By direction of the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 503 insert as follows:

"To enable the Secretary of the Interior to appraise and sell, in accordance with the provisions of an act entitled 'An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes,' approved August 7, 1882, that portion of said reservation in township 24, range 7 east, remaining unallotted on the 1st day of June, 1885, $1,000; said sum to be reimbursed from the fund received from the sale of said lands: *Provided*, That the Secretary of the Interior may in his discretion and with the consent of the Indians extend the time of payment for lands as fixed by section 2 of said act, so that one-third of the purchase-money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first installment, to be paid when entry is made, and the second installment of one-third shall become due and payable in one year, and the remaining one-third in two years from date of first payment, with interest as provided in said act. And in case of default in either of said payments or interest thereon the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased and any payment or payments he may have made: *Provided, further*, That also with the consent of the Indians the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the northeast quarter of the northeast quarter of section 27 and the west half of the northwest quarter of section 26, in township 25, range 6 east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring mill thereon."

Mr. ROGERS, of Arkansas. Mr. Chairman, I rise to a parliamentary inquiry. I desire to ask whether or not this amendment is subject to points of order. If so, I desire to reserve them until we have an explanation of it.

Mr. ELLIS. Mr. Chairman, the hour has arrived that has been fixed by the House for the consideration of the resolutions in relation to the death of Hon. HENRY B. ANTHONY, late a Senator from Rhode Island. I therefore move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1017) relative to the Inspector-General's Department of the Army; and

A bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington.

DEATH OF THE LATE SENATOR ANTHONY.

The SPEAKER. The hour of 4 o'clock having arrived, the Chair lays before the House the resolutions of the Senate in relation to the death of the late Senator ANTHONY.

The Clerk read the resolutions, as follows:

IN THE SENATE OF THE UNITED STATES, *January* 19, 1885.

Resolved, That the Senate has heard with profound sorrow of the death of HENRY B. ANTHONY, late a Senator from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

Mr. CHACE. Mr. Speaker, I offer the following resolutions, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the House of Representatives has received with deep sorrow the official announcement of the death of HENRY BOWEN ANTHONY, late United States Senator from the State of Rhode Island.

Resolved, That the business of the House be now suspended, that opportunity may be afforded to give expression of our sense of his personal worth, of his public services, and of the loss which the country and his native State have sustained.

Resolved, That at the conclusion of these tributes to his memory the House shall stand adjourned.

Mr. CHACE. Again Rhode Island is called to mourn the loss of a distinguished son. A second time in my brief career in this House it becomes my duty to pay the last tribute of respect to the memory of one of her Senators. Again we are reminded how swiftly glide these lives of ours; that the dreams of hope are but shadows; that the honors for which we clutch must wither in our hand; that the cares, the joys, the fears of life alike soon find an end. It is well for us to pause for a brief season and look back.

When, in the closing days of 1859, the Senate of the Thirty-sixth Congress met, the two sides of that Chamber more nearly resembled the representatives of two hostile countries than an ordinary legislative body, met to calmly discuss questions of common interest. All of those wonderful intellectual giants, the product of the primitive days of the Republic, had passed off the stage of action. Clay, full of years, but weary and worn with compromise, had sunk to rest with only anxious hope, and was reposing at his own beautiful Ashland; the ashes of Calhoun were mingling with the soil of his native Carolina; Webster, almost heartbroken and full of forebodings for the future of the Union, had been laid in the simple tomb at Marshfield, where the ocean which he loved so well might sing his solemn dirge through the coming ages. The gathering storm which these men had vainly sought to avert was darkly impending over the nation. All the great economic questions were swallowed up in this one absorbing topic.

Among those who entered that Senate and took sides with the defenders of freedom was HENRY B. ANTHONY, of Rhode Island. In the prime of life, at 45 years of age, inheriting from a long line of virtuous ancestry a constitution of wonderful strength and vigor; of singular beauty, both of person and of feature, with a commanding presence, highly educated, cultivated in his manners, with a rare grace and urbanity, and a charming felicity in social intercourse, he at once became a favorite, even in those days of intense partisanship, with members of both sides of the Senate. Possessed of intellectual gifts of the very highest order, thoroughly furnished as he was by the peculiar training which a long career of journalism had given him, he was fitted to take a high position in the councils of the nation.

Possessed of a peculiarly well-balanced mind, his caution and prudence often restrained him from labored efforts of oratory and from participating in the excitements of clashing debate. In all the legislative history of the country but few men have introduced measures of great and far-reaching importance. The qualities that dazzle and captivate the popular mind are not always those which are of most value. As in nature, so in the operation of paliamentary bodies, we find the silent forces are often the most potent. It is by patient toil and careful provision in committee that the public interests are guarded and promoted. This was the peculiar field of usefulness to which our lamented friend bent his attention. On the floor of the Senate he was alert, attentive, and careful, and when occasion required, quick to penetrate the armor of error, to expose its purpose, or to defend those measures for which the public weal called.

He did not speak often, but when his voice was heard it commanded attention. His speeches, always bearing evidence of great learning and research, were couched in the purest and most polished English. His intellect was broad and vigorous, with wit as keen and incisive as a Damascus blade, that would have been a dangerous weapon with one less gentle, for he was as kind and loving as a woman.

In all the long list of names borne on the Senate roll two men only have been elected to five consecutive terms—Thomas H. Benton and HENRY B. ANTHONY. And yet, although serving so long, much of the time during the most stormy period of our parliamentary history, no man of all that throng of fellow-Senators could say that he had just cause of offense toward him, and with rare exceptions all were his friends.

Serving at a time when from the necessities of the Government growing out of the war money was poured out like water, when in the mad fever of speculation and grasping for sudden wealth through Government contracts reputations went down like soldiers in battle, he came out unscathed, not a breath of suspicion resting upon him. Holding the most pronounced views on all the questions which agitated the public mind like a seething cauldron during the period before and after the war, though abating nothing, he retained the friendship of his most earnest opponents. Knowing the weakness of indecision, he reached forward for political truth with a firm hand and still preserved a strong balance of conservatism.

Deeply learned in the foundation principles of our Government, and as deeply skilled in the use of language, he sometimes presented those principles with wonderful effect.

He was twice elected governor of Rhode Island and twice President of the United States Senate. But long and honorable and useful as have been his services in the Senate, it is as a faithful son of Rhode Island that the citizens of that State will most cherish his memory. Born in the town of Coventry of a Quaker family whose ancestors had dwelt there from the days of its earliest settlement, spending his youth among the hills of his native State, educated in her schools and at her university, putting forth the first labors of his early manhood as well as the more brilliant efforts of his maturer years in defense of her constitution, he loved her as a man loves his mother.

He was, indeed, a part of Rhode Island. He believed her constitution to be the most perfect instrument of the kind ever drawn by the hand of man, and his defense of it is unanswerable. His name and his fame is linked with Rhode Island and her happily constituted system. There, as a journalist, he attained a most distinguished position, building up, from small beginnings, one of the most influential and useful journals in New England; earning, by the purity of his diction, clearness and conciseness of style and felicity of expression, a high reputation. Honored and trusted by her people, he honored them by the faithfulness of his services.

I have known Senator ANTHONY from my youth up—known him as did all, to respect, to admire, to love him. In every sphere, in all circles, under all circumstances, wherever he went, his progress was a constant conquest of friendship, and friends once won, he "grappled them to his soul with hoops of steel."

How many who commenced the race of life with him have fallen by the way while he passed on. The friends of his youth died and he found others.

During his service in the Senate he saw the shackles stricken from 4,000,000 slaves, the deed of manumission written in the blood of 300,000 men; the Union, tottering to its foundation, purified and restored, the dream of the fathers that this land should be consecrated to liberty realized. During his term he saw men rise to distinction in both Houses of Congress and pronounced their eulogies. As Senator, he saw Lincoln inaugurated; held up his hands during the vigils of those weary four years of war, and saw him buried, mourned alike by friend and foe. Saw Garfield rise from obscurity to distinction in the forum, the field, and in this House—elected Senator, made President, and laid in his grave on the shores of Lake Erie. Grant's wonderful career from the store in Galena to his triumphant progress around the world was but an episode.

Of his hopes for the future life I can not speak. He rarely spoke of it to me.

As life is ordinarily viewed, it may be said that his was a success; but if we could go with him through the long journey, full rounded up to near three-score and ten, we might not maintain our estimate of what is human success. He had hosts of friends and few enemies; was honored as but few men have been; but with all he carried for many years a great sorrow. The wife of his youth, beautiful and accomplished, was early stricken down, and ever after he continued alone the journey of life. He realized, as all must, that—

All pomp was but a name;
That gold and silver were not life and joy;
That what to-day bestowed of love or fame,
To-morrow's breath would wither and destroy.

He realized, as do all who grapple with great public questions, of how much too little avail are our best endeavors to establish justice, to put an end to inequality, or to satisfy those less favored. He saw how empty a thing is honor, what a dream is life itself, and how decay and death follow quickly after youth and strength, as cloud-shadows chase the sunshine on the mountain-side. Occupying as he did for many years so distinguished a position, he realized that—

He who ascends the mountain tops shall find
Its loftiest peaks most wrapped in clouds and snow;
He who surpasses or subdues mankind
Must look down on the hate of those below;
Though far above the sun of glory glow,
And far beneath the earth and ocean spread,
Round him are icy rocks, and loudly blow
Contending tempests on his naked head,
And thus reward the toils which to those summits led.

With him "life's vain parade is over." But though "he walked with throngs of good friends, now at last he is called to pass alone the dread portals of death."

He will long be remembered by his associates here for the radiance of his genial presence, for his careful attention to every detail of legislative duty, for the warmth of his friendship, and the absence of partisan rancor. In his native State his memory will be cherished by young

and old for his gentleness, his dignity, his faithfulness to trust, for his long and useful services.

Mr. KELLEY. Mr. Speaker, I address the House not because I believe I can add anything of value to what others will say of the character and labors of the late Senator ANTHONY, but because the sweet memories of an uncloaded friendship which extended through a quarter of a century and endured the friction of personal, political, and official relations impel me to offer a tribute, however unworthy of its subject it may prove to be.

HENRY B. ANTHONY entered upon the duties of Senator from the State of Rhode Island in December, 1859, at the opening of the Thirty-sixth Congress, and I entered fully upon my duties as Representative from the fourth district of Pennsylvania on the 4th of July, 1861, when the two Houses, in obedience to the proclamation of President Lincoln, met "to consider and determine such measures as in their wisdom the public safety and interest may seem to demand."

The times were disjointed before the elections of 1860 were held. The controlling spirits of the South having determined to submit the interpretation of the Constitution to the arbitrament of war, the Senators from that section of the country withdrew from the Senate, and those who had been looked to to represent the people in the House of Representatives declined to accept Congressional nominations and refused, to recognize the Thirty-seventh Congress as a body whose enactments would be binding on them in law or conscience. The situation produced by this action was novel and portentous. In matters of gravest import and responsibility the Executive must act without the aid of precedent or tradition, and the President and his Cabinet naturally sought counsel from the recently chosen representatives of the loyal people. It thus came to pass that gentlemen elected to the Thirty-seventh Congress, who, under ordinary circumstances would probably not have met until the month of December, became *habitués* of the capital and co-workers from the 4th of March, between which date and the organization of Congress I frequently met Senator ANTHONY in such social intercourse as the already disturbed condition of Washington would permit, and in consultation with the President, heads of Departments, Senators, and members-elect of the House of Representatives.

Though a man of broad and varied information and profound convictions he preferred no claim to leadership, and superficial observers more readily regarded him as a devotee to society than as an earnest man of affairs. He was in the vigor of mature manhood, and I recall with pleasure the sweet smile that wreathed his handsome face upon the slightest provocative to mirth. Within an irreverent but limited circle of acquaintances he was called "the rosebud Senator," which sobriquet might have been bestowed as a tribute to the healthful glow which mantled his cheek or from the fact that in those days when *boutonnières* were in less common use than now he constantly wore a bud or other choice flower.

He had none of the impetuosity or burning enthusiasm of Senators Wade, of Ohio, and Chandler, of Michigan, or of the intense devotion to the advanced opinions, approved by his judgment, which characterized my great colleague Thaddeus Stevens; yet he was the trusted counselor of his more impulsive fellow-Senators, and his fidelity to the convictions which sustained the Republican party and impelled its advance from point to point in the cause of personal freedom until American slavery had perished was never doubted by that imperious and exacting party leader, the great commoner of Pennsylvania.

The means of communication between the capital and remote sections of the Republic were, in comparison with those of to-day, very restricted, and the President could not with propriety name an earlier day than the 4th of July for the assembling of Congress. But that the armed forces of the improvised confederacy should be prevented from invading the capital or any of the loyal States, he had upon his own authority put 75,000 men into the field to which the United States had been challenged. When, on the designated day, Congress had assembled, the President in his message expressed the estimate of the executive department of the Government as to the draft the rebellion would make upon the resources of the Republic. In suggesting the number of men and the amount of means he hoped Congress would provide he said, "It is now recommended that you give the legal means for making this contest a short and decisive one; that you place at the control of the Government for the work at least 400,000 men and $400,000,000."

From that day until Grant had restored to Lee his sword, the surrender of which had symbolized the defeat of the confederate army and the collapse of the pretended government which had called it into existence, until the work of reconstruction had been completed, so far as legislation could promote its completion, the opinions of Senator ANTHONY were sought and weighed by the Executive and those legislators who from their greater prominence in the proceedings of Congress were popularly regarded as the men who were shaping the destinies of our country. His judgment was rarely or never at fault. He seemed to comprehend every question as it arose, whether it was a measure to provide men and means for successful warfare; or to establish a system of finance which should, without embarrassing the productive interests of the country, enable the Government to furnish the Army and Navy with the amplest munitions of war; or to restore to the position in the Union they had sought to abandon the impoverished and decimated States of the South; or to reduce our revenues without impairing the public credit by the repeal of many of the taxes which had been adopted as a war measure, and which bore, as all internal or excise taxes must bear, specially upon the producing classes.

Caution is the parent of prudence, and caution was a marked characteristic of Senator ANTHONY. While appreciating the greatness of the duties before the Government, he would delay, if not postpone indefinitely, the adoption as a policy of any measure or set of measures that seemed to involve the possibility of encouraging the enemies of the Government by the abandonment of a declared purpose. It was this characteristic which, above all others, secured him the supreme confidence of President Lincoln, whose caution is now seen to have been as efficient in bringing the war to a successful close as were the skill and courage of the most brilliant of our soldiers.

But I am trespassing upon the time of the House, my object in addressing which was, as I have said, to simply lay a humble tribute on the bier of a long-cherished friend.

Mr. POLAND. Mr. Speaker, I should hardly have felt justified in occupying a moment on this occasion except for the fact that I am one of the few members of this House who served in the other with the deceased Senator ANTHONY.

My acquaintance with him commenced with the opening of the Thirty-ninth Congress, the first Congress after the close of the great war. The ten years which followed were as trying and difficult to the men engaged in the administration of public affairs as any in our history. The questions as to how the seceding States were to be restored to their proper places in the Union, how peace and harmony were to be again restored, and the whole country again united after the fearful disruption, and the financial question of how to provide for the immense indebtedness, were all new and difficult, and might well appall and distract the wisest statesman. The proper settlement of some of these questions was embarrassed and complicated by the bitterness and acrimony naturally engendered by the losses and sufferings caused by the war.

Having been in Congress myself during the ten years succeeding the war, I feel justified in saying that Senator ANTHONY bore a much more important part and exercised a much greater influence in the proper settlement of all these great questions than he was generally credited with in the country. He made no pretension to oratory, and did not mingle largely in general debate. But his associates soon learned his value, the breadth and solidity of his judgment, his extended and accurate knowledge upon all public questions, and he exercised the influence accorded to a wise and sagacious man. While the war was waging he gave most earnest and vigorous effort to make it successful. When it was over, he ranked among those who desired in settling and adjusting the questions growing out of it to show all possible kindness and magnanimity.

The Senator was exceedingly ready and adroit in practical suggestions to meet and avoid difficulties which arose in the routine of legislative business.

I may be pardoned for relating an instance when he relieved me from a great embarrassment. Members who were here from 1865 to 1875 will remember that during that period the great work of revising the national statutes was begun and completed. I was chairman of the committee on the revision in the House and had the general charge of the matter before Congress. The revision as reported by the commissioners to Congress was printed on large paper, in coarse type, like ordinary bills, making a very large bulk. The amendments proposed by the committee and adopted by the House numbered many hundreds.

The rules of the House required the whole bill and all the amendments to be engrossed on paper by the Clerk before being sent to the Senate. As this would consume a great deal of time, the House, upon my application, suspended this rule, and allowed the bill to be engrossed by incorporating the amendments into one of the printed copies of the bill, by interlining, writing on the margin, or pasting on such amendments as were too long to be written in. In this form the revision was sent to and passed by the Senate. The joint rule of the two Houses requires that a bill passed by both Houses shall be engrossed on parchment to be sent to the President. This would require a great amount of time, and the end of the session was approaching. The House thereupon passed a joint resolution to suspend the joint rule for the engrossment on parchment, and authorized another copy to be prepared as before to be sent to the President. This joint resolution came back from the Senate disagreed to. Senator Garrett Davis, of Kentucky, a most excellent gentleman, but who tolerated no innovation upon established usages and ancient ways, led the opposition, and was horrified at the notion of sending such a patched bundle to the President to be preserved in the solemn archives of the State Department. The House asked a conference. I was one on the part of the House, Senator Davis one from the Senate, and he stood for a parchment engrossment of the whole Revised Statutes. I was in a great dilemma. I had given years of work to it and had obtained its passage through Congress, but it was likely to fail because I could not get it to the President for his signature. Fortunately Senator ANTHONY was one of the Senate conferees, and he proposed that the whole be reprinted and send it to the President in that form. I supposed that would take too long, but the Congressional Printer was sent for, who said it could be done in a week, and thereupon Senator ANTHONY's proposition was reported by the conference and adopted. I think I ought to finish this story by saying that the whole work was set up and printed at the Government Printing Office in three days and brought to me on the morning of the fourth day in a handsomely bound volume, which I still keep as the earliest edition of that work.

He was utterly without ostentation. He disliked all show and parade. His manners and habits were of the plainest and simplest character. One of the pleasantest recollections of my life is of a somewhat protracted visit I made him in his plain, quiet, quaint old home in the city of Providence. He was a thorough scholar and a clear and forcible writer. His long connection with the public press, his ability as a writer, and the fairness and candor with which he discussed public questions enabled him to do much in shaping the public judgment of the country during the eventful years of his manhood.

But the crowning glory of our deceased friend was the perfect kindness and amiability of his character. His heart warmed to all men. Perhaps he had enemies, but I never heard of one. His culture and his character seemed to combine in some of his literary composition. On some occasions of this kind, when called upon to pay tribute to the memory of a deceased friend or colleague, his efforts have equaled in tenderness of thought and beauty of expression anything I have ever heard or read. I have known no man whose whole life was more charming. All his words and deeds, both public and private, seemed imbued with the spirit of the holy evangel, "On earth peace, good will toward men."

Mr. MORSE. Mr. Speaker, it may be presumptuous on my part to rise on the floor of this House to attempt to deliver a eulogy on the late Senator ANTHONY, but being beloved by the people of my State as much as he was in his own, and particularly so by the people of my district, I feel it my duty in their behalf to say a few words.

Mr. Speaker, so closely allied are the neighboring States of Rhode Island and Massachusetts in martial renown, in commercial interests, and in social ties, that I feel it to be my duty, as it is my pleasure, to cast my humble tribute on the grave of HENRY BOWEN ANTHONY. We knew him well in Massachusetts as the editor of the Providence Journal, which has a large circulation in the southeastern portion of our State; we respected him as the governor of our sister State, proud of her history and a stalwart defender of her institutions; we honored him as a Senator who represented the smallest of States, but whose noble intellect and patriotic heart covered the length and breadth of our great Union; and we loved him as an honorable gentleman, without fear and without reproach, who has during the last quarter of a century played important political and social parts in the great drama of life performed on this busy Washington stage.

Others have eloquently narrated the successive events of his life. My own personal acquaintance with him in this Capitol was mainly concerning those matters which had been referred to the Naval Committees of the Senate and the House, of which we were respectively members. He having served on the Naval Committee of the Senate from 1863 until his death continuously (and having again and again declined its chairmanship because he preferred to remain chairman of the Committee on Printing), he was well acquainted with the condition and the needs of our gallant Navy, its officers, its navy-yards, its academy and school. Officers of merit, with untarnished records, found in him a friend and an advocate. He was, however, sternly opposed to the retention on the quarter-deck of those whose known indulgency rendered them at times unfit to command without jeopardizing the safety of the vessels and the men under their command.

Intercourse with Senator ANTHONY on public and private business was at all times attractive and acceptable. Few members of Congress have retained during twenty-five years of continuous service, amid the labors, the intrigues, and the conflicts of political life, so many of the sterling, manly qualities which are here destroyed.

His character as a statesman, as a citizen, and as a friend were so truly and so lovingly portrayed at his funeral by Rev. Augustus Woodbury, his religious adviser and the chaplain of his deceased associate, General Burnside, that I annex the funeral discourse to these remarks.

When Senator ANTHONY was here last winter the stamp of illness was on his features, but he had the same ease and grace of manner and conversation which had so endeared him to his friends when he was in health, and he spoke of his bodily troubles with calm composure. Before the summer months had ended he had gone to his rest, surrounded by his relatives and friends, with the beauty of the setting sun, after having lived out what the psalmist calls "the days of our age," adorned with the richest virtues of the heart. He has gone, full of years and honors, to meet the experiences of another world. Nothing is left but sweet remembrances of his purity of character, his generosity and liberality of spirit, his proud and noble manhood.

Immortality o'ersweeps
All pains, all tears, all time, all fears, and peals
Like the eternal thunders of the deep
Into our ears this truth, He lives forever.

REV. MR. WOODBURY'S DISCOURSE.

The silent and secret forces of insidious disease are among those mysterious elements of our physical being which seem to baffle human skill. The physician faithfully studies the problem, but can only approximate its solution. Death by slow degrees saps the foundation, and in due time overthrows the structure of life. Nature gradually succumbs; the inevitable hour approaches with sure steps; the organs of the body cease to discharge their functions; the eyes look their last upon the faces of dear friends; the spirit exhales, and there is nothing left but the rigid form, soon to change to dust and ashes. When death comes suddenly, we who remain are stunned by the shock, and can not make real to our hearts and minds the departure of our friend from the scenes in which he was a familiar object of our affection and regard. But, in the progress of long-continued sickness, we sadly watch and wait, in the anxiety of a protracted suspense, the fond eye of love catching the glimpse of every favorable symptom, hoping against hope, or noting, with quick and sympathetic recognition, the gradual failure of the physical powers, till the fatal change comes and leaves the heart bereaved.

All this we say is the Providential ordering, and we submit to the decrees of that Almighty Power which joins with its action the designs of infinite wisdom and the exercise of infinite love. To the sufferer himself who is obliged to feel that death can not be averted, although its coming may be somewhat delayed, the experience is not without its compensations. Human intelligence can not devise a remedy, but divine Providence furnishes an alleviation in the training of character. Patience, courage, trust, obedience, are cultivated in the soul. "Not as I will" becomes the habitual expression of the heart—difficult to say with a full comprehension of its meaning, but when completely realized, the sublime word of a victorious faith. To be weak is to be miserable! It is quite true, for ambition is quenched, energy is dissipated, mental and physical activity is stopped, and one is forced to be a spectator merely of scenes in which he would gladly have taken part, and to confess that his work in the world is done. Yet this weakness may be re-enforced by the Divine presence and power, and the spirit may be lifted up into a plane of life from which it can look serenely down upon the weaknesses and pains of this mortal state, and prepare itself for the entrance into immortal life. For death, as I have said on former occasions, is not the end. It is the transition stage of the soul, the door which opens to the spirit the boundless realm of immortality.

Do I err in saying that to our friend, whose obsequies we observe to-day, this discipline of the spirit has been exercised for his eternal good? The disease to which he has yielded was certain in its progress, and its end was calmly foreseen. He could not have deceived himself by any flattering indications of temporary improvement. He has himself anticipated the hour when his physical life would be extinguished. Perhaps he may have preferred to die at the Capitol; possibly in the Senate Chamber itself, the scene of his patriotic labors, in the midst of associates who had learned both to honor and to love him. For men, who, when living, serve the state with passionate devotion, may fittingly desire to die on the spot which has been rendered memorable by their presence, as the soldier would wish to fall upon the field of battle, or the man of God would wish to be stricken down wearing the harness of his valiant endeavor for the divine kingdom. But, whenever and wherever the summons might come he was ready. With a cheerful courage, with a patient submission, with an undoubting trust, he has calmly looked forward to the time of his departure from the field of active life. For him death had no terrors, for he had schooled himself to that serenity of soul which could not be disturbed either in life or death. Not given much to introspection, certainly not disposed to make public his private and personal experiences, he was yet, without doubt, conscious in himself of this calm and peaceful state, and thus passed painlessly and quietly to his final rest. Long has he filled the public eye, well has he accomplished the mission of his public service, faithfully has he discharged the public trust committed to his care, and now he leaves to his fellow-citizens and his fellow-countrymen the record of his diligent and devoted labor. We attempt no labored panegyric. We pass no judgment. The future will determine the value of his service, and posterity will pronounce the verdict, "Well done." To speak a simple word of appreciation, before the grave shall shut him from our sight, is the office of the hour.

Mr. ANTHONY was a genuine child and a faithful representative of Rhode Island. Born upon her soil, nurtured in her traditions, educated at her university, receiving the highest honors she had to give, he thoroughly believed in the perfection of her policy and the permanence of her institutions. When called upon to defend the peculiar features of her government, he brought to the task both the ability of an advocate and the devotion of a son. In the editorial chair of the journal which he controlled, and in his seat in the Senate, he never forgot the obligations he owed to the mother who had reared and raised him to the position which he occupied and filled. He was jealous of her honor, and was always prepared to do valiant battle for her ancient prerogatives. The arguments which more than once he made both in the Journal and in the Senate in her behalf may not have wholly convinced those who believed that in the changes of the times a more generous extension of suffrage and a freer commercial policy were desirable. But no one could question the depth of his convictions and the sincerity of his faith. He was positive that the prosperity of the State and the welfare of its people were bound up in the maintenance of institutions which its history had sanctioned. With the power of this assurance he went to his duty with an unflinching resolution to give to it the fullest ability he could command. This element of strength is not to be lightly valued in making up the estimate of his character.

But the claims of his native State were not permitted to lessen his devotion to his country's need. His patriotism was as wise and enlightened as it was eminent and marked. Entering the Senate at a time when the first mutterings of the storm that was to sweep the land were heard, he was prepared with a calm courage to face the tempest when it broke. Feeling the full sense of the responsibility of the occasion, as a representative of the Union he was fearless and urgent in all measures for the defense of free institutions and the preservation of the Republic. He never doubted the result of the struggle in its darkest days, but cheerfully and bravely wrought on for the achievement of a full success. In the days of reconstruction he endeavored so to work that no second misfortune might befall. The constitution of the Senate changed. One by one his early associates passed away. Some paid the debt of nature. Others were swept away by political revolutions. But no revolutions touched his seat or alienated the support of the people of his State. Repeated re-elections returned him to his Senatorial chair. He became the "Father of the Senate," and as the new members came in, they sought both his counsel and his friendship. He was elected President *pro tempore*, and with grace and dignity he conducted the deliberations of the distinguished body which called him to its chief post of honor. It was something more than a compliment when the Senate, notwithstanding his precarious health, still elected him to the office, hoping that he might be able to discharge its duties. It was a recognition of his worth, and though he was obliged to decline the position, he was touched with gratitude and made more conscious than ever of the warmth of feeling which his fellow-members cherished toward him in their hearts. He was the model legislator of the upper branch of the national Congress, not indulging in long debate, but always attentive and always present in the spirit of conscious duty. His practical wisdom is perpetuated in the rule for facilitating the business of the Senate which bears his name.

Public life has many temptations, and there have been men in public station who have thought it not beneath them to serve themselves and their own interest while engaged in serving the state. It is true that many stories that are

handled about in the public press with too ready an appetite for scandal are gross exaggerations. In the fierce light that beats upon official station peccadilloes become crimes. Of these indeed we condone nothing, we excuse nothing. But partisan zeal may sometimes put a wrong construction upon innocent motives and acts. Happily for ourselves we have no need to speak here with bated breath. For honor has followed merit and the laurel bears no blighted leaf. Of the value and honesty of Mr. ANTHONY's public service there has never been the slightest question. No breath of detraction ever tarnished the luster of his well-earned public fame. He did not seek or use his office for private gain or personal emolument. If he did not rise—or even aspire to rise—to the summit of the highest statesmanship, he yet allowed no one to surpass him in the singleness of his purpose to advance the interests of his State and to promote the welfare of his country. His stainless patriotism and his unsullied public service are known of all men. They are as creditable to the people of our Commonwealth as to himself. The representative reflects the character of his constituents. If the fountain of public virtue be pure the stream can not well be turbid.

It seems but commonplace to speak of Mr. ANTHONY's literary attainments. Accepting journalism as his profession, he rapidly carried the paper which he edited to the foremost rank. With a clear, incisive, direct style of composition, he brought to the daily discussion of current events and public measures the ample stores and equipment of a well-furnished mind. He brightened the columns of the Journal with delicate humor and humbent wit. When indulging in satire, he carried in the velvet scabbard of his well-turned periods a sword sharp as the scimeter of Saladin. In the consideration of graver themes he exhibited a cogency and vigor which revealed the strength of an original and carefully trained intellect. If one should meet him in controversy, it were well to see that there were no weak or unguarded places in the joints of the armor. For his keen eye was sure to find them and his trenchant blade would be thrust home with fatal result. His election as governor did not take him from his daily labor, while he neglected no public duty. With intervals of leisure, until the advent of his late associate—whose recent death was like the loss of his right arm—he still continued the management of the Journal. Its columns were enriched by frequent contributions from his ready pen. After Mr. Danielson assumed control, the daily mail brought to the office the letter which he found time amid engrossing cares to write. He loved the Journal, for it was his offspring.

His fellow Senators will, in due time, bear witness to the excellence and variety of these literary gifts. In a larger field, on a more conspicuous stage, the same qualities of mind and heart were displayed. He did not often speak at length. It would be far from his habit to occupy an entire session with prolonged address. But when he spoke, it was from a thorough knowledge of his subject and in pregnant and weighty words. His long experience and his accurate acquaintance with public affairs gave him a commanding influence. He was well entitled to the respect and attention with which he was always heard.

His work in the committee-room was thorough and efficient, and the public measures which he brought to the Senate, well digested and prepared, were accepted as the conclusions of one who knew well the true character and purpose of national legislation.

In one department of public speaking he certainly excelled. The memorial addresses which from time to time he delivered in the Senate are among the finest specimens of elegiac oratory to be found in our language. In this he discharged no perfunctory duty. Speaking from the heart, with a delicate appreciation of character, with a marvelous felicity of diction and facility of expression, with a complete and clear conception of the gravity of the occasion, he uttered the sincere sentiments of brotherly affection and friendly regard. Of these the three addresses which he made on the death of Senator Sumner are pre-eminent. It became his duty to deliver to the authorities of Massachusetts the body of the deceased statesman. I have been told by the Sergeant-at-Arms of the Senate, who accompanied the committee to Boston, that Mr. ANTHONY was not informed till reaching the frontier of the State of what was expected of him.

Amid the noise and turmoil of the railway journey he composed in his mind the brief but touching address which deserves to be inscribed on the imperishable bronze. It was the grateful expression of profound feeling when, in committing to the governor of our neighboring Commonwealth the mortal part of her honored son, he further said: "The part which we do not return to you is not wholly yours to receive nor altogether ours to give. It belongs to the country, to freedom, to civilization, to humanity." The heart of the man spoke from the tongue, and when on other occasions he addressed the Senate in eulogy of the friends who had fallen by his side, we may well believe that his heart was stirred by the warm emotions that found expression on his eloquent lips.

Glimpses of his inner life are thus vouchsafed to us. And if we were permitted here to enter into those sacred precincts, where personal and private sorrow has its home, there would be a full revelation of kindness, gentle consideration, fraternal love, generous helpfulness, loyal friendship, and uplifting faith. An early sorrow touched our friend soon after he had entered upon his public career. There is no doubt but that it tinged all his subsequent years. For though in social intercourse he was a most genial host, a delightful companion, and the center of a charmed and charming circle of friends, there was still the unseen presence of a melancholy which checked the exuberance of his spirits. It was the minor chord in the harmony of his life. It is not for me to dwell upon the theme.

Those who have through life felt the warm contact of his love, who have experienced the joy of his friendship, who have shared his confidence and secured his esteem, carry in their hearts the fervent, grateful appreciation of his virtue, and will long cherish the memory of his worth. Those who were associated with him in the common duties and labors of humanity, those who were employed by him in the conduct of his chosen occupation, those who for many years have looked upon him as a master and leader in their business, will acknowledge the justice and honor with which every detail was observed, the fidelity with which every obligation was met, and the thoroughness with which every task was performed. Three-score years and ten have nearly passed. The heavy burden has been laid down. The weary body is at rest. The busy mind has transferred its activity to another sphere of being. The spirit is with its God.

Mr. ANTHONY has seen in the Senate a generation of statesmen pass away. He has seen a new generation come upon the stage of public life. Is the past better than the present? As we bid farewell to those who vanish from our sight, have we no word of welcome to those who are pressing forward? We grieve over the death of men who we hardly thought could be spared. We look around to see who are to take up and carry on the work which they have been doing. A pillar of the State has fallen, and as we look upon the fragments we fear that the structure is weakened. But the Republic, bereaved afresh of one of its most trusted and trustworthy counselors, still lives. Divine Providence finds its agents and instruments, and by the inspiration and help of the Divine Presence the blessed results for humanity will be attained. I can not more fittingly close this address than in Mr. ANTHONY's own words: "When I recall those whom I have seen fall around me, and whom I thought necessary to the success, almost to the preservation, of great principles, I recall also those whom I have seen step into the vacant places, put on the armor which they wore, lift the weapons which they wielded, and march on to the consummation of the work which they inaugurated. And thus I am filled with reverent wonder at the beneficent ordering of nature, and inspired with a loftier faith in that Almighty Power without whose guidance and direction all human effort is vain, and with whose blessing the humblest instruments that He selects are equal to the mightiest work that He designs."

Mr. KEIFER. Mr. Speaker, again the Congress of the United States pauses in its important legislative duties to commemorate the illustrious dead.

HENRY BOWEN ANTHONY, of Rhode Island, though much my senior, was my personal friend.

He was born April 1, 1815, in the State he served so long and so well. He graduated at Brown University in 1833. He was five times elected by his State to full terms in the United States Senate. He was an honored member of that august legislative body from March 4, 1859, to September 2, 1884, the date of his death.

At 23 years of age he entered upon the highly honorable work of a journalist in his native State. He never entirely gave up the profession of journalism. In 1850 and 1851 he was governor of his State, and served it acceptably. He was then a Whig. He was a born gentleman, of Anglo-Saxon blood and Quaker principles. His generous, kind, and genial nature seemed to save him from many of the hard blows that most great men have to receive in a successful life. He was just and considerate to friend and foe, never arrogant. He was charitable and never ostentatious. He did not rely on high public position to attain name or fame, but upon accomplished deeds. He was a patient toiler after useful knowledge, and when acquired he wielded it for his country's good. A single fact with him was prized more highly than a volume of loose generalization. He had a critical constituency to watch him in his public life. It was exacting, but not unreasonable. Another has well said:

He was a stalwart champion of Rhode Island, of her sons and daughters, of her traditions and her institutions.

He personified in his whole life, as citizen, editor, chief executive of his State, Senator, and presiding officer of the United States Senate, the true type of an American gentleman. He has been aptly called the "gentleman-statesman." He lacked none of the noble qualities of a high-spirited American. He was ever keenly sensible to all the manly qualities. He was filled with convictions, and they were his own. His views are impressed upon many of the laws of his country.

His Senatorial life began when rebellion and treason were ripening in and around this Capitol. He saw both rise in the full bloom of defiant power, and then fall prostrate by the judgment of war. He never faltered in his patriotism, and when war came he held up the hands of President Lincoln from Bull Run to Appomattox. His was not a blind patriotism, but an enlightened devotion to a country he loved.

He hated slavery because he believed it was an obstacle in the progressive march of civilization and condemned by Christianity. He spoke and voted for every measure looking to the eradication of the institution of slavery in the United States and of every other injustice incident to that institution. He favored all the amendments to the Constitution of the United States adopted since the war. He was for universal amnesty and universal suffrage.

He was twice elected (March, 1863, and March, 1871) President *pro tempore* of the Senate, and in that position served four years. He displayed rare abilities as a parliamentarian and presiding officer. His principal committee work was on the Naval and Public Printing Committees. He was chairman of the latter committee for twenty-one years. He served with distinction on other standing and special committees during and since the war.

During his chairmanship of the Committee on Public Printing and under his direction great improvements were made in the character and speedy execution of the public printing. Under his master care and wise counsel the most wonderful and extensive printing establishment in the world has grown up.

He was not a frequent debater on the floor of the Senate, though the Congressional Globe and RECORD contain many of his eloquent speeches on important subjects. He talked when he had something useful to say. He always, when speaking, commanded the attention of the Senate. His nearest, longest, and most confidential friend, Maj. Ben. Perley Poore, speaking of his addresses, says:

His eloquence is practical and sensible, unadorned with worthless verbal embroidery, yet throughout its solid Senatorial sentences there is a classic grace that charms the ear, while his dignified presence, pleasing manner, and pleasant voice aid in gratifying the audience.

He was bold and honest in the expression of his views, and thus made himself felt in public affairs. He loved the editorial profession, and always tried to ennoble it and give it greater weight and more universal influence for good.

Speaking in the Senate on this subject, he said:

I know something about the management of a newspaper. It is almost the only matter that I do know anything about; and for the truth of the maxim which I am about to declare I appeal to those Senators, on both sides of the Chamber, who, if they have not had greater experience than I have in that honorable profession, have reflected greater credit upon it. It is this: A paper that can not support itself can not be of any service to a party; to depend upon it is like leaning upon a man who can not stand up; to spend money upon it is like wasting fuel in the attempt to kindle a stone. The day when such papers were read has passed; and the day has long since arrived when a paper, to be of service to a party, must first establish a value to the public. It must acquire a character for the reliability of its facts and for the candor of its arguments; it must have the public confidence before it can affect the public opinion; it must be in a considerable degree independent of party before a party can derive any great value from its services. Of all the foolish expenditures that are made for political purposes, none are more useless and wasteful than those for the support of the class of newspapers that very few read and that nobody believes.

Senator ANTHONY'S services to his country in time of war had substantial recognition by the District of Columbia Commandery of the Military Order of the Loyal Legion. He was the first man elected by it a companion of the third class, a degree conferred only on civilians who rendered distinguished service to their country in the war of the rebellion. The resolutions adopted by that commandery after his death are considered worthy of repetition here.

Mr. ANTHONY, by his kind consideration for others, was in all social circles a special favorite. In private conversation he had the rare quality of being a respectful listener, while at the same time he was an entertaining talker.

Though advanced in years, and decorated with well-earned public honors, he never spoke of himself or his acts with pride or egotism. Retrospection is a habit of the mind in the aged, and there is no reason why they should not speak with pride of their past successes.

The aged veteran soldier—

Shoulders his crutch, and shows
How fields are won.

And why should not the veteran statesman speak of his exploits and victories? Senator ANTHONY was too modest to do this.

He outlived nearly all his early Senatorial colleagues. The names of Douglas and Yates of Illinois, Baker of California, Sumner of Massachusetts, Fessenden of Maine, Seward and King of New York, Chase, Wade, and Pugh of Ohio, Crittenden of Kentucky, Collamer of Vermont, Hale of New Hampshire, Carpenter and Howe of Wisconsin, Morton of Indiana, Chandler of Michigan, and many others equally distinguished have long ago been "carved on the marble that covers their dust." Rhode Island has buried but recently (September, 1881) another United States Senator—General Burnside. He was a soldier of renown as well as a statesman.

While both Senators ANTHONY and Burnside belonged to the State they so faithfully and ably represented, yet their fame and deeds belong now to the whole country, to freedom, to civilization, and to humanity.

Resolutions of the Military Order of the Loyal Legion, District of Columbia Commandery, adopted November 5, 1884.

HENRY BOWEN ANTHONY, a companion of the third class, died at his residence in Providence, on the 2d day of September, 1884.

Senator ANTHONY was born in Coventry, R. I., April 1, 1815. His ancestors were among the oldest inhabitants of that town, their Saxon blood and Quaker principles indicating their origin and their character. Receiving a classical education, he was graduated from Brown University in 1833. His health failing, he relinquished his legal studies, and in 1838 he assumed the editorial charge of the Providence Journal, and soon gave evidence of his common sense, his practical energy, and his varied learning, spiced with a refined humor that attracted the attention of the reading people of Rhode Island. No man in that State had a wider circle of devoted friends, and those who did not enjoy his personal acquaintance could say that—

He, in a general honest thought,
And common good to all, made one of them.
His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This is a man!"

In 1849 Mr. ANTHONY was elected governor of the State of Rhode Island, and he was re-elected in 1850, but he declined being a candidate for a third term. His course as chief magistrate of his native State was marked by a strict attention to its material interests and devotion to the great principles of public liberty.

On retiring from the gubernatorial chair he again devoted his whole time to his editorial labors until 1859, when he was elected United States Senator. He took his seat in the Senate on the 5th of December, 1859, and continuously occupied it, having been successively re-elected in 1865, in 1871, in 1877, and in 1883. He was several times elected President *pro tempore*, and at the time of his death he was the *Pater Senatus*.

At the outbreak of the rebellion Mr. ANTHONY at once took a decided stand in defense of the Union. A typical conservative, and by birth a lover of peace, he faced the secession movement with unflinching firmness and advocated its unconditional defeat. The sagacity which prompted the decision which nerved and the resolution which supported him are stamped upon the legislative annals of the war for the restoration of the Union, and the soldiers and sailors of Rhode Island will ever cherish their recollections of his patriotic generosity.

Senator ANTHONY was not a frequent speaker, but when he addressed the Senate he was always listened to with attention. His eloquence was practical and sensible, with no attempt at worthless verbal embroidery, yet amidst its solid Senatorial sentences there was a classic grace that engaged the ear, while his dignified presence, grace of manner, and pleasant voice aided in gratifying his audiences.

The commandery of the District of Columbia selected Senator ANTHONY as a companion of the third class, an honor which he highly appreciated. He was not, however, permitted to meet with the commandery many times. Death claimed him, and the summons had to be obeyed. His stalwart form, crowned with white locks, will no more be seen in the Senate Chamber; his kind heart is cold; his friendly hand is numb. It is pleasing to know that his mental faculties were bright, clear, and firm to the last, and he died in the mellow evening-shine of matured faculties, as he had lived, a philosopher, a gentleman, and a Christian.

Resolved, That this memorial be entered on the records of the commandery, and that a copy of the same be forwarded to the family of our late companion.

JOHN F. MILLER,
Breevet-Major General, U. S. V.,
HENRY J. SPOONER,
First Lieutenant, U. S. V.,
BEN: PERLEY POORE,
Major, M. V. M.,
Committee.

Mr. TUCKER. Mr. Speaker, the death of Hon. HENRY B. ANTHONY, late Senator from the State of Rhode Island, who, by his long and distinguished public service and his private virtues, has entitled himself to this memorial consideration by the two Houses of Congress, recalls to our minds the relation of his mother Commonwealth to our Federal Union at the foundation of the Government and at the ordeal crisis of its history during the period in which he was her representative in the Senate of the United States.

"Rhode Island and the Providence Plantations" constituted one of the original thirteen States which, under the loose league of the Continental Congress and afterward under the Articles of Confederation, fought together for the independence of the American States. But when the convention of 1787 met in Philadelphia to frame a new Constitution for these United States Rhode Island was conspicuous for her absence from its counsels, and signalized her jealousy of any change in the terms of the Federal Union by declining to supersede the old Articles of Confederation by the Constitution of 1789. Eleven States only ratified that instrument, and without the concurrence of North Carolina and Rhode Island the new Government was launched upon its voyage under the new Constitution. For nearly a year North Carolina, and until June 16, 1790, Rhode Island, were not members of the new Union constructed upon the terms of the Constitution of 1789.

The accession of Rhode Island by the act of her convention, dated May 29, 1790, was accompanied by declarations and demands of amendments, which evinced at once her jealousy for her rights as a State and her apprehension of danger from the powers delegated to the Federal Government.

She entered the Union as the equal of every other State in the Senate but with only one vote in the House of Representatives. Shorn of her equipollent power in the House, and fearful of its effects upon the rights of the States and the liberties of her people, she declared in like terms with Virginia, and in the same terms with New York, "that the powers of Government may be reassumed by the people whensoever it shall become necessary to their happiness;" and she proposed amendments, which foreshadowed those subsequently adopted within a few years after the adoption of the Constitution, by which the reserved rights of the States were more explicity secured, and the delegated powers of the United States were more clearly defined. In all of these views Virginia, the then largest, and Rhode Island, the then smallest, State were wholly in acord.

But in the next seventy years alienation of views and feelings were produced by diversity of interests, and from the existence of slavery in the South, to which the people of Rhode Island were strongly opposed. The tariff, the Missouri restriction, the relation of slavery to the Territories and to this District engendered contentions which brought the Union to the crisis of 1860, about which time Mr. ANTHONY entered the Senate of the United States.

He was then about 45 years of age and in the prime of his powers. A member of the Society of Friends, his political, personal, and religious sentiments made him a warm and earnest opponent of slavery. Originally a Whig and devoted adherent of Mr. Clay, he became a Republican when that party absorbed all opposition in the Northern States to the Democratic party. Of course he promoted the election of Mr. Lincoln in 1860, and supported with zeal and consistency all the measures for the war upon the Confederate States. At the close of the war he sustained the reconstruction measures and the entire policy of the party to which he belonged until his death in September, 1884.

It is difficult in any part of his political career for me to find a point of agreement between us. Without doubt there may have been questions on which we concurred, but they were few and on matters of minor importance.

But this variance of opinions, and even upon such questions as involved the two sections of the country in a civil war, can not prevent me from offering my willing testimony to his talents, to the purity of his private character, to his incorruptible integrity as a Senator, to the sincerity of his convictions, to the patriotism of his intentions, and to the urbanity, dignity, and courtesy which distinguished his personal and official intercourse. I knew him not intimately, but well enough to appreciate his intellect, to admire his public and private virtues, and to pay willing tribute to his patriotic devotion to what he thought was for the best interests of his country.

And why should differences upon political questions stint our praise of men whose conscientious convictions were as pure and honest as our own? Why should the embers of civil strife kindle again a wall of fire between me and one who was from genuine patriotism our enemy during the four dreadful years of carnage and of devastation? Why shall not men of both sides ascend to the heights of a magnanimity of thought which will accredit to their one-time foe, but now their fellow-citizen and compatriot, as sincere convictions and as genuine purposes to maintain the right and uphold the truth as is claimed for themselves? Who professes infallibility in thought or action? What standard can we who are prone to err erect for pronouncing judgment on others? If others are honest in opinion and purpose, who of us shall dare to condemn them for opinions contrary to our own?

For myself I declare in the solemn presence of the dead that I can and do forget all the diversities and hostilities of the past, and accord to him as much of virtue in purpose and of conscientiousness in action as I claim for those to whom he was hostile. Let the dead past be thus

buried in the graves of the dead of both sections, and let the living practice that noble charity which accords to every other what each claims for himself, and we will in honorable recognition of each other's virtues and forbearance for each other's faults move on with mutual respect and affection to the achievement of the best results for our common country in the grand future of the American States. It is thus, and only thus, that we can secure to the future of our country a true and genuine peace between the once hostile sections and make us one in heart and purpose, as we are one in constitutional Union. For myself, in all sincerity, I rejoice in this opportunity to testify these catholic sentiments and purposes, by laying upon the tomb of the late Senator from Rhode Island this chaplet which Virginia weaves through my humble hands as her tribute of honor to the character, virtues, and fame of the lamented dead!

Mr. SPOONER. Mr. Speaker, the "Father of the Senate" is dead. A long life of usefulness, largely devoted to the public service, has closed. A career unexampled by that of any son of his native State and almost unparalleled in the history of the Republic has terminated. All that was mortal of HENRY B. ANTHONY has been borne to its final resting place, reverently escorted by representatives of the National and State governments and by the mourning people of Rhode Island, and tenderly committed to the soil from whence he sprang.

His obsequies have been said; his virtues and attainments depicted, and his great services to his State and the nation fittingly portrayed. The General Assembly of the State of Rhode Island, the Board of Trade of the city of Providence, the Commandery of the Loyal Legion of this District, of which he was an honorary and an honored companion, the Senate of the United States, the public press, and the voice of the people have all recounted and recalled the incidents of his honorable life and pronounced their eulogies upon his private character and his distinguished public services.

The utterances of this hour, devoted to the memory of the deceased Senator, properly supplement the many similar tributes to his worth; and, though evolving little perhaps not already said, may at least, while giving appropriate recognition by this House of the public loss and the public sorrow, point again the lessons of a completed and well-spent life; and so, while appreciating the completeness of the tributes already paid, I can not omit the opportunity offered to render this last testimonial of respect and regard for my late friend and colleague.

It was Senator ANTHONY's fortune to live in stirring, troublous times, and to be a prominent participant in events which have largely contributed to the making of our history. From early manhood to almost the allotted life of man he may be said to have been constantly concerned in the direction of public affairs; first as an influential editor and controller of public thought; then as governor of his State; and finally as United States Senator by five successive elections and during more than twenty-five years of continuous service, embracing the most eventful period of our national existence.

Liberally educated and graduating at Brown University in 1833, with great natural talents and no small degree of cultivation and adaptability for the work, Mr. ANTHONY five years later became sole editor of the Providence Journal, in which capacity he established that newspaper among the leaders of New England opinion, and attained his earlier reputation as a graceful, vigorous writer, and a keen and discriminating critic of men and of public affairs.

The period of his earlier editorial career was in those years which immediately preceded and included the so-called "Dorr rebellion," when wide and irreconcilable differences among the people of Rhode Island concerning their suffrage gave rise not only to bitter discussions and personal and party dissensions, but even to domestic strife and an appeal to arms, threatening the peace and the very existence of the State. In those days Mr. ANTHONY and his paper were the stern, uncompromising supporters of the so-called "Law-and-order" party of Rhode Island, urging the supremacy of existing law and of the government organized under it until the same should be changed by and through the instrumentality and processes which that law recognized, and earnestly demanding the suppression by armed force of any armed resistance to what they claimed to be the only lawful government of the State.

It was during that period that Mr. ANTHONY established his reputation as an editor and first illustrated the proportions of his ability and the grasp and insight of his intellect. Yet, bitterly as the conflict was waged between the "Dorrites" and the "Algerines," as the contending parties were called, and virulent as were many of the animosities and antagonisms aroused—families and former friends dividing in hostile array—and although no man in Rhode Island more persistently and vigorously opposed Thomas W. Dorr and his associates than did HENRY B. ANTHONY, his peculiar characteristics, both of manner and method, are illustrated by the fact that many of his most hostile opponents in those days of internal strife subsequently became his faithful political adherents and closest personal friends. Indeed, within a few days I have read a letter recently written by an old "Dorrite" and a strong political opponent of Mr. ANTHONY in the "days of forty-two," who there speaks of the deceased Senator as one among his "ideals of great men."

Largely by reason of the reputation earned and the political alliances with which he became associated during the years of and immediately succeeding the contest referred to, Mr. ANTHONY was in 1849 nominated by the Whig party of Rhode Island and elected governor of the State; and in the following year re-elected to the same office, receiving upon this second election more than three-fourths of all the ballots polled—a marked evidence of his popularity with the people and of their satisfaction with his discharge of his duties as chief magistrate during his preceding term.

It is a peculiarity of Rhode Island politics, due I believe partly to the size of the State and partly to the characteristic independence of her people, that party lines are frequently broken for the expression of individual preferences, and votes often cast in direct antagonism to the nominal party affiliations of the voter; and Mr. ANTHONY, having perhaps to a greater extent than any other of his fellow-citizens a large following of personal friends, of varying shades of political opinion, captivated by his genial manners and won by his unquestioned integrity and the constancy of his friendship and his purpose, always found many staunch political supporters among those whose political alliances were usually widely at variance with his own; and, although originally a Whig and subsequently always a Republican, through the course of his long public life he enjoyed the continuous confidence and political support of many Rhode Island Democrats.

A Rhode Islander by birth and descended from old Rhode Island stock; by nature, descent, instinct, and education saturated with the ideas, principles, and convictions peculiar to the people of his State; with an affection akin to admiration for her traditions, her history, and her ancient institutions, Mr. ANTHONY was for more than a quarter of a century recognized as that one of all her citizens best qualified to represent her interests, as was evinced by his repeated elections to serve her during all that period in the United States Senate. His Senatorial career, extending from 1859 to the time of his death in September, 1884, spanned the lifetime of a generation. It saw the rise and overthrow of the great rebellion, the abolition of slavery, and the reconstruction of the Union, with constitutional liberty for black as well as white as a foundation-stone; it witnessed the restoration of financial safety and integrity and that wonderful expansion of American industries which wise legislation had fostered; it beheld that marvelous growth and prosperity which, within that period of time, had nearly doubled the population of Rhode Island as well as the population of the United States, and had nearly tripled the value of their manufactured products; it saw the star of the Republic, which had seemed about to set in clouds and darkness, blazing again in the peaceful sky as a beacon-light to progress and to freedom!

The long and faithful services of Senator ANTHONY in the national councils form a conspicuous part of the recorded history of our country, and scarcely demand recital here. They constitute a record of high patriotism, fidelity to duty, and prudent statesmanship during those trying seasons of peril and of strife when numerous new and important questions affecting the safety and perpetuity of our institutions vexed the public mind and demanded Congressional action; they embrace the period following the war, when matters of scarcely less importance to the welfare, peace, and prosperity of our people—the reconstruction of the Union, and questions of finance and traffic and taxation—called for that wisdom in legislation which he was so competent to exercise. Affable and courtly in manner, earnest yet prudent and conservative, diligent in the work committed to his charge, possessing rare gifts of eloquence and persuasion as well as a logical mind united with unusual power of statement and analysis, Senator ANTHONY, though seldom indulging in formal speeches in the Senate and but infrequently engaged in debate upon the floor, was for many years a power in the affairs of Government and one of the most influential of Senators. As an industrious member and as chairman of important committees, and for four years as President *pro tempore* of the Senate, he has left the impress of his statesmanship and his patriotism upon much of the legislation enacted during his term of Senatorial service.

If Mr. ANTHONY had not been called to public life, but had continued to actively occupy his early editorial chair, I believe I may safely assert that he would have attained both reputation and fame as a great editor. That was a career for which he was peculiarly adapted and most admirably equipped by his ability, his inclinations, and his attainments.

Few men possessed a keener appreciation of men and motives or better understood the course and the cause of the progress of affairs, or could express their views more clearly, forcibly, and attractively. A master of good English, some of the earlier as well as the more recent products of his pen are among the best examples of correct and graceful diction which our literature affords. He could be witty without being offensive; humorous and yet not gross; severe but still kindly and discriminating; complimentary yet not effusive; vigorous, or sympathetic, or critical, or sad, or gay; and through all he wrote there ever ran a genial, human vein, with a captivating style of thought and expression; and though his wit and satire were keen and incisive, yet, like the scimeter of Saladin, they seldom left a ragged wound to fester long after their blows had been delivered.

But I will delay the House no longer.

The "Father of the Senate" rests from his labors; the voice of the master of eulogy is hushed; and, with the memory of his glowing periods ringing in my ears, my simple tribute to his memory seems but discordant music.

His fame is a part of our common history, interwoven with the fame of Lincoln and Grant and Seward and Sumner and of those other patriots, now largely of the past generation, who labored, or fought, or died that the Union and free institutions might live.

Mr. Speaker, I move the adoption of the resolutions.

The resolutions were unanimously adopted; and in accordance therewith (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of James Bainster, of Cole County, Missouri, for payment for property taken and used by the Union Army during the late war—to the Committee on War Claims.

By Mr. BREITUNG: Petition of John Duncan, J. N. Wright, and of others, citizens of Calumet, Mich.; of William Harris, and others, of Lake Linden; of Lake Superior South Shore, Lake Michigan and Lake Superior Transportation Company, and others, of Hancock; of S. B. Harris, S. D. North & Son, and others, of Hancock; of T. L. Chadburne, R. M. Hoar, Hon. J. A. Hubbell, and others, of Houghton, Mich.; and resolutions of the Board of Trade of Chicago, Ill., praying for the purchase by the Government of the two canals across Point Keweenaw, Lake Superior, Michigan, in accord with the report of the Secretary of War, as contained in Senate Executive Document No. 15, Forty-eighth Congress, second session—to the Committee on Rivers and Harbors.

By Mr. CURTIN: Petition of merchants and manufacturers of New York, urging the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. DAVIDSON: Petition of citizens of Florida, asking for an appropriation for Punta Rassa Harbor—to the Committee on Rivers and Harbors.

By Mr. DORSHEIMER: Petition of P. J. Reuss, M. D., late surgeon in Seventh Regiment New York Volunteers, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of Frank Rothen, for pay as route-agent, &c.—to the Committee on Claims.

By Mr. HOPKINS: Petition of 624 citizens of Pennsylvania, requesting certain improvements in the Alleghany River and its tributaries—to the Committee on Rivers and Harbors.

Also, petition of citizens of Massachusetts, for the passage of the resolutions of Mr. Hopkins relative to the transportation of cattle—to the Committee on Commerce.

By Mr. LACEY: Petition of Fairbanks Post, No. 17, Grand Army of the Republic, of Detroit, Mich., for the passage of House bill 7548—to the Committee on Pensions.

By Mr. LYMAN: Petition of George H. Maintien Post, No. 133, Department of Massachusetts, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. MAYBURY: Petition of Emory Wendell, A. E. Vizer, Heavennich Bros., and 50 others; of Edson, Moore & Co., John J. Bagley & Co., William S. Talman, and 48 others; of Ducharme, Fletcher & Co., Beatty, Fitzsimmons & Co., and 49 others, of Detroit, Mich., praying for the purchase by the Government of the two canals across Point Keweenaw, Lake Superior, Michigan, in accord with the report of the Secretary of War, as contained in Senate Executive Document No. 15, Forty-eighth Congress, second session—to the Committee on Rivers and Harbors.

By Mr. NELSON: Petition of citizens of Moorhead, Minn., for the improvement of the Red River of the North—to the same committee.

By Mr. PATTON: Petition of Mrs. Mary Hammond and 35 others, of Dayton, Pa., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. POLAND: Petition of Emily Crain and others, of Williamstown, Vt., asking an increase of widows' pensions—to the same committee.

By Mr. W. F. ROGERS: Petition of business men of Buffalo, N. Y., asking that the United States acquire the title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west, and make said canals free of tolls—to the Committee on Rivers and Harbors.

By Mr. ROSECRANS: Petition of Ann E. S. Close, widow of Col. James T. Close, deceased, late colonel Sixteenth Virginia Volunteers, United States Army—to the Committee on Invalid Pensions.

By Mr. A. HERR SMITH: Remonstrance of citizens of Lancaster County, Pennsylvania, against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By E. B. TAYLOR: Petition of James H. Crozier and others, of Trumbull, Ohio, asking an increase of widows' pensions—to the Committee on Invalid Pensions.

By Mr. WALLACE: Petition of Henry C. James and others, of Salem, Ohio, asking for an increase of widows' pensions—to the same committee.

By Mr. WARD: Petition of a large number of citizens of Indiana, for an appropriation of $100,000 for the improvement of the Wabash River from Terre Haute to La Fayette, and from La Fayette to Pittsburg, Ind.—to the Committee on Rivers and Harbors.

Also, petition of 72 honorably discharged soldiers of Indiana, praying Congress to pass an act granting soldiers and sailors one hundred and sixty acres of land free from the conditions of settlement—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of Abilene Post, No. 63, Department of Kansas, Grand Army of the Republic.

By Mr. CHACE: Of Francis H. Wood and others, of Providence, R. I.

By Mr. W. W. CULBERTSON: Of citizens of Carter and Lewis Counties, Kentucky.

By Mr. LACEY: Of James R. Dickey and 227 others, of Coldwater, Mich.

By Mr. PAYNE: Of 63 citizens of Wayne County, New York, and of 112 citizens of Moravia, N. Y.

By Mr. POLAND: Of Alonzo H. Spooner and others, of Hancock, Vt.

By Mr. RANKIN: Of citizens of Waldo and of Stockbridge, Wis.

By Mr. SENEY: Of Conrad Bope and 64 others, of Wyandot County, Ohio.

By Mr. SHIVELY: Of H. C. O. Grublke and 20 others, of Homesville, Otis, La Porte, and Westville; and of George A. Bencher and 26 others, of North Liberty, Ind.

By Mr. STOCKSLAGER: Of 154 citizens of Organ Spring, Ind., and of 94 citizens of Nabb, Clark County, Indiana.

By Mr. WARD: Of citizens of Boone County, of Arcadia, of Pettit, of Forest, of Clark's Hill, and of Frankton, Ind.

SENATE.

THURSDAY, *January* 22, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 20, 1884, a report from the Chief of Engineers and accompanying report from Lieut. Col. George H. Elliot, Corps of Engineers, submitting an estimate of the cost of the proposed improvement of the harbor of Providence, R. I., by the removal of Green Jacket Shoals; which, with the accompanying report, was ordered to be printed, and referred to the Committee on Commerce.

He also laid before the Senate a letter from the Attorney-General, transmitting, in answer to a resolution of the 20th instant, a statement showing the settlement of claims for lands taken by the Government under the act of July 15, 1882, for increasing the water supply of the city of Washington, and the obstacles thereto; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF DISTRICT HEALTH OFFICER.

The joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia was read twice by its title.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Printing, if there be no objection.

Mr. MANDERSON. The Committee on Printing have had that subject-matter under consideration. A joint resolution of similar purport was introduced in the Senate and referred to the committee, and I was instructed yesterday to report in favor of the joint resolution. It being identical with the one passed by the other House, I ask that the House joint resolution be now considered by the Senate.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read at length.

The Chief Clerk read as follows:

Be it enacted, &c., That the Public Printer be, and he is hereby, authorized and directed to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District of Columbia.

Mr. COCKRELL. I should like to ask before we proceed further whether the joint resolution on this subject passed by the Senate is the same as that passed by the House?

Mr. MANDERSON. It is exactly the same. The joint resolution now before the Senate is identical in language with the one acted upon by the committee.

Mr. COCKRELL. I am very sorry I was not here when it was acted upon. I should certainly have opposed the proposition to let the House of Representatives have three hundred and fifty copies and the Senate only a hundred.

Mr. MANDERSON. That is about the equal proportion of membership of the two Houses. It is not a document, I will inform the Senator from Missouri, that seems to be in much demand by our constituents.

Mr. COCKRELL. I understand perfectly what it is. I have had application for it, and have had to send it off, and I know something about it. The proposition is not just or right to the Senate.

The PRESIDENT *pro tempore*. Debate is not in order except by unanimous consent. Is there objection to the present consideration of the bill or joint resolution? It is a joint resolution by its title on the outside, and a bill by its enacting clause on the inside. The Chair hears no objection, and the bill, as it legally is, that being what it is on its face, is now before the Senate, as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Nebraska that there is an obvious error between the entitling of the paper and its enacting clause, and that the title ought to be amended so as to make it a bill in its title.

Mr. MANDERSON. I move to so amend the title.

The PRESIDENT *pro tempore*. If there be no objection the title will be amended so as read: "A bill authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia;" and as amended the title will stand.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of M. F. Wooster Post, No. 34, Grand Army of the Republic, Department of Ohio, praying for the purchase by the Government of Miss Ransom's portrait of Maj. Gen. George H. Thomas; which was ordered to lie on the table.

Mr. MILLER, of New York, presented a petition of 535 citizens of New York city, praying that all acts fixing the term of many administrative offices at four years be repealed; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of Margaret F. Rawdon, of Little Falls, N. Y., praying for the passage of the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President; which was referred to the Committee on Foreign Relations.

He also presented a petition of letter-carriers in the employ of the Post-Office Department, praying additional compensation for labor in excess of eight hours per day; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Adam Johnson, late of Company G, One hundred and fifty-third Regiment New York Volunteers, and the petition of George W. Collins, late of Company C, Sixteenth Regiment New York Volunteers, praying for an extension of the time for filing pension claims; which were referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, presented the petition of Robert McFarland and 648 other citizens of Pittsburgh, Pa., and vicinity, praying for an appropriation for the improvement of the Allegheny River; which was referred to the Committee on Commerce.

Mr. GARLAND presented resolutions adopted by the city council of Hot Springs, Ark., remonstrating against the passage of the bill (H. R. 7688) for the regulation of the Hot Springs reservation; which were referred to the Committee on Public Lands.

Mr. PENDLETON presented a memorial of Cigar-makers' Union, No. 173, Zanesville, Ohio, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. LAPHAM presented a memorial of the Chamber of Commerce of the State of New York, favoring the establishment of a United States marine hospital at the port of New York; which was referred to the Committee on Commerce.

Mr. PALMER presented the petition of John Donahue, of Emmett, Mich., praying for the restoration of forty acres of land patented to him by the Government and subsequently taken by another person; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department, reported it without amendment.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 257) for the relief of John P. Gregson and Francis H. Ellison, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 409) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," reported adversely thereon; and the bill was postponed indefinitely.

Mr. BUTLER. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 318) for the relief of cadets and cadet-engineers who were in the naval service at Annapolis on the 5th day of August, 1882, to report it with an amendment. I am requested to state that the committee is not unanimous in so reporting the bill.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, for payment to E. J. Smithers of unpaid salary as United States consul at Chin-Kiang and Tien-Tsin, from the 9th day of July, 1884, to the 20th day of October, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California. I am also instructed by the Committee on Foreign Relations, to whom was referred the bill (S. 2545) allowing the widow of William H. Hunt, late minister to Russia, one year's salary, to report it adversely and to move its indefinite postponement; and in lieu thereof I report an amendment to the consular and diplomatic appropriation bill on the same subject, to be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The bill just reported by the Senator from California will be postponed indefinitely, if there be no objection, and the proposed amendment will be referred to the Committee on Appropriations, and printed.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom was referred the memorial of J. Van Allen, of New York city, remonstrating against granting a charter for the establishment in this country of a university to be presided over personally by the head of the Catholic Church, asked to be discharged from its further consideration and that it be referred to the Committee on Education and Labor; which was agreed to.

Mr. McMILLAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 736) for the relief of James Hooper, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on Commerce, to whom was referred the bill (S. 2382) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, reported it with an amendment.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. 1435) to fix the positions of the assistant astronomers at the Naval Observatory, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FRYE. I am instructed by the unanimous action of the Committee on Commerce, to whom was referred the bill (S. 2559) for the encouragement of the American merchant marine and to promote postal and commercial relations with foreign countries, to report it with a favorable recommendation.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. 2171) to promote the efficiency of the revenue-marine service, reported it without amendment.

SAINT CROIX RIVER BRIDGE.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., to report it favorably with amendments. I ask unanimous consent that the bill may be considered at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I desire to say that the Senate passed a bill which contains all that is in this bill as proposed to be amended. The committee have recommended such amendments as will make the House bill correspond with the bill which the Senate passed. All the amendments are inserted in their places in the House bill to make it correspond to the bill which the Senate has approved.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. CONGER. I ask unanimous consent that the amendments may be read as we proceed with the paragraphs.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the amendments reported by the Committee on Commerce be considered in the order which they shall be reached in the reading of the text of the bill. Is there objection? The Chair hears none.

The Chief Clerk proceeded to read the bill and read to line 17 of section 2.

The first amendment of the Committee on Commerce was, in section 2, line 11, to strike out "of such" and insert "other;" and in the same line, after the word "works," to insert the words "provided for in this act;" so as to read:

Shall submit to the Secretary of War a plan of the bridge and other accessory works provided for in this act.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 34 of section 2, before the word "navigable," to insert the words "the best;" so as to read:

With a draw over the main channel of the river at an accessible and the best navigable point.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 39 of section 2, after the word "boats," to insert "vessels, and other water-craft;" so as to read:

Provided also, That said draw shall be opened promptly upon reasonable signal for the passing of boats, vessels, and other water-craft.

The amendment was agreed to.

The next amendment was, after the word "water-craft," in line 40 of section 2, to insert:

Provided, however, That no bridge shall be built under the provisions of this act except there also be built, at the time of the erection of the piers, proper sheer-booms or other proper protections to safely guide boats, vessels, rafts, and other water-craft through said draw-spans, and at the expense of the company or corporation erecting said bridge.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 3, line 10, before the word "accessory," to insert the word "other;" and in the same line, after the word "works," to insert "provided for in this act;" so as to read:

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge conforming strictly to the approved plan and location; but until the Secretary of War approves the plan and location of said bridge and other accessory works provided for in this act, and notify the company of the same, the bridge shall not be built.

The amendment was agreed to.

The next amendment was, in section 3, line 12, after the word "or," to strike out "said" and insert "other;" in line 13, after the word "works," to insert "provided for in this act;" and at the end of the section to add "not, however, to be in any wise inconsistent with the provisions or conditions of this act;" so as to read:

And notify the company of the same, the bridge shall not be built; and should any change be made in the plan of the bridge or other accessory works, provided for in this act, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War, not, however, to be in any wise inconsistent with the provisions or conditions of this act.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 4, line 2, after the words "according to," to strike out the words "the terms and limitations thereof" and insert "its provisions and conditions;" so as to read:

SEC. 4. That any bridge and accessory works, when built and constructed under this act and according to its provisions and conditions, shall be a lawful structure.

The amendment was agreed to.

The next amendment was, to add to section 4 the following words:

And the United States shall have the right of way for postal telegraph and telephone lines, free of charge, across said bridge.

The amendment was agreed to.

The next amendment was, to insert after section 4, as an additional section, the following:

SEC. 5. That it shall be the duty of the Secretary of War to require the company or persons owning said bridge to cause such aids to the passage of said bridge authorized by the provisions of this act to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water-craft safely through the draw and raft spans, as shall be specified in his order in that behalf; and on the failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The PRESIDENT *pro tempore*. The numbers of the concluding sections will be changed to correspond with the number of the additional section, inserted as section 5.

Mr. COCKRELL. I should like to hear the last section but one of the bill read again.

The Chief Clerk read as follows:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Mr. COCKRELL. There ought to be a provision not giving Congress the right to require a change or anything of the kind in order not to impede navigation, but giving the power to the Secretary of War. It seems to me that has always been left to the discretion of the Secretary of War. There may be some other clause that gives the control of the structure. It would not be appropriate to vest in Congress the right to require a mere change to be made in the bridge or a repair to be made to it.

Mr. CONGER. In section 3 there is a provision that any change or alteration in the bridge "shall be subject likewise to the approval of the Secretary of War."

Mr. COCKRELL. Let the third section of the bill be read.

The Chief Clerk read as follows:

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approve the plan and location of said bridge and other accessory works provided for in this act, and notify the company of the same, the bridge shall not be built; and should any change be made in the plan of the bridge or other accessory works, provided for in this act, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War, not, however, to be in any wise inconsistent with the provisions or conditions of this act.

Mr. COCKRELL. That does not cover the point I suggested. For example, where repairs have to be made or any change is to be made in the bridge, that ought to be done by the company at their own expense, under the direction of the Secretary of War, and not of Congress.

Mr. CONGER. The power is given to Congress to change, alter, amend, or repeal. That provision was inserted in the Senate bill, I think, on the motion of the present President of the Senate; and it has been inserted in other bills since that time, and received the approval of the Senate. That would apply after the bridge is built, if any material change should be made there, in which case it is provided that Congress shall have the right to repeal, alter, or amend.

Mr. COCKRELL. The provision is all right, except as to keeping the bridge in repair, or making any change that may be necessary after the structure is completed. The bill leaves it to Congress to determine that, when I think the Secretary of War ought to determine it. Let that section be read again.

Mr. CONGER. If the Senator has any amendment that he would like to offer, let him present it.

Mr. COCKRELL. Let the section be read again.

The Chief Clerk read as follows:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Mr. COCKRELL. I do not think that clause is sufficient. There might be changes required and necessary which the Secretary of War ought to have the right to order. My recollection is that a provision has always been inserted in similar bills heretofore that keeping the bridge in repair and things of that kind shall be under the direction of the Secretary of War. But still if the Senator from Michigan desires no change, I shall not make any further suggestion.

Mr. CONGER. The Senator will find that section 3 provides for the approval of the Secretary of War of the plan and construction of the bridge, and that any changes which may be made in it shall also be subject to his approval—that is, while it is being constructed; and in case there should be a necessity for making any great material change, that comes in under the clause to alter, amend, and repeal, and the power is reserved to Congress to require those changes. It is not a direction; it is a limitation. I have no objection to any other phrase, but it seems to me that the bill is one of the most full in respect of the reservation of power to the Government of any that we have passed. So the committee thought, and I think so myself.

Mr. FRYE. I suggest to the Senator having the bill in charge to strike out the last section:

That this act shall take effect and be in force from and after its passage.

It is surplusage. There is no necessity for it. It performs no office there.

Mr. CONGER. Very well; I move that that section be stricken out.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan, to strike out the seventh section of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RAILWAY MAIL SERVICE.

Mr. WILSON. I am directed by the Committee on Post-Offices and Post-Roads to report back to the Senate the letter of the Postmaster-General, dated January 20, 1885, and the accompanying documentary history of the railway mail service, with a concurrent resolution, which I ask may be read, and that the resolution, communication, and document be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the letter from the Postmaster-General, dated January 20, 1885, and the accompanying documentary history of the railway mail service from its origin in 1864 to the present time, be printed, and that 2,000 additional copies be printed for the use of the Senate, 3,000 for the use of the House of Representatives, and for the use of the Post-Office Department 5,000 copies.

The PRESIDENT *pro tempore*. The concurrent resolution, with the

accompanying papers, reported by the Senator from Iowa, will be referred to the Committee on Printing.

CONGRESSIONAL RECORD REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution providing that the reports in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and debates of the two Houses of Congress, to report it favorably. Believing that the Senate is practically unanimous in favor of the resolution, and that it will take no time, I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. Without objecting, I may say that I should like to make a few observations on that resolution when it comes up. It will not be a very long discussion, but the resolution will not pass without debate.

Mr. ALLISON. I suggest that it be laid over for a day.

Mr. HOAR. I have no objection to its consideration now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MANDERSON. I withdraw the request at the suggestion of Senators. Let the resolution go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print the letter of the Secretary of State dated December 12, 1884, and the accompanying reports of United States consuls on labor in Europe.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1017) relative to the Inspector-General's Department of the Army; and

A bill (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington.

BILLS INTRODUCED.

Mr. GARLAND introduced a bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock; which was read twice by its title, and referred to the Committee on Finance.

Mr. MILLER, of New York, introduced a bill (S. 2572) authorizing the President of the United States to appoint Cadet-Engineer John U. Crygier an assistant engineer in the United States Navy, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate, pursuant to the order of the Senate yesterday, the resolution offered by the Senator from Kansas [Mr. PLUMB]. It will be read.

The Chief Clerk read the resolution, as follows:

Whereas the United States in 1866 acquired from the Creek and Seminole Indians by treaty certain lands situate in the Indian Territory, a portion of which have remained unoccupied until the present time; and

Whereas a widely extended belief exists that such unoccupied lands are public lands of the United States, and as such subject to homestead and pre-emption settlement, and pursuant to such belief a large number of citizens of the United States have gone upon them claiming the right to settle and acquire title thereto under the general laws of the United States; and

Whereas it is understood that the President of the United States does not regard said lands as open to settlement, and believes it to be his duty to remove all persons who go upon the same claiming the right to settle thereon, and for that purpose has directed the expulsion of the persons now on said lands by the use of military force, and there seems to be a probability of a conflict growing out of the attempt to expel said persons so claiming right and attempting to settle: Therefore,

Resolved, That the President be requested to advise the Senate as to the status of the lands in question as viewed by the Executive, the action taken, if any, to expel persons seeking to settle thereon, and the reason for the same, together with any other information in his possession bearing upon the existing controversy.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri [Mr. VEST] will be read.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed and empowered to ascertain, by communication with the authorities of the Creek and Seminole Nations of Indians in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all the right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain, to be divided by a line running north and south," the lands so described in the treaty being now known as "Oklahoma," and being fully described in Senate Executive Document No. 109, Forty-eighth Congress, first session, page 4, and the lands described in article 3 of the Seminole treaty of March 21, 1866. (14 Statutes, 756.)

That the Secretary of the Interior shall communicate with the authorities of the Creek and Seminole Nations immediately, by special agent or otherwise, as he may deem necessary, and transmit the result to Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. VEST. Mr. President, upon reflection I do not wish to substitute the resolution I offered for that of the Senator from Kansas. There is really no conflict between the two resolutions, and I think it would be very well in the present contingency to adopt both.

The information this morning from the Indian Territory is to the effect that General Hatch has telegraphed to the War Department to know whether he is expected to attack the persons who have settled in what is known as the Oklahoma country at any or all hazards, and he has further informed the Department, as I see by the papers, that he is satisfied those people can not be removed except in the event of force being used for that purpose. The man who is now at the head of the persons who have gone into the Territory bears the character of being a very determined, if not a desperate man, and he seems resolved to push matters to an extremity. This being the case, it is of the utmost importance that the prevention of bloodshed should be secured by the action of Congress.

For myself I do not see that the President of the United States can take but one course, and that is the course already adopted by him. I do not think that any intelligent lawyer will undertake to say that the Oklahoma country is subject to settlement by white persons at this time. It has not been declared by the authorities of the United States to be open for homestead or pre-emption. It stands in a position to-day before the law which absolutely prevents its settlement by white men, at least until there shall be some sort of arrangement with the Indians from whom the land must be purchased. This being the case, the President could adopt but one course. In July last by proclamation he warned all persons from entering into that territory in its present condition. Notwithstanding that, in absolute defiance of the authorities of the United States, three raids have been made upon the territory, and now there are more than two hundred and fifty armed men encamped upon the Stillwater prepared to resist the forces of the United States, and the dispatches state this morning that the force is being rapidly augmented by accessions from all the adjacent States.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Texas?

Mr. VEST. Certainly.

Mr. MAXEY. I wish to ask the Senator from Missouri a question in regard to a matter with which he is more familiar than I am, he being a member of the Committee on Territories. Is any land of the United States not surveyed, sectionized, and subdivided subject to settlement?

Mr. VEST. I do not understand that it is.

Mr. MAXEY. Has this land ever been surveyed and sectionized?

Mr. VEST. This never has been, and in addition to that there are other considerations to which I propose to refer very briefly.

Mr. MAXEY. It is not subject to settlement.

Mr. VEST. No. As a matter of course the Senators representing the States bordering upon the Indian Territory, particularly the Senators from the States of Kansas and Missouri, are very deeply interested in this question. Large numbers of our people, I think under very bad advice and entirely misguided, have gone into that Territory, and they have gone there honestly believing that they have the right as citizens of the United States to occupy that soil. They have gone there in spite of advice, so far as I am concerned, always given to the same intent, that if they wished to avoid trouble they should stay out of that country. That it will be eventually opened up to settlement there is no sort of question. I say this reluctantly, because I do not want to be put even in the apparent position of encouraging the people who have gone in there under the present circumstances. Still I am bound to say, in what few words I shall submit here to-day, that it is inevitable that this country shall be opened up to settlement. Our past experience, the nature of the American people, the course of events, to say nothing about manifest destiny, all point in one direction, that all this land, much of which is of the most valuable description, will be occupied by white men. That is the inevitable course of events in regard to Oklahoma.

Some misapprehension exists as to what is Oklahoma. We find gentlemen in public life who seem not to understand at all what is the nature of this controversy, if we can term it such, between the people who have gone in there and the authorities of the United States. Recent debates held in another portion of the Capitol seem to indicate that gentlemen occupying public position believe that the President has violated the law. As I said before, the President could do nothing

but what he has done. Under his oath of office, as the Chief Executive of the nation, he is sworn to carry out the law, and the law as it stands to-day absolutely prohibits the settlement of white men upon that soil.

Now, what is Oklahoma? Because if I can reach the men who have gone in there, whether a single Senator listens to me or not, I shall have achieved something in the interest of peace and law and order. Oklahoma proper is a country nearly 5,000 square miles in area. It is located in almost the central part of what is known as the Indian country, and that Indian country, by law of 1834 of the American Congress, was declared to be all the lands west of the Mississippi River that were not entered, that were not surveyed, that were not assigned by the Government or authorities of the United States. It was a loose description, and it has settled down now to be what is called in common parlance, but what is not known to the law by that expression, as the Indian Territory. In the statute it is called the Indian country. The five civilized tribes—the Choctaws, Chickasaws, Cherokees, Seminoles, and Creeks—occupy the eastern portion of this Territory, using that word. The Creeks sold the western half of their possessions to the United States in 1866, at 30 cents per acre. In Senate Report No. 64 a succinct statement will be found. It reads as follows:

The country known as "Oklahoma" covers a portion of the lands ceded to the United States by the treaties of 1866 with the Creek and Seminole Nations of Indians, respectively; the unassigned portion of which extends from the Canadian River on the south to the Cimarron River on the north, and from the country of the Cheyennes and Arapahoes on the west to the country occupied by the Iowas, Kickapoos, and Pottawatomies on the east.

And if Senators will take the trouble to look at the map furnished by the Interior Department in which the boundaries of Oklahoma are definitely described, they will find that in order to go to that country it is necessary to go from the borders of Kansas one hundred and twenty-one miles through the Cherokee country west of where the civilized Cherokees now reside in order to reach this debatable land, Oklahoma. As I have stated, its boundary on the south is the Canadian River, on the north the Cimarron, on the west the reservation of the Cheyennes and Arapahoes, who were intended to be located on the line of the State of Kansas. They were taken there by General Sheridan, at their own request, and placed down south of the Cimarron River, where they have remained ever since. This country known as Oklahoma originally embraced a little less than 5,000 square miles of territory. A large portion of it is represented as possessing a most delightful climate.

Mr. DAWES. Will the Senator allow me to inquire whether I understood him to say it is 5,000 square miles in area?

Mr. VEST. Yes, sir.

Mr. DAWES. The Secretary of the Interior reports that it contains 1,210,000 acres. Five thousand square miles would be more than that.

Mr. VEST. I speak of what was known as Oklahoma proper prior to the time that the western portion of it was set off for Indian tribes.

Mr. DAWES. I have before me a map furnished by the Secretary of the Interior, in response to a resolution of last winter, giving the boundaries of Oklahoma. It is bounded in this map on the north by the Cimarron River, on the east by what is now occupied by the Iowas, Kickapoos, and Pottawatomies, on the south by the Canadian River, and on the west by what is occupied by the Cheyennes and Arapahoes.

Mr. VEST. The present boundaries.

Mr. DAWES. That area is stated by the Secretary in this same document to contain 1,210,000 acres.

Mr. VEST. That is correct, I have no doubt.

Mr. DAWES. Five thousand square miles would contain three times that.

Mr. VEST. Certainly; but I spoke of Oklahoma as originally known. Since that time the Sacs and Foxes, the Seminoles, the Pottawatomies, the Kickapoos and Iowas, Cheyennes and Arapahoes have all been located within the original boundaries.

Mr. DAWES. In the Secretary's estimate that part is taken out.

Mr. VEST. That part is now taken out.

Mr. DAWES. And I understand that those parts are occupied by Indians under executive orders.

Mr. VEST. Yes, sir; they are. The Senator from Massachusetts has correctly given the boundaries as they are, south by the Canadian River, north by the Cimarron, west by the Cheyennes and Arapahoes, and east by the Iowas, Kickapoos, and Pottawatomies.

Now, Mr. President, the difficulty in regard to this matter arises under a clause in the treaty of 1866 made between the United States and the Creek Nation of Indians and a treaty made in August of the same year between the United States and the Seminoles. I ask the attention of Senators to this clause, because here is the whole difficulty, and upon this a plausible pretext has originated for leading people into that territory on the ground that it is open to settlement, homestead and pre-emption. The third article of the treaty of 1866 with the Creeks is:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south.

I have examined the contemporaneous debate, and in my opinion the intention of the Senate of the United States, when it used the word "freedmen" in these treaties, was to include all the freedmen in all the States of the Union. The idea then existed that public policy demanded that the negroes emancipated by the proclamation of President Lincoln could be colonized in the Indian Territory and segregated to themselves. It is unnecessary to say that it was a great mistake, and no man who knew the negroes ever conceived that such a thing was possible, that they ever could be taken from the homes they then had and colonized in any such way. But that was the intention unquestionably. Afterward, Mr. Schurz, Secretary of the Interior, when the question first came up under the raid of Captain Payne, now dead, construed this section of the treaty to mean the freedmen among the five civilized tribes.

These Indians were slave-owners, and they divided in the war just as their white brethren did in the border States, a large number participating with the confederacy and raising troops for the confederate army. They were slave-owners, and at the close of the war had a large number of freedmen among them. Mr. Schurz, I think, improperly construed this clause of the treaty to mean the freedmen among the Indians themselves. But even these were not colonized.

The Creeks conveyed this land at 30 cents an acre, subject only to one condition, and that was that the United States should only settle upon it Indians from the plains and freedmen. Whatever may be the technical right of this matter, no lawyer, I undertake to say, would, as between man and man, between one citizen and another, hold that the land belongs to the United States without condition. No court of equity would refuse to carry out the conditions of this grant. If it were a case between individuals, one of whom accepted the grant under those conditions, and afterward undertook to violate them, any court of equity would interfere and cause him to carry out the terms of the grant. There would be a perfect estoppel to his doing aught else; he would be prevented from saying that was not his contract and not his understanding.

The Government of the United States made this treaty with these Indians, and bought from the Creeks 3,260,560 acres, at 30 cents an acre, amounting to $978,168. We have paid this or secured it to their satisfaction. After we have made that treaty, we can no more tear up its conditions, and say that we can put upon those lands anybody that we please, than an individual who had bought a piece of property for a certain expressed use could ignore that use and say it was his illimitably and in fee. It is in fact a conditional fee. The land was sold to the United States under certain conditions and for certain purposes. Only Indians or freedmen were to go on the land. What man has a right to say they would have sold for 30 cents an acre if they thought that white men with their acquisitive propensities were to become their immediate neighbors?

It seems to me a question too plain for argument. When I saw some weeks since in the public prints that a United States judge in Kansas had made a decision that these lands were open to settlement, I could not believe it, and I venture to say no man on the bench has ever made such a declaration. I have read the opinion delivered by Judge Foster. It decides nothing else except that persons going in there were subject to a penalty. It does not pretend to say, and I undertake to say that no judge who wears the ermine to-day will ever say that under present laws white men have a right to go into that territory and make settlements.

We purchased from the Seminoles by the treaty of August, 1866, 2,169,080 acres of land, at 15 cents an acre, making $325,362, which we have paid. We have acquired from the two tribes 5,419,640 acres of land in the middle of the temperate zone, as fair as any upon which the sun has ever shone, for $1,303,530. Yet the greed of our people is such that they propose to break through these treaties—for the Seminole treaty contains the same provisions with the Creek treaty—go on this land before it is surveyed, take possession of it in defiance of the proclamation of the President and of the law and treaties, and appropriate it to their own use.

This is the whole of this question. It seems to me that Congress should meet it now fairly and openly in accordance with our honor as a people, in accordance with the strict faith of the nation. The story of our dealings with the red man is a sad one. I do not propose to use any rhetoric about it. It is a story that beggars rhetoric. No mortal man can do justice to the terrible wrongs inflicted on those people. It is enough to say now that we ought to deal with them equitably and honestly, and it can be done in but one way. They have rights in this land. They have the right—call it residuary or contingent or uncertain interest, or what you may—to say that none except Indians and freedmen shall be located on this territory. That right can be purchased. This land was sold at a price ridiculously low, if it was to be regarded as a sale of the fee. There is but one way for us to act as a great people of overwhelming power, and that is to go to these friendly Indians and say to their authorities who are struggling day by day, advancing slowly and gradually, "We come to deal with you now as if you were one of the greatest and most powerful nationalities on the face of the earth; not even the lion of England shall receive more deference." My view is that if we will so treat these people we can acquire their interest, whatever it is, in this land, and remove from controversy this question that will be settled in blood unless it is settled by law. Congress a few years ago, I believe in 1875, prohibited the further introduction of Indians from the plains into this territory.

That does not affect the question of these treaties. If we have no further use for that country for the Indians of the plains, that does not give us the right to put upon it our own citizens, independent of the claim set up under the treaties which I have read.

Mr. DAWES. Mr. President, the relations of the United States to the Indian Territory have at last forced themselves upon the attention of the country. No one connected with Indian matters in the Senate, at least since I have been a member, has failed to try to arrest the attention of the Senate in reference to those peculiar relations session after session, but hitherto without avail. Matters have been left to drift and to drift in precisely the same direction as has alarmed every one who has had anything to do with the subject, until it is presented to us now whether we shall indifferently stand by and see it settled by force and perhaps by bloodshed. For one, I am obliged to both the Senator from Kansas and the Senator from Missouri for bringing the matter before the Senate in the manner in which they have done, and for the apparent spirit and the real spirit, so far as I know, which actuates them, for I confess that I have not been able heretofore to make any Senator think there was any occasion to look very seriously into this matter.

The resolution offered by the Senator from Kansas I said yesterday I thought might result in this good: that it would give the President of the United States, while asserting the supremacy of the law, another opportunity to call the attention in the most formal and serious manner of those affected by his proclamation to the clear and unquestioned position in which they have put themselves of violation of the law, and trust to the effect of such a renewed proclamation upon them to obviate the necessity of force and possible bloodshed, for the supremacy of the law is the one thing about which we can raise no possible question. That must be maintained by the President of the United States at whatever cost; but every one must be desirous, while maintaining the supremacy of the law, to find some way of doing it without the sad result of bloodshed.

There are two classes of people down in Oklahoma defying the authority of the United States. One of them is the leaders who have gone there with their eyes open and with full knowledge, and, as I am credibly informed, largely as a matter of speculation and revenue. The other is their followers, innocent but deluded people, anxious to obtain homes upon the public land, and only knowing that here is desirable land, unoccupied, which they are told by their leaders is public land and whom their leaders have undertaken for a specified sum per capita paid into their treasury to take upon that land and to maintain them there. The leaders have been from time to time prosecuted, under such laws as the United States have, for trespass. I see in the public papers Congress arraigned for not having provided laws sufficient to punish these trespassers upon the public land. That charge does not lie against the Senate of the United States, for repeatedly the Senate of the United States has passed a bill providing for the punishment of such trespassers by imprisonment as well as fine. More than a year ago, during this Congress, the Senate passed such a bill, which remains elsewhere unacted upon. If that had been passed into a law when it was first reported here, three or four years ago, and these leaders had been punished under it, not only by fine but by imprisonment, the three or four hundred innocent and honest followers of these men would have been kept from the trouble they are in now. The blame, therefore, does not lie at the door of the Senate. It has done everything in its power to furnish the Executive with authority to punish efficiently these leaders. It is in order that the President may have the opportunity to show these leaders what will be the consequences of their persisting in this violation of the law, as well as their innocent and deluded followers the consequences of continuing to follow the advice of these leaders, that I think good will come from the adoption of the resolution proposed by the Senator from Kansas.

There is another class of citizens, much larger, to whom also in my opinion it will be serviceable, and that is that large class of citizens, especially residing in the Western country, desirous of taking up homes upon the unoccupied lands of the United States as soon as they can lawfully, in conformity with law; but the policy of the Government and the treatment of such cases by the Government have been such as to lead them to believe that the only man who can secure a desirable homestead upon the public land is the man who first gets upon it, whether he get upon it in conformity with the law or not, and this large class of our fellow-citizens complain and rightfully complain that, after persons have gone on in violation of law and got possession the Government, when it comes to open the territory, recognizes those persons to the exclusion of the honest citizen who will not violate the law and seems to himself to have as good a right certainly as a trespasser to occupy the public land. Now, I want the President of the United States in some form, in his proclamation, to assure the law-abiding citizens of this country who are desirous to go upon the public land that the violators of the law shall not profit to their exclusion by getting upon any unoccupied land in violation of the law; and therefore these three classes of our citizens, the larger one conforming to the law, another class following leaders who know better, and the leaders themselves, shall have brought to their minds distinctly the consequences of this persistence in the violation of the law.

I see that the Legislature of one of the largest of the Western States yesterday denounced the exclusion of these people from this territory and called upon Congress at once to open it.

Mr. ALLISON. What State?

Mr. DAWES. The Legislature of Kansas. In the other branch (if I may be allowed to allude to it), the day before yesterday the proceedings of a public meeting, held at a court-house in one of the large and populous counties of one of the Western States, were put upon the record there, in which they denounced this attempt of the President of the United States by force to exclude their fellow-citizens from occupying this land.

That is a spirit which a proper proclamation from the President of the United States may do something toward allaying; something toward showing those who promote it that they are putting themselves on the side of the violators of law. I desire that the President may have the occasion, which such a resolution may offer, to present again to all these classes of citizens, for such consideration as each from his standpoint will be likely to give to it, the consequences of this attempt not only to violate the law but to defy the force of the United States sent there to enforce the law. I hope it will have the effect and save us, therefore, from the sad and deplorable consequences which must ensue.

It may not be improper to allude to the fact that I see already printed circulars sent among the followers of these men and among the people in the States, who as good citizens refuse to violate the law but are as anxious to better themselves by making new homes as anybody, urging them to hold on to this position until the 5th of March as if this trouble could be devised by an outgoing administration to an incoming one. I do not for a moment believe that there is any possibility of anything being gained by the breakers of the law by any such suggestion as that. Those who will take charge of this Government after the 4th of March will in my judgment be as much disposed as anybody else to enforce the laws while they remain upon the statute-book, and these poor people are being further deluded, in my opinion, if they are deluded with the idea that it is possible for them to maintain under any incoming administration any violation of the law with impunity.

But, sir, the resolution of the Senator from Missouri opens up another subject and looks to what is ultimately to be done with these lands, and that is a subject which is forced by this condition of things upon the attention of the Senate, and I trust will hold its place in the consideration of the Senate until some proper disposition shall have been made of it. Here is a large tract of land, a million and a quarter acres, more or less, as fine land as is in any part of the Indian Territory unoccupied, of no use for the purposes for which it was obtained and in all probability never likely to be appropriated for those purposes. There is other land in the Territory, much larger tracts of land, similarly situated; and what is to be done with that land is a serious question embraced within the resolution of the Senator from Missouri.

Mr. HARRISON. If the Senator from Massachusetts will allow me to make a suggestion——

Mr. DAWES. I yield.

Mr. HARRISON. I notice that the resolution of the Senator from Missouri proposes to initiate at once negotiations with a view to securing an absolute title to this strip called Oklahoma. If those negotiations should be instituted and brought to a conclusion, the Government would find itself in the ownership of a strip of land in the interior of the Indian Territory cut off from everywhere else. So that can not be considered separately.

Mr. DAWES. I was about to say when I was interrupted, properly enough, by the Senator from Indiana, that Oklahoma is a little tract of land very nearly in the center of the Indian Territory, like that label on that book [exhibiting]; a little over a million acres of land located very nearly in the center of the Indian Territory. There is above it one tract of land, between it and Kansas, over 6,000,000 acres, a tract a good deal larger than the whole State of Massachusetts, on which there is not a dwelling of an Indian or of a white man save the cowboys who take care of the cattle grazing there under one single lease. That land is, I say, unoccupied by white people, unoccupied by Indians, and in the future, according to the best reasoning as to the prospects of the Indian race, never to be occupied by the Indians.

The last of the many policies the United States have undertaken to adopt toward the Indian race, after having tried all others and failed, is to set him up for himself on just so much land, and no more, as he can himself profitably use for his own maintenance. That leaves on all the Indian reservations all over the United States vast tracts of land that can never be used for such purpose by the Indian, and yet to which the Indian has in many cases a perfect title, in all of them some sort of qualified title. With this large tract above Oklahoma left, we are asked to open to public settlement this region in the very heart of the Indian Territory, a project which every one will see in a moment is utterly impracticable if you stop there. It is surrounded by Indians and one hundred and fifty miles from a State on the one side and two hundred miles on the east, and I do not know how much on the south. It is utterly impracticable to have a settlement or a colony of white people of the United States there, over whom the laws of the United States and among whom the courts of the United States must be established—utterly impossible unless you go further.

The title to this land was ceded to the United States for one purpose, and one only, by the Creeks and Cherokees. All the vast tract above it is substantially in the same condition, though not granted in the same words. The Cherokees have covenanted with the United States by treaty that the United States may have all that vast tract for the same purpose. It is true, I think, as the Senator from Missouri says, that when the purpose was stated to be that of settling friendly Indians and freedmen, it did not contemplate the settlement of freedmen from the States, but only those who were freedmen in the Indian Territory itself. The same treaty provided, however, and imposed the obligation upon the five tribes, to take care of the freedmen themselves, with the stipulation that if the tribes did not take care of the freedmen, then the United States would take care of them upon this land. They have undertaken, after their manner, to take care of the freedmen. They have not accomplished it, but they have undertaken it. There have been no freedmen settled on this land. There never will be any. They do not care to go there. They will not separate themselves from those through whose blood they came into existence and whose blood they share with the tribes. They prefer to stay where they are. So it never can be used for that purpose.

In my opinion—I agree with the Senator from Missouri and with the Senator from Kansas—sooner or later the white man as a settler will take possession of this land. How is he going to obtain it? We are called upon to open it by a statute, but the title to it does not belong to us. Within the last twenty years we have covenanted by treaty that it shall never be occupied by white men, and yet we are called upon to disregard that treaty. In matters of great importance, where we think treaties are in the way, matters of vastly more importance than this, we may with propriety hesitate lest we violate a treaty; but here is a treaty lying across our path, executed with equal solemnity and with only this difference, that it is with a weak people while other treaties that are in the way of larger enterprises are with powerful nations and we hesitate when we come to them.

I am for the policy suggested by the resolution of the Senator from Missouri, but I want it applied to all that land. It would be utterly impracticable and it would be nonsense to attempt to open Oklahoma, a little patch in the center of the Indian Territory, if by fair and honest negotiation with the Creeks and Seminoles we can obtain the absolute title free from condition. We must have with it the 6,000,000 acres between it and Kansas, and we can obtain that and obtain this title from the Creeks and Seminoles if we will negotiate with them as we negotiate with powerful peoples, fairly, honestly, and frankly. If the Senator from Missouri will make his resolution broad enough to embrace all the lands now liable to be occupied by Indians and freedmen, and not needed by the United States for that purpose, although the cattle-men have now got all of them as well in Oklahoma as the rest surrounded by wire fences, to open negotiations with those who hold the title, open them fairly and frankly and honestly, as I have no doubt the incoming administration will feel it its duty to do if it does it—and whatever is done must be done under that administration—I have confidence enough in the future to believe that the day has passed when any man, any official in this country, desires longer to wrong the Indian. Daylight has been so poured in upon transactions with the Indians that it is not safe longer to pursue the policy of stealing their lands and robbing them.

Let us, therefore, recognize the necessity of opening these lands sooner or later to settlement, and let us clear the way by honest and fair negotiation. Let us not do as we have done within the last two years here in the Senate, when the United States bound itself by solemn covenant with these people that it would not cut railroads through their country and then undertook to assert its right of eminent domain after we had covenanted that we would not exercise it. The people of the country looking around and seeing the United States itself trampling on its own treaties may well infer that they may do likewise, and do with impunity what the United States has set up in this Chamber its right to do. Let us deal with the Indians having had the fee to this territory granted to them, dealt with them with regard to the vast regions to which they held the fee in the States—let us deal with them fairly, extinguishing their title for what will in the public judgment be deemed a fair and honest consideration for it, and let us then open the land so acquired to the homesteader who obeys and observes the law, and not give it to the trespassers who go in in violation of the law and take possession of the land, and then come here and obtain, if possible, some consideration as innocent settlers; often they are, but more often they are like the leaders of this Oklahoma band, going in for the purpose of getting possession and claiming the benefit of a homestead to be given them by the United States as apparently honest settlers.

Mr. HAWLEY. The Senator from Missouri, whose attention I should like for a moment, exhibited to us a map of the Indian Territory, and I find in the center of that a yellow spot, relatively insignificant, designated as Oklahoma. I wish to know whether there is any legal authority anywhere for calling any portion of that Territory Oklahoma, whether Oklahoma has any legal definition or limits of nature, or whether that is the name given by cattle-raisers who have seized a piece of land there, or has the Secretary of the Interior out of his own brain devised the name?

Mr. VEST. There is no authority of law for that name. It originated, I believe, with Colonel Boudinot, a Cherokee, and it was used first in a proposed act of Congress in the bill introduced by Mr. Franklin, a Member from Missouri, for establishing a Territorial government in the Indian Territory, to be called Oklahoma. The original signification of the name in the Cherokee tongue, I believe, is the home of the red man; and therefore the white men want it. That is the meaning of it, I believe.

Mr. HARRISON. I wanted to make an inquiry and I think a practical suggestion in connection with this matter. I believe there was a petition presented asking Congress to take some action with a view to opening this tract of country for settlement; and that it was referred to the Committee on Indian Affairs. Now, I think if that committee would promptly report back that petition unfavorably with a resolution declaring it to be the sense of the Senate that that land is not open to settlement——

Mr. DAWES. I call the attention of my colleague upon the committee to a report which I hold in my hand, No. 64 of the last session, upon that petition, made by our colleague on the left [Mr. CAMERON, of Wisconsin], in which that very conclusion was reached.

Mr. HARRISON. That is true, but that has become a little musty and the subject is brought to our attention again by this. I believe if such a resolution could be again reported, could be voted upon in the Senate by a yea-and-nay vote, and a practically unanimous expression of this body given on the subject, it would do a great deal toward preventing that armed collision which is imminent now in the territory.

Mr. MAXEY. I think this a fit occasion for the Senate of the United States to put their seal of condemnation upon organized lawlessness. The territory of Oklahoma is not subject to location, to entry, or to private sale or public sale. It has not been surveyed, sectionized, or subdivided. Those who go there know that they go in utter violation of the law of this land, and if they are permitted to violate the law and stay in that country, and the Senate of the United States refuses to prevent it, it seems to me we present the humiliating spectacle of tolerating or acquiescing in a violation of the laws that we have made.

If the territory of Oklahoma can be settled by parties going in there, then there is a large tract of country lying south of the south boundary of Kansas and north of the north line of the panhandle of Texas, about sixty miles wide, as large as an ordinary-sized State, which has never been surveyed or sectionized, and which may in like manner be invaded and settled upon by these lawless people, and between the ninety-eighth degree of west longitude and the one hundredth degree of west longitude is another immense tract of territory west of the Chickasaw Nation and east of the east line of the panhandle of Texas, which to-day belongs to the United States and has not been surveyed or sectionized; and if you permit the invasion of Oklahoma the same principle would apply to all that great body of land lying between the north line of Texas and the south line of Kansas and between the west line of the Chickasaw Nation and the east line of Texas, and what will you do?

The five civilized tribes, so called, are doing their best to become civilized and enlightened, and if this country is ever opened up to settlement, as in all human probability it will be, surveyed, and sectionized, and subdivided, and the people of the United States by law invited to go and settle there, instead of getting honest neighbors, as they would if the law was obeyed, these Indians get settled all around them lawless depredators, and thus instead of having the hand of help extended to those civilized tribes by the people of the United States we sit here and permit a violation of our own laws, and have these people surrounded by lawless men.

Mr. President, such a policy will not do, and I say this is an occasion when the Senate of the United States ought in the most emphatic manner to put its seal of condemnation upon all this lawless invasion of territories which are not open to settlement and which belong to the United States.

Mr. PLUMB. I had not in mind in the introduction of this resolution that such a debate would follow. I thought the condition of things which existed in the new territory, and of which we were advised by telegraphic dispatches in the daily newspapers, warranted the Senate in making the inquiry of the President in regard to the facts, as he understood them to be, in order that we might ascertain if on the basis of those facts we should undertake legislation, or whether there was anything which ought to be done to meet the situation as presented. I do not desire to enter into the debate after so much has been said by others upon this subject, especially after the exposition given of the status of these lands by the Senator from Missouri. But I desire to say that it is plain that some people have gone in there who are undoubtedly honestly of the opinion that they have a right to be there, and some others probably who have a different view of their rights, but it is impossible to distinguish one class from the other in dealing with them, whether we do it by the armed forces of the United States or otherwise. But the fact that men are there believing they have a right to be there, that by various processes which have been put forth and by arguments which have been addressed in various places and which have been published in regard to the status of these lands known as the Oklahoma lands, these people have come to believe honestly that they are entitled to go there, is unquestionable.

Mr. MAXEY. I ask the Senator how they can possibly think they have a right to be there when they have been notified in every conceivable way, and even by armed force, that they have no right to be there.

Mr. PLUMB. I will come to that in a moment. As I said, the fact that they are there, that they are American citizens, that their offense is apparently venial at worst, entitles them to more than a passing consideration. It has received such at the hands of the Senate, and I am glad of it. As I said in the beginning, I did not expect the resolution to lead to debate.

The PRESIDING OFFICER (Mr. HALE in the chair). The hour of 2 o'clock has arrived.

Mr. PLUMB. I ask unanimous consent to have the special order informally set aside.

Mr. COCKRELL. I hope that request will be granted.

Mr. PLUMB. I think we can get rid of the resolution in a few moments.

Mr. HARRIS. I suggest that the unfinished business be laid before the Senate, and then unanimous consent undoubtedly will be given.

The PRESIDING OFFICER. The unfinished business will be laid before the Senate, being the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. PLUMB. I ask that the special order be informally laid aside in order that the consideration of the resolution may continue.

The PRESIDING OFFICER. If there be no objection the Senator from Kansas will proceed.

Mr. CULLOM. Has the Senator any idea how long the debate will last?

Mr. PLUMB. I think five or ten minutes will dispose of the question. I shall detain the Senate but a moment myself.

The reason for the belief these people have is, in the first place, the fact that the United States Government acquired these lands for a purpose which it afterward abandoned, and that it has paid for the lands or substantially paid for them. That carries the conviction to these people that the Indians, not having the right themselves to go upon the lands and use them by reason of the fact that the Government has purchased them, became subject to the general laws of the United States, which provide that the public lands shall be open to homestead and pre-emption settlement. That has been amplified in a great many ways to make it effective. In addition to that, it was currently reported last fall that Judge Foster, of the district court for the district of Kansas, had decided in a case brought in the name of the United States against certain persons who had been trespassing upon these lands, that the lands were public lands of the United States and open to settlement. I heard that that opinion had been rendered and made inquiry and ascertained that no such opinion had been rendered, but that the prisoner had been discharged, and that out of that had grown perhaps the belief that Judge Foster's decision was to that effect. Some time since, for the purpose of ascertaining exactly what the judge did decide in the opinion formally rendered, I sent to the district attorney for the district of Kansas and asked him for a copy of the opinion, which I have, and if the Senate does not desire to hear it I ask that it be incorporated in the RECORD.

The paper is as follows:

United States district court, district of Kansas.

The United States *vs.* David L. Payne *et al.* On motion to quash indictment.

J. R. Hallowell, United States attorney, for United States; J. W. McDonald, attorney for defendants.

The indictment in this case charges the defendants with conspiracy, and confederating together to commit an offense against the United States, under chapter 8, Supplement Revised Statutes, 494. The offense alleged in brief is that the defendants conspired and confederated together among themselves and with other persons to enter upon and make settlement on certain lands belonging, secured, and granted by treaty of the United States to certain Indian tribes, and lying between the Canadian and North Fork of the Canadian Rivers in the Indian Territory, and commonly known as the Oklahoma lands, and also having before that time been removed from the Indian country by the military forces of the United States, did conspire and confederate together and with other persons to return to said Indian country, commonly known as the Oklahoma country, and also to enter upon lands known as the Cherokee strip or outlet in said Indian country, and charging defendants with certain overt acts to effect the object of said conspiracy, &c.

The law concerning the entering and making settlement on Indian lands is found in section 2118, Revised Statutes United States, page 370, title 38, and reads as follows: "Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of $1,000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands."

The law concerning the removal of persons from the Indian country further provides as follows:

"SEC. 2147. The Superintendent of Indian Affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law, and the President is authorized to direct the military force to be employed in such removal.

"SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of $1,000."

It will be observed that the law fixes a penalty of $1,000 in either case, and section 2124 defines how this penalty shall be enforced. It reads as follows:

"All penalties which shall accrue under this title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use."

The act to accomplish which this conspiracy was formed, *i. e.*, to make settlement on Indian lands and to return to the Indian country after being removed therefrom, might be termed an offense against the United States, but it is evidently not an indictable offense, nor could it be prosecuted by criminal proceedings. It is an offense created by statute, with a definite penalty attached and the mode prescribed for enforcing the penalty.

The prosecution may be instituted by any informer, and this because it is a *qui tam* action. We find all through the acts of Congress a distinction made between prosecutions for crimes and offenses, and suits for penalties and forfeitures. Thus, in defining the jurisdiction of the district court (Revised Statutes, section 563) after defining its jurisdiction of crimes and offenses, it reads as follows: "Third. Of all suits for penalties and forfeitures incurred under any law of the United States." Again, in defining the jurisdiction of the circuit court (Revised Statutes, section 629) subdivision 20 gives the circuit court jurisdiction with the district court of crimes and offenses, &c., but in subdivision 4 of the same section, defining suits of which the court shall have jurisdiction, it expressly excepts from the circuit court jurisdiction of suits for penalties and forfeitures. In section 711, defining the general jurisdiction of the United States courts, this distinction is again observed. Section 732 provides where such suits may be brought. Section 1047 prescribes the period of limitation in such suits. There are various penalties prescribed for violations of the internal revenue and navigation laws, and sections 3213 and 4234 appertain to that subject. From these several provisions of the statutes I am of opinion that the acts charged do not show a conspiracy to commit an offense against the United States within the meaning of the conspiracy clause, chapter 8, Supplement Revised Statutes, and for this reason these indictments must be quashed.

Mr. PLUMB. It does not decide in any way that the lands are public lands of the United States of the character of lands which are open to homestead and pre-emption entry. It does not decide anything about the character of the lands whatever. If there is anything in it which does bear on that question it is that they are a part of the Indian country, as that term is used in the statutes, and that they are lands from which the President may, under the law, remove persons whom he may characterize as intruders and who are there in violation of the intercourse act of the United States; but the case went off on the proposition that the action was one for a penalty alone, a *qui tam* action, and that consequently there was no indictable offense, and on that theory of the case the persons who had been indicted and arrested were discharged.

The effect given to that decision or the report of that decision has done a great deal and possibly more than almost anything else to convey the idea that these lands were open to settlement; but the opinion itself has not so far as I know ever been published, and consequently there has been no means at hand readily of disputing what has been alleged as to the character of the decision.

I differ, Mr. President, with the Senator from Missouri and the Senator from Massachusetts in regard to the rights of the United States in these lands. My own belief is that these lands may be opened to settlement by Congress and the President, without the consent of the Indians. In pursuance of that belief I introduced a bill at the last session of Congress which not only provides for the opening of these lands to settlement, but which embraces besides the instruction to the President contained in the resolution offered by the Senator from Missouri except that it goes further and requires the President of the United States to inaugurate measures looking to the diminution of all the reservations in the Indian Territory which are in excess of the needs of the Indians and the acquisition of the lands by the Government for the purpose of opening them to settlement. I believe that now either by resolution or law the President ought to be advised to take such action not only in regard to these so-called Oklahoma lands, but in regard to all the reservations in the Indian Territory which in his judgment are in excess of the needs of the Indians in whose occupancy they are to-day.

Some action of this kind must at some time be taken. The interposition of the Indian Territory, of an unoccupied section of country, as a barrier to the commerce between great States, has become a source of irritation, of loss, of constant inconvenience, which the people are restive under and do not wish any longer to exist if they can help it; and this will amount to a condition of public opinion in the West principally and to some extent in the entire country, that will compel substantially something to be done. I do not mean to say that it shall be done without the consent of the Indians, but I believe that the Indians themselves will come to see, under the persuasive power of the President and under the force of this aroused public opinion, that their interests lie in the direction of concession on this point, and therefore we shall be rid shortly of this anomalous condition of things and shall have the power to open up to the landless people of the United States a large body of very fine land on which they will be able and also willing to make homes, and I hope that this discussion will tend strongly in that direction.

I trust that this discussion will lead to some action of that kind to be taken by the present Congress, and that we shall not dwell on this matter and carry it over from session to session to be confronted each year with just the condition of things we are confronted with now, with men who, however they may be violating the law, are still in a measure by reason of the purpose or alleged purpose for which they go there entitled to some degree of sympathy and consideration, and because of the further fact that it is confessed everywhere that this land is not to be used any more for the purpose for which it was originally acquired, and that following the universal practice of the Government from time immemorial all such lands have been brought under conditions for settlement. As this must so come soon, it is better it should come now right away, and thus avoid these constant conflicts and these

alarms on the borders, when people are there seeking this land which they think the Government is unnecessarily and unwisely holding from settlement.

I believe this can all be done with due regard to the interests of the Indians; I believe it can be done with a due regard to the obligations of the Government to the Indians. I believe there is a peaceful and a proper and a just solution of all this question if only we move in time. But as I have had occasion to say before, if we withhold action too long we may sometimes be under constraint to act promptly and to some extent perhaps unjustly, acting under the pressure of an emergency which our own delay has brought to pass.

Now, I may say one thing in regard to the inquiry propounded by the Senator from Connecticut, in addition to what the Senator from Missouri has said about Oklahoma. The map which the Senator from Connecticut saw, and which bears on it, I think, the name of Oklahoma as applied to a tract of land, was not a creation of the Interior Department—that is to say, the Interior Department did not put that name upon it. That name, Oklahoma, is not part or parcel of the records of the Government at all, and is in no way an official designation of that section of country, but it has become a designation in the local vernacular which applies to that particular tract of land, and generally also in a measure to the entire Indian Territory. But what is known as Oklahoma now for the purposes of this controversy is a limited area of land, stated by the Senator from Massachusetts as being about a million and a quarter acres. There is some doubt, I think, as to whether it covers quite so much, but at all events not more. It is a tract of land which I understand is not occupied either by Indians or white men, and is in no sense encumbered by any occupancy of anybody claiming a right to be there, except as it is occupied by the persons who are now there as colonists claiming the right to settle.

The Senator from Missouri stated, I believe, in the opening of his remarks that he did not desire to have the resolution which he offered yesterday proposed as a substitute for the one which I offered, but that he would permit his to come up as a separate measure. I hope, therefore, there will be no objection to the passage of the resolution I offered.

The PRESIDING OFFICER. The Senate resumes the consideration of the bill to regulate interstate commerce.

Mr. CULLOM. If the Senate is ready to vote on the resolution of the Senator from Kansas, I have no objection.

The PRESIDING OFFICER. The Chair understood that the unfinished business was laid aside simply for the purpose of enabling the Senator from Kansas to finish his remarks.

Mr. HAWLEY. I hope we shall reach a conclusion on this resolution. I do not think we have anything more important before us. It need not take long.

The PRESIDING OFFICER. If there is no objection——

Mr. VEST. If the resolution is to go over until to-morrow, I have not the slightest objection to extending the resolution that I offered so as to cover all that territory and to bring the whole question up, if it is the wish of the Senate, in such a form that we can dispose of it at once. I can arrange the resolution that I offered so as to cover all these points by to-morrow, and by that time we can take a vote on both resolutions.

Mr. PLUMB. I do not see any necessary connection between the two. I do not propose delay; and as my resolution calls for information merely, I think it would be better to have that information to-day rather than to-morrow, or to-morrow rather than next day. If it is important to have it at all, let us have it now.

Mr. VEST. I am perfectly willing.

Mr. PLUMB. The other resolution, which relates to something in the future, can of course come up as a separate measure.

Mr. VEST. Very good. With the understanding, then, that the resolution I offered will come up to-morrow, I am perfectly willing to have a vote on the resolution of the Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his amendment?

Mr. VEST. Yes, sir; I withdraw it.

The PRESIDING OFFICER. The question is on the resolution offered by the Senator from Kansas.

The resolution was agreed to.

Mr. VEST. I desire to offer the resolution which I submitted as an amendment to the resolution of the Senator from Kansas as an original resolution.

The PRESIDING OFFICER. As a joint resolution?

Mr. VEST. Yes, sir.

The joint resolution (S. R. 113) in relation to certain lands in the Indian Territory acquired by the United States from the Creek and Seminole Indians was read twice by its title.

Mr. VEST. Let it lie on the table for the present.

The PRESIDING OFFICER. It will lie on the table.

MOTHER OF J. P. RINGGOLD.

Mr. MCMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the mother of John P. Ringgold, deceased, late clerk to the Committee on Commerce, a sum equal to six months' salary as clerk aforesaid at the rate of $2,220 per annum, out of the "miscellaneous items" of the contingent fund of the Senate, the said sum to be considered as including the funeral expenses and all other allowance.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 13 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 22, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read and approved.

ANNALS OF THE WAR.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in response to a resolution of the House, inquiring what number of copies of the Annals of the War remain undistributed, and whether they will be needed by the War Department; which was referred to the Committee on Printing.

NAVIGATION IN NARRAGANSET BAY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board relative to the establishment of additional aids to navigation in Narraganset Bay, Rhode Island; which was referred to the Committee on Appropriations, and ordered to be printed.

EMPLOYÉS IN DIVISION OF WARRANTS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates and asking an appropriation of $2,550 to pay employés in the division of warrants for extra work; which was referred to the Committee on Appropriations, and ordered to be printed.

CHRONOLOGICAL HISTORY OF THE DEPARTMENT OF STATE.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, inclosing an estimate from the Secretary of State for an appropriation of $6,000 for the purchase of the manuscript of the work entitled, "The Chronological History of the Department of State, and the Foreign Relations of the Government," &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREEN, for five days, on account of sickness.

To Mr. JOHNSON, of New York, for ten days, from January 18, on account of important business.

To Mr. STEVENS, for two days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. BINGHAM, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Bridget Hamilton, without leaving copies.

ORDER TO PRINT TESTIMONY.

Mr. WARNER, of Ohio, by direction of the Committee on the Payment of Pensions, Bounty, and Back Pay, asked and obtained an order that the testimony now being taken by that committee be printed for the use of the committee.

BOUNDARY BETWEEN TEXAS AND INDIAN TERRITORY.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take up, for the purpose of moving concurrence in the Senate amendment, House bill 1565—a bill to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas.

The SPEAKER. Does the gentleman desire to have the amendments read?

Mr. LANHAM. I do not, unless there is some special request for the reading.

Mr. COX, of North Carolina. Let us have them read.

The Clerk read as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to detail one or more officers of the Army, who, in conjunction with such person or persons as may be appointed by the State of Texas, shall ascertain and mark the point where the one hundredth meridian of longitude crosses Red River, in accordance with the terms of the treaty aforesaid; and the person or persons appointed by virtue of this act shall make report of his or their action in the premises to the Secretary of the Interior, who shall transmit the same to Congress at the next session thereof after such report may be made for action by Congress.

SEC. 2. That the sum of $10,000, or so much thereof as may be necessary, to be expended under the direction of the War Department, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of the United States in carrying out the provisions of this act.

Amend the preamble so as to read as follows:

Whereas the treaty between the United States and Spain executed February 22, 1819, fixed the boundary line between the two countries west of the Mississippi River as follows: Beginning on the Gulf of Mexico at the mouth of the Sabine River, in the sea, and continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; thence following the course of the Rio Roxo westward to the one hundredth degree of longitude west from London and the twenty-third from Washington; thence crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 42 degrees north; and thence by that parallel of latitude to the South Sea; the whole being as laid down in Melish's map of the United States published at Philadelphia, improved to the 1st of January, 1818; and

Whereas a controversy exists between the United States and Texas as to the point where the one hundredth degree of longitude crosses the Red River, as described in the treaty; and

Whereas the point of crossing has never been ascertained and fixed by any authority competent to bind the United States and Texas; and

Whereas it is desirable that a settlement of this controversy should be had, to the end that the question of boundary, now in dispute because of a difference of opinion as to said crossing, may also be settled: Therefore, &c.

Mr. LANHAM. I move that the House concur in the amendments of the Senate.

Mr. HOLMAN. I trust, before that is done, the gentleman from Texas will explain the effect of these amendments.

Mr. LANHAM. The bill as it now comes from the Senate is in the same form as the substitute which was offered in the House at the time this bill was passed. The Senate committee after considering the House bill reported in favor of the adoption of this substitute, which is identical, word for word, with that offered on behalf of the Judiciary Committee by Mr. Willits in the Forty-seventh Congress, and offered by the gentleman from Maine [Mr. REED] in the present Congress when this bill was under consideration in the House at the last session. The bill as now amended is not in all respects the bill we would desire, and is not entirely approved by me, for the reasons I have heretofore stated; but it seems to be the only legislation on the subject which can now be had, and may offer some possible solution of the question. Therefore I have moved to concur in the amendments of the Senate.

The amendments were concurred in.

Mr. LANHAM moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND GRANT TO RAILROAD IN OREGON.

Mr. COBB. I rise to present a privileged report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 181) to declare forfeiture of certain land granted to aid in the construction of a railroad in Oregon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to all the amendments of the Senate to said bill, and agree to the same.

T. R. COBB,
BARCLAY HENLEY,
L. D. PAYSON,
Managers on the part of the House.
J. H. SLATER,
J. N. DOLPH,
P. B. PLUMB,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. COBB moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STENOGRAPHER IN HOT SPRINGS INVESTIGATION.

Mr. STORM, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

***Resolved*, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the service of stenographer to the Committee on Expenditures in the Interior Department, in addition to the amount heretofore allowed said committee for payment of expenses of investigation of Hot Springs matters, as directed by resolution of the House; said payment to said stenographer to be upon vouchers approved by the chairman of said committee and by the chairman of the Committee on Accounts.**

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 4681) for the relief of Yost Harbaugh.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 200) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; and

A bill (S. 1025) for the relief of William Ervin.

ORDER OF BUSINESS.

Several members demanded the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. ELLIS. I move to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

INDIAN APPROPRIATION BILL.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair) and resumed the consideration of the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The pending amendment was the following:

After line 503 insert as follows:

"To enable the Secretary of the Interior to appraise and sell, in accordance with the provisions of an act entitled 'An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes,' approved August 7, 1882, that portion of said reservation in township 24, range 7 east, remaining unallotted on the 1st day of June, 1885, $1,000; said sum to be reimbursed from the fund received from the sale of said lands: *Provided*, That the Secretary of the Interior may, in his discretion and with the consent of the Indians, extend the time of payment for lands as fixed by section 2 of said act so that one-third of the purchase-money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first installment, to be paid when entry is made, and the second installment of one-third shall become due and payable in one year, and the remaining one-third in two years from date of first payment, with interest as provided in said act. And in case of default in either of said payments or interest thereon the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased and any payment or payments he may have made: *Provided further*, That also with the consent of the Indians the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the northeast quarter of the northeast quarter of section 27 and the west half of the northwest quarter of section 26, in township 25, range 6 east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring mill thereon."

The CHAIRMAN. The pending question is upon this amendment proposed by the gentleman from Louisiana [Mr. ELLIS], upon which the gentleman from Arkansas [Mr. ROGERS] reserved a point of order.

Mr. ROGERS, of Arkansas. So far as I am individually concerned, having had sufficient explanation of the subject, I am willing to withdraw my point of order—not, however, so as to prevent any other member who may not be satisfied from renewing it.

Mr. ELLIS. This amendment is right. If any explanation is desired, I will yield to the gentleman from Nebraska [Mr. VALENTINE].

Mr. VALENTINE. I am ready to give an explanation; but I do not think any is desired. The amendment has the approval of the Commissioner of Indian Affairs, the Secretary of the Interior, the Indians, and all parties in interest. It has been submitted to the Committee on Appropriations, and has been unanimously approved at a full meeting of that committee.

The amendment was agreed to.

The Clerk read as follows:

OTOES AND MISSOURIAS.

For third of twelve installments, being the last series, in money or otherwise, per fourth article treaty of March 15, 1854, $5,000.

Mr. WEAVER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 523 insert the following:

"The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled 'An act to provide for the sale of the remainder of the reservation of the Confederate Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes,' as he may deem just to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act."

Mr. ELLIS. I have no power to accept this amendment on the part of the Committee on Appropriations; but I have examined it, and believe it to be right. It provides merely an extension of the time within which those settlers shall make payment of purchase-money for their lands.

Mr. WELLER. I rise to a point of order. I can not hear what is going on, there is so much confusion. I did not hear what the gentleman from Louisiana said.

Mr. ELLIS. I will again repeat that the proposed amendment merely extends the time to certain purchasers who are settlers upon the lands sold from the Indian reservation under treaty stipulation. It is for the advantage of these men, who have been unfortunate, and are not able to meet their payments. It does no harm to anybody, and is of great good to this class of settlers. I think it should pass.

Mr. WEAVER's amendment was agreed to.

The Clerk proceeded to read the bill.

Mr. WELLER. Mr. Chairman, I have been listening attentively, but there has been so much confusion I do not know exactly where we

are in the reading of the bill. I desire to offer an amendment to page 22, in lines 525 and 526. The paragraph is as follows:

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September 24, 1857, $30,000.

I desire to know whether we have passed that point.

Mr. ELLIS. We have passed it.

The CHAIRMAN. By two pages.

Mr. WELLER. Is an amendment permissible at this time under the rules?

Mr. ELLIS. If germane to the pending paragraph, certainly.

Mr. WELLER. I understand the gentleman from Indiana states it would be proper to move an amendment at this time.

Mr. ELLIS. Yes, if germane to the paragraph.

The CHAIRMAN. It would not be if objected to, but if not objected to the Chair will entertain it.

Mr. WELLER. Then I offer the following amendment:

In lines 525 and 526 strike out the words "at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them," and in lieu thereof to insert "payment shall be made in cash in standard silver dollars." [Laughter.]

Mr. ELLIS. I reserve the point of order.

The CHAIRMAN. Does the gentleman object?

Mr. ELLIS. I insist on the point of order.

The CHAIRMAN. The amendment is not in order, the paragraph having been passed.

Mr. WELLER. I desire to suggest this: that this paragraph of the bill was passed while the confusion was such I was unable to determine whether it had been passed or not. I hope the gentleman will withdraw his point of order under the circumstances. I am able to give good and valid reasons why payment should be made to relieve the Treasury of the United States of its surplus of standard dollars.

Mr. STEELE. I demand the regular order.

Mr. ELLIS. I insist on the point of order.

Mr. WELLER. Instead of payment being made in goods out of which speculators can make rich profits.

The CHAIRMAN. The point of order is sustained and the amendment is ruled out.

The Clerk read as follows:

SHOSHONES AND BANNOCKS.

Shoshones: For sixteenth of thirty installments, to purchase suits of clothing for males over 14 years of age, flannel, hose, calico, and domestics for females over the age of 12 years, and such goods as may be needed to make suits for boys and girls under the ages named, as per ninth article of treaty of July 3, 1868, $10,000.

Mr. ELLIS. The committee directed me to offer the following amendment.

At the end of line 767 add the following.

The Clerk read as follows:

For the payment by the Secretary of the Interior, to J. M. Hogan, of Stockton, Cal., the sum of $6,600 out of funds herein appropriated for Shoshone Indians, the same being a claim for damages caused by depredations of said Indians, examined, approved, allowed, and reported to Congress by the Department of the Interior, $6,600.

The amendment was agreed to.

The Clerk read as follows:

For sixteenth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior for persons roaming, $150,000.

Mr. JAMES. I should like to inquire whether under the treaty with these Indians $200,000 should not be appropriated. Are we not compelled by the treaty to pay that amount?

Mr. ELLIS. No, sir. You refer to the second clause on page 24.

Mr. JAMES. I refer to the treaty of April 29, 1868.

Mr. ELLIS. On what page?

Mr. JAMES. In line 804.

Mr. ELLIS. That is a flexible provision of the treaty and leaves it discretionary, and we considered this amount to be enough. There is no specific sum mentioned in the treaty.

The Clerk read as follows:

For pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, $20,000.

Mr. JAMES. I move to amend that by making it $25,000. There are seven agencies, and the sum appropriated is not sufficient to go around—seven agencies and 22,000 Indians.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. ROGERS, of Arkansas. I reserve the point of order.

Mr. JAMES. My amendment is in line 816, after the word "twenty," to insert "five;" so it will read "twenty-five thousand dollars."

Mr. ELLIS. I should like to hear the gentleman on the necessity of that amendment.

The CHAIRMAN. The Chair understands the gentleman from Arkansas to reserve the point of order.

Mr. ROGERS, of Arkansas. Yes; I reserved the point of order, but I am willing to hear the gentleman's statement.

Mr. JAMES. There are seven agencies and 22,000 Indians to be looked after in these seven agencies, and the sum allowed is not sufficient in the estimation of the Indian Commissioner to enable them to give the proper educational facilities and to have the proper number of employés.

Mr. ROGERS, of Arkansas. I insist on the point of order.

Mr. ELLIS. We pay an agent at each one of these agencies, and we believe $3,000 is plenty to pay for employés. If we were guided by the estimates of the Department this bill would be out of all proportion. The committee carefully considered this and believed $3,000 at each agency to be plenty. I hope the amendment will be voted down.

Mr. ROGERS, of Arkansas. I insist on my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS, of Arkansas. It is that it increases expenditures.

Mr. CHACE. That point is not well taken.

Mr. ELLIS. It is not liable to a point of order, I think.

Mr. CHACE. It is not liable to the point of order inasmuch as it does not change existing law.

The CHAIRMAN. The Chair overrules the point of order.

The amendment was disagreed to.

The Clerk read as follows:

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, $2,000; in all, $1,590,300.

Mr. ELLIS. The committee direct me, Mr. Chairman, to propose an amendment to this clause, which I send to the desk.

The Clerk read as follows:

After line 829 insert:

"That so much of the act approved July 4, 1884, as makes an appropriation of $10,000 for the Medewakanton band of Sioux Indians be so amended as to allow the Secretary of the Interior to disburse the same to the Medewakanton band of full-blooded Indians in Minnesota for agricultural implements, land, or cash, as in his judgment may seem best for said Indians; and of this amount $750 shall be expended to pay a practical farmer for instructing said Indians in agriculture."

Mr. ELLIS. This proposes simply to reappropriate the unexpended appropriation of last year and devote it to the civilization and instruction of these Indians. I hope it will be agreed to.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby directed to pay, out of the moneys herein appropriated for the Sioux Indians, to John McCall $70, and to Mrs. John Bohl $25; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. ELLIS. I am instructed by the committee to propose an amendment to come in after the words "Sioux Indians" in line 831.

The Clerk read as follows:

To Abner Lowry, sr., $2,306.60.

Mr. ELLIS. This is a depredation claim which has been examined, approved, and transmitted to Congress for payment.

The amendment was agreed to.

Mr. WASHBURN. Mr. Chairman, I offer a further amendment to come in after line 836.

The Clerk read as follows:

Insert after line 836:

"The Secretary of the Interior is hereby directed to pay, out of the moneys herein appropriated for the Sioux Indians, to George Storrs $640; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs."

Mr. ELLIS. That is right, sir; the amendment ought to be adopted.

Mr. ADAMS, of Illinois. I desire to ask the gentleman from Louisiana, when a deduction is made from an amount appropriated to the Sioux Indians, as in this case, which is divided into many items, out of what item the deduction is to be made.

Mr. ELLIS. It will be deducted from the treaty funds, and is discretionary with the Secretary of the Interior.

Mr. ADAMS, of Illinois. Then it would not affect certain specific appropriations like that on line 826 or 818 or 815?

Mr. ELLIS. It would not, sir.

Mr. THROCKMORTON. I would inquire if the amendment which has just been offered has been passed upon by the Committee on Indian Affairs?

Mr. WASHBURN. It has been examined and reported upon unanimously.

The amendment of Mr. WASHBURN was agreed to.

The Clerk read as follows:

For seventeenth of thirty installments, to be expended under the direction of the Secretary of the Interior, for clothing, blankets, and such other articles as he may deem proper and necessary, under eleventh article of same treaty, $25,000.

Mr. JAMES. Mr. Chairman, I move to amend in line 861 by striking out "twenty-five" and inserting "thirty;" so that it will read "thirty thousand dollars."

Article XI of the treaty referred to in this paragraph of the bill provides that a sum sufficient in the discretion of Congress, not to exceed $30,000, shall be appropriated. I claim that the amount appropriated in this clause of the bill is not sufficient and should be increased.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from New York.

The Clerk read as follows:

In line 861, strike out "twenty-five" and insert "thirty;" so that it will read, "$30,000."

Mr. ELLIS. Mr. Chairman, I think we have given enough for the

item contemplated by this paragraph of the bill. I will state to the gentleman from New York that this article of the treaty is flexible, and does not require a specific appropriation of the sum named. We computed the number of Indians and dealt justly by them as we believe. It is the same exactly as the provision for the current year, and no deficiency has been reported. I hope the amendment will be rejected.

The amendment of Mr. JAMES was not agreed to.

The Clerk read as follows:

UTES.

For fifth of ten installments, to be distributed, at the discretion of the President, to such Ute Indians as distinguish themselves by good sense, energy, and perseverance in the pursuits of civilized life and in the promotion of a good understanding between the Indians and the Government and people of the United States, $4,000.

Mr. ELLIS. I am directed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 894 insert:

"The Secretary of the Interior shall cause a complete and accurate list of all approved and pending claims of citizens on account of depredations of Indians chargeable against any treaty fund of Indians to be made and presented to Congress on or before the first Monday of December, 1885. Said list shall contain the name and address of the claimant, the date of the depredation, the date of examination and approval, by what Indians committed, what funds remain to said Indians out of any treaty stipulations and reference to the clause of the particular treaty by which the Indians agreed to pay for depredations by them committed; and said Secretary of the Interior shall also report such suggestions looking to the payment of said claims as may seem wise to him, and whether in his judgment a pro rata allowance out of the respective Indian treaty-funds to be applied to the payment of said claims can be made, and if so to what extent and in what cases."

Mr. ELLIS. The design of this amendment is to bring all the facts in regard to Indian depredations and claims of this character to the attention of Congress. It would give Congress full information in regard to their nature and in regard to their extent, so that the legislators of the future may deal intelligently with this subject. It is necessary information for Congress, and if presented in that form will facilitate the action of Congress in dealing with these questions.

Mr. ROGERS, of Arkansas. I would like to ask the gentleman from Louisiana the question as to whether the provisions of this amendment are broad enough to extend into the Indian Territory proper?

Mr. ELLIS. Certainly; it covers all claims for depredations by any Indians with whom we have treaties providing for payment on account of such depredations.

Mr. ROGERS, of Arkansas. Does it extend also to the payment of those claims which have been rejected by the Department in years gone by?

Mr. ELLIS. It does not.

Mr. ROGERS, of Arkansas. My judgment is the amendment ought to be broader in that regard. I know myself there are various claims of that description, some of which are being now proposed for the consideration of the various committees of Congress; and if we have this report to Congress touching these claims I think it ought to embrace all claims pending before the Department or before Congress.

Mr. MAGINNIS. I suppose the gentleman from Louisiana wants to cover all claims that have been reported to Congress by the Secretary under the law of 1872.

Mr. ELLIS. That was my intention. I have no objection, however, to broadening the provision.

Mr. MAGINNIS. If a claim comes before a committee of Congress information can be got in some other way. I think the amendment should be as the gentleman has made it.

Mr. ROGERS, of Arkansas. Will the gentleman from Montana please to explain the effect of the statute to which he has referred?

Mr. MAGINNIS. About the year I have named, about 1872 or 1873, the practice of paying for these depredations out of Indian allowances was stopped by act of Congress and all claims were referred to the Secretary of the Interior to be examined, adjudicated, and reported upon to Congress; and such claims have been reported upon and no action taken upon them.

Mr. ELLIS. The Secretary was constituted the judge.

Mr. ROGERS, of Arkansas. And it is those claims favorably reported upon to which the amendment refers?

Mr. ELLIS. Yes, sir.

Mr. ROGERS, of Arkansas. I desire to make one further inquiry: whether the claims when adjudicated unfavorably by the Secretary of the Interior are to be excluded from future consideration by Congress?

Mr. ELLIS. Certainly not.

Mr. THROCKMORTON. I think the amendment offered by the gentleman from Louisiana is correct. The subject to which it refers has been fully explained by the gentleman from Montana. I do not think the amendment to this bill should go any further than this. The claims referred to by the gentleman from Arkansas [Mr. ROGERS] have been reported with the other claims by the Secretary of the Interior to Congress; and for the information of the gentleman from Arkansas I desire to say that every session of Congress since this law was enacted the Secretary of the Interior has reported to Congress various claims that have been filed with him that have been examined by the agents among the different Indian tribes, and passed upon by the agents and then by the Commissioner of Indian Affairs, and then finally by the Secretary of the Interior; and they have been reported from time to time to Congress, not only approved claims and the amounts approved, but the claims that have been rejected.

Now I am well aware of the fact that there are a great many claims that ought to have been passed; but this examination in the Indian country of these claims has been altogether a one-sided affair. Indians have passed upon them and said whether they were guilty of the depredations or not, and the citizen has had to rely upon such proof as he could get up in different places to show the spoliations committed on him and get that before the Indian agency and the Department; and in many an agency gross injustice has been done in regard to these claims. Nevertheless the claims have been reported to Congress, whether approved or rejected; and it is within the power of Congress to refer these rejected claims to the Committee on Indian Affairs, that they may be examined into; and where there is evidence that would justify or warrant a reversal of the decision of the Secretary of the Interior the Committee on Indian Affairs would be fully justified in reversing that decision and recommending Congress to pay the claims.

I think the amendment proposed by the committee is a judicious one, and that it should not go further than it does. These claims alluded to have already been adjudicated, and it is meting out now tardy justice to men that have suffered from these depredations. This brings them prominently before Congress, and will perhaps insure speedy action upon them. I hope the amendment will be adopted.

Mr. ROGERS, of Arkansas. I want to make one further observation. It will not be understood that I oppose the amendment at all. I simply desired to understand fully the purport of it, and to see to it that these claims which have been adjudicated unfavorably by the Interior Department were not excluded from relief by Congress if additional evidence should be obtained showing that they were just. I am in full accord with the object and purport of this amendment; but I say it is an unwise policy for us in passing upon these claims to adjudicate in favor of A and reject B, where the one may be as meritorious as the other.

A high public policy, a wise public policy, would dictate that these Indians who demand on all occasions, in season and out of season, that the Government shall be just to them, should be compelled promptly to give back to the citizens upon whom they commit depredations an ample consideration for such depredations as they commit. If Congress will provide for this the tendency of that kind of legislation will be to suppress these depredations and bring about peace and order upon the border. Therefore I am in full accord with the amendment, and only desire to see to it that, by the amendment, these claims which were favorably adjudicated before the Secretary of the Interior are not excluded from future consideration by Congress.

The question being taken, the amendment offered by the gentleman from Louisiana [Mr. ELLIS] was agreed to.

The Clerk read as follows:

Support of Indians at Fort Peck agency: For this amount, to be expended in such goods, provisions, and other useful articles as the President may, from time to time, determine, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any respect to promote their civilization, comfort, and improvement, $90,000.

Mr. CHACE. Mr. Chairman, I desire to ask the gentleman from Louisiana [Mr. ELLIS] in charge of this bill whether it is not the fact that we have been obliged to make a deficiency appropriation for the last year for these Indians at the Fort Peck agency.

Mr. ELLIS. We have, sir.

Mr. CHACE. And are not the circumstances this year the same as they were last?

Mr. ELLIS. No.

Mr. CHACE. I am informed that they are.

Mr. ELLIS. At this time last year those Indians were dying of starvation. To-day they have plenty of rations, and the Department has ordered their rations to be exhausted by the 21st day of March. The bill has taken into consideration the deficiency, and reported the appropriation of last year and $3,000 additional.

Mr. CHACE. I do not so understand it. I understand that you are $10,000 short.

Mr. ELLIS. No; $53,000 long.

Mr. CHACE. The appropriation is $10,000 short on the very basis stated by the gentleman from Louisiana himself, as I understand it.

Mr. ELLIS. That is not all for these particular Indians. There are three other agencies in Montana.

Mr. MAGINNIS. There are four agencies included there.

Mr. CHACE. I understand that; but there was a deficiency last year.

Mr. ELLIS. There was a deficiency for the current year of $10,000. It was a deficiency which would exist after March. The Commissioner of Indian Affairs has taken the appropriation and has ordered the supplies to be exhausted on the 21st of March, and reported what was necessary ($50,000) to carry them to the 30th of June.

Mr. CHACE. But you do not give him that sum by $10,000.

Mr. ELLIS. The deficiency of which the gentleman from Rhode

Island speaks did not apply simply to these particular Indians but to the three other agencies also; this is only one of four agencies in Montana

Mr. MAGINNIS. I think the gentleman from Rhode Island will find that this is right, except that the Commissioner of Indian Affairs ought to take some means to remove these Indians to the Standing Rock agency and incorporate them with the rest of the Sioux. They have no business at this isolated agency. They were gathered up there under the fraudulent administration of affairs which existed in 1872, and the proper way to deal with them is to let them go where they want to go, and join their relations of the other Sioux tribes.

Mr. ELLIS. I certainly should have no objection to that; but no such recommendation has reached us from the Department.

Mr. MAGINNIS. I suppose not; nor is such a recommendation likely to be made so long as the Department relies upon an agent whose salary depends on the existence of that agency.

Mr. ELLIS. If the gentleman from Montana [Mr. MAGINNIS] will offer a proper amendment, we will not regard the recommendation of the Department, but will do what is right as to these Indians.

Mr. ROCKWELL. Mr. Chairman, I suppose that these are the four tribes of Indians that have been alluded to here by the gentleman from Louisiana [Mr. ELLIS], and it seems that the appropriation is less than the estimates recommended by the Department. I rise now for the purpose of making a statement in relation to this matter. Upon page 947 of the RECORD I find in the remarks made by the gentleman from Louisiana [Mr. ELLIS] the other day certain language which I will ask the Clerk to read.

The Clerk read as follows:

Notwithstanding these facts, a certain gentleman connected with the "Indian rights" department has seen fit to write me an open letter, and has seen fit to let loose upon my devoted head the anathemas of the press East and North—one Mr. C. C. Painter, I believe, a member of the Indian Rights Association, one of those self-constituted friends of the Indians, coming here by what credentials I do not know, appearing frequently before the committee and urging us to discharge our duty.

In the letter of Painter, which was published in the New York Tribune, appear the grossest misrepresentation and statements, which he should have known were utterly and infamously false. I desire now, sir, to place on record here the full history of this matter in order that that gentleman, who is represented to be a minister of the gospel, may either inform himself properly before he undertakes to write a public letter to anybody, or else that he may refresh his memory with the story of Ananias.

Now in the letter here referred to, which was an open letter to the gentleman from Louisiana, which appeared in the New York Tribune on the 5th of January, there were certain statements showing that these appropriations were less than the estimates, and as the gentleman from Louisiana has characterized unfavorably the writer of this letter, who is the representative of the Indian Rights Association, one of the noblest associations of this country, established in Philadelphia and having a branch association in the capital city of the Commonwealth which I have the honor in part to represent—I would like to hear the gentleman from Louisiana tell the House what statements in this open letter written to him in relation to the appropriations for these Indians are false. The gentleman has characterized the writer of this letter, a constituent of mine, as making statements that are unqualifiedly false, and I should like to hear him specify those statements.

This gentleman, a constituent of mine, whose statements the gentleman from Louisiana has characterized as false, is a man well-known in the district I have the honor to represent, a man who has been selected for the position he occupies on account of previous meritorious service, a man whose record is unstained, whose integrity has never been impeached. I call on the gentleman from Louisiana to submit on this floor any evidence bearing out his assertions, and showing wherein the statements contained in this letter are wrong.

The gentleman from Louisiana also, in the speech from which I have quoted, made a statement in reference to the appropriations made during the last few years for the Indians. This statement he submits as a defense against this open letter, and winds up by showing that on the 6th of January, in this House, a contingency resolution was introduced giving $50,000 more on account of certain starving Indians who are included in the four classes I have mentioned. Then the gentleman goes on to state that in spite of these circumstances Mr. Painter writes this open letter to him.

Now, I wish to make the point here that this open letter appeared in the New York Tribune of January 5; and I ask the gentleman whether it is not the fact that this resolution to which he refers as vindicating the conduct of the committee against the attacks made in this open letter was presented here on the day after this letter had appeared in the New York Tribune, and whether he did not know at the time the resolution was passed that this letter had been published.

Mr. ELLIS. I have not seen any letter yet. I have seen only editorial comments, from which I gathered my information as to the character of the letter and the assertions made therein. Has the gentleman the letter?

Mr. ROCKWELL. I have the letter.

Mr. ELLIS. Will you oblige me by giving it to me?

Mr. ROCKWELL. Certainly I will, first asking to have it printed as part of my remarks. If the gentleman will allow me further——

Mr. ELLIS. Then, Mr. Chairman, when I take the floor, after having moved the previous question on this bill, if I do not brand "falsehood" on C. C. Painter's brow I will make an elaborate apology to him. I object to the printing of that letter.

[Here the hammer fell.]

Mr. BOUTELLE. I move to amend by striking out the last word, and yield my time to the gentleman from Massachusetts [Mr. ROCKWELL].

Mr. ROCKWELL. I understand the gentleman from Louisiana has objected to the printing of this letter.

Mr. ELLIS. I do.

Mr. ROCKWELL. I suppose I have the right, Mr Chairman, to read it as part of my remarks.

The CHAIRMAN. The gentleman has that right in his five minutes.

Mr. ROCKWELL. I have five minutes, then, in which to read the letter, and I bring up this matter not alone because I believe that this constituent of mine has been falsely accused in this matter, but also because I think it brings home to all of us the fact so well illustrated in the life of that great statesman of Kentucky, Henry Clay—and illustrated to-day in the conduct of another great statesman of Kentucky who presides over the deliberations of this body—that "whenever business of whatever nature is to be transacted in a deliberative assembly or in private life, courtesy, forbearance, and moderation are best calculated to bring it to a successful conclusion."

Mr. ROCKWELL proceeded to read the letter, as published later in the proceedings, but was interrupted by,

Mr. ELLIS, who said: Is the gentleman proceeding under unanimous consent?

The CHAIRMAN. The gentleman from Massachusetts has five minutes yielded to him by the gentleman from Maine [Mr. BOUTELLE] on a *pro forma* motion.

Mr. ROCKWELL continued the reading until the expiration of his five minutes.

Mr. ELLIS. Mr. Chairman, what is pending?

The CHAIRMAN. A *pro forma* amendment moved by the gentleman from Maine [Mr. BOUTELLE]. Does the gentleman insist on that amendment?

Mr. HISCOCK. Is debate on the amendment exhausted?

The CHAIRMAN. It is.

Mr. BOUTELLE. I withdraw the amendment.

Mr. HISCOCK. I renew it, and yield my time to the gentleman from Massachusetts [Mr. ROCKWELL].

Mr. ROCKWELL continued the reading of the letter.

Mr. ELLIS. I move that the committee rise.

The CHAIRMAN. The Chair will recognize the gentleman after the five minutes of the gentleman from Massachusetts have expired.

Mr. ROCKWELL continued the reading of the letter until its conclusion.

The letter is as follows:

RESPONSIBILITY FOR STARVATION AMONG THE PIEGANS.

[An open letter to Mr. ELLIS from Professor Painter.]

GREAT BARRINGTON, MASS., *December 24, 1884.*

SIR: My surprise and astonishment were so great the other morning because of your sudden change of purpose regarding the "deficiency estimate" for the relief of certain Montana Indians, that I could not in the brief time allowed me answer your questions. You had only the evening before repeated to me the explicit promise made by you and Mr. RYAN to the committee of the Indian Rights Association, on the 12th instant, that you would, just as soon as the estimate reached your committee, introduce and secure the passage of a joint resolution appropriating the sum asked for.

You were informed in the letter from the acting Secretary of the Interior, which accompanied this estimate, and which was referred with it to your committee, that the agent at the Blackfeet agency had been instructed by the Department to exhaust his supplies by the 31st of March, and that unless supplies to meet the deficiency were sent in by the 15th of January, that it would be all but impossible to get them in through that country in time to prevent starvation.

Certainly nothing contained in this letter was calculated to lessen the urgency of the action which was sought from you, and which you had so explicitly promised.

I fear that no importunity can now secure action in this matter which will save these poor people from extreme suffering, and it is not with the hope of averting this, but with the purpose rather of locating responsibility for it, that I proceed to answer your questions: (1) How did it happen that there was such suffering among them; and (2) what has become of the money ($100,000) appropriated last winter for their relief?

1. It appears that the Department asked for the support of these Indians (food and clothing), for the year ending June 30, 1884, the sum of $260,000, and that Congress, at the suggestion of your committee, gave $176,000, being $84,000 less than the Department deemed necessary. It may be well to say in this connection that the sum asked for was based upon the expectation that game would be as abundant as in years past, which proved a mistake, as none was to be found.

The deficiency created by the action of your committee was $84,000; the utter failure of all crops by reason of frost, drought, &c., and the entire absence of game, threatened this people with absolute starvation. Senator VEST and Delegate MAGINNIS reported this condition of things at the very opening of the last session of Congress. The President called the attention of Congress to the facts as communicated to him by the Secretary of the Interior, who asked for $138,000 to meet the emergency. Special Inspector Howard appeared before your committee and informed you of what he had just seen among these people, and you introduced a joint resolution the next day appropriating $50,000 to this purpose. The Senate amended this and appropriated $100,000. If you are doubtful as to your responsibility for the non-concurrence of the House in this amendment, I will respectfully refer you to the CONGRESSIONAL RECORD for February 1, 1884, pages 823 and 824. Mr. MAGINNIS related what he had seen and heard in a personal visit to these people a few months previous, and was sure that at least $100,000 was both needed and asked for. Mr. CHACE was confident that the Department had asked for $138,000.

Your assertion, made with great positiveness, and reiterated, that your committee had given every dollar that had been asked for by the Commissioner of Indian Affairs, caused the House to reject the Senate amendment, and a delay ensued before you were forced to correct a mistake which was fatal to many poor starving Indians; and so, after a delay of two months after it was informed of the facts, Congress appropriated about three-fourths of the sum asked for.

That this was not sufficient appears from a mild statement in the last report of the Commissioner of Indian Affairs, who says: "There is little doubt that many deaths among them (these Montana Indians) were the direct result of lack of food."

During a recent visit to the Blackfeet agency the agent informed me that he issued during the spring and early summer from four to six burial boxes per day for some time, and that no money would induce him to witness again the scenes through which he had passed during those fearful months.

It was estimated that four hundred of the Indians of that agency, which numbered not more than twenty-four hundred or twenty-six hundred, died from want of food.

At Fort Belknap the suffering would have been just as great but for the fact that it is near a large military post, and that the men brought their wives and daughters—even little girls—and prostituted them to the whites for money with which to purchase food.

This, I agree with you, is "an infamy," one for which, as chairman of the Subcommittee of Appropriations for Indian Affairs, who cut down estimates, who delayed action, and who has now deliberately refused to report a resolution appropriating for the deficiency for this year, the country will hold you responsible.

The answer to your second question is not hard to find. Divide the sum of money appropriated to feed and clothe these people, 14,000 of them in round numbers, and you will have for this purpose about 3¾ cents per diem per capita; a sum which might be used honestly for such a purpose without raising such strong suspicions that it had been wasted that you are forced, as a prudent public officer, intrusted with grave responsibilities, to thrust aside with contempt the estimate of the Interior Department and the urgent cry that there will be another "infamy" unless you act at once, and say you must know how this has been expended before you will ask for any more.

For the year ending June 30, 1885, the Department asked for these same Indians, for food and clothing, $275,000. Acting under your advice Congress has appropriated $243,000. That is $32,000 less than the needed sum.

You have before you the facts that $50,000 is needed to prevent the infamy of starvation again; that the supplies at one agency will be exhausted on the 1st of April next, and that the supplies must be sent in by the middle of January. Your promise to the committee, composed of General Armstrong, Messrs. Biddle, Welsh, and Frazer, of Philadelphia, was explicit that you would act upon these facts as soon as they reached your committee; but this, the next morning after they did reach you, you flatly refused to do until you had satisfactory answers to your questions.

These I have attempted to answer, whether satisfactory or not I can not say, but with facts from the official record.

Your argument that you had given money for irrigating-ditches, and that these people ought to do something to support themselves, is fully met by the fact that this bill was not approved until the 4th of July last, and consequently practical relief for those whom it was designed to aid could not be derived in so short a time. Your remark that "the Indian seems to have too many friends about here" betrays, I fear, the animus by which you are controlled. As all known methods for securing relief for these Indians from your committee have been exhausted, I am forced to appeal to our citizens at large, who, I am confident, do not desire either that these people shall starve or be forced to prostitution to save themselves from such a fate; and so I send these answers to your questions to the country at large.

Yours, &c., C. C. PAINTER.

To Hon. E. JOHN ELLIS,
Chairman of Subcommittee Indian Appropriations,
House of Representatives, Washington, D. C.

Now, the argument used by the gentleman from Louisiana——

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. Let the gentleman finish his speech.

Mr. PARKER. If the gentleman from New York will withdraw his *pro forma* amendment, I will renew it and give my time to the gentleman from Massachusetts.

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. PARKER. I renew it, and will yield to the gentleman from Massachusetts.

Mr. ELLIS. Let the gentleman finish his speech.

Mr. ROCKWELL. Mr. Chairman, the argument used by the gentleman from Louisiana, made in these statements—I refer now to the speech he made January 6, when he introduced the resolution for $50,000 for the temporary support of some of these Indians, the day after this letter was published in the New York Tribune——

Mr. ELLIS. I did not know such a letter had been written. I told Mr. Painter I could discharge my duty without further suggestions from him. I did not know of the existence of such a letter.

Mr. ROCKWELL. I say, Mr. Chairman, that the speech made by the gentleman from Louisiana the day after this letter had been published in the New York Tribune (I am sorry the gentleman did not see it; it was a short speech)—I allude also to the speech to be found on the page of the RECORD which I have indicated, January 21—in that he seems to hold up these arguments: These appropriations were made smaller for two reasons, first, because it appeared to be the settled policy of some one to cut down appropriations; and, secondly, because game was plenty and abundant. These appropriations were cut down for that purpose and for that reason.

I would like to ask the gentleman from Louisiana whether as a matter of fact the Department did not take into consideration that very fact—whether the Department did not take into consideration that very fact that there was game there in abundance when they made their estimates and cut down the appropriations; and why, when that is so, is it necessary for the committee further to cut down the estimates on the same ground? Was not that the same argument the gentleman from Louisiana made in his speech delivered on this floor on the 6th of January? These statements that he has since made, and to which I have alluded in the RECORD, as attacking the character and integrity of this honest man, this representative of the Indian Rights Association of America, if he had made them on that day I should then and there have corrected him, for I was upon the floor and heard him as he introduced the resolution.

But, sir, he has not made this representation in reference to the character of this gentleman in haste or anger after reading the letter, but he waits from the 6th of January, when he makes his first speech, until the 20th of January, when he makes his next speech. If he had left out the reflection on this gentleman's character and integrity I should not now take the floor to defend my constituent. But, sir, from long acquaintance with the man assailed, I desire to place on the public records of this country in a spot where the record will be imperishable, and not merely in newspapers, which are evanescent, and which are forgotten and perhaps go into the waste-basket, my estimate of this gentleman, whom I have known for years, and who, although I am sorry he is so unfortunate as to have a controversy with the gentleman from Louisiana, I feel bound from my acquaintance not only with him but from knowledge of the character for ability he has won for himself in the community in which we both live to state that he is an honest man, that he is a Christian gentleman, and that the aspersions of the gentleman from Louisiana are not merited. I believe upon further consideration of the matter, whatever may be the facts in dispute in this case, the first man in this House to regret the attack upon this honest man will be the gentleman from Louisiana himself. [Applause.]

Mr. CHACE. Unless the gentleman from Louisiana wishes to reply I will go on. I believe if the gentleman will carefully revise this matter and look it over he will withdraw his offensive remarks in regard to this gentleman.

Mr. ELLIS. Not if my present impressions are correct; but I will intensify them.

Mr. CHACE. I desire to call the attention of the House to two or three pregnant facts in connection with this matter. In the first place, whose money is this we are appropriating? It is not our money we are appropriating. This money belongs to the Indians. The Government of the United States have in their Treasury $5,000,000 long since overdue. We have here four tribes of Montana Indians, who year after year have died from starvation because of the outrageous wrong of the people of this country. They have been removed from the lands which belonged to them under solemn obligation from the people of this country to pay them an annuity, which has not been paid.

The Department brings in estimates of the amount necessary for their support. Year after year we cut these estimates down and leave these Indians to perish of starvation. Now, again we are asked to make another cut of the estimates. The question arises, sir, are we innocent of the blood of these people? I hope gentlemen will join me in voting for an amendment to this bill that I shall now offer: to insert in line 971 the sum of $100,000, instead of $90,000 as proposed by the Committee on Appropriations.

The estimates for these four tribes amount to $467,000. The Committee have appropriated $412,000, a reduction of nearly $15,000 to each tribe. It is a wrong to these Indians which we can not afford to perpetrate any more.

The CHAIRMAN. Does the gentleman from New York withdraw the *pro forma* amendment?

Mr. HISCOCK. I do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support, civilization, and instruction of the Shoshones——

Mr. MAGINNIS. I want to submit a motion to strike out the last word.

Mr. CHACE. Mr. Chairman, I have already offered an amendment to the preceding paragraph.

The CHAIRMAN. The Chair was not aware that the gentleman from Rhode Island had offered an amendment.

Mr. MAGINNIS. I hope the gentleman from Rhode Island will permit me to go on now in this connection for a few moments.

Mr. CHACE. I will wait, of course, until the gentleman from Montana has concluded, and then press the amendment I have indicated.

Mr. MAGINNIS. I would like to call the attention of the Committee, as this question has arisen, to the history of this Fort Peck agency and the real responsibility in regard to the starvation of these Indians. There was at the time this began a number of Indians collected at the Fort Peck agency under the administration of Columbus Delano, by an Indian agent out of the remnants of several Sioux tribes. This House appropriated, I think, about $850,000 for their support the first year.

Mr. CHACE. To what year does the gentleman refer?

Mr. MAGINNIS. To 1872 or 1873. I do not exactly remember which year, but about that time.

Mr. CHACE. I thought the gentleman was referring to the present year.

Mr. MAGINNIS. No, sir.

About $50,000 of that appropriation was given to the Indians and the $800,000 was divided up among the boys. [Laughter and applause.] The Indian ring, since broken up, at that time was in full fling in this

country. They used to meet in the parlors of a hotel in New York and divide the dividends arising from the Indian appropriations as regularly as the board of directors of a prosperous railroad company might meet and divide the surplus and profits of their business.

Mr. CHACE. The gentleman does not pretend to say that there is any such thing in existence at this time?

Mr. MAGINNIS. No, sir; I am not saying anything of the kind.

Mr. CHACE. Nor has there been since the organization of the present board of Indian inspectors.

Mr. MAGINNIS. I am not making such complaint at present. I am speaking of the origin of this thing. I want to show how the reduction came to be made.

At this time steamboats used to go up the Missouri River lightly loaded with supplies for the mythical Indians who were supposed to be in that vicinity. They required no assistance to get up the river. But when they came back—when they came down the river again—every appliance necessary in navigation was required to carry them safely over the bars, so heavily laden were they with vouchers. [Laughter.] This is the agency at which it is familiarly understood they used to drive the cattle around the corral three or four times, counting them each time, and finally ran them off and sold them to the white men. [Laughter.] It was here that ten sacks of sugar were delivered and the voucher was raised to a hundred or a thousand sacks.

These facts, Mr. Chairman, were made known by another eminent gentleman from Pennsylvania, Mr. Walsh.

Mr. RANDALL. Mr. Welsh.

Mr. MAGINNIS. Yes, Mr. Welsh; but for a long time we were unable to break that practice down. Mr. Orville Grant, since deceased, obtained a tradership at that agency, and there were some very warm debates in this House in regard to his connection with it. Finally, our late lamented President, Mr. Garfield, and the honorable gentleman from Pennsylvania [Mr. RANDALL], knowing these facts, cut down the appropriation of $500,000 to a reasonable amount for the sustenance of the Fort Peck Indians. And, by the way, let me say in this connection these Indians should not be at Fort Peck at all, but should be with the remainder of the Dakota tribe.

In relation to the suffering of the Piegans, the Blackfeet, and the Blood Indians, the direct responsibility rests with the Indian Department. The gentleman from Rhode Island [Mr. CHACE] will bear me out in this statement, that the amounts under the treaty were denied to these tribes for many years; and it was by the kindness and generosity of the gentleman from Louisiana himself, who investigated the subject, that we restored the appropriation to what it should be; and he and I were both grateful to Mr. ELLIS, I think, in the last Congress for his connection with this matter.

Mr. CHACE. I wish to be as gracious to the gentleman from Louisiana as it is possible to be; but I have a distinct recollection of having a year ago hard work to get an appropriation raised from $50,000 to $138,000.

Mr. MAGINNIS. If the gentleman from Rhode Island will look back at the Indian appropriation bills for the last ten or twelve years——

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. REAGAN was recognized, and yielded his time to Mr. MAGINNIS.

Mr. MAGINNIS. Now, if the gentleman will look back at the Indian appropriation bills for the last twelve years or the last ten years, he will find the appropriations for the Piegans, the Bloods, and the Blackfeet have ranged from $25,000 to $35,000, having been cut down from $50,000.

Mr. CHACE. The appropriation has averaged less than $25,000, when we owe them under treaty stipulations an annuity of $50,000.

Mr. MAGINNIS. But, as I said before, the Indian Department, through its inefficiency, is responsible for this whole matter.

Mr. CHACE. Is it responsible for the non-fulfillment of the treaty?

Mr. MAGINNIS. No, sir. Will the gentleman just listen to me? Those Indians occupy an immense area of country. I hold in my hand the report of Senator DAWES, including the report of a subcommittee made by Senator VEST and myself. Some years ago we went to that country. We made arrangements with the Indians. They said, "This land is no longer of any use to us; when you gave it to us you gave it for a hunting country; it was then a great buffalo country and we did not need your supplies then. Now the game is all gone; we want to surrender this country; we do not want it."

Mr. CHACE. I do not wish to interrupt the gentleman; but is he not putting that in a somewhat erroneous light? Did not the first proposition come from our side for them to surrender that reservation?

Mr. MAGINNIS. No, sir.

Mr. CHACE. And did not the Government make a treaty with these Indians by which they undertook to pay them that annuity?

Mr. MAGINNIS. The gentleman from Rhode Island is wrong. He is going back too far. I am speaking of recent events. They proposed to surrender all the unnecessary portions of that reservation from which the game was gone and from which they derived no benefit. And four years ago I introduced into this House a bill to provide for those Northern Indians, and Senator VEST introduced into the Senate a similar bill to provide for them, which gave them the amount they wanted, which gave them ample appropriations, which provided that homes should be built for them, which provided they should receive cattle, schools, &c. And that bill has failed to pass this House and has failed to pass the Senate, simply because the Commissioner of Indian Affairs has been unable to make up his mind about it, although the Secretary of the Interior has recommended it, he being a Western man and knowing a great deal more about it than the Commissioner, who is a good, honest man; and if he had recommended that bill, if he had indorsed it and approved it, it would have gone through this House three years ago. It would have passed last winter but for him, and a remedy would have been provided, instead of those Indians suffering every year and starving. But this thing is to be repeated this year and next year and next year till a final settlement is made. If the Commissioner would not take the recommendation of the Senator from Missouri and myself he should have sent out some other men, some of his own men; but the officers of the Indian Department have simply rested on their oars and done nothing, and are, therefore, unable to give the House an opinion upon which the House can act; and, therefore, the House has taken no action. I hold all the suffering that has fallen upon those Indians to be directly traceable to the inefficiency of the Indian Department.

Mr. CHACE. I should like to ask the gentleman from Montana two or three questions. If I understand him he admits on our motion——

Mr. MAGINNIS. On whose motion?

Mr. CHACE. The motion of the United States Government, a treaty was made with these tribes by which they surrendered their reservation and we agreed to pay them an annuity of $50,000.

Mr. MAGINNIS. That was by the treaty of 1868.

Mr. CHACE. And the gentleman admits that they ratified the treaty, and we did not ratify it, but took possession of their reservation?

Mr. MAGINNIS. Yes, sir.

Mr. CHACE. We moved them on a reservation where there was no game, and we failed to pay the annuity.

Mr. MAGINNIS. That was the failure of preceding Congresses.

Mr. CHACE. Are not those the facts?

Mr. MAGINNIS. Exactly, but you can not blame the gentleman from Louisiana [Mr. ELLIS] for the policy inaugurated by Mr. Garfield.

Mr. CHACE. I blame nobody. I will take my own share of responsibility until I have discharged my duty in protesting against a recurrence of this thing.

Mr. MAGINNIS. I agree very much with the gentleman from Rhode Island in what he has said. He has said this before.

Mr. CHACE. And I would like to have it emphasized. The gentleman has just said that this starvation of these Indians has been brought about by a wrong and outrage committed upon them. It has recurred over and over again, and is likely to recur again another year.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Montana [Mr. MAGINNIS] has expired. The question is on the amendment of the gentleman from Rhode Island [Mr. CHACE], which had escaped the attention of the Chair.

Mr. ELLIS. Does the gentleman from Rhode Island wish to support his amendment?

Mr. CHACE. I do.

Several MEMBERS. Let it be reported.

The Clerk read as follows:

In line 971 strike out "ninety" and insert "one hundred;" making it read: "To promote their civilization, comfort, and improvement, one hundred thousand dollars."

Mr. CHACE. Mr. Chairman, I desire to plead with this House to depart in this instance from the usual custom and to remember that this is not our money that we are appropriating. It is money that belongs to these Indians. It is their money; they have a right to it. And, in reply to some remarks made by the gentleman from Montana [Mr. MAGINNIS], which, although he may not have intended it certainly do detract somewhat from the force of my amendment, I desire to say that since the time to which he has alluded the board of Indian inspectors has been appointed, composed of gentlemen of the very highest character—Christian gentlemen who have nothing whatever to do with the objectionable transactions to which he has alluded here, except to exercise their influence to correct them.

Mr. MAGINNIS. If the gentleman from Rhode Island understood me to charge the existence of fraudulent practices under the present administration, I wish to correct him, because I did not intend to make any such charge or intimation.

Mr. CHACE. I am very glad to hear the gentleman say so.

Mr. ROGERS. The gentleman from Montana did not make any such charge.

Mr. COSGROVE. I understand the gentleman from Rhode Island to say that this is not the money of the United States that we are called upon to appropriate, but that it is the money of the Indians. I should like to hear him explain how it came to be their money.

Mr. CHACE. It became their money by the solemn obligation of the United States to the Indians under a treaty when we took their lands. There are $5,000,000 in the Treasury of the United States, all of which belong to the Indians.

Mr. ELLIS. Will the gentleman from Rhode Island refer us to the treaty?

Mr. CHACE. Certainly; there is no difficulty about it.

Mr. ELLIS. I want the treaty and the article.

Mr. MAGINNIS. The gentleman from Rhode Island is mistaken. We never had a treaty with these Fort Peck Indians. He refers to the Blackfeet and Bloods and Piegans.

Mr. RYAN. This is not the money of these Indians. It is simply a gratuity and does not come out of the tribal fund at all.

Mr. CHACE. If gentlemen will give me time, I will look for the treaty to which I have referred. I may be wrong, but I will look and see. In the mean time I would like to have this amendment passed over for a few moments.

Mr. REAGAN. Mr. Chairman, I do not propose to participate in the discussion of this bill, but I simply rise to say that it would be very interesting to me, and I have no doubt to the American people generally, if somebody would find out a way by which the Indians, like other people, could be made to work for their living. We have millions of poor people in the United States, many of them quite as poor as these Indians, but we do not appropriate money to support them in idleness, to feed and clothe them off the labor of other people; and it has always been a curious fact to me that we have gone on year after year appropriating large sums of money to feed an idle, lazy, vagabond set of Indians and have never been able to find any way to put them to work for their living. [Applause.]

The CHAIRMAN. The gentleman from Rhode Island [Mr. CHACE] asks unanimous consent to pass over the paragraph now under consideration until the bill has been read through. Has the Chair correctly stated the request of the gentleman?

Mr. CHACE. Yes.

Mr. ELLIS. I object to that.

The CHAIRMAN. Objection is made, and the question is on the amendment offered by the gentleman from Rhode Island [Mr. CHACE].

Mr. ELLIS. Mr. Chairman, I wish to speak to that amendment. The gentleman from Rhode Island [Mr. CHACE] will search in vain for any treaty which gives these Indians a title to this money. It is simply a gratuity on the part of the United States. Now, sir, I believe that no living mortal should starve or want, especially the Indians, occupying the relation they do to the United States; but I believe that we have given them enough here. There is even-handed justice required in this matter—justice to the people whose money we are appropriating, justice to the Indian who has been made dependent by our civilization. Our civilized agencies have driven away from him or destroyed the game on which he lived; the Government of the United States, by a policy which I am unable to fathom, permitted the cattle of the Indians, their natural cattle—the buffalo—to be slaughtered for the sport of English gentlemen, for the sport of gentlemen from New York, of gentlemen from Boston, of gentlemen from Chicago and from New Orleans, and from every other city from which they chose to go out to slaughter for the mere love of slaughter.

Our girdle of civilization has been extending all the time, and the result of all this is that the Indian is deprived of his natural food. I do not agree with my friend from Texas [Mr. REAGAN]. I think the United States Government should see to it that these Indians do work; but until they are located upon a reservation which will reward their toil with abundant crops, I believe that we are bound to see that they do not suffer. At the same time we should take care that the money of the people is not recklessly expended. Now, what have we done? In the last session of the Forty-seventh Congress this last year we gave these Indians $243,000. That appropriation gave out, and the present Congress was called upon for a deficiency appropriation, first of $50,000, and afterward of $50,000 more.

Mr. CHACE. To what Indians does the gentleman now refer?

Mr. ELLIS. The Montana Indians—the four agencies in Montana. So that the total amount appropriated for the last session of the Forty-seventh Congress, supplemented by the deficiency appropriation at the first session of this Congress, made the total sum $343,000.

Mr. Chairman, I thought the Department ought to know its business, that it ought to know what these Indians needed. I did not believe the Department would come and present a deficiency that would not cover every supply. It presented first a deficiency of $50,000; that was given by the House. Afterward this was increased in the Senate by adding a deficiency which I never saw until it came from the Senate, making the deficiency appropriation $100,000. This made the aggregate amount $343,000. With the preparation of that bill I had nothing to do.

Mr. CHACE rose.

Mr. ELLIS. If the gentleman will only be still, I think he will learn something. When I came to prepare this bill, anxious to do justice to these people, I estimated the appropriation upon the basis of the appropriation made last year, plus the deficiency; and then I "went $3,000 better" than that. So that we gave $296,000, which, supplemented by the deficiency, makes $346,000, or $3,000 over and above the appropriations of last year, plus the deficiency.

I thought this would be sufficient. I knew that appropriations were made for irrigating the lands of these people and to assist them in agricultural pursuits. We thought they would raise something of a crop. The policy is in the direction of the position taken by my friend from Texas [Mr. REAGAN]. The policy is not to support these people in idleness, but merely to maintain them until they can become self-supporting. Ah, Mr. Chairman, the way to do that is not to fill them with everything good and maintain them in idleness. If you intend to make these people self-supporting you must teach them that there will come a time when the fostering hand of the Government will be withdrawn and they will be compelled to look to themselves. This has been the policy of the Committee on Appropriations and of Congress in gradually cutting down the provisions for the support of the Indians, furnishing them with stock and agricultural implements, with farmers to teach them how to work, and with industrial schools, in order that the time may come when Government support can be entirely withdrawn.

Now, we have given to these people, to the Montana tribes at the agency now in question, where the gentleman wishes to give $10,000 more, a proper proportion of the increased appropriations contained in this bill, which, as I have said, amount to $3,000 more than the appropriations made last year, plus the deficiency. I believe this is enough.

The CHAIRMAN. The question is on the amendment of the gentleman from Rhode Island [Mr. CHACE].

Mr. HEWITT, of New York. Mr. Chairman, I move *pro forma* to amend the amendment by striking out the last word. I have listened to this discussion with profound interest. I think it is very profitable. The gentleman from Texas [Mr. THROCKMORTON] who spoke in the general debate on this bill, from his large experience and from that relation which he of all men in this House or perhaps in the country has been able to establish with the Indians, because he has kept the faith with them, laid down a policy which is concurred in, I believe, by every friend of the red man. I had not the pleasure of hearing the gentleman's remarks; but while reading them in the RECORD with great satisfaction and entire approbation, I received from one of the truest friends of the Indian that this country has produced a letter so touching, so full of sympathy and wisdom, and asking from the President-elect a boon so desirable to be granted, that I communed with myself as to how I could best give effect to the writer's wishes. The sainted man who wrote this letter without any idea that it would be published, a good bishop of the church to which I profess allegiance, is now prostrated with disease in a far-off land. After a lifetime devoted to missionary work in the far West his last prayer as it were comes as an invitation to this House to do justice, as it is striving to do, to the red man. I trust I do not violate that sacred character which belongs to private communications when I take the liberty of reading to the House this letter from Bishop Whipple. I do this only because I believe that I shall thus best secure the object so dear to his heart. For I have reason to believe that the President-elect reads the RECORD, and I venture to hope that this letter will make such an impression upon his memory that the Indian Bureau will be confided to the management of some experienced and trusted friend of these wards of the nation:

HOTEL DES ANGLAIS, MENTONE, FRANCE,
January 4, 1885.

HONORABLE AND DEAR SIR: I have not the privilege of knowing the President-elect. You know how many years I have labored for the poor Indians. I have given them all a man could give—my time, my means, and my heart. When I began my efforts for them, our Indian affairs were at the darkest. My best friends said it was hopeless. I carried it to that One who always hears every cry of a burdened heart, and I resolved, God being my helper, I never would turn my back on the heathen at my door. I have tried to keep the vow. The Indian system has not been reformed; but the difference in its administration is as day to midnight. Instead of establishing almshouses to graduate savage paupers, the Government encourages labor, provides schools, employs Indians at wages, and the whole drift is toward Christian civilization. There are many abuses to be reformed, and dishonesties to be stopped, but the general administration is just. In the absence of a well-defined system of government, with personal rights of property, the success or failure of the Indian Bureau depends wholly on its head. I know your pity for this poor race. Will you not ask the President-elect to be doubly careful in the selection of the Commissioner of Indian Affairs? No appointment in his gift can bring him and his party greater honor, and none cause him, if unworthy, so much shame and disgrace.

I am here an invalid. You will pardon my request.

Your friend,
H. B. WHIPPLE,
Bishop of Minnesota.

Hon. ABRAM S. HEWITT.

Stricken with sickness and possibly dying on the shores of the Mediterranean, far away from the children of the forest whom he has loved so well and for whom he has done so much, his heart goes back into the frozen regions of Minnesota and the prayer which he utters to that Almighty One who is the God of justice will, I trust, be heard through His servant who is chosen to administer the government and to execute the wise provisions of this bill, so carefully matured by the committee.

The question recurred on Mr. CHACE'S amendment.

The committee divided; and there were—ayes 46, noes 73.

So the amendment was rejected.

The Clerk read as follows:

For support and civilization of the Modoc Indians now residing within the Indian Territory, $5,000.

Mr. JAMES. I wish to amend by adding at the end of line 994 an appropriation for the Navajo Indians, left out by mistake. They have money in the Treasury, and there is no appropriation for them. I move the following.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, SECOND SESSION.

VOLUME XVI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1885.

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VOLUME XVI, PART II.

CONGRESSIONAL RECORD,

FORTY-EIGHTH CONGRESS, SECOND SESSION.

The Clerk read as follows:

At the end of line 994 add the following:

"For the support and civilization of the Navajo Indians, including payment of employés, $40,000."

Mr. JAMES. This is the same amount appropriated in the last appropriation bill, and the amount asked for in the estimates, but which have been left out, and nothing has been appropriated in this bill.

Mr. RYAN. They do not want it. I do not think we ought to increase the appropriation for the Navajo Indians, a tribe quite willing and able to support themselves without any additional appropriation.

Mr. JAMES. There is no appropriation made for them at all.

Mr. RYAN. They are supporting and maintaining themselves and getting along well.

Mr. CANNON. I understand that to be true, and if it be true why should we give them an appropriation which they do not ask? Is it not true that when you give to a tribe of Indians, or indeed to any people in the world, large charitable contributions you only demoralize them by rendering them incapable of taking care of themselves and making progress in the arts of civilized life?

Mr. JAMES. It seemed to be necessary in the judgment of the Secretary of the Interior and the committee at the last session of Congress to insert a paragraph into the bill making a similar appropriation. It was the opinion of the gentleman having charge of the bill at that time that the Navajo Indians were entitled to something. I have merely moved to insert the same amount.

Mr. KEIFER. What for?

Mr. JAMES. For purposes of civilization—educational purposes.

Mr. KEIFER. They have never asked anything for food or clothing.

Mr. RYAN. Let us have a vote on the amendment.

The amendment was again read.

Mr. RYAN. That is what I supposed. It is for the support and civilization of a tribe of Indians which has been supporting itself in the past. I think it bad policy for the Government to commence supporting a tribe of Indians which has hitherto relied successfully on its own resources. If we commence supporting these Indians we will soon have to support them altogether. They will soon begin to lean on the Government for support, whereas heretofore they have been taught to lean on themselves, and have done it successfully. I do not think it good policy to adopt the amendment.

Mr. HISCOCK. Do we owe them anything?

Mr. RYAN. No; we do not owe them anything. Of course my friend does not offer this amendment to carry out any treaty stipulation; it is merely a gratuity.

Mr. HISCOCK. Was anything appropriated last year?

Mr. JAMES. Did they not have $40,000 last year?

Mr. RYAN. I do not remember.

Mr. CHACE. Yes; it is in the Indian appropriation bill.

Mr. RYAN. What is it for? Is the gentleman proposing to read from the bill?

Mr. CHACE. No; from the estimates. Here it is. The estimates say: "For the support and civilization of the Navajo Indians, including employés, last year, $40,000."

Mr. KEIFER. What was it for?

Mr. RYAN. I think that was for a special purpose.

Mr. ELLIS. Yes; for irrigating purposes.

Mr. RYAN. It was to enable them to do some irrigation for the purpose of carrying on their farming operations.

Mr. ELLIS. As well as for the purchase of stock.

Mr. RYAN. Yes; also for the purchase of some stock. I wish to say also that the appropriation provided last year was out of some funds of their own in the Treasury of the United States, and it was appropriated at their own solicitation.

Mr. KEIFER. I only wish to add to what has been stated by the gentleman from Kansas that my recollection is that these Indians have in no instance asked anything toward their support. They are the model Indian tribe of the West; they are an example for all the others, and as long as they can maintain themselves as they have been doing in the past we ought not to give them anything. But we ought to do everything we can to protect them in their reservation.

Last year we put in the appropriation the sum of $5,000, which was specially set apart to survey the boundaries of their reservation, so as to define them in such a way as to cut off encroaching settlers.

They also said they wanted out of their own funds a sum appropriated to enable them to build a dam across a cañon, so they might collect water and use it in the proper season of the year by irrigation for agricultural purposes.

They have vast herds of sheep. They live on mutton largely, and if they are not encroached upon they are going to be a rich tribe of Indians. They make what is known as the Navajo blankets, which are sold at the highest price in the markets. Any person would be glad to get one. My friend near me says he paid $20 for one.

A MEMBER. Fifty dollars.

Mr. KEIFER. Fifty dollars he says he paid for one. They are equal to maintaining themselves, and I do not wish this appropriation put upon this bill in that form. These are people who are proud to be able to maintain themselves, and I do not want this appropriation put upon this bill in the form proposed here. If there is any special aid we can extend to them I would be glad to know what it is, and will vote in that direction. I am one of the last to vote against an appropriation that is needed for any Indian tribe. But the Navajo Indians may be held up before all of the other Indians as a model tribe in being able to take care of themselves, and I hope no such provision as this will be adopted. Many of that tribe, I may say, go into the white settlements, work for the settlers, earn money, and I am told that they are quite provident with it.

The amendment of Mr. JAMES was not agreed to.

The Clerk read as follows:

For support and civilization of Joseph's band of Nez Percé Indians, $18,000.

Mr. JAMES. I offer the amendment which I send to the desk to provide for the removal of these Indians. They are now in the Indian Territory but are to be removed.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from New York.

The Clerk read as follows:

After line 996 insert "and for their removal to Idaho, $10,000;" in all, $28,000.

Mr. ELLIS. I would like to ask the gentleman from New York if that is recommended by the Department?

Mr. JAMES. I think so. I have not the recommendation before me, but m impression is that it has been recommended.

Mr. ELLIS. I reserve the point of order.

Mr. JAMES. I have communicated with the Indian Office by telephone with the gentleman in charge of this bill, who informs me that they are to be removed.

Mr. RANDALL. That was a provision in the appropriation bill of last year.

Mr. JAMES. They have not yet been removed.

Mr. ELLIS. I make the point of order against the amendment that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Transportation of Indian supplies: For this amount, for necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents, $275,000.

Mr. CUTCHEON. Mr. Chairman, I move the amendment which I send to the desk, to come in after line 1120.

The Clerk read as follows:

For an emergency fund to be applied in case of necessity, for the relief of extraordinary cases of distress among the Indian tribes, and to be expended under the direction of the Secretary of the Interior in his discretion, $50,000.

Mr. ELLIS. I reserve the point of order upon that amendment.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard upon the point of order?

Mr. CUTCHEON. I do not know, sir, but that the amendment may be amenable to the point of order if it be insisted upon. But we have had numerous examples for two years in succession of very grave disasters which have taken place, resulting in many deaths from unforeseen emergencies for which no fund was applicable. I trust that the point of order may be withdrawn so that we may consider the advisability of some such provision as that contemplated in the amendment.

For my own part I am willing to trust the Secretary of the Interior and the Indian Department in the application of said fund. It seems to be in the highest degree desirable that there should be reposed somewhere under some authority a small, a moderate fund, to be applied in cases of unforeseen emergencies to alleviate distress and prevent disaster. Such cases may arise at any time, and there should be some provision against them.

I will not detain the committee, but I trust the point of order will be withdrawn so that we may consider the amendment upon its merits.

The CHAIRMAN. The point of order is sustained.

Mr. CUTCHEON. It is a good amendment for all that.

The Clerk read as follows:

That the balance of the amount of $1,250 appropriated, in the act making appropriations to supply deficiencies for the fiscal year 1884 and prior years, to pay the expenses of the delegates representing the Eastern Band of Cherokee Indians while in Washington attending to the business of the band or tribe during the year 1884, and not expended for such purpose, is hereby authorized to be used to pay the expenses of said delegation, including traveling expenses to and from Washington, during the year 1885.

Mr. VANCE. Mr. Chairman, I offer an amendment to this paragraph.

The Clerk read as follows:

Insert after line 1134:

"That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury to the credit of the Eastern band of Cherokee Indians for the purpose of paying the services and expenses of former delegates of said Eastern band of Cherokees who have visited the city of Washington on business of the band, and to pay debts of the band: *Provided*, That no portion of said appropriation shall be paid for the debts of said band or expenses of delegates until the Commissioner of Indian Affairs and the Secretary of the Interior shall approve the same."

Mr. VANCE. I presume there is no objection to this amendment. It only makes provision for the payment of the debts of this band of Indians out of their own fund, and it is very necessary that this provision should be made for the benefit of the Indians. They have quite

a boundary of land, and the taxes have not been paid in some instances, and the lands have been levied upon. The Secretary of the Interior and the Commissioner of Indian Affairs approve of this appropriation, and it is necessary for the comfort and protection of the North Carolina Cherokees that this provision should be made.

Mr. RYAN. I am hardly prepared to say whether it is right or not. I think the gentleman from North Carolina ought to have presented it to the committee and had it carefully considered.

This is to pay some expenses created by persons who have assumed to be or were in fact delegates visiting the city of Washington in the interest of that tribe at some time heretofore. There has been some controversy as to who were the proper delegates. It has been assumed by some representatives of that tribe here in the city that their delegates heretofore have been self-constituted delegates, and did not represent the tribe. In view of the uncertainty concerning this matter, I doubt the propriety of adopting the amendment.

Mr. VANCE. I will say for the information of the gentleman from Kansas there is no doubt about this matter. It has been thoroughly investigated by the Commissioner of Indian Affairs. It has been known to the Commissioner of Indian Affairs and the Secretary of the Interior for several years that agents and delegates were sent here from the North Carolina Cherokees, duly accredited on the part of the annual meeting of the council of the band. Each year the council holds a meeting, and they have sent year after year their delegates, who have never been paid. The present delegation has been paid, or the provision has been made for the payment of those that are now in the city. It is a matter of vital importance to these Indians. Here is the letter of the Commissioner of Indian Affairs, which if gentlemen desire it I will have read, stating this is necessary. I assure my friend from Kansas there is no doubt at all about the matter. It is entirely satisfactory. And I call his attention to the fact that the Commissioner of Indian Affairs and the Secretary of the Interior have to pass upon every claim before it is paid.

Mr. ELLIS. If the provision is carefully guarded in that way, I think it can not be objected to.

Mr. RYAN. Is it approved by the Commissioner of Indian Affairs and the Secretary of the Interior?

Mr. VANCE. Yes, sir.

Mr. ELLIS. And is the money to be expended under the direction of the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. VANCE. Yes, sir; I have just stated that.

Mr. RANDALL. Let the amendment be again read.

The amendment was again read.

The amendment was agreed to.

The Clerk read the following paragraph:

The Secretary of the Interior is hereby directed to pay to Franz and Charles Huning, out of any funds belonging to the Navajo Indians, $6,000; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. THROCKMORTON. I wish to inquire if this claim has been acted on by the Committee on Indian Affairs, and recommended by them.

Mr. ELLIS. Every one of these claims has been examined and approved by the Committee on Indian Affairs.

The Clerk read the following paragraph:

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Va., $19,000.

Mr. LYMAN. I offer the amendent which I send to the desk.

The Clerk read as follows:

In lines 1224 and 1225 strike out "$19,000" and insert "$20,040."

Mr. LYMAN. This amendment is offered to correct what appears to be a clerical error.

Mr. RYAN. I suppose there will be no objection to it.

Mr. ELLIS. The amendment is right.

The amendment was adopted.

Mr. MANZANARES. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1225 insert the following:

"For the purpose of establishing an industrial school for the education of Indian youth and the erection of the necessary buildings at Santa Fé, N. Mex., $25,000."

Mr. MANZANARES. Mr. Chairman, my experience and knowledge of this Indian question is that if the Government will more liberally extend educational facilities to the Indians, employ the best and most practical civilizing agencies, and in the proportion of these increased facilities for their civilization curtail their rations and other annuities, which only tend to make them indolent and depraved, and instead assign them a sufficiency of lands and teach them and compel them to work and earn their own livelihood, I believe that in a very short time by adopting this policy the Indians will become self-supporting, and at a not much longer period they will become useful citizens of our country. Therefore I advocate the increase of appropriation for the education and civilization of the Indians and the curtailing of their rations, which act alone would compel them to work, and in this way gradually become self-sustaining. As an illustration of this plan of civilizing them, I would refer you to the present condition of the Pueblo Indians, of New Mexico, whom the Spaniards taught to work, partially educated, and subjected them to live in towns, and are to-day self-supporting, thriving, industrious, and a law-abiding people.

There are in New Mexico, outside of what may be termed the wild tribes of Indians, some fifteen pueblos or Indian towns or communities within a radius of fifty miles from the city of Santa Fé. The children of the pueblos, as well as those of the wild tribes, could avail themselves of the benefits to be derived from such an institution if established. In this connection I will state, for the information of Congress, that the people of the city of Santa Fé have already assigned and donated twelve acres of excellent land for the building of such institution, and its establishment has been recommended by the Indian Bureau; and I hope the committee will grant me this small appropriation for such a commendable object.

Mr. ELLIS. I believe that this appropriation should be made. I believe that $25,000 could not be better expended than on a school at Sante Fé. You will reach the Pueblos of New Mexico, and you will also reach the Navajoes, both of which tribes are self-supporting, both of which are industrious, both of which only wait to be taught to work. The city of Santa Fé, as my friend from New Mexico says, has already dedicated twelve acres of land in the heart of the city for this purpose. There is already a school, and it is the earnest desire of those people to incorporate this Indian industrial feature into the school already established. I believe it would be money well expended, and support the amendment.

The amendment was agreed to.

The Clerk read the following paragraph:

For payment, out of the unexpended balance of the appropriation for support of schools for the year 1884, to the Indian industrial school for boys on the Flathead Indian reservation, for clothing, subsisting, maintaining, and educating twenty Indian pupils in excess of the number provided for by contract with the Indian Department, during the twelve months beginning July 1, 1883, and ending June 30, 1884, $2,000.

Mr. ELLIS. The Committee on Appropriations have instructed me to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1247 insert as follows:

"For payment, out of the unexpended balance of the appropriation for support of schools for the fiscal year ending June 30, 1884, to Lincoln Institution, Philadelphia, for the education, support, and transportation of thirty-four pupils in excess of the number cared for at that institution under written authority from the Interior Department during the quarter ending June 30, 1884, $1,000."

The amendment was agreed to.

The Clerk read the following paragraph:

For transportation of children to and from Indian schools, and also for the transportation of Indian children from all the Indian schools, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $25,000.

Mr. ELLIS. The Committee on Appropriations direct me to offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1266, 1267, and 1271, strike out the word "children," and in lieu thereof insert the word "pupils."

Mr. ELLIS. This amendment is made necessary because the accounting officers of the Treasury refused to pay for certain Indians that were a little above children as regards age. The paragraph is made to include all pupils taken care of at these schools.

The amendment was agreed to.

Mr. CUTCHEON. I offer the following amendment:

After line 1274 insert:

"To enable the Indian Bureau to pay wages to students of the several industrial Indian schools for labor performed at such schools, under such regulations as may be established by the Indian Bureau, for the purpose of encouraging habits of industry and labor, $10,000."

Mr. ROGERS, of Arkansas. I make the point of order on that amendment.

Mr. CUTCHEON. I ask the gentleman from Arkansas to withhold his point of order for a moment.

Mr. ROGERS, of Arkansas. I will withhold it, Mr. Chairman, but I want to save it.

Mr. CUTCHEON. Mr. Chairman, it seems to me that in educating these Indians the primary object in view should be to fit them for ultimate self-support, and that above and beyond every other consideration should be the inculcation of habits of labor and industry which will enable them when they go out from school to gain a livelihood for themselves in life's pursuits. In connection with most of these industrial schools for the Indians there are greater or less tracts of land for farming purposes.

On page 4 of the report of the superintendent of Indian schools he states that some dissatisfaction arose at the Indian school in Kansas among the older boys because the superintendent did not pay them for working, which he was prevented from doing by the act making the appropriation. This dissatisfaction caused some of the boys to leave without permission and return to their homes. Those who returned to the Cheyennes and Arapahoes were collected together and sent back under police escort by the agent. I cite this instance simply as an illustration of the

importance of the object I aim at, which is to provide that the superintendent of the schools may, under proper regulations and under proper circumstances, encourage habits of labor and industry among the Indians by offering them rewards. We want to teach the Indians above all things to become property-holders and to take care of the property they may acquire. In order that we may commence at the foundation with the youth who are now being educated at these schools, I think it would be most desirable that they should be encouraged to habits of industry by receiving remuneration for their labor. I believe that $10,000 could not be more wisely expended than in the manner proposed by this amendment. I hope, therefore, that the gentleman from Arkansas [Mr. ROGERS] will withdraw his point of order and let a vote be taken on the amendment.

Mr. ROGERS, of Arkansas. Mr. Chairman, I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEELE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

After line 1274 insert:

"*Provided*, That the Secretary of the Interior be authorized and directed to reimburse the Miami Indians of Kansas for the amount of money improperly taken from said Indians and paid to other Indians, in violation of the treaties of 1854 and 1858; including attorneys' fees necessarily paid."

Mr. ROGERS, of Arkansas. Mr. Chairman, I do not know anything about this proposition, but I reserve the point of order.

Mr. STEELE. Mr. Chairman, I will explain the amendment very briefly. I hope that the gentleman from Arkansas will not object to giving back to these Indians what properly belongs to them; and that is all that this amendment proposes. By the treaties of 1854 and 1858 certain lands were ceded to the United States upon condition that certain moneys were to be paid to these Indians, and the stipulation in the treaty provided that only those Indians named in the treaty should participate. In violation of that treaty other Indians were put on the rolls, and money was paid to them for five or six years. The Secretary of the Interior discovered that this money was improperly paid to the other Indians and dropped them from the rolls; but these Indians were never reimbursed the amounts that had been improperly paid out of their funds to those other Indians. Now, if the Secretary of the Interior does not find that this money is due to these Indians he is not to pay it. If he does find it due it ought to be paid, as I am sure every man on this floor will admit. That is all there is in this amendment.

Mr. ELLIS. Is there anything from the Department upon the subject?

Mr. STEELE. Yes, sir; it is purely a matter for Department decision; and if the Department does not find that this money is due to these Indians, then they are not to have a cent of it.

Mr. ELLIS. But has the Department asked that this appropriation should be made?

Mr. STEELE. It did at the last session. I do not know just what the amount is, but whatever amount the Secretary of the Interior shall find to be due is all that is asked. I hope there will be no objection to an amendment of this character.

Mr. ELLIS. If the gentleman will modify his amendment so as to direct the Secretary of the Interior to report all the facts to the House, or to Congress, on or before the next session, I shall not object. But the amendment as it stands is too indefinite. I do not know what money is involved—I do not know anything about it.

Mr. STEELE. The amendment specifies moneys improperly paid out of the amount granted to these Indians by the treaties of 1854 and 1858.

Mr. ELLIS. Who is to pay it? Out of what fund is it to come?

Mr. STEELE. Out of the contingent fund of the Treasury Department, I suppose—out of "any other moneys not otherwise appropriated."

Mr. ELLIS. I regret that the amendment is too vague in its terms and I am too unfamiliar with the subject to permit me to assent to it.

Mr. STEELE. The treaty of 1854 provided that these Indians should have an annuity up to the year 1880; and no Indians not included in the treaty were to participate in that annuity. But in violation of that provision, other Indians were put on the roll and did participate for five or six years. The Secretary of the Interior, upon discovering that these persons were improperly on the roll, dropped them; but these Indians properly entitled to the annuity have never been reimbursed for the money thus diverted from them.

Under this amendment, if the Secretary of the Interior does not find the facts to be as I state them, does not find that these Indians are entitled to the money, nothing will come of this amendment. I hope the gentleman from Louisiana will permit the amendment to be adopted.

Mr. ELLIS. I am willing to withdraw the point if the gentleman will consent to modify the amendment so as merely to require the Secretary of the Interior to report all the facts to Congress at its next session.

Mr. ROGERS, of Arkansas. I do not know that I apprehend precisely the amendment; but as I understood it it involves an expenditure to be made before the next meeting of Congress. The modification suggested by the gentleman from Louisiana would, as I understand, require the Secretary of the Interior to report the matter back to Congress so that an appropriation may be made next year.

Mr. ELLIS. Yes, sir; to report all the facts.

Mr. ROGERS, of Arkansas. I have no objection to that; but I do object to making any appropriation now in the absence of specific and definite information.

Mr. STEELE. I will modify my amendment as the gentleman from Louisiana suggests, so as to provide that the Secretary of the Interior be requested to report back——

The CHAIRMAN. The gentleman from Indiana will please submit his amendment in writing.

Mr. ELLIS. I trust that by unanimous consent the Clerk may go on with the reading of the bill; we can recur to this matter when the gentleman has completed the modification of the amendment.

The CHAIRMAN. If there be no objection, that arrangement will be made.

There was no objection.

The Clerk read as follows:

SEC. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition or munitions of war, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That this provision shall not apply to the civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best to preserve peace and prevent depredations. All arms thus taken shall be received by the Secretary of War, who shall report all arms received by him, from what tribe taken, and the just value of said arms; and Congress shall appropriate the requisite funds to pay for all arms taken, and said sum shall be paid to said tribe, and, as near as may be, to the original owners of said arms, or their heirs.

Mr. ROGERS, of Arkansas. This section in line 7 speaks of "the civilized tribes of the Indian Territory." I wish to inquire of the gentleman from Louisiana whether this phraseology is designed to embrace simply the five civilized tribes. If so, I think that in order to avoid any question of construction, the word "five" should be inserted. I move that amendment.

Mr. RYAN. I suggest to my colleague on the committee [Mr. ELLIS] that this amendment is proper.

Mr. ELLIS. I think it is right. I supposed the word was already in.

Mr. ROGERS, of Arkansas. I move then to insert before the word "civilized," in line 7, the word "five."

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That section 2139 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows:

"SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000; but it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department; but no part of this section or of section 2140 of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler, or storekeeper, attaché, or employé of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsoever to any Indian."

Mr. ROGERS, of Arkansas. I move to amend the section just read by striking out in line 11 the words "less than six months nor," and in line 12 the words "less than $50 nor;" so as to make the clause read: "Shall be punishable by imprisonment for not more than two years and by a fine of not more than $1,000."

Mr. Chairman, I shall occupy the time of the committee very briefly on this amendment. I had hoped, after the illustrations which I endeavored to give yesterday on this subject, the propriety of this amendment would at once appear to the committee, and no argument in its support would be necessary. There are some facts which I desire to impress upon the minds of members. It seemed not to be understood yesterday by some gentlemen that under the Revised Statutes, as they now stand, the mere introduction of liquor into the Indian country is an offense.

By express provision the introduction, or attempted introduction, as well as the sale of liquor in the Indian country, to an Indian, is made a distinct offense. I wish it plainly understood that, so far as I am concerned, I do not object to that provision of the statutes. I believe, with the Committee on Appropriations, that it is a proper prohibition. I wish it further understood that I do not object to the maximum penalty; I do not care how high the punishment may be fixed. But I insist that there should be no minimum penalty provided by law, because, as I undertook to illustrate yesterday, there must occur in various ways technical violations of the statute; and we can safely trust to the wisdom, the sound judgment, and the experience of the Federal judiciary to graduate the penalty under the law to the nature and character of the offense as developed on the trial. Under the United States

statute every man is a witness, all parties are witnesses. In this way, and with the assistance of the testimony, the judge can always get at the substantial facts in every case. I say it is safer and wiser and better, in view of this fact, to leave the graduation of the penalty to the judge presiding, as is now the law.

There are one or two provisions of the law which are an improvement on the law as it originally stood. I sanction them because they tend to close down tighter the gates against the introduction of whisky or liquor of any description into the Indian Territory. I approve of all of them. I make no apologies for parties who intentionally introduce whisky into the Indian Territory. What I do advocate is that we shall exercise some humanity, and when we come to punish parties who unintentionally have violated the law, I say in this regard we can safely refer that question to the wisdom, the justice, and the sound discretion and vast experience of the Federal judiciary. That is all I contend for.

Mr. KEIFER. Will the gentleman tell us how they can unintentionally violate the law?

Mr. ROGERS, of Arkansas. That is precisely what I undertook to state yesterday, and I gave several illustrations. My friend from Texas who sits in my rear, and who knows personally what I am about to state, will not dissent from the statements I make. The line dividing the Indian Territory from the State of Arkansas runs along parallel for perhaps one hundred miles with the great highway or thoroughfare over which emigration passes into Texas and returns to the State of Missouri and to the States farther east. At one or more places this public road crosses the Territory's line. Take an Illinois or Missouri emigrant *en route* to Texas over this thoroughfare. He does not know, can not know, when he will cross the line. If by accident he should cross the line with a pint of liquor, purely for his own use, he violates this statute. But if he knew the Territory line, perhaps he never heard of this law. But it makes no difference that he did not know when he entered the Territory or that he was ignorant of the existence of this law; he is, nevertheless, under the uniform rulings of the courts, guilty. The moment they cross the line of the Indian Territory they are subjected to the penalty under this statute, if it becomes the law. This law says this emigrant who unintentionally, unknowingly, unwittingly violates this law, who is as innocent as the unborn child, shall be put in jail for six months and have imposed upon him a fine of $50; for that is the minimum of punishment provided.

Mr. KEIFER. Has any one been prosecuted under such a condition of facts?

Mr. ROGERS, of Arkansas. I stand here to bear testimony to infinitely worse cases.

Mr. KEIFER. Will the gentleman yield to me?

Mr. ROGERS, of Arkansas. I will give the gentleman even a stronger case than that, if he pleases. Some ten or twelve years ago the United States deputy marshal, who, under the law as it then stood, was entitled to one-half the proceeds of property confiscated when used in introducing liquor in that country, contrived to have whisky put into a wagon of a man who drove on into the Indian Territory with his wagon containing the whisky without having any knowledge of that fact. This man, as I heard the case, was arrested, his property confiscated, although unintentionally and unknowingly and unwittingly carrying this whisky into the Indian Territory. But under this provision he would also be put into jail for six months and fined $50. They do not inquire into the intent, or go beyond the act of introduction. They hold the act itself of introducing it constitutes the offense. That has been the uniform decision of the court for the last fifteen years, from my personal knowledge.

Mr. ELLIS. Let me suggest to the gentleman from Arkansas to submit an amendment covering that point.

Mr. ROGERS, of Arkansas. Why not let the court have the control of the graduation of the penalty in that country. And I say with much deference to them they are sometimes too rigid in the enforcement of the penalty against these parties.

Mr. ELLIS. I do not think it too much.

Mr. ROGERS, of Arkansas. But gentlemen who know more of these things than my friend from Louisiana will differ with him on questions of this sort. But we need not get up any difference on that point. If the judge discharges his duty, imposing two years' imprisonment and $1,000 fine on any one who is intentionally guilty, is not that sufficient under the law? Can not we trust our judges? Sir, no complaint comes of the judge of the western district of Arkansas, who presides over the court there, that he is not rigid enough in the enforcement of the statute. To fix the penalty upon the ground that our judiciary will not impose sufficient penalty for the offense, is to doubt their integrity or their capacity to discharge the duty which they are called upon to discharge.

Mr. LONG. I should doubt their capacity if they found a man guilty under the circumstances suggested by the gentleman.

Mr. HISCOCK. Was the man convicted in the case where the whisky was concealed in his wagon and it was carried into the Indian Territory without his knowledge?

Mr. ROGERS, of Arkansas. That is my recollection. I know—I am positive I know—that this very case was developed in the courts at that time. I may be in error as to its final disposition.

Mr. HISCOCK. I can understand about a question of fact in the case where some one might have sworn or tried to prove the man did not know he had it in his wagon, but under the idea that any court held, under the facts as stated, and then imposed a fine and imprisonment, we have a right to doubt the capacity and every other attribute of the judge.

Mr. ROGERS, of Arkansas. I gather the distinction you make. The facts I have stated may have been developed, and yet the finding have been otherwise. But even in the case put, if the judge had doubts and did not choose to set aside the verdict he would have no discretion as to the punishment. But I put this extreme case to illustrate, simply. It would not likely occur again or often under any condition of things.

But, unfortunately, my friend fails to make one distinction which is very clear. Let me illustrate it now: We have a statute in our State, and I apprehend that it will be found generally throughout the States, a statute prohibiting the selling of liquor to minors, if you please. Well, a man goes into an establishment licensed to sell liquor and is willing to make oath that he is of legal age. His friends stand by and say that he is of age. The beard has grown upon his face and he has every appearance of being a man in the legal sense of the word, and the liquor is sold to him; but the courts hold that the man who sells him liquor does it at his peril notwithstanding the assurances of himself and friends and the appearances in his favor.

Mr. MILLER, of Pennsylvania. The courts of Pennsylvania do not so hold.

Mr. ROGERS, of Arkansas. Our courts so hold and have always so held. They hold the same with reference to the solemnization of the rites of matrimony. The law prohibits the solemnization of matrimony between minors without express consent of parents or guardians. A minister of the gospel may avail himself of all the safeguards which he can to assure himself that a couple who present themselves before him are of the age required by the law. But it makes no difference; he marries them at his peril; and if it shall afterward appear that they were not of legal age he is amenable to the penalties provided by the statute. He performs the act at his own risk and must endure the consequences. So it is with this statute. It is not the intent that constitutes the offense, but it is the simple introduction of the liquor, regardless of the object or intent, that constitutes the offense.

Mr. HISCOCK. But in the case stated it was not a question of intent but a question of guilty knowledge.

Mr. ROGERS, of Arkansas. But that does not alter the case.

Mr. HISCOCK. You cited a case where a man carried this whisky in his wagon in ignorance of the fact that it was there. You illustrate your point by stating that it was put surreptitiously into his wagon and without his knowledge.

Mr. ROGERS, of Arkansas. I gave also a case where an immigrant, if you please, traveling along the borders between the Indian Territory and the State with liquor in his wagon, shall, without knowing it, cross into the Indian Territory, or without any knowledge of the existence of an intercourse law. There guilty knowledge is also involved. In that case he neither intended any wrong nor knew that he was in the Territory. And yet he is as guilty under the law—not morally, it is true—as if he had intended the one and known the other. He may have no knowledge of the State line; he may not be aware of the point where the road crosses into the Indian Territory; but the moment he passes the line he subjects himself to the penalty.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS, of Arkansas. I should like to have the indulgence of the committee for a moment longer.

Mr. ELLIS. Mr. Chairman, this proposition has already been discussed at the opening of the debate on this bill for forty minutes.

Mr. ROGERS, of Arkansas. I simply want to add a single sentence, if the gentleman from Louisiana will yield to me for a moment; not on this particular subject.

Mr. ELLIS. Very well.

Mr. ROGERS, of Arkansas. In justice to myself, and in justice to the court as now organized, I wish to state that the extreme cases mentioned did not occur in recent years, but in years gone by—twelve or fifteen. That is all I wanted to say, except that I put the most extreme cases that I either knew or had heard mentioned, so that gentlemen may see the force of the point I make.

Mr. WARNER, of Ohio. What provision would the gentleman from Arkansas insert?

Mr. ROGERS, of Arkansas. I would strike out the minimum penalty and let the maximum remain.

Mr. ELLIS. If the gentleman from Arkansas will propose an amendment which looks to cure the evil of which he speaks, I will cordially co-operate with him; but I shall oppose striking out the minimum punishment inflicted by this provision.

It is easy, sir, for us to say amend this bill so as to require evidence of guilty intent on the part of the man who crossed the borders of the Indian Territory for the purpose of selling or bartering liquor to the Indians. I say it is easy to make that assertion, but how will you apply the remedy?

Mr. ROGERS, of Arkansas. If the gentleman will allow me——

Mr. ELLIS. Let me continue for a moment. If the gentleman will say "no ardent spirits shall be introduced, under any pretense, into the Indian country for sale or gift or barter to any Indian," that, I take it, will cure the defect of which he speaks.

Mr. SPRINGER. For the purpose of sale, gift, or barter.

Mr. ELLIS. For any such purpose; either gift, barter, or sale, to the Indians. But this minimum punishment should stand.

Mr. ROGERS, of Arkansas. In what line does the gentleman suggest the amendment?

Mr. ELLIS. I would suggest, if the gentleman wishes to incorporate it, that it should go in line 5, section 2139.

Mr. WARNER, of Ohio. That will do, I think.

Mr. ROGERS, of Arkansas. I ask the gentleman to repeat the amendment again.

Mr. ELLIS. "No ardent spirits shall be introduced, under any pretense, into the Indian Territory for sale, or gift, or barter to any Indian." That, I think, will cure the evil the gentleman refers to.

Mr. ROGERS, of Arkansas. Let me interrupt the gentleman for a moment. I desire to come to the point at issue here.

I am only anxious to place this amendment in such a shape that there can be no misconstruction of the law. But I will say to the gentleman from Louisiana that amendment goes further than I am willing to go.

Mr. ELLIS. There is no intention, of course, to keep it out of Arkansas. [Laughter.]

Mr. ROGERS, of Arkansas. I hope my friend will allow a suggestion.

Mr. ELLIS. Undoubtedly.

Mr. ROGERS, of Arkansas. I did not hear, and hence did not appreciate, the gentleman's humor; but the amendment suggested by him goes too far, and I think it would be a very unsafe one to adopt, because then the question of purpose is involved and there will arise all sorts of subterfuges, excuses, and pleas to be submitted to the juries, and the difficulty of enforcing the law greatly increased. It is a dangerous provision to insert; it would be very unsafe, in my judgment, and is certainly more than I want or would support if offered by him.

Better absolutely prohibit its introduction for all purposes, but leave the penalty to be fixed by the court, so that mere technical violations may be nominally punished, and flagrant cases to the extent of the law.

Mr. ELLIS. Well, jury trials are always uncertain; but I have more respect for the intelligence of the juries that will be impaneled to try these cases than to believe they will turn any man loose to whom guilty knowledge can be traced. That ought to be required. Guilty knowledge is the soul of every offense.

But I shall oppose taking away the minimum punishment provided here. The man who will deliberately sell to the Indians whisky when he knows the effect is murder, depredation, lawlessness, undoing everything we are endeavoring to do by our civilizing agencies, can have no punishment too severe. What does it do with the civilized man? It makes a brute of him. What does it do with the savage but to make him a double, yea, tenfold savage? And, as I said the other day, it is useless to go on with these civilizing agencies, to be drafting on our Treasury for schools, missions, all the agencies by which we are trying to raise up the Indian and make a man of him, if you permit people to put that into his mouth which steals away his brains, which steals away his manhood, quenches the fire of whatever humanity may have been kindled there, and reduces him to the savage again. There is no punishment too severe for such an offense, and it should not be left to the discretion of lenient judges. I mean no reflection on the bench, but all our experience shows us there may be lenient judges who are perhaps a little influenced by the proceeds of such traffic.

Mr. HISCOCK. I ask the gentleman from Louisiana whether he has not made an argument, and a strong argument, why this section should not be amended at all but remain as it is?

Mr. ELLIS. I believe the section should stand exactly as we have reported it.

Mr. HENLEY. I desire to say in respect to this amendment that in the administration of the revenue laws of our country it has been constantly held by our courts that the matter of intent cuts no figure at all so far as the penal consequences that are in those laws are concerned. And I wish further to say that neither of the gentlemen who have spoken against this amendment seems to be read up or advised as to what is the tendency of the opinion, of the most advanced opinion, of modern jurists in respect to this question about prescribing procrustean limits, minimum limits, in regard to misdemeanors.

Gentlemen will find that the amendment of the gentleman from Arkansas is in the direction of the best considered opinion upon that question, and that is that in regard to misdemeanors—and that is what we are dealing with in this bill—there should be no minimum punishment prescribed; that in regard to offenses which do not involve that high degree of turpitude, such as felonies, &c., more should be left to the discretion of the judge. And unless I have misread the authorities and wholly misconceived the tendency of modern and current thought upon this question, gentlemen in opposing this amendment are arraying themselves against what, as I have said before, is the general modern disposition in regard to this matter. I am in favor of the amendment.

The question being taken on the amendment offered by Mr. ROGERS, of Arkansas, there were—ayes 36, noes 69.

Mr. ROGERS, of Arkansas. A quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Louisiana [Mr. ELLIS] and the gentleman from Arkansas [Mr. ROGERS].

The committee again divided; and the tellers reported—ayes 61, noes 102.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker took the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill and joint resolution of the following titles:

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; and

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4681) for the relief of Yost Harbaugh.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon; and

A bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary line between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KEIFER. I inquire of the gentleman from Louisiana why in line 7 and also in line 9 of this section the word "beer" is omitted. I see it is used in line 22. If it is a mere omission I think it ought to be inserted.

Mr. ELLIS. I have no objection to that.

Mr. KEIFER. Then I suggest that in line 7, after the word "liquors," the word "beer" be inserted; and also in line 9, and at line 14, before the word "liquor," I suggest that the word "intoxicating" be inserted; and that in the same line, after the word "liquor," the words "beer or wine" should be inserted.

Mr. ELLIS. I agree to that.

Mr. DINGLEY. I suggest that in each place we adopt the same language as in line 23: "or any intoxicating beverage."

Mr. KEIFER. I have no objection to using the more comprehensive word suggested by the gentleman from Maine.

Mr. ROGERS, of Arkansas. I would suggest that the expression be used "spirituous, vinous, or malt liquors of any description."

Mr. KEIFER. I think the language used here is in harmony with that used in all our other statutes.

The CHAIRMAN. Will the gentleman from Ohio repeat his amendment, that the Clerk may get it accurately?

Mr. STEELE. While the gentleman from Ohio is perfecting his amendment, I will offer an amendment.

Mr. ROGERS, of Arkansas. Mr. Chairman, do I understand that when we are through with this we come back to the section last under consideration?

The CHAIRMAN. Yes.

Mr. ROGERS, of Arkansas. Very well.

The Clerk read the amendment offered by the gentleman from Indiana [Mr. STEELE], as follows:

After line 1274 insert the following:

"*Provided*, That the Secretary of the Interior be authorized and directed to report to Congress on or before December 6, 1885, the amount due the Miami Indians of Indiana and Kansas for moneys due to said Indians and paid to other Indians in violation of the treaties of 1854 and 1858, including attorneys' fees necessarily paid by said Indians."

Mr. ELLIS. That is right.

The CHAIRMAN. Is the point of order made some time ago in relation to this amendment by the gentleman from Louisiana [Mr. ELLIS] withdrawn?

Mr. ELLIS. It is withdrawn.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The committee will now return to the amendment offered by the gentleman from Ohio [Mr. KEIFER], and the Clerk will read the amendment as perfected.

The Clerk read as follows:

In the seventh line of section 9, after the word "liquors," insert the word "beer;" strike out the word "or" thereafter; after the word "wine," insert the words "or any intoxicating beverage." Then, in line 9, after the word "liquor," insert the words "or beer;" striking out the word "or" and inserting after the word "wine," in the same line, the words "or any intoxicating beverage." In line 14, after the word "introduce," insert the word "spirituous," and after the

word "liquor" insert the words "beer, wine, or any intoxicating beverage;" making it read: "Dispose of any spirituous liquors, beer, wine, or any intoxicating beverage to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country," &c.

Also, "but it shall be a sufficient defense to any charge of introducing or attempting to introduce spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country," &c.

Mr. KEIFER. That is the amendment I propose, and I do not think there can be any objection to it.

The amendment was agreed to.

Mr. CUTCHEON. Mr. Chairman, I desire to offer an amendment to be inserted as an additional section of the bill.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. ROGERS] desire to amend the section as it now stands?

Mr. ROGERS, of Arkansas. Yes, sir.

The CHAIRMAN. Then that amendment should be presented in advance of the amendment proposed by the gentleman from Michigan [Mr. CUTCHEON].

Mr. ROGERS, of Arkansas. I desire to amend by inserting in line 21, before the word "barter," the word "knowingly;" so that it shall read, "who shall knowingly barter," &c.

Mr. Chairman, I state very frankly to the committee that I offer this amendment having some little doubt in regard to it. It will be observed that the last part of the section under consideration is new law. It will be understood that under the law as it now exists and under this law the Secretary of War very properly has the right to permit any of these liquors to be introduced into that country. As a matter of fact and in practice these liquors have been sold there at all the Army posts to soldiers and officers in the Army—I do not mean universally, but they have been sold there under certain prescribed rules and regulations with which I am not familiar. There is, however, this fact in connection with the matter: the sutler in the sale of these articles is compelled, upon his peril, not to sell them to Indians. That is the case under the provisions of the law as it now stands, and under the regulations of the War Department as heretofore and still existing.

Now, the question is this: In that Indian country you will find hundreds of men of whom you can not tell whether they have Indian blood in their veins or not; unless you know them you can not tell whether they are white men or Indians. Why, sir, the recent governor of the Chickasaw Nation was a man of a good deal fairer skin than many gentlemen who sit upon this floor. It is impossible for an Army officer or a sutler who goes out there a stranger to tell just how much Indian blood there is or may be in the veins of such a man; but if there is a drop, and his tribal relations are established, then this law becomes applicable to the sutler if he sells the man liquor. Now, the object of my amendment is to make him punishable in such a case only where he sells to an Indian knowingly. But, as I said awhile ago, I have some little doubt about the policy of the amendment, because it may possibly open the way to deception and subterfuge, and induce men to pretend that they did not know that the persons to whom they sold liquor were Indians, when in point of fact they did know. Still, on the whole, I think it is wiser to put this amendment in the bill, because liquor is allowed to be taken out there and sold for medical purposes, under the Army regulations, and a mistake might occur and a sutler might be punished under the law as it now stands, when in fact he had not knowingly committed any offense.

Mr. ELLIS. Mr. Chairman, I must oppose this amendment. I do not think a sutler will have any difficulty in distinguishing Indians from other men, unless he is color-blind. [Laughter.] I want this law enacted, and I want the man who sells liquor out there to sell it at his peril; I want him to know beyond a doubt before he sells it that he is not selling to an Indian. I do not want any amendment introduced which will provide a subterfuge behind which any guilty party may shelter himself. The effect of this portion of the bill as reported is in the direction of humanity, in the direction of civilization. I feel that we should leave no stone unturned to suppress this traffic, and I must therefore oppose the amendment offered by the gentleman from Arkansas.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. ROGERS].

The amendment was not agreed to.

Mr. CUTCHEON. I move to amend by adding to the bill, as a new section, the provision which I send to the desk.

The Clerk read as follows:

SEC. 10. That immediately upon and after the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, aggravated assault and battery, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and not otherwise, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes respectively. And the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above crimes against the person or property of another Indian within the boundaries of any State of the United States, and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States. And the Federal courts for the proper judicial district are hereby given jurisdiction in all such cases: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do. And in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation.

Mr. ELLIS. I reserve a point of order upon that amendment.

Mr. CUTCHEON. Mr. Chairman, I believe it is not necessary for me to say that this amendment is in the direction of the thought of all who desire the advancement and civilization of the Indian tribes. It is recommended very strongly by the Secretary of the Interior in his annual report. I believe we all feel that an Indian, when he commits a crime, should be recognized as a criminal, and so treated under the laws of the land. I do not believe we shall ever succeed in civilizing the Indian race until we teach them regard for law, and show them that they are not only responsible to the law, but amenable to its penalties.

I would not offer this amendment at the present time and in connection with this appropriation bill if I thought there existed the least chance or opportunity of its becoming law in any other way. If I believed it possible that a bill of the Committee on Indian Affairs, upon which, as I understand, a like amendment is intended to be proposed, could be taken up and passed at this session, I would not now submit this proposition. But I believe this is the only opportunity that will be afforded during this Congress for this or similar legislation.

We all remember the case of Crow Dog, who committed the murder of the celebrated chief Spotted Tail. He was arrested, tried by a Federal tribunal, and convicted of the murder, but the case being taken to the Supreme Court of the United States upon habeas corpus, it was there decided that the United States courts had no jurisdiction in any case where one reservation Indian committed a crime upon another. Thus Crow Dog went free. He returned to his reservation, feeling, as the Commissioner says, a great deal more important than any of the chiefs of his tribe. The result was that another murder grew out of that—a murder committed by Spotted Tail, jr., upon White Thunder. And so these things must go on unless we adopt proper legislation on the subject.

It is an infamy upon our civilization, a disgrace to this nation, that there should be anywhere within its boundaries a body of people who can, with absolute impunity, commit the crime of murder, there being no tribunal before which they can be brought for punishment. Under our present law there is no penalty that can be inflicted except according to the custom of the tribe, which is simply that the "blood-avenger"—that is, the next of kin to the person murdered—shall pursue the one who has been guilty of the crime and commit a new murder upon him.

Mr. BUDD. Why not insert in the amendment, after the words "another Indian," the words "or any other person?"

Mr. CUTCHEON. Indians are already capable of being convicted and punished for a crime committed upon any other person than an Indian.

Mr. BUDD. But it is not done.

Mr. CUTCHEON. If, however, an Indian commits a crime against an Indian on an Indian reservation there is now no law to punish the offense except, as I have said, the law of the tribe, which is just no law at all.

Mr. ELLIS. The language suggested by the gentleman from California [Mr. BUDD] will not hurt the amendment.

Mr. CUTCHEON. I have no objection to the amendment at all, and will accept it as a modification. I think this provision ought to be inserted in this bill; otherwise I fear it will not become law during this Congress.

Mr. ELLIS. I hope the gentleman from Michigan will consent to strike out the phrase "aggravated assault and battery."

Mr. CUTCHEON. I consent to that. We already have among the Indians the court of Indian offenses for the punishment of trivial violations of law. That court can take care of cases of assault and battery.

Mr. ELLIS. With these modifications I believe the proposition is correct; and I withdraw the point of order.

Mr. ROGERS, of Arkansas. I renew the point for the present; and ask that the amendment be read as modified.

The Clerk read the amendment as modified.

Mr. ROGERS, of Arkansas. This amendment is so long and the subject so important, that unless I can have an opportunity to investigate the proposition I must insist upon the point of order. If the question can be waived for a few moments while other business is proceeded with, I am perfectly willing.

Mr. BUDD. I desire to suggest another modification of the amendment—to strike out the words "and not otherwise." The effect of this modification will be to give the courts of the United States concurrent jurisdiction with the Indian courts in the Indian country. But if these words be not struck out, all jurisdiction of these offenses will be taken from the existing tribunals of the Indian country. I think it sufficient that the courts of the United States should have concurrent jurisdiction in these cases.

The CHAIRMAN. Does the gentleman from Arkansas insist upon the point of order?

Mr. ROGERS, of Arkansas. I must insist upon it, unless I can have an opportunity for further examination of the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. RYAN. I ask that the amendment I send up be read.

The Clerk read as follows:

Add as an additional section to the bill:

"SEC. 20. That the President is hereby authorized and required to open negotiations with such of the Indian tribes located in the Indian Territory as in his judgment are in possession and control of a greater quantity of land than their interests require for the concession of their surplus lands to the Government, at such price as may be equitable, for the purpose of opening such surplus lands to settlement under the homestead laws of the United States, and especially to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress."

Mr. HOLMAN. For the present I wish to reserve the question of order on that amendment. I think it is too broad.

Mr. THROCKMORTON. I ask the gentleman to limit his amendment. I hope he will be willing to restrict it to the lands ceded to us by the Creeks, Cherokees, and Seminoles.

Mr. RYAN. I will so modify my amendment as to confine negotiations with the Seminoles, Creeks, and Cherokees to the lands ceded to the United States in 1866. The gentleman from Texas thinks it ought to be limited to those tribes.

Mr. HOLMAN. Then the appropriation should be reduced to $5,000.

Mr. RYAN. I am willing, therefore, to reduce the appropriation to $5,000.

The CHAIRMAN. Does the gentleman modify his amendment as suggested?

Mr. RYAN. I do.

Mr. CUTCHEON. The point of order made against my amendment has been withdrawn by the gentleman from Arkansas.

Mr. ROGERS, of Arkansas. If the gentleman from Michigan will strike out one line of his amendment which confers jurisdiction on the Federal court for offenses committed in the States, I will withdraw my objection. The States govern that, except in classes of cases.

The CHAIRMAN. That will be taken up when the matter pending before the committee has been disposed of.

Mr. HOLMAN. I renew the point of order, as I believe it should be carefully considered.

The CHAIRMAN. To which amendment does the gentleman refer?

Mr. HOLMAN. To the amendment of the gentleman from Michigan [Mr. CUTCHEON].

Mr. RYAN. I have made a modification of my amendment, as suggested by the gentleman from Texas and the gentleman from Indiana, and ask now that it be reported as modified.

The Clerk read as follows:

That the President is hereby authorized, requested, and required to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead law the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. RYAN. I ask for a vote on that amendment.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I am satisfied with the proposition as modified, except as to the word "required."

Mr. RYAN. I do not care about that, as it is immaterial.

Mr. HOLMAN. Modify it, then, by striking out the word "required" and inserting the word "authorized."

Mr. RYAN. I will modify the amendment in that way.

Mr. HOLMAN. I withdraw the point of order.

Mr. RYAN'S amendment as modified was agreed to.

Mr. CUTCHEON. I now offer the amendment, as an additional section, against which the gentleman from Arkansas made the point of order, but which he has now withdrawn.

Mr. BUDD. It has been read.

Mr. CUTCHEON. Not in the present modified form.

The Clerk read as follows:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of said Territory relating to said crime, and shall be tried forthwith in the same courts, and in the same manner, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes respectively, and the said courts are hereby given jurisdiction in all such cases, and the said Indians committing the above crimes against the person or property of any other Indian or other person within the boundaries of any State of the United States, and either within or without any Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided further*, That from and after the passage of this act any Indian or Indians may hereafter raise in any court any civil action at law or in equity in like manner as others are permitted to do; and in all actions in said courts Indians shall not be rejected as witnesses on account of race or nation.

Mr. HOLMAN. I reserve the point of order simply to inquire whether this proposition has been considered by the House or the Committee on Indian Affairs.

Mr. CUTCHEON. I will ask the gentleman from California [Mr. BUDD] to make a statement in that regard. Now, the Secretary of the Interior, in his last annual report, uses the following language:

I again desire to call attention to the necessity for legislation for the punishment of crimes on the Indian reservations. Since my last report the Supreme Court of the United States decided in the case of "*Ex parte* Crow Dog," indicted for murder, that the district court of Dakota was without jurisdiction, when the crime was committed on the reservation by one Indian against another. If offenses of this character can not be tried in the courts of the United States, there is no tribunal in which the crime of murder can be punished. Minor offenses may be punished through the agency of the "court of Indian offenses," but it will hardly do to leave the punishment of the crime of murder to a tribunal that exists only by the consent of the Indians of the reservation. If the murderer is left to be punished according to the old Indian custom, it becomes the duty of the next of kin to avenge the death of his relative by either killing the murderer or some one of his kinsmen—

That is Indian law—not a very inviting kind of law where one murder is to be punished by the commission of one or more additional murders—

The laws of the State or Territory wherein the reservation is situated ought to be extended over the reservation, and the Indians should be compelled to obey such laws and be allowed to proclaim the protection thereof.

I now yield to the gentleman from California to answer the question of the gentleman from Indiana.

Mr. BUDD. I move to strike out the last word.

Mr. HOLMAN. It is understood that the point of order is pending.

The CHAIRMAN. The Chair understands the point of order to be reserved.

Mr. BUDD. I desire to state to Judge HOLMAN, and to the committee, that last year I offered an amendment having in view the same object as this amendment, which allowed an Indian who committed any crime to be punished in the courts of the State or Territory in which the crime was committed. It was passed by this House, without any objection, as an amendment to the Indian appropriation bill. It went to the Senate, and that provision was stricken out. It then went to the committee of conference, and there was an understanding, as was stated on the floor of the House by the gentleman from Louisiana, now in charge of this bill, that at this session of Congress a bill, or section of this character, should, by the agreement of the conference committee, be enacted or incorporated into the appropriation bill providing that it punish felonies only.

The objection by the Senate committee to my amendment was that it punished misdemeanors as well. It will be found in the RECORD of the last session, on the day when the conference report was concurred in by this House, that the gentleman from Louisiana, in answer to a question from myself, stated that they believed the amendment was a proper one, that it was in the right direction, but that it punished misdemeanors and offenses by one Indian upon another of a minor character that ought not to be so punished, and that it was understood if the same amendment was offered at this session of Congress so as only to punish felonies it would be acceptable to the committee and be adopted.

I believe Judge HOLMAN was himself one of the committee of conference on the part of the House at that time, and, if so, he will remember the transaction to which I now refer. If not, I will refer him to the RECORD on the day on which the conference report was adopted.

Mr. HOLMAN. I remember the fact mentioned by the gentleman from California; and while I do not propose to press the question of order, I regret that this legislation comes year after year upon appropriation bills, without taking the voice of the committee who are especially familiar with the subject.

I feel much safer in legislating upon a subject of this character if I have the aid of the reports from the Committee on Indian Affairs, or the committee intrusted with the particular subject of appropriation.

I withdraw the point of order.

Mr. ROGERS, of Arkansas. I renew it temporarily.

I want to invite attention to another amendment that I think my friend will consent to, if I can put it in such shape as will be acceptable to the committee.

In the sixth line of the proposed amendment we find these words:

And either within or without an Indian reservation shall be subject therefor to the laws of such Territory relating to such crimes.

Now, in the Indian Territory they have no laws except the Indian laws, and of course Congress does not intend, I imagine, to confer jurisdiction upon the Federal courts to enforce the Indian statutes. That language, therefore, in my judgment, has no applicability to the Indian Territory, and should be excluded. We would certainly never undertake to enforce the Indian laws or the laws of the Indian Territory by the Federal judiciary. No Federal court has any civil jurisdiction, of any description whatever, over the five civilized tribes of the Indian Territory.

My friend Governor THROCKMORTON proposes to ask the committee to adopt an amendment extending these laws to the Indian Territory, within certain prescribed limits; for instance, as to their applicability upon actions of debt on contract and for torts committed upon personal or real estate.

Mr. CUTCHEON. I regard the amendment which I have proposed as of so much importance and so valuable that I am willing to accept the proposed amendment of the gentleman rather than jeopardize the passage of the section I propose.

Mr. HISCOCK. I would like to inquire of the gentleman from Michigan if he believes that all of these Indian tribes are in such a condition of civilization as that they should be put under the criminal law?

Mr. CUTCHEON. I think if they are not in that condition they will be civilized a great deal sooner by being put under such laws and taught to regard life and the personal property of others.

Mr. BUDD. This provision is as much for the benefit of the Indians as it is for the whites; because now, as there is no law to punish for Indian depredations, the bordermen take the law into their own hands, which would not be the case if such provision as this was enacted into law.

Mr. HISCOCK. That may all be true; but when we bring in a bill here year after year appropriating many millions of dollars to support and care for these Indians, and treat them as irresponsible persons, it seems to me that policy is not in the line of the policy indicated by this amendment, which proposes to extend to them the harsh provisions of the criminal law.

Mr. BUDD. We would like to change the policy of the Government in that respect.

Mr. HISCOCK. Then you had better defeat the present bill.

Mr. BUDD. We can do it in the way we propose here without defeating the bill.

Mr. CUTCHEON. We want to change the law a little in the direction of law and order.

Mr. RYAN. And civilization.

Mr. CUTCHEON. Yes, and the civilization of the Indians.

Mr. THROCKMORTON. Has the point of order been withdrawn?

The CHAIRMAN. It is still reserved against the amendment of the gentleman from Michigan; but an effort, as the Chair understands, is now being made to modify the amendment, so that the point of order may be withdrawn.

Mr. BUDD. It has been withdrawn, as I understand it, to allow Governor THROCKMORTON to offer an amendment.

Mr. THROCKMORTON. I would like to read the amendment I propose, to see if the gentleman offering the amendment, as well as the gentleman in charge of this bill, will accept it:

Provided further, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes of the Indian Territory in cases of debt on contract or torts committed on the personal property of any person in or out of said Indian Territory.

Mr. WARNER, of Ohio. In view of the large number of amendments that are being proposed——

The CHAIRMAN. The Chair would state that they are not now pending; they are only submitted by way of suggestion.

Mr. WARNER, of Ohio. I was about to remark that in view of the large number of amendments that are proposed it seems to me we have proof enough that this whole question should go to the Committee on Indian Affairs and be reported from that committee. Some of these amendments are evidently crude, being suggested on the spur of the moment.

Mr. BUDD. It is a step in the right direction.

Mr. WARNER, of Ohio. I fear that with all these amendments we are likely to take a good many missteps rather than one step in the right direction.

The CHAIRMAN. Does the gentleman from Ohio [Mr. WARNER] insist on the point of order?

Mr. WARNER, of Ohio. I may suggest that it ought really to be insisted on, but I do not like to do it.

Mr. CUTCHEON. We can not get this in any other way except on an appropriation bill. I accept the amendment suggested by the gentleman from Texas [Mr. THROCKMORTON].

The CHAIRMAN. The Clerk will now report the amendment as modified.

Mr. CUTCHEON. I think it will be found to be all right when all is read together.

The Clerk read as follows:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of the said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases, and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do, and in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation: *Provided further*, This act shall not be so construed as to confer jurisdiction upon either the State or Federal courts to execute the laws of any of the five civilized tribes in the Indian country: *Provided further*, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes of the Indian Territory in cases of debt on contract or torts committed upon the personal property of any person either in or out of said Territory.

Mr. WARNER, of Ohio. I wish to inquire, before I make the point of order, whether this proposed amendment conflicts with any treaty stipulations?

Mr. CUTCHEON. Not that I am aware of.

Mr. WARNER, of Ohio. I think that ought to be known positively. I do not, however, insist on the point of order.

The CHAIRMAN. Does the gentleman from Arkansas withdraw his point of order?

Mr. ROGERS, of Arkansas. Will the gentleman from Texas [Mr. THROCKMORTON] add to his amendment the words "and white persons," so that white people as well as the Indians shall be subject to the jurisdiction of the court?

Mr. THROCKMORTON. I agree to that suggestion. I will modify my amendment by inserting, after the words "over the five civilized tribes," the words "and white people."

Mr. CUTCHEON. I have no objection to that.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. ROGERS] withdraw the point of order?

Mr. ROGERS, of Arkansas. I withdraw it.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Michigan [Mr. CUTCHEON] as subsequently modified.

The question being taken, there were—ayes 68, noes 2.

So (further count not being called for) the amendment was agreed to.

Mr. ELLIS. Mr. Chairman, before moving that the committee rise I desire to express my regret that on yesterday in the course of the discussion upon this bill I was betrayed by infirmity of temper into language which I very greatly regret. I desire, therefore, to withdraw such language and to make my acknowledgments to you, sir, and to the committee. [Applause.]

Now, sir, I move that the committee rise and report the bill with amendments to the House.

Mr. HOLMAN. I desire also to say that if through the infirmity of temper I used on yesterday any words that were improper I cheerfully withdraw them. [Applause.]

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, had directed him to report the same to the House with sundry amendments.

Mr. ELLIS. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendments?

No separate vote was demanded.

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. ELLIS. Mr. Speaker, before moving the previous question on the passage of the bill I desire very briefly to pay my respects to Mr. Painter. I had promised that unless I could convict him of misstatement, if nothing worse, I would apologize to him. I have his letter here. I have seen that letter this evening for the first time. I had heard that there was such a letter published in the New York Tribune, and certain Hartford and Boston papers, the Christian Union, of New York, and some other papers which were sent to me, all referred to this letter of Professor Painter. I made an endeavor to get the letter a few days ago by searching the files of the New York Tribune, but the clerk of the Committee on Appropriations, who was sent for it, failed to find it. Mark you, this letter is dated December 24, whereas it was not published until January 5.

The first misstatement made in that letter by Mr. Painter is as follows:

You had, only the evening before, repeated to me the explicit promise made by you and Mr. RYAN to the committee of the Indian Rights Association on the 12th instant, that you would, just as soon as the estimate reached your committee, introduce and secure the passage of a joint resolution appropriating the sum asked for.

Mr. Speaker, I did not make, nor did Mr. RYAN, in my presence, make any such promise. About the 12th of December we were waited upon by a delegation of the Indian Rights Association, among whom was Mr. Painter. They represented the necessities of the Indians and we listened, and the interview was protracted to half an hour or more. We told them that just as soon as the estimates reached us regularly from the Indian Office through the Treasury Department we would give them immediate consideration. That was on the 12th of the month. One the 17th, five days afterward, the letter of Secretary McCulloch was written. It was transmitted to the House on that day, and by the stamp of the committee upon it I see that it reached the committee on the 19th of December.

On the 20th of December, before there was time to call the committee together or to consider this subject at all, the House adjourned for the Christmas holidays. On that very day, the 20th, Mr. Painter followed me and spoke to me several times about this matter, and I finally told him, in the area in front of your desk, Mr. Speaker, that I could attend to my own business without any further suggestions from him. That interview affords the key to and explains the animus of Mr. Painter's letter. We never did promise Mr. Painter, or any one else, to legislate in any manner whatever; we simply said that as soon as the estimate reached us we would give it consideration, and this constitutes misstatement number one. The estimate did reach us on the 19th of December last. We could not consider it during the Christmas holidays; but while Mr. Painter was nursing his wrath and concocting untruths, and while the printers of the Tribune were setting up Mr. Painter's concoction, I was considering the estimate and preparing the work necessary to this appropriation, which passed on the morning of the 6th of January, only two days after the reassembling of Congress. And yet this "most Christian gentleman" has the brazen effrontery to charge me with purposely delaying the relief needed by the Montana Indians, when he knew there was no suffering, and would not be until after the 1st of April, and that the Department had intimated the appropriation would be in time if made by the 15th of January.

The next misstatement in Mr. Painter's letter is this:

The deficiency created by the action of *your* committee.

Professor Painter should have known better than that. The deficiency referred to here which occasioned the suffering among the Indians last year was in the appropriation made by the Forty-seventh Congress. It was the appropriation for 1884. There has been no suffering under any appropriation which I have ever sent for the relief of the Indians, not one single case of starvation or suffering; for all the suffering occurred under the appropriations for 1884, with which I had nothing to do. That appropriation bill was prepared by my honored friend from Kansas [Mr. RYAN], assisted by a gentleman then a member from Wisconsin [Mr. Caswell] and by Mr. LE FEVRE, of Ohio, in the Forty-seventh Congress, when Mr. KEIFER was the Speaker. I had nothing to do with that appropriation bill, and Mr. Painter's assertion that this suffering resulted from the delinquency or the inhumanity of my committee is utterly and totally false; and he can not plead ignorance here, for he has been before these committees four or five years, so that this misstatement, calculated to malign and to injure, was willfully made. He goes on to say in this letter:

The deficiency created by the action of your committee was $84,000.

Then follows another falsehood; ay, three in one paragraph! He says:

The President called the attention of Congress to the facts as communicated to him by the Secretary of the Interior, who asked for $138,000 to meet the emergency.

That, Mr. Speaker, is wholly and entirely false. I hold in my hand the estimate which was sent to Congress. It is Executive Document No. 18, Forty-eighth Congress, first session. It asks for an appropriation of $50,000. There were three items for which appropriations were asked: (1) Amount necessary to pay indebtedness incurred on account of pay of interpreters for the fiscal year, &c., $20,000; (2) Telegraphing and purchase of Indian supplies, $5,000 (a deficiency); (3) For the support of the Indians in Montana, $50,000. But along with the estimates for this deficiency were printed the amounts which had been appropriated by the bill under these heads. The amount appropriated for these three items was $138,000; while the deficiency asked for the Indians was $50,000; and there is where this "intelligent, most reliable, most well-informed, and most Christian gentleman" gets his figures.

Every dollar of the deficiency was appropriated at once. So soon as it was brought to our attention we assembled immediately, and the matter was brought before this House, and the whole amount asked was appropriated. I remember well that the gentleman from Rhode Island [Mr. CHACE] came to me with this very document in his hand, and, pointing to the figures which represented the entire appropriation, asked me if $138,000 was not called for. He was looking at the column of figures which set forth the total amount already appropriated. I pointed him to the correct column, showing that only $50,000 was asked for by the Department. That sum was immediately given by a practically unanimous vote of the House. That bill went to the Senate, and before its consideration there was had the Department sent to the Senate another estimate, increasing the deficiency estimate. The Senate increased the amount of the House appropriation to $100,000, and when it came back to the House and I saw for the first time the increased estimate of the Department I at once moved concurrence in the Senate amendment, which was carried.

But yet Mr. Painter goes on to say:

If you are doubtful as to your responsibility for the non-concurrence of the House in this amendment, I will respectfully refer you to the CONGRESSIONAL RECORD for February 1, 1884, pages 823 and 824.

He seeks to make me responsible for the omission of a former committee and for delay for which I was not responsible, but for which the Department of the Interior was responsible, in not sending to this House the correct estimate at once, and also in not asking us to dispense with the usual delays and formalities of advertising for the purchase of the emergency supplies.

Then Mr. Painter goes on to say:

Your assertion, made with great positiveness and reiteration, that your committee had given every dollar that had been asked for by the Commissioner of Indian Affairs caused the House to reject the Senate amendment; and a delay ensued before you were forced to correct the mistake, which was fatal to many poor starving Indians.

At the time that I asked the House to non-concur in the Senate amendment I had not seen the increased deficiency estimate sent only to the Senate. I knew we had voted every dollar asked of the House, and I thought the Senate had doubled the House appropriation without proper consideration. As I have just stated, this mistake was promptly corrected so soon as I saw the increased estimate.

Originally there was some delay in looking into this matter, but in this I was not wholly to blame. Certainly the neglect was not intentional. The causes of that delay were chiefly to be found in the fact that the committees and subcommittees were not announced; for you will remember, Mr. Speaker, that you did not announce the committees until the day the House took its holiday adjournment, and the subcommittees were not announced until the reassembling of Congress after the holidays. So soon as the Indian bill was assigned to me and this matter was brought to my attention the appropriation was reported by me to the committee, and by its order to the House, and passed. There was no delay so soon as I knew the facts, for when the Senate returned to us the bill amended, and I found that the Department had made to them a renewed and greater demand, it was most cheerfully concurred in. And the Indians had all the while been suffering since November, not under any bill that I had framed, as Mr. Painter declares, but under a bill prepared in the Forty-seventh Congress, and with the preparation of which I had not the slightest thing to do.

Mr. CHACE. Now, will the gentleman excuse me right there, because my memory differs from his. If I remember aright, the Secretary of the Interior had made a demand for $138,000, which I brought to the gentleman's attention, and he said to me, "You let this matter go to the Senate; let them amend it, and we will not object."

Mr. ELLIS. I have no recollection of any such thing. If the gentleman will examine the column of figures of the document No. 18, which I send him, he will find out where he, as well as this most Christian gentleman, Mr. Painter, obtained his information.

Mr. CHACE. This is none of my quarrel, but that is my recollection.

Mr. ELLIS. Then he goes on to say——

Mr. CHACE. Very well; this document calls for $138,000.

Mr. ELLIS. I beg your pardon; read it again, and you had better send it to Mr. Painter and let him read it. [Laughter.] Does the gentleman from Rhode Island discover his error? [A pause.]

Mr. CHACE. I see that this does not call for $138,000.

Mr. ELLIS. That is exactly the document upon which the action of the House, led by me, was based. It calls for $50,000 for these Indians. We gave it all; but yet Painter stoutly affirms that I cut down the estimates.

Then he goes on:

At Fort Belknap the suffering would have been just as great but for the fact that it was near a large military post, and that the men——

Mr. Speaker, I am ashamed to read this paragraph penned by this Christian gentleman, but he thrusts it upon the attention of the country in the public prints to fasten upon me its infamy as its author. He says in effect that the men brought their wives and daughters there and made merchandise of them. He attributes the responsibility of that to me, this Christian gentleman! Why, sir, had he been informed as to those Indians, had he read the history of the people of whose cause he is the self-constituted advocate, he would have found in the records of the Lewis and Clarke expedition of 1804 that when the expedition reached that northwestern country and went on to the mouth of the Columbia River, the very queens, the wives of the kings of the tribes, brought there their females for merchandise. This most Christian gentleman is as ignorant as he is mendacious in seeking to impress upon the country the idea that the traffic in females is new among the Indians, or in this case was necessitated by want and starvation.

Now, Mr. Speaker, I have this to say: In the committee, among my associates, I fear I am almost considered a "crank" on this Indian question. I have advocated their cause with a zeal that has at times seemed almost a passion. I have held that the United States should to the very letter fulfill every treaty stipulation made with the Indian. I have urged in behalf of his civilization and development the most liberal appropriation of money for educational purposes. The appropriation for such purposes this year is increased about $45,000 or $48,000 over the appropriation in the current year's bill, and nearly $250,000 over the appropriation for the last fiscal year.

Now let us see about this cutting down of estimates for support. In 1884 the estimates of the Department under which this suffering occurred were $417,000. The Committee of the Forty-seventh Congress responded with an appropriation of $243,000. This was done when my friend and colleague on the committee [Mr. KEIFER] was Speaker, and

when the bill was prepared by my honored friend from Kansas [Mr. RYAN], and, with the lights before us then, prepared most judiciously and wisely I believe, and in perfect accord with the settled policy of Congress to gradually cut down the supports and teach the Indian to become self-supporting.

Now, what was the extent of my cutting down the estimates? The estimates for 1885 were $391,000. I responded with an appropriation of $246,000. I do not include in this the deficiency appropriations. To-day, for the year 1886, the estimates are $390,000, and the amount proposed to be appropriated by this bill is $346,000. So much for the ruthless cutting down of estimates as alleged by Mr. Painter. It will be seen that if this has been done in the past, it has not been done in nearly so great a degree by myself in the preparation of this bill.

Mr. Speaker, I have nothing more to say in regard to this matter. These personal matters are most offensive to me. I shrink from them. I have tried to do my duty. I said in the outset that unless I convicted this gentleman of misstatements I would apologize to him most humbly. I have no apology to make to Mr. Painter. I think the House and the country and the public journals that he has deceived will concur in excusing me from apology to Mr. Painter. Mr. Speaker, I commend him again to a study of the story of Ananias and to a careful consideration of the ninth commandment. [Laughter and applause.]

Mr. RYAN. Mr. Speaker, I only care to add a word to what has been well said by my colleague, and that is that the appropriations made for these Indians for the fiscal year 1883 seem to have been sufficient. No deficiency was asked for, and of course no deficiency was appropriated.

These Indians consist of several tribes. First, the Blackfeet, Bloods, and Piegans. The estimate made by the Department for 1884 was precisely the same as for 1883 for this tribe of Indians. The amount appropriated for 1884 was precisely the amount appropriated for the preceding year for these Indians.

Take another tribe, the Crows. The amount estimated for 1884 was precisely the same amount estimated for the year preceding. The amount appropriated for their support for 1884 was precisely the same amount appropriated for 1883.

Take another tribe, the Assinaboines, of Montana. The estimate for these Indians for 1884 was precisely the same as for 1883, and the amount appropriated for 1884 was precisely the same amount appropriated for the preceding year.

Take another tribe, the Gros Ventres, in Montana. There the amount estimated in 1884 was precisely the same amount estimated in the preceding year. The amount appropriated was but $2,000 less.

Take the Indians at Fort Peck agency. The amount estimated for those Indians for 1884 was precisely the amount estimated for the preceding year, and we gave them but $5,000 less in 1884 than in 1883.

So that with the light we had before us when we prepared the bill for 1884 we had every reason to believe the appropriations made for 1883 would be ample and sufficient. But a contingency happened after that which could not have been well foreseen by the committee, namely, among some of the tribes game began to and did almost wholly disappear, and their crops were an absolute and total failure. These things could not well have been anticipated. The result was that when the Forty-eighth Congress assembled it was called upon to vote a deficiency, and a deficiency of $100,000 was appropriated.

That ground has been all gone over by my estimable colleague, whom I have always found zealous to do justice to the Indians and to every other interest, and I need not go over it again. [Applause.]

Mr. ELLIS demanded the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. Under the rule the vote on the passage of the bill must be taken by yeas and nays.

Mr. WASHBURN. Can not that be dispensed with by unanimous consent?

Mr. RANDALL. I object.

The question was taken; and it was decided in the affirmative—yeas 240, nays 7, not voting 77; as follows:

YEAS—240.

Adams, G. E.	Bratton,	Clay,	Dingley,
Aiken,	Breckinridge,	Clements,	Dockery,
Alexander,	Breitung,	Cobb,	Dowd,
Anderson,	Brewer, F. B.	Connolly,	Eaton,
Atkinson,	Brewer, J. H.	Cook,	Elliott,
Bagley,	Brown, W. W.	Cosgrove,	Ellis,
Ballentine,	Browne, T. M.	Covington,	English,
Barbour,	Buchanan,	Crisp,	Evans,
Bartsdale,	Budd,	Culberteon, W. W.	Everhart,
Barr,	Burnes,	Cullen,	Findlay,
Bayne	Cabell,	Curtin,	Finerty,
Beach,	Caldwell,	Cutcheon,	Follett,
Bennett,	Campbell, Felix	Dargan,	Forney,
Bingham,	Campbell, J. E.	Davidson,	Funston,
Bishop,	Campbell, J. M.	Davis, G. R.	Garrison,
Blanchard,	Candler,	Davis, R. T.	Geddes,
Blount,	Cannon,	Deuster,	George,
Boutelle,	Chace,	Dibble,	Gibson,
Brainerd,	Clardy,	Dibrell,	Glascock,
Goff,	Libbey,	Phelps,	Swope,
Greenleaf,	Long,	Poland,	Taylor, J. D.
Guenther,	Lore,	Post,	Taylor, J. M.
Halsell,	Lovering,	Potter,	Thomas,
Hammond,	Lowry,	Price,	Throckmorton,
Hanback,	Lyman,	Pryor,	Tillman,
Hardeman,	McAdoo,	Pusey,	Townshend,
Harmer,	McComas,	Randall,	Tucker,
Hart,	McCormick,	Ranney,	Tully,
Hatch, H. H.	Matson,	Ray, G. W.	Turner, H. G.
Hatch, W. H.	Maybury,	Ray, Osmian	Valentine,
Haynes,	Millard,	Reed,	Van Alstyne,
Hemphill,	Miller, J. F.	Reese,	Vance,
Henderson, D. B.	Miller, S. H.	Riggs,	Van Eaton,
Henderson, T. J.	Mills,	Rockwell,	Wait,
Henley,	Mitchell,	Rogers, J. H.	Wakefield,
Herbert,	Money,	Rogers, W. F.	Wallace,
Hewitt, A. S.	Morgan,	Rosecrans,	Ward,
Hewitt, G. W.	Morrill,	Rowell,	Warner, A. J.
Hill,	Moulton,	Russell,	Warner, Richard
Hoblitzell,	Muldrow,	Ryan,	Washburn,
Holman,	Murphy,	Seney,	Weaver,
Holmes,	Murray,	Seymour,	Wellborn,
Hopkins,	Mutchler,	Shively,	Weller,
Horr,	Neece,	Singleton,	Wemple,
Houk,	Nelson,	Skinner, C. R.	White, J. D.
Houseman,	Nicholls,	Skinner, T. G.	Whiting,
Hunt,	Nutting,	Slocum,	Wilkins,
James,	Oates,	Smalls,	Williams,
Jeffords,	O'Ferrall,	Smith, A. Herr	Wilson, James
Jones, B. W.	O'Hara,	Snyder,	Wilson, W. L.
Jones, J. H.	O'Neill, Charles	Spooner,	Winans, E. B.
Jordan,	Paige,	Steele,	Wise, G. D.
Kean,	Parker,	Stephenson,	Wise, J. S.
Keifer,	Patton,	Stewart, Charles	Wolford,
Ketcham,	Payne,	Stewart, J. W.	Wood,
Kleiner,	Peel,	Stockslager,	Woodward,
Lamb,	Pierce,	Storm,	Worthington,
Lanham,	Perkins,	Strait,	Yaple,
Lawrence,	Peters,	Sumner, C. A.	York,
Lewis,	Pettibone,	Sumner, D. H.	Young.

NAYS—7.

Blackburn,	Culberson, D. B.	King,	Turner, Oscar
Cox, W. R.	Hepburn,	McMillin,	

NOT VOTING—77.

Adams, J. J.	Dorsheimer,	Hurd,	Reagan,
Arnot,	Dunham,	Hutchins,	Rice,
Belford,	Dunn,	Johnson,	Robertson,
Belmont,	Eldredge,	Jones, J. K.	Robinson, J. S.
Bland,	Ellwood,	Jones, J. T.	Robinson, W. E.
Bowen,	Ermentrout,	Kelley,	Shaw,
Boyle,	Ferrell,	Kellogg,	Smith, H. Y.
Broadhead,	Fiedler,	Lacey,	Spriggs,
Brumm,	Foran,	Laird,	Springer,
Buckner,	Fyan,	Le Fevre,	Stevens,
Burleigh,	Graves,	McCoid,	Stone,
Carleton,	Green,	Milliken,	Struble,
Cassidy,	Hancock,	Morrison,	Talbott,
Chalmers,	Hardy,	Morse,	Taylor, E. B.
Collins,	Hiscock,	Muller,	Thompson,
Converse,	Hitt,	Ochiltree,	Wadsworth,
Cox, S. S.	Holton,	O'Neill, J. J.	White, Milo
Craig,	Hooper,	Payson,	Willis,
Davis, L. H.	Howey,	Rankin,	Winans, John.

So the bill was passed.

On motion of Mr. ELLIS, by unanimous consent the reading of the names was dispensed with.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. BRAINERD.
Mr. MORRISON with Mr. PAYNE.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. HARDY with Mr. WADSWORTH.
Mr. CARLETON with Mr. RICE.
Mr. FIEDLER with Mr. ELLWOOD.
Mr. FORAN with Mr. HITT.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. MULLER with Mr. HOWEY.
Mr. GREEN with Mr. BRUMM.
Mr. COX, of New York, with Mr. KELLEY.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.
Mr. BROADHEAD with Mr. BOWEN.

The following were announced as being paired for to-day.

Mr. FERRELL with Mr. MILLIKEN.
Mr. THOMPSON with Mr. HOLTON.
Mr. SPRINGER with Mr. DUNHAM.
Mr. TALBOTT with Mr. OCHILTREE.
Mr. O'NEILL, of Missouri, with Mr. MCCOID.
Mr. BLAND with Mr. LACEY.
Mr. ERMENTROUT with Mr. JOHNSON.
Mr. ROBERTSON with Mr. SMITH, of Iowa.

The result of the vote was then announced as above recorded.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF NATALBANY RIVER.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting report of a preliminary examination of Natalbany River, Louisiana, with estimate of the cost of improving the same; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

UNION METALLIC CARTRIDGE COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers referring to Senate bill 420 and House bill 5278 for the relief of the Union Metallic Cartridge Company; which was referred to the Committee on Patents, and ordered to be printed.

POSTMASTERS' LOSSES BY FIRE, ETC.

Mr. SKINNER, of New York, by unanimous consent, introduced a bill (H. R. 8031) to amend an act entitled "An act authorizing the Postmaster-General to adjust the claims of postmasters for losses by burglary, fire, or other unavoidable casualty," approved March 7, 1882; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ABSENCE.

By unananimous consent leave of absence was granted to Mr. FERRELL for one week, on account of sickness in his family.

And then, on motion of Mr. WARNER, of Ohio (at 5 o'clock and 6 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of John Henry Harrover, asking for compensation for personal injuries sustained during the late war—to the Committee on War Claims.

By Mr. BUDD: Petition of janitors of stations, District of Columbia, for an increase of salary—to the Committee on the District of Columbia.

By Mr. DAVIDSON: Bill making an appropriation for the improvement of Pensacola Harbor, Florida—to the Committee on Rivers and Harbors.

By Mr. G. R. DAVIS: Petition from J. A. Mulligan Post, No. 306, G. A. R., Chicago, Ill., urging the purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

Also, resolutions of the Board of Trade of Chicago, in favor of the Potter refunding bill—to the Committee on Ways and Means.

Also, resolutions of the Board of Trade of Chicago, urging Congress to acquire right and title for the Government in the Portage Lake and Lake Superior Canals—to the Committee on Commerce.

By Mr. D. B. HENDERSON: Petition of Nancy J. Arwine and 30 others, of Troy Mills, Iowa, urging an increase of widows' pensions—to the Committee on Pensions.

By Mr. FOLLETT: Petition of Sophia G. Mitchel and Eliza J. Mahon, of Palatine Hill, Miss.—to the Committee on War Claims.

Also, petition of James M. Seeds, of Cincinnati, Ohio—to the same committee.

By Mr. GEDDES: Resolution of M. F. Wooster Post, No. 34, G. A. R., Department of Ohio, for the passage of the bill to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HAYNES: Petition of Elmira Davis and 9 others, of New Ipswich, N. H., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. KLEINER: Petition of citizens of Stewartsville, Ind., asking for an increase of widows' pensions—to the same committee.

By Mr. LACEY: Resolutions of the Michigan State board of agriculture, in favor of the passage of H. R. 7498, establishing agricultural experiment stations—to the Committee on Agriculture.

By Mr. LYMAN: Petition of Adeline A. Cooledge, Cochituate, Mass.—to the Committee on Invalid Pensions.

By Mr. MCADOO: Protest of Bricklayers' and Masons' International Union of America, in convention assembled, against the repeal of mechanics' lien law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MULDROW: Papers relating to the claim of William Surratt, of Alcorn County, Mississippi—to the Committee on War Claims.

By Mr. NICHOLLS: A bill to provide for the survey of the entrance of Doboy Sound, in the State of Georgia—to the Committee on Rivers and Harbors.

By Mr. PATTON: Petition of 39 citizens of Emlenton; of 19 citizens of Elk City; of 23 citizens of Curllsville; of 55 citizens of Manorville, and of 40 citizens of Clarion, Pa., asking for the appropriation of $268,000 for the improvement of the Allegheny River and its tributaries—to the same committee.

By Mr. PAYSON: Petition of George P. Mulcahy and others, of Wheaton, Traverse County, Minnesota, for restoration of indemnity lands—to the Committee on the Public Lands.

By Mr. ROSECRANS: Concurrent resolution of the Legislature of California, requesting Congress to pay California Indian war debt—to the Committee on War Claims.

By Mr. A. H. SMITH: Remonstrance of J. E. Wittmer and 50 others, citizens of York County, Pennsylvania, against the ratification of the treaty with Spain—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of Jason N. Watson, for a pension—to the Committee on Pensions.

By Mr. VAN ALSTYNE: George R. Meneely & Co. and others, urging the passage of the reciprocity treaty with Mexico—to the Committee on Ways and Means.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. FUNSTON: Of citizens of Blue Rapids, Kans.

By Mr. LACEY: Of Elias D. Williams and 90 others, citizens of Barry County, Michigan.

By Mr. NUTTING: Of 26 citizens of Madison County, of 62 citizens of Oswego County, of 66 citizens of Oswego County, and of 84 citizens of Madison County, New York.

By Mr. G. W. RAY: Of citizens of Chenango County, of Delaware County, of Walton, Delaware County, and of Smithville, Chenango County, New York.

By Mr. SENEY: Of Samuel J. Browne and 145 others, of Hancock County, Ohio.

By Mr. TOWNSHEND: Of citizens of Franklin County, Illinois.

SENATE.

FRIDAY, *January* 23, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. GEORGE. I present a resolution of the Federation of Labor Unions of the District of Columbia. It is very short, and I ask that it be read and laid on the table, as the bill to which it refers is now on the Calendar.

There being no objection, the resolution was read, and ordered to lie on the table, as follows:

To the honorable the Senate of the United States:

Resolution adopted by the Federation of Labor Unions of the District of Columbia, Tuesday evening, January 20, 1885.

Whereas the House of Representatives has passed a bill (H. R. 2350) to prohibit the importation and migration of foreigners and aliens under contract; and

Whereas said bill having been favorably reported to the Senate of the United States from the Committee on Education and Labor of that body, and its consideration postponed until the second Thursday in December, 1884, and then again denied consideration; and

Whereas this measure having been unanimously indorsed by the workingmen of the country in their organized capacity in the belief that its passage would tend to increase their prosperity and happiness: Therefore,

Resolved, That the Federation of Labor Unions of the District of Columbia very respectfully, but very earnestly, petition the Senate to consider and pass House bill No. 2350 at an early day, so that its enactment into law may not be endangered by reason of the usual press of business during the closing days of the session.

Mr. LAPHAM presented a memorial of merchants and manufacturers of New York city, urging the immediate ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of Adam Duncan and other citizens of Houghton County, Michigan; the petition of D. F. McDonald, Henry Pratt, and other citizens of Houghton County, Michigan, and the petition of E. L. Wright and other citizens of Hancock, Mich., praying for the purchase by the Government of the two canals across Keweenaw Point, Mich., in accordance with the report of the Secretary of War; which were referred to the Committee on Commerce.

Mr. ALLISON presented a memorial of the Cigar-makers' Union of Avoca, Iowa, and a memorial of the Cigar-makers' Union of Burlington, Iowa, remonstrating against the ratification of the Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. PENDLETON. I present the petition of James M. Dalzell, of Caldwell, in the county of Noble, State of Ohio, representing that he was a private in Company H, One hundred and sixteenth Ohio Volunteer Infantry; that he is entered on the pension-rolls of the United States at the rate of $6 per month; that he received no arrears of pension before January 1, 1883, because of the operation of the statute of limitation; that he is poor, has a large family, and desires that he be put upon the pension-roll by the action of the two Houses of Congress at the rate of $16 per month with arrears of pension from the date of his discharge. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MILLER, of New York, presented a memorial of the National Cigar Manufacturers' Association, remonstrating against the ratification

of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition of the Saint Paul (Minn.) Chamber of Commerce, praying for such legislation as will result in the United States acquiring title to and ownership of the Lake Superior Ship-Canal Companies and the Portage Lake and River Improvement Company's canals and water ways connecting the Keweenaw Bay with the waters of Lake Superior, in the Upper Peninsula of Michigan; which was referred to the Committee on Commerce.

He also presented a memorial of the Saint Paul (Minn.) Chamber of Commerce, favoring such a treaty with the Spanish Antilles as shall open their markets to the products of the United States; which was referred to the Committee on Foreign Relations.

Mr. BAYARD presented the petition of H. A. Du Pont and other citizens of Delaware, in favor of civil-service reform, and praying the repeal of the present laws fixing terms of four years for certain civil offices; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5249) to provide a criminal code for the District of Columbia, reported it without amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Mary E. Fillebrown, widow of Commodore Thomas Scott Fillebrown, praying for a pension of $50 a month, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1747) granting a pension to Patrick O'Brian;

A bill (S. 1260) granting a pension to William J. Duley; and

A bill (S. 1780) granting a pension to Benjamin Goodwin.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1183) granting a pension to Hugh O'Neil, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2368) requiring the use of domestic material in the construction and repair of Government vessels, steam-boilers, and ordnance, reported it with an amendment.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4036) to increase the pension of Thomas Ward, to submit an adverse report thereon.

Mr. VOORHEES. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 3612) granting a pension to Hayden Reynolds; and

A bill (H. R. 5812) granting a pension to Ellen A. Vance.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Private Land Claims, to whom was referred the bill (S. 79) to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico," to report it back adversely. I ask that the committee be discharged from the further consideration of the bill and that it be indefinitely postponed.

Mr. MILLER, of New York. That is a bill which was introduced by myself by request. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT WATER-SUPPLY.

Mr. INGALLS. I am directed by the Committee on the District of Columbia, to which was referred the resolution offered by the Senator from Alabama [Mr. MORGAN] calling for information from the Secretary of War relative to the construction of the new reservoir in the District of Columbia, to report it back with a recommendation that the committee be discharged from its further consideration and that the resolution lie upon the table. The resolution is accompanied by a report upon the subject from Major Lydecker, the engineer commissioner of the District, which I ask may be printed.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the resolution and it will be laid upon the table, if there be no objection. The Senator from Kansas moves that the report of Major Lydecker, accompanying the papers returned by the committee, be printed. That order will be entered if there be no objection.

SAMUEL M. THOMPSON.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson, to report it favorably with an amendment. I ask the consent of the Senate to take up the bill and put it upon its passage. I think there can be no possible objection to it. The person whose pension the bill proposes to increase is over 84 years old and is entirely dependent. I ask that the Senate pass the bill for his relief.

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Thompson, a private in the Mexican war under Col. E. D. Baker, and colonel of the Fourth Illinois Regiment of Volunteers in the Black Hawk war, and pay him a pension of $50 per month, in lieu of that which he now receives.

Mr. CULLOM. The amendment of the committee reduces the amount of pension to $25 from $50, as proposed in the original bill.

Mr. COCKRELL. Why should this bill be considered in preference to all other pension cases?

Mr. CULLOM. I was about to state that this man——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? Debate is not in order until the Chair has ascertained if there is objection to its consideration.

Mr. CULLOM. I ask consent to make a statement, and then I think there will be no objection to the bill being considered and passed this morning.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Illinois will proceed. The Chair hears none.

Mr. CULLOM. The person who is provided for by the bill is over 84 years of age and absolutely dependent. He has no immediate family upon whom he can rely; and unless the bill is passed immediately it will not go through both Houses perhaps at this Congress. I hope the Senator from Missouri will withdraw objection to it on that account.

Mr. COCKRELL. I shall not object to its consideration, but I wish to hear the amendment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Pensions was, in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to read:

And pay him a pension of $25 per month, in lieu of that which he now receives.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. COCKRELL. What is he now receiving?

Mr. CULLOM. He is now receiving a pension of $12 a month, which is not enough to support him. He is over 84 years old and entirely dependent.

Mr. COCKRELL. I have a bill pending before the Committee on Pensions which proposes to pension a man who is as old as this man, who is not drawing any pension, and I should be satisfied to place him on the pension-roll at $8 per month. His service antedates the service of this man. His injuries were received in a battle where the late President Lincoln commanded a company, and it was beside Captain Lincoln that this old soldier retreated from the battlefield where they had been fighting Indians and in which he had been wounded, and it was Captain Lincoln who dismounted from his horse and bandaged his wounds and saved him. That bill has been pending some time, and I see no necessity for this discrimination.

Mr. CULLOM. I ask the Senator from Missouri to name the person to whom he alludes, and we will see if we can not get a report on the bill. But in this case, as a matter of fact, the person named was in the Black Hawk war as well as in the Mexican war. He is absolutely dependent for existence, and if the bill is to be passed at this Congress it ought to be acted upon at once. I should not ask the consideration of the bill if the man was not as old as he is and so absolutely dependent. I hope the Senator from Missouri will not oppose the passage of the bill, as it is only proposed to give this man just what is supposed to be sufficient to keep him from absolute distress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUITS FOR DAMAGES.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, directs me to report it with an amendment in the nature of a substitute, and also instructs me to ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I ask unanimous consent that the substitute which the committee reports be read instead of the original bill.

Mr. SHERMAN. As the bill is short, I should like to hear the bill read so as to see the connection. The bill is short, I understand.

Mr. HARRIS. Yes; it is a short bill. Let it be read first.

The Chief Clerk read the bill.

The amendment reported by the Committee on the District of Columbia was to strike out all after the enacting clause and to insert:

That whenever within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: *Provided*, That in no case shall the recovery exceed the sum of $10,000.

SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person, and within two years after the death of the party injured.

SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in said District of Columbia.

Mr. HOAR. I wish to inquire of the Chair as to the parliamentary condition of the bill. Has the Senate agreed to consider it at the present time?

The PRESIDENT *pro tempore*. The Senate has.

Mr. HOAR. I hope it will be permitted to go over. I do not think it accomplishes as written the purpose for which it was drawn. My attention was drawn away when the bill was taken up.

The PRESIDENT *pro tempore*. The Senator from Tennessee reported it this morning and asked unanimous consent that it be now considered. The Chair asked whether unanimous consent was given and it was granted.

Mr. HARRIS. If the Senator from Massachusetts desires to look at the bill, I shall not insist upon proceeding with the consideration of it. If he desires it to go over I shall not insist.

Mr. HOAR. Before the bill goes over I will state my point to the Senator. A similar matter came up when I was a member of the other House.

I suppose it is well settled at common law that the death of a person injured by the tort or the tortious negligence of another is not itself a substantive subject of damages; that the recovery in such a case would be limited to compensation for the injury which the person injured suffered in his lifetime. That is, if a man were injured by the negligence of a railroad company and died, having lived in suffering for twenty-four or forty-eight hours, his administrator could not anywhere recover more (and at common law I suppose the action would die with the person) than for the twenty-four or forty-eight hours' suffering.

I suppose it is the purpose of this bill to do what similar statutes have done in many States of the Union and in England, to authorize the death itself to be an element of damage, of which the family shall reap the benefit to the limited extent described in the bill; but as I heard the bill read at the desk I am afraid it does not clearly accomplish that object, and that the point would still be open to the defendant to say that the act of Congress has authorized the recovering of damages after the death of the person injured and the distribution of those damages among the family to the exclusion of creditors, but has not authorized the fact of death itself to be taken into account in measuring the damages. That should be done, I think, to the limit of $5,000 or $10,000, or whatever may be considered a reasonable limit. It is $5,000 in my State. I see this bill proposes a limit of $10,000. For instance, if a man is instantly killed, so that he sustains no damage in his lifetime, or if the damage which he sustains is clearly trifling, I think still up to some amount to be fixed and limited the killing of the person should be a ground of damage to his surviving family. It occurred to me that the bill may require some amendment in that particular.

Mr. HARRIS. It was certainly the object of the committee to provide for the very case that the Senator from Massachusetts thinks it possible we have not sufficiently guarded. However, in view of the suggestion of the Senator from Massachusetts, I will ask that the bill as proposed to be amended be printed and go over until to-morrow, because if it is subject to the criticism the Senator from Massachusetts makes it is certainly desirable that the point should be distinctly and clearly covered.

Mr. RIDDLEBERGER. Before the Senator from Tennessee withdraws the bill, I think possibly a word of explanation may satisfy the Senator from Massachusetts. I introduced a similar bill early in the last session, and I think it passed the Senate by a unanimous vote, exactly in the words in which this bill comes here to-day. It provides for nothing except that actions may lie where death ensues from the wrongful act, neglect, or default of a person or corporation. We all understand that actions lie for injuries, but that the action dies with the person injured. The bill changes no principle of the common law save and except that alone.

I will further state to the Senator from Massachusetts that the bill as now presented is an exact copy of the English statute, I think third Victoria, which has been passed by most of the States of the Union, with the single exception of the provision which limits the recovery to $10,000. It is the same as the bill that we passed last session and which went to the other House. The other House sends us back a bill——

Mr. HARRIS. If the Senator from Virginia will allow me, I will state that my memory was exactly the same as the memory of the Senator from Virginia as to the fact that the Senate had passed the bill that we reported last summer, but upon examination I find that both the Senator from Virginia and I were mistaken. The Senate has not acted upon the bill that we reported last summer. I have examined the Journal to see.

Mr. RIDDLEBERGER. If I am mistaken in that I ask the pardon of the Senate; but I think yet I am not mistaken. I think I was very earnest in pressing that bill upon the attention of the Senate, and my recollection is that it was passed.

Mr. HARRIS. The bill is now upon the Calendar.

Mr. RIDDLEBERGER. However, that is what the bill provides for. It seems to me that we are about as ready to consider it now as we shall be at any other time. If I may be within the parliamentary usage in stating that the other House has but two more District days, I desire to be understood as making that statement as a reason why, if we propose to legislate on matters pertaining to the District of Columbia at all, we ought to do it as quickly and as promptly as possible.

If there be any objection to that simple change in the common law, then an objection will lie to this bill. If there be no objection to such a change, then there can be no objection to the bill. I ask the Senator from Massachusetts if this statement is not satisfactory to him. Of course if it is not I will agree to let the bill go over.

Mr. HOAR. The statement of the Senator from Virginia, as I understand it, indicates that the bill is defective in the point which I pointed out, and, if so, I think the whole Senate will desire some change of phraseology. It is in entire sympathy with the purpose of the Senator that I make this suggestion, and not in opposition to it. I suppose it is true that legislation which passes by unanimous consent in the Senate is quite as likely to have some defect of expression as that which passes after severe scrutiny and discussion; and it is also true that the most careful draughters of bills here find frequently that some new view or some point which has not occurred to them is suggested by other Senators. I find it so in my own experience, I know, very often.

The point which I make I should like to repeat for the understanding of my honorable friend from Virginia, if he will kindly give me his attention one moment. Under this bill as it is proposed, although the person injured dies and an action is given to the administrator—it is not brought in the name of the person injured after his decease—I am afraid the rule of damages which the common law prescribes would be left unchanged; that is, in estimating the damages no account whatever can be taken of the fact of the death. In other words, it is not anything more a damage if the person dies than if he recovers. I think under the bill, if a person should be killed and the widow, the administratrix, brought a suit, the man having lived six hours after his injury, the court would tell the jury, "You can not take into consideration the fact that the man died and did not recover from the injury. That is not an injury to the man in his lifetime. You can only take into consideration his six hours' suffering, he having lived six hours after the injury before he died." I suppose the Senator wants what I want, and what I think the whole Senate wants; he wants to provide in fixing the limit of $10,000 that the fact of the man's being killed may be taken into consideration.

Mr. RIDDLEBERGER. I will only say a single word further, by the courtesy of the Senate. I would not ordinarily be so certain that a bill accomplished the purposes and objects had in view were it not for the fact that I know this bill is a *verbatim* copy of the statute of which I have spoken, the English statute, and the statutes adopted by a large number of the States, and that as a law it has been passed upon by the appellate courts of a large number of the States and by the Supreme Court of the United States. The very question suggested by the Senator from Massachusetts was passed upon by the Supreme Court. It has been held here in the Supreme Court room that under that statute (and I may here parenthetically remark that it has been so held in England) damages are recoverable for the death as for the suffering before death, taking into consideration the pecuniary value of the life, and all damages that could possibly ensue under the old common law. The only change is the one which I suggested before, that the action subsists beyond the death.

With this, sir, I am willing to defer to the Senator from Massachusetts and give him the time he wants to consider the bill, but I do hope that it will be the pleasure of the Senate to consider it at as early a day as possible.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Chair understands the Senator from Tennessee [Mr. HARRIS] as moving to lay the bill on the table until to-morrow.

Mr. HARRIS. I ask that the amendment be printed, and I shall ask the Senate to-morrow morning to proceed with its consideration.

The PRESIDING OFFICER. The amendment will be ordered to be printed and the bill will be placed on the Calendar.

STREETS OF WASHINGTON.

Mr. BROWN. The Committee on the District of Columbia were instructed by a resolution of the Senate "to inquire whether any additional legislation is necessary to enable the commissioners of the District to keep clean the streets in the city of Washington." We have consulted the commissioners and they respond that they do not need further legislation on the subject, but that they do need an additional appropriation of $5,000 on account of the increased area of the paved streets that are to be kept in order next year. As they will doubtless include that in their estimate and it will go before the Committee on Appropriations, the Committee on the District of Columbia ask to be discharged from the further consideration of the subject.

The report was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GARLAND. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia, to report it without amendment and recommend its passage. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am also directed by the Committee on the Judiciary to report favorably the bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (S. 2094) to remove the political disabilities of Louis Marquart. The committee in investigating this matter found that the person named does not labor under any disabilities; that his disabilities, so far as any existed, were removed by the act of the 13th of May, 1884; and they instruct me to report the bill back and recommend its indefinite postponement.

The bill was postponed indefinitely.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4681) for the relief or Yost Harbaugh;

A bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon; and

A bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

BILLS INTRODUCED.

Mr. SABIN introduced a bill (S. 2573) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRISON (by request) introduced a bill (S. 2574) to authorize the construction of a bridge across the Mississippi River near the town or city of Thebes, in Alexander County, Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2575) for the relief of Peter Collier; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALLISON introduced a bill (S. 2576) granting a pension to W. W. Dennis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; which was read twice by its title, and referred to the Committe on Printing.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FLAG FROM THE WOMEN'S SILK CULTURE ASSOCIATION.

The PRESIDENT *pro tempore.* The Chair asks leave to lay before the Senate a communication from the Women's Silk-Culture Association of the United States. If there be no objection the communication will be read.

The Chief Clerk read as follows:

WOMEN'S SILK-CULTURE ASSOCIATION OF UNITED STATES,
Philadelphia, January 23, 1885.

To the honorable members of the Senate of the United States at Washington:

The Women's Silk Culture Association of the United States, established in Philadelphia in 1880, have since that time demonstrated silk-culture in the United States to a condition and state of progress never before attained, and upon the popularity of which numerous stock companies and individuals have established business centers.

While not deprecating such conditions, we do ask that the questions, by whom and how was the industry introduced be answered by honestly and properly accrediting their just due to its rightful authors, the Women's Silk Culture Association of the United States, who herewith present to the Senate of the United States at Washington a truly American national flag, in the sense that the silk produced for this flag was raised in American homes by American women and children, reeled by the Women's Association of Philadelphia (who are the only reelers of commercial silk in the country up to this time), spun, dyed, woven, and mounted in the city of Philadelphia, and through the liberality of Mrs. C. C. Thum, of the association, who generously offered to defray the expense incurred in producing the flag, the association are enabled to offer it to the national Capitol as a memento of our success in starting silk-culture as an industry for our American sisters. We ask for this flag a place in the Halls of our National Government, that it may bear witness to the faithfulness of our effort and to the quality of our American product, both agricultural and mechanical.

This is not the first fruits of specimen products of the association. The Garfield brocade, presented to the widow of our late lamented President, was manipulated by our association, and its wonderfully beautiful quality and design displayed to our statesmen at Washington.

A State and national flag have been presented to the State Legislature of Pennsylvania, made of native silk, grown in the summer of 1883, and put through all the processes of manufacture in the city of Philadelphia.

Besides these national gifts the association has had American silk worked up into knitting silk, brocade, gros-grain silk, and chenille, and in every form the quantity and quality has proved a good and profitable result.

For statistics we refer you to our fourth annual report, just to be issued, and to the files of Daily Silk Record, published by the association during the late exhibit. And begging your acceptance and a place of honor for this flag, we also ask that due consideration shall be given to this association when the National Government may see fit to aid this industry.

American women are raising silk-worm eggs far superior to foreign breeds. What the industry needs is experimental stations, where the process of culture and reeling shall be established, and where the experience and knowledge of foreign operations shall be united to American talent, industry, and intelligence.

Remember, we are the silk association of the United States; our correspondence, our information, and progress belong to nearly every State in the Union. The California association is modeled after our own, but more liberally dealt with by her State.

All the work of our association has been carried on by the most frugal and economical management, but much left undone that could have been accomplished had we the means of perfecting our aims. Therefore we crave the assurance of future good-will and influence in the interests we have stimulated and planted throughout the whole United States.

Mrs. JOHN LUCAS, *President.*
Mrs. MATTHEW SIMPSON,
Mrs. C. C. THUM,
Mrs. WM. B. ELTONHEAD,
Miss PHŒBE HORNE,
Mrs. W. T. REYNOLDS,
Vice-Presidents.
Miss E. T. VAN RENSSELAER, *Recording Secretary.*
Mrs. V. C. HAVEN, *Corresponding Secretary.*
Mrs. E. V. B. OSBOURN, *Chairman P. and S. Committee.*
Mrs. G. W. HALL, *Reeling Committee.*
Mrs. H. P. TAYLOR, *Treasurer.*

Mr. BECK. I offer the following resolutions and ask for their immediate consideration:

Resolved, That the Senate of the United States accepts with thanks the silk flag presented by the Women's Silk-Culture Association of the United States as an example of purely American production of silk culture and manufacture.

Resolved, That the patriotic exertions of the ladies of the association and their coworkers to ameliorate the industrial condition of their country-women and enlarge and diversify female employment receive the cordial appreciation and sympathy of the Senate.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the resolutions?

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore.* Does the Senator object to the consideration of the resolutions?

Mr. MORGAN. No, sir; I rise to support the resolutions.

The PRESIDENT *pro tempore.* The Chair hears no objection. The question is on agreeing to the resolutions.

Mr. MORGAN. I feel very grateful to the Senator from Kentucky that he has introduced these resolutions recognizing the handiwork and patriotism also of the ladies who have honored the Senate with the presentation of this flag. I welcome the flag, with all that it means, into this Chamber and over this Government as thoroughly as any man in the community. There was a time when I was acting in hostility to it. That time will never again arise. The sentiment which it embodies in the present form in which it comes before us is one that adds strength to the bond of union that binds these States together, and one that intensifies the love of country that every American should be proud to enjoy and to express.

As an evidence of the interest of the women of the United States, and particularly of this honorable association, in a domestic industry, it is something admirable in itself, and I think is something that will produce very fine fruits in the United States.

We are yet a very dependent people for this important staple, and we are not to be relieved from our state of dependence, it seems to me, otherwise than through the agency of the women and children of the United States, for the culture of silk is not one of those plantation industries that can be facilitated by large investments of money or by extensive employment of force. It is purely a domestic, a home industry, in which the laborers must necessarily be the women and children of the land. They are qualified by their natural capacities and fitness for such work to produce and to reel silk and to make it a marketable commodity. Men are not qualified for this kind of work. A thousand plantation hands might be employed in the State of Alabama, which is one of the silk-growing regions of this country, in rearing mulberries, and in feeding cocoons, and in reeling silk, and there would come no profit from that investment. A thousand women and children similarly employed would bring great benefit to the country.

I consider this as one of the most necessary as well as useful of all the industries in which the people of the United States can engage. If we will but think for a moment how much of excellent and innocent employment it would bring to thousands of unemployed women of the United States, how much of the comforts of life they would be enabled to earn without any great physical exertion, without exposing themselves to the heats of summer or to the chilly winds of winter, it seems to me that we should have a greater appreciation of the efforts of these ladies to foster and encourage this industry.

Then, Mr. President, there is something very natural as well as very beautiful in the association of women in the silk-culture and in preparing it for commerce. They mutually assist each other; they mutually adorn each other. There is no woman who does not look better in a silk garment, and there is no silk garment that does not look better upon a woman than it does upon a man. There is a natural association between that sex and this industry; and these ladies evince a spirit of benevolence toward their own sex when they take the charge of this subject. It is entirely appropriate that they should do so; and I hope that the Senate of the United States, as far as it may find constitutional authority to do it, may aid and assist and encourage this excellent and beautiful industry which has to-day exhibited itself in the bright, shining folds of the American flag that now appears in the Senate of the United States.

I therefore second the resolution of the Senator from Kentucky.

Mr. DAWES. Mr. President, I have been gratified at this interesting ceremony here, illustrating the great progress and rapid growth of silk manufacture in this country, and it calls up very vividly in my mind an incident in legislation. In 1872, I think it was—it may have been still later, perhaps in 1874—when the Committee of Ways and Means of the House of Representatives were considering the question whether it were possible for the people of this country with any success to engage in the manufacture of silk in competition with the manufacturers of silk in other countries where labor was cheaper, a very distinguished political economist of this country appeared before that committee for the purpose of relieving those manufactures of silk which are made in foreign countries from the duties then imposed upon them, on the ground that the manufacture of silk in the United States was an impossibility, and that therefore the duties upon manufactured silk were simply a tax upon the consumer.

I can not keep out of my mind the statement made at that time that this was utterly impracticable, and yet the census of 1880, eight years at most from the time that statement was made, revealed that there were made annually in this country $41,000,000 of silk manufactured goods; that we were then with one exception the largest silk manufacturing country in the world; that $19,000,000 of capital were invested in that manufacture, and that thirty-four thousand and odd men, women, and children were furnished with employment and wages in that work, and that the cost of silk goods in this country had in the mean time been reduced 34 per cent. To-day I suppose we are the first country in the world in the product of silk manufactures, and this and like goods are the fruit of that system. I congratulate the country upon this occasion for this demonstration of the wisdom of the policy that has nurtured and sustained the manufacture of these goods, and I extend personally to those who have presented this flag my congratulations upon the success attending their efforts under the particular economy of the United States.

The PRESIDENT *pro tempore.* The question is upon agreeing to the resolutions submitted by the Senator from Kentucky.

The resolutions were agreed to unanimously.

ELIZABETH F. ASPER.

Mr. COCKRELL. I ask that Order of Business 1028, being the bill (S. 1594) granting a pension to Mrs. Elizabeth F. Asper, which was placed on the Calendar at my request after having been adversely reported by the Senator from Tennessee [Mr. JACKSON], be stricken from the docket and the bill indefinitely postponed.

The PRESIDENT *pro tempore.* The Senator from Missouri asks unanimous consent that the bill named by him, adversely reported from the Committee on Pensions on the 20th instant, be taken from the Calendar and indefinitely postponed. That order will be entered if there be no objection. The Chair hears no objection.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore.* The Chair lays before the Senate the Calendar under Rule VIII.

Mr. PLUMB. I was under the impression that the resolution of the Senator from Missouri [Mr. VEST] was on the table for consideration under the order of resolutions offered on a previous day. I wish to offer an amendment to it if the Senator himself does not propose an amendment.

The PRESIDENT *pro tempore.* The resolution of the Senator from Missouri was read twice on the 22d instant, and ordered to lie on the table. It does not therefore come before the Senate under the order of resolutions.

Mr. VEST. I move that the Senate now take up the resolution.

The PRESIDENT *pro tempore.* The Senator from Missouri moves that the Senate now proceed to the consideration of the joint resolution (S. R. 113) in relation to certain lands in the Indian Territory acquired by the United States from the Creek and Seminole Indians. The question is on that motion.

Mr. CONGER. Let the resolution be read.

The PRESIDENT *pro tempore.* It will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed and empowered to ascertain, by communication with the authorities of the Creek and Seminole Nations of Indians in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all the right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain, to be divided by a line running north and south," the lands so described in the treaty being now known as "Oklahoma," and being fully described in Senate Executive Document No. 109, Forty-eighth Congress, first session, page 4, and the lands described in article 3 of the Seminole treaty of March 21, 1866 (14 Statutes, page 756).

SEC. 2. That the Secretary of the Interior shall communicate with the authorities of the Creek and Seminole Nations immediately, by special agent or otherwise, as he may deem necessary, and transmit the result to Congress.

The PRESIDENT *pro tempore.* The question is on the motion to take up the resolution.

The motion was agreed to; and the joint resolution was considered as in Committee of the Whole.

The PRESIDENT *pro tempore.* The joint resolution will be read.

Mr. VEST. It has just been read, and it is not necessary to read it again.

The PRESIDENT *pro tempore.* The Senator from Missouri asks unanimous consent that the reading be dispensed with.

Mr. INGALLS. It had better be read, I think.

The PRESIDENT *pro tempore.* The joint resolution will be read.

The Chief Clerk read the joint resolution.

Mr. DAWES. I should like to inquire of the Senator from Missouri if that description would not include all that land which has been appropriated for the Iowas and Kickapoos?

Mr. VEST. No, sir; I think not.

Mr. DAWES. I had the impression from reading it that it included that land as well.

Mr. VEST. I drew it with reference to Oklahoma as put now on the map.

Mr. DAWES. I suggested yesterday to the Senator a modification of the resolution.

Mr. VEST. I have an amendment to propose to meet the views of the Senator from Massachusetts.

The PRESIDENT *pro tempore.* The Senator from Missouri offers an amendment to the joint resolution, which will be read.

The CHIEF CLERK. It is proposed to substitute for the resolution the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed and empowered to ascertain, by communication with the authorities of the Creek, Seminole, and Cherokee Nations of Indians in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain," and the lands described in article 3 of the Seminole treaty of March 21, 1866 (14 Statutes, 756), and so much of the lands described in article 16 of the treaty made between the United States and the Cherokee Nation July 19, 1866, as has not been already purchased by the United States from said Cherokee Nation for the purpose of settling friendly Indians thereon, as provided for in said treaty.

SEC. 2. That the Secretary of the Interior shall communicate with the authorities of the Creek, Seminole, and Cherokee Nations immediately, by special agent or otherwise, as he may deem necessary, and transmit the result to Congress.

Mr. SHERMAN. This joint resolution has not yet been considered by any committee, and I know that there are amendments proposed to be offered to it. I suggest, therefore, that without further debate it be referred to the Committee on Indian Affairs. I am also told—I am not a member of that committee—that that committee have already examined many of the facts that enter into the consideration of this resolution, and they have an examination pending before them on the subject of the condition of affairs in this territory. I hope, therefore, without occupying time now, it will be referred to the Committee on Indian Affairs, and that any amendments to be suggested may be now offered and sent to that committee.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to make a motion?

Mr. SHERMAN. I do move to refer the joint resolution.

Mr. PLUMB. Before that motion is put I desire to offer an amendment, in the nature of a substitute for the resolution, to be printed and go with the resolution if it is to be referred to the committee.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the joint resolution with the amendment proposed by the Senator from Missouri be referred to the Committee on Indian Affairs, pending which the Senator from Kansas asks leave to submit an amendment intended to be proposed for a similar disposition, if that disposition shall be made of the resolution.

Mr. INGALLS. May we hear the amendment read?

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Kansas [Mr. PLUMB] will be read for information, if there be no objection.

The Chief Clerk read as follows:

Resolved, That the President be requested to enter into negotiations with such of the Indian tribes in the Indian Territory as may be in possession and control of more lands than are necessary to furnish each head of a family of such tribe with one hundred and sixty acres, with a view of obtaining a relinquishment to the Government for purpose of occupancy by actual settlers only of all lands beyond the quantity necessary to give the quantity of lands aforesaid to the heads of families in said tribes; that such action be undertaken as speedily as possible, and such propositions as may be received from any of said tribes for the disposal of their lands, and all other results growing out of said negotiations, to be reported to Congress at the earliest practicable moment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to refer the resolution with all amendments to the Committee on Indian Affairs.

Mr. MAXEY. I should like to inquire of the Senator from Kansas who offers the substitute whether it is designed to cover the land occupied by the five civilized tribes at this time, and in that connection I would state that not a great while ago I made a calculation of the land occupied by the Creek and Choctaw Nations, and there are about four hundred acres for every head of a family in one case and six hundred acres in the other. To reduce that down to one hundred and sixty acres would necessarily leave open a large quantity of land. I have no doubt what I say of the Choctaws and Creeks is true of the Chickasaws and Seminoles. I want to know the scope of the substitute.

Mr. PLUMB. The design is to open negotiations with all the tribes in the Indian Territory having more lands than enough to give one hundred and sixty acres to each head of a family in such tribe.

Mr. MAXEY. Including the five civilized tribes as well as the others?

Mr. PLUMB. All of them together, for the purpose of presenting to Congress such proposition as the tribes may be willing in the present condition of things to make, with a view to such a limitation of Indian holdings in the Territory as, while meeting the necessities of the tribes, shall also result in surrendering to the General Government all the lands they do not need.

Mr. MAXEY. If I can get the attention of the Committee on Indian Affairs, I would also say that I am very much of opinion that there is a confusion in respect to the word "Oklahoma" as used. The treaties made with the five civilized tribes in 1866 make provision for a Territorial form of government, and the Choctaw treaty makes provision for a Delegate, and if the Territorial Government is organized the treaty with the Choctaws and Chickasaws designates the Territory thus organized as the "Territory of Oklahoma." That is the name in the treaty. Those treaties are in full force and effect to-day; and if we ever execute the power which we have of organizing the Indian Territory we shall do it under the name of Oklahoma. And yet this little piece of ground west of the country now occupied by the Creeks gets somehow, without any authority of law, the name of Oklahoma, and we get the two things mixed. The word "Oklahoma" properly applies only to that portion of the Indian Territory occupied by the five civilized tribes as laid down in the treaties of 1866. I call the attention of the committee to the fact, as I see the resolution of the Senator from Missouri speaks of that little patch of land there as the so-called territory of Oklahoma. It is not correctly so called.

Mr. VEST. I must say to the Senator from Texas that he is mistaken if he thinks I have used the expression "the territory of Oklahoma." I have only followed the Interior Department. They have marked that country as Oklahoma, I do not know on what authority.

Mr. MAXEY. I have referred to the treaties. The designation is without legal authority.

Mr. VEST. I have no objection to the reference.

Mr. CONGER. Mr. President, I do not know that I wonder that the Senator from Kansas and the Senator from Texas should desire to have such a resolution passed, but I do not know what particular interest the State of Missouri may have in this question. I only look upon this resolution as a crude, informal, indirect way of inviting everybody who wants to join the Oklahoma band and movement to begin to organize and gather around the borders of this Indian Territory, go through it, and pick out land. Instead of the crowd of boomers that are there now which the Army can hardly keep off from Oklahoma, it is to get an army there big enough to swallow up the Army of the United States and the Indian Territory too.

Here is a proposition made and to be passed, if it is passed, by both Houses of Congress, informing the people of the United States that we are about now to negotiate to get away from the Indians all this western part of the Indian Territory, which I think embraces lands that have been given to several tribes that have been moved onto the same territory that is provided for in this resolution to be negotiated for. I think it will appear so. It is an invitation beforehand, or a notice beforehand, to everybody that desires possession of the Indian Territory to gather there, as where "the carcass is, there will the eagles be gathered together," and seize upon this land—to give impetus, to give new life and new motion and new activity to those who are striving to get the land.

It is useless for me to say, for every Senator knows, that the passage of this resolution will call together force enough there to compel Congress to rob the Indians and steal their lands. The Secretary of the Interior is to send an agent down there to find out as quickly as possible how these tribes will be willing to sell their lands! That is amended by the Senator from Kansas by inquiring into the propriety of asking the Indians, each one, to pick out his forty acres or eighty acres or one hundred and sixty acres or three hundred and twenty acres, whatever the laws will allow an Indian to have at all, so that the rest may come into market. I think this is the most bold-faced scheme of robbery of Indian lands set apart for generations as a reserve upon which that unfortunate people may be gathered and may be secure in some possession of territory that has ever been proposed in Congress.

There is land enough for the white people without encroaching upon the Indian Territory. There are places for the enterprising whites to roam without trampling on the graves and the lands of the remnants of the vast number of Indians who once inherited this whole territory. These very Cherokees and Choctaws and Seminoles, by the superior power of a civilized nation, have been driven from the Atlantic westward and westward and westward, across the Mississippi, across Arkansas. They have been driven to a Territory set apart and pledged to them in perpetuity as one place removed from the ocean, removed from the lakes, removed from the Gulf, removed from the great centers of settlement and civilization, where the remaining Indians might live or die, as the Great Father might permit. On the south lies Texas, already in the possession of an empire of land; on the north Kansas and Colorado; and on the west, according to its boundaries, Texas still and New Mexico.

The greed for land has come over the people of the United States, the greed for the choice valleys and the river bottoms and the forests set apart in this Indian Territory has sprung up with these Oklahoma boomers, and through their efforts it spreads and spreads till it has invited States to come into the struggles for the possession of these lands. Sir, I denounce this whole system as in direct violation of the theory and principles of this Government for over fifty years in regard to the Indian Territory, and the setting apart for the use of all Indians that the United States might desire to gather upon these lands and for their posterity one piece of territory which should be beyond the cupidity and beyond the control and beyond the settlement of the conquerors of this continent. Let it remain there. Let that territory remain for the Indian.

If it becomes necessary, as undoubtedly it will, to remove the tribes in the Northwest, and in the West, and in the South, from their lands because they have been proved to be fertile, as the lands in Minnesota, as the lands in Dakota, as the lands in Michigan, as the lands in Montana and Wyoming and all through the Western Territories, let this territory be open to them. The white men are demanding those lands to-day. The great stock-raising and stock-growing people of Texas are demanding the Crow territory and the Blackfeet territory and all the great reservations at the North as pasturage ground for the herds of long-horned Texas cattle. Already we have a bill pending before us that not only looks to the uses of these lands at the north for that purpose, but proposes to create a great highway six miles wide from Texas running through States and giving along at different points 10,000 acres in a spot for grazing lands for Texas cattle. There is no proposition offered to help the cattle of Michigan, Ohio, and Indiana and Minnesota and Iowa and all these Northwestern States, a breed of cattle infinitely superior to all the long-horned Texas steers in beauty and value; but in order to make way for the invalid tribes of cattle, for the pleuro-pneumonia of Texas, we must set apart right through States and right through Territories a highway not the king's, but the cattle's highway, pleuro-pneumonia recesses into which cattle can go and have health and strength and preserve their life till they can be got by that roundabout process to market.

That is the object of stealing these lands. Already those who have herds of cattle look with greedy eyes upon this Indian Territory as great pasture lands for cattle.

That is the object of this joint resolution, to drive the Indians off and procure a place upon which sickly cattle can recuperate their decaying energies and live till they can be driven on the royal highway to the healthy regions of the north and be seemingly fitted for the consumption of the human race. That is what all this means. Indian rights are nothing; the Indians can be driven from their lands, as they have been, to make way for cattle. In old times "the cattle upon a thousand hills" were said to belong to the Lord. By the march of improvement and by the energy of Senators from Texas we are ready to believe that the cattle upon a thousand plains belong to Texas—not much similarity in ownership! [Laughter.]

I oppose this resolution. Its tendency is bad and wrong. It invites encroachments still more rapidly upon the Indian Territory than they exist now, and these encroachments have been swelling in force. The head of that organization may die, but the body lives. The leader of the band may perish, but his followers would trample over his grave in their approaches to Oklahoma.

Sir, I talked a day or two since with an officer whose duty it was with the few troops the Government has given him to make constant pilgrimages of war down through the Cherokee lands and into what is called Oklahoma to bring back the wanderers from lands of the United States out of the Indian Territory and let them plant their tents outside the line. If this resolution should pass and if the Secretary of the Interior should find some man, or should desire to find some man, to talk with the Indians, and see what of this property we had better have, the most deserving man for the place, the man who has thought longest upon the subject, the man who has labored most earnestly during the years of his life and has led on his cohorts to find out all about this region, is dead. He can not have him. He perished in his efforts, but he had lieutenants that the Secretary of the Interior could secure the services of, and they are there now.

If the Secretary of the Interior would send a man to make this investigation he has only to send down to those idle men who are trying to get into the Indian Territory, and get them to negotiate for these lands, and give the reasons why they want them. It will be a curious history when the Secretary reports whom he has employed; it will be a curious history when those who desire these lands have joined with this agent to influence the Cherokees, and Choctaws, and Seminoles, and Senecas, and Kickapoos, and Arapahoes, and all the euphonious bands of that region, but there will still be the secret history of the consumption of whisky, of the bribery of drunken chiefs, of the corruption of the headmen of the tribe, which has accompanied almost every attempt to win treaties from the Indians to get away their lands against the will of the tribe and against the sober judgment of the chiefs.

I am opposed to this resolution. If my voice could determine it, it would go no further than it is now, not even to a committee. There is no use mincing words about this. This means a wholesale stealing from the Indians of what this Government has solemnly pledged to them and to the world should be a final resting-place for the remnants who remain, and this resolution opens the way and excites the cupidity and excites the avidity of all those who desire to possess themselves of these lands with the hope and expectation that Congress having begun in the usual way by suggesting a fair treaty and a careful investigation, it is not going to take any different form than the usual methods of acquiring Indian lands. Sir, the Senator from Missouri who introduced this plausible resolution in his place in this Senate Chamber depicted and painted the manner in which treaties with Indians at the West were agreed to, or were reported to be agreed to, and told the Senate that one chief whose name appears signed to a treaty giving up his valley and his reservation asserted then, and it has been proved since, that he never signed the treaty at all; and yet for months and years that treaty has gone out to the world with the signature of this old chief printed in the printed copies but never signed to the original treaty.

I commend the pathetic, the interesting statement which excited the sympathy and feelings, and I may say the abhorrence, of Senators here to such kind of manipulation of the rights and interests of the Indians, as the Senator who introduced this resolution spread before the Senate not many days since. The opportunity for an equally great wrong, for an infinitely greater violation of the obligations of the United States, is presented by this proposed treaty. If this resolution should go to the Committee on Indian Affairs for their consideration I have some hope from their reports on this subject, from the return of the Indian Committee to the old and better examination of these questions where humanity and sympathy for these fading tribes has exhibited itself more in these last few years than for years before, that it will receive such an examination and such a report as will satisfy the Senate and the country that the time has not come to seek by treaties with these wards of the nation to take away what little they have left.

Mr. INGALLS. Mr. President, we belong to a rapacious and conquering race. In the last two centuries we have marched across this continent from the Atlantic to the Pacific Ocean, expelling or assimilating all rivals, and are now looking north and south meditating new conquests. Since the close of the Mexican war the American people have ceased to acquire additional territory, not because they had ceased to be acquisitive, but because they had enough. But we have to-day practically reached the condition predicted by Macaulay in one of his wonderful essays that in his opinion would constitute the chief danger of this Republic: the absorption of the public domain, so that, there being no longer any unoccupied fertile area over which the excessive populations of the East and of the interior might diffuse themselves, combinations dangerous to liberty might be formed and a condition of affairs like that in the older countries of the earth might result.

We have nearly arrived at the limit of the arable public domain. There is a vast expanse yet unoccupied. Much of it consists of inaccessible mountain ranges; much of it is covered with timber; a very great extent consists of sterile uplands, fit only for grazing, where the policy of leasing ought to be pursued. But I doubt to-day if there are within the possession of the United States Government, outside of Indian reservations, subject to entry under the homstead and pre-emption laws, 25,000,000 acres adapted to the cultivation of wheat and corn. It will all be absorbed inevitably within the space of the next five years. And the spirit or impulse to which the Senator from Michigan has referred as one of larceny, as predatory, as verging upon robbery, a disposition to steal what has been consecrated by treaty and devoted to the occupancy of Indians, is entirely outside of the legitimate description of these movements. They are inevitable. We may as well, as he says, not mince words about this matter. The American policy is a continental policy, and I am not sure that within the lifetime of men now living it will not be a hemispherical policy. But it is enough to say that to-day it is a continental policy; and nothing, no matter what may be the name or shape it assumes, will be able to stand before the irresistible march of the Anglo-Saxon people, with all the corresponding advantages and benefits they have to confer, not only on the people of this country, but upon mankind at large.

Now, sir, with regard to the Indian Territory, that portion which has been the object of so much solicitude during the past few months, in my opinion, is not at present open to settlement. I have had many letters from constituents, and to all of them I have replied that in the opinion of the Executive, in the opinion of the Secretary of the Interior, in the opinion of the law officer of the Government, these lands were not open to public settlement; the title of the Indians had not been finally extinguished, and I have therefore advised them if they desired to avoid trouble they had better await the action of Congress. Such is still my judgment. I believe that what is known as the "Oklahoma tract," a designation to which it is not entitled, was never set apart under any circumstances by the provisions of the treaties for public settlement. It was taken by the United States Government in trust to be used for occupation by friendly Indians and freedmen; and while there has been a difference of opinion as to what freedmen were meant, I believe it referred to the freedmen who were formerly slaves of the civilized Indian tribes. I never have believed that that land was set apart as a general place of habitation for all the freedmen of the United States. I do not think that was in the contemplation of those who made the treaties; but I am of opinion that by the term "freedmen" was meant those freedmen of the Cherokees, the Creeks, the Choctaws, the Chickasaws, and the Seminoles who had been liberated under the provisions of the treaties of 1866.

Mr. MAXEY. I would suggest to the Senator from Kansas in that connection that the Secretary of the Interior, Mr. Schurz, acted upon the view presented to-day by the Senator from Kansas.

Mr. INGALLS. So I understood, but forgot to say, and I am obliged to the Senator for suggesting it; but I was led to the remarks I made from the fact that a different opinion has been expressed, and during the last month I have had letters from freedmen in different parts of the country, from many of the Southern States, asking whether that land was not set apart for occupation by the freedmen of the country generally.

There seems to be a spontaneous impulse all over this country, not confined to the West alone, but extending into the South and the North, for the occupation of that region; and to characterize it as a wholesale disposition to steal, as a purpose on the part of the American people to break faith and violate treaties, is certainly a description that I can not with silence permit to be applied to it. Those men who are now upon that tract, although I believe they are there without authority or warrant of law, have in most cases been imposed upon by interested and scheming leaders, who have deceived them for purposes of gain; but I have no doubt that they honestly believe that those lands are public lands of the United States, and that therefore they have a right to go upon them.

So far as I am concerned I shall never consent to any injustice being done to the Indians. I will never consent to the violation of our plighted faith with them. They are just as much entitled to the observance of the obligations of honor as though those treaties under which they claim had been made with the most powerful nations upon the face of the earth; and if I supposed, as the Senator from Michigan does, that this was a larcenous impulse; that we were occupying the attitude of highway robbers or footpads or buccaneers, I certainly should not favor it. But it may as well be conceded first as last that it is utterly impossible that these vast tracts of land should be held in idle, unproductive, and useless occupation much longer. I do not think it advisable that they should be so held.

Some one has said that he who made two blades of grass grow where one grew before was a public benefactor. Shall it be said that those who would upon these vacant and unoccupied solitudes build the institutions of a Christian civilization are less benefactors of the human species than he who makes two blades of grass grow where one grew before? Sir, civilization is better than barbarism; cultivation is better than solitude; corn and wheat are better than prairie grass; the cow, the horse, and the sheep are better than the bison, the coyote, and the

rattlesnake; and there is no use talking about this vast occupation of these great tracts of land by their savage tenants indefinitely in the future. But, sir, they have had the right of occupation by sacred guarantees; these lands have been consecrated by the faith of the nation, and they never will be relinquished, so far as I am concerned, without the consent of those occupants fairly obtained, voluntarily given, with just and adequate compensation for every acre that they relinquish.

Such, sir, is the scope of the amendment offered by my colleague, and such I believe to be the scope of the resolution presented by the Senator from Missouri. I give them my hearty and cordial approbation, repelling at the same time the assertion of the Senator from Michigan that there is on the part of any persons, whether now upon these lands or contemplating a journey thither, the disposition to do anything other than exact justice.

Mr. PLUMB. Mr. President, if I had supposed that any one could characterize the resolution which I have offered as the Senator from Michigan has characterized it I should certainly have hesitated before introducing it. Nothing was further from the intent, and nothing in my judgment will be further from the fact than the result which he has pictured as to follow the adoption of this resolution. It is directly opposed to all those practices which have been characterized on this floor as violations of the rights of the Indians heretofore in the making of treaties.

Some years ago Congress prohibited the further making of Indian treaties, and it was done because it was thereafter to be required that all agreements with the Indians should originate with Congress and not with the Executive and that every step in the making and perfecting of any agreement with the Indians should be subject to that daylight which always characterizes the proceedings of Congress in open session. There having been withdrawn from the Executive the power to make treaties with the Indians, by a necessary and natural consequence there was withdrawn from him the power to negotiate any agreement whatever with Indians, except by direction of Congress.

This resolution looks to the acquisition of no lands except what the Indians are willing to surrender. It does not authorize the bringing to bear of any pressures, but the Executive shall simply negotiate and present to Congress such propositions as the Indians themselves upon his solicitation that they shall make some proposition may be willing to make for the surrender of that portion of the lands which they themselves shall deem that they no longer need and which they are willing to exchange for cash; and there is nothing else to do but that. It is the most perfectly proper in my judgment of anything that could be proposed, and at the same time wholly consistent with justice to the Indians in every step of the transaction.

Mr. President, while the Senator from Michigan chided me for the larceny I had in mind in offering this resolution he was chastising the other branch, the House of Representatives, which yesterday—I did not know it until a moment ago—adopted as an amendment to the Indian appropriation bill for the coming year a provision in these words:

That the President is hereby authorized, requested, and required to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead law the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. PLUMB. I ask consent that this matter go on until it is disposed of. I think it will take less time to-day than it will to-morrow, and I believe it will take but a few moments.

Mr. SHERMAN. Does the Senator propose to force a vote on the resolution to-day?

Mr. PLUMB. No; only on the question of reference.

Mr. SHERMAN. Very well.

Mr. PLUMB. There is no objection to the reference.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed with the consideration of the joint resolution which has been pending during the morning hour. Is there objection? The Chair hears none.

Mr. PLUMB. The provision I have read was adopted in the House yesterday, I think unanimously. I think also in place of this being an invitation to people to go there it will be a restraint. I myself have never invited any one or suggested that any one should go there. On the contrary, I can say with my colleague that I have discouraged persons from going there. At the same time I am not willing to close my eyes to that which I see impending, and which in the very nature of things is inevitable. The Secretary of the Interior himself within a very few days has recommended to Congress that measures should be taken to limit Indian holdings and that the lands not necessary for the occupancy of the Indians should be acquired by the United States by agreement in order that thay may be open to settlement, and I did not hear that that suggestion was against the interests of the Indians. If an Indian has two acres of land and only needs one and he receives for that one acre in excess of his needs, by an agreement made with his consent, the fair cash value of it, I take it the money is better to him at interest than the land is.

I believe we should approach the discussion of this question. If Congress will address itself to this question as one of present importance and as one about which the public is more or less concerned, that of itself will operate as a restraint against people going on the Indian lands instead of an invitation to them to go there. I believe the very fact that Congress has done nothing so long has taken no step in this direction, has led people to believe that they could go upon the lands and precipitate action; and not only that, but it has operated to make people believe that Congress was going to do nothing, and therefore it has perpetuated the conviction in the public mind to some extent of the existence of large bodies of land under Indian control without being occupied by anybody or made to do any public or private good. It is with that view that I have offered this amendment.

I am satisfied that is the view which has been had in mind all through this debate by the Senator from Missouri and the Senator from Texas, and as nothing can be done under this resolution except with the consent of the Indians, and that consent is further to be followed by legislation, nothing of the kind which the Senator from Michigan seems to anticipate and which he has spoken of as heretofore having characterized our dealings with the Indians in regard to their lands by means of treaties can possibly occur. I assure him, whatever value that assurance has, that I did not have in mind at all the repetition of that which he has justly characterized. I do not want one single Indian in any tribe in the Indian Territory or anywhere else to surrender anything that is his to the United States or anybody else unless he gets a fair equivalent for it.

I understand further that the Supreme Court of the United States has decided, in what is known as the Joy case, that the Cherokee Indians have a fee title to their lands. All talk, therefore, about taking them, except upon compensation and by valid agreements with the Indians, is, of course, idle words. Nothing else can be done except to treat with them for the acquisition of their soil as that of a private individual, and upon terms which will be agreeable to them and which shall after all have the sanction of law.

The Cherokee Indians themselves treated with the United States on the 16th day of July, 1866, for the ceding to the United States in trust of about 7,000,000 acres of their land, and it was stated therein that it was for the purpose of locating friendly Indians upon it in bodies of 160 acres each, and that quantity was thereby fixed, according to the judgment of the Cherokee Indians and the United States, as being a proper and sufficient amount for Indian holding in that locality. I have applied in this resolution simply the same rule. In addition to that, the Senate has twice passed, as the Senator from Massachusetts said yesterday, a bill specifically authorizing the President of the United States to enter into negotiations for the purpose of acquiring land above this amount from all Indian tribes and the location of the Indians in severalty upon the remainder of their lands. It was only because I feared that bill would not become a law, and therefore the President would not deem himself instructed to act immediately upon this question, which is so important, that I offered this resolution, in order that we might require of or at least suggest to the Executive that he institute measures at once, and not wait for the passage of the bill now on the Speaker's table of the House of Representatives, and which may not be reached, in order to accomplish this end.

Therefore this proposition is in accordance with the deliberate expression of the judgment of this body on two several occasions by bill; it is the expression of the judgment of the House of Representatives made only yesterday. It is in accordance not only with the fitness of things but with the necessity of things, because without this the President will not, as he ought not, feel himself authorized to engage in negotiations with any Indian tribe for any purpose whatever, or at all events for any purpose of the kind heretofore embraced in the execution of treaties.

As I said before I say again, it was furthest from my thoughts that any injustice or injury should result to any Indian or any Indian tribe by reason of the adoption of this proposition or by reason of the negotiations to be opened under it, or that we should witness in any degree as growing out of it a return to that which all men deprecate, and which was disposed of when Congress provided that the Executive should make no more treaties with Indians, but that all agreements with them should receive the sanction of law.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I do not think that there is to be any further debate on this resolution. I think it may be referred at once. It will save time to do that now.

Mr. MILLER, of California. I withdraw the motion for the purpose of having a vote on the motion to refer.

The PRESIDING OFFICER. The Senator from Ohio moves that the resolution and amendments be referred to the Committee on Indian Affairs.

Mr. VEST. I wish to say a word. If I could be surprised at anything I should be surprised at what was said by the Senator from Michigan this morning. I might content myself by stating that argument does not consist in mere assertion and that abuse can not be considered as logic. The Senator from Michigan has not considered his words. I will simply say that this resolution was not intended to rob any Indians, but it was intended to protect the Indians. Emphatically and distinctly I say I offered it for the purpose of protecting the Indians, and this morning the delegate from the Creek Nation wrote me a letter, which I have, thanking me in the name of that nation for what I said yesterday upon this floor in behalf of his people; and the Creeks and Seminoles have filed in the Department of the Interior two papers, asking that the very thing should be done which I propose in the resolution I have offered to the Senate. Sir, I can only believe that the charge of stealing and robbery as applied by the Senator to this proposed action simply arises from the grossest ignorance in regard to this whole matter.

In 1866 by the treaties with the Creeks and Seminoles they sold their lands to the Government of the United States, the Creeks at 20 cents an acre and the Seminoles at 15 cents; the Creeks selling the west half of their entire domain, divided by a line running north and south; the Seminoles selling the whole of their possessions and taking other lands from the Creeks. In these two treaties was a provision that the lands so sold should only be occupied by Indians from the plains and freedmen. The Cherokees sold all of their domain west of the ninty-eighth meridian, which should afterwards be occupied by Indians. The wild tribes were to settle there and receive one hundred and sixty acres to each Indian, the United States paying for the amount which might thus be taken. The Choctaws and Chickasaws sold to the United States 7,000,000 acres for $300,000.

The proposition of the people who are called "boomers," and who have gone on that territory without law and in defiance of proclamation, was to ignore the treaties and tear them up and take possession without regard to the rights or interests of the Indians as they then were. Under my resolution they can not do that. My resolution says, and every impulse of my nature says, that these Indians shall be treated with the same standard of honesty as if it were the Government of Great Britain with whom we were treating. So far from outraging the Indians, it protects them. Every line of the resolution is in that direction and no other; and, sir, I undertake to say that there is not one member of the Seminole, or the Creek, or the Cherokee tribes who will not indorse most emphatically the action proposed.

When the Senator talks about using whisky with the chiefs, he can not apply it to myself. I have always denounced such action in any quarter. This is a proposition not only for the protection of the Indians, but it has the sanction of the Secretary of the Interior and the Commissioner of Indian Affairs. This very morning the Commissioner of Indian Affairs thanked me for having introduced this resolution, and said that he had already sent to Congress a recommendation of the same sort of action in regard to these lands. Yet the Senator from Michigan says that this is robbery! Sir, I appeal to the facts.

Mr. CONGER. Mr. President, I do not desire to prolong this discussion when the Senate wishes to go into executive session, and I care less for what the learned Senator from Missouri may have to say about the gross ignorance of gentlemen who differ with him. An assertion of knowledge neither establishes knowledge, nor does the assertion of ignorance establish ignorance.

The Senator goes beyond all the history and traditions and promises and treaties and pretensions of this Government, breaks through them all by his resolution, and proposes at once, whether it is best or not best, that the Secretary of the Interior enter into negotiations through some agent for these Indian lands. That is what I complain of. And when I recite that for two hundred years the whites on this continent have in thousands of instances by fraud, by drunkenness, by corruption, stolen away this part and that part of the vast domain occupied by the Indians and claimed by them, and without waiting for Congress to determine what its policy should be, whether it is best to give up the Indian Territory, whether it is best to confine the tribes to a smaller portion of land, whether it is best to give them one hundred and sixty acres in severalty, the Senator's proposition is for a negotiation hurriedly, no matter what Congress or the people of the United States may think about preserving its good faith with the Indians and its promise to the civilized world that there should be one territory set apart for these Indians, once the occupiers and owners of this whole vast domain. It is proposed to start off an agent to buy their lands. I say the chance is that the old policy of taking and occupying these lands will be renewed here; we are to follow the Rob Roy rule:

Because the good old rule
Sufficeth them, the simple plan,
That they should take who have the power,
And they should keep who can.

That is our policy with the Indians, and that is the natural result of this haste to find out how certain heads of tribes, like this man here, who is said to be the representative of a tribe, can get your money to handle, for the chiefs decide such matters, not the Indians. There are men who have been lingering around this Capitol ever since I have known it, continually coming in here with their plans and projects to do one thing or another thing, and to get away the Indian lands. "I fear the Greeks even bringing gifts," and I fear these representatives of these nations even if they do write to the Senator from Missouri approving his plan.

But, sir, the Senator from Kansas nearest me [Mr. INGALLS] has put his finger upon the knob which rings the bell to all the land. He relies on "manifest destiny." Whether the Senator believes in Providence, I do not know. Whether he believes in an overruling power of the nations and tribes of the earth from the beginning hitherto till now I never yet have been able to understand. But he argues this question as De Quincey argued the question of murder. He argued the question of murder as one of the fine arts. Murder having been viewed as a fine art, the getting of Indian lands may be regarded as a fine art; it is "manifest destiny," inevitable that the white race shall drive the Indians off! The Senator plants himself on that great rule of destiny, which, he says, will control not only our own and the Indian lands, but will spread itself north and south till it brings under the control of our people the North American continent, and soaring with his lively imagination still further, he crosses the tropics and claims that nothing but a hemisphere will satisfy the insatiable demands of fate—not Providence, not a King of nations and a Lord of peoples—not justice, but murder as a fine art, occupying territory as a fine art!

Sir, the Senator from Kansas has read that eloquent description of Lamb in which he explained to the world the discovery of the exquisite flavor and the ineffable attraction of roast pig, how on the vast steppes of Tartary and in the borders of China where the pig and the family resided in the same bamboo house, when the fire came and destroyed the house the family escaped but the pig perished in the ruins, and when this Chinese man or this Tartar man, whichever it may have been, came to search among the ruins to find if anything was left, and removing the ashes, he stuck his finger accidentally into the body of the young suckling roast pig, and cooling it in his mouth he found how delicious the acquisition was. He called his family, his wife and his children, or as the Senator from Kansas would so delightfully express it, his whole family circle, to partake with him of the roast pig. After that was consumed and a new bamboo house builded and new pigs acquired, an increase of stock, inevitable fate, inexorable destiny, compelled that Chinaman when the pig had attained a suitable size for roasting to remove his family and set fire to his building so as to roast the pig. All over those vast plains there was on every still night the burning bamboo house of a Chinaman who had learned how to acquire roast pig by consuming his dwelling to roast it. That is the origin, it is said, of that, and all over that region all kinds of rights are disregarded and all property destroyed that the family may luxuriate in that roasted delicacy.

Now the Senator from Kansas says we have taken these things all along; we have destroyed rights; we have invaded treaties; we have made ourselves obnoxious to the whole civilized world by seizing upon property, and we must keep up that method even though houses be destroyed to gratify our insatiable desire for more territory.

I should like to dwell somewhat upon this, but the Senator from California [Mr. MILLER] indicates in a manner which I can not misunderstand that he is very anxious to go into executive session for some purpose or other, and I yield, as he has been so courteous as to permit me to speak on this subject—I yield to his desire now, and hope he will make his motion, and that this discussion may go on hereafter, for I know the Senator from Missouri desires to reply, and the Senator from Kansas, to the roast pig argument. [Laughter.] I brought up that illustration because it touches a sensitive part of the nature of both my friends. I want them to dwell upon it and prolong the exquisite sensation of enjoyment which such a thing suggests. I have introduced it here to make it the subject of future remarks upon the same line of argument and to connect manifest destiny in regard to seizing Indian lands and the manifest destiny that lights up the vast plains of Tartary and China after the first discovery of the delicacy to which I have alluded.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] that the joint resolution and the pending amendments be referred to the Committee on Indian Affairs.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the act (S. 1625) for the relief of William Bowen.

The message also announced that the President had, on the 21st instant, approved and signed the following acts:

An act (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin; and

An act (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation in the Territory of Utah.

The message further announced that the President had this day approved and signed the following acts:

An act (S. 2045) for the relief of the Eastern Presbyterian church in the District of Columbia;

An act (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army; and

An act (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of E. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860.

EXECUTIVE SESSION.

Mr. MILLER, of California. I now renew my motion.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and thirty-four minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 23, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESENTATION OF FLAG—WOMEN'S SILK-CULTURE ASSOCIATION.

The SPEAKER. At the request of a committee of ladies representing the Women's Silk-Culture Association of the United States, the Chair asks leave to interrupt the regular order of the proceedings this morning for a moment for the purpose of presenting a communication tendering to the United States House of Representatives a silk flag of the United States. The Clerk will read the communication accompanying this flag, and, if there be no objection, it will be printed in the RECORD.

There was no objection.

The communication is as follows:

PHILADELPHIA, *January* 23, 1885.

To the honorable members of the House of Representatives at Washington:

The Women's Silk-Culture Association of the United States, established in Philadelphia in 1880, have since that time demonstrated silk-culture in the United States to a condition and state of progress never before attained, and upon the popularity of which numerous stock companies and individuals have established business centers.

While not deprecating such conditions we do ask that the questions by whom and how was the industry introduced be honestly and properly accredited to its rightful authors, the Women's Silk-Culture Association of the United States, who herewith desire to present to the House of Representatives of the United States at Washington a truly American national flag in the sense that the silk produced for this flag was raised in American homes by American women and children; reeled by the Women's Association at Philadelphia, who are the only reelers of commercial silk in the country up to this time; spun, dyed, woven, and mounted in the city of Philadelphia; and through the liberality of Mrs. C. C. Thum, of the association, who generously offered to defray the expense incurred in producing the flag, the association is enabled to offer it to the national Capitol as a memento of their success in starting silk-culture as an industry for their American sisters. We ask for this flag a place in the Halls of our National Government, that it may bear witness to the faithfulness of our effort and to the quality of our American product, both agricultural and mechanical.

This is not the first fruits of American-grown products. The Garfield brocade, presented to the widow of our late lamented President, was manipulated by our own association, and its wonderfully beautiful quality and design displayed to our statesmen at Washington.

A State and national flag have just been presented to the Legislature at Harrisburg, which were made of native silk grown in the summer of 1883, and passed through all the processes of manufacture in the city of Philadelphia. Besides these national gifts, the association has had American silk worked up into knitting silk, brocade, velvet, gros-grain silk, and chenille; and in every form the quantity and quality have proved a good and profitable result.

For statistics, we refer you to our fourth annual report of 1883 and to the files of the Daily Silk Record, published by the association during the late exhibit. And begging your acceptance and a place of honor for this flag, we also ask that due consideration shall be given this association when the National Government may see fit to aid this industry.

American women are raising silk-worm eggs far superior to foreign breeds. What the industry needs is experimental stations, where the process of culture and reeling shall be established, and where the experience and knowledge of foreign operations shall be united to American talent, industry, and intelligence.

Remember, we are the silk association of the United States; our correspondence, our instructions, and progress belong to nearly every State in the Union. The California association is modeled after our own, but more liberally dealt with by her State.

All the work of our association has been carried on by the most frugal and economical management, but much left undone that could have been done had we the means of accomplishing our aims. Therefore we crave the assurance of future good-will and influence in the interests we have stimulated and planted.

Mrs. JOHN LUCAS, *President.*
Mrs. MATTHEW SIMPSON,
Mrs. CORNELIA C. THUM,
Mrs. WM. B. ELTONHEAD,
Miss PHŒBE HORNE,
Mrs. W. T. REYNOLDS,
Vice-Presidents.
Miss E. T. VAN RENSSELAER, *Recording Secretary.*
Mrs. V. C. HAVEN, *Corresponding Secretary.*
Mrs. H. P. TAYLOR, *Treasurer.*
Mrs. E. V. B. OSBOURN, *P. and S. Committee.*
Mrs. G. W. HALL, *Reel Committee.*

Mr. KELLEY. Mr. Speaker, I desire to offer a resolution in this connection.

The Clerk read as follows:

Resolved, That the House of Representatives accepts the flag prepared for its use, and presented by the Women's Silk-Culture Association of the United States; that the excellence of the fiber and perfection of the colors it displays afford evidence of the remarkably rapid development of the culture and manufacture of silk by the American people, under the auspices of this association of women, and that the House will cause the flag as the national emblem to be displayed within the Hall of the House and preserved as a memorial of the tact and energy of the Women's Silk-Culture Association of the United States.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I demand the regular order.

The SPEAKER. If there be no objection the Chair will lay before the House certain executive communications and personal requests of members.

There was no objection.

FREE PENALTY ENVELOPES.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting a letter from the Third Assistant Postmaster-General asking an appropriation of $4,000 for the purchase of free penalty envelopes from the Post-Office Department for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR AT CLEVELAND, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers, with accompanying papers, relative to the improvement of harbor at Cleveland, Ohio; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WASHINGTON AQUEDUCT.

The SPEAKER also laid before the House a letter from the Attorney-General, recommending the passage of a bill extending the time for one year within which claims for property taken for the Washington Aqueduct may be presented to the Court of Claims; which was referred to the Committee on the District of Columbia, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIS, of Missouri, for two weeks, on account of important business.

ORDER OF BUSINESS.

Mr. TALBOTT. I move to dispense with the morning hour.

Mr. HURD. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

POWER TO ORIGINATE REVENUE BILLS.

Mr. HURD. I offer the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas certain bills, appropriating money from the Treasury of the United States, originating in the Senate, have passed that body and have been sent to this House for its concurrence, which are now upon the Speaker's table, to wit, Senate bill No. 388, entitled "A bill to aid in the establishment and temporary support of common schools," and many others; and

Whereas it is asserted that these bills are in violation of the privilege of this House to exclusively originate bills for raising revenue: Therefore,

Be it resolved, That the Committee on the Judiciary be hereby directed to inquire into the power of the Senate to originate bills appropriating money from the Treasury of the United States, and report to this House at as early a day as practicable. And said committee shall have leave to report at any time.

Mr. RANDALL. I do not object to the resolution except in its latter part, which gives leave to the committee to report at any time.

The SPEAKER. The Chair thinks if this be a matter of privilege at all the committee would have the right to report at any time. The resolution does not refer any bill to the committee, but directs an inquiry to be made.

Mr. TALBOTT. I make the point of order that this is not a privileged question.

The SPEAKER. The Chair will hear any suggestion the gentleman from Maryland [Mr. TALBOTT] has to make on that point.

Mr. TALBOTT. I make the point of order for the simple reason that it is not a question for the Committee on the Judiciary to decide whether or not the power is in this House alone to originate revenue bills. That is a power settled by the Constitution. The gentleman from Ohio has a right to offer his resolution, but I do not think it is in the nature of a privileged resolution at this time. He can only offer it at some time when it would be in regular order.

The SPEAKER. The Chair thinks whenever it is asserted on the floor of the House that the rights or privileges of the House have been invaded or violated by any other body or by any individual, a question of privilege is presented at least to the extent that the Chair is obliged to submit it to the House for its decision. Of course the Chair itself will decide all questions of order arising during legislative proceedings of the House; but when the allegation is made that the rights or privileges of the House collectively have been invaded, that is a question which does not come within the province of the Chair to decide. The House is the custodian and guardian of its own rights and privileges

as a body, and must always possess the power and have the opportunity to determine what those rights and privileges are and whether or not they have been improperly interfered with.

Mr. TALBOTT. I withdraw, then, the point of order.

Mr. WILLIS. I have just come into the Hall, and ask a question for information. Do I understand this resolution is before the House now for its consideration?

The SPEAKER. It is. The gentleman from Ohio, the Chair will state, offers the resolution, which has just been read, alleging that the Senate has passed certain bills appropriating money out of the public Treasury in violation of the constitutional privileges of the House, and directing the Committee on the Judiciary to investigate that question and report its opinion for the information of the House.

Mr. WILLIS. I wish to inquire of the Chair whether it is not in order to move that so much of the resolution as refers to the educational bill be referred to the Committee on Education. If it is, I make that motion.

The SPEAKER. The gentlemen from Ohio [Mr. HURD] has the floor. The gentleman from Kentucky [Mr. WILLIS] can make any proper parliamentary motion when he obtains the floor.

Mr. RANDALL. I withdraw my objection.

The SPEAKER. The gentleman from Ohio has the floor. The Chair overrules the point of order.

Mr. TALBOTT. I withdrew the point of order.

Mr. WHITE, of Kentucky. I wish to inquire whether the gentleman from Ohio is entitled to the floor for an hour on this question; and further, what arrangement, if any, can be made as to the division of time.

The SPEAKER. The Chair does not know whether the gentleman from Ohio proposes to discuss the resolution or to make some further motion in reference to it. But if he desires to discuss the resolution he is entitled to the floor under the rules for one hour.

Mr. REAGAN. With the permission of the gentleman from Ohio I desire to make an inquiry of the Chair. If this resolution should be adopted and the question be referred to the Committee on the Judiciary, would the bills embraced in and named by the resolution come before the House for action, or would the committee simply report on the question referred to them?

The SPEAKER. The resolution does not propose to refer any bill. It proposes to refer merely the question of privilege.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Will the effect of this question being referred to the Judiciary Committee be to prevent the consideration of the Blair bill, as it is called—the educational bill—in its regular order?

The SPEAKER. Not at all. If the House wishes it can consider it.

Mr. HURD. Mr. Speaker, I desire to submit a few remarks upon the resolution just read. If any apology were necessary for my thus trespassing upon the attention of the House it shall be found in the importance of the constitutional questions involved and the necessity of deciding them now. By others the task might better have been undertaken than by me; but as no one else has seemed disposed to offer this resolution, a sense of duty has impelled me, even at the risk of some criticism, to present it, and with it my views of the subject to which it relates.

For several years I have observed with apprehension the increasing number of appropriation bills originating in the Senate, but so long as they related to private or local interests and completed their work in a single act of expenditure I have not interposed an objection. But when bills proposing to appropriate more than seventy millions of dollars for great public purposes and involving annual expenditure for many years to come originated in the Senate, then I felt that the time had come to decide finally whether or not that body possessed any such power.

This subject has been in dispute on several occasions between the two Houses, but no determination has ever been reached by this House, and it is to-day apparently as far from settlement as ever.

There is no proposition affecting the privileges of this House of greater importance. It involves the boundary lines between the legislative functions of the two branches of the Federal Congress. It touches the most valuable prerogative of legislation—the power of appropriating money. It affects in an especial way the rights of the people, who are most deeply concerned in the methods of expending the sums realized from taxation. It brings to the public attention the history of English parliamentary growth. It presents the question of how far the principles of that development have been applied in the formation of our institutions. It imposes upon us the duty as the immediate representatives of the people to decide whether the great power of the House of Commons for the protection of popular rights was given to this body. If we find we possess it, then the obligation is devolved upon us to maintain and uphold it, with the same spirit, courage, and love of liberty which have illustrated the history in that regard of the popular branch of the British Parliament.

There is no dispute that bills may originate in the Senate as well as in the House, except as provided in section 7 of article 1 of the Constitution. The language of the first paragraph of that section is:

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The question thus directly presented in the resolution I have offered is: Are bills appropriating money bills for raising revenue? I maintain that they are, and ask the House to consider the reasons which have brought my mind to this conclusion.

In the first place, this will appear by reflecting upon the true signification of the word revenue. But at the threshold it will be well to state with accuracy the meaning of the term to be employed in this discussion. An appropriation bill is one specifically setting aside for certain purposes sums of money realized from taxation. A bill raising revenue is a bill making or creating revenue. Revenue is the annual income of a government derived from taxation and made available by constitutional methods for the public use.

Taxation does not make the money collected revenue. It is not sufficient that it shall have been taken by public power from the property of the citizen. It is not revenue until the Government can draw it from the Treasury and use it. The public coffers might be full of money raised by taxation, but not one dollar of it is revenue unless it can be applied to the payment of governmental expense. Of what avail to a State would an overflowing exchequer be without the power to expend a cent it contains?

Worcester defines revenue to be "the income of a nation or state derived from duties, taxes, and other sources, for the payment of national expenses." In substance this is the same as the definition given by Webster. These show that that income only is revenue which is available for the payment of national expenses. The purpose for which the tax was levied does not fix its character as revenue, but its availability for use in discharge of national obligations.

As authority for his definition, Worcester refers to Brande's Dictionary of Science and Art, where revenue is thus defined:

The name given to the income of a state, derived from the customs, excises, taxations, and other sources, and appropriated to the payment of the national expenses.

This definition is followed in the Universal Dictionary, the present standard in Great Britain, in these words: "Revenue is the annual income of a state, derived from the taxation, customs, excises, and other sources, and appropriated to the payment of the national expenses."

No other definition would be consistent with the facts of English history, out of which have grown the methods of furnishing support to that government. The revenue for the Crown of Great Britain is either ordinary or extraordinary. The former is attached to it by hereditary right; the latter is specially granted by Parliament as a supply for national purposes. The ordinary revenues became less and less valuable in the progress of time. Then the extraordinary ones were resorted to to supply the deficiency and make up the amount necessary for the expenses of the government. The foundation of these was the parliamentary grant; and without it the only source of governmental support was the income from property owned by the Crown by hereditary title. Money, therefore, to become revenue to the King, must have been granted to him by the commons. It is true that for many years he had the privilege of expending it as he pleased, but he could not spend it until it had been granted. The levying of the tax, the collecting it, the depositing it in the treasury, all were not sufficient to make the money realized royal revenue; these were merely the preliminary steps. The essential act to constitute it revenue was the grant, without which not one single farthing could have been used for the national expenses. As will be shown hereafter, the appropriation grew to be a necessary part of the grant, so that at the time of the formation of our Constitution, and for more than a century before, there could have been no extraordinary revenue in Great Britain for the Crown which had not been appropriated for specified purposes by the house of commons.

The definitions cited, therefore, rightly declare an appropriation to be a necessary step to the creation of revenue. A bill of appropriation is a bill raising revenue; and since the word "revenue" must be held to be employed in the Constitution in its then ordinarily accepted sense, such a bill must originate in the House.

Secondly. The proceedings in the constitutional convention show very plainly that this term was used in its usual sense as including bills of appropriation as well as tax bills.

The first provision on this subject in the convention appeared in the plan of Mr. Charles Pinckney, as follows:

All money bills of every kind shall originate in the House of Delegates, and shall not be altered by the Senate.—*Madison Papers*, page 129.

After debate proceeded for some time, it was found that great differences of opinion had arisen, which it was proposed to refer to a committee of compromise. The committee was appointed with Mr. Gerry as chairman, who reported a recommendation to the convention, which upon this point contained the following provision:

All bills for raising or appropriating money * * * shall originate in the first branch of the legislature and shall not be altered or amended in the second branch.—*Madison Papers*, 274.

The report was in substance accepted by the convention in these words:

All bills for raising or appropriating money shall originate in the first branch of the legislature and shall not be altered or amended in the Senate.—*Madison Papers*, page 316.

In the same phrase it was referred to the committee on detail (Madi-

son Papers, page 375), who reported it back to the convention in the following form:

SEC. 5 (article 4). All bills for raising or appropriating money shall originate in the House of Representatives, and shall not be altered or amended in the Senate.

Upon first consideration this section was stricken out by a vote of 7 States to 4. Afterward it was reconsidered, and Mr. Randolph moved to amend so that it would read:

Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives, and shall not be amended or altered in the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation.—*Madison Papers*, page 414.

A further amendment was proposed by Mr. Strong (Madison Papers, page 427):

Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue and appropriating the same, which shall originate in the House of Representatives, but the Senate may propose or concur with amendments as in other cases.

The committee of eleven reported the final draught, as follows:

All bills for raising revenue shall originate in the House of Representatives and shall be subject to alteration or amendment in the Senate.

This was adopted with an amendment striking out the last clause and inserting:

But the senate may propose or concur with amendments as in other bills.

The first appearance of the word "revenue" in this connection in the convention was in the proposition of Mr. Randolph. It was also offered in nearly the same phrase in the amendment of Mr. Strong. The language in both is, "All bills raising money for the purpose of revenue, and appropriating the same, shall originate in the House." Changing the words a little, in accordance with their grammatical construction, we will make the meaning clearer. It would then read, "All bills raising or appropriating money for the purposes of revenue." This shows that the propositions proceeded upon the theory that appropriation bills were as necessary to make money revenue as tax bills.

This, too, must have been the opinion of the committee of eleven, to whom the subject was referred. They had before them all the propositions which had been submitted to the convention. These were: "All money bills of every kind;" "All bills for raising or appropriating money," and "All bills for raising money for the purpose of revenue and appropriating the same." For all of them they substituted the phrase approved by the convention, "All bills for raising revenue."

What did this change signify? Certainly more than the mere raising of money, for, with that phrase in so many propositions before them, they could easily have adopted it if nothing more had been meant. What then more than merely raising money was intended? Manifestly as much more than that as may be included in the meaning of the word "revenue," which, as I have shown, is the appropriation of money.

Persons who insist upon the possession of the power over appropriations by the Senate read this section as though it said all bills raising money. It does not so declare. It is all bills raising revenue. The raising of money is one thing, the raising of revenue is another. To do the one, taxation only is necessary; to do the other, appropriation in addition is required.

In substituting bills for raising revenue for the other propositions before it the convention must have designed either to deny to the House the exclusive power of originating appropriation bills or to include that power in the phrase. I believe that it was their intention to do the latter.

Every proposition before it upon the subject included bills of appropriations. If it were not the purpose to retain them in the provision as finally adopted, surely some discussion would have occurred in the convention about it. Those who had introduced propositions giving the power to the House would have objected to a proposition omitting it altogether. In the debates the proposition, as presented by the committee of revision, was treated as the equivalent of those which had been previously submitted. The same phrase was applied to both, and all through the discussion the bills referred to were called "money bills."

The silence of the convention is incomprehensible if power over appropriation bills was not given to the House by this section. It is easily understood if it is held that the phrase as finally adopted was intended to include bills appropriating as well as those raising money.

Thirdly, it was the manifest purpose of the framers of the Constitution to confer upon the House of Representatives the same power over bills of revenue possessed by the house of commons. The debates upon this subject were full of references to English parliamentary history. The contests in which the commons had been engaged for the origination of money bills were well known to every member of the convention. The importance of this power was thoroughly appreciated, and the desirability of incorporating it into our own system in some form or other was conceded on all sides. A knowledge therefore of the nature of this power in Great Britain will show its extent and limitations in our own Constitution.

That at the time of the adoption of that instrument the commons possessed the exclusive right to originate appropriation bills can not be successfully controverted.

Prior to the reign of Charles the Second the grants of supplies were rarely limited to particular methods of expenditure. The whole control over this was left to the King. But the commons, growing jealous of the use of money for purposes which they had not approved, insisted upon specifying the objects of their grant. After a long struggle between them and the King they finally succeeded in 1678 in establishing the principle for which they had contended in the following words:

That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the commons, and that it is the undoubted and sole right of the commons to direct, limit, and appoint in such bill the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the house of lords.

Todd, in his work on Parliamentary Government, page 1526, says:

The constitutional rule that the sums granted and appropriated by the commons for any special service should be applied by the executive power only to defray the expense of that service, although not wholly unrecognizable in earlier times, was first distinctly enunciated and partially enforced after the restoration. But it was not until the resolution of 1678 that this great principle was firmly established and incorporated into the system of parliamentary government.

On this subject May, in volume 2, 469, of his Parliamentary History, says:

For centuries they (the commons) had resented any meddling of the other house with matters of supplies, and in the reign of Charles II they successfully maintained their exclusive right to determine as to the matter, the measure, and the time of every tax imposed upon the people. In the same reign they began to scrutinize the public expenditure and introduced the salutary practice of appropriating their grants to particular purposes.

In Hearn's British Government, page 343, it is said:

From that time [Dutch war of 1665] the appropriation of parliamentary supplies became an undisputed principle. It was recognized during the reign of Charles and James, and from the time of the revolution has been invariable.

It would be idle to make further quotations. All the commentators on the English constitution agree that from 1678 the practice of the commons had been uniform, to accompany their grants with a clause appropriating them to specific purposes. This provision was usually attached to the supply bill at the end of the session. The method of procedure was as follows:

First, the tax bill, or the ways and means, was passed; then the various grants were made in supply bill; and at last these grants were incorporated in a single bill, to which the following clause was attached:

That the said aids and supplies shall not be issued or applied to any use, intent, or purpose other than those before mentioned.

This was the appropriation bill. It was a part of the supply bill, and must from the necessities of the case have originated in the house of commons, where alone the supply bill could originate. The appropriation was not an independent act of itself; it was an incident to the grant; and for more than a century before the adoption of our Constitution neither the King nor the lords disputed their right to originate the one more than the other.

That this was well known to the founders of our Government was shown by the fact that every proposition relating to this subject contained a provision as to bills appropriating money. It was the provision of the English constitution, which was before them; and all the current history of the times, as well as the debates in the different conventions of the States, show the purpose to incorporate this principle into our system.

In the conventions of the States the question was very fully considered. The bills everywhere were called money bills.

In Massachusetts Mr. Parsons said:

Under the Constitution an equal representation immediately from the people is introduced, who, by their negative and exclusive right of originating money bills, have the power to control the Senate, where the sovereignty of the States is represented.—3 *Elliott's Debates*, 108.

In Pennsylvania (3 Elliott, 418) Mr. Wilson said:

Money bills must originate in the House of Representatives.

In North Carolina (4 Elliott, 144) Mr. Iredell said:

Yet under these disadvantages they (the commons), having the sole power of originating bills it has been found that the power of the King and the lords is much less considerable than theirs. * * * If, under such circumstances, such representatives, mere shadows of representatives, by having the power of the purse and the sacred name of the people to rely upon, are an overmatch for the King and lords who have such great hereditary qualifications, we may safely conclude that our own representatives, who will be genuine representatives of the people and having equally the right of originating money bills, will at least be a match for the Senate, possessing qualifications so inferior to those of the house of lords in England.

Mr. Madison said in the First Congress:

The Constitution places the power in the House of originating money bills.

Mr. Hamilton says, in the fifty-eighth number of the Federalist:

The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse, that powerful instrument by which we behold, in the history of the British constitution, an infant and humble representative of the people gradually increasing the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

In Tucker's Appendix to Blackstone's Commentaries, volume 1, page 215:

The exclusive privileges of the house of commons and of our House of Representatives, with some small variations, are the same. The part relating to money bills, in which no amendment is permitted to be made in the house of lords, is modified in our Constitution so as to give the Senate a concurrent right in every respect, except in the power of originating them.

Further citations would be useless. It is sufficient to say that the defenders of the Constitution in the States, the members of the earlier Congresses, and nearly every commentator upon that instrument refer to bills for raising revenue as money bills, and possessing the same qualities as those which the commons could exclusively originate.

What, then, were "money bills?" Cushing, in his work on Parliamentary Law, says that "money bills" are bills raising money and bills making appropriations.

Todd defines them as follows:

Money bills are of three kinds: tax bills, supply bills, and bills making appropriations.

Can it be doubted that when the founders of the Constitution so persistently spoke of revenue bills as money bills, they meant to include bills of appropriation?

Fourthly, consider also the provision of the Constitution by which the power of appropriation is granted.

Section 8 of article 1 provides that "the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."

If the power of appropriation is not granted here, it can not be found in the Constitution. The best authorities agree that it is contained in this clause. It will be observed that it does not possess any of the characteristics of a distinct and original power. It is secondary and incidental. The chief and principal power, that of raising money, is granted in the first clause; the subsidiary one, that of appropriating the money, is granted in the second; to pay the debts of the United States and to provide for the common defense and general welfare is the language used to indicate the purposes to which the money may be applied. The power to appropriate, therefore, is purely incidental to the power to tax. The former is granted to complete and perfect the latter. They are inseparable, and it was proper that both should be conferred by the same clause.

Whatever affects the first power must affect the latter. Whatever limits in the methods of legislation the one must limit the other, because the one is a part of the other. The money is raised to pay the debts of the United States. The taxes are imposed to provide for the common defense and the general welfare. It is conceded that bills raising money must originate in the House, the bills providing for the exercise of the supplementary and incidental power must likewise originate there.

This view meets with the approval of President Monroe in his message as to the repairs of the Cumberland road in 1822:

If we look to the second branch of this power, that which authorizes the appropriation of money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to "pay debts and provide for the common defense and general welfare" could not have been used. So intimately connected with and dependent on each other are these two branches of power, that had either been limited the limitation would have had a like effect on the other. Had the power to raise money been conditioned or restricted to special purposes, the appropriation must have corresponded with it.

It is not disputed that the exercise of the power of raising money is conditioned upon the origination of the bills relating to it in the House. On the authority of President Monroe, appropriation bills must be subject to the same condition. Since the formation of the Constitution no general appropriation bill has originated in the Senate which has become a law. In 1857 the Senate originated such a bill, but the House utterly ignored it and originated its own bill as usual. It is true that many personal and local bills making appropriations have originated in the Senate; but they can not establish the doctrine that this power attaches to that body when confronted by the unvarying usage that the House has originated all general appropriation bills.

With the single exception referred to, which the House ignored, the Senate has awaited the bills of the House before it has undertaken to deal with the subject of general appropriations.

Mr. HERBERT. May I ask the gentleman a question?

Mr. HURD. Certainly.

Mr. HERBERT. I wish to state, in the first place, that there has been, perhaps, not a single session of Congress since the foundation of the Government in which the Senate has not originated a special appropriation bill which has been passed by the House, as the gentleman himself has admitted. Now, my question is, what distinction can he gather from the Constitution between the right of the Senate to originate a bill appropriating a specific sum of money for a specific purpose and its right to appropriate a specific sum, as in the case of the educational bill, for a general purpose. I ask him, therefore, what provision of the Constitution makes the distinction or difference between the two rights of appropriating; and when he says that all of these exceptions are not sufficient to establish a precedent, I ask him to point out what can establish a precedent for the construction of the Constitution if the uniform action of the Congress during every session from the establishment of the Government until the present time is not sufficient for that purpose?

Mr. HURD. The gentleman from Alabama misapprehends me very strangely indeed if he thinks I made any distinction between the two. I deny the power of the Senate to originate any bill of appropriations, whether one of a personal or local character, applying the appropriation to specific purposes, or a bill of a general character; in other words, a general appropriation bill. What I do say is that the consenting of prior Houses of Representatives to a departure from the Constitution, and the passage by the House of special appropriation bills originating in the Senate, do not amount to a surrender on the part of the House of the great prerogative it possesses over this subject, if it really does possess it.

Mr. Speaker, the word "appropriation" occurs but twice in the Constitution. Section 7 of article 1 provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

Money insusceptible of being drawn from the Treasury can not be revenue. To take it from the Treasury requires an appropriation. An appropriation bill is therefore a bill raising revenue and must originate in the House.

In section 8 of article 1 it is provided that no appropriation of money for the Army shall be for a longer time than two years. In passing, I desire to say that if the word "revenue" is to have the restricted meaning claimed for it by others, that it would have been more consistent to have said no revenue shall be drawn from the Treasury, and that no appropriation of revenue for the Army shall be for a longer time than two years.

Mr. Speaker, the consequences to follow the adoption of the other view would in my judgment be destructive of the objects contemplated in the section under discussion. The purpose of this clause of the Constitution, Mr. Madison said, was "to make the House the guardian of the public money." Very little power for the accomplishment of this will have been granted if it is to be confined to bills of taxation.

The authority over expenditure is at least of equal importance. To give to the House the power to pass bills raising money and to the Senate power to expend it will be to control the grants of the former through the debts of the latter. To give to the House the right to originate bills of taxation and to the Senate the right to originate appropriation bills will be to enable the latter to control the discretion of the other in presenting tax bills. It may be said that no appropriation could then be made until it had been passed and approved by the House. To this I reply that it is the power of origination which has been regarded as of so much importance in this connection. The authority of the House over this subject will be of little value and be little respected if the Senate is to exercise the power contended for.

It must be remembered that bills fixing the nature and rate of taxation are only adopted once in ten or fifteen years. Few changes are made in them until a new system is inaugurated. If the Senate has concurrent power with the House over appropriations, then the latter during these long periods will have but little exclusive power over the purse, for in the expenditure of the money which the tax bill gathers annually into the Treasury the Senate will have equal authority with the House.

Mr. Speaker, there can be no good reason given why the Constitution was not intended to grant to this House the power of the English commons. This was the power before the minds of the framers of that instrument. They knew its object and history. It had been and was then the highest prerogative of the commons. It had found that body insignificant in influence and despised; it made it the most important element in British public affairs. It was the bulwark against the encroachments of the lords and protection against the despotic tendencies of royalty. It compelled the former to await their pleasure in originating the most important measures of legislation, and made the latter dependent upon their will for the necessary support of the public administration.

The most splendid page in British parliamentary history is that which records the struggle of the commons for this power over money bills. Charles the First lost his head and James the Second his throne because they would not permit an invasion of this prerogative. Neither the threats nor corruption of royalty swerved them. With this power in their hands they stood to stay the flood of usurpation which threatened to swallow up popular rights. Stronger than kings, more potential than hereditary nobility, they were the protectors of the people, whose taxes they granted or withheld at their own uncontrolled pleasure. Both were compelled to respect them, because neither was able to take a step in the administration of the government without the means which they had the power to retain.

As a result the majesty of Great Britain does not appear in the splendors of her throne, nor in the illustrious names of her nobility, but in the sturdy commons, whose authority over money, even now, brings terror to titles and complaisance to the Crown.

Remember that this power does not relate merely to taxation, but includes appropriation and the fixing of the ends and methods of public expenditure. It is this very power, except as it may be subject to

the right to amendment in the Senate, which I believe is reposed in this House to-day, not merely a power to originate the methods of taxation, but the methods of expenditure and the limits within which both shall operate.

No greater power was ever given the representatives of a people for the preservation of the rights of their constituency. It is the most potent instrumentality in resisting executive usurpation. It is at once the evidence of the supremacy of the people and the most effective weapon by which it may be maintained.

Shall we be less careful of it than the subjects of a monarchy? Shall this body, in the very air of freedom, be less jealous guardians of it than the commons of England, where kings and hereditary right and royal prerogatives are? Shall we, the real representatives of the people, here permit this great power to become weak in our hands, while there the shadows of representatives have made it the most potent agency for popular rights in the English system?

We will be recreant to the highest trust ever possessed by men in their representative capacity if we are careless or indifferent. We will be the betrayers, not the representatives, of our constitutents. If we surrender it now, we lose in a day for freedom what it took centuries to win and which years of effort may not regain.

Mr. Speaker, we can not go far astray when we walk in the paths which have been blazed for us by the pioneers of freedom. Precedents born in conflict and formed in the perils of men's lives can never be cast aside because apparently useless. You can only preserve liberty by preserving its muniments. Of these there is no one more important than the control of the people's money by the people's representatives. I have no fear that this House will be indifferent to this its highest privilege, and I am sure that when the hour of determination comes, it will decide, as it only can consistently with its dignity, for itself, its prerogative, and the people. [Applause].

Mr. REED and Mr. WILLIS addressed the Chair.

Mr. HURD. I am willing to yield my remaining time to any gentleman who desires to speak upon this question.

Mr. REED. Mr. Speaker, I would like to occupy the time, but I announce to the gentleman from Ohio it will be in opposition to the view he has presented here.

Mr. WILLIS. Mr. Speaker, am I recognized?

The SPEAKER. The Chair will recognize the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. I yield ten minutes of the remaining time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, it is impossible in ten minutes to argue such a question as this; therefore, instead of making any effort at a reply in detail to the gentleman from Ohio, I propose to call the attention of the House to certain facts in connection with this general question.

The gentleman from Ohio [Mr. HURD] said that he had been content in the past to allow appropriations originating in the Senate for specific objects, which appropriations were ended when the objects were accomplished, to pass unchallenged. The gentleman's memory is at fault. He did make such a challenge in the third session of the Forty-sixth Congress, in 1881, on the consideration of the Senate bill to authorize the Secretary of the Treasury to purchase additional lots of ground adjoining the new building of the Bureau of Printing and Engraving. The gentleman from Ohio, then a member of the Judiciary Committee, raised this same point and had it referred to the Judiciary Committee for adjudication.

Mr. HURD. Will the gentleman allow me to interrupt him?

Mr. HAMMOND. Yes.

Mr. HURD. I did not raise the point. Somebody else raised the point, and it was referred by that person, whoever he was, to the Committee on the Judiciary.

Mr. HAMMOND. I may be inaccurate as to that. But of the fifteen gentlemen who composed that committee ten decided that the Senate had the right not only to originate that bill, but all bills of like character. I will ask the Clerk to read the section of the report of that committee which I have marked.

The Clerk read as follows:

That clause [of the Constitution] provides that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills." And if the words in which it is expressed are to be taken in their ordinary acceptation, as required by the primary canon of legal interpretation, it is difficult to conceive how there could possibly be two opinions as to the idea they were intended to convey, for certainly the distinction between raising revenue and disposing of it after it has been raised is sufficiently obvious to be understood by even the commonest capacity.

Mr. HAMMOND. That was the judgment of ten members of the Judiciary Committee, delivered to this House on the 2d day of February, 1881. Of the members of that committee still in the House are Messrs. CONVERSE, HERBERT, TAYLOR, REED, CULBERTSON, and myself. Of the members of that committee who are not at present in the House were Mr. Robinson, now governor of Massachusetts, and Mr. Knott, now governor of Kentucky. As is suggested to me, Mr. Willits, of Michigan, not now in the House, was also of that committee.

The minority were Messrs. HURD, House, Ryan, LAPHAM, and Williams, all now out of Congress except Mr. HURD and Senator LAPHAM. If the Judiciary Committee of to-day were polled on this floor without the reference of this matter to them upon the law questions, without putting them to the trouble of recalling the learning on this subject and printing it, I venture the assertion that by a vote of two-thirds they would now say that the Senate can originate an appropriation bill.

To the gentleman's appeal to history I now reply by a single quotation.

The proposition as proposed in the convention by Mr. Randolph read this way:

Bills for raising money for the purpose of revenue, and for appropriating the same, shall originate in the House of Representatives, and shall not be so amended or altered by the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation.

The words "for appropriating the same" were stricken out by a vote, and so were the other words of like import. And yet the gentleman from Ohio tells us that the very words that were thus stricken out remain there to-day in the meaning of the word "revenue." Who talks about the "revenue" of a nation in any other sense than that of its income? "Raising revenue" is bringing up money from the pockets of the people to the exchequer of the Government, and the constitutional convention limited the prerogative of the House to that. It did not extend it to appropriations.

Mr. Speaker, as I have remarked, I can not argue this matter now. I will ask before I sit down the privilege of elaborating my remarks, because it is important the question should be fully presented, and because with further time I can produce some pertinent history touching this matter. I desire now, however, in my limited time, simply to call attention to the fact that more than one-half of the appropriation bills that this Government has ever had originated in the Senate. True, we derive our origin from the British Government; but we have departed from their theory in many particulars. Gentlemen who have read British history must remember that the "money bill" in Parliament carried with it the raising of the revenue and its appropriation both in the same bill. Hence in England they can not appropriate money which is raised by taxation unless the bill is started in the house of commons, because the same bill does both things. That is not true in this country; with us bills "raising revenue" and bills appropriating money are wholly separate.

Again, one of the ways of raising the "revenue" of the British King, as Blackstone calls it, is the post-office department. Yet the Post-Office Department of the United States was created by a bill which originated in the Senate of the United States within a very short time after the adoption of the Constitution.

It will not do for the House to yield any privilege which it has. It will not do for the House to grasp any privilege which it has not. The Constitution must be interpreted like any other instrument of writing. Suppose in making a contract the first draught contained certain words; suppose after deliberation it be decided and expressed in writing that those words be stricken out; do you tell me that after this either party could with any degree of fairness or honesty say that those words were retained because some man says the meaning of a certain word left embraces that idea?

Now under the permission allowed me by the House let us look more deliberately into this matter.

Our Constitution declares that—

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article 1, section 1.)

And—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. (*Ibid.*, section 7, paragraph 1.)

Some of the sources of revenue were nominated in the Constitution, such as the Congressional "power to lay and collect taxes, duties, imposts, and excises" (*Ibid.*, section 8, paragraph 1), and forfeitures of estates for treason (article 3, section 3, paragraph 2). Other sources were furnished by the powers of coining money, regulating commerce, establishing post-offices and post-roads, &c.

The proceeds of public lands or property captured in war; fines and penalties for violations of law or breaches of contracts all added to our revenues.

So money was put into the Treasury. To get it out of the Treasury the Constitution declared—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

This recital seems to settle the question, for it is only bills "raising revenue" which must originate in the House.

But it is claimed the "bills for raising revenue" include appropriation bills, because the income of the Government is not "revenue" until appropriated; that by its history, &c., "revenue" has that technical meaning.

Archerly's Britannic Constitution, published in 1727, called the bill of 1640 "a money bill." The commons journal called that of 1660 "a bill concerning money."

The bills of 1671 were called "bills of money." The bill of 1678 was known as "the grand money bill." It was bills levying taxes which Blackstone called in 1765 money bills. (1 Blackstone's Commentaries, 169.) "Money bills" was the name of taxing bills in the constitutions of Delaware, Maryland, New Jersey, South Carolina, and Virginia in 1776, of Massachusetts in 1780, and of New Hampshire in 1784. I believe that no specific mention of such bills was made in the early constitutions of the others of the original thirteen States. The words "bills for raising revenue" have no history prior to our constitutional convention. They first appeared in that instrument.

Before 1345 the lords granted of their money what they pleased and the commons of theirs what they pleased. Neither consulted the other house. The King used the revenue so raised as he pleased. Later Parliament began to appropriate money by law and to specific uses in the same bills which raised the revenues. Then it was that the commons claimed the exclusive right to originate such bills, and "that the lords could not make any amendment in bills sent up to them for imposing directly or indirectly a charge upon the people." (3 Hallam's Constitutional History, 27–29.) In 1671 the commons resolved that "in all aids given to the King by the commons the rate or tax ought not to be altered by the lords." (May's Parliamentary Practice, 537.)

The famous resolution of 1678 was:

That all aids and supplies and aids to His Majesty in Parliament, are the sole gift of the commons, and all bills for the granting of such aids and supplies ought to begin with the commons; and that it is the undoubted and sole right of the commons to direct, limit, and appoint in such bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the house of lords.

May, in discussing this resolution as the basis of parliamentary action, said:

Even in bills not confined to matters of aid or taxation, but in which pecuniary burdens are imposed upon the people, the lords may make any amendment, provided it did not increase rates, &c.

But he adds:

The principle of excluding the lords from interference has even been pressed so far by the commons that when the lords have sent messages for reports and papers relative to taxation the commons evaded sending them. (*Ibid.*, 5, 11.)

Leon Levi, in his work on taxation, published in 1860, commenting on this resolution of 1678 (at page 242) said there was established the rules, "first, that all bills for the purposes of taxation or containing clauses imposing a tax must originate in the house of commons and not in the house of lords," &c. The noted protest of the lords about "tacking" was because of "the joining together in a money bill things totally foreign to the methods of raising money and to the granting and qualification of the sums raised," &c.

The provisions that all "money bills" must originate in the house and could not be amended in the senate or council was in the constitutions of New Jersey, South Carolina, and Virginia. The senate could only reject, as in England could the lords. But the constitutions of Delaware, Maryland, and those of Massachusetts in 1780 and of New Hampshire of 1784 had no such restriction. The language of the two last were:

All money bills shall originate in the house of representatives, but the senate may propose or concur with amendments as on other bills.

The third volume of Hatsell on the British Constitution was published in 1785. On this subject he said:

The house of commons have on their part asserted, and I believe invariably preserved, the exclusive exercise of the right that bills of supply imposing burdens on the people should be the grant of the commons, and that the lords should have no other voice than as one branch of the legislature, by their assent, to give the authority of a law to the laying of those aids and taxes which the commons shall think wise and fitting to impose. (3 Hatsell, 125.)

Blackstone's Commentaries were published in 1766 and distributed here soon after publication. He said the commons would not "permit the least alteration or amendment to be made by the lords to the mode of taxing the people by a money bill." He defined "money bills" thus:

Under which appellation are included all bills by which money is directed to be raised upon the subject for any purpose whatsoever. * * * (1 Blackstone's Commentaries, 169).

The lords conceded to the house of commons the exclusive right to originate bills raising revenue—that is, imposing burdens on the people—but declared:

We can not allow the disposition as well as the granting of money by act of Parliament to have been solely in the house of commons.

This was reiterated in 1702, 1708, 1719, 1733, and 1736. The house of commons avoided a decision of the issue by uniformly putting the "disposition" along with the "granting" in the same bills.

It is plain from the foregoing that "money bills" in England then meant bills by which revenue was raised and by practice simultaneously granted to the King upon terms specified therein. Whether that practice was wise and best remained an open question between the houses of lords and commons when our constitutional convention met in 1787. The members of that convention knew that history. They understood its philosophy. No subject had been so much studied in the Colonies as taxation. It had forced the Revolution upon them. The inefficient means for raising revenue provided by the Confederation had caused deep and anxious inquiry into the whole subject.

Thus informed, our constitution-makers met in May. On the 29th two propositions for defining the legislative powers were submitted. Each provided for a Senate and House of Representatives. Mr. Randolph proposed:

That each branch ought to possess the right to originate acts.—*Elliott's Debates*, 144.

Mr. Pinckney proposed:

All money bills of every kind shall originate in the House of Representatives and shall not be altered by the Senate.—*Ibid.*, 146.

By that unlimited and that limited proposal the issue was fairly joined.

The convention adopted Mr. Randolph's proposition on the 31st of May. (*Ibid.*, 153.) And so it stood till the 13th of June, when Mr. Gerry moved to add to it: "Excepting money bills, which shall originate in the first branch of the national Legislature." That was rejected by a vote of eight States to three. (*Ibid.*, 174.) On the 13th of June the committee of the whole reported in favor of Mr. Randolph's proposition, and on the 26th of June it was unanimously adopted. (*Ibid.*, 181–191.)

Then the question of representation had to be adjusted, and it and the "money-bill" question were submitted to a committee of one from each State. On the 5th of July they recommended the following proposition:

1. That in the first branch of the Legislature each of the States now in the Union be allowed one member for every 40,000 inhabitants of the description reported in the seventh resolution of the committee of the whole house; that each State not containing that number shall be allowed one member; that all bills for raising revenue or appropriating money and for fixing the salaries of the officers of the Government of the United States shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the Treasury but in pursuance of appropriations to be originated by the first branch.

2. That in the second branch of the Legislature each State shall have an equal vote.—*Ibid.*, 194.

On the 6th of July the proposition as to representation was submitted to a committee, and that as to "money bills" was adopted by five States. Three voted against it and three divided their votes. (*Ibid.*, 195, 96.) On the 16th of July a committee reported as to representation, taxation, &c. It reported as to money bills in the exact words last quoted, except that the words "of the United States" were added after "Legislature." (*Ibid.*, 206.) On the 26th of July the whole matter went to a committee on details. They reported the clause as last quoted.

Mr. Randolph, after his proposition was rejected, moved to make the clause read:

Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives.—*Madison Papers*, 1305.

On the 8th of September the clauses as now in the Constitution were substituted for the one adopted on the 6th of July. They were separated for the sake of order only.

THE HISTORY SINCE THE ADOPTION OF THE CONSTITUTION.

Frequent conflicts have arisen over bills "for raising revenue," that is, for imposing burdens upon the people; and by confounding the two false ideas are formed.

In the first Congress, in 1789, the question was upon authorizing a Secretary to report to the House plans for obtaining money. It was resisted upon the idea that the House should determine that for itself. The Senate was not concerned in that matter. In 1833 Clay offered in the Senate a bill to change the tariff. It was opposed in the Senate and defeated there, because it infringed upon the privileges of the House to originate "bills for raising revenue." Mr. Webster called it a "money bill."

In 1843 Mr. McDuffie in the Senate sought to revive the tariff act of 1833, but it failed in the Senate for the same reason. Neither of those bills ever were before the House. But in 1837 the House refused to act upon a Senate bill to issue United States Treasury notes, and in 1871 the House refused to consider the Senate bill to repeal the part of the act of 14th of July, 1871, "to reduce internal taxation" * * * which applied to income taxes. In the first two the Senate was right in respecting, and in the other two the House was right in claiming, the exclusive privilege of originating such bills; for they affected the revenue or taxation. In the debate on the last one Mr. Garfield's speech correctly stated the rule thus, namely:

The whole history of the subject leads to the inevitable conclusion "that this clause of the Constitution confers absolutely and exclusively upon the House the right to inaugurate all measures for the imposition, regulation, increase, diminution, or repeal of taxes." The question was not as to the "appropriation of money," but as to "raising revenue." Like questions have arisen since with like results. If there was a departure, it was when the House submitted to the present tariff act. In none of them was there any question as to paying out or appropriating money. So far as I am informed that question has arisen but twice before this. Once was when Mr. Knott and nine others of the Judiciary Committee, in 1881, reported against the claim of exclusive right in the House to originate a bill authorizing the purchase of land, and the gentleman from Ohio [Mr. HURD] and four others made a minority report. No action was taken upon the reports in that case.

The other case arose in 1855–'56. The importance of the subject justifies if it does not demand notice of its history. On the 11th of Decem-

ber, 1855, in the Senate, Mr. Brodhead, of Pennsylvania, submitted the following resolution:

Resolved, That the Committee on Finance be directed to inquire into the expediency of reporting the appropriation bills for the support of the Government, or adopting other measures with a view to obtaining more speedy action on said bills.—*Congressional Globe*, Thirty-fourth Congress, first session, page 16.

On the 7th of January, 1856, he called it up, and, after a full review, concluded that "the only restriction upon the power of the Senate to originate bills is confined to bills for raising revenue, and we have full power to originate all others, the appropriation bills not excepted."

Mr. Clayton, of Delaware, said:

He [Mr. Brodhead] is undoubtedly right in the view which he takes of the Constitution of the United States," &c.—*Ibid.*, 162.

Mr. Hunter, of Virginia, said:

As to the question of power I think there can be no sort of doubt. We exercise the power in almost every little pension case and in thousands of bills in which we appropriate money. The restriction in the Constitution has been decided in this body to apply only to those bills which provide for raising revenue—taxing bills, &c.—*Ibid.*

Mr. Toombs, of Georgia, said: "There is no question about the power of the Senate," and urged the necessity of such action. (*Ibid.*, 162.)

Mr. Seward, of New York, said he would vote for the resolution without committing himself as to the constitutionality or expediency of the proposed action. He added:

It is true that, according to the letter of the Constitution, appropriation bills may be originated by the Senate; yet we all know that in point of fact they have come into the place of revenue bills. We make a revenue bill but once in ten or twelve years, and these appropriation bills are in fact what were intended, I suppose, by the framers of the Constitution as bills of revenue.

He then combated the movement, saying that the Senate was grasping too much power. Mr. Hamlin, of Maine, concurred with Mr. Toombs. So did Mr. Bayard, of Delaware, and he lectured Mr. Seward for his remarks about the Senate grasping power. (*Ibid.*, 163.)

The resolution was adopted, by what vote does not appear.

On the 4th of February, 1856, Mr. Hunter, from the Senate Committee on Finance, reported this:

Resolved, That the Committee on Finance be instructed to prepare and report such of the general appropriation bills as they may deem expedient.

Because of Mr. Seward's objection it was laid over and came up on the 7th of February. As he was the principal opponent it is well to state his position. He said that to originate general appropriation bills in the Senate was new; that "the practice for this period of seventy years has been that all appropriation bills of that character have originated in the House of Representatives." He said that one of the "fundamental principles of freedom" in England was "that no money should be drawn from the people without the consent of their representatives;" that the commons held the sole right of raising and appropriating money, and that we adopted the same view. But he added:

Now I am not going to contend that the provision of the Constitution which I have read by its letter forbids the Senate from originating appropriation bills. Its letter clearly concedes it, and I concede also that there is an argument to be drawn from the fact that the convention discussed the proposition in both its shapes, and finally adopted the one which we now find, in which the limitation is applied only to bills originating revenue, that the convention may have considered that appropriation bills might be originated in the Senate; but against this argument is one which seems to me to be perfectly conclusive, and it is this reply: Whatever the convention-makers may have proposed, and however they may have understood the Constitution which they have framed, the fact is a stubborn one, that the Senate has never originated an appropriation bill, but that it has always conceded to the House of Representatives the origination of appropriation bills, and the House of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and executed that right itself.

He then, without mentioning when before such a question had arisen, proceeded to argue against the Senate's right, because "the spirit of the Constitution as ascertained from the British constitution and from the contemporaneous debates, and especially as ascertained from the practice of the Government for seventy years," he thought, "was stronger than the letter of the Constitution." (*Ibid.*, 375.)

Mr. Hunter replied and twitted Mr. Seward with just having voted for the Senate bill "appropriating millions of dollars for French spoliations. (*Ibid.*, 378.) Mr. Toombs remarked that while in the House he had frequently advised that the Senate originate some of the general appropriation bills. (*Ibid.*, 379.) Mr. Sumner said that he could not agree with Mr. Hunter and Mr. Toombs. "Nor on the other hand do I assert that such exercise of power is in the strict sense unconstitutional." He thought that the compromise in making the Constitution would be best carried out by interdicting the Senate "from originating the great appropriation bills," &c.

Mr. Toucey charged him with admitting and denying the power. Mr. Sumner said he "would not go into the extreme right under the Constitution." "I did not undertake on that to express an opinion," Mr. Toucey replied. Mr. Wilson expressed no opinion on the power, but feared the country might be "alarmed at the new departure." The resolution was adopted, the bills reported and passed by the Senate, and sent to the House.

In the debate of 1871, before mentioned, the question of appropriating money was not an issue and was not alluded to except in a digression by Mr. LOGAN. Mr. CONGER asked, "Does the gentleman hold that the House only has the right to make appropriation bills?" Mr. LOGAN seemed so to think, but it was not otherwise mentioned.

Once in Mr. Garfield's speech he mentioned the debate of 1856, and quoted from Seward and cited Sumner, and said he agreed with them that—

Though the language of the clause of the Constitution does not, strictly construed, include appropriations, yet the invariable custom of Congress has construed the exclusive right of the House to originate money bills as applying to all bills for the appropriation of money to carry on the Government.

He conceded the right of the Senate to originate all other appropriation bills. He then mentioned that the Senate in 1856 originated and passed the general appropriation bills for pensions and for repair of fortifications in February, and said:

Both these bills were laid on the table of the House on the 17th of April, 1856, without having been referred or debated, thus ending the attempt of the Senate to change the uniform, unbroken custom of the Government from its foundation to the present time.

As no reply was made to this irrelevant talk when the question was on a Senate bill to repeal a tax act, as no dissent appears, cursory readers treat the members as assenting thereto. In fact the record shows that not a word of this speech was spoken. It was all printed under leave and may not have been read. I now ask its examination.

This recital seems to mean that the House then and there, in a very positive and almost contemptuous way, sought to rebuke the Senate for presumption. What is the whole truth? On that very day the House entertained and referred to appropriate committees about fifty bills from the Senate appropriating money. They were for pensions, settling title to public lands, and "an act relative to foreign coins and the coinage of cents at the Mint of the United States." And to their reference there was no objection.

The following action was taken as to the other appropriation bills from the Senate:

"An act making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1857, and for other purposes."

Mr JONES, of Tennessee. I think that is a Senate general appropriation bill. A bill of the same character, making appropriations for the payment of the pensions of the United States for the next fiscal year, has passed the House, come back from the Senate, and having received the signature of the Executive, has become a law. I therefore move that the bill be laid on the table.

The motion was agreed to.

"An act making an appropriation for a new fortification for the defense of the entrance of Galveston harbor and bay, in the State of Texas."

Mr. QUITMAN. I move to refer the bill to the Committee on Military Affairs.

Mr. KELSEY. I understand that to be another appropriation bill originating in the Senate. I move to lay it on the table.

Mr. JONES, of Tennessee. I will say to the gentleman from New York that this is not one of the general appropriation bills. It is for constructing a new work, and I think should properly go to the Committee on Military Affairs, as moved by the gentleman from Mississippi.

Mr. KELSEY. I misunderstood the character of the bill. I withdraw my motion.

The bill was then referred to the Committee on Military Affairs.

"An act making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1857."

Mr. KELSEY. That is another Senate appropriation bill. I move to lay it on the table.

The motion was agreed to.

"An act for improvement of navigation of Patapsco River, and to render the port of Baltimore accessible to war steamers of the United States," and

"An act for the improvement of the harbor of San Diego, California,"

Were referred to Committee on Commerce.

"An act to remit or refund duties upon goods, wares, and merchandise lost by fire."

Mr. WASHBURNE, of Illinois. I move to refer the bill to the Committee on Commerce.

Mr. JONES, of Tennessee. I suppose that bill ought to go to the Committee on Ways and Means. It is for taking money out of the Treasury, and I think appropriately belongs to the Committee on Ways and Means.

Mr. WASHBURNE, of Illinois. This bill came from the Committee on Commerce in the Senate. A similar bill is now before the Committee on Commerce of the House, and that committee had jurisdiction of the subject at the last Congress.

The motion of Mr. Washburne was agreed to.

It thus appears that, though fresh in the minds of Representatives, the remarks of Hunter, Toombs, and others had not only excited no indignation, but Mr. Jones' remark that the general appropriation bill of the Senate need not be referred because it was already law by another bill passed unchallenged, and we may fairly suppose his "therefore" applied to both the other general appropriation bills, subsequently tabled. So far as I know no other allusion was made to them.

CONCLUSIONS.

This tedious and oft-told history completed, what is the result? To state it as strongly as can be, against this power in the Senate to originate a bill appropriating money from the Treasury have stood a few great names. To secure a footing they quoted the speeches of Franklin, Mason, and others in favor of their view, notwithstanding the constitutional convention refused to agree with those speeches. They invoke the fact that a compromise was made between the large and small States, but reject the other fact that one of the express terms of that compromise was the rejection of the very badge of inferiority of the Senate which is now insisted upon. They contend that because our general appropriation bills have ever originated in the House they can not constitutionally originate otherwise. Those bills have ever been

first discussed in Committee of the Whole House on the state of the Union.

By parity of reason a bill not so discussed must be unconstitutional. We have uniformly had a chaplain. By that reasoning legislation not thus sanctified by prayer would be void. The President has uniformly taken his oath of office at a particular place, and it has been administered by a particular officer. By thus reasoning he can not constitutionally be inducted into office elsewhere or by a different person. They admit that it is only in appropriations for public uses or in general appropriation bills that the Senate can not begin the work. But by what authority do they make the exception? The gentleman from Ohio [Mr. HURD] claims none. The language of the Constitution is:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

It covers all appropriations. They know that the lords could not originate such bills as have ever been originated in our Senate, and yet they seek to change the words of our Constitution to make our practice conform to that of Parliament in England. They insist that the law of Parliament applicable to supply bills, which simultaneously raised revenue and appropriated money, shall control us, who never join those things in the same bill. They ask us to put our Senate, which has ever had a large share in all appropriations of money, upon the footing of the lords, whose duty in that regard is only perfunctory. True, they have the power wholly to reject such bills. So has the King or Queen the power to veto. But when has either power been exercised? They struggle to bind us by English precedents, when they know that our system is a discarding of English precedents; that the constitutional powers and checks and limitations in our system are not to be found in musty tomes of history, but are crystallized in living words on the parchment roll of 1787.

For the argument on the other side recall the history of the constitutional convention, and the struggle of giant minds *pro* and *con* on this subject. The battle ended, the proposed clause "and for fixing the salaries of the officers of the Government" was missing. The words "or appropriating money" had been killed. "And shall not be altered or amended by the Senate" had been driven from the field. All that was alive of the first clause of the proposed compromise as to this power was, "All bills *for raising revenue* shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills." The second clause was by its side, but maimed. It still read, "No money shall be drawn from the Treasury but in consequence of appropriations made by law;" but the proposed qualification, "Which shall originate in the House of Representatives," had been deliberately slaughtered.

The two clauses were subsequently separated by the committee on style, and thus left as living witnesses of the fairness, stubbornness, and conclusiveness of the contest.

Again, I say, suppose this a question between two litigants in court; suppose the one insisting upon the plain words of the contract and the other upon interpreting it as if it contained other words which had been purposely left out by mutual consent. Could the court patiently listen to the latter? How is the case different when the high contracting parties were the people and the States? What right have their servants, Representatives and Senators, to quarrel over the power of attorney made for their control and to attempt to reingraft upon it words which have been deliberately cut off? There was no misunderstanding about the matter. "Money bills" was a term as familiar to the ears of our constitution-makers "as the sound of household words."

The latest made constitutions of the thirteen States were those of Massachusetts and New Hampshire, which declared that—

All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

As if to avoid any misconstruction from the use of the British words which designated bills which simultaneously raised supplies and appropriated money, the words "money bills" were changed to "bills for raising revenue," and a separate provision was made for "bills appropriating money."

The resolution of 1678 did not suit our fathers. They considered not what was "revenue to the King," for they had no king to whom to "give aids" and "supplies" and then in the same bills limit his use of them.

For many of these facts I am indebted to the luminous opinion of the supreme court of Massachusetts on this exact question, decided in 1878, not in ordinary course of litigation where a law was attacked for unconstitutionality. Then the court would have been bound to give the benefit of all doubts in favor of the law. But it was upon a question submitted to the court by the General Assembly before enacting a law. Even under their constitution, having "money bills" in place of "bills for raising revenue," that court decided that—

The exclusive privilege of the House of Representatives, under the constitution of the Commonwealth, to originate money bills is limited to bills that transfer money or property from the people to the State, and does not include bills that appropriate money from the treasury of the Commonwealth to particular uses of the government or bestow it upon individuals or corporations.—126 *Massachusetts Reports*, 557.

It would be so held in England if the house of commons would separate the bills of "supplies" from the bills of "disposition."

Against this array the minority report of the Judiciary Committee in 1881, before mentioned, presented certain definitions of revenue thus:

Webster defines revenue to be "the annual produce of taxes which a nation or state collects and receives into the treasury for public use."

* * * * * * *

Worcester defines revenue to be "the income of a nation or state derived from duties, taxes, and other sources for the payment of the national expenses."

* * * * * * *

And it cited the reference in Worcester to Brande's Dictionary of Science and Art as authority, saying,

Than which there is none higher in the language. Brande defines revenue to be "the name given to the incomes of a state derived from the customs, excises, taxation, and other sources, and appropriated to the payment of the national expenses." (*Brande's Dictionary*, volume 3, page 269.)

The report added:

This definition is approved in the Imperial Dictionary, the present standard dictionary of Great Britain, in the following words: "Revenue is the annual income of a state, derived from taxation, customs, excises, and other sources, and appropriated to the payment of the national expenses."

They were quoted also by the author of that minority report, the gentleman from Ohio [Mr. HURD], in his speech to-day, and the conclusion deduced therefrom in the report and speech was, "Money, therefore, to become revenue to the King must have been granted to him by the commons."

Definitions in dictionaries are seldom accurate in every particular. The same word frequently means different things in different places. "Cherries" in a gun-factory are tools by which bullet-molds are hollowed out, but not so at a fruit stand. A homely woman in England is a domestic woman; but here she is an ugly person, without regard to her domestic qualities. Brande's Dictionary of Arts and Sciences, published in 1842, and Ogilvie's Imperial Dictionary, published in 1850, are both English works.

It may be true that the income of Great Britain does not become revenue to the King until granted to him by the commons without affecting the meaning of the word "revenue" in the phrase "bills for raising revenue."

But apart from all this, neither of the English dictionaries quoted say that the income of the nation is not revenue until appropriated. They simply say it is income, and tell how it is derived and for what it is used. To illustrate: Webster defines "trousers," as "a garment worn by males," &c. By like argument that garment can not be trousers until worn, and that by a male.

Last on this point, Webster's Dictionary, published in 1840, and Worcester's Universal Dictionary, published in 1846—both American—both carefully avoid the coupling of "appropriation" with the definition of revenue, and confine it to simply income "for public use" or "for the payment of national expenses." And these definitions are correct in that regard even by English authority. Revenue is defined by Blackstone as—

A portion which each subject contributes of his property in order to secure the remainder.—1 *Blackstone's Commentaries*, 261.

Afterward he told of the King's revenue, and said:

How these immense sums are appropriated is next to be considered.—*Ibid.*, 265.

That was the English definition of "revenue" when our Constitution was made. In May's Constitutional History of England, published in 1861-'62, opposite the marginal "other sources of revenue" is—

But the King enjoyed other sources of income independent of parliamentary control.

Surely they were revenue to the King without appropriation by the house of commons.

No support to the gentleman from Ohio [Mr. HURD] comes from the citation of President Monroe's veto of the Cumberland road bill, in March, 1822. So far from discussing in that message any question kin to the one now in debate, he was antagonizing a bill which originated in the House of Representatives. He was not discussing where the bill should originate, but arguing that because taxes, &c., could only be raised by Congress for specific purposes, the money so put into the Treasury ought to be confined to those objects. He thought that bill a departure from that principle.

So much for the question of power in the Senate.

SHALL THE SENATE EXERCISE ITS POWER?

The power is indisputable. In many cases it is now used. Whether its use should be more extended I can not decide. Let us recall some of the reasons urged in 1856. Mr. Brodhead said that by a division of the appropriation bills between the two Houses they would be sooner ready and better considered. He said:

The evils to which I allude are well known. * * * I allude to the protracted sessions, and especially to the night sessions, during which the appropriation bills are usually considered, and some forty or fifty millions of dollars are voted away; and voted, too, during the absence of the best and most experienced Senators, who, in consequence of physical exhaustion, are not able to remain in the Senate Chamber during the midnight hours. It is desirable to prevent midnight sessions, also, because it is known that scenes sometimes occur in those night sessions which a sense of delicacy prevents me from describing. I may, however, say with great truth, that if at such times Congress is not in possession of the jobbers, both Houses are at least besieged by them.—*Congressional Globe*, first session Thirty-fourth Congress, page 169.

Mr. Toombs, in the same line, said:

There is no time for examining them. Within the last three years, I have seen in this Chamber a naval appropriation bill, appropriating $9,000,000, passed with-

out even being read. It was passed on the morning of the 4th of March, and the reason for not reading it as given by Senators on this floor was, that if we attempted to read the bill it would be lost. We were told that we had but so many minutes remaining; that it would take so many hours to read the bill, and that if you read it it could not be passed.—*Ibid.*, 379.

He also pointed out the fact that propositions which had been deliberately rejected by themselves, at their closing hours, came on as amendments and crept through, and said that practically the appropriations about which there was any room for disagreement were made not by the full House and Senate, but by heads of Departments or from men on conference committees, in a way and at a time when submission was the only escape from stopping the wheels of the Government. Has all that passed away, or is Congress still subject to such censure?

The appropriation bills must be passed. They ought to be fully discussed, though the time so consumed crowds out other business. Some think that if part of them were originated in the Senate that body need not adjourn for half its time in the beginning of each session, nor work so late at night at the end of each session to accomplish its task. Some think that were part of these bills first considered by the Senate the debates there would render unnecessary so long debates on them here. Some think that such an arrangement would give time to consider claims of meritorious persons who are worn out by delays, and time to inaugurate great reforms so needed by our overtaxed constituents.

I offer no advice. It would be unbecoming in me to do so. But I may say I do not foresee the danger in such a course so glowingly depicted by the gentleman from Ohio [Mr. HURD]. Our fathers had no such fears. They learned from British history, as epitomized in Blackstone's Commentaries, that the reason for the jealousy of the house of commons toward the house of lords was because lords could be made by the King at his pleasure, were a permanent body, and supposed to be under the influence of the Crown. We abolished king and lords. Our executive has naught to do with the creation or continuance of Senators. He is more likely to be subservient to that body than it to him. Its members change in a different way, and not all at once, but as regularly as do the Representatives. Though not elected directly by the people, they are by the people's representatives and senators in the State Legislatures. Though their terms of office be longer, they have a larger constituency to please and greater individual responsibility.

I repeat, our fathers had so such fear of the Senate. They thought it was enough that the Senate should not work on "bills for raising revenue," that is, imposing burdens on the people, until this House had laid the foundation. They feared not the Senate, and therefore allowed their co-operation in legislation. More, by removing from it the disability which the commons put upon the lords by divorcing bills of supply and bills of appropriation, they invoked their experience and conservatism in legislation with no limit but acting secondarily as to matters of taxation. Many of them, as Washington, Madison, Roger Sherman, Oliver Ellsworth, James Wilson, and Gouverneur Morris (the supreme court of Massachusetts said), thought it unwise to impose any restriction on the legislative power of the Senate.

So far from being afraid of the Senate, our fathers gave them the right to decrease or increase appropriations by amendment. How is the danger greater in allowing it to originate such bills than to refuse to pass them unless the House of Representatives will agree to their amendments? So far from fearing the Senate, our fathers gave it the sole and exclusive right to advise and consent to treaties. I say nothing now as to the extent of that power. But whether limited or unlimited by other parts of the Constitution, surely it may directly or indirectly affect the public purse far more than could be done by their originating appropriation bills, which could not become laws without the consent of the House of Representatives. If all were agreed in this, much good would come even if no change in practice occurred. It will be good for these brothers under the Constitution to "dwell together in unity." It will be a happy day when each, while steadfastly insisting upon its own, shall seek to add to the other's dignity and importance; not for its own aggrandizement, but impelled by a generous purpose to enable both to better serve their common country. No longer jarring and contending, their conjoint glory will be the pride of that country and the admiration of the world.

Mr. WILLIS. I now yield ten minutes to the gentleman from Maine [Mr. REED].

Mr. REED. I wish the gentleman would make it fifteen minutes, though I may not occupy more than ten.

Mr. WILLIS. I have given away all the rest of my time. I am sorry I did not know the gentleman's wishes earlier.

Mr. REED. I want sufficient opportunity to state my position clearly upon this question.

The SPEAKER. The gentleman from Maine is entitled to the floor for ten minutes.

Mr. REED. Mr. Speaker, the clause in the Constitution which is now to be made the subject of interpretation seems to be very simple. It says:

All bills for raising revenue shall originate in the House of Representatives.

That language is plain, simple, and easy to be understood. If the gentleman from Ohio [Mr. HURD] can give it any other meaning he must do it by reference to the history of its time and of its enactment. If, then, I can prove conclusively by the history of its enactment that it has no such meaning as he undertakes to give it, I think that all his eloquent discourse will fall to the ground, even though it be much sustained by applause of those who admire eloquence in diction more than they do soundness in reasoning.

The contest which resulted in the wording of this particular clause was not a contest between the commons of England on the one side and the house of lords and the Sovereign of England on the other. Any man who undertakes to view that sentence in the light solely of English history will get as badly misled as is the gentleman from Ohio. This is no case of power wrested from a King. To-day the laws of England bear this preface: "Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent," &c. These words embalm the old fact, the spirit of which perished long before our Constitution was adopted.

We have never had to wrest power from an arbitrary ruler. On the contrary, the sources of our power were the States and their citizens, and its bounds were settled by the constitutional convention. The fight in that constitutional convention was not a fight between an arbitrary ruler and the people to be governed. It was a contest between States. It arose from the fact that we were to establish a nation composed of States; and the contest was to preserve the rights of the States as against the rights of the nation; and, therefore, when the proposition was originally reported by the committee of detail to the constitutional convention August 5, 1787, it was introduced in this form, as will be found on page 377 of the Madison Papers, Elliott's edition of 1845:

All bills for raising or appropriating money * * * shall originate in the House of Representatives, &c.

It covered not only the raising of revenue but the appropriating of the same. When the matter came up later in the same month Mr. Randolph moved that the clause be altered so as to read:

Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives.

That proposition as originally stated, together with the amendment proposed by Mr. Randolph, was defeated by a vote, if my recollection serves me, of nearly two to one. This was August 13, 1787, and the exact vote was 7 to 4. The question came up in that form more than once, and every time it came up it was defeated; and it was defeated upon the plain ground that the States demanded that the Senate, where they were peculiarly represented, should have the same power as the House of Representatives.

In September, however, on the 5th day, the proposition assumed this form:

All bills for raising revenue shall originate in the House of Representatives

And on page 511 of Madison Papers will be found a statement by Mr. Gouverneur Morris as to that very clause: "It had been agreed to in the committee on the ground of compromise." When the final vote was taken, September 8, the vote was 9 to 2 in favor of the compromise. An examination of the notes on pages 529 and 514 will show that I am correct. In other words, the whole history of this clause shows that the construction for which the gentleman from Ohio contends was put into plain language, that bills for raising money and also for expending money should originate in the House. That was voted down repeatedly. Then as a matter of compromise it was determined that bills raising revenue, raising money for the expenses of the Government, should originate in the House, and that left all other bills, those expending moneys, to originate either in the Senate or in the House as either body shall move.

And now the gentleman from Ohio comes here and says that notwithstanding this for which he contends was defeated time and again, notwithstanding the fact that what was adopted was called a compromise, and history shows it to have been a compromise, he comes here and declares that by some juggle of words this thing which had been repeatedly defeated by men who understood their position as thoroughly at least as he does was carried through and this constitutional convention passed what they never meant to pass, and that without a single word indicating any change of disposition!

It does seem to me that this matter is a demonstration, and that my friend from Ohio is carrying his affection for the English system of laws a trifle too far. For my part I have not seen anything in the history of the House of Representatives since I have been a member of it that should make me feel inclined to insist on more bills originating in it. We are to-day so clogged with the business which legitimately belongs to us that under our present system of working we absolutely can do nothing. If, then, we should undertake to shut off the Senate from what is their plain constitutional right, as the history of this legislation shows, as the plain language of the Constitution shows, I am afraid we should exhibit to the country a still worse instance of ineffectuality than we do to-day. [Applause on the Republican side of the House.]

Mr. WILLIS. I yield five minutes to the gentleman from South Carolina.

Mr. DIBBLE. It appears to me, Mr. Speaker, that the Constitution

itself settles this question incidentally when, in article 1, section 7, it says:

All bills for raising revenue shall originate in the House of Representatives;

and in section 8 it begins by saying:

The Congress shall have power, &c.;

and in the same section, under the head of raising and supporting armies under this power of Congress, it declares:

No appropriation of money to that use shall be for a longer term than two years.

Therefore the very language of the Constitution makes the distinction between "raising revenue," which it applies to the House, and the "appropriation of money," which it puts under the power of Congress.

But the rules of this House, which have been built up by the parliamentary experience of members of the House from time to time, in several instances make the same distinction. In Rule XI, paragraph 2, it gives to the Committee on Ways and Means subjects relating "to the revenues and the bonded debt of the United States."

In the next paragraph it sends to the Committee on Appropriations, subjects relating "to appropriation of the revenue for the support of the Government"—

Thus defining, in the powers and duties of the committees of this House, the distinction between "revenue" and "appropriation of revenue."

A still more marked instance of this distinction in the rules of the House is found in the thirteenth rule:

There shall be three calendars of business reported from committees, namely: First, A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue—

The very language of the Constitution—

general appropriation bills—

As a distinct subject—

and bills of a public character, directly or indirectly appropriating money or property—

As another distinct subject. And under Rule XXI, paragraph 6, speaking of bills, we find:

Upon all general appropriation and revenue bills * * * the yeas and nays shall be taken, &c.

Therefore we have not only the argument from the direct action of the convention, we have not only the argument from the Constitution, but we have, in the parliamentary rules which govern this House; the very distinction raised between the two terms, the language of the distinction following very much the language of the Constitution.

I would be one of those, Mr. Speaker, to assert for this House its full prerogative in relation to "bills raising revenue," which impose direct burdens on the people, and to maintain that the direct representatives of the people are the only ones to originate such bills; but when it comes to the disbursement of the moneys of the people, the co-ordinate legislative branch of this Government—the Senate of the United States—representing the States in their collective capacity, has reasonably under the structure of our Government as much right to suggest the way in which that money shall be spent for the public good as this House, and are not to be put in the same category as the house of lords, which is a body of hereditary nobility in England.

Mr. WILLIS. I now yield five minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, the principles involved in the question presented by the resolution of the gentleman from Ohio have already been so clearly set forth that I rise now only for the purpose of citing an authority which seems to me to be conclusive in regard to the matter. The constitution of Massachusetts, which was framed some seven or eight years before the Constitution of the United States was adopted, contains a similar constitutional provision with this exception: The language of the Massachusetts constitution is:

All money bills shall originate in the house of representatives.

The language of the Constitution of the United States is:

All bills for raising revenue shall originate in the House of Representatives.

The gentleman from Ohio has suggested that under the British constitution the term "money bill" embraces bills for raising revenue, bills granting a supply, and bills making an appropriation. While I am not sure I agree to that definition, it undoubtedly is true that the term "money bill" is a much broader term than the limited term used in our Federal Constitution, namely, a bill "raising revenue."

And yet it has been decided by the supreme court of Massachusetts, the opinion having been delivered by Chief-Justice Gray, now sitting upon the Supreme Bench of the United States, that even under that broad term "money bill" an appropriation may originate in the Senate. Questions were put by the Legislature of Massachusetts to the supreme court of that State as follows: First—

Can the senate, under the provisions of chapter 1, section 3, article 7 of the constitution, originate a bill or resolve appropriating money from the treasury of the Commonwealth?

The court answers:

The senate can, under the provisions of chapter 1, section 3, article 7 of the constitution, originate a bill or resolve appropriating money from the treasury of the Commonwealth.

The second question—

Can the senate under said provision originate a bill or resolve in any way involving, directly or indirectly, the expenditure of money from the treasury, or imposing any burden or charge thereon?

The answer is:

The senate can, under those provisions, originate a bill or resolve involving, directly or indirectly, the expenditure of money from the treasury, or imposing a burden or charge thereon.

The third question—

Is the power to originate a bill appropriating money from the State treasury limited by the constitution to the house of representatives, or does it reside in both branches of the Legislature?

The answer is:

The power to originate a bill appropriating money from the State treasury is not limited by the constitution to the house of representatives, but resides in both branches of the Legislature.

This opinion contains a most elaborate review of the whole question. It is a very carefully prepared and thorough decision, embodying a review of the English and American precedents. The court arrives at a conclusion different from that which has been reached by the gentleman from Ohio, and claims that even under the British constitution, which is unwritten and contains no written limitation, the power of appropriating money is not limited to the house of commons.

Mr. HURD. Will the gentleman from Massachusetts allow me a moment?

Mr. LONG. Certainly.

Mr. HURD. I would like to ask the gentleman from Massachusetts if it is not true that the point of the decision in the Massachusetts case to which he refers was not that it had not been settled in England that this power to originate appropriation bills was vested in the house of commons at the time of the framing of the constitution of Massachusetts?

Mr. LONG. In answer to the gentleman from Ohio as to the doctrine prevailing on this point at the time our constitution was framed our supreme court say:

The result of the review of this branch of the subject is that it can not be considered to have been settled in England before 1780, when the constitution of the Commonwealth of Massachusetts was adopted, that the appropriation of particular objects of moneys in the treasury or exchequer of the Sovereign belonged exclusively to the house of commons, and that bills for such appropriations must originate in the house.

That opinion is so conclusive that I could not fail to cite it in this connection. I will say that it is contained in volume 126 of the Massachusetts Reports. It limits the restriction on the senate strictly to bills raising revenue; that is, bills "that transfer money or property from the people to the State."

Mr. HAMMOND. Will the gentleman from Massachusetts allow me to remark that that opinion is quoted with approval by two-thirds of the Judiciary Committee of the Forty-sixth Congress in the report which I have caused to be read here?

Mr. LONG. I will call attention again to the fact that the language of the Massachusetts constitution is much broader than the language of the Constitution of the United States. In the constitution of Massachusetts the language is "all money bills," while in the Constitution of the United States it is, as I have already said, "bills for raising revenue." When, therefore, the gentleman from Ohio suggests that "money bills," under the British interpretation, were at one time construed to embrace, first, bills granting supplies; second, bills making appropriations; and third, bills for raising revenue, I would suggest that, if that be true, it is certainly a little remarkable that our fathers in framing the Constitution of this country should have limited the restriction to one of these three classes, namely, to "bills for raising revenue." It was equivalent to saying that there was to be no restriction as to "appropriation bills" or "bills granting supplies."

Mr. WILLIS. I now yield ten minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, pride and duty go hand in hand to carry us along with the gentleman from Ohio when he appeals to us to guard jealously the prerogatives of this House. Certainly this is a duty we owe to ourselves and the country. But we are also to support the Constitution of the United States, and the just powers, under that instrument, of every department and every branch of the Government.

The question raised by the resolutions before the House resolves itself into this: What is the meaning of the section of the Constitution which provides that all bills for raising revenue must originate in the House of Representatives and may be amended in the Senate? The subject has been clouded by much learning. In the ten minutes given me I could not enter into that field even if I had anticipated this debate which has been so suddenly sprung upon the House; but after all, the real question lies within a very narrow compass. That question is, what did the framers of the Constitution mean when they rejected the phrase, "All money bills shall originate in the House," and substitute in lieu of it, "All bills raising revenue shall originate in the House?"

I admit the construction placed upon the words "money bills" by the gentleman from Ohio, so far as the British constitution is concerned. I admit further that those who framed the Constitution of the United

States were familiar with what is called the British constitution, and that they knew the meaning of the words there employed; and this is where I ground my argument.

Every lawyer knows that when a constitutional convention rejects a phrase, the meaning of which is well known and clearly defined by an unvarying line of precedents and in its stead uses a new and a different phrase, it does this solely because it means to accomplish a different thing, a different purpose from that implied by the old and well-known phrase. This presumption becomes absolutely conclusive when the new phrase on its face is clearly narrower and more restricted in meaning than the rejected phrase. I therefore admit to its fullest extent the argument of the gentleman from Ohio, that in the British constitution "money bills" meant bills not only taxing the people but bills appropriating money. I need not look into the history of our Constitution or examine what was done in the convention. It is sufficient for me to assert the proposition, that the gentleman from Ohio is right as to the meaning of the words "money bills" in the British constitution, that the framers of the Constitution knew the meaning of the words there used, and that they used different and narrower words, to bring us to the conclusion that they meant to confer upon the House of Representatives powers different from those conferred by the words "money bills" upon the house of commons in England.

But, Mr. Speaker, the question becomes plainer still when we look at what actually occurred in the convention. This proposition was considered a long time. It was first up on the 29th day of May. The proposition originally was, which was adopted by the Committee of the Whole:

All money bills—

Using the English term—

shall originate in the House of Delegates—

Meaning this House—

and shall not be altered by the Senate.

There we have two propositions. Taken together, they confer upon the House identically the power that existed in the house of commons in England.

The Senate, like the house of lords, was not to be allowed to originate or amend "money bills."

That was in May. The question was up again and again—next on the 31st of the same month; next on the 2d July; next on the 16th July; next on the 26th July. Long before the provision was perfected into its present shape the clause forbidding the Senate to amend was stricken out and the power to amend was expressly given to it. This indicates a clear intention not to be guided by the analogy of the British constitution; not to erect the Senate into a body as insignificant as the house of lords.

Then in August, on the 15th of that month, Mr. Strong made a proposition which is substantially the same as that now embraced in the Constitution. That was considered until the 15th day of September—twenty days. Then came in from the committee the provision we now have, which differs in two respects from the original proposition. That original proposition, as I stated, was to confer upon the House of Representatives precisely the same power the house of commons had in England, and which the gentleman from Ohio [Mr. HURD] says it had. But the proposition as finally adopted differed in two respects. In the first place, instead of using the words "money bills," the words were inserted "bills raising revenue." Will any lawyer tell me that that convention by striking out the words "money bills" and inserting the words "bills raising revenue" meant nothing? Can the gentleman from Ohio argue that the framers meant nothing whatever when they discarded a phrase the meaning of which was well known, and which had been decided upon time after time, not only in the English Parliament but in similar bodies in the United States.

Certainly every lawyer is bound to say that if the words are fairly capable of a different meaning from the words "money bills," then by the use of the different words the framers of the Constitution meant a different thing.

The gentleman's argument, Mr. Speaker, is based upon the construction of phrases in the British constitution and upon English precedents and nothing else whatever, except indeed he speaks of the practice under our Constitution of the United States, the precedents that have been set here. He says that never from the beginning of the Government down to the present time has a general appropriation bill originated in the Senate and passed the House. I admit it. He says that constitutes a line of precedents—precedents that ought to prevail in the construction of the Constitution. If that be so, then I ask him the question, are not other things done, other acts had on the very same subject by the very same Congress—acts much more frequent than the passage of general appropriation bills, running through all the history of the Government down to the present time—are they not also precedents?

Sir, there has never yet been a regular session of Congress at which the Senate did not originate bills appropriating money—bills which passed the Senate, were concurred in by the House, and approved by the President. The Speaker's table is piled up with them now, and some have already passed at this session as others passed at last session.

It will not do to say these bills were for special purposes, or that they were limited in amount. There is no difference in principle, and there can be none, between the power to make a special appropriation and the power to pass a general appropriation bill. There is not a line, or a word, or a syllable in the Constitution on which such a distinction can be founded. There is not a hint in the whole Constitution on which even the ingenuity of the gentleman from Ohio can found an argument for such a distinction. I defy any gentleman to show such a distinction, and I defy him to show that there is any difference between the power of the Senate to originate a bill appropriating $100 and its power to originate a bill appropriating a hundred million of dollars.

The SPEAKER *pro tempore* (Mr. SPRINGER). The time of the gentleman from Alabama has expired.

Mr. WILLIS. I yield ten minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. JOHN S. WISE. It seems to me, Mr. Speaker, that the proposition advanced by the gentleman from Ohio [Mr. HURD] involves in the first place an idea which emasculates utterly the Senate of the United States, and that in the next place it involves the proposition that money raised by the Government does not become revenue until it has not only been collected but spent.

Now, it would be a convenient theory, and I wish it could be put in practice in this House at this late stage of this Congress, to establish the proposition that money does not become revenue until it is collected and spent. But as I understand the provision of the Constitution, it restricts the origination of bills for raising revenue to the House. Its object was to confine the power of taxation and the burden of taxation to that body, which came directly from the people, was presumed to know their wishes as to bearing taxes, and whose members are to be returned in a short time. On the other hand, the expenditure of the money of the Government may well be made by the Senate. According to the theory of our Government, the Senate is the body of wisdom, of prudence, of sagacity; and in the disbursement of the revenues of this Government it is presumed to have the good of the people at heart and to understand how to spend the money, although it may not be freshly informed as to how to raise it. And that is the sole distinction.

The original draught of the Constitution contained a provision which not only confined the power of originating bills for raising revenue to the House of Representatives, but also the power of originating appropriation bills. No two things could be more distinct than the power to raise money and the power to spend money. The two ideas and expressions are antithetical. In the Constitution as adopted the provision limiting the origin of revenue bills to the House was retained, and the provision restricting the origin of appropriation bills to the Senate was stricken out.

It was stricken out from the original proposition, which confined to this House the power to make appropriations, and to-day the words are nowhere to be found in the Constitution, so that the power to raise revenue is the only power which is confined to this House. The gentleman from Ohio has seen fit to cite in this connection authorities and examples from England. I wish to say to him that we are not in England, and to remind him that some of his English authorities and precedents are not always apposite or applicable here, as we have learned from experience in a somewhat celebrated case. They sometimes work in a way in which they were not intended to work when cited.

At the time of those authorities which he cites there was in England no such spirit as that which prevails here, and there was no such power behind the lords and commons of England as there is behind the Congress of the United States—the sovereign majesty of the people of the United States, not Her Sovereign Majesty the Queen.

To say that at a time like this, when the greatest danger which is impending over this country is the misuse of the power of the franchise, at the moment when this great structure of American liberty, raised by the people and for the people, is in danger from the ignorance of the people, to tell us at such a time that the great co-ordinate body of this Government—the Senate of the United States—can not see the danger, can not realize the destructive influences that are abroad and take a step which will prevent this Government from falling to pieces through the ignorance of those who exercise the franchise, merely because it takes money to carry out the measure, is to tell us that the Senate of the United States is not a co-ordinate power of this Government, with equal dignity and equal rights and equal responsibilities with this House in devising measures of public safety, and that it is a senile and emasculated body, sitting and waiting simply to record the will of this sovereign body—the House of Representatives; for the measures which may be originated by either body of Congress which do not involve the appropriation of money to give them vitality and efficacy may be enumerated upon the fingers of one hand.

I do not believe, sir, that that is the theory of our Government; I do not believe that it was the purpose of the framers of the Constitution to put the whole power of legislation in the hands of the House of Representatives, as such a construction would put it. I do not believe that the construction which takes the word "revenue," which means coming back into the Treasury, and makes it mean going out of the

Treasury, is the construction which was intended by the fathers and framers of the Constitution.

And, Mr. Chairman, I feel a peculiar solicitude at this time that no such construction should prevail, because I look upon the resolution offered by the gentleman from Ohio, although in form it is merely a question of privilege, as a direct attack upon what I conceive to be the most important measure before this Congress, as it sends the question to a committee whose chairman is, I learn, hostile to the educational bill. Sir, I come from a portion of this country in which 4,700,000 out of 6,200,000 illiterates reside. I come from a land that hungers and thirsts for knowledge, a land where the franchise has been poured out like water, but where intelligence and education of the masses has been withheld, until of late years, as if it were a distilled poison, dangerous and powerful as aconite. I come from a region of country where every one of our constituents, regardless of party, come forth, whenever their Representatives appear, exclaiming, with almost religious fervor:

'Tis a thing we long to know,
Oft it causes anxious thought:
Will you pass this bill, or no?
Is it ours, or is it not?

I come from a people who demand the passage of this measure, who believe that it has been constitutionally originated, and that it is the purpose of this Congress to pass it; their expectation is that it will be passed; and I say to the gentleman from Ohio that it will not do in dealing with a hungering and thirsting people, who realize the dangers of ignorance, who pant for knowledge, to tell them when they have asked for bread and you have given them a stone—it will not do to tell them that you would have passed the bill but for the fact that it had originated in the Senate, and therefore you did not have the power to pass it. It is the pledge of every party that this bill shall be passed. It is the prayer of everybody that it shall be; and I say to the gentleman, now and here, let him, if he will, assume the responsibility of defeating the passage of this measure by such a technicality as this, and let the responsibility rest where it ought to rest, for the people will rise in their wrath and scout the idea that the Senate of the United States is the powerless nonentity which his contention implies, lying bound hand and foot at the mercy of the House of Representatives, unable to respond to the great needs of the nation, unable to avert the greatest of national calamities, unable to do aught affirmatively, and but a negative power, until this House shall see fit to originate measures.

On measures like this, responding to a great need, the people are wise and vigilant. It will not do to tell them that it failed by technicalities. The passage of this resolution means delay, and delay at this late hour means death. The people know where and with whom the bill originated. They know where and with whom it rests upon its passage. They will not be deceived by the pretense that this vital stab is but an indifferent technical inquiry. If death follows, it will be known of all men where and by whom and why the fatal blow was struck, and I repeat that the responsibility shall rest where it belongs.

Mr. WILLIS resumed the floor and yielded three minutes of his remaining time to Mr. COX, of North Carolina.

Mr. COX, of North Carolina. Mr. Speaker, no provision of the Constitution has been more fully and elaborately discussed than the seventh section of the first article. I agree with much that has been said by my distinguished friend from Ohio [Mr. HURD], but believing that the effect of the passage of his resolution at this time will imperil the consideration of the Blair educational bill, I can not give it my support. I am somewhat in the condition of the judges described in Don Quixote who appealed to Sancho Panza to relieve them from their dilemma, and which is as follows:

A certain manor was divided by a large river, over which there was a bridge, at the end of which there was a gibbet and a hall, in which five judges presided to execute the law. A law was enacted as follows:

Whosoever shall pass over this bridge must first swear whence he comes and whither he goes. If he swears the truth he shall be allowed to pass; but if he forswear himself, he shall die upon the gallows without mercy or respite.

It happened that one man's oath being taken he swore he was going to cross the bridge to be hanged on the gibbet, which was his only errand. Therefore if he swore to the truth he should be permitted to pass freely; if to a lie, he should be hanged. Now the question was presented, what should be done? Sancho decided that the half which swore the truth should have been permitted to pass, and that which swore a lie be hanged. But as the reason for condemning and acquitting the culprit were equally balanced, they should let him freely pass; for it is always more laudable to do good than harm.

Now the proposition of the gentleman has an admirable provision in so far as it provides for the preservation of the prerogatives of this House. But as this character of bill has precedents in its favor, notably in the appropriation of the proceeds of the public lands by bills introduced in the Senate in 1832 and 1835, and as the circumstances that precipitated the mass of illiterate voters upon us can never occur again, and in view of the fact this illiteracy jeopardizes the perpetuity of our free institutions and hangs as an appalling cloud over some of the fairest portions of this land, I will resolve the doubt in favor of education. I have not had time during this discussion to fully examine this measure. It may be that the Senate can originate such bills. They have often exercised such authority; but, as is said by the gentleman from Ohio, that is not conclusive. I do not altogether agree with precedents he has quoted from the English Parliaments. One of these bodies is composed of an order of nobility, and while our Constitution provides for a dual body, yet the same reasons for this similarity did not conduce to their similar features. If the proposition was clear that the Blair bill was an infringement of the rights of the people as represented in this body I would be one of the last to support it, whatever benefits might result from an appropriation. But while the question may be involved in uncertainty and all the points now urged can be fully considered when the bill shall be brought forward for final determination, I am constrained to oppose the resolution now before the House in view of the great good that will arise from a general diffusion of intelligence.

Mr. HURD. Mr. Speaker, I believe I have fourteen minutes remaining.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman has that time.

Mr. HURD. I yield seven minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I will frankly say that if I were now called upon to vote on the question whether the Senate can originate an appropriation bill, I do not know upon which side of the question I should vote. The proposition now presented is simply whether this very grave and serious question should be referred to the Committee on the Judiciary for its report.

I do not propose to discuss the question upon the merits. I have a right to say it is a serious question, when by looking at the Congressional Globe I find that on the 7th February, 1856, the following resolution was pending in the United States Senate:

Resolved, That the Committee on Finance be instructed to prepare and report such of the general appropriation bills as they may deem expedient.

The question which it is now proposed to refer to the Judiciary Committee of this House was directly involved in that resolution. I find, sir, that in the discussion upon that resolution an eminent Senator from the State of New York, William H. Seward, used this language:

Whatever the convention may have purposed and however they may have understood the Constitution which they have framed, the fact is a stubborn one that the Senate has never originated an appropriation bill, but that it has always conceded to the House of Representatives the origination of appropriation bills, and the House of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and executed that right itself. This could not have been accidental; it was therefore designed. The design and purpose were those of the contemporaries of the Constitution itself; and it evinces their understanding of the subject, which was that bills of a general nature for appropriating the public money or for laying taxes or burdens on the people, direct or indirect in their operation, belonged to the province of the House of Representatives.

A little further on this eminent Senator said:

Sir, if this power is confined to the raising of revenue, and does not include the expending of it, then the right which was reserved to the House of Representatives is useless, because, practically, we provide for raising revenue so seldom that the exclusion of the Senate from it is of no real value to the country.

Again, this same distinguished Senator used the following language:

I think, then, sir, that I stand upon the principles and the spirit of the Constitution of the United States in advising against the instruction which is asked for by the Committee on Finance.

Further on in this debate I find the following language used by another distinguished Senator, Hon. Charles Sumner, from the State of Massachusetts:

And this brings me, sir, to the precise meaning of the provision. The seeming indefiniteness of the term "bills for raising revenue" may perhaps furnish apology for the present effort. It may be argued that while the Senate is placed under certain restrictions, it may nevertheless originate "appropriation bills." This, of course, is a question of interpretation. Does this interdict upon the Senate extend to the bills by which money is appropriated to the support of the Government as well as to those bills by which it is directly obtained? Are appropriation bills excluded under the term "bills for raising revenue?" Now, I can not join with the opinions so confidently expressed by the Senator from Virginia [Mr. Hunter] and the Senator from Georgia [Mr. Toombs] that it was clearly the intention of the Constitution to concede to the Senate the power of originating all appropriation bills.

* * * * * *

I am not insensible to the public convenience which has been pressed in this debate; but permit me to say that should this convenience require the proposed departure from our standing policy, you will be wise, sir, if you hearken to the counsels of the Senator from New York, and refrain from any innovation, unless assured of the consent and co-operation of the House.

Mr. Sumner was then asked by Mr. Toucey whether he denied the constitutional power of the Senate to originate appropriation bills. I read Mr. Sumner's reply:

Mr. SUMNER. Will the Senator allow me to say that my statement was that I regarded it as a departure from the spirit of the Constitution?

Mr. TOUCEY. I would beg leave to ask whether he denies the power of the Senate to originate appropriation bills?

Mr. SUMNER. I have already said that the language in the Constitution seemed to me indefinite. It is not on the face of it clear. I am driven therefore to contemporaneous evidence in order to seek its precise meaning; and referring to that, my conclusion is that according to the spirit of the Constitution it does not belong to this body to originate appropriation bills.

Mr. Speaker, as I said at the outset, I do not know how I should vote upon this question. I have simply called attention to the utterances of these distinguished Senators, one of them at least an eminent lawyer, for the purpose of impressing upon this House that this is certainly a most serious question, and we should not hastily take action upon it.

I believe it is entirely proper this resolution should go to the Committee on the Judiciary, that from that committee we should have a report. Doubtless diverse views will come before the House. Let these reports be discussed, let these views be examined. It is not a question to be put aside lightly. It is in my judgment one of the most serious questions that can come before Congress.

Mr. HURD. Mr. Speaker, in the debate in the United States Senate on this very same subject in 1832, Mr. Webster said that the question, which is now submitted by this resolution to this House, was one of the most important which could be considered in legislation; one affecting the very highest privileges of the House; one which the House alone could decide for itself. Nearly a century has transpired since the formation of this system of government. Repeatedly has the question been considered; never has it been determined by the House. I believe it should be determined now without regard to the merits of the argument, which have been suggested this afternoon to the consideration of the members of the House. I believe it should be referred, as the resolution proposes, to the Judiciary Committee, that they may make an intelligible report to this House on this important subject.

It is hardly necessary in this view, then, that I should reply to any of the remarks which have been made in opposition to the proposition maintained by me in the opening. I will, however, say, in response to the gentleman from Maine [Mr. REED], that I read the history of England very differently from him. I believe that this power of appropriating money by the house of commons was a power extorted from the lords, compelled from the King, by the determination of the house of commons to insist upon the popular rights of the subjects of that government. I do not think that any man, who will devote himself carefully to the reading of history on this subject, will come to any other conclusion than that, and it was just this power, wrested from the Lords and from royalty for the protection of the British people, that it was the intention of the framers of this Constitution to put here for the protection of the people of America.

As for the remarks of the gentleman from Massachusetts [Mr. LONG] in reference to the decision of the supreme court of that State, I desire to say that decision does not determine the question involved here. It simply determines the signification of the term "money bills," and what was held in that opinion is not at all conclusive of what is the meaning of the word "revenue" here in our Constitution.

And I would say this much in reference to the decision in Massachusetts in addition. It is based upon a statement of fact, namely, that it can not be considered to have been settled in England before 1780, when the constitution of Massachusetts was adopted, that bills appropriating money must originate in the house of commons.

I deny the fact stated by the supreme court of Massachusetts, upon which the whole decision rests, and, to maintain the truthfulness of my assertion, I appeal to all the commentators on the English constitution who have written on the subject from 1678 to the present hour.

I have nothing to say as to the merits of the particular bill to which this resolution relates. I do not know that I shall antagonize it when it is presented to the House for consideration, but when I see a bill relating to a public purpose coming from the Senate to this House originating an appropriation of nearly $100,000,000, I believe it to be our duty to decide this question whether the Senate has any such power as that.

Shall the desire to educate the people lead us to violate the fundamental law of the land? Shall the desire to overcome the evils of illiteracy impel us to violate our oaths? I do not care how much I might be devoted to the success of a measure, if I conscientiously believed the Constitution of the United States to be in its way I would let the measure go and keep my oath and maintain the Constitution of my country. [Applause.]

Mr. WILLIS. I desire briefly to call the attention of the House to the character of the pending motion.

Mr. HURD. How does the gentleman from Kentucky get the floor to conclude the debate.

Mr. WILLIS. By your courtesy.

Mr. HURD. I was not aware I had given it, but if the gentleman so regards it I will yield to him.

The SPEAKER. When the gentleman from Ohio rose the gentleman from Kentucky [Mr. WILLIS] had seven minutes of his time remaining.

Mr. WILLIS. Mr. Speaker, this is an unusual, I may say an extraordinary, resolution. What is its object? Why does it come forth at this particular moment? At what is it aimed? It states upon its face the object and the aim it has in view; that is, to call in question the constitutionality of a measure now pending in this Congress commonly known as the educational bill.

Why has the resolution been delayed up to this moment. On the 7th day of April, 1884, nearly two-thirds of a year ago, this educational bill passed the Senate of the United States. It has from that time until now been left buried under your infamous system of rules on the Speaker's table. Now, with only thirty or forty legislative days left, when we know that under these arbitrary rules the consideration of the most important measures must be defeated; now, after the lapse of two-thirds of a year—more than that—my friend from Ohio [Mr. HURD], anxious to vindicate the majesty of the rights of this House, rises in his seat for the first time and discovers they have been invaded by the action of the Senate.

Sir, I would have more appreciation of the resolution had he been more vigilant as a member of the House in presenting it to the House. I would have more consideration for it if it was aimed at some other of the many thousands of bills upon our Calendar or in committee which are less worthy than this, or that have been already passed by the Senate and have come to us. Only in this session, hardly fifty or sixty hours ago, a bill carrying the appropriations for the naval affairs of this country was passed by the Senate of the United States and referred to the Committee on Appropriations of this House. My friend from Ohio was here then; why did he not lift his eloquent voice against that invasion of the rights and privileges of this House? Ay, sir, if any question has been settled it is the right of the Senate not to raise revenue, which is not claimed, but to expend revenue, which right they have always exercised. The very men who founded our Constitution in the very first Congress that met passed bills of appropriations; and within the hundred years of our existence this right of the Senate to appropriate money has never been disputed, or, if disputed at all, has been successfully maintained as a right pertaining to that body. We have had committees of this House who have considered and deliberately considered it. We have had votes in this House, a body always jealous of its rights, and all have pointed to the maintenance of the right of the Senate to the extent involved in this educational bill.

Mr. Speaker, what is this bill? It is a bill that has already met the approbation of the committee of this House, a bill similar to the one that the gentleman refers to having been considered. Why, if we want to vindicate the dignity of the House, why should we attempt it upon a bill so vitally connected with the future welfare, prosperity, ay, the very perpetuity, of our public institutions in this country as the bill in question? It is known in this House that from day to day and from month to month the Committee on Education has been struggling to get the floor to press the consideration of this educational bill. We are now in the close of this session of Congress. Will this Congress adjourn without action upon this important measure?

Will you, the Representatives of the people of the United States, go back to your constituencies and tell them that you are more interested in passing a bill to prevent hog-cholera or pneumonia in cattle than a bill concerning the intellectual health of your own offspring? That is the question, and this resolution is a blow now being struck at the consideration of this great measure.

Send it to the Judiciary Committee! That is a ponderous, weighty, and deliberate body. Long before they have read the title of this bill yonder clock will have recorded the end of this session. And when we come to-day or to-morrow and ask this House to consider the educational bill, my friend will spring to his feet and say that grave questions affecting the dignity of this House are involved in this bill—these questions we have referred to the Judiciary Committee, and until their action as a committee is made known to this House and proper action taken upon it we ought not to enter upon the consideration of such a measure.

Mr. Speaker, believing that the mind of this House is determined upon this question, believing that further consideration either by the Judiciary Committee or by the House is unnecessary, recognizing the fact that this House has only a few days of life left, in the interest of the economy of the time of the House and in the interest of the objects of this great bill I move to lay the resolution of the gentleman from Ohio on the table. [Applause.]

Mr. HURD. Will the gentleman from Kentucky withdraw the motion for a single instant? I believe I had a moment or two of my time left, and desire to read an extract which will take but a moment.

Mr. WILLIS. I will withdraw, with the right to renew it again.

Mr. HURD. Certainly.

I desire to read simply what I intended to have read a few moments ago; that is, a statement by the late President of the United States, Mr. Garfield, on this very question. There was a resolution pending before the House in the Forty-first Congress declaring that the House had the exclusive right to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or repeal of taxes, when Mr. Garfield said:

> I wish to say merely that the House has never at any time, so far as I can find when the matter was challenged or called up, surrendered the right claimed in the resolution now pending; and if any House should ever make such surrender, I should look upon it as a dark day for the liberties of the country.

Mr. WILLIS. I renew the motion to lay the resolution upon the table.

Mr. YORK. On that I ask the yeas and nays.

Mr. WHITE, of Kentucky. Do I understand the gentleman from Kentucky desires to cut off debate on this question?

The SPEAKER. The gentleman moves to lay the resolution on the table, which is not a debatable motion.

Mr. WHITE, of Kentucky. Before that motion is put I desire to ask leave of the House to print some remarks in the RECORD on this subject.

Mr. O'FERRALL. I desire to make a similar request.

The SPEAKER. If there be no objection these requests will be granted.

There was no objection.

Mr. TOWNSHEND. I ask that the resolution be again read.

The resolution was again reported.

The SPEAKER. On this question the yeas and nays are demanded.

The yeas and nays were ordered, 66 members voting in favor thereof.

The question was taken; and there were—yeas 128, nays 123, not voting 72; as follows:

YEAS—128.

Adams, G. E.	Dibble,	King,	Reese,
Atkinson,	Dibrell,	Lawrence,	Rice,
Bagley,	Dingley,	Lewis,	Rockwell,
Barbour,	Dunham,	Libbey,	Rowell,
Barr,	Elliott,	Long,	Russell,
Bayne,	Ellis,	Lyman,	Skinner, C. R.
Beach,	Evans,	McCormick,	Smalls,
Bennett,	Everhart,	Millard,	Smith, A. Herr
Bisbee,	Findlay,	Miller, S. H.	Smith, H. Y
Blackburn,	Forney,	Milliken,	Spooner,
Blanchard,	Garrison,	Money,	Steele,
Boutelle,	Geddes,	Morrill,	Stephenson,
Bratton,	George,	Muldrow,	Stewart, J. W.
Breckinridge,	Guenther,	Mutchler,	Struble,
Breitung,	Hammond,	Nelson,	Taylor, E. B.
Brewer, F. B.	Hanback,	Nicholls,	Taylor, J. D.
Brewer, J. H.	Harmer,	Nutting,	Taylor, J. M.
Brown, W. W.	Hatch, H. H.	Oates,	Valentine,
Browne, T. M.	Haynes,	O'Ferrall,	Vance,
Buchanan,	Hemphill,	O'Hara,	Wadsworth,
Budd,	Henderson, D. B.	Payne,	Wait,
Cabell,	Hepburn,	Peel,	Wakefield,
Campbell, J. M.	Herbert,	Perkins,	Wallace,
Candler,	Hewitt, G. W.	Peters,	Warner, A. J.
Cannon,	Horr,	Pettibone,	Warner, Richard
Chace,	Houk,	Phelps,	White, J. D.
Cox, W. R.	James,	Pierce,	Williams,
Culbertson, W. W.	Jeffords,	Poland,	Willis,
Cullen,	Kean,	Price,	Wise, G. D.
Cutcheon,	Keifer,	Ray, G. W.	Wise, J. S.
Davidson,	Kelley,	Ray, Ossian	Wolford,
Davis, R. T.	Kellogg,	Reed,	York.

NAYS—123.

Aiken,	Graves,	Mitchell,	Stevens,
Alexander,	Greenleaf,	Morgan,	Stewart, Charles
Anderson,	Halsell,	Morse,	Stockslager,
Barksdale,	Hancock,	Moulton,	Storm,
Belmont,	Hatch, W. H.	Murphy,	Strait,
Bland,	Henley,	Murray,	Sumner, D. H.
Blount,	Hewitt, A. S.	Neece,	Swope,
Boyle,	Hill,	Ochiltree,	Thompson,
Buckner,	Hiscock,	Paige,	Throckmorton,
Campbell, Felix	Holman,	Parker,	Tillman,
Clardy,	Holmes,	Patton,	Townshend,
Clay,	Hopkins,	Post,	Tully,
Cobb,	Houseman,	Potter,	Turner, H. G.
Collins,	Hurd,	Pryor,	Turner, Oscar
Connolly,	Jones, B. W.	Pusey,	Van Alstyne,
Converse,	Jones, J. H.	Randall,	Van Eaton,
Cook,	Jordan,	Ranney,	Ward,
Cosgrove,	Kleiner,	Reagan,	Washburn,
Culberson, D. B.	Lamb,	Riggs,	Weaver,
Dargan,	Lanham,	Robertson,	Wellborn,
Davis, G. R.	Le Fevre,	Rogers, J. H.	Weller,
Deuster,	Lore,	Rogers, W. F.	Whiting,
Dockery,	Lovering,	Rosecrans,	Wilkins,
Eaton,	Lowry,	Seney,	Wilson, James
Eldredge,	McAdoo,	Seymour,	Wilson, W. L.
English,	McCoid,	Shively,	Winans, E. B.
Ermentrout,	McMillin,	Singleton,	Winans, John
Finerty,	Matson,	Skinner, T. G.	Wood,
Follett,	Maybury,	Snyder,	Yaple,
Gibson,	Miller, J. F.	Spriggs,	Young.
Glascock,	Mills,	Springer,	

NOT VOTING—72.

Adams, J. J.	Cox, S. S.	Hart,	O'Neill, Charles
Arnot,	Craig,	Henderson, T. J.	O'Neill, J. J.
Ballentine,	Crisp,	Hitt,	Payson,
Belford,	Curtin,	Hobilitzell,	Rankin,
Bingham,	Davis, L. H.	Holton,	Robinson, J. S.
Bowen,	Dorsheimer,	Hooper,	Robinson, W. E.
Brainerd,	Dowd,	Howey,	Ryan,
Broadhead,	Dunn,	Hunt,	Shaw,
Brumm,	Ellwood,	Hutchins,	Slocum,
Burleigh,	Ferrell,	Johnson,	Stone,
Burnes,	Fiedler,	Jones, J. K.	Sumner, C. A.
Caldwell,	Foran,	Jones, J. T.	Talbott,
Campbell, J. E.	Funston,	Ketcham,	Thomas,
Carleton,	Fyan,	Lacey,	Tucker,
Cassidy,	Goff,	Laird,	Wemple,
Chalmers,	Green,	McComas,	White, Milo
Clements,	Hardeman,	Morrison,	Woodward,
Covington,	Hardy,	Muller,	Worthington.

So the motion to lay the resolution on the table was agreed to.

After the second call of the roll,

Mr. TOWNSHEND said: I change my vote from "ay" to "no."

Mr. BALLENTINE. I should have voted "ay" if I had not been paired.

Mr. CONVERSE. I change my vote from "ay" to "no."

Mr. HENLEY. I also change my vote from "ay" to "no." I voted under a misapprehension.

Mr. DIBRELL. I desire to state that my colleague, Mr. CALDWELL, is confined to his room by sickness.

Mr. PETERS. I desire to change my vote from "no" to "ay."

The following members were announced as paired on all political questions until further notice:

Mr. RANKIN with Mr. BRAINERD.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. HARDY with Mr. WADSWORTH.

Mr. CARLETON with Mr. HART.

Mr. FIEDLER with Mr. ELLWOOD.

Mr. FORAN with Mr. HITT.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. MULLER with Mr. HOWEY.

Mr. GREEN with Mr. BRUMM.

Mr. COX, of New York, with Mr. HOLTON.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. BROADHEAD with Mr. BOWEN.

Mr. BALLENTINE with Mr. GOFF.

The following pairs were also announced:

Mr. BURNES with Mr. STONE, for this day.

Mr. DAVIS, of Missouri, with Mr. BINGHAM, for this day.

Mr. CALDWELL with Mr. FUNSTON, for this day.

Mr. DOWD with Mr. KETCHAM, until Monday, January 26.

Mr. O'NEILL, of Pennsylvania, with Mr. MULDROW, until Monday, January 26.

Mr. TALBOTT with Mr. THOMAS, for this day.

Mr. WARNER, of Ohio. I change my vote from "no" to "ay," and I move to reconsider——

Several MEMBERS. The result is not announced yet.

Mr. BRAINERD. I withdraw my vote. I find I am paired. I voted "ay."

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed a bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

POWER TO ORIGINATE REVENUE BILLS.

Mr. WARNER, of Ohio. I move to reconsider the vote by which the resolution of the gentleman from Ohio [Mr. HURD] was laid upon the table.

Mr. WILLIS. And I move to lay the motion to reconsider on the table.

Mr. WARNER, of Ohio. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 141, nays 113, not voting 69; as follows:

YEAS—141.

Adams, G. E.	Davis, R. T.	Lewis,	Russell,
Atkinson,	Dibble,	Libbey,	Ryan,
Bagley,	Dibrell,	Long,	Skinner, C. R.
Ballentine,	Dingley,	Lyman,	Slocum,
Barbour,	Dunham,	McCoid,	Smalls,
Barr,	Elliott,	McComas,	Smith, A. Herr
Bayne,	Ellis,	McCormick,	Smith, H. Y.
Beach,	Evans,	Millard,	Spooner,
Bennett,	Everhart,	Miller, S. H.	Steele,
Bisbee,	Findlay,	Milliken,	Stephenson,
Blackburn,	Forney,	Money,	Stewart, J. W.
Blanchard,	Garrison,	Morrill,	Stone,
Boutelle,	Geddes,	Nelson,	Struble,
Brainerd,	George,	Nicholls,	Talbott,
Bratton,	Guenther,	Nutting,	Taylor, E. B.
Breckinridge,	Hammond,	Oates,	Taylor, J. D.
Breitung,	Hanback,	Ochiltree,	Taylor, J. M.
Brewer, F. B.	Harmer,	O'Ferrall,	Thomas,
Brewer, J. H.	Hatch, H. H.	O'Hara,	Valentine,
Browne, T. M.	Haynes,	Payne,	Vance,
Brown, W. W.	Hemphill,	Peel,	Wadsworth,
Buchanan,	Henderson, D. B.	Perkins,	Wakefield,
Budd,	Henderson, T. J.	Peters,	Wallace,
Cabell,	Hepburn,	Pettibone,	Warner, Richard
Campbell, J. M.	Herbert,	Phelps,	Wemple,
Candler,	Hewitt, G. W.	Pierce,	White, J. D.
Cannon,	Holmes,	Poland,	Williams,
Chace,	Horr,	Price,	Willis,
Clements,	Houk,	Ranney,	Wilson, James
Covington,	James,	Ray, G. W.	Wise, G. D.
Cox, W. R.	Jeffords,	Ray, Ossian	Wise, J. S.
Crisp,	Keifer,	Reed,	Wolford,
Culbertson, W. W.	Kelley,	Reese,	York.
Cullen,	Kellogg,	Rice,	
Cutcheon,	King,	Rockwell,	
Davidson,	Lawrence,	Rowell,	

NAYS—113.

Alken,	Gibson,	Morse,	Storm,
Alexander,	Glascock,	Moulton,	Straight,
Anderson,	Graves,	Murray,	Sumner, D. H.
Barksdale,	Greenleaf,	Neece,	Swope,
Belmont,	Halsell,	Paige,	Thompson,
Bland,	Hancock,	Parker,	Throckmorton,
Blount,	Hatch, W. H.	Patton,	Tillman,
Boyle,	Henley,	Post,	Townshend,
Buckner,	Hewitt, A. S.	Potter,	Tully,
Campbell, Felix	Hill,	Pryor,	Turner, H. G.
Campbell, J. E.	Hiscock,	Pusey,	Turner, Oscar
Clardy,	Holman,	Randall,	Van Alstyne,
Clay,	Hopkins,	Reagan,	Van Eaton,
Cobb,	Houseman,	Riggs,	Ward,
Collins,	Hurd,	Robertson,	Warner, A. J.
Connolly,	Jones, B. W.	Rogers, J. H.	Washburn,
Converse,	Jones, J. H.	Rogers, W. F.	Weaver,
Cosgrove,	Jordan,	Rosecrans,	Wellborn,
Culberson, D. B.	Kleiner,	Seney,	Weller,
Dargan,	Lamb,	Seymour,	Wilkins,
Davis, G. R.	Lanham,	Shively,	Wilson, W. L.
Deuster,	Le Fevre,	Singleton,	Winans, E. B.
Dockery,	Lore,	Skinner, T. G.	Winans, John
Eaton,	Lowry,	Snyder,	Wood,
Eldredge,	McMillin,	Spriggs,	Worthington,
English,	Matson,	Springer,	Yaple.
Ermentrout,	Maybury,	Stevens,	
Finerty,	Miller, J. F.	Stewart, Charles	
Follett,	Mills,	Stockslager,	

NOT VOTING—69.

Adams, J. J	Dowd,	Hunt,	O'Neill, Charles
Arnot,	Dunn,	Hutchins,	O'Neill, J. J.
Belford,	Ellwood,	Johnson,	Payson,
Bingham,	Ferrell,	Jones, J. K.	Rankin,
Bowen,	Fiedler,	Jones, J. T.	Robinson, J. S.
Broadhead,	Foran,	Kean,	Robinson, W. E.
Brumm,	Funston,	Ketcham,	Shaw,
Burleigh,	Fyan,	Lacey,	Shelley,
Burnes,	Goff,	Laird,	Sumner, C. A.
Caldwell,	Green,	Lovering,	Tucker,
Carleton,	Hardeman,	McAdoo,	Wait,
Cassidy,	Hardy,	Mitchell,	White, Milo
Chalmers,	Hart,	Morgan,	Whiting,
Cook,	Hitt,	Morrison,	Woodward,
Cox, S. S.	Hoblitzell,	Muldrow,	Young.
Curtin,	Holton,	Muller,	
Davis, L. H.	Hooper,	Murphy,	
Dorsheimer,	Howey,	Mutchler,	

So the motion to lay the motion to reconsider on the table was agreed to.

The following additional pair was announced:

Mr. WAIT with Mr. THOMAS, for this day.

TO CHANGE HOUR OF DAILY MEETING.

Mr. VALENTINE. Mr. Speaker, I rise to a privileged question, and I offer a resolution, which I send to the desk.

The SPEAKER. The Clerk will report the resolution, after which the Chair will decide whether it is a matter of privilege or not.

The Clerk read as follows:

Resolved, That on and after Monday next the regular meetings of the House during the present session shall begin at 11 o'clock each day; that it shall be in order each day for one hour, immediately after the reading of the Journal, for the Speaker to recognize such member as he may choose, alternating sides of the House and members, for the purpose of asking unanimous consent for the immediate consideration of such business as such member may select. But if, after the reading of the bill or resolution, ten members object to present consideration, the same shall not be considered: *Provided*, That if consideration be had, five minutes shall be given for debate for and five minutes against such measure if asked by any member.

Mr. MILLS. Mr. Speaker, I make the point of order that that would change a rule of the House.

Mr. McMILLIN. I demand the regular order.

The SPEAKER. The regular order has been demanded heretofore, but the gentleman from Nebraska stated that he rose to a privileged question.

Several MEMBERS. That is not a privileged question.

Mr. VALENTINE. I admit that it is not privileged for consideration at this time, but must, under the rule, lie over until to-morrow.

The SPEAKER. The Chair thinks that so far as regards the mere introduction of the resolution, either for the purpose of having it lie over one day, or for the purpose of having it referred to the Committee on Rules, it is privileged; but not beyond that.

Mr. VALENTINE. That is all that I ask for it.

PRINTING AND DISTRIBUTION OF GOVERNMENT PUBLICATIONS.

Mr. ROGERS, of New York. I rise to a privileged question, and call up from the Speaker's table the Senate resolution (S. R. 104) providing for the purchase and distribution of Government publications, in order to have it referred to the Committee on Printing.

The SPEAKER. That is not a matter of privilege. Reports from the Committee on Printing relating to printing for either House are privileged under the rules of the House. The Chair will ascertain whether that resolution is one that comes within the rule, and, if so, will lay it before the House.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for, which is the call of committees for reports of bills of a private nature.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HAMMOND, from the Committee on the Judiciary, reported a bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 7964) to provide for the expenses and compensation of special messengers to be sent by the Secretary of State to the States respectively of Iowa and Oregon for the certificates of the electoral votes of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States.

Also, an act (H. R. 3661) granting a pension to Lucy Le G. Jeffers.

Also, an act (H. R. 4273) for the relief of Madison R. Calvert.

Also, an act (H. R. 7329) granting the right of way to the Fremont, Elkhorn and Missouri Valley Railway Company across the Fort Robinson military reservation, in the State of Nebraska.

FITZ-JOHN PORTER.

Mr. SLOCUM. I am directed by the Committee on Military Affairs to report back the resolution requesting the President to transmit to the House a copy of the appeal of Fitz-John Porter.

The SPEAKER. The Chair will state to the gentleman that if this resolution be reported during the present call it must go to the Calendar. At any other time it would be in order for consideration.

Mr. SLOCUM. Then I withdraw the report.

JOHN HOLLINS M'BLAIR.

Mr. MURRAY, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7940) for the relief of John Hollins McBlair; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM C. IDDINGS.

Mr. LYMAN, from the Committee on Military Affairs, reported back adversely the petition of William C. Iddings, late a private in the Eleventh Michigan Infantry; which was laid on the table, and the accompanying report ordered to be printed.

SUFFERERS BY WRECK OF STEAMER ASHUELOT.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, reported back with amendments the bill (H. R. 7764) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLAIM OF SOUTH CAROLINA.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back adversely the bill (H. R. 5160) to empower the Secretary of War to audit the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy, at Charleston; which was laid on the table, and the accompanying report ordered to be printed.

MONUMENT TO GENERAL G. K. WARREN.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back adversely the joint resolution (H. Res. 316) for the appointment of a committee to investigate and report upon the advisability of accepting grounds donated by citizens of Cold Spring, N. Y., upon which to erect a monument to the memory of the late General G. K. Warren; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. ROWLEY & SONS.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported back favorably the bill (H. R. 7892) for the relief of William H. Rowley & Sons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY F. POTTS.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (H. R. 7835) for the relief of Mary F. Potts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES VOORHEES.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 3170) granting a pension to James Voorhees; which was laid on the table, and the accompanying report ordered to be printed.

EMELINE L. FITCH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7869) granting a pension to Emeline L. Fitch; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. EAGLES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6948) granting a pension to George W. Eagles; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRIET M. BAILY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7602) granting a pension to Harriet M. Baily; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID COMPROPST.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4766) granting a pension to David Compropst; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN W. WRIGHT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1144) granting a pension to John W. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5244) granting a pension to Joseph Pittman;
A bill (H. R. 535) granting a pension to Godfried Haug;
A bill (H. R. 944) granting a pension to Joel E. Cady;
A bill (H. R. 2086) granting a pension to George W. Manning;
A bill (H. R. 2095) granting a pension to Alexander Kirk;
A bill (H. R. 5243) granting a pension to J. R. Soper;
A bill (H. R. 7181) granting a pension to George W. Russell;
A bill (H. R. 4245) granting a pension to C. C. Phillips;
A bill (H. R. 2088) granting a pension to Samuel P. Harding;
A bill (H. R. 7293) granting a pension to Mrs. P. E. Broaddus;
A bill (H. R. 2080) granting a pension to L. V. Hollyfield; and
A bill (H. R. 7600) to grant a pension to John G. Shawbell.

ROBERT CAREY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with amendments a bill (H. R. 6011) granting increase of pension to Robert Carey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNIE E. BAILEY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back a bill (H. R. 1235) granting a pension to Annie E. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH PARRY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back favorably a bill (H. R. 5554) granting a pension to Sarah Parry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALMIRA K. PARKER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7722) granting a pension to Almira K. Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELBERT HEWITT.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7672) granting an increase of pension to Elbert Hewitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. CLARK.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported a bill (H. R. 8033) granting an increase of pension to George W. Clark; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH A. RANDALL.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS D. FITCH.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7696) granting a pension to Thomas D. Fitch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. FILLEBROWN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 4162) granting an increase of pension to Mrs. Mary K. S. Eaton;
A bill (H. R. 7640) granting an increase of pension to Hiram S. Rowley;
A bill (H. R. 7638) granting an increase of pension to Chauncey S. Pettibone; and
A bill (H. R. 5454) granting an increase of pension to Mrs. Lou Gobright McFalls.

GEORGE F. WEST.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 7561) to allow a pension to George F. West; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY K. S. EATON.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back favorably the bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA GINN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2350) granting a pension to Anna Ginn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back adversely the following bills; which were severally laid on the table, and the reports ordered to be printed:

A bill (H. R. 1771) granting a pension to William C. Meredith, guardian of Matilda Freeman; and
A bill (H. R. 2009) granting a pension to W. A. Hayes.

RACHEL J. FLOYD.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with amendment a bill (H. R. 964) for the relief of Rachael J. Floyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. C. MARSH.

Mr. DOCKERY, from the Committee on Claims, reported back favorably the bill (H. R. 7745) for the relief of W. C. Marsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK J. BURROWS.

Mr. PRICE, from the Committee on Claims, reported back adversely the bill (H. R. 7657) for the relief of Frank J. Burrows; which was referred to the Commitee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

On motion of Mr. PRICE, by unanimous consent the minority were allowed to present their views to be printed with those of the majority.

HUGH AND BYRD DOUGLASS.

Mr. ROWELL, from the Committee on War Claims, reported, as a substitute for H. R. 4293, a bill (H. R. 8034) for the relief of the estate of Hugh and Byrd Douglass, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 4293) was ordered to lie on the table.

LIZZIE E. M'CORD, ADMINISTRATRIX.

Mr. STORM, from the Committee on War Claims, reported, as a substitute for H. R. 3880, a bill (H. R. 8035) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; which was read a first and second time, referred to the Committee of the Whole House

on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 3880) was ordered to lie on the table.

D. MILLS PARRISH.

Mr. STORM, from the Committee on War Claims, also reported back with an amendment the bill (H. R. 3634) for the relief of D. Mills Parrish; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIXTY-SECOND PENNSYLVANIA INFANTRY.

Mr. BREWER, of New York, from the Committee on the Payment of Pensions, Bounty, and Back Pay, reported back the bill (H. R. 7115) for the payment of bounty hitherto withheld from the volunteers of the Sixty-second Regiment Pennsylvania Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL LANDS, DAKOTA TERRITORY.

Mr. VAN EATON, from the Committee on the Public Lands, reported back the bill (H. R. 3848) granting to Dakota Territory section 16, township 103, range 64 west, in the county of Aurora, in said Territory, for purposes of a reform school, and granting to said Territory one section of land in lieu thereof for school purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LEATHERS.

Mr. SNYDER, from the Committee on War Claims, reported back with amendments the bill (H. R. 1377) for the relief of John Leathers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar.

Mr. TOWNSHEND. I hope that motion will be voted down, so that I may call up and the House proceed to consider the Mexican pension bill.

Mr. McMILLIN. In that connection, with the indulgence of the House, I wish to state that there are a few bills reported by the Committee of the Whole which have not yet been acted upon by the House. I am informed that we are required to go into Committee of the Whole in order to reach these bills this evening. I therefore make that motion.

Mr. TOWNSHEND. I do not think we can accomplish anything by going into Committee of the Whole House on the Private Calendar to-day, and therefore I hope the House will take up the Mexican pension bill.

CHANGE OF REFERENCE OF A BILL.

The SPEAKER. The Chair will correct the erroneous reference of a bill, if there be no objection.

There being no objection, the Committee on Pensions was discharged from the further consideration of the bill (S. 1111) granting an increased pension to Sallie Rodman, widow of General Isaac P. Rodman; and the same was referred to the Committee on Invalid Pensions.

AMENDMENT TO THE RULES.

Mr. REED. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. REED. I desire to move an amendment to the rules, to add at the end of Rule XX—

And when all amendments not subject to the point of order shall have been acted on by the House, it shall be in order at once to go into Committee of the Whole House on the state of the Union to consider the amendments affected by this rule.

The object of this is to enable us to pass the Mexican pension bill, the only way under our rules in which it can be done. I hope, therefore, no gentleman on that side will make any objection to it.

Mr. McMILLIN. I demand the regular order. This Mexican pension bill to which gentlemen are referring is not for the benefit of the Mexican soldiers at all.

Mr. HEWITT, of Alabama. If gentlemen are so anxious to take up the Mexican pension bill, let us take up one that is for their benefit.

The SPEAKER. The demand for the regular order is in the nature of an objection. The proposed amendment to the rules will lie over.

L. W. PITTS.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7803) for the relief of L. W. Pitts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. I insist upon the motion that the House go into Committee of the Whole House on the Private Calendar.

The House divided, and there were—ayes 84, noes 68.

Mr. TOWNSHEND. Yeas and nays.

The yeas and nays were ordered, 54 members voting in favor thereof.

The question was taken; and there were—yeas 103, nays 123, not voting 97; as follows:

YEAS—103.

Aiken,	Curtin,	Jones, J. H.	Slocum,
Alexander,	Dargan,	Jordan,	Smith, A. Herr
Bagley,	Davidson,	Lanham,	Stewart, Charles
Barbour,	Deuster,	Lyman,	Storm,
Barksdale,	Dibble,	McAdoo,	Sumner, C. A.
Bland,	Dibrell,	McMillin,	Taylor, J. M.
Blount,	Dockery,	Maybury,	Thompson,
Boyle,	Eaton,	Miller, J. F.	Throckmorton,
Bratton,	Eldredge,	Morse,	Tillman,
Brewer, J. H.	Elliott,	Mutchler,	Tucker,
Buchanan,	Ellis,	Nichols,	Turner, H. G.
Buckner,	Findlay,	Oates,	Turner, Oscar
Cabell,	Follett,	Ochiltree,	Van Alstyne,
Campbell, Felix	Forney,	O'Ferrall,	Van Eaton,
Candler,	Garrison,	Patton,	Wallace,
Clay,	Gibson,	Pierce,	Warner, A. J.
Clements,	Glascock,	Peel,	Warner, Richard
Collins,	Halsell,	Potter,	Wellborn,
Connolly,	Hammond,	Pryor,	Wilkins,
Converse,	Hancock,	Randall,	Williams,
Cook,	Hatch, W. H.	Reagan,	Wilson, W. L.
Cosgrove,	Hemphill,	Robertson,	Winans, E. B.
Covington,	Hewitt, G. W.	Rogers, J. H.	Wise, G. D.
Cox, W. R.	Hill,	Rosecrans,	Wood,
Crisp,	Hopkins,	Seymour,	Young.
Culberson, D. B.	Houseman,	Singleton,	

NAYS—123.

Adams, G. E.	Geddes,	Morgan,	Springer,
Anderson,	George,	Morrill,	Steele,
Barr,	Greenleaf,	Murray,	Stephenson,
Bayne,	Guenther,	Neece,	Stevens,
Beach,	Hanback,	Nelson,	Stewart, J. W.
Bisbee,	Harmer,	Nutting,	Stockslager,
Boutelle,	Hatch, H. H.	O'Hara,	Strait,
Brainerd,	Haynes,	Parker,	Struble,
Breitung,	Henderson, D. B.	Payne,	Swope,
Brewer, F. B.	Henley,	Perkins,	Taylor, E. B.
Brown, W. W.	Hepburn,	Peters,	Taylor, J. D.
Browne, T. M.	Hiscock,	Pettibone,	Thomas,
Budd,	Holman,	Post,	Townshend,
Campbell, J. E.	Holmes,	Price,	Tully,
Campbell, J. M.	Houk,	Pusey,	Vance,
Cannon,	James,	Ranney,	Wakefield,
Chace,	Jeffords,	Ray, G. W.	Ward,
Cobb,	Jones, B. W.	Ray, Ossian	Washburn,
Craig,	Kleiner,	Reed,	Weaver,
Culbertson, W. W.	Lawrence,	Rice,	Weller,
Cullen,	Le Fevre,	Riggs,	Wemple,
Cutcheon,	Libbey,	Rockwell,	White, J. D.
Davis, G. R.	Lovering,	Rogers, W. F.	Whiting,
Davis, R. T.	McCold,	Rowell,	Wilson, James
Dingley,	McComas,	Russell,	Wise, J. S.
Dunham,	McCormick,	Seney,	Wolford,
English,	Matson,	Shively,	Woodward,
Ermentrout,	Millard,	Skinner, C. R.	Worthington,
Evans,	Miller, S. H.	Smalls,	Yaple,
Everhart,	Milliken,	Smith, H. Y.	York.
Finerty,	Mills,	Spooner,	

NOT VOTING—97.

Adams, J. J.	Dunn,	Johnson,	Paige,
Arnot,	Ellwood,	Jones, J. K.	Payson,
Atkinson,	Ferrell,	Jones, J. T.	Phelps,
Ballentine,	Fiedler,	Kean,	Poland,
Belford,	Foran,	Kelfer,	Rankin,
Belmont,	Funston,	Kelley,	Reese,
Bennett,	Fyan,	Kellogg,	Robinson, J. S.
Bingham,	Goff,	Ketcham,	Robinson, W. E.
Blackburn,	Graves,	King,	Ryan,
Blanchard,	Green,	Lacey,	Shaw,
Bowen,	Hardeman,	Laird,	Skinner, T. G.
Breckinridge.	Hardy,	Lamb,	Snyder,
Broadhead,	Hart,	Lewis,	Spriggs,
Brumm,	Henderson, T. J.	Long,	Stone,
Burleigh,	Herbert,	Lore,	Sumner, D. H.
Burnes,	Hewitt, A. S.	Lowry,	Talbott,
Caldwell,	Hitt,	Mitchell,	Valentine,
Carleton,	Hoblitzell,	Money,	Wadsworth,
Cassidy,	Holton,	Morrison,	Wait,
Chalmers,	Hooper,	Moulton,	White, Milo
Clardy,	Horr,	Muldrow,	Willis,
Cox, S. S.	Howey,	Muller,	Winans, John.
Davis, L. H.	Hunt,	Murphy,	
Dorsheimer,	Hurd,	O'Neill, Charles	
Dowd,	Hutchins,	O'Neill, J. J.	

So the motion was not agreed to.

Mr. BEACH. I ask that by unanimous consent the reading of the names of members voting be dispensed with.

Mr. McMILLIN and Mr. GIBSON objected.

The names of the members voting were read.

Mr. MILLS. I change my vote from "ay" to "no."

Mr. BREWER, of New York. I change my vote from "ay" to "no."

Mr. CAMPBELL, of Pennsylvania. I change my vote from "ay" to "no."

The following additional pairs were announced:

Mr REECE with Mr. WAIT, for this day.

Mr. PAIGE with Mr. KEAN, for this day.

Mr. LOWRY with Mr. ATKINSON, for this day.

Mr. SKINNER, of North Carolina, with Mr. KELLEY, for this day.

The result of the vote was then announced as above stated.

Mr. MILLS. I move to reconsider the vote just taken.

Mr. BROWNE, of Indiana. I move to lay the motion to reconsider on the table.

Mr. NICHOLLS. I move that the House do now adjourn.

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. I wish to inquire whether if the House refuses to go into Committee of the Whole and should then go to business on the Speaker's table could it take up anything but private bills.

The SPEAKER. It could not, unless by a two-thirds vote the House should dispense with private business.

Mr. WARNER, of Ohio. And that requires a two-thirds vote.

The SPEAKER. The Chair has so stated.

Mr. WOLFORD. I ask the gentleman from Georgia [Mr. NICHOLLS] to withdraw his motion to adjourn and to substitute for it a motion to take a recess.

Mr. NICHOLLS. I withdraw the motion to adjourn, and move that the House take a recess until 8 o'clock for the transaction of business under the former order of the House.

Mr. MILLS. If the motion for a recess should be agreed to, what business will come up?

The SPEAKER. Pension business alone.

Mr. HERBERT. As I understand, only private pension bills.

The SPEAKER. Such is the order of the House.

The question being taken on the motion for a recess, there were—ayes 94, noes 66.

Mr. ANDERSON. I call for the yeas and nays.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. What vote would be necessary to take up public business?

The SPEAKER. In order to reach public business private business must first be dispensed with by a two-thirds vote. The Chair has already so stated in response to another question.

Mr. BLOUNT. I desired that that should be understood.

The question being taken on ordering the yeas and nays, there were—ayes 22.

Mr. ANDERSON. Count the other side.

The negative vote was counted; and there were—noes 146.

So (the affirmative not being one-fifth of the entire vote) the yeas and nays were not ordered; and the motion for a recess was agreed to.

And accordingly (at 4 o'clock and 35 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read a communication from the Speaker.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *January* 23, 1885.

Mr. JOHN H. BAGLEY, Jr., of New York, will preside as Speaker *pro tempore* during the session of the House this evening.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business under the order just read.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. I ask unanimous consent that the business of this evening may begin with the first case reported by the Committee on Invalid Pensions on page 46 of the Calendar, except one case. There is one near the bottom of page 43 to which some objection was made heretofore by the gentleman from West Virginia [Mr. GIBSON]. I understand he wishes to make some statement in relation to it and will then withdraw his objection to it.

Mr. HOLMES. Without antagonizing the request of the chairman of the Committee on Invalid Pensions, I desire to say that the bill (H. R. 1981) for the relief of certain pensioners enrolled by special acts of Congress is placed in rather an anomalous position. I would ask that that bill be not passed over out of its regular order without being considered in Committee of the Whole. I am not particular whether it is considered at the beginning of the call or later.

The CHAIRMAN. On what page of the Calendar is the bill to which the gentleman from Iowa refers?

Mr. HOLMES. It is on page 44 of the Calendar.

The CHAIRMAN. The Chair will state the question. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the committee shall consider as the first bill the one whose title the Clerk will now read.

The Clerk read as follows:

A bill (H. R. 6946) for the relief of Margaret McCarty.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. GIBSON. The bill to which the gentleman from Indiana referred was the bill (H. R. 4079) for the relief of James D. Kirk. I desire the committee to take up that case now, for the reason that several evenings ago when it was called up I made some statements by way of objection to it, and at my request it was passed until I could look into the case. I can stay here but a very few minutes this evening, and before I go I desire to make a statement in relation to this bill, in justice both to the claimant and to myself.

When this case was up before my attention was called to it upon the reading of the report, which stated that James D. Kirk had been a member of the One hundred and sixty-seventh Regiment of West Virginia Militia. As soon as I heard that statement read I knew that there must be some mistake about the matter, there never having been any One hundred and sixty-seventh Regiment of West Virginia Militia; and, there being no evidence before us on that evening to show that this man was in the service, I objected to the consideration of the bill. Since that time I have had occasion to be in Wheeling, the capital of our State, and have examined the records there. In the adjutant-general's office of West Virginia there are the records of several companies that were formed under the laws of the State of Virginia, and this regiment was officered by officers appointed by the governor of the State of Virginia (at that time Governor Pierpont), and was numbered as a Virginia regiment; so that the mistake consists in stating that this man was a member of the One hundred and sixty-seventh West Virginia Regiment. It appears, however, that he was a member of the One hundred and sixty-seventh Virginia Militia.

Mr. STOCKSLAGER. But he was in the service?

Mr. GIBSON. Yes, sir. The record shows that he served for four months, at which time the company was disbanded. The record shows no wounds suffered by him there, but it shows that immediately upon the disbandment of that organization he enlisted in a Kentucky regiment and served during the balance of the war. Now, the question whether he was under any disability while he was in the One hundred and sixty-seventh Virginia Militia or not is a matter that I shall leave to this committee and to the evidence before it. I simply desired to make this statement here in relation to the case, because on a former occasion I had stated here publicly and emphatically that the man could not have been a member of the One hundred and sixty-seventh West Virginia Regiment, and I do not desire that he should suffer by any mistake that may have occurred in his papers or by what may have been a technical contradiction on my part of the statements made in his behalf.

Mr. HEWITT, of Alabama. I ask for the reading of the report. I ask to have it read as a part of my remarks.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the report was read when the bill was taken up on a former occasion.

Mr. HEWITT, of Alabama. I know it was; but I do not remember it, and I desire to have it read.

Mr. LE FEVRE. Mr. Chairman, I would ask that this bill be laid aside informally. It is a bill introduced by Mr. CULBERSON, who is not present. He came to me this afternoon and said that he was anxious to have the case called up, and as he is not here I ask that it be laid aside informally.

Mr. GIBSON. I will ask the gentleman from Ohio [Mr. LE FEVRE] to inform the gentleman from Texas [Mr. CULBERSON] of the statement that I have just made in relation to this bill.

The CHAIRMAN. The gentleman from Alabama [Mr. HEWITT] asks for the reading of the report. The Clerk will read it.

Mr. LE FEVRE. Mr. Chairman, is there any objection made to my request that this case be laid aside for the time being?

The CHAIRMAN. The gentleman from Ohio [Mr. LE FEVRE] asks unanimous consent that this bill be laid aside informally, and, no objection being made, it is so ordered.

RELIEF OF CERTAIN PENSIONERS.

Mr. HOLMES. Mr. Chairman, House bill 1981, for the relief of certain pensioners enrolled under certain acts of Congress, has been passed over, and now I desire to call it up.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That any pensioner of the United States receiving a pension by virtue of any special act of Congress, on account of disability incurred by him while in the military or naval service of the United States, shall be entitled to increase of such pension upon the same conditions of rerating and continuance of such increase which are applicable to other pensioners under the general pension laws.

The CHAIRMAN. The Chair will state to the gentleman from Iowa [Mr. HOLMES] that the request of the gentleman from Indiana [Mr. MATSON] was that the call should commence with a certain bill—with the exception of the bill which has just been under consideration and has been laid aside informally.

Mr. HOLMES. Without desiring to antagonize any measure which the gentleman may desire to call up, I yet do not wish this bill to be omitted from consideration in its regular order.

The CHAIRMAN. The Chair did not understand the gentleman from Iowa as having objected to the request of the gentleman from Indiana.

Mr. HOLMES. I made at that time the same statement that I have made just now, and I understood that to be accepted by the chairman of the committee, as no objection was made. I do not know that he has any objection now.

Mr. MATSON. I remember very distinctly, Mr. Chairman, that the gentleman from Iowa [Mr. HOLMES] did say that he desired to call up this bill, either now or at some future time.

The CHAIRMAN. The Chair so understood the gentleman from Iowa.

Mr. MATSON. I am not disposed to insist upon the point. As far as I am concerned I have no objection to his calling up this bill now, but I know this—as I think he does also—that objection has been made heretofore to the consideration of this bill at our evening sessions. I believe I objected to it in the first place myself on the ground that the order of the House in relation to these sessions was such as to at least cause members to understand that only private pension bills would be considered. While the language of the order is that bills upon the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered, the clear understanding of all the members of the House is that only private bills shall be considered.

Therefore it seemed to me to be unfair to other members of the House to press this bill, which is in the nature of a general bill, upon the attention of the House at these Friday evening sessions. Subsequently, when the matter was before the House, I think the gentleman from Alabama [Mr. HEWITT] objected upon the ground that this was a general bill. Now, I think this bill is right and that it ought to pass. I do not think it is a bill that would be seriously objected to on its merits; but I do think that we ought not to undertake to pass a bill of this kind at these evening sessions, because it might at least seem to be unfair to the House itself, for the reason that a majority of the members certainly understand that only private bills are to be considered on these occasions. However, I am not disposed to be factious in my opposition. I have made the objection once, and I shall not make it again. If the House sees fit now to go on with this bill I have no objection whatever.

Mr. HENDERSON, of Iowa. Mr. Chairman, I would like to ask the chairman of the Committee on Invalid Pensions whether he has any plan by which, under the rules of the House, he hopes to get action upon this bill except at a Friday evening session.

Mr. MATSON. I do not know how that may be. So far as that is concerned, there are no other bills reported by the Committee on Invalid Pensions that I suppose the House itself would give preference to over this one. However, that is neither here nor there. It is merely a question of fair play.

Mr. HENDERSON, of Iowa. I realize the force of the point the gentleman makes, but I am anxious to know whether he has any plan by which if this bill be passed over now he can hope to secure its consideration by the House at some other time than this, or at some of these evening sessions.

Mr. MATSON. The gentleman from Iowa [Mr. HOLMES] is in charge of the bill; whether he has any such plan or not, I am not aware.

Mr. HOLMES. Mr. Chairman, I am not advised as to what may be the understanding of members of this House in regard to the transaction of the business of the House, except that it is to be governed by certain rules which the House itself has adopted for that purpose. The rule which governs the order of business of these Friday evening sessions is as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Now, Mr. Chairman, the question is, Is this bill a bill which has been reported by the Committee on Invalid Pensions? Most assuredly it is. It was reported by that committee and was ordered to be placed upon this Calendar by the House, and, as I understand, it is now in a position superior to the action or control of this committee; because, having been placed upon the Calendar by the House, it can be displaced only by the action of the House. My friend from Indiana [Mr. MATSON] says that the members of this House should be here when this bill is to be considered, that it is not fair to transact this business in their absence. But in the transaction of the public business are we to wait upon the convenience of the members? The members of this House are supposed to be present when the House is transacting business. I know of no rule of law or equity, nor do I know of any rule of this House, which requires us to postpone public business until all the members of the House find it convenient to attend.

Mr. HEWITT, of Alabama. Will the gentleman permit me to interrupt him?

Mr. HOLMES. With pleasure.

Mr. HEWITT, of Alabama. I merely wish to suggest to the gentleman that it is wholly unnecessary to take up time in this discussion, because unless there is a quorum here we can not go on with this bill. It is a bill general in its character, and I do not think it would be right for the House to allow it to pass without the presence of a quorum. For that reason, I think we had better go on with the private pension bills.

Mr. HOLMES. Do I understand the gentleman from Alabama [Mr. HEWITT] to object to the consideration of this bill?

Mr. HEWITT, of Alabama. Yes. I shall object.

The CHAIRMAN. The Chair would state to the gentleman from Iowa [Mr. HOLMES] that this bill is upon the Calendar, is now reached and has been read.

Mr. HOLMES. There is no means of getting this bill before the House unless it be taken up at one of these Friday evening sessions. It is not in order, as I understand the rules of the House and the order of business, to take up this bill as a private bill in the afternoon, and to insist that it shall not be taken up at a night session is simply an indirect method of defeating the bill.

It is a proper bill. No gentleman has taken the floor to argue against the propriety of the bill or its justice. It simply permits the Pension Office to increase the amount of the pension where the disability has increased since the pension was allowed by special act of Congress. I shall therefore ask the ruling of the Chair and insist upon the consideration of this bill at the present time. Similar measures have already been passed at different times.

The CHAIRMAN. The Chair has already stated that this bill is now before the Committee of the Whole for consideration, and is now being considered.

Mr. PERKINS. I desire to make a suggestion to the gentleman from Alabama, and on this suggestion I trust we may be able to compromise. It is that we consider this bill now in Committee of the Whole, and, if the majority of the committee should be favorable to it, pass it in Committee of the Whole, but let its final passage in the House await the presence of a quorum. In this way perhaps the bill would be advanced somewhat. If the gentleman from Alabama is disposed to insist that the bill shall not pass finally without the vote of a quorum, let that question be deferred until the measure can be reached in the House; but if a majority of this Committee of the Whole are in favor of the bill, let us pass it this evening.

Mr. HEWITT, of Alabama. As has been stated by the gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions, the order under which these evening sessions are held was made by unanimous consent, with the understanding on the part, probably, of every member of the House that only private pension bills were to be considered under the order. To permit now a general bill, which has been put upon the Private Calendar by mistake or inadvertence, to be taken up and passed at a session of this kind in the absence of a quorum would not, I think, be fair to the House.

Mr. HOLMES. Is there any rule or order of the House to the effect indicated by the gentleman, that nothing but private bills can be considered at these night sessions?

Mr. HEWITT, of Alabama. I am only stating what was the understanding, I presume, of every member of the House, including the gentleman from Iowa, when this order was made; because it would have been impossible to obtain unanimous consent for the consideration at these night sessions of any general pension bill. Hence I think it would be doing injustice to members of the House who are not present to permit this bill to be considered at all at a night session. Therefore, though I can not object to its consideration, I shall demand a quorum upon any question connected with this bill.

Mr. WILSON, of Iowa. I think I can suggest a way by which the gentleman from Alabama can obtain the sense of a full House upon this bill. Can we not agree that the bill shall pass through the Committee of the Whole, and be taken up in the House to-night as the last bill for consideration, and that the previous question be ordered upon it, so that it shall come up in the morning as unfinished business, when a vote of the House can be had upon it? Would not that be agreeable to the gentleman from Alabama?

Mr. PERKINS. That is substantially the suggestion I have made.

Mr. HOLMES. Will that be satisfactory to the gentleman from Alabama?

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it do pass?

Mr. HENDERSON, of Iowa. Inasmuch as it is evident that the gentleman from Alabama will insist upon his objection, I suggest to my colleague [Mr. HOLMES] that this bill be laid aside informally until we pass some of the private bills on the Calendar, and that this bill be taken up toward the close of this evening's session.

Mr. HOLMES. To take the bill up toward the close of the session after it had been passed over when reached in regular order would be objected to for the same reason that objection is now made. I do not see any hope of passing this bill through the committee at any time unless it be passed now. I think it perfectly fair to pass the bill through the Committee of the Whole with the understanding that we shall wait until there is a fuller House before we ask action on the bill in the House.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass?

The question being taken, there were—ayes 40, noes 1.

Mr. HEWITT, of Alabama. I make the point that no quorum has voted.

Mr. HOLMES. As the gentleman from Alabama raises the question of a quorum, and as I do not wish to delay the other business before

the Committee of the Whole, I ask that this bill be passed over informally.

The CHAIRMAN. Is there objection to laying this bill aside informally? The Chair hears no objection. The Clerk will report the next bill.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Chairman, I ask by unanimous consent to make a statement concerning the business of the evening. It has been suggested to me by a number of gentlemen, and I feel the force of it, that those gentlemen who are here [cries of "Louder!"]—it has been suggested by a number of gentlemen that those who come to the evening sessions should have preference in relation to the disposition of bills which they have offered, and in the passage of which they have an interest. Therefore, Mr. Chairman, I ask by unanimous consent that the business of this evening may proceed at least for a time with the understanding that the Chair shall recognize gentlemen alternately on each side of the House to call up such bills to which they may see fit to ask the attention of the committee. [Cries of "That is right!"]

The CHAIRMAN. Is there objection to the proposition made by the gentleman from Indiana? He asks unanimous consent that the Chair may recognize members who are present having bills on the Calendar in which they are interested to ask that they be taken up out of their order. Is there objection?

There was no objection, and it was ordered accordingly.

MRS. SARAH S. SAMPSON.

Mr. DINGLEY. I ask to call up for consideration at the present time the bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll the name of Mrs. Sarah S. Sampson, widow of Lieut. Col. Charles H. L. Sampson, late of the Maine Infantry Volunteers, at the rate of $50 per month.

The amendments reported by the committee were as follows:

In line 5, after the word "Sampson," insert the words "an Army nurse;" and in line 7 strike out the words "fifty dollars per month" and insert the words "twenty-five dollars per month."

Mr. STEELE. I understand these bills were to be taken up in their order. [Cries of "No!" "No!"] Otherwise there would be a scramble as to who shall have precedence in calling up a bill.

Mr. MORRILL. We are to alternate between the two sides of the House, and in that way we may pass thirty or forty bills to-night.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson, having duly considered the same, report as follows:

It appears from the papers before your committee that Mrs. Sarah S. Sampson joined the Third Maine Volunteers as matron when that regiment left Maine for active service, June 3, 1861. Her husband, then Capt. Charles A. L. Sampson, commanded a company in the regiment, and was subsequently promoted to be lieutenant-colonel of the same. From a report of Mrs. Sampson's services, published in the official report of the adjutant-general of the State of Maine for 1865, it appears that she was daily in attendance at the regimental hospital so long as the regiment remained encamped at Meridian Hill, near Washington; that she was at Clermont, caring for the wounded of Bull Run; that she was with the sick and wounded in the brigade hospital every day to the embarkation for the Peninsula, in March, 1862, and that she was distributing supplies and caring for the inmates of the hospitals all through the battles of the memorable Peninsular campaign.

In the autumn of 1862 her efficiency had been so well tested that she was assigned to visit hospitals in the Department of Washington, in which capacity she did so conspicuous service as to win the commendation of those in command. In December, 1862, she was in the hospitals at Fredericksburg, caring for the wounded of the first battle at that place. In February, 1863, she visited Birney's division hospital, near Falmouth, with supplies. She did conspicuous service in the hospitals at Gettysburg after that battle, and from that time to March, 1864, she was assiduously employed in the hospitals around Washington. In March, 1864, she was in the hospital at Brandy Station, and after the battle of the Wilderness went again to Fredericksburg to care for the wounded of that bloody contest.

Through the summer of 1864 she labored so devotedly in the hospitals at White House Landing, Fortress Monroe, and City Point that she was taken ill with fever, and was not able to return to hospital work till February, 1865. As soon as her health permitted she joined the Army hospitals at City Point, and labored assiduously, caring for our sick and wounded, till the war closed and the last of the sick and wounded had been removed.

The testimonials to the rare devotion and great efficiency of Mrs. Sampson's labors during the four years' labors in the Union hospitals are numerous and conclusive.

General M. V. Wiswall, military governor of the District of Columbia, says:

"I had abundant opportunity to observe Mrs. Sampson in her work of caring for the sick and wounded. I think I do her but justice when I say that during her nearly three years of service I know of no one more earnest, more self-sacrificing, or more intelligent in the discharge of duty than she was. Such women should be recognized by the Government."

Ex-Vice-President Hannibal Hamlin, under whose observation Mrs. Sampson's self-sacrificing labors came, says:

"I know Mrs. Sampson very well, and I know well the heroic and Christian duties which she nobly discharged during the war. * * * I think Congress should be asked to give her a pension, first on the ground of her services, and second on the ground that her husband was entitled to a pension, but from patriotic reasons did not obtain it."

Rev. A. F. Beard, during the war connected with the Christian Commission, and now pastor of the American church, Paris, says:

"My first introduction to Mrs. Sampson was subsequent to the battle of Wilderness, in Fredericksburg, where, overcome by work and exposure and the ghastly service, I was in extreme sickness. In her rounds Mrs. Sampson found me and administered to me among hundreds of others, with a skill and fidelity which saved my life, as it did the lives of many."

Hon. Anson P. Morrill, ex-governor of and ex-Representative to Congress from Maine, says:

"I saw much of Mrs. Sampson at Washington in 1861, '62, and '63, and knew her labors in behalf of the sick and wounded soldiers. * * * I found Mrs. S. to be a woman of wonderful energy and capacity, and thoroughly devoted to the alleviation of the suffering soldiers."

G. S. Palmer, M. D., late surgeon of the Third Maine Volunteers, and surgeon United States Volunteers, says:

"Mrs. Sampson was exceedingly well qualified in health, disposition, and intelligence to perform the most arduous and delicate duties of nurse and friend to the soldier, and she did perform these duties with most wonderful skill and cheerfulness. * * * I think I can say with truth and without disparagement to any one else that Mrs. Sampson was the most energetic, careful, and efficient female nurse in the Army. Her late husband was at first captain of Company D, Third Maine Regiment, and subsequently promoted to lieutenant-colonel. He was stricken down with malarial fever in the Peninsular campaign; was carried to Fortress Monroe, where he lay weeks suffering from that exhausting disease, from the effects of which he never recovered."

The following order from the War Department is of interest in this connection:

WAR DEPARTMENT, *Washington City, September* 21, 1864.

GENERAL: In consideration of the great services that Mrs. C. A. L. Sampson has rendered to our sick and wounded soldiers, the Secretary of War directs that you furnish her transportation to her home in Maine, and also to return from there to this city.

Your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Brig. Gen. D. H. RUCKER,
Chief Quartermaster.

It appears that Lieutenant-Colonel Sampson, husband of Mrs. Sarah S. Sampson, resigned, after a little more than a year's service, in July, 1862, on account of ill health, and that from that time until his death, January 1, 1881, his health was broken. The death of her husband has made it necessary for Mrs. Sampson to support herself, a task which increasing years is rendering more and more difficult.

In view of these facts, and in further view of the services of Mrs. Sampson in caring for the orphan children of deceased soldiers since the close of the war, nine hundred officers and soldiers of the Union Army in Maine have united in a petition asking Congress to grant her a suitable pension.

Your committee recommend the passage of a bill allowing her a pension of $25 per month.

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE E. BAILEY.

Mr. CONVERSE. I call up a bill (H. R. 1235) granting a pension to Annie E. Bailey.

The CHAIRMAN. Is it on the Calendar?

Mr. CONVERSE. No; it was reported this afternoon.

Mr. TOWNSHEND. I have a bill about the first one on the Calendar.

The CHAIRMAN. The Chair will state to the gentleman that the gentleman from Ohio has been recognized under the arrangement made by the committee——

Mr. TOWNSHEND. I do not think gentlemen should be allowed to call up bills reported at this late day in preference to bills reported long ago and which are first upon the Calendar.

Mr. CONVERSE. It allows each member recognized to call up one bill, and there is no injustice about that.

Mr. HEWITT, of Alabama. The gentleman from Illinois was not here to object, and we are proceeding under an arrangement made by unanimous consent.

Mr. CONVERSE. I call up the bill (H. R. 1235) granting a pension to Annie E. Bailey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Annie E. Bailey, widow of First Lieutenant William C. Bailey, of Company B, Fourth Regiment West Virginia Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

Annie E. Bailey is the widow of William C. Bailey, first lieutenant Company B, Fourth Regiment West Virginia Volunteers, who died December 9, 1874; and the evidence in her claim for pension shows that Lieutenant Bailey was discharged upon surgeon's certificate of disability for asthma, being utterly unfit for duty therefrom. The claim for pension was rejected because of alleged existence of disease prior to enlistment.

The evidence of the surgeon of the regiment shows exposure on a raid and contraction of severe cold from which asthma developed.

His colonel, Lieut. Col. John L. Vance, testifies to same effect, and to subsequent death from consumption.

F. A. Crowly, M. D., as to being Lieutenant Bailey's family physician, and treating him in connection with his father for asthma, which gradually developed into consumption.

Dr. Ephraim Williams was family physician prior to 1861, and testifies to non-existence of asthma.

John M. Gardner testifies to acquaintance with Lieutenant Bailey from 1857 to March 10, 1861, and to soundness and freedom from asthma. So positive is the sworn evidence as to freedom from asthma prior to enlistment, its contraction in the service, existence at and subsequent to the discharge, and development into consumption that there seems no room for doubt that Lieutenant Bailey's death was a sequence of his service, and your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES D. KIRK.

Mr. CULBERTSON, of Kentucky. I call up a bill (H. R. 4079) granting a pension to James D. Kirk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James D. Kirk, of Ines, Martin County, Kentucky, and pay him a pension from the date of expiration of his term of service in Company B, One hundred and sixty-seventh Regiment West Virginia Militia, at the rate allowed by law to private soldiers for disabilities incurred while in the service of the United States in the late war of the rebellion.

The amendments of the committee were read, as follows:

Strike out the words "Kentucky, and pay him a pension from the date of expiration of his term of service in," and in lieu thereof insert "late of."

The report of the committee (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4079) granting a pension to James D. Kirk, have had the same under consideration, and beg leave to submit the following report:

It appears from the papers on file in the Pension Office that James D. Kirk, while serving as a private in Company B, One hundred and sixty-seventh Regiment West Virginia Militia, and returning with his command to Lawrence County, Kentucky, from a scout to Logan County, West Virginia, was accidentally wounded in right hand by the discharge of his gun while in the act of passing it through a fence. The ball passed through the palm of the hand, fracturing the middle metacarpal bones, causing the drawing up and consequent shortening of the fingers.

The fact of the injury and its incurrence in line of duty is fully shown by the affidavit of the officer and others of the command. The date of the injury is given as November 25, 1862. After recovery from the wound Kirk became a member of Company I, Thirty-ninth Kentucky Infantry, and served from August 28, 1863, until mustered out, a first-sergeant, September 15, 1865.

The claim has been rejected by the Pension Office because the applicant at time of injury was not in the service of the United States.

The command to which claimant belonged it is true was a State organization, but its services were valuable to the Government, and in fact the militia of the several States were co-operating with the forces of the United States in the suppression of the rebellion, and their services are recognized in the pension laws for wounds or injuries received while in an engagement, provided the claim was prosecuted to a successful issue prior to July 4, 1874.

This, as well as preceding Congresses, have recognized the services of the militiamen by granting pensions for those who are excluded from the provisions of the general pension laws, and believing this case to be meritorious, your committee report favorably on the bill, and ask that it do pass, amended, however, by striking out all between the word "Kentucky," in line 5, and the word "in," in line 7, and insert therein instead the words "late of."

The amendments were agreed to.

Mr. MORRILL. Does that grant arrears? As originally read it did grant arrears from the time of the disability, and, if so, I must object to it.

The CHAIRMAN. The bill will be read as amended.

The bill was again read as amended.

Mr. TOWNSHEND. There are no arrears in that. It is all right.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SPARR.

Mr. STEVENS. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 7340) granting a pension to John Sparr.

The CHAIRMAN. The Clerk will read the bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Sparr, of Batavia, N. Y., late of Company C, Third Regiment New York Cavalry.

The report (by Mr. BAGLEY) is as follows:

John Sparr served as a private in Company C, Third Regiment New York Cavalry, from September 28, 1864, to July 12, 1865. He applied for pension February 24, 1879, alleging disability on account of injury to right leg by reason of the fall of his horse while chasing a confederate mail-carrier near Portsmouth, Va., in March, 1865, which injury resulted in varicose veins and weakness of leg. The claim for pension has been rejected because there is no record of the alleged injury, and claimant is unable to furnish the testimony of officers or comrades as to its incurrence or medical evidence of treatment in service or at discharge, and the evidence on file is deemed insufficient to corroborate claimant's allegations.

It appears that the claimant was one of a detachment made up of different commands, sent out on a raid across Blackwater River, at the time of the injury, and not being acquainted with his companions he is unable to furnish the testimony of an eye-witness. The captain of claimant's company testifies, however, that claimant's injury at the time alleged was, at the time of the latter's return to the company, reported to the affiant. The leg was swollen and sore, and soldier thereafter was excused from drill. The affiant had no doubt of the truth of claimant's statements in the matter.

Claimant states that he was treated in Camp Getty for the injury, but does not remember the name of the surgeon.

William Doring and Charles J. Sparr, neighbors, who are shown to be credible witnesses, testify that upon his return from the Army soldier was lame, and an examination of the leg showed that it was swollen and blue from the right knee to the foot.

Dr. Billings, who treated claimant from his discharge until 1872, is dead. Subsequent treatment is shown by the affidavits of the attending physician.

That claimant was sound at enlistment can not be doubted upon the evidence on file.

The action of the Pension Office in rejecting the claim because of the absence of the testimony of an eye-witness to the injury, and of medical treatment in the service, was undoubtedly proper under its rules governing the adjudication of pension claims; but in view of the fact shown your committee are of opinion that great injustice would be done a worthy soldier by insisting upon a strict compliance with such rules, and believing that he, by the best attainable circumstantial evidence, has established his title to a pension, we report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AMOS M'DOWELL.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to take from the Private Calendar House bill 7572, granting a pension to Amos McDowell, and put it upon its passage. It will be found on page 52 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place on the pension-roll the name of Amos McDowell, late a member of the Forty-sixth Iowa Volunteer Infantry, and grant him a pension from the passage of this act, subject to the pension laws.

Mr. BAGLEY. I ask unanimous consent that the reading of this report be dispensed with, and that it may be printed. I appeal to my friend from Alabama that this reading of these long reports is simply delaying the passage of the bills.

Mr. HEWITT, of Alabama. The report should be read or else some statement made to show the character of the bill on which we are called to act.

Mr. PETERS. I think I can expedite matters by making a brief statement in reference to this case.

This is the case of an applicant for pension who contracted disease in the Army, but did not take sick until two days after he was discharged from the service. The medical testimony all goes to show that the seeds of the disease were in his system at the time of his discharge. Immediately after his discharge he was taken down with typhoid fever. The case was examined by a special examiner sent out from the Department, who reported favorably upon it, but for some reason it was rejected, because the Department did not think the evidence sufficiently proved that the disease was contracted in the Army prior to the discharge.

I think it is one of the strongest cases that has ever come before the House for its action.

The CHAIRMAN. Without objection, the reading of the report will be dispensed with and it will be printed in the RECORD.

There was no objection.

The report (by Mr. MORRILL) is as follows:

We find that claimant enlisted May 28, 1864, for one hundred days, and was discharged September 23, 1864, by reason of expiration of service. November 7, 1878, he filed a declaration for pension, alleging "typhoid fever, contracted at Memphis, Tenn., September, 1864, resulting in disability of left leg." The case was submitted to a special examiner, and a full and searching examination was made, developing the following facts, which seem to stand unquestioned, as there is no contradictory testimony. Two or three comrades testify that on their way to Davenport, Iowa, in September, 1864, to be mustered out the claimant appeared sick and complained to those around him that he felt badly. On the 23d of September they were mustered out, and he, accompanied by comrades, went to his home. The family physician happening to be present, gave him some medicine. He continued to grow worse, and a few days after (not more than ten) he was confined to his bed, and for two months was very sick with typhoid fever. For six months he was unable to leave the house. The fever left him with a diseased leg, which has continued ever since. He shows continuous medical treatment from the day he reached his father's house until the time of making the application, in 1878.

His family physician, Dr. William H. Gibbon, surgeon of the Fifteenth Iowa Regiment, testifies that he was claimant's family physician from 1858 until he entered the service, at which time he was in good health and a sound, able-bodied man; that when he (affiant) left the Army in 1865 he again became claimant's family physician; that he (claimant) had the typhoid fever the year before, and at the time he saw him his left leg was considerably swollen, with contracted muscles, caused by rheumatism; that he continued to be his physician until he went to Kansas, in 1873, up to which time the leg had not materially improved, the leg still being flexed and swollen; that he remained in the condition described from 1864 to 1873.

Dr. O. M. Dotson testifies that he treated claimant from 1873 to close of year 1877, and that he was disabled on account of abscesses on left leg from hip to ankle.

The lay testimony as to his disability is very full and complete.

A. B. Casselman, the special agent of the Pension Department, who conducted the examination, says in his report, speaking of one of the most important witnesses:

"Before taking the testimony of this witness I inquired relative to his reputation, and was informed that he was a man of the strictest integrity and regard for truth; that anything he might say could be implicitly believed."

In closing his report the special examiner says:

"I am of the opinion that this claim is established, showing in my opinion that claimant's alleged disabilities are due to the service; yet in view of the testimony relating to the degree of disability from disabled leg, I think it would be well to have him examined by the nearest board, especially as Surgeon Minor rates him for a disability not alleged."

Yet in the face of all this testimony, with the evidence of Dr. Gibbon and Dr. Dotson before him, with the testimony of reputable men that claimant was treated immediately upon his return home by Dr. Joy, who is now dead, the reviewer who sat in judgment upon the report of the special examiner, says:

"Approved for rejection on the ground that claimant has failed to connect his alleged typhoid fever and results with his military service, there being no record of any sickness in service, and claimant being unable to furnish medical testimony of prior soundness, origin in the service, or existence at or soon after discharge. Says he was taken with typhoid fever thirteen days after discharge."

Claimant swears positively that two days before his discharge he was taken with a severe headache and a fullness and disagreeable feeling at the stomach; that this sickness continued growing worse for ten days after he got home, when he was confined to his bed.

Your committee conclude that a very strong case is shown by the evidence; that it would be unreasonable to suppose that the fever was not contracted in the service, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY L. ALVORD.

Mr. WOLFORD. Mr. Chairman, I ask consent to call up bill 7659, granting a pension to Mrs. Emily L. Alvord. It will be found on page 53 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Emily L. Alvord,

widow of Brig. Gen. Benjamin Alvord, deceased, late Paymaster-General of the United States Army, and pay her a pension of $50 per month from and after the passage of this act.

The report (by Mr. WOLFORD) is as follows:

That General Alvord was an officer in the Army of the United States in continuous service for forty-seven years. His military record is most satisfactory and brilliant. He was in the Florida war against the Seminole Indians, was engaged in several skirmishes, and was promoted for his gallant conduct. He was in the war with Mexico, and participated in several engagements, and was twice promoted for his gallant and meritorious conduct in the battles of said war. He was in command as brigadier-general United States Volunteers from 1862 to 1866 in the war with the seceding States, and promoted in the regular Army, for faithful and meritorious services, to brevet lieutenant-colonel, and brevet colonel, and brevet brigadier-general in the United States Army. He was afterward Paymaster-General of the United States Army, and discharged the duties of the office with great ability, giving entire satisfaction, being honest, faithful, and industrious.

He died in 1884, having been on the retired-list four years, of disease contracted while in active service in the Army and in the line of his duty, as shown by the certificate of the surgeon of the United States Army, which certificate is appended to this report. He graduated in the Military Academy of the United States; was a scholar of distinction; was assistant professor of mathematics and of natural and experimental philosophy at the United States Military Academy in 1837. He was the author of some valuable books, which honored him. He was a pure and devout Christian, of high honor, a warm and generous friend, and a kind husband and father, as brave as the bravest and as gentle as the gentlest. His widow, the only wife he ever had, his companion for many years and the mother of his children, is old and infirm, with but little money or property and with three children and a very old and helpless maiden sister of her husband to support.

Wherefore they report the bill without amendment, with the opinion that it ought to pass.

I certify that Brig. Gen. Benjamin Alvord, United States Army, retired, was at the date of his retirement suffering from chronic diarrhea, for which he had been repeatedly treated by me during the last two years of his active service. Though for many years, and dating as far in the past as the Mexican war, General Alvord had been frequently compelled to apply for medical treatment for diarrhea, to which he was strongly predisposed, it did not become a permanent and chronic disease until in 1876, and when in the line of his duty as Paymaster-General. At that time and subsequently his health became so much impaired as to necessitate the daily use of remedies and led to feeble action of the heart, general debility, and organic disease of the kidneys, of which he died.

BASIL NORRIS,
Surgeon, United States Army.

SAN FRANCISCO, CAL., *December* 8, 1884.

True copy.

WM. B. ROCHESTER,
Paymaster-General United States Army.

Mr. HEWITT, of Alabama. Mr. Chairman, I do not rise to oppose that bill, but I would like to ask the gentleman from Kentucky if the widows of any of our brigadier-generals have been put upon the pension-rolls at the rate of $50 per month?

Mr. WOLFORD. This man has, perhaps, as good a record as any man who ever served in the Army.

Mr. HEWITT, of Alabama. That is not the question.

Mr. WOLFORD. I want to say that to start with. It will not take a minute.

Mr. HEWITT, of Alabama. Will the gentleman answer the question that I have asked him?

Mr. WOLFORD. The gentleman who introduced this bill has gone to the Pension Office and has a list of some ten or a dozen names of persons who have been placed upon the pension-roll at the rate of $50 a month.

Mr. TOWNSHEND. The widows of brigadier-generals?

Mr. WOLFORD. Yes, sir. I send this list to the desk and ask the Clerk to read it.

The Clerk read as follows:

List of persons whose pensions have been increased by special act to $50 per month:

Anna J. Foster, July 5, 1884.
Virginia Zeilin, July 5, 1884.
Apolline A. Blair, July 5, 1884.
Martha T. Strihling, July 5, 1884.
Ellida J. Middleton, July 5, 1884.
Sarah N. Crane, July 5, 1884.
Fannie S. Beaumont, July 5, 1884.
Mary T. Barnes, July 5, 1884.
Betsy A. Mower, July 5, 1884.

Mr. HEWITT, of Alabama. I move to amend that bill.

Mr. WOLFORD. I hope the gentleman will not offer any amendment to it.

Mr. HEWITT, of Alabama. I am not going to make the point of order upon the bill. I know you will pass it as it comes from the committee; but I feel it a duty to move to strike out "$50 per month" and insert "to pay her a pension subject to the provisions and limitations of the pension laws." This will give her a pension of $30 a month. [Cries of "Vote!" "Vote!"]

The amendment was not agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET M'CARTY.

Mr. HENDERSON, of Iowa. Mr. Chairman, I now call up from the Calendar the bill (H. R. 6946) for the relief of Margaret McCarty. It will be found on page 46 of the Calendar.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the requirements and regulations of the pension laws, the name of Margaret McCarty, widow of W. H. McCarty, a member of Company C, Twenty-first Regiment of Iowa Infantry Volunteers.

The report (by Mr. HOLMES) is as follows:

Margaret McCarty is the widow of William H. McCarty, late a private in Company C, Twenty-first Iowa Volunteer Infantry. He enlisted on the 16th day of August, 1862, and was mustered in the same day, and was discharged on the 3d day of June, 1865.

The soldier, William H. McCarty, originally made application for invalid pension, which was executed September 29, 1879, and was filed October 28, 1879, and proofs introduced. This application was rejected by the Pension Office on the ground that the claim was not pending in the Pension Office at the time of the soldier's death, under section 4717 of the Revised Statutes of the United States. The soldier died October 22, 1879, at Rockdale, Iowa. The widow, Margaret McCarty, afterward filed her application for pension on the 5th day of September, 1882, which was rejected by the Pension Office on the ground that the death of the soldier was not occasioned by disability contracted in the service. The official records of the Surgeon-General's Office show that William H. McCarty was taken, on the transport Crescent City, July 2, 1863, with anasarca of the lower extremities, and was transferred July 11, 1863; was admitted to Adams general hospital at Memphis, Tenn., July 11, 1863, with disease of the joints, and returned to duty August 27, 1863; was admitted to University general hospital at New Orleans, La., July 26, 1864, with scorbutus and rheumatism, and returned to duty September 18, 1864; he was admitted to the Overton general hospital Memphis, Tenn., December 17, 1864, from the field, with chronic diarrhea, and transferred February 4, 1865; was admitted to the small-pox general hospital, Memphis, Tenn., February 5, 1865, with small-pox, and mustered out June 3, 1865. The records and evidence show that the soldier was a sound man and in good health when he entered the service. During his earlier service he was taken prisoner and confined for some months in Camp Tyler, Texas. While confined there he was severely attacked with scurvy, from which he seems never to have recovered. The scurvy attacked his teeth and gums and lower extremities. There is considerable evidence of his procuring medicine and of physicians' attendance during the time from his discharge to his death; but the evidence also shows that he lacked much in medicine and attendance, being too poor to procure them. The immediate cause of his death, as found by the Pension Office, was hemorrhage from abdominal scirrhus (cancer), and although the medical department of the Pension Office did not attribute his death to the disability contracted in the service, yet the evidence, aside from a technical medical conclusion, points undeniably to that fact. The soldier never recovered from the scurvy, and was sick almost continuously, and declining from the time of leaving the service until his death. We think the preponderance of the evidence and the record shows conclusively that his disability originated in the service, and, without recounting in detail the evidence which would lead us to this conclusion, your committee think it sufficient to say that they recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID FRIED.

Mr. STOCKSLAGER. Mr. Chairman, I now call up the bill (H. R. 7308) for the relief of David Fried.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of David Fried, late a private in Company F, Fifty-ninth Regiment Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws, with arrears from the date of the injury.

Mr. MORRILL. I would like to ask if that bill grants arrears?

Mr. STOCKSLAGER. It does.

The CHAIRMAN. The Clerk will again report the bill.

The bill was again read.

Mr. MORRILL. I move to amend by striking out the words "with arrears from the date of the injury."

We have rejected hundreds of cases in the Committee on Invalid Pensions. I object *in toto* to granting arrears.

Mr. STOCKSLAGER. I would like to have the report in this case read, and then I shall have something to say about it.

The report (by Mr. MATSON) was read, as follows:

The claimant, David Fried, enlisted as a private in Company F, Fifty-ninth Indiana Volunteers, December 19, 1861, and was discharged April 4, 1862, on account of gunshot wound, causing the loss on right hand of index finger between first and second joints, the second finger at first joint, and stiffness of the third finger at first joint. Claimant made application for pension, which was rejected by the Pension Office for the reason that the claimant did not prove, beyond a reasonable doubt, that he himself did not purposely discharge his gun, thereby causing the injury. The evidence is conclusive that the claimant was a good soldier; that he had been on picket duty, returned to his tent, lay down and went to sleep; that by some means (not testified to) the straw or cornstalks that were used for bedding caught fire; that his gun, which was in close proximity, was discharged, causing the injury as above set forth. The fact that no one saw the fire communicated to the gun, in the opinion of this committee, cuts no figure in the case, as it was for that reason, undoubtedly, that the accident occurred. If the claimant or his comrades had seen the fire communicated to where the guns were lying, as a matter of course they would have extinguished it.

The special examiner in this case says he can not show that this man shot himself—

"But that the burden is on the claimant; he is to prove his claim, at least so far as to exclude a reasonable doubt that he did not purposely wound himself."

This the examiner says the claimant has not done. This theory is in direct opposition to the doctrine enunciated by this committee, that the soldier is entitled to the benefit of any reasonable doubt that may exist.

The best evidence in this case, the discharge and certificate of disability of the claimant, seems to have entirely escaped the notice of this special examiner. The captain of his company and the surgeon of the regiment both certify to the accidental discharge of the gun, causing the loss of three fingers.

Your committee are of the opinion that the Government is debarred at this late day of going back on a record made over twenty years ago, and would therefore recommend the passage of the bill.

Mr. MORRILL. Now I move to amend by striking out the words I have suggested, so that it will leave the pension subject to the provisions and limitations of the pension laws.

Mr. STOCKSLAGER. Mr. Chairman, in the first place I must be permitted to say to the committee that I believe the doctrine of granting arrears of pension is right. I think there ought to be arrears granted in all cases.

But this case is different from many of the cases we are called upon to consider here. In the great majority of cases which the committee is called to act upon the pension has not been allowed by the Department because there is no law under which it can be allowed or because the general law does not reach the particular case. But that is not the question presented by the present case.

Here is a case where the claim was filed in ample time, long before the expiration of the time prescribed, years before July, 1880, where, if the Pension Department had done its duty, there would have been a pension allowed with arrears. As I have said, it is not a kind of case which the law does not reach where the applicant did not do his duty. This applicant did his full duty. He filed his claim, made his proof, and the Pension Department refused the claim on the extraordinary statement that he had not proved beyond reasonable doubt that the injury might not have been inflicted purposely.

The committee very properly say that the Pension Office overlooked the most important part of the testimony, and that was that the captain and the surgeon of the regiment, at the time of this soldier's discharge, both certify to the fact of the accidental wound. I think this is a case in which there ought to be arrears, and I think there ought to be arrears in all cases of this character where the applicant has done his full duty and filed his claim in time. There are no laches here. [Cries of "Vote!" "Vote!"] Very well; if gentlemen do not wish to hear I will submit the matter to a vote of the committee.

Mr. MATSON. As this bill was reported by me, I wish to say that evidently by some inadvertence the latter clause in relation to arrears was not stricken out. That clause was placed at the end of the bill and by some inadvertence was left in. I will say it has been the universal practice of the Committee on Invalid Pensions not to grant arrears. That has been the practice not alone of the committee of this House, but it has been the practice of the committees of former Congresses. No arrears have been granted.

Mr. BROWN, of Pennsylvania. And it has made no difference what the merits of the case were.

Mr. MATSON. I wish to say just one word more. I will say to my friend from Indiana [Mr. STOCKSLAGER] there have been cases presented to the Committee on Invalid Pensions that were stronger in their equitable and legal merits than this; and the arrears were not allowed because it has been the uniform practice of Congress to refuse them.

The amendment offered by Mr. MORRILL was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUISA A. ESTES.

Mr. MORRILL. I ask consent to take up the bill (H. R. 7709) granting a pension to Louisa A. Estes. It is on page 52 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Louisa A. Estes, widow of John Estes, late of Company E, Seventy-third Regiment of Indiana Volunteers, subject to the conditions and regulations of the pension laws.

Mr. HEWITT, of Alabama. I call for the reading of the report, unless it be long. In that case let there be a statement in explanation of the bill.

Mr. TOWNSHEND. The report is quite lengthy. I suggest that the gentleman from Kansas make a statement.

Mr. MORRILL. I will state in a very few words the substance of this case. This soldier died, as three physicians testify, from the effects of a wound received in the arm. He was shot in the arm and the bone worked out until no bone was left below the elbow. One physician was called who certified that the soldier died from the effects of opium. Three other physicians said they attended the man and saw no effects of opium. The druggist who furnished him all his medicine said he never supplied him any opium during twenty years of acquaintance with him. The three physicians said he died from the effects of nervous prostration caused by the injury he received during the war.

Mr. HEWITT, of Alabama. Did the three physicians certify that before the Pension Bureau?

Mr. MORRILL. Yes; and the Pension Department refused the application, as they always refuse such applications, on the evidence of one man. If fifty physicians certified that the man never took opium and one certified that he did, the Pension Office would have rejected the claim.

The report (by Mr. MORRILL) is as follows:

We find that Louisa A. Estes is the widow of John Estes, late a private in Company E, Seventy-third Regiment Indiana Volunteers, who died February 24, 1881. The claim of the widow for pension was rejected on the ground that his death was not the result of his military service, and the only proof in support of this position is the affidavit of Dr. William B. Davis, who first saw the soldier February 7, seventeen days before he died. Dr. Davis testifies:

"The immediate cause of death was anæmia. The anæmia was due to derangement of the digestive apparatus. This derangement of the digestive apparatus was due to a derangement of the nervous system. The derangement of the nervous system was due to the opium habit."

Dr. Winfrey, late assistant surgeon of volunteers, testifies that he was well acquainted with said soldier for about seven years prior to his death, and was his family physician up to within a short time of his death, and does not remember of ever prescribing opium for said soldier or know of his taking any.

Dr. Ott, a physician in good standing, testifies:

"I attended, as a physician, John Estes, of the town of Wathena, at the time of his death, in said town, on the 25th of February, 1881. In my judgment, the cause of his death was complete prostration of the nervous system, together with some brain affection (the latter, however, not having been proven by a *post-mortem* examination); said disease being caused by a constant drain upon the system by an injury claimed to have been received during the war."

Aug. Miller, for sixteen years postmaster of Wathena, and for twenty years the druggist of the village, a man of unquestionable integrity, says:

"From September, 1880, until February 25, 1881, I furnished all the medicine he required, and if there was any opium in any of the medicine I do not know it. Mr. Estes, in his lifetime, bought all of his medicine of me, and he never bought 5 cents' worth of opium of me. Furthermore, he did not look like one addicted to the opium habit, and it is my candid opinion that he was free from that vice; and any one who knows anything about the circumstances of the death of John Estes must admit that it was from the wound received in the Army that he died."

Several neighbors testify that they were intimate with the deceased and never knew him to use opium nor heard of his doing so.

Dr. J. F. Sanders also testifies:

"I was well acquainted with John Estes (deceased), and treated him in the beginning of his last illness. It was a nervous prostration, which he told me at the time he thought came from the wound in his arm. I will also state that I never knew of his taking opium in any form, and *know* he did not take any while I treated him. I did not treat him long—was acquainted with him about a year, and never heard of his using opium till I read it in your (Commissioner's) letter. *I believe it to be false.*"

The soldier received a severe wound in his arm while in battle in October, 1864, for which he applied for a pension in 1865, and received it until his death. The examining board of surgeons reported the disability equivalent to the loss of the hand. Four physicians have testified in this case. All agree that he died from the effects of nervous prostration. Three of them say it was the result of the wound; the other says it was caused by the use of opium. The village druggist, several of the intimate neighbors, his wife, three of the physicians say they never knew or heard of his using opium. The other, who saw him for the first time seventeen days before he died, says his disease was caused by opium. The preponderance of evidence is largely against this theory. The widow is left penniless, with a large family of small children.

Your committee, without hesitation, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CREET H. DOUGHERTY.

Mr. LOWRY. I call up the bill (H. R. 383) granting a pension to Creet H. Dougherty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Creet H. Dougherty, late of Company E, Tenth Regiment of Illinois Volunteers, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of this act.

Mr. HEWITT, of Alabama. Let the report be read.

The report (by Mr. MATSON) was read, as follows:

That claimant enlisted in the military service of the United States as a private in Company E, Tenth Regiment Illinois Volunteers, August 30, 1861, and was honorably discharged July 4, 1865.

May 19, 1874, he filed a declaration for pension, alleging that April 15, 1865, near Raleigh, N. C., while on double-quick march, he received rupture of the left side from his cartridge-box striking him, which was rejected August 18, 1882, on the ground of no record of alleged disability and claimant's inability to furnish satisfactory evidence of origin of the same.

The incurrence of the hernia as alleged by claimant is shown by the evidence of Lieutenant Jamison, of claimant's company and regiment. He is shown to have been treated for hernia immediately on his discharge from the service, and the continuance of the disability is conclusively shown by both professional and lay testimony.

That the soldier was free from hernia prior to and at the time of his enlistment is also clearly established.

Your committee find that the disability of this soldier was contracted in the military service of the United States and in line of duty, and that he is entitled to a pension, and therefore recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. It seems this soldier was wounded by his cartridge-box. I would like to have some explanation how that could happen. I have carried a cartridge-box, and I do not know any way in which I could have been wounded by it.

Mr. LOWRY. It is set forth in the report that the hernia, on account of which this claim is made, was incurred in the service. That is clearly established by the proof. It is also shown that the specific mode in which the hernia was incurred was by the cartridge-box striking the soldier at a time when he was on double-quick march. The committee state in their unanimous report that the soldier was free from hernia at the time he entered the service, but immediately on his discharge was treated therefor. As to the particular way in which the cartridge-box struck him, or how it was propelled against him, I am unable to state. The committee report that they are entirely satisfied with the justice of the claim.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH A. RANDALL.

Mr. POLAND. I call up the bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall. The bill is not on the printed Calendar, as the report was only made to-day.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall, late captain of Company G, Seventh Regiment of Vermont Veteran Volunteers, and that such pension commence at the death of her said husband.

Mr. POLAND. The report in this case is exceedingly voluminous, and I do not think it will be necessary to read it in full. This Captain Randall and his wife (now his widow) lived in the town adjoining that

in which I live. They are people whom I have known for many years. I knew Captain Randall before he went into the Army and after he came home from the Army, down to the time of his death. Captain Randall made application to the Pension Bureau for a pension. It turned out that, on the inspection of his papers, the medical examiner was for giving the pension for one disability (there being two), and the chief of the medical board was for granting it for the other disability, and the result was that between the two, as they could not agree upon the cause for which the pension should be given, they gave him none at all. [Laughter.]

Mr. RAY, of New Hampshire. I move to amend by striking out the words "and that said pension commence at the death of her said husband."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM STRICKLAND.

Mr. TOWNSHEND. I call up the bill (H. R. 3994) granting a pension to William Stricklin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Stricklin, late second lieutenant of Company G, Third Regiment Illinois Volunteers in the Mexican war, at the rate of $15 per month.

The amendments reported by the committee are as follows: In line 6 strike out the word "Stricklin" and insert "Strickland." In line 8 strike out the words "at the rate of $15 per month" and insert "subject to the provisions and limitations of the pension laws."

Amend the title so as to read: "A bill granting a pension to William Strickland."

The report (by Mr. STOCKSLAGER) was read, as follows:

This claim is now pending in the Pension Office, and has not been allowed because of a lack of medical testimony. The said Strickland was second lieutenant of Company G, Third Illinois Volunteers, in the Mexican war, and a lieutenant and two privates, together with other reliable witnesses, testify to the soldier's disability.

From the evidence the committee have no doubt that the claimant is clearly entitled to the pension, and the passage of the bill is recommended.

The committee move to amend the bill by substituting the name "Strickland" for the name "Stricklin," as it appears, the latter being an error. And also by striking out the words "at a rate of $15 per month" and inserting in lieu thereof the words "subject to the provisions and limitations of the pensions laws."

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEMUEL J. BENNETT.

Mr. PERKINS. I call up the bill (H. R. 552) granting a pension to Lemuel J. Bennett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Lemuel J. Bennett, late of Company —, First Illinois Infantry Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. STOCKSLAGER) was read, as follows:

While serving in Company E, First Illinois Volunteers, in the Mexican war, Mr. Bennett contracted, it appears, rheumatism, disease of the bowels, and fever, which permanently disabled him; but his claim for pension has been rejected because of his inability to prove the origin of disability in a satisfactory manner. It is clear to the committee, however, that he is entitled to a pension, and the bill is reported back with the recommendation that it pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. ROBSON.

Mr. JONES, of Wisconsin. I ask unanimous consent to take up the bill (H. R. 3833) for the relief of John W. Robson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, arrearages included, the name of John W. Robson, late a private in the Sixth Wisconsin Battery, at the same rate as other soldiers of similar disability.

The amendment reported by the committee is as follows: In lines 5 and 6, strike out the words "arrearages included."

The amendment was agreed to.

The report (by Mr. D. H. SUMNER) was read, as follows:

The accompanying bill asks that John W. Robson, of Madison, Wis., be placed upon the pension-rolls of his country, subject to all the limitations and provisions of the pension law.

His case is a sad one, and his cause meritorious to the last degree, the history of which shall be briefly recited.

John W. Robson, a native of Great Britain, who came to America in 1850, enlisted as a private at Milwaukee, Wis., in the Sixth Battery, Wisconsin Volunteers, September 13, 1861, going at once into training at Camp Utley, Racine, Wis. After training a little less than two months, he was not mustered in, but was discharged, because his body lacked half an inch of the prescribed height. He thus not only lost compensation during that period, but lost his own time and the proceeds of his private business, and was compelled to beat his way home without money, being aided a portion of the way by the kindness of a benevolent lady, who, hearing his parley with the railway conductor, paid the required fare.

A few months later, being still anxious to serve his adopted country, Mr. Robson was informed by Lieut. A. W. Bishop, now of the regular Army, that the question of undersize would probably not be again raised against him, as the needs of the Government were becoming more urgent, and to recruit a company of eleven men, and he should have a suitable office as a reward. He therefore recruited in Sauk County, Wisconsin, the company of eleven soldiers.

In the mean time Lieut. John W. Fancher returned and began recruiting for the Sixth Battery, and wanted Mr. Robson and his recruits. As the Sixth Battery was the one in which he originally enlisted, he went to Milwaukee, taking the eleven recruits, all of whom enlisted with him. Not having a knowledge of the ways of the world, Mr. Robson received no commission for his successful recruiting and enlistment, but went into and through the rebellion as a private, while the credit that belonged to him was enjoyed by Lieutenant Fancher.

After gathering several deserters and about thirty volunteers, Mr. Robson was sent to the front in charge of them, arriving at Rienzi, Miss., within twenty days and in time to participate in the terrible battle of Corinth, October 3 and 4, 1862, which was the first engagement of the Sixth Wisconsin Battery, that had enlisted more than a year before, and from which he had been excluded, as already mentioned.

Thus Mr. Robson, by reason of having been discharged for short stature, lacked about ninety days of being able to veteranize under the act of Congress of 1863. Those who enlisted first with him veteranized under that act and reenlisted, receiving $400 bounty and a forty-day furlough each. He had enlisted with them, but could not veteranize nor receive a furlough or a bounty. He participated in all the battles of his battery, and also served during the period while the veterans were enjoying their bounties and furloughs at home.

He was mustered out in July, 1865, having fought as long and in as many battles, for half as much money, as those who enlisted at the time of his first enlistment.

On returning home, he was taken ill with the rheumatism, chills and fever, and the malarious diseases contracted during army life. He was better and worse at intervals, sometimes confined to his room and sometimes able to be out. While partially convalescent, he was asked by Nye J. Gibbs, adjutant-general of Wisconsin, to superintend the firing of a national salute on the 22d of February, 1866, in celebration of Washington's birthday.

Being an expert artilleryman, which was the reason of the request, he complied, though too ill to attempt any labor or business, and began firing from a cannon relinquished by the Federal Government. The gun, having an imperfection, of which fact, however, he was not aware, exploded a charge prematurely and severed his right arm at the shoulder and otherwise severely injured him.

The wounds were at once aggravated by the malarious poisons which his system had absorbed in the South, and which were still further developed and brought into activity by those injuries, and he is not healed to this day. For five years he was unable to walk without a staff and unable to work. For weeks and months together it was necessary to keep a child or nurse to carry food or drink to his mouth, so deeply were his bones affected by this malaria.

Finally the insidious poison left the wounded part and concentrated itself in his head. A portion of the skull bone was cleft; other portions are now loosening; the cranium is bare, cracked, and feverish, a source of infinite pain, suffering, trouble, and expense, and in such condition as to render traveling away from home impossible without an attendant.

Thus Mr. Robson, who served valiantly through the rebellion with his two brothers, is not only disabled for life, but is also an invalid for life. He was ill at the time of firing the salute of February 22, 1866, the direct effects of his army life; but as he had no hospital record, having served every day without a moment's furlough, and as his legitimate army illness was so overshadowed by and merged in with the results of the accident just mentioned that he and his physicians were for the time unable to clearly separate the legitimate results of the two, he did not apply for a pension. These same difficulties have ever since restrained him from asking an annuity under the general pension laws, though with his friends he never doubted the justness of his claims.

He was preparing to make an application for a pension when the explosion took place; but after that the physician who attended him (Dr. A. H. Rudd) died; the old war diseases mixed and merged with the wounds resulting from the explosion, so that subsequent medical advisers were unable to testify to his exact condition before the injury, though they agreed that his terrible afflictions were originally caused by army life, and thus he has been dragged along, close companion of despair, alternately renewed and deferred hope and poverty.

If those who wish, in dealing with the soldiers, to make the word of promise to the ear and break it to the heart desire, they can, indeed, balance themselves on the technical point that Mr. Robson did not suffer all his disabilities in battle; but he served every day for over three years faithfully and gallantly in the rebellion; the fact that he was one-fourth of an inch under the prescribed standard height deprived him of those bounties, privileges, and emoluments enjoyed by his taller comrades who enlisted with him; he gave his skill and services to fire a national salute in honor of the birth of the Father of his Country, which resulted in shattering an arm and shoulder, and intensifying the operations of the malaria absorbed in the Army; in short, he is disabled, one-armed, and an invalid for life, because, and only because, he was a soldier.

His present deplorable condition of poverty and physical ailments are the direct result of his service to his country, without any qualification or reservation whatever. Because, then, the circumstances attending his disability were such that it would be difficult for him to secure an adequate annuity under the general pension laws, should he, amid so many recipients of aid by special act of Congress, be denied justice?

Mr. Robson, when the country was in the throes of civil war and the result was quivering in the balance, might have fortified himself behind a technicality and even escaped the draft by showing that he was less than the standard height. But he did not. After being rejected once for this reason he tried again, when times were more troublous, and every faithful, patriotic volunteer was a precious gift, and being accepted in spite of the technicality of short stature, bore the burden of a private gunner to the end of the rebellion.

Can this great Government, which he helped to save and for and in whose service he has been physically ruined, now hide behind a paltry technicality, which he scorned in the hour of need, and deny him a few crumbs from our bursting Treasury? This Government must be just if not generous. It has been generous with thousands; let it now be just with this one crippled, sick, and pensionless veteran, the son of a foreign country, who can rest his cause upon nothing but his own merits and the honorable intentions and correct judgment of the Congress of the United States. Do not thrust him aside like an old stagehorse, because the country has had the benefit of his youth and strength, and has no further use for his sick and crippled body, for the time may come when we shall need the services of his young sons now struggling on through the poverty that patriotism entailed upon their father and upon them.

Wherefore your committee recommends the passage of said bill, provided, however, that the same be amended by striking out the words "arrearages included."

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID M. HARRISON.

Mr. PETTIBONE. I ask unanimous consent to take up the bill (H. R. 4626) for the relief of David M. Harrison.

No objection being made, the Clerk began to read the bill.

Mr. MATSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] will state his point of order.

Mr. MATSON. My point is that this is not a bill reported from either the Committee on Pensions or the Committee on Invalid Pensions, and that therefore its consideration is not in order at this time.

Mr. PETTIBONE. Mr. Chairman, I hope no objection will be made to the present consideration of this bill. It is the case of a lost pension check, and the object of the bill is simply to restore the check.

The CHAIRMAN. The Chair sustains the point of order.

AUGUSTUS JONES.

Mr. MILLER, of Texas. I call up the bill H. R. 5191, reported from the committee with amendments, granting a pension to Augustus Jones.

The bill was read, as follows:

Be it enacted, &c., That the pension now allowed to Augustus Jones, a soldier of the war of 1812, be increased from $8 per month to the sum of $25 per month, to take effect from and after the passage of this act.

The report (by Mr. JONES, of Texas) was read, as follows:

Augustus Jones, of Columbus, Colorado County, Texas, was born at Kaskaskia, Ill., February 18, 1796, and is now over 88 years old. He served in Capt. Henry Dodge's company of volunteers in 1812, and afterward in Capt. John Scott's company of Russell's regiment, and was honorably discharged in 1814. In the war with Mexico he raised a company and served in Rail's regiment throughout the campaign in Mexico, and was honorably discharged at the close of the war.

February 14, 1871, he was placed upon the pension-rolls at $8 per month. It appears from affidavits of three respectable physicians that said Jones has no means of support for himself and wife except his pension, which is his only means of support, and that he is physically and mentally unable to earn a living, being now nearly blind and very feeble.

The committee therefore recommend the passage of the bill with the following amendment, namely: In line 5 strike out the word "five," so as to make it read "twenty dollars per month."

The amendment reported by the committee to strike out in line 5 the word "five," so as to make it read "twenty dollars per month," was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

T. A. MORTON.

Mr. MILLARD. I call up the bill (H. R. 7336) granting a pension to T. A. Morton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of T. A. Morton, late of Company E, Sixteenth Regiment New York Cavalry, subject to the provisions and limitations of the pension laws.

The report (by Mr. BAGLEY) was as follows:

The petitioner, Truman A. Morton, enlisted June 30, 1863, as a private in Company E, Sixteenth Regiment New York Cavalry; was discharged January 17, 1864; filed declaration for pension February 16, 1876; application rejected June 14, 1878, for the reason that alleged injury was received prior to enlistment. His certificate of discharge shows he was discharged on account of deafness; but this was not the ground upon which he applied for a pension. The proof is ample that while Morton and other soldiers were driving in a herd of cattle, for the use of the Army of the Potomac, near Stafford Court House, Va., they had a skirmish with a detachment of Mosby's confederate cavalry; that Morton's horse was shot under him, and a horse of one of Mosby's men fell upon him, injuring him severely in the stomach and bowels. From this injury he has never recovered. He was sent to hospital in Washington, D. C., and discharged from Ladies' Hospital in New York. The testimony as to his soundness and full manly strength prior to and at the time of his enlistment is ample; also, as to the fall of horse upon him and injury therefrom.

Dr. Miller, of Warsaw, N. Y., testifies that he treated Morton for the injury in fall of 1863, when he was at home on furlough; that he treated him immediately after his discharge, and occasionally up to 1877; that said injury was in the right side and in the pyloric extremity of the stomach. Other witnesses testify as to his sickness and inability to work. In August, 1882, the examining board of surgeons state as follows, viz.: "Judging from his (Morton's) present condition and from the evidence before us, it is our belief that the said disability did originate in the service aforesaid and in the line of duty." Also, "that he was thrown from his horse and injured in stomach October 10, 1863," and that he "was laid up in hospital till January 17, 1864, and then discharged from results of said injury."

Your committee therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD P. QUINN.

Mr. BAGLEY. I call up the bill (H. R. 7732) granting an increase of pension to Edward P. Quinn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Edward P. Quinn, of the city of Albany, late a lieutenant of Company D, New York Volunteers, to the sum of $40 per month.

The report (by Mr. BAGLEY) is as follows:

The petitioner was a first lieutenant of Company D, One hundred and twenty-third Regiment New York Volunteers; enlisted June 2, 1863, and discharged May 15, 1865. He received a gunshot wound of the lower jaw in a battle near Kenesaw Mountain, Georgia, June 22, 1864, which shattered the bone, requiring the removal of one-third of it, and rendering him unable to chew food to any extent, and while the wound was unhealed there issued from it into the mouth a foul, bloody, purulent discharge. The soldier also lost the right eye by a fragment of a bursting shell.

For these disabilities the petitioner is now receiving a pension of $24 a month, and seeks by special act to increase it to $40 per month.

A board, consisting of three examining surgeons, under certificate dated September 8, 1872, says:

"That the ball entered the angle of lower jaw, left side, carrying away all of the left side of the jaw, and escaped by the mouth; that he is unable to masticate food and his health is very seriously impaired, and he is emaciating; also that the right eye is destroyed."

Another certificate gives substantially the following description: Gunshot wound, lower jaw. Had resection of the whole of left side of lower jaw, causing great deformity and preventing the mastication of food.

David Little, examining surgeon, says:

"Ball entered near angle of lower jaw on left side and emerged from mouth, carrying away a portion of the jaw. There is a small part of left lower jaw remaining, but it is united to the sound part and plays about loosely with the movement of the mouth; all teeth of lower left jaw are gone. Mastication is greatly impaired. Claimant suffers constant neuralgic pains."

The petitioner is in a bad plight, which the statements sufficiently show. The Pension Office has no power to increase the pension. Similar cases have come before the committee and have been reported favorably, and the House has without hesitation concurred in the reports. The committee think the petitioner is entitled to the relief asked for, and recommend the passage of the bill with the following amendment: After the words "Company D," in line 6, insert "One hundred and twenty-third."

The amendment reported by the Committee on Invalid Pensions, to insert before "New York Volunteers" the words "One hundred and twenty-third," was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMILY AGNEL.

Mr. REED. I desire to take up the bill (H. R. 765) for the relief of Emily Agnel.

The bill was read, as follows:

Whereas Emily Agnel, widow of Lieut. Col. and Professor Hyacinthe Robert Agnel, of the United States Army, was placed on the pension-roll on the 16th day of December, 1880, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay or cause to be paid to the aforesaid Emily Agnel pension, at the rate prescribed by law, from the date of the death of the said Hyacinthe Robert Agnel: *Provided*, That all sums previously paid on account of pension to said Emily Agnel be deducted.

The report (by Mr. STOCKSLAGER) was as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 765) for the relief of Emily Agnel, have considered the same, and beg leave to report in the language of the Senate report on Senate bill 475, for the relief of said Emily Agnel, which your committee indorse, together with the recommendation that the bill pass.

"[Senate Report No. 510, Forty-eighth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 475) granting arrears of pension to Emily Agnel, have considered the same, and respectfully report:

"The claimant, Emily Agnel, is the widow of Hyacinthe Robert Agnel, a professor of French in the United States Military Academy at West Point. He was appointed in 1840, and was continuously on duty there until his death, February 10, 1871. There seems to be no question as to the fact that Professor Agnel died in the service and line of duty, and two witnesses swear that his death was caused by 'intense mental strain and application to his duties.'

"The widow filed her application in the Pension Office December 16, 1880, and was finally pensioned June 12, 1882, at the rate of $30 per month from the date of filing such application. This time for the commencement of the pension was properly fixed under the act of March 3, 1879. The claimant now, by the present bill, asks for arrears from the death of her husband, February 10, 1871, until December 16, 1880, when her present pension began. To support this claim the claimant has filed with this committee her affidavit, that of her son, Francis W. Agnel, and that of James W. Covert, ex-member of Congress from New York, with other papers, showing the following facts:

"That Professor Agnel left an estate of less than $1,000, and after his decease his widow, now over 70 years of age, depended upon a son-in-law, Hiram Cranston, for counsel and assistance, who, at her request, instituted inquiries as to what was due her from the Government. She swears he assured her there was no provision of law to pension her, and that such was the common belief at the military post that she became impressed with this belief, or otherwise she would have lost no time in filing an application; that she also learned of an application made to the Pension Office by the widow of Professor of Ethics and Chaplain John W. French, in which the office disallowed his claim as a professor, and only allowed him a pension as a chaplain, and that she concluded therefore from that fact that it would prove of no avail to make application to the Commissioner, and finally abandoned all idea of applying under the pension laws.

"She further swears that upon laying the case before her Congressional Representative, James W. Covert, she was advised to apply to Congress for relief, which she did by a bill introduced on January 26, 1880 [H. R. 3940, Forty-sixth Congress], which, however, failed to pass; and that it was after the last day of June, 1880, when, under the advice of friends and an attorney, she resolved to apply to the Pension Office with the sole idea of getting the case before the Attorney-General for an opinion, and that it was, as she anticipated, rejected by the Commissioner, but a favorable opinion finally rendered by the Attorney-General. She also swears that she would have made application to the Commissioner of Pensions in the first instance instead of to Congress had it not been made known to her that the Department failed to recognize the position or rank her husband held as within the provisions of the pension laws.

"The affidavit of the claimant's son, Francis W. Agnel, is substantially to the same effect. He swears Cranston, with whom claimant resided, investigated the subject and advised her an application for pension would prove futile, and maintained this opinion till his death in 1877; that about 1877 claimant was informed as to the case of Professor French, and requested the affiant to investigate it, which he did, and discovered that the widow of said Professor French was to that date the only widow of a professor who had applied for a pension to the Commissioner of Pensions on the strength of her husband's professorship in the Army or the Military Academy, and that it had not been allowed; that he so informed the claimant, and they both concluded it would be of no avail for her to make application.

"He further swears he stated the case to his Congressional representative, James W. Covert, who advised Congressional action as the only measure of relief open to the widow, and in consequence a bill was introduced but failed to pass; that finally on his advice, with a view of obtaining more authoritative evidence in the time intervening between the completion of the second session of the Forty-sixth Congress and the convening of the Forty-seventh Congress, and for the use of the committee in Congress, and with a hope of obtaining through the Department of the Interior a reference to the Attorney-General, and that the latter's opinion might prove favorable, an application was made to the Pension Office, but subsequently to the last day of June, 1880.

"The affidavit of ex-Representative Covert corroborates the above statements in regard to himself, and states 'that despite my uttermost efforts the said measure failed, and that from and including the period of the introduction of the said bill, and for some time subsequent to the last day of June, 1880, from the circumstances of the case, and from my investigation of it at the Pension Bureau and elsewhere, I had formed the impression that Emily Agnel was ineligible for pension under the general law, and that her sole relief vested in Congress.'

"The papers in the case show that the case was approved by the examiner in the Pension Office at $30 a month and certificate was made out. Before it was mailed the Commissioner directed it should be canceled and a new one issued at $8 a month. This latter was canceled and the claim rejected by order of the Secretary of the Interior, February 20, 1882. Upon request of Hon. Walter A. Wood, of the House of Representatives, it was submitted to the Attorney-General for his opinion, which was that the effect of the law making the professors of the Military Academy a part of the Army, and the law relative to their appointment and retirement is to make them commissioned officers of the Army, and that as in pay and allowances they are assimilated to the rank of colonel and lieutenant-colonel, they are, in case they contract disability under the conditions set forth in section 4693, entitled to pension at the same rate as officers of the rank of colonel and lieutenant-colonel. This opinion was concurred in by the Secretary of the Interior, and the present pension allowed.

"The papers in the case of John W. French, referred to by the claimant in this case, have been examined, and show the following facts:

"Professor French died July 8, 1871. The widow filed her claim February 20, 1877, and it was admitted June 6, 1877, at the rate of $20 per month, the full rate allowed a chaplain's widow. The fact of his having been a professor was entirely ignored.

"December 17, 1877, the widow filed an application for increase to $25, because her husband, as professor of ethics, &c., at West Point, was entitled to rank as major. This claim was rejected January 15, 1878, 'on the ground that the pension laws do not provide for professor of ethics, and attorney so informed. The appointment as chaplain conferred the full rank as captain and no more. The rank claimed for (major) was an assimilated rank and no more. His mere relief from duty as professor would have stripped him of rank as major.'

"It appears that this case then remained in *statu quo* under this decision until February 12, 1882, when a communication was addressed to the Pension Office on behalf of Mrs. French, alleging that Mrs. Agnel had been pensioned at $30, and asking whether Mrs. French was not entitled to the increase she had before claimed as a professor's widow. June 21, 1882, Mrs. French formally applied for correction in the rate and rank, referring to decision in Mrs. Agnel's case as a precedent. September 26, 1882, there was a reissue to correct rate and service to $25 from the date of the death of Professor French, thus giving her arrears to date.

"It appears the question was submitted to the Commissioner by the reviewing clerk, and he replied as follows:

"'I think the rate of pension in this case should be $25, the total rate of major. The question involved is the same as that decided in the claim of the widow of Professor Agnel, cited by you.'

"It would therefore appear that the allegations in the present case as to the action taken and position held by the Department in regard to the right of a professor's widow to a pension are corroborated by the records. The Commissioner of Pensions states, under date of March 4, 1884, that the cases of Professor French and Professor Agnel are the only cases of that character filed in his office.

"The Commissioner of Pensions has, further, made a positive recommendation in this case, which your committee deem of sufficient importance to insert *in extenso*. It is as follows:

"'PENSION OFFICE, *March* 26, 1884.

"'SIR: On the 21st instant I forwarded to the honorable Committee on Pensions, United States Senate, the application for arrears of pension of Mrs. Emily Agnel, widow of Professor Hyacinthe Robert Agnel, certificate No. 196076, which was rejected on the ground that the original application was not filed in this office until December 16, 1880, and from which date the pension was made to commence as provided by section 2, act approved March 3, 1879.

"'It was my intention, at the time of transmission of said application for arrears, to set forth the equities in the claim, but through inadvertence they were omitted. It appears that shortly after the death of the claimant's husband correspondence was held with this office as to her title to pension, and the office decided that there was no provision of law under which she could be granted a pension, as her husband was not regularly in the service, but a professor of French in the Military Academy. Subsequently the claimant's son, in 1877, called at the office and had a conversation in relation to the claim with my predecessor, who the son states informed him that in a similar claim adverse action had been taken, consequently the claim could not be favorably considered under the existing laws. Because of the position taken by the office the claimant thought it impracticable to file her claim with the Commissioner of Pensions, and sought relief through Congressional enactment by filing her petition in January, 1880, some six months prior to the expiration of the limitation prescribed by the act of March 3, 1879; hence it appears that the office was instrumental in the delay in filing the application, and by which the claimant was denied the pension from the date of death of her husband, and in view of said facts which establish an equity of which I can not take cognizance, it is recommended that the petition of the claimant be favorably considered by Congress.

"'Very respectfully,

"'W. W. DUDLEY, *Commissioner*.

"'Hon. JOHN I. MITCHELL,

"'*Chairman Committee on Pensions*.'

"In view of all the circumstances in this case, your committee think the widow equitably entitled to pension from the death of her husband, and therefore report the bill with recommendation that it pass with the following amendment, namely:

"Insert after the word 'directed,' in line 4, the following words: 'To readjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and.'"

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

Mr. HEWITT, of Alabama. I can not let this bill go through without calling attention to it. It is a bill reported by the Committee on Pensions, giving this lady a pension on account of the death of her husband, and as will be observed it contains a provision for the payment of arrears. The only reason that can be assigned for allowing arrears of pension in this case is that the widow failed to file her application in proper time because the Commissioner of Pensions had informed her she was not entitled to a pension. Upon this ground she delayed filing her application until a decision was rendered that the widows of persons dying in the Government service as professors at West Point were entitled to pensions. This is the only ground for taking this case out of the general rule. I have called attention to the matter so that members may know what they are voting upon.

Mr. REED. I am bound to say, Mr. Chairman, that the statement of the gentleman from Alabama so far as it goes is correct; but it does not quite cover the whole ground. Application was made in this case, and the Commissioner of Pensions gave information that under the present state of the law it was impossible for a pension to be granted. Thereupon and on account of that statement, instead of proceedings being had at the Pension Office, application was at once made to Congress. Afterward, when the matter came to the knowledge of the Attorney-General, he rendered a decision that these cases were pensionable. Thereupon application was made at the Pension Office, and a pension was granted.

I have here a letter from the late Commissioner of Pensions, Mr. Dudley, stating explicitly (I do not think it necessary to occupy time in reading the letter) that it was the fault of the Commissioner that the application for a pension was not prosecuted in proper time; and in this letter it is recommended on account of the very apparent equities of the case, that the relief proposed in this bill be granted by Congress. I submit that this recommendation is just, and that a decision in favor of the relief proposed in this bill would be a righteous decision.

Mr. MATSON. This proposed pension touches very nearly the line of civil pensions. My understanding is that the husband of this lady never saw any field service; that his service was simply at West Point as a professor. The proposition now is to give the widow arrears of pensions—a thing refused night after night by this House to those who have seen the hardest kind of military service in the field. I do not think this is right.

Mr. REED. Will the gentleman allow me to suggest to him a distinction? The ground on which arrears of pension are in general refused by the House is that the cases coming before the House are outside of the law. This is a case which is entirely within the law. A pension has been granted, not by Congress, but by the Commissioner of Pensions, in pursuance of law. This statement seems to meet the suggestion that this is not a pensionable case. All that this bill is intended to do is to rectify a mistake made by an officer of the Government, whereby this woman was prevented from receiving her pension as early as she should have received it. I submit that under the circumstances this bill does not come within the rule adopted by the House with regard to arrears of pension.

Mr. MATSON. Mr. Chairman, I apprehend the gentleman from Maine is not ignorant of that principle of law which excuses no one for ignorance of it. Now, so far as this claimant having been misled is concerned, I doubt not he states the fact. I understand the case that way too, but the fact remains that she failed to file her application in time. There are thousands and tens of thousands of widows in this country who had no knowledge at all of the fact that the arrears-of-pension act had passed, and tens of thousands who filed their pension claims shortly after the time had expired within which they could file their claims for arrears. The question is whether you are going to make an exception of the widow of this man who never saw any field service at all, and refuse pensions to the widows of men who were killed on the field of battle and who did service. I do not think it is right. I can not bring myself to believe this proposition is a righteous one.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass? The ayes seem to have it.

Mr. MATSON. I ask for a division.

The committee divided; and there were—ayes 20, noes 18.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT CAREY.

Mr. HILL. I call up the bill (H. R. 6011) granting an increase of pension to Robert Carey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Carey, late a private in Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, at $72 per month, in lieu of the pension he is now receiving.

The amendment of the committee was read, as follows:

Strike out "$72" and insert "$45."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELMINA P. SPENCER.

Mr. NUTTING. I call up a bill (H. R. 7262) increasing the pension of Elmina P. Spencer.

The bill was read, as follows:

Be it enacted, &c., That the pension of Mrs. Elmina P. Spencer be, and the same is hereby, increased to $25 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of said Elmina P. Spencer on the pension-roll as a pensioner of the United States for the sum of $25 per month.

The amendments of the committee were read, as follows:

In line 4 strike out "$25 per month" and insert "$20 per month;" and in line 8 strike out "$25" and insert "$20;" and add to the bill "said $20 per month being in lieu of all other pensions heretofore granted."

Mr. HEWITT, of Alabama. I should like to hear the report in that case read.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions having examined the proofs submitted to it to sustain the right to an increase of pension to Elmina P. Spencer, submit the following facts and circumstances in justification of their favorable action on said bill:

Elmina P. Spencer, in 1862, went out with the One hundred and forty-seventh Regiment New York State Volunteers, as its matron. She joined the regiment at Oswego City, N. Y., on the 27th day of September, 1862, and went with the regiment into active service. She remained with the regiment at Washington, D. C., performing efficient duty as matron and nurse in the regimental hospital. She administered to the wants of the soldiers who were sick with great energy and untiring zeal until November 30, 1862, when the regiment was ordered to join the Army of the Potomac at Falmouth, Va. Women were not permitted at that time to stay with the regiments at the front.

For a little time she was employed as nurse at the Patent Office hospital, Washington, D. C., and then returned to Oswego, N. Y., to gather supplies for the sick of the Army, and was permitted to rejoin the regiment in January, 1863, at Bell Plain, Va. She brought with her at this time a large quantity of supplies which she had gathered with great labor from those who sympathized with the sick and wounded of the Union Army. She was soon after assigned to duty as matron of the first division hospital, First Army Corps, under A. J. Wood, surgeon Second Wisconsin Volunteers. She again rejoined her regiment the last of May, 1863, near Falmouth, Va. Here she remained, attending to the wants of the sick and wounded with great energy and remarkable devotion, until the 12th of June, when the regiment started on the memorable and world-renowned Gettysburg campaign. Here the devotion and heroism of this woman was displayed by her marching with the regiment on this campaign. She took with her supplies for the sick and wounded, and she was ever active in encouraging and helping those who needed assistance.

She knew no fear; she was never too weary to minister personally to the wants of those who were sick or wounded; she never seemed conscious of weariness; the way was never too long or the roads too muddy for her; she was on the battlefield of Gettysburg, exposed to shot and shell, busy during the whole battle furnishing assistance by way of supplies of food, water, and medicine to the sick and wounded. Her acts of devotion at this one battle places her in the first rank of heroic women of the rebellion. She was agent for the distribution of supplies from the various soldiers' aid societies of New York State. She followed the fortunes of the Union Army through its darkest days. She left home and comforts for the dangers and disconforts of the march and battlefield. Her husband was in the same regiment, and died in the service, and on account of his death she now receives a pension of $8 per month. This sum is entirely inadequate for her support, however. She has no child, or home, or property. She is 65 years of age, and bowed down with poverty and the racking pains of disease. She can not, at the most, live long. She is now an object of charity, and the American people owe it to themselves as well as her that the pension be increased from $8 per month to $30 per month.

Several Grand Army posts, scattered from New York to California, have petitioned that this relief be granted.

She was injured by being struck with a spent ball at City Point, Va., from the explosion of an ammunition barge, and now suffers from its effects.

The committee recommend that the bill be amended by striking out the words "twenty-five," in line 4, and inserting the word "twenty" in place thereof. And the committee also amend said bill by adding the following words after the word "month," in line 8: "said $30 per month being in lieu of all other pensions heretofore granted."

Before the reading of the report was concluded,

Mr. BROWN, of Pennsylvania, said: Enough of that report has already been read to satisfy me that this lady is entitled to a pension.

Mr. HEWITT, of Alabama. If my friend from Pennsylvania is satisfied, I am.

Mr. BROWN, of Pennsylvania. I am.

The amendments of the committee were agreed to; and the bill as amended was reported to the House with the recommendation that it do pass.

MARY A. GREENE.

Mr. LE FEVRE. I call up a bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $30 per month, the name of Mary A. Greene, widow of the late Commander S. Dana Greene, United States Navy.

The report (by Mr. ROBINSON, of New York) was read, as follows:

It appears the petitioner is the widow of Commander Samuel Dana Greene, United States Navy, recently deceased.

Commander Greene entered the Navy September 21, 1855, and was actively employed until the time of his death with the exception of eleven months. On January 23, 1862, Commander Greene, then a lieutenant, was ordered to the Monitor, which was at that time being prepared for service at Hampton Roads. Prior to that date he had interested himself in the vessel and thoroughly examined her construction and design, and notwithstanding the many gloomy predictions of naval officers and officers of the merchant marine as to the great probability of her sinking at sea, he volunteered to go in her, and at the request of Lieutenant (now Admiral) Worden, her commander, was ordered as executive officer.

From the date of his orders he applied himself unremittingly and intelligently to the study of her peculiar qualities and to her fitting and equipment. He remained in the Monitor throughout her whole career, taking part in the engagement at Hampton Roads with the Merrimac on the 9th of March, 1862, and in the attack upon Drewry's Bluff, in the James River, on the 15th of May, and only left the ship when she sank under him at sea off Cape Hatteras, on December 31, 1862. Throughout the whole history of the Monitor he exhibited the highest qualities of professional skill and courage, especially during the fight with the Merrimac, when, according to the statement of Lieutenant Worden, he had charge of the turret, and handled the guns with great courage, coolness, and skill.

Lieutenant Worden also states that "throughout the engagement, as in the equipment of the vessel and on her passage to Hampton Roads, he exhibited an earnest devotion to duty unsurpassed in my experience."

The importance of the part borne by the Monitor in this action was recognized by Congress in passing a vote of thanks to Lieutenant Worden and advancing him to a higher grade. Owing to the wound and subsequent illness of the commanding officer no report was made of the fight until a long time afterward. To this fact it was doubtless due that no recognition was ever given to the services of Lieutenant Greene on that occasion, as was done in the case of Lieutenant Thornton, the executive officer of the Kearsarge, after her engagement with the Alabama, in accordance with the precedent in similar cases in the war of 1812. The services of the Monitor on that memorable day were at least as important as those of the Kearsarge in her engagement with the Alabama, and the captains in the two cases were similarly rewarded. Lieutenant Greene, however, to the day of his death failed to receive from the Government any reward in any shape for his distinguished services, although his case was more deserving than that of other executive officers, in that when his commander was wounded he succeeded to the command and retained it till the close of the action.

The exceptional character of the engagement, to the success of which the conduct and skill of Lieutenant Greene contributed in such an eminent degree, marks his case as one deserving exceptional treatment. It may be added that throughout his whole career he bore a high reputation for courage, professional skill, and untiring zeal in the performance of his duties, while his private life was above reproach, and his society sought for in the charming circle of his friends.

It appears further that the father of the petitioner, Maj. Jacob Babbitt, of the Seventh Rhode Island Volunteers, was killed in action at the battle of Fredericksburg on December 13, 1862, and that the death of Commander Greene leaves her in circumstances of great want and destitution, with two minor children of her late husband dependent on her for support.

Your committee may mention that never, perhaps, has a claim come before Congress with such indorsements. The petition of this lady comes before your committee with the cordial indorsement of the Admiral, Vice-Admiral, and twenty-two rear-admirals of the Navy. He was a man universally esteemed by his brother officers of all ranks, and around his bereaved widow their prayers and best wishes cluster.

In this fight with the Merrimac, Lieutenant Greene had hardly attained his majority. His patriotic mother gave him her parting blessing, scarcely expecting him to survive the perilous voyage he was undertaking. He had no time to write to her till after the battle, for he stepped from the terrors of the ocean to the terrible storm of this engagement.

Four days afterward, however, he wrote a long and graphic description of his voyage and of the engagement, from which your committee copy and condense the following extracts. On Thursday, the 6th of March, 1862, they started down New York Harbor in tow of the steamer Seth Low. On Friday, the 7th, a storm was encountered, and from that time until Monday at 7 p. m., eighty-five hours, he was in constant devotion to his duty without sleep or rest. He had outlived two tremendous storms, and had arrived just in time, and without a moment's rest, to fight the greatest naval battle in history. In these eighty-five hours he says he thought he had lived ten good years.

The following are the extracts from his letter:

"The sea was breaking over our decks at a great rate, and coming in through our hawse-pipes forward in perfect floods. Our berth-deck hatch leaked in spite of all we could do, and the water came down under the turret like a waterfall. It would strike the pilot-house and go over the turret in most beautiful curves. The water came through the narrow eye-holes of the pilot-house with such force as to knock the helmsman completely around from the wheel. At 4 p. m. [March 7] the water had gone down our smoke-stacks and blower-pipes to such an extent that the blowers gave out, and the engine-room was filled with gas. Our engineers fought with the gas, endeavoring to get the blowers to work, until they dropped apparently dead. I was nearly suffocated with the gas, but got on the deck after every one had left the engine-room just in time to save myself. The engine stopped and we could not work the pump. I rigged the hand-pump on the berth deck, but as we had to lead the hose out over the turret there was not force enough to throw the water out. We resorted to bailing, and had to pass the buckets up through the turret.

"At 8 p. m. we managed to get the engines to work, and the old tank going at five and six knots. Soon after midnight on Saturday morning another storm arose and again we were threatened with the stoppage of the engines and the blowers. Our wheel ropes jumped off the steering wheel and became jammed. In half an hour we fixed them.

"From 4 a. m. (Saturday, March 8) till daylight was the longest hour and a half I ever spent. I certainly thought Old Sol had stopped in China. At 3 p. m. we parted our hawser, but again secured it without difficulty. At 4 p. m. we passed Cape Henry, and heard heavy firing. As we approached Fortress Monroe a pilot informed us of the havoc of the Merrimac. We immediately cleared ship for action. At 9 p. m. we anchored near the flagship Roanoke. After a visit to the Roanoke we again got under way, and at 11 p. m. reached the Minnesota. I went on board, and just as I got back to the Monitor the Congress blew up.

"At 8 a. m. (Sunday, March 9) the Merrimac got under way. I triced up the port and fired the first gun. For forty-eight hours our officers and men had had no rest and very little food. They had nothing to eat for breakfast but hard bread, and were thoroughly worn out. I had not slept a wink for fifty-one hours, but after the first gun we forgot all fatigue and went to work fighting as hard as men ever fought. I pointed and fired the guns myself. Five times during the engagement we touched each other and each time I fired a gun at our enemy. After fighting for two hours we hauled off for half an hour to hoist our shot in the turret, and at it we went again. At about 11.30 the captain sent for me. I went forward and there found as noble a man as ever lived, his face perfectly black with powder and iron. He told me to take charge of the ship and use my own discretion. We still continued firing.

* * * * * * *

"The fight was over and we were victorious. My men and myself were perfectly black with smoke and powder. Secretary Fox hailed me and told us we had fought the greatest battle on record. He saw the whole fight. The next morning General Wool and Mr. Fox came on board and congratulated us on our victory. I felt proud and happy then, mother, and felt fully repaid for all I had suffered. When our noble captain heard that the Merrimac had retreated he said he was perfectly happy and willing to die.

"I had been up so long, had had so little rest, and been under such excitement that my nervous system was completely run down. Every bone in my body ached. My limbs and joints were so sore that I could not stand. My nerves and muscles twitched as though electric shocks were continually passing through them, and my head ached as if it would burst. Sometimes I felt as if my brain would come out over my eyebrows. I lay down and tried to sleep; I might as well have attempted to fly. The next morning we got under way and stood through the fleet. Cheer after cheer went up. I was captain then of the vessel that had saved Newport News, Hampton Roads, Fortress Monroe (as General Wool himself said), and perhaps your Northern ports. I am unable to express the happiness and joy I feel to think I had served my country and my flag so well."

After the engagement with the Merrimac Lieutenant Greene received the highest commendation from General Wool, then commanding at Fortress Monroe, Mr. Fox, Assistant Secretary of the Navy, and from other distinguished officers who witnessed the engagement. He was subsequently recommended for advancement in the strongest terms by his distinguished commander, Captain Worden, but failed to receive from the Government any substantial recognition in any shape for his very brilliant services. Thornton, deservedly, was made a captain. Worden is worthily wearing the honors of an admiral, but Greene was left to die in neglect and sadness without any adequate reward.

The neglect, we might say the ingratitude, of his country led to his untimely and lamented death, and she, whose father fell at Fredericksburg and whose husband's gallant conduct so largely contributed to the salvation of the Union,

lives to lament the loss of father and husband, and can look only to her country to save his and her children and herself from destitution.

In view of these circumstances and of the fact that the services of Commander Greene in the Monitor were of a character so wholly exceptional and unprecedented, your committee are of the opinion that the applicant should receive the pension named in the bill, and recommend that the said bill do pass.

Mr. MATSON. I wish to say in relation to that bill that it proposes to violate the precedents of this House as to increasing the pensions of widows of husbands below the rank of general officers. I apprehend since we made a test in the case of Mrs. Cushing, which presented as strong an exceptional case as could be presented, such cases ought not to be pressed upon the House except in the presence of a quorum. The Committee on Invalid Pensions, and, I think, the Committee on Pensions also, have laid down the rule and adhered to it in this Congress without any variation, although there may have been some exceptions in other Congresses, but they are rare, not to grant increase of pensions beyond $30 a month except to the widows of husbands who held the rank of general officers in the Army or Navy.

This proposes to increase the pension of the widow of a commander of the Navy, who ranks with a colonel in the Army, beyond that amount. I believe, indeed, that a captain in the Navy only ranks with a colonel in the Army, and that a commander ranks with a major only.

Mr. BREWER, of New York. What pension does this woman get now?

Mr. MATSON. Thirty dollars a month, and it is here proposed to increase it to $50 a month.

Mr. LE FEVRE. She gets no pension at all at this time. She will be entitled to $30.

Mr. MATSON. Amend the bill to make it $30, and I have no objection. I think this House, in the absence of a quorum, should not establish so grave a precedent.

Mr. HEWITT, of Alabama. The amendment of the gentleman from Indiana, as I understand it, is to strike out $50 and insert "subject to the provisions and limitations of the pension laws." This would give her a pension of $30 a month.

I wish to state that this bill comes from the Committee on Pensions, but I want it understood that I did not support it any further than agreeing to put her on the pension-rolls, subject to the provisions of the law.

Mr. WOLFORD. Mr. Chairman, I only want to say a few words in relation to this bill. I wish to say that the husband of this widow when alive was a very gallant and a very noble commander. Nobody will dispute, not even the gentleman from Alabama himself, that he deserved well of his country, and that his memory will live as long as the American history will live, green in the hearts of the American people. [Applause.]

That the gentleman from Indiana, who is always sound upon a question of pensions but sometimes a little too strict upon the questions of precedents, is mistaken in reference to this matter I want to submit to the committee. I can call to his attention a bill which was reported by myself from the Committee on Pensions of this House in which this committee, headed and led on by the gallant gentleman from Alabama, refused to give to the widow of Captain Egan a pension of over $30 a month. When that question was under consideration I moved to amend it in the House, with all of these gentlemen present and all fighting against it; I moved to amend the bill and give to the widow of a captain who had performed gallant and meritorious service for his country, but no more gallant than this commander whose case is now before us—I say I moved to amend by inserting $40 per month instead of $30; and although the gentlemen argued it with all the force of their logic and with great zeal and ability, and plead their precedents (and I admit that I care not for precedents), I succeeded in securing the adoption of that amendment.

I say that I do not care much for precedents. This is a law-making power. I stated in a few words, not over three minutes, the gallant conduct and the good services performed by Captain Egan, and the House passed the amendment almost unanimously. It went to the Senate and the Senate passed it without hesitation, and the widow of that officer was granted a pension of $40 a month.

I see not, therefore, why—and I do not intend to detain the committee a minute longer than necessary—why, when a gallant commander who has done a great deal for his country, a brave and gallant man, whether the service was performed on the land or on the sea, a man who gathered a name and gathered blessings innumerable for his country—I see not, sir, I say, why a grateful people can not afford to pay to the widow of such a gallant officer a pension that is worthy of the service rendered. I shall vote with great pleasure, and I hope gentlemen will consider well before they undertake to vote against it, to put this widow on the pension-rolls at the rate which is suggested in the bill, and not leave it, as proposed by the amendment, subject to the provisions and limitations of the pension laws. There is much that I would like to say in this connection, but I shall not detain the committee any longer, and hope we may come to a vote on this question. [Cries of "Vote!" "Vote!"]

Mr. BOUTELLE. Mr. Chairman, I do not desire to detain the committee from voting upon this bill, but it does seem to me that this case is one which deserves something more than a mere cursory attention from the Congress of the United States. I do not understand, sir, that this widow has any need to come to the House of Representatives to ask for a pension of $30 per month. Certainly if the general laws governing pensions will give her that amount there is no necessity for special legislation upon the subject.

This bill is on the Calendar of this House because the friends of Commander Greene asked the American Congress to take special cognizance of one of the most remarkable, one of the most memorable and important services ever rendered to the United States of America by one of its citizens. I need not go back, sir, to recite in the hearing of this committee the history of the contest between the Monitor and the Merrimac. It stands out pre-eminently in the naval annals of this country. Suffice it to say that from the first shot at Fort Sumter until the last echo of the rifles at Appomattox had died away no man wearing the uniform of the United States Government, of any age, was able to render more important and vital service to the country; and no man of the youth of Commander Greene, within my knowledge, in the history of this country, has ever had it fall to his lot to perform such pre-eminent service as he rendered in the memorable fight at Hampton Roads.

A boy of twenty-two years, finding himself in the midst of a terrific combat suddenly placed in command of a vessel, of a character three months before unknown to naval warfare; his commander shot down, blinded and disabled, at the post of duty, in that mighty contest, with such a foe as had never before been met upon the waters of any country—that young man, taking command in that supreme hour, with possibly not only the destinies of the Union cause but the very highest interests of humanity itself dependent upon the faithful performance of his duty, fought that ship with the gallantry of desperation and a magnificence of courage unexcelled in the history of the world.

Now, sir, the United States Government has been generous in the recognition of such services as that in other cases. In the case of the executive officer of the "Kearsarge" promotion merited and appropriate followed promptly upon the sinking of the "Alabama"—another most splendid achievement, but one whose result was of less immediate and vital consequence than that of the great fight with the armored monster at Hampton Roads.

For reasons which can be found in the records of that time, arising from the disability of Lieutenant Worden, the commanding officer of the Monitor, which prevented him from making at once his official report, the services of Lieutenant Greene were not brought to the notice of the Government in the formal way that carried special promotion, and he never received it. And I think I am stating a fact known to many friends of his in and out of the service that the melancholy, the quiet, sad feeling of neglect which it was natural for him to feel was largely instrumental in bringing about that tragic death which has resulted in this appeal on behalf of his widow, not to the generosity but to the tardy justice of the American Congress. [Applause.]

I undertake to say, Mr. Chairman, that if ever there was a bill presented to this House which justly called for exceptional legislation it is the bill presented here to-night asking the Government to pay $50 a month to the widow of the man who fought and defeated the Merrimac; to this widow who is also the daughter of another gallant officer of Rhode Island troops, who fell dead upon the field of battle at Fredericksburg; to a widow whose dead husband was the son of an old veteran, himself a graduate of West Point long years ago, who gallantly served his country on the fields of Mexico, retired to the pursuits of private life, answered the summons of his country at the first bugle-call in 1861, was shot through the head from cheek to cheek while leading his troops as a brigadier-general, and who in his old age and poverty to-night is able to look over not only his own noble record but also that of two sons given to his country's service, one of them the gallant boy who has written his name in a higher place than where we ask that it shall be put, upon the pension-roll of his country.

I appeal to this House not to hesitate to make an exception in favor of this bill. I assure gentlemen that it has the sanction and the good-will of the officers of the Navy, of which Commander Greene was so great an ornament. I appeal in behalf of that widow who to-night with her two children is waiting to learn from us, the representatives of the American people, whether we have forgotten in these twenty-three short years the service and the victory, the intelligence of which thrilled this nation to its heart's core on that eventful night when men feared and felt that the fortunes of the Republic were hanging in the balance. [Applause.]

Mr. HEWITT, of Alabama. In all that has been said by the gentleman from Maine [Mr. BOUTELLE] in relation to the conduct of this gallant officer I heartily concur. I might almost add that nothing could be said too extravagant in his praise.

But, Mr. Chairman, what the gentleman from Maine has said in relation to this officer might be said of all our naval officers during the late war; and when I speak of "our" naval officers I mean yours. I do not remember of any naval officer in the Union service during the late war that did not do his duty for his country.

I wish to bear testimony here to-night, Mr. Chairman, to the other arm of the military service, the infantry and cavalry who served in the Army during the late war, that no braver officers ever marched upon the battlefield than those of the Union Army; and I know but few of

them who did not do their whole duty for their country. And yet, Mr. Chairman, we have said that the widow of one of these brave men who may have fallen upon the battlefield shall have only a pension of $30 a month; that is the statute; that is the general law as it stands to-day which was passed during the war and which I do not believe there is a member of this House who has proposed to amend in that respect.

Now, sir, if we are to pass special laws selecting out certain widows and giving them $50 per month, I ask why not amend your general law and say that the widows of all these meritorious officers shall have pensions of $50? Lieutenant Greene did not stand alone in gallant, meritorious service during the late war. You can point if you will to thousands of men, soldiers in the ranks, whose pension is much less than $30, who did gallant service in the station which they held just as faithfully as Lieutenant Greene.

All that has been said by the gentleman from Maine [Mr. BOUTELLE] is strictly true; I would not gainsay it in the least. But what I do contend for and always have contended for here on this floor is that justice should be done to all alike, and that we should not make exceptions in this way by special enactments.

I do not expect, Mr. Chairman, to defeat this bill, nor do I propose to make any point of a quorum upon it; but as I have been uniformly opposed to this kind of legislation I shall vote against it.

Mr. MATSON. I desire to say a word. When the gentleman from Maine says that it was not necessary for this widow to come here and ask for a pension, I think he spoke perhaps unadvisedly. My information is that her husband committed suicide; that he did not die from any injury, or wound, or disease contracted in the service of his country.

Mr. BOUTELLE. Do I understand the gentleman from Indiana to hold that a person who commits suicide is necessarily beyond the provisions of the pension laws?

Mr. MATSON. Necessarily so.

Mr. BOUTELLE. I do not so understand it.

Mr. MATSON. Necessarily so.

Mr. BOUTELLE. Well, I beg pardon of the gentleman. I think there are a number of cases now pending in the Pension Office in which the proof goes to show that the very act of suicide was superinduced by disease contracted in the service.

Mr. MATSON. The law is very clear and distinct. The widow of a soldier is entitled to a pension only in case of death arising from injury, wound, or disease contracted in the service and in the line of duty; so it would be impossible for this widow to obtain a pension under the general law, if I am correctly informed as to the facts of the case, and I believe the gentleman from Maine [Mr. BOUTELLE] agrees with me as to the fact that this officer committed suicide. I understood him to so intimate in his speech. That being so, it would be utterly impossible for the widow to obtain a pension from the Pension Office.

Mr. BOUTELLE. I beg the gentleman's pardon; I made no intimation of that kind. I said that the feeling of neglect and possibly of injustice which this officer felt had no doubt tended to produce or to hasten his death.

Mr. MATSON. I will ask the gentleman from Maine [Mr. BOUTELLE] if he does not know the fact to be that this officer did commit suicide?

Mr. BOUTELLE. I answer the gentleman very frankly that I am not positively informed upon that subject.

Mr. MATSON. What is your information?

Mr. BOUTELLE. I do not know that that is pertinent.

Mr. MATSON. My impression is that I received the information this evening from the gentleman from Maine [Mr. BOUTELLE] himself. I am not certain about it, but I received that information either from him or from some other gentleman who was talking to me in relation to this case.

Now, Mr. Chairman, this claimant comes here to ask a favor of Congress. She can not get a pension through the Pension Office, and she comes here to Congress to ask this favor. I am willing that she shall have the pension that her husband would be entitled to if she could obtain it through the Pension Office. I think that is a favor, a clear favor, but I am willing to grant it. But I am opposed to granting her $50 a month. I am opposed to it because it would establish a dangerous precedent; not because I am opposed to the widow, nor because I do not think that her husband rendered gallant and meritorious service, but because it would establish a very dangerous precedent.

There is no case of a man in the service who discharged his duty faithfully whose widow might not come here and make a similar appeal. Tens of thousands of the men that were in the ranks fell in death upon the very breastworks of the enemy, and their widows are receiving only $8 a month. It is proposed in this case simply because of the opportunity the man had to do something to immortalize himself to give his widow $50 a month. It was all due to the opportunity that he had; that is all there was of it. He was a gallant man and he had the opportunity to distinguish himself. He discharged his duty well; but tens of thousands of others did the same. If it is the sense of this House and the sense of the country that all the widows are to have $50 a month, then it is right to pass this bill, but not otherwise.

Another question that might be inquired into in the cases of these naval officers—for they have extraordinary privileges—is the question whether or not this officer received prize-money, and, if so, how much? That is a pertinent inquiry in cases of this kind. The House can not have forgotten a case that I referred to a while ago, the case of Mrs. Cushing. Her claim was urged upon the attention of the House as an exceptional one, upon the ground that her husband had rendered the most distinguished services that had been rendered by any naval officer.

That was the plea set up for her by the distinguished gentleman from New York, Mr. COX, by the distinguished gentleman from Pennsylvania, Mr. RANDALL, by the gentleman from Ohio, Mr. KEIFER, by the gentleman from Pennsylvania, Mr. BAYNE, and by the host of friends who were here urging her claim to a pension of $50 a month. The disposition of the House was to break over the line, but I insisted that we could make a precedent by drawing the line at the rank mark. It is wrong to give pensions on account of rank, but when you come to increasing pensions you can only make a proper precedent by drawing the line at the rank mark. That is the only way; because if you go into the unknown region of meritorious and distinguished services there will be no end to the matter. Congress began many years ago to grant these extraordinary pensions of $50 a month to the widows of officers. The practice began by giving such pensions to the widows of general officers who had been killed in battle.

My impression is now that General Wadsworth, of New York (whose widow, the mother of a gentleman now representing that State on this floor, received a pension of this kind), was killed at the head of his command. So the thing went on until finally it grew into such proportions that the committees of this House were unable to resist the applications for an increase on the part of widows of general officers who were drawing $30 a month. In all such cases the increased pension has been granted, and the same may be said in regard to the widows of officers of the Navy of corresponding rank. It is a grave step to go beyond that, because when you do so there is no line of demarkation.

It is true, as my friend from Kentucky has said, that at the last session a bill was passed increasing the pension of the widow of a captain from $20 to $40 a month; but that was more an act of grace than anything else. Is this thing to go on? If so, where is it to stop? This is a serious question for the consideration of the House.

When the Cushing bill was before the House I felt it my duty, as the Committee on Invalid Pensions had reported upon it adversely, to demand that there should be a quorum of the House to vote upon the bill. I do not feel the same obligation in regard to this bill, because this comes from the Committee on Pensions. I do feel it, however, incumbent upon me to press upon the earnest consideration of members who are here to-night the fact that when we step beyond the precedents we go out upon an unknown sea, and there is no telling where we may land. I insist, Mr. Chairman, that this bill ought not to pass.

Mr. TOWNSHEND. Mr. Chairman, it is not my purpose to say anything in addition to what has fallen from the lips of the gentleman from Kentucky and the gentleman from Maine in laudation of the services of Commander Greene. I wish merely to say a word or two in reply to the gentleman from Alabama [Mr. HEWITT] and the gentleman from Indiana [Mr. MATSON] in regard to the precedents heretofore established.

Since I have been a member of this House there has been, if my memory serves me correctly, an instance where a widow of a colonel in the Army was granted a pension of $100 a month. I also remember a case, since I have been a member, in which the widow of a civilian has been placed on the pension-roll at the rate of $5,000 a year.

Now, it does seem to me that if the House has established precedents like those, it is certainly not wrong for us to recognize the pre-eminent services of Commander Greene by giving his widow a pension of $50 a month. I have nothing more to say.

Mr. BOUTELLE. Mr. Chairman, I know that my friend from Indiana [Mr. MATSON] is always fair and liberal in regard to these pension matters, and, therefore, I want to meet one point raised by him which is entitled to consideration; I refer to the point in relation to this question of rank. Now, the cause of this widow being here to-night without the ability to claim as of right a pension of $50 by virtue of the rank of her husband is very clearly shown in the report made in 1868 by Admiral (then captain) Worden. I want to read from this report four or five lines, because it tells the whole story. It shows why Commander Greene at the time of his death had not attained a higher rank. Captain Worden, under date of January 5, 1868, almost six years after that fight to which I have referred, writes in a report to the Secretary of the Navy:

> I desire now to remedy a wrong which I regret should have so long existed, and to do justice to that gallant and excellent officer (Lieutenant Greene), as well as to all the officers and crew of the Monitor, who without exception did their duty so nobly in that remarkable encounter, by placing on the files of the Department the following report.

Then Admiral (at that time captain) Worden goes on to state the indebtedness of the country to Lieutenant Greene. The tardiness of that report was the cause of Lieutenant Greene's failure to receive that recognition by promotion to which he was entitled, and which was extended in the case of the executive officer of the Kearsarge and in almost every other similar case in the history of our naval service. I

think my friend from Indiana, when he takes into consideration this fact, will be inclined to waive the objection he has raised here to-night. He goes with us so far as to assent to a pension of $30 per month. I hope he will agree to a pension of $50.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Alabama [Mr. HEWITT]; which will be read.

The Clerk read as follows:

Strike out the words "at the rate of $50 per month" and insert "subject to the provisions and limitations of the pension laws."

Mr. HEWITT, of Alabama. I modify that amendment so as to strike out "$50 per month" and insert "$30 per month."

The question being taken on the amendment of Mr. HEWITT, of Alabama, it was not agreed to; there being—ayes 12, noes 32.

The question being then taken, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass? it was decided in the affirmative.

MRS. ADELINE E. CHADBOURNE.

Mr. RAY, of New Hampshire. I call up a bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Mrs. Adeline E. Chadbourne, an Army nurse, on the pension-roll of the United States, at the rate of $25 per month, from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE F. WEST.

Mr. WALLACE. I call up a bill (H. R. 7561) to allow a pension to George F. West.

The bill was read, as follows:

Be it enacted, &c., That George F. West, late a corporal Company I, Fifth Regiment of Wisconsin Infantry Volunteers, now on the pension-roll at the rate of $24 per month, from and after the passage of this act shall be entitled to receive the same pension as a soldier now receives, or that may hereafter be allowed by law, who has lost one arm at or above the elbow, or one leg at or above the knee.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PARTEN H. MOREY.

Mr. BREWER, of New York. I call up the bill (H. R. 7728) for the relief of Parten H. Morey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Parten H. Morey, of Chautauqua, Chautauqua County, New York, subject to the provisions and limitations of the pension laws.

The amendments of the committee were read, as follows:

In line 4, strike out "place on the pension-roll the name of" and insert in lieu thereof "allow to."

In line 5 strike out "Parten" and insert "Pardon;" in lines 6 and 7, insert "late a private in the Seventh Company, First Battalion New York Sharpshooters."

Add to the bill, "a pension for single inguinal hernia, in addition to that now received by him."

Amend the title so as to read: "A bill for the relief of Pardon H. Morey."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALBERTINE COCKRUM.

Mr. PEEL. I call up a bill (H. R. 5902) for the relief of Albertine Cockrum.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albertine Cockrum, widow of John A. Cockrum, late a captain in the Missouri Home Guards, and pay her a pension from and after the passage of this act.

The amendment of the committee was read, as follows: In line 6 strike out "John A." and insert in lieu thereof "E. B."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN OTIS.

Mr. HOLMES. I call up a bill (H. R. 6882) granting a pension to John Otis, late a private in Company F, Twelfth Regiment Iowa Infantry Volunteers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Otis, late a private in Company F, Twelfth Regiment of Iowa Infantry Volunteers.

The amendments of the committee were read, as follows:

Strike out "late a private in Company F, Twelfth Regiment of Iowa Infantry Volunteers," and in lieu thereof insert "dependent father of Thomas Otis."

Amend the title so as to read: "A bill granting a pension to John Otis."

The amendments were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES MILK.

Mr. ENGLISH. I call up a bill (H. R. 5309) for the relief of Charles Milk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll the name of Charles Milk, late a member of Company B, One hundred and fifty-second Regiment of Indiana Volunteers, and now of Lagrange County, Indiana, and that a pension be, and is hereby, granted to the said Charles Milk, subject to the provisions and limitations of the pension laws.

The amendment of the committee was read, as follows:

Strike out "and now of Lagrange County, Indiana, and that a pension be, and is hereby, granted to the said Charles Milk."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN E. DENHAM.

Mr. JAMES. I call up a bill (H. R. 5798) granting a pension to John E. Denham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Denham, late a sergeant of the United States Marine Corps, and grant him a pension of $8 a month, commencing with the date of his discharge from said Marine Corps.

Mr. MORRILL. I move to strike out "commencing with the date of his discharge from said Marine Corps" and in lieu thereof insert "from the passage of the act."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET ARMSTRONG.

Mr. MATSON. I call up the bill (H. R. 1898) granting a pension to Harriet Armstrong.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Harriet Armstrong, widow of Levi Armstrong, late a private in Company —, Indiana Volunteers, to take effect from and after the passage of this act.

The amendment of the committee was read, as follows:

Insert in line 6, "E, One hundred and third."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH PARRY.

Mr. JOSEPH D. TAYLOR. I call up the bill (H. R. 5554) granting a pension to Sarah Parry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Parry, widow of Thomas Parry, late a private in Company F, Thirtieth Regiment Ohio Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LOIS B. SMITH.

Mr. BAGLEY. I call up a bill (H. R. 7731) granting a pension to Lois B. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lois B. Smith, mother of Theodore H. Jameson, late of Company K, Thirteenth New York Volunteers, and pay her a pension of $8 a month from the date of death of the soldier, August 30, 1862.

The amendment of the committee was read, as follows:

Strike out "and pay her a pension of $8 a month from the date of death of the soldier, August 30, 1862."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SWEENEY.

Mr. SPOONER. I call up the bill (S. 1112) granting a pension to John Sweeney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Sweeney, late a private in Company C, Second Regiment New York Heavy Artillery.

Mr. HEWITT, of Alabama. Some gentleman held here to-day that the Senate could not originate a bill requiring an appropriation. [Laughter].

Mr. SPOONER. I did not unite in that opinion.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH KENNEDY.

Mr. BROWN, of Pennsylvania. I call up a bill (H. R. 2692) granting a pension to Sarah Kennedy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Kennedy, widow of Seth T. Kennedy, late major of the Sixteenth Regiment Pennsylvania Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERIC S. RICH.

Mr. HANES. I call up a bill (H. R. 5969) increasing the pension of Frederic S. Rich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension now allowed to Frederic S. Rich, late a private in Company H, Eighth Regiment New Hampshire Volunteers, from $8 per month to $30 per month, from and after the passage of this act.

The amendment of the committee was read, as follows:

Strike out "30" and insert "24."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY BEYER.

Mr. HEWITT, of Alabama. I call up a bill (H. R. 7092) for the relief of Anthony Beyer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Anthony Beyer, late a private in Company E, Fifth Regiment of Iowa Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

C. W. BALDWIN.

Mr. WILSON, of Iowa. I call up a bill (H. R. 7313) granting a pension to C. W. Baldwin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of C. W. Baldwin, late a private in Company C, Nineteenth Regiment Illinois Infantry Volunteers.

The amendment of the committee was read, as follows:

Strike out "C" and insert "Charles."

Amend the title so as to read: "A bill granting a pension to Charles W. Baldwin."

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT D. SIMMONS.

Mr. MATSON. I yield to the gentleman from Pennsylvania.

Mr. BROWN, of Pennsylvania. I ask to take up the bill (H. R. 7295) granting a pension to Albert D. Simmons.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to put the name of Albert D. Simmons, late a private in Company E, One hundred and ninetieth Regiment Pennsylvania Volunteers, on the pension-roll, subject to the limitations and provisions of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES O. M'KENNA.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 7175) granting a pension to James O. McKenna.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James O. McKenna, late of Company B, Sixth Iowa Cavalry Volunteers.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

LYDIA S. HUGGINS.

Mr. LOWRY. Mr. Chairman, I ask the consideration of the bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mrs. Lydia S. Huggins, mother of Rufus A. Huggins, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM E. AYERS.

Mr. HISCOCK. I ask unanimous consent to take up the bill (H. R. 7773) granting a pension to William E. Ayers and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of William E. Ayers, late of Company E, Twenty-fourth New York Cavalry Volunteers, on the pension-roll of the United States, under the rules and regulations of the Pension Office.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN JEFFRIES.

Mr. SMITH, of Iowa. Mr. Chairman, I ask unanimous consent to take from the Calendar the bill (H. R. 1982) granting a pension to Benjamin Jeffries.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Jeffries, late a private in Company D, Eighth Regiment of Pennsylvania Volunteers, and in Company A, One hundred and ninety-first Regiment of Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHANIEL POND.

Mr. STRUBLE. Mr. Chairman, I ask to take up the bill (H. R. 4668) for the relief of Nathaniel Pond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Nathaniel Pond, now of Faribault, Minn., formerly a private soldier in Capt. Arael Sheldon's company of Vermont militia in the war of 1812, under the name of Nathaniel Pond, jr., on the pension-rolls at the rate of —— dollars per month.

Amend the title so as to read: "A bill for the relief of Nathaniel Pond, jr."

The committee recommend the adoption of the following amendment:

Amend the title by adding the word "junior" to the name of Nathaniel Pond in the title of the bill, and also wherever it occurs in the body of the bill. Also to strike out the words "Arael Sheldon's," where they occur in line 6 of the bill, and insert the words "James Gray's." Also to insert the word "eight" before the word "dollars," in line 9 of the bill.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CORDELIA GALE.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Calendar the bill (H. R. 4548) granting a pension to Cordelia Gale.

The bill was read, as follows:

Be it enacted, &c., That the Pension Department place the name of Cordelia Gale, widow of Ebben G. Gale, deceased, late of Company D, Second Regiment Michigan Cavalry in the war of the rebellion, on the pension-roll, as a pensioner of the United States, under the laws and regulations of the United States at the time of the passage of this act.

SEC. 2. That this act shall take effect immediately.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD W. BARNES.

Mr. HEPBURN. Mr. Chairman, I ask to take up the bill (H. R. 7502) granting a pension to Richard W. Barnes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Richard W. Barnes, late a private in Company A, Eighth Regiment Iowa Volunteer Cavalry, on the pension-roll, and pay him a pension of $30 per month in lieu of the pension now paid him.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHLOE A. WHIPPLE.

Mr. BAGLEY. Mr. Chairman, I ask unanimous consent to take from the Calendar, page 47, the bill (H. R. 7338) granting a pension to Chloe A. Whipple.

Mr. HEWITT, of Alabama. Mr. Chairman, I think we will have to stop at some place in the Calendar, and this is about as good as any. I think the committee had better rise.

The CHAIRMAN. The Chair has recognized the gentleman from New York, but will recognize the gentleman from Alabama to submit a motion after this bill is disposed of. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Chloe A. Whipple, of Batavia, New York, mother of Charles A. Whipple, late of Company L, Eighth New York Heavy Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMY A. LEWIS.

Mr. NUTTING addressed the Chair.

Mr. MATSON. I was about to move, Mr. Chairman, that the committee do now rise.

Mr. NUTTING. I have one bill that I should like very much to have acted upon to-night.

Mr. MATSON. If that is all I shall not press the motion now.

Mr. NUTTING. I desire to ask the consent of the committee to take up bill (H. R. 7337) for the relief of Amy A. Lewis. It is to be found on page 47 of the Calendar, near the bottom of the page.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amy A. Lewis, widow of J. H. Lewis, late of the Twelfth Battalion New York Light Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES H. BRIGANCE.

Mr. MILLER, of Texas. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month, and put it upon its passage.

The CHAIRMAN. The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That the pension of Charles H. Brigance, a soldier of the war of 1812, and now 94 years of age, be increased from $8 to $20 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. WRIGHT.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent to take up Senate bill No. 1144 and put it upon its passage. It is a bill granting a pension to John W. Wright.

The CHAIRMAN. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Wright, late a private in Company D, Seventy-seventh Regiment Enrolled Militia of Missouri.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1235) granting a pension to Annie E. Bailey;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 6946) for the relief of Margaret McCarty;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 765) for the relief of Emily Agnel;
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 5554) granting a pension to Sarah Parry;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 7773) granting a pension to William E. Ayers;
A bill (H. R. 1982) granting a pension to Benjamin Jeffries;
A bill (H. R. 4548) granting a pension to Cordelia Gale;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7337) for the relief of Amy A. Lewis; and
A bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 3833) for the relief John W. Robson;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R .7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 6011) granting a pension to Robert Carey;
A bill (H. R. 7262) increasing the pension of Almira P. Spencer;
A bill (H. R. 5902) for the relief of Albertine Cockrum;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 3994) granting a pension to William Stricklin (the title amended so as to read, "A bill granting a pension to William Strickland");
A bill (H. R. 7728) for the relief of Parten H. Morey (the title amended so as to read, "A bill for the relief of Pardon H. Morey");
A bill (H. R. 6882) granting a pension to John Otis, late a private in Company F, Twelfth Regiment Iowa Infantry Volunteers (the title amended so as to read, "A bill granting a pension to John Otis");
A bill (H. R. 7313) granting a pension to C. W. Baldwin (the title amended so as to read, "A bill granting a pension to Charles W. Baldwin"); and
A bill (H. R. 4668) for the relief of Nathaniel Pond (the title amended so as to read, "A bill for the relief of Nathaniel Pond, jr.").

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 1144) granting a pension to John W. Wright; and
A bill (S. 1112) granting a pension to John Sweeney.

Mr. MATSON moved to reconsider the various votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Two petitions of citizens of Alleghany County, Pennsylvania, in favor of the improvement of the Alleghany River and its tributaries—to the Committee on Rivers and Harbors.

By Mr. BLOUNT: Petition of citizens of Macon, Ga., asking for the passage of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. S. S. COX: Three petitions of manufacturers and merchants of New York, urging the ratification of the reciprocity convention of Spain—to the same committee.

By Mr. DORSHEIMER: Four petitions of manufacturers and business men of New York, urging the ratification of the reciprocity convention with Spain—to the same committee.

By Mr. GREEN: Petition of E. W. Ward, E. S. Smith, W. P. White, and 100 others, citizens of Onslow, Pender, and Carteret Counties, North Carolina, praying for the improvement of the Sounds from New River to Beaufort Harbor, in said State—to the Committee on Rivers and Harbors.

By Mr. KLEINER: Petition of citizens of New Harmony, Ind., for improvements on the Wabash River at said town—to the same committee.

By Mr. LOWRY: Petition of 23 citizens of Harlan, Allen County, Indiana, for increase of widows' pensions—to the Committee on Pensions.

By Mr. LYMAN: Petition of David Smith, of Walpole, Norfolk County, Massachusetts, for relief—to the Committee on War Claims.

By Mr. MAYBURY: Petition of the Michigan Merchant Travelers' Association, for the passage of the bill to regulate commerce between the States relative to commercial travelers—to the Committee on Commerce.

By Mr. NELSON: Petition of citizens of Duluth, Minn., asking that the Government acquire the title to the two canals connecting Portage Lake, Michigan, and Lake Superior, as recommended by the Secretary of War—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Resolutions of the American Philosophical Society of the State of Pennsylvania, urging the free importation of books pertaining to the physical, natural, and medical sciences, and apparatus—to the Committee on Ways and Means.

By Mr. PARKER: Petition of the New York Chamber of Commerce, in favor of a marine hospital at the port of New York—to the Committee on Appropriations.

By Mr. SENEY: Petition of Ann E. S. Close, for a pension—to the Committee on Invalid Pensions.

By Mr. C. R. SKINNER: Of 22 citizens of Little Falls, N. Y., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. THOMPSON: Petition of G. H. McKinney, of Stanford, Ky., for relief—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition of citizens of Edwards County,

Illinois, asking for a pension for Mrs. H. M. Hallam, widow of Samuel Hallam, late a private in Company B, Sixty-third Regiment Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: Petition of D. D. Johnson, of West Virginia, relative to change in the pension law—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions.

By Mr. ANDERSON: Of 45 citizens of Scandia, of 75 citizens of Delphos, of 122 citizens of Junction City, and of 63 citizens of Manhattan, Riley County, Kansas.

By Mr. BEACH: Of citizens of Mountaindale, of Clayville, and of Nyack, N. Y.

By Mr. DEUSTER: Of 110 inmates of the National Soldiers' Home near Milwaukee, Wis.

By Mr. FUNSTON: Of citizens of Linn County, Kansas.

By Mr. GEORGE: Of citizens of Grant's Pass, and of Greenville, Oreg.

By Mr. GUENTHER: Of citizens of Stinson, of Princeton, of Bellefountain, of Kilbourn City, and of Friendship, Wis.

By Mr. HANBACK: Of Thomas Craddick and 100 others, of Trego County, and of John Bowen and 127 others, of Ellsworth, Kans.

By Mr. D. B. HENDERSON: Of Howard Johnson and 33 others, of Dubuque County; of John Averill and 62 others, of Waterloo, and of T. J. Shreve and others, of Buchanan County, Iowa.

By Mr. HILL: Of J. M. McBride and 128 others, of New Hartford; of J. K. Seamon and others, of Wood County; of Richard T. Ross and 63 others, of Paulding County; of C. L. Bambet and 233 others, of Wood county; of M. P. Brewer and others, of Wood County; of J. W. Rogers and 34 others, of Pulaski; of James McGowan and 30 others, of Van Wert County; of James Crockett and 50 others, of Henry County; of G. P. Palmer and others, of Wood County, and of Charles A. Hendley and others, of Williams County, Ohio.

By Mr. HOUSEMAN: Of George Davis and 88 others, of Kent County, and of W. W. Warner and 110 others, of Allegan, Mich.

By Mr. KEAN: Of citizens of South Amboy, of Freehold, of Plainfield, and of North Long Branch, N. J.

By Mr. KLEINER: Petition of ex-soldiers and citizens of Selvin, Ind.

By Mr. LOWRY: Of 113 citizens of Angola, Steuben County; of 28 citizens of Allen County, and of 83 citizens of Fremont, Ind.

By Mr. MILLIKEN: Of Phineas Smith and others, of Kennebec County; of L. H. Hawes and others, of Bath; of L. W. Smith and others, of Knox County; of M. M. Johnson and others, of Penobscot County, and of C. B. Adams and others, of Androscoggin County, Maine.

By Mr. S. H. MILLER: Of citizens of Spartansburg and of Centreville, Pa.

By Mr. MORRILL: Of Thomas Cass and others, of Winchester, and of William H. Denney and 55 others, of Nemaha County, Kansas.

By Mr. MOULTON: Of 200 citizens of Sullivan, of 200 citizens of Mason, of 200 citizens of Arthur, of 200 citizens of Farina, of 200 citizens of Carlinville, of 200 citizens of Vandalia, and of 300 citizens of Nokomis, Ill.

By Mr. NEECE: Of citizens of Hancock County, of Warren County, of McDonough County, and of Mercer County, Illinois.

By Mr. PATTON: Of 127 citizens of Leechburg, of 200 citizens of Jefferson County, of 61 citizens of Spruce, of 101 citizens of Parker's Landing, and of 63 citizens of Parker's Landing, Pa.

By Mr. PETERS: Of 144 comrades of Benton Post No. 61, G. A. R., Anthony, Kans., and of S. H. Bowers and 300 others, of Harper County, Kansas.

By Mr. POLAND: Of Perry Porter and others, of West Burke; of Asa G. Foster and others, of Weston; of Lyman S. Buckman and others, of Woodstock, and of James M. Tarbell and others, of Londonderry, Vt.

By Mr. PUSEY: Of citizens of Neola, of Henderson, of Logan, and of Riverton, Iowa.

By Mr. RIGGS: Of John H. Dyer and 128 others, of Winchester, Ill.

By Mr. SENEY: Of John Gilbert and 163 other citizens of Seneca County, Ohio.

By Mr. C. R. SKINNER: Of Alex. Kanady and 35 others, of Evans Mills; of James Dolan and 52 others, of Charles B. Bowers and 62 others, and of George McCawber and 75 others, of Watertown; of F. M. Dealing and 63 others, of Jefferson County; of 23 citizens of Constableville, of 48 citizens of Norway, of 59 citizens of Herkimer County, of C. P. Read and 96 others, of Orleans, Jefferson County, New York.

By Mr. H. Y. SMITH: Of citizens of Winterset, Madison County, Iowa.

By Mr. STEVENS: Of citizens of Attica, of Orangeville, of Ransomville, and of Gainesville, N. Y.

By Mr. J. W. STEWART: Of citizens of Waterville and of Rutland, Vt.

By Mr. STRUBLE: Of John Shearer and 49 others, of Sac County, and of Henry B. Schoonover and 63 others, of Green County, Iowa.

By Mr. A. J. WARNER: Of J. P. Lefever and others, of Morgan County, Ohio.

By Mr. W. L. WILSON: Of 192 citizens of Marion County, West Virginia.

By Mr. WOOD: Of citizens of Kewanna, of Francisville, of Leroy, and of Raub, Ind.

By Mr. WOODWARD: Of 155 citizens of Juneau County, and of 34 citizens of Richland County, Wisconsin.

SENATE.

SATURDAY, *January* 24, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLICATION OF TREATIES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to be printed, and, with the accompanying documents, referred to the Committee on Printing:

To the Senate of the United States:

I transmit herewith, in answer to a resolution of the Senate dated January 5, 1885, a report of the Secretary of State and accompanying copies of such treaties and conventions between the United States and foreign powers as are requested by the resolution.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 23, 1885.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT *pro tempore* also laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Foreign Relations:

To the Senate:

I transmit herewith a report of the Secretary of State of the 22d instant, respecting an estimate of an appropriation to enable the Department of State to cause a preliminary search to be made of the records of the French prize courts, from 1792 to 1801, inclusive, to ascertain whether any evidence or documents relating to the claims in question still exist, and, if so, the nature and character thereof; said preliminary search being intended to aid the Department of State to carry out the requirements of section 5 of the act approved January 20, 1885, to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 23, 1885.

OMAHA INDIAN CLAIMS.

The PRESIDENT *pro tempore* also laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication of the 20th instant from the Secretary of the Interior, presenting, with accompanying papers, a draught of proposed legislation providing for the settlement of certain claims of Omaha Indians in Nebraska against the Winnebago Indians on account of horses stolen by members of the latter tribe from the Omahas.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 23, 1885.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 7th instant, a letter of the Light-House Board, showing the necessity for the construction and maintenance of additional lighthouses and buoy-signals in Narragansett Bay Rhode Island, with location and probable cost thereof; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, acknowledging receipt of a resolution directing him to report whether any claimants of lands taken by the Government under the act of July 5, 1882, remain unpaid, and what obstacles, if any, exist to their payment, and stating that he had this day transmitted a report containing the information called for in that resolution; which, on motion of Mr. INGALLS, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented resolutions of tobacco manufacturers and dealers of the city of Edgerton, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented a memorial of the Philadelphia Board of Trade, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of 181 citizens of Millville, Pa., a petition of 62 citizens of Cooksburg, Pa., and a petition of 19 citizens of

Elk City, Pa., praying that an appropriation be made for the improvement of the Allegheny River and its tributaries; which were referred to the Committee on Commerce.

Mr. MILLER, of New York, presented a petition of the Real Estate Exchange of New York city, praying for the creation of suitable defenses to New York Harbor; which was referred to the Committee on Military Affairs.

Mr. WILSON presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against any amendment of the law known as the "desert-land act;" which was referred to the Committee on Public Lands.

Mr. LAPHAM presented a memorial of John Blakely, of New York city, importer and manufacturer of tobacco, in favor of the ratification of the proposed Spanish-American reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Cigar-makers' Union No. 5, of Rochester, N. Y., remonstrating against the ratification of the proposed Spanish-American reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MANDERSON presented a memorial of the senate of Nebraska; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

SENATE OF NEBRASKA.

To the Senate and House of Representatives of the United States:

On motion of Mr. McShane, the following resolution was unanimously adopted by the senate:

Whereas the events of the past year have shown the danger to the cattle interests of Nebraska and of the entire West from contagious disease, and have proved the necessity for and wisdom of the animal industry bill passed at the last session of Congress; and

Whereas a committee appointed by the National Cattle-Growers' Association of America (which association secured the enactment of the above law) is now in Washington endeavoring to obtain the passage of such amendments as will make the law more effective; and

Whereas these amendments are in substance, first, to so regulate the employment of persons by the animal industry bureau as to secure greater ability and usefulness, while at the same time reducing the expense; and second, in the case of disease in States which have no quarantine laws, and in which the executive authorities can not co-operate with the Commissioner of Agriculture to stamp it out, to give power to the President of the United States to prevent the transportation of animals from the diseased districts out of that State into another: Now, therefore,

Be it resolved, That we cordially indorse the amendments proposed and recognize the necessity and wisdom of these measures; and further, we commend them to the consideration of our Senators and Representatives in Congress, with the request that they give to the committee of the National Cattle-Growers' Association all possible aid and assistance in securing the passage of said amendments.

I hereby certify that the within resolution was passed by the Senate January 19, A. D. 1885.

H. H. SHEDD,
President of the Senate.

Attest:

SHERWOOD BURR,
Secretary of the Senate.

Mr. MANDERSON presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against any amendment of the law known as the "desert-land act;" which was referred to the Committee on Public Lands.

Mr. DOLPH presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against any amendment of the law known as the "desert-land act;" which was referred to the Committee on Public Lands.

He also presented a memorial of the Philadelphia Board of Trade, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 7046) granting a pension to Alonzo Cornwell; and

A bill (H. R. 4752) granting a pension to William Herring.

Mr. JACKSON. I am instructed by the Committee on Claims, to whom was referred the bill (S. 2180) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., to report it adversely and recommend its indefinite postponement.

Mr. COCKRELL. Let that go on the Calendar, please.

The PRESIDING OFFICER (Mr. GARLAND in the chair). On the suggestion of the Senator from Missouri, the bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., reported it without amendment, and submitted a report thereon.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (H. R. 1000) for the relief of Myra Clark Gaines, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. 2040) for the relief of Capt. Andrew W. Johnson, reported it without amendment, and submitted a report thereon.

FRENCH SPOLIATION CLAIMS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a resolution to print 3,000 additional copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations committed prior to the 31st day of July, 1801, to report it with an amendment in the nature of a substitute. Upon investigation the committee find that the cost of printing the list will exceed $500. We therefore report in the form of a concurrent resolution, which will be required under the law. I ask that the concurrent resolution, reported as a substitute for the Senate resolution, may be considered at this time.

The Senate, by unanimous consent, proceeded to consider the following resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations prior to the 31st day of July, 1801; of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

Mr. FRYE. I desire to call the attention of the chairman of the Committee on Foreign Relations to the communication from the President touching these claims and certain evidence now in France, which was referred to that committee this morning. I ask that the committee will give early attention to it, as it is very important to these claimants.

The PRESIDING OFFICER. The question is on agreeing to the resolution reported by the Committee on Printing.

The resolution was agreed to.

LIST OF WAR DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a letter from the Secretary of War, transmitting, in compliance with law, a list of the clerks and other persons employed in the War Department during the year ended November 30, 1884. I am directed by the committee to report adversely to the proposition to print the report. It seems like an unnecessary expenditure, as all of the information is contained in the Official Register, which will shortly be reprinted, and the expense does not seem to be warranted by the necessity. I ask that the document be laid on the table and that the Committee on Printing be discharged from the further consideration of the subject.

Mr. GORMAN. I think the report had better go over.

The PRESIDING OFFICER. At the suggestion of the Senator from Maryland the report will go on the Calendar.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 2578) to prevent and punish crimes committed by means of explosive compounds; which was read twice by its title.

Mr. EDMUNDS. I wish to say that some little time since, my attention being drawn to what would seem to be the duty of the United States in respect of such matters, I requested a friend, having no time of my own at disposal, to make a draught of a bill, and this is that draught. I have only run my eye over it, although it has been on my table downstairs for a week or two, and I can see that the draught is not perfect by any means, and may raise questions between the rights of the United States over such crimes and the duties of the States. I do not think it is perfect in that respect and in some others, but I think it fit this morning to introduce it; and I ask that it may be referred to the Committee on the Judiciary, in the hope that that committee will put it into a shape that will, so far as the United States have the power, operate in the direction which its title indicates.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary.

Mr. MAXEY introduced a joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. COCKRELL, Mr. GARLAND, and Mr. MILLER, of California, submitted amendments intended to be proposed by them respectively to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the evidence taken by the Committee on Indian Affairs under resolution of the Senate of date December 8, 1884, be printed for the use of the committee.

SMITHSONIAN REPORT FOR 1884.

Mr. MAXEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,000 extra copies; of which 3,000 copies shall be for the use of the Senate, and 6,000 for the House of Representatives, and 7,000 for the Smithsonian Institution.

SUITS FOR DAMAGES.

Mr. HARRIS. If there be no further routine morning business, I ask the unanimous consent of the Senate to proceed at this time to the consideration of the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The Secretary will report the bill for information.

Mr. HARRIS. I suggest that the Secretary read the substitute reported by the Committee on the District of Columbia, and waive the reading of the original bill.

The PRESIDING OFFICER. The amendment of the committee will be reported.

The Chief Clerk read the amendment.

Mr. SHERMAN. I wish to call the attention of the Senator to a criticism on the bill. Suppose a person should be injured within the District and die outside of it, there would be no remedy under the peculiar phraseology of the first section of the substitute, it seems to me. Although the injury may be committed in this District the death of the person injured may happen elsewhere, which is frequently the case, especially in injuries by railroads. It seems to me that contingency ought to be provided for. I think where the injury is committed in the District and the death occurs anywhere the remedy should follow. I merely call attention to it. Perhaps it may not be a correct criticism.

Mr. HARRIS. Has the Senator from Ohio an amendment that he would propose to meet the difficulty that suggests itself to his mind?

Mr. SHERMAN. I will get a copy of the bill and suggest an amendment.

Mr. HARRIS. I desire to offer some verbal amendments. In section 1, line 12 of the substitute, after the word "damages," I move to amend the amendment by inserting the words "for such death;" so as to read:

The person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony.

The amendment to the amendment was agreed to.

Mr. HARRIS. In line 15 of section 1 of the amendment, after the word "recovery," I move to insert the words "under this act:" so as to read:

Provided, That in no case shall the recovery under this act exceed the sum of $10,000.

The amendment to the amendment was agreed to.

Mr. SHERMAN. In line 3 of section 1 of the amendment, after the word "whenever," I move to insert the words "by an injury done or happening;" so as to read:

That whenever, by an injury done or happening within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, &c.

Mr. HARRIS. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. RIDDLEBERGER. I should like to have the amendment as amended reported.

The Chief Clerk read the amendment as amended, as follows:

That whenever, by an injury done or happening within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: *Provided*, That in no case shall the recovery under this act exceed the sum of $10,000.

SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person and within two years after the death of the party injured.

SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in said District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. The bill (S. 2149) authorizing suits for damages in cases of death caused by the wrongful act, neglect, or default of a person or corporation in the District of Columbia, now upon the Calendar, reported from the Committee on the District of Columbia, is almost precisely the same as the bill we have just passed. I move the indefinite postponement of the Senate bill.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes; and on motion of Mr. ALLISON the same was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 1112) granting a pension to John Sweeney; and

A bill (S. 1144) granting a pension to John W. Wright.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-seven minutes spent in executive session the doors were reopened.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JONATHAN CHACE, chosen by the Legislature of Rhode Island a Senator from that State to fill the vacancy occasioned by the death of the late Henry B. Anthony.

The credentials were read and ordered to be filed.

HOUSE BILL REFERRED.

The bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, was read twice by its title; and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 765) for the relief of Emily Agnel;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 1235) granting a pension to Annie E. Bailey;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 1982) granting a pension to Benjamin Jeffries;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 3833) for the relief of John W. Robson;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4548) granting a pension Cordelia Gale;
A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 5554) granting a pension to Sarah Parry;
A bill (H. R. 5665) to increase the pension of Charles H. Brigance from $8 to $20 per month;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 5902) for the relief of Albertine Cockrum;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 6011) granting an increase of pension to Robert Carey;
A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 6946) for the relief of Margaret McCarty;
A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7175) granting a pension to James O. McKenna;

A bill (H. R. 7262) increasing the pension of Elmina P. Spencer;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 7337) for the relief of Amy A. Lewis;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 7728) for the relief of Pardon H. Morey;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 7773) granting a pension to William E. Ayers; and
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy.

ATTEMPT TO DESTROY BRITISH PARLIAMENT HOUSE.

Mr. BAYARD submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Senate of the United States has heard with indignation and profound sorrow of the attempt to destroy the Houses of Parliament and other public buildings in London, and hereby expresses its horror and detestation of such monstrous crimes against civilization.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 24, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read.

CORRECTIONS.

Mr. MILLS. Mr. Speaker, I understood the Journal as read to state that the motion I made yesterday on the last vote before the recess was to reconsider and lay on the table. My motion was to reconsider, and the gentleman from Indiana [Mr. BROWNE] moved to lay on the table, and then the House adjourned.

The SPEAKER. The Chair will cause the Journal to be examined and corrected, if necessary.

The SPEAKER. If there be no further correction the Journal will be approved as corrected.

Mr. WARNER, of Ohio. Mr. Speaker, I suggest that that change of a vote may perhaps change the result.

The SPEAKER. On that roll-call 129 members voted in the affirmative and 122 in the negative.

CLAIMS OF OMAHA INDIANS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 20th instant from the Secretary of the Interior, presenting, with accompanying papers, a draught of proposed legislation providing for the settlement of certain claims of the Omaha Indians, in Nebraska, against the Winnebago Indians, on account of horses stolen by members of the latter tribe from the Omahas.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 23, 1885.

FRENCH SPOLIATIONS.

The SPEAKER, by unanimous consent, also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State of the 22d instant, respecting an estimate of an appropriation to enable the Department of State to cause a preliminary search to be made of the records of the French prize courts from 1792 to 1801, inclusive, to ascertain whether any evidence or documents relating to the claims in question still exist, and, if so, the nature and character thereof; said preliminary search being intended to aid the Department of State to carry out the requirements of section 5 of the act approved January 20, 1885, to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 23, 1885.

CONTINGENT FUND OF NAVY DEPARTMENT.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Navy, transmitting a statement of expenditures of the contingent fund for the Navy Department for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

THE MESSAGERIES MARITIMES STEAMSHIP COMPANY.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting estimate from the Secretary of the Navy of an appropriation to pay claim for damages of the Messageries Maritimes Steamship Company; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY APPROPRIATIONS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations required to supply deficiency in the appropriations for the various departments of the Government for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOM HOUSE, DUBUQUE.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending an appropriation of $10,000 for the approaches to the United States custom-house at Dubuque, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, ABINGDON, VA.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect upon the necessity of an additional appropriation for the public building at Abingdon, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT MINNEAPOLIS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, and recommending an extension of the appropriation for the public building at Minneapolis, Minn.; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS ALLOWED.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims allowed which have arisen under the act of July 4, 1864; which was referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENTS ON MESCALERO RESERVATION.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting estimate from the Secretary of the Interior of an appropriation to purchase certain improvements within the Mescalero Indian reservation in New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

NORFOLK NAVY-YARD BUILDING.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of an appropriation for refitting, altering, and constructing buildings at the navy-yard at Norfolk, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CERTAIN COLLECTORS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, with inclosures, transmitting estimate of an appropriation for the payment of certain collectors; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

WITHDRAWAL OF PAPERS.

Mr. GREENLEAF, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the pension case of Sarah L. Bragg.

LEAVE TO PRINT.

Mr. WOLFORD, by unanimous consent, obtained leave to have printed in the RECORD remarks on the resolution instructing the Committee on the Judiciary to consider and report on the right of the Senate to originate appropriation bills.

Mr. BLANCHARD, by unanimous consent, obtained leave to print

remarks on the resolutions offered by the gentleman from Ohio [Mr. HURD] yesterday concerning the educational bill.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

AMENDMENT OF RULES.

Mr. VALENTINE. Mr. Speaker, I desire to call up for present consideration the resolution which I offered yesterday in regard to changing the hour of meeting. It is a privileged matter, as I understand.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] calls up for present consideration the resolution offered by him yesterday.

Mr. RANDALL. I make the point of order against this proposition, and ask the reading of clause 43, Rule XI.

The SPEAKER. The resolution will be read.

Mr. VALENTINE. I would like to hear the point of order.

Mr. RANDALL. My voice is not strong this morning. The reading of the rule will suffice to state my point.

The Clerk read as follows:

All proposed action touching the rules and joint rules shall be referred to the Committee on Rules

Mr. RANDALL. "Shall be."

Mr. KEIFER. There is another rule that relates to this subject.

Mr. VALENTINE. My judgment is that this point of order should have been made yesterday.

Mr. RANDALL. The proposition was not then up for consideration, and I could not make the point. I am advised that points of order were reserved.

Mr. VALENTINE. The point of order now made by the gentleman from Pennsylvania was not made yesterday. The only point of order then made was that under the rules the proposition must lie over one day.

Mr. MILLS. Oh, no; I made the point of order that it changed the rules and must go to the Committee on Rules.

Mr. VALENTINE. I read from the RECORD:

Mr. MILLS. Mr. Speaker, I make the point of order that that would change a rule of the House.

Mr. MILLS. Precisely; and must go to the Committee on Rules.

Mr. VALENTINE. I knew that the proposition changed the rules; it was the intention and object to do so; but I gave notice——

Mr. MILLS. Well, I make the point now; I reserve it.

The SPEAKER. A point of order has been made by the gentleman from Pennsylvania; but the Chair will hear the gentleman from Nebraska.

Mr. VALENTINE. I insist that it is too late to make the point of order now, a day having elapsed; and we are entitled now to have the resolution considered.

Mr. RANDALL. I say that the proposition was not up for consideration yesterday, and I was not required to make the point then.

The SPEAKER. The gentleman from Nebraska is entitled to the floor.

Mr. VALENTINE. I will very gladly listen to any statement of my friend from Pennsylvania. I prefer indeed to hear him on this question before addressing the House myself.

Mr. RANDALL. I did not mean to interrupt the gentleman.

Mr. VALENTINE. No; but you are doing it.

I think it would be in order at this time under the rules and practice of the House to make a motion to refer this resolution to the Committee on Rules; but I believe and shall insist that under the practice and rules it is too late at this time to make the point of order which under the rule would send the proposition there.

In the last Congress the gentleman from Illinois [Mr. TOWNSHEND] raised this question, and on the day when he gave notice of a proposition of this kind there was considerable discussion touching this question under the rules. In that case the Chair entertained a motion made by Mr. Robinson, then a member from Massachusetts, by which the resolution was referred to the Committee on Rules. That action, however, was had on the very day the proposition was first presented, and a point of order made was overruled. I say that now, gentlemen having failed yesterday to send this resolution to the Committee on Rules by a point of order under the rules, it is to-day too late to send it there by such a point; you must do so, if at all, by the action of the House.

Mr. RANDALL. I submit, Mr. Speaker, that the point I make is not too late. I submit also that the point was made yesterday by the gentleman from Texas. But the proper time for the point of order to be raised is when the question is up for consideration.

Mr. VALENTINE. There seems to be a misunderstanding or misapprehension of what was done yesterday touching the making of a point of order. Should that question become material, I think it is well to refer to the RECORD to ascertain what was done. The gentleman from Texas [Mr. MILLS] made the only point of order recorded here in the RECORD. It is in this language:

I make the point of order that that would change a rule of the House.

Mr. MILLS. And must therefore go to the Committee on Rules.

Mr. VALENTINE. Now, in order to make a point of order effective you must state the exact point.

Mr. RANDALL. Oh, no!

Mr. VALENTINE. Oh, yes! My friend from Pennsylvania has frequently so held in the chair, and has required members to state the exact point. When a member has said, "I make a point of order against the proposition," the Chair has uniformly asked, "What is the point?" and then the member would state it.

Mr. THOMPSON. The gentleman from Tennessee [Mr. MCMILLIN] yesterday, when this proposition was presented, demanded the regular order, which reserved all points of order.

Mr. VALENTINE. This was then the regular order.

Mr. HOLMAN. I will state the language adopted by the gentleman from Texas in making the point of order.

The SPEAKER. The gentleman from Indiana will suspend his remarks a moment, and the Chair will suspend business in the House until order is restored on the floor. The gentlemen will resume their seats and stop conversation.

Mr. HOLMAN. The language used is this:

Mr. MILLS. Mr. Speaker, I make the point of order it would change a rule of the House.

Now, certainly that is a good presentation of the point of order in general terms, except that it does not refer to that particular rule of the House which requires an amendment of the rules to be referred to the Committee on Rules. It is perfect in all else. I submit the custom is not to reserve the point of order. It is done uniformly in general terms. The Chair will observe that immediately after Mr. MCMILLIN demanded the regular order, so nothing further could occur. I submit according to the practice of the House the point of order was clearly and distinctly made.

Mr. MILLS. I wish to say before I could finish by stating that it must go to the Committee on Rules a dozen gentlemen got up and made the point of order. The gentleman from Nebraska who offered the resolution acknowledged the point of order to be good and waived all further question by saying it would lay over for one day.

Mr. VALENTINE. That is what I thought.

Mr. HAMMOND. Mr. Speaker, it seems to me that it is entirely immaterial what was the scope of the objection of the gentleman from Texas [Mr. MILLS]. No objection was needed. We have two rules of the House that control this matter. The first, as mentioned by the gentleman from Pennsylvania [Mr. RANDALL], is that this being a proposition to change the rules of the House it "shall be referred to the Committee on Rules." There is no way under the practice of the House to avoid that peremptory command except by suspension of the rules or by a motion to refer to some other committee. The natural order, therefore, is that it shall go to the Committee on Rules unless some other reference be made.

We would not send to any other committee a proposed change of the rules. There is no suggestion of any suspension of the rules in order to give this a hearing. And now the only reliance of the gentleman from Nebraska [Mr. VALENTINE] is on Rule XXVIII, which declares that no standing rule or order of the House shall be changed without one day's notice of the intention to do it. He makes the point that if any member shall give one day's notice to change the rules of the House he shall have the right of the floor as a matter of privilege, without reference to any committee whatever of any and all proposed changes of the rules. The very statement of it is a reduction to absurdity. We could occupy the time of the House any day and every day by simply saying that to-morrow we will propose a change in this, that, or the other rule, claiming the right of the floor to discuss the subject-matter.

The two rules well consist. One is that the Committee on Rules shall first consider and report proposed changes; the other is a limitation on the time of discussion of proposed changes. That the House may not be taken unaware may be one reason of the limitation. But the House has also put on the change of the rules the safeguard that no rule shall be changed until the Committee on Rules shall have had a hearing and reported to the House.

Suppose this referred to the Committee on Rules now to-day, and the committee should meet in five minutes and bring back a report. It might be said, inasmuch as notice was given of it yesterday, it could be heard now. But suppose it had been referred to the Committee on Rules yesterday, and they had reported in five minutes. It could not have been heard, because Rule XXVIII is a limitation of time. The two things are absolutely distinct. You shall not take the House unaware, even though the Committee on Rules reported in favor of a change, and the proposed change must go through the Committee on Rules in order to get the sense of the House.

Mr. THOMPSON. I should like to suggest that the point of order can be as well made now as at any other time—that the point of order in reference to any matter pending can be made whenever the consideration of the question comes up in the House. The rule expressly provides certain matters must be considered in the Committee of the Whole House on the state of the Union, and that point of order can be made at any time before the consideration is begun. So any matter considered by the House when subject to the point of order—the point is good if made at any time before consideration is commenced. This

matter has not been considered by the House, and the most favorable aspect in which it presents itself is that the gentleman has placed himself in position to bring it to the consideration of the House by giving the one day's notice required by the rule. It may now be brought up for consideration, but before being entered upon, it is in order at any time to make the point of order against it. That point of order, under Rule XI, will carry it to the Committee on Rules.

Mr. REED. Mr. Chairman, I do not know this point of order has been decided under this system of rules, as they are called, but it seems to me that the power which the House has over its rules is complete and absolute, because it is a constitutional power, and that the House can not take away from itself the power that is conferred upon it by the Constitution. I suppose the House must at any time have the right to change its rules. I do not see how the House can limit itself.

Now, here are two provisions in our rules: the one is that such matters shall be referred to the Committee on Rules; the other is that the House shall not consider such matters unless a day's notice be given. A day's notice has been given of this change of the rule. I take it it is entirely optional on the part of the House whether it shall refer this to the Committee on Rules or not; but if the House thinks it will not refer it to the Committee on Rules, then it seems to me the question is open to the consideration of the House; because otherwise there is no way under our rules by which the rules can be changed except by the consent of the Committee on Rules. There is no way, if the doctrine of the gentleman from Pennsylvania be correct, under our present system, after a proposed modification is referred to the Committee on Rules, to get it out of the clutches of that committee by the House if they do not see proper to report it.

If the doctrine of the gentleman from Pennsylvania be sound, therefore, this proposed action must go to the Committee on Rules, and if they do not choose to report it there is an end of it. Now, we can not deprive ourselves of our constitutional power in any such way. There is no provision in our rules for a motion to discharge the committee from the further consideration of the subject and bring it before the House. Our rules do not provide for any such thing. That would facilitate business; hence it is not permissible under our system. [Laughter.]

I have always supposed that there was one thing which the House could do, and that was to exercise its constitutional power to make rules for its own future guidance. I am certain that I have seen since I have been here, but whether under this system of rules or not I do not remember precisely, this very motion prevail.

Mr. KIEFER rose.

Mr. DINGLEY. With the consent of my colleague I will refer him——

The SPEAKER. The gentleman from Ohio has been recognized.

Mr. DINGLEY. I merely desire to make a suggestion to my colleague in connection with his remarks. He stated that he was sure of the fact that during his service such a case had arisen, but whether under the old or the new rules he was not certain. I wish to call his attention to the case to which he refers.

In the Forty-sixth Congress, on the 28th day of May, 1879, when the gentleman from Illinois [Mr. SPRINGER] had proposed to submit an amendment to Rule XXXI as an independent motion, a point of order was made against it; and on the 4th day of June, 1879, a motion to amend the rules as an independent motion was decided to be in order. On the three hundred and eighty-eighth page of the Digest it is stated that—

Notice of an amendment to the rules is in order as an independent motion, but must lie over one day under clause 1 of Rule XXVIII.

I understand the rules as they existed at that time in relation to an amendment to the rules were precisely the same as they are to-day.

Mr. VALENTINE. That is correct. That decision was made by the gentleman from Pennsylvania. I remember perfectly. The motion was made by the gentleman from Illinois [Mr. SPRINGER].

Mr. KEIFER. I was about to cite this precedent in the Forty-sixth Congress. But I think there are numerous precedents in that and other Congresses under the old rules; and while I have not had time to examine that provision of the rule under which such decisions have been made, my recollection now is that the present rule is identical with our old rules in that respect. The confusion existing in the minds of members with reference to this subject arises no doubt from the fact that, following the ordinary course of legislation relating to the business in the House, amendments to the rules are required, when introduced, under the call in the regular way for the introduction and reference of bills, &c., necessarily to go under such call to the Committee on Rules.

But Rule XXVIII makes provision for the case of a member offering an amendment to the rules under his individual right as a member; that is to say, that in his right as a member to have the rules changed he may offer an amendment to the rules by giving notice to the House of his intention, in which case the proposed amendment shall lie over one day before being called up for consideration.

Now, the Speaker of the Forty-sixth Congress distinctly ruled on this proposition, which will be found by reference to page 388 of the Digest, in the following words:

Notice of an amendment to the rules is in order as an independent motion, but must lie over one day under clause 1 of Rule XXVIII.

And reference is made to the Journal of the first session of the Forty-sixth Congress, page 437. This is specifically stated here, and covers entirely the case presented by the motion of the gentleman from Nebraska. There is no doubt, sir, but that the House can, if it does not want to vote upon a proposed amendment without having it first considered by the Committee on Rules at any time it could on yesterday—with reference to this proposed amendment, and I think could to-day—by a motion refer it to the Committee on Rules. But I maintain that under the first clause of the twenty-eighth rule it is in order now for consideration, having had the one day's notice provided by the rule.

Mr. RANDALL. Mr. Speaker, I maintain that this is not a question of the equity or the wisdom of the rules. It is a question as to what is the rule.

Mr. REED. That first question has long since ceased to be mooted. [Laughter.]

Mr. RANDALL. The Committee on Rules do not stand in any different relation toward the House as to reports from that committee than do the other committees of this House. There is no compulsion on them, nor is there any compulsion on any committee with reference to its reports. Next, I maintain that the opinion to which the gentleman refers, if my memory is correct, was delivered before these rules were adopted.

Mr. KEIFER. But were not the old rules identical in this respect with the present rules? I think that will be found to be the case without the change of a word.

Mr. VALENTINE. They are *verbatim* the same.

Mr. HEWITT, of Alabama. Well, there was no point of order made, perhaps. There is a point of order raised here.

Mr. KEIFER. But that rule required, just as this, notice of the proposed amendment to the rules.

Mr. RANDALL. The House has restricted itself as to the manner of changing the rules; and the question of the restoration of that power is one of policy and not of principle.

Mr. VALENTINE. I scarcely know what I ought to do at this time touching this resolution. I deem it very important that there should be a specific ruling on this question. In the last Congress it arose identically as it has arisen here; and it went off without a decision under a motion made by Mr. Robinson, of Massachusetts, as he said for the purpose of relieving the Speaker from any embarrassment at that time. I do not know if the Speaker feels at this time sufficiently informed on the question to make a ruling. I do not know that he has examined the question with sufficient care to make a ruling to-day. I do not know if it is my duty at this time to make a like motion or not. I fear if the Speaker should rule against me on this matter, and hold that the resolution should go to the Committee on Rules, that will send it to a tomb and this Congress will never reach it.

If it be true, as stated by the gentleman from Pennsylvania [Mr. RANDALL], that this House has, by its rules adopted in the Forty-sixth Congress, so placed itself in the power of five members of this body that it can do nothing without their consent, then, indeed, we are in a sad plight, and something ought to be done to get out of this position in which we are placed by a former Congress, and by the adoption of the rules as a whole by this Congress at its first session. Therefore I have raised this question, and I hope that the House will have an opportunity as a body to pass upon it in some shape, as to whether it, sitting here, composed of more than three hundred members, shall be held down, tied down as it were, at the bidding of five of its members, in regard to the doing of any business that it may desire—which a majority, or all, if you please, but one member of this body, may desire to consider.

I hope that the Speaker will give to the House an opportunity to pass upon that question.

Mr. RANDALL. As a decision of mine has been referred to I have caused it to be looked up, and it will be seen after it has been read that it related simply to the question of reference as it involved one day's notice.

The Clerk read as follows:

Mr. SPRINGER. I also gave notice of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

"*Resolved*, That Rule LI be amended by adding thereto the following:

"And any pending measure reported but not disposed of shall be regarded as unfinished business, and shall be in order after the morning hour of any day when such business would be in order."

Mr. CONGER. What is that?

The SPEAKER. It is a resolution providing for an amendment of the rules for reference to the Committee on Rules.

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The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] will give his attention. The Chair understood the gentleman to state that he did not ask for the reference of this resolution to the Committee on Rules.

Mr. SPRINGER. I see that according to the ruling of the former Speaker it must be offered for reference.

The SPEAKER. The Chair does not allow the application as notice given, and states that the practice of the House allows the introduction of these proposed amendments to the rules during the morning hour of Monday for reference.

Mr. CONGER. The gentleman did not ask for its reference and does not now, as I understand.

The SPEAKER. Then the Chair states that he has not a right now to introduce the resolution, except for reference; and that is based upon the decision of the former Speaker.

Mr. SPRINGER. Then I offer it for reference.

* * * * * * *

Mr. CONGER. Then the Chair does not entertain the proposition, as it is not offered for reference.

The SPEAKER. The Chair has stated to the gentleman from Illinois that he can not receive the proposition except for reference, and the Chair understands the gentleman now to introduce it for reference. For this purpose the Chair entertains it.

Mr. RANDALL. It will be observed the point involved here to-day was not entered upon at all in that decision.

Mr. HAMMOND. I desire to say one word about a suggestion of the gentleman from Nebraska [Mr. VALENTINE]. He states that because a former Speaker of the House was embarrassed by the like question and his party relieved him, therefore the present Speaker should get embarrassed also and leave it to the House to relieve him. It seems to me that that would be a dangerous practice. If the House, in particular squads, for instance, or sections of men, should desire to change the rules so as to get at particular measures, they would vote from interested standpoints. The Speaker decides judicially; and it is perfectly right that as this has been an open question it should now be closed by some sort of ruling. If the Speaker shall be one way or the other—and I have not the slightest idea which way he is—his voice ought to be given to the House at least as argument in case there should be an appeal.

The SPEAKER. Rule XXVIII of the House provides that—

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, &c.

The Chair supposes that this notice might be given in two ways. A member might rise in his place and state that on the next day, or upon some succeeding day, he would propose to amend the rules in a certain way; or he might accomplish the same purpose by presenting to the House a proposition to amend the rules in a particular way. And the Chair supposes that the question as to whether or not the point of order can now be made that this proposition must have its first consideration in the Committee on Rules depends upon the same consideration, no matter in which one of those methods the notice might have been originally given.

Suppose a gentleman had risen on the floor yesterday and simply given notice under this rule that on to-day he would propose a motion to amend the rules, stating the character of the amendment, of course no question could then have been made that it must have its first consideration in the Committee on Rules. So it was on yesterday when the gentleman from Nebraska presented his proposition. It was a mere notice to the House under Rule XXVIII of a proposition to amend its rules, and the Chair thinks that the point of order, if it can be made at all, can properly be made to-day when the subject actually comes before the House.

The next question is, whether these rules provide two different methods for their own amendment; that is to say, whether they provide two different methods for bringing before the House for actual consideration a proposition to amend the rules. The Chair thinks not. The Chair thinks the two rules are not at all inconsistent with each other, but they very well stand together.

A proposition to amend the rules can not be considered by the House at all until there has been one day's notice given, either on the floor, as suggested by the Chair, or by the presentation of the proposition itself; but the giving of that notice in either form does not seem to dispense with the forty-third clause of Rule XI, which provides expressly that it shall be referred to the Committee on Rules. If the Committee on Rules should make a report to the House of a proposition to amend the standing rules or orders of this body which had not been referred to them more than one day before the report was made, the Chair would have no hesitation in saying that the report must lie one day on the table before it could be considered. But when a proposition to amend the rules has been made in the House and referred to the Committee on Rules one day before it is reported on, the Chair would have no hesitation in holding that it would then come up for consideration, because all the requirements of both these rules of the House in such a case have been complied with.

The Chair thinks that whatever may be the power of the House itself over its own rules, he is bound by all of them as they stand for the time being, and that this point of order can be made now and is well taken.

Mr. REED. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REED. I desire to ask the Chair whether a motion can be entertained to consider this proposed amendment to the rules without its reference to the Committee on Rules.

The SPEAKER. The Chair thinks the only way to reach that is to discharge the Committee on Rules from the consideration of the matter, or else appeal from the decision of the Chair and get the judgment of the House that the proposition has not gone to the Committee on Rules.

Mr. REED. I desire to make another parliamentary inquiry. Is it in order to move now to discharge the committee?

The SPEAKER. That requires unanimous consent.

Mr. RANDALL. I call for the regular order.

Mr. REED. I wish to ask the Chair another question. At what time is it in order under the rules to move to discharge the committee?

The SPEAKER. There is no rule of the House prescribing a time when any motion of that character can be regularly made, either as to the Committee on Rules or as to any other committee of the House; but there is a time provided by the rules of the House when motions can be made to suspend all the rules and, by a two-thirds vote, accomplish any parliamentary proceeding that gentlemen desire

Mr. REED. I will ask the Chair whether the question of a change of the rules is not a question of privilege?

The SPEAKER. Yes; for presentation, and for consideration when presented in a proper way, under the rules.

Mr. REED. Will the Chair allow me to ask another question? I do not know that it has ever been up before, but I would like to suggest to the Chair that this may be a question of privilege for consideration, and that therefore a motion, on a question of privilege, to discharge the committee, might be in order at any time.

The SPEAKER. The Chair thinks not. A motion to discharge the committee is one which does not seem to be provided for at all by the rules of the House as a regular proceeding. So, motions for the adoption of simple resolutions of the House, concurrent resolutions, and various other parliamentary propositions, are not provided for at all by the rules, but must be made by unanimous consent or by suspension of the rules.

Mr. REED. Then, under the rules of the House, the majority is deprived of the control of its rules, and is relegated to the two-thirds provision.

The SPEAKER. Just as the majority is deprived of power with regard to any other proposition referred to any other committee of the House.

Mr. REED. Then I simply desire to point out to the House that there is no possibility of discharging a committee under our present rules.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. TOWNSHEND. I desire to know whether upon a motion to refer this proposition to the Committee on Rules it is in order to move to instruct the committee.

The SPEAKER. There has been no such motion made.

Mr. TOWNSHEND. Then I move that this proposition be referred to the Committee on Rules.

The SPEAKER. The Chair has referred it to the Committee on Rules by the decision just made, unless that decision be overruled by the House.

Mr. TOWNSHEND. Does the Chair hold that upon the introduction of a proposition of this character it would go to the committee under a point of order without a motion to refer it?

The SPEAKER. The Chair so decides.

Mr. TOWNSHEND. Then I will ask the Chair if it is in order, upon the point of order being made, to move to refer the proposition with instructions?

The SPEAKER. The Chair has decided, upon the point of order, that this resolution goes to the Committee on Rules, just as the Chair would have decided upon a point of order that a bill introduced making an appropriation would go to the Committee on Appropriations or a bill raising revenue to the Committee on Ways and Means. No motion has been made or is necessary to be made to refer this proposition to the committee.

Mr. RANDALL. Mr. Speaker, I call for the regular order.

Mr. TOWNSHEND. I desire to make another parliamentary inquiry. Will it be in order now to make a motion to instruct the Committee on Rules in relation to this proposition?

ORDER OF BUSINESS.

The SPEAKER. Only by unanimous consent; and the regular order is demanded. The regular order is the call of committees for reports.

REGULATION OF STEAM-VESSELS.

Mr. DAVIS, of Illinois. I am directed by the Committee on Commerce to report back with amendments the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes, concerning commerce and navigation and the regulation of steam-vessels. I ask unanimous consent for the present consideration of this bill.

The SPEAKER. That can not be done. The bill will be referred to the House Calendar and the accompanying report ordered to be printed.

LEWES, DEL., A PORT OF DELIVERY.

Mr. GLASCOCK, from the Committee on Commerce, reported back favorably the bill (H. R. 3570) to constitute Lewes, in the State of Delaware, a port of delivery, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. GLASCOCK, from the Committee on Commerce, also reported back favorably the bill (H. R. 7569) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LIGHT-HOUSE AT GRAND MARAIS, MINN.

Mr. WOODWARD, from the Committee on Commerce, reported back favorably the bill (H. R. 4119) relating to the construction of a light-house at Grand Marais, Minn.; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

TRANSPORTATION OF LIVE-STOCK.

Mr. CLARDY, from the Committee on Commerce, reported back favorably a resolution in relation to the transportation of live-stock by railway companies; which was referred to the House Calendar, and the accompanying report ordered to be printed.

POWLETT GUN-CARRIAGE.

Mr. ROSECRANS, from the Committee on Military Affairs, reported a bill (H. R. 8036) to provide for building and testing the Powlett gun-carriage; which was read a first and second time, referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

OFFICERS FOR RECRUITING DEPOTS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported, as a substitute for H. Res. 305, a joint resolution (H. Res. 318) authorizing the appointment from the enlisted men of the Army of one sergeant-major and not exceeding four first sergeants for each of the three general recruiting depots; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The joint resolution (H. Res. 305) was, by unanimous consent, laid on the table.

NATIONAL CEMETERY NEAR BATON ROUGE, LA.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5751) making an appropriation to construct a road and approaches from the Mississippi River through the city of Baton Rouge, La., to the national military cemetery, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY NEAR MARIETTA, GA.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 172) making appropriation to build a road from the city of Marietta, Ga., to the national cemetery near that city; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SWAMP LANDS IN MINNESOTA.

Mr. STRAIT, from the Committee on Public Lands, reported back favorably the bill (H. R. 834) for the relief of certain settlers on swamp lands in Minnesota; which was referred to the Committee of the Whole House on the State of the Union, and the accompanying report ordered to be printed.

SALE OF LOTS IN PERU, IOWA.

Mr. LEWIS, from the Committee on Public Lands, reported back favorably the bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PARTITION OF LAND IN LOUISVILLE, KY.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 2149) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. YOUNG. I desire to state that this report was authorized by the committee some time since, and it was supposed that the bill had been reported, but through some inadvertence or oversight it did not get on the Calendar.

REGISTRATION OF TRADE-MARKS.

Mr. VANCE, from the Committee on Patents, reported back favorably a bill (H. R. 4553) to amend the law in relation to the registration of trade-marks; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JOSEPH F. WILSON.

Mr. HALSELL, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 7522) for the relief of Joseph F. Wilson.

Mr. HALSELL. I ask for the present consideration of the bill.

The SPEAKER. Under the rules of the House a request for unanimous consent can not be entertained during the call of committees. Bills must go to the proper Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALE OF DISTRICT PROPERTY.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7557) to provide for the sale of real property in the District of Columbia, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DAMAGES FOR WRONGFUL ACTS, ETC.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 7260) authorizing a husband or wife and next of kin to maintain an action to recover damages for the wrongful and negligent act of a person or corporation within the District of Columbia resulting in death; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. BRATTON, from the Committee on Printing, reported back favorably joint resolution (H. Res. 314) providing for the distribution of certain copies of the Official Register of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM, from the Select Committee on American Ship-building and Ship-owning Interests, reported back, as a substitute for H. R. 7537, a bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American merchant marine, &c.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ARREARS OF PENSION.

Mr. ROGERS, of Arkansas, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back favorably the bill (H. R. 2802) to allow arrears of pension to certain invalid pensioners whose names were dropped from the pension-rolls and by act of Congress subsequently were restored; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize the gentlemen who were not in when their committees were called.

Mr. TOWNSHEND. I rise to make a parliamentary inquiry, whether the first business this morning is not the unfinished business of yesterday?

The SPEAKER. The Chair has not yet concluded the call of committees.

YELLOWSTONE PARK.

Mr. POST, of Wyoming (by Mr. HILL), from the Committee on Territories, reported back favorably the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

The SPEAKER. Does it make an appropriation or create new offices?

Mr. HILL. It simply provides for a change of the boundary line of the park.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I would inquire, Mr. Speaker, whether the business pending yesterday afternoon at the time the House took a recess for the evening session does not come up properly for action at this time? The purpose was to take up the Mexican pension bill.

The SPEAKER. The Chair knows nothing about the purposes of gentlemen on the floor. There was nothing pending but the motion to adjourn.

Mr. TOWNSHEND. There was the motion of the gentleman to reconsider.

The SPEAKER. Yes; to reconsider the vote by which the House refused to go into Committee of the Whole House on the state of the Union. All motions in relation to that subject fall with the adjournment.

Mr. TOWNSHEND. Then I desire to submit the motion now to go to the business upon the Speaker's table for the purpose of taking up the Mexican pension bill and considering the Senate amendments.

Mr. DIBRELL. I move that the House go into Committee of the Whole House on the state of the Union for the purpose of taking up the agricultural appropriation bill.

The SPEAKER. That has precedence under the rules of the House, which provide that a motion to go into the Committee of the Whole House on the state of the Union to consider appropriation bills or bills raising revenue shall take precedence over motions to go to business on the Speaker's table.

HARRIET A. D. CORTS.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 8038) granting a pension to Harriet A. D. Corts; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT APPROPRIATION BILL.

Mr. FOLLETT, from the Committee on Appropriations, reported a

bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS, of Arkansas. I reserve all points of order on that bill.

PROTECTION OF CHILDREN IN THE DISTRICT.

Mr. WILSON, of West Virginia, submitted the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the Senate No. 729, for the protection of children in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

I. In line 11 of section 2, that the Senate recede from disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight;" so the clause will read "in their presence or sight;" and the House agree to the same.

2. In lines 2 and 3 of section 4, that in lieu of the words "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

WM. L. WILSON,
J. T. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.

H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
JOSEPH E. BROWN,
Managers on the part of the Senate.

The following is the statement accompanying the report under the rule:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the House to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, submit the following statement in explanation of the conference report:

I. In line 11 of section 2, the Senate bill conferred on certain officers "power to arrest without warrant all persons violating within their view any law relating to or affecting the protection of children." The House substituted for the words "within their view" the words "in their presence," as less equivocal. The Senate agrees to this amendment, with the addition of the words "or sight;" so that the clause as now agreed to reads, "in their presence or sight."

II. In lines 2 and 3 of section 4, by the Senate bill it was made criminal to entice, decoy, place, take, or receive any female child under the age of 21 years into any house of ill-fame," &c. The House substituted "16 years" for "21 years." Both Houses now agree upon "18 years."

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.

The conference report was adopted.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT TO THE RULES.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it now be in order to introduce an amendment or proposed amendment to the rule offered by the gentleman from Nebraska for reference to the Committee on Rules?

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. ANDERSON. I send to the desk a proposed amendment which I ask to be referred to the Committee on Rules with the proposed amendment of the gentleman from Nebraska.

The Clerk read as follows:

And provided further, That after the reading of the proposed bill or measure, and before the request for unanimous consent to its consideration is announced by the Chair, there shall be given, upon the demand of any member, five minutes for debate in favor of and five minutes for debate against the consideration of the proposed measure.

The proposed amendment was referred to the Committee on Rules.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The message further announced that the Senate had passed a concurrent resolution providing for the printing of 3,000 copies of the communication of the Secretary of State in relation to claimants under the French spoliation claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SKINNER, of New York, indefinitely, on account of sickness in his family.

To Mr. WHITE, of Minnesota, indefinitely, on account of sickness.

To Mr. SPRIGGS, for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The House divided; and there were—ayes 94, noes 57.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 116, not voting 90; as follows:

YEAS—117.

Aiken,	Davidson,	Long,	Slocum,
Alexander,	Dibble,	Lore,	Snyder,
Bagley,	Dibrell,	Lyman,	Stewart, Charles
Barbour,	Dockery,	McAdoo,	Storm,
Barksdale,	Eaton,	McMillin,	Sumner, D. H.
Bennett,	Eldredge,	Maybury,	Swope,
Blount,	Ellis,	Miller, J. F.	Taylor, J. M.
Boyle,	Ermentrout,	Mills,	Throckmorton,
Bratton,	Findlay,	Money,	Tillman,
Breckinridge,	Follett,	Morgan,	Tucker,
Buchanan,	Forney,	Morse,	Tully,
Burnes,	Garrison,	Murphy,	Turner, H. G.
Cabell,	Gibson,	Mutchler,	Turner, Oscar
Caldwell,	Halsell,	Nicholls,	Van Eaton,
Campbell, Felix	Hammond,	Oates,	Wallace,
Candler,	Hancock,	Ochiltree,	Warner, A. J.
Chace,	Hatch, W. H.	O'Ferrall,	Warner, Richard
Clardy,	Hemphill,	Paige,	Wellborn,
Clay,	Henley,	Peel,	Weller,
Clements,	Herbert,	Pierce,	Williams,
Collins,	Hewitt, G. W.	Potter,	Willis,
Connolly,	Hill,	Pryor,	Wilson, James
Converse,	Hoblitzell,	Pusey,	Wilson, W. L.
Cook,	Hopkins,	Randall,	Winans, E. B.
Cosgrove,	Houseman,	Reagan,	Wise, G. D.
Covington,	Hunt,	Reese,	Yaple,
Cox, W. R.	Jones, J. H.	Rogers, J. H.	Young.
Crisp,	Jordan,	Seymour,	
Culberson, D. B.	Lanham,	Singleton,	
Dargan,	Lewis,	Skinner, T. G.	

NAYS—116.

Adams, G. E.	George,	Murray,	Springer,
Anderson,	Glascock,	Neece,	Steele,
Atkinson,	Hanback,	Nelson,	Stephenson,
Bayne,	Harmer,	Nutting,	Stevens,
Beach,	Hatch, H. H.	O'Hara,	Stewart, J. W.
Bisbee,	Haynes,	Patton,	Stockslager,
Boutelle,	Henderson, D. B.	Payne,	Stone,
Breitung,	Henderson, T. J.	Perkins,	Strait,
Brewer, F. B.	Hepburn,	Peters,	Taylor, E. B.
Brown, W. W.	Hiscock,	Pettibone,	Taylor, J. D.
Browne, T. M.	Holman,	Phelps,	Thomas,
Budd,	Holmes,	Poland,	Townshend,
Campbell, J. M.	Houk,	Post,	Valentine,
Cannon,	Jeffords,	Price,	Vance,
Cobb,	Jones, B. W.	Ranney,	Wadsworth,
Craig,	Keifer,	Ray, G. W.	Wait,
Culbertson, W. W.	Kleiner,	Ray, Ossian	Wakefield,
Cullen,	Lacey,	Reed,	Ward,
Cutcheon,	Lamb,	Rice,	Washburn,
Davis, G. R.	Lawrence,	Riggs,	Weaver,
Davis, R. T.	Libbey,	Rockwell,	Wemple,
Dingley,	Lovering,	Rogers, W. F.	White, J. D.
Dunham,	Lowry,	Rosecrans,	Whiting,
English,	McCold,	Rowell,	Winans, John
Evans,	McCormick,	Russell,	Wolford,
Everhart,	Millard,	Ryan,	Wood,
Finerty,	Miller, S. H.	Seney,	Woodward,
Funston,	Morrill,	Shively,	Worthington,
Geddes,	Moulton,	Spooner,	York.

NOT VOTING—90.

Adams, J. J.	Davis, L. H.	Horr,	O'Neill, J. J.
Arnot,	Deuster,	Howey,	Parker,
Ballentine,	Dorsheimer,	Hurd,	Payson,
Barr,	Dowd,	Hutchins,	Rankin,
Belford,	Dunn,	James,	Robertson,
Belmont,	Elliott,	Johnson,	Robinson, J. S.
Bingham,	Ellwood,	Jones, J. K.	Robinson, W. H.
Blackburn,	Ferrell,	Jones, J. T.	Shaw,
Blanchard,	Fiedler,	Kean,	Skinner, C. R.
Bland,	Foran,	Kelley,	Smalls,
Bowen,	Fyan,	Kellogg,	Smith, A. Herr
Brainerd,	Goff,	Ketcham,	Smith, H. Y.
Brewer, J. H.	Graves,	King,	Spriggs,
Broadhead,	Green,	Laird,	Struble,
Brumm,	Greenleaf,	Le Fevre,	Sumner, C. A.
Buckner,	Guenther,	McComas,	Talbott,
Burleigh,	Hardeman,	Matson,	Thompson,
Campbell, J. E.	Hardy,	Milliken,	Van Alstyne,
Carleton,	Hart,	Mitchell,	White, Milo
Cassidy,	Hewitt, A. S.	Morrison,	Wilkins,
Chalmers,	Hitt,	Muldrow,	Wise, J. S.
Cox, S. S.	Holton,	Muller,	
Curtin,	Hooper,	O'Neill, Charles	

So the motion was agreed to.

Mr. WAIT. I move to dispense with the reading of the names.

Mr. TOWNSHEND. I object.

The Clerk read the names of those voting.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. PAYSON.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. HARDY with Mr. WADSWORTH.

Mr. CARLETON with Mr. HART.

Mr. FIEDLER with Mr. ELLWOOD.

Mr. FORAN with Mr. HITT.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. MULLER with Mr. HOWEY.

Mr. GREEN with Mr. BRUMM.

Mr. COX, of New York, with Mr. HOLTON.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. BALLENTINE with Mr. GOFF.

Mr. DAVIS, of Missouri, with Mr. KEAN.

Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.

The following were announced as being paired on this vote:

Mr. TALBOTT with Mr. SMITH, of Iowa.

Mr. McCOMAS with Mr. SUMNER, of California.

The following gentlemen were announced as being paired for this day:

Mr. BROADHEAD with Mr. SKINNER, of New York.

Mr. BUCKNER with Mr. KELLEY.

Mr. HARDEMAN with Mr. JOHN S. WISE.

Mr. O'NEILL, of Missouri, with Mr. STRUBLE.

Mr. HEWITT, of New York, with Mr. BREWER, of New Jersey.

Mr. CAMPBELL, of Ohio, with Mr. BARR.

Mr. O'NEILL, of Pennsylvania, with Mr. MULDROW.

Mr. FERRELL with Mr. SMALLS.

Mr. GUENTHER with Mr. DEUSTER, on this vote.

The result of the vote was then announced as above recorded.

AGRICULTURAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union. The first bills in order are those making appropriations.

Mr. DIBRELL. I call up the bill (H. R. 8039) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. Under the rules of the House the bill will be read at length.

The Clerk proceeded to read the bill.

Mr. VALENTINE. I think it is not absolutely necessary to read the bill at length before it is read by paragraphs for amendment. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. HATCH, of Missouri. That has been objected to. I would have asked that, but several gentlemen have desired that the bill shall be read.

The Clerk resumed and concluded the reading of the bill.

Mr. HATCH, of Missouri. I ask that the report be read.

The report (by Mr. DIBRELL) was read, as follows:

The Committee on Agriculture, having in charge the bill making an appropriation in support of the Agricultural Department for the fiscal year ending June 30, 1886, respectfully submit the following report:

The bill appropriates $846,290, which is $108,900 less than was appropriated in the last bill, and is $152,820 less than is asked for in the estimates. The reduction is made in the amounts to its statistical division, bureau of animal industry, tea plant, &c.

There is no new legislation in the bill except in the bureau of entomology, which includes a clause in regard to the habits and migration of birds in relation to insects and plants. And in the bureau of animal industry the following was added to make the law more effective, namely:

"And the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, not to conflict with existing law."

And the committee recommend the passage of said bill.

Mr. DIBRELL. I desire to state there is in this bill no increase of salaries and no new officers are provided for. I do not know that any gentleman wants to discuss the bill in general debate. I ask that it be read by paragraphs for amendment under the five-minute rule.

Mr. WARNER, of Ohio. I understand the gentleman from Tennessee to say that there is no increase of salaries or offices in this bill.

Mr. DIBRELL. None at all.

Mr. HATCH, of Missouri. There is a decrease of about $110,000 as compared with the appropriations of the last bill.

The CHAIRMAN. If there be no objection, the Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk proceeded to read the bill, and read the following paragraph:

BUREAU OF AGRICULTURAL STATISTICS.

For compensation of one statistician, $2,500; two clerks of class 4, $2,600; three clerks of class 3, $4,800; four clerks of class 2, $5,600; five clerks of class 1, $6,000; seven clerks, at $1,000 each; four clerks, at $840 each; two clerks, at $720 each; for collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, $75,000; in all, $109,300.

Mr. VALENTINE. I desire to say that I notice this item is $25,000 less than the corresponding item in the last appropriation bill. When in the Forty-seventh Congress I had the honor to be chairman of the Committee on Agriculture, and to have charge of the agricultural appropriation bill, that committee deemed it necessary to create, as it were, a new statistical division in the Agricultural Department. I stated at the time to the House that a large expenditure for one or two years would be necessary to place that division upon a proper footing, but that after it once had got in working order a gradual reduction might be had from year to year and the expenses would not be nearly so great after a year or two as what we then asked for. I desire to say that I am now much pleased to see the judgment of the Committee on Agriculture of this House has verified my statement at that time.

The Clerk read the following paragraph:

Forestry:

For the purpose of enabling the Commissioner of Agriculture to experiment and to continue an investigation and report upon the subject of forestry, and the collection and distribution of valuable economic forest-tree seeds, $10,000.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 147 insert:

"Tea culture: For the cultivation and distribution of the tea plants on the Government tea farm, $3,000; of which sum not more than $2,000 shall be expended for salaries and wages of labor."

Mr. DIBBLE. I understand, Mr. Chairman, that there is no objection on the part of the committee to this amendment.

Mr. DIBRELL. There is no objection to that. The committee are willing to accept the amendment.

Mr. HATCH, of Missouri. I desire to state that this matter was left open in order that the committee might hear from the gentleman from South Carolina [Mr. DIBBLE], in whose district this little tea farm and these tea plants are located. The committee, when the bill was framed, did not have the information the gentleman has since given us. There was an appropriation last year of $3,000, and the committee left it out until they should hear from the gentleman from South Carolina.

Mr. HISCOCK. I wish to inquire whether there is any recommendation from the Commissioner of Agriculture on this subject?

Mr. HATCH, of Missouri. There is. The Commissioner recommended the sum mentioned, $3,000. It is simply to take charge of the property of the Government and to distribute such plants as may be on the farm to anybody that will have them.

Mr. McMILLIN. I wish to inquire is it not the intention to still further engage in the experiments there?

Mr. HATCH, of Missouri. Not by any means.

Mr. McMILLIN. What good, then, can come from this appropriation?

Mr. HATCH, of Missouri. The Government has this property, and these plants are valuable, and they have grown to a size that it becomes necessary to distribute them to such parties as want to set them out and grow them themselves. There are 80,000 such plants, and they are ready for distribution.

The amendment was agreed to.

The Clerk read the following paragraph:

SILK CULTURE.

For the encouragement and development of the culture and raising of raw silk, $15,000.

Mr. YOUNG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 150 strike out "$15,000" and insert "$25,000."

Mr. YOUNG. I desire to suggest to my colleague on the committee, for his consideration, that this is probably one of the most important industries among the new ones just being developed in the entire country. In nearly all the Southern States and in every one of the Western States, especially in California, large sums of money have been devoted to this new and growing industry. I have not the statistics before me, but it is my recollection that nearly $50,000,000 worth of silk is imported into this country every year. This is a branch of American industry that heretofore has had no protection whatever under former legislation.

In all our tariff laws there is no protection afforded for this. It seems to me $15,000 is a very small sum, if it is deemed necessary to do anything at all in this direction, for the development of an industry so important and destined in the future to be so great in this country as the culture and production of silk. Therefore I suggest to my colleague [Mr. DIBRELL] that it would not be improper—indeed, it would be an eminently proper thing—to increase this item of appropriation from $15,000 to $25,000.

Mr. DIBRELL. Mr. Chairman, we have given all that the Commissioner of Agriculture has asked for this purpose. Last year the committee left this out, but the Senate added $15,000 to the bill, and it was agreed to in the committee of conference. This year the Commissioner has asked for only $15,000. I admit that this is an important branch of industry in this country; this flag here is an evidence of that fact; but, at the same time, I think $15,000 is enough to appropriate for this purpose at this time.

Mr. YOUNG. My colleague does not seem to have deemed it necessary to follow the recommendations of the Commissioner of Agriculture in other respects. I notice by this bill that the Commissioner's estimate for the expenses of his department for the next year is put down at $899,110, while the committee, disregarding the recommendation of

the Commissioner, have reported appropriations amounting only to $546,290. Now it may be true, though I doubt very much whether it is so, that $15,000 is sufficient for this purpose. At all events, the fact that a larger sum is not recommended by the Commissioner of Agriculture constitutes no conclusive argument why this House should not increase the appropriation. If the committee choose to disregard the recommendation of the Commissioner and to cut down his estimates nearly $200,000, it seems to me that they might disregard his recommendation in this instance also, when the question is as to increasing somewhat a very important item in this bill.

Mr. WARNER, of Ohio. If the gentleman from Tennessee [Mr. YOUNG] will allow me, I will ask him to explain in what way an increase of $10,000 in this item is going to lead to an increase in the silk culture of the United States. What is it proposed to do with this $10,000?

Mr. YOUNG. Mr. Chairman, I refer my friend from Ohio [Mr. WARNER] to the Committee on Agriculture for an answer to that question. They deemed it necessary to recommend an appropriation of $15,000 for this purpose, and they can doubtless give him the details as to how the appropriation is to be expended. I am not sufficiently familiar with the subject myself to do so.

Mr. WARNER, Ohio. Then, Mr. Chairman, when we have the details, we may be better able to judge whether or not the expenditure of $10,000 more is necessary or wise.

Mr. YOUNG. Is the gentleman from Ohio [Mr. WARNER] prepared to say that $15,000 is necessary for this purpose?

Mr. WARNER, of Ohio. I am not. I am asking for information.

Mr. YOUNG. Then call on the Committee on Agriculture to inform us upon the subject.

Mr. WARNER, of Ohio. I have called upon the gentleman from Tennessee for the information.

Mr. YOUNG. I confess that I am unable to give the details which the gentleman from Ohio desires; but I know this, that there is no more important industry in this country, among the new and growing ones, than this silk industry.

Mr. WARNER, of Ohio. We may all agree to that; but what I desire information about is just how this additional $10,000 proposed to be appropriated in this way is going to benefit the silk industry.

Mr. YOUNG. Well, if the gentlemen from Ohio [Mr. WARNER] will inform me how the $15,000 appropriated by the bill is going to benefit the silk industry, perhaps I can then give him information as to how the additional $10,000 would benefit it.

Mr. WARNER, of Ohio. But I can not give that information. I am seeking for information.

Mr. HATCH, of Missouri. Mr. Chairman, the committee had the subject under consideration, and received from the Commissioner of Agriculture all the information that he could impart as to the manner in which he had expended the appropriation made for this purpose in the last annual appropriation bill. The language of the appropriation is, "for the encouragement and development of the raising of raw silk, $15,000." Up to this time the Commissioner of Agriculture has not been able to expend one-half of the sum appropriated last year.

Mr. YOUNG. Then he ought to resign.

Mr. HATCH, of Missouri. Well, as the gentleman from Tennessee [Mr. YOUNG] has confessed that he does not know in what manner the Commissioner can expend properly and profitably the money now proposed to be appropriated for this purpose, I do not see why he should make that remark, or why the Commissioner should be called upon to throw this money away simply because it has been appropriated. But, Mr. Chairman, with all the information that the committee have they are of opinion that until these experiments shall have gone further than they have gone up to this time $15,000 is all that is necessary, and the committee did not propose to recommend to the House to appropriate $25,000, $30,000, or $40,000 simply for the luxury of making an appropriation.

Mr. WARNER, of Ohio. Will the gentleman yield for a question?

Mr. HATCH, of Missouri. With pleasure.

Mr. WARNER, of Ohio. If the Commissioner of Agriculture has been unable to expend wisely the $15,000 appropriated last year, how is he to expend the sum that remains of that appropriation and also this additional $15,000? If there were any such question here as presented itself some years ago in France—the destruction of the silk-worm—I can very readily see how this appropriation might be wisely expended. But, there being no such trouble here, I do not see how the Commissioner of Agriculture is going to expend even the $15,000 in a manner that will improve or help the silk industry in this country.

Mr. HATCH, of Missouri. In reply to the gentleman from Ohio [Mr. WARNER], I will state that the Commissioner's report shows that in the first six months of the present fiscal year he had something over one-half of the $15,000 remaining; but he is proceeding judiciously in making experiments, in distributing information, in distributing the silk-worms in different stages to persons who have applied for them, and in assisting parties who are experimenting upon their own means, and he deems $15,000 sufficient to carry on the Department's experiments for the next fiscal year.

That is the opinion of the Commissioner, and I am satisfied that the additional $10,000, if appropriated, would be simply so much more than there was any use for. I therefore hope that the committee will vote down the amendment of the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. Mr. Chairman, I withdraw the amendment with this remark: I have confessed that I am not acquainted with the details of this branch of the Agricultural Department. I was not charged by the House with the duty of acquiring information upon that subject. My friend of the Agricultural Committee was, and I supposed he would be able to give it. The amendment is withdrawn.

Mr. WILSON, of Iowa. I move *pro forma* to strike out the last words of the pending paragraph. I make this motion merely for the purpose of stating an interesting fact that came under my observation in the State of Iowa during the last year. I learned from thirty or forty different sources that our ladies are engaging in this industry; they are raising silk-worms, and are exhibiting them at our county fairs. The industry is spreading with wonderful rapidity. The intention of the Committee on Agriculture in reporting this appropriation is that we shall have here at Washington in the office of the Commissioner of Agriculture a depository of information, where those who are employing themselves in this direction may get such information and assistance as they desire. I withdraw the *pro forma* amendment.

The Clerk read as follows:

CONTINGENT EXPENSES.

For stationery, freight, express charges, fuel, lights, subsistence and care of horses, repairs of harness, paper, twine, and gum for folding-room, and for miscellaneous items, namely, for advertising, telegraphing, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, and necessary items, including traveling expenses while on the business of the department, $15,000.

Mr. BUDD. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

That in order to aid the Department of Agriculture in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, in connection with the college or colleges in each State established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That, in any State in which two such colleges have been or may be so established the appropriation hereinafter made to such State shall be equally divided between such colleges, unless the Legislature of such State shall otherwise direct.

That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States.

That the said experiment stations shall be under the direction and control of the trustees or other governing body of such colleges, who shall have power to appoint a director and such assistants as may in each case be necessary.

That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to determine annually a standard of valuation of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based; to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act; but nothing herein contained shall be construed to authorize said Commissioner to control or direct the work or management of any such station except as to the standard of valuation of commercial fertilizers. It shall be the duty of each of said stations, annually, on or before the 1st day of February, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

That in order to make the results of the work of said stations immediately useful, they shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

That for the purpose of paying the salaries and wages of the director and other employés of said stations, and the necessary expenses of conducting investigations and experiments and printing and distributing the result as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same, the first payment to be made on the 1st day of July, 1885; but no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury, an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed, and to maintain a farm of at least twenty-five acres in connection with such college, and shall also have executed and filed with said Secretary their bond, in the penal

sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

Mr. HATCH, of Missouri (before the reading of the amendment was concluded). Mr. Chairman, enough of this amendment has been read to indicate to the House and to the Chair its character. It is not only the substance, it is the identical language, of a bill now pending before the House—a bill which has been reported by the Committee on Agriculture. I am compelled to make a point of order upon it, although it is a bill coming from our committee. The gentleman from Illinois [Mr. CULLEN] who reported the measure has now the authority and direction of the committee to move at the earliest possible time a suspension of the rules for its passage. But it would not be fair to the House or to the Committee on Agriculture to allow this measure to be attached to the general appropriation bill, because it is, not only new legislation, but it makes large additional appropriations.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUDD. If the gentleman will allow the amendment to be printed in full in the RECORD I will waive any demand for the further reading.

Mr. HATCH, of Missouri. I have no objection to that. I will state that the measure which the gentleman seeks to present as an amendment received the unanimous vote of the Committee on Agriculture; and every member of the committee will be glad to have his assistance in passing it through the House.

Mr. BUDD. I desire to state, while the point of order is pending——

The CHAIRMAN. The Chair has already sustained the point of order, but will withhold his decision until the gentleman from California has been heard.

Mr. BUDD. I move to strike out the last word.

Mr. BLOUNT. I hope the reading of the amendment will be completed.

Several MEMBERS. Let it be printed.

Mr. HEWITT, of Alabama. I object to the amendment being printed in the RECORD unless it be read.

The CHAIRMAN. The Chair thinks it unnecessary that this amendment should be read further in order to disclose the fact that it is not in order. Whenever it appears on the face of a paper that it is out of order the point may be made at once, without waiting to hear the remainder of the proposition read.

Mr. BUDD. Is it understood that the entire amendment will be printed in the RECORD?

Mr. HEWITT, of Alabama. I object to that unless it is read. I have no objection to its being read; but I object to printing the amendment in the RECORD unless it be read.

Mr. BUDD. I ask, then, that the reading be concluded.

Mr. HEWITT, of Alabama. I have no objection to that.

The Clerk resumed the reading, when

Several members objected to the further reading.

Mr. BUDD. I move to strike out the last word.

The CHAIRMAN. The gentleman can not move an amendment while the point of order is pending. Until this question of order is disposed of no further amendment is in order.

Mr. BUDD. I understood that the Chair had decided the point of order.

The CHAIRMAN. The Chair withheld his decision in order to hear the gentleman from California.

Mr. BUDD. Then I ask that the Clerk read as a part of my remarks on the point of order——

The CHAIRMAN. That is not a question of order.

Mr. BUDD. But for the purpose of explaining the matter against which the point of order is raised it is in order that the matter should be laid before the Chair.

The CHAIRMAN. The gentleman from California for the purpose of enlightening the Chair need not call for the reading of the amendment. The point of order is directed to the decision of the Chair and not to the committee. The Chair sustains the point of order, and is of the opinion that a sufficient portion of the amendment has been read to disclose the fact it is not in order.

Mr. BUDD. I move to strike out the last word.

Mr. COSGROVE. I rise to a parliamentary inquiry. Is it in order to strike out the last word of an amendment?

The CHAIRMAN. That is not before the committee. The gentleman moves to strike out the last word of the clause which has been read and upon that he will be heard.

Mr. BUDD. I ask the Clerk to read as a part of my remarks the amendment which he had already begun reading.

The Clerk proceeded with the reading of the amendment.

Mr. COSGROVE. Is not the gentleman reading a part of his amendment?

The CHAIRMAN. The gentleman has sent it up, and asked to have it read as a part of his remarks.

Mr. COSGROVE. I make the point of order there is nothing before the committee which can be amended, the gentleman's amendment having been ruled out by the Chair.

The CHAIRMAN. But the gentleman has moved to strike out the last word of the pending clause.

Mr. COSGROVE. The amendment offered by the gentleman has been ruled out of order.

The CHAIRMAN. This is being read as a part of the gentleman's remarks.

Mr. COSGROVE. How can he move to strike out the last word when the amendment is not before the committee?

Mr. HATCH, of Missouri. He moves to strike out the last word of the pending paragraph of the bill.

Mr. COSGROVE. I hope the time will not be taken up in this way.

Mr. BUDD. I hope this will not be taken out of my time.

The CHAIRMAN. It will not.

The Clerk finished the reading of the proposed amendment.

Mr. BUDD. My object in offering this bill as an amendment is, that there is but little likelihood under the rules of the House of the committee being able to get time for its consideration. It is a bill of great importance. It is an amendment to the law in regard to the Agricultural Department, which should be made. It is demanded by nearly all the States of the Union; and if we are going to carry on the Agricultural Department and appropriate annually large sums for it we should at least have something practical. Therefore I offered the amendment, knowing the point of order would be raised, for the purpose of having it before the House, that the members might carefully examine the bill for the purpose of passing it, and giving time to its consideration when the committee bring it up.

Mr. HATCH, of Missouri. I desire to say to the gentleman again, and to the House, that on last Wednesday the committee passed a resolution directing the gentleman from Illinois who reported this bill to the House, at the earliest opportunity or whenever it is in order under the rules, to move to suspend the rules and pass the bill, or to offer a resolution to set a day for its consideration. Every member of the Committee on Agriculture, so far as I recollect, is heartily in favor of the passage of the bill.

Mr. BUDD. I understand that to be the fact that every member of the committee desires it, and that perhaps nine-tenths of the House would like to pass it, but unless the rules are amended or suspended it can not pass.

I withdraw my formal amendment.

Mr. DINGLEY. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill whether there was any request on the part of the Agricultural Department for an appropriation for further experiments in the production of sugar from sorghum?

Mr. DIBRELL. Yes, sir; the amount of the bill was $20,000, but I am not certain but the Commissioner asked for $50,000.

Mr. DINGLEY withdrew his formal amendment.

Mr. HATCH, of Missouri, moved that the committee rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had, according to order, under consideration a bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report the same back to the House with an amendment.

Mr. HATCH, of Missouri, demanded the previous question.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HATCH, of Missouri, demanded the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. Under the rule the vote on the passage of the bill will be taken by the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 210, nay 1, not voting 112; as follows:

YEAS—210.

Adams, G. E.	Brainerd,	Clements,	Davidson,
Aiken,	Bratton,	Cobb,	Davis, G. R.
Alexander,	Breckinridge,	Connolly,	Davis, R. T.
Anderson,	Breitung,	Converse,	Deuster,
Atkinson,	Brown, W. W.	Cook,	Dibble,
Barbour,	Browne, T. M.	Cosgrove,	Dibrell,
Barksdale,	Buchanan,	Covington,	Dingley,
Bayne,	Budd,	Cox, W. R.	Dockery,
Beach,	Burnes,	Craig,	Dunham,
Bisbee,	Cabell,	Crisp,	Eaton,
Blanchard,	Caldwell,	Culberson, D. B.	Eldredge,
Bland,	Candler,	Cullen,	English,
Blount,	Chace,	Curtin,	Ermentrout,
Boutelle,	Clardy,	Cutcheon,	Evans,
Boyle,	Clay,	Dargan,	Everhart,

Finerty,	Lacey,	Poland,	Thompson,
Follett,	Lamb,	Price,	Tillman,
Funston,	Lanham,	Pryor,	Townshend,
Garrison,	Lawrence,	Pusey,	Tully,
Geddes,	Le Fevre,	Randall,	Turner, H. G.
George,	Lewis,	Ray, G. W.	Turner, Oscar
Gibson,	Libbey,	Reese,	Valentine,
Glascock,	Long,	Rice,	Van Alstyne,
Greenleaf,	Lore,	Robertson,	Vance,
Halsell,	Lovering,	Rockwell,	Van Eaton,
Hanback,	Lyman,	Rogers, J. H.	Wait,
Harmer,	McCoid,	Rogers, W. F.	Wallace,
Hart,	McCormick,	Rowell,	Ward,
Hatch, H. H.	McMillin,	Russell,	Warner, A. J.
Hatch, W. H.	Mateon,	Seney,	Warner, Richard
Haynes,	Maybury,	Seymour,	Washburn,
Hemphill,	Millard,	Shively,	Weaver,
Henderson, D. B.	Miller, J. F.	Singleton,	Wellborn,
Henderson, T. J.	Mills,	Skinner, T. G.	Weller,
Henley,	Money,	Slocum,	Wemple,
Hepburn,	Morgan,	Smith, H. Y.	White, J. D.
Herbert,	Morrill,	Snyder,	Whiting,
Hewitt, G. W.	Moulton,	Spooner,	Wilkins,
Hill,	Murphy,	Springer,	Williams,
Hiscock,	Murray,	Steele,	Willis,
Holman,	Mutchler,	Stephenson,	Wilson, James
Holmes,	Nutting,	Stevens,	Wilson, W. L.
Hopkins,	Oates,	Stewart, Charles	Winans, E. B.
Horr,	Ochiltree,	Stewart, J. W.	Wise, G. D.
Houk,	O'Ferrall,	Stockslager,	Wolford,
Houseman,	Paige,	Stone,	Wood,
Hunt,	Payne,	Strait,	Woodward,
James,	Pierce,	Sumner, C. A.	Worthington,
Jeffords,	Peel,	Sumner, D. H.	Yaple,
Jones, B. W.	Perkins,	Swope,	York,
Jones, J. H.	Peters,	Taylor, J. D.	Young.
Jordan,	Pettibone,	Taylor, J. M.	
King,	Phelps,	Thomas,	

NAY—1.

Throckmorton.

NOT VOTING—112.

Adams, J. J.	Dorsheimer,	Johnson,	Payson,
Arnot,	Dowd,	Jones, J. K.	Post,
Bagley,	Dunn,	Jones, J. T.	Potter,
Ballentine,	Elliott,	Kean,	Rankin,
Barr,	Ellis,	Keifer,	Ranney,
Belford,	Ellwood,	Kelley,	Ray, Ossian
Belmont,	Ferrell,	Kellogg,	Reagan,
Bennett,	Fiedler,	Ketcham,	Reed,
Bingham,	Findlay,	Kleiner,	Riggs,
Blackburn,	Foran,	Laird,	Robinson, W. E.
Bowen,	Forney,	Lowry,	Robinson, J. S.
Brewer, F. B.	Fyan,	McAdoo,	Roseerans,
Brewer, J. H.	Goff,	McComas,	Ryan,
Broadhead,	Graves,	Miller, S. H.	Shaw,
Brumm,	Green,	Milliken,	Skinner, C. R.
Buckner,	Guenther,	Mitchell,	Smalls,
Burleigh,	Hammond,	Morrison,	Smith, A. Herr
Campbell, Felix	Hancock,	Morse,	Spriggs,
Campbell, J. E.	Hardeman,	Muldrow,	Storm,
Campbell, J. M.	Hardy,	Muller,	Struble,
Cannon,	Hewitt, A. S.	Neece,	Talbott,
Carleton,	Hitt,	Nelson,	Taylor, E. B.
Cassidy,	Hoblitzell,	Nicholls,	Tucker,
Chalmers,	Holton,	O'Hara,	Wadsworth,
Collins,	Hooper,	O'Neill, Charles	Wakefield,
Cox, S. S.	Howey,	O'Neill, J. J.	White, Milo
Culbertson, W. W.	Hurd,	Parker,	Winans, John
Davis, L. H.	Hutchins,	Patton,	Wise, J. S.

So the bill was passed.

Mr. DIBRELL. I ask unanimous consent to dispense with the reading of the names.

Mr. HEWITT, of Alabama. I guess we had better have them read.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. CAMPBELL, of New York, with Mr. OCHILTREE.

Mr. HOBLITZELL with Mr. BINGHAM.

Mr. LOWRY with Mr. CRAIG.

Mr. GREENLEAF with Mr. BREWER, of New York.

Mr. NICHOLLS with Mr. NELSON.

Mr. HAMMOND with Mr. EZRA B. TAYLOR.

Mr. SMALLS. Mr. Speaker, I did not vote because I was informed that I was paired. I have not heard my pair read.

The SPEAKER. The Chair is informed that the announcement of the gentleman's pair was made on the first roll-call to-day. Under the rules it is not required to announce a pair the second time on the same day.

The result of the vote was then announced as above recorded.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn.

Mr. VALENTINE. I ask my friend to give way for a moment.

Mr. TOWNSHEND. Let us vote the motion down. I want to take up the Mexican pension bill this evening; and for that purpose I hope the motion to adjourn will not be agreed to.

The question was taken; and on a division there were—ayes 80, noes 66.

Mr. WHITE, of Kentucky, and Mr. REED demanded the yeas and nays.

The yeas and nays were ordered, 48 members voting therefor.

The question was taken; and there were—yeas 100, nays 107, not voting 116; as follows:

YEAS—100.

Aiken,	Dargan,	Lore,	Singleton,
Alexander,	Davidson,	Lyman,	Skinner, T. G.
Barbour,	Deuster,	McMillin,	Slocum,
Barksdale,	Dibble,	Maybury,	Stewart, Charles
Bennett,	Dibrell,	Miller, J. F.	Storm,
Bland,	Dockery,	Mills,	Sumner, D. H.
Blount,	Eaton,	Money,	Taylor, J. M.
Boyle,	Eldredge,	Morgan,	Thompson,
Bratton,	Ermentrout,	Murray,	Throckmorton,
Buchanan,	Garrison,	Mutchler,	Tillman,
Cabell,	Halsell,	Oates,	Tucker,
Candler,	Hancock,	Ochiltree,	Turner, H. G.
Chace,	Hatch, W. H.	O'Ferrall,	Turner, Oscar
Clardy,	Hemphill,	Paige,	Van Alstyne,
Clay,	Henley,	Patton,	Van Eaton,
Clements,	Herbert,	Peel,	Wallace,
Cobb,	Hewitt, G. W.	Pierce,	Warner, Richard
Connolly,	Hill,	Potter,	Wellborn,
Converse,	Houseman,	Pryor,	Weller,
Cook,	Hunt,	Randall,	Wilkins,
Cosgrove,	Jones, J. H.	Reagan,	Wilson, W. L.
Covington,	Jordan,	Reese,	Winans, E. B.
Cox, W. R.	King,	Robertson,	Wise, G. D.
Crisp,	Lanham,	Rogers, J. H.	Yaple.
Culberson, D. B.	Lewis,	Seymour,	Young.

NAYS—107.

Adams, G. E.	Greenleaf,	Millard,	Springer,
Anderson,	Guenther,	Miller, S. H.	Steele,
Atkinson,	Hanback,	Morrill,	Stephenson,
Beach,	Harmer,	Moulton,	Stevens,
Bisbee,	Hatch, H. H.	Neece,	Stewart, J. W.
Boutelle,	Haynes,	Nutting,	Stockslager,
Brainerd,	Henderson, D. B.	O'Hara,	Strait,
Breitung,	Hepburn,	Parker,	Swope,
Brown, W. W.	Hiscock,	Payne,	Taylor, J. D.
Browne, T. M.	Holman,	Perkins,	Townshend,
Burnes,	Holmes,	Peters,	Tully,
Campbell, J. M.	Hopkins,	Pettibone,	Valentine,
Cannon,	Horr,	Poland,	Vance,
Culbertson, W. W.	Houk,	Price,	Wait,
Cutcheon,	Jeffords,	Pusey,	Ward,
Davis, G. R.	Jones, B. W.	Ray, G. W.	Warner, A. J.
Davis, R. T.	Kleiner,	Reed,	Washburn,
Dingley,	Lacey,	Rice,	Weaver,
Dunham,	Lamb,	Rockwell,	Wemple,
English,	Lawrence,	Rogers, W. F.	White, J. D.
Evans,	Le Fevre,	Rowell,	Whiting,
Everhart,	Libbey,	Russell,	Wilson, James
Finerty,	Long,	Seney,	Wolford,
Follett,	Lovering,	Shively,	Wood,
Funston,	McCoid,	Smith, H. Y.	Worthington,
George,	McComas,	Snyder,	York.
Glascock,	McCormick,	Spooner,	

NOT VOTING—116.

Adams, J. J.	Cullen,	Hooper,	Phelps,
Arnot,	Curtin,	Howey,	Post,
Bagley,	Davis, L. H.	Hurd,	Rankin,
Ballentine,	Dorsheimer,	Hutchins,	Ranney,
Barr,	Dowd,	James,	Ray, Ossian
Bayne,	Dunn,	Johnson,	Riggs,
Belford,	Elliott,	Jones, J. K.	Robinson, J. S.
Belmont,	Ellis,	Jones, J. T.	Robinson, W. E.
Bingham,	Ellwood,	Kean,	Roseerans,
Blackburn,	Ferrell,	Keifer,	Ryan,
Blanchard,	Fiedler,	Kelley,	Shaw,
Bowen,	Findlay,	Kellogg,	Skinner, C. R.
Breckinridge,	Foran,	Ketcham,	Smalls,
Brewer, F. B.	Forney,	Laird,	Smith, A. Herr
Brewer, J. H.	Fyan,	Lowry,	Spriggs,
Broadhead,	Geddes,	McAdoo,	Stone,
Brumm,	Gibson,	Matson,	Struble,
Buckner,	Goff,	Milliken,	Sumner, C. A.
Budd,	Graves,	Mitchell,	Talbott,
Burleigh,	Green,	Morrison,	Taylor, E. B.
Caldwell,	Hammond,	Morse,	Thomas,
Campbell, Felix	Hardeman,	Muldrow,	Wadsworth,
Campbell, J. E.	Hardy,	Muller,	Wakefield,
Carleton,	Hart,	Murphy,	White, Milo
Cassidy,	Henderson, T. J.	Nelson,	Williams,
Chalmers,	Hewitt, A. S.	Nicholls,	Willis,
Collins,	Hitt,	O'Neill, Charles	Winans, John
Cox, S. S.	Hoblitzell,	O'Neill, J. J.	Wise, J. S.
Craig,	Holton,	Payson,	Woodward.

So the House refused to adjourn.

Mr. LAMB. I ask unanimous consent to dispense with the reading of the names.

Mr. MILLS. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. FORNEY with Mr. KEIFER, for the rest of this day.

Mr. BUDD with Mr. RYAN.

Mr. HENLEY. Mr. Speaker, I change my vote from "no" to "ay." I see there is no chance of accomplishing any business this evening.

The result of the vote was then announced, as above recorded.

Mr. MILLS. I now move that the House take a recess until 8 o'clock to-night.

Mr. TOWNSHEND. I move to go to business on the Speaker's table, for the purpose of taking up and considering the Mexican pension bill.

The SPEAKER. But the gentleman from Texas has moved that the House now take a recess.

Mr. TOWNSHEND. But I was on the floor before the gentleman made his motion.

The SPEAKER. The Chair will recognize the motion of the gentleman in its proper order. The motion to take a recess has precedence over any other motion, except, of course, the motion to adjourn or to fix a day to which the House shall adjourn.

Mr. HEWITT, of Alabama. I give notice that if this motion is voted down I shall ask the House to take up the special order for immediate consideration.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas that the House take a recess until 8 o'clock this evening.

The question was taken; and on a division there were—ayes 36, noes 64.

Mr. MILLS. No quorum.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. If the motion of the gentleman from Texas prevails would the motion which I have submitted be the pending question to-night when the House assembles?

The SPEAKER. It would.

Mr. TOWNSHEND. I am inclined to think, then, that we had better vote to take a recess.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. If this motion of the gentleman from Texas does not prevail, I wish to ask whether or not I can call up the special order of April 18 in relation to the Mexican pension bill, reported from the Committee on Pensions? I would like very much to get that before the House for consideration.

The SPEAKER. There is a motion pending to take a recess, and a point of order made that no quorum has voted upon that motion. The Chair would be glad to hear and answer any parliamentary inquiry in relation to the matters before the House.

The gentleman from Texas makes the point that no quorum has voted. The Chair will order tellers.

Mr. MILLS. I withdraw the motion for a recess, and move that the House adjourn.

Mr. ROGERS, of Arkansas. Is the motion of the gentleman from Texas in order?

Mr. TOWNSHEND. I object to the withdrawal of the motion of the gentleman from Texas.

The SPEAKER. Does the gentleman from Arkansas make a point of order against the right of the gentleman from Texas to withdraw the motion?

Mr. ROGERS, of Arkansas. No; I only wish to ask a parliamentary question—whether the motion is in order?

The SPEAKER. The Chair thinks it is.

Mr. TOWNSHEND. But I make the point of order that the gentleman has no right to withdraw the motion, a vote having been taken upon it.

The SPEAKER. A vote has not been taken upon the question presented by the gentleman from Texas. An attempt was made to take a vote upon it, but no quorum voted.

Mr. MILLS. And less than a quorum could not take a recess, but can adjourn.

Mr. TOWNSHEND. No business has been transacted since the last vote on the motion of the gentleman from Texas to adjourn.

Mr. MILLS. But less than a quorum can adjourn.

The SPEAKER. The Chair will cause the decisions on that point to be read.

Mr. MILLS. There can be but two motions in the absence of a quorum—the motion for a call of the House and a motion to adjourn.

The Clerk read as follows:

A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal*, 1, 23, page 651—but there must have been some intervening business.—*Ibid.*, 1, 31, 1092.

[Another motion submitted, progress in debate, or reading a paper by the Clerk, an order to the yeas and nays, &c., has been considered such "intervening business" as will authorize the repetition of the motion to adjourn.]

The SPEAKER. The gentleman from Texas, after the motion to adjourn was defeated, moved to take a recess. The Chair entertained the motion and stated it to the House, and the House proceeded to vote upon it; after which the gentleman from Texas withdrew the motion for a recess. All that is the transaction of business, and it appears on the Journal of the House as such.

Mr. MILLS. And I now move to adjourn.

The SPEAKER. The gentleman now moves that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 86, noes 65.

Mr. TOWNSHEND. I call for the yeas and nays.

The yeas and nays were ordered, 54 members voting therefor.

The question being taken, there were—yeas 101, nays 100, not voting 123; as follows:

YEAS—101.

Aiken,	Davidson,	McMillin,	Slocum,
Alexander,	Deuster,	Maybury,	Snyder,
Barbour,	Dibble,	Miller, J. F.	Stewart, Charles
Barksdale,	Dibrell,	Mills,	Storm,
Bennett,	Dockery,	Money,	Sumner, D. H.
Bland,	Eaton,	Morgan,	Taylor, J. M.
Blount,	Eldredge,	Murray,	Thompson,
Boyle,	Forney,	Mutchler,	Throckmorton,
Bratton,	Garrison,	Oates,	Tillman,
Buchanan,	Halsell,	Ochiltree,	Tucker,
Burnes,	Hancock,	O'Ferrall,	Turner, H. G.
Cabell,	Hatch, W. H.	Parker,	Turner, Oscar
Candler,	Hemphill,	Patton,	Van Eaton,
Carlisle,	Henley,	Peel,	Wallace,
Chace,	Herbert,	Pierce,	Warner, A. J.
Clardy,	Hewitt, G. W.	Potter,	Warner, Richard
Clay,	Hill,	Pryor,	Wellborn,
Clements,	Houseman,	Pusey,	Wilkins,
Cobb,	Hunt,	Randall,	Wilson, W. L.
Converse,	Jones, J. H.	Reagan,	Winans, E. B.
Cook,	Jordan,	Reese,	Wise, G. D.
Cosgrove,	King,	Robertson,	Yaple,
Cox, W. R.	Lanham,	Rogers, J. H.	Young.
Crisp,	Lore,	Seymour,	
Curtin,	Lyman,	Singleton,	
Dargan,	McAdoo,	Skinner, T. G.	

NAYS—100.

Adams, G. E.	Guenther,	Miller, S. H.	Stephenson,
Anderson,	Hanback,	Morrill,	Stevens,
Atkinson,	Haynes,	Neece,	Stewart, J. W.
Beach,	Henderson, D. B.	Nutting,	Stockslager,
Bisbee,	Hepburn,	O'Hara,	Strait,
Boutelle,	Hiscock,	Paige,	Swope,
Brainerd,	Holman,	Payne,	Taylor, J. D.
Breitung,	Holmes,	Peters,	Townshend,
Browne, T. M.	Horr,	Pettibone,	Tully,
Brown, W. W.	Houk,	Poland,	Valentine,
Campbell, J. M.	Jeffords,	Post,	Vance,
Cannon,	Jones, B. W.	Price,	Wadsworth,
Culbertson, D. B.	Keifer,	Ranney,	Walt,
Cutcheon,	Kleiner,	Ray, G. W.	Ward,
Davis, G. R.	Lacey,	Rice,	Washburn,
Davis, R. T.	Lamb,	Rockwell,	Weaver,
Dunham,	Lawrence,	Rogers, W. F.	Weller,
English,	Le Fevre,	Rowell,	Wemple,
Evans,	Libbey,	Russell,	White, J. D.
Everhart,	Long,	Seney,	Whiting,
Finerty,	Lovering,	Shively,	Wilson, James
Follett,	McCoid,	Smith, H. Y.	Wolford,
Funston,	McComas,	Snyder,	Wood,
Glascock,	McCormick,	Spooner,	Worthington,
Greenleaf,	Matson,	Springer,	York.
	Millard,	Steele,	

NOT VOTING—123.

Adams, J. J.	Culbertson, W. W.	Hoblitzell,	Payson,
Arnot,	Cullen,	Holton,	Perkins,
Bagley,	Davis, L. H.	Hooper,	Phelps,
Ballentine,	Dingley,	Hopkins,	Rankin,
Barr,	Dorsheimer,	Howey,	Ray, Ossian
Bayne,	Dowd,	Hurd,	Reed,
Belford,	Dunn,	Hutchins,	Riggs,
Belmont,	Elliott,	James,	Robinson, J. S.
Bingham,	Ellis,	Johnson,	Robinson, W. E.
Blackburn,	Ellwood,	Jones, J. K.	Roseerans,
Blanchard,	Ermentrout,	Jones, J. T.	Ryan,
Bowen,	Ferrell,	Kean,	Shaw,
Breckinridge,	Fiedler,	Keifer,	Skinner, C. R.
Brewer, F. B.	Findlay,	Kelley,	Smalls,
Brewer, J. H.	Foran,	Kellogg,	Smith, A. Herr
Broadhead,	Fyan,	Ketcham,	Spriggs,
Brumm,	Geddes,	Laird,	Stone,
Buckner,	George,	Lovering,	Struble,
Budd,	Gibson,	McCoid,	Sumner, C. A.
Burleigh,	Goff,	Milliken,	Talbott,
Caldwell,	Graves,	Mitchell,	Taylor, E. B.
Campbell, Felix	Green,	Morrison,	Thomas,
Campbell, J. E.	Hammond,	Morse,	Van Alstyne,
Carleton,	Hardeman,	Moulton,	Wakefield,
Cassidy,	Hardy,	Muldrow,	White, Milo
Chalmers,	Harmer,	Muller,	Williams,
Collins,	Hart,	Murphy,	Willis,
Connolly,	Hatch, H. H.	Nelson,	Winans, John
Cox, S. S.	Henderson, T. J.	Nicholls,	Wise, J. S.
Covington,	Hewitt, A. S.	O'Neill, Charles	Woodward,
Craig,	Hitt,	O'Neill, J. J.	

So the motion was agreed to.

Mr. WAIT. I ask unanimous consent that the reading of the names be dispensed with.

Mr. MILLS. I object.

The SPEAKER requested the Clerk to call his name; and the name of Mr. JOHN G. CARLISLE having been called, he voted "ay."

Mr. MILLS. I withdraw my objection to dispensing with the reading of the names.

Mr. TOWNSHEND. I renew the objection.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. CALDWELL with Mr. PHELPS, on this vote and for the rest of the day.

Mr. CONNOLLY with Mr. GEORGE, on this vote.

Mr. HOPKINS with Mr. MCCOID, for the remainder of this day.

The result of the vote was then announced as above stated.

And accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Memorial of citizens of Alexandria County, Virginia, for relief by an appropriation of money for aid of said county in respect to persons resident on the Arlington property—to the Committee on the Judiciary.

By Mr. CURTIN: Petition of Mrs. Harriet A. B. Corts, widow of George P. Corts, late assistant adjutant-general of volunteers, United States, asking an increase of pension—to the Committee on Invalid Pensions.

By Mr. EVERHART: Protest of the Philadelphia Board of Trade against the proposed treaty with Spain—to the Committee on Ways and Means.

By Mr. FINDLAY: Memorial of certain merchants and manufacturers of Baltimore, protesting against the ratification of the Spanish and San Domingan treaties and the extension of the term of the Hawaii treaty—to the same committee.

By Mr. GEDDES: Petition from Post No. 34, Grand Army of the Republic, of Norwalk, Ohio, urging the purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARMER: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. W. H. HATCH: Petition of citizens of Adair County, Missouri, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOPKINS: Petition of Underground Telegraph Company, asking Congress to authorize public buildings and offices to connect with the underground wires in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. B. W. JONES: Protest of the Philadelphia Board of Trade against the proposed treaty with Spain—to the Committee on Ways and Means.

By Mr. JORDAN: Memorial and petition of Edgar Post, Grand Army of the Republic, Dunkirk, Ohio, asking grant of 160 acres of land to soldiers and sailors of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LACEY: Petition of Harriet Webster, of Leighton, Mich., for increase of widows' pensions—to the Committee on Pensions.

By Mr. LOWRY: Resolutions of B. J. Crosswait Post, Grand Army of the Republic, Department of Indiana, for relief of William M. Carr—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of citizens of Owego, N. Y., urging the passage of a national bankrupt law—to the Committee on the Judiciary.

Also, petition of citizens of Tioga County, New York, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. S. H. MILLER: Petition of citizens of West Salem, Pa., in favor of an increase of widows' pensions—to the same committee.

By Mr. RANDALL: Petition of Miss Emma Brown, daughter of the late Capt. Thomas Brown, asking for a pension—to the same committee.

By Mr. G. W. RAY: Petition of citizens of McDonough, N. Y., asking for an increase of widows' pensions—to the same committee.

By Mr. OSSIAN RAY: Petition of J. W. Crosby and 21 others, of O. W. Lull Post, No. 11, Department of New Hampshire, G. A. R., asking for a pension to Mrs. Adeline Gray, dependent stepmother of Harry Gray—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Memorial of Norman Wiard, relative to heavy ordnance—to the Committee on Military Affairs.

By Mr. SENEY: Protest of the Philadelphia Board of Trade against the proposed treaty with Spain—to the Committee on Ways and Means.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 100 citizens of Miltonvale, Kans.

By Mr. BAYNE: Three petitions of ex-soldiers of Allegheny County, Pennsylvania.

By Mr. BOUTELLE: Of W. F. Jenkins and others, of Danforth; of Joseph Small and others, of Steuben; of E. W. Sprague and others, of Sprague's Mills, and of T. C. Robinson and others, of Blaine, Me.

By Mr. T. M. BROWNE: Of 307 citizens of Wayne County; of 114 of Delaware County, and of 53 of Randolph County, Indiana.

By Mr. BURLEIGH: Of 74 citizens and soldiers of Hartford, and 63 citizens and soldiers of Lansingburg, N. Y.

By Mr. W. W. CULBERTSON: Of 164 voters of Maysville, Ky.

By Mr. CULLEN: Of H. E. Benner and 37 others, of Joliet; of John Langton and 82 others, of Streator, and of A. S. Wilkinson and 63 other ex-soldiers, of Ransom, Ill.

By Mr. FUNSTON: Of citizens of Mound City and of Paola, Kans.

By Mr. HEPBURN: Of James C. Galford and 172 others, of Allerton; of J. B. Chaney and 63 others, of Brooks, and of W. F. Moore and 73 others, of Livingston, Iowa.

By Mr. KLEINER: Of citizens and ex-soldiers of Lynnville, Ind.

By Mr. LACEY: Of Cyrus Slosson and 53 others, of Eaton County, Michigan.

By Mr. LONG: Of citizens of Rockland and North Abington, Plymouth County, Massachusetts.

By Mr. McCOMAS: Of 100 citizens of Cumberland, Md.

By Mr. MILLARD: Of citizens of Tioga County, and five petitions of citizens of Broome County, New York.

By Mr. MILLER: Of citizens of Mercer County, Pennsylvania.

By Mr. MORGAN: Of 140 citizens of Bates County; of 65 citizens of Hume; of A. Gilmartin and 21 citizens, of Le Roy, and of W. B. Kriminger and 61 others, of Vandalia, Mo.

By Mr. MORRILL: Of P. P. Gwinn and 172 others, of Onaga, and of Daniel Hunter and 281 others, of Holton, Kans.

By Mr. G. W. RAY: Of citizens of Chenango and Delaware Counties, New York.

By Mr. SENEY: Of A. F. Betts and 112 others, of Seneca County, Ohio.

By Mr. H. Y. SMITH: Of 170 citizens of Marion County, Iowa.

By Mr. WHITING: Of citizens of Cummington, of Erwing, of Shelburne, of Cooleyville, of Huntington, of Berlin, of Amherst, and of Ware, Mass.

By Mr. JAMES WILSON: Of citizens of Tama, of Marshall, of Benton, of Linn, and of Johnson Counties, Iowa.

By Mr. E. B. WINANS: Of Hamlet Hart, M. D., and 40 others, of Eureka; of Alex. O'Rourke and 62 others, soldiers and citizens of Flint; of John H. Sayres and 213 others, soldiers and citizens of Mason, Mich.

SENATE.

MONDAY, *January* 26, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM RHODE ISLAND.

Mr. ALDRICH. The credentials of JONATHAN CHACE, who has been elected a Senator from the State of Rhode Island to succeed the late Senator Anthony, were presented to the Senate on Saturday last. I now ask that the oath of office may be administered to my colleague-elect, who is present.

The PRESIDENT *pro tempore*. If there be no objection, the Senator-elect from Rhode Island will attend at the desk for that purpose.

Mr. CHACE advanced to the President's desk, escorted by Mr. ALDRICH, and the affirmation prescribed by law having been administered to him, he took his seat in the Senate.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES DONALD CAMERON, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

HOUSE BILLS REFERRED.

The following bills received on Saturday last from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 765) for the relief of Emily Agnel;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 1235) granting a pension to Annie E. Bailey;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 1982) granting a pension to Benjamin Jeffries;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 3833) for the relief of John W. Robson;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4548) granting a pension to Cordelia Gale;
A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 5554) granting a pension to Sarah Parry;
A bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 5902) for the relief of Albertine Cockrum;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 6011) granting an increase of pension to Robert Carey;
A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 6946) for the relief of Margaret McCarty;

A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 7337) for the relief of Amy A. Lewis;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 7728) for the relief of Pardon H. Morey;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 7773) granting a pension to William E. Ayers; and
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the following memorial of the Legislature of Kansas; which was read:

Senate concurrent resolution No. 12.

Be it resolved by the Senate (the House of Representatives concurring therein), That—

Whereas an effort is being made to secure legislation by Congress creating a so-called cattle-trail across the State of Kansas; and

Whereas such a measure would be prejudicial to the interests of the people of this, and beneficial only to parties who neither reside in nor pay taxes to this State; Therefore,

Be it resolved, That our Senators in Congress be instructed, and our Representatives requested, to resist any and all such attempted legislation by the use of every legitimate and proper means, to the end that justice may be done and the best interests of the people of Kansas subserved.

Resolved, That the secretary of state be, and is hereby, directed to forward copies of these resolutions, properly attested, to the President of the Senate, Speaker of the House of Representatives, and our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal.

Done at Topeka, this 21st day of January, A. D. 1885.

[SEAL.] E. B. ALLEN,
Secretary of State.

Mr. INGALLS. I presume the memorial should be referred to the Committee on Public Lands.

Mr. FRYE. No; it should be referred to the Committee on Commerce, as the bill in relation to that subject is now pending before that committee.

Mr. INGALLS. Very well.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Commerce.

Mr. SAWYER presented a memorial of the iron mining and manufacturing companies of the Lake Superior region, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MORRILL. I present the petition of S. C. Pomeroy, John Coughlin, William Maipe & Co., O. M. Bryant, Hayward & Hutchinson, B. H. Warner, and a large number of persons and firms, representing business houses of the city of Washington, stating that the best location for the proposed city post-office is square 406, between Eighth and Ninth and E and F streets northwest, and praying that it be purchased by the Government for that purpose. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MORRILL. I also present another petition of the same purport, praying that the location of the proposed city post-office may be on square 406, between Eighth and Ninth and E and F streets northwest, signed by F. B. McGuire, Thomas J. Fisher & Co., R. T. Merrick, N. W. Burchell, H. A. Willard, John Sherman & Co., T. E. Waggaman, and various other persons. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Pennsylvania, praying for the improvement of the Alleghany River; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the West Branch Lumberman's Exchange, of Williamsport, Pa., favoring the improvement of the West Branch of the Susquehanna River; which were referred to the Committee on Commerce.

Mr. HALE presented the petition of S. M. Ackley, lieutenant United States Navy, and other naval officers, praying for legislation in relation to promotion and rank in the Navy; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented the petition of Isaac Emery and others, citizens of Portland, Me., and the petition of C. P. Watlocke and 200 other citizens of Portland, Me., praying for the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Board of Trade, of Bath, Me., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. WILSON presented the petition of Oscar Larson and 300 other citizens of Iowa, and the petition of E. W. Farnsworth and 500 other citizens of Iowa, praying for the passage of an act declaring a forfeiture of the unearned lands embraced in the grant to the Sioux City and Saint Paul Railroad land grant, and being the lands withheld from that company by the State of Iowa; which were referred to the Committee on Public Lands.

Mr. LAPHAM. I present the petition of Alice C. Underwood, of Virginia, in which she recites that her mother, Maria G. Underwood, who was the administrator of the late John C. Underwood, died on the 19th day of July last, and that the petitioner has been duly appointed executrix, and qualified, and given bonds as such. She asks for the substitution of her name in the resolution now pending for an allowance to the estate of her father, John C. Underwood, for expenses incurred in pressing his right to a seat as Senator-elect from the State of Virginia. I give notice that at an early day I shall ask to take up the resolution for consideration. I move that the petition lie upon the table until that time.

The motion was agreed to.

Mr. HOAR presented a petition of residents of Massachusetts and New York, praying that the United States acquire title to the two canals connecting Portage Lake with Lake Superior, and make those canals free of toll to the public; which was referred to the Committee on Commerce.

Mr. HAMPTON presented a petition of the mayor and aldermen of Columbia, S. C., praying for the establishment of a postal free-delivery in that city; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. PLUMB. The Committee on Public Lands, to whom was referred the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa, to aid in the construction of railroads in that State, and for other purposes, report it with an amendment. I am instructed by the committee also to ask the Senate to proceed to the consideration of the bill at the present time. It is a House bill. The bill and the proposed amendment have been subjected to the scrutiny of all those who are in any wise interested in it by reason of representation, and the amendment is without objection, as I think. It is very important for a good many reasons that the bill should be disposed of at as early a day as possible. While not of that importance which concerns the convenience of a class of people, it is as I think important.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill reported by him from the Committee on Public Lands be now considered. Is there objection?

Mr. LAPHAM. I should like to hear it read.

Mr. PLUMB. The amendment of the committee consists of the substitution of a new bill for all after the enacting clause, and I ask that the Chief Clerk may read that.

The PRESIDENT *pro tempore*. The Senator from New York asks that the bill be read. If there be no objection——

Mr. BAYARD. I do not desire to delay the Senator's bill, but a resolution was offered by me at the close of the last legislative session which I desire to have disposed of before the close of the morning business.

Mr. PLUMB. If the bill leads to debate or is liable to lead to any protracted discussion, I shall not insist on its further consideration this morning.

Mr. BAYARD. If the Senator assents to it, I will ask him to withdraw his request in order to allow me to call up the resolution offered by me at the close of the last legislative session. I apprehend that that resolution will scarcely lead to debate, and its adoption, I think, ought to take place at once.

The PRESIDENT *pro tempore*. The Chair will state that debate on these requests is not in order, and that the resolution named by the Senator from Delaware will be laid before the Senate when the order of resolutions is reached.

Mr. PLUMB. I think that will probably accomplish the Senator's purpose just as well.

Mr. BAYARD. I shall consent now, but may object afterward.

The PRESIDENT *pro tempore*. The Senator from New York, pending the request for unanimous consent, asks that the bill be read for information. If there be no objection the bill will be read for information.

The Chief Clerk proceeded to read the bill.

Mr. HARRIS. For what purpose is the bill being read?

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Chair understands that the Senator from Kansas [Mr. PLUMB] reported the bill from the Committee on Public Lands and asked the unanimous consent of the Senate to proceed to its consideration. The bill is being read for information.

Mr. HARRIS. We certainly can not consider during the morning hour a bill such as that.

The PRESIDING OFFICER. Does the Senator from Tennessee object?

Mr. HARRIS. I do.

The PRESIDING OFFICER. The Senator from Tennessee objects, and the bill goes upon the Calendar.

Mr. PLUMB. I give notice that I shall ask the Senate at an early day to consider the bill in the morning hour.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the memorial of J. W. Niles, representing the association of colored people known as the "Indemnity party," and other colored citizens of Arkansas, praying for the equal protection of the laws in securing homesteads, asked to be discharged from its further consideration and that it lie on the table; which was agreed to.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (S. 2551) for the relief of George E. Moore, of the District of Columbia, and also the petition of said Moore praying for certain relief, direct me to report a substitute for the bill. I ask that it be printed, and give notice, it being important as a matter of time that it be acted upon very promptly, that I shall to-morrow morning ask the Senate to take it up and consider it.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

ROBERT STRACHAN AND OTHERS.

Mr. PIKE. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 1501) for the relief of Robert Strachan, John H. Johnson, Samuel M. Bryan, George Combs, Annie Botts, and George A. Hawkins, to report it adversely; and I am also instructed to report a resolution referring the claim to the Court of Claims. I ask that the resolution may be read and acted upon at the present time.

The resolution was read, as follows:

Resolved, That the claim of Robert Strachan, of Washington, D. C., be referred, in accordance with the provisions of section 1059 of the Revised Statutes of the United States, to the Court of Claims of the United States, together with the vouchers, proofs, and papers pertaining thereto, to be heard and determined by said court.

Mr. PLATT. Is that resolution under consideration?

The PRESIDING OFFICER. Subject to objection.

Mr. PLATT. I do not object to it, but I should like to inquire what the necessity for it is. Has not the committee the province of referring the claim without the adoption of the resolution?

Mr. PIKE. Not without the sanction of the Senate.

Mr. FRYE. This is the usual course.

Mr. PIKE. This does not come under the so-called Bowman act, but under the general provisions of the Revised Statutes, section 1059.

The resolution was considered by unanimous consent, and agreed to.

Mr. PIKE. I move that the bill be postponed indefinitely.

The motion was agreed to.

SMITHSONIAN REPORT FOR 1884.

Mr. MANDERSON, from the Committee on Printing, reported without amendment the following concurrent resolution; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,000 extra copies, of which 3,000 copies shall be for the use of the Senate, and 6,000 for the House of Representatives, and 7,000 for the Smithsonian Institution.

EULOGIES ON THE LATE SENATOR ANTHONY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony, to report it without amendment, and I ask for the immediate consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOTHER OF J. P. RINGGOLD.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution to pay the mother of John P. Ringgold, deceased, late clerk to the Committee on Commerce, a sum equal to six months' salary, to report it favorably and without amendment. I ask that the resolution be immediately acted upon.

The Senate, by unanimous consent, proceeded to consider the resolution; and it was agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the mother of John P. Ringgold, deceased, late clerk to the Committee on Commerce, a sum equal to six months' salary as clerk aforesaid at the rate of $2,220 per annum, out of the "miscellaneous items" of the contingent fund of the Senate, the said sum to be considered as including the funeral expenses and all other allowance.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 2579) granting a pension to Catharine S. Hewett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2580) allowing the widow of E. Rumsey Wing, late minister to Ecuador, one year's salary; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALLISON introduced a bill (S. 2581) for the relief of C. M. Nittig; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2582) to create the office of assistant chief signal officer, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of California, introduced a bill (S. 2583) for the relief of Charles Murphy; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 2584) for the relief of Christian R. Purdum, Henry E. Clark, John M. Lamb, and Julius C. Shainwald; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2585) for the relief of James Albert Bonsack, of the State of Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 2586) for the relief of Ira Hawarth; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. COCKRELL, Mr. MCMILLAN, and Mr. VEST submitted amendments intended to be proposed by them respectively to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The message also announced that the House had passed a bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. In line 11 of section 2, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight;" so that the clause will read "in their presence or sight;" and the House agree to the same.

2. In lines 2 and 3 of section 4, that in lieu of the word "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
JOSEPH E. BROWN,
Conferees on the part of the Senate.

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Conferees on the part of the House.

The report was concurred in.

ATTEMPT TO DESTROY BRITISH PARLIAMENT HOUSE.

The PRESIDING OFFICER. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution submitted on Saturday last by the Senator from Delaware [Mr. BAYARD].

The resolution was read, as follows:

Resolved, That the Senate of the United States has heard with indignation and profound sorrow of the attempt to destroy the Houses of Parliament and other public buildings in London, and hereby expresses its horror and detestation of such monstrous crimes against civilization.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BAYARD. Mr. President, I am better satisfied after the lapse of a day to ask now for the adoption by the Senate of the resolution offered by me at the close of the last legislative session, because this body has now the opportunity to affirm deliberately what spontaneously and instinctively prompted expression on the instant of information of the uncivilized, cruel, and barbarous attempt to destroy in another country human life, and with it public buildings dedicated to a government of laws, in the vain hope, possibly, to gain relief from suffering by thus overthrowing law itself in its very citadel, and at the cost of suffering and death to innocent persons.

It seemed to me eminently proper that as a law-making body of the American people the Senate should express its antagonism to a spirit which by destroying law will necessarily destroy all hopes of that liberty that can only exist under law.

To give emphatic expression to the meaning of this action, I ask for the yeas and nays on the passage of the resolution.

Mr. RIDDLEBERGER. I move to refer the resolution to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Delaware asks for the yeas and nays on the adoption of the resolution. It is usual first to ascertain if the call for the yeas and nays is seconded.

Mr. RIDDLEBERGER. When we reach that point I shall make the motion to refer.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. I move to refer the resolution to the Committee on Foreign Relations.

Mr. BAYARD. I ask for the yeas and nays upon the motion to refer the resolution.

The PRESIDING OFFICER. The Senator from Virginia moves to refer the resolution to the Committee on Foreign Relations, on which motion the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. Mr. President, I ask to refer the resolution to the Committee on Foreign Relations because I presume that that is the appropriate committee for the reference of such a resolution. I can receive information such as we have had here with "profound sorrow;" I am not always prepared to say that I receive it with "indignation." I would prefer that the Committee on Foreign Relations should report back the resolution after they shall have received more information than we have up to this time.

I believe the President of the Senate, on Saturday evening, ruled that this was legislative business, and that it should properly go into the legislative Journals or the record of the Senate, and I supposed it was understood here that what was said in connection with the resolution at that time would also make a part of the Senate record. It does not so appear. Warranted by the ruling of the President of the Senate, I can go back to Saturday evening and there find that a number of Associated Press telegrams were read in the Senate announcing that certain things had occurred in England, and then it was that the Senator from Delaware offered this resolution. I asked that the doors might be opened and the injunction of secrecy removed, when the Senator from Kansas [Mr. INGALLS] asked that the resolution might go over until this morning. That is the record. Now we have it this morning in the regular order of business.

It is a resolution expressive of the indignation of the Senate of the United States at the blowing up of certain buildings in England, because forsooth it was destructive of buildings in which the laws of England are made which guarantee liberty to the subjects of Great Britain. That reason is not sufficient to induce me to vote for the resolution. We can not be expected to approve all the methods of the Irish people, but while we are preparing and experimenting with dynamite to blow vessels out of the water and to drown people in the ocean, it scarcely becomes us to say that a people who do not constitute a government and can not make a proclamation of war shall not use the same instruments of war that we would use under the same circumstances. Put any of us in a country where we could not own land, where we could not exercise the God-given right of owning a foot of land, even though we earned it by the sweat of our faces, and then see what kind of methods we would employ.

I do not mean to justify the method, but I do mean to say that I shall not here vote for any resolution that may be distorted into an expression of sympathy, or even of common fellowship, with a country that knows nothing but tyranny, that practices nothing but cruelty in her wars, and gives none of her subjects the exercise of that liberty which we say on this side of the Atlantic belongs to every one. But a short time ago both Houses of the United States Congress were somewhat disturbed by the rendering of a judicial opinion in England, then trying some Irishmen, in which the judge violated every principle of the common law (and about all I like England for is her common law), violated every principle of the Bill of Rights, of Magna Charta, of the Constitution of the United States, by determining a question of fact for the jury itself. Was there any expression of indignation here by the Senate then? None that I heard of; none that the country has heard of. If an English judge can sit upon the bench there, with an Irishman before him on trial for his life, and can say to the jury "these are the facts," and that elicits no expression of indignation on the part of the law-making power of the United States, then I ask to be excused from expressing my sympathy in a matter such as we now have under consideration.

Now, sir, I say again that I am not here to approve these methods; but we do know the fact that there is war absolute between Ireland and England, so far as Irishmen without a government can make it. We are so neutral here as that some Senators think we ought not to dig a ditch without the consent of England—so liberal in everything that we can not express an opinion about anything concerning England unless it is an opinion adverse to a poor, struggling island that we need not fear.

Ah! sir, we find the fact staring us in the face to-day that a government which boasts of its common law, of which the Senator from Delaware has spoken as a government of law and liberty, has not dared to do justice to the population of Ireland for a hundred or more years. Though her natural increase of population has been equal to that of England herself, yet 2,000,000 less people inhabit the island to-day than did inhabit it two decades—twenty years—ago.

I am not here to express an opinion on matters of this sort or resolutions of this kind under these peculiar circumstances. I am entirely willing to let those people alone, for any resolution that we pass will be construed there as an expression of sympathy and fellowship with a country of cruelty and tyranny in dealing with her provincial subjects.

For that reason, and for that alone, I ask to have this resolution referred to the Committee on Foreign Relations.

Mr. MILLER, of California. Mr. President, I do not wish to enter into any debate on the questions raised by the Senator from Virginia. I do not think it necessary to refer this resolution to the Committee on Foreign Relations, because I believe it is expressive of the sentiment of the American people universally, including all classes of citizens of the United States, and I think we can vote upon it without any report from a committee.

Mr. LAPHAM. I offer an amendment, which I trust the Senator from Delaware will accept.

The PRESIDING OFFICER. The amendment is not in order pending a motion to refer.

Mr. HOAR. Let it be read.

The PRESIDING OFFICER. It may be read for information.

Mr. LAPHAM. I think it will receive unanimous consent.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. After the word "London," in the third line, it is proposed to insert:

And to imperil the lives of innocent and unsuspecting persons.

Mr. BAYARD. I very gladly accept the amendment.

The PRESIDING OFFICER. The Senator from Delaware modifies his resolution by accepting the amendment.

Mr. HOAR. The yeas and nays having been ordered, it requires unanimous consent to modify the resolution. I suppose there will be no objection, however.

The PRESIDING OFFICER. Is there unanimous consent that the resolution may be modified in the way proposed? The Chair hears no objection.

Mr. RIDDLEBERGER. I am forced to object to it. I object because I do not understand that we have any information on which to base such a resolution. I do not understand that we have any information here upon which to base such a resolution as this, and therefore I object. I can see every day where we get information of some building being blown up or something being done; but we do not act here on that sort of information. I object to the modification.

The PRESIDING OFFICER. The Senator from Virginia objecting, the resolution is still pending without amendment; and the question is on the reference to the Committee on Foreign Relations, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 2, nays 58; as follows:

YEAS—2.

Riddleberger, Van Wyck.

NAYS—58.

Aldrich,	Dawes,	Jonas,	Pike,
Bayard,	Dolph,	Jones of Florida,	Platt,
Beck,	Frye,	Jones of Nevada,	Plumb,
Bowen,	George,	Kenna,	Pugh,
Brown,	Gibson,	Lapham,	Ransom,
Butler,	Gorman,	McMillan,	Sawyer,
Call,	Groome,	McPherson,	Sherman,
Cameron of Pa.,	Hale,	Manderson,	Slater,
Cameron of Wis.,	Hampton,	Maxey,	Vance,
Chace,	Harris,	Miller of Cal.,	Vest,
Cockrell,	Harrison,	Miller of N. Y.,	Walker,
Coke,	Hawley,	Morgan,	Williams,
Colquitt,	Hoar,	Morrill,	Wilson.
Conger,	Ingalls,	Palmer,	
Cullom,	Jackson,	Pendleton,	

ABSENT—16.

Allison,	Fair,	Lamar,	Sabin,
Blair,	Farley,	Logan,	Saulsbury,
Camden,	Garland,	Mahone,	Sewell,
Edmunds,	Hill,	Mitchell,	Voorhees.

So the motion to refer was not agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the resolution.

Mr. LAPHAM. I now renew the amendment I offered.

The PRESIDING OFFICER. The amendment of the Senator from New York will be read.

The CHIEF CLERK. After the word "London," in line 3 of the resolution, it is proposed to insert:

And to imperil the lives of innocent and unsuspecting persons.

So as to make the resolution read:

Resolved, That the Senate of the United States has heard with indignation and profound sorrow of the attempt to destroy the Houses of Parliament and other public buildings in London, and to imperil the lives of innocent and unsuspecting persons, and hereby expresses its horror and detestation of such monstrous crimes against civilization.

Mr. BAYARD. I believe I have the right as the mover of the resolution to accept the modification.

The PRESIDING OFFICER. The yeas and nays having been ordered, it can only be done by unanimous consent.

Mr. FRYE. There can be a reconsideration of the vote ordering the yeas and nays, I think, without difficulty.

The PRESIDING OFFICER. The amendment may be acted upon in a moment by a vote.

Mr. RIDDLEBERGER. I shall not object any longer to having the resolution improved.

The PRESIDING OFFICER. The Senator from Virginia withdraws his objection to the modification.

Mr. RIDDLEBERGER. Yes, sir, and I now move to postpone the consideration of the resolution until Wednesday immediately after the morning hour.

The PRESIDING OFFICER. The Senator from Virginia withdraws his objection to the modification proposed by the Senator from Delaware, and it is incorporated in the resolution.

Mr. BAYARD. Yes, sir.

Mr. RIDDLEBERGER. I withdraw the objection to the amendment of the Senator from New York only because I think the resolution is in such shape that it can not be very materially damaged or improved by any amendment that may be placed upon it. I ask that the Senate postpone the consideration of the resolution until Wednesday immediately after the morning hour. We shall have had time then to know exactly what we are expressing our sympathy with in the resolution. We know nothing this morning that we did not know Saturday afternoon. We are rushing in here to pass a resolution that is to fix our position of sympathy on one side or the other of a contest that we can not close our eyes to or fail to see is going on; and we have nothing upon which to base it except the cablegrams of Saturday evening and those which appear in the newspapers of this morning.

Now, sir, I think the Senate of the United States can afford to wait until Wednesday. The passage of this resolution to-day does not place back any stone that has been blown from place by dynamite; the passage of this resolution to-day does not restore a lost limb or a life, if there be one lost. It simply puts us upon record here as the Senate of the United States in the expression of sympathy with England and against Ireland. That is what it does; nothing more, and nothing less; and when this resolution is passed, that will be the shape into which it will be distorted, I care not how it may be amended or how it may be improved by gentlemen who offer amendments to it.

I am not much of a stickler for precedents; but I question whether the Senate can find a precedent that will justify this hasty action here on Monday morning. I can not close my eyes and declare I will not see. I know as well what the bug is under this chip as I know that the resolution is pending here for the consideration of the Senate. It is not a question of socialism; it is not a question of nihilism; it is not a question of murder by one man of another; but it is a great and growing question that has been great from its inception, and has been growing from the time that it started.

If I could simply vote for a resolution that would express my regret at the death of a policeman over yonder—and I believe he is the only man, so far as I have heard, that was killed—if I could express my regret at the injury of any children and women in London, if I could express my regret here at the mere fact of the Parliament houses having been blown up and the Tower of London having been shaken, if the resolution were put in that form, I should vote for it readily. But when you offer a resolution which is really expressive of the sympathy of this Government with that, then I am not ready to vote for it and can not. Though I may be the only one voting against it, I may reverently thank God that I have got moderately used to voting by myself. I therefore ask that this resolution go over until Wednesday. I think that is a reasonable request. By that time we shall have more information. We shall have time then to frame a resolution expressive of our regret at the death of any of our friends if any of them have been killed; we may express our regret for those who have been maimed by name, if that be Senatorial; but to express any regret or to express anything that may be construed by any possibility into an expression of even common fellowship with the Government of England in the struggle which Ireland is making against her or she is making against Ireland, I can not and will not vote.

Mr. HOAR. Mr. President, I do not propose to enter into any discussion at this time. The state of my throat and lungs would prevent it if I were otherwise inclined. I only rise in consequence of a word which has been uttered by the Senator from Virginia and in consequence of an intimation which I see reported in the morning papers attributed to the representative of her Britannic Majesty's government in this country.

The Senator from Virginia seems to treat the occurrence which has taken place in London, of the authenticity of the reports of which there can be no question, as if it were a method of warfare adopted by Ireland or the Irish people against England, and their method of asserting their rights in the contest which has been going on for so many centuries. Now I have among my own constituency, in the city where I dwell and in the Commonwealth of Massachusetts, a very large number of persons of Irish descent. They are an intelligent, patriotic, manly, brave race. Their clergy are scholars and men of learning, men of piety, men of humanity, and men of charity. Their youth are growing up under the influence of American institutions and American schools, acquiring with a marvelous rapidity the habits of free government and the character which becomes freemen and sovereigns in a free government. And I think I am justified in stating that the doctrine expressed in this resolution is their doctrine as it is the doctrine of all other American citizens; that whatever wrongs they have to complain of, great as they have been as is admitted in the past, great as they continue to be as I believe in the present at the hands of England toward the island of their origin, and for which they have the love that all mankind have for the spot where they or their ancestors were born, the making by secret methods of assassination a warfare, not upon the wrongdoer, not upon the representative of the wrongdoer, not upon the army the instrument of the wrongdoer, but upon unoffending women and children, is as repugnant to the nature of that generous and brave race as it is to the nature of any other class of American citizens.

I see attributed to Her Britannic Majesty's representative at Washington the suggestion that the Government or people of the United States have in some mode been to blame or remiss in the matter of legal prohibition against such designs originating in this country, and I see reported from the British press some indications of a feeling there that America has been at fault in extending her right of asylum upon her soil to Irish exiles. I believe America has always performed the duties of neutrality as required by the law of nations and as required by a sound and wise regard for the interests of other civilized nations. We can not undertake to deal with mere speech; we can not undertake to deal with mere violent expressions of indignation; we can not undertake to deal with mere vapor; and, if we did, those things would be more dangerous to foreign governments if they were repressed than if they were suffered to be discharged and pass off in the natural way.

I think the United States will be as ready to make strict and efficient laws as she has in the past against the actual originating crimes, offenses, violence upon her soil directed against foreign governments or foreign peoples as any other nation ever has been or ever will be. Certainly we can submit our conduct in that respect to a comparison with that of the Government of Great Britain without shrinking or flinching.

But that is not the question of the present hour, and I should not have adverted to it but for these utterances which have been attributed to the British minister.

I shall give my vote for the resolution submitted by the honorable Senator from Delaware, with great confidence that in giving it I express the opinion of the brave and manly American citizens of the Irish race who are among my constituents, and the brave and manly lovers of Ireland as the land of their nativity, as much as the opinion of any other class of American citizens.

Mr. RIDDLEBERGER. Mr. President, I should not ask the indulgence of the Senate a moment longer but for the fact that the Senator from Massachusetts has assumed that I hold that this proposed mode of warfare was adopted by the Irish people. I said I was not called on here to approve the method even if it had been adopted. I disclaim that I have any knowledge of this, and I also deny that any other Senator here has any knowledge upon which he can base any assumption as to whether this was the work of a few people or a number of people, whether it was the work of one man or a thousand or a million. That is the reason I asked that we shall not express any opinion about it at all. I repeat that I am not called upon to express my approval of these methods. I am not called upon to express my disapproval of anything, nor to express sympathy with England in this matter. That was all, and that was the only reason why I objected to the resolution.

Mr. GIBSON. Mr. President, I regard the resolution offered by the Senator from Delaware [Mr. BAYARD] as appropriate, and it will command my cordial support.

If the deplorable transaction to which it relates concerned only the destruction of private property and the lives of individual citizens, the resolution might be held to be out of season and irrelevant, but it is manifest that the dynamite was employed to accomplish a public purpose—to destroy the lives of the members of the Parliament of Great Britain and Ireland, and the houses in which the British Parliament convenes, the most venerable parliamentary assembly in the world, upon which our own Congress was modeled by our forefathers, who were, it must be remembered, born and reared British subjects.

Kindred in institutions and in blood, it is meet and proper that the American Senate should express its sympathy for the law-givers and people of the United Kingdom upon the occasion of their escape from so great a public calamity and its abhorrence of the atrocious crime that was designed. But, sir, not only was the purpose reprehensible, but the means employed were simply diabolical.

Persons who use dynamite stealthily and by secret plots and agencies

to take life and destroy property dedicated to public or private purposes place themselves in the category of those who find in poison the proper means to execute the basest passions of the human heart.

The plotters and perpetrators of the foulest crimes by these methods and means are what pirates are on the sea—they are assassins, the most accursed and degraded of all criminals. They are the common enemies of mankind—*hostes humani generis*.

Sir, they are no patriots, but the enemies of their country, whatever may be the country that endures the shame to harbor or to own them. They are not soldiers, for no man that ever carried a musket bravely on the field of battle could find it in his heart to do murder by stealth; soldiers can not be assassins. Nor are they brave men, for secret murder is the resort of craven cowardice.

Above all, they are not Irishmen, for Irishmen are patriots; they are soldiers and brave men, who never strike in the back.

Ireland does not seek a remedy for the wrongs that centuries of unjust oppression have imposed upon her by poison and dynamite, by assassination and crime. She will find it in the intelligence and manhood of her sons and in the resources of civilization, which offer to her, and to all others who may be suffering from tyranny, the hope and means for the recovery of justice and freedom.

I see, therefore, in this resolution nothing unfriendly to Ireland, but a fitting expression on the part of the American Senate, nay, on behalf of the American citizens of Irish descent, brave and manly and heroic, in whatever part of our land they may live—a fitting expression of our sympathy for those who have escaped a great catastrophe, and our earnest detestation of a species of crime that stains the civilization of our age.

Mr. INGALLS. Mr. President, I observe in the dispatches from London, printed on Saturday evening and yesterday morning, that there was a profound feeling expressed among the citizens of Great Britain in favor of bringing some pressure to bear upon the people of the United States to prevent further operations by those who are employing dynamite as an instrument of destruction. The dispatches further said that this sentiment had been somewhat mollified by information of the bill offered by the Senator from Vermont [Mr. EDMUNDS] in the Senate of the United States, as expressive of a determination on the part of the American people that this Government should not be held in any way whatever responsible for these revolting outrages. I notice also an additional statement, that at a railway station an American traveler was assailed by infuriated Englishmen because he was an American, and only escaped violence by the display or use of his revolver.

Mr. President, I shall vote for the adoption of the resolution offered by the Senator from Delaware, not as expressive in any way whatever of the inculpation of the American people in these crimes; not because I believe there has been any sympathy on the part of the United States with those who have been engaged in them; not as an apology; not as an implication of any conviction that there has been guilty complicity on the part of any of the citizens of this country, but only as a declaration of my abhorrence of these methods that have been employed, and my conviction that those who employ them are not alone the worst enemies of the cause that they assume to represent, but of the cause of civilization and good government everywhere.

Sir, the bombs that shattered the walls of the Parliament Houses of England and the Tower of London shook the foundations of every capital in Christendom. There was no parliament house from Paris to St. Petersburg that did not tremble at that blow. Such acts are declarations of war against society, and merit and must receive the condemnation and abhorrence of all patriotic and thoughtful men.

But, sir, there is something worse in society than dynamite, and that is the passions, the wrongs, and the guilt which make dynamite possible. The worst dynamite is in the soul of man. Poverty, helpless and hopeless, oppression, ignorance, vice, the wrongs of centuries, are the ingredients of that minister of destruction. Every effect has its cause. Tyranny makes the nihilist. Despotism makes the Carbonari and the Commune. Free and happy citizens do not murder monarchs, nor destroy their capitols; and I intend by my vote on this resolution to express my detestation of injustice everywhere, and to say further that if it assumed that the American people or that the Irishmen naturalized in America are in any way responsible for or in sympathy with these crimes, or are in any manner their accomplices and abettors, I repel and disavow it.

The terrible events of Saturday convey a solemn and portentous lesson. No matter what opinion the student of history may have about the course of England toward Ireland for centuries; of her policies in the East Indies, in China, in Egypt, in New Zealand, in all portions of the earth where her power has been exerted, there can be but one opinion of the lesson that these occurrences teach; and that is, that for nations, as for men, there is nothing ultimately so unprofitable as injustice. The thief robs himself; the murderer inflicts a deeper wound upon himself than that which slays his victim; a nation or a state that imposes chains upon any portion of its citizens or its subjects places heavier manacles upon itself than those which bind its helpless victims; and those who deny the rights of mankind or impair the essential prerogatives of freedom anywhere must not forget that behind them, silent and tardy it may be, but inexorable and relentless, stands, with uplifted hand, the menacing specter of vengeance and retribution.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Virginia to postpone the further consideration of the resolution until Wednesday next.

Mr. RIDDLEBERGER. As the Senator from Kansas has referred to one incident, I have a paper in my hand giving a full account which I will read:

An American traveler, whose name is not known, was in a train of the Northwestern Railway going from London to Liverpool on Saturday, when an excited discussion arose over America's responsibility for the dynamite explosions. The opinion was freely expressed that the United States was greatly to blame for harboring such men as O'Donovan Rossa. The American defended his country in vigorous language, and was attacked by a crowd of the passengers. The American drew a revolver and kept his assailants at bay until the train reached Chester, when he jumped from the carriage and escaped.

That is about as nearly killing an American as I can hear that any Englishman came by the explosion, according to the dispatches which we had read in the Senate up to Saturday evening, when this resolution was promulgated. I can appreciate very fully what the Senator from Kansas has said, and I make the application as I suppose where he intended to direct it when he said dynamite is in the souls of men and men make dynamite possible. I am not defending dynamite. I am not here to defend the use of dynamite; I am not here to condemn it. I am not here to condemn it because it is used in violation of laws or of constitutions by a people who have no government with power to declare war. I can recall—and it is an unpleasant recollection—what transpired once at Harper's Ferry, when the lives of women and children were placed at imminent risk. That was at a time when the Constitution of this country said that slavery might live south of a certain parallel of latitude. I can remember these things, and the public sentiment of this country said that the men for whose benefit the Harper's Ferry raid was intended to liberate ought to be free, and they justified the means to that end. Constitutions were pierced by pikes, and laws were trodden under foot; and yet the decision of this country was finally that constitutions were made only to guarantee the liberties to which men were entitled. I say here, sir, from this place, that the people of Ireland, save and except only the fact that they are not chattels subject to sale and delivery, are as much in slavery as the African was in the South; ay, more, for among these certain persons could own property and, in some States South, vote; but an Irishman can not even own the land where he lives except with the consent of the British Crown. Ask me then to give expression to anything that can be tortured into sympathy with England in a matter of this sort! I can not and will not do it.

It is true, as the Senator from Louisiana says, these Irishmen are not soldiers. No, sir; they are not citizens even. Soldiers are never assassins, he says. True, brave soldiers never were. An Irishman can not even be a citizen, much less a soldier, and he can not be a policeman unless he first turns his back upon his own country. If the blowing up of the Parliament House of England shook every government center from Paris to St. Petersburg I am glad to know that we did not feel the thrill over here; and but for the introduction of the resolution offered by the Senator from Delaware, it would have passed away with the dispatches of Saturday and Monday morning.

Now, sir, I ask whether any Senator here has heard a single reason advanced why the Senate of the United States should pass this resolution. There is no reason except the one that the resolution was offered and is pending, and you dare not vote against it. That is the only reason for voting for it. When we vote for it we do something affirmative; and if we were wise we would do nothing affirmative, and then we could be charged with no neglect of duty.

No single reason has yet been advanced why this resolution should pass. It just simply stands here as a resolution of an experienced Senator from the State of Delaware, and therefore it must pass. That is all there is in it. If there is any other reason I have failed up to this time to find it in anything that has been said in its behalf.

Mr. HAWLEY. Mr. President, the American people have twice had solemn experience of the awful crime of assassination. In each case the wild news went shuddering on the wings of the lightning to the uttermost corners of the earth, and from every tribe and nation, pagan and civilized, came back solemn and indignant denunciation. The crimes in question to-day are far worse, far meaner, far viler, and more devilish. They have not the logic of assassination; they are not directed, as the bomb was against Alexander or against Napoleon, to the ruler of a country. They are simply an insensate dash against humanity. Who suffers? Two poor policemen, fifteen or twenty women or children out for a holiday visiting the public buildings. What "good" will this resolution do? I do not know. It does me good to curse the crime. It does the world good to hear from the whole world a denunciation of such deeds.

I should have been glad to simply record my name in a unanimous vote of the Senate in condemnation. I decline to discuss any of the questions which mere imagination can connect with it. The Irish agitation has nothing to do with it. I protest that I never heard an Irishman who did not lament such outrages, because fools charge them to his

race. I lay aside all other questions, and I protest that men of all creeds, all races, and all nations curse this work.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia to postpone the consideration of the resolution until Wednesday next.

Mr. RIDDLEBERGER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yea 1, nays 62; as follows:

YEA—1.

Riddleberger.

NAYS—62.

Aldrich,	Dawes,	Jackson,	Pike,
Allison,	Dolph,	Jonas,	Platt,
Bayard,	Edmunds,	Jones of Florida,	Pugh,
Beck,	Frye,	Jones of Nevada,	Ransom,
Bowen,	Garland,	Kenna,	Sabin,
Brown,	George,	Lapham,	Sawyer,
Butler,	Gibson,	McMillan,	Sherman,
Call,	Gorman,	McPherson,	Slater,
Cameron of Pa.,	Groome,	Manderson,	Vance,
Cameron of Wis.,	Hale,	Maxey,	Van Wyck,
Chace,	Hampton,	Miller of Cal.,	Vest,
Cockrell,	Harris,	Miller of N. Y.,	Walker,
Coke,	Harrison,	Morgan,	Williams,
Colquitt,	Hawley,	Morrill,	Wilson.
Conger,	Hoar,	Palmer,	
Cullom,	Ingalls,	Pendleton,	

ABSENT—13.

Blair,	Hill,	Mitchell,	Voorhees.
Camden,	Lamar,	Plumb,	
Fair,	Logan,	Saulsbury,	
Farley,	Mahone,	Sewell,	

So the motion to postpone was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 63, nay 1; as follows:

YEAS—63.

Aldrich,	Dawes,	Jackson,	Pendleton,
Allison,	Dolph,	Jonas,	Pike,
Bayard,	Edmunds,	Jones of Florida,	Platt,
Beck,	Frye,	Jones of Nevada,	Pugh,
Bowen,	Garland,	Kenna,	Ransom,
Brown,	George,	Lapham,	Sabin,
Butler,	Gibson,	McMillan,	Sawyer,
Call,	Gorman,	McPherson,	Sherman,
Cameron of Pa.,	Groome,	Mahone,	Slater,
Cameron of Wis.,	Hale,	Manderson,	Vance,
Chace,	Hampton,	Maxey,	Van Wyck,
Cockrell,	Harris,	Miller of Cal.,	Vest,
Coke,	Harrison,	Miller of N. Y.,	Walker,
Colquitt,	Hawley,	Morgan,	Williams,
Conger,	Hoar,	Morrill,	Wilson.
Cullom,	Ingalls,	Palmer,	

NAY—1.

Riddleberger.

ABSENT—12.

Blair,	Farley,	Logan,	Saulsbury,
Camden,	Hill,	Mitchell,	Sewell,
Fair,	Lamar,	Plumb,	Voorhees.

So the resolution was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Concurrent and other resolutions are still in order.

Mr. CULLOM. It is now within a few minutes of 2 o'clock, and I move that the Senate proceed to the consideration of the unfinished business.

Mr. McMILLAN. I hope the Senator from Illinois will withdraw that for the purpose of allowing morning business to be presented.

Mr. CULLOM. I will withdraw the motion for morning business.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I should like to say a word before that motion is put, if I may be allowed. I hope the Senate——

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to address the Senate on the motion of the Senator from California that the Senate now proceed to the consideration of executive business. Is there objection? The Chair hears none. The Senator from Illinois will proceed.

Mr. CULLOM. I shall not address the Senate at length. I only rose to express the hope that the Senate, instead of going into executive session to-day, would give its consideration to the unfinished business, the bill in relation to interstate commerce. I think if we are going to secure any legislation upon that subject, we ought to proceed with the consideration of the bill until it is concluded and some measure is passed. I hope that the Senator from California will not insist upon his motion to-day, but will allow us to go on with the consideration of that bill. I think in one or two days, at any rate, we shall be able to complete the consideration of that bill and get some measure through the Senate. I think it will be a saving of time, as well as securing legislation on an important subject, if that bill be allowed to proceed.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to address the Senate on this motion. Is there objection? The Chair hears none. The Senator from California will proceed.

Mr. MILLER, of California. I am forbidden by the rules to state the reasons why I make this motion, but those reasons are well known to all the Senators present. There is business before the Senate which can only be done in executive session that is of more pressing importance than any other. I am as anxious to have a bill passed of some sort regulating interstate commerce as the Senator from Illinois, but in the condition of affairs I deem it proper to press forward the other business which is before the Senate.

Mr. MILLER, of New York. I desire to ask the Senator from California to withhold his motion for a moment, as I desire to take up Order of Business 866, being Senate bill 1291.

The PRESIDENT *pro tempore*. The Senator from New York appeals to the Senator from California to withdraw his motion.

Mr. MILLER, of New York. Only for a moment.

Mr. MILLER, of California. What is the bill?

Mr. MILLER, of New York. I desire to call up a bill for passage.

Mr. MILLER, of California. That can be done to-morrow morning. I would rather not give way now.

Mr. MILLER, of New York. It will take only a moment, as it will not lead to discussion.

Mr. MILLER, of California. If it causes no discussion, I yield.

The PRESIDENT *pro tempore*. The Senator from California withdraws his motion.

LANDS FORMED IN SAGINAW BAY.

Mr. MILLER, of New York. I ask unanimous consent to take up Senate bill 1291.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate now proceed to the consideration of the bill (S. 1291) to quiet and confirm the title to certain lands in the Saginaw Bay, in the State of Michigan. The question is on agreeing to the motion.

Mr. SHERMAN. I think that had better be read in the first place. I should like to hear it read to see whether it is subject to objection.

The PRESIDENT *pro tempore*. The bill will be read for information if there be no objection.

The bill was read.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion that this bill be now considered.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was after the word "relinquished," at the end of line 8, to strike out "and granted;" so as to read:

That all the rights and title of the United States in and to all the accretions and marsh formations now existent connected with and added to Mai-Sou Island, in the Saginaw Bay, situate in township 16 north, of range 9 east, in the State of Michigan, since said island was surveyed under the authority of the United States, are hereby relinquished to the person who at the time of the passage of this act has the legal title to said Mai-Sou Island, &c.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That before such relinquishment shall take effect the person having the legal title to Mai-Sou Island as aforesaid shall pay to the Commissioner of the General Land Office, for the use of the United States, one dollar and a quarter per acre for the land so relinquished.

The amendment was agreed to.

Mr. CONGER. In the fifth line I move to strike out the word "added" and insert "adjacent," so as to read "connected with and adjacent to Mai-Sou Island."

The amendment was agreed to.

Mr. PLATT. It seems to me there ought to be some explanation of this bill. It may possibly be all right, but we know nothing about it except that the United States is giving away a lot of land.

Mr. CONGER. Will the Senator allow me to offer the amendments I propose?

Mr. PLATT. I have no objection to that being done.

Mr. CONGER. I move to insert in the sixth line, after the words "range nine east," for the purpose of confirming this: "In sections 3, 4, 8, 9, 10, and 17 in Huron County." This is an amendment to limit and define the relinquishment. A little of this marsh and accretion land comes in each of these sections, and I wish to limit it to the sections.

The amendment was agreed to.

Mr. CONGER. I move to add at the end of the proviso:

And a survey and plat of said relinquished lands shall be filed in the United States land office at Saginaw, State of Michigan, and in the General Land Office, city of Washington, District of Columbia.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of the former sitting, being the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers. The pending question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. CULLOM. I only rise to express the hope that the Senate will proceed with the consideration of the bill.

Mr. MILLER, of New York. I ask unanimous consent to lay aside the regular order until the other bill is finished.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the regular order be informally laid aside and that the Senate continue the consideration of the bill taken up on his motion.

Mr. CULLOM. I inquire of the Senator from New York if there is going to be debate?

Mr. MILLER, of New York. The amendments are all offered and are all agreed to.

Mr. CULLOM. Then I shall not object.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senate resumes, as in Committee of the Whole, the consideration of the bill last before the Senate. The Senator from Michigan has proposed an additional amendment. The question is on the amendment.

The amendment was agreed to.

Mr. BAYARD. I ascertained upon inquiry at the desk that there is no written report accompanying this bill. I ask the Senator who reports it what amount of land is thus disposed of?

Mr. CONGER. I only know from the map of the original survey of an island in Saginaw Bay some six or seven miles from the mainland; that at the time of that survey there was near it shoal land upon which reeds and rushes grew under water. Since that time by subsequent examinations and surveys a different state of things is found to exist. This island was sold and conveyed by patent to the party whose assignee is now claiming it. By the action of the waves on the bay there has been a channel formed through the island and the soil has been driven from the island toward the mainland and increased the elevation of the land under water so as to make the marshy land adjacent to it suitable for use. The island lies remote from the mainland in Saginaw Bay. The waters around it for several miles are so shallow, only five or six feet in depth, that they are not used for navigation purposes. The owner of the island purchased it twenty-five or thirty years ago and desires to connect the marshy land and reclaim the land which has washed away and now forms accretions, for the purpose of further improvements upon it.

There is a map the Senator can see among the papers which explains the situation better than I can in words. There is perhaps no conflicting claim in regard to any use or occupancy of these marshes, but the bill itself reserves all rights that anybody may have.

Mr. BAYARD. It is not the question of right, but we ought to know, before we pass such a bill, in definite terms what is the area of land released; and this being public land of the United States the usual reservation of metals and minerals should accompany the grant. This is a release of the title of the United States to whoever may be privately entitled in the presence of that release of the land; and as there has been no report accompanying the bill, I think there ought to be a very definite statement of the amount of land released and that it should be accompanied with a reservation of all mineral rights to the Government. It may be that this reservation of mineral rights may amount to nothing, or it may be a great deal.

I am aware that in one of the islands, and possibly more, in Lake Superior a silver mine, probably the richest in the country, if what I have heard is true, has been discovered, and has been worked under water. Of that the Senator probably knows more than I; but certain it is that if these be public lands, and there is any deposit of minerals, the usual reservation in that respect ought to accompany the grant. Therefore I should move to amend, in the absence of further information upon the subject, by adding a provision that all mineral rights are hereby reserved to the United States. I move that as an amendment to come in at the end of the bill.

The PRESIDENT *pro tempore*. The Senator from Delaware proposes an amendment, which will be read.

Mr. BAYARD. I move to insert:

Provided, That all mineral rights in the said lands are hereby reserved to the United States.

Mr. CONGER. I have no objection to that. This shoal is, as is all land underlying the water in Saginaw Bay, of a limestone formation, of which the Charity Islands are a sample. There are no minerals in this land, not even any quarries of stone of any value. I have no objection to the amendment.

Mr. VAN WYCK. I did not understand the Senator from Michigan. May I ask him how much was added by the accretion to this island?

Mr. CONGER. I have sent for a map which will show very clearly. I should think, as near as I can recollect the land as shown by the map, corners of it at least, which I had mentioned in the amendment, four or five sections of a township, there may be embraced one hundred and fifty, perhaps two hundred acres of this shoal, flat land. The island itself, Mai-Sou Island, which was surveyed, meandered, sold, and patented, and is owned by parties asking for this legislation, embraces about one hundred and fifty-four acres. It lies in a kidney-shaped form, and this accretion is in the hollow of it, while the island has been washed away to make the accretions and has filled up the shoal places on several sides of it.

Mr. VAN WYCK. I notice that a word has been changed. The bill spoke of accretions "added" to the island. The word "added" is stricken out and "adjacent" put in place of it. That would seem to extend it further than was intended by the original bill. The word "adjacent" would probably take it a good way and might give rise to a very liberal construction hereafter. Why is the word "adjacent" used?

Mr. CONGER. At one part of the island it is connected directly without any water with the surveyed island by accretion proper. In the other place there is a little space of water between the main island, a few rods across, where there is a sort of lake or channel, not filled up as much as beyond. It is not all added to it. Therefore I changed the word "added" to "adjacent." The probable result of the passage of the bill may be that by means of dikes around this land there will be two or three hundred acres adjacent to an island which is now occupied, and the added land may be made pasture land, improving the value of that property in the county of Huron.

Mr. VAN WYCK. I can see a reason for allowing this privilege of accretion added to the island, but I can not see the force of the proposition to give the privilege to a new island that possibly may be creating there.

Mr. CONGER. It is all connected as dry land.

Mr. VAN WYCK. There may be a series of islands there connected together.

Mr. CONGER. This, except for the purpose of a fishing shanty and such things as that, is so much under water that in particular stages of wind it is pretty much all overflowed. I see no objection to the bill, representing that county. I see no objection to anybody improving what is now a mere waste marsh of reeds and rushes. The plan is to improve it and make it a place of resort for the inhabitants of Saginaw and Bay City for summer enjoyment.

Mr. CAMERON, of Wisconsin. They are to pay the full price charged by the Government for the land?

Mr. CONGER. Yes, sir. Although the land is utterly worthless, the men propose to pay the ten shillings an acre which would be charged on the opposite shore.

Mr. CAMERON, of Wisconsin. It is all right.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Delaware [Mr. BAYARD] will be read.

The CHIEF CLERK. It is proposed to add to the bill the following additional proviso:

Provided further, That the right to all minerals is hereby reserved to the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being House bill No. 5461.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and eighteen minutes spent in executive business the doors were reopened.

DEATH OF REPRESENTATIVE DUNCAN.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the resolutions of the House on the announcement of the death of Hon. WILLIAM A. DUNCAN, late a Representative from the State of Pennsylvania.

The PRESIDING OFFICER (Mr. PLATT in the chair.) The Chair lays before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 26, 1885*.

Resolved, That this House has heard with profound sorrow of the death of Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

Resolved, That the business of the House be now suspended that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the House shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. CAMERON, of Pennsylvania. I offer resolutions, and ask that they be read at the desk.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of WILLIAM A. DUNCAN, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the Senate shall, at the conclusion of these ceremonies, adjourn.

Mr. CAMERON, of Pennsylvania. Mr. President, it is my sad duty

to announce to the Senate the death of WILLIAM A. DUNCAN, late my colleague in the House of Representatives from the State of Pennsylvania, which occurred on the morning of Friday, November 14, 1884, at his home in the historic town of Gettysburg, Pa.

Mr. DUNCAN was born in Franklin Township, Adams County, Pennsylvania, on the 2d day of February, 1836. After receiving a common-school education he went through his preparatory course for college at Mercersburg, Pa., and entered Franklin and Marshall College at Lancaster, where he was distinguished for his talents and close application to his studies, graduating in 1857, on which occasion he was selected to deliver the valedictory address of his class.

After leaving college, he entered the law office of Robert G. McCreary, esq., at Gettysburg, where he diligently pursued his studies, and on the 15th of August, 1859, was admitted to the bar, and at once entered upon the active practice of his profession.

Being possessed of a versatile mind, with an open, generous, and genial nature, full of magnanimity, and particularly devoted to his adopted profession, he became one of the most promising members of the Adams County bar, and very soon acquired a large practice. It is said by one who knew him intimately that "his professional career was characterized by devotion to his profession, fidelity to his clients, and marked courtesy in his relations to the court and members of the bar."

Mr. DUNCAN practiced law successfully for over twenty years. Possessing much natural ingenuity and industry, these with his uniformly gentlemanly bearing and high integrity rendered him skillfully armed and equipped for the contests at the bar and made him successful in his business affairs. He had a broad and cultivated mind, a keen and polished utterance, and a pure and patriotic heart. Always fair and candid, he sought no unfair advantage in argument, but invariably conceded to his opponent the same honesty of motive which he claimed for himself and which was universally accorded him. His good and reliable judgment rendered him very useful as a citizen in the conduct of any enterprise of public concern. He was patient, prudent, and far-sighted, and his astuteness was especially apparent before a jury. For years before his death he was in full practice, having a large share of assigned estates intrusted to his excellent management; and, as is generally the case in rural districts, his practice was of a miscellaneous character, rendering it necessary for him to give it close and constant application, which in the progress of time seriously affected his health.

In 1862 he received the nomination for the office of district attorney by the Democratic party of his county, of which he was an ardent and faithful adherent, and was elected in October of that year. While holding this position he performed his duties with such fidelity and impartiality that he was renominated in 1865, but owing to divisions in his party was defeated.

In 1868 he was again nominated for the third time for that position, and was elected, when he again proved himself worthy of the trust bestowed upon him by his fellow-citizens.

In 1882, after a very spirited contest, he was nominated by his Democratic friends to the Forty-eighth Congress to represent the nineteenth Congressional district of Pennsylvania, composed of the counties of Adams, Cumberland, and York, a district very strongly Democratic, and elected by 3,177 plurality. After taking his seat in the House he was assigned to duty on the Committee on Military Affairs and the Committee on Education, where he served with great credit to himself and his constituency.

Mr. DUNCAN was renominated last summer to represent his district again in the Forty-ninth Congress, and was elected in the succeeding election by 4,262 plurality. His re-election two weeks before his death, although suffering at the time with an incurable disease, was a high compliment to his sterling worth and showed the universal esteem in which he was held.

Mr. DUNCAN was a thorough and consistent Democrat. Having been imbued with the principles of that party from early childhood, his faith in its teachings and his zeal in its service increased yearly. At home he was one of the foremost leaders in its councils and an elegant and aggressive champion in defense of its traditions, but, like the great majority of his party in the State, was a firm and steadfast supporter of the doctrine of protection. It being his first term in Congress, he was too modest and retiring to obtrude his opinions upon the House or enter into discussion with older and more experienced members, but had he been permitted to live through the coming Congress he would have proven himself capable of sustaining in debate the measures he advocated with skill and good judgment.

One of the greatest characteristics of Mr. DUNCAN'S life was his abounding good nature and his unfailing charity toward others. If anything derogatory of another was said in his presence, he was sure to defend the absent one or to change the course of conversation by some humorous or diverting remark into other and more congenial channels. He had no ill to speak of others, even of those who may have treated him unkindly and unjustly.

Mr. DUNCAN was married in 1863 to Miss Catharine Schmucker, a daughter of Rev. S. S. Schmucker, D. D., an eminent divine of the Lutheran Church, an organization very large in numbers and which has in its membership some of the ablest and purest people in the State. Miss Schmucker, brought up under the teachings of a father of great strength and purity of character, was a worthy helpmeet to her husband and made his home a charming one, remarkable for its cultivated simplicity in a community noted for its intelligence and unostentatious hospitality.

Mr. DUNCAN had always enjoyed vigorous and robust health until about four years ago, when symptoms of pulmonary trouble began to develop to such an extent that he was compelled to abandon his legal practice. Although he employed the best medical skill and was extremely careful in his habits, the disease gradually gained headway. He returned to his home after the adjournment of Congress in July last. As the summer advanced his health rapidly declined, and for several weeks before his death he was unable to leave his residence. He grew weaker constantly, until death relieved him, dying calmly and peacefully in the presence of his wife and family.

Mr. DUNCAN was a Christian. He trusted in God and publicly avowed his allegiance to Him. His many virtues, which so fondly attached many warm friends to him, will be missed at his office, at his fireside, at the bar, and in these Halls.

In the Gettysburg Star and Sentinel of Tuesday evening, November 18, 1884, I find the following resolutions adopted at a meeting of his former associates at the bar:

That we have heard with profound sorrow of the death of our late brother, Hon. WILLIAM A. DUNCAN; that by his demise our bar has lost an able lawyer and prudent counselor, our county a useful man and a good citizen, our Congressional district an honorable gentleman and a faithful representative.

That the court, its officers, and the bar attend the funeral of the departed.

That these proceedings be entered on the records of the court, and be published in the county papers.

That we present a copy of these resolutions to the family of our lamented associate, and extend to them our deepest sympathy, and commend them to the Consoler of the afflicted and the Healer of all sorrow.

Mr. President, in my association with men in public or private life I have never heard of one who possessed a character more lovely. Strong in his convictions of right, fearless in his expression of them, he had the rare faculty of impressing his antagonists with the purity and sincerity of his motives, so that when they could not approve his position they never failed to respect the reasons which he gave to sustain it. Thus it was that he left no sting behind and his strongest political opponents were among his warmest personal friends.

During my service in the Senate we have been frequently called upon to mourn the death of fellow-members endeared to us by ties of association and friendship. In the death of Mr. DUNCAN I feel that we have not only lost a worthy associate, but the State which I have the honor in part to represent has lost an able and efficient representative. Our colleague has passed beyond the river that separates life from death, time from eternity! He has passed forever from these Halls, and has left behind him an honorable name and an unsullied reputation.

Mr. MAXEY. Mr. President, the neighbors of the late WILLIAM A. DUNCAN say he was manly, generous, talented, true.

To have achieved honorable position while young, and to have increased his reputation not only as a faithful guardian of public trust, but as a man in the social and daily walks of life, he must have possessed sterling qualities of head and heart. Graduating in 1857, he was chosen to deliver the valedictory. Admitted to the bar in 1859, he, by dint of hard study, honorable deportment, a good education, and native talent, rapidly rose in his profession, and acquired a large and lucrative practice. The high estimate placed upon him by his professional brethren is the best assurance of his honor as a man and ability as a lawyer.

He made friends wherever he went and retained them. He was a man of good culture and earnest application.

Three years after his admission to the bar he was elected district attorney, and to the same office five years later.

In 1882 he was elected to the Forty-eighth Congress, and in 1884 was elected to the next Congress. His last election speaks volumes. Stricken down by the dread disease, pulmonary consumption, the shadows were gathering thick and fast around him before the canvass was closed. The scythe of Death was whetted and ready to cut the brittle thread. The people knew that his days and hours were numbered, yet they showed their love and respect for the dying man by re-election to the position he had so worthily filled. Two weeks later he was numbered among the dead.

If a man die shall he live again? is the ever-recurring question.

The Creator by whose almighty fiat were launched, we know not when, countless worlds into boundless space, gave them laws infinitely wise and so nicely adjusted that this vast universe moves unerringly, so perfectly that the intellect of man can calculate centuries in advance the precise moment of an event resulting from those laws.

The infallible operation of the infallible laws of creation proves an infallible Law Giver.

The crowning glory of creation is man, with his mighty intellect, his soaring ambition, his lofty aspirations, his resistless energy; with a moral nature leading him pleasantly into the paths of gentleness, mercy, and benevolence, with an inborn veneration for the author of his existence. Can it be that such a God would create such a man, who, in obedience to the laws of his existence, has achieved such amazing triumphs over matter and such mighty triumphs over mighty intellects,

and yet would doom that man to annihilation with death? Can it be that such an intellect incased in a frail mortal body should die because the body dies? Through the unending cycles of eternity the soul of man will go onward expanding in the presence of the Omniscient. If a man die he shall live again.

WILLIAM A. DUNCAN was a man of many virtues, beloved by all who knew him, and best by those who knew him best. The memory of the just is blessed.

WILLIAM A. DUNCAN has finished his course on earth. He acted well his part. We scatter flowers over his grave. "He shall return no more to his house; neither shall his place know him any more."

Mr. MCMILLAN. Mr. President, already on two occasions during the past week we have been called upon to suspend our ordinary proceedings to pay respect to the memories of those who have been called by death from the public service. The voice of eulogy uttered upon those occasions has scarcely died within the Chamber ere we are called again to mourn the departure and commemorate the virtues of another fellow-laborer. The chair of WILLIAM A. DUNCAN in the House of Representatives is vacant. He was born in Adams County, Pennsylvania, in 1836, and died at Gettysburg, Pa., on Friday, the 14th of November, 1884, in the forty-ninth year of his age. Endowed by nature with a high order of talents, his intellectual powers were developed, enlarged, and invigorated by a liberal course of study and mental discipline at his alma mater, Franklin and Marshall College, from which he was graduated in 1857. After faithful and diligent application through a regular course of legal study and training he was admitted to the bar in 1859. Thus thoroughly furnished for his work, he entered upon the practice of the law, and devoted himself to his profession. By his ability, integrity, and industry he soon acquired an extensive practice, which he retained throughout his professional career of twenty-five years, during which he was twice elected by the people district attorney of his county.

He had an exalted view of the dignity and importance of the profession, and fully appreciated both its privileges and its responsibilities, and believed that for the administration of justice both lawyers and courts were to co-operate. In the trial of causes, therefore, he sought the truth and did not pervert justice; he was true as well to the court as to client. In his professional life he was not influenced by sordid or mercenary motives; he never turned a deaf ear to the cause of the poor or friendless, and was ever ready to defend the oppressed.

After so many years of arduous professional labor he consented to become a candidate for the House of Representatives of the United States, and in 1882 was elected by his constituents to represent the nineteenth Congressional district of Pennsylvania in the Forty-eighth Congress. He was a Democrat, but, with the majority of his party in Pennsylvania, he believed in the principle of protection to American industry.

His service in the House of Representatives was limited to a single term. During the Congress of which he was a member he served upon several important committees of the House.

Having participated so many years in the jurisprudence of his State he was enabled by his intellectual ability, his legal learning, his large experience, wise counsel, and sound judgment, to take a high position among his colleagues and to render valuable and efficient service in devising and framing the legislation of the nation. He was diligent, conscientious, and faithful in the discharge of his public duties, and his generous and honorable bearing and upright character won for him the high esteem and regard of his colleagues in the House of Representatives.

But those loved him most who knew him best. After his first term of service, although it was evident death had marked him as a victim and that he must very soon yield up his life, his constituents in November last re-elected him as their representative in the next (Forty-ninth) Congress. This was the benediction of those who had been the companions of his youth, the friends of his manhood, and who saw him and knew him in the daily walks of life. No higher or clearer expression of confidence and regard could be given by a constituency to their Representative; no greater reward could be received by a public servant.

The crowning characteristic of the life of our departed friend remains to be noticed. He was a faithful and sincere Christian; the graces which adorned his character were the fruits of his Saviour's love, and his daily life, which commended him to the favor and regard of his fellows, was the expression of his faith in Christ—this faith which prepared him to live, prepared him also to die.

If timid nature for a moment shrank at the approach to the dark valley the voice of the risen Saviour came to him in reassuring accents from the other side, "It is I, be not afraid;" and in the response of his faith his last song was the sweetest, as he sang with the Hebrew poet—

I shall be satisfied when I awake with Thy likeness.

Mr. JONES, of Florida. Mr. President, again we are called upon to record our expressions of regret over the loss of a good man. WILLIAM A. DUNCAN, of Pennsylvania, in the prime of his manhood and the beginning of his usefulness, has passed away forever. In his untimely death the Church has lost a sincere Christian, the bar an able lawyer, Congress an upright and useful member, and the country a devoted and patriotic citizen. It is hard for us to comprehend the wisdom of Providence in designating a man so circumstanced as a victim for the grave. After long years of study and preparation we find him, in his forty-seventh year, entering the other House as a member of the Forty-eighth Congress from one of the most important districts in his State. He had won his college prizes and passed on to the bar. There, in honorable competition with the able lawyers of his State, he acquired legal fame, and his intercourse with the people satisfied them that he was a fit person to represent them in the great parliamentary body which sits at the other end of the Capitol. The business of the bar for a time is put aside. Briefs and clients no longer interest him. The modest and unpretending country court-house, so long the scene of his patient and honorable labors, is overshadowed in his mind by the vast proportions of this great structure wherein his talents are to be exerted in the interest of a great nation. The stimulus of lofty and honorable ambition takes the place of ordinary professional promptings, and he comes here full of hope and heart and life, and gives his best talents and services to the interests of his country.

He served with great credit to himself and his district in the Forty-eighth Congress, and was re-elected to the Forty-ninth Congress at a time when the dark shadows of death was almost before his eyes. Conscious as his people were at that time that he would not be able to serve them in the new Congress, with a generous appreciation of his faithful services, they decided to console the last hours of his life by a public indorsement of his labors here, and show to the world that in the approaching death of WILLIAM A. DUNCAN Pennsylvania and Congress were about to lose a faithful representative and an honest man. It is not for us to pass upon the wisdom of the Almighty in matters of this kind. If from Mr. DUNCAN'S years, learning, industry, and honesty we are at liberty to infer that his death terminated a career full, with assurances of future usefulness, on the other hand it is possible that Providence interfered to save him from protracted suffering, and that, under the wise dispensation of the Almighty, what appears to be our and his country's loss is in reality his gain.

Mr. MANDERSON. Mr. President, not eventful the life that has closed. Spent amid stirring scenes and in troublous times it stands out against them in contrasts to be remarked. Born in that central State, the Keystone of the arch of Commonwealths, where—

Pennsylvania holds the scales,
And neither South nor North prevails—

where politics seems to be of every day—he was not a politician. Living on that, which one of the most stupendous events in modern history has made holy ground, where the strongest of human passions held fullest away, and "dire was the noise of conflict," at far-famed Gettysburg, where "it seemed as though men fought upon the earth and fiends in upper air"—he was a quiet looker-on and not a soldier.

But he "acted well his part." It comes not to every man that he shall fill a page, or require even a line, in the world's history. Yet the uneventful lives seem the happiest ones, and the "mute, inglorious Miltons" of earth are usually the ones to envy, if content with life is its chiefest blessing. Of a genial nature, he made many friends, "well-springs in the wilderness," who loved him in life and mourn his too early death. Trained in the schools, he loved books, "those monuments of vanished minds," "delightful when prosperity happily smiles; inseparable comforters when adversity threatens."

Well balanced and intellectual, his pursuits were those of the scholar and his enjoyments those of the student. He could well exclaim:

My mind to me a kingdom is,
Such perfect treasure there I find.

Called to the bar, he became one of its leaders in his locality. Devoted to that "exacting mistress, the law," she gave him full return in a large clientage, to whose interests he was devoted.

Of upright character, he was universally esteemed, and it came naturally, from the recognition of all these commendable qualities, that his neighbors chose him to represent his Congressional district in the Forty-eighth Congress. Suffering during his term from that fell disease of which he died in November last, he was not able to place an imprint upon any of the legislation of the last session; but fresh and well deserved appreciation of his worth came to him when, while upon the bed of death, he was re-elected to the House of Representatives.

To me WILLIAM A. DUNCAN was personally unknown, but when, at the request of a colleague who esteemed him highly, I looked over the detail of his life that I, a native of the grand old Commonwealth that he honored as it honored him, might pay fitting tribute to his memory, I was charmed with its symmetry and could not but admire the features I have so feebly portrayed. A life so beautiful, a career so even gave promise of a useful future.

It is most apt to depict him growing with the years of experience into the trusted legislator, the wise counselor, respected of all men, of service to the State, until with ripened age came fuller honors, and at last with the full allotment of years would come the end to the rounded life. But it was not so to be. "God's finger touched him and he slept."

Mr. President, I second the adoption of the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the

resolution submitted by the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMERON, of Pennsylvania. Before the question is put, I desire to state that my colleague [Mr. MITCHELL], who desired to take and would have taken part in these proceedings, is unavoidably detained from the Senate to-day.

The resolutions were agreed to unanimously; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 26, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

INDIAN INDUSTRIAL SCHOOL, FOREST GROVE, OREG.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation of $10,000 for heating apparatus in the Indian industrial school at Forest Grove, Oreg.; which was referred to the Committee on Appropriations, and ordered to be printed.

COLLISION WITH UNITED STATES STEAMER TALLAPOOSA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of an appropriation to pay the claim for damages of the New England Transportation Company resulting from the collision of its barges with the United States steamer Tallapoosa; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON DEER CREEK, MISSISSIPPI.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from Capt. Eric Bergland, Corps of Engineers, of a preliminary examination of Deer Creek, Mississippi; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING AT COLUMBUS, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, recommending an additional appropriation of $60,000 for constructing a third story to the public building in the course of construction at Columbus, Ohio; which was referred to the Committee on Appropriations, and ordered to be printed.

SALES OF OMAHA LANDS.

The SPEAKER also laid before the House a letter transmitting a statement from the Secretary of the Interior of an estimate of an appropriation for the expense of making sale of the Omaha lands in Nebraska; which was referred to the Committee on Appropriations, and ordered to be printed.

WOOD'S ISLAND HARBOR, MAINE.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting the report of a survey and preliminary examination of Wood's Island Harbor, in Maine; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT SAINT JOSEPH, MO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the erection of the proposed public building at Saint Joseph, Mo., and a recommendation of an extension of the limit of its cost; which was referred to the Committee on Public Buildings and Grounds.

UNITED STATES COURT-HOUSE AT DES MOINES, IOWA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, and recommending an appropriation of $45,000 for an extension of the United States court-house and post-office at Des Moines, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

SALMON RIVER IN NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a survey and preliminary examination of Salmon River at and below Covington, N. Y.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WARREN RIVER, RHODE ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of the survey of Warren River, Rhode Island, made with a view to the removal of obstructions from its channel; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. BUDD, by unanimous consent, obtained leave of absence until Wednesday next, on account of illness.

LEAVE TO PRINT.

Mr. ROSECRANS, by unanimous consent, obtained leave to print the papers relative to the transfer of certain officers of the Army to the list of supernumeraries.

PUBLIC BUILDING, FORT SCOTT, KANS.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 292) for the erection of a public building at Fort Scott, Kans.

The SPEAKER. If there be no objection, the bill will be taken up. The Clerk will read it.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices, at the city of Fort Scott, State of Kansas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

FRENCH SPOLIATION CLAIMS.

The SPEAKER. In accordance with the statute, the Chair will lay before the House the following concurrent resolution for reference to the Committee on Printing.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 24, 1885.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations prior to the 31st day of July, 1801; of which 1,000 copies shall be for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

Mr. FOLLETT. Mr. Speaker, I move to dispense with the morning hour.

Several MEMBERS. "Regular order!"

The SPEAKER. By the rules the morning hour is dedicated to the call of States and Territories for the introduction of bills. The rule provides that the Speaker shall call the States and Territories for that business. That rule ought to be complied with.

FIRE IN THE HOUSE OF REPRESENTATIVES.

Mr. STOCKSLAGER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STOCKSLAGER. I rise to offer a privileged resolution.

The SPEAKER. The gentleman from Indiana states that he desires to present a privileged resolution. The Clerk will read the resolution, and afterward the Chair will decide whether it is a matter of privilege or not.

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the origin of the fire which occurred on the roof of the House this morning, and report to the House what measures, if any, are necessary to give greater security against fire to the roof and the files and records of the House thereunder; and the said committee shall have leave to report thereon at any time.

Mr. STOCKSLAGER. Mr. Speaker, I understand that there are very many valuable documents which were endangered by this occurrence, and I think this is a privileged matter.

The SPEAKER. The Chair thinks it is properly a matter of privilege.

The resolution was agreed to.

Mr. STOCKSLAGER moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call resolutions and memorials from State and Territorial Legislatures, resolutions of inquiry addressed to the heads of Departments, and propositions to amend the rules may be presented for reference.

PUBLIC BUILDING AT SELMA, ALA.

Mr. CRAIG introduced a bill (H. R. 8040) to authorize the Secretary of the Treasury to erect a public building in the city of Selma, Ala.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MANUFACTURE OF GUNS.

Mr. ROSECRANS introduced a bill (H. R. 8041) to provide further aid and encouragement to perfecting and manufacturing the highest class

of guns, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OREGON RAILROAD.

Mr. SUMNER, of California, submitted the following resolution; which was referred to the Committee on Pacific Railroads, and ordered to be printed:

Whereas it appears from the reports of the Commissioners of the General Land Office that the California and Oregon Railroad Company has failed to complete its line of road within the time required by law; and

Whereas no attempt was made during more than ten years to complete or build any part of said line of railroad, although said company had ample means to do so; and

Whereas on March 18, 1884, the above-recited facts were called to the attention of the President of the United States, and a protest duly made and filed protesting against the appointment of commissioners to examine said line of railroad; and

Whereas it is stated that the President has recently appointed three commissioners to examine and report on said line of railroad: Therefore,

Be it resolved by the House of Representatives, That the President of the United States be requested to inform this body, if not incompatible with the public interests, what were the reasons which impelled him to appoint said commissioners to examine and report upon said line of railroad from Redding northwardly, notwithstanding the fact that the only act of Congress under which any grant was made to said company is now null and void.

TAXATION OF GRAPE SPIRITS.

Mr. HENLEY introduced a bill (H. R. 8042) to relieve pure grape spirits from taxation in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RELIEF OF ARMY OFFICERS.

Mr. MITCHELL introduced a bill (H. R. 8043) for relief of certain officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVY YARD, ETC., ON BLYTHE ISLAND, GEORGIA.

Mr. NICHOLLS introduced a bill (H. R. 8044) to appropriate $500,000 for the purpose of establishing a navy-yard and a depot of supplies on Blythe Island, in the harbor of Brunswick, State of Georgia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

The bill was read, as follows:

Whereas in the year 1857 the Government of the United States purchased on Blythe Island, in Glynn County and State of Georgia, 1,100 acres of land for the sum of $130,000, with the purpose of establishing thereon a navy-yard and naval depot; and

Whereas the said land is still the property of the Government, never having been used as originally designed; and

Whereas said property is land-locked within the harbor of Brunswick, Georgia, the waters of said harbor being open to navigation during the entire year, and that an abundant supply of timber for ship-building purposes is open and within easy reach of said island:

Be it enacted, &c., That the Secretary of the Navy is authorized and directed to establish a navy-yard and depot for supplies on the said Government land on Blythe Island, in the State of Georgia; that the sum of $500,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money not otherwise appropriated, to carry out the provisions of this act, and that the same shall be expended under the direction of the Secretary of the Navy.

FEES PAID BY VESSEL-OWNERS, ETC.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 8045) to amend section 4382, Revised Statutes, relative to fees levied and collected from owners and masters of vessels in domestic commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. TOWNSHEND (by request) introduced a bill (H. R. 8046) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Prescott, Wis., and Taylor's Falls, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES AGNEW.

Mr. STOCKSLAGER introduced a bill (H. R. 8047) granting a pension to James Agnew, of New Albany, Ind., late of Company C, Second Ohio volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERDINAND HUSCHER.

Mr. STOCKSLAGER also introduced a bill (H. R. 8048) to increase the pension of Ferdinand Huscher, late hospital steward United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. BROOKS.

Mr. STOCKSLAGER also introduced a bill (H. R. 8049) granting a pension to Elizabeth A. Brooks, widow of John T. Brooks, captain of the steamer Diana, of the Mississippi Marine Brigade; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR PRISONERS OF WAR.

Mr. STOCKSLAGER presented the following concurrent resolution of the Legislature of the State of Indiana; which was read, and referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay:

Be it resolved by the senate (the house of representatives concurring), That our Senators in Congress from this State be instructed and our Representatives in Congress be requested to use their influence to secure the passage of House bill No. 420, entitled "A bill for pensioning prisoners of war who were confined in confederate military prisons during the late war."

Resolved, That the governor be, and is hereby, instructed to furnish each of our Senators and Representatives in Congress a copy of these resolutions.

GEORGE DICKEY.

Mr. MATSON introduced a bill (H. R. 8050) to restore to the pension-roll the name of George Dickey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN A. HUNT.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8051) granting a pension to John A. Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO PRISONERS OF WAR.

Mr. ENGLISH presented a concurrent resolution of the General Assembly of the State of Indiana, requesting Representatives in Congress to favor the passage of House bill 420, providing for the granting of pensions to prisioners of war who were confined in confederate prisons during the late war; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

COMMUTATIONS OF RATIONS, OFFICERS MARINE CORPS.

Mr. ENGLISH also introduced a bill (H. R. 8052) granting rations, or commutations therefor, to officers of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MILTON HUNT.

Mr. ENGLISH also introduced a bill (H. R. 8053) granting a pension to Milton Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPHINE WILSON.

Mr. ENGLISH also introduced a bill (H. R. 8054) granting a pension to Josephine Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE JONES.

Mr. ENGLISH also introduced a bill (H. R. 8055) granting a pension to George Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN THURSTON.

Mr. ENGLISH also introduced a bill (H. R. 8056) granting a pension to John Thurston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACK LETSEY.

Mr. ENGLISH also introduced a bill (H. R. 8057) granting a pension to Jack Letsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GARVER.

Mr. ENGLISH also introduced a bill (H. R. 8058) granting a pension to John Garver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS PEDERSEN.

Mr. HOLMES introduced a bill (H. R. 8059) for the relief of Mathias Pederson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROPOSED CATTLE TRAIL ACROSS KANSAS.

Mr. MORRILL presented memorial of the State of Kansas in relation to a proposed cattle trail; which was referred to the Committee on Public Lands, and ordered to be printed.

PROTECTION OF BOTTLERS, DISTRICT OF COLUMBIA.

Mr. RYAN (by request) introduced a bill (H. R. 8060) to protect the bottlers of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. PRUDENCE BOND.

Mr. PERKINS introduced a bill (H. R. 8061) granting a pension to Mrs. Prudence Bond; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES W. SAUNDERS.

Mr. PERKINS also introduced a bill (H. R. 8062) granting a pension to Charles W. Saunders; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN HOPKINS.

Mr. PERKINS also introduced a bill (H. R. 8063) granting a pension to John Hopkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF THE INTERNAL REVENUE.

Mr. WHITE, of Kentucky. I ask leave to present the following preamble and resolution [reading].

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I desire to know, Mr. Speaker, whether the gentleman from Kentucky, my colleague, is under the call now being made by the Chair complying with its rules in sending bills or resolutions to the Clerk's desk.

The SPEAKER. The Chair does not yet know what the resolution is.

Mr. BLACKBURN. That is what I am trying to find out.

Mr. WHITE, of Kentucky. If my colleague will possess his soul in patience he will know.

Mr. BLACKBURN. I can not until my question is answered by the Chair as to whether the gentleman from Kentucky is in order in the call now being made in the House.

The SPEAKER. The Chair can not tell without seeing the resolution or hearing it read whether it is such a one as will be in order under the present call or not. If it is a resolution of inquiry, addressed to the head of a Department, it is in order.

Mr. WHITE, of Kentucky. It is a joint resolution, and if my colleague will possess his soul in patience he will know it.

Mr. BLACKBURN. I will not possess my soul of such patience until I ascertain whether the resolution the gentleman proposes is or is not in order for presentation in this manner.

The SPEAKER. Joint resolutions are in order under this call; the gentleman says he offers a joint resolution.

Mr. BLACKBURN. If this is a joint resolution I demand its reading from the Clerk's desk. In this connection I desire to ask the Speaker whether the reading of the joint resolution, if it be a joint resolution, by the gentleman from Kentucky entitles it to go into the RECORD.

The SPEAKER. It does not.

Mr. BLACKBURN. Then I ask that the resolution, if it be one, may be sent to the Clerk's desk and be disposed of in the order in which such resolutions are ordinarily disposed of.

Mr. WHITE, of Kentucky. I desire in the first place to read it myself, after which I will send it to the desk.

The SPEAKER. The practice of the House has always been to send such matters to the desk, to be read by their titles by the Clerk; but the Chair does not know of any rule prohibiting a member from reading his own proposition on the floor of the House if he desires to do so. The Chair thinks that a member may, when he offers a resolution, read it himself before sending it to the desk.

Mr. BLACKBURN. I would inquire of the Chair whether there is a rule or precedent allowing the gentleman from Kentucky to read a resolution of this character on the floor of the House?

Mr. WHITE, of Kentucky. I object to this interruption, and hope it will not be taken out of my time. [Laughter.]

Mr. BLACKBURN. And I very much regret the gentleman's objection to being interrupted, but it does not make the slightest difference. I desire to ascertain what the rule is in this respect, and to have it enforced. I rise, therefore, for the purpose of making a direct parliamentary inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I desire to ask whether or not there is a rule or precedent to warrant the reading of a joint resolution or bill, under a call of States like this, by a member offering such paper, instead of sending it to the Clerk's desk and having it reported in the hearing of the House by the Clerk?

The SPEAKER. The Chair has already stated that it is aware of no rule upon the subject. The custom has been, and the practice of the House, to send such papers to the desk to be read by the Clerk. But it frequently happens that members proposing resolutions in writing read them themselves from their seats in the hearing of the House before submitting them to the House from the Clerk's desk. As the Chair has stated, however, there seems to be no rule upon the subject, only the practice of the House, which governs in such matters.

Mr. BLACKBURN. In order to determine the question, and by way of a precedent, I object to the gentleman from Kentucky reading a resolution which he proposes to offer in this manner; and I ask the Chair to rule upon the question.

Mr. WHITE, of Kentucky. I can assure my colleague that there is nothing whatever in this resolution which interferes with his theory of State rights.

Mr. BLACKBURN. The assurance of my colleague does not count with me very much. I insist upon a ruling by the Chair.

The SPEAKER. The gentleman from Kentucky can not be prevented, the Chair thinks, from reading his own proposition——

Mr. BLACKBURN. But it does not go into the RECORD?

The SPEAKER. But he can not make comments or submit any remarks upon it while the House is proceeding under this call.

Mr. BLACKBURN. I submit to the ruling of the Chair, with the distinct understanding that this is not printed in the RECORD.

Mr. WHITE, of Kentucky. Well, this will go into the RECORD: That it is a blow or criticism against the Secretary of the Treasury and Commissioner of Internal Revenue for extending the bonded period seven months without authority of law.

Mr. BLACKBURN. I have no doubt the Secretary of the Treasury can survive the blow.

The SPEAKER. The gentleman from Kentucky will proceed to read his resolution.

Mr. ROGERS, of Arkansas. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ROGERS, of Arkansas. I want to hear the gentleman from Kentucky as to what this proposition is. If it is to be read I want to know what it is.

Mr. WHITE, of Kentucky. I desire to read so the gentleman from Arkansas can hear me.

Mr. ROGERS, of Arkansas. I do not want the gentleman to suppose that I am making any objection.

Mr. WHITE, of Kentucky, concluded the reading.

The SPEAKER. The gentleman from Kentucky will send the resolution to the Clerk's desk.

Mr. WHITE, of Kentucky. I ask for the reading of it from the desk.

The SPEAKER. This resolution is not in order under this call. [Laughter.]

Mr. WHITE, of Kentucky. It is a joint resolution.

The SPEAKER. It is simply a House resolution, and not in order under the call of States for the introdution of bills and joint resolutions.

Mr. WHITE, of Kentucky. Then I desire to adds the words "Be it enacted," &c.

The SPEAKER. The gentleman can take the resolution and put it in such form as he chooses. It is not before the House under this call.

Mr. WHITE, of Kentucky. These words were inadvertently omitted, and I desire to insert them.

The SPEAKER. The resolution will be returned to the gentleman from Kentucky.

CIRCUIT AND DISTRICT COURTS OF KENTUCKY.

Mr. BLACKBURN introduced a bill (H. R. 8064) to regulate the jurisdiction of the circuit and district courts of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW F. M'MILLIN.

Mr. BLACKBURN also introduced a bill (H. R. 8065) for the relief of the heirs at law of Andrew F. McMillin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SANFORD C. WILLHOITE.

Mr. BLACKBURN also introduced a bill (H. R. 8066) granting a pension to Sanford C. Willhoite; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEAUFORT N. SAMPSON.

Mr. THOMPSON introduced a bill (H. R. 8067) granting a pension to Beaufort N. Sampson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM RAINS.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 8068) for the relief of William Rains; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE HELTON.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 8069) granting a pension to Catherine Helton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. CUMMINS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 8070) granting a pension to John G. Cummins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL REVENUE.

Mr. WHITE, of Kentucky, also introduced a joint resolution (H. Res. 319) to abolish the office of Commissioner of Internal Revenue and the entire system of internal-revenue taxation; which was read a first and second time by its title.

Mr. WHITE, of Kentucky. I call for the reading of the joint resolution.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the joint resolution be read.

Objection was made.

Mr. WHITE, of Kentucky. I claim that I have a right to have the joint resolution read.

The SPEAKER. It has been read once.

Mr. WHITE, of Kentucky. Not from the Clerk's desk.

The SPEAKER. It was read by the gentleman himself.

Mr. WHITE, of Kentucky. This resolution has not been read. The Chair decided the other was not a resolution.

The SPEAKER. The Chair did not decide it was not a resolution. The Chair decided it was not in order under this call in the form in which the gentleman read it.

Mr. WHITE, of Kentucky. I ask that the resolution which I have sent to the desk be now read, that it may be seen if it is in order.

The SPEAKER. No point of order is made upon it. The preamble and resolution are the same; only the form is changed.

Mr. WHITE, of Kentucky. The Chair assumes that.

The SPEAKER. The Clerk will report the resolution.

The joint resolution was read at length, and was referred to the Committee on Ways and Means, and ordered to be printed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. WILLIS introduced a joint resolution (H. Res. 320) providing for the printing of the report of the Commissioner of Education for 1883 and 1884; which was referred to the Committee on Printing, and ordered to be printed.

DOCUMENTING VESSELS, ETC.

Mr. DINGLEY introduced a bill (H. R. 8071) to amend sections 4153, 4177, and 4371 of the Revised Statutes, as regards documenting vessels and designating their numbers and tonnage; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. DINGLEY also introduced a bill (H. R. 8072) relating to shipping commissioners; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

RECENT EXPLOSIONS IN LONDON.

Mr. FINDLAY submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State report at as early a date as practicable to this House whether any citizens of the United States or persons domiciled or residing within the same were concerned or participated directly or indirectly in bringing about the recent explosions in London, provided the transmission of such information is compatible with the public service.

HENRY T. ONLEY & SON.

Mr. COVINGTON introduced a bill (H. R. 8073) for the relief of Henry T. Onley & Son; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MYRON M. SHERWOOD.

Mr. YAPLE introduced a bill (H. R. 8074) granting a pension to Myron M. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK B. CASE.

Mr. YAPLE also introduced a bill (H. R. 8075) for the relief of Midshipman Frank B. Case, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

J. W. LADD.

Mr. STRAIT introduced a bill (H. R. 8076) for the relief of J. W. Ladd; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI WEBB.

Mr. WAKEFIELD introduced a bill (H. R. 8077) for the relief of Eli Webb, of Tracy, Lyon County, Minnesota; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JACOB MASSIER.

Mr. VAN EATON introduced a bill (H. R. 8078) for the relief of Jacob Massier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILVER DOLLARS AND CERTIFICATES.

Mr. BLAND submitted the following resolution of inquiry; which was read, and referred to the Committee on Coinage, Weights, and Measures:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association of New York refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances or dues from the Government to said association, and whether any official or officials of the Government accedes to or recognizes this rule or practice.

Also, what amount of gold has come into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the present month.

Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money or the effect of which is to depreciate it.

WILLIAM R. PROCE.

Mr. DOCKERY introduced a bill (H. R. 8079) for the relief of William R. Proce; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANIMAL-INDUSTRY LAW.

Mr. WEAVER presented a resolution of the senate of the State of Nebraska, asking Congress to adopt certain amendments to the animal-industry law recommended by the National Cattle-growers' Association; which was referred to the Committee on Agriculture.

Mr. VALENTINE also presented a resolution of the senate of Nebraska, in favor of a bill to amend the "animal-industry law;" which was referred to the Committee on Agriculture.

ANDREW J. HILL.

Mr. HAYNES introduced a bill (H. R. 8080) increasing the pension of Andrew J. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEWALL W. PIPER.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 8081) for the relief of the legal representatives of Sewall W. Piper, formerly a private in Company C, Twelfth Regiment New Hampshire Volunteers, who was killed in action at the battle of Drewry's Bluff, May 16, 1864; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LINA J. STEARNS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 8082) granting a pension to Lina J. Stearns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN D. BEAN.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 8083) granting a pension to Martin D. Bean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VENEZUELAN AWARDS.

Mr. PHELPS presented a joint resolution (H. Res. 321) referring the subject of the Venezuelan awards to the President of the United States, &c.; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

UNIFORM BANKRUPT LAW.

Mr. ROGERS, of New York, presented a resolution of the Legislature of the State of New York, in favor of the passage of the bill (S. 1372) to establish a uniform bankrupt law; which was referred to the Committee on the Judiciary.

JOHN G. HAENTGES.

Mr. ROGERS, of New York, introduced a bill (H. R. 8084) granting a pension to John G. Haentges, late a private in Company B, Forty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESTRUCTIVE EXPLOSIONS.

Mr. HEWITT, of New York, offered the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

Resolved, That the Secretary of State be requested to inform this House, if it be not incompatible with the public interest, whether the Department is in possession of any information tending to connect any person or persons resident in this country, and enjoying the protection of its laws, with attempts to destroy life and property within the dominion of any foreign power with which we have treaties of peace and amity; and to make such recommendations, by draught of bill or otherwise, as in his judgment may be desirable or necessary to be enacted into law for the punishment of such outrages.

Mr. DORSHEIMER introduced a bill (H. R. 8085) to prevent and punish crimes committed by means of explosive compounds; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CITY HALL, UTICA, N. Y.

Mr. SPRIGGS (by Mr. WEMPLE) introduced a bill (H. R. 8086) to authorize the United States of America to grant, relinquish, release, and set over to the city of Utica, in the State of New York, all their right, title, interest, and claim in and to the city hall in the city of Utica, in the State of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVAL ADVISORY BOARD.

Mr. COX (of New York) introduced the following resolution; which was referred to the Committee on Naval Affairs, and ordered to be printed:

Resolved, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employés and amounts paid each; the amount of salary drawn by the civilian members of said board, and from what appropriation it was drawn, and the amounts paid each member of board as traveling, mileage, or other expenses.

MANUFACTURERS' NATIONAL BANK OF NEW YORK.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 8087) to

change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FREDERICK GALE.

Mr. PAYNE introduced a bill (H. R. 8088) granting a pension to Frederick Gale, late of the Twentieth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN JENKINS.

Mr. PAYNE also introduced a bill (H. R. 8089) granting a pension to Reuben Jenkins, late of the One hundred and sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT HARPER.

Mr. PAYNE also introduced a bill (H. R. 8090) granting a pension to Albert Harper, late of the Ninth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID SEARS.

Mr. NUTTING introduced a bill (H. R. 8091) granting a pension to David Sears, a soldier of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANZ GLADISCH.

Mr. MURRAY introduced a bill (H. R. 8092) granting a pension to Franz Gladisch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES DRESSING.

Mr. MURRAY also introduced a bill (H. R. 8093) granting a pension to Charles Dressing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERNEST L. CASPARI.

Mr. MURRAY also introduced a bill (H. R. 8094) granting a pension to Ernest L. Caspari; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHEW S. PRIEST.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 8095) for the relief of Mathew S. Priest; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIDE-LIGHTS FOR LAKE SAILING VESSELS.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 8096) relating to improved side-lights for sailing vessels under way in the inland and lake waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. HARMER introduced a bill (H. R. 8097) relating to improved signal side-lights for sail vessels under way in the inland and lake waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM HIPPENSTIEL.

Mr. STORM introduced a bill (H. R. 8098) granting a pension to William Hippenstiel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES LOW.

Mr. STORM also introduced a bill (H. R. 8099) granting a pension to James Low; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTS.

Mr. RANDALL (by request) introduced a bill (H. R. 8100) relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN J. CARD.

Mr. SPOONER introduced a bill (H. R. 8101) to remove the charge of desertion and to correct the naval record of John J. Card, erroneously enrolled as John Carder; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RAILROAD BRIDGE OVER CUMBERLAND RIVER, ETC.

Mr. McMILLIN introduced a bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAIAH SWEAT.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 8103) for the relief of Isaiah Sweat, of McNair County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE S. HAWLEY.

Mr. STEWART, of Vermont, introduced a bill (H. R. 8104) granting increase of pension to George S. Hawley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION IN DISTRICT OF COLUMBIA.

Mr. POLAND introduced a bill (H. R. 8105) in relation to the taxation of property in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

J. H. AND C. H. ROWLAND.

Mr. LIBBEY introduced a bill (H. R. 8106) for the relief of J. H. and C. H. Rowland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. MITCHELL.

Mr. LIBBEY also introduced a bill (H. R. 8107) for the relief of James B. Mitchell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M. JOHNSON.

Mr. LIBBEY also introduced a bill (H. R. 8108) for the relief of John M. Johnson, postmaster at Deep Creek, Va.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SINKING OF STEAMER TALLAPOOSA.

Mr. GEORGE D. WISE submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy is hereby directed to report to this House at the earliest possible date the order or orders under which the United States steamer Tallapoosa was cruising at the time she was sunk by a collision with another vessel, at what date she left the city of Washington and the several ports at which she entered or places visited up to the time of said collision, and what was her destination; also a list of the officers, crew, and passengers on said vessel, and what special duties, if any, were assigned to said officers and crew.

MARSHALL CANFIELD.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 8109) granting a pension to Marshall Canfield, late a private in Company H, Tenth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUKE M'GOVERN.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 8110) granting a pension to Luke McGovern, late a private in Company L, Sixth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND H. CHAMBERS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 8111) for the relief of Edmund H. Chambers, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES MURPHY.

Mr. PRICE introduced a bill (H. R. 8112) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROBATE COURTS IN DAKOTA.

Mr. RAYMOND introduced a bill (H. R. 8113) increasing the jurisdiction of probate courts in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SANBORN COUNTY AGRICULTURAL SOCIETY, DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 8114) granting to the Sanborn County Agricultural Society, of Dakota, certain lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is now completed, but if there be no objection the Chair will recognize for the introduction of bills and joint resolutions gentlemen who were not in their seats when their States were called.

There was no objection.

ABRAHAM HEILMAN.

Mr. WOOD introduced a bill (H. R. 8115) to grant a pension to Abraham Heilman, a soldier of the late war for the Union; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASON F. COLWELL.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 8116) granting a pension to Jason F. Colwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES B. SMITH.

Mr. CUTCHEON introduced a bill (H. R. 8117) for the relief of Charles B. Smith, deceased, late lieutenant Fifth Iowa Cavalry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES W. JONES.

Mr. EVERHART (by request) introduced a bill (H. R. 8118) for the relief of the assignees of Charles W. Jones, by the extension of a patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MRS. SUE M'INTIRE.

Mr. LE FEVRE introduced a bill (H. R. 8119) for the relief of Mrs. Sue McIntire, heir at law of W. E. Tarbutton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. FORNEY, from the Committee on Appropriations, reported a bill (H. R. 8120) making appropriation for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. All points of order are reserved upon this bill.

The SPEAKER. The points of order will be reserved.

Mr. FORNEY. I give notice that I will call this bill up for consideration immediately after the bill making appropriations for the District of Columbia is disposed of.

ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1144) granting a pension to John W. Wright; and

A bill (S. 1112) granting a pension to John Sweeney.

ORDER OF BUSINESS.

Mr. BARBOUR. Regular order.

The SPEAKER. The regular order being demanded, this day being the fourth Monday is set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

Mr. BARBOUR. Mr. Speaker, I yield to my colleague from Mississippi on the committee [Mr. JEFFORDS].

RECOMMITMENT OF A BILL.

Mr. JEFFORDS. I am directed by the Committee on the District of Columbia to ask that House bill 7489 be recommitted to the committee, with the accompanying report.

Mr. RANDALL. What is the title?

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 7489) to define the duties and liabilities of the District of Columbia under certain executed contracts.

The bill was recommitted to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. BARBOUR. Mr. Speaker, I believe the Committee on the District of Columbia have no other business to present to the House today. I am instructed, therefore, by the committee not to make any further claim to the attention of the House. I desire to state, however, that the gentleman from Ohio [Mr. FOLLETT] has in his charge two bills, both of them important measures, to present to the House, which are germane to the business of the District of Columbia, one of them being connected with the establishment of an additional police force for the ceremonies of the inauguration and the other the annual appropriation bill for the District.

TEMPORARY POLICE FORCE, DISTRICT OF COLUMBIA.

Mr. FOLLETT. Mr. Speaker, I am instructed by the Committee on Appropriations to submit a report, with an accompanying bill, and ask unanimous consent for its immediate consideration in the House.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

The bill was read a first and second time.

Mr. FOLLETT. I ask unanimous consent to present this bill for consideration at this time in the House.

Mr. WARNER, of Ohio. Let the bill be first read.

Mr. ROBINSON, of New York. I object to the consideration of the bill.

The SPEAKER. The gentleman from New York objects.

Mr. ROBINSON, of New York. Is this a bill to make provision for the public display on the 4th of March?

The SPEAKER. This is a bill to provide for an additional police force, as is customary at such times.

Mr. ROBINSON, of New York. I withdraw the objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That the sum of $6,000, or so much thereof as may be necessary (one-half payable from any money in the Treasury not otherwise appropriated, and one-half from the revenues of the District of Columbia), is hereby appropriated, to enable the Commissioners to maintain public order and to protect life and property during the ceremonies of inauguration of the President, from the 25th of February to the 6th day of March, 1885, inclusive; and the Commissioners of the District of Columbia are hereby authorized and required to make all needful rules and regulations for preserving public order and protecting life and property, and for regulating and fixing the fares by public conveyances during the aforesaid period, and to prescribe penalties for the infraction of such regulations; and such rules and regulations made, as provided, shall have the same force and effect within the District of Columbia as if enacted by Congress.

Mr. FOLLETT. This report from the Committee on Appropriations, and the bill accompanying it, are in response to two communications from the Commissioners of the District of Columbia, transmitted through the Secretary of the Treasury, requesting that provision shall be made for an extra police force during the inauguration ceremonies. It has been customary for several years past, I will state, to increase the police force of the District on such occasions. I do not deem it necessary to consume time in discussing the matter; so, if there be no objection to considering the bill now in the House, I shall ask the previous question upon the engrossment and third reading of it.

Mr. McCOMAS. Before unanimous consent is given I would like to ask the gentleman one question.

Mr. FOLLETT. Certainly.

Mr. McCOMAS. I desire to ask the gentleman, when he says that this appropriation is customary, whether the amount now appropriated is the customary amount?

Mr. FOLLETT. It is perhaps less than was appropriated four years ago.

Mr. McCOMAS. That is all I desired to ask.

Mr. FOLLETT. This provides substantially for the payment of two hundred policemen for that time, in addition to the regular force.

The SPEAKER. The question is on agreeing to the demand for the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FOLLETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE DISTRICT APPROPRIATION BILL.

Mr. FOLLETT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

Mr. FOLLETT. I move to take up for consideration the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, and that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. FOLLLETT. I ask the Clerk to read the report of the committee.

The Clerk read the report (by Mr. FOLLETT), as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1886, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on pages 190 to 197 of the Book of Estimates, and, exclusive of the water department, aggregate $3,480,147.97, one-half of which amount, or of such amount as Congress may appropriate, is required to be drawn from the revenues of the General Government, and the remaining one-half to be levied upon the taxable property and privileges in the District of Columbia, other than the property of the United States and the District of Columbia, pursuant to section 3 of the act approved June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia." (Statutes at Large, volume 20, page 102.)

The total amount recommended to be appropriated for the general expenses of the District of Columbia for the fiscal year 1886 in the bill submitted herewith is, exclusive of the water department, $3,419,163.96, of which sum the General Government is required to pay $1,709,581.98, that being the one-half of the whole sum. The whole amount recommended is $20,984 less than the estimates.

The one-half of the whole amount appropriated for the current fiscal year and payable by the General Government is $1,699,492.27, being $10,088.71 less than the one-half contained in the accompanying bill for 1885.

The amount recommended for the water department and payable from the water revenues, and which is not included in the sums above, is $139,296.27. The amount appropriated for the same purposes for the current fiscal year is $136,546.

New legislation of a general character is recommended in the bill as follows:

"The accounting officers of the Treasury are authorized and directed to adjust and settle equitably the accounts of the late commissioners, allowing such of the same as are manifestly just and proper.

* * * * * * *

"That the records of the surveyor of the District of Columbia shall be public records.

"That hereafter the commissioners shall deduct $1 each month from the pay of each policeman, which sum so deducted shall be added to and form a part of

the present police fund, to be kept under the control of the commissioners, and be invested in United States or District bonds; and said police fund shall be used for the relief of any policeman who, by accident, while in the actual performance of duty, or by service not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such accident, leaving a widow, or children under 16 years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District."

A provision of the same import, applicable to the fire department, is also contained in the bill.

"The District of Columbia shall be allowed credit, as a part of its revenues, for one-half of all drawback certificates heretofore received or that may hereafter be received for general taxes under the acts of June 27, 1879, and July 5, 1884, less any of said drawback certificates already credited thereto."

The estimated receipts from the taxes and other revenues of the District for the fiscal year 1886 are, in detail, as follows:

Estimated assessed value of real estate, at $1.50		$89,500,000
Estimated assessed value of real estate (agricultural), at $1		3,800,000
Total estimated value of realty on June 30, 1885		93,300,000
Estimated assessed value of new improvements from June 30, 1885, to June 30, 1886		1,750,000
Estimated value of realty for fiscal year ending June 30, 1886		95,050,000
Estimate of personal realty for fiscal year ending June 30, 1886		11,250,000
Total real and personal for fiscal year 1886		106,300,000
Estimated receipts:		
Tax on real estate, $91,250,000, at $1.50	$1,368,750	
Tax on real estate, $3,800,000, at $1	38,000	
Estimated collection, 80 per cent. on real	1,406,750	1,125,400
Estimated collection, 90 per cent. on personal	168,750	151,875
Estimated receipts from arrears of general taxes prior to 1885 on $910,827, at 30 per cents		273,248
Estimated receipts from arrears of personal taxes on $12,297, at 80 per cent		9,038
Estimated receipts from licenses		130,000
Estimated receipts from markets		10,000
Estimated receipts from fines, &c., and police court		32,000
Estimated receipts from building permits		5,000
Estimated receipts from rent, wharves, hay-scales, &c		4,000
Estimated receipts from certificates of arrears		1,700
Estimated receipts from dog-tax		8,000
Estimated receipts from Washington Market—poor fund		7,500
Estimated receipts from fees of surveyor's office, income of reform and industrial schools, and miscellaneous		12,500
Total estimate of receipts		1,770,261

Estimated receipts for the water department for the fiscal year ending June 30, 1886:

Unexpended balance	25,000
Water-main tax	30,000
Water-rent	130,000
Water-taps	2,500
Water-permits	2,600
Total	190,100

Mr. FOLLETT. Mr. Chairman, I desire to get the attention of the committee but for a few moments in the presentation of this bill; and first I desire to call attention to the matters of new legislation which appear in it. The first provision is one directing the accounting officers of the Treasury to adjust and settle equitably the accounts of the late commissioners, allowing all such sums as are manifestly just and proper.

There are involved in this provision about $19,000—between $19,000 and $20,000—of unadjusted accounts of the late board of commissioners. These accounts arose largely from the fact that Congress provided for the work of reassessment or readjustment of the assessment upon the property of the District of Columbia without providing for the clerical force necessary to accomplish that work. The work was made imperative; the commissioners were directed to have it done; but no appropriation was made for the purpose of employing the force necessary to do it. The result was that the commissioners employed a force, paying them out of the contingent fund which had been appropriated for contingent expenses. The First Comptroller of the Treasury held that clerical force for such work as that could not be paid out of the contingent fund, and hence these accounts have remained unadjusted to this time. This provision simply authorizes an equitable adjustment of those accounts, leaving it discretionary with the proper officers to determine which one of these accounts ought to be allowed and the amount that ought to be allowed.

Mr. BLOUNT. Does it make any difference so far as the expenses of the Government are concerned?

Mr. FOLLETT. Not at all.

Mr. BLOUNT. I understand that the contingent fund is ample for the purpose, the only difficulty being it could not be used for that purpose.

Mr. FOLLETT. The money has been paid. The only question now is of crediting the old board of commissioners with the disbursement. From the investigation I have made personally of the accounts I am satisfied all of them were paid for the benefit of the District of Columbia, and that the commissioners ought to be credited with them.

The next item of new legislation is a provision that the records of the surveyor of the District of Columbia shall be public records. They have a surveyor here in the District, but his records he has stoutly insisted were private records, and therefore belonged to him, and the District commissioners have no control over them. To obviate that trouble the District commissioners requested that this officer should be made a salaried officer, and should pay such fees as he collected into the treasury for the general benefit of the District and the Government. The Committee on Appropriations prefer to leave the officer as a feed officer, but by provision of law to make the records of that officer, for he is to all intents and purposes a public officer, public records.

Mr. RANDALL. I do not think that provision is in the bill.

Mr. FOLLETT. Yes, sir.

Mr. RANDALL. It is not in the bill; it was stricken out in committee.

Mr. FOLLETT. No; the provision making it a salaried officer was stricken out, but the other provision remains in lines 132 and 133.

Mr. BLOUNT. You do not claim there is any salaried officer in the bill.

Mr. FOLLETT. No. The chairman misunderstands me. The committee struck out the provision making the officer a salaried officer.

Mr. RANDALL. The provision creating a new office is out.

Mr. FOLLETT. Yes, sir; but the provision to make the records public records is in.

The next new legislation in the bill is to create a relief fund for the police department in the District as we did last year for the fire department—taking out from the compensation of each one of the police of the city $1 per month to be set apart for a relief fund to be used for such men and officers of the force as may be disabled in the service.

The next provision that is new legislation is, that the District shall be allowed credit as a part of its revenues for one-half of all drawback certificates heretofore received or that may hereafter be received for general taxes under the acts of June 27, 1879, and July 5, 1884, less any of said drawback certificates already credited thereto.

Under the act of Congress by which it was provided that one-half of the expenses of running the District government should be paid by the Government and the other half by the District those expenditures included not simply payment of current expenses, but payment of the indebtedness then existing against the District and the interest on that indebtedness. After the passage of that law an act was passed in 1879 requiring the collector of taxes of the District to receive in payment of taxes drawback certificates which had been given on a readjustment of taxes alleged to have been improperly assessed. In other words, the District of Columbia in the collection of the taxes takes these drawback certificates and thereby pays the entire amount of that indebtedness resulting from the readjustment of the tax.

The Secretary of the Treasury or the First Comptroller of the Treasury has declined to allow a credit to the District for those drawback certificates unless it were necessary to allow it for the purpose of meeting the amount of appropriations that were made in the fiscal year in which those drawback certificates were received; and therefore there are of these drawback certificates at that credit some $25,000, as I now remember, for which the District has received no credit. It has been deemed just and proper that the District should receive credit; having received these drawback certificates as so much cash in the collection of taxes, that they should be credited with that amount as against a like amount contributed by the Government for the purpose of paying the expenses of running the government of the District of Columbia.

Those are the items of new legislation incorporated in this bill. The appropriation in this bill, as in all the bills that have been reported for some years past for charities in the District of Columbia, is large. There are two new items upon this bill; three, perhaps I should say. One is for the construction of a new building for the benefit of the females who are sentenced to the workhouse, a building for the female convicts separate from the building in which the male convicts are confined. Workhouse facilities are now totally inadequate for the convicts that are sent there. In the male department there are from twenty to twenty-five male convicts put in one room, sleeping in bunks, and sometimes two together, for the purpose of giving room to accommodate all that are sent to the workhouse. I know of no workhouse in the country that is so crowded as the workhouse in the city of Washington. At the close of the war the Government turned over what property it had in that vicinity to the city of Washington, or to the District of Columbia, to be used for the purposes of the Washington asylum. There are two large magazine buildings, one of which it is supposed at a cost of $20,000 can be converted into a building for the accommodation of female convicts sent to the workhouse. The committee deem it important that that work should be done. The commissioners requested it, and no one who has visited the Washington asylum and seen the kind of accommodation there furnished would hesitate for a moment to say that the appropriation should be made.

There is another item under the head of charities, an appropriation of $15,000 for the purchase or construction of a building for the national homeopathic hospital of the District of Columbia. It is claimed by residents of the District of Columbia that all the charities now are under the exclusive management of the allopathic school of physicians, and for the purpose of testing the two systems in part; and for the purpose of accommodating those who desire to be treated by the homeopathic system, they request that an appropriation shall be made for the

construction or erection or purchase, as they may deem best, of a homeopathic hospital. The committee have recommended $15,000 for that purpose.

Another new provision in the matter of charities is for the construction of an additional building for the National Association for Destitute Colored Women and Children, and an appropriation of $18,000 is recommended for that purpose. At the time of the establishment of this association for destitute colored women and children a number of barracks that had been occupied during the war by the Government were turned over for occupancy by this charity. Some two or three years ago an appropriation was made by Congress for the erection of one new building. That building has been completed; and now, for the purpose of completing and furnishing the room that is desired for the purposes of this charity, they ask that another appropriation shall be made for the construction of a building adjoining this for the purpose of accommodating the children who are under the care of the association; and the committee have recommended an appropriation for that purpose.

Of course, appropriations that are made for charity, or for almost any purpose in the bill, necessarily come out of the amount that can be appropriated for street improvements; for that seems to be and is substantially the flexible appropriation of the bill which must suffer so far as other appropriations are made or is benefited by the reduction of other appropriations. The committee this year have appropriated for the improvement of streets and the making of new streets $265,000, all that it was deemed possible to appropriate or proper to appropriate in view of the other appropriations of the bill.

I may say here that it is impossible in any appropriation bill for the District of Columbia to satisfy all the people of all the parts of the city. Complaints are made that one portion of the city is getting more money for street improvements than it ought to have, and the same complaint comes substantially from every portion of the city.

I have said now, I believe, all that I desire to say except upon one point. There are here in the school system two superintendents of schools—one of them the superintendent of the white schools and the other the superintendent of the colored schools. A number of persons have waited upon different members of the committee with the request that the schools shall be put under one head and one management. About one-third of the children of school age in the District of Columbia are colored children and two-thirds white. We have been paying for several years a salary of $2,750 to the superintendent of white schools and a salary of $2,250 to the superintendent of the colored schools. I believe myself that it would be a wise system to place all these schools under one head and one management; but I am satisfied that that change can not now be made without producing friction such as would result injuriously to the schools. Therefore the committee have thought it advisable to leave the system as it found it, leaving to some future Congress the work of placing the schools under one head and one management. Therefore we have this year proposed no change and made no recommendation in that regard.

Mr. Chairman, I believe I have said all I desire to say at this time. I reserve the balance of my time.

Mr. RANDALL. I suggest that general debate be now closed.

Mr. FOLLETT. I ask unanimous consent that general debate be now closed and that the bill be read for amendments.

The CHAIRMAN. If there be no objection, general debate on this bill will be now closed and the bill will be read for amendments. The Chair hears no objection, and it is so ordered.

The Clerk, proceeding to read the bill by paragraphs for amendment, read as follows:

WASHINGTON AQUEDUCT.

For engineering, maintenance, and general repairs, $20,000.

Mr. LONG. I offer an amendment, which I send to the desk to be read.

The Clerk read as follows:

After line 171 insert:

"For the redemption of four certificates of indebtedness, issued by authority of section 7 of the act of the Legislative Assembly, approved June 26, 1872, dated July 1, 1873, of the denomination of $50 each, with interest payable semi-annually at the rate of 8 per cent. per annum, numbers 8824, 8826, 8827, and 1828, payable July 1, 1878, $366.98."

Mr. RANDALL. I would like to have some explanation of that amendment.

Mr. LONG. These are certificates representing indebtedness of the District issued some years ago. They are of the amount of $50 each, and the whole sum is only $200, with interest. The certificates represent the indebtedness of the District, which of course should be paid. In the course of business a notice was issued of a time at which these certificates must be presented for audit and for payment. Nearly all the certificates of this class were presented, but it so happened that these particular certificates were held by a man who is now in distress and poverty, who at the time did not know that such notice had been issued, to whom, in fact, the notice never came, and who, when he did present his certificates, found that the time for their presentation and payment had expired.

I am informed that the District commissioners state that no other certificates are likely to be presented, and, in fact, that all have been paid with the exception of these and a few others. There is no probability that any others will be presented, but whether that is so or not this man certainly should be paid, and I hope there will be no objection made to this amendment.

Mr. RANDALL. Is the whole of this amount to be paid out of the District treasury or only half of it?

The CHAIRMAN. Under the terms of the bill this appropriation is to be paid half out of the District treasury and half out of the Treasury of the United States.

Mr. LONG. I suppose that only half the amount will be paid by the District under the provisions of the bill.

Mr. RANDALL. Then that ought to be stated.

The CHAIRMAN. The bill so provides.

Mr. RANDALL. I thought that possibly this claim originated prior to the date of the act dividing the expenses between the United States and the District.

The amendment was agreed to.

The Clerk read as follows:

FOR THE FIRE DEPARTMENT.

For one chief engineer, $1,800; one fire marshal, $1,000; one secretary, $900; two foremen acting as assistant chief engineers, at $1,200 each; seven foremen, at $1,000 each; seven engineers, at $1,000 each; seven firemen, at $900 each; two tillermen, at $900 each; nine hostlers, at $800 each; sixty privates, at $780 each; three watchmen, at $600 each; one veterinary surgeon, $500; forage, $6,000; hose, $2,250; repairs to apparatus and new appliances, $4,000; contingent expenses, including office-rent, horseshoeing, furniture, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, $6,500; in all, $108,100: *Provided*, That hereafter the commissioners shall deduct $1 each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, under the control of the commissioners, and be invested in United States or District bonds, and shall be used for the relief of any fireman who, by accident, while in actual performance of duty, or by service not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such accident, leaving a widow or children under 16 years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District.

Mr. FOLLETT. Under the provision in the bill of last year, which is substantially the same as this, except that in this bill the word "hereafter" is used so as to make the provision permanent, the word "fireman" has been given a construction by the First Comptroller of the Treasury which makes an amendment necessary. He limits the term "firemen" to the seven firemen provided for in the bill. I therefore offer the following amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

In line 386 strike out the word "fireman" and insert the words "employé of the fire department;" in line 389 strike out the word "fireman" and insert the words "employé of the fire department;" in line 395 strike out the word "fireman" and insert the words "employé of the fire department;" in line 398 strike out the word "fireman" and insert the words "employé of the fire department."

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. WARNER, of Ohio. As I understand, the meaning of this bill is that the government of the District costs annually about three and one-half million dollars, of which the Government of the United States pays one-half, or $1,700,000. The effect is that the taxes on the Government property in the city of Washington and District of Columbia amount to about $1,700,000. Is not that the fact?

Mr. FOLLETT. Yes, sir.

Mr. WARNER, of Ohio. That would seem to be a pretty good tax for the property which the Government owns here. That is all I desire to say.

Mr. FOLLETT. I move that the committee rise and report the bill and amendments to the House with the recommendation that it pass as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, had directed him to report back the same with sundry amendments, and the recommendation that the bill with the amendments do pass.

The SPEAKER. The question is on the adoption of the amendments to this bill as reported from the Committee of the Whole House on the state of the Union.

Mr. FOLLETT. I ask that the question be taken on the amendments in gross.

The SPEAKER. If there be no objection, the question will be submitted on the amendments in gross. The Chair hears none.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. FOLLETT. As the hour has arrived which was assigned by order of the House for addresses on a deceased member, I will not ask

a vote on the passage of the bill at this time, as the rule requires that the vote must be taken by yeas and nays.

The SPEAKER. The Chair suggests that if the previous question be ordered now upon the passage of the bill it will come up to-morrow as the first business in order after the reading of the Journal.

Mr. FOLLETT. I demand the previous question on the passage of the bill.

The previous question was ordered.

DEATH OF HON. W. A. DUNCAN.

The SPEAKER. The hour of half past 2 o'clock having arrived, the Chair will bring to the attention of the House the special order assigned for this time.

The Clerk read as follows:

Resolved, That Monday, January 26, 1885, at 2.30 p. m., be fixed as the time for paying appropriate honor to the memory of Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

Mr. ERMENTROUT. I submit the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

Resolved, That the business of the House be now suspended that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the House shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. ERMENTROUT. Mr. Speaker, Hon. WILLIAM A. DUNCAN, the subject of these funeral rites, was born in Franklin Township, Adams County, Pennsylvania, February 2, 1836. He died at Gettysburg, in his native county, November 14, 1884, in his forty-ninth year. His paternal ancestors originally went from the neighborhood of Edinburgh to Donegal, Ireland, from whence, about the year 1750, his grandfather, Seth Duncan, emigrated to the United States, and located in Lancaster County, Pennsylvania. He there married and lived till late in life, when he removed to Abbottstown, then York (now Adams) County. Seth had a number of children, most of whom became notable people. It was indeed a remarkable family. James and Matthew were brave officers in the Revolutionary war. William, after whom our late colleague was named, represented Philadelphia in the State Assembly as representative and senator for several terms and was an aid to Governor Simon Snyder during the war of 1812. His son, Abner L., was a distinguished lawyer in New Orleans, whither he had gone in 1806. He was one of General Jackson's aids at the battle of New Orleans, and counsel with Edward Livingstone in defending that general during his trial before Judge Hall for proclaiming martial law. His daughter Hannah became the wife of John Nicholson, the famous comptroller-general of Pennsylvania and partner of Robert Morris, the great American financier of the Revolution. Another daughter married Judge William Moulder, of Philadelphia. The most of them lived to a ripe old age. His son, Adam Seth Enos Duncan, the father of Mr. DUNCAN, was an exception. He died in 1840, aged 51 years. He, too, had been a soldier, serving in the war of 1812–'13 at Lundy's Lane, Chippewa, and Black Rock, and was twice wounded.

On the maternal side tributary rills of Pennsylvania-German blood steadied and calmed the Scotch-Irish flood of many generations coursing in his veins; for both grandmother and mother were of that race who more than two hundred years ago brought from the banks of the Rhine the arts, sciences, literature, and religion of a Christian civilization and planted them firmly in Pennsylvania.

Mr. DUNCAN, therefore, in his extraction was a Pennsylvanian, representing in blood and lineage the two great stocks which have so strongly impressed their characteristics on that State and made her a powerful, prosperous, and substantial Commonwealth.

It is a remarkable family record even for good old Pennsylvania. Yet our friend's whole life shows that he did not depend for laurels upon his dead ancestors; he was rather actuated by the famous sentiment of the eloquent Ulysses:

Nam genus, et proavos, et quæ non fecimus ipsi,
Vix ea nostra voco.

Nevertheless, if we would correctly weigh a man's life and character we must know the mold in which he was cast. We must all act for ourselves; but something of our characteristics we owe to our forebears, as a noted American writer puts it:

Though nature appears capricious some qualities she carefully fixes and transmits, but some, and those the finer, she exhales with the breath of the individual as too costly to perpetuate. But I notice also that they may become fixed and permanent in any stock, by painting and repainting them in every individual until at last nature adopts them and bakes them in her porcelain.

With these antecedents Mr. DUNCAN was left an orphan at the age of 4 years with two brothers but a few years older, to the charge of a widowed mother. Nothing of the past worthy of preservation for her children was permitted to be lost by this estimable lady. Her affectionate care carried them through the troubles of childhood, followed them through the temptations of youth, and even after their careers of manhood had opened. She died in 1880 at the advanced age of 80 years, having found the reward of her motherly devotion in seeing her boys grow into successful business men and honored citizens. Heaven grant us many such women! They are the Cornelias of the Republic.

Presumably Mr. DUNCAN early showed an aptitude for intellectual pursuits, as he matriculated at the age of 17 at Franklin and Marshall College, Lancaster, Pa., in 1853. He graduated in regular course in 1857 as valedictorian of his class. This fact attests the eminent rank he attained while a college student as scholar, thinker, and orator. After graduating he entered the law office of R. G. McCreary, esq. (who preceded him one short year ago to the other world), at Gettysburg, the county seat of Adams, and in due course was admitted to the bar in 1859. He applied himself zealously to practice. Industry, diligence, and integrity brought with them the confidence of his associates, of the community, an extensive practice, and made his professional career a success. Endowed with such qualifications, combined with an agreeable address and methodical and regular habits, promotion to places of public trust became a matter of course. By the election of the people he filled the office of prosecuting attorney for Adams from 1862 to 1865, and so acceptably that he was again chosen to fill the same position from 1868 to 1871. He was also for a long time solicitor for the county, and filled various other local offices. In November, 1882, he was elected to represent the populous and intelligent counties of Adams, Cumberland, and York, comprising the nineteenth district of Pennsylvania, in the Forty-eighth Congress.

Here let us pause in our count of the unvarnished items that so far have made up this man's life. He did not flash into notice like a meteor, illuming the heavens to the great admiration of the lookers-on, and then disappear; nor did he become notorious by reason of any great noise he made or others made for him. We find him taking his origin in a quiet little township in Adams County, going through the phases of infancy and boyhood, beginning a career of study, till it brought him to the college door. He entered at the beginning. He steadily pursued his way, looking neither to the right nor to the left. The culmination of that course was the winning of its most coveted prize. He entered the arena of real life in the ranks of the profession of his choice. He there gained its most desirable and substantial rewards. He placed himself in contact with the public.

Public trusts became his legitimate possession and public usefulness his habit. No doubt he had conflicts in the race of life, but he preserved through them all his own self-respect, the confidence of the community which had known him from boyhood, and of all with whom he associated. He was indeed a type of those men who, whether they become more or less famous, whether they adorn private station or public position, bring to humanity its most lasting and substantial achievements; who well deserve the commendation of one gifted with more than poetic inspiration, who has said—

All my life long
I have beheld with most respect the man
Who knew himself and knew the ways before him,
And from amongst them chose considerately,
With a clear foresight, not a blindfold courage,
And, having chosen, with a steadfast mind
Pursued his purposes.

With such antecedents he became a member of this body. With such a record the constituency which honored him and those who knew him had a right to expect a continuance of his usefulness. But Providence willed otherwise. An insidious disease, the appearance of which had given occasion for solicitude some six years ago, had already laid so heavy a hand upon his mortality that the usefulness of his Congressional career was paralyzed at its very threshold. And though the excitement and interest natural to every one upon entering a new field seemed at the beginning of this Congress for a while to kindle new life, it was but the last flicker of the divine spark premonitory of approaching extinction. Those of us who noted these changes saw full well that his days were numbered. He seldom appeared at the meetings of his committees, Education and Military Affairs. His wasted form and feeble gait were seldom seen, and his seat was but seldom occupied.

After the adjournment in July last and his return home, he rarely left the house, except on pleasant days to take short drives. This continued till a month before death, during which time I learn he was constantly at home, and often, owing to a difficulty in breathing, unable to converse with his friends. In the long, weary hours spent by him in the ante-chamber of death, he learned fully to realize his condition, and to become resigned to it. In vain friends spoke hopefully of renewed strength and prolonged life. He gave them no encouragement. Overruled by these friends, he allowed his party to honor him with a renomination for Congress, but his subsequent re-election crowned with success a brow already damp with the dews of death. Having renewed the religious vows of his early youth, and armed as he was with Christian faith in a Redeemer, he calmly awaited the beginning of a new life. In the early morning hours of November 14, 1884, at Gettysburg, his spirit peacefully took its everlasting flight.

Standing to-day at the grave of WILLIAM A. DUNCAN, my mind at this stage of our political history is irresistibly carried back to a suggestive episode in his career. In 1856, while yet a beardless youth upon the threshold of active life, he became the chosen ambassador of his instructors and fellow-pupils as the representative of his *alma mater* to bear congratulatory messages to James Buchanan, the last President of the United States of his party, on his election to the Presidency.

Twenty-eight years elapse—years crowded with tremendous events, bringing with them tremendous changes and affecting the social and political life of millions; bringing with them, too, overthrow after overthrow upon the party in whose supremacy his warmest sympathies were enlisted; and after years of toil and effort in her behalf, in the crowning hour of her success, and at the very start of a race involving most important results to him and his political household, like Moses on Pisgah's top, in sight of the Promised Land, his eyes close in death.

It is a question among men whether strict propriety does not require that on occasions like this the participants should mask their feelings and restrain the flow of natural emotions. Let those who prefer play the part of the stern Roman. I prefer to be the Greek, who weeps and still remains a man. For, in this solemn presence, occupying from early youth the relations I have to our dead friend, the first victim among my Pennsylvania colleagues since my connection with this House, the recollection of long-faded days transports me back over the gaps of time, place, and circumstance. Once more I stand with him on the perilous edge of an unknown future—unknown, but filled with glorious promise and pleasing prospect. When the alluring splendors of hope gilded life's bright morning with honor, wealth, and fame, beckoning on over untrodden and untried paths, there we parted, each bent upon his respective mission, each pursuing his separate path, converging here with many things then hoped for realized to both, his hoped for, unrealized balance absorbed by death. It is the one sad lesson of life—the chalice that sooner or later is commended to the lips of all—the vanity of human wishes. Yet the magic spell of that time projects a softening, soothing halo—to which no human heart can be insensible—into the very gloom of this hour.

I should hesitate to intrude upon the privacy of the domestic circle on an occasion like this; but it is due to those who survive him to say that the symmetry of our friend's rounded career, visible to the public eye, did not want the harmonious complement of a prosperous wedlock. Perhaps no one may tell how much of his success was due to this union. In 1863 he wedded Miss Catherine W. Schmucker, daughter of Rev. Dr. Samuel S. Schmucker, president of the Theological Seminary at Gettysburg, who is now deceased, the honored head of a family distinguished in the annals of the Church, in the learned professions, and in the higher walks of literature. The fruit of the union was four sons, now aged respectively 20, 19, 17, and 13 years. Happily they live to console, to comfort, and to sustain the bereaved widow in the bitter affliction of this irreparable loss. They are the legatees of many honorable family traditions, of which no doubt they will prove themselves worthy. I trust they will hold up without reproach in the battle of life the noble standard that fell from the grasp of their progenitor only when his hand was nerveless in death.

His end was universally lamented and regretted. The resolutions of respect and sympathy passed by his former associates at home, and the large concourse of sorrowing friends upon his interment, bear amplest testimony to this. All that lay in human power to avert or break the force of the blow has now been done, but—

They can not render back
The golden bowl that's broken at the fountain,
Or mend the wheel that's broken at the cistern,
Or twist again the golden cord that's loosed.

I doubt not that those of us who during the last session saw the too frail body that encased the immortal soul of our late associate must feel it to be better far to anticipate that hour when the breath of Almighty Power shall resurrect it from the dust, and change the body corruptible in time into the body incorruptible in eternity.

Thus ends my painful duty, a duty performed as best I could. I have not disfigured my face with grief as one without hope, nor indulged in vain lamentation, nor obscured with indiscriminate eulogy the memory of our late colleague. Not so have I purposed or performed. But as one who first learned to know him and become his friend years back in the college days, I have endeavored in decorous and befitting words to lay an honest tribute on his tomb—a tribute not unwarmed I hope by some rays of the ancient faith, some gleams of home pride, some cheering beams from the memories of long ago.

Mr. SWOPE. Mr. Speaker, as the successor, fellow-townsman, and life-long acquaintance of WILLIAM A. DUNCAN I feel impelled, not only or chiefly by time-honored custom, but much more by the dictates of friendship, esteem, and regard for high mental and moral excellencies, to offer a few words of tribute to the memory of my predecessor.

A monotone of sadness pervades the literature of every race and comes wailing down to us in the song and story of all the tribes of men. To be born is but the beginning of death. All the forces and potencies of nature seem at once to combine against the structure which she herself has reared. From the initial moment life is a struggle which yields no crown to the victor, and to the vanquished suffering, decay, and death. If life were to be estimated only by its last and culminating result, or by its continued contest with all destructive agencies, then, indeed, it would be true that—

Man was made to mourn.

The teachings of the pessimist would be in accordance with sound philosophy, and life itself would be evil, and only evil.

But man is himself a predominating factor in the economies of nature. He fills a larger place in the moral than he occupies in the material universe, and stands on a plane so far exalted above all other creations, that his life can not be measured by his length of days in the land. It is estimated not by years so much as by deeds; not by cycles of time so much as by eras of events. In the material universe not an atom of matter is ever lost, though constantly assuming new forms and combinations.

A drop of water which to-day may be tossed in wild commotion on the waves of the deep may to-morrow glitter in the dew-drop or fall in a tear. Thus every act of man is followed by an ever-widening circle of consequences and results, and forever reappears in novel and varied phases of existence. It may itself become a propagating germ, to be multiplied and reproduced throughout all time. This large view of the vast results which may be attained in a life which has not yet reached its meridian may in a measure reconcile us to the untimely loss of those who have not lived long, but well.

Mr. DUNCAN had the honor of being chosen by the people among whom he was born and reared, and so by them well-known and trusted, to represent them here. And though his usefulness was to some extent impaired by failing health and ever-increasing weakness, yet such was their firm faith in his honor and honesty of purpose and action, that they again re-elected him as their Representative for the Forty-ninth Congress. This in itself is a testimony of no slight or dubious character to his worth, ability, and conscientious regard for the interests of the people whom he most closely represented. Nor is the constituency of the nineteenth district of Pennsylvania by whom he was chosen wanting in the eminence and distinction of the men whom they have sent here in times past. Whatever differences of opinion may have prevailed, and may still prevail, in regard to great public interests and national policies, there can be no differences respecting the ability and patriotism of the Representatives chosen by the people who supported my lamented predecessor. Nor was my honored friend wanting in a watchful, careful, and intelligent regard for their interests.

But his patriotism was broader than his district. He regarded that as a fragment, however valued and prized, of the great and noble old Commonwealth of which it is a part; and this again as only a member of a national family of States, constituting one grand and glorious Union, whose honor and prosperity is the highest goal, to which all should be at once tributary and subordinate.

With no tormenting ambitions for public office, and but little experience beyond the cares of a local and honorable relationship to the community in which he lived, Mr. DUNCAN was sent here more by reason of the reputation he had gained as a good citizen, able lawyer, diligent worker, and an incorruptible patriot than because he had won any renown as a representative or legislator. That he did not disappoint or forfeit the confidence of his constituency, the faith of his party, or fail in his duty to the Commonwealth or to the county, is seen in the significant fact that he was returned on his second candidacy with a largely increased popular vote over his first election.

I may state here that which may be allowed me, as his personal friend and confidant in his last hours, that he wanted but this to smooth and make easy his path to the grave, already open to receive him, for he died just one week after his re-election. This is not the time to enlarge upon the strain and stress which is laid upon a member when his personal convictions of what is right and just are at variance with those entertained by many of his friends and by most of his constituents. Happy is he who escapes this ordeal, this trial by fire, and most happy he who in the long run and final result can demonstrate that he was right.

Those who have known Mr. DUNCAN only in this legislative hall can form no conception of the man. His first step here was the initial movement toward his grave, and every day accelerated the pace of the relentless disease which, hour by hour, sapped and undermined his vital forces. Still he fought a good fight against his remorseless foe. He gallantly contested every step; and could he have been placed under more favorable circumstances of climate and situation he might have protracted the contest for many years. But, sir, though often besought by family and friends to quit his post and forsake his duties he remained here, fulfilling all the responsibilities of his position until the close of the session, when, with every duty performed, and his public trust fulfilled, he came home to die in sight of those blue mountains at whose base he was born, and whose lengthening shadows, as the sun sinks behind them, almost reach his grave.

It has been said by the great dramatist, who was noted for his accurate portrayal of the human heart and his philosophic interpretation of the motives of human conduct, that—

The evil that men do lives after them;
The good is oft interred with their bones.

However true this adverse and discourageing estimate of the durability of good deeds may be, it can be accepted only with many limitations and under very unfortunate conditions of society. I prefer to believe in the truth of a higher, more inspiring, and philosophic sentiment:

The memory of the just is blest,
The name of the wicked shall rot.

I believe in the essential immortality of good deeds. Those that are

such are not and can not be buried with the bones of their authors, but live after and follow them.

Nay, sir, it is a cheering truth that of "the good men do time but the impression deeper makes, as streams their channels deeper wear." It is only when death has lent its solemn sanction to a completed life, and time has confirmed the value of thoughts and deeds, that their wisdom and unselfishness are rightly appreciated.

No man takes in the range and altitude of a mountain while environed by near-jutting prominences and thick forests. The chain needs to be projected against a remote horizon, girding which may be seen the long-drawn and towering massiveness of the whole. Thus it is that we contemplate those colossal figures which awe and inspire us along the granite ranges of history.

The virtue, purity, and patriotic devotion which look upon us from their secure heights to-day in the characters of Washington, Jefferson, and others on like Alpine summits are all the more conspicuous and impressive because of the distance from which we contemplate them. The ages will never displace them from their eminence nor shrink their solid dimensions. In the same measure and by the same law will every humbler name take its enduring place among the stabilities of the future. We may therefore confidently commit the record of our deceased brother to the keeping of that favoring genius who protects and guards the archives of the past.

WILLIAM A. DUNCAN was born in Franklin Township, Adams County, Pennsylvania, on February 2, 1836. After such preliminary training as was at that period accessible in country schools he entered Franklin and Marshall College, from which he graduated in 1857 with the highest honor. During his college course he displayed marked ability as a clear thinker and graceful writer, which qualities he enlarged and developed during his whole career. After leaving college Mr. DUNCAN studied law in Gettysburg, and was admitted to the bar in 1860. In 1862 he was elected district attorney, and re-elected in 1868. In 1874 he was the nominee of Adams County for the State senate. He was also a member of the State central committee. In 1882 he was elected a member of the Forty-eighth Congress of the United States, and was re-elected November 3, 1884. He died November 14, 1884.

While a close professional student, and a hard worker in all the details of his business, so that he commanded the unlimited confidence of his clients, he did not neglect the ordinary duties which pertain to a good citizen. He has been identified with every organization which had for its object the welfare and improvement of the community in which he lived. He was genial, kind, and courteous, and was most loved by those who knew him best.

In his domestic life his even and equable temper, his kind consideration for those about him, his hospitality to his friends, and his constant love for his wife and children, shone forth with peculiar luster. During the long period of his weakness and depression his devoted wife administered to his wants, relieved him of such burdens as she herself could bear, and with an entire devotion which ended only with his life sacrificed everything for him.

With the love of partial friendship, with the sorrow of a bereaved community, we interred the remains of our brother in the soil of a field made memorable by the bloodiest battle of cruel war.

He rests on the summit where carnage and death held their bloody revels twenty-one years ago, but where now all is peace and stillness, where the summer breezes blow softly from the blue mountains which overlook the plain now smiling with peace and plenty.

In the adjoining cemetery, where—

> Each in his narrow cell forever laid,
> The rude forefathers of the hamlet sleep,

rests all that is mortal of my lamented friend and predecessor.

Let us trust that each of us, before the final result comes, may have contributed his share, humble though it be, to the happiness, prosperity, and progress of his race, so that it may not truly be said of any one of us "he has lived in vain."

Mr. ATKINSON. Mr. Speaker, as the Highlander will not pass the tumulus of his friend without adding a pebble thereto, so I offer a brief tribute to the memory of my late colleague, WILLIAM A. DUNCAN, in whose honor these services are held to-day. It is fitting that we should turn aside for a little while from our daily duties to record our testimonials of esteem for one who faithfully and honestly performed his duty as a Representative, who conscientiously and laboriously served his constituents even when declining health made his onerous duties doubly difficult, and who thoroughly enjoyed the confidence and respect of the intelligent constituency which sent him to this House.

We can render him no other service; but it is a service which he well deserved, so that we may not perform it as a mere matter of official duty or custom, but because his gentle and amiable disposition, his fidelity and honesty, his industry, and his sacrifices for his country secure it for him as his just due.

The district which I have the honor to represent adjoins that represented by Mr. DUNCAN, but my acquaintance with him began only at the beginning of the first session of the Forty-eighth Congress. When I first met him I was impressed with his amiability and gentleness of disposition. A thorough gentleman, of refined and cultured tastes, I found him an interesting companion, and soon learned to appreciate him as a valued friend. Although disease had set its impress upon him, he never seemed to think of himself or his physical misfortunes, but bravely and unflinchingly bore the burden which would have fallen on a man of less courage with crushing force. He attended to his public duties with careful attention to detail and a total disregard of self, as if animated only by a desire to achieve the greatest results in the brief time which he knew was allotted him to live, apparently believing that—

> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

Mr. DUNCAN's humblest constituents could call upon him for his services, feeling assured that his business would receive as careful consideration as the more important affairs of the influential. He was polite and courteous to his fellow-members of this House and kind to his inferiors. As a lawyer he loved his profession, and although not without ambition for public life, yet acted as if the highest honor to which he aspired was to be distinguished in the profession of his choice.

Bringing fine literary culture to his professional studies, he thoroughly mastered the principles of the law and applied them readily and accurately to the facts presented in a cause. His intellectual abilities were of a high order, and he possessed a diversified knowledge outside the range of his profession rarely obtained by the laborious practitioner of the law.

He acquired a large practice soon after he was admitted to the bar, and his unwearied devotion to the interests of his clientage was one of the inducing causes which produced the disease of which he died. Few men possessed as great and enviable popularity as Mr. DUNCAN. His popularity was not accidental or evanescent, for his constituents had known him from his childhood.

Soon after he came to the bar he was elected district attorney of his native county, and so satisfactory was his performance of the duties of that office that he was again elected to the same position. After his first election as a Representative in Congress he felt that his failing health would not enable him to bear the exertion and fatigue incident to a canvass for re-election, and he would willingly have declined the honor of a renomination. But his many friends insisted that he should again be a candidate, and he reluctantly yielded to their importunities.

His physical inability rendered him unable to canvass his district, but the confidence of his people was so marked, that he was elected by a larger majority than when he was first a candidate. No higher compliment could have been paid to his personal worth.

Two weeks after his re-election death called him from the scenes of his struggles and his earthly triumphs. He fell in the meridian of his useful and honorable career; and his unfinished life, if the expression may be used, is well typified by a broken column. From the spring and summer of his career we had a right to expect an abundant autumn. We regret that by his untimely death this body and his people have been deprived of those matured fruits for which his character and attainments had justified us to hope.

His body has been laid to rest among his kindred upon the historic Cemetery Hill at Gettysburg, which two decades ago vibrated with the thunder of that mighty cannonade which marked the turning point of the struggle for the maintenance of the Union. The fierce conflict over, the nation dwells in peace, and may this peace be emblematical of the peaceful repose of his spirit since the conflict of his life is ended.

The sainted dead of the nation, who died that the Union might live, lie in the national cemetery at his feet. On the morning of the resurrection none can be in nobler company.

> He has outsoared the shadow of our night;
> Envy and calumny and hate and pain,
> And that unrest which men miscall delight,
> Can touch him not and torture not again;
> From the contagion of the world's slow stain
> He is secure; and now can never mourn
> A heart grown cold, a head grown gray, in vain—
> Nor, when the spirit's self has ceased to burn,
> With sparkless ashes load an unlamented urn.

Mr. POST, of Pennsylvania. Mr. Speaker, he whose memory we honor to-day and whose death we mourn was a modest, unassuming, honest, and faithful citizen. Content to perform with zeal and fidelity whatever duties his environment imposed he sought not renown, but his neighbors, with whom he was brought into daily contact and among whom he sought to achieve an honorable reputation.

During his brief term of service in this House Mr. DUNCAN was precluded from attendance upon its sessions often for several days in succession by reason of delicate health. At the time of taking his seat the ravages of disease had grievously impaired his powers of endurance, and he was therefore obliged to abstain from all social festivities, in order that his whole strength might be husbanded for the discharge of official duties. Hence it came that his acquaintance among his colaborers in this body was exceedingly limited and his usefulness necessarily curtailed. For many years it had been his ambition to represent his district in Congress; and who can imagine the bitterness of his disappointment, when at last, the coveted prize being attained, he found himself physically incapacitated for active participation in the work of legislation.

In this contentious body, with its iron-bound, inexplicable rules and utter disregard for individual feeling; where recognition can only be obtained as the result of intellectual prowess, parliamentary *finesse*, or sheer force of will; where the power is wielded by a few of the legislative elders, and a new member is chiefly considered as a necessity in making up a quorum, a man in robust health and in the full vigor of manhood's strength may well be overwhelmed by the paucity of his chances for gaining a foothold; how utterly futile of accomplishment, then, this task must have appeared to our deceased friend, who entered this Hall enfeebled by disease and with emaciated frame.

Stricken down while yet comparatively a young man, deprived of an opportunity for displaying in public life whatever talent or adaptation therefor he may have possessed, in eulogizing the dead upon this occasion we can only speak of the character and reputation sustained by him in the private walks of life. In his intercourse with his fellows the deceased was kind, considerate, and courteous. In his business relations he was conscientious, fair, and generous. As a lawyer he was able, industrious, and successful. To all trusts confided to his keeping he was faithful, and as a husband and father he was loving, tender, and true.

A little more than a year ago the Forty-eighth Congress convened in its first session. In the year that has passed so quickly, as quickly as vanishing breath, the shadow of death has frequently darkened this Chamber. Of those who then came commissioned to this House of Representatives, bearing with pride such evidence of popular favor and eagerly hoping for higher honors, several have already gone to join the great majority. Life's fitful fever being over, they sleep. As the Death King has entered here with swift and echoless tread and borne away one after another of our associates, we are reminded of the uncertainty of life, and the great and solemn truth is forced home upon us that it is appointed unto all once to die.

WILLIAM A. DUNCAN was born in Adams County, Pennsylvania, February 2, 1836. After graduating with high honors from college he read law and was admitted to practice in 1859. Aside from serving two terms as district attorney for his county he held no other official position until his election to Congress. Always a strong partisan and taking an active interest in political matters, he was frequently a delegate to conventions, county and State.

Notwithstanding the fact that at the close of the last session Mr. DUNCAN returned to his home much prostrated, and it was apparent that the end of his earthly career was near at hand, and while unable to go about among them, his constituents unanimously renominated him for re-election, and at the election he was chosen by a large majority, thus attesting the regard of his people for their distinguished Representative. The certificate of the return judges of this election was received two days before his death.

I was one of the committee of the members of this House designated by the Speaker to attend the funeral obsequies of the deceased held in the quaint but historic little borough of Gettysburg. In that vicinity he had lived all his life, and from the immense concourse of mourning friends gathered there to pay their last tribute of respect it was evident that by those who had known him long and intimately he was beloved. There, side by side with those of his kin who had gone before, we laid him to rest, and as we retraced our steps from the city of the dead, leaving him asleep upon the breast of Mother Earth, we felt that a good man had gone from among us to his eternal home.

Mr. BAYNE. Mr. Speaker, I rise more for the purpose of joining my colleagues in paying a tribute to the memory of Mr. DUNCAN than with the view of saying anything which may enlighten the members of the House about his characteristics or his life. My acquaintance with Mr. DUNCAN was formed at the beginning of the present Congress; and I was brought into more or less intimate association with him by his being a member of the Committee on Military Affairs. I also met him frequently, and our social relations were somewhat intimate and always pleasant.

As Mr. DUNCAN appeared to me, a most prominent characteristic of his nature was that he was essentially and in every respect a gentleman.

Every element which goes to make up that desirable character was possessed in a conspicuous degree by him. He was studious always to avoid the mere suggestion of anything that would give offense. In his intercourse with others he was kindly, genial, respectful, treating all as equals.

The members of his own family—his sons and daughters—shared his association as adult equals are wont to do; and I have more than once observed the respect and consideration that were shown each other in the discussion of topics, and how free each felt to express his or her opinion, unawed by paternal austerity, fully encouraged rather by the mutual confidence and regard that prevailed in that good family.

Notwithstanding this genial, kindly temperament of Mr. DUNCAN, I am told that in the legal forum he conducted most vigorous fights, and that in professional controversies his brethren of the bar always regarded him as a foeman fully worthy of their steel. In Congress, being a new member and subjected to those unfavorable opportunities which new members have always to encounter here, he had but little chance to show the metal he was made of; but I am convinced from his course in the Committee on Military Affairs, from the decided conviction he expressed on subjects coming before that committee, that if his health had permitted him to live longer among us and it had been equal to the performance of the multifarious duties devolved upon us, here in the legislative forum he would have made his mark as he did in the legal forum before he came here.

Mr. DUNCAN was comparatively young, and it was a misfortune to his great State and to his constituency that he was taken off so soon. In the rough-and-tumble fight of this world and in the rugged contests which seem to exist always in this body it is not easy for a man of quiet, amiable, and gentle manner to make himself conspicuous before the country, but after a while, after the lapse of time, and with some experience, I feel he would have risen to a commanding position in this House, and that his abilities would have gained the fullest respect and admiration of his fellow-members.

His people have lost an honest and worthy man, his constituents a faithful and just Representative, and his family a good father and kind husband; and I sincerely join with my colleagues in paying this last tribute by this great body to the memory of Mr. DUNCAN.

Mr. HOPKINS. Mr. Speaker, upon the first day of the present session of Congress, when Representatives were exchanging salutations upon their reunion after a few months of separation, the cheerful greetings were silenced and the business of the House was suspended by the announcement that during the vacation two of our fellow-members had passed away from earth and would meet with us in this Hall no more.

Thus in the midst of our joyousness we were reminded that a dark shadow enveloped the households of two of our late companions. In the full enjoyment of our own active life and vigorous health we were reminded that death had stricken down two of those who sat here with us but a few months since. And we come to-day in a formal manner to honor the memory of WILLIAM A. DUNCAN.

There is much of the true philosophy of life in the Latin maxim, *de mortuis nil nisi bonum*. For it is unmanly to attack those who can not defend themselves. But in speaking of the dead the tendency is rather to indulge in exaggeration of their virtues. The friends of our departed colleague have no occasion to invoke the charity of silence; and it is quite certain that by extravagant eulogy we would do violence to the nature and wishes of him whose memory we honor.

By native capacity and educational acquirements Mr. DUNCAN was well equipped for a useful and honorable life. But, unfortunately, his mental vigor was not fortified by physical strength. He was always delicate. The insidious disease which undermined his life and bore him to an untimely grave crippled his energies, and to a great extent marred the perfection of his promised career. Taken away just at the period when a man's fame, if he is to have any in political life, is first forming, we can only conjecture what his success would have been. But there is enough known to excite sincere regret at his removal from his new career, when we remember that he was a man of cultivated mind, inflexible integrity, lofty aspirations, and courteous manners.

Mr. DUNCAN was never an aggressive man, but quiet, unobtrusive, and extremely modest. Yet, with all of his amiability, he was not without resolution and self-assertion. In his antagonisms he never excited enmity; in his successes he never aroused envy. The gentleness of his disposition, the frankness of his manner, the integrity of his character, made him many friends and many mourners at his death.

I had the sad satisfaction of attending the funeral of our respected colleague, and witnessed the universal evidence of high esteem in which he was held by all of his neighbors. The entire community followed his remains to their last resting-place in the historic cemetery which overlooks the town of Gettysburg, and manifested their profound respect as the body was laid away in that peaceful and lovely spot which had been the scene of a bloody and memorable conflict. As his calm life was undisturbed by the angry contentions around him, so his last, sweet sleep will be unbroken by the turbulent memories which throng the air above his grave.

The gentlemen who have preceded me have spoken at length of Mr. DUNCAN's public services, and further allusion to them is needless.

I present my estimate of his character as a modest tribute to the memory of a modest man.

I move the adoption of the resolutions.

The resolutions were unanimously agreed to; and in accordance therewith (Mr. HEMPHILL being in the chair as Speaker *pro tempore*) the House (at 3 o'clock and 45 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Memorial of George Taylor, asking the enact-

ment of a bill allowing the commissioners of the District of Columbia to adjust certain accounts—to the Committee on the District of Columbia.

By Mr. BREITUNG: Petition from Carver Post, No. 123, Grand Army of the Republic, of Frankfort, Mich., urging Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. ERMENTROUT: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. J. E. CAMPBELL: Petition from Old John Brown Post, No. 450, of Oxford, Ohio, urging the purchase of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. W. W. CULBERTSON: Petition of Samuel May, of Floyd County, Kentucky—to the Committee on War Claims.

By Mr. CULLEN: Petition of G. N. Maze, John S. Armstrong, and 873 others, citizens of La Salle County, Illinois, asking for the passage of the bill making an appropriation for the construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. CURTIN: Petition for appropriation for improvement of the navigation of the West Branch of the Susquehanna River in Pennsylvania—to the same committee.

Also, resolution calling upon the Secretary of State to request the Chilian Government to pay for property unlawfully seized—to the Committee on Foreign Affairs.

By Mr. DARGAN: Petition of citizens of Darlington, S. C., praying for the prompt passage of the bill known as the Potter refunding bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Memorial of the National Board of Trade, for an amendment of the banking laws so as to make more effective the punitive features of the same, especially those in reference to the limitation of loans to one individual or corporation—to the Committee on Banking and Currency.

By Mr. KETCHAM: Petition of Capt. W. S. Patton, United States Army, asking that the pension of Sarah T. Patton, widow of the late Lieut. Col. George W. Patton, United States Army, be increased to $40 per month from April 28, 1882, the date of Lieut. Col. Patton's death—to the Committee on Invalid Pensions.

Also, petition of Brig. Gen. Nelson A. Miles, United States Army, for an increase of Sarah T. Patton's pension—to the same committee.

By Mr. LAIRD: Petition of Ella Wright and 17 others, residents of Pleasant Hill, Saline County, Nebraska, asking an increase in widows' pensions—to the Committee on Pensions.

By Mr. LYMAN: Petition of citizens of Massachusetts and New York, urging that the United States acquire title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west, and make said canals free—to the Committee on Rivers and Harbors.

By Mr. MURRAY: Petition of Charles Dressing, of Cincinnati; of Franz Gladish, of Montgomery County; and of Ernest F. Caspari, of Montgomery County, Ohio, asking for pensions—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. PAYNE: Papers relating to the claim of Albert Harper, late private Company G, Ninth New York Heavy Artillery—to the Committee on Invalid Pensions.

Also, petition of citizens of Cayuga County, New York, asking increase of widows' pensions—to the Committee on Pensions.

Also, petition of Frederick Gale, of Wayne County, New York, asking for a pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition of Joseph R. Anderson, of Bristol, Tenn., and 40 others, asking the passage of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. PRICE: Petition of John J. Conghlin, for services rendered under the Architect of the Capitol—to the Committee on Claims.

By Mr. PUSEY: Petition of Mrs. C. H. Hill, of Red Oak, Montgomery County, Iowa, asking relief—to the same committee.

By Mr. PARKER: Resolutions of the Legislature of the State of New York, in favor of a national bankrupt law—to the Committee on the Judiciary.

Also, petition of citizens of Ogdensburg, N. Y., in favor of an increase of widows' pensions—to the Committee on Pensions.

By Mr. RAYMOND: Petition of citizens of Lake Preston, Dak., asking for an increase in widows' pensions—to the same committee.

Also, memorial of the Chamber of Commerce of Grand Forks, Dak., urging the passage of the Red Lake reservation bill—to the Committee on the Territories.

By Mr. ROSECRANS: Petition of J. R. Haskell, in relation to multicharge guns—to the Committee on Military Affairs.

By Mr. A. H. SMITH: Memorial of the Pennsylvania Club, of Philadelphia, in favor of Senate bill 398, in favor of common schools—to the Committee on Education.

Also, protest of the Philadelphia Board of Trade, against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. H. Y. SMITH: Petition of C. W. Reed and others, citizens of Grimes, Polk County, Iowa, for increase of widows' pensions—to the Committee on Pensions.

By Mr. STEELE: Concurrent resolution of the Legislature of Indiana, asking for the passage of House bill 420, granting a pension to soldiers confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. THROCKMORTON: Petition of J. L. Green and others, of Anna, Tex., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. VAN ALSTYNE: Joint resolution of the senate and assembly of the State of New York, recommending the passage of Senate bill 1372, being an act to establish a uniform system of bankruptcy in the United States—to the Committee on the Judiciary.

By Mr. WAKEFIELD: Petition of L. G. Davis and 19 others, of Brown County, Minnesota, praying for justice to settlers on lands claimed by the Winona and Saint Peter, and Saint Paul and Sioux City Railways—to the Committee on Public Lands.

By Mr. WARD: Petition of citizens of Indiana, for land warrant of one hundred and sixty acres of land to soldiers, &c., without conditions—to the same committee.

By Mr. WOODWARD: Petition of Hungerford Post, No. 39, Grand Army of the Republic, of Spring Green, Wis., in favor of the purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BLACKBURN: Of citizens of Harrison County, Kentucky.

By Mr. F. B. BREWER: Of citizens of Steamburg, N. Y.

By Mr. CANNON: Of citizens of Georgetown, Ill.

By Mr. PRICE: Of citizens of Shell Lake, of Menomonee, of Durand, and of Whitehall, Wis.

By Mr. SENEY: Of J. F. Leaghy and 40 others, of Seneca County, Ohio.

By Mr. SPRINGER: Of citizens of Dawson, of Waverly, of Petersburg, and of Chatham, Ill.

By Mr. STEELE: Of William Moore and others, of Hackleman, Ind.

By Mr. WELLER: Of citizens of Castalia, of Burr Oak, and of Maynard, Iowa

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SENATE.

TUESDAY, *January* 27, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of Montana Territory, remonstrating against the leasing of any portion of the Crow Indian reservation to corporations; which was referred to the Committee on Indian Affairs.

Mr. GEORGE. I present a memorial of the Federation of Labor Unions of this city, and as it is very short I ask unanimous consent that it be read.

There being no objection, the memorial was read, as follows:

HEADQUARTERS FEDERATION OF LABOR UNIONS,
Washington, D. C., January 26, 1885.

To the Senate of the United States:

The undersigned, by authority of the Federation of Labor Unions of the District of Columbia, for and in behalf of the members of that body engaged in the building trades, respectfully protest against the passage of Senate bill No. 2507, to amend the law concerning mechanics' liens in the District of Columbia.

Workmen employed by contractors and builders were frequently defrauded before the passage of the present law, which fully protects them in their just rights by giving them a first lien on the product of their labor; and we submit that the efficiency of the law should not be impaired by the passage of the proposed amendment.

E. W. OYSTER, *President.*
J. F. BILLINGSLEY, *Secretary.*

The memorial was referred to the Committee on the District of Columbia.

Mr. PALMER presented the petition of Ward's Detroit and Lake Superior Line, the Detroit Dry-Dock Company, the Star Line Steamers Company, Frank E. Kirby, Capt. John M. Johnston, and 48 others, citizens of Detroit, Mich., praying that the United States Government acquire ownership and control of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which was referred to the Committee on Commerce.

Mr. MILLER, of California, presented a petition of furniture and chair manufacturers of New York city, praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented the petition of A. G. Brown and 199 other citizens of Kittanning and vicinity, in Pennsylvania, praying for the improvement of the Monongahela River; which was referred to the Committee on Commerce.

He also presented a petition of the Franklin Institute of Pennsylvania, praying for an appropriation to reimburse that institution for moneys paid on Government account; which was referred to the Committee on Finance.

He also presented a petition of the Franklin Institute, of Pennsylvania, praying that the Commissioner of Patents be directed to deliver to that institution one bound copy of the specifications of patents relating to electricity; which was referred to the Committee on Patents.

Mr. MORRILL presented the petition of L. Deane, Mann & Co., B. U. Keyser, W. Burris, G. B. Towles, Newton Crawford, H. Q. Keyworth, L. R. Trembly, and other citizens of Washington, D. C., praying that square 406, between Eighth and Ninth and E and F streets northwest, may be selected as the site for the city post-office and for the enlargement of the Post-Office Department building; which was referred to the Committee on Public Buildings and Grounds.

Mr. DOLPH presented the petition of Elizabeth G. Illsley, of Ipswich, Mass., widow of Charles E. Illsley, late private Company A, First Regiment Maine Infantry, praying that she be granted a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2295) to grant a right of way to the New Orleans and Mississippi Valley Railroad Company for the construction of a railroad and telegraph line through the United States public grounds at Baton Rouge, La., reported it without amendment, and submitted a report thereon.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the petition of R. K. Baird, praying for an increase of pension, submitted an adverse report thereon, which was agreed to; and the prayer of the petition was denied.

Mr. MORRILL. I report by direction of the Committee on Finance the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar favorably with amendments, and I desire to give notice that I shall endeavor to call up the bill for the consideration of the Senate on Tuesday next.

Mr. HARRIS. I simply desire to say that that report is not the unanimous report of the committee, but is the report of a majority.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1955) authorizing the Secretary of War to loan to the Richland Volunteer Rifle Company, of Columbia, S. C., fifty breech-loading Springfield rifles, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1687) authorizing the President to appoint and retire J. Madison Cutts as a lieutenant-colonel of the United States Army, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2194) for the relief of George A. Curden, to report it with a recommendation that it be indefinitely postponed. I will state that this bill is for the relief of an officer who lost his personal effects by fire. The adverse report is made because a general bill has already been reported to the Senate covering all such cases. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following petitions, submitted adverse reports thereon, which were agreed to; and the prayers of the petitions denied:

The petition of Mrs. M. H. Dunn, praying an increase of pension from $30 to $50 per month; and

The petition of Mrs. N. Cushman, widow of the late Commander C. H. Cushman, praying for an increase of pension.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of William H. H. Gilley, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2587) granting a pension to William H. H. Gilley; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1927) granting a pension to O. F. Miller;

A bill (S. 1969) granting a pension to William T. West;

A bill (H. R. 297) granting a pension to Violet Calloway; and

A bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant of Company A, Sixty-third Regiment Pennsylvania Volunteers.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1951) granting a pension to Martin Bever, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Charles B. Spencer, praying for an increase of pension, submitted an adverse report thereon, which was agreed to; and the prayer of the petition denied.

He also, from the same committee, to whom was referred the bill (H. R. 1171) granting a pension to Isabel Campbell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1709) granting a pension to Leonora A. Boyden, reported it with an amendment, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 4238) granting a pension to Sallie Ingham, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 947) granting a pension to Powhattan B. Short, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2492) to prevent the discharge from the military service of the United States of graduates from the Military Academy under the provisions of section 3 of chapter 181 of the Supplement to the Revised Statutes, and for the repeal of the said section, reported it with an amendment.

Mr. MCMILLAN, from the Committee on the Judiciary, to whom was referred the bill (S. 2381) to amend "an act providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July 4, 1884, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 5691) amending section 764 of the Revised Statutes, reported it without amendment.

Mr. SLATER, from the Committee on Pensions, to whom was recommitted the bill (S. 513) granting a pension to James Coffey, of Oregon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1731) granting an increase of pension to Frances H. Downes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 6197) granting a pension to Peter Falkner; and

A bill (H. R. 4569) granting a pension to David Urbanaky.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll; and

A bill (H. R. 2432) for the relief of Mrs. Jane Young.

Mr. WILSON. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina, to report adversely thereon and recommend its indefinite postponement.

Mr. RANSOM. I hope the bill will not be indefinitely postponed for the present. I ask that it be placed upon the Calendar.

The PRESIDENT *pro tempore.* The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WALKER, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation in Nevada, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1381) for the relief of certain settlers on the Duck Valley Indian reservation in Nedava, moved its indefinite postponement; which was agreed to.

FLAGS FOR INAUGURATION CEREMONIES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies, has instructed me to report it back to the Senate favorably, recommending its passage with a simple amendment, striking out in the ninth line the word "use" and inserting the word "loan."

Mr. HARRIS. I ask the unanimous consent of the Senate that the joint resolution be now considered, as it is important that it should go to the other House at once if it is to be adopted at all.

Mr. SHERMAN. I should like to have it read in full.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inauguration ceremonies the flags and bunting in the Government depots, for use in decorating the city of Washington on the 4th day of March next: *Provided,* That the said committee shall indemnify the Departments against any loss or damage result-

ing from the use of said flags and bunting, except such damage as is necessarily incident to such use.

Mr. COCKRELL. It is a copy of the joint resolution which was passed in 1881.

Mr. SHERMAN. I have no objection to its consideration.

The PRESIDENT *pro tempore*. Debate is not in order. Is there objection to the present consideration of the joint resolution?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported from the Committee on Military Affairs was, in line 9, to strike out the word "use" and insert "loan;" so as to make the proviso read:

Provided, That the said committee shall indemnify the Departments against any loss or damage resulting from the loan of said flags and bunting, except such damage as is necessarily incident to such use.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF SMITHSONIAN INSTITUTION.

Mr. MANDERSON. The joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution was referred to the Committee on Printing. I am directed by the committee to report it back favorably and to ask that it be now considered by the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs that the annual reports of the Smithsonian Institution shall be hereafter printed at the Government Printing Office, in the same manner as the annual reports of the heads of Departments are now printed, for submission in print to the two Houses of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia, have instructed me to report it favorably and without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes; and

A bill (H. R. 8121) to enable the Commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1112) granting a pension to John Sweeney; and

A bill (S. 1144) granting a pension to John W. Wright.

BILLS INTRODUCED.

Mr. MILLER, of California, introduced a bill (S. 2588) for the relief of Mary A. Bickerdyke, of San Francisco, Cal.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CHACE introduced a bill (S. 2589) for relief of the Woonsocket National Bank, of Woonsocket, R. I.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. DOLPH introduced a bill (S. 2590) granting a pension to Elizabeth G. Illsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENDLETON (by request) introduced a bill (S. 2591) to authorize the purchase of certain portraits to replace those presented by the French Government and destroyed in the burning of the Capitol in 1814; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. DOLPH, and Mr. MILLER of California submitted amendments intended to be proposed by them to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

BILL RECOMMITTED.

Mr. BUTLER. On the 22d instant I reported favorably the bill (S. 318) for the relief of cadet-engineers who were in the naval service at Annapolis on the 5th day of August, 1882. At the request of the Senator from Maine [Mr. HALE], who was necessarily detained from the meeting of the committee by illness, I ask that the bill be recommitted to the Committee on Naval Affairs.

Mr. CONGER. I should like to have the bill read.

The PRESIDENT *pro tempore*. The bill will be read for information, if there be no objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to granting the request of the Senator from South Carolina, that the bill be taken from the Calendar and recommitted to the Committee on Naval Affairs? The Chair hears none, and it is so ordered.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER. I move to reconsider the vote by which the Senate yesterday concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes. I simply desire to state in this connection that the conference committee acted upon the printed bill rather than the engrossed bill. It being a criminal statute and liable at all times to be construed strictly, it has been considered best to reconsider the vote and to have a new conference upon the bill, so that it may be reported back in accordance with the engrossed bill.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on concurring in the report of the committee of conference.

The report was non-concurred in.

Mr. RIDDLEBERGER. I move that the Senate insist further on its disagreement to the amendment of the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN were appointed.

MEMORIAL BUST OF HENRY WILSON.

Mr. DAWES. I offer the following resolution and ask for its present consideration:

Resolved, That the Joint Committee on the Library be requested to cause a bust of the late Vice-President Wilson to be placed over the tablet lately ordered to be placed in the room where he died.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. DAWES. Mr. President, I ask the indulgence of the Senate for a moment.

A few days ago, it will be recollected that on the motion of my colleague [Mr. HOAR] the Senate directed a tablet to indicate in the Vice-President's room the place where the late Vice-President Wilson died. My colleague and myself have felt since then that the distinguished public services and the remarkable death of Mr. Wilson, at the time President of this body, called for some more marked commemoration.

Our history furnishes but one other instance of a distinguished public servant falling at his post and dying in this Capitol. The younger Adams, after a long life of great usefulness and renown at home and abroad, fell at his post with his harness on, and died in the Speaker's room of the House of Representatives. By direction of the House, of which he was then a member, a tablet surmounted by a bust of Mr. Adams was placed in the old Speaker's room where he died.

The public services and the life of Mr. Wilson were entirely American, and furnish a remarkable illustration of the working of our institutions. As such they will ever be cherished and acknowledged. That fame he largely achieved in this body, of which he was the President when he died.

There is another special reason for doing what is asked in the resolution. Mr. Wilson was the child of poverty, and she claimed him for her own till the end. It has been said of him here that he had no other home but this Capitol. Certain it is that all those who make home dear, whom other men love, and for whom they serve, had gone before him, and the nation alone was left for him to love and serve. It is fitting, therefore, it has seemed to us, that a memorial of him should be left here in this Capitol where he died.

I am aware, sir, that the Committee on the Library are already authorized to do what is asked in the resolution, but I am confident that the Senate would wish to add the significance and value of its request to this act. In concurrence with my colleague in the resolution which he offered, and in further carrying out that purpose, I have offered this resolution, which I hope the Senate will adopt.

The resolution was agreed to.

BOUNDARIES OF LIBERIA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the Senate the correspondence between the Government of the United States and the Governments of Great Britain and Liberia in reference to an arbitration between Liberia and Great Britain upon the northwest boundary between Liberia and Sierra Leone, the instructions given to Admiral Shufeldt as umpire, his official report to his now Government, and the correspondence between him and the arbitrators on the parts of Great Britain and Liberia; also any further correspondence touching any discussion or difference as to any other portion of the boundaries of Liberia.

HOUSE BILLS REFERRED.

The bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

LAND DAMAGES FOR INCREASED DISTRICT WATER-SUPPLY.

Mr. HARRIS. If there be no further concurrent or other resolutions——

The PRESIDENT *pro tempore*. The Senator will suspend for a moment. If there be no further concurrent or other resolutions that order is closed.

Mr. HARRIS. I ask unanimous consent that the Senate proceed at this time to the consideration of Senate bill No. 2551, reported by me yesterday, and I gave notice at that time that I should ask the Senate to take it up this morning.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now proceed to the consideration of Order of Business 1072, being the bill (S. 2551) for the relief of George E. Moore, of the District of Columbia.

Mr. SHERMAN. I should like to have the bill read first.

The PRESIDENT *pro tempore*. The bill will be read for information if there is no objection.

Mr. HARRIS. I ask that the Secretary read the substitute reported by the committee for the information of the Senate, and then if the Senate will allow me to make an explanation of three minutes I am sure no Senator will object to the proposition.

The PRESIDENT *pro tempore*. Debate is not now in order. The substitute recommended by the committee, if there be no objection, will be read for information, after which the Chair will ask for objection.

The Chief Clerk read the amendment proposed by the committee, to strike out all after the enacting clause and insert a substitute.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee that this bill be now considered.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. HARRIS. I ask consent to waive the reading of the original bill. It is to cover a private claim. There is a substitute reported by the committee to cover the class to which the claimant belongs. Therefore I ask that the Senate act upon the substitute without reading the original bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the reading of the text of the bill be dispensed with. Is there objection? The Chair hears none. The question is on agreeing to the amendment recommended by the Committee on the District of Columbia, which will be read.

The Chief Clerk read the amendment, which was to strike out all after the enacting clause and insert:

That the time fixed by the act entitled "An act to increase the water-supply of the city of Washington, and for other purposes," approved July 15, 1882, within which owners of or parties interested in lands condemned or taken under the provisions of said act may accept the appraised value made or to be hereafter made under said act, or owners or persons interested in such lands who have declined or may hereafter decline to accept the appraised value of such lands, and have elected or may elect to file a petition in the Court of Claims under the provisions of said act, be, and the same is hereby, extended for one year from the passage of this act, notwithstanding the limitation provided by said act.

Mr. McMILLAN. What is the reason for the extension?

Mr. HARRIS. The act of 1882 makes it the duty of the Secretary of War to have made a survey and a map of such lands as are necessary for the extension of the aqueduct, the extension of the dam at Great Falls, and the construction of a reservoir in the northern part of the city. That map being prepared and delivered to the Attorney-General, it is made the duty of the Attorney-General to advertise for owners and abstracts of title to the lands so taken, and to have the lands appraised by the machinery provided by that act. It further provides that when the lands are appraised the Attorney-General shall tender to the owner who has presented satisfactory evidence of title the appraised value. It provides, however, that if the owner elects not to accept the appraised value, he may file his petition in the Court of Claims and there have the value ascertained; but it further fixes a limitation, that he may file that petition or accept the appraised value within one year from the first advertisement of the Attorney-General.

The owners are so numerous and the difficulties in reporting upon titles are so great that the Attorney-General within the year was not able to report on titles and have the lands appraised within the year, and under the act of 1882, as they have not accepted the payment or filed their petition in the Court of Claims, they are barred; and the act provides that the title to the land shall be vested in the United States. This simply extends the time, so that the Attorney-General may complete the investigation and report upon titles and pay the appraised value, or allow the owner to file his petition in the Court of Claims.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to increase the water-supply of the city of Washington, and for other purposes.'"

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and five minutes spent in executive session the doors were reopened.

NAVAL APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, and 12, and agree to the same.

That the House recede from its disagreement to the amendment numbered 11 and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows: Insert after the word "seventy-five," in line 10, page 15 of the bill, the words "as fixed by the act approved June 30, 1876;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

Mr. HALE. Mr. President, this subject, which has given rise to a good deal of controversy, has at last been settled by what I may call a Simon Pure appropriation bill for the remainder of the fiscal year ending June 30, 1885. The bill at last as sent from the House is an itemized bill based upon the estimates for the current fiscal year. In conference it has been stripped of all new legislation, and is reported now from the conference committee as an appropriation bill.

The only question that arose with reference to new legislation, where any protracted conference was needed, was with regard to the Marine Corps. The House of Representatives put upon the bill a provision limiting the number of officers in that corps to seventy-five. Examination discloses that by the act of June 30, 1876, it was provided that—

From and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, to seventy-five.

It was apparent to the conference that the scope and meaning and intention of that act is to fix the number of officers in the Marine Corps at seventy-five after they shall have been so reduced, and the amendment of the House has been agreed to with the additional clause calling attention to the act of 1876, which was the basis of the action of the House. In other respects, as I have said, it is a Simon Pure appropriation bill, and the present conduct of the Navy Department, its course of action and the legislation under which it exists, has not been changed. I ask that the report may be concurred in.

Mr. BECK. Mr. President, I only desire to say that as one of the conferees on the part of the Senate I was willing to surrender anything that the House desired or demanded, whichever is the proper word, because the appropriations for the Navy expired on the 31st day of December last and the month of January has now nearly run, and there seemed to be no difference between the conferees on the part of the House and on the part of the Senate that required a conference of more than ten minutes between them. Yet my information is that three or four thousand employés, carpenters, blacksmiths, laboring people, have been kept out of employment from the 1st to the 27th day of January, unable to accept other employment without abandoning the work to which they were accustomed and at which they expected every day to obtain employment again, supporting their families as best they could,

with no hope, unless Congress sees fit to give it to them, of ever getting a dollar for the month that they have been in enforced idleness.

While the negotiations between the conferees on the part of the House and the Senate were pending, and were, I do not say improperly but unaccountably, delayed, I offered in the conference this amendment, which it was said was not in order under the rules of the House and the rules of the Senate:

Provided, That all persons who were in the employ of the Navy Department under the provisions of the act making temporary provisions for the naval service," approved July 7, 1884, on the 31st day of December of said year, and who were furloughed, or suspended, or discharged from such employment in consequence of the want of appropriations for the naval service after that date, and who shall be re-employed under the provisions of this act, shall be paid their respective compensations from said 31st day of December to the date of the approval of this act, the same as if they had continued in their respective employments.

The rules, I understand, prevented that from being considered by the conferees, and I read it now for the purpose of saying that if the Naval Committee or some other committee desire to do justice to the employés of the Government who, without any fault of their own, have been in enforced idleness for a month in very severe weather, they will either in the deficiency bill or in some other bill make a provision similar to the one I have suggested.

I agreed to the report of the conference committee. I signed it because I thought any bill that would put an end to the condition of things that exists now would be better than none, for while the regular employés, who can afford to wait, will be paid from the 1st day of January, those who are dependent upon the day's labor for daily bread have lost nearly a month without any fault of their own, and without any good cause for the delay that I am able to understand.

The report was concurred in.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had, on the 26th instant, approved and signed the following bills:

An act (S. 929) granting a pension to Caroline Treckell;

An act (S. 764) granting an increase of pension to Abby P. Arnold; and

An act (S. 12) for the relief of Elizabeth Carson.

EXECUTIVE SESSION.

The Senate again proceeded to the consideration of executive business. After one hour and nineteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 27, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read.

ORDER OF BUSINESS.

Mr. RANDALL. I ask the previous question, which was prevailing on the District appropriation bill, may be proceeded with.

The SPEAKER. The gentleman from Pennsylvania demands the regular order of business.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to correct the Journal. I ask the reading by the Clerk of the joint resolution introduced by myself under this clause of our Manual, page 314:

The Speaker shall examine and approve the Journal before it is read. And every day after taking the chair, on the appearance of a quorum, shall cause the Journal of the proceedings of the last sitting to be read.

I call, therefore, for the reading of the joint resolution which I introduced on yesterday, which is not in the Journal.

The SPEAKER. The joint resolution is not in the Journal.

Mr. WHITE, of Kentucky. It ought to be in the Journal.

The SPEAKER. Under what rule?

Mr. WHITE, of Kentucky. That it is a part of the proceedings of yesterday.

The SPEAKER. And so was every bill introduced on yesterday.

Mr. WHITE, of Kentucky. I have a right to call for the reading of every bill if I choose.

The SPEAKER. But it does not go into the Journal.

Mr. WHITE, of Kentucky. I ask to have it read.

The SPEAKER. That does not put it in the Journal.

Mr. WHITE, of Kentucky. It puts it in the RECORD.

The SPEAKER. It does not except by consent. If the gentleman will point out any rule which requires a bill or joint resolution to be entered on the Journal the Chair will enforce it. At present the Chair is not advised of any such rule.

A MEMBER. Has it not been the practice?

The SPEAKER. Nor has such been the practice, so far as the Chair knows.

Mr. WHITE, of Kentucky. I ask the Clerk to read the joint resolution.

The SPEAKER. The Clerk will read that part of the Journal relating to this matter.

Mr. SPRINGER. He asks the Clerk to read the joint resolution.

The SPEAKER. The Chair will see whether the Journal is correct.

Mr. LONG. He does not ask to have the Journal read, but his joint resolution.

The SPEAKER. He desires to have the Journal corrected, and the Chair desires to see whether the Journal is correct.

The Clerk read as follows:

J. D. WHITE. Also, a joint resolution (319) to abolish the office of Commissioner of Internal Revenue and the entire system of internal taxes—to the Ways and Means.

Mr. WHITE, of Kentucky. Now I call for the reading of the joint resolution.

Mr. SPRINGER. I object.

The SPEAKER. Objection is made.

Mr. WHITE, of Kentucky. I desire to be heard on that objection.

The SPEAKER. What motion does the gentleman make?

Mr. WHITE, of Kentucky. I demand as a right, if I have the right, to give this as my authority: That under the rule "it is not usual to read in full the names of members voting or not voting, or resolutions, or messages, but it is the right of any member to demand their reading in full, and their reading can only be dispensed with by unanimous consent or by a suspension of the rules, which requires the Journal to be read."

The SPEAKER. That means that when a bill or joint resolution is introduced any member has the right to have it read, and the one introduced by the gentleman from Kentucky was read yesterday by the gentleman himself and afterward by the Clerk at the desk.

Mr. SPRINGER. The gentleman makes no motion to amend the Journal.

The SPEAKER. If the gentleman does not make any motion to amend the Journal it will be approved. [After a pause.] There being no objection, the Journal stands approved as read.

Mr. WHITE, of Kentucky. I desire to correct the RECORD.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Is that a privileged question?

The SPEAKER. It is usual to allow corrections of the RECORD.

Mr. WHITE, of Kentucky. Mr. Speaker, I have before me the RECORD of this morning. I find on page 1136 [cries of "Louder!"], in the second column, about the middle, that on yesterday I asked as follows:

Mr. WHITE, of Kentucky. I ask leave to present the following preamble and resolution.

And I proceeded to read until interrupted by my colleague [Mr. BLACKBURN]. I find on the next page, 1137, about the middle, that the Speaker said, "The gentleman from Kentucky will proceed with his resolution;" and thereupon I proceeded and concluded.

Mr. RECORD goes on to state that "Mr. WHITE, of Kentucky, concluded the reading of the resolution." Again, sir, I find nothing here whatever in the RECORD of what I read. Not a word of it appears here. I have applied to the stenographic reporters for copies of the notes taken on yesterday, which notes have certainly been manipulated by some one after they left their hands. It is clear upon the face of the RECORD that they are not printed here as they left the hands of the Official Reporters themselves.

I desire, sir, to call the attention of the Speaker to the duties of these Official Reporters as laid down in the pages of the Digest, where the Official Reporters are made officers of this House. The question raised here is not only a question of what occurred on this floor on yesterday and of which I now complain, but a question of whether these reporters who receive $25,000 or more a year, after they have sworn that they will faithfully perform their duties, and report correctly what transpires here, whether some one, after they have done that work, can manipulate the RECORD to suit himself.

Mr. COX, of New York. I rise to a question of order.

The SPEAKER. The gentleman from Kentucky will indicate to the Chair what motion he desires to make.

Mr. WHITE, of Kentucky. The motion I make is that the official notes of the reporter shall be produced and read at the Clerk's desk as taken down on yesterday before being manipulated by some one.

The SPEAKER. The Chair will state that on being applied to yesterday by the Chief Official Reporter for advice as to whether or not the joint resolution which was read by the gentleman from Kentucky should be printed in the RECORD, the Chair advised him that the joint resolution did not properly belong there and ought not, therefore, to go into the RECORD as a part of the proceedings of the House.

The Chair does not know of any rule which would authorize or require the Official Reporter to insert everything that may be read, either on the floor of the House by a member himself, or from the desk by the Clerk, in the hearing of the House. Unanimous consent is frequently asked of the House to insert such matters in the RECORD, and the Chair knows of no other way in which they can get there under the rules of the House, except that it has been the practice of the House, the Chair

thinks, to insert in full resolutions of inquiry addressed to the heads of the Executive Departments of the Government.

The gentleman from Kentucky moves to correct the RECORD, so as to insert in it what he read on yesterday from his seat on the floor of this House.

Mr. WHITE, of Kentucky. That is not my motion at all, Mr. Speaker.

The SPEAKER. What is the gentleman's motion?

Mr. WHITE, of Kentucky. My motion is that the official notes of the reporters, as taken down on yesterday by these sworn officers, and by the rules of the House the reporters are officers of the House just as much as the Speaker himself—I ask that the official notes of the reporter be read from the Clerk's desk, that the House, when it knows what actually occurred, may take such action in connection with this question as it may deem appropriate.

Mr. SPRINGER. I object, and demand the regular order.

The SPEAKER. The Chair decides that when objection is made they can not be read. It could only be done by unanimous consent. The Chair understands the gentleman from New York [Mr. COX] and other gentlemen on the floor have made objection to the request of the gentleman from Kentucky.

Mr. COX, of New York. I demand the regular order.

The SPEAKER. The Chair does not think that what the gentleman from Kentucky desires to have inserted forms any part of any proceeding now pending before the House. It does not present any question on which the House is required to vote; and no gentleman, as a matter of right, can demand that it shall be read. It could be done solely by unanimous consent.

Mr. SPRINGER. Regular order.

The SPEAKER. The regular order is the call of the roll on the passage of the District of Columbia appropriation bill. The Clerk will call the roll.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair. I make this motion as a question of privilege, that I have a right to make.

Mr. COX, of New York. If there is anything appealable in the appeal, I move that it be laid upon the table.

Mr. WHITE, of Kentucky. I want to know whether the Official Reporters, who are sworn to report what I say here, are to be interfered with in the execution of that duty and their reports manipulated by the Speaker on his own responsibility.

The SPEAKER. The Chair decides that, under the practice of the House, the joint resolution offered by the gentleman from Kentucky on yesterday is not such part of the official record of the proceedings of the House as can be entered in full either upon the RECORD itself or upon the Journal of the House; and the Chair decides that the gentleman has now no right to demand, as a matter of right, the reading of the official notes of the reporters of what transpired on yesterday; from which decision the gentleman from Kentucky appeals.

Mr. COX, of New York. And I move that the appeal be laid on the table, if the decision is appealable.

Mr. WHITE, of Kentucky. I believe this is debatable. I desire to be heard.

The SPEAKER. It is not debatable. The motion to lie on the table is not debatable.

Mr. BEACH. Regular order.

Mr. WHITE, of Kentucky. Then I call for the reading of what took place on yesterday in the House, so that the House may see whether or not the motion I present is in order. [Cries of "Regular order!"]

The SPEAKER. The question is on the motion of the gentleman from New York to lay the appeal from the decision of the Chair upon the table.

The question being taken, the appeal was laid on the table.

DISTRICT APPROPRIATION BILL.

The SPEAKER. The regular order is the question on the passage of the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, on which the previous question has been ordered. The rules of the House require that the yeas and nays should be taken on the passage of this bill.

The question was taken; and there were—yeas 249, nays 4, not voting 70; as follows:

YEAS—249.

Adams, G. E.	Boyle,	Cannon,	Cullen,
Aiken,	Brainerd,	Cassidy,	Curtin,
Alexander,	Bratton,	Clardy,	Cutcheon,
Anderson,	Breitung,	Clay,	Dargan,
Atkinson,	Brewer, F. B.	Clements,	Davidson,
Bagley,	Brewer, J. H.	Cobb,	Davis, G. R.
Ballentine,	Brown, W. W.	Collins,	Davis, R. T.
Barbour,	Browne, T. M.	Converse,	Dibrell,
Barksdale,	Buchanan,	Cook,	Dockery,
Beach,	Buckner,	Cosgrove,	Dorsheimer,
Bingham,	Burnes,	Covington,	Dowd,
Bisbee,	Cabell,	Cox, S. S.	Dunham,
Blanchard,	Caldwell,	Cox, W. R.	Eaton,
Bland,	Campbell, Felix	Crisp,	Eldredge,
Blount,	Campbell, J. E.	Culberson, D. B.	Ellis,
Boutelle,	Candler,	Culbertson, W. W.	English,
Ermentrout,	Jones, J. H.	Payson,	Sumner, D. H.
Evans,	Kean,	Peel,	Swope,
Everhart,	Keifer,	Perkins,	Talbott,
Ferrell,	Kellogg,	Peters,	Taylor, E. B.
Fiedler,	Ketcham,	Pettibone,	Taylor, J. D.
Findlay,	King,	Phelps,	Taylor, J. M.
Finerty,	Kleiner,	Pierce,	Thomas,
Follett,	Lacey,	Poland,	Thompson,
Foran,	Lamb,	Post,	Throckmorton,
Forney,	Lanham,	Potter,	Tillman,
Funston,	Lawrence,	Price,	Townshend,
Garrison,	Lewis,	Pryor,	Tucker,
Geddes,	Long,	Pusey,	Tully,
George,	Lovering,	Randall,	Turner, H. G.
Glascock,	Lowry,	Ranney,	Valentine,
Goff,	Lyman,	Ray, G. W.	Van Alstyne,
Graves,	McAdoo,	Ray, Ossian,	Vance,
Greenleaf,	McCoid,	Reed,	Van Eaton,
Guenther,	McComas,	Reese,	Wadsworth,
Hammond,	McCormick,	Rice,	Walt,
Hanback,	Maison,	Riggs,	Wakefield,
Hancock,	Maybury,	Robertson,	Wallace,
Hardeman,	Millard,	Robinson, W. E.	Ward,
Hardy,	Miller, J. F.	Rockwell,	Warner, Richard
Harmer,	Miller, S. H.	Rogers, J. H.	Washburn,
Hatch, H. H.	Milliken,	Rogers, W. F.	Weaver,
Hatch, W. H.	Mills,	Rosecrans,	Wellborn,
Haynes,	Mitchell,	Russell,	Weller,
Hemphill,	Money,	Ryan,	Wemple,
Henderson, D. B.	Morgan,	Seymour,	White, J. D.
Hepburn,	Morrill,	Shively,	Whiting,
Herbert,	Morse,	Singleton,	Wilkins,
Hewitt, A. S.	Moulton,	Skinner, T. G.	Williams,
Hewitt, G. W.	Muldrow,	Slocum,	Wilson, James
Hill,	Murray,	Smalls,	Wilson, W. L.
Hiscock,	Mutchler,	Smith, A. Herr	Winans, E. B.
Holman,	Nelson,	Smith, H. Y.	Wise, G. D.
Hopkins,	Nicholls,	Snyder,	Wolford,
Horr,	Oates,	Spooner,	Wood,
Houk,	Ochiltree,	Springer,	Woodward,
Houseman,	O'Ferrall,	Steele,	Worthington,
Hunt,	O'Hara,	Stephenson,	Yaple,
Hurd,	O'Neill, Charles	Stewart, Charles	York,
Hutchins,	Paige,	Stewart, J. W.	Young.
James,	Parker,	Stockslager,	
Jeffords,	Patton,	Storm,	
Jones, B. W.	Payne,	Strait,	

NAYS—4.

Bennett,	McMillin,	Reagan,	Turner, Oscar.

NOT VOTING—70.

Adams, J. J.	Craig,	Holton,	Rankin,
Arnot,	Davis, L. H.	Hooper,	Robinson, J. S.
Barr,	Deuster,	Howey,	Rowell,
Bayne,	Dibble,	Johnson,	Seney,
Belford,	Dingley,	Jones, J. K.	Shaw,
Belmont,	Dunn,	Jones, J. T.	Skinner, C. R.
Blackburn,	Elliott,	Jordan,	Spriggs,
Bowen,	Ellwood,	Kelley,	Stevens,
Breckinridge,	Fyan,	Laird,	Stone,
Broadhead,	Gibson,	Le Fevre,	Struble,
Brumm,	Green,	Libbey,	Sumner, C. A.
Budd,	Halsell,	Lore,	Warner, A. J.
Burleigh,	Hart,	Morrison,	White, Milo
Campbell, J. M.	Henderson, T. J.	Muller,	Willis,
Carleton,	Henley,	Murphy,	Winans, John
Chace,	Hitt,	Neece,	Wise, J. S.
Chalmers,	Hobilitzell,	Nutting,	
Connolly,	Holmes,	O'Neill, J. J.	

So the bill was passed.

Mr. WAIT. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following members were announced as paired on all political questions until further notice:

Mr. RANKIN with Mr. KELLEY.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. CARLETON with Mr. HART.

Mr. FIEDLER with Mr. ELLWOOD.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. MULLER with Mr. HOWEY.

Mr. GREEN with Mr. BRUMM.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. DAVIS, of Missouri, with Mr. KEAN.

Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.

Mr. JORDAN with Mr. HITT.

Mr. BROADHEAD with Mr. BARR.

The following pairs were also announced:

Mr. SPRIGGS with Mr. ROWELL, for this day.

Mr. LE FEVRE with Mr. JOHN S. WISE, for this day.

Mr. O'NEILL, of Missouri, with Mr. CRAIG, for this day.

Mr. DIBBLE with Mr. HOLMES, on this vote.

The result of the vote was then announced as above stated.

Mr. FOLLETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FORNEY. I move to dispense with the morning hour, my object being to call up the Army appropriation bill.

Mr. STOCKSLAGER. I desire, Mr. Speaker, to call the attention of the House to the fact that six bills considered in Committee of the Whole House on the state of the Union, and reported from the Committee of the Whole on the 9th day of April last, are still unacted upon. I think those bills could be taken up and disposed of in a few minutes. I believe I am justified in saying so, because three bills of a similar character have already been acted upon by the House without a division, as I remember.

Mr. FORNEY. I think the Army appropriation bill will occupy but little time.

Mr. RANDALL. There is no diversity of opinion in the Committee on Appropriations on the subject of this bill; and I plead with the House to go on with its consideration. It is essential that this bill should go to the Senate at the earliest hour possible.

The SPEAKER. The gentleman from Alabama [Mr. FORNEY] moves to dispense with the morning hour.

Mr. WHITE, of Kentucky. I rise to a privileged question.

The SPEAKER. The Chair will recognize the gentleman for that purpose as soon as the pending motion is disposed of. The question is on dispensing with the morning hour.

Mr. STOCKSLAGER. I call for a division.

The House divided; and there were ayes 101.

Before the negative vote was taken,

Mr. STOCKSLAGER said: I do not call for further count.

So (further count not being called for, and two-thirds having voted in favor thereof) the morning hour was dispensed with.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I offer a resolution, which I send to the desk to be read.

The Clerk read as follows:

Resolved, That it is unjust to the Official Reporters of the House for the Speaker to be allowed to revise their notes in accordance with his views of the rules or propriety.

Mr. SPRINGER. Mr. Speaker, I make the point of order that this is not a question of privilege, because it states a mere abstraction and does not relate to any business now or heretofore before the House.

Mr. WHITE, of Kentucky. I desire to call the attention of the Speaker to the clause at the top of page 369 of the Manual: "A resolution relating to the convenience of members and the comfort of employés of the House is a privileged question;" and certainly this relates very much to the convenience of members. [Laughter.]

I have sent to the Public Printing Office for the official manuscript copy of yesterday's proceedings. The Official Reporters of this House are paid more than $25,000 a year to perform their official duties. They are to report correctly what takes place on this floor.

Mr. SPRINGER. Mr. Speaker, I insist upon the point of order. This is not a question of privilege.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists upon his point of order. Does the gentleman from Kentucky desire to submit any remarks upon the question of order?

Mr. WHITE, of Kentucky. I desire to be heard.

The SPEAKER. Upon the question of order?

Mr. WHITE, of Kentucky. Upon the question of order.

The SPEAKER. Then the gentleman from Kentucky will proceed upon the question of order. The question is: Is this a matter of privilege?

Mr. WHITE, of Kentucky. The rule clearly says, Mr. Speaker, that it is the duty of these officers of the House to report what takes place in the House as the proceedings of the House. They take an oath to perform that duty faithfully and well. I find, too, that Mr. McElhone, by a special rule, has been made the chief of the Official Reporters, and in this matter which I am about to bring to the attention of the House the reporter was Mr. McElhone himself—a man who reported a speech of Henry Clay one of the first times he was ever reported *verbatim* in this Capitol. The Official Reporter takes down and writes out what occurs here as the proceedings of this House. Then the reporter lays it before the Speaker, and the Speaker runs his pen through what displeases him. [Laughter.]

I say, sir, that this has a good deal to do with the convenience and comfort of members. If our constituents want to know what we are doing here they look at the RECORD.

Many a man has been condemned by making a bad record. But, sir, it is for each member to reckon with his constituents as his judges, and not with the Speaker as the judge of whether he has made a good record or a bad record. I am not afraid to stand before my constituents or my God, but I should be afraid to stand before the scrutiny of the Speaker. [Renewed laughter.] I thank my God that I am not responsible to this Democratic House for any convictions that I have of right or wrong, and still more that I am not responsible to their creature who has been made the Speaker of this House. [Hisses and other manifestations of disapproval.] I mean it in no disrespect to the Speaker.

The SPEAKER. The gentleman from Kentucky will please confine himself to the question of order.

Mr. SPRINGER. I insist that the rules of the House shall be enforced.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists that the rules of the House shall be enforced.

Mr. COX, of New York. Mr. Speaker——

The SPEAKER. The gentleman from New York is recognized.

Mr. WHITE, of Kentucky. I do not yield the floor, Mr. Speaker.

The SPEAKER. Then, if the gentleman from Kentucky holds the floor, he will confine himself to the question before the House—the question of order.

Mr. WHITE, of Kentucky. I think I am confining myself to that question.

Mr. SPRINGER. Mr. Speaker, I insist upon the point of order.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] makes the point of order that the gentleman from Kentucky has no right to proceed otherwise than in order, except with the consent of the House.

Mr. WHITE, of Kentucky. Mr. Speaker, if I understand this question of order, as it applies in this case, it is whether members on this floor representing free constituencies shall have a right under the rules of this House to have their remarks taken down correctly, *verbatim et literatim*, and reported in the broad light of the sun to their constituents and before the country, under the sworn obligation of these officers of the House, the Official Reporters.

Now, sir, here is what occurred on yesterday; and I bring it to the attention of the House and of the country—holding myself responsible to the country and to my constituents as much as to this House in its organization. On yesterday I offered a resolution——

Mr. SPRINGER. Mr. Speaker, I insist upon the point of order.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists upon the point of order that the gentleman from Kentucky [Mr. WHITE] must confine himself to the question of order before the House; and the Chair must insist that the gentleman from Kentucky shall either proceed in order or take his seat.

Mr. WHITE, of Kentucky. Mr. Speaker, I am stating the facts upon which I propose to base what I desire to say in regard to the point of order.

The SPEAKER. The question is not a question of fact. It is a question as to whether or not the resolution offered by the gentleman from Kentucky [Mr. WHITE] is a matter of privilege.

Mr. WHITE, of Kentucky. Mr. Speaker, if I am interrupted in this manner I shall appeal to the rules to show that I am clearly in order.

The SPEAKER. Then the gentleman will discuss the question of order.

Mr. WHITE, of Kentucky. That is precisely what I am doing. But, as to a gentleman like the gentleman from Illinois [Mr. SPRINGER], I can not hope to present the question in such a manner as to be acceptable to his extraordinary intellect. I am a finite being. [Laughter.] I am governed by ordinary usages, by the common-sense interpretation of what is a correct report of what has occurred upon this floor. But the gentleman from Illinois can weave fine theories about this business that are incomprehensible to me. I do not desire to make myself agreeable to him. I desire to speak on this question alone—to call attention to what occurred here yesterday, and to show that I have a right as a member on this floor to have what I say here correctly reported without anything being omitted or anything added to it. Now, sir, looking at the RECORD to-day it represents me as reading something on the floor yesterday; and yet not a word is given of what I read—not one word; and at the close of it it is said:

The SPEAKER. The resolution will be returned to the gentleman from Kentucky.

That is what the RECORD as it appears says; but if you take the sworn report of the officers of this House it shows what I did say.

Mr. SPRINGER. I insist on the question of order.

The SPEAKER. The gentleman from Kentucky will understand that the only question before the House is the question of order made by the gentleman from Illinois whether this is or is not a matter of privilege—that is to say, whether the gentleman from Kentucky had a right to have printed in the RECORD the joint resolution which he read from his seat on yesterday. If the gentleman from Kentucky will confine himself to that question the Chair, of course, will be glad to hear him; but if not, the Chair will submit to the House the question whether it is a matter of privilege. Under the circumstances the Chair, while entertaining a very decided opinion on the question, would prefer not to decide it himself.

Mr. DORSHEIMER and others. Question!

Mr. SPRINGER. The gentleman from Kentucky has been called to order several times.

The SPEAKER. The Chair thinks the gentleman from Kentucky must confine himself to the question of order, or must take his seat, or must proceed out of order with the consent of the House. The Chair

has no discretion about the matter when the point of order is insisted upon.

Mr. COX, of New York. Has the gentleman from Kentucky subsided?

Mr. WHITE, of Kentucky. No; I do not yield to the gentleman from New York.

The SPEAKER. The gentleman from Kentucky will proceed in order.

Mr. WHITE, of Kentucky. Mr. Speaker, I have read from the rules the theory on which I introduced the resolution. Members certainly have forgotten that there is a resolution before the House as a privileged resolution. Now, sir, if I am to be stopped by every member on this floor the minute I assert something that does not please his delicate ear, then I had as well stop.

Mr. BLACKBURN. Better.

Mr. WHITE, of Kentucky. I beg pardon; I did not hear the remark.

Mr. BLACKBURN. I suggested "better."

Mr. WHITE, of Kentucky. It is not for my colleague to say what I had "better" do.

Mr. BLACKBURN. No; I trust I am not responsible for anything that emanates from such a quarter.

Mr. WHITE, of Kentucky. It does not rest with that side of the House represented by my colleague to tell me what I had "better" do.

Mr. BLACKBURN. I should waste my time in trying to play tutor in such a case.

Mr. WHITE, of Kentucky. Of course you would. [Laughter.] I agree with you.

The SPEAKER. The House will be in order. The gentleman from Kentucky will please confine himself to the point of order.

Mr. WHITE, of Kentucky. Mr. Speaker, the resolution which I have offered goes to the very bottom of the question whether anything that occurs on this floor shall be reported at all or not. We have the Journal. The Journal gives a synopsis of what occurs. That is sufficient unless we are going to have, in our record of debates, a correct report of what occurs here.

Mr. DORSHEIMER. Question! Mr. Speaker, we ask that the question be put to the House.

The SPEAKER. The Chair is still supposing that the gentleman from Kentucky proposes to show that there is some rule of the House which requires the matter read by him yesterday to be printed in the RECORD——

Mr. WHITE, of Kentucky. That is not the question.

The SPEAKER. That it has been improperly excluded from the RECORD; and that, therefore, this must be a matter of privilege.

Mr. REED. Mr. Speaker, will the Chair permit me a suggestion?

The SPEAKER. Certainly.

Mr. REED. How is it possible for this House to decide whether certain things which were taken down by the Official Reporters have been improperly excluded when the House is not permitted to know what those things are which have been excluded? How is it possible for us to pass on the question if, upon the suggestion of the gentleman from Illinois, the gentleman from Kentucky is prevented from stating the facts which are the foundation of his complaint? He rises here under his privilege as a member and he asseverates that certain things which occurred on this floor, he being the actor, have been excluded from the RECORD; and the question now comes up before the House whether that was properly excluded from the RECORD, which is a statement of our transactions as they occur, in order and out of order. How is it possible for us to pass judgment on that question if the gentleman from Kentucky is not allowed to state the facts?

Mr. WHITE, of Kentucky. I do not yield the floor.

The SPEAKER. The gentleman from Kentucky has stated the fact that on yesterday when the State of Kentucky was called for the introduction of bills and joint resolutions he introduced and read from his seat a joint resolution; and his complaint is that the joint resolution thus introduced and read was not entered at large in the records of the House.

Mr. REED rose.

The SPEAKER. Now it makes no difference what the gentleman's joint resolution was, whether it related to our foreign affairs or to our domestic affairs, the simple question is whether the reading of a bill or joint resolution by a member from his seat entitles it as a matter of right to be printed in the RECORD. The Chair decided that it did not.

Mr. BLACKBURN. That was ruled yesterday.

Mr. REED. As a part of his remarks.

The SPEAKER. But the gentleman could not make the remarks when his bill was being introduced for reference. Under the rules of the House nothing is in order but to introduce a bill or joint resolution and have it referred to its proper committee.

Mr. REED. But he did make remarks, and they therefore became a part of the proceedings.

The SPEAKER. The Chair does not understand the gentleman from Kentucky complains that any remarks made by him were excluded from the RECORD, but merely that his joint resolution which he read does not appear.

Mr. WHITE, of Kentucky. The Speaker decided that it was not a joint resolution.

The SPEAKER. It was determined afterward to be a joint resolution because the gentleman converted it into that form, and it was then read from the Clerk's desk as a joint resolution.

Mr. COX, of New York, rose.

Mr. SPRINGER. Let the question be decided.

Mr. WHITE, of Kentucky. I do not yield the floor.

Mr. COX, of New York. I desire to be heard on the point of order. It is at the discretion of the Chair, as I understand it.

The SPEAKER. The Chair is willing to hear the gentleman on the point of order if there be no objection.

Mr. COX, of New York. The Speaker has heard already two distinguished gentlemen on the other side of the House.

Mr. WHITE, of Kentucky. I do not yield the floor.

The SPEAKER. Will the gentleman then confine himself to the point of order?

Mr. WHITE, of Kentucky. I will if the gentlemen on the other side will only keep their seats. [Laughter.]

Mr. SPRINGER. I ask the Chair to submit the point of order to the House.

The SPEAKER. That is what the Chair desires to do.

Mr. SPRINGER. This is a mere abstraction and does not state any case. It has not been considered heretofore as part of the business of the House during the morning hour on Monday. Is this to be prolonged for an hour?

The SPEAKER. The Chair will allow reasonable time for the discussion of the point of order.

Mr. WHITE, of Kentucky. Mr. Speaker, a resolution relating to the convenience of members and the comfort of the employés of the House is a privileged question. Now, sir, I can not imagine anything more uncomfortable to a member than to be misquoted or to have a part of what he says omitted—to leave the gist of what he says out. If the Speaker means nothing that is read under the call of the States shall be put in the RECORD, why, then, has he put the colloquy between myself and my colleague [Mr. BLACKBURN] into the RECORD?

The SPEAKER. The Chair would like to understand the gentleman from Kentucky. He does not understand the gentleman has heretofore complained that anything he said was not properly, fully, and correctly reported in the RECORD, but that the joint resolution he offered was not printed in the RECORD.

Mr. WHITE, of Kentucky. I have not finished my remarks, and I hope I shall not be judged until I have said what I want to say. Now, if I get up on the floor here and begin to read something, the fact I rise and begin to read is put down in the RECORD. The fact that I speak is put down in the RECORD; the fact that a colloquy ensued between my distinguished colleague now soon to be a Senator and myself and the distinguished Speaker is put down in the RECORD as part of the proceedings of the House; and I say here I meant no disrespect to the Speaker when I said he was a creature of that side of the House. I simply meant to throw the responsibility on the Democratic party. [Laughter.]

I call the attention of the House to the RECORD as it is printed—to what the Speaker says in conclusion of this colloquy. These words were inadvertently omitted, referring to the heading or the style of the resolution, "Be it enacted," or "Be it resolved," &c. The Speaker finding they had been omitted says: "The resolution will be returned to the gentleman from Kentucky." Now, clearly nothing that I had said, nothing that had been read, was a joint resolution. The Speaker so decided. The reporters, feeling under their oath of office they must put down every thing that occurred, put down not only what I said but what Mr. BLACKBURN said, what Mr. Speaker CARLISLE said; not only that, but they recorded what I had read as part of my remarks because it could not have been anything but part of my remarks when the Speaker decided it was not a bill. Does to-day's RECORD report the proceedings? Clearly what I read was a part of the proceedings. If you say it was not in order, then all I said in reply to Mr. BLACKBURN or Mr. BLACKBURN said to me, or the Speaker to us both, was not in order and ought not to appear in the RECORD.

But the Speaker leaves all that he said in the RECORD, and with one sweep of his keen eye cuts out one-half of what I said. [Laughter.] Is that fair when we are both Kentuckians—native-born Kentuckians—my father a Whig, his father a Whig [great laughter]; my father a Union man and a slaveholder, his father a Union man and perhaps a slaveholder? Why this discrimination? [Laughter.]

Now, sir, in the course of my remarks on yesterday I said:

Whereas it has transpired that the Commissioner of Internal Revenue and the present Secretary of the Treasury have by unwarranted regulation assumed to extend the bonded period for distilled spirits for two hundred and eight days in direct violation of the action of the Forty-seventh and Forty-eighth Congresses; and

Whereas the tobacco tax is an unnecessary burden upon the people, and is a fraud, useful only upon the statute-books for the purpose of the tobacco monopolists; and

Whereas the present system——

Mr. SPRINGER. I rise to a question of order. The gentleman has no right to read what he is reading, when discussing a question of order.

The SPEAKER. The Chair thinks the gentleman has a right to read as a part of his remarks.

Mr. WHITE, of Kentucky. I thank the Speaker.

And whereas the present system of internal-revenue taxation is far less beneficial to the people than useful to continue a highly protected and infernal industry, manipulated by unscrupulous capitalists who strive to corrupt Congresses and to control the Government in the interest of their monopoly of the whisky and tobacco trade—

Now, right there the gentleman from Kentucky [Mr. BLACKBURN] said: "I rise to a parliamentary inquiry," and which had the effect of shutting me off until that question was disposed of. The RECORD shows what Mr. BLACKBURN said, and states my reply as well as what the Speaker said. All of this is faithfully recorded; but the RECORD, under the pen of the Speaker of this House, supervising what the sworn officers of the House had taken down, is entirely changed in other respects. His pen has been run through what he did not like to appear in the RECORD.

Again, sir, after some little colloquy had taken place on this subject, the Speaker says:

The gentleman from Kentucky will proceed to read his resolution.

Whereupon I read as follows:

And whereas there is no longer any guarantee that the laws in relation to internal revenue will be honestly executed, although $5,000,000 are annually appropriated for that purpose: Therefore,

Resolved, That all acts or parts of acts concerning the superintendence of the assessment or collection of any duty or tax imposed by any law providing internal revenue be, and the same are hereby, abolished from and after July 1, 1885.

The Speaker runs his pen through that, and in the very next line the RECORD shows the Speaker says:

The gentleman from Kentucky will send the resolution to the Clerk's desk.

Then the Speaker decided that the resolution was not in order under the call and returned it to me. I submit now to the House that, whether it was a bill or not, whether it was a resolution or not, under this call of the House it was a part of the proceedings of this House.

Suppose you say that what occurs in the House which is not strictly in order shall not appear in the RECORD. If you adopt such a rule, if you hold that principle and follow it out, then the RECORD will not contain one-twentieth part of what is published in it. Are you going to put in the RECORD only so much as is in order, and leave out all that is out of order?

If that be so, who is to judge? Is the Speaker to be the judge? Then you have a centralized government. [Laughter.] Does this country want a centralized government, with the Senate as composed, a majority of its Democratic Senators ex-confederates; with the House in control of the Democratic party, a majority of the Democrats ex-confederates, and are they to sit in judgment upon the House, and shall their Speaker sitting in that chair decide what is in order and what is out of order? If so, then save the $25,000 paid to these reporters. Save their manhood and their official integrity. Avoid what appears to the country to be falsehood and perjury. The Official Reporters swear to report the proceedings of this House accurately. They report what they think are the proceedings of this House, and your Speaker runs his pen through what he thinks is contrary to rule or propriety. Where shall we stop? It does not make so much difference to me. It does make a great deal of difference to the people. Let it go out that your RECORD is only what pleases the Speaker, not what actually occurred in debate, and where will you find anybody in this country that will believe any action that occurs in this Congress to be correctly stated by what is published in the RECORD?

Mr. HENDERSON, of Iowa. They do not believe much anyway about it.

Mr. WHITE, of Kentucky. That is all I desired to say, and I withdraw the motion.

The SPEAKER. The Chair desires to state that it has not assumed any control over the RECORD whatever, either by the insertion of anything or by taking out anything that occurred in the House. But upon being applied to by the chief Official Reporter to know what might be properly printed in the RECORD, under the rules of the House, he advised that officer of the House yesterday, as he would do again under the same circumstances, that bills and joint resolutions introduced for reference, whether read by a member from his seat or read from the Clerk's desk, did not properly go at length into the RECORD; and that is the extent to which the Speaker went.

Mr. COX, of New York. I rise to a question of privilege. I move to strike out what has appeared in the RECORD, or will appear in the RECORD, of the remarks of the gentleman from Kentucky.

The SPEAKER. It has not appeared in the RECORD.

Mr. COX, of New York. I make the motion for a purpose. I will be a little more candid than my friend from Kentucky. Evidently he never intended—— [Cries of "Regular order!"]

The SPEAKER. This is the regular order, if it be a matter of privilege.

Mr. BLACKBURN. And it is a matter of privilege.

The SPEAKER. The Chair thinks not. If anything hereafter should be printed in the RECORD which ought not to be there, or anything should be omitted which ought to be there, the Chair would consider that that presented a question of privilege.

Mr. COX, of New York. The gentleman from Kentucky has kept the attention of the House for nearly an hour on that side and on this side with the public contempt apparently [laughter], and has made all sorts of allusions to the Speaker that were in bad taste and against the rules.

Mr. REED. If this debate is to go on I have no objection to the gentleman from New York proceeding; but I insist after he shall get through the debate shall not close. If that be the understanding I have no objection.

The SPEAKER. There is nothing before the House.

Mr. BLACKBURN. Let the understanding be as suggested by the gentleman from Maine, and let us declare this a holiday.

Mr. COX, of New York. My suggestion was that the remarks of the gentleman should be omitted from the RECORD. I wish to make one remark. The Speaker is too kind to the Kentucky people. A member of Congress may be like a crumb lodged in the throat, which gives no nourishment and makes a deal of trouble if it goes the wrong way.

The SPEAKER. The point is made that the motion of the gentleman from New York [Mr. COX] is not a privileged one.

Mr. COX, of New York. Then I will debate the point of order.

Mr. BEACH. I desire to inquire of the Chair whether it is not a privileged question to control the Journals of this House. That is the motion of the gentleman.

The SPEAKER. The motion does not refer to the Journal of the House. It refers to the RECORD. The gentleman desires to make it as a privileged motion; but there has nothing appeared as yet in the RECORD which it is alleged is out of order.

Mr. BLACKBURN. The motion of the gentleman from New York is to prevent that from appearing in the RECORD which is out of order.

The SPEAKER. Is that a privileged motion?

Mr. BLACKBURN. The point that the remarks were out of order is.

The SPEAKER. The point of order is made against the motion of the gentleman from New York [Mr. COX] that it is not privileged; and the Chair thinks it is not a privileged motion.

Mr. COX, of New York. The Chair seeks to dispose of the motion and to go to business. All I have to say is this—— [Cries of "Regular order!"] If the regular order consists in debating the point of order I am regular.

Mr. MILLER, of Pennsylvania. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. COX] is on the floor and states he desires to discuss the point of order. The Chair is obliged to recognize any gentleman who states he desires to discuss a point of order. The Chair has intimated his opinion that a question of privilege is not presented. The gentleman from New York intimated that he appealed from the decision of the Chair and desired to discuss it.

Mr. REED. I move to lay the appeal on the table.

The SPEAKER. But the gentleman from New York is discussing it.

Mr. VALENTINE. I want to know what is before the House?

The SPEAKER. The gentleman from New York made a motion which he claimed was privileged. The Chair decided it was not privileged. Thereupon the gentleman from New York appealed from the decision of the Chair and took the floor to discuss it.

Mr. VALENTINE. We did not hear that. I move to lay the appeal on the table.

The SPEAKER. The gentleman from New York has the floor, and while he is on the floor the gentleman from Nebraska can not get it to make that motion.

Mr. REED. Does the Chair say that the motion to lay the appeal on the table is not in order?

The SPEAKER. It is not in order while the gentleman from New York is on the floor.

Mr. REED. The motion was made at the proper time.

The SPEAKER. The gentleman from New York was on the floor and was interrupted by the disorder on the floor; and during that interruption the gentleman from Nebraska [Mr. VALENTINE] moved to lay the appeal on the table, the effect of which motion would be to take the gentleman off the floor. The gentleman from New York will proceed.

Mr. COX, of New York. I have reduced my motion to writing, so as to offer it in the proper form, and I will read it from my desk:

Resolved, That the remarks of Mr. WHITE, of Kentucky, on the resolution which he submitted this morning, were delivered out of order, and that the Official Reporters be directed to omit them from the RECORD.

Mr. KEIFER. I make the point of order on that resolution.

The SPEAKER. The point of order has been made and sustained by the Chair, and the gentleman from New York appeals from the decision of the Chair.

Mr. COX, of New York. The gentleman from Ohio [Mr. KEIFER], who is an ex-Speaker of the House, will remember that we have control over our own proceedings, our own records, our own Journal, and that it is the duty of the Speaker, under the second rule, to preserve order and decorum. And I hold that the gentleman from Kentucky, who day after day rises here in his seat to make indecorum, can be more or less suppressed by the Chair by virtue of the power vested in the Chair.

Mr. WHITE, of Kentucky. Mr. Speaker, I demand that the words

of the gentleman from New York [Mr. COX] be taken down. [Laughter.]

Mr. COX, of New York. I withdraw the words. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Speaker, the gentleman from New York [Mr. COX] has nothing to do but to take his seat. I have demanded that his words be taken down. [Renewed laughter.]

The SPEAKER. The gentleman from New York [Mr. COX] has the right to withdraw the words if he thinks proper, and he has done that.

Mr. COX, of New York. But, Mr. Speaker, I do not withdraw what I said a while ago, but what I do not think the House heard—which was this: that a member of Congress may be like a crumb in the throat, of which some French writer has said that when it goes the right way it gives no nutriment, and when it goes the wrong way it is very troublesome. [Laughter.] That is my friend from Kentucky. He is all the time making points upon the Speaker, whose ultimate good nature, whose Kentuckyism—whatever that may mean—allows the gentleman to run on without check, to the disadvantage of the public business and of the decorum of the House.

Mr. MILLER, of Pennsylvania. What are we having now? The same thing over again.

Mr. COX, of New York. What is that? I thought at first it was the Doorkeeper. [Laughter.]

Mr. Speaker, I make the point of order that a resolution can be adopted to suppress these remarks that come in indirectly, and that are, in a certain sense, lacking in candor, because after the gentleman from Kentucky [Mr. WHITE] had made his speech he withdrew his resolution, showing that he did not believe in his own proposition. I move the previous question on the adoption of my resolution. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from New York [Mr. COX] has appealed from the decision of the Chair.

Mr. COX, of New York. I withdraw the appeal.

The SPEAKER. The gentleman from New York withdraws his appeal; and the resolution is not before the House.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. I demand the regular order.

Mr. FORNEY. I move that the House do now resolve itself into Committee of the Whole on the state of the Union for the consideration of the Army appropriation bill.

RESIGNATION OF A MEMBER.

The SPEAKER. The gentleman from Alabama moves that the House do now resolve itself into Committee of the Whole on the state of the Union for the consideration of the Army appropriation bill. Before that question is put, the Chair will lay before the House a communication, which the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *January* 26, 1885.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives:

I have this day notified the Governor of the State of Rhode Island that from and after this date I resign the office of Representative in the Forty-eighth Congress.

Very respectfully, &c.,

JONATHAN CHACE.

The SPEAKER. The communication will lie on the table.

The question is on the motion of the gentleman from Alabama.

ARMY APPROPRIATION BILL.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union (Mr. MILLS in the chair), and proceeded to the consideration of the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the general Army appropriation bill.

Mr. FORNEY. I move that the formal reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. FORNEY. Mr. Chairman, I do not propose to make any extended remarks, but I wish to state to the committee that this bill which is now under consideration appropriates for the next fiscal year $24,429,052.50; which is less by $25,000 than the amount appropriated in the bill of last year. Of this amount $12,215,000 is for paying the traveling and general expenses of the Army. There is an increase in that appropriation, because under this bill the paymaster is required to pay some employés of the Quartermaster's Department who have not heretofore been paid by him. The amount appropriated for the subsistence of the Army is the same as in the last Army bill, $1,900,000. For the regular supplies of the Quartermaster's Department there is appropriated $2,771,000, which is less than the sum appropriated for that purpose in the bill for the current fiscal year. For incidental expenses of the Quartermaster's Department the amount appropriated in this bill is $690,000, which is some $15,000 more than the amount in the present bill.

We found that there would be a deficiency there, and we increased the amount. For transportation of the Army and its supplies there is appropriated here $3,125,000, the same as in the last bill. There are no material changes in the appropriations made in this bill from those made in the existing law. The only new legislation in the bill is found in the second section, which is to this effect:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen: *Provided*, That not more than one such officer shall be attached to any company at the same time.

This is recommended to us by the Military Committee of this House, and also by the Lieutenant-General. The class which is to graduate at West Point in 1886 will probably number between eighty and eighty-five, and the vacancies which occur annually in the Army are about seventy. The object of this is to provide for the remaining fifteen.

Mr. Chairman, I do not desire to say anything further. If my colleague on the committee, the gentleman from Ohio [Mr. KEIFER], desires to say anything, I will yield to him.

Mr. KEIFER. I shall occupy but a moment. This bill undertakes to appropriate the sums of money usually appropriated for carrying on the different departments of the Army. I think there is no omission, and the bill is generally framed in accordance with the recommendations of the heads of the several departments. In a few, and only a few, instances the appropriations have been cut down; but I know of no instances where the appropriations as reported in this bill are below what the chiefs of the respective departments think will be sufficient to carry on their departments through the fiscal year ending June 30, 1886.

There is very little new legislation in the bill. As the gentleman from Alabama [Mr. FORNEY] has stated, about the only new legislation is embraced in the second section on pages 15 and 16 of the bill. That provision is inserted in the language proposed by the Military Committee of this House. The Committee on Appropriations have adopted this provision exactly as the chairman and other members of the Committee on Military Affairs asked that it be adopted. I will say further that the provision has the approval in principle of the Secretary of War; and the very language found in the bill is approved by the General of the Army. The object of this section is simply to provide for cadets at West Point who might otherwise have to be dismissed after having gone through the Academy at very considerable expense to the Government.

This is not new legislation in the sense of being inserted in the law for the first time. It was the law for many years after the Military Academy was organized. Many general officers now in the Army, and many who have been in the Army, were originally attached to the Army as supernumeraries or second lieutenants, and were obliged to wait for the substantive rank, which came when a vacancy in fact occurred. General Grant, General Lee, and others thus went into the Army as supernumeraries.

This bill provides only for appointing cadets as supernumeraries where there are no vacancies to be filled; and it very rarely happens that there are not places for these military cadets. This year there will be no difficulty of that kind; and up to this time there has not been, so far as I am aware, any instance where cadets have had to be discharged. But it is anticipated—and this is the report we have from the Superintendent of the Military Academy and from the Secretary of War—that an unusually large number of cadets will graduate from West Point in 1886—a class exceeding in numbers any that has ever come out of that academy in a single year. In this bill we revive former legislation on this subject by complying with the recommendation which has been made to us.

Mr. McMILLIN. The gentleman will allow me to inquire whether in the interest of the public service there is any necessity for the creation of these new positions; or is the object simply to make places for these graduating cadets?

Mr. KEIFER. I will try to answer that question. The public service, as we understand, requires the maintenance of the Military Academy. Existing law authorizes the President of the United States to make certain appointments of cadets to the academy. It also authorizes each member of this House and each Senator of the United States to nominate a cadet for appointment to the Military Academy, and to keep one there all the time. Now, we propose to provide that when these cadets graduate the Government shall have the benefit of their education by putting them in the Army.

It is supposed that in 1886 more cadets will graduate than there will be vacancies for; and to prevent, in the first place, the Government from losing the services of these young men whom it has educated, and also to avoid the injustice of discharging these young men after they have been graduated at West Point with the expectation of going into the Army, we propose to attach them as supernumeraries to companies in the Army, to await the occurrence of vacancies. Heretofore the vacancies as they have occurred have been more than enough to provide places for these cadets. But it seems that a specially good class will graduate in 1886. This class, by reason of the meritorious conduct and superior scholarship of its members, has kept fuller than any other class that has ever been at the academy. These young men we propose to take care of for the time being. It will only be necessary to maintain them as supernumeraries for a few weeks or months.

As I have said, we are simply reviving what was formerly the law, the change having been made shortly after the close of the war. When the law was changed it was supposed there would always occur in the Army a sufficient number of vacancies to provide for all the graduates of the Military Academy. I will only repeat, in conclusion, that this provision has been inserted in the bill upon the unanimous recommendation, as I understand, of the Military Committee of the House.

Mr. FORNEY. If no other gentleman desires to discuss this subject——

Mr. MCMILLIN rose.

Mr. FORNEY. I yield to the gentleman from Tennessee.

Mr. MCMILLIN. Mr. Chairman, I have listened with great interest to the very clear and terse statement of the gentleman from Alabama [Mr. FORNEY] who is in charge of this Army appropriation bill, and to the distinguished gentleman from Ohio [Mr. KEIFER], to see if there was any sufficient excuse given for a change of law which increases the number of Army officers when there is no increase in the number of enlisted men, and have heard none.

Mr. KEIFER. If the gentleman will allow me to interrupt him——

Mr. MCMILLIN. With pleasure.

Mr. KEIFER. We do not propose to change the number of officers, but merely to provide temporarily that some of these cadets may be attached as supernumeraries when vacancies occur to which they can be appointed. It is not likely to occur except in the year 1886.

Mr. MCMILLIN. Let us see how that is. I read the language of the bill itself:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes, and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen: *Provided*, That not more than one such officer shall be attached to any company at the same time.

If that does not increase the number of officers in charge of companies I am wholly unable to comprehend what it does mean.

Now, sir, I do not like to antagonize the opinion of those who have given special attention to this matter, but it does seem to me at this time of the top-heaviness of the Army, of superabundance of officers in proportion to the number of enlisted men, when we are reducing the age at which officers may be retired in order to make places for officers who are coming on, we can not well afford merely for the sake of giving appointments to create new offices. Is there any sudden exigency or permanent necessity demanding it? It will not, can not, be so claimed.

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me to interrupt him?

Mr. MCMILLIN. Certainly.

Mr. JOSEPH D. TAYLOR. Then what are we to do with these cadets at West Point?

Mr. MCMILLIN. What are we to do with them?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. MCMILLIN. I would do exactly what any sensible man would do in his own private business matters—what he would do in any of the private transactions of life—I would have all the officers necessary for the command of our troops, but I would never consent to create new offices merely for the purpose of giving easy places to those who, under the law, have not places now; no, never, sir. There is not a private business man on this continent who would do it. If any one did his creditors would press him immediately under the just belief he was not capable of taking care of his own affairs.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman another question.

Mr. MCMILLIN. I have not yet answered the gentleman's first question; when I do he can ask me further, and I will answer him with much pleasure. When there are more officers graduating from West Point than the exigencies of the public service demand, I would do for the Military Academy exactly what this House and this Congress sensibly did for the Naval Academy—I would take those bearing the highest rank, those who were most fit, and appoint them, and allow the others who are unnecessary to go back into civil life.

Mr. BALLENTINE. You would never make a greater mistake in your life.

Mr. MCMILLIN. That may be. I am not speaking now as to the classes which were admitted to the academy or who were in the academy when the law was passed. But in the general conduct of the Army and Navy it seems to me correct that the Government needs only a certain number of officers, and that it is not wise to employ more than it does need. If you graduate more than the service demands—they have been educated, well educated, without cost to themselves—it is useless to say American citizens 23, 24, or 25 years old, with a good education given gratuitously, can not adapt themselves to the duties and responsibilities of American life.

Now, what is the condition of our Army to-day? There is something wrong; there is mismanagement somewhere. I have not been on the Military Committee, and I do not pretend to say what is the remedy; but within the last two years it has been reported by the Secretary of War that nearly one-third of our Army deserted in twelve short months. What is the matter? Who is to blame? Is it because we have superabundance of officers? There is trouble somewhere, and there is a good field for experiment and for change of present methods.

Now, this is a change of the law. It authorizes the appointment of officers not now authorized by law. Who is foolish enough to believe it will remedy any existing evil? No one!

Mr. STEELE. I understand the gentleman to say that the cadets who were in the Naval Academy ought not to have been legislated out?

Mr. MCMILLIN. That I do not adjudicate. I am not discussing that question. What I said was I did not pretend to express an opinion upon it. When that case comes up I will, however, have an opinion that will guide my action at that time. I will do what may seem to me just and proper.

Mr. STEELE. This only proposes to make places temporarily for those who went into the Military Academy with the understanding when they graduated they would go into the military service.

Mr. MCMILLIN. The law read by the gentleman from Ohio [Mr. KEIFER], which was repealed in 1878, and which it is now proposed to re-enact, was operative till 1882. In other words, the repealing act did not take effect till 1882. So every cadet in the academy in 1878 took his rank under the old law, and was not injured by the change. Of course, those entering the academy subsequently did so with knowledge of the new law, or are presumed to have known it.

Mr. MCMILLIN. I quite agree with the gentleman from Indiana as to the propriety of reducing the number of cadets. But in the mean time, until that is done, I would not create any offices not needed merely to give the salary and the place to somebody.

Mr. STEELE. Let me disabuse the mind of the gentleman from Tennessee on one point. We have now about three times as many officers as are actually needed for the size of our Army.

Mr. MCMILLIN. I have no doubt of that.

Mr. STEELE. And it is always understood that these officers are being instructed in military science and are keeping up with the advance of the military art in order to form a nucleus from which to make an army in case of necessity.

Mr. MCMILLIN. Would the gentleman, as a remedy for that evil, if it be an evil, where there are three times as many officers as are necessary, undertake to remedy it by increasing the number?

Mr. STEELE. I have tried time and time again to provide for many officers now on the roll of the Army by placing them on the retired-list, because they are broken down in the service, age has come upon them, and they are unable to perform the duties. Many of these men, worn out in the service, ought to be put on the retired-list, and, as I say, time and time again I have tried but without effect.

Mr. MCMILLIN. The trouble is the gentleman's remedy is a remedy which is worse than the evil complained of. But why did he not do this when he had an opportunity?

Mr. STEELE. Because I could not put it into execution. If I had the majority here I would have it done.

Mr. MCMILLIN. Well, the gentleman will not have a majority sufficient, I hope, to increase the retired-list for many days. He has not had it for some time, and is not likely to have it again.

Mr. STEELE. Does not the gentleman from Tennessee think that it would be a question of economy to place these officers on the retired-list at three-fourths of their salary, instead of paying them the whole amount?

Mr. MCMILLIN. Now the gentleman from Indiana announces a proposition which is as fallacious, with all due deference to him, as any other proposition that could well be made. He asks if it would not be better to give three-fourths salary to these officers than their full salary.

I would quite agree with him as to the truth of his proposition were it not for the fact that you place men in the positions that you have vacated by sending these officers to the retired-list, and consequently you not only pay the three-fourths salary of the retired-list, but you pay the full salary to the officers who take their places in addition.

Mr. STEELE. That could be readily provided against by the same bill which authorized the increase of the retired-list.

Mr. MCMILLIN. In my judgment, sir, the remedy is by diminishing the number of graduates at West Point. By diminishing the number admitted there or by making the academic term longer, as in the case of the Naval Academy, we might remedy the evil to some extent.

Mr. OATES. Why not repeal the law allowing appointments to be made from civil life?

Mr. MCMILLIN. The gentleman from Alabama says why not repeal the law authorizing the employment from civil life.

Mr. OATES. I said appointments from civil life.

Mr. MCMILLIN. Well, the appointments. It might be done to some extent in that way. Certainly many remedies that might be suggested for diminishing the number of those appointed in the Army are better than that system of appointment which gives a redundancy of officers.

Mr. FORNEY rose.

Mr. KEIFER. I would like to have a few moments, since this discussion has arisen.

Mr. FORNEY. I yield to the gentleman from Ohio.

Mr. KEIFER. I think the remarks of the gentleman from Tennessee are made from the proper standpoint. But while he claims that our Army organization is too cumbrous at the present time, and that this

tends to increase it, there is this to be said, that there is no proposition in this bill to permanently increase the Army.

Next year the graduating class at West Point, I am informed, will number about forty and the number of vacancies will probably exceed fifty. That year, as this, there will be a number of appointments made from non-commissioned officers, who are recommended under existing law for commissions, as well as appointments made from civil life. Now, the effect of this clause in the bill will be to keep certain graduating cadets, if that case arises, until vacancies occur, to which they can be appointed, instead of allowing the vacancies which occur from the commencement of one academic year to the other to be filled from civil life. As a matter of fact, taking the entire Army more than one-half of the commissioned officers of the Army are appointed and hold commissions from civil life.

The question is whether we shall in future allow the Army to be filled up by such appointments, and then have a case arise where we will discharge our graduating classes from the Military Academy. The provision incorporated in this bill has been prepared by the Military Committee of this House, and is simply to meet a case which is not likely to occur very frequently; and in that year there may be fewer appointments from civil life. That will be all the effect of it. The graduating cadets will hold along until vacancies occur, being attached temporarily by the provisions of this bill as additional second lieutenants. When vacancies occur by promotion, resignation, death, retirement, or from any other cause, then these cadets will be promoted to fill the places.

I am not in favor of changing the law as it stands with reference to the appointments of cadets, but if I were I would not undertake to do an injustice to these cadets at the academy. There is no injustice going to be done them this year. There will be plenty of vacancies this year and plenty for 1887, according to appearances. But it is likely there will be more cadets in 1886 than there will be places for at the time of their graduation in June.

Mr. MCMILLIN. I will suggest, with the permission of the gentleman from Ohio, that that trouble will continue from the fact that with the increase of the number of members of this House there was under the law necessarily an increase permanently of the number of admissions to West Point; and hence in future there will be a greater number of graduations from West Point than in the past; and the thing the gentleman speaks of here as a temporary expedient will become a permanency.

Mr. KEIFER. It is likely that the classes at West Point and the number of graduates at West Point in future years will be increased a little in consequence of the increased number of cadets under existing law growing out of the fact of the increase of the number of members of this House; and the increase of the population makes it perhaps necessary that we should increase the military establishment.

But the gentleman seems to treat this as though it is some innovation. Now, section 1213 of the Revised Statutes, which was in force, I believe, from 1812 to 1878, was in substance the provision that is proposed to be put in this bill. I will read it:

SEC. 1213. When any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academical staff, he shall be considered a candidate for a commission in any corps for whose duties he may be deemed competent. If there be no vacancy in such corps, he may, subject to the provisions of section 1215, be attached to it by the President, as a supernumerary officer, by brevet of second lieutenant until a vacancy shall happen.

This act was, as I have said, in force from 1812 until 1878, when it was changed, and I think inadvertently. I will furnish to the reporters a list of distinguished officers who were commissioned under that section of the statute, section 1213. This list has been furnished me of men who were distinguished either in the Union Army or in the confederate army, and it includes some of the most prominent officers on both sides. The following is the memorandum:

Memorandum of names of some of the graduates of the Military Academy who have been temporarily attached to the Army as brevet or additional second lieutenants, and the time which elapsed before vacancies occurred:

General Burnside, three months.
General Gibbon, three months.
General Gillmore, four years.
General Grant, two years.
General Hancock, two years.
General J. B. Hood, one year eight months.
General Howard, seven months.
General Ingalls, two years.
General McFeely, two years.
General McClellan, nine months.
General A. A. Humphreys, one day.
General Keyes, one year two months.
General Meade, five months.
General Mansfield, one day.
General McPherson, one year five months.
General J. F. Reynolds, four months.
General Rosecrans, nine months.
General Sacket, one year.
General C. P. Stone, one year eight months.
General J. E. B. Stuart, four months.
General G. K. Warren, four years two months.
General A. S. Webb, three months.
General Weitzel, one year.
General Comstock, two months.
General A. S. Johnston, one day.
General R. E. Lee, one day.
General J. E. Johnston, one day.

I do not wish the House to fall into any wrong impression about it. This is not intended as a restriction on the power of the President to make appointments. It is for the purpose merely of taking care of an exceptional class at West Point. And I should be very glad at some time, either now or hereafter, to hear upon it some of the gentlemen who are familiar with the subject, who have probably given more attention to it than the members of the Appropriations Committee. I mean the gentlemen who are on the Military Committee.

Mr. FORNEY. I ask unanimous consent that general debate be considered as closed, and that the bill be now read by paragraphs under the five-minute rule for amendment.

There was no objection, and it was so ordered.

The Clerk proceeded to read the bill, and read the following paragraph:

PAY DEPARTMENT.—For pay of the Army: For one Lieutenant-General; three major-generals; fifteen brigadier-generals; twenty-three aide-de-camp, in addition to pay in the line; one military secretary, in addition to pay in the line; sixty-seven colonels; eighty-nine lieutenant-colonels; two hundred and thirty-four majors; three hundred and sixteen captains (mounted); three hundred and one captains (not mounted); thirty-four chaplains; thirteen storekeepers; forty adjutants; forty regimental quartermasters; adjutant and quartermaster of Engineer Battalion, in addition to pay in the line; two hundred and thirteen first lieutenants (mounted); three hundred and fifty first lieutenants (not mounted); one hundred and forty-five second lieutenants (mounted); three hundred second lieutenants (not mounted); one hundred and sixty acting commissaries of subsistence, in addition to pay in the line; and to one hundred lieutenants acting as assistant quartermasters, who are to receive at the rate of $100 per annum in addition to their pay in the line; additional pay to officer in charge of public buildings and grounds in Washington; additional pay to officer in command of the military prison at Fort Leavenworth, Kansas, $1,000; additional pay to officers of foot regiments while on duty which requires them to be mounted; additional pay to officers for length of service, to be paid with their current monthly pay; retired officers; for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1886, in excess of the numbers for each class provided for in this act; enlisted men of all grades, not exceeding twenty-five thousand men; pay to enlisted men for length of service, payable with their current monthly pay; the allowances for travel, retained pay, clothing not drawn, and for interest on deposits payable to enlisted men on discharge; two retired ordnance-sergeants; for mileage of officers of the Army for travel, over shortest usually traveled routes, not to exceed $160,000; for miscellaneous expenses, to wit: Hire of not exceeding seventy-five contract surgeons and one hundred and sixty hospital-matrons; extra-duty pay to enlisted men for service in hospitals, and for general-service clerks and messengers at Army, division, department, and district headquarters, and at the headquarters of the general recruiting service, also at recruiting depots and at West Point, N. Y.; pay of forty-nine paymasters' clerks, at the rate of $1,400 each per annum, and fourteen veterinary surgeons; hire of paymasters' messengers, not to exceed $15,000; eighty post quartermaster-sergeants; cost of telegrams on official business received and sent by officers of the Army; compensation of citizen clerks and witnesses attending upon courts-martial, military commissions, and courts of inquiry; for reimbursement of traveling expenses of paymasters' clerks actually paid by them; and for commutation of quarters to commissioned officers on duty without troops at places where there are no public quarters; in all, $12,215,000.

Mr. MCCOMAS. I desire to offer an amendment to come in after the word "Army" in the first line of the paragraph.

Mr. HOLMAN. I desire to make a point of order on the paragraph.

The CHAIRMAN. The gentleman from Indiana desires to make a point of order. That point of order will be entertained before the gentleman from Maryland [Mr. MCCOMAS] is recognized to offer his amendment.

Mr. HOLMAN. In lines 56 and 57 in this paragraph are the words "and to one hundred lieutenants acting as assistant quartermasters." Those words are an interpolation in the present law, and therefore I presume are subject to the point of order that this is new legislation.

Mr. RANDALL. There are three lines there to which the point of order applies.

Mr. HOLMAN. The following words: "who are to receive at the rate of $100 per annum in addition to their pay in the line," are connected, as I understand, with the preceding portion of the paragraph.

Mr. FORNEY. Oh, no! they are not.

Mr. HOLMAN. The whole clause reads thus:

Three hundred second lieutenants (not mounted); one hundred and sixty acting commissaries of subsistence, in addition to pay in the line.

Now, omitting the words I have called attention to, it goes on:

Who are to receive at the rate of $100 per annum in addition to their pay in the line.

The words to be omitted to which I make the point of order are:

And to one hundred lieutenants acting as assistant quartermasters.

That is a new provision of law, and is subject to the point of order.

Mr. RANDALL. I make the point of order on lines 56, 57, and 58.

Mr. HOLMAN. Does my friend from Pennsylvania say that the other words, "three hundred second lieutenants (not mounted); one hundred and sixty acting commissaries of subsistence in addition to pay in the line," are not in the present law?

Mr. RANDALL. I do not say that; nor do I make the point of order against them. I merely make it against the one hundred lieutenants acting as assistant quartermasters; the point being that there is no law providing they shall get extra pay. I think it wrong in principle that officers of the Army should for any kind of duty they are called to perform receive extra pay. There is no law, so far as quartermasters are concerned, that gives them additional pay.

Mr. MCMILLIN. And it increases the expenditure $19,000.

Mr. RANDALL. Yes; it increases the expenditure $10,000.

Mr. HOLMAN. The gentleman from Pennsylvania is correct as to the subsequent words, "who are to receive at the rate of $100 per annum in addition to their pay in the line." I thought, on a hasty reading, that those words belonged to the preceding portion of the paragraph; but now it is manifest the words covered by the point of order are the following:

And to one hundred lieutenants acting as assistant quartermasters who are to receive at the rate of $100 per annum in addition to their pay in the line.

Those are the words on which the point of order is made as constituting new legislation.

The CHAIRMAN. Does the Chair understand that the point made by the gentleman from Indiana [Mr. HOLMAN] embraces the same matter as the point made by the gentleman from Pennsylvania [Mr. RANDALL]?

Mr. HOLMAN. It embraces the same matter.

Mr. KEIFER. Mr. Chairman, I wish to understand the full extent and application of this point. I wish to know whether it includes any more than lines 56, 57, and 58.

Mr. FORNEY. I understand that it includes those three lines.

Mr. KEIFER. Only those?

Mr. HOLMAN. Yes; it covers only lines 56, 57, and 58.

Mr. KEIFER. I regret, Mr. Chairman, that gentlemen make the point of order against those three lines. There may be some doubt about the propriety of it. This is a bill to provide for the Army. There is no statute, I believe, that gives these officers pay at the rate named in this bill, but the provision is in harmony with what immediately precedes it, where one hundred and sixty acting commissaries of subsistence are given pay at the same rate. They certainly have less duties to perform and less responsibility than the officers provided for in these lines against which the point of order is made.

Mr. HOLMAN. But their pay is provided for by law.

Mr. KEIFER. I understand that the extra pay for acting commissaries of subsistence, in addition to the pay of the line, is provided for by law; but this is a provision to pay officers for duty that they are required to perform outside of the ordinary duties belonging to their office. Any officer of the line at a post may be detailed to perform the duties of a quartermaster.

The CHAIRMAN. Does the Chair understand the gentleman from Ohio [Mr. KEIFER] to say that there is no existing law which authorizes this extra pay to these officers?

Mr. KEIFER. I believe there is no existing law that authorizes pay at this rate; but I say that this provision is to pay these officers for a duty that they are required to perform outside of their regular duties, and I am sorry that gentlemen have made this point of order, because these officers certainly perform duties as great, if not greater, than those performed by the acting commissaries of subsistence, and they have more responsibility. For these reasons I think there is great injustice in allowing pay to one class of officers for these extra duties and denying it to another class.

Mr. HOLMAN. It may be true, Mr. Chairman, that some classes of officers are paid too much, but that certainly furnishes no argument in favor of an improper allowance of pay to others.

The CHAIRMAN. As it is admitted that this provision changes existing law, and as it does not affirmatively appear that it retrenches expenditures, the Chair sustains the point of order.

Mr. THOMAS. Mr. Chairman, I desire to make a further point of order on the provision beginning in line 59 and ending with the word "Washington" in line 60—"additional pay to officer in charge of public buildings and grounds in Washington." I should like to know whether there is any law that authorizes extra pay to officers in charge of the public buildings and grounds here.

Mr. FORNEY. There is. If there is no law, then this officer will not get any pay.

Mr. KEIFER. I call the attention of the gentleman from Illinois [Mr. THOMAS] to the fact that this provision does not undertake to fix the pay of this officer, but only appropriates the pay that is provided by law.

Mr. FORNEY. I think the provision for the extra pay of this officer will be found in the Statutes at Large, volume 17, page 535. I wish to make a formal amendment in line 95, at the end of the paragraph. The amount appropriated having been reduced $10,000, I wish to have the total changed so as to read "$12,205,000."

The CHAIRMAN. The Chair hears no objection, so the amendment will be made.

Mr. McCOMAS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word "Army," in line 41, insert the following:
"For one General, and the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been Generals commanding the armies of the United States or generals-in-chief of said Army, one person with the rank and full pay of such General or general-in-chief, as the case may be; and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly."

Mr. FORNEY. Mr. Chairman, I reserve the point of order on that amendment.

Mr. McCOMAS. I hope the gentleman from Alabama will not insist upon the point of order, when he considers the character of this amendment and the little opportunity there is to do an act of justice.

The CHAIRMAN. Does the gentleman from Alabama [Mr. FORNEY] desire to hear the gentleman from Maryland on the point of order?

Mr. FORNEY. I desire to reserve the point of order.

The CHAIRMAN. What is the point of order that the gentleman from Alabama makes?

Mr. FORNEY. The point is that the amendment changes the existing law and increases expenditure.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. McCOMAS. If the gentleman from Alabama insists upon the point of order, I do not desire to be heard.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. SUMNER, of California. I offer an amendment which I send to the desk to be read.

The Clerk read as follows:

In line 89, after the word "Army," insert the following:
"*Provided*, That the cost of such telegrams shall not exceed the amount fixed and paid by the Government under contract for telegrams composed of a similar number of words, exclusive of address and signature, officially sent to and from the Signal Service stations of the United States."

Mr. KEIFER. Mr. Chairman, I shall make a point of order on that amendment, but I am willing to hear the gentleman state the necessity for it.

Mr. SUMNER, of California. Mr. Chairman, I am obliged to the gentleman from Ohio for his gracious indulgence. But I really did not suppose that there would be any objection whatever to this proposed amendment. Certainly if it have any effect at all, if it has not been anticipated by an existing agreement, it is in the line of economy, and I do not see how it can be considered obnoxious to the rule against new legislation.

Mr. KEIFER. I want to find out what the amendment of the gentleman from California is designed to meet.

Mr. SUMNER, of California. It was stated in the public press last fall—and I supposed that it was a well-understood fact—that a contract had been entered into by the Department embracing the Signal Service whereby the rates for telegraphic dispatches in that service, inclusive of all official correspondence by telegraph, were established in conformity with the tariff prescribed in the general, contract-job postal-telegraph bills of the Senate and House Post-Office Committees, reported at the last session of Congress, which contract, it was claimed, effected a reduction of about 30 per cent. from the former aggregate cost. If that be so, certainly the Government should not pay any more for telegraphic dispatches between these military officers, whose incidental or contingent expenses are provided for in this bill, than is required as payment for the transmission of official dispatches of similar length between officers and soldiers and any persons to whom they report in the Signal Service. Indeed, if that is not the case already, the same limitation should be put upon the payments for any and all communications by telegraph where the authorities or servants of the Government are in official correspondence. The announcement was, that advised by the action of the committees of the two Houses of Congress the contract referred to was framed; and there was no hesitation on the part of the telegraph monopolists—which for the time being are ostensibly divided under two or more company organizations—about agreeing to it. Why should there have been, when the rates so allowed and paid by the Government, although the reduction was said to be considerable, are still far in excess of what they reasonably should be?

It may be mentioned incidentally, Mr. Chairman, that in the Territories and in some of the States bordering upon Territories fully 15 per cent. of the telegraphic dispatches are transmitted over existing military lines and lines on routes where the original construction was by the Government direct, or with the aid of national and State subsidies, and on which watch is kept and repairs have been and are being made by men enlisted or otherwise employed in the Army. This fact furnishes one among many additional reasons why it is proper to insert the proposed amendment restricting this expenditure.

It may be imagined that this item of expense has not been very large. It is generally covered—I might say concealed—in the Book of Estimates by an enumeration of many other items in the same paragraph, against which a grand total is set down. But it is by no means insignificant. A company that pays its skilled employés less than one-half the amount that Government employés doing the same work are receiving, and confessedly ought to receive—whose labor, by the way, is in good part and inevitably performed to the profit of the telegraph monopoly in the transmission or in the receipt of telegrams on Government and other business—ought not to be paid by the Government any more than the very liberal rates, far too large according to my judgment, named in the sections reported by the Senate and House committees, to which I have allnded.

This amendatory provision is also calculated to have a moral effect, so to speak, as a declaration from this Congress bearing on the extortionate charges of the Western Union Telegraph monopoly for commercial or private dispatches.

Mr. KEIFER. I think this amendment is subject to a point of order.

Mr. HOLMAN. Before the gentleman from Ohio proceeds, I ask that the amendment be again read.

The Clerk again read the amendment.

The CHAIRMAN. What is the point of order raised by the gentleman from Ohio [Mr. KEIFER]?

Mr. KEIFER. My point of order is that this is new legislation and it does not appear that it will retrench expenditures. A reduction of expense does not necessarily follow. I understand that the Government has a contract by which the Western Union Telegraph Company sends messages at a given rate for all these public officers and Departments. That contract exists now. Whether the rates under that contract are above or below those embraced in the contract with reference to telegrams for the Signal Service I am not able to state. I do not know whether the gentleman who offers this amendment is able to state how the fact is in that respect. It seems to me the amendment is subject to the point of order. Besides, I do not think it is a wise amendment at this time.

The CHAIRMAN. The Chair does not see how this provision changes existing law. But even if it does it simply places a limitation upon the amount to be paid under this appropriation, which by the terms of the amendment is not to exceed the amount now paid by the Government for like service. The Chair therefore rules that the amendment is in order.

The question being taken on agreeing to the amendment, it was agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. TOWNSHEND took the chair as Speaker *pro tempore*:

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 1291) to quiet and confirm the title to certain lands in the Saginaw Bay in the State of Michigan;

A bill (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;"

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony;

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies; and

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

The message further announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,000 extra copies; of which 3,000 shall be for the use of the Senate, and 6,000 for the House of Representatives, and 7,000 for the Smithsonian Institution.

The message also announced that the Senate insisted on its disagreement to the amendment of the House of Representatives to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN.

ARMY APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. THOMAS. I move to amend by striking out, in lines 59 and 60, the words "additional pay to officers in charge of public buildings and grounds in Washington."

Mr. Chairman, I will briefly state my reasons for offering this amendment. Attention has recently been called to the fact that an officer of the United States Army has been engaged in superintending the construction of one of the public buildings within this city; that he filed a claim for additional compensation on account of such service; that he appealed to the Court of Claims, and was allowed $10 a day extra pay. Now, I submit that the work of superintending public buildings and grounds in the city of Washington is not more hazardous or onerous than the duty of fighting battles or carrying on campaigns against the Indians on the frontier. I see no just grounds upon which this additional compensation is allowed. I am not a member of the Committee on Appropriations, but the instance I have mentioned illustrated so pointedly the injustice being done in this way to other officers engaged in equally meritorious duty that I felt the question ought to be presented to the House.

Mr. FORNEY. The law for the payment of this extra compensation has been in existence since 1873. Under it the officer in charge of public buildings and grounds in this city has been paid $1,000 a year in addition to his pay as an officer of the Army—on the theory, I presume, that his expenses are greater here than they would be if he were with the Army. We have reported this appropriation in pursuance of law.

The question being taken on agreeing to the amendment of Mr. THOMAS, there were—ayes 37, noes 26.

Mr. FORNEY. I call for tellers.

The CHAIRMAN. No quorum having voted, tellers are ordered; and the Chair appoints the gentleman from Illinois [Mr. THOMAS] and the gentleman from Alabama [Mr. FORNEY].

The committee again divided; and the tellers reported—ayes 39, noes 64.

So the amendment was not agreed to.

Mr. WARNER, of Ohio. I move to amend by striking out, in line 95, the word "twelve" and inserting "ten," so as to make the aggregate appropriation for the pay of the Army $10,215,000.

Mr. KEIFER. I do not understand the gentleman's motion.

Mr. WARNER, of Ohio. I move to strike out "twelve" and insert "ten" in line 95.

Mr. Chairman, by the terms of the bill before us the enlisted men of the Army are kept down to 25,000, and it is well known that the military force is not kept up to 25,000 men. The regiments are almost never full. This section of the bill calls for $12,215,000 for the pay of the Army alone. Now I will ask the gentleman from Alabama [Mr. FORNEY] having the bill in charge to state to the committee, if he can do so, the proportion of this $12,215,000 which goes to pay the officers of the Army, and how much or what proportion to pay the enlisted men?

Mr. FORNEY. If the gentleman from Ohio would put himself to the trouble of referring to page 90 of the Book of Estimates for 1885 and 1886, he will find everything stated in detail: "one lieutenant-general, three major-generals, fifteen brigadier-generals," and so on.

Mr. WARNER, of Ohio. I understand that, but I thought perhaps you had the total.

Mr. FORNEY. The amount we appropriate here is merely what the law authorizes to be paid to them. It is supposed to be $12,500,000. Last year, 1884, $11,700,000 was actually paid out. If you strike out "twelve" and put in "ten" there will of course be a deficiency.

Mr. WARNER, of Ohio. I presume the appropriation is only what the law calls for. If I am right, much the larger part of this $12,215,000 is required to pay the officers of the Army, and I call attention to this here because of its bearing on the final paragraph of the bill.

Now, let us see. This bill appropriates pay for sixty-seven colonels.

Mr. FORNEY. Yes, sir.

Mr. WARNER, of Ohio. Now, there are only twenty-five regiments.

Mr. FORNEY. Twenty-five regiments of infantry, ten regiments of cavalry, and so many regiments of artillery.

Mr. WARNER, of Ohio. But in all, only 25,000 men.

Mr. FORNEY. That is all.

Mr. WARNER, of Ohio. Enlisted men; and we pay them $2,738,140. Eighty-nine lieutenant-colonels, two hundred and thirty-four majors—more officers of this rank than any other army in the world four times the size of ours has.

Mr. FORNEY. The gentleman must not appeal to the Appropriations Committee in that regard, but for his remedy he must turn to the Committee on Military Affairs.

Mr. WARNER, of Ohio. I understand that, and I am only calling attention to this now with a view, I say, to its bearing upon the final paragraph of the bill. I doubt not the Committee on Appropriations have included in the bill only appropriations to pay those entitled according to the law as here given.

Mr. ROSECRANS. If the gentleman will allow me a moment——

Mr. WARNER, of Ohio. I am merely calling attention to the character of the organization of our Army as it now exists, and to its top-heaviness as to officers in proportion to enlisted men.

Mr. STEELE. Somebody has done it every session, and everybody knows it.

Mr. WARNER, of Ohio. And it will do no harm to do it again.

Now, Mr. Chairman, it appears from this bill that the average cost per man, or rather the average pay per man, in the military service of the United States is between $500 and $600. Now the entire cost per man for maintaining——

Mr. WOLFORD. Allow me.

Mr. WARNER, of Ohio. I have only a moment. The average cost of maintaining the army of England is but a little over $200 per man; of the army of Germany considerably less than $200, and of the army of France less than $200.

The CHAIRMAN. The gentleman's time has expired.

Mr. DUNHAM. Are you in favor of European-paid labor?

Mr. WARNER, of Ohio. I hope some gentleman will yield me his time.

Mr. HENLEY. I will take the floor and yield my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. The gentleman from Illinois asks me if I am in favor of well-paid labor.

Mr. DUNHAM. No; of European-paid labor.

Mr. WARNER, of Ohio. Ah! I am in favor of well-paid labor; and

let me call the attention of the committee to this fact: that by increasing the pay——

The CHAIRMAN. Does the Chair understand the gentleman from California yields his time to the gentleman from Ohio?

Mr. HENLEY. I do.

Mr. WARNER, of Ohio. That by increasing the pay of the official staff of the Army——

Mr. WOLFORD rose.

Mr. WARNER, of Ohio. Let me answer the question first. Every increase of the cost of the Army takes so much from the earnings of another class of people—the laboring classes of the country, who on the average get less than $350 per annum.

Mr. DUNHAM. I understand you to compare——

Mr. WARNER, of Ohio. I only want to show that the average pay per man of our Army is three times the entire cost per man of other armies, and that a large part of this is for officers; that is all.

Mr. DUNHAM. Is not that general all over this country as compared to Europe?

Mr. WARNER, of Ohio. No; it is entirely out of proportion to the pay or earnings of other classes of people in the country. I do not refer to enlisted men.

Mr. STEELE. Does not the gentleman from Ohio take pride in our having the best paid Army in the world?

Mr. WARNER, of Ohio. But you must remember somebody has the Army to pay, and those in the end must pay it who earn on an average less than $350 per annum. You can not increase the cost of the military service without taking so much from another class. If one class gets more another class must take less, and in the end it must come out of the pockets of those who are the producers of all wealth. I will now yield for a question to the gentleman from Kentucky.

Mr. STEELE. We had better begin cutting down salaries at home. Let us begin with our own.

Mr. WOLFORD. Now, will the gentleman allow me a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. WOLFORD. I want to understand first whether the gentleman from Ohio wants to receive the services of these officers without pay?

Mr. WARNER, of Ohio. By no means. I am not even arguing now for a reduction of salaries.

Mr. WOLFORD. Wait until I get through.

Mr. WARNER, of Ohio. I can not yield if that is the question the gentleman wants to ask. I am not arguing on that point at all, but I am trying to show that as our Army is organized we have now more officers than there is any need of, supernumeraries drawing large pay, and for that reason, in my judgment, section 2 of the bill which has been spoken of ought not to be adopted. It is against more supernumeraries, and the large list of civil employés, and the expense of maintaining so large an official corps that I am arguing, and not against the military force of the country. It is here that the great cost of our Army comes in—in the staff organization, the supernumeraries, the enormous civil-list, and the show and paraphernalia of the Army, and not in the pay or cost of the rank and file, the fighting men of the Army.

Mr. DUNHAM. How would you avoid paying these officers who are in the regular Army?

Mr. WARNER, of Ohio. I am not proposing to avoid paying them, but am simply trying to show that we have no need of increasing the number of our officers so rapidly as some gentlemen seem to think necessary. One gentleman, for instance, has announced himself in favor of retiring officers at an earlier age, the age of 40, I believe, and then increasing the number of cadets at the Military Academy. Retire officers earlier and let them in faster. First increase the number admitted, and then retire them earlier. That would no doubt be an effective way to multiply officers, but I am opposed to it.

Mr. ROSECRANS. Mr. Chairman, I take it for granted that the honorable gentleman from Ohio desires to waste unnecessarily no time of this committee. But it seems to me that he is producing an impression on the minds of the House that there is something definitely and clearly wrong in what he calls the top-heaviness of our Army. He talks about two hundred and thirty-five majors and only twenty-five regiments. Why, sir, the gentleman has not taken into consideration at all the organization of the Army. He has not paid any attention whatever to its organization. There are twenty-five regiments of infantry alone. In addition to that the gentleman seems to forget that we have an organized staff composed of paymasters, a medical corps, an engineer and ordnance corps, besides quartermasters and commissaries. Now, all of these officers have rank and some have office.

The gentleman forgets to inform the House, or call the attention of the members of this committee who are not acquainted with the military organization of our Army so fully perhaps as he is, that there has been a provision made whereby for military service (certain years of time in certain service) promotion follows as a matter of right to rank and pay where the office itself does not attach. To this he evidently alluded when he spoke of the multiplied number of field officers in proportion to regiments, for we have this additional number of field officers having rank but not attached to office; rank which disappears when the individual holding it dies, and rank to which pay is attached, for the purpose of rewarding services, &c.

It is owing to the fact of the existence of this class of officers that we have apparently a top-heaviness in our Army organization. We have field-officers who have rank conferred upon them in the order of office, and in addition rank conferred upon them for lapse of time, for service. This, as I have said, creates this apparently disproportionately large number of field-officers to the regiments and to the number of men composing our Army organization. It is a necessary incident in the existence of an army. We retain a full complement of officers, staff and line, with a minimum number of men. Of course, when you come to speak of the average cost of the maintenance of our Army and compare it to the total expenditures of other armies in the world, dividing the total cost of our Army by the total number of persons maintained on the rolls, the average will go down per capita in proportion to the number of private soldiers enlisted. But it is no reproach to our system, and certainly none to the committee here, that they have reported a bill paying the Army as it stands under existing law; nor is there any such exaggeration, as the gentleman would have inferred from what he said, in the proportion of field-officers.

Mr. WARNER, of Ohio. But, Mr. Chairman, I ask the distinguished gentleman from California if it is not a fact that we have sixty-seven colonels, eighty-seven lieutenant-colonels, and two hundred and thirty-four majors to less than 25,000 men?

I agree that our staff organization is magnificent. It is the largest perhaps, or as large as the staff organization of any army in the world. But while that is true we have an organization of 25,000 men with the same expenditure for officers that some of the armies of Europe expend for an organization of 100,000 or 500,000 men.

Mr. CUTCHEON. Mr. Chairman, I have no disposition to detain the committee at this point of this debate, but I am not willing that the impression made by the remarks of the gentleman from Ohio in regard to the expense of the maintenance of the American military establishment should go out without calling attention to the fact which makes the American establishment necessarily more expensive in proportion to numbers than that of other countries. It has been the policy of the American Government from time immemorial to maintain a skeleton army, an army of officers, I may say—that is, a large establishment of officers with the minimum number of enlisted men; and the only reason which makes the American establishment more expensive per capita than the European armies to which the gentleman from Ohio has referred is the fact that they maintain large standing armies, an enormous military establishment with a vast number of enlisted men, sometimes reaching into the hundreds of thousands.

Now, if the gentleman wants to reduce the per capita expense of the American military establishment he can do it by enlisting our Army up to the maximum of European armies in respect to enlisted men.

Mr. WARNER, of Ohio. Is it not the fact that with a standing army of 450,000 men the German organization is such as to admit right into it, without increasing the officers, enlisted men up to over a million?

Mr. CUTCHEON. And it is the policy of our Government to maintain an establishment of officers sufficient to enable us in case of a sudden emergency to increase our Army up almost to a half million of men without increasing the staff. We have a staff organization adequate to a large army; and we gain in economy by not enlisting our Army up to a number equivalent to the organization of its staff. Therefore, this system and policy adopted by our Government is one in the interests of economy and not against it.

Mr. WARNER, of Ohio. But in time of war we find we increase the officers about as fast as the enlisted men.

The CHAIRMAN. The question is on the amendment.

Mr. WARNER, of Ohio. I withdraw the amendment.

The Clerk read the following paragraph:

For barracks and quarters for troops, store-houses for the safe-keeping of military stores, for offices, and for grounds for camp and summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables and for repairing public buildings at established posts, $700,000: *Provided*, That hereafter no expenditure exceeding $500 shall be made upon any building or military post without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department; and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement: *And provided further*, That not more than $1,500,000 of the sums appropriated by this act shall be paid out for the services of civilian employés in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, and camp and garrison equipage; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law.

Mr. BEACH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of line 269 the following:

"*Provided further*, That $14,000 of said sum shall be immediately available for construction at the Military Academy at West Point of sixteen sets of quarters for enlisted men and their families, to be built of brick in groups of four each, each set to contain four rooms and to be one-story high."

Mr. FORNEY. I make the point of order that the proposed amendment is a change of existing law, and is not in the interest of economy.

Mr. BEACH. I do not think the amendment is subject to the point of order. This bill appropriates $700,000 for barracks and quarters for

troops. Now my amendment simply proposes to direct the manner in which a portion of this $700,000 shall be expended. I do not think it is subject to the point of order at all.

Mr. KEIFER. It does not retrench expenses.

Mr. BEACH. Here is a general appropriation of $700,000 for certain purposes. I suppose that this House has the right to direct the manner in which that money shall be expended, and that is all that the amendment does. It directs that a portion of the money shall be expended in the erection of this necessary building at the Military Academy at West Point. I will state I am not very familiar with the rules of the House. I have never made it my duty to study them. I have been more inclined to curse them than to study them, looking upon them as I do as an abomination and a nuisance.

The CHAIRMAN. The Chair thinks the proposed amendment is a change of existing law. He knows of no existing law authorizing the construction of these barracks as provided for in the amendment. And as it changes existing law, to be in order it must on its face be a retrenchment of expenditure. That does not appear on the face of the amendment. The Chair sustains the point of order.

Mr. CUTCHEON. I ask leave to recur to line 170. I was absent from my seat when that portion of the bill was read.

Mr. FORNEY objected; but subsequently withdrew the objection to going back.

The CHAIRMAN. Is there objection to going back to the point indicated? The Chair hears none.

Mr. CUTCHEON. The amendment I propose is to insert, after the word "interment," in line 170, the words "or transportation to place of residence;" making it read:

Expenses of the interment or transportation to place of residence of officers killed in action, or who die when on duty in the field, &c.

So that it will provide if an officer die in the field or in the line of duty, his remains may be transported by the Quartermaster's Department to the place of residence. If an officer be mustered out while on duty in the field, he is entitled to have his expenses of travel paid to his home. It seems to me a matter of similar justice that if an officer should die or be killed while in the line of duty in the field, his remains should have the same transportation.

Mr. WARNER, of Ohio. Suppose a private soldier dies in the field, what becomes of his remains?

Mr. FORNEY. I insist on the point of order.

The CHAIRMAN. The gentleman is too late in making the point of order. The Chair asked if there was objection to going back, and it was waived. The question is on the amendment offered by the gentleman from Michigan [Mr. CUTCHEON].

The amendment was not agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. MCMILLIN took the chair as Speaker *pro tempore*.

Several messages, in writing, from the President of the United States, were communicated to the House by Mr. PRUDEN, one of his secretaries.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

MEDICAL DEPARTMENT.—For purchase of medical and hospital supplies, expenses of purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, advertising, and other miscellaneous expenses of the Medical Department, $225,000. And not over $36,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Medical Department.

Mr. STEELE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Department," in line 297, add the following:

Provided, That section 4787 of the Revised Statutes, line 15, page 930, shall be so amended as to read "every three years," instead of "every five years."

Mr. MCMILLIN. Mr. Chairman, I make the point of order upon the amendment offered by the gentleman from Indiana [Mr. STEELE] that it changes existing law and does not retrench expenditures. I will reserve the point, however, and hear what the gentleman from Indiana has to say.

Mr. STEELE. Mr. Chairman, there is very little to be said on this subject. The section of the Revised Statutes the amendment refers to gives to every soldier of the war who lost a limb a new limb every five years. There is evidence within the knowledge of almost every member of this House, and it has been demonstrated, that new limbs are required by a great many of these soldiers every year, and that every soldier who has lost a limb requires a new one oftener than once in five years. My amendment simply proposes to give these men new limbs every three years, instead of every five years. I hope there will be no objection to the amendment, and that no point of order will be made against a measure so equitable as this. I understand that the gentleman from Tennessee [Mr. MCMILLIN] has reserved his point of order, and I hope he will not make it against this amendment.

Mr. MCMILLIN. Mr. Chairman, I prefer that the object should be attained in a different way. We can not have the matter investigated as it should be here in the Committee of the Whole. Let some proper committee of the House inquire into it and make a recommendation on the subject.

Mr. STEELE. It is simply a proposition to strike out "five" and substitute "three."

Mr. MCMILLIN. I understand that there is no suggestion or recommendation of this change from the War Department, or from any committee of the House.

Mr. STEELE. Will not the gentleman withdraw his point of order and let the House vote upon the amendment?

Mr. MCMILLIN. I insist, Mr. Chairman, that before we consider the proposition it shall come before the House from the Committee on Military Affairs or from some proper quarter.

The CHAIRMAN. The point of order being made, the Chair will rule upon it. On the face of this proposition it changes existing law, and, according to the rulings that have been made heretofore by the occupants of the chair, such a proposition is out of order unless it appears affirmatively on its face to reduce expenditures. This amendment does not do that, and therefore the Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes, and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps, he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen: *Provided*, That not more than one such officer shall be attached to any company at the same time.

Mr. MCMILLIN. Mr. Chairman, I make the point of order on the second section of the bill. It is new legislation, and it does not retrench expenditures. And, for the purpose of showing that it is in violation of existing law, I will read from the Statutes at Large the third section of the act approved June 11, 1878, which provides—

That from and after July 1, 1882, only such number of the graduates of the United States Military Academy in any one year shall be entitled to appointment as second lieutenants in the Army as are required to fill vacancies of that grade existing on the 1st day of July in each year; those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class; and hereafter no supernumerary officers shall be attached to any company or corps of the Army, and all graduates of the Military Academy who are not appointed to the Army under the provision of this act shall be discharged upon the graduation of their class.

Now, it will be seen, Mr. Chairman, that this amendment is in direct violation of the existing law which I have just read. It will not be claimed by any member of this committee that the amendment retrenches expenditures, and it is therefore obnoxious to the rule and must go out.

The CHAIRMAN. Will the gentleman from Tennessee [Mr. MCMILLIN] give the Chair the date of the approval of the act from which he read?

Mr. MCMILLIN. June 11, 1878.

Mr. ADAMS, of Illinois. Mr. Chairman, the statute from which the gentleman from Tennessee [Mr. MCMILLIN] has just read is the Military Academy appropriation bill passed June 11, 1878. One week after that time the Army bill passed, which contained provisions which seem to me to be a modification of this prior statute. Those provisions are as follows:

That hereafter all vacancies in the grade of second lieutenant shall be filled by appointments from the graduates of the Military Academy, so long as any such remain in the service unassigned; and any vacancies thereafter remaining shall be filled by promotion of meritorious non-commissioned officers of the Army, &c.: *Provided*, That all vacancies remaining after exhausting the two classes named may be filled by appointment of persons in civil life.

I am not familiar, sir, with the laws touching the organization of the Army, but I have been struck with the discrepancy between these two statutes, and I desire to bring it to the attention of the gentleman from Tennessee. If I may be permitted I would say that this last statute (which was approved June 18, 1878) does modify the law providing for appointments from civil life; and, as I am strongly opposed to such appointments, I believe that this provision of the bill before the committee is an important one, and that, therefore, even if a point of order may be made against it it should not be made.

Mr. MCMILLIN. Mr. Chairman, in response to what the gentleman from Illinois has just said I will trespass upon the time of the House only long enough to suggest that the only change that that makes in the preceding law (as I gather from the hasty reading of the act here) is, that where there are vacancies the President shall appoint from those who have been graduated, but the body of the act I have just read is not interfered with by the other, nor will any one who has compared the two acts insist that it is.

Mr. WARNER, of Ohio. Mr. Chairman, this second section of the bill is certainly subject to the point of order. It contains this provision:

If there be no vacancy in such corps he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen.

That certainly is not the law now. It is new legislation. It does not retrench expenditures, and it is, therefore, subject to the point of order.

Mr. STEELE. Mr. Chairman, under the law providing for the Military Academy these cadets after graduation are to be assigned to the

Army. The pending paragraph of this bill simply provides a method by which this may be done. In the class of 1884 there were thirty-seven graduates. In the class of 1885 there will be thirty-nine graduates, not enough to fill the vacancies. In the class of 1886 there will probably be eighty graduating cadets. This increase results from the enlarged number of Representatives in this House. It may not be necessary that a single one of these graduates shall go upon the assigned list provided for in this bill; but if it should be so, we are only carrying out the law which provides that these graduates shall be assigned.

Besides, sir, it will be a matter of economy to the Government to retain in its service these men who have acquired a military education in the academy. It may save thousands of dollars in case of war. Every man knows that at the commencement of the late war the Government suffered more for want of experienced officers than from any other cause. Therefore I make the point that this provision would in all probability decrease expenses.

Mr. ROSECRANS. Mr. Chairman, I confess that, judging merely by the face of this provision, the point of order appears to be sound. But I wish to call attention to the fact that the law of 1878, which was read by the gentleman on the other side [Mr. ADAMS, of Illinois], was a modification of the old law concerning the appointment of graduates from West Point to positions in the Army. That old law, which was the rule for a great many years, will be found in section 1213 of the Revised Statutes. From the time of its enactment down to 1878 the carrying out of that provision never involved any material expense to the Government in maintaining surplus officers; generally speaking, there was a deficiency. It is true that about my time and previously there was a short period when, after the graduation of each class, there were more graduates entitled to be promoted than there were vacant positions. But it is curious to notice how rapidly these surplus officers were absorbed. I have in my hand a memorandum showing the facts in a number of these cases; and from the promptitude with which graduates of West Point were assigned to vacant positions in the Army, it would appear that the total expense to the Government from a temporary deficiency of positions for them must have been very slight indeed. It is obvious that no very large expenditure was involved in the change made by the act of 1878; and a return to that law will probably result in no serious increase of expense. There is nothing on the face of the provision to show that it will increase the expenses of the Government to any considerable degree.

I presume it may interest gentlemen here to observe how rapidly these men, who for a certain time were extras, were absorbed. According to the memorandum which I have before me, General Burnside served three months as a brevet second lieutenant under section 1213 of the Revised Statutes; General Gillmore four years; General Grant two years; General Hancock two years; General J. B. Hood one year and eight months; General Howard seven months; General Ingalls two years; General McClellan nine months; General A. A. Humphreys one day; General R. E. Lee one day; General J. E. Johnston one day. So they vary; some of them being assigned to vacancies almost immediately, and some waiting a little longer.

Now I wish to mention to the committee that of the class which will graduate in 1886 one member who was found deficient has been nominated for second lieutenant, to go into the Army ahead of his class. Under the operation of the present law, which the provision of this bill is designed to repeal, we are asked to take deficient officers. It is very doubtful whether there will be any economy in rejecting this provision. If we have poor "sticks" for officers we are bound to lose money. I do not think the extra expenditure is at all obvious.

Mr. McMILLIN. But the point I make is that the retrenchment must be obvious. It is not a question whether the extra expenditure is obvious.

Mr. CUTCHEON. I desire to occupy just a moment on the point of order. I believe, Mr. Chairman, I am not mistaken in supposing (if I am, some gentleman can correct me) that under the present law, if these cadets elect to resign or are discharged under the provisions read by the gentleman from Tennessee [Mr. McMILLIN], they are entitled to a year's pay. I may be mistaken, but I think that is the fact. If so, then I apprehend the provision now pending would retrench expenses, because before a year could elapse most of these graduates must be absorbed into the service.

But further than that, I take the position that the provision is in the interest of economy—in the line of retrenchment of expenses. These young men are, at the expense of the Government, educated for a specific branch of the public service. If when their education is completed they are discharged from the service, there is a squandering of the entire amount of money expended upon their education. To retain them in the public service will be in the line of retrenchment of expenses—will be a matter of public economy.

Mr. Chairman, you have listened to the long list of the most eminent men this Military Academy has ever given to the public service, including the generals-in-chief upon both sides in the late controversy between the States. These men, but for this provision which was in our statutes from 1812 to 1878, would have been lost to the public military service. They would have retired to private life and become involved perhaps in civil pursuits. The same is true of the brilliant class we are now about to graduate. The United States has educated them at large expense; they are now ready for the public service; to send these men to civil life will be to lose the education the Government has conferred upon them; to retain them in the public service will be in the line of retrenchment and reform.

Mr. WARNER, of Ohio. Unless the Chair is ready to rule I would like to be heard for a moment. By the reasoning of the gentleman from Michigan, having expended a given sum to educate a cadet at West Point, then if we do not continue him on the pay-roll the Government is losing money. On that point I wish to say that I do not believe the education received at West Point injures a young man or unfits him for the pursuits of civil life. If I did, I would be in favor of abolishing the academy altogether. But it can not be economy to retain a class of officers if they are not needed. After they have been educated, having spent a certain sum of money, it can not be economy to spend a further sum unnecessarily; and yet that is the point here. When their services are needed they can be commissioned.

This bill shows that there are now something like six hundred second lieutenants in the service for an army of 25,000 men. I submit that the cadet has no right even to ask because he has been educated at West Point Military Academy he should be retained in the public service during the rest of his life. I do not admit that for a moment. The Government gives him an education at its own expense. He is, to be sure, under obligation to serve the Government if the Government shall require it, but when the Government does not require it he can not claim it as a right that he shall be retained in service.

The CHAIRMAN. The Chair is ready to rule on the question.

Mr. STEELE. I wish to call the attention of the Chair to the fact that the statute does provide that graduates may receive $750 and be ineligible to reappointment after two years. These temporary appointments as supernumeraries of these cadets would all be exhausted by vacancies in one or two months. I have found the index of the statute but have not yet obtained the statute itself.

Mr. McMILLIN. Even if the gentleman found the statute he would be stared in the face by the fact that they receive more.

Mr. STEELE. In a month perhaps these supernumeraries will all be taken up by vacancies.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] makes the point of order that the amendment changes existing law and does not retrench expenditures. It can hardly be regarded as an open question whether the amendment changes existing law or not, for the committee in reporting the bill so reported that fact. It is as follows:

Section 2 of the bill is new legislation, recommended by the Lieutenant-General of the Army and the Committee on Military Affairs of this House, and is as follows, &c.

Mr. STEELE. I make the point that it will reduce expenses.

The CHAIRMAN. The Chair is now rendering his decision.

Mr. STEELE. They get mileage in addition to the $750.

The CHAIRMAN. It being admitted the amendment changes existing law, it must affirmatively appear on its face that it retrenches expenditures. Is there anything in the amendment that affirmatively shows the expenses of the Government will be less after the adoption of the amendment than it is under existing law? On the contrary, it provides for placing on the pay-roll certain officers whom the existing law discharges. If it be admitted they are to be discharged with a certain amount of pay—a thousand dollars or one year's pay—yet the change in the law the amendment provides places them permanently in the Army, and the expenditure is continued during the life of these officers. Under this view, as taken by the Chair, it has no doubt the amendment is liable to the point of order made by the gentleman from Tennessee, and therefore it sustains the point of order and rules the paragraph out.

Mr. STEELE. I wish to offer another amendment.

Mr. FORNEY. I wish first to make some amendments. On page 14, line 313, I move to strike out the comma after "repairing" and after "surveying" and to insert it after "instruments;" so that it will read, "for repairing surveying and other instruments, accumulated in depot for want of means to repair, $2,000."

The amendment was agreed to.

Mr. FORNEY. On page 3, line 37, I move to strike out "non;" so that it will read "other than the pay of such commissioned officers."

Mr. STEELE. I move to insert the following:

The Clerk read as follows:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes, and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps, he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen sixty days after the date of assignments are made to fill vacancies each year.

Mr. KING. I make the point of order against that; it changes existing law and does not retrench expenditures.

Mr. STEELE. These assignments will all be made, in all probability, from what we can see from the Army Register, within sixty days. I am satisfied that within that time all or nearly all will be absorbed. It will save $750 to the Government which we have to pay and the transportation of these supernumerary cadets. If they are not all absorbed

within the sixty days, then the few remaining—and I do not believe a single one would be left—but the few remaining, if any, would have to be paid the $750. I think on its face it does not decrease expenditures.

The CHAIRMAN. The Chair will state that this is substantially the same amendment that was ruled out on the point of order a moment ago, and sustains the point of order made against this.

Mr. KEIFER. I offer another amendment.

The Clerk read as follows:

Add as section 2 of the bill:

"That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows:

"ARTICLE 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine."

Mr. McMILLIN. I reserve the point of order on that. I have not the statutes before me.

Mr. KEIFER. I think the gentleman will not insist upon the point of order if he will hear an explanation.

Mr. McMILLIN. I will hear the gentleman, but reserve the point of order until I see the import of this proposed amendment.

Mr. KEIFER. Mr. Chairman, the purpose of this amendment is to give the courts-martial the right to sit at such times as the court may itself determine. Under existing law the military courts must meet between the hours of 8 and 3 o'clock. Ordinarily the courts can not assemble before 10 or 11, so that the time in which the business of the court can be transacted is limited between the time of meeting and the hour of 3 o'clock.

There is no reason or philosophy in this limitation. The theory upon which this sort of legislation grew up started two hundred years or more ago in Great Britain. First they limited the time at which courts-martial should close to 1 o'clock, that being the hour when English gentlemen went to their dinners; after which the presumption was that they were entirely unfitted to administer justice. [Laughter.] And the reason was given at the time the law was enacted that no gentleman of England was fit to sit after dinner to determine any judicial question.

A little later, I believe in 1689, in the reign of William and Mary, the ordinary time English gentlemen dined was changed from 1 o'clock to 3 o'clock, and so, in accordance with that change, they changed the law to extend the time when these courts-martial could sit from 1 to 3 o'clock, to conform to the time when gentlemen in England dined.

This was the law of England at the time of the Revolutionary war, when we adopted our Articles of War, and we adopted that limitation, and literally, from the law of England. We have continued that for more than one hundred years in this country, although the English people concluded that there was no longer any necessity to limit the time to 3 o'clock, and left the courts authority to sit entirely on their own motion.

Now, how does it operate? Here we have had a court-martial in the city of Washington meeting at 11 o'clock each day for a number of weeks. By the terms of the law they are compelled to adjourn at 3 o'clock, no matter what progress has been made in the case, no matter what reason may exist for continuing the sitting. Witnesses may be here from long distances that ought to be examined. They must go over. Now that this case is closed, so far as the introduction of evidence and hearing of argument is concerned, the court is still limited in the consideration of this important case to 3 o'clock, after which time they are unable to transact any business and must adjourn without authority to meet until after 8 o'clock on the next morning. And so the case goes on. It is very expensive to the Government to keep such a condition on the statute-book.

Mr. McMILLIN. Mr. Chairman, if the gentleman from Ohio will yield to me for a moment I will state, that while this amendment is clearly subject to the point, I will not insist upon it.

Mr. KEIFER. The ninety-fourth article of war is as follows:

Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which in the opinion of the officer appointing the court require immediate example.

That discretion applies of course to a time of war, when there is a special necessity for an immediate hearing of a case. In time of peace the provision is not applicable. The provision I suggest will give the court discretion to sit at its own motion and convenience. My attention has been called to this matter by officers sitting upon the court-martial at this time in this city. They regard it as a great hardship and delay in the administration of justice because of this act.

I have a letter here from the judge-advocate of the court that is in session in this city, and if there is no objection I will have it printed in the RECORD, as it goes into the entire matter also which relates to the pay of these officers; and although it is not pertinent to this proposed amendment, I would only say in this connection that under the law as it stands these officers get no extra pay, although they are subjected to very great additional expense. This letter refers to both.

The letter referred to by Mr. KEIFER is as follows:

GENERAL COURT-MARTIAL ROOMS,
Ebbitt House, Washington, D. C., January 27, 1885.

MY DEAR SIR: In response to your inquiry of this date, I have the honor to state that the ninety-fourth article of war (section 1342, Revised Statutes) prescribes as follows:

"Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example."

This limitation has come into our statutes from the British articles of war, in force in 1775, which our Continental Congress adopted for our Army.

It took its rise in the first mutiny act (first William and Mary, cap. 5) enacted by Parliament in 1689, in which, by section 16, such proceedings of trials could only be held "betweene the houres of 8 in the morning and 1 in the afternoon."

The reason of this was because 1 o'clock p. m. was the fashionable dining hour, and no English officer or private gentleman was expected to be sober after that hour.

Later, the fashionable dining hour became 3 o'clock during the reign of the earlier Georges, and the time for sessions of the court was extended to that hour.

The American Revolution came on when that was the hour, and our Congresses, down to and including the Revised Statutes of 1874, have continued to re-enact this curious obsolete law, wholly unaware of the implication it contains, while in the British service it has been abrogated.

The effect of this is apparent in the present trial of Judge Advocate-General D. G. Swaim.

Yesterday the court had to suspend its deliberations at 3 p. m. because a continuance a moment later would have rendered the proceedings illegal and void.

You can well understand the hindrance to business this occasions, and I could give you many remarkable illustrations.

The ninety-fourth article of war should therefore be repealed—

First. Because of its inutility and positive hindrance to the prompt administration of criminal justice in the Army.

Second. Because of its implication, from its origin, on the honor of officers of the Army.

In this connection permit me to ask that there be substituted a much-needed clause.

The high general court-martial of which I am judge-advocate was assembled here by the President of the United States on November 15, 1884.

Eight of us, coming from a distance, have in consequence each been taxed for the administration of justice from three and a half to five dollars per diem for our board. You can figure for yourself what this amounts to, because as gentlemen on temporary duty we could make no permanent arrangement, and therefore have to go to respectable hotels and pay the usual rates.

We all have our establishments at our permanent stations, and therefore can not claim the meager commutation of quarters now provided when quarters are not furnished at permanent stations.

When an officer now gets a detail on court-martial duty away from his post he looks with dread upon it, because he feels he is thereby taxed by the Government.

This, I submit, is all wrong, and I have known officers who became seriously embarrassed in their slender finances by such tax.

In all foreign services officers are granted an allowance per diem on this important duty, not as an emolument, but as a commuted reimbursement of actual expenses incurred.

General Washington always did so, and it was wholly a matter of army regulation under Generals Washington and Alexander Hamilton until 1799, when Congress provided a fixed compensation, so that a judge-advocate received $2.50 per diem.

Annually Congress made specific appropriation for this until 1872, when it was taken away by a Secretary of War.

The Second Comptroller over and over again held that it was only a commutation for actual extra expenses necessarily incurred, and not an emolument.

I have, therefore, the honor to suggest, in lieu of article 94, the following, viz:

"Officers of the Army assigned to general court-martial duty at stations other than their proper posts, and who shall not receive commutation of quarters at the place of such duty, shall be entitled to an allowance of $3 per diem while employed on said duty."

I trust this suggestion will be favorably considered, and have the honor to be,

Very respectfully, your obedient servant,

ASA BIRD GARDINER,
Judge-Advocate.

Hon. J. WARREN KEIFER,
House of Representatives.

The amendment of Mr. KEIFER was agreed to.

Mr. KEIFER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following as a new section:

"SEC. 3. That when officers of the Army are detached from their proper stations, by competent authority, for service as members of military courts, boards, or commissions, they shall receive the sum of $2.50 per day for and during the period of such service."

Mr. McMILLIN. That is subject to the point of order.

Mr. WARNER, of Ohio. I make the point of order.

Mr. KEIFER. Does the gentleman insist on the point of order?

Mr. WARNER, of Ohio. Oh, yes.

Mr. McMILLIN. The gentleman from Ohio [Mr. KEIFER] has heretofore objected to putting general legislation upon appropriation bills.

Mr. KEIFER. But it is the only place where we can get it.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. KEIFER. If the point is insisted on I agree the amendment is subject to the point of order.

Mr. FORNEY. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MILLS reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. FORNEY. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments. If no separate vote be demanded the Chair will put the question on the amendments in gross.

No separate vote was demanded.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass? Upon this question the rules require the yeas and nays to be taken.

The question was taken; and there were—yeas, 232, nays 1, not voting 89; as follows:

YEAS—232.

Adams, G. E.	Ellis,	Lovering,	Smith, A. Herr
Aiken,	English,	Lowry,	Smith, H. Y.
Alexander,	Ermentrout,	McAdoo,	Snyder,
Anderson,	Evans,	McCoid,	Spooner,
Atkinson,	Everhart,	McComas,	Springer,
Bagley,	Ferrell,	McCormick,	Steele,
Ballentine,	Fiedler,	McMillin,	Stephenson,
Barbour,	Findlay,	Malson,	Stevens,
Barksdale,	Finerty,	Maybury,	Stewart, Charles
Bayne,	Follett,	Millard,	Stewart, J. W.
Beach,	Forney,	Miller, J. F.	Stone,
Bennett,	Funston,	Miller, S. H.	Storm,
Blanchard,	Garrison,	Mills,	Struble,
Bland,	Geddes,	Mitchell,	Sumner, C. A.
Blount,	Glascock,	Money,	Sumner, D. H.
Boutelle,	Greenleaf,	Morgan,	Swope,
Boyle,	Guenther,	Morrill,	Talbott,
Bratton,	Halsell,	Moulton,	Taylor, J. D.
Breckinridge,	Hammond,	Muldrow,	Taylor, J. M.
Brettung,	Hanback,	Mutchler,	Thomas,
Brewer, F. B.	Hardeman,	Nelson,	Thompson,
Brewer, J. H.	Hardy,	Nicholls,	Throckmorton,
Brown, W. W.	Harmer,	Nutting,	Tillman,
Browne, T. M.	Hatch, H. H.	Oates,	Townshend,
Buchanan,	Hatch, W. H.	Ochiltree,	Tucker,
Buckner,	Haynes,	O'Ferrall,	Tully,
Burnes,	Hemphill,	O'Hara,	Turner, H. G.
Cabell,	Henderson, D. B.	Paige,	Valentine,
Caldwell,	Henderson, T. J.	Patton,	Van Alstyne,
Campbell, Felix	Henley,	Payne,	Vance,
Campbell, J. E.	Hepburn,	Payson,	Van Eaton,
Candler,	Herbert,	Peel,	Wadsworth,
Cannon,	Hewitt, A. S.	Pierce,	Wait,
Cassidy,	Hewitt, G. W.	Perkins,	Wallace,
Clay,	Hill,	Pettibone,	Ward,
Clements,	Hiscock,	Post,	Warner, A. J.
Cobb,	Hoblitzell,	Potter,	Warner, Richard
Collins,	Holman,	Price,	Washburn,
Connolly,	Hopkins,	Pryor,	Weaver,
Converse,	Horr,	Randall,	Wellborn,
Cox, W. R.	Houk,	Ranney,	Weller,
Craig,	Houseman,	Reagan,	Wemple,
Crisp,	Hunt,	Reed,	White, J. D.
Culberson, D. B.	Hutchins,	Reece,	Whiting,
Culbertson, W. W.	James,	Rice,	Wilkins,
Cullen,	Jeffords,	Riggs,	Williams,
Curtin,	Jones,	Robertson,	Willis,
Cutcheon,	Jones, J. H.	Robinson, W. E.	Wilson, James
Dargan,	Kean,	Rockwell,	Wilson, W. L.
Davis, R. T.	Keifer,	Rogers, J. H.	Winans, E. B.
Deuster,	Ketcham,	Rosecrans,	Wise, G. D.
Dibrell,	King,	Russell,	Wise, J. S.
Dingley,	Lamb,	Ryan,	Wolford,
Dockery,	Lanham,	Seney,	Wood,
Dorsheimer,	Lawrence,	Seymour,	Woodward,
Dowd,	Lewis,	Shiveley,	Worthington,
Dunham,	Libbey,	Skinner, T. G.	Yaple,
Eldredge,	Long,	Slocum,	York.

NAYS—1.

Peters.

NOT VOTING—89.

Adams, J. J.	Davis, G. R.	Jones, J. K.	Pusey,
Arnot,	Davis, L. H.	Jones, J. T.	Rankin,
Barr,	Dibble,	Jordan,	Ray, G. W.
Belford,	Dunn,	Kelley	Ray, Ossian
Belmont,	Eaton,	Kellogg,	Robinson, J. S.
Bingham,	Elliott,	Kleiner,	Rogers, W. F.
Bisbee,	Ellwood,	Lacey,	Rowell,
Blackburn,	Foran,	Laird,	Shaw,
Bowen,	Fyan,	Le Fevre,	Singleton,
Brainerd,	George,	Lore,	Skinner, C. R.
Broadhead,	Gibson,	Lyman,	Smalls,
Brumm,	Goff,	Milliken,	Spriggs,
Budd,	Graves,	Morrison,	Stockslager,
Burleigh,	Green,	Morse,	Strait,
Campbell, J. M.	Hancock,	Muller,	Taylor, E. B.
Carleton,	Hart,	Murphy,	Turner, Oscar
Chalmers,	Hitt,	Murray,	Wakefield,
Clardy,	Holmes,	Neece,	White, Milo
Cook,	Holton,	O'Neill, Charles	Winans, John
Cosgrove,	Hooper,	O'Neill, J. J.	Young.
Covington,	Howey,	Parker,	
Cox, S. S.	Hurd,	Phelps,	
Davidson,	Johnson,	Poland,	

So the bill was passed.

Mr. ANDERSON. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. ELLIS. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. BLACKBURN with Mr. PHELPS, for this day.

Mr. WILKINS with Mr. HOLTON, for this day.

Mr. YOUNG with Mr. DAVIS, of Illinois, for this day.

Mr. TURNER, of Kentucky, with Mr. LACEY, on this vote.

Mr. DAVIDSON with Mr. STRAIT, for this day.

Mr. KLEINER with Mr. O'NEILL, of Pennsylvania, for this day.

Mr. MURRAY with Mr. HOLMES, for this day.

Mr. COOK with Mr. GOFF, until further notice.

The result of the vote was then announced as above stated.

Mr. FORNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I rise to a privileged motion. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider revenue bills.

Mr. MONEY. I ask the gentleman to yield to me to make a report from a committee.

Mr. WILLIS. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If the motion of the gentleman from New York should be voted down would it be then in order to move to go into Committee of the Whole House on the state of the Union to consider other bills—the educational bill?

The SPEAKER. Certainly; a motion would be in order to go into Committee of the Whole House on the state of the Union generally.

Mr. HENLEY. I give notice that I propose to antagonize the proposition of the gentleman from New York by bringing on, if I can, the consideration of the bill for the forfeiture of Northern Pacific land grants.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. HEWITT].

The question being taken, there were—ayes 60, noes 96.

Mr. HEWITT, of New York. I call for tellers.

Mr. DORSHEIMER. I move that the House do now adjourn.

Mr. MONEY. I desire to make a report from a committee.

Mr. STOCKSLAGER. I desire to present a privileged report.

The SPEAKER. The gentleman from New York [Mr. HEWITT] asks for tellers on his motion, and pending that the gentleman from New York [Mr. DORSHEIMER] moves that the House do now adjourn.

The question is on the motion to adjourn.

The question being taken, there were—ayes 99, noes 80.

Mr. ANDERSON and Mr. WILLIS called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 32—not one-fifth of the last vote.

Mr. ANDERSON. Count the other side.

The negative vote was counted, and there were noes 141—the affirmative not being one-fifth of the whole vote.

Mr. WHITE, of Kentucky. I call for tellers on the yeas and nays.

Tellers were not ordered, only 10 members voting therefor.

So tellers on the yeas and nays were refused, the yeas and nays were not ordered, and the motion to adjourn was agreed to.

And accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania, urging the passage of the foreign contract labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, urging the repeal of the act of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. BRENTS: Petition of Stevens Post, No. 1, Department of Washington Territory, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. W. W. BROWN: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. CASSIDY: Resolution of the Legislature of Nevada, urging the passage of bill adjusting the direct war tax of 1861—to the Committee on War Claims.

By Mr. EVANS: Resolutions of the senate and house of representatives of Pennsylvania, in regard to contract labor—to the Committee on Labor.

Also, resolutions of the senate and house of representatives of Pennsylvania, urging the repeal of the act of July 22, 1876, by which the legal-tender qualities of the trade-dollar were abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. JEFFORDS: Petition of W. W. Douglas, administrator of Robert Packer, of Clinton, La., requesting claim may be referred to Court of Claims—to the Committee on War Claims.

By Mr. KLEINER: Concurrent resolution of Indiana Legislature, in favor of pensioning prisoners of war during the late rebellion—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Leonard Engleten, late of Company D, Twenty-eighth Michigan Infantry, for a pension—to the same committee.

By Mr. LEWIS: Petition of citizens of Livingston Parish, Louisiana, asking an appropriation for the improvement of Tickfaw River, in said State—to the Committee on Rivers and Harbors.

By Mr. MATSON: Petition of Nathaniel Fish, late captain Company C, Third Cherokee Indian Regiment, for a pension—to the Committee on Invalid Pensions.

By Mr. S. H. MILLER: Petition of citizens of Sharpsburg, of Freeport, of Lucesco, of New Mainsville, and of North Buffalo, Pa., in favor of the improvement of the Alleghany River—to the Committee on Rivers and Harbors.

By Mr. NICHOLLS: Memorial of the Pennsylvania Club, praying for the passage of the Blair educational bill—to the Committee on Education.

By Mr. RANDALL: Petition of Franklin Institute of Philadelphia, to be reimbursed for money expended on account of the Government—to the Committee on Appropriations.

Also, petition of Franklin Institute of Philadelphia, to be furnished one copy of specifications of patents relating to electricity—to the Committee on Patents.

By Mr. SPOONER: Petition of John J. Card, for removal of charge of desertion, to accompany bill H. R. 8101—to the Committee on Naval Affairs.

By Mr. JOHN WINANS: Petition of Charlotte Hopkins and others, of Rock County, Wisconsin, asking an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ATKINSON: Of 60 citizens of Sutton County, and of 50 citizens of Snyder County, Pennsylvania.

By Mr. BRAINERD: Of citizens of Grand Valley, and of Tioga, Pa.

By Mr. F. B. BREWER: Of citizens of Machias, N. Y.

By Mr. T. M. BROWNE: Of 177 citizens of Randolph County and 44 citizens of Fayette County, Indiana.

By Mr. CALDWELL: Of ex-Federal soldiers of Nashville, Tenn.

By Mr. W. W. CULBERTSON: Of 206 voters of Fleming County, Kentucky.

By Mr. KLEINER: Of ex-soldiers of Stendal, Ind.

By Mr. LOVERING: Of General Lander Post, No. 5, G. A. R., of Lynn, Mass.

By Mr. SENEY: Of A. J. Snider and 47 others, of Wyandot, Ohio.

By Mr. STEPHENSON: Of Mrs. Drusilla Gouldsbury and others, of Waupaca County, Wisconsin.

By Mr. J. W. STEWART: Of citizens of Franklin County, of Chittenden County, and of Rutland County, Vermont.

By Mr. STORM: Of citizens of Pike County, of Carbon County, of Montour County, and of Carbon County, Pennsylvania.

By Mr. WOODWARD: Of 383 citizens of Richland County, of 85 citizens of Crawford County, and of 54 citizens of La Crosse County, Wisconsin.

SENATE.

WEDNESDAY, *January* 28, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

LANDING OF TELEGRAPH OCEAN CABLES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State and accompanying papers, furnished in response to a resolution of the Senate of May 2, 1884, calling for information relative to the landing of foreign telegraphic cables upon the shores of the United States.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, January* 27, 1885.

The PRESIDENT *pro tempore*. The message will be printed, together with the letter of the Secretary of State; and the message and letter, with the accompanying papers, will be referred to the Committee on Printing for the time being, with a view of inquiring whether the great mass of documents transmitted shall be printed.

VENEZUELA CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers and documents, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a letter from the Secretary of State concerning the awards made against Venezuela by the mixed commission under the convention of April 25, 1866.

I earnestly invite the attention of Congress to this communication and the accompanying documents.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In response to the resolution of the Senate of the 22d instant, setting forth that—

"Whereas the United States, in 1866, acquired from the Creek and Seminole Indians by treaty certain lands situate in the Indian Territory, a portion of which have remained unoccupied until the present time; and

"Whereas a widely extended belief exists that such unoccupied lands are public lands of the United States, and as such subject to homestead and pre-emption settlement, and pursuant to such belief a large number of citizens of the United States have gone upon them claiming the right to settle and acquire title thereto under the general land laws of the United States; and

"Whereas it is understood that the President of the United States does not regard said lands as open to settlement, and believes it to be his duty to remove all persons who go upon the same claiming the right to settle thereon, and for that purpose has directed the expulsion of the persons now on said lands by the use of military force, and there seems to be a probability of a conflict growing out of the attempt to expel said persons so claiming right and attempting to settle: Therefore,

"*Resolved*, That the President be requested to advise the Senate as to the status of the lands in question as viewed by the Executive, the action taken, if any, to expel persons seeking to settle thereon, and the reasons for the same, together with any other information in his possession bearing upon the existing controversy"—

I have the honor to state that the matter was referred to the Secretaries of War and the Interior, and to transmit herewith their respective reports thereon dated the 26th instant.

The report of the Commissioner of Indian Affairs accompanying that of the Secretary of the Interior recites fully the provisions of the treaties made with the Indian tribes ceding the lands in question to the United States; showing the condition and purposes expressed in said treaties regarding said lands, as well as the action taken with reference thereto, from which it will be seen that they are not open to settlement under any laws of the United States.

The report of the Secretary of War shows the action of the military authorities at the request of the Interior Department under section 2147 of the Revised Statutes.

The status of these lands was considered by my predecessor, President Hayes, who, on the 26th day of April, 1879, issued a proclamation warning all persons intending to go upon said lands without proper permission of the Interior Department that they would be speedily and immediately removed therefrom according to the laws made and provided, and that if necessary the aid and assistance of the military forces of the United States would be invoked to carry into proper execution the laws of the United States referring thereto. A similar proclamation was issued by President Hayes on the 12th day of February, 1880. On the 1st day of July, 1881, I considered it to be my duty to issue a proclamation of like import.

These several proclamations were at the request of the Secretary of the Interior.

As will be seen by the report of the Secretary of War, the military forces of the United States have been repeatedly employed to remove intruders from the lands in question, and that notwithstanding such removals and in disregard of law and the executive proclamations, a large body of intruders is now within the territory in question and that an adequate force of troops has been ordered to remove the intruders and is now being concentrated for that purpose.

None of the land or general laws of the United States have been extended over these lands except as to the punishment for crimes and other provisions contained in the intercourse act, which relate to trade and the introduction of spirituous liquors and arms among Indians, and do not sanction settlement. It is clear that no authorized settlement can be made by any person in the territory in question.

Until the existing status of these lands shall have been changed by agreement with the Indians interested, or in some other manner as may be determined by Congress, the treaties heretofore made with the Indians should be maintained and the power of the Government to the extent necessary should be exercised to keep off intruders and all unauthorized persons.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

The PRESIDENT *pro tempore*. If there be no objection, the message of the President, with the accompanying papers, will be printed, and referred to the Committee on Indian Affairs.

Mr. COCKRELL. I should like to suggest that we have those documents printed as early as possible, because they contain information of great value.

The PRESIDENT *pro tempore*. The Secretary will give direction to hasten the printing.

Mr. COCKRELL. That will probably be sufficient.

RUSSIAN RELIEF TO JEANNETTE SURVIVORS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I have the honor to transmit communications from the Secretary of the Navy, recommending certain action by the Government in recognition of the services, official and personal, extended in Russia to the survivors of the Arctic exploring steamer Jeannette and to the search parties subsequently sent to Siberia.

The authority of Congress is requested for extending the specific rewards mentioned in the paper accompanying one of the communications of the Secretary. The suggestion concerning the thanks of Congress is also submitted for consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

URIEL CROCKER.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I have carefully considered the provisions of Senate bill No. 882, entitled "An act for the relief of Uriel Crocker."

The general statute provides for relief in case of the destruction of coupon bonds.

In my opinion this provision of law is sufficiently liberal to meet all cases of

missing coupon bonds worthy of favorable action, and I do not deem it advisable to encourage this class of legislation.

The bill is not, however, so flagrantly inexpedient as to call for my formal disapproval, and I have allowed it to become a law under the constitutional provision, contenting myself with communicating to the Senate, in which the bill originated, my disapproval of special legislation of this character.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

The PRESIDENT *pro tempore*. If there be no objection the message will be printed, and laid on the table.

Mr. HOAR. What is the last matter which was laid before the Senate?

The PRESIDENT *pro tempore*. A message from the President of the United States announcing that the bill for the relief of Uriel Crocker, a bondholder whose bonds were lost, had not been signed by the President but had been suffered to become a law by lapse of time, and stating the President's views in respect of that species of legislation.

Mr. HOAR. I do not know that there is anything in the Constitution which authorizes the President of the United States to express his disapprobation of a measure that has become a law.

The PRESIDENT *pro tempore*. The Chair thinks that is not a parliamentary question, although the Constitution provides that the President of the United States may communicate to either House of Congress his opinion in respect of matters of public welfare at any time.

PETITIONS AND MEMORIALS.

Mr. MILLER, of California, presented a resolution of the Chamber of Commerce of San Francisco, Cal., remonstrating against the ratification of the proposed treaty of commerce with Spain; which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Chamber of Commerce of San Francisco, Cal., urging the appropriation of a sufficient sum for the support of mail facilities between the United States and Australasia; which was referred to the Committee on Appropriations.

He also presented a resolution of the Chamber of Commerce of San Francisco, Cal., urging the establishment of a signal station at Mount Tamalpais, near San Francisco, Cal.; which was referred to the Committee on Military Affairs.

Mr. PENDLETON presented a resolution adopted at the annual meeting of the Toledo Association of ex-Union Prisoners of War of Ohio, urging the passage of a bill similar to the so-called Logan or Robinson bills for pensioning ex-Union prisoners of war; which was referred to the Committee on Pensions.

Mr. HOAR. I ask leave to refer a letter addressed to me personally by Francis A. Perry, counselor at law in Boston, to the Judiciary Committee. It sets forth what he conceives to be a grievance under the operation of the existing law for the distribution of the Alabama award, so called. It is not in the form of a petition, but it is intended as a request for legislation, although addressed to one member of the Senate. I ask unanimous consent that the paper may be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and referred to the Committee on the Judiciary.

Mr. MORRILL presented the petition of C. W. Downing, L. Gardner, Francis Miller, and other citizens of Washington, D. C., praying for the purchase by the Government of square 406, between Eighth and Ninth and E and F streets northwest, for a site whereon to erect the proposed city post-office building; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. MORGAN. I am directed by the Committee on Foreign Relations to report an amendment to the consular and diplomatic appropriation bill for the benefit of Mrs. Louise R. S. Wing, the widow of the former minister to the State of Ecuador. I move that the amendment, with the accompanying paper, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2117) for the relief of Mathilda Yicter, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

JAMES COFFEY.

Mr. SLATER. Yesterday I reported from the Committee on Pensions the bill (S. 513) granting a pension to James Coffey, of Oregon, which was indefinitely postponed. I now move that the order indefinitely postponing the bill be reconsidered, and that it be recommitted to the Committee on Pensions.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Pensions if there be no objection.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians, in the State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of Bridget Adams and the accompanying papers, now on the files of the Senate, be withdrawn and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House of Representatives House bill No. 1017 for correction; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the House had passed a bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia; and it was thereupon signed by the President *pro tempore*.

ARMY INSPECTOR-GENERAL'S DEPARTMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was read by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives House bill No. 1017, the House being advised that there is an error in the enrolled bill by the insertion therein of the word "hereafter" instead of "thereafter," which was the word used when said bill passed both Houses of Congress.

AMENDMENTS TO BILLS.

Mr. MILLER, of California, from the Committee on Foreign Relations, submitted an amendment to be proposed to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations.

Mr. MAXEY submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PACIFIC RAILROADS.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, reported it with an amendment and submitted a report thereon.

On motion of Mr. FRYE, it was

Ordered, That 1,000 additional copies of the said bill and the reported amendment, together with the report of the committee, be printed in pamphlet form for the use of the Senate.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After six hours and fifty-seven minutes spent in executive session the doors were re-opened, and (at 7 o'clock and 29 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 28, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. HUNT. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair will state to the gentleman from Louisiana [Mr. HUNT] that quite a number of gentlemen have bills and resolutions which they desire to introduce merely for reference.

Mr. HUNT. If gentlemen merely desire to present measures for reference I will reserve my demand for the regular order.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] has demanded the regular order, but he agrees to give way for the introduction of bills and resolutions for reference merely.

COUNTING THE ELECTORAL VOTE.

Mr. CLAY. Mr. Speaker, I desire to present a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon on the 11th day of February, 1885, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer.

That one person be appointed teller on the part of the Senate, and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared.

That the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The gentleman from Kentucky [Mr. CLAY] presents this as a report from the Select Committee on the state of the Law Respecting the Election of President and Vice-President.

Mr. REED. On what reference is that report made?

The SPEAKER. The Chair is not aware of any reference upon which the report is based.

Mr. REED. Would it be in order for the committee to make such a report unless upon a reference and by the direction of the House?

The SPEAKER. Since the point of order is made, the Chair thinks that the report is not in order.

Mr. REED. All I desire is an opportunity to read the resolution and see what it contains.

The SPEAKER. If there be no objection the resolution will be referred.

Mr. CLAY. Mr. Speaker, this is a report from the committee.

The SPEAKER. The Chair does not so regard it, because the subject has not been referred to the committee. This is the first appearance in the House. Does the gentleman from Maine [Mr. REED] make the point of order?

Mr. REED. I do for the present. I want an opportunity to look at the resolution. It struck me from the reading of it that it contained something objectionable.

The SPEAKER. Does the gentleman desire to have it referred to a committee?

Mr. CLAY. Yes, sir.

The SPEAKER. It will be so referred to the committee unless objection is made.

Mr. REED. Mr. Speaker, I submit that it can not be presented for reference except by unanimous consent.

The SPEAKER. Consent has just been given for the introduction of bills and resolutions generally for reference.

Mr. REED. General consent?

The SPEAKER. Yes.

Mr. REED. To continue how long?

The SPEAKER. For bills and resolutions which gentlemen desire to introduce for reference.

Mr. REED. Then there can be no objection made to the introduction of bills for reference?

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] demanded the regular order. The Chair stated to him that there were several gentlemen who had bills and resolutions which they desired to offer for reference merely. Therefore the gentleman from Louisiana withdrew his demand for the regular order and consented to the recognition of gentlemen desiring to introduce measures for reference; but the Chair supposes that when any gentleman objects to any particular bill he is entitled to have the objection recognized.

Mr. REED. Well, Mr. Speaker, I should like to examine that resolution.

Mr. CLAY. Mr. Speaker, it is not necessary to refer that to the committee.

The SPEAKER. It is not referred. The gentleman from Maine [Mr. REED] objects to its introduction at this time for reference.

Mr. WASHBURN. Let it be printed in the RECORD.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen for the presentation of bills and resolutions for reference, after which gentlemen who have privileged matters to present will be recognized.

AMENDMENT OF THE REVISED STATUTES.

Mr. FIEDLER, by unanimous consent, introduced a bill (H. R. 8122) to amend section 3336 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. WELLBORN, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 6601) for the relief of James R. Duncon; and the same was referred to the Committee on War Claims.

RELIEF OF EUGENE SCHUYLER.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 8123) for the relief of Eugene Schuyler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMERICAN STEEL ARMOR.

Mr. CURTIN also introduced a bill (H. R. 8124) appropriating $25,000 for experiments with American-made steel armor for naval vessels; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SAMUEL M. THOMPSON.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill (S. 2570) be taken from the Speaker's table and referred to the Committee on Pensions.

The SPEAKER. There is a standing order of the House under which the Speaker refers matters of this kind. The bill will be referred to the Committee on Pensions.

RETIREMENT OF ARMY OFFICERS.

Mr. PATTON, by unanimous consent, introduced a bill (H. R. 8125) to promote the efficiency of the Army by the voluntary retirement of officers who entered the service during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEELE. I ask that the bill just introduced be read.

The Clerk read as follows:

Be it enacted, &c., That on and after the passage of this act any civilian appointed in the artillery, cavalry, or infantry arms of the United States service, who entered the Army during the late rebellion, either the volunteer or regular, and who has served in either or both for the period of twenty years, shall upon his own application to the President be placed upon the retired-list of the Army: *Provided*, The whole number retired under this act shall not exceed 150 at any one time: *And provided further*, That this act shall not apply to any officer below the grade of captain.

FORT BRADY, MICHIGAN.

On motion of Mr. BREITUNG, by unanimous consent, the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon, was taken from the Speaker's table, read twice, and referred to the Committee on Public Buildings and Grounds.

LAND TITLES.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8126) to confirm titles to lands in certain cases; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLOTTE BROAD.

Mr. MILLIKEN, by unanimous consent, introduced a bill (H. R. 8127) granting a pension to Charlotte Broad; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEWITT C. FOREMAN.

Mr. LACEY, by unanimous consent, introduced a bill (H. R. 8128) granting a pension to Dewitt C. Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CATTLE-TRAIL ACROSS KANSAS.

Mr. PETERS, by unanimous consent, submitted the following joint resolution of the Legislature of the State of Kansas; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Senate concurrent resolution No. 12.

Be it resolved by the senate (the house of representatives concurring therein), That—

Whereas an effort is being made to secure legislation by Congress creating a so-called cattle-trail across the State of Kansas; and

Whereas such a measure would be prejudicial to the interests of the people of this, and beneficial only to parties who neither reside in nor pay taxes to this State; Therefore,

Be it resolved, That our Senators in Congress be instructed, and our Representatives requested, to resist any and all such attempted legislation by the use of every legitimate and proper means, to the end that justice may be done and the best interests of the people of Kansas subserved.

Resolved, That the secretary of state be, and is hereby, directed to forward copies of these resolutions, properly attested, to the President of the Senate, Speaker of the House of Representatives, and our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal.

Done at Topeka, this 21st day of January, A. D. 1885.

[SEAL.] E. B. ALLEN, *Secretary of State*.

Mr. PETTIBONE. I ask unanimous consent that Senate bill 705 be taken from the Speaker's table for passage at this time.

The SPEAKER. That is not in order now.

PENSIONS.

Mr. ROGERS, of Arkansas. I ask unanimous consent to withdraw the report of the Committee on Payment of Pensions, Bounty, and Back

Pay upon the bill (H. R. 2802) to allow arrears of pension to certain invalid pensioners whose names were dropped from the pension-roll and by act of Congress subsequently were restored, and to substitute another report.

The SPEAKER. If there be no objection, the gentleman will be allowed to withdraw the report already made, and present a corrected one in its place.

There was no objection.

ADMISSION OF DAKOTA.

On motion of Mr. PRYOR, by unanimous consent, the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes, was taken from the Speaker's table, read twice, and referred to the Committee on the Territories.

JOHN W. BLAKE.

On motion of Mr. ENGLISH, by unanimous consent, the bill (S. 1631) for the relief of John W. Blake, was taken from the Speaker's table, read twice, and referred to the Committee on Military Affairs.

INDEX OF FRENCH SPOLIATION CLAIMS.

Mr. McCOID, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to employ Frank Gait to examine the files of the House and prepare therefrom an index and history of all petitions, memorials, and other papers relating to the French spoliation claims; the said Frank Gait to be paid out of the contingent fund of the House at the compensation now paid committee clerks.

FIRE ON ROOF OF HOUSE OF REPRESENTATIVES.

Mr. STOCKSLAGER. I present a privileged report from the Committee on Public Buildings and Grounds.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, instructed to inquire into the origin of the fire at the roof of the House, which occurred on the morning of the 28th instant, have, in accordance with the resolution referred to them, taken that subject into consideration, and submit the following report:

Upon an examination and inquiry, the cause of the fire was beyond doubt accidental; probably owing to the throwing of waste paper or other light material into a fire-place, some of which might have been carried up the flue, and while ignited have been blown over to the wooden flagstaff or to the wooden box on the roof—in which the flag is kept—at the foot of the flagstaff. Although no flue is within forty feet of the flagstaff, yet with the vigorous wind prevailing at that time it is possible that a spark might have been fanned into a flame. To prevent the recurrence of such an accident your committee recommend that the flagstaff be covered with suitable sheet metal, and that the box for the flag be made of sheet metal; and that the Architect of the Capitol be directed to provide suitable outlets in the loft for water from the tanks; and that the Clerk of the House be directed to procure and place in all rooms, in which documents, papers, or records are stored, suitable small portable fire-extinguishers or hand-grenades for the extinguishment of fire.

Your committee will state that, the roof and its supports being constructed of metal, the damage by the fire was consequently slight.

Mr. STOCKSLAGER. I move that this report be adopted, and that the committee be discharged from the further consideration of the subject.

The SPEAKER. The presentation of this report discharges the committee. The question is on the adoption of the report.

Mr. CONVERSE. I desire to inquire whether the adoption of this report commits the House to the purchase of these fire-extinguishers?

Mr. STOCKSLAGER. I inquired as to the cost of these hand-grenades, and the Architect of the Capitol states that they can be bought for $10 a dozen, or not exceeding $1 apiece.

Mr. CONVERSE. We have now a water system which is better for the extinguishing of fires than any such system as this.

Mr. STOCKSLAGER. The water system does not supply these rooms where valuable documents are kept.

Mr. CONVERSE. Well, we can carry pipes there.

Mr. STOCKSLAGER. The cost of doing that would be much greater than the expense of procuring these simple hand-grenades, which are ready in case of fire at a moment's notice. I think the cost will be very slight—perhaps $20 altogether—perhaps $10.

Mr. CONVERSE. The cost may be more than $10,000.

Mr. STOCKSLAGER. Then the gentleman knows more about this matter than does the Architect of the Capitol.

The SPEAKER. The question is on the adoption of the report.

Mr. CONVERSE. I move that the report be referred to the Committee on Appropriations.

The question being taken on the motion of Mr. CONVERSE, there were—ayes 49, noes 80.

Mr. CONVERSE. No quorum has voted.

The SPEAKER. The point of no quorum having been made, the Chair will appoint the gentleman from Indiana, Mr. STOCKSLAGER, and the gentleman from Ohio, Mr. CONVERSE, as tellers.

Mr. CONVERSE. I desire to make another inquiry. I make the point of order, Mr. Speaker, against the resolution that while it is true the reception of the report is privileged, is a resolution reported for action on the part of the House privileged?

The SPEAKER. The Chair will state that the committee has reported no resolution except to send along with this report the resolution which was passed by the House heretofore directing it to make this inquiry. The committee on that resolution simply makes a report in writing, and recommends no resolution whatever.

Mr. CONVERSE. If no resolution is recommended by the committee to the House I will make no further objection.

The SPEAKER. The report simply contains an opinion of what ought to be done.

Mr. CONVERSE. I do not object then.

The report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the adoption by the Senate of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

HON. JAMES S. ROBINSON.

Mr. COX, of North Carolina. I demand the regular order of business.

Mr. PAIGE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. PAIGE. I submit the following resolution:

The Clerk read as follows:

Whereas on October 14, 1884, Hon. JAMES S. ROBINSON, a Representative in the Forty-eighth Congress from the ninth district of the State of Ohio, was elected to the office of secretary of state of the State of Ohio, and has entered upon the discharge of its duties; and

Whereas said Hon. JAMES S. ROBINSON is still to all intents, and so far as any official notification of resignation to this House is concerned, a member of this body and that his name is still borne upon the roll as a Representative in Congress: Therefore,

Resolved, That the Committee on Elections of this House be ordered to investigate and report to this House at the earliest moment the status of the rights of said Hon. JAMES S. ROBINSON as a member of this body.

Mr. KEIFER. Is that a question of privilege?

The SPEAKER. It relates to the right to a member's seat, whether one whose name is borne on the roll is in fact a member of this House.

Mr. KEIFER. It is proposed to refer the subject to the Committee on Elections?

The SPEAKER. It is.

Mr. KEIFER. I think it should go to the Committee on the Judiciary.

The SPEAKER. Does the gentleman make any motion?

Mr. KEIFER. The Committee on Elections in my opinion does not have jurisdiction of such inquiry into the right of a member to his seat.

The SPEAKER. Does the gentleman move an amendment to the resolution?

Mr. KEIFER. I do not.

The SPEAKER. Then the question is on the adoption of the resolution.

The preamble and resolution were adopted.

FITZ-JOHN PORTER.

Mr. SLOCUM. I rise for the purpose of submitting a privileged report from the Committee on Military Affairs.

The Clerk read as follows:

The Committee on Military Affairs make the following report:

Your committee, having had under consideration resolution of the House, introduced January 19, 1885, requesting the President to transmit a copy of the recent appeal of Fitz-John Porter, together with accompanying papers, respectfully report the same back with the recommendation that it do pass.

Mr. REED (interrupting). Is that a privileged report?

The SPEAKER. The Chair thinks it is a report of a committee of inquiry, which is privileged under the rules.

Mr. REED. The Chair decides it is privileged under the rules?

The SPEAKER. The Chair does, and the Clerk will proceed with the reading.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 19, 1885.

Resolved, That the President be respectfully requested——

Mr. REED. I desire to call the Speaker's special attention to this. It seems to me that is not——

A MEMBER. Let us have the rule.

Mr. REED. If the rule could be read.

The SPEAKER. As the Chair remembers a resolution was offered——

Mr. REED. If under the rule it is privileged, I should not object to it.

The SPEAKER. On Monday during the call of the States a resolution was introduced and referred to the Committee on Military Affairs. But the Clerk will read the rule.

The Clerk read as follows:

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. REED. Does it not go to the Calendar on the point of order being raised?

The SPEAKER. The practice of the House has been always heretofore to treat these reports not only as privileged for the purpose of

being made, but for consideration. That has been the invariable practice of the House.

Mr. REED. This is not a resolution of inquiry to make it privileged.

Mr. KEIFER. The rule requires this to be made within seven days.

The SPEAKER. It communicates certain papers for the benefit of the House.

Mr. REED. Does the Chair regard that as a resolution of inquiry within the rule?

The SPEAKER. The Chair thinks so. It is in the form of a resolution.

Mr. REED. Does the Chair decide its consideration is privileged?

The SPEAKER. If this were an original question, if there had been no practice in the House settled before, the Chair is not prepared to say what it would decide; but it has been the invariable practice of the House to receive and consider these reports.

Mr. REED. Does the Chair sustain that practice?

The SPEAKER. The Chair thinks the practice has continued so long and been so uniform under the rule it will be obliged to hold that it is privileged.

Mr. REED. The Chair so holds?

The SPEAKER. The Chair does so decide.

Mr. STEELE. I move that the resolution be laid on the table.

The SPEAKER. The Clerk will conclude the reading of the resolution, after which the Chair will entertain the gentleman's motion.

The Clerk continued the reading of the resolution, as follows:

Resolved, That the President be respectfully requested to transmit to this House a copy of the recent appeal of Fitz-John Porter, together with the accompanying papers.

Mr. STEELE. I now move to lay that on the table.

The SPEAKER. The question is on the motion of the gentleman from Indiana, which is not debatable.

The question was taken; and on a division there were—ayes 59, noes 116.

So the motion was not agreed to.

Mr. SLOCUM. I now move the previous question upon the adoption of the resolution.

Mr. HISCOCK. I would like to hear that read again.

Mr. TOWNSHEND. I object to any more reading of the resolution.

Mr. HISCOCK. It ought to be read and amended.

The SPEAKER. Is there objection to having the resolution again reported?

Mr. TOWNSHEND. I object. It is taking up the time of the House unnecessarily.

Mr. BROWNE, of Indiana. Then I ask the yeas and nays on the passage of the resolution to save time.

The SPEAKER. The gentleman from New York [Mr. SLOCUM] demands the previous question on the adoption of the resolution.

Mr. BROWNE, of Indiana. On that I ask the yeas and nays.

The yeas and nays were ordered, 47 members voting therefor (being more than one-fifth of the last vote).

The question was taken; and there were—yeas 179, nays 77, not voting 66; as follows:

YEAS—179.

Aiken,	Dorsheimer,	Lanham,	Shively,
Alexander,	Dowd,	Lewis,	Singleton,
Bagley,	Eaton,	Lore,	Skinner, T. G.
Hallentine,	Eldredge,	Lovering,	Slocum,
Barbour,	Ellis,	Lowry,	Snyder,
Barksdale,	English,	Lyman,	Springer,
Bayne,	Ermentrout,	McAdoo,	Stevens,
Beach,	Ferrell,	McMillin,	Stewart, Charles
Bennett,	Fiedler,	Matson,	Stockslager,
Bingham,	Findlay,	Maybury,	Storm,
Blackburn,	Finerty,	Miller, J. F.	Sumner, C. A.
Blanchard,	Follett,	Mills,	Swope,
Bland,	Forah,	Mitchell,	Talbott,
Blount,	Forney,	Money,	Taylor, J. M.
Boyle,	Garrison,	Morgan,	Thompson,
Breckinridge,	Geddes,	Morse,	Throckmorton,
Buchanan,	Gibson,	Moulton,	Tillman,
Buckner,	Glascock,	Muldrow,	Townshend,
Burleigh,	Graves,	Murray,	Tucker,
Burnes,	Green,	Mutchler,	Tully,
Cabell,	Greenleaf,	Neece,	Turner, H. G.
Caldwell,	Halsell,	Nicholls,	Turner, Oscar
Campbell, Felix	Hammond,	Oates,	Van Alstyne,
Campbell, J. E.	Hancock,	O'Ferrall,	Vance,
Candler,	Hardeman,	O'Hara,	Van Eaton,
Cassidy,	Hardy,	Paige,	Wakefield,
Clardy,	Harmer,	Patton,	Wallace,
Clay,	Hatch, W. H.	Peel,	Ward,
Clements,	Hemphill,	Phelps,	Warner, A. J.
Cobb,	Henley,	Pierce,	Warner, Richard
Collins,	Herbert,	Post,	Weller,
Converse,	Hewitt, A. S.	Potter,	Wemple,
Cosgrove,	Hewitt, G. W.	Pryor,	Wilkins,
Covington,	Hill,	Pusey,	Williams,
Cox, S. S.	Holman,	Reagan,	Willis,
Cox, W. R.	Hopkins,	Reese,	Wilson, W. L.
Crisp,	Houseman,	Rice,	Winans, E. B.
Culberson, D. B.	Hunt,	Riggs,	Wise, G. D.
Curtin,	Hurd,	Robertson,	Wolford,
Dargan,	Hutchins,	Robinson, W. E.	Wood,
Davidson,	Jones, B. W.	Rockwell,	Woodward,
Deuster,	Jones, J. H.	Rogers, J. H.	Worthington,
Dibble,	Kean,	Rogers, W. F.	Yaple,
Dibrell,	King,	Rosecrans,	Young.
Dockery,	Lamb,	Seymour,	

NAYS—77.

Adams, G. E.	Funston,	McCormick,	Steele,
Anderson,	George,	Millard,	Stephenson,
Bicbee,	Goenther,	Miller, S. H.	Stewart, J. W.
Bontelle,	Hanback,	Milliken,	Strait,
Breitung,	Hatch, H. H.	Morrill,	Struble,
Brewer, F. B.	Henderson, D. B.	Nelson,	Taylor, E. B.
Browne, T. M.	Henderson, T. J.	Nutting,	Taylor, J. D.
Brown, W. W.	Hepburn,	O'Neill, Charles	Thomas,
Campbell, J. M.	Hiscock,	Parker,	Valentine,
Cannon,	Holmes,	Payne,	Wadsworth,
Culbertson, W. W.	Houk,	Perkins,	Wait,
Cullen,	Keifer,	Peters,	Washburn,
Cutcheon,	Kelley,	Pettibone,	Weaver,
Davis, G. R.	Ketcham,	Poland,	Whiting,
Davis, R. T.	Lacey,	Price,	Wilson, James
Dingley,	Lawrence,	Ray, G. W.	Winans, John
Dunham,	Libbey,	Reed,	York.
Ellwood,	Long,	Small,	
Evans,	McCoid,	Smith, H. Y.	
Everhart,	McComas,	Spooner,	

NOT VOTING—66.

Adams, J. J.	Craig,	Jones, J. K.	Robinson, J. S.
Arnot,	Davis, L. H.	Jones, J. T.	Rowell,
Atkinson,	Dunn,	Jordan,	Russell,
Barr,	Elliott,	Kellogg,	Ryan,
Belford,	Fyan,	Kleiner,	Seney,
Belmont,	Goff,	Laird,	Shaw,
Bowen,	Hart,	Le Fevre,	Skinner, C. R.
Brainerd,	Haynes,	Morrison,	Smith, A. Herr
Bratton,	Hitt,	Muller,	Spriggs,
Brewer, J. H.	Hoblitzell,	Murphy,	Stone,
Broadhead,	Holton,	Ochiltree,	Sumner, D. H.
Brumm,	Hooper,	O'Neill, J. J.	Wellborn,
Budd,	Horr,	Payson,	White, J. D.
Carleton,	Howey,	Randall,	White, Milo
Chalmers,	James,	Rankin,	Wise, J. S.
Connolly,	Jeffords,	Ranney,	
Cook,	Johnson,	Ray, Ossian	

So the previous question was ordered.

On motion of Mr. HUNT, by unanimous consent, the reading of the names was dispensed with.

Mr. HORR. I withdraw my vote, being paired with the gentleman from Pennsylvania [Mr. RANDALL]; which fact I had forgotten when I voted.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. KELLEY.
Mr. MORRISON with Mr. JOHNSON.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. CURTIN with Mr. BRUMM.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. MULLER with Mr. HOWEY.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota:
Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.
Mr. JORDAN with Mr. HITT.
Mr. BROADHEAD with Mr. BARR.
Mr. COOK with Mr. GOFF.
Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.

The following gentlemen were announced as being paired on this vote:

Mr. SENEY with Mr. JOHN S. WISE.
Mr. O'NEILL, of Missouri, with Mr. HOLTON.
Mr. LE FEVRE with Mr. ATKINSON.
Mr. SPRIGGS with Mr. BREWER, of New Jersey.
Mr. BUDD with Mr. CRAIG.
Mr. BELMONT with Mr. HART.
Mr. MURPHY with Mr. RYAN.
Mr. RANDALL with Mr. HORR, until January 30.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the adoption of the resolution.

Mr. BREWER, of New York. I ask that the resolution be again read.

There being no objection, the resolution was again reported.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise to submit a privileged report. I desire to call up the bill making appropriations for the naval service.

The SPEAKER. Does the gentleman desire to submit a conference report?

Mr. HOLMAN. I do.

The SPEAKER. The Chair requests the gentleman to withhold the report a moment in order to lay before the House certain executive communications which have been accumulating on the table.

RUSSIAN RELIEF TO SURVIVORS OF JEANNETTE EXPEDITION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit communications from the Secretary of the Navy recommending certain action by the Government in recognition of the services,

official and personal, extended in Russia to the survivors of the Arctic exploring steamer Jeannette, and to the search parties subsequently sent to Siberia. The authority of Congress is requested for extending specific rewards mentioned in the paper accompanying one of the communications of the Secretary. The suggestion concerning the thanks of Congress is also submitted for consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

The SPEAKER. In the absence of objection this communication, with the accepting papers, will be referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. COX, of New York. I think that goes properly to the Committee on Appropriations or to the Naval Committee. The Committee on Naval Affairs has a bill kindred to this measure now before it.

The SPEAKER. Then, without objection, the communication and accompanying papers will be referred to the Committee on Naval Affairs, and ordered to be printed.

There was no objection, and it was ordered accordingly.

IMPRISONMENT OF THOMAS R. MONAHAN.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, as desired by the House resolution of the 9th instant, a report, with accompanying papers, from the Secretary of State in relation to the arrest and imprisonment of Thomas R. Monahan by the authorities of Mexico.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

VENEZUELAN MIXED COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a letter from the Secretary of State concerning the awards made against Venezuela by the mixed commission under the convention of April 25, 1866. I earnestly invite the attention of Congress to this communication and accompanying documents.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

FRENCH AND AMERICAN MIXED CLAIMS COMMISSION.

The SPEAKER also laid before the House the following message and accompanying papers from the President of the United States; which were referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith a preliminary report of the Secretary of State of the 26th instant, in response to a resolution of the House of Representatives passed on the 9th day of January, 1885, calling for copies of accounts and vouchers of the disbursing officers of the French and American Claims Commission, and certain other information in relation to the transactions of said commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

BAYOU BARTHOLOMEW, ARKANSAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a preliminary examination of Bayou Bartholomew, Arkansas; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FRENCH SPOLIATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for the ascertainment of claims of American citizens for spoliations by the French prior to July 31, 1801; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES LEGATION IN COREA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for the purchase of premises for the United States legation at Seaul, Corea, and for repairing premises of the United States legation at Bangkok; which was referred to the Committee on Appropriations, and ordered to be printed.

WATERVLIET ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to improve the sanitary condition of Watervliet arsenal, West Troy, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

TRANSPORTATION AND STORAGE OF SILVER DOLLARS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, asking that additional provision be made for transportation and storage of silver dollars now being coined; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Supervising Architect, and recommending an increase of the limit of the cost of construction to $200,000 of the public building at Council Bluffs, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT SYRACUSE, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect relative to an increase of the limit of the cost of construction of the public building at Syracuse, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

MONEY-ORDER DIVISION, POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting additional estimates from the Postmaster-General of appropriations for the money-order division of the Post-Office Department; which was referred to the Committee on Appropriations, and ordered to be printed.

ABSECOM AND CAPE MAY STATIONS, NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting estimates by the Light-House Board of appropriations for Absecom Station and Cape May Station, New Jersey; which was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOMS DUTIES, ETC., REFUNDED.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, a statement of customs duties, tonnage, &c., refunded during the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Treasury Department.

J. M. WILBUR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting report of the committee appointed to investigate the claim of J. M. Wilbur for extra tiling in the New York post-office and court-house, and recommending the payment of the amount due the claimant; which was referred to the Committee on Appropriations, and ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. BURNES, by unanimous consent, the Committee on Public Buildings and Grounds was discharged from the consideration of the letter from the Secretary of the Treasury relative to the public building at Saint Joseph, Mo.; and the same was referred to the Committee on Appropriations.

On motion of Mr. HENLEY, by unanimous consent, the Committee on Pacific Railroads was discharged from the further consideration of the resolution of inquiry introduced January 26, 1885, concerning the appointment by the President of commissioners to examine the California and Oregon Railroad; and the same was referred to the Committee on Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUDD, indefinitely, on account of sickness.

To Mr. PAYSON, indefinitely, on account of sickness.

ORDERS TO PRINT.

On motion of Mr. OATES, by unanimous consent, the report of the Committee on Public Lands on the bill (H. R. 5266) to prohibit aliens and foreigners from acquiring title to or owning land within the United States of America was ordered to be reprinted for the use of the House.

On motion of Mr. ROSECRANS, by direction of the Committee on Military Affairs, unanimous consent was given to print petition and accompanying papers of J. R. Haskell, in relation to multicharge guns.

REPORT OF SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair, in accordance with the statute, lays before the House for reference to the Committee on Printing the following Senate concurrent resolution:

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 26, 1885.

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies; of which 3,000 copies shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 for the use of the Smithsonian Institution.

The resolution was referred to the Committee on Printing.

CONFERENCE REPORT.

Mr. HOLMAN. Mr. Speaker, I desire to present a privileged report from a committee of conference.

Mr. LEWIS. I ask the gentleman from Indiana to yield a moment while I introduce a bill.

Mr. HOLMAN. I yield to the gentleman for a moment.

LUCIEN GOYAUX.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. 8129) for the relief of Lucien Goyaux; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ERROR IN ENGROSSMENT.

Mr. ROSECRANS. Mr. Speaker, I desire to offer a resolution in reference to what I take to be a privileged matter—the correction of an error in the engrossment of a bill. An error has been discovered in the engrossment of the House bill No. 1017, and it is desirable to have the bill recalled for correction. I therefore offer a resolution which I send to the Clerk's desk.

The SPEAKER. The Chair thinks that is a privileged matter. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives House bill No. 1017; the House being advised that there is an error in the enrolled bill by the insertion therein of the word "hereafter" instead of the word "thereafter," which was the word used when the said bill passed both Houses of Congress.

The resolution was agreed to.

CONFERENCE REPORT.

Mr. HOLMAN presented the following conference report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, and 12, and agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows: Insert after the word "seventy-five," in line 10, page 15 of the bill, the words "as fixed by the act approved June 30, 1876," and the Senate agree to the same.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

Mr. HOLMAN also presented the statement of the managers on the part of the House; which was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 7874, making additional appropriations for the naval service for the fiscal year 1885, submit the following written statement in explanation of the action recommended in the accompanying conference report:

On amendments 1, 2, 3, and 4, makes verbal corrections in the bill to conform to the existing law; restores provision for traveling expenses of apothecaries' yeomen and civilian employés, and the provision touching commutation for rations, which it was proposed by the Senate to strike from the bill.

On amendments 5, 6, and 7, restricts the repairs to the hulls and machinery of wooden ships to 20 per cent. of the cost of a new ship or machinery of like character, except that the cost of new boilers in a wooden ship so repaired shall not be so restricted.

On amendments 8, 9, and 10, corrects typographical and clerical errors in the text of the bill.

On amendment 11, restores provision that vacancies in the Marine Corps shall not be filled until the commissioned officers thereof are reduced to seventy-five, and that thereafter such number shall not be increased.

On amendment 12, strikes out the section which prohibits retired officers of the Army, Navy, and Marine Corps from holding positions in the civil service and drawing salary therefor, together with their regular pay.

SAM. J. RANDALL,
WM. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

Mr. HOLMAN. I now call the previous question on the adoption of the report.

Mr. ELLIS. I ask the gentleman from Indiana to yield to me for a moment.

Mr. HOLMAN. How much time does the gentleman from Louisiana desire?

Mr. ELLIS. Only about three minutes.

Mr. HOLMAN. I will yield to the gentleman.

Mr. ELLIS. Mr. Speaker, I desire simply to put on record one or two observations in regard to a single point that has been one of difference, but upon which there is now agreement, namely, as to the restriction of the amount allowed for repairs to wooden ships. I call the attention of Congress to the fact that in the last sixteen years $150,000,000 have been expended upon the repairs of these old wooden ships. It is a fact, sir, that one ship, the original cost of which was $400,000, has been repaired to the amount of $1,200,000, or three times her original cost.

Mr. HENLEY. What ship is that?

Mr. ELLIS. I do not remember her name, but it is a fact. Another one I remember whose original cost was about $500,000, and which has been repaired to the amount of $900,000.

Now, Mr. Speaker, I do hope that this will cease. I do hope that this is the last time that the American Congress will ever sanction repairs to such an enormous and wasteful extent. The wooden ship is passing away. The failure of the live-oak upon the Government reservations, the place of which can only be supplied by the African teak, to-day renders the wooden ship more expensive than the iron or the steel ship. The wooden ship is passing away. Let it go; and hereafter I hope that Congress will never agree to the repair of any of these old wooden worthless hulks, unless the cost of the repairs be restricted to about 5 per cent. of the cost of the vessel. These old ships are useless; they are daily becoming a thing of the past. They are not fit for cruisers, not fit for battle-ships, not in any way commensurate with the requirements of the American Navy; and I trust that we shall never again sanction such a waste of money. I shall vote for this concurrence, but I desire to place these remarks upon record.

Mr. HOLMAN. Mr. Speaker, on account of what has fallen from the lips of the gentleman from Louisiana [Mr. ELLIS] I desire to say a few words. I would say to the gentleman that this is hardly a proper time to enter upon the discussion, and further, I think he falls into an error as to the sums expended by way of repairs upon our ships. I do not question that the sum he has named has been expended, but the gentleman will remember that in more than one instance the expenditures within the limits he has mentioned have involved the actual building of new ships, though the old names were retained; and it was for the purpose of preventing that from being done that the limit of 30 per cent. was established, that is, that vessels should not be repaired if the cost would exceed 30 per cent. of the cost of building the ship. The difference between the two Houses on this bill was upon the question of making repairs where they would not exceed 30 per cent. of the original cost, as proposed by the House, or 20 per cent., as proposed by the Senate. The House conferees yielded that point on the ground that the bill only applies to the residue of this fiscal year; but judging from the action of the House heretofore, I indulge the hope that when the bill appropriating money for the naval service for the next fiscal year shall come up this question will be properly considered and the former conservative action of the House adhered to; and I trust that in the mean time no judgment will be formed upon a hasty discussion on a subject of so much importance to the country until it shall have been fully considered by the House. I express that hope because I am confident that if Congress shall adopt the policy of refusing to repair to a proper degree existing naval vessels, or shall adopt the policy of only repairing vessels where the cost will be materially less than the 30 per cent. basis of repairs, it will be found at an early day that vessels which at present answer every purpose which this Government has now, and is likely to have for years to come, for the employment of naval vessels, and which by proper repairs will be of great value to the Government, will become a total loss even before other vessels have been or can be constructed to take their places. Yes, sir; long before a new navy can be constructed the vessels now of actual value will be unseaworthy and out of commission.

Mr. REED, of Maine. I think that is very true.

Mr. HOLMAN. On the other hand, by keeping up these vessels—many of which are of great value, such as we have employed in peace and war for half a century—by keeping them in reasonable repair and from time to time gradually substituting steel vessels, we shall in time, and within a reasonable time, have an entirely new navy of the material now approved, and yet secure the full value of the old. It is to be hoped that no rash or inconsiderate step will be taken on this subject of repairs, which may result in serious loss and embarrassments to the Government. I now call the previous question on the adoption of the report.

Mr. ELLIS. In view of the remarks of the gentleman from Indiana [Mr. HOLMAN], I must ask him to yield to me again for a moment. He says that I am mistaken.

Mr. HOLMAN. Do not misapprehend me. I do not question the amount expended, but I believe that there is a mistake in assuming that these large items have been wholly for repairs, when in fact they have involved the rebuilding of ships—the old names being preserved but the vessels being entirely reconstructed.

Mr. ELLIS. I ask indulgence of the gentleman and of the House while I prove what I said. I now state under the sanction of my oath as a Representative upon this floor that in the last sixteen years $154,000,000 have been expended for construction and repair, most of which has gone to the repairing of these old wooden vessels—enough money to have builded thirty Lepantos, enough to have builded seventy-five Impérieuses, one of the newest and best naval vessels, enough to have builded eighty Esmeraldas; and those are ships combining the qualifications of the battle-ship and the cruiser. Here is what the Secretary says:

The Shenandoah, built in 1862, at a cost of $468,868.75, has been charged with repairs since her completion amounting to $924,481.54.

Again, the Omipee, built in 1861, cost $487,054.20, and her repairs since that time have amounted to $1,197,391.53.

Mr. HOLMAN. I have conceded the expenditure; I do not dispute that; but I again call the gentleman's attention to the fact that some of these vessels have been actually rebuilt—new vessels.

Mr. ELLIS. Here is more of it:

The Kearsarge, built in the same year——

Mr. CURTIN. How often was that ship repaired?

Mr. ELLIS. Heaven only knows.

Mr. BOUTELLE. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. BOUTELLE. I wish to inquire whether this whole subject of ship-building is open to general discussion at this time, because if it is some of us upon this side may desire to be heard.

The SPEAKER. It is open to discussion, unless the previous question shall be ordered by the House.

Mr. BOUTELLE. Then if the gentleman from Louisiana [Mr. ELLIS] is to be allowed to discuss one side of the question, I trust that the gentleman from Indiana [Mr. HOLMAN] will allow somebody else to be heard upon the other side.

Mr. ELLIS. I merely want to add that the Kearsarge, which was built in 1861 at a cost of $286,918, has been repaired at a cost of $1,123,415; and the Pinta, which cost in 1865 $135,915, has been repaired at a cost of $224,826.

Mr. STEELE. The gentleman is reading from the report of the Secretary of the Navy?

Mr. DINGLEY. If the gentleman from Lonisiana will allow me——

Mr. HOLMAN. It was not the purpose to open up this discussion, and I must insist on the previous question.

Mr. DINGLEY. I desire only to ask a question.

Mr. HOLMAN. I have no objection to that.

Mr. DINGLEY. As the gentleman from Louisiana has called attention to the enormous amounts paid for what have been denominated repairs, I wish to ask him whether it is not true that in every one of the instances mentioned by him the vessels have been substantially rebuilt, in some cases two or three times, making the cost equivalent to the construction of two or three new vessels?

Mr. ELLIS. I should hope so.

Mr. DINGLEY. And is it not also true that a part of this extraordinary expense for repairs is due to the fact of the hasty construction of these vessels from unseasoned timber during the war?

Mr. ELLIS. Unquestionably.

Mr. DINGLEY. I agree in general with what the gentleman has said.

The SPEAKER. The question is upon ordering the previous question on agreeing to the report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWEARING IN OF A MEMBER.

Mr. COX, of North Carolina. As a question of the highest privilege, I present the credentials of the member-elect from the fifth district of North Carolina and ask that he be sworn in.

The SPEAKER. That is a matter of privilege. The Clerk will read the certificate.

The Clerk read as follows:

State of North Carolina to James W. Reid, greeting:

Whereas a vacancy has occurred in the representation from the State of North Carolina in the House of Representatives of the Congress of the United States by the resignation of Hon. Alfred M. Scales, Representative from the 5th Congressional district, taking effect on the 30th day of December, A. D. 1884; and

Whereas writs of election have been issued to the sheriffs of the several counties composing the said Congressional district, to wit, the counties of Caswell, Forsyth, Granville, Guilford, Person, Rockingham, Stokes, and Surry, commanding them to hold elections in the various townships of their respective counties, at the places established by law, on Thursday, the 15th day of January, A. D. 1885, at which the qualified voters might vote for some person to fill the vacancy aforesaid; and

Whereas it has been duly certified to us that James W. Reid was elected at said election held as aforesaid;

Now, therefore, we do, by these presents, commission the said James W. Reid a member of the Forty-eighth Congress of the United States of America, from the State of North Carolina, for the fifth Congressional district, and do hereby confer upon him all the rights, privileges, and powers useful and necessary to the just discharge of the duties of said office.

In witness whereof His Excellency Alfred M. Scales, our governor and commander-in-chief, hath signed with his hand these presents and caused our great seal to be affixed thereto.

Done at our city of Raleigh, on the 23d day of January, in the year of our Lord 1885, and in the one hundred and ninth year of our American independence.

[SEAL.] A. M. SCALES,
Governor of North Carolina.

By the governor:

W. L. SAUNDERS,
Secretary of State.

Mr. JAMES W. REID appeared at the bar of the House and was duly qualified by taking the oath prescribed by law.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded by the gentleman from Louisiana [Mr. HUNT]. The first business in order is the call of committees for reports.

Mr. SINGLETON. I move to dispense with the morning hour, my purpose being that the House shall proceed with the consideration of the bill for the erection of a Congressional Library building.

PROTECTION OF CHILDREN IN THE DISTRICT OF COLUMBIA.

Mr. WILSON, of West Virginia. I rise to a privileged question, and call up from the Speaker's table, in order that the House may agree to the request of the Senate for a further conference, the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The bill was taken from the Speaker's table, and the accompanying message of the Senate read, announcing that the Senate further insisted on its disagreement to the amendments of the House, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN.

Mr. WILSON, of West Virginia. I move that the House further insist on its amendments, and agree to the further conference asked by the Senate.

The motion was agreed to; and the Speaker announced the appointment of Mr. WILSON of West Virginia, Mr. SPRIGGS, and Mr. JEFFORDS as conferees on the part of the House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] has demanded the regular order. The gentleman from Mississippi [Mr. SINGLETON] moves to dispense with the morning hour.

Mr. ROGERS, of New York. I rise to a privileged question, and call up from the Speaker's table a joint resolution of the House which has been returned from the Senate with amendments—the joint resolution (H. R. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

The SPEAKER. That is not a matter of privilege. Under the rules, reports of a certain character from the Committee on Pripting are privileged. Does the gentleman desire to have the bill referred?

Mr. ROGERS, of New York. No, sir; I wish to have the House concur in the amendments of the Senate.

The SPEAKER. That is not a matter of privilege. The question is on the motion of the gentleman from Mississippi to dispense with the morning hour.

The question being taken, the motion was agreed to, there being—ayes 103, noes 31 (more than two-thirds voting in the affirmative).

MEXICAN TREATY.

Mr. HEWITT, of New York. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of New York. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering revenue bills and with a view of taking up the Mexican treaty.

Mr. TOWNSHEND. I raise the question of consideration.

The SPEAKER. There can be no question of consideration raised against a motion of that character.

Mr. TOWNSHEND. What is it?

The SPEAKER. That the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. If this motion is voted down will it then be in order to move to take up from the Speaker's table the Mexican pension bill? [Laughter.]

The SPEAKER. It would be in order unless some other motion having precedence over it should be made. It would be in order for the gentleman then to move to proceed to the consideration of the business upon the Speaker's table with a view to taking up that pension bill.

Mr. TOWNSHEND. Then I hope the House will vote down this motion in order to vote up the Mexican soldiers' pension bill.

Mr. HENLEY. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENLEY. My parliamentary inquiry is this, whether or not, if the motion of the gentleman from New York be voted down, it will not then be in order for me to move to proceed to the consideration of a land-forfeiture bill?

The SPEAKER. Of course it would. There are various special orders.

Mr. SINGLETON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON. Whether or not the gentleman from New York proposes to take up appropriation bills generally or only one of them.

The SPEAKER. The motion of the gentleman from New York is that the House shall resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue—not any particular bill.

Mr. HUNT. If the motion of the gentleman from New York is voted down, would it not then be in order for the House to take up the special order for the encouragement of the American merchant marine?

The SPEAKER. The Chair has already answered similar questions. As soon as this is voted down, there are various motions which will be in order according to priority under the rules of the House. The question now is on the motion of the gentleman from New York [Mr. HEWITT], that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

The House divided; and the Chair announced that the noes had it.

Mr. HEWITT, of New York. I think it will save time if we have the yeas and nays on this motion.

The House divided; and there were—ayes 45.

Mr. HENDERSON, of Iowa. Count the other side.

The other side was counted, and there were noes 128.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 80, nays 157, not voting 86; as follows:

YEAS—80.

Alexander,	Eaton,	Lowry,	Slocum,
Bagley,	Ferrell,	Matson,	Springer,
Bland,	Foran,	Maybury,	Steele,
Broadhead,	Garrison,	Miller, J. F.	Stewart, Charles
Buckner,	George,	Mitchell,	Stone,
Burnes,	Graves,	Morgan,	Storm,
Campbell, Felix	Greenleaf,	Morrill,	Strait,
Cassidy,	Hancock,	Morse,	Sumner, D. H.
Clardy,	Hewitt, A. S.	Moulton,	Talbott,
Clay,	Hill,	Muller,	Throckmorton,
Collins,	Holman,	Mutchler,	Turner, Oscar
Congrove,	Houseman,	Neece,	Van Eaton,
Covington,	Hurd,	Post,	Ward,
Cox, S. S.	Hutchins,	Price,	Wellborn,
Dargan,	James,	Pryor,	Weller,
Davis, R. T.	Kean,	Rice,	Whiting,
Dibrell,	Lamb,	Riggs,	Winans, E. B.
Dingley,	Lanham,	Robertson,	Wood,
Dockery,	Long,	Robinson, W. E.	Worthington,
Dorsheimer,	Lovering,	Rosecrans,	Yaple.

NAYS—157.

Adams, G. E.	Dibble,	Lewis,	Smalls,
Aiken,	Dowd,	Lore,	Smith, H. Y.
Anderson,	Dunham,	McAdoo,	Snyder,
Atkinson,	Eldredge,	McComas,	Spooner,
Ballentine,	Ellis,	McCormick,	Stewart, J. W.
Barbour,	English,	McMillin,	Struble,
Barksdale,	Ermentrout,	Millard,	Swope,
Bayne,	Evans,	Miller, S. H.	Taylor, E. B.
Beach,	Everhart,	Money,	Taylor, J. D.
Bennett,	Fiedler,	Murray,	Taylor, J. M.
Bingham,	Findlay,	Nelson,	Thomas,
Bisbee,	Finerty,	Nicholls,	Thompson,
Blanchard,	Forney,	Nutting,	Tillman,
Blount,	Funston,	Oates,	Townshend,
Boutelle,	Geddes,	O'Ferrall,	Tucker,
Boyle,	Gibson,	O'Hara,	Tully,
Brainerd,	Glascock,	O'Neill, Charles	Turner, H. G.
Bratton,	Halsell,	Paige,	Valentine,
Breckinridge,	Hammond,	Parker,	Vance,
Breitung,	Hanback,	Patton,	Wait,
Brewer, F. B.	Hardeman,	Peel,	Wakefield,
Brewer, J. H.	Hardy,	Perkins,	Wallace,
Brown, W. W.	Harmer,	Peters,	Warner, A. J.
Buchanan,	Hart,	Pettibone,	Warner, Richard
Cabell,	Haynes,	Phelps,	Washburn,
Caldwell,	Hemphill,	Pierce,	Weaver,
Campbell, J. M.	Henderson, D. B.	Poland,	Wemple,
Candler,	Henley,	Pusey,	Wilkins,
Clements,	Hepburn,	Ranney,	Williams,
Cobb,	Hewitt, G. W.	Ray, G. W.	Wilson, James
Converse,	Hiscock,	Ray, Ossian	Winans, John
Cox, W. R.	Holmes,	Reagan,	Wise, G. D.
Crisp,	Hunt,	Reed, T. B.	Wise, J. S.
Culberson, D. B.	Jefferds,	Reid, J. W.	Wolford,
Culbertson, W. W.	Jones, B. W.	Reese,	Woodward,
Cullen,	Jones, J. H.	Rogers, J. H.	York,
Curtin,	Kelley,	Rogers, W. F.	Young.
Cutcheon,	Lacey,	Shively,	
Davidson,	Lawrence,	Singleton,	
Davis, G. R.	Le Fevre,	Skinner, T. G.	

NOT VOTING—87.

Adams, J. J.	Ellwood,	Keifer,	Rockwell,
Arnot,	Follett,	Kellogg,	Rowell,
Barr,	Fyan,	Ketcham,	Russell,
Belford,	Goff,	King,	Ryan,
Belmont,	Green,	Kleiner,	Seney,
Blackburn,	Guenther,	Laird,	Seymour,
Bowen,	Hatch, H. H.	Libbey,	Shaw,
Browne, T. M.	Hatch, W. H.	Lyman,	Sklamer, C. R.
Brumm,	Henderson, T. J.	McCoid,	Smith, A. Herr
Budd,	Herbert,	Milliken,	Springer,
Burleigh,	Hitt,	Mills,	Stephenson,
Campbell, J. E.	Hobbitsell,	Morrison,	Stevens,
Cannon,	Holton,	Muldrow,	Stockslager,
Carleton,	Hooper,	Murphy,	Sumner, C. A.
Chalmers,	Hopkins,	Oakthree,	Van Alstyne,
Connolly,	Horr,	O'Neill, J. J.	Wadsworth,
Cook,	Houk,	Payne,	White, J. D.
Craig,	Howey,	Payson,	White, Milo
Davis, L. H.	Johnson,	Potter,	Willis,
Deuster,	Jones, J. K.	Randall,	Wilson, W. L.
Dunn,	Jones, J. T.	Rankin,	
Elliott,	Jordan,	Robinson, J. S.	

So the motion was not agreed to.

On motion of Mr. HEWITT, of New York, by unanimous consent, the reading of the names was dispensed with.

Mr. CANNON. Mr. Speaker, I was absent in the committee-room engaged in the work of the committee, and should be glad to have the right to record my name on this roll-call.

The SPEAKER. The Chair thinks that under the rules of the House he has no power to entertain a motion for unanimous consent except where a member was in the Hall of the House but failed for some cause to hear his name called.

Mr. CANNON. I was absent by the order, or at least by the consent, of the House, engaged in the business of the House in the committee-room.

The SPEAKER. That has always been considered as absence by the leave of the House.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. HOWEY, on all political questions, until further notice.

Mr. MURPHY with Mr. RYAN, for the remainder of this day, on political questions.

Mr. BLACKBURN with Mr. RUSSELL, on political questions, for this day.

Mr. MULDROW with Mr. ROCKWELL, for the remainder of the day, on all political questions.

The result of the vote was then announced as above recorded.

Mr. SINGLETON addressed the Chair.

Mr. TOWNSHEND. I now move to go to business on the Speaker's table for the purpose of reaching the consideration of the Mexican pension bill.

Mr. SINGLETON. Mr. Speaker, I move that the House proceed to the consideration of the special order of the House, being the bill for the construction of a library building.

Mr. TOWNSHEND. I raise the question of consideration as between that bill and the Mexican pension bill.

Mr. HUNT. I call up the prior order of the House, being the bill for the encouragement of the American merchant marine.

The SPEAKER. The gentleman from Mississippi calls up the special order, being the bill to authorize the erection of a Congressional Library building; pending which the gentleman from Louisiana calls up the special order for the encouragement of the American merchant marine——

Mr. TOWNSHEND. Is not my motion recognized?

The SPEAKER. Which latter motion, under the order of the House, has precedence over the other; and the question must be first taken on the motion submitted by the gentleman from Louisiana. Against this motion the gentleman from Illinois raises the question of consideration.

Mr. VALENTINE. Against everything.

The SPEAKER. The Chair is stating the motion as the gentleman himself made it. The gentleman from Illinois raises the question of consideration against the motion of the gentleman from Mississippi. The first question is on the motion of the gentleman from Louisiana.

Mr. SINGLETON. I wish to state that this House made a special order on the 17th day of March last, fixing the 3d day of April of last year for the consideration of this bill. I hope the House, if it intends to carry this library scheme through, will proceed now to the consideration of this very important and essential measure.

Mr. HUNT. The House made the special order on February 29 of last year, fixing the consideration of the bill (H. R. 4987) for the encouragement of the American merchant marine and to promote postal and commercial relations, for the 19th day of March last.

Mr. STOCKSLAGER. And it made business from the Committee on Public Buildings and Grounds a special order on the 7th day of April. [Laughter, and cries of "Regular order!"]

Mr. HENLEY. I wish, Mr. Speaker, to submit a question in the nature of a parliamentary inquiry. My understanding is that bills reported for the forfeiture of railroad land grants are entitled to precedence as against any of the other special orders which have been mentioned in this connection. I desire to know if I am correct in that understanding?

The SPEAKER. The gentleman has not called up any bill.

Mr. HENLEY. I desired to know as a matter of parliamentary proceeding whether I had the right now, under the special order to which I have referred, to call up these bills as against the others. I desire to call up a bill now for the forfeiture of a public land grant.

The SPEAKER. To what bill does the gentlemnn refer?

Mr. HENLEY. To the forfeiture of the lands granted to the Northern Pacific Railroad.

Mr. HUNT. And I raise the question of consideration.

The SPEAKER. The question is upon the motion of the gentleman from California, that order having priority over the others.

Mr. OATES. Mr. Speaker——

Mr. ANDERSON. As a bill reported earlier on the Calendar than the Northern Pacific, I call up for consideration, under the special order, the bill to adjust the land grants made by Congress to aid in the construction of railroads within the State of Kansas.

Mr. OATES. I rise to a question of order.

The SPEAKER. Against the gentleman from Kansas?

Mr. OATES. Against the motion of the gentleman from Kansas.

The SPEAKER. The gentleman from Kansas is now occupying the floor. The Chair will recognize the gentleman from Alabama.

Mr. ANDERSON. I call up that bill, Mr. Speaker, and any question of order in regard to it will be disposed of by an examination of the special order under which it is called up. I refer to the bill H. R. 6416.

Mr. OATES. Mr. Speaker, I rise to a question of order against the motion of the gentleman from Kansas as well as the motion of the gentleman from California.

The SPEAKER. The gentleman will state his point of order.

Mr. OATES. My point of order is that it is not competent for the gentleman to move to take up either one of the bills upon the Calendar; but the proper motion is that the House go to the House Calendar to consider that class of business.

The SPEAKER. The Chair at the last session of Congress decided that question of order in accordance with the suggestion of the gentleman from Alabama.

Mr. OATES. There are other bills on the Calendar prior to the bills which have been suggested relating to the same class of business.

The SPEAKER. The Chair will state that there are some special orders authorizing the committees to designate the bills which they will call up for consideration. But the special order upon which the gentleman from California relies does not authorize the committee to indicate the bills, but confines the business of the House under such circumstances to the consideration of that class of bills.

Mr. TOWNSHEND. Then the motion of the gentleman has no priority over my motion.

The SPEAKER. It has priority under the rules of the House.

Mr. STOCKSLAGER. I think the Public Buildings Committee have priority under the order of the House.

Mr. HENLEY. I believe I have the floor. I move now, Mr. Speaker, that the House proceed to the House Calendar for the consideration of land-grant-forfeiture bills.

Mr. HUNT. And I raise the question of consideration.

The SPEAKER. There can be no question of consideration raised against that motion. But if the motion prevails, as the bills are reached on the Calendar questions of consideration can be made against them.

Mr. STOCKSLAGER. If these gentlemen can not agree what business they shall take up I wish to remind the House that a special order was made in April last for the consideration of bills reported from the Committee on Public Buildings and Grounds and bills of the Senate on the Speaker's table relating to the erection of public buildings.

The SPEAKER. The question is on the motion made by the gentleman from California [Mr. HENLEY] to proceed to the House Calendar for the consideration of bills reported by the Committee on Public Lands in relation to the forfeitnre of land grants.

The question being taken by a *viva voce* vote, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. HENLEY. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 44—not one-fifth of the last vote.

Mr. MATSON. Count the other side.

The negative vote being counted, there were noes 91.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMPBELL, of Ohio, until Monday next, on account of sickness in his family.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. HENLEY], on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 140, nays 106, not voting 77; as follows:

YEAS—140.

Aiken,	Cobb,	Geddes,	Le Fevre,
Alexander,	Cosgrove,	Gibson,	Lewis,
Anderson,	Covington,	Glascock,	Lore,
Ballentine,	Cox, S. S.	Graves,	Lowry,
Barbour,	Crisp,	Green,	McAdoo,
Beach,	Culberson, D. B.	Haines,	McCold,
Bennett,	Cullen,	Hammond,	McComas,
Blanchard,	Dargan,	Hardeman,	McMillin,
Bland,	Davidson,	Hardy,	Matson,
Blount,	Dibrell,	Hatch, W. H.	Maybury,
Boyle,	Dockery,	Hemphill,	Miller, J. F.
Bratton,	Dowd,	Henderson, T. J.	Mills,
Broadhead,	Eldredge,	Henley,	Mitchell,
Buchanan,	Ellwood,	Herbert,	Money,
Burnes,	English,	Hewitt, G. W.	Morgan,
Cabell,	Ermentrout,	Holman,	Morrill,
Caldwell,	Ferrell,	Hopkins,	Moulton,
Campbell, Felix	Fiedler,	Houseman,	Murray,
Candler,	Finerty,	Jones, B. W.	Neece,
Cassidy,	Follett,	Jones, J. H.	Oates,
Clardy,	Foran,	King,	O'Neill, J. J.
Clay,	Forney,	Lamb,	Paige,
Clements,	Funston,	Lanham,	Patton,

Peel,	Rosecrans,	Taylor, J. M.	Weaver,
Perkins,	Ryan,	Throckmorton,	Wellborn,
Peters,	Shively,	Tillman,	Weller,
Pierce,	Skinner, T. G.	Townshend,	Wemple,
Post,	Springer,	Tucker,	Williams,
Pryor,	Steele,	Tully,	Winans, E. B.
Reagan,	Stewart, Charles	Turner, H. G.	Wise, G. D.
Reese,	Stockslager,	Turner, Oscar	Wood,
Riggs,	Storm,	Wallace,	Worthington,
Robertson,	Sumner, C. A.	Ward,	Yaple,
Robinson, W. E.	Sumner, D. H.	Warner, A. G.	York,
Rogers, J. H.	Swope,	Warner, Richard	Young.

NAYS—106.

Adams, G. E.	Ellis,	Lawrence,	Rogers, W. F.
Atkinson,	Evans,	Libbey,	Singleton,
Bagley,	Everhart,	Long,	Slocum,
Barksdale,	Garrison,	Lyman,	Smalls,
Bayne,	Greenleaf,	McCormick,	Spooner,
Bisbee,	Guenther,	Millard,	Stephenson,
Boutelle,	Hanback,	Miller, S. H.	Strait,
Brainerd,	Harmer,	Milliken,	Talbott,
Breitung,	Hart,	Morse,	Taylor, E. B.
Brewer, F. B.	Haynes,	Muller,	Taylor, J. D.
Brewer, J. H.	Henderson, D. B.	Nelson,	Thomas,
Brown, W. W.	Hepburn,	Nicholls,	Valentine,
Browne, T. M.	Hewitt, A. S.	Nutting,	Van Alstyne,
Buckner,	Hill,	O'Ferrall,	Vance,
Campbell, J. M.	Hiscock,	O'Hara,	Van Eaton,
Cannon,	Hitt,	O'Neill, Charles	Wadsworth,
Converse,	Holmes,	Parker,	Wait,
Cox, W. R.	Houk,	Pettibone,	Wakefield,
Craig,	Howey,	Poland,	Washburn,
Culbertson, W. W.	Hunt,	Potter,	White, J. D.
Cutcheon,	Hurd,	Price,	Wilkins,
Davis, G. R.	Hutchins,	Pusey,	Willis,
Dibble,	Kean,	Ranney,	Wilson, James
Dingley,	Kelley,	Ray, Ossian	Wise, J. S.
Dorsheimer,	Ketcham,	Reed, T. B.	Woodward.
Dunham,	Kleiner,	Reid, J. W.	
Eaton,	Lacey,	Rice,	

NOT VOTING—77.

Adams, J. J.	Davis, R. T.	Keifer,	Seymour,
Arnot,	Deuster,	Kellogg,	Shaw,
Barr,	Dunn,	Laird,	Skinner, C. R.
Belford,	Elliott,	Lovering,	Smith, A. Herr
Belmont,	Findlay,	Morrison,	Smith, H. Y.
Bingham,	Fyan,	Muldrow,	Snyder,
Blackburn,	George,	Murphy,	Spriggs,
Bowen,	Goff,	Mutchler,	Stevens,
Breckinridge,	Hancock,	Ochiltree,	Stewart, J. W.
Brumm,	Hatch, H. H.	Payne,	Stone,
Budd,	Hoblitzell,	Payson,	Struble,
Burleigh,	Holton,	Phelps,	Thompson,
Campbell, J. E.	Hooper,	Randall,	White, Milo
Carleton,	Horr,	Rankin,	Whiting,
Chalmers,	James,	Ray, G. W.	Wilson, W. L.
Collins,	Jeffords,	Robinson, J. S.	Winans, John
Connolly,	Johnson,	Rockwell,	Wolford.
Cook,	Jones, J. K.	Rowell,	
Curtin,	Jones, J. T.	Russell,	
Davis, L. H.	Jordan,	Seney,	

So the motion was agreed to.

Mr. LAMB. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. STRAIT. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. GEORGE, for the remainder of the day.

Mr. HOBLITZELL with Mr. HATCH, of Michigan, for this day.

Mr. WILSON, of West Virginia, with Mr. JEFFORDS, on this vote.

Mr. SENEY with Mr. HOLTON, for the remainder of the day.

The result of the vote was then announced as above stated.

The SPEAKER. The House having agreed to proceed to the House Calendar for the consideration of bills reported by the Committee on Public Lands in relation to the forfeiture of land grants, the Clerk will report the title of the first of such bills on the Calendar.

The Clerk read as follows:

A bill (H. R. 180) to declare forfeited certain lands in the State of Michigan granted to aid in the construction of railroads, and to enforce the same by judicial proceedings; reported by Mr. HENLEY from the Committee on Public Lands.

Mr. HUNT. I raise the question of consideration on this bill; and I state that I do so in favor of the bill for the encouragement of the American merchant marine.

The SPEAKER. The question is, Will the House now proceed to the consideration of this bill?

Mr. SPRINGER. What is the title of it?

The SPEAKER. The Clerk will again report the title of the bill.

The title of the bill H. R. 180 was again read.

Mr. HENLEY. Do I understand the issue now is between the motion made by the gentleman from Louisiana and the consideration of the bill H. R. 180?

The SPEAKER. There is no issue between this bill and any other bill. The gentleman from Louisiana [Mr. HUNT] simply raises, as he has the right to do, the question of consideration.

Mr. HENLEY. At the proper time I desire to move to postpone the

consideration of the bill H. R. 180 to a certain day; and I do not want to lose that right by any action that may now be taken.

The SPEAKER. The question now is, Will the House consider the bill? If the House agrees to consider it, then any proper parliamentary motion will be in order.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. My inquiry is this, whether the House has not already settled the question of consideration by the vote just taken, which was to proceed to the consideration of this bill? The other measures were called to the attention of the House, and we were notified that if this vote failed one gentleman would call up one bill, another another, and a third a third; but the House by an emphatic vote has decided to take up this bill. Now the parliamentary inquiry I raise is whether the House has not already decided to consider this bill.

Mr. HOLMAN. Not this particular bill.

The SPEAKER. The Chair decided at the last session, and repeated the decision this morning, that under the special order in relation to reports from the Committee on Public Lands, it was not in order to move to go into Committee of the Whole on the state of the Union or to proceed to the House Calendar for the purpose of considering any particular bill, but merely for the purpose of considering that class of bills. If that ruling be correct, it follows that when the House has reached the Calendar under this special order the rights and privileges of members are precisely the same as if it had proceeded upon a motion to consider bills on the House Calendar generally under the ordinary rules of the House, and each bill, as it is reached, is subject to the question of consideration under another rule of the House. That is to say, the House has not yet voted that it will consider any designated one of these bills, but simply that it will proceed to the consideration of this class of bills.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry. If the House had gone to the Speaker's table to consider bills there, would it be proper to antagonize one of those bills by a bill on the Calendar?

The SPEAKER. There is no antagonism here. It is only a question of consideration.

Mr. SPRINGER. But the gentleman himself desires that it be not considered; he desires to postpone it.

The SPEAKER. That is a matter with which the Chair has nothing to do as a question of order. Formerly, under the rules of the House, it was the duty of the Chair whenever a bill was reached, without any motion or demand, to put the question: "Will the House now consider it?" Under the present rules, however, the Chair is not required to put that question unless some gentleman on the floor demands it, and every gentleman has a right to demand it.

Mr. SPRINGER. Will the Chair permit another inquiry: If the House decides not to consider this bill, will not the next bill on the Calendar forfeiting railroad grants be in order?

The SPEAKER. Of course.

Mr. SPRINGER. Then the gentleman does not accomplish what he desires.

The SPEAKER. The question is, Will the House proceed to the consideration of the bill the title of which has just been read?

The question was taken; and the Speaker declared it decided in the negative, and directed the Clerk to read the next bill on the Calendar.

Mr. OATES. Mr. Speaker, I demand the yeas and nays. [Cries of "Too late!"]

The SPEAKER. There is a good deal of noise in the Hall, and the Chair thinks the gentleman from Alabama [Mr. OATES] ought not to be cut off from making the demand for the yeas and nays if he so desires.

Mr. HENLEY. Mr. Speaker, I rise to a question of order. Of course if the Chair rules that the gentleman from Alabama was in time with his demand for the yeas and nays, that settles it. Otherwise, I shall insist upon the point that his demand is too late.

The SPEAKER. The gentleman from Alabama arose while the Chair was announcing the result, but the Chair did not recognize him, not knowing what his purpose was, and supposing that it was to make some motion which would not be in order until after the announcement.

A MEMBER. The next bill was called before the gentleman from Alabama made his demand for the yeas and nays.

The SPEAKER. Still, if the gentleman from Alabama says that when he rose originally it was for the purpose of demanding the yeas and nays, the Chair thinks that he should be recognized for that purpose.

Mr. MAGINNIS. The word of a gentleman has never been called in question in a case of this kind.

The SPEAKER. So the Chair thinks.

Mr. OATES. I demanded the yeas and nays because I thought that the House did not understand what they were voting for. I apprehend that we should consider these bills on the Calendar in their order.

Mr. HENLEY. I differ with the gentleman on that point.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 164, not voting 77; as follows:

YEAS—82.

Atkinson,	Eaton,	McCormick,	Spooner,
Bagley,	Ellwood,	Miller, J. F.	Strait,
Barksdale,	Evans,	Mitchell,	Struble,
Bayne,	Everhart,	Morrill,	Swope,
Blanchard,	Forney,	Mutchler,	Talbott,
Boyle,	Hammond,	Nelson,	Taylor, J. D.
Brainerd,	Hardeman,	Oates,	Thomas,
Bratton,	Hatch, W. H.	O'Neill, J. J.	Tucker,
Broadhead,	Haynes,	Parker,	Turner, H. G.
Browne, T. M.	Hepburn,	Pettibone,	Valentine,
Buchanan,	Herbert,	Poland,	Van Eaton,
Buckner,	Hewitt, A. S.	Price,	Wait,
Campbell, J. M.	Hewitt, G. W.	Pryor,	Wakefield,
Cannon,	Hitt,	Ray, Ossian	Washburn,
Converse,	Houk,	Reed, T. B.	Weaver,
Cox, W. R.	Howey,	Rice,	Williams,
Culbertson, W. W.	Hurd,	Rogers, W. F.	Wilson, James
Cullen,	Kean,	Seymour,	Wilson, W. L.
Cutcheon,	Kelley,	Slocum,	York.
Deuster,	Libbey,	Smith, H. Y.	
Dorsheimer,	McComas,		

NAYS—164.

Adams, G. E.	Dunham,	Lawrence,	Rowell,
Aiken,	Eldredge,	Le Fevre,	Ryan,
Alexander,	English,	Lewis,	Shively,
Anderson,	Ermentrout,	Long,	Singleton,
Ballentine,	Fiedler,	Lore,	Skinner, T. G.
Barbour,	Findlay,	Lowry,	Smalls,
Beach,	Finerty,	Lyman,	Snyder,
Bennett,	Follett,	McAdoo,	Springer,
Bingham,	Foran,	McCold,	Steele,
Bisbee,	Funston,	McMillin,	Stephenson,
Bland,	Garrison,	Matson,	Stewart, Charles
Blount,	Geddes,	Maybury,	Stewart, J. W.
Boutelle,	Gibson,	Millard,	Stockslager,
Breckinridge,	Glascock,	Miller, S. H.	Storm,
Breitung,	Graves,	Mills,	Sumner, C. A.
Brewer, F. B.	Green,	Morgan,	Sumner, D. H.
Brewer, J. H.	Greenleaf,	Moulton,	Taylor, J. M.
Brown, W. W.	Guenther,	Muller,	Thompson,
Burleigh,	Halsell,	Neece,	Throckmorton,
Burnes,	Hanback,	Nicholls,	Tillman,
Cabell,	Hardy,	O'Hara,	Townshend,
Caldwell,	Harmer,	O'Neill, Charles	Tully,
Campbell, Felix	Hart,	Paige,	Turner, Oscar
Candler,	Hemphill,	Patton,	Van Alstyne,
Cassidy,	Henderson, T. J.	Payne,	Vance,
Clardy,	Henley,	Peel,	Wadsworth,
Clay,	Hiscock,	Perkins,	Wallace,
Cobb,	Holman,	Peters,	Warner, Richard
Collins,	Hopkins,	Post,	Wellborn,
Cosgrove,	Houseman,	Potter,	Weller,
Craig,	Hunt,	Ranney,	Wemple,
Crisp,	Hutchins,	Ray, G. W.	White, J. D.
Culberson, D. B.	James,	Reagan,	Wilkins,
Curtin,	Jeffords,	Reese,	Winans, E. B.
Dargan,	Jones, B. W.	Reid, J. W.	Wise, G. D.
Davidson,	Jones, J. H.	Riggs,	Wolford,
Dibble,	Kellogg,	Robertson,	Wood,
Dibrell,	Ketcham,	Robinson, W. E.	Woodward,
Dingley,	Lacey,	Rogers, J. H.	Worthington,
Dockery,	Lamb,	Rosecrans,	Yaple,
Dowd,	Lanham,		Young.

NOT VOTING—77.

Adams, J. J.	Dunn,	Keifer,	Rockwell,
Arnot,	Elliott,	King,	Russell,
Barr,	Ellis,	Kleiner,	Seney,
Belford,	Ferrell,	Laird,	Shaw,
Belmont,	Fyan,	Lovering,	Skinner, C. R.
Blackburn,	George,	Milliken,	Smith, A. Herr
Bowen,	Goff,	Money,	Spriggs,
Brumm,	Hancock,	Morrison,	Stevens,
Budd,	Hatch, H. H.	Morse,	Stone,
Campbell, J. E.	Henderson, D. B.	Muldrow,	Taylor, E. B.
Carleton,	Hill,	Murphy,	Ward,
Chalmers,	Hoblitzell,	Murray,	Warner, A. J.
Clements,	Holmes,	Nutting,	White, Milo
Connolly,	Holton,	Ochiltree,	Whiting,
Cook,	Hooper,	Payson,	Willis,
Covington,	Horr,	Phelps,	Winans, John
Cox, S. S.	Johnson,	Pusey,	Wise, J. S.
Davis, G. R.	Jones, J. K.	Randall,	
Davis, L. H.	Jones, J. T.	Rankin,	
Davis, R. T.	Jordan,	Robinson, J. S.	

So the House refused to consider the bill.

During the roll-call,

Mr. HENDERSON, of Illinois. Mr. Speaker, I desire to state that Mr. MURPHY, of Iowa, is absent on account of sickness.

Mr. ANDERSON. I ask unanimous consent that the reading of the names be dispensed with.

Several members objected.

The Clerk read the names of the members voting.

The following additional pairs were announced:

Mr. WARNER, of Ohio, with Mr. OCHILTREE, on this vote.

Mr. HENDERSON, of Iowa, with Mr. PUSEY, for this day.

Mr. HILL with Mr. JOHN S. WISE, for the remainder of this day.

Mr. KLEINER with Mr. DAVIS, of Illinois, for the remainder of this day.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

The SPEAKER. The House refuses to proceed to the consideration of this bill, and the Clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 6408) forfeiting lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in that State.

Mr. HUNT. Mr. Speaker, I raise the question of consideration against this bill.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] raises the question of consideration, and the question is, Will the House now proceed to the consideration of the bill the title of which has just been read?

Mr. OATES. Mr. Speaker, I wish to say to the House——

The SPEAKER. This is not debatable. The question is, Will the House proceed to the consideration of this bill?

Mr. DUNHAM. I call for a division.

The House divided; and there were—ayes 47, noes 88.

Several MEMBERS. No quorum.

The SPEAKER. No quorum has voted, and, under the rules, the Chair will appoint as tellers the gentleman from California, Mr. HENLEY, and the gentleman from New York, Mr. DORSHEIMER.

Mr. ANDERSON. Mr. Speaker, will it be in order now to call for the yeas and nays?

The SPEAKER. It will.

Several MEMBERS. Regular order.

Mr. ANDERSON. I consider all this as simply done for delay. I call for the yeas and nays.

The question was taken; and 58 gentlemen voted in the affirmative (more than one-fifth of the last vote); so the yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 161, not voting 83; as follows:

YEAS—79.

Atkinson,	Dorsheimer,	McMillin,	Stone,
Bagley,	Eaton,	Miller, J. F.	Strait,
Barbour,	Ellis,	Miller, S. M.	Struble,
Bayne,	Ellwood,	Mitchell,	Talbott,
Boutelle,	Everhart,	Muller,	Taylor, E. B.
Brainerd,	Ferrell,	Nelson,	Taylor, J. D.
Brewer, F. B.	Forney,	Nutting,	Thomas,
Broadhead,	Guenther,	Oates,	Tucker,
Brown, W. W.	Hardeman,	O'Ferrall,	Valentine,
Browne, T. M.	Hepburn,	O'Neill, J. J.	Van Eaton,
Buchanan,	Herbert,	Parker,	Wait,
Buckner,	Hewitt, A. S.	Payne,	Wakefield,
Burleigh,	Hewitt, G. W.	Perkins,	Weaver,
Campbell, J. M.	Hitt,	Poland,	White, J. D.
Cannon,	Hoblitzell,	Price,	Wilson, James
Converse,	Howey,	Pryor,	Wilson, W. L.
Cox, S. S.	Keen,	Reed, T. B.	Wise, J. S.
Culberson, D. B.	Kelley,	Seymour,	Worthington,
Culbertson, W. W.	Libby,	Slocum,	York.
Cullen,	McCormick,	Smith, H. Y.	

NAYS—161.

Adams, G. E.	Follett,	McAdoo,	Snyder,
Aiken,	Funston,	McCoid,	Spooner,
Alexander,	Fyan,	McComas,	Springer,
Anderson,	Garrison,	Matson,	Steele,
Ballentine,	Geddes,	Maybury,	Stephenson,
Beach,	Gibson,	Millard,	Stewart, Charles
Bennett,	Glascock,	Mills,	Stewart, J. W.
Bingham,	Graves,	Morgan,	Stocklager,
Bisbee,	Green,	Morrill,	Storm,
Bland,	Greenleaf,	Moulton,	Sumner, C. A.
Blount,	Halsell,	Muldrow,	Sumner, D. H.
Bratton,	Hammond,	Murray,	Swope,
Breckinridge,	Hanback,	Neece,	Taylor, J. M.
Breitung,	Hardy,	Nicholls,	Thompson,
Brewer, J. H.	Harmer,	O'Hara,	Throckmorton,
Cabell,	Hart,	O'Neill, Charles	Tillman,
Caldwell,	Hatch, W. H.	Paige,	Townshend,
Campbell, Felix	Hemphill,	Patton,	Tully,
Candler,	Henderson, T. J.	Peel,	Turner, H. G.
Clardy,	Henley,	Peters,	Turner, Oscar
Clay,	Hiscock,	Pettibone,	Van Alstyne,
Clements,	Holman,	Pierce,	Vance,
Cobb,	Holmes,	Post,	Wallace,
Cosgrove,	Hopkins,	Potter,	Ward,
Craig,	Houk,	Rainey,	Warner, A. J.
Crisp,	Houseman,	Reagan,	Warner, Richard
Curtin,	Hunt,	Reese,	Wellborn,
Cutcheon,	James,	Reid, J. W.	Wemple,
Dargan,	Jeffords,	Rice,	Whiting,
Davidson,	Jones, B. W.	Riggs,	Wilkins,
Davis, R. T.	Jones, J. H.	Robinson, W. E.	Willis,
Deuster,	King,	Rockwell,	Winans, E. B.
Dibble,	Lacey,	Rogers, J. H.	Winans, John
Dibrell,	Lamb,	Rogers, W. F.	Wise, G. D.
Dockery,	Lanham,	Rosecrans,	Wolford,
Dowd,	Le Fevre,	Rowell,	Wood,
Dunham,	Long,	Ryan,	Yaple,
Eldredge,	Lore,	Shively,	Young.
English,	Lovering,	Singleton,	
Fiedler,	Lowry,	Skinner, T. G.	
Finerty,	Lyman,	Smalls,	

NOT VOTING—83.

Adams, J. J.	Blackburn,	Burnes,	Connolly,
Arnot,	Blanchard,	Campbell, J. E.	Cook,
Barksdale,	Bowen,	Carleton,	Covington,
Barr,	Boyle,	Cassidy,	Cox, W. R.
Belford,	Brumm,	Chalmers,	Davis, G. R.
Belmont,	Budd,	Collins,	Davis, L. H.
Dingley,	Hooper,	Milliken,	Robinson, J. S.
Dunn,	Horr,	Money,	Russell,
Elliott,	Hurd,	Morrison,	Seney,
Ermentrout,	Hutchins,	Morse,	Shaw,
Evans,	Johnson,	Murphy,	Skinner, C. R.
Findlay,	Jones, J. K.	Mutchler,	Smith, A. Herr
Foran,	Jones, J. T.	Ochiltree,	Spriggs,
George,	Jordan,	Payson,	Stevens,
Goff,	Keifer,	Phelps,	Wadsworth,
Hancock,	Kellogg,	Pusey,	Washburn,
Hatch, H. H.	Ketcham,	Randall,	Weller,
Haynes,	Kleiner,	Rankin,	White, Milo
Henderson, D. B.	Laird,	Ray, G. W.	Williams,
Hill,	Lawrence,	Ray, Ossian	Woodward.
Holton,	Lewis,	Robertson,	

So the House refused to consider the bill.

Mr. ANDERSON asked that the reading of the names be dispensed with.

Mr. STRAIT objected.

The following additional pairs were announced:

Mr. HURD with Mr. RAY, of New Hampshire, on this vote.

Mr. WILLIAMS with Mr. WASHBURN, for this day.

The result of the vote was announced as above stated.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported, as a substitute for House bill 7972, a bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. THOMAS. All points of order are reserved on this bill.

Mr. WARNER, of Ohio. Let all points of order be reserved.

The SPEAKER. Points of order will be reserved.

Mr. VAN EATON. I move that the House now adjourn.

Mr. McCOMAS. I ask the gentleman to yield to me that I may submit an important resolution.

Mr. VAN EATON. I yield for that purpose only.

IMPRISONMENT OF JULIO R. SANTOS.

Mr. McCOMAS. I ask unanimous consent to submit the resolution which I send to the desk.

The Clerk read as follows:

Whereas Julio R. Santos, an American citizen, naturalized in July, A. D. 1874, who was long an instructor in the University of Virginia, but recently a merchant in Bahia, Ecuador, has been imprisoned at Guayaquil, Ecuador, since November, A. D. 1884, for alleged complicity in a rebellion, and his speedy execution is apprehended;

And whereas it is alleged that this American citizen is innocent;

Resolved, That the Secretary of State be, and he is hereby, requested to inform this House what measures he has taken, and what further he intends to take, to secure the release or speedy trial of Julio R. Santos.

The SPEAKER. If there be no objection, this resolution will be referred to the Committee on Foreign Affairs.

Mr. BAYNE and others. Let us pass it now.

Mr. McCOMAS. I ask for the present consideration of the resolution.

There being no objection, the resolution was considered and adopted.

Mr. McCOMAS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, returned to the House, in accordance with its request, the bill (H. R. 1017) relative to the Inspector-General's Department of the Army.

ORDER OF BUSINESS.

Mr. VAN EATON. I renew the motion that the House adjourn.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. VAN EATON] that the House adjourn.

The question being taken, there were—ayes 48, noes 76.

Mr. HORR. I demand the yeas and nays.

The yeas and nays were ordered, 41 voting in favor thereof—more than one-fifth of the last vote

The SPEAKER. If there be no objection, the Chair will lay before the House several executive communications.

There was no objection.

HINGHAM HARBOR, MASSACHUSETTS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and preliminary examination of Hingham Harbor, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WHITE HALL HARBOR, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and preliminary examination of White Hall Harbor, New York; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. GARRISON, by unanimous consent, obtained leave of absence for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. VAN EATON] that the House adjourn; on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 31, nays 201, not voting 91; as follows:

YEAS—31.

Bayne,	Evans,	Potter,	Van Eaton,
Bingham,	Hewitt, A. S.	Price,	Wakefield,
Boyle,	Hiscock,	Ranney,	Washburn,
Breitung,	Houk,	Rice,	Whiting,
Brewer, J. H.	Keen,	Smalls,	Wilkins,
Converse,	Ketcham,	Snyder,	Wise, J. S.
Dorsheimer,	Mutchler,	Stone,	Wolford.
Dunham,	Nelson,	Strait,	

NAYS—201.

Aiken,	Dowd,	Long,	Singleton,
Alexander,	Eaton,	Lore,	Skinner, T. G.
Anderson,	Eldredge,	Lovering,	Slocum,
Arnot,	English,	Lowry,	Smith, H. Y.
Bagley,	Ermentrout,	Lyman,	Spooner,
Ballentine,	Everhart,	McAdoo,	Springer,
Barbour,	Ferrell,	McCormick,	Steele,
Barksdale,	Follett,	McMillin,	Stephenson,
Beach,	Forney,	Matson,	Stewart, Charles
Bennett,	Funston,	Maybury,	Stewart, J. W.
Bisbee,	Garrison,	Millard,	Stocklager,
Bland,	Geddes,	Miller, J. F.	Storm,
Blount,	Gibson,	Miller, S. H.	Struble,
Boutelle,	Glascock,	Mills,	Sumner, C. A.
Bratton,	Graves,	Money,	Sumner, D. H.
Breckinridge,	Green,	Morrill,	Swope,
Brewer, F. B.	Greenleaf,	Moulton,	Talbott,
Brown, W. W.	Guenther,	Muldrow,	Taylor, J. M.
Browne, T. M.	Halsell,	Neece,	Thomas,
Buchanan,	Hammond,	Nicholls,	Thompson,
Buckner,	Hanback,	Nutting,	Throckmorton,
Burnes,	Hardeman,	Oates,	Tillman,
Cabell,	Hardy,	O'Ferrall,	Townshend,
Caldwell,	Hart,	O'Hara,	Tucker,
Campbell, Felix	Hemphill,	O'Neill, Charles	Tully,
Campbell, J. E.	Henderson, T. J.	O'Neill, J. J.	Turner, H. G.
Campbell, J. M.	Henley,	Paige,	Turner, Oscar
Candler,	Hepburn,	Parker,	Valentine,
Cannon,	Hewitt, G. W.	Patton,	Van Alstyne,
Cassidy,	Hitt,	Payne,	Vance,
Clardy,	Hoblitzell,	Peel,	Wallace,
Clay,	Holman,	Perkins,	Ward,
Clements,	Holmes,	Peters,	Warner, A. J.
Cobb,	Hopkins,	Pierce,	Warner, Richard
Collins,	Houseman,	Poland,	Weaver,
Cosgrove,	Howey,	Post,	Wellborn,
Cox, W. R.	Hunt,	Pryor,	Weller,
Crisp,	Hutchins,	Ray, G. W.	Wemple,
Culberson, D. B.	James,	Reagan,	Willis,
Culbertson, W. W.	Jeffords,	Reed, T. B.	Wilson, James
Cullen,	Jones, B. W.	Reid, J. W.	Wilson, W. L.
Curtin,	Jones, J. H.	Reese,	Winans, E. B.
Cutcheon,	Keifer,	Riggs,	Winans, John
Dargan,	King,	Robinson, W. E.	Wise, G. D.
Davidson,	Lacey,	Rockwell,	Wood,
Davis, R. T.	Lamb,	Rogers, J. H.	Worthington,
Deuster,	Lanham,	Rogers, W. F.	Yaple,
Dibble,	Lawrence,	Rowell,	York.
Dibrell,	Le Fevre,	Ryan,	
Dingley,	Lewis,	Seymour,	
Dockery,	Libbey,	Shively,	

NOT VOTING—91.

Adams, G. E.	Dunn,	Johnson,	Randall,
Adams, J. J.	Elliott,	Jones, J. K.	Rankin,
Atkinson,	Ellis,	Jones, J. T.	Ray, Ossian
Barr,	Ellwood,	Jordan,	Robertson,
Belford,	Fiedler,	Kelley,	Robinson, J. S.
Belmont,	Findlay,	Kellogg,	Rosecrans,
Blackburn,	Finerty,	Kleiner,	Russell,
Blanchard,	Foran,	Laird,	Seney,
Bowen,	Fyan,	McCoid,	Shaw,
Brainerd,	George,	McComas,	Skinner, C. R.
Broadhead,	Goff,	Milliken,	Smith, A. Herr
Brumm,	Hancock,	Mitchell,	Spriggs,
Budd,	Harmer,	Morgan,	Stevens,
Burleigh,	Hatch, H. H.	Morrison,	Taylor, E. B.
Carleton,	Hatch, W. H.	Morse,	Taylor, J. D.
Chalmers,	Haynes,	Muller,	Wadsworth,
Connolly,	Henderson, D. B.	Murphy,	Wait,
Cook,	Herbert,	Murray,	White, J. D.
Covington,	Hill,	Ochiltree,	White, Milo
Cox, S. S.	Holton,	Payson,	Williams,
Craig,	Hooper,	Pettibone,	Woodward,
Davis, G. R.	Horr,	Phelps,	Young.
Davis, L. H.	Hurd,	Pusey,	

So the House refused to adjourn.

During the roll-call,

Mr. ANDERSON moved by unanimous consent to dispense with the reading of the names.

Mr. VAN EATON objected.

The following additional pairs were announced from the Clerk's desk for this day only:

Mr. ELLIS with Mr. DINGLEY.

Mr. MURRAY with Mr. WAIT.

Mr. FINERTY with Mr. HARMER.

The vote was then announced as above recorded.

The SPEAKER. The Clerk will report the next bill.

Mr. VAN EATON. I move that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. ANDERSON. I move that motion be laid on the table.

The SPEAKER. That motion is not in order.

Mr. VAN EATON. I demand a division.

The House divided; and there were—ayes 23, noes 102.

Mr. VAN EATON. No quorum has voted.

The SPEAKER appointed as tellers Mr. VAN EATON and Mr. HENLEY.

The House again divided; and the tellers reported—ayes 5, noes 159.

Mr. VAN EATON demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. DUNHAM. I move that the House do now adjourn.

The House divided; and there were—ayes 64, noes 92.

Mr. DUNHAM demanded the yeas and nays.

The House divided; and there were—ayes 32.

The SPEAKER. Exactly one-fifth of the last vote.

Mr. HENLEY. Count the other side.

The other side was counted, and there were 132.

The SPEAKER. Not one-fifth.

Mr. VAN EATON. Tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

So the House refused to adjourn.

Mr. VAN EATON. I move the House take a recess until eleven and a half o'clock to-morrow morning.

Mr. WHITE, of Kentucky. Will not the gentleman yield to take up the Mexican pension bill?

The House divided; and there were—ayes 51, noes 99.

Mr. VAN EATON. No quorum is voting.

The SPEAKER appointed Mr. VAN EATON and Mr. HENLEY as tellers.

Mr. HENLEY. As a measure of pacification to the gentleman from Mississippi and those on the other side, I will say that I have no objection to the House taking a recess until eleven and a half o'clock to-morrow. [Cries of "That is right!"]

Mr. HOLMAN. Say 11 o'clock.

The SPEAKER. That requires unanimous consent after the point of order has been made that no quorum voted.

Mr. HENLEY. I will renew the motion.

The SPEAKER. The motion is still pending.

Mr. HAMMOND. I rise to a parliamentary inquiry. Before voting I desire to know whether, if the House votes to take a recess until to-morrow, we will not commence then where we are now and will have more of to-morrow to waste.

The SPEAKER. The tellers will take their places.

The House again divided; and the tellers reported—ayes 95, noes 19.

The SPEAKER. No quorum has voted.

The House again divided; and the tellers reported—ayes 100, noes 19.

Mr. STRAIT and Mr. DUNHAM. No quorum has voted.

Mr. VAN EATON. I move the House do now adjourn.

Mr. McMILLIN demanded the yeas and nays on the motion to take a recess.

The SPEAKER. The motion to adjourn takes precedence.

The House divided; and there were—ayes 109, noes 75.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 135, not voting 106; as follows:

YEAS—82.

Adams, G. E.	Guenther,	McCoid,	Price,
Aiken,	Hammond,	McComas,	Pryor,
Atkinson,	Hart,	McCormick,	Robertson,
Bagley,	Haynes,	Millard,	Rockwell,
Barksdale,	Henderson, T. J.	Miller, S. H.	Rogers, W. F.
Bayne,	Herbert,	Mitchell,	Rowell,
Boyle,	Hewitt, A. S.	Morgan,	Seymour,
Breitung,	Hill,	Morrill,	Smalls,
Broadhead,	Hiscock,	Muldrow,	Snyder,
Cannon,	Hoblitzell,	Muller,	Stevens,
Converse,	Houk,	Mutchler,	Strait,
Cox, S. S.	Houseman,	Nelson,	Thomas,
Cullen,	Howey,	Oates,	Van Alstyne,
Dargan,	Hurd,	Paige,	Van Eaton,
Davis, R. T.	Kean,	Parker,	Wakefield,
Dorsheimer,	Keifer,	Payne,	Whiting,
Ellis,	Ketcham,	Perkins,	Wilkins,
Ellwood,	King,	Peters,	Wilson, James
Evans,	Lawrence,	Pettibone,	Wise, J. S.
Everhart,	Libbey,	Post,	
Findlay,	Long,	Potter,	

NAYS—135.

Alexander,	Breckinridge,	Collins,	Dockery,
Anderson,	Brown, W. W.	Cosgrove,	Dowd,
Barbour,	Buchanan,	Cox, W. R.	English,
Beach,	Burnes,	Crisp,	Ferrell,
Belmont,	Cabell,	Culberson, D. B.	Fiedler,
Bennett,	Caldwell,	Culbertson, W. W.	Follett,
Bisbee,	Candler,	Cutcheon,	Forney,
Bland,	Clardy,	Davidson,	Funston,
Blount,	Clay,	Deuster,	Gibson,
Boutelle,	Clements,	Dibble,	Glascock,
Bratton,	Cobb,	Dibrell,	Graves,

Greenleaf,	Matson,	Skinner, T. G.	Turner, Oscar
Halsell,	Maybury,	Slocum,	Valentine,
Hanback,	Miller, J. F.	Smith, H. Y.	Vance,
Hancock,	Milliken,	Spooner,	Wallace,
Hardeman,	Mills,	Springer,	Ward,
Hardy,	Neece,	Steele,	Warner, A. J.
Henley,	Nutting,	Stephenson,	Warner, Richard
Hepburn,	O'Ferrall,	Stewart, Charles	Weaver,
Hewitt, G. W.	O'Hara,	Stewart, J. W.	Wellborn,
Hitt,	O'Neill, J. J.	Stockslager,	Weller,
Holman,	Patton,	Storm,	Wemple,
Hopkins,	Peel,	Struble,	White, J. D.
Hunt,	Pierce,	Sumner, C. A.	Willis,
Jones, B. W.	Ray, G. W.	Swope,	Wilson, W. L.
Jones, J. H.	Ray, Ossian	Talbott,	Winans, E. B.
Lacey,	Reed, T. B.	Taylor, J. D.	Wise, G. D.
Lanham,	Reid, J. W.	Taylor, J. M.	Wolford,
Le Fevre,	Reese,	Thompson,	Wood,
Lewis,	Robinson, W. E.	Throckmorton,	Woodward,
Lore,	Rogers, J. H.	Tillman,	Worthington,
Lowry,	Roseerans,	Townshend,	Yaple,
McAdoo,	Ryan,	Tully,	York.
McMillin,	Shively,	Turner, H. G.	

NOT VOTING—106.

Adams, J. J.	Curtin,	Hutchins,	Randall,
Arnot,	Davis, G. R.	James,	Rankin,
Ballentine,	Davis, L. H.	Jeffords,	Ranney,
Barr,	Dingley,	Johnson,	Reagan,
Belford,	Dunham,	Jones, J. K.	Rice,
Bingham,	Dunn,	Jones, J. T.	Riggs,
Blackburn,	Eaton,	Jordan,	Robinson, J. S.
Blanchard,	Eldredge,	Kelley,	Russell,
Bowen,	Elliott,	Kellogg,	Seney,
Brainerd,	Ermentrout,	Kleiner,	Shaw,
Brewer, F. B.	Finerty,	Laird,	Singleton,
Brewer, J. H.	Foran,	Lamb,	Skinner, C. R.
Browne, T. M.	Fyan,	Lovering,	Smith, A. Herr
Brumm,	Garrison,	Lyman,	Spriggs,
Buckner,	Geddes,	Money,	Stone,
Budd,	George,	Morrison,	Sumner, D. H.
Burleigh,	Goff,	Morse,	Taylor, E. B.
Campbell, Felix	Green,	Moulton,	Tucker,
Campbell, J. E.	Harmer,	Murphy,	Wadsworth,
Campbell, J. M.	Hatch, H. H.	Murray,	Wait,
Carleton,	Hatch, W. H.	Nicholls,	Washburn,
Cassidy,	Hemphill,	Ochiltree,	White, Milo
Chalmers,	Henderson, D. B.	O'Neill, Charles	Williams,
Connolly,	Holmes,	Payson,	Winans, John
Cook,	Holton,	Phelps,	Young.
Covington,	Hooper,	Poland,	
Craig,	Horr,	Pusey,	

So the motion was not agreed to.

Mr. ANDERSON. I ask unanimous consent to dispense with the reading of the names.

Mr. VAN EATON. I object.

The following additional pairs were announced for this day:

Mr. BAGLEY with Mr. KETCHAM.

Mr. BREWER, of New Jersey, with Mr. BUCKNER.

Mr. NICHOLLS with Mr. RICE.

Mr. BALLENTINE with Mr. BINGHAM.

Mr. JEFFORDS with Mr. LAMB.

Mr. ERMENTROUT with Mr. O'NEILL, of Pennsylvania.

The result of the vote was then announced as above recorded.

Mr. HENLEY. Mr. Speaker——

Mr. VAN EATON. I move that when the House adjourns to-day it be to meet on Friday next.

Mr. HENLEY. I believe I had the attention of the Chair before the gentleman from Mississippi rose.

The SPEAKER. The Chair will hear the gentleman from California.

Mr. HENLEY. I demand the yeas and nays on the pending motion, which is the motion to take a recess until to-morrow at half past 11 o'clock.

The SPEAKER. The question recurs upon that motion, but pending that the gentleman from Mississippi makes a motion which under the rules has priority over it. The Chair will cause the rule to be read if the gentleman desires it.

Mr. HOLMAN. There is no doubt of that rule.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi, pending the motion to take a recess, which is that when the House adjourns to-day it be to meet on Friday next.

Mr. HENLEY. I desire to submit a parliamentary question to the Speaker. I see in subdivision 4 of Rule XVI the following language:

No motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. That is a motion to postpone the consideration of a proposition to a day certain or indefinitely. This rule provides that—

When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

That is to-day, a motion to adjourn, or, first to fix the day to which the House shall adjourn, next to adjourn, and next to take a recess, is the order in which these motions shall be submitted to the House. [Cries of "Regular order!"]

Mr. BLAND. Would it be in order to have read the Democratic and Republican platforms touching the forfeiture of these land grants?

Mr. HENLEY. I wish we could have them read.

Mr. MILLER, of Pennsylvania. The Democrats are in a majority; why don't you pass your bills?

Mr. BLAND. The RECORD will show why we do not pass them. [Cries of "Regular order!"]

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

The motion was not agreed to.

Mr. VAN EATON. I move that the House do now adjourn.

Mr. HENLEY. I demand the yeas and nays on the motion pending, which is to take a recess.

Mr. REED, of Maine. But, Mr. Speaker, the gentleman from Mississippi moves that the House do now adjourn, which is a privileged motion.

The SPEAKER. There is so much confusion in the Hall that the Chair can not hear the motions of the gentlemen. If gentlemen will resume their seats and cease conversation in the Hall the Chair will endeavor to put in their proper order the several motions which are made.

Mr. HENLEY. I have demanded the yeas and nays upon the pending motion.

Mr. VAN EATON. And I have submitted a motion that the House do now adjourn.

The SPEAKER. That motion is always in order.

The House divided, but before the announcement of the result,

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 80, nays 111, not voting 132; as follows:

YEAS—80.

Adams, G. E.	Hepburn,	Mitchell,	Rogers, W. F.
Atkinson,	Herbert,	Morrill,	Seymour,
Barr,	Hewitt, A. S.	Muldrow,	Slocum,
Belmont,	Hewitt, G. W.	Muller,	Smalls,
Boutelle,	Hill,	Mutchler,	Spooner,
Boyle,	Hiscock,	Nelson,	Stephenson,
Breitung,	Holmes,	Oates,	Stevens,
Cannon,	Howey,	Paige,	Stewart, J. W.
Converse,	Hunt,	Parker,	Strait,
Curtin,	Hurd,	Payne,	Struble,
Cutcheon,	Hutchins,	Perkins,	Thomas,
Dorsheimer,	James,	Peters,	Turner, H. G.
Dunham,	Kean,	Pettibone,	Van Alstyne,
Ellis,	Keifer,	Post,	Van Eaton,
Ellwood,	King,	Potter,	Wakefield,
Evans,	Lawrence,	Price,	Wemple,
Everhart,	McCormick,	Pryor,	Whiting,
Findlay,	Millard,	Ray, Ossian	Wilkins,
Hancock,	Miller, S. H.	Reed, T. B.	Willis,
Henderson, T. J.	Milliken,	Robertson,	Wise, J. S.

NAYS—111.

Alexander,	Dockery,	Matson,	Taylor, J. D.
Anderson,	Dowd,	Maybury,	Taylor, J. M.
Barbour,	English,	Mills,	Thompson,
Beach,	Ferrell,	Morgan,	Throckmorton,
Bennett,	Follett,	Neece,	Tillman,
Bisbee,	Forney,	Nutting,	Townshend,
Bland,	Funston,	O'Ferrall,	Tully,
Bratton,	Gibson,	O'Hara,	Turner, Oscar
Breckinridge,	Glascock,	O'Neill, J. J.	Valentine,
Brown, W. W.	Greenleaf,	Patton,	Vance,
Browne, T. M.	Halsell,	Peel,	Wallace,
Buchanan,	Hardeman,	Pierce,	Ward,
Burnes,	Hardy,	Reese,	Warner, A. J.
Cabell,	Haynes,	Reid, J. W.	Warner, Richard
Caldwell,	Henley,	Rogers, J. H.	Weaver,
Candler,	Holman,	Roseerans,	Wellborn,
Clay,	Hopkins,	Ryan,	Weller,
Clements,	Houseman,	Shively,	White, J. D.
Cobb,	Jones, J. H.	Skinner, T. G.	Wilson, James
Collins,	Lacey,	Smith, H. Y.	Wilson, W. L.
Cosgrove,	Lanham,	Springer,	Winans, E. B.
Cox, S. S.	Le Fevre,	Steele,	Winans, John
Cox, W. R.	Lewis,	Stewart, Charles	Wise, G. D.
Crisp,	Lore,	Stockslager,	Wolford,
Culberson, D. B.	Lowry,	Storm,	Wood,
Davidson,	McAdoo,	Sumner, C. A.	Worthington,
Dibble,	McComas,	Swope,	Yaple.
Dibrell,	McMillin,	Talbott,	

NOT VOTING—132.

Adams, J. J.	Campbell, J. M.	Finerty,	Houk,
Aiken,	Carleton,	Foran,	Jeffords,
Arnot,	Cassidy,	Fyan,	Johnson,
Bagley,	Chalmers,	Garrison,	Jones, B. W.
Ballentine,	Clardy,	Geddes,	Jones, J. K.
Barksdale,	Connolly,	George,	Jones, J. T.
Bayne,	Cook,	Goff,	Jordan,
Belford,	Covington,	Graves,	Kelley,
Bingham,	Craig,	Green,	Kellogg,
Blackburn,	Culbertson, W. W.	Guenther,	Ketcham,
Blanchard,	Cullen,	Hammond,	Kleiner,
Blount,	Dargan,	Hanback,	Laird,
Bowen,	Davis, G. R.	Harmer,	Lamb,
Brainerd,	Davis, L. H.	Hart,	Libbey,
Brewer, F. B.	Davis, R. T.	Hatch, H. H.	Long,
Brewer, J. H.	Deuster,	Hatch, W. H.	Lovering,
Broadhead,	Dingley,	Hemphill,	Lyman,
Brumm,	Dunn,	Henderson, D. B.	McCold,
Buckner,	Eaton,	Hitt,	Miller, J. F.
Budd,	Eldredge,	Hohlitzell,	Money,
Burleigh,	Elliott,	Holton,	Morrison,
Campbell, Felix	Ermentrout,	Hooper,	Morse,
Campbell, J. E.	Fiedler,	Horr,	Moulton,

Murphy,	Rankin,	Russell,	Taylor, E. B.
Murray,	Ranney,	Seney,	Tucker,
Nicholls,	Ray, G. W.	Shaw,	Wadsworth,
Ochiltree,	Reagan,	Singleton,	Wait,
O'Neill, Charles	Rice,	Skinner, C. R.	Washburn,
Payson,	Riggs,	Smith, A. Herr	White, Milo
Phelps,	Robinson, J. S.	Snyder,	Williams,
Poland,	Robinson, W. E.	Spriggs,	Woodward,
Pusey,	Rockwell,	Stone,	York,
Randall,	Rowell,	Sumner, D. H.	Young.

So the House refused to adjourn.

Mr. WARNER, of Ohio. I ask unanimous consent that the reading of the names be dispensed with.

Mr. DUNHAM. I object. Let them be read.

The names of members voting were read.

The result of the vote was then announced as above stated.

Mr. HENLEY. The pending motion, I understand, is that the House take a recess.

The SPEAKER. That is the motion now pending.

Mr. VAN EATON. And pending that motion I move that when the House adjourns to-day it be to meet on Saturday next.

Mr. HENLEY. I have not surrendered the floor.

The SPEAKER. The gentleman from California had not surrendered the floor.

Mr. HENLEY. I wish to say that this seems now to have become a question of physical endurance, and that the other side show a determination not to come to a consideration of the land-grant-forfeiture bills. The responsibility of defeating the land-grant forfeitures will rest upon the Republican side of the House. [Cries of "Regular order!"]

The SPEAKER. The question is not debatable. Pending the motion for a recess the gentleman from Mississippi [Mr. VAN EATON] moves that when the House adjourns to-day it be to meet on Saturday next.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. If the House should vote to take a recess till to-morrow at half past 11 o'clock, when it reassembles would it not then be in the same position as it is now with reference to business——

The SPEAKER. The Chair has answered that question twice already.

Mr. WHITE, of Kentucky. With that side of the House filibustering against the consideration of the educational and Mexican pension bills?

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. VAN EATON].

The motion was not agreed to.

The SPEAKER. The question is now on the motion for a recess till to-morrow at half past 11 o'clock.

Mr. HENLEY. Pending that I move that the House do now adjourn.

The motion to adjourn was agreed to.

And accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of John H. Hamiter, of La Fayette County, Arkansas, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLAND: Papers relating to the claim of James Duncan for property taken in October, 1864—to the same committee.

By Mr. BRECKINRIDGE: Petition of John Duggan, of Nevada County, Arkansas, formerly of Fayette, Tenn., asking for compensation for property taken and used by the United States Army during the late rebellion—to the same committee.

By Mr. W. W. BROWN: Resolution of the Legislature of Pennsylvania, instructing Senators and requesting Members in Congress to vote for the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, requesting Senators and Members of Congress to urge repeal of act of July 22, 1876, by which legal-tender quality of trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. COSGROVE: Petition of S. B. Cunningham and John F. Ancona, for adjustment of salaries—to the Committee on Accounts.

By Mr. G. R. DAVIS: Petition of Martin, Fuller & Co. and 36 other leading firms of Philadelphia, owners and shippers of live-stock, earnestly protesting against false and slanderous charges preferred by men ignorant of the business, and against the Hopkins resolution—to the Committee on Commerce.

By Mr. DINGLEY: Memorial of the National Temperance Society, officially signed, against the passage of a bill extending the bonded whisky period presented to the House by the Secretary of the Treasury—to the Committee on Ways and Means.

Also, memorial of the board of managers of the National Temperance Society, officially signed, asking for the early concurrence of the House of Representatives in the Senate bill to provide for a national commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. FINDLAY: Petition of Wilson Post, No. 1, Department of Maryland, Grand Army of the Republic, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. FOLLETT: Resolution of Cincinnati Chamber of Commerce favoring the reciprocity treaty with Mexico—to the Committee on Ways and Means.

Also, petition of George Keel, of Hamilton County, Ohio—to the Committee on War Claims.

By Mr. GARRISON: Petition of John W. Mears, of Virginia, for relief—to the Committee on Ways and Means.

By Mr. HANBACK: Petition of ex-soldiers in Grand Army of the Republic post at Cawker City, Kans., urging purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARMER: Resolution of the Legislature of the State of Pennsylvania, in favor of the passage of the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of the State of Pennsylvania, in favor of the repeal of the act of Congress by which the legal-tender quality of the trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. HOPKINS: Resolution of the Legislature of Pennsylvania, urging the passage of the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, in favor of retaining the legal-tender quality of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. KELLEY: Resolution of the senate and house of representatives of Pennsylvania, in favor of the bill known as the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the senate and house of representatives of Pennsylvania in favor of making the trade-dollar full legal tender—to the Committee on Coinage, Weights, and Measures.

By Mr. MILLARD: Petition of Margaret Smith, of Broome County, New York, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. MULLER: Memorial of the Real Estate Exchange and Auction Room of the city of New York, in regard to appropriations for defense of New York Harbor—to the Committee on Appropriations.

By Mr. NUTTING: Petition of Searle Post, No. 448, Grand Army of the Republic, of Leonardsville, N. Y., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. O'FERRALL: Petition of Harriet Stratton and Mary H. Johnson and others, in favor of an increase of widows' pensions—to the Committee on Pensions.

By Mr. OSSIAN RAY: Papers relating to claim of legal representatives of Sewall W. Piper—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. H. ROGERS: Papers relating to the claim of Samuel W. Craft, of Lonoke County, Arkansas—to the Committee on War Claims.

Also, petition of Samuel W. Craft, for payment of property taken and used by the United States Army during the late war—to the same committee.

By Mr. STEPHENSON: Of L. H. Erskine and 62 others, of Door County; of A. Clute and 53 others, of Dexterville, Wood County; of L. H. Nickel and 61 others, of New London, and of Willis Hand and 60 others, of Price County, Wisconsin—to the Committee on Pensions.

By Mr. STORM: Resolution of the Legislature of Pennsylvania, requesting the Senators of that State to vote for the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of the State of Pennsylvania, requesting its Senators and Members in Congress to vote for a bill retaining the legal-tender quality of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. TUCKER: Petition of A. W. Stark, for removal of disabilities—to the Committee on the Judiciary.

By Mr. JOHN WINANS: Petition of Lucy A. Virgin and others, of Johnstown, Wis., asking for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 302 citizens of Davis County; of 152 citizens of Clay County, and of 38 citizens of Marshall County, Kansas.

By Mr. ARNOT: Of 215 ex-soldiers and citizens of Allegany County, and of 84 ex-soldiers and citizens of Steuben County, New York.

By Mr. BAYNE: Resolution of Post 3, Grand Army of the Republic, Pittsburgh, Pa.

By Mr. BOYLE: Of citizens of Pottsville, and of Brownsville, Pa.

By Mr. BREWER: Of citizens of Portville, N. Y.

By Mr. W. W. BROWN: Of citizens of Potter County, of Tioga County, and of McKean County, Pennsylvania.

By Mr. BURLEIGH: Of citizens of Troy, of Salem, and of Allenborough, N. Y.

By Mr. W. W. CULBERTSON: Of 128 voters of Glenwood, Ky.

By Mr. ELDREDGE: Of H. B. Gregory and 143 others, of Hillsdale County, Michigan.

By Mr. FORAN: Of 162 citizens of Wayne County, of 142 citizens of Hancock County, of 104 citizens of Wayne County, of 19 citizens of Toledo, of citizens of Fremont, of Lucas County, of Akron, of Creston, of Highland County, of Hamilton County, of Medina, of Dodsonville, of Lynchburg, of Chillicothe, of Lodi, of Rainsborough, of Bainbridge, and of Cincinnati, Ohio.

By Mr. HANBACK: of Lewis Christie and others, of Monroe, Kans.

By Mr. HOLMAN: Of J. D. Kidd and 27 others, of Sherwood; of George Graham and 63 others, of Ripley County; of E. T. Rector and 63 others, of Jefferson County; of J. B. Kidney and 58 others, of Franklin County; and of F. M. Sherwood and 63 others, of Decatur County, Indiana.

By Mr. KLEINER: Of ex-soldiers of Patoka, Ind.

By Mr. LACEY: Of M. P. Maxon and 234 others, of Union City, Mich.

By Mr. LAMB: Of citizens of Fountain County, of Vigo County, of Warren County, and of Independence, Ind.

By Mr. LOWRY: Of 25 citizens of Fort Wayne, Ind.

By Mr. McCORMICK: Of 64 citizens of Lawrence County, Ohio.

By Mr. PAYNE: Of 100 citizens of Cayuga County, and 62 citizens of Wayne County, New York.

By Mr. G. W. RAY: Of citizens of Delaware County, and of Gilbert Post, Grand Army of the Republic, of Guilford, N. Y.

By Mr. STEELE: Of Snead Thomas and 148 others, of Marion; of James H. McClugg and 117 others, of Wabash, and of John W. Ruden and 47 others, of Miami County, Indiana.

By Mr. STOCKSLAGER: Of 64 citizens of Crawford County, and of 54 citizens of Jackson County, Indiana.

By Mr. D. H. SUMNER: Of citizens of Fox Lake, and of Waupun, Wis.

By Mr. WAKEFIELD: Of E. McKenzie and 137 others, of Rock County; of 30 ex-soldiers and citizens of Fulda, and of 68 ex-soldiers and citizens of Windom, Minn.

By Mr. WELLER: Of John L. Davis and 55 others, of Douglas, Iowa.

By Mr. WILKINS: Of J. J. Sullivan and 192 others, citizens of Holmes County, Ohio.

By Mr. E. B. WINANS: Of George Coleman and 85 others, citizens of Livingston County, and of W. W. Raymond and 119 others, of Ingham County, Michigan.

SENATE.

THURSDAY, *January* 29, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. PENDLETON called the Senate to order, and the Secretary read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. GEORGE H. PENDLETON, a Senator from the State of Ohio, to perform the duties of the Chair during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *January* 29, 1885.

Thereupon Mr. PENDLETON took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER (Mr. PENDLETON) laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, statements showing the contracts made by the bureaus of the War Department during the fiscal year ended June 30, 1884; which was read.

The PRESIDING OFFICER. The letter of the Secretary will be printed, and, with the accompanying documents, referred to the Committee on Military Affairs, if there be no objection.

Mr. CONGER. Should not the accompanying report be printed?

The PRESIDING OFFICER. The accompanying papers are very voluminous. If it is desired to have them printed, they had probably better go to the Committee on Printing for examination before the order to print is made.

Mr. CONGER. If it is in response to a call for information by the Senate it should be printed. The letter shows nothing beyond the fact that the information called for is communicated.

The PRESIDING OFFICER. This is a report made to the Senate in accordance with law, and not in response to a call by the Senate for special information.

Mr. SHERMAN. The papers had better be referred to the Committee on Printing, and let them determine whether it is necessary to print them; or they may be first referred to the Committee on Military Affairs, and if that committee wishes to have them printed, they can be reported back from that committee with such a recommendation, and then referred to the Committee on Printing.

Mr. CONGER. Very well; let that course be taken.

The PRESIDING OFFICER. The letter and accompanying papers will be referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a concurrent resolution of the senate and house of representatives of the State of Minnesota in relation to the purchase by the Government of the water ways at Point Keweenaw, on Lake Superior. It is a resolution instructing the Senators and requesting the members of the House of Representatives from Minnesota, and relates to a matter upon which legislation is sought from Congress. I ask that the resolution be treated as a memorial and referred to the Committee on Commerce.

The PRESIDING OFFICER. If there be no objection, the resolution will be received as a memorial. Does the Senator desire that the resolution shall be read, as is usual in such cases?

Mr. McMILLAN. The resolution is addressed to the members of the Senate and House from Minnesota, and I do not ask for its reading.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Commerce.

Mr. LAPHAM. I have a copy of a petition of merchants and manufacturers of the city of New York, formerly presented to the Senate by the chairman of the Committee on Foreign Relations [Mr. MILLER, of California], with a large number of additional signatures to those upon it at that time, which I am requested to present. The petition prays for the ratification of the proposed Spanish reciprocity treaty. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MILLER, of California, presented a concurrent resolution of the Legislature of California; which was read, and referred to the Committee on Military Affairs, as follows:

Assembly concurrent resolution No. 10, relative to the establishment of a branch of the National Home for Disabled Volunteer Soldiers.

Whereas Congress, by an act approved July 5, 1884, directed the board of managers of the National Home for Disabled Volunteer Soldiers to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast, and to that end to receive propositions from the directors of the "Veterans' Home," located in Napa County, California, for the transfer of the buildings, grounds, and property of said "Veterans' Home" to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and to report to Congress in respect to the propriety and expediency of accepting said "Veterans' Home" for such branch; and

Whereas the directors of the "Veterans' Home" of California have adopted and transmitted to the board of managers of the National Home for Disabled Volunteer Soldiers resolutions proposing to transfer the buildings, grounds, and property of said "Veterans' Home" to the United States for use as a branch home for the Pacific coast; and

Whereas the board of managers of the National Home have communicated to the directors of the "Veterans' Home" of California their intention to recommend to Congress, at its present session, the establishment of a branch of the National Home in California for the Pacific coast; and

Whereas there are many disabled volunteer soldiers of the war with Mexico and of the civil war on the Pacific coast, who are now in urgent and immediate need of the care and maintenance of such home and have a just claim for such relief as the Government has given to their comrades in the United States: Therefore

Be it resolved by the assembly of the State of California (the senate concurring), That our Senators and Representatives in Congress are requested to use every effort to procure the passage by Congress at its present session of an act authorizing and directing the board of managers of the National Home for Disabled Volunteer Soldiers, within three months after the passage of the act, or as soon thereafter as practicable, to locate a branch of said home at some suitable point in the State of California; and further, authorizing and directing said board of managers to accept and receive from the directors of the Veterans' Home Association of California a donation and transfer to the United States of all the property, real and personal, of said association in Napa County, in said State, if, in the judgment of said managers, the same be suitable for such home; and further, making at its present session an adequate appropriation of money for the support and maintenance of the disabled volunteer soldiers of said home in case the said transfer be accepted by said managers.

Resolved, That the governor be requested to transmit forthwith to each of our Senators and Representatives in Congress a copy of these resolutions.

W. H. PARKES,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOMAS L. THOMPSON,
Secretary of State.

Mr. HARRISON presented a concurrent resolution of the Legislature of Indiana; which was read, and referred to the Committee on Pensions, as follows:

A concurrent resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of House bill 639, to pension prisoners confined in confederate prisons during the late war.

Be it resolved by the senate (the house of representatives concurring), That our Senators in Congress from this State be instructed, and our Representatives in Congress be requested, to use their influence to secure the passage of House bill No. 639, entitled "A bill for pensioning prisoners of war who were confined in confederate military prisons during the late war."

Resolved, That the governor be, and is hereby, requested to furnish each of our Senators and Representatives in Congress a copy of the resolutions.

Mr. CALL presented the petition of H. Myers, of Marietta, Ga., praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. BUTLER presented a memorial of cigar-makers of Charleston, S. C., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania. I present a resolution of the Legislature of Pennsylvania, in favor of the so-called foreign-contract-labor bill. Inasmuch as the bill on that subject has been reported, I move that the resolution lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania. I present a resolution of the Legislatnre of Pennsylvania, favoring the repeal of the act of Congress of 1876 abrogating the legal-tender quality of the trade-dollar. As a bill relating to the trade-dollar is now on the Calendar, I move that the resolution lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a memorial of firms representing the iron-ore producing and transporting interests of the Northwest and of Pennsylvania; a memorial of business men and firms of Philadelphia, Pa., and a memorial of citizens of Franklin County, Pennsylvania, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of O. Chanute and others, citizens of Kansas City, Mo., praying for the repeal of the laws fixing the terms of United States collectors, district attorneys, and other Federal officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2373) to facilitate promotions throughout the Army by retiring from active service, upon their own application, officers of the Army who served in the war of the rebellion, to report it adversely and to recommend its indefinite postponement. The bill was introduced by the Senator from Illinois [Mr. CULLOM]. I do not know whether he desires to have it placed on the Calendar.

Mr. CULLOM. I inquire of the Senator what the report is?

Mr. HARRISON. The report is adverse. I think the Senator from Illinois could hardly himself have understood the entire scope of the bill and its effect upon the Army. The Secretary of War shows that it would result in giving a very large proportion of the officers of the Army the privilege of present retirement.

Mr. COCKRELL. With increased rank and pay.

Mr. HARRISON. The scope of the bill is so wide, that the committee thought, with the Secretary of War, that it ought to be reported adversely. We have done so, and ask its indefinite postponement.

Mr. CULLOM. Will the Senator consent to its going on the Calendar?

Mr. HARRISON. I have no objection at all. I called the attention of the Senator to the report so that he might make that request if he desired so to do.

Mr. CULLOM. Let the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred a communication of the Secretary of War, inclosing a letter from General W. B. Hazen, Chief Signal Officer United States Army, concerning First Lieut. George S. Grimes and other officers of the Signal Service, whose accounts have been suspended in the Treasury Department for the reason that tolls received for dispatches sent over the Bismarck and Fort Ellis section of the United States military telegraph lines were used contrary to law in paying the expenses of said lines, submitted a report thereon, accompanied by a bill (S. 2593) for the relief of certain officers of the Signal Service; which was read twice by its title.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 2722) for the relief of Martha Turner, reported it without amendment, and submitted a report thereon.

Mr. PIKE. I am instructed by the Committee on Claims to report adversely the bill (S. 1825) for the relief of Martha Turner. This is a bill for the same purpose as that which passed the other House and which I have just reported. I move the indefinite postponement of the Senate bill.

The motion was agreed to.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2268) for the relief of John F. Severance, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of New York, from the Committee on Commerce, to whom was referred the bill (S. 2398) for the protection and improvement of the harbor of New York, reported it with amendments.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

DETROIT SCHOOL LANDS.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan, to report it favorably and without amendment.

Mr. PALMER. I ask the unanimous consent of the Senate for the present consideration of the bill. It is merely to clear the title of the land on which the high-school building stands in the city of Detroit.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I ask that it be read in full for information.

Mr. PALMER. If the Senator from Ohio would prefer, I can state very concisely the substance of the bill.

Mr. SHERMAN. I ask for the reading of the bill for information.

The PRESIDING OFFICER. The question is not open to debate. The Senator from Ohio asks for the reading of the bill for information. That will be done.

The bill was read, as follows:

Be it enacted, &c., That any right of reversion or otherwise which the United States may be supposed to have in the space on which the high-school building belonging to the board of education of the city of Detroit is situated, being a part of the old town of Detroit, laid out by the governor and judges of the Territory of Michigan under an act of Congress approved April 21, 1806, entitled "An act to provide for the adjustment of the titles of land in the town of Detroit and Territory of Michigan, and for other purposes," be, and the same is hereby, granted and released to the said board of education.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON MONUMENT COMPLETION CEREMONIES.

Mr. SHERMAN. I am directed by the commission appointed under the joint resolution of Congress, approved May 13, 1884, in relation to ceremonies to be authorized on the completion of the Washington Monument, to report back for adoption a resolution, and I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the order of proceedings adopted by the commission appointed under the joint resolution of Congress approved May 13, 1884, for the dedication of the Washington Monument on the 21st day of February next, is approved; and that the officers of the Senate are charged with the duty of carrying out the same under the direction of the said commission.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. SHERMAN. It is scarcely worth while to read at the desk the accompanying order of ceremonies, because Senators have been served with copies of it. This formal resolution is necessary; and a similar resolution will be offered and no doubt adopted in the House of Representatives in regard to the matter.

The resolution was agreed to.

ADDITIONAL SENATE EMPLOYÉS.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at $1,440 each; two skilled laborers at $1,000 each; two laborers at $720 each; two firemen at $1,080 each; two janitors at $900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employés out of the miscellaneous items of the contingent fund of the Senate.

Mr. JONES, of Nevada. I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MORGAN. I should like to have the Senator from Nevada explain the necessity for the resolution.

The PRESIDING OFFICER. Debate is not in order on the request for immediate consideration. Is there objection to the consideration of the resolution at this time?

Mr. VEST. Let it go over.

The PRESIDING OFFICER. Objection is made, and the resolution goes over until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution on the subject of counting the electoral vote.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan; and

A bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

BILLS INTRODUCED.

Mr. LAPHAM introduced a bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAWYER introduced a bill (S. 2595) granting a pension to Philip C. Enders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM (by request) introduced a bill (S. 2596) for the relief of Henry A. Paus; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 2597) granting a pension to Dr. Delaney Wiley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2598) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. COKE and Mr. INGALLS submitted amendments intended to be proposed by them respectively to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

COUNTING OF ELECTORAL VOTES.

The PRESIDING OFFICER (Mr. PENDLETON) laid before the Senate the following concurrent resolution of the House of Representatives; which was ordered to lie on the table and be printed.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon on the 11th of February, 1885, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer.

That one person be appointed teller on the part of the Senate and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared.

That the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the request of the House of Representatives to return to that body the bill (H. R. 691) for the relief of William W. Thomas.

The message also announced that the House had passed a concurrent resolution to correct an error in the enrollment of the bill (H. R. 1017) relative to the Inspector-General's Department of the Army; in which the concurrence of the Senate was requested.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and forty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 29, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

CORRECTIONS.

Mr. PRYOR. I desire to correct the Journal. On yesterday, by mistake, I called up the bill (S. 1565) for the admission of Dakota Territory as a State, when the one I intended to call up was the bill (S. 1662) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes. The Journal states that the bill (S. 1565) was read a first and second time, and referred to the Committee on Territories.

The SPEAKER. The correction will be made. The Chair will state that it is usual when a Senate bill is taken from the Speaker's table for reference to consider it as read a first and second time.

Mr. PRYOR. This is a matter of some importance. There are two Senate bills pending; one of which, the bill S. 1682, has reached the House, having been passed by the Senate; the other, the bill S. 1565, is still pending in the Senate.

The SPEAKER. The correction will be made, and the bill indicated by the gentleman will be referred to the Committee on Territories.

The SPEAKER. The correction will be made.

The Journal was then approved.

WASHINGTON MONUMENT.

Mr. DORSHEIMER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DORSHEIMER. I rise to make a report from the commission appointed in relation to the ceremonies upon the 21st of February next. I am instructed by the commission to report the order of proceedings adopted by the commission for that occasion, and also a resolution which I ask be read.

The Clerk read as follows:

Resolved, That the order of proceedings adopted by the commission appointed under the joint resolution of Congress, approved May 13, 1884, for the dedication of the Washington monument on the 21st day of February next, is approved, and that the officers of this House are charged with the duty of carrying out the same under the direction of the said commission.

Mr. DORSHEIMER. I move the adoption of the resolution.

The SPEAKER. Is the reading of the proposed programme demanded?

Mr. COX, of New York. No, sir. Let it go through.

Mr. KEIFER. Let it be printed.

The SPEAKER. It will be printed in the RECORD.

The resolution was agreed to.

Mr. DORSHEIMER moved to reconsider the vote by which the resolution was agreed to, and also moved to lay that motion on the table.

The latter motion was agreed to.

The programme ordered printed is as follows:

ORDER OF PROCEEDINGS

Adopted by the Congressional Commission for the

DEDICATION

of the

WASHINGTON MONUMENT,

February 21, 1885.

DEDICATION OF MONUMENT.

The ceremonies at the base of the Monument will commence precisely at 11 *o'clock.*

1. The Hon. JOHN SHERMAN, a Senator from Ohio, chairman of the commission authorized by the joint resolution of May 13, 1884, will preside.
2. Music.
3. Prayer by the Rev. Mr. SUTER, of Christ church, Alexandria, Va.
4. Remarks by W. W. CORCORAN, Esq., the first vice-president of the Washington National Monument Society.
5. Masonic ceremonies by the Grand Lodge of the District of Columbia.
6. Remarks by Col. T. L. CASEY, the engineer of the joint commission, delivering the Monument to the President of the United States.
7. Dedication of the Monument to the name and memory of George Washington by the President of the United States.
8. Music.

The procession will forthwith be formed, and will move to the Capitol by the following route: Through the President's square to Seventeenth street, up Seventeenth street to Pennsylvania avenue, thence along Pennsylvania avenue to the Capitol, where it will be reviewed by the President of the United States from a stand at the east front.

9. After the review the procession will be dismissed.

When the procession begins to move salutes of one hundred guns will be fired at the navy-yard, the artillery headquarters, and Fort Myer.

ORDER OF PROCESSION.

Lieutenant-General P. H. SHERIDAN, marshal of the day, with a chief of staff, and an aid from every State and Territory.

THE MILITARY ESCORT.

Consisting of the regular forces of the Army and Navy.

Chartered military organizations, taking precedence by the dates of their charters.

Other military organizations.

THE CIVIC PROCESSION.

Congressional commission.

The orators and chaplains of the day.

The Washington National Monument Society.

Members and ex-members of the Joint Commission for the Completion of the Monument.

The engineer of the Monument, his assistants, and detail of workmen.

The President of the United States.

Members of the Cabinet.

President and Vice-President elect of the United States.

Ex-Presidents of the United States.

Judges of the Supreme Court and other Federal courts.

The diplomatic corps.

Governors of States, and their respective staffs, taking precedence in the order of admission of their States into the Union.

The Senate.

The House of Representatives.

The commissioners of the District of Columbia.

Officers of the Army and Navy.

The Society of the Cincinnati.

The Masonic fraternity, with other organizations which have made contributions for the erection of the Monument.

Citizens of States and Territories, and civic organizations without partisan flags or emblems, each State and Territory taking precedence in the order of its admission into the Union.

The fire department of the District of Columbia and visiting firemen.

In the evening, from 8 to 9 o'clock, there will be a display of fireworks near the Monument.

ORDER OF ARRANGEMENTS AT THE CAPITOL.

The Capitol will be closed on the morning of the 21st to all except the members and officers of Congress.

At 11 o'clock the east door leading to the Rotunda will be opened to those to whom invitations have been extended under the joint resolution of Congress and to those holding tickets of admission to the floor of the House and its galleries.

The floor of the House of Representatives will be opened for the admission of Senators and Representatives, and to those having invitations thereto, who will be conducted to the seats assigned to them.

The President, the President-elect, the Vice-President-elect, and ex-Presidents of the United States and special guests will be seated in front of the Speaker.

The Chief-Justice and associate justices of the Supreme Court will occupy seats next to the President and ex-Presidents and special guests, on the right of the Speaker.

The Cabinet officers, and the Admiral of the Navy, the Lieutenant-General of the Army, and the officers of the Army and Navy who by name have received the thanks of Congress will occupy seats on the left of the Speaker.

The chief-justice and judges of the Court of Claims and the chief-justice and associate justices of the supreme court of the District of Columbia will occupy seats directly in rear of the Supreme Court.

The diplomatic corps will occupy the front row of seats.

Ex-Vice-Presidents, Senators, and ex-Senators will occupy seats on the second, third, fourth, and fifth rows, on east side of main aisle.

Representatives will occupy seats on west side of main aisle and in rear of Senators on east side.

Commissioners of the District, governors of States and Territories, general officers of the Society of the Cincinnati, the Washington National Monument Society, members and ex-members of the Joint Commission for the Completion of the Monument, engineers of Monument and detail of workmen, and guests invited to the floor will occupy seats in rear of Representatives.

The executive gallery will be reserved exclusively for the families of the Supreme Court and the families of the Cabinet and the invited guests of the President. Tickets thereto will be delivered to the private secretary of the President.

The diplomatic gallery will be reserved exclusively for the families of the diplomatic corps. Tickets thereto will be delivered to the Secretary of State.

The reporters' gallery will be reserved exclusively for the use of the reporters for the press. Tickets thereto will be delivered to the press committee.

The Official Reporters of the Senate and of the House will occupy the reporters' desk in front of the Clerk's table.

The Marine Band will be in attendance.

Upon the arrival of the procession at the Capitol, and immediately after passing the reviewing stand, the members of the Senate will proceed to the Senate Chamber; the members of the House to the Hall of the House; the judiciary to the Supreme Court room.

The diplomatic corps will proceed to the Senators' withdrawing-room; the President, ex-Presidents, the Cabinet, the President-elect, the Vice-President-elect to the President's room.

The House being in session, and notification to that effect having been given to the Senate, the Senate, in a body, preceded by the President, ex-Presidents, the Cabinet, the President-elect, the Vice-President-elect, the judiciary, and diplomatic corps, will be conducted to the Hall of the House of Representatives.

The President of the Senate will occupy the Speaker's chair and will preside.

The Speaker of the House will occupy a seat at the left of the President of the Senate.

The other officers of the Senate and of the House will occupy seats on the floor at the right and the left of the Speaker.

The Architect of the Capitol, the Sergeant-at-Arms of the Senate, the Sergeant-at-Arms and the Doorkeeper of the House are charged with the execution of these arrangements.

PROCEEDINGS IN THE HALL OF THE HOUSE OF REPRESENTATIVES.

Prayer will be offered by Rev. S. A. WALLIS, of Pohick church, near Mount Vernon, Va.

Music.

Oration by Hon. ROBERT C. WINTHROP, of Massachusetts, read by Hon. JOHN D. LONG, a Representative from Massachusetts.

Music.

Oration by Hon. JOHN W. DANIEL, of Virginia.

The benediction will then be pronounced by Rev. JOHN S. LINDSAY, Chaplain of the House of Representatives.

Music (during which the assemblage will disperse).

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois [Mr. THOMAS] demands the regular order. The regular order is the call of committees for reference.

Mr. THOMAS. I withdraw the demand for the regular order for the purpose of allowing a resolution to be offered.

COUNTING THE ELECTORAL VOTE.

Mr. CLAY. Mr. Speaker, I desire to make a report from the Committee on the Law respecting the Election of President and Vice-President, which I ask to have read from the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon, on the 11th day of February, 1885, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer.

That one person be appointed teller on the part of the Senate, and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared.

That the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. CLAY moved to reconsider the vote by which the resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLACKBURN. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I am directed by the Committee on Rules to submit to the House a report and resolution, which I ask to have read.

The Clerk read as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart thirty minutes for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least five members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes; which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or on any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said thirty minutes, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Mr. BLACKBURN. I shall move the previous question on that resolution.

Mr. COX, of New York. I suggest to the gentleman from Kentucky to amend the resolution so as to require ten members to object instead of five.

Mr. BLACKBURN. This is a report from the Committee on Rules.

Mr. KEIFER. Mr. Speaker, I should like to know when the committee met.

Mr. BLACKBURN. On the day before yesterday.

Mr. KEIFER. I was not aware of it.

The SPEAKER. The Chair will state that the members of the committee were not all together in the room at once; but there was one time when three members were present, and the Chair was instructed to prepare a resolution for exhibition to the members of the committee. The Chair thinks this ought to be shown to the members of the committee who have not seen it before it is acted upon.

Mr. REED, of Maine. I would like to see the resolution.

The SPEAKER. Will the gentleman from Kentucky [Mr. BLACKBURN] withdraw the report for the present, in order that the other members of the Committee on Rules may have an opportunity to examine it?

Mr. BLACKBURN. Of course I will, sir.

Mr. KEIFER. I do not know that I shall object to it at all, but I would like to look at it.

Mr. BLACKBURN. I withdraw the report for the present.

Mr. McCOID. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. McCOID. I wish to inquire whether the bills that are reported here upon the Calendars and undisposed of are considered as on the Speaker's table, and whether they would be covered by the resolution which has just been read?

The SPEAKER. That is hardly a parliamentary question at this time. The resolution, as read, provides for bills on any one of the Calendars of the House.

Mr. McCOID. But these bills reported from the Committee of the Whole and undisposed of are not on the Calendar.

The SPEAKER. The Chair thinks not.

Mr. McCOID. Then are they on the Speaker's table, and would they be covered by this resolution?

The SPEAKER. The Chair thinks not. They are like any other matter pending before the House.

Mr. McCOID. So that under this order——

Mr. ANDERSON. I call for the regular order, Mr. Speaker.

The SPEAKER. There is no order before the House, and therefore this is not a proceeding in the House under the rules. Is the demand for the regular order withdrawn?

Mr. ANDERSON. It is not.

HOMESTEAD-LAW MONUMENT.

The SPEAKER. The Chair lays before the House a memorial, accompanied with a specimen of the marble from which it is proposed to erect the monument to which the memorial relates. The Clerk will read the memorial.

The Clerk read as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

The undersigned, the general agent of the National Homestead Monument Association, located at Mitchell, Davison County, Dakota Territory, in behalf of said association and the homesteaders of the United States, respectfully petition that your honorable body will, at the earliest practical date, appropriate land or money to aid in building a monument in said city to commemorate the homestead law. The homesteaders, grateful for the homestead law and for what it has done for themselves and their families, desire to commemorate that enactment by the erection of a suitable and enduring monument, as an evidence to the present and future ages of their appreciation and gratitude. This law, the most beneficent of the world in relation to home and family, operates in twenty-seven States and Territories, and it has given to the homesteaders an area of territory [illegible] Great Britain and Ireland; and about equal to the States of Ohio, Indiana, Illinois, and Kentucky, more than 3,000,000 people enjoying its bounty. This law saves

aims the rights of the people to the soil. The old landed system held the land for the few. The tillers were mere serfs. This paternal law reserves the land for the people, for them to possess and enjoy as freemen. It has increased the number of our homes, the strong citadels of the nation, and added to the prosperity and happiness of the people and to the wealth and power and glory of the whole country; and its enactment has rendered this age an epoch in the history of our country and made more stable our system of government by establishing it more firmly than ever in the hearts of the people. The great praise this, the people's law; the poor bless it. Your petitioner and those for whom he acts, heartily desiring that this monument be built, will to that end do their part. Knowing that the homestead law is a great national benefaction, and believing that your honorable body will grant the appropriation asked, your petitioners will ever pray.

JAMES DAVIES.

The SPEAKER. If there be no objection, this memorial will be referred to the Committee on Public Lands.

Mr. COX, of New York. I think it should be referred to the Committee on the Library. The bill which I introduced——

Mr. HOLMAN. I hope my friend from New York will consent that this memorial shall go to the Committee on Public Lands. It properly belongs there.

Mr. COX, of New York. If the gentleman from Indiana, who is an old homesteader, insists on that reference, I give way.

There being no objection, the memorial was referred to the Committee on Public Lands.

CHANGE OF REFERENCE.

On motion of Mr. CASSIDY, by unanimous consent the Committee on War Claims was discharged from the further consideration of the joint resolution of the State of Nevada relative to the direct war-tax of 1861; and it was referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. WELLER. I rise to a parliamentary inquiry. I desire to ask whether under the rules it would be proper at this time to move that the resolution submitted by the gentleman from Kentucky [Mr. BLACKBURN] be printed in the RECORD and lie over until to-morrow morning. If so, I make that motion.

The SPEAKER. The gentleman from Iowa asks that the resolution which the gentleman from Kentucky presented this morning from the Committee on Rules, and afterward withdrew, be printed in the RECORD and lie over till to-morrow morning. Is there objection?

A MEMBER. Let it be reported again.

The SPEAKER. It is suggested that the resolution be reported again, and then printed in the RECORD and lie over.

Mr. BLACKBURN. Then, with the consent of the other members of the Committee on Rules, I will ask to resubmit the resolution to the House, with the understanding that it be printed in the RECORD and lie over until to-morrow.

Mr. WELLER. It is a very far-reaching resolution and an innovation.

Mr. KEIFER. Perhaps after consultation there may be, by unanimous consent of the Committee on Rules, some amendments to the resolution as proposed this morning. I suggest that the gentleman from Kentucky withhold the resolution for a little while, and then let it be printed in the RECORD as it may be offered and go over until to-morrow morning.

Mr. WELLER. Then I ask whether the proposed amendments may not also be printed?

Mr. KEIFER. Certainly; that is the object.

The SPEAKER. There are no amendments pending. The gentleman from Ohio suggests that the resolution be withheld for the present until members of the committee can confer, and that it be printed in the RECORD in the form in which it may be agreed upon by the committee.

Mr. BLACKBURN. Certainly.

Mr. STORM. I ask unanimous consent that members desiring to offer amendments may be allowed to have them printed also.

The SPEAKER. The resolution is not yet presented. The Chair will entertain such requests when the matter shall come before the House.

Mr. WELLER. I wish further to inquire whether the amendments may not be printed with the resolution?

The SPEAKER. That is a matter with which the Chair has now nothing to do. The resolution has not yet been presented to the House.

WITHDRAWAL OF PAPERS.

Leave for withdrawal of papers from the files of the House was granted in the following cases:

To Mr. HOPKINS, in the case of Col. Alexander Montgomery, no report having been made thereon.

To Mr. CULBERSON, of Kentucky, in the pension case of Thomas J. McIntyre, without leaving copies.

LAWRENCEBURG HARBOR, INDIANA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and preliminary examination of Lawrenceburg Harbor, Indiana; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MOBILE RIVER AND HARBOR.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of survey and preliminary examination of Mobile River and Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MANUFACTURERS' NATIONAL BANK, BROOKLYN.

Mr. KEAN, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 8087) changing the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

BRIDGE ACROSS THE COOSA RIVER.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for H. R. 3969, a bill (H. R. 8131) authorizing the construction of a bridge across the Coosa River, in the State of Alabama; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SNUG HARBORS.

Mr. BARKSDALE, from the Committee on Commerce, reported back adversely a bill (H. R. 4691) to authorize the purchase of snug harbors for disabled seamen; which was laid on the table, and the accompanying report ordered to be printed.

FRAUDULENT CLAIMS AGAINST FOREIGN GOVERNMENTS.

Mr. DEUSTER, from the Committee on Foreign Affairs, reported back with amendment a bill (H. R. 7352) to prevent the prosecution under the protection of the United States of fraudulent claims against foreign governments; which was referred to the Committee on Foreign Affairs, and, with the accompanying report, ordered to be printed.

BRANCH SOLDIERS' HOME, CALIFORNIA.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7898) to provide for the establishment of a branch soldiers' home in the State of California; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

MILITARY RESERVATION, PLATTSBURG, N. Y.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back adversely the bill (H. R. 2448) dedicating the military reservation at Plattsburg, N. Y., to the village of Plattsburg for a public park; which was laid on the table, and the accompanying report ordered to be printed.

SHORT CREEK LAKE.

Mr. COBB, from the Committee on the Public Lands, reported back favorably the bill (H. R. 5772) to donate Short Creek Lake, in Platte County, to the State of Missouri, and forever preserve the same for public resort and recreation; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

UNDERGROUND WIRES.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, submitted a report upon the question of underground wires to connect the Capitol, Executive Mansion, and Departments for telegraphic or telephonic communication, recommending an appropriation therefor; which was referred to the Committee on Appropriations, and ordered to be printed.

LABORERS ON RECORD WORK.

Mr. HOPKINS, from the Committee on Labor, reported back the petition of O. S. Montz, R. P. Fithian, and 64 other laborers on the RECORD work of the Government Printing Office for relief; which was referred to the Committee on Appropriations, and ordered to be printed.

LAVISA HETH.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 7524) for the relief of Lavisa Heth; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA M. BYERS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7386) granting a pension to Eliza M. Byers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHAEL QUEEN.

Mr. MATSON, from the Committee on Pensions, also reported a bill (H. R. 8132) to restore to the pension-roll the name of Rachael Queen, dependent sister of Jonathan Queen, late of Company F, Fifth California Volunteers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. DODDS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7769) to grant a pension to Joseph R. Dodds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS M'GILL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported a bill (H. R. 8133) granting a pension to Thomas McGill; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. VINCENT PHELPS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL CORNWELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 945) granting a pension to Daniel Cornwell; which was laid on the table, and the accompanying report ordered to be printed.

HARRIET A. B. CORTS.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8038) granting a pension to Harriet A. B. Corts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY RODMAN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1111) granting increased pension to Sally Rodman, widow of General Isaac P. Rodman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROSANNA RILEY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7810) granting a pension to Rosanna Riley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. IDA P. BELCHER.

Mr. HOUK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE SCHOOLS.

Mr. HOUK, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 750) granting a pension to Catharine Schools; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARK SPENCER VAN LOAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB WIENER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7292) granting a pension to Jacob Wiener; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHIA A. MORGAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general, United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7628) granting a pension to Catharine Hammer;
A bill (H. R. 7629) granting an increase of pension to Andrew Mantle;
A bill (H. R. 5094) granting a pension to Thedlman Moritz; and
A bill (H. R. 7201) for the relief of William McKean.

LYDIA WEATHERBY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7794) granting a pension to Lydia Weatherby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANUEL TIBBS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 3914) granting a pension to Manuel Tibbs; which bill, with the adverse report, was ordered to be printed, and referred to the Committee of the Whole House on the Private Calendar.

DAVID BRYAN.

Mr. MORRILL (for Mr. LE FEVRE, of Ohio), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4216) granting a pension to David Bryan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY AGNEL.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 475) granting arrears of pension to Emily Agnel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. J. P. WILLIAMS.

Mr. McMILLIN, from the Committee on Claims, reported a bill (H. R. 8134) for the relief of Mrs. J. P. Williams; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BANK OF HOLT COUNTY, NEBRASKA.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with amendments the bill (H. R. 6699) for the relief of the Holt County Bank, Holt County, Nebraska; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

DAVID HALL, ALEXANDER THOMAS, AND OTHERS.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back the petition of David Hall, Alexander Thomas, Charles Carter, and Buford Lee with favorable recommendation; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

JOHN R. TRENTLEN.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back the petition of John R. Trentlen with favorable recommendation; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

PRYOR N. LEA.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 5701) for the relief of Pryor N. Lea; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VIDAL HERNANDEZ.

Mr. ROGERS, of New York, from the Committee on War Claims, also reported back with favorable recommendation the bill (H. R. 1736) for the relief of Vidal Hernandez; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. EVERHART, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 1894) for the relief of the legal representatives of Solomon Cohen; which was ordered to be laid on the table, and the accompanying report printed.

Mr. SINGLETON, from the Committee on the Library, reported back with adverse recommendation a bill and joint resolutions of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7084) to authorize the erection of a monument in memory of Maj. Pierre Charles L'Enfant;

A joint resolution (H. Res. 259) to provide for the erection of a monument in memory of Col. Henry Buncombe, a Revolutionary soldier of the State of North Carolina; and

A joint resolution (H. Res. 44) providing for the erection of a monument at the Wyandot Mission, Upper Sandusky, Ohio.

LEAVE OF ABSENCE—EMPLOYÉS GOVERNMENT PRINTING OFFICE.

Mr. ROGERS, of New York, from the Committee on Printing, reported back, as a substitute for H. R. 3026, a bill (H. R. 8126) granting leave of absence to employés of the Government Printing Office; which was read a first and second time, and, with the accompanying report, referred to the Committee on Appropriations, and ordered to be printed.

The bill H. R. 3026 was ordered to be laid on the table.

JOHN ALEXANDER.

Mr. ROGERS, of Arkansas, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back with a favorable recom-

mendation the bill (H. R. 6013) for the relief of John Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDISON N. COPEN.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported, as a substitute for H. R. 4973, a bill (H. R. 8136) for the relief of Addison N. Copen; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 4973 was ordered to be laid on the table.

WORK OF THE TENTH CENSUS.

Mr. COX, of New York, from the Select Committee to Ascertain the Results of the Tenth Census, reported, as a substitute for H. Res. 289, a joint resolution (H. Res. 322) authorizing the Superintendent of the Tenth Census to continue the work on the Tenth Census; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ARTICLES FOR COLORED RACES' WORLD'S EXPOSITION.

Mr. KELLEY, from the Committee on Ways and Means, reported back with a favorable recommendation the joint resolution (H. Res. 290) providing for the admission of articles from foreign countries to be placed on exhibition at the world's exposition of the arts, &c., of the colored races to be held in Chicago in September, 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE S. HUNT & CO.

Mr. REED, of Maine, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 688) for the relief of George S. Hunt & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CASE OF KILBOURN VS. JOHN G. THOMPSON.

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report; which was read, ordered to be printed, and recommitted to the Committee on the Judiciary:

Resolved, That the Committee on Appropriations be instructed to include in the sundry civil appropriation bill for the ensuing fiscal year the following clauses, to wit:

To Hallet Kilbourn, on account of and in full of judgment recovered by him against John G. Thompson, late Sergeant-at-Arms of the House of Representatives, the sum of $20,000, with interest thereon from the 26th day of March, 1884, until paid, and $143.17, costs in the same.

To John G. Thompson, late Sergeant-at-Arms of the House of Representatives, the sum of $2,650 for expenses of every kind incurred and for labor and attention in the case of Hallet Kilbourn against said Thompson.

To Messrs. Shellabarger & Wilson, attorneys at law, in Washington city, $2,000, fees for services in said case, and to William H. Smith, of Washington city, $1,000, for services rendered in the same case.

SINKING OF THE TALLAPOOSA.

Mr. GEORGE D. WISE. I rise to present a privileged report.

The Clerk read as follows:

The Committee on Naval Affairs make the following report:

"Your committee, having had under consideration resolution of the House introduced January 26, 1885, calling upon the Secretary of the Navy for a list of the officers, crew, and passengers on the United States steamer Tallapoosa at the time she was sunk, and for other information concerning said vessel, respectfully report the same back with the recommendation that it do pass."

The resolution (introduced by Mr. GEORGE D. WISE) is as follows:

Resolved, That the Secretary of the Navy is hereby directed to report to this House, at the earliest possible date, the order or orders under which the United States steamer Tallapoosa was cruising at the time she was sunk by a collision with another vessel, at what date she left the city of Washington and the several ports at which she entered or places visited up to the time of said collision, and what was her destination; also a list of the officers, crew, and passengers on said vessel, and what special duties, if any, were assigned to said officers and crew.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. GEORGE D. WISE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH COMSTOCK.

Mr. LACEY. I ask unanimous consent to take from the Speaker's table for present consideration the bill S. 1242.

The SPEAKER. The regular order has been called.

Mr. LACEY. I wish to say in a word that this is a bill which ought to pass. A similar bill has been reported unanimously by the Committee on Ways and Means of the House.

Mr. WELLER. I was unable to hear the statement of the gentleman from Michigan.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Elizabeth Comstock, out of any moneys in the Treasury not otherwise appropriated, such sum, not exceeding $722.76, as she may show by satisfactory proof that she paid as customs dues on articles donated for the relief of colored emigrants.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members called for the regular order.

Mr. SPRINGER. I hope the call for the regular order will not be insisted on until I ask unanimous consent for the passage of a bill.

Mr. HISCOCK. I desire to present a report from the Committee on Ways and Means.

Mr. TOWNSHEND. I desire to call up the Mexican pension bill, and insist on the regular order.

The SPEAKER. This is the regular order. Unanimous consent was given for the presentation of reports by gentlemen who were not in their seats when their committees were called.

CATHOLIC CHURCH AT CARROLLTOWN, PA.

Mr. HISCOCK, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAINT JOHN'S UNIVERSITY, COLLEGEVILLE, MINN.

Mr. HISCOCK, from the Committee on Ways and Means, also reported back with a favorable recommendation the bill (H. R. 3941) authorizing the refunding of duties paid on six statues from Munich, Bavaria, by Saint John's University, of Collegeville, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO HOMESTEAD LAW.

Mr. COX, of New York, introduced a bill (H. R. 8137) granting lands in aid of the erection of a monument commemorative of the homestead law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM W. THOMAS.

On motion of Mr. REED, of Maine, by unanimous consent, it was ordered that the Senate be requested to return, for the correction of certain errors, the bill (H. R. 691) for the relief of William W. Thomas.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLAY, indefinitely; and

To Mr. BREITUNG, indefinitely, on account of sickness.

SCHEDULES OF CLAIMS ALLOWED.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now move that we go to the Speaker's table for the purpose of considering the Mexican pension bill.

The SPEAKER. That motion in that form is not in order. The House can not go to the Speaker's table for the purpose of considering any particular measure.

Mr. TOWNSHEND. Then I move that we go to the Speaker's table for the purpose of considering the bill there.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole on the state of the Union, and I announce that my intention is to call up the river and harbor bill.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] moves to proceed to the consideration of the business on the Speaker's table. Pending that motion, the gentleman from Kentucky [Mr. WILLIS] moves that the House do now resolve itself into the Committee of the Whole on the state of the Union and announces that he proposes to consider the river and harbor bill.

Mr. HENLEY. Mr. Speaker, I desire to ask the gentleman from Kentucky [Mr. WILLIS], for information, how much time the consideration of the river and harbor bill will probably consume?

Mr. WILLIS. That is a question that the gentleman himself can answer as well as I can. It will occupy the time just as long as the House chooses to consider it.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parlimentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Has the motion of the gentleman from Kentucky [Mr. WILLIS], to go into Committee of the Whole for the purpose of calling up the river and harbor bill, priority over my motion?

The SPEAKER. The Chair thinks so. It is provided by the rules of the House that the Committee on Rivers and Harbors shall have the same privilege to report as the Committee on Appropriations have to report general appropriation bills; and when the House is in Committee of the Whole on the state of the Union revenue bills, general appropriation bills, and river and harbor bills have preference.

The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into the Committee of the Whole on the state of the Union.

Mr. WILLIS. Pending that motion, I ask unanimous consent that general debate on the bill which I propose to call up, the river and harbor bill, be limited to two hours.

Mr. ANDERSON. Make it one hour.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that general debate on the river and harbor bill be limited to two hours.

Mr. REED, of Maine, and Mr. WASHBURN. I object.

The SPEAKER. Objection is made, and the question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole on the state of the Union.

The question being taken, there were—ayes 112, noes 136.

Mr. TOWNSHEND. I ask for the yeas and nays.

Mr. MILLER, of Pennsylvania. That is right.

Mr. TOWNSHEND. I have already stated that my purpose is to call up the Mexican pension bill.

The question being taken on ordering the yeas and nays, there were—ayes 39, noes 138.

So (more than one-fifth of the last vote voting in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 150, nays 102, not voting 71; as follows:

YEAS—150.

Aiken,	Davidson,	Lewis,	Singleton,
Alexander,	Davis, R. T.	Libbey,	Skinner, T. G.
Bagley,	Dibble,	Long,	Slocum,
Ballentine,	Dibrell,	Lyman,	Smalls,
Barksdale,	Dingley,	McCold,	Snyder,
Bayne,	Dockery,	McMillin,	Stephenson,
Belmont,	Dorsheimer,	Maybury,	Stewart, J. W.
Bennett,	Dowd,	Miller, J. F.	Stone,
Bisbee,	Dunham,	Mills,	Storm,
Blackburn,	Eldredge,	Mitchell,	Sumner, C. A.
Blanchard,	Ellis,	Morgan,	Sumner, D. H.
Bland,	Ellwood,	Moulton,	Talbott,
Blount,	Findlay,	Muldrow,	Taylor, J. M.
Brainerd,	Follett,	Muller,	Thomas,
Bratton,	Forney,	Murphy,	Thompson,
Breckinridge,	Geddes,	Mutchler,	Throckmorton,
Broadhead,	Gibson,	Neece,	Tillman,
Buchanan,	Glascock,	Nicholls,	Tucker,
Buckner,	Green,	Oates,	Turner, H. G.
Burleigh,	Halsell,	O'Ferrall,	Turner, Oscar
Cabell,	Hammond,	O'Neill, J. J.	Van Alstyne,
Caldwell,	Hancock,	Patton,	Vance,
Campbell, Felix	Hardeman,	Peel,	Van Eaton,
Candler,	Hatch, W. H.	Pierce,	Wallace,
Cannon,	Hemphill,	Potter,	Warner, Richard
Cassidy,	Henderson, T. J.	Price,	Wellborn,
Clardy,	Herbert,	Pryor,	Weller,
Clay,	Hewitt, A. S.	Pusey,	Whiting,
Clements,	Hewitt, G. W.	Reagan,	Williams,
Connolly,	Hill,	Reese,	Willis,
Converse,	Houseman,	Reid, J. W.	Wilson, W. L.
Cosgrove,	Hunt,	Rice,	Winans, E. B.
Covington,	James,	Robertson,	Wise, G. D.
Cox, S. S.	Jeffords,	Rogers, J. H.	Wood.
Craig,	Jones, J. H.	Rogers, W. F.	Worthington,
Crisp,	Jones, J. T.	Rosecrans,	Yaple.
Culberson, D. B.	King,	Russell,	
Culbertson, W. W.	Lanham,	Seymour,	

NAYS—102.

Adams, G. E.	Greenleaf,	Lowry,	Springer,
Anderson,	Guenther,	McComas,	Steele,
Atkinson,	Hanback,	McCormick,	Stevens,
Beach,	Hardy,	Matson,	Stockslager,
Boutelle,	Harmer,	Millard,	Strait,
Boyle,	Hatch, H. H.	Miller, S. H.	Struble,
Brewer, F. B.	Haynes,	Morrill,	Swope,
Brewer, J. H.	Henderson, D. B.	Morse,	Taylor, E. B.
Brown, W. W.	Hepburn,	Murray,	Taylor, J. D.
Browne, T. M.	Hiscock,	Notting,	Townshend,
Brumm,	Holman,	O'Hara,	Tully,
Burnes,	Holmes,	Payne,	Valentine,
Campbell, J. M.	Hopkins,	Perkins,	Walt,
Cobb,	Houk,	Peters,	Wakefield,
Cox, W. R.	Howey,	Pettibone,	Ward,
Cutcheon,	Hutchins,	Phelps,	Warner, A. J.
Davis, G. R.	Jones, B. W.	Poland,	Washburn,
Deuster,	Kean,	Post,	Weaver,
English,	Keifer,	Ranney,	Wemple,
Ermentrout,	Kelley,	Ray, Ossian	Wilkins,
Evans,	Ketcham,	Reed, T. B.	Winans, John
Everhart,	Kilgore,	Riggs,	Wolford,
Ferrell,	Lacey,	Robinson, W. E.	Woodward,
Fiedler,	Lamb,	Ryan,	York.
Finerty,	Lawrence,	Shively,	
Funston,	Le Fevre,	Spooner,	

NOT VOTING—71.

Adams, J. J.	Belford,	Budd,	Collins,
Arnot,	Bingham,	Campbell, J. E.	Cook,
Barbour,	Bowen,	Carleton,	Cullen,
Barr,	Breitung,	Chalmers,	Curtin,
Dargan,	Hoblitzell,	Money,	Posey,
Davis, L. H.	Holton,	Morrison,	Rice,
Dunn,	Hooper,	Nelson,	Robinson, G. R.
Eaton,	Horr,	Ochiltree,	Sapp, A. Herr.
Elliott,	Hurd,	O'Neill, Charles	Smith, H. Y.
Foran,	Johnson,	Paige,	Spriggs,
Fyan,	Jones, J. K.	Parker,	Stewart, Charles
Garrison,	Jordan,	Payson,	Thompson,
George,	Kellogg,	Rankin,	White, J. D.
Goff,	Laird,	Ray, G. W.	White, Milo
Graves,	Lore,	Robinson, J. S.	Wilson, James
Hart,	Lovering,	Rockwell,	Wise, J. S.
Henley,	McAdoo,	Rowell,	Young.
Hitt,	Milliken,		

[Before the result of the vote was announced the following proceedings occurred:

Mr. HURD. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

Mr. FIEDLER. I object.

The Clerk read the names of members voting.

The following additional pairs were announced on all political questions and until further notice:

Mr. MORRISON with Mr. JOHNSON.
Mr. SHAW with Mr. LADD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.
Mr. ELLIOTT, with Mr. SMITH, of Pennsylvania.
Mr. COOK with Mr. GOFF.
Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.
Mr. GARRISON with Mr. BARR.

The following pairs for this day were announced:

Mr. CARLETON with Mr. OCHILTREE.
Mr. RANKIN with Mr. WILSON, of Iowa.
Mr. BUDD with Mr. HITT.
Mr. PAIGE with Mr. ROCKWELL.
Mr. JORDAN with Mr. JOHN S. WISE.
Mr. CAMPBELL, of Iowa, with Mr. GEORGE.
Mr. HOBLITZELL with Mr. BREITUNG.
Mr. RANDALL with Mr. HORR.
Mr. HURD was announced as paired with Mr. HART, on this vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan.

Mr. BLACKBURN. Mr. Speaker, before the result of this vote is announced, for the information and convenience of the House I again ask unanimous consent that the report which I made from the Committee on Rules this morning lie over until to-morrow, and be printed in the RECORD without being read.

The SPEAKER. It will be so ordered.

The report of Mr. BLACKBURN is as follows:

The Committee on Rules, having had under consideration various propositions referred to it by the House, beg leave to report back the accompanying resolution in lieu of all others referred, and recommend its passage:

Resolved, That each morning, during the remainder of this session, immediately after the approval of the Journal, there shall be set apart thirty minutes for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate; and the bills or resolutions so designated shall be immediately considered, unless objected to by at least five members; but no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said thirty minutes, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Mr. VALENTINE. I desire to give notice that when this matter comes up for consideration I shall offer amendments to strike out "thirty minutes" and insert "one hour;" and to strike out "five" as the number of members required to object and insert "ten."

A MEMBER. That does not require any notice.

ORDER OF BUSINESS.

Mr. WILLIS. Before the vote is announced, I believe it to be in the interest of public business to try to secure some arrangement as to the time to be occupied in general debate. If gentlemen will suggest some time I think we can now agree. We all recognize the necessity of getting through this business as rapidly as possible. I would suggest that three or four hours be allowed for debate; or if any gentleman wishes to suggest any other time——

Mr. REED, of Maine. I think it might do to conclude the debate at 4 o'clock to-morrow afternoon.

Mr. VALENTINE. This is very important legislation.

Mr. REED, of Maine. I suggest to the gentleman from Kentucky [Mr. WILLIS] that this river and harbor bill has been but recently presented to the House, and that an opportunity should be afforded for members to understand its meaning as a whole. It is a long and somewhat complicated bill. It embraces entirely new matters, which have been but recently presented here; and there has been no opportunity to consider the measure. But I presume an understanding might be reached that general debate should close at 4 o'clock to-morrow.

Mr. WILLIS. I will not press the question at this time.

CONTESTED-ELECTION CASE.

Mr. TURNER, of Georgia. I desire to give notice that when the pending appropriation bill has been concluded I shall endeavor to call up the contested-election case of Pool *vs.* Skinner.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. Before the result of the vote is announced, I would like to submit to the Chair a parliamentary inquiry. I wish to ask whether, when the House resolves itself into Committee of the Whole, bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors should not be called up in their turn as they stand upon the Calendar?

The SPEAKER. That is not a question for the present occupant of the chair to decide. It is a question to be presented to the chairman of the Committee of the Whole House on the state of the Union. The Speaker of the House does not decide such questions.

Mr. HEWITT, of New York. If the House will indulge me a moment, perhaps I can obviate the necessity of making that point. I believe under the rules it would be competent to call up in Committee of the Whole the bill giving effect to the Mexican treaty; but I have no wish to antagonize in any way the spirit of the House or to interfere with the business which the gentleman from Kentucky proposes to bring before it. I do wish to say, however, that it concerns the national honor that this bill in reference to the Mexican treaty shall at some time or other receive consideration. I do not say that it ought to be passed. I hope it will not be rejected. But it ought to be considered, because——

Mr. ELLIS. Is this proceeding by unanimous consent? If so, I object.

Mr. HEWITT, of New York. Because a special provision is inserted in the treaty——

Mr. ELLIS. I object, and demand the regular order.

Mr. HEWITT, of New York. Then the gentleman will have to take the consequences.]

The result of the vote on the motion of Mr. WILLIS was announced as above stated.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

Mr. HEWITT, of New York. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEWITT, of New York. The chairman has just stated that the House is in Committee of the Whole on appropriation bills. I respectfully submit that the House is in Committee of the Whole and not upon appropriation bills. I make the point that the order in which bills must be considered is stated in the fourth paragraph of Rule XXIII of the Digest:

In committees of the Whole House business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors.

I respectfully submit that bills of these three classes—that is to say, bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors—must be taken up in their order on the Calendar.

Mr. KEIFER. Mr. Chairman, I think the gentleman from New York misapprehends the rule under which the motion of the gentleman from Kentucky [Mr. WILLIS] was made. The motion to be in order must have been made, as I understand, under paragraph 9 of Rule XVI; and this rule gives to the member making the motion the right to designate one of two classes of bills—first bills raising revenue, and second appropriation bills. If, as I understand, this was a motion to go into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, revenue bills can not be called up at all during this session of the Committee of the Whole.

Mr. HEWITT, of New York. I respectfully remind the gentleman from Ohio that the Speaker, in submitting the question, stated the motion to be that the House resolve itself into Committee of the Whole House without any qualification, and the notes will show it.

Mr. KEIFER. I think that would raise a question of fact, because my recollection is the gentleman from Kentucky [Mr. WILLIS] made the motion to go into the Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

Mr. FORNEY. General appropriation bills.

Mr. KEIFER. And I think the answer of the Speaker was to that question as the notes will show.

Mr. WILLIS. It is proper to state, Mr. Chairman, that I did not make that motion. I made the motion to go into the Committee of the Whole House on the state of the Union and stated that my purpose was when we got into committee to call up the river and harbor appropriation bill. Now, if the gentleman from New York [Mr. HEWITT] calls up a revenue bill and the chairman decides he is in order I shall object, in order to test the sense of the House as to whether it will go on with the consideration of that bill.

Mr. HEWITT, of New York. I wish to say to the gentleman from Kentucky and to the House that I did not propose to be in his way, but when my request to be permitted to make a reasonable statement by unanimous consent is objected to on this floor I am compelled to take to my rights under the rules.

Mr. WILLIS. I only hope the gentleman will not punish those of us who are with him because of that objection.

Mr. GIBSON. Under the circumstances, because others have been unreasonable I hope the gentleman from New York will not be unreasonable himself, and punish us for what was done by somebody else and over whom we have no control whatever.

Mr. KEIFER. It is easy to determine the fact by referring to the reporter's notes.

The CHAIRMAN. The motion was not made under that rule. This is not a general appropriation bill; it is simply a bill appropriating money.

Mr. KEIFER. I agree this is not a general appropriation bill in the sense of the rule, but it has been given rights by the rule.

The CHAIRMAN. The rights given by the rule are merely to report but not for consideration.

Mr. KEIFER. That is true under Rule XI.

The CHAIRMAN. Hence the Chair is of the opinion that the gentleman from New York [Mr. HEWITT] is correct and that he is entitled to have the bill he designates, provided it is first on the Calendar, first called. The rule refers to three classes of bills, which are named in the rule itself. Each shall be called in its order on the Calendar.

Mr. HEWITT, of New York. This matter can quickly be disposed of if the committee will only indulge me for one minute, after which I will waive the consideration of this matter.

The CHAIRMAN. Is there unanimous consent that the gentleman from New York shall be heard for one minute, after which he states he will waive the further consideration of this matter?

Mr. REED. Let the matter take its regular course.

The CHAIRMAN. The gentleman from Maine objects, and the Clerk will call the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 5678) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883.

Mr. HEWITT, of New York. I move that be passed over informally. I have charge of that bill from the Committee on Ways and Means.

The CHAIRMAN. Is there objection?

Mr. REED, of Maine. This must be done by the House.

The CHAIRMAN. That can be waived if the gentleman objects.

Mr. REED, of Maine. I do object.

Mr. WILLIS. I move that it be laid aside.

The committee rose informally; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having reached on the Calendar the bill (H. R. 5678) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, objection was made, and under the rule the committee had directed him to report the fact to the House for instruction.

The SPEAKER. The question is, Shall the committee proceed to consider the bill?

The House voted in the negative; and thereupon the committee resumed its session, Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will call the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 6751) to abolish the discriminating duty on works of art the production of foreign and of American artists.

Mr. WILLIS. I object to the consideration of that bill.

The committee rose informally; and the Speaker resumed the chair.

Mr. BAYNE rose.

The SPEAKER. The gentleman has the right to have the bill read in committee if he wishes.

Mr. BAYNE. I do not wish it read, but I wish to raise the point against this motion.

The committee resumed its session.

Mr. KELLEY. I should like to have that bill read. It came from the Committee on Ways and Means, and I think is a very meritorious measure.

Mr. BAYNE. I desire to raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I desire to raise the question of consideration. I claim that under clause 4 of Rule XXIII, the House having gone into the Committee of the Whole House on the state of the Union for the consideration of bills on the Calendar, the river and harbor bill takes precedence of any other bill, and that it is now in order for the chairman of the Committee on Rivers and Harbors to call it up, and that to proceed to do away with each succeeding bill as it appears upon the Calendar is wholly unnecessary and a mere waste of time. I make the point that whole proceeding is obviated by clause 4 of Rule XXIII.

Mr. KELLEY. I call for the reading of the bill to abolish discriminating duties on works of art.

The CHAIRMAN. The Clerk will read the bill.

Mr. BAYNE. That is not a bill raising revenue; that is a bill defeating revenue. [Laughter.]

Mr. KELLEY. It relates to revenue.

The CHAIRMAN. The rule the gentleman from Pennsylvania recites speaks of three classes of bills—bills raising revenue, general appropriation bills, and bills for improving rivers and harbors; and under the general designation of bills raising revenue have been considered all bills affecting the revenue. The Clerk will proceed with the reading of the bill.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. It is whether, when the question of consideration is raised, the reading of the title of a bill is not all that is necessary—whether it is required to read the whole bill?

The CHAIRMAN. The Chair thinks not. Any member demanding the reading of a bill on which he is called to vote has the right to have it read.

The bill was read at length.

Mr. KELLEY. I ask the consideration of that bill. This is a measure involving our own diplomatic relations as well as the question relating to art.

The CHAIRMAN. Debate is not in order. Objection has been made to the consideration of the bill, and all the committee can do under the rule is to rise and report that fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached the bill (H. R. 6751) to abolish the discriminating duty on works of art the production of foreign and of American artists, and objection having been made to its consideration, the committee had risen and directed him to report the objection to the House.

The SPEAKER. The question is, Shall the committee proceed to consider that bill?

Mr. KELLEY. I think, Mr. Speaker——

The SPEAKER. The motion is not debatable.

Mr. KELLEY. I was going to ask for the reading of the bill in the House.

Mr. REAGAN. I object to its being read again.

The SPEAKER. The Chair thinks the gentleman has a right to have it read.

Mr. REAGAN. It has been already reported.

The SPEAKER. But not in the House.

Mr. KELLEY. I ask now that it be not only read but heard.

The bill was read at length.

The SPEAKER. The question is, Will the House direct the committee to proceed to the consideration of this bill?

The question was taken; and on a division there were—ayes 48, noes 87.

Mr. HISCOCK. Let us have the yeas and nays.

The yeas and nays were not ordered.

So the House refused to direct the committee to proceed to the consideration of the bill.

The Committee of the Whole House on the state of the Union resumed its session.

The next revenue bill on the Calendar was the bill (H. R. 4186) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect.

Mr. WILLIS. I object to the consideration of that bill.

The CHAIRMAN. Objection being made, the committee will rise and report that fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached the bill (H. R. 4186) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect, when objection was made to its consideration, whereupon the committee had risen and directed him to report that fact to the House.

Mr. GUENTHER. I ask for the reading of the bill.

The bill was read at length.

The SPEAKER. The question is, Will the House direct the committee to proceed with the consideration of this bill?

The question was taken; and it was decided in the negative.

So the House refused to direct the committee to proceed with the consideration of the bill.

The Committee of the Whole resumed its session.

Mr. WILLIS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. Will it be in order to ask unanimous consent that all these revenue bills, except the one the gentleman from New York desires to have a vote upon, be passed over by consent?

The CHAIRMAN. The Chair will state that that bill to which the gentleman refers is next in order on the Calendar.

The next revenue bill on the Calendar was the bill (H. R. 7366) to carry into effect a convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883.

Mr. WILLIS. I object to the consideration of that bill.

The CHAIRMAN. Objection being made, the committee will rise and report that fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached the bill (H. R. 7366) to carry into effect the convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883, when objection was made to its consideration, whereupon the committee had risen and directed him to report that fact to the House.

Mr. HEWITT, of New York. I ask for the reading of the bill.

The bill was read at length.

The SPEAKER. The question is, Shall the Committee of the Whole House on the state of the Union be directed to proceed with the consideration of this bill?

The question was taken; and on a division there were—ayes 84, noes 91.

Mr. HEWITT, of New York. I ask the yeas and nays.

The yeas and nays were ordered, 57 members voting therefor.

The question was taken; and there were—yeas 105, nays 144, not voting 74; as follows:

YEAS—105.

Adams, G. E.	Greenleaf,	Miller, S. H.	Stockslager,
Alexander,	Guethner,	Milliken,	Storm,
Bagley,	Hardy,	Mitchell,	Strait,
Beach,	Hart,	Morgan,	Swope,
Bland,	Haynes,	Moulton,	Taylor, J. D.
Doyle,	Hemphill,	Muldrow,	Thomas,
Brewer, F. B.	Herbert,	Muller,	Throckmorton,
Broadhead,	Hewitt, A. S.	Neece,	Townshead,
Buckner,	Hiscock,	Nelson,	Valentine,
Burnes,	Holman,	O'Hara,	Van Alstyne,
Cannon,	Howey,	O'Neill, J. J.	Van Eaton,
Clardy,	Hutchins,	Parker,	Walt,
Collins,	James,	Post,	Wakefield,
Cosgrove,	Jeffords,	Ranney,	Washburn,
Craig,	Jones, B. W.	Reed, T. B.	Weaver,
Davis, G. R.	Kean,	Rice,	Whiting,
Davis, R. T.	Ketcham,	Riggs,	Wilkins,
Dingley,	Lamb,	Robinson, W. E.	Winans, E. B.
Dockery,	Lanham,	Rogers, W. F.	Winans, John
Eaton,	Long,	Russell,	Wood,
Eldredge,	Lore,	Shively,	Woodward,
Ellwood,	Lovering,	Singleton,	Worthington,
English,	Lowry,	Slocum,	Yaple,
Ferrell,	McComas,	Spooner,	York.
Follett,	McCormick,	Springer,	
Graves,	Maybury,	Steele,	
Green,	Miller, J. F.	Stewart, Charles	

NAYS—144.

Aiken,	Davidson,	Jones, J. T.	Rogers, J. H.
Anderson,	Dibble,	Keifer,	Ryan,
Atkinson,	Dibrell,	Kelley,	Skinner, T. G.
Balentine,	Dowd,	King,	Smalls,
Barbour,	Dunham,	Kleiner,	Smith, H. Y.
Barksdale,	Ellis,	Lacey,	Snyder,
Bayne,	Ermentrout,	Lawrence,	Stephenson,
Belmont,	Evans,	Le Fevre,	Stewart, J. W.
Bennett,	Everhart,	Lewis,	Stone,
Bingham,	Fiedler,	Libbey,	Strible,
Bisbee,	Findlay,	McAdoo,	Sumner, C. A.
Blackburn,	Finerty,	McCold,	Sumner, D. H.
Blanchard,	Foran,	McMillin,	Talbott,
Blount,	Forney,	Millard,	Taylor, E. B.
Boutelle,	Funston,	Mills,	Taylor, J. M.
Bratton,	Geddes,	Morrill,	Thompson,
Breckinridge,	Gibson,	Murray,	Tillman,
Brewer, J. H.	Glascock,	Muchler,	Tucker,
Brown, W. W.	Halsell,	Nicholls,	Tulley,
Bruman,	Hammond,	Nutting,	Turner, H. G.
Buchanan,	Hanback,	Oates,	Turner, Oscar
Burleigh,	Hardeman,	O'Ferrall,	Vance,
Cabell,	Harmer,	Patton,	Wallace,
Caldwell,	Hatch, W. H.	Payne,	Ward,
Campbell, J. M.	Henderson, D. B.	Peele,	Warner, A. J.
Cassidy,	Henderson, T. S.	Perkins,	Warner, Richard
Clements,	Henley,	Peters,	Wellborn,
Cobb,	Hepburn,	Pettibone,	Weller,
Covington,	Hewitt, G. W.	Phelps,	White, J. D.
Cox, W. R.	Hitt,	Pierce,	Williams,
Crisp,	Holmes,	Price,	Willis,
Culbertson, D. B.	Houk,	Pryor,	Wilson, James
Culbertson, W. W.	Houseman,	Reagan,	Wilson, W. L.
Cullen,	Hunt,	Reid, J. W.	Wise, G. D.
Cutcheon,	Hurd,	Reese,	Wolford,
Dargan,	Jones, J. H.	Robertson,	Young.

NOT VOTING—74.

Adams, J. J.	Browne, T. M.	Clay,	Dewster,
Arnot,	Budd,	Connelly,	Dezendorf,
Barr,	Campbell, Felix	Converse,	Dunn,
Belford,	Campbell, J. E.	Cook,	Elliott,
Bowen,	Candler,	Cox, S. S.	Fyan,
Brainard,	Carleton,	Curtin,	Garrison,
Breitung,	Chalmers,	Davis, L. H.	George,

Goff,	Kellogg,	Poland,	Seymour,
Hancock,	Laird,	Potter,	Shaw,
Hatch, H. H.	Lyman,	Pusey,	Skinner, C. R.
Hill,	Matson,	Randall,	Smith, A. Herr
Hobbitzell,	Money,	Rankin,	Springer,
Holton,	Morrison,	Ray, G. W.	Stevens,
Hooper,	Morse,	Ray, Ossian	Wadsworth,
Hopkins,	Murphy,	Robinson, J. S.	Wemple,
Horr,	Ochiltree,	Rockwell,	White, Milo
Johnson,	O'Neill, Charles	Rosecrans,	Wise, J. S.
Jones, J. K.	Paige,	Rowell,	
Jordan,	Payson,	Seney,	

So the House refused to direct the Committee of the Whole on the state of the Union to consider the bill.

Mr. HEWITT, of New York. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. CLAY with Mr. O'NEILL, of Pennsylvania, on all political questions, for this day.

Mr. CAMPBELL, of New York, with Mr. RAY, of New Hampshire, for this day.

The result of the vote was then announced as above stated.

The Committee of the Whole House on the state of the Union resumed its sitting, Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will report the bill next in order for consideration.

Mr. WILLIS. There are only three other revenue matters, and I hope unanimous consent will be given to me now to call up the river and harbor appropriation bill.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to pass over all other bills in order on the Calendar for the purpose of calling up the river and harbor bill.

Mr. WHITE, of Kentucky. I hope that unanimous consent will be given.

Mr. HISCOCK. I object.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 7429) to modify existing laws relating to duties on imports and the collection of the revenue.

Mr. WILLIS. I object to the consideration of that bill.

The committee rose; and Mr. MILLS having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached bill H. R. 7429, when objection was made to the consideration thereof, and the committee thereupon rose, and he reported such objection to the House.

The SPEAKER *pro tempore*. The question is, Will the House instruct the Committee of the Whole House on the state of the Union to proceed to consider the bill H. R. 7429?

The question being taken, it was decided in the negative.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The Clerk will report the next business on the Calendar in order.

The Clerk read as follows:

Report 2027. Report and resolution relative to affairs of the Alaska Commercial Company.

Mr. WILLIS. I object to the consideration of that report.

The CHAIRMAN. The Chair can not say from what has been read that this is a bill in order. The fact is not disclosed that this is either a revenue bill or an appropriation bill. The Clerk will report the next bill in order.

The Clerk read as follows:

A bill (H. R. 8029) to authorize the establishment of export-tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco.

Mr. WILLIS. I object to the consideration of that bill.

The committee rose; and Mr. MILLS having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had the Calendar under consideration, had reached the bill H. R. 8029, when objection was made to the consideration thereof, whereupon the committee rose, and he reported such objection to the House.

The SPEAKER *pro tempore*. The question is, Will the House instruct the committee to proceed to consider the bill H. R. 8029?

Mr. REED, of Maine. I ask for the reading of that bill.

The bill was read.

MESSAGE FROM THE PRESIDENT.

Several messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington;

An act (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia;

An act (H. R. 7672) to remove the political disabilities of Gabriel H. Hill, of Virginia;

An act (H. R. 5639) extending the jurisdiction of the justices of the peace in Wyoming Territory; and

An act (H. R. 4681) for the relief of Yost Harbaugh.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan; and

A bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is, Will the House instruct the committee to consider the bill H. R. 8029?

The question being taken, there were—ayes 10, noes 77.

Mr. GEORGE D. WISE. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Virginia, Mr. GEORGE D. WISE.

The House again divided; and the tellers reported—ayes 5, noes 75.

Mr. GEORGE D. WISE (one of the tellers). I do not call for further count.

So (further count not being called for) the House refused to instruct the Committee of the Whole on the state of the Union to consider the bill H. R. 8029.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The Clerk will report the next bill on the Calendar in order.

The Clerk read as follows:

A bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes.

Mr. HISCOCK. I object to the consideration of that bill.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had the Calendar under consideration, the bill H. R. 8130 was reached, and when objection was made to the consideration thereof the committee rose, and he reported such objection to the House.

The SPEAKER. The question is, Shall the Committee of the Whole House on the state of the Union be directed to proceed to the consideration of the bill H. R. 8130?

Mr. WILLIS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. Do I understand that an affirmative vote will take up the consideration of the river and harbor bill?

The SPEAKER. The question is, Shall the committee be directed to proceed to the consideration of the bill?

The question being taken, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. HISCOCK. I call for a division.

The House divided; and there were—ayes 113, noes 21.

So (further count not being called for) the House directed the committee to consider the bill H. R. 8130.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The committee, in pursuance of the order of the House, will proceed with the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. Mr. Chairman, I ask that the formal reading of the bill be dispensed with.

Mr. HOLMAN. Before that request is acted upon I wish to ask the Chair whether or no, if the reading of the bill be dispensed with, the point of order upon any particular paragraph of the bill will be in order when it is first read?

The CHAIRMAN. In the opinion of the Chair it will be in order when the bill is first read. There being no objection, the formal reading of the bill is dispensed with.

Mr. WILLIS. Mr. Chairman, our committee——

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] has been recognized.

Mr. WHITE, of Kentucky. Before the reading of this bill is dispensed with, I desire to inquire whether the bill as it lies on our desks is in perfect accordance with the views of the committee or whether there are amendments reserved by the committee?

The CHAIRMAN. That is a question about which the Chair has no information.

Mr. WHITE, of Kentucky. Then I call for the reading of the bill.

Mr. WILLIS. I will say to the gentleman that I know of no amendments in the hands of the committee.

The CHAIRMAN. The formal reading of the bill has been dispensed with by unanimous consent.

Mr. WHITE, of Kentucky. Mr. Chairman, I insist that I have risen in time to ask for the reading of the bill. I have no objection to dispense with the first reading of the bill if the committee will assure us that we have the real bill in our hands; but if this is not the committee's bill, then I call for the reading.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] can probably ascertain what he desires to know if he will ask some one who does know. For instance, the gentleman from Kentucky [Mr. WILLIS] can probably give him the information.

Mr. WILLIS. Mr. Chairman, I do not know what the gentleman [Mr. WHITE] has in his hands, but if he has House bill 8130 he has the river and harbor bill, and there are no amendments of the committee that I know of.

The CHAIRMAN. Is the answer of his colleague satisfactory to the gentleman from Kentucky [Mr. WHITE]?

Mr. WHITE. If I understand my colleague, he says that the bill of the House No. 8130 is the report of the committee. What I ask is: Is this a perfect bill, entirely satisfactory to the committee, or do they hold in reserve certain amendments? If they do, I shall ask for the reading of the bill.

Mr. WILLIS. I state, Mr. Chairman, that this is the bill which the committee propose to press for consideration and adoption, and there are no amendments that I recall which the committee have or propose to offer to the House; there is nothing behind.

Mr. WHITE, of Kentucky. Then I do not insist upon the readings, but I was told that this was not the bill.

Mr. WILLIS. Mr. Chairman, with the permission now of the House, and of each and every member of it, I will make a few suggestions in regard to the bill which the Committee on Rivers and Harbors have instructed me to report. Our committee fully realize the fact that we are in the closing hours of this Congress, and it is not the desire of the committee—certainly it is not the desire of myself—to do more at present than to call attention to the leading features and recommendations of this bill.

As the Committee of the Whole are aware, it is made the duty of the Secretary of War to submit every year estimates as to river and harbor improvements, and, among other things, he is required to state what amount can be "profitably expended" during the fiscal year. In pursuance of the law he has reported to the House and to the Committee on Rivers and Harbors (representing the House in these matters) that his estimates for the fiscal year ending June 30, 1886, are $34,507,630. Of this amount our committee has allowed the sum of $12,323,700; which, after deducting certain matters that were not estimated for, is about one-third of the official estimates. This amount, $12,323,700, it is hoped will not be deemed excessive as compared with $12,069,000, the amount of the bill as it passed the House last session, and $18,743,875, the amount of the last bill prior to that.

The principal items of the present bill are as follows:

One hundred and forty-two rivers, aggregating the sum of $7,600,600; one hundred and two harbors, $3,368,600; four breakwaters, $160,000; seven channels and inlets, $321,500; four harbors of refuge, $152,000; three ice-harbors, $23,000; for snagging and wrecking purposes, $177,000; one dry-dock, $65,000; one canal, $300,000; gauging waters, $6,000; examination surveys and contingencies, $100,000; expenses of the board to be known as the United States harbor board, $50,000; making, as I have said, an aggregate sum of $12,323,700 as the total amount recommended in the bill.

Of the items contained in the Book of Estimates one hundred and forty have been rejected by the committee. Two or three new works have been recommended. One of these is the "construction of the canal from the Illinois River, near the town of Hennepin, to the Mississippi River, at or below Rock Island." For the beginning of the work the sum of $300,000 is recommended.

Another new work inaugurated by this bill is the improvement of the harbor of Galveston upon plans, specifications, and estimates to be submitted by Capt. James B. Eads, and for which an initial appropriation of $750,000 is recommended by a majority of the committee.

In the last bill an appropriation of $100,000 was made for a national harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, but before any money could be expended, it was provided in the bill that a board of three engineers should be appointed by the Secretary of War, who should decide that this point was the best location on the coast between Boston and Portland for such a harbor. That commission has made a report to the present Congress; and upon it an additional appropriation of $100,000 has been asked and allowed by the committee.

The commission in their report estimate that this work, if carried out, will cost in the neighborhood of $8,000,000 for its construction; $2,000,000 for its defense, if it be made a harbor of defense; and half a million dollars for lighting—making a total for all these purposes of $10,500,000. It is proper to state that the local engineer immediately in charge makes a much smaller estimate, ranging from five to six million dollars.

MISSISSIPPI RIVER AND ESTIMATES.

The largest appropriation in the bill is for the Mississippi River; the committee have appropriated from its mouth to its source $3,855,000. An itemization of this aggregate sum is as follows:

Reservoirs at headwaters, $35,000.

Saint Paul to Des Moines Rapids, $200,000; Des Moines Rapids (dry-dock) $65,000; Des Moines Rapids to mouth of Illinois River, $300,000.

From mouth of Illinois River to mouth of Ohio River, $400,000; from mouth of Ohio River to mouth of the passes, $2,800,000; removal of snags, wrecks, and other obstructions, $55,000.

Survey of Mississippi, $75,000; operating snagboats on the Upper Mississippi, $5,000.

Examinations and surveys at South Pass, $10,000.

Gauging of the Lower Mississippi, $5,000.

Making, as before stated, a total of $3,855,000. The estimates submitted for the above items were as follows:

Reservoir at headwaters of Mississippi River: Continuing operations	$140,000
Surveys for reservoirs at sources of Mississippi River, and Saint Croix, Chippewa, and Wisconsin Rivers	50,000
Improving Upper Mississippi River: Operating snagboats	60,000
Improving Mississippi River from Saint Paul to Des Moines Rapids, Minnesota, Iowa, Missouri, Illinois, and Wisconsin: Continuing improvement	500,000
Improving Rock Island Rapids, Mississippi River: Continuing improvement	13,000
Improving Des Moines Rapids, Mississippi River, Iowa and Illinois: Completing operations under modified project	91,700
Constructing dry-dock at Des Moines Rapids Canal: completing construction	65,000
Improving Mississippi River from Des Moines Rapids to mouth of Illinois River: Continuing improvement	500,000
Improving Mississippi River between mouths of the Ohio and Illinois Rivers: Continuing improvement	$1,000,000
Improving Mississippi River: Continuing the improvement from Cairo, Ill., to the head of the passes, including the improvement of the Red River at and below the head of the Atchafalaya	7,000,000
Improving Mississippi River above Falls of Saint Anthony: Continuing improvement	10,000
Improving Saint Anthony Falls, Minnesota: Continuing improvement	50,000
Survey of the Mississippi River between the head of the passes and its headwaters: Continuing surveys now in progress, and to make additional surveys and examinations of the river and its tributaries; to make such additional examinations and investigations, topographical, hydrographical, hydrometrical, as are necessary for maturing a plan for permanent improvement of the entire river	100,000
Continuing removal of snags, wrecks, and other obstructions from Mississippi River	170,000

Making a grand total, according to the estimates, of $9,729,700. The committee have therefore allowed about 40 per cent. of the estimates for that river.

APPROPRIATIONS RECOMMENDED FOR OTHER LARGE RIVERS.

In addition to the Mississippi River other great rivers receive the following amounts:

Missouri River, including surveys, snagging, &c., $500,000; Ohio River, $350,000; Tennessee River, including the Muscle Shoals, $350,000; Columbia River, $165,000; Delaware River, $125,000; Illinois River, $100,000; Kentucky River, $200,000; Potomac River, $150,000; James River, $150,000; Great Kanawha River, $175,000; Cape Fear River, $70,500; Red River, $65,000; Saginaw River, $50,000; Monongahela River, $50,000.

Making a total for the above fourteen rivers of $2,500,500. Adding this total to the amount proposed to be expended on the Mississippi River, will give a grand total of $6,445,500.

Mr. HISCOCK. I wish to inquire of the gentleman whether this bill contains the same limitation that has been contained in previous appropriation bills as to the manner in which the money is to be expended upon the Mississippi River.

Mr. WILLIS. The wording of the present bill, as I understand, is substantially the same as the last bill.

Mr. HISCOCK. In the last bill was there a provision that the money appropriated for the Mississippi River should only be expended upon the improvement of the navigation of the river? There was some legislation upon that subject, I believe.

Mr. WILLIS. There was no legislation of that kind in the last river and harbor bill. The gentleman probably has in his mind a resolution offered in the last session touching that question, which was voted down. The last river and harbor bill followed the estimate of the Engineers, and there was no limitation of that character.

Adding to the aggregate of all these fifteen rivers, the improvement of Hay Lake Channel, Michigan, $125,000, and the channel through the Saint John's River, $150,000, we have a total for fifteen rivers and two channels of $6,720,500.

The total amount recommended by the bill for all the rivers included in it, one hundred and forty-two, and seven channels, is $7,922,100. It will thus be seen that the fifteen rivers and two channels which have been named embrace over three-fourths of the amounts recommended for such improvements.

There are in the present bill recommendations for other rivers, as follows: Three at $4,000, twenty at $5,000, six at $6,000 and upward, seven at $7,000, six at $15,000, twelve at $10,000, two at $15,000, two at $17,000, twenty at $20,000 and upward, making seventy-eight rivers, for which the total amount appropriated as recommended is $855,000.

HARBOR ESTIMATES AND APPROPRIATIONS.

Appropriations were asked for in the estimates for five ice-harbors,

four breakwaters, and one hundred and four harbors. The following are the leading appropriations recommended by the committee:

Galveston Harbor, $750,000; Sandy Bay, Massachusetts, $100,000; Cleveland, Ohio, $100,000; New Orleans, $150,000; Charleston, $150,000; Humboldt, Cal., $100,000; Sabine Pass, Texas, $125,000; Mobile, $120,000; Aranzas Pass, $100,000; Savannah, $85,000; Toledo, $82,500; Chicago, $75,000; Milwankee, $75,000; Cumberland Sound, Georgia, $75,000; Buffalo, $75,000; Baltimore, $75,000; Oakland, Cal., $75,000; Oswego, N. Y., $50,000; Boston, $50,000; Newburyport, Mass., $50,000, and Norfolk, $50,000, making a total for twenty-one harbors of $2,512,000, which, as compared with the total recommended for harbors in the bill, is two-thirds of the whole amount.

Mr. HEPBURN. What is your estimate or your idea of the cost of the improvement of Galveston Harbor under the plans which the bill seems to adopt?

Mr. WILLIS. I will state to the gentleman that the only way I can answer his question is by referring to the bill presented for the consideration of our committee, but which was not adopted. That bill called for $7,750,000 as the amount necessary under what is known as the Eads plan for the improvement of that harbor, but the committee have other information from the late Chief of Engineers, who held that this work even according to Captain Eads's plan could be done much lower than that, and they did not take the bill of Captain Eads, but placed the construction of the work under the charge of the Secretary of War, to be done under the plans and estimates to be submitted by Eads. I will state further that according to the report of the Senate, which adopted Captain Eads's plan, $1,500,000 of the total called for in Eads's bill was for contingencies, and deducting this the aggregate amount under the Eads contract would be $6,250,000. If my own opinion were asked I would express it, as drawn from various sources, that this harbor can be improved even on this plan at one-half what the bill calls for, which would be about $4,000,000.

Mr. HEPBURN. What was the plan commended to the committee by persons from that locality most familiar with the subject?

Mr. WILLIS. The bill was of course urged by those who were anxious to secure deep water; but not to the exclusion of the Government, and the committee in its final action has adopted not the Eads bill, but the Eads plan, and have required the Secretary of War on that plan, as cheaply and economically as possible, to improve that harbor.

Mr. HEPBURN. You adopted Eads himself.

Mr. WILLIS. I hope so, to some extent.

Mr. MILLIKEN. Will the gentleman permit me to ask him a question?

Mr. WILLIS. Certainly.

Mr. MILLIKEN. Is the plan of Eads to result in the permanent improvement of the harbor, or does he not say in his plan it will be improved for a certain number of years, after which further appropriations will be required to continue the improvement?

Mr. WILLIS. The only answer I can make to the gentleman is that the committee have required it to be made with a view to the permanent improvement of the harbor. Of course we know no better than the gentleman himself how permanent it will be. All these improvements are hoped to be permanent.

In further answer to the gentleman's question that Captain Eads's plan, as stated by himself to the subcommittee, contemplates the construction of jetties of stone. The jetties now in process of construction there, as I am informed, are made not of stone but of willow and other like materials, and are subject to the depredations of what is known as the teredo, which rapidly destroys them. It is because of the facts disclosed in the report of the Secretary of War, showing the large expenditure heretofore made at Galveston is liable to be lost to the Government through the attacks of these marine insects, that the committee have been largely influenced in its present action. The plan of Captain Eads contemplates, I say again, that the jetties must be constructed of rock and concrete, and therefore will be as permanent as any human works can be made. The bill requires that they shall be equally strong with those at the mouth of the Mississippi River, which are capped now with concrete, and have stood the test of storm and time up to the present moment.

Mr. MILLIKEN. I ask for information whether Captain Eads suggests this appropriation of $1,000,000, more or less—I do not exactly remember the sum—will secure the improvement of the harbor for only about eight or ten years?

Mr. WILLIS. No, sir. The gentleman has in his mind a clause of the bill similar to that of the Eads jetty bill for the mouth of the Mississippi River, requiring him to keep it in good condition for a certain number of years and giving him an annual compensation for so doing; but the committee, believing that the jetties constructed on the plan proposed by him would be permanent, have declined to enter into any such arrangement.

Mr. MILLIKEN. I desire to say that it appeared to me from the information I have gotten upon the subject that it was going to cost about $1,000,000 a year to keep the harbor in the condition in which it is left after the work is completed. I would like to understand if that is correct; if it is believed that it will cost any such sum to keep it open.

Mr. WILLIS. The gentleman is entirely mistaken in that supposition. Nowhere in this bill, or the Eads bill, is there anything of that kind. The bill which is commonly known as the Coke or Eads bill provided that when one foot of depth should have been secured by Captain Eads he should receive the sum of $1,000,000, and probably the gentleman is of the impression that we recommend that bill. If so, he is mistaken.

The bill to which I have referred further provided, on securing thirty feet depth and a certain width, that for the purpose of keeping it in that order the sum of $100,000 a year was to be allowed. But there is nothing of the kind in the bill which we have reported to the House. We have made no contract with Captain Eads except for his services as advisory engineer.

Mr. MILLIKEN. But whatever is in the bill reported to the House by the Committee on Rivers and Harbors, the question after all is, if you commence the improvements at all, how much they are going to cost in order to finish them, and how long they are going to remain in good condition. That is what we want to understand. If we are going to begin a series of improvements at this point which will only last some eight or ten years, then we will be able to estimate the cost per annum.

Mr. WILLIS. I can only answer the gentleman from Maine that the proposed plan is to construct the jetties of concrete and rock. How long such a work will endure of course I can not determine any better than he can; but from the experience of the past we may believe, with all reason, that they will be very permanent in their character. Every gentleman can determine that question for himself.

Mr. MILLIKEN. I am not antagonizing the gentleman's bill.

Mr. WILLIS. Of course, I understand that.

Mr. MILLIKEN. I am only trying to get information.

Mr. BRECKINRIDGE. The best engineers believe that such work as contemplated here will be of a very enduring and permanent character.

Mr. WILLIS. We have endeavored, Mr. Chairman, in this bill to protect the Government in that direction as far as we could by requiring the very best character of work.

I have thus, sir, presented the leading features of the appropriations contained in this bill. There are three or four matters of legislation which will come up for consideration as the bill is read for action under the five-minute rule. One of them contemplates the appointment by the President of a commission, to be known as the "United States Harbor Commission," which commission, however, is of a temporary character, lasting only one year.

The object of the creation of that commission is to examine into the harbors, principally those upon our Southwestern coast, which are in their nature somewhat the same as at Galveston, and to report all of the facts ascertained by them to the next Congress, so that when the next river and harbor bill is framed the House will have the means for an intelligent decision. It was claimed on the one hand and denied on the other that at many points in the United States the jetty improvements were not of a permanent or enduring character, and in this conflict of evidence the committee thought it to be its duty to the House and to the country to provide some method of ascertaining intelligently the facts in connection with each one of the harbors which had been called in question.

Mr. WARNER, of Ohio. Will the gentleman from Kentucky allow me right there?

Mr. WILLIS. Certainly.

Mr. WARNER, of Ohio. I ask him why the duties of this board are limited to the examination of harbors being constructed on the jetty plan or system? Why not extend the duties of the commission to the examination of other works, and generally to the works which have been undertaken by the Government for the improvement of our rivers and harbors?

Mr. WILLIS. The principal reason is that the time allowed the commission, one year, would not warrant the examination of all the harbors in the United States.

Mr. BRECKINRIDGE. Besides that, they are not all called in question.

Mr. WILLIS. They are not in the same position as those harbors with shifting sands in the bottom in the Southwest, like Galveston. There is no complaint against the method of constructing or improving harbors in the Northeast and in the North, where they have solid rock foundations. But the argument has been made in connection with the harbors having these shifting foundations of sand, and the object of this commission is to ascertain the facts and report upon them.

Mr. WARNER, of Ohio. Will the gentleman allow me a moment further? There is a question about the propriety of many of the works for which appropriation is made in this bill. Why limit, then, the observations of this commission to a certain class of work? Why not leave it for them at any rate to judge of the propriety of making recommendations to Congress as to the other works of improvement on rivers and harbors? I think it is a most important commission and I would like to see that plan extended.

Mr. WILLIS. The only reason, as I have said, operating upon the committee was, that they did not believe in the short time allowed for the existence of this commission that they could travel over the whole

United States for this purpose. And besides there were no complaints as to these other points of a character which caused the committee to think it necessary to make investigation. So far as I am personally concerned, as a member of the committee, I would have no objection to an amendment looking to the enlargement of the objects the committee had in view in creating this commission.

Mr. WARNER, of Ohio. I wish to offer an amendment at the proper time to that effect.

Mr. WILLIS. Provided, of course, it does not interfere with the necessary and important work of the commission.

Mr. WARNER, of Ohio. I should not, of course, desire to interfere with what the committee believed to be the principal duty of the commission, as I regard that as most important; but I believe they will have abundant time to examine other works of equally great importance and advise Congress as to the propriety of continuing, increasing, or reducing the appropriations therefor.

Mr. KING. Let me ask the gentleman from Kentucky: Have there been any complaints against the jetty system at the mouth of the Mississippi River?

Mr. WILLIS. I have heard, in response to my friend from Louisiana, of no complaint of the jetties at the mouth of the Mississippi River, nor is this commission, in the discharge of its duties, required to consider the jetties at that point.

The only other material legislation in the bill is the appointment of an advisory engineer, a consulting engineer, on the Mississippi River. The reports of the Mississippi River Commission indicate that as to one class of improvements they were not entirely satisfactory. I refer to the revetment work; and the committee believe it would redound to the interest of the public if some other engineer were to examine into the character of that work and report to the next Congress; and with that view Captain Eads has been recommended for appointment as an advisory engineer.

Mr. Chairman, in conclusion of these very desultory, imperfect, and hurried statements, I desire to say on behalf of the Committee on Rivers and Harbors that they have to the best of their ability applied themselves to the duties devolved upon them by the House. We have been in session over two-thirds of the legislative days; and not only that, but a majority of the committee were in session during the holiday recess. We have carefully examined these reports, and to the best of our judgment and with the fullest information before us we have endeavored within the limits of twelve or thirteen millions to reconcile the conflicting interests that are at stake. We do not disguise from ourselves the fact, however, that our work will not meet with the approval of all the members of this House. But I believe, and the committee believe, that when objection is made to the different improvements or appropriations, and attention has been called in committee to those appropriations, and all the facts are disclosed upon which the committee acted, the judgment of the House will be very charitable toward the action of the committee. We have had no desire to put anything in this bill that ought not to be there. We earnestly hope if there be anything in it that ought not to be there that this Committee of the Whole will strike it out. Our committee very much regret that the necessity for prompt action—this being the short session—has deprived them to a large extent of the advice of gentlemen whose interests were involved. While it was impossible, under the circumstances, to grant a formal hearing to the numerous delegations and gentlemen asking it, the committee gladly received all written communications and availed itself of the facts which they contained, and in this way every improvement desiring it had its day in court. With these brief remarks, and reserving the balance of my time, I now yield the floor.

The CHAIRMAN. The gentleman from Kentucky has twenty-six minutes of his time remaining.

Mr. PRICE. I desire to call the attention of the Committee of the Whole to what appear to me to be some incongruities in this bill in order that they may be corrected. The first thing that strikes my attention that is worthy of consideration is the fact that below the mouth of the Ohio River at Cairo there is provided in this bill an appropriation of $2,810,000 more than is appropriated for the Mississippi River for all points above Cairo. Having some personal knowledge of the navigation of the stream and its various wants, I can only say that in my judgment a larger amount to be expended above and a less amount below would be of more general advantage to the commerce of the entire Mississippi Valley and to the country.

At this point allow me to say one thing that I know will not receive the sanction of this House, and yet it is my deliberate conviction, founded upon extended experience, and that is, that your whole levee system, as advocated by Captain Eads and his engineers, must prove instead of a permanent benefit a lasting damage to the commerce of the river and the advancement of the sections of country on each side of it. The Black River, in the State of Wisconsin, was once dealt with in this way, and its waters were gathered together and concentrated and the volume and flow increased by exactly the same means with the expectation based on the opinions of scientific men that it would by increasing the volume and velocity of current scour the channel and improve the navigation. An official investigation has clearly demonstrated that instead of having that effect this system has had the very opposite effect, and that as we build our dikes on the sides of the stream the bottom rises at the same time.

Mr. BLANCHARD. May I ask the gentleman a question?

Mr. PRICE. Yes, sir.

Mr. BLANCHARD. Is the Black River, of which the gentleman speaks, an alluvial stream?

Mr. PRICE. Yes, sir, near its mouth, and its deposits are precisely the same as the deposits in the Mississippi River.

Mr. KING. Will the gentleman state what is the difference between jetties and levees?

Mr. PRICE. I am not opposing the jetty system. I am speaking of the system of levees for the purpose of concentrating the water in one channel.

Mr. KING. What is the difference between them?

Mr. PRICE. One is on the top of the water, the other is under it. There are differences in other respects. The jetty system is one applied to the outlet of the waters to the Gulf.

Mr. KING. I understand the gentleman is for the principle of concentration.

Mr. PRICE. I have not said anything that can be tortured so as to warrant that conclusion. My conviction is that the object desired can best be arrived at by dividing the waters.

Mr. KING. Your proposition is that by carrying out this system you scatter the water all over the country.

Mr. PRICE. The gentleman has no logical right to say that that is my meaning.

Mr. KING. That is the conclusion to which one is logically brought by the gentleman's remarks.

The CHAIRMAN rapped to order and said: The Chair begs to state to gentlemen that in not addressing the Chair they are not conforming to the rules of the House. The Chair is informed that the violation of this rule confuses the reporter.

Mr. PRICE. I thank the Chair for the suggestion. It may confuse the reporter, but it does not confuse me. I am laying down the general principle, based on an experience of twenty years, that your levee system is a failure. With the levee system one crawfish or muskrat may in twenty-four hours endanger the safety of half a State or an entire State. And that can not be guarded against. History is full of illustrations of what I state. There is one instance, in Holland, where to-day the hulls of steamboats and vessels are floating above the chimneys of farm-houses, and there they are protected not by a wall of gravel, but by one of stone. The River Po furnishes another example.

The inevitable tendency in every case where it has been tried has been to lift the bottom of the stream without lifting the banks. But enough of the levee system. I have another objection to the bill. The objection is based upon the fact that this bill provides for an appropriation of $2,890,000 mainly to build up a diking system, which must prove disastrous; whereas from the expenditure of money on the upper portion of the stream there may be benefits derived infinitely in excess of the results that you can obtain from this expenditure below.

Again, Mr. Chairman, it does not appear to me exactly good policy to put $2,890,000 into an experiment, when every man familiar with the commerce of the upper portion of the stream knows that nothing has ever been expended upon that end of the river for removing bars, for removing snags, for putting in the jetty system for the purpose of concentrating the water and thereby improving the channel at isolated points, but what it has returned benefits worth more than 100 per cent. upon every dollar expended. That has never been the case with expenditures made on the lower part of the river in building levees, and, though I am willing to experiment there, I am not willing to experiment to the extent of $2,890,000 simply upon a plan laid down by some scientific theorist.

Mr. BLANCHARD. Will my friend from Wisconsin [Mr. PRICE] yield for a question?

Mr. PRICE. Yes, sir.

Mr. BLANCHARD. I desire to ask my friend whether there is a single word in this bill which states that this $2,890,000 is to be expended in building levees? I will ask him if the bill does not state that the money is to be expended under the direction of the Secretary of War in accordance with the plans, estimates, specifications, and recommendations of the Mississippi River Commission?

Mr. PRICE. My answer to that is, that the only system that is being pursued under the direction of the Mississippi River Commission and the engineers and the War Department is that of the levee system, and that therefore the appropriation in this bill must inevitably go to improvements upon that system if it is expended at all.

Mr. BLANCHARD. My friend is mistaken in saying that that is the only system adopted by the Mississippi River Commission.

Mr. PRICE. Mr. Chairman, it may be true that the money is not all expended in that way, but I say that nearly all of it is so expended. The jetty system also comes in, I know, for a certain amount of money, in contradistinction to the other system, but nearly all the money goes to the levee system.

Mr. BLANCHARD. The gentleman is again mistaken.

Mr. PRICE. I say, Mr. Chairman, that the jetty system is used to some extent in contradistinction to the other systems, and I suppose

the gentleman from Louisiana [Mr. BLANCHARD] will not contradict that.

Mr. BLANCHARD. No, sir.

Mr. PRICE. But I say that nearly all the money expended on those improvements on the lower end of the river is expended on the levee system.

Mr. BLANCHARD. The gentleman is mistaken.

Mr. PRICE. Will the gentleman from Louisiana pretend to say that it is not nearly all expended on the levee system?

Mr. BLANCHARD. I do say so most emphatically.

Mr. PRICE. Then, if that be so, I do not understand the bill, and I think I do, notwithstanding what the gentleman has said. [Laughter.] Mr. Chairman, I know that my information upon this subject may not be quite accurate, for the reason that for long weeks I tried to get before this committee to tell them what I know on this subject of river improvement, but they drew around them the sacred circle of a transient and somewhat imaginary power and would not let me near them, while at the same time the only member Wisconsin and Minnesota had on the committee lay upon a bed of sickness.

Mr. Chairman, I denounce the levee system as simply a useless expenditure of the public money—I mean the $2,890,000 which is to be expended below Cairo and the main part of which is to be expended in a system which my experience tells me in the face of the theories of scientists will be of little or no use and will not result in any permanent benefit to the commerce of the river or of the country.

Mr. REED, of Maine. That was my idea. [Laughter.]

Mr. PRICE. I am glad the gentleman agrees with me.

Mr. Chairman, I desire to call attention to another thing. I am fighting the bill now generally, but I want to fight it specifically when we come to amendments. The Southern States pay probably about 30 per cent. of the revenue of the Government, but I find that this bill provides for an expenditure in those States of $3,887,900, as against $3,070,000 in the Northern States. Now, sir, that may be right; but as my friend from Kentucky [Mr. WHITE] said the other day, I am a finite being, and I can not see the point.

Mr. HENDERSON, of Iowa. Expended on what?

Mr. PRICE. For improvements. I say that there is to be $3,887,900 expended in the Southern States against $3,070,000 in the Northern States, making a difference of $817,700 in favor of a section that pays perhaps about 30 per cent. of the revenue, and against a section that pays probably the remaining 70 per cent. I can not undertake at this time to be exact as to the figures.

Mr. BOUTELLE. What is the aggregate amount appropriated by the bill?

Mr. PRICE. Eleven million one hundred and twenty-three thousand six hundred dollars.

Mr. HENDERSON, of Iowa. You have accounted for only between $6,000,000 and $7,000,000 in your statement.

Mr. PRICE. Well, I will account for some more of it.

Mr. BURLEIGH. May I ask the gentleman from Wisconsin a simple question?

Mr. PRICE. Certainly.

Mr. BURLEIGH. Does not the gentleman believe that by improving the rivers and harbors of the South we benefit the trade of the North also?

Mr. PRICE. Undoubtedly.

Mr. BURLEIGH. Then the benefits of these appropriations are not confined to any section?

Mr. PRICE. Most undoubtedly they are not. Now, will the gentleman hear my answer? In the statement I have made as to the amounts appropriated for improvements in the South and in the North respectively—$3,887,900 as against $3,070,000—I have not included the appropriations for the Mississippi, for the Missouri, for the Ohio, or for the reservoir system above. I have considered those as great national expenditures for the national benefit. The appropriation for the Mississippi, $3,770,000 in round numbers, is not included in what I have spoken of as the amount appropriated for the Southern States, $3,887,900, or in the $3,070,000 for the Northern States.

Mr. MILLER, of Pennsylvania. Those last two items, as I understand, are for the "runs" and "creeks."

Mr. PRICE. I have no objection to the gentleman understanding it in that way if he desires, but that is not my understanding. The gentleman from Iowa [Mr. HENDERSON] seemed to think that the two amounts which I stated, $3,887,900 and $3,070,000, embraced the whole amount appropriated in the bill. I have here a statement of the amounts appropriated in the bill:

For the Hennepin Canal	$300,000
For the Missouri River	190,000
For the Ohio	350,000
For the reservoir system at the upper end of the rivers	35,000
For the Mississippi River above Cairo	880,000
For the Mississippi River below Cairo	2,890,000

Here you have a difference of $2,010,000 in favor of the Lower Mississippi.

Mr. Chairman, I will not insist upon the exact accuracy of my figures, because my calculations have been made here amid the confusion of the House, but I do say that they are substantially correct—sufficiently so to serve as a basis for my objection to the appropriation of this large amount of money for expenditure at points where I do not believe it will benefit the commerce of the country—I am speaking now of the main river. They are sufficiently correct, too, for me to base my objection upon them to ignoring entirely, in making these appropriations, the question of who gets the money and where it comes from. I am willing to admit that to a certain extent and in certain cases that question ought to be ignored; I would not make it the governing consideration, but at the same time I would consider it in connection with the commercial wants of the several sections of our common country.

There are some of the details of this bill which I would like to see struck out, but I will take occasion to speak of those when we come to consider those particular clauses. I am now speaking generally of the provisions of the bill, and I think I am understood. I do not believe that Congress ought to expend $2,000,000 or any material part thereof upon the system of building dikes along the river. I do not believe as a general principle that we ought to give one section of country a greater proportion of the common funds than it contributes, unless there is some absolute commercial necessity reaching out and covering the whole commerce of the country, and I do not think that exists in the cases to which I now refer. Here is an appropriation of $1,070,000 to Texas alone. To call attention to this is sufficient to raise a doubt as to its propriety. I do not know absolutely that it is not proper, but I have doubt about it and desire to call attention to it.

I would not take the time of the House upon this matter but for the fact that I have taken the trouble to ascertain the amount which this bill gives to each State, and I hold the list in my hand.

A MEMBER. Have it printed.

Mr. PRICE. I will do so, with the statement that I do not guarantee the exact accuracy of my figures. But they are substantially correct—as nearly so as I can make them in the midst of the confusion of this House.

A MEMBER. Read the statement now.

Mr. PRICE. I will do so:

New York	$399,500
New Jersey	137,500
Ohio	240,000
Pennsylvania	117,500
Michigan	476,700
Illinois	221,000
Minnesota	46,500
Wisconsin	208,500
Maine	67,000
Vermont	20,000
New Hampshire	10,000
Massachusetts	246,000
Rhode Island	62,500
Connecticut	138,000
Iowa	5,000
Indiana	57,500
Dakota	12,500
Washington	12,000
Kentucky	331,000
Delaware	118,000
Maryland	87,000
Virginia	280,000
North Carolina	112,000
South Carolina	180,500
Georgia	225,500
Florida	77,500
Alabama	451,500
Louisiana	254,500
Texas	1,070,000

Mr. REED, of Maine. That does not include Galveston Harbor?

Mr. PRICE. It includes $750,000 to commence the work.

Mr. REED, of Maine. It is the initiative of an expenditure of about $8,000,000.

Mr. PRICE. It is so foreshadowed in the report of the committee.

Mississippi	$46,500
California	262,500
Oregon	230,000
District of Columbia	150,000
West Virginia	250,400
Tennessee	311,500
Missouri	9,000
Arkansas	75,000
Hennepin Canal	300,000
Missouri River	190,000
Ohio River	350,000
Reservoirs	35,000
Mississippi River above the mouth of the Ohio	880,000
Mississippi River below the mouth of the Ohio	2,890,000

Or $2,010,000 more than above the mouth.

Southern States as States	$3,887,900
Northern States	3,070,200

I yield ten minutes to the gentleman from Ohio [Mr. EZRA B. TAYLOR] and reserve the balance of my time.

Mr. EZRA B. TAYLOR. Mr. Chairman, for four or five sessions of Congress when bills of this nature were before the committee or the House I have remained silent, and I should remain silent to-day if this bill had not ignored the district which I represent on this floor. [Laughter.] Let not this laugh be a mistaken one; for I say that I rise to-day for the purpose of speaking a word in behalf of the bill, when, if I felt particularly interested, I should remain silent. I represent the most important harbor on Lake Erie, especially outside of Buffalo, a greater

tonnage than is found anywhere else on that lake, a growing harbor, an unfinished harbor, one that has cost comparatively little, and asks but little to finish it. Substantially it has been utterly ignored by this committee; yet I stand here for the purpose of saying a word or two in behalf of this and like bills, because I have never in this House given a vote or uttered a word in behalf of any measure because my people were solely or chiefly interested in it, and I have never given a vote against a bill because my people were not so interested. Upon this principle I acted in voting recently in regard to the interstate commerce bill, in which no people of any other State were more interested, I know, than were the people of Ohio.

Why do I say a word in behalf of this bill or bills of this kind? I do not like all the features of this measure, but I believe there is no such wise expenditure of the public money for the general good as in precisely such bills as this ought to be and substantially is. I have no sympathy with those who, because the works in which their part of the nation is interested have been finished, become indifferent or cool in their support of measures of this kind or oppose further appropriations of this character.

I have no sympathy for people representing large cities and great harbors who have no knowledge of or interest in others of a smaller kind. I believe mistakes have been and are made in bills of this kind by ignoring those harbors and rivers which are called small rivers and harbors. The great harbor and commerce of New York—what would it amount to if there were no smaller rivers, if there were no smaller streams of business to contribute to it? The harbor of Ashtabula, in my district, unknown to most of the people who listen to me on the floor or in the gallery, a harbor that would be classed with creeks and unknown harbors, unknown to me and to some of you until legislation was obtained for it, was unknown at home and useless to the people. Now it is a great harbor.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session, Mr. HAMMOND in the chair.

Mr. EZRA B. TAYLOR. Mr. Chairman, I say before these improvements were begun it was unknown at home. Now it is the great harbor between the Lake Superior iron-ore country and the coal country of Pennsylvania and Ohio, adding to the general interests and commerce of the whole country more in proportion to the number of dollars which have been expended there than any large harbor you could name, New York, or Boston, or Portland, or any other.

And so it is everywhere. It is certainly growing to be a national question to improve such a harbor as this and others which have been named. To-day we do not as formerly decide what is constitutional in this regard by analyzing the water to see whether it be salt or fresh.

Neither have I, Mr. Chairman, any objection to this or any other bill because it appropriates more for some other State than it does for Ohio. I never would dream of asking whether it appropriates more money South than North, more money West than East. Such a consideration would have no right to have a place in my mind at all. The question is whether the proposed appropriation is a proper and a judicious one. If it is, let it be made; if it is not, let it be refused, whether it be in Ohio or in Texas, whether it be Ashtabula Harbor or Galveston.

I have said these words on the spur of the moment, Mr. Chairman, simply because there was an opportunity for me to testify my belief in the wisdom of this kind of appropriation of the people's money for the people's benefit. [Applause.]

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. PRICE] desire to retain the floor?

Mr. PRICE. I promised to yield to a gentleman on this side, but I do not see him in his seat, and therefore I will reserve whatever time I have remaining.

Mr. GIBSON took the floor.

Mr. SPRINGER. I ask the gentleman from West Virginia to allow me in his time to submit an amendment which will be read for information as a part of my remarks, with the notice that I will move it at the proper time when that part of the bill is reached.

Mr. GIBSON. It is due to me as a member of the committee to say that I have not read the amendment and do not know what is in it, and only allow it to be read out of courtesy to a fellow-member.

Mr. SPRINGER. I am only responsible for it myself.

The Clerk read as follows:

Add after line 305 the following:

"*Provided*, That no money shall be paid on account of the appropriation herein for the improvement of the harbor at Galveston, Tex., or for the services of advisory engineers, or for the survey of Galveston Bar and Harbor and adjacent waters, until the persons or corporations owning, using, or controlling the wharf in said harbor shall file with the Secretary of War an agreement in writing, duly executed, to the effect that in consideration of such appropriations as Congress may make for such improvement, the said persons or corporations will hereafter charge only such sums for wharfage dues or storage, or for any services which such persons or corporations may perform as wharf masters, owners, or common carriers as may be just and reasonable, and that Congress may at all times fix or prescribe what rates or charges are just and reasonable."

Mr. GIBSON. Mr. Chairman, it affords me great pleasure to be able to supplement the statement of our chairman with the conclusions arrived at by the committee in its report, which have been the result of earnest, intelligent, and constant labor on their part. The shortness of the session deprived the committee of the opportunity of being advised and enlightened by the members of this House and by the delegations representing the different places to be improved. That increased the labor devolving upon the committee. If, therefore, the committee in arriving at a bill have not been able to do exactly what the members of this House desired, or to do exact justice to every locality in the United States, the committee feels it has the right to appeal to the House for its charitable consideration.

There are other things, though, that I desire now to bring to the attention of the House, and I am precipitated into that line of remark by what has been said by the gentleman from Wisconsin [Mr. PRICE].

It has been alleged this bill was sectional in its features; that it was partisan; that some sections paying less revenue to the Government than others have received greater appropriations. That is true, but the gentleman will remember that, commencing at the city of Washington and going south along the whole line of the Atlantic coast to the extreme point of Texas, there are but two harbors in the United States in which a modern ship can go, while above the whole coast is lined with harbors that need no building up, and which are open and ready for the reception of the commerce of the world. It was therefore unnecessary the amount of appropriation along that coast should equal what was made for the coast south of it.

The same state of affairs, Mr. Chairman, exists upon the Pacific coast. Upon that coast, that long stretch of country, there is not one single solitary harbor in the United States where a first-class vessel, a man-of-war or merchantman, can enter.

Now, the committee felt that it was called upon in the improvement of these harbors to give to the country not only such harbors as are necessary to afford satisfactory and suitable facilities for its local commerce, but at the same time facilities for the entrance of great man-of-war, when we have them, as I hope we will at some early day—facilities where these war vessels can ride safely at anchor, and where they would be ready at all times not only to defend the country from danger, but to go out as couriers upon the high seas for its commerce, or to make aggressive war upon those who interfere with it. Now in relation to the improvement of the Southern harbors I desire to say this: That so far as the committee goes there has been no difference of sentiment or opinion whatever with any member of it, whether he come from one section or the other, with the exception of the propriety of the appropriations or the manner of this application at one solitary point.

Mr. REED, of Maine. That is, I understand the gentleman to say, the members of the committee have agreed generally on the provisions of the bill?

Mr. GIBSON. I say, sir, that within my knowledge there has not been, with the exception of what I will state now, a difference of opinion among the members of the committee as to any harbor for which provision is made in the bill.

Mr. REED, of Maine. The other members of the House have not had any hearing before the committee, have they?

Mr. GIBSON. I stated, and the gentleman from Maine, I should think, must have heard me, that owing to the shortness of the session and the brief time remaining we were deprived of the benefit as well as the pleasure of hearing the views of the various members of the House on the provisions contained in this bill when the committee had it under consideration.

Mr. REED, of Maine. But you agreed among yourselves, I understand.

Mr. GIBSON. Yes, sir; with the exception of the difference which I will now state.

The only difference in the committee in relation to any of the harbors south, and the only trouble, was with reference to the improvements of the harbor at Galveston. There is not a member of the committee or of the House that does not recognize the great national importance of our having some harbors upon our Gulf coast. He may turn to the map of this country, and he will find that the entire commercial dependence of the northwest, the west, and the southwestern country is upon the commercial facilities of some harbor upon that Gulf coast. As it is now, the great cereal products of our northwest country can find no outlet to the markets of the world except they be carried by railroads to our far North Atlantic coast; and I venture to make the assertion that you will find every one of those roads fighting with all of its influence and power the development of the water ways of the South and everywhere else. Now, when we came to the consideration of the proposition for the improvement of this Galveston Harbor, there was, as I have said, a diversity of opinion. The Senate bill known as the "Eads bill" was referred to that committee. That bill upon investigation was found to be wholly faulty, in our judgment, from beginning to end.

It would have given to Galveston, Tex., or the Gulf coast, no military harbor or protection of any kind, and would have opened the public Treasury of this country to the untrammeled energies of one man, and thus tempted him to use that for his own benefit and purposes. I make no reflection whatever, Mr. Chairman, upon that gentleman. I only

speak of what we regarded as a defect in the formation of the Senate bill which precluded the propriety of its adoption by the committee. That bill, we believed, made it possible for the expenditure of $9,000,000, and more than possible that it would have resulted in utter failure to give to Galveston any harbor suitable for its commercial purposes. There were then certain members of the committee who were opposed to that bill, and the only question was, if it was to be improved at all, as to the method to be employed so as to give a suitable water way to the inland country dependent upon Galveston.

There were differences of opinion among the committee as to whether the Government engineers had been successful or not. Some thought that their works had proved to be failures. The subcommittee thought that the results expected had not been reached and could not be reached, unless there was a difference in the amount of appropriation and the mode of its application to the work. Some of that committee were unwilling in making the appropriation for Galveston Harbor to use it as a reflection upon the engineers of the Army. For myself I am free to say now that it would take something more than a one-side statement or a popular clamor to make me believe that the educated, scientific, intelligent, and honorable Engineer Corps of the United States Army is not capable of carrying on its engineering business. But I was not willing to bring my judgment and opinion in conflict with the judgment and opinion of most of the members of the committee or of persons interested there, and however much I might prefer, as an original proposition, some other mode or method, when it was acknowledged on all hands that the work was needed and ought to be done I would not quarrel or quibble about the manner of doing the work, but yielded; and I am here now to advocate the adoption of this or some other plan which will give to Galveston a harbor sufficient for its commerce at the present time as well as its prospective increase.

There are one or two other things in this bill to which I can not subscribe; and I want to give notice now that when we reach the consideration of the bill on page 39, line 933, I shall move to amend by striking out all after the word "commission." What I desire to call attention to now is that it is not only radical legislation, but it is an express provision repealing the whole features of the Mississippi River Commission, condemning all the work that has been done, and putting the Mississippi River in the unlimited and uncontrolled hands of Mr. Eads. I want to call the attention of this committee to the remarkable features of this provision.

After going on and saying that this money shall be expended and the work carried on by the Secretary of War in pursuance of the recommendations of the Mississippi River Commission, the bill says:

As approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position.

Now, in the first place, if it was right that the Mississippi River Commission should be abolished, it is fundamentally wrong that this body should undertake to dictate to the Executive of this Government whom it shall appoint to execute the laws which Congress has passed. It is unconstitutional in every feature of it; to speak in the plainest terms, it would be an impudent recommendation to the Executive, an equal branch of this Government; and I have no hesitation in saying to the friends of this bill that I believe that it would bring an executive veto on the whole of it, as it ought to do.

Mr. WHITE, of Kentucky. Will the gentleman from West Virginia yield to me for a question?

Mr. GIBSON. Yes, sir.

Mr. WHITE, of Kentucky. I desire to ask the gentleman whether in the preparation of this bill the committee were governed for the most part by the report of the Chief of Engineers.

Mr. GIBSON. I will say to the gentleman from Kentucky that that committee got all the light it could from the Chief of Engineers and all the light it could from personal knowledge of the points to be improved and all the light it could from information from anybody who knew anything about the matter before us.

Mr. WHITE, of Kentucky. The point to which I wish to call the attention of the gentleman from West Virginia is whether in adopting this proposition as to the appointment of Captain Eads he could say the committee had no regard for the report or the opinion or the manner of proceeding adopted heretofore by the engineers.

Mr. GIBSON. I will come to that presently. Passing over the constitutional objection to this bill, which undertakes to interfere with the Executive by an uncalled-for, unusual, I might say unheard-of, recommendation by Congress on this subject, I come to the other point, as to the policy of adopting it if it were constitutional.

It will be remembered, Mr. Chairman, that this Mississippi River Commission, after thorough discussion by successive Congresses, after the subject had been considered and acted upon by every branch of this Government, was appointed, and not only so, but that it was appointed with a knowledge that a particular plan was to be carried out by them, and with something like a definite idea of what was to be the ultimate cost.

That commission is composed of seven gentlemen, all of whom are engineers except one, and that one is a lawyer. For what reason they put a lawyer on that commission I know not. But he has been put there; and only being one of seven, he is not strong enough to do much harm. But they have upon that commission six engineers, four of whom are Army engineers and two of whom are civil engineers. They were all selected on account of their supposed skill and knowledge. They have for several years been making themselves practically acquainted with all the points that were to be improved. They have started out with a comprehensive and consecutive system of improvement; and now, after we have appropriated several millions of dollars, the committee ask us to appropriate $3,000,000, and in the same breath condemn as utterly incompetent the commission that is there to carry on this work. I deny that that commission is incompetent; but there is some other reason why Mr. Eads is to be put there in charge of this work and why nothing can be done unless he approves of it. I call the attention of the House to the fact that it was only a few years ago that Mr. Eads submitted a plan for the improvement of the Mississippi River, and that plan was at an estimated cost of over $100,000,000.

Mr. BRECKINRIDGE. Will the gentleman cite his authority for that statement?

Mr. GIBSON. Mr. Eads made no report to Congress nor to any officer of this Government, because he was not an officer of the Government and had no right to make such a report. But every gentleman in this House who has looked into the matter knows that it is a fact.

Mr. BRECKINRIDGE. I do not.

Mr. GIBSON. All I can say to the gentleman from Arkansas is that he did not take the same pains to get acquainted with the facts at that time as he has done since; for if he had done so I am sure the energy he has devoted to the study of the matter would have informed him of the character of that proposition.

Mr. BLANCHARD. Will the gentleman from West Virginia give his authority for that statement?

Mr. WHITE, of Kentucky. Will the gentleman allow me? It is the substance of a report of Mr. Eads before the committee in 1882.

Mr. BLANCHARD. Is it there you get that information?

Mr. GIBSON. I will answer that. The gentleman asks my authority. I will tell him it was the common, accepted, and undenied statement of the newspapers of the day; and I will venture to say that some of the knowledge we get out of the newspapers on this subject has been as useful to this committee and to this House as much that we get from some other sources. For one I am ready not only to accept, but to express my appreciation of, the education that we get from first-class newspapers upon general subjects.

Now, I want to say it has been an acknowledged fact that the plan of Mr. Eads contemplated an expenditure of $100,000,000 from the mouth of the Mississippi up to Cairo, and now with the report of the commission adopted by Congress we are asked to set aside that commission and turn over all that magnificent stream of water, with all its tributaries and commerce, to the unlimited control of one man, and he not even under the obligation of an oath or a bond. I, for one, am opposed to it, and I will protest against it as the surrender of great national rights to one man. I am not ready to become a hero worshiper. I am ready to acknowledge that Mr. Eads is a great man. I am ready to acknowledge that he understands engineering much better than I could comprehend it. But I am here to say that there are other men in these United States and other men who are part of this Government who have some rights and some intelligence; and I do not propose to insult the whole Engineer Corps of this country by putting my condemnation upon a great project that has been carried on simply that Mr. Eads may get in control of it.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman fron West Virginia yield?

Mr. GIBSON. Yes, sir.

Mr. BROWN, of Pennsylvania. Will the gentleman from West Virginia please inform the House how much is appropriated by the terms of this bill as a salary to Captain Eads? I notice $3,500 mentioned in one place and $3,000 in another, with an additional bonus in case of success.

Mr. GIBSON. It is not fair to other projects to undertake to bring them into discussion in this connection. But I will say that if Mr. Eads gets the water that we ask him to get at Galveston he will be richly entitled to every solitary cent he will get by the terms of this bill. And if the Government can by purchase of superior skill make a great national harbor at Galveston, it would get it cheaply by the expenditure of double the money we propose to pay him. But I will answer the question of the gentleman from Pennsylvania. Should Captain Eads succeed at Galveston he will probably get from $60,000 to $75,000 in the shape of salary and percentage upon the increase of water.

Mr. STEELE. Does he not get that whether he succeeds or not?

Mr. GIBSON. No, sir; he gets $5,000 salary per annum and then $3,000 for each additional foot of water to a channel depth of thirty feet, and he does not get any of the percentage until he has secured twenty-five feet of water there. There is no trouble about the payment of Mr. Eads there. If you decide you want a national harbor there is no trouble about the amount he gets for it.

But when you come to the Mississippi River you undertake to throw away the Mississippi River Commission you have got; you condemn a plan you have been operating for years; and you allow one man to go there and carry on this work according to his own plan, and that of nobody else, at an expenditure probably of a hundred million dollars. I want to submit this consideration to the friends of the Mississippi River, and I have as much interest in it as any one living on its banks; perhaps more so than those who have not so far to go to the seacoast as I have, and whose constituents are not so much interested in the question as mine are. We want to see that river improved and made navigable as far as possible and as it ought to be as a great national highway. But we do not want to see the great commercial interest overloaded and destroyed by injudicious and hurtful legislation.

There are some other features in this bill to which I desire to call the attention of the Committee of the Whole. There is notably one other, the Sandy Bay project. That, Mr. Chairman, is a harbor or project that does not address itself directly to the commercial development of the country or to the national defense. It can be in no sense a harbor of refuge such as is known by that name among European nations. There they undertake to specify as harbors of refuge such harbors as are used for gathering in their navy. They do not undertake to build harbors of refuge for merchantmen or for a mercantile navy. Those are not what are spoken of in European terms as harbors of refuge. Therefore, when gentlemen speak of European nations expending such enormous amounts of money for harbors of refuge, they fail to remember those harbors of refuge are great bulwarks of national defense.

Now, if we build a harbor of refuge at Sandy Bay, what have we accomplished? The report of the engineer shows you that it will cost from four to eight million dollars; and when it has been built it will be like the Arkansas man's house—it will be of no account when it rains, and when it is not raining he will not need any roof. The engineer reports that when the weather is bad merchantmen can not get into that harbor for refuge, and when it is good of course they will not need it. In addition to that we have the fact that all along that coast there are spacious harbors. You can not travel fifty, forty, or even thirty miles along the coast without finding some magnificent natural harbor where the commerce of the world might find refuge from storms and rest in safety and tranquillity.

A MEMBER. Where is that?

Mr. GIBSON. In Massachusetts. I am talking now about Sandy Bay, in Massachusetts. Why should Congress consent to the expenditure of from five to eight million dollars there when it will not add one solitary ship to our mercantile marine nor open up one single foot of land to foreign commerce? The expenditure of money for foreign commerce ought to be but for one great purpose. Every expenditure that this country can make to aid in the clearing up of a field or in carrying into the markets of the world, either at home or abroad, any of the natural products of our soil or any of the artificial products of our skill, commends itself to us, for the money so expended is wisely expended. We have recommended appropriations for the improvement of numbers of small streams and harbors, and why? Because the commerce of this country must be made up of the driblets that come from the interior. New York city has no commerce. With all its houses and all its wealth it does not make a solitary grain of corn or wheat, nor grow a stick of timber, nor dig from its soil a solitary particle of ore. Only after the wealth of the country is brought to New York can she handle it and carry it into the markets, and all the money of the world spent in the harbor of New York would not add to the development of this country unless at the same time we were to expend equivalent or adequate amounts in opening up the channels of trade between New York and the interior. For this reason the committee has thought it proper to recommend the improvement of these small streams. We have looked upon them as so many springs or fountains from which are made up the great rivers of trade and commerce which, in co-operation with the labor of the country, create its wealth. And not only this, sir, but we viewed them in another aspect.

A distinguished gentleman from New York stated upon this floor the other day that it was idle for this country to make treaties, reciprocal or of any other kind, because there were no markets into which we could go, because we could make nothing that we could sell in competition with the other manufacturing peoples of the world. Now, sir, the object of this committee has been to open up the water ways of the country and give the people cheap transportation. We wanted to some extent to break loose our internal commerce from the merciless hands of the railroad corporations, that are felt not only throughout the country but in this House. We thought that if we could open up all these channels of commerce and make the rivers free, so that the wealth created by the people in the interior could get out to the ocean, our people might then be able to manufacture and sell in competition with the people of other countries, and thus might be able to give employment to our starving poor, and peace, comfort, and prosperity to the industrious in our midst.

There are numerous other projects provided for in this bill which I think will commend themselves to the favor of this committee and of the House. I am here to commend the general features of the bill, to commend its purpose, to commend the good faith and the honest efforts of the committee in preparing the bill; and while I have felt called upon to make some objection to some of its features, I have done so, I hope, with good feeling and in a spirit of fairness.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. GIBSON. Yes, sir.

Mr. WHITE, of Kentucky. The chairman of the Committee on Rivers and Harbors has stated to the House that in this bill there were one hundred and forty-two rivers appropriated for, but he also stated that there were one hundred and forty rivers for which recommendations had been made in the Engineer's report, but for which no appropriations had been recommended in this bill.

Mr. WILLIS. One hundred and forty items, I said.

Mr. WHITE, of Kentucky. Will the gentlemen of the committee explain to us how they came to such a conclusion?

Mr. GIBSON. Why, sir, we came to that conclusion as any other gentlemen called upon to consult facts and to decide a case would come to a conclusion. We came to that conclusion because we did not conceive that the facts warranted us in recommending any additional appropriations.

Mr. WHITE, of Kentucky. Did the committee hear the views of any members of this House?

Mr. GIBSON. Why, my dear sir, if we had undertaken to hear some members of the House we never would have reported the bill at all. [Laughter.] I want to call the attention of gentlemen again to the fact that they ought not to complain of the committee because it did not hear them all. But I was going to say, Mr. Chairman, when I was interrupted, that, not feeling very strong to-day, if the House will permit me to reserve the balance of my time I shall be glad to do so.

Mr. Chairman, I desire to reserve the remainder of my time. How much have I left?

The CHAIRMAN. Twenty-two minutes.

Mr. REAGAN obtained the floor.

Mr. GUENTHER. I desire to put a question to the gentleman from West Virginia [Mr. GIBSON].

Mr. REAGAN. I can not yield.

The CHAIRMAN. The gentleman from Texas will proceed.

Mr. REAGAN. Mr. Chairman, I shall not detain the House long in making some remarks which it seems to me proper should be made this evening. There is in this bill a provision making an appropriation of $750,000 for improving the harbor at Galveston, Tex. It is manifest from suggestions which have been made on this floor since this bill has been up for consideration that there is a disposition to object to the amount of this appropriation. If the appropriation concerned only the city of Galveston there might perhaps be foundation for that objection. But I desire to call the attention of the House to some of the considerations which appear to me to justify and make necessary appropriations sufficient to secure a deep inlet to the harbor at that point.

The conformation of the country places Galveston far back from the general range of the coast line—eight hundred miles west of the island of Cuba, four hundred miles west of the mouth of the Mississippi, so that if you draw the radius from Galveston for a thousand miles and from New York for a thousand the lines will cross each other in Southeastern Minnesota.

I trust the House will bear in mind that when we speak for this appropriation we are not speaking merely for Galveston or for Texas, but we are speaking for a territory as large as that embraced in the original thirteen States. We are speaking for a population which at present is larger than was the population of the United States at the time of the Revolution. We are speaking for a people who can only reach the markets of the world and the great markets of our own country through shallow harbors by light-draught vessels or by rail. We need this harbor to accommodate the commerce and business of this large extent of country to which I have called attention.

I wish to refer briefly to a few facts presented in a report of Mr. Nimmo, the Chief of the Bureau of Statistics. Texas is a new State, and for that reason may be regarded as not of very much consequence. Being but one State, it may be considered as a State like Delaware or Rhode Island; yet its territory would make twenty-eight States like Massachusetts. Its capacity for sustaining population and producing wealth is very nearly or quite equal to a corresponding amount of territory in other parts of the country. Its population, according to the report of Mr. Nimmo, made last spring, amounts to 2,150,000. I am speaking now of the State of Texas.

According to the report of Mr. Nimmo, Texas is the largest cotton-producing State in the Union, having produced in 1883 1,138,420 bales of cotton. The next State in respect to the production of cotton was Mississippi, with 933,230 bales. Texas is also the largest cattle-producing State in the Union. Its cattle, according to this report, numbered in the year named to 4,377,760. The next State in respect to the production of cattle is Iowa, with 1,955,610. Texas is also the largest sheep-producing and wool-growing State of the Union, the number of sheep in the year 1883 having been, according to this report, 7,607,[illegible];

the next State in this respect being Ohio, with something over 5,000,000. In respect to these great branches of production Texas stands at the head.

Now, when gentlemen undertake to criticise appropriations for the improvement of harbors on the coast of Texas and contrast them with appropriations for other States, they should bear in mind that Texas fronts not less than four hundred miles on the Gulf, and that in point of territory it is as large as the six New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and part of Indiana. So that because Texas is but a single State it should not be argued that it must be put on a par with some other State so small that it may take forty such States to make one equal in area to Texas.

Upon another point I desire to say a word. The gentleman from Wisconsin [Mr. PRICE] in speaking about appropriations of this kind drew a contrast between the appropriations for different States. Is that the rule by which we are to be governed? Is it the object of the bill reported by this committee after so much labor and care and painstaking to distribute a given amount of money among the several States, or is it the object to improve the navigation of this country and furnish facilities for its commerce?

If the latter be the object, then, as stated by the gentleman from West Virginia [Mr. GIBSON], you will find, commencing at the northeastern border of our country and coming to Norfolk, for the most part deep natural harbors adapted to the accommodation of the commerce of the country. Yet, notwithstanding this, it will be found, according to a statement made at the last session of Congress by the chairman of the Committee on Rivers and Habors [Mr. WILLIS], that the total amount appropriated to New York for the improvement of navigation from the beginning of the Government to June 30, 1882, was $10,237,611. I simply call attention to this fact; I do not complain of it, for I suppose these expenditures have been for the benefit of the commerce of the country.

If the object is to improve the navigation of the country, to furnish facilities for its commerce, the money appropriated to this purpose should be expended where that purpose can be carried out. If you commence with the Norfolk Pass around Cape Sable to the mouth of the Mississippi and the mouth of the Rio Grande, there are, with three or four exceptions, none except third-class harbors—none accommodating vessels of over fourteen feet draught.

The entrance to these harbors is in most cases interrupted by bars and shoals in their front. The object of the appropriations by the Government is to execute plans for deepening channels over these bars into the harbors so as to accommodate the commerce of the country.

And here, sir, I desire to call attention to another thing. It seems to me in this House it has escaped the observation and reflection of members that the improvement of the commerce of the country, the improvement of the commercial facilities of the country, is not merely for the benefit of the locality where the improvements are made, but that as you improve the water ways you increase the commercial facilities, that by deepening the harbors and improving them you augment the general body of the commerce of the country; and I wish to say to my friends from New York, from Boston, from Philadelphia, and from Baltimore that if they desire commercial intercourse with our own country they should secure harbors at other commercial centers which would accommodate vessels as large as those which enter their own ports. If they do this they will secure enlargement and extension of their commerce. They can not, as was suggested by one of the gentlemen who spoke this evening, improve their commerce by improving their own ports and making deep water there and refusing to improve harbors and rivers elsewhere. That is not the way to do it.

I would say to gentlemen from New York that if they desire still further increase of commerce for that great city they ought to feel an interest in the improvement of navigation of every river and in deepening the water and the navigation of every harbor in this country. For wherever we augment the commerce of the country, wherever we build it up, that being the great commercial emporium of the country, its commercial capital, its banking capital, its railroad capital, where the capital of the country for various purposes is centered, its commerce will be improved of necessity by the general aggregate of commerce created by furnishing the necessary facilities to that commerce in all the ports of the country. And it is narrow, it is selfish, it is unjust, it is an unpatriotic view to refuse to extend commercial facilities to the balance of the country in order to build up the very commerce it is to their interest to build up.

Reference to the map, Mr. Chairman, will show that if we can have a deep entrance to the harbor at Galveston—a harbor of thirty feet depth—we will have a harbor that will accommodate the trade and commerce of the states of Northern Mexico. We will have a port that will accommodate Arizona, New Mexico, and the overland commerce of California, which is beginning to be very great. As one of the first wheat-producing States in the Union, as one of the first wool-growing States in the Union, and as the great vine-growing and wine-producing State in the Union, it is of great moment that its commodities should be brought within easy reach of the markets of the Atlantic coast. If you desire to do this to avoid long overland transportation on the one hand, or long ocean transportation around Cape Horn on the other, reference to the map will show you that you can do that best by making the short overland route that reaches from California to the Gulf of Mexico. Reference to the map will show you when you start from New York to California and get to Galveston you are half way to California.

A few years ago Mr. Huntington, in speculating on the result of the completion of the Southern Pacific Railroad from California to Galveston, estimated the number of thousands of tons of wheat that could and would be carried over that road as soon as they could reach deep water there. We shall not only benefit the present and prospective business of Texas, but command the commerce of Northern Mexico and give value to the commerce of Arizona, New Mexico, California, Nevada, and Utah, and coming farther east, this would be the nearest port to that rich and extensive tract of country called the Indian Territory. It would be the nearest port to the great grain-growing State of Kansas, now, perhaps, the first corn-producing State in the Union. While I have not myself made an examination, I heard a Senator, distinguished for his accuracy, recently state that with a deep-water harbor at that point the cost of shipment of corn to the markets of the world would be reduced 8 cents a bushel; and if that were so it would be a saving on the present year's crop of corn in Kansas greater than the cost of deepening the water in that harbor to thirty feet.

Mr. PETERS. Kansas is also the first wheat-producing State this year.

Mr. REAGAN. It has become the great grain-growing State of the southwestern part of the Union.

Mr. BROWNE, of Indiana. It is not a question with me as to the propriety of deepening the harbor at Galveston, but, from my knowledge of the past, whether it is possible to deepen it.

Mr. WHITE, of Kentucky. Has not the money spent there heretofore been wasted?

Mr. REAGAN. I will not undertake to make as full an answer to that question as the gentlemen who are on the committee will be able to do.

Mr. LONG. I hope the gentleman will yield to a motion to rise, and finish his speech in the morning.

Mr. REAGAN. No, I will not take up much time, and would rather finish what I have to say this evening. In addition to these countries which I have already mentioned, I might also include Western Arkansas, Western Missouri, Colorada, and Nebraska, whose interests are largely in favor of developing and improving the Galveston Harbor, through which they would find their nearest outlet to the ocean.

I understand the suggestion of the gentleman from Indiana. He has considered this question, and is prepared to deal properly with it in the light of the facts I have stated. But it may be that there are other members who have not taken the trouble to look into the facts and see the necessity for the construction of a great harbor in that indentation made by the Gulf of Mexico extending so far into the interior of the country. But in relation to the expenditure of money on Galveston Harbor, it is true that a million and a half of dollars have been expended from first to last, and there is but little difference in the condition of the harbor now and when the expenditure was commenced.

Now as to the question of the possibility of improving the harbor. Not being an engineer I can not speak on the basis of personal knowledge. But Captain Eads proposed for $7,750,000 to make an inlet into that harbor of thirty feet in depth, and to make his compensation dependent upon the successful prosecution of the work—that is, the obtaining of that depth of water—so that if he failed, however much money he might spend in the enterprise, he was to receive nothing for it. The committee have not seen proper to adopt that proposition, and I have no complaint of them for not doing so, for I understand the difficulties of the problems they had to encounter in their great work for the benefit of all parts of this country, and cheerfully accept the results of their labor.

Mr. WARNER, of Ohio. Just in this connection I hope the gentleman from Texas will permit me to ask him a question. Do I understand that Captain Eads proposes to construct a harbor with a channel of thirty feet depth at Galveston and agrees to take his pay after he has completed his work?

Mr. REAGAN. No, sir; his proposition contemplated that he was to be paid as the work progresses and a final payment on the completion of it. He was to be paid, according to his proposition, foot by foot as he increased the depth of water, but he was to get nothing at all until the depth of water was obtained. The water was to come before he was paid a cent.

Mr. WARNER, of Ohio. He was to get his pay for each foot of water as the water came?

Mr. REAGAN. Yes, sir.

Mr. WARNER, of Ohio. Is there anything in this proposition which would prevent him from abandoning the project altogether after he had obtained, say, five or six feet of water?

Mr. MILLS. That proposition is not embodied in this bill.

Mr. REAGAN. No; the committee have not adopted the proposition of Captain Eads.

I entered upon the discussion of this point to show to the committee that in the mind of this great engineer the harbor is capable of improvement in the manner suggested, and that he who had built the bridge across the Mississippi River at Saint Louis, who deepened the mouth of the Mississippi from eight to thirty feet, he who has been consulted by the greatest governments on earth as the leading engineer of the day on works of engineering importance, who designed the plan for the ship-railway across the Isthmus of Tehuantepec, and who stands to-day undoubtedly in my judgment at the head of the engineers of the world, was willing to undertake the work. He says that the work is practicable, and speaks with the utmost confidence of his ability to get thirty feet depth of water.

The guarantee of such a man as to the success of the enterprise, a man whose performances stand pre-eminent in the engineering skill of the world, with a reputation that is now world-wide, must be worth something in the minds of thoughtful men, because he proposes to stake that reputation upon the result of his judgment as to the work in Galveston Harbor. It seems, sir, that that guarantee, with the amount of money he would have had to risk, should carry responsibility and weight with it as to the advisability and the practicability of making it a suitable harbor for the commerce of the country to which I have referred.

Mr. GIBSON. If the gentleman from Texas will allow a suggestion I would say there is no doubt in the minds of any of the engineers as to the advisability of getting deep water there; and the only doubt is as to whether his project would not give too much water at Galveston.

Mr. WARNER, of Ohio. That is one of the principal points to which I wish to call the attention of the gentleman from Texas.

Mr. REAGAN. I will answer the gentleman from Ohio after a while.

Mr. Chairman, for eleven years this Congress has been most liberal in its appropriations for the harbor of Galveston. It has required the expenditures there to be made under the direction of the Engineer Corps of the United States. It has expended in attempting the prosecution of that work about a million and a half of dollars. That money has been expended and substantially no progress has been made. The interests of our country are so great and the needs of commerce of this immense region to which I have referred are so pressing, the interests at stake are so vast, that we seek now to have something done that is practicable, and that will be a success in the minds of men capable of deciding.

Mr. WARNER, of Ohio. I hope the gentleman will permit me to interrupt him a moment to ask whether this plan of Captain Eads has the approval of the Chief Engineer of the United States Army and the United States engineers generally. I would like to know this as a matter of information.

Mr. REAGAN. Mr. Chairman, the plan of Captain Eads has not been submitted to them for their approval; nor was the plan for deepening the mouth of the Mississippi submitted to them. It was done in spite of all that they could do to prevent it.

Mr. LEWIS. That is true.

Mr. REAGAN. It was done in spite of their declarations that it could not be done. It is simply because Captain Eads has succeeded against their judgment in that great work, because of his success in other great works, that we choose to appeal to Congress to allow him to do for us what he has done for the Mississippi.

But I desire now, Mr. Chairman, to fortify what I have said about the extent of region to be benefited by this great work by reading a paragraph or two from the report of Mr. Nimmo, submitted to the last Congress. He states, under the heading of

COMPARATIVE EXTENT AND IMPORTANCE OF THE AREA OF COUNTRY WHICH MAY BE SUBSERVED BY THE PORT OF GALVESTON:

The entire territory of which Galveston would become the nearest and most accessible first-class seaport, namely, the States of Texas, Kansas, and Colorado, the Indian Territory, and the Territories of New Mexico and Arizona, with parts of contiguous States and Territories, has an area of about 797,000 square miles. In that calculation California is left out. This is equal to the aggregate area of the New England States, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, North Carolina, Kentucky, Tennessee, Iowa, Minnesota, Nebraska, the aggregate population of which States in the year 1880 was 35,756,780, as against a population of only about 3,000,000 within the area referred to, as being embraced within the range of the commercial enterprise of Galveston, under the favoring condition of a first-class harbor.

The area of which Galveston would thus become the nearest and most accessible seaport is also equal to the aggregate area of Great Britain and Ireland, France, Spain, Italy, and the German Empire, the total population of which countries is about 163,000,000, and is fully equal to those countries in the extent of land susceptible to culture, in fertility of soil, and in all the capabilities of material prosperity. Attention is invited to Inclosure E, the same being statements furnished to this office by the Chief Signal Officer of the United States Army, showing the mean annual precipitation throughout the area mentioned as being naturally tributary to the commerce of Galveston. The comparison as to rainfall in this area and in the countries of Europe above referred to is quite favorable to the former. These facts suggest the possibility of an enormous increase of wealth and of population within this area described as being within the range of the commercial activities of Galveston. Evidently the present development of the resources of the State of Texas and of its neighboring States and Territories are to the possibilities of such development but as a beginning. The proposed improvement of Galveston Harbor has therefore a prospective importance vastly exceeding its value to interests which would thereby be subserved at the present time.

Another feature of the case which I wish to present—perhaps it is the only one I shall present this evening—is that not only is this vast region of country described in the extract which I have just read interested in the improvement of the harbor of Galveston, but all the remainder of the country is interested also. We put into the markets of the world more than half a million of beef cattle annually. With this deep-water outlet these cattle may be sent in ships, either alive or dressed, to the great markets of the country, to supply the teeming millions of our people in the East, Northeast, and the North. The people of those portions of the country are interested in getting cheap meats, and we are prepared to give them cheap meats. The laboring poor, to whom meat is a luxury, would thus be blessed by the advantages of cheap and free intercommunication by deep-draught vessels between Galveston and all the ports of the North and East. We could supply them in this way not only with cheap beef, but also with cheap mutton. According to the Bureau of Statistics there are 7,000,000 sheep in that region now, and the country has capacity for their indefinite increase.

Mr. HISCOCK. Will the gentleman from Texas allow me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. HISCOCK. Does the gentleman think that any part of the meat could be transported by water?

Mr. REAGAN. I can only answer the gentleman by saying that thousands and tens of thousands of our cattle are transported now by water in light-draught vessels. That was for some time our means of getting them to the markets of the world. More recently we have been driving our cattle northward, feeding them for a time by the way, and then driving them eastward to supply the people with meat. But it has been stated that those cattle, in being driven through the country at certain seasons of the year, communicated to other cattle a disease which they do not have themselves, and our neighboring State of Kansas, for the purpose of protecting her cattle against this, is adopting such legal means as will probably prevent the driving of our cattle through that portion of the country. Missouri, too, attempted to do the same thing in another form by a law which was declared unconstitutional simply because it was not directed against diseased cattle, but inhibited the passage of all cattle. It has therefore become a serious question whether our people can much longer drive their cattle on through the West onto the plains of Dakota and Montana, where they are fed and fattened and sent to the States east of that region.

In addition to this, as I said in the outset, the region tributary to the harbor of Galveston is the largest cotton-producing region in the world. The manufacturers of cotton goods in the United States and elsewhere are interested in procuring cheaper cotton, in order that they may furnish to the people of the world cheap cotton goods. With deep water in Galveston harbor we can make our freights cheaper; we can cheapen the cost of our cotton to the manufacturers, and thus enable then to cheapen their cotton goods, which the people of this country, and the poor people especially, use so extensively. I mention these things simply as illustrations of what deep-water navigation there will do in improving the commercial facilities of the country generally. As I have said, it will cheapen food, and cheapen the great staple article of cotton and the products made from it, while at the same time it will give a better market to those who produce the cattle, the wool, and the cotton.

Mr. Chairman, I trust that when members come to consider their final action upon this appropriation they will bear in mind the extent of country that is to be benefited by it, the extent of population whose products are to be increased in value, and the extent of the population that is to be benefited by getting cheaper meats, cheaper cotton, and cheaper wool. I trust that they will look over the vast territory embraced within the Union and observe that Galveston stands in the halfway place between the city of New York and the city of San Francisco, and that from the conformation of the Gulf it is projected far back into the interior, and thus made accessible to a vast region and to millions of people.

I have already said that I have no objection to the appropriation in the bill, but it is right that I should accompany that remark with the expression of the wish which lies nearest to the hearts of many thousands, I might say millions, of people, that in providing for this great work an adequate appropriation should be made at once to be expended in successive years as the work progresses; so that there might be no interruption growing out of a failure of appropriations either by accident or otherwise until the completion of the work.

I join my colleagues in bowing to the judgment of the committee as to what is the better plan. We simply ask the House to give us what the committee in its good judgment has determined to be necessary for the beginning of this great work.

Mr. Chairman, how much time have I left?

The CHAIRMAN. Twenty-five minutes.

Mr. REAGAN. I yield the residue of my time to my friend from Texas [Mr. MILLS].

Mr. MILLS took the floor.

Mr. WILLIS. I move that the committee rise.

The CHAIRMAN. Does the gentleman from Texas [Mr. MILLS] desire to occupy his time now?

Mr. MILLS. No, sir; I wish to occupy it to-morrow. I yield for the motion that the committee rise.

Mr. DIBBLE. I ask the gentleman from Kentucky [Mr. WILLIS] to waive his motion for a moment in order that I may ask to have

printed in the RECORD a letter of General Gillmore concerning the jetties in Charleston Harbor.

Mr. WILLIS. I have no objection to that; I think the letter should be before the House.

The CHAIRMAN. If there be no objection, the letter referred to by the gentleman from South Carolina [Mr. DIBBLE] will be printed in the RECORD.

There was no objection; and the following was ordered to be printed in the RECORD:

THE JETTIES IN CHARLESTON HARBOR.

Letter of General Q. A. Gillmore, United States engineer, describing the condition and results of the work, and setting forth his reasons for believing that a depth of 30 feet on the bar can be secured:

CHARLESTON, S. C., *January* 22, 1885.

DEAR SIR: Referring to our recent interview, I wish to express my satisfaction with the progress of work on the Charleston jetties under the present contract, and the beneficial results in immediate prospect.

Captain Bailey informs me that the survey just completed indicates quite plainly that increased scour on the bar between the jetties has been developed.

Although the concentration of water upon the bar secured by the jetties up to the present time is very small in comparison with what is intended and with what the plan requires, both works being as yet little more than foundation courses, and the south jetty not having yet reached the crest of the bar by about 1,000 feet, I am confident that, even in their present condition, the works are able to maintain a much deeper channel than that which exists between them, and that the time to begin the dredging contemplated in the original estimate has arrived. Proposals for dredging have, therefore, been invited, the object being to aid the scouring power of the accelerated current.

I wish to reaffirm my confidence in the ability of these works, when completed, to maintain a deep navigable channel across the bar. I believe a depth of 30 feet to be easily attainable.

Adverse criticisms on the efficacy of submerged jetties have no application to the Charleston works. The latter are strictly tentative in character, and their distance apart was planned with the special object of reserving entire freedom of choice with respect to their ultimate height.

Their crests can of course be carried up to the height necessary to maintain the desired channel depth between them. Where they cross the bar they are half a mile apart, equal to about one-half of the width of the throat of the harbor between Forts Sumter and Moultrie, where the channel depths are 75 to 80 feet at low water.

Omitting engineering technicalities, two significant questions may be popularly stated as follows:

First. If the flow between Sumter and Moultrie maintains a channel depth of 75 feet where the width is one mile, what portion of that flow will be required between the jetties where the width is only half a mile in order to maintain a depth of 28 to 30 feet? The answer suggests itself, that not all the water flowing past Fort Sumter will be needed between the jetties. The plan, therefore, allows part of it to pass over their tops, thereby lessening the cost of the works more than one-half.

Second. If the flow between Sumter and Moultrie maintains a depth of 75 feet where the width is one mile, what depth would the same volume of flow maintain if it all passed between the jetties where the width is only half a mile? The answer is again evident, that, under these conditions, the depth scoured out would be excessive, possibly endangering the stability of the works themselves, and transporting a large body of sand to the seaward slope of the bar beyond the end of the jetties. This would introduce serious complications in the way of new shoals and a new bar. It has been one of the leading objects of the project to avoid such a contingency.

The principles suggested in the foregoing answers are neither new nor novel. They not only rest on long experience and observation, but are easily demonstrable by approved methods and formulæ. We need not go far for numerous and well-defined illustrations; two or three that are near home will be mentioned.

At the mouth of Saint John's River, where the tide rises and falls about five feet, the low jetties planned on the principles applied to the Charleston works, and not yet half finished, have produced a marked improvement in the gap between them. A channel has there been established by a scour alone of twice the depth existing there six months ago.

In Savannah Harbor, where there is about 7 feet rise and fall of tide, the Fig Island jetty, one mile long, with its crest fully 4 feet below high water, maintains a navigable channel 19 feet deep at high water through a shoal upon which there was only 11 feet before the improvement was begun. Farther down the harbor, at the head of Elba Island and at the upper flats, the low jetties, having their crests about 3 feet below high water, are continuously maintaining navigable channels 20 to 23 feet deep through shoals where only 16 feet could be carried at high water before any improvement was made by works or by dredging. These are points where the jetties have been completed a year or more, or long enough to produce a substantial approach to maximum results. At other points where the jetties were finished more recently the scouring is now in progress. In some cases the movement of the sand is so tardy that the deepening process has to be hastened or aided by other means, and this is the object of the dredging which will be commenced in Savannah Harbor in a few days.

It goes almost without saying that the Charleston jetties should not excavate a channel of unnecessary depth between them, with the certain result that the excess of material removed will be deposited outside where the natural depths are very moderate and the slope of the bottom exceptionally flat, and where we must depend for its removal upon the intermittent and irregular littoral current produced by winds. Where interests of great magnitude are at stake, ordinary prudence suggests that there should be a liberal factor of safety. This is provided in the present project by reserving the power to resist the volume of flow and the amount of scour between the jetties.

It has been the subject of profound regret on my part that the importance of this great national work has not been recognized in Congress by liberal appropriations. Frequent stoppages and increase in the ultimate cost of the work have been the results of this policy.

I invite attention to my annual report for a more lengthy expression of my views on this point.

Q. A. GILLMORE.

Hon. S. Y. TUPPER,
Chairman Committee on Harbor Improvements of Charleston Chamber of Commerce.

Mr. WILLIS. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

CORRECTION OF ENROLLMENT.

The SPEAKER *pro tempore*. The Chair desires to submit for adoption a resolution providing for the correction of an error in the enrollment of a bill.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill of the House (H. R. 1017) relative to the Inspector-General's Department of the Army, be directed to change the word "hereafter" in said bill to the word "thereafter."

The resolution was adopted.

And then, on motion of Mr. WILLIS (at 5 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Thomas B. Magruder, of Claiborne County, Mississippi, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. W. W. BROWN: Memorial of Philadelphia Produce Exchange, praying for the passage of the national bankrupt law—to the Committee on the Judiciary.

By Mr. CAINE: Petition of Cyrene E. Hix and 20 others, of Monroe, Utah, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. CALDWELL: Petition of John L. McMillan, executor of Dr. B. N. Carler, deceased, of Houston County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. CASSIDY: Resolutions of Nevada State Teachers' Association, favoring the Blair educational bill—to the Committee on Education.

By Mr. CONVERSE: Petition of the board of trustees of Ohio State University, asking the passage of the bill establishing agricultural experimental stations—to the Committee on Agriculture.

By Mr. ELLWOOD: Petition of citizens of Highland Park and of Belvidere, Ill., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. ERMENTROUT: Memorial of the Philadelphia Produce Exchange, favoring a national bankrupt law—to the Committee on the Judiciary.

By Mr. FORNEY: Petition of John Edwards, of De Kalb County, Alabama, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. GLASCOCK: Concurrent resolution of the California Assembly, in relation to national homes for disabled volunteer soldiers—to the Committee on Military Affairs.

By Mr. HARDY: Petition of Martin Vau Ness, for compensation for services rendered under the Architect of the Capitol in the Library of Congress—to the Committee on Claims.

By Mr. H. H. HATCH: Petition of citizens of Bay City, Mich., urging that the United States acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior, and make them free of tolls—to the Committee on Rivers and Harbors.

Also, petition of citizens of Vassar, Mich., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Paper from the Architectural Association of Iowa, urging the passage of the Stockslager bill regulating duties of Supervising Architect—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: Petition of Robert Steel, of Pittsburgh, Pa., late of the United States Navy, for relief—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, resolution of the Produce Exchange of Philadelphia, in favor of a national bankrupt law—to the Committee on the Judiciary.

By Mr. HOUK: Petition of Jane M. Massingill, of Jefferson County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. HOWEY: Petition and resolutions passed by the New Jersey State Agricultural Society, praying for the passage of House bill 7498, establishing agricultural experiment stations—to the Committee on Agriculture.

Also, petition of Mary C. Shotwell and others, of Warren County, New Jersey, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. JEFFORDS: Petition of Thomas S. Redd, of Washington County, Mississippi, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of James G. Ferguson, of the State of Mississippi, for relief—to the same committee.

By Mr. B. W. JONES: Petition of O. S. Montz and others, compositors on CONGRESSIONAL RECORD, asking for relief—to the Committee on Appropriations.

By Mr. KLEINER: Petition of citizens of Evansville, Ind., praying for the improvement of Rough River, Kentucky—to the Committee on Rivers and Harbors.

By Mr. MILLARD: Petition of O. S. Montz and others, compositors on CONGRESSIONAL RECORD, for relief—to the Committee on Appropriations.

By Mr. MCMILLIN: Petition of O. S. Montz and others, compositors on CONGRESSIONAL RECORD, asking relief—to the same committee.

By Mr. PATTON: Nine petitions of officers of the United States Army, asking for the passage of House bill 8125, to promote the efficiency of the Army by the voluntary retirement of officers who entered the service during the late war—to the Committee on Military Affairs.

By Mr. PETTIBONE: Petition of Furney Jones and of Sallie A. Fugate, of Claiborne County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Mary Houston, of Conkling, Tenn., for pay for property taken and used by the United States Army—to the same committee.

Also, petition of Robert P. Harris, of Tennessee, for relief—to the Committee on Military Affairs.

By Mr. PIERCE: Petition of J. L. Trimble, of James Cook, and of W. H. Holmes, of Gibson County, and of Y. C. Nolen, of Haywood County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of Jane Wilson and others, of Breckinridge County, Kentucky, for an increase of widows' pensions—to the Committee on Pensions.

Also, petition of Harriet K. Taber, of Breckinridge County, Kentucky, asking for a pension—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Petition from Howard Post, Grand Army of the Republic, No. 11, of Baltimore, Md.; from Enstis Post, No. 5, of Florida; from George H. Thomas Post, No. 29, of New Jersey; from Hooker Post, No. 51, of New Hampshire; from ex-soldiers in the custom-house at Boston, Mass.; and from 37 ex-soldiers of Washington, D. C., asking that Congress purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the Australian mail service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the Lowell bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the Nicaragua Canal—to the Committee on Foreign Affairs.

Also, concurrent resolution of the Legislature of California, relative to the bill (H. R. 7898) to provide for the establishment of a branch soldiers' home in said State—to the Committee on Military Affairs.

By Mr. RYAN (by request): Petition of James Clendinnin, of Jackson County, Alabama, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. WAKEFIELD: Resolution of the Legislature of Minnesota, requesting Senators and Members of Congress to secure by purchase by the United States Government of the Portage Lake and Lake Superior Ship-Canal Company's canal and Portage Lake and River Improvement Company's canal—to the Committee on Rivers and Harbors.

By Mr. WOLFORD: Memorial of the Arizona Mining Company of New York—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petitions of Thomas J. Wallen, of Sallie M. Parish, of William J. Bishop, of Fayette County; of Bettie L. Abington, widow of James B. Abington, deceased, and of Louisiana E. Green, of Shelby County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. W. W. CULBERTSON: Of 151 voters of Concord, Ky.

By Mr. ELLWOOD: Of 121 citizens of Malta, De Kalb County, Illinois.

By Mr. FUNSTON: Of citizens of Girard and of Blue Mound, Kans.

By Mr. FIEDLER: Of J. W. Towell and others, of Newark, N. J.

By Mr. GEORGE: Of citizens of Douglas County, of Washington County, and of Oregon City, Oreg.

By Mr. GREENLEAF: Two petitions of citizens of Monroe County, New York.

By Mr. HUTCHINS: Of citizens of Jerome, N. Y.

By Mr. JOHNSON: Of Rollin Jenkins and others, of Essex County, New York.

By Mr. KEIFER: Of R. B. McCallum and 83 others, of Clark County, Ohio.

By Mr. KLEINER: Of ex-soldiers of Troy, Ind., and of ex-soldiers and citizens of Oakland City, Ind.

By Mr. LACEY: Of Thomas Lennon and others, of Quincy, Mich.

By Mr. LAWRENCE: Of citizens of Lawrence, Beaver, and Washington Counties, Pennsylvania.

By Mr. NUTTING: Of citizens of Fulton, West Monroe, Lacona, and Demster, Oswego County, New York.

By Mr. STEVENS: Of citizens of Le Roy, Green County, New York.

By Mr. A. J. WARNER: Of John Davis and others, of Pennsville; of F. A. Bartley and others, and of John Hoffman and others, of Meigs County, Ohio.

By Mr. WELLER: Of Charles H. Miller and 244 others, of Howard County, and of C. B. Barcom and 62 others, of Allamakee County, Iowa.

By Mr. WORTHINGTON: Of Thomas Nelson and others, of Vermont, and of H. J. Wyman and others, of Brimfield, Ill.

SENATE.

FRIDAY, *January* 30, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 27th instant, with inclosures, from the Secretary of the Interior, in relation to objections on the part of the Creek Nation of Indians to pending legislation providing for the opening up to homestead settlement of certain lands in the Indian Territory.

The matter is presented to the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 29, 1885.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of the preliminary survey of the unconfirmed private land claim, No. 109, in the Territory of New Mexico, known as the Rancho de Taos, Francisca de Antonio de Gijosa, claimant; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Private Land Claims.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of the preliminary survey of the unconfirmed private land claim, No. 123, in the Territory of New Mexico, known as the Santissima Trinidad or Rancho de Galvan tract, Francisco Sandoval, claimant; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Private Land Claims.

WILLIAM W. THOMAS.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *January* 29, 1885.

Ordered, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the bill (H. R. 691) for the relief of William W. Thomas.

Mr. SHERMAN. I move that the request be granted.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate comply with the request of the House of Representatives, and that the Secretary be directed to return the bill to that body. That order will be made if there be no objection.

ARMY INSPECTOR-GENERAL'S DEPARTMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 1017) relative to the Inspector-General's Department of the Army, be directed to change the word "hereafter" in said bill to the word "thereafter."

Mr. BECK. I move that the Senate concur in the resolution of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. I should suppose that action upon the motion of the Senator from Kentucky to concur in the resolution would depend very much upon the information the Senate had as to whether the word in the bill originally was "hereafter" or "thereafter."

Mr. BECK. That has been carefully examined. It was "thereafter" in the engrossed bill, and was passed by both Houses as "thereafter." The President was requested by both Houses to return the

bill after the facts were all fully ascertained. He did so return it, and the purpose of the resolution is to correct the enrollment so as to make it correspond with the bill as it passed both Houses.

Mr. INGALLS. The bill has not then been signed by the President?

Mr. BECK. He returned the bill. He may have signed it; he had it before him; but the ten days had not elapsed, and he returned it at the request of both Houses.

Mr. INGALLS. This slipshod manner of amending legislative enactments is altogether too common. I can recall within the last Congress a dozen or fifteen instances where we have been called upon to amend bills in which mistakes had been made in the enrollment or engrossment either by joint or concurrent resolution. There is a defect somewhere in our system. If we have not a force of clerks who are competent to properly enroll and engross bills, I think there should be some reformation. I have no objection to this resolution, of course, but it is a very grave question.

Mr. BECK. The resolution makes the bill correspond with the action of both Houses.

Mr. INGALLS. The change of the word "hereafter" to "thereafter" changes the whole purport and range and scope of the bill, and we ought to know something about it, instead of being called upon in this blind and senseless way to act upon a resolution from the House. I suppose this is all right.

Mr. BECK. It is.

Mr. INGALLS. But it is a very improper mode of legislation.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. It is perhaps the duty of the Chair to state, as the Chair signs enrolled bills, that this was a House bill. It came to the Senate engrossed of course. The Chair has examined the engrossed bill upon which the Senate acted, and finds that the enrollment at the House of Representatives of that House engrossed bill did not correspond to the engrossed bill in the particular that the resolution refers to. The bill, therefore, as it passed both Houses, was incorrectly enrolled in the other branch. The Committee on Enrolled Bills of the Senate and its clerk in all such cases, of course (the original engrossed bill having been returned to the House of Representatives), take the certificate of the Committee on Enrolled Bills of the House that the bill has been correctly enrolled. The Chair takes that certificate also, together with the signature of the Speaker, as proof that the enrollment is correct, and the presiding officer of this body, as he is authorized and in fact required to do, signs the bill, which was done in this case. The error in the enrollment was not discovered until after that.

Mr. SEWELL. As chairman of the Committee on Enrolled Bills I was about to make a similar statement to that made by the Chair. I have thoroughly investigated the matter, and find that it was a clerical mistake which originated in the Committee on Enrolled Bills of the House. The engrossed bill and the correct bill contained the word "thereafter;" and the letter "t" being left out changed the whole character of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Amos A. Lawrence and 15 other citizens of Boston, Mass., praying that they may be made a corporation, for the purpose of promoting immigration to the Territory of Utah and developing its agricultural and mineral resources, with such privileges and immunities, and subject to such restrictions, as Congress may grant or impose; which was referred to the Committee on Territories.

Mr. PENDLETON. I present the petition of a large number of citizens of the county of Lake, in the State of Ohio, constituting the Farmers' Association of that county, praying for the passage of the interstate commerce bill commonly known as the Reagan bill. I move that the petition lie on the table, inasmuch as the bill is before the Senate as the unfinished business.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented resolutions of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. BECK presented a memorial of officers in the United States naval service, remonstrating against the passage of the joint resolution (S. R. 107) giving the thanks of Congress to Commander W. S. Schley, United states Navy, and Lieut. W. H. Emory, United States Navy; which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented a petition of corporations and citizens of Chicago, Ill.; a resolution adopted by the Board of Trade of Chicago, Ill., and a petition of business men of Chicago, in favor of the United States acquiring title to the two canals connecting Portage Lake, in Michigan, with Lake Superior, and making said canals free of tolls, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

He also presented a memorial of citizens of Quincy, Ill., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of G. W. Cooper and other citizens of McDonald County, Missouri, praying for legislation opening the Oklahoma country to settlement by citizens of the United States; which was referred to the Committee on Indian Affairs.

Mr. SEWELL presented a petition of citizens of New Jersey, praying an appropriation for digging out and opening a channel not less than six feet deep at high water between the bays of Barnegat and Tuckerton, New Jersey; which was referred to the Committee on Commerce.

Mr. CONGER presented resolutions of the Detroit (Mich.) Board of Trade, in favor of the passage of Senate bill No. 2522, providing for the purchase by the United States of the two canals across Keweenaw Point, Lake Superior, State of Michigan; which were referred to the Committee on Commerce.

He also presented the petition of J. T. Cobb, secretary, and 11 other members of the Michigan State Grange, praying for the passage of the so-called Reagan interstate-commerce bill; which was ordered to lie on the table.

Mr. MILLER, of New York, presented the petition of Edward S. Torrey, administrator *de bonis non* of the goods, chattels, and credits which were of the estate of Joseph Torrey, deceased, late a major in the Revolutionary war, praying the payment of certain commutation-money due the decedent in accordance with the provisions of the resolution of Congress passed March 22, 1783; which was referred to the Committee on Revolutionary Claims.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

Mr. BAYARD. I ask leave to submit a statement of the expenditures of the Columbia Institution for the Instruction of the Deaf and Dumb, by the president of that institution. This statement is in accordance with a section of the Revised Statutes, which makes it requisite that such a statement should be communicated to Congress. It was handed to me as one of the directors of that institution on the part of the Senate. I move that the statement be referred to the Committee on Appropriations and printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on the Library, reported amendments intended to be proposed to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2420) to provide for the establishment of evening schools in the District of Columbia, reported it without amendment.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2162) granting an increase of pension to Julia M. Michler, widow of Lieut. Col. Nathaniel Michler, deceased;
A bill (S. 2048) granting a pension to Elizabeth Templeton;
A bill (S. 1949) granting a pension to Elise Burki;
A bill (S. 2052) granting a pension to William Gieseking;
A bill (H. R. 4613) granting a pension to Preston M. Shannon; and
A bill (H. R. 1836) for the relief of Elizabeth Moyal.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Mary A. Hughes, praying for a pension, reported adversely thereon; and the committee were discharged from its further consideration.

Mr. JACKSON. Some days since the Committee on Pensions reported adversely on the petition of Mrs. Nannie Cushman, overlooking the fact that there was a bill accompanying the petition. They now report adversely the bill (S. 2466) to increase the pension of Mrs. Nannie Cushman, and I move its indefinite postponement.

The motion was agreed to.

Mr. CAMDEN. The Committee on Pensions, to whom was referred the bill (H. R. 3332) granting a pension to George S. Riggs, have instructed me to report adversely. I will state that the relief asked for in the bill has been granted at the Pension Office since the bill was introduced, so that the party has obtained the relief desired. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1801) granting a pension to Mrs. Elizabeth Ann Rice; and
A bill (S. 1837) for the relief of George P. Home.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 2348) granting a pension to John D. Rickards, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer; and
A bill (H. R. 5630) granting a pension to George W. Rugg.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 2453) granting a pension to Frank S. Marsh, reported it without amendment, and submitted a report thereon.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2452) granting a pension to Mary M. J. Frank, to report it back adversely. I wish to state that the adverse report is based upon the fact that by a special act, approved August 15, 1876, the person named in the bill was placed on the pension-roll. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. WILSON. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 435) granting a pension to Samuel W. Tracey, to report it back adversely, on the ground that the case has been reopened in the Pension Office and is there pending. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1924) granting a pension to Thomas Simpson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 7141) granting a pension to Daniel W. Adams, reported it without amendment, and submitted a report thereon.

COUNTING THE ELECTORAL VOTE.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred a concurrent resolution in regard to the count of the electoral vote, to report the same back and recommend its adoption.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives the 11th of February, 1885, at 12 o'clock noon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. HOAR. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. I desire to say that the resolution is precisely the one under which the electoral count proceeded four years ago, except that there was connected with it then another resolution providing for a declaration of the result of the vote in the alternative in case some State should be found to have voted on a day not according to law. There is no occasion for that at this time.

I ask unanimous consent that the House resolution on the same subject may be taken from the table and considered at the present time, and I shall then move to amend it so as to make it conform to the Senate resolution. The House resolution is exactly like the Senate resolution except that the House propose to have but one teller for the Senate instead of two, as provided in the resolution now before the Senate.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to have made of the resolution now before the Senate?

Mr. HOAR. I desire that the House resolution shall take the place of the pending resolution. Unanimous consent to consider the House resolution involves the laying of the Senate resolution aside.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be laid aside temporarily, and that the Senate now consider the resolution of the House of Representatives, which will be reported.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon on the 11th of February, 1885, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that one person be appointed teller on the part of the Senate and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the resolution just read? The Chair hears none, and it is before the Senate.

Mr. HOAR. I move to amend the resolution by striking out in line 6, after the word "that," the words "one person be appointed teller" and inserting "two persons be appointed tellers;" so as to read:

That two persons be appointed tellers on the part of the Senate.

Mr. INGALLS. Are not all the precedents in accordance with the amendment suggested by the Senator?

Mr. HOAR. They are, without interruption, from the foundation of the Government.

Mr. INGALLS. I do not recall any instance where the custom has been departed from.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was concurred in.

Mr. HOAR. I move that the Senate resolution be laid upon the table.

The motion was agreed to.

BILL INTRODUCED.

Mr. INGALLS introduced a bill (S. 2599) for the relief of R. G. Ward; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. BECK submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That Louis C. Madeira and Emilio F. Cabada have leave to withdraw from the files of the Senate their papers in connection with Senate bill No. 878.

MICHAEL P. SMALL.

Mr. HAMPTON. I ask unanimous consent that a bill reported the other day from the Committee on Military Affairs, being the bill (S. 2399) for the relief of Maj. Michael P. Small, with an adverse report, may be recommitted to the Committee on Military Affairs. I have the permission of the committee to make this request, and I do it because some important evidence which was not before the committee is now in the possession of a Senator who was absent at the time of our consideration of this measure in the committee.

The PRESIDENT *pro tempore*. Will the Senator from South Carolina state the condition of the bill? Is it on the Calendar or was it indefinitely postponed?

Mr. HAMPTON. The bill was indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the vote of the Senate indefinitely postponing the bill named by him be reconsidered, and that the bill be recommitted to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

GERIAH COLLINS.

Mr. COCKRELL. On the 6th of January the Senator from Tennessee [Mr. JACKSON] reported adversely from the Committee on Pensions the bill (H. R. 930) granting a pension to Geriah Collins, and the bill was placed upon the Calendar. The adverse report was based upon the ground that the claim was then pending in the office of the Commissioner of Pensions unadjudicated. I have in my hand a letter from the Commissioner of Pensions, which gives a different statement from the statement that was given to the Committee on Pensions, and I ask, in view of that fact, that the bill and the adverse report be recommitted to the Committee on Pensions for reconsideration.

Mr. JACKSON. Do I understand that the Commissioner of Pensions makes a different report from that which he made to the committee?

Mr. COCKRELL. He makes a different report, and says that the claim was rejected.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill (H. R. 930) granting a pension to Geriah Collins be taken from the Calendar and recommitted to the Committee on Pensions. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. COCKRELL. I now present the letter of the Commissioner of Pensions giving a statement as to the rejection of the case, and I move that it be referred to the Committee on Pensions.

The motion was agreed to.

PACIFIC RAILROADS.

Mr. HOAR. I move that the Senate now proceed to consider the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. VAN WYCK. I would inquire, if the bill is taken up now——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. An inquiry is in order, I presume; a parliamentary inquiry of the Chair?

The PRESIDENT *pro tempore*. A parliamentary inquiry is in order.

Mr. VAN WYCK. Then I make the parliamentary inquiry of the

Chair, whether if the bill is taken up now it will be under the five-minute rule?

The PRESIDENT *pro tempore*. It will be.

Mr. HOAR. That is not my purpose.

Mr. VAN WYCK. The Senator from Massachusetts says it is not his purpose to have the bill considered under the five-minute rule. So I thought.

Mr. HOAR. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Chair will hear it, if there be no objection.

Mr. HOAR. It is not my purpose to have the bill taken up under the five-minute rule, but it is my purpose simply to have it taken up and proceed to its consideration.

The PRESIDENT *pro tempore*. The Chair thinks on reflection that the Chair was in error in replying to the Senator from Nebraska. If the Senate agrees to the motion of the Senator from Massachusetts, the Chair thinks that the bill will be before the Senate at large.

Mr. HOAR. I desire to state further that it is not my purpose to press a vote upon the bill or to press any formal action upon it to-day. I suppose it would go over, of course, in the interest of the interstate-commerce bill at 2 o'clock at least and perhaps before. I propose to ask the Senate to listen to the reading of the report, which is a few pages, and the reading of the amended bill, and then to make a brief statement, which will not occupy more than ten minutes, perhaps—not a speech—and then let the matter go over.

Mr. HARRIS. If the Senator from Massachusetts will allow me, I desire to inquire if it would not be well to ask the Senate to proceed to the consideration of House bills favorably reported upon the Calendar.

Mr. HOAR. This is a House bill favorably reported on the Calendar, and such an order would put it at the foot.

Mr. HARRIS. I can readily see how the Senator from Massachusetts may desire to take up a particular House bill, as perhaps every other Senator may.

Mr. HOAR. It would require unanimous consent, I suppose, to make a general order to proceed to the consideration of a number of bills by name or an amendment of the rules.

Mr. HARRIS. Of course it would require unanimous consent, unless it were presented in the form of a resolution changing the rule.

The PRESIDENT *pro tempore*. The Chair will state that this debate is proceeding by unanimous consent.

Mr. HOAR. I hope the Senate will pardon me, as this is a very important matter. This is an extremely important bill, as every Senator within the sound of my voice knows. It undertakes to deal with a vast indebtedness to the Government, and it undertakes to remove from further discussion and dispute a great many complicated questions. It is a bill which has excited a good deal of interest in the country. I suppose I am not saying anything which will be disputed anywhere when I say that it has excited an immense deal of interest among stock-jobbers and speculators, and that newspapers are full of all manner of discussions pro and con, some of which, of course (I make no such general charge against the press of the country), are inspired by the interest of speculative dealers in stocks.

This measure as reported has been the result of great care. It is not stimulated or instigated by any railroad, but the result of the original investigation of the Judiciary Committee, looking very carefully into the whole subject with such aid as the representatives of the Government have afforded them. It seems to me that it is proper that the bill should be brought at an early day before the Senate, and that the principle upon which it proceeds should be understood by the Senate, which will be largely the result of reading the report, and that a brief statement should be made in addition to what is contained in the printed report. After that is done I shall propose to let the bill stand over until to-morrow, and I suppose under the rules it will require another motion to bring it up at that time.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts, that the bill be now taken up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk began to read the House bill.

Mr. HOAR. I inquire of the Chair if the Secretary is reading the House bill?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary is reading the House bill.

Mr. HOAR. That, of course, is the proper and regular way; but the House bill is quite a long one, and I ask unanimous consent that the reading of that bill at this time be waived, and that the substitute reported by the Judiciary Committee may be alone read.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent of the Senate that the reading of the House bill be dispensed with, and that the Secretary read the substitute reported by the Committee on the Judiciary. Is there objection? The Chair hears none. The Secretary will proceed to read the substitute.

The Chief Clerk read the amendment of the Committee on the Judiciary, which was to strike out all after the enacting clause of the bill and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amount of the respective indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, the Sioux City and Pacific Railroad Company, the Central Pacific Railroad Company, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches, as of the 1st day of April, 1885, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofore repaid by credits on account thereof, were to be paid to the United States in cash on said day. And the said sums shall be computed and ascertained as follows:

First. From the sums which shall on said 1st day of April, 1885, have accrued as interest paid or payable down to that day by the United States on said bonds, and not already reimbursed to the United States, there shall be deducted the amounts in the sinking fund properly applicable to the respective companies.

Second. The balance remaining shall be added to the sum of the principal of said bonds attributable, respectively, to the said Central Pacific Railroad Company and the said Union Pacific Railroad Company in the settlement hereinafter provided for.

Third. And there shall be also added to said principal sums the amount of the interest yet to accrue and be paid by the United States on said bonds, so as to ascertain the total sums that would be due to the United States for principal and interest paid on said bonds at their maturity if no further payment or reimbursement were in any wise made by any of said companies in respect thereto after said 1st day of April, 1885.

Fourth. The present worth as of said last-named day of said total sums shall then be computed, without compounding, on the basis that money is worth 3 per cent. interest per annum. And the final sums so computed and ascertained shall be deemed the sums that would be paid in cash on said 1st day of April, 1885, by said companies, if payment in cash were to be made.

SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company, and the said Central Pacific Railroad Company be, and they hereby are, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, each its one hundred and twenty several bonds of redemption, each bearing date the 1st day of April, A. D. 1885, to an aggregate amount equal to the balance of said indebtedness so computed and ascertained as in section 1 of this act is provided, that is to say, the Central Pacific shall issue its bonds for the debt due by it to the United States and also the debt due by the Western Pacific to the United States, and the Union Pacific shall issue its bonds for its debt due the United States and also the debt of the Kansas Pacific, the Central Branch Pacific of the Union Pacific, and the Sioux City and Pacific Railroads; and each of said bonds shall provide for and bear interest at the rate of 3 per cent. per annum for the time each bond has to run; and each of said bonds shall be for the equal one hundred and twentieth part of the balance of such debt and interest so ascertained. Each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States, the first thereof on the 1st day of October, 1885, the second on the 1st day of April, 1886, and so on on the 1st days of October and April thereafter until all said bonds shall have been fully paid and discharged; and each of said bonds, respectively, when paid, shall be thereupon canceled and surrendered to said company. Said bonds of redemption shall be received by and on behalf of the United States in provisional payment of the bonds so issued by the United States to said companies mentioned in section 1 of this act: *Provided, however*, That no money shall be paid to the said several companies, or any of them, or any of their successors or assigns, from the United States Treasury, for or on account of services rendered to the United States, or any department of the Government thereof, over or upon the said railroad and telegraph line so aided by the advances of subsidy bonds, or upon any railroad or telegraph line owned, leased, or operated by said companies, until the bond so matuuring shall be fully paid as herein provided; but the obligation to pay said bonds so to be executed to the United States by said companies, and the obligation of the United States to pay for services, shall be deemed otherwise independent.

SEC. 3. That the statutory lien and security created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the repayment of said subsidy bonds, and the interest thereon, including and together with the whole line of all of the said railroad companies, and also any railroad owned by them, wherever the same may be situated, and all their telegraph lines, their rolling stock, fixtures, and property of every kind and description forming part of the operating property of said companies, as well as that which they, their successors or assigns, may hereafter acquire, shall be and remain as security for the payment of the bonds of redemption herein authorized until the same are fully paid: *Provided, however*, That said Central Pacific and Union Pacific Companies, respectively, or their successors as aforesaid, shall be entitled at any time to prepay or anticipate the payment and discharge of said bonds of redemption so held in the United States Treasury; and to that end it shall be lawful for said companies, their successors or assigns, respectively, to make, issue, and dispose of their bonds to an aggregate not exceeding the amount of their said respective bonds of redemption which may remain then outstanding and unpaid, together with the amount of the first-mortgage bonds of said companies outstanding, to bear such rate of interest and to run for such term as may be deemed most expedient, and to secure the same by mortgages upon their respective railroads, telegraph, equipment, franchises, and property, said bonds and mortgages to be subject and subordinate to said lien and security of the United States until the same shall be extinguished; and upon such payment of all said bonds to the United States the said statutory lien and security in favor of the United States shall thereupon cease and be of no effect; but the duty of each and every of said companies, respectively, and their successors and assigns, to obey and perform all the requirements of law in all other respects shall continue to exist; and upon any anticipated payment of said bonds of redemption the Secretary of the Treasury is hereby authorized and directed to abate from said bonds interest on the amount thereof, from and after the date of such payment to the maturity thereof, at the rate of 3 per cent. per annum; and whatever mortgages any of said companies may execute in pursuance of the provisions of this section shall be made in all things in strict conformity to the laws of the States or the Territories in which the property mortgaged is situate; and that in respect of all the property that exists in any State or Territory, the security of the United States shall be made by a mortgage or other suitable conveyance of such form, tenor, and effect as shall make the security a valid and legal one under the law of such State or Territory: *Provided*, That neither of said companies shall use or dispose of any of its property or assets, otherwise than in the ordinary and proper course of its current business, without the consent of the President of the United States first obtained: *And provided further*, That no dividends shall be paid by either of said companies unless the same shall have been actually earned, nor unless such company shall have paid to the United States the amount of all matured indebtedness then due and payable under this act, and shall also have paid all debts which have previously matured which are secured by a lien paramount to that of the United States.

SEC. 4. That so long as each and every of said companies shall keep their said railroads and telegraph lines in proper repair and run, and shall at all times transmit dispatches over said telegraph line, and transport mails, troops, munitions of war, and supplies of public stores upon said railroads for the Government, or any Department thereof, whenever required to do so (at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service, and subject to and bound by the provisions of any act of Congress, and the authority exercised thereunder, relating to postal, military, or any other Government transportation), and shall give the Government preference in the use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and all acts amendatory of said act, and shall make punctual payment of the said bonds of redemption, no other or further sums shall be demanded or required of the company so performing said service and complying with this act; and none of the penalties or liabilities provided for in said acts, or any of them, shall be incurred by or enforced upon said companies while such due performance of all duties and punctual payments shall continue, but all such payments, requirements, penalties, and liabilities shall be suspended and not deemed to be due or payable, owing or incurred, until default of some of the provisions of the acts relating to and in force respecting said companies shall be made, in which case they shall stand revived and continue in force in the same manner and to the same extent as if this act had not been passed.

SEC. 5. That the acceptance of this act shall be deemed and held to be an acceptance of the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act."

SEC. 6. That a failure for six months to pay any of said redemption bonds as the same shall become due and payable as hereinbefore provided shall, at the option of Congress or of the President of the United States, be deemed, taken, and to be made all the said bonds due and payable, and all the rights and securities of the United States may be thereupon enforced.

SEC. 7. That this act shall take effect, as to said companies and their branches, respectively, as hereinbefore described, upon their acceptance by their boards of directors, and under their corporate seals, signed by their presidents and countersigned by their secretaries, respectively, being filed or deposited with the Secretary of the Treasury, within three months from the passage of this act; but if such acceptance be not so filed, said companies shall take no benefit therefrom. Upon said acceptance being filed and the settlement in this act provided for being completed, the Secretary of the Treasury is authorized and directed to sell any securities held in the sinking fund for said companies. And said settlement shall be completed on or before the 1st day of October, A. D. 1885.

SEC. 8. That if said companies shall fail to accept the foregoing provisions of this act, or if said settlement shall fail to be completed as and within the time in this act provided, there shall be charged and collected from such company or companies, their successors and assigns, so failing, from and after the 1st day of July, 1885, 35 per cent. of their annual gross earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act; and to that end said act of May 7, 1878, commonly called the "sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railroad Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch of the Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 9. That in the event of the non-acceptance of the provisions of this act by said companies, or in the event of the failure to complete the settlement hereinbefore provided for in this act, it is further provided that section 3 of said act of May 7, 1878, be, and the same hereby is, so amended as to allow the Secretary of the Treasury to invest in the sinking funds of said companies, in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds, the Government to refund the same on demand at any time, if at any time it becomes necessary in order to meet any debts or obligations of the said corporations prior in lien to said interest.

SEC. 10. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall make report to the President each year or oftener thereon, which report shall be laid before Congress. And until the settlement in this act provided for shall be completed, all existing provisions of law relating to said companies, respectively, shall remain in force; and on and after said 1st day of October, 1885, sections 8 and 9 of this act shall, if said settlement fail to be completed, take effect.

SEC. 11. That this act shall be deemed and taken to be a public act to all intents and purposes, and shall be subject to alteration, amendment, or repeal, as in the judgment of Congress the public good may require.

Mr. HOAR. Let the report be now read.

The PRESIDING OFFICER. The report of the Judiciary Committee will be read.

The Chief Clerk read the following report, submitted by Mr. HOAR January 28, 1885:

The Committee on the Judiciary, having had under consideration House bill 6771, report the same back with an amendment and recommend its passage.

The bills referred to relate to, and attempt to provide for, the ascertainment and settlement of the debts due the United States by the Central Pacific Railroad Company, and the Western Pacific Railroad Company, the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company.

In the investigation of this most important matter the committee have endeavored to devise some means by which the Government could best secure the payment of the debt due the United States by the several companies named, and at the same time do justice to the companies and parties interested besides.

It may be well for a moment to revert to the reasons why the Government consented to be connected with these enterprises, and the causes which lead to the impressing upon them the character, in any way, of national undertakings. These are most forcibly stated and set forth by Judge Davis, speaking for the Supreme Court of the United States, in United States ex. Union Pacific Railroad (91 U. S. Rep., 79, *et seq.*), as follows:

"Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safty of our Pacific possessions.

"The enterprise was viewed as a national undertaking for a national purpose, and the public mind was directed to the end in view rather than to the particular means for securing it. Although the road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier; there was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.

"It was in presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable.

"The scheme for building a railroad 2,000 miles in length, across mountains, over deserts, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact.

"The project for building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

"The primary object of the Government was to advance its own interests, and it endeavored to engage individual co-operation as a means to an end—the securing a road which could be used for its own purposes."

These corporations are, then, except the Central Pacific Railroad, creatures of the United States. They were brought into existence for public purposes, and their property, to a large extent, is devoted to public uses. Many severe accusations have been brought before the committee against these companies, as to their management and control, and as to exorbitant exactions in many instances, and invidious distinctions made by them in the direction of their affairs. Of the truth of many of these charges the committee have no doubt, but they do not consider these as bearing largely on the question of the relations of the United States as a creditor endeavoring to obtain adequate security for its debt. This is to them simply a question of how to ascertain the indebtedness of these companies to the Government and secure its payment, and not to regulate the freights and charges of these companies, propositions more directly and naturally connected with other and different measures. There can be no doubt very gross abuses have been committed, but with them the committee have not thought they were concerned in this proceeding further than as they touched or affected the indebtedness to the Government and its security. In this connection the language of Chief Justice Waite, speaking for the Supreme Court in the Sinking-fund cases (99 U. S. Reps., 723), will not be considered inappropriate:

"Without undertaking, in any measure, to cast censure upon those by whose matchless energy this great road was built, and, as if by magic, put into operation, it is a fact which can not be denied, that when the road was in condition to be run its bonds and stocks represented vastly more than the actual cost of the labor and material which went into its construction. Great undertakings like this, whose future is at the time uncertain, requiring as they do large amounts of money to carry them on, seem to make it necessary that extraordinary inducements should be held out to capitalists to enter upon them, since a failure is almost sure to involve those who make the venture in financial ruin; it is not, however, the past with which we are now to deal, but rather the present and future; we are not sitting in judgment upon the history of this corporation, but upon its present condition. Dealing then with the present condition of these companies, and anticipating as far as can be their future condition, the question is one merely between creditor and debtor, and that is how to so deal with the debtor as to best secure the creditor in his just claim against the debtor, and the solution of this is to be had upon common business principles, applied to the actual existing state of affairs as connected with these obligations."

The history of these debts and their present status may be found in the annual report of the Commissioner of Railroads, made at this session of Congress, page 15 *et seq.*, and from which the committee beg to quote somewhat at length:

"In my report for last year, page 15, I recommended that Congress consider the practicability of funding the debt, and called attention to the fact that under the decision of the First Comptroller, affirmed and adopted by the Secretary of the Treasury in his circular of June 27, 1882, the Government is liable to pay in cash for all services rendered by the bonded Pacific railroads over any portion of their roads, owned, leased, or operated, which have not been subsidized in bonds. I added 'it is clear that under this decision, which is in accord with the decision of the Court of Claims (U. P. R. R. v. U. S., 15 Ct. Cls., 282) the companies have a manifest interest in diverting traffic from the subsidized portions of the roads.' I also called attention to the detailed statement of the Central Pacific Railroad Company, and to the fact that the earnings on the subsidized portion of the road diminished in greater proportion during the year 1882 than on the non-aided portion. Comparison of the statement on page 43 of my report for 1882 with that on page 43 of this report will show the net earnings of 1883 on the aided portion to have been $3,171,680.95, and for 1882 $2,646,112.79, a decrease of $525,568.16, or $121,289.36 of the proportion of such earnings due to the Government.

"The Central Pacific system, in connection with the Galveston, Harrisburg and San Antonio system, embraces a line from Ogden, Utah, by way of San Francisco, to New Orleans, a distance from Ogden to San Francisco of 882 miles, from San Francisco to El Paso of 1,266 miles, and from El Paso, over the Galveston, Harrisburg and San Antonio system, to New Orleans of 1,350 miles, a total distance of 3,380 miles, exclusive of 915 miles of auxiliary roads, and 450 miles of steamer lines. Of this total mileage only 880.68 miles are subsidized with bonds and are under the operation of the act of May 7, 1878.

"The figures for the year 1883 show still more strikingly the decrease of earnings per mile on the subsidized portion of this system. The comparative statement of earnings and expenses on page 40 of this report shows that while there was an average decrease of earnings per mile on the whole system in 1883 of $462.26, the decrease on the non-aided portion was only $227.47 per mile as against $653.26 on the aided portion. During the year 1882 the average decrease per mile on the whole system was $182.26, but the earnings on the non-aided portion increased $27.62 per mile, while there was a decrease on the aided portion of $235.62 per mile.

"These figures clearly exhibit the grave uncertainties which must be encountered in any plan which makes the payment of this vast debt depend upon a mere percentage of net earnings. This continued decrease is doubtless to be largely attributed to the natural diversion of traffic from the subsidized portions of the line, which lie wholly north and east of San Francisco, consequent upon the opening of new and competing lines through a territory whose traffic before the opening of the Southern Pacific and the Atlantic and Pacific roads was necessarily limited to the Central Pacific, but a large part of which is naturally tributary to the newer lines, and which mainly induced their construction.

"For all foreign freights the Atlantic seaports are the objective point.

	Miles.
From San Francisco to New York, via the Central and Union Pacific	3,864
From San Francisco to New York, via Atlantic and Pacific	3,490
From Los Angeles to New York, via Atlantic and Pacific	3,170
From San Francisco to New Orleans, via Southern Pacific	3,085
From San Francisco to Galveston, via Southern Pacific	2,594
From Los Angeles to New Orleans, via Southern Pacific	2,324

"It will thus be seen that the Atlantic and Pacific has opened a very formidable competition to New York and San Francisco and all points to the south of it, and that the Southern Pacific, on its line to New Orleans and Galveston, has

opened to the whole of California, even to its northernmost extremity, the shortest present line to the Atlantic ports. The point on the Central Pacific of equal distance between New York and New Orleans at which, other things being equal, the traffic destined for foreign exportation would seek the New York or New Orleans terminus would be about four hundred and nineteen miles east of San Francisco.

"The Union Pacific is now subjected to the competition in the territory south of its line of the Chicago, Burlington and Quincy, and the Denver and Rio Grande roads, which parallel it through its whole length from its eastern terminus to Ogden. It is also threatened with a no less formidable competition in the near future by the construction of a line through the territory north of it in the interest of the Chicago and Northwestern, upon a line, partially surveyed beyond the terminus at Valentine, of the Fremont, Elkhorn and Missouri Valley Railroad Company, of which two hundred and ninety-three miles west of the Missouri River are already constructed, and which, when completed, will open a line of easy grade and construction again parallel to this road through its entire length.

"By reference to the statements on pages 14 and 15 of this report it will be seen that up to July 1, 1884, the United States has paid $67,099,304.18 as interest on the subsidy bonds, while the total credits of the several companies on the interest account, as shown by the Treasury statement, were $18,804,122.26, leaving an unpaid balance of $44,295,381.90. This, added to the principal sum of the bonds, 64,633,512, makes $108,918,893.90. Deduct from this sum $6,084,099.82, the amount now in the sinking fund, and there remains a balance of $102,834,794.08, the amount of their indebtedness July 1, 1884, none of which is due until the maturity of the bonds.

"The annual interest paid by the United States on these bonds is $3,877,410.72. The total average annual repayment by the companies thus far has been $2,266,-634.79, showing an average annual increase of the debt of $1,610,785.93.

"Of the $2,266,624.79, the average annual payment, $1,013,016.64, is carried to the sinking fund, and only $1,253,608.15 is carried to the interest account. The United States, therefore, advances annually for interest an average of $2,623,802.57 in excess of the annual repayments of interest by the companies.

"The first-mortgage bonds of these companies respectively are equal in amount to the subsidy bonds issued by the Government, and mature about the same time. They are secured by the mortgage pledge not only of all the property of the companies respectively, but of their 'corporate rights, privileges, and franchise.' Foreclosure would pass the title to the purchaser, discharged from the Government lien, and exempt from all legislative interference based upon the existing subsidy debt.

"By section 10 of the act of 1864 they have priority of the lien over the Government.

"By section 8 of the act of May 7, 1878, the sinking fund created by that act 'shall be held for the protection, security, and benefit of the lawful and just holders of any mortgage and indebtedness of such companies, respectively, lawfully paramount to the rights of the United States.'

"The continuation of the sinking-fund method is therefore to accumulate a fund which, in the possible insolvency of any of these companies, will stand for the benefit of the first-mortgage creditors, and must be paid to them should the foreclosure of the first mortgage for any reason fail to realize the debt thus secured.

"The relation of the Government to the debts of these railroads is shown by the following tables:

"The first-mortgage debts, at their maturity, assuming that the interest in the mean time will be paid, and all of which has priority over the subsidy lien, will be as follows:

Central Pacific	$27,853,000
Union Pacific	27,229,000
Kansas Pacific	6,303,000
Sioux City and Pacific	1,628,000
Central Branch Union Pacific	1,600,000
	64,613,000

"The subsidy debt to the United States was, on the 30th of June, 1884, $102,834,-794.08, and at the maturity of the subsidy bonds (say 1898) will be about $128,500,-000, allowing to the companies the average of past annual credits, and assuming the average increase to be, as in the past, about $1,600,000 per year. In other words, the total indebtedness at maturity will closely approximate $193,000,000, including both the first mortgage and subsidy debts.

"It necessarily follows that if the Government, as a second-mortgage creditor, would protect its debt in the event of the foreclosure of the first mortgage, it must bid to an amount sufficient to cover both, or about $193,000,000, a sum vastly in excess and probably twice as much as the same property would now cost to construct.

"Should the property be sold to any purchaser other than the Government for a sum less than enough to cover both these debts, the Government must lose the difference. If sold to the Government, it must pay in cash the whole first mortgage, amounting to about $64,613,000, and become the owner, contrary to any policy of the Government which has hitherto obtained, and operate them in the face of all the competition of parallel and rival roads which they must necessarily encounter. Nor is there any probability that the Government could reimburse its outlay by any resale.

"Should the debt be funded as proposed, each semi-annual payment would be so nearly, or possibly quite, paid by the current earnings for Government transportation—if with the consent of the companies the whole may be so applied—that the balance, if any, could be easily paid out of the general earnings, and under such circumstances it would be clearly in the interest of the companies to pay.

"In my annual report for 1882 I called attention to the unsatisfactory working of the present system. I said, page 15:

"'It is manifest that when the bonds mature, at the close of the present century, the present sinking fund will not be sufficient to meet them, and if left to be dealt with then as a mere book account, with the risk of possible diminution of income from the rapidly increasing competition which they must surely encounter, adjustment may then be more difficult and embarrassing than now. * * *

"'It is respectfully submitted that it is worthy of careful consideration whether it would not be wisest and best for Congress now to commute the present mode of payment into one of fixed amounts not dependent upon the fluctuations of net earnings or the contingencies of competition, which might cause net earnings to disappear.'

"In my report for 1883, pages 13-16, I again called attention to the subject. Without repeating that discussion, I may quote my opinion as then expressed, that—

"'At the rate provided for in the Thurman act it would require a century or more to accumulate a fund sufficient to discharge this debt, and with strong probability that by this method it can not be done. Nor would it be practicable to increase the percentage without manifest detriment, as well to the companies as their patrons. The payment, by whatever mode it be collected, must come from the earnings of the road. If the rates be too high the burden falls with onerous weight upon the business, and would work directly in the interest of non-aided competing lines.'"

It is further shown by the Commissioner's report, as all who have examined the matter now fully understand, that the act of May 7, 1878 (the Thurman sinking-fund act), has failed to accomplish its ends and purposes, and it is manifest the payment of these debts can not be secured by and under this measure, and this from causes that could not be anticipated when the act was passed.

With this array of facts before the committee, and an exhibit of the liabilities and the assets of these roads, as appears more fully in the report of the Secretary of the Interior at this session (pamphlet, President's message and reports of heads of Departments, page 189, *et seq.*), the committee have concluded that while harsh and coercive measures might, to some extent, punish justly these companies for failing to meet their obligations, they might also, and most probably would, result in great loss to the Government in a failure to be reimbursed for outlays for these roads. The crippling or breaking down these companies, or the compelling a sale at which the Government would be forced to bid to protect herself, would not be wise policy. Whatever mismanagement may have attended these roads in the past, and however little they appeal to the sympathy of Congress for time in the payment of their debts, yet the surest and speediest possible payment, as matters now stand, will be secured, in the judgment of the committee, by an extension of time, with large further securities for payment, in which to meet these debts. And to this end, concurring in the views of both the Secretary of the Interior and the Commissioner of Railroads, the committee favor the bill with amendments as before indicated.

The bill is in brief this: to fix a day on which the indebtedness of the companies respectively to the Government shall be ascertained upon the same principle as if the whole debt and interest were to be paid on that day, with a proper rebate of interest at the rate of 3 per cent. per annum, and deducting from such amounts all payments made by the companies in money, or transportation, or otherwise, and extending the time at an interest of 3 per cent. The period for extension of payment of the last installment of the indebtedness is forty-six years beyond the date of maturity of the subsidy bonds, or an average extension of the whole debt of twenty-three years.

In consideration of the extension of time thus granted the companies are required to deposit with the Secretary of the Treasury bonds of redemption for the amount of the debt as ascertained in specific sums, one bond to mature every six months, and all the earning of the roads by Government transportation upon any roads owned, leased, or operated by the company shall be applied to the payment of the current maturing bonds of redemption, and no money shall be paid by the Government for transportation or service of any kind over the aided or non-aided roads until the bond next maturing shall be fully paid.

It extends the statutory lien and security now subsisting over all roads owned or operated, or hereafter acquired and wherever situated, by the companies, including telegraph lines, franchises, rolling-stock, and property of every kind and description, to remain as security for the bonds of redemption until all are paid, embracing over 5,000 miles of road not now held as security by the Government.

It also requires that the company accepting the provisions of this bill shall also accept the provisions of the Thurman act, yielding all questions of constitutionality of said act.

The plan further provides that either of said companies may prepay and discharge the debt in full at any time, and, as an inducement for such prepayment, an abatement of 3 per cent. per annum in interest is allowed, and the companies are authorized to mortgage their franchises and property for the purpose of raising funds to redeem these bonds of redemption if they see fit to do so. The sinking fund heretofore established in the Treasury is discontinued, but not till the bonds and mortgages provided for in the bill are executed and delivered.

The railroads and telegraph lines are required at all times to be at the service of the Government at rates as low as the lowest accorded to any individual for like service. A failure for six months to pay any of the redemption bonds at maturity, under the provisions of this bill, renders all of said bonds thereupon due and payable.

In order that the companies shall partake of the benefits of the proposed plan, they must accept the same under their corporate seals on or before April 1, 1885.

The purpose of the extension proposed is to bring the semi-annual payments sufficiently within the ability of the companies to render such payments entirely certain, and it can not, in the opinion of the committee, be of any vital consequence to the Government whether the debt be paid in fifty or sixty years, so long as its ultimate payment can be certainly secured.

The necessity of this extension further appears from the fact that the first-mortgage bonds of equal amount with the subsidy bonds mature at the same time, and these bonds having under the act of 1864 priority of lien over the Government, which stands in the relation of only a second-lien creditor, must be paid before the Government can obtain anything, and such payments would so strain the resources of the company that if no extension be given the probabilities are that the foreclosure of the first-mortgage bonds would extinguish the debt of the Government, unless it is prepared to pay for the Union Pacific, including the Kansas Pacific, and for the Central Pacific sixty-odd millions of dollars to cover the debt with interest of the mortgage which has priority over the Government.

If the Government became the purchaser and thereby the owner of these roads, it would thus find itself engaged in the railroad business generally, which would be altogether a new and very questionable policy in its history, and then it is by no means certain that, after paying this large prior debt, the Government would reimburse itself with the entire management and control of the roads in its hands, at least for many years beyond the time contemplated in the extension provided for by the bill. And there is scarcely any reasonable probability that the Government could reimburse itself for this outlay by any resale of the roads. In the event of the companies failing to accept the provisions of the plan of extension, "the Thurman sinking-fund act" remains in full force and effect as to all of the aided roads, including the three lines not hitherto embraced thereunder, with the percentage increased from 25 to 35 per cent.

If the Thurman sinking-fund act remains in force by the neglect of the companies to accept the plan heretofore described, then the Secretary of the Treasury is given enlarged power in the investment of the fund. The Attorney-General is required to look to a strict enforcement of this act.

Believing the plan of adjustment provided for in the bill herewith presented is fair and just, and will secure the Government in the payment of the debts due her by the roads, the committee submit it to the Senate as amended.

Your committee therefore propose to amend the bill by striking out the preamble and all after the enacting clause, and inserting the substitute herewith submitted. They further propose to amend the title of the bill by substituting the title herewith reported and marked "A:"

"A.

"A bill to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also to amend an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. HOAR. Mr. President, if the condition of my voice will permit me to make a brief statement, I shall ask a few minutes at the present

time in explaining the theory on which this amendment goes. I suppose every Senator has a general knowledge of the history of the Union Pacific Railroad so called, the line connecting the Eastern States at a point which was then the western extremity of compact settlement in 1862 with the Pacific Ocean. Congress intended, for reasons which are very familiar and which are stated in the report, to make a great railroad line from the east to the west, which should be situated among the railroads of the country, having a relation to the transportation of traffic, freight, and passengers east and west, something like that which the Mississippi and Missouri Rivers had north and south, and which they are to have in the future when all the land on their banks is filled with cities, farms, and compact settlements. That was intended to be a great, well-endowed, solvent, independent line, which would be beyond the reach of stock-jobbers or persons who were ambitious to use it for speculative ends, and which would bear to the commerce of the country a relation like that of the Mississippi River or of New York Harbor. The reasons which caused that expectation to fail are also known; they were the subject of investigation both in this and in the other branch of Congress, and they are a memory in our political and business history which nobody desires needlessly to revive. It turned out that the bonds which had been given by the Government to aid in the building and endowment of the road, the first-mortgage bonds which the Government permitted to be a lien upon the road and its property prior to its own, the mortgage bonds which were secured by the mortgage of the land grants of the companies and other special mortgages made on special properties of the company, were all divided among the persons concerned in the building of the road, leaving the road crippled, poor, embarrassed, and without provision for the security of its indebtedness when it should become due.

Congress at that time had its choice of two remedies which were proposed. One was to repeal the charter of the Union Pacific Railroad, which was the one of these roads that was the creature of the Government, and to have the road managed for an indefinite period by commissioners to be appointed by the President of the United States, and to allow the stockholders and holders of bonds, creditors of the road, to prove in a judicial proceeding to be devised by Congress their claims against the road, and show that the owners of the stock and the bonds were free from the taint of the transactions to which I have referred, and then that a new corporation should be made, the Government coming in to succeed to the apparent debts of the persons whose debts were exposed to this taint and to the stock held by stockholders who were in complicity with these proceedings, so that the just stockholders and the Government should make a new corporation owning the stock to the extent of the original stock, and the honest creditors and the Government should be creditors owning the debts to the amount of the original debts.

That scheme, which was prepared by two eminent counsel then employed by the Department of Justice to represent the interests of the United States, did not for various reasons meet the approbation of the committee of the House of Representatives which had charge of the investigation, of which committee I was then a member, the principal reason being the injury to our institutions of having a corporation managed by five persons, who might be five politicians; we did not know who would be appointed or what skill or knowledge or even what integrity they might have; and it would give rise, if not to actual scandals, certainly to actual fears and rumors of scandals. So that scheme was dismissed.

The other scheme was the one which was adopted; the only other alternative suggested. It was to provide for a suit in the Supreme Court of the United States, to be instituted by the Government, in which all the persons who had received dividends of stock or bonds, or in any other way, in excess of a reasonable dividend, should be made parties, and should be compelled to refund to the treasury of the road (and of course to that extent increasing the security of the United States for its debts) what they had so wrongfully received.

The Supreme Court of the United States held that this suit could not be maintained, some of the judges dissenting. By that decision the United States are bound. Since that time the stock in this road has almost entirely changed. Some year or two ago, when the stock of the road was above par, statements were made by persons high in the confidence of the public that this road would undoubtedly immediately and for the future earn enough, in addition to discharging its obligations, to make it a good dividend-paying road, paying 6 to 10 per cent., and that its stock was a valuable investment at par. Thereupon, it being difficult to find profitable investments, Government bonds yielding only 3 per cent. interest, a very large number of persons, millions upon millions of dollars in my own State being represented, proceeded to purchase the stock of this road, and it is held by widows, by orphans, by trustees, by persons in humble places in life, by savings banks who represent such persons, by charitable institutions, and by educational institutions. Mr. Adams, the present president, who has lately come into the presidency, has made an analysis of the stock of this road, by which it appears that only about one-sixth of its entire stock is held by persons who can be supposed for a moment to hold it for speculative or stock-jobbing purposes.

It did not seem to the committee I believe, certainly it did not seem to me, that it was just for the United States to deal with the present question of the condition of the road by constantly remembering and citing against it the faults or wrongdoings of twenty years ago. We determined for good reasons to let the road live and not to kill it. Then we determined for good reasons to let it go on and manage its own business, let its stock remain salable upon the market as the stock of other corporations is. And therefore it seems to us that although the remedy of the United States failed, yet still that the duty of Congress is to deal with this road to-day with absolute justice, looking out of course in the first instance for the interest of the Government as a creditor, without being affected in our judgment by the faults of past years, except so far as those faults operate as a warning to be careful and strict in exacting the securities which shall prevent their repetition.

Within the past year a gentleman has come into the management of the road bearing an honored historic name, but not needing the historic honors which have come down to him from his ancestors to make those who know him ready to give him their confidence as a person who by his capacity and by his integrity is fit to be trusted in the management of a great enterprise like this; and he has undertaken the management of the road, called to it by the majority of its stockholders, with the purpose, as he declared publicly and privately, to have the road so managed that all its obligations to the Government and to its creditors shall be met, the first obligation or duty of the management of the road being scrupulously, fully, and exactly to discharge those, and then to manage it as a road to earn money for its proprietors like other business enterprises. Now, though I suppose I speak the opinion of the entire Committee on the Judiciary, I am authorized only to express my own; and I say that for one I confide in that as the purpose of the present management of the road, and therefore am prepared to recommend to the Senate and vote for a scheme which will in my judgment afford perfect security for the Government, be best for its business interests and for its debts, and at the same time will permit this road to escape bankruptcy and go on and discharge its public duties as a carrier and its duty to its stockholders as a business enterprise.

Then all the roads mentioned in this bill, which are the Central Pacific and one or two roads which are its dependents; the Union Pacific and the Kansas Pacific, which is its dependent, and the Sioux City and Pacific, which is classed here with the Union Pacific, but will have to have a separate clause in the bill relating to it, for it does not belong where it is now put in the bill—these roads all together will owe to the United States in twelve years or thereabouts from the present time when their debts mature—they all mature from 1894 to 1898—a sum (deducting what the Thurman act proposes shall be paid into a sinking fund), as near as it can be calculated, amounting to about $129,000,000; and the property of the companies is subject to a prior debt to become due at the same time which will bring it up to about $193,000,000. The precise accuracy of those figures depends of course on the amount which will be paid in the mean time under the provisions of the Thurman act, which depends on the amount of business of the roads, but that is about the amount.

If things go on as they are at the present time, the United States will be confronted with this problem: It must pay off the prior indebtedness, which will amount then to over $60,000,000—I speak in round numbers—and must then take the road to be run by itself as a great railroad manager, or to be sold in the market where the United States, of course, will be the victim of any combination of purchasers who will undertake to buy it for a song, bankrupting and destroying the present ownership of the road, or we must adopt some other method at that time.

The proposition of the committee is a plan which does not come from the roads; it is not the suggestion of the roads; it comes in its main feature from the Secretary of the Interior and the Railroad Commissioner, and is matured in its details by the committee of the Senate. It proposes to divide the indebtedness, to ascertain the present worth of the indebtedness; in the first place to apply the sinking fund to the present debts; take that money and have the sinking fund applied at its existing value to the present debts; then calculate what the debt will amount to in 1896—I think that is the year which is fixed upon—and then take the present worth of that sum, supposing money to be worth 3 per cent., which is, of course, the hardest rule that could be applied to the railroads, because 3 per cent. is the lowest point that money has touched, and it will take at the present time a larger sum at 3 per cent. to be worth the sum fixed upon in 1896 than would probably be required by what will be the actual rate which securities will bear in the interval. But that rule has been adopted by the committee. Then, having obtained that sum, it is to be divided into one hundred and twenty parts for each railroad in regard to the indebtedness of each, and a bond is to be given payable with interest at 3 per cent. every six months. That would amount to an extension of the debt to a period of sixty years from the present time, and to an extension of the indebtedness, deducting the twelve years which it runs now, about forty-eight years from the present time, and as the debt will be paid every six months, of course it will be an average payment of it in twenty-three years. It is, therefore, an extension of the credit to these companies for twenty-three years. That is the substance of it.

In return for that we get, in the first place, the expectation on our part that the roads will be able to pay that debt. We get instead of

the probability of their becoming bankrupt and a certainty in my judgment of their becoming bankrupt if we do not adopt the scheme, an assurance of payment. We get in the next place the removal from the courts and from Congress and from the public mind of all the questions, which are very numerous and complicated, growing out of our present relations to the roads and growing out of the complicated provisions and details of the Thurman act. But we get further the subjection to the United States as security for the debt of the United States of all the railroads which these companies have built as extensions of their present lines, of all their interest in roads which they have acquired by taking their stock, and of every property wherever situated of the roads of every nature and kind whatever, which is required to be put into securities which will be satisfactory to the law officers of the United States. We get an additional security of more than 5,000 miles of railroad constructed, operating in many instances very profitably, that is not now in the existing mortgage.

I will not detain the Senate at this time by any longer or fuller statement.

Mr. CONGER. Will the Senator allow me to ask a question?

Mr. HOAR. Certainly.

Mr. CONGER. Would these new bonds, which will be liens upon the old subsidized road and also upon the new roads, have any better security in point of priority of lien than the present bonds?

Mr. HOAR. Not in point of priority of lien over the prior debt to which the United States is now subjected.

Mr. CONGER. Will those bonds take the place of these?

Mr. HOAR. They will have to pay them at maturity.

Mr. CONGER. I mean to ask whether the present mortgage is relinquished?

Mr. HOAR. No; it is not the purpose or effect of the bill to relinquish the present mortgage; that stands, but is changed as to the terms of payment.

Mr. CONGER. The Government will have no additional security except the additional roads?

Mr. HOAR. That is the principal addition. I ought to say further that there are some detailed provisions, which I will not detain the Senate now by calling attention to, which remove doubts in regard to the right of the road to dispose of its property not in the ordinary course of business. The right to make dividends is limited, but they can not dispose of any property, except in the ordinary course of business, without getting the consent of the President of the United States.

Mr. SEWELL. I did not hear the first part of the remarks of the Senator from Massachusetts, and I ask him what does the United States relinquish in the bill as reported?

Mr. HOAR. It relinquishes its right to have its debt paid in twelve years from the present time.

Mr. SEWELL. Is the interest the same?

Mr. HOAR. No.

Mr. SEWELL. Does not the present debt bear 6 per cent. interest?

Mr. HOAR. That will be computed at 6 per cent. interest.

Mr. SEWELL. Does not the report make it 3?

Mr. HOAR. On the present debt 6 per cent. interest is to be computed up to the time it is due.

Mr. SEWELL. And hereafter it bears how much?

Mr. HOAR. Hereafter it is to bear 3 per cent.

Mr. SEWELL. That is a relinquishment of 3 per cent., practically.

Mr. HOAR. I do not so understand it. We have no right to collect interest after the maturity of the debt.

Mr. SEWELL. But suppose it is not paid and the debt continues?

Mr. HOAR. Provided it is not paid at maturity, the United States need not trouble itself about the rate of interest after that. It is beyond any human being's idea where it is to go or how the debt is to be paid with a rate of interest of 6 per cent. after maturity.

Mr. SEWELL. Does the Senator then consider that the road is not worth the debt?

Mr. HOAR. The Senator from New Jersey is too good a business man not to know that that is a question to which a literal answer might convey a very incorrect impression. Suppose you should come to me as the counsel of some dry-goods merchant who had a million dollars of indebtedness, and who, if his business was now wound up or wound up six months hence, could not pay fifty cents on the dollar; but still, if his business went on and he had an extension over a period of time, he would be very sure to work out the whole of it. I could say I had no doubt of it. Those two statements would not be inconsistent. If I should say the business and property are worth the debt now you might find it difficult to answer that question literally.

Mr. SEWELL. I should say from reading the report that the Senator from Massachusetts had made up his mind that with this amount of debt bearing 6 per cent. interest the road could not pay it.

Mr. HOAR. That is my belief.

Mr. SEWELL. And that a reduction of 3 per cent. would allow the company to do it.

Mr. HOAR. My belief in this: Under the Thurman act there is very great and reasonable dispute as to the meaning; but as the Government claims the Thurman act to be, the roads would have been in bankruptcy last summer if it had been literally and rigidly insisted upon. The roads would be in bankruptcy within a year under the Thurman act administered according to the extremity of the Government claim. That is what I have to say about it. But suppose it goes on, suppose the Government claim is not rigidly administered until the courts have passed upon the various questions as to how much the companies shall pay into the sinking fund and what is the rate of compensation for their transportation of mails and other Government freight; I still think, if the railroad goes on according to its own construction and claim of the meaning of the Thurman act, that in 1896, this whole indebtedness of $193,000,000 becoming due at that moment, the roads then will be bankrupted and the property must either be run by the Government as a great railroad manager or sold for a song. So, then, what this bill does——

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, the hour of 2 o'clock having arrived. The unfinished business is the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discrimination by common carriers.

Mr. HOAR. I ask unanimous consent to say a word further. The 6 per cent. interest for the next twelve years reserved by the contract is to be received just as the principal without any relinquishment.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent?

Mr. HOAR. I have the right under this bill to say what I choose. The Chair will recognize me on the present order of business.

Mr. SEWELL. The Senator from Massachusetts is answering my question.

Mr. HOAR. After the maturing of this debt the bill contemplates that interest is to be paid upon the debt on the same terms as the Government now is able to borrow money upon its indebtedness. That is the position of things. So in point of fact the operation will be, the Government paying 3 per cent. interest on the whole public debt or nearly the whole of it at that time, there will be $193,000,000 on which these roads will be supplying to the Government the 3 per cent. which is paid out till they pay off gradually the principal. It will amount to the same thing as if these roads in 1896, if they keep this provision of this bill, assumed and wiped out $193,000,000 of Government debt at that time.

Mr. SEWELL. I did not get exactly the time that the interest is computed up to.

Mr. HOAR. The bonds fall due thirty years from the time when they were advanced by the United States in the course of the construction of the Union Pacific Railroad, as the Senator knows very well, twenty-five miles at a time. They built twenty-five miles, and the Government commissioners reported that the twenty-five miles were finished in accordance with the terms of the law, and then they got so many bonds. The Senator from Iowa, I suppose, knows better than I do about that matter. They fall due in thirty years.

Mr. WILSON. They commence maturing in 1895 and continue until 1899.

The PRESIDING OFFICER. The Chair, understanding the Senator from Massachusetts as yielding the floor, recognizes the Senator from Arkansas [Mr. GARLAND].

Mr. HOAR. I yield the floor.

Mr. GARLAND. I do not claim it.

Mr. HOAR. I have got through, unless the Senator wishes to speak in reference to this colloquy.

Mr. CULLOM. I hope the Senate will now proceed to the consideration of the unfinished business, and continue its consideration until the bill is finished.

Mr. GARLAND. I ask permission of the Senate to occupy ten minutes of its time on the matter brought up by the Senator from Massachusetts.

Mr. CULLOM. The Senator from Alabama [Mr. PUGH] is entitled to the floor on the interstate commerce bill.

Mr. GARLAND. I thought I was recognized.

The PRESIDING OFFICER. The Senator from Arkansas was recognized.

Mr. GARLAND. I want to make a few remarks on the matter that the Senator from Massachusetts has called up.

Mr. PUGH. I will take the floor on the interstate commerce bill, and I will yield to the Senator from Arkansas ten minutes, if it is agreeable to the Senate.

Mr. GARLAND. The bill which the Senator from Massachusetts has been speaking to I wish to say a very few words about.

Last summer I reported a bill from the Judiciary Committee in reference to this general subject, but limited to the Central Pacific Railroad. For reasons that were then shown to the Senate the Union Pacific was omitted from that bill. This winter the Judiciary Committee having before it the House bill on this subject, on my own motion the bill in reference to the Central Pacific road was recommitted to the committee, and on the investigation had after the recommitment of that bill and the House bill the present bill is reported by the Senator from Massachusetts. I wish to call the attention of the Senate to the fact that it is substantially, only putting in the Union Pacific, the bill that I reported last summer in reference to the Central Pacific, being

changed in a few particulars. There is one particular in which it is changed, to which I wish now to call the special attention of the Senate. I allude to the first, second, third, and fourth clauses of section 1.

Upon re-examination of the whole question as to two of these railroads the committee thought it was best to remedy what was a defect in the original legislation in regard to these roads in relation to the roads paying the interest. That was not in the bill that was on the Calendar last summer in reference to the Central Pacific Railroad. When the question came before the Supreme Court, as reported in ninety-first United States Reports, the court disposes of the question thus:

> A provision in the charter that the grants thereby made are upon the condition that the company "shall pay said bonds at maturity," while it implies an obligation to pay both principal and interest when the bonds shall become due, does not imply an obligation to pay the interest as it semi-annually accrues. (U. S. vs. Union Pacific Railroad Co., 91 United States Reports, 72.)

The court, in reasoning upon that section, which was section 6 of the act, said that the language of the act led to that conclusion. It thereby left the United States paying current interest when the roads were not paying the current interest. The first, second, third, and fourth clauses of section 1 of the proposed bill are an attempt to remedy this, to make up as far as can be this difficulty that arose under the original legislation on the subject. The court, in giving this construction to section 6 of the original act, seems to incline to the conclusion that Congress purposely omitted to require the interest to be paid by the companies for reasons which I will not now detain the Senate by reading, that is, for supposed advantages that the Government had in the transportation of its mails, its munitions of war, and anything else it chose to send over the roads. The committee thought upon the investigation of this matter that it was proper to remedy this difficulty as far as possible, as it was probable the companies would have an undue advantage by this arrangement over the Government. The introduction of this new feature in these clauses of section 1 is for the purpose of making the Government whole, as far as it can; as it pays out current interest to receive current interest.

I thought it was best that I should give this explanation to the Senate on this particular feature of the bill. That is all I care to say now.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. CHACE introduced a bill (S. 2600) for the relief of the Woonsocket National Bank of Woonsocket, R. I.; which was read twice by its title, and referred to the Committee on Finance.

Mr. MAHONE introduced a bill (S. 2601) to remove the political disabilities of George T. Sinclair, of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON (by request) introduced a bill (S. 2602) to exempt the Young Men's Christian Association of Washington, D. C., from the payment of general taxes upon certain lands in Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 2603) for the relief of Andrew Burgess, John Hall, and William T. Roundtree, of the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

CONSULAR AND DIPLOMATIC APPROPRIATIONS.

Mr. ALLISON. I present some letters and statements in the nature of a report on the consular and diplomatic appropriation bill, and ask that they be printed.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair hears no objection, and the order will be made.

COAST-SURVEY REPORT.

Mr. MANDERSON. I am instructed by the Committee on Printing to report a resolution.

The resolution was read, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

Mr. MANDERSON. That is the usual concurrent resolution, and I ask that it be considered at this time.

The resolution was considered by unanimous consent, and agreed to.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CULLOM. I hope the Senator from Pennsylvania will not make that motion.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is not one open to discussion.

Mr. CULLOM. I am very anxious to have the Senate sit to-morrow in order to finish the interstate-commerce bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, the pending question being on the amendment proposed by Mr. BECK to strike out all after the word "reasonable," in line 14, section 1, down to and including the word "person," in line 31; as follows:

> And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. PUGH. Mr. President, the question before the Senate is whether the Senate bill shall be substituted for the House bill as a remedy for admitted evils in interstate railroad and water transportation. The undisputed evils are clearly set forth in both bills. The methods and practices of transportation companies in all their unjust, injurious, and immoral character are seen and felt in every State, and the sufferers demand relief in some form from Congress. It is the duty of Congress to make an honest effort to meet the demand. What is the best thing to be done is the troublesome question. I frankly admit my inability to answer the question.

I have no knowledge or information, and, not to be offensive, I do not believe any other Senator has such knowledge or information founded on trial and intelligent experience that properly qualifies us for general legislation that will safely and wisely regulate by fixed rules interstate commerce. The far-reaching importance and confounding variety of complications admitted to exist in the freight carriage of our 1,200 railroads, running in every direction a distance of over 125,000 miles, through thirty-eight States abounding in marketable productions, should fill the minds of lawmakers with doubt, difficulty, and hesitation in undertaking to legislate upon the subject. The kind of knowledge indispensable to a proper understanding of the causes and character of the evils to be remedied, and what laws will cure them, is possessed by very few Senators. Theoretical or speculative reasoning as to the practical operation and effect of any inflexible statutory laws to govern railroads in all the cases of unjust and injurious interstate transportation, specified in each of the bills before the Senate, is to my mind too misleading and unreliable to conduct us to safe and wise conclusions in legislation. There is no subject over which Congress claims jurisdiction that is more elastic, shifting, changeable, and unmanageable in its very nature than interstate commerce and railroad transportation. The unalterable variety of its nature makes it necessarily incapable of regulation and management by permanent and inflexible statutory rules that are allowed no relaxation, modification, or variation in their application and enforcement. These manifest truths teach me that it is the highest duty of Congress to enter this unexplored field by slow and gradual approaches. Radical and speculative legislation may multiply the evils and cause irreparable mischief. Not knowing myself what is certainly best to be done, I will do the best I can with the lights before me and rest on the conviction that if what I do fails to reach the evils it can do no harm. A great man has said that "statesmanship is the science of circumstances." How to apply organic Congressional power to the new facts, conditions, relations, and circumstances constantly arising and requiring treatment, in the wonderful growth of this great country, is the severest trial and test of American statesmanship. The regulation of interstate commerce and railroad transportation by Congress furnishes a complete illustration of my meaning.

I can not make a more valuable contribution in the discussion of this interesting subject than to read the testimony of Albert Fink, one of the ablest, most experienced, and best informed railroad men in this or any other country. His knowledge was derived by many years of personal association with the operation of railroads and their management; he has filled for years positions of great trust and responsibility, and his integrity has never been questioned. Under the sanction of an oath he made the following statement as a witness before the Senate Committee on Education and Labor, September 17, 1883, and his testimony relates directly to every question involved in the proposed legislation; and whether we agree or disagree with his opinions and conclusions, he will certainly add to our information and aid us in comprehending and solving the difficult problems under consideration.

The testimony of Mr. Fink is divided and addressed to each particular subject, as follows:

NECESSITY FOR CO-OPERATION OF RAILROADS.

A. I am the head of a bureau established by a number of railroads—about

forty—which are endeavoring to work together in all matters which require co-operation, for example, and particularly the establishment and maintenance of uniform tariffs; that is the principal object for which the bureau is established. The railroad system has become so extended and the business relations of so many roads to each other have become so complicated that it became necessary that there should be organized co-operation. The tariff of one road influences the tariff of many others. It would not do for so many companies to operate each road separately from the other. They have to arrange with each other to form connections, to establish through lines of transportation and tariffs for such through lines. It is a very complicated question, to make these tariffs uniform on many competing lines, and to arrange them so that they bear equally upon different localities, and to avoid unjust discrimination, and it is still more difficult to see that the tariffs properly established over so many roads are maintained alike to all shippers receiving like service. To accomplish this is the object of the bureau, which is established in the interest of the public as well as in the interest of railroads. It is a union of railroads for the purpose of conducting the transportation business in a business-like way and in the best interest of the public and the companies.

The commercial management of railroads has become very much complicated by the great number of competing roads. If there was only one road or if all the roads belonged to one company it would be comparatively an easy matter to manage the tariff question, but when there are so many roads, each operated separately, having separate interests, there would be nothing but confusion and chaos as far as the tariffs are concerned.

Q. (by the Chairman). How many roads are there?

A. I suppose there are upward of 1,200 roads, even counting many roads that have been consolidated as one road.

THE ASSOCIATION OF ROADS EAST OF CHICAGO.

* * * * * * *

There are five trunk-lines—the Grand Trunk of Canada, the New York Central, the Erie road (or the New York, Lake Erie and Western, as it is now called), the Pennsylvania road, and the Baltimore and Ohio. These are the main lines. Then come their connections—the Lake Shore, the Michigan Central, the New York, Pennsylvania and Ohio—in fact all the principal East and West roads as far as the Mississippi River, and as far as Chicago, and as far as the Ohio River—all the principal roads in that territory—the Cleveland, Columbus, Cincinnati and Indianapolis, the Indianapolis and Saint Louis, the Vandalia, the Ohio and Mississippi, the Pittsburgh, Fort Wayne and Chicago, the Chicago, Saint Louis and Pittsburgh, the Indianapolis, Bloomington and Western, the Lake Erie and Western, the Canada Southern, the Boston and Albany, the Fitchburg, the New York and New England.

Q. The Grand Trunk of Canada is included?

A. The Grand Trunk is one of the roads; yes, sir, and a very important one.

Q. With all its connections?

A. Yes. They have a road to Chicago. Their main road runs from Chicago to Portland, Me.

Q. This combination or association, if I understand you correctly, does not include any roads west of the Mississippi, or at least none west of the Missouri?

A. None west of the Mississippi. West of Chicago they have separate organizations of the same nature. They also have a similar organization in the South. These associations are formed pretty much on the same plan and for the same purpose.

Q. These are the roads that naturally take the produce from the interior of the country to the Atlantic seaboard?

A. Yes; east and west roads. There is a system of roads between the Mississippi and Missouri Rivers, and others, running north and south. They are separately managed.

Q. By a like combination or association?

A. Yes; as far as rates of transportation are concerned.

Q. As to this association of which you are the head, what are the principal westerly points and connections of your roads, and what are their principal points of outlet on the Atlantic seaboard?

A. The principal points west are Chicago, Saint Louis, Cincinnati, Indianapolis, Toledo, Detroit, Cleveland, and other intermediate points. The eastern outlet is the Atlantic coast from Portland, you may say, to Baltimore, including Boston, New York, Philadelphia, and Baltimore.

Q. Would it include the outlet of the Chesapeake and Ohio?

A. They have an outlet here at these points, also one at Newport News, Va., but are not part of the association, although they work together with the association as far as tariffs are concerned.

Q. They abide by the regulations and decisions without being actually bound by them?

A. Yes, they agree to them, but they need not abide by them if they do not choose to do so.

Q. So far as actual results are concerned, they are practically part of the association?

A. Practically, yes.

Q. Are there any other lines of importance that carry through products from the interior to the Atlantic coast—is there any outlet for the South—at Brunswick, or anywhere?

A. There are outlets at the South by some railroads, but not very important ones as far as export traffic is concerned. There is a route from the West to Brunswick, Savannah, Charleston, Port Royal, and Norfolk. The Chesapeake and Ohio have their terminus at Newport News. Then there are other roads, besides those I have named, from the West, from Saint Louis and Louisville and Memphis—the Norfolk and Western, the East Tennessee and Virginia, the Memphis and Charleston, called the Virginia Air Line, with its terminus at Norfolk. This is an important east and west road. It is, however, more particularly engaged in the Southern business, the cotton business; it connects with roads to Saint Louis, Louisville, Cincinnati, Memphis, Nashville, and other points, and does business there.

THE ASSOCIATION OF ROADS WEST OF CHICAGO.

Q. West of this system is one lying between the Missouri and the Mississippi Rivers, I understood you to say?

A. Yes.

Q. What is that called, and who is at the head of that association, and what roads are in it?

A. That association comprises the roads running from Chicago west—the Chicago and Alton, the Rock Island, the Chicago, Burlington and Quincy, then the Chicago and North western and the Chicago and Milwaukee roads.

Q. Who occupies in that association a position similar to yours?

A. Mr. J. W. Midgley.

Q. Farther westward what are the principal railroad connections? Is there any association among the railroads to the west or south of those you have mentioned?

A. There are associations, called the Iowa and the Colorado Associations, that take in all the roads to Colorado west of Chicago. The same roads that I have named are engaged in the traffic to Colorado, and the same commissioner is at the head of the bureau.

Q. This same Mr. Midgley?

A. Yes, sir.

Q. Then his system takes in the Colorado roads?

A. Not the Colorado roads, but the roads between Chicago and Saint Louis and the Missouri River.

Q. And the roads that reach to New Mexico and Arizona and the Territories?

A. Not the roads as far south as that, but of course it takes in the traffic to those points.

Q. They all feed into and connect with each other?

A. They all compete with each other.

THE SOUTHERN RAILWAY AND STEAMSHIP ASSOCIATION.

Q. What other like associations among railroads exist in this country?

A. There is an association called the Southern Railway and Steamship Association, the first one established upon the present plan. It was established in 1875. It comprises nearly all of the Southern roads south of the Ohio and east of the Mobile and Ohio Railroad, and the Atlantic coast.

Q. Mention some of the principal ones.

A. The principal ones are the Georgia Central road, the Georgia road, the Western and Atlantic road, the Louisville and Nashville system, the Richmond and Danville system, the Norfolk and Western, the Memphis and Charleston, the Savannah, Florida and Western, the East Tennessee, Virginia, and the Georgia system. These are the principal roads.

Q. Does this system cover the Mississippi Valley?

A. No; it does not reach the Mississippi Valley. There are some other roads in that territory east of the Mississippi; they run north and south. They have no joint interest with the other roads, which are east and west roads—such as the Illinois Central and the Mobile and Ohio.

Q. Under what system or arrangement, if any, are those roads you now mention comprised?

A. They are not under any particular system. There is no organized system under which they operate; they co-operate with each other. There are only two or three roads, and it is an easy matter for them to co-operate without any organization.

Q. Then to recur to this system of the South, of which you have been speaking, which was organized first of any, and in 1875, under what gentleman having the same powers or like powers to yourself were these roads organized?

A. The organization was made after I left the Louisville and Nashville Railroad. I had then been connected with the Southern system of railroads, and there was so much confusion and strife in regard to the establishment and maintenance of tariffs that it was utterly impossible to conduct the transportation business in a proper way. It caused a good deal of ruinous competition and unjust discrimination, each road making its own tariffs and underbidding the other. The result was, generally, that the roads worked for almost nothing, or at a loss, and it was almost impossible to control the tariffs. I was then the general manager and vice-president of the Louisville and Nashville Railroad, a road that was in contact with both the Northern and Southern systems of roads—a sort of connecting link between these two systems, and I had to do business with between fifty and sixty different roads, and when it was desired to make an agreement of any kind the parties could not be got together, and when some of them came together others were missing, and nothing could be done. But if they should all happen to come together they could not agree, or if they did agree there was no organization or executive department to see that the agreements were maintained. This state of affairs led me to suggest the plan of an organization of railroads with a central bureau through which the different roads could readily transact business with each other, instead of so many roads endeavoring to do business separately with one another, making it almost impossible to accomplish anything. All these complications were avoided by transacting business through the head of the bureau, who understood the relations of the roads to each other, and knew what was required, and through whom the roads could communicate with each other, and negotiate on all subjects requiring co-operation. The representatives of the roads would hold meetings and discuss matters. If they could not agree, the head of the bureau was to decide the questions at issue, and act as the executive, it being also his duty to see that the agreements were carried out. In this way the roads would be enabled to transact business promptly and to establish uniform tariffs and to see that they were maintained. This is the object of this and like associations. They are in the nature of clearing-houses, where the parties, instead of settling the money balances, settle their differences and their little quarrels (or their big quarrels, as the case may be). A definite way is provided in which business can be successfully transacted. It is simply accomplishing by organization what was ineffectually attempted by a mob under the old system. I made it my special business for about six months to organize the association, and since then it has been successfully carried on by others. The plan has been found to work so well that it has been adopted elsewhere. Mr. Virgil Powers is the present commissioner.

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THE WATER ROUTES OF TRANSPORTATION.

Q. Will you now mention the water routes, whether by river or canal connection, that have to do the transportation of the country, either by connection with the railroads themselves or otherwise?

A. The principal water lines engaged in the East and West traffic are via the lakes and the Erie Canal in the North, and the Welland Canal in Canada. The Mississippi River to New Orleans forms another important water line.

Q. How important is that water line in connection with the transportation interests of this country?

A. The water lines that I have mentioned are very important factors in the transportation business of the country. They not only secure cheap transportation themselves, but they have the great advantage of regulating the railroad tariffs.

Q. Please explain how that is—that the water lines regulate, or can regulate, the railroad charges.

HOW THEY ACT AS REGULATORS OF RAILROAD CHARGES.

A. The cost of transportation upon the water routes being cheaper, the railroads have to carry freights as cheaply or nearly as cheaply. They can only increase their charges over the charges made by water routes to the extent that they offer additional advantages; while somewhat higher rates can be charged by the railroads, the basis of their charges are the charges made by the lower water lines. If they charge more than a certain amount above the water rates, the business would all go by water. Not only is this the case where railroads come in direct competition with the water routes, but the effect of these water routes upon the rail transportation rates is felt throughout almost the whole country. This is the result of the great competition between the railroad companies themselves. As to the Erie Canal and lakes, the railroads that directly compete with those routes between Chicago and New York must conform to the low water rates; but it is also necessary that, say, for example, from Indianapolis, which has no water connection with New York, the rates should be made upon the same basis as the Chicago rates—that is, the same rate per ton per mile, or nearly so.

CHICAGO RATES THE BASIS FOR RATES FROM AND TO OTHER WESTERN POINTS.

That rule is almost a fixed rule now, adopted by the railroad companies; that whenever the Chicago rates are lowered the rates throughout the whole territory east of Saint Louis, Louisville, Cincinnati, Peoria, Columbus, &c., are lowered proportionately. There are so many roads that run from those points direct to the East, under independent management—they want a share in the business of the country. If they were to try to exact proportionately higher

rates, say from Indianapolis or Saint Louis, than from Chicago, there would be enough margin left between the Saint Louis or Indianapolis rate and the Chicago rate to New York that freight could be sent from Indianapolis to Chicago, and then by railroad or canal from Chicago to New York. In order to prevent this the railroads that run direct from Indianapolis, Saint Louis, &c., to the East make the rates so low that the business must go over their roads, and can not go to Chicago. While the water routes only exist between Chicago and New York, the effect upon transportation rates is felt all over the country by reason of the competition between the railroads.

NOTWITHSTANDING COMBINATION, RATES ARE FIXED BY COMPETITION.

No combination of the railroads can suppress this competition. It could only be done if the railroads were all owned by one party and were operated in one interest. But as it is they have all separate interests, and each one guarding its own interest keeps up this competition, and even in agreeing between themselves upon rates, those rates are fixed by competition. This, unfortunately, is not understood by the public. It is generally believed that when competing railroads agree upon uniform rates, that this excludes competition. This is not the fact. The effect of water competition is not only felt in the territory east of the Mississippi and Ohio Rivers, but is felt south of the Ohio River. For example: The low rates from Louisville, under the influence of the Chicago low rate, are felt at Memphis, Nashville, and farther south. Freight from Memphis is shipped to Louisville and gets a low rate from there, and the people of Nashville and such places get as much advantage from the low rates as if really located on a water course; so that the influence of the water transportation is felt almost throughout the whole country. That is the influence of the Erie Canal. To the south there is the water-route from New York to New Orleans via ocean, and from New Orleans freight is carried to Memphis and Saint Louis and the West via the Mississippi. In order to meet these low rates, the east and west roads from Louisville and Memphis or from Memphis to Norfolk east have to conform again to the low rates made by the Atlantic Ocean and the Mississippi River.

Q. That has reference to goods from east to west, as well as from west to east?

A. Both ways. In this way the water-courses are really regulating the railroad transportation rates throughout, you may say, the whole country. Of course the low rates from here to the Mississippi River are enjoyed by the people west of that river. Rates generally are higher west of that river, but the people west of the river get the benefit of the low rates east. In many other ways the water routes help. The Ohio River, the Tennessee River, and the Cumberland River affect the railroad rates at the interior. There is plenty of competition that regulates the rates and keeps them at an exceedingly low figure.

NO COMBINATION PRACTICABLE ON WATER LINES.

Q. Will you please state how it is that there can be no combination of transportation interests by water as well as by land? Why can there be no combination so as to put up water rates as well as land rates?

A. It is hardly possible. The competition is only between canal-boats or steamboats; the water ways are free to all. If any one boat or a combination of boats should try to charge too high rates, it would require a comparatively small capital to start new boats. * * * I mean combinations for the purpose of charging excessive rates. Nor is it possible for railroads to combine for that purpose, because, as I have shown, the railroad charges are controlled by the charges on water ways. The water ways are free; nothing is paid for their use, and it requires very little capital to start competing steamboat lines.

There are certain arrangements by which railroads run in connection with steamship lines.

The Pennsylvania Railroad owns a steamship line from Erie, Pa., to Chicago. They have control of what is called the Anchor Line. The New York, Lake Erie and Western road owns a water line absolutely—the Union Steamship Line—running between Buffalo and Chicago. There is another steamship line between Buffalo and Chicago, that, while not owned separately by a railroad corporation, runs in connection with the New York Central road. All these water lines, while working with the railroads, are subject to competition, and their rates must be as low as by other water lines.

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WATER TRANSPORTATION THE REGULATOR OF RAIL RATES.

Q. The real water regulator of the prices of fares and freights is the Mississippi River and the Atlantic Ocean, is it not?

A. And the Erie Canal.

Q. But the Erie Canal is liable to interruption?

A. During the interruption of navigation the Erie Canal still influences rail rates, although during the winter months the railroad companies are able to charge higher rates.

RAILROAD RATES COMPARED WITH WATER RATES.

It is the general impression that when the Erie Canal closes the railroads have it all their own way, that the railroads can then charge what they please. This, however, is not the fact, nor would it be if there were no Mississippi River. If the railroads were to attempt to charge high rates during winter-time business men would endeavor to throw most of the freight on the canal during the summer-time, leaving the railroads nothing to do in winter. The railroad companies can not increase their charges over the transportation charges by water more than the advantages are worth which the shippers receive by getting their goods promptly forwarded at all times. That is all the additional charge that railroads can impose, even in the winter-time, over the transportation rates charged by the canal.

Q. Still that would make necessary the holding back of the crop?

A. It would, but the railroad companies do not want the crop held back, and they must offer such inducements that will move the crop during the winter season; and they do so.

Q. But are not the necessities of the farmers such as to oblige them to send the crop forward?

A. At present they have become accustomed to sending their crops forward, but before the railroads undertook to carry this low-priced freight the farmers had to hold their crop. Now the advantages of the railroads over the canal are such as to induce them to move the crop, and of course the railroads offer every inducement to them to move it. * * * The canal carries now about from 40 to 60 per cent. of the grain that comes to New York during the navigable season. It carries only about 20 per cent. of the total grain receipts at Boston, New York, Philadelphia, and Baltimore during the year.

THE FIXING OF RAILROAD CHARGES.

Q. Will you explain as fully as you can to the committee the actual *modus operandi* or method by which this association arranges the fares and freights among the different roads—upon what general principles do you act—and, in fact, give us as correct an inside view of its operations and its useful or beneficial tendencies to the general public as you will?

A. It would be very difficult for me to explain fully to the committee the operation of this association, as the committee would have to be in a great measure familiar with many details in the management of this railroad transportation. I can only give, perhaps, a general outline of it. As I said before, the principal object of this association is to establish equitable and uniform tariffs over the roads represented on the committee so far as their competitive traffic is concerned. It has nothing to do with the local business of the roads. When two or more roads come into competition with each other for the same business, then it becomes necessary to have some understanding between these two roads as to the rates that should be charged for the same service. If one road were to charge one rate and another another rate, of course the road that would charge the lowest rate would do all the business and the other could not do any.

Q. That is competition, is it not?

A. Yes, but it don't work well in the transportation business. If there was no agreement as to uniform rates, shippers who would want to ship by one road would have to pay higher rates than shippers by another road. If these rates were kept secret the shipper would not know what the rates of the different roads were, and one shipper might thus get his goods shipped cheaper than the other. That would be unjust discrimination. It has become the practice of all railroads, and I think of all steamship lines, when they compete with each other, to agree upon a certain charge to be made by all routes for the same service, and let the shipper select his own route. That is generally called combination, and it is assumed generally that this combination is made for the purpose of exacting unreasonable compensation. But this is not necessarily so.

Q. That is, as you say, generally called combination, and we hear, under the existing system of transportation, that competition is the natural regulator of fares and freights; and the natural protector of the interests of the public in that regard. Is not, then, the direct purpose of this association to prevent that natural competition which is supposed to protect public interests?

A. These associations can not control the natural and legitimate competition, as I have already stated.

Q. Right there, I wish you would make your explanation as clear and full as possible.

LEGITIMATE COMPETITION DISTINGUISHED FROM RUINOUS COMPETITION.

A. We have to draw a line between legitimate competition, that is the life of trade, and competition that results simply in the ruin of the parties that are engaged in the competition. The object of these associations, besides that of giving uniform tariffs, and arranging through tariffs for the whole country, is to prevent ruinous competition. I think the competition between railroads is somewhat different from the competition in other business. Competition between private parties soon comes to an end when prices get so low that they can not carry on any business. A railroad company, however, can carry on competitive business for a long time at non-paying rates, and either not find it out, or else make the traffic for which there is no competition pay for the losses incurred in the competitive business.

Q. I suppose an instance of that is where they make up on local charges what they lose on the through charges?

A. Yes.

CHARGES ASSESSED ON THE VALUE OF SERVICE.

The proper plan is to assess the railroad charges in accordance with the value of the services rendered. Nobody should ask services for less than cost. The tendency of this railroad competition is, that by one road underbidding the other on the competitive business, the rates soon become so low that the business is worth nothing. They have often carried it, and sometimes carry it yet, at less than cost, and this is not to the advantage of the public. The public can always afford to pay reasonable rates for the service. It is not to the advantage of the public at large to do otherwise, because if you send all these railroad companies into bankruptcy, and thus ruin the people (who are really the owners of the railroads), you ruin the credit of the country, and you ruin the industries that are dependent upon railroads, such as the iron industries and the other manufacturing establishments which furnish supplies to the railroad; you also necessarily reduce the wages of the laborers. When railroads can not earn any money, the laborers employed on the roads have their wages reduced, or frequently lose their pay altogether. I may refer to the difficulties which arose in 1877, during and after a long railroad war, when so many of the employés rose and "struck." This was the result of low wages or reduced time of labor during the railroad wars.

EFFECTS OF COMPETITIVE STRIFE BETWEEN RAILROADS.

In fact it is hardly necessary to demonstrate that it is not to the interests of the people to have the railroad companies do work for less than cost; and this would be the inevitable result if they engage in competitive strife (as I will call it to distinguish it from legitimate competition). The nature of the business is such that when one railroad underbids another in order to secure a little more business, as soon as the other finds out that it has been underbid, it has to underbid its rival still further, and so rates go down and down until so little freight was carried from Chicago to New York, 1,000 miles, for 8 cents a hundred. This is a loss of from 8 to 12 cents a hundred in doing the mere work, not to say anything of interest on capital invested.

Q. What is the actual cost?

A. Anywhere from 16 to 40 cents—Chicago to New York. It depends upon what you count in the cost. The mere additional cash cost of moving 100 pounds of freight from Chicago to New York may be estimated at about 16 cents on grain. The average cost of all classes of freight, taking in general expenses, would be about 24 cents; and taking in interest it would be about 40 cents per 100 pounds. I will have to explain this subject more particularly later on; but upon the lowest estimate the charge of 8 cents made in 1881 was about only one-half the actual outlay of money, not to say anything about investment. But, apart from the ruinous results to the railroad companies, these railroad wars are objectionable as far as public interest is concerned. During these wars each road makes its own tariff without any agreement with its competitors as to uniform rates. It may make changes from day to day in these rates, and the shippers do not know what the charges will be for twenty-four hours to come. One man may have laid in his supplies at the regular tariff to-day and in a week from now the tariff is down to one-half of what it was then, and he is at very great disadvantage compared with his neighbor who lays in his goods a little later.

OBJECTS OF COMBINATION.

Now, it is for the purpose of establishing uniform tariffs, and to maintain the same without great fluctuation, to prevent ruinous wars, and the bankruptcy of railroads which would necessarily follow, that these railroad associations are established; it being their object to agree upon the proper tariff to be charged, and to have that tariff made known to the public, to prevent roads from making reductions secretly in these rates, and to make changes either for the same service. That is the object of these associations. And it is a very important object; in fact, if fully obtained, we would have reached the solution of what is generally called the "railroad problem." In my opinion it is only upon this plan of association, now adopted by many railroad companies in this country, that the evils of the transportation business have become experienced, and of which the people so much complain, can be remedied.

PRUSSIAN SYSTEM—STATE GOVERNMENT OF RAILROADS.

In Europe, especially in Prussia, this object has been obtained by the purchase on the part of the government of all the railroads in the country. This puts them all under one control, and enables the government to make uniform tariffs and strictly maintain them. This plan, however, could not be followed in this country.

AMERICAN SYSTEM—SELF-GOVERNMENT OF RAILROADS.

Here we must accomplish the same end by voluntary associations of roads under what may be called a self-government. Between the two modes of dealing with the railroad problem, I think the one adopted here is much more suitable to the spirit of our people and the character of our Government. I merely

wish to call attention here to the necessity and importance of the work which these railway associations are to accomplish. The difficulties encountered in endeavoring to accomplish this work are as great as is its importance. How are some 1,500 independent railroad companies, each having separate interests, to govern themselves so as to secure to the people, over 130,000 miles of railroads, throughout this immense country, uniform tariffs—tariffs that operate justly upon all sections of the country, justly between commercial communities, between rival cities, and between individual shippers? That is the problem to be solved. It can not be solved by each individual road following its own course and making its own tariffs without reference to the tariffs of other roads. The work to be done can only be done by the joint action of all roads that are jointly interested in the same traffic and that can influence each other's tariffs.

HISTORY OF ATTEMPTS AT JOINT ACTION.

Ever since there have been competing roads, efforts have been made, arising from the nature and necessity of the case, to act jointly in all matters of joint interest; and this for the reasons above stated. But the methods that were frequently adopted for such joint action were defective and inefficient. Representatives of railroads would hold conferences and discuss the subject-matters that required joint and uniform action on the part of many roads. They could hardly ever be all got together, and if they came together they could hardly ever agree; but if they did agree, the agreements were hardly ever carried out, at least not for any length of time. There was no authority to see that the agreements were enforced. Considering the complicated transactions covered by the agreements, it was impossible that these agreements could carry themselves out without supervision or control. Yet, strange to say, that was expected. The history of railroad management in the past records the complete failure of these efforts; and nothing else should have been expected.

In 1874 the first effort at some sort of organized co-operation was made by the roads which are now represented on the joint executive committee. I refer to the agreement known as "the Saratoga compact." Some seven commissioners were appointed, whose duty it was to control the rates. The organization was imperfect, and it soon fell to pieces. But it taught its lesson.

SOUTHERN RAILWAY AND STEAMSHIP ASSOCIATION—METHOD OF OPERATIONS.

In 1875 the Southern Railway and Steamship Association was organized. (I have already referred to it.) It provides for a complete government of the subject-matter with which the association has to deal. The representatives of the roads come together and form a legislative department. There is an executive officer who carries out the resolutions of the legislative department. If the representatives of the roads do not agree, there is a judicial department that decides the question at issue between the contending parties. Majority does not rule. All questions of difference are to be settled judicially. They are to be submitted to arbitration. The interests of each individual road can thus be protected, which would be impossible under a majority rule. This is the principle upon which the Southern Railway and Steamship Association was established, and the joint executive and other associations have adopted the same principles. The only defect in these organizations is that there is no authority to legally enforce agreements. The voluntary consent of all parties is necessary, and it may be considered surprising that under these conditions the government of the railroads by these associations has been as successful as it has proved to be; although it is still very imperfect, it is a great improvement upon former methods.

The difficulty is not so much in arranging the joint tariffs, because there are certain principles that guide this work. The tariffs are generally determined for the railroads by other conditions and competition such as the water routes. These latter are really the tariff-makers for the whole country.

ADVANTAGE OF THROUGH BILLS OF LADING.

The railroads are now in the habit of issuing through bills of lading, guaranteeing the delivery of goods at destination, collecting the charges from each other, so that the shipper has nothing to do but to ship his goods to the consignee at the point of destination, who, upon receiving the freight, pays the full charge. This saves a great deal of labor to the shipper.

That system is now in full operation throughout the country. Perhaps in no country in the world is it so perfect as here. You can get a rate to any point in the country and get a through bill of lading.

Now, in order to give a rate to a shipper to any point in the country, it is necessary that the railroads should come together and establish the rate, and that it shall be understood and made known to the public. It is one of the objects of this association to do that. In other words, instead of a shipper having to deal with forty or one hundred railroads, these roads are practically operated as if they were a single road, so far as the accommodation of the public requires. Taking the several roads from here to Chicago constituting one route, not only is it necessary that they should agree among themselves, but there are about fifty different routes or combinations of routes by which goods can be shipped from here to Chicago; and in order to give people one uniform rate from here to Chicago, all the roads constituting these routes have to come together and agree upon uniform rates. The question is, what shall that uniform rate be?

FACTORS IN FIXING RATES.

The idea generally entertained is that railroad companies can ask anything they want. But there is the competition with water routes, the competition in the markets for the articles to be transported, and other conditions influencing rates. The point is for the managers of these roads to come together and study the conditions under which they have to do business, and to adapt their rates to these conditions so that they may induce shippers to ship by the railroads. That is the problem. What the rate shall be is a matter of judgment and experience. If you make a rate that does not bring you any business, it is very soon found out.

Q. Is the result of that, practically, that all have to ship at that rate at which the route having the greatest advantages can do it?

A. All roads have to conform to the rate that is charged by the road that can or wants to make the lowest rate.

Q. But still the road that can carry at the lowest rate wants to get all it can?

A. Of course it does, and so do all the others, but the rates are limited by competition and condition of trade.

Q. And is there not, on the other hand, a tendency among the other roads to hold the charges as high as possible, and is it not to the interest of that road having the greatest facilities to conform to that higher rate, and make all the more profits?

A. It is to the interest of all to get as much freight as possible; it is for their interest to make such a rate as will induce freight to move. If you charge too high rates you get very little business, and it is better to encourage business and get more at reasonable rates. Of course there are certain limits to which only you can go, below which the business becomes unprofitable.

ITS COMPARISON TO THE FEDERAL SYSTEM FOR STATES.

I might explain further that the relation of this office to the various railroads having established it is pretty much like the relations of the Federal Government to the several States. It attends to the general business in which all the roads are interested, the same as the Federal Government transacts the business in which all the States have a common interest. If, for example, each State were allowed to make its own tariffs, and levy tolls and duties on commerce, without any restraint or agreement between all the States, it would lead to a terrible condition of affairs; and so, likewise, it would if all the railroad companies should do the same thing each for itself.

The regulation of commerce between the States became impossible under the Articles of Confederation. The common carriers in each State were governed by the common law, which is well adapted to the regulation of transportation in a State where facts and conditions are the same or similar. But there is no common law of the United States, and the impracticability of applying the fixed rules of the common law to interstate commerce and transportation created, among other causes, the necessity for our present Government, in which Congress is invested with "power to regulate commerce between the States." To undertake to establish the common law by a statute of Congress to regulate interstate commerce is to do what was found to be impossible under the Articles of Confederation. Again I read from Mr. Fink's testimony:

To compare the railroads under the organizations which I have explained with the States under the Federal Government, each road would represent a State. If each road, acting for itself, would make its own tariff, levying its own duties, you can see that it would lead to a great deal of confusion, just as it would if the separate States of the Union were to establish tariffs and collect duties separately, each for itself. The railroads have established a general government; all roads come together and legislate as to the uniform tariffs and freights that should be charged, and appoint an executive officer to see that these tariffs are complied with. The fact that in all countries where there are railroads there are these institutions in a more or less organized form indicated the necessity for them.

"RAILROAD UNIONS" IN GERMANY.

In Germany they have what they call the "Railroad Unions," dealing with the same questions that we deal with here in my office.

RAILROAD CLEARING-HOUSE IN ENGLAND.

In England the railroads have what is called a "clearing-house," which is an incorporated association formed by all the railroads, or nearly all the railroads of England. In that clearing-house they deal with the same questions that we do, under different rules and organizations. The English clearing-house makes the money settlements between the different roads, instead of each link in the chain of routes settling with the other; they settle through the clearing-house. The clearing-house is incorporated by the government, and it has worked for the last twenty or thirty years very satisfactorily.

RAILROAD PROGRESS LIES IN CONSOLIDATED MANAGEMENT.

I have shown the necessity and the benefits to be derived from the railroad companies working together in this way. In fact, it ought not to require much argument to show the necessity of it. I think the general drift of public opinion has long been that the railroads should all be under one government—and under the National Government—and that arises from the fact of difficulties coming up in the management of so many different railroads which makes it almost impossible to carry on the transportation business in a proper way. The same difficulties were experienced in all countries. In Prussia all the railroads are operated now under state control. Prussia has purchased all the railroads of the state. The reason for that is precisely the same as the reason for our associating together, and trying to work the different railroads as one railroad. The experience of the whole world is in the direction of uniform and consolidated management—at least of the commercial part of railroads.

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The rates of transportation are not in the power of the railroad companies to fix arbitrarily. They are regulated by so many conditions and influences that there is no danger that the railroads can exact unreasonable compensation. The danger, I think, is rather the other way. The question is whether the railroad companies can carry on business at such low rates as are forced upon them. Not only the water ways, as I have explained, control the rates almost completely—limiting them, at any rate, within very narrow limits—but the competition of the markets for the products that are to be carried is another great factor in fixing railroad transportation rates. The price of grain, for example, is not fixed by railroad companies, but is fixed in the markets of the world. That price is generally regulated now by the Liverpool market, and if railroads want to carry any grain they have to carry it at a price that will enable the producers to compete in the Liverpool market with the markets of the world. The East India wheat and Black Sea wheat have even become factors in making railroad rates from Chicago to New York. There is therefore no danger whatsoever of any excessive charge being made. The object of this association, as I have said before, is to fix upon a uniform rate. The limit of the rate generally is very closely fixed. This is the case with every commodity. Take, for example, sugar. That article is now being carried for 25 cents per hundred pounds from New York to Chicago. That is a quarter of a cent a pound, which is a very small charge upon that article for its transportation over such a distance, nearly 1,000 miles. The reason for this low rate is that sugar is carried to the West by the Mississippi River. New Orleans is a great sugar market, and if the railroads of the East want to compete with this market the rates must be fixed so low as to meet that competition. There are other articles that require very low rates in order to be transported at all. For example, coal and iron, and all like heavy and cheap articles. The tariff is fixed by the market price for the products in different places in the country. The railroad transportation charges can never be more than the difference between the market value of the articles in different markets—that determines for the railroad companies their charges in a great measure. And therefore this cry about the railroad companies or a railroad combination exacting arbitrarily from the people unjust compensation for their services is all gotten up for other purposes than to tell the truth.

RELATIVE IMPORTANCE OF LOCAL AND THROUGH BUSINESS.

Q. I wish to ask you a question now, which, if it interferes with your continuous answer, you may let pass for the present and take it up later. I want to learn from you in which way the country pays most to the railroads, whether in the form of rates or charges such as are arranged through your association, or for local rates or charges? That is, which is the greater source of income to the roads of this country, as a whole, the through business or the local business?

A. That is very different on different roads.

Q. But, I say, take the country as a whole. Do people pay more as local charges, or as through charges?

A. You mean in the aggregate?

Q. The aggregate.

A. I could not tell you that without looking further into the matter.

Q. Could you tell what it probably is over the roads that are in your association—which is most important to them, in other words—the through business or the local business?

A. The local business is the most important.

LOCAL CHARGES AFFECTED BY THROUGH CHARGES.

The local charges are, in a great measure, affected or regulated by the through. In the case of a railroad war, where the roads lose money on the through business, they would of course try to make it up on the local business; and the local charges would in comparison with through charges be much higher and unjustly discriminating. Hence, the operation of the association is to maintain a

paying through rate, as high as it can be got (which is never very high), and in that way they can rather lower the local rates and properly adjust them to the through rates. The principle that is adopted by most railroads is, that when a proper, a reasonable, and profitable through rate is established, they graduate their local rates by it.

Q. What is the relation between them?

A. For example, the Pennsylvania Railroad would not charge more to a place fifty or one hundred miles this side of Chicago than to Chicago, and they might charge less—not, perhaps, in full proportion to the mileage, but to some extent so. They would graduate the rates this side of Chicago on the Chicago rate. But, when there is a war of rates—when they charge only 10 cents to Chicago, they can not reduce their local rate in proportion; then rates to the local points are comparatively higher. That constitutes one of the greatest objections that people have to railroad tariffs when rates are comparatively so much lower to competitive points than to local points. This can all be done away with. When the through rates are maintained reasonably high, then they can adjust their local rates accordingly, and keep the local tariffs in line with the through tariffs so that there will be no unjust discrimination—so that a man twenty miles this side of Chicago will not have to pay more than a man at Chicago, which he would have to do in case of a railroad war. In a properly regulated tariff that does not occur. That is the reason why through rates should be maintained. It protects the local shipper. It does not make so much difference to shippers what the absolute rates are; the comparative rates are of more importance.

GRANGER LAWS.

The low rates at competitive points, compared with high rates at local points, gave rise, I think, some years ago to the granger legislation in portions of the West. In the State of Illinois, for example, the roads were crossing each other at every ten or twelve miles, and wherever two roads crossed they went into a fight with each other, and put the rates down to almost nothing, while on each side of the competing stations they kept them up; and that led to a great dissatisfaction among the people, and justly so. The railroad managers have learned something by that experience, and are trying to keep up the through rates and adjust local rates in proportion. This unjust discrimination formerly practiced has now, in a great measure, been done away with. That is one of the advantages of these associations, regulating the competitive tariffs. Whenever a tariff is fixed from one point—for example, from Chicago—those to other points are adjusted accordingly and kept in harmony with each other; this prevents unjust discrimination.

RELATION OF RATES ON LONG AND SHORT HAULS.

Q. Are there instances where more is charged for the shorter haul than for the longer one? For instance, more charged for drawing freight from Philadelphia to some point between Philadelphia and Chicago than from Philadelphia to Chicago?

A. No; they are not when through tariffs are maintained. But there are instances where a rate to an intermediate point may be higher than a rate for a longer distance. For instance, from here to New Orleans the rate may be 40 or 50 cents per hundred pounds, and to Atlanta perhaps a dollar; but this is not unjust discrimination, and does not operate against Atlanta. Points that are not on water courses have to pay more than points that are; that is in the nature of things, and railroads, of course, have to conform to the settled state of affairs. Railroads do sometimes engage in carrying business from here to New Orleans for 50 cents in order to compete with the steamship lines, while they charge a dollar or more to Atlanta, an intermediate point.

Q. What is your view of it? Ought not these railroads to leave the business to the water routes?

A. They will not do that, and it is better for the public that they should not. They keep the steamship lines in order. This sort of competition is constantly going on.

TENDENCY OF RAILROAD CHARGES TO A REDUCTION.

Q. What has been the effect on the course of transportation charges since the organization of this association of yours?

A. As I said before, all these railroad charges are entirely independent of these associations. It can be shown from the experience of these associations that the tendency of rates is to go down constantly if not arrested by them. When the Southern Railway Association was first formed the rate from New York to Atlanta was $1.60 on first-class goods. Now it is $1.25; and I think that in a very short time it will be $1. These rates are always regulated by other factors than by the association. The association simply conforms to the conditions under which the rates must be made; but if you would go through these statistics you would find that the tendency of rates is constantly to be lowered. The rates, for example, to-day, on grain are much less than they were three or four years ago, but can never be as high again.

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TOTAL ANNUAL RECEIPTS AND EXPENDITURES OF AMERICAN RAILROADS.

The gross receipts of all the railroads in the country were then only $500,000,000. Of course, out of that about three or four hundred millions were paid out for working expenses.

Q. Have you in your mind at present what the gross receipts are now?

A. Yes; last year the gross receipts were about, in round figures, $700,000,000 for both passenger and freight business. The freight receipts were about $500,000,000 last year—that is, on the 112,000 miles of railroads which reported their earnings.

Q. What are the net receipts; have you any idea?

A. The net receipts were about $300,000,000, the gross receipts being about $700,000,000. The dividends and the interest on the bonds had to be paid out of about $300,000,000. I think the stockholders got about $100,000,000 of that. It is about 3 per cent. on the stock.

Q. On the capitalization?

A. No; on the stock. And the bondholders get about 5 per cent. The whole railroad capitalization is $7,000,000,000, and about half of that is stock and half bonds.

Q. You mean that there are $7,000,000,000 invested in railroads?

A. Yes. Of which about half is represented by bonds and the other half is represented by stock.

Q. And the whole amount of dividend on the bonds is 5 per cent.?

A. Yes; and on the stock 3 per cent.

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Q. The bond is the prior claim, and that is entitled to its interest, and if there is anything remaining of the net profits it is distributed in the form of a dividend to the stockholders?

A. Yes; and that dividend is 3 per cent. A great many roads do not pay any dividend, but the average dividend paid is about 3 per cent. on all the roads.

He goes on to show the difference in the cost of railroads in this country and in Europe. The average cost per mile of railroads in this country, including the value of the rolling-stock, the whole equipment, is about $60,000 a mile. In England it is $200,000 a mile, and in the other European states it is $100,000 a mile. They have monumental stations, and the cost of the right of way is much greater than it is in this country. Including rolling-stock and all, in his estimates he makes it about $60,000 a mile. The operating expenses of the railroads in about 50 per cent. of the earnings. Mr. Fink says that if the railroads were destroyed to-day, just in the condition they are in now, they could not be restored for less than $60,000 a mile, including everything, the whole equipment.

He also shows another fact which I shall state without troubling the Senate to listen to his lengthy statement. He shows that the cost of railroad transportation in this country is 100 per cent. less than it is in any state in Europe. The cost of railroad transportation has been reduced in the last decade 100 per cent., and it is more to-day in England, Germany, and France by 100 per cent. than it is on our railroads in this country. For the laboring man there seems to be much sympathy everywhere, and I share it largely myself. There is not a workingman in this country who pays for the transportation of what he consumes and wears in an entire year more than what he gets for one day's labor. Mr. Fink takes up each item of cost in clothing and food, and he says that the cost of transportation from the West to New York does not reach $2 per annum on all the laborer consumes; so that the laborer gets the transportation of his clothing and his food for a whole year at the cost of one day's work. He makes it that the laborer pays the railroad company $1.90 for cost of transportation, and he makes that for a day's work.

There is no item in the cost of what a workingman consumes in this country which is as little as the railroad charges. It costs him more to get a barrel of flour from the depot at New York to where he consumes it than it does to ship it a thousand miles from Chicago to New York. Mr. Fink says there is no country in the world where the cost of shipping is as little by 100 per cent. as it is in this country. I do not mean what the railroad and the equipment that brings the barrel of flour will cost, but I mean what it cost him to bring his barrel of flour from where it is shipped to where he gets it. I have troubled the Senate by reading a great deal from the testimony of Mr. Fink, and now——

Mr. BECK. Before the Senator passes from that point——

Mr. PUGH. I beg pardon; there is more of his testimony here that I wish to read.

Mr. BECK. I have some of his testimony before me, and I may make some reference to it hereafter.

Mr. PUGH. The Senator will understand that I announced in the beginning that I am reading the testimony of a man who has been associated all his life with railroad management, and whose education is practical. Ours is theoretical, speculative. Whether we agree with him, or whether the information we have differs from what he gives here, I do not say anything upon. Whether his reasoning is sound or unsound I have nothing to say upon, because I do not know what to say, and I do not believe any other Senator does who is not familiar with the practical operation of the railroad system.

I wish to show something more to the Senate. I do not suppose that it is worth much, because Mr. Fink is a railroad man, but then I want to hear what they all have to say.

Mr. BECK. Will the Senator allow me to ask him a question before he goes to another point?

Mr. PUGH. Certainly.

Mr. BECK. It is charged that the railroads carry a long haul—say from Chicago to New York—for less than they can afford, but they make it up by charging double and treble for a haul along the line. That is the charge, whether it is true or not. The Senator himself examined the witness, I believe, at this point, and the question asked is this:

Q. Could you tell what it probably is over the roads that are in your association—which is most important to them, in other words—the through business or the local business?

The answer was:

A. The local business is the most important. The through business is a mere incident of the business of a road.

If they are charging below cost for what is a mere incident, and doubling and quadrupling what is the main portion of the road's business to make up for the long haul, is that just? That is what I want to get at.

Mr. PUGH. Mr. Fink does not state that as a fact. He says that the tendency is where there is no organization to enforce their rules and their tariff, to make up what they lose on the through line by reason of competing roads by local charges along the line. He states further that all that can be remedied if their agreements for uniform tariffs to prevent that result could be enforced through the authority of the Federal Government.

Mr. BECK. I wish to call attention to one other point.

Mr. PUGH. I wish to state first that Mr. Fink says the railroads of this country were all made to carry local freights. They are State roads. They have been made trunk-lines under the act of 1866 to carry through freight, interstate commerce, but the roads were built to carry local freights. There is where the inducement lies for investment—in the profit arising from local freight in the absence of competition such as exists between railroad and water lines from one point to another, like Chicago and New York. That is a perfectly indisputable fact. It is a physical fact; and what is the use of ignoring its existence in legislating upon this subject and endeavoring to enforce an iron rule in this regard?

Mr. BECK. I would not trouble the Senator but for the fact that

I have studied this testimony very carefully, and the Senator himself conducted a good deal of the examination, and it was a very careful one on the part of the committee. There is one point on which I wish an explanation in connection with the bill. When the Senator from Alabama asked this witness whether railroad people were not constantly cheating and violating their agreements and making secret arrangements, the witness said:

I know the object of your inquiry. It is one of the objects of the railroads in coming together to establish rates: but another object which they have in view, and a much more difficult one to carry out, is to have all the railroads maintain the rate so established. The practice of railroad companies has been that after agreeing upon rates with other roads, one or more, or all of them, make lower rates secretly; and after a while it is found out that every road has its own rate and every shipper has his own rate; so that one shipper does not know what the other shipper is paying, and the agreed tariffs are not maintained. Now, for the purpose of maintaining rates, there are certain means adopted by railroads which are the only means that can be adopted at present, or until the Government gives some help in the matter—and that is what is called the system of pooling.

I know all about the condition of facts; and when Mr. Fink is asking that his authority shall be made legal, because he has no power now, and he wants to have it, over competing roads so as to enforce it, why is it not better that under a general system the authority of the United States should be brought to bear against such secret discriminations as were exhibited in the case of the Standard Oil Company? Why should not the rates be made public, so that there could be no cheating, as the bill proposes, and why should not honest competition be had, and men punished if they do not compete fairly, as they profess to do, instead of giving to Mr. Albert Fink or any other man, however able, the authority to enforce such regulations? That is what I desire to find out.

Mr. PUGH. That is a repetition of the evils we all know are existing broadcast everywhere, and they are the evils we are endeavoring to correct. I do not propose to correct them by giving all the power to Mr. Fink that he wants, and I do not propose to correct them by the enactment of iron statutory rules to be enforced alone by a court without any reference to local conditions, local facts, local relations, made exceptional by trade, by the unavoidable laws of supply and demand, the condition of business, and the condition of transportation—those natural laws over which Congress has no control and the effects of which we can not avoid or regulate. I want a system to have some reference to the existence of those local laws and to adapt the power to local conditions, local necessities, local evils, such as those of which the Senator from Kentucky complains.

Mr. Fink says that while he agrees as to all the Senator states as to the fact heretofore, that condition of things is being greatly remedied and is disappearing largely, although it still exists, no doubt, to a very unjust and ruinous extent.

Mr. BECK. One other question and then I am done. I know how hard it is to be interrupted——

Mr. PUGH. Especially to a modest man like myself. However, I yield to the Senator.

Mr. BECK. Does not Mr. Fink also say, and is it not the Senator's own opinion, that the fact that the constitutions of States in some cases and in other cases the laws of States have created a commission appointed by the States to give further information, has aided very much in making the evils less than they would have been?

Mr. PUGH. Undoubtedly.

Mr. BECK. Would not a general law not defining what should be any State rate, but making a penalty, still further help to get clear of these troubles? I want to do exactly what the Senator does, I think.

Mr. PUGH. That is exactly what I propose to discuss hereafter briefly.

Mr. BECK. I beg pardon. I wish to hear it discussed.

Mr. PUGH. It often comes out to be the fact that if a man had kept quiet, perhaps he would have been answered his question.

Mr. BECK. I shall not interrupt the Senator any more.

Mr. PUGH. I have no objection on earth to the interruption. I think I am about as familiar with this subject as any other Senator, but I plead ignorance. I claim no knowledge that I want in force as a statutory law. I am in the dark. I want to get light by experience and trial. I want to go into this field with caution and prudence and hesitation and get the surroundings from all the sources and suggestions I can treat as reliable; and when I inform myself in this particular I am prepared to act safely and wisely. I do not want to make a leap in the dark. I am just as anxious to correct these evils as the Senator from Kentucky or any other Senator. I will show why I think the Senate bill is a better one, while it is imperfect, than the bill which came from the House. I shall come to that and get through very briefly after I finish reading from Mr. Fink. I asked him this question:

In your judgment, how has the supervision of State boards of commissioners acted upon the railroad interests and the rates of transportation? That is a broad question, but I want to get your judgment as to the wisdom of supervision of railroads by State boards of commissioners, so far as a judgment may be formed by experience of the operation of that control.

The granger pressure in the West forced State laws to be passed, iron rules for the regulation of State freight. It was found that those laws could not be executed so as to be a benefit to the shipper and to the road; and to-day in Iowa, Minnesota, and other Western States those rigid iron rules have been repealed and the whole thing modified and put under the control of commissions, which are working the whole system judiciously, wisely, and safely. To my question this was the answer:

A. There are different commissions in the different States, with different powers, and I would have to speak, perhaps, separately of each. As a rule the commissions are only advisory, and I think that is a most excellent feature and a very good thing to have these commissions, because you can explain to commissioners a great many things that you can not explain to the people at large. It is desirable that the people should have some tribunal to which they could go and make complaints and get them investigated. They make their complaints to these commissioners, and the commissioners confer with the railroad companies. That is a very excellent plan; and if the commissioners are the proper sort of men they will do a great deal of good. The defect of that system, however, is that its work can never reach very far beyond their own State. A great many of the railroad questions are national. Railroad operations are not confined within State lines; and these commissioners, having jurisdiction only within the State, their operations are very much limited and very much hampered, because most of the questions that arise are of broader scope. Still, when the commissioners are fair men they do a great deal of good. For example, the Massachusetts commission has done a great deal of good, and I think the New York commission is composed of good men. They have been getting along very well so far.

Mr. COKE. Will the Senator from Alabama allow me to ask him a question?

Mr. PUGH. Certainly.

Mr. COKE. I ask the Senator if he thinks it possible that a single national commission can arrange, supervise, and look after the railroads covering this entire country from one end to the other as a State commission can a State system of railroads?

Mr. PUGH. I have been pondering on that question, and I will make an answer to it before I conclude, in logical connection. The Senator only calls up the answer prematurely out of the arrangement of my argument. However imperfectly I may answer it, I shall endeavor hereafter to give the Senator the same answer that I would do now. I wish Mr. Fink to speak on the Reagan bill. I interrogated him on that matter, and he answered thus:

THE REAGAN RAILROAD BILL CRITICISED.

Q. I suppose you have heard of the Reagan railroad bill?

A. Yes.

Q. I would be glad if you would give the committee the benefit of your criticisms on that bill; what you think would be the effect of it on railroad charges and prices of commodities.

A. I think it is so impracticable a measure that it could not be carried out for one day. It is one of the most impracticable measures that has ever been proposed. Mr. REAGAN evidently does not understand the practical working of the transportation business. His intention and the principles upon which the bill is based are all right; there is no difference between us about that; but the carrying out of these principles as he proposes is utterly impracticable. It would simply impede the whole transportation business of the country. The leading idea of his plan is that each railroad should make a fixed charge for the transportation of any commodity, and that should be the charge under any and all circumstances. For example, if you were to carry lumber over the New York Central Railroad, from Buffalo to New York, and make a certain charge for it, that charge should be for all other lumber, no matter where it came from. The effect of it would be that it would exclude the New York Central from competing for business west of the terminus. When the lumber comes from other places than Buffalo, there are now made different rates from different shipping points, according to the distance and length of other competing roads from the same point of competition.

Just as many competing points as there are, just so many different rates would there be from Buffalo, and the New York Central has to take a prorate of the total rate beyond that point. For example, lumber comes from Louisville and goes to New York. Now, according to the Reagan bill, the rate that the New York Central can charge for lumber coming from Louisville to New York would be the same as lumber that comes from Buffalo. The Louisville route to New York is a great deal shorter via the Pennsylvania road than the New York Central route, and if the New York Central wants to do any of the Louisville business, it must carry it for the same total rate as the Pennsylvania Railroad, and this can only be at a less charge per ton per mile than it makes from Buffalo. If it does not make as low a rate as the Pennsylvania road, the Pennsylvania Railroad will carry all the lumber to New York, instead of the New York Central carrying a portion of it.

Mr. GEORGE. Had Mr. Fink read the Reagan bill?

Mr. PUGH. I presume he had.

Mr. GEORGE. Does it contain that provision?

Mr. PUGH. There is a through charge. It provides that there shall not be any more charged for a local rate than for a through rate. I shall speak of the Reagan bill if the Senator will be patient.

Mr. COKE. If the Senator from Alabama will permit me, I will state that the testimony from which he has been reading was taken nearly two years ago. The Reagan bill has been under discussion in the other House for several years and has been changed from the shape it was then in.

Mr. PUGH. The Reagan bill was in incubation for ten years, I am informed, and all the intellect of the country has been employed in making it perfect. The leading features of it to which Mr. Fink refers were the first incorporated in the bill. The changes that were made were made on the passage of the bill while it was up for consideration at this session.

Mr. COKE. I speak of the bill as it came from the House, not as it was two years ago.

Mr. PUGH. Mr. Fink continues:

THE RATES FOR LONGER AND SHORTER HAULS.

Q. There is another feature in the bill which I desire to mention. It provides that no road shall charge more for the shorter haul than for the longer.

A. Yes.

Q. How would that operate?

I asked him. He answered:

That is a very correct principle—

Is it possible that this railroad man makes that admission?

That is a very correct principle, but there are many cases where it could not be carried out advantageously to the people and the railroads. You will find that in this transportation business you can not pass a law that will apply universally to all cases. There are so many exceptions that they would be more than the rule.

Mr. KENNA. That proposition would exclude all law and all regulation, either by commission or otherwise.

Mr. PUGH. I suppose if there was any power anywhere to modify the law to suit this case that ought to be treated as an exceptional one, and the evil would be corrected in the case of the exception.

Mr. KENNA. I ask the Senator to reread what he has read from Mr. Fink's testimony, and to state whether under his proposition any form of law could be framed.

Mr. PUGH. Mr. Fink says explicitly there are cases where the principle, being generally correct, could not be applied, because everybody knows that in railroad transportation the exceptional cases are made up out of local facts, local conditions, local circumstances and relations on account of the laws of supply and demand, productions, and markets, the cost of transportation, the facilities for transportation, the competition between water ways and railways. All these local conditions make the cases exceptional from the general rule which Mr. Fink says should be met and supplied through the agency of an elastic commission.

Mr. KENNA. Will my friend the Senator from Alabama object to reading again what he has just read in connection with what he now says? If he does so, he will find that no elasticity of any commission or any law can fit Mr. Fink's proposition.

Mr. PUGH. I will reread it. Mr. Fink says:

But there are many cases where it could not be carried out advantageously to the people and the railroads. You will find that in this transportation business you can not pass a law that will apply universally to all cases. There are so many exceptions that they would be more than the rule.

I stand on that statement.

Mr. KENNA. If there are so many exceptions that they would be more than the rule, will my friend inform the Senate how any rule operating either directly or through a commission can be made to control the railroad system of the country?

Mr. PUGH. I propose to answer that question when I get more information on the subject, and when I have more experience from the operation of a law, whatever it may be, through a commission or otherwise. When I am more enlightened by experience and trial, I shall be able to answer that question for myself, and I think it would be more satisfactory to the Senator.

Mr. KENNA. If Mr. Fink would do likewise, his proposition would be more satisfactory.

Mr. PUGH. It seems to be the general belief that Mr. Fink is regulating this thing. He is simply the witness upon the stand speaking of matters with which he is familiar, being a man of integrity, being a man of education, a man of large experience, trusted in the highest position to manage millions and to govern the great system of transportation all over the country with all of its complications. I say I wish to see what Mr. Fink has to say on that subject, and I wish to see if he can enlighten me when I come to frame a law in the dark, as I am. I want light from some quarter, and I want to get some light from him or anybody else in discharging my great duty here as a Senator in remedying the evils which we all admit to exist, but I do not want to do it by adopting a system that will multiply the evils and produce more mischief than it will regulate.

We are now brought in full view of the provisions of each bill before the Senate and prepared for their more intelligent consideration. That there shall be no misunderstanding of the provisions and character of each bill, I have arranged a synopsis of them which is presented in parallel columns, as follows:

REAGAN OR HOUSE BILL.	CULLOM OR SENATE BILL.
Section 1. Unlawful directly, or indirectly, to charge or receive any greater or less rate or amount of freight than is charged to or received from any other person for like and contemporaneous service. All charges for such services shall be reasonable. And any person who pays the required fare shall receive the same treatment and be afforded equal facilities and accommodations without discrimination, but separate accommodations may be provided. There must be no discrimination on account of race or color; and furnishing separate cars with equal accommodations and facilities at same charges not discrimination. Not more than 3 cents per mile to be charged any passenger. Railroad companies must furnish, without discrimination, the same facilities for carriage of freight with equal expedition. No break, stoppage, or interruption allowed.	Section 3. To charge or receive more than a reasonable rate of compensation declared to be extortion and a misdemeanor. Section 4. To directly or indirectly, by any rebate, drawback, or other device, charge or receive more from one person than another under substantially similar circumstances and conditions for contemporaneous service, or to neglect or refuse to furnish the same facilities for freight carriage to all persons under substantially similar circumstances, declared to be unjust discrimination and a misdemeanor. The misdemeanors of unjust discrimination and extortion punished by fine of not more than $1,000. Any violation or obstruction of the act a misdemeanor, punishable by fine of not more than $1,000.
Section 2. Rebates and drawbacks prohibited.	
Section 3. Combinations or contracts to prevent continuous carriage unlawful. Pooling freights prohibited.	
Section 4. No more to be charged for short than long hauls.	
Section 5. Freight charges to be posted, and unlawful to charge or receive more or less than specified in schedule.	
Section 7. Commission of any act prohibited punished by payment of three times the amount of damage to the complainant, to be recovered in any State or Federal court having jurisdiction; and if found by the court to have been willful, cost and lawyers' fees allowed. Any such action made the subject of equity jurisdiction for discovery and relief.	
Section 8. Violation of act, misdemeanor, punished by fine of not more than $2,000.	
	Section 1. An interstate-commerce commission created, composed of nine members, with the powers and duties defined in the act.
	1. They shall consider and investigate all the various questions relating to commerce between the States, especially in the matter of transportation, so far as may be necessary to the establishment of a just system of regulations.
	Section 5. Complaint may be made to commission of extortion or unjust discrimination, which shall be forwarded by commission to railroad company and demand made to satisfy the complaint or to answer the same in writing within a reasonable given time. If reparation be made and the complaint withdrawn, case to be dismissed. If complaint not satisfied in the time specified, nor answer made, or if either party demand a hearing, and there is reasonable ground for investigating complaint, the commission shall do so, and determine all questions of fact at issue, record its finding, and furnish a copy to both parties. If the company is found guilty of extortion or unjust discrimination, as charged, the commission shall notify the company to discontinue the practice forthwith, and to pay the complainant, within a reasonable given time, the damages assessed by the commission. If the damages are paid and the practices discontinued, no other penalty inflicted. If the company neglects or refuses to pay the damages and cease the practices, the commission shall certify same with the facts to the district attorney, who shall, at the request of the complainant, forthwith commence proceedings to recover the damages and compel compliance with the provisions of the act.
	Commission required to call on railroad companies for annual reports, and if not made, or if the company shall neglect or refuse to answer any question or to produce any book, paper, contract, or other document, or certified abstract thereof, deemed guilty of a misdemeanor and fined not exceeding $1,000 for each offense.
	In making investigations required by the act the commission shall have power to summon witnesses, administer oaths, and require the production of books, papers, contracts, or documents, or certified abstracts thereof, relating to the matters under investigation and necessary for the information of the commission.
	The commission is authorized to require annual reports from all transportation companies, and to require specific answers to all questions upon which the commission may need information. The annual reports shall show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year, and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year; and the reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies, as the commission may require.
	The commission shall report on or before December in each year to the Secretary of the Interior such information and data collected as may be considered of value in the determination of questions connected with the regulation of commerce between the States, with recommendations as to additional legislation. The reports of the commission shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation; and for the preservation of free competition within the limits as fixed; for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to large portion of individuals, firms, associations, or corporations in all matters

relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce may avail itself of the all-rail or part rail and part water routes; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce, and for the protection of said commerce against unjust exactions based on a class of securities known as "watered stock;" the commission to be governed in its examinations by such rules of action as will be fair, just, and equitable toward all interests involved in commerce among the States.

It shall be unlawful for any transportation company to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices the carriage of the interstate freight from being continuous, whether carried on one or several railroads. And no break of bulk, stoppage, or interruption shall prevent the carriage of such freight from being continuous unless made in good faith for some necessary purpose without intent to evade any of the provisions of this act.

No Senator has more respect for the ability, honesty, and earnest devotion to public duty of the distinguished author of the House bill than myself, but I feel constrained to oppose the bill which has associated his name forever with Congressional legislation on interstate commerce and railroad transportation.

In the evils denounced, and the wrongs that ought to be remedied, I challenge the specification of any material substantial difference between the Reagan, or House bill, and the Cullom or Senate bill. If there is any difference in their scope and in their specification of the wrongs to be remedied, it is manifestly in favor of the Senate bill. It is wider in its range and a far more comprehensive, effective, operative, capable, expeditious, and inexpensive agency than that provided in the Reagan bill. Take the two bills section by section, and you will not find in the House bill a single wrong denounced that is not specifically and unmistakably condemned and prohibited in the Senate bill. The only real practical difference between the two bills is in the machinery organized to make the prevention of the wrongs most adequate, certain, and complete.

Mr. COKE. May I ask the Senator whether there is any provision in the Senate bill against pooling?

Mr. PUGH. Yes, sir.

Mr. COKE. I have not seen it.

Mr. PUGH. You have not scrutinized it. You read it through glasses that were not well rubbed. You will find there that pooling and drawbacks are all condemned in the most unmistakable manner. It is impossible to exclude them from the meaning of the words employed in the Senate bill.

The Reagan bill leaps in the dark, because the men who favored it had no experience upon which they could make a law. All their knowledge was speculative, theoretical, as to the effect of any law on this subject. The Reagan bill leaps in the dark, and engages the State and Federal courts primarily in a struggle with railroad corporations as public enemies to be subjected to regulation by the force of general, prohibitory, penal, and criminal statutes, without any regard to differences or changes in the conditions, relations, or surroundings of the twelve hundred railroads running all over thirty-eight States a distance of 125,000 miles. There is no power anywhere in the bill to suspend, modify, relax, or vary in any way the operation of rigid, inflexible statutes, so as to meet inevitable and unavoidable results that are being constantly produced by the natural laws of supply and demand, varying conditions of trade and productions, and other elements that business principles require to be considered in the wise adjustment of such a far-reaching and complicated system of interstate transportation.

It prohibits all roads under all circumstances and conditions from charging any more in any case for a short than a long haul of freight. It may be that the road is making a long haul between remote points in competition with water ways at a rate below the cost of transportation, or below what the common law would enforce as a reasonable rate, and yet no more can be charged for the short haul where there is no competition, although the charge made for the short haul is reasonable. Without regard to the principles of the common law of which it is "a codification" assisted by my friend the Senator from Texas [Mr. COKE], the price for the short haul can in no case, whether reasonable or not, be more than for the long haul. Abd again, whether the price for the long haul is reasonable or not for the short haul, the short haul may be compelled to pay as much as the long haul. The section allowing as much for short as long hauls is inconsistent and irreconcilable with the provision that the freight rates shall be reasonable.

Then, again, the bill provides that the posted schedule rates shall be fixed and unalterable, except on five days' notice and the posting of new schedules, and that while the posted rates are operative no more nor less shall be charged for freight than the schedule price. It may be that the maximum and minimum schedule rates on some roads may become unreasonable—too much or too little; and yet the schedule rates may stand in the discretion of the corporation until altered on five days' notice and new schedules posted. There is nothing in the bill making it compulsory on the corporation to give the five days' notice and post new schedules, and it is not likely that any change will be made in the rates where the maximum and minimum charges are too high under changed conditions and circumstances. What power has Congress to prohibit a common carrier and to make it a penalty and a criminal offense for a common carrier to charge less for all freight hauled by him under similar circumstances than the minimum rate in the schedule? The power of Congress to limit maximum rates is doubted, and where is our authority under the Constitution to prohibit and make unlawful and criminal a contract of the carrier with all the shippers to haul their freight at less rates than the schedule rates while the schedule rates are operative?

Mr. COKE. Will the Senator allow me a moment?

Mr. PUGH. Under the rules of the Senate the Senator can get the floor when he pleases and occupy as much time as he pleases.

Mr. COKE. I simply want to make one statement. I stated just now that there was no prohibition in the Senate bill upon pooling. The Senator from Alabama says there is. I now say after a close examination of the bill that there is not, and that the Senator is mistaken.

Mr. PUGH. Now we will let Senators read the two bills and answer that question for themselves. I say that the language of the Senate bill clearly includes pooling, drawbacks, and everything resulting in unjust discrimination and unequal rates and charges. Is pooling or is a drawback an unjust discrimination? It is the very essence of pooling; it is the very object of drawback. If it is not unjust discrimination, if it is not unequal rates, if it is not charging one shipper more than another, all of which is prohibited in the Senate bill and made a misdemeanor subject to a fine of not less than $1,000, I am very much mistaken.

And, again, the bill clearly recognizes the power of Congress to prohibit and punish railroad corporations for discriminating between passengers on account of race or color; and while it provides that furnishing separate and equal facilities and accommodations for passengers shall not be considered such discrimination, yet the recognition of the power to make laws to prevent discrimination on account of race or color stands conspicuously admitted. Under what clause of the Constitution is the power granted to Congress to legislate in any way for any purpose as to the race or color of the passengers? Is the power embraced in the grant to regulate commerce between the States? What has the race or color of passengers to do with interstate commerce or transportation? The common law secures to every passenger who pays the same fare the right to equal facilities and accommodations.

But there is nothing in the common law which requires that passengers of different races and colors shall ride together in the same car. Is the power derived from the fourteenth amendment of the Constitution? The Supreme Court of the United States has decided in the memorable civil-rights cases that "the fourteenth amendment is prohibitory in its character, and prohibitory upon the States." It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The Supreme Court says: "It is State action of a particular character that is prohibited. Individual invasion (or invasion by a corporation) of individual rights is not the subject-matter of the amendment." "Congress is invested with power to enforce the prohibition—to adopt appropriate legislation for correcting the effects of such prohibited State laws" (not railroad acts separating the two races and giving them equal accommodations in different cars). "This is the legislative power conferred upon Congress, and this is the whole of it." The Reagan bill is an enlargement of the power of Congress as limited by the decision of the Supreme Court, and to that extent is unconstitutional, dangerous, and mischievous.

The bill is also clearly inconsistent with itself in requiring that no more than 3 cents a mile shall be charged passengers on any road.

The whole passenger and freight problem is solved by answering the question in every case, What is a reasonable rate? Is it possible that a rate that is reasonable in one case is reasonable in all cases, whatever may be the differences in supply and demand, productions and trade, cost of road, price of labor, and other elements entering more or less into the question of what are reasonable rates? Every case ought to stand on its own facts and circumstances, and should be decided by a tribunal that has the power to discover and apply the facts so as to do justice according to the common law arising on the facts in each case.

I am now brought to a brief consideration of the Cullom or Senate bill. I do not claim that this bill is perfect. No doubt time and trial would show many imperfections. It will take long time and trial and intelligent experience to crystallize a wise, safe, and efficient system of railway interstate transportation.

Everything we can do now is experimental. The Senate bill goes far enough for a beginning in an experiment. It is safer to experiment with a commission having elastic and flexible powers to discover facts in every case, and examine conditions, relations, and surroundings, to learn if there is anything exceptional that ought to qualify the application of common-law principles or the rules of equity. The Senate bill has been called a sham and a pretext to delay action and mislead the people. I deny it, and call for the proof. I am answered with speculation and declamation as to what is to be its operation. The commission is to be composed of men selected by a Democratic President and a Republican Senate, and the board will be as well qualified and as incorruptible as the judges of our highest courts. It will have power to explore the whole field and gather all the information so much needed by Congress to enable it to deal with this difficult and dangerous problem with its eyes open and in full view of information indispensable to wise, safe, and efficient legislation.

Shall we try the comparatively more expeditious, less expensive, more practicable, and less dangerous agency of a commission, with its powers of adaptation to local or special or qualifying facts and conditions, to afford relief in each case and improve the general system of transportation, or will we take the House bill and drive complainants into courts with inflexible jurisdiction to enforce inflexible statutes on subjects full of unavoidable changes and variety? In my humble judgment the House bill is incapable of beneficial execution. And when the evils attending an effort to enforce it are made manifest the railroad corporations will have verified their predictions that Congress would prove incapable of framing wise and safe laws for the regulation of interstate transportation. By resorting to extreme and impracticable measures to satisfy the necessity for some remedial legislation we may increase popular discontent by the failure of our remedies and leave railroad corporations to manage their affairs as common carriers in their own way restrained only by self-interest and the fear of mob violence.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-four minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. I move to reconsider the vote agreeing to the motion that when the Senate adjourn to-day it be to meet on Monday next.

Mr. BUTLER. I move that the Senate do now adjourn.

The question being taken by yeas and nays, resulted—yeas 27, nays 27; as follows:

YEAS—27.

Bayard,	Dolph,	Jackson,	Pendleton,
Beck,	Garland,	Jonas,	Pugh,
Butler,	George,	Jones of Florida,	Ransom,
Call,	Gibson,	Kenna,	Saulsbury,
Cameron of Pa.,	Groome,	Lamar,	Vance,
Cockrell,	Hampton,	McPherson,	Vest.
Colquitt,	Harris,	Manderson,	

NAYS—27.

Allison,	Edmunds,	McMillan,	Palmer,
Bowen,	Frye,	Mahone,	Pike,
Cameron of Wis.,	Harrison,	Maxey,	Platt,
Coke,	Hawley,	Miller of Cal.,	Riddleberger,
Conger,	Hoar,	Miller of N. Y.,	Sherman,
Cullom,	Jones of Nevada,	Morgan,	Wilson.
Dawes,	Lapham,	Morrill,	

ABSENT—22.

Aldrich,	Farley,	Mitchell,	Van Wyck,
Blair,	Gorman,	Plumb,	Voorhees,
Brown,	Hale,	Sabin,	Walker,
Camden,	Hill,	Sawyer,	Williams.
Chace,	Ingalls,	Sewell,	
Fair,	Logan,	Slater	

So the Senate refused to adjourn.

The question recurring on agreeing to the motion of Mr. CULLOM to reconsider the vote by which the Senate agreed to adjourn until Monday next, the yeas were 26, and the nays 29; as follows:

YEAS—26.

Allison,	Edmunds,	McMillan,	Pike,
Bowen,	Frye,	Mahone,	Platt,
Cameron of Wis.,	Harrison,	Maxey,	Riddleberger,
Coke,	Hawley,	Miller of Cal.,	Sherman,
Conger,	Hoar,	Morgan,	Wilson.
Cullom,	Jones of Nevada,	Morrill,	
Dawes,	Lapham,	Palmer,	

NAYS—29.

Aldrich,	Dolph,	Jonas,	Pugh,
Bayard,	Garland,	Jones of Florida,	Ransom,
Beck,	George,	Kenna,	Saulsbury,
Butler,	Gibson,	Lamar,	Vance,
Call,	Groome,	McPherson,	Vest.
Cameron of Pa.,	Hampton,	Manderson,	
Cockrell,	Harris,	Miller of N. Y.,	
Colquitt,	Jackson.	Pendleton,	

ABSENT—21.

Blair,	Gorman,	Plumb,	Voorhees,
Brown,	Hale,	Sabin,	Walker,
Camden,	Hill,	Sawyer,	Williams.
Chace,	Ingalls,	Sewell,	
Fair,	Logan,	Slater,	
Farley,	Mitchell,	Van Wyck,	

So the motion to reconsider was not agreed to.

Mr. BUTLER. Now I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 30, 1885.

The House met at 12 o'clock m., and was called to order by Hon. J. B. CLARK, Jr., Clerk of the House, who said: The Speaker being absent it is the duty of the Clerk to call the House to order. A communication from the Speaker will be read.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, January 30, 1885.

Hon. J. B. CLARK, *Clerk of the House:*

I hereby designate Hon. J. C. S. BLACKBURN to preside as Speaker *pro tempore* of the House during this legislative day.

J. G. CARLISLE,
Speaker of the House of Representatives.

Mr. BLACKBURN then took the chair as Speaker *pro tempore;* and after prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D., the Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore.* The Chair asks permission of the House to submit several executive communications.

There was no objection.

CONGO CONFERENCE.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

In response to the resolution of the House of Representatives of the 5th of January, 1885, calling for information as to the Congo conference at Berlin, I transmit herewith a report of the Secretary of State of the 28th instant in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 29, 1885.

Mr. BELMONT. I move that this message, with the accompanying documents, be referred to the Committee on Foreign Affairs and ordered to be printed.

The motion of Mr. BELMONT was agreed to.

RETURN OF A BILL.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was laid on the table, and ordered to be printed:

To the House of Representatives:

In compliance with a resolution of the House of Representatives (which was concurred in by the Senate) of January 28, 1885, I return herewith the bill (H. R. 1017) relative to the Inspector-General's Department of the Army.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 29, 1885.

HOMESTEAD SETTLEMENT IN INDIAN TERRITORY.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 27th instant, with inclosures, from the Secretary of the Interior, in relation to objections on the part of the Creek Nation of Indians to pending legislation providing for the opening up to homestead settlement of certain lands in the Indian Territory. The matter is presented to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 29, 1885.

SINKING OF THE STEAMER TALLAPOOSA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, in response to a resolution of the House of January 29, 1885, making inquiry concerning the recent collision of the United States steamer Tallapoosa.

Mr. REED, of Maine. I ask that this communication be read.

Mr. BEACH. Does that require unanimous consent?

The SPEAKER *pro tempore.* It is the privilege of any member to have the communication read.

The Clerk proceeded to read the following:

NAVY DEPARTMENT, *Washington, January* 29, 1885.

SIR: I have the honor to acknowledge the receipt of a resolution, introduced by Mr. G. D. WISE and adopted by the House January 28, as follows:

"*Resolved*, That the Secretary of the Navy is hereby directed to report to this House, at the earliest possible date, the order or orders under which the United States steamer Tallapoosa was cruising at the time she was sunk by a collision with another vessel, at what date she left the city of Washington, and the several ports at which she entered or places visited up to the time of said collision, and what was her destination; also a list of the officers, crew, and passengers on said vessel, and what special duties, if any, were assigned to said officers and crew."

The Tallapoosa left Washington July 15, 1884, on her customary fleet-visiting cruise to the navy-yards and stations, under orders to proceed "to Norfolk, New York, Newport, and Portsmouth, N. H., receiving and discharging such freight

as may be placed on board for the several stations mentioned." She arrived at Norfolk July 16 and at New York the 17th. On the 19th she left New York and reached the torpedo station at Newport the next day. While in Narragansett Bay she went to Bristol to inspect the works of the Herreshoff Manufacturing Company and to witness the trials of the steam-yacht Yosemite over the measured mile established by this Department between Bristol and Newport. On the 23d she went to the Fish Commission station at Wood's Holl, and on the 24th reached Portsmouth, where was assembled the North Atlantic squadron, and from which port, while awaiting the arrival of the Greely relief ships, she went down the coast of Maine and returned, touching at Bar Harbor. After the Greely reception ceremonies of August 1 and 4 she went, on the 5th, to Gloucester, Mass., and returned to Portsmouth. I joined the Tallapoosa at New York, August 19, with my family, and left her at Portsmouth after the Greely reception.

At Portsmouth the Tallapoosa took freight on board, consisting principally of 18,864 pounds of copper and 17,275 pounds of lead for Washington, and on August 18, without special orders from the Department, sailed for Boston, arriving the next day, and there taking on board compasses and other nautical instruments valued at $2,488, for Washington, a quantity of lumber and cordage for the training station at Newport, and a large amount of cordage valued at $11,931.62 for New York, she left Boston August 21, her immediate destination being Newport, and in the evening of that day was sunk in Vineyard Sound by collision with the schooner James S. Lowell. She has been raised and taken to the New York navy-yard, where she is now undergoing repairs.

A list of the officers and crew on the vessel at the time she sunk is hereto annexed. There were no passengers. It is not known that any special or unusual duties were assigned to said officers and crew.

As full details of all events transpiring upon or in connection with the Tallapoosa during the foregoing period as the House may deem it wise to seek it will give me pleasure to narrate.

Occasion is taken in this communication to state the service in which the Tallapoosa has been usually engaged. She is an unarmed side-wheel steamer, which has been ordinarily used for the transportation of freight between the navy-yards and of seamen recruits to vessels and stations, which work it is essential that some ship owned by the Government shall do. Having a large upper saloon and hurricane deck, she is well adapted not only for her transportation business, but also to take part in naval ceremonials in which any public officials may be called upon to participate, or to enable the Secretary of the Navy to visit the naval stations and vessels, or the President to inspect the ships or squadrons. She has therefore been appropriately used whenever needed for these purposes. I may be allowed to say that, in my judgment, such visits, whether by the Secretary or President, or both, are always productive of good, tending as they do to arouse among officers and seamen increased interest in their work and to improve and elevate the character of the naval service. The Secretary of the Navy, taken from civil life as he must be, can make no wiser disposition of a portion of his time than in visiting the officers, seamen, and ships of the Navy when at sea. In no other way can he come to fully understand the character of the establishment with which he has to deal and to fully qualify himself for the peculiar duty he has to perform. My only regret is that I have not been able during my brief period of service to see more than I have of the excellent work which has been done by the North Atlantic squadron during the last three years, with which the country may well be satisfied, and from which there may have been developed just such capacity and confidence as that which made so successful the Greely relief expedition. My efforts in the administration of the Navy Department, whether wisely or unwisely directed, have been largely influenced by facts learned and opinions formed as the result of observations of the ships in actual service afloat.

The Despatch and Tallapoosa, while reasonably serving the purposes indicated, are not the most suitable vessels, and should be replaced by other and better ships whenever the reconstruction of the Navy in accordance with modern requirements has sufficiently progressed. The practice of other naval powers may afford a proper guide to our actions. All maintain as a part of their navy not only transports, dispatch steamers, and tenders, but also vessels used by high naval officers and government officials on inspections and reviews of ships and squadrons.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

LIST OF OFFICERS AND CREW ON TALLAPOOSA AUGUST 21, 1884, WHEN SUNK.

Officers.

J. F. Merry, lieutenant-commander; W. H. Everett, lieutenant; F. E. Beatty, lieutenant; W. B. Whittelsey, ensign; J. M. Baxter, mate; L. B. Gallagher, mate; Hugh Kuhl, mate; C. E. Black, passed assistant surgeon; O. C. Tiffany, passed assistant paymaster; N. P. Tuwne, passed assistant engineer; James Bishop, jr., pay clerk; Leonard Hanscom, carpenter; also Paymaster John F. Tarbell.

Crew.

Joseph Arnold, William A. Brooks, Julien G. Baker, Charles E. Brown, John W. Brown, Thomas Brooks, William R. Burke, Moses G. Berry, James E. Booth, Moses H. Baker, Smith Berry, Albert Byer, John C. Conway, William H. Christian, Charles G. Carlson, John Carter, Charles H. Cootes, Timothy Campbell, Thomas Condon, George E. Dodge, John F. Dugan, William Dimming, Clarence D. Drodenburg, Peter Duffy, Robert H. Dickinson, William E. Denmore, Joshua Davis, James Darcy, Edwin Delph, James Dulhanty, Patrick Egan, Dennis Forington, John Hughes, Thomas Herbert, Thomas Howell, Alexander Hutton, Daniel W. Hickman, Benson Humphreys, Andrew H. Holm, Gustave Haldt, John Jones, Jacob Jacobson, Richard H. Johnson, William E. Jones, William Johnson, James F. Kelly, Thomas B. Kramer, William G. Kidd, John J. C. Koch, Patrick H. Kane, John Kinne, George H. Lee, Fillmore M. Lewis, Daniel Lane, Andrew A. Lund, James Letford, John J. Leonard, W. Jacob Lew, Thomas Murphy, John McBermott, Frank McMurray, John W. Magee, William Middleton, Daniel McCarthy, Patrick Morgan, James McCann, Jacob Miller, Jules McLean, Felix McKurston, Michael O'Neil, Timothy O'Reilly, Peter Ostersen, August Ohmsen, William O'Donnell, Patrick O'Brien, Arthur O'Brien, Joseph Padmore, Marshall Parker, John H. Palmer, James H. Richmond, Horace Riley, William J. Redlmaker, William R. Rockets, George Rees, Frank Sherman, Frederick Scharff, James O. Smallwood, Amandus Staub, Edward Shanklin, Alexander H. Sewell, Frank Small, Henry K. Steiver, Charles F. Scott, Patrick Sweeney, Edward Small, Moskohoff Skidmore, Christian A. Simon, Frank Sullivan, Peter Thompson, George Tinker, John Thompson, Herbert S. Trueman, Clarence D. Tippible, Daniel E. Tinsley, John C. Tulsman, James Taylor, William J. Turner, Samuel W. Wells, Isaac Williams, Murray Williams, Frederick Williams, Andrew White, Charles Williams, Oscar Westerholm, Henry H. Walker.

Before the reading was concluded,

Mr. REED, of Maine. If that can be printed in the RECORD it will answer.

Mr. COX, of New York. I object to its being printed in the RECORD. It will be printed in the ordinary way.

Mr. ROBINSON, of New York. I object. It is very good reading, and I should like to hear it.

Mr. REED, of Maine. It will not take long.

Mr. MILLS. I would like to inquire of the Speaker whether it is too late to object to the laying of those things before the House by unanimous consent.

The SPEAKER *pro tempore*. The Chair asked unanimous consent to present these executive communications to the House and no objection was made. The gentleman from Maine asked for the reading of this communication from the Secretary of the Navy in reference to the Tallapoosa.

Mr. HISCOCK. I suggest, Mr. Speaker, that we all want to see this communication from the Secretary of the Navy, and I hope there will be no objection to it being printed in the RECORD. It is a matter attracting general attention.

The SPEAKER *pro tempore*. Is there objection?

Mr. TALBOTT. I withdraw the objection I made.

Mr. COX, of New York. I will withdraw my objection in order to save time.

The SPEAKER *pro tempore*. Is there objection to the letter of the Secretary being printed in the RECORD?

Mr. RANDALL. What is it?

The SPEAKER *pro tempore*. The request is to have printed in the RECORD a communication from the Secretary of the Navy in reference to the sinking of the Tallapoosa.

There was no objection, and it was ordered accordingly.

The letter was referred to the Committee on Naval Affairs, and ordered to be printed.

SCAJACANADA CREEK, NEW YORK.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War transmitting a report from the Chief of Engineers of survey and preliminary examination of Scajacanada Creek, at Buffalo, N. Y.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDINGS, FORT WAYNE, IND.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect, and recommending an increase in the limit of cost of the public building at Fort Wayne, Ind.; which was referred to the Committee on Appropriations, and ordered to be printed.

HAMPTON INSTITUTE, VIRGINIA.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of the reappropriation from certain unexpended balances for the Hampton Institute, Virginia; which was referred to the Committee on Appropriations, and ordered to be printed.

RANCHO DE TAOS.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting tracing of private land claim 109 of Rancho de Taos, Territory of New Mexico, Francisco de Antonio de Gijosa, claimant; which was referred to the Committee on Private Land Claims.

SANTISSIMA TRINIDAD.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, inclosing a tracing of the Santissima Trinidad, or Rancho de Galvan, private land claim No. 123, New Mexico; which was referred to the Committee on Private Land Claims.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the president of the Columbia Institution for the Deaf and Dumb, submitting a report of receipts and disbursements for the fiscal year ending June 30, 1884; which was referred to the Committee on the District of Columbia, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

Mr. VALENTINE, for one week, on account of important business.

Mr. MCCORMICK, for to-day, on account of sickness.

FRENCH SPOLIATION CLAIMS.

On motion of Mr. HOLMAN, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the message of the President, with accompanying papers, relating to the French spoliation claims; and the same was referred to the Committee on Foreign Affairs.

WAYS AND MEANS.

Mr. MILLS. I am instructed unanimously by the Committee on Ways and Means to ask that a day be set apart for the disposition of bills other than general revenue bills.

The SPEAKER *pro tempore*. The Clerk will read the resolution, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That Saturday, the 7th day of February next, after the reading of the Journal, be set apart for the consideration of bills reported by the Committee on Ways and Means, except general revenue bills and bills relating to treaties.

Mr. THOMAS. I object.

CORRECTION OF THE JOURNAL.

Mr. PHELPS. I rise to a privileged question, Mr. Speaker, in behalf of the gentleman from Illinois [Mr. HITT], who is detained from the House by illness. He is recorded as having voted in the negative on the motion of the gentleman from New York [Mr. HEWITT] to go to the business upon the Speaker's table for the purpose of taking up the Mexican treaty bill. Mr. HITT was absent from the House and paired, and therefore his vote in the negative should be erased.

The SPEAKER. The correction will be made accordingly.

FRENCH SPOLIATION CLAIMS.

Mr. COX, of New York. I ask unanimous consent to offer a resolution as a matter of mere clerkly convenience.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to have taken from the files of the House all petitions and other papers in reference to the French spoliation claims and send the same to the Court of Claims.

The SPEAKER. Is there objection?

Mr. RANDALL. Does any committee report that resolution?

Mr. COX, of New York. It is suggested by the Clerk of the House as a matter of convenience.

The SPEAKER *pro tempore*. The Clerk of the House stated that these papers were in an insecure condition, in no one's custody, and open to the inspection of everybody.

Mr. RANDALL. Has any committee reported it?

The SPEAKER *pro tempore*. No committee has acted on it. Is there objection to the introduction of the resolution?

There was no objection, and the resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND, from the Committee on Appropriations, reported a bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I reserve all points of order.

The SPEAKER *pro tempore*. It will be so noted.

Mr. MCMILLIN. I demand the regular order of business.

QUESTION OF PRIVILEGE.

Mr. KEIFER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KEIFER. On Wednesday last my colleague from Ohio [Mr. PAIGE] offered a preamble, with a resolution attached, relating to the seat of my late colleague, Mr. ROBINSON, of Ohio. That preamble recited that Mr. ROBINSON, late a member of this House, had been elected to the office of secretary of state of Ohio, and had entered upon the duties of that position.

The preamble also recited that Mr. ROBINSON was borne upon the rolls of this House as a member, and the resolution, which was adopted by the House, directed the Committee on Elections to inquire into the relations of Mr. ROBINSON to the House. Now, I desire to have read, sir, from the Clerk's desk the following telegram relating to this subject.

Mr. CONVERSE. I rise to a question of order. I would like to have it stated by the Chair by what authority this question comes before the House at this time as a matter of privilege after having been presented and referred to the Committee on Elections.

The SPEAKER *pro tempore*. The gentleman from Ohio rose without having previously notified the Chair of his object, and stated that he rose to a question of privilege, which the Chair presumes the gentleman proposes to present to the House.

Mr. CONVERSE. I make the point of order that the gentleman has not stated any subject or question of privilege. The subject to which he referred is a subject which has been referred to the Committee on Elections of this House. It is not a question of privilege, therefore, as far as that question is concerned, because it has passed beyond the control of the House, for the present at least.

Mr. KEIFER. The House, Mr. Speaker, is the only avenue through which I can get a matter referred to the committee. I have, therefore, to lay it before the House in this form in order to reach the committee at all.

Mr. CONVERSE. I object, unless the gentleman will state his question of privilege and have it ruled on by the Chair, to the reading of any such paper as he proposes to have read.

The SPEAKER *pro tempore*. The Chair does not know and can not know what is the purpose of the gentleman from Ohio, who states that he rises to a question of privilege. The Chair supposes the gentleman desires to submit some resolution or other matter which he proposes to refer to the committee to which the subject referred to has already gone by the previous order of the House.

Mr. KEIFER. This, I will state, relates to a question of the highest privilege.

Mr. CONVERSE. I submit that the gentleman should state his question of privilege before he can have the right to occupy the floor in debate or with the reading of any paper. There is nothing before the House which indicates that the gentleman has any such right.

The SPEAKER *pro tempore*. The gentleman from Ohio has made no motion in reference to the matter.

Mr. KEIFER. I have stated that the subject-matter was with reference to the right of a member to a seat in this House. I am now proceeding to have a telegram read which I desire and expect to have referred to the Committee on Elections. This telegram relates to the subject-matter which is of the highest privilege.

Mr. CONVERSE. I shall object to the reading of it until we understand what the question of privilege is.

Mr. KEIFER. If the Speaker will have the telegram returned to me I will read it as a part of my remarks.

Mr. CONVERSE. I object to the gentleman's proceeding in that manner until it has first been determined to be a question of privilege.

The SPEAKER *pro tempore*. The Chair has had no opportunity, either from an examination of the paper referred to by the gentleman from Ohio or from any remarks which he has submitted to determine whether the gentleman raises a question of privilege or not. The gentleman will read or send the paper to the desk to be read by the Clerk.

Mr. CONVERSE. I object to the reading of any paper until it be shown that there is a question of privilege presented.

Mr. KEIFER. I will make that perfectly clear to the satisfaction of the Chair and to the House as soon as I shall have read this telegram. That resolution to which I have referred was introduced, as I have said, with a preamble and was adopted, referring the matter of the right of the seat of my late colleague, Mr. ROBINSON, to the Committee on Elections.

Mr. CONVERSE. I object to the gentleman proceeding in this way. By what right does the gentleman proceed to make an argument?

The SPEAKER *pro tempore*. The gentleman from Ohio on the left claims that he raises a question of privilege, and the Chair presumes that he is about to state it.

Mr. KEIFER. I know gentlemen are very sensitive, but I am proceeding to show why I have the right to have this telegram read.

The SPEAKER *pro tempore*. But the Chair does not think the gentleman from Ohio has the right to call up here for debate a matter which has been already passed upon by the House, even though it involves a question of the highest privilege. The subject has gone into the hands of a committee of the House and that committee has not as yet made a report upon it.

Mr. KEIFER. I have no right whatever to go before the committee with the matter. If I had an ordinary petition, or anything that states a fact, a paper reciting the resignation, if you please, of a member, I must submit it through the House. I am not intending to debate or argue the subject, but simply to have this question referred to the committee, which will settle the whole question as a matter of fact. In order that they may intelligently act upon it I desire to submit this paper.

Mr. CONVERSE. I insist on the point of order.

The SPEAKER *pro tempore*. The gentleman from Ohio on the right of the Chair objects to the gentleman on the left proceeding to debate the question.

Mr. KEIFER. I was only going to ask the Clerk to read the telegram which I desire to have referred to the committee.

Mr. COX, of New York. The gentleman says he wants to refer this matter to the committee. Why does he not put it in that box? He says he can not reach the committee. He can reach the committee through the petition-box, but he has no right to read his petition.

Mr. CONVERSE. If it is a petition it can go through the petition-box.

The SPEAKER *pro tempore*. The gentleman has the right, of course, to send any petition he chooses to a committee through the petition-box under the rules of the House, but the Chair does not understand the gentleman to present a petition.

Mr. KEIFER. This is a telegram from an officer I think connected with the state department of Ohio. It is directed to me and reads as follows:

Members of Congress are State officers——

Mr. CONVERSE. I insist upon the objection I have made that the gentleman can not read this paper until he recites his question of privilege.

Mr. KEIFER. I understand the Chair to decide that I might proceed to read it myself or send it to the Clerk to be read.

Mr. CONVERSE. Let the gentleman state his question of privilege.

The SPEAKER *pro tempore*. In the absence of objection the Chair would have permitted the reading of the paper. The Chair did not know whether it was matter competent to be sent to the committee in the shape of evidence.

Mr. KEIFER. I will read the telegram and then the Chair will be better able to determine.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. CONVERSE] objects to the reading of the telegram.

Mr. KEIFER. I desire to read it for the purpose of showing that I took the floor on a question of the highest privilege, one that was decided the day before yesterday by the Speaker to be a question of the highest ptivilege because it related to the right to a member's seat. That question it is true has been referred to the Committee on Elections, but desiring to possess that committee with the facts in relation to this matter rather than to suppress them I propose to send matter there that will enable them to dispose of the question.

The SPEAKER *pro tempore*. The present occupant of the chair would have preferred that this matter had come up while the permanent Speaker was here, as the question was originally brought up while the permanent Speaker was in the chair. It was then brought up as a matter of the highest privilege and was so treated. It has been temporarily disposed of by being referred to one of the committees of the House, and the Chair does not understand it is the right of any member to bring that matter back to the House for consideration as a question of privilege until that committee shall have reported.

Mr. KEIFER. I do not ask to bring it back. I do not ask to discharge the committee from the further consideration of the question, as I might under the rule.

The SPEAKER *pro tempore*. That motion would be in order.

Mr. KEIFER. I do not propose to do anything of the kind.

Mr. REED, of Maine. I suggest to the gentleman that he move to discharge the committee, and he can then read that paper as a part of his remarks.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] was not recognized for that purpose.

Mr. BLOUNT. I call for the regular order. I understand the Chair has ruled twice on this question.

The SPEAKER *pro tempore*. The Chair has ruled that the gentleman from Ohio has not in the judgment of the Chair stated a question of personal privilege.

Mr. KEIFER. I have not asked to state a question of personal privilege. If the Chair will turn to the RECORD, page 1038, he will find this was brought up as a matter of the highest privilege, because, as the Speaker stated, it related to the question of the right to a member's seat. The question was simply referred to the committee to report on that subject and I am seeking to get the facts before the committee.

The SPEAKER *pro tempore*. The Chair does not think the gentleman has the right to debate the question in the House after it has been referred to a committee.

Mr. KEIFER. I was not proposing to debate the question.

The SPEAKER *pro tempore*. The gentleman from Ohio has not yet stated a question of privilege.

Mr. KEIFER. Allow me then to state my question of privilege and let it be ruled on. I wish to say the preamble and resolution on page 1038 of the RECORD were adopted and referred to the Committee on Elections, no doubt under a misapprehension on the part of the House to which it was led by the gentleman from Ohio [Mr. PAIGE]. The preamble stated in effect that Mr. ROBINSON had not resigned his seat, whereas I wish to show that by an official message from the governor's office that the gentleman from Ohio who presented that resolution had himself a certified copy of the resignation of Mr. ROBINSON at the time he had the subject referred to the Committee on Elections for investigation.

The SPEAKER *pro tempore*. The Chair does not understand that this is a question of privilege.

Mr. KEIFER. The only purpose I have——

Mr. ROGERS, of Arkansas. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair does not think the gentleman from Ohio has stated a question of privilege.

Mr. KEIFER. I have not been permitted to state it.

The SPEAKER *pro tempore*. The Chair has certainly given the gentleman every opportunity.

Mr. KEIFER. I understand the sensitiveness of my colleagues from Ohio on this subject, because, as the telegram will show, they perfectly well know Mr. ROBINSON resigned on the 12th day of last month to the governor of Ohio.

The SPEAKER *pro tempore*. The gentleman from Ohio is not in order. The Chair has more than once ruled that he has not presented a question of privilege.

ORDER OF BUSINESS.

Mr. COX, of New York. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the morning hour for the call of committees for reports on private bills.

Mr. REAGAN. I move to dispense with the morning hour and with all further private business for the day.

The SPEAKER *pro tempore*. Does the gentleman from Texas propose to make two motions at once?

Mr. REAGAN. I make the motion to dispense with the morning hour, and that the consideration of private business be dispensed with for the day.

The SPEAKER *pro tempore*. The Chair suggests to the gentleman from Texas that the two motions had better be separated.

Mr. REAGAN. Then I move to dispense with the morning hour.

The question being taken, there were—ayes 24, noes 111.

So (further count not being called for) the motion was not agreed to.

The SPEAKER *pro tempore*. The morning hour begins at five minutes before 1 o'clock.

MERCHANTS' BANK OF LITTLE ROCK.

Mr. CANDLER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 7973) to change the name of the National Bank of Little Rock to the First National Bank of Little Rock; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORBES'S HISTORICAL ART COLLECTION.

Mr. MAGINNIS. I am instructed by the Committee on Military Affairs to report back the bill (H. R. 6339) providing for the purchase of Forbes's historical art collection. The committee ask to be discharged from the further consideration of the bill, that the report be printed, and that the bill and report be referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. If there be no objection the Committee on Military Affairs will be discharged from the further consideration of the bill.

There was no objection.

The SPEAKER *pro tempore*. The question is on referring the bill to the Committee on Appropriations.

Mr. STEELE. I object to the bill going to the Committee on Appropriations.

Mr. MAGINNIS. It does not depend on the gentleman's objection. I have a right to report the bill from the Committee on Military Affairs and to move its reference to the Committee on Appropriations. I make that motion.

Mr. STEELE. I move to amend the gentleman's motion so that the bill shall be referred to the Committee on the Library.

The question being taken, there were—ayes 30, noes 70.

Mr. STEELE. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Indiana, Mr. STEELE, and the gentleman from Montana, Mr. MAGINNIS.

The House again divided; and the tellers reported—ayes 61, noes 71.

So the motion was not agreed to.

Mr. STEELE. Mr. Speaker, I withdraw the demand for a further count, but I would like to have the report read.

Mr. BLANCHARD. I object.

Mr. STEELE. I want to hear it only so far as it states the action of the committee.

The SPEAKER *pro tempore*. Objection being made, the Chair thinks it is too late for the gentleman to demand the reading as a matter of right.

Mr. STEELE. I withdraw the demand.

The SPEAKER *pro tempore*. The gentleman from Indiana withdraws his demand for the reading of the report, and the question is upon the motion made by the gentleman from Montana [Mr. MAGINNIS], that this bill reported from the Committee on Military Affairs be referred to the Committee on Appropriations, and that it be printed, with the accompanying report.

The motion was agreed to; and it was so ordered.

CHANGE OF REFERENCE.

On motion of Mr. LOVERING, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese, and the same was referred to the Committee on Pensions.

WILLIAM S. SPRATT.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported, as a substitute for the bill H. R. 4222, a bill (H. R. 8139) granting a pension to William S. Spratt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE S. HAWLEY.

Mr. RAY, of New Hampshire, from the Committee on Pensions, reported back with a recommendation that it do pass the bill (H. R. 8104) granting an increase of pension to George S. Hawley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

D. B. DAWNING.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an amendment and with a recommendation that it do pass the bill (H. R. 2173) for the benefit of D. B. Dawning; which

was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM KENDALL.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back with a recommendation that it do pass the bill (H. R. 3986) for the relief of the legal representatives of Maj. William Kendall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HEWITT, of Alabama, the Committee on Pensions was discharged from the further consideration of the bill (S. 1286) for the relief of Henrietta M. Sands, and the same was referred to the Committee on Invalid Pensions.

WATER SUPPLY OF WASHINGTON.

Mr. WILSON, of West Virginia, by unanimous consent, introduced a bill (H. R. 8140) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. RICHARDSON.

Mr. HEPBURN, by unanimous consent, introduced a bill (H. R. 8141) granting a pension to Mrs. Richardson, of Allerton, Iowa, widow of Milton J. Richardson, late of Company F, Seventeenth Iowa Infantry; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LUCY PARR.

Mr. HEPBURN, by unanimous consent, also introduced a bill (H. R. 8142) granting a pension to Mrs. Lucy Parr, of Allerton, Iowa, widow of Samuel B. Parr, late of Company I, Fourth Regiment Iowa Infantry; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLAND. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] moves that the House do now resolve itself into Committee of the Whole on the Private Calendar, which is equivalent to a demand for the regular order.

Mr. WILLIS. Mr. Speaker, I desire to say that if the motion of the gentleman from Missouri [Mr. BLAND] is voted down I am instructed by the Committee on Rivers and Harbors to press the consideration of the river and harbor bill.

Mr. McMILLIN. I believe that whether this motion be agreed to or not, a two-thirds vote will be necessary to dispense with private business to-day.

The SPEAKER *pro tempore*. The gentleman is right.

Mr. WILLIS. I understand the motion now before the House is that of the gentleman from Missouri [Mr. BLAND], to go into Committee of the Whole for the consideration of business on the Private Calendar. I repeat, that if this motion be voted down I will, under instructions of the Committee on Rivers and Harbors, endeavor to have the House go on with the river and harbor bill.

The question being taken on the motion of Mr. BLAND, it was agreed to, there being—ayes 119, noes 51.

The House accordingly resolved itself into Committee of the Whole House (Mr. HATCH, of Missouri, in the chair), and proceeded to the consideration of business on the Private Calendar.

HIRAM JOHNSON.

The first business on the Private Calendar was the bill (H. R. 1477) to pay Hiram Johnson and other persons therein named the several sums of money therein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. McMILLIN. That bill has been heretofore considered, and an understanding reached that it should retain its place on the Calendar to await the report of the committee, the bill having been recommitted. I ask, therefore, that the bill be passed over informally.

The CHAIRMAN. If there be no objection, that order will be made. The Chair hears none.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico.

Mr. HAISELL. I ask that that bill be laid aside informally, not to lose its place on the Calendar.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. McMILLIN. It has been the custom of the Committee of the Whole on the Private Calendar during its last three sittings to pass over informally all bills down to and including the seventh bill on the Calendar, a bill (H. R. 75) for the relief of Edward Byrne. The Committee of the Whole had reached the consideration of the next business on the Calendar, the petition of Bishop E. Fitzgerald. I ask, therefore, that all business on the Calendar down to the case I have just mentioned be passed over informally. I believe those who are interested in the cases to be passed over have consented to this heretofore.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. McMILLIN]? The Chair hears none, and it is ordered accordingly.

BISHOP E. FITZGERALD.

The next business on the Private Calendar was the petition of Bishop E. Fitzgerald, reported adversely from the Committee on War Claims.

Mr. ROGERS, of Arkansas. I desire to move that this matter be indefinitely postponed.

Mr. McMILLIN. I have no objection to that. I know nothing about the claim.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] moves that this petition be reported to the House with the recommendation that its further consideration be indefinitely postponed.

The motion was agreed to.

FENDALL CARPENTER.

The next business on the Private Calendar was the bill (H. R. 4686) for the relief of Fendall Carpenter.

The bill was read, as follows:

Be it enacted, &c., That the sum of $4,400 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to Fendall Carpenter for twenty-five bales of cotton seized and sold by the United States military authorities during the late war, and the proceeds thereof appropriated to the use of the Quartermaster's Department of the United States Army.

The report (by Mr. JONES, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the claim of Fendall Carpenter, of Fayette County, Tennessee, beg leave to submit the following report:

The claimant resided in Fayette County, Tennessee, during the late war of rebellion, cultivating his farm, having on hand twenty-eight bales cotton, while the confederate troops were scouring the country for contrabands, willing or unwilling, from citizens owning cotton. Claimant, in the early part of 1863, concealed his cotton, where it remained until the coming of the Federal military forces in August, 1862. The latter, learning of the cotton, seized twenty-five bales thereof. As this cotton was seized in 1862, several months prior to the act of March 12, 1863, requiring all such property to be turned over to agents of the Treasury specially appointed for that purpose, it was said by the military authorities, realizing upon the same $4,400 paid, which money was expended in payment of vouchers and receipt rolls in the Army, and consequently was not paid into the "captured and abandoned fund" in the Treasury.

The claimant applied to the Department to be refunded said proceeds, and the matter coming to the attention of President Lincoln, he, on the 23d December, 1863, indorsed upon the application:

"Will the Judge-Advocate-General please examine this case and report upon it to the Secretary of War.

"A. LINCOLN."

The Judge-Advocate-General, Mr. Holt, made his report on the following day, and as his report embraces succinctly the facts and conclusions of law, in both of which your committee concur, it is hereby adopted as part of this report, as follows:

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, December 24, 1863.

To Hon. E. M. STANTON,
Secretary of War:

In the case of Fendall Carpenter, a citizen of Fayette County, Tennessee, referred to me by the President under his indorsement of the 23d instant, with the request that I report upon the same to the Secretary of War, I have the honor to submit as follows:

On the 25th of August last a detachment of United States troops penetrated to the vicinity of Carpenter's residence, seized twenty-eight bales of cotton belonging to him, of which three bales were burned, and the remaining twenty-five bales were carried away. For the latter he was furnished with a receipt (which is filed with the papers in the case), certifying that this cotton had been taken "for the use of the United States," and signed by Lieut. Thomas Purcell, quartermaster Sixteenth Iowa Volunteers.

This cotton was delivered to C. C. Williams, acting assistant quartermaster of the military post of Bolivar, Tenn., and was, by order of Brigadier-General Hoss, commanding district, advertised for sale on August 27, and thereupon sold for about $4,400. The cotton was treated throughout as captured property, and is described in the advertisement "as taken from the enemy." Carpenter now claims that this amount shall be paid over to him as the proceeds of property of which he has been unjustly deprived. His claim, if established, must be based either upon his loyalty as a Union citizen previous to the seizure, or upon the fact that his case is within the President's proclamation of 25th July, 1862.

The evidence as to the loyalty of Carpenter is presented by the affidavits of two of his fellow-citizens, who state that at the election in February, 1861, he voted against secession; that he opposed the rebellion until it became dangerous for him to do so any longer, when he withdrew himself from public matters and remained as quiet as possible; that he is a man of property, but has never contributed anything to the support of the rebellion; further, that in the spring of 1862 he concealed this very cotton to prevent its being claimed and used by the rebel authorities. It is understood, also, that Hon. [illegible] King and Hon. Thomas H. Smith, of Tennessee, vouch for the loyalty of Carpenter and of the parties whose affidavits have been quoted.

If, however, the fact that Carpenter for a certain period before the seizure took no part in assisting the rebellion be held to evince on his part an assistance therein, or be deemed evidence of his having lent aid or comfort thereto, his case will, it is believed, be found to come within the provisions of the proclamation and act of July 17, 1862, which authorized it. The sixth section of this act imposes a forfeiture of all their property and estate upon all persons who shall in armed rebellion, or in aiding and abetting such rebellion, who shall not within sixty days after a proclamation to that effect to be made by the President, cease to be so engaged, &c., and return to their allegiance to the United States. And thereupon the proclamation of July 25, in pursuance of this act, warns all persons to comply with its provisions on pain of the forfeitures and seizures therein prescribed. On August 28, 1862, the same day with the release

in question, but whether before or after it does not appear (nor is it material), Carpenter subscribed before a United States provost-marshal a compreheensive and stringent oath of allegiance, in which he engaged to support the Constitution of the United States against all enemies, to render all due allegiance to the Federal authorities, and to use his best endeavors to put down armed rebellion against the same, to protect the property and preserve the peace in his neighborhood, and to refrain from ever taking up arms or serving in any way against the Government of the United States.

This oath is filed with the papers in the case. It is stated in Carpenter's behalf that this was the first opportunity which had been afforded him of entering into a formal and solemn engagement of this character, and that he embraced it at once by subscribing the oath which has been recited. Thus it will be seen that Carpenter, within the time specified by the proclamation, did formally "return to" and make a public profession of his allegiance to the United States, and there is no proof that he has departed therefrom in any particular, or demeaned himself otherwise since than as a loyal citizen.

It is a just implication from the act of July, 1862, that all persons complying with its conditions within the time limited shall be protected in the enjoyment of their property. Under the circumstances, therefore, which have been detailed, it is conceded that the appropriation of the cotton of Carpenter by the United States authorities was unauthorized, and that he is entitled to claim the proceeds of the sale.

The question now passed upon has already been considered in the case of E. P. McNeal, a citizen of Tennessee, and from a report made therein from this office of November 6, 1862, the sum of $10,000, proceeds of his cotton, seized about the same time as that of Carpenter, was ordered to be restored to him by order of the Secretary of War. McNeal, like Carpenter, had subscribed an oath of allegiance within the period prescribed by the proclamation, but his record as to previous loyalty was by no means so satisfactory as that of the latter, nor was his claim so meritorious. As was remarked in the case of McNeal, an important consideration of public policy is involved in cases of this character. The good faith of the Government has been pledged to all those who, heeding the warning of the President's announcement of amnesty, have accepted the terms which it offered, and conformed their behavior to the solemn engagement into which they then entered. To such the Government on its part owes protection and security for themselves and their property, and should ever stand ready to make good to them, where practicable, the pecuniary losses which they have incurred in consequence of unauthorized or ill-advised seizures by officers of our Army.

It is recommended, therefore, that the sum of about $4,400, which resulted from the sale of Carpenter's cotton, be at once paid over to him by Brigadier-General Ross; provided, as is believed, this sum has not yet been deposited in the Treasury. If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached *in specie* and paid to the claimant.

J. HOLT,
Judge-Advocate-General.

The proceeds of the cotton were, however, never refunded to claimant by the Secretary of War for supposed want of authority so to do.

Inasmuch, therefore, as the Government has applied the money received from the sale of claimant's property to the payment of legitimate expenses of the Army, your committee think he is clearly entitled to be refunded such proceeds, and submit the accompanying bill and recommend its passage.

Mr. STORM. I move that this bill be laid aside to be reported to the House with a recommendation that it do pass.

Mr. HOLMAN. There are two questions which I wish to put to the gentleman in charge of this bill. First, I would like to know whether there is any evidence that the proceeds of this cotton went into the Treasury. That is not shown in the report. Secondly, I wish to inquire how it happened that this claimant, whose claim is well presented by the Judge-Advocate-General, never availed himself of the opportunity during the period such opportunity was afforded with reference to this class of claims to take his claim into the Court of Claims for adjudication. The Judge-Advocate-General says:

It is recommended, therefore, that the sum of about $4,400, which resulted from the sale of Carpenter's cotton, be at once paid over to him by Brigadier-General Ross; provided, as is believed, this sum has not yet been deposited in the Treasury. If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached *in specie* and paid to the claimant.

Now, I find no statement in this report as to whether this money was found in the possession of General Ross, or what disposition was made of it—whether it was paid into the Treasury or not; and there is no explanation as to the reason the claimant did not go into the Court of Claims, as he had the right to do under the law.

Mr. STORM. Mr. Chairman, the gentleman from Wisconsin [Mr. JONES] who made the report in this case I do not see in the House. I know that gentleman is careful in all his reports, and that this was carefully considered by him. It was also considered in the whole committee, and I know that it was the unanimous report of the committee. If the gentleman from Wisconsin were here he would be able to answer the question of the gentleman from Indiana fully.

Mr. GEDDES. Mr. Chairman, I have a distinct recollection of what occurred while this report was submitted to the committee, and it agrees with the views as set forth in this report. I think that on careful examination there will be found in it a full and complete answer to the questions submitted by the gentleman from Indiana. If he will refer to the early part of the report he will find that it is there disclosed that this money was not exactly turned into the Treasury of the United States. It was, however, used by the officers of the Army in the payment of legitimate expenses of the Army and was accounted for by them to the War Department, and so found by Judge-Advocate-General Holt in the investigation he gave to it. It is there stated in the early part of the report, to which I invite the attention of the gentleman from Indiana, that "it was sold by the military authorities, realizing upon the same $4,400 gold, which money was appropriated to payment of vouchers and receipt rolls in the Army, and consequently was not paid into the 'captured and abandoned fund' in the Treasury."

The proof seems clear and abundant that the Government had the benefit of the property and of the fund.

Mr. HOLMAN. From the connection between the paragraph read by the gentleman from Ohio and the closing paragraph of Judge-Advocate-General Holt's report the statement is clear so far as the report goes. It states:

As this cotton was seized in 1862, several months prior to the act of March 12, 1863, requiring all such property to be turned over to agents of the Treasury specially appointed for that purpose, it was sold by the military authorities, realizing upon the same $4,400 gold, which money was appropriated to payment of vouchers and receipt rolls in the Army, and consequently was not paid into the "captured and abandoned fund" in the Treasury.

That is as my friend from Ohio has read it; but he overlooks the fact that Judge-Advocate-General Holt, to whom this subject was referred by a special order of the President, speaks as follows:

If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached in specie and paid to the claimant.

I had the honor to serve with my friend from Ohio on the Committee on War Claims, and I take it for granted the fact was ascertained from the War Department what disposition had been made of this money. My friend will bear in mind that under the law allowing these claimants to go to the Court of Claims a fund was accumulated in the Treasury for their benefit—regarded as a fund held in trust for the benefit of loyal claimants—it will be remembered, I say, that no instance had occurred where there was deliberation on the subject where money has been paid out of this fund unless by proof the fact had been established that the money had been legitimately used for the use of the Army. General Holt naturally suggests that if this money was used for some legitimate purpose it is the same as if paid into the Treasury in trust for these claimants, and if used for a legitimate purpose that fact can be shown. But I find that this report unhappily and entirely evades that question as to whether the proceeds of the sale of this cotton were ever accounted for.

Now my friend will remember also that the committee of which he is chairman at the last session of Congress decided where a party had a right to go into court and establish his claim and failed to do so, that after having an opportunity to have his day in court he could not come before Congress. How did it happen that this claimant, who if the money went into the Treasury or was properly used for Government purposes and he is clearly entitled to it—how does it happen he did not go into the Court of Claims?

Mr. YOUNG. I can answer that question.

Mr. GEDDES. A moment's reflection will satisfy the gentleman from Indiana that he is falling into an error in the investigation of this report. He must notice that the investigation of Judge-Advocate-General Holt was December 24, 1863, and the members of the committee making this report embodied in full this report of Judge-Advocate-General Holt, which concludes as has been correctly read by the gentleman from Indiana. But it must also be remembered that now, in 1884, twenty-one years thereafter, this investigation is made by the committee based not only upon the report of Judge-Advocate-General Holt, but by other proof in the War Department bearing on this question; and in view of the proof, it is said, it is now found, twenty long years after the investigation of Judge-Advocate-General Holt—it is now known that this money was used in the legitimate expenses of the Army as the reason for not turning it into the Treasury.

Mr. HOLMAN. That is the turning point of the claim. Was the money accounted for? If it were accounted for the official document will show the fact, and that official document is among these papers. And that would make this in the nature of a trust fund, to be held by the Government for the benefit of the party, and an obligation which the Government ought to pay. But the question is, do the papers in this case show that it was accounted for to the Government by these officers, or was it an act of spoliation committed for their own private benefit? That is the point.

Mr. STORM. The returns to the Quartermaster's Department show the use that was made of it.

Mr. GEDDES. I understand the gentleman from Indiana, and agree with him fully in reference to the general principle involved. I would require the proof to come up to the standard he suggests. But I understand this report made to our committee by the subcommittee does meet the very question, and evades or seeks to evade it in no way whatever. It meets the question in a distinct and unequivocal manner.

Again, I repeat from the report that—

In 1884 it is found that this money was used in the payment of vouchers and of receipt-rolls in the Army, and consequently was not turned into the Treasury.

Now if the proofs show that the money was thus applied to the benefit of the Government directly, as this report to the subcommittee and adopted by the full committee declares, then I think we are abundantly justified in submitting the report and asking its adoption by this committee.

Mr. HOLMAN. Now as to the other point. Why did not the party go into the Court of Claims?

Mr. GEDDES. I am not prepared now to answer that question.

Mr. YOUNG. I can give the gentleman the information.

Mr. HOLMAN. My friend will remember very distinctly that the last Committee on War Claims made it a rule of that committee that

where a party had a right to go to the Court of Claims under the law and failed to do so the excuse should be abundantly set forth.

Mr. GEDDES. That is a rule of the committee now.

Mr. YOUNG. Mr. Chairman, I know the gentleman, the claimant in this case, very well. He lives in one of the counties of my district, some twenty-five or thirty miles from my home, in an interior county. He is a gentleman of high standing and character where he lives, not very well acquainted with public affairs or public laws, and at the time that the law was enacted permitting him and claimants of this character to prefer their claims before the Southern Claims Commission there was not, perhaps, one man in a hundred in the locality where he lived that ever heard of the law or was aware of its existence. Outside of the city of Memphis, the newspaper center of the district, I undertake to say that for five years after the termination of the war there were not one hundred men living in that district who were fully acquainted with their legal rights or who ever heard of the existence of the Southern Claims Commission.

This bill was presented to Congress, I believe, more than twelve years ago, and this applicant has been knocking at the doors of Congress ever since in utter ignorance, I have no doubt, that he had any other remedy than to present the claim here and obtain action upon it through the legislative branch of the Government.

In answer to some other objections urged by the gentleman from Indiana I desire to say a word. I wish to submit to him as a lawyer that he would lay down the proposition that this man is to be deprived of his clear legal rights because he is not able to prove when, how, and exactly the manner and time in which this money was paid into the Treasury of the United States. The gentleman from Indiana would submit that principle for our guidance; and I ask him upon what principle of right or justice or upon what legal grounds he could deprive this man of his right because it was not in his power to direct how the Government of the United States should dispose of the proceeds of his property? It is shown by the proof set up in the report made by the Committee on Claims that his property was disposed of by an officer of the Government of the United States, that its proceeds were applied to the use and benefit of the Government, and now is he to be deprived of the proceeds of his property because it was not paid by that officer into the Treasury of the United States, instead of being legitimately and properly used for the benefit of the Government in another way?

Mr. HOLMAN. Will the gentleman from Tennessee allow me?

Mr. YOUNG. Certainly.

Mr. HOLMAN. I am conceding, the gentleman will perceive, that this class of claims rests entirely upon the assumption that the Government of the United States is the trustee for the fund that went into the Treasury, and I concede also that if the Government, through its legitimate officers, applied the money to a legitimate purpose of the Government—if, indeed, it was an appropriation of private property to a public use, instead of an act of military spoliation—that then the Government would properly be liable to refund the money, although it had not been turned into the Treasury and accounted for in the usual way. But here we find set forth at length, and very properly, in the report of this committee, the report of Judge Holt on the same subject. Now, the other fact that this money was used for another purpose appears with some degree of certainty; but I ask the committee where is the proof on which they base their findings? There must be vouchers or papers somewhere to show for it.

Mr. YOUNG. I ask the gentleman from Indiana if he expects the committees of this House—the Committee on Claims, or any other committee—to publish all the proof upon which they base their conclusions? Is not a committee of this House to be trusted when it asserts in its reports that from all the testimony in the case it has reached such and such conclusions?

Mr. HOLMAN. Does not the gentleman know that the determination of this class of cases has always turned upon the question whether they were acts of spoliation appropriated to the use of the officer committing the act or the seizure of private property for the use of the Government?

Mr. YOUNG. The gentleman stated that he was acquainted with the position of the gentleman from Ohio, the chairman of the Committee on Claims, upon that question; that he had decided at the last Congress that if it was an act of spoliation or robbery, that this Government was not responsible for it. Now, the gentleman from Ohio comes in here with a report of the chairman of the committee and defends that report, which shows that the claim is a just one and ought to be paid.

Now, I think the question as to whether or not this was an act of spoliation or an act of lawful warfare is set at rest by the report of this committee and the indorsement by its distinguished chairman. This committee could not be expected to set out in detail all the testimony on which they base the conclusion embraced in their report. For aught we know, and the presumption is that way from the high character of the gentlemen who compose the committee, from its distinguished chairman down, the presumption is a fair and reasonable one that all the testimony necessary to establish the justice and legality of this claim was before that committee and they acted upon that testimony. And I confess I can see nothing in the objections of the gentleman from Indiana to influence the judgment of this House against declaring this claim a just and valid one, which ought to be paid.

Mr. HOLMAN. I am not disposed to prolong this discussion, and regret exceedingly the gentleman who made the report [Mr. JONES, of Wisconsin] is not present.

Mr. STORM. He is here now.

Mr. HOLMAN. My friend from Wisconsin, then, will be able to explain the two questions I have asked: First, by what evidence does it appear that the proceeds of this cotton were applied to the use of the Government? And, secondly, how is it explained that while this claimant was clearly entitled, on Judge Holt's statement, to go into the Court of Claims and have this money paid out of the fund which had accumulated, how does it happen he did not go there?

Mr. JONES, of Wisconsin. This report was made early in the last session. Since that time in the multiplicity of other bills and reports which have been before us I confess some of the facts of this claim are not now fresh in my mind. I did not suppose it was to be brought up to-day, or I would have re-examined the evidence. I am certain, however, of the main facts which influenced our action. There is no doubt but that the property was taken by the Federal troops. It was sold at auction and paid for in cash. The money received was paid over to one of the Army quartermasters, and by him used in the necessary expenses of the Army.

The claimant promptly laid his claim before the authorities for compensation. I believe this was in 1863. He has diligently pressed it from that day to this. It obtained at that time the sanction of Judge-Advocate Holt, who examined the facts and recommended its payment. The claim was sent from one Department to another. Although favorably recommended by the War Department, it was not allowed, for the reason, as claimant was notified, that no appropriation had been made from which it could be paid even if allowed.

The claim remained before the Departments, War and Treasury, for several years. It was never rejected on the merits. The Secretary of the Treasury decided when it came to that Department that he had not jurisdiction under the statute providing for the payment of captured property.

The claim remained before the Departments until it could no longer be pressed there owing to the act of 1867, which suspended further action upon such claims.

After the claimant was notified by the Treasury and War Departments that he could only find relief in Congress, he brought his claim here, and has ever since been seeking redress.

The loyalty of the claimant was clearly proved.

The taking of the property was beyond all doubt. Our committee were of the opinion that the claimant is clearly entitled to the relief he seeks.

Mr. HOLMAN. I suggest, Mr. Chairman, that this claim be laid aside to be reported favorably to the House, as the gentleman having charge of the measure think it proper that that should be done; but if on examination of these papers again by my friend from Wisconsin [Mr. JONES]—and it requires some experience to be familiar with all the legislation touching this class of claims—if upon further examination of the papers there is found to be a lack of sufficient evidence showing this property went to the use of the Government instead of being a spoliation on the part of an officer, for which we are not to assume responsibility, that in that event the case be opened up again and recommitted to the committee.

Mr. JONES, of Wisconsin. I am satisfied with that.

Mr. HOLMAN. With that understanding I have no objection to the bill being laid aside to be reported favorably.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. McMILLIN. I have been requested by the gentleman making the report in the next case [Mr. ROGERS, of New York] to ask that it be passed over informally.

There being no objection, the bill (H. R. 2204) to provide for the payment of the claim of Joseph R. Shannon, reported with an adverse recommendation by the Committee on War Claims, was passed over informally.

A. GATES LEE.

The next business on the Private Calendar was the bill (H. R. 4687) for the relief of A. Gates Lee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged use, occupation, and damage by the United States authorities, for the use of the United States troops, during the late war, of a certain mill property situated in McCracken County, in the State of Kentucky, alleged to have been the property of A. Gates Lee; such investigation to extend to the title of the property, the status of the owner, whether loyal or not, the value of the property destroyed, the actual rental value of the property for the time it was occupied by the United States troops, the amount of damage arising from the appropriation of material to the use of the Army; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

Mr. ROWELL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I think this class of claims should go to the Court of Claims under the Bowman act.

Mr. ROWELL. Will the gentleman from Indiana let the report be read?

Mr. HOLMAN. I have no objection to that. Let the report be read.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 640) for the relief of A. Gates Lee, of McCracken County, Kentucky, have had the same under consideration, and report as follows:

The evidence in the case shows that claimant and his brother, B. P. Lee, were in 1861 partners and owners of a large flouring-mill at Paducah, Ky.; that they were both loyal to the Government of the United States, and suffered pecuniary loss for their loyalty; that B. P. Lee died in 1864, leaving A. Gates Lee his surviving partner.

In September, 1861, the military authorities of the United States took possession of their mill, and used it for officers' quarters, quartermasters' stores, and for barracks for soldiers; that the property was occupied by various regiments most of the time for something over two years.

The evidence further shows that in addition to its use the property was badly damaged, not only by having its machinery torn out and destroyed, but by having the weather-boarding torn off and floors taken up, so that at the time it ceased to be occupied it was of very little value as a flouring-mill.

Lieutenant Wilson appointed a commission of citizens of Paducah to appraise the damage to this property, and this commission returned an estimate of $11,-873, this covering not the rental value, but the damage to the mill property.

The claim was presented to the Quartermaster's Department and rejected, because there was no legal authority to pay this kind of claim. An offer of $25 per month was made as rent, the claimant being advised that his remedy was an appeal to Congress. The claim was also presented to the claims commission of the War Department, but was never acted upon.

Your committee are of opinion that it would be a bad precedent to pay for wanton destruction of property by soldiers without orders from competent authority, and, while the case under consideration is one of great hardship, we are not prepared to recommend its payment. We are, however, of opinion that the matter ought to be investigated by the War Department, with a view to ascertain the actual rental value of the property for the time it was occupied, and also the amount of damage arising from the appropriation of material to the use of the Army under proper orders, and not attributable to mere wantonness. We therefore present the accompanying bill as a substitute for the bill under consideration and recommend its passage.

Mr. HOLMAN. I suggest to the gentleman making this report that this claim ought not to go to the War Department for examination, for the reason that, conceding, as of course I do from what is set forth in the report, the loyalty of the claimant, the other facts presented are expressly excluded from consideration by the terms of our legislation. Where it is alleged that there has been a wanton destruction of property at the seat of war, or even that at the seat of war property was injured while occupied by Federal troops, a reference to the War Department is the most expensive method of determining cases of that kind that can be adopted. Where the claim is referred to the Court of Claims the claimant prepares his own proof and submits it. But where you refer it to the War Department, of course it goes to the Quartermaster-General, and an agent has to be sent to visit the region of country where the claim arose for the purpose of making an examination and taking proof, and if my friend from Illinois [Mr. ROWELL] will look and see the large sums of money that we have paid out every year for the examination of claims already referred, I think he will hesitate to send any claim to the War Department unless it be one in which a military examination would be peculiarly proper and necessary. This does not appear to be such a case. It seems to be simply one of the large classes of claims which are arising all the time and of which great numbers have already been referred to the Court of Claims. I have no sort of objection to its reference to the Court of Claims, because that will not necessitate any material expense, but, as I have said, a reference to the War Department is always very expensive, and upon the face of the report this does not seem to be a case to justify such a reference.

Mr. ROWELL. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] will examine the Bowman act, which authorizes certain classes of cases to go to the Court of Claims, he will find that this case would go there simply to come back without any adjudication, because it belongs to a class of cases that can not be sent to the Court of Claims under that act. This bill provides certain limitations to avoid any investigation as to damages growing out of the wantonness of the soldiers.

This mill property was situated at Paducah, Ky., and was owned by men of intense loyalty—men who for their loyalty suffered not only the loss of fortune, but also a great deal of persecution. They owned this large flouring-mill at Paducah. It was taken possession of by the Government and was occupied as a barrack for the space of two years by officers and soldiers of the United States. The owners were offered a certain rental, which they refused to take. Subsequently they have been pressing their claim constantly; or at least the living representative of the firm has been pressing the claim, both before the Departments of the Government and in Congress.

This bill provides that the War Department shall investigate the question of occupancy, the length of that occupancy, the rental value of the property, and the value of any material taken by the Government for the use of the Army, but excludes from the investigation and computation any damages. Now, the larger part of the injury for which Mr. Lee claims compensation, under the proof submitted to our committee, is for damage, wanton damage as I take it—at least of that kind that ought to be investigated by the agent of the War Department—and it is not a case of the kind that can be properly investigated by the Court of Claims. It seems to be a meritorious case for investigation and ascertainment of the facts, and for that reason we presented this bill instead of attempting to make the investigation ourselves.

Mr. HOLMAN. Will the gentleman allow me to interrupt him for a moment?

Mr. ROWELL. Yes, sir.

Mr. HOLMAN. Suppose the War Department makes this investigation and reports that this property was damaged to the extent of $11,000, or any other sum, by the wanton acts of the soldiers, does the gentleman say that Congress is to appropriate money to pay those damages?

Mr. ROWELL. Mr. Chairman, I certainly do not say anything of the kind; and this bill does not authorize the Department to report anything of that kind. It expressly excludes all compensation for wanton damage.

Mr. HOLMAN. Then what does it include?

Mr. ROWELL. It includes the rental value of the mill property for the time it was occupied by the United States forces and the value of such property as was legitimately or properly taken for the use of the Army.

Mr. HOLMAN. Now will my friend allow me this further question: Does he think the Government can enter upon the policy of paying rent for property used at the seat of war? If that is to be the policy, a field unexampled in its magnitude is opened up. I wish to call the attention of the chairman of the Committee on War Claims [Mr. GEDDES] to this question, whether such claims for rent of property used by the United States at the seat of war should be brought within the jurisdiction of the Court of Claims? If the Government is to be responsible for all property occupied on its behalf at the scene of hostilities during the late war, the rule should be of universal application. There should not be a bill here and there taken up and compensation made only in particular cases; all the people of that section of the country should be treated alike. Yet you have not done so up to this time.

Mr. ROWELL. Mr. Chairman, I do not know of any rule of justice which would authorize the Government of the United States to take possession of and occupy the property of a loyal citizen without making compensation to him; and I do not care whether claims of this character are few or many. Ordinarily during the first years of the war, when property was taken possession of in Kentucky, at Paducah and Louisville, and later in Tennessee, if such property was owned by loyal citizens, rent was paid for it by the Quartermaster's Department. There are here and there cases where rent was not paid. In this case the Quartermaster's Department offered to pay rent for this very property; but because of the damage resulting from the use of the property, because of the ruin of this mill, the owner was not willing to take as rental the amount which the Quartermaster's Department determined the property was worth for barracks. He insisted upon a rental value for the property as a mill.

This is one of the cases where a loyal man lost the use of his property and the Government enjoyed its use. All through that country from 1861 to 1865 such men did receive rent for their property. This man did not; and I do not care whether there be one such claim or a thousand, if the case presents the incidents of loyalty on the part of the owner of the property and occupancy of it by the Government, it is simple robbery if the Government does pay such claims when properly proven.

Mr. HOLMAN. Would my friend modify this provision of the Bowman act?

The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operation of said forces during the said war at the seat of war.

Would my friend modify that provision?

Mr. ROWELL. But a little while ago the gentleman from Indiana was insisting that he was perfectly willing claims of this character might be referred to the Court of Claims under the Bowman act, knowing that in this very act was a prohibition against the Court of Claims considering such cases; so that the submission of the matter to that court under the Bowman act would be a useless proceeding. In answer to the gentleman, I say I would be willing to modify in this respect the Bowman act; but, inasmuch as it has not been modified, I am in favor all the time of reporting such meritorious cases as this for action by Congress.

Mr. HOLMAN. Well, Mr. Chairman, this question is now before us in an unusually clear light. The provisions of the act of the last Congress expressly exclude this class of claims from consideration by the Court of Claims; and I now submit to the chairman of the Committee on War Claims, as representing this large body of claims, whether it should be the policy of Congress or of that committee to abandon that limitation, and open up this class of claims for consideration by that court. If so, I submit to him that this restriction upon the Court of Claims should be repealed; and all the people of the section of the country where these claims have arisen should be put upon one common basis. There are hundreds of thousands of cases of this kind which have arisen all over the South—tens of thousands, no doubt, in the single State of Kentucky. There is scarcely a county in that State where cases of this kind did not occur.

Now, if investigations of this kind are to be had, the investigation

must amount to something; something must result; it can not be that a report of the facts should be called for, if, when reported, however strongly, the facts are not to justify an appropriation of public money. If the purpose is to change the rule heretofore adopted, I think it ought to be changed as to all cases of this class; we should not take up a single case here and there and make it an exception to the general policy.

There does not appear to be anything in this claim which should distinguish it from countless other cases which have occurred all over that section of the country which was the seat of the late war. For one, I regret to see the expenses of the Quartermaster's Department constantly swollen by references of these matters to it, when another tribunal, the Court of Claims, has been invested with the very limit of the jurisdiction which Congress has been willing to confer in regard to the adjustment of these claims.

My friend from Illinois is right in saying that under the Bowman act this claim can not even be considered by that court, because up to this time the policy has not been to allow adjudications by that tribunal where either spoliations or rents at the seat of war are to be taken into account.

Mr. GEDDES. Mr. Chairman, as the remarks of the gentleman from Indiana [Mr. HOLMAN] were largely addressed directly to me, I ought perhaps to express my own conviction in regard to this class of claims. Personally, I would not consent to enlarge the provisions of the Bowman act; I am disposed to adhere to those provisions. But there will arise exceptional cases where the occupancy of real estate at the seat of war is not temporary, where the occupancy is of a nature to give rise to an implied contract for payment for the use and occupation of the property. Where a citizen admittedly loyal has his real estate taken possession of and used for a considerable period of time by the Government, I think a distinction may be occasionally made in such a case from occupancy, temporary in its nature, at the seat of war and in the progress of hostilities.

The spirit and purpose of the act referred to is to exclude that class of claims, and I am willing to adhere to the letter and spirit of the law.

Mr. HOLMAN. Permit me to inquire of my friend, does he not recollect the Memphis claim and numerous other claims, that of Judge Eyres and others, where the question has been alone presented, the loyalty of the man being admitted—the question has alone been presented whether or not even occupation for years at the seat of war would justify Congress in appropriating money for the occupation of property or not? Were not the cases of Judge Eyres and others considered before this committee for a number of years?

Mr. MCMILLIN. Let us have a vote on the question.

The CHAIRMAN. The question is on the motion that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

BARRINGTON BEHYMER.

The next business on the Private Calendar was the bill (H. R. 1265) for the relief of Barrington Behymer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Barrington Behymer, out of any money in the Treasury not otherwise appropriated, the sum of $547.90, with 6 per cent. interest thereon from October 27, 1874, to date of payment, being the difference between the pay and allowances of a sergeant-major of cavalry and the pay and allowances of a second lieutenant of cavalry, from March 10, 1864, to October 10, 1864, he having been commissioned and served and performed the duties as second lieutenant in the Fifth Regiment Ohio Volunteer Cavalry during that period, but not having been mustered as such second lieutenant.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1265) for the relief of Barrington Behymer, have had the same under advisement, and make the following report:

The claim in this case is stated at $547.90, being for the difference between the pay of sergeant-major and second lieutenant of cavalry from March 10, 1864, to October 10, 1864. Claimant was, on March 1, 1864, commissioned by the governor of Ohio a second lieutenant in the Fifth Ohio Cavalry. The captain of Company L was, at the same time, commissioned major, the first lieutenant commissioned captain, making the vacancy to which claimant was commissioned. At the time these commissions were issued, the Fifth Cavalry was not entitled to the majorship to which the captain of Company L was commissioned, owing to the numbers of the regiment; consequently there was no vacancy of a second lieutenancy, to which claimant was commissioned, and he was refused muster, and thereafter continued to draw pay as sergeant-major till the expiration of his term of service. He was assigned to duty as second lieutenant, as were the other officers above named to the rank to which they were commissioned, and all continued to do duty in the rank as assigned.

Your committee are of opinion that it would be a bad precedent to commence paying this kind of claims. In 1864, owing to their diminished numbers, a large number of regiments were in the same position as the Fifth Ohio Cavalry—not entitled to a full complement of officers. A commission by the governor of a State, under such circumstances, should not give a party any right to pay from the General Government.

As regards the duty in a higher rank, it is not uncommon in the Army for an officer to discharge the duties of a higher rank, and if we were now to commence paying every officer according to the position held at different times, it would take a very large sum of money to liquidate all the claims that would be presented.

The usages of the Army and Army Regulations are against the allowance of such claims, and we therefore recommend that the bill do not pass.

Mr. ROWELL. I move that the enacting clause of the bill be stricken out.

The motion was agreed to.

WILLIAM CLIFT.

The next business on the Private Calendar was the bill (H. R. 4686) for the relief of William Clift.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Clift, of Hamilton County, Tennessee, the sum of $6,000, for wood taken and used by the Army of the United States during the late war.

The report (by Mr. STORM) was read, as follows:

The Committee on War Claims, to whom was referred the petition of William Clift, of Hamilton County, Tennessee, asking for compensation for timber and wood, stated at $19,645, makes the following report:

The facts in the case are as follows: In 1862 the claimant and one William Stringer were the owners in common of certain lands lying on the north side of the Tennessee River, in Hamilton County, Tennessee, containing about [illegible] acres. It was covered with timber, principally oak, when, in the fall of 1862, the United States Army advanced and took possession of this portion of the country. From that time until the close of the war details were almost constantly employed on the land cutting the timber and hauling it away for the several uses of the Army. The Government erected a saw-mill near this land, and a great deal of the timber was sawed on that mill. The timber was used in the construction of bridges, storehouses, and other Army buildings. The greater part, however, was taken for fuel for the use of the Army. Some tracts were entirely cut off, some culled, and some untouched.

The claim was investigated by Lieut. Col. J. A. Ekin, chief of quartermaster's department of the South, through his agents, Dougherty and Woodburn, who took a large amount of testimony, and made a very full report. Army officers, as well as private citizens, testified to the intense loyalty of the claimant. He suffered greatly in his person and property on account of his devotion to the cause of the Union. There is no doubt but the timber was taken by the United States Army and used by it. United States officers testify to this. The value of the timber was the only thing in dispute.

These agents, after much time spent in investigating this claim, recommended paying claimant for 12,000 cords of wood, at 75 cents per cord, amounting to $9,022.50. Colonel Ekin, in making his return of the claim in November, 1870, also recommended the payment of the same amount. In August, 1872, the Quartermaster-General gave direction to report this and six other cases, mainly for timber taken from lands in the vicinity of Chattanooga, Tenn., on the basis of the settlement made in the Abner C. Carroll case, referred to in the Treasury March 6, 1871. In that case the timber was considered as constituting one-half of the value of the land. On that basis claimant's demand was reduced to $3,492.32.

The Quartermaster-General's Department was not satisfied with this. Joseph Livsey was appointed agent by the Quartermaster's Department, and in October, 1872, commenced taking depositions to show the value from the commission of lands in that county, and by showing its value before and after the war.

The witnesses differed greatly in value, some averaging the amount; some no criterion of value, that lands were assessed at a certain rate of value; that this tract was only valuable for sometimes one-fourth their actual value; that this tract was only valuable for its timber, the land being what is termed "ridge land."

On looking over all the testimony in the case, the committee believe that the claimant should be allowed the sum of $6,000, which is [illegible] than any of the Government agents found. The only reason given by the War Department for its rejection was that the claimant made his demand on blank [illegible] that it was fraudulent on its face. This might be a good rule to follow in some cases in order to discourage the presentation of dishonest claims, as, for instance, where a man claimed for four horses taken and used by the Government when he had only two. He must have known his claim was fraudulent.

But the claim in this case rested purely on the opinion of witnesses, and widely different results would be obtained according to the basis upon which the estimate was made. When the number of cords was the basis (and who will say that was fraudulent?) a much larger result was reached. When the measurement was taken as a basis and a comparison with other tracts directly located a smaller amount was found to be due, and when we consider that these statements are usually prepared by lawyers or claim agents, who always locate the largest amounts, knowing always that they can recover less than they claim, but can never recover more, the claimant should not in this case be regarded as presenting a fraudulent claim.

He is now about eighty-five years of age, has suffered much for his country, and the sum now allowed ($6,000) ought to be paid, and the committee report favorably that sum, and recommend the passage of the accompanying bill.

Mr. HOLMAN. Let me inquire whether this claim, admitting the loyalty of the claimant, was not cognizable before the Southern Claims Commission? If so, I should like to ask whether this claimant appeared before that commission; if he did not, what explanation has the gentleman from Pennsylvania to give why he did not? I understand the rule of the Committee on War Claims to be that if a party had a tribunal open to him and failed to avail himself of it he could not come afterward to Congress for relief. I wish therefore my friend could explain why it happened that he did not go before that commission, and also whether the position taken by the War Department is not a sound one.

Mr. STORM. Mr. Chairman, the War Claims Committee, of which I have the honor to be a member, has adopted a rule that where a tribunal was invested with the power of hearing cases before it their judgment should be final. Now the proper tribunal for this case was not the Claims Commission, but the Quartermaster-General's Department. The claim was for fuel taken for the use of the Army, and consequently that department of the Government had jurisdiction of it and investigated it.

I desire to say here now for the benefit of the gentleman from Indiana, who generally complains that these claims come here supported by an ex-parte affidavit of the claimant and such witnesses as he may call to support his claim, that this was investigated by the Quartermaster-General's Department through agents sent out there for the purpose of examining witnesses. All the testimony in this case was taken by Colonel Ekin through agents sent there by the Quartermaster-General's

Department for the purpose of investigating the claim to the very bottom.

Mr. HOLMAN. Special agents?

Mr. STORM. Yes; by special agents. They investigated the claim and examined such witnesses as they chose to call, not calling them with a view to supporting the claim, but with a view to defeating it. And the Quartermaster's Department took the strangest position ever heard of in a case of this kind. They disallowed an admitted portion of an honest claim because the claimant made his demand for a larger sum than the investigation showed he was entitled to. That is the ground upon which the Quartermaster-General's Department, having jurisdiction of this claim, rejected it. I will admit, as the report states, that if a man having a certain number of horses and cattle, knowing how many he had—say he had four, and must have known he had four—should have presented a claim for eight, it would have been so notoriously a fraud, that if he should lose the claim for four horses, the number he honestly lost, it would have been serving him right for having presented a claim for double the number when he knew he did not have them. But what is the disparity in this case due to? From what did it arise? It arose from the different bases upon which the parties estimated the value of this wood.

There was no dispute as to the fact that this man was the owner of a tract of 5,000 acres of land; that the Army was encamped in the neighborhood of that property for the period of a year or more; that they built a saw-mill and manufactured lumber and built bridges and storehouses and that they used it for fuel for the Army, and that this was continued for a year or two. All of these facts are admitted. That this wood was taken has been proven by the testimony of twenty-five or thirty witnesses, all of whom testify that it was taken from this tract of land, and Colonel Ekin found through his agents that 12,030 cords of wood had been used in this manner, which at an estimate of 75 cents a cord reached a total sum of $9,022.50.

The Quartermaster's Department was, however, dissatisfied with this adjudication and said it was not correct. They sent it back and directed another investigation upon the basis of the settlement made in the case of Abner C. Carroll. That was done in March, 1871, and upon that basis, which ignored entirely the value of the property as cordwood, they found the sum due to this claimant to be $3,435.25. There is no dispute about that. The Quartermaster's Department was still dissatisfied with this award, and then had another investigation for the purpose of ascertaining the value of this cordwood upon the basis of the assessed value of certain tracts of land in that part of the county; and even that investigation resulted in a larger amount in favor of the claimant than what the committee recommended in the bill which is now pending before this committee.

Now, all these investigations were carried on by the Quartermaster's Department of the Government, which was seeking to defeat this man's recovery of any sum; and we have allowed a sum lower than any of the investigations that department set on foot to ascertain the amount or value of the property. The committee have recommended a bill for this man's relief awarding a specific amount in full of the claim. It has been in existence for some twenty-five years, and we have allowed no interest on the claim, but have reported, in order that it may be set at rest forever, that the claimant be allowed the sum of $3,000 in full.

Mr. HEWITT, of Alabama. How much is that a cord for the wood?

Mr. STORM. It is less than 25 cents a cord for it.

Mr. HOLMAN. Mr. Chairman, I do not see any reason why the Departments of this Government and their integrity should be necessarily assailed in almost all of the claims that come before Congress. Now, the Quartermaster's Department of this Government under the control of General Meigs was certainly as safe a tribunal for the adjudication of claims growing out of quartermasters' supplies as the Congress of the United States. It is a tribunal which approaches much more nearly a court than Congress can. The agents who investigated this matter for the Quartermaster's Department, under the control of Colonel Ekin, went to the ground, and investigated the claim on the spot and took testimony as to its character. We have not been honored with any portion of the report made by those agents. I have no doubt, however, that it was voluminous and could not have been very well incorporated into the report of the committee.

Mr. STORM. It is quite voluminous.

Mr. HOLMAN. But after this thorough investigation, made a second time, and the claim is rejected by the Department, it comes to Congress for its consideration.

Mr. LONG. Rejected on what grounds?

Mr. STORM. On the ground that it was fraudulent.

Mr. DIBRELL. It was rejected by the Department on the ground that the wood was charged at too high a rate. This claim was made out immediately after the war, and the Department was charged for the wood at the war prices then prevailing. Now the committee have brought in their report and allow less than one-sixth of the amount asked for, which amount was the value of the property at the time it was taken. The claim was made out immediately after the war, and the wood was charged for at the rate of $1.50 a cord, while the committee have brought in their bill, which reduces the amount to less than 25 cents a cord.

Mr. HOLMAN. When was this claim first presented to the War Department?

Mr. STORM. Shortly after the war. The price was then fixed at $1.50 per cord, being the prevailing price, and the Quartermaster-General was dissatisfied with it and said that it was a fraud upon its face. Afterward upon investigation the price was fixed at 75 cents a cord by his own agents, and still they say that is too much. Now the committee recommend as a final settlement of the claim the sum of $3,000, which, as has been said, is less than 25 cents a cord.

Mr. HOLMAN. In reference to the adjudication of claims by the Quartermaster's Department it is proper to say that here is as near a court of justice as the Government can provide for the adjudication of this class of claims, unless they are permitted to go into the courts. Now, what possible motive could this public officer have had for defeating this claim as alleged?

Mr. DIBRELL. The agents of the Quartermaster's Department have all recommended the payment, but the Quartermaster-General refused, for the reason that the wood was charged for at what he regarded as a fraudulent price, being the price prevailing at the time it was taken.

Mr. HOLMAN. That was General Meigs?

Mr. DIBRELL. Yes, sir.

Mr. HOLMAN. I do not recall any one of the officers of this Government whose integrity and impartiality has been more thoroughly recognized through his long career in that very important department, especially during the war, than General Meigs; and he certainly understood this matter and the investigation that has been made.

Mr. DIBRELL. There was not a man of stronger prejudices in the Army.

Mr. HOLMAN. And certainly General Meigs and his department were as competent for the consideration of this claim as Congress or the committees of Congress, which, from the necessities of the case, must act hastily, and with brief time, for that full and competent consideration of claims which would give to the investigation a judicial character.

Mr. STORM. Now, Mr. Chairman——

Mr. HOLMAN. Let me continue for a moment.

And again, the committee of which the gentleman is an honored member has heretofore adopted, as I have understood, the rule that when the claim had been submitted to a proper tribunal, a court or any other tribunal competent to adjudicate it, the party having had his day in court, it was more reasonable certainly that justice was done than would be the result if Congress took the matter up without any regard to the action of the proper tribunal, and acted upon it itself on the spur of the moment.

A person with no means, no resources to prosecute the claim, submits to the adverse decision, and there is an end to it. But a party with proper influence keeps the matter before Congress from time to time until in the course of years the decision of the proper tribunal is overruled in this hasty manner almost without consideration, because it is well known we can not give these matters much consideration.

Mr. STORM. We have all the testimony before us that the Quartermaster had. We have the full report of Colonel Ekin, who took the testimony for several days, and it is quite voluminous. We have his conclusion, which is simply this: This claimant made a claim for $19,000. The agents said, "We find $3,425 to be due;" and the Quartermaster says, "I will not allow that, because you made your claim for $19,000." Does the gentleman from Indiana think that was just? If it should be the judgment of the Supreme Court of the United States, would it be right? That is the question. I agree in the compliment he pays to the high character of the Quartermaster. But here we have facts to act upon on our own consciences and oaths. We have the fact undisputed that the Government got this man's wood to the full amount he claims. But the Quartermaster says, "I will not allow what is reported by the agents who investigated the claim, because you made your claim for $1.50 per cord and the agents only allow 25 cents." All the objection to the man's claim is that in the first instance he made it too high.

Mr. HOLMAN. I would rather rely as to justice both to the Government and to the claimant upon the deliberate decision of an officer who for years had been engaged in investigating this class of claims, an officer who has not only shown himself to be impartial but who is known to be thoroughly competent—I would rather rely upon his judgment deliberately formed than on my own hastily formed.

Mr. STORM. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

PATRICK COOK.

The next business on the Private Calender was the bill (H. R. 1739) for the relief of Patrick Cook.

The bill was read, as follows:

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Patrick Cook, a resident of the District of Columbia, the sum of $1,500, such sum being the amount awarded him by the late board of audit for and on account of damages to his real estate in the city of Washington. That one-half of said sum shall be chargeable to the revenue derived from taxation within the District of Columbia

The report (by Mr. GUENTHER) was read, as follows:

The Committee on the District of Columbia, to whom was referred the petition of Patrick Cook for relief for damages to property as assessed by experts of board of audit, District of Columbia, submit the following report:

The committee, after examination, find that on the 20th of January, 1875, Patrick Cook filed before the board of audit a claim for damages to certain lots belonging to him in the city of Washington, in square No. 94, said damages occasioned by public improvements in excavating Twenty-fourth street northwest, between M and N streets; and on the 3d of August, 1875, the board of audit, after inspection, awarded to said Patrick Cook the sum of $1,500, that sum being the one-half of the amount claimed by him in his said petition. The said sum of $1,500 was, however, not paid to the said Patrick Cook, for the reason that the board of audit was legislated out of existence before they had prepared and issued to him the necessary certificate; and thus the claim now stands. Your committee think that he should be paid the $1,500 adjudged by the board of audit as due to him, and to that end report the accompanying bill, with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BAGLEY took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, returned to the House of Representatives, in accordance with its request, the bill (H. R. 691) for the relief of William M. Thomas.

The message further announced that the Senate agreed to the concurrent resolution of the House of Representatives directing the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 1017) relative to the Inspector General's Department of the Army, to change the word "hereafter" in said bill to the word "thereafter."

The message further announced that the Senate had agreed to the concurrent resolution of the House with regard to the count of the electoral vote for President and Vice-President, with an amendment; in which the concurrence of the House was requested.

WILLIAM FRANKLIN GROUNDS.

The Committee of the Whole resumed its session.

The next business on the Private Calender was the bill (H. R. 1672) for the relief of William Franklin Grounds; reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to William Franklin Grounds, of Arizona Territory, the sum of $19,157, in payment in full for three hundred and fifty-six beef cattle, one hundred and six cows, and seven horses taken from him by the Hualapai Indians, and used by them for their subsistence, while temporarily absent from their reservation between the 1st day of February, 1874, and the 31st day of March, 1874.

The amendment was read, as follows:

In line 7 strike out "$19,157" and insert in lieu thereof "$13,129."

The Clerk read in part the report (by Mr. NELSON), which in full is as follows:

Mr. NELSON, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 1672):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1672) for the relief William Franklin Grounds, have duly considered the same, and submit the following report:

From the proofs and official records it appears that the Hualapai tribe of Indians, numbering about six hundred, between the 1st day of February and the 1st day of April of the year 1874, left their reservation in Mohave County, Arizona Territory, and wrongfully strayed off into the region where Mr. Grounds had his cattle ranch, and while there and in the vicinity they killed, ran off, and destroyed one hundred and six cows, two hundred and fifty head of other cattle, and seven head of horses, the property of said William F. Grounds.

These cows were at that time worth not less than $35 per head. Of the other cattle there were ninety-two head two-year old steers, of the average weight of five hundred pounds per head; also twenty-nine head three-year-olds, of the average weight of eight hundred pounds per head, and one hundred and twenty-nine head of other cattle, of the average weight of 1,000 pounds per head; that these cattle were at that time of the value of 4½ cents per pound; that the horses referred to were of the aggregate value of $300.

That this stock, when killed, was lawfully in the possession of said Grounds, and was kept by him at a place where he had the lawful right to keep the same, and that it was the moral and equitable duty of the Government to protect him in the possession and enjoyment of the same.

That said stock was killed, run off, or otherwise destroyed by said Indians without the fault or negligence of said Grounds and under such circumstances as would equitably entitle said Grounds to indemnity from the Government.

A bill similar to the one under consideration was before the Committee on Indian Affairs of this House in the Forty-seventh Congress, and was reported upon favorably by said committee, which report, for the more full and specific information of the House, is hereto attached and made part hereof.

Your committee do therefore recommend that the bill under consideration be amended by striking out in lines 6 and 7 of the printed bill the words "nineteen thousand one hundred and forty-seven" and inserting in lieu thereof the words "thirteen thousand one hundred and twenty-nine," and that the bill as so amended do pass.

"[House Report No. 633, Forty-seventh Congress, first session.]

"Mr. Mason, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 2294):

"The Committee on Indian Affairs, to whom was referred the bill (H. R. 2294) for the relief of William Franklin Grounds, have duly considered the same, and submit the following report:

"The testimony of eleven witnesses and the official reports of Indian agents and officers of the Army show substantially the following state of facts:

"On the last of January, 1874, and for a long time prior thereto, the Hualapai Indians, a tribe in amity with the United States, were occupying the Camp Beale Spring reservation in Mohave County, Arizona Territory. They were, during their occupancy of that reservation, subsisted and cared for by the United States Government; were under the immediate charge of an agent of the Indian Bureau, and in close proximity to the United States troops stationed at the same reservation. In consequence of the high price of subsistence in that part of the Territory, and on account of the many new settlements and mining camps springing up in the vicinity (report Commissioner Indian Affairs, 1874, page 265), the Secretary of the Interior directed that these Indians should be removed to the 'Colorado River reservation,' one hundred and eighty miles south, and at that time occupied by other tribes. Under the fear of this removal, the Hualapai Indians, numbering six hundred, after receiving their issue of Government rations, quietly left their reservation at Camp Beale Spring about February 1, 1874, and did not return until about April 1, 1874.

"Forty miles from this reservation, at Truxton Spring, is the cattle ranch of the claimant, William Franklin Grounds, and not far from the ranch is the Hualapai range of mountains. In the valleys, canons, and ravines of these mountains these Indians took refuge, from which they made frequent forays, killing and stealing the cattle and horses of Mr. Grounds, upon which they subsisted during the entire period of their absence from the reservation. It appears that every effort was employed and every precaution used by claimant to lawfully protect his property and avoid a conflict with the Indians which could be expected from a prudent man and a good citizen. As soon as he discovered these Indians stealing his cattle and anticipated the danger attending the protection of his property he made application to the commanding officer at Camp Beale Spring, and also to General Crook, commanding the Department of Arizona, for a detail of troops. These they were unable to send him, and not receiving protection for himself and property from the Government, he employed, at his own expense, four additional herders, one of whom was severely wounded by these Indians while trying to prevent them stealing the cattle of his employer.

"These depredations upon the cattle and horses of Mr. Grounds continued until about the 1st of April, 1874, when the Indians returned to their reservation at Camp Beale Spring, where they remained, and again received subsistence from the Government. On being interrogated by the commanding officer of the post, and by the Indian agent in charge, the Indians admitted killing and stealing the cattle of Mr. Grounds, and stated that they were willing that the number of cattle stolen should be deducted from the rations to be issued to them.

"Mr. Grounds, whose good character and strict integrity are testified to by reliable citizens of the Territory and certified to by the officers and agents of the Government, places the number of cattle stolen from him by the Hualapai Indians between February 5, 1874, and the last of March, 1874, at three hundred and fifty-six, and the number of horses at seven. He is, in the material part of this testimony, corroborated by experienced stockmen in the Territory, who saw his herd just before and examined it just after and during the depredations, and also by the testimony of his herders. The Indian agent, W. E. Morford, who was directed by the Commissioner of Indian Affairs to investigate this case, and who re-examined the claimant, his witnesses, and the Indians, states in his report, under date of August 22, 1876, that the captains of the different bands of Hualapai Indians admitted the depredations charged by Mr. Grounds, and gave the number of his cattle killed by their people at about five hundred. There are no persons so likely to know and so able to state the number of cattle stolen and killed as the Indians who slaughtered and ate them, and Mr. Grounds, who owned, guarded, and frequently counted them. His honesty and fairness of statement are made more apparent in placing the number stolen at a less number than that estimated by the stockmen and herders and that stated by the Indians.

"Your committee are therefore of the opinion that the number of cattle stolen is as accurately stated as it would be just and reasonable to require under the circumstances of their taking. Had the cattle been delivered under a contract such an exaction would have been eminently proper, but having been stealthily or forcibly driven off to the mountains or killed by a band of hungry and desperate Indians, it would be unjust to demand, and impossible for him to supply, testimony that each steer or horse was counted when taken.

"The superior quality and the estimated weight and value of these cattle, and the market price of the horses and cows, are justified to by several competent witnesses. From this testimony it appears that these cattle were far above the average of Texas cattle. Mr. Grounds swears that he paid 6½ per head more than the market price for the privilege of selecting his cattle from the herd when he purchased them in Texas. He states the number and age and average weight of the 250 cattle as follows:

		Pounds.
129	beef-cattle, 650 pounds net each (1,674 pounds per head)	83,850
29	beef-cattle, 3 years old, 800 pounds net each (1,033 pounds per head)	14,950
67	beef-cattle, 2 years old, 375 pounds net each (812 pounds per head)	28,125
25	beef-cattle, 2 years old, 280 pounds net each (625 pounds per head)	7,000
250	Total	130,975

"He also states that the price of beef at that time at Mineral Park, near his ranch, was 10 and 11 cents per pound net. The one hundred and six cows stolen he valued at $40 per head.

"Thomas Shipp, a ranchman and cattle-raiser near Mineral Park, Ariz., testifies that he considers Mr. Grounds's herd the best in the Territory; that he saw the butcher at Mineral Park weigh some of the cattle he bought from Mr. Grounds, and they weighed 1,025 pounds gross; that he sold his cattle in the spring of 1874 from 9½ cents to 11 cents per pound net.

"Benjamin Speer, a merchant at Mineral Park, states that beef in the spring of 1874 was worth 10 cents per pound and that Mr. Grounds received 11 cents per pound net for what he sold. James W. Cureton, James Calvin Cureton, and William H. Leahy, cattle-herders, say the cattle of Mr. Grounds were fatter and larger than the average Texas cattle, and considered them the best Texas cattle they had seen in the Territory, being all selected. All these witnesses, with Joel McKee, a farmer and stock-breeder, who has been dealing in horses and cattle since 1847, and all of whom frequently saw these cattle, estimate the average weight of each kind the same as Mr. Grounds has done, as heretofore shown.

"Mr. Morford, the Indian agent, says, in his report upon this subject, that after examining all the witnesses he had private conversations with citizens and neighbors of Mr. Grounds, and found that he had taken great care in the selection of his stock and had already acquired an enviable reputation for the quality of his cattle and for his straightforwardness in all his dealings.

"Both the officers of the Army and the Indian agents who were present and investigated this case say that it is just claim, and Mr. W. E. Morford, the Indian agent, who made the last and fullest investigation of the claim, in his report thereon, says:

"'I feel perfectly assured that $20,000 would not reimburse Mr. Grounds for his losses when we take into consideration the natural increase of his stock. * * * I do not hesitate to say that I think the total loss claimed by Mr. Grounds, namely, $19,157.25, is a just and honest claim, and that he should be reimbursed by the Government at an early a date as possible.'

"All the witnesses heretofore named state that the cows were cheap at $40 per head, and after describing the horses stolen, and giving the brands, fix the market value of the seven at $300.

"The Commissioner of Indian Affairs, in an official communication, reports that the contract price paid by the Government for beef at the Colorado River reservation, Arizona, for the fiscal year beginning July 1, 1873, and ending June 30, 1874, was from $8 to $9 per hundred gross, which at $8, is equivalent to over $10 per 100 pounds net, as will be seen from the following rule and example: 'Rule

of the live weight is a near approximation to the net weight. For example, a living ox weighs 1,272 pounds; the net weight is 762.56 pounds." (Tracy's Commercial and Mechanical Arithmetic, p. 33.)

"Upon the testimony and official data the committee find that the average weight of the two hundred and fifty beef-cattle was five hundred and twenty-four pounds each, and estimating them at the contract price paid at that time in that locality by the Government and at the lowest instead of the highest price fixed by the witnesses, the average price per head would be $52.40, and

For the two hundred and fifty head a total of	$13,100
One hundred and six cows, at $40 per head	4,240
Seven horses	500
Total	17,840

"The committee believe that these prices fixed by reliable witnesses and the contract price of the Government was the fair market value at that time and at that place. Truxton Spring, and Mineral Park its market, are in the north west corner of the Territory, remote from lines of transportation, and the time just at the close of the Apache war, when cattle were comparatively scarce and high in the Territory.

"It appears from the evidence, and partly from the report of the Commissioner of Indian Affairs for 1871, that the Hualapai Indians have always been friendly to the Government, and that one hundred of their warriors were supplied with arms and served under General Crook in his campaign against the hostile Apaches. A. A. Spear, who was a scout for General Crook in the Apache campaign, and who lived at Camp Beale Spring at the time these Indians left the reservation, says that at the close of the Apache campaign all except forty of these hundred warriors gave up the arms which had been issued to them. These forty were permitted to retain their Government arms and remain in service at Camp Beale Spring. Among those who deserted the reservation were these forty warriors, armed with Government rifles, and acting as an auxiliary force in case of a fresh outbreak by the Apaches. The Government was therefore under some obligations to these Indians. It was at the same time bound to protect its citizens against the acts of its allies, whom it had armed and thereby rendered capable of committing these depredations.

"These acts, from the admissions of the Indians, were not committed through any enmity for Mr. Grounds, nor for the purpose of gratifying malice or seeking revenge. It was for the sole purpose of subsisting themselves in the mountains during a period which the Government should and would have fed them had they remained at the reservation.

"If we commute the per diem ration for each Indian on the basis given by the Commissioner of Indian Affairs in his report for 1878 (page xlii), we shall find that the Government, during the period these Indians were absent and subsisting on the horses and cattle of Mr. Grounds, saved in subsistence stores about $8,000.

"Your committee are satisfied that the claim of Mr. Grounds is a just one, and that the Government is under obligations to compensate him for these losses. In arriving at these conclusions, your committee are guided by numerous legislative precedents in cases similar to this, and by the principles declared by eminent publicists. They believe that it would be in violation of the spirit of our institutions to impose on one citizen the burdens which should be borne by all, and that the citizen who pays taxes, bears arms, serves on juries, and bears his just proportion of the burdens of Government, and complies with all its exactions, is entitled to security in person and property, and to the prompt fulfillment by the Government of all the obligations it is under to him as a citizen.

"The Committee on Indian Affairs of the United States Senate, first session Thirty-fourth Congress, to whom was referred a bill authorizing the payment of certain claims for Indian depredations, and in which the equities were not as clear and strong as those which exist in this case, say:

"'The spoliations for which redress is now sought were caused by predatory expeditions, undertaken without lawful authority and without cause, as likewise without the usual formalities, and solely with the view to plunder, and is therefore excepted by Vattel and all the approved publicists from the principle under which redress is here sought to be derived, and brings it within the principle under which, by the practice of all civilized nations, the citizen or subject has been held entitled to indemnity, and under which this Government has uniformly extended redress.' (Senate Report, No. 244, first session Thirty-fourth Congress, vol. 2.)

"These great principles of government have been recognized, and passed into a compact between this Government and the citizen in the several 'trade and intercourse laws' enacted by Congress in 1802, 1834, and 1849. Since then it has repeatedly, in the hundreds of private acts for relief, recognized its obligations to pay the citizen out of the Treasury of the United States for losses sustained by Indian depredations. It has gone even further, and paid friendly Indians for losses sustained at the hands of hostiles of the same tribe when they, the hostiles, failed to make restitution of the property stolen as stipulated in the articles of capitulation. The Committee on Indian Affairs of the United States Senate, to whom was referred the memorial of the heirs of Robert McConnel, in connection with the above case, in their report recommending the passage of the bill for their relief, say:

"'The Government has indemnified the friendly Creek Indians by a large appropriation for the non-performance of the article of capitulation, and, your committee think, rightfully. The same principle demands the same indemnity for the petitioners, unless it be held that the Government is under higher obligations to cause justice to be done the Indians than to her own citizens.' (Senate Report 243, first session Thirty-fourth Congress, volume 2.)

"In November, 1873, Mr. Grounds, who had been in Texas since the spring of 1873, returned to his ranch in Arizona, driving his herd of cattle on receipt of the notice sent out by General Crook, commanding the Department of Arizona, that the hostile Apaches were subdued, and that citizens might return to the Territory without fear of harm to person or property. On the faith of this notice, and, as we are bound to presume, on the faith of the promise implied in the acts of February 28, 1859, and July 15, 1870 (2156 and 2096 Revised Statutes), and the faith of legislative precedents in granting relief in such cases heretofore, the claimant risked his property in the Territory, bore his just share of the burdens and expense of government, and, as the testimony shows, fulfilled all the requirements of the law and the rules of the Department.

"The Commissioner of Indian Affairs, in forwarding the report of the Indian agent, W. E. Morford, to the Secretary of the Interior, and by him transmitted to the Speaker of the House of Representatives under date of January 11, 1882, admits that the depredation is fully proven, and says: 'I now recommend that Congress be requested to act upon the case on its merits as disclosed in the papers.'

"Your committee are satisfied from the testimony that the number of beef-cattle stolen from William Franklin Grounds by the Hualapai Indians was not less than two hundred and fifty, that the number of cows was one hundred and six, and the number of horses seven.

"They are also satisfied from the testimony and official data that the value fixed by the witnesses and the contract price of the Government was the fair market value in that section at that time, and in taking the lowest estimate have discriminated in favor of the Government.

"Believing, as your committee do, that the Government should be as prompt in fulfilling its obligations to the citizen as the citizen is required to be in the performance of his duty to it, and that it should not set the example of evasion of duty or repudiation of just debts, we recommend that the bill be amended by striking out the words 'three hundred and fifty-six,' in lines 7 and 8, and inserting in lieu thereof the words 'two hundred and fifty,' and also by striking out the words 'nineteen thousand one hundred and forty-seven,' in lines 6 and 7, and inserting in lieu thereof the words 'seventeen thousand eight hundred and forty;' and as thus amended we recommend the passage of the bill."

The CHAIRMAN. The question is on the amendment.

Mr. HOLMAN. This bill presents a somewhat novel proposition. It is that the Government is responsible for all the acts of spoliation by the Indian tribes. We have passed during the present session a number of claims of this class; but we have charged the amount on the sums due the tribes of Indians by whom the spoliation was committed. I did not notice what gentleman made the report; but I should like to hear the proposition discussed and the arguments in favor of it that this Government is morally bound to pay for all the acts of depredation committed either by the Indians or anybody else. I can not consent without further explanation than is given us in that report that a claim like this should pass the committee.

Mr. LONG. The report is made by the gentleman from Minnesota [Mr. NELSON].

Mr. HOLMAN. I move that the bill be laid aside to be reported to the House with the recommendation that it be laid on the table.

Mr. NELSON. I call for the reading of the remainder of the report.

Mr. McMILLIN. Has not the report been read except some exhibits?

Mr. NELSON. The main part of the report has not been read.

The Clerk resumed the reading of the report.

Before the reading was concluded,

Mr. NELSON said: I think so much of this report as relates to the material facts of the case has now been read. The balance of it relates to the value, in respect to which this committee differs from a former committee, having cut down the amount one-third. I move the adoption of the amendment reported by the committee.

Mr. HOLMAN. The gentleman from Minnesota [Mr. NELSON] must observe that the question is not whether this property was destroyed by these Indians. The question is whether or no the Government of the United States is liable to pay for all the acts of spoliation committed by the Indian tribes.

Mr. NELSON. Mr. Chairman, my answer to that is, that the Government of the United States is as much liable in this case as in all the other depredation cases in which claims have been allowed by this Congress. A large number of bills, perhaps more than twenty, founded on no stronger basis than this bill, have been reported from the Committee on Indian Affairs, incorporated into the Indian appropriation bill, and passed by this House.

Mr. HOLMAN. Yes; but my friend misapprehends the state of the case. Those were not claims of this character at all. Those were claims resting upon treaties with the Indian tribes, by which the Indians have agreed that in case they destroy property the facts shall be ascertained by the Commissioner of Indian Affairs, and the amount of the damage or spoliation committed shall be deducted from the sums due them under treaty stipulations. But here the case is entirely different. All the appropriations made by this Congress to meet the claims referred to by the gentleman from Minnesota have been simply appropriations to provide for carrying out treaty stipulations with the Indian tribes and the payment of money out of the funds of the Indians. This bill is based upon an entirely different proposition.

Mr. NELSON. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] is injecting a speech into mine. I supposed I had the floor, and that the gentleman rose merely to ask a question. I wish now to call his attention to the fact that, while there is an apparent distinction between the two classes of cases, there is none in reality. In the case of the Indians referred to in this bill, while there was no treaty between them and the United States, the fact is that they were under the special care and guardianship of the United States, and were guarded and furnished with supplies by the Army; and pending that care and control of them an order was issued for their removal. At that the Indians became frightened, and strayed away into the mountains where this cattle ranche of Mr. Grounds was, and destroyed his stock. In other words, these Indians have no funds, no property, and never have had any. In that section of the country there are no treaty Indians. The Government has simply assumed control of them, as it did, in the first instance, of all the Indians. The Government took charge of these Indians, furnished them with supplies, and paid them annuities; not under treaties, but under its general obligation to take care of them. It had a military force to guard them, and while they were under the care and control of that military force, and under the guardianship of the United States, the Government allowed them to stray off and destroy this property.

I take it that this Government, having established the principle that whenever these Indians commit depredations we have no remedy against them, because they are mere minors or wards of the nation, the Government is bound, upon broad principles of natural equity, to pay for any depredations committed by its wards. Either that, or else it should leave us with some kind of remedy against the Indians themselves. I yield the remainder of my time to the gentleman from Texas [Mr. WELLBORN].

Mr. WELLBORN. Mr. Chairman, it seems to me that an impartial

and careful investigation into the peculiar relation that the Government of the United States sustains to Indian tribes of America must inevitably lead to the conclusion that it is the duty of the Government of the United States to protect its citizens against the irruptions and incursions of these hostile tribes, and that in the event of the failure of the Government to extend that protection to its citizens, then the Government is bound to indemnify the citizen for whatever injury or damage he may sustain in consequence of the Government's failure to protect him.

But, sir, it is not my purpose in taking the floor at this time to discuss the general principle underlying claims for damages growing out of Indian depredations. There are three peculiar circumstances in this case which make it necessary to engage in such discussion, and I invite the attention of the gentleman from Indiana [Mr. HOLMAN] to the statements I am about to make. I say there are three circumstances connected with this case which make it unnecessary for the claimant to rest his claim on the general principle which makes the Government liable for Indian depredations. What are the three circumstances to which I refer? The report shows first that, indirectly at least, it was through the agency, through the instrumentality of the Government of the United States that these depredations were caused. This tribe of Indians had been placed upon a particular reservation by the authority of the Government. For the reasons stated in the report, the Government determined to change them from the reservation on which they were originally placed and send them to another some one hundred and eighty miles distant from the first. The order was issued by the Secretary of the Interior directing their removal. As has been stated by the gentleman from Minnesota [Mr. NELSON], the Indians became frightened at the prospect of removal and wandered off into the mountains contiguous to the ranch owned by the claimant, and while there committed these depredations upon his property. Therefore I say, sir, that the cause, the indirect cause, of these depredations was the action of the Government of the United States through one of its highest officers, the Secretary of the Interior.

But there is another fact which raises an unquestioned equity, to say the least of it, against the Government. Not only was it through the agency of the Government that these Indians were placed in a position to commit the depredations which they did commit upon this claimant, but, sir, the very arms, the very munitions that they used in destroying his cattle were arms and munitions supplied to them by the Government of the United States. About one hundred warriors of this tribe had been in the employ of the Government. While so employed they were armed by the Government. A short time before these Indians left their reservation the authorities of the Government required them to surrender most of their guns, leaving, however, guns in the possession of forty warriors of the tribe; and the report shows that it was with these guns the cattle were slain. So that the Government is not only indirectly responsible for the Indians being in a position where they could destroy the claimant's property, but further, the Government actually supplied the arms with which the depredations were committed.

But there is still another consideration which gives increased strength to this claim, and, as it does seem to me, removes it from the field of controversy. Not only did the Government furnish these Indians the motive for the depredation; not only did the Government supply the agencies, the arms with which this motive could be executed, but during the two months that these Indians were living upon the cattle of this claimant the Government was saved the expense of providing for them. As the report shows, the ordinary rations issued by the Government to this tribe of Indians would have amounted during that time to $8,000. Eight thousand dollars. This amount was saved to the Government of the United States during the time that these Indians were living upon the property of the claimant.

Now, I submit that these three circumstances constitute an equitable and valid claim against the Government, without reference to the principle, which in my judgment would make the Government responsible to the claimant even though these circumstances did not exist. This is all I desire to submit in reference to the case. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment submitted by the committee.

Mr. HOLMAN. Mr. Chairman, I can hardly believe that this Committee of the Whole will hastily adopt so remarkable a rule as that involved in this bill. Gentlemen who have discussed the subject do not even favor us with precedent; yet it is almost impossible to find any class of private claims in reference to which our legislation does not furnish some precedent; as the rule of Congress, whatever it may be upon any given subject, is liable to countless modifications.

Here the naked question is presented whether the Government of the United States is under a moral obligation to protect all the property of the Western country from spoliation by Indian tribes. If the Government is thus liable, then in those instances where we have made treaties with the Indians providing that out of the treaty funds damages resulting from Indian depredations should be paid we have done an unjust thing; for if the obligation rests upon the Government to pay for all damages committed by the Indian tribes, it would seem to be hardly proper that in specific cases we should compel particular tribes of Indians to pay such damages and relieve the Government from the necessity of payment.

My friend from Minnesota [Mr. NELSON] called attention to the fact that in a number of instances during the present Congress and during every preceding Congress for the last fifty years we have paid such claims out of Indian funds by virtue of treaty stipulations. But I do not concede that a case can be found where the Government has held itself liable to make such payment out of the public Treasury. If the Government is liable on the principle of moral obligation to preserve the peace everywhere, to prevent damage to property everywhere, and there is no liability whatever to the Government, then the idea of paternal government is carried beyond anything that has been heretofore suggested.

The three points made by my friend from Texas [Mr. WELLBORN] do not vary the rule at all. The object of government is protection to all the people within its jurisdiction and to all their property. As well might you say that because during the late war a raid was perpetrated by those in arms against the Government into a loyal State and property destroyed the Government is liable for that destruction as to say that in a case like this the Government is bound to pay for all losses suffered by reason of the depredations of a marauding band of Indians.

These Indians wandered away, and my friend from Texas thinks the Government ought not to have permitted them to wander. The Government has assumed no higher obligation in regard to the Indian tribes than with reference to any other people, except so far as concerns the general direction of affairs affecting them in their peculiar condition.

The gentleman from Texas says that these Indians were armed. Why, sir, all Indian tribes are armed more or less.

Mr. WELLBORN. Are all armed by the Government as warriors to fight for the Government?

Mr. HOLMAN. Then the fact of arming Indians is to make the Government liable! The Government is forbidden to deprive its people of the right to bear arms; and because the people have this right, the Government is to be liable for all depredations everywhere.

Mr. OURY. Does the Government permit the people in the Territories to defend themselves against the Indians? Have they that right under the law?

Mr. HOLMAN. The people of the Territories have done so time and again. They have been doing so all the time.

Mr. OURY. We have been driven into it often; but does the Government permit the people of a Territory to defend themselves against incursions of Indians?

Mr. HOLMAN. My friend remembers it is being done all the time. Whenever a band of Indians has wandered from the reservation and committed depredations, the people have arisen en masse, as they have the right to do——

Mr. MAGINNIS. Will the gentleman insist that the sheriffs, the marshals, and other ordinary officers of the law have the right to follow those Indians onto an Indian reservation?

Mr. HOLMAN. Not onto a reservation, I concede.

Mr. MAGINNIS. Then it is a city of refuge set up by the Government for these men.

Mr. HOLMAN. If you follow them what do you accomplish? Now, when the Government does the best it can to protect the person and property of all its citizens——

Mr. MAGINNIS. But it does not.

Mr. HOLMAN. When the Government does the best it can to protect the person and property of its citizens everywhere, does it follow when wrongs are committed the Government must make reparation? The Government is under obligation to preserve peace between the gentleman and myself, and no higher obligation rests upon it anywhere than right there. It can not enter into payment of damages for an invasion of every right.

Besides all that, Mr. Chairman, here is a herder ten years ago on the plains or mountains of Arizona and a band of wandering Indians destroys his property, and you say the Government must pay for it. Now the great cattle-kings have invaded that whole region within these ten years, and the mountains and the prairies and the valleys are all covered with countless herds of cattle. Does the gentleman assume because a roving band of Indians makes a descent upon one of these herds of cattle and destroys it that the Government of the United States is bound to pay the damage? Why, sir, it is a new doctrine in this House. It is one that can not be sustained. The very fact that in all your treaties with the Indians having property you carefully provide that every claim shall be scrutinized and ascertained repels the idea that the Government ever assumed any such moral obligation as this bill seems to present.

Mr. CASSIDY. If the gentleman will permit me to interrupt him, I will say that this is not so much a claim for damages as a claim for subsistence. It comes in on that ground.

Mr. HOLMAN. I do not see that any such claim as that can be maintained.

Mr. MAGINNIS. It is a depredation claim.

The CHAIRMAN. The gentleman from Indiana is entitled to the floor and will proceed unless he yields for interruption.

Mr. HOLMAN. These Indians were being supported by the Government as a mode of preserving the public peace on the one hand and as an act of national charity on the other. It is not peculiar to the Indian, for wherever great bodies of people have been in destitution you have provided for them. When the floods overwhelmed the people of the Ohio valley and the people of the Mississippi valley, and they were starving for the food that had been submerged by the relentless flood, they were provided with shelter and food and clothing out of the public Treasury.

Mr. WELLBORN. Did the Government fix them on reservations with metes and bounds?

Mr. HOLMAN. You appropriate money year after year out of the Treasury to provide for these unhappy and unfortunate portions of our population from suffering and starvation. You have done it on the same principle you have extended national charity in countless forms. You have done it in this instance more repeatedly under the safeguards of the Constitution of the country.

But does that impose a liability on the part of the Government because it extended this charity to these unfortunate tribes? Does that impose on the Government the responsibility for all their marauding acts? I think not. Because the Government in protection of the people on the frontier has gathered these Indians into reservations, the fact that the Government has done this to protect the people from spoliation does not impose on the Government the duty of meeting every act of spoliation they shall commit by exactions on the public Treasury. The very acts of the Government to protect the people of the Western country are made arguments in favor of the liability of the Government. As the Government feeds them to preserve the public peace it does but an act of natural charity. It gathers them into reservations where they can be watched, so as to prevent them from committing depredations. If they break away from the Government and commit acts of spoliation, it is said because the Government has put them upon these reservations and done the best it can to protect the persons and property of our citizens upon the border therefore the Government is liable for whatever damages may result from acts of spoliation by these Indians. Why, sir, that is a new doctrine in this House.

Why, even in the case of Indians who by treaty stipulations have agreed that spoliations by members of their tribe shall be paid out of the fund held by the National Government in trust for them—even there you require that the claim shall be submitted to the Commissioner of Indian Affairs, and that he shall investigate it to the bottom, and that not until that thorough investigation shall have occurred shall he recommend it; and not until then shall the money be taken out of the funds held by the Government for the benefit of the tribe. But it is not here shown even that these Indians had any fund, and I presume they had not; it is not shown that this claim was ever investigated by proper authority. It comes here with no testimony except *ex parte* testimony. It is not shown that this claimant occupied other relation to the Government than that of the great body of men now occupying the public domain as feeding grounds for their herds. He was in Arizona, and taking advantage of the rich pastures of that country to increase his wealth—just as the cattle-kings do all over the country. You might as well say that thus availing himself of the public resources of the public pastures, which furnished food for countless herds of stock; occupying the domain of the Government, without authority, to promote his wealth, that therefore the Government is to be held responsible for every act of spoliation committed against him. You might as well say that a marauding body of men from Mexico committing depredations would impose the same liability in honor and morals as the marauding act of this Indian tribe.

Mr. GEORGE was recognized.

Mr. HOLMAN. Permit me one moment. I am afraid that in trying to finish a sentence I have been discourteous to my friend from Texas.

Mr. WELLBORN. Not at all.

Mr. HOLMAN. I have said, sir, I believe all I desired to say.

Mr. GEORGE. Mr. Chairman, in answer to the position assumed by the gentleman from Indiana [Mr. HOLMAN], I desire to call the attention of this committee to the law as it has stood for many years. Congress has recognized its obligation in the past.

In 1796 (1 Statutes, 469) we read:

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorised as aforesaid, to make return of his doings to the President of the United States, and forward to him all documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

The essential provisions of this section are that in case of any depredations committed by Indians application shall first be made by the United States to the nation or tribe to whom the depredators belonged. In case no satisfaction is made by the tribe, the proofs of the depredation already obtained are to be transmitted to the President of the United States. The United States guarantees eventual indemnification to the party injured without regard to whether the tribe has annuity funds due them or not; but if annuities are due, the President is authorized to deduct from them the value of the property taken or destroyed.

This section is the first statutory enactment of a policy continued for many years. The acts of March 3, 1799 (1 Statutes, 743, section 14, page 747) and of March 30, 1802 (2 Statutes, 139, section 14, page 143) re-enact this same section.

This law remained upon our statute-books re-enacted in various forms until the year 1834. During said time claims of this character were generally paid out of the annuities due to the Indians. But in 1834 a more general and more comprehensive law was enacted regulating trade intercourse with the Indian tribes, which continued the guarantee of the United States for eventual indemnification in the same language as under the old act, and provided that if no annuity was payable to the Indian the amount claimed should be paid from the Treasury of the United States.

Mr. HOLMAN. Does my friend read from the statute?

Mr. GEORGE. And this law continued in force for twenty-five years longer, until 1859.

Mr. HOLMAN. What does the gentleman read from?

Mr. GEORGE. I am making this a part of my remarks, because I have investigated the subject very carefully and know it to be true.

Mr. HOLMAN. I know, but what is the gentleman reading from?

Mr. GEORGE. I am reading from a former statement made by myself on this subject.

In 1859 a law was passed containing this provision:

That so much of the act entitled "An act to regulate trade intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing upon white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indian to make indemnities out of the annuities as described in said act.

An authoritative construction and limitation were put upon this act by the joint resolution of June, 1860, which provided that the repeal by the eighth section of the act of Congress, or so much of the act as provides that the United States shall make idemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing upon white men, should not be construed to destroy or impair any indemnity which existed at the date of said repeal; so that from and after that time the liability of the United States as fixed by act of Congress was first to pay all depredations committed by Indians prior to the date of its passage. If annuity funds were due, the United States to pay out of these funds; if none were due, then the United States were obliged to pay out of the United States Treasury for all depredations. And as to depredations committed after its passage, the United States took upon itself the obligation of a trustee in all cases where annuities were due the Indians, and continued on itself the obligation to pay over to persons suffering by acts of the Indians the amount of their damages out of these annuities.

The practice of the Government after that time was to pay these depredation claims through the Departments without legislative intervention, which practice continued until 1870, when Congress provided that no money thereafter appropriated under any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department should be used to pay annuities due to or to be used or expended for the care and benefit of any tribe or tribes of Indians, or should be applied to the payment of any claim for depredation that may have been or may be committed by such tribe or tribes or any number or numbers thereof; and that no claim for Indian depredation should thereafter be paid until Congress should make special appropriation therefor.

It is quite evident from this recital of past legislation that this Government has recognized its liability to its citizens to see that they are reimbursed for depredation losses which they have sustained. This guaranty results from the soundest principles of law without the aid of any statutes, and therefore could not be affected by any act repealing any particular statute; and I take it that the act of 1870 and the prior acts referred to were in no sense intended as a contrary declaration, but were intended merely to effect the method of obtaining relief. In fact,

Senator Harlan, in reporting this section of the act of 1870 from the Committee on Indian Affairs, expressly stated that it was the purpose of the Committee on Indian Affairs to prevent thereafter the payment of claims for Indian depredations out of general appropriations without requiring them to be submitted for the action of Congress.

The effect of this enactment was to prevent the payment of these claims through the Department as they were allowed and to require the claims to be submitted to a further examination and appropriation by Congress. That such was the intention was evidenced by the act of May 29, 1872, which provided that the Secretary of the Interior should prepare and cause to be published such rules and regulations as he might deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims, and that he should carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress at each session thereof the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based, simply providing that no payment on account of such claim should be made without a specific appropriation therefor by Congress. Since that date no general law has been passed making appropriations; but special appropriations have from time to time been made in individual cases by private relief bills, thus continually admitting the doctrine of liability.

Thus it will be seen that the whole spirit and tenor of our laws, the same now that it has ever been, is to treat the property of the citizen taken from him by Indians in treaty relations with the United States as appropriated to public use, entitling the citizen to compensation; and Congress, acting upon this theory, has promptly made compensation till within a few years. Spain and Great Britain allowed the Indians to pay for their depredations and debts in lands. And by the same statute, whereby the United States prohibited the conveyance of lands by the Indians, they guaranteed ultimate indemnification to citizens for losses sustained at their hands.

I have here a list of claims paid by Congress by special acts, which I will not detain the committee to read, but with the permission of the House will publish with my remarks. All told, they amount to $1,599,000, of which sum only about $53,000 was paid from annuity funds.

By act of March 3, 1819, section 5, 3 Statutes, 517, $4,000 is appropriated from the Treasury to satisfy claims of citizens of the United States for property stolen or destroyed by the Osages.

By act of March 2, 1827, 6 Statutes, 361, William Morrison, late contractor for supplies to the Army, is allowed credit for sixty-nine beef-cattle taken from near the military post of Prairie du Chien in July, 1821, by certain predatory tribes of Indians.

By act of March 25, 1830, 6 Statutes, 408, the Secretary of War is directed to pay $6,756 to four persons for property taken by the Osage Indians from 1816 to 1823.

By act of May 31, 1830, 4 Statutes, 428, certain depredation claims are referred to the Third Auditor to be decided according to the provisions of section 14 of the act of March 30, 1802, the money to be paid out of the Treasury.

By act of March 2, 1831, 4 Statutes, 470, $1,300 is appropriated for payment of sundry claims for Indian depredations.

By act of June 26, 1834, 4 Statutes, 705, $7,800 is appropriated to defray the expense of investigating claims against the Seminoles for property stolen or destroyed by them and for liquidating such as may be satisfactorily established.

By act of June 30, 1834, 4 Statutes, 721, payment not exceeding $250,000 is granted out of the Treasury to citizens of Georgia for claims founded upon the capture and detention or destruction of property by Creek Indians prior to the act of March 30, 1802.

By act of June 30, 1834, 6 Statutes, 581, certain claims for Indian depredation are referred to the Secretary of War, who is directed to pay out of the Treasury all which shall be established.

By act of July 1, 1836, 6 Statutes, 659, $403 is appropriated to James Alexander and $575 to Ira Nash for losses sustained and depredations committed by Sac and Fox Indians in 1814.

By act of July 2, 1836, 6 Statutes, 671, the Secretary of War is directed to pay to Joseph Bogy $6,000 for his merchandise and property taken or destroyed by the Choctaw Indians in 1807.

By act of March 3, 1837, 5 Statutes, 158, 162, the President is directed to report to Congress as to depredations committed by the Seminoles and Creeks before and after the recent Indian war.

By act of March 3, 1841, 6 Statutes, 822, the Secretary of the Treasury is directed to pay out of the Treasury to Avery, Saltmarsh & Co., mail contractors, $9,779 for property employed by them in transporting the mail captured and destroyed by the Creek Indians in May, 1836.

By act of June 15, 1844, 6 Statutes, 913, the Secretary of War is directed to pay George Wallis $3,000 out of the Indian annuities for the destruction of cattle belonging to the said Wallis by the Sac and Fox and Iowa Indians.

By act of August 9, 1846, 9 Statutes, 24, private, $1,500 is appropriated from the Indian annuities to pay to the legal representatives of Cyrus Turner for depredations committed by Sioux Indians.

By act of March 2, 1847, 9 Statutes, private, $1,031 is appropriated from the Treasury to pay Elijah White and others for property taken by the Pawnee Indians.

By act of March 3, 1847, 9 Statutes, 55, private, $678.81 is appropriated from the Treasury to pay Joseph E. Primeau and Thomas J. Chapman for depredations committed by Yankton Indians.

By act of August 14, 1848, 9 Statutes, 90, private, $300 is appropriated from the Treasury to pay Charles M. Gibson for a wagon captured and destroyed by the Seminole Indians in Middle Florida in February, 1839.

By act of March 3, 1849, 9 Statutes, 141, private, $4,155 is appropriated from the Treasury to pay Thomas Talbott and others for property taken by the Pawnee Indians.

By act of August 30, 1852, 10 Statutes, 41, 55, $1,200 is appropriated from the Treasury to pay James M. Marsh for losses for property taken by the Sioux Indians while extending the line of surveys under contract.

By act of January 18, 1855, 10 Statutes, 843, $500 is appropriated from the Treasury to pay Moses D. Hogan for cattle taken by the Indians.

By act of August 18, 1856, 11 Statutes, 65, 81, the Secretary of the Interior is ordered to investigate claims for depredations by Indians in New Mexico.

By act of March 16, 1858, 11 Statutes, 537, $200, with interest, is appropriated from the Treasury to John Hamilton for his time and services during his imprisonment with the Indians in the war of 1812 with Great Britain.

By act of June 19, 1860, 12 Statutes, 44, 58, $16,679.97 is appropriated to pay for loss and destruction of property of citizens of Minnesota and Iowa, at Spirit Lake, in 1857, by Sioux Indians.

By act of March 2, 1861, 12 Statutes, 203, $9,640.74 is appropriated from the Treasury to indemnify citizens of Iowa and Minnesota for destruction of property at or near Spirit Lake by Ink-pa-du-tah's band of Sioux Indians.

By act of February 16, 1863, 12 Statutes, 652, 653, provision is made for payment out of their forfeited annuities for damages done by Sioux Indians in Minnesota on the occasion of the Sioux massacre in 1862.

By act of May 28, 1864, 13 Statutes 92, $928,411 is appropriated from the Treasury to pay the awards of the commission under the act of February 16, 1863, for damages done by the Sioux Indians in 1862, and a further sum of $214,963 is appropriated for additional claims.

By act of June 29, 1866, 14 Statutes, 609, $28,175 is appropriated from the Treasury for Elisabeth Woodward and George Chorpenning for destruction of property by Indians in 1852, and $36,370 is appropriated to pay George Chorpenning for property destroyed by Indians prior to April 1, 1856, this to be deducted from the Indian annuities.

By act of March 2, 1868, 15 Statutes, 356, $400 is appropriated from the Treasury to the widow of Maj. Gen. I. B. Richardson for one mule and four horses stolen from him by Apache Indians while on military duty in New Mexico.

By act of April 10, 1869, 16 Statutes, 13, 39, $10,906.24 is appropriated from the Treasury to pay for depredations committed by Indians in Northwestern Iowa in 1857.

By act of February 27, 1871, 16 Statutes, 704, $2,564.10 is appropriated, out of any money appropriated for the benefit of the Cheyenne and Arapaho Indians, to Lucy A. Smith, for losses by depredations of said Indians in Nebraska.

By act of May 7, 1872, 17 Statutes, 395, commissioners are appointed to examine into depredations committed by Indians and Mexicans in Texas.

By act of May 21, 1872, 17 Statutes, 611, $14,650 is appropriated from the Treasury to indemnify Charles F. Tracy for depredations committed by Apaches in May, 1870.

By act of June 5, 1872, 17 Statutes, 675, $10,000 is appropriated from the Treasury to pay Mrs. Fanny Kelly for property taken and destroyed by Sioux Indians in 1864.

By act of June 10, 1872, 17 Statutes, 690, $30,000 is appropriated from the Treasury to pay the heirs of Alexander Watson for property lost, captured, or destroyed in Florida during the Indian hostilities commencing in 1835.

By act of June 10, 1872, 17 Statutes, 701, $12,200 is appropriated from the Treasury to Elbridge Gerry for valuable services rendered the Government in 1864, and for all claims for Indian depredations up to the date of the passage of this act.

By act of March 3, 1873, 17 Statutes, 703, $2,250 is appropriated from the Treasury to Mrs. Ann Marble, administratrix, for losses by depredations by Cheyenne Indians.

By act of April 28, 1874, 18 Statutes, 543, $1,095.37 is appropriated from the Treasury to pay Mrs. Siloma Deck for losses by depredations by Sioux Indians in 1862.

By act of March 3, 1875, 18 Statutes, 494, $2,500 each is appropriated to Adelaide German and Julia German, two white children captured in Kansas, the same to be withheld from annuities due the Cheyennes.

By act of March 3, 1877, 19 Statutes, 549, $2,262.26 is appropriated from the Treasury to pay Hans C. Petersen for damages by Sioux Indians in Minnesota in 1862.

By act of March 3, 1879, 20 Statutes, 396, $2,915, with interest at 7

per cent., is appropriated from any treaty funds of the Kiowa Indians to the heirs of Abel S. Lee for property taken and destroyed by the Kiowa Indians in 1872.

By act of March 3, 1879, 20 Statutes, 396, $5,000 is appropriated out of any money hereafter appropriated for the use and benefit of the Cheyenne Indians to Mrs. Celia C. Short.

By act of June 8, 1880, 21 Statutes, 549, $15,867.50 is appropriated to pay Henry Warren for damages sustained by depredations of Indians in 1871, while Warren was a Government contractor, the same to be withheld from the amounts due the Indians.

By act of June 16, 1880, 21 Statutes, 588, $2,000 is appropriated from the annuities due the Cheyenne or Arapaho Indians to Amanda M. Cook, whose mother was killed and herself captured by the Indians in 1865.

By act of March 3, 1881, 21 Statutes, 640, $58,659.46 is appropriated from the Treasury to pay Dodd, Brown & Co., assignees of E. H. Durfee & Co., and others, for depredations committed by various tribes of Indians, the amounts to be deducted from the annuities.

By act of May 17, 1882, 22 Statutes, 86, $9,870.10 is appropriated, from unexpended balances of treaty funds, to pay various claimants for damages caused by a raid of Northern Cheyennes.

By act of March 3, 1883, 22 Statutes, 604, $12,200 is appropriated from moneys due the Cheyenne and Arapaho Indians, to Powers & Newman and D. and B. Powers for depredations committed by these Indians.

The history of this country shows that while the gentleman from Indiana is correct as to many instances of claims paid out of annuity funds, yet that the principle had been recognized by our legislation that they should also be paid, when there are no annuity funds, directly from the Treasury of the United States. Depredation claims of this character have been paid out of the Treasury of the United States by this Congress, and that, too, when there were no annuity or treaty funds.

Mr. HOLMAN. Will the gentleman from Oregon mention a claim of this class which has been passed upon by this Congress or the last either?

Mr. GEORGE. The claim of Mrs. Boddy is one, and I believe it was honored by the support of the gentleman from Indiana himself.

Mr. Chairman, the payment of these claims is a matter of very great interest to a large class of our people, especially in the Northwest, and they are a class whose energy, enterprise, and ability have changed much of the vast West from the domain of the savage to that of civilization.

The claims pending before the Department and Congress amount now to probably $10,000,000. Of these claims the Interior Department has reported about $1,500,000 to Congress with a favorable recommendation. Congress, however, has made no appropriation by general law for a number of years, and these claims have been gradually accumulating. Whenever attempts have been made to secure general appropriations to meet these claims our Representatives from the West have been met by the opposition of the more numerous Representatives of the East. The argument has been made that the Government is under no obligation to pay any of these depredation claims; that when the citizen places himself in the position of risk, as in other cases of damage from riot or invasion from a foreign country, the Government is not responsible, having exercised due diligence and done its duty. The people of the West are told that if they are robbed or murdered by white men the State does not make pecuniary recompense to the sufferers or their heirs, and therefore the question is asked why they should expect it because the depredation is committed by an Indian. It is contended that our case is similar to those of other citizens who suffer from invasion from abroad, who can not recover on grounds of public policy; that the paying of these depredation claims would have a tendency to make less liable their personal efforts for the preservation of property and of our common country.

It has been contended upon our side that the situation is an entirely different one; that the Government treats the Indians neither as foreign nations nor as citizens; that it treats them as wards of the nation; that it assigns them to a territory to occupy, places them in charge of United States officials, whose duty it is to restrain them from plundering settlers on the frontier; that they are placed under the sole care and control of the United States; that the laws of the Commonwealths in which their reservations are situated are not allowed to extend over them; that the processes of the civil courts have no effect inside of their jurisdiction, and that our citizen who is wronged can follow them only to the bounds of their reservation—there he must stop; that the laws of the United States give him no indemnity or no remedy for the wrong done him; that he is restrained from taking the remedy into his own hands; that he is even prohibited under the law from receiving from the Indian any compensation for his injury; and that he may behold the stolen property before his very eyes inside the bounds of the reservation, and he dare not take possession of his own. If he had been wronged by a white man he could to a certain extent remedy his wrong by retaking possession of his property. He could accept satisfaction for the injury done him; the laws of the land would furnish him the courts with all their powerful processes to enforce his rights. He could recover judgment, seize and take the last dollar of the property of the wrongdoer and have him punished at public expense for the crime committed. But if the wrongdoer be an Indian the party wronged is powerless.

Now, it is a well-established principle of law that every citizen who bears his lawful proportion of the burdens of the Government is entitled to protection in his person or property in some form. If the General Government will not allow the white man to enforce his rights against the Indian depredator, and will not permit him to accept a compromise offering from the Indian, and will not allow the common remedies of the courts and the law, it is in duty bound by every principle of justice and good government to remedy the wrong itself. In every proper and just view it is an appropriation of private property to public use. Upon what principle of law or morals can our Government stand back and refuse to pay these claims while withholding from the citizens all remedy in the law and taking and retaining in its own custody and possession all the lands and assets of every description of these people? To do so is an act of perfidy to the frontier settlers and of bad faith such as no court could tolerate between man and man, and in its tendency is demoralizing to the whole nation.

I am tempted to quote the eloquent and forcible words of the gentleman from Montana [Mr. MAGINNIS] on a former occasion. He said:

Mr. MAGINNIS. I will call the attention of the committee briefly to the manner in which these Indian depredation claims come to be a subject for Congressional action. We are told that Indian depredation claims have no business here, and that the Government is not rightfully obligated to pay any of them—a proposition which the people of the West and their Representatives contest. We are told that if men place themselves in positions of risk, they must take the consequences; that, as in cases of damage from riot or from war, the Government is not responsible, having exercised due diligence and done its duty. We are told that if people are robbed or murdered by white men the State does not make pecuniary recompense to the sufferers or their heirs, and we are asked why should it do so because the depredation is committed by an Indian.

I will endeavor to explain the difference, and show that depredation claims stand on an entirely different ground.

The Government sets up in the Territories these independent principalities known as reservations. They are occupied by people recognized in a sense as independent nationalities, under the control and protection of the General Government. The laws of the Commonwealths in which they are situated do not cover them. The process of the civil courts can not invade them. They are cities of refuge, and the Government declares to all surrounding people that they shall not disturb its wards, and assumes the position of guardian and arbiter between them and all others. You say that people who trade or settle in such countries should take the risk of their ventures. So they should under the laws. But if a white man burns your house or steals your horse you can follow him anywhere with the law. You can arrest him, punish, and perhaps recover your property. But when these Indians make a raid off their reservations, invade a settlement, and take your horses and cattle and drive them, under your very eyes, to the reservation, what can you do with the law?

Suppose they murder and destroy and then retreat to their own dominions, and your marshals and sheriffs follow them in hot pursuit to the very boundaries of their reservation, what remedy have you? Your law no longer follows the Indians. The process of your court falls dead as soon as your pursuit reaches the line of his reservation, which the Government orders you not to cross, and safe in his city of refuge the depredator laughs at you and is safe from your law officers, and can exhibit your stolen property before your outraged face, and you have no right to reclaim it, and no remedy for your wrong, except through the General Government.

The Government, in pursuance of its settled policy, says that you shall not cross that line, nor shall your courts, or their officers, or your local laws. It says, these people are the wards of the Government, and if you have any cause of complaint you must come to the Government of the United States, and it will arbitrate your differences and settle the measure of your damages.

Having no other recourse, and being forbidden to resort to any, the settler therefore comes to the Government of the United States to right his wrong, and to obtain justice for the acts which have been committed by those whom the Government excludes from the operation of the local law, and for whom, as its own wards, it assumes the responsibility.

Grounded on these principles of justice, and for these reasons, a law was rightfully framed and passed, and for many, very many, years stood on your statute-books, providing that in all cases of depredations committed by Indians, such depredations being duly proved, the Interior Department should award damages to the person trespassed against, and the amounts so awarded should be deducted from the annuities paid by the Government to the Indians committing such depredations.

A man has a herd of cattle or horses, and the Indians come in and kill them or steal them. That man has no remedy, by law or otherwise. What, then, must he do, if you deny him a remedy in court or Congress? He is compelled to fall back upon the right which every man has to defend his property. The result of that may be to bring on a war with the Indians, involving the Government in a tremendous expense. Sir, the time has come when this Congress should look at these facts and deal justly by these people. If men are denied redress, they will take means to redress themselves; this will bring on conflicts and destroy the peace which you are bound to preserve, and which you are spending so many millions to preserve, and it will involve you in an expense far beyond that which is necessary to pay such claims you justly owe the people who have been despoiled by your wards.

To show the state of sentiment in my State on this subject I quote the following from a late message from Governor Thayer, of Oregon. Referring to Oregon Modoc war bonds, he says:

The indebtedness arising out of these claims belongs to the same class as the Modoc war expenses. They were occasioned by depredations of Indians, who, escaping from the control of the United States agents having them in charge, ravaged the settlements. If the Indian tribes that engaged in these hostilities had been independent nations, the State would evidently have no claim to indemnity from the United States; but it is well understood that their status is that of wardship. They are under the care and control of the United States. They have had assigned to them a territory to occupy, and have been placed in charge of United States officials, whose duty to the State, as well as to the United States, is to restrain them from marauding and from plundering and outraging frontier settlers. When they fail to do this, and the State is obliged to call out her citizens to resist such predatory incursions, she is properly entitled to be indemnified for the expense incurred.

Upon every principle of justice and right these claims should be assumed by the United States Government.

Now, Mr. Chairman, in view of our past history, I submit that it is unjust now for Representatives from the East, simply because the depredation border is now removed from their immediate vicinity and they no longer have a direct interest in claims of this character, to deny through

their more numerous representation the claims of the newer sections. For years they voted money from the Treasury to pay the depredation claims of their own border; and only when they ceased to have a direct interest because the field of trouble is extended westward do they discover any doubt in their minds as to the legality of such payments.

These claims have accumulated, as I have stated, until they now amount probably to the sum of $10,000,000 in the aggregate. The situation is beset, however, with this difficulty: The machinery provided by Congress for the investigation of these claims has not proven suitable, and the Interior Department has availed itself in many cases of the clause which allowed it to transmit the evidence and claim to Congress without recommendation; so that, as I have already stated, of this vast sum of $10,000,000 in the aggregate claims amounting to but $1,500,000 have been allowed. Some of the other claims are disallowed, but the greater part are simply transmitted without departmental adjudication. Again, many claimants are unsatisfied with the amounts allowed by the Department on their claims. In fact, the official machinery of the Interior Department is unfitted for judicial investigation. It is unfair to the Government, as it is principally *ex parte*, and it is unfair to the claimant in subjecting him to the dangers of unsatisfactory valuation at the caprice of some Department clerk.

It is thus apparent that some additional method must be adopted that will provide for the examination of the claims in detail with better and more adequate facilities than those which the law now furnishes before they can be paid in general.

In the last Congress I introduced a bill providing for the creation of a commission with special power and authority, and with special machinery, for the examination of all this class of claims, using the evidence already on file and such additional as the parties might present. The same bill is before the present Congress, as is also one providing that claimants may be allowed the aid of the Court of Claims if desired, but through press of business and clogged by the rules of this House nothing probably will be done. The Indian question being now practically settled, these claims have probably reached their maximum, and it is to be hoped that legislation will once more resume its original thread.

In the last ten years we have failed to do our duty in that respect, which fact is about the only foundation that I can find for the position assumed by the honorable gentleman from Indiana.

MESSAGE FROM THE PRESIDENT.

The Committee informally rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message further announced that the President had approved bills of the following titles:

An act (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia; and

An act (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

WILLIAM FRANKLIN GROUNDS.

The Committee of the Whole resumed its session.

Mr. HOLMAN. The claim of Mrs. Boddy, to which the gentleman from Oregon has referred, was allowed. It had none of the earmarks of the present claim, as the gentleman will bear me out in saying when he looks over the report. The gentleman from Oregon is right in saying that every session of Congress a number of such claims are reported by the Indian Bureau to be paid out of the annuities to Indian tribes. But this is not one of those cases. This case is put upon the moral obligation of the Government.

Suppose the Government sold lands and induced settlers to take possession of them there, there might be the pretense of a moral obligation on the part of the Government—remote, I admit. But here there is not a shadow of such a pretense. When the Government sells its lands and invites its people to take possession of them it should be especially vigilant in seeing that those citizens are not exposed to peril and danger. But that is not this case. Here is a man who thinks proper to enter upon the public lands with his stock. Like many other great cattle-owners of the West he enters upon the plains with his herds of cattle to fatten on the public domain, not invited by any idea of the purchase of a home. He is there simply for the purpose of advancing his fortunes, not under the invitation of the Government and without any assurance of Government protection. Bands of Indians, under these circumstances, come down on his property and destroy his herds.

The reason I have strenuously objected to the claim is that it presents in a very bald form the proposition which I do not think Congress can sanction, that the Government of the United States is morally bound for the consequences of every act of spoliation that occurs within its limits. I never have recognized such a liability, and I hope the House will not do so now.

The CHAIRMAN. The question is on the amendment submitted by the committee, which the Clerk will again report.

The Clerk read as follows:

In line 7 strike out "$19,157," and insert in lieu thereof "$13,129."

The amendment was adopted.

Mr. WELLBORN. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. I have already moved that the bill be laid aside to be reported to the House with the recommendation that it be laid on the table.

Mr. WELLBORN. Then I offer my motion as an amendment or a substitute for that of the gentleman from Indiana.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN].

Mr. WELLBORN. Does the Chair hold that my motion is not in order? What disposition does the Chair make of it?

The CHAIRMAN. The Chair holds the motion submitted by the gentleman from Indiana has precedence.

Mr. WELLBORN. The question I submit to the Chair is whether that motion is not amendable?

The CHAIRMAN. It is not. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do lie on the table?

The committee divided; and there were—ayes 36, noes 49.

Mr. HOLMAN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Minnesota, Mr. NELSON, and the gentleman from Indiana, Mr. HOLMAN.

Mr. WILLIS. With the permission of the gentlemen who have submitted these motions, I will ask unanimous consent that a yea-and-nay vote be allowed in the House.

Mr. WELLBORN. I have no objection to that.

Mr. HOLMAN. If the Chair thinks proper to submit that proposition to the committee I am agreeable.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that this bill be laid aside to be reported to the House with the understanding that a yea-and-nay vote be taken on it.

Mr. VALENTINE. That it shall be reported favorably?

Mr. HOLMAN. No, sir; unfavorably.

The CHAIRMAN. The proposition, as the Chair understands it, is that the bill be reported to the House without recommendation, and with the understanding that a yea-and-nay vote be taken on it.

Mr. KEIFER. That can not be done under the rule. The bill must be reported with some recommendation.

Mr. McMILLIN. It can be reported without recommendation by unanimous consent.

The CHAIRMAN. The Chair will submit the proposition again. The gentleman from Kentucky asks unanimous consent that the bill under consideration may be laid aside and reported to the House without any recommendation, with the understanding that a yea-and-nay vote shall be taken on the bill in the House.

Mr. NELSON. I object unless the yea-and-nay vote shall be taken on the question of the engrossment and third reading of the bill.

The CHAIRMAN. The Chair understands that under this agreement the bill will be reported without recommendation. The first vote, of course, will be on the engrossment and third reading of the bill.

Mr. HOLMAN. I suppose that would naturally be the first vote taken.

The CHAIRMAN. The Chair hears no objection to the proposition, and it is so ordered.

WIDOWS AND HEIRS OF HENRY LEEF.

The next business on the Private Calendar was the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; reported with an amendment by Mr. McMILLIN from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the sum of $20,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for indemnity and compensation to Juliet Leef, widow, and the heirs of Henry Leef, deceased, to be paid to them, or their legal representative, in full for losses and damages sustained by the said Henry Leef, in his lifetime, in consequence of the illegal seizure of the bark Mary Teresa by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. McMILLIN. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Let the report be read.

Mr. McMILLIN. I desire to make a brief statement. This bill has been reported seven times favorably to Congress and has once passed the House of Representatives. It has never been reported adversely. And the amount proposed in the present bill is one-fifth less than that in the bill that heretofore passed the House. I think it is evidently a just claim. I have thoroughly examined it, and hope my motion will be agreed to.

Mr. HOLMAN. I have the report before me. I will not insist on its being read.

Mr. McMILLIN. It can be inserted in the RECORD.

Mr. HOLMAN. Oh, no.

The CHAIRMAN. The question is on the amendment reported by the committee.

The amendment was read, as follows:

In line 8 strike out "$20,000" and insert "$15,000."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SONE AND FLEMING MANUFACTURING COMPANY.

Mr. BROWN, of Pennsylvania. I am directed by the Committee on Claims to request the consideration of House bill No. 4183, out of its order. It is the bill for the relief of the Sone and Fleming Manufacturing Company (limited) of the city of New York.

Mr. WILLIS. I must ask the gentleman from Pennsylvania [Mr. BROWN] to wait for a few minutes, as I have charge of the next bill on the Calendar and wish to proceed to its consideration.

The CHAIRMAN. The Clerk will report the next bill in order.

JOHN B. DAVIS.

The next business on the Private Calendar was the bill (H. R. 653) for the relief of John B. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General is hereby authorized and directed to pay to John B. Davis, late contractor on mail-route No. 7306, State of Arkansas, the sum of $10,943.16, in full payment for transporting the United States mails between Memphis, Tenn., and the mouth of White River, Arkansas, and from thence to Duvall's Bluff, in Arkansas, in the years 1866, 1869, and 1870; and the payment is hereby authorized and directed to be made out of any money in the Treasury not otherwise appropriated.

The report (by Mr. ELLWOOD) was read, as follows:

That the claim of Mr. Davis was before the last Congress, and a favorable report was made in both of its branches. The Senate report clearly sets forth the nature and justice of the claim, which this committee adopts, as follows:

"That in the year 1867 John B. Davis was a contractor with the Post-Office Department for the transportation of the mails by steamers from the mouth of White River to Jacksonport, in Arkansas.

"The mail matter for the central and western portions of the State of Arkansas, and for the northern part of Texas, was chiefly collected and concentrated at Memphis, in the State of Tennessee, carried by a line of steamers to the mouth of White River, and from that point by petitioner's steam vessels to Duvall's Bluff, and thence by rail to Little Rock, and other points west.

"The schedules for arrivals and departures of the vessels were so arranged, and by contract with the Post-Office Department, that the mails from Memphis and the west reached the mouth of White River ten or twelve hours after the petitioner's boats left that point, thus causing three or four days' delay in the entire mail service of all points west of Duvall's Bluff.

"Great complaint was made by the press and people of Arkansas and Texas on account of these delays. In this state of affairs a special agent of the Post-Office Department directed Mr. Davis to extend his service and carry all the Arkansas mails through from Memphis to the mouth of White River. This service was performed once each week from the 1st July, 1867, until the 31st day of the same month, and from the 1st August, 1867, until the 31st March, 1868, twice each week, the petitioner having purchased another steamer to enable him to do this work.

"The Post-Office Department recognized this service, and in the month of May, 1868, paid Mr. Davis for the weekly service at the rate of $5,000 per annum, and for the semi-weekly at the rate of $10,000 per annum.

"Mr. Davis continued to carry these mails semi-weekly from April 1, 1868, to March 21, 1870, but has never been paid therefor.

"In reply to a communication addressed by the committee to the Postmaster-General, asking information as to the nature of the service rendered, and the authority under which Mr. Davis acted, the Second Assistant Postmaster-General, on the 28th May, 1870, stated 'that the certificate of the postmaster at Memphis shows the service to have been performed' from the 1st April, 1868, to the 21st March, 1870, but no payment was made after 31st March, 1868, as no satisfactory evidence of proper authority for the performance of the same was presented to this office until after the time had elapsed within which the appropriation for those years could have been used.

"Since that time the Second Assistant Postmaster-General, in a letter addressed to the attorney for the claimant, states that 'should the contractor be paid for service between Memphis and the mouth of White River at the same rate as paid him for the service within the route under contract, the compensation would be at the rate of $3,837.83 per annum,' and according to his estimate there should be paid to the claimant the sum of $10,943.16.

"The committee are of opinion that the rate of compensation is reasonable, and recommend the passage of the bill."

Mr. DINGLEY. Mr. Chairman, is this a unanimous report from the committee?

Mr. McMILLIN. My memory is that it is a unanimous report.

Mr. WILLIS. The report is unanimous; that is my recollection.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SONE & FLEMING MANUFACTURING COMPANY.

Mr. BROWN, of Pennsylvania. I now ask to take up out of its order the bill to which I called attention a few moments ago (H. R. 4183) for the relief of the Sone & Fleming Manufacturing Company.

Mr. MURRAY. Mr. Chairman, I object to that bill being taken up out of its order.

The CHAIRMAN. The regular order is demanded.

Mr. McMILLIN. Mr. Chairman, two yea-and-nay votes in the House have been already provided for, and possibly a third, and I therefore move that the committee do now rise in order to dispose of the business reported.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration the Private Calendar, and had directed him to report back various bills with sundry recommendations.

ORDER OF BUSINESS.

Mr. McMILLIN. There are several bills to which no objection was made in the Committee of the Whole. We are to have yea-and-nay votes on certain other bills, and I suggest that by unanimous consent we dispose first of those to which no objection was made in the Committee of the Whole and afterward vote upon the other bills.

Mr. HOLMAN. Mr. Speaker, the committee having agreed that there shall be a yea-and-nay vote on the bill for the relief of William E. Grounds, I ask that it be so ordered.

Mr. McMILLIN. That was the agreement.

The SPEAKER *pro tempore*. The Chair understands that there is no objection to that order.

Mr. BAYNE. Mr. Speaker, is that one of the bills reported to-day?

The SPEAKER *pro tempore*. It is.

Mr. BAYNE. There are other bills that have been reported favorably heretofore and which are entitled to precedence.

The SPEAKER *pro tempore*. The Chair understands that a yea-and-nay vote is to be had upon the bill referred to by the gentleman from Indiana [Mr. HOLMAN] when it is reached.

Mr. HOLMAN. That is the understanding, by general consent.

The SPEAKER *pro tempore*. The Chair so understands. Is there objection to the proposition made by the gentleman from Tennessee [Mr. McMILLIN] that those bills to which no objection was made in the Committee of the Whole shall be first disposed of? The Chair hears none, and the Clerk will report the bills in their order.

BILLS PASSED.

House bills of the following titles, reported favorably from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2158) for the benefit of John C. Herndon;
A bill (H. R. 4685) for the relief of Robert Tally, colored;
A bill (H. R. 4686) for the relief of Fendall Carpenter;
A bill (H. R. 4687) for the relief of A. Gates Lee;
A bill (H. R. 4688) for the relief of William Clift;
A bill (H. R. 1739) for the relief of Patrick Cook; and
A bill (H. R. 653) for the relief of John B. Davis.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with amendments, were taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; and

A bill (H. R. 4382) for the relief of William H. Davis.

Mr. McMILLIN moved to reconsider the several votes by which bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD FITZGERALD.

The next business reported from the Committee of the Whole House on the Private Calendar was the petition of Edward Fitzgerald, trustee of the Catholic church at Fort Smith, Ark.; which, in accordance with the recommendation of the Committee of the Whole House, was indefinitely postponed.

BARRINGTON BEHYMER.

A bill (H. R. 1265) for the relief of Barrington Behymer was next taken up, and the recommendation of the Committee of the Whole House on the Private Calendar that the enacting clause be stricken out was agreed to.

NICHOLAS J. BIGLEY.

The SPEAKER *pro tempore*. The next bills in order are those to which there was objection in the Committee of the Whole House on the Private Calendar. The title of the first bill will be read.

The Clerk read as follows:

A bill (H. R. 1347) for the relief of Nicholas J. Bigley.

Mr. WARNER, of Ohio. I move that the House take a recess till 8 o'clock this evening, for the consideration at the evening session of pension business under the standing order of the House.

Mr. TURNER, of Kentucky. I move that the House adjourn.

The motion of Mr. TURNER, of Kentucky, was not agreed to.

The question recurring on the motion of Mr. WARNER, of Ohio, for a recess till 8 o'clock p. m., it was not agreed to; there being—ayes 35, noes 61.

The SPEAKER *pro tempore*. The bill the title of which has been read was reported from the Committee of the Whole House on the Private Calender on the 9th of January last without recommendation and with an understanding that the yeas and nays should be taken upon the substitute recommended by the minority of the Committee on War Claims.

Mr. HOPKINS. I call for the previous question.

The SPEAKER *pro tempore*. The Chair understands that there will be no further debate, as the yeas and nays have been ordered by the House.

Mr. HOPKINS. The question was fully debated in Committee of the Whole. I call for the regular order.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute, on which the yeas and nays have been ordered.

Mr. HOLMAN. I ask that the original bill and the substitute be both read.

The bill was read, as follows:

Be it enacted, &c., That the sum of —— dollars be, and the same is hereby, appropriated, out of the funds in the Treasury not otherwise appropriated, to pay Capt. Nicholas J. Bigley for the value of the steamer Hercules and tow of coal destroyed at Memphis, Tenn., in the month of February, 1863.

The SPEAKER *pro tempore*. The Clerk will now report the proposed substitute.

The Clerk read as follows:

Strike out all after the enacting clause of the bill and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nicholas J. Bigley the sum of $21,211.40 for 70,638 bushels of coal lost at Memphis, Tenn., in the month of February, 1863.

The SPEAKER *pro tempore*. The question is upon agreeing to the substitute just read, on which the House has ordered the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 106, nays 87, not voting 130; as follows:

YEAS—106.

Adams, G. E.	Evans,	Lawrence,	Rockwell,
Bayne,	Ferrell,	Long,	Rowell,
Bisbee,	Fiedler,	Lore,	Russell,
Blackburn,	Findlay,	Lovering,	Slocum,
Boutelle,	Finerty,	Lyman,	Snyder,
Boyle,	Follett,	McCold,	Stewart, Charles
Brewer, F. B.	Forney,	Millard,	Stewart, J. W.
Brewer, J. H.	Funston,	Miller, S. H.	Storm,
Brown, W. W.	George,	Morrill,	Strait,
Browne, T. M.	Gibson,	Mutchler,	Struble,
Brumm,	Graves,	Nelson,	Taylor, J. D.
Buckner,	Green,	Nicholls,	Taylor, J. M.
Burleigh,	Guenther,	Nutting,	Thomas,
Campbell, J. M.	Hanback,	Ochiltree,	Thompson,
Cannon,	Hart,	O'Hara,	Valentine,
Cassidy,	Hatch, H. H.	O'Neill, J. J.	Wait,
Collins,	Haynes,	Parker,	Wallace,
Connolly,	Henderson, T. J.	Patton,	Weaver,
Culbertson, W. W.	Hiscock,	Payne,	Weller,
Cullen,	Holmes,	Pierce,	White, J. D.
Curtin,	Hopkins,	Perkins,	Whiting,
Dibble,	Horr,	Peters,	Willis,
Dibrell,	Howey,	Pettibone,	Wilson, W. L.
Dingley,	James,	Poland,	Wise, J. S.
Ellis,	Jeffords,	Ranney.	Young.
Ellwood,	Kean,	Ray, G. W.	
Ermentrout,	Keifer,	Reed, T. B.	

NAYS—87.

Alexander,	Eaton,	Maybury,	Stephenson,
Barbour,	English,	Miller, J. F.	Stephens,
Beach,	Everhart,	Morgan,	Stocklager.
Bennett,	Geddes,	Muldrow,	Swope,
Blount,	Greenleaf,	Neece,	Throckmorton,
Bratton,	Halsell,	Oates,	Tillman,
Breckinridge,	Hatch, W. H.	O'Ferrall,	Turner, H. G.
Buchanan,	Hemphill,	Peel,	Turner, Oscar
Burnes,	Herbert,	Price,	Van Alstyne,
Cabell,	Hewitt, G. W.	Pryor,	Vance,
Caldwell,	Hill,	Ray, Ossian	Van Eaton,
Candler,	Hobilitzell,	Reagan,	Warner, A. J.
Cobb,	Holman,	Reid, J. W.	Warner, Richard
Converse,	Houseman,	Robinson, W. E.	Wellborn,
Cosgrove,	Jones, B. W.	Rogers, J. H.	Wilkins,
Cox, W. R.	Jones, J. H.	Rogers, W. F.	Williams,
Crisp,	Jones, J. T.	Seymour,	Wilson, James
Culberson, D. B.	Lanham,	Shively,	Winans, E. B.
Dargan,	Le Fevre,	Skinner, T. G.	Wise, G. D.
Deuster,	Lowry,	Spooner,	Yaple,
Dockery,	McMillin,	Springer,	York.
Dowd,	Matson,	Steele,	

NOT VOTING—130.

Adams, J. J.	Davis, L. H.	Ketcham,	Robertson,
Aiken,	Davis, R. T.	King,	Robinson, J. S.
Anderson,	Dorsheimer,	Kleiner,	Rosecrans,
Arnot,	Dunham,	Lacey,	Ryan,
Atkinson,	Dunn,	Laird,	Seney,
Bagley,	Eldredge,	Lamb,	Shaw,
Ballentine,	Elliott,	Lewis,	Singleton,
Barksdale,	Foran,	Libbey,	Skinner, C. R.
Barr,	Fyan,	McAdoo,	Smalls,
Belford,	Garrison,	McComas,	Smith, A. Herr
Belmont,	Glascock,	McCormick,	Smith, H. Y.
Bingham,	Goff,	Milliken,	Spriggs,
Blanchard,	Hammond,	Mills,	Stone,
Bland,	Hancock,	Mitchell,	Sumner, C. A.
Bowen,	Hardeman,	Money,	Sumner, D. H.
Brainerd,	Hardy,	Morrison,	Talbott,
Breitung,	Harmer,	Morse,	Taylor, E. B.
Broadhead,	Henderson, D. B.	Moulton,	Townshend,
Budd,	Henley,	Muller,	Tucker,
Campbell, Felix	Hepburn,	Murphy,	Tully,
Campbell, J. E.	Hewitt, A. S.	Murray,	Wadsworth,
Carleton,	Hitt,	O'Neill, Charles	Wakefield,
Chalmers,	Holton,	Paige,	Ward,
Clardy,	Hooper,	Payson,	Washburn,
Clay,	Houk,	Phelps,	Wemple,
Clements,	Hunt,	Post,	White, Milo
Cook,	Hurd,	Potter,	Whiting, John
Covington,	Hutchins,	Pusey,	Wolford,
Cox, S. S.	Johnson,	Randall,	Wood,
Craig,	Jones, J. K.	Rankin,	Woodward,
Cutcheon,	Jordan,	Reese,	Worthington.
Davidson,	Kelley,	Rice,	
Davis, G. R.	Kellogg,	Riggs,	

So the substitute was agreed to.

The following pairs were announced from the Clerk's desk:

On all political questions until further notice—

Mr. MORRISON with Mr. JOHNSON.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.
Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.
Mr. COOK with Mr. GOFF.
Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.
Mr. GARRISON with Mr. BARR.

For the remainder of this day—

Mr. WORTHINGTON with Mr. WADSWORTH.
Mr. TULLY with Mr. McCORMICK.
Mr. ROBERTSON with Mr. EZRA B. TAYLOR.
Mr. CLEMENTS with Mr. RYAN.
Mr. SENEY with Mr. RICE.
Mr. LAMB with Mr. SMALLS.
Mr. FORAN with Mr. KETCHAM.
Mr. DAVIDSON with Mr. HOLTON.
Mr. BARKSDALE with Mr. PAYSON.
Mr. HARDEMAN with Mr. CRAIG.
Mr. CLAY with Mr. KELLEY.
Mr. BLAND with Mr. McCOMAS.
Mr. COLLINS with Mr. HENDERSON, of Iowa.
Mr. WOOD with Mr. BREITUNG.
Mr. PUSEY with Mr. LACEY.
Mr. BALLENTINE with Mr. HARMER.

And also for the night session—

Mr. MITCHELL with Mr. ATKINSON.
Mr. CARLETON with Mr. WAKEFIELD.
Mr. BUDD with Mr. SMITH, of Iowa.
Mr. CAMPBELL, of New York, with Mr. PHELPS.
Mr. REESE with Mr. DAVIS, of Illinois.
Mr. AIKEN with Mr. STONE.
Mr. HAMMOND with Mr. LIBBEY.
Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.
Mr. PAIGE with Mr. HOUK.
Mr. CAMPBELL, of Ohio, with Mr. HITT, until Monday next.
Mr. CLARDY with Mr. O'NEILL, of Pennsylvania.
Mr. HEWITT, of New York, with Mr. BINGHAM.
Mr. POTTER with Mr. WASHBURN.

The vote was then announced as above recorded.

Mr. BOYNE and Mr. HOPKINS moved to reconsider the vote by which the substitute was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I move to recommit the bill with instructions.

The SPEAKER *pro tempore*. That motion is premature, but it will be in order when the question recurs on the passage of the bill.

Mr. HOLMAN. It may be made, according to the rule, either before or after the previous question on the passage of the bill.

The SPEAKER *pro tempore*. The Clerk will read the rule.

The Clerk read as follows:

It shall be in order pending the motion before or after the previous question shall have been ordered on its passage for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOPKINS demanded the previous question on the passage of the bill.

Mr. HOLMAN. I now submit my motion to recommit with instructions.

The Clerk read as follows:

To recommit to the Committee on War Claims with instructions to refer the claim to the Court of Claims for adjudication and report under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government, approved March 3, 1883."

Mr. HOLMAN. That is the Bowman bill.

Mr. GEDDES. On that I demand the yeas and nays.

The House divided; and there were—ayes 27, noes 111.

Mr. WARNER, of Ohio. I demand tellers on the yeas and nays.

Tellers were ordered; and Mr. WARNER, of Ohio, and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 37, noes 111.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

Mr. HEWITT, of Alabama. We have not time to call the roll before 5 o'clock, and therefore I move that the House take a recess under the special order until 8 o'clock this evening.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Without objection the Chair will lay

before the House certain messages from the President of the United States.

There was no objection.

ARCTIC STEAMER ALERT.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

When the expedition for the relief of Lieutenant Greely and his party was being prepared in the early part of the year 1884, and a search for suitable vessels was being made, the Alert, then the property of Great Britain, and which had been the advance ship of the expedition under Sir George Nares, was found to be peculiarly fitted for the intended service, and this Government immediately offered to purchase that vessel; upon which Her Majesty's Government generously presented her to the United States, refusing to accept any pay whatever for the vessel. The Alert rendered important and timely service in the expedition for the relief of Lieutenant Greely and party, which, in its results, proved so satisfactory to the Government and people of this country.

I am of the opinion that the Alert should now be returned to Her Majesty's Government, with suitable acknowledgments for its generous and graceful act of courtesy for so promptly putting the vessel at the service of the United States, and I therefore recommend that authority be given me by Congress to carry out this purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

The SPEAKER *pro tempore*. Without objection this communication will be referred to the Committee on Foreign Affairs.

Mr. BOUTELLE. Mr. Speaker, as a subcommittee of the Naval Committee of this House now have under consideration a bill introduced in this House for the disposition of the three vessels which formed the late Arctic relief squadron, I would suggest that the proper reference of that communication would be to the Committee on Naval Affairs.

The SPEAKER *pro tempore*. Does the gentleman make that motion?

Mr. BOUTELLE. I do.

Mr. COX, of North Carolina. I believe this communication has been already referred to the Committee on Foreign Affairs. That is undoubtedly the proper reference.

Mr. HOLMAN. The motion, as I understand it, of the gentleman from Maine is to refer it to the Committee on Naval Affairs.

The SPEAKER *pro tempore*. For the reason assigned by the gentleman from Maine.

Mr. BOUTELLE. For the reason, as I have said, that a subcommittee of that committee have under consideration the subject-matter embraced in this communication.

The SPEAKER *pro tempore*. Is there objection to the reference suggested by the gentleman from Maine?

Mr. COX, of North Carolina. I object.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maine as a substitute for the motion of the gentleman from North Carolina.

Mr. COX, of North Carolina. I understand that the reference has been already made to the Committee on Foreign Affairs.

The SPEAKER *pro tempore*. The Chair suggested that if there was no objection the reference would be to that committee. The gentleman from Maine moves that it be referred to the Committee on Naval Affairs.

The question was taken; and on a division there were—ayes 48, noes 37.

Mr. COX, of North Carolina. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. WHITE, of Kentucky. I rise to a question of order. If I understand correctly, there is already pending before the House a yea-and-nay vote. I desire to ask the Speaker if that is not the proper order of business?

The SPEAKER *pro tempore*. The Chair will state that unanimous consent was asked by the Chair and obtained of the House to submit certain communications from the President of the United States, which, under the rule, must be disposed of in that manner; and the Chair is endeavoring to aid the House in making that disposition of these communications.

The Chair will order tellers.

Mr. COX, of North Carolina, and Mr. BOUTELLE were appointed tellers.

The House again divided; and the tellers reported—ayes 78, noes 29.

The SPEAKER *pro tempore*. No quorum has voted.

Mr. MCMILLIN. If the gentleman from North Carolina will withdraw the point that no quorum has voted I will move that the House do now take a recess until 8 o'clock, for the consideration of the special order of business fixed for Friday evenings.

The SPEAKER *pro tempore*. That motion, of course, is not in order after the point is made that no quorum is present.

Mr. MCMILLIN. I am aware of that, and if the gentleman insists upon the point of order I withdraw the motion.

Mr. COX, of North Carolina. I withdraw the point of order that no quorum is present.

The SPEAKER *pro tempore*. The point of order being withdrawn, the motion of the gentleman from Maine is agreed to, and the communication will be referred to the Committee on Naval Affairs.

IMPRISONMENT OF AN AMERICAN CITIZEN IN ECUADOR.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the House of Representatives:

I transmit herewith, in response to a resolution of the House of Representatives of the 28th of January, 1885, a report by the Secretary of State in relation to the case of Julian R. Santos, an American citizen, imprisoned in Ecuador.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

UNITED STATES OFFICERS FOR MILITARY INSTRUCTORS, COREA.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Military Affairs:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State in regard to the desire of the Government of Corea to obtain the services of one or more officers of the United States as military instructors in that country, and recommend the adoption of a joint resolution authorizing such officers as may be conveniently spared, and who are selected for that duty, to proceed to Corea for the purpose indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D C., January 30, 1885.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PAYSON, indefinitely.

To Mr. SWOPE, until Tuesday next, on account of important business.

REPRINT OF THE BANKRUPTCY BILL.

On motion of Mr. BAGLEY, by unanimous consent, a reprint was ordered of the bill (S. 1372) known as the bankruptcy bill, for the use of the House.

WITHDRAWAL OF PAPERS.

On motion of Mr. WHITE, of Kentucky, by unanimous consent, leave was granted to withdraw from the Committee on War Claims papers in the case of James F. Blount.

PATRICK COOK.

Mr. BARBOUR. Mr. Speaker, I will detain the House but a moment, if I can have its attention for a brief time. A bill passed the House to-day, known as House bill 1739, for the relief of Patrick Cook, which was evidently a mistake. It was a District of Columbia bill, which had been considered by that committee and had been laid upon the table by them. My request now is that unanimous consent be granted to reconsider the passage of that bill.

Mr. MCMILLIN. That ought to be done, as it appears to have been on the Calendar erroneously; a fact not brought out in the proceedings before the committee.

Mr. O'NEILL, of Missouri. I think that there ought to be some objection to that.

Mr. HATCH, of Missouri. I hope my colleague will not object.

Mr. O'NEILL, of Missouri. I shall not object. I only thought that some objection ought to be made. Of course it is an accident if any bill happens to pass this House. [Laughter.]

There being no objection, the House reconsidered the vote by which the bill was passed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. MCMILLIN] will preside to-night as Speaker *pro tempore*.

Under the previous order of the House, the hour of 5 o'clock having now arrived, the House will take a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business under the order just read.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. I ask unanimous consent that the business of the evening may proceed, so that members present may call up such bills as they wish, the Chair alternating between the two sides of the House.

The CHAIRMAN. If there be no objection that order will be observed. The Chair hears none.

SALLY RODMAN.

Mr. SPOONER. I call up the bill (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman. This bill was reported yesterday by the gentleman from Massachusetts [Mr. LOVERING] and he told me he had adopted the Senate report, which I will send to the Clerk.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sally Rodman, widow of Isaac P. Rodman, late a brigadier-general of United States volunteers, and to pay her a pension at the rate of $50 a month, in lieu of that which she now receives.

Mr. HEWITT, of Alabama. I call for the reading of the report.

The report of the Senate Committee on Pensions (by Mr. BLAIR) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman, having had the same under consideration, beg leave to submit the following report:

The claimant is the widow of Isaac P. Rodman, late a brigadier-general of United States volunteers, who was killed at the head of his division in the battle of Antietam.

The evidence shows that since the death of her husband the widow has been enabled to earn her living by taking boarders during the summer months. In this way, with the aid of the pension of $30 per month which she has received, she has supported herself and family, including an imbecile daughter who is dependent upon her.

It is shown that owing to the continued loss of health she is now unable to pursue this method of gaining a livelihood or any other, and is therefore left entirely dependent upon the pension which she now receives, and that the sum is inadequate for the support of herself and dependent family. It may be further said that General Rodman was one of our bravest officers and most distinguished himself by gallant service in the field during the late war.

This case is one of special claim for increase of pension by reason of the absolute dependence of Mrs. Rodman, she being deprived even of the resource of manual or other occupation. In addition to her own claims, which more than justify this increase, should be considered the fact that she is burdened with the support of an adult but imbecile and helpless daughter. Indeed, in our belief there should be some provision made for the support of this child.

We recommend the passage of this bill.

Mr. PRICE. I do not rise to oppose particularly this bill. But I rise again to make a protest against this whole system. I do not make an objection to have the effect of killing this bill, but I want to be understood as opposing this kind of legislation. I am willing to take care of the daughter and to take care of her mother; but I am not willing to do it at the rate of $50 a month to the exclusion of as good women burdened with as adverse circumstances all over our country to whom you give $8 a month. I want to enter my protest, to let you know where I stand. But if you wish to pass this bill I shall not oppose it.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WARD. I call up the bill (H. R. 7386) granting a pension to Eliza M. Byers.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that that bill has not been delivered to the Clerk.

Mr. MATSON. I desire to say that the reports made yesterday are possibly still in the hands of the printers.

The CHAIRMAN. The report is here but the bill is not. The Clerk will send for it to the file-room and the Chair will recognize the gentleman from Indiana later.

GEORGE W. EAGLES.

Mr. MORRILL. I call up the bill (H. R. 6948) granting a pension to George W. Eagles. It is on the fifty-first page of the Calendar.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Eagles, late a private in Company D, Eighteenth Regiment Illinois Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6948) granting a pension to George W. Eagles, submitted the following report:

We find that claimant enlisted August 1, 1862, and was discharged May 22, 1865. His declaration for pension was filed May 29, 1882, alleging disease of lungs on march from Louisville to Perryville, about October 7, 1862, and the disease of heart at battle of Lookout Mountain, in March, 1863. The claim was rejected in the Pension Office on the ground "that there is no record and no medical or other satisfactory evidence in service or at discharge." The records show that he was absent from his company in November and December, 1862, and that on the 26th of December he was left at the hospital in Gallatin, though the cause is not given. Dr. William A. Gordon, whose credibility is reported as good, testifies that he is claimant's family physician; that he was free from heart and lung disease when he enlisted, and that he believes the family was free from any hereditary taint of lung disease.

Charles L. Sanders testifies that he lived near claimant five years before enlistment, and that he never knew of his having any disease of heart or lungs.

Ephraim Rockwell testifies that he was a sergeant, and was in charge of the sick; that claimant contracted disease of the lungs while on march from Louisville to Perryville, about October 21, 1862; that he knows this from personal knowledge of the facts, as he was present and had charge of the sick at that time; that he thinks Dr. Abbott treated him; that the doctor said he had lung fever. The regiment was ordered to Murfreesborough, and claimant was left behind at some place in Tennessee. He heard afterward that he was sick a long time.

Thomas M. Martin testifies:

"That claimant was taken sick while on march from Louisville to Perryville, about October 8, 1862; was with him in hospital at Murfreesville, Ky., in November and December, 1862, and in hospital at Nashville in July and August, 1863; at the battle of Lookout Mountain he was excused from duty, and was afterward transferred to the Invalid Corps."

John Lamb testifies that claimant has been in very poor health since 1865; that he lives near him and sees him frequently, and has personal knowledge of his physical condition.

Placie Muse says:

"Became acquainted with claimant in fall of 1865; he was then quite feeble and complained of disease of heart and lungs; any continued exertion would bring on fainting spells; he was then almost totally disabled, and has been in the same condition ever since; have lived near him; seen him often, and assisted him and his family to live; he is extremely poor and unable to work."

The postmaster at Leavenworth vouches for the credibility of the witnesses. The examining board of surgeons at Leavenworth, in their report, January 17, 1883, say:

"The cardiac area is much increased; the heart's action is rapid and violent; he has a pinched, anxious look; health not good; disability, total."

The lack of medical evidence caused the rejection of the case in the Pension Office. Dr. Abbott, whom Sergeant Rockwell testifies treated him in service, is dead, and the claimant's extreme poverty is certainly a very good reason for his not employing physicians after his discharge.

Your committee, believing that the soldier is justly entitled to a pension, recommend the passage of the bill.

Mr. HEWITT, of Alabama. I wish to ask the gentleman who has reported this bill a question. Do the committee find that this applicant contracted a disease which now disables him while in the service?

Mr. MORRILL. The committee find that without a question. If the hospital records had been perfect ten words in those records would have given this man a pension at the Pension Office. The proof is absolute. He was in the hospital, but there is nothing to show what disease he was treated for.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA M. BYERS.

Mr. WARD. I again call up the bill (H. R. 7386) granting a pension to Eliza M. Byers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza M. Byers, widow of Dr. William J. Byers, late surgeon of the —— Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The following amendment was recommended by the Committee on Invalid Pensions:

Strike out the words "late surgeon of the —— Regiment Indiana Volunteers," and insert the words "and pay her the pension of the widow of a surgeon of volunteers."

Mr. MCMILLIN. I wish to ask the gentleman who calls up this bill, or the gentleman who reported it, the reason for the amendment.

Mr. WARD. The bill provides for the payment of a pension to Eliza M. Byers as the widow of a surgeon of a — — Regiment of Indiana Volunteers. The amendment provides for the payment of a pension to her as the widow of a surgeon of volunteers.

Mr. MCMILLIN. Was he ever in the service as a surgeon? I think the report should be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7386) granting a pension to Eliza M. Byers, having had the same under consideration, beg leave to report as follows:

The husband of this claimant was sent to attend the wounded at Shiloh immediately after the battle, in response to the request of the Secretary of War, directed to Governor Morton. He was a physician and surgeon of known ability, and responded with alacrity to the call of the Government for help in its extremity.

The fact of his service as a volunteer surgeon and the value and extent of such service, and the further fact of the heroic death of an incurable disease in the line of duty while serving as such volunteer surgeon and his death therefrom, are shown by the sworn statements of nineteen witnesses, among them General M. D. Manson, now lieutenant-governor of Indiana, Hon. Thomas R. Ward, a member of this House, William C. Kise, late colonel Tenth Indiana Volunteers, three eminent physicians, and other reputable and well-known citizens of Indiana.

There are numerous precedents for the granting of pensions in such cases, and we recommend the passage of this bill with the following amendment: Strike out of lines 5 and 6 the following words, "late surgeon of the —— Regiment Indiana Volunteers" and insert in lieu thereof the following words, "and pay her the pension of the widow of a surgeon of volunteers."

The amendment was agreed to

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. VANDERHOFF.

Mr. FIEDLER. I call up the bill (H. R. 7356) granting a pension to John A. Vanderhoff.

The bill as read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John A. Vanderhoff, late a private in Company A, Eighth Regiment United States Infantry, from which service he was discharged on account of disability April 20, 1840.

Mr. GIBSON. When was this soldier discharged?

Mr. FIEDLER. In 1840.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. JONES, of Texas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7356) grant-

ing a pension to John A. Vanderhoff, after duly considering the same, beg leave to report:

"It appears that Mr. Vanderhoff enlisted in Company A, Eighth United States Infantry, December 4, 1837, and was discharged April 20, 1840, to quote a letter from the honorable Commissioner of Pensions to the chairman of this committee—

"'On account of the loss of portions of five fingers from frost-bite,' he claims pension for said disability, and alleges that the same was incurred while on a twenty-four-hour leave of absence from the fort at Sacket's Harbor, New York, about January 1, 1840. The claim has been rejected because the soldier was not in the line of duty when the alleged disability was incurred.

"The Surgeon-General United States Army furnishes a record of treatment at the post hospital, Madison Barracks, Sacket's Harbor, New York, January 2, 1840, for 'frost-bite,' but the surgeon of the post, in correspondence with the Surgeon-General, indistinctly recollects that the soldier was intoxicated when the disability was incurred. The soldier denies being intoxicated, and as the evidence on this point is obscure, I am of the opinion that it should not interfere with the soldier's right to pension in view of his long term of service and the time when said service was rendered, and also his present age and disability, and I therefore submit the papers for your consideration."

It being very clear to the committee that Mr. Vanderhoff is entitled to a pension, the bill for his relief is reported back to the House with the recommendation that it do pass.

Mr. HEWITT, of Alabama. I think that bill should be amended by striking out all that relates to the discharge of this soldier.

The CHAIRMAN. Does the gentleman from Alabama submit an amendment?

Mr. HEWITT, of Alabama. I ask that the latter part of the bill be again read.

The Clerk read as follows:

Late a private in Company A, Eighth Regiment United States Infantry, from which service he was discharged on account of disability April 20, 1840.

Mr. HEWITT, of Alabama. I move to amend by striking out all after the word "infantry."

The amendment was agreed to.

Mr. GIBSON. I feel compelled to object to the passage of this bill. The object of the pension laws is to place upon the pension-list those soldiers who by service for their country have been disabled.

Now this report shows that in 1840 this soldier, in a city, in the midst of civilization, where he could have no possible chance of frost-bite or suffering unless by his own neglect, while upon leave of absence and in a state of intoxication, was frost-bitten, and the best they can say about it is that the evidence upon that point is obscure. Yet we are asked to put upon the pension-list, among the roll of those whom their country honors for their patriotic services, a man who can show no claim for any service rendered to the country, nor for any disability incurred in the service of the country.

I submit to this House that it is unwise, unjust, to put upon that list men who have thus been disabled; and I submit that it is dragging down the pension-roll into disgrace and arraying the common sense of the country against the whole policy of pensions to put such a man upon the roll. I therefore object to the passage of this bill.

Mr. MORRILL. Mr. Chairman, I ask unanimous consent that this bill be laid aside informally.

Mr. FIEDLER. I object.

The CHAIRMAN. The question is, Shall this bill be laid aside and reported to the House with a recommendation that it do pass?

Mr. MCMILLIN. Mr. Chairman, I wish to ask the gentleman reporting this bill at what time this applicant first applied for a pension?

Mr. FIEDLER. The gentleman who reported the bill is not present, but I introduced it.

Mr. MCMILLIN. Can the gentleman tell us when this applicant first applied to the Pension Office for a pension?

Mr. FIEDLER. I do not know the exact date. This soldier is an old man 70 years of age; ever since 1840 he has been disabled from following any avocation by which he could support himself, and obliged to live in part on the charity of neighbors. From what has been said here gentlemen may have got the impression that he is a common drunkard. That is not the fact. He is a man who was well recommended to me before I took hold of his case. As I have said, he is 70 years old; he has but a few years to live; he asks only for a pension from the date of the passage of this bill, and I think that if gentlemen could have an opportunity to see the man they would not rise here to oppose this bill. If the gentleman from Tennessee [Mr. MCMILLIN] will read the report he will see that even the Commissioner of Pensions recommends the granting of the pension, and I think the judgment of the Commissioner ought to go at least as far as the judgment of any gentleman on this floor, inasmuch as he has greater opportunity for studying these cases carefully than we do or can have.

Mr. MCMILLIN. In reply to what the gentleman from New Jersey [Mr. FIEDLER] has just said, I can only say that if in the judgment of the Pension Office this applicant is so deserving of a pension, the wonder is that the office has not already given him one.

Mr. HEWITT, of Alabama. Mr. Chairman, I can answer that objection.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MCMILLIN] yield?

Mr. MCMILLIN. With pleasure.

Mr. HEWITT, of Alabama. This is a case that does not fall under the pension laws.

Mr. MCMILLIN. Because——

Mr. HEWITT, of Alabama. Because at the time this man was frost-bitten he was on leave of absence for twenty-four hours, and it has been the uniform ruling of the Pension Office that a soldier absent on leave is not in the line of duty, and that if he is wounded, or if he contracts disease while absent on leave, he is not entitled to have a pension therefor. This is one of those cases that are rejected upon what we may term technical grounds, and the only thing that makes against the applicant is that there is a little doubt as to whether or not this soldier had been drinking at the time he was frost-bitten. The soldier himself is an old man, and is said to be a reputable man and a man of good standing in the community in which he resides, and he denies that he had been drinking at the time he was disabled. But that was not the ground on which the application was rejected by the Pension Office, because the Commissioner did not believe the allegation of drunkenness to be well founded. If the Commissioner had believed that this soldier was intoxicated at the time he was frost-bitten he certainly never would have recommended the case to Congress. As gentlemen know, there is an act of Congress which has been many years upon the statute-book, by which, in cases where the rules of the office compel the rejection of a claim that is nevertheless regarded as an equitable one, the Commissioner is required to recommend the case to Congress for the passage of a bill for the special relief of the claimant.

Mr. MCMILLIN. Mr. Chairman, the gentleman from Alabama [Mr. HEWITT] sees but one difficulty in the way of this claimant, but I see two. There are two reasons, it seems to me, for hesitating about this bill, and they are backed up by very strong circumstances, which tend to show the correctness of the conclusion at which the Pension Office arrived. One is that this man was clearly not in the line of duty at the time he received this injury. The gentleman from Alabama [Mr. HEWITT] speaks of that as a technical objection. It is an objection so substantial that it has governed the ruling of the Pension Office ever since its organization—a ruling the breaking down of which would close up entirely the chasm which now exists between good and evil service, and which determines the question whether, in any given case, a pension shall be granted or denied.

The next difficulty in the way is the intoxication of the claimant at the time he received the injury, and the circumstances to which I wish to call the attention of the House are these: there is a law which has been on the statute-books for years allowing this man to apply for and receive a pension, if entitled to one at all; yet forty-four years—nearly half a century—after the disability should have accrued, Congress is called upon for the first time to interfere in his behalf, and, for aught that appears here, he never even thought that he was entitled to a pension, or never thought so sufficiently to induce him to apply to the Pension Office until more than a quarter of a century after the disability accrued. Can this committee believe, in view of these circumstances, that this claimant himself believed that he was entitled to a pension? It seems to me not.

I simply desired to make this statement. I know it is said that the claimant is old; but if there is to be no distinction between faithful service and that service which was at least questionable, then the distinction between a good soldier and a bad one vanishes, and glory in the arms of the country is gone.

Mr. HEWITT, of Alabama. Though this man, when discharged from the Army, being a young man and able to work, notwithstanding he had been frost-bitten or otherwise injured in the service, saw proper to struggle and try to make a living for himself for a quarter of a century, I do not think that is any good reason, provided he was entitled to a pension, why the Government should not give him a pension in his old age. The gentleman from Tennessee [Mr. MCMILLIN] seems to think that because we did not pension this man immediately after his discharge, he ought not to have a pension at all; that this fact is a reason why he should not have a pension.

Mr. MCMILLIN. The gentleman misunderstood me if he supposes me to reason in that way. I did say that the fact of the man having waited nearly half a century before applying for a pension was a circumstance tending to show that he himself did not believe he was entitled to a pension.

Mr. FIEDLER. I wish to correct the gentleman on that point. This soldier did not wait for half a century before making his application.

Mr. MCMILLIN. How long?

Mr. FIEDLER. I do not know exactly how long.

Mr. MCMILLIN. It is nearly half a century since this soldier was discharged.

Mr. FIEDLER. As the gentleman from Alabama has suggested, this man, although partly disabled, was able for some years after his discharge to make a living. He has, however, had an application pending for a pension for some years; but he had no "friends at court" to take care of his application; he did not understand what was the cause of the delay in his case until he came here himself last winter, when the Commissioner of Pensions advised him to have a bill introduced, and stated that he had no doubt Congress would grant the application for a pension, as under the law the Commissioner could not grant it.

Mr. HEWITT, of Alabama. Now, Mr. Chairman, the same argument urged by my friend from Tennessee [Mr. MCMILLIN] against granting a pension to this old man could be urged against two-thirds of the pension claims presented to Congress. The same argument could be urged against every man who has filed a claim in the Pension Bureau during the last eight or nine years based upon service rendered in the last war, because, unless his injury dates back to that war, to the time he was in the service, he is not entitled to a pension. I repeat that the argument which the gentleman from Tennessee has urged against this bill might be urged against two-thirds of the claims pending to-day in the Pension Bureau and against four-fifths of the claims which are presented to Congress.

But again, the gentleman says that this man is not entitled to a pension because when he incurred the injury he was not in the line of duty. I admit that under the letter of the law as construed by the Pension Bureau he was not entitled to a pension. But for the construction which the Pension Bureau has been giving this law for so long a time this man would have been put upon the pension-roll without the necessity of application to Congress.

I remember very distinctly that in the Forty-fourth or Forty-fifth Congress I reported to this House a bill to pension the widow of a soldier who had served in the late war, the circumstances being substantially these: Having had a furlough for thirty days to return home, the soldier at the expiration of his thirty days, or just before, started to return to his command, and while on his way was accidentally killed. The widow having applied to the Pension Bureau for a pension, the bureau decided she was not entitled to be pensioned because the soldier was not in the line of duty when accidentally killed.

Mr. BROWN, of Pennsylvania. Was not that bill reported upon the theory that while returning to his command the soldier was in the line of duty?

Mr. HEWITT, of Alabama. I am speaking of what the decision of the Pension Bureau was upon that case. I think if I had been Commissioner of Pensions and had been called upon to decide that case I would have held that the soldier was in the line of duty, because it was his duty upon the expiration of his leave of absence to return to his command. I reported that bill upon the ground that the soldier was in the line of duty, and his widow was entitled to a pension. That bill was reported in the Forty-fourth or Forty-fifth Congress—I do not remember which; and it passed this House. I think it passed the Senate. If it did not it ought to have passed there.

Mr. GIBSON and Mr. WARNER, of Ohio, rose.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. GIBSON].

Mr. WARNER, of Ohio. Before the gentleman from Alabama takes his seat I would like to ask him a question. I wish to inquire whether the Commissioner of Pensions has not recently changed the ruling of the office on that point, so as to admit cases of this kind. Without making any opposition to this case, I merely inquire whether a late ruling of the Commissioner—I do not know that it has yet been published, but I understand such a ruling has been made—would not admit this case, although it would have been, under the previous rulings, rejected. I understand the ruling of the Commissioner now to be that where a soldier was temporarily absent from his command for a day or two on leave, but within the military lines and subject to recall at any hour, he was really in the exercise of his duty, and if injured at such a time, unless it appears by positive testimony that the injury was the result of his own fault, he is entitled to a pension. I think that ruling is correct.

Mr. MCMILLIN. If the gentleman from West Virginia will yield to me a moment——

Mr. GIBSON. Certainly.

Mr. MCMILLIN. Does not the gentleman from Ohio know there is an express statute to the contrary of what he says? The rule is——

Mr. WARNER, of Ohio. I am not aware there is a statute contrary to that. On the other hand, I think there is no such statute, and I am inclined to think the ruling of the Commissioner now is the correct ruling, and is really within the intent and meaning of the law.

The CHAIRMAN. The gentleman from West Virginia has been recognized.

Mr. HEWITT, of Alabama. I have not yielded the floor except for a question to the gentleman from Ohio.

Mr. WARNER, of Ohio. Yes. The gentleman yielded to me for a question.

Mr. HEWITT, of Alabama. I have been on my feet all the time.

The CHAIRMAN. The gentleman will proceed.

Mr. HEWITT, of Alabama. I do not know whether the Department has made the ruling, as suggested by my friend from Ohio, or not. I only have to say if he has not done it, he ought to do it. That is what I think is the law.

Mr. WARNER, of Ohio. I think it is the law, too.

Mr. HEWITT, of Alabama. I think this soldier if he was injured by being frost-bitten, on twenty-four hours' leave, was in the line of duty, unless he was drunk or something of that sort.

Mr. WARNER, of Ohio. Subject to call at any minute.

Mr. HEWITT, of Alabama. If he was drunk I do not think he should have a pension. If the testimony specified he was drunk I do not think the Commissioner would have recommended this case to Congress. The decision of the Commissioner was based on the old rule, that being absent on leave he was not in the line of duty, and therefore not entitled to a pension.

Mr. GIBSON. Mr. Chairman, it is not a pleasant matter for me to object to the pensioning of any disabled man. I know what it was to have been a soldier. I know what it is to be crippled and wounded. I think I can appreciate the hardships that soldiers went through. I am glad to be able to say in all my experience as a soldier during the war, and as a man since then, I have had nothing to occur to break my respect for those honest and brave soldiers who followed the flag of their country, who maintained it in time of war, and who have been a credit to it in time of peace. I am here to-night and at any other time in good faith, as far as my oath of office will allow me, to carry out not only the letter but the spirit of the law in pensioning and supporting those who have lost their lives in defense of their country or their ability to maintain themselves.

But, as I said before, Mr. Chairman, the theory of the pension law was based first upon the maintenance of the man who has been deprived of the power to maintain himself, and then upon the theory of honoring those who deserved honor at the hands of the country. Now here comes a man who was in the regular Army, enlisted in time of profound peace, as a matter of occupation and for pay, in 1837. A few years afterward, when there was nothing to call him out from his quarters, nothing to expose him to the inclemency of the weather, he gets leave of absence in a city where they have police authorities, where they have hospitals, where they have all the provisions which civilized people have adopted for the purpose of taking care of the unfortunate—he goes on leave of absence and comes back frost-bitten; and how can anybody say that occurred in the line of duty or in defense of his country?

And not only that, but the report says that the surgeon who attended him said he was frost-bitten while intoxicated.

Mr. FIEDLER. If the gentleman will permit me, I will interrupt him.

Mr. GIBSON. Certainly.

Mr. FIEDLER. If the gentleman will read the report he will see that it states nothing of the kind. There was a charge made which the soldier denied, and there was no proof presented to substantiate that charge. The charge was indistinct.

Mr. GIBSON. Let me go on. The surgeon says the question was raised at the time of the injury, but that the soldier denied he was intoxicated. Now, that was a matter of proof, but there is no proof contradicting that statement that he was intoxicated, and that this injury occurred while he was intoxicated and not in the line of duty.

I wish to say under my obligations as Representative here, under my duty to the honest citizens who have been kept out of their pensions by this sort of claims, I feel called upon to object to this bill, and I notify the gentleman now that he can not pass it here without a quorum.

Mr. HEPBURN. I ask that the bill be passed over informally.

Mr. MCMILLIN. Before that is done I ask the indulgence of the House to read a section of the Revised Statutes. If we apply the rule of enumeration of one thing, in construction of the law, excluding any other, it seems to me the law is as I insisted when the gentleman from Ohio was on the floor. This class of officers are enumerated among those absent who are entitled to a pension according to section 4700 of the Revised Statutes:

Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital.

And they are the only classes I have any memory of who are so regarded as in the line of duty.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that this bill be laid aside informally.

Mr. FIEDLER. I object.

Mr. PERKINS. Let me make a suggestion that I think will be satisfactory to all parties. I think that we may be able to enter into a stipulation or compromise which it seems to me would be fair to both sides. I would suggest, therefore, that we take a vote in committee, and if the committee report the bill favorably let the previous question be ordered on it in the House with the understanding that it shall not be considered in the House until we have a quorum present. I think the gentleman from West Virginia will consent to that arrangement.

Mr. GIBSON. If it is understood that it is to be considered only in the presence of a quorum I will not object. I am willing, sir, to fight this case entirely upon its merits and take no technical advantages of any kind. I shall not object to that understanding.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? The Chair hears none.

Mr. WOLFORD. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The Chair has just submitted the proposition to the committee that a vote be taken in the committee upon laying this bill aside to be reported to the House, with the understanding that if reported favorably the previous question shall be ordered and the bill

disposed of when a quorum is present; to which the Chair understands there was no objection.

Mr. GIBSON. Do I understand the gentleman to propose that the previous question is to be considered as ordered?

Mr. HEWITT, of Alabama. The previous question is ordered but no vote to be taken until a quorum is present.

Mr. GIBSON. I want to ask the Chair a parliamentary question, whether that will cut off debate; or whether if the previous question is ordered it will give an opportunity for the discussion of the bill in the House?

Mr. MORRILL. One hour will be allowed.

Mr. GIBSON. That will be satisfactory to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WOLFORD. Mr. Chairman, a single word on this proposition.

The CHAIRMAN. There is nothing before the committee now but to take a vote on the proposition, which has been assented to on all sides.

Mr. WOLFORD. I suppose before a vote is taken it will be in order to discuss the bill. I want to say a few words on this bill.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that a discussion is not now in order, as unanimous consent has been given to close the debate and come to a vote upon the bill on the terms suggested.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY C. AXLINE.

Mr. McCOID. Mr. Chairman, I ask consent now to call up the bill (H. R. 6653) granting a pension to Mary C. Axline and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Mary C. Axline, widow of Jacob Axline, late a private in Capt. Hickman Mills's company of Missouri Enrolled Militia, on the roll of pensioners of the United States, at the rate of $12 per month.

The report (by Mr. HOLMES) was read, as follows:

That claimant is the widow of Jacob Axline, who was a first lieutenant of the "Hickman's Mills" Enrolled Missouri Militia, who was enrolled April 5, 1862, and was killed by "bushwhackers" June 1, 1864.

The application of the widow was rejected by the Pension Office November 2, 1878, on the ground "that the person on whose account pension is claimed was a member of the Enrolled Missouri Militia, and that the claim was not prosecuted to a successful issue within the time prescribed by law."

It is disclosed by the evidence in the case that the officer, who had been commissioned first lieutenant of the company after enlistment was passing from Hickman's Mills, where his company was stationed with a part of the Second Colorado Cavalry, to Westport, Mo., another military station, and was shot and instantly killed by concealed bushwhackers, who made their escape.

It is also in evidence that the widow has never remarried. Your committee think the widow of this officer, who lost his life in defense of his country, should receive a pension, and therefore recommend the passage of the accompanying bill, amended, however, by striking out the word "private," in line 5, and inserting the words "first lieutenant," and by striking out all after the word "militia," in line 6, and inserting in lieu thereof the following: "Subject to the provisions and limitations of the pension laws."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET A. B. CORTS.

Mr. PATTON. Mr. Chairman, I call up the bill H. R. 8038, and ask that it be put upon its passage. It is a bill granting a pension to Harriet A. B. Corts.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. B. Corts, widow of George P. Corts, late an assistant adjutant-general of volunteers, and pay her a pension at the rate of $20 per month from and after the passage of this act, the same to be in lieu of the pension now received by her.

The report (by Mr. PATTON) was read, as follows:

That the claimant is the widow of George P. Corts, late assistant adjutant-general Second Brigade, Third Division, Second Army Corps, United States volunteers. He entered the service in Pittsburgh, Pa., April 20, 1861, in the Twelfth Pennsylvania Volunteers, deeming it to be the very day that Fort Sumter was fired upon. This was a three months' regiment and upon the expiration of his term of service he returned to Pittsburgh, and in connection with the late General Hays within a few days raised the Sixty-third Pennsylvania Volunteers. He served with that until he was commissioned by President Lincoln an assistant adjutant-general of volunteers "for bravery on the field," and assigned to the staff of General Alexander Hays. He served with him until he fell, May 6, 1864, in the battle of the Wilderness. In that battle the husband of the claimant was shot through the shoulder, and though he recovered sufficiently to do some light court-martial duty, he was mustered out, suffering from his wounds until he died from their effects April 13, 1870.

The nature of the service he gave his country may be understood from the report of General Hays of the battle of Gettysburg:

"Capt. George P. Corts, assistant adjutant-general, and my aid, Lieutenant Shields, of the Sixty-third Pennsylvania Volunteers, were constantly by my side, exhibiting, as always heretofore, self-possession and courage of the highest order. Captain Corts lost two horses killed under him."

Immediately after the battle of Bull Run Mrs. Corts came to Washington to attend her brother, who was seriously wounded, and finding the greatest need of laborers in the hospitals, went to work as a nurse. For about one year she was a volunteer nurse in Ward D, Armory Square hospital, and then for two years and over engaged under the auspices of the Michigan Soldiers' Relief Association, visiting over twenty hospitals in and around Washington each week regularly, and supplying stores as the soldiers' needs required, as well as aiding in their collection.

After the death of her husband Mrs. Corts made application and was pensioned at the rate of $20 per month from the death of her husband. She now asks that this be increased on account of her own services. It appears by her petition that her services for over three years were given without any pay whatever, besides several hundred dollars of her own money, which she had earned as a teacher, and paid her own expenses while she worked as a nurse. She was married in 1864, but continued her work as a nurse till the war closed, in 1865.

She has also lost a brother, who died of wounds contracted in the service, and her father is also unable to support himself by reason of disease contracted in the Army, and partially dependent upon her for support. She has a daughter also dependent upon her. Mrs. Corts is also suffering from a broken ankle, and is less able to support herself, or those dependent upon her, and it also entails much additional expense. She has no property, and no one to look to for assistance or support.

The following exhibits are presented in support of her claim:

"In view of all these facts, the gallant services of her husband, and her own long and valuable services as a nurse, given without fee or reward, the death of her brother, and disability of her father, and her own dependent condition, your committee recommend the passage of the bill, with the following amendment: 'Strike out the word 'fifty,' in line 8, and insert 'forty.'"

Mr. HEWITT, of Alabama. I desire to ask the gentleman reporting this bill one or two questions: First, this is an increase of pension based upon the gallant services of the husband of this lady?

Mr. PATTON. No, sir, not altogether; partly that and partly upon her own services as nurse.

Mr. HEWITT, of Alabama. His rank was that of captain?

Mr. PATTON. Yes, sir.

Mr. HEWITT, of Alabama. Then you propose to increase the pension to $40. She is drawing a pension now of $20 as the widow of a captain?

Mr. PATTON. Yes, sir.

Mr. HEWITT, of Alabama. And you propose to increase it to $40 because she herself acted in the capacity of a nurse?

Mr. PATTON. Yes, sir.

Mr. HEWITT, of Alabama. Therefore you propose to give a double pension. Is that the idea?

Mr. PATTON. If the Clerk will read the appendix or letters in connection with this report I think the gentleman from Alabama will have no objection.

Mr. HEWITT, of Alabama. I do not care to have it read. But I did not want the pension to be based upon the idea alone of her being the widow of a gallant officer of the rank of captain, because I did not wish to establish that precedent. But if it is based upon the ground that she acted as a nurse in the service, we having heretofore pensioned nurses from $20 to $25 a month, I do not object.

Mr. BAGLEY. If the gentleman from Alabama will permit me a moment I will say, in reference to this bill, that I remember distinctly when it was considered in the committee it was based upon her services as nurse. She was getting $20 a month as a widow's pension, and her military services in the field as a nurse were deemed sufficient to warrant this additional pension. That was the consideration that influenced the committee.

Mr. MATSON. I desire to say in addition that while the action of the committee was distinctly upon the ground of her services as a nurse, still so far as I was individually concerned I thought she ought to have an increase of $5 more than she gets here because other nurses had been pensioned at $25; and I thought she should have $45 instead of $40. So I remember distinctly that the action of the committee was based wholly upon the proposition that she deserved the increase of pension because of services as nurse.

Mr. WARNER, of Ohio. I would much rather see the sum voted to this widow paid for her services as a nurse, and not confound pensions with service. There is a bill on the Calendar, and I trust it will pass yet this session and become a law, to pay all nurses $25 a month for the time they were employed as nurses less the sum they have already received. That would apply, of course, to this lady, as to all other nurses.

Now the distinction between a pension and pay for service is clear, and I do not think they ought to be confounded. I do not like myself this mixing of pensions, because they will be taken as precedents hereafter, say what you will on this floor. It will be referred to as a case where one widow of a captain has had a pension of $40 a month, and consequently we should give it to another.

The widow of a major-general who was a volunteer and killed in battle is entitled to only $30 a month under the law. I do not think it wise to combine pension and pay, which seems to be what is proposed in this bill, although it is claimed otherwise.

I think the pension should be left at $20; or, if you will, make it $30, and give as much as to the widow of a major-general under the law; but do not confuse pension and pay. Leave this widow to draw her pay under the bill which I believe will become a law. The House will be asked to pass it the first opportunity. Leave her to draw her pay under that with other nurses, and let her pension be separate and distinct from pay. I for one do not like the combination.

Mr. HORR. I do hope this House will not postpone this lady's case until we can pass the bill to which the gentleman from Ohio refers through the House.

Mr. WARNER, of Ohio. Is the gentleman from Michigan going to oppose it?

Mr. HORR. I am not going to oppose it; but I think the time would never come when this lady would get anything under it. I judge from my experience in passing meritorious bills.

The amendment was agreed to.

The CHAIRMAN. The question is: Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. WARNER, of Ohio. I shall vote against it.

The question being taken, it was decided in the affirmative.

The bill as amended was accordingly laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M'GILL.

Mr. RYAN. I call up the bill (H. R. 8133) granting a pension to Thomas McGill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas McGill, late first-class pilot on the steamer Sally List.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 436) granting a pension to Thomas McGill, submit the following report:

We find that in 1864 the steamer Sallly List was employed by the United States Government and was used in transporting troops and supplies between Louisville, Ky., and the mouth of Red River. On or about the 25th of May, 1864, while the boat was under the orders of General A. J. Smith, commanding the Union forces at Vicksburg, it was ordered to Memphis. While on the river and near the foot of Yellow Bend, on the Arkansas side of the river, the boat was fired upon by a force of confederate soldiers, commanded by General Marmaduke. The boat was badly damaged and claimant was severely wounded. One shot entered the right shoulder, penetrating the body and coming out at the back; another shot pierced his left wrist. Claimant was at the time of receiving the wound pilot of the steamboat.

The proof seems conclusive that the steamer was in Government employ at the time that claimant was occupying the dangerous and responsible position of pilot, and while faithfully discharging his duty received the wounds as above described. The Pension Office could not grant a pension for the reason that he was not an enlisted man. The committee have uniformly recommended pensions to employés wounded in battle, and they therefore recommend the passage of the bill.

Mr. McMILLIN. I suggest to the gentleman from Kansas that he should allow that bill to be passed over informally. It is for the pension of a man who never was in the military service; a mere employé in a civil department, that happened to be transporting troops.

Mr. RYAN. I think we ought not to do as the gentleman from Tennessee has suggested. The House has never yet refused to pension a man who, as a civilian, was employed in the military service during the war, and sustained injuries while so employed, especially when he was absolutely wounded. This man, in the performance of his duty, was wounded through the body and through the wrist, and has in consequence been wholly disabled.

Mr. HEWITT, of Alabama. I ask my friend from Kansas if this man was acting under military orders?

Mr. RYAN. Yes, sir; he was under the command of General A. J. Smith.

Mr. CUTCHEON. I would suggest to the gentleman from Tennessee [Mr. McMILLIN] that this man was performing a duty which an enlisted man could not perform, a duty requiring particular and special knowledge of the stream he was navigating; and no enlisted man could have been detailed for the work. They had to call on such men for that service.

Mr. WARNER, of Ohio. And he was acting under orders in a military capacity.

Mr. MATSON. Not only was he acting under military orders, but he was in the performance of a military act at the time he was wounded. Not only that, but he was placed in perhaps as dangerous a position as a man could be placed in while acting as pilot under the circumstances. In addition to that, let me say there are a large number of precedents of pensioning men of this very class—I mean pilots—because they were engaged in an extremely hazardous service, military in every sense of the word. It seems to me this is as strong a case of the kind as can be presented, and it is necessary to appeal to Congress to get any remedy or aid at all.

Mr. McMILLIN. I shall not take the course with this case that I would take if it were the case of an exclusively civil employé. The service this man did may have been a forced service, as occasionally occurred at that time. If it had been a service which this man could have avoided at his will, he not being an enlisted man, I would have made the question of a quorum to the last.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

OLIVE W. PARKER.

Mr. MILLIKEN. I call up the bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Olive W. Parker, widow of Stephen N. Parker, deceased, late of the Ninth Battery Massachusetts Volunteers.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3901) granting a pension to Olive W. Parker, having had the same under consideration, report as follows:

The claimant is the widow of Stephen N. Parker, late a private of the Ninth Independent Battery of Massachusetts Light Artillery Volunteers, who was enlisted on July 20, 1862, and was mustered out June 4, 1865, and who claims to have been injured by the bursting of a shell at the battle of Gettysburg, Pa., July 3, 1863, and who died subsequent to his discharge from the service in consequence of inflammation of tonsils, and whose claim for pension was pending at the time of his death and since renewed by the widow of the deceased, but rejected February 8, 1883, on the ground that the disease of which he died was not the same as that contracted while in service.

The committee find that the deceased was probably injured at the time and place alleged, and while in service, as confirmed by the testimony of his captain, Daniel Marston, late of the Ninth Massachusetts Battery, and Horace Prescott, late a private in the same battery. The records of his battery are inconclusive as to the disability incurred, and the medical testimony from that source is, through inability of procurement or other cause, wanting.

But Albert H. Blanchard, M. D., late a surgeon of the Third Massachusetts Cavalry, shows that he was acquainted with the deceased both prior and subsequent to his service; that the deceased was a well man prior to his entry into service; that he treated him during the last three years of his life, and knew his condition subsequent to his discharge and up to the time of his death; that he was subject to frequent attacks of headache, with confused feelings and pain in his head, which amounted to disease; that he was incapable of performing ordinary labor in consequence, except with great difficulty; that this condition was precisely such as would result from concussion of the brain, and, in his opinion, did result from that cause. The deceased was also treated, subsequent to discharge, by Charles H. Boody, a practicing physician of Wayland, Mass., who confirms the testimony and opinion of Dr. Blanchard.

From all the testimony adduced the committee are of the opinion that, while the deceased came to his death from inflammation of tonsils, which disease might have been contracted subsequent to his discharge from the service of the United States, he evidently was also suffering from a disordered condition of his head, resultant from concussion caused by the bursting of a shell in the battle of Gettysburg, and should have been entitled to a pension therefor.

The committee therefore report the bill favorably, with a recommendation that it do pass.

Mr. HEWITT, of Alabama. I would like to ask the gentleman who calls up this bill if this pension is based on the ground that the death of this soldier was the result of the wound that he received in the service or of disease contracted while in the service and in the line of duty, or is it based on the idea that the soldier himself would have been entitled to a pension for the wound, and, although he may have died from some cause that had no origin in the war, yet the husband having been wounded, being entitled to a pension for that wound, the widow should have a pension? Does this case go upon the idea that widows of all the soldiers who may have been entitled to a pension and who died are also entitled to a pension although the disease that caused the death may not have any connection with the war? That is the question I wish answered.

Mr. MILLIKEN. I do not so understand it, Mr. Chairman. I was not there myself; I did not see this man either get the wound or die; but I have some statements here from which I understand the case in this way: That this man was at the battle of Gettysburg there is no question; that a shell burst over his head and caused concussion of the brain there is, I believe, no question. Then, I understand that for three days after that he knew nothing at all, and that from that time up to the time of his death he was very often confused, sometimes out of his mind, and gave his family a great deal of trouble in searching for him when he wandered away. I understand, too, that he had a sore in his head which discharged frequently, and which some of the physicians testify (I believe that is in the report) was such a sore as would very likely be caused by a concussion of the brain.

Mr. HEWITT, of Alabama. Mr. Chairman, that is all I desire to know. If this pension is based upon that idea, then I have no objection to the bill.

Mr. RAY, of New Hampshire. If the gentleman from Alabama [Mr. HEWITT] will give way for a moment, I will state that it is the opinion of the committee that the evidence in this case is such, that if this man had made application himself for a pension he would undoubtedly have obtained it, but he died before any application was made, and when it was made it was rejected upon the ground that the immediate cause of his death was this disease. But the committee think that if the man had made application in his lifetime he would have obtained a pension beyond any doubt, because the evidence is quite clear from his captain and from one or two comrades that he was injured in the way stated by the gentleman from Maine [Mr. MILLIKEN]. Therefore, the Government having paid no pension at all in this case up to the present time, and the widow being poor and needy and an old lady, we are inclined to think that the pension ought to be granted.

Mr. MILLIKEN. Mr. Chairman, allow me to say one thing further. I understand that this man in one of his insane attacks wandered off into the woods; that while he was there one of those fits came upon him, and that being thus away, with no one to attend to him, he caught a severe cold, from which this trouble in the tonsils resulted and from which he died immediately after; so that in fact his death was directly traceable to his wound.

Mr. WARNER, of Ohio. And that is the theory upon which this pension is proposed to be granted?

Mr. MILLIKEN. Yes.

Mr. HEWITT, of Alabama. If that is the theory, I have no objection to the bill.

Mr. MILLIKEN. That is the theory.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LAVISA HETH.

Mr. STOCKSLAGER. I call up the bill (H. R. 7524) granting a pension to Lavisa Heth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Lavisa Heth, widow of Wilford S. Heth, late a private in Company F, Forty-ninth Regiment Indiana Volunteers, on the pension-roll, subject to the limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The husband of this claimant was a good soldier, with a record extending through the whole war, having served in the Forty-ninth Indiana Volunteers and in the One hundred and Forty-fourth Indiana Volunteers. He incurred rheumatism in the military service and suffered therefrom up to the time of his death. The immediate cause of his death was a heart-clot, which occurred while he was suffering from a severe attack of pneumonia. The Pension Office could not, upon the certificate of the physician attending him in his last illness, grant the widow a pension, as rheumatism was not the immediate cause of his death. He states in his affidavit, however, that rheumatism rendered him more liable to heart-clot.

It appears to your committee, therefore, that there was a sufficient connection between the cause of death and the disease which originated in the service to enable us to justify a favorable report in this case, particularly in view of the faithful services of the soldier, and the needy and helpless condition of his widow, which is clearly established by abundant testimony.

Mr. HEWITT, of Alabama. Mr. Chairman, I understand that this bill is based upon the same idea as the last one, namely, that the disease, rheumatism, contributed to the death. That being so, I have no objection to the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

PRISCILLA J. SMALL.

Mr. MURRAY. I call up the bill (H. R. 2540) granting a pension to Priscilla J. Small.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Priscilla J. Small, widow of Andrew J. Small, late a lieutenant of company H, First Regiment Ohio Volunteer Cavalry.

The report (by Mr. LE FEVRE) is as follows:

Andrew L. Small was commissioned first lieutenant of the First Regiment Ohio Volunteer Cavalry March 16, 1865, but first enlisted on the 27th day of August, 1861, in Company I, First Regiment Ohio Volunteer Cavalry. He was finally mustered out of the service September 13, 1865. His record as a soldier is excellent. He died at Piqua, Ohio, November 4, 1874, and the claimant was granted a pension at the rate of $17 per month from November 4, 1874, the date of her late husband's death, and increased $2 per month from the same date on account of one child under 16 years of age at the date of the soldier's death.

The pension was originally granted upon the following evidence:

John B. Small, on November 25, 1878, in an affidavit, made oath as follows:

"I was duty sergeant in Company I, First Ohio Volunteer Cavalry, in the war of the rebellion. My brother, Andrew L. Small, was acting first lieutenant of same company. We served together over four years. I was with him before and at the time of the departure of said company from Hilton Head, S. C. My brother was afflicted with a dry, hacking cough during the most of our stay at Hilton Head, and had occasional fever, but did not call on or was not attended by the surgeon of the regiment or any other physician. I went with him from Hilton Head to New York by ship, and from thence to Columbus, Ohio, where we were discharged from the service at Camp Chase. All through the journey he was afflicted with a dry, hacking cough and occasional fever, and his expressed determination to bring the company home deterred him from employing a physician. The cause of the disease was exposure in the service, which increased gradually until we left Hilton Head, and was further aggravated by the crowded condition of the ship to New York and traveling in crowded box-cars from New York to Columbus, Ohio. Upon our arrival at home, in Piqua, he employed his old family physician, Dr. H. H. Smiley, who treated him before we separated. My brother never recovered from the disease above mentioned."

In a subsequent affidavit the same witness testified as follows:

"I was associated with Andrew L. Small almost continually after our return home, seeing him every week and sometimes oftener, until his death, and the disease which he had on returning home gradually increased until the time of his death."

Dr. H. H. Smiley, under date of November 30, 1878, testified as follows:

"I was called to prescribe for Andrew L. Small September 14, 1865, and found him suffering from attack of lung fever: found inflammation greater in the left lobe of lung. The case became chronic, and the patient was unable to take any exercise requiring effort for five or six weeks. Bronchial respiration became apparent, with dullness and more or less hectic fever. About the end of three months hepatization of left lobe of lung and adhesion followed. At the end of the first year the patient became able to attend to light duties, but continually suffered more or less pain; he was obliged to quit his occupation as a carpenter and tried to work upon a farm, but was never able to perform hard labor without bringing on palpitation of the heart. He suffered from night-sweats, and there was never a lapse of six months but I was called to treat him. He continued in this condition until the last year of his life when he became feeble and short of breath, could not breathe easily during the night, and was often obliged to sit up in bed. In the fall of 1874 he became confined to his bed and died on the 4th day of November, 1874. The immediate cause of his death was diffused suppuration of the lungs, diarrhea, and prostration consequent upon previous diseased condition."

G. W. Embody and William F. Blood, comrades of Andrew L. Small's company, testify that—

"He had sickness and fever on his way from Hilton Head to New York, and from New York to Columbus, Ohio. The steamer was greatly crowded, and from New York to Columbus they rode in crowded box-cars."

J. M. Sellenberger, another comrade, under date of November 30, 1878, testifies:

"On what was known as Wilson's raid, in March, 1865, from the Mississippi to the Atlantic, Andrew L. Small was attacked with disease of the lungs, which manifested itself by almost constant coughing and some fever, and this condition seemed to increase until we were discharged from the service. He was a sound man previous to enlistment."

W. F. Blood, another comrade, testifies:

"I was with Andrew L. Small on the Wilson raid, and heard him complain of trouble with his lungs, and he had a hacking cough and fever. Was with him on the journey home, and he was sick all the way home, and from that time to the date of his death never recovered his health."

Charles Wolfram, another comrade, testifies in substance the same as affidavits already quoted of other comrades.

Casper Miller and Charles W. Alexander, both neighbors, testify that—

"We were intimate with Andrew L. Small while in the Army, and lived near him from the time of his return from the Army until the date of his death. When he returned from the Army he was afflicted with a lung disease, manifested by a severe cough, from which he never recovered, but grew gradually worse until the date of his death. There were times when he would be relieved temporarily, but not long at a time, and he always complained of disease of the lungs."

Dr. Kitzmiller, of Piqua, Ohio, May 21, 1878, testified:

"I knew Andrew L. Small to be a sound and healthy man previous to enlistment. I saw him after his return from the Army, and he had the appearance of one suffering from some organic disease, and he grew worse until his death in December, 1874. Dr. H. H. Smiley was his physician."

Against this great array of testimony, given by so many comrades and neighbors, a special examiner was sent in the summer of 1883, and upon his report Mrs. Priscilla J. Small was dropped from the pension-rolls. Some testimony was obtained tending to show that the immediate cause of Andrew L. Small's death was not what has been stated by his family physician and friends. In commenting upon this examination Stephen Johnston, an attorney of Piqua, Ohio, who stands above reproach both for integrity and ability, wrote to the Pension Department, August 20, 1883:

"I demand an investigation of Special Examiner Edmunds, and charge that in the pension case of Priscilla J. Small—

"(1.) That before he took any evidence in the case he declared in the presence of reputable witnesses that he would set aside this pension, no matter how much evidence she was able to produce.

"(2.) Because in taking the evidence he attempted to suppress evidence material in the case.

"(3.) Because he disregarded the usages of courts in taking evidence.

"(4.) Because he acted as a detective instead of a judge.

"(5.) Because he sought to obtain the testimony of witnesses that he knew to be swift and unfair in their evidence."

Your committee has examined this case with great care, and the conclusion is that Special Examiner Edmunds, in preparing his report, seemed to ignore the rights of the pensioner in order to gratify his desire to make a personal attack upon worthy and reputable persons toward whom he had obtained a personal dislike, and who, since his report, have been vindicated from all the charges he saw fit to make.

The charges made your committee have not deemed it necessary to repeat, because they have been triumphantly disproved in a court of justice.

The passage of the bill is recommended.

Mr. WARNER, of Ohio. I would like to ask the gentleman whether that special examiner is still in the service?

Mr. MURRAY. I understand that he is, but I think he ought not to be.

Mr. WARNER, of Ohio. And, if so, where he was during the last election? [Laughter.]

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

HARRIET M. BAILY.

Mr. HANBACK. I call up the bill (H. R. 7602) granting a pension to Harriet M. Baily.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Baily, widow of William P. Baily, late a colonel in the service of the United States of the Second Regiment of Delaware Volunteers.

The report (by Mr. MORRILL) was read, as follows:

We find that Harriet M. Baily is the widow of Col. William P. Baily, of the Second Regiment of Delaware Volunteers. Colonel Baily enlisted July 16, 1861, and was discharged May 16, 1864. January 12, 1877, he applied for and received a pension for paralysis. He died February 1, 1877, being at the time utterly helpless, requiring the constant aid and attention of another person, and receiving the highest pension allowed under the law. The immediate cause of his death was acute pneumonia, and the Pension Office was compelled to reject the application of claimant on the technical ground that the disease from which he died was not the result of his military service.

The attending physician, Dr. Monroe B. Long, of Plainfield, N. J., testifies that he was for five years the medical attendant of Col. W. P. Baily.

"He has been greatly affected with paralysis agitans and its nervous complications, such as paralysis of the eyelids, of the laryngeal muscles, of loss of control of the muscles of the limbs and body generally, requiring constant care and attention in dressing, eating, walking, &c. * * * Thus for years he passed a miserable existence, until the last illness terminated in death."

The doctor then describes the last illness as acute pneumonia, and adds:

"I have known Mrs. Harriet M. Baily for years, and consider her a lady to be admired for her long, patient, and faithful care of her afflicted husband, for honesty of purpose in the pension matters connected with herself, and as a lady of good standing in society."

Colonel Baily's terrible condition was caused by a wound received at Fredericksburg, Va., December 13, 1862. A few weeks would have probably ended his miserable existence had not the attack of pneumonia terminated fatally, and it is highly probable that had it not been for his enfeebled condition his system might have resisted the fatal disease.

Your committee recognize the fact that the Pension Office could not, under existing laws, grant the pension, but they believe that claimant is in equity entitled to it, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARK SPENCER VAN LOAN.

Mr. BAGLEY. Mr. Chairman, I call up the bill (H. R. 7822) granting a pension to Mark Spencer Van Loan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mark Spencer Van Loan, of Catskill, N. Y., late a private in Company K, Eightieth New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

The claimant enlisted in Company K, Eightieth New York Volunteers, as a private, February 26, 1862, and was discharged November 28, 1862. He filed a declaration for pension May 25, 1880, and it was rejected on the ground that the records of the War Department show that the alleged disability (left inguinal hernia) existed prior to enlistment.

The claimant, in his affidavit, alleges that the rupture was caused while on the retreat from Cedar Mountain the day after the battle; that his company, among others, was sent to Cedar Mountain to re-enforce some other troops, and upon arriving there ascertained that the confederates had gone, and that his company was then turned back to go to Rappahannock Station. He was detailed to guard some baggage-wagons, and while on a run he stumbled over a stone or rock in the road which was concealed from view by the wagon just ahead, and he fell to the ground. Upon arising he experienced a severe pain in the side, which proved to be a rupture.

Upon arriving at Frederick, Md., he told an officer he could go no farther; went to the hospital at that place, and was afterwards sent to Capitol Hospital at Washington, and afterwards transferred to Fort Schuyler, N. Y., where he performed some guard duty. Applied to Robert Barthalo, United States Army surgeon, who examined him, and gave a certificate stating that he found him incapable of performing duty because of a left oblique inguinal hernia. It is on this certificate that the entry appears, "Existed prior to enlistment," which fixes the record in the War Department.

Claimant states emphatically, under oath, that he "never made such a statement, and that it is positively untrue, but that the injury was received at Cedar Mountain. Never saw any of the company officers after that. The only one of my comrades who knew how I was injured was John Young, my tent-mate, who died many years ago." Captain of the company was killed at Gettysburg, and the first lieutenant was afterwards killed. Hence he can get no testimony of officers. Hernia kept growing worse until he got home and used a truss. Is now incapacitated for heavy labor.

Adjutant-General's report states: "January and February, 1862, present." Same report to June 30, 1862. July, August, September, and October, 1862, was absent sick in general hospital. Discharged on surgeon's certificate of disability November 28, 1862.

Surgeon-General's certificate states: "Entered general hospital, Frederick, Md., September 14, 1862, and was transferred September 24, 1862. Entered Capitol general hospital, Washington, D. C., September 25, 1862 (diagnosis not given), and was transferred October 7, 1862, to general hospital, Fort Schuyler, N. Y., October 10, 1862, with hernia, and discharged from service November 28, 1862."

Examining Surgeon J. Jewell says that from the evidence before him it is his opinion that the said disability did originate in the service in the line of duty, and that the disability is permanent. Claimant has a left inguinal hernia, and it descends into the scrotum.

Upon the question of prior soundness the testimony of Horace Barker, captain of a barge on which Van Loan worked during the year 1860, is presented. He says claimant's work was to assist in loading and unloading freight, which consisted of hay, butter, pork, leather, and other produce; that the work was such as to require heavy lifting and hard work, and that claimant was able to and did perform such labor, and that no man with a rupture could have performed such work. There were but three deck-hands on the barge, including Van Loan, who did the heavy work.

Samuel L. Penfield, owner of the barge on which Barker was captain, says, substantially, that claimant was employed by him, and corroborates the evidence of the captain, and that claimant did the work of a sound, able-bodied man; that after his return from the Army he was unable to perform hard work, and has been employed as a flagman at a railroad crossing part of the time during the summer and autumn, and that he has received small pay because of his inability to do hard labor.

Walton Van Loan, brother of claimant, says that nothing was known of the soldier having hernia until his return from the Army.

William L. Du Bois, druggist, testifies to having furnished claimant with a truss several times.

William P. McLawry, M. D., at an examination made January 3, 1885, says that Van Loan has a large inguinal, indirect hernia of one side, easily reducible, but very difficult to retain even with a strong truss. It incapacitates him from all heavy work, and even a slight cough brought it down in spite of well-directed and pretty firm pressure.

The claimant is very poor; has a family, consisting of wife and three children, and oftentimes is obliged to ask aid of the charitable. He is an honest, sober, moral man, willing to work, if able. He withheld his application for a pension to a late day for the reason that he had an aversion to appealing for such relief, but his necessities finally compelled him.

The committee think it a deserving case, and believe his disability was incurred in the service, and recommend the passage of the bill.

Mr. BAGLEY. Mr. Chairman, I will state the facts of the case. This man entered the service in 1861, and was a good and faithful soldier. On the retreat from Cedar Mountain, while guarding a cattle-train and on the double-quick, he stumbled and fell over a stone, which caused hernia. The Pension Office rejected his application on the ground that the disability was incurred prior to enlistment. The only evidence in the War Department that goes to establish such a state of facts is the statement in his certificate of discharge that the disability was incurred prior to enlistment. The man himself swears positively that he never made any such statement; that the officer who wrote the certificate had no means of knowing the facts, and that the statement is entirely untrue. The evidence to show his prior soundness is full and complete. I am personally acquainted with this applicant, this being one of the very few pension bills that I have introduced. I know this to be a meritorious case. The man is poor, has a large family, and is in need of a pension.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

L. W. PITTS.

Mr. HOLMES. I desire to call up the bill (H. R. 7803) granting a pension to L. W. Pitts. It is on page 52 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of L. W. Pitts, late of Company B, Third Regiment Kentucky Cavalry Volunteers.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7803) granting a pension to L. W. Pitts, having considered the same, report as follows:

The claimant, L. W. Pitts, late a private in Company B, Third Kentucky Cavalry Volunteers, enlisted in October, 1861, and was finally discharged July 15, 1865. His declaration for pension was filed March 20, 1883. He alleges disability from injury received at Owensborough, Ky., in November, 1862, while on detached duty enlisting men, his horse falling and dislocating his left shoulder and finger. Claimant's application was rejected by the Pension Office on the ground of no record; meaning, we suppose, no record of injury, and that claimant has declared his inability to furnish satisfactory testimony to show that his alleged injuries were received in direct line of duty. The fact that claimant was a sound, healthy, able-bodied man when he entered the service admits of no question. There are no regimental hospital records on file, as shown by the report of the assistant adjutant-general. The report of the assistant surgeon-general in this case shows that there are no records of the Third Kentucky Cavalry, nor of the Twelfth Kentucky Cavalry, on file prior to March, 1864; hence the deduction of the Department that there is no record of the injury in the hospital records is evidently not the fault of the soldier but of the regimental surgeon in not keeping them at all.

The evidence in this case shows conclusively that the claimant was injured, that his horse fell on him, that he was absent on recruiting service, and also had an order to arrest a deserter, and that he was in the line of duty at the time. There seems to be very little point in the case to be put in issue, except it be the question of whether he was intoxicated or not; and this is only stated by one witness as a rumor, which, as the evidence shows pretty conclusively, was instigated by malice.

Dr. Littlepage, of the Twelfth Kentucky Cavalry (not claimant's regiment), was called to attend him immediately after the injury at the house of one Boyd, where he was taken, and gives an unqualified statement of the injury to claimant as alleged by him, and also of the serious character of the dislocation of the shoulder. The evidence of the examining surgeons and of all the witnesses is to the effect that claimant is from one-half to totally disabled.

Dr. Dowell, an eminent physician and surgeon, who examined him, says:

"The applicant for pension has the following symptoms: The head of the humerus is partly thrown off the glenoid cavity against the coracoid process. There is projection of the acromion and a hollow under it at the back joint. The head of the bone is prominent in front and may be felt to move in rotating the elbow. He has cramps of the hand, difficulty in raising the elbow, because the head of the bone strikes the coracoid process. Partial dislocation forward is what I diagnosed the trouble, and it is of long standing. I think he is disabled for the performance of manual labor; total, or $6 per month."

Dr. King, another examining surgeon, referring to the nature of the disability, says:

"That the head of the humerus does not enter fully into the glenoid cavity. I believe said cavity to contain an ossific or calcareous deposit. The applicant also has received an injury to distal articulation of left hand (third finger)."

Both doctors give it as their opinion that the disability originated in the service, and that it is not aggravated or protracted by any vicious habits.

Claimant states that he had fulfilled the order of arrest which he carried by taking into custody one Galloway, and were both riding one horse when the horse became frightened, or, as claimant believes, one Adcock struck the horse. Whether the horse was struck or became frightened otherwise is not material. Claimant was unable to control him, and as a result the horse fell upon claimant, dislocating his shoulder and finger. This is testified to by Galloway.

Claimant mentions in a late affidavit the receipt of an improvement letter, in which the statement is made, "We have owed you a grudge for twenty years, and after waiting impatiently we have met with an opportunity, and cancelled it."

Your committee find that the claimant is a man of most excellent character, and the evidence of himself, the witness Galloway, Dr. S. B. Littlepage, assistant surgeon of Twelfth Kentucky Cavalry, that he was called to treat claimant at Boyd's farm about October, 1862, found his left shoulder dislocated, that he reduced it, administered to his wants, and returned to Owensborough, and did not treat him any more, we think proves this case. The doctor further says:

"I remember distinctly of treating L. W. Pitts at the Boyd farm, near Owensborough, Ky. My affidavit was made from memory, but is correct. Marching ride through a country infested with guerrillas to bound the mild Pitts perhaps makes the matter more vivid to my memory than otherwise it might be. Pitts, in my opinion, deserves a pension."

It will be remembered that Littlepage was called in from another regiment, and resides now at Rockfort, Ind., and makes his statement without any prejudice against claimant or partiality for him. In view of the fact that claimant appears to be a man of upright character as a citizen, that he served twenty-three years as a soldier, and is now in a very helpless condition, all of which is plainly traceable to the injury received while in the line of duty, your committee cheerfully recommend him as a proper subject for a pension, and return the bill with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. HEWITT, of Alabama. I think we had better have some explanation of the case.

Mr. HOLMES. As the report is somewhat long, I will state briefly the circumstances. This man, L. W. Pitts, was a soldier in the Twelfth Kentucky Cavalry, and was detached for the purpose of arresting a deserter named Galloway. Pitts had arrested Galloway and was returning with him, both being on the same horse. They were accompanied by another cavalryman on another horse, when the horse on which Pitts and Galloway were riding became frightened. It is alleged in the evidence that the other cavalryman, Adcock, struck the horse of Pitts. But there is some dispute about that, and the fact is immaterial. At any rate the horse became frightened, threw the two men and fell upon Pitts, dislocating his shoulder and breaking one of his fingers. He was quite severely injured, and was taken to the house of a Mr. Boyd, where he was attended by Dr. Littlepage, surgeon of the Twelfth Kentucky Cavalry. It is testified by Dr. Littlepage, as well as other surgeons, that the shoulder of Pitts was very seriously dislocated, and that there is an ossific deposit.

There seems to be no question about the extent of the injury and the justice of the claim. It was rejected at the Pension Office because there was no hospital record; but it appears at the Adjutant-General's Office and the Surgeon-General's Office that no records of the Third Kentucky Cavalry or the Twelfth Kentucky Cavalry were kept; so

that there was probably good reason for the failure to find any hospital record in reference to the injury of this soldier.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

There was no objection, and it was ordered accordingly.

RACHAEL A. QUEEN.

Mr. MATSON. I desire to call up the bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen. Before the bill or report is read I wish to state that the report, which was sent to the Printing Office to-day, has been returned for correction. It embodies the original letter of the Commissioner of Pensions recommending the passage of this bill. This case comes from the State of California, and I know nothing about any of the parties. The bill and report are based on the letter of the Commissioner of Pensions, under the resolution of May, 1880, recommending this as a meritorious case.

This claimant is the sister of a soldier who was killed in battle. The Commissioner of Pensions represents to the committee that she is, and has been all her life, terribly deformed; that she was wholly dependent upon her brother; that she has no other relative, is now in a helpless condition, and is an object of public charity. This is the substance of the report. I call up the case because I regard it as one of extraordinary merit.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to restore to the pension-roll the name of Rachael A. Queen, dependent sister of Jonathan Queen, late of Company F, Fifth California Volunteers.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

GEORGE S. HAWLEY.

Mr. STEWART, of Vermont. I desire to call up the bill (H. R. 8104) granting an increase of pension to George S. Hawley. This case has not yet been placed on the Calendar because it has been so recently reported.

The bill was read, as follows:

Be it enacted, &c., That George S. Hawley, late a first lieutenant in the Twenty-third Regiment United States Colored Troops, now on the pension-roll at the rate of $24 per month, from and after the passage of this act shall be entitled to receive a pension at the rate of $50 per month.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

George S. Hawley served as a private Company F, Fifth Regiment Vermont Volunteers, from August 27, 1861, to December 15, 1863, when he re-enlisted in the same regiment and served until March 11, 1864, and on the next day (March 12, 1864) was mustered into service as first lieutenant Company E, Twenty-third United States Colored Troops, to serve three years or during the war. He was honorably discharged September 20, 1864, on account of wounds received in action before Petersburg, Va., July 30, 1864. The proceedings of a board of officers convened at Annapolis, Md., September 27, 1864, contain the following:

Case No. 813.

First Lieut. George S. Hawley, Company E, Twenty-third United States Colored Troops.

* * * The board find this officer now suffering from the effects of a gunshot wound in the face; the ball entered on the left side below the malar bone, passing through the hard palate and posterior nares, and emerged through the malar bone of the right side, carrying away the teeth of both sides of the upper jaw, interfering with the function of mastication. The board is of the opinion that this officer will not be fit for duty in the field again, and they recommend he be discharged from the service.

L. P. GRAHAM,
Brigadier-General Volunteers.
G. S. PALMER,
Surgeon, United States Volunteers.
T. HENDRICKSON,
Major, United States Army.

The claimant was pensioned at $17 per month from September 20, 1864, to May 8, 1880, and at $18 per month from that date to — 1883, since which time he has received $24 per month.

Examining Surgeon E. D. Warner, September 6, 1873, thus reports his condition:

"He was wounded by a musket-ball, which entered the left side of the face at the lower part of the antrum, passing directly through and emerging directly opposite. The teeth in the upper jaw were all removed except one back molar. The entire roof of the mouth was all carried away, leaving nasal passages entirely open. The result was a flattening of the antrum on both sides of the face, a long-continued discharge from the face, speech was almost destroyed, deglutition seriously affected in consequence of food passing directly into the nostrils. He can only masticate by artificial teeth and a large plate which covers the entire roof of the mouth. The face is greatly disfigured."

Dr. F. F. Wheeler, examining surgeon, May 3, 1883, reports his condition substantially the same, and adds that without an artificial upper jaw and roof of the mouth Lieutenant Hawley can neither articulate a word nor masticate and swallow food nor drink. Surgeon Wheeler further certifies that the pensioner is suffering with arthritic rheumatism, affecting all the joints and the extremities, and that the pensioner, on account of said rheumatic disease, has not been able for the last year to perform any manual labor, and but very little for the last five years.

Again Dr. Wheeler says:

"I can not resist the conclusion that the disease with which this pensioner is afflicted has been gradually induced by impaired digestion, imperfect assimilation of food, and blood-poison, caused by a lack of those secretions so essential in the preparation of food for the stomach in the first process of digestion, occasioned by the gunshot wound through the mouth."

The same surgeon, November 14, 1883, reports Hawley—

"In nearly a helpless condition; can not walk nor bear his weight upon his feet; has but little use of his hands and arm; can not sustain himself upon crutches; his joints enlarged and stiff from chronic arthritic rheumatism. Pensioner is rendered completely helpless by this rheumatism and can not make a move of any kind without assistance. I find his disability equal to and entitling him to $30 per month."

The pensioner is now in the Soldiers' Home in Montgomery County, Ohio, totally disabled and without property, except his pension. He has a wife and family of young children; has gone to the Soldiers' Home, in order that his dependent family may have the entire benefit of his pension. We call attention to the following statement of Hon. JOHN W. STEWART, member of Congress from Vermont, who has personal knowledge of the facts touching Lieutenant Hawley's unfortunate condition.

To the Committee on Invalid Pensions:

GENTLEMEN: House bill 8104, introduced by me and referred to your committee, granting increase of pension to George S. Hawley, is, in my judgment, meritorious, and I beg leave to submit a brief statement of facts within my personal knowledge.

The nature and extent of the wound and its immediate evil results to the pensioner are sufficiently shown by the records of the case from the Pension Office now before you.

Mr. Hawley is a resident of the town in which I live. He has a wife and a family of young children. He has left them and gone to the Soldiers' Home in Montgomery County, Ohio, in order that his dependent family may receive the entire benefit of his pension, $24 per month. He is totally disabled, and is only able to move about slowly and with great difficulty upon crutches. He can do nothing by way of support, and needs help and care from others. His rheumatic difficulties began when in the service, but his terrible wound so overshadowed lesser complaints that the surgeon was not called upon to notice or treat him for rheumatism, so that the record evidence required by the Pension Office when he made application there for increase of pension could not be produced. Yet from the date of his discharge to the present time this disease has made steady progress, until it has reduced him to helplessness, and he lives a life of daily suffering, from which there will be no release but death. His imperfect mastication, resulting from his wound and the consequent incomplete digestion, have no doubt eminently contributed to aggravate the disease he contracted in the Army. He has no property. I personally know him to be an intelligent, honest, and upright citizen, whose habits are and always have been exemplary.

I do not hesitate to commend his case to your favorable consideration.

I am, very respectfully,

J. W. STEWART, M. C.

JANUARY 27, 1885.

We also append Dr. Hall's affidavit and the affidavit of other citizens of New Haven, Vt., having knowledge of the facts, showing Lieutenant Hawley's soundness before going into the Army and present helpless condition.

Your committee recommend the passage of the bill granting him an increase of pension to $50 per month from and after the passage of the act.

Strike out, in line 5, the word "twenty-four" and insert the word "fifty."

The undersigned, a physician of New Haven, Vt., being duly sworn, hereby deposes and states that he knew George S. Hawley, a former resident of this town, before he entered the military service of the United States; he was then a strong, sound, healthy man; that after his discharge he suffered from rheumatism; that he was for years unable to perform manual labor; that he stated repeatedly to affiant that he suffered pain when he made any movement; that affiant believes that his disability is the result of exposure while in the military service.

E. D. HALL, M. D.

Subscribed and sworn before me this 26th day of December, 1884, at New Haven, Vt.

ALFRED M. ROSCOE, *Notary Public.*

I personally know Dr. Hall, above named, to be a reputable practicing physician of my county.

J. W. STEWART, M. C.

The undersigned residents of New Haven, Vt., being duly sworn, hereby depose and state, that they knew George S. Hawley, a former resident of this town, before he entered the military service of the United States, war of the rebellion, and knew that he was a sound, healthy man; that after his discharge he suffered from rheumatism, and for years was only barely able to walk; he grew more and more lame; he was finally obliged to use crutches; he appeared to suffer pain when making any movement; that it is believed that his disability was caused by exposure during his military service.

J. W. Hinman, S. D. Doud, A. J. Mason, A. S. Squier, S. J. Wright, M. J. Landon, A. Mansfield, E. H. Landon, Sylvester Doud, Oliver Smith, E. A. Langdon, C. L. Nutting, H. C. Palmer, H. C. Reason, S. Nutting, H. E. Washburn, J. E. Cowles, O. S. Dickinson, Josiah Cowles, D. H. Squier.

Subscribed and sworn to before me at New Haven, Vt., this 27th day of December, 1884.

ALFRED M. ROSCOE,
Notary Public.

I have examined the list of names appended to the within affidavit and personally know every one of the persons named. They are all, without exception, reputable men, residents of the town adjoining my own on the north, whose statement of any fact within their knowledge is entitled to full credit.

J. W. STEWART,
Member of Congress.

JANUARY 27, 1885.

Mr. RAY, of New Hampshire. This man is now perfectly helpless; his joints are all stiff. He is an inmate of a soldiers' home, and requires the services of an attendant.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID BRYAN.

Mr. HILL. I call up for consideration the bill (H. R. 4216) granting a pension to David Bryan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Bryan, late a private in Company B, Seventy-eighth Regiment Ohio Volunteers.

The amendments to the bill were read, as follows:

Insert "N" after "David," and strike out "B" and insert "D."

Amend the title so as to read:

"A bill granting a pension to David N. Bryan."

The amendments were severally agreed to.

Mr. HEWITT, of Alabama. There ought to be some report or statement about this bill.

The CHAIRMAN. The report covers three or four pages.

Mr. HILL. The bill, which I call up by request of my colleague

[Mr. LE FEVRE] who is absent, is based upon the following facts: The report goes on to show, Mr. Chairman, that this soldier was affected with paralysis and became totally paralyzed. He made application to the Pension Bureau for a pension on the ground that he had contracted chronic diarrhea and rheumatism in the service. The proof showed that he was not so afflicted but had paralysis, and that paralysis had not ensued necessarily from those diseases. The report recites that his family physician, a score of his neighbors, and a number of his comrades testified that when he entered the service he was a perfectly sound man, and that when he came home he was disabled from these causes and still remains so. The case has been rejected by the Pension Bureau on account of the technicality I have named. I had not given this case any attention at all until it was put into my hand by my colleague, when I read the report and have made this statement from what I read in that report.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALMIRA K. PARKER.

Mr. RAY, of New Hampshire. I call up the bill (H. R. 7722) granting a pension to Almira K. Parker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Almira K. Parker, dependent mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment of New Hampshire Volunteers, at the rate of —— dollars per month, from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 7722, having considered the same, make the following report:

The claimant is a widow and is the mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment New Hampshire Volunteers. He enlisted August 15, 1861, and served until his death, July 2, 1864, caused by a gunshot wound received in action at Drury's Bluff, May 12, 1864. He was her only son, and but 18 years old at the time he enlisted.

The claimant is utterly destitute of property, and is now old and in feeble health. She was allowed a pension as a dependent mother at the rate of $8 per month from July 3, 1864, to August 16, 1864, the date of her second marriage. Her second husband, one Douglass Parker, died November 21, 1879, leaving an estate worth only $21. Her first husband left her no property whatever.

By letters on file in the Pension Office from the soldier to his mother, during the war, it clearly appears that he contributed from his bounty and wages considerable sums toward her support. Her pension was stopped solely on account of her second marriage. Mrs. Parker has no relatives or friends who are able to provide for her and furnish her a home in her declining years.

Your committee think that she ought to be pensioned now, and report the bill (H. R. 7722) granting her a pension back to the House with an amendment, striking out all after the word "volunteers" in the seventh line, and inserting the words "subject to the provisions and limitations of the pension laws."

The amendments of the committee were read, as follows: Strike out "at the rate of —— dollars per month, from and after the passage of this act," and insert "subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

Mr. HEWITT, of Alabama. I should like to ask the gentleman from New Hampshire [Mr. RAY] why the Commissioner of Pensions dropped her from the roll?

Mr. RAY, of New Hampshire. Because she was married six weeks after the pension was allowed, in 1864. The law cut off her pension at that time.

Mr. HEWITT, of Alabama. A dependent mother?

Mr. RAY, of New Hampshire. Yes; that is so, as I understand it.

Mr. HEWITT, of Alabama. I think the gentleman is mistaken—the widow it cuts off, but not a dependent mother.

Mr. RAY, of New Hampshire. That was the reason given in the papers. I think she was a widow, or she could not have been married a second time without previously having been a widow.

Mr. HEWITT, of Alabama. Remarriage cuts off the pension of a widow, but not that of a dependent mother.

Mr. RAY, of New Hampshire. The marriage of a dependent mother cuts her off. She may be dependent on that son for support, and therefore is entitled to a pension.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID PETERSON.

Mr. VAN ALSTYNE. By request I call up the bill (H. R. 3185) granting a pension to David Peterson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David Peterson, of Keokuk, Iowa, on the pension-roll, on account of his services in Company G of the Ninth Iowa Regiment in the war of the rebellion.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 3185, have had the same under consideration, and beg leave to report:

David Peterson enlisted as a private in Company G, Ninth Iowa Volunteer Cavalry, on the 30th day of September, 1862, and was discharged May 10, 1865. In July, 1864, while stationed with his company at Keokuk, Iowa, and while on guard at night, he was overcome by sleep and was surprised in that condition, resulting in his court-martial and his sentence to confinement for six months at Fort Snelling, Minn. While in such confinement he contracted the disease for which he applies for a pension. There is no question as to the fact that the applicant is disabled, and from the evidence certainly to a three-fourths degree. The only question is whether he shall be given a pension under the circumstances named. He himself frankly testified that the disability was acquired while in confinement at Fort Snelling. His application was rejected by the Pension Office on the ground that his disability, originating while in confinement at Fort Snelling, was not acquired while in the line of duty, while in military service. This undoubtedly on the view that he is not entitled to any relief for disabilities arising while he was under sentence of court-martial.

Your committee, however, think that the sentence of court-martial was all the sentence that he received, and that the loss of his health was not included in such sentence, and, as will be noted, the soldier was not at the front, but doing guard duty at Keokuk, in the State of Iowa, at the time he was found asleep at his post. While an infraction of duty should be punished, and has been in this case, the claimant having served his full sentence, we do not think that the rigor of the Government should be exercised further, and that if the claimant, as seems clearly proved, became disabled while serving out such sentence, that he should receive a pension. Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA WETHERBEE.

Mr. HAYNES. I call up the bill (H. R. 7724) granting a pension to Lydia Wetherbee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Lydia Wetherbee, dependent mother of George L. Wetherbee, deceased, formerly a private in Company B, Fourteenth Regiment New Hampshire Volunteers, at the rate of $12 per month from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7724) granting a pension to Lydia Wetherbee, having duly considered the same, respectfully report:

Lydia Wetherbee, a widow 72 years of age and without means, is the daughter of a Revolutionary soldier. Her son, George L. Wetherbee, a private of Company B, Fourteenth New Hampshire Volunteers, was killed in battle near Winchester, Va., September 19, 1864. She was largely dependent on said son for support before and up to the time of his death. The deceased left a widow, but no children, who drew a pension until her second marriage, three or four years after her first husband was killed. Mrs. Wetherbee's claim was rejected at the Pension Office because the soldier left a widow. (R. S., section 4707.)

The Commissioner of Pensions, in a letter announcing the rejection of Mrs. Wetherbee's claim, September 28, 1884, says:

"The needy circumstances of the claimant and the sacrifices made by her during the late rebellion, in giving up her sons to the country's service, appeal strongly to the sympathy of every one, but the law governing her claim is imperative."

Your committee think that since the widow has remarried and her pension stopped on that account, it is equitable that the soldier's mother, whom he largely aided in his lifetime, now poor and old, should receive the same pension.

Your committee accordingly report favorably and recommend the passage of the bill with an amendment striking out all words after the word "volunteers," in line 7, and inserting the words "subject to the provisions and limitations of the pension laws."

The amendment of the committee was read, as follows:

Strike out "at the rate of $12 per month from and after the passage of this act" and insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. IDA P. BELCHER.

Mr. MATSON. I yield to the gentleman from South Carolina.

Mr. SMALLS. Mr. Chairman, I call up House bill 7386, for the relief of Mrs. Ida P. Belcher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ida P. Belcher, widow of the late Capt. Edwin Belcher, of Company E, Seventy-third Pennsylvania Volunteers, on the pension-roll, and that she be paid a pension at the rate of $25 per month from and after the passage of this act.

The committee recommend the adoption of the following amendment:

Strike out in line 7 and 8 the words "and that she be paid a pension at the rate of $25 per month from and after the passage of this act" and insert "subject to the provisions and limitations of the pension laws as applicable to widows of deceased officers and soldiers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABIGAIL HONEY.

Mr. SMITH, of Iowa. Mr. Chairman, I move that the committee proceed to the consideration of the bill (H. R. 5629) for the relief of Abigail Honey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abigail Honey, widow of Joseph W. Honey, late a private in Company H, Twenty-ninth Regiment Iowa Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SOPHIA A. MORGAN.

Mr. HEWITT, of Alabama. Mr. Chairman, I yield to the gentleman from New York.

Mr. HISCOCK. I call up the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sophia A. Morgan, widow of Bvt. Brig. Gen. Charles H. Morgan, at the rate of $50 per month.

The committee recommend the adoption of the following amendments:

In lines 6 and 7, after the words "brigadier-general," insert the words "and brigadier-general of volunteers."

Amend the title so as to read: "A bill granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brigadier-general of volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PETER M. HAGLER.

Mr. CULLEN. I desire to call up the bill (H. R. 252) granting a pension to Peter M. Hagler.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter M. Hagler, late a corporal of Companies B and G of the One hundred and ninth and One hundred and eleventh Regiments Illinois Volunteers, respectively.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY K. S. EATON.

Mr. BAGLEY. I call up Senate bill 468, granting an increase of pension to Mrs. Mary K. S. Eaton.

The bill was read, as follows:

Be it enacted, &c., That the pension of $30 per month heretofore granted and now allowed to Mrs. Mary K. S. Eaton, widow of General Amos B. Eaton, late Commissary-General of the Army of the United States, be, and the same hereby is, increased to the sum of $50 per month; and that the Secretary of the Interior be, and he hereby is, directed to pay to her the sum last mentioned per month from and after the passage of this act.

Mr. HEWITT, of Alabama. It seems to me that that bill had better be amended by inserting the words, after $50 per month, "in lieu of the pension now received by her."

Mr. CUTCHEON. I ask that the bill be again reported, to see if there is any necessity for returning it to the Senate with an amendment.

The bill was again read.

Mr. HEWITT, of Alabama. I see that it is not necessary to offer that amendment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAPT. VINCENT PHELPS.

Mr. PERKINS. Mr. Chairman, I call up the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Vincent Phelps, late a captain and assistant quartermaster in the United States Army, and to pay him a pension from his resignation from the service.

The committee recommend the following amendment:

Strike out, in lines 7 and 8, the words "and to pay him a pension from his resignation from the service."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. CLARK.

Mr. BROWN, of Pennsylvania. I call up the bill (H. R. 8033) granting an increase of pension to George W. Clark.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George W. Clark, late a private in Company E, Twelfth Regiment New Hampshire Volunteers, to $50 per month, from and after the passage of this act.

Mr. HEWITT, of Alabama. I think the report in that case had better be read.

The report (by Mr. RAY, of New Hampshire) is as follows:

George W. Clark, private Company E, Twelfth New Hampshire Volunteers, enlisted August 19, 1862; discharged June 2, 1865. He was wounded by the explosion of a shell while in the line of duty at the battle of Swift Creek, Virginia, at or near Bermuda Hundred, May 9, 1864, which resulted in the amputation of his right arm and right leg. The stump of his leg is some six or seven inches in length. The arm is amputated just below the elbow. He now draws a pension of $36 per month. He is compelled to have an attendant to assist him, more or less, every day, in dressing and undressing and otherwise. He is without any means except his pension.

Your committee make a favorable report, and recommend the passage of the accompanying bill granting him $50 per month hereafter.

Mr. HEWITT, of Alabama. I would like to ask the gentleman what is the pension of a soldier who has lost both arms or both legs?

Mr. RAY, of New Hampshire. That would depend upon the length of the stump left.

Mr. HEWITT, of Alabama. Where both arms were lost, or both legs?

Mr. RAY, of New Hampshire. No; not in that case.

Mr. MORRILL. Where both legs or both arms were lost the pension is $72 per month.

Mr. RAY, of New Hampshire. Yes; but this is a case where the soldier lost one arm and one leg.

Mr. HEWITT, of Alabama. I was going to say that this case is not equivalent to the loss of both legs or both arms.

Mr. RAY, of New Hampshire. Nor does the bill propose to give him such a pension as a person would be entitled to who had lost both arms.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE L. FITCH.

Mr. PRICE. Mr. Chairman, I desire unanimous consent to call up the bill (H. R. 7869) granting a pension to Emeline L. Fitch.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Emeline L. Fitch, widow of John T. Fitch, late of Company D, Seventh Indiana Volunteers, subject to the conditions and restrictions of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID COMPROPST.

Mr. FUNSTON. I ask unanimous consent to call up the bill (H. R. 4766) granting a pension to David Compropst.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Compropst, late a sergeant of Company E, One hundred and seventh Regiment Illinois Volunteer Infantry.

Mr. HEWITT, of Alabama. Mr. Chairman, the report in that case, if it is not read, should be printed in the RECORD.

The CHAIRMAN. Without objection, that will be done.

The report (by Mr. MORRILL) is as follows:

We find that claimant enlisted August 11, 1862, and was discharged June 21, 1865. He made application for pension March 31, 1871, which was rejected July 23, 1872, on the ground of "no record, and inability to furnish evidence showing treatment in service," &c. Claimant alleges inflammatory rheumatism contracted at Glasgow, Ky., May, 1863; says he was treated in hospital at same place in May and June, 1863, and in hospital at Wilmington, N. C., in April and May, 1865. Adjutant-General's report shows sick at Glasgow, Ky., June 23, 1863. John Carrell, John A. Lefever, and Thomas Albert testify that claimant was a sound, healthy man at enlistment, that he became disabled with inflammatory rheumatism at Glasgow, Ky., in May, 1863, from exposure while on picket duty.

Lieut. Griffin N. Bruffet, of the same company, testifies fully and explicitly as to the incurrence of the disability in service, and that he was treated in two hospitals for the disease, and that he was often off duty during the rest of his service on account of said disability, and that claimant has never since discharge been able to do hard work. Surgeon Wright, of same regiment, says claimant was sound at enlistment; that he was sick and under his treatment in the service; but that he can not say when, where, or for what disease. R. H. Dillehart testifies that he knew claimant as a sound, healthy man at enlistment; saw him soon after discharge, and he was suffering from rheumatism. "I have lived near him ever since, and know that he has suffered from inflammatory rheumatism ever since."

Other witnesses testify to continuance to present time. The evidence on this point is very abundant and conclusive. Dr. James E. Roberts, whom claimant says treated him from time of discharge to 1870, is dead, having died about 1873 or 1874. Two witnesses testify that they know that Dr. Roberts treated him during the time claimed.

Your committee regard this case as an unusually strong one, and are unable to understand why it was not allowed in the Pension Office. They recommend the passage of the bill.

Mr. MORRILL. I want to say to the gentleman from Alabama that this is one of the strongest cases that I have ever seen, and it is a wonder that the Pension Office did not grant the pension.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. CLARK.

Mr. PETERS. I call up the bill (H. R. 3052) for the relief of John C. Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to pay to John C. Clark, as arrears of pension, a sum of money equal to $4 per month from January 1, 1863, to July 1, 1882.

The committee recommend the adoption of the following amendments:

Strike out in line 4 the word "as."

Strike out in lines 4 and 5 the words "a sum of money equal to $4 per month" and insert after the words "eighty-two," in line 7, the words "the rating to be determined by the Pension Department from the evidence of disability on file."

Mr. HEWITT, of Alabama. Let the bill be read as it will stand if amended.

The Clerk reported the bill as proposed to be amended.

Mr. HEWITT, of Alabama. I think my friend had better not press that bill to-night.

Mr. PETERS. I would like to make a brief statement in relation to it, which I think will be satisfactory.

Mr. HEWITT, of Alabama. I have no objection to that.

Mr. PETERS. This is a case, Mr. Chairman, in which the application was made prior to the taking effect of the law cutting off arrears. The evidence showing that the application was made and that a receipt for the application had been sent by the Department is, I think, overwhelming. A comrade who sent his application at the same time received his receipt at the same time and received his pension, which of

course gave him arrears. The application in this case was sent to the Pension Department, and there, by reason of some delay in consequence apparently of the loss on the part of the Pension Department of the papers for the application, which could not be found when the evidence was sent in, this man was deprived of his pension until too late to entitle him to arrears. And after the man had prepared his testimony he was informed by the Pension Department his application was not on file; and that of course cut him out of arrears.

Now there were the two cases exactly in point; the applications both filed at the same time. In one of them the papers were lost by the Pension Department; in the other the papers were retained and the man obtained the arrears of pension.

Mr. HEWITT, of Alabama. I wish to ask the gentleman why were not the lost papers substituted?

Mr. PETERS. Because the Pension Department under its rules would not do that.

Mr. HEWITT, of Alabama. Does the Pension Bureau hold that a lost paper can not be substituted?

Mr. PETERS. That is what they hold; that a lost paper can not be substituted.

A new application was made. The party did not find out his papers were lost till nearly a year afterward, and he had to make a new application. His pension was obtained, but he could only draw from the date of the new application.

Mr. HEWITT, of Alabama. It is a right hard matter when a man files his application just a day or an hour after the statute runs. Men of that kind think it is very hard for them to be cut out of their back pay.

Mr. McMILLIN. I will suggest to the gentleman from Alabama, as showing the reluctance with which this House has granted arrears under any circumstances, that this kind of a case was presented: The party lived in this city. The husband, disabled in the line of duty, died from the effects of wounds received in the service. Before his death he sent for an officer employed in the Government service to come and take his affidavit to his application. He died supposing his application was on file, but the attorney had failed to file it till a few days after his death. And in that case no arrears were allowed by the Pension Office, and the arrears were refused.

This was as strong a case as can be put. The rule adopted by this House has been that where it grants help to an individual in a special case it will not grant arrears; and to grant the application made here by the gentleman from Kansas [Mr. PETERS] is to override what has been the uniform practice of the House.

Mr. PETERS. Let me call the attention of the gentleman from Tennessee to the distinction between his case and mine. In his case the fault was that of the attorney, and that in law would be the fault of the principal. But in this case it was not the fault of the attorney.

Mr. McMILLIN. I will present another case where it was not the fault of the attorney. Another application was made to this House where the papers forwarded in time did not, through some defect in the mails, arrive before the expiration of the arrears act; and this House refused to grant the arrears in that case, although it was shown there was no fault on the part of the applicant.

Mr. PETERS. Let me suggest to the gentleman from Tennessee that these papers were received by the Pension Department before the limitations of the law took effect; but they were lost by the Pension Department. In the case the gentleman speaks of, through some defect in the mail, the papers did not arrive in time; but here they did arrive in time and were lost by the Department through the negligence of its officers.

Mr. HEWITT, of Alabama. Was any application made to substitute the lost papers?

Mr. PETERS. I think not; because the rule of the Department was that they would not consider any such application.

Mr. HEWITT, of Alabama. I do not see why a mandamus from the court would not lie to compel an executive officer to allow the substitution of papers in such a case.

Mr. PETERS. But a man making this application is not likely to have money enough to carry that out as against the Government.

Mr. MATSON. There are precedents for this case. The case referred to by the gentleman from Tennessee [Mr. McMILLIN], who served in the Committee on Invalid Pensions in the Forty-seventh Congress, is perhaps correctly stated. I remember very distinctly the case of Meredith, which I reported myself in the Forty-seventh Congress, where the report of the committee was precisely the other way; where it was shown clearly that the application was lost in passing through the mails, and arrears were granted. The form of the bill, however, was somewhat different from the form proposed here, but the effect was the same.

In the case of Dobson, another case reported in the Forty-seventh Congress, when the gentleman from Tennessee and I were both members of the Committee on Invalid Pensions, it was shown the original formal declaration was sent to Dobson's member of Congress, but instead of filing it with the Commissioner of Pensions, as he was directed by the letter to do, he filed it with the committee, and the formal declaration was found on the files of this House. There the Forty-seventh Congress directed the Commissioner of Pensions to readjudicate Dobson's claim as if he had filed it on the 1st day of July, 1880.

There was another case, the case of Cullen, reported in the same Congress, where it was shown very clearly and distinctly that the application had been lost in the mails. That in this case, as I remember it. In this case the proof shows that the application, after having been mailed by the claimant, was lost in the mails.

Mr. MORRILL. If the gentleman will allow me to correct him, I will remind him that the proof is that the case was actually received in the Department before the 1st of July, 1880. The Department acknowledged the receipt of it. Two men swear that they saw that acknowledgment and that it was dated in that way.

Mr. MATSON. The gentleman is correct; I now remember that fact. So that this is really a stronger case than the others. I ought to say further that this bill was not reported by the Committee on Invalid Pensions until after they had made a most thorough examination of it; until after the case had been considered and reconsidered, and the committee felt fully satisfied that the testimony of the witnesses could be relied upon. We were extremely careful about it, and it was not until we had examined it in this thorough manner that we were willing to take action on such a case as this. We followed in the line of the precedents set by prior Congresses. Let me say further that I believe this is the only case reported by the present Committee on Invalid Pensions recommending the passage of a bill to grant arrears, and in this case we do it upon the distinct ground that the claimant had done everything that he could do to entitle himself to the benefit of the arrears act.

Mr. PETERS. I would like to add one thing further. The last case that came under the old law, as I understand it, was No. 407856. The case that was sent to the Department at the same time this application was sent received the number 378269; so that a large number of cases were received after that and prior to the time when the law repealing the arrears went into effect.

Mr. MORRILL. Mr. Chairman, I want to remind the committee of another precedent, which the gentleman from Indiana [Mr. MATSON] will remember. Last Friday evening the gentleman from Maine [Mr. REED] called up a case, and the bill was passed, in which arrears were allowed to a widow on the ground that the Commissioner of Pensions, prior to July 1, 1880, had decided that she was not entitled to a pension. She had never made a formal application——

Mr. MATSON. That case did not come from the Committee on Invalid Pensions.

Mr. MORRILL. No; but from the Committee on Pensions. The lady had applied to the Commissioner, and he had decided that her husband was not an enlisted man. Subsequently the Attorney-General decided that he was an enlisted man and was entitled to a pension. The Commissioner of Pensions recommended that arrears should be granted; and this House on last Friday evening passed the bill. In this case the evidence is that the man complied strictly with the law. He filed his application before the 1st of July, 1880, and is entitled to arrears just as much as any one of the 407,856 other applicants for arrears.

Mr. McMILLIN. I admit, Mr. Chairman, that the case presented by the gentleman is stronger than any of the others that have been presented; but, in order that this may not be taken as a precedent for the granting of arrears, I desire to state again that it has been the uniform custom of this House not to grant them. Where such bills have gone through they have generally slipped through without receiving the attention that is ordinarily given to such matters, and I presume it will be so hereafter. In this case, however, it seems that the application was actually sent to the Department and received there in time.

Mr. MORRILL. And actually acknowledged by the Department.

Mr. McMILLIN. And acknowledged by the Department. Therefore no injury can result from this case as a precedent; but I do not admit that the House is committed to a policy that goes beyond this; on the contrary, I hold that it is not.

Mr. CUTCHEON. Mr. Chairman, I desire to make a single remark, or rather to put a single query, and that is, how it is possible for the Pension Office upon such a state of facts to decline to grant the arrears?

Mr. MORRILL. They say they have no papers upon which to grant them.

Mr. CUTCHEON. Then all I have to say is that there is a very great infirmity in the regulations of that office.

Mr. HEWITT, of Alabama. I shall not insist upon a vote by a quorum in this case, because I think it is one in which the Commissioner of Pensions ought to have allowed the pension and the arrears. I wish, however, to remind my friend from Kansas [Mr. MORRILL] that the case from the Committee on Pensions which came up last Friday night was a very unfortunate one, in which the committee, I think, should not have reported favorably. The gentleman will remember that, although the bill was reported from the Committee on Pensions, I opposed it and voted against it.

Mr. MORRILL. Does not the gentleman consider this a much stronger case than that?

Mr. HEWITT, of Alabama. Infinitely so.

The CHAIRMAN. The question is upon the amendment reported by the committee.

The amendment was agreed to.

Mr. MATSON. I desire to offer a substitute which I think will be for the benefit of the claimant, and within the line of bills of this kind heretofore passed. I will read my proposed substitute for the information of the Committee of the Whole:

That the Secretary of the Interior be, and is hereby, authorized and directed to readjudicate the pension claim of John C. Clark, late of Company ——, —— Regiment —— Volunteers, as if the same had been filed in the Pension Office prior to the 1st day of July, 1880.

Mr. MCMILLIN. Is that the amendment which the gentleman proposes?

Mr. MATSON. Yes, sir; I understand that this man has obtained a pension since.

Mr. MCMILLIN. Ought not the proposed amendment to show that the application was received in the office prior to that time?

Mr. HEWITT, of Alabama. That would not properly be any part of the bill.

Mr. MATSON. The report will show that. This is the form used heretofore in cases of this kind.

Mr. PETERS. I ask the gentleman from Indiana to read his substitute again.

Mr. MATSON again read the proposed substitute.

Mr. PETERS. I see no objection to that.

The question being taken on the substitute of Mr. MATSON, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH R. DODDS.

Mr. WEAVER. I call up the bill (H. R. 7769) to grant a pension to Joseph R. Dodds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Joseph R. Dodds, late a private in Company K, Seventh Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7769) to grant a pension to Joseph R. Dodds, submit the following report:

Your committee find that claimant enlisted August 29, 1862, in Company K, Seventh Regiment Iowa Cavalry; that he was discharged August 28, 1865, and that he filed declaration for pension December 15, 1879, alleging "kidney disease, resulting from being alkalied at Bijou Hills, Dak., October, 1863."

Lieut. John C. Rutan, of same company and regiment, testifies:

"I knew J. R. Dodds at the time of his joining said company; that he was physically sound and in good health; that on the line of march from Fort Randall to Fort Sully he was so badly affected by alkali as to be entirely unfit for service."

Dr. Louis Walcher testifies:

"I served in the same command with J. R. Dodds, formerly of Company K, Seventh Iowa Regiment; that we were together at Vigo Lake, Dakota, when the said J. R. Dodds became alkalied by being compelled to use the water from said lake. I found by examination of other points of the lake and surrounding country any amount of crystallized alkali—no other kind of water for miles around to be had; that previous to said time of being alkalied he was physically sound and free from disease of any kind; that since that time he has been and still is totally unable to perform manual labor or follow his former avocation, and that in my practice in the treatment of chronic diseases I have been consulted, and that I believe his kidneys to be so affected by reason of said alkali as to render a cure impossible."

Charles T. Taylor says, under oath:

"I have personally known J. R. Dobbs, formerly of Company K, Seventh Iowa Cavalry; that he was treated by Dr. J. Noel for kidney disease and urinary trouble; that I have conversed with the doctor in reference to his case, and he told the alkali had so thoroughly impregnated his system that no remedy could be used known to the medical profession but what would have a tendency to resolve the case into Bright's disease of the kidneys; that said Dr. J. Noel died in June, 1882."

Claimant gives a full account of the circumstances under which he drank the water, and adds:

"At this time and previous to drinking this alkali water I weighed one hundred and eighty-six pounds; that thereafter my kidneys became affected; my urinary organs became deranged; * * * my hair came out and some of my toe-nails came off; that I was reduced to a mere skeleton of my former self, so that I weighed but one hundred and twenty pounds; that I was totally incapacitated from doing military duty or to follow my usual avocation since discharge; that I have been treated since my discharge from the service by Dr. Jesse Noel; that he is now dead; * * * that I was treated while in the service at Fort Sully by the post surgeon, E. J. Farr, regimental surgeon of the Thirtieth Wisconsin Volunteers; that while I was under his care during the winter I was not required to remain at the hospital, but merely to report to him in person morning and was allowed to do such light duty as I chose to do; that in the fall of 1864 I was taken to Sioux City, Iowa, and given the privilege of receiving my discharge for disability or remaining a clerk in the ordnance department; that I remained as such clerk until the expiration of my term of service."

The hospital records prior to 1886 are not on file, so no evidence can be obtained from that quarter. The examining surgeon at Phelps, Mo., August 23, 1886, rendered his disability total. At a subsequent examination at Beatrice, Nebr., the board report that "we think this man's trouble is due to enlargement of the prostate, and not disease of the kidneys." Upon the strength of this report the Pension Office rejected the case in this language: "Disability due to enlargement of the prostate gland incident to old age." Claimant was 22 years of age at the time of his enlistment and contracted the disease from which he has ever since suffered one year later. The Pension Office decides that the enlargement of the prostate gland was due to old age. The evidence shows that he contracted the disease while in the line of duty; that he has suffered from it ever since, and it surely makes very little difference in his suffering whether the disease is called by one name or another.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELBERT HEWITT.

Mr. RAY, of New Hampshire. I call up the bill (H. R. 7672) granting an increase of pension to Elbert Hewitt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension heretofore allowed to Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, from $24 to $50 per month, from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 7672, having considered the same, make the following report:

Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, now pensioned at $24 per month, wants an increase to $50 per month. He was disabled by a gunshot wound in the face, received in battle September 19, 1864. Dr. James E. Morse, pension surgeon, gives the following description of the injury:

"Lower jaw fractured in three points; upper front teeth carried away and most of all the lower ones gone; nose greatly injured and great deformity of the face; mastication greatly impaired, and he is suffering with dyspepsia in consequence. Has discharges from his nose and throat of a bloody, purulent matter, which is very offensive to himself and those around him."

The pensioner is also very much debilitated, and able to perform but little labor. Dr. Davis, examining surgeon, in 1873, reports the loss of twelve teeth, chronic ulcer of the malar bone, and bad disfigurement of the face, in addition to his other ailments. The examining board at White River Junction, October 27, 1884, also report, additional to the above, that it is impossible for his teeth to meet by reason of the narrowing of the lower jaw. The pensioner is poor, and able to perform but very little labor.

Your committee think his case a deserving one, and recommend the passage of the bill (H. R. 7672) granting him an increase, amending the same by striking out the word "fifty" and inserting "forty," in line 6.

The amendment reported by the committee to strike out "$50" and insert "$40" was read and agreed to.

Mr. HEWITT, of Alabama. I think some reason should be given why this bill should pass.

Mr. RAY, of New Hampshire. This soldier was shot through the face and his teeth knocked out. He is suffering from the loss of his teeth and the breaking of his jaw. He has a chronic ulcer of the malar bone. He is also suffering from dyspepsia on account of inability to masticate properly his food.

This is a case in which, it seems to me, the increase of pension ought properly to have been granted by the Pension Office; but the soldier has been allowed only $24 a month. He is a poor man and unable to work. The committee, although not in favor of allowing $50 a month, have recommended unanimously the allowance of $40.

Mr. BAGLEY. The man is very badly disfigured.

Mr. RAY, of New Hampshire. Yes, sir. His photograph was before the committee, and he is one of the worst disfigured men I ever saw.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

There was no objection, and it was ordered accordingly.

CLARK G. MAINE.

Mr. PARKER. I call up the bill (H. R. 7000) for the relief of Clark G. Maine.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clark G. Maine, late a private in Battery E, First New York Light Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6948) granting a pension to George Eagles;
A bill (H. R. 8133) granting a pension to Thomas McGill;
A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (H. R. 7524) granting a pension to Lavisa Heth;
A bill (H. R. 7602) granting a pension to Harriet M. Bailey;
A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
A bill (H. R. 7803) granting a pension to L. W. Pitts;
A bill (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen;
A bill (H. R. 8104) granting increase of pension to George S. Hawley;
A bill (H. R. 3185) granting a pension to David Peterson;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 252) granting a pension to Peter N. Hagler;
A bill (H. R. 8033) granting increase of pension to George W. Clark;

A bill (H. R. 7869) granting a pension to Emeline L. Fitch;
A bill (H. R. 4766) granting a pension to David Compropst;
A bill (H. R. 7769) granting a pension to Joseph R. Dodds; and
A bill (H. R. 7000) for the relief of Clark G. Maine.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7386) granting a pension to Eliza M. Byers;
A bill (H. R. 6653) granting a pension to Mary C. Axline;
A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 7722) granting a pension to Elmira K. Parker;
A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;
A bill (H. R. 3052) for the relief of John C. Clark;
A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt; and
A bill (H. R. 4216) granting a pension to David Bryan; the title of which was amended to read: "A bill granting a pension to David N. Bryan."
A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army.

The title was amended to read: "A bill granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brigadier-general of volunteers."

Senate bills of the following titles were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman; and
A bill (S. 468) granting increased pension to Mrs. Mary K. S. Eaton.

JOHN A. VANDERHOFF.

The amendment to the bill (H. R. 7256) granting a pension to John A. Vanderhoff was agreed to, and the bill as amended ordered to be engrossed and read the third time.

The SPEAKER *pro tempore*. In accordance with the agreement, the previous question will be considered as ordered on the passage of the bill.

There was no objection, and it was ordered accordingly.

Mr. MATSON moved to reconsider the several votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to; and then, on motion of Mr. MATSON (at 10 o'clock and 45 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Remonstrance of Dilworth, Porter & Co., McCandless, Jameson & Co., William Shannon & Son, McCard & Co., and 120 others, merchants and manufacturers, representing all branches of business in Pittsburgh, Pa., against the enactment of another bankrupt law—to the Committee on the Judiciary.

By Mr. BLANCHARD: Petition of Widow J. B. Planché, of Natchitoches Parish, Louisiana, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Ida M. Wells and others, of the Parish of Rapides, Louisiana, for compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. J. H. BREWER: Petition of H. T. Knox, of Burlington, N. J., for increase of pension, arrears, &c.—to Committee on Invalid Pensions.

By Mr. W. W. BROWN: Memorial of Clarence W. De Knight, praying for payment due him as page of the House of Representatives during a portion of the first session of the Forty-eighth Congress—to the Committee on Appropriations.

By Mr. CUTCHEON: Memorial of the Board of Trade of the city of Detroit, asking that the United States acquire title to the Portage Lake and Lake Superior Companies' ship-canals and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Resolution of the Legislature of Pennsylvania, recommending passage of foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, recommending the repeal of act of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the National Board of Trade, favoring the Senate bankrupt bill—to the Committee on the Judiciary.

By Mr. FOLLETT: Petition of soldiers of North Baltimore and Perrysburg, Ohio, for passage of bill giving land to honorably discharged soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. FOLLETT: Petition of John A. Cran, for compensation for two horses and bridles taken from him in 1864 by United States officers—to the Committee on War Claims.

By Mr. FORAN: Petition of merchants and citizens of Cleveland, Ohio, praying that the United States acquire title to the Portage Lake and Lake Superior ship-canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. GEORGE: Petition of ex-soldiers in Grand Army of the Republic post at East Portland, Oreg., urging the purchase of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HOWEY: Petition of Louise Peer and others, of Fair Mount, and Joseph Bardell and others, of Hackettstown, N. J., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOPKINS: Resolution of National Board of Trade, in favor of a national bankrupt law—to the Committee on the Judiciary.

By Mr. HUTCHINS: Petition of William Ogden Giles, praying an investigation of the French-American claims—to the Committee on Foreign Affairs.

By Mr. B. W. JONES: Memorial of New York State cider and vinegar makers—to the Committee on Ways and Means.

By Mr. LACEY: Petition of John J. Potter and 49 others, citizens of Eaton and Barry Counties, Michigan, for the passage of bill granting a pension to Thomas Niles—to the Committee on Invalid Pensions.

Also, papers relating to a bill introduced granting a pension to Catharine Carpenter—to the same committee.

Also, resolutions of the Board of Trade of Detroit, Mich., asking for the acquisition by the United States of the Portage Lake and Lake Superior ship-canals—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Petition of managers of houses of refuge and reformatories for children, urging an appropriation to have published the statistics of work done in said institutions—to the Committee on Appropriations.

Also, resolutions of the Philadelphia Produce Exchange, urging the passage of the national bankrupt bill at an early day—to the Committee on the Judiciary.

By Mr. A. H. SMITH: Resolution of the National Board of Trade, Philadelphia, in favor of the Senate bankrupt bill—to the same committee.

Also, remonstrance of citizens of Lancaster County, Pennsylvania, against the ratification of the treaty with Spain—to the Committee on Ways and Means.

By Mr. STRAIT: Concurrent resolution of the Legislature of Minnesota, requesting that such legislation may be had as will allow the United States to acquire title to the Portage Lake and Lake Superior Ship Canal and the Portage and River Improvement Company's canal, making an open passage from Keweenaw Bay to Lake Superior—to the Committee on Rivers and Harbors.

Also, petition of Peter P. Dorteed and 248 others, citizens of Sacred Heart, Minn., asking that additional homesteads may be granted to all those who have taken less than one hundred and sixty acres, the same without further settlement—to the Committee on the Public Lands.

By Mr. THOMPSON: Petition of J. E. Maxfield, J. A. Gammon, and James Cassidy, for relief—to the Committee on Appropriations.

By Mr. TOWNSHEND: Petition of citizens of Illinois, asking for the passage of a law for the relief of persons claiming an interest in certain lands on and adjoining Manhattan Island, New York—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Papers relating to the claim of Fidel Spah, of Jackson, Madison County, Tennessee—to the Committee on War Claims.

By Mr. VAN ALSTYNE: Petition of Benjamin J. Hovenmer, for pay as first lieutenant in One hundred and fiftieth Regiment New York State Volunteers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WILKINS: Petition of Thomas Brown and 200 others, citizens of Muskingum County, Ohio, urging the passage of the Loveing House bill 6462—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: Petition of George E. Moore of the District of Columbia, for the passage of Senate bill 2551—to the Committee on the District of Columbia.

By Mr. J. S. WISE: Petitions of E. J. Conard, of George Cooper, of Oliver G. Butts, and of Mary A. Conard, widow of John W. Conard, deceased, all of Loudoun County, Virginia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAYNE: Of soldiers and citizens of Allegheny County, Pennsylvania.

By Mr. BRENTS: Of citizens of Sprague and of King Counties, Washington Territory.

By Mr. J. H. BREWER: Of citizens of Orleans, N. Y.

By Mr. BRUMM: Of citizens of Pine Grove and of Rock, Schuylkill County, Pennsylvania.

By Mr. KEIFER: Of George W. Stephens and others, of Plain City, Ohio.

By Mr. KLEINER: Of citizens and ex-soldiers of Fort Branch, Ind.

By Mr. LAIRD: Of citizens of Alexandria, of Dorchester, and of Kenesaw, Nebr.

By Mr. MATSON: Of citizens of Monroe County, of Bartholomew County, and of Morgan County, Indiana.

By Mr. PERKINS: Of M. F. Thomas and 40 others, of Opolis, Kans.

By Mr. STEVENS: Of citizens of Niagara County, New York.

By Mr. TOWNSHEND: Of the Department of the Potomac, Grand Army of the Republic.

By Mr. WEAVER: Of citizens of Kirkwood, of Talmage, of Beatrice, of Wahoo, and of Pawnee, Nebr.

By Mr. YAPLE: Of citizens of Lawrence, of Centreville, of Kalamazoo, and of Burr Oak, Mich.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 31, 1885.

The House met at 12 m., and was called to order by the Clerk.

The CLERK. In the absence of the Speaker it is the duty of the Clerk to call the House to order.

ELECTION OF MR. BLACKBURN AS SPEAKER PRO TEMPORE.

Mr. RANDALL. I offer the following resolution as a question of privilege.

The Clerk read as follows:

Resolved, That JOSEPH C. S. BLACKBURN, a Representative from the State of Kentucky, be, and he is hereby, elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was unanimously agreed to; and Mr. BLACKBURN took the chair as Speaker *pro tempore*.

Prayer by Rev. Dr. FULLERTON, of Georgetown.

The Journal of the proceedings of yesterday was read and approved.

JOHN M. LOBBAN.

Mr. POST, of Wyoming, by unanimous consent, introduced a bill (H. R. 8143) for the relief of John M. Lobban; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUITS FOR DAMAGES WHERE DEATH RESULTS.

On motion of Mr. POLAND, by unanimous consent, the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia was taken from the Speaker's table, and the following amendment of the Senate was read:

Strike out the following:

"That when the death of a person is caused in the District of Columbia by the wrongful act or neglect of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, the person or corporation liable to such action if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured, and although the death is caused under such circumstances as amount in law to a felony.

"SEC. 2. That such action shall be brought in the name of the personal representative of such deceased person, and commence within two years from the decease of such person; and the court or jury before whom the issue is tried may give such damages as are just, with reference to the pecuniary injury resulting from such death to the wife and next of kin, but not to exceed $10,000; and the amount recovered shall be for the benefit of such wife and next of kin, who shall receive the same proportions as in the distribution of the personal estate of persons dying intestate."

And in lieu thereof insert the following:

"That whenever, within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: *Provided*, That in no case shall the recovery exceed the sum of $10,000.

"SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person, and within two years after the death of the party injured.

"SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in said District of Columbia."

Mr. POLAND moved that the amendment be disagreed to.

The motion was agreed to.

Mr. POLAND moved that the House ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. POLAND, Mr. TUCKER, and Mr. DORSHEIMER.

WICKLIFFE COOPER.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2278, correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army, and put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to correct so much of the record of the War Department as states that the late Maj. Wickliffe Cooper, Seventh Cavalry, committed suicide on the 8th of June, 1867, and to substitute therefor the following words: "Died by hand of person or persons unknown, while in the line of his duty as an officer of the Army."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. RANDALL. I would like to ask the gentleman from Kentucky if this has been considered by the Military Committee of the House?

Mr. ROBERTSON. I do not know that it has been considered by the committee of the House; but it passed the Senate at the last session of this Congress and is now on the Speaker's table.

Mr. RANDALL. I do not want to object to the passage of the bill; but I think such measures should be considered by the committees of the House before action is taken by the House upon them.

Mr. ROBERTSON. This, I will state to the gentleman from Pennsylvania, only corrects the war record of this officer. He is recorded in the office as having committed suicide, whereas proof, which has been subsequently placed before the Department, shows that he was killed in the line of duty. This is to correct the record.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLANCHARD. I demand the regular order.

Mr. JOHN S. WISE. I ask leave to call up from the Speaker's table a House bill for present consideration.

The SPEAKER *pro tempore*. The gentleman from Louisiana demands the regular order.

Before proceeding with the regular order the Chair asks unanimous consent of the House to submit certain executive communications now on the Speaker's table.

There was no objection.

CORRECTION.

Mr. DUNHAM. Before that I desire to make a correction. I supposed that I was paired on yesterday when a yea-and-nay vote was taken in the House, and it was so understood; but the RECORD contains no announcement of such a pair. I desire to state that had I not supposed I was paired I should have voted "ay" on the Bigley bill.

ARMY AND NAVY HOSPITAL, HOT SPRINGS, ARK.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to complete the Army and Navy hospital at Hot Springs, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING FOR THE COURT OF CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the chief-justice of the Court of Claims, asking an appropriation for printing for the court for the current and next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL APPROPRIATIONS FOR CERTAIN PUBLIC BUILDINGS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect, and recommending additional appropriations for the public buildings at Kansas City, Mo., Cleveland, Ohio, and Boston, Mass.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT JEFFERSON, MO.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, asking an increase in the limit of cost of the public building at Jefferson City, Mo.; which was referred to the Committee on Appropriations, and ordered to be printed.

INFANTRY SERVICE, UNITED STATES ARMY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing a communication from the infantry officers of the Army, relative to the passage of Senate bill 2442 to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITIA FORCES OF THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia forces of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

GLOUCESTER HARBOR, MASSACHUSETTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing reports from the Chief of Engineers of the survey and preliminary examination of Gloucester Harbor, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order of business has been demanded.

Mr. BLANCHARD. Mr. Speaker, for the present I will withdraw the demand for the regular order.

HUGH AND BYRD DOUGLAS, DECEASED.

Mr. JOHN S. WISE. Mr. Speaker, I now ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Hugh and Byrd Douglas, deceased, late of Nashville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $6,299.33, for rent of and damages to their property in Nashville by officers of the Army of the United States during the late war.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. WARNER, of Ohio. Before consent is given I wish to ask the gentleman from Virginia if this is a unanimous report from the Committee on War Claims?

Mr. JOHN S. WISE. It is unanimously reported.

Mr. WARNER, of Ohio. If it is unanimously reported from the committee I have no objection to the request of the gentleman.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Virginia to call up for consideration this bill, which he states is unanimously reported from the Committee on War Claims.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHN S. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON HON. WILLIAM A. DUNCAN.

Mr. ERMENTROUT, by unanimous consent, introduced a joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan; which was read a first and second time.

Mr. ERMENTROUT. I ask for the present consideration of the resolution.

There was no objection.

The joint resolution was read, as follows.

Resolved, &c., That there be printed of the eulogies delivered in Congress upon the late William A. Duncan, a Representative in the Forty-eighth Congress from the State of Pennsylvania, 12,500 copies, of which 3,000 shall be for the use of the Senate and 9,500 for the use of the House of Representatives. And the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said William A. Duncan to accompany said eulogies; and for the purpose of engraving or printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ERMENTROUT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRIETTA LOEB.

Mr. BROWN, of Pennsylvania, by unanimous consent, introduced a bill (H. R. 8144) granting a pension to Henrietta Loeb, dependent mother of Louis Loeb, late a private in Company I, Sixth New Jersey Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF BURDENS ON MERCHANT MARINE.

Mr. COX, of New York. I ask unanimous consent to have a short bill taken up from the House Calendar and put upon its passage. It is the bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American merchant marine, &c. It was reported by my friend from New York [Mr. SLOCUM] from the Select Committee on Ship-building and Ship-owning Interests. The people for whose benefit this act is intended are now waiting for the action of Congress.

The bill was read, as follows:

Be it enacted, &c., That so much of the tenth section of the act approved June 26, 1884, entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," be so amended as to strike out the words "but to no other person or corporation" and insert in lieu thereof the following: "Or in liquidation of any just debt for board or clothing he may have contracted prior to engagement, not exceeding one month's pay for board and one month's pay for clothing; and no allotment shall be payable except to his wife, mother, or other relative, or to the original creditor for board or clothing."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SKINNER, of North Carolina. I object.

Mr. COX, of New York. I ask permission to say just a word. There are many vessels waiting for this measure before shipping their crews. This bill has been introduced at the request of the Chamber of Commerce of New York, the shipping commissioner, and various commercial bodies throughout the country. It is a short amendment, which will so modify the present law that business can go on.

The SPEAKER *pro tempore*. The Chair hears no objection to the present consideration of the bill.

Mr. SKINNER, of North Carolina. I object.

MRS. HARRIET CLIFFORD.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8145) to increase the pension of Mrs. Harriet Clifford, widow of Capt. Walter Clifford, deceased, late of the Seventh United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. LAMB.

Mr. CONNOLLY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized and directed to continue in the service of the House of Representatives John J. Lamb, a laborer employed under the janitor of the House, and authorized by resolution of July 2, 1884, to be paid at the rate of $720 per annum; and that the Committee on Appropriations be requested to provide for the payment of the same in some of the general appropriation bills, payment to extend from March 4, 1885, to June 30, 1886.

REMOVAL OF BURDENS ON MERCHANT MARINE.

Mr. COX, of New York. I ask the gentleman from North Carolina to withdraw his objection.

Mr. SKINNER, of North Carolina. I withdraw the objection.

Mr. HOLMAN. I trust that the tenth section of the act which this bill proposes to amend will be read in connection with the proposed amendment.

Mr. SLOCUM. I think I can explain the change which is made in a very few words. The section as it is now allows no allotment of pay except to immediate relatives. As amended it allows a man to allot one month of his pay for board and one month for clothing. It is the unanimous report of the committee.

Mr. COX, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 10, after the word "clothing," insert "for which;" so that it will read: "Or in liquidation of any just debt for board or clothing for which he may have contracted prior to engagement," &c.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS OF COURT IN MINNESOTA.

Mr. WASHBURN. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 7324) providing for holding a term of the circuit court in Minneapolis, Minn.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOLMAN. There is so much confusion in the Hall that I am not able to hear what is going on.

The SPEAKER *pro tempore*. The Chair asks gentlemen to suspend conversation in the Hall.

Mr. WASHBURN. This bill has been reported by the Committee on the Judiciary; and it is unanimously recommended by the delegation from my State.

Mr. HOLMAN. I think there is no necessity for appointing an additional clerk.

Mr. WASHBURN. The gentleman from Indiana has suggested an

amendment, to put in the word "deputy" before the word "clerk;" so that it will read:

That the circuit judge of said eighth judicial district shall appoint a deputy clerk, &c.

To this I have no objection.

Mr. McMILLIN. I ask the gentleman from Minnesota at how many points in the State are Federal courts held now?

Mr. WASHBURN. At two points.

Mr. HOLMAN. I hope the second section will be read again as it is proposed to be amended.

Mr. WASHBURN. I have acceded to the amendment suggested by the gentleman from Indiana, to insert the word "deputy" before "clerk," in the second line of the second section.

Mr. McMILLIN. How far from Minneapolis is the nearest court?

Mr. WASHBURN. I will state that the court in that section of our State is now held at Saint Paul.

Mr. McMILLIN. How far from Minneapolis?

Mr. WASHBURN. Ten miles. There are two terms of the court held there at present. The business has accumulated to such an extent that the additional term provided for by this bill is required, and it is proposed the next term of the court shall be held at Minneapolis, where there is a larger population than at Saint Paul. The only question is whether there shall be three terms held at Saint Paul or two at Saint Paul and one at Minneapolis.

Mr. WARNER, of Ohio. I will inquire of the gentleman from Minnesota [Mr. WASHBURN] whether there is a United States building at Minneapolis at which the court can be held?

Mr. WASHBURN. There is a United States building in course of construction there in which provision will be made for the court.

Mr. McMILLIN. Mr. Speaker, I think this bill had better go over at present. I do not believe it is sound policy to put these courts within ten miles of each other all over the country. There are already more of them than are needed.

Mr. WASHBURN. There is no new court created by this bill. It simply provides for an additional term of the court, without any additional expense.

Mr. McMILLIN. Mr. Speaker, I will state to the House that there is an increased appropriation now demanded for that public building, and if we pass this bill one of the reasons given for that additional appropriation will be that there is a Federal court to be held there.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. McMILLIN] object? [After a pause.] The Chair hears no objection, and the question is on the passage of the bill.

Mr. HOLMAN. Mr. Speaker, I reserved the right to object, but I wanted to give the gentleman from Tennessee an opportunity to state the ground of his opposition to the bill.

Mr. BRECKINRIDGE. I call for the regular order, Mr. Speaker.

A MEMBER. Is a call for the regular order an objection?

Mr. BRECKINRIDGE. If it is not, I object and also call for the regular order.

The SPEAKER *pro tempore*. Objection is made to the present consideration of this bill, and the regular order is called for. The regular order is the question upon the passage of the bill to which the previous question was applied at last night's session, which the Clerk will report.

Mr. SPRINGER. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. SPRINGER. My point is that unfinished business on the Private Calendar should go over to the next day which is set apart for the consideration of such business.

The SPEAKER *pro tempore*. The Chair will state that the House last night applied the previous question to this bill, and before the bill was disposed of the House adjourned. Therefore, in the opinion of the Chair, this bill is the regular order this morning.

Mr. SPRINGER. I think the Chair is wrong about that.

The SPEAKER *pro tempore*. The Chair will remind the gentleman from Illinois [Mr. SPRINGER] of a precedent, the Fitz-John Porter case, in which a similar ruling was made.

Mr. SPRINGER. But the Fitz-John Porter case was a special order, which continued from day to day.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from Illinois is mistaken in his premises as to the order.

Mr. SPRINGER. I remember that that bill was a special order, which continued from day to day.

The SPEAKER *pro tempore*. It is the opinion of the Chair that this bill is the first business in order this morning when the regular order is called for. The Clerk will report the bill by its title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7256) granting a pension to John A. Vanderhoff.

Mr. WILLIS. Mr. Speaker, in order to save time I ask unanimous consent to set aside the order for the yeas and nays, and let us have a viva voce vote upon this bill.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the House did not order a yea-and-nay vote, but only the previous question. The question is on the passage of the bill.

Mr. GIBSON. I ask for the reading of the report in this case.

The SPEAKER *pro tempore*. If there is no objection, the report will be read.

Mr. KEIFER. Mr. Speaker, can that be done without unanimous consent?

The SPEAKER *pro tempore*. The Chair stated that if no objection was made the report would be read.

Mr. KEIFER. I object.

The SPEAKER *pro tempore*. Objection is made to the reading of the report. The question is on the passage of the bill.

Mr. GIBSON. I believe I am entitled to the floor under the order of the House last night.

Mr. BRECKINRIDGE. I call for the regular order.

Mr. KEIFER. Is debate in order, Mr. Speaker?

The SPEAKER *pro tempore*. It is not.

Mr. GIBSON. Mr. Speaker, by unanimous consent at the session last night this bill was allowed to be reported to the House, with the understanding that when it came up there was not only to be a quorum present, but that I was to have leave to state my objections to the passage of the bill.

The SPEAKER *pro tempore*. The Chair can only state that it is not advised, either by the Journal or the RECORD, of any such order of the House. The gentleman from West Virginia can proceed to debate this bill only by unanimous consent.

Mr. POST, of Pennsylvania. I object.

Mr. ROGERS, of Arkansas. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. ROGERS, of Arkansas. My point is that the confusion in the Hall is so great that it is utterly impossible to know what is going on.

The SPEAKER *pro tempore*. The Chair recognizes that point of order as well taken. The House will be in order.

Mr. GIBSON. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair can not indulge the gentleman; it is not in the power of the Chair.

Mr. GIBSON. I think this raises a question of privilege.

The SPEAKER *pro tempore*. The Chair does not so regard it. It is not in the power of the Chair without unanimous consent to indulge any gentleman in debate on a bill upon which the previous question is operating.

Mr. GIBSON. I desire to put a parliamentary inquiry to the Chair.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GIBSON. When the records of the proceedings of the House yesterday show that unanimous consent was given to me to state this morning my objections to this bill, I want to know whether objection can now be made to my proceeding.

The SPEAKER *pro tempore*. The Chair will ask the gentleman whether the RECORD shows such an agreement by the House.

Mr. GIBSON. Yes, sir; it does.

The SPEAKER *pro tempore*. The Clerk will read that portion of the RECORD relating to this subject.

Mr. GIBSON. Without such an agreement it would have been impossible to get the bill before the House.

The SPEAKER *pro tempore*. The Chair must state to the gentleman that he is entirely in error. The RECORD shows the Committee of the Whole House agreed that the gentleman might state his objections to the bill; but that is simply an agreement of a committee of this House, and in no wise binds the House. The Clerk will read what the RECORD shows.

The Clerk read as follows:

The amendment to the bill (H. R. 7256) granting a pension to John Vanderhoff was agreed to, and the bill as amended ordered to be engrossed and read the third time.

The SPEAKER *pro tempore*. In accordance with the agreement the previous question will be considered as ordered on the passage of the bill.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The Chair has no power to indulge debate on this question except by unanimous consent, and objection has been made.

Mr. GIBSON. I move to recommit the bill.

The SPEAKER *pro tempore*. That motion is in order; but it is not debatable.

Mr. KEIFER. That motion is only in order after we reach the question upon the passage of the bill.

The SPEAKER *pro tempore*. That is precisely the stage which this bill has now reached. It has been engrossed and read a third time, and the question is on its passage. The gentleman from West Virginia has the right under the rules to move to recommit either before or after the ordering of the previous question upon the passage of the bill. The question is on the motion to recommit the bill to the Committee on Invalid Pensions.

The motion was not agreed to.

The bill was then passed.

Mr. MATSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, my object being to call up the river and harbor appropriation bill. Pending that motion I move that when the Committee of the Whole next resumes the consideration of the river and harbor appropriation bill all general debate be limited to three hours.

Mr. BAYNE. I ask my friend to allow a longer time than that for general debate on this bill.

Mr. WILLIS. What time would the gentleman suggest?

Mr. BAYNE. As I understand, the list of the chairman of the Committee of the Whole embraces at least six or eight names.

Mr. WILLIS. My understanding is that most of those gentlemen propose to speak only fifteen or twenty minutes each. If the gentleman will indicate what limit will be satisfactory to him, I think we can agree.

Mr. THOMAS. Say four hours.

Mr. WASHBURN. I do not think it wise to fix any time at present. There are gentlemen who desire to be heard quite fully on this bill. The measure embraces some very extraordinary features; and there is no reason why ample time should not be given for discussion upon it.

Mr. THOMAS. I move to amend the motion of the gentleman from Kentucky by striking out "three" and inserting "four."

Mr. WILLIS. I accept that amendment. I think it will allow ample time.

Mr. BAYNE. I move to amend so as to fix four and one-half hours as the limit. There is a half hour, I think, belonging to the gentleman from Texas [Mr. MILLS], and there will be only three and one-half hours in addition if the debate be limited to four hours.

Mr. WILLIS. I accept the amendment of the gentleman from Pennsylvania [Mr. BAYNE].

Mr. WASHBURN. I move to amend the motion as modified, so as to allow six hours for general debate.

Mr. ANDERSON. I move to amend so as to make the time one hour.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that all general debate in Committee of the Whole House on the state of the Union on the river and harbor bill be limited to four and one-half hours. The gentleman from Minnesota [Mr. WASHBURN] moves to amend the motion so as to limit general debate to six hours.

Mr. GIBSON. I desire to ask the Chair whether that motion includes the time already reserved by those who have occupied the floor?

Mr. BAYNE. That was the inquiry I was about to make.

The SPEAKER *pro tempore*. The Chair will state, of course, that time would be included.

Mr. GIBSON. I understand, then, that time will be included.

The SPEAKER *pro tempore*. It will.

Mr. TOWNSHEND. I demand the regular order of business.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. How much time is now reserved by the speakers who have already spoken?

The SPEAKER *pro tempore*. The Chair is not informed, and can not inform the gentleman. That time belongs to the committee, and the Chair has no right to know it.

Mr. DIBBLE. I refer to the time which members stated upon the floor they had reserved.

Mr. ANDERSON. I move that the time be limited to three hours.

The SPEAKER *pro tempore*. The question first recurs on the amendment of the gentleman from Minnesota [Mr. WASHBURN] to fix the time at six hours. Under the rule the question on the longest time is taken first.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. If this time be limited to three hours, or to six hours, is there any arrangement by which that time is to be controlled by any individual, or has it already been given out?

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Illinois that that matter belongs to the Committee of the Whole House on the state of the Union, and the Chair has no control over it.

Mr. SPRINGER. I should like to know whether that time has already all been divided up?

The SPEAKER *pro tempore*. It is a matter over which the Chair has no control.

Mr. HISCOCK. It is a matter of some consequence, Mr. Speaker, to the House, or will be to the committee, if a list has been made up and gentlemen are to be recognized by that list. It may so happen that those who are upon that list, and who will occupy the whole time, are on one side of the question.

The SPEAKER *pro tempore*. If the gentleman desires the Chair to repeat his statement recently made the Chair will do so with pleasure, and inform the gentleman from New York that the Chair has no information of any list made up or any reservation of time.

Mr. REED, of Maine. It is well understood that the entire six hours is already subscribed for, so to speak. [Laughter.]

The SPEAKER *pro tempore*. The Chair has no information of that fact. The question before the House is the motion to close debate, and the question suggested by the gentleman from Maine is not a matter before the House.

Mr. HISCOCK. I suggest whatever time is agreed upon be equally divided.

Mr. TOWNSHEND. Is this debate in order?

The SPEAKER *pro tempore*. The Chair is trying to have some understanding reached.

Mr. TOWNSHEND. I object.

Mr. THOMAS. I demand the regular order of business.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will recognize no one until order is restored in the House.

Mr. WILLIS. I ask for a vote.

The SPEAKER *pro tempore*. The Chair will take no vote until the House observes such order as will enable the vote to be taken intelligently.

Mr. WILLIS. What is the question?

The SPEAKER *pro tempore*. The question first occurs on the motion of the gentleman from Minnesota, limiting debate to six hours.

Mr. WASHBURN. Two hours of the time of the gentlemen who have already spoken have been reserved, so that under the six hours' limit there will be only four hours left for those who have not yet been heard. I submit, therefore, whether for a bill of this importance that time is not sufficiently short.

Mr. WILLIS. I do not understand any time has been reserved as coming within this limitation.

Mr. HATCH, of Missouri. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HATCH, of Missouri. I desire to know if the time now occupied in the discussion of this question is to be taken out of the four and one-half hours?

The SPEAKER *pro tempore*. It does not.

Mr. REED, of Maine. I desire to call the attention of the House to the fact stated by the gentleman from Minnesota that there is already reserved by those gentlemen who have already spoken two hours of time. I would state also, as a matter within our knowledge, a list has been already made up of members, which will more than occupy the other four hours. If then the House limits the committee to the period suggested by the gentleman from Minnesota it is time already taken up, and gentlemen who have not their names down will have no opportunity to address the House. Now, this bill, of immense importance, involving a great many new principles and enormous expenditure of the public money, ought not to be rushed through without full expression of sentiment on the part of members of the House.

Mr. BLANCHARD. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLANCHARD. I desire to know if this debate is proceeding by unanimous consent.

The SPEAKER *pro tempore*. It is not proceeding by unanimous consent, but is regularly in order on motion to limit debate.

Mr. REED, of Maine. I am sorry the gentleman from Louisiana, a member of the committee, should see fit to interrupt me.

Mr. BLANCHARD. Did I understand the Chair to state this was proceeding by unanimous consent?

The SPEAKER *pro tempore*. The Chair stated expressly it was not proceeding by unanimous consent, but in regular order on the motion to limit debate.

Mr. BLANCHARD. Then I misunderstood the Chair.

Mr. MILLER, of Pennsylvania. The gentleman from Maine has an hour if he wishes to occupy it.

Mr. REED, of Maine. This is a bill, Mr. Speaker, which interests the whole country, and members of the House generally have not been allowed to express themselves before the tribunal which has decided this matter so far as it has been decided; no audience has been given to any member of this House before the committee which has fixed the items of this enormous bill, except to members of the committee themselves, and the result of that seems to be quite perceptible on the surface of the transaction. It is, therefore, all the more important that the members of this House should have full and free opportunity to discuss the items of this bill. Hence, I hope that we shall not limit ourselves today in regard to this matter, but that we shall go on and discuss it and close the debate when we have got reasonably through.

Mr. BRECKINRIDGE. I would like to ask the gentleman from Maine how long he desires the general discussion of the bill to continue?

Mr. REED, of Maine. I will answer the gentleman from Arkansas that, in my judgment, we should go on to-day, and perhaps the next day when we take the bill up for consideration we will be able to judge how much more time will be needed.

Mr. BRECKINRIDGE. I have no desire to cut off the opportunity for full and free discussion of the bill. I wish the most unlimited de-

sire for discussion to prevail; and as far as I am individually concerned I have no wish to fix any arbitrary limit to the discussion. On the contrary, I think there should be a thorough discussion of the bill.

Mr. HISCOCK. Why not accept the proposition of the gentleman from Maine to have no limitation fixed to-day?

Mr. BRECKINRIDGE. Or limit it to the adjournment to-day.

Mr. WASHBURN. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE was recognized.

Mr. WILLIS. I demand the previous question.

The SPEAKER *pro tempore*. The gentleman has not the floor for that purpose.

Mr. BAYNE. I think the House will make a mistake if it puts a limitation upon the debate on this bill. It is a bill embracing a large number of new provisions.

Mr. COBB. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COBB. I desire to ask whether or not a motion to limit debate is debatable?

The SPEAKER *pro tempore*. The Chair answers that it is.

Mr. COBB. Then I presume, of course, that we can go on indefinitely.

The SPEAKER *pro tempore*. The Chair knows of but one remedy which the House can apply to cut off debate, and that is the previous question.

Mr. BAYNE. I was about to say that this bill involves a great many new features and embodies certain new principles.

Mr. KING. I demand the previous question.

The SPEAKER *pro tempore*. The gentleman has not the floor.

Mr. BAYNE. The bill involves a number of radical changes upon the system of making appropriations for rivers and harbors. It involves changes of such a nature that they demand close scrutiny by Congress and a close investigation, and unless they are subjected to that radical scrutiny and to a close analysis Congress is likely to make most serious mistakes. I ask the chairman of this committee, therefore, in the interest of fair play and in the interest of a fair and honest river and harbor bill, not to put any proposition before this House that will gag the House or prevent fair, candid, and open debate.

The bill should be subjected, as I have said, to the closest analysis, because it contains provisions that are inimical, in my judgment, to an honest expenditure of the money of this Government for the improvement of the rivers and harbors of this country. In the consideration of a bill of such magnitude and importance the gag rule should not be applied. Let us go on and discuss it to-day, and after we get through to-day, after the features of the bill have been sufficiently explained and understood, after a full, free, and open discussion in the House, if then it be the will of the House to place some limitation upon debate we can do so understandingly. But not now; because many of the features of the bill are new, and all of the speeches that have been made upon the bill so far, except the brief one made by the gentleman from West Virginia [Mr. GIBSON], have been in favor of it. When there are gentlemen here who desire to antagonize it in its present form, and expose, as far as they can, what they regard as wrong and what they regard as unwise in its preparation, it certainly does not seem to be altogether right to cut them off from that opportunity.

Mr. WASHBURN. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, owing to the shortness of the session and the number of projects to be investigated by the Committee on Rivers and Harbors, it was seen in the early part of the session that it would be utterly impossible for the committee to listen to either members or delegations with reference to the different improvements throughout the country in which they were interested. We thought and still think that it was safe to trust a preliminary examination of this question to a committee made up of representatives from many of the different sections of the country. I can say for myself, and I think I can safely say for the committee, that I have never known a more unprejudiced, more conscientious investigation of the different items of a bill than has been made at this session of Congress in the preparation of this bill.

There has been already one day's debate upon the bill. Six hours more, as is proposed and I think is acceptable to the committee, will consume the greater part if not the whole of this day. There are but a few more days of this session in which to consider the bill in the House and Senate, and if the friends of the river and harbor improvements expect to have a bill passed at this session it behooves them to look well to the limitation of debate in the House, and proceed as rapidly as possible with the practical consideration of the bill. Within six hours all of the mooted questions in the bill can be properly considered and understood by every member in the House. The bill is printed and in the hands of the members of this House. They are all supposed to be able to read. They are all supposed to be able to understand what they do read; and if they look at the printed bill and read it they can vote intelligently upon it, and all the talk about the great need for long discussion goes for naught when you look at it intelligently.

In this connection it is proper for me to say that there are provisions which do not meet my approval, and I propose to resist them with such power as I can when we come to the discussion of the bill; and I suppose, as a member of the Committee on Rivers and Harbors, I would be given an opportunity to express my approval of certain sections and disapproval of others. It is not an extraordinary bill by any means when taken as a whole, while, as I have said, there are certain provisions in the bill which do not meet my approval and upon which I have asked to be heard.

Mr. REED, of Maine. It will place the rest of us at rather a disadvantage if the members of the committee who framed the bill are to have all the time—not only before the committee, but in the House.

Mr. WASHBURN. Mr. Speaker, the gentlemen on the Committee on Rivers and Harbors who prepared this bill can afford to be very patriotic and liberal as long as they have all the time for the discussion that is to be given in this House. But I desire to say that there are other members of the House as much interested as the Committee on Rivers and Harbors, and who are just as friendly to the improvement of the rivers and harbors as the members of the committee. Such members ought to have and desire to have a full opportunity for expressing their opinion of this most extraordinary bill; and that they may be given that opportunity I have asked that the limitation of debate be extended so that they can express their views on the most extraordinary and strange features embodied in the bill.

Mr. THOMAS. Will the gentleman from Minnesota [Mr. WASHBURN] allow me to ask him a question? I believe it was on that gentleman's motion that it was proposed to limit the debate to six hours. I agree to that proposition entirely. It is satisfactory to me, and I have said I thought it would be agreeable to the committee if the debate could be limited to that time.

Mr. LONG. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. LONG. Is a motion in order to move to postpone indefinitely the motion to limit debate?

The SPEAKER *pro tempore*. The Chair knows no precedent for such a motion.

Mr. LONG. I move to postpone indefinitely the motion limiting debate.

The SPEAKER *pro tempore*. The Chair has stated that he knows of no precedent for any such motion. But under the rule any question that is under debate is subject to a series of motions, and in the opinion of the Chair the rule would give the House the opportunity to postpone the consideration of the motion. Has the gentleman from Minnesota [Mr. WASHBURN] yielded the floor?

Mr. WASHBURN. I yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. To make the motion I have indicated?

Mr. WASHBURN. Not for that purpose.

Mr. BOUTELLE. There is no member of this House who is not well aware that there is no measure coming before the Congress of the United States which the people of this country are more jealously scrutinizing than the river and harbor bill. As has been already said this bill involves enormous expenditures, some of them of a novel and unprecedented character. Already the question has been raised by the gentleman from Wisconsin as to the advisability of the continuance of a great system of river improvements which have been carried on at enormous expense and for which an appropriation of large amount is made in this bill. I refer to the Mississippi River levee system. I find in the newspapers of this morning, in the associated press report, a dispatch to which I wish to call the attention of the House.

Mr. WILLIS. I ask if all this is in order? Is it in order to debate the bill at this time?

The SPEAKER *pro tempore*. The Chair has already ruled that the motion to limit debate is debatable.

Mr. BOUTELLE. I trust this will not be taken out of my time.

The SPEAKER *pro tempore*. If the gentleman from Kentucky [Mr. WILLIS] makes the point of order the Chair will have to insist that the gentleman from Maine shall confine himself to the motion which is pending.

Mr. BOUTELLE. I am confining myself to that motion.

The SPEAKER *pro tempore*. Which is a motion to limit debate.

Mr. BOUTELLE. I am aware that the pending motion is a motion to limit debate. And I am endeavoring to show that this bill involves questions of so much magnitude and questions so much the subject of controversy and difference of opinion among business and scientific men that it ought to be carefully discussed. I read a telegraphic dispatch that appears in this morning's papers:

THE MISSISSIPPI RIVER LEVEES.

NEW ORLEANS, *January* 30.

A dispatch to the Picayune from Vicksburg, Miss., says: The United States steamer Vidalia arrived this morning with Capt. Clinton R. Sears, the United States engineer in charge of this district, on board. He made the trip from Memphis to inspect the levees now being constructed under his orders by the Government. He reports Long Lake levee, seventeen miles below Helena, as being in a most dangerous condition. The water is going through it at a rapid rate in two places, the break extending about two hundred and fifty yards, and the water being from one and a half to two feet deep. The water has backed up behind the levee, and it is impossible to secure the earth to continue the work

on it. Fork Levee, which extends from Arkansas City to Ames's Ridge, is now the most important levee work on the west side of the river, and the situation there is extremely critical, as the water is passing through several breaks, aggregating in width about five hundred yards, the water averaging two feet in depth. The back water also prevents work on this levee.

I submit, Mr. Speaker, that facts like these should suggest to this House that before we enter upon appropriations such as are called for by this bill a decent respect for public opinion and our responsibilities as legislators require us to give this subject careful consideration here.

Mr. WASHBURN. I move that the consideration of the motion to limit debate be postponed till next Tuesday.

The SPEAKER *pro tempore*. The Chair will entertain the motion; but under the rule the question will first be on the motion of the gentleman from Minnesota [Mr. WASHBURN] to amend the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. REED, of Maine. The motion of the gentleman from Minnesota is to postpone the consideration of the motion to limit debate.

Mr. WILLIS. I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] has not the floor. The gentleman from Minnesota [Mr. WASHBURN] took the floor in his own right and was entitled to hold it for one hour, and he has never yielded it. The Chair, however, will hear the gentleman from Maine.

Mr. REED, of Maine. I suggest to the Chair that the motion of the gentleman from Minnesota is that the entire subject under discussion be postponed until Tuesday.

The SPEAKER *pro tempore*. The Chair knows that, and he will suggest to the gentleman from Maine that if he consults the rule he will find that the various motions must take precedence as they are laid down in the rules, and the motion to amend is voted on before the motion to postpone indefinitely.

Mr. REED, of Maine. If the Chair will permit me, I desire to state that the order of motions given in the fourth section of Rule XVI is "to postpone to a day certain," "to refer or amend," which gives precedence to this motion.

The SPEAKER *pro tempore*. Does the gentleman from Minnesota move to postpone to a day certain?

Mr. WASHBURN. Yes, sir.

The SPEAKER *pro tempore*. The Chair understood the gentleman to yield to the gentleman from Massachusetts [Mr. LONG] to move to postpone indefinitely.

Mr. RANDALL. I desire to make a suggestion to the House, which may, perhaps, bring about a harmonious result. I suggest that the general debate be continued on this bill till 5 o'clock, that the House then take a recess until 8 o'clock, and that the general debate be continued from 8 o'clock till such hour as the House may adjourn.

Mr. KEIFER. There will be nobody here to-night to hear it.

Mr. WASHBURN. Mr. Speaker, I move the previous question upon my motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moved that the House do now resolve itself into the Committee of the Whole on the state of the Union, and pending that motion he has moved that all debate upon what is known as the river and harbor bill, when such bill shall be reached, shall be limited to four hours and a half. The gentleman from Minnesota [Mr. WASHBURN] has moved as an amendment that that debate be limited to six hours. The motion now pending is to postpone until Tuesday next the further consideration of this motion, and upon that motion the gentleman from Minnesota asks the previous question.

Mr. HATCH, of Missouri. Mr. Speaker, I move to lay this whole subject on the table.

Mr. BRECKINRIDGE. I offer as a substitute the suggestion that has been made by the gentleman from Pennsylvania [Mr. RANDALL]. I think it is in the nature of a substitute.

The SPEAKER *pro tempore*. The Chair hardly thinks it is a substitute. The gentleman from Missouri [Mr. HATCH] moves to lay this subject on the table.

Several members addressed the Chair.

The SPEAKER *pro tempore*. That motion is not debatable.

Mr. THOMAS. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. There are too many gentlemen rising to questions of order for the Chair to hear any particular one. Gentlemen will be seated, and the Chair will then hear their parliamentary inquiries and points of order. The gentleman from Illinois [Mr. THOMAS] will now please state his point of order.

Mr. THOMAS. My point of order is that the motion of the gentleman from Missouri [Mr. HATCH] is not in order after the previous question has been demanded on the motion of the gentleman from Minnesota [Mr. WASHBURN].

The SPEAKER *pro tempore*. The Chair thinks differently. The previous question has not been ordered. The question is upon the motion of the gentleman from Missouri [Mr. HATCH] to lay this subject upon the table.

Mr. BROADHEAD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROADHEAD. I desire to ask the Chair whether if this motion to lay on the table shall prevail it will not carry the bill with it?

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the bill is not before the House; it is in Committee of the Whole House, and this motion if it prevails will have no effect upon the bill.

The question is upon the motion of the gentleman from Missouri [Mr. HATCH] to lay this subject upon the table.

The House divided; and there were—ayes 86, noes 71.

So the motion to lay on the table was agreed to.

The SPEAKER *pro tempore*. The motion to lay this subject upon the table has been agreed to; and the question now recurs upon the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. This subject being now laid upon the table, I desire to ask the Chair whether a motion to limit debate is not now in order?

The SPEAKER *pro tempore*. The Chair thinks that it is.

Mr. WILLIS. I ask unanimous consent to make a brief statement, which will not occupy more than two minutes.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] has the floor.

Mr. WILLIS. Mr. Speaker, I do not intend to trespass upon the courtesy of the House further than to occupy two or three minutes in replying to what has been said here in regard to the committee which reported this bill and of which I have the honor to be chairman.

The House will bear in mind that when this bill came up for discussion the day before yesterday, in obedience to the instructions of the committee I asked what time would be agreed upon for the discussion of the bill. Thereupon the gentleman from Maine [Mr. REED], as the utmost time that was asked for in the discussion, requested that at 4 o'clock yesterday general debate should be ended; and the matter was not further pressed. This morning, after the debate had run for a day, in order to arrive at the sense of the House I again made a motion, by way of suggestion, as to the general debate, as is the custom in regard to all general bills, and I asked the opinion of those who oppose the bill. One gentleman thereupon suggested that instead of three hours the time should be three hours and a half. I accepted that. Another gentleman proposed to extend the time to four hours, and another to four hours and a half. I accepted that suggestion. Thereupon the gentleman from Minnesota [Mr. WASHBURN] moved to make it six hours. Now, that is the whole history of this effort to limit or "gag" debate. Speaking for the committee I desire to say that, subject to the limitations necessarily imposed upon us by the shortness of this session, neither I nor any member of that committee has had any desire to exclude any gentleman from the expression of his views upon the pending bill; but we recognize the fact that there are only twenty-eight days of legislative life left, and that there are other appropriation bills pressing for consideration; and subject to the limitations imposed by these facts we desire the fullest debate on this bill.

With reference to the suggestion as to members not being permitted to go before the committee, I desire to state, what is known to the House, that there were thousands of items to be passed upon by this committee. In the last session, which was the long session, we invited every member, whether he desired to come before the committee or not, and all the delegations, because we had ample time to hear them. But at this session, being limited by the law to ninety days, we could not have the advantage of the personal presence of all the members of this House and the thirty or forty delegations from different parts of the country that desired to be heard. Nothing was done for the purpose of excluding information. On the contrary, when any member of the House informed a member of the committee that he desired to be personally heard, we told him the rule that we were compelled to adopt, and requested him to put in writing the suggestions he had to make; and that was done by all the gentlemen who desired to present anything to the committee, including the gentleman from Maine [Mr. REED]. I feel bound to make this statement in justice to the committee.

I desire to say further that we of the committee are willing to let this debate run as long as any member on the floor who is friendly to the bill desires; but we believe that in the interest of the bill there should be some limit fixed this morning. If the House agrees to that, desiring myself to have the fullest debate that can be had, I state to the House for its information that, as one member of the committee, I shall surrender to other gentlemen all the time allowed to me. I ask that by general consent the proposition of the gentleman from Minnesota that the general debate be limited to six hours be accepted; and I now demand the previous question.

Mr. SPRINGER. I rise to a question of order. My point is that the House has just laid on the table the whole subject of limiting debate on this bill, and that it is not in order at this stage to renew the motion to limit debate.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. HISCOCK. I desired to make the same point of order. I suppose we can reach our object by voting down the previous question.

Mr. SPRINGER. If we now lay this subject on the table again, can this process be repeated from time to time all day? I move to lay on the table the motion of the gentleman from Kentucky.

Mr. WASHBURN. I hope this side of the House will agree to what

I regard as a very reasonable proposition made by the gentleman from Kentucky.

The SPEAKER *pro tempore*. This debate is proceeding only by unanimous consent.

Several members objected and called for the regular order.

The question being taken on the motion of Mr. SPRINGER to lay on the table the motion of Mr. WILLIS, there were—ayes 99, noes 73.

Mr. WILLIS. I will not consume the time of the House by pressing further this matter. I ask for the regular order.

The SPEAKER *pro tempore*. The motion to lay on the table is agreed to. The regular order is the question upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into Committee of the Whole on the state of the Union.

RIVER AND HARBOR APPROPRIATION BILL.

The question being taken on the motion of Mr. WILLIS that the House resolve itself into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] is entitled to the floor for twenty-five minutes.

Mr. MILLS. Mr. Chairman, ten years ago the country dependent on the Mississippi River for transportation of its products to market was in the same condition that the country is which is dependent on Galveston Bay and that much larger scope of country lying north and northwest of that bay must be in the future. That large section of country lying along the waters of the Mississippi and its tributaries in the West is the principal grain and provision producing part of our Union, and its markets are in New and Old England. Ten years ago, and before that, it was common to hear persons speak about the worthlessness of agricultural products there. However prolific was the yield of all the necessaries of life, the obstructions between the producer and the consumer were so great that the value of their products was almost consumed in the costs of transportation. We were often told that corn was being consumed for fuel when Eastern populations were hungering for bread.

I heard some gentleman say here the other day that Mr. Eads had said some years ago that the improvement of the Mississippi River would cost $100,000,000. I know not what Mr. Eads may have said, but, sir, if these walls could have been hung with phonographs, registering and preserving the utterances of the human voice, and they could be brought before us now, they would tell of hundreds of utterances in these Halls that the people of the West would have the Mississippi River open if it cost $100,000,000. All her Representatives said it. The people of the West were conscious of their power, and they were determined to expend their treasure to open a way for their products to the markets of the world. Why, sir, that river had been under the work and management of the United States engineers for forty years. The Government had expended for its improvement during that time more than $2,000,000 at its mouth alone. Nothing had been accomplished. Congress had appointed committees to investigate the difficulties in the way of transportation routes to the seaboard. They had labored patiently and made large reports of their investigations. But the problem remained unsolved. Agricultural labor was paralyzed. Stagnation and rot and decay were everywhere in their midst. In 1875, when the contract was made with Eads, after all the large expenditure made by our engineers, there was but eight feet of water on the bar at the mouth of the river, as I am informed.

This was all that was to show for all that money, and science, and skill, and learning, which was so highly eulogized by my friend from West Virginia [Mr. GIBSON]. Eads had recently accomplished that great wonder of the world, the spanning of the Father of Waters at Saint Louis with a great bridge which will remain as long as architecture endures the admiration of mankind. The representatives of the people had confidence in him. They came to Congress and brought him here, and he submitted a proposition, which was accepted, for $5,250,000 to give thirty feet of water at the mouth of the river. That thirty feet of water has been obtained, and a free way to market has been made for the wheat, and corn, and pork, and provisions of that great granary and storehouse of the country.

What, sir, has been the result of that work? The stagnation and decay that characterized every inch of that country before now passed away, and the hum of active and prosperous industry meets you everywhere. And New Orleans, your city, my friend [to Mr. HUNT], that had death at her doors, with silence in her streets, with her levees untenanted, once more revived with business activity, and to-day, like the eagle, she renews her youth and becomes once more the great cotton-exporting city of the Union. Now, sir, I want to read you some extracts from the report made by the Chief of the Bureau of Statistics about the cost of transportation of wheat before that work was accomplished and what it was after it was finished. Some of these statements are given on the authority of Mr. Morgan, who was secretary of the Merchants' Exchange at Saint Louis.

Mr. Nimmo, in his report, says:

> Mr. Morgan also states that upon the opening of navigation in the month of March, 1881, and for some time thereafter, the through rate from Saint Louis to Liverpool was as high as 26½ cents per bushel on wheat, while the rate by rail via New York and thence by steamer to Liverpool was about 35 cents. He states, however, that since the first rush ended freights have gradually declined, until on the 31st of May the rate from Saint Louis to Liverpool via the Mississippi River was only 18½ cents per bushel on wheat, whereas at the same time by the rail route via Atlantic seaports it was about 30 cents per bushel, a difference of 11½ cents per bushel in favor of the river route.
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> Mr. John King, jr., late first vice-president of the Baltimore and Ohio Railroad Company, in his report to the joint executive committee of east-and-west trunk lines, under date of April 27, 1881, states that on the 26th of March last the total charges for transporting grain from Saint Louis to Liverpool via New Orleans, including river rates, ocean rates, insurance, and transfer charges at New Orleans, amounted to 46.74 cents per 100 pounds, or 28 cents per bushel, and that at the same time the total charges for transporting grain from Saint Louis to Liverpool via New York, including rail and ocean rates and all incidental charges, amounted to 60.44 cents per 100 pounds, or 36¼ cents per bushel. This shows the charges on the route via New Orleans to be less than the rates via Atlantic seaports by 8¼ cents per bushel.
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> At the time this statement was made by Mr. King the river rate was 8¼ cents per bushel from Saint Louis to New Orleans. It is believed, however, by well-informed persons, that grain can thus be transported in barges at a profit for 4 cents per bushel.
>
> The result of the maintenance for a long period of so wide a difference between the rates by the river route via New Orleans and the rail route via Atlantic seaports has, of course, been *to deflect to the Mississippi River route almost all grain at Saint Louis intended for exportation to foreign countries.*

Hence the bitter and almost malignant opposition to the improvement of our water ways in the South and West which always comes from the East. New York city has shown her political power in this House constantly under one pretext and another with both political parties against every attempt that seeks to release us from the dominion of her trade.

Mr. DUNHAM. Allow me to ask the gentleman a question.

Mr. MILLS. Certainly.

Mr. DUNHAM. I wish to inquire when these rates you speak of were made from New York to Liverpool?

Mr. MILLS. What I have read has been quoted from Mr. Nimmo's report.

Mr. DUNHAM. But at what time were these rates made?

Mr. MILLS. As I have already stated, they were made in 1881.

Why, Mr. Chairman, the people of New York and of the Eastern States, who have had the great channel of commerce flowing across the continent into their laps, almost took the hydrophobia a few years ago when we were passing a river and harbor bill. It was denounced all over the country, and members of Congress fell under that denunciation, and even grave Senators, strong in their popularity at home, barely saved themselves because they had voted in favor of removing some of the obstructions to the navigation of the Mississippi and other rivers in other States of the Union.

And that great journal the New York Herald, that was so potent a factor in striking down the members of Congress who voted for the improvement of those rivers and harbors, now very anxiously, very persistently, very laboriously, and very ably presses upon the Congress of the United States the necessity of ratifying the Spanish treaty, that takes out of the coffers of the Government $25,000,000 of money on sugar without reducing the price of sugar one farthing to the 55,000,000 of consumers.

I am not at all astonished to find that city still opposing every effort that is made by the people of the Western States to get to market cheaply. It is not in the constitution of human nature to give up these vast advantages which have been flowing into their pockets. They will not willingly consent to relinquish them, but will exhaust every element of their political power to compel both Democrats and Republicans to bow in obedience to their command. Now, Mr. Chairman, what has been the result of the work of the United States engineers at Galveston? We are told they are men of great learning; that they have been educated at West Point by the Government; that they are learned and skillful and all that. Their success has been precisely the same at Galveston that it was at the mouth of the Mississippi River, and precisely the same at Brownsville that it was at Galveston and at the mouth of the Mississippi River, and that is their success is expressed by the word "failure."

In 1874 they began the work of the improvement of Galveston Harbor by the "gabionnade" system. The engineers all expressed confidence that this system was a success. They never faltered in their devotion to it, and never wavered in their confidence of procuring what they undertook to get, that is, eighteen feet of water on the bar. But in 1879 the gabionnade system was abandoned, swept away, and it has gone "where the woodbine twineth." It has gone out into the wide, wide sea, and the $527,000 expended by the Government to make a channel by the gabionnade has been sunk in the depths of the sea. In 1879 the mattress system was adopted. A jetty four and one-quarter miles in length was constructed at a cost of $975,000, including $100,000 contributed by the city of Galveston. The total amount expended up to the present is $1,578,000. That single jetty was to perform wonders, and it did perform wonders. There is something strange about it to one who does not comprehend fully the science of engineering. It deepened the water. There is no doubt about that, for the engineers tell us so in their report. But it deepened it on the wrong side of the jetty.

It was the design of the engineers that the channel should be on the north side of the jetty, but the water refused, and cut the channel on the south side. The engineers designed that the south side should be shoaled, but the water determined to shoal the north side, and they cut a channel from four to eight feet deep on the south side. The water was twelve feet deep on the bar when the work began in 1874. In September, 1875, a heavy storm came and ploughed out a channel nine inches deep. Now they have thirteen feet of water, and there are three inches of that thirteen feet involved in a contest between the engineers and the clerk of the weather as to who is entitled to claim it. In addition to the grand success of getting a channel on the wrong side of the jetty, they have turned the current of the Gulf along the shore of the island, which is cutting it away and threatening the permanent destruction of that part of the island and the submerging of houses along with the jetty in the waters of the Gulf. Such have been the achievements of our engineers. The people of Texas have no confidence in obtaining deep water under their plans, and they look for success only by the adoption of the plans of Eads at the mouth of the Mississippi, and that is by raised jetties, confining the outflow to the channel and making it do the dredging.

To obtain the result so much needed and so much desired not only by Texas but by the whole of that vast section between the Mississippi River and the Pacific Ocean and between the Gulf of Mexico and the British Possessions, we come to Congress, and ask you to adopt measures that will open our way to market, and open it as soon as possible.

Why do I say that this vast area of country is tributary to Galveston? Because it is nearer to the Gulf than it is to the Atlantic. It is nearer Dakota than New York is, and it is nearer to all the people along the Mississippi River on its west side than New York is. Not only that, but all the people along the farther borders of the Territories of the United States must inevitably come to the Gulf of Mexico for their markets. They now have three ways open to them by which they may reach the consumers of their products. They may go east to the Atlantic, or south to the Gulf, or west to the Pacific.

Washington, Oregon, and California can go to the Pacific. But you must remember that their customers are not at Honolulu, but in New England and Europe. Their products find their markets in eastern countries. In order to reach them they can not sail across the isthmus, for it has mountains and not water. They must go clear around the cape and make a three months voyage to reach England. That will not do. Or they must go clear across the continent to New York, and that will not do. Or they must go to Galveston. It is a very simple question to determine. We all know that they will take the shortest and quickest and cheapest route, because in trade shortness of time and distance are material elements of value. Time and money saved in transportation are so much saved to the producers, for the producer has to bear all the charges of reaching an open market. I mean a market governed by the laws of demand and supply. I do not mean markets governed by acts of Congress, but markets where prices are governed by the amount of articles to be sold and the amount of demand there is for their purchase. When the producer reaches the market he must sell at the market price, and all the cost of getting his products to market must be borne by him. As the people of the Northwest have to sell their agricultural products in the open markets of the world, they have to bear all the heavy charges of transportation. The territory tributary to Galveston contains 2,000,000 square miles. It has more than 10,000,000 of people—only five to the square mile. It is populating rapidly.

I have some figures to show how fast it is growing. Idaho increased in the last ten years 117 per cent.; Wyoming increased 127 per cent.; Kansas, 178 per cent.; Washington, 213 per cent.; Arizona, 217 per cent.; Nebraska, 267 per cent.; Colorado, 387 per cent.; and Dakota, 853 per cent.

This shows you the rapid rate at which the West is increasing. It is capable of sustaining a population as thick as that of New York; and that State I believe has 110 or 115 of population to the square mile, almost one-half of what Massachusetts and Rhode Island have, and about one-fourth of what Great Britain has; and all these people have got to go to market to the Gulf of Mexico if they are going to market their products where they will receive the largest amount of benefit for them.

Now let me show you the distances of some of the young cities of the West from Galveston. Kansas City, which is the center of this great grain-growing country, is 600 miles nearer to Galveston than it is to New York; Denver is 730 miles nearer; Salt Lake City is 750 miles nearer; Cheyenne is 650 miles nearer; Santa Fé, 1,000 miles nearer; Yankton, 300 miles nearer; Lincoln, 275 miles nearer; Topeka, 550 miles; Omaha, 375 miles; San Francisco, 900 miles, and Los Angeles, 1,100.

Why, then, should they go farther across the continent by rail when they will save these distances by striking salt water at Galveston? They will all go to Galveston, and of course their trade will be lost to the cities on the Atlantic coast; and of course they will resist under every pretext possible every improvement of these water ways that makes it possible to take that trade away from them.

Now let me show you how in doing this thing they are acting against the interests of the great body of their people. The railroad interest, the vast capital invested in the trunk lines running west from New York, are doing all in their power to keep this business. But the interest of the great body of the Eastern people who live by the bread and meat they get from the Western States requires that they shall have these obstructions removed, so that they may get the necessaries of life cheaper. Looking at the last report of the Agricultural Department for December, 1884, I find the price of a bushel of corn in Maine is 75 cents; in New Hampshire, 76 cents; in Vermont, 65 cents; in Massachusetts, 72 cents; in Rhode Island, 78 cents; in Connecticut, 65 cents. The average price of a bushel of corn in the six New England States is 72 cents. Then look to Iowa, Missouri, Kansas, and Nebraska, the great corn-producing regions of the West, and you find the bushel of corn in Iowa is worth 23 cents; in Missouri, 26 cents; in Kansas, 22 cents; in Nebraska, 18 cents. The average price of a bushel of corn in those four States is 22 cents, while the average price of a bushel of corn in the New England States is 72 cents; a difference of only 50 cents in the average price of a bushel of corn in those four States and in the six New England States!

What I have just been remarking applies also to wheat. There is a similar difference, although not precisely the same, in the prices of wheat, hay, and other articles that the New England States want and our people raise in excess. The prices of these articles are very much higher in the East than in the West; and it is for the interest of the poorer people in New England that they should buy them cheaper. Remove, then, all the obstructions intervening between them and the producers of these articles which are the necessaries of life to them. The Representatives of New England should aid us in removing these obstructions as far as it is possible to remove them, and thus help their people to cheaper food. Suppose it costs six or seven million dollars to do it, what of that? Why, sir, if the price of transportation of a bushel of wheat should be reduced eight and a quarter cents by opening the mouth of the Mississippi River, what is the saving to the wheat-growing regions on 100,000,000 bushels? It will represent a sum large enough, even on the first crop of wheat, to save the whole expense of that work. If you open the port of Galveston, the State of Kansas, as my colleague [Mr. REAGAN] said the other day, will save on her corn crop alone enough to pay for the work.

Why, then, should it not be opened? Why should we not have these obstructions removed? But some gentlemen say that we ought to leave this thing to the engineers of the United States; that they can do it, and that we reflect upon them when we intrust the work to Mr. Eads. Why, sir, have we cast reflection on the great Corps of Engineers? Did the United States cast reflections upon them when it put in the hands of Mr. Eads the great work at the mouth of the Mississippi River? Why did the owners put in his hands the construction of the great bridge at Saint Louis over the Mississippi River? Why was one general after another during the war removed from the command of your Army? Why did you put General Grant there? Was it any reflection on the other distinguished generals that stood around him that had marched at the head of your armies and fought with him, or because Grant had great military abilities transcending those of his fellows? Was that necessarily a reflection on the others? They had been tried and had failed. He had been tried and succeeded. Why should the Government be deprived of the services of a commander who knew how to succeed?

Here is a great engineer. We recognise him as standing at the head of all the engineers in the United States, and he is regarded to-day as the greatest in the world. Why, only the other day he made an examination of certain works at Rio Janeiro, for which the Emperor of Brazil paid him $25,000; and I understand that he was paid $15,000 by the Parliament of Great Britain for his opinion on a work involving the clearing out of obstructions from some of the waters of Great Britain.

[Here the hammer fell.]

Mr. MILLS. I wish I had five minutes more.

Mr. JONES, of Alabama. Mr. Chairman, I will yield the gentleman ten minutes of my time.

Mr. REED, of Maine. I move that the gentleman from Texas [Mr. MILLS] be allowed five minutes more, by unanimous consent.

Mr. HISCOCK. I have no objection, Mr. Chairman, to any arrangement that may be made of that kind; but I suggest that it be with the understanding that the same courtesy shall be extended to the other side.

Mr. REAGAN. Mr. Chairman, the gentleman from Alabama [Mr. JONES] has taken the floor and yielded my colleague ten minutes of his time.

The CHAIRMAN. The difficulty about that is that the Chair has already recognized another member of the committee, the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I have no objection to the gentleman from Texas [Mr. MILLS] proceeding for five minutes.

Mr. BLANCHARD. I believe I am entitled to recognition after the gentleman from Illinois [Mr. THOMAS], and if he will give five minutes of his time to the gentleman from Texas [Mr. MILLS] I will yield five minutes of my time to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. I have no objection to that.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] will proceed. The gentleman from Illinois [Mr. THOMAS] yields him five minutes of his time.

Mr. MILLS. Mr. Chairman, during the short time that has been allowed me (for which I feel very thankful to the gentleman) I want to discuss another objection that is raised to this improvement—the objection that there is a wharf company at Galveston which charges exorbitant rates upon the commerce coming and going through that port. There is a wharf company at Galveston. I suppose there are wharf companies in all cities on the seaboard—at least there are certain regulations about wharves in all such cities. Wharves have to be built, and it takes a great deal of money to build a wharf which runs out such a distance that vessels drawing ten, fifteen, or twenty-five feet of water can lie alongside. I am speaking now only my own individual opinion upon this subject; but I have no doubt that there are wharf companies in Baltimore, Philadelphia, New York, Boston, Chicago, New Orleans, San Francisco, and many other places. I do not know anything about the rates charged by the Galveston Wharf Company, but I do know that the constitution of my State has confided to the Legislature full power over all wharf companies and other companies in the State to fix and regulate their charges. I will read the provision of our constitution upon that subject:

SEC. 3. The right to authorize and regulate freights, tolls, wharfage, or fares levied and collected, or proposed to be levied and collected, by individuals, companies, or corporations, for the use of highways, landings, wharves, bridges, and ferries devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this constitution shall provide a mode of procedure by the attorney-general and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges as freight, wharfage, fares, or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls, or wharfage shall at all times be subject to amendment, modification, or repeal by the Legislature.

Mr. BROWN, of Pennsylvania. I desire to ask the gentleman from Texas [Mr. MILLS] whether the legislation authorized by that constitution has ever been entered upon?

Mr. MILLS. I will say to the gentleman that the Legislature of my State is now in session; and I see by the public prints that their minds have been directed to this very matter, and that they are preparing to revise and look into the wharf charges at Galveston.

Mr. BROWN, of Pennsylvania. When was that constitution adopted?

Mr. MILLS. Ten years ago.

Mr. REAGAN. If my colleague [Mr. MILLS] will permit me, I will state that I have seen a comparison of the wharf charges there with those in other cities, showing that the charges in Galveston are lower than in other cities.

Mr. MILLS. And I am informed by mercantile gentlemen who live in Galveston, and have to deal with this wharf company, that the charges are lower than elsewhere. I have here a paper in which the charges are published. I do not know how long they are kept standing, but I find them spread broadcast before the world in this newspaper. I will not occupy time by reading them, but I will make the statement a part of my remarks:

RATES AND REGULATIONS OF WHARFAGE OF THE GALVESTON WHARF COMPANY, APRIL 1, 1881.

All vessels and their owners landing goods on the wharves thereby contract to pay, and are responsible for, the wharfage on the same, according to the following rates, to be collected from the vessels or their agents:

	Cents.
Anchors and chains, per 100 pounds	5
Barrels, wet	6
Barrels, dry	5
Barrels, empty, wet	3
Barrels, empty, dry	2
Barrel staves, per thousand	50
Bacon, per cask	25
Bacon, per case	15
Bags or sacks in bales, per cubic foot	1
Bagging, per cubic foot	1
Bagging, per 100-yard roll, each	6
Bagging, per 50-yard roll, each	3
Baskets, per nest	2
Ballast, per ton	25
Bales, over 5 cubic feet, per foot	1
Bedsteads, each	10
Bedsteads, common, each	5
Bedsteads, boxed, per cubic foot	1
Bellows, per cubic foot	1
Bananas and plantains, per bunch	2
Breakfast bacon, per box	5
Boxes liquors, cheese, soap, candles, &c	3
Boxes, extract coffee, ink, bluing, &c. (small)	2
Brooms, per dozen	5
Brooms-handles, per thousand	30
Broom-corn, per bale	5
Brick, fire, per thousand	60
Brick, common, per thousand	50
Bran, per sack	4
Bran, per ton of 2,000 pounds	50
Blinds, doors, and sash, per cubic foot	1
Boilers, steam, per 100 pounds	5
Bones and horns, per ton of 2,000 pounds	30
Bone-dust, per ton of 2,000 pounds	50
Bone-black or bone-meal, per sack of 100 pounds	3
Bolts and spikes, rivets, nuts, and washers, per keg	5
Buckets, per dozen	8
Buckets, well, per dozen	5
Butter, per keg	3
Butter, per firkin	4
Building stone, rough, per ton of 2,240 pounds	50
Buggies, each	50
Buggies, boxed, per cubic foot	1
Carboys, each, full	10
Carboys, empty	5
Casks, wine	20
Casks, hardware, per 100 pounds	5
Casks, merchandise, per cubic foot	1
Carriages, boxed	75
Carriages, each, per cubic foot	1
Carts, each	25
Castings, hollow or solid, per 100 pounds	5
Cattle, grown, each	30
Cattle, two-year-olds, each	20
Cattle, yearlings, each	10
Cattle, calves, each	10
Champagne, in baskets	5
Chairs, per bundle (2 each)	5
Charcoal, per sack	3
Cotton, per bale, landed	10
Cotton, per bale, shipped	10
Cotton, per sack	10
Coal, dumped in cars, per ton of 2,240 pounds	30
Coal, dumped on wharf, per ton of 2,240 pounds	30
Coal, in sacks	25
Coaches, stage, each	100
Corn, per sack	3
Corn, in shuck, per barrel	3
Cotton seed, per ton of 2,000 pounds, cargo	25
Cotton-seed meal, per ton of 2,000 pounds	15
Cotton-gins, per cubic foot	1
Cotton-planters, each	10
Corn-planters, each	10
Corn-shellers	6
Corn-mills, per cubic foot	1
Coffee, per sack of 135 pounds	4
Codfish, per drum of 500 pounds	15
Cordage, per 100 pounds	5
Cotton-ties, per 100 pounds (inward)	24
Cotton-ties, per 100 pounds (outward)	5
Copper, per 100 pounds	5
Copper, pig, per 100 pounds	5
Coal oil, per case	2
Cocoanuts, per 100	25
Collars, horse, per dozen	5
Crates, crockery or merchandise, per cubic foot	1
Cultivators, each	30
Drays, each	25
Doors, each	3
Demijohns, full	2
Demijohns, empty	1
Dry goods, in case, per 100 pounds	5
Filters, boxed or otherwise, per cubic foot	1
Flour, per sack of 100 pounds	2½
Flour, per sack of 50 pounds	1½
Fustic and other dyewoods, per ton of 2000 pounds	50
Fertilizer or guano, per ton of 2,000 pounds	50
Furniture, boxed, per cubic foot	1
Groceries, dry, boxed, per 100 pounds	5
Grain, for export, including bran, per 100 pounds	1
Grind and mill stores, per 100 pounds	5
Gunny bags, in bales, per cubic foot	1
Hardware, per 100 pounds	5
Hames, per dozen	4
Hams, per cask	25
Hay, per bale	10
Hay, per half bale	5
Hogsheads, empty	5
Hogshead staves, per thousand	50
Hay-cutters	6
Half barrels, wet	3
Half barrels, dry	3
Half barrels, empty	1
Herring, per box	1
Hoop-poles, per thousand	25
Horses and mules, each	50
Hogs	5
Horseshoes, per keg	5
Household goods, per 100 pounds	5
Hides, loose, each	1
Hides, in bales, per 100 pounds	5
Hides, green, in bundles of 2 each	3
Ice, in hogsheads	25
Ice, as per invoice, less 30 per cent. for waste, per ton	50
Ice-cream freezers, each	2
Iron, boiler, plate, bar, hoop, wrought, sheet, and galvanized, per 100 pounds	5
Iron pipe, water, per ton of 2,000 pounds	50
Iron shutters and wrought fittings, per 100 pounds	5
Iron, junk and scrap, per ton of 2,240 pounds	50
Iron, pig, per ton of 2,240 pounds	50
Iron safes, over 2,000 pounds, per 100 pounds	10
Iron safes, under 3,000 pounds, per 100 pounds	5
Iron wire, telegraph and fence, per 100 pounds	2½
Junk, in bales (except iron)	10
Kegs, merchandise	3
Kegs, empty	1
Kits, fish	2
Laths, per thousand	10
Lemons, per box	4
Lead, per 100 pounds	5
Lumber, per thousand	50
Leather, per 100 pounds	5
Malt, per sack	
Marble, per 100 pounds, dressed	
Marble, per ton of 2,000 pounds, rough	50
Marble dust, per barrel	5
Machinery, per 100 pounds	5

	Cents.
Mineral ores, per ton of 2,000 pounds	50
Mowing machines, each	50
Moss, per bale	5
Matting, per roll	5
Nails, per keg	3
Nails, per half keg	2
Oakum, per bale	5
Oats, per sack	4
Oil-cake, per ton of 2,000 pounds	15
Oranges, per box	4
Ordnance stores, per 100 pounds	5
Oysters, per barrel	5
Paint, per 100 pounds	5
Pails, per dozen	5
Pails, flour, per nest	3
Paper, printing, per bundle	3
Paper, wrapping, per ream	1
Pecans, per sack	3
Pianos, boxed, per cubic foot	1
Pineapples, per 100	25
Plows, each	5
Plows, sulky	25
Plow material, k. d., per 100 pounds	5
Potash, per 100 pounds	4
Posts, fencing, each	1
Powder, kegs	4
Powder, half kegs	2
Powder, quarter kegs	1
Railroad material for construction and operation:	
Railroad iron and steel rails, per ton of 2,240 pounds; Railroad fish-bars, plates, and chairs, per ton of 2,240 pounds; Railroad frogs, spikes, bolts, and nuts, per ton of 2,240 pounds	30
Railroad and iron bridges, locomotives, per ton of 2,240 pounds; Railroad trucks, wheels, axles, &c., per ton of 2,240 pounds	1 00
Railroad iron, for street-railroad, per ton of 2,240 pounds	50
Railroad passenger cars, each	15 00
Railroad passenger cars, narrow gauge	10 00
Railroad platform cars	8 00
Railroad platform cars, narrow gauge	5 00
Railroad lumber, per thousand feet	30
Railroad ties, eight feet long, each	2
Raisins, per box	3
Raisins, per half box	2
Raisins, per quarter box	1
Rags, per bale	10
Refrigerators, per cubic foot	1
Rubber belting, per 100 pounds	5
Roofing slate, per ton of 2,000 pounds	40
Rope, per 100 pounds	5
Salt, per sack	3
Salt, per sack (cargoes imported)	2
Sand or soil, per dray-load	5
Sawdust, per dray-load	10
Sewing-machines, each	10
Sewing, k. d., per 100 pounds	5
Sieves, per package, 2 dozen	10
Shot, per 100 pounds	5
Shingles, per thousand	10
Sheep, each	5
Shooks, box, per car-load	5 00
Shooks, box, less than car-load, per 100 pounds	2
Shell, per dray-load, 5 barrels	5
Soda, in casks and drums, per 100 pounds	2
Shovels and spades, per dozen	6
Spices, per sack	5
Stoves, per cubic foot	1
Sugar, per hogshead	25
Sugar, per barrel	5
Sugar, Havana, in boxes	15
Smoke-stacks, per 100 pounds	5
Stoves and trimmings, per 100 pounds	5
Sulkies	25
Tierces beef	10
Tierces lard	10
Tierces rice	10
Tierces hams	10
Tierces tallow, &c	10
Tierces with barrels inside	10
Tierces empty	4
Timber, walnut, &c., per ton of 50 cubic feet	25
Tin plate, per 100 pounds	5
Tin, pig, per 100 pounds	5
Tobacco, chewing, per 100 pounds	5
Tobacco, smoking, per cubic foot	1
Tiles, per ton of 2,000 pounds	50
Trunks, filled with merchandise, or nests	6
Tubs, per nest	5
Trucks, railroad, per 100 pounds	5
Truckage, per loaded freight car	1 00
(Locomotives, passenger trains, and empty cars, free.)	
Wagons, each	50
Wagons, spring or cane	75
Wagon material, k. d., per 100 pounds	5
Washing-machines, each	10
Washboards, per dozen	4
Watermelons, each	1
Water-coolers	2
Wire, per 100 pounds	5
Wheelbarrows	5
Wheels and axles, railroad per 100 pounds	5
Wheels and axles, log carrier	75
Wood, per cord	25
Wool, per sack	10
White lead, per 100 pounds	5
Zinc, in rolls, per 100 pounds	5

Goods not in above list will be charged in proportion, say: Less than forty pounds to the cubic foot will be classed as measurement and charged 1 cent per foot; forty pounds and over to the cubic foot will be classed as weight, and charged 5 cents per hundred pounds.

All goods and articles of every kind landed or received upon any of the wharves are thereafter at the risk of the owners, and not of the company, and must be removed the same day, or, at furthest, the next day. After which time, any of said goods and articles remaining on the wharves, the owners and consignees thereof will be responsible for, and will be charged an additional wharfage of one-third the rates specified in the preceding schedule for every day they so remain, and may be removed by the wharf company without further notice (at the risk and expense of the goods and the owners and consignees thereof) to any part of the premises, continuing the charge for additional wharfage each day they remain on said premises. Or the wharf company may have the same removed and stored elsewhere than on its own premises without further notice (at the risk and expense of the goods and the owners and consignees thereof), and the same will be held until all charges are paid. Same wharfage to be charged on all goods or articles delivered from one vessel to another, provided either of such vessels is fast to the wharf or to any vessel fast to the wharf.

The company hereby gives notice that they will not be liable for losses if caused by excessive and unusual weights, or by piling up heavy articles, such as salt, more than four sacks high, and railroad iron more than three tiers high, on the wharves. Or by landing articles of extraordinary weight, such as locomotives, without special permission (in writing) from the company's agent; but that it will hold all persons liable for such damages as may be occasioned by overloading the wharves, without special permission.

On all shipments from the interior which are to be delivered to a vessel or agent, whether on through bill of lading or not, the carrier placing or landing produce, goods, &c., on the wharf, also the owner thereof and the shipper, are each and all responsible for the wharfage.

The owners and consignees of all goods delivered on a wharf or levee of the company thereby become bound to the company for the wharfage thereon.

All wharfage is contracted to be paid, and is due and payable to the company, at its office in Galveston.

The company also gives notice that it does not undertake storage, and will not be responsible for losses or damage, from any cause, to goods or articles landed or received on its wharves.

All vessels of fifty tons and over not engaged in receiving or discharging cargo, or seized by legal process, and lying at the wharf after such seizure, will be charged wharfage at the rate of 5 cents per registered ton for each day or part of a day.

Vessels of less than fifty tons will be charged wharfage at the rate of $2 per day or part of a day.

JOS. AIKEN, *Secretary.*

I notice that the wharfage charge for cotton is 10 cents per bale and for flour 5 cents a barrel. I do not know anything about wharf charges myself; this is the only wharf I know anything at all about; but it seems to me that these are not exorbitant charges. However, if they are, the people of my State through their representatives have full power under the constitution to regulate them; and they are now proceeding to do it. In conclusion I want to appeal to this House in behalf of the vast body of population that is now living, and that is hereafter to swarm, in the immense territory northwest of the Mississippi River, to open up to us the only safe gate by which we can get to market with the products of our labor. If you will remove the obstructions and let us deliver to our people in the East at a less cost of transportation you will buy your corn and wheat and provisions cheaper, we will sell them higher in the West, and the people in both sections will be benefited by the removal.

Mr. THOMAS. Mr. Chairman, as I had occasion to observe in my remarks this morning, this is in the main a fair and meritorious bill. The committee, early after it met for the first time at this session, remembering the shortness of the session and observing the rule laid down in other Congresses at short sessions, determined to make the present river and harbor bill as reasonably small as it could be made so that the works now in progress should not suffer for want of proper appropriations. I have not given myself the trouble to make a comparison of the appropriations proposed from a sectional standpoint; and I am glad to be able to testify that from the beginning to the end of the sittings of our committee there was not the slightest shadow of sectionalism suggested, nor was there the slightest shade of partisanship shown, but each measure was taken up and considered fairly, dispassionately, and conscientiously, and such appropriations were made for the several projects as a majority of the committee determined were right and proper.

There are some provisions of the bill which did not meet my approval at the time they were adopted, nor do they now. Looking along the southern coast of the United States, we found that from the mouth of the Chesapeake Bay to the Mexican line there was but one port where an ordinary second-class man-of-war or merchant vessel could enter, and that was at the mouth of the Mississippi River. We found that no modern first-class vessel could enter at Charleston, at Savannah, at the mouth of the Saint John's, at Pensacola, at Sabine Pass, at Galveston, at Aransas Pass, or any other point down to the Mexican line.

It struck us as something strange indeed that after the vast expenditures made by the United States Government under its engineers this state of affairs should exist; that after all the work that had been done on the harbor of Charleston, for instance, and the money expended there, it yet remained a fact that a first-class ship of war or vessel of the merchant marine could not enter its harbor.

When we looked at Savannah, with its commercial interests, the vast territory depending upon it as an entrepôt for articles from other sections of the Union and from foreign countries, and as a seaport for the products not only of Georgia, but of a large section of the Southern States, and remembering also the vast amount of money which had been expended there, I say we were seriously disappointed and were greatly surprised to find that there was not water enough there for a vessel drawing twenty feet to enter its harbor.

Remembering the growth of Florida, the commerce of the Saint John's River, the frequency with which that sunny land is visited by travelers and health-seekers, and the vast amount of production that must be shipped out and in over the bar, we were surprised to find that no

first-class man-of-war or merchant vessel could pass over it. We looked at once to see whether we could divine the cause of all this, whether we could ascertain why it was that good, sufficient, and substantial work had not been done under the appropriations given for these points. We found that the Engineer Corps of the Army, men above suspicion and supposed to have been educated in one of the best schools in this country, or in the world, were pursuing a line of policy and employing methods which the hydraulic engineers of the world have long since condemned, and which have never yet yielded success in a single instance.

So the committee, believing that something substantial ought to be done, that some reasonable and practical plan ought to be adopted for the improvement of the harbors of Charleston, Savannah, and the mouth of the Saint John's, as well as Sabine Pass and the other Gulf ports, have proposed that there shall be organized a harbor board, to be composed of two officers of the Engineer Corps, one officer of the Coast and Geodetic Survey, and four engineers from civil life, all of whom shall be distinguished for their education and ability as engineers.

It is directed by this bill that this harbor board shall make an examination of the principal ports along the southern border and lay before Congress at its next session a report as to a proper plan for the improvement of these points. They are to review the work which has been done there and to take into account the amount of plant and material on hand. They are to observe whether success or failure has followed the efforts of the engineers in charge, are to study the present plans, and are to furnish to this House full and complete information not only as to the plan but as to the cost of the several improvements.

It may be urged here, and doubtless will be, that the Engineer Corps of the Army are an educated, cultivated, honest class of men. That is admitted. It does not follow, however, because a man is intelligent, honest, and high-minded that he is a hydraulic engineer, that he understands the principles which should govern the improvement of a great seacoast harbor.

The amount of money involved in the employment of this short-lived commission, for it is to last but one year, is a mere bagatelle when compared with the amount of useful information which it will be able to lay before the House; and I hope most earnestly that this provision of the bill for the appointment of this harbor commission will be adopted by the House in the interest of economy and common sense.

During the time of the sitting of the committee, Mr. Chairman, I could see no reason why an exception should be made in favor of Galveston Harbor over Sabine Pass and over the mouth of the Saint John's, over Charleston and Savannah. I believed then, and I believe now, it will be infinitely better for the country to await the action of this harbor board provided for before making any large appropriation for the improvement of Galveston Harbor.

We are reminded of the fact, sir, that Galveston is the only feasible seaport for a vast extent of territory. Our attention is called to the plains of Kansas with their teeming fields of corn, wheat, and other productions, and Colorado with its mountains of ore and its other immense products are brought to mind as arguments in favor of Galveston; the widespreading plains of New Mexico are laid open before us; Texas with its almost limitless square miles is held up before our eyes as reasons why this great improvement should be made. I want to call the attention of the House to the fact that Kansas, Nebraska, California, and even New Mexico were made to do duty as arguments in favor of the improvement of the Mississippi River; to the fact that the great agricultural products of Kansas and Nebraska were cited time and again as reasons why the Mississippi River should be improved and a market by water furnished for these productions. I grant you that the arguments offered then and the reasons given were good and sufficient; but shall we employ these same hackneyed arguments and again traverse the fields of Kansas, Nebraska, California, and New Mexico for arguments in favor of the improvement of Galveston Harbor? I question its propriety most seriously.

Any one acquainted with the harbor of Galveston knows that out toward the Gulf it is a shoal, sloping coast, that it is a long distance to deep water, and that it is very questionable indeed whether ever a good and sufficiently deep entrance can be made to that harbor, and whether it can be maintained if made. Every one knows it rests upon the shifting, unstable quicksands that can be found all along the borders of the southern coast.

But, recognizing the necessity, however, for some harbor along that coast, I was willing that this harbor board provided for in the bill should consider the matter—should look into it carefully and furnish this House at the next session with a plan and the cost required.

Mr. HISCOCK. Has there been a comparison made between Galveston and the mouth of the Brazos?

Mr. THOMAS. There can be no comparison; they are wholly different; they are not parallel cases at all. I think the gentleman has in mind the mouth of the Sabine River or Sabine Pass. I am able to speak somewhat intelligently of these two harbors, having at one time made a personal investigation of them. The bottom of the Sabine River and its entrance into the Gulf is made up of blue clay and oyster reefs, which are comparatively permanent, which if dredged out or washed out or worked out in any way will furnish a substantial and lasting harbor; I have no doubt of it. It has been my opinion from the first, after I made a personal examination a few years ago, that Sabine Pass was the only point along the southern coast of Texas where a good and lasting harbor could be made. But I bowed to the better judgment of other men; others who thought they knew more about it, and who doubtless were correct in their opinion, as my conclusion had been based on only a superficial examination.

The work at Galveston Harbor by the engineer in charge has not been satisfactory—has furnished very poor water indeed; and I am not surprised that the Representatives and the people of Texas demand that better improvements should be made there. There is no doubt, sir, that something ought to be done, but I can see no reason why we should take this harbor out of the general class to which it belongs, why we should make an exception of this over Charleston or Savannah. As I said a while ago, I believe the true policy would be to await the report of the harbor board before making any very considerable appropriation for that harbor.

It was urged, sir, that the work at Galveston was so unsatisfactory that we ought to stop it at once; that we ought to make no further appropriation until a proper plan had been formulated and adopted for the improvement of that harbor.

The same statement was made and urged with reference to Savannah, and also with reference to the mouth of the Saint John's River. But the committee yielded to the arguments that possibly it was mistaken in the matter, and that possibly the work under the Engineer Corps of the Army would prove satisfactory and productive of substantial results in the end.

Our attention was called to the fact that only meager appropriations had been made from time to time for these projects, and that the engineers had not been able to press forward as earnestly in the prosecution of the work as they might otherwise have done on that account; and, as I have said, we thought that our fears might be unfounded, and that it would not be good policy to strike out the items for the different places mentioned.

It has been said, Mr. Chairman, in an undertone, that the life of the bill might have been endangered if the appropriations for Savannah and Charleston and the mouth of the Saint John's had been left out; that there would have been no "pork in the bill," to use the slang phrase of the day, for men living upon the Southern borders, and, as a consequence, that they would be likely to vote against the bill. I am happy to say, sir, that no such consideration actuated the committee in the course it took. We stand ready at any and at all times to defend the bill in its main features, whether we have provided "pork" or appropriations for any member or not.

We looked alone to the interests of the harbor under consideration, and were guided in our preparation of the bill solely by that consideration.

There has been a good deal said about Galveston Harbor. There have been some serious charges made against that point and those engaged in promoting what is known as the present Eads scheme; and as illustrating that I call the attention of the committee to, and ask the Clerk now to read, an extract from a Dallas paper, one of the leading journals of that State.

The Clerk read as follows:

GALVESTON HARBOR-IMPROVEMENT—A SYNDICATE PUSHING THE EADS SCHEME FOR AN APPROPRIATION OF $7,750,000.

DALLAS, *January* 22.

A leading business man of Galveston, whose name has been furnished your correspondent in confidence, and who is thoroughly informed on the Galveston Harbor improvement, in a column communication to the Dallas Herald exposes the Eads scheme for an appropriation of $7,750,000 with which to secure deep water, and also defends the plan and operations of Colonel Mansfield, in charge of the Government works at Galveston. The salient points of his article are as follows:

"The plan adopted by the Government comprehended two jetty walls running parallel, or nearly so, and designated respectively as the north and south jetties. When the work was begun it was problematical as to which jetty it would be best to construct first. Colonel Mansfield concluded to construct the north jetty first, it being the shortest; but this idea met with such strong opposition from the leading financial men of the city, who evidently had little faith in the ultimate success of the work, and who therefore preferred to have the longest jetty constructed first, so that the more money might in the mean time be spent here, that the original idea was surrendered to the influence exerted against it, and the south jetty was constructed first. Mark the result. A survey made by the city engineer showed that on the south side of the south jetty a depth of twenty feet had been obtained along the entire length of the jetty, except in one or two places where the wall had not been completed to the full length. Have you ever heard that twenty feet of water had been obtained on the Galveston bar? Probably not. Why? Because the information was too important to be given to the public, and straightway a syndicate was formed to sell it to the people.

"The unexpected discovery of deep water on the wrong side of the jetty proved that Colonel Mansfield's plan was feasible and its success assured if the north jetty should be constructed by him. The first thought of the syndicate was how to take advantage of the discovery. The regular appropriation was nearly or quite exhausted, and so the first step was to prevent another appropriation by Congress, and thus stop Colonel Mansfield's work. The Eads plan had meanwhile been brought forward with a great hurrah, and from that time to this has been strongly advocated by every influence that the syndicate could bring to bear in favor of it. It was absolutely necessary to procure the influence of the Galveston News, that journal having been an advocate of the Mansfield plan, and one of the principal proprietors was admitted into the syndicate. It is unnecessary to state that the News has been an earnest advocate of the Eads plan ever since that time. The Eads bill is said to be based upon the principle, no water, no pay. But it will be found that with the additional depth of a few feet

the bulk of the appropriation will have been secured. The syndicate also knew that this result could be accomplished by the expenditure of the comparatively small sum required to build the north jetty, and that a larger sum would remain for division.

"Colonel Mansfield has hitherto complained that his work ought not to be condemned before completion; but the powerful influence of the press was brought to bear upon him, and his ability as an engineer has even been questioned. If the Government allows Colonel Mansfield to complete the work it will cost, say, from $500,000 to $750,000. If Eads does the work it will probably cost the syndicate less, but the people will have to pay ten times as much. This is the case in a nutshell. The city of Galveston appropriated $2,500 to the use of the deep-water committee now in Washington and an additional fund of $25,000 was raised by subscription. If they succeed in getting the Eads bill passed they know that they can well afford to be laughed at, on the principle that 'they laugh best who laugh last.'"

In no place in his article does the Galveston man accuse Captain Eads directly of being cognizant of the alleged swindle intended by the syndicate, but he leaves that sort of an implication, and declares it to be the purpose of the syndicate to divide from six to seven million dollars between them if the appropriation asked by the Eads bill is allowed.

Mr. REAGAN. Will the gentleman allow a question?

Mr. THOMAS. I will yield for a question; not for a speech.

Mr. REAGAN. I do not desire to make a speech. I wish to inquire of the gentleman from Illinois if he desires by reading that paper to be understood by the committee as asserting that the Committee on Rivers and Harbors recommend the adoption of the Eads plan.

Mr. THOMAS. I will make that perfectly plain before I get through.

Mr. REAGAN. I desire to ask another question: Does the gentleman by reading an anonymous letter propose to make himself responsible for the statement that a syndicate has been sent here with $25,000 or $2,500 or any other sum to influence legislation by this Congress?

Mr. THOMAS. I will make that perfectly plain in the course of my remarks.

Mr. REAGAN. The gentleman can say whether he does or does not.

Mr. THOMAS. I will answer in my own way.

I know nothing of the responsibility or the irresponsibility of the writer of this article, or the editor of the paper in which the extract appeared. I only know that it does appear as an article in one of the Dallas papers—the Dallas Herald; it is a paper published in Dallas, Tex. I am in no way responsible for the charge made there, that there was a syndicate formed and that money had been expended to influence legislation either properly or improperly. I give it simply as an expression of opinion coming from one of the important newspapers of the State of Texas, and let it stand on its own bottom.

The bill introduced in the Senate, which was subsequently brought to the attention of the Committee on Rivers and Harbors of the House, involved, if the project of Captain Eads, urged by the delegation from Texas was adopted, the expenditure of about $8,750,000, of which $7,750,000 was for the construction of the works, and $1,000,000 subsequently for their maintenance for ten years. The committee rejected that proposition; and yet it rejected it only indirectly, for it will be seen that it has indirectly adopted it. I say this because this bill makes an appropriation of $750,000 for the purpose of improving Galveston Harbor "according to the plans and estimates to be submitted by James B. Eads," and so, indirectly, the proposition of the expenditure of $8,750,000 for this harbor under the direction and according to the plans of Captain Eads is indorsed by the committee.

The engineer in charge says that by building what is known as the north jetty and raising above the water the south jetty, at a cost of about $3,000,000, all the water needed for a first-class vessel will be furnished in that harbor. That was the reason, sir, I opposed the adoption of this plan. I thought we had better go slow when the Engineer Corps estimated on the one hand that an expenditure of $3,000,000 would complete the work, while on the other hand eight and three-quarter millions would be required under the Eads plan. I say, I thought we had better wait until the harbor board, provided for in another part of this bill, should investigate the whole matter and furnish sufficient estimates of the cost as a basis for intelligent action and appropriations in the future. I thought it better that we should hold on and that it was not statesmanlike to make an appropriation in this form. I believe now that it is imprudent to make such an appropriation in this bill, taking the plan of Captain Eads, at a cost of eight and three-quarter million of dollars, when, as I have said, the engineers report that the same facilities for that harbor can be furnished for $3,000,000. Admitting that we are not much encouraged by their promises in view of their failures in days gone by, have we come now to a point where we are ready to say that there are no other engineers in this country except Capt. James B. Eads who are able to submit plans and estimates for the improvement of our harbors? For myself I think not.

No one holds Captain Eads in higher estimation than I do. I have had the good fortune to know him for a number of years intimately and well. I know his grand achievements as an engineer. I remember he built the Saint Louis bridge. But what has the building of a bridge to do with the improvement of a harbor? The learning and talent that may be required for the one may be comparatively useless in the other. A man may be a splendid bridge-building engineer, while he may know nothing of improving rivers and harbors.

If it is determined to take this work out of the hands of the Engineer Corps of the Army, I say it is but fair to the whole country and the other engineers of this country that the doors be thrown open, and that they be allowed each in his own right to furnish plans, specifications, and estimates of cost for the improvement of this harbor. If you are not willing to do that, then I say in Heaven's name wait until this harbor board have furnished plans and estimates for its improvement. There is no reason why this extraordinary appropriation should be made for Galveston anyhow.

Charleston is a great port, and yet we gave it but 25 per cent. of the estimate; Savannah is a great port, and yet we gave it but 25 per cent. of the estimate. The mouth of the Saint John's is a great port, and we gave it but 25 per cent. of the estimate. Why should an exception be made in favor of Galveston? Do we give it an appropriation based upon any reasonable estimate? I say, no. In the first place, neither Captain Eads nor his associates have furnished a plan for the improvement of Galveston Harbor. They have not told us how long the jetties are to be, how high they are to be, how broad they are to be, what materials they are to be built of, how they are to be constructed, where the materials are to be obtained, what it will cost, nor anything about it. But this appropriation of $750,000 is based upon an entirely speculative estimate. The Chief Engineer of the Army has asked for $500,000 as the whole amount of the estimate. One-fourth of that, as we gave to Charleston, to Savannah, to the mouth of the Saint John's, would have made a very much smaller sum than $750,000.

Mr. BLANCHARD. Will the gentleman from Illinois yield for a question?

Mr. THOMAS. Yes, sir.

Mr. BLANCHARD. When the engineer in his estimate said that he wanted $500,000, was not that for the expenditure in one year and not for the completion of the project?

Mr. THOMAS. Certainly; and you have provided in this bill for $750,000 for one year on a plan which involves $8,750,000. Mansfield asks for $500,000 in one year on a plan involving an expenditure of $3,000,000.

Mr. BRECKINRIDGE. Will the gentleman yield to me for a question?

Mr. THOMAS. Certainly.

Mr. BRECKINRIDGE. I ask the gentleman if the estimates submitted by the engineers now in charge are not predicated on a plan or theory which the committee utterly rejects as impracticable?

Mr. THOMAS. I think they are. That plan is predicated on the theory of submerged jetties. I have gone, however, on the view that the Engineer Corps of the Army could learn as other men do, and would take warning from failures in other places, and would learn lessons of wisdom from success under other systems; and that they would adopt a plan which would secure success at one-half the cost proposed in this bill.

Mr. HISCOCK. May I ask the gentleman a question?

Mr. THOMAS. Yes, sir.

Mr. HISCOCK. Do I understand the gentleman to say that no plan in detail has been submitted for this work?

Mr. THOMAS. Not one scrap, not one line, not one word, not one figure has been submitted in detail.

Mr. HISCOCK. I understood the gentleman to say that no estimates had been submitted. I draw the distinction between estimates and plans.

Mr. THOMAS. There has been neither plan nor estimate except the rough estimate that the work would be done for $8,750,000.

Mr. HISCOCK. Is that in writing?

Mr. THOMAS. No, sir; not even that is in writing.

Mr. HISCOCK. It depends on declarations made orally before the committee?

Mr. THOMAS. Exactly so.

Mr. HENDERSON, of Illinois. I think that is somewhat unfair.

Mr. THOMAS. In what respect?

Mr. HENDERSON, of Illinois. The plan and estimates are to be submitted to the Secretary of War.

Mr. THOMAS. I will answer my colleague on that point.

Mr. BRECKINRIDGE. My colleague says the estimate is $8,750,000. He includes the amount contemplated for ten years' maintenance, which makes $1,000,000 in excess. Does my colleague know we have got all the plans and all the estimates and all the guarantees in this case that we had in the improvement in the South Pass of the Mississippi River?

Mr. THOMAS. That is granted. It is granted and admitted that we have all the guarantees and all the plans, except that in the case of the Mississippi River the committee was fully informed as to the plan proposed.

The South Pass of the Mississippi River was to be jettied with willows and piling and strengthened by rubble-stone and concrete; but there is nothing here to show that that sort of material is to be used. In fact, there is really a provision in this bill that the material shall not be the same, for it is known that willows and piling are subject to destruction by the teredo, and this bill provides that this work shall be built of material that is not subject to the ravages of the teredo. Hence it follows that some other material must be used. It is suggested by my colleague on my right [Mr. HENDERSON, of Illinois] that my statement places the matter in an unfair light. Let us see.

Mr. WHITE, of Kentucky. Mr. Chairman, I ask the gentleman from Illinois [Mr. THOMAS] to yield to me for a question.

Mr. THOMAS. I will yield presently, after I have answered another question. My colleague, General HENDERSON, suggests that I have not put the matter fairly in reference to the plans and estimates.

Mr. HENDERSON, of Illinois. I dislike exceedingly to interrupt my colleague; but if he will allow me I will state the point to which I desire to direct his attention.

Mr. THOMAS. I shall be very glad to answer any question my colleague may ask.

Mr. HENDERSON, of Illinois. What I intended to object to in the gentleman's statement was this: He said that there was a proposition to do this work for about eight millions and a half.

Mr. THOMAS. Eight millions and three-quarters.

Mr. HENDERSON, of Illinois. Now, Mr. Chairman, there was no such plan accepted by the committee, and they never proposed to accept any such plan. The committee determined that if this work was done it should not be done by Captain Eads, but should be done by the War Department, the same as all other public works.

The plans and estimates were to be made by Captain Eads and submitted to the Secretary of War, but it was stated by the chairman of the committee, and I think my colleague [Mr. THOMAS] concurred, that it would not take any such sum as he has stated to do the work—that $4,000,000 would probably cover the entire cost.

Mr. THOMAS. Mr. Chairman, the only estimate or shadow of an estimate upon which the committee acted or could act was a proposition of James B. Eads to do this work for $7,750,000, with another million dollars to maintain it for ten years. I say, therefore, that while we did not directly adopt that estimate, it was indirectly adopted by the committee and is proposed in this bill. This bill proposes to make improvements according to plans, specifications, and estimates to be submitted by James B. Eads. Now, what is the difference?

Mr. RAY, of New York. Mr. Chairman, I ask the gentleman to yield to me for a moment.

Mr. THOMAS. Certainly.

Mr. RAY, of New York. I understood the gentleman [Mr. THOMAS] to say that this bill would not compel the performance of the work by Captain Eads. I will ask him, does not this bill provide in terms that the Secretary of War shall engage the services of Captain Eads?

Mr. THOMAS. The bill provides that this improvement shall be made by the Secretary of War according to the plans and estimates of James B. Eads, who is to be employed for the purpose of furnishing the plans and superintending the work. It is further provided that he shall receive a salary of $5,000, and $3,000 for each additional foot of water secured. Now, if the work is not to be done according to the plans of Captain Eads, I want to know whose plans it is to be done by? And if we are to determine what those plans are to cost, how are we to arrive at a conclusion about it unless we take what Captain Eads says? And he says that it will cost $8,750,000. So I have not put the case unfairly, and I am borne out by the facts when I say that the Secretary of War is compelled to do this work not according to the plan by which it can be done cheapest, but according to the plans of James B. Eads, and James B. Eads says it will cost $7,750,000 to construct the work, and $1,000,000 more to maintain it for ten years—or at least he agrees to take the contract for that sum.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a moment?

Mr. THOMAS. Yes; for a question.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from Illinois [Mr. THOMAS] if Captain Eads has been before the committee to explain all this.

Mr. THOMAS. He has not.

Mr. WHITE, of Kentucky. Then how has the committee arrived at this information?

Mr. THOMAS. There was a subcommittee appointed, which had an interview with Captain Eads.

Mr. WHITE, of Kentucky. Then they had time to interview Captain Eads, but they did not have time to hear members of the House. [Laughter.]

Mr. THOMAS. I suppose that some members of the subcommittee interviewed him. In fact I have heard that they did, and I saw them in conversation with him. I was a member of the subcommittee myself, but I had no interview with Captain Eads on this subject.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. THOMAS. Certainly.

Mr. BLANCHARD. I desire to ask the gentleman from Illinois if Captain Eads did not address the committee during the last session of Congress, and make an elaborate explanation of his plans for the improvement of Galveston Harbor.

Mr. THOMAS. I have understood that Captain Eads did, though I was not present at the time.

Mr. BRECKINRIDGE. Mr. Chairman, that argument is printed, and there are plenty of copies of it to supply every member of the House.

Mr. OCHILTREE. Will the gentleman from Illinois yield to me for a moment?

Mr. THOMAS. For a question.

Mr. OCHILTREE. I wish to ask the gentleman if he, as a member of the subcommittee, did not meet the Texas delegation, with Captain Eads, in the room of the Committee on Commerce; if he did not then and there advise the delegation to accept the modification of the Galveston item suggested by the committee; and if he did not agree to support the measure in the House if they would agree to the modification?

Mr. THOMAS. I will answer the gentleman. I did not go there to see Captain Eads, and I did not see him, and the amount suggested by me was not adopted by the committee, and I did not pledge myself to support this bill. I did go at the solicitation of my friend to meet the Texas delegation, but that was with reference to quite another measure; it was with reference to the question whether we would adopt the bill that was first brought before us. This present measure was not discussed at all, but was the fruit of subsequent work of the committee, and of several interviews with Captain Eads, as I understand

Mr. OCHILTREE. The only change was in the amount. The original amount was $500,000.

Mr. THOMAS. Now, Mr. Chairman, I have said all the time that I was willing to make any proper appropriation for Galveston. I was willing that we should put it exactly on a footing with other harbors. I have always been ready to admit and to bear testimony that the work down there under the plans of the Engineer Corps was not satisfactory, but I thought it was enough to appoint a harbor board to examine into the matter and report at the next session of Congress some plan for this work, instead of rushing headlong into a scheme which is to involve us in the expenditure, if we may judge from the estimates, of eight and three-quarter million dollars. I find no fault with Captain Eads. I believe him to be a high-minded, honorable man, of irreproachable character. I believe him to be one of the greatest engineers that the world has ever produced. But I do not think it follows that because he is such a man, and because he is my personal friend, and because I have such admiration for his great achievements, I should therefore involve this Government in the expenditure of what appears to me to be an extravagant sum of money.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman whether the scheme proposed includes the proposition to expend $100,000 a year through all the future to maintain the work, because it is understood that it takes a million dollars for ten years?

Mr. THOMAS. That was the plan under the old bill, which was rejected. So that is not involved in this.

Objection is found by several members of the committee to the progress of the work on the Mississippi River under the Mississippi River Commission. It is believed that the commission have not adhered to the plan originally adopted for the improvement of the Mississippi River; that they have been engaged in the expenditure of money upon questionable projects, upon schemes which, instead of furnishing deep water and improving the navigation of that river, have resulted in the expenditure of money and that alone.

I had occasion to investigate the plan of the Mississippi River Commission as it was originally adopted by Congress. After a most thorough investigation I gave it my hearty approval; and I believe to-day that if the Mississippi River Commission had adhered to their original plan, and had gone on with the improvement of the river upon that plan, we would have had very different results from those which confront us to-day. Take, for instance, the work done at Horse-Tail Bar, twenty miles below Saint Louis. At that point, before the improvement, the depth of the river at low water was five feet. The plan of the Mississippi River Commission as originally adopted has been adhered to in reference to this work, and we find over that whole stretch of twenty miles from fifteen to seventeen feet of water.

Take Plum Point reach, extending forty-two miles on the Mississippi River, where before this work there were but six feet of water. Now, through its whole extent there is a depth of fifteen to sixteen feet. Take Providence reach, thirty miles long, which at low water had an average depth of but six or eight feet. There the plan originally adopted by the commission has been adhered to, and we find from sixteen to eighteen feet of water throughout the whole length. The original plan of the commission, wherever adhered to, has resulted most happily. It is where the commission have fallen into the practice of speculative improvements, have laid revetment here and revetment there in an insecure manner, that money has been expended without corresponding beneficial results.

Therefore, Captain Eads being, as will be admitted by all acquainted with the facts, the author of the original plan of the Mississippi River Commission, the committee thought it would be well to recommend him for appointment on that commission, so that he might bring them back to the original plan and that we might secure the results desired.

The statement has been made that upon the plan of the Mississippi River Commission the cost of the work would be $100,000,000. Any one who has looked into the facts knows that there is nothing at all to justify such a statement. The Mississippi River Commission and the engineers who have investigated the subject have stated that it would cost from $17,000,000 to $20,000,000 to complete the work so that a vessel drawing twenty feet of water could come to Cairo.

Mr. HUNT. Will the gentleman be kind enough to state what are the "speculative improvements" in which the Mississippi River Commission has indulged and what amount of money they involved?

Mr. THOMAS. I will refer my friend from Louisiana to the gentleman from Arkansas [Mr. BRECKINRIDGE], a member of the committee, who has made this point a special study, and who will present it to the committee. I wish to say that I concur most thoroughly in his conclusions. He will be able to make this question as plain as it can be, for he has given it special attention.

There is another project embraced in this bill which strikes me as decidedly questionable; and that is the project for the establishment of a great national harbor of refuge at Sandy Bay, Massachusetts. The engineers who were sent to that point to make an examination disapprove of the work and say that it is not needed. Yet the committee has put it in; and I must say that at the time, under the influence of the eloquent tongue of my colleague on the committee, the gentleman from Massachusetts [Mr. STONE], I voted for the appropriation. After looking further into it, however, I have found I was wrong, and I now say that since this project involves the expenditure of $4,000,000 to furnish a single harbor of refuge I object to it, believing that it is not needed.

Mr. HEPBURN. Did I understand the gentleman to say the commission has estimated that the proposed improvement of the Mississippi, when completed, will cost $17,000,000?

Mr. THOMAS. Seventeen to twenty millions.

Mr. HEPBURN. Will the gentleman tell me where they have said that?

Mr. THOMAS. I will, with pleasure. If the gentleman will look at the report of the special committee of the Forty-seventh Congress, of which Hon. J. C. Burrows, of Michigan, was chairman, he will find the testimony of the commission on that point.

Mr. HEPBURN. Did not the commission report to the House on that subject as follows——

Mr. THOMAS. I can not yield for the gentleman to read. I have but a minute or two remaining.

Mr. HEPBURN. I have here the estimate of the commission, placing the sum at $33,000,000.

Mr. THOMAS. There was a difference of opinion, I remember, among the members of the commission as to the amount it would cost; and I recollect that their evidence was taken individually. The average estimated cost was from seventeen to twenty million dollars.

Mr. HEPBURN. One of them places it at $66,000,000.

Mr. THOMAS. I remember that, too.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Including the five minutes yielded by the gentleman from Louisiana the gentleman has nine minutes left.

Mr. THOMAS. In the nine minutes left me I can but touch this point, and I do not know but that I shall ask, at the end of the time that I may be allowed, a few minutes further in which to discuss this question. I should like, for instance, to discuss further the project of making this national harbor at Sandy Bay. The project involves an expenditure, as I have stated, of $4,000,000, and is intended to furnish a harbor of refuge for the ocean-going and coastwise trade of New England. It is admitted there have been a great many vessels lost along that coast for the want of a good, safe harbor of refuge; but it is admitted at the same time that there are other places where harbors to meet all the requirements of commerce could be established for a much less cost.

Another point to which I wish to call the attention of the committee is that of reservoirs on the headwaters of the Mississippi. There is a small appropriation put into this bill to complete one of these reservoirs. I will call the attention of the committee to the language of the Chief of Engineers on this subject, as it is contained in a few words. The Chief of Engineers says, on page 1614 of his report:

> The object of the reservoirs is to collect surplus water, principally from the precipitation of winter, spring, and early summer, to be systematically released so as to benefit navigation upon the reaches of the several streams below the dams and also that of the Mississippi below Saint Paul. Alleviation of floods in localities near the proposed reservoirs expected to obtain to some extent, but control of extended floods or freshets covering long reaches not expected. It seems proper to note here that this office is not responsible for the extravagant statements made by friends of the system and appearing in newspapers and other publications from time to time as to the extended benefits to be derived from the reservoirs under consideration.
>
> In order that navigation may be benefited upon the Mississippi above the mouth of the Saint Croix, upon the Saint Croix, the Chippewa, and the navigable reaches of the Wisconsin, the system of dams proposed for each must be carried out, and no benefit of consequence to the Mississippi below Lake Pepin can be predicated unless the entire system is built.

Believing the committee anxious to stop this work if no satisfactory results were to follow, I concluded, after the expenditure of so large a sum of money as the Government had already invested, it was better to make the small appropriation necessary to complete one system to see whether it would work out as was predicted by its friends. The engineer states unless the whole system is completed that no satisfactory results will follow; that the waters of the Mississippi will neither be restrained nor increased in volume unless the whole system is completed.

Mr. WASHBURN. Is not that below Lake Pepin?

Mr. THOMAS. How much of the river above Lake Pepin is affected by this?

Mr. WASHBURN. One hundred miles between Lake Pepin and Saint Paul and three hundred miles above; about four hundred miles are affected by this system of reservoirs on the Upper Mississippi.

Mr. THOMAS. It was stated there was that stretch of river to be affected directly by the construction of this one set of reservoirs, and for that reason the appropriation was put in. Therefore I mention it to justify the committee in the amount put in, while I must say I should question the propriety of completing the whole project, the whole system of reservoirs, unless this system when completed will show the navigation of the river can be improved in low water, that the floods can be restrained by these reservoirs in time of freshet.

How much time have I left?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that by a mistake of the Chair he has already had more time than he is entitled to.

Mr. THOMAS. I ask by unanimous consent that I may be allowed ten minutes further.

The CHAIRMAN. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. THOMAS. I ask the Chair to call my attention when five minutes have elapsed, as I have agreed to yield five minutes to the gentleman from Minnesota [Mr. WASHBURN].

Mr. Chairman, fault will doubtless be found with me for the position I have taken in opposition to the improvement of the Galveston Harbor. I want to say that while I am a friend to the improvement of the rivers and harbors of this country, I think we ought to proceed with these works as a safe and conscientious business man would proceed with his private business, and that we should not allow considerations either political, social, or otherwise to control us, except those which point out to our judgments the most beneficial commercial results from any improvement we make.

I want again to say that if this appropriation for Galveston had been limited, had been put upon an equal footing with other harbors of the same character and of the same importance, I should probably have restrained myself and abstained from finding fault with the proposition; but when the committee have seen fit to put its foot upon the estimates of the engineer—have seen fit to go on without estimates satisfactory to the committee or to the House and put in three quarters of a million for one year on this harbor, I must protest against it.

I think we had better call a halt. I think we had better wait until the harbor board provided for in the bill has examined and reported. That, I think, would be a safe plan. It does no harm to Galveston. It treats that harbor and its improvements precisely as it treats other points, and I can see no justice in making an exception in favor of Galveston.

I admit that by improving the Mississippi River the grain products of the great West have found a market abroad much more easily and cheaper than in former years. I am aware of the fact that saving in transportation alone in one year, since the completion of the jetties at the head of the passes, reached more than $11,000,000, which amount was saved to the grain producers of the Mississippi Valley.

I am aware also that during the last year nearly $28,000,000 was saved in freight and in insurance to the grain producers of the Mississippi Valley by the improvement of the Mississippi River and the improvements at the heads of the passes.

I have no sympathy with that sectionalism which places the appropriations of one section against those of another. New England gets her bread cheaper if the farmers of Illinois, Iowa, Missouri, and Kansas can get it to the sea cheaper; and so, instead of their suffering by these improvements, or by these appropriations for the improvement of our rivers and harbors, their poor and laboring classes are benefited by the reduction in the cost of transportation and the consequent reduction in the price of their food.

If Galveston or the State of Texas in a smaller degree, with all her cattle, woolen, and other interests, can be benefited even in a proportionate degree, I should be willing indeed to make any proper appropriation for that State. But if we can get the expenditure down to $3,000,000, why pay eight and three-quarter million of dollars to accomplish the same result? If you can get it down to four millions, why pay more? If Captain Eads says he can do it for eight and three quarter millions of dollars and maintain it for ten years, and the engineers say they can do it for $3,000,000, would it not be safer and more statesmanlike to take the plans of all the engineers of the country and see who can do it best and cheapest?

[Here the hammer fell.]

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota for the five minutes yielded by the gentleman from Illinois.

Mr. WASHBURN. Mr. Chairman, I will not occupy now the time yielded to me by the gentleman from Illinois unless I can have unanimous consent to occupy also the additional time that has been assigned to me by other members of the committee.

Mr. BLANCHARD. I will have to object to that.

Mr. WASHBURN. Then I shall not occupy the time now.

Mr. BLANCHARD. Mr. Chairman, looking at the House in the

present condition, seeing so many empty seats, I must express my regret that the question before the House seems to have lost much of its interest in the minds of the members as an important public measure, notwithstanding the fact that the House this morning refused to entertain a motion to limit debate upon the bill.

Sir, this bill as reported to this House by the Committee on Rivers and Harbors is the result of more than six weeks of the most industrious and indefatigable effort on the part of the committee. The labors of the members of the committee have been so great in the preparation of this bill that they have been practically excluded from participating in what has been going on in the House. For weeks that committee, in order to prepare and report this bill to the House, have had to meet every day at from half past 10 o'clock to 11, and remain in session until 4 or 5 o'clock in the afternoon. As agents of the House, given a particular duty to perform, intrusted with the preparation of an important bill, we have, after painstaking investigation, presented here the results of our agency in the measure now pending for your consideration. Mr. Chairman, I am not here to contend that every single feature contained in this bill meets my approbation. At the same time I am not here to fight any of the features of the bill, bowing as I do in a spirit of concession to the wisdom of the majority of the committee with reference to the measures which do not meet the approbation of my judgment.

The features of this bill which have attracted the greatest opposition are, first, the improvement of Galveston Harbor; next, the improvement of the Lower Mississippi; third, the appropriation made for a national harbor of refuge at Sandy Bay; and, fourth, the appropriation made to commence the construction of the Hennepin Canal. Now, sir, in three at least of these great measures I am in accord with the majority of the committee. I do not think there is a single fair-minded, unprejudiced gentleman on this floor who will take the pains to investigate what is known as the project for the improvement of Galveston Harbor but will come to the conclusion that no more meritorious measure has been presented to this House involving an appropriation than this one. Now, Mr. Chairman, when I first began the investigation of this project for the improvement of Galveston my mind was not made up one way or the other in respect to it; but when I had looked into it carefully, so impressed was I with the merits of the measure that I gave to it the approbation of my judgment.

I ask gentlemen to listen to me while I briefly state the case of Galveston. There is behind Galveston, which is the chief commercial city of Texas, a vast State; and not only one State, but a number of States and Territories. But if we take the State of Texas alone, there are within the borders of that State more than two millions of people; and so great is the immigration which has poured and is now pouring into the State that within one single decade its representation in Congress increased nearly double. That State is to-day the leading cotton-growing State of the Union. It is to-day the leading cattle-growing State of the Union. And it is to-day the leading wool-growing State of the Union. It is a State having a length of seacoast of between eight hundred and nine hundred miles, and there is not a single harbor or port upon that long line of seacoast where a man-of-war or a merchant vessel drawing eighteen feet of water can enter.

Now, north of Texas is the Indian Territory, which would naturally seek an outlet to the sea at Galveston. There are the States of Kansas, Colorado, and California; there are parts of the Territories of Arizona and New Mexico; there is the western part of Missouri, Arkansas, and Louisiana to be benefited by the opening of the harbor at Galveston.

Mr. Chairman, Galveston is to-day the second cotton port in the United States. The annual receipts of cotton at Galveston aggregate about 800,000 bales, and it is only second to New Orleans in respect to the quantity of cotton received there.

Mr. HISCOCK. How many tons would that be?

Mr. BLANCHARD. The gentleman can make the calculation for himself upon the basis of 500 pounds lint cotton to the bale.

Now, as regards the cattle raised in Texas, by an act of Congress passed recently (not during this session) those cattle are practically excluded from crossing other States in the Union to find a market. And yet with the enormous number of cattle they have there they have not a sufficient seaport to which they can drive them for transportation to the markets of the world. The city of Galveston, with all of these immense resources back of her, has to-day upon her outer bar only about fourteen feet of water.

Mr. BUCHANAN. Will the gentleman permit me to say, although it may not be of much importance, that the statistics show Savannah is the second cotton port of the Union, and not Galveston?

Mr. BLANCHARD. I will ask my friend from Georgia if he has the figures relating to Savannah?

Mr. BUCHANAN. I have seen them as to last year's crop.

Mr. BLANCHARD. I know the figures are close between Savannah and Galveston. One year Galveston is ahead, and another, perhaps, Savannah is.

Now, Mr. Chairman, when James B. Eads undertook the deepening of the water at the mouth of the Mississippi River, Congress assigned to him the least available of the three outlets of the Mississippi—that was the South Pass—and it is a fact that at the South Pass, where he was directed by Congress to commence his work, in order not to interfere with the commerce which came through the other passes, there were but eight feet of water, and the largest vessel which could enter the port of New Orleans through the deeper passes could not draw more than seventeen or eighteen feet of water. To-day, and since the completion of the jetties, the largest vessels drawing the greatest draught of water can enter the port of New Orleans without detention, and in consequence of this great improvement at the mouth of the river New Orleans has risen to the position of the second exporting city in the Union, ranking next to New York in that regard. And by reason of the fact that she now has a deep-water entrance, her foreign commerce within a few years has more than doubled.

These are the magnificent results of the work accomplished under the supervision of James B. Eads. I am surprised, Mr. Chairman, that the name of James B. Eads in this bill, to some members, seems like the red flag flaunted in the face of the infuriated bovine. Because it is proposed to deepen Galveston Bay, and because it is proposed to give Mr. Eads a salary for that purpose, and because it is proposed to have him the advisory engineer of the Mississippi River Commission at a very small salary, gentlemen on this floor seem to take alarm. Let us look one moment at the record which Eads has made. Not only has he deepened the mouth of the Mississippi, as I have stated; not only has he successfully treated the most difficult portion of that river, but looking back upon his record as an engineer we find that he was the first to construct, in an incredibly short space of time, a number of gunboats during the late civil war which were enabled to pass Vicksburg and Port Hudson and do so much damage to the southern portion of the confederacy. Then, later on, he was the architect of the Saint Louis bridge, which, considering the difficulties of its environment, is considered by engineers as one of the most difficult feats of engineering accomplished in this or any other country.

Mr. Chairman, I am no more of a hero-worshiper than any other gentleman on this floor, but I am here to do justice to James B. Eads. The fame of this man is not confined to the limits of his own country, as is shown by the fact that, when temporarily in England a couple of years ago, the Parliament of Great Britain employed him to make an examination and give an opinion as to the feasibility of the proposed canal between Manchester and Liverpool, and for an investigation which could not have occupied him but a few days, and for an argument which occupied him but about two hours, Parliament voted him the very handsome compensation of $15,000. And not only that, sir, but the society of arts in England conferred a most distinguished honor upon Captain Eads in token of their recognition of his eminence in the engineering world—an honor never before bestowed upon an American. They voted him the Albert medal for eminent merit and proficiency in the arts and sciences, and when he visited England the second time that medal was presented to him by the Prince of Wales in person.

Again—and I will ask gentlemen to pay attention to this—so widely extended is the fame of this great engineer that the Emperor of Brazil but recently, as I am informed (not by Eads), has been seeking to employ him to make an examination of the mouth of the Rio Janeiro with the view of submitting plans for its improvement; and in order to induce him to accept such employment the Brazilian Government sent him what might be considered a *carte blanche* so far as compensation is concerned. But, on account of his engagements in this country and in Mexico in connection with the construction of his ship-railway, he has not accepted that employment.

Now, Mr. Chairman, it is these works, this record, and the fame which Mr. Eads has won, not only for himself but for his country, as the leading engineer of this epoch, that has led the committee to think it wise and proper to utilize the talent and skill of this great American engineer in our own country rather than let it go abroad into the employment of foreign potentates. I for one, Mr. Chairman, am not here to cast any reflection on the Engineer Corps of the Army of the United States, but I do not believe, sir, all the engineering talent of the country is to be found within the corps; and I call the attention of gentlemen present to the fact that the Government of the United States is perhaps the only great government in the world that does not go outside of its corps of Army engineers to engage the best engineering talent that can be found in the construction of great public works. Whenever England, France, or Germany, or any of the prominent European countries, have a great engineering feat to be accomplished they do not confine themselves to the engineer corps of their armies, but they look about and abroad and employ the best talent to be found; and I say, Mr. Chairman, that that is an example that we will do well to follow.

Mr. BROWN, of Pennsylvania. Have we not done so?

Mr. BLANCHARD. We have done so, sir, but in a very few instances, one of which was the contract awarded to Mr. Eads to deepen the mouth of the Mississippi River. And now when he has accomplished that great work so successfully, and when he has assured your committee that he can obtain a depth of thirty feet in Galveston Harbor as he has done at the mouth of the Mississippi, when he has said that he is willing to stake his reputation as an engineer upon it and almost his life, I say we should heed the words of this man who has already accomplished so much.

Mr. ADAMS, of Illinois. Will the gentleman yield for a question?

Mr. BLANCHARD. Yes, sir.

Mr. ADAMS, of Illinois. I would like to ask the gentleman to explain, now or hereafter, the plan upon which Captain Eads proposes to do this work. I have listened faithfully to what has been said upon the subject, but so far I have not heard a word of explanation that I have been able to understand.

Mr. BLANCHARD. In answer to my friend from Illinois [Mr. ADAMS] I will state that Captain Eads was before the Committee on Rivers and Harbors for more than two hours at the last session of this Congress in explanation of his project for the improvement of the Galveston Harbor, and I hold in my hand a printed copy of his remarks and explanations made on that occasion. The time accorded me prevents me going into a detailed explanation of the work proposed.

Now, Mr. Chairman, my other friend from Illinois and colleague on the committee [Mr. THOMAS] was mistaken when he said that this measure had not been explained to the committee. As I have said, Captain Eads himself has explained his plans, and his explanation is in print and accessible to any member of the House who applies for it.

Mr. THOMAS. I ask the gentleman to yield to me for a moment.

Mr. BLANCHARD. With pleasure.

Mr. THOMAS. My attention was distracted for an instant, and I did not hear distinctly what the gentleman said; but I understood him to say that I was mistaken about this plan not having been explained to the committee.

Mr. BLANCHARD. I said that you were mistaken in saying that the project had not been explained to the committee.

Mr. THOMAS. What I said was that at this session of Congress it had not been explained to the committee either by Captain Eads or anybody else.

Mr. REAGAN. The question was not whether it has been explained at this session, but whether it had ever been explained.

Mr. THOMAS. If my colleague, the gentleman from Louisiana [Mr. BLANCHARD], will allow me——

Mr. BLANCHARD. I decline to yield any more just now.

Mr. THOMAS. I would like to ask the gentleman one more question.

Mr. BLANCHARD. I can not yield further at present.

Mr. BRECKINRIDGE. I wish to state to the gentleman from Louisiana [Mr. BLANCHARD], going back to the remark of the gentleman from Georgia [Mr. BUCHANAN], that the port of Galveston is one-third larger as regards receipts of cotton than the port of Savannah, and I have the statistics here to show it.

Mr. BLANCHARD. I hope my friend from Georgia who sits near me [Mr. BUCHANAN] has heard the remark of the gentleman from Arkansas just uttered.

Now, gentlemen say that no plans are furnished for this work at Galveston. When Mr. Eads proposed to make a contract with the Government of the United States for the deepening of the water at the mouth of the Mississippi River did he submit any plans? No. A commission of engineers had been appointed by the Government to make an examination of the mouth of the Mississippi and ascertain what it would cost to improve the channel so as to give a depth of twenty-six or twenty-eight feet. That commission consisted of Generals Wright, Alexander, and Comstock, of the Engineer Corps; Professor Henry Mitchell, of the United States Coast and Geodetic Survey; T. E. Sickles, W. Minor Roberts, and H. D. Whitcomb, distinguished civil engineers. They reported that the cost to the Government to deepen the channel as much as twenty-six or twenty-eight feet would be $5,342,110. Yet, when Mr. Eads offered to contract with the Government, he said he would do the work and achieve the depth of thirty feet for a sum of $990,000 less than this commission of engineers said it would cost.

It is a fact that the jetties at the mouth of the Mississippi River, as erected by Mr. Eads, are only one-third the length of those which will be required to deepen the channel at Galveston thirty feet. The jetties at the mouth of the Mississippi River, owing to the peculiar conditions existing there, could be and were constructed of willow mattresses. We have not that destructive marine insect the teredo at the mouth of the Mississippi, but it is found in untold millions at Galveston and all along that coast; hence, the jetties required to be built at Galveston can not be built of wood or willow mattresses or any material of that kind because of the teredo. They must be constructed of stone or concrete, and must be three times as long as the jetties at the mouth of the Mississippi River.

Mr. BRECKINRIDGE. My friend will find that Captain Eads in his printed testimony before our committee speaks of the probable use of willows in the construction of the Galveston jetties, without defining the extent to which they could be employed. But he has stated to me that he never expected he could project that character of work more than one-fifth or one-sixth of the entire extent of the jetties; and he has told me since that further reflection has convinced him he would not be able to use them at all. As his evidence before the committee has appeared in print, I desired to make this statement.

Mr. BLANCHARD. Mr. Chairman, I thank my friend from Arkansas for the statement. When we consider that the work at the mouth of the Mississippi River is only one-third the length of that required at Galveston; when we consider that at the mouth of the Mississippi jetties could be built of willow mattresses while at Galveston they must be built of stone and concrete; when we consider that we paid Captain Eads $5,250,000 for the work done at the mouth of the Mississippi, will any member rise here in his place and say on his responsibility that $7,000,000 is too great a sum to be expended at Galveston Harbor?

How much money has been already expended at Galveston by the Army engineers in charge of that work, and what results have they achieved? I have the figures here. They have already expended at Galveston nearly $1,600,000, with the result of not deepening that harbor more than three inches, according to the reports. Furthermore, there are two members of the Committee on Rivers and Harbors who, during last fall, made a personal investigation of the works of the Government at Galveston, and I have the authority of one of them at least for saying that those works have well-nigh disappeared; that though they were first built up to mean low tide, they are now six feet below mean low tide. In other words, the teredo and the storms have swept them away, and there is now but little, if anything, to show at Galveston Harbor for this expenditure of $1,600,000.

At the mouth of the Mississippi River, before Mr. Eads took charge of the work, there had been expended by the Army engineers the very large sum of $2,300,000; and with what result? When these jetties were commenced a ship drawing seventeen feet of water could barely enter the port at New Orleans. Yet, after an expenditure of $5,250,000 under the direction of Captain Eads, New Orleans ranks to-day as the second best seaport in the Union, being only equaled in its facilities of harbor approach by the Golden Gate at San Francisco.

Now, when this great engineer comes here and tells your committee, who are but your agents, that, notwithstanding the failure of the Army engineers, he can deepen that harbor to thirty feet at a cost not exceeding $7,000,000, is that too large a sum to be expended upon so great a work? Would the people of the United States be willing to-day for a billion of dollars to part with the results achieved by Eads at the mouth of the Mississippi? I opine not. If by an expenditure of six or seven million dollars Galveston Harbor can be improved so as to afford thirty feet depth of water, will not the people of the United States sanction the expenditure? Why, sir, when we consider what is done by other countries in respect to the improvement of rivers and harbors, what we do in the same direction is but a miserable pittance. I have here the figures to show that upon a single harbor, that of Cherbourg, France has expended in its improvement more than $100,000,000.

Again, sir, here now while we are talking over this Galveston project, our neighbor Mexico, notwithstanding the fact that her pecuniary resources are a mere bagatelle compared with ours, has appropriated $10,000,000 for the improvement of the harbor at Vera Cruz, and that to be accomplished under a plan submitted by Mr. Eads.

I desire briefly to call the attention of this House to the very remarkable statement of what has been done by the little country of Holland, in Europe, and what I read is taken from a speech of mine during the first session of the Forty-seventh Congress:

The greater part of the Netherlands has been formed of deposits of rivers in the same manner as the Egyptian delta is formed by the Nile or the delta of the Mississippi by that great river. The principal rivers which have so formed it are the Rhine, including its different branches, the Meuse and its branches and confluents, and the Scheldt.

To establish a firm footing amid so many rivers the inhabitants have kept them as far as possible within prescribed channels by embankments and have formed innumerable canals to receive the superfluous waters and to serve as means of internal communication. "The system of drainage," says a writer in the Encyclopedia Britannica, "of what would otherwise have been an immense mud-bank, well deserves to be ranked among the wonders of the world. The land thus rescued from the rivers is nowhere much elevated above the sea, and in many places is even below the sea-level, so as to require still more wonderful defenses against the ocean. These defenses are in part supplied by the operation of nature casting up sand-hills along great part of the coast; but where these have not been formed their place is supplied by dikes of vast extent, built in the course of ages, partly of huge blocks of granite brought from Norway and partly of bundles formed of young trees reared expressly for the purpose. These dikes stretch for hundreds of miles along the coast, and with those which line the rivers and canals, and with the requisite sluices, drawbridge, and hydraulic works of every kind, are estimated to have cost not less than £300,000,000" (equivalent to about $1,500,000,000). "They form in so small a country a most astonishing monument of human industry. Yet they are not greater than the situation requires. They are barely sufficient to preserve the country from the dominion of the waters. The motto on the arms of one of the provinces, '*Luctor et Emergo*,' still describes the struggles of the invincible Hollanders requisite for maintaining the ground they stand upon." The highways or roads often run for miles in a straight line along the summits of these dikes, and are thus at once dry and elevated, commanding extensive views.

Not only have the Hollanders done this, but they have also drained and reclaimed Lake Haarlem, containing 42,000 acres. As early as A. D. 1643, a proposition to endike and drain the lake was made; and similar schemes, notably in 1742 and 1821, were brought forward from time to time. But it was not until 1836, when one furious hurricane, on the 9th of November, drove the waters as far as the gates of

Amsterdam, and another on the 25th of December sent them in the opposite direction to submerge the streets of Leyden, that the mind of the nation was turned seriously to the matter. In August, 1837, the King appointed a royal commission of inquiry; the scheme proposed by the commission received the sanction of the second chamber in March, 1839, and in the following May the necessary law was passed and the work commenced. The lake covered an area of about seventy square miles, and had an average depth of more than thirteen feet. As it had no natural outfall, it was calculated that probably one thousand million tons of water would have to be raised by mechanical means.

Pumping commenced in 1848, and the lake was dry by the 1st of July, 1852. The cost of reclaiming this 42,000 acres was £1,080,000, or about $5,400,000. The government, however, sold lands to the amount of £780,000, so that the actual cost to the nation was only £300,000, or $1,500,000.

At the time when Holland undertook the accomplishment of these gigantic works of internal improvement her resources and her population were insignificant compared with ours. Let us glance a moment at them.

According to the census of that country of 1853, the eleven provinces constituting Holland contained a population of only 3,203,232; and according to the budget of receipts and expenditures of the national revenue for 1856 the total revenue from all sources of the Government was £6,099,255, or about $30,500,000.

Mr. Chairman, when we consider the small number of inhabitants of that country, and the small revenue of the government at the time of the completion of these works, we do not wonder that what they have performed in the way of protection against the mad waters should excite the marvel and admiration of mankind. In the language of another, "the inhabitants of this little storm-beaten republic, with matchless courage and constancy, have literally raised their country from the bed of the ocean, through centuries of toil, and advanced it to the foremost position in Europe, in commerce, agriculture, manufactures, opulence, and arts. All this has been done amid the storms of a frozen ocean by a handful of people through the instrumentality of their government."

To this what says this great Republic, with its 55,000,000 of people and its annual revenues of more than $300,000,000? Does it begrudge the ten or twelve millions this bill carries? I do not believe it.

Sir, this is but one showing of what other countries have done in advance of us in great works of internal improvement. I hold there is more than one clause in the Constitution which justifies large appropriations for the improvement of our rivers and harbors. And, sir, I for one, within the just limits of the Constitution, am in favor of internal improvements.

I regret, Mr. Chairman, my time is so limited I can not further discuss this proposed improvement at Galveston. I wish now to notice the remarks of my colleague of the committee, the gentleman from West Virginia [Mr. GIBSON], in reference to his criticism on the appropriation made in this bill for the improvement of the Mississippi River from Cairo to the Gulf. My friend stated, among other things, that according to the plans proposed by Captain Eads for the river it would cost $100,000,000 to improve the Mississippi River from the head of the passes to Cairo. That swift-winged messenger the telegraph flashed throughout the country that extravagant assertion of my friend, and it overtook Captain Eads on his way to Mexico in the interest of his ship-railroad at the city of Dallas, Tex., and I hold in my hand a telegram received this morning from him, which I will read:

DALLAS, TEX., *January* 30, 1885.

Mr. BLANCHARD, of Louisiana,
(*Care House of Representatives, Washington*):

Please correct, or ask Mr. GIBSON to retract, statement of yesterday. I have never stated cost of improving Lower Mississippi at $100,000,000. The plan reported by commission in 1880 was my plan, and if adhered to and judiciously executed will not cost $30,000,000.

JAS. B. EADS.

Now, Mr. Chairman, against the assertion of the gentleman from West Virginia I place the words of Captain Eads himself. He uttered that assertion when he was attacking that feature of the Mississippi River appropriation, which places Eads in the position of advisory engineer to the Mississippi River Commission at a salary of $3,500 per year.

I desire to say right here, this salary of $3,500 which is proposed to be paid to Captain Eads, in order to get the benefit of his great services as an advisory engineer to the commission, is something he cares little or nothing about, for it is a well-known fact that he is a comparatively wealthy man.

I will stop right here to say that he declined to enter into the employment of the Government of the United States for the improvement of the Galveston Harbor at the price of $5,000 a year and $3,000 contingent on each foot of depth attained. He said that that compensation was nothing like what was offered to him by foreign governments.

But notwithstanding that, Mr. Chairman, the committee did not change those figures, and they did not for the reason that they had confidence and the assurance that the liberality of the people of Galveston themselves would meet the emergency of the case and make up to Captain Eads whatever of compensation he lacked or demanded which the Government refused to give. In other words, we believed that while his services are in demand at large sums by other countries, he will not refuse this work for the Government of the United States at Galveston, the people there making up to him if necessary a sum sufficient to induce his acceptance of the proposition.

I cite this in behalf of Galveston to show the earnestness of the people there. It is no scheme of any wharf company, as has been stated here. I could, if I had time, as a contrast to the paragraph read from the Clerk's desk by my friend from Illinois [Mr. THOMAS], have a counter-statement read from the leading newspaper of Texas relating to the improvement of Galveston Harbor, and refuting the statement that the project is urged in the interest of any wharf company. The charge that the contemplated improvement of the harbor is in the interest of a wharf company is the invention of the enemies of the improvement, and wielded by them for the destruction of the measure.

Not only have the people of Galveston shown their earnestness and liberality in this matter by offering that if Congress will pass this bill and give them the depth of water their commerce demands they will, in order to secure the undertaking of the work, satisfy Captain Eads themselves in the matter of compensation, but they have heretofore shown even greater liberality and spirit of enterprise in matters pertaining to the improvement of their harbor. The last session of the Forty-seventh Congress failed to pass a river and harbor bill, and by reason of that failure there was no money to prosecute Major Mansfield's work at Galveston. In this emergency the city of Galveston raised $100,000 for the purpose of carrying on those works, and thus the deficit which had been brought about by the failure of Congress to pass the river and harbor appropriation bill of that year was met.

Again, as I am informed, prior to that time these same people raised and expended another hundred thousand dollars in aid of the works of the Government looking to the improvement of their harbor. Now when I tell this House this I think they will agree with me that the Galveston appropriation in this bill is put there to meet the great demands of that city and section for a deep-water harbor. I think they will agree that it is no scheme, no job of any sort whatever; and in proof of that I point to what those people have done and are proposing to do themselves toward the attainment of that end.

Now, sir, coming back to the remarks of the gentleman from West Virginia [Mr. GIBSON], who I regret to see is not now near me, I desire to answer his argument that the clause of the Mississippi River appropriation which places Mr. Eads in the capacity of advisory engineer to the commission "is unconstitutional and unprecedented." He stated that he could not vote for such a proposition for the reason that it was unparalleled in the history of our country and was not sanctioned by the Constitution. Why? Because, as he insisted, it attempted to take from the Executive of the Republic the power of appointment conferred upon him by the Constitution. I will state right here in this connection what this clause of the bill is, so that gentlemen may judge for themselves.

It is that the work to be done on the Mississippi shall be done under the direction of the Secretary of War, in accordance with the plans, specifications, recommendations, and estimates of the Mississippi River Commission, as approved or amended by the advisory engineer, which office is hereby created at a salary of $3,500 per year, and it is recommended to the President to appoint to that position James B. Eads.

There is no appointment in the bill of anybody to any office, and in that particular no part of the bill, certainly, is amenable to the criticisms passed upon it by the gentleman. I desire to say further that he is mistaken when he states that there is no precedent in the legislation of this country for such a provision.

Mr. LONG. Let me ask the gentleman, would you have recommended the appointment of an advisory engineer if the committee had supposed that anybody else was to be appointed than Captain Eads?

Mr. BLANCHARD. I will state, in answer to the question of my friend from Massachusetts, that this bill does not appoint anybody.

Mr. LONG. But I ask the question in good faith, would you have recommended the creation of such an office if the committee had believed that anybody else was to be appointed than Captain Eads?

Mr. BLANCHARD. And I answer the gentleman from Massachusetts in equally good faith that in my own opinion we would not. But it is certainly within the constitutional power of the President in making such appointment to disregard the recommendation of Congress. He could appoint Captain Eads under that provision, or anybody else. But further than that, I wish to say that there are plenty of precedents for the action proposed to be taken.

If I recall aright the legislative history of our country, it occurs to me, without having looked it up at all, that during the administration of the elder Adams, and when it was thought the country was about to be involved in a war with France, the Congress of the United States passed a bill recommending that General Washington, then in retirement, be appointed commander-in-chief of the armies and navies of the United States, and it was done. But coming down to a later period—and as I see the gentleman from West Virginia before me now I desire to call his attention to a measure which passed Congress in 1860. I refer to the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1861,"

approved June 25, 1860, by President Buchanan. In that act appears the following clause:

For the completion of the Washington Aqueduct, $500,000, to be expended according to the plans and estimates of Captain Meigs, and under his superintendence.

This is not only the making of an appropriation, but the designation of an officer under whose direction it should be expended.

Mr. HISCOCK. Did you say that Buchanan signed it?

Mr. BLANCHARD. I repeat, this was not only an act of Congress making an appropriation of half a million dollars—quite a large sum at that time—but actually appointing a man under whose superintendence that money was to be expended.

Mr. PERKINS. May I ask the gentleman a question?

Mr. BLANCHARD. Not now.

Mr. GIBSON. Will not the gentleman allow me a moment, since I submitted to his interruption during my remarks?

Mr. BLANCHARD. I can not yield now.

There, I say, is the provision of the law, and it meets the very case the gentleman denied existed; and apropos to that I will read from the message of President Buchanan transmitting to Congress his approval of the act and the reasons he gave for signing the bill. I will not read it all, but will refer to a clause relating to the appropriation for the construction of the Washington Aqueduct:

It has been alleged—

Said the President—

I think, without sufficient cause, that this clause is unconstitutional—

That is to say, the clause appointing Captain Meigs—

because it has created a new office and has appointed Captain Meigs to perform its duties. If it had done this it would have been a clear question, because Congress has no right to appoint to any office, this being especially conferred upon the President and the Senate. It is evident that Congress intended nothing more by this clause than to express a decided opinion that Captain Meigs should be continued in the employment to which he had been assigned by competent authority.

Now, Mr. Chairman, Congress in this bill, if this bill becomes a law, does nothing more than to designate to the President in the way of a recommendation Captain Eads for the position of advisory engineer of the commission.

Mr. GIBSON. Will the gentleman yield to me now?

Mr. BLANCHARD. Yes, sir. I now yield to the gentleman.

Mr. GIBSON. I want to ask the gentleman from Louisiana if Captain Meigs was not at that time an officer of the United States Army serving his Government, if he had not been already assigned by the Government to carry on a special work, and if this was not an appropriation to carry out specifications which he had made in his report to the Government previously; and I want to ask him if there is any analogy between that case and that of employing James B. Eads to overlook the officers of the Government.

Mr. BLANCHARD. Answering the last question of the gentleman first, I will say if he can not see the relevancy of this citation to the case at bar, then I can not make it any clearer to him.

Mr. BLANCHARD. Answering the first question the gentleman put to me, I will state that Captain Meigs was an Army engineer. I will state further, just as Mr. Buchanan does, that he had been previously, by competent authority, assigned to that work. But, Mr. Chairman, the President the very next day could have ordered, by virtue of his position as Commander-in-Chief of the Army and Navy of the United States, that officer of the Army away from that work; and for fear he would do it the Congress of the United States, in making at that time a very large appropriation——

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BLANCHARD. I ask unanimous consent to be permitted to proceed for ten minutes more.

Mr. REED, of Maine. I hope if the extension of time is allowed to the gentleman from Louisiana he will remember it when an extension of time may be asked for others.

Mr. BLANCHARD. The gentleman from Louisiana did not object to an extension of time being granted to the gentleman from Illinois [Mr. THOMAS] awhile ago.

The CHAIRMAN. Is there objection to the request that the gentleman from Louisiana have his time extended for ten minutes?

There was no objection.

Mr. BLANCHARD. The President could have ordered Captain Meigs away from that duty; but in order that he might be there to continue that work the Congress of the United States recommended, in stronger language than we use in the present bill, that Captain Meigs continue in the prosecution of the work. Do we do more? I submit in all candor that we do not. I will ask any gentleman here if there is anything more in this feature of the bill than a mere recommendation to the President to appoint James B. Eads to fill the position of advisory engineer which is created by the act? And I repeat again, that notwithstanding that recommendation, the President could refuse to appoint Captain Eads and could appoint another. Therefore, that clause of the bill is clearly not amenable to the criticism of the gentleman from West Virginia [Mr. GIBSON] that this is an unconstitutional and unheard-of provision, because Congress thereby attempts to exercise the constitutional prerogatives of the Executive.

Mr. PERKINS. Will my friend from Louisiana yield to me for a moment?

Mr. BLANCHARD. Yes, sir.

Mr. PERKINS. Does this do anything more than provide for the employment of Captain Eads for this purpose?

Mr. BLANCHARD. It does not.

Mr. PERKINS. And has any court ever held that Congress has no right to authorize the employment of a man for a particular purpose?

Mr. BLANCHARD. No, sir; and that is all there is in this proposition. I thank my colleague for his valuable suggestion.

Now, the gentleman from Wisconsin [Mr. PRICE], whom I do not now see in his seat——

Mr. PRICE (in another part of the Hall). I am here.

Mr. BLANCHARD. I am glad to see that the gentleman is present. In the few remarks he submitted to the House the day before yesterday he took occasion to sectionalize this bill, if I may so express it. He took occasion, and I am glad he is the only member on this floor who has done so, to ascertain how much was given to the East, how much to the Northwest, how much to the West, and how much to the South. I will say to the gentleman from Wisconsin, and I say it with gladness, that the question of sectionalism, whether political or otherwise, never entered into consideration in the River and Harbor Committee. I say we rose to a plane superior to that; and I am sorry to see that the gentleman himself did not do the same.

Mr. Chairman, I exceedingly regret that I have not the time to have read from the Clerk's desk some figures, since the gentleman from Wisconsin has interjected the sectional issue into this discussion. No one regrets that he has done this more than I do. I for one want to know no North, no South, no East, no West in considering great questions affecting our common country.

Mr. PRICE. Will the gentleman allow an interruption?

Mr. BLANCHARD. No, sir; I have only ten minutes. I regret exceedingly that that issue was brought in here, but since it was brought in by the gentleman from Wisconsin, I must be permitted in the few moments allotted me to meet him on that question. And, I repeat, not having the time to have read from the Clerk's desk these figures, I will take occasion to have them printed with my remarks.

In this connection I will state that the gentleman's own State of Wisconsin ranks very high up in the aggregate of appropriations made for the improvement of its rivers and harbors. It comes next to New York and Michigan, or third on the list. Therefore, sir, it comes with an ill grace from a Representative of that State to object to this bill in the face of these facts. Because, forsooth, with $750,000 in this bill for Galveston Harbor, a little more is given to the Southern than to the Northern section of the country, he makes up his mind to fight the bill.

Mr. Chairman, ours is a great country. It has the longest and greatest rivers, it has the greatest lakes, and it has the longest line of seacoast of any country on the face of the globe. It is too great and grand and glorious for a narrow sectional spirit longer to be tolerated.

Why, sir, there is within the limits of the United States one-sixth of the world's entire wealth; and it is a fact, sir, that we as a people are increasing in wealth at the rate of $2,000,000 a day—more than twice as rapidly as our nearest rivals Great Britain and Germany, and nearly six times as rapidly as the greatest of our other rivals. It is a further fact, and I call the attention of this House and of the country to it, that we as a people to-day are doing one-third of the world's entire mining, one-fourth of the world's entire manufacturing, one-fifth of the world's entire agriculture, and one-sixth of the world's entire banking on a territorial capital of but one-eighteenth of the world's land area, and that, too, but partially reduced to use.

Sir, I say, in conclusion, let us continue to present the example of a continental republic, possessed of every variety of climate and production, whose people are as one again—loyally devoted to the perpetuity of the Union, fearing no foreign foe, following the pursuits of peace, and solving practically the great problem of self-government. [Applause.]

APPENDIX.

Executive Document No. 64, Forty-eighth Congress, first session, issued by the United States Engineer Office, gives the entire amount appropriated by the Government for the improvement of the rivers and harbors of this country from the day the very first appropriation was made. This, including all the repairs, surveys, dredging-machines, and other machines and materials used, amounts to $105,796,403, comparatively moderate, if we consider the sums expended by other powers of far less extent than this.

Viewed sectionally, the Eastern States have no cause to complain, New York least of all. That State stands at the head of the list in appropriations, having secured no less than $9,539,973.95 for rivers and harbors situated entirely within its limits.

The South, on the other hand, has some cause to protest. There is a greater extent of water front in the South than any portion of the Union, and more rivers, yet it falls far in the rear, and the Southern State which has fared best ranks only eighth in the list, as follows: New York, $9,539,973; Michigan, $7,915,-896; Wisconsin, $6,675,795; Illinois, $6,377,080; Ohio, $6,882,764; Delaware, $6,042,-686; Massachusetts, $2,926,779, and Texas, $2,849,372. Divided sectionally, it is found that the eleven Eastern States have obtained $34,742,717, or about $2 to each inhabitant; the twelve Western States, $24,089,523, or $2.15 to each inhabitant, and the thirteen Southern States, $27,170,222, or $1.50 to each inhabitant. Two States, Colorado and Nevada, have secured nothing for harbors. It is dis-

covered further that the little mountain State of Vermont has received very nearly as much as South Carolina, and that Connecticut's harbors and rivers have cost more to improve than those of Alabama, Georgia, Florida, Kentucky, South Carolina, or Tennessee, including their share of the improvements in the Mississippi, Ohio, and Tennessee Rivers.

Mr. BAYNE. Mr. Chairman, I have frequently heard debates on the river and harbor bill in the House and in Committee of the Whole House on the state of the Union, and in most cases the attacks made upon the bill were directed against the small appropriations. Thus far the criticism of this bill has avoided the small appropriations and has been directed to the large ones. After an examination, in connection with the Committee on Rivers and Harbors, of the various recommendations for rivers and harbors throughout the country, I have come to the conclusion that these much-derided small appropriations are in the main more profitably expended than the large ones, and that commerce is aided more by the small than by the very large appropriations.

To my mind the objectionable features of this bill are not the small appropriations. I have no doubt that there are such appropriations made in this bill for undeserving items, but in the preparation of a measure of this kind, with the information available to the Committee on Rivers and Harbors, it was simply impossible for that committee to judge intelligently of all the various schemes presented for its consideration.

There are in this bill ninety-five appropriations of $5,000 and less; ninety-four between $5,000 and $20,000; forty from $20,000 to $50,000; nineteen from $50,000 to $100,000; eighteen from $100,000 to $200,000; eight from $200,000 to $500,000; one between $500,000 and $1,000,000; between $1,000,000 and $2,000,000, none; and between $2,000,000 and $3,000,000, one.

If the members of this House will carefully scrutinize these items I believe that in the appropriations made for the small streams—appropriations of $5,000 and less, those between five thousand and twenty thousand and those between twenty thousand and fifty thousand—they will find but very few objectionable ones, and they will find that the Committee on Rivers and Harbors, so far as it has had opportunity and facilities for examining into these cases, has given a fair and considerate judgment in dealing with the different rivers and harbors.

The present method of making appropriations by Congress for these purposes is radically wrong. Under it the Committee on Rivers and Harbors and the House can have no adequate information as to whether an expenditure of money for any particular stream should be made or not. With the information accessible to the committee under the present system it is impossible to say with anything like precision or accuracy that a given sum should be applied to a particular improvement. As I have said, the method is radically wrong. If you will take up the last report of the Engineer Department you will perceive how defective the method is. The Chief Engineer in his report to Congress says:

In view of the misapprehension that seems to prevail regarding the annual estimates, it may be advisable here to go somewhat into detail.

After an interval of more than ten years an act was passed and approved June 23, 1866, "making appropriations for the repair, preservation, and completion of certain public works, heretofore commenced under the authority of law, and for other purposes." (Statutes at Large, volume 14, page 70.) This act made provision by specific appropriation for more than fifty works of improvement and directed that examinations or surveys be made at more than thirty other localities with a view to their improvement. It was quite full, and expressed with much detail the manner in which the sums appropriated were to be applied. It also made provision for reports both special and annual (to be submitted to Congress) in relation to the various improvements and surveys therein provided for. Among other things set forth in the act as necessary to be reported to Congress, it required that the annual report shall be accompanied "with a statement of the amount and date of all former appropriations for each work, and a full estimate for its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year."

In the following year an act was approved March 2, 1867 (volume 14, page 418), making provision for sixty works of improvement and eighteen examinations or surveys, and containing the same general and specific requirements as to expenditures, reports, estimates, commercial statistics, &c.

It is proper to state that these annual estimates are made in compliance with the above-quoted requirements of law, and are not to be considered as carrying with them a recommendation of the officer in charge of the district or of this office, either in respect to the commercial value of the improvement or to the amount to be appropriated, other than for the most economical administration of works, the prosecution of which had already been approved by Congress.

The preliminary step is taken by Congress when it authorizes a survey, and any gentleman on this floor by simply requesting the Committee on Rivers and Harbors to insert in the river and harbor bill authority for the Engineer Department to make a survey can have such a proposition inserted in the bill. Then the Engineer Department will make the survey, and the Chief Engineer will make a report and estimate as to the amount of money that will probably be required to make the stream thus surveyed navigable.

That report comes before us as a recommendation from the Engineer Department, or rather it has been so treated by Congress. In point of fact, as gentlemen will see, the Engineer in Chief disclaims making any such recommendations in these estimates that he sends to Congress. So you see we are pursuing a method wholly embraced in most cases within a circle, whose confines do not contain sufficient data on which to act intelligently on so important a subject. Congress authorizes the survey of the stream; the Engineering Department surveys the stream and makes a report to Congress with an estimate; Congress makes an appropriation because the Engineer Department made the survey and estimated the cost; and the Engineer Department made the survey and estimated the cost because Congress authorized it so to do. There you have the long and short of the entire proceeding.

Therefore the Committee on Rivers and Harbors was compelled, in the exercise of a wise discretion, to reject many of these recommendations, and about one hundred and forty or one hundred and fifty of the streams embraced in the reports of the Engineering Department for this year were rejected upon such knowledge as the committee could obtain out of the Book of Estimates. Now, what kind of a basis is that upon which to make these appropriations? Of course the committee is often aided by members of Congress, but the information thus obtained varies. Some members of Congress are happily endowed with a very vivid imagination. They can point out the great advantages to commerce which are to result from the improvement of a given stream. Others are matter-of-fact individuals, not specially endowed with powers of imagination; so they make statements not so attractive and often not so influential, and are quite unable to make the worse appear the better reason. Others, again, have much argumentative fertility and can make words appear to be things, and can wholly obliterate, when necessary, things by words.

The information coming in this way is impelled doubtless by an honorable desire on the part of the members that an appropriation should be made. Their fellow-members, anxious not to impute to them any intention to misrepresent the facts, take their word, and the appropriations are made. Then you find members of Congress who appear before the committee and argue, "Oh, if you will improve this stream in my section of the country you will build up a vast commerce; there are hundreds of thousands of acres of fine timber land and fine coal land: all that is needed to develop the resources of that section of the country is to make an appropriation." Others say, "We do not want appropriations made except so far as commerce may demand it." That is a principle to which I agree. That is the policy for which I contend, that no appropriation should be reported by the Committee on Rivers and Harbors or passed by this House unless the actual present demands of commerce require it. I do not believe in appropriating money for particular streams with the view of developing a commerce that may ultimately come from that district. Sufficient unto the day is the necessity thereof.

Thus, in considering these propositions, the Committee on Rivers and Harbors and the House are not advised as they should be with reference to the amounts which ought to be appropriated for particular streams. I am not surprised that gentlemen rise on this floor and criticise with just severity the report of the Committee on Rivers and Harbors, because it is open to such criticism from the very necessities and exigencies of the case.

It was hoped that some responsibility for river and harbor expenditures would be placed somewhere. It was thought that this responsibility ought to be fixed in the Secretary of War, or if not in the Secretary of War, in the Chief of Engineers. But when we come to the Secretary of War, what have we? We have from that officer, as a general thing, a mere submission of the estimates made by the Engineer Department, without any specific recommendations.

Secretary Lincoln, a man of the highest integrity and character, undertook in a letter to the Forty-seventh Congress to point out various small streams which were provided for. Some of these appropriations were carried through, some were defeated. But on went the work of spending money for stream after stream, notwithstanding the fact that this information had come from the Secretary of War.

On this occasion the Secretary of War has recommended an appropriation of $8,000,000 for the river and harbor bill. My friend the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] was in error when he said that this bill contains but one-third of the amount recommended to Congress. This bill appropriates more than $4,000,000 in excess of the recommendation by the Secretary of War to Congress.

Mr. WILLIS. I am sure my friend does not desire to misrepresent me; and as I see a similar statement in one of the New York papers of this morning, I hope he will allow me to say that, as he knows and I know, the Chief of Engineers submits annually to the Committee on Rivers and Harbors an estimate of the amount which can be profitably expended on these works during the coming fiscal year. The estimate thus submitted by him for the next fiscal year is $34,000,000; and that is what I stated. This amount is not what will complete the existing projects, but the amount which he states can be profitably expended. That is all I said.

Mr. BAYNE. I do not wish in any way to misrepresent the gentleman——

Mr. WILLIS. There can be no difference of opinion upon that point. There is only one side to it.

Mr. HISCOCK. Does the engineer recommend that the amount be expended——

Mr. WILLIS. Yes, sir.

Mr. HISCOCK. Or does he say that it could be expended?

Mr. WILLIS. He recommends the expenditure. The subordinate engineers often submit estimates which the Chief of Engineers cuts down, as he has done in this case.

Mr. HISCOCK. My recollection is that he states the amount which can be expended, if the work goes on; but he does not indorse the work.

Mr. WILLIS. He advises Congress that at these various points he can profitably expend—"profitably" is the word—these various amounts.

Mr. GUENTHER. May I call attention to the fact that the Secretary of War says that $500,000 can be profitably expended for the improvement of the Fox and Wisconsin Rivers, yet the committee has not reported an appropriation of one solitary cent for that purpose?

Mr. WILLIS. That is true.

Mr. BAYNE. The chairman of the Committee on Rivers and Harbors is mistaken in saying that the Engineer in Chief recommends the appropriation of $34,000,000. If the gentleman had paid attention to what I have been reading he would have discovered that the engineer disclaims in specific terms any responsibility for these estimates put in by the subordinate engineers.

Mr. WILLIS. Here is a column on page 164 in regard to rivers and harbors, in which all the rivers and harbors recommended to Congress are stated. In the last column are the words "the amount that can be profitably expended in the next fiscal year as reported by the Chief of Engineers."

Mr. JOSEPH D. TAYLOR. Read the note on the same page.

Mr. BAYNE. I do not yield, and I hope gentlemen will not interrupt me. Now, Mr. Chairman, the note on page 164, referring to the very statements put in by the Chief of Engineers, is as follows:

NOTE.—The following statement is not furnished as a part of the "annual estimates for the public service" required by the act of March 3, 1875 (18 Statutes, page 370), to be furnished by the Secretary of War to the Secretary of the Treasury, but is inserted as a convenient and customary summary of items taken from the annual report of the Chief of Engineers for the year 1884, showing, under the provisions of the act of Congress approved March 2, 1867 (14 Statutes, page 421), "the amount that can be profitably expended in the next fiscal year" on each of the uncompleted works mentioned.

Mr. WILLIS. That is precisely what I have said.

Mr. BAYNE. Immediately before that, on page 164, my friend the chairman of the Committee on Rivers and Harbors will find that the Secretary of War recommends an appropriation of $8,177,000 for the rivers and harbors of the United States for the fiscal year ending June 30, 1886.

Mr. WILLIS. That is not in conflict with the other. Where is the conflict?

Mr. BAYNE. I say, Mr. Chairman, that I do not wish to misrepresent the chairman of the Committee on Rivers and Harbors; there is nothing further from my intention than that.

Mr. WILLIS. I am aware of that fact.

Mr. BAYNE. Now, I understand him to say that a recommendation had come in here from the Secretary of War for $34,000,000, and that we had appropriated about one-third of that recommendation. I say the Secretary of War has recommended but $8,177,000 to go into the river and harbor bill for this year, and not a dollar more.

Mr. WILLIS. There is no conflict between the gentleman and myself. I repeat again, that the Chief of Engineers, the officer in charge of these works, has recommended to Congress he can profitably expend $34,000,000, that the Secretary of War has scaled that down to $8,000,000, and the committee has scaled it down to $12,000,000, are matters we know, but it still remains not that $34,000,000 will complete these works, but that if Congress will give him the money he can profitably expend that amount; and that amount is a reduction, as the gentleman knows, on the estimates of the local engineers in charge of the different works.

Mr. BAYNE. All I have been trying to do, and the gentleman's statement confirms it, is to show that Congress has no adequate information on which to make these appropriations. You hear my friend saying that the Engineer Department recommends $34,000,000 in round numbers.

Mr. HISCOCK rose.

Mr. BAYNE. I can not yield. I have more than I can get through with. I would permit my friend as soon as any other cheerfully if I had the time.

Now, the Engineer Department estimates about $34,000,000. The Engineer in Chief has trimmed it down—how much I do not know. The Secretary of War has diminished it to a little over $8,000,000.

But I have a number of other matters to mention here before I take my seat. There are, as I have said already, some objectionable measures in the bill. One is Sandy Bay, on the coast of Massachusetts, for which an appropriation of $100,000 is put in to begin a work that will cost from six to eight millions of dollars for a harbor of refuge; and that appropriation is made here in the face of the recommendation of the commission which went there to examine into the proper place to locate a harbor of refuge. That measure ought to be stricken out of the bill. Until the engineers unite or the commission appointed to report whether a harbor there is necessary and select a locality other than that or agree upon that, there should be no money advanced for that purpose.

Another objectionable measure in this bill is the Hennepin Canal; not because it is objectionable in my mind *per se*, for I think it would facilitate commerce to construct that canal. I believe that it is an honest project and intended to benefit commerce. I do not believe there is any job back of it in any respect, but I am opposed to incorporating canals in the river and harbor appropriation bill. If you put this one in you will put another and another, and in a few years hence you may have thirty or forty canals in your river and harbor bills. Therefore I think this canal should stand upon its own footing and be reported by the Committee on Railways and Canals.

Another scheme objectionable in this bill, and which involves a violent departure even from the methods the committee has always heretofore employed in the way of making a bill, is one of $750,000 for Galveston. That appropriation is made without any plans, specifications, or estimates having been furnished to Congress. No man here knows what the scheme of Captain Eads may be for the improvement of that harbor.

No man can undertake to say that it will prove successful. That appropriation is made in a spirit, in my opinion, of blind faith in Captain Eads and without anything else in the world to recommend it. It has been cited on the floor here often and over again that Captain Eads achieved wonderful engineering exploits; that he built the Saint Louis bridge and improved the mouth of the Mississippi River. Mr. Chairman, the Saint Louis bridge, as has been said by my colleague [Mr. THOMAS], has nothing whatever to do with engineering skill in providing water ways. The work on the passes at the mouth of the Mississippi River, I declare to you to-day, is but an experiment yet to be tried, with the chances largely against its ultimate success.

Mr. KING. Where does the gentleman get his authority?

Mr. BAYNE. I will give my authority. In the first place, if any man will go beyond the mouth of those passes and make the necessary soundings he will find a bar beyond the mouth of the passes; and let the Engineer Department of the Government make that investigation, and my word for it they will find that result.

Mr. KING. Will the gentleman yield for a question?

Mr. BAYNE. I can not yield now. I say they will find that result, and that for this and another reason which I will cite the jetty system is a failure.

Mr KING. That is not true.

Mr. BAYNE. Another fact is also apparent, that this pretended jetty system is a failure at the mouth of the Mississippi River for the reason that whereas ten, twelve, or fourteen years ago the Atchafalaya Bayou was a narrow, unpretending water way, fordable at many points, with but little water in it, now it has become quite a stream, and the waters of the Mississippi River have been diverted by the jetties into that bayou; and the danger is now that all the waters of the Mississippi River will eventually take that course to the ocean.

Now, the plan, as I understand it, is to get Mr. Eads back of the Mississippi River Commission in order to do what? At a salary of $3,500 a year he is placed there in order that he may throw a dike across the Atchafalaya, and thus make the waters of the river pursue their course to the sea through the jetties at the mouth of the river. There is an express appropriation of $65,000 for that purpose. What is the effect of this plan? The effect is as certain as that rain falls, to fill up the river between the Atchafalaya and the passes at the mouth of the Mississippi River. That part of the river is gradually filling up, and, unless the waters of that stream are again deflected into the Mississippi, they will so fill up that water way that it must become unnavigable.

On the other hand, if you fill that place up, throw a dike across the Atchafalaya River, you are simply inviting the floods of the Mississippi River to make their way through some other bayou—to open up some other water course for them—and they will reach the ocean through such pass as they are reaching it through the Atchafalaya, and as they will continue to reach it in gradually increasing volume if they are not shut out by a dike across that river. Why is this true? Simply because the jetty system implies a species of damming up the water. They talk of getting "accelerated velocity" in order to scour out a channel and deepen it.

How do they get it? They dam the water to get the greater fall. These jetties are constructed upon that principle, and there is no more certain thing in this world than that those low alluvial lands about there will be broken through at different points by these great floods down that river, and no man's ingenuity or skill in this world can confine these vast quantities of water within the banks of the Mississippi between the Atchafalaya River and the Gulf.

Mr. BRECKINRIDGE. Will the gentleman yield for a question?

Mr. BAYNE. I will, for a question.

Mr. BRECKINRIDGE. Does not my friend from Pennsylvania know that the flood-head at the South Pass is nearly a foot lower to-day than when the jetties were built? The effect of the jetties has been to lower the flood-head, not to elevate it, as the gentleman stated.

Mr. BAYNE. There may be records going to indicate that fact, and it is possible that it is attributable to the fact that a greater volume of the water is going down that unnamable river, and thus lowering the water at the passes. That is in all probability the cause of it.

Mr. BRECKINRIDGE. But my friend said that this jetty system had dammed the river up.

Mr. BAYNE. And there is nothing more certain than that the jetty system is damming it up now to a certain extent, and the water that formerly went through the passes has been deflected and is passing through the Atchafalaya River.

Mr. BRECKINRIDGE. But how do you account for the fact that it has lowered the head of water at the passes?

Mr. BAYNE. It has not lowered it above.

Mr. BRECKINRIDGE. But it has lowered it at that point.

Mr. BAYNE. That is true; but not above. Where you confine the channel and increase the velocity of course it would secure a deepening of the channel in time; but the water above has been dammed up by these jetties, and the consequence is the flow and push of the water is not so great above as in the jetties, and the sedimentary deposits will gradually fill up the channel above the jetties, which result is going on at this very moment, and I predict with what little knowledge I have on this subject, and it is not very great, that this jetty system will ultimately prove a failure.

There will be only one way to obviate it, and that is to build jetties all the way up the Mississippi River, and thus confine its waters within one channel, and within jetties so powerful and secure and so well built that the waters of this great stream can not undermine them or wash them away.

It would require hundreds of millions of dollars to do that thing. Now they want a channel made at Galveston. Galveston has my cordial sympathy. I will appropriate a million or two millions or three millions or five millions to give you an assured harbor at Galveston. I do not want to deny Galveston the chances of putting out its commerce and receiving into its harbor the largest vessel we float. I am not only willing but I am anxious that it should be done. But why do it according to the plan of Captain Eads? How do you know it is going to succeed? I say the reasons against success are infinitely stronger there than they were against the success of the jetties at the mouth of the Mississippi.

Why? Because you have four hundred and fifty square miles of water above the harbor in an almost stagnant condition; and the only way you get an outflow is when the tide rises and pushes a body of water in which must run out, or where there are heavy rains in that section which contribute to those streams and the water comes down those streams. You can not create the velocity of flow that you have at the mouth of the Mississippi River; and for that reason the scheme proposed by Captain Eads, if we know what it is, will prove a failure at Galveston; and the engineer talent of this country, including Captain Eads, has not yet discovered the method of giving a 30-foot channel at Galveston.

Mr. FUNSTON. Now, with the gentleman's permission, I would like to ask him a question: How does he know that to be the plan of Captain Eads?

Mr. BAYNE. I will tell the gentleman how I know that to be his plan. Captain Eads was before the committee, not at this but at the last session of Congress, and he was interrogated by myself respecting his plan. I had a curiosity to know what his plan was. He expatiated with elaborate eloquence on his theories; but I wanted to know something about the practical plan. So I put the inquiry to him:

Mr. BAYNE. Is your present plan for improving Galveston Harbor similar to your plan for the jetty work at the mouth of the Mississippi River?

Captain EADS. It is based upon the same principles precisely. The location of the works must be quite different, of course.

Mr. BAYNE. And it is to make a channel 1,000 or 1,500 feet wide?

Captain EADS. The channel at Galveston would be wider than that, but it would be nothing like the width that the Government engineers propose.

Mr. BAYNE. Nothing like 12,000 feet?

Captain EADS. That is a matter I should take into serious study before I should determine what particular width and direction I should give, but I do not think it would be over 3,000 feet.

Mr. BAYNE. Is there a similarity of conditions between Galveston and the mouth of the Mississippi?

Captain EADS. Only in so far as this is a bar composed of material that is brought there by the action of the current?

Mr. BRECKINRIDGE. At Galveston the bar is formed by material brought there by the action of the Gulf currents, and at the mouth of the Mississippi the material was brought there by the action of the Mississippi currents?

Captain EADS. Yes, sir.

Mr. BAYNE. Have you made a personal examination of the harbor at Galveston?

Captain EADS. I have been there several times.

With a diplomacy worthy of the gentleman, whose abilities are acknowledged, he declined to say that he had made such an examination as would enable him to tell what his plans were, where he would place his jetties, how far apart they would be; and to this day and hour he has not stated that plan. And yet Congress is asked to appropriate $750,000 without knowing how he is to expend one dollar of that money.

Then one word more in this connection. Mr. RANKIN inquired:

Mr. RANKIN. As I understand it, there is nothing in this plan of yours that is not open to the world. Is there anything to prevent the Government engineers from adopting it?

Captain EADS. No.

Mr. RANKIN. Suppose the city of Galveston should accept yours as a business proposition—and I direct this question more to the representatives of that city who are now present than to you. If that plan is adopted by the Government why would it not be better to appropriate a certain sum for each year than to appropriate four or five millions in one sum for the whole number of years? The committee are now asked to recommend this appropriation to do something for which we have no estimate. They generally manage to get the money out of it some way.

Mr. THOMAS. I desire to ask the gentleman from Pennsylvania a question.

Mr. BAYNE. Very well.

Mr. THOMAS. Were the provisions of this bill or the other bill that came to the committee before the committee at the time Captain Eads was there?

Mr. BAYNE. No, sir; neither the provisions of this bill nor the bill that has since been presented was before the committee at the time Captain Eads was there.

Mr. BRECKINRIDGE. My friend is in error. The bill introduced by Judge REAGAN was at that time before our committee and under consideration.

Mr. OCHILTREE. And it was because that bill had been introduced that Captain Eads was present.

Mr. BAYNE. My memory may be at fault. I do not remember seeing the bill till I saw it this session of Congress; and I am sure I could not have seen it, or at least examined it, or I would have a vivid recollection of its existence; because of all the marvels presented to any legislative body for its action I never found the equal of that bill which was presented for the improvement of Galveston Harbor in the interest of Captain Eads—a bill appropriating $1,000,000 for the first foot, $1,000,000 for the second foot, $500,000 for the third foot, $500,000 for the fourth foot, $350,000 for each of the next six feet, $400,000 for each of the next two feet; all that vast appropriation to be given to Captain Eads for securing eleven or twelve feet of water—which anybody could have secured over that bar by the simple use of dredge-boats—and without a single solitary guarantee to the Government that that contract would be performed and that work done except the withholding of $500,000 for ten years, on which the Government was to pay interest at the rate of 4 per cent.

Mr. KING. There is no such provision in this bill.

Mr. BAYNE. I never saw such a measure in all my legislative experience. I doubt whether anybody anywhere ever saw the like of it before, and I hope the American Congress will never see its like again.

Mr. BRECKINRIDGE. Is that provision in this bill?

Mr. BAYNE. No, sir; it is not in this bill.

Mr. BRECKINRIDGE. Ah! It is a man of straw.

Mr. BAYNE. That was the original bill, and it is very properly used as a measure of Captain Eads's fertility of resource and as an indication of the things he may do, and in fact the reason he did not do it was because the Committee on Rivers and Harbors would not have it so.

Mr. GIBSON. I suggest to the gentleman from Pennsylvania this question: If Captain Eads would so deal with the Government in regard to Galveston Harbor, how would he be likely to act with unlimited power as to the Mississippi?

Mr. BAYNE. Now, Mr. Chairman, the proposition of the committee is better by far than the original proposition, and yet the proposition of the committee ought to be voted down. To make a vast appropriation of $750,000 for this work without a plan, without estimates, without knowing how it is going to be applied—to say to one man, "Take this money and expend it as you please and secure a certain number of feet of water"—to leave it all to him, the Government exercising no scrutiny, no judgment about the matter, is a proceeding which as a member of this House I can not countenance.

I think Congress ought to have sufficient data on which to form an intelligent judgment before making such an appropriation as this. I think Congress ought to know where this money is going, and how it is going to be expended, and upon what plan. I think Congress ought to have the opportunity of submitting the plans for this work to the rigid scrutiny of other engineers, in the service of the Government and elsewhere. I think these plans ought to be published in the newspapers, so that all the world might see them and see what was proposed to be done, and then, perchance, Congress might get such enlightenment in the way of criticism upon the plans as to lead gentlemen to say, We will not appropriate this money to be expended in this way, because we believe that if we did it would be lost.

Inasmuch as the gentlemen from Texas have such an abiding faith in Captain Eads I am willing to recommend his employment by the Government, but I am unwilling to appropriate any more money than will be required to get out the necessary plans for the work. Then I want those plans and specifications brought before Congress, that it may examine them and see whether the money should be expended in that way or not.

Now, Mr. Chairman, the next great appropriation in this bill is that for the Mississippi River. I can recollect very well when on the floor of the House gentlemen rose in their places and said, "Give your appropriations for the grand Mississippi River; make liberal appropriations for the Mississippi, but strike out all the creeks and rivulets and the runs."

Gentlemen criticised the river and harbor bill perhaps with just severity, but very often I believe with an undiscriminating judgment that did not do them credit. But in that way they created a volume of public sentiment in favor of making large appropriations for the Mississippi—a sentiment almost as vast in extent as the body of water in that great river at high flood. So, on the present occasion, we are asked to make another great appropriation of nearly $4,000,000 for the Mississippi.

Now, Mr. Chairman, what has been the result of the work that has been done so far on that river? Sir, it has proved a complete failure, and the Macedonian cry has come to us, "Give us Eads that he may help us!" "Help us or we sink!"

Mr. BROWN, of Pennsylvania. It was Cæsar that said that.

Mr. BAYNE. Yes, it was Cæsar that said that; but it is the same thing. It is what the Mississippi River Commission is likely to say.

We have here a demand for nearly $4,000,000, and, after having made some examination into that subject, I say here that every dollar of that money, if it is expended on that river—except the portion of it that may be spent for dredging—will be money absolutely thrown away.

Has any gentleman here a full knowledge of the dangers besetting the channels of that river at high flood? Why, sir, I am credibly informed that the water will undermine the banks so that at times as much as four or five or six acres of land will drop into the stream at once—land having great large trees on it, with roots running deep down into the ground, and, therefore, a far stronger and more powerful obstacle to resist the action of the water than any piles that can be driven. Yet that land with those great trees upon it, with their great roots, is undermined and swept away almost in a moment. Nevertheless you have a "commission" down there driving in their little piles, and getting up their little mattresses, and hauling their little cart-loads of stone, and putting that material down, and undertaking to check the course of that mighty stream at high flood. It is the finite fighting the infinite. It is simply an impossibility.

Tennyson says somewhere:

> Possibles do and impossibles dare,
> And gallop in spirit everywhere.

This is but the daring of the impossible. It is not the conclusion of good sound sense; it is not the conclusion of practical knowledge. It is the daring, the hope, the dream, the expectation of vivid imaginations that something can be done; and therefore, as I have said, this cry has gone up from the Mississippi River people—"Give us Eads, or we shall fail in our undertaking!" Sir, they have failed in their undertaking. And now is Congress going to vote three or four million dollars more for this Mississippi River improvement to be wasted in the same way?

The plans of the commission are all ready to go on. Those plans have been submitted. The members of the commission themselves have the integrity and the candor to say that their plans have failed. The report of the commission tells of the difficulties they have encountered—a caving bank here, another caving bank there, and another there; and if any gentleman will take up that report and mark the number of cases of caving banks, I venture to say that he will find at least ten or twelve such places where the banks are stated to have caved.

Why, sir, I heard only last night that a lot of piles had been driven at one point on the Mississippi River for the purpose of narrowing the channel—carrying out the scheme of the Mississippi River Commission; that the water had washed the sand away; that the piles had toppled over, and that one of them had come in contact with the wheel of a steamboat and broken it. These are results of the efforts you are making to narrow the channel of the Mississippi River and to improve the river at an expenditure which must ultimately reach hundreds of millions of dollars, because every million you put in there will require another million or more to undo the mischief your system is causing.

Mr. BRECKINRIDGE. Will the gentleman allow me to correct an error of fact? The Mississippi River Commission does not state that this work is a failure; the majority of the commission state that it is a success, and ask for liberal and prompt appropriations to prosecute the work. My friend knows very well the serious difference of opinion that there is in regard to some things in that report; but his statement just now with regard to the report of the commission was, I presume, an unintentional error, and therefore I decided to correct it right here.

Mr. BAYNE. Now, if there is any dispute on this point, I call attention to the report of the Mississippi River Commission. On page 3 it speaks of a caving bank; again on page 4 it speaks of a caving bank, and again on page 7 and page 8. On page 9 two are mentioned, and again caving banks are mentioned on pages 10 and 12. Thus you can go through this report page after page and find nothing but "caving banks" and other difficulties. And finally the commissioners "cave," and must have the assistance of Captain Eads! There is this blind belief on the part of some men that Captain Eads can go there and get that commission out of its difficulty. Eads is a great man, but he is unequal to that emergency.

A MEMBER. And you are not willing to let him try?

Mr. BAYNE. Yes, sir; I voted to put in Captain Eads as an advisory member of the commission. I am willing to give the utmost facilities for securing whatever result is possible; I am willing he shall go there and advise with that commission. But I do protest against this Congress appropriating nearly $4,000,000 to be thrown away on that river.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him whether the very same gentlemen who are now urging the appointment of Mr. Eads were not absolutely certain in 1882 that this Mississippi River Commission was all that was needed to manage the improvement of that river?

Mr. BAYNE. Yes, it was thought so.

Mr. WHITE, of Kentucky. They were then just as sure that the commission was all that was necessary as they now are that Captain Eads is the desideratum.

Mr. BAYNE. Not only so, but it is confessed all around that the plan pursued by the commission is the plan which Eads suggested.

Mr. BRECKINRIDGE. Oh, no; that is not conceded at all.

Mr. BAYNE. They may change their plan now; but the plan of Mr. Eads was to narrow the channel and put into operation the scouring-out process. He himself says over and over again that this is his plan—to narrow the volume of water, thus encouraging the scouring-out process and securing a deep channel. That is the whole system. I can not elaborate it or put it in scientific terms. In plain language that is the plan.

My friend from New York [Mr. HISCOCK] has just handed me a telegram on this subject from the War Department. I will read it.

WAR DEPARTMENT, *January* 31, 1885.

Hon. F. HISCOCK:

Your telegram received. Chief of Engineers reports that the only damage reported is that mentioned in Captain Sears's letter of January 26, which is said to have occurred 17th of January, and is reported as follows: "On the 17th instant a cave occurred two hundred and fifty feet in length and one hundred feet deep about 1,000 feet above range 20. It took place in a pocket, making it larger. The current is too strong and the river too high to admit of making another mat. It is proposed to float a string of piles, prepared for experimental pile revetment, and sink them in this pocket." The breach is stated to be near Pilcher's Point, about eighteen miles above Lake Providence. Further report will be called for by telegraph from the officers in charge.

ROBT. T. LINCOLN, *Secretary of War.*

This is a recent report, and it confirms the report of the commission that these banks are caving at one point and another, that revetments have failed, that piles have failed, that dikes have failed, that everything has failed. And it is in the nature of things that everything must fail, because no practicable human agency can cope successfully with the great flood tides of the Mississippi River; and the sooner we make up our minds to that fact the better it will be for us all and the better it will be for the Treasury of the United States. Everything has failed but the Treasury and the water. The water is still there; and the Treasury is still at the other end of the Avenue. [Laughter.]

Now, Mr. Chairman, I have here pointed out what I believe to be grave objections to this bill. I believe this vast appropriation for the Mississippi River is an objection, and an insuperable one. I believe the appropriation for the Mississippi River should be somewhere in the neighborhood of $500,000 for the purpose of dredging and alleviating the dangers that beset the navigation of that stream. I think only about fifteen or twenty or twenty-five thousand dollars should be appropriated for Galveston Harbor, to include Captain Eads to prepare plans and specifications to be submitted to the next Congress. And if Captain Eads can convince the next Congress he can give Galveston a channel twenty-five or thirty feet in depth, I say employ him to go on and supervise that work under the direction of the Secretary of War and have that work done.

I know the difficulties that the people of the South Atlantic coast labor under in reference to harbors; I know the great number on the North Atlantic coast. I appreciate the difference, and I for one am anxious to help them out. I want to help them out wherever I can, and whenever I am convinced an appropriation will effect that object I will give it cheerfully; but I am unwilling to vote these vast sums out of the Treasury for that purpose when we have no assurance at all this money will secure the results predicted.

Mr. Chairman, I ask leave to incorporate in my remarks some matter I have not had an opportunity to deliver.

There was no objection, and it was ordered accordingly.

Efforts have been made to discredit the capacity of the officers of the United States Engineer Corps. It has been said that their education is limited in the science of civil engineering. Having the highest confidence in the honor and integrity of these officers, I desired to inform myself as to their opportunities for qualifying themselves for the important service they are required to perform in relation to the improvement of rivers and harbors. So I wrote to General Newton, Chief of Engineers, who replied, as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 27, 1885.

SIR: In reply to your letter of the 26th instant, I have the honor to say that all officers of the Corps of Engineers, in addition to their military duties at the United States Military Academy, are there instructed in mathematics, natural and experimental philosophy, astronomy, chemistry, mineralogy, and geology, electricity and magnetism, civil engineering and drawing, in all of which they must take a high standing. This course requires four years' hard study.

Immediately after graduation the officers assigned to the Corps of Engineers are ordered to the Engineer School of Application at Willets Point, N. Y., where for two and a half years their practical and theoretical instructions are continued, and they become familiar with surveying, astronomy, and electrics, as well as the important portions of military engineering.

With this preparation these officers are then assigned to duty as assistants to officers engaged upon river and harbor works, and as such assistants have practical instructions in work of this character. After serving as assistants for periods varying from four to eight years, sometimes longer, they are assigned at first to the charge of districts of minor importance and in time to the more important works now in charge of the Corps of Engineers.

From the commencement of operations looking toward the improvement of rivers and harbors, about the year 1823, until such work ceased from lack of appriations, about 1839, the Corps of Engineers had entire charge of these works of improvement, and again in 1844 and 1852 they were committed to their supervision.

In 1864, when operations by Government upon river and harbor works were again resumed, these were placed in charge of officers of the Corps of Engi-

neers of the Army, and for the past twenty years the work has progressed under their care and control.

They alone, aided by such assistants as the extensive operations in this field devolving upon them rendered it necessary for them to call to their aid, have for the past sixty years, whenever money was available, carried on these important works, and if the conditions of these rivers and harbors when work commenced could be compared with the results obtained and spread before the country in a tabulated form, the result would demonstrate the skill and fidelity of the corps.

With facts so patent as those which have been enumerated in relation to the preliminary education required at West Point and Willets Point, and the long experience almost amounting to an exclusive control of the river and harbor improvements for the past sixty years, I must express my astonishment at learning that it has been proclaimed in Congressional committees that the officers of the Corps of Engineers of the Army have but a limited education in civil engineering.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brigadier and Brevet Major General.

HON. THOMAS M. BAYNE,
House of Representatives, Capitol.

The following was received by me from Col. W. E. Merrill, one of the most accomplished engineers in the United States Engineer Corps:

The paper on the South Pass jetties, printed in the October number of the Transactions, by Mr. E. L. Corthell, is a valuable and interesting one, but there are some errors in it which are worth noting, and it contains certain suggestions that should not be permitted to pass without comment.

The South Pass jetties have given an excellent mouth to the Mississippi River, and their success has been such as to warrant the United States in paying for them a large bonus over the cost of construction; but it should not be forgotten that the engineer who built them contracted with Congress to give a depth of thirty feet for a width of three hundred and fifty feet for a total sum of $7,250,000 on the principle, widely advertised, of "no cure, no pay," and failed to secure the depth. As a matter of fact, he only earned under his contract the first three installments of half a million each, with a quarter of a million for maintenance, making in all only $1,750,000. The fourth installment of half a million was not payable until a channel had been secured having a depth of twenty-six feet with a width of three hundred feet, and no such channel has even yet been secured. In order to be sure of the exact facts of the case I to-day (January 21, 1885) telegraphed to the inspecting officer to know the exact width of the 26-foot channel, and have just received the reply that it is two hundred and ten feet wide.

In March, 1879, Mr. Eads procured the passage of an act of Congress reducing the required width of the 26-foot channel from three hundred to two hundred feet, abolishing the clause requiring the 28-foot and 30-foot channels, and redistributing the payments, so that he should receive the same sum, $7,250,000, for the 26-foot channel as he was to have received for the 30-foot channel. It is true that a provision was inserted requiring a central depth of thirty feet regardless of width, but this clause added nothing to his obligations, as it was hardly possible to secure the required depth of twenty-six feet over a width of two hundred feet without having a central depth at least four feet greater. His original contract for a channel thirty feet deep, with a width of three hundred and fifty feet, would probably have carried with it a central depth of thirty-five feet.

I mention these facts not in the way of criticism or personal allusion, but merely to show the great difficulty of making results tally with predictions when dealing with large bodies of water in motion, and to show that iron-clad contracts with the Government can sometimes be set aside. In my judgment there was much more engineering skill and fertility of resource shown in the works at the head of the South Pass than at the jetties themselves. There were abundant precedents for the latter, but none that I know of for the former.

The lessons which Mr. Corthell draws are nine in number and on them I would like to make a few comments.

In his condemnation of the "outlet" theory, as applied to the Mississippi River, I fully agree; but my acquiescence comes from a study of the river above New Orleans, and I do not see that experience at the jetties has any particular bearing on the subject. No engineer has ever disputed the fact that by contracting a stream you can deepen it; in fact it is an elementary principle, and it has been applied on the Ohio River with moderate success since 1825. I say "moderate" success, because local deepening is often followed either by the formation of a new bar below the contraction or by a decrease of depth on the bar next above.

I do not think that the criticisms on the work at Galveston and at Charleston are justified by the facts. In building jetties upon movable sands the lower courses must necessarily be built first, and, from the nature of their construction, they can subsequently be widened or heightened as occasion may demand without making the ultimate cost of the jetty materially greater than if the intention to build it above the sea-level had been proclaimed from the beginning. Nothing has been done at either locality except what would have had to be done in any event. It seems to me that a wise and prudent engineer, dealing with such a difficult problem as the improvement of a harbor on a sandy shore, would proceed cautiously, feeling his way by degrees, prepared to change his plans whenever their effect seemed unfavorable.

I am disposed to believe that as a rule jetties should be above the level of the sea, as they are at Ymuiden, the mouth of the Maas, Port Said, and many other localities; but in spite of the belief I should certainly try first to build two submerged jetties and see how they worked, because it is quite possible that one or the other might require removal. It is also possible that in some localities submerged jetties may answer every purpose, at a great saving in cost; in other places jetties above water may confine storm-tides too much, and may cause too violent an action within the jetties and create a shoal bar in the open sea beyond them. To illustrate the necessity of making haste slowly, and the difficult nature of the general problem, I would refer to the sandy harbors along the northeast coast of France and the north coast of Belgium, where jetties have proved a practical failure, even with the aid of large flushing basins and high tides.

In spite of the large experience of the French and Belgian engineers with this class of harbors, the King of the Belgians a few years ago offered a large prize, open to the engineers of all nations, for the best essay on harbors on sandy coasts. The result of the competition I have not learned; but it is clear that the engineers who have had most experience with these harbors consider the problem a very difficult one. The failure at the mouth of the Maas is sufficient proof that it is not always possible to predict the results of jetties on sandy shores, even though a large river flows out between them.

In reply to the criticisms on Galveston Harbor contained on page 326 I will submit the following statement from Colonel Mansfield, the engineer in charge, to whom I forwarded Mr. Corthell's article, with the request that he would send me a reply.

Colonel Mansfield quotes the paragraph beginning on the third line of page 326, and replies as follows:

"This budget of errors, and the errors following, as regards results, may be best answered by giving a brief account of the work at Galveston, so far as executed, with accompanying results, and stating what is intended to be done in the line of further improvement.

"I will right here call attention to a most important consideration which seems to be entirely overlooked, namely, the condition of the two problems—the one the removal of a bar formed by the *débris* from a great river, where immediately beyond the crest of the bar and the jetty-heads is the deep water of the Gulf ready to receive the material brought down by the current and scoured from the bar, where it can no longer obstruct navigation; the other the removal of a bar formed by sand drifted along the coast and heaped up by the sea at the entrance to a bay into which no rivers of any size enter.

"There is no parallelism in the case of the South Pass, Mississippi River, and Galveston Bar. The problems being so entirely dissimilar, they must be treated separately and upon a careful study of all the conditions surrounding each. A treatment that would solve the one might not solve the other.

"Galveston Bay has an area of four hundred and fifty-one square miles, forming an immense reservoir, whose surface is known to have been raised to a height of ten feet in a great storm, and not infrequently raised three, four, five, and even six feet by easterly winds, though the average range of tides is but one and one-tenth feet. The discharge of accumulated waters of the bay under off-shore winds, which usually follow easterly blows, creates strong currents through the gorge, maintaining here forty feet of water, and the momentum of discharge is sufficient to excavate and maintain a channel of thirty feet to a distance of over a mile, twenty-five feet a distance of two miles, and twenty feet over three miles out from the gorge.

"The crest of the bar is about four miles out, and the distance across from 18' to 18' is about one and one-quarter miles, and beyond the exterior 18-foot curve the bottom of the Gulf deepens at the rate of about one fathom to the mile. Beside the outer bar, obstructing the entrance to the bay, there was an inner bar obstructing entrance to Galveston channel, along which the wharves are located. Upon this inner bar there is now twenty-six feet of water at low tide, where formerly there was but about nine feet; and the depth of water over the outer bar has been improved, so that navigation has been benefited to the extent of about two feet, and this has been accomplished by the Government works, which consist of an incomplete jetty running from Fort Point out to the crest of the bar a distance of four and one-quarter miles.

"The project contemplates the raising of this work to a greater height if necessary and the construction of a jetty on the north side, the position of which is yet to be determined.

"Previous to my taking charge in 1880, Major Howell had expended $527,000, and secured as a result twenty feet water on the inner bar. I have expended since in the construction of the jetty $975,000.

"This structure is a most substantial one, and is not likely to deteriorate much; that it has been an economical one the records will plainly show.

"Should it be necessary to raise this jetty above high-water mark, it can be done for less than $1,000,000, while the jetty upon the other side, equally high, may be built for less than $2,000,000.

"My opinion is that it will not be necessary to raise the jetties to a height above overflow. To be sure, the greatest effect will be produced thereby, but the question, if any, is, will it be necessary in order to secure the required depths of channel? I think not; nor will it be necessary to raise the jetties so high, in order to guard the channel against filling from wave action. Let me give you my experience.

"At Arkansas Pass Bar, my jetty, nearly a mile in length, originally brought near to the water surface at mean low tide, but since compressed so that there was an average of more than four feet over its entire length, caused a channel to cut where desired through the bar eleven feet deep where there was but four and a half feet before, and this channel has been maintained a long time and is improving. I am now raising this jetty above overflow.

"Here is a single jetty, not on the side whence the drift comes, but on the other side, and nothing in the way of a jetty to prevent the whole drift of sand along the coast from coming into the channel.

"It would seem that Mr. Corthell has yet much to learn on the subject of the improvement of river and harbor bars. No two rivers or harbors are precisely alike, and to lay down in advance a law that shall be rigidly applied to all alike, without regard to the varying cirumstances, would be the height of absurdity."

The statement of Mr. Corthell that there is to be two and one-fourth miles between the jetties is positively denied by the Chief of Engineers and by the resident engineer, both of whom state that the north jetty has not yet been located. Mr. Corthell asserts that "lateral outlets were left near the land, ostensibly to let the tides into the bay," and he vigorously condemns this method of construction. I agree with him, but I can find no authority for the existence of these outlets; nothing of the kind appears in the last official map of Galveston Harbor. There is a low place in the jetty about three miles from the shore, but this is nowhere "near the land," and it appears to be merely a place where the work is incomplete. The map shows that the shore end of the jetty, for at least a mile from the shore, is above the water surface.

The total expenditures made by United States engineers on the improvement of the outer bar at Galveston is a little less than a million. This is just one-eighth of the sum that Mr. Eads asks Congress to appropriate in a lump for his project. I would like to ask the author of the paper if he or any one else could have done any more with the sum allowed by Congress than Colonel Mansfield has done, and how he or any one else could have completed an eight-million job for one million. It is understood that Mr. Eads proposes to build a pair of jetties, just as the Government engineers propose. With an eight-million appropriation he can undoubtedly work much faster than a Government officer with two hundred thousand a year; but the nature of the problem is such that in any event he must do about the same amount of work in pretty much the same way.

The only possible variation is in the location and length of the jetties, and as his location has not been divulged it can not be criticised. Experience gained in building the existing south jetty shows that it can be raised above water-level for one million more. The north jetty can be built at the same cost as the south jetty, and the entire improvement can be completed for $3,000,000. Why then should the United States give any one a bonus of four millions for what can be done just as well by its own officers at cost, and without any bonus at all.

If the United States is not satisfied to use its own officers to do this work, then I submit that the matter should be thrown open to public competition, and all members of the Society of Engineers should have an opportunity to submit proposals. It is more than probable that competent engineers and contractors can be found who will guarantee twenty-six feet of water for a much less profit than $4,000,000. Congress has passed laws requiring that contracts be given to the lowest bidder, and yet we find that Congress itself is seriously discussing the question of selecting one man out of the whole nation, and giving him, without competition, an enormous contract at more than double the estimated cost of the work.

The practical effect of such a contract is to make an immediate appropriation of nearly eight millions for the improvement of Galveston Harbor. Had less than half of this sum been appropriated when work on the outer bar began, the work would now be completed. Mr. Corthell's statement that one and a half million dollars have already been expended on Galveston bar (meaning the outer bar) is incorrect; a very large amount having been expended on the inner bar, a very necessary work, but wholly disconnected with the outer bar. The exact expenditure on the south jetty has been $975,000, or less than a million.

The final lesson that Mr. Corthell enunciates is that civil-engineering work should be in the hands of civil engineers. He seems to forget that United States military engineers are thoroughly educated as civil engineers, and in many particular s experience in the two branches is identical. Moreover, all the other Army officers have had years of experience as civil engineers, and it is as civil engineers that they are admitted into the American Society of Civil Engineers

He makes a plea that "the doors be thrown open freely to all engineers fitted by education and experience for the service required." To this I make no objection; but there is a wide difference between an engineer and a contractor, and while he talks of throwing open the doors "to all engineers," his whole paper is written in the interest of a single favored contractor.

If Congress should choose to select Mr. Eads as the engineer of the works at Galveston Harbor I should not raise a word of protest, for I have as high an appreciation as any one of his genius as an engineer; but when he is brought forward as a contractor in such a contract the matter stands on a different footing, and I feel it my duty to point out the objections.

In conclusion, I would call Mr. Corthell's attention to his error in asserting that in no other country are military engineers employed on civil works. Great Britain makes exactly the same use of her military engineers as does the United States.

Mr. BRECKINRIDGE obtained the floor, but yielded to

Mr. WILLIS, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

PATENT OFFICE BUSINESS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House report from the Commissioner of Patents of the business of his office for the year ending December 31, 1884; which was referred to the Committee on Patents, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. WARNER, of Ohio, by unanimous consent, was granted leave of absence for three days, from February 2, on account of important business.

GOVERNMENT PUBLICATIONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House joint resolution (S. 104) providing for printing and distribution of the Descriptive Catalogue of Government Publications; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SUPERVISING ARCHITECT.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, by unanimous consent, reported back with amendments the bill (H. R. 7523) defining the duties of the Supervising Architect, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MOUNT DESERT FERRY.

Mr. MILLIKEN, by unanimous consent, introduced a bill (H. R. 8146) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

And then, on motion of Mr. COX, of North Carolina (at 5 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Petition of citizens of Waterville, Kans., asking for such amendment of homestead law as will enable settlers within railroad limits to take homestead on additional 80-acre tracts—to the Committee on the Public Lands.

By Mr. W. W. BROWN: Memorial of the Philadelphia Commercial Exchange, praying for the passage of the bankrupt law—to the Committee on the Judiciary.

Also, memorial of the Academy of Natural Sciences of Philadelphia, praying for the placing certain scientific books on the free-list—to the Committee on Ways and Means.

Also, memorial of the National Board of Trade, urging the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

By Mr. CUTCHEON: Joint resolution of the Legislature of the State of Michigan, relative to the importation of alien laborers under contract—to the Committee on Labor.

By Mr. DEUSTER: Petition of business men of Milwaukee, Wis., asking that the United States shall acquire the title to the two canals connecting Portage Lake, Michigan, with Lake Superior—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of the Commercial Exchange of Philadelphia, for passage of Senate bankrupt bill—to the Committee on the Judiciary.

Also, petition of the Academy of Natural Sciences of Philadelphia, to place on the free-list books on physical, natural, and medical science, and apparatus—to the Committee on Ways and Means.

By Mr. EVERHART: Resolution of the Commercial Exchange of Philadelphia, urging the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Produce Exchange, favoring national bankrupt bill—to the same committee.

Also, petition of the New York State cider and cider-vinegar makers, for repeal of so-called "vaporizing act of 1879"—to the Committee on Ways and Means.

By Mr. FORNEY: Petition and papers of Susan Wilson, widow of Benjamin I. Wilson, deceased, late of Cherokee, Ala., asking for reference of claim for property taken by the United States Army during the late war, to the Court of Claims—to the Committee on War Claims.

Also, petition and papers of Rebecca Riggers, widow of Robert Riggers, deceased, of Cherokee County, Alabama, asking reference of similar claim to Court of Claims—to the same committee.

By Mr. HARMER: Resolution of the Academy of Natural Sciences of Philadelphia, in favor of placing on the free-list books pertaining to physical, natural, and medical science, and apparatus—to the Committee on Ways and Means.

Also, memorial of the board of directors of the Commercial Exchange of Philadelphia, in favor of the Senate bankruptcy bill—to the Committee on the Judiciary.

By Mr. KEAN: Petition of citizens of Elizabeth, N. J., calling attention to the rapid spread of Mormonism, and asking early action to prevent same—to the same committee.

By Mr. KEIFER: Petition of John G. Wamen and 48 others, praying for the passage of a bill granting a pension to Anthony Peterson, of Ohio—to the Committee on Invalid Pensions.

By Mr. MCCOMAS: Memorial of Richard S. Kirk, of Montgomery County, Maryland, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Henry C. Mumma and Samuel Mumma, executors of Samuel Mumma, deceased, of Washington County, Maryland, for compensation for property taken by the United States Army during the late war—to the same committee.

By Mr. PHELPS: Petition of citizens of Morris County, New Jersey, and others, favoring legislation for the Territory of Utah—to the Committee on the Judiciary.

Also, petition of the iron-ore men of the Northwest, against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. PRYOR (by request): Petition of James Clendinnin, of Jackson County, Alabama, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. W. F. ROGERS: Resolutions of the Merchants' Exchange of the city of Buffalo, in favor of the purchase by the United States of the Portage Lake and Lake Superior Ship-canals—to the Committee on Rivers and Harbors.

Also, resolution of the Merchants' Exchange of the city of Buffalo, in favor of the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

By Mr. ROSECRANS: Petition of James A. Powlett, relative to the loading of heavy ordnance—to the Committee on Military Affairs.

Also, petition of citizens of Monticello, Ind., asking Congress to suppress Mormonism in the Territories—to the Committee on the Judiciary.

By Mr. A. HERR SMITH: Resolution of the Academy of Natural Sciences of Philadelphia, in favor of putting on the free-list scientific books and apparatus—to the Committee on Ways and Means.

Also, resolution of the Commercial Exchange of Philadelphia, in favor of the passage of the Senate bill—to the Committee on the Judiciary.

Also, petition of 67 citizens of Lancaster County, Pennsylvania, against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. TUCKER: Petition of Henry T. Hartman, of Lexington, Va., to extend the time of patent, &c.—to the Committee on Patents.

By Mr. WAIT: Petition of Stephen M. Kellogg, of Waterbury, Conn., for the purchase by the United States of the Portage Lake and Lake Superior Canals—to the Committee on Rivers and Harbors.

By Mr. WEAVER: Petition of W. A. Hartly and others, of Bennet, Nebr., asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. J. S. WISE: Papers relating to the claims of John W. Conard, Ebenezer J. Conard, Oliver G. Butts, George Cooper of John, all of Loudoun County, Virginia—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. FORAN: Of 393 citizens of Pike, Brown, and Fayette Counties, Ohio.

By Mr. KLEINER: Of soldiers of Dale, Ind.

By Mr. LOWRY: Of 30 citizens of Fort Wayne, Ind.

By Mr. MORRILL: Of J. E. Baird and others, of Indian Territory.

By Mr. SHIVELY: Of William H. Jordan and others, of Bourbon, Ind.

By Mr. E. B. TAYLOR: Of J. S. Hutson and others, of Trumbull County, Ohio.

By Mr. WARD: Of citizens of Anderson, of Zionsville, of Jamestown, and of Elwood, Ind.

By Mr. WELLER: Of citizens of Bassett, Iowa.

SENATE.

MONDAY, *February* 2, 1885.

Prayer by Rev. J. DE WITT MILLER, of Philadelphia.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of John C. Spooner, chosen by the Legislature of Wisconsin a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

He also presented the credentials of GEORGE G. VEST, chosen by the Legislature of Missouri a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

MILITARY INSTRUCTORS IN COREA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read and ordered to be printed, and referred to the Committee on Military Affairs:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State in regard to the desire of the Government of Corea to obtain the services of one or more officers of the United States as military instructors in that country, and recommend the adoption of a joint resolution authorizing such officers as may be conveniently spared, and who may be selected for that duty, to proceed to Corea for the purpose indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

THE ALERT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

When the expedition for the relief of Lieutenant Greely and his party was being prepared in the early part of the year 1884, and a search for suitable vessels was being made, the Alert, then the property of Great Britain, and which had been the advance ship of the expedition under Sir George Nares, was found to be peculiarly fitted for the intended service, this Government immediately offered to purchase that vessel; upon which Her Majesty's Government generously presented her to the United States, refusing to accept any pay whatever for the vessel. The Alert rendered important and timely service in the expedition for the relief of Lieutenant Greely and party, which, in its results, proved so satisfactory to the Government and people of this country.

I am of the opinion that the Alert should now be returned to Her Majesty's Government, with suitable acknowledgments for its generous and graceful acts of courtesy in so promptly putting the vessel at the service of the United States, and I therefore recommend that authority be given me by Congress to carry out this purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

The PRESIDING OFFICER (Mr. HOAR in the chair). If there be no objection, the message will be referred to the Committee on Naval Affairs and printed.

Mr. CONGER. That seems to be a question of courtesy between nations. In that respect it is immaterial to the people of the United States or the Navy whether the vessel is returned or not returned. If it relates to the comity of nations, the courtesy, and the recognition of their tender of it to this nation, and the return of it after its valuable service to the country, the question should go to the Committee on Foreign Relations, I think.

The PRESIDING OFFICER. Does the Senator from Michigan make that motion?

Mr. CONGER. I do.

The PRESIDING OFFICER. The Senator from Michigan moves that the message be referred to the Committee on Foreign Relations.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 21st ultimo, certain documents relating to the collection of the tax upon distilled spirits; which, with the accompanying papers, was, on motion of Mr. WILSON, referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Patents, submitting, in compliance with the requirements of section 494 of the Revised Statutes, a report of the business of the Patent Office for the year ending December 31, 1884; which was referred to the Committee on Patents, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the organized and unorganized militia force of the United States; which was referred to the Committee on Military Affairs, and, with the accompanying papers, ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 5th ultimo, copies of all the papers on file in his Department relating to the condition of affairs at the Kiowa, Comanche, Wichita, and other Indian agencies; which was read.

The PRESIDING OFFICER. If there be no objection, the communication will be printed and referred to the Committee on Indian Affairs, with the accompanying papers.

Mr. CONGER. By that reference will the accompanying papers be printed?

The PRESIDING OFFICER. They will not. The letter of the Secretary will be printed without the accompanying papers. The Chair supposes, as the papers are very voluminous, consisting largely of reports which have already been printed, it would be well to refer the papers without printing to the committee, and they can request the printing if they see fit.

Mr. CONGER. Very well. The committee can ask for their printing if it is deemed necessary.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting sundry communications, in the nature of petitions, from infantry officers of the Army, urging the passage of Senate bill 2442, to increase the efficiency of the infantry branch of the Army; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also presented the petition of J. F. Halloway, president, and 12 others, of New York city, on behalf of the Society of American Engineers, praying such legislation as will increase the efficiency of the Patent Office and secure a prompt determination of the causes considered therein; which was referred to the Committee on Patents.

He also presented the petition of W. D. Graham, of Wesson, Miss., praying for the substitution of the seventh for the first day of the week as a day of rest and devotion; which was referred to the Committee on Education and Labor.

Mr. SHERMAN. I present, in the nature of a petition, resolutions adopted at a meeting of the National Board of Trade held recently in this city, in which they respectfully pray for the passage of the bill entitled "An act to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses," submitted recently by Secretary McCulloch, claiming that the measure will afford a greatly needed remedy for the existing oppression to an important branch of industry. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented the petition of A. W. Colton, M. D. Carrington, J. H. Bowman, and 50 other citizens of Toledo, Ohio, and two petitions of citizens of Cleveland, Ohio, praying that the United States Government shall acquire the ownership of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

He also presented a petition of ex-Union soldiers of Toledo, Ohio, praying for the passage of an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the late war; which was referred to the Committee on Pensions.

Mr. CONGER presented a memorial of the Marine City (Mich.) Stave Company, by C. McElroy, president; the Detroit Stave and Heading Works, by R. S. Keys, secretary; the Saint Clair (Mich.) Timber Company, by John T. Sill, secretary and treasurer, and other citizens of Michigan, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the Legislature of Michigan, in favor of the passage of the House bill prohibiting the importation of contract labor; which was referred to the Committee on Education and Labor.

He also presented a concurrent resolution of the Legislature of Michigan; which was read, and referred to the Committee on Commerce, as follows:

Preamble and concurrent resolution adopted by the senate and house of representatives of the State of Michigan.

LANSING, *January* 29, 1885.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal; and also to inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War did designate Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity to said resolution; and

Whereas the honorable Secretary of War did report, on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same, and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the East and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest, and most serious disasters have occurred: Therefore,

Be it resolved by the senate of the State of Michigan (the house concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring, upon fair and reasonable terms, title to and ownership of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship Canal and Railway Company, connecting the waters of Keweenaw Bay through Portage River, Portage Lake, and the Portage Lake and Lake Superior Ship Canal and Railway Company with the waters of Lake Superior, for the purpose of making them free to the commerce of the lakes, and securing a commodious harbor of refuge for that commerce at a point on Lake Superior most dangerous to it.

Resolved, That the secretary of the senate be, and he is hereby, instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

ARCHIBALD GRATTAN,
President of the Senate.
LEWIS M. MILLER,
Secretary of the Senate.
NEWCOMB CLARK,
Speaker of the House of Representatives.
D. E. CROSSMAN,
Clerk of the House of Representatives.

Mr. WILSON. I present the petition of D. McKay and other citizens of Iowa, praying for the passage of the bill forfeiting what is known as the Sioux City and Saint Paul Railway Company land grant, being in amount 85,957 acres, located in Northwestern Iowa, and which the State of Iowa has withdrawn from that railroad company. As that bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of General James A. Beaver and others, citizens of Centre and Clearfield Counties, Pennsylvania, praying that an appropriation be made for the improvement of the Susquehanna River; which was referred to the Committee on Commerce.

Mr. ALLISON presented a petition of citizens of Osceola and Plymouth Counties, Iowa, praying for an amendment of the bill (H. R. 7299) providing for the forfeiture of certain unearned lands granted to the Sioux City and Saint Paul Railway Company which will protect the rights of persons who have in good faith purchased lands from said company; which was ordered to lie on the table.

He also presented a petition of the managers and officers of houses of refuge and reformatories for children in various parts of the United States, praying for an appropriation to enable the Bureau of Education to publish an annual digest of information as to the work of reformatory institutions for children; which was referred to the Committee on Education and Labor.

He also presented a memorial of 58 citizens of Iowa, remonstrating against the proposed Government control of the telegraph system; which was ordered to lie on the table.

Mr. PENDLETON presented a petition of Mast, Crowell & Kirkpatrick, and other publishers of Springfield, Ohio, praying for a reduction of the rate of postage on second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH presented a memorial of the Legislative Assembly of the State of Oregon, praying for speedy legislation declaring lands in Oregon and Washington Territory included within the grant to the Northern Pacific Railroad Company to aid in the construction of its main line from Wallula Junction to Portland, and which have not been earned by the construction of its road, withdrawn from the operation of said act; which was read, as follows:

House Joint Memorial No. 3.

Introduced by Mr. Cox in the house January 15, and read and adopted. Read in the senate and concurred in January 16, 1885.

Resolved by the house (the senate concurring), That the annexed memorial be directed to the Senators and Representatives from this State in Congress assembled, and that they be instructed to urge upon Congress an early action thereon:

To the honorable the Congress of the United States:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent: That within the grant of lands made by Congress to the Northern Pacific Railroad Company, to aid in the construction of its road, there is a vast area of excellent agricultural land lying within the State of Oregon, and to the west of Wallula, in Washington Territory, which, by reason of said grant, has been for years, and now is, withheld from settlement, to the great detriment of the public interests of the State.

That, in the judgment of your memorialists, the said Northern Pacific Railroad Company, by its failure to construct so much of its road as lies through such lands, in accordance with the conditions upon which such grant was made to it, has justly incurred a forfeiture of such portion of its grant.

Therefore, your memorialists, on the part of the people of the State of Oregon, urge upon your honorable body, as a matter which the people of this State may justly demand as a right, to adopt some speedy legislation declaring such lands withdrawn from such grant, and that the same be thrown open for settlement.

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State, Salem, January 22, 1885.

I, R. P. Earhart, do hereby certify that I am the secretary of the State of Oregon, and custodian of the great seal thereof; that the foregoing transcript of the house joint memorial No. 3 has been by me compared with the original copy of the said house joint memorial No. 3 now on file in this office, and that it is a true and correct transcript thereof, and the whole of said original house joint memorial No. 3.

In testimony whereof, I have hereunto set my hand and affixed hereto the great seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 22d day of January, A. D. 1885.

[SEAL.] R. P. EARHART,
Secretary of State.

Mr. DOLPH. As a bill has already been reported on the subject, I move that the memorial lie on the table.

The motion was agreed to.

Mr. BECK presented the petition of John A. Fairfax, of Loudoun County, Virginia, praying compensation for board furnished certain laborers employed by the board of public works of the District of Columbia; which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that Hon. JOSEPH C. S. BLACKBURN, a Representative from the State of Kentucky, had been elected Speaker *pro tempore* during the temporary absence of the Speaker.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. P. POLAND of Vermont, Mr. J. R. TUCKER of Virginia, and Mr. WILLIAM DORSHEIMER of New York managers of the conference on the part of the House.

The message further announced that the House had passed the following bills:

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton;

A bill (S. 111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman; and

A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 252) granting a pension to Peter M. Hagler;

A bill (H. R. 653) for the relief of John B. Davis;

A bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil;

A bill (H. R. 7869) granting a pension to Emeline L. Fitch;

A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 2540) granting a pension to Priscilla J. Small;

A bill (H. R. 3052) for the relief of John C. Clark;

A bill (H. R. 3185) granting a pension to David Peterson;

A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 4685) for the relief of Robert Tally, colored;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 4687) for the relief of A. Gates Lee;

A bill (H. R. 4688) for the relief of William Clift;

A bill (H. R. 4766) granting a pension to David Compropst;

A bill (H. R. 5929) for the relief of Abigail Honey;

A bill (H. R. 6653) granting a pension to Mary C. Axline;

A bill (H. R. 6948) granting a pension to George W. Eagles;

A bill (H. R. 7000) for the relief of Clark G. Maine;

A bill (H. R. 4216) granting a pension to David N. Bryan;

A bill (H. R. 7259) granting a pension to John A. Vanderhoff;

A bill (H. R. 7388) granting a pension to Eliza M. Byers;

A bill (H. R. 7524) granting a pension to Lavisa Heth;

A bill (H. R. 7602) to grant a pension to Harriet M. Baily;

A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;

A bill (H. R. 7722) granting a pension to Almira K. Parker;

A bill (H. R. 7724) granting a pension to Lydia Wetherbee;

A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;

A bill (H. R. 7803) granting a pension to L. W. Pitts;

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;

A bill (H. R. 7838) for the relief of Mrs. Ida P. Belcher;

A bill (H. R. 8033) granting an increase of pension to George W. Clark;

A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;

A bill (H. R. 8101) granting an increase of pension to George S. Hawley;

A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen;

A bill (H. R. 8133) granting a pension to Thomas McGill;

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;

A bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American marine, &c.; and

Joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

REPORTS OF COMMITTEES.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories, reported it without amendment.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7895) for the regulation of the prac-

tice of dentistry in the District of Columbia, and for the protection of the people of said district from empiricism in relation thereto, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5650) for the promotion of anatomical science and to prevent the desecration of graves, reported it without amendment, and submitted a report thereon.

INAUGURATION CEREMONIES.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, direct me to report the same back with sundry amendments. If the Senate will indulge me a single moment, I desire to say that inasmuch as this bill must become a law before the 20th of this month if it is to perform its purposes, I ask the Senate to consider the bill at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I ask the Chief Clerk to read the amendments I have furnished him, that the committee recommend.

The PRESIDENT *pro tempore*. The amendments will be announced in their order.

The Chief Clerk read the amendments, which were, in line 3, before the word "sum," to strike out "the" and insert "such;" in the same line, after the word "sum," to strike out "of $6,000, or so much thereof;" in line 4, after the word "necessary," to strike out "(one-half payable from any money in the Treasury not otherwise appropriated and one-half from the revenues of the District of Columbia)," and insert the words "not to exceed $8,000;" in line 6, after the word "appropriated," to insert "out of any money in the Treasury not otherwise appropriated;" in line 9, before the word "day," to strike out "twenty-fifth" and insert "twentieth;" in line 12, after the word "all," to insert the words "reasonable and;" and in line 15, after the word "period," to strike out:

And to prescribe penalties for the infraction of such regulations; and such rules and regulations made as provided shall have the same force and effect within the District of Columbia as if enacted by Congress—

And to insert—

Any person violating any of such rules and regulations shall be liable to a fine in the police court of the District of Columbia not to exceed $25.

So as to make the bill read:

Be it enacted, &c., That such sum as may be necessary, not to exceed $8,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the commissioners to maintain public order and to protect life and property during the ceremonies of the inauguration of the President, from the 20th day of February to the 6th day of March, 1885, inclusive; and the commissioners of the District of Columbia are hereby authorized and required to make all reasonable and needful rules and regulations for preserving public order and protecting life and property, and for regulating and fixing fares by public conveyances, during the aforesaid period. Any person violating any of such rules and regulations shall be liable to a fine in the police court of the District of Columbia not to exceed $25.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 2604) for the relief of Russell Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2605) granting a pension to George G. Early; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2606) granting a pension to Lewis P. Howard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2607) granting a pension to Mary B. Holmes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2608) granting an increase of pension to James M. Dickey; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. PLUMB submitted amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McPHERSON, it was

Ordered, That W. Grosch have leave to withdraw his petition and papers from the files of the Senate.

PACIFIC RAILROADS.

Mr. HOAR. I move to proceed to the consideration of the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on the Judiciary as a substitute.

Mr. HOAR. I am authorized by the Judiciary Committee to propose a few amendments to the substitute reported by the committee, and I ask to have them adopted in order that they may become a part of the substitute, and that the substitute so amended shall be treated as the report of the committee. I do not know but that it is proper to ask unanimous consent for that, the Senate having taken no action upon the original report except to hear it read. I should like to have these amendments inserted as a part of the substitute.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that certain amendments which he now reports from the Committee on the Judiciary to the original amendment reported from the committee be inserted to stand as a part of the amendment for the action of the Senate. Is there objection? The Chair hears none. The Senator from Massachusetts will send to the desk the amendments of the committee to be inserted.

Mr. HOAR. Perhaps before the Chief Clerk reads the amendments which I send to the desk, I may be permitted to state what they are in a word.

The Sioux City road was treated as one of the dependencies of the Union Pacific Railroad, and the Union Pacific Railroad was required to issue its bonds for the debt of that road; but it turns out that that road has no connection whatever with the Union Pacific, and is in fact a rival road. The mistake arose in this way: The Union Pacific Railroad was originally authorized to build the track, in the statute of 1862; but afterward, not doing it, a statute was passed authorizing such corporation to build it as the President of the United States should designate, and he designated this corporation; so that the amendment puts that road in and makes it responsible for its own debt.

Then the substitute as drawn was left somewhat obscure as to whether it added the interest on the principal into the bonds and spread the payments over the term of sixty years, or whether it required semi-annual interest to be paid on the whole debt from the beginning. The committee recommend the latter course, which is most favorable to the United States. The other course would postpone for an average of thirty years the payment of the interest, and the substitute is amended to make that clear.

The third amendment is that the committee substitute 40 per cent. of the net earnings as the sum to be paid instead of 35 per cent. of the gross earnings in lieu of 25 per cent. of gross earnings under the Thurman act, if this act is not accepted.

The Chief Clerk will please now read the amendments.

The PRESIDENT *pro tempore*. The Chief Clerk will read the amendments submitted by the Judiciary Committee as a part of the original amendment.

The CHIEF CLERK. In the second subdivision of section 1, line 26, strike out "and;" in line 27, after the word "Company" insert "and the Sioux City and Pacific Railroad Company."

At the end of line 2 of section 2 strike out the word "and," and after the word "Company," in line 3, insert "and the Sioux City and Pacific Railroad Company."

In section 2, line 15, after the word "Pacific," insert the word "and;" in line 16, after the word "Pacific," insert the word "railroads;" in line 17 strike out the letter "s" in the word "railroads," and after that word insert "shall issue its bonds for its debt due the United States," and in line 22, after the word "ascertained," strike out the words "each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States," and insert:

The principal and interest of said bonds shall be payable in lawful money of the United States. The interest on each, at the rate of 3 per cent. per annum, shall be payable semi-annually from and after its date, and the principal shall be payable as follows.

In section 3, line 16, after the word "Pacific," insert "and Sioux City and Pacific Railroad."

In section 4, line 27, after the word "companies," insert "or of this act."

In section 8, line 7, strike out "thirty-five" and insert "forty;" and in the same line strike out the word "gross" and insert "net;" so as to read:

Forty per cent. of their annual net earnings.

After section 9 add a new section, as follows:

SEC. 10. That nothing in this act contained shall operate to discharge, extinguish, diminish, or affect the rights of the United States in the property now belonging to or hereafter to be acquired by either of said companies, as against any person or corporation who may have acquired or shall hereafter acquire rights in the same subsequent and subject to the rights of the United States, or in any way diminish or affect the rights, if any, of such person or corporation to redeem such property or be substituted thereto on paying the debt due to the United States.

Mr. BECK. I should like to understand if it is proposed to take a vote upon the amendments of the Judiciary Committee to-day. I ask the Senator from Massachusetts.

Mr. HOAR. Yes; that is the desire if there is no objection. It was explained fully the other day.

Mr. BECK. I read what the Senator said the other day, and I supposed that the amendments now being made to perfect the substitute of the Judiciary Committee would be printed, and that we should have a right to look at the proposition as amended. I propose at some time or other to show why the House bill should not be disposed of in the way now proposed and this taken as a substitute. I think there are amendments that ought to be made to the House bill, and to my mind the only chance to do anything is to amend the House bill. I want to do something, and I believe that the adoption of the substitute of the Judiciary Committee is just equivalent to saying that nothing will be done; the two Houses will be so far apart that there will be no chance to do anything. I had not expected to argue the question to-day, and I do not want to do so.

Mr. HOAR. What is the desire of the gentleman from Kentucky?

Mr. BECK. I supposed when these amendments were all printed we should fix a day for the discussion. I do not think the bill can be discussed in half an hour or so, and I hope unanimous consent will be given the moment the Senator from Illinois gets through with the interstate-commerce bill to take this up daily at 2 o'clock, and let it remain as the unfinished business until disposed of.

Mr. HOAR. While that would suit me very well as having the bill in charge, I am quite sure it would not receive unanimous consent because there are so many other measures in the Senate that are special orders.

Mr. BECK. This is one of the most important measures before us.

Mr. HOAR. It would result, I am afraid, in our getting no action. But I would suggest to the Senator from Kentucky whether this would not answer his purpose for the present: Let this bill go over until to-morrow morning standing as it does now. Will he not be able to argue the question to-morrow at this hour after the morning business?

Mr. BECK. I hope so. I will endeavor to present my views to-morrow morning, but I am not a member of the committee and the amendments which are being made require very careful examination. I have read the report of the Railroad Commissioner, the report made by the committee, and the bill as it came from the House, and there has been a great deal of discussion in regard to it. Of course I am familiar with the Thurman act and the object of it.

Mr. HOAR. If the Senator will pardon me——

Mr. BECK. I will endeavor to be ready by to-morrow morning.

Mr. HOAR. The amendments just put in amend the committee's proposition in three particulars. First, the Sioux City road was supposed by the draughtsman of the measure to be a part of the Union Pacific Railroad system as a dependent. It turns out to be entirely independent and indeed a rival road. Therefore it is put into the bill in its own name. That is certainly as well for the United States. There will be no objection, I am sure, to that in any quarter on any theory of the proper remedy.

Then the amendment as drafted left it possibly doubtful whether the interest on the bonds was to be added to and made a part. I do not think the whole Judiciary Committee would agree that there was any doubt before; I would not for one; but as drawn it left it possibly doubtful whether the meaning was not to add in the interest on each bond and make it payable at the maturity of the bond. The effect of that would have been for an average time of half the length of these bonds to postpone the payment of interest. One amendment made to-day makes it perfectly clear that the whole debt is to have its interest paid semi-annually from the time the new arrangement is made. That saves the United States several millions of dollars. That makes clear what was intended by the committee to be the meaning of the measure as originally reported.

Mr. BECK. One of the objections I saw, which perhaps is obviated now, was that the first payments which were to be made under the original bill were to be much smaller than those made afterward.

Mr. HOAR. No; it is just as if the Senator from Kentucky had a debt against me of $10,000 and he said to me, "Pay that a thousand dollars a year, paying me semi-annually interest on the whole from the beginning."

Mr. BECK. It is now made so that the payments shall be of the proper proportion each year?

Mr. HOAR. Yes, of the proper proportion each year.

Mr. BECK. Not postponing the largest payment until the latest?

Mr. HOAR. No, sir; each year pays exactly its proportionate part of the debt. It is made clear now; and it was intended to mean so before, but in my judgment it was doubtful. That removes what would have been an objection to the bill in some minds.

Mr. BAYARD. A simple illustration, I may say, of the doctrine of equation of payments.

Mr. HOAR. That is all. The third amendment is this: The bill as first reported by the committee, in order to avoid the question which had been made under the Thurman act as to the meaning of the term "net earnings," made a provision that if the roads did not accept this bill, but went on under the Thurman act, the Thurman act should be amended so that they should pay in 35 per cent. of their gross earnings every year. The railroads said that 35 per cent. of the gross earnings would not leave them profit enough to pay the running expenses, such as taxes and certain fixed charges. Therefore the committee leave the net earnings to be paid as before, but raise the amount from 25 to 35 per cent. If this new scheme is adopted that is immaterial, but if these railroads, or any one of them, refuse to accept this new scheme and go on under the Thurman act, they are obliged to pay 35 instead of 25 per cent. of their net earnings.

The PRESIDENT *pro tempore*. The report this morning is to make that 40 per cent.

Mr. HOAR. Yes; 40 per cent. of the net earnings, instead of 35. I am obliged to the Chair.

Now, if the Senator from Kentucky desires it, I will consent that the bill shall go over to this hour to-morrow morning, to be taken up then and subject to the disposition of the Senate then as it is now, unless some other Senator would like to address the Senate at this time.

Mr. BAYARD. I would suggest, in the absence of the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN], that notice was given that a bill, perhaps of greater importance than this, a bill relating to the coinage of silver, which was brought in a few days ago, was to be called up to-morrow, and I should be sorry to see a collision occur for precedence between two measures, both of which are important, and the silver bill is considered the more important of the two.

Mr. HOAR. Perhaps these amendments will remove the objection of the Senator from Kentucky so far that he will not desire a postponement. But I do not think we ought to ask any Senator who has prepared himself to speak upon it to vote upon this measure against his will without giving at least one day's opportunity. I therefore wish to do what is agreeable to the honorable Senator from Kentucky.

Mr. McPHERSON. If the Senate will bear with me a moment, I desire to say a word. This bill has been before the Senate only a few days. The report of the Senate committee was only laid upon our table on Friday, I think. It is a very important measure, and one that Senators have probably had time to give but little attention to so far. For myself I have not had time to look it over carefully to know fully what it does provide. I should like to have the bill go over a sufficient time to enable us to investigate the subject carefully. With my present views of the question, I am totally opposed to giving further time to the Pacific railroads. They have paid millions upon millions of dollars to stockholders by way of dividends without paying the Government or making any arrangement, by sinking funds or otherwise, to take up the bonds issued by the Government. I am not in favor of extending to them any further privileges, and with my present view of the case I shall so vote. However, I would like an opportunity to investigate the subject more carefully.

Mr. HOAR. I think the Senator will be satisfied on such investigation that this bill is drawn solely in the interest of the Government, and that whether the railroads are to be considered as having rights of property to be protected, or no rights of property which deserve to be protected, the interest of the Government is the same.

Mr. McPHERSON. I look upon it that the officers and managers of these railroads are entitled to but very little consideration from the Government, and I do not know that the Government is wise in extending the time and increasing its own debt against these railroads in the manner and form provided in this bill. I am of the opinion that it is the duty of the Government to take possession of the property and dispose of it.

Mr. HOAR. I am myself—I will not say unalterably, because that is not a word to be used in legislation—but I am opposed earnestly, decidedly, to having the United States run the great railroad systems of this country that lead from the Atlantic to the Pacific. I am opposed to having the Government take possession of these roads and sell them in the market at any time within the next ten years, provided we can escape both these calamities by getting within a reasonable time every dollar of the principal and interest of our debt paid. I think we can do that under this bill. I think we can get every dollar of the principal and interest due us paid, and escape both these calamities, and without this bill we can not do it.

Mr. McPHERSON. What right has the Senator to assume any such thing, that we can get both principal and interest paid? We propose under the bill to reduce the interest.

Mr. HOAR. But we propose to more than double the security; we propose to continue the debt at the same rate of interest which the Government itself pays; and I have the right to assume that which any Senator has who enters into an investigation and comes to a conclusion; that is my opinion. I do not assume it with any other positiveness than that which is the result of investigation.

Mr. McPHERSON. If it is only the Senator's opinion, I must dissent from it. I do not believe in the Government running railroads; I agree with the Senator in that respect, but I am not in favor of the Pacific railroads or any railroads running both the railroads and the Government any longer.

Mr. BECK. I only desire to say to the Senator from Massachusetts

that when he asked to have the bill go over until to-morrow morning I was aware of what the Senator from Delaware has suggested, that the Senator from Vermont [Mr. MORRILL], the Senator from Ohio [Mr. SHERMAN], and the Senator from Delaware [Mr. BAYARD], on the Finance Committee, expect to-morrow morning to bring up the question about the trade-dollar and silver coinage, and being a member of that committee I have taken some interest in that question and have endeavored to look into it. I did not want to antagonize that.

This bill came from the House at the close of the last session, and I examined it then somewhat, as it was argued by the Senator from Nebraska [Mr. VAN WYCK] and others, and I saw defects which I thought ought to be amended. I agree with the Senator from Massachusetts that I would rather give away the road than have the Government attempt to run it. I do not want the Government to run a railroad, and yet I want to save all I can. I have been looking into the report; I have examined as carefully as I could the action of the House of Representatives, trying to ascertain its temper as well as its action, seeing what we are likely to agree about before Congress adjourns, and not being prepared to criticise the action taken by the Judiciary Committee, and not desiring to do so if I can avoid it, all I want is reasonable time to look into the whole subject. After the bill is laid before us with the committee's substitute and the amendments of to-day, which I think modify the former action and remove some of the difficulties I had, I suppose, now if we can get it called up, say on Wednesday morning, I shall be able to say what I desire to say. I do not wish to consume time or throw obstacles in the way. I desire to agree with the committee if I possibly can; but let the Finance Committee dispose of its matter if it can to-morrow, and I shall ask no further time than till Wednesday at 1 o'clock.

Mr. HOAR. Very well, then; I will agree to let this matter stand off and call it up again on Wednesday morning.

Mr. BECK. I shall not ask any further time, and perhaps I may not speak at all after I have read the amendments. I have no desire to consume time.

Mr. WILSON. I did not understand the statement of the Senator from Massachusetts.

Mr. HOAR. The Senator from Kentucky desired to have this bill stand until Wednesday morning, that he might be prepared to address the Senate on it if he should then desire to do so.

Mr. WILSON. I wish to state that, notwithstanding I greatly regret what seems to be a demand that I shall say something on this measure, I still feel that the conditions of the case and the circumstances surrounding it will impel me so to do.

Mr. HOAR. Is the Senator ready to proceed now?

Mr. WILSON. I do not wish to interfere with other business.

Mr. HOAR. I shall be delighted to have the Senator proceed now with his remarks, if he is ready.

Mr. WILSON. The Senator from Kansas [Mr. PLUMB] I believe desires to proceed with another matter.

Mr. HOAR. That is a private matter, which we can yield to the Senator from Kansas without any trouble.

Mr. WILSON. If that can be disposed of, I have no objection to this bill being taken up after that.

Mr. HOAR. Then I will ask unanimous consent that this be laid aside informally for the measure of the Senator from Kansas, so that the Senator from Iowa may proceed to-day; and then if the Senator from Kentucky is not ready, let it go over until Wednesday.

Mr. ALLISON. I desire that the regular business, which is now before the Senate in the morning hour, shall not be displaced by unanimous consent. I think the first case on the Calendar, which the Senate decided to take up——

Mr. WILSON. That is my desire also.

Mr. PLUMB. I move that the Senate now proceed to the consideration of Order of Business 396, being the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Kansas has made a motion which the Chair will state.

Mr. HOAR. Will the Senator from Kansas withhold his motion for a minute?

Mr. PLUMB. Very well.

Mr. HOAR. I ask the Senate to allow this matter to go over until Wednesday morning. I move that the pending bill be postponed until Wednesday morning.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the further consideration of the railroad bill be postponed until Wednesday next.

Mr. HOAR. After the morning business.

The PRESIDENT *pro tempore*. The Chair can not put the motion precisely in that form.

Mr. HOAR. It makes no difference. I shall have the right to move to take it up then.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the further consideration of the bill be postponed until Wednesday next.

The motion was agreed to.

The PRESIDENT *pro tempore*. If there be no objection the amendment reported from the Committee on the Judiciary will be reprinted as amended for the use of the Senate.

SUITS FOR DAMAGES.

The PRESIDENT *pro tempore*. Before the Senator from Kansas makes his motion the Chair will lay before the Senate a bill from the House of Representatives, being the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The bill passed the House of Representatives and was sent to the Senate, amended in the Senate and returned to the House of Representatives. The resolution of the House on the amendment of the Senate will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 31, 1885.

Resolved, That the House non-concur in the amendment of the Senate to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. POLAND, Mr. TUCKER, and Mr. DORSHEIMER be the managers on the part of the House.

Mr. HARRIS. I move that the Senate insist upon its amendment, and grant the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. INGALLS, and Mr. RIDDLEBERGER were appointed.

DES MOINES RIVER LANDS.

Mr. PLUMB. I move to take up Order of Business 396, being the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. MCMILLAN. I hope the Senator from Kansas will not press that motion this morning. The Senator from New York who sits nearest me [Mr. LAPHAM] has taken a very great interest in that bill, and he is indisposed this morning, so unwell that he is unable to come to the Senate Chamber, and he desires to have this matter laid over until he can be in the Chamber. The Senator's colleague [Mr. MILLER, of New York] also, I think, is absent this morning, and both feel an interest in the bill.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Kansas.

Mr. MCMILLAN. I hope the Senator will withdraw the motion.

Mr. PLUMB. If I were certain that when the Senator from New York came here we should not then be obliged to open this case at very great length, I should not object; but I fear that some dilatory tactics may be employed to prevent a consideration of the bill, and that in the hurry and push of matters which undoubtedly will engage the attention of the Senate in the last days of the session its consideration will be prevented. All I want is that the Senate shall say by a yea-and-nay vote whether it means to give these people the relief called for in this bill. I do not want it to be pushed over so that that result can not be reached.

The PRESIDENT *pro tempore*. The Chair will again state that debate is not in order. Does the Senator from Kansas withdraw his motion?

Mr. PLUMB. No, sir; I do not withdraw it.

Mr. CONGER. I ask permission to say a word.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent to make remarks on this subject. Is there objection? The Chair hears none.

Mr. CONGER. Mr. President——

Mr. PLUMB. I withdraw the motion with the understanding that I shall renew it in the morning and at that time call for a vote.

Mr. CONGER. I wish simply to say to the Senator from Kansas that while I am with him in getting up the bill at the proper time, I told both the Senators from New York that I would see to it that it was not taken up in their absence.

Mr. PLUMB. In calling it up now I only designed to have the report read and to get that routine at least cleared out of the way; but I will let the matter go over until to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his motion.

PUBLIC-LAND LAWS.

Mr. DOLPH. I move to take up for consideration Order of Business 1001, being the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was in section 1, line 3, after the word "thirty-two," to insert "excepting sections 2275, 2276, 2283, 2286, and 2288;" in line 7, after the word "and," to strike out "sections" and

insert "section;" in line 8, after "twenty-two hundred and ninety-nine," to strike out "and twenty-three hundred and nine;" so that as amended the clause will read:

That chapter four of title thirty-two, excepting sections 2275, 2276, 2283, 2286, and 2288, and section 2259 of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed.

Mr. DOLPH. The bill as it came to the Senate repealed the whole of chapter 4 of title 32 of the Revised Statutes. On examination of that chapter it was found that there were certain sections incorporated in it which contained general legislation, and did not relate entirely to the pre-emption laws—sections which ought to be continued in force. The sections are those named in the exception in the amendment reported by the committee. If any Senator desires an explanation of the sections that are retained, I am prepared to give it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, after the word "repeal," in line 11 of section 1, to strike out the following proviso:

Provided, however, That all persons having the right of pre-emption who have heretofore, in good faith and in the absence of fraud, made settlement on the public lands of the United States conformable to the pre-emption laws heretofore in force, shall be permitted to make final proof and entry of the land so settled upon, not exceeding one hundred and sixty acres, conformable to existing pre-emption laws.

And in lieu thereof to insert:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions and subject to the same limitation, forfeitures, and contests as if this act had not been passed: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That sections 2464, 2465, 2466, 2467, and 2468 be, and the same are hereby, repealed: *Provided*, That such repeal shall not prejudice the rights of those who have in good faith made entries under the law and complied with the requirements thereof: *And provided further*, That whenever, from any cause, any person legally eligible thereto has entered and located a homestead, and subsequently loses the same in consequence of any grant previously made, or by any means whatever, without fault on his or her part, such person, upon satisfactory proof made thereof, may enter another homestead upon any of the lands of the United States subject to homestead.

And in lieu thereof to insert:

SEC. 2. That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, be, and the same is hereby, repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

The amendment was agreed to.

Mr. CONGER. Is not the question on striking out and inserting put separately?

The PRESIDING OFFICER. No, sir; it is not a divisible question.

Mr. CONGER. I was not aware of the nature of the motion. I hope the Chair will put the question again on the amendment just acted upon.

The PRESIDING OFFICER. If there be no objection the amendment just acted on will be considered as not disposed of, but pending. The Chair hears no objection, and the amendment is pending.

Mr. DOLPH. I suggest, inasmuch as this bill embodies several distinct propositions, the repeal of the pre-emption law, the repeal of the timber-culture act, and the repeal of the desert-land act, and amendments to the homestead law, that unanimous consent be given that the vote be taken separately on each section after it is amended. That is to say, after the sections are put into shape, let the question be whether the section as amended be adopted. I think that will facilitate the disposition of this bill.

This amendment is necessary because the bill as it came from the House undertook to repeal certain sections of the Revised Statutes which had been superseded by a subsequent act. The amendment is only intended to make the bill relate to the statutes in force at this time. I suggest now that we go through and perfect this bill by adopting such amendments as the Senate concur in, and then by unanimous consent that a vote may be taken separately on the section repealing the pre-emption law, on the section repealing the timber-culture act, and on the section repealing the desert-land act, so that the debate on the merits of the bill may all come in after the several sections have been amended.

Mr. CONGER. If the gentleman in charge of the bill desires that course and that still leaves it open for remark on this particular amendment on which I wish to comment, I shall have no objection. If the proposition of the Senator from Oregon is acceded to, the question on the adoption of this amendment is postponed until we go through the bill.

Mr. DOLPH. The question will be finally on the adoption of the section as amended. Certainly there can be no objection to the amendment because it strikes at the existing law, whereas the bill as it came to the Senate referred solely to the old sections of the Revised Statutes which have been superseded. I can not see that there can be any question raised as to the propriety of the amendment, and I ask unanimous consent that we have a vote on each section as amended.

The PRESIDING OFFICER. The Chair will state to the Senator from Michigan that while a proposition to strike out and insert is not divisible, pending that question it is in order to amend the part proposed to be stricken out or the part proposed to be inserted.

Mr. CONGER. The remarks which I propose to make are against the repeal of the timber-culture act, which is in section 2 reported here. If there shall be any subsequent opportunity to speak upon it before a vote occurs, either in committee or in the Senate, I will wait until that time.

The PRESIDING OFFICER. The question will be open in the Senate as it is in committee. The question is on agreeing to the amendment reported.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was to strike out section 3, as follows:

SEC. 3. That every homesteader shall make final proof, by two credible witnesses, that he has continuously resided upon and cultivated and permanently improved his or her homestead for four consecutive years next succeeding such entry. Such proof shall be in duplicate, and filed, one set in the local land office and one in the General Land Office, for one year; and if no contest be filed and no notice given, supported by affidavit made before some officer, State or Federal, authorized to administer oaths, charging and specifying fraud either in the original entry or the proof made and filed as aforesaid, before the expiration of that time, the Secretary of the Interior shall cause the patent to issue on the entry; but if a contest be filed or affidavit be made as aforesaid, or if there be, from any cause, reasonable ground to suspect fraud in the case, the Secretary of the Interior shall cause the Commissioner of the General Land Office to investigate the same and make such order as shall be just and lawful. And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. DOLPH. I ask leave to recur to section 1 for the purpose of offering an amendment to save pre-emption rights on lands purchased of the Ute Indians.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Oregon that the amendments reported by the committee should first be disposed of, after which he will have an opportunity to offer any additional amendments.

The next amendment of the Committee on Public Lands was, in section [5] 4, after the word "repealed," in line 4, to insert:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

Mr. DOLPH. This amendment is necessary, because as the bill came from the House existing rights were not preserved—rights of persons whose claims had been initiated—which was an oversight.

The amendment was agreed to.

Mr. MORGAN. I wish to inquire what has become of the amendment proposed by the committee in line 7 of section 3.

The PRESIDING OFFICER. The Chair has just been informed by the Secretary that he overlooked the amendment referred to by the Senator from Alabama. He will now read it.

The SECRETARY. In section [4] 3, line 7, before the word "calendar," the committee propose to strike out "thirty" and insert "eighteen;" so as to make the section read:

That section 2301 of the Revised Statutes be amended so as to read as follows: "SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered at any time after the expiration of eighteen calendar months from the date of such entry, and obtaining a patent therefor, the proofs of actual settlement and cultivation thereof to be filed at least six months prior and as preliminary to the application for the patent, and in the same manner and to the same effect as is provided and required in section 3 of this act as to final proofs and the issuance of patents."

Mr. MORGAN. I doubt the wisdom of that change. I think we had better go back to the House bill on that subject. One of the objects of the homestead law, to which we are now confining all entries, is to secure a home for a *bona fide* settler, and it is also to cut off the men who float settlements upon public lands for speculative purposes, persons in the neighborhood of great iron works and in the neighborhood of coal works and various other public works of that kind. The reports from the Secretary of the Interior show a most extraordinary list of frauds that have been perpetrated under the homestead and pre-emption laws in different parts of the Union. Thousands and thousands of alleged fraudulent cases, and cases that are shown to be fraudulent, have occurred in consequence of pre-emption claims and homestead claims being set up by persons who never had a *bona fide* intention of acquiring a homestead.

We permit under the laws after a certain lapse of time that any home-

steader shall commute his homestead settlement into a pre-emption claim, and by paying the minimum price of a dollar and a quarter an acre get a patent for the land; and then his capacity to sell it is entirely restored and he can put it into the hands of the person he may wish to dispose of it in favor of. That is a very great temptation to persons who wish to build up large establishments; as, for instance, around iron mines, iron manufactories, iron furnaces, men will take their laborers and locate them in different places on the public lands as homestead settlers, and after a brief interval of time these persons, notwithstanding they had made affidavit that they intended to settle there for the purpose of a permanent home, would under the pre-emption laws pay for the lands at the minimum price, get a patent, and dispose of them of course to the person who put them there. It is really giving a pre-emption to the speculator on the public lands under the guise of a homestead settler.

The House of Representatives, in order to obviate that, required that the homestead settler under the provisions of this amended law should remain on the land thirty calendar months. The Senate Committee on Public Lands have reduced that period to eighteen calendar months. I believe thirty is the safer period. If a man is required to remain on his homestead thirty months, cultivate the soil, experience the reality of living upon it, there will be very much less temptation to fraud. I hope the Senate will return to the House propositions on that subject.

Mr. DOLPH. The pre-emption law was passed in 1841, as I recollect. It was amended in 1843. As it was passed it only applied to surveyed lands. Some time after 1850 it was made to extend to unsurveyed lands. It has no doubt accomplished a very beneficial purpose, and it is in force at this time, and under it the settler may acquire title to one hundred and sixty acres of land, and under this provision for commutation of homesteads an additional one hundred and sixty acres of land by paying the minimum price therefor. Under the homestead law as it stands at present, at any time after six months and before the expiration of five years from the date of settlement a homestead may be commuted, the minimum price paid for the land by the homestead settler, and title acquired. It is proposed by this bill to repeal the pre-emption law so that title can be obtained by one settler hereafter to only one hundred and sixty acres of agricultural land.

There are some members of this body and there are many people who are opposed to a repeal of the pre-emption law. It was proposed by the House bill not only to repeal the pre-emption law, but to require thirty months' residence by a homestead settler before he could commute for his homestead claim. It is said, and I think well said, that in a great many instances before the thirty months expire the settler on the public land will be in need of money, and that he ought to be allowed to obtain title in less time than that if he chooses to pay for his land at the minimum price in order that he may use it as the basis of credit for purchasing teams and the other necessary appliances for improving his homestead and making a home.

This amendment as proposed by the committee was a compromise of the different views entertained by members of the committee upon this subject. I think it is not well to make so radical and sweeping a change as at once to repeal the pre-emption law, and then extend the time of residence required before a commutation of a homestead can be made from six months to thirty months. The bill as reported by the committee requires a residence of eighteen months and extends the time twelve months in addition to the residence required under the provisions of the existing law.

Mr. MORGAN. One of the results of this bill will be, whether it is the object of the bill or not, to restrict very much the disposal of the public lands. After this bill shall become a law, except in a few exceptional cases, no one can acquire a title to public land except under the homestead feature. He must become an actual settler on the land, and must be qualified to take a homestead under the law. Those qualifications as they exist at present are very strong invitations to immigration from foreign countries to come and take up the lands of the United States. I do not object to that, because it increases our population, and of course all population that is worth anything at all increases the public wealth and the strength of the country. But when we are confining our own citizens to this as the only means of getting homestead entries, it seems to me well enough that we should put some limitation on the period of residence, so that those who come from abroad can not commute their homestead settlements into absolute titles within a very brief period of time and enter into a speculative sort of dealing with the public domain.

If we find that the public domain is really going too fast and that we must put some restrictions upon its disposal, those restrictions ought to extend their special benefits to persons who are of American origin, whether of American ancestry or not. We have a great many people in the different large cities of the Union who would realize great blessings if they could be induced to leave those crowded places and go out onto the public lands and there establish themselves in farming, or acquire homes at all events; and inasmuch as we are taking up the system and reforming it, it seems to me that is a necessary part of the reformation which we ought to adopt. The House, I think, was right when it insisted that a man should not acquire the right to an absolute fee in the land until after he had resided upon it for thirty months. To shorten the period is merely to invite people who come from abroad to stay here and acquire titles to our lands before they really get an introduction to a knowledge of our institutions and laws and our system of government. I do not know that I should be willing to embarrass or check the further immigration that comes here. I desire the country to remain free to access for all good people from all parts of the world; but when they come here I do not desire to give them the heritage that belongs rightfully to the people who have descended from American ancestors in this country until they have established homes here and have signified in that practical way a determination to become part of the community.

Now, sir, suppose that foreign landlordism, which is very much complained of by some persons, and I think rightfully complained of, should take it into its head to establish very large settlements in this country, the foreign landlords could send their tenants from other countries to this, and after the persons had come here and remained a brief space of time on public lands under the guise of a homestead entry, the landlords could supply them with money to pay for their lands at a dollar and a quarter an acre. They can very well afford to do it, and in that way they can aggregate very large holdings, and unless we pass laws that no foreigner shall own lands in this country or shall acquire lands above a certain number of acres in one body or in one county or in one State or in one Territory, this law can be easily evaded by men who will come here or send their tenants here for purely speculative purposes.

Suppose a man wants to take up an extensive cattle range or an extensive sheep range, what has he to do but send his herders and shepherds here and locate them about these lands and let them engage in the raising of cattle or sheep, work for him, and after each has had the land in possession for some little time go and buy it out and acquire the absolute title? What is to prevent that? Nothing. I do not know that we can prevent it at all; but it seems to me that the House provision would be some check upon it; that by deferring the realization of the speculative adventure for thirty months we should better subserve the interest of this country than we should by deferring it for eighteen months. If we could defer it for five years it would make no difference, because when a man goes on a tract of land and settles there, the presumption is that he wants to make a home for his family; he wants to live there continuously. It is no hardship on such a man that he may be compelled to remain in possession of the land he takes up even for five years; if he expects to make a home for himself and his family, there it is only a benefit to him that he can occupy it for five years before he is compelled to pay the final fee and take out title.

The Senator from Oregon suggests that perhaps the man may be poor; he may want to make a mortgage on his land, to make some pledge of it to raise money to buy stock or improvements. I would sympathize with a man in that condition very much. At the same time if he has a homestead and is a good laboring man, an honest, industrious citizen, he will not want credit. He need not obtain credit by the mortgage or pledge of his land. The fact of his being there permanently with his family, of his improving his land, will give to his creditor who wishes to provide him with a horse or a wagon, or whatever it may be necessary for his business, encouragement to advance him the money, to give him credit.

So I think the suggestion made by the Senator from Oregon is not a very important one as compared with the suggestion which I make, that if you shorten up the period at which the party by commutation can take these lands at the minimum price from the Government you thereby endanger the country with that flood of immigration which we are now trying really to resist in some form.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Public Lands.

Mr. McMILLAN. Let the amendment be reported again.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section [4] 3, line 7, before the word "calendar," strike out "thirty" and insert "eighteen;" so as to read: "after the expiration of eighteen calendar months."

The amendment was rejected.

The next amendment of the Committee on Public Lands was to insert as a new section:

SEC. 5. That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

Mr. McMILLAN. I should like the Senator from Oregon to explain the effect of that section, as he understands it.

Mr. DOLPH. I suppose every Senator is aware that from a very early period in the history of the disposal of the public lands by the Government it was the custom as soon as the public lands were surveyed to put them up at public sale; and after they had been offered for a certain length of time at public sale if they were not sold they were then subject to private entry, and could be purchased at any time thereafter, until they were withdrawn by law, by any person in any quantity at a dollar and a quarter an acre. Such lands are known as "offered" lands.

There is remaining unsold now in the United States, subject to sale at ordinary private entry, mainly situated in the States of Missouri, Arkansas, Mississippi, Louisiana, Alabama, and Florida, and the northern portions of Michigan and Minnesota, a large amount of public land. The amount is probably about 2,000,000 acres in Mississippi; 1,000,000 in Florida; 500,000 each in the States of Alabama, Arkansas, and Louisiana, and 200,000 in Missouri; in the northern portion of Michigan and Minnesota about 500,000 acres each. There are, perhaps, 50,000 acres in Wisconsin, Colorado, California, and Oregon. There are about 50,000 acres in each of the Territories of New Mexico and Washington.

These offered public lands subject to private entry are, in part at least, agricultural lands. The bill as it came from the House undertook to repeal by wholesale all the laws for the disposition of the public lands except the homestead law. Upon examination it was found that the provision for that purpose was so imperfectly drawn that the committee could not with safety adopt it. Without great difficulty and much labor it could not be ascertained what laws were repealed by it; but supposing that the main thing intended to be accomplished was the prevention of the sale of public lands at private entry, the committee substituted the section under consideration to forbid the offering of lands at public sale hereafter and to withdraw all the public lands known as offered lands from private entry. That is the object of the section.

Mr. COCKRELL. I should like to ask the Senator from Oregon if the public lands in Missouri have not been open and subject to private entry for a long time?

Mr. DOLPH. That is so. I think very few lands have been offered at public sale in any except the Southern States within the last twenty-odd years. It has not been the policy of the Government to offer lands, consequently the land referred to must have been in the market for twenty years at least.

Mr. COCKRELL. All the lands in Missouri have been in market and have been once offered and are now subject to entry.

Mr. DOLPH. I understand that to be the case.

Mr. COCKRELL. It would be a great wrong to that State to take those lands out of the operation of the existing law and make them so that nobody but a homesteader could take possession of them, because they are not agricultural lands. They are hilly, broken, timbered lands; they are fit only for grazing, and it would simply be to say that nobody else shall settle in that portion of Missouri where those lands are. There they are; they have been open to private entry at a dollar and a quarter an acre for the last twenty years, and the people right there have not taken them up at that price. It is only recently that they have commenced taking them up for grazing purposes, for cattle and sheep, and it will be many, many long years before they are taken up even for that purpose. I should move that an exception be made in regard to Missouri of lands situated in that State.

Mr. DOLPH. The present policy of the Government appears to be to preserve all the public lands for actual settlers, and, as I said before, it is not the present policy of the Government to offer lands at public sale. The amount of lands subject to private entry in many of the public-land States is very small and will continue to grow less. The hardships the Senator speaks of in reference to his own State exist in regard to those States where there are no great bodies of public land subject to private entry. It will be understood that any one person may purchase at one time all the lands subject to private entry in the United States at the minimum price of a dollar and a quarter an acre. The committee believed that the time had come when these lands ought to be withdrawn from private entry and reserved for homes because portions of them at least are agricultural lands; and if at any future time any further legislation is required for the disposition of such lands as are not agricultural lands, that legislation should be had.

I propose to offer as an amendment to this measure a bill reported favorably from the Committee on Public Lands amending the law authorizing the sale of timber lands in California, Oregon, Nevada, and Washington Territory for commercial purposes, and I think perhaps the provisions of that bill might properly be extended to the State of Missouri and other States where there are timber lands or lands of the class referred to which are not agricultural lands; but the object of the committee in proposing this amendment, which is not a change of the bill in that respect from the House bill, because as I understand it the section of the bill to be superseded by this amendment as it came from the House repealed the law authorizing the sale of lands at private entry; the object of the committee is to repeal the law by which agricultural lands may be now entered at private entry. As I have said, if any further legislation is required in regard to the remnant which remains after as many homes have been taken out of the public domain as can be taken, that legislation can be had.

Mr. COCKRELL. I should like to ask the Senator this question: Why take these lands in Missouri that have been open to homestead and pre-emption settlement and also to private entry for twenty years and have not been taken up yet—why take them and place them so that they can not be had except by homestead? You absolutely place them beyond the control of any one who would desire to settle upon them. No one could undertake to settle upon one hundred and sixty acres of those lands. That would not be sufficient in quantity and area to graze stock sufficient to support a family. I can not see why Missouri should be excepted. There is no complaint about the existing law there now. Everybody seems to be perfectly satisfied with it. The only question is as to whether the terms of acquiring title to the land should not be relaxed to some extent and the price graduated to certain of the lands.

I must confess that there has been no abuse there of the present law; there has been no effort to keep large areas of the lands and monopolize them in any way, or to inclose them and exclude small cattle-men or small sheep-men from the use of them.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill to regulate interstate commerce.

Mr. CONGER. Before that is proceeded with I wish to have an opportunity for my colleague to offer an amendment to the bill just under consideration.

Mr. CULLOM. I have no objection to that being received.

The PRESIDING OFFICER. If there be no objection the proposed amendment will be received, printed, and laid on the table.

Mr. PALMER. I offer a new section to the pending bill as to public lands, and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. If there be no objection the amendment suggested by the Senator from Michigan will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 7. That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there are no conflicting claims thereto, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

Mr. PALMER. I ask that that amendment be printed.

The PRESIDING OFFICER. If there be no objection, the amendment will be printed and laid on the table.

Mr. DOLPH subsequently said: I ask unanimous consent to offer some amendments to the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture for the purpose of their being printed. The bill was partly considered this morning, and I think the amendments are so important that they require to be printed.

The PRESIDENT *pro tempore*. The amendments will be received and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 31st ultimo, approved and signed the following acts:

An act (S. 1144) granting a pension to John W. Wright; and

An act (S. 1112) granting a pension to John Sweeney.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Illinois [Mr. CULLOM] moved a substitute for the House bill, pending which the Senator from Kentucky [Mr. BECK] proposed an amendment, and the question now is on the amendment proposed by the Senator from Kentucky to the original bill.

Mr. INGALLS. Let that be read.

The CHIEF CLERK. It is proposed to strike out all after the word "reasonable," in line 14, section 1, down to and including the word "person," in line 31; as follows:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. INGALLS. This is an amendment to the part proposed to be stricken out?

The PRESIDING OFFICER. An amendment to the House bill, to the part proposed to be stricken out.

Mr. CULLOM. I desire to say, Mr. President, that, as I am informed

by the Committee on Appropriations, there are two appropriation bills ready to be considered by the Senate coming from that committee. There are two others, as I am informed, about ready for consideration. In view of that fact and of other pressing business demanding action by the Senate, I desire to say that I am exceedingly anxious that this bill shall be finished to-day. If it is not, however, I shall ask the friends of the measure to remain here to-morrow until it is finished, and shall consider a declination on the part of the Senate to do it as an evidence that there is no diposition to pass a bill at all on the subject. I hope, therefore, that we shall proceed with the consideration of this bill and complete it to-day if it is possible to do so consistent with the time that we have for consideration; but if we do not, I give notice now that I shall ask the Senate to remain here to-morrow until the bill is concluded.

Mr. ALLISON. Do I understand the Senator from Illinois to suggest now that if this bill is not completed to-day, he will resist an adjournment to-morrow until it is finished.

Mr. CULLOM. Until it is concluded.

Mr. HARRISON. Mr. President, it is not my intention to discuss the pending amendment, but rather to make some general remarks upon the subject of interstate commerce, more particularly in the direction of a comparison of the two schemes for regulating that commerce which are suggested by the House bill and by the bill reported by the Committee on Railroads of the Senate.

There seems to be a disposition in some quarters to limit the discretion of the Senate in the consideration of the merits of these two bills. We were advised by the Senator from Kentucky [Mr. BECK], and in effect by the Senator from Texas [Mr. COKE], that it would be impossible to get any legislation upon this important subject unless the Senate should consent to accept the House bill known as the Reagan bill. The Senator from Kentucky was not quite willing to impute to those who favored the Senate bill a disposition to defeat all legislation upon this subject. He formally conceded to them good faith in the maintenance of their views, but suggested that practically they were doing the work of the railroad monopolists in insisting upon the Senate as against the House bill.

I do not know what right any Senator has to say that the House of Representatives, or the conferees of that body, if the amendments of the Senate shall go into a committee of conference, would not be disposed to meet the conferees on the part of the Senate in a full and free discussion of the differences between the two bodies. No one has a right to say that the views of the Senate upon this measure as they shall ultimately be expressed by the amendments adopted to the House bill will not have in such a conference committee fair and respectful treatment; that they will not be met there with a disposition to harmonize differences and to agree upon some measure that shall express, not the will of a single branch of Congress, but the conjoint and concurrent will of the two equal and co-ordinate bodies.

There are points of agreement in the two bills which it seems to me any conferee on the part of the House really desiring to have legislation in the interest of railway shippers would be willing to accept, though that acceptance should involve the surrender of some features of the House bill. Both of these bills prohibit any discrimination between shippers; both declare the exaction of an unreasonable rate to be extortion; both prescribe a heavy fine for extortion and unjust discrimination, and provide for prosecutions in the courts of the United States. So far the bills run together.

But I can not for one surrender my judgment as a member of this body to any suggestion as to the temper or disposition of the House of Representatives upon this question. While willing to do whatever I may to bring the two Houses in agreement, that we may accomplish at this session of Congress something in the direction of the restraint and control of the railways of this country, I must in the first instance express my own judgment in my votes here.

It has been assumed, the Senator from Texas so told us, that the Reagan bill is the people's bill. Mr. President, I do not know that the Senator from Texas holds any other or fuller commission to speak for the people of this country than I do. I deny that the Reagan bill has received the sanction of a general popular approval in this country. So far as I know, it is not the statute law of a single State in the American Union to-day.

I notice in the press dispatches of this morning that the Reagan bill has been introduced into the Legislature of Texas and that it was not probable that it would receive the sanction of that body. So it appears that in the State from which the distinguished author of the House bill comes the Legislature is unlikely to adopt that scheme for the reform of railroad abuses which is heralded here as the only one in the interest of the people.

Mr. COKE. Will the Senator state who sent the dispatch to which he refers?

Mr. HARRISON. It was an Associated Press dispatch. I do not, of course, know the name of the press agent. It professed to be a statement by the gentleman who introduced the bill in the Texas Legislature. But, Mr. President, if we are to look to State legislation as expressive of the popular view upon this question, then I am told that out of thirty States that have undertaken to legislate for the control of railway transportation twenty-five have adopted the commission plan. I am not able to vouch for the exact correctness of this statement, but I have here a long list of States, embracing the leading commercial States of this Union, which in their legislation upon this subject are very nearly in accord with the Senate bill.

Mr. COKE. If the Senator will permit me, I will suggest that the Reagan bill ought not to pass the Legislature of the State of Texas or any other State, because it purposes to regulate only interstate commerce.

Mr. HARRISON. Mr. President, does the Senator suppose that there is in the Legislature of Texas a man so ignorant that if he were to introduce there the Reagan scheme would not adapt its provisions to the regulation of State commerce instead of interstate commerce? I did not mean to suggest that any Texas legislator had conceived the idea of regulating interstate commerce by a State law.

Mr. COKE. The Senator's assertion with reference to this dispatch was that the Reagan bill had been introduced, not the Reagan bill changed or adapted to any other conditions, but that the Reagan bill had been introduced in the Legislature of Texas.

Mr. HARRISON. I supposed every one would understand when I spoke of the Reagan bill being introduced in the Texas Legislature that I meant the scheme or frame of that bill adapted to the regulation of State traffic, and not interstate traffic.

Mr. COKE. If the Senator will permit me, I will suggest to him that any adaptation of a bill to the regulation of State commerce would be an elimination of all the features of the Reagan bill.

Mr. HARRISON. Mr. President, the Senator has not well studied the Reagan bill. The prohibition of pooling between points in the same State might be made just as well apply to State commerce as to interstate commerce. Its prohibition of rebates would apply just as well to State as to interstate commerce, and almost every other feature of the bill is equally applicable to State commerce as to interstate commerce.

Mr. COKE. Then, if the Senator will permit me, I will say that the constitution of the State of Texas forbids unjust discriminations by the railroad corporations, and also forbids consolidation of competing railroad lines, which means a prohibition on pooling.

Mr. HARRISON. Mr. President, the point I was making was this: that if we are to look to State legislation as indicating what the popular judgment is as to the best method of dealing with this great question, the overwhelming weight of evidence is in favor of a commission bill. And yet Senators assume here, without any higher commission to represent the people or any more sincere interest to protect them than I claim for myself, to label the one bill as the people's bill and the other as a bill favorable to the railroads. But for this suggestion I should not have addressed the Senate upon this question at all. It is my purpose in what I shall say to maintain that the Senate bill contains the more efficient scheme of exposing and repressing the discriminations and unjust exactions of railroad companies.

What is it that the people complain of? What is the just grievance at the bottom of this great popular clamor against the railroad companies? I think, as both these bills admit, just two things: First, extortion, the charging, especially for local freights, of unreasonable rates, thus unduly burdening the local traffic for the maintenance of the railways; and secondly, and chiefly, discriminations between shippers of the same class.

Mr. President, I do not stop to prove the existence of these evils. They are confessed of all fair men. I do not stop to prove, for proof is not needed, that the railroad companies by these discriminations between individuals and between localities, and by the unrestrained exercise of the power to establish rates, have assumed and do now exercise a most dangerous and unwarranted control over the commerce of this country.

A few years ago I was in the Territory of Montana, and while there became aware of an incident in connection with railway management that illustrates the arbitrary character of the control which has been exercised by some of our great railway corporations. The Union Pacific Railroad, extending from Omaha, in Nebraska, to Ogden, in Utah, was also the owner of the Utah and Northern Railway, a narrow-gauge road extending from Ogden northward through Idaho and into Montana. A circular was issued from the office of the Union Pacific Railway Company establishing a rate equal to three times the ordinary first-class rate on all canned goods, rice, green coffees, and that class of goods that came to Ogden from San Francisco over the Central Pacific and then asked transportation over the Utah and Northern road into Idaho and Montana. The railroad company openly defended this policy. They said to the merchants of that great region of country, "You should buy your canned goods, your rice in the East, in order that we may have the long haul over the Union Pacific Railroad instead of giving the Central Pacific, our rival, the haul to Ogden and to us only a short haul over the Utah and Northern." They endeavored to placate the opposition which this order created by the suggestion that they would give the merchants on the line of the Utah and Northern road some favored rate from Omaha in order to induce them to buy their goods East instead of West. This was in effect saying to that entire community, "You shall not deal where you may deal to the best advantage; you shall not select your own market, East or West, as may please you; we take control of that matter, and we say to every merchant in Montana who deals in rice or canned goods, 'You shall not buy them in San Francisco, but in Omaha or Chicago.'"

I give this as a specimen, Mr. President, of the business discrimination and tyranny which some of these railroads have exercised. I am glad we have come to a time in this discussion when no one in the Senate denies that the power of Congress over this question of interstate commerce by railway is as ample as over that by the sea. It may be, as the Senator from Kentucky said, that some attorney of a railway company, in the committee-room, may yet maintain the doctrine that Congress has no power over this subject, but in the discussion here no one has expressed the smallest doubt of the right of Congress to control and regulate by wise provisions of law these great channels of interstate commerce.

Mr. President, intelligent legislation of a curative or remedial character will always be directed to the evils to be cured, and the intelligent legislator will always desire to have a clear understanding of the evils which are to be remedied before he drafts his bill. I think we have a clear and definite understanding of the evils to be remedied by this legislation. They are extortion, the exaction of unreasonable rates from shippers; they are discriminations between localities or between shippers at the same locality. I believe there is not a Senator here who will not agree if we can so legislate as to make every railroad tariff reasonable and to make those reasonable rates apply without discrimination to every locality and to every shipper that we shall have effected a radical, thorough, and lasting cure of this railroad trouble.

Mr. President, do these evils have their origin in the fact that there is now no law restraining them? Do these practices prevail because they are lawful? Do railroad companies extort because there is no limitation upon their discretion in fixing rates? Do they discriminate because the law allows it? No, Mr. President; both of these things are prohibited now by law. The Senator from Texas undertook to show the other day that the Reagan bill was a simple codification of the common law now in force in all of our States. The fact is, that any shipper from whom an unreasonable rate is exacted has now the amplest legal right to recover back the excess. The fact is, that any shipper against whom a discrimination is practiced has the amplest legal right now to recover the damages he suffers by that discrimination. If that be true, it is not more law we want; it is not a statute which shall codify the common law simply, because statute law is no more self-executing than common law. Statutory rights and statutory penalties can only be enforced as common-law rights are, by resort to the courts.

One is of as high sanction as the other. So I would regard it as an utterly futile piece of legislation if we should pass here a bill simply declaring the common law upon this subject.

What is the trouble? It is that the shipper needs to be re-enforced in his contest with the railroad companies. If some one should ask me why it is, if the exaction of an unreasonable rate is now unlawful and the excess may be recovered back, that shippers do not recover it back; or if one should ask me why it is, if discriminations are illegal, that shippers do not expose them and recover their damages, my answer would be that it is an unequal contest to which the shipper is invited.

I think then I may declare, with the approval of those who listen to me, that legislation upon this subject to be efficient must re-enforce the shipper in his contest with these great railway corporations. The Reagan bill does not do that in the smallest degree. To be sure it gives him smart money in case of a recovery, but he can not get his smart money until he has established his case in court, and in the work of ascertaining the facts or in prosecuting his claim the Reagan bill yields him no help, but leaves him as he is now, a weak and feeble contestant with these rich and powerful corporations.

So, if I wanted to correct these evils in railway management, I should address the legislation to that particular point. I would help the man in his contest with the railroad company.

Let us look for a moment further at this question. Let me suppose that a shipper at the city of Indianapolis makes a shipment of freight over the line of a certain railway company to New York. Another man engaged in the same business at the same place is shipping over the same road at the same time. The first shipper can not know what rate the other man is paying. He knows what rate he is paying. He may be suspicious that the railway company is giving his rival in business a favored rate which enables him to get his produce to the seaboard cheaper than the other can. Suppose the man thus discriminated against concludes to bring suit, what is the first thing he must do? He must prove the existence of a discriminating rate in favor of his rival. How will he go about proving it? He goes to the local freight agent and examines the bill of lading, but the rate indicated on the bill is precisely the rate paid by him. He asks the local freight agent, "Has my rival a contract for a drawback?" The answer is, "No;" and that answer may be perfectly true, for the arrangement for a rebate is made by some one else. It is paid at the other end of the line. How utterly helpless that man is to discover the fact that he has been discriminated against! The information is in a distant city. It can only be had by an examination of the officers there and of their books and papers. That man needs to be helped to find out whether a discrimination is made in favor of his rival. Legislation should provide some agency at the public expense which would ascertain that fact for him by an inspection of the books of the railroad company and a careful analysis of all their cash expenditures.

But that is not the only disadvantage under which the shipper labors. He knows that if he goes into such a contest the railway company has it in its power to further oppress him in his business by such other discriminations as might be sufficient to ruin him. Let me suggest but a single method. When large amounts of freight are moving there is a great demand for cars. This shipper who has entered into a legal contest with the railroad company wants cars. How easy it is for the manager to say to him, "We can not furnish you any; our cars are engaged;" or by other vexatious methods to delay and impede his shipments. Therefore it is that the shipper does not often undertake this unequal contest. Therefore it is that he submits to existing wrongs in fear of greater that may follow if he attempts their redress.

The Reagan bill leaves the shipper absolutely without any help, absolutely without any re-enforcement in this contest with the corporations. To be sure it denounces penalties, but he can not recover the penalty until he has proved his case. He can not prove his case except by forcing his way into the recesses of the accounts of the railroad companies in distant cities. He can not urge his case without the risk of being further discriminated against.

There is another point in which the shipper is weak in this contest. He can not get the public ear. He can not concentrate public opinion upon his individual grievance. He may talk about it; he may possibly get some local newspaper to mention it; he may even excite some interest in his favor in the community where he lives, but his voice is unheard by the great mass of the people of this country. He can not reach the public ear, and he can not concentrate the mighty power of a wide public sentiment against the wrong. The Reagan bill leaves him just as helpless as he is now. It leaves the battle to be fought out between the individual shipper, with all the limitations, with all the elements of weakness that invest and surround his case, and the great power of the corporations.

The view I have expressed is not held by me alone. I think if the Senator from Texas has read the testimony and arguments before the House committee upon this subject he will agree with me in the statement that the argument and statements of Mr. Chittenden, of New York, showed a familiarity with the question in all its phases and a fairness of judgment that was not equaled, certainly not excelled, by any other man who appeared before that committee. This gentleman was no railroad lawyer. He was a representative of the Anti-Monopoly League of New York. He was one of those who had been most influential in the fight with the railway companies in the State of New York which resulted in the passage in 1882 or 1883 of their present railroad-commission bill. No one can read his statement without seeing how careful and how wide his study of this question has been. He was familiar with the British commission and with all the English cases upon this subject. I shall read what he says upon this subject in support of the proposition I am arguing, that our legislation should be in the direction of re-enforcing the shipper in his unequal fight.

Mr. COKE. If the Senator will allow me, I ask him if Mr. Chittenden was not advocating the adoption of the Reagan bill before the committee of the other House?

Mr. HARRISON. Exactly; I am glad the Senator has called my attention to that fact. I read now the testimony of a man who on the whole favored the Reagan bill, and I ask the Senator to keep that in mind while I read some extracts from this same gentleman on another point that I shall reach presently. Here is what Mr. Chittenden says at page 114 of this book:

> I have stated three propositions. If the Reagan bill goes beyond them, if it involves any new principles of common law, I am not in favor of it. I do not think the country calls for any change in the common law. The people do call for some more effective means of enforcing the rights of the citizen at common law, for every lawyer in active practice knows that it is impossible for the citizen, as matters now stand, to enforce these rights in the courts of the country.

This gentleman says we do not want any more law; the common law covers the whole ground; if the Reagan bill goes further he is not for it; but what we do want, as he expresses it, is "some more effective means of enforcing the rights of the citizen at common law;" something that will re-enforce the citizen in this contest with the railroad companies. Let me read again, for at page 117 he puts this even more strongly. Mr. STEWART, of the committee, asked him this question:

> Then why are not the courts open for redress?
>
> Mr. CHITTENDEN. They are, but what is the position of a man who undertakes to get redress in these courts? No merchant dares to do it. He can be crushed in his business if he does. The question to-day before this great dry goods trade is, whether or not it is wise, whether they can afford to go into the legal fight and attempt to get these pooling contracts set aside by the courts. No. There is hardly a week passes in the office of any prominent lawyer in New York that this matter is not presented. A merchant comes into the office of his counsel with a claim against a railroad for an overcharge or a denial of some legal right, the lawyer examines it and decides that there is no doubt about the merchant's right to redress. But when it comes to bringing a suit the merchant hesitates—he can not afford to do it. He can not take the risk of doing it, because the railroads have it in their power, at any time, to destroy the business of any man or firm that seeks redress in the courts.

There it is. What is the weakness? The weakness is in the disparity of strength of those who are invited to contest their rights in the

court. One would think we ought to re-enforce that man if we want to help him, and that we ought by our legislation in some way to protect him effectually against those discriminations of a vexatious kind which would be used against him in order to intimidate others from seeking redress in the courts.

I repeat what I have said, that the Reagan bill does not help such a man at all. To be sure it denounces a penalty, as the common law now denounces damages; to be sure it says that the vexatious practices to which the railroads would resort to crush the man who enters into this contest with them are illegal, but the common law says that. Yet these things are practiced. Right here, Mr. President, is the strength of the commission plan.

Mr. Chittenden says that legislation in the direction of a good railroad commission is not popular legislation with the railroads. In this testimony he declares that the whole combined strength of the railroads was thrown against the passage of such a bill in the New York Legislature.

Now, how does the commission plan furnish the help to the individual in his contest with the railroad company which I have undertaken to show is the important thing after all? In the first place, all the details of railroad management are to be open to the commission. Every closet, every dark place in which secrets as to rebates and discriminations of all sorts are locked up, shall be open to it. The light of day shall be turned upon every one of their transactions without any expense or trouble to the shipper; he may not need to move in the matter at all. The original investigations required of the commission by the bill may disclose it all. He may not even need to make a complaint; but when he files a complaint, then, without expense, without leaving his own office or abandoning for a day the transaction of his own business, the powerful influence of the Government, represented by these railroad commissioners, is brought to bear, and a scrutiny thorough and searching is instituted into all the books and papers of the railroad company. He is not required to go and look up the facts; he is not required to bring a suit in the dark; but the railway commission makes the investigation for him and puts into his hands every fact that it will be necessary for him to prove in his suit against the company. The Reagan bill gives him no such help.

I should have said that I assume an intelligent and an honest commission. The salaries provided in the Senate bill are sufficient to secure the ablest and most reputable men in the country. I believe that no executive will venture to trifle with public sentiment by the appointment of any other than men of first-class ability and character upon the commission. Given such a commission, and their first work is to open the secrets of the railway companies. Take the discriminations by rebates in favor of the Standard Oil Company, were the smaller corporations and oil producers who were seeking to have equal rates able to discover and expose the facts? No, it took the power of the State of New York wielded through a legislative commission to bring out those facts. We start, then, with a commission composed of nine intelligent, reputable, disinterested men—one living in each of the nine judicial circuits of the United States.

This commission, as I have suggested, secures a prompt, thorough, and inexpensive investigation of every grievance. The merchant has only to formulate his complaint. I said "formulate." It may be without form, so it conveys to the commission information as to the particular in which he claims the railroad company has violated the law. Having filed his complaint he sits in his own office, he pursues his own business; the Government has taken up his case. The United States has thrown itself into the scale in behalf of the citizen in this contest. By its own agency, at its own expense, it pursues the inquiry; and when it is closed, if it is found that on a particular day the railroad companies were giving one shipper under the same conditions and circumstances an advantage over another it places in the hands of the man discriminated against all the facts that enable him to maintain his case.

That would indeed be the end of the proceeding. Does any one suppose that, after the facts have been brought out, any shipper would need to bring into court any solvent railway company in the country to compel the payment of his damages? They would settle without the service of a summons.

Yet the Reagan bill, lauded here as the popular bill, does not in any of these particulars that I have mentioned help the shipper at all. In high-sounding words it denounces penalties, but it says to the shipper, "Fight out the fight yourself."

Then, again, the commission has the power to get the public ear as the individual shipper has not. It has the power to concentrate public sentiment upon any practice of the railroad company that is thought to be unjust. Take the humblest man in any of our towns; he can not make himself heard beyond the village he lives in. He has no influence; the railroad managers would laugh at him; he is but a pigmy in this contest and he is contending with giants. But when this great commission representing the authority of the United States, composed of able, intelligent men, men of wide reputation, of calm judgment, and without prejudice, looks into the grievance of this humble citizen, and says to the railroad companies and to the country, "You have practiced an oppression upon that man," the whole country hears the case, and public opinion is concentrated in its condemnation.

Do you suppose in that case the railroad company would resort to vexatious retaliatory measures upon the man who had made his complaint to the commission? Do you suppose that they would venture to say to such a shipper when he asked for cars, "We have no cars?" Do you suppose they would venture to resort to any of these small vexatious tricks? Not at all; for here stands this great commission, which may require them at any moment to answer why they did not furnish that man with cars and where their cars were. They can not hide these facts from the commission. The shipper can not tell whether their cars are in use or not, but the railroad commission can ascertain for him. It is not possible, it is not to be thought of for one moment, that any railroad company in this country would ever venture upon any of these small persecutions against a shipper who had complained against them. They would rather show special care and alacrity in meeting his wishes.

So it is that under the commission plan the shipper's investigation is made for him, the facts are ascertained, and if he is compelled to seek legal redress his case is prepared for him by the Government. Not only so, but he is likely to have his grievance corrected without resort to litigation by reason of the power of public sentiment and the force of the mandate of the commission, though no execution lies behind it. Our legislation goes directly to the point at which we find the present imperfection in the law.

I wish for a moment to call attention to what Mr. Chittenden says in relation to the operations of the New York railroad commission bill. Mr. WOODWARD, of the committee, asked him—I read from page 111:

Do those powers exist now in the English commission? Is that commission a success?

Mr. CHITTENDEN. I understand that they are as successful as our commission, and I do not think anything can be more successful than the New York railroad commission has been during the eight months of its life. I am going to refer to that if the discussion does not take up too much of my time.

Then, at page 115, the following question was asked by Mr. DUNN:

Let me ask you if one central commission could possibly answer the purpose; ought there not to be branches of that commission at all the commercial cities and centers of the country, divided, for instance, as the courts of the United States for the convenience of the citizen?

And I may pause to say here that by the amendment of the Senator from Iowa [Mr. ALLISON] we have provided for one commissioner for each judicial circuit, and under the bill he is authorized to sit and take testimony himself. Mr. Chittenden's answer was as follows:

I do not know that I can answer that. I will say this, however, that such a railway commission as we have in the State of New York, of which we have only had about eight months of trial, in my judgment, is sufficient to redress very many, perhaps nearly all, the State grievances. State railway commissions will redress State grievances, but the place where they fail and where they are utterly useless and powerless is where they come in contact or are required to deal with interstate commerce. They are not worth then the snap of your finger.

Of course not, Mr. President. A plea to the jurisdiction must be sustained as to all matters of interstate commerce before a State commission. The State Legislature has no power over interstate commerce, but when we supplement by Congressional legislation this defect, when we have a great national railway commission which would co-operate with the commissions of the different States, interchanging information, which would enable a State commission practically to transfer to the national commission any grievances connected with interstate commerce which might be brought to their attention, and which they could not for want of jurisdiction settle—when we have completed this system, which is the favorite system of legislation in the States, by putting upon it as its climax and consummation a great railroad commission on behalf of the General Government, then everything would be made to work smoothly and harmoniously. Mr. DUNN then said:

They have no power.

Mr. LONG. Do you mean to say that there ought to be an interstate commission?

Mr. CHITTENDEN. I will answer that question shortly. You will see to what my argument leads. We obtained in the State of New York, after shaking political parties to their center for refusing it, a lame sort of commission. By careful previous arrangement the appointment on that commission of one member who represented the people was secured, and although we were promised better things we had two men put on that commission for the purpose of controlling Mr. O'Donnell, the nominee of the friends of the bill. The commission has been in operation now for about eight months. The result has been that the two commissioners put there to control Mr. O'Donnell are now acting with him, and the proof has been so clear and the force of these grievances has been so great upon that commission that now they are all acting together and in general harmony. You hear no one in the present Legislature proposing a repeal of the commission bill.

He adds further:

Let me show you how the commission operates upon commerce—

This is a most interesting illustration of the power and usefulness of the commission. He says:

Let me show you how the commission operates upon commerce that is not interstate commerce. You heard Mr. Depew—

The general attorney of the New York Central Railway—

say that his company had yielded to a decision of this commission which had already cost them $200,000! Well, I have this to say for Mr. Depew: He is, in my judgment, the ablest railroad man living in the United States. He is so because there is in his conduct of railroad matters so large an infusion of common sense. He fought this railroad commission as earnestly as it was possible to fight it down to the time when the bill was passed and he was beaten. I have seen him bring down his special-raters with free passes by car-load after car-load to resist the passage of this law, and afterward to induce the governor to veto it; but when the opposition failed and the commission bill became a law

Mr. Depew said, "Very well, gentlemen, that is the end of it; I propose now in good faith to accept this commission and to obey its decisions; at all events, where they are reasonable." And when they asked him to enter into the brutal attack that was made upon Mr. O'Donnell, one of the commissioners, to defeat his confirmation by the senate, Mr. Depew said, "No; I am not prepared to say that Mr. O'Donnell will not make a good commissioner." And he took no part in it. And it is due to him in all these matters within the State of New York to say, and I am glad to be able to say it, that he has thrown his influence, and it is powerful in the New York Central Railroad, in the direction of complying with the requisitions of the commission.

I shall refer to only one of the many cases before the commission. The milkmen upon the Harlem road came before the commission and claimed that it was not right that they should be charged 45 cents a can for transporting milk into the city of New York, whether the distance was ten miles or one hundred and fifty miles. They did not so much object to a uniform rate per can, but they insisted that the rate itself was an unreasonable one. They presented their complaint before the railroad commission. There was a hearing. The New York Central Railroad was heard. The whole commission decided the rate was unreasonable, a majority deciding that it should be reduced 33⅓ per cent.; one, that it should be reduced 50 per cent. The railroad immediately reduced it.

There, in a contest with one of the greatest corporations in this country, it was not found necessary that the milkmen should go into court and enforce their rights, but the simple judgment of the commission was at once acquiesced in at a loss already accrued, as the attorney of the road says, of over $200,000. Mr. Chittenden continued:

Mr. Depew now says to this committee, and Mr. Depew does not state things that are untrue, that that decision has cost the New York Central Railroad (and it has not been in operation more than six months) $200,000. Who has received that $200,000? Either the milkmen, the producers along the line of that road, or the consumers of New York, who would have had this amount taken out of their pockets by an unreasonable rate which has been demanded and paid in that State for the last eight or ten years, and would have been paid forever but for the New York commission.

I shall read further, because I esteem this testimony of special value. It is the testimony of a most intelligent man. It is the testimony of a man whose sympathy and whose work has been with the people against the railroad companies. Speaking of the commission again, Mr. Chittenden says, in answer to the question:

"But not as to the local State traffic?"

Let me go a little further. The commission is required to examine immediately all complaints within certain limitations, and to make their report, and when they make report that any railroad company is violating a law, the attorney-general of the State is directed, and it is made his official duty, to prosecute for that violation.

I pause to say that under the Senate bill it is made the official duty of the United States district attorney to prosecute for its violation, either by an action for damages in the name of the claimant, or, if necessary, by a suit on the equity side of the court, for an injunction to prohibit the continuance of the illegal practice. Mr. Chittenden says:

But the great value of the commission is that it lets in the light of publicity upon the doings of railroad companies. This commission requires them now to make quarterly reports instead of annual, as was then the custom, and to do various other things of value to the citizen.

I shall read one further extract from Mr. Chittenden. He said:

Gentlemen, one valuable element in a commission is its operation and effect upon railroad men. Of this Mr. Depew furnishes a good illustration. He is a strong and a hard fighter, and yet he recognizes the force of public sentiment and public opinion, and therefore when a fair commission, such as I assume we are to have—we have it in New York by accident—examines a question between the citizen or a number of citizens and a railroad, and expresses its deliberate judgment that the citizen is right, Mr. Depew, and men of his class, will yield and not carry the contest further, for they do not like this controversy with the people any better than the people like it.

That is not simply the opinion of this gentleman as to what the railroads would do, for he has given us a most forcible example of what they did do in the case of the complaint of the milkmen along the line of the Hudson River Railway. The influence and power for good of a national commission would be greatly multiplied because of its increased dignity and power. He adds further, and it is the last quotation I shall make upon this subject, in speaking of the railroad companies:

The only orders they—

The commission—

have made, that I have seen, which were not acquiesced in by the railroad companies, were those which related to interstate commerce.

So it seems that in every case which has been presented to the railroad commission in New York, the judgment of that commission as to what the railroad company ought to do as between itself and the shipper has been accepted as absolutely conclusive. The shipper has not in a single instance been put to a resort to the courts to get his rights. Yet the advocates of the Reagan bill, which gives no re-enforcement or help to the shipper but leaves him only a resort to the courts for any infringement of his rights, tell us that is the people's bill, and that this commission plan which has worked so successfully in New York, which has worked so successfully in Massachusetts, which has worked successfully, as a recent report of the commission in Iowa shows, in that State, a plan which is the general resort of the States desiring to deal with this question, is against popular opinion. I would not give a snap of my finger for any legislation upon this question that did not re-enforce the man in his unequal contest with the railroad companies, not by giving smart-money, to be had when he gets through, but by some help at the beginning. Experience shows that by a good commission he is relieved of all necessity of going to the court because the influence of these commissions, and of the public sentiment which they concentrate upon any particular wrong, is such as to compel acquiescence even by the greatest corporations.

I have here the seventh annual report of the board of railroad commissioners of the State of Iowa. It comes through Hon. James W. McDill, at present one of the commission and formerly a member of this body. I read a brief extract from page 12:

The commissioners are glad to report that the various railroad companies have by agreement reduced the rates on grain to Chicago, Peoria, Beardstown, Saint Louis, and East Saint Louis, from stations on the Iowa divisions to and including Creston and corresponding points, 3 cents per hundredweight. Reductions east of Creston and corresponding points are now being considered.

A result reached so pleasantly can not fail to be a matter of congratulation. Nothing has ever been done in railway matters in the State which has proven so satisfactorily to the public a proper appreciation of the common public good by the railway officials as this reduction of rates. Many thoughts presented by the managers in the letters and extracts of letters herewith presented are worthy of much consideration.

Mr. JACKSON. Will the Senator from Indiana allow me to call his attention to that same report of the Iowa commission, on page 8, where they state that the rates have been reduced even below what they were fixed by the "granger law?"

Mr. HARRISON. Yes; I will read that extract also. They say:

Since writing the above the commissioners have received additional information which they deem it proper to make public. Eleven of the railroads of Iowa which carry the bulk of the grain to market, in answer to our inquiries, report there has been no increase of rates, and the commissioners are satisfied that rates have not been raised for several years, and that the roads are generally carrying at or below the rates agreed upon with the commissioners in 1878, which was a slight reduction below rates prescribed in what is commonly known as the "granger law."

It seems there was a rate prescribed in the granger law, and then the commission suggested a somewhat lower rate, and the railroad companies have actually gone below the last rate in their transportation upon the suggestions of these commissioners.

Mr. President, I have thought it necessary to make these remarks to-day simply because for one I was unwilling that this debate should close without putting on record the reasons which lead me to believe that the scheme of the Senate bill is wider, more intelligent, more discriminating, more efficacious as a remedy for the confessed evils in railway management by far than the Reagan bill.

But it must not be thought that the Senate bill simply constitutes a commission to get information, and without other powers. The Senator from Arkansas [Mr. GARLAND] said the other day that the broad language used in the second section, conferring powers upon a commission, was a virtual attempt to strip Congress of all control over the subject of interstate commerce, and to confide to the commission as full a control as was possessed by Congress under the Constitution. I do not think that was a fair construction of the language. But that argument, which was referred to as being very conclusive by the Senator from Kentucky [Mr. BECK], has been answered by an amendment which has been adopted, and which limits the powers of the commission to those expressly granted in the bill.

As to the other objection, that judicial power is conferred upon the commission, I do not think it is well founded. Its powers are simply supervisory. They are empowered to get information; they are empowered to administer oaths, just as a committee of Congress may in the examination of witnesses. It is not a judicial function. The commission may make recommendations as to what ought to be done, but the bill does not give their conclusion the force of a judgment. It is not the exercise of judicial power, because the bill provides that after the commission has expressed an opinion on the subject, if the railway company does not of its own motion comply, proceedings are to be taken in the courts of the United States to enforce it. So the bill is not subject, I think, to either of those criticisms.

But the Senator from Texas says that the Senate bill prescribes an exclusive remedy through the commission; that if the bill passes, every one having a grievance against a railway company connected with interstate commerce must assert it through the railroad commission; that he will be deprived of his right to institute an action in the first instance, and to conduct it himself without reference to the commission. I marveled at that statement coming from so good a lawyer as the Senator from Texas.

I believe the rule of law is that when a new right is given and a particular form of remedy is pointed out that form of remedy is exclusive; but here no new right is given. It is simply a recognition of the common law; it does not supplant it; and the method of an inquiry through the commission would never be held by any court in the world to be exclusive. Each shipper will be as fully at liberty after the bill passes as he is now to ignore the commission, to refuse to avail himself of its services, to institute his own suit where he pleases and prosecute it the best way he can.

But, says the Senator from Texas, you are depriving the State courts of jurisdiction and giving exclusive jurisdiction to the United States courts. There never was a greater misconception than that. I suppose the Senator will admit that the prosecution of criminal offenses against the United States must be in the courts of the United States. He would not expect the grand jury of a county to be charged with the investigation of violations of the criminal laws of the United States. So the bill provides that indictments under its provisions for extortion

or for unjust discrimination shall be prosecuted in the United States courts.

It was further intended by the bill to supplement its provisions in the interest of the shipper by giving him the benefit of the services of the United States district attorney. The Senator will understand that the United States district attorney can not practice, as such, in a State court, and we could not send him into a State court to represent anybody. Therefore, if any shipper desires to avail himself of the use of the only law officer we can give him, he must go into a court where that law officer is recognized.

But the shipper is perfectly free to go into any State court and select his own lawyer. He may take the benefit of the investigation of the commission; he may avail himself of the facts which have been brought out by their examination of the books of the railroad company, and go to any State court having jurisdiction and bring his suit there.

The Senator from Texas also said that the Senate bill would result in bringing the shipper from Oregon to Washington to have his grievance investigated. The Senator did not enter upon the consideration of this bill with that open-minded fairness which he generally brings to the consideration of public questions or he would not have said that. The bill provides for a commission for the judicial circuit of which Oregon is a part. It authorizes this commission to make an investigation there. While the general conferences and consultations are to be held here, everything that the shipper needs to do may be either done by mail or it may be done in the very locality where he lives.

The Reagan bill undertakes to declare certain things to be illegal, which the Senator from Texas says are now illegal, which are not named in the Senate bill. It makes a rebate absolutely illegal and a misdemeanor. A rebate by way of discrimination is made illegal and a misdemeanor under the Senate bill. A rebate is the repayment of some part of a sum received. Under the Reagan bill if a railroad company had exacted an unreasonable rate they could not pay it back, because they would be paying a rebate. They would be in this interesting condition: liable to prosecution for having taken the unreasonable rate, and liable to a second prosecution if they paid it back.

There are a great many people in this country who think they understand the railroad problem in every detail. I am not one of them. There are a great many people who upon a very scanty examination of the question feel themselves competent to prescribe rates and to provide an iron-bound code of rules to regulate all railway traffic.

It seems to me there may be cases where a rebate ought to be paid. Take my own city, tapped by all the great trunk-lines to the seaboard. Here is a miller who is shipping his flour over the Pennsylvania route; beside him is another who is shipping over the Baltimore and Ohio, the destination of both being New York. The shipper by the Pennsylvania route desires to ship to-day five hundred barrels of flour. He inquires of the agent as to the rate, and is told. The shipper asks, "Are not some of these other roads giving a lower rate?" The agent answers, "No, sir; that is the rate of all the roads; but I will say this to you, if any of the other roads are shipping at a lower rate you shall have the benefit of that rate." It turns out that the Baltimore and Ohio road that very day was shipping for 10 cents a barrel less to New York. Are Senators willing to declare that it shall be made a misdemeanor for the Pennsylvania Railroad Company to equalize to its shippers that cut by the Baltimore and Ohio? I do not say to equalize to a favorite shipper, but to equalize to all shippers of flour at that time over their road. I am not willing to declare that to be a misdemeanor.

Therefore I prefer that this declaration should be in the terms of the Senate bill, which is that if a rebate is used to discriminate between shippers it shall be a misdemeanor punishable by fine, but where it is used as a means of equalizing rates the reason of the rule certainly fails, and the rule ought to fail with it.

A great deal has been said about the long and short haul clause in the Reagan bill. I wish to recur again to the testimony of Mr. Chittenden to show the Senate what he said on that subject. The Senate will bear in mind that the Senator from Texas has claimed that Mr. Chittenden was a defender of the Reagan bill. I had myself described him as one of the most intelligent, earnest, and persistent opponents of railroad monopoly that I have ever known. Now, let us see what Mr. Chittenden says about the long and short haul business:

Mr. CHITTENDEN. Mr. Chairman, I do not want to take up a moment's time of the committee. I have been giving the time since yesterday to the problem that was presented in the Memphis and Winona case, and that had led me to an examination of the decisions under the ninetieth section of the railway-clauses act in England to which I had reference yesterday, and I find that that problem has given to the house of lords in England the same trouble that it certainly gives me. It may not give the committee any. In one case that I have found, which went up from Scotland to the house of lords, the house of lords were divided upon the question whether under this ninetieth section such a similar discrimination as that mentioned here was authorized. In that case the road led from Derby to London. Its maximum rates, as all the rates in England are, are fixed by Parliament. It made a rate to a place called Hampton-on-Arden. They charged 8 shillings from Hampton to Derby, but on through-passenger traffic from Hampton to London the proportion would be only 2 shillings, and yet by a divided court the house of lords held that that was not contrary to the ninetieth section of the act which I read yesterday, and they held further that it was certainly doubtful whether it was practical to take away that power of discrimination from the railway companies. All I have to say is that I should hesitate myself some time before I committed myself absolutely to the provisions of the Reagan bill, which prohibits more for a short haul than for a long haul under all possible circumstances. There is a very serious question there that certainly is deserving the best examination of the committee. I say this because I thought to some extent differently yesterday. It is probably the most doubtful question there is involved in the bill.

In view of this statement, is it too much to ask that that question may lie over until the railroad commission can give us their judgment upon the subject? As ardent an advocate and friend of strong restrictive legislation as Mr. Chittenden declares that he is not able to give to that provision his assent.

I do not stop to speak at length of the schedule provision of the Reagan bill. I believe it to be utterly impracticable. I notice that while we are all appealed to here to stand by the Reagan bill, and are threatened with the failure of all legislation if we do not, the friends of the Reagan bill are themselves proposing to amend it. Under the bill as it came from the House it would be impossible for a railroad company to reduce its charges until it had for five days posted up a notice of the reduction in every depot on all its lines. It would take five days certainly, possibly more, to get the schedule printed and put up on some of the long lines of railroad, and then there are to be five days more before any reduction or increase of rates could go into operation. It is an unintelligent way to deal with this question; it is an impracticable proposition.

Is it asking too much of those who really want legislation to meet us upon the propositions we have offered, namely, to prohibit extortion, to prohibit all discriminations, to establish a railroad commission which shall make inquiry into all matters of railroad management and shall re-enforce the shipper in his unequal contest with the railroads? Congress ought at once to pass some efficient legislation that will bring this gigantic power under the control of reason and of law, instead of being left as now with self-interest as its only law. We ought to have legislation. We shall have it if there is a disposition to harmonize differences as to details. If the commission plan is adopted I believe we shall have legislation that, before it has been in operation two years, will have the universal approval of the people of this country.

Mr. MAHONE. Mr. President, I hesitate to advance a suggestion upon the subject before the Senate. It has been ably and at length, if not fully, discussed.

As a whole, I like neither the House nor the Senate bill, while in either there is much I approve.

The power to conform the conduct of the common carrier to the rightful subserviency of the public interests is the admitted prerogative and high duty of the sovereign.

The sovereign appears in this case when the carrier engages in the business over which to him (the sovereign) is delegated exclusive control.

It is not here as in the governments of Europe where common carriers are licensed by the national authority, or the right to regulate their conduct would be absolute and complete. Here it can only apply where the power of the grantor ends and that of the government of delegated powers begins.

Where the power is coextensive with the franchise it would seem not a difficult problem to adjust the conduct of the carrier to such performance of public service as induced and inspired the grant conferred. Yet the matter which it is now proposed to subject to legislative regulation has long engaged the serious thought and consideration of the older governments of Europe as well as of the States of this Union, with results sometimes damaging to the corporations and their capabilities of serving the public, and at no time securing that measure of performance which it was believed the public interests demanded and to which of right they were entitled.

It has been alike unfortunate for investors and the public that our railway system has drifted away from the sphere in which it was intended to operate. Its members have become more or less the agencies of stock operations and the prey of parasites, to the wrong and injury of the real plant, and not infrequently have the prime promoters had their honest investments swept away by designing trustees.

It has been from such diversion and such misdirection of our public works that come indirectly much of the evil and abuse which gives rise to an extended and increasing outcry, well founded, for relief at the hands of the great body of people.

That our railways have contributed more to the development, population, and power of the country than any other agency is confessed, and that so many are the interests dependent upon the system, and such their magnitude, that all must agree that too much care and caution can not well be taken in shaping such legislation as public exigency seems to demand.

That regulation of the conduct of carriers in respect to interstate commerce is demanded by far-reaching considerations of public policy has not been, and I venture to say can not be, successfully controverted.

Besides the remedies against the abuses which it is intended to restrain, it seems to me of paramount importance to prescribe, as Congress may do, certain definite principles on which transportation companies may engage in the business of interstate commerce.

These are embodied in the amendment which I gave notice it would be my purpose to offer when the bill shall be perfected for the consideration of the Senate. They go, as I believe, to the very root of the subject, and, while serving the people everywhere to an equitable service, impose no wrong on the carrier—no hardship.

He has no right to use a delegated trust, which in the higher sense and legal implication is granted for the public good, in any manner which shall give to any one person, community, or locality, in the performance of the like service, advantage over another.

Such is the nature and the consideration alone on which carriers are incorporated. It is of the very essence of the duty imposed by the grant, sought, conferred, and accepted, that he treats all comers by the same rules and with the same reasonable measure. It is an abuse of this trust to pursue his preferences to the prejudice of persons or communities. It is a pernicious misuse of the grant to direct the energies of the enterprise in the single interests of the immediate promoters. The public, of sovereign right, are entitled to enjoy the advantages of the invention at reasonable charges. This is all that an enlightened public judgment expects, and that, it seems to me, is the duty of the sovereign to enforce.

Mr. President, no acceptable or sufficient reason can be assigned why a person desiring to go from any railway station in any State or Territory to any other in any State or Territory of the Union, where the journey may be effected by any connection of carriers, whether wholly by land or by land and water, should not be entitled to receive a through ticket and for his baggage a through check. It is merely a matter of arrangement between the transportation companies, which I conceive to be in the line of their public duty and conservative of their own better interest.

There is no good reason why a shipper similarly situated, and likewise desiring transportation for any produce or merchandise, should not be entitled to a through receipt and bill of lading all the way to destination at a fixed total charge for the service. This is likewise a matter of convention between the carriers composing the route. The duty is to enforce it. The like is done by the leading express companies of the country as to packages, and yet it is by means of the transportation lines they perform such service.

Then I say, Mr. President, this done, and we open to the proper use of the people of the nation our transportation routes as wide and as free as the sea. The system as to interstate commerce becomes one of an interchangeable and homogeneous service, and the amendment I propose aims directly at such result. Besides this, it fixes a principle for computing the charges for the transportation of passengers and freights, which I venture to say is theoretically and practically correct.

The terms "reasonable" and "discrimination," when applied to this subject, are indefinite and vexatious. The concession granted that the same charge may be levied on a bale of cotton from Texas to Norfolk as is made by the same route to New York—that the same charge may be levied on a car-load of corn from Chicago to Richmond as is made by the same route to Newport News, or that the carrier may charge as much for a short as for a long haul, in effect legalizes discrimination. It is to alter unjustly the rightful relations of the markets and the producer—the merchant and the consumer. In the transportation of either and both—passengers and freights—there enters certain distinct and well-defined elements of cost, which the year's business of any well-organized transportation company will near enough ascertain to fix a fair and substantial basis on which to formulate an equitable tariff of charges for the succeeding year. These are what are commonly called "fixed charges"—including terminal expenses and the cost of hauling. Both are dependent in different measure upon the volume of business, and the latter sensibly upon the evenness of opposing currents. Fixed charges comprehend such items of expense as are necessarily incurred by the corporation, whether it transports one passenger or one thousand, whether it hauls one thousand tons of freight or ten millions, and they are in the direct ratio of the number of each transported.

Right there enters the first and essential factor in computing the proper charge for the transportation of either passengers or freight, and you have the data for determining what the proper constant is in respect to each by classes. Such charge must be made against each passenger and each ton of freight, no matter what the distance transported.

The cost for hauling is practically, as to the same member, pro rata per mile. One is common to all distances, and the other is ratable. The principle thus briefly described entitles the passenger from any station this side of New Orleans to the same rate per mile, plus the fixed charge to New York, Washington, or Richmond, as that paid by the passenger from New Orleans, and *vice versa*. It entitles the shipper from New Orleans and from any intermediate station, to Lynchburg, Norfolk, or Washington, to the same rate per mile, plus the fixed charge, as is charged to New York.

It entitles the shipper from Cincinnati, Saint Louis, or San Francisco, or from any intermediate point, to the seaboard, or to any intervening station on the same route, to the same rate per mile plus the fixed charge.

It entitles the shipper in Virginia, no matter from what station, to the same rate per mile, plus the fixed charge, as is paid over the same route to points South and Southwest.

It maintains relatively the geographical relations of persons, communities, and markets. It leaves to enterprise and God-given advantages a fair field. It opens all markets to the producer everywhere upon even terms. In an equitable sense it makes no place a way-station.

It enables the producer, for himself and at once, without let or hindrance, to choose his own market, and it leaves to the commercial energies of every locality an unhindered, open way to the trade of the country.

It will stimulate development, vitalize dormant resources, and enlarge the volume of business and increase the revenues of the transportation lines, as will every step taken which shall promote the facilities, improve the accommodations, and lessen the cost of transportation. I mean such relations between the transportation lines of the country and the public, such composition and formation of passenger and freight charges, as the amendment I have submitted proposes to institute. And this is the amendment:

Amendment proposed by Mr. MAHONE to the amendment of Mr. CULLOM to the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, namely:

Add at the end of section 12 the following:

"And it shall not be lawful for any transportation company to engage in such transportation of passengers or freights with any other such company unless it admits and contracts with any and all other transportation companies desiring to engage with it and its connecting carriers in the business of interstate commerce upon the same terms of association as those agreed upon between it and such other company. And the rate of transportation over all lines engaged in such business shall be computed and charged upon the following basis—that is to say: For passengers of the same class the combined charge of all the carriers, to be divided as they may agree, shall nevertheless, for all distances, be pro rata per mile. For freights of the same class and of like units, taking the car-load as the maximum, the total charge from the station of shipment to the station of final delivery shall be composed of two items—the charges for fixed expenses and the charge for any transfer where a break of gauge or transshipment from rail to vessel, or *vice versa*, or a necessary porterage may be imposed, such proper charges for each class of freight and like units below and including the car-load to be ascertained and agreed by the transportation companies concerned, subject to the approval of the said board of commissioners. The charge for transportation of freights of the same class and unit below and including the car-load shall be, as to the same carrier composing part of the route traversed, for all distances, pro rata per mile, to be divided between the carriers directly performing the service as they may agree."

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The question is on the amendment proposed by the Senator from Kentucky [Mr. BECK] to the House bill. It will be read.

The CHIEF CLERK. In section 1, line 14, after the word "reasonable," it is proposed to strike out down to and including the word "person," in line 31, as follows:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. VANCE called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. MAXEY (when his name was called). I should like to make an explanation before voting. If I understand it——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MAXEY. I want to have it understood what we are voting on.

The PRESIDENT *pro tempore*. That is debate.

Mr. MAXEY. Then I shall not vote at present.

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN] at the suggestion of his colleague. I shall not vote on this amendment. I should vote "yea," if the Senator from Illinois were here.

The roll-call was concluded.

Mr. GEORGE (after having voted in the affirmative). I inadvertently voted. I was paired with the Senator from Wisconsin [Mr. CAMERON]. I withdraw my vote.

Mr. RIDDLEBERGER. I am paired with the Senator from Arkansas [Mr. WALKER]. I do not know how he would vote if he were here. I should vote to follow the committee bill. Inasmuch as I do not know how he would vote on an amendment of this sort, I withhold my vote.

Mr. MILLER, of California. I wish to announce the pair between my colleague [Mr. FARLEY] and the Senator from Pennsylvania [Mr. CAMERON].

The result was announced—yeas 22, nays 23; as follows:

YEAS—22.

Beck,	Garland,	Jones of Florida,	Slater,
Call,	Gibson,	McPherson,	Vance,
Camden,	Hampton,	Maxey,	Vest,
Cockrell,	Harris,	Morgan,	Williams.
Coke,	Jackson,	Pugh,	
Colquitt,	Jonas,	Saulsbury,	

NAYS—23.

Conger,	Harrison,	McMillan,	Pike,
Cullom,	Hawley,	Mahone,	Platt,
Dawes,	Hill,	Manderson,	Sewell,
Dolph,	Hoar,	Miller of Cal.,	Sherman,
Edmunds,	Ingalls,	Morrill,	Wilson.
Frye,	Jones of Nevada,	Palmer,	

ABSENT—31.

Aldrich,	Cameron of Wis.,	Kenna,	Ransom,
Allison,	Chace,	Lamar,	Riddleberger,
Bayard,	Fair,	Lapham,	Sabin,
Blair,	Farley,	Logan,	Sawyer,
Bowen,	George,	Miller of N. Y.,	Van Wyck,
Brown,	Gorman,	Mitchell,	Voorhees,
Butler,	Groome,	Pendleton,	Walker.
Cameron of Pa.,	Hale,	Plumb,	

So the amendment was rejected.

Mr. BECK. I suggested another amendment, which I will offer. I have not the bill before me, but I think it is in section 4, line 5, after the word "same," to strike out "for a shorter than for a longer distance, which includes the shorter," and to insert "for any distance less than the whole length of the line than is charged for similar service for the whole length of the line."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

Mr. BECK. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. INGALLS. I was not able from the reading, in consequence of the confusion, to understand precisely the point. Will the Senator from Kentucky state what he designs to accomplish?

Mr. BECK. The point is that the railroads shall not charge more to haul freight from Omaha to Virginia City than from Omaha to San Francisco; that they shall not haul a car-load past a place on the line to a place four or five hundred miles further and charge the intermediate points twice as much, as they are in the habit of doing.

Mr. INGALLS. Does the Senator think they ought to be allowed by law to charge as much for a short haul as for a long haul?

Mr. BECK. I do not. I will not refuse to remedy one glaring evil because I can not remedy all.

Mr. INGALLS. Why can not they both be remedied?

Mr. BECK. They may be. I will try to remedy this one now, and then I may vote with the Senator to prevent another.

Mr. INGALLS. But in preventing one difficulty the Senator proposes to legalize another which is as bad.

Mr. BECK. I do not propose to legalize anything. I do not propose to give them any rights they have not now. When I propose to do away with an evil, then I want to test the sense of the Senate, and if the Senator from Kansas will find a way to go further I think perhaps I shall go with him.

Mr. HARRISON. Will the Senator from Kentucky allow me to ask him whether the bill as it stands does not prohibit the evil of which he speaks?

Mr. BECK. I think it does not.

Mr. HARRISON. Then the friends of this bill admit that it is imperfect.

Mr. BECK. There were amendments put in by the House, as, for example, in the first section, by persons who were not friends of the bill, in order to embarrass it, as the one put on to meet the question made by the Senator from Alabama [Mr. PUGH] limiting fares to 3 cents a mile, which the committee did not want. It was kept in by the enemies of the Reagan bill in the Senate to-day by a yea-and-nay vote for the very purpose of defeating it.

Mr. HARRISON. But the Senator does not contend that this language to which his amendment refers was amended by the enemies of the bill in the House. Does he not know that is the original language of the bill?

Mr. BECK. It is not the way the bill read when presented by Mr. REAGAN, as I understand.

The PRESIDENT *pro tempore*. The Senator from Kentucky is not in order in referring to any proceedings of the House of Representatives.

Mr. BECK. I believe I am not; but the temptation was very great.

The PRESIDENT *pro tempore*. It is the duty of the Chair to restrain the Senator.

Mr. BECK. That is true, and I submit. It was shown before the committee of the House that, for instance, a bale of cotton would be hauled from Memphis to New Orleans for a dollar a bale, passing through a place called Winona, I believe, one hundred and twenty miles south of Memphis, and if hauled from Winona to New Orleans $3 a bale would be charged. I seek to remedy that. It was proven time and again in the case I gave of the Pacific railroads that at Reno or Virginia City or elsewhere $800 a car was charged, when that point was passed by the railroad and a car hauled to San Francisco for $300. I seek to prevent that, and I have asked for the yeas and nays upon it. To the first section of the bill my amendment was beaten, but I shall ask the yeas and nays on that when it comes into the Senate again.

Mr. MILLER, of California. I should like to ask the Senator from Kentucky if he thinks the Reagan bill as it now stands does not prevent the charge he mentions in transportation between Winona and New Orleans?

Mr. BECK. I am afraid it does not, and if it does it may go much further than I propose to go in regard to the intermediate haul at present. I am willing the commission may examine into that and report. I propose only to deal with flagrant, admitted evils, and to leave for future adjustment all doubtful questions as to whether we should be a different rate ten miles further or twenty miles further because of peculiar conditions, or because the point is one where there are no connections reaching out, which is one of the arguments for charging more. I leave all that for future adjustment, and I do not legalize that, nor do I give the railroads any greater power than they have now over the intermediate rates along the line; but I seek to reach that great class of cases where men along the line are made to pay double and treble, and even quadruple, what the hauling is worth in order to make up for the losses that are sustained in carrying traffic from one end of the land to the other; where railroads, in order to break each other down or to break down water ways, so as to get clear of competition, that they may charge hereafter what they please, carry at losing rates, and make the whole line profitable by doubling up charges along the line. I desire to get clear of that; and as to other matters, I leave them to the future.

Mr. MILLER, of California. The evils which the Senator from Kentucky suggests are precisely those which we ought to try to remedy; and if his amendment is better calculated to remedy such evils, I should want to vote with him.

Mr. BECK. I think it is. I do not see how any injury can come to a road from the adoption of it. Very elaborate arguments have been made as to adjusting rates along the intermediate points; that you may haul ten miles farther off on the same road, and stop at a place where only one car a week has to be left, and where the train has to be readjusted, so that they can not afford to haul for as small compensation as they could where a whole train-load was taken off or half a train-load was taken off, or where the terminal loading and unloading was easy. I leave all such matters for future adjustment; I simply seek to get at the great question that the charge for the whole length of the line shall be as great as they shall charge for any part of it. That seems to be just on its face.

Mr. MILLER, of California. I suppose the object to be attained here is a just compensation for the service rendered by the common carrier. I presume that is the principle which we are trying to enforce in this legislation.

Mr. BECK. I am endeavoring to do that.

Mr. MILLER, of California. I am inclined to think that the amendment of the Senator from Kentucky does have a tendency to effect that object better than the language of the bill as it now stands.

Mr. McPHERSON. I should like to ask the Senator from Kentucky if he has carefully considered his amendment and thinks it makes it any plainer than the original bill. From reading the amendment at the desk, and carefully looking at it, I am of the opinion that it will leave it in no better shape than the bill. The House bill certainly covered that point as much as the amendment of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kentucky, upon which the yeas and nays have been ordered.

Mr. HOAR. I move to amend by inserting after the word "line," where it first occurs in the amendment of the Senator from Kentucky, the words "in proportion;" so as to make the connection read:

That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for any distance less than the whole length of the line in proportion than is charged for similar service over the whole length of the line.

The purpose of this amendment is to test the sense of the Senate upon the two principles. The principle on which the amendment of the Senator from Kentucky depends is that the charge of a railroad company should be proportioned to the length of transportation. If that be not a true universal principle, then the amendment of the Senator from Kentucky is not a wise or sound proposition. If it be true as a universal principle, then the amendment of the Senator from Kentucky very properly goes some length in accomplishing it; but it does not go to the full extent of the principle. Therefore, it seems to me that it is proper we should have the two questions brought face to face—the view that this is to be settled by the laws of trade on the one side, and the view that the service done is to be compensated according to the proportion of service. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I wish to ask the Senator from Massachusetts if he will explain his amendment by telling me "in proportion" to what?

Mr. HOAR. You shall not charge more in proportion for one distance than you do for another—in proportion to distance, of course.

Mr. CONGER. I did not know but that it might possibly be in proportion to the expense of carrying.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the Senator from Kentucky, upon which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. RIDDLEBERGER. I repeat that I am paired with the Senator from Arkansas [Mr. WALKER]. I do not know how he would vote on any of these amendments if present. I would say at this time that if I were at liberty to vote I should vote against all of them, and for the bill as it came from the Senate committee.

The result was announced—yeas 5, nays 41; as follows:

YEAS—5.

Dawes,	Hoar,	Mahone,	Morgan,
Edmunds,			

NAYS—41.

Allison,	George,	McMillan,	Sabin,
Beck,	Gibson,	McPherson,	Saulsbury,
Call,	Hampton,	Manderson,	Sewell,
Cockrell,	Harris,	Maxey,	Sherman,
Coke,	Harrison,	Miller of Cal.,	Vance,
Colquitt,	Hawley,	Morrill,	Van Wyck,
Conger,	Jackson,	Palmer,	Vest,
Cullom,	Jonas,	Pike,	Williams.
Dolph,	Jones of Florida,	Platt,	
Frye,	Jones of Nevada,	Plumb,	
Garland,	Kenna,	Pugh,	

ABSENT—30.

Aldrich,	Cameron of Wis.,	Ingalls,	Riddleberger,
Bayard,	Chace,	Lamar,	Sawyer,
Blair,	Fair,	Lapham,	Slater,
Bowen,	Farley,	Logan,	Voorhees,
Brown,	Gorman,	Miller of N. Y.,	Walker,
Butler,	Groome,	Mitchell,	Wilson.
Camden,	Hale,	Pendleton,	
Cameron of Pa.,	Hill,	Ransom,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Senator from Kentucky, on which the yeas and nays have been ordered.

Mr. PLUMB. I wish to offer an amendment before the roll is called.

The PRESIDENT *pro tempore*. An amendment to the amendment?

Mr. PLUMB. An amendment to the amendment.

The PRESIDENT *pro tempore*. It is in order.

Mr. PLUMB. I move to amend the amendment of the Senator from Kentucky by adding to the words proposed to be inserted, "under similar conditions and circumstances;" so as to read:

Any distance less than the whole length of the line than is charged for similar service over the whole length of the line, under similar conditions and circumstances.

The statements which have been made in regard to the injuries or wrongs to be remedied by this section, which it is proposed to amend, which is the vital one of what is known as the Reagan bill, are exaggerations—that is to say, the grosser cases have been stated as justifying the application of this principle, which I think is an unwise one, and will do, in any possible application of it, either as originally incorporated or as proposed by the Senator from Kentucky, more harm than good. The Senator from Kentucky himself states as its justification that it is designed to prevent a railroad from charging more from Omaha to Virginia City than the same railroad company charged from Omaha to San Francisco. That is not a fair statement of the effect of the section, nor has there been a fair one made that I have heard.

The case stated is a strong one, or would be if there were a single railroad from Omaha to San Francisco via Virginia City, as there is not, which of course lets the bottom out of all of it. In the next place, it is not the usual case. There are hundreds of instances, thousands of cases where the application of this principle would be destructive, and do a great deal more harm than good unless modified as I propose to modify it. Take, for instance, the case of a haul from Indianapolis to East Saint Louis and one from Indianapolis to Saint Louis. The haul between Indianapolis and East Saint Louis is a mile and a half or two miles shorter than the haul from Indianapolis to Saint Louis. The haul from Indianapolis to East Saint Louis will in most cases be that pertaining to small business, a single car, loaded at Indianapolis after the usual delay, and requiring similar delay before it is unloaded. It may be necessarily taken on a local freight train, which stops at all local stations, and thus this car will be subjected to numerous shifts to make way for its fellows in the train, and all this costs money.

The car going to Saint Louis, on the other hand, might be one which was delivered at Indianapolis to the company, which would in turn transport it westward by a connecting road. It would go to Saint Louis as part of a through train, and arriving there would be hitched to a train which would take it on to Kansas City. There would then have been none of the expense of extra handling or of demurrage on account of loss of time in using the car, as in the first case, and the cost of transportation would necessarily be much less, though the car was actually hauled two miles farther than the first one. Should not some portion, at least, of this expense be borne by the shipment which caused it?

So that in adopting this principle to remedy the particular evil complained of by the Senator from Kentucky, who is seeking to prevent a recurrence of the very great discrimination of which he speaks, we are really striking a class of cases in which there is no discrimination that any one can complain of or that any one ever has complained of—striking recklessly without due regard for the whole effect.

There is another feature of this general proposition to which I wish to call attention and which is embraced in this same section. It is the prohibition of both pooling and competition. Pooling is affirmatively prohibited, and competition is made impossible. And why? Because a schedule of rates has been established, taking the New York Central, we will say, as one continuous line from New York to Saint Louis for the purposes of this bill with rates between New York and Saint Louis and to intermediate points which can not be changed except on five days' notice. Now, it occurs very often that there is not 10 per cent. of the business doing from Saint Louis to employ the existing means of transportation. During this time a shipper reaches Saint Louis with one or a dozen cars of wheat which he desires to transport to New York, and naturally seeks to avail himself of the opportunity to get a low rate. The river boats can cut their rates to take the freight from the railroads, but the roads can not cut rates as against the boats or against each other, notwithstanding they may be willing to do the business at much less than usual rates in order to keep their men employed even if they make no profit. They can not enter into competition, for the moment they break the Saint Louis to New York rate for even a single shipment every single local rate on the line from New York or from Saint Louis to intermediate points must at once be lowered to meet the competing rate fixed on this single shipment from Saint Louis to New York.

So I say, if this bill is to be adopted or if this principle is in any way to be embodied in what we may finally do, it must be modified in some sensible degree in order to preserve the benefits arising from healthy and proper competition, and also to preserve in any degree that flexibility which is a necessity of modern business.

I am aware, Mr. President, that the amendment which I propose will, if adopted, defeat the cherished and illy-disguised object of the section under consideration. This object was frankly stated the other day by the Senator from West Virginia [Mr. CAMDEN] as that of compelling the railroad companies to charge more for the long haul, more for the grain and merchandise transported to and from distant points, in order that persons living more convenient to one or the other or both of the terminal points of the railroad may have a better rate on what is called the short haul. That is to sacrifice the interest and the advantage which portions of the country remote from the seaboard now have. Atchison, Leavenworth, Kansas City, Minneapolis, are to have higher rates imposed on them in order that points farther east may have better rates.

But, Mr. President, the bill does not even give assurance of this result. The long haul may be put at a higher price, but there is no assurance that the shorter haul will have a lower one, for the bill by fair implication authorizes the same charge for a short haul as for a long one.

The people of the West, of Kansas, of Texas, and other remote States, have an advantage which they ought not to have, that ought to be ascertained in some authentic way; we ought to know by the testimony of somebody, that of shippers, a board of commissioners, some experts, somebody who has investigated the question, that these advantages are unconscionable, that they ought not to be continued. But it has not been alleged here or elsewhere in the discussion of this bill that the people living in these remote sections of the country have an advantage which they ought not to have under the existing condition of things; and yet it is this at which the bill is aimed. It is the design in some way of those who have done the most to frame this bill to see that that rate of freight which exists now between extreme portions of this country shall in some way be modified or abrogated or increased in order to accomplish something, nobody really knows what.

The question of the difference between the long haul and the short haul, the question of the right of a community living nearer to one of the terminal points of a railroad to the advantage growing out of its geographical position—all these questions have been the subject of controversy and of consideration by the railroads and by the community, out of which has grown the present system; and if it is wrong, there ought to be somebody to show it and show wherein it is wrong, and to propose a remedy for it, and not strike, as I think this bill does, blindly and in the dark. There has been no allegation anywhere that I have seen that remote communities are getting benefits too greatly to their advantage. But the animus was disclosed by the Senator in the position taken as I have just stated.

I think, therefore, the least that can be done is to provide that in determining this question of the charge to be made as between the short and the long haul, we should say that all the circumstances and the conditions under which the transportation occurs should be taken into consideration in determining the basis for the adjustment of the rate. There are evils of discrimination which call loudly for remedy, but in removing them we should not risk the creation of greater ones.

I note that in another place in this bill the rate of carriage of persons is to be 3 cents a mile and no more. That has no effect so far as Kansas is concerned, or I suppose in reference to most of the States, because the rate is 3 cents per mile or under. But take the State of Colorado, the Territories of New Mexico and Arizona. In the State of Colorado the rate which may be charged according to law is 7 or 8 cents per mile. That is to say, that much is permitted to be charged. A rate of 8 cents a mile is permitted to be charged in New Mexico. And yet if a citizen of Colorado were to go from La Junta, in that State, to Deming, in New Mexico, while he can not travel one single mile in either State or Territory for less than 7 or 8 cents a mile, he could, by purchasing a through ticket, and by reason of the fact that he crossed the State line, travel for 3 cents a mile.

It would pay a citizen of Santa Fé desiring to go to Deming to go back to La Junta, in Colorado, and there buy a through ticket, board

a train, and go back down to Deming in order to get the advantage of this 3 cents a mile. That is not, perhaps, of any very great consequence; but it illustrates how crude, unwise, and unadapted to the existing condition of things this legislation is.

Mr. VAN WYCK. Will the Senator state what the rate is in the State of Kansas?

Mr. PLUMB. Three cents a mile.

Mr. VAN WYCK. How long has it been that?

Mr. PLUMB. About two years.

Mr. VAN WYCK. What reduced it to 3 cents a mile?

Mr. PLUMB. The law.

Mr. VAN WYCK. Precisely; the very same thing that is proposed here is done in the State of Kansas.

Mr. PLUMB. Yes, Mr. President, but the trouble is that we can not make uniformity in this way. Under our power to regulate interstate commerce, we give certain persons accidentally situated the power to avail themselves of advantages which are unconscionable by comparison with those enjoyed by the great body of people whom we can not reach. If we could cut down the rates in Colorado and New Mexico, that would be a different thing. But I only speak of this as an illustration of the lack of consideration which this question has received.

Mr. CULLOM. Will the Senator allow me to interrupt him? I desire to call his attention——

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield?

Mr. PLUMB. Oh, yes.

Mr. CULLOM. I simply want to inquire whether the Senator is not talking to the House bill and not to the Senate bill.

Mr. PLUMB. There are some other provisions of the bill which in case the Senate bill is not substituted for it I shall have occasion to present to the attention of the Senate hereafter.

Mr. BECK. I desire that amendment be read again.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas to the amendment of the Senator from Kentucky will be again read.

The CHIEF CLERK. The amendment to the amendment is to add "under similar conditions and circumstances."

Mr. BECK. I do not believe that "similar conditions and circumstances" could be found in very many cases that could be imagined. One day differs from another; to-day there is rain, to-morrow sunshine, or snow, or sleet, or somebody is sick. The effect of such a provision would be simply to make lawsuits interminable and cause continual contests, each company seeking to show that the circumstances and conditions were not exacely alike, but varied somewhat——

Mr. INGALLS. The amendment does not say that.

Mr. BECK. The law does not apply unless the circumstances are similar.

Mr. INGALLS. "Similar." There may be differences, and the cases may be similar.

Mr. BECK. My friend from North Carolina [Mr. VANCE] illustrated it to me a moment ago by saying that an individual in Buncombe County, N. C., when he was a boy, rushed into the market-house or public square on court day and swore he could whip any man there, their conditions and circumstances all being equal; he was 45 years of age; lame in one leg, blind in one eye; married twice; had four children by his first wife, three by the second; two had died and three then had the measles; and if anybody was similarly situated he was ready to fight him. [Laughter.] That fellow was pretty safe; and the railroads would be pretty safe if this could be got in. They never would have any "similar conditions or circumstances," just like the gentleman's friend in Buncombe when he was spoiling for a fight.

The Senator from Kansas [Mr. PLUMB] says that it is pretended that the country wants this bill and that the people are clamoring for it, while there is nothing in it that any man who knows anything about it wants. Why, sir, the provisions in this House bill amended as I think they ought to be in some regards correspond with the constitutions of ten States of the Union in regard to their State commerce. It is in accordance with the laws of thirty States of this Union. All that it says is, "You shall not make unjust discrimination between one man and another in doing the same work." The proof was made abundant before the committees of the House and before the New York Legislature that the Standard Oil Company alone had made discriminations amounting to $10,000,000 in eighteen months as against all their competitors. Ought not that to be remedied? The Senator from Kansas says no; if one man can make a better bargain with them than his neighbor, he ought to have it, and it is folly to talk about passing a bill that will prevent that being done! That is the first proposition.

Mr. PLUMB. Does the Senator claim that this provision of section 4 will prevent what he has spoken of?

Mr. BECK. I have given the first proposition; now we will come to the second. I say that from Omaha, on the way to San Francisco, the Union and Central Pacific Railroads have been in the habit of charging seven or eight hundred dollars a car-load to Virginia City, while if that same car, loaded exactly in the same way, as nearly under similar conditions and circumstances as can be imagined, were carried to San Francisco, eight hundred miles farther, they charged only $300. That ought not to be permitted. That is what my amendment proposes to prohibit. Ought that to be allowed?

Mr. PLUMB. Is that what it proposes to do?

Mr. BECK. That is what this one amendment proposes to do, and all it proposes to do.

Mr. PLUMB. Suppose the station at Virginia City was two and a half miles off, within sight of San Francisco, instead of being, say, four hundred miles off.

Mr. BECK. Yes, you may suppose this, and suppose that, and suppose the other, and make out any proposition you please; the actual fact is that there is eight hundred miles difference in distance. The proof made before the committees was, further, that from Memphis to New Orleans they hauled cotton at a dollar a bale, and from Winona, one hundred miles nearer to New Orleans, they charged $3 a bale. Ought that to be allowed? These are facts, not suppositions. When the gentleman is driven to the wall in meeting plain facts and plain outrages committed on the way travel, he resorts to suppositions. Mr. Fink himself, whose testimony was read by the Senator from Alabama on Friday, admitted that the way travel, the local travel, and the local freights of the roads were the main business; the through freight was merely an incident. He conceded that all roads had to depend upon their local travel, their local freight, their way business, to maintain them, and the great bulk of their business is the way business. The Senator, in order to make a case, had to take the Saint Louis bridge, one point in the whole country where an anomalous condition of things exists, to show that the railroads ought to charge more to East Saint Louis than they would to Saint Louis, because they had to take off and detach only one car on the east side of the bridge. The Saint Louis bridge, I believe the Senator knows, not only as to railroad charges but as to postal charges, stands as an independent corporation, and he himself was one of a subcommittee one or two years ago—for I was with him at the time—and we had to make a separate arrangement to get our mail cars passed over that bridge, because it was a separate incorporation, and was not connected with any other. Is not that the fact?

Mr. PLUMB. Yes; but I did not make any point to the effect that the Saint Louis bridge cost more per mile than any mile of road.

Mr. BECK. But it stands as a separate and complete corporation, over which even the mails can not be carried under any contract with any railroad; but a separate contract has always had to be made with it, and one exists to-day for service over that bridge different from and larger than any other. Is not that the fact? That being the fact, the Saint Louis bridge is no illustration of the case. It is the only one he could give to get even the shadow of a semblance for making an inequality.

The Senator went on to say that there could be no competition under the bill, because the roads were obliged to keep up the schedule, and that would prohibit pooling and also prevent competition. I have an amendment to offer, that I gave notice of, that would obviate that; which is, in section 5, after the word "substituted," in line 36, to insert this proviso:

> That there may be a reduction of rates prior to the posting of such new schedule, but in such case the new schedule shall be posted as aforesaid within five days after a reduction is made, and such schedule shall also specify the date on which the reduction commenced.

It was to prevent such suggestions as the Senator from Kansas has made that they can not by this iron rule of five days meet the competition that might come against them that the amendment was drawn which I had the honor to suggest and propose to offer as soon as this is passed upon. It is to prevent that very allegation from being made.

Why, sir, there is nothing in the bill of the House, as I understand it, that has not met the approval of the country and of the lawmakers of the country. Ought a great body of men owning 125,000 miles of railroad, representing six or eight thousand million dollars of capital, the largest combination of men of wealth in the world perhaps, to be wholly without any regulation of law in their interstate commerce? Ought they not to be required to work for one man as cheaply as they work for another? Ought they to be allowed to give the Standard Oil Company back $10,000,000 in eighteen months so as to break down all competition? Ought they to charge a man twice or three times what the service is worth over any part of a line in order to enable them to gamble at the extremities and drive off competition? Ought they to be allowed to enter into combinations among themselves whereby they will not haul anything for any one unless the price they see fit to demand is exacted?

These are the simple propositions of the House bill. It needs no commission to say that the things prohibited are wrong. The constitutions of ten States have said they are wrong and have prohibited them. This bill does not say what roads are State roads or are engaged in interstate commerce. The man who is aggrieved will go to court and have that determined, and have it determined in the fair, plain way before the courts of the country, organized to do him justice and to do the railroads justice. The Senate bill, getting away as far as possible from the House bill, proposes to put all this in the hands of a body of experts, a body of men who will be owned by the railroads in less than sixty days in all probability, and they are to tell a man whether he is to go into court or not, and he can not go into court unless they say he may go. Why

not let the man who is injured appeal to the courts of the country, as he can do in all the States, as against the roads that are carrying on State commerce? That is all the House bill proposes to allow him to do. If he is wrong he will pay the costs; if he is right the court will say so. That is the manly, fair way to meet the question, and not allow any intermediate body of men, however respectable, to tell him whether he shall or shall not, or to be investigating in advance and making reports unfavorable to him if they happen to be railroad men, as they all get to be as soon as they have control of these corporations.

I think the most disreputable exhibit I ever heard made in a public body was made the other day by the Senator from Texas [Mr. COKE] in regard to a man whose book I read with great pleasure, Mr. Charles Francis Adams, whose opinions when he was not employed as a railroad man were in accordance with the Reagan bill, in accordance with the legislation we are now demanding, and the very moment he became a railroad magnate, with their money in his pocket and became their servant, we find him denouncing the very measure that he himself had formerly advocated. So it is with all of them.

The testimony of Mr. Fink was read the other day. As able a man as he is, no abler perhaps than Mr. Adams, when you come to take his testimony it develops that the railroads are cheating each other, they are guilty of all sorts of fraud; and he has organized a voluntary court in New York with subordinates around him, and if Congress will just give him the power to punish the rascals he can regulate them, but he is against the right of the citizen to go to the courts of the country to do the very thing that he, Mr. Fink, and his subordinates say they think they ought to have the power to do and are demanding that Congress shall give them the power to do!

I do not want either Mr. Charles Francis Adams or Mr. Fink or any other employé of the railroads to tell a citizen when aggrieved whether he shall have rights or not. The courts of the country are open to him, and I do not want any commission to be determining when he shall go into court and when he shall not go into court. If he is a competitor of the Standard Oil Company and has proof that they have been paid $10,000,000 in rebates he ought to have the right to go into court and he ought to have a right to prove the fact, and the men who broke down the business of the competitors of the Standard Oil Company ought to be fined and imprisoned to deter others from being guilty of like offenses. If a man living at Virginia City is charged three times as much as a man living in San Francisco for hauling over the same road he ought to have a right to go into court and prove that fact and punish the men who are guilty of it, and he ought not to be required to call upon any commission, no matter how made up, to tell him what he should do.

I confess that I am not seeking to deal with all these things. I am not seeking to break down any railroad. I believe that these plain, simple provisions should be passed, declaring to the railroad corporations, "You shall not discriminate; you shall not charge more over a part of the road than you charge for the whole; and you shall not change your rate secretly so as to prevent the men of the country from knowing what they will have to pay for transportation, because the problem of transportation is the problem of profit and loss; you may reduce, for that is in the interest of the shipper, but you shall not increase without five days' notice; if you have competition you may come down if you like; no shipper objects to that; it gives that much more to the man who produces and that much more to the man who ships the freight; but you shall not secretly increase." When those three things are done, I am willing to stop for the time being.

I desire the railroads to understand that we have the same jurisdiction over interstate commerce that the States have over State commerce, and that we can punish them when they are guilty of flagrant wrong. As I said the other day, no man will assert that any State has the power to control great lines of railroad running from New York to San Francisco or *vice versa*. There is not a State in the Union that could give a remedy to the men in Nevada who are compelled to pay three times as much for hauling half the distance to Virginia City that is charged from Omaha to San Francisco. Congress is derelict in its duty if it does not pass a plain, simple law, saying that the man aggrieved shall have the right to complain, and the man who is guilty of that discrimination shall be punished, and let the citizen and the corporation settle that in the courts of the country.

I do not intend to make any more speeches about it, but it strikes me as a plain case.

Mr. PLUMB. Extravagant instances can be found to support almost any theory or any proposed legislation, and I am compelled to believe that the Senator from Kentucky is without any knowledge of any discrimination except the two cases that he has mentioned or he would have named them. They are sufficiently gross to be remedied and should be, but not by injuring other and unoffending communities.

In regard to the case that he has specially laid stress upon, the one of the charge from Omaha to San Francisco as compared to that from Omaha to Virginia City, I ask him to observe that Congress has power over every single mile of those roads—they are not one road, but two roads—but that heretofore Congress has especially exerted itself about the collection of its debt, and has appeared entirely willing that those roads should charge the people along their line anything they were pleased to if only they might thereby be enabled to pay their debt to the Government. We have not done our duty to the people living along that line of communication in dealing with this great question upon the one single basis of the ability of the Government to collect the last penny of the bounty or subsidy that it gave for the construction of those roads.

But, Mr. President, one swallow does not make a summer, nor does one example nor do two examples necessarily make the basis for legislation. I do not limit myself to the example between Indianapolis and Saint Louis as showing the wrong of the proposed rule. The cost of the Saint Louis bridge is no factor in the example I did make. Take the case of Independence, within ten miles of Kansas City, in the State of Missouri. Will the Senator say that a railroad company might not under some circumstances be entitled to charge more for taking a car-load of freight from New York to Independence than it charged for taking a car-load of the same kind of freight to Kansas City, ten miles farther from New York?

The car itself, after being unloaded at Independence, would probably have to be hauled empty to Kansas City. It would probably be sent from Saint Louis in a local train, which traveled only ten or twelve miles an hour, and would be required to stop at all the way stations for the purpose of depositing freight, unloading cars, setting cars out upon sidings, &c. It might cost two or three times as much money to take that car-load of freight from Saint Louis to Independence as to take it to Kansas City.

I do not say there are not abuses in the system as now carried on. No doubt there are, and the law should correct them. The case which the Senator from Kentucky cited of the haul from Omaha to Virginia City is probably one, and a gross one, but I am not willing myself to enter upon this general legislation for the purpose of correcting a single abuse. I believe the Senator from Kentucky cited also the case of the Standard Oil Company. I think that abuse is not alleged longer to exist, but whether it does or not, if it is an abuse and does still exist it is provided carefully for in the Senate bill. However, I am not discussing now the merits of the two bills. To take one case as a basis for legislation in regard to all the 125,000 miles of railroad transportation in this country, ten or twelve hundred different corporations, it is, it seems to me, an entirely insufficient basis for legislation of the drastic character that is proposed.

The power of Congress not only to fix the rate but to do so irrespective entirely of the cost can not be doubted. We may say also that if the companies do one man's business for nothing you shall not charge another man to make it up; and this would be just. But to make the inflexible rule which says that without reference to conditions, without reference to the character of the haul, with reference to nothing, the cost of railroads or anything else, you shall not charge for hauling four hundred and forty miles more than you do for four hundred and forty-one or four hundred and fifty is a measure that is entirely too sweeping, and one that in my judgment will accomplish nothing useful. There is no necessity for it. It is competent for Congress, and quite easy also, to ascertain the elements of cost in each case and adjust the price of carriage thereto. When we know the facts we can make discriminatinsc or other rates as we see fit. But we shall then be acting with knowledge and not taking a leap in the dark.

I repeat that the bill prohibits competition, and this entirely apart from the question of the posting of the schedules, for whether posted or not, schedules of rates must exist and goods must constantly be delivered under them. Any instantaneous change of rate would practically be impossible, and yet if a reduced rate is made at a competing point, all local rates for points nearer the terminal point must instantaneously be changed. All the freight which is being delivered, all the freight *en route*, must at once accommodate itself to the competing rates thus given, or the railroad company renders itself amenable to the punitive provisions of the bill. I say therefore the bill does prohibit both combinations and competition, and for my part I can not imagine a condition of business in which one or the other of those principles is not in operation.

It is not necessary that a power which exists should be exercised unwisely. The very magnitude of the case should be considered; the fact that we are entering now upon this legislation for the first time; that we must necessarily, in order to produce that perfect harmony which ought to exist and that absolute justice which is the function of the law, act in co-operation with the various States of the Union, in order that the through rates may be properly adjusted to the short haul, and the charges upon interstate commerce, added to those upon local business within the power of regulation by the States, may conjointly produce a fair return upon the capital invested and no more.

Mr. MCMILLAN. Mr. President, it seems to me that this principle would operate very injuriously upon the portions of country situated in the Mississippi Valley particularly, or the center of this continent. There the people must get their commodities to the seaboard east or west. In the city in which I live we are already importing teas through San Francisco to Saint Paul. We are transporting freights from Saint Paul to Portland and to the Pacific coast. The vast body of our freight is our material wealth transported from Saint Paul to the Atlantic seaboard, shipments to New York or to European ports.

If we should be compelled to follow the principle laid down in the bill it would deprive the portion of country situated in the Mississippi

Valley from the benefit of any competition at the terminal points on either coast. For instance, if we were shipping freights to New York where all the great trunk lines terminate and come in competition, we could have no benefit of a through-freight rate on either of those lines, because all the intermediate rates must be regulated by the terminal rates. The great trunk lines pass through different portions of the country. They pass through great cities where they do not come in competition, and they would be compelled to regulate their through freight by these intermediate rates. For example, freight carried from the Mississippi to Philadelphia would regulate the freight to New York, so that the through lines would give no benefit of competition at New York to the shippers from Saint Paul or Minneapolis, the great points for the shipment of the flour and wheat of the Northwestern country.

In addition to that, there is an element which puts us at a positive and irretrievable disadvantage. Very soon a transcontinental line of railroad will be completed from the waters of Lake Superior to the waters of Puget Sound entirely through British territory. The Canadian Pacific road is already constructed from the shore of Lake Superior to the Rocky Mountains, and it will be completed to Puget Sound—or to Georgian Bay, the head of it—within eighteen months, so that there will be a line of transportation wholly through British territory across this continent, and we shall have no control whatever of that line.

How are we to enter into competition with transportation upon the British line if we shall be limited by this provision in the bill? They strike our line of transportation on the great waters of the lakes. From New York goods can come to Lake Superior and take the Canadian Pacific road at its eastern terminus and go to the head of Puget Sound. They can regulate their own freights; they can carry freights both east and west; and we are not in a position to take any benefit of competition arising from that line. Coming in competition at the terminal points at both oceans, yet we can not reduce our rates for through carriage at either of those terminal points without regulating and conforming those through rates to whatever may be charged at the intermediate points. Trunk lines are built and running in connection with the Canadian Pacific road, coming down to the headwaters of the Mississippi at Saint Paul; so that in every direction we shall be brought in competition with that line over which we have no control and are put at a positive disadvantage. As has been suggested by the Senator from Indiana [Mr. HARRISON], the Grand Trunk road through Canada is already in competition with our transportation lines to the Atlantic coast.

This principle affords no benefit to the shipper. There is no regulation of a standard here by which freights shall be charged. The railroads can charge any unreasonable rates for any of the intermediate points. There is no standard laid down by which freights shall be regulated. They may charge an unreasonable rate for any intermediate point, and that is the standard and the limitation by which through freight is to be determined.

As I understand the bill, it would put us at a disadvantage which would destroy transportation from the center of the continent either east or west, while in the Cullom bill a standard is laid down and a supervision is provided for which would prevent unjust charges either on through freight or upon freight to intermediate points, and no transportation company is permitted to charge an unreasonable rate for any distance.

Mr. BECK. Before the Senator from Minnesota sits down I wish to say that he must be aware of the fact that neither the House bill nor any amendment proposed to it professes to limit the right of any railroad company to charge what it may see fit along the whole length of its line. The competition with the Canadian line may be sharp, and if they should have to reduce their rates they would have a perfect right to do that.

Mr. MCMILLAN. The Senator from Kentucky will observe the principle upon which the bill proceeds. Suppose freight is shipped from Saint Paul or Minneapolis to Portland, it there comes in competition with the carriage by the Canadian Pacific. Suppose that the rate at any intermediate point on the Northern Pacific road is greater than the Canadian Pacific sees proper to charge for its freight rate, then the Northern Pacific road must regulate its freight by its charge to intermediate points, and the Canadian Pacific may reduce it for the purpose of taking the freight and preventing the Northern Pacific from carrying any of the freight from Lake Superior or from any portion of the continent. The Canadian Pacific could compete successfully and prevent our road from carrying a pound of freight. The Senator from Kentucky is quite familiar with the location there and the interests which would be affected by such a provision if it were incorporated in the bill.

Mr. BECK. It was because I was afraid the Senator from Minnesota did not quite comprehend the meaning of the House bill and its amendment that I rose to make the suggestion I did. We do not pretend to limit the charge. We say, "If you haul half way you may charge as much as you do for the whole way, but you shall not charge more." Surely that is fair. There is another question I wish to make. No road can be seriously damaged by not taking the freight that it loses money on. Can it?

Mr. MCMILLAN. Yes, sir, it can.

Mr. BECK. It can?

Mr. MCMILLAN. It may, certainly. But the Senator from Kentucky will perceive that if the Northern Pacific Railroad were to carry freight to Wallula Junction at what would be a living rate, enabling the company to live and pay a fair interest upon its investment, the Canadian Pacific road could make its through rate to Puget Sound a much less rate than that for through freight, and the Northern Pacific road would be compelled to charge for its through freight whatever was charged to Wallula Junction, and it would be an utter destruction of all the transportation from the middle of the continent to either seaboard, I care not which.

So far as the State which I have the honor in part to represent is concerned the transportation of the Minnesota Valley is vitally interested. The interest there involved is the transportation of wheat and flour to the New York and Liverpool markets. The vast amount of freight shipped for these ports I can not at present state, but it is very large. Loads of flour go out daily from the mills at Minneapolis and the city in which I have the honor to live. It would be utter destruction to all those interests if a principle were adopted which would prevent us from having the benefit of the competition at the terminal point on the coast.

Mr. SHERMAN. I think I shall move that the Senate proceed to the consideration of executive business. I do not wish to interfere at all with the bill, but if we are to sit it out to-morrow we need not continue the session longer to-day. I hope we shall finish the bill to-morrow, and I shall stand by the Senator from Illinois to-morrow and stay as long as he asks us to do.

Mr. CULLOM. If the Senator will allow me, I will repeat what I said at the beginning of the discussion of the bill this afternoon, that if the bill should not be finished to-day I shall ask the friends of the bill to-morrow to remain here until the interstate commerce bill, or some bill on the subject, is passed by the Senate. I hope Senators will take notice, so that they may be prepared to come here and stay as long as may be necessary to-morrow.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 2, 1885.

The House met at 12 o'clock m. (Mr. BLACKBURN in the chair as Speaker *pro tempore*). Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCCORMICK, for to-day, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. BAYNE. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House papers in the case of F. A. M. Kreps, of Pittsburgh. These are papers relating to his enlistment and discharge and other papers connected with his military service.

Mr. RANDALL. To be withdrawn under the rule of the House.

The SPEAKER *pro tempore*. Certainly.

Mr. BAYNE. There is no adverse report in this case.

Mr. RANDALL. But it had better be done under the rules of the House, which prescribe the method.

Mr. BAYNE. Very well; there is no objection to that.

The SPEAKER *pro tempore*. Without objection, the request of the gentleman from Pennsylvania will be granted.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING, ALASKA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect relative to the fitting up of a Government building in Alaska for the use of the civil government; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. STEELE. Mr. Speaker, I ask unanimous consent, before the regular order is proceeded with to-day, to withdraw papers in the case of Jethro M. Boyd, now before the Committee on War Claims.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana that it is usual to file these requests in writing in order to prevent errors or mistakes. Without objection, the request of the gentleman from Indiana will be granted.

Mr. RANDALL. Under the rule.

The SPEAKER *pro tempore*. Of course, under the rule.

Mr. RANDALL. I make this statement for this reason that sometimes these papers are asked to be withdrawn when it is well understood that the claim will be reported upon adversely.

Mr. STEELE. In this case there is no such report; but a general bill has been passed covering the case, and it is only desired to withdraw these papers now in order that they may be properly referred to the Department under the general law.

Mr. RANDALL. But in all cases papers should only be withdrawn under the general rule.

The SPEAKER *pro tempore*. Without objection, the request of the gentleman from Indiana will be granted, the Chair requesting that he file his request in writing.

There was no objection, and it was ordered accordingly.

R. G. P. WHITE AND OTHERS.

Mr. BALLENTINE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 646, for the relief of R. G. P. White, Peter Hanger, and L. T. Green, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. R. G. P. White, of Pulaski, Tenn., the sum of $1,250; to Peter Hanger, of Little Rock, Ark., the sum of $20; and to L. T. Green, of Chattanooga, Tenn., the sum of $51; the said sums being for the rent of property belonging to them, respectively, and occupied by the United States under contract, and for which vouchers were given by the United States to them.

Mr. WELLER. I hope the gentleman will give a statement in regard to the thousand and some hundred dollars payment contemplated by this bill.

Mr. HOLMAN. Has this been reported by any committee of the House?

Mr. BALLENTINE. Yes, sir. It is reported unanimously from the Committee on War Claims, or rather I will say to the gentleman from Indiana that there is a bill precisely similar to this Senate bill on which a favorable report has been made.

Mr. HOLMAN. Will my friend from Tennessee send up the report accompanying the House bill and have it read?

Mr. BALLENTINE. Certainly; I will forward the report to the desk.

Mr. WELLER. I desire it to be understood that the right to object is not waived.

The SPEAKER *pro tempore*. The right of objection will be considered as reserved.

The report (by Mr. ROGERS, of Arkansas) was read, as follows:

That the facts in the case appear to be correctly set forth in a report of the Senate Committee on Claims, first session of Forty-eighth Congress. As the examination by your committee has led them substantially to the same results with those arrived at by the Senate committee, they do not think it necessary to recapitulate the facts, but refer to that report and herewith annex a copy for information.

Your committee recommend that the bill referred to them do pass.

The Committee on Claims, to whom was referred the bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green, having carefully considered the same, report as follows:

"R. G. P. WHITE.

"R. G. P. White was the owner of two two-story brick stores in Pulaski, Tenn., during the years 1862, 1863, and 1864. One of these buildings was occupied as a military post-office from the 15th of November, 1863, to the 16th day of November, 1864. The other store was occupied by Federal military authorities from the 15th day of November, 1863, to the 23d day of September, 1864. On the 30th day of August, 1865, Col. Elisha Mix, commanding, issued an order convening a board of officers at Pulaski 'for the purpose of assessing the rent of certain houses and public buildings in the possession of the military authorities of this place.' The board so appointed met, found the preceding statement as to occupancy, and stated the rent of both buildings for the time mentioned $1,250. Thereupon a voucher for that amount was issued to the claimant by M. O. Hall, lieutenant and quartermaster. The voucher was duly presented to the accounting officers, but was disallowed, being barred by the act of February 21, 1867.

"PETER HANGER.

"The claimant was the owner of a blacksmith-shop at Little Rock, Ark., which was occupied by United States troops from January 1, 1865, to February 28, 1865. A voucher was regularly issued to him for the sum of $20 for the rent of the said shop. Payment of this voucher was refused by the accounting officers on the ground that it was barred by the act of February 21, 1867.

"L. T. GREEN.

"The claim of L. T. Green is for the rent of a house of three rooms from August 1, 1865, to October 31, 1865, both days inclusive, at the rate of $15 per month, amounting to $45, and for the rent of one house of one room for three months at the rate of $2 per month, amounting to $6. Both houses were situated in Chattanooga, Tenn., and were occupied by the Federal forces. A voucher was issued by the proper officer. Payment was refused upon the same ground upon which the preceding cases were rejected.

"The committee, following the rule which it has always consistently followed, recommend the allowance of the claim and the passage of the bill, there having been a contract made in each case by competent authority."

Mr. HOLMAN. Mr. Speaker, I do not wish to raise any objection, but in order to enable the Committee on War Claims to examine further, I ask that by unanimous consent this matter be passed over until to-morrow morning after the reading of the Journal, and then be considered by the House.

Mr. BALLENTINE. I have no objection to that.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to appropriate committees. Under this call resolutions of State and Territorial Legislatures are in order for reference, and also resolutions of inquiry addressed to the heads of Executive Departments.

ISAAC STINNETT, SR.

Mr. PRYOR (by request) introduced a bill (H. R. 8147) for the relief of Isaac Stinnett, sr., of the county of Limestone, in the State of Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. BUDD submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Whereas it is alleged that the Secretary of the Treasury, under date of January 14, 1884, issued, as a circular to the collectors of customs, the following regulations and instructions among others:

"5. Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer, or, if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.

"6. Section 6 of the act of 1884 does not apply to Chinese persons other than laborers lawfully in the United States. Such persons are by treaty entitled 'to come and go of their own free will and accord,' and when they leave the United States are entitled to re-enter on any evidence satisfactory to the collector that they are not Chinese laborers.

"For the convenience of such persons and of the customs officers and others, such persons who may desire to depart from, and return to, the United States, may enter the United States on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by the collector of customs of the port of departure, which certificate may be *prima facie* evidence of a right to enter the United States.

* * * * * * *

"8. Chinese persons who may be compelled to touch at the ports of the United States in transit to foreign countries may be permitted to land under the regulations of January 23, 1883 (section 5544), so far as may be applicable, such persons to take passage by the next vessel leaving for their destination or the voyage of which may form part of the route necessary to carry them to their destination."

And whereas, if issued, such instructions and regulations are in violation of the act of July 5, 1884, relating to Chinese immigration, and are therefore a practical nullification of an act of Congress by one of the Executive Departments of this Government; and

Whereas Congress by the act of July 5, 1884, intended to, and did, by express terms prohibit all Chinese, whether laborers or merchants, former residents or new arrivals, from entering the United States of America without the certificate required by such act and issued by the officers and in the manner therein provided: Therefore,

Be it resolved, That the Secretary of the Treasury is hereby directed to report to this House, at the earliest possible date, what, if any, regulations and instructions relating to the rights of Chinese to enter the United States of America have been issued by the Treasury Department since July 5, 1884; under what law for the regulation or prohibition of the coming of Chinese to this country such regulations have been issued; and if any instruction has been issued that a United States consular officer might issue the certificate required by the act of July 5, 1884, to be issued by a foreign government, or if any other instructions or regulations such as above set forth have been issued, to specify under what section and clause of any law relating to the rights of the Chinese to enter the United States the same are authorized.

ACCOMMODATIONS OF CAPITOL.

Mr. ROSECRANS introduced a bill (H. R. 8148) to create a commission to devise plans for increasing the accommodations of the Capitol, &c.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REAPPROPRIATION OF UNEXPENDED BALANCE.

Mr. HENLEY introduced a bill (H. R. 8149) to reappropriate the unexpended balance of an appropriation made by former acts of Congress; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SURVEYOR-GENERAL'S RECORDS.

Mr. BISBEE introduced a bill (H. R. 8150) to authorize certified copies of the records of the office of surveyor-general of any State or Territory to be admitted in evidence; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES JOHNSON.

Mr. STEELE introduced a bill (H. R. 8151) for the relief of James Johnson, late of Company I, One hundred and first Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. FARNSWORTH.

Mr. SHIVELY introduced a bill (H. R. 8152) for the relief of William D. Farnsworth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISONERS IN CONFEDERATE PRISONS.

Mr. SHIVELY also presented concurrent resolutions of the General Assembly of the State of Indiana, requesting its representatives in Congress to favor the passage of House bill No. 420, providing for the granting of pensions to prisoners of war who were confined in confederate prisons during the late war; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

PURITY OF ELECTIONS.

Mr. HOLMAN (by request) introduced a bill (H. R. 8153) to maintain the purity of the ballot-box, prevent bribery and corruption in elections, and punish perjury for violations of its provisions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK LOUSTER.

Mr. STOCKSLAGER (by request) introduced a bill (H. R. 8154) granting a pension to Frederick Louster; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ADDIE L. MOORE.

Mr. HOLMES introduced a bill (H. R. 8155) granting a pension to Addie L. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CLARK.

Mr. TALBOTT introduced a bill (H. R. 8156) for the relief of James Clark, late a private in Company C, First Maryland Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK LOWNDES.

Mr. HOUSEMAN introduced a bill (H. R. 8157) granting an increase of pension to Frederick Lowndes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. WASHINGTON.

Mr. ELDREDGE introduced a joint resolution (H. Res. 324) referring the title of Mary A. Washington to property referred to in the case in 94 United States Reports, page 716, to the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KATE M. MACOMBER.

Mr. MORGAN introduced a bill (H. R. 8158) granting an increase of pension to Kate M. Macomber; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DEPUTY MARSHALS AND SUPERVISORS OF ELECTIONS.

Mr. DOCKERY submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Secretary of the Treasury be directed to inform the House of Representatives what has been the total amount of expenses incurred under the law providing for the appointment of deputy marshals, chief supervisors, and supervisors of elections, and in what States the money has been expended; showing the separate amounts expended in each State, and also the accounts for such services which remain unadjusted.

SIMMONS W. HARDEN.

Mr. WEAVER introduced a bill (H. R. 8159) granting a pension to Simmons W. Harden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK A. LEONING.

Mr. WEAVER also introduced a bill (H. R. 8160) granting a pension to Frederick A. Leoning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANIMAL INDUSTRY LAW.

Mr. WEAVER also presented resolutions of the house of representatives of Nebraska, asking Congress to amend the animal-industry law, as recommended by national cattle-growing associations; which were referred to the Committee on Agriculture.

Mr. CASSIDY introduced a bill (H. R. 8161) granting all United States lands, excepting mineral lands, in Nevada to the State of Nevada for irrigating purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SECTION 4244 OF REVISED STATUTES.

Mr. FERRELL introduced a bill (H. R. 8162) to amend section 4244 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SPECIAL AGENTS IN TREASURY DEPARTMENT.

Mr. MCADOO submitted the following resolution of inquiry; which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of the names of the persons who were borne on the rolls of the Department as special agents on the 1st day of November, 1884; also, a list of those on said rolls as such special agents on the 2d day of February, 1885; said lists to include the names of those borne on what is known as the fraud-rolls of said Department. Also to specify the names of those removed or discharged between said dates, and the cause or causes of said removal or discharge; also the names of those discharged and reinstated between said dates, and the reasons for their reinstatement.

The SPEAKER *pro tempore*. The resolution will be referred to the Committee on Expenditures in the Treasury Department.

Mr. MCADOO. I would like to have it referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. In the absence of objection, the resolution will be referred to the Committee on Appropriations.

There was no objection.

DYNAMITE IN LONDON.

Mr. BELMONT offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested to forthwith inform the House, provided such communication be not deemed incompatible with the public interest, whether or not any representations have been either formally or informally made to this Government by the British Government growing out of the use of dynamite in London. If such representations have been made in writing, then to transmit to the House complete copies of all communications that have passed between the two governments on the subject; but if the representations or communications have been verbal, then a statement of their tenor and purport.

THE CONGO CONFERENCE.

Mr. BELMONT also offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be requested, if not incompatible with the public interest, to cause the originals or copies of all communications which have been received respecting the Congo conference, and especially copies of the text of the commissions or powers sent by the Government to each of the three American plenipotentiaries or agents, to be immediately transmitted to the House.

ANNIE BAGLEY.

Mr. JAMES introduced a bill (H. R. 8163) for the relief of Annie Bagley, widow of Robert Francis Bagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS IN SAGINAW BAY.

Mr. GREENLEAF introduced a bill (H. R. 8164) to confirm the title to certain lands in the Saginaw Bay, in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL LIEUTENANTS.

Mr. SLOCUM introduced a bill (H. R. 8165) authorizing the attachment to the Army as additional lieutenants of graduates of the Military Academy in cases where no vacancy exists; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CENSUS BUREAU.

Mr. COX, of New York, introduced a joint resolution (H. Res. 325) abolishing the Census Bureau; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEDICATION OF WASHINGTON MONUMENT.

Mr. COX, of North Carolina, introduced a joint resolution (H. Res. 326) to provide suitable accommodations for the public at the dedication ceremonies of Washington Monument; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ADJUSTMENT OF ACCOUNTS.

Mr. KEIFER presented a joint resolution of the General Assembly of the State of Ohio, requesting the passage of House bill No. 110 to authorize the adjustment of accounts between the United States, the several States and Territories, and the District of Columbia; which was referred to the Committee on Claims.

PURCHASE OF PORTRAITS.

Mr. JORDAN introduced a bill (H. R. 8166) to authorize the purchase of certain portraits to replace those presented by the French Government and destroyed in the burning of the Capitol in 1814; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

TRADE-DOLLARS.

Mr. ERMENTROUT presented a joint resolution of the Legislature of Pennsylvania, requesting the repeal of the act of July 22, 1876, abrogating the legal-tender quality of the trade-dollar; which was referred to the Committee on Banking and Currency.

FOREIGN CONTRACT LABOR.

Mr. ERMENTROUT also presented a joint resolution of the Legislature of Pennsylvania, asking for the passage of the foreign-contract-labor bill; which was referred to the Committee on Labor.

Mr. A. HERR SMITH presented a resolution of the Legislature of Pennsylvania, in favor of the passage of the bill known as the foreign-contract-labor bill; which was referred to the Committee on Labor.

THE TRADE-DOLLAR.

Mr. A. HERR SMITH also presented a resolution of the Legislature of Pennsylvania, urging the repeal of the act of Congress of July 22, 1876, repealing the legal-tender quality of the trade-dollar; which was referred to the Committee on Coinage, Weights, and Measures.

EXEMPTION FROM TAXATION.

Mr. ATKINSON introduced a bill (H. R. 8167) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

J. D. BOND.

Mr. McMILLIN introduced a bill (H. R. 8168) for the relief of J. D. Bond and brother, of Wilson County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MECHANICS' LIEN IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 8169) to amend the law concerning mechanics' liens in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

THE SIGNAL SERVICE.

Mr. CABELL introduced a bill (H. R. 8170) for extending the benefits of the Signal Service to the farmers of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

THEOPHILUS J. COCKE.

Mr. CABELL also introduced a bill (H. R. 8171) for the relief of Theophilus J. Cocke, late a private in Company C, Fourth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. COE.

Mr. RAYMOND introduced a bill (H. R. 8172) granting a pension to Samuel B. Coe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROBATE COURTS IN DAKOTA.

Mr RAYMOND also introduced a bill (H. R. 8173) to increase the jurisdiction of probate courts of Dakota Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The States and Territories have all been called, but with the consent of the House the Chair will recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their States were called.

LAND GRANT OF NORTHERN PACIFIC RAILROAD.

Mr. GEORGE presented a joint memorial of the Legislative Assembly of the State of Oregon, for the forfeiture of the unearned portions of the land grant of the Northern Pacific Railroad in Oregon and west of Walula, in Washington Territory; which was referred to the Committee on Public Lands.

UMATILLA RESERVATION.

Mr. GEORGE also presented a joint memorial of the Legislative Assembly of the State of Oregon, for the opening of the Umatilla reservation; which was referred to the Committee on Indian Affairs.

LAKE SUPERIOR SHIP-CANAL, ETC.

Mr. LACEY presented a resolution of the Legislature of the State of Michigan, requesting legislation by Congress for acquiring the rights of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship-Canal and Railroad Company, &c., for the purpose of promoting the commerce of the lakes and securing a harbor of refuge on Lake Superior; which was referred to the Committee on Commerce.

IMPORTATION OF CONTRACT LABOR.

Mr. LACEY also presented a joint resolution of the Legislature of the State of Michigan, in favor of the passage of House bill 2550 to prohibit the importation of contract labor; which was referred to the Committee on Labor.

The SPEAKER *pro tempore*. The call of States and Territories has now been completed.

ORDER OF BUSINESS.

Mr. SPRINGER. I desire to move to suspend the rules to pass the bill which I send to the desk.

Mr. BAYNE. I desire to call the attention of the Chair to the fact that on the first Monday of last month a motion was made to suspend the rules and pass the bill H. R. 1339. The bill was then read, and is now before the House.

The SPEAKER *pro tempore*. As the Chair understands, the Journal and RECORD fail to show that the previous question was applied to the bill referred to; and the gentleman from Pennsylvania [Mr. BAYNE] has now, in the judgment of the Chair, no superior advantage.

Mr. BAYNE. Mr. Speaker, I was recognized by the Chair and the bill was read. It now comes up, as I understand, as unfinished business.

The SPEAKER *pro tempore*. The Chair does not so regard it. The gentleman from Illinois has been recognized.

Mr. SPRINGER. I have sent to the Clerk's desk a Senate bill (S. 674), now on the Speaker's table; and my motion is to suspend the rules in order to take that bill from the Speaker's table and pass it.

Mr. RANDALL. I do not understand that the suspension of the rules to-day prevents me from calling up as a privileged matter the report from the Committee on Rules providing for an amendment of the rules of the House.

The SPEAKER *pro tempore*. The Chair thinks it would be competent for the gentleman to call up the report to which he refers.

Mr. RANDALL. Then I ask that the report be read.

The SPEAKER *pro tempore*. The Chair will state, however, to the gentleman from Pennsylvania, that in the judgment of the Chair that report would be subject to the question of consideration, to be determined by the House.

Mr. RANDALL. Of course; I understand that.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania move to take up that report from the Committee on Rules?

Mr. RANDALL. I ask to take up the resolution providing for a change of the rules, as reported by the Committee on Rules.

Mr. SPRINGER. I am willing to give way for that.

Mr. RANDALL. I do not think it will take a great while.

Mr. SPRINGER. I am willing to withhold my right and give way for the consideration of that report, as it is very important, provided it does not prejudice my right to the floor afterward.

The SPEAKER *pro tempore*. The gentleman from Illinois withdraws his motion; and the gentleman from Pennsylvania now calls up the report from the Committee on Rules.

Mr. THOMPSON. I would like to make a parliamentary inquiry. When the gentleman from Illinois has the floor under the rules upon a motion to suspend the rules and pass a bill, what right has he to give up the floor to any one else?

The SPEAKER *pro tempore*. The Chair will state that upon the request of the gentleman from Pennsylvania the gentleman from Illinois withdrew his motion; and the gentleman from Pennsylvania rose to call up a privileged report.

Mr. THOMPSON. Has the gentleman from Illinois the right to give way and afterward claim the floor again?

The SPEAKER *pro tempore*. The Chair did not understand that the gentleman reserved any rights at all. The gentleman from Illinois withdrew his motion, and the gentleman from Pennsylvania called up the privileged report.

Mr. SPRINGER. I distinctly stated that I yielded the floor for the purpose only of accommodating the House on this very important question.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois. The gentleman from Pennsylvania calls up a privileged report of the Committee on Rules, which the Clerk will read.

Mr. THOMPSON. Now, Mr. Speaker, I do not understand that the gentleman from Pennsylvania is seeking to oppose other gentlemen who have meritorious measures they desire to bring up to-day.

A MEMBER. Let the report of the Committee on Rules be read.

The SPEAKER *pro tempore*. The Chair has so directed.

Mr. THOMPSON. I desire to make a parliamentary inquiry, if the Chair will indulge me a moment.

The SPEAKER *pro tempore*. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON. I desire to know whether it is in the power of other gentlemen of the House in this list to-day to suspend the rules and antagonize the motion made by the gentleman from Pennsylvania?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that he has no information as to any list at all.

Mr. THOMPSON. Is it in order now for me to make a motion to suspend the rules?

The SPEAKER *pro tempore*. It is not.

Mr. THOMPSON. It is not in order for me under the rules of the House to make a motion to suspend the rules?

The SPEAKER *pro tempore*. It is not. The gentleman rose to state a parliamentary inquiry and not to make a motion. The gentleman from Pennsylvania [Mr. RANDALL] was in possession of the floor and has asked to call up a privileged report from the Committee on Rules.

Mr. THOMPSON. It is not privileged against a motion to suspend the rules.

The SPEAKER *pro tempore*. Under the rules and chain of decisions a report made from the Committee on Rules regulating the order of business in the House is a privileged report, and the gentleman from Pennsylvania [Mr. RANDALL] has called up that report.

Mr. BAYNE. But, Mr. Speaker, I desire to rise to a point of order.

The SPEAKER *pro tempore*. The Chair desires to have order in the House so that it may be able to hear the point of order raised by the gentleman from Pennsylvania.

Mr. BAYNE. I desire to raise the point that the Chair can not entertain at this time any other motion than that relating to the unfinished business.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. BAYNE. I make the point of order against any other proposition than that involved in House bill 1339, to increase the appropriation for the erection of a public building at Pittsburgh, Pa., and I wish to state the facts to the Chair. On the first Monday of last month——

Mr. RANDALL. I object to time being taken up in this way.

The SPEAKER *pro tempore*. The gentleman is entitled to be heard on his point of order.

Mr. BAYNE. On the first Monday of last month I rose in my place and was recognized by the Chair to make a motion to suspend the rules and pass the bill 1339 to increase the appropriation for the erection of a public building at Pittsburgh, Pa. The bill was read, and was therefore before the House. To have made a motion for the previous question would have been out of order, because the motion contemplated by a suspension of the rules did not require any ordering of the previous question. The call of the previous question was subordinated, as were all the other rules of the House, to the motion I then made to suspend the rules and pass the bill. Under the rules of this House on the first Monday of each month a motion is in order for suspension of the rules of this House. On the first Monday of each month a motion is in order for suspension of the rules by any member recognized by the Chair. It is within the discretion of the Chair to recognize any gentleman on the floor he may see fit; and I contend that the recognition having once been made and the subject-matter of that recognition having been before the House, no other business can interpose before the disposition of that motion on the next day in which such business is in order, and I ask for the ruling of the Chair on that point.

Mr. HOPKINS. Allow me also to call the attention of the Chair to the ruling made on the same point by the Speaker of the House in the case of the Keokuk bill at the last session of Congress. The bill had been read under a motion for a suspension of the rules when the motion to adjourn prevailed. On the following day for motions which involved suspension of the rules the Chair ruled that the Keokuk bill came up as the unfinished business.

The SPEAKER *pro tempore*. Reference to the RECORD shows the statement of the gentleman from Pennsylvania on the ruling of the Chair is altogether accurate. The House did adjourn pending the motion the gentleman made, and it was the gentleman's right this morning to call it up. The previous question had not been called, but the motion was pending when the House adjourned, and it was the right of the gentleman from Pennsylvania to call it up as the first business in order when the hour arrived for motions to suspend the rules.

Mr. COX, of New York. There was no previous question.

The SPEAKER. It has not been called.

Mr. COX, of New York. It could not be called on a motion to suspend the rules.

The SPEAKER *pro tempore*. Of course not. It was the gentleman's right to call it up, but the gentleman did not.

Mr. BAYNE. I beg to say——

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] took the floor.

Mr. BAYNE. I beg to say to the Chair that the moment, the very moment, the Chair announced the call of States and Territories for the introduction of bills had ceased I rose in my place and addressed the Chair.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman from Pennsylvania as conclusive, and states to the House that under the rule the gentleman was entitled as the first in order to complete the unfinished business of the day to which he has referred. It was the gentleman's right, and it was the fault or oversight of the Chair it failed to find the gentleman asserting his rights. The gentleman's point of order is well taken, and the bill to which he refers is first in order, and in the judgment of the Chair is fairly now to be considered.

Mr. BAYNE. I ask for its consideration.

Mr. RANDALL. I ask whether my recognition will come in immediately after the consideration of that subject which seems to have in the judgment of the Chair—and properly, no doubt—precedence?

The SPEAKER *pro tempore*. The Chair will answer and say yes. The Chair now recognizes the gentleman to call up the unfinished business.

PUBLIC BUILDING, PITTSBURGH, PA.

Mr. BAYNE. Mr. Speaker, I call up the unfinished business of to-day.

The SPEAKER *pro tempore*. The unfinished business coming over to-day is the motion of the gentleman from Pennsylvania [Mr. BAYNE] to suspend the rules and pass the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.

Mr. BAYNE. I ask that the bill be again read.

The bill was read, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Pittsburgh, Pa., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. THOMPSON. I ask for a second to the motion of the gentleman to suspend the rules.

Mr. BAYNE. I ask by unanimous consent that the second be considered as ordered.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. Under the rule thirty minutes is allowed for debate, fifteen minutes on one side and fifteen minutes on the other. The Chair will first recognize the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I will occupy but five minutes of the time allowed to me under the rule in explanation of this matter as well as I can, and then yield the remainder of the fifteen minutes to my colleague from Pennsylvania [Mr. HOPKINS], through whose energy and attention this measure has been reported from the committee, and whose report fully sets forth the facts which justify the passage of the bill.

A site was purchased at Pittsburgh in 1871 or 1872, at a cost of about $350,000, by the Government for the erection of a public building in that city. The Government appropriated $300,000 for that purpose, and the citizens of Pittsburgh made up about $50,000, the remainder of the amount then deemed to be requisite. In the last Congress a bill was passed authorizing the construction of a building at a cost of $750,000; but upon an examination of the plans proposed it was found that that building would be wholly inadequate to answer the purposes of the immense business connected with the Government offices in that district. There are, Mr. Speaker, in that district thirty-two counties; there are two courts held almost regularly within the district—the United States circuit and district courts. The population of Allegheny County is about 400,000, and the population of the cities of Pittsburgh and Allegheny, with the surrounding boroughs, will reach in the neighborhood of 300,000. The amount of internal revenue collected at Pittsburgh since the internal-revenue act went into force amounts to more than $100,000,000. The amount collected in the cities of Allegheny and Pittsburgh in 1883 was $2,738,790, while the amount derived from the post-office reached $344,000.

The number of Government officials in that county is about from two hundred and fifty to two hundred and seventy-five. There are first the United States courts, district and circuit courts, which, as I have said, are held almost continuously; there is in that district the twenty-second internal-revenue office and also the twenty-third internal-revenue office, as well as the pension office, and the post-office, being one of the largest in the country. I believe it is the fourth or fifth, in amount of revenue derived from it, of the post-offices of the whole country.

The work has been in part completed, but when it was found that the building to be put up with a limitation of $750,000 would be wholly and entirely inadequate to the wants of the community, the Chamber of Commerce of Pittsburgh passed a resolution asking for the suspension of the work on the existing plans until a larger limit should be obtained and a more suitable building erected by authority of Congress in order to give larger facilities to the business wants of that community. A delegation came here which presented the facts to the Secretary of the Treasury, who caused a stoppage of the work until Congress might consider and take appropriate action upon this question.

That is the state of affairs at Pittsburgh; and I yield now the remainder of the time to my colleague [Mr. HOPKINS].

Mr. REAGAN. Before the gentleman from Pennsylvania sits down will he allow a question?

Mr. BAYNE. Certainly.

Mr. REAGAN. I desire to ask if the gentleman thinks it right to appropriate a million and a quarter of dollars for the construction of a court-house at Pittsburgh and refuse three-quarters of a million to provide adequate commerce for a country half as large as the original thirteen States?

Mr. BAYNE. In reply to the gentleman from Texas I will state that if you give me equal assurances that an appropriation of $750,000 for Galveston Harbor will result as surely to the advantage of the United States and its people as that this increase of appropriation will be of advantage to the Government as well as to the city of Pittsburgh and the surrounding country, and that it will result in a tangible, substantial good for the interest of the public, I will vote for your appropriation in one minute. I harbor no feeling whatever toward Galveston or its people except that there shall be success in whatever works are undertaken for the improvement of that harbor and that will be for the interest of the people. I have never introduced throughout my eight years of service in this House the sectional issue once upon this floor. I have never raised my voice in that direction, and no man can point to a word or syllable in the RECORD that will indicate that I have ever done so. I want Galveston and the city of Pittsburgh and all other points in this great country to be benefited by any measure that comes before Congress, but I want all such measures to stand upon their own footing, and go through if right, and be voted down if wrong.

Mr. THOMPSON. I would like to ask the gentleman from Pennsylvania, if I can get his attention, whether or not the appropriation that is now asked is going to complete this building, or if there is any assurance from any quarter that it will complete it?

Mr. BAYNE. Yes, sir.

Mr. THOMPSON. Have the plans been altered to conform to the increased size of the building?

Mr. BAYNE. Yes, sir.

I will say that my colleague [Mr. HOPKINS] can inform the gentleman from Kentucky more briefly on this point than I can, since he is thoroughly familiar with the subject.

Mr. THOMPSON. I was simply asking for information, and if the gentleman's colleague can give it, it will be satisfactory to me to have him answer the question now.

Mr. HOPKINS. I had intended to reserve the time to reply to any gentleman who might find fault with or feel disposed, if there are any such, to oppose the bill; but I shall be glad to answer any question I can.

In reply to the gentleman from Kentucky, I have here a letter from the Supervising Architect of the Treasury, which I ask to have read from the Clerk's desk, and which will answer the question of the gentleman completely.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
January 30, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, asking that at my earliest convenience I give you an estimate of the probable cost of the construction at Pittsburgh, Pa., of a building suitable to the needs of the community and adapted to the necessities of the public business.

In view of the information furnished me to-day as to the needs of the various public offices to be accommodated, I am satisfied the amount specified in bill H. R. 1339, increasing the limit of the cost of the building, namely, $1,500,000, will be required for the construction of a suitable building for the accommodation of all the public offices, and judging from the proposals received for the stone work for a portion of the building, the work can be entirely completed within that sum.

Very respectfully,

M. E. BELL, *Supervising Architect.*

Hon. JAMES H. HOPKINS,
House of Representatives, Washington, D. C.

Mr. HOPKINS. Now, Mr. Speaker, that answers the question as to whether this appropriation is needed, and whether it is sufficient to complete the building. The Supervising Architect answers the building can not be completed for less than that, and that it can be completed for that amount.

Mr. CURTIN. I ask my colleague how long will it take to complete it?

Mr. HOPKINS. The length of time will depend very much on the energy applied and the amount of money appropriated each year. There is now an unexpended balance of the former appropriation. This is simply to enlarge the limit so that the building can be erected according to the plans. We are not asking for a dollar of appropriation during the present Congress. There is an unexpended balance of a former appropriation, which I think is ample to run the work during the current year.

Mr. REAGAN. I desire to ask a question for information. I understand the gentleman's colleague to say that a million and a quarter was desired. I see the estimate is a million and a half.

Mr. HOPKINS. A million and a half is the limit fixed by the bill. I want to call the attention of the House to two or three points illustrating the amount of business done in Pittsburgh for the Federal Government. There are received from duties upon imports at Pittsburgh alone about half a million dollars a year; and in the internal-revenue district at Pittsburgh alone there are $2,000,000 of receipts. My colleague referred to the fact that the courts of the western district of Pennsylvania embraced nearly two-thirds of the entire State; and hence it is that the business of the Federal courts at Pittsburgh surpasses that at Philadelphia. There is an average of three hundred and ninety-seven cases tried in the circuit court at Pittsburgh per annum. The district and circuit courts hold there their regular terms and special terms; so that one or other of those courts is in session one-half the year, sometimes both in session at the same time; thus requiring not only two court-rooms, but requiring facilities far beyond what is provided by the plan of construction if the present limit is not enlarged, which would simply give a little more space than that now provided for the use of the Federal Government.

At present three of the large offices of the Federal Government have to occupy rented houses. The custom-house, pension office—and, by the way, there are $3,000,000 paid in pensions, the number of pensioners on the rolls being 16,000—the custom-house, the pension office, and the internal revenue all occupy rented houses because of the insufficient capacity of the present structure; and if the new building is erected on the modified plan they will still be cramped for space and still require to rent other buildings, and it will be a matter of no benefit to the community and no advantage to the public service.

Now, Mr. Speaker, at the present time the thousands of idle workmen in Pittsburgh demand that the Government should do something toward giving them employment; not for the sake of charity, not for the sake of benefiting idle labor alone, but because the Government needs this structure and can be benefited itself at the same time that it confers a blessing on the workingmen.

The statistics, I believe, were referred to, although I could not hear all the remarks of my colleague in regard to the internal revenue of the various districts that are embraced in the western district of Pennsylvania, each of which has its separate internal-revenue office, all of which have their judicial business transacted at Pittsburgh when they have cases to try in the Federal courts. Let me allude to one other fact, that the county of Allegheny is now erecting a court-house of its own.

Mr. HOLMAN. I hope it will be understood by the Chair that all the time is not to be consumed by the gentleman from Pennsylvania [Mr. HOPKINS] on behalf of the bill.

The SPEAKER *pro tempore*. The gentleman has two minutes of his time remaining.

Mr. BAYNE. Will my colleague yield to me for a question?

Mr. HOPKINS. Certainly.

Mr. BAYNE. Was not this bill unanimously reported by the Committee on Public Buildings and Grounds, and further, has it not been favorably reported by the Committee of the Whole House on the state of the Union?

Mr. HOPKINS. The bill was fully discussed by the Committee of the Whole House on the state of the Union, and was favorably recommended by a vote of 141 to 31.

I was about to call attention to another fact: that the county of Allegheny is now erecting a court-house of its own at a cost of $2,500,000. Now, surely the great Government of the United States can afford to expend one million and a half. Surely the magnitude of its business and its dignity and its wealth and its power would justify an expenditure of two-thirds of the amount that the county of Allegheny is expending for the accommodation of its public business. The proportion would justify the erection of a building at a much greater cost than that asked for by the pending bill.

If I have any time remaining I reserve it.

The SPEAKER *pro tempore*. The fifteen minutes allowed for the affirmative side have expired.

Mr. THOMPSON. I yield to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. It has seemed to me, all along, that the amount recommended for the increase of this public building is excessive; and I have been unable to see in the discussion that has gone on, either to-day or in the Committee of the Whole, an adequate reason for the increase recommended. I rise, however, more particularly to protest against one argument that the gentleman from Pennsylvania [Mr. HOPKINS] has urged in behalf of making an increased appropriation; and that is that the Government of the United States owes it to its citizens to do so because many of them are out of employment and need the work.

Mr. HOPKINS. The gentleman misunderstood me if he supposed that I stated that as a reason why the work should be done. I spoke of it as an incident.

Mr. MCMILLIN. Well, whether it comes in incidentally or directly, it seems to me that it is not an adequate or proper reason; and, with all due deference to my friend from Pennsylvania [Mr. HOPKINS], who is remarkable for his accuracy, I do not think that it enters as a legitimate consideration into legislation providing for a public building. The very same reason can be urged for a public building in every town and hamlet in the United States, for distress is not only widespread but almost universal. We have undertaken to do so much for the laboring man by legislation that we have well-nigh by legislation crushed him to the earth. Strikes are prevailing everywhere. Stringency is characteristic of every community in the land, and the United States Government can not by making appropriations directly or indirectly from the public Treasury relieve that state of things. The best way to help the laborer is to take some of the taxes off of him. The true theory, the real duty of Government, as I conceive it, is to protect the citizen in life, liberty, and pursuit of happiness; and beyond that let him work out his own salvation. After Government has performed that duty, then, if legislation will only keep its heavy hands off the workingman, he will do better than he will if the Congress of the United States attempts to keep him on stilts. Beyond this; the less man is governed the better he is governed.

I have said this much, Mr. Speaker, because I have thought it proper to protest against the excessive appropriation that is recommended in this bill, not with any hope that it will be defeated. A half million, a million, or five millions, or ten or twenty millions seem to make but little impression here, and if all the recommendations for appropriations that come before us are adopted we shall soon have no surplus in the Treasury to be held up as a tempting bait for legislation of this kind.

Mr. BAYNE. Will the gentleman yield to me a moment?

Mr. MCMILLIN. Certainly.

Mr. BAYNE. If the gentleman were convinced that it would require every dollar of this $1,500,000—every dollar up to the limitation in this bill—to accommodate the immediate necessities of Pittsburgh and the western district of Pennsylvania, the Government having already expended on this building upward of $200,000—would he refuse to appropriate the sum required to give the necessary accommodations to the business of that district?

Mr. MCMILLIN. I would not, of course, hesitate to make any such necessary appropriation.

Mr. BAYNE. Then I assure my friend from Tennessee, with full knowledge, that those are the facts, and that not one dollar less than this amount will give adequate accommodation for the present business of that district.

And I assure my friend of another fact: that the United States circuit court is held now in a small room; and I call upon my colleague [Mr. BOYLE], who practices frequently before that court, to state whether he has not had to go into a private chamber to attend sessions of that court in cases involving hundreds of thousands of dollars?

Mr. MCMILLIN. But the gentleman forgets the fact that the court will no longer be held in that kind of a place after we have spent even the $750,000 in the erection of a public building.

Mr. BAYNE. Yes; it will.

Mr. MCMILLIN. Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. BAYNE] has asked his question and I have answered it. I state further that in legislating here I hope I have the spirit to meet every exigency that may arise, and to vote for whatever appropriations are really necessary for the public service, but do not want to vote for a dollar more than is essential to good government. Amounts do not startle me when there is no question about the propriety of the appropriation. But now I want to ask my friend from Pennsylvania [Mr. BAYNE] a question: You came here one or two years ago and asked for an appropriation of $750,000. How is it that your demand has doubled in one short year?

Mr. BAYNE. I will answer the question. It is because after the bill was introduced and the plans of the Supervising Architect were made it was found that a building could not be put up for the amount of money appropriated that would accommodate the business of that district.

Mr. MCMILLIN. The Supervising Architect ought to have known what he was doing when the first appropriation was asked for, if he was the one who first made the estimates. You came here and asked for $750,000 and got it, and now you come and seek to double the amount. The custom of getting a building begun on a small basis and increasing the appropriation afterward is entirely too common.

Mr. BAYNE. There is another thing I want to say to the gentleman, if he will yield to me a moment.

Mr. MCMILLIN. My time has expired, or I should be very glad to yield further to my friend from Pennsylvania.

The SPEAKER *pro tempore*. The time of the gentleman from Tennessee [Mr. MCMILLIN] has expired, and the gentleman from Kentucky [Mr. THOMPSON] is entitled to the floor.

Mr. THOMPSON. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, if I understand this question correctly. $300,000 was expended for the purchase of the site for this building, I ask my friend from Pennsylvania [Mr. HOPKINS] to tell me whether I am correct in that?

Mr. HOPKINS. Three hundred and fifty-one thousand dollars was expended for the site; of which the Government paid $300,000 and the citizens of Pittsburgh the remainder.

Mr. HOLMAN. So the Government has paid $300,000 for the site of this building, and the limit of cost is therefore now over a million, including the cost of the site. There was $800,000 appropriated for the building prior to December, 1884, and in addition to that $300,000 for the site.

Mr. RANDALL. Not in addition.

Mr. HOPKINS. No, not in addition to the amount for the site.

Mr. HOLMAN. That is to say, the whole amount authorized up to this time for site and building is $1,051,000.

Mr. RANDALL. That is the limit, but only $800,000 has been appropriated.

Mr. HOLMAN. But the limit now for the building and the site together is $1,051,000?

Mr. RANDALL. That is right.

Mr. HOLMAN. And now it is proposed to extend that limit to $1,500,000.

Mr. REAGAN. I think the gentleman from Indiana has got that wrong. According to the statement made here, as I understand it, there has been about $350,000 appropriated, and this bill appropriates one million more.

Mr. HOLMAN. This bill increases the limit for the building alone from $750,000 to $1,500,000. In addition to the site, the building is to cost $1,500,000, and the cost of the site is $300,000, making the whole cost to the Government $1,800,000. That is the proposition.

Mr. BAYNE. That is not the proposition.

Mr. HOLMAN. That is it, as I understand it.

Mr. BAYNE. If the gentleman from Indiana [Mr. HOLMAN] will allow me to make a suggestion, I will inform him that when they dug out the foundations for this building they found that there was a leak and the water ran in, and they had to put in a concrete foundation, which necessitated the expenditure of an additional seventy or eighty thousand dollars—money that was not expected to be expended at all.

Mr. HOLMAN. I understand that to be the fact, but now, instead of that $70,000 or $80,000 being asked for, it is proposed to appropriate $750,000. [Laughter.] If the gentleman will amend his bill so as to appropriate merely the amount of that additional expense, resulting from an unforeseen cause, I will vote with him; but to appropriate $750,000 additional on the ground that a mistake was made of $70,000 or $80,000 in the original estimate is hardly reasonable.

Mr. YOUNG. Will the gentleman from Indiana [Mr. HOLMAN] yield for a question?

Mr. HOLMAN. I have only three minutes altogether.

Mr. YOUNG. I wont take this out of your time. [Laughter.] My question is this: If the gentleman from Indiana [Mr. HOLMAN] thinks that $400,000 is only a sufficient and reasonable appropriation for a public building in a town of 30,000 inhabitants, Evansville, in his own State, does he think that $1,500,000 is too large a sum for a public building in a city of 400,000 inhabitants?

Mr. HOLMAN. The State-house of the State of Indiana, now in progress of construction and approaching completion, one of the finest buildings in the great West, is to cost but $2,000,000, and I am quite sure that it will cost nothing beyond that—a State-house in a great city, the capital of a great State. But here, after obtaining authority for an expenditure to the amount of $1,051,000 for a site and a public building for Government offices in a city of the magnitude of Pittsburgh, it is proposed to run up the limit to $1,500,000 for the building. The main trouble about these appropriations for public buildings is their extravagance; that is what excites the indignation of our people—the extravagance of these appropriations and the way in which they are made, placing Congress at the mercy of your Supervising Architect.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. THOMPSON. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. Seven minutes.

Mr. THOMPSON. Mr. Speaker, when I called for a second on this motion it was in order that the House might be informed as to the condition of the building for which this appropriation is now asked. I do not know that I am competent to pass upon the question whether any further expenditure of money upon this particular building ought to be made, as proposed by this bill; but, Mr. Speaker, we have seen heretofore in reference to various public buildings which have been undertaken that a great amount of extravagance has crept in, especially where by subsequent legislation the expenditure has been enlarged beyond that fixed in the original bill. My friend from Tennessee [Mr. MCMILLIN] has called the attention of the House and of the gentleman from Indiana [Mr. HOLMAN] to the bill for the construction of a public building at Evansville, Ind., $462,000 having been spent to erect there a building to be used for custom-house purposes, when not one dollar of customs revenue has ever been collected there.

A MEMBER. We understand you voted for it.

Mr. THOMPSON. Indeed I did not. The building was authorized and erected before I was elected a member of Congress.

Mr. HOPKINS. Did the distinguished gentleman from Indiana [Mr. HOLMAN] vote for that bill?

Mr. THOMPSON. I really do not know whether he did or not.

Mr. HOLMAN. No, sir; I did not support the measure. I was not here. At any rate, extravagance in Indiana would not justify this extravagance in Pennsylvania.

A MEMBER [to Mr. THOMPSON]. Three hundred and sixty-three thousand dollars was the amount.

Mr. THOMPSON. Possibly the gentleman is correct. I only called attention to this matter for the purpose of showing that appropriations ought not to be made for these public buildings without due and careful consideration. Take the case of the public building at Cincinnati! I remember having once investigated that matter. A building was started which was to cost, as originally stated, $1,750,000. More than $5,000,000 has already been expended upon that building, and it has not been completed. This is the history of many of these public buildings scattered all over the country. Hence the House can not be too careful before committing itself to this extravagant, or at least apparently extravagant, expenditure.

Mr. DUNHAM. What was originally proposed as the cost of the building now under consideration?

Mr. THOMPSON. The original proposition brought before this House, as I understand, was to expend $300,000 to buy the site, $250,000 of which was given by Congress and $50,000 by the people of the city of Pittsburgh. In addition to that, $750,000 was to be expended in the erection of the building.

Mr. DUNHAM. What is proposed now as the total cost?

Mr. THOMPSON. The proposition now pending is to increase the expenditure for the building alone from $750,000 to $1,500,000.

Mr. DUNHAM. Making the expenditure nearly $2,000,000 altogether.

Mr. THOMPSON. Making an aggregate expenditure of nearly $2,000,000.

Mr. HOPKINS. Less than that county is paying for its court-house.

Mr. DUNHAM. Is it not the fact that a great many private buildings, erected for instance by large corporations, are started to be put up for a certain amount of money, which however is finally exceeded, because it is found impossible to do the work for the sum originally estimated?

Mr. THOMPSON. I can not speak as an expert upon that matter. Very possibly the fact is as the gentleman's question would intimate—that almost every one who attempts to put up a building finds it to cost ultimately more than he expected when he set out.

Mr. DUNHAM. I know that the building in Chicago for the board of trade was started upon an expected expenditure of $1,000,000, but it has already cost $1,700,000.

Mr. THOMPSON. Mr. Speaker, I think the rule laid down by gentlemen who ask the House to pass this measure is an unsafe rule. They claim that $100,000,000 of internal revenue has been collected in that city since our internal-revenue system was established. If you calculate the amount collected yearly, it will be found a very insignificant sum, no more than we collect in our State annually without any public buildings for the purpose whatever. In Lexington, Ky., there is no public building, yet internal revenue to the amount of nearly $5,000,000 is collected in that city alone. If we now agree to the pending motion and pass this bill, I fear it may be found that we have acted, as in many other cases, without due consideration and in the absence of any public necessity for the expenditure.

[Here the hammer fell.]

Mr. THOMPSON. Mr. Speaker, I have nothing more to say against the erection of a public building at Lexington. [Laughter.]

The SPEAKER *pro tempore*. The time for debate on this motion has expired. The question is upon the motion of the gentleman from Pennsylvania [Mr. BAYNE] to suspend the rules and pass the bill which has been read.

The question being taken, there were—ayes 133, noes 53.

Mr. HOLMAN, Mr. ELDREDGE, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 162, nays 78, not voting 83; as follows:

YEAS—162.

Adams, G. E.	Ermentrout,	Lewis,	Russell,
Anderson,	Evans,	Long,	Ryan,
Atkinson,	Everhart,	Lore,	Singleton,
Bagley,	Ferrell,	Lovering,	Slocum,
Barr,	Findlay,	Lowry,	Smalls,
Bayne,	Finerty,	Lyman,	Smith, A. Herr
Bingham,	Follett,	McCoid,	Smith, H. Y.
Bisbee,	Foran,	Maybury,	Snyder,
Blackburn,	Funston,	Millard,	Spooner,
Blount,	George,	Miller, S. H.	Spriggs,
Boutelle,	Glascock,	Milliken,	Springer,
Boyle,	Goff,	Money,	Steele,
Brainerd,	Guenther,	Morgan,	Stephenson,
Breckinridge,	Hanback,	Morrill,	Stewart, Charles
Breitung,	Harmer,	Muldrow,	Stockslager,
Brewer, F. B.	Hart,	Murphy,	Strait,
Broadhead,	Hatch, W. H.	Mutchler,	Struble,
Brown, W. W.	Haynes,	Nelson,	Talbott,
Browne, T. M.	Hemphill,	Nicholls,	Taylor, E. B.
Burnes,	Henderson, D. B.	O'Neill, Charles	Taylor, J. D.
Campbell, J. M.	Henderson, T. J.	O'Neill, J. J.	Thomas,
Cannon,	Henley,	Paige,	Van Eaton,
Carleton,	Hepburn,	Parker,	Walt,
Cassidy,	Hewitt, G. W.	Patton,	Wakefield,
Clardy,	Hiscock,	Payne,	Wallace,
Collins,	Holmes,	Payson,	Ward,
Connolly,	Hopkins,	Peters,	Washburn,
Converse,	Horr,	Pettibone,	Wemple,
Craig,	Hunt,	Poland,	White, J. D.
Culberson, D. B.	James,	Post,	White, Milo
Cullen,	Johnson,	Pryor,	Whiting,
Curtin,	Jones, J. H.	Pusey,	Willis,
Cutcheon,	Kean,	Ranney,	Wilson, James
Davis, G. R.	Keifer,	Ray, G. W.	Wilson, W. L.
Davis, R. T.	Kelley,	Reid, J. W.	Winans, John
Dibble,	Kellogg,	Reese,	Wise, G. D.
Dibrell,	Ketcham,	Rice,	Woodward,
Dockery,	King,	Riggs,	Worthington,
Dowd,	Lacey,	Robinson, W. E.	Young.
Dunham,	Lamb,	Rogers, W. F.	
Ellwood,	Lawrence,	Rowell,	

NAYS—78.

Aiken,	Deuster,	Matson,	Storm,
Ballentine,	Dorsheimer,	Miller, J. F.	Sumner, D. H.
Barbour,	Eaton,	Moulton,	Taylor, J. M.
Barksdale,	Eldredge,	Murray,	Thompson,
Beach,	English,	Neece,	Tillman,
Bennett,	Forney,	Nutting,	Townshend,
Bratton,	Geddes,	Oates,	Tully,
Buchanan,	Gibson,	O'Ferrall,	Turner, H. G.
Buckner,	Green,	Peel,	Turner, Oscar
Cabell,	Halsell,	Pierce,	Warner, Richard
Caldwell,	Hammond,	Randall,	Weller,
Candler,	Hardy,	Reagan,	Wilkins,
Clements,	Hoblitzell,	Robertson,	Williams,
Cobb,	Holman,	Rockwell,	Winans, E. B.
Cosgrove,	Jones, B. W.	Rogers, J. H.	Wolford,
Covington,	Jones, J. T.	Seney,	Wood,
Cox, S. S.	Kleiner,	Seymour,	Yaple,
Cox, W. R.	Lanham,	Shively,	York.
Crisp,	Le Fevre,	Skinner, T. G.	
Dargan,	McMillin,	Stevens,	

NOT VOTING—83.

Adams, J. J.	Budd,	Dingley,	Hardeman,
Alexander,	Burleigh,	Dunn,	Hatch, H. H.
Arnot,	Campbell, Felix,	Elliott,	Herbert,
Belford,	Campbell, J. E.	Ellis,	Hewitt, A. S.
Belmont,	Chalmers,	Fiedler,	Hill,
Blanchard,	Clay,	Fyan,	Hitt,
Bland,	Cook,	Garrison,	Holton,
Bowen,	Culbertson, W. W.	Graves,	Hooper,
Brewer, J. H.	Davidson,	Greenleaf,	Houk,
Brumm,	Davis, L. H.	Hancock,	Houseman,
Howey,	Mills,	Rankin,	Throckmorton,
Hurd,	Mitchell,	Ray, Ossian	Tucker,
Hutchins,	Morrison,	Reed, T. B.	Valentine,
Jeffords,	Morse,	Robinson, J. S.	Van Alstyne,
Jones, J. K.	Muller,	Rosecrans,	Vance,
Jordan,	Ochiltree,	Shaw,	Wadsworth,
Laird,	O'Hara,	Skinner, C. R.	Warner, A. J.
Libbey,	Perkins,	Stewart, J. W.	Weaver,
McAdoo,	Phelps,	Stone,	Wellborn,
McComas,	Potter,	Sumner, C. A.	Wier, J. S.
McCormick,	Price,	Swope,	

So the motion was agreed to, and the bill was passed (two-thirds voting in favor thereof).

During the roll-call,

Mr. NICHOLLS said: I am paired with the gentleman from Ohio [Mr. MCCORMICK], but being satisfied that he would vote in the affirmative, I have taken the responsibility and have voted in the affirmative.

The following pairs were announced from the Clerk's desk:

On all political questions, until further notice;

Mr. MORRISON with Mr. LIBBEY.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. ELLIOTT with Mr. VALENTINE.

Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.

Mr. GARRISON with Mr. BARR.

For this day:

Mr. HURD with Mr. OCHILTREE.

Mr. HEWITT, of New York, with JOHN S. WISE.

Mr. MULLER with Mr. HOLTON.

Mr. CLAY with Mr. BOWEN.

Mr. CAMPBELL, of Ohio, with Mr. BRUMM.

Mr. NICHOLLS with Mr. MCCORMICK.

Mr. WARNER, of Ohio, with Mr. HOUK.

On this bill:

Mr. PERKINS with Mr. HOWEY.

Mr. BREWER, of New York, with Mr. MCCOMAS. Mr. BREWER would vote "ay" and Mr. MCCOMAS "no."

The vote was then announced as above recorded.

QUESTION OF PRIVILEGE.

Mr. MUTCHLER. I rise to a question of privilege, and ask extracts (which I have marked) from a newspaper published in this city be read.

The Clerk read as follows:

Representative MUTCHLER, chairman of the House Committee on Reform in the Civil Service, has been instructed by his committee to make an adverse report on the bill to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States except for specified causes.

* * * * * * *

The bill referred to was introduced by Hon. J. D. TAYLOR, of Ohio, on December 4, and was then referred to Mr. MUTCHLER's committee, where in turn it was placed in the hands of a subcommittee, consisting of the chairman, Mr. BARKSDALE and Mr. LYMAN, two Democrats and an Independent. At the meeting of the committee, at which this report was adopted, notices had not been sent to all the members. So far as can be learned the Republican members received no notification, and were consequently not present. It is not therefore a majority report, though necessarily no notice has yet been given of it.

* * * * * * *

Representative MILLARD, one of the Republican members of the committee, was seen last night and asked about the report.

"I should not like it to go out," he replied, "that it was a report of our committee, or at least a unanimous one. I, for one, was not notified of the meeting, though I have been of every other meeting, and have attended them all. I knew nothing of the report having been made until after adjournment."

Mr. MUTCHLER. If the paragraphs read were a reflection upon me alone——

Mr. BROWNE, of Indiana. I rise to a question of order. I understand the gentleman from Pennsylvania claims that there is a question of privilege arising out of the newspaper paragraphs which have been read.

The SPEAKER *pro tempore*. The Chair is not informed whether that constitutes his question of personal privilege or not. The gentleman rose claiming to rise to a question of personal privilege, and asked to have read by the Clerk what has been read in the hearing of the House. The gentleman will state his question of personal privilege.

Mr. MUTCHLER. If this were a reflection upon myself individually and included no other member of the committee, I should not trouble the House by asking its indulgence while I make a few remarks in explanation of the matter charged. If it were not for the fact the charge reflects upon a majority of the committee, charging them with official misconduct, and particularly the clerk, based upon a statement purporting to have been made by a member of the committee, I should not ask to be heard.

I wish to say, Mr. Speaker, that when the bill was referred to the committee the author of it asked it should receive consideration at the hands of the committee at the earliest possible moment. For the purpose of considering the bill a meeting of the committee was called on

last Thursday one week ago. At that meeting a quorum failed to attend. However, there were as many Republicans at the meeting as Democrats—I believe at least three or four of them were there. It was understood a subcommittee should take the bill and make a report on it. The bill was referred to a subcommittee, of which I myself was chairman, and after the subcommittee had agreed upon its report, notice I believe was given to every member of the committee there would be a meeting on Saturday last, the regular day for the meeting of the committee. The committee met on last Saturday, the hour fixed being 11 o'clock. A quorum appeared at half past 11, and that was only obtained by the clerk coming upon the floor of the House in search of members of the committee and requesting them to go to the committee-room in order to make up a quorum. Now it so happened that there was but one Republican, Colonel LYMAN, of Massachusetts, who was present at that committee.

Mr. DUNHAM. It is doubtful about his being a Republican.

Mr. MUTCHLER. The gentleman from Massachusetts will answer in that regard for himself.

The notices were sent through the post-office, or were delivered at the House post-office to go through the mails; at least I got mine in that way and suppose every other member of the committee got his notice.

Now, so far as the gentleman from New York [Mr. MILLARD] is concerned, upon whose statement this attack upon the committee seems to have been founded, it appears, as I learned this morning, that his notice accidentally got into the mail of the gentleman from Lonisiana [Mr. KING], who I believe lives at the same hotel; and Mr. KING informs me that after the meeting of the committee had taken place, in going through his mail he discovered Mr. MILLARD's notice bound up with it.

Mr. KING. I wish to say that that is entirely correct.

Mr. MUTCHLER. So, Mr. Speaker, there was no motive in failing to give members notice of the meeting, nor was there any attempt made to keep Republicans away from that committee meeting.

Mr. STOCKSLAGER. Will the gentleman yield to me for a question?

Mr. MUTCHLER. Certainly.

Mr. STOCKSLAGER. I wish to ask if it was not the regular meeting day of the committee?

Mr. MUTCHLER. It was the regular meeting day fixed by a resolution adopted February 21, 1884, and every member of the committee, so far as I know and so far as the clerk knows—and I may say here he is a very efficient clerk, a gentleman of honor, who would not be guilty of such a practice as is charged in this newspaper—I say so far as he knows every member of the committee was supplied with a notice; and if any member of the committee failed to receive his notice it certainly was not owing to any negligence or improper action by the Democratic members, or any improper action on the part of the clerk of the committee.

Mr. MILLARD. Mr. Speaker, in justice to myself and the Republicans on the Committee on Civil Service Reform, I desire to state that in the earlier days of this session the Representative from Ohio [Mr. JOSEPH D. TAYLOR] introduced a bill, the substance of which was that no Union soldier should be removed from the service of the Government without cause before the expiration of his term. Mr. TAYLOR came to me and asked if the bill which he had introduced could not have a hearing before the committee? I saw the chairman of the committee [Mr. MUTCHLER], and he said he thought the committee could be got together, and that the bill might be considered by them. Subsequently he notified me that a meeting would be called, and I attended that meeting, as I had every other meeting of the committee during this Congress.

At that meeting he stated that he would appoint a subcommittee to consider and report the bill to the full committee. I will state that I subsequently understood a subcommittee had been appointed, consisting of himself, Mr. BARKSDALE, of Mississippi, and Mr. LYMAN, of Massachusetts, which subcommittee made the adverse report. I had thought the Union soldier entitled to have a Republican on that committee, and I think so still.

I have the greatest respect for my friend from Massachusetts, but I do not understand that he is a Republican or that he claims to be one.

But let that be as it may, it appears that there was a meeting held on Saturday last, at which was present no Republican of the committee, and of which I had no notice. As I came into the Capitol Saturday morning I met at the elevator Mr. COX, and somewhere in the lobby I saw Mr. LYMAN, who reproached me for not being present at the meeting. I told them that I had no notice of the meeting or I should have been present.

Mr. TOWNSHEND. Will the gentleman yield for a question?

Mr. MILLARD. I stated to the gentleman that I had no knowledge or intimation that a meeting was to be held on that day; that if I had received such information I should certainly have attended, because Mr. TAYLOR had represented to me that the bill was an important one and that it should receive the full and careful consideration of the committee. I did not therefore attend the meeting; and I say to the House, if I understand the gentleman from Pennsylvania, the chairman, he now concedes that the notice did not reach me.

Last evening, Mr. De Witt, of the Republican, came to my hotel and asked the question: "Was I present in the committee-room when this matter was considered and a report made adversely to the bill offered by Mr. TAYLOR?" I said: "No, sir; I was not present." The question was asked: "Why were you not there; I understand that you were friendly to the bill or to the spirit of the bill, which is in the interest of civil-service reform, preventing the removal of Union soldiers, holding Government positions, before their time expires?" I replied, "I had no notice whatever of the meeting." The question was then asked: "Are you willing that I should make that statement?" I responded: "Yes, sir; entirely willing." Again the question was asked: Would I have voted against that report? To which I replied: "Yes, I should have voted against the report. I believe that all soldiers in the Departments at Washington, occupying subordinate positions, should retain their places and not be removed so long as they continue efficiently to perform the duties to which they are assigned." [Applause on the Republican side.]

That, Mr. Speaker, is substantially what took place between us. I will say here, however, in justice to the chairman of the committee, that I do not think he intended to keep the notice from me. If I had received the notice I should have been present at the meeting.

Mr. STOCKSLAGER. Will the gentleman permit me to ask him a question, whether it is not the fact that that was the regular meeting day of the committee?

Mr. MILLARD. I do not understand that it is. It was not the usual day on which meetings were held, not the regular meeting day of the committee.

Mr. STOCKSLAGER. Well, the chairman of the committee says it was.

Mr. BINGHAM. Saturday is ordinarily the day on which the committee meets; but it is not the regular meeting day unless members are notified.

Mr. MILLARD. The first meeting called was that at which the subcommittee was appointed, and then the last meeting was the meeting held when this report was presented.

Mr. HORR. Does the gentleman from Indiana [Mr. STOCKSLAGER] claim that this meeting was not called specially by the gentleman from New York for this purpose?

Mr. STOCKSLAGER. I do not know anything about that. I asked the chairman of the committee a moment ago if that was the regular day of meeting, and he said it was.

Mr. MILLARD. But it was not.

Mr. STOCKSLAGER. If it was, it was the gentleman's duty to be there.

Mr. HORR. Has the committee been having regular meetings?

Mr. MUTCHLER. No, sir.

Mr. HORR. Was this meeting called at the request of the gentleman from New York?

Mr. MUTCHLER. The first meeting was called at the request of the gentleman from New York and the author of the bill.

Mr. HORR. When?

Mr. MUTCHLER. Last Thursday a week ago. The bill went into the hands of a subcommittee, and on last Thursday the entire committee was notified of a meeting on Saturday.

Mr. MILLARD. Sir, this was an important matter, and strictly in the interest of civil service reform—a bill that should have been considered by the full committee. It was not so considered, and the adverse report does not reflect the unanimous judgment of the committee. I do not claim that because a man happens to be a Union soldier he is entitled to an office or to be continued in the service of the Government if found to be unqualified for the position, but I do claim that the men who fought the battles of their common country and endured the hardships of camp and field ought not to be removed without cause before the expiration of the term for which they were appointed.

Mr. POST, of Pennsylvania. I make the point of order that no question of personal privilege is pending.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

AMENDMENT OF RULES.

Mr. RANDALL. I now call up the resolution reported by the Committee on Rules.

The Clerk read as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart thirty minutes for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least five members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or on any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said thirty minutes, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Mr. WELLER. I rise to make a parliamentary inquiry.

Mr. RANDALL. I have the floor.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] calling up the report has the floor and will state his motion. The Chair will thereafter hear the parliamentary inquiry of the gentleman from Iowa.

Mr. RANDALL. I demand the previous question on the report.

The SPEAKER *pro tempore*. The Chair will now hear the parliamentary inquiry.

Mr. WELLER. I desired to make the parliamentary inquiry at a time when it would be of some advantage to me. I desired to inquire if it would be proper to offer an amendment.

The SPEAKER *pro tempore*. It was not in the power of the gentleman to do that when the gentleman from Pennsylvania had the floor.

Mr. RANDALL. I am willing the House shall know what the gentleman from Iowa desires; and if the House wishes to adopt his view, then it can vote down the call for the previous question.

Mr. WELLER. Will the gentleman from Pennsylvania consent or can I have unanimous consent to present and have considered pending the amendment which I send to the desk?

The SPEAKER *pro tempore*. The gentleman from Iowa asks consent to have his amendment read for information.

Mr. STEELE. I object.

Mr. KEIFER. I desire to make a suggestion to the gentleman who is in charge of this report. At the time this report was made there was some understanding that there were to be two propositions voted upon, one to strike out "five" and insert "ten," and another to strike out "thirty minutes" and insert "one hour."

Mr. RANDALL. I was not present at the meeting of the Committee on Rules when this report was adopted; but if that be a fact, I, of course, will conform my conduct to it.

The SPEAKER *pro tempore*. The present occupant of the chair, having had charge of the report now in the hands of the gentleman from Pennsylvania, will state that in the absence of the gentleman from Pennsylvania the agreement stated by the gentleman from Ohio was reached.

Mr. RANDALL. Then I adhere to it in letter and in spirit.

Mr. KEIFER. Does the gentleman then allow these amendments to be included in the operation of the previous question—first to strike out "five" and insert "ten," and then to strike out "thirty minutes" and insert "one hour?"

Mr. RANDALL. Whatever was the agreement I will conform to.

Mr. KEIFER. I am suggesting that the gentleman should demand the previous question subject to those two amendments being admitted as pending.

Mr. RANDALL. I modify my demand for the previous question in accordance with the agreement.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks the previous question on the adoption of the report subject to the two amendments which have been stated by the gentleman from Ohio.

Mr. RANDALL. I yield to the gentleman from New York [Mr. COX] to make a statement.

Mr. COX, of New York. I do not believe this resolution will meet the approbation of the House, even though amended as suggested by the gentleman from Ohio, unless there be some proposition made or adopted as to designating the members who shall have the privilege of offering these bills. There are various ways in which that can be done. You can call the roll alphabetically or you can adopt what I think is a better method. I think the only fair mode of amending the rule so as to work off business in the remainder of this session is to allow the names of the members to be placed in a box, and in half an hour or an hour a page can draw the names out as we draw for seats; and then let the Chair designate the members, in the order in which their names have been drawn, to offer their bills. No harm can be done by that method; no blame can attach to any one. There can be no charge of favoritism attached to anybody.

Mr. CASSIDY. Might not a lucky man have his name drawn twice?

Mr. COX, of New York. I have guarded against that. When a name is once drawn it shall not be placed in the box again till the whole list is completed. I ask to have my amendment read.

Mr. KEIFER. This is simply a proposition to be read for information, not to be considered as pending.

Mr. WELLER. I desire the same favor to be granted to me to have my proposition read for information.

Mr. RANDALL. I have no objection to that.

The SPEAKER *pro tempore*. The proposition of the gentleman from New York [Mr. COX] will be read for information.

Mr. HERBERT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HERBERT. I desire to inquire whether we are proceeding under the regular rules of the House applicable to the first Monday in the month or not?

The SPEAKER *pro tempore*. The Chair will state that proceeding is being had under the order of the House. The gentleman from Pennsylvania [Mr. RANDALL] was recognized, and yielded the floor upon unanimous consent being given him that, after the bill called up by the gentleman from Pennsylvania [Mr. BAYNE] should have been disposed of, the floor should be restored to him for the purpose of calling up this privileged report from the Committee on Rules, which has been done.

Mr. HERBERT. I desire to inquire further, whether it requires unanimous consent that this proceeding shall occupy this Monday?

The SPEAKER *pro tempore*. It does not.

Mr. HERBERT. Has the House made an order on the subject?

The SPEAKER *pro tempore*. The House has made the order, and it is now proceeding to execute it.

Mr. COX, of New York. Mr. Speaker, I call for the reading of the amendment that I have sent to the Clerk's desk.

The SPEAKER *pro tempore*. The Clerk will read, for the information of the House, the amendment proposed by the gentleman from New York [Mr. COX].

The Clerk read as follows:

And provided further, That the names of the members of this House shall be placed in a box and shall be drawn therefrom as provided in Rule XXXII for the drawing of seats; and the member to be designated to make the motion herein provided for shall, if present, be designated by the said drawing, and any name once drawn is not to be again returned to the box until the list of members therein is exhausted.

Mr. WELLER. Now, Mr. Speaker, I ask to have the amendment that I have presented read.

Mr. STEELE. I object.

The SPEAKER *pro tempore*. Objection is made to the reading of the amendment proposed by the gentleman from Iowa [Mr. WELLER.] The gentleman from Pennsylvania [Mr. RANDALL] asks the pervious question on the adoption of this report.

Mr. TOWNSHEND. Will the gentleman from Pennsylvania [Mr. RANDALL] yield to me for a moment to offer an amendment?

Mr. RANDALL. I desire to say, with reference to the proposition of the gentleman from New York [Mr. COX], that the Committee on Rules recognized the fact that these recognitions are always within the absolute and exclusive control of the Speaker of the House, and it was not deemed necessary to interrupt that privilege that he has, because the committee believed that he was in a relation to the House whereby he could more equitably execute such an order than could be done by a resort to chance.

Mr. COX, of New York. In reply to the gentleman from Pennsylvania, I beg to say that my proposition implies no reflection whatever upon the Speaker. [Calls of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. This debate is proceeding simply by unanimous consent. The gentleman from Pennsylvania [Mr. RANDALL] demands the previous question on the adoption of the report.

Mr. TOWNSHEND. I understand the gentleman from Pennsylvania to withdraw that demand for a moment.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Pennsylvania [Mr. RANDALL] whether he withdraws his demand for the previous question?

Mr. RANDALL. I should lose the floor in that way.

Mr. TOWNSHEND. Not at all.

Mr. RANDALL. Mr. Speaker, I am willing to yield for the gentleman's proposition to be read for the information of the House, so that if the House prefers to adopt it the demand for the previous question can be voted down.

Mr. TOWNSHEND. I offer an amendment which I ask to have read.

Mr. BROWNE, of Indiana. I shall object to the reading of the amendment of the gentleman from Illinois [Mr. TOWNSHEND] unless the proposition of the gentleman from Iowa [Mr. WELLER] is allowed to be read also.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state his inquiry.

Mr. TOWNSHEND. When the gentleman from Pennsylvania [Mr. RANDALL] is on the floor demanding the previous question has he not the power to yield the floor to another member?

The SPEAKER *pro tempore*. While the demand for the previous question is pending no other proceeding can be had except by unanimous consent. [Cries of "Regular order!"]

Mr. TOWNSHEND. Mr. Speaker, I wish to make a parliamentary inquiry. I desire to know at what time I may make a motion to recommit this report with instructions.

The SPEAKER *pro tempore*. The gentleman may make that motion either before or after the previous question is ordered.

Mr. TOWNSHEND. Then I make it now.

The SPEAKER *pro tempore*. The motion is in order at this time.

Mr. COX, of New York. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX, of New York. I want to ask the Chair whether the previous question will not cut off my amendment.

The SPEAKER *pro tempore*. The Chair most certainly thinks that it will.

Mr. TOWNSHEND. Now, Mr. Speaker——

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. TOWNSHEND. I was not trying to debate, but simply to state my proposition.

The SPEAKER *pro tempore*. The Chair will state the gentleman's proposition. The gentleman from Illinois [Mr. TOWNSHEND], pending the demand for the previous question, moves to recommit this report to the Committee on Rules.

Mr. TOWNSHEND. My motion is now in the hands of the Clerk and I ask to have it read.

The SPEAKER *pro tempore*. If there be no objection the motion of the gentleman from Illinois [Mr. TOWNSHEND] will be read.

The Clerk read as follows:

I move to recommit the report to the Committee on Rules, with instructions that the said committee shall report it back with the following amendment:

"It shall be in order, immediately after reading the Journal, to move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering House bills with Senate amendments which amendments under the rules of the House require consideration in that committee."

Mr. WELLER. I desire to know if the motion which is proposed by the gentleman from Illinois [Mr. TOWNSHEND] is subject to amendment?

The SPEAKER *pro tempore*. It is not.

Mr. COX, of New York. I move to amend so as to instruct the committee to strike out the words contained in the proposition of the gentleman from Illinois [Mr. TOWNSHEND] and insert my amendment.

The SPEAKER *pro tempore*. Such is the confusion in the Hall that the Chair can not hear the motion of the gentleman from New York [Mr. COX].

Mr. COX, of New York. I move to amend the amendment of the gentleman from Illinois [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] offered no amendment.

Mr. COX, of New York. Then I move to amend the instructions by striking out his proposition and inserting mine.

Mr. WELLER. I move to amend the amendment of the gentleman from New York——

The SPEAKER *pro tempore*. The gentleman from Iowa has a right to move a substitute.

Mr. WELLER. Then I move as a substitute what I send to the desk, and I ask that it be read.

Mr. TOWNSHEND. I make the point of order that the motion to recommit with instructions is not amendable.

Mr. KEIFER. It is not, under Rule XVII.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. TOWNSHEND. I ask that the rule be read.

The SPEAKER *pro tempore*. At the request of the gentleman from Illinois a portion of Rule XVII will be read, after which the Clerk will read a ruling made on this subject by the permanent Speaker of the House.

The Clerk read as follows.

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The SPEAKER *pro tempore*. The Clerk will now read from the Journal of June 12, 1884, the ruling of the permanent Speaker of the House.

The Clerk read as follows:

Mr. CALKINS made the point of order that the said motion of Mr. WHITE to commit with instructions was not amendable.

The SPEAKER held the motion to be amendable for the reason that, being a special rule permitting a motion to commit with or without instructions pending the demand for or after the previous question was ordered, the said motion to commit was subject to amendment, as provided by the rules of the House; and amendments could only be precluded by ordering the previous question on the motion to commit.

Mr. TOWNSHEND. Then, Mr. Speaker, I demand the previous question on my motion.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that he can apply the previous question to the motions pending, which are his own motion, the amendment proposed by the gentleman from New York [Mr. COX], and the substitute offered by the gentleman from Iowa [Mr. WELLER]. Upon these pending motions the gentleman from Illinois asks the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon the substitute of the gentleman from Iowa [Mr. WELLER].

Mr. WELLER. I ask that it be read for the information of the House. It has not yet been read.

The Clerk read as follows:

Amendment to come in after the word "designate," at the end of the fifth line, as appears in RECORD, page 1057:

"The order for recognition by the Speaker shall be the same as in a call for a yea-and-nay vote in the House; and no member shall be recognized for the second time, or bill or resolution allowed to be presented for the second time under this resolution, until the entire roll has been called in the order named, and each member thus permitted recognition; and no other recognition for unanimous consent to consider for passage any bill or resolution shall be entertained while this rule thus amended is in force."

Mr. SPRINGER. I rise to a question of order. This, I understand, is an amendment to the amendment offered by my colleague [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. To the motion of the gentleman from Illinois the gentleman from New York [Mr. COX] offered an amendment; and the gentleman from Iowa now offers the substitute which the Clerk has read.

Mr. SPRINGER. Well, it is not germane to the proposition of my colleague [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. The Chair thinks it is admissible under the rules. The question is on agreeing to the substitute offered by the gentleman from Iowa.

The substitute was not agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan;

An act (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas; and

An act (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of Senate Mr. HARRIS, Mr. INGALLS, and Mr. RIDDLEBERGER.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

AMENDMENT OF RULES.

The House resumed the consideration of the report of the Committee on Rules.

The SPEAKER *pro tempore*. The question recurs on the amendment of the gentleman from New York [Mr. COX].

Mr. DINGLEY. I rise to a parliamentary inquiry.

Several MEMBERS. We object to debate.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. COX, of New York. I will amend my proposition by inserting "to report back within three days."

Several members objected.

Mr. DINGLEY. I wish to ask if the amendment proposed by the gentleman from New York is an amendment to the proposition of the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. It is a substitute for it.

Mr. DINGLEY. If it be an amendment to the amendment of the gentleman from Illinois, then I should like to have the amendment read as it will be if amended.

Mr. TOWNSHEND. No; his proposition is a substitute for mine.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. I desire to understand, as my colleague tried to ascertain, whether this proposition of the gentleman from New York is an amendment to or a substitute for the proposition offered by the gentleman from Illinois, and whether if the proposition of the gentleman from Illinois prevails the effect of it will be to bring the Mexican pension bill before the House.

The SPEAKER *pro tempore*. The Chair is not called upon to answer. That is not a parliamentary inquiry, in the judgment of the Chair.

Mr. REED, of Maine. That is the intention.

Mr. TOWNSHEND. That is the intention, unquestionably.

Mr. DINGLEY. I rise to another question: Whether the amendment of the gentleman from New York is germane to that of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Chair has so ruled and it has been admitted before the House.

The question recurred on the amendment of Mr. COX, of New York.

The House divided; and there were—ayes 97, noes 104.

Mr. HENLEY, Mr. SUMNER of California, and Mr. GEORGE D. WISE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it. It is utterly impossible to hear what is going on in the House. Gentlemen will resume their seats, and the Chair will recognize nobody until order has been restored in the House.

Mr. WELLER. I ask the Chair to recognize me for a parliamentary inquiry when order has been restored.

The SPEAKER *pro tempore*. The gentleman from Kentucky has been recognized, but the Chair will hear nobody until the members resume their seats and order is restored.

Mr. THOMPSON. Mr. Speaker, in the confusion which has prevailed on the floor of the House it is next to impossible for us to hear what is going on.

The SPEAKER *pro tempore*. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON. The parliamentary inquiry I desire to make is this: Whether or not the motion of the gentleman from New York [Mr. COX] is to strike out the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND] and is a substitute for it.

Mr. COX, of New York. That is it.

Mr. THOMPSON. Or is it to amend the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. That same parliamentary inquiry has been made and answered more than once, and the Chair will not undertake to answer further.

Mr. THOMPSON. But, Mr. Speaker, we can not hear what the Chair says, or anybody else for that matter, in the confusion which prevails on the floor.

The SPEAKER *pro tempore*. The Chair is satisfied that the House has not failed to hear. The Journal shows that the gentleman from New York offered his amendment in the nature of a substitute for that offered by the gentleman from Illinois. Of course, the Chair assumes every gentleman on the floor knows what the effect of the adoption of the amendment as a substitute now pending will be. It is offered as an amendment in the nature of a substitute for the amendment of the gentleman from Illinois. The previous question has been called, and the House has ordered the yeas and nays to be called, and the Clerk will proceed to call the roll.

Mr. THOMPSON. May I ask a further parliamentary inquiry: Whether if the amendment of the gentleman from New York is adopted by the House will any vote be had on the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. There will, under the rule, be a vote on the motion of the gentleman from Illinois as amended by the substitute of the gentleman from New York.

Mr. THOMPSON. That is, if the amendment is adopted.

The SPEAKER *pro tempore*. Yes; if the amendment should prevail. The Clerk will now proceed to call the roll on the amendment in the nature of a substitute of the gentleman from New York [Mr. COX.]

The question was taken; and it was decided in the affirmative—yeas 129, nays 124, not voting 70; as follows:

YEAS—129.

Aiken,	Deuster,	Lore,	Snyder,
Alexander,	Dibble,	McAdoo,	Spooner,
Bagley,	Dibrell,	McComas,	Stevens,
Ballentine,	Dockery,	McMillin,	Stewart, Charles
Barbour,	Dorsheimer,	Maybury,	Storm,
Barksdale,	Dowd,	Miller, J. F.	Sumner, C. A.
Blackburn,	Eaton,	Mills,	Sumner, D. H.
Bland,	Eldredge,	Money,	Talbott,
Blount,	Findlay,	Morgan,	Taylor, J. M.
Bratton,	Forney,	Moulton,	Thompson,
Breitung,	Graves,	Muldrow,	Tillman,
Brewer, F. B.,	Greenleaf,	Oates,	Tucker,
Broadhead,	Hammond,	O'Ferrall,	Turner, H. G.
Buchanan,	Hardeman,	O'Neill, Charles	Turner, Oscar
Buckner,	Hardy,	O'Neill, J. J.	Van Alstyne,
Budd,	Hatch, H. H.	Paige,	Wallace,
Cabell,	Hatch, W. H.	Pierce,	Warner, Richard
Caldwell,	Hemphill,	Peel,	Wellborn,
Candler,	Henley,	Potter,	Weller,
Cassidy,	Herbert,	Pryor,	Wemple,
Clardy,	Hewitt, G. W.	Reagan,	Whiting,
Clements,	Hitt,	Reid, J. W.	Wilkins,
Collins,	Hoblitzell,	Reese,	Williams,
Connolly,	Hopkins,	Robertson,	Willis,
Converse,	Houseman,	Robinson, W. E.	Wilson, W. L.
Cosgrove,	Hunt,	Rogers, J. H.	Winans, E. B.
Cox, S. S.	Johnson,	Rogers, W. F.	Wise, G. D.
Cox, W. R.	Jones, J. H.	Singleton,	Wood,
Crisp,	Jones, J. T.	Skinner, T. G.	York,
Culberson, D. B.	Jordan,	Slocum,	Young,
Culbertson, W. W.	Lanham,	Smalls,	
Cullen,	Lewis,	Smith, A. Herr	
Davidson,	Long,	Smith, H. Y.	

NAYS—124.

Adams, G. E.	Bisbee,	Campbell, J. M.	Dunham,
Anderson,	Bonttelle,	Cannon,	English,
Atkinson,	Boyle,	Carleton,	Ermentrout,
Barr,	Brainerd,	Cobb,	Evans,
Bayne,	Brewer, J. H.	Craig,	Everhart,
Beach,	Brown, W. W.	Cutcheon,	Ferrell,
Belmont,	Browne, T. M.	Davis, G. R.	Finerty,
Bennett,	Burleigh,	Davis, R. T.	Follett,
Bingham,	Burnes,	Dingley,	Forsn,
Geddes,	Lacey,	Post,	Struble,
Glascock,	Lamb,	Price,	Taylor, E. B.
Goff,	Lawrence,	Pusey,	Taylor, J. D.
Guenther,	Lowry,	Randall,	Thomas,
Halsell,	Matson,	Ranney,	Townshend,
Hanback,	Millard,	Ray, G. W.	Tully,
Harmer,	Miller, S. H.	Ray, Ossian	Vance,
Hart,	Milliken,	Reed, T. B.	Wadsworth,
Hepburn,	Morrill,	Rice,	Wait,
Hill,	Morse,	Riggs,	Wakefield,
Hiscock,	Murphy,	Rockwell,	Ward,
Holman,	Murray,	Rosecrans,	Washburn,
Holmes,	Neece,	Rowell,	Weaver,
Horr,	Nutting,	Russell,	White, J. D.
Howey,	Parker,	Ryan,	White, Milo
Jeffords,	Patton,	Seney,	Wilson, James
Jones, B. W.	Payne,	Shively,	Winans, John
Kean,	Perkins,	Spriggs,	Wise, J. S.
Keifer,	Peters,	Springer,	Wolford,
Kelley,	Pettibone,	Steele,	Woodward,
Ketcham,	Phelps,	Stockslager,	Worthington,
Kleiner,	Poland,	Strait,	Yaple.

NOT VOTING—70.

Adams, J. J.	Ellis,	Hutchins,	Ochiltree,
Arnot,	Ellwood,	James,	O'Hara,
Belford,	Fiedler,	Jones, J. K.	Payson,
Blanchard,	Funston,	Kellogg,	Rankin,
Bowen,	Fyan,	King,	Robinson, J. S.
Breckinridge,	Garrison,	Laird,	Seymour,
Brumm,	George,	Le Fevre,	Shaw,
Campbell, Felix	Gibson,	Libbey,	Skinner, C. R.
Campbell, J. E.	Green,	Lovering,	Stephenson,
Chalmers,	Hancock,	Lyman,	Stewart, J. W.
Clay,	Haynes,	McCold,	Stone,
Cook,	Henderson, D. B.	McCormick,	Swope,
Covington,	Henderson, T. J.	Mitchell,	Throckmorton,
Curtin,	Hewitt, A. S.	Morrison,	Valentine,
Dargan,	Holton,	Muller,	Van Eaton,
Davis, L. H.	Hooper,	Mutchler,	Warner, A. J.
Dunn,	Houk,	Nelson,	
Elliott,	Hurd,	Nicholls,	

So the substitute was agreed to.

Mr. BEACH. I ask unanimous consent to dispense with the reading of the names.

Mr. RANDALL. I must object; because there have been a great number of changes and gentlemen had better see whether or not they are properly recorded.

The Clerk recapitulated the names of those voting.

The following additional pair was announced:

Mr. FUNSTON with Mr. JONES, of Wisconsin, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs upon the motion to recommit the report to the Committee on Rules as amended by the substitute of the gentleman from New York just adopted.

The question was taken, but before the announcement of the result of the vote Mr. COX, of New York, said: I beg pardon of the Chair, but I think the House does not exactly understand the motion on which it is called to vote.

Mr. MILLER, of Pennsylvania. Oh, yes, they do.

The SPEAKER *pro tempore*. The motion has been already stated as plainly as the Chair can state it.

The question is on the motion to recommit the report to the Committee on Rules as amended by the substitute offered by the gentleman from New York to the motion of the gentleman from Illinois.

The House again divided; and there were—ayes 61, noes 143.

Mr. RANDALL. I now ask for a vote on the demand for the previous question.

Mr. TOWNSHEND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. If the motion of the gentleman from Pennsylvania for the previous question is voted down, will it be in order to offer an amendment?

The SPEAKER *pro tempore*. The Chair will state that but a motion to recommit, with or without instructions, is in order.

Mr. TOWNSHEND. The Chair did not understand my question. I ask if the demand for the previous question—— [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The gentleman from Illinois has a right to submit a parliamentary inquiry.

Mr. TOWNSHEND. I will not state it unless gentlemen cease crying "Vote! vote!"

The SPEAKER *pro tempore*. The House will be in order.

Mr. TOWNSHEND. I wish to know if the motion of the gentleman from Pennsylvania shall be voted down—if the previous question is not ordered—whether it will be in order to offer an amendment to this report.

The SPEAKER *pro tempore*. The Chair will state that in that event the report will certainly be open for amendment.

Mr. SPRINGER. There are two amendments already pending.

The SPEAKER *pro tempore*. The question is on ordering the previous question subject to the two amendments proposed by the gentleman from Ohio.

The question was taken.

The House divided; and there were—ayes 107.

Before the negative vote was announced,

Mr. TOWNSHEND said: I call for the yeas and nays

The yeas and nays were not ordered, 35 members only voting therefor—not being one-fifth of the last vote.

Mr. TOWNSHEND. I demand tellers on the yeas and nays.

Tellers were ordered.

Mr. TOWNSHEND and Mr. RANDALL were appointed tellers.

The House again divided; and the tellers reported—ayes 49, noes 129.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 68, not voting 63; as follows:

YEAS—192.

Adams, G. E.	Dibble,	Kelley,	Rogers, W. F.
Aiken,	Dibrell,	King,	Roseerans,
Alexander,	Dockery,	Kleiner,	Russell,
Atkinson,	Dowd,	Lamb,	Seymour,
Bagley,	Dunham,	Lanham,	Skinner, T. G.
Ballentine,	Eaton,	Lore,	Smalls,
Barbour,	Eldredge,	Lowry,	Smith, A. Herr
Barksdale,	Ellis,	Lynnn,	Smith, H. Y.
Beach,	Ellwood,	McAdoo,	Snyder,
Belmont,	English,	McCold,	Spooner,
Bennett,	Ermentrout,	McMillin,	Spriggs,
Bingham,	Ferrell,	Matson,	Springer,
Blackburn,	Fiedler,	Maybury,	Steele,
Blanchard,	Findlay,	Millard,	Stevens,
Bland,	Follett,	Miller, J. F.	Stewart, Charles
Blount,	Foran,	Milliken,	Stewart, J. W.
Boyle,	Forney,	Mills,	Stockslager,
Bratton,	Geddes,	Money,	Stone,
Breckinridge,	Glascock,	Morgan,	Storm,
Brewer, F. B.	Graves,	Morrill,	Sumner, D. H.
Broadhead,	Green,	Morse,	Talbott,
Buchanan,	Greenleaf,	Muldrow,	Taylor, J. M.
Buckner,	Halsell,	Murray,	Thompson,
Burnes,	Hammond,	Mutchler,	Tillman,
Cabell,	Hanback,	Oates,	Tucker,
Caldwell,	Hardeman,	O'Ferrall,	Tully,
Candler,	Hardy,	O'Neill, J. J.	Turner, H. G.
Carleton,	Harmer,	Paige,	Turner, Oscar
Cassidy,	Hart,	Parker,	Van Alstyne,
Clardy,	Hatch, H. H.	Patton,	Van Eaton,
Clements,	Hatch, W. H.	Peel,	Wait,
Cobb,	Hemphill,	Perkins,	Wallace,
Collins,	Henderson, T. J.	Peters,	Ward,
Connolly,	Henley,	Phelps,	Warner, Richard
Converse,	Hepburn,	Pierce,	Washburn,
Cosgrove,	Herbert,	Poland,	Wellborn,
Covington,	Hewitt, G. W.	Potter,	Wemple,
Cox, S. S.	Hitt,	Price,	White, Milo
Cox, W. R.	Hoblitzell,	Pryor,	Whiting,
Crisp,	Hopkins,	Pusey,	Wilkins,
Culberson, D. B.	Houseman,	Randall,	Williams,
Culbertson, W. W.	Hunt,	Reagan,	Willis,
Curtin,	Jeffords,	Reid, J. W.	Wilson, W. L.
Dargan,	Jones, J. H.	Reese,	Winans, E. B.
Davidson,	Jordan,	Rice,	Wise, G. D.
Davis, G. R.	Kean,	Riggs,	Worthington,
Davis, R. T.	Keifer,	Robertson,	York,
Deuster,	Kellogg,	Rogers, J. H.	Young.

NAYS—68.

Anderson,	Finerty,	Neece,	Struble,
Bayne,	Goff,	O'Hara,	Sumner, C. A.
Bisbee,	Guenther,	O'Neill, Charles	Taylor, J. D.
Boutelle,	Haynes,	Payne,	Thomas,
Breitung,	Hill,	Payson,	Townshend,
Brewer, J. H.	Hiscock,	Pettibone,	Vance,
Brown, W. W.	Holman,	Ranney,	Wadsworth,
Browne, T. M.	Holmes,	Ray, G. W.	Wakefield,
Budd,	Howey,	Ray, Ossian	Weaver,
Campbell, J. M.	Jones, B. W.	Reed, T. B.	Weller,
Cannon,	Lacey,	Robinson, W. E.	White, J. D.
Craig,	Lawrence,	Rockwell,	Winans, John
Cullen,	Le Fevre,	Rowell,	Wise, J. S.
Cutcheon,	Lovering,	Ryan,	Wolford,
Dingley,	McComas,	Shively,	Wood,
Evans,	Miller, S. H.	Stephenson,	Woodward,
Everhart,	Moulton,	Strait,	Yaple.

NOT VOTING—63.

Adams, J. J.	Elliott,	Johnson,	Ochiltree,
Arnot,	Funston,	Jones, J. K.	Post,
Barr,	Fyan,	Jones, J. T.	Rankin,
Belford,	Garrison,	Ketcham,	Robinson, J. S.
Bowen,	George,	Laird,	Seney,
Brainerd,	Gibson,	Lewis,	Shaw,
Brumm,	Hancock,	Libbey,	Singleton,
Burleigh,	Henderson, D. B.	Long,	Skinner, C. R.
Campbell, Felix	Hewitt, A. S.	McCormick,	Slocum,
Campbell, J. E.	Holton,	Mitchell,	Swope,
Chalmers,	Hooper,	Morrison,	Throckmorton,
Clay,	Horr,	Muller,	Taylor, E. B.
Cook,	Houk,	Murphy,	Valentine,
Davis, L. H.	Hurd,	Nelson,	Warner, A. J.
Dorsheimer,	Hutchins,	Nicholls,	Wilson, James.
Dunn,	James,	Nutting,	

So the previous question was ordered.

Mr. MILLER, of Pennsylvania. I ask unanimous consent to dispense with the reading of the names.

Mr. WELLER and Mr. MOULTON objected.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. RANKIN with Mr. BURLEIGH, on all questions, for this day.

Mr. CAMPBELL, of New York, with Mr. WILSON, of Iowa, for the remainder of this day.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs upon the amendment submitted by the gentleman from Ohio, which the Clerk will report.

Mr. KEIFER. The first vote is on the amendment changing the time for the consideration of such measures as may be called up from thirty minutes to one hour.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In line 4 of the resolution, strike out the words "thirty minutes" and insert "one hour;" so that it will read:

"*Resolved*, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up," &c.

Mr. WELLER. Would it be proper to move an amendment to that?

The SPEAKER *pro tempore*. It will not be in order, the previous question having been ordered by the House.

Mr. RANDALL. If the gentleman upon the opposite side who offers this amendment wishes to be heard in support of it I shall desire to say a few words in opposition.

Mr. KEIFER. If the gentleman desires to debate it, for myself I have no objection; but I suppose no debate is in order as the previous question is now operating.

Mr. THOMPSON. I make the point of order that debate is not in order.

Mr. RANDALL. I only wanted to say that if gentlemen on the other side desired to advocate the proposition I wanted the same length of time in opposition to it.

The SPEAKER *pro tempore*. The Chair will state that debate is not in order.

Mr. KEIFER. There seems to be some misapprehension among gentlemen as to the effect of this amendment. This does not extend the time for debate on any proposition called up under this resolution, but simply extends the time in which such measures may be entertained from thirty minutes to one hour.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment which has just been read.

The question was taken; the House divided; and there were—ayes 136, noes 57.

Mr. HOLMAN. I ask the yeas and nays.

The yeas and nays were ordered, 40 members voting therefor—being more than one-fifth of the last vote.

The question was taken; and there were—yeas 175, nays 77, not voting 71; as follows:

YEAS—175.

Adams, G. E.	Dorsheimer,	Lore,	Rogers, W. F.
Adams, J. J.	Dunham,	Lovering,	Roseerans,
Atkinson,	Ellwood,	Lowry,	Rowell,
Barr,	Ermentrout,	McAdoo,	Russell,
Bayne,	Evans,	McCold,	Shively,
Beach,	Everhart,	McComas,	Smalls,
Belmont,	Ferrell,	Millard,	Smith, A. Herr
Bingham,	Findlay,	Miller, S. H.	Smith, H. Y.
Bisbee,	Fiherty,	Milliken,	Snyder,
Boutelle,	Foran,	Money,	Spooner,
Brainerd,	George,	Morrill,	Springer,
Breitung,	Glascock,	Moulton,	Stephenson,
Brewer, F. B.	Goff,	Muldrow,	Stevens,
Brewer, J. H.	Greenleaf,	Murphy,	Stewart, J. W.
Broadhead,	Guenther,	Mutchler,	Stockslager,
Brown, W. W.	Hanback,	Neece,	Stone,
Browne, T. M.	Hart,	Nelson,	Strait,
Buckner,	Hatch, H. H.	Nutting,	Struble,
Budd,	Hatch, W. H.	Oates,	Sumner, D. H.
Burleigh,	Hemphill,	O'Ferrall,	Taylor, J. D.
Burnes,	Henderson, D. B.	O'Neill, Charles	Taylor, J. M.
Caldwell,	Henderson, T. J.	O'Neill, J. J.	Thomas,
Campbell, J. M.	Hepburn,	Paige,	Thompson,
Cannon,	Hiscock,	Parker,	Tillman,
Cassidy,	Hitt,	Payne,	Tucker,
Clardy,	Hoblitzell,	Payson,	Vance,
Collins,	Holmes,	Perkins,	Van Eaton,
Connolly,	Hopkins,	Peters,	Wadsworth,
Converse,	Horr,	Pettibone,	Wait,
Covington,	Howey,	Poland,	Wakefield,
Cox, S. S.	James,	Post,	Wallace,
Craig,	Johnson,	Potter,	Weaver,
Culberson, D. B.	Jones, B. W.	Price,	Wemple,
Culbertson, W. W.	Jones, J. H.	Pusey,	White, Milo
Cullen,	Jordan,	Ranney,	Whiting,
Cutcheon,	Kean,	Ray, G. W.	Wilson, W. L.
Davidson,	Keifer,	Ray, Ossian	Wise, G. D.
Davis, G. R.	Kelley,	Reed, T. B.	Wolford,
Davis, R. T.	Ketcham,	Reid, J. W.	Wood,
Deuster,	King,	Rice,	Woodward,
Dibble,	Kleiner,	Riggs,	Worthington
Dibrell,	Lanham,	Robinson, W. E.	York,
Dingley,	Lawrence,	Rockwell,	Young.
Dockery,	Long,	Rogers, J. H.	

NAYS—77.

Aiken,	Bland,	Carleton,	Dowd,
Alexander,	Blount,	Clements,	Eaton,
Anderson,	Boyle,	Cobb,	Eldredge,
Ballentine,	Bratton,	Cosgrove,	Ellis,
Barksdale,	Buchanan,	Cox, W. R.	English,
Bennett,	Cabell,	Crisp,	Fiedler,
Blackburn,	Candler,	Dargan,	Follett,

Forney,	Le Fevre,	Reagan,	Ward,
Geddes,	McMillin,	Reese,	Warner, Richard
Hammond,	Matson,	Robertson,	Wellborn,
Hardeman,	Maybury,	Seney,	Weller,
Hardy,	Miller, J. F.	Seymour,	White, J. D.
Harmer,	Mills,	Spriggs,	Williams,
Herbert,	Murray,	Steele,	Willis,
Hewitt, G. W.	O'Hara,	Stewart, Charles	Winans, E. B.
Hill,	Patton,	Storm,	Winans, John
Holman,	Peel,	Townshend,	Yaple.
Houseman,	Pierce,	Tully,	
Lacey,	Pryor,	Turner, H. G.	
Lamb,	Randall,	Turner, Oscar	

NOT VOTING—71.

Arnot,	Fyan,	Jones, J. T.	Shaw,
Bagley,	Garrison,	Kellogg,	Singleton,
Barbour,	Gibson,	Laird,	Skinner, C. R.
Belford,	Graves,	Lewis,	Skinner, T. G.
Blanchard,	Green,	Libbey,	Slocum,
Bowen,	Halsell,	Lyman,	Sumner, C. A.
Breckinridge,	Hancock,	McCormick,	Swope,
Brumm,	Haynes,	Mitchell,	Talbott,
Campbell, Felix	Henley,	Morgan,	Taylor, E. B.
Campbell, J. E.	Hewitt, A. S.	Morrison,	Throckmorton,
Chalmers,	Holton,	Morse,	Valentine,
Clay,	Hooper,	Muller,	Van Alstyne,
Cook,	Houk,	Nicholls,	Warner, A. J.
Curtin,	Hunt,	Ochiltree,	Washburn,
Davis, L. H.	Hurd,	Phelps,	Wilkins,
Dunn,	Hutchins,	Rankin,	Wilson, James
Elliott,	Jeffords,	Robinson, J. S.	Wise, J. S.
Funston,	Jones, J. K.	Ryan,	

So the amendment was agreed to.

Mr. KEIFER. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WELLER. I object.

The names of members voting were read.

The following additional pairs were announced:

Mr. TALBOTT with Mr. PHELPS, for the remainder of the day.

Mr. SKINNER, of North Carolina, with Mr. FUNSTON, for the remainder of the day.

Mr. VAN ALSTYNE with Mr. MORGAN, on this vote. If present, Mr. VAN ALSTYNE would vote "no" and Mr. MORGAN would vote "ay."

Mr. HOLMAN with Mr. RYAN, on this vote.

The result of the vote was then announced as above stated.

Mr. KEIFER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER. I now ask for a vote on my amendment, to strike out the word "five" and insert the word "ten" where the resolution mentions the number of members who are to object.

The SPEAKER *pro tempore*. The question now is on the second amendment offered by the gentleman from Ohio [Mr. KEIFER], which will be reported.

The Clerk read as follows:

Strike out the word "five" and insert the word "ten;" making it read: "Unless objected to by at least ten members."

Mr. COLLINS. Mr. Speaker, I move that the House take a recess until to-morrow at 11 o'clock, and I do it for the purpose——

Mr. RANDALL. I object to debate.

Mr. COLLINS. On that motion I call the previous question.

Mr. THOMPSON. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

The question being taken, there were—ayes 74, noes 109.

Mr. MOULTON. I call for the yeas and nays.

The yeas and nays were ordered, 53 members voting therefor.

Mr. HAMMOND. Before the Clerk proceeds to call the roll I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. If the House shall now adjourn, will not the resolution for the amendment of the rules be in order to-morrow morning as unfinished business?

The SPEAKER *pro tempore*. The Chair will state the previous question has been applied to the resolution by order of the House; and, in the judgment of the Chair, this report would come up as unfinished business to-morrow after the reading of the Journal and before the morning hour.

The question was taken: and there were—yeas 101, nays 157, not voting 65; as follows:

YEAS—101.

Aiken,	Candler,	Dowd,	Hemphill,
Alexander,	Cannon,	Eaton,	Henley,
Ballentine,	Clements,	Eldredge,	Herbert,
Barksdale,	Cobb,	Ellwood,	Hewitt, G. W.
Bayne,	Converse,	English,	Hoblitzell,
Bennett,	Cosgrove,	Ermentrout,	Holman,
Bland,	Covington,	Ferrell,	Howey,
Blount,	Cox, W. R.	Forney,	Jones, J. H.
Brainerd,	Crisp,	Geddes,	Lamb,
Browne, T. M.	Culberson, D. B.	Glascock,	Lanham,
Buchanan,	Cullen,	Green,	McMillin,
Buckner,	Curtin,	Halsell,	Matson,
Burnes,	Davidson,	Hammond,	Miller, J. F.
Cabell,	Dibrell,	Hardeman,	Mills,
Caldwell,	Dockery,	Hatch, W. H.	Money,

Moulton,	Randall,	Stewart, Charles	Wilkins,
Mutchler,	Reagan,	Sumner, C. A.	Williams,
Neece,	Reese,	Taylor, J. M.	Willis,
Nelson,	Riggs,	Thompson,	Winans, E. B.
Oates,	Robertson,	Tillman,	Winans, John
Patton,	Rogers, J. H.	Tucker,	Wise, G. D.
Payson,	Rowell,	Tully,	Wolford,
Peel,	Seney,	Turner, H. G.	Yaple.
Pierce,	Shively,	Warner, Richard	
Price,	Snyder,	Wellborn,	
Pryor,	Steele,	Weller,	

NAYS—157.

Adams, G. E.	Findlay,	Lovering,	Slocum,
Adams, J. J.	Finerty,	Lowry,	Smalls,
Anderson,	Follett,	Lyman,	Smith, A. Herr
Atkinson,	Foran,	McAdoo,	Smith, H. Y.
Bagley,	Gibson,	McCold,	Spooner,
Beach,	Goff,	McComas,	Spriggs,
Belmont,	Graves,	Maybury,	Springer,
Bingham,	Guenther,	Millard,	Stephenson,
Bisbee,	Hanback,	Miller, S. H.	Stevens,
Blackburn,	Hardy,	Milliken,	Stockslager,
Boutelle,	Harmer,	Mitchell,	Stone,
Boyle,	Hart,	Morrill,	Storm,
Bratton,	Hatch, H. H.	Morse,	Strait,
Breitung,	Haynes,	Muldrow,	Struble,
Brewer, F. B.	Henderson, D. B.	Nutting,	Sumner, D. H.
Brewer, J. H.	Henderson, T. J.	O'Ferrall,	Taylor, J. D.
Broadhead,	Hepburn,	O'Hara,	Thomas,
Brown, W. W.	Hill,	O'Neill, Charles	Townshend,
Burleigh,	Hiscock,	O'Neill, J. J.	Turner, Oscar
Campbell, J. M.	Hitt,	Paige,	Van Alstyne,
Carleton,	Holmes,	Parker,	Vance,
Cassidy,	Hopkins,	Payne,	Van Eaton,
Clardy,	Horr,	Perkins,	Wait,
Collins,	Houseman,	Peters,	Wallace,
Connolly,	Hunt,	Pettibone,	Ward,
Craig,	James,	Post,	Washburn,
Culbertson, W. W.	Jeffords,	Potter,	Weaver,
Cutcheon,	Johnson,	Pusey,	Wemple,
Dargan,	Jones, B. W.	Ranney,	White, J. D.
Davis, G. R.	Jordan,	Ray, G. W.	White, Milo
Davis, R. T.	Kean,	Reed, T. B.	Whiting,
Deuster,	Keifer,	Reid, J. W.	Wilson, W. L.
Dibble,	Kelley,	Rice,	Wood,
Dingley,	Ketcham,	Robinson, W. E.	Woodward,
Dorsheimer,	King,	Rockwell,	Worthington,
Dunham,	Kleiner,	Rogers, W. F.	York,
Ellis,	Lacey,	Roseerans,	Young.
Evans,	Lawrence,	Russell,	
Everhart,	Long,	Ryan,	
Fiedler,	Lore,	Seymour,	

NOT VOTING—65.

Arnot,	Elliott,	Le Fevre,	Singleton,
Barbour,	Funston,	Lewis,	Skinner, C. R.
Barr,	Fyan,	Libbey,	Skinner, T. G.
Belford,	Garrison,	McCormick,	Stewart, J. W.
Blanchard,	George,	Morgan,	Swope,
Bowen,	Greenleaf,	Morrison,	Talbott,
Breckinridge,	Hancock,	Muller,	Taylor, E. B.
Brumm,	Hewitt, A. S.	Murphy,	Throckmorton,
Budd,	Holton,	Murray,	Valentine,
Campbell, Felix	Hooper,	Nicholls,	Wadsworth,
Campbell, J. E.	Houk,	Ochiltree,	Wakefield,
Chalmers,	Hurd,	Phelps,	Warner, A. J.
Clay,	Hutchins,	Poland,	Wilson, James
Cook,	Jones, J. K.	Rankin,	Wise, J. S.
Cox, S. S.	Jones, J. T.	Ray, Ossian	
Davis, L. H.	Kellogg,	Robinson, J. S.	
Dunn,	Laird,	Shaw,	

So the motion was not agreed to.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

Mr. MOULTON and others objected.

The SPEAKER *pro tempore*. The Clerk will report the names of gentlemen who have voted.

Mr. MOULTON. I withdraw the objection.

Mr. WELLER. I object.

Mr. GIBSON. Mr. Speaker, unanimous consent was asked that the reading of the names be dispensed with.

The SPEAKER *pro tempore*. But objection was made.

Mr. GIBSON. The objection was withdrawn by the gentleman from Illinois [Mr. MOULTON].

The SPEAKER *pro tempore*. Objection has been made also by the gentleman from Iowa [Mr. WELLER]. The Clerk will report the names.

The Clerk read the names of members voting.

The result of the vote was announced as above recorded.

Mr. MOULTON. I move that when the House adjourns it adjourn to meet on Wednesday next.

The motion was not agreed to.

Mr. MOULTON. I move that the House do now adjourn.

The question was taken; and there were—ayes 74, noes 89.

Mr. MOULTON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 96, nays 132, not voting 96; as follows:

YEAS—96.

Alexander,	Bland,	Campbell, J. M.	Cobb,
Ballentine,	Blount,	Candler,	Converse,
Barbour,	Browne, T. M.	Cannon,	Cosgrove,
Barksdale,	Buchanan,	Carleton,	Crisp,
Bennett,	Cabell,	Clardy,	Culberson, D. B.
Blanchard,	Caldwell,	Clements,	Cullen,

Curtin,	Hoblitzell,	Perkins,	Sumner, D. H.
Davidson,	Holman,	Peters,	Taylor, J. M.
Dibrell,	Howey,	Price,	Thompson,
Dockery,	Lacey,	Pryor,	Tillman,
Dowd,	Lamb,	Pusey,	Townshend,
Eldredge,	Lanham,	Randall,	Tucker,
Ermentrout,	McMillin,	Reese,	Tully,
Ferrell,	Matson,	Riggs,	Turner, H. G.
Forney,	Miller, J. F.	Rogers, J. H.	Wakefield,
Geddes,	Mills,	Seney,	Ward,
Green,	Money,	Shively,	Warner, Richard
Halsell,	Moulton,	Singleton,	Wellborn,
Hammond,	Mutchler,	Smalls,	Weller,
Hardeman,	Neece,	Snyder,	Willis,
Hatch, W. H.	Nelson,	Springer,	Winans, E. B.
Hemphill,	Patton,	Steele,	Winans, John
Henley,	Peel,	Stewart, Charles	Wise, G. D.
Hewitt, G. W.	Pierce,	Stockslager,	Wolford.

NAYS—132.

Adams, G. E.	Everhart,	Kleiner,	Robinson, W. E.
Adams, J. J.	Fiedler,	Lawrence,	Rockwell,
Anderson,	Findlay,	Lewis,	Rogers, W. F.
Bagley,	Finerty,	Long,	Rosecrans,
Barr,	Follett,	Lore,	Russell,
Beach,	Foran,	Lovering,	Ryan,
Belmont,	Gibson,	Lowry,	Seymour,
Bingham,	Goff,	Lynnn,	Smith, A. Herr
Bisbee,	Graves,	McAdoo,	Smith, H. Y.
Blackburn,	Greenleaf,	McCoid,	Spooner,
Boutelle,	Guenther,	McComas,	Spriggs,
Boyle,	Hanback,	Maybury,	Stephenson,
Bratton,	Hardy,	Millard,	Stevens,
Breckinridge,	Harmer,	Miller, S. H.	Storm,
Brewer, J. H.	Hart,	Milliken,	Strait,
Broadhead,	Hatch, H. H.	Mitchell,	Struble,
Brown, W. W.	Haynes,	Muldrow,	Taylor, J. D.
Burleigh,	Henderson, D. B.	Nutting,	Thomas,
Cassidy,	Henderson, T. J.	O'Ferrall,	Turner, Oscar
Collins,	Hill,	O'Hara,	Van Alstyne,
Cox, S. S.	Hiscock,	O'Neill, Charles	Vance,
Cox, W. R.	Hitt,	O'Neill, J. J.	Van Eaton,
Cutcheon,	Holmes,	Paige,	Washburn,
Dargan,	Horr,	Parker,	Weaver,
Davis, G. R.	Houseman,	Payne,	Wemple,
Davis, R. T.	James,	Post,	Whitelaw, J. D.
Deuster,	Jeffords,	Potter,	White, Milo
Dibble,	Johnson,	Ranney,	Whiting,
Dingley,	Jordan,	Ray, Ossian	Wilson, W. L.
Dorsheimer,	Kean,	Reed, T. B.	Wood,
Dunham,	Keifer,	Reid, J. W.	Woodward,
Ellis,	Ketcham,	Rice,	Worthington,
Evans,	King,	Robertson,	York.

NOT VOTING—65.

Aiken,	Eaton,	Kelley,	Rowell,
Arnot,	Elliott,	Kellogg,	Shaw,
Atkinson,	Ellwood,	Laird,	Skinner, C. R.
Bayne,	English,	Le Fevre,	Skinner, T. G.
Belford,	Funston,	Libbey,	Slocum,
Bowen,	Fyan,	McCormick,	Stewart, J. W.
Brainerd,	Garrison,	Morgan,	Stone,
Breitung,	George,	Morrill,	Sumner, C. A.
Brewer, F. B.	Glascock,	Morrison,	Swope,
Brumm,	Hancock,	Morse,	Talbott,
Buckner,	Hepburn,	Muller,	Taylor, E. B.
Budd,	Herbert,	Murphy,	Throckmorton,
Burnes,	Hewitt, A. S.	Murray,	Valentine,
Campbell, Felix	Holton,	Nicholls,	Wadsworth,
Campbell, J. E.	Hooper,	Oates,	Wait,
Chalmers,	Hopkins,	Ochiltree,	Wallace,
Clay,	Houk,	Payson,	Warner, A. J.
Connolly,	Hunt,	Pettibone,	Wilkins,
Cook,	Hurd,	Phelps,	Williams,
Covington,	Hutchins,	Poland,	Wilson, James
Craig,	Jones, B. W.	Rankin,	Wise, J. S.
Culbertson, W. W.	Jones, J. H.	Ray, G. W.	Yaple,
Davis, L. H.	Jones, J. K.	Reagan,	Young.
Dunn,	Jones, J. T.	Robinson, J. S.	

Mr. BEACH. I ask unanimous consent that the reading of the names be dispensed with.

Mr. HAMMOND. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. YOUNG with Mr. BREITUNG, for the remainder of the day.

Mr. HERBERT with Mr. KELLEY, for the remainder of the day.

Mr. BROADHEAD with Mr. CANNON, for the remainder of the day

Mr. GIBSON with Mr. WAIT, for the remainder of the day.

Mr. GLASCOCK with Mr. JONES of Texas.

The result of the vote was then announced as above recorded.

Mr. MOULTON. I move that when the House adjourns it adjourn to meet on Wednesday next.

Mr. COLLINS. I make the point of order that that motion has been already voted down.

Mr. MOULTON. But other business has intervened.

The SPEAKER *pro tempore*. The Chair does not think that a motion to adjourn is "other business" within the meaning of the rule. The Chair therefore thinks the point of order well taken.

Mr. COLLINS. I move that the House do now take a recess until 11 o'clock to-morrow.

Mr. HAMMOND. I move that when the House adjourns to-day it adjourn to meet on Thursday next.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. COLLINS] moves that the House take a recess until 11 o'clock to-morrow. Pending that the gentleman from Georgia [Mr. HAMMOND] moves that when the House adjourns to-day it adjourn to meet on Thursday next. The latter motion takes precedence.

Mr. GIBSON. I offer an amendment, that when the House adjourns it adjourn to meet this evening at 8 o'clock.

The SPEAKER *pro tempore*. The Chair must inform the gentleman from West Virginia [Mr. GIBSON] that his motion is not in order under the rule.

Mr. HISCOCK. Mr. Speaker, is it in order to inquire whether there is any filibustering on that side of the House? [Laughter.]

The SPEAKER *pro tempore*. The Chair does not think that it is called upon to answer that question.

Mr. REED, of Maine. Perhaps some other gentleman on that side of the House might volunteer the information.

The question was taken on the motion of Mr. HAMMOND, that when the House adjourns it adjourn to meet on Thursday next.

The motion was not agreed to.

Mr. HATCH, of Missouri. I move that the House do now adjourn.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. HATCH] moves that the House do now adjourn. Pending that motion the Chair asks the consent of the House to submit the following messages from the President of the United States.

There was no objection.

APPEAL OF FITZ-JOHN PORTER.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of January 28, 1885, "that the President be respectfully requested to transmit to this House a copy of the recent appeal of Fitz-John Porter, together with the accompanying papers," I transmit herewith a copy of a communication from Fitz-John Porter, addressed to the President, from Morristown, N. J., under date of October 14, 1884, together with copies of the accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

REPORT OF NATIONAL BOARD OF HEALTH.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on the Public Health, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the National Board of Health for the year 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

SURVEYS OF RIVERS IN WASHINGTON TERRITORY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a preliminary examination of Puyallup River, Washington Territory; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a preliminary examination of Lewis River, Washington Territory; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a preliminary examination of Willahpah River, Washington Territory; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. JONES, of Alabama, by unanimous consent, obtained leave of absence for the rest of the day, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. MURRAY, by unanimous consent, obtained leave to withdraw papers in the case of Abram S. Galbraith.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri [Mr. HATCH] that the House adjourn.

Mr. WASHBURN. I rise to a parliamentary inquiry. If the House should vote down the motion to adjourn will the next question be upon the motion for a recess? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. That will be determined when the House shall have disposed of the motion made by the gentleman from Missouri.

The question being taken on the motion of Mr. HATCH, of Missouri, that the House adjourn, there were—ayes 82, noes 88.

Mr. HATCH, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, 53 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 69, nays 104, not voting 150; as follows:

YEAS—69.

Alexander,	Davidson,	Moulton,	Taylor, J. M.
Bennett,	Everhart,	Mutchler,	Thomas,
Blackburn,	Ferrell,	Neece,	Thompson,
Bland,	Forney,	Nelson,	Tillman,
Blount,	Geddes,	Patton,	Townshend,
Buchanan,	Goff,	Peel,	Tully,
Cabell,	Graves,	Pierce,	Wakefield,
Caldwell,	Green,	Price,	Wallace,
Campbell, J. M.	Halsell,	Pryor,	Warner, Richard
Candler,	Hammond,	Pusey,	Wellborn,
Carleton,	Hardeman,	Randall,	Weller,
Clements,	Hatch, H. H.	Rice,	Willis,
Cobb,	Hatch, W. H.	Rogers, W. F.	Wise, G. D.
Converse,	Hemphill,	Seney,	Wolford,
Cosgrove,	Hewitt, G. W.	Singleton,	Yaple.
Covington,	Holman,	Springer,	
Cox, W. R.	McMillin,	Stewart, Charles	
Crisp,	Miller, J. F.	Sumner, D. H.	

NAYS—104.

Adams, G. E.	Dunham,	Lacey,	Reid, J. W.
Adams, J. J.	Ellis,	Long,	Rosecrans,
Anderson,	Evans,	Lore,	Russell,
Bagley,	Fiedler,	Lovering,	Ryan,
Beach,	Findlay,	Lowry,	Seymour,
Belmont,	Finerty,	McAdoo,	Smith, A. Herr
Bingham,	Follett,	McCoid,	Smith, H. Y.
Bisbee,	Greenleaf,	McComas,	Spooner,
Boutelle,	Guenther,	Maybury,	Spriggs,
Boyle,	Hart,	Millard,	Stephenson,
Bratton,	Haynes,	Miller, S. H.	Stevens,
Breckinridge,	Henderson, D. B.	Milliken,	Strait,
Brown, W. W.	Henderson, T. J.	Mitchell,	Sumner, C. A.
Budd,	Hill,	Money,	Taylor, J. D.
Burleigh,	Hiscock,	Morse,	Turner, Oscar
Cassidy,	Hitt,	Muldrow,	Van Alstyne,
Clardy,	Holmes,	O'Hara,	Van Eaton,
Collins,	Horr,	O'Neill, Charles	Washburn,
Connolly,	Houseman,	O'Neill, J. J.	Weaver,
Cox, S. S.	James,	Paige,	Wemple,
Cutcheon,	Jeffords,	Payne,	White, J. D.
Davis, G. R.	Jones, B. W.	Peters,	White, Milo
Davis, R. T.	Jordan,	Post,	Whiting,
Deuster,	Kean,	Potter,	Wilson, W. L.
Dibble,	King,	Ranney,	Wood,
Dorsheimer,	Kleiner,	Reed, T. B.	Woodward.

NOT VOTING—150.

Aiken,	Eaton,	Laird,	Rogers, J. H.
Arnot,	Eldredge,	Lamb,	Rowell,
Atkinson,	Elliott,	Lanham,	Shaw,
Ballentine,	Ellwood,	Lawrence,	Shively,
Barbour,	English,	Le Fevre,	Skinner, C. R.
Barksdale,	Ermentrout,	Lewis,	Skinner, T. G.
Barr,	Foran,	Libbey,	Slocum,
Bayne,	Funston,	Lynnn,	Smalls,
Belford,	Fyan,	McCormick,	Snyder,
Blanchard,	Garrison,	Matson,	Steele,
Bowen,	George,	Mills,	Stewart, J. W.
Brainerd,	Gibson,	Morgan,	Stockslager,
Breitung,	Glascock,	Morrill,	Stone,
Brewer, F. B.	Hanback,	Morrison,	Storm,
Brewer, J. H.	Hancock,	Muller,	Struble,
Broadhead,	Hardy,	Murphy,	Swope,
Browne, T. M.	Harmer,	Murray,	Talbott,
Brumm,	Henley,	Nicholls,	Taylor, E. B.
Buckner,	Hepburn,	Nutting,	Throckmorton,
Burnes,	Herbert,	Oates,	Tucker,
Campbell, Felix	Hewitt, A. S.	Ochiltree,	Turner, H. G.
Campbell, J. E.	Hoblitzell,	O'Ferrall,	Valentine,
Cannon,	Holton,	Parker,	Vance,
Chalmers,	Hooper,	Payson,	Wadsworth,
Clay,	Hopkins,	Perkins,	Wait,
Cook,	Houk,	Pettibone,	Ward,
Craig,	Howey,	Phelps,	Warner, A. J.
Culberson, D. B.	Hunt,	Poland,	Wilkins,
Culbertson, W. W.	Hurd,	Rankin,	Williams,
Cullen,	Hutchins,	Ray, G. W.	Wilson, James
Curtin,	Johnson,	Ray, Ossian	Winans, E. B.
Dargan,	Jones, J. H.	Reagan,	Winans, John
Davis, L. H.	Jones, J. K.	Reese,	Wise, J. S.
Dibrell,	Jones, J. T.	Riggs,	Worthington,
Dingley,	Keifer,	Robertson,	York,
Dockery,	Kelley,	Robinson, J. S.	Young.
Dowd,	Kellogg,	Robinson, W. E.	
Dunn,	Ketcham,	Rockwell,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. DINGLEY with Mr. TURNER, of Georgia, on this vote.

Mr. WARD with Mr. O'FERRALL, on this vote.

The following were announced as paired for the remainder of the day:

Mr. STEELE with Mr. HUNT.

Mr. WORTHINGTON with Mr. SHIVELY.

Mr. DIBRELL with Mr. LYMAN.

Mr. VANCE with Mr. SMALLS.

Mr. HANBACK with Mr. SNYDER.

Mr. BLANCHARD with Mr. LACEY.

Mr. RICE with Mr. STOCKSLAGER.

Mr. OATES with Mr. KETCHAM.

Mr. LEWIS with Mr. HENLEY.

Mr. SWOPE with Mr. BREWER, of New Jersey.

Mr. HOBLITZELL with Mr. STRUBLE.

Mr. PERKINS with Mr. RAY, of New Hampshire.

Mr. ROGERS, of New York, with Mr. WINANS, of Michigan.

Mr. GEORGE with Mr. LANHAM.

Mr. ERMENTROUT with Mr. HARMER.

Mr. ROCKWELL with Mr. DOCKERY.

Mr. ROBERTSON with Mr. CLARDY.

The result of the vote was announced as above stated.

Mr. HATCH, of Missouri. I move that when the House adjourns today it adjourn to meet on Wednesday next.

Mr. COLLINS. I make the point of order, Mr. Speaker, that has been voted down.

The SPEAKER *pro tempore*. The point of order is not well taken. A motion was made that when the House adjourns it adjourn to meet on Wednesday next. That was voted down and a motion to adjourn was rejected, but a motion was interposed that when the House adjourns it adjourn to meet on Thursday next, which was disposed of, when the motion to adjourn was again in order. That motion to adjourn until Thursday next constituting business within the meaning of the rule, the motion of the gentleman from Missouri is in order.

Mr. COLLINS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COLLINS. If a motion be made to adjourn and it be voted down, is it in order to make identically the same motion immediately thereafter?

Mr. HATCH, of Missouri. I rise to object. That is not a parliamentary inquiry.

Mr. COLLINS. If a motion be made that when the House adjourns it adjourn to a day certain, and that be voted down, can it be renewed as many times as the House pleases, no other motion to adjourn intervening?

The SPEAKER *pro tempore*. It may be renewed at the pleasure of any member of the House, provided business has been transacted by the House. The Chair held a moment ago it could not be renewed when nothing had transpired except a vote by yeas and nays on the motion to adjourn, because there is an unbroken chain of precedents declaring a motion to adjourn does not, in contemplation of the rule, constitute intervening business; but a motion to fix the day to which the House shall adjourn does constitute intervening business, and the gentleman from Missouri is therefore in order, and the point of order is overruled.

Mr. HISCOCK. I take the floor, Mr. Speaker, to ask whether——[Cries of "Regular order!"]

Mr. RANDALL. I take exception to the statement there has been an unbroken precedent in that direction.

The SPEAKER *pro tempore*. The Chair does not mean to say there have not been rulings in other directions, but the Chair can not remember any Speaker who has presided over any House of Representatives, since he has been a member, that has not ruled in accordance with the ruling of the Chair now. The motion of the gentleman from Missouri is in order.

The House divided; and there were—ayes 36, noes 22.

So the motion was disagreed to.

Mr. BLOUNT. I move that the House adjourn.

The House divided; and there were—ayes 71, noes 63.

Mr. COLLINS demanded the yeas and nays.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry. Is this filibustering?

The House divided; and there were ayes 43.

The SPEAKER *pro tempore*. In the opinion of the Chair there is a sufficient number to order the yeas and nays.

Mr. HATCH, of Missouri. Count the other side.

The other side was counted; and there were noes 58.

Mr. HISCOCK. I should like to inquire of the gentleman from Massachusetts whether he thinks it is possible to accomplish anything here to-night. If not, why then should we be compelled to stay here?

Mr. COLLINS. All things are possible in a sensible assembly.

Mr. HISCOCK. You know we can not accomplish anything if we stay here until midnight.

Mr. HATCH, of Missouri. I suggest to the gentleman from Massachusetts if he is a sensible man he will vote to adjourn.

The SPEAKER *pro tempore*. The yeasan d nays have been ordered.

The question was taken; and it was decided in the negative—yeas 65, nays 84, not voting 174; as follows:

YEAS—65.

Alexander,	Davidson,	Miller, J. F.	Taylor, J. M.
Bennett,	Dowd,	Moulton,	Thompson,
Blackburn,	Eldredge,	Neece,	Tillman,
Bland,	Everhart,	Patton,	Wakefield,
Blount,	Ferrell,	Peel,	Wallace,
Boutelle,	Forney,	Pierce,	Warner, Richard
Breckinridge,	Goff,	Price,	Wellborn,
Buchanan,	Green,	Pryor,	Weller,
Cabell,	Halsell,	Pusey,	Willis,
Caldwell,	Hammond,	Randall,	Wilson, W. L.
Candler,	Hardeman,	Ranney,	Winans, E. B.
Carleton,	Hatch, W. H.	Reese,	Wise, G. D.
Clements,	Hewitt, G. W.	Rogers, J. H.	Wolford,
Cobb,	Holman,	Singleton,	Yaple.
Converse,	Holmes,	Springer,	
Cosgrove,	McMillin,	Stephenson,	
Crisp,	Matson,	Stewart, Charles.	

NAYS—84.

Adams, G. E.	Evans,	Lovering,	Russell,
Adams, J. J.	Fiedler,	Lowry,	Ryan,
Bagley,	Findlay,	McAdoo,	Seymour,
Barksdale,	Finerty,	McCoid,	Smith, A. Herr
Beach,	Follett,	Maybury,	Smith, H. Y.
Bingham,	Geddes,	Millard,	Spooner,
Bisbee,	Greenleaf,	Milliken,	Spriggs,
Bratton,	Guenther,	Mitchell,	Stevens,
Brown, W. W.	Hardy,	Morse,	Strait,
Budd,	Henderson, D. B.	O'Ferrall,	Sumner, C. A.
Burleigh,	Hill,	O'Hara,	Taylor, J. D.
Cassidy,	Hiscock,	O'Neill, Charles	Thomas,
Collins,	Hitt,	O'Neill, J. J.	Washburn,
Cutcheon,	Houseman,	Parker,	Weaver,
Davis, G. R.	James,	Payne,	Wemple,
Davis, R. T.	Jeffords,	Peters,	White, J. D.
Deuster,	Jones, B. W.	Pettibone,	White, Milo
Dibble,	Jordan,	Post,	Whiting,
Dorsheimer,	Kean,	Potter,	Wilson, James
Dunham,	Kleiner,	Reid, J. W.	Wood,
Ellis,	Lore,	Rockwell,	Woodward.

NOT VOTING—174.

Aiken,	Dunn,	King,	Rogers, W. F.
Anderson,	Eaton,	Lacey,	Rosecrans,
Arnot,	Elliott,	Laird,	Rowell,
Atkinson,	Ellwood,	Lamb,	Seney,
Ballentine,	English,	Lanham,	Shaw,
Barbour,	Ermentrout,	Lawrence,	Shively,
Barr,	Foran,	Le Fevre,	Skinner, C. R.
Bayne,	Funston,	Lewis,	Skinner, T. G.
Belford,	Fyan,	Libbey,	Slocum,
Belmont,	Garrison,	Long,	Smalls,
Blanchard,	George,	Lyman,	Snyder,
Bowen,	Gibson,	McComas,	Steele,
Boyle,	Glascock,	McCormick,	Stewart, J. W.
Brainerd,	Graves,	Miller, S. H.	Stockslager,
Breitung,	Hanback,	Mills,	Stone,
Brewer, F. B.	Hancock,	Money,	Storm,
Brewer, J. H.	Harmer,	Morgan,	Struble,
Broadhead,	Hart,	Morrill,	Sumner, D. H.
Browne, T. M.	Hatch, H. H.	Morrison,	Swope,
Brumm,	Haynes,	Muldrow,	Talbott,
Buckner,	Hemphill,	Muller,	Taylor, E. B.
Burnes,	Henderson, T. J.	Murphy,	Throckmorton,
Campbell, Felix	Henley,	Murray,	Townshend,
Campbell, J. E.	Hepburn,	Mutchler,	Tucker,
Campbell, J. M.	Herbert,	Nelson,	Tully,
Cannon,	Hewitt, A. S.	Nicholls,	Turner, H. G.
Chalmers,	Hoblitzell,	Nutting,	Turner, Oscar
Clardy,	Holton,	Oates,	Valentine,
Clay,	Hooper,	Ochiltree,	Van Alstyne,
Connolly,	Hopkins,	Paige,	Vance,
Cook,	Horr,	Payson,	Van Eaton,
Covington,	Houk,	Perkins,	Wadsworth,
Cox, S. S.	Howey,	Phelps,	Wait,
Cox, W. R.	Hunt,	Poland,	Ward,
Craig,	Hurd,	Rankin,	Warner, A. J.
Culberson, D. B.	Hutchins,	Ray, G. W.	Wilkins,
Culbertson, W. W.	Johnson,	Ray, Osslan	Williams,
Cullen,	Jones, J. H.	Reagan,	Winans, John
Curtin,	Jones, J. K.	Reed, T. B.	Wise, J. S.
Dargan,	Jones, J. T.	Rice,	Worthington,
Davis, L. H.	Keifer,	Riggs,	York,
Dibrell,	Kelley,	Robertson,	Young.
Dingley,	Kellogg,	Robinson, J. S.	
Dockery,	Ketcham,	Robinson, W. E.	

So the House refused to adjourn.

Mr. ROBERTSON. I ask unanimous consent to dispense with the reading of the names.

Mr. COBB and Mr. WELLER objected.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. DINGLEY with Mr. TURNER, of Georgia, on this vote.

The following gentlemen were announced as being paired for the remainder of the day:

Mr. KING with Mr. LACEY.

Mr. SENEY with Mr. PAIGE.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.

Mr. TURNER, of Kentucky, with Mr. MILLER, of Pennsylvania.

Mr. MCCOMAS with Mr. MULDROW.

Mr. REED, of Maine, with Mr. HEMPHILL.

Mr. BOYLE with Mr. ANDERSON.

Mr. TULLY with Mr. CONNOLLY.

Mr. DOCKERY with Mr. LONG, on this vote.

The result of the vote was then announced as above recorded.

Mr. HATCH, of Missouri. I demand the regular order.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Massachusetts, that this House do now take a recess until 11 o'clock to-morrow.

Mr. HATCH, of Missouri. I made the point of order that no quorum had voted. [Cries of "Regular order."]

The SPEAKER *pro tempore*. The Chair has not been able to hear the gentleman from Missouri.

Mr. HATCH, of Missouri. I made the point that no quorum had voted.

The Chair has announced the pending motion to be the motion of the gentleman from Massachusetts, that the House take a recess. I submitted a motion to the House that when the House adjourns to-day it be to meet on Wednesday next. Pending that the gentleman from Georgia made his motion that the House adjourn; which vote has just been taken, and on which no quorum has voted.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman make the point of order that no quorum had voted.

Mr. HATCH, of Missouri. I insist, Mr. Speaker, that I did make it in the hearing of the House.

The SPEAKER *pro tempore*. The Chair accepts, of course, the statement of the gentleman from Missouri, but the point was waived by the subsequent motion of the gentleman from Georgia, to wit, that the House do now adjourn.

Mr. HATCH, of Missouri. My motion was that when the House adjourns to-day it be to meet on Wednesday next.

Mr. BLAND. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLAND. I understand that there has been a motion for a call of the House, and pending that the motion was made to adjourn. Would not the motion recur on the question of a call of the House?

The SPEAKER *pro tempore*. The Chair has no information that a motion for a call of the House was made.

The Chair will state again that the point of no quorum was not heard by the Chair when made by the gentleman from Missouri. The Chair, however, regards the point as having been waived and yielded by the gentleman when the motion of the gentleman from Georgia was made that the House do now adjourn. The Chair recognizes the gentleman from Missouri to make the point of order.

Mr. RANDALL. Less than a quorum can adjourn.

The SPEAKER *pro tempore*. The Chair has not intimated or ruled that that question was not in order in the absence of a quorum. The Chair now recognizes the gentleman from Missouri to make the point of order. The Journal shows that the last vote was taken upon a motion to adjourn, which motion was made pending a motion that when the House adjourns to-day it be to meet on Wednesday next. The Chair will state that that motion would not now be in order.

Mr. HATCH, of Missouri. Then I make the motion now, that when the House adjourns to-day it be to meet on Thursday next.

The SPEAKER *pro tempore*. The Chair will recognize that motion as being in order.

Mr. GIBSON. I wish to ask a parliamentary question. If this means to promote the delay of business, or if it means to promote the business of the House?

The SPEAKER *pro tempore*. The Chair does not think the gentleman submits a parliamentary inquiry. The question recurs upon the motion of the gentleman from Massachusetts, that the House do now take a recess, and pending that motion the gentleman from Missouri moves that when the House adjourns to-day it be to meet on Thursday next at 12 o'clock.

The question was taken; and on a division there were—ayes 32, noes 67.

Mr. HATCH, of Missouri, and Mr. BEACH. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HATCH, of Missouri, and Mr. COLLINS were appointed tellers.

Mr. BLAND. Pending the vote by tellers, I move that the House do now adjourn. [Cries of "Regular order!"]

Mr. ELLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ELLIS. Was not the last yea-and-nay vote on a motion to adjourn?

The SPEAKER *pro tempore*. The Chair will answer the gentleman that the last yea-and-nay vote was taken upon a motion to adjourn.

Mr. ELLIS. I make the point of order that no intervening business has been transacted by the House which will warrant the repetition of the motion.

The SPEAKER *pro tempore*. The Chair must state that in the mean time, since that motion was submitted to the House, what is recognized as intervening business under the rules of the House has taken place.

Mr. ELLIS. What business has taken place?

The SPEAKER *pro tempore*. A vote *vive voce* on a motion that when the House adjourns it be to meet on Thursday next and after that a division on the same motion.

Mr. ELLIS. But that has determined nothing. We are now endeavoring to ascertain whether we can do anything by the presence of a quorum.

The SPEAKER *pro tempore*. The Chair must overrule the question of order.

The question before the House is on the motion of the gentleman from Missouri that the House do now adjourn.

The question was taken; and upon a division there were—ayes 67, noes 61.

Mr. ELLIS and Mr. COLLINS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 63, nays 71, not voting 189; as follows:

YEAS—63.

Alexander,	Candler,	Dowd,	Hiscock,
Bennett,	Carleton,	Dunham,	Holman,
Blackburn,	Clements,	Everhart,	Jones, J. H.
Bland,	Cobb,	Ferrell,	Kean,
Blount,	Converse,	Goff,	Keifer,
Breckinridge,	Cosgrove,	Green,	Matson,
Buchanan,	Crisp,	Halsell,	Moulton,
Cabell,	Davidson,	Hardeman,	Neece,
Caldwell,	Dorsheimer,	Hatch, W. H.	Nelson,

Patton,	Reese,	Thomas,	White, Milo
Peel,	Riggs,	Tillman,	Willis,
Pierce,	Rogers, J. H.	Wakefield,	Wilson, W. L.
Price,	Singleton,	Wallace,	Winans, E. B.
Pryor,	Springer,	Warner, Richard	Wolford,
Pusey,	Stephenson,	Wellborn,	Yaple.
Randall	Taylor, J. M.	Weller,	

NAYS—71.

Adams, J. J.	Evans,	Lowry,	Rockwell,
Bagley,	Fiedler,	McAdoo,	Russell,
Barksdale,	Findlay,	McCoid,	Smith, A. Herr
Beach,	Finerty,	McMillin,	Smith, H. Y.
Bingham,	Follett,	Maybury,	Spooner,
Bisbee,	Greenleaf,	Millard,	Spriggs,
Bratton,	Guenther,	Milliken,	Stevens,
Brown, W. W.	Hardy,	Mitchell,	Strait,
Budd,	Henderson, D. B.	O'Ferrall,	Sumner, C. A.
Burleigh,	Hill,	O'Hara,	Taylor, J. D.
Clardy,	Holmes,	O'Neill, Charles	Van Alstyne,
Collins,	Houseman,	Parker,	Weaver,
Cutcheon,	James,	Payne,	Wemple,
Davis, G. R.	Jeffords,	Peters,	White, J. D.
Davis, R. T.	Jones, B. W.	Pettibone,	Whiting,
Deuster,	Jordan,	Post,	Wilson, James
Dibble,	Kleiner,	Potter,	Woodward.
Ellis,	Lore,	Reid, J. W.	

NOT VOTING—189.

Adams, G. E.	Eldredge,	Laird,	Ryan,
Aiken,	Elliott,	Lamb,	Seney,
Anderson,	Ellwood,	Lanham,	Seymour,
Arnot,	English,	Lawrence,	Shaw,
Atkinson,	Ermentrout,	Le Fevre,	Shively,
Ballentine,	Foran,	Lewis,	Skinner, C. R.
Barbour,	Forney,	Libbey,	Skinner, T. G.
Barr,	Funston,	Long,	Slocum,
Bayne,	Fyan,	Lovering,	Smalls,
Belford,	Garrison,	Lyman,	Snyder,
Belmont,	Geddes,	McComas,	Steele,
Blanchard,	George,	McCormick,	Stewart, Charles
Boutelle,	Gibson,	Miller, J. F.	Stewart, J. W.
Bowen,	Glascock,	Miller, S. H.	Stockslager,
Boyle,	Graves,	Mills,	Stone,
Brainerd,	Hammond,	Money,	Storm,
Breitung,	Hanback,	Morgan,	Struble,
Brewer, F. B.	Hancock,	Morrill,	Sumner, D. H.
Brewer, J. H.	Harmer,	Morrison,	Swope,
Broadhead,	Hart,	Morse,	Talbott,
Browne, T. M.	Hatch, H. H.	Muldrow,	Taylor, E. B.
Brumm,	Haynes,	Muller,	Thompson,
Buckner,	Hemphill,	Murphy,	Throckmorton,
Burnes,	Henderson, T. J.	Murray,	Townshend,
Campbell, Felix	Henley,	Mutchler,	Tucker,
Campbell, J. E.	Hepburn,	Nicholls,	Tully,
Campbell, J. M.	Herbert,	Nutting,	Turner, H. G.
Cannon,	Hewitt, A. S.	Oates,	Turner, Oscar
Cassidy,	Hewitt, G. W.	Ochiltree,	Valentine,
Chalmers,	Hitt,	O'Neill, J. J.	Vance,
Clay,	Hoblitzell,	Paige,	Van Eaton,
Connolly,	Holton,	Payson,	Wadsworth,
Cook,	Hooper,	Perkins,	Wait,
Covington,	Hopkins,	Phelps,	Ward,
Cox, S. S.	Horr,	Poland,	Warner, A. J.
Cox, W. R.	Houk,	Rankin,	Washburn,
Craig,	Howey,	Ranney,	Wilkins,
Culberson, D. B.	Hunt,	Ray, G. W.	Williams,
Culbertson, W. W.	Hurd,	Ray, Osslan	Winans, John
Cullen,	Hutchins,	Reagan,	Wise, G. D.
Curtin,	Johnson,	Reed, T. B.	Wise, J. S.
Dargan,	Jones, J. K.	Rice,	Wood,
Davis, L. H.	Jones, J. T.	Robertson,	Worthington,
Dibrell,	Kelley,	Robinson, J. S.	York,
Dingley,	Kellogg,	Robinson, W. E.	Young.
Dockery,	Ketcham,	Rogers, W. F.	
Dunn,	King,	Rosecrans,	
Eaton,	Lacey,	Rowell,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. JOHNSON with Mr. HOWEY, for the remainder of the day.

Mr. TURNER, of Georgia, with Mr. DINGLEY, for the remainder of the day.

Mr. MILLER, of Texas, with Mr. ADAMS, of Illinois, for the remainder of the day.

Mr. HEWITT, of Alabama, with Mr. STONE, for the remainder of the day.

Mr. STEWART, of Texas, with Mr. HITT, for the remainder of the day.

Mr. FORNEY with Mr. RYAN, for the remainder of the day.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Before announcing the result of the vote just taken the Chair will submit the following personal requests:

The Clerk read the request of Mr. WEAVER for leave of absence on account of sickness; and

The request of Mr. ANDERSON to be excused from attendance during the remainder of this day's session on account of important business.

Mr. PRICE. I object to the gentleman from Kansas [Mr. ANDERSON] being excused.

The SPEAKER *pro tempore*. The Chair will ask if there is any objection to the request of the gentleman from Nebraska [Mr. WEAVER].

There was no objection.

The SPEAKER *pro tempore*. Objection is made to the request of the gentleman from Kansas [Mr. ANDERSON].

ORDER OF BUSINESS.

The result of the vote on the motion to adjourn was then announced as above stated.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The pending motion is that of the gentleman from Missouri [Mr. HATCH], that when the House adjourns it be to meet on Thursday next.

Mr. WELLER. I move that the House adjourn immediately.

The SPEAKER *pro tempore*. That motion is not in order. The question is on the motion of the gentleman from Missouri.

Mr. GUENTHER. And upon that motion I call for the yeas and nays.

Mr. SPRINGER. I desire to submit a request for unanimous consent.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will allow the gentleman from Illinois to state his request for unanimous consent, after which the Chair will recognize the gentleman from Kentucky [Mr. WHITE] to state his question of order.

Mr. SPRINGER. At 1 o'clock to-day, at the request of the gentleman from Pennsylvania [Mr. RANDALL], I gave way that the resolution reported by the Committee on Rules might be brought up. I now want to have the rules suspended and a very little bill passed for the benefit of my constituents.

Mr. WHITE, of Kentucky. I object.

Mr. SPRINGER. I knew some crank would object to this.

The SPEAKER *pro tempore*. The Chair recognizes the right of the gentleman from Kentucky to interpose an objection.

Mr. WHITE, of Kentucky. I ask that the words of the gentleman from Illinois [Mr. SPRINGER] be taken down.

Mr. SPRINGER. I take them back.

Mr. WHITE, of Kentucky. I insist that they shall be taken down.

The SPEAKER *pro tempore*. Any member of the House has the right to withdraw words used in debate.

Mr. WHITE, of Kentucky. He has not the right to use language unbecoming a gentleman on this floor, and then skulk to his corner and withdraw them.

The SPEAKER *pro tempore*. The Chair has decided that the gentleman had a right to withdraw the language objected to.

Mr. WHITE, of Kentucky. I insist that the words shall be taken down, or that, as a dog, he shall withdraw them in the presence of the House.

Mr. RYAN. Those words should be taken down.

The SPEAKER *pro tempore*. The gentleman from Kentucky is not in order. The gentleman from Illinois has a right to withdraw the words, and has withdrawn them. The question is on the motion of the gentleman from Missouri that when the House adjourns to-day it be to meet on Thursday next; and on that question the yeas and nays have been demanded.

The question being taken on ordering the yeas and nays, there were ayes 23—not one-fifth of the last vote.

Mr. DAVIS, of Illinois. Count the other side.

The negative vote being counted, there were noes 73.

Mr. CLARDY. I demand tellers on ordering the yeas and nays.

Mr. DUNHAM. Pending the demand for tellers, I move that the House do now adjourn.

The question being taken, there were—ayes 71, noes 65.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered—49 members voting therefor.

The question was taken; and there were—yeas 66, nays 75, not voting 182; as follows:

YEAS—66.

Alexander,	Crisp,	Moulton,	Thomas,
Bennett,	Davidson,	Neece,	Tillman,
Blackburn,	Dowd,	Nelson,	Wakefield,
Bland,	Dunham,	Patton,	Wallace,
Blount,	English,	Peel,	Warner, Richard
Breckinridge,	Everhart,	Pierce,	Wellborn,
Buchanan,	Ferrell,	Price,	Weller,
Burnes,	Goff,	Pryor,	White, Milo
Cabell,	Green,	Pusey,	Willis,
Caldwell,	Halsell,	Randall,	Wilson, W. L.
Candler,	Hardeman,	Reese,	Winans, E. B.
Carleton,	Hatch, W. H.	Riggs,	Wise, G. D.
Clardy,	Holman,	Rogers, J. H.	Wolford,
Clements,	Jones, J. H.	Singleton,	Wood,
Cobb,	Keifer,	Springer,	Yaple.
Converse,	McMillin,	Stephenson,	
Cosgrove,	Matson,	Taylor, J. M.	

NAYS—75.

Adams, J. J.	Evans,	Lovering,	Rockwell,
Bagley,	Findlay,	Lowry,	Rosecrans,
Barksdale,	Finerty,	McAdoo,	Russell,
Barr,	Follett,	McCoid,	Seymour,
Beach,	Graves,	Maybury,	Smith, A. Herr
Bingham,	Greenleaf,	Millard,	Smith, H. Y.
Bisbee,	Guenther,	Milliken,	Spooner,
Bratton,	Hardy,	Mitchell,	Spriggs,
Brown, W. W.	Henderson, D. B.	Nutting,	Stevens,
Budd,	Hill,	O'Ferrall,	Strait,
Burleigh,	Holmes,	O'Hara,	Sumner, C. A.
Collins,	Houseman,	O'Neill, Charles	Taylor, J. D.
Cutcheon,	James,	Parker,	Van Alstyne,
Davis, G. R.	Jeffords,	Payne,	Wemple,
Davis, R. T.	Jones, B. W.	Peters,	White, J. D.
Deuster,	Jordan,	Pettibone,	Whiting,
Dibble,	Kean,	Post,	Wilson, James
Dorsheimer,	Kleiner,	Potter,	Woodward.
Ellis,	Lore,	Reid, J. W.	

NOT VOTING—182.

Adams, G. E.	Eldredge,	King,	Rowell,
Aiken,	Elliott,	Lacey,	Ryan,
Anderson,	Ellwood,	Laird,	Seney,
Arnot,	Ermentrout,	Lamb,	Shaw,
Atkinson,	Fiedler,	Lanham,	Shively,
Ballentine,	Foran,	Lawrence,	Skinner, C. R.
Barbour,	Forney,	Le Fevre,	Skinner, T. G.
Bayne,	Funston,	Lewis,	Slocum,
Bedford,	Fyan,	Libbey,	Smalls,
Belmont,	Garrison,	Long,	Snyder,
Blanchard,	Geddes,	Lyman,	Steele,
Boutelle,	George,	McComas,	Stewart, Charles
Bowen,	Gibson,	McCormick,	Stewart, J. W.
Boyle,	Glascock,	Miller, J. F.	Stockslager,
Brainerd,	Hammond,	Miller, S. H.	Stone,
Breitung,	Hainback,	Mills,	Storm,
Brewer, F. B.	Hancock,	Money,	Struble,
Brewer, J. H.	Harmer,	Morgan,	Sumner, D. H.
Broadhead,	Hart,	Morrill,	Swope,
Browne, T. M.	Hatch, H. H.	Morrison,	Talbott,
Brumm,	Haynes,	Morse,	Taylor, E. B.
Buckner,	Hemphill,	Muldrow,	Thompson,
Campbell, Felix	Henderson, T. J.	Muller,	Throckmorton,
Campbell, J. E.	Henley,	Murphy,	Townshend,
Campbell, J. M.	Hepburn,	Murray,	Tucker,
Cannon,	Herbert,	Mutchler,	Tully,
Cassidy,	Hewitt, A. S.	Nicholls,	Turner, H. G.
Chalmers,	Hewitt, G. W.	Oates,	Turner, Oscar
Clay,	Hiscock,	Ochiltree,	Valentine,
Connolly,	Hitt,	O'Neill, J. J.	Vance,
Cook,	Hoblitzell,	Paige,	Van Eaton,
Covington,	Holton,	Payson,	Wadsworth,
Cox, S. S.	Hooper,	Perkins,	Wait,
Cox, W. R.	Hopkins,	Phelps,	Ward,
Craig,	Horr,	Poland,	Warner, A. J.
Culberson, D. B.	Houk,	Rankin,	Washburn,
Culbertson, W. W.	Howey,	Ranney,	Weaver,
Cullen,	Hunt,	Ray, G. W.	Wilkins,
Curtin,	Hurd,	Ray, Ossian	Williams,
Dargan,	Hutchins,	Reagan,	Winans, John
Davis, L. H.	Johnson,	Reed, T. B.	Wise, J. S.
Dibrell,	Jones, J. K.	Rice,	Worthington,
Dingley,	Jones, J. T.	Robertson,	York,
Dockery,	Kelley,	Robinson, J. S.	Young.
Dunn,	Kellogg,	Robinson, W. E.	
Eaton,	Ketcham,	Rogers, W. F.	

So the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Missouri [Mr. HATCH], that when the House adjourns to-day it adjourn to meet on Thursday next; upon which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 10, nays 106, not voting 207; as follows:

YEAS—10.

Bisbee,	Guenther,	McCold,	Spooner.
Collins,	Holmes,	Peters,	
Goff,	James,	Smith, H. Y.	

NAYS—106.

Adams, J. J.	Davidson,	Lore,	Skinner, T. G.
Alexander,	Davis, G. R.	Lovering,	Snyder,
Bagley,	Davis, R. T.	McMillin,	Spriggs,
Barksdale,	Deuster,	Mitchell,	Springer,
Beach,	Dowd,	Moulton,	Stevens,
Bennett,	Dunham,	Neece,	Strait,
Bingham,	Ellis,	Nutting,	Sumner, C. A.
Blackburn,	English,	O'Ferrall,	Taylor, J. M.
Bland,	Evans,	O'Hara,	Thomas,
Blount,	Everhart,	O'Neill, Charles	Tillman,
Breckinridge,	Ferrell,	Parker,	Van Alstyne,
Brown, W. W.	Findlay,	Patton,	Wakefield,
Buchanan,	Follett,	Payne,	Wallace,
Budd,	Graves,	Peel,	Warner, Richard
Burleigh,	Green,	Pierce,	Wellborn,
Burnes,	Greenleaf,	Pettibone,	Weller,
Cabell,	Halsell,	Post,	Wemple,
Caldwell,	Hanback,	Potter,	Whiting,
Candler,	Hardy,	Pryor,	Willis,
Carleton,	Hatch, W. H.	Pusey,	Wilson, James
Clardy,	Hill,	Randall,	Wilson, W. L.
Clements,	Houseman,	Reid, J. W.	Winans, E. B.
Cobb,	Jones, B. W.	Riggs,	Wise, G. D.
Converse,	Jones, J. H.	Rogers, J. H.	Wolford,
Cosgrove,	Jordan,	Rosecrans,	Wood.
Crisp,	Keifer,	Seymour,	
Cutcheon,	Kleiner,	Singleton,	

NOT VOTING—207.

Adams, G. E.	Brumm,	Dibrell,	Hancock,
Aiken,	Buckner,	Dingley,	Hardeman,
Anderson,	Campbell, Felix	Dockery,	Harmer,
Arnot,	Campbell, J. E.	Dorsheimer,	Hart,
Atkinson,	Campbell, J. M.	Dunn,	Hatch, H. H.
Ballentine,	Cannon,	Eaton,	Haynes,
Barbour,	Cassidy,	Eldredge,	Hemphill,
Barr,	Chalmers,	Elliott,	Henderson, D. B.
Bayne,	Clay,	Ellwood,	Henderson, T. J.
Belford,	Connolly,	Ermentrout,	Henley,
Belmont,	Cook,	Fiedler,	Hepburn,
Blanchard,	Covington,	Finerty,	Herbert,
Boutelle,	Cox, S. S.	Foran,	Hewitt, A. S.
Bowen,	Cox, W. R.	Forney,	Hewitt, G. W.
Boyle,	Craig,	Funston,	Hiscock,
Brainerd,	Culberson, D. B.	Fyan,	Hitt,
Bratton,	Culbertson, W. W.	Garrison,	Hoblitzell,
Breitung,	Cullen,	Geddes,	Holman,
Brewer, F. B.	Curtin,	George,	Holton,
Brewer, J. H.	Dargan,	Gibson,	Hooper,
Broadhead,	Davis, L. H.	Glascock,	Hopkins,
Browne, T. M.	Dibble,	Hammond,	Horr,

Houk,	Millard,	Reagan,	Taylor, E. B.
Howey,	Miller, J. F.	Reed, T. B.	Taylor, J. D.
Hunt,	Miller, S. H.	Reese,	Thompson,
Hurd,	Milliken,	Rice,	Throckmorton,
Hutchins,	Mills,	Robertson,	Townshend,
Jeffords,	Money,	Robinson, J. S.	Tucker,
Johnson,	Morgan,	Robinson, W. E.	Tully,
Jones, J. K.	Morrill,	Rockwell,	Turner, H. G.
Jones, J. T.	Morrison,	Rogers, W. F.	Turner, Oscar
Kean,	Morse,	Rowell,	Valentine,
Kelley,	Muldrow,	Russell,	Vance,
Kellogg,	Muller,	Ryan,	Van Eaton,
Ketcham,	Murphy,	Seney,	Wadsworth,
King,	Murray,	Shaw,	Wait,
Lacey,	Mutchler,	Shively,	Ward,
Laird,	Nelson,	Skinner, C. R.	Warner, A. J.
Lamb,	Nicholls,	Slocum,	Washburn,
Lanham,	Oates,	Smalls,	Weaver,
Lawrence,	Ochiltree,	Smith, A. Herr	White, J. D.
Le Fevre,	O'Neill, J. J.	Steele,	White, Milo
Lewis,	Paige,	Stephenson,	Wilkins,
Libbey,	Payson,	Stewart, Charles	Williams,
Long,	Perkins,	Stewart, J. W.	Winans, John
Lowry,	Phelps,	Stockslager,	Wise, J. S.
Lyman,	Poland,	Stone,	Woodward,
McAdoo,	Price,	Storm,	Worthington,
McComas,	Rankin,	Struble,	Yaple,
McCormick,	Ranney,	Sumner, D. H.	York,
Matson,	Ray, G. W.	Swope,	Young.
Maybury,	Ray, Ossian	Talbott,	

The following additional pairs were announced for the remainder of this day:

Mr. ALEXANDER with Mr. MILLARD.

Mr. LOWRY, with Mr. HENDERSON, of Iowa.

Mr. MAYBURY, with Mr. WINANS, of Michigan.

Mr. WOODWARD with Mr. PRICE.

The result of the vote was announced as above stated.

Mr. COLLINS. I make the point of order that there is no quorum present, and I move a call of the House.

Mr. DUNHAM. Pending that, I move that the House do now adjourn.

Mr. KEIFER. Mr. Speaker, I make the point of order (under paragraph 2 of Rule XVII) that a motion for a call of the House is not in order unless the Speaker has counted the members present and ascertained the fact for himself.

The SPEAKER *pro tempore*. The Chair has announced the vote, which shows the number of members present. The question is on the motion of the gentleman from Illinois [Mr. DUNHAM] that the House do now adjourn.

The question was taken; and there were—ayes 58, noes 44.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 65, not voting 196; as follows:

YEAS—62.

Bennett,	Dowd,	Neece,	Taylor, J. M.
Blackburn,	Dunham,	Patton,	Thomas,
Bland,	Eldredge,	Peel,	Tillman,
Bratton,	English,	Pierce,	Wakefield,
Buchanan,	Everhart,	Price,	Wallace,
Burnes,	Ferrell,	Pryor,	Warner, Richard
Cabell,	Goff,	Pusey,	Wellborn,
Caldwell,	Graves,	Randall,	Weller,
Carleton,	Green,	Reese,	White, Milo
Clardy,	Halsell,	Riggs,	Willis,
Clements,	Hardeman,	Singleton,	Wilson, W. L.
Cobb,	Hatch, W. H.	Skinner, T. G.	Wise, G. D.
Converse,	Holman,	Snyder,	Wolford,
Cosgrove,	Jones, J. H.	Springer,	Wood.
Crisp,	McMillin,	Stephenson,	
Davidson,	Moulton,	Storm.	

NAYS—65.

Adams, J. J.	Findlay,	McCold,	Russell,
Bagley,	Follett,	Millard,	Seymour,
Barr,	Greenleaf,	Mitchell,	Smith, H. Y.
Beach,	Guenther,	Nutting,	Spooner,
Bingham,	Hanback,	O'Ferrall,	Stevens,
Bisbee,	Hardy,	O'Hara,	Strait,
Brown, W. W.	Hill,	O'Neill, Charles	Sumner, C. A.
Budd,	Holmes,	O'Neill, J. J.	Taylor, J. D.
Collins,	James,	Parker,	Van Alstyne,
Cutcheon,	Jones, B. W.	Payne,	Wemple,
Davis, G. R.	Jordan,	Peters,	White, J. D.
Davis, R. T.	Kean,	Pettibone,	Whiting,
Deuster,	Keifer,	Post,	Wilson, James
Dibble,	Kleiner,	Potter,	Woodward.
Dorsheimer,	Lore,	Reid, J. W.	
Ellis,	Lovering,	Rockwell,	
Evans,	Lowry,	Rosecrans,	

NOT VOTING—196.

Adams, G. E.	Blount,	Burleigh,	Cox, W. R.
Aiken,	Boutelle,	Campbell, Felix	Craig,
Alexander,	Bowen,	Campbell, J. E.	Culberson, D. B.
Anderson,	Boyle,	Campbell, J. M.	Culbertson, W. W.
Arnot,	Brainerd,	Candler,	Cullen,
Atkinson,	Breckinridge,	Cannon,	Curtin,
Ballentine,	Breitung,	Cassidy,	Dargan,
Barbour,	Brewer, F. B.	Chalmers,	Davis, L. H.
Barksdale,	Brewer, J. H.	Clay,	Dibrell,
Bayne,	Broadhead,	Connolly,	Dingley,
Belford,	Browne, T. M.	Cook,	Dockery,
Belmont,	Brumm,	Covington,	Dunn,
Blanchard,	Buckner,	Cox, S. S.	Eaton,

Elliott,	Houseman,	Morse,	Spriggs,
Ellwood,	Howey,	Muldrow,	Steele,
Ermentrout,	Hunt,	Muller,	Stewart, Charles
Fiedler,	Hurd,	Murphy,	Stewart, J. W.
Finerty,	Hutchins,	Murray,	Stockslager,
Foran,	Jeffords,	Mutchler,	Stone,
Forney,	Johnson,	Nelson,	Struble,
Funston,	Jones, J. K.	Nicholls,	Sumner, D. H.
Fyan,	Jones, J. T.	Oates,	Swope,
Garrison,	Kelley,	Ochiltree,	Talbott,
Geddes,	Kellogg,	Paige,	Taylor, E. B.
George,	Ketcham,	Payson,	Thompson,
Gibson,	King,	Perkins,	Throckmorton,
Glascock,	Lacey,	Phelps,	Townshend,
Hammond,	Laird,	Poland,	Tucker,
Hancock,	Lamb,	Rankin,	Tully,
Harmer,	Lanham,	Ranney,	Turner, H. G.
Hart,	Lawrence,	Ray, G. W.	Turner, Oscar
Hatch, H. H.	Le Fevre,	Ray, Ossian	Valentine,
Haynes,	Lewis,	Reagan,	Vance,
Hemphill,	Libbey,	Reed, T. B.	Van Eaton,
Henderson, D. B.	Long,	Rice,	Wadsworth,
Henderson, T. J.	Lyman,	Robertson,	Wait,
Henley,	McAdoo,	Robinson, J. S.	Ward,
Hepburn,	McComas,	Robinson, W. E.	Warner, A. J.
Herbert,	McCormick,	Rogers, J. H.	Washburn,
Hewitt, A. S.	Matson,	Rogers, W. F.	Weaver,
Hewitt, G. W.	Maybury,	Rowell,	Wilkins,
Hiscock,	Miller, J. F.	Ryan,	Williams,
Hitt,	Miller, S. H.	Seney,	Winans, E. B.
Hoblitzell,	Milliken,	Shaw,	Winans, John
Holton,	Mills,	Shively,	Wise, J. S.
Hooper,	Money,	Skinner, C. R.	Worthington,
Hopkins,	Morgan,	Slocum,	Yaple,
Horr,	Morrill,	Smalls,	York,
Houk,	Morrison,	Smith, A. Herr	Young.

So the motion was not agreed to.

Mr. KEAN. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. ALEXANDER with Mr. JEFFORDS, for the remainder of the day.

Mr. CANDLER with Mr. BARKSDALE, upon all questions in relation to adjournment.

Mr. FELIX CAMPBELL with Mr. WEAVER, for the remainder of the day.

LEAVE OF ABSENCE.

Mr. FIEDLER, by unanimous consent, was granted leave of absence for the remainder of this day on account of sickness.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Massachusetts [Mr. COLLINS], who moves a call of the House.

Mr. KEIFER We are operating under the previous question; and it will be necessary for the Speaker, before entertaining the motion for a call of the House, to make a count of the House himself, under paragraph 2 of Rule XVII.

The SPEAKER *pro tempore*. The Chair recognizes the rule to which the gentleman from Ohio [Mr. KEIFER] refers, bnt begs the House to note that there has been on a call of the yeas and nays a vote of 62 to 65, showing by the best evidence the House may have that a quorum is not present. The gentleman from Massachusetts [Mr. COLLINS] moves a call of the House; and in view of the report made by the Clerk on the call of the yeas and nays the Chair holds the motion of the gentleman from Massachusetts to be in order and submits it to the House.

The question being taken on the motion of Mr. COLLINS for a call of the House, there were—ayes 68, noes 52.

Mr. HATCH, of Missouri, Mr. BLOUNT, and others called for the yeas and nays.

The yeas and nays were ordered, 46 voting in favor thereof.

Mr. NEECE. I move that the House do now adjourn.

Mr. BENNETT. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BENNETT. I ask the Speaker to direct the enforcement of the rule which forbids smoking on the floor of the House. [Applause.]

The SPEAKER *pro tempore*. The point of order is well taken, and the Speaker requests the Sergeant-at-Arms to see that the rnle of the House is enforced and obeyed.

Mr. MOULTON. I hope the Committee on Ventilation will give us a little more fresh air. [Laughter].

The SPEAKER *pro tempore* proceeded to take the question on the motion of Mr. NEECE, and announced 53 votes in the affirmative.

Mr. COLLINS (before the negative vote was announced). I raise the question of order whether the motion to adjourn is now in order. The last motion which was acted on by the House was a motion to adjourn, and no business has intervened since that time. [Cries of "Too late!"] No; it is not too late.

The SPEAKER *pro tempore*. The Chair must state to the gentleman from Massachusetts that the question recurred upon his motion for a call of the House——

Mr. COLLINS. But no action was taken upon that.

The SPEAKER *pro tempore*. A division was had, and the yeas and nays were ordered; which, in the judgment of the Chair, constitutes intervening business. The Chair overrules the point of order.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I think, if the Chair will remember, the gentleman from Massachusetts [Mr. COLLINS] rose and demanded a call of the House. Upon that the vote was taken, and the motion prevailed. Just at that juncture the gentleman from North Carolina [Mr. BENNETT] rose to a question of privilege. I now make the point of order that when the House had ordered a call of the House a motion to adjourn was not then in order, but it was only in order to execute the call of the House.

The SPEAKER *pro tempore*. As the shortest way to express its opinion, the Chair will ask the Clerk to read what it is hoped will be sufficient to inform the House upon the point of order on which the gentleman from Kentucky seems disposed to insist.

The Clerk read as follows:

A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal* 1, 23, page 65]—but there must have been some intervening business.—*Ibid.*, 1, 31, 1092. [Another motion submitted, progress in debate, or reading a paper by the Clerk, an order to the yeas and nays, &c., has been considered such "intervening business" as will authorize the repetition of the motion to adjoin].

Mr. ELLIS. Is that a rule of the House or a ruling of some preceding Speaker?

The SPEAKER *pro tempore*. The Chair will state that it is the ruling of Speakers of the House.

Mr. ELLIS. It is not a rule of the House?

The SPEAKER *pro tempore*. It is not a rule of the House. The Chair overrules the point of order. On the motion of the gentleman from Illinois to adjourn the ayes are 53, the noes 57.

Mr. HATCH, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, 38 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 64, nays 66, not voting 193; as follows:

YEAS—64.

Bennett,	Cox, W. R.	McMillin,	Springer,
Blackburn,	Crisp,	Moulton,	Stephenson,
Bland,	Davidson,	Neece,	Storm,
Blount,	Dowd,	Patton,	Taylor, J. M.
Bratton,	Dunham,	Peel,	Thomas,
Breckinridge,	Eldredge,	Pierce,	Tillman,
Buchanan,	English,	Price,	Wakefield,
Burnes,	Goff,	Pryor,	Wallace,
Cabell,	Graves,	Pusey,	Warner, Richard
Caldwell,	Green,	Randall,	Wellborn,
Carleton,	Halsell,	Reese,	Weller,
Clardy,	Hardeman,	Riggs,	White, Milo
Clements,	Hatch, W. H.	Singleton,	Willis,
Cobb,	Holman,	Skinner, T. G.	Wilson, W. L.
Converse,	Jones, J. H.	Snyder,	Wise, G. D.
Cosgrove,	McMillin,	Springer,	Wolford.

NAYS—66.

Adams, J. J.	Everhart,	Lowry,	Rockwell,
Barr,	Findlay,	McAdoo,	Rosecrans,
Beach,	Follett,	McCold,	Russell,
Bingham,	Greenleaf,	Millard,	Seymour,
Bisbee,	Guenther,	Mitchell,	Smith, H. Y.
Brewer, F. B.	Hanback,	Morse,	Spooner,
Brown, W. W.	Hardy,	Nutting,	Stevens,
Budd,	Hill,	O'Ferrall,	Strait,
Collins,	Holmes,	O'Hara,	Taylor, J. D.
Cutcheon,	Houseman,	O'Neill, Charles	Van Alstyne,
Davis, G. R.	James,	O'Neill, J. J.	Wemple,
Davis, R. T.	Jones, B. W.	Parker,	White, J. D.
Deuster,	Jordan,	Payne,	Whiting,
Dibble,	Kean,	Peters,	Wilson, James
Dorsheimer,	Kleiner,	Pettibone,	Woodward.
Ellis,	Lore,	Post,	
Evans,	Lovering,	Potter,	

NOT VOTING—193.

Adams, G. E.	Connolly,	Harmer,	Laird,
Aiken,	Cook,	Hart,	Lamb,
Alexander,	Covington,	Hatch, H. H.	Lanham,
Anderson,	Cox, S. S.	Haynes,	Lawrence,
Arnot,	Craig,	Hemphill,	Le Fevre,
Atkinson,	Culberson, D. B.	Henderson, D. B.	Lewis,
Bagley,	Culbertson, W. W.	Henley,	Libbey,
Ballentine,	Cullen,	Hepburn,	Long,
Barbour,	Curtin,	Herbert,	Lyman,
Barksdale,	Dargan,	Hewitt, A. S.	McComas,
Bayne,	Davis, L. H.	Hewitt, G. W.	McCormick,
Belford,	Dibrell,	Hiscock,	Matson,
Belmont,	Dingley,	Hitt,	Maybury,
Blanchard,	Dockery,	Hoblitzell,	Miller, J. F.
Boutelle,	Dunn,	Holton,	Miller, S. H.
Bowen,	Eaton,	Hooper,	Milliken,
Boyle,	Elliott,	Hopkins,	Mills,
Brainerd,	Ellwood,	Horr,	Money,
Breitung,	Ermentrout,	Houk,	Morgan,
Brewer, J. H.	Ferrell,	Howey,	Morrill,
Broadhead,	Fiedler,	Hunt,	Morrison,
Browne, T. M.	Finerty,	Hurd,	Muldrow,
Brumm,	Foran,	Hutchins,	Muller,
Buckner,	Forney,	Jeffords,	Murphy,
Burleigh,	Funston,	Johnson,	Murray,
Campbell, Felix	Fyan,	Jones, J. K.	Mutchler,
Campbell, J. E.	Garrison,	Jones, J. T.	Nelson,
Campbell, J. M.	Geddes,	Keifer,	Nicholls,
Candler,	George,	Kelley,	Oates,
Cannon,	Gibson,	Kellogg,	Ochiltree,
Cassidy,	Glascock,	Ketcham,	Paige,
Chalmers,	Hammond,	King,	Payson,
Clay,	Hancock,	Lacey,	Perkins,

Phelps,	Seney,	Swope,	Warner, A. J.
Poland,	Shaw,	Talbott,	Washburn,
Rankin,	Shively,	Taylor, E. B.	Weaver,
Ranney,	Skinner, C. R.	Thompson,	Wilkins,
Ray, Osslan	Slocum,	Throckmorton,	Williams,
Ray, G. W.	Smalls,	Townshend,	Winans, E. B.
Reagan,	Smith, A. Herr	Tucker,	Winans, John
Reed, T. W.	Springs,	Tully,	Wise, J. S.
Reid, J. W.	Steele,	Turner, H. G.	Wood,
Rice,	Stewart, Charles	Turner, Oscar	Worthington,
Robertson,	Stewart, J. W.	Valentine,	Yaple,
Robinson, J. S.	Stockslager,	Vance,	York,
Robinson, W. E.	Stone,	Van Eaton,	Young.
Rogers, W. F.	Struble,	Wadsworth,	
Rowell,	Sumner, C. A.	Wait,	
Ryan,	Sumner, D. H.	Ward,	

So the House refused to adjourn.

During the roll-call,

Mr. LORE. I move to dispense with the reading of the names.

Mr. HATCH, of Missouri, objected.

The following additional pairs were announced from the Speaker's desk:

Mr. CONNOLLY with Mr. TULLY, for the balance of the day.

Mr. COBB with Mr. SUMNER, of California, on this vote.

The vote was then announced as above recorded.

Mr. WHITE, of Kentucky. I call for the regular order of business.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Massachusetts [Mr. COLLINS] for a call of the House, on which the yeas and nays have been ordered. The Chair begs leave to submit some personal requests of members before the roll is called.

By unanimous consent leave of absence was granted in the following cases:

To Mr. BEACH, on account of sickness in his family.

To Mr. NICHOLLS, for one day, on account of sickness in his family.

The question was taken; and it was decided in the affirmative—yeas 72, nays 57, not voting 194; as follows:

YEAS—72.

Adams, J. J.	Ferrell,	McAdoo,	Russell,
Atkinson,	Findlay,	Millard,	Seymour,
Bagley,	Follett,	Mitchell,	Smith, H. Y.
Barr,	Goff,	Morse,	Spooner,
Beach,	Greenleaf,	Nutting,	Stephenson,
Bisbee,	Guenther,	O'Ferrall,	Stevens,
Bratton,	Hanback,	O'Hara,	Strait,
Brewer, F. B.	Hardeman,	O'Neill, Charles	Taylor, J. D.
Brown, W. W.	Hardy,	O'Neill, J. J.	Thomas,
Buchanan,	Hill,	Parker,	Van Alstyne,
Budd,	James,	Payne,	Wallace,
Collins,	Jones, B. W.	Peters,	Warner, Richard
Davis, G. R.	Jordan,	Pettibone,	Wemple,
Davis, R. T.	Kean,	Post,	White, J. D.
Deuster,	Keifer,	Potter,	Whiting,
Dorsheimer,	Kleiner,	Reid, J. W.	Wilson, James
Ellis,	Lore,	Rockwell,	Wise, G. D.
Evans,	Lovering,	Rosecrans,	Woodward.

NAYS—57.

Bennett,	Davidson,	McCoid,	Snyder,
Blackburn,	Dibble,	McMillin,	Springer,
Bland,	Dowd,	Neece,	Storm,
Blount,	Dunham,	Patton,	Taylor, J. M.
Breckinridge,	Eldredge,	Peel,	Tillman,
Cabell,	English,	Price,	Wakefield,
Caldwell,	Everhart,	Pryor,	Wellborn,
Candler,	Graves,	Pusey,	Weller,
Carleton,	Green,	Randall,	White, Milo
Clardy,	Halsell,	Reese,	Willis,
Clements,	Hatch, W. H.	Riggs,	Wilson, W. L.
Converse,	Holmes,	Robertson,	Wolford.
Cox, W. R.	Houseman,	Rogers, J. H.	
Crisp,	Jones, J. H.	Singleton,	
Cutcheon,	Lowry,	Skinner, T. G.	

NOT VOTING—194.

Adams, G. E.	Clay,	Gibson,	Jones, J. K.
Aiken,	Cobb,	Glascock,	Jones, J. T.
Alexander,	Connolly,	Hammond,	Kelley,
Anderson,	Cook,	Hancock,	Kellogg,
Arnot,	Cosgrove,	Harmer,	Ketcham,
Ballentine,	Covington,	Hart,	King,
Barbour,	Cox, S. S.	Hatch, H. H.	Lacey,
Barksdale,	Craig,	Haynes,	Laird,
Bayne,	Culberson, D. B.	Hemphill,	Lamb,
Belford,	Culbertson, W. W.	Henderson, D. B.	Lanham,
Belmont,	Cullen,	Hentierson, T. J.	Lawrence,
Bingham,	Curtin,	Henley,	Le Fevre,
Blanchard,	Dargan,	Hepburn,	Lewis,
Boutelle,	Davis, L. H.	Herbert,	Libbey,
Bowen,	Dibrell,	Hewitt, A. S.	Long,
Boyle,	Dingley,	Hewitt, G. W.	Lyman,
Brainerd,	Dockery,	Hiscock,	McComas,
Breitung,	Dunn,	Hitt,	McCormick,
Brewer, J. H.	Eaton,	Hobilitzell,	Mateson,
Broadhead,	Elliott,	Holman,	Maybury,
Browne, T. M.	Ellwood,	Holton,	Miller, J. F.
Brumm,	Ermentrout,	Hooper,	Miller, S. H.
Buckner,	Fiedler,	Hopkins,	Milliken,
Burleigh,	Finerty,	Horr,	Mills,
Barnes,	Foran,	Houk,	Money,
Campbell, Felix	Forney,	Howey,	Morgan,
Campbell, J. E.	Funston,	Hunt,	Morrill,
Campbell, J. M.	Fyan,	Hurd,	Morrison,
Cannon,	Garrison,	Hutchins,	Moulton,
Cassidy,	Geddes,	Jefferds,	Muldrow,
Chalmers,	George,	Johnson,	Muller,

Murphy,	Reed, T. B.	Stockslager,	Wadsworth,
Murray,	Rice,	Stone,	Wait,
Mutchler,	Robinson, J. S.	Struble,	Ward,
Nelson,	Robinson, W. E.	Sumner, C. A.	Warner, A. J.
Nicholls,	Rogers, W. F.	Sumner, D. H.	Washburn,
Oates,	Rowell,	Swope,	Weaver,
Ochiltree,	Ryan,	Talbott,	Wilkins,
Paige,	Seney,	Taylor, E. B.	Williams,
Payson,	Shaw,	Thompson,	Winans, E. B.
Perkins,	Shively,	Throckmorton,	Winans, John
Phelps,	Skinner, C. R.	Townshend,	Wise, J. S.
Pierce,	Slocum,	Tucker,	Wood,
Poland,	Smalls,	Tully,	Worthington,
Rankin,	Smith, A. Herr	Turner, H. G.	Yaple,
Ranney,	Springs,	Turner, Oscar	York,
Ray, G. W.	Steele,	Valentine,	Young.
Ray, Ossian	Stewart, Charles	Vance,	
Reagan,	Stewart, J. W.	Van Eaton,	

So the House ordered there be a call of the House.

During the call of the roll Mr. BREWER, of New Jersey, moved to dispense with the reading of the names.

Mr. STORM objected, but afterward withdrew his objection, and it was ordered accordingly.

The vote was then announced as above recorded.

Mr. HARDEMAN. I move to reconsider the vote ordering a call of the House.

Mr. COLLINS. I move that motion be laid upon the table.

Mr. HARDEMAN. On that motion I demand the yeas and nays.

Mr. BLAND. I move that the House adjourn.

Mr. WHITE, of Kentucky. I rise to a question of order. I make the point that it is not in order to receive the motion to adjourn while the House is voting to complete the question to which we agreed.

The SPEAKER *pro tempore* (Mr. WILLIS in the chair). The Chair overrules the point of order under the precedents which have been established.

Mr. COLLINS. I rise to a point of order. How could I be taken off the floor when I made the motion to lay upon the table and still occupied the floor.

The SPEAKER *pro tempore*. The gentleman's motion to lay upon the table took him off the floor. The motion to lay upon the table is not debatable.

The question recurred on the motion to adjourn.

The House divided; and there were—ayes 53, noes 54.

Mr. BLAND demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 74, not voting 192; as follows:

YEAS—57.

Bennett,	Crisp,	Neece,	Springer,
Blackburn,	Davidson,	Patton,	Storm,
Bland,	Dowd,	Pierce,	Taylor, J. M.
Blount,	Dunham,	Peel,	Tillman,
Bratton,	Eldredge,	Price,	Wakefield,
Breckinridge,	English,	Pryor,	Wallace,
Buchanan,	Glascock,	Pusey,	Warner, Richard
Burnes,	Goff,	Randall,	Weller,
Cabell,	Halsell,	Reese,	White, Milo
Caldwell,	Hardeman,	Riggs,	Willis,
Carleton,	Hatch, W. H.	Robertson,	Wise, G. D.
Clardy,	Henderson, T. J.	Rogers, J. H.	Wolford.
Clements,	Houseman,	Singleton,	
Converse,	Jones, J. H.	Skinner, T. G.	
Cosgrove,	McMillin,	Snyder.	

NAYS—74.

Adams, J. J.	Everhart,	McAdoo,	Russell,
Atkinson,	Findlay,	McCoid,	Seymour,
Bagley,	Follett,	Millard,	Smith, H. Y.
Barr,	Greenleaf,	Mitchell,	Spooner,
Bayne,	Guenther,	Morse,	Spriggs,
Bisbee,	Hanback,	Nutting,	Stephenson,
Brewer, F. B.	Hardy,	O'Ferrall,	Stevens,
Brown, W. W.	Hill,	O'Hara,	Strait,
Budd,	Holmes,	O'Neill, Charles	Taylor, J. D.
Collins,	James,	O'Neill, J. J.	Van Alstyne,
Cox, W. R.	Jeffords,	Parker,	Wellborn,
Cutcheon,	Jones, B. W.	Payne,	Wemple,
Davis, G. R.	Jordan,	Peters,	White, J. D.
Davis, R. T.	Kean,	Pettibone,	Whiting,
Deuster,	Keifer,	Post,	Wilson, James
Dibble,	Kleiner,	Potter,	Wise, J. S.
Dorsheimer,	Lore,	Reid, J. W.	Woodward.
Ellis,	Lovering,	Rockwell,	
Evans,	Lowry,	Rosecrans,	

NOT VOTING—192.

Adams, G. E.	Breitung,	Cook,	Ermentrout,
Aiken,	Brewer, J. H.	Covington,	Ferrell,
Alexander,	Broadhead,	Cox, S. S.	Fiedler,
Anderson,	Browne, T. M.	Craig,	Finerty,
Arnot,	Brumm,	Culberson, D. B.	Foran,
Ballentine,	Buckner,	Culbertson, W. W.	Forney,
Barbour,	Burleigh,	Cullen,	Funston,
Barksdale,	Campbell, Felix	Curtin,	Fyan,
Beach,	Campbell, J. E.	Dargan,	Garrison,
Belford,	Campbell, J. M.	Davis, L. H.	Geddes,
Belmont,	Candler,	Dibrell,	George,
Bingham,	Cannon,	Dingley,	Gibson,
Blanchard,	Cassidy,	Dockery,	Graves,
Boutelle,	Chalmers,	Dunn,	Green,
Bowen,	Clay,	Eaton,	Hammond,
Boyle,	Cobb,	Elliott,	Hancock,
Brainerd,	Connolly,	Ellwood,	Harmer,

Hart,	Laird,	Paige,	Sumner, D. H.
Hatch, H. H.	Lamb,	Payson,	Swope,
Haynes,	Lanham,	Perkins,	Talbott,
Hemphill,	Lawrence,	Phelps,	Taylor, E. B.
Henderson, D. B.	Le Fevre,	Poland,	Thomas,
Henley,	Lewis,	Rankin,	Thompson,
Hepburn,	Libbey,	Ranney,	Throckmorton,
Herbert,	Long,	Ray, G. W.	Townshend,
Hewitt, A. S.	Lyman,	Ray, Ossian	Tucker,
Hewitt, G. W.	McComas,	Reagan,	Tully,
Hiscock,	McCormick,	Reed, T. B.	Turner, H. G.
Hitt,	Mateson,	Rice,	Turner, Oscar
Hobilitzell,	Maybury,	Robinson, J. S.	Valentine,
Holman,	Miller, J. F.	Robinson, W. E.	Vance,
Holton,	Miller, S. H.	Rogers, W. F.	Van Eaton,
Hooper,	Milliken,	Rowell,	Wadsworth,
Hopkins,	Mills,	Ryan,	Wait,
Horr,	Money,	Seney,	Ward,
Houk,	Morgan,	Shaw,	Warner, A. J.
Howey,	Morrill,	Shively,	Washburn,
Hunt,	Morrison,	Skinner, C. R.	Weaver,
Hurd,	Moulton,	Slocum,	Wilkins,
Hutchins,	Muldrow,	Smalls,	Williams,
Johnson,	Muller,	Smith, A. Herr	Wilson, W. L.
Jones, J. T.	Murphy,	Steele,	Winans, E. B.
Jones, J. K.	Murray,	Stewart, Charles	Winans, John
Kelley,	Mutchler,	Stewart, J. W.	Wood,
Kellogg,	Nelson,	Stockslager,	Worthington,
Ketcham,	Nicholls,	Stone,	Yaple,
King,	Oates,	Struble,	York,
Lacey,	Ochiltree,	Sumner, C. A.	Young.

So the House refused to adjourn.

On motion of Mr. NUTTING, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. GREEN with Mr. BEACH, for the remainder of this day.

The result of the vote was then announced as above recorded.

Mr. ELLIS. I demand the regular order.

The SPEAKER *pro tempore* (Mr. BLACKBURN in the chair). The question recurs upon the motion of the gentleman from Massachusetts, which is to lay upon the table the motion made by the gentleman from Georgia to reconsider the vote by which the House ordered a call of the House.

Mr. HARDEMAN and Mr. BLAND demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. BLAND. Pending that, I move that the House do now adjourn.

Mr. COLLINS. I raise the point of order that that motion is not in order.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The motion is in order.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I call the attention of the Chair to the language of Rule XVIII, where it is laid down that—

Where a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and therefore any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

Now, I make this point: that the gentleman from Massachusetts moved to lay upon the table the motion to reconsider which was entered by some gentleman on the other side, I do not now remember by whom.

The SPEAKER *pro tempore*. By the gentleman from Georgia.

Mr. WHITE, of Kentucky. And thereupon the motion was made that the House adjourn. That motion has been made and lost; and I insist, Mr. Speaker, with all due deference to the expression of the Chair a moment ago, that under this rule the gentleman from Massachusetts has a right to demand a vote on the motion to lay upon the table the motion to reconsider.

The SPEAKER *pro tempore*. In answer to the gentleman from Kentucky on the point of order, the Chair will cause for the second or third time to-day to be read the only answer he proposes to submit, showing that the motion of the gentleman from Missouri is in order. The Clerk will read from the Digest of the House on this very subject, showing the uniform decisions made heretofore.

The Clerk read as follows:

A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal* 1, 22, page 687—but there must have been some intervening business. [Another motion submitted, progress in debate, or reading a paper by the Clerk, an order for the yeas and nays, &c., has been considered such intervening business as will authorize the repetition of the motion to adjourn.] * * * Where less than a quorum is present a motion to take a recess is not in order; and no motion is in order except for a call or to adjourn.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. WHITE, of Kentucky. I must appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair entertains the appeal of the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I believe that I have some rights in regard to that appeal. I would like to be heard.

The SPEAKER *pro tempore*. The appeal is debatable in the pleasure of the Chair; and it is the pleasure of the Chair to hear the gentleman from Kentucky.

Mr. KEIFER. I rise to a question of order.

The SPEAKER *pro tempore*. There is already one question of order pending.

Mr. KEIFER. I desire simply to raise a question of order that the appeal is not debatable when there is a pending previous question. The previous question has been ordered and there is no debate in order.

The SPEAKER *pro tempore*. The gentleman from Ohio is correct.

Mr. WHITE, of Kentucky. On what is the previous question pending?

Mr. KEIFER. On the report from the Committee on Rules.

Mr. BLAND. I move to lay the appeal on the table; and on that I demand the yeas and nays.

Mr. WHITE, of Kentucky. I should like to have the indulgence of the House for a moment.

The SPEAKER *pro tempore*. The Chair would be glad to give the gentleman an opportunity of being heard, if it is the wish of the House. [Cries of "Regular order!"]

Mr. WHITE, of Kentucky. I will withdraw the appeal if I can not be heard upon it. If the rules of the House are so iron-clad that I can not be heard upon it, I withdraw the appeal.

The SPEAKER *pro tempore*. The appeal being withdrawn, the question is on the motion of the gentleman from Missouri that the House do now adjourn.

The question was taken; and on a division there were—ayes 56, noes 74.

Mr. GEORGE D. WISE. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 73, not voting 190; as follows:

YEAS—60.

Bennett,	Cox, W. R.	McMillin,	Snyder,
Blackburn,	Davidson,	Mateson,	Springer,
Bland,	Dowd,	Money,	Storm,
Blount,	Eldredge,	Neece,	Swope,
Bratton,	Ellwood,	Patton,	Taylor, J. M.
Breckinridge,	English,	Peel,	Thomas,
Buchanan,	Goff,	Pierce,	Tillman,
Burnes,	Graves,	Price,	Wakefield,
Cabell,	Halsell,	Pryor,	Wallace,
Caldwell,	Hardeman,	Randall,	Warner, Richard
Candler,	Hatch, W. H.	Reese,	Weller,
Carleton,	Henderson, T. J.	Riggs,	White, J. D.
Clements,	Houseman,	Rogers, J. H.	Willis,
Cobb,	Jones, J. H.	Skinner, T. G.	Wilson, W. L.
Cosgrove,	Lowry,		Wolford.

NAYS—73.

Atkinson,	Evans,	Millard,	Spooner,
Bagley,	Everhart,	Mitchell,	Spriggs,
Barr,	Findlay,	Morse,	Stephenson,
Bayne,	Follett,	Nutting,	Stevens,
Bingham,	Greenleaf,	O'Ferrall,	Stewart, J. W.
Bisbee,	Guenther,	O'Hara,	Strait,
Boyle,	Hanback,	O'Neill, Charles	Sumner, C. A.
Brewer, F. B.	Hardy,	O'Neill, J. J.	Taylor, J. D.
Brown, W. W.	Hill,	Parker,	Van Alstyne,
Budd,	Holmes,	Payne,	Wemple,
Burleigh,	James,	Peters,	White, J. D.
Collins,	Jeffords,	Pettibone,	White, Milo
Cutcheon,	Jones, B. W.	Post,	Whiting,
Davis, G. R.	Jordan,	Reid, J. W.	Wilson, James
Davis, R. T.	Kean,	Rockwell,	Wise, J. S.
Deuster,	Keifer,	Rosecrans,	Woodward.
Dibble,	Kleiner,	Russell,	
Dorsheimer,	Lovering,	Seymour,	
Ellis,	McAdoo,	Smith, H. Y.	

NOT VOTING—190.

Adams, G. E.	Clardy,	Funston,	Horr,
Adams, J. J.	Clay,	Fyan,	Houk,
Aiken,	Connolly,	Garrison,	Howey,
Alexander,	Converse,	Geddes,	Hunt,
Anderson,	Cook,	George,	Hurd,
Arnot,	Covington,	Gibson,	Hutchins,
Ballentine,	Cox, S. S.	Glascock,	Johnson,
Barbour,	Craig,	Green,	Jones, J. K.
Barksdale,	Crisp,	Hammond,	Jones, J. T.
Beach,	Culberson, D. B.	Hancock,	Kelley,
Belford,	Culbertson, W. W.	Harmer,	Kellogg,
Belmont,	Cullen,	Hart,	Ketcham,
Blanchard,	Curtin,	Hatch, H. H.	King,
Boutelle,	Dargan,	Haynes,	Lacey,
Bowen,	Davis, L. H.	Hemphill,	Laird,
Brainerd,	Dibrell,	Henderson, D. B.	Lamb,
Breitung,	Dingley,	Henley,	Lanham,
Brewer, J. H.	Dockery,	Hepburn,	Lawrence,
Broadhead,	Dunham,	Herbert,	Le Fevre,
Browne, T. M.	Dunn,	Hewitt, A. S.	Lewis,
Brumm,	Eaton,	Hewitt, G. W.	Libbey,
Buckner,	Elliott,	Hiscock,	Long,
Campbell, Felix	Ermentrout,	Hitt,	Lore,
Campbell, J. E.	Ferrell,	Hobilitzell,	Lyman,
Campbell, J. M.	Fiedler,	Holman,	McCoid,
Cannon,	Finerty,	Holton,	McComas,
Cassidy,	Foran,	Hooper,	McCormick,
Chalmers,	Forney,	Hopkins,	Maybury,

Miller, J. F.	Phelps,	Skinner, C. R.	Vance,
Miller, S. H.	Poland,	Slocum,	Van Eaton,
Milliken,	Potter,	Smalls,	Wadsworth,
Mills,	Rankin,	Smith, A. Herr	Walt,
Morgan,	Ranney,	Steele,	Ward,
Morrill,	Ray, G. W.	Stewart, Charles	Warner, A. J.
Morrison,	Ray, Ossian	Stockslager,	Washburn,
Moulton,	Reagan,	Stone,	Weaver,
Muldrow,	Reed, T. B.	Struble,	Wellborn,
Muller,	Rice,	Sumner, D. H.	Wilkins,
Murphy,	Robertson,	Talbott,	Williams,
Murray,	Robinson, J. S.	Taylor, E. B.	Winans, E. B.
Mutchler,	Robinson, W. E.	Thompson,	Winans, John
Nelson,	Rogers, W. F.	Throckmorton,	Wood,
Nicholls,	Rowell,	Townshend,	Worthington,
Oates,	Ryan,	Tucker,	Yaple,
Ochiltree,	Seney,	Tully,	York,
Paige,	Shaw,	Turner, H. G.	Young.
Payson,	Shively,	Turner, Oscar	
Perkins,	Singleton,	Valentine,	

So the House refused to adjourn.

Mr. DAVIS, of Illinois. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following additional pair was announced:

Mr. CRISP with Mr. BARKSDALE, for the balance of the day, on questions of adjournment.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Before announcing the result of the vote just taken the Chair asks permission to submit to the House a personal request. Mr. SINGLETON asks to be excused from further attendance at this session, on account of feeble health.

There was no objection.

The result of the vote on the motion to adjourn was then announced as above stated.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Massachusetts [Mr. COLLINS] to lay upon the table the motion of the gentleman from Georgia [Mr. HARDEMAN], which was to reconsider the vote by which a call of the House was ordered. The yeas and nays have been ordered, and the Clerk will proceed to call the roll:

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. It is that when the roll is called through, if the yeas and nays——

Mr. DAVIS, of Illinois. I call for the regular order.

Mr. WHITE, of Kentucky. Let the Clerk proceed with the call of the roll.

The question was taken; and there were—yeas 78, nays 53, not voting 192; as follows:

YEAS—78.

Adams, J. J.	Ellis,	Lore,	Spooner,
Atkinson,	Ellwood,	Lovering,	Spriggs,
Bagley,	Evans,	McAdoo,	Stephenson,
Barr,	Ferrell,	Millard,	Stevens,
Bayne,	Findlay,	Mitchell,	Stewart, J. W.
Bingham,	Follett,	Nutting,	Strait,
Bisbee,	Goff,	O'Ferrall,	Sumner, C. A.
Bratton,	Greenleaf,	O'Harn,	Taylor, J. D.
Brewer, F. B.	Hanback,	O'Neill, Charles	Thomas,
Brown, W. W.	Hardy,	O'Neill, J. J.	Van Alstyne,
Buchanan,	Hill,	Parker,	Weller,
Budd,	Holmes,	Payne,	Wemple,
Burleigh,	Houseman,	Peters,	White, J. D.
Collins,	James,	Pettibone,	White, Milo
Cox, W. R.	Jeffords,	Post,	Whiting,
Cutcheon,	Jones, B. W.	Potter,	Wilson, W. L.
Davis, G. R.	Jordan,	Reid, J. W.	Wise, J. S.
Davis, R. T.	Kean,	Rockwell,	Woodward.
Dibble,	Keifer,	Rosecrans,	
Dorsheimer,	Kleiner,	Smith, H. Y.	

NAYS—53.

Bennett,	Davidson,	Patton,	Springer,
Blackburn,	Dowd,	Pierce,	Storm,
Bland,	Eldredge,	Peel,	Swope,
Breckinridge,	English,	Price,	Taylor, J. M.
Burnes,	Everhart,	Pryor,	Tillman,
Cabell,	Gaitsell,	Pusey,	Wallace,
Caldwell,	Hardeman,	Randall,	Warner, Richard
Candler,	Hatch, W. H.	Ranney,	Willis,
Carleton,	Jones, J. H.	Reese,	Wilson, James
Clardy,	Lowry,	Riggs,	Wise, G. D.
Clements,	McMillin,	Robertson,	Wolford.
Cobb,	Matson,	Rogers, J. H.	
Converse,	Money,	Skinner, T. G.	
Cosgrove,	Neece,	Snyder,	

NOT VOTING—192.

Adams, G. E.	Blount,	Campbell, J. E.	Culberson, D. B.
Aiken,	Boutelle,	Campbell, J. M.	Culbertson, W. W.
Alexander,	Bowen,	Cannon,	Cullen,
Anderson,	Boyle,	Cassidy,	Curtin,
Arnot,	Brainerd,	Chalmers,	Dargan,
Ballentine	Breitung,	Clay,	Davis, L. H.
Barbour,	Brewer, J. H.	Connolly,	Deuster,
Barksdale,	Broadhead,	Cook,	Dibrell,
Beach,	Browne, T. M.	Covington,	Dingley,
Belford,	Brumm,	Cox, S. S.	Dockery,
Belmont,	Buckner,	Craig,	Dunham,
Blanchard	Campbell, Felix	Crisp,	Dunn,
Eaton,	Hooper,	Morse,	Smith, A. Herr
Elliott,	Hopkins,	Moulton,	Steele,
Ermentrout,	Horr,	Muldrow,	Stewart, Charles
Fiedler,	Houk,	Muller,	Stockslager,
Finerty,	Howey,	Murphy,	Stone,
Foran,	Hunt,	Murray,	Struble,
Forney,	Hurd,	Mutchler,	Sumner, D. H.
Funston,	Hutchins,	Nelson,	Talbott,
Fyan,	Johnson,	Nicholls,	Taylor, E. B.
Garrison,	Jones, J. K.	Oates,	Thompson,
Geddes,	Jones, J. T.	Ochiltree,	Throckmorton,
George,	Kelley,	Paige,	Townshend,
Gibson,	Kellogg,	Payson,	Tucker,
Glascock,	Ketcham,	Perkins,	Tully,
Graves,	King,	Phelps,	Turner, H. G.
Green,	Lacey,	Poland,	Turner, Oscar
Guenther,	Laird,	Rankin,	Valentine,
Hammond,	Lamb,	Ray, G. W.	Vance,
Hancock,	Lanham,	Ray, Ossian	Van Eaton,
Harmer,	Lawrence,	Reagan,	Wadsworth,
Hart,	Le Fevre,	Reed, T. B.	Walt,
Hatch, H. H.	Lewis,	Rice,	Wakefield,
Haynes,	Libbey,	Robinson, J. S.	Ward,
Hemphill,	Long,	Robinson, W. E.	Warner, A. J.
Henderson, D. B.	Lyman,	Rogers, W. F.	Washburn,
Henderson, T. J.	McCoid,	Rowell,	Weaver,
Henley,	McComas,	Russell,	Wellborn,
Hepburn,	McCormick,	Ryan,	Wilkins,
Herbert,	Maybury,	Seney,	Williams,
Hewitt, A. S.	Miller, J. F.	Seymour,	Winans, E. B.
Hewitt, G. W.	Miller, S. H.	Shaw,	Winans, John
Hiscock,	Milliken,	Shively,	Wood,
Hitt,	Mills,	Singleton,	Worthington,
Hoblitzell,	Morgan,	Skinner, C. R.	Yaple,
Holman,	Morrill,	Slocum,	York,
Holton,	Morrison,	Smalls,	Young.

So the motion was agreed to.

On motion of Mr. MILLARD, by unanimous consent the reading of the names of members voting was dispensed with.

The following additional pair was announced:

Mr. BLOUNT with Mr. BOYLE, for the remainder of the day.

The SPEAKER *pro tempore*. Before announcing the result of the vote the Chair asks consent of the House to submit a personal request.

The Clerk read the request of Mr. HEWITT, of Alabama, for leave of absence for the remainder of the day.

Mr. WHITE, of Kentucky. I object. We are trying to get a quorum here now.

The SPEAKER *pro tempore*. Objection being made, the Chair will submit the request to a vote of the House.

The question being taken on agreeing to the request of Mr. HEWITT, of Alabama, it was decided in the negative.

The result of the vote on the motion to lay on the table the motion to reconsider was then announced as above stated.

The SPEAKER *pro tempore*. The call of the House is now ordered, and the Clerk will proceed to call the roll.

Mr. HARDEMAN. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. HARDEMAN. I desire to be heard upon that question.

The SPEAKER *pro tempore*. The Chair does not desire to hear any argument upon it. The House has ordered by a yea-and-nay vote that its roll shall be called, and a motion to reconsider that vote has by a yea-and-nay vote been laid on the table. The motion to adjourn has been entertained and rejected.

Mr. HARDEMAN. There has been intervening business.

The SPEAKER *pro tempore*. The House by a yea-and-nay vote has ordered that the roll shall be called.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, G. E.	Curtin,	Holton,	Moulton,
Aiken,	Dargan,	Hooper,	Muldrow,
Alexander,	Davidson,	Hopkins,	Muller,
Anderson,	Davis, L. H.	Horr,	Murphy,
Arnot,	Dibrell,	Houk,	Murray,
Ballentine,	Dingley,	Howey,	Mutchler,
Barbour,	Dunn,	Hurd,	Nelson,
Barksdale,	Eaton,	Hutchins,	Nicholls,
Beach,	Elliott,	Johnson,	Oates,
Belford,	Ermentrout,	Jones, J. K.	Ochiltree,
Belmont,	Fielder,	Jones, J. T.	Paige,
Blount,	Finerty,	Kelley,	Payson,
Boutelle,	Funston,	Kellogg,	Perkins,
Bowen,	Fyan,	Ketcham,	Phelps,
Brainerd,	Garrison,	King,	Poland,
Breitung,	Geddes,	Lacey,	Rankin,
Brewer, J. H.	George,	Laird,	Ray, G. W.
Broadhead,	Gibson,	Lamb,	Ray, Ossian
Browne, T. M.	Glascock,	Lanham,	Reagan,
Brumm,	Green,	Lawrence,	Reed, T. B.
Buckner,	Hammond,	Le Fevre,	Rice,
Campbell, Felix	Hancock,	Lewis,	Robinson, J. S.
Campbell, J. E.	Harmer,	Libbey,	Robinson, W. E.
Campbell, J. M.	Hart,	Long,	Rogers, W. F.
Cannon,	Hatch, H. H.	Lyman,	Rowell,
Chalmers,	Haynes,	McComas,	Ryan,
Clay,	Henderson, D. B.	McCormick,	Seney,
Cook,	Henderson, T. J.	Miller, J. F.	Shaw,
Covington,	Henley,	Miller, S. H.	Shively,
Cox, S. S.	Hepburn,	Millikin,	Singleton,
Craig,	Hewitt, A. S.	Mills,	Skinner, C. R.
Crisp,	Hiscock,	Morgan,	Slocum,
Culberson, D. B.	Hitt,	Morrill,	Smith, A. H.
Culbertson, W. W.	Hoblitzell,	Morrison,	Steele,
Cullen,	Holman,	Morse,	Stewart, Charles

Stockslager,	Townshend,	Wait,	Winans, E. B.
Stone,	Tucker,	Wakefield,	Winans, John
Struble,	Turner, H. G.	Ward,	Yaple,
Sumner, D. H.	Turner, Oscar	Warner, A. J.	York,
Talbott,	Valentine,	Washburn,	Young.
Taylor, E. B.	Vance,	Weaver,	
Thompson,	Van Eaton,	Wilkins,	
Throckmorton,	Wadsworth,	Williams,	

The SPEAKER *pro tempore*. The Chair asks the consent of the House to submit certain personal requests of members. [Cries of "Regular order!"] Is there objection to the submission of the requests? [Renewed cries of "Regular order!"]

Mr. COLLINS. I offer a resolution which I ask to have read.

Several MEMBERS. Regular order, Mr. Speaker!

The SPEAKER *pro tempore*. The resolution is not in order at this time. The Chair will announce the result of the vote. Upon this call 151 gentlemen have answered to their names.

Mr. WHITE, of Kentucky. Mr. Speaker, I move that the Sergeant-at-Arms be directed to send for absentees.

The SPEAKER *pro tempore*. The Chair will execute the rule.

Mr. HATCH, of Missouri. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will execute the rule if gentlemen will permit. The Doorkeeper is directed to close the doors.

Mr. HATCH, of Missouri. Mr. Speaker, I rise to make a privileged motion.

The SPEAKER *pro tempore*. It is not in order now. The Chair will recognize the gentleman at the proper time. The Clerk will now call the names of members who have not answered, and as the names are read excuses will be in order.

Mr. HATCH, of Missouri. I move to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. The Chair will entertain that motion at the proper time, but it is not now in order. The call is not concluded. The Doorkeeper will close the doors, and the Clerk will proceed to call the names of absentees. As the names are called excuses will be in order.

The Clerk proceeded to call the names of members who had not answered, as follows:

Mr. ADAMS, of Illinois: No excuse offered.
Mr. AIKEN: No excuse offered.
Mr. ALEXANDER: No excuse offered.
Mr. ANDERSON: No excuse offered.
Mr. ARNOT: No excuse offered.
Mr. BALLENTINE: No excuse offered.
Mr. BARBOUR: No excuse offered.
Mr. BARKSDALE: No excuse offered.
Mr. BEACH: Absent with leave.
Mr. BELFORD: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BLANCHARD: No excuse offered.
Mr. BLOUNT: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BOWEN: No excuse offered.
Mr. BRAINERD: No excuse offered.
Mr. BREITUNG: No excuse offered.
Mr. BREWER, of New Jersey: No excuse offered.
Mr. BROADHEAD: No excuse offered.
Mr. BROWNE, of Indiana: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCKNER: No excuse offered.
Mr CAMPBELL, of New York: No excuse offered.
Mr. CAMPBELL, of Pennsylvania: No excuse offered.
Mr. CAMPBELL, of Ohio.

Mr. WALLACE. Mr. Speaker, my colleague, Mr. CAMPBELL, has been called home to Ohio by sickness in his family, and I move that he be excused.

The SPEAKER *pro tempore*. If there be no objection the gentleman from Ohio [Mr. CAMPBELL] will be excused.

There was no objection.

Mr. CANNON: No excuse offered.
Mr. CLAY: Absent with leave.
Mr. COOK.

Mr. WELLER. My colleague, Mr. COOK, is absent by leave of the House, on account of important business in Iowa, and I ask that he be excused.

The SPEAKER *pro tempore*. The Chair is advised that the time for which the gentleman from Iowa [Mr. COOK] was granted leave of absence has expired; but his colleague [Mr. WELLER] asks that he be excused. Is there objection?

Several members objected.

The SPEAKER *pro tempore*. Objection is made, and the gentleman is not excused.

Mr. WELLER. Mr. Speaker, I move that my colleague, Mr. COOK, be excused.

The question was taken; and there were—ayes 37, noes 16.

Mr. WELLER. No quorum voting. [Laughter].

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Iowa that under the rules a quorum is not required. The ayes have it, and the motion to excuse the gentleman's colleague [Mr. COOK] is agreed to.

Mr. COVINGTON: No excuse offered.
Mr. COX, of New York: No excuse offered.
Mr. CRISP: No excuse offered.
Mr. CULBERSON, of Texas: No excuse offered.
Mr. CULBERTSON, of Kentucky: No excuse offered.
Mr. CULLEN: No excuse offered.
Mr. CURTIN.

Mr. FORAN. Mr. Speaker, I am paired with Mr. CURTIN, and he requested me this evening to state, in the event of a call of the House, that he was not feeling well, and to ask that he be excused.

The SPEAKER *pro tempore*. If there is no objection, the gentleman from Pennsylvania [Mr. CURTIN] will be excused.

There was no objection.

Mr. DARGAN: No excuse offered.
Mr. DAVIS, of Missouri: Absent on leave.
Mr. DIBRELL.

Mr. CALDWELL. Mr. Speaker, I ask that Mr. DIBRELL be excused. He is unwell and unable to be here.

The SPEAKER *pro tempore*. If there is no objection, the gentleman from Tennessee [Mr. DIBRELL] will be excused.

There was no objection.

Mr. DINGLEY: No excuse offered.
Mr. DUNN: Absent on leave.
Mr. EATON: No excuse offered.
Mr. ELLIOTT: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FIEDLER: Absent on leave.
Mr. FINERTY: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. FYAN: Absent on leave.
Mr. GARRISON: Absent on leave.
Mr. GEDDES.

Mr. CONVERSE. I desire to state that the health of my colleague, Judge GEDDES, is very delicate, and I therefore move that he be excused.

The motion was agreed to.

Mr. GEORGE: No excuse offered.
Mr. GIBSON: No excuse offered.
Mr. GLASCOCK.

Mr. SPRINGER. I move that the gentleman from California [Mr. GLASCOCK] be excused on account of serious illness in his family.

The motion was agreed to.

Mr. GREEN: No excuse offered.
Mr. HAMMOND: No excuse offered.
Mr. HANCOCK.

Mr. WELLBORN. My colleague, Mr. HANCOCK, is suffering from a very sore foot, and it is a matter of difficulty for him to get out. On account of this indisposition I move that he be excused.

Mr. WHITE, of Kentucky. Mr. Speaker, would it be in order at this time to move that the Congress adjourn *sine die* to get out of the malaria of Washington?

The SPEAKER *pro tempore*. The Chair could hardly hold that motion to be in order. The question is on the motion of the gentleman from Texas [Mr. WELLBORN] that his colleague be excused for the reason assigned.

The motion was agreed to.

Mr. HARMER: No excuse offered.
Mr. HART: No excuse offered.
Mr. HATCH, of Michigan: No excuse offered.
Mr. HAYNES: No excuse offered.
Mr. HENDERSON, of Iowa: No excuse offered.
Mr. HENLEY: No excuse offered.
Mr. HEPBURN: No excuse offered.
Mr. HEWITT, of New York: No excuse offered.
Mr. HEWITT, of Alabama: Absent on leave.
Mr. HISCOCK: No excuse offered.
Mr. HITT: No excuse offered.
Mr. HOBLITZELL: No excuse offered.
Mr. HOLMAN.

Mr. COBB. I ask that my colleague [Mr. HOLMAN] be excused. [Cries of "No!" "No!"]

Several MEMBERS. On what ground?

Mr. DUNHAM. Let the gentleman state the reasons for making this request.

Mr. WHITE, of Kentucky. I am sure if the gentleman's colleague were here he would object. [Laughter.]

The question being taken on the motion of Mr. COBB, it was not agreed to.

Mr. HOLTON: No excuse offered.
Mr. HOOPER: No excuse offered.
Mr. HOPKINS: No excuse offered.
Mr. HORR: No excuse offered.
Mr. HOUK.

Mr. PETTIBONE. I move that my colleague, Mr. HOUK, be excused. His wife is very ill, and he was obliged to be up all last night with her.

The motion was agreed to; there being—ayes 40, noes 8.

Mr. HOWEY.

Mr. KEAN. My colleague, Mr. HOWEY, was called home to New Jersey to-day. I do not know on what account, but evidently on some important business. I move that he be excused.

The motion was not agreed to.

Mr. HURD: No excuse offered.

Mr. HUTCHINS: No excuse offered.

Mr. JOHNSON: No excuse offered.

Mr. JONES, of Arkansas: Absent on leave.

Mr. JONES, of Alabama: Absent on leave.

Mr. KELLEY.

Mr. RUSSELL. I move that Judge KELLEY be excused.

Mr. KEIFER. His health is not strong.

The motion of Mr. RUSSELL was agreed to.

Mr. KELLOGG: No excuse offered.

Mr. KETCHAM: No excuse offered.

Mr. KING: No excuse offered.

Mr. LACEY: No excuse offered.

Mr. LAIRD: Absent on leave.

Mr. LAMB: No excuse offered.

Mr. LANHAM: No excuse offered.

Mr. LAWRENCE: No excuse offered.

Mr. LE FEVRE: No excuse offered.

Mr. LEWIS: No excuse offered.

Mr. LIBBEY: No excuse offered.

Mr. LONG: No excuse offered.

Mr. LYMAN: No excuse offered.

Mr. McCOMAS: No excuse offered.

Mr. McCORMICK: Absent on leave.

Mr. MILLER, of Texas.

Mr. JONES, of Texas. I move that my colleague, Mr. MILLER, be excused.

The motion was agreed to.

Mr. MILLER, of Pennsylvania: No excuse offered.

Mr. MILLIKEN: No excuse offered.

Mr. MILLS: No excuse offered.

Mr. MORGAN: No excuse offered.

Mr. MORRILL: No excuse offered.

Mr. MORRISON: No excuse offered.

Mr. MORSE: No excuse offered.

Mr. MOULTON: No excuse offered.

Mr. MULDROW: No excuse offered.

Mr. MULLER: No excuse offered.

Mr. MURPHY: No excuse offered.

Mr. MURRAY: No excuse offered.

Mr. MUTCHLER: No excuse offered.

Mr. NELSON: No excuse offered.

Mr. NICHOLLS: Absent on leave.

Mr. OATES.

Mr. FORNEY. My colleague, Mr. OATES, is sick. I move that he be excused.

The motion was agreed to.

Mr. OCHILTREE: No excuse offered.

Mr. PAIGE: No excuse offered.

Mr. PAYSON.

Mr. BREWER, of New York. I move that Mr. PAYSON be excused. He has been confined to his house by sickness for two weeks. He was, to be sure, on the floor to-day, but was compelled to return home. I move that he be excused.

The motion was agreed to.

Mr. PERKINS: No excuse offered.

Mr. PHELPS: No excuse offered.

Mr. POLAND.

Mr. WALLACE. I move that Mr. POLAND be excused.

The motion was agreed to.

Mr. RANKIN.

The SPEAKER *pro tempore*. Mr. RANKIN is absent by leave of the House.

Mr. ELLIS. Was the name of Mr. PRYOR called?

The SPEAKER *pro tempore*. The gentleman from Alabama is marked as present, and the Chair will further say that he is present.

Mr. HATCH, of Missouri. I move, on account of the gentleman's age, that Mr. PRYOR be excused from further attendance during this day's session.

Mr. ELLIS. I hope that will be done.

The motion was agreed to.

Mr. PRYOR. I wish to say, Mr. Speaker, that I answered distinctly when my name was called.

The SPEAKER *pro tempore*. And it is so recorded. By order of the House the gentleman has been excused from further attendance at this day's session.

Mr. RAY, of New York: No excuse offered.

Mr. RAY, of New Hampshire: No excuse offered.

Mr. REAGAN.

Mr. O'NEILL, of Pennsylvania. I move that Mr. REAGAN be excused for his absence from the House.

The motion was agreed to.

Mr. RICE.

Mr. DAVIS, of Massachusetts. I desire to say that my colleague [Mr. RICE] is suffering from a bronchial affection, which renders it unsafe for him to trust himself in the night air, and I move that he be excused.

The motion was agreed to.

Mr. ROBINSON, of Ohio.

Mr. KEIFER. I have in my pocket a letter from the governor of Ohio, stating that JAMES S. ROBINSON had resigned at 11 o'clock on the 12th day of January, 1885, his seat in this House.

The SPEAKER *pro tempore*. The Chair will state that he has no official information of the gentleman's resignation. Does the gentleman move that he be excused?

Mr. KEIFER. I do not.

The SPEAKER *pro tempore*. Then no motion is made and the gentleman is not excused.

Mr. ROBINSON, of New York.

Mr. COLLINS. I move that Mr. ROBINSON be excused.

The motion was agreed to.

Mr. ROGERS, of New York: No excuse offered.

Mr. ROWELL.

Mr. THOMAS. I move that Mr. ROWELL be excused.

Several MEMBERS. For what reason?

Mr. THOMAS. He is quite unwell.

The motion was agreed to.

Mr. RYAN: No excuse offered.

Mr. SENEY: No excuse offered.

Mr. SHAW.

Mr. SPRINGER. I think my colleague has an indefinite leave of absence.

The SPEAKER *pro tempore*. The Chair is informed that no leave has been accorded to his colleague.

Mr. SPRINGER. Then I move that he be excused.

The SPEAKER *pro tempore*. He has not been present during the session.

The motion was agreed to.

Mr. SHIVELY: No excuse offered.

Mr SINGLETON.

The SPEAKER *pro tempore*. The gentleman is absent by leave of the House.

Mr. SKINNER, of New York: Absent on indefinite leave.

Mr. SLOCUM.

Mr. JAMES. General SLOCUM has been suffering for several weeks from rheumatism, and I move that he be excused.

The motion was agreed to.

Mr. A. HERR SMITH: No excuse offered.

Mr. STEELE: No excuse offered.

Mr. STEWART, of Texas: No excuse offered.

Mr. STOCKSLAGER: No excuse offered.

Mr. STONE.

Mr. JOHN S. WISE I ask that Mr. STONE be excused. His health is delicate.

The motion was agreed to.

Mr. STRUBLE: No excuse offered.

Mr. COBB. The temper of the House seems to be better now than it was awhile ago, and I ask if it be in order to move that my colleague, Mr. HOLMAN, be excused.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent to renew his motion.

Mr. ROBERTSON. I object. [Laughter.]

Mr. SUMNER, of Wisconsin: No excuse offered.

Mr. TALBOTT: No excuse offered.

Mr. EZRA B. TAYLOR.

Mr. NUTTING. I move that Mr. EZRA B. TAYLOR be excused on account of ill health.

The motion was agreed to.

Mr. THOMPSON: No excuse offered.

Mr. TOWNSHEND.

Mr. SPRINGER. I move that my colleague be excused. [Cries of "No!" "No!"] He came to my desk at 5 o'clock this evening and said he was called home on account of sickness in his family. I know there has been serious illness in his family for more than a week.

The motion was agreed to.

Mr. KEIFER. I am informed that my colleague, Mr. HART, left the Hall some time during the early evening quite unwell, and I move that he be excused.

The motion was agreed to.

Mr. COBB. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COBB. Does it take unanimous consent to move to excuse my colleague, Mr. HOLMAN?

The SPEAKER *pro tempore*. The motion having once been voted down, the Chair knows of no other way except by unanimous consent or a motion to reconsider.

Mr. TUCKER: No excuse offered.

Mr. TURNER, of Georgia.

Mr. TILLMAN. I move that Mr. TURNER, of Georgia, be excused. He left the Hall at 6 o'clock this evening on account of a severe cold almost threatening pneumonia, and it would be unsafe for him to turn out at this late hour in the evening.

The motion was agreed to.

Mr TURNER, of Kentucky.

Mr. SPRINGER. I move that the gentleman from Kentucky be excused from further attendance on this day's session.

The House divided; and there were—ayes 39, noes 28.

So the motion was agreed to.

Mr. VALENTINE.

The SPEAKER *pro tempore*. He is absent by leave of the House.

Mr. VANCE.

Mr. REID, of North Carolina. Mr. VANCE has been quite unwell for two or three days, and I move that he be excused.

The motion was agreed to.

Mr. VAN EATON: No excuse offered.

Mr. WADSWORTH: No excuse offered.

Mr. WAIT.

Mr. PAYNE. I move that he be excused.

The motion was agreed to.

Mr. WAKEFIELD: No excuse offered.

Mr. WARD.

Mr. COBB. I move that he be excused on account of a bad cold.

The motion was agreed to.

Mr. WARNER, of Ohio.

The SPEAKER *pro tempore*. He is absent by leave of the House.

Mr. WASHBURN: No excuse offered.

Mr. WEAVER.

The SPEAKER *pro tempore*. He is absent by leave of the House.

Mr. WILKINS: No excuse offered.

Mr. WILLIAMS.

Mr. HERBERT. I move that he be excused. His wife is sick at the hotel.

The motion was agreed to.

Mr. WINANS, of Michigan: No excuse offered.

Mr. WINANS, of Wisconsin: No excuse offered.

Mr. YAPLE.

Mr. WELLER. I move that he be excused.

The House divided; and there were—ayes 8, noes 63.

Mr. WELLER demanded tellers.

Tellers were not ordered.

So the motion was disagreed to.

Mr. YORK.

Mr. BREWER, of New York. I move that Mr. YORK be excused on account of ill health.

The motion was agreed to.

Mr. WOODWARD. I move that my colleague, Mr. JONES, of Wisconsin, be excused. He was called home by illness in his family.

The motion was agreed to.

Mr. DAVIS, of Illinois. I move that Mr. HENDERSON, of Iowa, be excused.

The motion was disagreed to.

Mr. SKINNER, of North Carolina. Mr. Speaker, my colleague, Mr. BENNETT, has been in attendance on the House all day. He says he is too ill to remain any longer, and I ask, therefore, that he be excused from further attendance on the House during this day's sitting.

Mr. WHITE, of Kentucky. If it be in order I will move to amend the motion of the gentleman from North Carolina by excusing every member of the House who has been filibustering on that side of the House. I offer that as an amendment—to excuse all members of the House from further attendance to-day who have been engaged in this filibustering proceeding.

The SPEAKER *pro tempore*. The gentleman from Kentucky of course knows that his motion is not in order.

Mr. WHITE, of Kentucky. I presume I can make it in order.

The SPEAKER *pro tempore*. What motion does the gentleman offer?

Mr. WHITE, of Kentucky. I move to amend the motion of the gentleman from North Carolina by adding that we excuse all of the members who are sick of the proceedings on that side of the House.

The SPEAKER *pro tempore*. The motion of the gentleman is not in order.

The question is on the motion of the gentleman from North Carolina to excuse his colleague, Mr. BENNETT.

The motion was agreed to.

Mr. WELLER. I move that Mr. SHIVELY be excused.

The motion was not agreed to.

The SPEAKER *pro tempore*. The Clerk will proceed with the call of the roll of absentees.

Mr. YOUNG's name was called: No excuse offered.

Mr. COBB. I move that my colleague, Mr. STOCKSLAGER, be excused on account of important business. [Laughter.]

The motion was not agreed to.

Mr. COLLINS. I now renew the resolution I send to the Clerk's desk.

Mr. WEMPLE. I move that Mr. EATON, of Connecticut, be excused from further attendance on this day's session of the House.

The motion was agreed to.

Mr. HATCH, of Missouri. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Missouri as soon as the Clerk has reported the resolution submitted by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The question was taken; and on a division there were—ayes 72, noes 46.

Mr. SKINNER, of North Carolina. I call for the yeas and nays.

Several MEMBERS. Too late!

The SPEAKER *pro tempore*. The Chair thinks the gentleman made the demand too late.

Mr. SKINNER, of North Carolina. I made the demand immediately upon the announcement of the vote.

The SPEAKER *pro tempore*. Did the gentleman demand the yeas and nays immediately on the statement of the result of the vote?

Mr. SKINNER, of North Carolina. I did.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman from North Carolina.

The yeas and nays were ordered.

Mr. BUDD. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUDD. Has a gentleman whose name is not recorded as being present the right to vote on a question as to whether or not the yeas and nays shall be ordered?

The SPEAKER *pro tempore*. The Chair will state that no gentleman is entitled to vote who is not present as shown by the record.

The yeas and nays have been ordered on the adoption of the resolution which has just been read, and the Clerk will call the roll.

The question was taken; and there were—yeas 69, nays 53, not voting 201; as follows:

YEAS—69.

Adams, J. J.	Dorsheimer,	McAdoo,	Stephenson,
Atkinson,	Ellis,	Millard,	Stevens,
Bagley,	Evans,	Mitchell,	Stewart, J. W.
Bayne,	Ferrell,	Nutting,	Strait,
Bingham,	Findlay,	O'Ferrall,	Sumner, C. A.
Bisbee,	Follett,	O'Hara,	Taylor, J. D.
Brewer, F. B.	Greenleaf,	O'Neill, Charles	Thomas,
Brown, W. W.	Guenther,	O'Neill, J. J.	Van Alstyne,
Budd,	Hardy,	Parker,	Wallace,
Burleigh,	Holmes,	Payne,	Wemple,
Cassidy,	Houseman,	Peters,	White, J. D.
Clardy,	James,	Post,	Whiting,
Collins,	Jeffords,	Reid, J. W.	Wilson, James
Connolly,	Jordan,	Rockwell,	Wise, J. S.
Cutcheon,	Kean,	Rogers, J. H.	Woodward.
Davis, G. R.	Kleiner,	Seymour,	
Davis, R. T.	Lore,	Smith, H. Y.	
Deuster,	Lovering,	Spooner,	

NAYS—53.

Blackburn,	Dockery,	Money,	Tillman,
Bland,	Dowd,	Neece,	Tully,
Bratton,	Dunham,	Patton,	Warner, Richard
Buchanan,	Eldredge,	Peel,	Wellborn,
Burnes,	Ellwood,	Pierce,	Weller,
Cabell,	Everhart,	Price,	White, Milo
Caldwell,	Goff,	Randall,	Willis,
Candler,	Halsell,	Ranney,	Wilson, W. L.
Carleton,	Hardeman,	Reese,	Wise, G. D.
Clements,	Hatch, W. H.	Skinner, T. G.	Wolford,
Cobb,	Jones, J. H.	Snyder,	Wood.
Cosgrove,	Lowry,	Springer,	
Cox, W. R.	McMillin,	Swope,	
Dibble,	Matson,	Taylor, J. M.	

NOT VOTING—201.

Adams, G. E.	Brewer, J. H.	Dargan,	Graves,
Aiken,	Broadhead,	Davidson,	Green,
Alexander,	Browne, T. M.	Davis, L. H.	Hammond,
Anderson,	Brumm,	Dibrell,	Hanback,
Arnot,	Buckner,	Dingley,	Hancock,
Balentine,	Campbell, Felix	Dunn,	Harmer,
Barbour,	Campbell, J. E.	Eaton,	Hart,
Barksdale,	Campbell, J. M.	Elliott,	Hatch, H. H.
Barr,	Cannon,	English,	Haynes,
Beach,	Chalmers,	Ermentrout,	Hemphill,
Belford,	Clay,	Fiedler,	Henderson, D. B.
Belmont,	Converse,	Finerty,	Henderson, T. J.
Bennett,	Cook,	Foran,	Henley,
Blanchard,	Covington,	Forney,	Hepburn,
Blount,	Cox, S. S.	Funston,	Herbert,
Boutelle,	Craig,	Fyan,	Hewitt, A. S.
Bowen,	Crisp,	Garrison,	Hewitt, G. W.
Boyle,	Culberson, D. B.	Geddes,	Hill,
Brainerd,	Culbertson, W. W.	George,	Hiscock,
Breckinridge,	Cullen,	Gibson,	Hitt,
Breitung,	Curtin,	Glascock,	Hobilitzell,

Holman,	McComas,	Rankin,	Sumner, D. H.
Holton,	McCormick,	Ray, G. W.	Talbott,
Hooper,	Maybury,	Ray, Ossian	Taylor, E. B.
Hopkins,	Miller, J. F.	Reagan,	Thompson,
Horr,	Miller, S. H.	Reed, T. B.	Throckmorton,
Houk,	Milliken,	Rice,	Townshend,
Howey,	Mills,	Riggs,	Tucker,
Hunt,	Morgan,	Robertson,	Turner, H. G.
Hurd,	Morrill,	Robinson, J. S.	Turner, Oscar
Hutchins,	Morrison,	Robinson, W. E.	Valentine,
Johnson,	Morse,	Rogers, W. F.	Vance,
Jones, B. W.	Moulton,	Rosecrans,	Van Eaton,
Jones, J. K.	Muldrow,	Rowell,	Wadsworth,
Jones, J. T.	Muller,	Russell,	Wait,
Keifer,	Murphy,	Ryan,	Wakefield,
Kelley,	Murray,	Seney,	Ward,
Kellogg,	Mutchler,	Shaw,	Warner, A. J.
Ketcham,	Nelson,	Shively,	Washburn,
King,	Nicholls,	Singleton,	Weaver,
Lacey,	Oates,	Skinner, C. R.	Wilkins,
Laird,	Ochiltree,	Slocum,	Williams,
Lamb,	Paige,	Smalls,	Winans, E. B.
Lanham,	Payson,	Smith, A. Herr	Winans, John
Lawrence,	Perkins,	Spriggs,	Worthington,
Le Fevre,	Pettibone,	Steele,	Yaple,
Lewis,	Phelps,	Stewart, Charles	York,
Libbey,	Poland,	Stockslager,	Young.
Long,	Potter,	Stone,	
Lyman,	Pryor,	Storm,	
McCoid,	Pusey,	Struble,	

So the resolution was agreed to.

Mr. HATCH, of Missouri. I now renew my motion to dispense with all further proceedings under the call.

Mr. WHITE, of Kentucky. Pending that motion, I move that the House do now adjourn. It is evidently useless to sit here and go on with these proceedings any longer. If gentlemen are determined to filibuster, of course we can do nothing in the way of business.

The SPEAKER *pro tempore*. Debate is not in order.

The question is on the motion of the gentleman from Kentucky, that the House do now adjourn.

The question was taken. Before the announcement of the vote,

Mr. DUNHAM said: Mr. Speaker, I ask unanimous consent that members who are now in the lobby, but were not present on the call of the House, be allowed to come in.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). That motion is not now in order while the House is dividing on a motion to adjourn.

The House divided; and there were—ayes 60, noes 52.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered, 41 members voting therefor.

The question was taken; and there were—yeas 66, nays 68, not voting 189; as follows:

YEAS—66.

Atkinson,	Dockery,	Money,	Taylor, J. M.
Blackburn,	Dowd,	Neece,	Thomas,
Bland,	Dunham,	Patton,	Tillman,
Bratton,	Eldredge,	Peel,	Tully,
Breckinridge,	Ellwood,	Pierce,	Wallace,
Buchanan,	English,	Pusey,	Warner, Richard
Burnes,	Goff,	Randall,	Wellborn,
Cabell,	Graves,	Ranney,	Weller,
Caldwell,	Halsell,	Reid, J. W.	White, J. D.
Candler,	Hardeman,	Reese,	White, Milo
Carleton,	Hatch, W. H.	Riggs,	Willis,
Clardy,	Houseman,	Robertson,	Wilson, W. L.
Clements,	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Cobb,	Keifer,	Skinner, T. G.	Wolford,
Converse,	Lowry,	Snyder,	Wood.
Cosgrove,	McMillin,	Springer,	
Cox, W. R.	Matson,	Swope,	

NAYS—68.

Adams, J. J.	Ellis,	Lore,	Russell,
Bagley,	Evans,	Lovering,	Seymour,
Barr,	Everhart,	McAdoo,	Smith, H. Y.
Bingham,	Ferrell,	Millard,	Spooner,
Bisbee,	Findlay,	Mitchell,	Spriggs,
Brewer, F. B.	Follett,	Nutting,	Stephenson,
Brown, W. W.	Greenleaf,	O'Ferrall,	Stevens,
Budd,	Guenther,	O'Hara,	Stewart, J. W.
Burleigh,	Hanback,	O'Neill, Charles	Strait,
Cassidy,	Hardy,	O'Neill, J. J.	Sumner, C. A.
Collins,	Hill,	Parker,	Taylor, J. D.
Cutcheon,	Holmes,	Payne,	Van Alstyne,
Davis, G. R.	James,	Peters,	Wemple,
Davis, R. T.	Jeffords,	Pettibone,	Whiting,
Deuster,	Jordan,	Post,	Wilson, James
Dibble,	Kean,	Potter,	Wise, J. S.
Dorsheimer,	Kleiner,	Rockwell,	Woodward.

NOT VOTING—189.

Adams, G. E.	Bowen,	Cook,	Elliott,
Aiken,	Boyle,	Covington,	Ermentrout,
Alexander,	Brainerd,	Cox, S. S.	Fiedler,
Anderson,	Breitung,	Craig,	Finerty,
Arnot,	Brewer, J. H.	Crisp,	Foran,
Ballentine,	Broadhead,	Culberson, D. B.	Forney,
Barbour,	Browne, T. M.	Culbertson, W. W.	Funston,
Barksdale,	Brumm,	Cullen,	Fyan,
Bayne,	Buckner,	Curtin,	Garrison,
Beach,	Campbell, Felix	Dargan,	Geddes,
Belford,	Campbell, J. R.	Davidson,	George,
Belmont,	Campbell, J. M.	Davis, L. H.	Gibson,
Bennett,	Cannon,	Dibrell,	Glascock,
Blanchard,	Chalmers,	Dingley,	Green,
Blount,	Clay,	Dunn,	Hammond,
Beutelle,	Connolly,	Eaton,	Hancock,
Harmer,	King,	Ochiltree,	Storm,
Hart,	Lacey,	Paige,	Struble,
Hatch, H. H.	Laird,	Payson,	Sumner, D. H.
Haynes,	Lamb,	Perkins,	Talbott,
Hemphill,	Lanham,	Phelps,	Taylor, E. B.
Henderson, D. B.	Lawrence,	Poland,	Thompson,
Henderson, T. J.	Le Fevre,	Price,	Throckmorton,
Henley,	Lewis,	Pryor,	Townshend,
Hepburn,	Libbey,	Rankin,	Tucker,
Herbert,	Long,	Ray, G. W.	Turner, H. G.
Hewitt, A. S.	Lyman,	Ray, Ossian	Turner, Oscar
Hewitt, G. W.	McCold,	Reagan,	Valentine,
Hiscock,	McComas,	Reed, T. B.	Vance,
Hitt,	McCormick,	Rice,	Van Eaton,
Hohlitzell,	Maybury,	Robinson, J. S.	Wadsworth,
Holman,	Miller, J. F.	Robinson, W. E.	Wait,
Holton,	Miller, S. H.	Rogers, W. F.	Wakefield,
Hooper,	Milliken,	Rosecrans,	Ward,
Hopkins,	Mills,	Rowell,	Warner, A. J.
Horr,	Morgan,	Ryan,	Washburn,
Houk,	Morrill,	Seney,	Weaver,
Howey,	Morrison,	Shaw,	Wilkins,
Hunt,	Morse,	Shively,	Williams,
Hurd,	Moulton,	Singleton,	Winans, E. B.
Hutchins,	Muldrow,	Skinner, C. R.	Winans, John
Johnson,	Muller,	Slocum,	Worthington,
Jones, B. W.	Murphy,	Smalls,	Yaple,
Jones, J. K.	Murray,	Smith, A. Herr	York,
Jones, J. T.	Mutchler,	Steele,	Young.
Kelley,	Nelson,	Stewart, Charles	
Kellogg,	Nicholls,	Stockslager,	
Ketcham,	Oates,	Stone,	

So the House refused to adjourn.

During the roll-call,

Mr. DAVIS, of Illinois, said. I call the attention of the Chair to the rule which requires members to absent themselves from the Clerk's desk during the call of the roll.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The rule does not permit members to be about the Clerk's desk during the call of the yeas and nays.

Mr. ROBERTSON. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

Mr. WHITE, of Kentucky. I change my vote from "no" to "ay," because I think there is no use of punishing the members any longer. We have excused so many members—— [Cries of "Regular order!"]

The SPEAKER *pro tempore* (rapping to order). The gentleman is not in order. The gentleman from Kentucky changes his vote from "no" to "ay."

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Missouri [Mr. HATCH] to dispense with all further proceedings under the call.

The question being taken, there were—ayes 49, noes 57.

So the motion was not agreed to.

Several members called for the regular order.

The SPEAKER *pro tempore*. The Sergeant-at-Arms is supposed to be in the process of executing the order of the House.

Mr. DUNHAM. I move that the House do now adjourn.

Mr. COLLINS. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COLLINS. I wish to inquire whether the motion to adjourn is in order pending the execution of the order of the House.

The SPEAKER *pro tempore*. The Chair answers that it is in order.

Mr. COLLINS. I am sorry to hear it.

The SPEAKER *pro tempore*. The proceeding has intervened of a motion to dispense with all further proceedings under the call. The motion of the gentleman from Illinois [Mr. DUNHAM] is in order.

The question being taken on the motion to adjourn, there were—ayes 57, noes 53.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor.

The question was taken; and there were—yeas 65, nays 66, not voting 192; as follows:

YEAS—65.

Blackburn,	Dowd,	Neece,	Taylor, J. M.
Bland,	Dunham,	Patton,	Tillman,
Bratton,	Eldredge,	Peel,	Tully,
Breckinridge,	Ellwood,	Pierce,	Wallace,
Buchanan,	English,	Price,	Warner, Richard
Burnes,	Goff,	Pusey,	Wellborn,
Cabell,	Graves,	Randall,	Weller,
Caldwell,	Halsell,	Ranney,	White, J. D.
Candler,	Hardeman,	Reid, J. W.	White, Milo
Carleton,	Hatch, W. H.	Reese,	Willis,
Clardy,	Houseman,	Riggs,	Wilson, W. L.
Clements,	Jones, J. H.	Robertson,	Wise, G. D.
Cobb,	Keifer,	Rogers, J. H.	Wolford,
Converse,	Lowry,	Skinner, T. G.	Wood.
Cosgrove,	McMillin,	Snyder,	
Cox, W. R.	Matson,	Springer,	
Dockery,	Money,	Swope,	

NAYS—66.

Adams, J. J.	Brown, W. W.	Davis, G. R.	Everhart,
Bagley,	Budd,	Davis, R. T.	Ferrell,
Barr,	Cassidy,	Deuster,	Findlay,
Bingham,	Collins,	Dorsheimer,	Follett,
Bisbee,	Connolly,	Ellis,	Greenleaf,
Brewer, F. B.	Cutcheon,	Evans,	Guenther,

Hanback,	McAdoo,	Pettibone,	Strait,
Hardy,	Millard,	Post,	Sumner, C. A.
Hill,	Mitchell,	Potter,	Thomas,
Holmes,	Nutting,	Rockwell,	Van Alstyne,
James,	O'Ferrall,	Russell,	Wemple,
Jeffords,	O'Hara,	Seymour,	Whiting,
Jordan,	O'Neill, Charles	Smith, H. Y.	Wilson, James
Kean,	O'Neill, J. J.	Spooner,	Wise, J. S.
Kleiner,	Parker,	Stephenson,	Woodward.
Lore,	Payne,	Stevens,	
Lovering,	Peters,	Stewart, J. W.	

NOT VOTING—192.

Adams, G. E.	Dunn,	Kellogg,	Robinson, W. E.
Aiken,	Eaton,	Ketcham,	Rogers, W. F.
Alexander,	Elliott,	King,	Rosecrans,
Anderson,	Ermentrout,	Lacey,	Rowell,
Arnot,	Fiedler,	Laird,	Ryan,
Atkinson,	Finerty,	Lamb,	Seney,
Ballentine,	Foran,	Lanham,	Shaw,
Barbour,	Forney,	Lawrence,	Shively,
Barksdale,	Funston,	Le Fevre,	Singleton,
Bayne,	Fyan,	Lewis,	Skinner, C. R.
Beach,	Garrison,	Libbey,	Slocum,
Belford,	Geddes,	Long,	Smalls,
Belmont,	George,	Lyman,	Smith, A. Herr
Bennett,	Gibson,	McCoid,	Spriggs,
Blanchard,	Glascock,	McComas,	Steele,
Blount,	Green,	McCormick,	Stewart, Charles
Beutelle,	Hammond,	Maybury,	Stockslager,
Bowen,	Hancock,	Miller, J. F.	Stone,
Boyle,	Harmer,	Miller, S. H.	Storm,
Brainerd,	Hart,	Milliken,	Struble,
Breitung,	Hatch, H. H.	Mills,	Sumner, D. H.
Brewer, J. H.	Haynes,	Morgan,	Talbott,
Broadhead,	Hemphill,	Morrill,	Taylor, E. B.
Browne, T. M.	Henderson, D. B.	Morrison,	Taylor, J. D.
Brumm,	Henderson, T. J.	Morse,	Thompson,
Buckner,	Henley,	Moulton,	Throckmorton,
Burleigh,	Hepburn,	Muldrow,	Townshend,
Campbell, Felix	Herbert,	Muller,	Tucker,
Campbell, J. E.	Hewitt, A. S.	Murphy,	Turner, H. G.
Campbell, J. M.	Hewitt, G. W.	Murray,	Turner, Oscar
Cannon,	Hiscock,	Mutchler,	Valentine,
Chalmers,	Hitt,	Nelson,	Vance,
Clay,	Hohlitzell,	Nicholls,	Van Eaton,
Cook,	Holman,	Oates,	Wakefield,
Covington,	Holton,	Ochiltree,	Ward,
Cox, S. S.	Hooper,	Paige,	Warner, A. J.
Craig,	Hopkins,	Payson,	Washburn,
Crisp,	Horr,	Perkins,	Weaver,
Culberson, D. B.	Houk,	Phelps,	Wilkins,
Culbertson, W. W.	Howey,	Poland,	Williams,
Cullen,	Hunt,	Pryor,	Winans, E. B.
Curtin,	Hurd,	Rankin,	Winans, John
Dargan,	Hutchins,	Ray, G. W.	Wadsworth,
Davidson,	Johnson,	Ray, Ossian	Wait,
Davis, L. H.	Jones, B. W.	Reagan,	Worthington,
Dibble,	Jones, J. K.	Reed, T. B.	Yaple,
Dibrell,	Jones, J. T.	Rice,	York,
Dingley,	Kelley,	Robinson, J. S.	Young.

So the motion was not agreed to.

Pending the announcement of the vote,

Mr. HUNT. Mr. Speaker, I am paired with the gentleman from Indiana on my right [Mr. STEELE], who is now present, having come in voluntarily, and I ask that he be excused, in order that he and I may vote on the second roll-call.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. HUNT] is not in order at this time.

Mr. POST. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state his inquiry.

Mr. POST. I desire to be informed by the Chair whether members who have been reported absent, and who have come in since the doors were ordered closed, have a right to vote.

The SPEAKER *pro tempore*. In answer to the gentleman from Pennsylvania [Mr. POST] the Chair will state that those members have not the right to vote, and the Chair is not aware that any one has been permitted to enter the Hall since the doors were closed under the rule.

Mr. POST. I ask that the proper officer be called upon to report whether any members reported absent on the call of the House have been admitted since the doors were closed.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that no member reported as absent when the doors were closed has voted.

Mr. MUTCHLER. Mr. Speaker, I have voted, but, under the decision of the Chair, I withdraw my vote.

The SPEAKER *pro tempore*. The vote of the gentleman from Pennsylvania [Mr. MUTCHLER] is withdrawn.

Mr. ROBERTSON. Mr. Speaker, after a member gets into the Hall has he not a right to vote?

The SPEAKER *pro tempore*. Under the rule governing proceedings on a call of the House any gentleman who is absent when the roll is called has not the right to vote, nor the right to enter the Hall except in the custody of the Sergeant-at-Arms.

The result of the vote on the motion of Mr. DUNHAM to adjourn was announced as above stated. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair will enforce the regular order under the rule.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. ADAMS of Illinois, Mr. HISCOCK, Mr. JOHNSON, Mr. TUCKER, Mr. STEELE, and Mr. MUTCHLER.

The SPEAKER *pro tempore*. Mr. ADAMS, of Illinois, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ADAMS, of Illinois. Mr. Speaker, I left the House about 7 o'clock this evening, thinking that it was about to adjourn, and having been previously paired with the gentleman from Texas [Mr. MILLER]. I was not well, so I went to my hotel and went to bed. Hearing a short time ago that a call of the House had been ordered, I came here voluntarily.

Mr. DAVIS, of Illinois. Mr. Speaker, I move that my colleague [Mr. ADAMS] be excused.

The question was taken; and there were—ayes 61, noes 27.

So the motion was agreed to.

The SPEAKER *pro tempore*. Mr. HISCOCK, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HISCOCK. Mr. Speaker, I went to my hotel, thinking that no business was to be transacted here for an hour or two [laughter], returned, and have been in the lobby for some time. I came back voluntarily, not under arrest, and am here ready to respond to all calls of the House.

Mr. MILLARD. Mr. Speaker, I move that my colleague [Mr. HISCOCK] be excused.

The question was taken; and there were—ayes 43, noes 29.

So the motion was agreed to.

The SPEAKER *pro tempore*. Mr. JOHNSON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. JOHNSON. Mr. Speaker, I left the House about half past 5, as I was obliged to go out of town. I returned at 11.50, and, seeing a light in the Dome I came at once to the House and have been awaiting orders ever since.

Mr. PAYNE. Mr. Speaker, I move that my colleague, Mr. JOHNSON, be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. TUCKER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. TUCKER. Mr. Speaker, I had an engagement to go to the city of Baltimore this evening. [Laughter.] I went to Baltimore at 6 o'clock and returned at a quarter before 12. I saw a light in the Dome of the Capitol. I rushed to this Hall to represent my constituents, but was excluded from it, and for the first time I have the honor to appear in this position. I trust that it will be the pleasure of the House to excuse me and to admit me to the duties that I desire to perform. [Laughter.]

Mr. GEORGE D. WISE. Mr. Speaker, I move that my colleague [Mr. TUCKER] be excused.

Mr. WHITE, of Kentucky. The gentleman from Virginia [Mr. TUCKER] has stated that he left the city for Baltimore. The House was in session at the time. It does not appear that he was excused. He now comes back to the House, and while standing in the area in front of the Speaker violates clause 7 of Rule XIV, which is in this language:

During the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House.

A MEMBER. He is not smoking.

Mr. WHITE, of Kentucky. As is obvious to the view of every member present the gentleman has a cigar in his hand, in utter disregard of the rules of the House. He has confessed that he left the city without leave. I therefore think he ought to be fined to the full extent of the law.

Mr. TUCKER. So far as the cigar is concerned, it is not lighted; but I have no objection to handing it over to the gentleman from Kentucky. [Laughter.]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Virginia [Mr. GEORGE D. WISE] that his colleague [Mr. TUCKER] be excused.

The motion was agreed to, there being—ayes 59, noes 10.

The SPEAKER *pro tempore*. Mr. STEELE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. STEELE. Mr. Speaker, after having voted twice in favor of adjournment I paired with the gentleman from Louisiana [Mr. HUNT], and went to my boarding-house. Discovering about half past 11 o'clock that this House was in session I came here voluntarily, and as soon as the Sergeant-at-Arms would admit me I came into the Hall. I ask the House to excuse me.

Mr. LOWRY. I move that my colleague be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. MUTCHLER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MUTCHLER. Not a very good one, Mr. Speaker. I was here until 7 o'clock voting on every roll-call. About that time I left the

House under the belief that it would soon adjourn. It was near 11 o'clock before I discovered that the House had not adjourned. I then came up here; and finding the doors barred against me I took a seat in the gallery, and witnessed the proceedings of the House with a great deal of dissatisfaction until I was admitted to the floor. I ask to be excused.

Mr. BAYNE. I move that my colleague be excused.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House having in custody, in obedience to its order, Mr. RAY, of New Hampshire, and Mr. HOBLITZELL.

The SPEAKER *pro tempore*. Mr. RAY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RAY, of New Hampshire. I left here about 6 o'clock, under an engagement that I accepted last week to dine with a friend in the western part of the city. As I passed the Capitol I inquired whether the House had adjourned, and understood it was voting on a motion to adjourn, which would probably be carried. I paired with a gentleman who was voting in favor of adjournment, while I was opposed to it. [Laughter.] I went and dined with my friend, and have been compelled to walk to this Capitol a distance of about two miles. Perhaps if I had mistrusted what was going on here I might have gone in some other direction. But I saw the light, and it rather attracted me here. I have come now to perform my duties for the remainder of the day.

Mr. COSGROVE. As the gentleman was seeking "light," I move that he be excused.

The motion was agreed to; there being—ayes 41, noes 11.

The SPEAKER *pro tempore*. Mr. HOBLITZELL, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HOBLITZELL. Mr. Speaker, I left the Hall about 6 o'clock, after voting twice to adjourn. I have been very much indisposed for three weeks. I left here sick to get my dinner. After dining I went to my room, where I have been ever since until notified that I was wanted here. I am sick now; and I ask to be excused.

Mr. FINDLAY. I move that my colleague be excused.

The motion was agreed to.

Mr. BLAND. I move that further proceedings under the call be dispensed with.

The question being taken on the motion of Mr. BLAND, there were—ayes 70, noes 57.

Mr. COLLINS. I call for the yeas and nays.

Mr. MATSON. Pending that, I move that the House adjourn.

The question being taken on the motion of Mr. MATSON, there were—ayes 70, noes 58.

Mr. COLLINS, Mr. DORSHEIMER, and others called for the yeas and nays.

The yeas and nays were ordered, 41 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 73, nays 67, not voting 183; as follows:

YEAS—73.

Blackburn,	Dunham,	Mutchler,	Taylor, J. M.
Bland,	Eldredge,	Neece,	Thomas,
Bratton,	Ellwood,	Patton,	Tillman,
Breckinridge,	English,	Peel,	Tucker,
Brewer, F. B.	Ferrell,	Pierce,	Tully,
Buchanan,	Goff,	Price,	Wallace,
Burnes,	Graves,	Pusey,	Warner, Richard
Cabell,	Halsell,	Randall,	Weilborn,
Caldwell,	Hardeman,	Ranney,	Weller,
Candler,	Hatch, W. H.	Reid, J. W.	White, J. D.
Carleton,	Hiscock,	Reese,	White, Milo
Clardy,	Hoblitzell,	Riggs,	Willis,
Clements,	Houseman,	Robertson,	Wilson, W. L.
Cobb,	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Converse,	Keifer,	Skinner, T. G.	Wolford,
Cosgrove,	Lowry,	Snyder,	Wood.
Cox, W. R.	McMillin,	Springer,	
Dockery,	Matson,	Steele,	
Dowd,	Money,	Swope,	

NAYS—67.

Adams, J. J.	Everhart,	Lovering,	Seymour,
Bagley,	Findlay,	McAdoo,	Smith, H. Y.
Barr,	Follett,	Millard,	Spooner,
Bingham,	Greenleaf,	Mitchell,	Spriggs,
Bisbee,	Guenther,	Nutting,	Stephenson,
Brown, W. W.	Hanback,	O'Ferrall,	Stevens,
Budd,	Hardy,	O'Hara,	Stewart, J. W.
Cassidy,	Hill,	O'Neill, Charles	Strait,
Collins,	Holmes,	O'Neill, J. J.	Sumner, C. A.
Connolly,	Hunt,	Parker,	Van Alstyne,
Cutcheon,	James,	Payne,	Wemple,
Davis, G. R.	Jeffords,	Peters,	Weaver,
Davis, R. T.	Johnson,	Pettibone,	Whiting,
Deuster,	Jordan,	Post,	Wilson, James
Dorsheimer,	Kean,	Potter,	Wise, J. S.
Ellis,	Kleiner,	Rockwell,	Woodward.
Evans,	Lore,	Russell,	

NOT VOTING—183.

Adams, G. E.	Atkinson,	Beach,	Blount,
Aiken,	Ballentine,	Belford,	Boutelle,
Alexander,	Barbour,	Belmont,	Bowen,
Anderson,	Barksdale,	Bennett,	Boyle,
Arnot,	Bayne,	Blanchard,	Brainerd,
Breitung,	Gibson,	Libbey,	Ryan,
Brewer, J. H.	Glascock,	Long,	Seney,
Broadhead,	Green,	Lyman,	Shaw,
Browne, T. M.	Hammond,	McCold,	Shively,
Brumm,	Hancock,	McComas,	Singleton,
Buckner,	Harmer,	McCormick,	Skinner, C. R.
Burleigh,	Hart,	Maybury,	Slocum,
Campbell, Felix	Hatch, H. H.	Miller, J. F.	Smalls,
Campbell, J. E.	Haynes,	Miller, S. H	Smith, A. Herr
Campbell, J. M.	Hemphill,	Milliken,	Stewart, Charles
Cannon,	Henderson, D. B.	Mills,	Stockslager,
Chalmers,	Henderson, T. J.	Morgan,	Stone,
Clay,	Henley,	Morrill,	Storm,
Cook,	Hepburn,	Morrison,	Struble,
Covington,	Herbert,	Morse,	Sumner, D. H.
Cox, S. S.	Hewitt, A. S.	Moulton,	Talbott,
Craig,	Hewitt, G. W.	Muldrow,	Taylor, E. B.
Crisp,	Hitt,	Muller,	Taylor, J. D.
Culberson, D. B.	Holman,	Murphy,	Thompson,
Culbertson, W. W.	Holton,	Murray,	Throckmorton,
Cullen,	Hooper,	Nelson,	Townshend,
Curtin,	Hopkins,	Nicholls,	Turner, H. G.
Dargan,	Horr,	Oates,	Turner, Oscar
Davidson,	Houk,	Ochiltree,	Valentine,
Davis, L. H.	Howey,	Paige,	Vance,
Dibble,	Hurd,	Payson,	Van Eaton,
Dibrell,	Hutchins,	Perkins,	Wadsworth,
Dingley,	Jones, B. W.	Phelps,	Wait,
Dunn,	Jones, J. K.	Poland,	Wakefield,
Eaton,	Jones, J. T.	Pryor,	Ward,
Elliott,	Kelley,	Ranklin,	Warner, A. J.
Ermentrout,	Kellogg,	Ray, G. W.	Washburn,
Fiedler,	Ketcham,	Ray, Ossian	Wilkins,
Finerty,	King,	Reagan,	Williams,
Forsn,	Lacey,	Reed, T. B.	Winans, E. B.
Forney,	Laird,	Rice,	Winans, John
Funston,	Lamb,	Robinson, J. S.	Worthington,
Fyan,	Lanham,	Robinson, W. E.	Yaple,
Garrison,	Lawrence,	Rogers, W. F.	York,
Geddes,	Le Fevre,	Rosecrans,	Young.
George,	Lewis,	Rowell,	

So the motion was agreed to.

During the roll-call,

Mr. BAYNE said: Mr. Speaker, I move, by unanimous consent, that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The following additional pair was announced from the Clerk's desk:

Mr. RAY, of New Hampshire, with Mr. PERKINS. Mr. RAY would vote "no" and Mr. PERKINS "ay."

The vote was then announced as above recorded.

Thereupon (at 2 o'clock and 10 minutes a. m., Tuesday, February 3, 1885) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Newburgh, N. Y., in favor of a bankrupt law—to the Committee on the Judiciary.

By Mr. BREITUNG: Concurrent resolutions of the Legislature of Michigan, relative to the purchase by the United States of the Portage Lake and Lake Superior Ship Canals, and making the same free of tolls—to the Committee on Rivers and Harbors.

Also, two petitions of citizens of Marquette, Mich., requesting that the United States acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior, and make same free of tolls—to the same committee.

Also, petition of citizens of the village of Sault de Ste. Marie, Mich., requesting the immediate passage of Senate bill No. 1374, for the change of location of Fort Brady—to the Committee on Military Affairs.

By Mr. BINGHAM: Resolutions of the Academy of Natural Sciences of Philadelphia, asking to have placed on the free-list works pertaining to the sciences—to the Committee on Ways and Means.

Also, resolutions of the Commercial Exchange of Philadelphia, asking for the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Post No. 1, Grand Army of the Republic of Pennsylvania, asking for the passage of the Senate bill reinstating General U. S. Grant to the Army—to the Committee on Military Affairs.

By Mr. CLEMENTS: Petition of Floyd S. Hudgins, of Chattooga County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. G. R. DAVIS: Petition of Chicago Live-stock Exchange, against false and slanderous charges preferred by men ignorant of the business, and against the Hopkins resolution—to the Committee on Commerce.

By Mr. DINGLEY: Remonstrance of John S. Emery & Co. and other ship-owners of Boston, against the repeal of the provision of the shipping law forbidding the payment of advance wages—to the same committee.

By Mr. ERMENTROUT: Petition of a Jersey Democrat, against the Eads proposition for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Resolution of the New York Board of Trade and Transportation, urging the consideration of the bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Academy of Natural Sciences, urging that scientific books and apparatus be placed on free-list—to the Committee on Ways and Means.

By Mr. FORNEY: Papers relating to the claim of John Edwards, of De Kalb County, Alabama—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon, to ratify certain patents made by Richard Nicolls and Thomas Dargan, governors of the Colony of New York—to the Committee on the Public Lands.

By Mr. HOLMAN: Petition of Hon. Alvin P. Hovey, of Indiana, for the enactment of a law to promote purity and integrity in elections and appointments, accompanied by a bill for that purpose—to the Committee on the Judiciary.

By Mr. B. W. JONES: Resolutions of the New York Board of Trade and Transportation, relative to the bankruptcy bill—to the same committee.

By Mr. LOWRY: Petition of 61 citizens of Fort Wayne, Ind., in reference to the Mormon question—to the same committee.

By Mr. MORSE: Petition of Thomas H. Hill and 3 others, praying for an increase of widows' pensions—to the Committee on Pensions.

By Mr. PRYOR: A bill for the relief of Isaac Stinnett, jr., of Limestone County, Alabama—to the Committee on War Claims.

Also, papers relating to the claim of James Clendinnin, of Jackson County, Alabama—to the same committee.

By Mr. RANDALL: Petition of citizens of Philadelphia, against the ratification of the treaty with Spain or an extension of the treaty with Hawaii, and against the measures to carry into operation the treaty with Mexico—to the Committee on Ways and Means.

Also, two petitions of managers and officers of houses of refuge and reformatories for children, to publish information concerning such institutions—to the Committee on Appropriations.

By Mr. REAGAN: Petition of shippers of live-stock, of Chicago, Ill., praying for the passage of House bill No. 6405, which provides for the inspection of live-stock, hog products, and dressed meats intended for exportation—to the Committee on Commerce.

Also, petition of pork-packers and dealers in and shippers of hog products, praying for the passage of House bill No. 6405, which provides for the inspection of live-stock, hog products, and dressed meats intended for exportation—to the same committee.

By Mr. ROSECRANS: Petition of Judson Knight, praying for a pension for disability incurred in the military service and in the line of his duty—to the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of citizens of Kansas, to open Oklahoma to settlement—to the Committee on the Public Lands.

By Mr. SINGLETON: Papers relating to the claim of Turner Babbitt, of Scott County, Mississippi, for quartermaster stores and property taken from him by the United States Army during the late war—to the Committee on War Claims.

By Mr. STEELE: Petition of R. P. Ellinger and others, of Peru, Ind., and of Andrew J. Reynolds and others, of Decatur, Ind., asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition of C. J. Higgins and 62 others, of Ashland, Wis., praying that the United States acquire title to the Portage Lake and Lake Superior Canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. STORM: Petition of Philadelphia Commercial Exchange, asking for the passage of a bankrupt bill—to the Committee on the Judiciary.

Also, petition of the Academy of Natural Sciences, asking that certain books and apparatus be placed on the free-list—to the Committee on Ways and Means.

By Mr. THOMAS: Petition of Thomas C. White, of Cartersville, Ill., for additional pay for soldiers of the late war—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WARD: Petition of Mrs. Sallie Jackson, of Clinton County, Indiana, for relief—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of citizens of White Rock, of Clifton, of Belleville, and of Delphos, Kans.

By Mr. ALEXANDER: Of citizens of Chariton County, of Randolph County, and of Grundy County, Missouri.

By Mr. ATKINSON: Of citizens of Huntingdon County, of Sullivan County, and of Juniata County, Pennsylvania.

By Mr. BOUTELLE: Of citizens of Brewer, Me., and of Medford Centre, Me.

By Mr. BRAINERD: Of citizens of Warren County and of Erie County, Pennsylvania.

By Mr. T. M. BROWNE: Of citizens of Cambridge City, Ind.

By Mr. W. W. BROWN: Of citizens of Tioga County, Pennsylvania.

By Mr. CANNON: Of citizens of Champaign County, Illinois.

By Mr. DINGLEY: Of citizens of Oxford County, Maine.

By Mr. ELLWOOD: Of citizens of Harvard, of Aurora, of Saint Charles, and of Nunda, Ill.

By Mr. GOFF: Of citizens of Gilmer County, of Harrison County, of Tyler County, and of Wetzel County, West Virginia.

By Mr. HANBACK: Of citizens of Ellsworth County, of Norton County, of Phillips County, of Smith County, of Rooks County, of Osborne County, and of Russell County, Kansas.

By W. H. HATCH: Of citizens of Putnam County, of Canton County, of Marion County, of Clarke County, and of Schuyler County, Missouri.

By Mr. D. B. HENDERSON: Of citizens of Cedar Falls, of Independence, and of Waterloo, Iowa.

By Mr. T. J. HENDERSON: Of citizens of Bureau County, of Henry County, and of Lee County.

By Mr. HEPBURN: Of citizens of New York, and of Taylor County, Iowa.

By Mr. HILL: Of citizens of Defiance County and of Van Wert County, Ohio.

By Mr. HOLMES: Of citizens of Hardin County and of Boone County, Iowa.

By Mr. HOUSEMAN: Of citizens of Ottawa County, of Allegan County, of Grand Rapids, of Ionia County, Michigan.

By Mr. B. W. JONES: Of citizens of Fayette County, of Green County, and of Dane County, Wisconsin.

By Mr. KLEINER: Of ex-soldiers of Cannelton, Ind.

By Mr. LAWRENCE: Of citizens of Ohioville, of New Castle, and of Rochester, Pa.

By Mr. LACEY: Of citizens of Sunfield, Mich.

By Mr. LE FEVRE: Of citizens of Saint Mary's, of Wapakoneta, of Sidney, and of Moulton, Ohio.

By Mr. LOWERY: Of citizens of Steuben County, of Allen County, and of Whitley County, Indiana.

By Mr. MATSON: Of citizens of Hendricks County, of Monroe County, and of Morgan County, Indiana.

By Mr. S. F. MILLER: Of citizens of Sandy Lake, and of Crawford County, Pennsylvania.

By Mr. MORRILL: Of citizens of Jackson County, Kansas.

By Mr. MORSE: Of citizens of Natick and of Cambridge, Mass.

By Mr. NEISON: Of citizens of Polk County, of Douglas County, of Becker County, of Stearns County, and of Wadena County, Minnesota.

By Mr. NUTTING: Of citizens of Oswego County, New York.

By Mr. PETERS: Of citizens of Kinkfield, Edwards County, Kansas.

By Mr. PRICE: Of citizens of Barrow County, of Eau Claire, of Trempealeau County, Wisconsin.

By Mr. PUSEY: Of citizens of Cass County, of Crawford County, and of Harrison County, Iowa.

By Mr. T. B. REED: Of citizens of Brooklyn, of Penobscot, of Yarmouth, of Skowhegan, of West Sumner, of Greenfield, of Monticello, of Fayette County, of Mapleton, of South Etna, and of North Waterborough, Me.

By Mr. RUSSELL: Of citizens of North Dana and of Athol, Mass.

By Mr. H. Y. SMITH: Of citizens of Kasson, Madison County, of Dallas County, and of Dexter, Dallas County, Iowa.

By Mr. STEELE: Of citizens of Pennville, Ind.

By Mr. STRUBLE: Of citizens of Sioux County, of Dickinson County, and of Calhoun County, Iowa.

By Mr. WOOD: Citizens of Cass County, of Newton County, of Pulaski County, of Fulton County, of White County, and of Hammond, Lake County, Indiana.

By Mr. WOODWARD: Of citizens of Richland County, Wisconsin.

By Mr. YAPLE: Of citizens of White Pigeon, of Bloomingdale, of Sturgis, of Eau Claire, of Howardsville, and of Scott, Mich.

SENATE.

TUESDAY, *February* 3, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. MILLER, of New York, presented the credentials of William M. Evarts, chosen by the Legislature of New York a Senator from that State for the term commencing March 4, 1885; which were read.

Mr. HOAR. I ask permission to say, having had occasion to examine the subject as chairman of the Committee on Privileges and Elections, that in my judgment a certificate from the executive, the proper certificate officer of a State, saying simply that A B on a certain day was duly elected a Senator of the United States from that State for the term mentioned is a sufficient credential under the usages of the Senate and the laws of the United States.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Massachusetts that this paper contains no certificate from the governor whatever, as required by the act of Congress. The paper will be placed on file, if there be no objection.

Mr. HOAR. Then I move that it be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the paper be referred to the Committee on Privileges and Elections. That order will be entered, if there be no objection.

THIRD INTERNATIONAL RED CROSS CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to be printed and referred to the Committee on Foreign Relations:

To the Senate of the United States:

I transmit herewith to the Senate a communication from the Secretary of State, submitting, at the request of a delegate from the United States to the third international conference of the Red Cross, held in September, 1881, a copy of the preliminary report of that conference.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

NATIONAL BOARD OF HEALTH REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Epidemic Diseases, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the National Board of Health for the year 1881.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the National Academy of Sciences, transmitting, in compliance with the act of Congress of March 3, 1863, a report of the operations of the National Academy of Sciences during the past year; which was ordered to be printed, and, with the accompanying report, referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American marine, &c., was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa., was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection this bill will be referred to the Committee on Appropriations.

Mr. CAMERON, of Pennsylvania. I suggest that the bill should be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection. As the bill provides for the increase of an appropriation the Chair was of the opinion that it should be referred to the Committee on Appropriations.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 653) for the relief of John B. Davis;
A bill (H. R. 2158) for the benefit of John C. Herndon;
A bill (H. R. 4382) for the relief of William H. Davis;
A bill (H. R. 4685) for the relief of Robert Tally, colored;
A bill (H. R. 4686) for the relief of Fendall Carpenter;
A bill (H. R. 4687) for the relief of A. Gates Lee;
A bill (H. R. 4688) for the relief of William Clift; and
A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 252) granting a pension to Peter M. Hagler;
A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 3052) for the relief of John C. Clark;
A bill (H. R. 3185) granting a pension to David Peterson;
A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (H. R. 4216) granting a pension to David N. Bryan;
A bill (H. R. 4766) granting a pension to David Compropst;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 6653) granting a pension to Mary C. Axline;
A bill (H. R. 6948) granting a pension to George W. Eagles;
A bill (H. R. 7000) for the relief of Clark G. Maine;
A bill (H. R. 7256) granting a pension to John Vanderhoff;
A bill (H. R. 7386) granting a pension to Eliza M. Byers;
A bill (H. R. 7524) granting a pension to Lavisa Heth;
A bill (H. R. 7602) to grant a pension to Harriet M. Baily;
A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;
A bill (H. R. 7722) granting a pension to Almira K. Parker;
A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
A bill (H. R. 7803) granting a pension to L. W. Pitts;
A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;
A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 7869) granting a pension to Emeline L. Fitch;
A bill (H. R. 8033) granting an increase of pension to George W. Clark;
A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;
A bill (H. R. 8104) granting an increase of pension to George S. Hawley;
A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen; and
A bill (H. R. 8133) granting a pension to Thomas McGill.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of E. W. Oyster, president, and J. F. Billingsley, secretary, on behalf of the labor unions of the District of Columbia, remonstrating against the passage of the bill (S. 2507) to amend the law concerning mechanics' liens in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of A. W. Parker and H. R. Morgan, of Pleasant Valley, Wis., urging such legislation as shall prohibit railroads between States from charging more for a short than for a long distance; which was ordered to lie on the table.

Mr. PALMER presented the petition of Hon. John Owen, A. Y. Lindsay, E. C. Walker, and 48 other citizens of Detroit, Mich.; the petition of Moffat Tazline, Capt. Darius Cole, M. S. Smith & Co., Friend Palmer, and 50 other citizens of Detroit, Mich.; the petition of Merrick Esselsyne & Co., Capt. S. B. Greenwood, George W. Brady, Willard Parker, and 48 other citizens of Detroit, Mich.; and the petition of David Carter, E. L. Small, Alfred Russell, and 50 others, of Detroit, Mich., praying that the Government provide for the purchase of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

Mr. MITCHELL. I present a concurrent resolution of the Legislature of Pennsylvania favoring the repeal of the act of Congress of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated. I also present a concurrent resolution of the Legislature of Pennsylvania favoring the passage of the measure known as the foreign-contract-labor bill. I believe the trade-dollar bill has been reported since I was last present in the Senate, and the other bill also, I think, is before the Senate. I therefore move that the resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL presented the petition of 325 officials and business men of Allegheny, Pa., the petition of 125 citizens of Parker's Landing, Pa., and the petition of 624 workmen and owners of works at Pittsburgh, Pa., praying for an appropriation for the improvement of the Allegheny River; which were referred to the Committee on Commerce.

He also presented two memorials of the Philadelphia (Pa.) Board of Trade, a memorial of the Pittsburgh (Pa.) Board of Trade, and a memorial of 52 citizens of Lancaster County, Pennsylvania, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Lumberman's Exchange of Williamsport, Pa., praying for an appropriation for the improvement of the West Branch of the Susquehanna River; which was referred to the Committee on Commerce.

Mr. PLUMB presented a resolution of the Legislature of the State of Kansas, remonstrating against the creation of the so-called cattle trail across the State of Kansas; which was referred to the Committee on Commerce.

Mr. BECK presented the petition of George H. McKinney, of Lincoln County, Kentucky, praying for an increase of facilities in the Patent-Office so as to expedite the issuance of patents; which was referred to the Committee on Patents.

Mr. HAWLEY presented the petition of the Scoville Manufacturing Company and 12 other corporations and citizens of Connecticut, in favor of free canals between Portage Lake, in Michigan, and Lake Superior; which was referred to the Committee on Commerce.

Mr. CONGER presented the petition of H. W. Bradley, Dwight N. Lowell, and 16 other citizens of Romeo, Mich., praying for the passage of a bill providing that the overflowed shoal-water lands in Lake Saint Clair, known as the Saint Clair Flats, be set aside and kept for a public resort; which was referred to the Committee on Public Lands.

Mr. RIDDLEBERGER. I present the petition of Nicholas White, of Washington, D. C., praying reimbursement for certain property taken by the United States forces during the late war. I move that the petition be referred to the Committee on Claims, where a bill is now pending for the relief of the claimant.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2447) to remove the charge of desertion existing against Daniel Morris, late of Company F, Fortieth Regiment of New York State Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2365) for the relief of First Lieut. Augustus R. Egbert, Second Regiment United States Infantry, to report it adversely and to ask its indefinite postponement. I will state as the reason for the adverse report that a general bill is now before the Senate covering this and all similar cases.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2544) to authorize the Secretary of the Interior to extend the time of payment of installments to be paid by actual settlers of Omaha and Otoe Indian lands, in the States of Nebraska and Kansas, reported it with an amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of C. W. Minnix, praying that his name be placed on the pension-roll, reported adversely thereon; and the prayer of the petition was denied.

He also, from the same committee, to whom was referred the bill (S. 2158) granting an increase of pension to Jesse S. Harrold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 2068) to increase the pension of William Baldwin;
A bill (S. 2010) granting a pension to John S. Williams; and
A bill (S. 2138) granting a pension to Nancy S. Daniels.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2377) granting a pension to James Stockton, to submit an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar until I can see the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRISON. I am directed by the Committee on Military Affairs to report adversely and to ask the indefinite postponement of the bill (S. 2395) for the relief of Frederick Schwatka. The Senator from Oregon [Mr. DOLPH] introduced the bill; I do not know whether he desires to have it placed upon the Calendar.

Mr. DOLPH. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. CULLOM. I am directed by the Committee on Pensions, to whom were referred the bill (S. 1899) granting an increase of pension to James M. Blades, and the bill (S. 2056) granting an increase of pension to James M. Blades, to report them adversely.

I desire to state that the claimant can get whatever relief he is justly entitled to from the Commissioner of Pensions. I move that the bills be postponed indefinitely.

The motion was agreed to.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1365) granting an increase of pension to Eugene O. Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and
A bill (S. 2514) granting a pension to David T. Hoover.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 5565) granting a pension to Theo. Ahrens; and
A bill (H. R. 2692) granting a pension to Sarah Kennedy.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5543) granting a pension to David M. Nagle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1805) granting an increase of pension to Miles Barber, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations.

Mr. BLAIR. By direction of the Committee on Pensions I report adversely on the petition of Hugh Bodell, late private Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteers, praying to be restored to the pension-roll. The committee report recommending that the Pension Office afford him the benefit of another examination in reference to his restoration, and ask to be discharged from the further consideration of the petition, and that the report be printed in order that the attention of the Pension Office may be called to it.

The report was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2009) granting a pension to Isabella Turner, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Patrick Furlong, of Hinesburg, Vt., praying for a pension, submitted a report thereon, accompanied by a bill (S. 2610) granting a pension to Patrick Furlong; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 6726) granting a pension to Margaret A. Maguire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 6803) granting a pension to John T. Brake; and
A bill (H. R. 6692) granting a pension to David Whittington.

Mr. WILSON. I also report from the Committee on Pensions the bill (H. R. 2485) for the relief of Treadwell Seaman, jr., adversely, on the ground that the case is still pending in the Pension Office. I move that the bill be postponed indefinitely.

The motion was agreed to.

WOONSOCKET NATIONAL BANK.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 2600) for the relief of the Woonsocket National Bank, of Woonsocket, R. I., to report it favorably and without amendment.

Mr. CHACE. I ask unanimous consent that the bill may be put on its passage.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read, if there be no objection.

The Chief Clerk read the bill, as follows:

Whereas D. W. Gooch, United States pension agent at Boston, Mass., on the 13th day of October, 1884, issued check numbered 301408, on the assistant treasurer of the United States at Boston, Mass., payable to the order of Burton Goddard, for the sum of $1,247.60, which said check, it is claimed, was indorsed by said Goddard to the Woonsocket National Bank, Woonsocket, R. I., and by said bank to the Maverick National Bank, of Boston, Mass., and stolen from the safe of the Adams Express Company, Woonsocket, R. I., to whom it had been delivered for transmission to Boston on the 21st day of October, 1884, and has never been received by said Maverick National Bank, nor paid by the assistant treasurer of the United States at Boston, Mass.; Therefore,

Be it enacted, &c., That D. W. Gooch, United States pension agent at Boston, Mass., be, and he is hereby, instructed to issue a duplicate of the above-described check, No. 301408, for $1,247.60, in favor of Burton Goddard, and the Secretary of the Treasury is hereby instructed to make said duplicate check payable to said Woonsocket National Bank: *Provided*, That said Woonsocket National Bank shall first execute a bond with good and sufficient sureties, to be approved by the Secretary of the Treasury, to hold the United States harmless against the double payment of said check.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. MORGAN (by request) introduced a bill (S. 2611) to revive and amend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 115) providing for the supply of public documents to certain nations in the Indian Territory; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 116) relating to the loan of tents to the association at Mobile, Ala., in control of the interstate drill; which was read twice by its title.

Mr. MORGAN. In connection with this joint resolution I ask leave to present as accompanying papers a memorial of the Legislature of Alabama and other papers relating to the subject, which I move be referred with the joint resolution to the Committee on Military Affairs.

The motion was agreed to.

Mr. PALMER (by request) introduced a joint resolution (S. R. 117) referring the title of Mary A. Washington to property referred to in 94 United States Reports, page 716, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

ERNEST H. WARDWELL.

Mr. HAMPTON. I ask, by direction of the Committee on Military Affairs, that the bill (S. 521) for the relief of Ernest H. Wardwell, be recommitted to that committee. It was reported some time ago and indefinitely postponed.

The PRESIDENT *pro tempore*. The Chair finds on reference to the

minutes that the bill was indefinitely postponed in April, 1884, at a previous session of the Senate, and the bill is on the files of the Senate but is not present at the Secretary's desk. The Senator from South Carolina asks unanimous consent that the vote of the Senate taken in April, 1884, indefinitely postponing the bill, be reconsidered, and that it be recommitted to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

JOSHUA SHEPARD.

Mr. COCKRELL. I ask that the bill (H. R. 3691) for the relief of Joshua Shepard, which was reported adversely by the Senator from Iowa [Mr. WILSON], be recommitted to the Committee on Pensions, with the adverse report, on the ground that additional evidence has been filed with the committee, and I think that the evidence—so I am advised—will have weight in determining the decision of the committee to reverse the report that has been made.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill be taken from the Calendar and recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and the order will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green.

The message also announced that the House had passed a joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina; in which it requested the concurrence of the Senate.

ADDITIONAL SENATE EMPLOYÉS.

Mr. JONES, of Nevada. I move that the Senate proceed to the consideration of the resolution on the Calendar authorizing the increase of the force in the office of the Sergeant-at-Arms.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at $1,440 each; two skilled laborers at $1,000 each; two laborers at $720 each; two firemen at $1,080 each; two janitors at $900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employés out of the miscellaneous items of the contingent fund of the Senate.

Mr. JONES, of Nevada. A resolution was passed at the last session directing the Sergeant-at-Arms of the Senate and the Architect of the Capitol to select convenient rooms for the committees which had no rooms in this building, and also instructing them to rent such building, when they should find one appropriate, with the consent of the Committee to Audit and Control the Contingent Expenses of the Senate. They found a building, and with the consent of that committee rented it. The officers provided for in the resolution are for the purpose of serving the five committees who now have rooms there, and to keep the building in order and to give such force as shall enable the committees conveniently to perform their duties.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of shipowners and others; in which it requested the concurrence of the Senate.

COMMITTEE SERVICE.

Mr. ALLISON. I move that the Chair fill the vacancies occurring upon committees by the absence of the late Senator Sheffield.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to offer at this time an order. Is there objection? The Chair hears none.

Mr. ALLISON. I merely ask that the Chair be authorized to fill the vacancies on certain committees.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to move at this time that the Chair be authorized to fill the vacancies on committees occasioned by the retirement of Senator Sheffield, late a Senator from the State of Rhode Island. Is there objection? The Chair hears none. Is there objection to the motion proposed by the Senator from Iowa? The Chair hears none, and it is so ordered.

AMENDMENT TO A BILL.

Mr. JONAS submitted an amendment intended to be proposed by him to the bill (H. R. 100) relative to the Chinese indemnity fund; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. CULLOM. I desire to make a motion now to proceed to the consideration of the unfinished business. As the Senate is aware, I gave notice yesterday that I should ask the friends of the interstate-commerce bill to remain here to-day until its completion. I move that the Senate proceed to the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment offered by the Senator from Kentucky [Mr. BECK].

Mr. PLUMB. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Let the amendment and the amendment to the amendment be read once more.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky and the amendment offered to it by the Senator from Kansas will be again read.

The CHIEF CLERK. The amendment of Mr. PLUMB is to add to the proposed amendment the words: "Under similar conditions and circumstances;" so as to make the amendment read:

Any distance less than the whole length of the line than is charged for similar service over the whole length of the line, under similar conditions and circumstances.

The PRESIDENT *pro tempore*. The question is on agreeing to these last words proposed by the Senator from Kansas, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. JONAS (when his name was called). I am paired on the pending amendment with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from California [Mr. FARLEY].

Mr. RIDDLEBERGER. I am paired with the Senator from Arkansas [Mr. WALKER] on the bill which came from the other House and on the bill which was reported from the Senate committee. I do not know how he would vote on any of these amendments, and I announce once for the day that if I were not paired I should vote for the Senate bill as it came from the Committee on Railroads without change or amendment. Being paired on the bills, I withhold my vote on the pending amendment.

Mr. MILLER, of New York. I am paired with the Senator from Maryland [Mr. GROOME].

The result was announced—yeas 26, nays 20; as follows:

YEAS—26.

Allison,	Frye,	Mitchell,	Pugh,
Bayard,	Hawley,	Morgan,	Sabin,
Blair,	Hoar,	Morrill,	Sawyer,
Cameron of Wis.,	Ingalls,	Palmer,	Sewell,
Chace,	Jones of Nevada,	Pike	Sherman.
Dawes,	Lapham,	Platt,	
Dolph,	Manderson,	Plumb,	

NAYS—20.

Aldrich,	Conger,	Jackson,	Slater,
Beck,	Cullom,	Kenna,	Vance,
Call,	Edmunds,	McPherson,	Van Wyck,
Cockrell,	Fair,	Maxey,	Vest,
Coke,	Hampton,	Saulsbury,	Wilson.

ABSENT—30.

Bowen,	George,	Jonas,	Pendleton,
Brown,	Gibson,	Jones of Florida,	Ransom,
Butler,	Gorman,	Lamar,	Riddleberger,
Camden,	Groome,	Logan,	Voorhees,
Cameron of Pa.,	Hale,	McMillan,	Walker,
Colquitt,	Harris,	Mahone,	Williams,
Farley,	Harrison,	Miller of Cal.,	
Garland,	Hill,	Miller of N. Y.,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question recurs on the amendment offered by the Senator from Kentucky [Mr. BECK] as amended, and upon that the yeas and nays have been ordered.

Mr. VANCE. Mr. President, before the final vote is taken upon this amendment of the Senator from Kentucky I desire to submit a few remarks to the Senate.

The struggles of a great abuse to prevent its abolition and reform is one of the most instructive views which a political student can take of our history. It shows better than anything else the strength which power and wealth can exert in resisting simple truth and justice.

Now, sir, I believe without exception everybody admits that great wrongs and abuses have crept into the management of transportation lines in this country; and a few Senators in this body with common-sense instincts believe that it is our duty to try to eradicate those abuses. Others say that it can not be done and therefore it is best not to try; while others again profess to try but with such weak measures that it almost becomes a caricature of legislation.

Mr. President, let us examine for a moment the reasons given by

those who obstruct reform in railroad management. In the first place, they say that we are too ignorant on the subject; that the United States Senate does not comprise the ability or the experience or the knowledge sufficient to legislate on this subject. This is said, I believe almost without exception, by all who speak in deprecation of these attempts at reform. The Senator from Alabama [Mr. PUGH], a day or two ago, avowing his own, alleged the universal ignorance of the Senate on this subject; and he invited us to look for light to one Albert Fink, and to listen to what he said as pointing out the true path of reform—the aforesaid Mr. Albert Fink being one of the chief individuals whose doings it is proposed to reform.

Now, sir, of the intricate details of transportation, and of the complicated rivalries, the conflicting interests of the various lines, I profess myself to have very little knowledge; much less have I any knowledge of the various tricks of the trade, and it is to be hoped at least that all other Senators are in like blissful ignorance. But of the common principles of justice and of right and wrong I do profess to have a reasonable amount of knowledge, and I ask any Senator what it is there that is abstruse and incomprehensible and unmanageable by the ordinary methods of legislation in what is known as the Reagan bill, the House bill, for which it is proposed to substitute the Senate bill.

If I remember aright the provisions of that bill, they provide in the first place that freights shall be reasonable. I can see nothing peculiarly abstruse in that. If it is, we must charge the obscurity upon the common law.

Second. That one man shall pay no more than another man for the same service. Is that beyond the comprehension of any Senator? Is that beyond the comprehension of any page who waits upon us on this floor?

It provides again that there shall be no rebate nor drawback, which is simply another form of stating that all men shall be charged alike for the like service.

It provides again that the arrangement called pooling between these railroad lines or transportation lines of all kinds shall not be permitted—that is to say, that the pooling arrangements, which are intended to smother competition and to keep up prices in despite of the well-known economic effects of competition, shall be forbidden. Is there anything very abstruse in that? Will any Senator say that this is a dangerous subject upon which he feels hesitation to enter?

Again, the House bill provides that greater charges shall not be made for hauling products over a railroad a part of the distance than are made for hauling them over the same railroad the whole distance. If there is anything incomprehensible or mysterious about that which the plain common sense of Senators can not comprehend, I confess that I have been unable to find it. It is as plain a proposition to me as ever was submitted to a legislator; and the abuses resulting from the practices which this portion of the bill seeks to prohibit are as flagrant and as well recognized as any abuses connected with the transportation system.

Again and lastly it requires the rates prescribed by the railroad companies to be printed and posted up in every depot, so that every shipper may know precisely what he has to pay. That may be incomprehensible to some Senators, but it seems to me plain that any man, however innocent, who ever saw a railroad ought to be able to understand it, and how it could affect with a dangerous action or reaction any of the interests of the railroads or the capital invested therein, is something I can not understand.

Again we are told by those who desire to devise means to obstruct these reforms, that it is dangerous to undertake it because of the great number of persons engaged in railroading, the great number of lines of railroads, the great number of miles of railroad tracks that they operate, and the vast amount of capital engaged therein. They say there are over 1,200 separate distinct lines of railroad, covering 125,000 miles of track, and therefore it is dangerous, and it is complicated, and we ought not to attempt to legislate in regard to it. Why, Mr. President, the same thing might be said of larceny; that there were so many people engaged in it and had been at all times, and they were so ramified through all portions of the community that it was dangerous to undertake to legislate to restrain. The same thing might be said of fraud, and of all crime.

Suppose, if you can so imagine, a community of a somewhat Arcadian simplicity where the crime of robbing hen-roosts had come to be something of a nuisance; and suppose the Legislature, listening to the clamors of the rural population engaged in that kind of industry, should undertake to legislate and enact more stringent laws to prevent and punish the offense; and about the time they were ready to proceed, suppose that a delegation from persons engaged in the hen-roost robbery business should appear before the Legislature and should say to them, "Sirs, without meaning to be offensive, we warn you that you are ignorant of this business; we notify you that the robbery of feathered animals that fly is a highly complicated and technical business, differing very much from the ordinary vulgar robbery of animals that walk upon the earth. We assure you that all theoretic and speculative knowledge on this subject is entirely misleading and unsafe. There is a popular error abroad on this subject, and has been from the days of old Moses down. We say that no legislator can have any knowledge of the business except by actual experience. You will do more harm than you will do good by your enactment," continues the address of the delegation to the Legislature, "you will do more harm than good by your laws if you are not very careful; we can not stand inflexible, iron rules; we must be left to the effect of competition and the laws of trade. If you are not careful and your laws become too rigid, you will absolutely force us to go to work, or you will drive us into the pork business, in which case the pig-raisers of the country will have to bear the loss of the short haul on chickens. If you will go into this business, if you will undertake to enact laws about a business of which you are profoundly ignorant, the least you can do is to hear us and our experts and business men and follow our advice. We offer to you, in lieu of your imperfect knowledge, the testimony of one Bill Sykes, who has been in the business for forty years, and, in fact, is an expert. He can tell an old hen from a pullet by starlight in the top of the loftiest apple tree in a farm-yard. Hear him. If you are determined to pursue this course, take Sykes's advice, appoint a committee of constables in every neighborhood to watch us when we go out upon our nightly forays, and see how many fowls we take and from whom we take them, but do not give them any power to arrest us; simply let them throw the light of publicity in upon our doings; perhaps we will quit of our own accord; but we think in fairness to both parties, as you profess to want to do justice to all classes of the community, we ought to have a hand in appointing that commission that is to watch us!"

That is about the sum and substance of the argument used in this case. You are ignorant, they say, of everything connected with railroads; you do not know anything about the complications and ramifications of this transportation business throughout all regions of the country, and all the interests of business people, and how there is action and reaction; and how a single law that you will pass here, simple as it may look, will redound to the ruin of all men who have invested capital in these great enterprises. That is about the argument.

Sir, I am willing to confess my ignorance of the details and tricks of the trade of railroad transportation, and acknowledge that it is perhaps as great as that of any Senator on this floor. But that a public institution, affected with a public interest and chartered by the laws of the land and given peculiar privileges for the purpose of doing certain things, should charge one man more than another for the same service, should be permitted to smother the laws of competition and keep up prices, is something that if I were to confess my ignorance of I would confess my unworthiness to a seat in this or any other legislative body in Christendom.

Now, sir, they tell us that pooling is absolutely necessary; and I call your attention, Mr. President, and that of the Senate to the argument of Mr. Albert Fink, which was read to us the other day and indorsed by the Senator from Alabama, on this subject. Pooling is absolutely necessary! What for? Why, in the first place, to keep up the charges upon the long haul, or from competitive points to competitive points. Well, what good does that do? That enables the railroad companies, they say, to keep down the charges on the short haul or on the local freight. It seems to me that I have heard that argument before on another subject. It seems to me that I have heard it said on this floor that a high protective tariff would enable the manufacturers to pay their workmen higher wages; and that is very true, but I call your attention to a distinction between the ability of men to do things and the disposition of men to do things. They are able to pay their workmen higher wages; but do they do it? That is the question. If the rates on the long haul were kept up I acknowledge that it would enable the railroad men to reduce the freight on the short haul; but would they do it? That is the question. Have they ever done so? I have never known the local freight charge upon people who were in the absolute power of the road, and who could not patronize another, to be reduced, let the long haul be higher or lower.

Well, they say again that it is necessary to permit pooling for the reason that the rates in that way can only protect themselves against what may be called competitive strife; and Mr. Fink draws a very nice distinction, which as a lawyer you can understand, between legitimate competition and competitive strife, as he calls it. When the railroads are all at peace with each other there is a legitimate competition between them as to who shall plunder the people most, but when the pools are broken up and competition exerts its natural force, then the competition is as between themselves, and that is what Mr. Fink calls "competitive strife," or "cut-throat" competition, as the Senator from Georgia [Mr. BROWN] termed it the other day.

Mr. President, that argument amounts to this, and nothing more, that if you do not permit the railroads to plunder the people they will plunder each other. That is what it means. If you will permit them to make pools and put up the rates on their long hauls from all competitive points to the injury of the people, they will refrain from injuring each other; but if you do not do that, if you compel them, they say, to meet the force of competition at all competitive points and let the charges for the long haul be reduced, then they will go to fighting among themselves.

This is a candid defense of the policy of pooling at all events, whether it be an acceptable one to the public or not. I should like to ask if there is any reason why competition should not be permitted and en-

couraged between transportation lines just the same as it is permitted and encouraged and becomes the obvious policy of the law in all other business? But it seems that there is to be a different rule adopted in relation to the transportation companies from that which operates in all other business. Senators will get up on this floor and they will argue very eloquently indeed, and yet do nothing; in fact I believe that the eloquence exhibited here is in inverse proportion to the disposition of the speakers to do anything to remove the evils which are the subject of their eloquence. The moment you undertake to do anything practical to remove the evils they all with one accord begin to make excuses. They will exclaim almost, if not quite, in the language of Scripture: "Touch not mine incorporated, do my profits no harm"—spelling it with two "f's."

In justification of the position that nothing should be done, Senators have undertaken, it seems to me, to change the issue entirely. I have listened to some of the most eloquent speeches that I have ever had the pleasure of hearing in praise of railroads *per se*. We have been told that they are most excellent things for any civilized community. I listened, notably, to the speech of the Senator from Georgia, in which he told us what benefits they had conferred on the communities that came within his knowledge; how the great and prosperous city of Atlanta, or the ground on which it now stands, had not many years ago been bought for the price of a horse, bridle, and saddle, and now it is covered with great business houses and immense wealth. We have been told, also, how it increases the price of land, and how it causes vast additions to the population and to the business of the country. I listened to these encomiums upon the institution of railroads until I became convinced and well satisfied in my mind that a railroad could actually beat an old dirt-road and wagon for the transportation of freight—let me speak cautiously—I mean for long distances and for heavy loads; and I became satisfied that steam as applicable to water conveyances was absolutely better than the old-fashioned raft, because the old raft had frequently to wait until the river rose, whereas the steamboat, as I have been told, could get up steam, and, if the vessel did not draw too much water, start off just the same as you could start a wagon on the road.

So I was convinced that the railroads were useful things, and I was convinced from the course of the argument that the attempt was made to make the public believe that those of us who wanted to reform the operations of railroads were opposed to those institutions; else if it were not for that purpose it was certainly wasted eloquence. The Senator from Georgia in particular used the term, "a long line of steel rails against which so much has been said." Now I should like to know who has said anything against steel rails. Who has said anything against long lines of steel rails? Who has said anything against the superior advantages of railroads over the old-fashioned methods of conveyance? I have not heard any such thing said on this floor, and I do not remember to have heard any such thing said even by the statesmen who preside over the destinies of the intersections of highways in the rural districts. But because they do all these things is that any reason for refusing to control those who manage them?

We are told again that freights are cheaper now than they ever have been. That is no doubt true. We are told that this fact is due to the railroads. That is undoubtedly true. But that the freights on railroads would be cheaper even than they now are but for the management of the managers of railroads in resisting the clamor of the people for a reform is most true of all. No thanks to railroad managers for cheap freights. We owe thanks to science that has given them superior means of transportation over the old methods. That is where we owe thanks; and whenever the Huntingtons and the Goulds and the Vanderbilts and the Finks *et id genus omne* come here or anywhere else and claim credit for cheap freights, they claim that which is due to science, and that which has been brought about in spite of their energies to maintain high freights. As well might the sieve claim praise for yielding up the water which was poured into it as for them to claim credit for the charges which they can not get and have tried in vain to get.

Because the manufacturer of cloth, equipped with all the inventions of modern science, can make cheaper cloth than the old hand-loom and cards, are we therefore particularly and specially to adore that manufacturer? Do we owe any of the advantages of civilization arising from cheap literature to the genius of the authors and the art of printing, or do we owe it all to the compositors who set up the type and the pressmen who strike off the work? Do we owe anything to Morse and to science for the telegraph, or do we owe it all to the men who set up the poles and arrange the wires? And because printing has been beneficial to civilization, shall there therefore be no laws against slander, libel, and defamation of character? And because telegraphs are useful, shall there be no laws to regulate them in their dealings with the community? Verily, sir, it would seem not. But, in my opinion, every institution of any kind whatsoever, whose operations affect the public should be made subservient to the laws and the regulations imposed upon them by the laws.

Nor is it true, sir, that we owe any great amount of credit to the railroad corporations of the country for their generous investment of capital for the public good. At least half of all the railroads, if not a majority, with which I have personal acquaintance, were either built by the public taxation of the States or they were built by syndicates who would commence operations with about half the means necessary to finish. They would go through the country and have public meetings called, speeches made, and the public expectation excited, and obtain all the private subscriptions that were possible, all the town and county subscriptions that could be obtained toward building the road; and when they were all received and expended in building the road, and perhaps they would about half finish it, then a mortgage by the syndicate would be placed upon the whole work for its completion, and in due time that mortgage would be foreclosed; the private stock, the town and county stock, and all the little fellows would be forced out, and the road passed into the hands of the syndicate for half price. That is the history of the roads built in my country; that is the history of the majority of them, perhaps everywhere, especially in the earlier periods of railroad construction. They are not now in the hands of the men whose money was originally put in to construct them; and yet men and the representatives of men who obtained control of these corporate works in this manner are the very loudest in protesting against any laws being passed which shall interfere with their right to do as they please with their property.

It is also worthy of note that much as these roads deprecate any interference of the law with their right to do as they please, they are willing, on the other hand, to obtain some more concessions from the law to strengthen them in their unjust discriminations. Witness the willingness and the anxiety of Mr. Fink and others to obtain laws making their pooling system legal.

The amount of capital invested in railroads in this country, upon the face of the statistics, we find to be about $7,500,000,000, in round numbers, and the gross receipts that they obtain for their operations from the people amount, in round numbers, to $823,000,000 per annum. Therefore it is seen at once that these corporations which it is proposed shall not be controlled by the public levy and collect from the American people about two and a half times more money annually than is levied and collected by the Government of the United States for its support; and these are the institutions which we propose to exempt from all control.

Why, sir, the territory of this country is parceled out for taxation by these railroads in great geographical boundaries, as the Romans parceled out the adjacent world for conquest and plunder, assigning consuls and armies for the purpose. These financial fields are assigned to certain groups of transportation lines which are governed by central associations. Mr. Fink is at the head of one, and the Senator from Georgia informed us the other day that he was at the head of another, and there are still others beyond the Mississippi. I am told that the region of country which each line is permitted to supply is carefully laid out, and any trespass by competing lines on that territory as well as any infringement of the established rates is promptly punished by the central association. So the great syndicates which regulate freights have, in fact, a greater power over the property and fortunes of our people than Congress is invested with, for the taxing power of Congress is limited and defined by the Constitution; but what is to limit or define the tax of the transportation lines either in methods or amount?

Most of our States provide in their constitutions that taxation shall be uniform; but Senators say that it will not begin to do to apply the principle of uniformity to the taxation imposed by corporations. Many of the States provide that taxation shall be ad valorem, but this the friends of monopoly reject on behalf of the railroads; yet the representatives of the people, their powers being limited by the Constitution, are still further restrained by the direct responsibility which they owe to the people, whereas there is no responsibility whatever upon those who regulate rates for transportation. They meet in secret conclave; they are afraid of nobody; they are afraid of no influence. They levy taxation—not according to the ad valorem character of the property on which it is levied, but according to the amount which the product will bear—that is to say, they take the last cent that they can take without stopping the shipment and transportation of the article; and as for the public, they are in a position to say, as it is said one of their greatest men has said, "The public be damned."

And yet Senators say these things must not be changed!

Mr. President, I was wrong. I confess there is a mystery about this transportation business after all. It is a great and incomprehensible mystery to me. That mystery consists in the meek endurance, the long-suffering patience of the American people. That is the most mysterious thing connected with the whole transaction.

It is too late to say that there is no power in the law to control these corporations or to redress the grievances under which we labor. The great lawyers of the country have settled that. They are public institutions; they are subject to public control by virtue of their public capacity. The States within their borders can regulate them, and under the power given in the Constitution to Congress they can be regulated by Congress when their lines extend beyond the State borders. If not, then they are uncontrollable; and as the great wealth of the country consists in the value of its productions, and as these derive all their value from the facility with which they can be got to a market, we might as well surrender at once the property and fortunes of our people to incorporated human avarice.

Candid Senators should look the issue squarely in the face, and

should say either that they will or that they will not undertake to regulate these great railroads. There should be no more dodging—if I may be excused the expression; there should be no more doubting as to the power; there should be no more pleas of ignorance of the subject, and that they are afraid of doing wrong, because they permit wrong to be done every hour by failing to act.

As for the Senate bill which it is proposed to substitute for the House bill, however well meant it may have been, I consider it entirely delusive; I consider it absolutely inefficient. Why, Mr. President, it is proposed that nine commissioners shall operate over thirty-eight States and eight Territories, shall control and regulate traffic as far as it is invested with the power to do so over 1,200 railroads and 125,000 miles of lines. That of itself will impress every candid-thinking man in the country with the idea that the purpose of the Cullom bill is to do nothing, that it is the direct progeny of the circumlocution office where the highest effort of British genius was "how not to do it." That is the way, it seems to me, that candid statesmen will be compelled to view it.

What remedy does it give that does not already exist? It is already the privilege of any citizen who feels himself aggrieved to bring a suit against a railroad company for the redress of his wrongs. As the law now stands he can bring it either in the State courts or in the Federal courts, according to the question of jurisdiction. This bill would compel him to bring two suits and to bring both in the Federal tribunal—that is to say, he must first go before this commission. Where will the commission sit? Is it to be a traveling commission, and are its writs, like those of the old English kings, to be returnable *ubicunque fuerimus?*

After he has brought all his witnesses and employed his counsel and made his case known to the commission, and the commission decides in his favor, then what? Then the commission can do him no good. He is permitted to bring his suit, and he is to have the service of the district attorney of the district for the purpose of bringing his suit, with all the penalties as to costs and all the misfortunes arising from failure that he has now. If these commissioners are invested with the extraordinary powers proposed—not in extent, but in character—to be given them by this bill, I hope that there will be appended as their instructions Dogberry's charge to the watch when he stationed them for the night. Says Dogberry, addressing the watch: "You are thought here to be the most senseless and fit man for the constable of the watch, therefore bear you the lantern. This is your charge: You shall comprehend all vagrom men; you are to bid any man stand in the prince's name. Watch: How if a' will not stand? Dogberry: Why, then, take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave."

These commissioners are charged by the bill to comprehend all vagrom railroads, and bid them do justice in the name of the United States, and how if they will not do justice? Well then you are to take no note of them, but let them go and call the commissioners together, and thank God you are rid of a knave. That is the proposition with which grave Senators expect to satisfy the clamor of the country!

Mr. President, let me remind Senators of the story of the Sibylline books. You will remember that when the old Roman king was offered the whole nine at a certain high price he refused to purchase them. The Sibyl went away and burned three, and returned and offered him six for the same price. He still refused. The Sibyl went away and burned three more, and came back the third time and offered him the three for the same price, and by the advice of the augurs the price was paid. Now, sir, let me say to Senators that you will reject the demands of the people now, the honest demands for the redress of these grievances. I have no doubt the corporations have friends enough in this Congress to enable them to defeat a measure that will do any good; but the people will not abate one jot of their honest demands, and at every refusal their favor for the railroads will become less and less, and they will ultimately attain the full measure of all that they ask.

I shall close these few imperfect remarks by repeating what I said in debate some two weeks ago, that the interests of all concerned, railroad men and the public, will be subserved if the corporations will come in with a spirit of fairness and give us the advantage of their technical knowledge, and lead us in the safe and wise way to redress these grievances.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Kentucky as amended.

Mr. BECK. I desire to say that I shall vote against the amendment I offered because the amendment made to it was evidently intended to destroy it, and I agree that it does. It was voted for generally by the men who intended to kill the House or Reagan bill, so called, and I am content to stand on the provisions of the Reagan bill as they came from the House, rather than vote for an amended amendment which I intended in good faith to be attached to the bill for the purpose of getting clear of many of the things which gentlemen on the other side have always claimed the Senate bill provided for better. In regard to regulating hauls along a line where one haul might be longer than another, it was said there might be terminal difficulties at different points along the line that made it important to charge a little more for a somewhat shorter haul than was charged for a longer one. I looked into the matter and sought in good faith to remove one flagrant evil, an acknowledged evil, and that was to say and to say no more than that the charge for hauling over the whole length of the line should be as great as should be made for a haul over any lesser or shorter part of it.

No man can deny that the proposition is fair and just, leaving all the questions in regard to intermediate hauls, whether they were a little longer or a little shorter, to be arranged hereafter. But when the Senate adds "under similar conditions and circumstances," it is evident that there can be no similar conditions and circumstances between a haul part of the way and a haul the whole length of the line. The conditions and circumstances must differ; the terminal points must be different. The conditions perhaps as to the cost of taking off or putting on freight must be different; and it must open up a series of lawsuits and controversies with the great power and wealth of the combined railroad corporations against the individual man who has the courage or audacity to sue them, by being able to say, "You know the conditions and circumstances were different because the termini were different, and many other conditions were different;" and no individual man will venture to enter into controversies with a system of roads controlling 125,000 miles and $6,000,000,000 of capital.

When my amendment to the first section of the House bill was voted down I saw very clearly what would be the tactics of the enemies of the bill. They did not intend to make it any better or less objectionable than it was when it came from the House. One of their principal grounds of attack was that the House bill limited the passenger charge to 3 cents a mile by providing that the railroads should not charge more than that for passenger travel. I thought that there might be conditions under which it might be proper to charge more than that. I did not desire to go into the question of limiting them as to their passenger charges per mile. Let that be settled by a commission after examination. But most of the enemies of the House bill, who were opposed to the 3-cents-a-mile clause, voted upon a call of the yeas and nays to retain that provision in the House bill. Why? Was it because they desired it to be retained? No; it had been their main point of attack. I was seeking to divest the House bill of that objection and of other provisions, such as distinctions between one short haul and another shorter haul, neither of which extended over the whole length of the line, which was another of their points of attack, so as to make the House bill as little objectionable to them as possible. And yet upon a call of the yeas and nays the RECORD will show that a large majority of the men who are opposed to the House bill, nearly all who desire to do nothing but to allow the railroads to continue the absolute control over the commerce of the country which they have now in the interstate roads, all who desire that Congress should adjourn and have the Senate get away as far from the House as possible and leave the conferees nothing to confer, certainly nothing to agree about, placed themselves on record to maintain in the House bill the very provisions they had contended made it unconstitutional, and therefore vicious legislation.

No higher evidence can be given to prove to the country that they do not intend to consider the House bill or to make it correspond with the views they profess to entertain. Now, when they have added an amendment to my amendment, by which I in good faith sought to make the bill more acceptable to the men who were opposing some of the provisions of the House bill by saying we will not go into the question of charges between different short hauls over portions of the road, but will simply deal with one great question, which is that the maximum charge for any service upon any road shall be the maximum charged over any part of it, leaving the other matters to be considered hereafter, they oppose it. I illustrated yesterday that it was an outrage to charge $800 per car to Virginia City, Nev., and only $300 for an eight hundred miles longer haul to San Francisco over the same line, on the same train, for the same class of goods; and when I called that to the attention of the Senate, and also alluded to the charge from Memphis to New Orleans of $1 a bale, and from Winona to New Orleans, a shorter haul by one hundred and twenty-five miles, at $3 a bale, the Senator from Kansas said there were only two or three cases of that sort, as if there had been more the Senator from Kentucky would have mentioned them. There are hundreds of such cases; there may be thousands of them. In the city where I live within a very few years we have paid more to get freight from Cincinnati to Lexington than it cost to bring the same freight from New York to Cincinnati. I have before me the argument of Judge Black, of Pennsylvania, wherein he showed that some years ago coal which was hauled from the mines of Pennsylvania through the city of York, Pa., for sixty miles farther along the same line on the same train to Baltimore was delivered to the purchasers in Baltimore at a dollar and a half a ton less than it was delivered to men in York, on the same line of road, sixty miles nearer the mine. Thus, men living in York, Pa., carrying on blast-furnaces for example, could not compete with men living in Baltimore carrying on the same business, because their coal costs them a dollar and a half a ton more in York than it does in Baltimore, though the coal that went to Baltimore was hauled sixty miles farther over the same road on the same train that left it at York.

Mr. PLUMB. Will the Senator from Kentucky permit me to ask him a question?

Mr. BECK. Yes, sir.

Mr. PLUMB. I ask him if the two cases which he has mentioned, one of the transportation to Baltimore and to York and the other the transportation from Cincinnati to Louisville and Lexington, are not cases of unjust discrimination?

Mr. BECK. Obviously.

Mr. PLUMB. Then are they not specifically provided for in the Senate bill?

Mr. BECK. The Senate bill provides for nothing except through the action of a commission of doubtful constitutionality. There would not be a railroad in the country that would not attack the legality of that commission, both for its semi-legislative powers and semi-judicial powers, and keep all questions made against them in the courts of the country for five years to test that question. If it is not unjust discrimination, why not let the man affected go to the courts of the country where he can have a hearing without let or hindrance or appeal to any commission or to any other body of men to control his action?

Mr. PLUMB. Will the Senator advise me as to the particular provision of the Constitution which is violated by the appointment of this commission?

Mr. BECK. Congress has the power to regulate commerce among the States, but we have no right to invest any body of men with the power of a court by our appointment for a term of years, for one, two, three, four, five, or nine, as this commission is. Judges must be appointed for life or good behavior. Have we, I ask the Senator from Kansas?

Mr. PLUMB. I do not think we are creating a court to do that.

Mr. BECK. Then what do we create the commission for?

Mr. PLUMB. We create a certain agency to act under such instructions as may be from time to time given to them by Congress in regard to this matter?

Mr. BECK. If you will read your own bill——

Mr. PLUMB. That is to say, we shall have done that if this bill shall pass. If we have not the right to do this through any agency of that kind, then of course the only right we have is to dictate specific rates for every kind and character of haul that is transported over a railroad line.

Mr. BECK. I beg pardon.

Mr. PLUMB. I want to say one other thing in the same connection. I do not understand that the bill in any wise prevents any one from exercising any right which he is now permitted to exercise. Every person can bring his suit for unjust discrimination under the common law, and I remember a few days ago that a judgment was rendered in the Standard Oil case, which the Senator is undoubtedly familiar with, because he is up in all that class of cases, in the city of Cleveland, where the court held that the discrimination which had been practiced was unjust, and awarded damages by reason of it; and that class of cases and all such cases are permitted to go on as before if the party does not himself choose to resort to the remedies and to the agency provided by the Senate bill.

Mr. BECK. The very object of the House bill is to declare that acts which up to this time have not been unlawful shall be declared unlawful. Could the managers of the roads heretofore be punished for giving back rebates to the Standard Oil Company to the amount of $10,000,000? What law prohibited that? None. We propose to pass a law saying that that shall be unlawful.

Mr. PLUMB. The court in Cleveland, Ohio, in the absence of Congressional legislation, decided it to be unlawful the other day.

Mr. BECK. Undoubtedly under State laws and State authority men can be reached for violation of State law. Why was it necessary for ten States in the Union to prohibit these acts in their constitutions? Why was it necessary for thirty States to enact laws against them if they can be reached without law, and why should interstate commerce remain without Congressional control while all the States of the Union are regulating their common carriers by law? I should like the Senator from Kansas to answer that. If it was necessary for ten States to put it in their constitutions, if it was necessary for the Legislatures of thirty States to put it into their law-books, surely in the far larger class of cases under Congressional control as interstate commerce it is equally necessary to declare what shall be illegal, what shall be extortion, what shall be unjust discrimination, and what shall be the fine and other penalties for the men who are guilty of such acts. Is it not important to say that he shall be sent to jail either for a year, or a day, and be fined not less than a thousand dollars if he is guilty? Would not that be a great restraint and important aid in prohibiting men from committing these offenses?

Mr. PLUMB. The Senator evidently has not read the Senate bill.

Mr. BECK. I have read the Senate bill, and I regard it as a very cunning expedient to pretend to do a good deal and to do nothing.

Mr. PLUMB. The House bill is not of that sort!

Mr. BECK. The House bill is not, because the House bill says that unjust discrimination shall be punished by fine and imprisonment, and the man aggrieved may go directly to the courts of the country and demand redress. Is there anything wrong or unusual about that? Is that not the manly and direct way of doing it?

Mr. PLUMB. That is just what the Senate bill says.

Mr. BECK. No; the Senate bill says that he shall go to a commission and lay his papers before them.

Mr. PLUMB. No; it gives him that additional right.

Mr. BECK. And if he does not get consent from them, he can not get much further. Their reports will, of course, be made up in the interest of the corporations, who will dictate who shall compose the commission, just as the men interested dictated the Tariff Commission.

Mr. PLUMB. I ask the Senator why would a commission be any more the creature of the corporations than a court appointed by the same authority and confirmed by the same Senate?

Mr. BECK. The court is appointed for life, or good behavior, and is independent of everybody, Republican or Democrat, and can not be disturbed, because they do not pander to power. The Tariff Commission, everybody knows, was made up and controlled by the parties in interest, and men interested were allowed to draw their own schedules, as the Senator from Iowa [Mr. ALLISON] said in his speech in regard to the cotton schedule, and as we all know was done in regard to the sugar and other schedules. Why did Charles Francis Adams, when he was disinterested, argue in favor of the Reagan bill and every principle of it, and then turn around when employed by the railroads and denounce the House bill and all similar laws? Why did Mr. Fink, with his $25,000 a year, go before our Labor Committee and talk about the folly of legislation unless you gave the power to him? We may as well understand that 1,200 great railroad corporations, with $6,000,000,000 capital, controlling 125,000 miles, are too big almost for Congress to handle, far less a body of three, four, five, seven, or nine men.

But I rose only to say that I would vote against my own amendment, emasculated as it is now by the amendment added to it.

Mr. CULLOM. Mr. President, I only desire to say a word, and I should not have done that had it not been for the Senator from Kentucky making the statement that the Senate bill is a cunningly devised bill, the purpose of which is to do nothing. I undertake to say, sir, that the House bill is a cunningly devised bill which will result in nothing so far as the public good is concerned, and I want to say that I drew the Senate bill myself, and I did it because I believed as I drew the bill that it was a bill which would operate in the interest of the people against the corporations of this country.

There is no cunning about it so far as protecting or shielding the corporations of the country is concerned; but it is a bill the result of my judgment, having had experience, more I may be allowed to say than the Senator from Kentucky, in dealing with commissions and railroads, and never having an interest to the extent of a 5-cent piece in any railroad on earth. But I believe from my experience that the Senate bill which is now before this body along with the House bill is the bill that will give the country relief from the impositions upon the people alleged by the Senator from Kentucky.

The Senator talks about the House bill as being the remedy for all the evils that exist; but, in my judgment, that House bill would fall to the ground without any sort of consequence to the country at all, because it would not be enforced in practice before the country, and, as the Senator from Massachusetts [Mr. DAWES] suggests, it is impracticable.

The Senator from Kentucky talks about the action of the States of this Union. It is true that about thirty States of the Union have legislation and some of them constitutional provisions upon this subject, but nearly all of them, about twenty-five of them I believe, have commissions for the purpose of executing whatever laws the States have passed on the subject. When the Senator talks about this being a novel proceeding, something unheard-of, the Senator talks about what is the rule in this country so far as legislation is concerned by the State governments.

I only rose now to say that I desire to call the attention of the Senate to what has been the history of legislation in the British Government as well as in this country on some of the points which have been referred to. I shall refer to some passages in the paper before me. I take out this paper not for the purpose of reading a speech, but simply for the purpose of reading extracts from a report of a select committee of Parliament upon the subjects that are now before the Senate.

The report of this select committee was ordered published by the house of commons in 1882. The committee consisted of twenty-seven members, and they were charged with the duty of looking into the workings of the railway commission established in 1873, and to report any amendments to the laws governing railways and canals. Referring to the railway commission, the committee say:

The next question is the nature and constitution of the tribunal from which aggrieved parties are to seek redress. Your committee are, first of all, of the opinion that the tribunal should be made permanent as well as special. The railway commission has to a great extent been hindered in its work by the temporary character with which it has hitherto been invested. At the same time your committee are convinced that the establishment of a commission has been of great public advantage, not merely in causing justice to be speedily done in those cases which have been brought before it, but also in preventing differences from arising as between railway companies and the public. Its utility is not to be measured solely by the instances in which it has been called upon to hear and determine, but also by the deterrent and controlling influence of its existence.

Again, they say:

Representatives of the railway companies—

And I desire to call the attention of the Senator from Kentucky to this subject—

Representatives of the railway companies, backed up by legal gentlemen of

eminence, have urged upon your committee that it is not desirable to continue the special tribunal in its present form, but that the court should be reconstituted by the appointment of a single judge, to be selected from the bench or the bar, aided by assessors wherever other than legal knowledge is required.

The Senator from Kentucky comes in here and insists that nothing is necessary but to pass an iron-clad law and turn the people over to the courts of the country. This committee of Parliament, consisting of twenty-seven members, after the English Government had had ten years' experience of a commission, say that the lawyers representing the corporations go before them and insist on the repeal of the statute and relegating the people again to the courts as the sole judge having purely judicial control. We say that that does not give the people the relief which we are seeking that they should have in this country, because a simple judicial tribunal is not the kind of tribunal that the people in the mass of these cases can ever go to and get through in securing justice against great corporations. We say that we want a commission created that shall not be far off from the mass of the people that have to deal with these corporations—not that they shall have to go to them, but that the commission, the tribunal specially created, shall go to the shipper and go to the people. So under the bill of the Senate to-day, if it were a law, no shipper having a complaint would be compelled to go out of his county or his town scarcely in making up his case and turning it over to the commission if he desired to do so, and that is the very theory upon which the bill was drawn; it is the very theory given by these twenty-seven members of a committee of Parliament, who say that the lawyers for the railroads want the commission repealed and a judiciary established for the hearing of these cases just like any others that might come before it.

I tell my friends that we can not expect to give any relief to the people against these corporations unless we give them a special tribunal that they can go to or that can come to them in making their complaints, and afford them a tribunal that will look into the complaints, find the testimony, carry it forward, make a decision, and if the corporation does not submit to it then turn it over to the courts and help the district attorney in prosecuting it further. What does the House bill do in this case? The House bill says, it is true, as the Senator from Indiana [Mr. HARRISON] said yesterday, that they can go into the courts and sue, and if they recover a judgment they will be entitled to smart-money. So it is; that is the provision of the House bill; but I tell you, sir, that practically no shipper of ordinary means will ever get to the end of a prosecution in the courts. First, he would have to employ a lawyer, pay him a retaining-fee to follow his case, hunt up his testimony, go through two or three courts, and if he lived long enough and had money enough to pay the expenses he would then forsooth be entitled to a little smart-money.

I say, Mr. President, that the interest of the people is in the line of establishing a commission that will go to the complainant, ask him what his grievance is, ask him who his witnesses are, hunt up his witnesses, take their testimony, examine into the facts, make a report, notify the railroad company, and if the railroad company do not pay, then turn it over to the district attorney and aid him in the prosecution of the man's case in the ordinary courts of the country. But the Senator from Kentucky says that we do not allow the shipper to go anywhere else. I say, as the Senator from Indiana said yesterday, that a man has a right to pursue his own remedy as the law exists today if he does not desire to allow the commission to look into the case.

But what does the Parliamentary committee say in reference to the people? It says:

From the traders and the general public, on the other hand, no demand has come for such a change. On the contrary, the general tenor of their evidence exhibits satisfaction with the services rendered to the public by the existing railway commission.

* * * * * * *

Your committee can not see any reason for reversing the legislation of 1873 and returning to the purely legal tribunal which, as the court of common pleas, was tried from 1854 to 1873 and then abandoned.

* * * * * * *

Your committee further consider that the jurisdiction of the railway commissioners should be extended, and that they should have power to enforce in the interests of the public the provisions of general and special acts affecting railway companies (exclusive of questions touching the safety of passengers), to enjoin and enforce obedience and to give redress in any case of illegal charges, including power to order payment of damages for any injury already sustained.

These paragraphs, Mr. President, are some of the expressions of the committee of Parliament in 1882, after more than ten years of trial of a commission, showing the judgment of that committee as to the importance of the commission and favoring its retention with an enlargement of its powers. In England maximum rates are fixed by law. The question of equal mileage—and I desire to ask the attention of the Senate to this—is discussed in the committee's report, which involves the question of charges for long and short hauls. The House bill provides that it shall be unlawful for any person engaged in interstate commerce to charge more for the transportation of property for a shorter than for a longer distance. The Senate bill says nothing about long or short hauls, but leaves the commission charged with the duty of protecting the people from extortion and unjust discrimination. Now, sir, what does the committee of the British Parliament say after years of experience? They say:

The form which the proposal for a fixed standard of charges has usually taken is equal mileage—*i. e.*, a charge for each class of goods and passengers in proportion to the distance for which they are carried. This point was urged before the royal commission, and is so effectually disposed of by their report that it seems scarcely necessary to dwell upon it further. They say it would prevent railway companies from lowering their fares and rates so as to compete with traffic by sea, by canal, or by a shorter or otherwise cheaper railway, and would thus deprive the public of the benefit of competition and the company of a legitimate source of profit.

It would prevent railway companies from making perfectly fair arrangements for carrying at a lower rate than usual goods brought in larger and constant quantities, or for carrying for long distances at a lower rate than for short distances.

It would compel a company to carry over a line which has been very expensive in construction, or which from gradients or otherwise is very expensive in working, at the same rate at which it carries over less expensive lines.

They further say that—

The proposers of equal mileage have admitted that there must be numerous exceptions where there is sea competition, where low rates for long distances will bring a profit, or where the article carried at low rates is a necessary, such as coal. It is scarcely necessary to observe that such exceptions as these, while inadequate to meet all the various cases, destroy the value of equal mileage as a principle or the possibility of applying it as a general rule.

Mr. President, I have quoted enough to show at least that the committee of Parliament, after long investigation, after years of legislative control of the railways of the kingdom, were unqualified in their declaration that it would be injurious to the business interests of the people to pass a law on the theory of equal mileage rates. On the question of legislation in relation to agreements between railway companies—in other words, in relation to pooling—the committee say:

As to the conference of companies for the purpose of mutual agreement, such as the English and Irish traffic conference, your committee would point out that such associations are inevitable and find place in almost every branch of trade.

Now, Mr. President, from what has been shown does it not seem wiser to leave out of any bill we may pass these provisions which are dangerous to the business interests if put into a statute and enforced, and instead to pass a bill making extortion and unjust discrimination a crime, provide a commission of able and honorable men to enforce the law, and while doing so furnish all the information possible for our guidance in the enactment of any further legislation to secure absolute protection to the people in dealing with transportation companies?

The principle of Government inspection with a commission to enforce equitable treatment is safest and, in the long run, more effective. The people in many of the States are well supplied with railroad facilities. You may traverse the continent enjoying almost the comforts of home. Freight is shipped with great expedition from one side of the continent to the other, a fact which I may say is in a great measure due to the consolidation of roads resulting in unity of management. There is no complaint, then, on account of lack of facilities or promptness or convenience. There are portions of the country where there is still a lack of railroad facilities, and we should be careful to avoid any legislation the effect of which would be to put a stop to the further investment of capital in the construction of railroads in sections of the country where greater facilities are needed. Let us then favor only such legislation as will secure the people against extortion and unjust discrimination, allowing only reasonable charges by transportation companies. The principle that transportation charges should be made in exact proportion to the exact distances over which goods are carried, known as the pro rata or mileage principle, is recognized as correct in the abstract, but it can not be made of universal application, because a tariff should be based on the cost of transportation, cost of road, quantity, and many other considerations that must be counted as factors in determining the expense of the transaction. A law to prevent the exercise of business judgment in any case, and that makes no allowance for the conditions that cause rates to vary, will, in my opinion, be a bad law, and we would be called upon very soon to repeal it. Grain and fuel and the necessaries of life should be carried at the lowest possible rates, and the profits made by higher rates on luxuries.

Mr. President, it has often been said in this Senate that the question of regulating commerce among the several States is a great and important one, and yet there has seemed to be a little disposition to avoid its consideration. The subject of the transportation of freights and the mode of securing its transportation at the cheapest rate possible is engaging the attention not only of the people of this nation, but of many of the great nations of the world. We have about as many miles of railroad as all the rest of the world. They represent a nominal capital of $7,000,000,000 and a real capital of between three and four billions. The value of our internal commerce is said to amount to $15,000,000,000 per year. The railroads carry the greater part of the internal commerce of the country, by far the larger portion, and hence the attention given by the people to the subject of Government regulation of interstate commerce. The vast amount of capital invested in these roads, furnishing facilities to the people for carrying them and their products to market, should not be depreciated in value nor the rights of the roads disregarded. And in the performance of our constitutional duty to regulate commerce between the States we should treat these corporations as we do other interests, with fairness. The people should be protected from imposition at the hands of these transportation companies. There should be no real antagonism between the carrier and the customer, and in my judgment the way to avoid such antagonism is to pass a bill providing against extortion and unjust discrimination, and providing for the punishment of its violation, and to place the whole matter in the hands of a commission for enforcement.

I have shown the position of Parliament and the English law on this subject. We are not safe in going further than the present law of England goes. The best we can do will in a measure fail in satisfying the whole people, and do the best we can in relation to the regulation of interstate commerce we shall still be unable to secure the transportation of freights as cheaply as we hope they may finally be carried. While we are working in the interest of fair dealing between the railroads and the people and finally to reduce the rates, we shall be compelled to do as other nations are doing—not only regulate commerce on railroads, but give our attention to the improvement of all our water ways as well. While England is now controlling and regulating her railways, she is at the same time entering upon a system of canals which it is said will cost $350,000,000, notwithstanding the fact that traffic by rail has been reduced to the minimum of cost. Germany also is about to spend in the same way about one hundred millions; France about eighty millions outside of the Panama Canal, which has not unfrequently been referred to of late.

I will not take up time longer in reading further passages from the report of the committee of the British Parliament which go to show that after the long experience they have had there legislating to control the railroads of that country for about thirty years, finally in 1873 they adopted the commission plan and refused to legislate on the subject of long and short hauls, or upon the subject of pools, and they in their report say that it is not in the interest of the public that either of those things should be fixed by statute, but that they had better be left to a commission whose exclusive business it should be to deal with the transportation companies in the interest of the people, and see to it that the people have fair play as between them and the corporations of that country. And that is what I have been seeking and what the Committee on Railroads of the Senate have been seeking by the report of their bill.

The Committee on Railroads are just as anxious as the Senator from Kentucky or the Senator from Texas or the Senator from North Carolina to do whatever is best in the interest of the public in regulating these great transportation companies of the country, and I insist that the apparently persistent effort on the part of those distinguished Senators to create the impression on this floor that every man who is not in favor of the House bill belongs to the corporations and is simply trying to do nothing, is not justified or true as a matter of fact; and I honestly believe that if the Senate bill were to pass it would prove to be more in the interest of the people than the bill of the House of Representatives which is now under consideration would prove to be.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK] as amended, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. COKE (after having voted in the negative). I desire to withdraw my vote. I remember now that I was paired with the Senator from Alabama [Mr. MORGAN]. If he were present, he would vote "yea" and I should vote "nay."

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. CULLOM. My colleague [Mr. LOGAN] is paired with the Senator from North Carolina [Mr. RANSOM].

Mr. PLUMB (after having voted in the negative). I voted under a mistake. I am paired with the Senator from Louisiana [Mr. GIBSON]. I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN] whenever his colleague says so; I do not know how he would vote on this amendment. If at liberty, I should vote "nay."

The result was announced—yeas 6, nays 41; as follows:

YEAS—6.

Bayard,	Hawley,	Van Wyck,	Vest.
Conger,	Platt,		

NAYS—41.

Allison,	Fair,	McMillan,	Sabin,
Beck,	Frye,	McPherson,	Saulsbury,
Blair,	Hampton,	Mahone,	Sawyer,
Call,	Harris,	Manderson,	Sewell,
Cameron of Wis.,	Harrison,	Maxey,	Sherman,
Chace,	Hoar,	Miller of Cal.,	Slater,
Colquitt,	Ingalls,	Mitchell,	Williams,
Cullom,	Jackson,	Morrill,	Wilson.
Dawes,	Jonas,	Palmer,	
Delph,	Kenna,	Pike,	
Edmunds,	Lamar,	Pugh,	

ABSENT—29.

Aldrich,	Farley,	Jones of Florida,	Ransom,
Bowen,	Garland,	Jones of Nevada,	Riddleberger,
Brown,	George,	Lapham,	Vance,
Butler,	Gibson,	Logan,	Voorhees,
Camden,	Gorman,	Miller of N. Y.,	Walker.
Cameron of Pa.,	Groome,	Morgan,	
Cockrell,	Hale,	Pendleton,	
Coke,	Hill,	Plumb,	

So the amendment as amended was rejected.

Mr. SHERMAN. Mr. President——

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Kentucky has another amendment he wishes to propose.

Mr. BECK. I propose to amend in section 5, line 26, by adding after the word "substituted" the following proviso:

Provided, That there may be a reduction of rates prior to the posting of such new schedule. But in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made, and said schedule shall also specify the date at which the reduction commenced.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. MAXEY. Mr. President, the essential distinction, as I understand it, between the Senate bill and the House bill is whether or not the grievances complained of by the people as to the action of the railroads shall be investigated by a commission without authority of law to hear and determine, or whether the grievances complained of shall be set forth and declared misdemeanors and submitted to the courts for adjudication, like any other misdemeanor or grievance.

It has been said that the Senate bill provides against pooling. The system of pooling is one of the gravest and most serious objections the people have to the present railroad management. I insist that the Senate bill does not provide against pooling, but that it admits the principle of pooling. It does it in a qualified way, but it admits the right of the railroads to pool, and the effect of pooling is a monopoly of all the railroads by a combination of some of them; and what they regard as an equitable distribution of the profits arising from transportation on any one of the roads in the combination is made for the common good of all. That is pooling. It is making a corner upon transportation; it is forestalling the market upon transportation. The House bill, in unqualified terms, makes that unlawful. The Senate bill makes it lawful.

Is not this so? Let us see. The Senate bill, in section 11, page 10 of the last print we have, declares one of the objects to be:

For the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States.

That is, the commission is to determine what arrangement and agreement will tend to impose unreasonable burdens upon the commerce among the States. That is a question which according to the Senate bill is not to be determined judicially, but to be passed upon by the commission, and when passed upon by the commission no remedy whatever can be applied by the commission to redress that grievance.

Mr. CULLOM. I believe the Senator was reading from the Senate bill at section 11.

Mr. MAXEY. I was, sir.

Mr. CULLOM. That section has no legislation in it any further than an instruction to the commission to examine into the question of pooling, as well as every other question named there, and to report to a future Congress.

Mr. MAXEY. That is precisely the objection which I have to the whole theory of the Senate bill. You create a commission, and you clothe that commission with power to go out into the country and hear complaints, and after they have heard the complaints they are powerless to afford a remedy for those complaints. That is the objection which I have to the whole theory of the bill. It is a promise to the ear to be broken to the hope. On the contrary, the House bill in terms declares:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

This distinction is as broad as the difference between sun in the noonday heavens and the darkest midnight. One tolerates and agrees to the propriety and the right of the pooling system, and then says that any arrangement which shall tend to interfere with commerce shall be reported. Who reports it? The commission. When it is reported what good does that do? Who determines it? Then you go through all the machinery of laying the matter thus reported before the district attorney, and after a while, if you can work up a case, it goes to the courts. In other words, a man who is really aggrieved has to go before the commission and have his case looked into by the commission, with all the expense accompanying that investigation, and after he has done that it is laid before the district attorney, and if there is enough in it to make a case for a bill in equity or an indictment, then you have to send that to United States commissioners to take up the proof, and again comes in this double expense.

The effect of it is in its very nature and necessarily to deter any man who is really aggrieved from ever making an effort to have a remedy for his grievances, whereas the House bill is both a square and manly measure. It declares pooling, which is a monopoly, which is a contract in restraint of trade, which is a forestalling of the market, to be unlawful. It merely repeats what has been known to be the common law for centuries, and makes that a part and parcel of the law of the land.

Mr. SHERMAN. Mr. President, I have had more difficulty in dealing with this question than any of the important questions presented at the present session of Congress. The people of Ohio are very largely interested in railroad transportation. We have 7,200 miles of railways, probably as large a number of miles in proportion to the extent of our

territory as any State in the Union. Our people are largely interested as owners and managers of railways, the capital and debts of such corporations amounting to over $500,000,000. Therefore it is that the people of Ohio take the deepest interest in the proposed legislation by Congress. I can safely say that, without division of party, the people of Ohio are in favor of strong, just, and liberal legislation upon the question of transportation and the management and control by Congress of interstate commerce.

There is no doubt expressed anywhere but that Congress alone has the power to deal with this question. The interstate commerce extends to the great body of the commerce of this country. The local commerce within the limits even of a State so large as Ohio is comparatively small. Nearly all the surplus productions of Ohio are shipped to States beyond our limits, and nearly all that is consumed not the products of Ohio has been the subject of interstate commerce. So that I may say that the body of the commerce of the State is interstate. It so happens, too, that nearly all the great leading lines of railway in the United States cross that State; certainly all the four great trunk-lines running from east to west, and some of those running from north to south. So our people are deeply interested in this question, and I have no doubt but that both my colleague and myself would agree that the people of Ohio are more intensely interested in the subjects embraced in the bill than in any other bill pending before Congress.

In respect to the power of Congress over the subject, as I have said, it is indisputable. We find it plainly written in the Constitution:

The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States.

It is a broad and exclusive power that has not yet been fully exercised as it was expected to be by the framers of the Constitution. It is only asserting a trite fact when I say that but for the necessity of regulating commerce with foreign nations and among the States the Constitution probably would not have been formed at the time it was. In the very first movements to form the National Government the importance of regulating commerce among the States was declared to be the leading motive for the formation of the National Government.

It must be remembered that at that time commerce among the States was but a very small item compared to what it is now. All the States were located along the line of the Atlantic Ocean. Our commerce with foreign nations then was immensely greater than our commerce among the States, but the enormous development of this country has changed the whole order of things. Now our foreign commerce, exports and imports together, embraces about $1,500,000,000, and our internal commerce is estimated at $15,000,000,000, or ten to one. It is pretty difficult indeed to estimate what is the extent of our interstate commerce. It is so vast that figures seem to fail to express the immense extent of it.

It is affirmed that the navigation along the Ohio River and the Mississippi River is greater than our whole external commerce. It is said that the navigation of the lakes far exceeds our commerce with all foreign countries. So the question we are dealing with is not only with greater amounts than any other problem before us, but affects every class of our people in the broad extent of our country.

Under these circumstances, I have felt it my duty, without heretofore taking any share in this debate, not being a member of the committee which framed the bill, to examine it with all the care and attention I could give to it, and I shall express my opinions in as few words as possible as to the choice to be made between the two bills.

We have two propositions before us, one called the Reagan bill, which has been debated and passed by the House of Representatives, and another called the Cullom or Senate bill, framed by one of our committees, and which has been debated here in antagonism to the Reagan bill. We are called upon to choose between them. I would vote for either if the other was away. It is, therefore, a mere choice between the two measures; and I propose now to give the reasons why I think on the whole the Senate bill is the most conservative in its character, the most wide-reaching in its effect, the most beneficial to the people of all the States interested, the most beneficial even to the people of Texas and to the regions where the Reagan bill seems to have the greatest strength.

If I can convince any Senator, as I have convinced myself, that this will be the effect of the Senate bill as against the Reagan bill, then I shall have at least justified the vote that I shall give in favor of the Senate bill, and I shall have justified my conduct to my constituents who are writing to me in great number to act upon this question promptly. That general public opinion has been in favor of the Reagan bill solely because it proposed legislation controlling railways, but, as a matter of course, the people have not yet studied or examined the details or provisions of the Senate bill, so they have not been able to give any opinion on one as against the other.

Mr. MAXEY. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MAXEY. The Senator states, and I was very glad to hear him say so, that he would vote for either bill if the other was out of the way. Now, I ask him as a practical legislator with a great many years' experience, if there is not a far greater probability that if the Senate votes for the Reagan bill it will become a law rather than if the Senator should vote for the Senate bill it can become a law? As a question of practical legislation, would it not be better for the Senator to support the Reagan bill in order to procure a law on the subject?

Mr. SHERMAN. If I shall be able to show that the Senate bill is better than the Reagan bill the Senator ought to join with me in passing the Senate bill, and the House, I have no doubt, would agree to it. I know the feeling in the House, because I have conversed with members of the House of both political parties who voted for the Reagan bill, and they are not entirely satisfied with its provisions, but with the expectation and hope that the Senate would make such changes as would make it more wide-reaching, comprehensive, and effective than the Reagan bill, they gave it their support.

The reason why Congress has not heretofore acted upon this question is very palpable. Our whole commerce is changed, not only in its extent but in the mode of transportation. Within my period of manhood every railroad in the United States has been built. When, as a young man, I crossed the Alleghany Mountains and struck a railroad at Cumberland, Md., I thought it was the greatest wonder in the world. Up to that time I had never seen a railroad. Indeed all the railroads in the United States have been built since the period of manhood of the majority of Senators. Even that great motive power, the steamboat, has been invented, devised, and brought into being since the framers of the Constitution finished their handiwork.

So we are dealing now not with a power that is doubtful, not upon a question on which we should have any difference of opinion, but we are dealing with new agencies of commerce devised in our generation or in the preceding one, and we should bring to the subject the lights of modern experience as well as the ideas and objects that prevailed when the Constitution was formed. Steamboats and railroads are now the chief agencies of commerce. They have revolutionized commerce. No longer does any one depend upon the slow-moving sailing craft or upon the prairie "schooner" or on the old Conestoga wagon over the mountains of Pennsylvania. Our modes of communication are entirely different, and therefore we must look upon this question as practical men, and conform our measures to the wonderful development that has been made in our productions, the revolution in our means of transportation, and the almost fabulous sums invested in these new agencies of commerce.

Nearly every question which affects the problem we are now meeting has arisen within the last twenty years, because it must be remembered that until 1866 nearly every railroad in the United States was merely local in its character. There was no interstate commerce until in the last twenty or thirty years. For instance, the Erie road ended and terminated at Dunkirk, and the State of Pennsylvania refused to allow that road and other roads to cross the State of Pennsylvania at the little panhandle up on the Lake Shore. The roads of Ohio began and terminated in Ohio. The great New York Central, which now stretches out with its mighty arm across the continent, had its terminus at Buffalo, and that road itself was divided into seven distinct corporations, and it required years upon years to combine it into a single line from New York to Buffalo.

Take the great Pennsylvania Railroad, the tonnage of which is so enormous—more than 22,000,000 tons a year. That road itself was a local road. Within my recollection, yes, within twenty years, its terminus was in Pittsburgh, Pa. Going from Philadelphia to Pittsburgh it there terminated, and there it joined another road chartered by Pennsylvania to reach the Ohio State line, and there the line was taken up across the State of Ohio by another road, and across Indiana by another road, and into Chicago, Ill., by another road. All these roads have been consolidated within thirty years.

All the elements of this problem have changed, and now we have connecting lines of railroad, which Congress required to be made. The act of 1866 was one of the wisest laws passed by Congress. Up to that time there was no continuous and continuing lines of railroad going from State to State and doing the commerce of a continent. They were mere local roads or local lines, subject only to local regulations. Now they are transcontinental; they are more than national—they are international. These lines have been formed by their connecting links, one after another.

I ought to have said that when the Baltimore and Ohio road was started it was purely a local road, and when it approached the borders of the State of Pennsylvania that State refused to allow the Baltimore and Ohio road to cross its borders, and for years that was a matter of contention. The Baltimore and Ohio was compelled to deflect this line to Bellaire instead of the natural route to Pittsburgh. It was purely a local road, and could only go through, as it did, with the assent of the State of Virginia. When it came to the Ohio line, Ohio, by another railroad, took up the Baltimore and Ohio line and extended it.

Until within twenty or twenty-five years these were merely local roads without the slightest power to contract outside of the limits of the State, but gradually from a community of interests these connecting lines formed their links by pooling, you may say, or a species of pooling, by connecting their separate corporations, binding them in connecting-links by contract, until Congress in 1866 declared, as the first regulation of interstate railway commerce of an effective character in

this country, that where railroads connected they should be run as continuous lines. That is the law which was referred to by my honorable friend from Iowa [Mr. WILSON]. He says that he was part and parcel of the law and helped to make it. That was the first law passed by Congress to make interstate commerce possible in this country, and that has been done within twenty years.

We thus by our law connected these lines of railroad so that instead of being local corporations they are great national corporations. The Pennsylvania line extends in one unbroken management from New York to Chicago, with interlacing lines stretching every way like a great tree.

Mr. SAULSBURY. I should like to ask the Senator from Ohio, by his permission, whether the railroads enjoy that privilege under the authority conferred by Congress, or whether the privilege which they have of uniting and consolidating is not derived by State legislation from the State charters of the companies that are thus consolidated?

Mr. SHERMAN. I think the whole of that grew out of the fact that the corporations were authorized to contract and to be contracted with, and connecting lines by mutual agreements made arrangements with each other. I do not know how the State of Delaware could give any railroad in Delaware the right to go into Pennsylvania. The National Government can give that right as a regulation of interstate commerce, or by mutual agreement between adjoining States the power to connect may be given to corporations created by such States.

Mr. SAULSBURY. Does not the Senator see that a State Legislature may charter a company and give that company the power to consolidate with any other company chartered by another State on such terms and conditions as the two companies may agree upon? That is frequently done. But the Senator was referring to an act of Congress, and I wanted to ascertain whether there was any authority conferred by Congress under which any railroad companies were to-day operating conjointly.

Mr. SHERMAN. The States incorporating two separate companies may authorize them to contract with each other and to make these arrangements, but Congress made it the duty of the roads to do so. It was not a mere permission to contract and extend and connect their lines of communication, but Congress made it imperative, and two railroads that merely touch each other by contact are compelled by the terms of that law to make through rates the whole extent of their lines. There is no doubt whatever but what that is within the power of Congress, because the power of Congress to regulate commerce includes also the power to regulate corporations created by States as well as natural individuals.

Mr. SAULSBURY. If the Senator will not think me impertinent for asking the question—for it is information I want——

Mr. SHERMAN. Certainly; I yield to the Senator.

Mr. SAULSBURY. I have had some difficulty in arriving at a conclusion in my own mind as to what was the proper thing to do in reference to these bills. I wish to ask the Senator whether under the power to regulate commerce he thinks Congress has any authority whatever to deal with the question of freights and fares charged by railroads? I should like to hear his views on that subject.

Mr. SHERMAN. I have no doubt of it. I do not want to go into these collateral questions, because it will prolong my remarks. I did not intend to speak long, but wished merely to give the reasons why I prefer one bill rather than another.

I do not think Congress has the right to impair the obligation of contracts. I do not know by what authority Congress can change the contract made between the State and the individual, as is proposed in the Reagan bill, by providing that no railroad in the United States shall charge more than 3 cents a mile, although its construction may have cost a million dollars a mile, and although the State may have authorized the railroad to charge 5 cents a mile. Congress can not change the contract between the State and an individual or corporation.

I have been looking for gentlemen on the other side of the Chamber to correct this flaw in the Reagan bill. I should like to know, and to have them answer at their leisure, where is the authority in Congress to change a contract between a corporation and a State. Here is a question where the doctrine of States' rights may come in. It seems to me that wherever States' rights should be asserted to do justice to a corporation they are not asserted, but where they may be used to rob or plunder a corporation they are asserted and enforced.

That Congress ought to legislate upon this subject is manifest to everybody. The railroads engaged in interstate commerce have cost, or are represented by securities amounting to $7,000,000,000. The number of miles of railroad is over 120,000 miles. All the legislation that can affect these railroads must come from the National Government. Their local charters end with local boundaries. The States of Pennsylvania and New York, though powerful and great States, have no right to regulate contracts made beyond their boundary line. They have no right to regulate anything in the way of commerce extending beyond their boundary line, and unless the railroad corporations are subject to the jurisdiction of Congress they are a power within a power, stronger even than the State.

If it were not for the power of Congress over these corporations they would be a supreme power in this country. But Congress is armed with full power to do by them as they may think it right in accordance with the Constitution of the United States, and without respect to local laws. It is Congress, therefore, that must act upon this subject, and all of us on this side of the Chamber, as well as on the other, admit that the power of Congress is not only ample but it is exclusive, for if it should be claimed that what we attempt to do here can not be done, then a railroad corporation, armed with the charter of a State and with the authority of the National Government to connect at State lines across a continent, would be above and beyond all law. I do not believe that at all. I believe that the New York Central Railroad and the Pennsylvania Railroad, two of the greatest railroad corporations in this country, are just as amenable to the laws of the land, just as much within the local power of Congress, as I myself am subject to its jurisdiction.

Now, Mr. President, what is the duty of Congress in this respect? The first duty of all is to protect the people from imposition, from injustice, from wrong. Therefore I have no difficulty in dealing with the Reagan bill by admitting that with the exception of the attempt to change the contract between the State government and the corporation Congress has the power to do all that is asserted by the Reagan bill.

This is but the beginning of legislation in regard to railroads. Hereafter it will continue and increase. I have no doubt that the making of suitable regulations in regard to railroads in this country will be one of the great and immediate duties of Congress. I am therefore not disturbed about the power, but I say it is the duty of Congress to protect the people from injustice by the railroad corporations. I am willing to go as far as any one in doing justice, but I do not want to go so far as to destroy these great agencies of modern commerce. I do not want to destroy the goose that lays the golden egg. It is the commerce of these railroads that has united our country more than any other circumstance. It is the commerce carried on by these railroads that has enabled us to people and populate a vast region of country in the West. It is the engineering, progressive, pushing force of these railroads into the wilderness that has made our continent and our country a magnificent whole. Before that time California was separated from the Missouri and the Mississippi. The North and the South were widely separated from each other for want of communication. Railroads have done more to knit and bind this country into one magnificent whole than all other agencies combined. Therefore, while we protect our own people, we ought not to destroy the railroads.

I have no doubt that the power of Congress will be appealed to—it is appealed to now—not only to protect the people but to protect the railroads themselves and the owners of those railroads. Within the twenty years since the railroads have formed their connecting lines they have been eaten to death by parasites. Every railroad has had its little inner ring and all sorts of cunning schemes and devices have been made and entered into not only to cheat the people but to cheat their own stockholders. I doubt if there is a single railroad in our country that has not in it and about it, composed of its officers, some of these parasites which prevent proper dividends from being paid to the stockholders. What are they? The sleeping-car company is one. Railroad corporations make an arrangement with a sleeping-car company, an organization entirely outside of them, to run cars over their road. Such contracts become much more valuable property than the road itself which carries the cars over the rails.

Another mode is by express or freight companies. I believe that this is pretty well broken up now, but for years express and freight companies have been incorporated and lines have been started, the Red Line, the Blue Line, and all sorts of lines, over the railroads. In this way a property right was created by a contract between the board of directors of a railroad with some favored individuals in the railroad, and then privileges and rates were given to the express companies which bled and ate the life and substance and property of the railroad stockholders. Those have existed, and I have no doubt we shall be called upon to protect the stockholders from this imposition. So with telegraph lines. Besides that, many boards of directors by voting themselves high salaries and creating enormous expense, run the road not for the benefit of the owners, but for the benefit of a favored few.

Therefore it is possible in our country that railroad stock may sell for $20 or $30 a share in the market, when every man knows that this railroad stock will never pay a dividend as long as water runs or fire burns. But it is the power to control the corporation given by the votes of the stock that enables men to seize and hold a great corporation and pay enormous sums for the stock of the road merely to exercise the power granted by the corporate law for their own gain and profit.

There are these and others; but I am not going to waste much time about it. In some cases salaries are given which shock almost our sense of justice, salaries not only by one corporation but by a dozen corporations. Not only that, but in some cases, although the railroads are represented by directors who are sworn, or at least whose duty it is made to guard the property they represent, they pile mortgage upon mortgage on the property, create income bonds, preferred stock, and all sorts of liens; and in that way many of the best railroads in this country, that would earn a fair dividend on their actual cost, by subtle plans on the part of the stockholders, the interest of the innocent citizen, men, women, and children, who perhaps have invested their little sums for stock, is fairly eaten out, lost, and destroyed.

There is no doubt that Congress, which is now exercising its power in

this country to protect the people, will be soon called upon to protect the stockholders, and I shall be just as ready then to vote reasonable legislation to protect against these abuses as I would vote for the bill to protect against undue discriminations, fares, and tolls in favor of particular individuals. I speak of this merely to show that this power over the subject-matter is vital to us, and that we ought to so act upon this bill as to show that we are fit to be trusted with this great and important power.

I say that legislation by Congress upon this subject is demanded not only in the interest of the people, but in the interest of property honestly held and honestly earned. At this time the railroad system is in very great danger. No one can doubt that the enormous competition which has been created by rival lines has in many cases reduced the profits of the railroads and their earnings. The necessity of providing for dividends on watered stock and the like has been so great that there are but very few railroads of the United States, powerful as they are, which can pay dividends to their stockholders. Therefore any hostile legislation to further cripple their business ought to be very carefully guarded. If we do not look out we may really break down those corporations and compel them to divide the long-extended lines into broken links, and then the rates of transportation will rapidly advance. The decrease in the market value of railroad securities in the last two years is represented to be about 40 per cent. It has disappeared in the market value. Few of the roads are now earning dividends.

It has been sometimes said in this debate that the law of competition is a sufficient regulation for railroad corporations. In some respects the law of competition has worked well. Since these lines have been connected the cost of transportation in the United States has been reduced in a marvelous degree. I remember when I was a member of what is called the Windom Committee on Transportation we traveled all over the United States; we took the testimony of all the expert railroad men we could find and men engaged in commerce of various kinds. Upon one question we found a singular unanimity of opinion, and that was that the minimum cost of transportation was 1 cent per mile. The figures were produced, the actual details, the expenses shown, and this simple problem was absolutely demonstrated.

It was shown by the general superintendent of the New York Central, who gave us the details of the cost of transportation, and the same evidence was given by other corporations, that the minimum of transportation was 1 cent a ton per mile. That would be $10 a ton from Chicago to New York, the distance being about a thousand miles. That was their statement of what is the lowest cost. Now, this system of competition has gone on since then, and there has been a progress made in railroad building, a change so great that it is almost marvelous when I now think of it. That was only ten years ago, and yet since that time by the introduction of steel rails, by new and improved cars, by new machinery in the way of brakes, by a thousand ingenious devices of our own people, the same freight can be transported over the same railroad for less than one-half of what it could be only twelve years ago.

I have here a table cut from one of the commercial papers showing the enormous reduction that has been made by competition in long lines of transportation. I find that the freight from New York to Chicago on a bushel of wheat weighing sixty pounds was in 1868, 29 cents; in 1869, 25 cents; in 1870, 22 cents; in 1872, 28 cents, and so on. Then running down again, in 1874 it was 16 cents; in 1875, 14 cents, and so on until in 1884 the freight on a bushel of wheat from Chicago to New York was 9¾ cents. So that the freight by competition has been reduced to 9¾ cents. Here is the statement:

WHEAT PRICES AND FREIGHTS.

[From the Cincinnati Price Current.]

In the following compilation will be shown the annual wheat crops of the United States and exports (flour included), stated in millions of bushels, with the lowest and average price of No. 2 wheat in Chicago, and average rates of freight from Chicago to New York per bushel of wheat by lake and rail, with the lowest Chicago price and freight to New York added, annually for seventeen years, from 1868 to 1885, inclusive:

Year.	Crop.	Export.	Lowest price.	Average price.	Freight to New York.	Freight and price.
	Millions.	*Millions.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1868	224	30	104½	170¾	29	183¾
1869	260	51	76½	111½	25	101½
1870	236	53	73¾	97	22	95¾
1871	231	40	99¼	121¼	25	124¼
1872	250	52	101	125¾	28	129
1873	281	92	89	117½	26½	115½
1874	309	73	81¼	108¾	16½	98¼
1875	292	76	83¾	98¼	14¼	97½
1876	289	57	83	102½	11¾	94¾
1877	364	93	101¼	128¼	15¾	117¼
1878	420	149	77	96¾	11¼	88¼
1879	449	181	81¼	99¼	13¼	94½
1880	498	186	86¼	105¾	15¾	102½
1881	380	122	95¾	115¾	10¼	105¾
1882	504	149	91¼	118	10½	102
1883	450	121	90	101¾	11¼	101¼
1884	513	.....	69¼	82¼	9¼	79¾

In the above the exports are for twelve months beginning on July 1 of the year stated. The freight rates for 1884 are the average from January 1 to September 1.

What more do you want? If any man had told me when we were around on that pilgrimage seeking for cheap transportation that without a law of Congress, merely as the effect of competition, the price of the transportation of wheat would be reduced from 29 cents, as it was then, to 9 cents, I would have said that our committee ought to disband because the thing would work out its own cure. So it will to a great extent, but I shall take occasion to refer to the low rates. The rates are now so low from the great competing points owing to competition, say from Chicago, Saint Louis, or Cincinnati, that if our Texas grangers should try to reduce them more they would break up every railroad corporation in the country. The rates can not be further reduced. There is a point to which you can go, and beyond that you will draw the life-blood.

The attempt to carry wheat at a lower rate than 9¾ cents in a long haul would be absolute destruction to all the railroad corporations. They can not do it. It may be that we shall have some new invention; new devices, that will still enable them more and more to cheapen the rate. We know that the great competing railroad companies, each of them representing probably a hundred million dollars, are eagerly watching out for every chance of competition, and they will reduce the rate still more and more. That has been done by competition probably more than could have been done by legislation.

If I were seeking only by the passage of this bill cheap transportation, I would say, "hands off; let these men compete with each other." But that is not all that we are trying to accomplish by the bill. It is claimed that while from certain points transportation is low enough, probably; from other points shorter in distance and shorter in haul the rates are much higher, and that there is an unjust discrimination made between citizens, between towns, between States, and between individuals; that the railroad companies make contracts with favored individuals by which they give them the monopoly of transportation.

The common case pointed out by the Senator from Kentucky, I believe, was that the Standard Oil Company had a rate which actually drove out of existence all competitors in their line of business. That is wrong, intrinsically wrong, and I shall vote to break it down if there is power enough in Congress to do it. If these corporations are soulless, they ought to be heartless, they ought to make no discrimination, giving no favor, but making the same rule apply to all classes of transportation under the same conditions; and to the extent that this measure will tend to effect that object I think it is of vital importance.

The Reagan bill makes ample provision against discrimination. It says that no discrimination shall be made. It forbids it. It declares that it it is done it shall be illegal, and then provides a penalty at the end of a long lawsuit, and the measure of the penalty is three times the damage done. The damage may be $10, in which case the penalty would be $30, and then the plaintiff who has prosecuted his suit under the operation of that bill, or has sought his remedy, would probably be broken up in the contest, and the railroad would not care about drawing a check for $30, but would pay him in silver dollars, or in any way they thought would be easiest. The first objection I have to the Reagan bill, and I beg Senators to think of it, is that it is a penal bill, penal in its nature and in all its provisions. It has no remedial feature in it, except the remedy that can be recovered at the end of a long lawsuit. You can not make such a bill as that useful or operative, except to punish crime, and you can not make this a crime of a magnitude and character which would justify you in sending to the penitentiary the president or the directors of the company. If you choose to do it, if you attempt to carry the measure by penal law, you ought to furnish penalties and punishments that would send the president of the railroad to the penitentiary.

But that is not all. The Reagan bill provides that the remedy shall be in the State courts, in any court where an agent can be found. Whether the injury occurred in that State makes no difference. Wherever the man who complains of the action of the railroad chooses to sue he can sue. He can go before a justice of the peace, if the amount is within the jurisdiction of a justice, or go before a county court, if it is over a hundred dollars, and commence suit in any tribunal. What is the effect of the judgment? You may make the railroad pay the judgment, but what does that amount to? Nothing.

Besides there is no appeal from that decision. Suppose the railroad insist that they are not violating the law, must they try that great question, which turns upon the construction of an act of Congress, before a justice of the peace in Texas? Must they try that great question before some local tribunal in a State perhaps hostile to this legislation? Must they try that question in a State which probably does not own a single share of the railroad stock affected by the operations of that judgment?

According to the proposed law, although the question involved may be a construction of the Constitution of the United States, although it may be the construction of the very law that we are passing, yet that case can in no event be carried to the Supreme Court of the United States or to any United States court. Thus thirty-eight different tribunals all over this country, with their varying decisions, may be called upon to decide upon the terms of this measure without any power whatever to take the case to a court whose decision will be universally acknowledged. This, it seems to me, is the worst feature of the Reagan bill. It seems to be State rights gone mad. The very cause of

action is given by an act of Congress. The whole thing is granted by Congress, and is national in its nature. No State could give such authority over a corporation beyond its limits, and yet this question, growing out of national law, can not be brought to a national court, but must be decided finally in a local tribunal.

The language is plain and clear. No such measure as that can meet my sanction. If under the circumstances and under the clauses of the judiciary act the case involved in any of these local courts does involve a construction of an act of Congress or of the Constitution, or any national question, then the right to carry it before the national authorities must be given. Otherwise you have struck out the whole foundation of your judiciary system. We have a national judiciary to construe the laws of Congress and pass upon all questions arising under the national law; and yet the bill excludes the Supreme Court of the United States and all the national courts from any jurisdiction over any case that may arise under it, and confines it to the local tribunal. But that is not all.

Mr. COKE. Will the Senator from Ohio allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. COKE. I refer the Senator to the House or Reagan bill, in which I think he will see it is provided that a citizen who has been injured by a railroad company may prosecute his remedy in either a State or Federal court, as may happen to have the jurisdiction of it in the locality.

Mr. SHERMAN. That is, it gives him the choice.

Mr. COKE. Yes, sir; it gives him the choice.

Mr. SHERMAN. But when he commences his suit in a State court, as he always would, the decision of that court is final, and no provision is made to transfer the case; indeed it is prohibited that it shall be transferred, to the United States court.

Mr. COKE. A transfer of the cause to the Federal court is prohibited; but I ask the Senator if there are not methods of reviewing the decisions of State courts, outside of this proposed act, already provided by writ of error?

Mr. SHERMAN. I believe that the Supreme Court would hold without question that that provision of the proposed law is unconstitutional; but I do not want to pass an unconstitutional law merely to allow the Supreme Court to reverse it.

Mr. COKE. The question I put to the Senator is, if every citizen has not a right already granted, in a mode already provided, to bring before the Supreme Court of the United States an infraction of a law of the United States?

Mr. SHERMAN. I doubt very much whether this provision does not fall within the decision in the case of Prigg *vs.* The Commonwealth of Pennsylvania, where it was decided by the Supreme Court of the United States that Congress had no power to impose upon any State an act in the nature of the enforcement of what would be regarded as a criminal act. The act in this case is in the nature of a *quilam* action. It is an action for a penalty. I have not the slightest idea but what the Supreme Court would hold it to be unconstitutional, at least to the extent that it denies to the citizen of the United States living not in Texas where the suit is brought, but living say in Pennsylvania, the right by writ of error to transfer the case to the Supreme Court of the United States. If they do it they do it because the law is unconstitutional which attempts to restrain it.

But that is not all. I do not believe we have the power to confer jurisdiction upon the State courts to enforce penalties. That is fair and square in the face of the decision of the Supreme Court. Here is a penal action where treble damages are to be allowed. What right has Congress to impose upon a State the enforcement of these laws or to confer jurisdiction upon it? Any State might refuse to do it clearly.

Mr. COKE. I will ask the Senator, with his permission, if the laws of Congress are not supreme all over the United States, and if they are supreme I ask him if the State courts can not enforce them?

Mr. SHERMAN. I do not think the laws of Congress are supreme over a State to compel a State to pass a law to suit our convenience. Why should the United States, with an ample judiciary power, with authority to create courts anywhere and everywhere of all kinds and descriptions, rely absolutely and exclusively upon State courts to pass upon the construction of our own laws? I do not think that this is a provision which should appear in the law. I believe it is plainly unconstitutional.

I should like Senators to answer me another question. What right has Congress to change a contract made between a State and a citizen? It is true that the provision of the Constitution——

Mr. COKE rose.

Mr. SHERMAN. I will hear the Senator.

Mr. COKE. I understood the Senator to put a question to me.

Mr. SHERMAN. The Senator will have time enough to answer.

Mr. COKE. I understand the Senator to refer to the provision in the House bill prescribing 3 cents per mile as the maximum rate.

Mr. SHERMAN. That is what I refer to.

Mr. COKE. I voted to strike out that provision, and all the gentlemen on this side of the Chamber in favor of the Reagan bill so voted, while the gentlemen on the other side of the Chamber voted to keep it in. I ask the Senator to propound his question to some of his friends over there.

Mr. SHERMAN. Perhaps, taking the usual course which I have seen pursued on both sides very often, we require you to perfect your own proposition in your own way. Perhaps that is the way, but at any rate that provision is clearly unconstitutional. Senators around me say, for I do not think I was present at the time, that other questions were involved in the same motion. But I certainly assure the Senator that if he will move to strike out that proposition I shall vote with him to improve the bill to that extent.

Mr. COKE. It will be done.

Mr. SHERMAN. There is another feature of the Reagan bill which struck me at first with a good deal of force, and it was only after a careful examination that I was able to satisfy myself that it ought not to be put in. I refer to the following provision, in section 4 of the Reagan bill:

> That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line.

As an abstract proposition it would appear to be right and just that no railroad should be authorized to charge less for a greater distance for transportation of the same kind of property than for a shorter distance. That would seem to be right and fair, but when you come to examine this question in all its surroundings such a provision as that would in my judgment not only do great harm to the people of the United States, but I believe it would confer a great benefit upon the railroad companies to the injury of the people; and I hope my friend from Texas will listen to me upon that point. I have no doubt that if that provision should become a law, wheat would not be transported from Chicago to New York for 9¾ cents a bushel, by a great way. It would leap up at once to a rate in harmony with the local rate.

I know enough about corporations and railroads to know that the first effect of this provision would be to compel an advance of freights at all the competing points. Why? If the Pennsylvania Railroad, for instance, should attempt to carry wheat at the rate of 9¾ cents a bushel over the whole line of its road from Chicago to Philadelphia and from all the points along that line, the result would be bankruptcy to any railroad in the United States which would undertake to carry all its freight upon that kind of a rate. Before submitting to bankruptcy the railroad would take the other alternative; they would raise the rate at Chicago, and then "all Rome would howl." Then our Western grangers and our Texas friends would begin to feel that their cattle would have to pay a considerably larger sum. All our Western friends, whose country has been developed by railroad competition, would find then that they would have no advantage as they now have over the people of a State like Ohio, where we lie midway between the great Western ports and the Atlantic coast.

If I were speaking only for the people of my own State, and only in a narrow, selfish interest, I should vote for this proposition, because I know the effect of it. While it might not reduce our local freights in Ohio, it would advance the freights in the West, and would relieve us from the enormous competition which Iowa now makes with us in raising wheat, pork, corn, and all those things; but I do not think it would be right. Nor do I think it is wrong for the railroad companies to make this discrimination in favor of competing points. Why? It is known that the great body of the transportation of a railroad is its local transportation. Different railroads differ in regard to that; but the general rule is that the local transportation is 70 per cent. and the through transportation is 30 per cent., but in most cases it is 85 per cent. local and 15 per cent. through.

For the purpose of gaining a share of the through transportation from Chicago or Saint Louis or the great interior points, the railroads struggle for the through business, because whatever they can get from that source is so much added to their income without much increasing their expenses. They struggle for it and make competition and make the lowest rates of transportation; but if you relieve them from that necessity and make a mandatory iron rule by which they shall charge no more from Chicago than from Fort Wayne or other places it will raise their rate, and they will stand by that rate and say that "Congress, composed largely of our fellow-citizens from Western States, compel us to do it in order to live." That would be the effect of it; and I do not think that any railroad man who hears me or any man accustomed to their mode of business would think otherwise.

I have heard the remark made in the course of this debate that the railroads would not carry wheat for less than it would cost them. No, but it must be remembered that in speaking of the whole cost of a railroad you must take into account the interest on their bonds; you must take into account all of what are called in technical phrase fixed charges, charges which can not be avoided, not only the running expenses and interest upon their debt, but fair dividends to their stockholders, proper improvements and additions to their equipment. When they are contesting for the trade in Chicago they can dispose of the fixed charges for the competition and say, "If you can get a portion of the through freight from Chicago we can afford to carry it at a reasonable profit on the actual running cost." I hope Senators will understand the difference between them.

The running cost of a railroad is the cost of the wear and tear of railroad cars, the wear and tear of machinery, the pay of the engineer and the brakeman, and that is about all. If they can get from this through traffic, which gives to the West an enormous benefit over our traffic, simply a compensation for their running charges or a reasonable profit, they will compete until they get their share of it. That is all there is about it. But if, on the other hand, they shall not be permitted to do that, but shall charge as much under all circumstances from Chicago through to New York as from all the intermediate points, as a matter of course they will first make a rate which they think is just and fair for their local stations, and then they will put Chicago at the same rate, and if you complain they will point to your own law as a justification and an excuse for it. There can be no doubt about it.

There is another thing I heard my friend from North Carolina [Mr. VANCE] was very much troubled about—pooling. Pooling sometimes reduces rates; sometimes it may be made to increase rates. Where there is but a small transportation, as on the failure of a crop or the like, the freights have fallen off largely, and then pooling prevents competition, because there is not enough business for all the competing roads; but when there is a great crop as there was two or three years ago, or whenever there is a great crop, using all the equipments and machinery of all the competing roads, as a matter of course pooling is beneficial, because they are enabled then at less cost to divide the business among them. On some roads it may be best and most economical to run all the wheat, on another road it may be best to run all the cattle, and they divide the freight by arrangement between them, some carrying one article, some another, according to the grades, the equipments, the nature of the road, and a thousand circumstances which enter into it. In such cases the pooling arrangement is a beneficial one, and instead of adding to the cost it actually diminishes it. So if we attempt to impose upon these companies an absolute iron rule which would prevent pooling in all cases, it might defeat the object of this bill.

Mr. President, I do not propose to go any further in the discussion of the Reagan bill. I have no doubt that the general rules laid down by it are right. I respect the desire of the Senators who seek to pass it, but I say it will not accomplish the object they seek to gain, but, on the other hand, it will add to the burdens of all the Western people by compelling railroads to charge them local rates substantially. It will prevent railroads from making such arrangements with each other as will enable them to run cheaply and successfully all the vast products of this country. It will compel a discrimination in many cases, because where a railroad has an advantage by physical law, as the New York Central Railroad has an advantage by physical law, having a lower grade, if they are all compelled to charge the same rate at all times, it gives to the road having physical advantages a great advantage over another road that has had to overcome mountains and cross valleys.

Now, a few words in regard to the Senate bill. The Senate bill goes upon the idea of a board of arbitration. I think if I had been called upon to frame a bill I should have called it the board of arbitration instead of a commission. But a name is nothing in a matter of this kind. What is the theory of the Senate bill? We know now that the freight charges and the regulations of railroads are generally made by a little congress of five or six people chosen one from each of the great railroads. They meet at Chicago, or at the Fifth Avenue Hotel, or some other place where it is convenient and pleasant, and they sit down and make laws which affect every person in the United States. Sometimes they discriminate against persons, sometimes against places. They make unreasonable rates from particular localities, they make discriminating rates against certain articles, they lower rates in regard to other articles not founded upon any reason.

In other words, as I have heard one of them say, they put such rates as the market will afford without much respect to their equity. They are compelled to do it. They are legislating for a local corporate interest. Unquestionably in doing this they often do injustice by their discrimination, and the people complain all over the country. The people say, "We ought to have redress." Take a town in Ohio, where the people say, "Our charges are more than another neighboring town where there is more competition." That is wrong, and everybody says it is wrong, but what is their redress? A suit in the courts against a great railroad corporation. The suit under the Reagan bill would be the merest farce, to enforce a penalty of three times the amount involved.

On the other hand, the bill of the Senate provides for a board of arbitration, not a little local court whose opinions would not be respected by the corporation or anybody else, but a high tribunal composed of men equal in dignity to the Supreme Court of the United States. There any citizen may seek his redress; any town may make its plea. That tribunal, in the terms of the bill, is armed not with the power of issuing execution but armed with the moral power of the people of the United States. A complaint is made in the name of the people, under this proposed law, before this tribunal of nine distinguished judges, among the best in our country, who ought to be non-partisan in their character, because the bill I believe provides for that—men of the highest type, who are not interested in the subject-matter. The complaint is sent to that tribunal and they hear it in a summary manner, as they could rapidly do, and they would say at once, "This discrimination is unjust; it is wrong; we pronounce it to be, in the language of the law, extortion." Now, no railroad will submit to that. No railroad would violate in a plain case the injunction of this high tribunal, because if they did the decision of the tribunal would be certified to the proper officers of the Government, and, armed with this decision, with the facts and circumstances of the case and the opinion of the court, the parties complaining would apply to the courts of law.

The only reason, I suppose, why the commission is not armed with the power of judgment and execution is that under the Constitution they can not be. They are not a court in the true sense of the word. They might be created a court if necessary, but I think the general judgment of the people would be against that. If they were constituted a court they would be judges for life, and these are to be men in active life, able to work, able to take testimony and to hear causes. In other words, they ought to be men of such activity that they can travel around through their respective circuits, receiving complaints and hearing complaints so far as they are authorized to hear them. The moral powers of such a commission would be greater than the judgment of fifty State courts, which can not be supervised.

With the exception of the provision about the long haul and the short haul I say that the Senate bill contains every safeguard, every restriction, every provision against injustice that is contained in the Reagan bill. Its language against discrimination is as strong as that in the Reagan bill. It does not prescribe as an absolute rule that the charges should not be in any case that may be conceived less on the short than on the long haul, but it does provide that the charges shall be reasonable, and it is authorized to pass and report upon the question as to how far rules may be prescribed in the future. I only utter the language and repeat the very admirable statement made by the Senator from Alabama [Mr. PUGH], when I say that it contains more wide-reaching provisions that will command the respect of the railroads and command enforcement and execution than the Reagan bill.

The more I study it I regard it with more favor. At first I feared it was not strong enough, but I believe now that it contains the foundation of a code which will be built up by the railroad commission into a body of laws as the commercial law of England was built up by the masterly ability of Chief-Justice Holt and Lord Mansfield. It has been said over and over again that the commercial laws of that time, without the aid of acts of Parliament, were built up by judicial decisions by those great men in a time when commerce was reviving over the country. All the laws relating to bills of exchange and promissory notes and a vast field of commercial law were the dictate of judicial decision. I believe that this commission, if composed of such men as it ought to be, will be able from time to time to frame such rules and regulations.

Mr. McPHERSON. Will the Senator from Ohio yield for a question?

Mr. SHERMAN. Certainly.

Mr. McPHERSON. The statement that he makes, found in the Senate bill, that the commission will have the power to determine as to the reasonableness of rate, gives them the power to fix rates, does it not?

Mr. SHERMAN. They are authorized by the general phraseology of the bill not only to say what rates are reasonable, but to prescribe rules and regulations. Indeed, their field is as broad as the power of Congress. Whatever can be done under the authority to regulate commerce can be recommended by the commission.

Mr. McPHERSON. Then the Senator places it a good deal stronger than my language did. Their power is undisputed; it is not restricted in any particular at all; the discretion of the commission is the only thing in the world that is to govern the rate. The rate must be reasonable. It must depend entirely upon the judgment of the commission whether the rate is exorbitant or reasonable. Let me ask the Senator if he thinks there is any power lodged in Congress, under the Constitution of the country, to so regulate common carriers as to fix the rates upon which they shall do business?

Mr. SHERMAN. I say that their decision is not final, because if they should decide, a railroad company is not bound to obey their decision. Therefore a suit may be commenced in the proper tribunal, and the court would decide that question, so that after all it is their moral power and influence that will be most operative.

Mr. McPHERSON. Very true; but if the Senator will bear with me a moment longer, the bill gives the commission power to fix the measure of damages resulting to the aggrieved party. He may appeal to the court from the judgment of the commission.

Mr. SHERMAN. There is no judgment rendered.

Mr. McPHERSON. After all, the commission have the power to fix the rates and determine their reasonableness. Now let me present another question to the Senator.

Mr. SHERMAN. I trust the Senator will not interfere now. I shall be through in five minutes, if he will let me proceed.

Mr. McPHERSON. I should like to ask the question, because it touches on this matter.

Mr. SHERMAN. I did not hear any question put to me. I waited for a question.

Mr. McPHERSON. Very well; I shall wait.

Mr. SHERMAN. If the Senator will put the question and not premise it with an argument I shall answer it with pleasure.

The experience of the States shows that the form of a commission here proposed is the best. We have a railroad commissioner in Ohio who has but very little power, and yet his influence has been good. In many of the States they have commissions very much like the commission proposed in the Senate bill, and the experience in every one of them has been favorable in securing the rights of the people. What has been adopted by the States in regard to their local commerce might well be followed by the United States in regard to the broader field of interstate commerce.

Again, the bill is merely tentative, inquiring, experimenting, pushing forward. No man ought to deal with a great question like this with a broad-ax or prescribe rules that have many exceptions to them. It is far better to proceed by tentative, slow, and progressive acts, until finally we shall have a railroad code established in this country after a few years' experience.

Then, besides, it is cheap and easy. Every man can be his own lawyer in this business. He writes an intelligent statement of his grievance to intelligent men, and if they require evidence to fortify his statement they can require it to be given and it will be given cheaply and plainly. The facts may not be disputed.

Then it will apply uniform rules throughout the United States. These rules are made by national authority, while if the rules governing railroads as to what is a reasonable charge are to be decided by legal tribunals, we have thirty-eight different decisions, all differing, and no one having any force beyond the limits of the State line.

Mr. President, this proposed law is based upon general principles which apply to the whole country and not merely to localities, and it will be, therefore, respected and observed, while the laws of one State will not be respected or observed in another, and the decisions of the courts in one State will not be respected and observed in others. It is based upon general principles.

Then it allows a just leeway for exceptions. There is no rule stated in either of these bills that has not some exceptions. I could give them almost from my own knowledge of railroads. Then on the question of discrimination I could point out cases where discrimination would be justified, although this prohibits it in all cases. That is probably a strong case. The rules ought to be universal; but as to the long haul and short haul I can see exceptions; as to pooling I can see exceptions, and they are exceptions that may be defined properly by experience, and we shall have that experience in the various complaints that will be made to this commission. I say it is better for the protection of the railroads themselves.

Indeed, I think the time has fully come when the railroad corporations of the country ought to be placed under the ægis of the law. Unless this is done I believe railroad property will be like plank-road property, or turnpike property, or canal property, it will disappear from among the properties to be bought and sold unless it is protected from some of the abuses that occur in nearly all the great railroad systems of the country.

I think, therefore, in every way in which I can view this bill it will be beneficial to the people East and West, North and South. I believe it will be beneficial to the owners of the railroads, the stockholders, and the men who have put their money in them. It will tend to curb and control and limit the powers of the men who now govern them with absolute sway.

In every view of it, therefore, I think the Senate bill is better than the Reagan bill, and although much popular favor has been enlisted from time to time in favor of the Reagan bill because it is a bill that deals with the question—that is all—not because they understand its provisions or favor them, but because it grapples with and deals with the railroad corporations. I say the Senate bill does more. It not only grapples with them, but it lays the broad and deep foundation for an admirable system of railroad law, which in my judgment will govern all the railroads of the country.

Mr. KENNA. Mr. President, it has been many years since any question under discussion before the Senate has given rise to so great a divergence of thought and diversity of argument as that now under consideration. It seems to me, and I am not sure I am correct in that presumption, that the question has been made to present difficulties which do not properly belong to it. We have before us for consideration two bills, one involving a commission, the other bill aimed directly at the evils alleged to exist. Both bills in their respective theories are based on the assumed power of Congress to deal with the subject. While the exercise of that power is vigorously resisted, I concur in its assertion. I desire briefly to call attention to a general line of declarations by a number of decisions of the Supreme Court of the United States touching the subject and to state my own position in favor of the fullness of the power of Congress over it.

In the early case of Gibbons *vs.* Ogden, reported in 9 Wheaton, page 195, Chief-Justice Marshall said, in delivering the opinion of the court:

> But in regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States; every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union, and furnish the means of exercising this right. If Congress has the power to regulate it, that power must be exercised whenever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.
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> This principle is if possible still more clear when applied to commerce "among the several States." They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is commerce "among" them, and how is it to be conducted? Can a trading expedition between two adjoining States commence and terminate outside of each? And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? Commerce among the States must of necessity be commerce with the States. In the regulation of trade with the Indian tribes the action of the law, especially when the Constitution was made, was chiefly within a State. The power of Congress, then, whatever it may be, must be exercised within the territorial jurisdiction of the several States.
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> The sense of the nation on this subject is unequivocally manifested by the provisions made in the laws for transporting goods by land between Baltimore and Providence, between New York and Philadelphia, and between Philadelphia and Baltimore.
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> We are now arrived at the inquiry, what is this power? It is the power to regulate—that is, to prescribe—the rule by which commerce is to be governed. This power, like others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

Mr. Justice Johnson, in an opinion delivered in the same case, page 225, supported by the decision of the court, said:

> The "power to regulate commerce," here meant to be granted was that power to regulate commerce which previously existed in the States. But what was that power? The States were, unquestionably, supreme; and each possessed that power over commerce which is acknowledged to reside in every sovereign State. The definition and limits of that power are to be sought among the features of international law; and, as it was not only admitted but insisted on by both parties, in argument, that, "unaffected by a state of war, by treaties, or by municipal regulations, all commerce among independent States was legitimate," there is no necessity to appeal to the oracles of the *jus commune* for the correctness of that doctrine.
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> The law of nations, regarding man as a social animal, pronounces all commerce legitimate, in a state of peace, until prohibited by positive law. The power of a sovereign State over commerce, therefore, amounts to nothing more than a power to limit and restrain it at pleasure. And since the power to prescribe the limits to its freedom necessarily implies the power to determine what shall remain unrestrained, it follows that the power must be exclusive; it can reside but in one potentate; and hence the grant of this power carries with it the whole subject, leaving nothing for the State to act upon.

And, Mr. President, following the line of decisions of the Supreme Court, it seems to me to be settled by that tribunal that it makes no difference what agencies operate in the conduct of commercial intercourse. The power attaches according to the classification of the subject. If that be interstate in its character, Congress has the power. If it be confined wholly within a single State, power over it remains in the State. In the case of the State freight tax (15 Wallace, page 275), this proposition is laid down, I think, with sufficient clearness. I read from the opinion of the court:

> Beyond all question the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer or from the place of production to the market was not contemplated, for without that there could be no consummated trade either with foreign nations or among the States.
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> In his work on the Constitution Judge Story asserts that the sense in which the word "commerce" is used in that instrument includes not only traffic, but intercourse and navigation. And in the Passenger cases it was said: "Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer to gain the freight." Nor does it make any difference whether this interchange of commodities is by land or by water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted.
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> However this may be, the rule has been asserted with great clearness that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress.

And in the Missouri case, reported in 1 Otto, page 280, the same proposition is discussed:

> Commerce is a term of the largest import. It comprehends intercourse for the purposes of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of one country and the citizens or subjects of other countries and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted.

Mr. BAYARD. From what case does the Senator read?

Mr. KENNA. Welton *vs.* State of Missouri.

So far as some of these instruments are concerned, and some subjects which are local in their operation, it has been held that the States may provide regulations until Congress acts with reference to them; but where the subject to which the power applies is national in its character, or of such a nature as to admit of uniformity of regulation, the power is exclusive of all State authority.

It will not be denied that that portion of commerce with foreign countries and between the States which consists in the transportation and exchange of

commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

It does not matter, according to these decisions, that the agency which conducts commerce, that the agency which transports the commodities of any State to be exchanged for those of another, shall operate wholly within a State or within many States. The case of the Daniel Ball, reported in 10 Wallace, page 565, thoroughly establishes this position. The Daniel Ball was a steamer plying on Grand River, Michigan, wholly within the State, not running in connection with any line of transportation by land, or by water, or any continuous line, nor by arrangement with any line, but acting independently wholly within the State and upon water within the State exclusively.

In this case—

Said the court—

> it is admitted that the steamer was engaged in shipping and transporting down Grand River goods destined and marked for other States than Michigan, and in receiving and transporting up the river goods brought within the State from without its limits; but inasmuch as her agency in the transportation was entirely within the limits of the State and she did not run in connection with or in continuation of any line of vessels or railway leading to other States, it is contended that she was engaged entirely in domestic commerce. But this conclusion does not follow.
>
> So far as she was employed in transporting goods destined for other States, or goods brought from without the limits of Michigan and destined to places within that State, she was engaged in commerce between the States, and however limited that commerce may have been, she was, so far as it went, subject to the legislation of Congress. She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced. The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely in one State and some acting through two or more States, does in no respect affect the character of the transaction. To the extent in which each agency acts in that transportation it is subject to the regulation of Congress.

Mr. President, it makes no difference, according to the same line of authorities, that the agency did not exist when the Constitution was adopted. The distinction between commerce and the agency which conducts it is pointedly marked through the whole line of decisions. In a case decided not very long ago, reported in 6 Otto, coming from Florida, a case, by the way, in which a Senator now on this floor was one of the counsel, Chief-Justice Waite, delivering the opinion of the court, makes the following presentation:

> Congress has power "to regulate commerce with foreign nations and among the several States" (Constitution, Article I, section 8, paragraph 3); and "to establish post-offices and post roads" (*Id.*, paragraph 7). The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land. (Article VI, par. 2.) A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict. Since the case of Gibbons *vs.* Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government. The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as those new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances. As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

We are all aware of the fact that the power conferred upon Congress by the commercial clause of the Constitution was conferred for the very purpose of preventing improper and embarrassing discriminations by the States. To admit for one moment that the power was conferred by the States upon Congress for the purpose of preventing and setting a perpetual bar against invidious action by the various States of the country upon a subject in which all were greatly concerned, and on the other hand to assert that a State may do by the charter of corporations what it confessedly can not do by direct legislative enactment, would be an abandonment of the whole prerogative of Congress conferred by the commercial clause of the Constitution. It would do more. It would construe the clause to divest the States of the power, and yet concede to the States the right to confer it on railroad corporations; thus, on the other hand, wresting it from Congress, and thereby, Mr. President, grave as the assertion may appear, surrendering absolute control of the interstate commerce of 50,000,000 of people to quasi-public and quasi-private, but in either event equally irresponsible, corporations.

This startling conclusion, I assert, is the deliberate object of those who boldly deny the power of Congress over interstate commerce. And this object would be equally accomplished if it be conceded for a moment that because an agency operates wholly within a State Congress can not reach it. What an anomaly! A railroad, for instance, runs wholly within a State; therefore, these corporations tell us, Congress can not act. But that same railroad carries freights passing from one State to another. This is interstate commerce; therefore the State can not act. Mr. President, that will not do. The power to regulate interstate commerce is as plenary in Congress as the control over purely local or State commerce is supreme in the State. I have preferred in presenting my views on this interesting question to employ the language of the courts, because it is apt and adds to argument the weight of authority.

Congress having the power, then, what is the demand for legislation on the subject? It has been said here that the demand is popular; that it is practically universal; that it comes from every quarter. I have satisfied myself by some observation on the subject that these demands have come from very important sources. A number of the Legislatures of the States have demanded this legislation, among them New York and Pennsylvania. The National Board of Trade has demanded it. Boards of trade and chambers of commerce throughout the country have urged it. The Grain-Receivers' Association—here let me remind the Senator from Ohio [Mr. SHERMAN], who illustrated his opposition to this bill by reference to its supposed injurious effect upon grain shipments from Chicago—the fact is that the Grain-Receivers' Association of Chicago has demanded legislation in this very line. The Millers' Association of Cincinnati, the Produce Exchange of New York, the national and local boards of trade throughout the country, and merchants and citizens everywhere have appealed to Congress for national intervention.

Why is it that legislation is demanded? Why is it that a country like this, which owes so much in the last half century of its development, of its greatness, of its prosperity, to railroad enterprise alone, should thus early in the history of that development and enterprise be demanding that the strong hand of power be placed on those agencies to restrain them? The demand is not unreasonable. It can not be. It comes from intelligent sources. It emanates from patriotic citizens, who would no sooner do injustice to railroad enterprise than that of the individual.

Take my own State as an illustration—with its coal and salt and its iron and oil, with its magnificent timbers of every variety covering the whole face of the earth, natural resources which have become familiar everywhere—dependent as we necessarily must be for an indefinite period upon railroad enterprise not only already undertaken by the great trunk lines that traverse our State, but which is to come in the future, wrapped up as we are and as we must be in present and prospective railroad development, why is it that West Virginia should be in sympathy with this proposed legislation? Mr. President, there is a reason for it somewhere. It is not the development of a native instinct of hostility to railroads or to capital or to corporate interests.

I do not refer to unreasonable clamor. I do not refer to that spirit of demagogism which would take the rostrum to array honorable and honest sentiment unjustly against capital or against men in all the forms of their activities and their successes. Not at all. I take no share in that. Legitimate enterprise must be respected and protected. Success in life is a goal at which we all are striving. They who reach it legitimately, under the providences of God, I bid enjoy it legitimately, and I will never raise the hand or the voice to injure or detract them.

It is not that; it is not passion; it is not impulse; it is a growing, deep-seated, well-founded, determined sentiment of a free people, who, for cause, insist that there should be somewhere found the power to restrain unrestrained and unlicensed corporate power. Why, sir, if there were no such demand, if there were no immediate cause for such demand, as we are in the habit of saying in the courts, on the very face of the papers, legislation in a conservative and reasonable spirit ought to be had upon this subject.

What are these corporations? We all know the reasons, the human instinct common perhaps to us all, that led men in England to find in the doctrine of uses a device whereby to escape laws enacted for their restraint. We know the craving of the human mind after perpetual enjoyment. We know what the doctrines of primogeniture and estates tail meant. We know they were abolished for reasons familiar to the whole country, in accordance with the spirit of our institutions, in every State in this Union. But we have lived to see the day in which another form of perpetuity has come to life—corporations which never die, corporations which live forever, and which do not fail—I do not discuss or reflect upon motive—to find advocates upon this floor, as upon the floor of every legislative body in this great country, ready to advocate any theory they put forward for the maintenance of their prerogatives, even in defiance of the interests of the public and of the powers of the state!

They never die. It is true that sometimes they "shuffle off this mortal coil," a receivership is established, a temporary proceeding resorted to, but it is only the process by which they put on immortality. One hundred and twenty-five thousand miles, some Senator stated today to be the length of the railroad tracks in this country. One hundred and twenty-five thousand miles was the statement of the mileage of railroads in this country some months ago. I saw last night the most recently tabulated statement, by companies and ownership, which I have met with anywhere, and it places the railroad mileage of the United States at something over 143,000 miles! It would reach nearly six times around this earth; and the capital invested in it, according to the statement of railroad authorities before your committees investigating these subjects recently, amounts to $6,250,000,000—money enough if in unsevered national-currency notes to enable some mystic giant power

to take this world of ours in one hand and to wrap it and bind it thirty times around in greenbacks with the other.

Last year, according to the statement of Mr. Fink, who is said to be better informed on the subject than any other living man, these railroads collected in tariffs from the people of the United States $700,000,000. I need not deal in exact figures. Turn to the gross receipts of your Treasury from all sources—direct taxes, internal revenue, imports, sales of public lands—take them all, and at least 30 per cent. more was collected from the American people by railroad corporations in one year, the last year, than the total amount from every quarter collected by the United States Government. And this has happened under a system which has grown up without an enactment of Congress to regulate or control it. How startling is the fact. You have had your tariff wars, your factional fights, and your battles of trade; your national conventions to pass upon questions of taxation; but over and above them all has stood the law to control every power. Freemen are always jealous of the power of taxation. The strongest sentiments of American citizenship surround and guard the power, which is confided to human hands, to take from the citizen a portion of his earnings for public purposes. No bill can be enacted by the other House, or by this, touching the tariff that does not attract the earnest attention of the people of this country; no discussion can be had touching the internal-revenue system or elements of taxation in any form without affecting and to some extent agitating a large number of people in every section of this great country.

And yet a transportation system has grown to proportions which dwarf every acknowledged measure of human enterprise; which involves over $6,000,000,000 of invested capital; which carries over twelve billions of annual commercial values, and which drew from the people last year $700,000,000 in freights and tariffs, and this without the let or the hindrance of a law to control this stupendous power or to give it direction for the public good.

The Senator from Ohio [Mr. SHERMAN] stated this morning that this was only the beginning of legislation on this subject. I would thank God, sir, to see it begin. The Senator says in the same connection that without legislation, without the exercise of the power and the performance of the duty imposed upon Congress by the Constitution of this country, the railroad corporations are supreme. Then, Mr. President, they are supreme, for no such legislation exists. Can the people intrust such power to mortal hands? It can not safely be.

> Ye'll find mankind are mieo weak
> An' little to be trusted;
> If self the wavering balance shake,
> It's rarely right adjusted.

Let us check that supremacy. Let us bring this great power into subjection to law. Outside of an act passed a few years ago to require them to water and rest their cattle on the routes between the great West and the East, I believe Congress has never laid its finger on the transportation agencies of this great continent. It has been attempted over and over again, and it has as often failed. I had some familiarity with the history of attempted legislation on the subject as far back as the Forty-third Congress. An act passed the House of Representatives March 26, 1874, which established a commission. I have not been able to find any record of it in the Senate. I have not been able to find what I understand to have been a pending amendment when the bill was last heard from, but on inquiry I have found that the bill actually reached the Senate of the United States. If it ever got further than the portal I have no information on the subject. That was a commission bill. In the Forty-fourth Congress another bill was introduced—half a dozen of them. The bills pending in that Congress gave rise to what is recognized to-day as the Reagan bill. What is now known as the Reagan bill is not, however, the original bill, nor is it any one of the original bills. Again, in the Forty-fifth Congress a number of bills were introduced. Some of those bills provided for commissions; some presented the idea contained in the Reagan bill with other provisions added; some contained ideas that are not in either bill. What is now known as the Reagan bill was reported to Congress, passed the House, and came to this body as a substitute for the original bill which was prepared by some lawyer, I believe, in Buffalo, N. Y. That was the origin of the Reagan bill. It passed the House of Representatives of the Forty-fifth Congress, came to the Senate, was referred to the Committee on Commerce, and there it died.

In the present Congress, as we are all aware, the bill has again passed the House. This is the third time the House has responded to the popular demand for action on this important subject. The last bill is before us. It is substantially the Reagan bill except that those provisions which undertake to regulate the transportation of passengers and to fix specific rates of charges therefor are interpolations. They are no part or parcel either of the Reagan bill as it originally existed or of its scope or theory. It might not be proper under the rules of the Senate to state where they found their origin, but they were no part of the original Reagan bill and did not emanate from its author.

Now, Mr. President, I favor legislation on this great subject. I do not accept that plan of legislation which is embraced in the Senate bill. I have not quite been able to get into my head what our friends mean by such proposed legislation. The first idea I ever acquired of law I derived from Blackstone. I have studied a good many law-books in the course of time, but I must express my surprise in the face of all I have been able to gather from the books when it is boldly asserted in the Senate of the United States that no enactment arising to the dignity of positive law can be made to reach this subject; that the subject is so great, so complex, so beyond the ordinary ken and ingenuity of common manhood, and the Senate so correspondingly ignorant, that there must be an invention, there must be a new device that will enable us to reach the object, and we are to have for the regulation of interstate commerce what Senatorial fertility of resource has denominated a "flexible law." Shades of departed lawgivers! explain to us by some process of inspiration what we are to understand by a "flexible law."

"Now you see it, and now you don't see it." I presume under the proposed flexible commission we are to go to these commissioners on Monday morning bright and early and ask them what the law is to-day. On Wednesday morning we go again and ask them what the law is that day, and on Saturday we repeat the experiment. Mr. President, I mean no disrespect and no discourtesy to any Senator on this floor, but I have been unable to work myself up to any other conception than that a flexible law is a flexible absurdity.

Possibly the difficulty is met on the suggestion of the Senator from Arkansas [Mr. GARLAND], by striking out of the Senate bill all there was in it that was law of any kind and leaving it to establish a mere roving commission something after the fashion of our own committees, which we sent out a summer or two ago, the product of whose labors we have been discussing here for a month or more and with a likelihood of reaching similar practical results. If the Reagan bill be not a proper bill let it be defeated; but in so far as the Senate undertakes to deal with this great subject let it make law, let it make rule, let it enact something that will govern somebody somewhere, that somebody on earth can understand and know that he is bound by and must obey. Give us no "flexible" commission with "flexible" powers to mock the just demands of the public. Those demands are reasonable. They should find here a reasonable response.

Now a word or two about the provisions of the Reagan bill, and I shall not detain the Senate longer. The first section of the Reagan bill makes provision—

> That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad or by pipe-line or lines from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly, to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same.

Equality of pay for equality of service—nothing more, nothing less. I desire to call the attention of Senators to one important consideration in connection with this very provision. I know more about the history of the origin of the Reagan bill than the proprieties of this body under the rules which prohibit reference to occurrences in the other House perhaps will permit me to say. I am sufficiently familiar with the Reagan bill and its origin to know that it never was intended to regulate passenger rates, it never was designed to regulate freights, it was never a part of its purpose to control the charges and rates of transportation anywhere in this country for interstate commerce or commerce of any kind whatever.

It was intended—and mark the declaration—to take from the railroad corporations of this great country the power which has been appropriated by them to regulate interstate commerce for the people. That was the design, that was the purpose of the Reagan bill, and I defy any gentleman anywhere to give it with propriety any wider scope or range. It has been misrepresented. It has been advertised as a dangerous meddling with the details of railroad affairs. It does nothing of the kind. It was never intended to do it. It is, I repeat, a resumption by Congress of a power to regulate interstate commerce which the Constitution confers upon Congress, and which the railroads have usurped and absorbed.

Why, sir, I am told that the rule of equality of pay for equality of service, provided by this section, may prevent a railroad company from opening markets to the products of this country that otherwise they can not reach. Some man will want to carry his lumber from Michigan to New York, they tell us. The railroad company fixes a tariff—makes it, in the language of Mr. Fink—all it will bear to carry that lumber to New York for consumption within our own boundaries. Some other gentleman associates with some Englishman or some Frenchman or some German or somebody somewhere for the shipment of lumber abroad to come in competition with foreign productions. It is all well enough for Mr. Fink in his testimony to state that if you require equality of service for equality of pay from the railroads you deprive the railroad company of the opportunity to make reductions in behalf of the foreign shipper in order to enable him to carry American commerce to the remotest corners of the earth; but I beg politely to inform that intelligent gentleman that that is no part of the functions of a railroad corporation organized by the invocation of the sovereign power of eminent domain, a power which belongs to the whole people, to be exercised only for the public good, and in whose benefits, in whatever form, those people are entitled equally and on equal terms to share. The very illustration given is the regulation of commerce with foreign nations. The

railroad company gives one shipper, with his foreign associates, terms which it denies to another. It thereby says to one that he may, and to the other that he may not, engage in foreign commerce. This is a power which the Constitution was designed to deny to the States and to confer exclusively on Congress, and which Congress can not, with decent regard to its commonest obligations to the public, abrogate in favor of the roads.

Sitting here to-day and for weeks I have failed as yet to hear submitted to the Senate by any Senator who has assaulted that clause of this bill an illustration of the hardship it will do to the railroad interests of the country which was not at the same time an illustration of the regulation by the railroads of commerce between this and foreign countries or between the States of this Union.

Take the case the Senator from Ohio [Mr. SHERMAN] uses as an illustration. The people of the great West, citizens of Chicago, or grain-dealers there, want to ship their grain to New York. The railroads fix a rate. Under this first clause the same rate must be charged to all persons for similar service.

In a common carrier, conducting a business affecting the public, with every element of power embraced in his charter, his very existence drawn equally from the people, the head and front and source of all power, this would strike the average conscience as a fair and reasonable requirement. But without this section, in the absence of this requirement, the road may give a living rate to one shipper and deny it to another, thus opening to one and closing to the other the great markets of the East. Why, Mr. President, the Legislature of New York can not do it. The Legislature of Illinois can not do it. All the Legislatures in the country can not do it, and its arbitrary achievement by the railroad companies is simply and boldly an arbitrary usurpation of the powers of Congress over commerce among the several States.

The second proposition of this bill is simply:

> SEC. 2. That it shall be an unlawful act for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

That means exactly what the first section means, nothing more and nothing less. You shall not collect in the first instance unequally, you shall collect equally for equality of service, and having collected it, and by collecting it complied with the terms of the first section of this act, you shall not evade the law by handing half of it back. There is no possibility of a difference in the principle of the two provisions. The third clause is:

> SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads.

That only means that this law provides against its own evasion:

> And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

I may not understand what pooling freights means. I have read a great deal about it; I have read what everybody who has testified before any of the committees has said about it. The Senator from Kentucky [Mr. BECK] reminds me that the State of New York does not allow pooling, even between ten canal-boatmen. It seems to me to be a plain proposition that a pooling of freights as between competing railroad lines—and that process never happens as between any others—is nothing more, was intended to be nothing more, and can in the nature of the transaction be nothing more than a combination to destroy competition as between carriers which may bring down the price of their services to the public to the ordinary level of supply and demand.

Mr. President, bearing in mind what this law means, divesting it of the mystery which has been made to surround it, and believing that it is right and proper that the people whose great commerce is transported, over 80 per cent. of it, now by rail should have the benefit in the handling of that great mass of material, of such competition as railroads have created, as railroad men have created by their voluntary investment in railroad enterprises, I have favored and defended this proposition in the interest of American commerce.

The fourth section is as follows:

> SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line; and the road of a corporation shall include all the road or pipe-line in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

Here, Mr. President, is the bone of contention. It has made more controversy, has excited more hostility among railroad men, and, in my humble judgment, developed to higher degree the genius of invention in the attempt to cripple and destroy it, than any forty bills which have been presented to Congress in as many years.

In discussing this section of the bill I desire to present two propositions. One is the propriety of the section as it stands. The other is the impropriety of denouncing it upon a forced or false construction. Its enemies, instead of enabling its friends to perfect it and reach its object if it does not already do it, have entertained the Senate for two weeks and more by pointing out its anomalies and in my mind the exceptional illustrations of its effects. Here is the open declaration that under all circumstances the railroads are to be the judges of the propriety of charging a man as much for hauling a car-load four miles as they charge for four thousand. It is true they have already that power and it is true that this bill does not attempt to deprive them of it.

Under this bill they are not denied the power to charge as much for a short as for a longer distance, but the service being similar they can not charge more. Thus, as the first section requires equality of treatment as between individuals, this section at least limits the power of discrimination as between sections. Now, Mr. President, I make of this section an observation equally applicable to every clause of this bill—it is born of the injustice and wrong visited upon helpless people whose position has made them dependent upon single lines of road. It is no secret in this body, nor in this country, nor indeed has it been denied before your committees that in numberless instances discriminations so harsh and so merciless have been visited upon local traffic that through freights, where competition has effected reductions, have been carried for less than cost.

Mr. President, what does this mean? I repeat, sir, what does this mean? It means that in the handling of interstate commerce and imposing tariffs for its carriage in numberless instances one section by its helpless condition has been made to bear the burden of its own transportation and likewise that of the more favored locality. And to return to the illustration offered by the Senator from Ohio [Mr. SHERMAN]: If freight be carried from Chicago to New York at a given price, and from a point on the same line half the distance from New York a larger compensation be charged, what is this but a tax on the intermediate shipment in the interest of the Chicago shipper? But the Chicago shipper does not get the benefit of it in the end, because his wheat has already reached him from various intermediate stations in all the sections of country which feed his granaries and it has already borne the exactions. Grain in its very nature comes from the country stations.

It can not escape somewhere the heavy hand of the local rate, and thus, while before it reaches the consumer it has been taxed all it will bear, it has itself in the process of transportation been successively the victim and the beneficiary of local and of through rates. But the most serious aspect of the whole question, to my mind, is the utter, helpless, hopeless dependence of this commodity of interstate exchange upon the railroads for the exercise of a function for which it has a right under the Constitution to look to Congress. Who will deny, who can deny that in the absence of this section of the bill railroad tariffs may be so adjusted as to drive from a market a producer a hundred miles away, and surrender it in monopoly to another who is a thousand?

Who will deny that by the discriminations which this section at least in a measure prohibits the products of one locality or of one State may be landed in the market on the seashore at one tariff, and those of another three or ten times the distance away be brought there for a third the amount. And show me the genius who can devise a more effective method of controlling, regulating, making, or unmaking the interstate commerce of this country. This, with the other sections of this bill, is intended to divest the railroads of their power over the interstate commerce of the country, and relegate them to the legitimate performance of their functions as carriers for reasonable compensation according to supply and demand. It is intended to deny to the railroads the right to say to one citizen or one section, "I will build you up;" to another, "I will tear you down;" to one operator, "You may mine coal and live;" and to another, "You may mine and starve;" to one lumberman, "You may saw your logs and ship the product and sell it and thrive;" and to another, "You may saw yours, and it shall lie and rot in your yards." It is intended, in a word, and it undertakes no more, to divest the corporations of the power to take bodily possession of the business of the country and adapt that business to their own pursuits. My colleague [Mr. CAMDEN] in presenting his views of this feature of the bill to the Senate has employed the following vigorous and practical language:

> There can be no more reason for a railroad charging more for half the labor than for twice the amount of labor than there would be for any other interest governed by the rules affected by machinery and labor, or than there would be for charging more for making one plow than for making two plows, or for a cart to charge more for carrying a load half a mile than it would for a mile over the same road; or for a hod-carrier to charge more to carry brick to the first story of a house than he would to carry the same brick to the second story over the same ladder by which he reached the first story. The cost of transportation to a railroad is measured by the wear and tear of the road and equipment and the expenses per mile for fuel and labor in moving the train; and there is no theory that I have ever seen advanced that satisfies my mind that these physical conditions are varied to any great extent per mile in proportion to the distance.
>
> I am, therefore, fully persuaded that this is a wise provision.

The next section of the bill, Mr. President, is that which requires a schedule of rates to be posted open to general inspection and accessible to the public. The schedule is not allowed to be changed except upon five days' notice, with a pending proposition to allow it to be reduced at any time without notice. This suggestion is made to meet the ob-

jection that water lines might make sudden reductions, and the railroad, obliged to give five days' notice of a change, might be in the mean time seriously affected by its more fortunate rival for the trade. No harm can come from the reduction without the five days' notice otherwise provided for, but in the interest of fairness the fact of the reduction should be duly posted. If the general theory of the bill be defensible, this schedule is eminently so. It is simply the sentinel standing constant guard over the provisions and requirements of the bill to point the finger of exposure to their violation.

On the subject of the carriage of passengers I do not know whether the motion has been voted on to strike out the provision or not. I intended to vote to strike it out, and I shall certainly do so now if I have the opportunity. It is no part of the original scheme and purpose of the bill to regulate the price of carrying a man, woman, or child, or one ounce or pound of freight. The only limitation in it is the limitation of the price of the shorter to the price of a longer distance, and that is not to regulate the amount, not to regulate the value, not to affect the price, but to affect the relationship as between similar services rendered for shorter distances as against longer ones. The provisions of the bill which I have not discussed relate to penalties and the various features looking to remedies.

Mr. MAXEY. Will the Senator allow me?

Mr. KENNA. Certainly.

Mr. MAXEY. I wish to place on record somewhere the fact that the friends of the Reagan bill, without exception, voted against the clause fixing the rate of fare for the transportation of persons, and the provision was left as it is in the bill by the votes of the opponents of the bill.

The PRESIDENT *pro tempore*. The Senator from Texas, the Chair thinks, can not allude to the votes of any other body.

Mr. MAXEY. I am not alluding to anything except what took place in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senator is quite in order then.

Mr. MAXEY. I thought I was. The Senator from Kentucky gave notice that he would call for a vote on that proposition when we got back into the Senate, so that we shall still have an opportunity of proving our faith by our works, and all who have said recently they will vote to strike that out can put their votes on record when we come back to the Senate.

Mr. BECK. I am not a very good parliamentarian, but I am afraid if the substitute offered by the Railroad Committee of the Senate is voted on in place of the House bill, I shall never be able to get that amendment into the Senate. I do not know how that is, but I am afraid that will be the way it will work. Therefore I am going to endeavor to move to strike out that part of it about the 3 cents a mile before the substitute comes to a vote.

Mr. ALLISON. I wish to call the attention of the Senator from Kentucky to the fact that he embodied in his amendment many more things than that clause relating to the charge per mile.

Mr. BECK. I did in the first instance, and therefore I give notice now that I will again endeavor to test that three-cents-a-mile provision for fear I may not get a chance in the Senate.

Mr. ALLISON. There will be no trouble about testing it.

Mr. KENNA. I have no doubt, apart from the fact that that provision of the Reagan bill is a departure from the original design of the bill itself, any gentleman will see the great injustice of the operation of it.

Mr. BECK. Allow me one word. If the amendment that I offered had carried—and it was lost by one vote only—it would have left the Reagan bill just as it was presented by the Senator from West Virginia when he was in the House, or when he was supporting Judge REAGAN in the presentation of it. They are both very familiar with the whole subject.

Mr. KENNA. And this diversion brings me to make an observation that I think is due to the spirit of the occasion. It was never designed by Judge REAGAN, as I have said, that this bill should regulate rates, that it should take hold of the business of railroads and manage it. It was intended to be moderate, conservative, and reasonable. I know that great and good old man. I have known him for years. I know his great capacity, and I know his great honesty and his great sense of fairness and of justice.

I know that there is not a human being on this continent who would be more loath than he to do violence or injustice even to a great corporation. This bill was never designed, I repeat, to fix the rates of the railroads in the management of their business, but as a restoration to Congress of its own appropriate power conferred upon it by the Constitution of the country to regulate the interstate commerce of 50,000,000 of freemen—that and no more. If any Senator will point out a manner by which the object can be better accomplished by other words than those which are employed, I for one will cheerfully support it. I deny that it has been suggested.

What the Senator from Texas says about voting on the amendment of the Senator from Kentucky to strike out the 3-cent clause brings forcibly to mind the attitude of the Senator from Ohio [Mr. SHERMAN] upon this subject. A half hour was spent by him discussing the "anomalous" provision of that part of the bill which gives jurisdiction to the State courts covered by the two simple words "or State." With the power on this floor which we have seen exhibited—sufficient at any moment to do with the bill as it pleases—it was easy at any time to strike out these two simple words and free the subject from all the embarrassment that an hour was taken to exhibit. Not a motion was made, not an effort to perfect or improve the measure, but a disposition all along the line, both actively and passively, to let it die the death.

Sir, it may die; I have no doubt it will die; I regard it as practically dead now, but I have made these observations upon it in order that I may be regarded as in at the funeral, and if I mistake not the temper of the American people on this great subject I shall be likewise in at its resurrection.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. BECK. The yeas and nays were called for, I think. If not, I call for them now.

The yeas and nays were ordered.

Mr. HARRISON. I ask that the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 5, line 26, after the word "substituted," it is proposed to insert:

Provided, That there may be a reduction of rates prior to the posting of such new schedule, but in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made, and said schedule shall also specify the date at which the reduction commenced.

Mr. BECK. The only purpose of this amendment is to obviate what the railroads complain of as a very serious difficulty in the House bill, if it stands unamended—that is, that unless the amendment prevails they can not make a change of rates in less than five days. They say that they may be in competition with railroads which are not embraced in the provisions of this bill, that they may be in competition with water ways not embraced in any bill, and that their competitors may reduce their rates and thereby take their business, while by an iron rule they would be unable to meet them for five days.

I have offered this amendment so as to allow them, if that condition of things occurs, to reduce their rates without notice, so that they shall not be embarrassed by the action of any competitor—to reduce them to everybody equally of course, to reduce them in accordance with the other provisions of the bill.

It is well known that every shipper of goods has to ascertain, before he knows what he can pay the producer, what it will cost him to transport those goods to the place where he expects to find a market; and there ought to be some stability in that regard so that he will not, if he has purchased his goods and is ready to start them, find the schedule double or treble or quadruple what the rates were when he made the purchase, which would change his venture from a profit to a loss.

But if the railroad finds itself with a competitor cutting under it, it is allowed to reduce its rates, neither hurting the shipper nor the producer, but in fact it is a benefit to both; and if it is a benefit to the railroads I desire to give the railroads that benefit. That is all there is in the amendment.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. Not knowing how he would vote on this amendment, I withhold my vote.

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were present, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. KENNA. I was paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] being absent, I transfer the pair to him and vote "yea."

Mr. GARLAND. Then I am at liberty to vote, and I vote "yea."

Mr. CAMERON, of Wisconsin (after having voted in the negative). The Senator from Mississippi [Mr. GEORGE] is absent from the city. I am paired with him for to-day. I was not aware when I voted that he was absent. I withdraw my vote.

Mr. PLUMB. I am paired with the Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 46, nays 7; as follows:

YEAS—46.

Allison,	Fair,	Jones of Nevada,	Platt,
Bayard,	Frye,	Kenna,	Pugh,
Beck,	Garland,	McMillan,	Sawyer,
Butler,	Groome,	McPherson,	Sherman,
Call,	Hampton,	Mahone,	Slater,
Cockrell,	Harris,	Manderson,	Vance,
Coke,	Harrison,	Maxey,	Van Wyck,
Colquitt,	Hoar,	Miller of Cal.,	Vest,
Conger,	Ingalls,	Miller of N. Y.,	Voorhees,
Cullom,	Jackson,	Morrill,	Williams.
Dolph,	Jonas,	Pendleton,	
Edmunds,	Jones of Florida,	Pike,	

NAYS—7.

Chace,	Lapham,	Morgan,	Wilson.
Hawley,	Mitchell,	Sewell.	

ABSENT—23.

Aldrich,	Cameron of Wis.,	Hale,	Ransom,
Blair,	Dawes,	Hill,	Riddleberger,
Bowen,	Farley,	Lamar,	Sabin,
Brown,	George,	Logan,	Saulsbury,
Camden,	Gibson,	Palmer,	Walker.
Cameron of Pa.,	Gorman,	Plumb,	

So the amendment was agreed to.

Mr. BECK. I believe it is in order to go back to section 1. If so, I desire to move an amendment, after the word "discrimination," in line 27, to strike out down to and including the word "person," in line 31, being these words:

Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

I desire to avoid that question if I can by moving to strike out those words.

The PRESIDING OFFICER (Mr. MORRILL in the chair). The question is on the amendment proposed by the Senator from Kentucky, which will be read by the Secretary.

The CHIEF CLERK. In line 27 of section 1, after the word "discrimination," it is proposed to strike out all down to and including the word "person," in line 31, as follows:

Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. BECK. I simply desire to strike that clause out. It was no part of the original proposition of the friends of the bill; and there may be places such as the Saint Louis bridge where that limit would be regarded as wrong. And as the Senator from Alabama [Mr. PUGH] and others seem to have some constitutional scruples in regard to our power over that question, I do not care to have the House bill encumbered by anything that any one has any doubt about.

The amendment was agreed to.

Mr. INGALLS. Mr. President, in section 1 of the bill, in lines 24, 25, 26, and 27, I move to strike out all after the word "color," in line 24, down to and including the word "discrimination," in line 27, and on the motion to strike out I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are called for on the amendment of the Senator from Kansas, which will be read.

The CHIEF CLERK. The words to be stricken out are, in section 1, after the word "color," in line 24, to the word "discrimination," in line 27, as follows: "and that furnishing separate accommodations, with equal facilities and equal comforts, at the same charges, shall not be considered a discrimination."

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired on this question with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay" on this amendment.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK (after having voted in the affirmative). I intended to vote "nay," but I am recorded "yea" by mistake. I am paired with the Senator from Maine [Mr. HALE] and his colleague [Mr. FRYE] advised me that upon this question Mr. HALE would vote "yea;" and as I would vote "nay" I withdraw my vote, being paired.

Mr. SAWYER. I am paired with the Senator from Oregon [Mr. SLATER]. I do not know how he would vote, and therefore I withhold my vote. I should vote "yea" if he were here.

The result was announced—yeas 34, nays 17; as follows:

YEAS—34.

Aldrich,	Dolph,	Jones of Nevada,	Platt,
Allison,	Edmunds,	Lapham,	Sabin,
Blair,	Fair,	McMillan,	Sewell,
Bowen,	Frye,	Mahone,	Sherman,
Butler,	Harrison,	Manderson,	Van Wyck,
Chace,	Hawley,	Miller of N. Y.,	Voorhees,
Conger,	Hoar,	Mitchell,	Wilson.
Cullom,	Ingalls,	Morrill,	
Dawes,	Jackson,	Pike,	

NAYS—17.

Bayard,	Hampton,	McPherson,	Vance,
Call,	Harris,	Maxey,	Vest.
Cockrell,	Jonas,	Morgan,	
Coke,	Jones of Florida,	Pendleton,	
Groome,	Kenna,	Pugh,	

ABSENT—23.

Beck,	Garland,	Logan,	Sawyer,
Brown,	George,	Miller of Cal.,	Slater,
Camden,	Gibson,	Palmer,	Walker,
Cameron of Pa.,	Gorman,	Plumb,	Williams.
Cameron of Wis.,	Hale,	Ransom,	
Colquitt,	Hill,	Riddleberger,	
Farley,	Lamar,	Saulsbury,	

So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the substitution of the amendment proposed by the Senator from Illinois [Mr. CULLOM] for the House bill.

Mr. WILSON. I desire to offer an amendment to be added to the amendment of the Senator from Kentucky which was adopted to the House bill. It is to come in at the end of the amendment adopted on his motion. His amendment applies to line 26 of section 5, on page 5. I move to add:

And such reduction of rates shall be granted to all persons without discrimination prior to as well as after the posting of said schedule.

I wish to say in explanation of the proposed amendment that under the operation of the amendment adopted on the motion of the Senator from Kentucky discriminations between shippers would be directly authorized, and in this way: Suppose that A should purchase a stock of goods in New York to be shipped to Lexington, Mo. The rate is a dollar a hundred. To-morrow B purchases a like stock of goods to ship to the same point. Under the operation of the amendment of the Senator from Kentucky a rate of 50 cents per hundred may be given to B; and that discrimination in favor of B against A would be authorized by that amendment unless the one I propose shall be added to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON] to the bill.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois [Mr. CULLOM] as a substitute for the House bill.

Mr. CULLOM. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). On this question I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, and I were at liberty to vote, I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired on this question with the Senator from Oregon [Mr. SLATER].

The roll-call was concluded.

Mr. BECK (after having voted in the negative). I am paired, as I am reminded, with the Senator from Maine [Mr. HALE], and I withdraw my vote.

Mr. RIDDLEBERGER. I have been paired on the two bills with the Senator from Arkansas [Mr. WALKER], as has been before announced. I agreed within the last hour to have that pair transferred to the Senator from Colorado [Mr. BOWEN]. Therefore I vote "yea."

Mr. CALL (after having voted in the negative). I had agreed to pair with the Senator from Georgia [Mr. BROWN]. I ask leave, therefore, to withdraw my vote. If he were here, I should vote "yea" and he would vote "nay."

The PRESIDENT *pro tempore*. If there be no objection, the vote of the Senator from Florida will be withdrawn.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. GARLAND].

The result was announced—yeas 34, nays 18; as follows:

YEAS—34.

Aldrich,	Hampton,	McMillan,	Platt,
Allison,	Harrison,	McPherson,	Pugh,
Blair,	Hawley,	Mahone,	Riddleberger,
Chace,	Hoar,	Miller of Cal.,	Sabin,
Colquitt,	Ingalls,	Miller of N. Y.,	Sewell,
Cullom,	Jackson,	Mitchell,	Sherman,
Dawes,	Jonas,	Morgan,	Wilson.
Dolph,	Jones of Nevada,	Morrill,	
Frye,	Lapham,	Pike.	

NAYS—18.

Bayard,	Fair,	Lamar,	Van Wyck,
Butler,	Groome,	Manderson,	Vest,
Cockrell,	Harris,	Maxey,	Voorhees.
Coke,	Jones of Florida,	Pendleton,	
Edmunds,	Kenna,	Vance.	

ABSENT—24.

Beck,	Cameron of Wis.,	Gorman,	Ransom,
Bowen,	Conger,	Hale,	Saulsbury,
Brown,	Farley,	Hill,	Sawyer,
Call,	Garland,	Logan,	Slater,
Camden,	George,	Palmer,	Walker,
Cameron of Pa.,	Gibson,	Plumb.	Williams.

While the result of the vote was being announced, Mr. CONGER addressed the Chair.

The result having been announced,

Mr. CONGER. I wish to know if my name is recorded.

The PRESIDENT *pro tempore*. The name of the Senator from Michigan is not recorded.

Mr. CONGER. I vote "yea."

The PRESIDENT *pro tempore*. The Senator rose before the Chair announced the result. The Chair will have his vote recorded though the Chair has made the announcement. The yeas are 35 and the nays 18. The amendment is agreed to.

Mr. BOWEN. I was requested by my colleague [Mr. HILL] to announce his pair with the Senator from Delaware [Mr. SAULSBURY], but I was not in at the time the vote was taken.

Mr. SEWELL. I desire to offer an amendment, adding a new section.

The PRESIDENT *pro tempore*. The Senator from New Jersey proposes an amendment. Does it apply to the original House bill or to the substitute adopted?

Mr. SEWELL. To the substitute.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add, as a new section:

SEC. 15. That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

Mr. SEWELL. I suppose it is hardly necessary to make an explanation of the amendment. It is intended to cover transportation routes going through Canada for merchandise between points in the United States. It may be that the matter is covered before, but it will not hurt to have this provision put in. We certainly ought to place Canadian lines on the same footing with our own.

Mr. HOAR. I should like to ask the Senator if the language would not include transportation down the Saint Lawrence River.

Mr. SEWELL. It alludes to transportation that originates on the lakes, and is delivered to Portland, in Maine.

Mr. HOAR. And does not relate to exclusively water transportation?

Mr. SEWELL. No.

Mr. HOAR. Then let it be read again.

Mr. SEWELL. The bill as it now stands regulates water transportation when in connection with railway transportation.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment of Mr. SEWELL.

Mr. INGALLS. I ask the Senator from New Jersey how that would affect a road like the Grand Trunk, which has both its termini in the territory of the United States, Chicago being its western terminus, and Portland, Me., its eastern?

Mr. SEWELL. I will say to the Senator from Kansas that I drew the amendment with special reference to such roads, so that they shall come under the provisions of our laws, and have our laws applied to them.

Mr. INGALLS. There ought to be some limitation as to the tide-water points. If the terminus of a road is at tide water in the United States, that is one thing; if it is in Canada or Nova Scotia it is another.

Mr. SEWELL. Why should we not apply the same rule to that conveyed from their tide water that we do to our own?

Mr. INGALLS. How we can make a law of Congress operative in Canada, is really past my comprehension.

Mr. SEWELL. If the point of shipment is in our territory why should we not apply our law to it? The Grand Trunk does business in this country by permission of an act of Congress. It could not do it possibly except for the special permission in relation to the transfer of goods through the territory of Canada.

Mr. INGALLS. Very true; but this bill not only affects transportation between terminal points, but it affects transportation between local points. How you propose to apply the provisions of this bill to a road like the Grand Trunk and compel it to contract under its provisions from Chicago to a point in Canada, or from Portland going west to a point in Canada, I can not comprehend.

Mr. SEWELL. There is no intention to apply it to any local point. It will apply to freight carried from points in the United States to their tide water. It does not apply to local points at all.

Mr. CONGER. If this provision relates to water transportation on the lakes of freight that goes by rail to Chicago or Milwaukee or Detroit, whether the terminus of the water transportation is Buffalo or Erie or Cleveland or through the Welland Canal to Oswego or Ogdensburg or to the mouth of the Saint Lawrence, we might as well give up all protection to lake transportation by water. No such provisions as would apply to railroads can by any possibility be applied to water transportation on our great lakes without destroying the whole water transportation.

Mr. SEWELL. The Senator will permit me to ask if he does not understand that the bill applies to water transportation?

Mr. CONGER. I understand it; but there are pending amendments which I offered to strike out, in sections 12 and 13, whatever refers to water transportation. No one should vote hastily on this. He should consider how the passage of this bill, as applied to water routes on the great lakes, will destroy all water transportation and water communication and vessel property. No boat going upon the great lakes, on the common highway of the world, can be subject to the provisions of this bill as to freights being a carrier in common with railroads of freights from the Northwestern States to Duluth, and from there down the lakes or to Chicago or any other place. It is impossible to apply these rules and hold the carriers by water subject to these provisions without destroying the entire water transportation of the lakes and making those great expanses of the North a perfect wilderness so far as fleets are concerned.

I think it would be well for those who represent the carrying interest of products all around the lakes to pause before they vote for a proposition of this kind. There is pending, I believe, a motion to amend in two of the places, and the only two where water routes are mentioned in the bill, sections 12 and 13, if I have the numbers right, by striking out the reference to lake and water transportation.

Mr. SEWELL. My amendment can be adopted and then the Senator from Michigan can test the sense of the Senate on his amendment.

Mr. CONGER. So far as I am concerned, coming from the region of the great lakes, and representing as far as I may the vast interests connected with water transportation, which is the only security that can exist and does exist against excessive railroad charges, I am opposed to extending the terms of this bill to water transportation. When at the Straits of Mackinaw the passage is dammed up, there is at once an increase of from 15 to 45 per cent. in the cost of transporting the productions of the West, and so it remains until the summer's sun removes the obstacle. Now it is proposed to put each man that runs his barge or his boat, if he carries products which have come from inland, under the force of this law; to make every carrier on the lakes subject to the same provisions; and I say, without fear of contradiction, that it will destroy the commerce upon the lakes, and make vessel property, which has now been reduced in value to the lowest point where it can be run and pay expenses, utterly worthless, and it will put the whole Northwest at the mercy of the railroad companies. I can not vote for it upon any possible supposition that it may hereafter be changed without voting in direct disregard of the interests of my people.

Mr. INGALLS. I move to amend the amendment by striking out after the word "Canada" the words "to tide water or."

Mr. CAMERON, of Wisconsin. How will it then read?

Mr. INGALLS. My amendment is to strike out the words "to tide water or" after "Canada."

The PRESIDENT *pro tempore*. The Senator from Kansas proposes to amend the amendment of the Senator from New Jersey as will now be stated.

The CHIEF CLERK. In line 4 of the amendment it is proposed to strike out the words "to tide water or;" so as to read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from points in the United States through the Dominion of Canada to tide water or other points within the United States.

Mr. SEWELL. The effect of that amendment would be to secure a transportation line to tide water in Canada, in competition with all the lines in the United States, without coming under the provisions of this act, although the freight originated in the territory of the United States. You would give a free-lance in transportation to Canadian lines, and bind ours up.

Mr. CONGER. The railroad companies who have connecting lines running through Canada or across Canada west from Buffalo, and the Falls, are not Canadian companies, neither east nor west of the lakes or in Canada. The Grand Trunk company from Chicago to Port Huron is an organization chartered within the United States. It has a running connection with the Grand Trunk company of Canada. The company running from Portland to Island Pond in connection with the Grand Trunk has its own separate organization and name in Maine, New Hampshire, and Vermont; not a Canadian company at all, in charter or in control, though that it may be leased by or have running connection with the Grand Trunk of Canada. So far as the bill will apply as a law to railroads in the United States, it will apply to these companies as much as to any others.

Now, if it is claimed that by any process whatever we can exercise jurisdiction on any of the Canadian roads proper inside the Canadian territorial jurisdiction, I have yet to hear it claimed. I think no one will be foolish enough to assert that.

Mr. SEWELL. The Senator from Michigan will allow me to say that if it was not for an act of Congress or for certain regulations under an act of Congress allowing goods to be transported from the United States through Canada without having the cars unlocked, without having every package opened and examined, the roads in Canada would not be carrying American freights.

Mr. CONGER. We allow goods to pass in bond across our territory from China. Goods pass clear through the United States to England in bond, not examined, no duties paid. From New York goods pass through Canada into Michigan, then they pass by rail through Indiana and Illinois into Minnesota, and through Minnesota to Emerson and Saint Vincent on their way to Manitoba; and in the same way through the United States, through Canada, through the Northwestern States,

and into Canada again. If the Senator thinks that by any customs regulations we are to prevent the passage of products of the Northwest by the shortest and best route for New York and New England, that we are to legislate against the producers of every Northwestern State, as well as of every Eastern State, I am not with him in that class of legislation; and I do not wonder that those who are in the interest of the Southern routes should do, as was attempted in the House some years ago, bring in adverse legislation to the cheapest and most convenient routes of the producers of Michigan, Northern Indiana, Northern Illinois, all of Wisconsin, all of Minnesota, the northern part of Iowa, and a portion of Kansas. It was attempted to do that by adverse legislation to the use of roads passing through Canada. It met with opposition from every board of trade from away down East to Saint Paul, and all around the lakes; and this is another attempt in the same direction.

Mr. President, I had, as I supposed, pending on the Senate bill an amendment which I have marked here, to strike out in section 12 in the third line the words "and water" where it says:

That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company.

I understand that to be pending, and before the last vote was taken I was called out for a moment, and had only time to get in and secure my vote by extra exertion. I had also pending another amendment in line 12 of section 12, to strike out the words "and partly by vessel" after the words "or partly by rail;" also in section 13, line 5, to strike out "or any vessel or vessels, in whole or in part;" in line 7 of section 13 to strike out "or any vessel or vessels," and in line 11 to strike out "and partly by water."

The PRESIDENT *pro tempore*. The Chair will state that under the rules and practice of the Senate no amendment is pending except that which is offered in order; and of course the Senator understands that there can be only two amendments pending at a time. All amendments that are given notice of by Senators have to be offered when the opportunity arises for proposing them. The Chair therefore thinks that the amendment proposed by the Senator from Illinois [Mr. CULLOM] was proper to be voted upon because no further amendment to that amendment had been offered.

Mr. CONGER. But these amendments of mine were offered—I say it with all due submission—to the bill, and were pending at the time the motion was made to substitute.

The PRESIDENT *pro tempore*. The Chair thinks there was a notice of an intention to propose them. That was in accordance with the practice of the Senate. They could not be offered and pending because only one amendment and an amendment to that amendment can be pending at the same time.

Mr. FRYE. There is nothing to prevent the Senator from offering them in the proper time now after this amendment is disposed of.

The PRESIDENT *pro tempore*. That depends on the question whether it is a motion to strike out what the Senate in Committee of the Whole has agreed to. If it is a motion to strike out what has been agreed to, it would not be in order until the bill comes into the Senate.

Mr. FRYE. He can do it then.

Mr. CONGER. There will be an opportunity in the Senate, as I understand.

The PRESIDENT *pro tempore*. When the bill shall be reported to the Senate the bill will be again at large, and every amendment the Senator from Michigan desires can then be offered.

Mr. CONGER. Then I make this statement to show the Senator from New Jersey that the provisions which are already in the bill may or may not be advisable. Is there any amendment pending, Mr. President—I mean any amendment in the second degree; any amendment to the amendment of the Senator from New Jersey?

The PRESIDENT *pro tempore*. There is one amendment to the amendment of the Senator from New Jersey pending, that offered by the Senator from Kansas [Mr. INGALLS]. The question is on the amendment proposed by the Senator from Kansas to the amendment of the Senator from New Jersey.

Mr. PLUMB. I wish to suggest an amendment which, while not now strictly in order, I am in hopes my colleague will accept in lieu of his.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] asks to have read an amendment which he desires his colleague [Mr. INGALLS] to accept. If there be no objection, the proposed amendment will be read.

The CHIEF CLERK. In line 3 of the amendment of Mr. SEWELL, after the word "freight," it is proposed to insert:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

Mr. PLUMB. I think the words of limitation which the Senator from New Jersey has in his amendment referring to tide water as the objective point would prevent the realization of the expectation which he has in view.

Mr. SEWELL. I will say that I have no objection to the amendment the Senator from Kansas [Mr. PLUMB] suggests. If the other Senator from Kansas [Mr. INGALLS] will accept it I shall agree to it.

Mr. PLUMB. Montreal is the place of shipment for wheat, pork, and other articles coming from the West, and that is above tide water, and the point in Canada opposite Port Huron at which the Grand Trunk Railway terminates is also away from tide water. My amendment would also cover shipments into Mexico, and all transactions of any kind originating in the United States should be railroad transportation within the limits of the United States, which we have a perfect right to regulate under our power to control and regulate foreign and interstate commerce. So whether the shipments are made from a point in the United States to a point in Canada, or from the United States to a point in Mexico, or from a point in the United States through the Dominion of Canada to Chicago or Port Huron, or any point in the United States beyond the Dominion of Canada, this provision would cover it.

Mr. INGALLS. Permit me to ask my colleague if this language would not also cover water transportation from this country to England by ocean?

Mr. PLUMB. It would if this bill is designed to cover water transportation.

Mr. INGALLS. But the language of the amendment offered by the Senator from New Jersey is:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies.

That, of course, is the most comprehensive language that could be employed. It does cover water transportation, and therefore the language that my colleague employs, it appears to me, would cover ocean transportation.

Mr. PLUMB. Very well; that can easily be obviated by providing that it shall not apply to transportation wholly by water.

Mr. INGALLS. I think the differences of opinion on this question show the necessity of a commission more than we have ever known before. I withdraw my amendment and will accept the suggestion offered by my colleague. I am convinced that the one I offered will not carry out the design that I desired to accomplish.

The PRESIDENT *pro tempore*. The Senator from Kansas on the left of the Chair [Mr. INGALLS] withdraws his amendment. The Senator from Kansas in front of the Chair [Mr. PLUMB] offers an amendment, which will be again read.

The CHIEF CLERK. After the word "freight," in line 3 of the amendment of Mr. SEWELL, it is proposed to strike out the following words:

From points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

And insert in lieu thereof:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

So that the proposed section will read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment to the amendment of the Senator from New Jersey.

Mr. PLUMB. If this is to be opposed on the ground that it covers ocean transportation, about which I express no opinion, believing myself that the scope of this bill relates entirely to railroad transportation, I will ask unanimous consent to add that it shall not apply to transportation wholly by water. That will obviate the objection.

The PRESIDENT *pro tempore*. The Senator from Kansas has the right to modify his amendment, the yeas and nays not having been ordered.

Mr. SEWELL. I shall object to the modification.

The PRESIDENT *pro tempore*. The Senator from Kansas has the right to modify it.

Mr. PLUMB. I modify it by adding:

Provided, That this shall not apply to transportation wholly by water.

Mr. CONGER. I suggest to the gentleman to strike out the words "or transportation."

Mr. PLUMB. That can be settled afterward.

The PRESIDENT *pro tempore*. The modification made by the Senator from Kansas will be read. The amendment as modified will be read.

The CHIEF CLERK. The amendment as proposed to be amended would read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, as modified.

Mr. SEWELL. I hope that last clause will not be adopted.

Mr. CONGER. Mr. President, one proposition will meet all the objections that could be made to including ocean transportation or lake transportation, by striking out the words "or transportation" after

"railroad," thus confining the section to railroad companies. This proviso leaves it still uncertain, because it may be construed to be where the freight goes partly by water and partly by rail; and, therefore, it will take all the lake transportation if it has railroad transportation connected with it. The Saint Lawrence is on tide water; the docks of Montreal are on tide water; therefore, if freight is carried on the Saint Lawrence and across the ocean to England or anywhere in Europe, if that construction was held, that, because the transportation was partly by rail, say from Omaha to Chicago and thence by water down the lakes through the Welland Canal and the Saint Lawrence, it could go to Europe, and the bill would apply to ocean and lake transportation.

The object the Senator has in view can be attained by striking out the words "or transportation" before "companies" and after "railroad." That would meet the whole case and confine it to railroads. I ask him to make that modification instead of adding the proviso.

Mr. PLUMB. I do not see why we should not regulate transportation that is partly by water and partly by rail. I can see a great many reasons why we should not regulate transportation by water alone, because transportation by water is free to all to engage in. Every man can put his boat on the Mississippi River or Lake Erie or Lake Michigan; but when we come to deal with transportation partly by rail and partly by water we may find that, for the purpose of protecting the interests of those companies whose transportation is wholly by rail and of shippers whose freight can be transported only wholly by rail, we ought to put our hands for the purpose of regulation on this mixed transportation. If a through bill of lading is made from New York to Port Huron, in Michigan, would the Senator say that because the freight crosses the water between an opposite point in Canada and Port Huron it ought to be exempted, or would he say that if it went from New York to Buffalo by rail and from thence by water to Saginaw it ought to be exempted from the provisions of this bill? If he would, then I should differ with my friend respectfully. It seems to me that in a case of that kind it would be interstate commerce, and not only interstate commerce, but interstate commerce of a kind that might need, and that *prima facie* would need, regulation and the oversight of the Government as much as any other class of transportation that we are to provide for.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. If the Senator from Michigan will suspend for a moment, the Chair begs to call the attention of the Senate to section 2 of the amendment proposed by the Senator from Illinois, which was intended, as the Chair understands, to be the Senate bill. In the print of this amendment an error has been made, differing from the Senate bill in line 5. After the word "and," in line 5 in the Senate bill, was the word "to," and after the word "and," where it secondly occurs in line 5, was also the word "to." If the amendment agreed to by the Senate, proposed by the Senator from Illinois, were precisely like the Senate bill as it stood and as it was supposed to be intended, after the word "and" in both instances in line 5 of section 2, the word "to" should be inserted, so as to read:

All transportation companies engaged in interstate commerce, and to take into consideration and to thoroughly investigate.

If there be no objection those errors in the reprint of the amendment from the Senate bill will be corrected and the corrections stand as a part of the amendment. Is there objection? The Chair hears none.

Mr. CULLOM. I desire to say that section 2 as it stands in the bill was substantially the amendment offered by the Senator from Alabama, and I have no doubt that the words the President of the Senate has indicated should be there.

The PRESIDENT *pro tempore*. An examination has been made, and it has been found that that error has been made in the reprint. If there be no objection those two words will be inserted and stand as part of the amendment agreed to. The Chair hears no objection.

Mr. CONGER. Section 13 defines what shall be deemed transportation companies as provided for in this act; and if it remains as it is it controls every vessel running in connection with a railroad; and by the proposition here every vessel and every line of vessels on the lakes that carries any freight starting from beyond the water in the West or in the East will come under this bill. This says:

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels.

With the construction that is given to this bill in this section and in the next and in former sections, any freight which shall be taken by a railroad or by any intermediate transportation company or vessel or line of vessels comes under the absolute control of this legislation. It affects the prices to be paid every vessel that takes wheat from Iowa or Minnesota, at Chicago, having come there by rail, to any point in the East. I say it would be destructive of all vessel interests to establish these rules and these laws over vessels and their competitors that run upon the great lakes.

Mr. BLAIR. Will the Senator before he takes his seat elucidate that point a little? I do not understand it. This bill provides for the regulation of interstate commerce, and perhaps by the terms of it all commerce, by prohibiting extortion and discrimination, and it establishes a commission to prevent by its action this extortion and discrimination. It is only in that way that it undertakes to interfere with or to regulate commerce, whether foreign or domestic. Now I do not comprehend how it is that if the bill aims only at those two crimes, extortion and discrimination, which are practically made crimes because they are attended with all those public evils that do attend crime, it is open to the objections that the Senator from Michigan urges simply because it embraces water transportation as well as railroad or land transportation. I do not comprehend that the American public are to be subjected to extortion when perpetrated by owners of single vessels or lines of water communication any more than when those same evils are perpetrated by companies that operate only upon land; and that they may accomplish the same great injury we all know to be a demonstrated fact. We know it in the case of the Oregon Navigation Company, of which we have heard so much for many years as to its monopoly of the transportation upon the Columbia River, and in the case of lines that own the water communication along the Mississippi River and control commerce in connection with great railroad companies, transcontinental railroad companies. They are a practical continuation of those same lines of communication to the eastern continent. They are all owned by the same capital. They are continuous lines. The evil can be perpetrated upon water as well as upon land; and if we are to undertake to prevent discriminations and extortions by land companies, why on earth should we not extend the same regulation and exert the same sovereign power which we possess with reference to the other that we do with reference to the one? I do not understand the Senator's zealous denunciation of the provisions of this bill when they reach evils perpetrated by water transportation companies, when at the same time he is perfectly willing that those evils shall be regulated and prevented if perpetrated by railroads.

Mr. BECK. Will the Senator from Michigan allow me to say a word here?

Mr. CONGER. Yes, sir.

Mr. BECK. A good deal of importance has been given to the testimony of Mr. Albert Fink, who is a very able man. In the volumes furnished to the Senate entitled "Relations between Labor and Capital," volume 2, part 1, page 496, the Senator from New Hampshire, as chairman of the Committee on Education and Labor, was investigating in his examination of Mr. Fink the question as to whether water ways ought to be regulated because of the dangers of combination, and he put this question:

The water ways among themselves are unable to combine?

The Senator from New Hampshire [Mr. BLAIR] put that question; and to it Mr. Fink answered:

A. There is no inducement for water ways to combine. They are never competitors in the sense in which railroads are. For example, the Erie Canal is not a competitor with the Mississippi River; that is to say, not an immediate competitor. They are competitors in a certain sense—as for the export business; but they do not come into direct competition with each other. For example, the Hudson River runs through a certain section of country. There are only certain people that can be furnished with accommodations by the Hudson River. But with the railroads it is different; the railroads cross each other in every direction. The rivers do not. The net-work of railroads makes competition very active; one road competes with many others. There is no competition between the several water ways; there is only competition between the boats on each water way; but the railways compete with each other all over the country and in every direction. This makes railroad competition so much more widespread, leading to so many complications that it makes it difficult to prevent competition from becoming ruinous.

And in the course of that gentleman's examination he insisted that there was no necessity for any combination or any such organization as to water transportation as he was at the head of, because even on the Erie Canal, he testified, each individual boatman was working for himself and was competing with every other boatman; and, indeed, the laws of New York prohibit and the supreme court of New York had decided that any attempt on the part of the men on that canal to make a pool was illegal, and they were therefore always competing with each other. He went on further to say in the course of this testimony—I do not care to read it all—that the water ways were the great agents in bringing down freights and that the railroads had to accommodate themselves to the prices charged by the water ways. That was illustrated when we made the Eads jetties at the mouth of the Mississippi River and enabled boats to go to Europe and go all over the world by passing out of what had formerly been a shallow pass with only seven feet of water. We enabled men to put their barges on that great river and take them out; and in that way we did more to reduce the railroad rate and to prevent the possibility of high charges than could have been done in any other possible way. He acknowledged that all the railroads in all their systems had to work against the free water ways of the country.

I believe he added—if he did not it is true—that on a water way any man can put a boat or a barge anywhere and take his own products from his own landing to any other place and land them at any landing and ask nobody any odds, whereas on railways he can not put his own car with his own hogs, his own cattle, his own sheep, his own grain, his own products, or anything else, because the men who are managing that railway have the exclusive right to control all traffic on it. But the competition is so great between the water ways and the railways that the great interest of the public is to encourage water ways, make them as cheap as possible, for the very purpose of keeping down exorbitant charges by the railroads, which have a monopoly of their lines.

I think the Senator from Michigan is right in endeavoring to make the water ways as free as possible, and we should not subject them to the same surveillance that we do their competitors, whose interest is to keep everything high, while the United States in every river and harbor bill is endeavoring to give them as little power as possible by having a water competition.

Mr. SEWELL. Will the Senator from Michigan allow me?

Mr. CONGER. I do not yield the floor further.

Mr. BECK. I beg pardon.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield?

Mr. CONGER. I yielded to the Senator from Kentucky.

Mr. BECK. Allow me to express my obligation to the Senator from Michigan. I desired to say that much, because I said to him the other day that upon this question I thought he was clearly right.

Mr. SEWELL. Will the Senator from Michigan allow me to ask a question of the Senator from Kentucky?

Mr. CONGER. Yes; if the debate does not run on till morning.

Mr. SEWELL. I simply want to ask the Senator from Kentucky how he would do in this case: Suppose the railroad companies should become transportation companies by water, as they are to a large extent, would he not want to regulate them?

Mr. BECK. In a great question like this I would deal very cautiously, and I would deal with one thing at a time. If I found hereafter that they were controlling those water ways in any manner prejudicial to the interests of the great masses of the people of this country I would then interfere with them.

Mr. SEWELL. They are doing it now; sixty transportation companies are, partly by land and partly by water.

Mr. BECK. But at the same time the water way is free to every citizen, is it not? The railway is not free to every citizen. There is no public water way in the United States that the Senator from New Jersey or myself could not float our produce down if we felt that it was profitable to do so in competition with anybody else, and there is no railway of the United States where we can put our car with our produce in competition with the railroad managers although ruin might stare us in the face unless we got it to market.

Mr. ALLISON. Will the Senator from Michigan yield to me to ask him a question and also make a suggestion?

Mr. CONGER. Yes, sir.

Mr. ALLISON. As I understand this bill to regulate interstate commerce, the definition of which is found in section 13, the bill does not apply to water transportation unless it is connected directly with railway transportation.

Mr. LAPHAM. Unless it is part of it.

Mr. ALLISON. Unless it is part of it; as, for example, the Erie Railway, which has a line to Buffalo and to Dunkirk, puts at those points, or either of them, a line of steamships to run from there to Duluth, and makes contracts for freights to Portland, Oreg., by way of Duluth. A part of that line, of course, is by rail and a part by water, and yet it is a part of the railway system. Now, it does seem to me that if we undertake to regulate railways in the interior of our country, such as the Pittsburgh, Fort Wayne and Chicago, and other lines which run wholly through the interior, we should also have some jurisdiction to regulate those lines that run in a more northerly direction, and utilize the great lakes and the rivers, if you please, as a part of their system. It seems to me so. I may be mistaken. Of course I would not be willing, for one, to undertake in this bill to regulate those vessels that come into Chicago either from Montreal or from any point on the lower or the upper lakes. I do not think it is so intended; but where vessels are a part of a railway system I see no objection to including them within the provisions of the bill, and it seems to me that is all that this bill does. That is what I wished to suggest.

Mr. CONGER. I ask the Senator to look at section 13 while I am talking.

Mr. ALLISON. I have looked at it.

Mr. CONGER. "The term 'transportation company,'" which is in the clause about which I was commenting, is in this bill defined—

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean—

What?

any corporation——

Mr. ALLISON. Go right on.

Mr. CONGER.

any corporation, company, or individual, now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part——

Mr. ALLISON. Read right on, the proviso.

Mr. CONGER.

Provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad——

Mr. ALLISON. That is, wholly by railroad.

Mr. CONGER.

or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory; and the provisions of this act shall apply to all persons, firms, and companies, and to all associations of persons or companies, whether incorporated or not, and to all associations of corporations engaged in thus transporting freights or property of any description, in the manner above set forth, from one State into any other State or Territory, or from any Territory into any State or any other Territory.

Mr. ALLISON. The Senator will see that that would not apply to a line of vessels transporting property between Chicago and Buffalo, for example, or between Chicago and Detroit, for example.

Mr. CONGER. It would if they ran in connection with any railroad.

Mr. ALLISON. It would if the line was partly by rail and partly by water; otherwise not.

Mr. CONGER. It has been argued all through the discussion that the object of this bill was to include these products as freights from the starting point, in whatever Territory or State, clear through to the destination and to make the lines continuous in effect. That is the object of the bill as to railroad lines. It is also provided that if goods go to Chicago and Milwaukee by rail, and then some captain with his propeller or his barge takes them to Buffalo on his own private undertaking, because the product came by rail and is going on by rail from Buffalo, that vessel shall be included under the bill.

Mr. CULLOM. Not as the bill is.

Mr. CONGER. Yes, as the bill is, and it shall be governed by this law. It seems to me that those of us who are interested in water transportation East or West, North or South should stop and look at this question and see what its effect will be. We are expending at the rate of from three to ten million dollars a year to improve our water ways. What for? To make them parts of railroad companies, to make them a part of the great railroad system of transportation by some possible connection of freight or productions that pass over them? No, sir. We are spending these millions and hundreds of millions of dollars—for it amounts to that up to the present time since the formation of the Government—to make a highway for every citizen of the United States to take his boat, his ark, his batteau, his vessel, his steamboat, whatever he has that can carry freight, to make a highway upon which he may float his craft and carry his own produce or such as he can procure. Are we building light-houses for the benefit of railways? Are we putting up beacon-lights on the Mississippi and light-houses on the lakes which tend to make those waters free to individual effort, to individual use, to bring them in subjection, because railroads should be subject to laws which may very well be applied to railroads, but which, in my judgment, would ruin the water communications if applied to them? They can not live under these laws. They must be permitted to change their freights and their rates of freight. Freights from Chicago to Buffalo change every hour. Charter-parties are different in the afternoon from what they were in the morning. If circumstances make it necessary for vessels, if they would be in business at all, to come down in their freights even below a living price they do it; but under this rule the steamboats must have schedules, the barges must have their schedules, that they cannot alter without five days' notice. Why, sir, you would tie up the vessels at the docks and keep them there till piecemeal they rot into the waters of the lakes and the rivers.

Mr. HARRISON. The Senator from Michigan must see that there is no such regulation of freights, no such provision.

Mr. CONGER. Who would have dreamed that such a proposition could be offered to be put in this bill as the Senator from New Jersey has offered? Who would have dreamed that a quarter of an hour ago, and who can tell what will be put in this bill? We must meet these things where we find them and attack them whenever a head appears above water. That is the way I fight for the interests of the people I represent and the interests of the people who dwell along the great water courses of our country which have been made navigable for the benefit of the people and the whole people by an immense expenditure of money, which is to be increased and increased until the water ways of the United States shall be the great competing routes to keep down better than all law, better than all prescription, better than all oratory, the exorbitant charges of railroads in the land. They control them now better than any legislation which we can have. All up and down the current of these waters, from the remote ports, they control the prices and the monopolies of railroads. The main reason for paying the $10,000,000 a year to improve these water courses is that we may have something that shall compete with the giant monopolies of the land and hold them within control.

Mr. BLAIR. Mr. President, I am still as much in the dark as at the beginning, after listening to the explanations of the Senator from Kentucky through his new and favorite witness Mr. Albert Fink, against whose theories he has been combating during the entire debate on the bill, and whom he now quotes as the principal supporter of his theories, and also after listening to the eloquence of our friend the Senator from Michigan.

The bill does not undertake to interfere with proper practices on the part of land and water transportation companies. No authority vested in the commission, no authority emanating by virtue of the enactment of this bill into law, if it should become a law, authorizes anybody to intermeddle with any transportation company that is discharging its duty to the public, that is simply taking an honest and fair equivalent for the services it renders. The bill only undertakes to prohibit and to prevent certain public evils, extortion and unjust discrimination.

When extortion and unjust discrimination are practiced by a water-

transportation company, even although its entire sphere of operations is confined to the water, if it has to do with interstate commerce, why it is that such practices on the part of a water-transportation company are to be permitted, and are yet to be prohibited when they are undertaken by land companies, I am still unable to perceive. The Senator says that private individuals may place their vehicles of communication and of transportation on the water routes of the country. There is that distinction, and that distinction only, between a water route and a land route. There is no right of eminent domain attaching to the water routes of the country. They are open, they are free like the air, and whoever has the capital, whoever can establish a route of water transportation, is, to be sure, not subject to regulation so far as that right of regulation comes from the sovereign by virtue of his power of eminent domain, which he has parted with for the benefit of the private individual, or the private corporation in the case of the railroad.

But, nevertheless, we all know it to be a fact that the productions of the earth, the valuable things that are achieved by way of production, are divided among the various individuals and agencies which contribute to that production, and that associated capital and associated wealth always work to an advantage as against the individual or as against capital invested in small masses. The result is that when corporations or individuals are able to command great capital they are able to transact a particular business in which they engage at vastly reduced rates as against the individual who has smaller facilities, smaller capital, and consequently a lesser degree of efficiency; the practical result of which is that capital as invested in large masses in water transportation precisely as it is in land transportation, and so capital is invested in large masses in the shipping business proper.

So in the agricultural or producing classes, those classes which produce directly from the earth. So with the manufacturers. Vast masses of capital are thus combined in these various pursuits, and, as it were, they play against each other, and they are able to extinguish anything like competition which arises on the part of individual or smaller amounts of capital.

Therefore it is that the water-transportation route from Saint Louis to New Orleans by steamship, owned as it is by a few individuals—it may be almost wholly by one individual—can easily expel as a matter of practical business arrangement any private individual, any single man, any agriculturist or any manufacturer who is engaged with his farm or with his mill, and it is utterly impossible for him to get upon the water as a matter of fact.

Everybody knows that the water-transportation companies of this country have practiced extortion and unjust discrimination just as much as the land-transportation companies of the country have done. We know that they have as much to do with the evils of internal or interstate commerce as have the land companies themselves. They are there with capacity to practice unjust discrimination and extortion, and they do practice those great evils. They inflict those evils upon the community; and are we to leave them without regulation, to create those evils, by virtue of the power which they have, and subject the community as a whole to the extortion and the unjust discriminations in the way of rates to which they do subject the community, when by so doing they are able to maintain themselves and to also maintain a ruinous competition against any honest individual or any honest company that may undertake to establish itself?

Since the bill only aims at these two real crimes, defining these evils as public crimes, and undertakes to prohibit them, I do not understand where the objection comes in from any source whatever to the provision of the bill which does unquestionably to my mind include water-transportation routes as well as land-transportation routes. If I could see any reason why a bill which undertakes to deal with interstate commerce and with foreign commerce both (for I think it covers both) should be made partial in its operation and leave the evils which exist with reference to water as well as land transportation unregulated in one case while it undertakes to prohibit those evils in the other case, I should be very glad to vote for the proposed amendment.

Nor can I understand the sensitiveness of the Senator from Michigan, who talks of the Northwest and of the improvements there made along the water lines of transportation in the way of repair, the removal of snags, the deepening of channels, and the removal of ledges, and all that sort of thing, which enters into the public expense and is for the general public good, and so far as it goes is a general contribution to the capital invested in interstate commerce. I do not understand, I say, from whence and for what reason there is this sensitiveness against the prohibition of the crimes which we are defining and establishing in the bill when committed by water-transportation companies.

With reference to the testimony of Mr. Fink, it stands for what it is worth. It stands by itself. It is the testimony probably of the best educated student, the man best informed with reference to the great subject of interstate commerce and foreign commerce as well. He is the best informed man, so far as I know, that there is in our own country; but nevertheless we know that Mr. Fink has his prejudices, he has his affiliations; and I would not consider the opinion of Mr. Fink one safe for the Legislature of the United States to follow without question.

If the Senator from Kentucky will examine the testimony from which he quotes he will find that there is testimony from other and eminent witnesses who take a different view upon some of those great points from Mr. Fink. At all events, I do not see why he should rise here and quote Mr. Fink as a reliable witness in one case when he discards and discountenances and denounces his testimony in everything else.

Mr. President, I had no idea of saying anything upon the bill. I simply asked a question. I have understood from the beginning that it is a measure ample and comprehensive in its scope, which covers the whole subject, and I look upon it as a futile attempt to do good to the public unless we do so legislate as to cure and regulate the entire evil if we undertake to do anything about it at all.

Mr. CALL. Mr. President, I wish to submit to the Senate a statement made in the arguments and statements before the Committee on Commerce of the House in 1882. Mr. Thurber, in his testimony on this subject, says:

This speech of Mr. Daggett showed that the original investment of Stanford, Huntington, and another in the Central Pacific Railroad was $12,500; and in fourteen years the whole property had increased to $184,000,000. The result was that they got so much money that they went to work and bought up the Pacific Mail Steamship Company, and now they are paying that company $60,000 a month subsidy in order to keep the rates up, instead of the public getting the benefits of the competition to which it is properly entitled.

I do not know any reason why that line of water transportation should not be subjected to the provisions of this bill, if they are to be of any force or effect at all. I do not know why the people of the Pacific coast should not be protected if the bill is to be a protection to anybody.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. CONGER. Let it be reported.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. In line 3 of the proposed new section, after the word "freight," it is moved to strike out the words:

From points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

And insert:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

Mr. CONGER. I move to strike out the words "or transportation."

Mr. EDMUNDS. That is not in order. The pending question is an amendment in the second degree, and no further amendment is in order.

The PRESIDING OFFICER. Does the Senator from Vermont make the point of order?

Mr. EDMUNDS. No, I do not make any point of order. I only suggest to my friend from Michigan that it is not in order.

Mr. CONGER. I shall withhold the amendment for the present.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the Senator from New Jersey.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

Mr. CONGER. In line 2 of the proposed new section I move to strike out the words "or transportation," after "railroad;" so as to read:

That the provisions of this bill shall be construed as applicable to all railroad companies engaged in the carrying of freight from any place in the United States, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan to the amendment of the Senator from New Jersey as amended.

Mr. SEWELL. I trust that the amendment to the amendment will not be adopted. It would destroy the character of the amendment as proposed by me. I wish to reach the joint railroad and transportation companies competing with the great trunk lines of this country and running through Canada. If the words proposed are stricken out, the road that I wish to reach might do all the business in competition with our lines by just putting in part water.

The amendment to the amendment was rejected.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The amendment offered by the Senator from New Jersey as amended is now before the Senate. Is the Senate ready for the question? [Having put the question.] The ayes appear to have it.

Mr. CONGER. I ask for a division.

Mr. HARRISON and others. Oh, no; that will result in a yea-and-nay vote.

Mr. CONGER. It may result in forcing the bill over, but in the absence of two-thirds of the Senators it is not consistent with my feelings to let such amendments as this get into the bill when I think with a full hearing they can be kept out.

Mr. SEWELL. The Senator has a remedy. He can move to strike out and insert after the bill is reported to the Senate; but let us now make some progress with the bill.

Mr. CONGER. Possession is nine points of the law.

The PRESIDING OFFICER. The Chair will put the question again, with the consent of the Senate. The question is on agreeing to the amendment of the Senator from New Jersey as amended. [Having put the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. SEWELL. I ask unanimous consent to correct the amendment in line 1 by sustituting the word "act" for the word "bill."

The PRESIDING OFFICER. If there be no objection that verbal correction will be made.

Mr. MAHONE. At the end of the twelfth section of the bill I move to insert.

And it shall not be lawful for any transportation company to engage in such transportation of passengers or freights with any other such company unless it admits and contracts with any and all other transportation companies desiring to engage with it and its connecting carriers in the business of interstate commerce upon the same terms of association as those agreed upon between it and such other company. And the rate of transportation over all lines engaged in such business shall be computed and charged upon the following basis, that is to say: For passengers of the same class the combined charge of all the carriers, to be divided as they may agree, shall nevertheless, for all distances, be pro rata per mile. For freights of the same class and of like units, taking the car-load as the maximum, the total charge from the station of shipment to the station of final delivery shall be composed of two items—the charges for fixed expenses and the charge for any transfer where a break of gauge or a transshipment from rail to vessel, or *vice versa*, or a necessary porterage may be imposed, such proper charges for each class of freight and like units below and including the car-load to be ascertained and agreed by the transportation companies concerned, subject to the approval of the said board of commissioners. The charge for transportation of freights of the same class and unit below and including the car-load shall be, as to the same carrier composing part of the route traversed, for all distances, pro rata per mile, to be divided between the carriers directly performing the service as they may agree.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. MAXEY. The amendment offered by the Senator from Virginia is a very important one. It is now within a few minutes of 7 o'clock. We can not understand that amendment and vote intelligently upon it now, and I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

Mr. HOAR. On that question I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. GARLAND].

Mr. PLUMB (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. WILSON. The Senator from Vermont [Mr. MORRILL] is paired.

Mr. BUTLER. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

Mr. RANSOM. I was requested to state that my colleague [Mr. VANCE] is paired with the Senator from New York [Mr. LAPHAM].

The result was announced—yeas 13, nays 24; as follows:

YEAS—13.

Beck,	Harris,	Mahone,	Vest.
Call,	Jackson,	Maxey,	
Coke,	Jones of Florida,	Morgan,	
Hampton,	Lamar,	Ransom,	

NAYS—24.

Allison,	Dawes,	Hoar,	Pugh,
Blair,	Dolph,	Jonas,	Riddleberger,
Bowen,	Edmunds,	Jones of Nevada,	Sawyer,
Chace,	Frye,	McMillan,	Sewell,
Conger,	Harrison,	Miller of Cal.,	Sherman,
Cullom,	Hawley,	Pike,	Wilson.

ABSENT—39.

Aldrich,	Farley,	Lapham,	Plumb,
Bayard,	Garland,	Logan,	Sabin,
Brown,	George,	McPherson,	Saulsbury,
Butler,	Gibson,	Manderson,	Slater,
Camden,	Gorman,	Miller of N. Y.,	Vance,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hale,	Morrill,	Voorhees,
Cockrell,	Hill,	Palmer,	Walker,
Colquitt,	Ingalls,	Pendleton,	Williams.
Fair,	Kenna,	Platt,	

The PRESIDING OFFICER. No quorum has voted.

Mr. EDMUNDS. The rule requires that the roll shall be called.

Mr. CONGER. I think before the announcement that no quorum is present the decision of the Senate on the motion should be stated, as the rules do not require that a quorum shall be present to adjourn.

Mr. EDMUNDS. Less than a quorum may refuse to adjourn, but nothing can be done until the presence of a quorum is secured.

The PRESIDING OFFICER. The Chair should have stated that the noes have it on the motion to adjourn. The lack of a quorum being disclosed, the next thing in order is the call of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when Mr. BAYARD'S name was called). I ought to say that the Senator from Delaware [Mr. BAYARD] stated to me that he was obliged to be absent this evening, and asked me to pair with him on the bill and the amendments.

The roll-call was concluded, 43 Senators having answered to their names.

The PRESIDENT *pro tempore*. The roll-call shows that 43 Senators are present, being a quorum. The question recurs on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

The amendment was rejected.

Mr. JACKSON. I wish to call the attention of the Senator from Illinois to the fact that the fourteenth section will have to be amended. Inasmuch as he has provided for nine commissioners at $7,500 each, the amount appropriated in the fourteenth section will not be sufficient. That section will require an amendment.

Mr. CULLOM. If it is in order I desire to ask the Senate to amend that section by striking out "sixty" and inserting "ninety" before the word "thousand."

The PRESIDENT *pro tempore*. That motion is not now in order.

Mr. CULLOM. I so thought.

The PRESIDENT *pro tempore*. The section as it stands has been agreed to.

Mr. CULLOM. I will ask unanimous consent to move that amendment. I think there will be no objection to it, perhaps.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that section 14 be amended, in line 1, by striking out "sixty" and inserting "ninety" before the word "thousand;" so as to read—

That the sum of $90,000 is hereby appropriated, &c.

Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. CALL. I have a number of amendments that were left with me by the Senator from Mississippi [Mr. GEORGE]. He is very anxious that they shall be presented for consideration before the bill is disposed of, and inasmuch as he has been compelled to go to New York and desires to be here himself to offer them, I will move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. CALL. Then I offer an amendment to the bill on behalf of the Senator from Mississippi. At the end of section 4 I move to add:

And proof that any transportation company has made a greater charge for hauling any such freight for a shorter distance than it charges for hauling in a contemporaneous service a like quantity of similar freight for a greater distance, shall be *prima facie* evidence of unjust discrimination.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

Mr. HOAR. I desire to inquire what is the parliamentary condition of the bill? Is it not that the Senate have adopted a substitute for the pending bill?

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole has agreed to strike out all after the enacting clause of the bill and to insert what the Senate has agreed to.

Mr. HOAR. Then I rise to the question of order, that it is not in order to amend by inserting new matter between two sections which are part of one text, the substitute already agreed on.

The PRESIDENT *pro tempore*. The Chair thinks it is in order to move additions, but not to strike out.

Mr. HOAR. The Chair will pardon me, I had not concluded my statement. My proposition is that those additions can only come in at the end of the bill. The fact that a particular text is divided into sections does not make it any the less one text when it is adopted as a unit as a substitute; and when it is one text it can not be amended, after having been adopted as an amendment by a vote, at the same stage of the bill. It would be in order to add a new section at the end of the matter which has been adopted, but you can not put in between the lines in a section or between any two lines of the substitute anywhere an amendment, I respectfully submit.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. It has been, the Chair thinks, the constant practice of the Senate to admit affirmative amendments of additional words in any part of an amendment that has been agreed to. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. HOAR. I shall not take an appeal from the decision of the Chair, of course, but I do not remember to have been present in my brief service in the Senate on any single occasion when the Senate has acted upon the practice to which the Chair refers. Having taken some little pains to master the parliamentary law, I had supposed that to be the settled parliamentary law. However, I defer to the decision of the Chair, which, of course, is founded upon a larger experience and upon profounder learning than my own.

The PRESIDENT *pro tempore*. The Chair can not remember any precise instance, but the Chair is confident that it has been the practice of the Senate ever since the present occupant of the chair has been in the Senate to admit without question or dispute any affirmative additional words to an amendment that had been agreed to in any part

of the amendment. The Chair may be in error, but that is the opinion of the Chair at this moment.

Mr. RANSOM. I should like to ask the Chair if the rule suggested by the Senator from Massachusetts that the substitute can not be amended would apply to the bill after it is reported to the Senate?

The PRESIDENT *pro tempore*. It will then be entirely open to amendment.

Mr. RANSOM. I simply made the inquiry so as to suggest to my friend from Florida that he would have no difficulty whatever with his amendments when the bill is reported to the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the present amendment of the Senator from Florida is in order.

Mr. HOAR. The Chair will pardon me, the suggestion I distinctly made was as to the right to amend at the same stage.

Mr. BUTLER. If the Senator from Illinois who has charge of the bill will permit me to make a suggestion to him, I ask him if it would not suit his convenience, if he can get unanimous consent, to agree upon some hour to-morrow at which we shall take a vote upon the bill? It seems to me almost impossible to get through with the bill to-night with the number of amendments of which notice has been given. I should like to have the Senator from Illinois express his opinion upon that subject.

Mr. CULLOM. If I were to yield to the suggestion of the Senator from South Carolina it would be a very great convenience to me. I am not staying here as a matter of convenience, but I have felt that it is my duty to insist upon the consideration of the bill until it is concluded, because I have felt very greatly embarrassed at its continuing before the Senate so long obstructing other public business of importance. I gave notice yesterday that I should ask the Senate to remain here to-day until the bill was finished. If the Senate would agree to vote at 3 o'clock to-morrow on the bill so as to give a few minutes' time for offering amendments and five-minute talks in explanation of them, so far as I am personally concerned I would not object to the Senate adjourning with the understanding that the final vote shall be taken to-morrow at 3 o'clock.

Mr. BUTLER. Then I ask unanimous consent that the vote be taken at 3 o'clock to-morrow, in accordance with the suggestion of the Senator from Illinois.

Mr. CALL. I suggest to the Senator from Illinois and the Senator from South Carolina to fix the hour at 4 o'clock to-morrow. The Senator from Mississippi [Mr. GEORGE], who is compelled to be absent to-day, desires to be heard upon the bill. The amendments which I am offering are his, and I offer them under a promise to him that they should be offered to the bill. He desires to be here, and I ask that the hour be fixed at 4 o'clock to-morrow, so as to give him an opportunity to be heard on the bill.

Mr. CULLOM. I shall ask the Senate to take up the bill immediately after the morning business proper is concluded to-morrow, which will give a considerable time for discussion and amendment, and I think there will be time enough between that and 3 o'clock. I hope there will be no objection to that arrangement. I ask the Senator from Florida to allow the bill to go along to-night so far as to get it into the Senate, after which he will have an opportunity to offer his amendments, and they will not be repeated by being twice offered.

Mr. CALL. I shall not object to the arrangement proposed, but I think 4 o'clock will be the better hour, if the Senator will allow me to suggest it.

Mr. CULLOM. I think 3 o'clock would be better.

The PRESIDENT *pro tempore*. Does the Senator from Florida withdraw his amendment for the time being?

Mr. CALL. I will do so.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The Senator from South Carolina asks unanimous consent that it be understood that the bill be taken up immediately after the morning business to-morrow, and that the final vote upon the bill and all amendments offered and to be offered shall be taken, without further debate, after 3 o'clock. Is there objection? The Chair hears none. That is the understanding. The Chair understands that these agreements do not go on the Journal.

Mr. CULLOM. I ask that the bill be reported to the Senate to-night. The Senator from Florida can offer his amendments after the bill is reported.

The PRESIDENT *pro tempore*. If no further amendments be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BUTLER. I move that the Senate adjourn.

Mr. BOWEN. I ask the Senator to allow me to offer an amendment.

Mr. BUTLER. I withdraw the motion.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BOWEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. Pursuant to the authority of the Senate the Chair appoints, to fill the vacancies occasioned by the expiration of the term of Senator Sheffield, of Rhode Island:

On the Committee on Claims, Mr. CHACE.

On the Select Committee on Woman Suffrage, Mr. CHACE.

On the Committee on Mines and Mining, Mr. CHACE.

On the Committee on Revolutionary Claims, Mr. CHACE.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at ? o'clock and 11 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 3, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

Mr. LORE. I ask that so much of the Journal as relates to the formal introduction of bills and joint resolutions be omitted in the reading.

There was no objection, and it was ordered accordingly.

Mr. WILSON, of Iowa. I move also that so much of the Journal as relates to the filibustering proceedings last night be omitted in the reading.

Mr. RANDALL. I object.

The Journal was then read and approved.

PRINTING SMITHSONIAN REPORTS.

On motion of Mr. SINGLETON, by unanimous consent the joint resolution (S. R. 114) in regard to the printing of the reports of the Smithsonian Institution was taken from the Speaker's table, read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PRINTING OF EULOGIES ON LATE JOHN H. EVINS.

Mr. BRATTON, by unanimous consent, submitted the following resolution:

Resolved, That there be printed of the eulogies on the late John H. Evins, late a Representative of the Forty-eighth Congress from the State of South Carolina, 12,500 copies, of which 7,300 copies shall be for the use of the Senate, and 9,500 copies for the use of the House of Representatives; and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said John H. Evins to accompany such eulogies, and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER *pro tempore*. The proper form would be to make it a joint resolution of the two Houses. Does the gentleman desire that it shall be put in the form of a joint resolution?

Mr. BRATTON. I do.

Joint resolution (H. Res. 327) providing for the printing of eulogies delivered in Congress upon John H. Evins, late a Representative of the Forty-eighth Congress from the State of South Carolina, was received, read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRATTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTING OF A REPORT.

Mr. BLANCHARD. I demand the regular order of business.

Mr. BLAND. I rise to submit a privileged report.

Mr. TOWNSHEND. I ask to have reprinted the report of the Committee on Appropriations accompanying the Post-Office appropriation bill.

There was no objection, and it was ordered accordingly.

Mr. COX, of New York. I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman from Missouri addressed the Chair some time ago to make a privileged report.

SILVER DOLLAR.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, submitted the following report.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice.

Also, what amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885.

Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same.

Also, what amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates.

Also, what amount of the customs and internal revenues and other receipts of

the Government, stated separately, have been received in silver coin or silver certificates, stated by months for each year, since the 1st day of January, 1879.

Also, what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin.

Also, the amount of such coinage, and what part thereof was from recoinage and what part from bullion.

Also, the price paid per ounce by the Director of the Mint for silver bullion on the 1st days of January and July each year from 1878 to 1885, both years inclusive.

Mr. BLAND. I demand the previous question upon the adoption of the report.

Mr. HISCOCK. On what ground is that claimed to be a privileged report?

The SPEAKER *pro tempore*. The gentleman from New York questions the privileged character of the report. The Clerk will read clause 1 of Rule XXIV.

The Clerk read as follows:

ORDER OF BUSINESS.

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, without debate; on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. REED, of Maine. Does the Chair decide that that gives these reports a right to be considered?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Maine that it has been but a very few days since a decision was made by the permanent Speaker of this House upon this very question, which the Chair was endeavoring to follow, and which decision held that these reports were privileged under the rule.

Mr. REED, of Maine. I was aware of that. I only want to congratulate the Chair and the House on the fact that there is something else besides appropriation bills that are considered to be privileged in this House.

The SPEAKER *pro tempore*. The Chair will state further that it lies of course with the House to determine the question of consideration.

Mr. KEIFER. Is this a resolution reported by a committee, or is it offered by the gentleman from Missouri himself?

Mr. BLAND. This is a report from the Committee on Coinage, Weights, and Measures.

Mr. KEIFER. I think it is in order under the rule.

Mr. BLAND. I demand the previous question.

The previous question was ordered.

Mr. BLAND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the adoption of the report.

The report was agreed to.

Mr. BLAND moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS OF LADING, ETC.

Mr. LONG. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others, and ask to put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That every vessel publicly offered at any port of the United States for the conveyance of goods and merchandise on the high seas, and all vessels bringing general cargo to any port of the United States, shall be liable to all the conditions and restrictions of this act.

SEC. 2. That it shall not be lawful for any such vessel, her owners, master, agent, or manager, to issue any bill of lading which does not clearly specify the exact voyage intended to be made, and any and every port at which it is contemplated she shall touch in the course of said voyage; and every departure from such voyage, save only when compelled thereto by dangers of the sea, unforeseen necessity, vis major, or to save life and property in distress at sea, and to tow and convey the same into the nearest or most convenient port of safety, shall be deemed a deviation. But nothing in this act contained shall prevent or interfere with the right of the vessel to reserve to herself the privilege of calling at or returning to any port or ports named in the bill of lading, and a failure to exercise such privilege shall not constitute a violation of this act or be deemed a deviation.

SEC. 3. That it shall not be lawful for any such vessel, her owners, master, agent, or manager, to insert in any bill of lading any clause, covenant, or agreement whereby the obligations of the owners of said vessel to properly equip, man, provision, and outfit said vessel, and in every way add manner within their, his, or her power to render said vessel seaworthy and capable of performing her intended voyage, shall in any wise be lessened, weakened, or avoided; and all provisions and clauses contained in any bill of lading issued by any such public carrier relieving from liability the vessel, her owners or master, for their or his neglect, or for any improper condition of the vessel, shall be null and void and of no effect in law.

SEC. 4. That it shall not be lawful for any such public carrier, by any clause or exception in any contract or bill of lading, to be relieved from liability for its, his, her, or their negligence, fault, or failure in proper stowage, custody, and care of all lawful merchandise confided to their charge, nor for failure by reason of negligence to deliver the same, nor to provide for or adopt any other or different transportation than that agreed on by the vessel or voyage specified by which the goods have been shipped, liability for dangers of the sea, vis major, or unforeseen necessity being in all cases under this act excepted, nor to limit the extent of their liability to less than an indemnity to the claimant; nor shall anything in this act contained be construed as enlarging the right of any carrier to limit his liability other than as now established by law.

SEC. 5. That all goods and merchandise delivered to and received by any such public carrier shall be deemed as shipped subject to the conditions of this act, and entitled to a bill of lading in accordance therewith; and upon the refusal of the master or agent to issue such bill of lading on demand within a reasonable period after shipment, unless such goods and merchandise have been received from a preceding carrier and a bill of lading in conformity hereto has been issued, clearance of such vessel upon which said goods were to be or were laden shall be refused by the custom-house authorities of the port until such bill of lading be granted; and such vessel shall be liable to an action in rem for all damages and losses suffered by the shipper of goods or merchandise by reason of such refusal or neglect. In case of any dispute as to whether the terms of any bill of lading disagree with this act, and clearance if refused or delayed in consequence thereof, the following clause may then be inserted in or indorsed on such bill of lading, namely: "It is hereby declared that this bill of lading, as well as all other copies thereof, are intended to conform in all particulars to the act of Congress of 1884 on the subject of the form of bills of lading, and anything herein contained to the contrary is hereby made null and void." And thereupon the collector may deem such insertion or indorsement as making the bill of lading conform hereto, and shall grant the clearance if the vessel is otherwise entitled thereto.

SEC. 6. That if any vessel, her master, agent, or manager, shall plead, in bar or defense of any suit at law any clause or exception of any bill of lading contrary to the provisions of this act, the limitation of liability provided by section 4283 of the Revised Statutes, relating to ship-owners, shall not be held to apply to such vessel, owners, or either or any of them.

SEC. 7. That this act shall take effect on the 1st day of September, 1884.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. THOMAS. I shall object if this is going to give rise to any extended debate.

Mr. LONG. If the gentleman will reserve his objection for a moment, I think a brief explanation will be all that is necessary to satisfy the House as to the propriety of passing this bill.

Mr. WILLIS. I am compelled to object.

Mr. LONG. Will the gentleman reserve his objection for a brief explanation?

Mr. THOMAS. I am willing to hear an explanation.

Mr. WILLIS. How long does the gentleman ask?

Mr. LONG. I think three minutes will be sufficient.

Mr. WILLIS. I have no objection to that.

Mr. LONG. Mr. Speaker, I desire to say that this is a bill introduced by the gentleman from New York [Mr. JAMES], representing the large ship-owning interests of New York city. It has been considered by the Committee on Commerce and unanimously reported by that committee to the House.

The report states that our ocean-carrying trade is to-day almost entirely in the hands of foreign steamship lines. The object of the bill is to relieve American shippers and importers from risks which at common law belong to the carrier, but which the carrier by means of provisions inserted in his bill of lading has gradually succeeded in transferring to the shipper. Within a few years new clauses have been introduced, so that the carrier has relieved himself even of some of the risks arising from his own negligence. It is claimed that some of these provisions relieve him from the liabilities for thieves of all kinds, whether on board or not, from "vermin," "rats," "heat," "stowage," fire, negligence on the part of his own employés; negligence, default, or error in judgment on the part of persons in the service of the ship-owner, defects in the hull or machinery, and even unseaworthiness on the part of the steamer. It is very important that there should be some general rule as to the forms of bills of lading.

If there be no objection to the present consideration of the bill I will move the previous question.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. COX, of New York. The last section of this bill should be amended so as to take effect in 1885 instead of 1884. The bill reads September 1, 1884.

Mr. LONG. I will move to amend so that it will go into effect on the 1st day of July, 1885.

The amendment was agreed to.

Mr. WILLIS. Do I understand the gentleman from Massachusetts to demand the previous question?

Mr. LONG. I do.

Mr. WELLER. Regular order. [Cries of "Too late!"]

The SPEAKER *pro tempore*. The Chair thinks the gentleman is too late in making his demand for the regular order as against this demand of the gentleman from Massachusetts for the previous question upon the bill.

The previous question was ordered.

Mr. LONG moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I called the regular order, and the Chair recognized me as thus doing. I desire to inquire if, under the rules, the Speaker

of the House can ignore that call and pass to the consideration of this bill, which requires unanimous consent?

The SPEAKER *pro tempore*. The gentleman made no demand for the regular order until the request for unanimous consent, submitted by the gentleman from Massachusetts, had been agreed to by the House and an amendment had been suggested and agreed to. The Chair thinks that the gentleman makes his objection too late. The previous question has been ordered on the motion of the gentleman from Massachusetts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG. I ask unanimous consent, inasmuch as this bill was reported last year, that wherever the words "eighty-four" appear in the bill they be changed to "eighty-five."

There was no objection.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTORAL COUNT.

Mr. EATON. I desire to take a concurrent resolution from the Speaker's table relating to the Presidential count of next week. It is a House resolution with Senate amendments. I think there will be no discussion.

The SPEAKER *pro tempore*. The gentleman from Connecticut rises to a question of privilege, involving the count of the electoral vote. The Chair asks that the House be in order, so that the gentleman may be heard.

Mr. EATON. I move to take from the Speaker's table a concurrent resolution which passed this House some days ago and went to the Senate, where an amendment has been made thereto. I ask for the consideration of the Senate amendment.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the Senate.

Mr. KEIFER. I desire to ask the gentleman from Connecticut, is there any objection to concurring in the Senate amendment?

Mr. EATON. Not at all. There will be no discussion.

The Clerk read the amendment of the Senate, as follows:

In line 9, on page 1, strike out "one person to be appointed teller" and insert "two persons to be appointed tellers."

Mr. EATON. I desire to say just one word. My friend from Kentucky [Mr. CLAY] is the author of the resolution which passed the House. The amendment was made in the Senate upon the ground that since the organization of the Government there had always been two tellers on the part of the Senate. I am compelled to say that the Senate has not examined the matter thoroughly. There have been, up to 1868, but two instances where there were two tellers on the part of the Senate. Always, with two exceptions, there has been but one teller on the part of the Senate with two on the part of the House. But it is a matter of no significance whatever. Therefore I move that the House concur in the amendment of the Senate.

The amendment of the Senate was concurred in.

Mr. EATON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL ADVISORY BOARD.

Mr. COX, of New York. I rise to make a privileged report. I am instructed by the Committee on Naval Affairs to report back with an amendment the resolution which I send to the desk, and which was referred to the committee more than a week ago.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employés and amounts paid each; the amount of salary drawn by the civilian members of said board and from what appropriation it was drawn, and the amount paid each member of board as traveling, mileage, or other expenses.

The amendment reported by the committee was read, as follows:

Also, what changes, if any, have been made from the original plan in hulls, boilers, machinery, &c., by the Secretary of the Navy and the advisory board of the ships Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case.

Mr. COX, of New York. I call the previous question on the adoption of the report.

Mr. REED, of Maine. Is the amendment in order?

The SPEAKER *pro tempore*. The Chair will examine it. [After a pause.] The Chair thinks the amendment is in order. It is a matter of inquiry.

The previous question was ordered.

Mr. COX, of New York, moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendment recommended by the committee was agreed to, and the resolution as amended was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WEST VIRGINIA TROOPS.

Mr. GOFF. I ask unanimous consent to take up for present consideration the bill (H. R. 3462) for the relief of West Virginia troops, acting under the authority of the governor of the State. The bill has been reported with amendments.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HEWITT, of Alabama. I object.

ORDER OF BUSINESS.

Mr. RANDALL. I call up the unfinished business of yesterday.

The SPEAKER *pro tempore*. By agreement of the House made on yesterday, by unanimous consent, a private bill that had been called up by the gentleman from Tennessee [Mr. BALLENTINE] was to be considered this morning immediately after the reading of the Journal.

R. J. P. WHITE AND OTHERS.

The Clerk read the title of the bill, as follows:

A bill (S. 646) for the relief of R. J. P. White, Peter Hanger, and L. T. Green.

The SPEAKER *pro tempore*. The question is on whether the bill shall be read a third time.

Mr. HOLMAN. I believe the consideration of this bill was postponed to enable the chairman of the Committee on War Claims, the gentleman from Ohio [Mr. GEDDES], to consider the matter.

Mr. BALLENTINE. If the gentleman from Indiana will allow me, I will say that the chairman of the War Claims Committee has informed me this morning that he considered this bill as right and that these claims are just.

Mr. GEDDES. The statement of the gentleman from Tennessee is correct.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BALLENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL AGENTS IN TREASURY DEPARTMENT.

Mr. HOLMAN. I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back with an amendment the resolution which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of the names of the persons who were borne on the rolls of the Department as special agents on the 1st day of November, 1884; also, a list of those on said rolls as such special agents on the 2d day of February, 1885; said list to include the names of those borne on what is known as the fraud-rolls of said Department. Also to specify the names of those removed or discharged between said dates, and the cause or causes of said removal or discharge; also the names of those discharged and reinstated between said dates, and the reasons for their reinstatement.

The Clerk read the report of the committee, as follows:

The Committee on Appropriations, to whom was referred the resolution calling upon the Secretary of the Treasury for certain information touching the appointment and dismissal of special agents, having considered the same, report it back to the House herewith, and recommend its adoption, with the following amendment: In line 7 of said resolution, after the words "eighteen hundred and eighty-four," insert the following: "the 30th day of June and 1st day of July, 1883 and 1884, and the necessity for their appointment."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIO R. SANTOS.

Mr. STEWART, of Texas. Mr. Speaker, I rise to report a resolution which I think is in the nature of a privileged report.

The SPEAKER *pro tempore*. Does the gentleman from Texas [Mr. STEWART] rise to make a privileged report?

Mr. STEWART, of Texas. Yes, sir. It is a resolution in answer to an inquiry addressed to the Committee on Foreign Affairs, and I think it comes under the head of a privileged report.

The SPEAKER *pro tempore*. That is a privileged report. The Clerk will read it.

The Clerk read as follows:

Resolved, That the President be requested to take all necessary and proper measures to assure Julio R. Santos, an American citizen now imprisoned in Ecuador, a speedy and impartial trial, and to protect him in his life and his property.

Mr. STEWART, of Texas. Mr. Speaker, I demand the previous question on the adoption of this resolution as a substitute for the resolution on the same subject referred to the Committee on Foreign Affairs.

The substitute was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Texas [Mr. STEWART] that the report as amended by the substitute be adopted.

The motion was agreed to.

Mr. STEWART moved to reconsider the vote by which the report was adopted; and also moved to lay that motion on the table.

The latter motion was agreed to.

Several MEMBERS. Regular order.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will first ask the consent of the House to submit certain executive communications.

There was no objection.

UNITED STATES CONSULATE, IQUIQUE.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Secretary of State relative to the burning of the effects of the United States consulate at Iquique, Peru, and asking an appropriation to reimburse the United States consul; which was referred to the Committee on Appropriations, and ordered to be printed.

POWOW RIVER, MASSACHUSETTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a report from the Chief of Engineers of a survey of Powow River, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

COEUR D'ALENE LAKE AND RIVER.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing a report from the Chief of Engineers of an examination of Coeur d'Alene lake and river, and of Saint Joseph's River, Idaho; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

STATISTICAL ABSTRACT OF THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting the seventh number of the Statistical Abstract of the United States; which was referred to the Committee on Printing, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GLASCOCK, for this day, on account of sickness in his family.

To Mr. BRAINERD, for this day.

To Mr. HOWEY, until 7th instant, on account of important business.

CHANGE OF REFERENCE.

On motion of Mr. ROSECRANS, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 8025) for the relief of Christian R. Purdum, Hervey E. Clark, John M. Lamb, and Julius C. Shainwald; and the same was referred to the Committee on the Public Lands.

On motion of Mr. ROSECRANS, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (S. 1631) for the relief of John W. Blake; and the same was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

AMENDMENT OF RULES.

Mr. RANDALL. Mr. Speaker, I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The regular order is the unfinished business of yesterday's session, which is the report made by the gentleman from Pennsylvania [Mr. RANDALL] from the Committee on Rules.

The question is upon the amendment offered by the gentleman from Ohio [Mr. KEIFER] to strike out the word "five" and insert the word "ten" as the number of members required to object in order to prevent the consideration of a bill.

Mr. WELLER. Mr. Speaker, can that report now be read for the information of the House?

The SPEAKER *pro tempore*. It may be in the absence of objection. If no objection be made, the Clerk will read the report.

Several members objected.

Mr. KEIFER. Mr. Speaker, I ask that the Clerk read that part of the report to which my amendment applies.

The SPEAKER *pro tempore*. The Clerk will read the clause which is proposed to be amended by the gentleman from Ohio.

The Clerk read as follows:

Strike out "five," before the word members, and insert "ten;" so that it will read, "and the bills and resolutions so designated shall be considered, unless objected to by at least ten members."

The SPEAKER *pro tempore*. The question is upon agreeing to the amendment of the gentleman from Ohio which has just been read.

The question was taken; and there were—ayes 117, noes 55.

Mr. YAPLE. Mr. Speaker, I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 26 members voted in the affirmative and 139 in the negative—not one-fifth of the last vote.

So the yeas and nays were not ordered.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment of the gentleman from Ohio [Mr. KEIFER].

The amendment was agreed to.

Mr. KEIFER moved to reconsider the vote by which the amendment was agreed to, and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs upon agreeing to the report of the Committee on Rules as amended, upon which the previous question is operating.

The report as amended was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER. A great many members would like to have this rule, as now amended, printed in the RECORD of to-morrow morning.

The SPEAKER *pro tempore*. If there be no objection it will be printed in the RECORD of to-morrow as amended.

There was no objection.

The resolution, as amended, is as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. WILLIS. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, my object being to call up the river and harbor bill. Pending this motion I move that all general debate in Committee of the Whole on this bill be limited to one hour and a half; and on that motion I call the previous question.

Mr. REED, of Maine. I hope that will not be done. The members of the Committee on Rivers and Harbors have not got through addressing the Committee of the Whole on the subject——

Mr. WILLIS. I think the committee will be liberal in this matter.

Mr. WASHBURN. I hope the gentleman will allow a little more time than an hour and a half. So far as I am concerned, I think the friends of the river and harbor bill on this side of the House——

Mr. WILLIS. What time does my friend from Minnesota suggest?

Mr. WASHBURN. I would say three hours and a half.

Mr. WILLIS. If the gentleman will say two hours, we can agree upon that.

Mr. HENLEY. Give them leave to print.

Mr. WILLIS. I will modify my motion so as to allow three hours for general debate; and upon that I call the previous question.

Mr. WASHBURN. So far as I am concerned, I believe it is the general disposition on this side of the House, certainly of those who are the real friends of a respectable river and harbor bill, to agree to three hours.

Mr. REED, of Maine. Is it understood that the members of the Committee on Rivers and Harbors resign their right to occupy this time? Because otherwise other members of the House, who have not had opportunity to be represented before the Committee on Rivers and Harbors, will have no opportunity to be represented before the House.

Mr. WILLIS. So far as one member of the committee can control the matter, ample time will be allowed in Committee of the Whole for speeches of ten, fifteen, or twenty minutes each. I will endeavor to consult the wishes of all sides of the House.

Mr. RANDALL. I object to any agreement at variance with the rule.

The SPEAKER *pro tempore*. The first question is on ordering the previous question on the motion of the gentleman from Kentucky [Mr. WILLIS] to limit general debate in Committee of the Whole on the river and harbor bill to three hours.

Mr. REED, of Maine. Do I understand it is arranged that members of the committee shall not occupy all this time?

The SPEAKER *pro tempore*. The Chair has no information upon that subject.

Mr. RANDALL. That is a matter to be regulated by the chairman of the Committee of the Whole.

Mr. REED, of Maine. But the chairman of the Committee of the Whole holds that the members of the Committee on Rivers and Harbors have the right to be heard first, and it looks as if they were not only to be heard first, but also to be heard last.

The SPEAKER *pro tempore*. The Chair will state to the gentleman

from Maine that in the absence of any agreement (of which the Chair knows nothing) the disposition of time in the Committee of the Whole would be regulated by the chairman of the Committee of the Whole.

Mr. REED, of Maine. But in determining this question it is very important the House should know how that recognition is going to be extended.

The SPEAKER *pro tempore*. The present occupant of the chair has no control over the proceedings of the Committee of the Whole.

Mr. REED, of Maine. I am aware of that; but the House has such control, and I want to bring the question to the attention of the House. If the House does not wish to control it, no one can find any fault.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The question being taken; there were—ayes 139, noes 48.

Mr. REED, of Maine. I call for the yeas and nays on ordering the previous question.

The question being taken on ordering the yeas and nays, the ayes were 31—less than one-fifth of the last vote.

The SPEAKER *pro tempore*. In the opinion of the Chair the yeas and nays are not ordered.

Mr. REED, of Maine. I call for tellers on ordering the yeas and nays.

Tellers were ordered, 33 voting in favor thereof; and Mr. REED, of Maine, and Mr. WILLIS were appointed.

Mr. WILLIS. If the House will indulge me, in the interest of public business [cries of "Regular order!"] I ask whether three hours and a half——

Mr. REED, of Maine. Mr. Speaker, all I ask of the House is that we who are not members of the Committee on Rivers and Harbors shall have an opportunity to discuss this question. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order. The House is dividing.

The House again divided; and the tellers reported—ayes 44, noes 143.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 174, nays 72, not voting 77; as follows:

YEAS—174.

Aiken,	Dorsheimer,	Ketcham,	Ryan,
Alexander,	Dowd,	King,	Singleton,
Anderson,	Dunham,	Kleiner,	Skinner, T. G.
Bagley,	Eaton,	Lamb,	Slocum,
Ballentine,	Eldredge,	Lanham,	Smalls,
Barbour,	Ellis,	Lewis,	Smith, A. Herr
Barksdale,	Ellwood,	Libbey,	Smith, H. Y.
Beach,	English,	Lovering,	Snyder,
Bennett,	Ermentrout,	Lowry,	Stevens,
Blebee,	Evans,	McComas,	Stewart, Charles
Blackburn,	Fiedler,	McMillin,	Stockslager,
Blanchard,	Findlay,	Matson,	Strait,
Bland,	Follett,	Maybury,	Sumner, C. A.
Blount,	Foran,	Miller, J. F.	Sumner, D. H.
Boyle,	Forney,	Mills,	Swope,
Bratton,	Geddes,	Money,	Talbott,
Breckinridge,	Goff,	Morrill,	Taylor, J. M.
Brewer, F. B.	Graves,	Moulton,	Thomas,
Buchanan,	Green,	Muldrow,	Tillman,
Budd,	Greenleaf,	Murphy,	Townshend,
Burleigh,	Halsell,	Mutchler,	Tully,
Cabell,	Hardeman,	Neece,	Turner, H. G.
Caldwell,	Harmer,	Nelson,	Turner, Oscar
Campbell, J. M.	Hatch, W. H.	Nicholls,	Van Alstyne,
Candler,	Hemphill,	Oates,	Wait,
Carleton,	Henderson, T. J.	Ochiltree,	Wallace,
Clardy,	Henley,	O'Ferrall,	Ward,
Clements,	Herbert,	O'Hara,	Warner, Richard
Cobb,	Hewitt, G. W.	Paige,	Washburn,
Cosgrove,	Hill,	Parker,	Wemple,
Covington,	Hoblitzell,	Patton,	White, Milo
Cox, W. R.	Holman,	Peel,	Wilkins,
Craig,	Holmes,	Perkins,	Williams,
Crisp,	Holton,	Pierce,	Willis,
Culberson, D. B.	Houseman,	Pryor,	Wilson, W. L.
Culbertson, W. W.	Howey,	Randall,	Winans, E. B.
Cutcheon,	Hunt,	Reagan,	Winans, John
Dargan,	Hurd,	Reid, J. W.	Wolford,
Davidson,	Jeffords,	Reese,	Wood,
Davis, G. R.	Johnson,	Rice,	Worthington,
Davis, R. T.	Jones, B. W.	Riggs,	York,
Deuster,	Jones, J. H.	Robertson,	Young.
Dibrell,	Jones, J. T.	Rogers, J. H.	
Dockery,	Jordan,	Rogers, W. F.	

NAYS—72.

Adams, G. E.	Hanback,	Milliken,	Russell,
Atkinson,	Hardy,	Morgan,	Shively,
Bayne,	Hart,	Murray,	Spooner,
Bingham,	Haynes,	O'Neill, Charles	Springer,
Boutelle,	Henderson, D. B.	O'Neill, J. J.	Stephenson,
Brewer, J. H.	Hepburn,	Payne,	Stewart, J. W.
Brown, W. W.	Hiscock,	Payson,	Storm,
Browne, T. M.	Horr,	Peters,	Struble,
Burnes,	Houk,	Pettibone,	Taylor, E. B.
Cassidy,	Kean,	Phelps,	Taylor, J. D.
Collins,	Keifer,	Potter,	Tucker,
Connolly,	Lacey,	Price,	Wadsworth,
Converse,	Long,	Ray, G. W.	Winkelield,
Everhart,	Lyman,	Ray, Ossian	Whiting,
Ferrell,	McAdoo,	Reed, T. B.	Wilson, James
Finerty,	McCormick,	Rockwell,	Wise, J. S.
Funston,	Millard,	Rosecrans,	Woodward,
Guenther,	Miller, S. H.	Rowell,	Yaple.

NOT VOTING—77.

Adams, J. J.	Davis, L. H.	Kelley,	Seymour,
Arnot,	Dibble,	Kellogg,	Shaw,
Barr,	Dingley,	Laird,	Skinner, C. R.
Belford,	Dunn,	Lawrence,	Spriggs,
Belmont,	Elliott,	Le Fevre,	Steele,
Bowen,	Fyan,	Lore,	Stone,
Brainerd,	Garrison,	McCoid,	Thompson,
Breitung,	George,	Mitchell,	Throckmorton,
Broadhead,	Gibson,	Morrison,	Valentine,
Brumm,	Glascock,	Morse,	Vance,
Buckner,	Hammond,	Muller,	Van Eaton,
Campbell, Felix	Hancock,	Nutting,	Warner, A. J.
Campbell, J. E.	Hatch, H. H.	Poland,	Weaver,
Cannon,	Hewitt, A. S.	Post,	Wellborn,
Chalmers,	Hitt,	Pusey,	Weller,
Clay,	Hooper,	Rankin,	White, J. D.
Cook,	Hopkins,	Ranney,	Wise, G. D.
Cox, S. S.	Hutchins,	Robinson, J. S.	
Cullen,	James,	Robinson, W. E.	
Curtin,	Jones, J. K.	Seney,	

So the previous question was ordered.

During the roll-call,

Mr. WASHBURN moved by unanimous consent that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The following pairs were announced from the Clerk's desk on all political questions until further notice:

Mr. MORRISON with Mr. SKINNER, of New York.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. ELLIOTT with Mr. VALENTINE.

Mr. DAVIS, of Missouri, with Mr. BRAINERD.

Mr. GARRISON with Mr. BARR.

Mr. CLAY with Mr. HOWEY.

On this vote—

Mr. SENEY with Mr. STONE.

Mr. VAN EATON with Mr. JAMES.

Mr. GEORGE D. WISE with Mr. STEELE.

Mr. WISE would have voted "ay" and Mr. STEELE "no."

For this day—

Mr. ADAMS, of New York, with Mr. WEAVER.

Mr. MULLER with Mr HOUK.

Mr. CAMPBELL, of New York, with Mr. KELLEY.

The vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] to close general debate on the river and harbor bill in the Committee of the Whole House on the state of the Union at the end of three hours.

Mr. REED, of Maine. I demand a division on that question.

The House divided; and there were—ayes 97, noes 41.

Mr. HEPBURN. No quorum voting.

The SPEAKER *pro tempore*. The Chair will appoint as tellers Mr. WILLIS and Mr. HEPBURN.

Mr. HEPBURN. I will waive the question of no quorum.

The SPEAKER *pro tempore*. The ayes were 97, noes 41; and the point of no quorum having been withdrawn, the motion is agreed to.

The question now recurs on the motion to go into committee for the purpose of considering the river and harbor appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The present condition concerning the debate is that on the Democratic side Mr. WILLIS, Mr. REAGAN, Mr. BLANCHARD, and Mr. GIBSON have been heard, and on the Republican side Mr. PRICE, Mr. THOMAS, and Mr. BAYNE. All of these are of the committee except Mr. PRICE. He has twenty-five minutes reserved, Mr. WILLIS twenty-five, and Mr. GIBSON twenty-two. At present the gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor, he having the floor when the committee rose last week.

Mr. WILLIS. I feel, under the statement I made to the House, I should surrender my time, and I do so.

The CHAIRMAN. The Chair has made this statement with the desire there should be some arrangement agreed upon between gentlemen. There are many persons on the list of those who are on the committee and those who are not on the committee. While there is no positive rule on the subject, the custom is so uniform to recognize members of the committee, the Chair has felt it his duty to do so, alternating from side to side and from those favoring the bill to those opposing the bill. The Chair hopes that some arrangement will be made during the time the gentleman from Arkansas is speaking which will be satisfactory.

By order of the House general debate has been limited to three hours.

Mr. YOUNG. Mr. Chairman, does it appear from any memorandum before the Chair how much time the members of the Committee on Rivers and Harbors propose to occupy?

The CHAIRMAN. The Chair will state that every member of the committee had his name on the list, so far as the Chair remembers, except one who is ill. The gentleman from Arkansas is entitled to the floor and will proceed.

Mr. BRECKINRIDGE addressed the House. [See Appendix.]

Mr. BRECKINRIDGE. Mr. Chairman, I ask unanimous consent that I be allowed ten minutes more.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent that his time be extended for ten minutes. Is there objection?

Mr. REED, of Maine. Mr. Chairman, I am ready to agree to allow the gentleman the extra ten minutes that he desires if the whole time can be extended ten minutes; but I fear that the gentleman himself [Mr. BRECKINRIDGE] voted for the restriction of the time.

The CHAIRMAN. It will be impossible to extend the time beyond the limit fixed by the House. Is there objection to the extension of time asked for by the gentleman from Arkansas [Mr. BRECKINRIDGE]?

Mr. WASHBURN. I object.

The CHAIRMAN. Objection is made to the extension of the gentleman's time, and the gentleman from Wisconsin [Mr. PRICE] is entitled to the floor.

Mr. PRICE. Mr. Chairman, when addressing the House a few days ago on this bill I gave a table of figures which I conceded to be imperfect, but claimed to be as nearly correct as could be arrived at in the few minutes that were allowed for examination after the bill was obtainable and before the debate opened.

I have carefully revised these tables, and shall by leave of the House print them as a part of my remarks:

States and Territories.	Amount.	States and Territories.	Amount.
Maine	$67,000	California †	$162,500
New Hampshire	22,500	Oregon	225,500
Massachusetts †	246,000	Pennsylvania †	97,500
Vermont	20,000	Virginia †*	264,000
Rhode Island†	50,000	West Virginia	323,400
Connecticut	138,000	Montana †	6,250
Illinois †	221,000	Washington Territory †	16,500
New York †	316,500	Dakota †	11,250
New Jersey	172,500	District of Columbia †	150,000
Delaware	118,000	Arkansas*	127,500
Maryland	87,000	Missouri*	9,000
North Carolina*	112,000	Tennessee*	302,250
South Carolina*	179,500	Kentucky*	312,250
Georgia*	140,500	Indiana	37,500
Florida*	173,750		
Ohio†	207,500		6,791,600
Mississippi*	59,000	Reservoirs	35,000
Alabama †*	395,750	Hennepin Canal	300,000
Louisiana †*	279,500	Ohio	475,000
Texas*	1,012,500	Missouri	540,000
Michigan†	438,700	Mississippi, above Cairo	880,000
Wisconsin †	212,000	Mississippi, below Cairo	2,940,000
Minnesota	50,000		
Iowa †	5,000	Total	11,961,600

*Southern States. †States represented on committees.

To briefly restate some of these figures may serve to awaken an interest on the subject that will assist in settling intelligently and fairly the question before us.

The whole sum to be appropriated is $11,961,600, besides providing for some surveying, &c., at an unknown cost. Of this sum there is to be expended: For reservoirs, $35,000; for Hennepin Canal, $300,00; for improvement Ohio River, $475,000; for improvement Missouri River, $540,000; for improvement Mississippi River, $3,820,000, of which $2,940,000 is to be expended below Cairo, and $880,000 above Cairo. In thirteen Southern States, with a population of 15,254,115, there is to be expended the sum of $3,683,900; and in twenty-five Northern States and Territories, with a population of 32,826,584, there is to be expended $3,107,700.

These sums last named are outside of the appropriations for the improvement of the Mississippi, Missouri, and Ohio Rivers, and for the reservoirs at the head of the Mississippi, and for the Hennepin Canal. The average appropriation to these States South is $283,337, and the average to the Northern States mentioned in the bill is $124,308; difference, $159,029 on an average, or over half a million more for the thirteen than for the twenty-five; or, on a population of 15,254,115, more than for a population of 32,826,584.

One extraordinary item is the sum of $1,012,500 for the State of Texas, and a part of that is one item of $750,000 for improving Galveston Harbor, which, it is claimed by its friends, is to be the initial step toward the expenditure of $8,000,000 or more on said harbor. But in a very eloquent argument made on Saturday by the gentleman from Louisiana [Mr. BLANCHARD] in favor of this appropriation, he made the startling announcement that "Galveston shipped annually 800,000 bales of cotton;" and being asked how many tons that would make, he answered, "Count it yourself, at five hundred pounds per bale." I understand, but I may be mistaken, that in that condition cotton is worth about 10 cents per pound; and, if so, that whole matter of commerce is but $40,000,000.

While we are dealing in figures I desire to submit a few on other matters that may very properly be considered in this connection. The States having a representation by one of their own members on the Committee on Rivers and Harbors get, on an average, $233,149, while those not so represented, and named in the bill, get by its previsions $149,750 on an average, or $83,390 less than the others. These facts and figures tell their own story, but when interpreted by a few more figures, which I now propose to submit, I think gentlemen on both sides of this House, who mean to be fair, will admit that this manner of discussion is legitimate, as there is a clear discrimination against one part of the country and in favor of another. To-day we stand confronted with the fact that in this Chamber there are but 17,000 and a fraction of votes behind every member who represents one of the late insurrectionary States—I mean on an average—while in the other States of the Union there is a fraction of over 27,000 votes behind each member of this body on an average. I get my authority for this statement from the Congressional Directory of the Forty-eighth Congress; and the same inequality holds good in the electoral college.

Again, it cost this Government for the year 1884, to pay the expenses of the United States courts in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, with an aggregate population of 12,990,246, the sum of $1,020,184.36; while for the same purpose for the States of Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, with an aggregate population of 26,239,010, the cost was only $751,087.19. In other words, for the same purpose, and for half the population, it cost the Government $847,389.20 more in the South than it did in the North. I submit that it is perfectly proper to consider all of the foregoing facts in connection with this bill. Every member of this House, and every tax-payer in the country, has a right to inquire where the revenues are being expended, and how, and by whom.

I fully concur with the gentleman from Texas [Mr. REAGAN] and the gentleman from Ohio [Mr. EZRA B. TAYLOR] that sectional considerations should not control these appropriations; and it is because I so believe that I oppose this bill in its present form.

Let me illustrate: For two different improvements in the Chippewa River, in the State of Wisconsin, the Government engineers reported that the sum of $55,000 could be judiciously expended; and the committee insert in this bill the sum of $13,500 to cover both; and I was told by a member of the committee that it had adopted a rule to recommend 25 per cent. of the recommendations of the engineers.

Looking at this bill, I find that in the Northern States, particularly Michigan, Wisconsin, and some others, this rule has been inflexibly enforced or the amount recommended in such instances falls below the percentage named. In none of these instances has this percentage been exceeded. I have no objection to the rule, but let us see how it is applied and how it works.

Mr. WILLIS. Will my friend allow me to say in one second——

Mr. PRICE. I yield for one second.

Mr. WILLIS. As to political votes in the committee, I will state here in the presence of every member of the committee that there has never been any division in the committee politically since its creation. Further I will say that of the fifteen members of the committee (unless you count me as a Southern member) twelve are from the North and three from the South. As to the States of Michigan and Wisconsin, both of them have representatives on the committee.

Mr. PRICE. It is a matter of the most profound indifference to me whether the fraud has been perpetrated by Northern or by Southern men. It is sufficient for me to know that the bill is unequal in its provisions, sectional in its character, and as such should be rebuked by the House.

Mr. OCHILTREE. Will the gentleman yield for a question?

Mr. PRICE. I must decline to do so, though I would like very much to oblige the gentleman. The other day when I occupied the floor for a brief period I allowed my time to be frittered away by interruptions, but on a subsequent day when I sought from a gentleman, who after consuming an hour had his time extended, the privilege of making one single remark which would have saved the consistency of his record and relieved me from the necessity of making a correction of it to-day, he deliberately refused me that opportunity. I must decline, in my brief time, to be interrupted.

Last summer an extraordinary flood occurred in the Chippewa River which created an impassable bar in it, and I asked that an additional sum might be appropriated for its removal. I was told that I could not get it, because the committee would not entertain a proposition to appropriate for any work not recommended by the engineers.

Through the courtesy of a member of the committee, General HENDERSON, of Illinois, I succeeded in getting them to amend the bill so as to include the work on the bar with the work on the Yellow Banks and the jetties at the mouth of the river; but I was held inflexibly to the $13,500 to make these three improvements, when $55,000 was recommended by the engineers for two of them, and this, too, upon a river upon which a line of steamboats plies and that has a lumber commerce alone of $10,000,000 annually.

For the improvement of the Superior Harbor the engineers recommended an appropriation of $50,000, but the committee, adhering to their "rule," give that improvement in this bill $12,500, or 25 per cent.

The engineer in charge has also sent a supplemental report, in which

he recommends a further appropriation of $70,000 to improve the Saint Louis River at Superior, which is really a part of the Superior Harbor, and on this I get nothing by this bill. Is It due, however, to the committee to say that I do not know whether or not they were in possession of this supplemental report. I could not get to them to tell them of it, and the Wisconsin member of that committee was prostrated on a bed of sickness.

The committee did graciously permit by the bill an expenditure of a part of the $12,500 which was for the Superior Bay on the work in Saint Louis Bay. Thus we have $12,500 appropriated instead of $120,000 recommended by the engineers, or $17,500 less than 25 per cent. on such recommendation of the engineers.

I am not appealing to the House on sectional grounds, but I could show if I had time that the commerce of that section of the country towers away above and overshadows the entire commerce of the city of Galveston; and that while the rule laid down by the committee was rigidly enforced in the North it was not enforced as to the South.

Mr. REAGAN. Will the gentleman allow me just a moment?

Mr. PRICE. Nothing would give me greater pleasure; but I can not afford to yield unless my time can be extended.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. PRICE. No, Sir. As suggested by a friend near me, I must "say no, and go on."

At the head of Lake Superior, and on the Wisconsin side, there are now two railroads and three more are being built. There is one coal dock which will hold one hundred and twenty-five thousand tons. A cattle company owning large herds in Arizona and elsewhere are commencing to ship cattle from the great Northwest by way of Superior to the seaboard. They have stabling enough to shelter and are now wintering six hundred head at that place for shipment East in the spring, and they are so well satisfied at present with the experiment that many thousand will go East by way of Superior next year, and thus avoid the more unhealthy Southern routes heretofore used. There is no power to foresee the future commercial prosperity of the head of Lake Superior.

The following letter from Lieutenant-Colonel of Engineers O. M. Poe, in relation to the present and future of the Sault Saint Mary's Canal will give some idea of the commerce of these lakes, when it is remembered that most of the commerce of the canal has to pass the head of Lake Superior:

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., January 8, 1885.

SIR: In my annual report for the fiscal year ending June 30, 1884, I submitted a project for the enlargement of Saint Mary's Falls Canal, including the construction of a new lock in place of the two old ones, and urged the matter in terms as strong as seemed proper.

It was stated that the commerce through the canal during 1883 was 2,042,295 tons (registered); that the annual increase in tonnage for fifteen years had been quite uniform, averaging 107,313 tons per year; that only 11 per cent. of the vessels passing the canal during 1883 were of sufficiently light draught to admit of their passing through the old locks; and that if these figures were maintained for eight years the present lockage system, although in constant operation, would be insufficient to take care of the shipping.

We now have complete returns for the season of 1884, and the annual increase in tonnage has not only been maintained but largely exceeded; that is to say, the registered tonnage passing through the canal during the season of 1884 was 2,997,837 tons, an increase of 955,578 tons, or nine times the average annual increase for the preceding fifteen years. Or, to state it possibly with greater force, this increase in 1884 is equal to the entire commerce through the canal during the first five years it was open to navigation.

Should this rate of increase be maintained, the full capacity of the lockage system will be reached within four years instead of eight, as estimated in the annual report.

The following table affords the means of comparing, in detail, the business of the canal during the season of 1884 with that of 1883:

Comparative statement of the commerce through Saint Mary's Falls Canal, Michigan, for the seasons of 1883 and 1884.

Items.	1883.	1884.	Increase.	Percentage.	Decrease.	Percentage.
Vessels .....number...	4,315	5,689	1,374	32	.....	.....
Lockages .....number...	2,351	3,074	723	31	.....	.....
Tonnage ... registered...	2,042,259	2,997,837	955,578	47	.....	.....
Tonnage .....freight...	2,267,105	2,874,557	607,452	27	.....	.....
Passengers.....number...	39,190	54,214	15,084	39	.....	.....
Coal.....tons...	714,444	706,379	.....	.....	8,065	1
Building stone.....tons...	2,465	6,047	3,642	151	.....	.....
Copper .....tons...	31,624	36,662	5,038	16	.....	.....
Flour .....barrels...	687,031	1,248,143	561,112	86	.....	.....
Grain .....bushels...	6,677,025	12,502,894	5,825,869	87	.....	.....
Iron ore .....tons...	791,732	1,136,071	344,339	43	.....	.....
Lumber.....feet, B. M...	87,131,000	122,389,000	35,258,000	40	.....	.....
Pig and manufactured iron .....tons...	109,910	72,428	.....	.....	37,482	66
Salt.....barrels...	70,898	144,804	73,906	104	.....	.....
Silver ore.....tons...	814	9,731	8,917	1,095	.....	.....
Unclassified.....tons...	191,571	207,173	15,602	8	.....	.....

Canal opened April 23 and closed December 10, 1884, being open to navigation 232 days.

Canal was opened during season of 1883 224 days.

The increase in registered tonnage was 47 per cent.; in grain, 87 per cent.; in flour, 82 per cent., and in iron ore 43 per cent

These are the great staples (although a notable increase in the lumber traffic was developed), and indicate the direction from which future increase must be expected.

It will be principally from the cereal products of the Northwest, through the systems of railways terminating on Lake Superior.

It is stated in the commercial columns of the newspapers that there are now stored at Duluth alone nearly 5,000,000 bushels of grain, and that this will be increased to more than 7,000,000 by the time navigation opens.

And yet this bill treats that section as though it were unworthy of consideration. I am in favor of a just and liberal appropriation bill; one that will include within its provisions all rivers and harbors which are of national importance, and want it as nearly equal sectionally as the commercial interests of the whole country will warrant. Not that I suppose that our rivers will ever be the arteries through which will flow the bulk of our commerce, but if no ton should ever be carried on their broad bosoms to the seaboard, when so improved as to make their navigation practicable and certain, they serve as about the only check on the rapacity of those who control the other avenues, because they are the only highways with which others can not "consolidate."

In the preparation of this bill the committee applied the principle of giving 25 per cent. only of the recommendations or estimates of the engineers in the North generally I believe—in my own district I know—and then fell below that. Another rule they adopted for their government I believe (and you must recollect that if I am wrong it is because my sources of information as to their purposes were extremely limited, as I could not get to talk with the committee) was to make no appropriation for new work or work not recommended by the Engineer or War Department. These rules were inflexible in the section where I am most interested, but became flexible and elastic under the balmier breezes of a milder clime.

I do not call attention to these inequalities to embitter the feelings of any member on this floor or of any American citizen, but to prevent a repetition of them, and awaken such attention to their existence as will insure their being remedied.

It is said this is an "era of good feeling." It ought to be. I want it to be. But my friend must be just; he must recognize my right to be his equal. I claim no superiority, and I can not without an earnest protest recognize the justness of these matters to which I have referred; nor can I consent to vote for this bill as it now stands, as it is clearly discriminating against sections and interests. Strike from it some of its most odious provisions and I will heartily support it and join with gentlemen from every section and of every political party in this or any other measure the tendency of which will be to make this what the God of nature intended it to be, the freest and most prosperous nation on the globe.

But our Government can never reach its full measure of usefulness unless the law-making power shall vest in men broad enough and honest enough to legislate with a wise and impartial reference to all sections, all interests, and all classes; until they come to be guided by the sole consideration that they are not so much the agents of a party as the agents of the people; until they study less how to place the opposite party in a bad attitude before the country by trapping them into doing badly and plan more how they may themselves do better; until we disenthrall ourselves from the senseless and infernal system of rules with which we have shackled and manacled ourselves.

To-day, if some mischievous wag should secrete at some place in this Chamber a parrot who had been taught the one word "object" (and a parrot could be taught to say that), the proceedings of this House could be brought to a standstill "under the rules," and "under the rules" I venture the opinion that not one member out of every twenty-five can become familiar with the several subjects upon which he is called to cast his vote, and that not one in fifty does have a clear idea of what is going on around him from day to day.

Gentlemen speak lightly of an expenditure of a dozen million dollars when we have not got nor have we the present means of getting 25 per cent. of what we honestly owe to men who have done work for the Government or to whom we have become indebted. There is an army of them. They crowd the corridors of the Capitol; they intercept and importune members of the committees; they plead and have been pleading for long years for simply their rights. In some cases the representatives of the third generation are growing gray in a vain attempt to induce Congress—this Congress—to pay a debt due to their great-grandfathers; and we do not deny the debt, do not even apologize for not paying it, but with a yawn we turn away and jangle through a day's session over the question of how the "rules" should be interpreted, or what particular committee shall have jurisdiction of a bill, or what particular measures shall be considered first. And all this time we are without coast defenses, without a navy, without a merchant marine. All over our land there are men dying broken-hearted in poorhouses, or in homes made wretched by poverty, who wrecked their lives and their fortunes in defense of the integrity of this country. Yet we stand here from day to day quarreling over the question of how we will adjust the manacles we have forged for ourselves and are voluntarily wearing.

I call attention to these matters not for the purpose of uselessly complaining, not for the purpose of wounding, but with the faint hope that it may have a tendency to remedy the wrongs; to induce to such action as will demonstrate to the country that we are willing to sink the partisan in the patriot; to think less of North or South and more

of the whole country; to mete out equal and exact justice to all sections and all classes; to make an immediate and earnest effort to pay our just debts; to stimulate trade and commerce alike in all sections of our common country, and not waste millions on experiments or unjustly tax the industry and thrift of one section to encourage the idleness or unthrift of another.

I agree that locality alone should not govern in this appropriation, and I go further and say that in my judgment that should not be the controlling consideration; but I think neither of the members of this committee nor any other member will deny what I claim, that it is perfectly proper to consider this question, making it subordinate to the general commercial wants of the country; and I can not forget that the eighth Congressional district of Wisconsin, where the Mississippi with all its mighty volume of commerce laves the shores of four counties, the Saint Croix River the shores of five counties, and Lake Superior two more, while it is traversed by the Chippewa and the Black Rivers with an annual commerce of $12,000,000, gets under the provisions of this bill $33,000, when the recommendation of the engineers is $202,500, one-fourth of which is $50,625; so that instead of giving us one-fourth of the amount of the engineers' recommendation we receive $17,625—less even than 25 per cent.

No man can more highly appreciate the importance of improving our water ways than I do. It is not this principle I am combating; it is the gross inequalities apparent in the bill, and the extravagant expenditure of money that we can ill spare on schemes that are impracticable and visionary, that I am opposing.

The gentleman from Louisiana [Mr. BLANCHARD] stated that Galveston was the "second cotton port in the United States." I hold in my hand a book belonging to the national Library entitled Cotton Facts, edition of October, 1884, which gives the annual cotton exports from the several United States ports since 1873; and if the statements of this book are true the gentleman's statement is incorrect, as I find that the average annual exports for the years 1873–'74 to 1883–'84, inclusive, to be as follows:

	Bales.
New Orleans	1,430,000
New York	559,000
Savannah	397,000
Galveston	328,000
Charleston	317,000

So that Galveston is not the second cotton port, as stated by the gentleman, nor is it even the third, but it is the fourth.

The gentleman stated also that the annual receipts of cotton at that port aggregate about 800,000 bales. In this the gentleman is still more widely mistaken if this book is correct, as it states the annual export to be but 328,000 bales for the last eleven years, and but 371,000 bales last year, and in the last eleven years it never reached in any one year a greater amount that 521,000 bales.

This reference to the mistakes of the gentleman is intended to prove two things: First, that the magnitude of the commerce of Galveston has been overrated in a manner which, if not corrected, would have a tendency to deceive the House; and second, to show that the bill presented to us for our indorsement has been illy digested and imperfectly considered.

Compare for a moment Galveston in the South with Superior in the North. Superior, in 1883, was entered by ten vessels with a registered tonnage of 7,734 tons, discharging at that port 9,750 tons of coal alone. In 1884 ninety-seven vessels, with a registered tonnage of 58,000 tons, discharged at that port 83,480 tons of coal alone. The recommendation of the engineers for this port was $120,000, and this bill gives it $12,500. The recommendation of the sums that can be profitably expended during the next year for a ship-canal in Galveston Bar is $500,000, and this bill gives it $750,000.

The gentleman further states that Wisconsin has no cause of complaint, as in the aggregate appropriations she is next to New York and Michigan, and stands third on the list. A reference to the bill will prove that Wisconsin stands thirteenth in the list as to amount.

But I am charged with making this a "sectional question." I deny and resent the statement. A bill formulated in a committee with closed doors, discriminating against the States having no immediate representation on the committee, discriminating against a section by overriding every consideration growing out of the volume and needs of commerce and of the recommendations of the engineers, is presented to us, and we are asked on a three hours' debate to crystallize it into a law, scarred and marred all over as it is with sectionalism. And because I have pointed out a few of these unjust provisions I am charged with making the discussion sectional. If I found a neighbor making off with my property and I should attempt to intercept him would I be justly chargeable with inciting a quarrel? I yield to no man in a desire to see all sectional considerations ignored in this House or elsewhere, and it affords me a melancholy pleasure to indorse, in closing, one-fourth of the statement made by the gentleman from Louisiana [Mr. BLANCHARD], when he said he knew "No North, no South, no East, no West." He certainly knows no North.

Mr. STONE obtained the floor.

Mr. REAGAN. I ask the gentleman from Massachusetts [Mr. STONE] to yield me one minute.

Mr. STONE. I will do so.

Mr. REAGAN. I desire only to say one word in response to the sectional argument which has been made by the gentleman from Wisconsin [Mr. PRICE]. He opposes this bill because, as he claims, it is sectional. What is the fact? The records of the War Department show that there has been appropriated for the improvement of rivers and harbors of the State of Wisconsin $4,659,541. The records of the same Department show that the eight States of Tennessee, South Carolina, Mississippi, Louisiana, Kentucky, Florida, Arkansas, and Alabama have received in the aggregate $332,140 less than the amount received by the single State of Wisconsin. Yet that State, through her Representative, now talks about sectionalism. [Applause.] The figures are as follows:

Tennessee	$85,500
South Carolina	963,000
Mississippi	377,900
Louisiana	245,400
Kentucky	457,000
Florida	760,250
Arkansas	316,500
Alabama	1,091,751
Total for eight States	4,317,401
Wisconsin alone	4,659,541

Mr. STONE. Mr. Chairman, as under the order adopted by the House this debate is limited to a short time, I will not undertake to speak at large, as I had hoped to do, upon the general merits of this bill. I will merely occupy a few minutes in explaining that item in the bill in which I am especially interested, and which has been particularly alluded to by two or three members who have already taken part in the debate. I allude to the item which proposes an appropriation for the establishment of a first-class national harbor upon the Atlantic coast at a place in Massachusetts called Sandy Bay, at the extreme end of Cape Ann.

By the action of Congress at its last session the Secretary of War was authorized to commence the construction of such a harbor at this place, provided that a board of engineers to be appointed by him should upon examination find that this location—Sandy Bay, Massachusetts—was the best point on the coast between Boston and Portland for such a harbor.

The provision in the bill of last year passed without exciting any opposition. It was thoroughly considered in the committee before being reported to this House, and inasmuch as it proposed the commencement of a large work—the establishment of a harbor which will cost four or five million dollars—it was considered right and judicious on the part of the committee not to embark upon the enterprise until the board of engineers had made an examination and passed upon the question of location.

In pursuance of the authority thus vested in the Secretary of War a board of engineers was appointed, who examined the coast and made a report to the War Department. In their report this board of engineers find distinctly that the location at Sandy Bay is the best point on the coast between Boston and Portland for such a harbor.

The language of the bill last year which authorized this examination by the board of engineers was as follows:

Constructing a national harbor of refuge of the first class at Sandy Bay, Cape Ann, Massachusetts, $100,000: *Provided*, That a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor that shall serve all the uses for which it may be needed.

In drafting that provision I had in my mind not only the establishment of a first-class harbor of refuge which would meet the demands of commerce and humanity, but I had also in my mind what I believe it the duty of this Government to consider, the value and importance of such a harbor possibly in the future as a military or naval station in case of foreign complications. The question having been thus submitted to the engineers, they found in their report, as I have stated, that Sandy Bay was the best location.

Mr. HORR. Will the gentleman state just where Sandy Bay is?

Mr. STONE. Sandy Bay is upon the extreme eastern end of Cape Ann, on the eastern shore of Massachusetts, which projects into the sea from ten to fifteen miles beyond the ordinary contour of the coast. It is in all respects, as the engineers have reported, a very desirable and strikingly suitable situation for the establishment of a harbor of this description. But while the engineers found, as I have stated, that that was the proper location, for some cause which is unexplained, having passed upon the question submitted to them, they then went beyond their authority, and considered the question whether or not it was for the interests of commerce that a harbor of the first class should be established at that point, and upon that question they have written a very long and full report. In that report they argue that while this is the best location for such a harbor, yet the needs of commerce would be met and satisfied by a harbor of the second class in that neighborhood, in connection with the work which they recommend shall be done in a harbor ten miles from there, the harbor of Gloucester.

Now, Mr. Chairman, it is because of that report in which the engineers have passed upon another question, to wit, whether or not the needs of commerce will be satisfied if a harbor of another class be estab-

lished near there, that there appears to be here and now in this House a difference of opinion on the part of some members of the committee in regard to the expediency of this item of appropriation. But gentlemen will observe—and I ask the attention of the House to this point—that the question of the expediency of this appropriation and the question of the convenience and the necessity of such a harbor was the very first question that was discussed by the board of engineers. Before the question came to this House at all as a subject of appropriation, General Thom, who was the chief of the engineers of that section of country, was requested to examine this point as a preliminary step, and upon such examination he reported to the Secretary of War (who transmitted the report to Congress) that there was great need for a harbor of refuge upon the coast in this vicinity, and that in his judgment this was the proper point for it, and also that it was a work of great importance and of public necessity.

So that, as to the question of public necessity, that was passed upon and distinctly reported upon to Congress by General Thom.

Now, these engineers, by what authority I do not know, have attempted not only to instruct this Congress upon the question submitted to them, to wit, the question of location, but they have attempted also to instruct this Congress in regard to a subject as to which their opinion was not asked, and in respect to which, so far as I know, by reason of their history and antecedents, they have no special qualifications to speak. They are a board of engineers representing the executive department of the Government, but why they found it convenient to enter upon another question which belongs especially to us, the legislative branch of the Government, to wit, the question whether or no the commercial needs of the country and the demands of humanity and of commerce require such a harbor, I do not understand; because that question is for us, and not for any board of engineers that this Government may happen to employ or control.

I will read a few words from this report, which is dated December 24, 1884. In the report the engineers begin by asking, What does Congress mean when it asks us to decide whether this is the best location? That is the question that these engineers gravely and honestly raise. What does Congress mean when it says that it will establish a national harbor of refuge at Sandy Bay (I read now the very words):

Provided, That a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor that shall serve all the uses for which it may be needed.

This board of engineers begin by asking what Congress meant when it submitted that question to them. Then, having said that, they proceed to dismiss in a few words one part of the question submitted, namely, whether or not this is the best place on the coast between the points named for such a harbor for all the purposes for which it may be needed. They perceive that in that phraseology the question of the value of this point as a military or naval station is involved, but they do not devote any thought to that question, but dismiss it by saying that they do not think it is worthy of consideration. So that this board of engineers dismiss without thought or consideration one element of the question submitted to them, and then, having in a few words decided upon the question of location, to the effect that there was no doubt about the suitableness of this point, they then proceed to discuss a question which was not submitted to them at all. This is the postnre of this board of engineers, declining to deal with one relation of the question which was submitted to them, and introducing and discussing another question which was not before them.

Now what do they say? They say that, in their judgment, such a harbor is not needed, and that the wants of commerce can be met by establishing a second-class harbor at a place between Thatcher's Island and Milk Island, which is a point about two miles from what is called Sandy Bay, and by expending also a million and a half of money in the improvement of a harbor eight or ten miles distant called Gloucester Harbor. So that the engineers virtually say to Congress: "In our judgment, instead of building a first-class harbor at Sandy Bay, we recommend that you shall build a second-class harbor between Thatcher's Island and Milk Island, and also expend another million and a half on Gloucester Harbor, about ten miles off; and, in our judgment, such an expenditure will be less by one-half than what you propose to expend on this harbor at Sandy Bay, while we believe that the wants of commerce will be equally well met and satisfied."

Now I submit, Mr. Chairman, that there is no one in this House who has greater regard for the ability and intelligence of the Corps of Engineers, when dealing with subjects within their province and matters coming properly before them, than I have, but when they attempt to instruct Congress on a subject, especially a legislative one, and not in any sense an executive one, they exceed their authority.

Mr. STEELE. I understand you then to hold the position that you think a great deal of the engineers' report where they make recommendations to suit you, but when they make recommendations to the contrary of what you desire, then you do not think much of the engineers' report? [Laughter.]

Mr. STONE. No; I did not say that. I said this, that I thought a great deal of the Corps of Engineers when they were dealing with matters within the province of their duties, but that when they attempted to deal with matters outside, then it is gratuitous, unauthorized, and entitled to no respect whatever.

Mr. STEELE. I understand these engineers do not recommend a harbor they can not get into.

Mr. LONG. They do not claim they can not get into it.

Mr. STEELE. Well, that it is dangerous to get into it.

Mr. LONG. No.

Mr. STEELE. Gentlemen of the committee inform me they do claim that.

Mr. STONE. Now, Mr. Chairman, I wish to refer to this report in another relation. When this matter came before the last Congress, owing to a remark made by Major Raymond, who made a long and elaborate report, in which he spoke of some ledges in the neighborhood, the criticism was made that this harbor might not be found accessible in times of rough weather, and therefore would not be of value; but Major Raymond afterward wrote a letter to the committee, in which he said he wished to change his opinion, because that difficulty could be corrected by establishing a light-house on a certain point on a dry reef outside of the harbor.

Upon this point the report of the engineers is valuable, and to this I ask the attention of the gentleman from Indiana [Mr. STEELE]. When the board of engineers came to deal with the question of the best location for a first-class harbor, if they had considered the remark made by Major Raymond in his first report of any importance they would have said so, and would have reported against this location because of this difficulty; but, on the contrary, they were unanimously in favor of Sandy Bay as the place of all others for a first-class national harbor; and I commend this part of the report to Major STEELE as a conclusive answer to his suggestion that the harbor would be inaccessible.

Again, they say in their report, and to this I ask the attention of the members of the committee for a few minutes, that the wants of commerce will be met by a second-class harbor. Now I do not believe that any member of this House who has given the subject of commerce any attention, who has carefully considered what is taking place in Europe to-day, who has carefully considered what they are doing across the water, or has carefully considered what we are doing in our own country, would advise for a moment that this Government should spend a million and a half of dollars on the Atlantic coast to establish a second-class harbor.

Why, Mr. Chairman, what has the Government been doing all along the Atlantic coast for the last fifteen years? Nothing but making second-class into first-class harbors; and the needs of commerce to-day are such that a second-class harbor is comparatively of no value. We are expending millions of dollars all along the Atlantic coast, from the mouth of the Mississippi River to Eastport on the extreme east, in changing second-class harbors to first-class harbors; and why do we do it? In 1853, only thirty years ago, you might take up Lloyd's Register of American and Foreign Commerce, and you could not find registered in that whole register of more than 10,000 ships more than five American ships drawing over twenty feet of water.

Mr. HORR. What is the difference between a first-class harbor and a second-class harbor?

Mr. STONE. I will explain. That question is asked by these engineers.

Mr. HORR. Does it depend on the depth of water?

Mr. STONE. These engineers ask that question with a singular exhibition of innocence. These engineers, whose duty it is to know all about rivers and harbors, gravely ask what is a first-class harbor.

Now let us see what Mr. Nimmo says—Mr. Nimmo, the head of the Bureau of Statistics. I have not the report before me now. I thought I had it. But Mr. Nimmo made a report in which he states the accepted classification in this country as well as abroad, that a first-class harbor is a harbor that accommodates vessels of the largest size and drawing over twenty feet of water; that a second-class harbor is a harbor that accommodates vessels drawing between fifteen and twenty feet of water, and that a third-class harbor includes all harbors that accommodate vessels drawing fifteen feet of water or less. That is the classification adopted in other countries as well as here by those dealing with the subject. But these engineers undertake to advise this Congress to make a second-class harbor in Massachusetts and to expend more than a million of dollars on it. They do not know, apparently (and I say it respectfully), what are the commercial needs of the country in this respect. Why do you spend millions of dollars—and I ask my friend from New York [Mr. POTTER] the question—why do you spend millions of dollars in New York to deepen the channel of that harbor, to get twenty-five or thirty feet depth? It is because you know that commerce is demanding it, and that twenty feet is not sufficient for the present demands of the commerce of the world.

Now, Mr. Chairman, if this Government is to engage in this enterprise let it establish a harbor upon the coast equal to all the demands of commerce and humanity, and which will be an honor and a credit to the American people. They should put one there to meet all of the conditions of a first-class harbor, and there is no point on that entire coast between Boston and Portland—and on that the committee agree—that can be compared with Sandy Bay for the purpose of establishing a magnificent harbor. It has all the water you can need; it is

free from silt, from ice, from currents of every description, and it is in the immediate neighborhood of a number of granite quarries, out of which abundant material can be obtained at a nominal expense of 40 or 50 cents a ton, when the same material if sent to South Carolina or to Mississippi would cost at least four or five dollars a ton.

Mr. BOUTELLE. May I interrupt the gentleman a moment to ask whether copies of that report to which he referred are available?

Mr. STONE. I presume they are; I have no doubt they are. They were furnished to Congress.

Now, Mr. Chairman, I want to show in as few words as I can what this Government is doing. As I have said already, in 1853 out of 10,430 vessels there were only five drawing over twenty feet of water. In 1878 we had one hundred and fifty-seven on Lloyd's register drawing over twenty-three feet of water, and the harbors of New York and Portland, in fact all of the great harbors of the coast, are demanding improvements which will give a depth of thirty feet of water to meet the demands of the large vessels that carry the commerce of the world.

You are building steamboats of 8,000 tons capacity; you are crossing the ocean in six days; you are nearer practically to England to-day than you were thirty years ago by one-half, and you have got to protect your coast, and to legislate for the possible demands of the future. These things must be kept in mind in dealing with this subject of river and harbor improvements.

I submit, Mr. Chairman, that it is only the part of wisdom—of true wisdom on the part of this Congress, if you move at all in this direction—to build a harbor upon this coast which shall be a credit to the country and equal to the resources of this great nation, which is now on the pathway of empire and is not to be staid.

A word more, Mr. Chairman. I want to say a word upon another subject, and I may take up more time than I had intended to consume. I desire to say, and I say it earnestly, that I have been somewhat surprised from previous conversations that I have had with gentlemen at what has taken place here. I was surprised at the remarks of my friend from Illinois [Mr. THOMAS], after what had taken place between us. I do not quite understand his criticisms. But I want to call attention to some facts in connection with the necessities of commerce at this point. You are legislating for the commerce and for the wants of the navigation of this country.

Do you realize where the commerce of this country is? Do you realize the fact that out of about 24,082 vessels belonging to these United States 18,178 belong to the Atlantic coast? The members of this House are asking for liberal appropriations for the rivers and lakes of the interior; and I am with them most heartily, for I am in favor of liberal appropriations; but I call attention to the statistics of our commerce; which after all is the best indication of the condition and wants of the country. Of the entire commerce of the country, as measured by vessels, 18,178 are engaged in the trade on the Atlantic coast. Of that 18,178, 5,888 vessels, or nearly one-fourth of the whole commerce of the country, belong to New England. Consider that for a moment. Of the entire commerce of this country, 5,888 vessels out of 24,000 belong to New England and are engaged in commerce in these very waters where we ask the establishment of a first-class harbor. We propose to put into this bill more than $6,000,000 for the Mississippi River and its great tributaries; and yet upon the Mississippi River and the rivers tributary to it there are only 1,303 vessels out of the 24,000. So that we of the Eastern coast, for we mean to be generous, give to the Western rivers more than $6,000,000 in this bill, with only 1,303 vessels, and only ask in New England an appropriation of about one-half a million with our one-fourth of the total commerce of the country. And this, remember, is for the whole of New England.

In regard to this very point which I have stated, that the commerce of this country is on the Atlantic coast, if I may be permitted for a moment to refer to a remark which took place before the committee, a gentleman from Toledo told us that the bulk of the commerce of the country was on the lakes. He was very much surprised when I showed him these facts, and that of the total commerce of this country only 3,380 vessels were on the lakes against 18,000 on the Atlantic coast.

Mr. THOMAS. May I interrupt the gentleman to ask what is the distance from this proposed harbor at Sandy Bay to Boston?

Mr. STONE. It is about thirty-five miles.

Mr. THOMAS. And what is the distance from Sandy Bay to Portland?

Mr. STONE. It is between eighty and ninety miles; probably a hundred miles.

Mr. THOMAS. How far is it from Portsmouth, N. H.?

Mr. STONE. Thirty or thirty-five miles.

There is an immense commerce between Boston and Portland, and a very great proportion of the commerce that passes this point is not only the commerce directly between Boston and the East, but a very large proportion of vessels that come to Boston from New York and the Southern ports go East for return freights; and they pass Cape Ann in going East, when they are destined evidently for some Southern port. And according to the best computations that can be made, and those computations are confirmed by recent examinations, there are supposed to be about 70,000 vessels that pass this point, this extreme end of the cape, Sandy Bay, every year. And those vessels which are bound for New York passing south of Cape Cod as a rule make the Cape and light in passing to the South; so that vessels in distress come in sight of this very point, Cape Ann, when bound to Southern ports. Colonel Craighill, a very able engineer and a very accomplished man, who signed the report, told me that no point on the coast was so striking in its situation and so capable of being made into a superior harbor as this point at the end of Cape Ann—Sandy Bay. Its value for the purposes I have stated, I think, can not be denied by any one who takes the subject into consideration.

Now, let me advert to one point more. I have in my hand the report of the select committee of the British Parliament on the subject of harbor accommodations, which was made to the House of Commons on the 20th July, 1884. It is a very recent report. This whole subject of harbor accommodations has been thoroughly considered by the English Parliament within the last twenty-five years. In 1859 and 1860 and in 1861 there were special committees appointed by Parliament to investigate the subject of harbors, especially harbors of refuge, and they made full reports on that subject. And this committee which made the report of 1884 confirms the action of the other committees appointed in 1859 and 1860. And they are unanimously of the opinion that while it is not the duty of the government of England to do anything more than aid in the construction of harbors of commerce, it is clearly the duty of the imperial Parliament to build out of the imperial treasury harbors of refuge. And why? Because it is obvious that harbors of refuge are built not merely to meet the demands of commerce, but largely to meet the demands of humanity; and you can not expect that persons engaged in business, whose main motive is gain, will take such an interest in a harbor of refuge as they would in a harbor of commerce, which is also a great commercial port. And therefore it devolves especially upon the Government, whose duty it is to establish life-saving stations and to do all in its power to protect life and property from the perils of the sea, to provide liberally for harbors of refuge, which are not likely to be built except through the aid of the General Government.

How much time have I remaining?

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. STONE. I agreed to give part of my time to Mr. WASHBURN, of Minnesota, and now allow him fifteen minutes.

Mr. WASHBURN. The gentleman from Massachusetts concedes me fifteen minutes of his time and my friend from Illinois [Mr. THOMAS] yielded me five minutes the other day, so that I have twenty minutes.

Mr. Chairman, before proceeding to what I have to say in the main, I desire to call the attention of the House to the fallacy of the figures of the gentleman from Massachusetts [Mr. STONE] with reference to the necessary magnitude of a harbor on the coast as compared with a harbor on the lakes. The commerce on the coast is largely made in long trips, lasting perhaps two years, perhaps one year, perhaps three months; while in the immense commerce on the lakes there are fifteen or twenty trips made in a year by each vessel. Consequently the comparison which the gentleman makes is not a fair one. It is the question of tonnage and not the question of the number of trips made by vessels.

Mr. MILLIKEN. I would ask the gentleman from Minnesota [Mr. WASHBURN] if what he says about short trips is not true of the coasting vessels along the Atlantic as well as of the vessels on the lakes?

Mr. WASHBURN. It is to some extent, but not to the same extent.

Mr. MILLIKEN. How long a stretch of navigation is there on the lakes, taking the whole length of them?

Mr. WASHBURN. I can not yield further at present.

Mr. Chairman, I am and have been during my entire term in Congress in favor of liberal appropriations for the improvement of the rivers and harbors of the country.

From years of observation and careful study of this subject I am satisfied that no expenditures made by the Government have been productive of more satisfactory results in the development of the resources of the country than those made for the improvement of our rivers and harbors. And during the entire time I have been in Congress there have been no appropriations to which I have given a more hearty support and for which I have more cheerfully voted than such as have been made for this purpose. Appropriations of this character I believe to be both wise and proper, and I desire to see them continued until the great harbors of our coast are improved sufficiently to accommodate the commerce that comes to them and the lake harbors to receive the products of the great empire borne to them to be transported to the markets of the world, and until the great natural water ways of the country are so improved as to transport cheaply the commerce tributary to them.

For all these purposes I am in favor of liberal appropriations, and I have no sympathy with a false economy that would restrict them to beggarly proportions, and I have little patience with the clamor that has been raised and misrepresentations made from time to time for the purpose of bringing such appropriations into disrepute; and I have less patience with those who, representing localities that in years past received liberal appropriations to complete their own improvements, are now prepared to call a halt as to improvements of other localities equally important and meritorious.

Of all the river and harbor appropriations that have passed Congress none probably has ever been subjected to the unjust criticism and gross misrepresentations, and concerning which a more senseless clamor has been raised, than the bill passed in the first session of the Forty-seventh Congress, and I believe inspired to a large extent by such motives as those to which I have alluded. The appropriation, it is true, was a large one, but not larger than the rapidly increasing commerce of the country required. While large, it was fairly and justly distributed among the different sections of the country where improvements were needed.

The appropriations in that bill were mainly for great national works and only an insignificantly small amount for unimportant streams, but which, though small, at the same time afforded means of transportation to many localities and communities which could not be secured in any other way. Of an appropriation of something over $18,000,000 there was less than $400,000 appropriated for the improvements of this kind and which could be fairly criticised as not being national in character. And yet nothing was left undone to carry the impression to the country that this appropriation was largely to improve trout streams and macadamize "dry runs."

Mr. Chairman, no section of this country can afford to be jealous of another, for no section of this country can be improved without benefiting in one way or another every other. Not a stream in this broad land can be improved to increased capacity for transportation, not a harbor of any of the great lakes can be widened or deepened to receive commerce but that the great financial and commercial heart of the continent, and soon to be of the world—the city of New York—is quickened and strengthened in its pulsations.

Mr. Chairman, I reside in and have in part the honor to represent a section of country that has a very deep interest in the question of river and harbor improvements, and the other question inseparable from it, cheap transportation to the seaboard.

Minnesota, with one arm on the head of navigation of the Mississippi River at Saint Paul and the other stretching to Lake Superior at Duluth, has the advantage of two great systems of water transportation, and has an especial interest in having them both improved to the fullest extent. To the expenditures already made in this direction Minnesota owes, for its almost magical growth and marvelous development, more to the facilities that have been offered for cheap transportation by the natural water ways than to any and all other causes combined. What Minnesota and the Northwest require is not only the cheap transportation furnished by the natural water ways, but the cheap rail transportation that it necessarily brings with it, and which it will continue to bring, unless natural causes shall be neutralized by such unnatural legislation as is embodied in the interstate-commerce bill recently passed by this House, whereby railroad lines will be foreclosed from entering into competition either with water routes or themselves. But I trust the country is to be spared the affliction of having a bill necessarily so vicious in effects becoming a law, and I shall not pursue this line of comment further.

Now, Mr. Chairman, while I am heartily in favor of appropriations for the improvement of rivers and harbors, and while I believe there is not a constituency in the country more interested in such improvements than the one I have the honor to represent, and for the reasons indicated, I find provisions in the bill now before the committee that I can neither approve nor support. I do not think the bill either a fair or a just one. While in some sections of the country the appropriations are insignificantly small and entirely inadequate to carry forward important works, in other sections unusually large amounts are named and new schemes are entered upon of a magnitude and character sufficient to startle, if not alarm, the most enthusiastic river and harbor advocate in this House or the country.

Mr. Chairman, I do not desire to raise anything like a sectional question with reference to the appropriations made in this bill; yet it can not escape the notice of the House, as it certainly will not of the country, that a very large proportion of the appropriations in this bill are for works in the Southern States—$7,197,900 for the South; $4,764,900 in the Northern States. To such a distribution of appropriations I would make no objection, on the ground of locality or section, if I felt they were justified by the existing condition of things. No man in this House has been more liberal in his views and in his action with reference to the great works that have been carried on in the South during the past few years, the improvement of the Lower Mississippi especially, than myself, having always had my most hearty and unqualified support. But when we find, as we do in this bill, that great works are to be entered upon to accommodate a commerce that does not exist, and looking to the expenditure of an amount of money out of all proportion to appropriations that have ever been made in any section of the country, and when we find as a logical consequence appropriations for other sections where an existing and rapidly increasing commerce is pressing for further and greater facilities, are reduced to insignificant amounts and such commerce almost ignored, I for one must enter my most earnest and determined protest.

There has been introduced in the Senate by the distinguished Senator from TEXAS [Mr. COKE], and reported, as I understand, by the other distinguished Senator from the same State [Mr. MAXEY], a bill for the improvement of Galveston Harbor. This bill, as I understand it, provides for the Government entering into a contract with Capt. James B. Eads for the purpose of securing a certain depth of water and width of channel in and to Galveston Harbor. To make clear what this gigantic scheme means and is likely to cost the Government before completed I will insert as a part of my remarks sections 4 and 5 of the Senate bill, which relate to the amounts of money to be paid and the terms of payment provided for in that bill:

SEC. 4. That whenever said Eads and his associates shall have obtained a navigable channel between the 30-foot contour lines of the harbor and the Gulf, said lines being fixed and established as aforesaid, not less than one foot deeper than the channel as laid down on said chart, a measurement of said deeper channel shall, at the request of said Eads or his associates, be made by said Superintendent of the Geodetic and Coast Survey; and if such increased depth shall be found to exist, said Superintendent shall certify the fact to the Secretary of War, who shall thereupon draw his warrant upon the Secretary of the Treasury of the United States, in favor of said Eads or his associates, or his or their assigns or legal representatives, for the sum of $1,000,000; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sum for which said warrant is drawn; and in like manner, upon the request of said Eads or his associates, measurements of the channel shall be made and certified to by said Superintendent as each additional foot of depth shall be obtained until the total depth of thirty feet shall have been secured. All such certificates shall be transmitted to the Secretary of War, who shall, upon the receipt of each one thereof, draw his warrant upon the Secretary of the Treasury, in favor of said Eads or his associates, or their assigns or legal representatives, for such sum of money as may be then due and payable to said Eads and his associates under the terms of this act; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sums of money for which said warrants shall be respectively drawn. For each foot of depth obtained and certified to as aforesaid there shall be paid to said Eads and his associates, their assigns or legal representatives, $1,000,000, until a total increased depth of two feet shall have been obtained, and a total of $2,000,000 shall have been paid; after which there shall be paid in like manner and in like certification $900,000 for each foot of additional depth which shall be obtained, until a total increased depth of four feet shall have been secured and a total payment of $3,000,000 shall have been made; after which there shall be paid, in like manner and upon like certification, $400,000 for each foot of additional depth which shall be obtained, until the total increased depth of six feet shall have been secured and a total payment of $3,800,000 shall have been made; after which there shall be paid, in like manner and upon like certification, $350,000 for each foot of additional depth which shall be obtained, until the total increased depth of eleven feet shall have been secured and a total payment of $5,550,000 shall have been made; after which there shall be paid, in like manner and upon like certification, $400,000 for each foot of additional depth which shall be obtained, until the total increased depth of thirteen feet shall have been secured and a total payment of $6,350,000 shall have been made. When the total depth of said channel shall have been increased to twenty-eight feet, $450,000 shall be paid; and when the maximum channel of thirty feet shall have been secured, such sum of money shall be paid as shall, when added to the amounts heretofore paid, fully make up the sum of $7,250,000. Said maximum channel shall have a depth of twenty-six feet, not less that two hundred feet in width at the bottom, and having through it a central depth of thirty feet, without regard to width. When said maximum channel of thirty feet shall have been thus obtained, the remaining $500,000 of the total compensation for the work then unpaid shall be deemed to have been earned by said Eads and his associates, but the same shall remain in the possession of the Government of the United States for a period of ten years from the date when the said maximum channel shall have first been obtained, as security for the maintenance of said channel; but during the whole of said period, and until the said $500,000 is paid, said Eads and his associates, or assigns or legal representatives, shall receive from the United States interest upon the same at the rate of 4 per cent. per annum, payable in equal quarterly installments during each year; and when said Eads and his associates shall have maintained said maximum channel for the full period of ten years, as hereinafter provided for, the Secretary of War shall issue his warrant upon the Secretary of the Treasury, in favor of said Eads or his associates, or his heirs or their assigns or legal representatives, for said sum of $500,000; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, his or their assigns or legal representatives, the sum for which said warrant is drawn.

SEC. 5. That after said maximum channel of thirty feet shall have been secured, said Eads and his associates shall maintain the same during a period of ten years, dating from the time when said channel shall have been first obtained; and as compensation for such maintenance the United States shall pay to said Eads and his associates, or their assigns or legal representatives, in equal quarterly payments, the sum of $100,000 per year for each and every year of such maintenance: *Provided, however*, That if said Eads and his associates shall fail to maintain said maximum channel to the injury of commerce, the United States shall have the right to apply the $500,000 held in reserve as security, or so much thereof as may be necessary, to the maintenance of said channel. All payments to said Eads and his associates for maintenance of channel shall be made upon the certified statement of the Superintendent of the Geodetic and Coast Survey, which certificates shall be made whenever there shall have been a quarter's maintenance, and shall be transmitted to the Secretary of War, who shall at all times draw his warrants in accordance therewith upon the Secretary of the Treasury for any amount or amounts due; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sums for which said warrants shall be respectively drawn.

Mr. BRECKINRIDGE. If the gentleman will permit me I will ask him: Is there a syllable of that bill in this river and harbor bill?

Mr. WASHBURN. No, sir.

Mr. BRECKINRIDGE. I thought you meant to state that it was in the bill.

Mr. WASHBURN. O, no; I have not made that statement.

By examination of the terms of this proposed contract it will be seen that the ultimate cost of this improvement to the Government will be $8,950,000, or only $50,000 less than $9,000,000. I will print the figures on which this statement is based:

For removing the obstructions or digging the channel thirty feet deep the bill proposes to give $7,750,000, to be paid as follows:

For first foot of increased depth	$1,000,000
For second foot	1,000,000
For third foot	500,000
For fourth foot	500,000
	3,000,000

Brought forward—first four feet	$3,000,000
For fifth foot	400,000
For sixth foot	400,000
	3,800,000
For seventh foot	350,000
For eighth foot	350,000
For ninth foot	350,000
For tenth foot	350,000
For eleventh foot	350,000
For twelfth foot	400,000
For thirteenth foot	400,000
	6,350,000
Next payment is made when twenty-eight feet total depth is obtained	450,000
	6,800,000
Next payment is made when thirty feet total depth is obtained	450,000
	7,250,000

and $500,000 more is earned when the thirty feet is obtained, but it is provided that this $500,000 be retained by the Government for ten years as security for the maintenance of said channel for the term of ten years by Eads and associates, but the Government is to pay Eads and associates 4 per cent. on this $500,000 for the term it holds same, which is ten years, and therefore the Government pays $20,000 per year interest on that money for this time.

For keeping the channel open to its maximum depth Eads gets $100,000 per year.

For ten years	$1,000,000
At the end of ten years the reserve fund of	500,000
Interest on same	200,000
	1,700,000
Money received on work before shown	7,250,000
	8,950,000

Now, it is true that the bill under consideration does not contemplate a contract with Captain Eads, but it does propose that the same work shall be done under his direction and superintendence, and hence there would appear to be no good reason to believe that the work can be done under the plan of the present bill for less than the amount proposed in the Senate bill, or about $9,000,000.

To enter upon such a work as this, requiring, as it will, expenditures of such magnitude, utterly disproportionate with what have ever been made in any section of the country for such a purpose, without plans, with no recommendation from the War Department, or any officer of the Government, merely upon a theory, would seem to me little short of midsummer madness.

I have said the cost of this work is to be disproportionate to what has been expended for similiar purposes in any part of the country; and to show this I desire to call to the attention of the committee the statement which I hold in my hand giving the amounts that have been expended on the six more important harbors on the Atlantic coast, as well as the amount that has already been expended at Galveston:

Boston Harbor, Massachusetts	1,977,026 10
New York Harbor (East River and Hell Gate)	3,305,000 00
Philadelphia, Pa., Delaware River below Bridesburg	945,000 00
Baltimore Harbor, Maryland	1,765,000 00
Charleston Harbor, South Carolina	1,444,700 00
Savannah Harbor, Georgia	1,016,096 64
Galveston Harbor, Texas	1,835,200 00
Total	11,288,022 74

It will be observed that the total amount expended on all of these six great harbors outside of Galveston is a little less than $10,000,000, while the amount to be expended at Galveston, under the Eads plan, added to what has already been expended there, reaches the enormous sum of $10,785,296, or more than the entire aggregate amount that has been expended on all of the six important harbors to which I have referred. I submit to the committee whether this is not rather "crowding the mourners."

Now, let us look for a moment at the commerce of Galveston, as compared with that of these ports; and to do this intelligently I have procured a statement, which I hold in my hand, showing the value of the exports and imports for 1884 at these points:

1884.

Ports.	Exports.			Imports.	Total imports and exports.
	Domestic.	Foreign.	Total.		
Boston	$62,528,000	$969,829	$63,497,829	$65,865,551	$129,363,380
New York	320,016,246	9,867,021	329,883,267	465,119,630	795,002,897
Philadelphia	36,467,799	24,769	36,492,568	33,657,216	70,149,784
Baltimore	43,064,217	15,077	43,079,294	11,423,665	54,502,959
Charleston	16,231,892	175	16,232,067	462,949	16,695,016
Savannah	19,947,349	.....	19,947,349	652,360	20,599,709
Galveston	20,433,878	21,070	20,454,948	1,119,708	21,574,656
	518,689,381	10,897,941	529,587,322	578,301,079	1,107,888,401

This showing would not certainly seem to justify the expenditure of such a vast sum of money as contemplated by the bill.

And now for the purpose of exhibiting further the disproportion of the proposed expenditures at Galveston as compared with those made for the harbors of the great lakes, I will print with my remarks the statement which I have prepared showing the relative tonnage at Galveston and the one port of Duluth, at the head of Lake Superior, for the year 1884:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., January 29, 1885.

Tonnage entered and cleared in the foreign trade of Galveston during the fiscal year ended June 30, 1884.

Entered and cleared.	Number.	Tons.
ENTERED.		
American vessels	19	9,674
Foreign vessels	177	114,420
Total	196	124,094
CLEARED.		
American vessels	25	14,571
Foreign vessels	181	120,370
Total	206	134,941

Number and tonnage of vessels entered in the coastwise trade at the port of Galveston, Tex., during the calendar year 1883 was as follows:

Year 1883—number of vessels, 413; number of tons, 395,571.

J. N. WHITNEY,
Acting Chief of Bureau.

The following are some of the principal commodities received at Duluth in 1884:

Coal	tons	237,000
Salt, lime, cement, &c	barrels	158,076
Oil	kegs	34,166
Nails, horseshoes, &c	do	18,082
Arrivals and departures of vessels		887

The following are some of the principal commodities shipped from the port of Duluth in the year 1884:

Wheat	bushels	11,067,497
Flour	barrels	814,376
The same reduced to wheat	bushels	4,071,880
Total shipment	do	15,089,377
Bran feed	sacks	99,932
Bars of silver bullion		33,894
Silver ore	sacks	141,347
Lumber		5,080,821
Oats	bushels	47,890
Wool	sacks	4,315

These statements show that the tonnage of Duluth of two articles alone—wheat and coal—is larger than the entire tonnage of Galveston, and the number of vessels arriving at Duluth for the year 1884 is 887 as against 815 at Galveston for the same year, while for the improvement of this harbor at Duluth this bill appropriates the munificent sum of $31,500 as against $750,000 for Galveston, with several millions to follow. I submit to the committee whether this is not, to say the least, slightly disproportionate.

But I hold in my hand a letter of the Secretary of War, transmitting to the House of Representatives letters from General John Newton, Chief of Engineers, and of Col. O. M. Poe, engineer in charge at Detroit, Mich., in which statements are made of a most extraordinary character with reference to the tonnage passing through the Sault Saint Mary's Canal, and which show in a more striking contrast the disproportion of these appropriations than any comparison yet made. I have not time to read these communications and statement at this time, but will print them as a part of my remarks:

Letter from the Secretary of War, transmitting report of the Chief of Engineers concerning the inefficiency of the lockage of the Sault Saint Mary's Canal.

WAR DEPARTMENT,
Washington City, January 17, 1885.

SIR: In accordance with the suggestion of the Chief of Engineers I have the honor to transmit to the House of Representatives, for the information of the Committee on Rivers and Harbors, his report, dated the 14th instant, in which he refers to his last annual report, for the fiscal year ending June 30, 1884, pages 202 and 2011, calling attention to the rapid increase of commerce passing through the Sault Saint Mary's Canal, being such that should its rate be maintained for the next eight years, the period would then be reached when the present lockage system would be found insufficient; and submits the accompanying copy of a report, dated the 8th instant, from Lieut. Col. O. M. Poe, Corps of Engineers, in charge, containing official returns, lately received, of the tonnage passed through the canal during the season of 1884, showing the increase in tonnage to have been beyond all expectation, and so largely in excess of that of previous years, that should the rate be maintained (of which there seems to be no doubt), the insufficiency of the present lockage system will be felt at the expiration of one-half the time estimated, or say in four years, and indicating beyond question a more urgent necessity for an early commencement of this indispensable work.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The SPEAKER *of the House of Representatives.*

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 14, 1885.

SIR: In the last annual report of this office, for the fiscal year ending June 30, 1884, pages 202 and 2011, attention was called to the rapid increase of the commerce passing through the Sault Saint Mary's Canal being such, that should its rate be maintained for the next eight years, the period would be then reached when the present lockage system would be found insufficient.

To guard against this it was recommended to begin at once the construction of a new lock of large dimensions upon the site of the two old ones.

I have now the honor to submit herewith a copy of a report to this office of the 8th instant, from Lieut. Col. O. M. Poe, Corps of Engineers, in charge, containing official returns, lately received, of the tonnage passedthrough the canal during the season of 1884, showing the increase in tonnage to have been beyond all expectation, and so largely in excess of that of previous years, that should the rate be maintained (of which there seems to be no doubt), the insufficiency of the present lockage system will be felt at the expiration of one-half the length of time above estimated, or, say, in four years, and indicating beyond question a more urgent necessity for an early commencement of this indispensable work.

In view of the great importance of this subject, I beg leave to suggest the transmission of this report to the House of Representatives for the information of the Committee on Rivers and Harbors.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

HON. ROBERT T. LINCOLN,
Secretary of War.

SAINT MARY'S FALLS CANAL, MICHIGAN.
UNITED STATES ENGINEER OFFICE,
Detroit, Mich., January 8, 1885.

SIR: In my annual report for the fiscal year ending June 30, 1884,* I submitted a project for the enlargement of Saint Mary's Falls Canal, including the construction of a new lock in place of the two old ones, and urged the matter in terms as strong as seemed proper.

It was stated that the commerce through the canal during 1883 was 2,042,295 tons (registered); that the annual increase in tonnage for fifteen years had been quite uniform, averaging 107,313 tons per year; that only 11 per cent. of the vessels passing the canal during 1883 were of sufficiently light draught to admit of their passing through the old locks; and that if these figures were maintained for eight years the present lockage system, although in constant operation, would be insufficient to take care of the shipping.

We now have complete returns for the season of 1884, and the annual increase in tonnage has not only been maintained but largely exceeded; that is to say, the registered tonnage passing through the canal during the season of 1884 was 2,997,837 tons, an increase of 955,578 tons, or nine times the average annual increase for the preceding fifteen years. Or, to state it possibly with greater force, this increase in 1884 is equal to the entire commerce through the canal during the first five years it was open to navigation.

Should this rate of increase be maintained, the full capacity of the lockage system will be reached within four years instead of eight, as estimated in the annual report.

The following table affords the means of comparing, in detail, the business of the canal during the season of 1884 with that of 1883:

Comparative statement of the commerce through Saint Mary's Falls Canal, Michigan, for the seasons of 1883 and 1884.

Items.	1883.	1884.	Increase.	Percentage.	Decrease.	Percentage.
Vessels.....number	4,315	5,689	1,374	32	.....	.....
Lockages.....do	2,351	3,074	723	31	.....	.....
Tonnage.....registered	2,042,259	2,997,837	955,578	47	.....	.....
Do.....freight	2,267,105	2,874,357	607,452	27	.....	.....
Passengers.....number	39,130	54,214	15,084	39	.....	.....
Coal.....tons	714,444	706,379	.....	.....	8,065	1
Building stone.....do	2,405	6,047	3,642	151	.....	.....
Copper.....do	31,024	36,062	5,038	16	.....	.....
Flour.....barrels	687,031	1,248,143	561,112	86	.....	.....
Grain.....bushels	6,677,025	12,502,894	5,825,869	87	.....	.....
Iron ore.....tons	791,732	1,136,071	344,339	43	.....	.....
Lumber.....feet, B. M.	87,131,000	122,389,000	35,258,000	40	.....	.....
Pig and manufactured iron.....tons	109,910	72,428	.....	.....	37,482	66
Salt.....barrels	70,898	144,804	73,906	104	.....	.....
Silver ore.....tons	814	9,731	8,917	1,095	.....	.....
Unclassified freights.....do	191,571	207,173	15,602	8	.....	.....

Canal opened April 23 and closed December 10, 1884, being open to navigation 232 days.

Canal was opened during season of 1883 224 days.

The increase in registered tonnage was 47 per cent.; in grain, 87 per cent.; in flour, 82 per cent.; and in iron ore, 43 per cent.

These are the great staples (although a notable increase in the lumber traffic was developed), and indicate the direction from which future increase must be expected.

It will be principally from the cereal products of the Northwest through the systems of railways terminating on Lake Superior.

It is stated in the commercial columns of the newspapers that there are now stored at Duluth alone nearly 5,000,000 bushels of grain, and that this will be increased to more than 7,000,000 by the time navigation opens.

If this be true (and I do not doubt it for a moment), the canal will be pushed toward its utmost during the season of 1885.

But the facts adverted to do more than indicate the necessity for beginning the enlargement of the canal at the earliest date possible. They protest in the strongest possible terms against all propositions to fit the old locks for dry-dock purposes, or to build a dry-dock anywhere in the immediate vicinity of the canal to be operated in connection therewith.

Another point which I particularly invite attention to is the fact that no portion of the work of enlargement recently completed will be lost. On the contrary, it is just that much done toward the project now so strongly recommended.

I have to request that this report be forwarded for consideration in connection with my annual report for the year ending June 30, 1884.

I am, sir, very respectfully, your obedient servant,

O. M. POE,
Lieut. Col. of Engineers, Bvt. Brig. Gen., U. S. A.

The CHIEF OF ENGINEERS, U. S. A.

But I desire to call the attention of the committee to the fact this statement shows that during the season of 1884 5,689 vessels passed through the Saint Mary's Falls Canal, with a registered tonnage of 2,942,837 and an actual freight tonnage of 2,847,557 tons, being 5,699 vessels, as against 815 at Galveston, and 2,942,837 registered tonnage as against 594,506 at Galveston.

Colonel Poe, in his letter, speaking of the rapidly increasing tonnage through this canal, and referring to his annual report, in which he submits a project for the enlargement of this canal, says: "Should this rate of increase be maintained the full capacity of the lockage system will be reached within four years, instead of eight, as estimated in the annual report." And yet, in the face of these facts, this bill makes no appropriation for the enlargement of this canal, this great thoroughfare through which pass the millions of tons of the products of the Northwest, and takes no step in that direction; at the same time it appropriates $750,000 for the improvement of the harbor that handles not more than one-sixth as much tonnage.

Mr. Chairman, it is against this unjust discrimination and disproportion of appropriation that the Northwest enters its most emphatic protest.

I will not comment especially on the disparity in the appropriations on the Lower and Upper Mississippi, although, of an appropriation of $3,855,000, $2,800,000 is appropriated for the lower river. While I recognize the importance of carrying forward the improvements on the lower river, I feel that the appropriations for the upper stretches of river are entirely insufficient and out of all proportion.

But outside the unfairness of this bill so far as its appropriations are concerned, there are some very extraordinary and important features introduced as to the jurisdiction of this character of public works that I do not believe will meet the approval or sanction of the committee. Returning to the improvement of Galveston Harbor, the first step to be taken is in the direction of substantially ignoring the Engineer Department of the Government. For one, I can see no good reason why this should be done, and especially at this time.

I see no reason why the carefully prepared plans of the Chief of Engineers, and which are being executed, should be set aside, and other new, theoretical, and expensive plans adopted in their place. There are, I believe, no reasonable grounds for supposing that when these plans have been fully carried out the practical results contemplated by the War Department will not be secured, and at much less cost of money than will be required under the plans proposed in this bill. I can not, of course, discuss this subject as an engineer, but I desire to call the attention of the committee to the letter of General John Newton, Chief of Engineers, addressed to the chairman of the Committee on Rivers and Harbors of the House of Representatives, in which the whole subject of improvements at Galveston is thoroughly gone over and most intelligently and ably discussed, which letter I will print in connection with what I have suggested on this point.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 17, 1885.

SIR: Pursuant with your request made to me, I have the honor to present my views upon the provisions of Senate bill 1652, Forty-eighth Congress, first session, introduced February 27, 1884, reported by Mr. COKE with amendments June 30, 1884, and adopted by the majority of the committee.

The original bill was referred to the office of the Chief of Engineers, and a communication dated March 27, 1884, conveying objections to certain of its provisions was made to the Secretary of War, and by him transmitted to the Senate.

It is proper here to state that near the close of the session I was before the Senate committee on two occasions. At these interviews I became acquainted with statements made by Mr. James B. Eads, a party in interest in the proposed contract for the improvement of the bar at Galveston. Mr. Eads was present at both interviews and a large portion of the time was granted to him. It was probably in view of this, Mr. Eads having before had full opportunity to present his side of the question to the committees of the Senate and House, as well as in regard to the very late knowledge I had acquired of statements made by him, that you requested me to present my views in writing. I have understood, however, that the majority report was made very shortly after my interviews, without reference to the future report asked of me.

Turning now to the report of the majority of the Senate Committee on Commerce, I find no mention made of certain objections which I then urged against the adoption of the proposed contract, but, on the contrary, their report is based upon the views of Mr. Eads, which seem to have been accepted without substantial diminution. There has, so far as I know, been granted no sufficient opportunity for discussing the merits and efficiency of the plan proposed by Mr. Eads, nor has an investigation adequate to the importance of the case been made of that disposition of the works at Galveston which would insure the greatest depth possible under the peculiar existing features of the locality.

I will now comment upon certain statements of this report. It says:

"The general plan of improvement which has been carried on during the past ten years was commenced by Major Howell, and was approved by a board of engineers composed of Generals Tower, Wright, and Newton. It has since been reported upon by boards of United States engineers in 1875, 1876, and 1880. The method of construction was called the gabionnade system. This was abandoned in 1879, after an expenditure by Major Howell of $527,000. After the failure of the gabionnade system, the present officer, Colonel Mansfield, was placed in charge, and the method of construction was changed to the mattress system, without, however, altering the general plan and location of the works."

There is a great deal of incorrect information contained in this short quotation.

In 1870 an appropriation of $76,000 was expended upon the inner bar in dikes and dredging plant, whereby the depth was increased from nine to twelve feet. There was afterward expended in dikes upon the inner bar, up to 1877, the sum of $282,000, making an additional increase of depth of eight and one-half feet there. Adding these together, we find that $358,000 was expended successfully upon the improvement of the inner bar. This reduces the unsuccessful experiment mentioned in the majority report from $527,000 to $169,000, according to its own figures.

The general plan and location of the works were, however, changed, notwithstanding the contrary is indicated in the majority report. It was recommended by the board of engineers that the north and south jetties should be constructed to a certain distance only, with a view to change afterward the direction of their prolongations to produce the required result; and it was also recommended by the board that the direction of the south jetty from its starting point should first be changed, bringing it nearer by this means to the other jetty. As to the height to which these jetties should be built, that was regarded by the board as tentative, and it was understood that the height should be finally regulated to meet the requirements of the case.

* Annual Report Chief of Engineers for 1884, Part III, page 2011.

Before leaving this part of the subject I will state that the gabionnade system of Major Howell was never indorsed by the board; but an experiment on a limited scale, by placing a short line of gabions near the bar and another short line near the shore, was recommended by the board to test its efficiency. That the experiment should have been conducted beyond the limits prescribed by the board can only be explained from the fact that Major Howell was ill during this period of time of the malady which not long afterward terminated in his death, and that he was probably unable to bestow that supervision over the work which might have satisfied him, with a much less expenditure of money, that the system would prove a failure.

It is proper likewise to say that the board never indorsed the system of parallel jetties * 12,000 feet apart devised by Major Howell as competent to afford even a draught of eighteen feet, which is plainly evidenced by the express words of their first report, as well as by the change in the directions of the jetties, which was recommended in a subsequent report.

I will state also that a depth of eighteen feet of water was understood to have been all that the inhabitants of Galveston asked for at the time, and that depth would have proved an immense relief to navigation. It is hard to perceive the justice of holding the Government engineers responsible for not granting a boon greater than that demanded at the time.

According to the majority report the total amount of money expended up to the present time is $1,578,000, of which $527,000 has already been accounted for, leaving a balance of $975,000, which Colonel Mansfield devoted to the construction of the south jetty upon the mattress system, a work not yet entirely finished and brought up to the proper level, but which is admitted to have been economically and solidly constructed. If now we divide the total amount by the number of years from 1870 to 1882, during which period appropriations were made by Congress, we will find that the average annual grant was about $121,000, and that the total amount appropriated would fall far short of the estimates made for the improvement of the outer and inner bars, for which these appropriations were intended.

But one jetty—the south—has as yet been constructed, and with what justice can it be urged in the majority report as a fault of the Government engineers "that no substantial benefit to the interest of Galveston Harbor has thus far resulted from the expenditure of this large amount of money," when it has always been considered necessary for the improvement of the bar that the other jetty, for which no adequate sum of money has yet been appropriated, should likewise be constructed.

There is no system yet adopted in the mode of making appropriations for the improvement of rivers and harbors in the United States. Heretofore the money granted for this object, although large in the aggregate, has been distributed among a multiplicity of localities, so that the most important harbors and rivers have suffered from paucity of money, and a large number of cases exists where the original plans calculated to afford adequate improvement have necessarily been changed and a compromise made in order to utilize and render efficient to some extent the inadequate sums granted. The Government engineers have been taught by sad experience that no large yearly outlay of money for the most important works would be tolerated by Congress, and hence that they must rest content with gradually approaching their object, and leave to the future wants of the locality, so soon as they become imperative, the efforts to extend their works and bring them to the required standard. I may ask, therefore, for the years from 1870 to 1874—yes, and as recently as 1882—what hearing would the Government engineers have had from Congress if they had asked an appropriation of nearly $6,000,000 for the improvement of Galveston Harbor, to be expended at the rate of a million or more each year.

I think a full consideration of these facts will show why it is that they have been compelled to approach by slow degrees the realization of the hopes of improvement at any locality.

The changes of direction already spoken of for the north and south jetties would have given, at the smallest estimate, over twenty feet of depth on the bar, and during the process of construction there would have been ample time to make such changes as would have insured twenty-five feet, or any other depth which the locality would admit of and maintain.

Such, so far as I believe, and I think my connection with those works entitles me to say, was the true idea of their beginning as well as of their future development. I think what has gone before ought to be a sufficient answer to these words from the majority report:

"It has been urged upon the committee that the works of the United States engineers have not yet been completed, and that until their completion the administration of this work should not be placed in other hands.

"The answer to this is:

"First. That the length of time already devoted to the work affords no ground for confidence in future success.

"Second. That the work thus far has been, and still is, of an experimental character, and no positive assurance of results can therefore be given."

As to the first of these, the cause has already been assigned—insufficiency of grants of money by Congress to complete the system.

As to the second, a great mistake is involved in the assertion. The south jetty as well as the works at the inner bar have not been of a mere experimental character. Those at the inner bar have largely increased the depth there; and the south jetty has been solidly and substantially constructed, and would be competent, with the north jetty, to produce decided results. But if the majority report means by the words "no positive assurance of results can therefore be given," that the United States engineers can not say precisely what depth would be obtained, within one or two feet, by the construction of jetties, the statement is entirely correct, and I will add further, that you will not find in the whole world an engineer who could calculate within a foot or two what the effect of the jetties at Galveston would be, while the very attempt to do so would probably prove that the person was incompetent.

Mr. Eads, in his statement (Appendix B of the majority report), has adopted a method of advocating his views which has been found very successful with inexperienced and ignorant people. He apparently imagines that if he can prove the United States engineers to be incompetent, his efforts to realize the large sum of about eight millions of dollars for the improvement of Galveston Harbor would be entirely successful. In attempting this he has, however, overreached himself by asserting too much. To agree with him, all the engineers connected with Galveston Harbor, or who had anything to do with it, including the highest in rank in the corps, have been utterly ignorant, and have proceeded upon radically erroneous and false principles. I do not think that the sensible, thinking people of this country, apart from the mercenaries who are enlisted by the prospect of sharing in the benefits of the $6,000,000 which Mr. Eads seeks, will ever be persuaded that the body of men composing the Corps of Engineers, whose qualities have been tested for so long a time, can be brought down to the low level where he would like to sink them.

Galveston is peculiarly placed. A large interior bay discharges its waters through an outlet between Fort Point and Bolivar Point, the distance between these points being 2,733 yards. The force of the outgoing water is sufficient to excavate and maintain a channel of 30 feet to a distance of 2,087 yards in front of the line joining these points, to maintain a depth of 25 feet to a distance of 3,534 yards from the same line, and a depth of 20 feet to a distance of 4,687 yards measured from the same base. This interior bay receives the river waters and in it the sediment held in suspension is deposited. The water which goes over the bar is free of sediment, and therefore the bar is composed entirely of sea sand and fragments of shells. It is in all respects what may be styled a drift-bar; that is, one due to the currents and waves of the Gulf. It is entirely different in its character from the bars at the mouths of the Mississippi, which are formed of material brought down by the river or held in suspension in the waters, and the course of reasoning which would apply to the mouths of the Mississippi for their improvement might not hold with regard to the bar at Galveston, and I state this the more because it has always been the view held by the officers of engineers; while Mr. Eads himself, if I should judge from his language, evidently thinks that there is no difference between them.

The ordinary rise and fall of the tides at Galveston is one and one-tenth of a foot, but occasions not infrequent occur during the year when there are rises of two or three feet, and perhaps a little more, which are due to winds of a moderate character from the south or southeast. The current from the ordinary rise and fall of the tide in passing over the bar is worthy of consideration, because although the discharge at those periods is comparatively little, it nevertheless exercises a conservative effect in moving sand which is disturbed by the waves and held in suspension. During rises of two and three and four feet the action of the currents is much more beneficial; but when a storm comes from the south or southeast the interior bay is filled to a considerable height with the waters blown in by their force.

In 1875 the rise of water at Fort Point due to a gale of wind was eight and a half feet, and it was said the rise in the upper parts of the bay was from twelve to fifteen feet, so that on an average the height of water was about ten or eleven feet. The wind veered to the northwest, blowing a gale from that direction, and the waters were violently forced out to sea and discharged in a short period of time, the duration of which is not accurately known. The effect, however, was very striking. The ordinary outlet between Fort Point and Bolivar Point did not seem to be sufficiently capacious for the passage of this large body of water. It is stated that the portion of Galveston Island from Fort Point to the city of Galveston was under water, and that it was washed down during the gale so as to be below the ordinary level of the water.

Of course a rise of this height is unusual; but it is not infrequent to have rises to five and six feet.

Furthermore, the northerly winds sometimes blow out the waters of the bay for several feet below their usual level, which additional water must sometimes be added to that due to the rise.

We see then from the added action of the south wind filling up the bay, and of northerly winds blowing out the water below the usual level, that with small rises, or even with no rise above the usual tide, the discharge and the velocity of the currents may be considerable.*

Mr. Eads lays down a number of points illustrating the principle of the quick discharge of water to which I take no exception in the abstract, for they are elementary laws that every engineer should know, but only to their application to this case, without taking into view other important considerations. If the question here were only to deliver the largest supply of water within a given time, Mr. Eads would be right; but if the question be, as it is, the improvement of the bar, then it may be expedient not to obtain the greatest scour, but to regulate the scour, so that it shall be useful and not hurtful.

In connection with this, let us take a glance at the features of the locality, and compare them with some other places which have been operated on by jetties. The bottom of the Gulf in front of the entrance to Galveston Bay shoals very gradually, the distances of the 18-foot curve beyond the outer bar, measured from Fort Point, being about four miles, and from Bolivar Point about three miles. The length of the bar between the interior and exterior 18-foot curves is about one and three-quarter miles. We understand then at a glance the length of the jetties required to effect an improvement, as well as the enormous body of sand which must be moved in order to obtain a depth of twenty-five feet or thirty feet.

Mr. Eads nor any one else could calculate the depths to which the waters flowing out of Galveston Bay would excavate the channel if during storm tides they should be entirely confined between high jetties, particularly if they are placed close together.† He makes no allowance in his writings, but rather ridicules the fear that the enormous body of sand moved during these storm tides would ever form an obstruction outside of the heads of the jetties, and yet how this enormous body is to be disposed of becomes very difficult for an engineer who has any experience in the improvement of bars to suggest. I am very free to say that I apprehend a great deal of trouble from such heroic treatment. His system, as he enunciates it, is a violent forcing process, the effects of which he can neither calculate nor foresee. Mr. Eads ridicules the notion of approaching to the required depth by a gradual process.‡ Nor does he seem to perceive that there is a limit to the improvement of every bar which it defies the calculation of man to fix, and that can only be attained by gradual working up to that point, and there to stop.

It requires no logic to prove the self-evident proposition, that when you arrive at this maximum point of improvement the jetties can do no more, and further improvement in depth must be made by the continual application of dredging.

The experiences of the South Pass can not be relied upon, or even used at all, to be applied to the present case. At this pass the crest of the bar was only about one hundred and fifty feet from the depth of thirty feet of the Gulf, and a large area of a depth from thirty feet to three hundred feet and more lay directly in front of the jetty-heads ready to receive the scour from the jetties as well as the limited amount of material brought down by the overflowing waters of the pass. There is no parallelism in the cases of the South Pass and Galveston Bar.

There is a case where heroic treatment has been applied, with the result of an immediate failure. The Dutch engineers are, if anything, expert in hydraulics, but their attempt upon the outlet of the Scheur Branch of the River Maas, to obtain a depth of twenty-three feet, terminated in getting but fifteen feet; and has besides pushed out the bar considerably. The original curve of sixteen feet, 1,100 yards from the shore, has been advanced to a distance of 2,800 yards. One of the jetties was run out to the 16-foot curve, which was only 2,200 yards originally from the shore. A different system rather more tentative, in order to make experience available, would have succeeded better. What renders the failure here more remarkable is the fact that there was not the ghostly littoral current so generally quoted by ambitious engineers to fill up the deficiencies of their project, but *bona fide* strong tidal currents sweeping the space at the jetty-heads. This was a clear case of scouring badly applied, and throwing out more material beyond the jetty-heads than the ordinary influence there in operation could remove or dispose of. The engineer of that work, to effect the desired improvement, will in all probability be compelled to resort to a prolongation of the jetties and to extensive dredging.

* It is singular that Mr. Eads, and after him the majority of the committee, should state this as the distance apart of the jetties of Major Howell's plan, the distance apart really being 10,400 feet.

* Mr. Eads speaks of placing jetties at 4,000 feet apart, less than one-half of the width of the outlet now existing between Fort Point and Bolivar Point, a width which we have already seen was not sufficient for the discharge at the greatest periods of rise, and it is known that alarm has been felt lest if the discharge be unwisely contracted in width the city of Galveston itself might suffer during one of these periods.

† It would be something probably far exceeding a depth between jetties of twenty-five or even thirty feet.

‡ By that I mean a gradual contraction of the water both as to the distance apart of the jetties and the height to which it is proposed to raise them.

The height, extent, and distance apart of these jetties were calculated by the ablest engineers of Holland, and the result has shown the little reliance to be placed upon *à priori* careful computations. Still less should reliance be placed upon dogmatic utterances, not the less dogmatic because they are often mere guesses.

The works at the Sulina mouth of the Danube were eminently tentative in their character, and were pushed on by the lights furnished from experience gained day by day on the spot. So in the same way the operations at the South Pass were tentative; the jetties at the mouth, placed originally at 1,000 feet apart, have had this interval diminished by spur dikes, and even by an interior line of jetty joining the ends of these dikes. It is too late, after such experiences, to pretend to regulate beforehand the exact length, height, or distance apart of jetties and thus wholly reject the tentative process.

I do not perceive the relevancy of Mr. Eads's remarks concerning leaving "outlets," which really have no relation to what has been done or what is intended to be done here. He has probably seen a progress sketch of the south jetty at Galveston up to the date of June 30, 1882, or some unfinished plan not authorized for construction, and has been swift to conclude and to publish to the world that outlets were to be left in the jetties near the shore.

There are a large number of documents printed with the report of the Chief of Engineers emanating from various sources, such as the local engineers,* their assistants, &c., which contain generally useful information, and for such reason are published; but these reports have no other value save the authority of their authors, who are alone responsible for the views expressed. Judgment should be given when the works have been substantially completed and results known, when responsibility will attach to the system and to individuals.

Frequent changes are from time to time made in the first authorized projects, according to experience gained, the amount of funds in the future which will probably be granted, and other circumstances, and these changes may not be made officially or published until the period arrives to construct the portion of the works affected. Great injustice may be done from not considering these things or from the neglect of asking explanations of what is not clearly understood, because the official papers published can not necessarily contain the whole subject nor even all the important points.

Mr. Eads, in Appendix B of the majority report, lays down the following principle: "It is simply impossible to permanently maintain between submerged jetties any increase of depth even if such jetties could produce it." Very well. Upon the coast of Texas there are two places where jetties under the water level during the process of construction (and they are not yet for want of funds brought to the surface) have for some years past increased the depth and maintained it; and, what is still more contradictory of his assertion, at each of the places there is a single jetty only, and that jetty is not placed on the side of the channel whence the drift comes, but on the other side—there being consequently nothing to prevent the whole coastwise drift of sand from coming into the channels. It is better sometimes to be experienced than to be dogmatic.

"The views of Mr. Eads in detail, as expressed by him before the committee, will be found in the appendix hereto, marked B," is a quotation from the majority report. I look in that appendix for the width between jetties proposed by Mr. Eads, and find a distance of 4,000 feet there mentioned, but in such a way that he may say the distance mentioned was simply used as an illustration—and that is the sole definite mention of a most important element of the jetty system to be applied here which I have been able to discover. Nevertheless the majority report fully indorses Mr. Eads's views in apparent ignorance of a vital feature of his plans—otherwise why does not that report furnish this important information? Does Mr. Eads's reputation give him such prestige over all the engineers of the country that Congress can afford to approve his plans without knowing what they are?

Does Mr. Eads shrink from putting his plans in black and white either because he dreads criticism or has not sufficient knowledge of the locality to commit himself?† If there is not some reason, why this prolonged reticence?

He has been dogmatic in the extreme in stating his own views and in condemning those which others entertained or were supposed by him to entertain. One who does this in regard to others should have the courage of his own convictions sufficient to commit himself definitely to some project.

The distance between Fort Point and Bolivar Point appears to have been a variable element. At the date of the last survey it was 8,200 feet; at a former date about 10,560 feet. At the date of Major Howell's project the distance was a little more than 9,000 feet. The distance apart of the jetties at the starting point by Major Howell's plan was 10,400 feet, not 12,000 feet as alleged. A curious commentary upon the objection that the distance between his jetties was too great is the fact that the depth in the channel corresponding to a width of nearly two miles was thirty-nine feet. Consider in addition that the board had in contemplation to incline the jetties toward each other even to obtain a depth of eighteen feet, and the wonder is what foundation could exist for the clamor that the jetties were to be placed too far apart to do any good.

Mr. Eads proposes to cap the Galveston jetties above high water with a concrete wall, so far as can be inferred, like that constructed on the South Pass jetties, and presenting vertical surfaces to the action of the waves, which is a construction opposed to sound principles, as the waves of oscillation converted by the sloping sides of the jetties into waves of translation strike the surfaces of the wall at right angles. Was it in consequence of this defect that one-half mile of the capping of the eastern and most exposed jetty was broken up during a storm?

THE PROPOSED CONTRACT WITH MR. EADS.

The majority report promises a navigable depth of thirty feet after Mr. Eads's operation, and the contract in various places makes the same promise, with a proviso, however, further on in the body of the instrument, that the depth of thirty feet will be taken without regard to width. In other words, the 30-foot channel need not be over two feet in width, and consequently not a navigable channel at all. Why is it necessary to make a promise which is not to be fulfilled? The contract in fact requires only a navigable channel of thirty-six feet in depth and two hundred feet in width, with a continuous line of soundings of thirty feet in depth in the center line of the channel, but without regard to width.

By the provisions of the contract, however, after attaining the depth of twenty-five feet over the bar Mr. Eads becomes entitled to $6,350,000, a sum of money in my opinion vastly in excess of the cost of the amount of work necessary to produce that result, if jetties can effect it.

The amount of compensation due after attaining a depth of twenty-five feet over the bar is so large in comparison with that which the contractor would afterward receive from remaining to complete the contract, that a strong temptation would arise, particularly should difficulties appear ahead at that stage of operations, to abandon the work. It must be noted that the depth alluded to would probably be obtained, if at all, before it should become necessary to put on the concrete capping, so that by retiring early he might also get rid of that portion of the contract.

It is not necessary to go further; this method of analysis is simple and can be pursued by any one to demonstrate the fact that the proposed contract is so far in favor of the contractor that it might be greatly opposed to the interests of the United States.

The fact that the contractor must borrow money in the market at high rates of interest, as is alleged was done during the operations at South Pass, as this interest must form a part of the contractor's estimate of cost, would seem to be equivalent, on the part of the Government, to borrowing at a higher rate of interest than it is now paying.

Section 6 of the proposed contract states "that said Eads and his associates shall be untrammeled in the full and free exercise of his or their judgment, skill and experience in the location, design, and construction of said works, and all appurtenances thereto."

I submit that this constitutes a power over the navigable waters of the United States, unrestrained by any provision for supervision of the contractor's plans, which should never be conferred upon any individual.

I desire to say that in my objections to the general scope of the contract I have not intended any allusion even indirectly to Mr. Eads, but have endeavored to treat it as a pure business transaction, and in the same spirit I will go on to say that while the present system of making appropriations for the improvement of harbors and rivers may be changed to advantage in some points, I do not regard it as an improvement to select some one point for completion in preference to many others quite as deserving of equal consideration at the hands of Congress, nor to choose one contractor or engineer to the exclusion of many others equally capable, thereby putting away competition in cost and the proper and necessary criticism of plans.

Moreover, the intention to appropriate a large sum in favor of contracting with specified individuals will rally to their support many interested persons, and in the efforts made to mold opinions to their views it will be difficult often to obtain a candid exposition of fact or to arrive at a sound conclusion. There are other evils, patent to every one, which need not be enumerated.

I am, sir, very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Brt. Maj. Gen., U. S. A.

Hon. ALBERT S. WILLIS,
Chairman of the Committee on Commerce,
United States House of Representatives.

There seems to have been a determined purpose on the part of the committee reporting this bill to take from the office of the Chief of Engineers of the War Department the control and direction of many of the more important works.

The jurisdiction of the Mississippi River Commission is to be extended. A new board, to be called the United States harbor board, is to be created, both to restrict and limit the jurisdiction and duties of the Engineer Department, and which, if adopted, will in my judgment most seriously impair the efficiency of this branch of the service. Why should this be done? What is there in the record of this Department to justify such action? There are and have been for many years in the Engineer Department gentlemen of the highest grade of engineering ability and intelligence, gentlemen who have been highly educated in their profession, and that, too, at the hands of the Government. They understand most thoroughly the work they have in hand. Their integrity and honesty of purpose has never been questioned. No breath of scandal has ever attached to this office. The work performed has been thorough, substantial, and of the most permanent character, and has generally met the highest expectations of the public. Why, then, I again ask, should the jurisdiction and work of this office be limited or restricted?

It is proposed to turn over the stretch of the Mississippi River from Des Moines Rapids to the mouth of the Ohio River to the Mississippi River Commission. Who asks that this be done? All the improvements on the upper Mississippi have been made according to the plans and under the sole direction of the Engineer Office of the War Department. These improvements have proved successful and satisfactory to all interested; and I believe I voice the unanimous sentiment of the people of the valley of the upper Mississippi when I protest against the proposed change. I have to-day received a joint resolution of the Legislature of my own State protesting in the following emphatic terms against this proposition:

The improvement of the Mississippi River between Saint Anthony Falls and Cairo, and the consequent train of benefits, depends upon the carrying out of the plans which have been formulated by the engineers of the Army after many years of study and examination, without aid or advice from any one, and all the good results attained are due to their efforts, and limited only by the humble means placed by Congress at their command.

We have observed with great concern during the last few years that the work so well planned and successfully inaugurated by the engineers has been placed under the supervision of a newly created commission by interpolations in the appropriation bills.

This supervision we regard as not only unnecessary but hazardous to the best interests of our State, involved as they are in the completed improvement of the Upper Mississippi River. We believe that the parties who devised these plans will best execute them, and the credit should rest in their hands.

If it is the desire of Congress to maintain efficiency and integrity in the expenditure of money appropriated to carry on the work of river and harbor improvements, it should not restrict the jurisdiction and cripple the powers of the Engineer Department. If, on the contrary, it is the purpose to inaugurate an era of corruption and jobbery, a system of private contracts, then it should adopt this legislation as the first step in such direction.

Mr. Chairman, it is my earnest wish to be able to vote for this appropriation, and I trust that the objectionable features may be so eliminated from it as to enable me to do so. As it now stands I certainly can not.

[During the delivery of the foregoing speech of Mr. WASHBURN the following proceedings occurred:

Mr. STONE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from Massachusetts has ten minutes of his time left.

Mr. WASHBURN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes additional time, to be taken out of the time to which the debate is limited. Is there objection?

Mr. HISCOCK. Mr. Chairman, could you not give the gentleman the time by unanimous consent without taking it out of the time?

The CHAIRMAN. That is not in the power of the Chair.

Mr. HISCOCK. I ask that the gentleman from Minnesota be allowed five minutes beyond the time fixed for closing the debate.

The CHAIRMAN. That is not in order. The House has limited the time at which the debate shall close. To whom does the gentleman from Massachusetts [Mr. STONE] surrender the remainder of his time?

Mr. STONE. I yield the remainder of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, supposing the figures that have been given by the gentleman from Minnesota [Mr. WASHBURN] with reference to the cost of this improvement at Galveston to be correct, do they not justify as a pertinent inquiry this: Would it not be cheaper and much more economical for the United States to move Galveston to a harbor rather than try to move the harbor to Galveston? [Laughter.]

I am heartily in favor, sir, of some of the purposes of this bill. I believe that the rivers and harbors of this country should be improved for the purposes of navigation, and for purposes of navigation alone. Many of the objects of this bill meet my hearty commendation. The Hennepin Canal is, in my judgment, a most meritorious improvement. It is demanded by a large section of this country. It has been demanded by three State Legislatures, representing more than ten millions of people, and there is no feature in this bill which should so heartily commend it to the attention of this committee.

But there are some of its features that in my humble judgment ought to meet with reprobation, and prominent among them is the provision for the pretended improvement of the navigation of the Mississippi River. I am in favor of reasonable and necessary appropriations for this river, but I want to ask the gentlemen if they have given thought to the enormous cost that is involved in this proposed improvement, to say nothing of the probabilities as to its success. I am prepared to assert, and in my belief to prove, that this improvement contemplates an outlay of more than $150,000,000—one hundred and fifty millions for a scheme of improvement which is shown by the commission themselves to be entirely experimental in its character. None of the distinguished engineers that have charge of this work has yet had the temerity to say in any official document that their plans will result in success. Year after year they come to us saying that the whole scheme is experimental in its character. Year after year they tell us that more time must elapse before they will be able to say with certainty that their work will be a success.

They have given us, however, some estimates as to the probable cost. In their report of 1881 they tell us that the cost of the improvement will be $33,000,000. But, sir, in that same report they tell us that the improvement of two of the reaches, only sixty-three miles in length, will be something in excess of two and a half millions of dollars. Yet, in the last report that we have, or at least in a minority report, Colonel Comstock gives the country the important information that these estimates are erroneous; that a sum in excess of the estimates has already been expended; that the improvements upon these two reaches of the river do not approach completion, and that, in his judgment, at least three times the estimate, or $8,000,000, will be needed for the perfection of the navigation of those two reaches.

This is Colonel Comstock's language in his last report:

The original estimate of the commission for thirty-eight miles of the Plum Point reach was $1,432,000; and for twenty-five miles of the Lake Providence reach, $1,238,000.

It is now certain that the cost of these works will be not less than three times the original estimate, and even yet it is not practicable to state with definiteness what the ultimate cost will be.

Two million six hundred and seventy thousand dollars was the estimate of the commission for the improvement of sixty-three miles of river. More than this sum has already been expended, and we are now informed by a member of the commission that three times the estimate will be necessary, or $8,010,000.

And he speaks only with reference to low-water navigation. He leaves out of the estimate entirely the cost of the levees upon the banks of the river. Before the committee appointed by this House of Representatives in the Forty-seventh Congress much valuable information was given. Witnesses were called before the committee and members of the commission were questioned and required to answer, under the solemnity of an oath, as to the probable success and the probable cost of this improvement; and one gentleman, an engineer of distinguished repute, the one I have already named, stated there that, in his judgment, $66,000,000 would probably be required in order to perfect the channel navigation alone, leaving out of account altogether the enormous cost of the levees upon the banks.

Mr. BLANCHARD. Will the gentleman name the man who made that estimate?

Mr. HEPBURN. Colonel Comstock.

Mr. BLANCHARD. And is not Colonel Comstock in a minority in the commission all the time?

Mr. HEPBURN. In reply to the gentleman I say that no other man has dared to give an estimate that he would stand by. There is no one that has dared to contradict Colonel Comstock throughout all the controversy from first to last

Mr. BLANCHARD. Will the gentleman yield for a contradiction now?

Mr. HEPBURN. I can not yield. I have only ten minutes altogether

Mr. BLANCHARD. Well, the statement is not according to the facts.

Mr. HEPBURN. The statement is not according to the facts, says the gentleman. I will confront him with the record and show who is correct in this matter. Here is the testimony of Colonel Comstock on this point:

Question. You state that you are working for this idea of confining the river within a space of 3,000 feet wide from Cairo to Red River.

Answer. Yes, sir.

Q. Do you expect that you can accomplish that within a reasonable time and with a reasonable expenditure of money?

A. We are working toward that limit, and our estimate is, if some definite sum is appropriated, that work can be carried sufficiently far to give ten feet of water from Cairo to Red River. It will not make a river with parallel banks everywhere. Much of that depends upon experience yet to be ascertained. Much of the river we want to make with parallel banks.

Q. Therefore it is impossible to tell the time that will be required, or to state the cost?

A. The time required depends on the rate of appropriation. The estimates vary from $30,000,000 to $60,000,000.

Q. That depends largely upon the number of places that are to be worked upon this plan?

A. My own judgment is that we must work the whole length of the river.

Q. Do you believe it can be done for $66,000,000?

A. Some such sum as that; we have no experience on which to base our work, or rather our estimates.

Q. You would not, on your own reputation, say that would be the outside limit?

A. No, sir; nor would I say it would be the outside limit either in the way of being too much or too little. It may be less or it may be more than that.

There you have it, Mr. Chairman. The best estimate this gentleman can give of the cost of improving low-water navigation—the 3,000 feet limit—is the enormous sum of $66,000,000.

Why, Mr. Chairman, the nearest approach the commission has ever come to an estimate was in 1881 in its report of that year. This is the language used:

The estimates of cost submitted in the report of February 17, 1880, for initial works upon six reaches of the river between Cairo and Vicksburg, embracing an aggregate length of one hundred and eighty four miles of bad navigation, amounts to $4,113,000, and it was stated as the opinion of the commission—

"That such additional works as will ultimately be required to complete and render permanent the improvement contemplated in this system at the localities specified will not exceed the amount stated as needed for initial works."

This would amount to $8,226,000 for one hundred and eighty-four miles, or about $45,000 per mile.

These estimates cover about one-fourth of the length of the river where navigation needs improvement, namely, from Cairo to Red River; and assuming that the remaining three-fourths will cost proportionately, the aggregate cost of the entire improvement would reach $33,000,000.

The Plum Point and Providence reaches were included in the specific estimate in the first of the above paragraphs, and the estimate for them was something over two and one-half millions, but Colonel Comstock has stated that here was an underestimate of about five and one-half millions; that eight millions will be required when only a little over two and one-half was anticipated. This mistake was made with reference to the two reaches best known. If such mistakes were possible in respect to them, what may we not anticipate with reference to the others? If the commission has made no worse blunder in respect to other parts of the river, we may confidently expect that the total cost for channel improvements alone will reach the enormous sum of $99,000,000.

When we remember the character of this work, when we remember that it includes the building of one artificial bank in mid-river, and the covering of at least one natural bank with expensive mattresses, made of wire and brush, from the bottom of the river to the summit of the bank, and covering the exposed bank from low water to the summit with stone one foot deep the whole distance from Cairo to the mouth of the river, a distance of 1,085 miles, we can have some idea of the enormous cost of the channel improvement.

This improvement is to be continuous the entire distance from Cairo down. Colonel Comstock, in his testimony already quoted, says: "My own judgment is, we must work the whole length of the river." The commission in the report of 1881 say:

The commission are, however, prepared to recommend the application of the methods and details heretofore described to the lower river, from Commerce, Mo., downward, with such continuity as will not only improve the immediate localities where navigation is now bad, but will also establish and retain such control over the high-water discharge as will arrest that tendency toward dete-

* The majority report cites the authority of Colonel Mansfield's map accompanying his report of 1880, for placing the Government jetties 12,000 feet apart; in 1881 and 1882 Colonel Mansfield's map does not indicate a north jetty at all, and in 1883 a radically difficult position is assigned for that jetty. Why not have taken the most natural, instead of the first and crude idea?

But in fact all of these positions are solely Colonel Mansfield's, without any sanction from the proper authority.

† It would seem to be prudent not to place the root or beginning of the jetties at a less distance apart than the opening between Bolivar and Fort Points, which is found to be a variable distance, sometimes about 10,000 feet, apparently measuring the widths necessary under varying circumstances to discharge the extraordinary rises of water in Galveston Bay—and then to incline the jetties toward each other until the bar be reached. The distance at the commencement of the jetties, if too great, could always be corrected by the use of spur dikes.

rioration which has rendered the systematic improvement of the entire river necessary.

While this order of progress is proper for works designed to amend and regulate the existing channel, those undertaken for the purpose of retaining or increasing the volume of discharge within the bed, such as levees and dams for closing outlets, should begin below and be carried continuously up stream.

These quotations would seem to settle the question as to the extent of the work and its continuity, and in view of the opinions expressed I hope gentlemen will not continue the assertion that it is only in a few places that work is required. It might not be so intolerable if the cost ended with the enormous expenditures for channel improvement, but it does not.

Mr. Chairman, this is not the whole of the case. This same committee of the last House made a voluminous report. The present Speaker of the House was a member of that committee. They spent weeks, as I understand, investigating the subject. They went over the route. They examined scores and scores of witnesses, and that committee have told us as their solemn judgment, first, that the levee feature of the improvement is entirely unnecessary as a factor in the improvement of low-water navigation; and second, that the cost of this improvement is to reach an enormous amount, somewhere between $50,000,000 and $100,000,000.

The language of the committee is as follows:

The probable expense of a system of levees of sufficient strength to hold the flood waters of the river within a channel, as is proposed by the commission, of 5,000 feet, is variously estimated from $50,000,000 to $100,000,000, while many witnesses are not presumptuous enough to even venture upon an estimate of their ultimate expense.

Messrs. ELLIS and THOMAS, of the committee, filed a minority report, but in speaking of the cost use this language: "The expense will be great, exceeding in all probability the sum of $50,000,000 it is true."

Many gentlemen have stated that levees are of but little if any value in the improvement of low-water navigation. On this point your committee say:

Your committee are satisfied, from the evidence, that the people along the banks of the Mississippi are chiefly and naturally interested in the building of levees, not so much in the interest of navigation as to secure their lands from overflow and thereby enhance their value. If the building of levees was essential to the improvement of navigation, the fact that they afforded protection to the riparian owners would be no reason for discontinuing them. On the contrary, such a result would be extremely gratifying. Your committee, however, do not believe that they are essential to the improvement of the low-water navigation of the Mississippi, and that their construction for such a purpose can not be justified.

No one, I believe, claims that the low-water navigation will be improved by the use of levees. Many distinguished engineers say they will not be beneficial when the river is at flood, except to protect the adjacent lands. The commission regard the levees as an experiment. Senator HARRISON, when a member of the commission, joined with Colonel Comstock and the committee of this House in the opinion that they were of no benefit to low-water navigation. Yet this bill permits the commission to go on in a lavish outlay of the public money solely for the purpose, as I believe, of improving and enhancing in value the private property of citizens.

Mr. Chairman, I want to see the navigation of the Mississippi River improved, but it only needs it when it is low. When it is at flood the navigation is good enough, and it is only when it is at flood that anybody wants the levees. When the river is in a condition that navigation requires improvement, no one cares about the levees.

Another feature of the bill that appears to me as objectionable is that providing for the improvement of the Galveston Harbor; and here I desire to say that I would interpose no objection to the appropriation of a reasonable sum to accomplish this improvement. But in my opinion there should be a proper relation between the expenditure and the importance of the locality to be improved in respect to its population and its commerce. Let me call attention to the fact that there are but two lines of railway reaching the town of Galveston. If you wish to intersect the railway system of the State of Texas, you must leave that city and travel to the northward. No considerable portion of the commerce of the State has as yet reached that port. In an appendix to a report made by one of the Senators representing that State in the other end of the Capitol, on the 30th of June last, I find the following:

Statement showing the amount of exports of merchandise from and imports into the port of Galveston, Tex.

DOMESTIC EXPORTS BY ARTICLES, 1883.

Articles.		Quantities.	Values.
Cotton	bales	516,993	$29,023,673
	pounds	268,276,602	
Oil-cake and oil-cake meal	pounds	56,921,742	516,857
Animals, living			16,645
Wood, and manufactures of			11,446
All other articles			59,277
Total domestic exports			29,627,898
Foreign exports			1,149
Total domestic and foreign exports			29,629,047

It will be borne in mind that this is a report made by a friend of this improvement, and I assume that it is as favorable as it could be made. Yet how utterly insignificant the whole statement appears in comparison with the exports and imports of New York, Boston, Philadelphia, and other cities. Eliminating the one export, cotton, and the remaining total is but little in excess of a half million of dollars.

The imports are, by the same report, shown to be as follows:

Articles.		Quantities.	Values.
Coffee	pounds	9,262,555	$732,233
Railroad bars, iron	do	5,557,945	77,971
Railroad bars, steel	do	11,206,810	167,161
All other manufactures of iron and steel			231,289
Coal, bituminous	tons	33,486	76,062
Articles, the produce of the United States, brought back			40,755
Salt	pounds	16,725,636	31,660
Wine, spirits, and cordials			15,830
Beer, ale, and porter	gallons	18,056	14,369
Earthen and stone ware			14,102
Fruits of all kinds, including nuts			12,439
All other articles			97,927
Total			1,511,712

Iron and steel and coffee amount to $1,208,628 in value, leaving a total of less than a third of a million of dollars as the value of all other articles. But it has been said that Texas must have this port in order that her cereals may reach their market. I regard this as a mistake; Texas has no surplus for shipment. In view of what has been said of the magnificent extent of this great State, I make this suggestion with commendable diffidence. It may astonish gentlemen after the addresses we have listened to in commendation of this scheme, but the statement rests upon proofs that these gentlemen can not controvert. I again appeal to the report of the Senator from Texas; I call up a witness of his own selection—one eminently worthy and well qualified—a no less distinguished gentleman than Hon. J. R. Dodge, of the Agricultural Bureau. He has prepared, and the Senator indorses by incorporating into his report in favor of this improvement, the following table:

Product of cereals in Texas in 1882 and 1883.

Cereals.	1882.	1883.
	Bushels.	*Bushels.*
Corn	63,416,300	63,146,300
Wheat	4,173,700	4,301,000
Rye	60,900	57,855
Oats	9,988,800	9,489,300
Barley	118,720	127,090

There is usually no surplus of any of the cereals in Texas. The supply of corn last year was about thirty-five bushels per capita, which was average supply of the United States per capita in the census years. The wheat supply was only about two and a half bushels, which is less than the consumption of the State.

The only cotton State which ever has an appreciable surplus of corn is Tennessee, and that is but a small and unreliable quantity.

J. R. DODGE, *Statistician.*

In the great staple of corn Texas does not produce sufficient for her own people, and does not produce one-half enough of wheat. The average consumption of wheat in the United States is nearly six bushels to each of the population. Texas produces less than half enough for her own people. In view of this statement by the eminent statistician, does not all of this talk about the necessity of this improvement in order that the grain of Texas may reach a foreign market sound like the veriest gasconade.

But it is said that the improvement is demanded in order that Texas cattle may be able to reach a market. Let me again call your attention to the statement of Professor Dodge. He says that the total shipments of living animals of all kinds in the year 1883 aggregated but $16,645 in value.

Yet the census of 1880 informs us that roaming the prairies of Texas are more than 6,000,000 of cattle. Six millions in the State and $16,000 worth shipped from the principal port of the State! There would seem to be something radically wrong in this if it were not known that the great State of Texas was as destitute of cattle suitable for the European market as she is of corn and wheat. The grass-fed cattle of Texas, the small-hamed and big-horned cattle of the Southwest, will not bear ocean shipment. The cattle that are in demand for foreign shipment are the corn-fattened steers of the highest grade. No others will stand the shrinkage and the other elements of the cost of transportation. The market for Texas cattle lies to the northward.

Recognizing this fact, gentlemen from that State have been pressing upon the attention of members of the House the necessity of the establishment of a national cattle-trail six miles wide, with convenient feeding-grounds, not more than twelve miles square, and extending from the south line of the Indian Territory to the northern limit of the United States. Surely Texas is in her most modest mien. All that she wants at present is the use of a strip of the public domain twelve miles (or

thereabouts) in width and 1,000 miles or more in length for her cattle-trail, and $9,000,000 for a harbor at which to export those not driven. Would it not be better to pack the attenuated carcasses of her beeves in their immense and wondrous horns and float them out to vessels over the Galveston Bar?

The principal use Galveston would have for an improved harbor would be in the shipment of cotton. In 1883 she shipped coastwise and abroad 516,993 bales, or about 6,000 car-loads. This could certainly be carried to New Orleans for $35 per car, or a total sum of $210,000. This improvement will cost, I believe, at least $9,000,000. The interest of this sum, at 3 per cent., would be $270,000 per annum. The $9,000,000 of cost would certainly be worth 3 per cent. to the Treasury. Now, would it not be better for the Government to be at the charge of carrying all of this cotton from Galveston to New Orleans—making the owner a present of the entire freight-money—than to undertake this improvement? In my judgment it would be better, even if there were no subsequent cost for the repair and maintenance of the costly structure.

But, Mr. Chairman, gentlemen have insisted that the improvement is not to be *very* costly. And it has been suggested that the ultimate cost is to be much less than the sum named in the Senate bill providing for the work. I am afraid gentlemen are not quite sincere when they so declare. I am afraid their judgement has been disturbed by too eager desire. They have, I fear, tried to convince the House without themselves being convinced. What evidence have gentlemen of our committee, bearing upon this point of ultimate cost, that was not in the possession of the distinguished gentleman who made the report to the Senate that I have already referred to? That gentleman is distinguished for the care with which he makes investigation and the fidelity with which he makes report. His report is an elaborate argument in advocacy of the bill which proposed to pay Captain Eads the sum of $7,750,000 for securing the results that are contemplated by this bill. No gentleman has authority for saying that the plans to be pursued under this bill are other or different from those contemplated by the bill advocated in the Senator's report.

In this report we are informed that the improvement involves jetties extending 8.33 miles into the Gulf of Mexico. The writer institutes a comparison between the improvement at the mouth of the Mississippi and at Galveston. The report says:

By the terms of the bill Mr. Eads is required to secure a maximum channel of not less than thirty feet in depth for a total compensation of $7,750,000. In view of the work to be done and the results to be accomplished, the committee is satisfied that this is a reasonable compensation. The cost of the jetties at the mouth of the Mississippi River was fixed in 1874 by a commission of engineers at $5,342,110, and Mr. Eads afterward agreed to do the work for $5,250,000. The commission referred to was composed of Generals Wright, Alexander, and Comstock, of the United States Engineer Corps, Prof. Henry Mitchell, of the United States Coast Survey, and T. E. Sickles, W. Minor Roberts, and H. T. Whitcomb, distinguished civil engineers. It may be safely assumed that the estimate of this commission, made after an inspection of similar works in Europe and after a careful examination and study of the whole matter, was a fair one, and if this be true, it follows that the maximum compensation provided for in the present bill is reasonable, because—

First. The jetties at Galveston must be considerably more than double the length of those at the mouth of the Mississippi to reach out to the same depth of water;

Second. They must be of a heavier and more substantial character, because the water is deeper, and, as they extend so much farther out into the Gulf, they will be much more exposed to storm action;

Third. The work being so exposed, there will be greater danger of injury to the boats and apparatus used in its construction; and

Fourth. In addition to the jetties over the outer bar, works of an extensive and costly character will be required to deepen the inner bar.

* * * * * * *

The profiles of the Galveston Bar show that the average depth of water to mean high tide for the two jetties will be thirteen and three-quarter feet. Applying the form of the average cross-section of the Mississippi jetties to this depth with twenty feet width at the top shows that the required average cross-section at Galveston for jetties of equal strength will require 1,018 square feet of section or 138 per cent. more material than the Mississippi jetties. The profiles also show that the jetties at Galveston must have an aggregate length of not less than 8.33 miles.

It has been shown above that 8.33 miles of jetties at Galveston, if of no larger average cross-section than those at the mouth of the Mississippi, would cost $2,646,207. To this must be added 138 per cent. for the increased depth at Galveston, and this would amount to $3,651,765, making an aggregate of $6,297,772. The cost of the works to deepen the inner bar at Galveston are not included in the above amount. These will probably cost as much as the works at the head of the South Pass of the Mississippi River. In the works at the head of the South Pass there was 301,515 cubic yards of brush and stone, which at the price of $2.88½ per cubic yard would amount to $869,868. This sum may therefore be added to offset the cost of the works on the inner bar at Galveston, and this would make the aggregate cost of the works $7,167,640.

There can be no doubt of the fact that the works at Galveston, during their construction, will be exposed to danger of injury from the violence of storms. The works at the mouth of the Mississippi River were, owing to their location, not subject to this danger to the same extent. When once these works at Galveston are completed and solidified they will be strong enough, Mr. Eads guarantees, to resist the most severe storm without serious injury. The time when the risk of injury is greater is during the progress of construction. At such a time these works, built out for miles into the Gulf and with no protection against storms, must be injured to a greater or less degree. In estimating the cost of any great work a percentage to cover contingencies is usually added to the price, and should be allowed. In view of the risk of injury to the works during construction, and of their failure to produce the stipulated depths, the committee is of opinion that 25 per cent. should be added to the total estimated cost to cover contingencies. This would amount to $1,791,960, which, added to the cost of the work, makes the total sum of $8,959,800.

This argument emanating from this distinguished and authoritative source ought to satisfy gentlemen of the committee that the grand total of cost, arrived at after such solicitous care, and after exhausting every source of information, is correct, and that the whole cost of the Galveston improvement is but $40,200 less than $9,000,000. When we remember how liable the friends of any appropriation of this character are to underestimate cost rather than overstate it we may, I think, safely say that this work involves a depletion of the Treasury exceeding the sum last named. In comparison, Mr. Chairman, with appropriations heretofore made to improve the great harbors of the nation, this sum seems to be an immense one and greatly disproportioned to the needs of a city of 22,000 inhabitants with an established commerce, such as the friends of this bill have shown to belong to the port of Galveston.

I have in my possession, sir, a clipping made from a recent number of the New York Tribune. I have not examined it to see if the sums stated to have been appropriated to the cities named are correctly stated, but I assume them in the main to be. The writer says:

It is estimated that the improvement of Galveston Harbor, according to the scheme which the committee is urged to adopt, will cost nearly $8,000,000. That sum exceeds by about $5,000,000 the total expenditures on the harbor of New York from the first appropriation thirty-three years ago down to the present time; it is more than four times as great as the total sum expended on Boston Harbor, six times as great as the total amount expended for the improvement of Chicago Harbor, nearly eight times as great as the sum total appropriated for Baltimore Harbor, and it exceeds by more than $3,000,000 the amount paid to Captain Eads for jetty improvements at the mouth of the Mississippi.

Three millions for New York with its hundreds of millions of foreign commerce and its 2,000,000 of inhabitants. Eight or nine millions for Galveston, with its 22,000 inhabitants and less than $30,000,000 of foreign commerce. It can not be said that this great inequality is because the great mart has received all that is needed, and that no further demands are made. This is incorrect. Year after year demands have been made for greater harbor facilities, so that the produce of the West might be more cheaply handled. The Harlem River improvement and others have been knocking vainly year after year at the door of your committee. It has no money for increased facilities in New York Harbor, but millions for the disturbance of the pastoral calm and the unvexed waters of the quiet village on the shores of the Gulf of Mexico.

There is a question involved in this improvement that seems to me to be one of great importance to those gentlemen who are known as strict constructionists, gentlemen who are always fearful lest something will be done by the Congress without proper warrant in the Constitution. I believe that the larger number of this school of statesmen who adorn this committee are advocates of the Galveston improvement. Many of them think that the construction of a canal connecting the waters of the Mississippi River with the great chain of lakes and giving a water way from the prairies of Iowa to the Atlantic would be an unwarranted and unconstitutional exercise of power and a profligate misuse of the public treasury. I would ask such, "What is the improvement you contemplate over the Galveston Bar? Is it not the digging of a canal—a canal 8.33 miles long, 17 feet deep, and 200 feet wide?"

It is true that it is covered with water, but aside from this peculiarity and in addition it has every element and quality of a canal. It is a ditch filled with water, and that is a canal. If some of the fossils who oppose the Hennepin Canal had been called upon in their youth to pass upon the question they would have found all of the conditions to be similar; for in the glacial period, we are told by scientists, all of our grand Mississippi Valley was covered with water, and in that early day the construction of the Hennepin Canal would have been in all of its characteristics and phenomena like the proposed improvement under the surface of the Gulf.

This section of the bill involves the establishment of jetties extending from the shore line into the Gulf of Mexico a distance of 8.33 miles. The jurisdiction of the United States extends from the shore line, at low tide, the distance of three miles. The contemplated improvement extends five miles farther. It extends for five miles into the high seas, into the common jurisdiction of the commercial nations of the world. As a nation we have no exclusive jurisdiction or exclusive right. Yet we are usurping such jurisdiction and right. Suppose that on this improvement, eight miles from our shore, a crime is committed. By what law and who will punish it? Not by the statutes by the usual process of law, for the offense was committed more than a league from the coast line. Not by admiralty, because it was not committed on a vessel covered by our flag. It will not do to say that the water along this distance is not very deep, and therefore this distance does not enter into or become a part of the league by which our jurisdiction is extended from our shore. Is it not the presence of the water rather than its depth that is to be regarded?

Again, if we have the right to invade the high seas for a distance of five miles, why may we not, if we choose, carry the right farther—from Florida coast to Cuba? Where is the limit to which we may go? Does not this construction involve every principle of constitutional power that would be involved in the building of Captain Eads's ship-railroad or a canal across the Isthmus of Panama? And how can gentlemen who can not build a canal within our jurisdiction engage in such an improvement outside it?

I beg to call the attention of the gentlemen of the committee to a provision of this bill of very astonishing character:

Said works shall be constructed according to the plans, specifications, and estimates to be submitted by James B. Eads as hereinafter provided for.

Mr. Chairman, have you ever seen in law or resolution a provision

so anomalous as this? It puts the entire Treasury of this Government into the hands of this man Eads. There is absolutely no limitation placed on his expenditure, or the necessity that he may create for expenditure. He has made no estimates, specifications, or plans. He is yet to make them, and when they are made the Secretary of War and the Engineer Corps of the Army are to accept them without demurrer or dissent, and execute them. The will and the judgment of the sworn officers of the Government are in subjection to a person not an officer, not under oath, nor under bond. It will be remembered that it has been somewhat boastfully said by a gentleman very friendly to this bill that the city of Galveston was obligated to pay to Eads in case of his success a sum much larger than that proposed by the Government.

This is in itself a fact that in my judgment unfits him for the service of the United States. There ought not to be any divided duty or divided obligation connected with trusts of this character. The larger the expenditure the better will the interests of Galveston be served. The expenditure of $9,000,000, largely for labor and crude materials, in that city, will be a wonderful blessing to her people even if no ship should ever pass through the improvement; and the larger the expenditure the farther will the interests of these good people be concerned. I think they have been too liberal to Captain Eads to commend him to this committee.

But I find another most singular provision in this bill, in the following language: The appropriations for the Mississippi River "shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position."

Here you will notice, gentlemen, that Captain Eads is again made absolutely controlling. If he does not approve, the work of the commission shall not go forward. They may plan and devise, but he must approve. They have had the experience of years, but he may amend any or all of their suggestions. Does it not seem that our honorable committee have been seized with a blind infatuation for this distinguished engineer that would be rebuked in a school-girl of 15 years?

Mr. Chairman, I have no hostility to the city of Galveston, or any proper plan for the improvement of her commercial facilities. We have already expended more than a million and a half on that harbor. The engineer in charge says that one million more will complete his work, resulting in a depth of twenty-five feet in that harbor. I am willing that this sum shall be appropriated, but I am not willing to throw away the sums already expended and begin anew. Let me call your attention to the latest report of the officer in charge:

Officer in charge, Maj. S. M. Mansfield, Corps of Engineers, having under his immediate orders Lieut. W. L. Fisk, Corps of Engineers. (During the interval between August 1, 1883, and October 1, 1883, the works were temporarily in charge of Lieutenant Fisk.)

1. Entrance to Galveston Harbor, Texas.—The adopted plan (project of 1874, modified 1880) covers the work of deepening the bars by contracting the outflowing current upon a less extent of bar, to thereby effect its removal and prevent its reformation.

The amount expended to June 30, 1884 (including $100,000 of Galveston city funds), was $1,4[illegible],522.81. Of this amount, and under the project of 1880, $980,662.51 was applied to jetty construction, namely: Ninety feet on the north side and 22,551 feet on the south side of the entrance prolonged gulfward. The expenditure of the gross amount has resulted in obtaining and maintaining a good channel over the inner bar and a very apparent improvement in depth over the outer bar.

The work of the past year was that of building up the south jetty, $100,000 of the city funds having been applied thereto.

The estimate of 1880, $1,825,813, contemplated the obtainment of a channel across the outer bar of at least twenty-five feet deep, conditioned upon continuous work under annual appropriations of $500,000. The conditions governing the estimate not having been observed for the past four years, the work has dragged in consequence.

About one-half the estimated work is completed, and with its accomplishment is gained not only valuable experience, but results of such importance as strengthen confidence in the plan established looking to the full improvement expected.

The estimated amount required for the entire and permanent completion of the work of improvement, in accordance with the project of 1880, is $1,000,813.

Let us go forward with this improvement in harmony with the plans on which so much money has been expended, the experience and advice of our engineers, and on a basis of cost that has proper relation to the demands of commerce, the importance of the city, and the expenditures by which our business has been fostered and developed in other States.

Again I declare myself in favor of liberal appropriations for the improvement or construction of all needed water ways. Still I am reminded that the speakers and writers of the Democratic party in the States where I reside were busy in their denunciation of the river and harbor bills of late years. "The infamous river and harbor bills," they called them. They said I "had betrayed the interests of my constituents in voting for these infamous and iniquitous measures." I had voted for one, I had voted against two. That fact seemed to make but little difference to my assailants. I was charged with voting for all.

And, Mr. Chairman, unjust as I regard the two provisions of this bill that I have discussed, I may give it my vote; I shall try to have it amended in the particulars named. If I can not do so, if it should contain the provision for the Hennepin Canal when put on its final passage, I shall give it my vote. The Legislature of the State of Iowa has instructed the representatives of the State to support that measure. I believe it to be eminently wise and just. The people with united voice demand it. It will add millions to our savings each year. It will give us a corrective upon all of the railways that extend from our eastern border to our great market, and will do more to solve the transportation question in the interest of the great Northwest than the expending of $100,000,000 in any other way.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and a message in writing was received from the President of the United States by Mr. PRUDEN, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. JONES, of Alabama. Mr. Chairman, when the pending bill was first under discussion it was said by the gentleman from Wisconsin [Mr. PRICE] that its benefits were divided unequally between the North and the South and that the South got the largest share. I had hoped, Mr. Chairman, that after reflection, after the gentleman from Wisconsin had slept upon the matter and had examined the figures relating to it more carefully, for he seems to be a figurative man, he would have withdrawn those remarks. But instead of doing so, Mr. Chairman, he comes here to-day reiterating and emphasizing those statements. He says to-day that this bill is marred and scarred from Genesis to Revelations with sectional inequalities.

Mr. REED, of Maine. There are no "revelations" in it. [Laughter.]

Mr. JONES, of Alabama. Now, sir, that statement is sufficiently refuted when we consider that this committee, consisting of fifteen members, embraces ten from the North and only five from the South. Where is there ground for any inference of any improper conduct, any "fraud," as the gentleman charges—for he used the word "fraud"—in a committee composed as this one is?

Mr. Chairman, the gentleman says—and he is sustained only by the gentleman from Minnesota [Mr. WASHBURN]—that there is inequality in this bill; that the great, the expensive, the extravagant improvements are in the Southern portion of the country; that one Southern improvement at Galveston is to cost $7,000,000. I will remind the gentleman that there are four Northern improvements provided for in this bill each of which is to cost $7,000,000; and I will name them: Sandy Bay, the Hennepin Canal, Toledo, and the mouth of the Columbia River.

Mr. GEORGE. In this bill the committee have left out the mouth of the Columbia River.

Mr. BRECKINRIDGE. That was put by the Senate into the bill of last year.

Mr. JONES, of Alabama. Then there are three great Northern improvements embraced in this bill, involving an expenditure of $7,000,000 each. Because one improvement in the South is to be provided for, why is all this clamor raised here? It does not appear in this bill at all that this Southern improvement is to cost $7,000,000. Where is anything in the bill to that effect?

The gentleman from Minnesota refers to the Senate bill; but that is not a part of this bill. It is provided in this bill that this Galveston improvement shall be under the direction of the Secretary of War, upon such plans and specifications as shall be furnished by James B. Eads. There is nothing about $7,000,000. Why, sir, this work, as prosecuted by the Secretary of War, may cost but $4,000,000. Where is any motive or any interest on the part of James B. Eads to make it cost $7,000,000? What would he get by reason of the enlarged cost?

Mr. WILLIS. The Chief of Engineers has said that upon these plans the work could be done for two and a half million dollars; and for this reason the committee have proposed to put the work under the direction of the War Department.

Mr. JONES, of Alabama. Certainly. And what motive has the engineer who furnishes the plans to make it cost any more? His pay is not increased. The money is to be expended by the Secretary of War.

But to return to what the gentleman from Wisconsin says in regard to this bill. He would maintain that money ought not to be appropriated to the South because forsooth, as stated by him, in certain named States in the South the judicial expenses of the Government amount to $1,000,000, while in certain named States in the North with larger population the amount of such expenses is only $700,000. Why, sir, it is admitted that these judicial expenses in the South are enormous, are greater than they ought to be. But how does this arise? If you will examine the reports or communications made by the present Attorney-General to Congress you will find that he characterizes these expenditures made down there by the present officials as corrupt and extravagant. But is the South to be visited with the consequences of this and not to share in a river and harbor bill because the judicial expenses in the South exceed those in the Northern States?

Mr. Chairman, there is no such sectionalism in this bill as is charged by the gentleman from Minnesota. I deny it. This committee, as I

have stated, has been governed solely by regard to the improvement of navigation and the interests of commerce. The evidence on which the committee acted in this matter is embraced in the records of the corps of Army engineers, and these officers are not from the South.

Mr. Chairman, since the Government was founded $105,000,000 has been appropriated for the improvement of rivers and harbors. Why, sir, this Government appropriated to one Northern railroad more than that amount; and it was a railroad in the region of country where the two gentlemen to whom I have referred reside. Two hundred million acres of land have been granted to railroads in this country—land equal in area to the Empire of Germany. How little of this went to the South?

Of the $105,000,000 heretofore appropriated for the improvement of rivers and harbors, how much or how little did the South receive? I have the figures here in Executive Document No. 6, and they show that the State of Wisconsin has received more than $4,000,000, and that eight Southern States have not received in the aggregate as much as the single State of Wisconsin.

Why, sir, New York of that amount received $10,000,000, his State received $4,000,000, and Michigan received $7,000,000 or $8,000,000. So throughout the whole entire list.

Do I complain of this? Do I impute it as an offense? Not at all, sir, because I remember with pleasure that Daniel Webster, in his reply to Hayne, said that he claimed for himself and for New England great praise for having uniformly supported the most liberal grants from the public Treasury for the West and the South. And I remember, too, with pleasure, when the great improvement of the Mississippi River was under discussion a few years ago in this House, a distinguished gentleman from Michigan, a State that has received, as I said, nearly $8,000,000, a distinguished member from Michigan, then a member of the Committee on Commerce, now before me [Mr. HORR], made the strongest appeal in behalf of that great improvement.

Daniel Webster said another thing, that there were no Alleghanies in his politics. I am afraid my friend from Wisconsin [Mr. PRICE] and my friend from Minnesota [Mr. WASHBURN] have not only Alleghanies in their politics, but they have the whole Rocky Mountain range in their politics. [Laughter.]

But enough, Mr. Chairman, on that point; enough on sectionalism. And now what of this improvement at Galveston which has been assailed more fiercely than any other measure provided for in this bill? Why should it not be made? Take a point from old Point Comfort round the Atlantic, around the Gulf coast, all the way to the Rio Grande, and you have only one first-class harbor, only one first-class harbor into which a first-class ocean-going steamer can enter. Reflect for a moment what an immense coast line that is? How did we get that first-class harbor? By the skill and genius of that Napoleon of engineers, James B. Eads. In no other way have we got a harbor in all that immense stretch of seacoast.

Take a point from that harbor, from Eads's jetty, and go round nine hundred miles to the Mexican line, and you have not a first-class harbor—you have not a second-class harbor.

Is this Government to put up with this state of things? Are the representatives of commerce to put up with this state of things? In the present condition of this country as a general rule the consumers are in one part of it and the producers in a different part of it. What they want is to get together, to get cheap transportation. How are they to do it? I am told a beefsteak costs in New England as much as a workingman's wages for a day amounts to, and the consequence is he does without a beefsteak. Now, New England not only gets her beef, but her food supplies, her lumber, her coal, her iron, and other raw material from points at a great distance from her. She gets them, too, over rail, and railroad rates are enormously high as compared with water rates. Now, sir, there is a water line from Boston all the way to Texas, where these products abound. Why, sir, Texas is stifled with abundance—smothered with her products as the Roman maid was crushed under the load of her jewels. They have all the things the Eastern people need, and yet the Eastern people can not get them because of a sand bar in front of Galveston.

Mr. Windom, in a letter of December, 1878, to the lake improvement convention at Saint Paul, says:

The cost of water transportation diminishes in proportion as the size of vessels increases. The value of any water route is measured by the capacity and efficiency of its most defective part. If from lack of proper improvements a single harbor on any given line can afford facilities for only the smaller class of vessels, the value of the entire line is graded down to correspond with the inadequate harbor.

But gentlemen say that under the plan adopted by this committee this improvement at Galveston can not be made. These gentlemen said the same thing when it was proposed to improve the mouth of the Mississippi River. The whole corps of Army engineers said the same thing. But they say the conditions are different at the South Pass. They say there is a great river there with its current that they do not have at Galveston. Now, it is a notorious fact that it is not the ordinary current of the Mississippi River that makes a scour in the jetty, but the extraordinary current caused by flood, and we have that condition in Galveston Bay. Why, sir, at certain periods certain winds prevail from the land to the Gulf, and they make that same extraordinary current which we have at the mouth of the Mississippi River. While these gentlemen on this floor are so confident this improvement can not be made, they have unbounded confidence in the Corps of Engineers, which declared instead of getting too little water under his plan Eads would get too much water.

Gentlemen here say that Eads will get no water there. The Army engineers declare that you will get too much water by this plan of Eads's. How do you reconcile this discrepancy? If the Army engineers are good authority for you on one point, then they are good authority on the other, and they declare that Captain Eads by his plan will get too much water.

Mr. BAYNE. That they will get too much water at some points, but not enough at others; that is the objection.

Mr. JONES, of Alabama. I suppose that General Newton is good authority as to what the great engineers of the country believe on this question. He says, in a communication made to the Committee on Rivers and Harbors of this House, presented pursuant to the request of the committee, in speaking of this plan of Mr. Eads's:

In connection with this let us take a glance at the features of the locality. * * * Mr. Eads nor any one else could calculate—

Mr. HORR. What page do you read from?

Mr. JONES, of Alabama. I read from page 6 of this report—

could calculate the depth to which the waters flowing out of Galveston Bay would excavate the channel if during strong tide they should be entirely confined between high jetties, particularly if placed close together.

Gentlemen say that on account of the sluggish current in Galveston Bay you can not get any water flow or current sufficient to give that wash of the channel which was obtained at the mouth of the Mississippi River. General Newton says that you will get too much water. Again he says:

His system—

Referring to Captain Eads—

as he announces it, is a violent forcing process, the effect of which he can neither calculate nor foresee.

General Newton goes on to say that if it was with Captain Eads a question of delivering the largest supply of water in a given time, he would be right in his estimates and plans; but that the question of improving the harbor in the manner suggested does not necessitate the obtaining of the greatest scour. And yet gentlemen tell us that they will get no scour; that there is no mode of getting a current or flow by which to scour out the channel. General Newton goes on to say:

It may be expedient not to obtain the greatest scour, but to regulate the scour so it will be useful, not hurtful.

Mr. BAYNE. That is just it; that is the point.

Mr. JONES, of Alabama. But gentlemen asserted that on account of the sluggish current there would be no scour at all. Against that statement I place the report of General Newton and the opinion of the Engineer Corps of the Army.

Now, Mr. Chairman, a word as to the expense. The expense of the improvement which has proved so beneficial and valuable at the mouth of the Mississippi River fell short under the direction of Captain Eads of the estimates of the Army engineers.

Mr. HORR. Will the gentleman permit a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. HORR. Before you leave this point, I do not understand how you are going to put the pressure on the rear, as you have in the Mississippi River jetty system, whereby you are to get the results according to this theory.

Mr. JONES, of Alabama. I will explain. At certain periods of the year certain storms prevail, I believe, from northeast to southwest. These storms are violent in their character. Captain Eads proposes in his plan to take advantage of these storms that sweep this great volume of water out with rapidity and violence, and thus to utilize it to scour out the channel, as was done by the jetties at the mouth of the Mississippi River by utilizing the current of that river.

Mr. REAGAN. Will my friend from Alabama allow me a moment?

Mr. JONES, of Alabama. Yes, sir.

Mr. REAGAN. There is another reason why they can get good scouring power there. The Bay of Galveston is very large, some forty miles long, and perhaps on an average more than half as wide as it is long. The Trinity River, the longest river in the State, debouches in it, as also the Buffalo Bayou and the San Jacinto River; and this volume of water must go in and out of the channel to fill and empty the bay, and thus produce a scour of the channel.

Mr. HORR. But as I remember the harbor, Judge, from our examination, this difficult point is away out where they made those mattresses.

Mr. REAGAN. That is true. It extends beyond the point of the island.

Mr. HORR. And how will you get a scour out there?

Mr. REAGAN. By the water, as I have said already, going in and out of that channel to fill and empty the bay.

Mr. JONES, of Alabama. Now, by means of the jetty system that water during these storms will be confined in the channel and in its ingress and egress made to scour out the obstruction referred to by the

gentleman from Michigan. The jetties at the mouth of the Mississippi River extend some five miles in length. These jetties at Galveston will extend between ten and eleven miles, which will necessarily make the cost somewhat more than the amount that was expended for the Mississippi River improvement. At the mouth of that river the jetties were made of willow and other trees growing in the bayous, which could be utilized and gathered at little expense. Then when it became necessary to use stone it was transported down the river at a reasonable cost. At Galveston the jetties can not be made with mattresses; they must be built of stone, and on that account will be more expensive, for the reason that the stone must be transported from a distant point by railroad. So, as I have said, the expenditure will be necessarily greater; but whatever it is, Captain Eads is not benefited by it. The work is to be prosecuted by the Government, and he is simply to be employed on a salary.

It is also objected that the bill provides for an enormous expenditure of money. The bill carries only $12,000,000 in round numbers. The river and harbor bill of last session carried about $2,000,000 more than this, and yet it passed both Houses of Congress, received the approval of the President, and was acceptable to the people of the entire country. How, then, can this be said to be extravagant?

The fact is, Mr. Chairman, in view of the immense internal commerce of this country; in view of its population of 60,000,000, extending from ocean to ocean; its 18,000 miles of seacoast, and its more than three hundred rivers and harbors to be improved, I believe a much larger amount than $12,000,000 would not be considered by the country extravagant or enormous. More than fifty years ago, when our population was only 7,000,000 and our revenues amounted to only $14,000,000, John Quincy Adams was in favor of appropriating $5,000,000 for the purposes of internal improvements. These appropriations are wholly beneficial. They are more beneficial than any other made by the Government. The appropriations made for the support of the Army, for the Indians, for pensions, and other objects are consumed in the use and leave no trace behind. Appropriations for the improvement of our great water ways are permanent and continuing. They are like good business investments, paying good dividends to the Government and the people. Like the quality of mercy, they are "twice blessed;" they bless the Government in increased revenues, and they bless the people in cheaper transportation and greater commercial facilities. At this time there is sharp rivalry among nations in the markets of the world. What we need is cheaper water transportation to enable us to compete with other nations in these markets. We need to make our products of the greatest value to the producer and at the same time furnish them at the lowest possible cost to the consumer. Nothing excels water for purposes of cheap transportation. To illustrate this I refer to some remarkable facts stated in a recent issue of the Pittsburgh Dispatch, as follows:

The magnitude of the work which is done in the transportation of coal by our river steamers is strikingly shown by the announcement elsewhere that one of the Pittsburgh boats on the late rise took down the champion tow of coal, amounting to 700,000 bushels. The freight moved by this single steamer was nearly 20,000 tons, or enough to load almost 2,000 cars. In the remarkable fleets which move acres of coal down the river at a single rise, an amount of freight is carried which would employ the constant services of two or three large railways; and the work is done at a cost which would furnish the motive power necessary to carry it half the distance by land. Whatever the shortcomings of our much-maligned river route may be in other respects, there is no doubt that it furnishes a magnificent highway for the carriage of our coal to the South. Without the cheap and vast movements of freight by river, half our coal would be left under ground and the other half would cost down-river consumers double prices.

Many millions of dollars were spent by the General Government to make and improve the magnificent highways referred to. They ought to have been improved even at the great expenditures made—the Ohio, Kanawha, and Monongahela. But, sir, there are other portions of our common country where similar expenditures and similar improvements ought to be made, in order to bring about the splendid and beneficial results enjoyed by people living on the Ohio and Mississippi. The facts here stated furnish the strongest argument in favor of similar improvements in the State I have the honor in part to represent. In Alabama coal and iron are found in greater abundance than in Pennsylvania and West Virginia. They are found in juxtaposition and in close proximity to noble rivers that, with small improvement, will furnish cheap transportation. Reports have recently gone to the country that have been regarded as fabulous in regard to marvelous mineral regions of Alabama. Distinguished members of this House from Eastern States, editors of great Northern journals, and capitalists, have lately visited these regions, and they declare, like the Queen of Sheba, that "the half has not been told."

Already, even with inadequate transportation and the high rates on railroads, coal is shipped from Alabama to Aspinwall and is sold at lower prices than British coal, and iron is sent to Philadelphia and Pittsburgh. A coke furnace on the Coosa River, costing $100,000, turns out one hundred tons of iron a day, which is shipped to Pennsylvania at a freight charge of, say, $5 a ton, and as it is made about $6 a ton cheaper than in Pennsylvania, it is sold at a profit. Now, if the Coosa should be opened up to through navigation from Rome, in Georgia, to Mobile, a distance of seven hundred miles, and it is already navigable, except for a small stretch, there would be a saving of $2 a ton on the transportation, and this would be a saving of $200 a day or $72,000 a year on an investment of the $100,000. The gentleman from Maine [Mr. BOUTELLE] says "there is no bill coming before Congress that the people of this country scrutinize more jealously than the river and harbor bill. I deny it. Railroad centers, newspapers devoted to the interests of railroads, and certain localities whose rivers and harbors have already been completely improved by the General Government may look upon these bills with jealous scrutiny and hostility; but the people hail them as the most beneficial passed by Congress.

There are 125,000 miles of railroad in this country. They are not like free public highways, open to competition. They are above competition and make combinations to defy it. They make unjust discriminations against the public and are guilty of other abuses. How to control them is a great problem, a problem that is agitating our legislative bodies, and which Congress has been grappling with for ten years. While judicious legislation may accomplish much, the best and most effectual remedy will be found in the competition of the water way, and in improving our natural channels of water communication!

When ice obstructs navigation in northern rivers and lakes, up go railroad freights; when spring returns and the ice disappears, down go railroad freights. The following table, found in the report of Mr. Nimmo, Chief of Bureau of Statistics, for January, 1885, on the relations of railroads to commerce, shows the average freight charges per bushel on transportation of wheat from Chicago to New York during the year 1868 to September 1, 1884, inclusive.

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1868 to September 1, 1884, inclusive.

Calendar years.	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1868	24.54	29.0	42.6
1869	23.12	25.0	38.1
1870	17.10	22.0	32.3
1871	20.24	25.0	31.0
1872	24.50	28.0	33.6
1873	19.19	26.9	33.2
1874	14.10	16.9	28.7
1875	11.42	14.5	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.7
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884, January 1 to September 1	6.60	9.75	13.0

*Including Buffalo transfer charges and tolls.

It was not until about the year 1868 that the managers of the trunk-lines regarded the transportation of grain from Chicago to the seaboard as a source of profitable traffic.

The reduction in the average rates of transportation by lake and canal from 24.54 cents per bushel in 1868 to 6.60 cents per bushel in 1884, in the rates by lake and rail from 29 cents per bushel in 1868 to 9.75 cents per bushel in 1884, and in the "all-rail" rates from 42.6 cents per bushel in 1868 to 13 cents during the year 1884, has been the direct result of the sharp competition which has prevailed between the competing railroads and with the water line formed by the lakes, the Erie Canal, and the Hudson River. This fall of rates has greatly stimulated the development of the agricultural resources of our highly productive Western and Northwestern States, and has tended enormously to increase the wealth of those States.

The gentleman from Texas [Mr. MILLS] showed by reports how a single improvement on a single river had resulted in a saving of 8 cents a bushel on grain exported from Saint Louis by way of New Orleans to Liverpool. When the jetties were completed in 1879 the grain exported from New Orleans to foreign countries amounted to 5,000,000 bushels, and this had been the amount for several years previously. In 1882, three years after, this was increased to 16,000,000 bushels, and Mr. Nimmo declares the increase was largely the result of the jetties. Now, sir, a saving of 8 cents a bushel on this amounts to over $1,000,000. How much was saved on cotton and other exports? I feel warranted in saying this improvement, which cost this Government about $5,000,000, paid for itself in one year in the saving it caused to the Government and the people.

Mr. WHITE, of Kentucky. Will the gentleman from Alabama yield for a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. WHITE, of Kentucky. The gentleman has compared this Galveston Harbor to the mouth of the Mississippi, the outer portion of the jetties. I ask him if there is not there very deep water, almost an unfathomable depth?

Mr. JONES, of Alabama. Two hundred feet.

Mr. WHITE, of Kentucky. Whereas at Galveston, all along the seacoast, clear back to Burwick Bay, ninety miles out, it is shallow, from ten to twenty feet in depth. And will not the jetty have to be extended many miles to overcome this?

Mr. JONES, of Alabama. What the gentleman from Kentucky states is very true; but Captain Eads states frankly how he expects to overcome that difficulty. He expects by this heroic process, by this use of the current and the scour, to carry the sand to a distance where it will be dispersed by littoral currents.

Mr. HISCOCK. Will the gentleman permit me to ask him how deep do you go with your stone bed?

Mr. JONES, of Alabama. The gentleman from Texas [Mr. REAGAN] can answer that question.

Mr. REAGAN. About thirteen feet.

Mr. JONES, of Alabama. I yield the remainder of my time to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. With all respect to the kindness of the gentleman from Alabama who has permitted me to occupy the last ten minutes of his time, I am not unmindful of the fact that too much time has been occupied by members of the committee in talking upon this bill. I willingly therefore give my friend from Kansas [Mr. FUNSTON] an opportunity of being heard, he not being a member of the committee.

Mr. FUNSTON. Mr. Chairman, I have listened to the extended discussion of this bill and must admit I am puzzled when I attempt to understand how gentlemen living along the great thoroughfares of the country, made great thoroughfares by magnificent gifts of public lands, and enjoying all the advantages of great markets, made great markets by unstinted appropriations for the rivers and harbors on which they lie, can raise their voices against the appropriation for Galveston Harbor. I do not believe any of these gentlemen intend to be unfair. I would rather believe, and do believe, that some of them who have expressed themselves as being so near to being in favor of the improvement, need only to be located in that country to be entirely in favor of it. Their locality would then bring more vividly to their minds the importance of this work. They would then behold a vast country stretching to the east, the north, and to the west, greater in extent than the States of Illinois, Indiana, Ohio, and Pennsylvania, inhabited by millions of their fellow-countrymen; rich in minerals, rich in soil; the great center of animal industry of the United States, with thousands of ship-loads of wool, cotton, corn, wheat, and various other products of the country, much of which is rotting in storehouses and bins because it is too cheap in the markets to bear shipping over the long lines of railroads leading to the East.

They would behold this rich storehouse, this American Egypt, lying around and in easy access of a beautiful bay that needs only the generous action of the Government that has been bestowed on all others of importance throughout the land to make it one of the most useful harbors in all the world. Useful, I say, not only to the persons inhabiting that country, but equally useful to the millions of people inhabiting the Atlantic States in throwing down at their doors cheap wheat, cheap corn, cheap beef, cheap pork, cheap cotton, and many other things which enter into the daily demands of the poor as well as of the rich, and feed the thousands who spend their lives amid the hum of mechanical industry, as well as to furnish material to start the looms and factories which give employment to willing hands.

It is not local so far as the benefits are concerned, nor is it local when considered in connection with the grand system of harbor improvements which it becomes our interest as a thrifty people to make, and which I believe the good people of this nation desire that we should make. It is in the great line of thrift and prosperity and peace. It has none of the ugly murmurings of war in it. It is a work in which the peaceful Quaker and the gallant captain can alike take pride. The merchant will regard it as a harbinger of good times. The farmer will look upon it as repairing the nation's great gateway. He knows that the farm that is characterized by its fallen-down fences and brier-patches and choked-up roads is regarded as the home of a shiftless kind of fellow, and he knows also that a nation that is distinguished for its choked-up harbors while millions of its wealth lie rotting for want of a place to load it into ships must be regarded as a shiftless kind of people.

No one can regard the refusal of this appropriation as economy, and every thoughtful man must see in its refusal the worst of extravagance. We hear it said, however, by the opponents of this improvement that the harbors are not used when they are improved, and we are pointed to New Orleans as an example. It is true that the shipments from that place after the completion of the jetties was not so great as many desired; but it should be borne in mind that new routes of transportation are not adopted in a day even when the greatest advantages are offered. Shippers from force of habit alone are slow to make a change, and in the case of New Orleans, that route has been until recently regarded only as temporary, many believing, as did the United States Corps of Engineers, that the jetties would prove to be a failure.

Their success, however, is now assured, and shippers in reach of that point will soon begin to look in that direction as the cheapest and most practical way to reach the markets of the East and of the world. That improvement and other water-way improvements have already had the effect of cutting down the charges for transportation of freights by railway, and the accomplishment of that end alone at Galveston would pay the people and the Government in the course of time for all it would cost to make the improvement, though not a single ship-load should ever leave the harbor.

We need competition as well as capacity—not so much a new railroad for competition, for that would be but adding one more railroad to the pooling system against the people. We want water competition, a kind of competition railroads so far have been unable to control.

I understood the gentleman from Illinois [Mr. THOMAS] in his able remarks last Saturday to say he would be in favor of a reasonable amount to improve this harbor, though he fails to tell us what he regards as reasonable. He mentioned the Mississippi jetties, but I do not think he referred to them as unreasonable in cost; on the contrary, his discourse led me to believe he thought them reasonable, though I can not give his language on that point. They cost $5,340,000. The jetties at Galveston, according to Mr. Eads's statement, are to be more than twice as long and are to cost $7,750,000, or about 50 per cent. less, according to length, than the Mississippi jetties. Now, if the former is reasonable, certainly the latter must be also. This $7,750,000, however, is not to be voted to Captain Eads; it is nothing more than his estimate, and if voted at all is to be voted to the Secretary of War, Captain Eads drawing from it only his salary of $5,000 a year and an additional $3,000 for each additional foot, not one cent of which $3,000 is to be paid until twenty-five feet of navigable depth of water is obtained through the channel.

The gentleman from Illinois does not seem to think the work can be done cheaper, nor do we infer that he thinks it ought not to be done at all. He only appears to be repelled by the vast sum of money required. It is indeed great when compared with the average wealth of individuals, but it is no more to the Government than the cost of building an ordinary culvert across a bad place in the road would be to a person of average wealth, and I might add ought to be regarded in the same light that we do ordinary improvements of public highways.

Now, the gentleman from Pennsylvania [Mr. BAYNE] expressed himself as being in favor of an appropriation of five or six millions of dollars, but he did not like Captain Eads's plan; yet he dwelt vehemently upon the point that Captain Eads had no plans, and before voting the appropriation he demanded some. I am unable to reconcile that gentleman's two positions, unless he meant by the latter that he had no plans and specifications submitted as ordinarily is done in contracts.

But Captain Eads is not a contractor in this case. The work is under the Secretary of War, with Captain Eads as a hired engineer, receiving a stipulated sum per year and a certain amount conditionally for preparing the plans, specifications, and estimates, and making the necessary recommendations therefor, and exercising general supervision during the progress of the work.

The only extraordinary power granted to Captain Eads is that the work is to be constructed according to his plans and specifications. This is reasonable enough when considered in connection with the fact that the greater part of his pay is conditioned upon the success of the undertaking. "No cure, no pay" necessarily implies obedience to the doctor.

But this extraordinary power granted him does not make a contractor of him in any sense of the word. When engaged, if at all, he will be an employé of the Government; and no work in the way of plans and specifications or other service can reasonably be expected of him until he is employed. The gentleman from Illinois dwells with emphasis upon his statement that the whole thing is to be based on faith in Captain Eads. That is true to some extent, yet Captain Eads does not hesitate in placing his chance for getting the larger part of his pay on the same kind of faith. Faith, after all, must have much to do with the undertaking.

Plans and specifications, if submitted by Captain Eads, would have to be accepted on faith in him, as I understand that none of his plans are in accordance with the theories of the United States Corps of Engineers, and would most likely be met by those gentlemen with objections that would prove as groundless as did their statement that the extension of the jetties at the mouth of the Mississippi by reason of the advance of the bar would cost a million dollars a year, while the facts are that during the five years since that work was completed it has not been necessary to spend one nickel in that way, and it is not likely that it will become necessary to advance the jetties one foot in a century.

What have you to rely upon in any of these improvements, when the plans and specifications are submitted by the United States Corps of Engineers, but faith in them? It was by faith in them that already a million of dollars have been sunk in Galveston Bay, and, I may add, without the least prospect whatever of the work that has been done amounting to anything except to be in the way when proper plans to improve the harbor are fixed upon.

Faith in Captain Eads ought to govern us to a great extent in making this appropriation and employing him to prepare plans and specifications and to superintend the work.

The great works he has already accomplished inspire me with faith in him. The plain and common-sense manner he has of doing things inspires me with faith in him. He has no finely-spun theories submitted in stilted language to dase poor creatures, but he proceeds on the plain common-sense principle that running water confined in a narrow channel will wash out the bottom and thus make it deeper, and that if the channel extend sufficiently far into the sea the material washed out, as well as that carried down by the current, will be carried out to where the water is perhaps a thousand feet deep before it finds a lodgment,

and that it would be like filling up the sea itself to form a bar out there. I do not speak for Captain Eads; this is only my understanding of the jetty system.

The gentleman from Pennsylvania [Mr. BAYNE] objects to this system because it is upon the damming-up principle, and that it would cause a deposit of sediment above the jetties and raise the bed of the river. Quite the contrary, by actual measurement, has been proven to be the fact, the bed of the river above the jetties having been lowered one foot; and therefore his theory of damming up the Mississippi and turning it into the Atchafalaya is without foundation.

The gentleman has printed in the RECORD an amount of testimony to establish the fact of the superior education of the members of the United States Corps of Engineers. This was not at all necessary. No one doubts their superior education, and no one would, I dare say, cast an unjust reflection upon them. So far as education and the accepted theories of engineering go, they have perhaps no superiors in the world.

But these facts ought not to be allowed in the least to detract from the common-sense principles of Captain Eads. The work he accomplished at the mouth of the Mississippi is worth more in the eyes of the people than the diplomas from all the scientific schools in the world. The plain Western colonel (Bailey, I believe, was his name) who solved the question of getting the gunboats over the rapids at Alexandria on the Red River, and saved a fleet of naval vessels, used no sextant, no compass, no theodolite. He and his men just loaded themselves with brush and logs and rock, and waded into the river and threw them down, damming the river from both sides until the water was raised sufficiently high to let the gunboats pass through a place left in the middle of the river. Captain Eads, I understand, is an educated man, but I dare say he depends more on common-sense principles as manifested by this Western colonel than he does upon his collegiate diplomas. That is the kind of man we want at Galveston, Mr. Chairman. We want some one who, if it should be necessary, can shut up the books and take a common-sense view of the situation, and not disdain the long-established fact that water will run down hill and cut a channel in doing so.

The CHAIRMAN. The time allowed by order of the House for general debate.

Mr. WILLIS. I understand several gentlemen desire leave to print remarks on this bill in the RECORD. I ask that general leave be granted.

Mr. WHITE, of Kentucky. Provided it shall not apply to the tariff and all other questions.

Mr. WILLIS. Of course that is understood.

The CHAIRMAN. There can be no limit placed to the leave, if granted, except each gentleman's idea of propriety. Is there objection to the leave requested? The Chair hears none. General leave is given to print remarks in the RECORD on the subject of this bill. The Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk read the first paragraph of the bill, as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named.

Mr. REED, of Maine. I move to strike out the last word. I make that motion, not because I expect there is to be more discussion to-night with regard to the bill, but for the purpose of calling the attention of the House to the actual situation of this discussion as it has turned out under the order of the House.

There is in this bill the continuation of a scheme for the expenditure of $150,000,000, and the only man who has had an opportunity to express himself upon that subject, after having carefully examined it, has been able under the action of the House to get but ten minutes of time. All of the time for the discussion of this bill, except what is going to take place under the five-minute rule, has by the judicious action of members of this Committee on Rivers and Harbors been absorbed and controlled by themselves in favor of the bill, and no opportunity thus far has been given for criticism of the same; nor under the action of the House can any opportunity be given except in a disjointed five-minute way. And yet this bill contains in it for one single item the continuation of one improvement which will amount to $150,000,000, and involves 1,080 miles of river.

Now, I want the House to understand precisely what the effect of this action has been in the matter of the discussion of the question which is before it. It seems to me that such a method is not going to give to us that full idea of this bill which we ought to have. With the exception of the ten minutes' discussion on the part of the gentlemen from Iowa and Wisconsin we have had nothing. But we have had one exception, to which also I wish to call the attention of the House, and that is, members of the committee have shown to us clearly, if they be right, that the members of the Engineer Corps who advised upon these subjects are pretty sure to be wrong when they come in contact with the opinions of the committee. I think the gentleman from Massachusetts [Mr. STONE] and the gentleman from Alabama [Mr. JONES] have proved very conclusively, if their argument is to end it, that the engineers do not understand anything about a harbor of refuge on the Atlantic coast or anything about digging up a harbor on the coast of Texas, and yet, with the exception of those two items and one or two others, this whole bill is made up on the recommendation of the engineers.

Mr. O'NEILL, of Missouri. Mr. Chairman, I do not know really but what we ought to thank the chairman of the Committee on Rivers and Harbors for having even given us leave to print.

Coming from the city of Saint Louis, the principal city of the Mississippi Valley, I naturally imagined that the views of a member from that section, and especially one who has unfalteringly supported the river and harbor bills of the past, might have been treated with some little courtesy. I requested of the chairman of that committee the privilege of coming before the committee and sparing the House this infliction. [Laughter.]

Mr. WILLIS. I apologize.

Mr. O'NEILL, of Missouri. You ought to apologize. [Continued laughter.] Which privilege was also refused every other member. The committee monopolized all the time allowed for debate, including a small portion of the time of the gentleman from Kentucky [Mr. WILLIS], who, after having generously promised to give me a portion of the time remaining to himself, took back his promise and gave it to the House this morning, so that my only recourse is left in this mode of a disjointed narrative by offering amendments to this bill in a formal way of moving to strike out the last word. [Laughter.]

But, Mr. Chairman, I propose at every stage of this proceeding to continue offering amendments until my views in regard to river improvement are impressed upon this House, as far as I can impress them. I have that right under the rules, and, fortunately, I have a disposition that will see that my rights in that respect are preserved. [Laughter.]

Mr. Chairman, the people of the Mississippi Valley, at every convention and through every newspaper, appeal to every member of Congress to do something for the improvement of the great Mississippi River, that grand artery of commerce that bears upon its bosom the commerce of millions of people, and in whose valley are to be located the hundreds of millions of the future. That river, sir, so far as concerns improvements of a permanent and valuable character, terminates at the point where it meets the Ohio, where the firm banks cease and you strike this alluvial bed that is subject to these little breaks and misunderstandings, and the improvement of which, I believe, its best friends admit is merely an experiment. Yet out of these millions proposed to be appropriated for the improvement of the Mississippi, the portion of that river from its junction with the Ohio to its source gets only the insignificant sum of $600,000. Now, my friends, that is not "a fair share of the pork." [Laughter.] That is not enough.

If the Mississippi River has got to carry through every year these hundreds of creeks and bayous, be a little more liberal. Give us a little more. I do not suppose that any member of this House believes for a moment that I would oppose a bill merely on account of its size. [Laughter.] I have endeavored to make a consistent record here, and have voted for every bill that would aid in developing our country and give employment to labor. [Applause.]

Now, Mr. Chairman, let me call the attention of the chairman of the Committee on Rivers and Harbors (who, I observe, is about to go into executive session with his colleague) [laughter] to a remarkable fact, which is, that I am clearly of the opinion that if that committee had allowed me to come before them they would have realized that they did not comprehend the whole of this question. [Laughter.] I am certain of it. Now, is the gentleman aware of how long it will take to complete the work of improving the channel of the Mississippi between the Illinois and the Ohio—and it is the obstructions in that part of the river that are to-day the main obstacle in the way of river improvement.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Chairman, I move to strike out the last word; and now, for the sake of getting some light on this important subject of river improvement, I yield my time to my distinguished friend from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I thank the gentleman. Now, Mr. Chairman, let us have a common-sense talk on this bill, even if it is only for five minutes. [Laughter.] Every sane man who favors the improvement of the Mississippi wants the river improved so that modern-built vessels, which carry fifty thousand or sixty thousand bushels of grain, and draw seven or eight feet of water, can go down to the sea through a free and unobstructed channel. The object of river improvement is simply this: that at the low stage of the river you can have your commerce go unimpeded to the sea. If you work down to a point where you find a shoal beyond which you can not go, no matter how deep may be the other parts of the channel, until that shoal is removed the rest of your work is, comparatively speaking, valueless; and, therefore, until the last shoal in the channel is removed your work of river improvement is merely local and of no benefit to the country at large.

Now, sir, between the mouth of the Illinois and the mouth of the Ohio, a distance of less than two hundred miles, are grouped the most serious obstructions in the channel of the river, the most serious obstructions to the commerce of the Mississippi Valley. The engineers who have carefully examined into this matter, state that it will take at least $10,000,000 to remove those obstructions and furnish a uniform depth of eight feet of water, which is required for the passage of barges carrying 50,000 bushels of grain. That being so, with your miserable, beggarly $400,000 a year for the improvement of that part of the river, how many years do you think it will be before you can have the benefit of deep water there? Just figure it out. [Laughter.] We are supposed to be legislating for this generation and not for posterity—at least not in the matter of river improvements.

Mr. MCADOO. "Posterity never did anything for us."

Mr. O'NEILL, of Missouri. No; as my friend from New Jersey [Mr. MCADOO] suggests, posterity has never done anything for us; and the question with him is whether he is going to do anything for posterity. [Great laughter.]

Mr. MCADOO. I hope my friend——

Mr. O'NEILL, of Missouri. Mr. Chairman, I will yield if my friend rises to a personal explanation. [Renewed laughter.]

Now, Mr. Chairman, would it not be a little more sensible for the Committee on Rivers and Harbors to come in and say to this House: Gentlemen, between the source of the Mississippi River and a certain point, with certain appropriations, within a certain brief period of time, we can complete the work of improvement there? For instance, between the mouth of the Illinois and the mouth of the Ohio River we can, with proper appropriations, within four years complete the improvement of the channel of the river so as to give the people the benefit of cheap transportation. It seems to me that that would be a more sensible course, but the committee do not do that. They scatter these appropriations, like the grace of the Almighty, all over the country, in the hope that, by giving the $5,000 here and there for the improvement of the Suwanee and similar rivers, they can secure the votes of the gentlemen from those localities for this bill.

That is the principle of this bill; and you may recollect that at the commencement of the last session of Congress, when I was a little more "verdant" than I am now, I very innocently suggested the idea of having a separate and distinct Mississippi River bill, my object being that this great artery of commerce, with its navigable tributaries, should be properly considered, and not made the vehicle of dragging through this House a combination of creeks or insignificant streams. This is not legislation. It has been marvelous to me that men selected out of every walk of life, who have made their private enterprises a success, can apply so little common sense when dealing with the affairs of the people. [Applause.] Let us begin now. I do not object, as I have told my friend from Kentucky, to appropriations for these little streams; we can stand that; but I want him to understand for one that unless he and his committee and this House will agree to a proper recognition of the Father of Waters, and thereby this bill should lack sufficient merit to justify its passage, the blame will not rest upon me or those who hold similar views. [Applause.]

Mr. WILLIS. Mr. Chairman, I have no wish to detain the committee. In reply to the statement of my friend from Missouri [Mr. O'NEILL], it is only necessary for me to say in one word that upon the reach of the river referred to by him the committee has allowed the same percentage as upon the other reaches of the river.

Mr. O'NEILL, of Missouri. I rise to a question of order. I understood that during the remainder of the discussion the time was to be occupied not by members of the Committee on Rivers and Harbors, but by other members of the House.

The CHAIRMAN. The Chair does not recognize that as a point of order.

Mr. WILLIS. By the last appropriation bill—and I speak seriously to gentlemen who are engaged in serious business—the sum of $520,000 was appropriated for that portion of the river which has its advocate in my friend from Saint Louis. Of that appropriation the whole sum expended is $135,000; in other words, there was appropriated more than could be judiciously expended. The committee think, therefore, that they have been reasonably just to that part of the river; and they are fortified in this conclusion by the fact that it had three very intelligent members upon the committee.

I do not wish to detain the Committee of the Whole further. In view of the necessity of expediting this bill in the short time allowed, I have been urged by a number of gentlemen to ask for a session of the House to-night. I have declined to do so because of the fatigue of members after the prolonged session of last night. But I hope that to-morrow it will be the pleasure of the House to take a recess, with the understanding that if at the evening session any item of the bill be objected to by three or five members it be passed over. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2600) for the relief of the Woonsocket National Bank of Woonsocket, R. I.

HENRY NEAL.

Mr. PEEL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be, and he is hereby, authorized to pay out of the contingent fund of the House to Henry Neal, for services as messenger in the Speaker's room, the difference between the pay of a laborer received by him and that of a messenger, from the 1st day of December, 1883, to the 7th day of July, 1884, and from the 1st day of December, 1884, to the 4th day of March, 1885—ten months and seven days—at the rate of $40 per month, $409.30.

GENERAL U. S. GRANT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, ordered to be printed, and, on motion of Mr. WASHBURN, by unanimous consent, ordered to be printed, with the accompanying documents, in the RECORD:

To the House of Representatives:

I take especial pleasure in laying before Congress the generous offer made by Mrs. Grant to give to the Government, in perpetual trust, the swords and military (and civil) testimonials lately belonging to General Grant. A copy of the deed of trust, and of a letter addressed to me by Mr. William H. Vanderbilt, which I transmit herewith, will explain the nature and motives of this offer.

Appreciation of General Grant's achievements and recognition of his just fame have in part taken the shape of numerous mementoes and gifts, which, while dear to him, possess for the nation an exceptional interest. These relics, of great historical value, have passed into the hands of another whose considerate action has restored the collection to Mrs. Grant as a life-trust, on the condition that at the death of General Grant, or sooner at Mrs. Grant's option, it should become the property of the Government, as set forth in the accompanying papers. In the exercise of the option thus given her Mrs. Grant elects that the trust shall forthwith determine, and asks that the Government designate a suitable place of deposit and a responsible custodian for the collection.

The nature of this gift and the value of the relics which the generosity of a private citizen, joined to the high sense of public regard which animates Mrs. Grant, have thus placed at the disposal of the Government, demand full and signal recognition on behalf of the nation at the hands of its representatives. I therefore ask Congress to take suitable action to accept the trust and to provide for its secure custody, at the same time recording the appreciative gratitude of the people of the United States to the donors.

In this connection I may pertinently advert to the pending legislation of the Senate and House of Representatives looking to a national recognition of General Grant's eminent services by providing the means for his restoration to the Army on the retired-list. That Congress, by taking such action, will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill No. 2530, which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discretion to nominate General Grant as General upon the retired-list.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 3, 1885.*

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640 FIFTH AVENUE, *January 20, 1885.*

DEAR SIR: I purchased the articles of historical interest belonging to General Grant and gave them to Mrs. Grant in trust, to hold during the lifetime of the General, and at his death, or sooner, at her option, they to become the property of the Government. They consist of his swords, memorials of his victories from the United States, States, and cities, and tributes to his fame and achievements from governments all over the world. In their proper place at Washington they will always be secure, and will afford pleasure and instruction to succeeding generations. This trust has been accepted by Mrs. Grant, and the disposition of the articles is in conformity to the wishes of the General. I transmit to you herewith the deed of trust. Mrs. Grant informs me that she prefers to close this trust at once, and send the memorials to Washington. May I ask, therefore, that you will designate some official representing the proper department to receive them, and direct him to notify Mrs. Grant of the arrangements necessary to perfect the transfer and deposit in such of the Government buildings as may be most suitable?

Yours, respectfully,

W. H. VANDERBILT.

His Excellency CHESTER A. ARTHUR,
President of the United States.

Whereas I, William H. Vanderbilt, of the city of New York, by virtue of a sale made under a judgment in a suit to foreclose a chattel mortgage in the supreme court of this State, in which I was plaintiff and Ulysses S. Grant defendant, which judgment was entered on the 6th day of December, 1884, and under an execution in another suit in said court between the same parties upon a judgment entered December 9, 1884, have become the owner of the property and the articles described in the schedule hereto annexed, formerly the property of Ulysses S. Grant:

Now, therefore, to carry out a purpose formed by me, and in consideration of $1 to me paid, I do hereby transfer and convey each and every one of the articles mentioned and itemized in the said schedule to Julia Dent Grant, to have and to hold the same to her, her executors and administrators, upon the trust and agreement nevertheless hereby accepted and made by her that upon the death of the said Ulysses S. Grant, or previously thereto at her or their option, the same shall become and be the property of the nation, and shall be taken to Washington and transferred and conveyed by her and them to the United States of America.

In witness whereof the said William H. Vanderbilt and Julia Dent Grant have executed these presents this 10th day of January, A. D. 1885.

Sealed and delivered in presence of—

W. H. VANDERBILT.
JULIA DENT GRANT.

Schedule of swords and medals, paintings, bronzes, portraits, commissions, and addresses and objects of value and of art presented by various governments in the world to General Ulysses S. Grant:

Mexican onyx cabinet: Presented to General Grant by the people of Pueblo, Mexico.
Aerolite, part of which passed over Mexico in 1871.
Bronze vases: Presented to General Grant by the Japanese citizens of Yokohama, Japan.
Marble bust and pedestal: Presented by workingmen of Philadelphia.
General Grant and family: Painted by Coggswell.
Large elephant tusks: Presented by the King of Siam.
Small elephant tusks: From the Maharajah of Johore.
Picture of General Scott (by Page): Presented by gentlemen of New York.
Crackleware bowls (very old): Presented by Prince Koon of China.

Cloisonné jars (old): presented by Li Hung Chang.
Chinese porcelain jars (old): Presented by Prince Koon of China.
Arabian bible.
Coptic bible: Presented by Lord Napier, who captured it with King Theodore of Abyssinia.
Sporting rifle.
Sword of Donelson: Presented to General Grant after the fall of Fort Donelson by officers of the Army, and used by him until the end of the war.
New York sword: Voted to General Grant by the citizens of New York at the fair held in New York.
Sword of Chattanooga: Presented to General Grant by the citizens of Jo Daviess County, Illinois (Galena), after the battle of Chattanooga.
Roman mug and pitcher.
Silver menu and card, farewell dinner of San Francisco, Cal.
Silver menu of Paris dinner.
Horn and silver snuff-box.
Silver match-box (used by General Grant).
Gold table, modeled after the table in Mr. McLean's house on which General R. E. Lee signed the articles of surrender. This was presented to General Grant by ex-confederate soldiers.
Gold cigar-case (enameled): Presented by the Celestial King of Siam.
Gold cigar-case (plain): Presented by the Second King of Siam.
Gold-handled knife: Presented by miners of Idaho Territory.
Nine pieces of jade stone: Presented by Prince Koon of China.
Silver trowel: Used by General Grant in laying the corner-stone of the American Museum of Natural History, New York.
Knife made at Sheffield for General Grant.
Gold pen (General Grant's).
Embroidered picture (cock and hen): Presented to General Grant by citizens of Japan.
Field-glasses used by General Grant during the war.
Iron-headed cane made from the rebel ram Merrimac.
Silver-headed cane made from wood used in the defense of Fort Sumter.
Gold-headed cane made out of wood from old Fort Du Quesne, Pennsylvania.
Gold-headed cane: Presented to General Grant as a tribute of regard for his humane treatment of the soldiers and kind consideration of those who ministered to the sick and wounded during the war.
Gold-headed cane used by General La Fayette, and presented to General Grant by the ladies of Baltimore, Md.
Carved-wood cane from the estate of Sir Walter Scott.
Uniform as General of the United States Army.
Fifteen bottles cut from the coats during the war by Mrs. Grant after the different battles.
Hat ornament used at Belmont.
Hat ornament used at Fort Donelson.
Shoulder-straps (brigadier-general's) worn by General Grant at Belmont, Fort Donelson, and Shiloh.
Shoulder-straps (lieutenant-general's) cut from the coat used by General Grant in the campaigns against Richmond and Petersburg and Lee's army.
Shoulder-strap (Lieutenant-General's) cut from General Grant's coat.
Pair of shoulder-straps (General's) cut from a coat General Grant used after the war.
Medal from the American Congress (gold) for opening the Mississippi.
Gold medal from Philadelphia.
Twenty-one medals (gold, silver, and bronze): Badges of armies and corps.
Ten medals (silver and bronze) sent to General Grant at different times.
Fourteen medals (bronze) in memory of events.
Silk paper (Louisville Commercial) printed for General Grant.
Silk paper (Daily Chronicle) printed for General Grant.
Silk paper (Burlington Hawkeye) printed for General Grant.
Collection of coin (Japanese): This is the only complete set, except one which is in the Japanese treasury. Seven of these pieces cost $5,000. This set was presented by the Government of Japan.
Warrant as cadet at West Point.
Commission as brevet second lieutenant (missing).
Commission as second lieutenant (missing).
Commission as brevet first lieutenant (missing).
Commission as first lieutenant United States Army.
Commission as brevet captain United States Army.
Commission as captain United States Army.
Commission as colonel volunteers.
Commission as brigadier-general.
Commission as major-general.
Commission as major-general United States Army.
Commission as Lieutenant-General United States Army.
Commission as General United States Army.
Commission as honorary member of M. L. A., San Francisco.
Commission as member of Sacramento Society of Pioneers.
Commission as honorary member Royal Historical Society.
Commission as Military Order of Loyal Legion.
Commission as member of the Aztec Club.
Certificate of election President of the United States.
Certificate of re-election President of the United States.
Certificate of honorary membership Territorial Pioneers of California.
Certificate of honorary membership Saint Andrew's Society.
Certificate of election LL. D. Harvard College.
Certificate of election honorary membership of the Sacramento Society of Pioneers of California.
Certificate of election honorary member Mercantile Library, San Francisco.
Freedom of the city of Dublin, Ireland.
Freedom of the city of Stratford-on-Avon.
Freedom of the city of London, England.
Freedom of the city of Glasgow, Scotland.
Freedom of the city of Edinburgh, Scotland.
Freedom of the city of Ayr.
Freedom of the burg of Inverness, Scotland.
Freedom of the city of Oakland, America.
Freedom of the city of San Francisco, America.
Freedom of the city of Londonderry, Ireland.
The freedom of many other cities.
Address to General Grant from the Chamber of Commerce.
Address to General Grant from Newcastle upon the Tyne, 1877.
Address to General Grant from the mayor, aldermen, and citizens of the city of Manchester, England, May 13, 1877.
Address to General Grant by the workingmen of Birmingham, England, October 16, 1877.
Address to General Grant from the Chamber of Commerce and Board of Trade, San Francisco, Cal., September, 1879.
Address to General Grant by the mayor, aldermen, and burgesses of the borough of Gateshead, England.
Address to General Grant by the mayor, magistrates, aldermen, and councillors of the borough of Leicester, England.
Address to General Grant by the Americans of Shanghai, China, May 19, 1879.
Address to General Grant by the Calumet Club of Chicago, Ill.
Address to General Grant from the Society of Friends in Great Britain.
Address to General Grant from chamber of commerce of Penang.
Address to General Grant by the mayor, aldermen, and burgesses of the borough of Southampton, England.
Address to General Grant by the provost, magistrates, and town council of the royal borough of Stirling.
Address to General Grant from mayor, aldermen, and burgesses of Tynemouth, England.
Address to General Grant by the mayor and town council of Sunderland.
Address to General Grant by the trade and friendly societies of Sunderland.
Address to General Grant by the public schools of Louisville, Ky.
Address to General Grant by the colored men of Louisville, Ky.
Address to General Grant from ex-confederate soldiers.
Address to General Grant from State of Louisiana.
Address to General Grant from the Chamber of Commerce and Board of Trade of San Francisco, Cal.
Address to General Grant by the British workmen of London, England.
Address to General Grant by the North Shields Ship-owners' Society, England.
Address to General Grant from chamber of commerce.
Address to General Grant from Sheffield, England.
Address to General Grant from mayor, aldermen, and burgesses of the borough of Royal Leamington Spa, England.
Address to General Grant by the mayor, aldermen, and burgesses of Sheffield, England.
Address to General Grant by wardens, &c., and commonalty of the town of Sheffield, England.
Address to General Grant from the provost, magistrates, and town council of the city and royal borough of Elgin, England.
Address to General Grant from the mayor, aldermen, and burgesses of the borough of Folkstone, England.
Address to General Grant by the mayor, aldermen, and burgesses of the borough of Jarron, England.
Address to General Grant by the mayor, aldermen, and burgesses of Gateshead, England.
Address to General Grant from the Carpenters' Company.
Address to General Grant from the citizens of Cincinnati, congratulating him on his second election as President of the United States.
Address to General Grant from the citizens of Nagasaki, Japan.
Resolutions of the Territorial Pioneers admitting General Grant to membership.
Resolutions of the Caledonian Club of San Francisco, enrolling General Grant as honorary member.
Resolutions of the citizens of Jo Daviess County, presenting a sword to General Grant (sword of Chattanooga).
Resolutions of the Washington Camp of Brooklyn, Long Island.
First resolution of thanks of the Congress of the United States.
First resolution inviting General Grant to visit the house of representatives of the Commonwealth of the State of Pennsylvania.
Second resolution of thanks from the Congress of the United States.
Letter from citizens of Jersey City, thanking General Grant for his Des Moines (Iowa) speech on the question of public schools.
Presentation of a silver medal by the Union League Club of Philadelphia, for gallantry and distinguished services.
Vote of thanks by Congress to General U. S. Grant, &c.
Other resolutions, addresses, votes of thanks, and freedom of cities.

CORRECTION OF CLERICAL ERROR.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following letter from the Secretary of the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed:

NAVY DEPARTMENT, *Washington, February 2, 1885.*

SIR: In my communication, dated January 30, in answer to the resolution of the House relative to the Tallapoosa, I desire to correct a clerical error.

For the words and figures "August 19," in the second paragraph, the words and figures "July 19" should be substituted.

Very respectfully, your obedient servant,

W. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

PROPERTY IN POSSESSION OF THE CLERK OF THE HOUSE.

The SPEAKER *pro tempore* also laid before the House a letter from the Clerk of the House, transmitting report of property in his possession belonging to the United States; which was referred to the Committee on Accounts, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. KELLOGG, by unanimous consent, was granted leave of absence for eight days from Thursday, February 5.

G. T. M. ENGLISH.

On motion of Mr. LORE, by unanimous consent the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 7760) for the relief of G. T. M. English; and the same was referred to the Committee on Appropriations.

INCREASE OF POLICE FORCE AT INAUGURATION.

On motion of Mr. FOLLETT, by unanimous consent the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, returned from the Senate with amendments, was taken from the Speaker's table for present consideration.

Mr. FOLLETT moved to non-concur in the Senate amendments.

Mr. ADAMS, of Illinois. We should have some explanation what the amendments are.

Mr. FOLLETT. The bill as it went from the House appropriated $6,000. The Senate increased that to $8,000. The House made provision for this appropriation being made as other appropriations for the District of Columbia, one half out of the District funds and the other half out of the Treasury. The Senate amendment makes it all payable out of the Treasury of the United States.

Mr. MILLER, of Pennsylvania. And that is right.

Mr. ADAMS, of Illinois. I move that the Senate amendments be concurred in, and I desire to say that this inauguration business is not ordinary business. I think, therefore, we should concur in the Senate amendments.

Mr. FOLLETT. I desire to make this simple statement: Four years ago the appropriation was made as the House made it, one half payable out of the funds of the District and the other half out of the Treasury of the United States, as other appropriations are made for the District under the rule.

And I wish to say still further that the benefit resulting from the large attendance of people in the city of Washington on that occasion is more in the interest of the people here than it is in the interest of the Government.

The motion of Mr. ADAMS, of Illinois, was not agreed to.

The amendments of the Senate were non-concurred in.

Mr. FOLLETT moved that a committee of conference be asked on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON.

AARON GELD.

Mr. WOLFORD, by unanimous consent, from the Committee on Pensions, reported back favorably the bill (H. R. 4869) for the relief of Aaron Geld; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

And then, on motion of Mr. MILLS (at 5 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Resolutions of the Philadelphia Produce Exchange, favoring the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE: Petition of citizens of Pine Bluff, Ark., urging the passage of the Potter funding bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of M. G. Shaw and others, of Bath, Me., for an appropriation to remove the ledge and rocks in the Kennebec River at Bath—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of Ostheimer Brothers, for passage of bill providing for an international convention for the protection of industrial property—to the Committee on Foreign Affairs.

Also, petition of John F. Donehower, for passage of a bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. FERRELL: Petition of citizens of Salem city and members of the Presbyterian church, on the Mormon question—to the Committee on the Judiciary.

By Mr. FORNEY: Memorial from the General Assembly of the State of Alabama, asking for an increased appropriation to open the Coosa River—to the Committee on Rivers and Harbors.

By Mr. GEOKGE: Petition from North Yam Hill, Oreg., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARDY: Memorial of Sereno D. Bonfils, A. McKinstrey, and others, requesting that this Forty-eighth Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the improvement of Harlem River, New York, for a sum not exceeding $1,295,000, and requesting that the chairman of the Committee on Rivers and Harbor will appoint a subcommittee to hear arguments thereon, and report to the full committee—to the Committee on Rivers and Harbors.

By Mr. HARMER: Resolutions of George G. Meade Post, Grand Army of the Republic, in favor of the passage of Senate bill placing General U. S. Grant on the retired-list with rank and pay of General—to the Committee on Military Affairs.

By Mr. LIBBEY: Petition of citizens of Nansemond County, Virginia, asking for the improvement of Nansemond River—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of W. L. S. Murray and 44 others, citizens of Delaware, urging the suppression of Mormonism by law—to the Committee on the Judiciary.

Also, petition of J. Richards Boyle and 12 others, citizens of Delaware, for the suppression of Mormonism by Congressional legislation—to the same committee.

By Mr. MILLER: Petition of citizens of Mercer, Pa., in favor of legislation that will check the evil of Mormonism—to the same committee.

By Mr. CHARLES O'NEILL: Petition of many citizens of Philadelphia, praying Congress to enact a law which will give again to the aged seamen and marines, beneficiaries of the United States naval asylums, their pensions just as they are given to the soldiers of the national homes for soldiers, the said pensions being now forfeited under the law by these beneficiaries of the United States naval asylums—to the Committee on Pensions.

By Mr. PUSEY: Petition of E. C. Venaum and others, of Cass County, Iowa, asking for an increase of widows' pensions—to the same committee.

By Mr. J. H. ROGERS: Petitions of citizens of Hot Springs, Ark., and memorial of its city council, against the passage of the Rogers bill for the regulation of the Hot Springs reservation—to the Committee on the Public Lands.

By Mr. TOWNSHEND: Petition of citizens of the District of Columbia, praying for the passage of a joint resolution requiring the Baltimore and Potomac Railroad Company to keep open the draw of the long bridge for the passage of vessels at all hours of the day and night—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAGLEY: Of citizens of Schoharie County, of Greene County, and of Ulster County, New York.

By Mr. BAYNE: Of ex-soldiers of Allegheny County, of Pittsburgh, and of Bakerstown, Allegheny County, Pennsylvania.

By Mr. BINGHAM: Of honorably discharged soldiers of Philadelphia, Pa.

By Mr. BOYLE: Of citizens of New Haven, Fayette County, and of Fayette City, Fayette County, Pennsylvania.

By Mr. EVERHART: Of citizens of Oxford, Chester County, Pennsylvania.

By Mr. GEDDES: Of George M. Endley and 57 others, citizens of Mansfield, and of G. W. Shurtleff and 123 others, citizens of Lorain County, Ohio.

By Mr. HEPBURN: Of 175 citizens of Leon, Decatur County; of William Butler and 50 others, citizens of Quincy, Adams County, and of J. B. Morrison and 50 others, citizens of Unionville, Appanoose County, Iowa.

By Mr. HOLMAN: Of Charles E. Burroughs and 65 others, citizens of Ripley County; of Alexander W. Lee and 91 others, citizens of Franklin County, and of Samuel Ward and 36 others, citizens of Ripley County, Indiana.

By Mr. KLEINER: Of ex-soldiers of Reno, Ind.

By Mr. LACEY: Of William Edwins and 27 others, of Sunfield, Mich.

By Mr. McCORMICK: Of 581 citizens of Lawrence County; of 50 citizens of Jackson County; and of 174 citizens of Portsmouth, Ohio.

By Mr. PAIGE: Of D. Garman and others, of Summit County; of T. L. Firestone and others, of Wayne County; of F. M. Waltmar and others, of Medina County, and of George M. Patterson and others, of Cuyahoga Falls, Summit County, Ohio.

By Mr. PUSEY: Of 60 citizens of Shelby County and of 190 citizens of Harrison County, Iowa.

By Mr. RYAN: Of 2,523 citizens of the State of Kansas.

By Mr. ROWELL: Of 115 citizens of Monticello; of 41 citizens of Middletown; of 146 citizens of Farmer City; of 47 citizens of Chenoa, and of 47 citizens of Gridley, Ill.

By Mr. SENEY: Of L. S. Lafferty and 128 others, citizens of Hancock County, Ohio.

By Mr. SHIVELY: Of David Brown and 77 others, citizens of Leesburg, Ind.

By Mr. H. Y. SMITH: Of 39 citizens of Lacona, and of 60 citizens of Indianola, Warren County, Iowa.

By Mr. STEPHENSON: Of Fred. Barrett, and 75 others, citizens of Medford, Taylor County; of W. J. Brown and 91 others, citizens of Marion, Waupaca County, and of G. J. Jackson and 62 others, citizens of Centralia, Wood County, Wisconsin.

By Mr. E. B. TAYLOR: Of C. P. Lyman and 86 others, citizens of Trumbull County, Ohio, and of B. Herrick and 76 others, citizens of Perry, Lake County, Ohio.

By Mr. THOMAS: Of 64 citizens of Massac County; of 167 citizens of Jackson County; of 64 citizens of Johnson County; of 90 citizens of Pulaski County, and of 62 citizens of New Burnside, Ill.

SENATE.

WEDNESDAY, *February* 4, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PRIVILEGE OF THE FLOOR.

The PRESIDENT *pro tempore*. The Chair begs to ask unanimous consent that he may invite upon the floor of the Senate the chief justice of the Dominion of Canada, who is present in the gallery. Is there objection? The Chair hears no objection.

TESTIMONIALS TO ULYSSES S. GRANT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and,

with the accompanying papers, referred to the Committee on the Library, and ordered to be printed:

To the Senate:

I take especial pleasure in laying before Congress the generous offer made by Mrs. Grant, to give to the Government, in perpetual trust, the swords and military (and civil) testimonials lately belonging to General Grant. A copy of the deed of trust, and of a letter addressed to me by Mr. William H. Vanderbilt, which I transmit herewith, will explain the nature and motives of this offer.

Appreciation of General Grant's achievements and recognition of his just fame have in part taken the shape of numerous mementoes and gifts, which, while dear to him, possess for the nation an exceptional interest. These relics, of great historical value, have passed into the hands of another, whose considerate action has restored the collection to Mrs. Grant as a life-trust, on the condition that at the death of General Grant, or sooner at Mrs. Grant's option, it should become the property of the Government, as set forth in the accompanying papers. In the exercise of the option thus given her Mrs. Grant elects that the trust shall forthwith determine, and asks that the Government designate a suitable place of deposit and a responsible custodian for the collection.

The nature of this gift and the value of the relics which the generosity of a private citizen, joined to the high sense of public regard which animates Mrs. Grant, have thus placed at the disposal of the Government, demand full and signal recognition on behalf of the nation at the hands of its representatives. I therefore ask Congress to take suitable action to accept the trust and to provide for its secure custody, at the same time recording the appreciative gratitude of the people of the United States to the donors.

In this connection I may pertinently advert to the pending legislation of the Senate and House of Representatives looking to a national recognition of General Grant's eminent services by providing the means for his restoration to the Army on the retired-list. That Congress, by taking such action, will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill No. 2339, which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discretion to nominate General Grant as General upon the retired-list.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 3, 1885.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina, was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others, was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. PLUMB. I present the petition of sundry citizens of Kansas, praying for the passage of the bill heretofore introduced to open what are known as the Oklahoma lands, in the Indian Territory, to settlement, which I ask may be referred to the Committee on Indian Affairs. I hope now that it seems to be settled that something should be done in reference to these lands, the committee will be able to devise some plan presently whereby they can be opened to settlement.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. GORMAN presented a petition of captains, vessel-owners, and others engaged in navigating the Potomac River, praying that the draw of the Long Bridge over that river be opened upon proper signals to vessels plying between Washington and Georgetown; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of ex-Union soldiers of Ohio; a petition of ex-Union soldiers of Tennessee; a petition of ex-Union soldiers of Wayne County, West Virginia; a petition of ex-Union soldiers of Ohio; a petition of citizens of Illinois; a petition of ex-Union soldiers of California, and a petition of ex-Union soldiers of Illinois, praying that Congress enact a law granting one hundred and sixty acres of land to every honorably discharged ex-Union soldier; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Illinois, a petition of citizens of Iowa, and a petition of ex-Union soldiers of Kansas, praying for general legislation favorable to the soldiers of the late war; which were referred to the Committee on Pensions.

He also presented the petition of William H. McLean, of Flora, Ill., late master of the United States war schooner James S. Chambers, praying for a pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Board of Trade of Chicago, Ill., indorsing and approving the Potter refunding bill; which was referred to the Committee on Finance.

He also presented a memorial of cigar-makers of Rock Island, Ill., and a memorial of cigar-makers of Danville, Ill., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. MITCHELL presented a petition of citizens of Pennsylvania, praying that the United States shall acquire the title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west; which was referred to the Committee on Commerce.

Mr. BLAIR presented a petition of the Marcoma Edge Tool Company, of Lebanon, N. H., praying legislation amendatory of the law relating to drawbacks on articles made of foreign material from foreign markets, on account of the disastrous effect the present law has upon the export trade of the United States; which was referred to the Committee on Finance.

Mr. SHERMAN. I present a petition signed by quite a number of citizens of the United States, in which they state that—

In several of the States, among which are South Carolina, Alabama, Mississippi, Louisiana, Tennessee, and Ohio, and some other States, the charge has been made that many of the citizens have been for a series of years, and during the late election for President and Vice-President, kept away from the polls by threats and acts of violence and bloodshed, a system of ruffianism unrebuked by the governments of some of the aforesaid States.

The petition also sets forth other grievances relating to an interference with the free suffrage of citizens, and praying for certain remedies. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. LAPHAM presented a concurrent resolution of the Legislature of New York; which was read, and referred to the Committee on Commerce, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, January 29, 1885.

Resolved (*if the assembly concur*), That our Senators and Representatives in Congress be respectfully requested to urge the passage of the appropriation of $200,000, to aid in the construction of the Michigan and Mississippi (Hennepin) Canal, in the river and harbor bill now before Congress.

STATE OF NEW YORK, IN SENATE,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the senate.

C. A. CHICKERING, *Clerk.*

STATE OF NEW YORK, IN ASSEMBLY,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the assembly.

JOHN W. VROOMAN, *Clerk.*

Mr. HOAR presented the petition of Abby Hopper Gibbon, president, and Anna Rice Powell, secretary, of the New York committee for the prevention of State regulation of vice, praying that the power of the National Board of Health be more clearly defined, and that it may not legalize social vice; which was referred to the Committee on Epidemic Diseases.

REPORTS OF COMMITTEES.

Mr. PLUMB. I report back from the Committee on Appropriations, with amendments, the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes. The bill is accompanied by a written report, and I give notice that at an early day I shall call it up for action.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 2429) for the relief of Moses M. Bane, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Susan W. Goode, of Marshall County, Mississippi, praying payment for stores and supplies taken and used by United States troops in 1862 and 1863, submitted an adverse report thereon, which was agreed to; and the prayer of the petition denied.

He also, from the same committee, to whom was referred the petition of Mary D. Hamilton, Frances A. Hamilton, Mrs. L. M. McKinney, and J. D. Hamilton, praying pay for property taken and used for the benefit of the United States Army in 1862, submitted an adverse report thereon, which was agreed to; and the prayer of the petition denied.

He also, from the same committee, to whom was referred the bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard, reported it without amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

CREDENTIALS OF W. M. EVARTS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred the credentials of William M. Evarts, as Senator-elect from the State of New York, to submit a report, which I desire to have read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The Committee on Privileges and Elections, to whom were referred the credentials of William M. Evarts as a Senator elected from the State of New York for six years from the 4th day of March, 1885, have considered the same and report:

The papers referred to the committee seem to be transcripts of the records of the proceedings of the two houses of the General Assembly of the State of New York, on the occasion of the election of a Senator for the aforesaid term, authenticated by their presiding and recording officers. Such transcript is not required by the law of the United States to be furnished to the Senate as evidence of the due election of a Senator.

On the other hand, the document is not signed by the executive of the State or countersigned by the secretary of state. This is expressly required by the Revised Statutes of the United States, title 2, chapter 1, sections 18 and 19.

We are of opinion that the credentials are defective, and recommend that they lie on the table.

Mr. HOAR. I suppose the credentials should lie upon the table, in accordance with the recommendation of the committee, and I have no doubt the defect in them will be supplied before the beginning of the constitutional term for which the gentleman is said to have been elected.

The PRESIDENT *pro tempore*. If there be no objection the credentials will be laid upon the table.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 2612) granting a pension to Ellen May Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2613) for the relief of the Atlantic Works; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2614) for the relief of Nathaniel McKay, George M. Clapp, George W. Lawrance, Snowden & Mason, and the executors of Donald McKay; which was read twice by its title, and referred to the Committee on Claims.

LAND TITLES IN NEW MEXICO.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of the reports of F. D. Hobbs and A. R. Green, inspectors of the General Land Office, on the subject of the fraudulent acquisition of title to lands in New Mexico, and of all testimony accompanying the same, and also copies of all papers on file in the Interior Department relating to this subject.

RAILWAY MAIL SERVICE.

Mr. COCKRELL. I ask for the present consideration of the following resolution:

Resolved, That the Postmaster-General be directed to report to the Senate why in the document prepared in his Department, containing a documentary history of the railway mail service, transmitted to the Senate on January 21, 1885, in response to a resolution of the Senate of January 19, 1885, a paragraph on pages 10 and 11 of such document, beginning with the words, "Mr. Davis's claim of priority therefore seems to be valid so far as traveling post-offices in the United States are concerned," and ending with the words, "From this standpoint Mr. Davis is granted the claim of first experiment, and Mr. Armstrong the claim of general application," was stricken out by lines drawn across the same, and whether the paragraph so stricken out is not a true statement of facts.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. On the 19th of January the Senate passed a resolution directing the Postmaster-General to communicate to the Senate a document prepared in his Department containing a documentary history of the railway mail service from its origin in 1834 to the present time. That document has been communicated to the Senate. I believe it was first referred to the Committee on Post-Offices and Post-Roads, and then referred to the Committee on Printing. In the document, on pages 10 and 11, are the words referred to in the resolution. The paragraph reads as follows:

Mr. Davis's claim of priority therefore seems to be valid so far as traveling post-offices in the United States are concerned, and the claim of Mr. Armstrong must be confined rather to the fact that he inaugurated a general system by which this method of distribution was gradually extended over all the leading lines in the country. From this standpoint Mr. Davis is granted the claim of first experiment and Mr. Armstrong the claim of general application.

In the report lines are drawn across the words I have indicated. I state that the words in the paragraph which have been stricken out of that report contain the facts in the case established beyond all reasonable doubt. I state further that there was in the Post-Office Department documentary evidence to establish those facts beyond all question.

I now have in my possession the documentary evidence, and I present it to the Senate, as it has not been furnished from the Post-Office Department, in connection with the resolution I have submitted. I ask that this documentary evidence be referred to the Committee on Printing, in order that it may be printed with the other evidence which has already been submitted by the Post-Office Department; and I ask the Committee on Printing to delay any action upon the documents before them until we can have a report from the Postmaster-General in regard to the erased paragraph.

Mr. MANDERSON. I ask that the resolution may be read again for information.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Pending the consideration of the resolution, the Senator from Missouri asks unanimous consent that certain papers the nature of which he has described be received and referred to the Committee on Printing. That order will be entered, if there be no objection. The question is on agreeing to the resolution.

Mr. HOAR. I should like to inquire of the Senator from Missouri if the information he desires could not have been obtained by a private note addressed to the Postmaster-General without calling the attention of the Senate to it.

Mr. COCKRELL. I thought it a matter of propriety and right that the Postmaster-General, who probably never saw the report at all, might have an opportunity of explaining it to the Senate as a matter of justice to him. Therefore I introduced the resolution, for I have no idea that he saw the document.

Mr. HOAR. I should suppose that it would be more convenient, in the ordinary transaction of public business, that the question as to the particular reason for inserting certain lines in a report, which had attracted the attention of any Senator, should be ascertained by private inquiry. It could be done; but I make no objection to the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

COASTERS' HARBOR ISLAND.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed to report to the Senate what, if any, steps have been taken to establish an advanced course of instruction of naval officers at Coasters' Harbor Island, Rhode Island, and the reasons which have controlled the action of the Department.

ALLEGED POTOMAC LAND-PATENT.

Mr. ALDRICH. I offer the following resolution for reference to the Committee on the District of Columbia:

Resolved, That the Committee on the District of Columbia is hereby instructed to inquire and report to the Senate whether any proceedings of a legal nature have been taken to annul a certain United States land-patent claimed to have been granted to a portion of the Potomac River bottom opposite the city of Washington, and which the Government has been improving since 1882; whether the interests of the United States are likely to suffer by raising that portion above tide-level before said patent shall have been annulled; and what legislation, if any, is necessary for the protection of the interests of the United States in this matter; and for this purpose said committee is authorized to send for persons and papers, and to administer oaths and take such testimony as may be necessary.

Mr. RANSOM. I have no objection whatever to the resolution being referred to the Committee on the District of Columbia. There is, however, as the Senator from Rhode Island doubtless knows, a special committee with reference to the Potomac Flats.

Mr. ALDRICH. I have no objection to the resolution going to the special committee or the Committee on the Judiciary. It is quite immaterial to me to which committee it is referred.

Mr. RANSOM. I have no wish whatever in the matter.

Mr. ALDRICH. I have none. If it comes within the jurisdiction of the special committee I certainly should be quite willing that the resolution should go to that committee.

Mr. RANSOM. If I may be at liberty to do so, I will state that the Attorney-General informs me that he has directed suit to be brought to do away with this alleged patent.

Mr. ALDRICH. It is a matter of considerable importance, and should receive the attention of some committee at an early day. I have no objection to the resolution going to the special committee.

Mr. RANSOM. I think I should prefer that it should not be referred to that committee. I prefer that it should go either to the Committee on the District of Columbia or to the Committee on the Judiciary.

Mr. ALDRICH. I am inclined to think upon further consideration that it should go to the Committee on the Judiciary.

Mr. HARRIS. I had just risen to make that suggestion. I think it properly belongs to the Committee on the Judiciary and had better go to that committee.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Rhode Island to modify his motion.

Mr. ALDRICH. Yes, sir; I move that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

POTTAWATOMIE INDIANS.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas those members of the Pottawatomie Nation of Indians residing in the States of Indiana and Michigan claim that there is due them by virtue of treaties made with the said nation considerable sums of money:

Resolved, That the Secretary of the Interior be, and is hereby, directed to examine into said claims and ascertain what, if any, amounts are due said Indians; said claims being those set forth in the memorial contained in House Miscellaneous Document No. 8 of the Forty-fifth Congress, second session.

The Secretary is further directed to ascertain whether the band of Pottawatomies of Huron, located in Calhoun county, Michigan, and not mentioned in said memorial, should by virtue of treaties dated November 17, 1807, September 19, 1827, and September 26, 1833, be included in any settlement that may hereafter be made of the claims set forth in said memorial.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House relating to counting the electoral votes for President and Vice-President of the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. J. F. FOLLETT of Ohio, Mr. WALDO HUTCHINS of New York, and Mr. JOSEPH G. CANNON of Illinois managers at the conference on its part.

INAUGURATION CEREMONIES.

Mr. HARRIS. I ask the Chair to lay before the Senate the communication from the House of Representatives in respect to House bill No. 8121.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *February* 3, 1885.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON be the managers of the said conference on the part of the House.

Mr. HARRIS. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. INGALLS, and Mr. PIKE were appointed.

WOMAN SUFFRAGE.

Mr. PALMER. I give notice that on Friday next, at the conclusion of the morning hour, I shall call up the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States reported by me from the Select Committee on Woman Suffrage, for the purpose of offering a few remarks upon it.

THE BARK MARY TERESA.

Mr. GORMAN. During my absence from the Senate the bill (S. 523) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, was on the 21st of January reported adversely from the Committee on Claims, and indefinitely postponed. I ask the unanimous consent of the Senate to reconsider the vote by which the bill was indefinitely postponed, and that it may be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill named by him be reconsidered, and that the bill be placed on the Calendar. Is there objection? The Chair hears none. The vote is reconsidered, and the bill will be placed on the Calendar with the adverse report of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate the bill (H. R. 691) for the relief of William W. Thomas, recalled from the Senate by request of the House.

INTERSTATE COMMERCE.

Mr. CULLOM. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the question is on concurring in the amendment made as in Committee of the Whole. The Chair understands that the Senator from Florida [Mr. CALL] desires to offer some amendments.

Mr. CALL. I offer, by request of the Senator from Mississippi [Mr. GEORGE] who is absent, an amendment to come in at the end of section 4 of the amendment agreed upon as a substitute for the House bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add the following to section 4 of the amendment made as in Committee of the Whole:

And proof that any transportation company has made a greater charge for hauling any such freight for a shorter distance than it charges for hauling in a contemporaneous service a like quantity of similar freight for a greater distance shall be *prima facie* evidence of unjust discrimination.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. CALL. The Senator from Mississippi [Mr. GEORGE] requested me to offer this amendment to the bill, and in doing so I shall submit very briefly some observations upon the general subject.

The two bills before the Senate, the Reagan bill and the Senate or Cullom bill, are alike in some important respects. They both affirm the existence of great public evils and the power and necessity of legislative control and correction of them. They differ only in the methods by which these acknowledged evils are proposed to be remedied—that is, in the measures through which the power of Congress is proposed to be exercised over the subject.

The regulation of the interstate commerce of the country and its relation to transportation covers the whole subject of the economic condition of the country and affects directly the relations of capital and labor, of banking and exchange, and of supply and demand. It does not stop here, but it also affects the social conditions and relations of the people, and is rapidly changing the character of our Government and of our institutions from a republic controlled by public opinion, and in which the people control the powers of the National Government and the States, to a government of privileged classes and of personal wealth, the direct creature of the legislative power—wealth which surpasses in its vast proportions the accumulations of any period of the history of the world, whether the boundless accumulations of the days of the Roman Empire or of mediæval times.

Eight hundred and twenty millions of annual tax levied on the labor and production of the country; one hundred and forty-odd thousand miles of railroad valued at between six and eight thousand million dollars—in the hands of a comparatively small portion of the people, and touching in its management and control the labor and production of every man, woman, and child in the country! Upon it is dependent the entire economic and social condition of the country; in all the departments of business and trade the powers of this vast associated capital, incorporated for the purpose of transportation, affect most deeply and immediately the subsistence of the people and the comforts of life of every individual in the country. It is not in any wise pertinent to the consideration of this subject to point out the beneficent effects of railroads and railroad improvement, to show the reduction of freights and cost of passenger travel. These are all true; but the question for proper consideration is whether the public evils alleged are true; and, if so, the remedy—whether railroad and water transportation can still further be improved so as to reduce cost and prevent the evils of an unrestrained and unregulated monopoly.

The power resulting from the control of such vast revenues—from the right to tax at discretion the entire production of the country and all of its passenger travel—is the greatest of the sovereign powers of state. Granted by law to individuals, who are given the right of succession or perpetuation, this power is sufficiently great to change the whole character of our institutions and to control and to appropriate the labor of every man, woman, and child in the country; leaving comparatively a small portion of it for the great body of the people. The power of these vast agencies of transportation is one of the most important questions of the age, and the manner in which the legislative power of the country shall be exercised in regard to it concerns most directly the statesmanship of the country and the performance of the duties which rest upon us in our public capacity here. As we shall exercise this power wisely and in the interests of the great body of the people and all the industries of the country, we shall receive the approval of the people, and as we shall fail to redress the evils of which they now complain we shall be condemned by them.

What is the difference in the measures proposed in these two bills? They both affirm the evils and declare the power of the Congress of the United States to control and regulate the subject. The Reagan bill proposes to prohibit and punish these evils, not only by opening the Federal courts of the United States to the aggrieved person, but also by making them a penal offense, and it requires the district attorney of the United States to prosecute the same (section 7). It brings, therefore, the whole power of the Government of the United States to sustain the individual in his suit against the corporation in obtaining a redress for any grievance committed in violation of the law.

The bill also authorizes and requires the district attorney of the United States to proceed in the name of the party aggrieved in the circuit court of the United States. The power of the United States is therefore effectively brought by the Reagan bill into effect to re-enforce, as some Senators have expressed it, the aggrieved individual in the assertion of his rights. It would seem that this provision would effectually satisfy the views of Senators who desire to aid the citizen in the assertion of his rights against corporate power and great accumulated wealth.

The Cullom bill provides for three commissioners, nine as amended, and requires transportation companies to charge reasonable rates, and declares unreasonable rates extortion and a misdemeanor. It also makes greater charges against one than another under substantially similar circumstances and conditions unjust discrimination and a misdemeanor. In case of complaint against any railroad company, it provides that if after an investigation reparation has been demanded and has not been made and the evil discontinued, a report having been furnished to the railroad company, then they shall require the district attorney to sue the railroad company. The difference between the two bills in this respect is that the Cullom bill requires a quasi-judicial suit before the commission and an opportunity to the railroad company to abide by it, and if the company shall abide by it and redress the evils, then it is relieved from any further liability on account of the act complained of. The other provisions of this bill relate only to acquiring information and reports by the commissioners.

We have, then, the two bills before us, and it is quite evident that the only material respect in which they differ is that the Reagan bill on the petition of a citizen requires the United States to sustain the suit of the citizen against the corporation. This is the material difference between these two bills. The Reagan bill brings the power of the United States directly to bear in aid of the citizen, and it declares as an absolute penal offense any violation of the law. Another feature of the Reagan bill as presented here prescribes a fixed rate of transportation for passengers at 3 cents a mile and prohibits a greater compensation for a shorter than a longer distance.

This is said to be an amendment to the original bill, and not contemplated in the limits of its purpose and remedial agencies, and it is said by some Senators to be entirely foreign to the spirit and aim of the bill as originally proposed. I do not propose to discuss this point, as whatever may be the merits of the proposition it is quite evident that there is no intention to make any part of the Reagan or House bill a law.

What are the true principles upon which legislation shall be founded in respect to the regulation of interstate commerce? We shall all agree that a railroad corporation should derive from its business a reasonable rate of profit, the same rate as is afforded by other business on the amount of its necessary and reasonable capital, and that it should not be allowed to derive from its business as a public carrier enormous and unreasonable and oppressive profits. We shall all agree that a common carrier should be required by law to carry its freight and passengers at reasonable rates. The legislation of Congress, therefore, should comprise protection to the interest of the people and of the corporations.

If there shall be any legislation on this subject in the interest of the people, we must contemplate the power of Congress to regulate interstate commerce as complete and entire, and to prescribe rates, if necessary, for continuous routes and to require continuous transit. If these things can not be done, then Congress has no power to legislate effectively upon the subject, or to correct any of the evils complained of.

The cost of transportation must be the basis and regulation of a reasonable rate. It is not to the interest of the people that the railroads should not exist. They can not exist without reasonable compensation. They must be allowed to charge such rates, and no more, as are wise and reasonable and as will allow such a reasonable compensation on their proper and necessary cost, after paying out operating expenses and its cost of repairs.

The whole argument on both sides demands that this result shall be in some way attained. The Cullom bill proposes to attain this result chiefly by the recommendations of a commission and by the judgment of a court in deciding what is a reasonable rate, but it affirms that the violation of this rule prescribing a reasonable rate shall constitute a penal offense, and to that extent it affirms quite as precisely and positively the power of Congress to prescribe a rate and the expediency of prescribing a rate as does the Reagan bill in its present amended form in prescribing the rate of 3 cents a mile, for the courts in deciding upon that reasonable rate must ascertain and fix what it is, and it is by virtue of the power conferred in this act of Congress declaring that any other than a reasonable rate shall be a penal offense that the courts will have such a power in relation to interstate commerce.

It will be observed that if Congress has the power to prescribe a reasonable rate it has also of necessity the power to prescribe what that rate shall be; and if it has power to make it penal to charge any other rate, as a matter of law it will become its duty to declare with certainty what specific act will constitute such crime or penal offense. Therefore in that respect, while not undertaking to justify it, as a matter of expediency I insist that in the prescription of a fixed amount, the departure from which shall be a crime, the Reagan bill, the House bill, is fairer than the Senate or the Cullom bill in that it declares with certainty what violation of the law, what act, shall constitute the penal offense.

I do not know of any reason why, if Congress has power to regulate commerce and forbid discriminating charges and combinations to prevent competition, it has not the power to prescribe rates, however inexpedient it may be to prescribe them.

To this complexion we must come at last if we deal with this subject, and deal with it we must, and our treatment of it must be in the interest and for the benefit of the great body of the people. No party and no government can resist the increasing demand of the business interests of the whole people of the United States and of all its industries that these great agencies of the modern industrial system shall be wisely regulated and controlled by law in the interest of the great body of the people, and that public man who resists this demand is not in my judgment a wise and true friend of the great transportation companies of the country. We have but to look at the action of thirty States, and of the boards of trade and commerce, and the resolutions of all the conventions of business men, to be advised of the great body and force and unanimity of public opinion on this subject.

What then is the principle on which the business of a railroad company can be regulated, whether by law or otherwise, in a fair, reasonable, and just manner both to the whole body of the people and to the interests of the railroad company itself, recognizing the fact that the interests of the two are really harmonious, and that to promote the just interest of the one is to promote the just interest of the other? Mr. Alexander, vice-president of the Louisville and Nashville Railroad Company, on page 52 of the House testimony, Miscellaneous Document 55, Forty-seventh Congress, first session, states it as follows:

It will, of course, be admitted that the whole volume of business done over any railroad should support the road, pay an interest upon and gradually retire its debt, and yield a fair profit upon the investment. Anything less than this would be communism.

It is but just to say of Mr. Alexander that he is a gentleman of talent and information, and is opposed to the Reagan bill and to any exercise of power by Congress over this subject. This seems to me to present the elements of future legislative adjustment of this great question. No discrimination between persons and places, no pools, nor devices to prevent competition, no fictitious capital or watered stock, a reasonable and proper valuation of the cost of construction for the purpose of establishing rates of transportation, rates proportioned to the volume of business done on the road in its relation to the payment of interest and the gradual retirement of the debt and a fair compensation on capital actually and reasonably invested in the construction of the road.

And these results, ascertained in some public and authoritative way by the authority of Congress, would seem to indicate the proper direction of future legislation by Congress. The evils which these bills propose to remedy have been affirmed by thirty of the States, by the boards of trade of all the great cities, who demand imperatively legislation by Congress. Discriminations in freights and transportation between persons and places, the use of corporate power given by law in aid of their business as common carriers perverted to an interference with the trade and business of the country, to increasing or lowering the price of commodities at their will or pleasure and interfering with the legitimate value of public securities by watering stock or accumulating great amounts of money for speculation in other securities—these things the public opinion demands shall be prevented by whatever legislation is necessary. I do not see how you can prevent these discriminations while you allow a larger rate of compensation for a short distance than a long one; you can not prevent them while you allow the same rate of compensation for a short distance as for a long one, nor can you prevent them without adjusting the charges as between one place and another on some reasonable basis and proportion of cost.

I can not perceive that the reasonable adjustment of the cost of transportation between different places can be reached by any rule that the cost for a short distance shall be the same as that prescribed for a long distance. Neither can I perceive that the proposition, wise as it appears to be in some respects, contained in the Mahone amendment, will altogether reach this case, or that it may be remedied by a rule that the charge for a short distance shall not be greater than the charge for a long distance. What is wanted is the lowest possible rate consistent with a reasonable profit to the carrier, and that rate equal and impartial to all persons and all places; this result being reached, if it be true that over a railroad with its local charges thus adjusted through freight from other lines can be carried for a smaller proportionate cost than the intermediate freights, I can see no reason why this should not be allowed by law.

Under a system properly adjusted it could never be true that the proportionately smaller cost of through transportation would be a factor great enough to discriminate against the local or intermediate freights and transportation to any injurious extent, nor would it probably overbalance reduced rate of local freights resulting from the increased profits of a company from the addition of the profits of a through business to its local business. In both of these bills the conclusion is reached and the proposition affirmed that transportation must be regulated by law.

It has been repeatedly so affirmed by the States within and to the extent of their State power, and now it is affirmed by Congress in the exercise of its natural power in relation to interstate commerce.

But, Mr. President, the action of the Board of Trade of New York and of other cities has presented to us a proposition, and I think it is fair to give them an opportunity to try it. I read from the testimony of Mr. Josiah J. White, representing the Board of Trade and Transportation of New York, page 29 of the House report:

I can say as a member of the New York Produce Exchange that there is great danger now that all the grain produced in this country will be monopolized by a few individuals. Even during the strictest régime of the last pool discrimination was shown in the way of rebates, so that if the market declined those who were in the railroad ring (and the railroads have their agents there quoting prices every day) were guaranteed against loss. I had a little thing happen to me the other day as a shipper. I had two car-loads shipped to me as samples to know if I would take forty cars more of the same kind of merchandise. The two car-loads arrived, and I wrote to my friend accepting the rest of them. Those two car-loads were billed through to New York at 15 cents the hundred pounds from Cincinnati. I went to Cincinnati myself, and I ordered the rest of them to be shipped. Then the railroad company wanted 30½ cents per hundred pounds, a rate which amounted to a prohibition of the merchandise, and my forty cars of stuff are in Cincinnati to-day, and can not be moved, because the rate of freight exacted on them amounted to 100 per cent. of the value of the goods when laid down in New York. That is a thing that occurs every day. Here is a violent fluctuation caused by irresponsible railroad management, favoring their friends in the pool and driving other parties to the wall.

There was another little subject in connection with this matter which I discovered when I was in Cincinnati at that time. That was that all the friends of the railroad companies that were in the pool were notified a few days before of what was going to take place, and were advised to make freight contracts. There were thousands of contracts made on the basis of 15 cents per hundred pounds, and on those contracts freight is being carried now from the West to the East; whereas the rest of us who were not favorites have got to have our commerce stopped. One of the causes of the late panic among the produce men was the rise of rates. The merchandise could not be moved and laid down on the seaboard at a price on which they could get out whole. There were great losses and failures all over the country—commercial failures. The upset of one house brought down another house. It is for that reason, gentlemen, that I feel that there must be some controlling power over the railroads. I think that half the railroads of the country want it themselves. I have talked with the presidents of various railroads with whom I do business, and I have found an almost unanimous opinion among the railroad men (whom I call anti-monopolists) in favor of Government supervision. They want some regulation of this thing.

Mr. Thurber gives his testimony as follows:

I can imagine a state of things where it would seem very hard to prohibit a railroad that was competing with a water-line communication, for instance, to a given point, from carrying freight for 1,000 miles at a cheaper rate than it would charge for carrying freight 750 miles to a point where the water competition did not exist. But if there could be a supervision of the railroads in the interest of the public, when its rates came to the point that it was carrying freight at a loss, the railroad company would be told, "Thus far shalt thou go, and no farther. You may carry freight as cheaply as you please, in order to keep up your business and to keep your rolling-stock employed, but you shall not carry freight at a rate which occasions a loss, and which loss you make up by charging higher

freight to the people on another section of your road." There, I think, is where the line can be drawn, and should be drawn, on that matter of greater and lesser distances.

Mr. President, I have offered this amendment of the Senator from Mississippi, not believing that it will answer all the purposes that are desired, not believing that we can avoid in this great question of interstate transportation some method of arriving at a reasonable rate, and of preventing excessive charges, but as a measure in response to the specific demand of the great commercial and agricultural interests of the country. If it shall be found to fail and not answer its purpose it could be easily altered in the coming session of Congress. I therefore offer the amendment that I have proposed.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from California [Mr. FARLEY].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. GARLAND (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea."

Mr. PLATT (when Mr. HAWLEY's name was called). My colleague [Mr. HAWLEY] is paired with the Senator from Alabama [Mr. MORGAN]. I do not know how either would vote on this amendment.

Mr. PALMER (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS]. If he were here I imagine he would vote "yea," and I would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. I should vote "yea" if he were present.

The roll-call was concluded.

Mr. MAXEY. The Senator from North Carolina [Mr. RANSOM] and the Senator from Illinois [Mr. LOGAN] are paired.

The PRESIDING OFFICER (Mr. FRYE). The present occupant of the chair is paired with the junior Senator from Louisiana [Mr. GIBSON], with liberty to vote to make a quorum, and will vote "nay."

The result was announced—yeas 8, nays 32; as follows:

YEAS—8.

Call,	Jones of Florida,	Platt,	Van Wyck,
Coke,	Maxey,	Slater,	Voorhees.

NAYS—32.

Aldrich,	Conger,	Harris,	Miller of N. Y.,
Allison,	Cullom,	Harrison,	Morrill,
Bayard,	Dolph,	Hoar,	Pike,
Blair,	Edmunds,	Ingalls,	Pugh,
Butler,	Frye,	Jackson,	Sawyer,
Chace,	Groome,	Jonas,	Sewell,
Cockrell,	Hale,	McPherson,	Sherman,
Colquitt,	Hampton,	Manderson,	Wilson.

ABSENT—36.

Beck,	Garland,	Laphan,	Plumb,
Bowen,	George,	Logan,	Ransom,
Brown,	Gibson,	McMillan,	Riddleberger,
Camden,	Gorman,	Mahone,	Sabin,
Cameron of Pa.,	Hawley,	Miller of Cal.,	Saulsbury,
Cameron of Wis.,	Hill,	Mitchell,	Vance,
Dawes,	Jones of Nevada,	Morgan,	Vest,
Fair,	Kenna,	Palmer,	Walker,
Farley,	Lamar,	Pendleton,	Williams.

So the amendment was rejected.

Mr. CALL. I offer the following amendment to come in after the word "excepted," at the end of line 21 of section 6:

And any person damaged by extortion or unjust discrimination may, in addition to the foregoing, have the remedies provided in the next section of this act; but in case such person elect to bring any action for damages as provided for in said next section, said action shall be a bar to any action brought under that section by the district attorney.

Mr. HARRISON. I shall vote against that amendment simply because it is past my understanding. I can not get the scope and drift of it at all. I do not know what the intention of the Senator is. I can not understand what is the remedy provided in the next section to which he refers.

Mr. CULLOM. There is no remedy in the next section at all.

Mr. CALL. The amendment was prepared by the Senator from Mississippi [Mr. GEORGE], and I supposed I had the proper place for it to come in. The next section as I read it is:

Any such transportation company that shall be convicted under the provisions of this act of either extortion or unjust discrimination shall forfeit and pay for each offense a fine of not exceeding $1,000.

The next section is section 7. It does not contain any proper reference apparently. I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws the amendment.

Mr. VAN WYCK. I propose an amendment to the Senate bill on page 7, section 7, line 10, to insert the word "traveling" before "expenses;" so as to read:

All necessary traveling expenses incurred by the commissioners or by their employés, &c.

Mr. CULLOM. So far as I am concerned I am willing to accept that.

Mr. VAN WYCK. I would say to Senators that we have had so much scandal in connection with the payment of expenses of commissions, and the Treasury Department has been so extravagantly liberal, that the allowance ought to be qualified and limited to their traveling expenses.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The amendment was agreed to.

Mr. CONGER. Are amendments to the body of the bill in order now?

The PRESIDING OFFICER. The amendment made as in Committee of the Whole is open to amendment in the Senate.

Mr. CONGER. I have a series of amendments, all relating to the same subject-matter. In section 12, line 3, before the word "routes," I move to strike out "and water," so as to confine it to railroads. It now reads:

That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I understand that this amendment of the Senator from Michigan and others which he proposes to offer in succession are intended to eliminate from the bill all supervision or control over transportation routes partly composed of railroad lines and partly of water communication; so that the bill, if this amendment and those which are to follow it are adopted, will be left to apply exclusively to interstate commerce by railway.

I do not want to debate this question, but I do want to state that in my judgment that would destroy, in a very large measure, the efficiency of this supervision which it is sought to have over interstate commerce. A break in the crossing of a river in a railroad line upon some State line would take that route entirely out of the scope and purview of the bill.

If we undertake to regulate this subject of commerce we must regulate all those who partly by rail and partly by water are engaged in carrying the productions of the country. If we do not do so, whatever restraints and limitations there are, whatever of this sort of thing there may be in the bill, is made to apply to one class of carriers and not to another. That will destroy uniformity, will allow liberty to certain classes of carriers that is not allowed to others, and will, in my judgment, destroy the efficiency of the measure.

Mr. CONGER. Mr. President, I have conferred with vessel-men, and from my own knowledge of the subject I have said, and I venture to repeat now, that the provisions extending the jurisdiction of this commission and the rules laid down here over single vessels navigating the waters of the country will not only produce confusion but be absolutely destructive of the vessel interest of the country. I shall content myself with calling for the yeas and nays on each of these propositions, and shall have done my duty to that great interest by that effort. As we are coming to a final vote, I will not prolong remarks.

In section 11 we have a provision which controls all railroad freights on railroads, and provides that that shall include the right of shippers to select their route by water or by rail. That is all we need ask in this connection. But to extend the provisions of railroad restriction over the owner of a craft, of a steamboat, of a barge, of a vessel of any kind, and compel him to operate by rules made entirely for a railroad corporation, thus restricting the universal right of all the people of the United States to navigate the waters as they will, and to carry freight and passengers for whatever price they choose on the rivers and the lakes of the United States, seems to me utterly preposterous in principle and it would work great wrong in practice.

But, sir, I have said all I desire to say on this subject. I can not help it if a Senator from the interior of Indiana can not see how water communication on the little Wabash may be affected by this, because the streams in his State are of too little importance to have any navigation. The Senator is fortunate in having in his State one—and it is the only one—port on the great lakes, called Michigan City. It may not have occurred to him that it is in Indiana from the name of the town. It has some interest in the result of the motion which I have made, and its people are infinitely more interested in it than are the people down in the interior of the State along the Wabash.

Mr. HARRISON. Mr. President, the Senator from Michigan has a large State and large commercial interests to look after, and he always takes a wide view of any question. I have not proposed, nor does anybody propose to interfere with any steamboat running on its own account, taking freight upon its own bills of lading and delivering it at any place else to the consignee. The bill does not relate to such cases. It does relate, as I understand—I am not responsible for its phraseology—to those through routes of transportation which are made up partly of railway and partly of water transportation. It would reach those cases where a railroad company employing its own steamers takes freight to Sandusky or Cleveland or Buffalo or some other point, and then upon its own steamers or upon steamers with which it has contracts transports it to some other point in another State. If that can

be done, if the great commerce of Illinois can be brought to Chicago and can be there delivered to vessels on the lakes that are running in connection with the railroads, and can be transported to Buffalo and there taken upon a railroad and carried to New York without any supervision under this bill, then we had better not undertake legislation at all, because then those lines will be completely emancipated, while the others will be held in and restrained by the provisions of this law.

As to vessels trading on their own account, carrying freight from one water port to another, I do not suppose the bill would reach them at all; it only applies to lines that have combined to make a continuous transit, billing goods through and being composed partly of rail and partly of water transportation.

Mr. CONGER. Mr. President, section 13 makes every little craft on the lakes or on the rivers subject to every rule in this bill as to continuous freight, as to continuous passage, as to breaking bulk, as to stopping a part of the freight before it reaches its destination. There is no question about that, for what is the language?

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels—

"Any railroad" "or any vessel." This commission can take any single craft, by the terms of section 13, and call any person or individual owning it a transportation company under this act, and every provision applying to a great line of railroad can be made to apply to any steamboat, vessel, or craft of any kind. These restrictions on the use of vessels, which this bill applies to a great railroad route, would be entirely injurious and detrimental, in my judgment, and destructive to the use of water craft on our rivers and lakes—

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part.

It does not say if they are part of a line; it does not say if they are owned by the railroad company and governed and managed by it. If it did there would be some propriety in the remarks of the Senator from Indiana; but it sweeps in under the provisions of this proposed law the whole vessel interest, the whole commerce by vessels on all the waters of the United States—the coasting trade, the lake trade, the river trade, wherever it may be.

Mr. CULLOM. I will only say a word. I do not think that the construction placed upon section 13 by the Senator from Michigan is a correct one, and I call the attention of the Senate to the reading of the section for the purpose of ascertaining whether or not the Senator is right:

SEC. 13. That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part, provided such corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad, or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory.

It does not seem to me that the fair construction of that section would interfere in the slightest degree with the operation of any man owning a steamboat or any sort of vessel simply running it upon the water on his own account; but it only applies to that sort of transportation of freight that is partly by rail and partly by water. That was the purpose of the section, and I think that is the fair construction of its meaning. I do not think it would be in the interest of the proper regulation of commerce between the States to strike out the whole subject of regulating water transportation. I think it would weaken the force of the measure in its operation if it should become a law.

I have had no disposition myself and had none when the bill was drawn to interfere with steamboat navigation upon the Mississippi River or upon the lakes as a separate and distinct business; but where railroad corporations have lines of steamers, as in the case, as I understand, of the New York Central, which are a part of their line, made so by their ownership, it seems to me that if we want to reach the evil and regulate interstate commerce, the bill ought to go as far as the language of this section does go.

The Secretary proceeded to call the roll on the question of agreeing to Mr. CONGER's amendment.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from California [Mr. FARLEY].

Mr. CAMERON, of Wisconsin (when his name was called). I had a pair with the Senator from Mississippi [Mr. GEORGE]. I have transferred that, however, to the Senator from California [Mr. MILLER]. The Senator from California and the Senator from Mississippi are paired, and I vote "nay."

Mr. HARRISON. I am paired with the Senator from Louisiana [Mr. JONAS] generally. I notice he is not in the Chamber; but the pair gives me liberty to vote upon these amendments, and I therefore vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. PLATT (when his name was called). I desire to announce again that my colleague [Mr. HAWLEY] is paired with the Senator from Alabama [Mr. MORGAN], both of them being called away from the Senate on urgent business connected with their Senatorial duties.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. RIDDLEBERGER. My pair being transferred to the Senator from Colorado [Mr. BOWEN], I vote "nay."

The PRESIDING OFFICER (Mr. FRYE). The present occupant of the chair is paired with the junior Senator from Louisiana [Mr. GIBSON.]

The result was announced—yeas 5, nays 35; as follows:

YEAS—5.

Butler,	Conger,	Hampton,	Maxey.
Coke,			

NAYS—35.

Aldrich,	Dolph,	McPherson,	Sabin,
Allison,	Edmunds,	Manderson,	Sawyer,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Call,	Harris,	Mitchell,	Sherman,
Cameron of Wis.,	Harrison,	Morrill,	Slater,
Chace,	Hoar,	Pendleton,	Vance,
Colquitt,	Ingalls,	Platt,	Vest,
Cullom,	Jackson,	Pugh,	Wilson.
Dawes,	McMillan,	Riddleberger,	

ABSENT—36.

Bayard,	Frye,	Jones of Florida,	Palmer,
Beck,	Garland,	Jones of Nevada,	Pike,
Bowen,	George,	Kenna,	Plumb,
Brown,	Gibson,	Lamar,	Ransom,
Camden,	Gorman,	Laphan,	Saulsbury,
Cameron of Pa.,	Groome,	Logan,	Van Wyck,
Cockrell,	Hawley,	Mahone,	Voorhees,
Fair,	Hill,	Miller of Cal.,	Walker.
Farley,	Jonas,	Morgan,	Williams,

So the amendment was rejected.

Mr. CONGER. I will not test the sense of the Senate on all the other points in regard to water routes. The amendment which I have offered tests the question just as well as all; and I desire to remark here that I take the vote on that as the view of the Senate in regard to all the places in sections 12 and 13 where this act is extended over a single vessel and the owner and master of a single vessel. But I now move to strike out in section 13, line 3, after the word "company," the words "or individual," and to insert the word "or" before "company;" so as to leave an individual owning a vessel to run it as his interest may dictate.

The PRESIDING OFFICER. The Senator from Michigan offers an amendment which will be read.

The CHIEF CLERK. In section 13, line 3, after the word "company," it is proposed to strike out the words "or individual," and before the word "company" to insert the word "or;" so as to read:

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation or company now owning, operating, or using any railroad or railroads, or any vessel or vessels, &c.

Mr. CULLOM. In the belief that there is no individual who owns a railroad, I believe I shall not object to that amendment.

Mr. ALLISON. Suppose it should turn out that a railroad is in the hands of a receiver or assignee or trustee, what would be the effect?

Mr. CONGER. He does not own it.

Mr. CAMERON, of Wisconsin. The railroad would be in the hands of the court in that case, and the trustee would be merely the officer or representative of the court to operate it.

Mr. ALLISON. But suppose it is in the hands of a trustee without the intervention of a court. There are trustees of mortgage bonds who often take possession of railroads under the conditions of the mortgage without the intervention of a court, and run it for the benefit of the stockholders and bondholders. I can see no objection to allowing these words to remain.

Mr. CAMERON, of Wisconsin. I do not think there is any objection to allowing them to remain, but I thought perhaps we could come to some understanding with our friend from Michigan if we allowed him some amendment that really does not amount to anything. [Laughter.]

Mr. CONGER. I can not hear the Senator. His remarks were interesting, I have no doubt from the faces of Senators around him, but I could not hear what he said.

Mr. CAMERON, of Wisconsin. It may be very interesting, but I do not think it will bear repeating, and so I shall not repeat it.

Mr. CONGER. I see by the newspapers very often that remarks are made against the Senator from Michigan which I unfortunately do not hear. I should like to hear what the Senator from Wisconsin has said. It was a very pleasant remark, no doubt, from the faces of Senators.

Mr. CULLOM. I doubt whether the word "individual" ought to be stricken out of the bill. I fear that would be taken advantage of, so that Vanderbilt or Gould or some man might own a railroad and a line of steamships running on the lakes, and the whole object and purpose of the bill so far as that railroad and line of steamships was concerned would be avoided. I hope the Senator will not insist on the amendment.

Mr. CONGER. I am free to say that I am very sorry that the Sena-

tor from Illinois can not tell exactly what an amendment to this bill might do. I think a more crude and undigested section of a bill was never offered to the Senate, and I say that with the more reason because the Senate knows the Senator is not responsible for it. It came with this same crooked stick in it into his hands, and he is unable to let it go, even in respect to a single word, for fear there might somewhere spring up in the United States some Jay Gould or some man who could own a whole railroad, although every law under which a railroad company is organized provides that there shall be a president and directors and stockholders. He will not consent to an amendment because of some doubtful, undecided possibility that may arise in the future.

This law with its commissioners at $7,000 or $8,000 a year to take charge of a little boat, a batteau, a barge, with a captain, a mate, and cook, and control them, and the commissioners are to have full power to do it under this law; and when I ask to relieve it of that difficulty Senators gather around and cry out, "Jay Gould!" He is the man they are after; it is not the captain of the vessel. They will strike out of the bill neither vessel nor owner nor individual who owns a vessel. I think a Philadelphia lawyer can not explain what this section 13 means. He can not tell where it applies nor how. I challenge anybody here to tell what is excluded and what is included in the term "transportation company." It says it shall include all companies, corporations, individuals that use a vessel or vessels in water transportation. The Senator from the prairie country in Iowa may be able to navigate a ship through the dews on the prairies; he may be very learned in all matters connected with the appropriations of money; but I venture to say that if you give him half an hour he can not begin to make an intelligible statement of the meaning of this section 13.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN] on all these questions. I make the announcement for the day.

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. JACKSON. The Senator from West Virginia [Mr. KENNA] requested me to announce his pair with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 5, nays 35; as follows:

YEAS—5.

Conger,	McMillan,	Miller of Cal.,	Sawyer,
Frye,			

NAYS—35.

Aldrich,	Coke,	Ingalls,	Platt,
Allison,	Cullom,	Jackson,	Pugh,
Bayard,	Dawes,	Jonas,	Riddleberger,
Beck,	Dolph,	Maxey,	Sewell,
Blair,	Groome,	Miller of N. Y.,	Vance,
Call,	Hale,	Mitchell,	VanWyck,
Cameron of Wis.,	Hampton,	Morrill,	Vest,
Chace,	Harris,	Pendleton,	Wilson.
Cockrell,	Harrison,	Pike,	

ABSENT—36.

Bowen,	Garland,	Kenna,	Plumb,
Brown,	George,	Lamar,	Ransom,
Butler,	Gibson,	Lapham,	Sabin,
Camden,	Gorman,	Logan,	Saulsbury,
Cameron of Pa.,	Hawley,	McPherson,	Sherman,
Colquitt,	Hill,	Mahone,	Slater,
Edmunds,	Hoar,	Manderson,	Voorhees,
Fair,	Jones of Florida,	Morgan,	Walker,
Farley,	Jones of Nevada,	Palmer,	Williams.

So the amendment was rejected.

Mr. SAULSBURY. This bill professes to be a regulation of commerce by Congress and it supplies a remedy for persons damnified in the manner prescribed by the bill. It occurs to me that it might be construed as an act which would deprive any person injured by any railroad company of any remedy which he might have under any State law or under any other Federal law than that which is now being enacted. I do not know that it is necessary, but as a matter of precaution I have prepared an amendment, which I wish to offer, to come in at the end of section 7, reading as follows:

Provided, That nothing in this act shall be construed to deprive any person of any right of action which he may have against any transportation company under existing laws, State or Federal, this act being intended only to furnish cumulative remedies to persons having just cause of action against such company.

It occurred to me that, this being a regulation of commerce by act of Congress, every person who might be damnified by any railroad company in the country would be shut up to the remedy provided for in this bill, which is a remedy through the Federal courts. I have offered the amendment to exclude the idea that persons having just cause of complaint and right of action against a railroad should be deprived of such right under any State or other Federal law.

The PRESIDING OFFICER. The Senator from Delaware offers an amendment, which will be read.

The CHIEF CLERK. At the end of section 7 it is proposed to add:

Provided, That nothing in this act shall be construed to deprive any person of any right of action which he may have against any transportation company under existing laws, State or Federal, this act being intended only to furnish cumulative remedies to persons having just cause of action against such company.

Mr. WILSON. If I can have the attention of the Senator from Delaware a moment, I will say that that same thought had occurred to me, and I had prepared an amendment in the nature of an additional section, which I will read, as I think it covers the ground and a little more than the proposition of the Senator from Delaware. It is this:

SEC. 14. That nothing in this act contained shall be held to require any person aggrieved by the act or omission of a transportation company within the provisions of this act to pursue the remedy provided in sections 5 and 6 hereof for the ascertainment and recovery of damages on account thereof; but such person may, by civil action in any court of competent jurisdiction, maintain an action as though this act had not been passed; and in such cases the duties, obligations, liabilities, and responsibilities of such transportation company in all respects shall be the same as though said action had been commenced in pursuance of the remedy in said sections 5 and 6 provided.

That carries to the action which the individuals may commence independently of this the liabilities in connection therewith that are provided in the way of penalties and otherwise in the general provisions of the bill.

Mr. SAULSBURY. I think both amendments cover about the same ground, and I am perfectly willing to accept the amendment offered by the Senator from Iowa.

Mr. WILSON. I had intended offering this as an independent section.

Mr. SAULSBURY. I was not aware that anybody else had any amendment to offer on this matter, and it occurred to me that it was a very proper thing to do. I am perfectly willing to accept the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Delaware accepts the amendment of the Senator from Iowa in place of the one offered by him.

Mr. WILSON. I desire to have this go in as an additional section, as section 14. I prefer to wait until we reach that portion of the bill, as I presume there are other amendments to the earlier sections of it.

Mr. MORRILL. You had better offer it now.

Mr. WILSON. Very well; I will offer it now as an additional section.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment, which will be read.

The Chief Clerk read the proposed amendment, as follows:

SEC. 14. That nothing in this act contained shall be held to require any person aggrieved by the act or omission of a transportation company within the provisions of this act to pursue the remedy provided in sections 5 and 6 hereof for the ascertainment and recovery of damages on account thereof, but such person may, by civil action in any court of competent jurisdiction, maintain an action as though this act had not been passed; and in such cases the duties, obligations, liabilities, and responsibilities of such transportation company in all respects shall be the same as though said action had been commenced in pursuance of the remedy in said sections 5 and 6 provided.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. CALL. Is it in order to offer an amendment to that amendment?

The PRESIDING OFFICER. It is not in order now. It would be an amendment in the third degree.

The amendment of Mr. WILSON was agreed to.

Mr. CONGER. I offer an amendment which will modify the difficulty which I have with section 13 to some extent, and to which some of my friends say they have no objection. Section 13 defines the term "transportation company," as used in this act, to mean:

Any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part.

After the word "part," in line 5 of section 13, I move to amend by inserting "which are run by any railroad company, making part of its route."

Mr. SEWELL. I suggest to add the words "or for;" so as to read, "which are run by or for any railroad company."

Mr. CONGER. I have no objection to that. Let it read, "which are run by or for any railroad company, making part of its route." I think that the amendment I propose will be unobjectionable. It will remove the objection I have to the bill and make it more certain.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. SEWELL. The amendment offered by me yesterday, as section 14 of the substitute, was adopted with a proviso added, on the motion of the Senator from Kansas [Mr. PLUMB], in order to control the lines going into Mexico. The amendment of the Senator from Kansas made it practically what I wish to arrive at; but both objects can be better accomplished by striking out a part of the proviso. The proviso is in the following language:

Provided, That this shall not apply to transportation wholly by water.

I move to strike out the words "wholly by water" and to insert "on the high seas," which is a technical phrase applied to the ocean. The amendment I suggest is satisfactory to the Senator from Kansas, also.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

Mr. CALL. I inquire of the Senator from New Jersey if his amendment would not apply to the arrangement between the Pacific railroads and the Pacific Mail Steamship Company. It seems to me that it would authorize that present monopoly of freights which is so much complained of by the Board of Trade of New York.

Mr. SEWELL. The former proviso would apply just the same. I wish to confine the operation of the section to the high seas. I do not want to make it apply to inland water navigation.

Mr. CALL. It seems to me the section had better provide that it shall not apply to inland navigation. It evidently would include the very evil so much complained of by the Board of Trade of New York in regard to the arrangement of a common rate of freight between the Pacific Mail Steamship Company and the Pacific railroads.

Mr. SEWELL. If the Senator from Florida will hear the section read he will see that it applies now to the high seas and to inland transportation. I wish it to apply only to the high seas. The section reads:

That the provisions of this act shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

I wish to change it so that it shall not apply to transportation on the high seas.

Mr. CONGER. Will the Senator also include "on the great lakes" with "the high seas?"

Mr. SEWELL. As it is proposed it applies to roads competing with the trunk lines. It will fix the Canadian transportation, which will come under this act, part by water and part by rail.

Mr. CONGER. The Senator wishes to fix it, whether he understands it or not, in the interest of a series of railroads running south of the great lakes, and to make a cut, as the gentlemen of the House of Representatives did some years ago, out of that great northwest and northeast communication which goes across the level country of Canada West for the benefit of roads running south of the lakes.

Mr. SEWELL. I have no hesitation in saying that I am in favor of protecting capital invested in the United States as against that invested in Canada.

Mr. CONGER. From Chicago to Port Huron there is a line of railroads owned by an American company running in the United States, the whole length of it. At the other end of that route there is a railroad running from Island Pond to Portland, owned by an American company, built by an American company, but leased by a Canadian company. Why should the Senator try to strike down the industry of those roads in the interest of the little New Jersey roads? It is remarkable that the Senator should ask anything for a New Jersey road, because their generous conduct, proved by New Jersey companies that corporations have souls, contrary to all the established rules, never imposes upon the people of the United States traveling through New Jersey. That is so plain that it seems to me he need not defend those roads. The New Jersey roads will be taken care of for their universal magnanimity and courtesy and kindness to the traveling public.

The Senator might take the advantages that the New Jersey roads have for locality, and he might let the Northern roads, the great transporting routes from the Northwest and New England, have the route which nature has prepared for them, without doing what a Representative from Toledo did in the same interest, if not with the same object, when he prepared a bill which would prevent the productions of the Northwestern States from being taken to Canada at all. That is the manly way to deal with it. Put in a provision here that Michigan, Wisconsin, Illinois, and all the Northwestern States shall not pass any of their productions over the railroads that run through Canada, and strike at the matter at once in a manly way by providing that all New England shall not send to the West from Boston and Portland and all the towns there any of their produce if it is going through Canada.

Mr. SEWELL. Will the Senator from Michigan allow me to ask him a question?

Mr. CONGER. I should rather the Senator would answer me some of my points than to ask me a question.

Mr. SEWELL. I wish to ask the Senator if he thinks a great wrong would be done to the Canada railroads by bringing them under the provisions of this bill?

Mr. CONGER. The bill does not pretend to have anything to do with railroads; it is water that the Senator is talking about. However strange it may sound to the Senate to have anybody talk about water, that is what it means. It is not a railroad in Canada, it is a water communication on the great lakes in the United States that the Senator by his amendment strikes at; where the communication is wholly by water, as from Duluth to Buffalo, or from Duluth to Ogdensburg, the whole length of all the lakes. The Senator seeks to strike at the whole commerce of the Mississippi and all the great rivers of the country by inserting "high seas" in place of water communication.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. [Putting the question.] By the sound the noes have it.

Mr. SEWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second for the demand for the yeas and nays? In the opinion of the Chair there is a second. The yeas and nays are ordered.

Mr. CONGER. Let the other side be counted, Mr. President.

The PRESIDING OFFICER. Does the Senator from Michigan demand the other side of the count?

Mr. CONGER. If that is my right, I ask that the other side be counted.

The PRESIDING OFFICER. The Senator from New Jersey asks for the yeas and nays. The Chair will put the question again. Is there a second to that request? Senators opposed to the request——

Mr. CONGER. I do not ask that the question shall be taken again. I simply asked whether I had a right, before those in favor of taking the question by yeas and nays had signified their desire to do so, to have the other side also counted.

The PRESIDING OFFICER. In the United States Senate the only way to determine that fact is to count the Senators present and then ascertain whether one-fifth have voted in favor of ordering the yeas and nays.

Mr. CONGER. If the Chair intimates that he did that, and one-fifth voted to second the call, that is all that is necessary.

The PRESIDING OFFICER. It was a simple announcement of the judgment of the Chair that one-fifth had voted to second the call.

Mr. CONGER. In that case, that is all that is required.

The PRESIDING OFFICER. The yeas and nays are ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. HAWLEY. I rose to vote "nay." I am paired with the Senator from Alabama [Mr. MORGAN]; but I supposed he had entered the Chamber.

Mr. RANSOM. No; he is not here.

Mr. HAWLEY. Then I shall not vote.

Mr. PLUMB. I am paired on this question with the Senator from Maryland [Mr. GORMAN].

Mr. BOWEN. I wish to announce my pair with the Senator from Arkansas [Mr. WALKER] on the entire question.

The result was announced—yeas 10, nays 21; as follows:

YEAS—10.

Aldrich,	Hale,	Morrill,	Sewell.
Allison,	Jackson,	Pike,	
Dolph,	Mitchell,	Platt,	

NAYS—21.

Bayard,	Conger,	Jonas,	Vance,
Beck,	Edmunds,	Jones of Nevada,	Vest,
Blair,	Groome,	Pugh,	Wilson.
Call,	Hampton,	Riddleberger,	
Cameron of Wis.,	Harrison,	Sawyer,	
Cockrell,	Hoar,	Slater,	

ABSENT—45.

Bowen,	Frye,	Lapham,	Plumb,
Brown,	Garland,	Logan,	Ransom,
Butler,	George,	McMillan,	Sabin,
Camden,	Gibson,	McPherson,	Saulsbury,
Cameron of Pa.,	Gorman,	Mahone,	Sherman,
Chace,	Harris,	Manderson,	Van Wyck,
Coke,	Hawley,	Maxey,	Voorhees,
Colquitt,	Hill,	Miller of Cal.,	Walker,
Cullom,	Ingalls,	Miller of N. Y.,	Williams.
Dawes,	Jones of Florida,	Morgan,	
Fair,	Kenna,	Palmer,	
Farley,	Lamar,	Pendleton,	

The PRESIDENT *pro tempore*. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and 44 Senators answered to their names.

The PRESIDENT *pro tempore*. Forty-four Senators are present. The Secretary will again call the roll on agreeing to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. SEWELL. As a number of Senators are of the opinion that section 13 covers the object I wish to arrive at, I ask unanimous consent to withdraw my amendment.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks leave to withdraw his amendment. Is there objection? The Chair hears none. The amendment is withdrawn.

Mr. CALL. I now offer an amendment, on behalf of the Senator from Mississippi [Mr. GEORGE], to come in as an additional section after section 6 of the bill. It is the amendment I offered awhile ago, but I could not then clearly indicate the place in the bill where it should be inserted.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert as a new section after section 6:

SEC. —. That in case any transportation company engaged as aforesaid shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such transportation company shall be liable to pay to the person or persons who may

be injured thereby the amount of the damages so sustained and costs as provided in the sixth section of this act, to be recovered by the person or persons so damaged by suit in United States court of competent jurisdiction where the transportation company causing such damage can be found, or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured, sufficient to cover all his counsel and attorney fees. In any action to be brought as aforesaid in any court of the United States the court shall have all the power of a court of equity to compel discovery and the production of books, documents, and papers. In any such action so brought any director, officer, receiver, or trustee of any company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint. And any circuit or district court of the United States having jurisdiction of the persons shall have the power, upon application of any person or persons, firms, railroads, or other corporations or associations, alleging undue and unjust discrimination against a person in violation of the provisions of this act, to issue writs of mandamus against such person, commanding such person to move and transport freight or to furnish facilities for transportation for the party applying for the writ, upon such terms and in such manner as shall seem just and proper to the court, in order to prevent any undue or unjust discrimination against the relator. The proceedings shall be as in other cases of mandamus; and in cases of urgent necessity or involving the transportation of perishable goods the writs of alternative mandamus may be made returnable forthwith: *Provided*, That no writ or peremptory mandamus shall issue under this act until the relator shall have given security, in such sum as shall be named by the court, to pay the defendant the proper and legal charges for the services required to be performed by the writ aforesaid: *And provided further*, That the remedy herein given by writ of mandamus shall be cumulative, and shall not exclude or interfere with the other remedies herein provided. No cause brought under this act in any State court of competent jurisdiction shall be removed to any United States court.

Mr. CALL. I merely wish to say that the amendment was prepared by the Senator from Mississippi [Mr. GEORGE], and that I offer it at his request. It is designed to furnish an affirmative remedy to a person aggrieved by a violation of the act now proposed to be passed.

Mr. CULLOM. I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. PLUMB. On this question I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 7, nays 38; as follows:

YEAS—7.

Call,	Maxey,	Vance,	Vest.
Coke,	Slater,	Van Wyck,	

NAYS—38.

Aldrich,	Edmunds,	Lapham,	Platt,
Allison,	Groome,	McMillan,	Pugh,
Blair,	Hampton,	McPherson,	Riddleberger,
Cameron of Wis.,	Harris,	Manderson,	Sabin,
Chace,	Harrison,	Miller of Cal.,	Sawyer,
Colquitt,	Hawley,	Miller of N. Y.,	Sewell,
Conger,	Ingalls,	Mitchell,	Sherman,
Cullom,	Jackson,	Morgan,	Wilson.
Dawes,	Jonas,	Morrill,	
Dolph,	Jones of Nevada,	Pike,	

ABSENT—31.

Bayard,	Fair,	Hill,	Pendleton,
Beck,	Farley,	Hoar,	Plumb,
Bowen,	Frye,	Jones of Florida,	Ransom,
Brown,	Garland,	Kenna,	Saulsbury,
Butler,	George,	Lamar,	Voorhees,
Camden,	Gibson,	Logan,	Walker,
Cameron of Pa.,	Gorman,	Mahone,	Williams.
Cockrell,	Hale,	Palmer,	

So the amendment was rejected.

Mr. CALL. At the request of the Senator from Mississippi [Mr. GEORGE] I move to add, after line 22 of section 5, the following words:

And such report shall in all proceedings under this act be *prima facie* evidence of the existence of the facts therein found to be true.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. CALL. Also, by request of the Senator from Mississippi [Mr. GEORGE], I move to add, at the end of section 10, the following:

The said commission is hereby authorized to invoke the aid of a United States court of competent jurisdiction to compel the making of said reports; and if any company shall fail or refuse to make any report required of it as aforesaid, the said company shall forfeit and pay for every such neglect or failure a penalty not less than $1,000, and it and its officers shall be subject to all the other penalties prescribed in this act for a violation of any of its provisions. The reports of each company shall be certified under its corporate seal to be correct in every respect, and shall also be verified by the oathe of its president, secretary, treasurer, and chief book-keeper; and if any report shall contain any statement willfully false, the affiants thereto shall be guilty of perjury, and, on conviction, shall be subject to the pains and penalties prescribed by law for such offense.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. SAULSBURY. Mr. President, that is an amendment to section 10, which requires the railroad companies to make annual reports at the request of the commissioners. If Senators will look at the provisions of that section, I think they will see what embarrassment it may be to require those reports. I will read it. Section 10 provides:

That the commission is hereby authorized to require annual reports from all transportation companies engaged in interstate commerce, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies, as the commission may require.

I do not believe that the objects sought to be attained by the appointment of the commission can be aided in any way by the adoption of the tenth section. I can see very readily how a report made in compliance with it, disclosing the whole business operations of a company, may operate to the injury of the company and may destroy their credit in the community. A new enterprise just struggling into existence may by such a report be not only crippled but utterly destroyed. I can understand very well how operators in stocks in Wall street may desire to have this information. They could deal perhaps with more safety, but I can not see that the objects sought by the bill can be aided in the least by such an exposé of the private transactions and business of a company.

I am perfectly willing to adopt any measure that will limit the power of the companies to oppress the people, but I do not want to see the companies themselves unnecessarily oppressed or injured. I have no doubt there are a great many just complaints against these corporations. Perhaps some of the complaints which are made are merely ideal, but I have no doubt that there are discriminations, that there are exorbitant prices charged by some of the corporations, and that persons having to use the railroads for the transportation of their freights and products are damnified and injured by the exactions of the companies. If we can devise any means to correct that or give any remedy whatever for the evils which are justly complained of, I am here ready to do it; but I do not think our legislation ought to partake of a nature which will necessarily oppress and injure the corporations themselves. While we should aim to do justice to shippers, we ought not to be unjust, in my opinion, to those institutions upon which we are dependent for the transportation of persons and property.

In fact I have but little faith that the bill will accomplish anything. What is it? It provides simply for the appointment of nine commissioners with high salaries, authorized to incur large expenses. They must and doubtless will incur expenses amounting to two or three hundred thousand dollars annually. What can they do and what is provided in the bill that they shall do? They are simply to hear complaints. They are to note down all the complaints which are made to them and to investigate the nature of the complaints. If in the judgment of the commission the complaints are valid, what are they to do? Are they to provide any remedy? Not a particle. All they are to do is to certify that fact to the district attorney. Then he goes into an investigation, and if he ascertains that any person has been injured by discriminations or by extortion he is compelled, under the bill, at the instance of the party injured, to institute suit; but with the provision adopted on the motion of the Senator from Iowa [Mr. WILSON], which reserves to the party all his remedies under State law or under the common law of the country, I should think that he would be a silly man who would seek the remedy pointed out in the bill when all the rights and remedies that he has are secured to him by the amendment offered by the Senator from Iowa to the fourteenth section. I am very sure there are few suits that will be instituted under the provisions of the bill, and without suits originated by the district attorney there is no remedy secured under it to any person who has been damnified by the injustice of a railroad company.

I care very little about the measure. If it can accomplish anything by its moral influence, as was suggested yesterday by the Senator from Ohio [Mr. SHERMAN], if it is going to be armed with such potent moral influence that the corporations of the country will stand in awe of it, it may be well enough; but I apprehend that that is a fiction of fancy, and that the corporations will not stand in such holy horror of the commission which is to be appointed that they will cease to do evil and learn to do well.

I say I care but little about the bill. I should have voted against the substitution of this bill for the Reagan bill, which did furnish some remedy, and yet I was not so perfectly in love with that bill. If there can be any measure devised that will operate to secure justice to the people interested in transportation by water or otherwise, I am perfectly willing to see it tried.

I deprecate this expense, but we are accustomed to large expenses in this country. We have had numerous commissions. We had a Mississippi Improvement Commission, and what has it amounted to? Verily in my opinion it has done no good. We have had various commissions; we have at the present time a Civil Service Commission, and so far as I understand I do not know what good it has done. I do not know what good it will do. For one, I do not hesitate to say that if I were President of the United States, charged with the responsibility of administering the executive affairs of this Government, I would do it according to the dictates of my own judgment. I should not be a butcher and turn out every man who was in office. If he was a faithful, honest servant I would keep him there for a proper time at least, but I would not feel bound to take my political enemies and keep them forever in office simply because the Civil Service Commission might have made some rule that might require me to do it. If I were President of the United States and charged with the duty of administering the executive department of this Government, I should discharge it according to the dictates of my own judgment and for the best interests of the people of the country.

We have had various commissions, and none of them has ever amounted to much. We had an Electoral Commission, the only effect of which was to deprive the people of this country of their choice for President of the United States. I have not much faith in commissions, nor have I much faith in the one here proposed. I do not think it will amount to much; but if the Senate of the United States see proper to adopt it, I have no objection. Its moral influence, I apprehend, will not amount to much, and the legal remedies which the bill provides I think will not be sought by any person damnified by the operations of railroad companies.

Mr. CULLOM. I only desire to say that I hope the tenth section will not be stricken out, and to remind the Senate that according to the understanding we are to vote upon the main question at 3 o'clock today.

Mr. PLUMB. I can not spare this opportunity to say a word or two to my friend from Delaware in regard to his feeling about the Civil Service Commission. He asks, with some apparent anguish, what good has it done? I say to him that that will be much more apparent after thirty days than it ever has been before to the ordinary Democratic apprehension.

Mr. CALL. I desire to know whether the understanding is to exclude amendments to the bill?

The PRESIDENT *pro tempore*. It does not exclude amendments; it only excludes debate.

Mr. MAXEY. Before the vote is taken upon the passage of the bill it was my purpose to state at some length my reasons for favoring the House bill and for opposing the Senate proposition. I do not regard the Senate proposition as of any practical value whatever. On the contrary, I believe that it will hereafter prevent the relief that is sought, and will not answer the great public demand for legislation on the subject of interstate commerce. This measure has the appearance of being legislation on that subject, but is without any real, tangible, valuable effect of legislation. For that reason, as the vote is to be taken, and I have not time to speak, I shall vote against the bill when the question comes up on its passage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. CALL. At the end of section 14, on behalf of the Senator from Mississippi [Mr. GEORGE], I move to add:

That jurisdiction is hereby conferred on the circuit courts of the United States to aid in a summary manner the said commission in performing any duty imposed on them by this act.

The amendment was rejected.

Mr. CALL. At the request of the Senator from Mississippi, I move to add as an additional section to the bill the following:

SEC. —. That every person who, being president, vice-president, director, superintendent, or general agent of any transportation company, shall authorize, or concur in, or permit any violation of this act shall be liable to the same penalties and subject to the same damages as are herein imposed on the transportation company for such violation, and every such person may be joined as co-defendant with said company in any proceeding under this act, or may be proceeded against separately, as the complainant may elect.

The amendment was rejected.

Mr. CALL. Also, by request of the Senator from Mississippi, I move to add at the end of section 4 the following:

And proof that any transportation company, in all cases where it shall also appear that such transportation company has issued or has not then canceled stock commonly known as watered, then a greater charge for a shorter distance than a longer one shall be unjust discrimination in the sense of this act.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in, as follows: Strike out all after the enacting clause of the bill and insert:

That for the purpose of providing for the regulation of commerce among the several States and Territories a commission is hereby created and established, to be known as the Interstate-Commerce Commission, which shall be composed of nine commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be selected from each judicial circuit of the United States. Three of the commissioners first appointed under this act shall continue in office for terms of two years, three for four years, and three for six years, the respective terms to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for incompetency or malfeasance in office. Vacancies occasioned by removal, resignation, or other cause shall be filled by the President. And not more than five shall belong to the same political party.

SEC. 2. That the commission hereby created shall have and exercise the powers and discharge the duties defined and granted in this act pertaining to the methods and regulating the operation of all transportation companies engaged in interstate commerce, and to take into consideration and to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as may be necessary to the establishment of a just system of regulations for the government of the same.

SEC. 3. That if any transportation company engaged in interstate commerce shall collect, demand, or receive, in the transaction of the business of interstate commerce, more than a reasonable rate of compensation for the transportation of freight of any description, or for the receiving, delivery, storage, or handling of property, or for the use or transportation of any railroad-car upon its railroad, or on any of the branches thereof, or upon any railroad it has the right, license, or permission to use, operate, or control, said transportation company shall be deemed guilty of extortion, which is hereby declared to be a misdemeanor.

SEC. 4. That if any transportation company engaged in interstate commerce shall, directly or indirectly, by any rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater compensation for any service it may render in its transaction of interstate commerce than it charges, demands, collects, or receives from any other person for doing for him, in a like business and under substantially similar circumstances and conditions, contemporaneously a like service, or if any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate-commerce freights to one person that is at the same time furnished to any other person for the carriage, receiving, delivery, storage, and handling of such freights of the same class, and under substantially similar circumstances, such transportation company shall be deemed guilty of unjust discrimination, which is hereby declared to be a misdemeanor.

SEC. 5. That whenever complaint is made to the commission, in such manner as it may prescribe, charging any transportation company engaged in interstate commerce with extortion or unjust discrimination in the transaction of such business, a statement of the charges thus made shall be forwarded to the transportation company, which shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable given time.

If such transportation company shall, within the time specified, make reparation for the injury done and the complaint shall be withdrawn, the case shall be dismissed, and the transportation company shall be relieved of liability for any other penalty for the particular violation of this act thus complained of.

If such transportation company shall not satisfy the complaint within the time specified, or if it shall neglect or refuse to answer the same as required, or if either party to the proceeding shall demand a hearing, and there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of, to determine all questions of fact at issue, to record its finding, and to furnish a report thereof to both parties.

And if it shall appear that the transportation company has been guilty of either extortion or unjust discrimination as charged, it shall be the duty of the commission to give notice to such company to discontinue the practice thereof forthwith, and to pay the complainant, within a reasonable given time, the damages, if any, to which the commission may find the complainant justly entitled in consequence thereof.

And if such damages shall be paid as required, and the commission shall be satisfied that the transportation company has ceased to practice the extortion or unjust discrimination complained of, an order to that effect shall be entered of record by the commission, and the transportation company shall be relieved of liability for any other penalty for the particular act complained of.

SEC. 6. That if any transportation company engaged in interstate commerce shall neglect or refuse to pay the damages assessed against it by the interstate commerce commission, and to desist from the further violation of this act, it shall be the duty of the commission to certify the facts to the district attorney of the United States for the judicial district in which the act complained of occurred; and it shall be the duty of the district attorney, at the request of the complainant, to forthwith commence such proceedings, in the name of the complainant, as may be necessary to recover any damages sustained by him, or to compel the transportation company to comply with the provisions of this act, or both; and the circuit court of the United States for said district shall have jurisdiction to try said cause, without regard to the citizenship of the parties. Costs shall be awarded as in other cases; but in case judgment is rendered against the defendant, the court may, in its discretion, allow to the district attorney a reasonable fee for prosecuting said cause, to be taxed as part of the costs; and in case of failure to recover, the complainant shall pay the costs of suit, attorney's fees excepted.

Any such transportation company that shall be convicted under the provisions of this act of either extortion or unjust discrimination shall forfeit and pay for each offense a fine of not exceeding $1,000.

Any such transportation company that shall neglect or refuse to make such annual reports as the commission may require, or that shall neglect or refuse to answer any question or to produce any book, paper, contract, or other document, or properly certified abstract thereof, called for by the commission in making any investigation under the authority of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $1,000 for each offense herein described.

Any such transportation company or any person or persons that shall violate any of the provisions of this act not in this section specified; or that shall in any manner attempt to obstruct the enforcement of its provisions, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $1,000.

SEC. 7. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior. All necessary traveling expenses incurred by the commissioners, or by their employés under their orders, in making any investigation in any other place than in the city of Washington, shall be allowed and paid on the approval by the Secretary of the Interior of itemized vouchers there-

for. The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. All of the expenses of the commission shall be paid on the presentation of vouchers approved by the president of the commission and by the Secretary of the Interior.

SEC. 8. That the commission may make such orders as it may deem necessary for the regulation of its business, and prescribe the forms to be used therein. A majority of the commission shall constitute a quorum for the transaction of business, except as hereinafter provided.

SEC. 9. That in making any investigation required by this act the commission shall have power to summon and require the attendance of witnesses, to administer oaths, and to require the production of all books, papers, contracts, and documents, or properly certified abstracts thereof, relating to the matter under investigation and necessary for the information of the commission in connection therewith. The commission is hereby authorized to conduct investigations in such portions of the United States as it may deem necessary, and for that purpose may delegate the powers conferred by this section to any member or members of the commission.

SEC. 10. That the commission is hereby authorized to require annual reports from all transportation companies engaged in interstate commerce, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year, and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies as the commission may require.

SEC. 11. That the commission shall, on or before the 1st day in December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of interstate commerce, together with such recommendations as to additional legislation for the regulation of interstate commerce as the commission may deem necessary. And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part-rail and part-water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

SEC. 12. That the route of any transportation company engaged in the interstate commerce shall include all the railroad and water routes in use by such company, whether owned by said company or used by it under license, lease, or permission otherwise given. And it shall be unlawful for any transportation company as aforesaid to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time-schedule, carriage in different cars, or by other means or devices, the carriage of interstate commerce freights from being continuous from the place of shipment to the place of destination, whether said freight is carried on one or several railroads, or partly by rail and partly by vessel. And no break of bulk, stoppage, or interruption made by said transportation company shall prevent the carriage of any interstate commerce freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 13. That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, which are run by or for any railroad company, making part of its route, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part, provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad, or partly by railroad and partly by water, from one State into another State or Territory of the United States, "or from any Territory into any State or any other Territory;" and the provisions of this act shall apply to all persons, firms, and companies, and to all associations of persons or companies, whether incorporated or not, and to all associations of corporations engaged in thus transporting freights or property of any description, in the manner above set forth, from one State into any other State or Territory, or from any Territory into any State or any other Territory.

SEC. 14. That the provisions of this act shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

SEC. 15. That the sum of $80,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto; and it is expressly provided that no pending litigation between railroad companies shall in any way be affected by this act.

SEC. 16. That nothing in this act contained shall be held to require any person, aggrieved by the act or omission of a transportation company within the provisions of this act, to pursue the remedy provided in sections 5 and 6 hereof for the ascertainment and recovery of damages on account thereof; but such person may, by civil action in any court of competent jurisdiction, maintain an action as though this act had not been passed; and in such cases the duties, obligations, liabilities, and responsibilities of such transportation company in all respects shall be the same as though said action had been commenced in pursuance of the remedy in said sections 5 and 6 provided.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. COKE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from California [Mr. FARLEY]. If he were present, I should vote "yea." I do not know how he would vote.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family, but I am informed by his colleague [Mr. JONAS] that he would probably vote as I myself would, and therefore I shall vote. I vote "yea."

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "nay" and I believe he would vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS]. If he were here, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE], who is absent. I should vote "nay" if he were here.

Mr. SABIN (after having voted in the affirmative). I have been paired with the Senator from West Virginia [Mr. KENNA], but I voted supposing that he was present this morning. As I see he has not voted, I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. SABIN. I should vote "yea," if the Senator from West Virginia were present, and he would vote "nay."

The result was announced—yeas 43, nays 12; as follows:

YEAS—43.

Aldrich,	Frye,	Jones of Florida,	Platt,
Allison,	Groome,	Jones of Nevada,	Plumb,
Blair,	Hampton,	Lamar,	Pugh,
Call,	Harris,	Lapham,	Riddleberger,
Cameron of Wis.,	Harrison,	McMillan,	Sawyer,
Chace,	Hawley,	Manderson,	Sewell,
Conger,	Hill,	Miller of Cal.,	Sherman,
Cullom,	Hoar,	Miller of N. Y.,	Slater,
Dawes,	Ingalls,	Mitchell,	Vest,
Dolph,	Jackson,	Morrill,	Wilson.
Edmunds,	Jonas,	Pike,	

NAYS—12.

Bayard,	Coke,	Maxey,	Saulsbury,
Butler,	Colquitt,	Morgan,	Vance,
Cockrell,	McPherson,	Pendleton,	Van Wyck.

ABSENT—21.

Beck,	Farley,	Kenna,	Voorhees,
Bowen,	Garland,	Logan,	Walker,
Brown,	George,	Mahone,	Williams.
Camden,	Gibson,	Palmer,	
Cameron of Pa.,	Gorman,	Ransom,	
Fair,	Hale,	Sabin,	

So the bill was passed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 691) for the relief of William W. Thomas was read twice by its title, and referred to the Committee on Finance.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. It is the duty of the Chair now to lay before the Senate the next special order, being Order of Business 336. The title of the bill will be read.

The CHIEF CLERK. A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. MORRILL. I move that the Senate proceed to the consideration of House bill 4976, heretofore reported by the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of Order of Business 1074, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BLAIR. I ask unanimous consent to make a statement before the question is taken.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to make a statement on the pending question. Is there objection? The Chair hears none. The Senator from New Hampshire will proceed.

Mr. BLAIR. It will be recollected by the Senate that at the close of the last session the Senate was engaged in the consideration of House bill 2550, Calendar No. 863, entitled "A bill to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia." It was postponed, after being partially considered, until the 9th of December last, and I anticipated that at that time it would be disposed of. It was interfered with by various special orders, and from that day until the present time, although it came over substantially in the form of unfinished business from the last session, I have been seeking an opportunity to have it laid before the Senate and disposed of. It is a bill in which there is a very great public interest. During the interim from the 9th of December to the present time several of the Legislatures of the States have passed resolutions calling the attention of the Senate to this bill and urging action upon it, and many memorials have been sent to the Senate and to the other House of Congress, although the bill has already been passed by the other House, asking that the question be disposed of. I hope, now that the last month has been occupied by the interstate-commerce bill, which really ought not to have come in the way of this at all, as I think, that the Senate will consent to take up this bill and dispose of it. The bill urged by the Senator from Vermont may be an important bill; undoubtedly it will be disposed of; the Committee on Finance can always have this floor; but I submit that justice to the friends of this measure requires that it should be now considered.

Mr. MORRILL. I think I am in favor of the Senator's bill——

The PRESIDENT *pro tempore*. The motion is not open to debate. Does the Senator from Vermont ask unanimous consent?

Mr. MORRILL. I do, for a moment.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that he may be heard on this question. Is there objection? The Chair hears none. The Senator from Vermont will proceed.

Mr. MORRILL. It was the understanding when the bill in regard to silver coinage was reported that it should be considered yesterday morning. On account of the prolongation of the debate on the interstate-commerce bill, which has progressed until this time, it was not so considered. I suggest to the Senator from New Hampshire that he call up his bill to-morrow morning in the morning hour, as I think it will not attract much debate. I must insist on my motion.

Mr. BLAIR. I think there are several bills that are already——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire asks unanimous consent?

Mr. BLAIR. I would not like the suggestion of the Senator from Vermont to go with the idea that I acquiesced in it.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire ask unanimous consent to be heard?

Mr. BLAIR. Yes; unless the consent already given covers that.

The PRESIDENT *pro tempore*. The Chair does not think it covers further remarks. The Senator from New Hampshire asks unanimous consent to be heard again on this question. Is there objection? The Chair hears none.

Mr. BLAIR. Thanking the Senate for its indulgence, I wish simply to say that the morning hour, as I understand, is already occupied by one or more bills, the friends of which understand that they have the right of way, and whatever may have been the understanding lately arrived at in regard to this bill which the Senator from Vermont moves to take up at this time, much earlier understandings were arrived at between the friends of this measure and of the interstate-commerce bill and one or two others, that it should be heard so far as their assistance could enable it to receive a hearing as soon as the interstate-commerce bill was disposed of.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL].

Mr. CAMERON, of Wisconsin. I ask unanimous consent of the Senate that I may put a question to my friend from Vermont.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. CAMERON, of Wisconsin. I will include in that request that he have unanimous consent to answer my question. The question is whether he intends, if his motion be carried, to press the bill until it is finally disposed of by the Senate, or whether he desires to have it brought up now simply for the purpose of submitting some remarks in support of the bill?

Mr. MORRILL. Oh, Mr. President, I do not——

The PRESIDENT *pro tempore*. If there be no objection the Senator from Vermont will proceed. The Chair hears none.

Mr. MORRILL. I am ready to submit some remarks, but I assure the Senator that I shall not occupy a large amount of time—not more than twenty-five or thirty minutes. It has never been my habit to be advocating a bill that I do not intend to press.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

Mr. VAN WYCK. May I inquire what is the special order, Mr. President?

The PRESIDENT *pro tempore*. The special order is Order of Business 336, being the bill (H. R. 3993) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. VAN WYCK. May I be allowed to put a question? I should like to ask a question of the Senator from Vermont.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nebraska making remarks?

Mr. MORRILL. I object to further debate on this motion.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. VAN WYCK. Does the Senator seriously object to a question being propounded to him at this stage of the matter?

Mr. MORRILL. I said, although it was not heard by the Chair, that I objected to further debate at this time.

Mr. VAN WYCK. Do you object to my asking a question?

Mr. MORRILL. Not at all.

The PRESIDENT *pro tempore*. Senators will please address the Chair. The Chair asked for objection and heard none. The Senator from Nebraska is entitled to the floor.

Mr. VAN WYCK. I desire merely to ask the Senator from Vermont whether the bill now proposed to be taken up is a House bill or a Senate bill.

Mr. MORRILL. A House bill.

Mr. VAN WYCK. But entirely changed and remodeled by the report of the Senate committee. Then I merely want to appeal, if I am in order, to the Senate to remember that there is now before us in order the Texas Pacific forfeiture bill, which has been lying here a long time, a matter of great importance, and I trust that it having been made special order by a vote of two-thirds of the body, it will not now be displaced by a majority vote.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont [Mr. MORRILL] that the Senate now proceed to consider the trade-dollar bill, so called.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call having been concluded, the result was announced—yeas 37, nays 21; as follows:

YEAS—37.

Aldrich,	Gorman,	McPherson,	Ransom,
Bayard,	Groome,	Mahone,	Riddleberger,
Beck,	Hampton,	Miller of N. Y.,	Sabin,
Bowen,	Hawley,	Mitchell,	Saulsbury,
Cameron of Pa.,	Hoar,	Morgan,	Sewell,
Chace,	Jackson,	Morrill,	Sherman,
Colquitt,	Jones of Florida,	Palmer,	Vance.
Conger,	Lamar,	Pendleton,	
Dawes,	Lapham,	Platt,	
Dolph,	McMillan,	Pugh,	

NAYS—21.

Blair,	Edmunds,	Jones of Nevada,	Slater,
Butler,	Garland,	Maxey,	Van Wyck.
Call,	Harris,	Miller of Cal.,	Vest.
Cameron of Wis.,	Harrison,	Pike,	
Cockrell,	Hill,	Plumb,	
Coke,	Ingalls,	Sawyer,	

ABSENT—18.

Allison,	Farley,	Jonas,	Walker,
Brown,	Frye,	Kenna,	Williams,
Camden,	George,	Logan,	Wilson.
Cullom,	Gibson,	Manderson,	
Fair,	Hale,	Voorhees,	

So the motion was agreed to.

COINAGE OF SILVER DOLLARS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That until July 1, 1885, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer or any assistant treasurer of the United States in exchange for a like amount, dollar for dollar, of standard silver dollars of the United States.

SEC. 2. That the trade-dollars received by the Treasurer or any assistant treasurer of the United States shall not be paid out or in any other manner issued; but, at the expense of the United States, shall be transmitted to the coinage mints and shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878, and shall be recoined into standard silver dollars according to the provisions of said act: *Provided*, That the amount to be so deducted as provided in this section shall not exceed $500,000 in any month.

SEC. 3. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

SEC. 4. That the President is hereby authorized to renew negotiations with the states of the "Latin Union," and with other foreign powers, for the purpose of making treaties with them in order to secure such co-operation as may enable the nations agreeing thereto to open their respective mints to the free coinage of silver, with full legal-tender power, at an agreed ratio to gold.

SEC. 5. That in case no such treaties as aforesaid shall have been made and ratified prior to August 1, 1886, then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time of silver bullion, at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined into such dollars monthly as fast as so purchased, shall be suspended.

Mr. INGALLS. I move to amend the amendment of the committee by striking out section 5.

Mr. MORRILL. I suppose the Senator from Kansas may move that amendment, though it is not exactly in order now, as I have the floor I believe.

Mr. INGALLS. I was recognized, I thought, by the presiding officer.

Mr. MORRILL. I do not object.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas arose and was recognized by the Chair, and the amendment is certainly in order at this time, the Senator having the floor. The amendment proposed by the Senator from Kansas to the amendment will be read.

The CHIEF CLERK. The amendment is to strike out section 5 of the proposed amendment, as follows:

SEC. 5. That in case no such treaties as aforesaid shall have been made and ratified prior to August 1, 1886, then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time of silver bullion, at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined into such dollars monthly as fast as so purchased, shall be suspended.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas to the amendment reported by the Committee on Finance.

Mr. MORRILL. Mr. President, let me say at once that the amendments proposed by the Committee on Finance to the bill under consideration are accepted by me on the idea that it is the duty of Congress to take some immediate action upon the subjects here presented. More heroic remedies, as I believe, would be more salutary; but if any legislation is to be accomplished at the present session some deference must be paid to the conflicting opinions here and elsewhere prevailing, and the Committee on Finance have reached the conclusion that the House bill, as it has been proposed to be amended, should receive the support of even those Senators who may not be completely satisfied with the original bill or with every part of the amendments.

Instead of indulging in elaborate argumentation, I shall group as compactly as I can the main facts which surround the subject in hand, trusting that these facts may have that influence which their cogency may seem to demand, and no more. For my own part I confess that I do not feel that the Government of the United States is under the slightest legal or moral obligation to redeem the silver coin known as the trade-dollar. It originated solely from a supposed demand for export, and was stamped under the act of February 12, 1873, as containing 420 grains of silver, and at that time was equal to 118.6 cents in United States notes or 102.5 cents in gold. It is true that by some inadvertence it happened to be included as a legal tender by the coinage act of 1873, the same as subsidiary silver coins, to the extent only of $5 for three years, or until July 22, 1876, when even its limited legal-tender character was repealed. Up to that time the whole amount issued was $15,418,450. About this time silver began to depreciate in value, and United States notes had so much appreciated that a paper dollar was worth more than a trade-dollar. Speculators, therefore, carried silver bullion to the mints and exchanged the same for trade-dollars, not for export, but for the purpose of profit, if not of fraud, so that the amount coined in the fiscal years of 1877 and 1878 was over $20,000,000, swelling the total amount to $35,959,360.

The Government, being paid for barely the cost of coinage, never had any interest or profit in the trade-dollars, never received them at the Treasury nor paid them out, but furnished them only to parties who ostensibly wanted them in this form to take silver bullion out of the country and as a special favor to silver miners. Somebody blundered. There are supposed to be from seven to ten millions of these trade-dollars now held by our own people, partly by those who have received them at full value and partly by those who have received them in barter trade, or who, as brokers, have purchased them at a discount. But however held, whether helplessly and hopelessly or otherwise, our mints were left open for the birth and three years' growth of this public nuisance, and perhaps some mode for its removal should be provided. I would have preferred to have paid a very moderate premium above their bullion value, as was recommended by the President, and thus to take them out of the way, rather than to redeem them, as is now proposed, with what must be to the owners practically equivalent to an exchange dollar for dollar in gold. Some of these holders of the trade-dollar are entitled to charity, but any discrimination is hardly possible. To reach one we are forced to reach many. They have held this anomalous coin for a long time and at some inconvenience. It is for Congress to decide whether any relief shall be given or not. I have, with some reluctance, consented to the measure in order to relieve the country from at least one of the embarrassing incidents which surround the silver question.

It is proper to say that the Director of the Mint is very confident that the trade-dollars which were exported have mainly gone into the melting-pot, and that none can or will be returned. If, however, more of these should be unearthed or be brought here from Oriental nations for redemption than what has been estimated, the cost of the measure will be correspondingly increased. It will be observed that, however large may be the amount presented to the Treasury, the purchase of silver bullion is not to be suddenly interrupted, and will be only temporarily diminished monthly to the amount of $500,000.

The next amendment to the House bill proposed by the Committee on Finance, it will be seen, contemplates a renewed effort to obtain by concert with the Latin Union nations, as well as with others, a larger use of silver on a fixed and common ratio with gold. It may not be improper for me to say that a most unfounded imputation has been indulged by some parties that the members of the former monetary commission were not sincere in the purpose to accomplish the object of their mission, but the only refutation which the false suggestion requires is to bring to our recollection the names of the individuals of which that important commission was composed, names as much distinguished for fidelity to their country as for their personal purity and ability.

It is again sometimes recklessly suggested that the official administrators of the Treasury Department have not given silver dollars a fair chance to circulate or to obtain a foothold among our people. And yet it is the fact that the Treasury Department has paid, and has ever been ready to pay, the cost of the transportation of silver to any and to all the remotest regions of our country whenever and wherever it was wanted. The difficulty is the same as that which pursues the "bad penny;" it will return. The people have not been ready to receive or to hold it. To show how unjust and groundless this suggestion is we have only to compare the present outstanding circulation of the silver dollar with that in our previous history. In eighty-five years, or up to 1878, the whole amount of silver dollars coined at our mints was only $8,045,838, and the amount in circulation must have been far less. Since 1878 we have coined the immense sum of $191,947,194, and have got into circulation, according to the Director of the Mint, $41,350,040, or about five times as much as was ever coined in all our previous history. If this does not show a pushing and industrious zeal on the part of the Treasury Department to get the silver dollar into circulation I know not what would.

It is evident that all of our people prefer a paper currency, if it is only the equal of our standard coins. It is far more convenient, as the whole commercial world have ascertained, and the whole world, therefore, has not suddenly changed its habits, notwithstanding the over-sanguine expectations of the promoters of the silver bill of 1878, who were unquestionably honest in their zeal, and who will be ready to claim that it has accomplished a great and important service. Certainly no one has ever pretended that it could be successful without the co-operation of other nations, and it should not be charged to these friends of bimetallism that they intended an insidious measure to separate the United States from the great commercial nations of the world by fastening upon us the silver standard of monometallism.

It is true that there are some obstacles in the way of obtaining a concurrent agreement among foreign nations for a larger use of silver, but apparently not so great as heretofore, and, if the present bill should become a law, I have no question but what the coming administration would endeavor to carry it out in absolute good faith.

It is the opinion of our Director of the Mint, a thorough-going silver advocate, that our efforts to obtain the co-operation of foreign nations would be considerably aided if the coinage of the silver dollar were to be suspended in advance of any mission in that direction, instead of making the suspension contingent, to take effect, if to take effect at all, in August, 1886. I should concur in this opinion, for the reason that such a suspension on our part would bring the question to bear upon Europe at once, and much more sharply than upon America, and self-preservation would be likely to induce early co-operation in the direction of a permanent and common use of both silver and gold throughout the great commercial nations of the world.

I do not wish to be understood as conceding that the co-operation of even many nations would add to the value of silver anything more than would naturally arise from an increased demand. If the supply ever largely exceeds the demand, the intrinsic value for commercial purposes must go down. Neither law nor sentiment, under such circumstances, will permit silver to escape the universal law of trade. But I am willing to attempt some arrangement with other nations, and do believe that a wider demand might thereby be created for the use of silver.

I would by no means be an alarmist, and while even with our present laws in force we might not fall upon silver coin alone as the standard of the money of the United States in the present year, possibly not in the next, yet the fixed line we are now pursuing, it must be admitted by all, leads in the end, whether near or remote, to no other possible result. A calamitous harvest, a failure of the wheat or cotton crop, or the dreaded presence of some pestilence, might bring the disaster on us speedily, in spite of our considerable power of resistance. Whenever our foreign exchange shall call for large shipments of gold, our resources to maintain both the gold and silver standard will be put to a crucial test.

It is plain that the law of 1878, by which we have purchased silver bullion to the amount of not less than $2,000,000 nor more than $4,000,000 per month, has not sustained the price of silver, and so far as

that was the object it has been a disastrous failure. The price of silver, United States standard, per ounce, February 28, 1878, was 108.76 cents, and the price January 10, 1885, was 98.64 cents, showing that a decline had followed the silver statute of over 10 cents per ounce; and the intrinsic value of the silver dollar January 10, 1885, was only 84.77 cents. This policy has turned out to be of no benefit to our silver mines, while it is full of evil omens to all other interests of our country.

Upon the discovery of America, and the large increase of the product of silver, its relative value was immensely diminished. According to Humboldt the proportion of gold and silver, which before the discovery was as 10 to 1, gradually changed to 16 to 1. The recent much larger increase of silver is most likely to make history repeat itself. The vast recent increase of iron and of copper has reduced the price to the amount of one-third or one-half of their former value, and silver will hardly escape the fate of other metals.

But it is said, and not in the way of jest, that if we had only coined silver dollars to the maximum limit of the law of 1878, or four millions per month, the price of silver would have immediately advanced. That is, if we had bought the whole product of our silver mines, and some millions more, and hoarded it, the Lord knows where, then with little or no silver in the market the price would have been greatly augmented. A similar ingenious policy might find some favor with the owners of copper and iron mines, but none of them have hitherto ventured to suggest it.

It may be said that there are no breakers ahead, and that masterly inactivity is the true policy. Every business man in the country knows that the first moment any considerable difference in value shall appear in commercial transactions between gold and silver, or when gold shall command a premium, that moment a great contraction will follow; gold will disappear, and the business of the country will be conducted without it.

The net gold in the Treasury, deducting gold certificates, November 1, 1883, was $158,039,000, and on January 29, 1885, it had been reduced to $129,700,000. Thus, while gold in the Treasury appears to diminish, the receipts are also diminishing in large measure. Nothing but gold was formerly used in the lawful payment of duties on imports, but it is now far otherwise. In six months, from July to December of 1883, inclusive, the receipts for customs at the port of New York of gold and gold certificates were $54,114,000; but the receipts for the same months in 1884 in gold and gold certificates were only $22,268,000, while the entire receipts from customs at that port (where three-fourths of the revenue from customs is collected) for the same period were $64,094,000, showing that but a little more than one-third was actually paid in gold or its equivalent.

Should any such diminution of receipts in gold go on for any lengthy period, it is manifest that the Treasury would have not much left but silver and silver certificates. As yet the gold has not gone out of the country and is supposed to be held here, though not by the Treasury. Gold that would come into the country is easily intercepted by bills of exchange and used abroad, especially when the rate of interest is higher in London than it is in New York.

There has been only a slight contraction of the currency by national banks, because the receipts for the present fiscal year have fallen off, and it is estimated will be less than last year, and for the past three months, therefore, none of the 3 per cent. bonds appear to have been called for or paid.

It is sometimes rather triumphantly said that large sums of gold have been deposited in the Treasury in exchange for silver certificates, but this only proves that the depositors fully understood that the Government would never be in a condition to force the payment of such certificates in silver, and that all of them ultimately must find their way into the Treasury on the par of gold in the payment of duties.

The Latin nations have kept silver on a par with gold by a limitation of its coinage or by ceasing to coin it in excess. Any occasional surplus has to be gathered up and held, as is done by the Bank of France; but then the French Government does not keep its mint constantly at work glutting the market.

If we can make an arrangement with other nations, or if we were to cease for some time the coinage of the silver dollar, we might hope to maintain all of our gold and silver in practical circulation, and there would be no danger of any undue contraction of the currency.

In seven years, with unprecedented effort, about 41,000,000 of the silver dollars have been pushed into circulation. We have coined within the same time and piled up in the Treasury in addition thereto 150,000,000 more; and could we be equally successful hereafter as we have been for seven years, it will require twenty-five years to exhaust our present stock. If any one can offer any good reason why we ought to keep our mints at work much longer in coining the silver dollar I should be glad to hear it. If it is useless, as I believe it to be, without some foreign auxiliary co-operation, it would seem to be sound policy to obtain that co-operation or to suspend the perpetual annual appropriation for the purchase of silver bullion, the fixed amount of which is not less than twenty-four millions nor more than forty-eight millions. This very large annual expenditure of millions of dollars should show some good results or not go on forever.

Mr. Cernuschi in France, and Mr. Horton in America, the learned and foremost leaders of silver advocates, or of bimetallism, anxious as they are to bring silver into equal use with gold throughout the world, have earnestly urged that the United States should at once cease the coinage of the silver dollar as the most effective measure to promote the result they have at heart and with which they have been so long identified. But there is apparently some unreadiness to accept the disinterested counsel of these eminent leaders, and it is not proposed by the present bill to discontinue the silver coinage under any circumstances until August, 1886. By that time not less than 42,000,000 more of these dollars will have been added to the 192,000,000 coined since 1878; and if we should finally fail of any arrangement with other nations, which are quite as deeply interested as we are, it is inconceivable that any one here should not feel that the time will have come to say, "Hold, enough!"

The amount of silver certificates issued up to December 31, 1884, was $138,168,291, and of these $23,302,380 were held in the Treasury. This queer form of paper money is rapidly increasing, and appears to be usurping the place of United States notes as well as of national-bank notes. But it is by far the dearest and most expensive paper currency ever invented. For the present they can be used in the payment of customs duties, and thus far serve the purposes of the best standard of money; but beyond this use they can only command the value of the silver nominally represented, which is all the Government in the last resort promises to redeem them with. It would seem to be very undesirable that this kind of currency should be indefinitely expanded and forced into the hands of those who may not know that they hold a promise of the Government which may ultimately prove much less valuable than that of United States notes.

The depression which now pervades so many of our industrial interests appears even more conspicuously throughout the leading nations of the world. The giants of steam and water power everywhere seem to be taking a rest. Money was never cheaper; but confidence in any business enterprises for the time is lost. The vital spark in business industries is the solid and unchanging character of the money in circulation. The financial world is always timid when a skeleton in the closet is suspected. At present the coin and paper money in circulation is very abundant. I will give the following statement, which will show our present condition in this respect as contrasted with that of 1878:

Statement of paper and coin circulation of the United States on the 1st of January, 1878, and 1st of January, 1885.

Held by—	Gold coin.	Silver coin.	Total coin.	Legal-tenders.	National-bank notes.	Fractional currency.	Gold certificates.	Silver certificates.	Total paper.	Total circulation.
January 1, 1878.										
Treasury United States	$107,880,660	$3,474,807	$111,355,467	.....	.....	.....	.....	.....	.....	.....
National banks	5,506,556	4,300,274	9,806,830	.....	.....	.....	.....	.....	.....	.....
Other banks and private parties	104,493,903	57,224,919	161,718,822	.....	.....	.....	.....	.....	.....	.....
Total	217,881,119	65,000,000	282,881,119	$349,943,776	$321,672,505	$17,764,108	$33,424,900	.....	$722,805,289	$1,005,686,408
January 1, 1885.										
Treasury United States	171,553,205	175,697,220	347,250,425	.....	.....	.....	.....	.....	.....	.....
National banks	*76,153,432	7,984,240	84,137,672	.....	.....	.....	.....	.....	.....	.....
Other banks and private parties	315,293,363	80,318,540	395,611,903	.....	.....	.....	.....	.....	.....	.....
Total	563,000,000	264,000,000	827,000,000	346,681,016	285,496,055	6,971,343	119,631,150	$138,168,291	896,947,855	1,723,947,855
Increase	345,118,881	199,000,000	544,118,881	†3,262,760	†36,176,450	†10,792,765	86,206,250	138,168,291	174,142,566	718,261,447

* Includes $22,231,000 Gold Clearing-House certificates. † Decrease.

From this statement it will appear that there has been since 1878 the very extraordinary expansion of the money in circulation from $1,005,686,408 to $1,723,947,855, or a total increase of $718,261,447, being an actual incease of over $100,000,000 in each and every year. There is now, therefore, a superabundance of the circulating medium, and we are mainly called upon to preserve it from fluctuations and to guard against any possible contraction from any withdrawal of the large amount of gold held by our own country, which so largely serves to keep us in harmony with the commercial world and so well preserves the stability of the finances of our own people.

I do not wish to demonetize silver or to reduce the amount in circulation, but I would make it safe and practicable to increase the amount held in our financial institutions as well as in the hands of the people. The present bill and amendments are intended to provide against any untoward combination of events that shall leave us with only one of the precious metals to support our standard of money. We greatly need them both. It may be far off, it may never happen, but if we should be at any time driven to the single standard of silver it would be a great disaster, affecting the value of all property and of all investments. The blow, should it ever happen, would strike with the greatest severity upon the workingmen of the country, who would suddenly find their wages largely reduced by the cheaper mode of legal-tender payment. The employés in the United States are better paid than in any European country, and the London Times, in speaking on this subject, September 11, 1883, says:

With regard to the remuneration of labor, assuming the produce of labor to be 100 in Great Britain, 56 parts go to the laborer, 21 to the capital, and 23 to government. In France 41 parts go to labor, 36 to capital, and 23 to government. In the United States 72 parts go to labor, 23 to capital, and 5 to Government.

This shows that for any depreciation of the currency which may at any time arise the laboring men of the country must bear the brunt of the loss. Capital will lose something, and the Government will also lose something by the loss occasioned through the cheaper currency with which customs duties must be paid—but labor will lose nearly three times as much as both capital and the Government. Of all the measures which may affect the welfare of laboring men, there are none more insidious or more disastrous than those which tender remuneration for labor in a depreciated currency, or a currency below that of the standard of value throughout the civilized world. We can not too carefully guard against such a far-reaching disaster.

I believe the measure before us will be some contribution, not so great, perhaps, as I could wish, toward the preservation of both gold and silver as the common standard of the money of the American people, and I leave the subject, only commending it to the deliberate judgment of the Senate.

Mr. McPHERSON. Mr. President, I think the hour is altogether too late to-day to enter into any lengthened discussion of the bill, and it is certainly too late in the session to undertake to renew again the discussion of the propriety of continuing the silver coinage of the country, because no action can be taken by Congress at this session if the debate upon that question were protracted, as it was a few years ago, during some three or four weeks. Therefore, unless invited and strongly urged to do so by the opponents of the bill which has been reported by the Finance Committee of the Senate, I shall not touch upon that subject at all. I simply want to state the case as it appears before the Senate to-day. It will not take me ten minutes to do that, and then I shall sit down.

Mr. President, it has been argued in committee and elsewhere that there was no moral obligation and no legal obligation resting upon the Government to redeem the trade-dollar. I use the word "redeem" because it is a convenient term, although perhaps not a strictly proper one to employ. I think that a full answer to this statement is found in a report made by the Secretary of the Treasury, Mr. Folger, in 1883, in stronger and better terms than I can employ in regard to it, and I will read the report of the Secretary. He says:

The act of 1873 made the silver coins of the United States, and hence the trade-dollars, a legal tender at their nominal value for any amount not over $5. Thus the reading of the laws taught the people that the trade-dollar was a coin of their sovereignty, and for the redemption of which, at an unabated value, their Government was bound. The real legislative purpose is to be blindly sought for in tradition or in the record of Congressional discussion and is indicated in the joint resolution of 1876, which took away from this coin the legal-tender quality of it, and held down the coinage of it to the call for it for exportation.

It is plain that a busy people, finding this coin afloat in the channels of business styled a coin of the United States, would readily believe that it was an authentic issue of the Government, and to be redeemed by the Government the same as other money put out by it. From time to time, however, as it suits scheming men and the occasion fits, a hue and cry is raised against it, it is discredited in the marts, and unwary holders suffer loss or inconvenience. As it is a coin of the United States, having the image and superscription thereof, sanctioned as such by penalties upon the counterfeiting of it and once dignified as a legal tender in payment of debts and dues, it should be restored to its first state, or called in at its nominal value and melted. In the judgment of this Department it should be thus called in and melted.

In addition to the objection that I have somewhere heard stated, that there was neither a moral nor a legal obligation resting upon the Government, there is another claim made to the effect that the trade-dollars held in this country have been very largely bought up by speculators for the purpose of profiting upon them, under the belief that at some time the Government would undertake to redeem them. I have made a careful investigation as to the condition of affairs existing in my own State touching the trade-dollar, and I have in my hand a large number of reports made to me by banking institutions, very many of them savings-banks, also corporations and individuals, who have taken the trade-dollar in the way of business with the full expectation that the Government some time would redeem its own coin. The most of them were taken by these people prior to the passage of the resolution of 1876, which did not destroy the trade-dollar as a coin of the country, but simply robbed it of its legal-tender quality. I will not detain the Senate by reading any considerable number of these communications, but I will give you an illustration of how they run by reading a few.

One bank reports that it has in its bank vaults, together with customers who also have deposited trade-dollars in the vaults upon which they have borrowed money, pledging them at their bullion value to raise money to be used in their business, and are paying interest upon the money because they can not use the coin that the Government itself has issued for that purpose—I say one bank reports that there are 9,500 trade-dollars held by the bank and its customers, and every one of them received at its face value. Another bank reports $7,000 held in like manner; received at a discount, or as bullion, none. Another bank reports $33,572, a savings bank, held by itself and its customers. Another bank reports in like terms $13,600; none taken at a discount; none received as bullion, but all held by the bank and by its customers. Another reports $6,000; none at a discount, none received as bullion. Another reports $3,343 in like manner. Another reports $2,357; received at a discount, $70.

I might read all these reports, but I have given the Senate enough for illustration. About the same condition of things runs through all the reports, and these I hold in my hand are only a small portion of those I have received.

Mr. President, I shall address myself strictly for a very few moments to the legal condition of the trade-dollar in the hands of the people of the country to-day. As I understand it, Mr. President, the trade-dollar holds an anomalous position among the coins of the United States. By the act of February 12, 1873, it was made a coin of the United States. Section 15 of the act reads as follows:

That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece, and the weight of the trade-dollar shall be 420 grains troy * * * and said coins shall be a legal tender for any amount not exceeding $5 in any one payment.

There can be no question that the act which authorized the coinage of the trade-dollar first made it a coin of the United States, and secondly a legal tender at its nominal value for any amount not exceeding $5.

Acting under authority of this law, the Government coined 15,631,000 trade-dollars between July, 1873, and the 22d of July, 1876, when by joint resolution of Congress the legal-tender quality was taken away from the trade-dollar. The Government, however, continued the coinage, as was stated in the resolution of 1876, for export, and $20,328,360 more trade-dollars were coined before the existing coinage act was passed in 1878, which stopped the coinage of all silver dollars except the standard dollar.

This is a true statement of the law, and all the law, touching the trade-dollar. It will be seen that Congress made no provision for redeeming the coins which got into circulation while a legal tender, but intensified the very fraud which it denounced in the act of 1876 by continuing the coinage until 1878.

It is therefore proper to inquire what is the present moral and legal responsibility of the Government in respect to the trade-dollar.

Is not the act creating it (the trade-dollar), which says "the silver coins of the United States shall be a trade-dollar," &c., the unrepealed law of the land to-day? Is it not a coin and dollar to-day, notwithstanding the act of 1876 taking from it its legal-tender quality?

There has never been any legislation to strike the trade-dollar off the list of coins of the United States. The act of 1873 both made it a coin and a legal tender; the act of 1876 merely declared it should no longer be a legal tender. It is evident, therefore, that the law making it a coin of the United States has never been repealed. We have now two provisions of law—the one declaring the trade-dollar a legal tender; the other declaring it not a legal tender, which is the ruling provision. The first never has been expressly amended or expressly repealed. Is it not, therefore, technically an open question whether even the legal-tender quality of the trade-dollar has been destroyed?

Even if we should grant that the legal-tender quality of the trade-dollar was taken away by the joint resolution of July, 1876, another question arises. The act of February 28, 1878, which authorizes the coinage of the present standard silver dollar, reads as follows:

Be it enacted, That there shall be coined silver dollars of the weight of 412½ grains troy standard silver, which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

The trade-dollar was not expressly excepted from the provisions of this law, and the only ground for assuming that it was to be excepted is that the trade-dollar had a greater weight than the standard silver dollar. The assumption, therefore, that the law of 1878 excluded the trade-dollar from the operation of the legal-tender clause rests upon no expression of intent contained in the law itself.

It was not generally understood or believed that it was to be the policy of the Government after the legislation of 1878 to refuse the dollar of 420 grains while it was coining with full legal-tender power a dollar of less weight and less intrinsic value. To coin money and regulate its value is a superior power inherent in the Government; but what moral right has the Government to so change its coinage laws as to demonetize in the hands of the people the coins theretofore issued as a legal tender without first making suitable provision for withdrawing said coins from circulation? In its treatment of the trade-dollar the Government seems inclined to ignore its obligations regarding that coin entirely. To say that this is disreputable is to use a mild term. No government having a decent regard for its credit would commit such a wrong upon its own people.

Casting aside all questions of law or morals touching the coinage of the trade-dollar after the act of July, 1876, it certainly will not be argued that as to those coined prior to that date and pursuant to the law of 1873, which made them a legal tender, the Government is not legally bound to either restore them to the same position they occupied as coins or redeem them in legal silver dollars.

Let me refer you to the report of the Director of the Mint for the year 1879, in which he gives the amount of trade-dollars coined each year from July, 1873, to July 22, 1876, when the joint resolution was passed taking away from those coins their legal-tender quality.

The Director of the Mint gives 15,631,000 trade-dollars as having been coined during that period, and it was the only silver dollar of the United States that was coined, and it circulated as money, and only about $12,000,000 of this 15,631,000 trade-dollars were ever exported. It is claimed, however, that inasmuch as the trade-dollar was made by the Government for the purpose of export to foreign countries, we are under no obligation to redeem it; but the Government made it a coin, the only coin in the nature of a silver dollar that it was issuing, gave to it a legal-tender power, issued $15,600,000, and then repudiated them and demonetized them in the hands of the people. Now as to these coins will it be said, as a reason why they should not be redeemed, that they were intended for export? Read the law. Examine the coin. There is no word in the law and no mark upon the coin which reveals to the holder any such intention on the part of Congress. For three years prior to the 22d of July, 1876, the trade-dollar was the only silver dollar that was coined by the United States. It went into circulation at home because it was needed, and it remained in circulation, as it would be to-day had not Congress destroyed it and left it a worthless token in the hands of the holders.

Suppose, for the sake of the argument, they were intended for export. As about eight millions are in this country to-day, it is very evident all that were coined were not exported, or, if exported, have returned to the country, and hold the same attitude and relation to the Government as do those that never left the country. This is true also as to the entire issue prior at least to July, 1876. As to those coined after the legal-tender quality was taken away, the equities involved are all on the side of the holders, the coin getting into circulation through the failure of the Government to so stamp the coin as to leave no chance for deception as to its status. We are brought to the conclusion, then, that both in law and equity the holder of the trade-dollar has the right to demand its redemption by the Government.

Now one word as to the bill under consideration, and to this I wish to call the attention of the Senate only for a moment.

It proposes to give the holders standard silver dollars in exchange for trade-dollars not defaced or mutilated. This is in accordance with existing law as to all defaced or mutilated coins of either gold or silver, and therefore works no injustice in this case. Moreover, a large proportion of the trade-dollars coined by the United States were exported and have been accepted and stamped by other nations as their own coin, and in this way became a part of the circulation of that country. A recent careful investigation reveals the fact that but few of our trade-dollars are found in the marts of trade in China and elsewhere; and as they were of greater intrinsic value than the coin there in circulation, it favors the presumption that they are being hoarded or have found their way to the melting-pot. In any event, it is not probable that any considerable number of them will find their way back to the United States in a condition requiring the Government to redeem them under this provision of the bill.

Therefore I assume that perhaps no more than eight or ten million trade-dollars are to-day in existence that will be returned to and demand exchange from the Government.

The next section provides for their recoinage into standard silver dollars, but in such limited quantities as will not perceptibly affect the operations of the Government in the purchase of bullion for the coinage of standard silver dollars or increase the number coined.

The last section relates to an entirely different subject, and one of vast importance at this time.

It provides for an international conference and legislation to enforce its decrees, assuming "that, gold and silver being proper metals for coinage," their relative value can be best ascertained and rendered stable by conference and co-operation with other leading commercial nations. That such an agreement, considering the experience of the past in this direction, is possible no one will attempt to assert, but no Senator, whatever his views upon the subject of a double standard, can doubt the wisdom of this proceeding, so far as it relates to the conference itself. In case, however, no agreement is reached, the bill proposes to suspend the coinage of the silver dollar on and after August 1, 1886.

The effect of this provision can not fail to have some influence upon the final determination of the conference touching the double standard, to say nothing of the good effect such a suspension will have upon the financial condition of our own country, considering as we must the present low and lowering value of silver bullion. Before August, 1886, we shall have about two hundred and fifty millions of silver dollars in the Treasury vaults; and I submit to every Senator, whatever may be his views about the silver dollar, if it be not the part of wisdom to pause and take our reckoning anew before committing the Government irrevocably to a monetary policy which in the judgment of many of the best financial minds in the country leads to ultimate disaster and ruin. This is the simple issue presented here. If the conference fails, the bill simply asks that we wait and consider well our next step before taking it.

That is all there is in the legislation here proposed, Mr. President; first to pay the obligations of the Government with respect to its own coin, the trade-dollar; the next step, that the trade-dollar shall be sent to the mints and coined into the standard dollar, and shall not be again issued; that the amount thus received shall form part and only a small part under the provisions of this bill of the $2,000,000 of bullion which the Government under the act of 1878 is allowed or required to purchase and make into standard dollars monthly.

As to the other section of the bill, an international conference is provided for again, to get the states of the Latin Union, the commercial states of Europe, to act conjointly with us in an attempt to keep silver and gold at par with each other and to make the two metals run side by side in doing the business of the world. In the event, however, that the conference fails, it is proposed to discontinue the coinage of the standard silver dollar; and it is proposed in this bill to give notice, in advance of such conference, to every other nation that we have tried it; that the United States alone can not maintain the equality of these two metals, and that we do not propose to try to do it longer.

Mr. BOWEN. Mr. President——

Mr. PLUMB. I ask the Senator from Colorado if he desires to go on with his remarks at this late hour?

Mr. BOWEN. No; I prefer to say what I have to say to-morrow.

The PRESIDING OFFICER. The Senator from Colorado will be entitled to the floor when the consideration of the bill shall be resumed to-morrow.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. Before that is done I desire to say a word, if the Senate will allow me.

Mr. PLUMB. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BECK. It has been stated by the chairman of the committee, and by the member of the Committee on Finance from New Jersey, that this was the report of the Finance Committee. It is in one sense, and yet it was understood and agreed among us all that there was hardly a provision in it that has the concurrence of a majority of the committee. The fifth and sixth sections did barely have a majority, and other sections were also opposed. I desire the Senate to understand that this is not a unanimous report by any manner of means.

That is all I desire to say now.

INAUGURATION CEREMONIES.

Mr. HARRIS. I desire to submit at this moment a conference report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, and 7; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; and the Senate agree to the same.

ISHAM G. HARRIS,
JOHN J. INGALLS,
AUSTIN F. PIKE,
Managers on the part of the Senate.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the report of the committee of conference.

The report was agreed to.

ORDER OF BUSINESS.

Mr. BLAIR. I desire to ask the Senator from Vermont or any one

in charge of the pending bill to allow it to be laid aside informally at this time, in order that the contract-labor bill, House bill 2550, of which I spoke some time ago, may be considered at this time. The bill is a short one. I do not think it will excite discussion. I think it can be very readily disposed of this evening. I ask that the pending order be informally laid aside that it may be now considered.

The PRESIDING OFFICER. What is the Order of Business?

Mr. BLAIR. Eight hundred and sixty-three.

Mr. McPHERSON. I do not see the chairman of the Finance Committee in his seat. I would ask the Senator from New Hampshire not to displace the pending bill.

Mr. BLAIR. My request was that it be laid aside informally that the bill to which I referred might be considered.

Mr. McPHERSON. This bill being the continuing business.

Mr. PLUMB. I do not believe the bill which the Senator from New Hampshire has charge of will be able to get through as readily as he thinks, although I am not aware of any opposition to it on my part. I am in favor of it with some amendments; but it is very late now, and we shall get into some wrangle about it if it is taken up. He might as well let it go over until to-morrow, I think, and therefore I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 4, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. BELFORD, representing the State of Colorado, appeared and took his seat.

REPORT OF COAST AND GEODETIC SURVEY.

The SPEAKER *pro tempore*. The Chair will lay before the House, under the statute, for reference to the Committee on Printing, a concurrent resolution of the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 30, 1885.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

CORRECTION OF ERROR IN ENGROSSED BILL.

The SPEAKER *pro tempore*. The Chair will ask consent of the House to submit also at this time a House bill, which has been recalled from the Senate by the action of the House for the purpose of correcting a clerical error, the title of which will be read.

The Clerk read as follows:

A bill (H. R. 691) for the relief of William W. Thomas.

IN THE SENATE OF THE UNITED STATES, *January* 30, 1885.

Ordered, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 691) for the relief of William W. Thomas.

The SPEAKER *pro tempore*. The Clerk will report the corrections to be made in this bill.

The Clerk read as follows:

It is proposed to strike out in line 13 the words "June 30" and insert "March 3;" in line 14 strike out "64" and insert "65;" in lines 20 and 21 strike out "June 30" and insert "March 3;" in line 22 strike out "65" and insert "64;" in line 27 strike out "60" and insert "60;" so that it will read as follows:

"*Be it enacted*, &c., That the Secretary of the Treasury be authorized and directed to pay to William W. Thomas, of Portland, in the State of Maine, the sum of $300 (being the amount of coupons of United States bonds lost by him, and now unpaid, namely, coupons due December 15, 1867, of five-hundred-dollar 7.30 notes, numbered 132909, 132911, 142262, and 142263, act of March 3, 1865, dated June 15, 1865; also coupons due January 15, 1868, of one-thousand-dollar 7.30 notes, numbered 24199, 24204, 30406, and 64126, act of March 3, 1864, dated July 15, 1864; and coupons due January 1, 1868, of bonds numbered 1437, 86226, and 86227, for $1,000 each, act of July 17, 1861), upon said Thomas giving a bond of indemnity in double the amount to be paid, with sureties satisfactory to the Secretary of the Treasury."

The SPEAKER *pro tempore*. If there be no objection these corrections will be made in the bill, and the same will be returned to the Senate as corrected.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Under the rule of the House adopted on yesterday, which the Clerk will now read, the order of business for to-day is changed.

The Clerk read as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the calendars of the House, or on the Speaker's table, or bills favorably reported from the calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. The morning hour begins at seventeen minutes past 12 o'clock.

PUBLIC BUILDING, COUNCIL BLUFFS, IOWA.

Mr. PUSEY. Mr. Speaker, under the operation of the rule adopted on yesterday, I ask consideration of the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

The bill was read at length.

Mr. PUSEY. I ask the reading of the letter of the Secretary of the Treasury in this connection showing the necessity for the construction of this building.

The SPEAKER *pro tempore*. The first question is, Shall the bill be considered?

Mr. HOLMAN. What constitutes an objection to the consideration of a bill under this rule?

The SPEAKER *pro tempore*. The Chair will state that under this rule a bill called up in its proper order shall be immediately considered unless there shall be objection made by ten or more members to its present consideration.

Mr. HOLMAN. Does not the objection come in after the bill has been considered?

The SPEAKER *pro tempore*. The Chair will state that the rule is imperative and clear in its language that the bill shall be considered unless the objection of ten members shall be interposed. The bill is read in the hearing of the House in order that members may determine whether or not they will object to its consideration under the rule.

Mr. HOLMAN. But is it not proper, prior to asking objections to the consideration of the bill, that the report should be laid before the House in order to inform the House as to the nature of the measure proposed to be considered?

The SPEAKER *pro tempore*. The Chair thinks that the report could only be read within the time allowed for debate under the rule. It forms no part of the bill itself, and is not necessarily read, and can not be read, except by unanimous consent, prior to asking objection of the House to the consideration of the measure. If the report shall be first read, it would be in the nature of debate, and it would then be too late to object to the consideration.

Mr. HOLMAN. I hope I will be indulged for a moment further. Under the system of rules formerly prevailing in the House when the House was in Committee of the Whole House on the Private Calendar a single objection was sufficient to postpone the consideration of a measure. It was held by the Speaker, as I now remember, that the reading of the report might be demanded before objection was called for.

Mr. DUNHAM. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. I ask if this hour is to be taken up in the consideration of the rule?

Mr. RANDALL. Oh, yes. This is a question as to its effect.

The SPEAKER *pro tempore*. The Chair will state that five minutes is allowed, under the rule, for debate for and against the measure which is proposed to be considered. The Chair knows of no rule under which the gentleman from Indiana is proceeding except by unanimous consent, which will be charged to the time allowed for debate upon the measure proposed.

Mr. HOLMAN. But certainly this time occupied on a question of order, to ascertain the meaning and application of the rule, would not be charged to the hour.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman as rising to a question of order.

Mr. HOLMAN. I am insisting that, according to the practice heretofore prevailing in regard to objections of a similar character, the report should be read before the question of objection shall be submitted. That was the practice heretofore in the case already mentioned, where a single objection postponed the consideration of a measure, and it was held that the reading of the report preceded the call for objection.

The SPEAKER *pro tempore*. The Chair does not think the point of order is well taken. The Chair knows no rule of the House requiring the reports accompanying a measure to be read, nor of any practice of the House which allows it to be taken otherwise than as a part of the debate upon the proposition.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I desire to know whether under the present rule this bill, the consideration of it being objected to by the requisite ten members, on the next morning hour can be again called up?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry, and the Chair does not feel called upon to respond to the gentleman's question. The question is whether there is objection to the consideration of the bill.

Mr. STORM. How is that to be arrived at?

The SPEAKER *pro tempore*. The Chair has stated in as distinct language as it can command that objection must be interposed by at least ten members before the proposition to consider the measure is defeated.

Mr. STORM. How is the objection to be signified?

The SPEAKER *pro tempore*. The Chair will ask members objecting to rise, and it will then be ascertained if the bill is objected to by the requisite number. As many as object to the present consideration of the bill will rise and remain standing until counted.

More than ten members rose.

The SPEAKER *pro tempore*. Evidently more than a sufficient number have risen to object, and the bill is withdrawn.

Mr. WELLER. I now rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I wish to inquire if the Speaker has made a decision which will govern the House in signifying objection.

The SPEAKER *pro tempore*. The Chair will state such has been the decision made.

PAY OF GRADUATES OF NAVAL ACADEMY.

Mr. THOMAS. I call up for consideration the bill (H. R. 7752) to equalize the pay of graduates of the Naval Academy.

The bill was read.

Mr. WARNER, of Ohio. I wish to inquire of the Chair if ten minutes are allowed for debate before objections are called for.

The SPEAKER *pro tempore*. Five minutes are allowed on either side, and the Chair will state to the gentleman from Ohio, as the Chair has already stated, that after debate it is too late to object. Is there objection to the present consideration of this bill?

More than ten members objected.

PUBLIC BUILDING AT FORT WAYNE.

Mr. LOWRY. I call up for consideration the bill H. R. 6412, a bill to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana."

The bill was read.

The consideration of the bill was objected to by the requisite number of members.

DAM ACROSS MISSISSIPPI RIVER.

Mr. NELSON. I call up for present consideration the bill (H. R. 6764) to authorize the Mississippi Water Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The bill was read.

Mr. NELSON. I ask leave to make a brief explanation.

The SPEAKER *pro tempore*. It is the duty of the Chair to call for objections.

Mr. WELLER. There is an amendment which the gentleman from Minnesota has that doubtless will obviate any objections that gentlemen may have to the bill.

The SPEAKER *pro tempore*. The bill has been reported by the Clerk as it is proposed to be amended.

The consideration of the bill was objected to by the requisite number of members.

COMPENSATION OF UNITED STATES ATTORNEYS, ETC.

Mr. HERBERT. I call up for consideration the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill to amend the law in relation to the compensation of United States district attorneys and United States marshals, and for other purposes.

The SPEAKER *pro tempore*. The Chair will state this bill is not covered by the rule. It is a new bill not on any of the calendars or reported by the Committee of the Whole House to the House; nor is it on the Speaker's table. It does not belong to the class of bills embraced in the rule.

Mr. HERBERT. This is a bill reported last session by the Committee on Expenditures in the Department of Justice. It is a bill which passed this House.

The SPEAKER *pro tempore*. Will the gentleman from Alabama [Mr. HERBERT] furnish the number of the bill that it may be found on the Calendar if it occupies a position there?

Mr. HERBERT. I ask the Chair to permit me to complete my statement. This is the bill that passed this House last session on the sundry civil appropriation bill. It went to the Senate on that bill, and was stricken off because it was new legislation. It has been reported, and as I understand it comes within the terms of the rule. It is a bill which has been reported by the committee.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Alabama that the bill which he has sent to the Clerk's desk bears no number or information of its status on any calendar or on the Speaker's table.

Mr. HERBERT. But I have furnished the information to the Chair as to the status of the bill.

The SPEAKER *pro tempore*. The Chair must be governed by the Calendar of the House, and is informed by the Clerk that this bill is not on any of the calendars or on the Speaker's table.

Mr. HERBERT. There is nothing on the calendars that contradicts my statement. I state to the Chair this is the identical bill that was reported by the Committee on Expenditures in the Department of Justice last session; it is word for word exactly as it passed this House.

Mr. SPRINGER. I can explain this matter. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is being observed.

Mr. SPRINGER. I desire to state——

Mr. HOLMAN. I suggest there should be no debate allowed, or else the objection should be permitted to come in at the end of the ten minutes' debate.

The SPEAKER *pro tempore*. The Chair has already stated that when debate has been had on a bill it is too late to object. There is no debate now proceeding.

Mr. SPRINGER. I wish to make this explanation. This bill has been reported as the gentleman from Alabama states, and I desire to show that the gentleman from Alabama and the Chair are both correct. This bill was introduced anew this session, was referred to the committee of which I am chairman, and I am authorized to report it back and to move to suspend the rules and pass it. I have not had an opportunity of doing so as yet. The Chair is correct in stating the bill is not on any calendar, and the gentleman from Alabama is also correct in his statement.

Mr. WELLER. I understand that all this is proceeding by unanimous consent.

The SPEAKER *pro tempore*. The Chair does not think this bill which is sent to the Clerk's desk comes within the rule. The bill as sent to the desk does not enable the Chair or the Clerk of the House to find that it is either on the Speaker's table or on any calendar or reported to the House by the Committee of the Whole.

Mr. HERBERT. The Speaker will permit me to remark that it is only necessary to look at the records of this House to find that what I have stated is absolutely correct.

The SPEAKER *pro tempore*. The Chair is not questioning the accuracy of the gentleman's statement at all. The Chair has called upon the Clerk for information as to whether this bill, either upon its face or in fact as the Clerk is now enabled to examine his Journal, comes within the limit of the rule, and the Chair is informed that there is no such information to be had, either from a hasty examination of the Journal or from the bill which the gentleman has sent to the Clerk's desk.

Mr. HERBERT. Then, Mr. Speaker, I withdraw the bill for the present in order to give time for a full and proper examination, giving notice that I will call it up hereafter at the first opportunity.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PERKINS. I desire to ask the Chair if by unanimous consent the rule under which we are now acting can be amended?

The SPEAKER *pro tempore*. It can not.

Mr. PERKINS. Not by unanimous consent?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. PERKINS. I desire to make another inquiry. Can a motion be entertained by unanimous consent to permit the objections to be interposed (if objections are to be interposed) after the ten minutes' debate?

The SPEAKER *pro tempore*. The Chair would say not. This rule expressly prohibits the Chair from entertaining a request for unanimous consent.

RELIEF OF WEST VIRGINIA TROOPS.

Mr. GOFF. I call up for present consideration a bill which has been reported unanimously by the Select Committee on the Payment of Pensions, Bounty, and Back Pay, the bill (H. R. 3462) for the relief of West Virginia troops acting under authority of the governor of the State.

The bill was read with amendments.

Objection to the consideration of the bill was made by the requisite number of members.

DRAWBACK ON DUTIES.

Mr. HEWITT, of New York. I call up for present consideration the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported.

The bill was read.

Objection to the consideration of the bill was made by more than the requisite number of members.

JOHN P. PETERSON.

Mr. HENDERSON, of Illinois. I call up for present consideration the bill (H. R. 6270) for the relief of John P. Peterson.

The bill was read.

Objection to the consideration of the bill was made by the requisite number of members.

D. O. ATKINSON.

Mr. CASSIDY. Mr. Speaker, I ask unanimous consent to take up and pass the bill which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The Chair can not at this time entertain a request for unanimous consent.

Mr. CASSIDY. Under the rule, I mean.

The SPEAKER *pro tempore*. The Chair can not entertain a request for unanimous consent. The gentleman from Nevada [Mr. CASSIDY] asks the present consideration of the bill which he calls up, and which is the bill (S. 1455) for the relief of D. O. Atkinson.

Mr. WARNER, of Ohio. I ask to have the report in that case read.

Mr. CASSIDY. This is fully anthenticated by the Post-Office Department, and it only provides for the payment of $170, due on lost vouchers.

Objection to the consideration of the bill was made by the requisite number of members.

Mr. CASSIDY. I will pay it myself if the Government can not afford it. [Laughter.]

REPORT OF HEALTH OFFICER OF DISTRICT OF COLUMBIA.

Mr. ROGERS, of New York. Mr. Speaker, I call up, for the purpose of correcting a clerical error, the joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

The joint resolution was read with Senate amendment.

Objection to its consideration was made by the requisite number of members.

ADJUSTMENT OF LAND GRANTS.

Mr. ANDERSON. I call up the bill (H. R. 6416) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads in the State of Kansas.

The Clerk proceeded to read the bill. Before the reading was concluded,

Mr. ANDERSON. Mr. Speaker, I ask leave to withdraw that bill for the present.

Mr. WELLER. I object.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Kansas has a right to withdraw his bill.

Mr. WELLER. Then I rise to a parliamentary inquiry. Why call for objections?

The SPEAKER *pro tempore*. The Chair has not called for objections.

JOHN L. LAKE, JR.

Mr. BARKSDALE. Mr. Speaker, I call up the bill (H. R. 2331) for the relief of John L. Lake, jr.

The bill was read.

Mr. BARKSDALE. I ask that the report of the Committee on Claims on this bill be read.

Objection to the consideration of the bill was made by the requisite number of members.

ORDER OF BUSINESS.

Mr. LAMB. I move that the House adjourn——

The SPEAKER *pro tempore*. The gentleman from Indiana moves that the House adjourn.

Mr. LAMB. Till Judge HOLMAN is ready for the House to transact business.

The question being taken on the motion of Mr. LAMB to adjourn, there were—ayes 105, noes 105.

Mr. RANDALL. I call for tellers.

Mr. CONNOLLY. I call for the yeas and nays.

The yeas and nays were not ordered, only 37 voting therefor.

Mr. O'NEILL, of Missouri. Now let us have tellers on agreeing to the motion.

The question being taken on ordering tellers, they were not ordered—only 28 voting in favor thereof.

The SPEAKER *pro tempore*. On the motion to adjourn the ayes are 105, the noes 105; and under the rules the motion is not agreed to.

Mr. NEECE. I desire to take from the Speaker's table, by unanimous consent, a bill for reference to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The Chair does not think it in order during the hour covered by this special rule to ask unanimous consent even for the reference of a bill.

DISTRIBUTION OF LAWS AND RECORD.

Mr. HENDERSON, of Iowa. I call up for consideration the bill (S. 2449) to provide for the distribution of the statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories.

The bill was read.

The consideration of the bill was objected to by the requisite number of members.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. I move that the House adjourn.

The question being taken on the motion, there were—ayes 41, noes 63.

Mr. HENDERSON, of Iowa. I call for tellers.

Tellers were not ordered.

So the motion to adjourn was not agreed to.

Mr. WARNER, of Ohio. I move that the House take a recess for fifteen minutes.

Mr. WELLER. I move to amend the motion by striking out "fifteen" and inserting "ten."

Mr. WARNER, of Ohio. I accept the amendment and modify my motion accordingly.

Mr. SPRINGER. I rise to a point of order. I desire to raise the question whether this hour, under the new rule, is not to be deveted to requests for the consideration of bills, and whether the time consumed in these dilatory motions is to be taken out of the hour allowed for this purpose.

The SPEAKER *pro tempore*. It is not the understanding of the Chair that the House, by the adoption of this new rule, robbed itself of its inherent power to adjourn or to take a recess.

Mr. SPRINGER. Nor do I so understand, but under the rule is not this hour to be devoted to the purpose designated? Otherwise this hour may be consumed entirely by motions to adjourn or other dilatory motions. It seems to me this rule has set apart one hour for a particular purpose, and if time be occupied for other purposes the time so consumed is not to be considered as a part of the hour. I make this point now, as the practice under this new rule to-day may control its construction hereafter. I submit that this rule is to be construed as having some meaning, and in such a way as to give the House some relief in the transaction of its business.

The SPEAKER *pro tempore*. The Chair does not agree with the gentleman in construing this new rule. The Chair thinks that the time the gentleman from Illinois [Mr. SPRINGER] is now occupying in discussing a point of order of his own raising must, under the rule, come out of the hour which the House has set apart. [Laughter.]

Mr. SPRINGER. I beg leave to differ with the Chair. If it is an improper construction to allow this hour to be consumed by motions to adjourn, &c., then certainly a point of order which may stop such a proceeding is a proper consumption of time.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The question being taken on the motion of Mr. WARNER, of Ohio, as modified, that the House take a recess for ten minutes, there were—ayes 9, noes 27.

Mr. WASHBURN and Mr. WARNER, of Ohio, called for tellers.

The SPEAKER *pro tempore*. No quorum having voted, tellers are ordered under the rule, and the Chair appoints the gentleman from Ohio, Mr. WARNER, and the gentleman from Minnesota, Mr. WASHBURN.

Mr. WASHBURN. I withdraw the point that no quorum has voted.

Mr. WARNER, of Ohio. I also made the point, and I insist upon it.

The tellers took their places, and the House proceeded to vote.

During the count by tellers the following proceedings took place:

Mr. STEELE. I call for the regular order.

The SPEAKER *pro tempore*. This proceeding is the regular order. The House is dividing.

Mr. STEELE. I make the point of order that the hour has expired.

The SPEAKER *pro tempore*. The expiration of the hour does not affect the taking of the vote on the motion for a recess.

Mr. WARNER, of Ohio. I withdraw the point of order that no quorum voted.

Mr. REED, of Maine. I renew the point.

The SPEAKER *pro tempore*. Upon this motion no quorum has yet voted. The Chair asks gentlemen to vote on one side or the other.

Mr. WARNER, of Ohio. I withdraw my motion for a recess.

Mr. HAMMOND. I make the point that the hour under the new rule has expired.

Mr. SPRINGER. In other words, the hour for obstructing business has expired.

The SPEAKER *pro tempore*. The motion for a recess is withdrawn; and the hour appropriated for the consideration of business under the new rule has expired. [Cries of "Regular order!"] The regular order is the call of committees for reports.

MORNING HOUR.

Mr. WILLIS. I move the morning hour be dispensed with.

The House divided; and there were—ayes 94, noes 55.

So (two-thirds not having voted in the affirmative) the morning hour was not dispensed with.

Mr. WILLIS. With a view to proceeding to the public business I withdraw the motion. [Cries of "Regular order!"]

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

AMENDMENT OF RULES.

Mr. HOLMAN. I move the reference of this proposed change of the rules to the Committee on Rules.

The Clerk read as follows:

Amend the rule adopted on the 3d of February, 1885, as follows:

Strike out the words "but no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and opponents of the measures," and insert "not exceeding ten minutes' discussion, which time shall be equally divided between the supporters and opponents of the measure, and amendments shall be in order during such ten minutes."

Mr. HAMMOND. Does that lie over?

The SPEAKER *pro tempore*. It is referred to the Committee on Rules.

Mr. HAMMOND. I make the point of order that a motion to amend the rules is not a matter of privilege except on Monday.

The SPEAKER *pro tempore*. The Chair will state that under the rule it is, and under the uniform practice of the House, so far as the Chair is informed, it has always been held to be a privileged motion.

Mr. HAMMOND. I do not remember what the change has been, but it was held in the Forty-first Congress, by Mr. Blaine, then Speaker, it was not in order.

The SPEAKER *pro tempore*. If the gentleman desires it, the Chair will have repeated decisions made on this subject read.

Mr. HAMMOND. If the Chair is quite certain I withdraw the point of order.

The SPEAKER *pro tempore*. The Chair is quite certain.

Mr. HOLMAN's amendment was referred to the Committee on Rules.

Mr. OATES. I move the following amendment to the rules for reference to the Committee on Rules.

The Clerk read as follows:

Resolved, That during the remainder of the present session of Congress the House of Representatives shall begin its sessions each day at 11 o'clock a. m.

Mr. OATES's motion was agreed to, and the amendment was referred to the Committee on Rules.

PHINNEY & JACKSON.

Mr. REED, of Maine, from the Committee on Ways and Means, reported back favorably the bill (H. R. 689) for the relief of Phinney & Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DUDLEY HALL & CO.

Mr. REED, of Maine, from the Committee on Ways and Means, also reported back favorably the bill (H. R. 690) for the relief of Dudley Hall & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported back favorably the bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA J. RAY.

Mr. HISCOCK, from the Committee on Ways and Means, reported back favorably the bill (H. R. 6201) for the relief of Eliza J. Ray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDING GOODS, ETC.

Mr. GLASCOCK, from the Committee on Ways and Means, reported back with an amendment the bill (H. R. 2834) to amend certain provisions of chapter 4, title 34, Revised Statutes, relating to the movement of vessels and the landing of goods and personal effects; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS TENSAS RIVER, ETC.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for the bill H. R. 7450, a bill (H. R. 8174) authorizing the construction of bridges across Tensas River, Boeuf River, and Bayou Bartholomew, in the States of Louisiana and Arkansas; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed; the bill H. R. 7450 being laid on the table.

ASTORIA AND WINNEMUCCA RAILROAD COMPANY.

Mr. SEYMOUR, from the Committee on Commerce, also reported, as a substitute for the bill H. R. 7652, a bill (H. R. 8175) to grant the right to the Astoria and Winnemucca Railroad Company to construct bridges over navigable water courses; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed; the bill H. R. 7652 being laid on the table.

CONFIRMATION OF TITLES.

Mr. COBB, from the Committee on the Public Lands, reported back favorably the bill (H. R. 8126) to confirm titles to lands in certain cases; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WATER ROUTE FROM LAKE MICHIGAN TO DETROIT RIVER.

Mr. ATKINSON, from the Committee on Railways and Canals, reported back favorably the bill (H. R. 4991) to provide for the survey of a water route to connect the waters of Lake Michigan with the Detroit River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NICHOLAS WITHAM.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7612) granting a pension to Nicholas Witham; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DANIEL B. RANDALL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7903) granting a pension to Daniel B. Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 565) for the relief of Benjamin E. Rowdybush;

A bill (H. R. 7424) for the relief of William Seamans;

A bill (H. R. 6281) granting a pension to Michael Lane;

A bill (H. R. 7027) granting a pension to James Smithpeter;

A bill (H. R. 7930) granting a pension to Silas S. White;

A bill (H. R. 2073) to restore to the pension-roll the name of Charles R. White; and

A bill (H. R. 6785) to restore to the pension-roll the name of Charles R. White.

MARIE LOUISE CRAVEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven; which, on his motion, was ordered to be referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, printed.

AMANDA ALLEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7938) granting a pension to Amanda Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. GREEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6177) for the relief of Charles W. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY W. HUGGINS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7735) for the relief of Henry W. Huggins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BIEDERBICK.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7933) granting a pension to Henry Biederbick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7402) for the relief of Henry Cary Weir;

A bill (H. R. 988) to increase the pension of Annie S. Mellach;

A bill (H. R. 7263) granting a pension to Newell F. Osterhout;

A bill (H. R. 4193) granting a pension to John H. O'Brien;

A bill (H. R. 7099) granting a pension to Elizabeth Smith;

A bill (H. R. 5548) granting a pension to Derrick F. Hamlink;

A bill (H. R. 6181) granting a pension to Rachel Ann Johnson;

A bill (H. R. 8089) granting a pension to Reuben Jenkins;

A bill (H. R. 3726) granting a pension to Philander Carran;

A bill (H. R. 2417) granting an increase of pension to Mrs. Marie Louise Craven;

A bill (H. R. 2461) for the relief of Elizabeth Aurand; and

A bill (H. R. 7333) for the relief of Harriet P. Blake.

HENRIETTA M. SANDS.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (S. 1286) for the relief of Henrietta M. Sands; which was ordered to be laid upon the table, and the accompanying report printed.

JAMES H. REID.

Mr. STOCKSLAGER, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2068) granting a pension

to James H. Reid; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRY H. G. KISLINGBURY AND OTHERS.

Mr. ROBINSON, of New York, from the Committee on Pensions, reported back with amendments the bill (H. R. 7618) granting a pension to Harry H. G. Kislingsbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH DENNY RIPLEY.

Mr. STEELE, from the Committee on Pensions, reported back the bill (S. 150) granting a pension to Sarah Denny Ripley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFUND OF MONEY UNDER DIRECT TAX OF AUGUST 5, 1861.

Mr. PRICE, from the Committee on Claims, reported back with amendment the bill (H. R. 6047) to credit and pay the several States and Territories all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Ohio. I ask, Mr. Speaker, the privilege of submitting a minority report to accompany the bill just reported from the Committee on Claims.

Mr. REED, of Maine. Does not that require unanimous consent?

The SPEAKER *pro tempore*. The Chair will state that it does.

Mr. REED, of Maine. How, under the new rule, can the Chair entertain the request for unanimous consent?

The SPEAKER *pro tempore*. The Chair will admit that under the rule adopted on yesterday the Chair does not think it could entertain the request for unanimous consent for the consideration of a measure. But the Chair does not think that under that rule it is precluded from entertaining a request for unanimous consent of this character. The Clerk will read that provision of the rule.

Mr. REED, of Maine. I wanted the Chair to pass upon it, as there is so much difficulty in doing anything by unanimous consent.

The Clerk read as follows:

Provided, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. It will be seen that under the rule the Chair is not precluded from entertaining the request for unanimous consent in this instance. The Chair hears no objection to the request of the gentleman from Ohio, and he will have permission to submit the minority report hereafter.

MRS. JULIA HARTLEY.

Mr. WOLFORD, from the Committee on Pensions, reported back the bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH FLEMING AND OTHERS.

Mr. ELLWOOD, from the Committee on Claims, reported, as a substitute for the bill H. R. 1140, a bill (H. R. 8176) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed, the bill H. R. 1140 being laid on the table.

EXPENSES IN DEFENSE OF THE UNITED STATES.

Mr. GEDDES, from the Committee on War Claims, reported back with amendments the bill (H. R. 7919) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PAYMENTS MADE BY MISSOURI.

Mr. GEDDES, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 2366) to authorise and direct the Secretary of the Treasury to cause to be examined certain vouchers of the State of Missouri for payments made since April 2, 1862, to officers and enlisted men of her militia forces for services rendered to the United States in the suppression of the rebellion, and to report to Congress; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLOWANCE OF CLAIMS.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8177) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, recommitted to the committee, and ordered to be printed.

WATER SUPPLY OF WASHINGTON.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 8140) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING OF NAVAL AND MILITARY REPORTS.

Mr. ROGERS, of New York, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. Res. 292) authorizing the printing of certain naval and military reports; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING OF REPORT ON SPOLIATION CLAIMS.

Mr. BRATTON, from the Committee on Printing, reported back with a favorable recommendation a concurrent resolution of the Senate to print 3,000 copies of the communication of the Secretary of State containing a list of claims against France by reason of spoliations committed prior to the 21st day of July, 1801, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House of Representatives; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. LORE, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with amendments the bill (H. R. 8072) relating to shipping commissioners; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

DOCUMENTING VESSELS, ETC.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with amendments the bill (H. R. 8071) to amend sections 4153, 4177, and 4371 of the Revised Statutes as regards documenting vessels and designating their numbers and tonnage; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees for reports has been completed. The Chair will ask consent that such gentlemen as were not in their seats when their committees were called be permitted to report now.

There was no objection.

J. P. BUSH AND M. GRIGSBY.

Mr. HERBERT, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7766) for the relief of John P. Bush and Martin Grigsby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORVILLE HORWITZ.

Mr. HISCOCK, from the Committee on Ways and Means (for Mr. BLACKBURN), reported back with amendments the bill (H. R. 734) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

POSTAGE ON SECOND-CLASS MATTER.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 8178) to reduce postage on mailable matter of the second class; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HONORABLY DISCHARGED UNION SOLDIERS, ETC.

Mr. MUTCHLER, from the Select Committee on Reform in the Civil Service, reported back with an adverse recommendation the bill (H. R. 7548) to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or the widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States except for specified cause; which was laid upon the table, and the accompanying report ordered to be printed.

Mr. MILLARD. I desire to give notice of the presentation of a minority report.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. MILLARD] asks permission to file a minority report. The Chair hears no objection. The report will be printed with the report of the majority.

DESCRIPTIVE CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. ROGERS, of New York. I rise to make a privileged report. I am directed by the Committee on Printing to report back with a favorable recommendation the joint resolution (S. R. 104) providing for the

printing and distribution of the Descriptive Catalogue of Government Publications.

Mr. WILLIS. I call for the regular order.

The SPEAKER *pro tempore*. This is a privileged report under the rule.

The joint resolution was read, as follows:

Resolved, &c., That there be printed and half-bound in leather, with the exception of the reserve sets, which shall be full-bound in leather, 6,600 copies of the Descriptive Catalogue of Government Publications, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House of Representatives; 4 copies for the library of the Senate; 12 copies for the library of the House; 60 copies, 50 of which shall be for foreign exchanges, for the Library of Congress; 2 copies for the library of the Executive Mansion; 40 copies for the Department of State; a copy to be sent to each legation of the United States abroad; 25 copies for the Treasury Department, including its bureaus; 20 copies for the War Department, including 1 for the library of the Military Academy at West Point; 20 copies for the Navy Department, including 1 for the library of the Naval Academy at Annapolis and 1 copy for the Naval Observatory at Washington; 25 copies for the Department of the Interior, including its bureaus, the Railroad Commission, the Geological Survey, and the Census Office; 818 copies to be delivered to the Secretary of the Interior for distribution to such libraries, not depositories of public documents, as shall be named for this purpose by each Senator, Representative, and Delegate in Congress; 10 copies to the Post-Office Department and its bureaus; 10 copies for the Department of Justice, including a copy for the library of the Supreme Court and a copy for the library of the Court of Claims; 2 copies for the Department of Agriculture; 2 copies for the Smithsonian Institution; 2 copies for the Government Printing Office; 1,000 copies to be bound and distributed with the reserved documents, and 50 copies for the use of the Joint Committee on Public Printing, to be distributed among those who have aided in the compilation of the work.

SEC. 2. That the Public Printer shall print 500 additional copies of the above-named work, to be half-bound in leather, and sold at 10 per cent. advance on cost price, to any person applying for the same, a notice stating the price to be inserted at least once a week in the daily edition of the CONGRESSIONAL RECORD until the edition shall have been disposed of.

SEC. 3. That all provisions of law under which any additional copies of the above-named work might be printed are, so far as they apply to the above-named work, repealed.

Mr. REED, of Maine. I wish to ask the gentleman from New York how large a volume will this be?

Mr. ROGERS, of New York. I do not know how large a volume it will be. It is a work which has been ordered by previous Congresses, and has been compiled under the direction of previous Congresses.

Mr. REED, of Maine. Does it come down to the present time?

Mr. ROGERS, of New York. Yes, sir; there is a report here, if the gentleman desires to have it read.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF SMITHSONIAN INSTITUTION.

Mr. ROGERS, of New York, from the Committee on Printing, also reported back with a favorable recommendation the concurrent resolution providing for the printing of the annual report of the Smithsonian Institution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January 26, 1885.*

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies; of which 3,000 copies shall be for the use of the Senate, 6,060 for the House of Representatives, and 7,000 for the Smithsonian Institution.

The concurrent resolution was agreed to.

Mr. ROGERS, of New York, moved to reconsider the motion by which the concurrent resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

EVENING SESSION.

Mr. WILLIS. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. I move that at 5 o'clock to-day the House take a recess until 8 o'clock this evening; my object being to go on with the river and harbor bill.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moves that the House take a recess from 5 o'clock until 8 o'clock this evening.

Mr. ADAMS, of Illinois. Will not the gentleman from Kentucky [Mr. WILLIS] modify his motion to include the method of passing over certain items.

Mr. WILLIS. I will state to the gentleman and to the House that I have no objection to an understanding that none of the matters that are in dispute shall come up at the evening session, and, if this motion prevails, I am willing to agree that no item in the bill larger than $50,000 shall be considered at the night session.

Mr. REED, of Maine. Mr. Speaker, that is going to prevent the discussion of the bill, by preventing the attendance of members.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky is that at 5 o'clock to-day the House take a recess until 8 o'clock this evening.

Mr. KEIFER. Mr. Speaker, I want to know whether it is understood that no other business is to be taken up at this night session.

Mr. WILLIS. That is my intention in making the motion.

Mr. KEIFER. That no other business shall come up?

Mr. WILLIS. Yes.

Mr. KEIFER. Well, Mr. Speaker, let it be so understood.

The SPEAKER *pro tempore*. As the gentleman from Ohio [Mr. KEIFER] knows, that can be done only by unanimous consent.

Mr. KEIFER. I understand that; but I suppose there will be no objection?

The SPEAKER *pro tempore*. Is there objection to an understanding that no other business than the river and harbor bill shall be taken up at the session this evening? The Chair hears no objection, and it is so understood.

Mr. SPRINGER. I desire to say that these arrangements by which we guarantee that nobody will be present in the House at an evening session merely amount to a provision that nothing shall be done. Now, if we take a recess, and have an evening session, let it be done in such a way as to have the members of the House present, and let us do some business. What is the use of some of us coming here when others will not, and when the House will probably find itself without a quorum? I am willing to come here to-night, but I want to come for the purpose of transacting business. Therefore I suggest to the gentleman from Kentucky [Mr. WILLIS] that he had better modify his motion.

Mr. WASHBURN. Will the gentleman from Kentucky [Mr. WILLIS] agree to modify his motion?

Mr. PETERS. Mr. Speaker, I would suggest that the night sessions begin to-morrow night.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that at 5 o'clock this afternoon the House take a recess until 8 o'clock this evening, at which night session, by unanimous consent, there shall be no business transacted or considered except the river and harbor bill.

Mr. REED, of Maine. I object to that.

The SPEAKER *pro tempore*. Objection is made. Then the motion of the gentleman from Kentucky [Mr. WILLIS] is that at 5 o'clock this afternoon the House take a recess until 8 o'clock this evening.

Mr. BAYNE. Mr. Speaker, I suggest to my friend from Kentucky [Mr. WILLIS] that, instead of taking a recess and holding a night session, we come here to-morrow at 11 o'clock.

Mr. WILLIS. We can not do that without changing a rule of the House.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky that at 5 o'clock this afternoon the House take a recess until 8 o'clock this evening.

The question was taken; and there were—ayes 114, noes 25.

Mr. PETERS. I make the point that there is no quorum voting.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will therefore appoint tellers, and will designate the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Kansas, Mr. PETERS, to act as tellers.

Before the count was completed the demand for tellers was withdrawn; and the motion of Mr. WILLIS was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. HISCOCK. Mr. Speaker, in this connection I understood from the statement of the gentleman from Kentucky [Mr. WILLIS] awhile ago that certain points in the river and harbor bill were to be passed over at this night session.

Mr. WILLIS. Yes, sir. No gentleman need have the slightest doubt on that point. Only items under $50,000 will be considered.

Mr. WARNER, of Ohio. I call for the regular order.

Mr. WASHBURN. Mr. Speaker, do I understand the gentleman from Kentucky [Mr. WILLIS]——

The SPEAKER *pro tempore*. The Chair will state that this is a matter with which the House has no earthly concern, and the gentleman from Ohio [Mr. WARNER] has demanded the regular order.

RIVER AND HARBOR BILL.

Mr. WILLIS. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on river and harbors, and for other purposes.

The Clerk read as follows:

Improving harbor at Rockland, Me.: Continuing improvement, $20,000.

Mr. KING. I move to strike out the last word.

Mr. Chairman, in the limited time allowed for discussion, under the rule, I would like to call the attention of this House to the character of attacks that have been made upon this measure. The enemies of this bill have put in the forefront objections to the improvement of the Mississippi River. For years the demand has come up from the central portion of this continent, from the country lying west of the great Ap-

palachian region, north of the Gulf and south of the lakes, for the improvement of this great national highway. In the beginning of the Forty-sixth Congress the law was passed creating a commission to be intrusted with this improvement. The criticisms now directed against this work come, I discover, first from Wisconsin. The gentleman who spoke on Friday last on this subject [Mr. PRICE] began his argument by endeavoring to prove that a part of the plan being executed by that commission is not only fruitless but uselessly expensive; and he stated in substance that this particular feature of the commission's work is the only object of the commission. I refer to his remarks regarding levees.

Mr. Chairman, in the act creating that commission for the improvement of this river not one word is said about levees. The title of the act reads thus:

An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters.

That body of scientific men has adopted certain plans for this improvement. Had we then known the wisdom of the gentleman from Wisconsin, possibly we would have induced the President to put him upon that body. All that he says is negatived by the opinion of these scientific men in charge of this work.

The distinguished gentleman from Maine [Mr. REED] says, without the slightest qualification, that this work is to cost $150,000,000. I have been astonished to hear on this floor statements embracing inaccuracies of the very wildest character; but never before have I known one so boldly made against a measure so meritorious as this, and purely with the object of prejudicing this body against it; for, sir, there is not one figure to sustain such a statement.

[Here the hammer fell.]

Mr. JONES, of Wisconsin, obtained the floor and said: I yield my time to the gentleman from Louisiana [Mr. KING].

Mr. KING. The gentleman from West Virginia [Mr. GIBSON], whom I do not now see in his seat, stated on this floor a few days ago that Mr. Eads had said this work would cost $100,000,000. Mr. Eads corrected him the next day by telegram, to the effect that he had never said this work would cost exceeding $30,000,000. There is no warrant, no authority whatever for the statement made by the gentleman from Maine; and the highest estimates I have seen for this work have not exceeded $45,000,000.

Mr. Chairman, it is an easy matter to rise here now with criticisms and complaints directed against the river and harbor bill. This has been made a convenient horse for every man to mount who wishes to create some popular impression in his own district against appropriations for the improvement of rivers and harbors. These bills are called "steals" and "log-rolling schemes." But I would call the attention of this House to the fact—and there is no possibility of its being negatived—that the bill called the river and harbor bill comes in here after more careful scrutiny than any other measure introduced into this House. First, a survey must be made; recommendations must come from the Chief of Engineers as to the amount of money that can be properly expended upon this work. These recommendations must be indorsed in turn by the Secretary of War and by the President of the United States.

No bill, I say, that comes before this House is more carefully drawn; yet no measure has been more maligned before the country. What has been the spirit prompting these misrepresentations regarding this measure? I can not here more than suggest that it is the vast transporting lines of railway which compete with the cheap freight ways; for we know that as rivers go down freights go up, and as freights go up rivers go down.

An attack has been made here on the purpose of this committee in the effort to improve the harbor of Galveston. No one can look at the vast population and territory now dependent upon that outlet to the sea without sympathizing with those men in their efforts to afford relief—a relief demanded for the purpose of furnishing food supplies and supplies for the manufacture of the commonest articles of daily necessity. Already we read that in the city of New York beef is too high for the poor man to eat. If you can get cheap ways of transporting meat from Texas I will guarantee that the people of that great city will not want for cheap beef.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WHITE, of Kentucky. I move to amend the amendment by striking out the last word.

Mr. Chairman, I desire to call the attenion of this Committee of the Whole to the fact that this bill is a worse bill than the river and harbor bill of 1882, which was vetoed by the President, by which veto the Democratic party was greatly benefited. I desire to call attention to the further fact that the Democratic party has changed front on this important question of internal improvements. I wish further to call attention to the fact that if this bill passes, the Democratic party, if it can do so, stultifies itself before the country. In the Democratic platform adopted at Chicago on the 10th of July last the Democratic party asserted that—

The Federal Government should care for and improve the Mississippi River and the other great water ways of the Republic, so as to secure for the interior States easy and cheap transportation to tide water.

Does this bill provide for no streams except the "Mississippi River and other great water ways?"

It was that very idea upon which the President of the United States wrote his veto message of 1882. That river and harbor bill appropriated $18,000,000, far less than recommended in the Engineer's Report, on the recommendation of the members of Congress who were invited to go before that committee and were patiently heard by the committee. Even such a distinguished Democrat as Senator BAYARD came before that committee to urge appropriations for streams in the little State of Delaware. The President's veto message was on the idea that in that bill were appropriations for catfish streams and for little trout streams.

I call attention of this Committee of the Whole and the country to the fact that this bill by the side of that dollar for dollar appropriates infinitely more for little catfish streams and little trout streams than the bill of 1882 did.

I call the attention of this committee and the House to the further fact that but for that veto message of the President of the United States, which put the idea before the country that a river and harbor bill was a great steal, and that members of Congress were thieves and were endeavoring to get certain appropriations for certain localities in order to elect or re-elect corrupt American citizens to the Congress of the United States—but for that idea inculcated by that veto message, Mr. Chairman, the Democratic party would not now be in power. You met in Chicago, through your chosen representatives——

The CHAIRMAN. The gentleman's time has expired.

Mr. STEELE. I will take the floor and yield my time to the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I thank the gentleman from Indiana for his courtesy.

As I was saying, the Democratic party of this nation met in Chicago, through its chosen representatives, and avowed in its platform last July, for the first time, that it was in favor of the Government appropriating money for "the improvement of the Mississippi and other great water ways of the Republic."

Is the Big Sunflower one of the great water ways? [Laughter.] Is the Great Pee Dee one of the great water ways? Is the Suwanee River one of the great water ways? You not only do that but you have put in your bill appropriations to survey streams that have not been heard of even up to this day. Where is the Pond River in the State of Kentucky? Where is the Little River in the State of Kentucky, and where is the Little River in the State of Louisiana? Apply this criticism to other States and you will find this bill is a bill to survey creeks and bayous and little streams which can not in any sense be considered as great water ways of the Republic. This bill launches out not only to improve the Mississippi River and other great water ways, but proposes to discover streams which have not yet been discovered. If that is your theory, if that is your platform, I then ask you in what respect you differ from the old Whig party?

There is in this bill, as I shall attempt to show as we go forward, an utter disregard of the recommendation of the Chief of Engineers. If we are not to rely upon the recommendation of the Chief of Engineers, if your committee sitting with closed doors and not hearing what members on this floor, elected by the people of the several districts to represent their constituents, have to say on this subject, then who shall tell us how to prepare a bill which will give relief to the commerce of the country, which is the object sought in the passage of any just river and harbor appropriation bill?

I am one of those, Mr. Chairman, who believe there is but one true ground upon which to prepare a bill making appropriations for the improvement of rivers and harbors, and that is to prepare it in accordance with the needs of commerce, and if such a bill has to carry $35,000,000, and it is made up upon a true principle, I shall support that bill. But to state in a national platform one thing and then to prepare a bill upon an entirely opposite basis, and then to ask Congress to support it when Congress does not know how it was prepared—does not know what it contains—has not had an opportunity to learn by full and fair discussion, but only as each member has learned for himself by looking at the report of the engineers and bringing to bear on the subject the knowledge which we individually have of our several districts—I say, under these circumstances, Mr. Chairman, it is impossible to expect us to swallow this bill without having more light on it than we now have.

It was very proper that the chairman of this Committee on Rivers and Harbors should want to have night sessions when nobody would be here to discuss this bill or have its enormities pointed out.

And I want to call the attention of the House to another fact, that the Democratic party has made rapid progress. I should like to incorporate in my remarks a protest presented to a former Congress, signed by the chairman of this committee and by the Speaker of this Congress and by many others who have been converted to this important doctrine of the Whig party that internal improvements are for the benefit of the whole country.

[Here the hammer fell.]

Mr. WHITE, of Kentucky, by unanimous consent, withdrew his formal amendment.

Mr. HORR. I renew it. It is unnecessary for me, Mr. Chairman, to state to the members of this House that I am in favor of a judicious

river and harbor bill. I am also in favor of one that is built in a spirit of fairness toward all the great and all the small water ways of the country. For a stream which is national that needs only $5,000 is just as much entitled to it as one that needs $5,000,000, and should be as carefully looked after by the Committee on Rivers and Harbors as the larger work.

But, Mr. Chairman, I rose more for the purpose of calling the attention of the committee to the fact that this debate had drifted a little into sectionalism. It is not a part and parcel of this bill; and I was astonished at my friend from Texas, Judge REAGAN, who has had so much experience on this bill, that he should have taken part in that discussion in the manner in which he did. He undertook to claim that the States of Michigan and Wisconsin had received enormous sums of money in proportion to the other States.

Mr. REAGAN. I alluded to Wisconsin, not to Michigan, and then only in response to the gentleman from Wisconsin himself.

Mr. HORR. Then another gentleman mentioned Michigan, and I may be permitted to say that she is entitled to be mentioned in this bill, because she has got a large amount of necessities. But here is what I was coming to: My friend from Texas enumerated eight States which he compared with the State of Wisconsin, and claimed that that State alone had got more money from the Treasury of the United States than all of these eight States put together, and my friend, Mr. BLANCHARD, said that Michigan exceeded Wisconsin in the amount drawn from the Treasury for such purposes.

Now, Mr. Chairman, if the gentleman from Texas will stop for a moment he will see that in that list five of these States are States which the Mississippi River passes through in large part, or along the coast of them, and he will find that his estimate is perhaps inaccurate in one respect. Will he tell me what amount of the Mississippi River appropriations he has charged against these respective States? I ask this because when you come to compare the amount with Michigan, and estimate that she is to receive $8,000,000, you charge up to her the improvements on the Sault Saint Mary's Canal, on the Saint Clair Flats, and on the Detroit River, which amount to more than $5,000,000 of the $8,000,000 you charged to Michigan, whereas that is a simple thoroughfare for the commerce of Lakes Michigan, Superior, and Huron. Lake Superior touches, of course, upon Michigan, but the commerce of that great channel is the entire commerce of the West. Now I ask the gentleman frankly, if he charges $8,000,000 to Michigan, whether it would not also be fair to charge to these other States their proportion of the Mississippi River improvements?

Mr. REAGAN. If the gentleman from Michigan will confine himself to answering me, I would then be able to make response to his inquiry; but since he is discussing Michigan, to which I did not refer, I can not answer him.

Mr. HORR. But you gave the amount appropriated in Louisiana in your list, and I ask why is the amount appropriated for the Mississippi River improvements not to be charged to Louisiana on the basis of consistency, when you charge Michigan with all of the improvements that I have named?

Mr. REAGAN. Because the Secretary of War did it, and I take it from his figures submitted on the 14th day of January, 1884, in his report made to this House in answer to a House resolution.

Mr. HORR. But, Mr. Chairman, the Mississippi River is just as much a local enterprise as the Sault Saint Mary's Canal, and it should be charged to those States just as much as the other improvements I have mentioned in Michigan are charged to her.

Now, sir, I do not do this for the purpose of claiming that you charge too little or too much, and only state it to illustrate the fact that this is a national bill and not a State or sectional measure. I do not care which part of the country a harbor is in; if it needs improvement you should not inquire what State it is in, but simply whether it is a national work and needs improvement. I do not sympathize with the sensitiveness of some of my friends over here who object to telling what part of the country a specific improvement is in. If a member on this floor happens to state that a certain great expenditure is in a certain part of the country, they seem at once inclined to raise the cry of sectionalism. Why is it anything against the harbor because it happens to be in Texas instead of Michigan? It may be tough on the harbor, it is true, but it does not justify anybody in raising that as an objection. [Laughter.]

[Here the hammer fell.]

Mr. HISCOCK obtained the floor and yielded his time to Mr. HORR.

Mr. HORR. Now, Mr. Chairman, the great bulk of this bill has been prepared, in my judgment, with great care. There are things in it that I do not like. I object at present to the launching out on an expenditure of $750,000 for Galveston Bay. Why? It is not because I would not vote for it if I was satisfied that the harbor was capable of improvement, and that was the place to construct the harbor. But I am not satisfied that it is the place and I will state my objections to it. I was on the committee which appropriated over $200,000 for the improvement of that harbor. No man was clearer in his judgments or more complete in his demonstrations with reference to the possibility of that improvement than my friend from Texas. He was satisfied with the plan on which that money was being expended. He thought it was the one that would improve the great harbor at Galveston. He had back of him a gentleman, Mr. Mansfield, I believe. Am I correct in that?

Mr. REAGAN. Yes, sir.

Mr. HORR. Mr. Mansfield appeared before our committee, and I have heard some strictures upon him throughout this discussion; but for myself I may say that no one appeared before that committee, among all who appeared before it, who in my judgment seemed to have a cooler brain or clearer head than this Army engineer. He stated that he was sure of succeeding; and we gave, at the special instance of my friend from Texas, a large amount of money for Galveston Harbor, which they tell us now, for all purposes of improvement, might just as well have been dumped into the sea. Now, I want to stop dumping money at Galveston until we know what we are about. They need an adequate harbor on that coast. I am in favor of the United States Government proceeding with that work when it has been determined that Galveston is the best place for it. When that is done I am for Galveston. But we do not know yet about it.

I am at a loss because good engineers differ about it. Is there not some other point on that coast where those quicksands are not so terrible as they are at that harbor? We have already sunk in that harbor a good deal more than a million dollars. How much more water have you got now than there was before you commenced that process?

Mr. OCHILTREE. Three inches.

Mr. HORR. About three inches, says my friend from Texas. That is an expensive process; a million dollars for each inch.

Mr. OCHILTREE. Three hundred thousand dollars for each inch.

Mr. HORR. I believe that that harbor is such a one that such an expensive work should never be commenced upon it until we have had careful investigation and know what we are about. Who has made this careful investigation to offset the theory of the Government engineers, which they have been working on for the last ten years? What body of men have made this examination? I am told there are harbors on the coast of Texas where these sand shoals can be avoided. I am told there are outlets where railroads center. If that is true, let us seek one of those places and improve it. If Galveston is the place, I am for Galveston.

[Here the hammer fell.]

The committee informally rose; and the Speaker *pro tempore* resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted on its amendments to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRIS, Mr. INGALLS, and Mr. PIKE as the conferees on the part of the Senate.

The Committee of the Whole resumed its session.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HORR. I withdraw it.

Mr. REAGAN. I renew the amendment. I will notice the last point made by the gentleman from Michigan [Mr. HORR] first. He seeks to prejudice the present appropriation because of my urging an appropriation under a different plan, and because he said that I recommended that plan as the right plan. Well, sir, his statement is all right with this understanding in relation to it that I am not an engineer. I have never given opinions as an engineer because I am not an engineer. I took the reports of the Secretary of War and the local engineers and accepted them as good authority. Upon their making the recommendation the gentleman speaks of I approved and did what I could. It is right to say the gentleman from Michigan was fair generally in reference to appropriations of that kind.

But the gentleman from Michigan takes me to task for giving a sectional cast to this debate. Why, Mr. Chairman, I served upon that committee for eight years. I have had a considerable part in the formation of every bill for the improvement of rivers and harbors which was gotten up during those eight years. During that time I was never governed by sectionalism. I was as liberal and as earnest in the improvement of the water ways connected with the great lakes as I was in reference to the improvement of the water ways in any other part of the country. I believed the Sault Saint Mary's Canal to be a great and necessary national public work, and I supported large appropriations for it. I believed that the deepening of the shoal water at Detroit was a great and necessary national work, and I approved it. I was never governed by sectionalism, and I have no feeling now that prompts me to be governed by sectionalism.

It seems to me, with all deference to the gentleman, that it would have been more proper for him to have rebuked the gentlemen on his own side of the House who introduced this sectionalism and made a point out of it than to have attacked me for it.

I desire to say another word on that subject, for I mean that gentlemen shall understand when they assail the work at Galveston on the

ground of sectionalism that they shall have the benefit of the assault they make. I do not mean that this fight shall be all on one side, as gentlemen will learn before they get through. The gentleman who raised this cry of sectionalism, the gentleman from Wisconsin [Mr. PRICE], has had from first to last for the improvement of the Fox and Wisconsin Rivers, in his State, $2,280,750 93. There has been that expenditure on a work that will never be completed, and that the engineers have more than once said could not be completed according to the original plan on account of the quicksand shoals on the Wisconsin River. But by some sort of juggling between the State and Federal authorities these two millions and nearly three hundred thousand dollars have furnished a great deal of valuable water-power for private parties to use.

Mr. REED, of Maine. May I ask the gentleman a question?

Mr. REAGAN. Yes, sir.

Mr. REED, of Maine. When did we originate that scheme?

Mr. REAGAN. More than a dozen years ago.

Mr. REED, of Maine. There have been none like it lately?

Mr. REAGAN. That work has been appropriated for year after year for the last ten or twelve years.

Mr. REED, of Maine. There have been no new schemes of that kind lately.

The CHAIRMAN. The time of the gentleman from Texas [Mr. REAGAN] has expired.

Mr. McADOO. Mr. Chairman, the Committee on Rivers and Harbors, to say the least, acted very injudiciously in not allowing a more full discussion on the bill. This is a very important measure, and every member of the House who has any views should have an opportunity to express them. I personally am in favor of the legitimate improvement of the water ways of the country, and more especially now when so many people are unemployed and business depression prevailing.

As to the provisions of the bill, I think that such rivers as the Mississippi and Tennessee and others, if possible and practicable, should be improved, but there are great projects in the bill which are open to very severe criticism. Among these I shall speak first of the appropriation for the improvement of the harbor at Galveston. I have no doubt that James B. Eads is a man of superior ability, but I am loath to admit, after all that has been said in his favor on the floor of this House, that the Almighty should have called in Mr. Eads when he planned this continent. [Laughter.] After hearing my eloquent friend from Louisiana [Mr. BLANCHARD] in his chaste and Chesterfieldian way pay such a beautiful tribute to Mr. Eads, I looked in the book of Genesis to see if Mr. Eads's name was not as plentifully sprinkled through that book as it is in this bill [laughter], and disappointed in my researches I respectfully suggest to the learned and reverend gentlemen who are now revising the sacred volume that it might be improved in that respect.

Mr. Chairman, what does this bill propose to do as far as Galveston is concerned? Why, sir, we are giving Mr. Eads the harbor and the United States Treasury—giving him the harbor to do what he likes with it, and giving him the Treasury to pay him for doing it. [Renewed laughter.]

It is a matter of speculation. It is a question on which engineers have differed and disputed and still dispute. Millions already expended have produced little or no results, and we have only Mr. Eads's word for it that seven or eight millions more will insure a success.

Another thing: We have an Engineer Corps in our Army. It is supposed to be the very cream of the service. Men are admitted into it by reason of their superior capacity and fitness. Now, sir, is not the Galveston provision in this bill tantamount to saying that the members of our Engineer Corps are unfit for their positions? If the members of the Engineer Corps are incapable of coping with this problem, then let the corps be abolished, and let us give the whole business of internal improvements over to Capt. James B. Eads. If they are incompetent and unreliable at Galveston, can they be trusted at New York or Charleston? Of what value are their opinions or decisions on any improvement? Nearly all the legislation in these bills is founded upon their opinions and recommendations, so that if we now pronounce them unreliable the rest of this bill is under grave suspicion.

Mr. Chairman, in the limited time allowed me I am obliged to deal very hurriedly with the provisions of this bill; but there is another item to which I object—the appropriation for the improvement of Big Sandy Bay in Massachusetts, for making a "harbor of refuge" there, a sort of a marine boarding-house, an oceanic Yellowstone Park, where the wanderers of the sea can run in and enjoy themselves and admire the princely liberality of our Government in providing this beautiful harbor for them. Why Sandy Bay when you have Boston and Portland? Are mariners afraid of the culture of the one and the lack of refreshments in the other? So far as this bay is concerned, there is no definite plan proposed, and there is no need for the work. If you are going to build a harbor of refuge on the New England coast, why not build one also on the New Jersey coast south of Sandy Hook? But I for one can not agree, when our rivers, our great national highways, need legitimate improvement and are asking for aid, that we are called upon to expend the national funds to build harbors of refuge on the New England coast.

Then as to the item of the improvement of the Mississippi River, it is very strange that after the many years that we have been expending money on improvements of that river there is scarcely an instance in which those improvements have withstood the floods that periodically sweep down the bed of the mighty stream.

If we are to improve the Mississippi, why not take a sufficient sum and make one direct test case as to the best plan of improving that river, instead of appropriating $100,000 one year, $200,000 another year, $1,000,000 another year, and so on, to be sprinkled all along the stream? Let us have a fair scientific test made of what can be done before we are called upon to make these appropriations. At the last session of Congress such a proposition was voted down by friends of this bill.

Mr. ELLIS. It has been made.

Mr. McADOO. I doubt it.

Mr. ELLIS. It has been made, and has succeeded.

Mr. McADOO. Let that test be made, Mr. Chairman, and then if you find that the Mississippi River can be improved on that plan, I for one am willing to vote sufficient money to improve the entire great stream. The whole country is interested in the improvement of this free, natural highway, which in its freedom for commerce and travel rivals the railroads and cheapens every product to the consumer. But so far in the works made upon and along its course the awful forces of nature have not been successfully curbed by scientific experiments. Let us do for it whatever is practicable and necessary, but avoid expenditures which are blind ventures and bring no beneficial results.

[Here the hammer fell.]

Mr. WARNER, of Ohio. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Now, Mr. Chairman, under the shadow and protection of these great schemes we find a host of little fellows creeping in. We are making these appropriations under what authority? Under the clause of the Constitution which says that we shall have power to regulate commerce between the States. It would seem that a stream of sufficient importance to make its improvement a national matter ought to be known to members of this House generally, but I venture to assert that if my distinguished friend from Indiana, who sits on my left [Mr. HOLMAN], and who is one of the best informed men in the country, were before the Civil Service Commission for examination he could not tell a thing about the Yallabusha [laughter] or about the Scoma Loosha. I venture to say that he could not tell whether the Scoma Loosha is a continuation of the Yallabusha, or whether the Yallabusha is a continuation of the Scoma Loosha. [Renewed laughter.] Yet, Mr. Chairman, under the provision of the Constitution to which I have referred, we are called upon to make a considerable appropriation for the improvement of the Yallabusha. [Laughter.] Then, sir, looking through this bill to find the Yallabusha, I come to the Salkehatchie, Waccamaw, Wapoo Cut, Wateree, Coosa, Caloosahatchee, Choctawhatchee, Withlacoochee, Big Sunflower, Noxubee, Tallahatchie, Tebula Lake, Chifuncte, and the Boeuf—which latter, I suppose, runs soup—together with the Stielaquamish, the Hiawassee, and the universally known Hay Lake. Here, for example, is an appropriation for the improvement of the Wateree. Now, sir, the Wateree is not a river at all, it is a lumber-yard.

On that subject I refer gentlemen to the report of the War Department, which states that there is no channel there—that it is a mere "net-work of logs." That being so, the proper way to improve and protect the Wateree would be to send down a couple of fire-engines to see that the river does not burn up. [Renewed laughter.] The report, however, adds that here we can profitably—to what or whom we must conjecture—spend a handsome sum of money.

Then here is Romerly Marsh. Now I venture to say that very few gentlemen know on what part of the map to find Romerly Marsh; yet we are called upon to make an appropriation for its improvement under our constitutional authority to regulate commerce between the States.

Although I have looked over the most modern atlas, I was unable to find Romerly Marsh, not even on the beautiful map which the friends of the Hennepin Canal have kindly presented to me. It is modestly mentioned in the Engineer's report, and appears to be a canal, to begin work on which the Florida and Georgia Steamboat Company kindly donated $5,000. So far as it is concerned the bill is a misnomer, for it is neither a river nor a harbor, but a canal to be cut through a marsh. I am in doubt whether it is a private and local enterprise or a matter of real interstate commerce.

Here is the Gasconade, this blustering stream which meanders through the sylvan shades of the State of Missouri. I find on turning to the report of the War Department this significant language:

> The only work done on this stream—
>
> Says the report of last year—
>
> was in the office, because there was not sufficient appropriation.

Now, it is a problem such as confronted the philosopher when he saw a calf's tail sticking through a knot-hole, as to whether they brought this boastful and vaunting stream, the Gasconade, into the office and improved it there, or whether their profound minds in the precincts of the sanctum cogitated plans how to improve it without the office.

Yet this is just the class of little fellows that creep in under the shadowing protection of this gigantic scheme about Galveston Harbor, and this harbor of refuge on the New England coast, and this improvement of the Mississippi. These modest, retiring little fellows coming in, each walk off with a bag of United States coin to the tune of five, ten, or fifteen thousand dollars, or $100,000, or even much more.

Why, sir, here is the Big Sunflower. I spent some time examining Mitchell's Atlas to find out where this flowery and æsthetic stream hid itself.

[Here the hammer fell.]

Mr. BELFORD. Mr. Chairman, I move the amendment which I send to the desk.

The Clerk read as follows:

> After "dollars," in line 10, insert:
>
> "That the Secretary of War is hereby authorized and directed to appoint a commission, to consist of two officers of the Engineer Corps of the Army and one from civil life, to make surveys for the construction of reservoirs on the Poudre, Platte, and Saint Vrain for the storage of surplus water to be used in irrigating and reclaiming the public lands located in the State of Colorado, and to report the probable cost of the construction of such work; and the sum of $20,000 is hereby appropriated to defray the expenses of such commission."

Mr. WILLIS. I make the point of order on this amendment.

Mr. BELFORD. Well, I hope my friend from Kentucky will reserve his point of order until I can be heard upon this amendment.

Mr. WILLIS. I will reserve the point.

The CHAIRMAN. The gentleman from Kentucky asks leave to reserve points of order on this amendment until the gentleman from Colorado [Mr. BELFORD] has been heard. Is there objection? The Chair hears none.

Mr. BELFORD. Mr. Chairman, this is the only bill before the Committee of the Whole on the state of the Union in which my section of the country has no "pork" whatever. I have but one single objection to this bill of my friend from Kentucky, which I shall vote for; and that is, he has not made the slices of "pork" sufficiently large.

I want to tell you gentlemen who have undertaken the contract of wringing out and sweeping the carpet on which Republicans have walked for the last twenty-five years, what you ought to do with the appropriations of this Government. You have in the Treasury of the United States to-day—[laughter]—oh, yes; this is the old story, "unlock the Treasury;" but wait till I get through with it. You have in the Treasury of the United States to-day $145,000,000 of available cash. [Laughter.] Not one dollar of that sum is expended by this administration. [At this point Mr. BELFORD walked over to the Democratic side of the House.] I want to get over here and talk to my friends. [Laughter.]

In the last Congress Mr. Speaker CARLISLE, a man whom I profoundly honor on account of his justice, his integrity, and his impartiality, introduced in this House a bill to refund the national debt at 3 per cent. You can all readily recall the filibustering we had in this House at that time, and you can also readily recall the fact that on every vote in that filibustering epoch I stood up with you Democrats like a lone pine tree in the desert. [Laughter.] We broke that "deadlock." We passed that bill. Rutherford B. Hayes—who, in my judgment, never was elected President of the United States [laughter and applause on the Democratic side], although I voted to beat you Democrats, because you had not the courage to stand up for your rights [laughter]—Rutherford B. Hayes vetoed that bill.

Then Garfield came in. He was going to call an extra session of Congress to see whether he could not get a refunding bill which would suit the administration better than that bill introduced by Hon. JOHN G. CARLISLE. The banks had brought a pressure on the Treasury of the United States. They had sent in, I think it was, over $18,000,000 under a contract with John Sherman that when the pressure went by he would return the money to them.

The CHAIRMAN. The time of the gentleman is exhausted.

Mr. MILLS. I will take the floor and yield my time to the gentleman from Colorado.

Mr. BELFORD. Thanks. I have not been heard for two months. Just give me a chance. [Laughter.]

Now, Mr. Chairman, the Democrats came into power in this House, and we told Mr. Sherman he should not return the $18,000,000 to those thieving, villainous bankers in the city of New York, who were seeking to control the currency of the whole country. That is point No. 1. Now I wish to give you point No. 2. I wish to see whether you Democrats have the nerve and the heroism and the courage to do what is right in the next four years. I recollect walking down from this Capitol, when Garfield was inaugurated, with one of the most distinguished Senators from the South—I mean up the Avenue from the Treasury Department—and he said: "There is no use talking about it, you Republicans have this country for twenty-five years;" and in six weeks we were all together, pulling each others ears from the coast of the Atlantic, where the sun first stops to take up the dew-drops, to the coast of the Pacific Ocean, where he stoops to cool his hot axle. [Applause.]

That is what you are going to have now. What was the campaign you fought last year? What was the sum and substance of it all? The great Republican party that had conquered the most magnificent army on the face of the earth, our Southern friends, came out with a broad declaration, floating all over the nation, with one single objection that was suspended in the sky like a magnet, and that was that Grover Cleveland kissed a widow one day too late. [Great laughter.] Was not that the whole substance of the campaign? Then the Democrats, to equal it up, to cover it over on every side, came out with the magnificent issue that another candidate for the Presidency had kissed a maiden one day too soon. [Renewed laughter.] Was not that a beautiful issue to present to a great nation by two great parties of this country? The result of it was that the great mass of the people preferred the widow on the ground that she had more information and experience on that subject. [Renewed laughter.]

But what I want to call your attention to is this. I stated that you had $145,000,000 of surplus in the Treasury of this nation. You have callable, redeemable bonds at this hour to the amount of $197,000,000. Why do you not take this $145,000,000 out of the Treasury, buy $145,000,000 of these Windom bonds and discharge our debt to that amount?

Mr. SPRINGER. We have not got the key of the Treasury yet.

Mr. BELFORD. And you will not do it when you do have the key. You have got a bill pending here to-day where the estimates, I am informed, amount to $34,000,000 while your appropriations amount to $12,000,000. I wish to God Almighty the chairman of the Committee on Appropriations in this House could be afflicted with the disease called the malady of thought in the direction of liberal appropriations. [Laughter.]

Now, why am I in favor of this Galveston Harbor? We are building a railroad from the city of Denver to Galveston. We expect to avail ourselves of the products of Texas and ship her cattle through Colorado to the East.

The CHAIRMAN. The gentleman's time is exhausted.

Mr. BELFORD. I will have to get in the balance of what I want to say some other time.

Mr. WILLIS. I make the point of order against the gentleman's amendment that it is not within the jurisdiction of a bill appropriating money for rivers and harbors. Besides, it is the substance of a pending bill, and therefore not in order.

The CHAIRMAN. Does the gentleman from Colorado desire to be heard on the point of order?

Mr. BELFORD. I expect the Chair will rule my amendment out.

The CHAIRMAN. The gentleman from Colorado admits his amendment is obnoxious to the point of order, and the Chair rules it out.

Mr. BELFORD. I think any amendment on the subject of water is obnoxious under the general rules of this House. [Laughter.]

Mr. WHITE, of Kentucky. I move to strike out the last three words of the pending paragraph.

Mr. Chairman, I desire to call the attention of this committee to the further fact that works which have been begun have not been prosecuted with that zeal and economy which should characterize great national works, and I call the attention of the committee to this fact: that the Chief of Engineers does not know how much we are paying annually to civil engineers, how much we are paying annually to the regular Engineer Corps; and he has not the remotest conception of what the value of the plant is. But we know enough to understand that there are men in this employment at salaries varying from $350 down to $85 per month as engineers. I shall incorporate in my remarks what I have been able to find of information on this subject. This much I learn, that the officers in charge of the work, I mean the civilian engineers as well as the regular Engineer Corps, are paid annual salaries, amounting in the aggregate to half a million dollars a year.

More than this, I find that the annual pay of employés whose names appear in the last Blue Book, those who are above the grade of laborers, was $515,000 for the Mississippi River Commission alone. (See speech of Mr. HEPBURN, first session Forty-eighth Congress.) Now all these expenses go on whether we make a large or a small appropriation for rivers and harbors.

I desire to read now from a report of the Chief of Engineers, General Newton:

> Hon. Mr. WHITE, *House of Representatives*:
>
> SIR: In reply to your telephonic message, just received, asking the salaries paid to civil engineers employed by the United States on rivers and harbors, as well as the value of the plant employed on rivers throughout the United States, I have the honor to state that the salaries paid the assistant engineers vary from $250 to $85 a month.

He made a mistake there, for it is from $350 down to $85.

> The total number of these assistants is one hundred and eighty-three. It is impossible to state the value of the plant employed on rivers throughout the United States, except by addressing the individual officers of the Corps of Engineers in charge of the works or improvements.
>
> Very respectfully, your obedient servant,
>
> JOHN NEWTON,
> *Chief of Engineers, Brig., Bvt. Maj. Gen.*

Is not that a beautiful officer to have at the head of these great works?

Again he says in a telegram:

> WAR DEPARTMENT, *January 31, 1885.*
>
> Hon. JOHN D. WHITE:
>
> It is impossible to answer your question without a careful examination of office records, which would require much work for many days. If no appropriations are made and no work is to be done, the plant could be sold and expenses reduced to zero in a very short time upon many small works.
>
> JNO. NEWTON,
> *Chief Engineers.*

Now, sir, the point I desire to make is that no matter whether that bill carries $11,000,000 or whether it carries $25,000,000, you have the annual expense of the machinery, of the plant, of the engineers, and the annual salaries of officers and employés above the grade of laborers, and if your bill is a small one so much the less goes for your public improvements.

I wish to call the attention of the committee to the fact, also, that this bill of $11,000,000, when the Engineer Department of the Government, under their sworn statements, tell us they can use judiciously, wisely, profitably, and economically $34,000,000, amounts simply to saying that you do not have faith in the capacity of the engineers to form a judgment, or that you have an abiding faith in your committee that acts with closed doors.

If we are convinced that the engineers are correct in their methods and estimates, then we ought to appropriate the full amount of money recommended by them.

In the protest against a river and harbor bill of a former Congress, to which I alluded a few moments ago, Mr. Speaker CARLISLE, Mr. WILLIS, and Mr. COX, and a number of Democrats signing the protest, the theory was laid down that, in the first place, the appropriation was unconstitutional, and in the second, that we did not have the money in the Treasury. If your Democratic platform of 1884 can be relied upon as the basis of your belief, then your constitutional objection is overcome. If you can rely upon the statement of the Secretary of the Treasury that there are now $146,000,000 in the Treasury, the second objection is overcome. The question then recurs, do the people want cheap transportation? If they do, how are they to get it? I answer, by improving the rivers, by improving the harbors, and by compelling the railroads to come in direct competition with nature's own water ways.

But if you are going to make any of these improvements, where will you stop? Will you stop with the Cumberland River on the idea that it is a great river, or with the Great Pee Dee River on the ground that it is a great river; or will you stop with the Big Tombigbee River on the idea that it is a great river? There is no limit if you carry out the theory embodied in the decision of the Supreme Court, that every river on which there is commerce is a navigable river. And, in my humble opinion, we shall make adequate appropriations from the abundance in our Treasury to improve all the navigable water ways of the Republic, and thus insure competition with railroads and secure cheap transportation for the people of the United States.

[Here the hammer fell.]

The Clerk read as follows:

Improving harbor at Bangor and Penobscot River, Maine: Continuing improvement, $15,000.

Mr. BOUTELLE. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 12 insert:

"Improving the mouth of the Narraguagus River at Millbridge, Me., $20,000."

Mr. BOUTELLE. Mr. Chairman, that proposition to put an item into the appropriation bill for that improvement was referred to the Committee on Rivers and Harbors; and as the members of the House were not given the permission or privilege this year of going before the committee, we were obliged to place propositions of that kind in the hands of some member and trust to the action of the committee upon them.

I have been informed that the reason why the committee failed to include that item in the bill is because it is not recommended in the Book of Estimates for this year, and that the committee in preparing the bill had adopted the rule or usage that they would not insert anything in their bill not embraced in the recommendations of the Book of Estimates.

I found upon inquiry of the engineers connected with these works that a survey had been made and a recommendation filed in the year 1880 by the board of engineers. The suggestion was then made that an item be inserted for a survey for this work. I was informed by the engineer in charge of that portion of the coast that he had examined the report made in 1880 by General Thom, of the engineers; that the report seemed to be adequate, and that if a new survey were ordered he should be obliged to state that it was unnecessary. Upon making that suggestion the item for the survey was stricken out of the bill; and therefore as the bill stands now no provision has been made.

The proposition for the improvement of this river is based upon the report of the engineers, to be found upon pages 535, 536, and 537 of the report for 1880. It is a report on improving the mouth of the Narraguagus River at Millbridge, Me. In that report the engineer making the survey states:

The improvement proposed to be made at this place consists in dredging a channel from deep water below Turner's Point to the deep water of Fickett's Point, called the "Deep Hole," the only available anchorage in the harbor. As this place is only accessible at or near high tide for vessels navigating these waters, it is now of little value for vessels seeking shelter during heavy weather and at time of low water. At present there is only five and a half feet of water at mean low water, or four feet at extreme low water, over the several bars crossing the channel. This improvement would also enable the steamers of the Portland, Bangor and Machias Steamboat Company, which touch at this port four times a week during the entire year, to land passengers and the heavy freights for this place at the lower steamboat wharf, whereas now they have to make the stop in the lower bay (except at high water) and transfer passengers and freights on board of a lighter, at great expense and loss of time.

Much of the lumber manufactured in the saw-mills at Cherryfield (about seven miles above the draw-bridge) is shipped from the port of Millbridge. Vessels of the larger class are also built here at three different ship-yards.

I will state also, Mr. Chairman, that this point is a landing point for the line of steamers between Mount Desert Ferry and Annapolis, Nova Scotia. Without going any further into the details of the matter I ask for the adoption of my amendment appropriating $20,000 for this improvement. The engineers recommended $50,000, but I have placed the amount at $20,000, bringing it as near as possible to what I believe has been the pro rata proportion adopted by the committee.

Mr. BRECKINRIDGE. I think it is hardly necessary to say more in connection with this matter than to state the fact that there is not a line before the committee with reference to this improvement. Whatever information we have in regard to it is in old reports of the engineers, and as there is no report bearing upon it before the committee it was not under consideration and has not received any consideration.

Mr. BOUTELLE. Will the gentleman permit me to suggest that I endeavored in every possible way to have information with regard to this matter placed before the committee? I conferred with no fewer than three members of the committee. I submitted to them this report and placed before them my correspondence with the engineer in charge of the coast of Maine, one of whose communications I hold in my hand, which declares that a further survey and report are unnecessary, because the survey heretofore made was entirely adequate to justify the appropriation.

Mr. BRECKINRIDGE. The point is that we had no current report, which is usual in such cases from the engineers; a fact which is not in conflict at all with the statement made by the gentleman from Maine. As to cases of that sort, the committee saw very clearly there was almost an indefinite number of them. There were more of a current character than we could deal justly by, and they did not consider it expedient to enter into that class of cases.

Mr. BOUTELLE. What class of cases does the gentleman refer to?

Mr. BRECKINRIDGE. The cases that have not got current reports and are not indorsed by the Chief of Engineers. Once you throw open that door, and there is no end to the appropriations that would be demanded at the hands of the committee. Therefore we discarded that class of propositions without beginning to express an opinion upon them, having more submitted to us than we can do justice by. This is not a condemnation of the project but a non-examination of it.

Mr. BOUTELLE. Permit me to say that it seems to me impossible under the rule adopted by the committee for any appropriation to be obtained for any improvement that may have been recommended in the past. There is no way to get a new survey and a new recommendation, because the engineers have already made the survey and it would be a waste of money to survey it again. I appeal to the House to act upon this on the merits of the survey made and reported on in the regular mode some years ago.

The question being taken on agreeing to Mr. BOUTELLE's amendment, there were—ayes 51, noes 57.

Mr. BOUTELLE. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers, and appoints the gentleman from Maine, Mr. BOUTELLE, and the gentleman from Arkansas, Mr. BRECKINRIDGE.

The committee again divided; and the tellers reported—ayes 81, noes 84.

So the amendment was not agreed to.

Mr. WHITE, of Kentucky. I move to strike out the last word of the paragraph.

Now, Mr. Chairman, I desire to call the attention of this committee to the further fact that while we have got one hundred and forty-six millions in the Treasury we have, under Democratic influences, the same President who vetoed the river and harbor bill of 1882 appointing a free-trade Democrat as Secretary of the Treasury who is also a free-whisky Democrat, and has gone so far as to lend millions of money to the whisky "ring;" and yet, sir, the Republican party went out of power because it appropriated eighteen millions and a half for the people's public works. I desire to read here a statement from a Democratic paper in accord with the President. It says:

As a matter of fact the President has all along sympathized with the distillers in their distress, and was glad when it was discovered that a remedy remained within the law. Friends of the measure who were urging it did not neglect, of course, to lay their case before the Executive, and were greatly encouraged at every step of the proceedings by the knowledge that his good wishes attended them. There was never a moment, indeed, when the President would have thrown a single obstacle in the way. This talk that the distillers have succeeded in securing from the Secretary of the Treasury what Congress had denied to them reveals only the pigheadedness of some people.

Mr. Chairman, I desire to call the attention of the country to the fact that while this Committee on Rivers and Harbors has been able to report an appropriation only one-third as large as that which has been recommended by the sworn engineers, the Chief Executive, through his Cabinet, has been able to lend to the most infernal whisky monopoly in this country millions of dollars, money which under the law has fallen due, and which under the action of this Congress in its first session and under the action of the Forty-seventh Congress in both its sessions was required to be paid when due.

Again, sir, I want to call the attention of the country to the fact that this bill is going to be put through by a Democratic majority, composed, in part, of at least forty members who are not entitled to seats upon this floor. I remember when a most elegant gentleman from Georgia [Mr. BLOUNT] the other day called attention to the fact that the gentleman from Michigan [Mr. HORR] had not been returned to the next Congress. I wondered whether it had come to this, that a member occupying a seat on this floor by the small vote of 3,514 in a district containing 87,000 colored people and only 65,000 white people, a district which has a colored majority of 22,258, and in which there are at least 25,000 voters—I wondered, I say, whether we had reached the point where a gentleman occupying a seat under such conditions would comment here upon the fact that another gentleman had failed to be returned to the next Congress. If it be said that the gentleman from Georgia had no opponent, I desire to call attention to the fact that in the election of a Congressman at large the vote was only 3,348 for the Democratic candidate at large, and only 162 for the Republican candidate at large in this district containing at least 25,000 voters, and having a colored population of 23,258 in excess of its white population. You may apply this test to gentlemen on the other side of the House and you will find that there are at least forty of them sitting here who have no right to their seats.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will report the next paragraph.

The Clerk read as follows:

For improving breakwater at mouth of Saco River, Maine: Continuing improvement and repairs, $10,000.

Mr. WHITE, of Kentucky. I move to strike out the last two words.

Now, Mr. Chairman, I have not time to itemize the vote in the counties, but I shall do so in my printed remarks.

Mr. REAGAN. Mr. Chairman, I make the point of order that the gentleman from Kentucky [Mr. WHITE] is not discussing any question that is before the House or that is germane to the bill under consideration. This is a water bill, and not a whisky bill or an election bill.

Mr. WHITE, of Kentucky. Whisky and water naturally go together, the more you take of one the more you want of the other. [Laughter].

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] will confine his remarks to the question before the Committee of the Whole.

Mr. REAGAN. Do I understand the Chair to overrule the point of order?

The CHAIRMAN. On the contrary, the Chair held the point of order to be well taken, and requested the gentleman from Kentucky to confine his remarks to the question before the committee.

Mr. WHITE, of Kentucky. I ask the attention of the gentleman from Texas [Mr. REAGAN] to the fact that I am coming rapidly to Galveston Harbor. [Laughter.] I hope the gentleman will possess his soul in patience, for I am aware of the fact, which he will not deny, that nearly $2,000,000 have been sunk in Galveston Harbor, and that the proposition of this bill which will meet with most universal condemnation is the one to create a harbor for a city where there is shoal water for fifty miles in front of it.

Mr. Chairman, the Democratic party has come into power upon such doctrines as this: "We believe that labor is best rewarded where it is freest and most intelligent;" and yet, sir, in the Georgia district to which I have alluded there are 152,000 people, over 25,000 of them voters, and less than 4,000 actually voting.

Mr. REAGAN. Mr. Chairman, I must insist upon the point of order. The gentleman from Kentucky [Mr. WHITE] is discussing an election in the State of Georgia, and not anything contained in this bill.

Mr. WHITE, of Kentucky. The gentleman from Texas [Mr. REAGAN] is better posted in the history of this matter than I am, but the country does not know as much about it as my friend from Texas does, for he was in a position for four years to know all about it.

These are some of the Democratic doctrines:

We believe that labor is the best rewarded where it is freest and most enlightened. We oppose sumptuary laws which vex the citizen and interfere with individual liberty——

Mr. REAGAN. Mr. Chairman, I must again call the attention of the Chair to the fact that the gentleman from Kentucky is not discussing the measure before the House.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] will suspend. The gentleman from Texas [Mr. REAGAN] will please cite the rule to which he invites the attention of the Chair, and which he thinks is violated by the gentleman from Kentucky.

Mr. REAGAN. Mr. Chairman, do I have to cite a rule to show that in a five-minute debate a gentleman is not entitled to discuss matters that are not relevant or germane to the bill we are considering? If so, I will take my seat.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to be heard on the point of order.

In reply to the gentleman from Texas, I want to say that, if I am not mistaken, when the House is in Committee of the Whole on the state of the Union anything which relates to the welfare of the Union is admissible in the discussion. If I can show to the intellect of the gentleman from Texas that whisky regulation by the Treasury Department was made because there was abundance of money in the Treasury, and because there were Democratic influences brought to bear upon it—if I can show that the Democratic majority in this House and in the other wing of the Capitol is not the old Jeffersonian, not the old Jacksonian Democracy, but the late seceding Democracy; and if I can show to the entire satisfaction of this House that we have more money in the Treasury for rivers and harbors than we have to lend to whisky men, I think the House will pardon me for the slight allusion which I have made to whisky in discussing a water bill.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. WHITE, of Kentucky. Not on the point of order. I desire to proceed with my remarks, if the gentleman from Texas will allow me.

The CHAIRMAN. The Clerk will read from the Digest, page 282.

The Clerk read as follows:

"A member shall confine himself to the question under debate and avoid personality."—RULE XIV, clause 1: but in Committee of the Whole on the state of the Union he is not bound to confine himself to the question under debate—*Cong. Globe*, 2, 30, *p.* 587; 1, 31, *p.* 1475; 1, 32, *p.* 1886—except where a special order is pending, when the debate must be confined strictly to the measure under consideration.

Mr. WHITE, of Kentucky. Now, in reference to this point of order I would like to say one word further. I am aware of the fact that on yesterday general leave was given to print in the RECORD; but this proviso was put in, that nothing should be printed under that leave which did not directly relate to the river and harbor bill. And it was just to suit the case of the gentleman from Texas that I rose to make these remarks, so that I would not have to print them in the RECORD under that general leave. I am glad to have the gentleman's attention, and I hope I shall be allowed to proceed.

Mr. WILLIS. I hope my colleague [Mr. WHITE, of Kentucky] will be permitted to go on, and that the gentleman from Texas will withdraw his point of order. I believe this Committee of the Whole desires to proceed as business men in the consideration of a business matter.

Mr. REAGAN. I think it is an imposition upon the House to indulge in general remarks of this character when we are operating under an order of the House to consider the river and harbor appropriation bill. We are not in Committee of the Whole for general debate; but we are considering the river and harbor bill under the five-minute rule. It has been ruled a hundred times in my hearing within the last few years that under these circumstances remarks must be confined to the question before the Committee of the Whole.

The CHAIRMAN. The Chair has no hesitation as to the proper ruling in this particular case. By order of the House, the Committee of the Whole is proceeding to consider the river and harbor appropriation bill. The Chair, therefore, regards it as a special order; so that the general rule in regard to debate in Committee of the Whole on the state of the Union does not apply, but members are required to confine their remarks to the question under consideration. Therefore the Chair holds that the remarks of the gentleman from Kentucky were out of order. The gentleman has two minutes left, in which he may proceed in order.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to call attention to the fact that from the foundation of this Government down to the present time we have appropriated for purposes of this kind not $105,000,000, as was stated by several gentlemen who are members of this close corporation called the Committee on Rivers and Harbors, but we have appropriated $142,000,000; and if this bill passes we shall have appropriated $154,445,339.

Mr. REED, of Maine. Not counting what the Senate will add.

Mr. WHITE, of Kentucky. Not counting what the Senate will add, as my friend from Maine suggests.

Now, General Gillmore, in his report on the Charleston Harbor, states:

It has been the subject of profound regret on my part that the importance of this great national work has not been recognized in Congress by liberal appropriations.

Mark the language, "liberal appropriations."

Frequent stoppages and increase in the ultimate cost of the work have been the result of this policy.

He asks for $600,000, and this committee proposes to appropriate the sum of $150,000. In reading such statements as this from the engineer's report, I naturally inquired as to the annual cost of the plant, the machinery, and all the equipage for carrying on this work, together with the salaries of the men who must be employed whether we make large or small appropriations. I desired to get at these facts in order to show to this committee and to the country that in view of all the outlay necessarily made a small bill is niggardly; a small bill is not up to the needs of the times; and as no Congressman can get a dollar of the money appropriated for rivers and harbors, the President's insinuating veto message to the contrary notwithstanding, we should appropriate liberally for public works so as to insure their economic and early completion.

[Here the hammer fell.]

The Clerk read as follows:

Improving harbor at Portsmouth, N. H.: Continuing improvement, $10,000.

Mr. HAYNES. I move to strike out "$10,000" and, in lieu thereof, to insert $20,000.

Now, Mr. Chairman, I have offered this amendment in good faith, and from a knowledge that the sum recommended by the committee in their report and in the bill before the House is totally inadequate to carry on the work now in progress at Portsmouth Harbor. I think I do not underestimate the peculiar difficulties under which this committee labor in their work; but this I must say, that taking this item by itself, independent of every other item in this report, I am unable to understand by what course of reasoning they have arrived at the conclusion they have. But taking it in comparison with other recommendations herein contained for harbors of much less importance and for harbors of less magnitude, I am still more in the dark. We have here one of the most important harbors on the Atlantic coast, a harbor in a great many respects unexcelled by any harbor of this country, a harbor where the heaviest vessel that floats, or ever will float, can enter at all stages of the tide and in all seasons of the year, a harbor that contains one of the great naval stations of this country, a harbor where, in the last year, by the report before me, over eight hundred vessels arrived.

Now, the Chief of Engineers recommends, and I think he simply reiterates the former recommendations, that all appropriations for this harbor shall be expended at one point until the work there is completed, namely, for the removal of what is known as the Gangway Rock, a dangerous obstacle in the channel of the harbor, right in the jaws of the commerce that enters that port. The character of this obstruction he states as follows:

Owing to the strong tidal currents in this harbor, Gangway Rock has proved to be a serious difficulty to navigation, and especially so to United States vessels which have visited this port and the navy-yard.

It is not alone, Mr. Chairman, a menace to private interests and private, commerce but to Government interests.

[Here the hammer fell.]

Mr. WILLIS. I desire to say in regard to Portsmouth Harbor that the committee were governed by the following fact: The Chief of Engineers reports, as the gentleman states, that Gangway Rock is the only point upon which work should now be done; that nothing else should be touched until this was out of the way. His report shows that Gangway Rock is half removed, and the estimate for that was $85,000—leaving $42,000. There are $24,000 on hand and $10,000 appropriated in this bill—making enough to remove that rock; and until it is removed no other work can be done. The committee has endeavored to be just to this harbor, as its importance requires. I ask for a vote.

The committee divided; and there were—ayes 50, noes 60.

Mr. HAYNES. No quorum has voted.

The CHAIRMAN. The point of order being made, the Chair will appoint as tellers Mr. WILLIS and Mr. HAYNES.

Mr. WILLIS. I hope my friend will not make that point.

The CHAIRMAN. Does the gentleman insist on it?

Mr. HAYNES. No; I will withdraw the point.

So the amendment was disagreed to.

The Clerk read as follows:

Improving harbor at Burlington, Vt.: Continuing improvement, $20,000.

Mr. JOHN S. WISE. I desire to offer the following amendment:

The Clerk read as follows:

Resolved, That this and all other improvements of rivers and harbors provided for in this bill shall be conducted by the Engineer Department, under the authority and direction of James B. Eads.

Mr. WILLIS. I make the point of order against that amendment.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. WILLIS. We are not on the question of legislation. We are considering rivers and harbors; and the amendment is not within the jurisdiction of the committee.

Mr. JOHN S. WISE. I ask leave to strike out everything that relates to any other portion of the bill except this particular clause.

Mr. WILLIS. I hope my friend will withdraw that, and let us go on as business men with this bill.

Mr. JOHN S. WISE. I think it would be easier to finish the matter by inserting that amendment; but I will move to strike out the last word.

The CHAIRMAN. The gentleman is recognized on that amendment.

Mr. JOHN S. WISE. Mr. Chairman, I shall probably be absent from the House at the time the clause is reached which contains the name of Mr. Eads as putting him in charge of the improvement at Galveston and elsewhere, and it was a desire to put myself on record on that point which led me to offer the amendment while I yet had the opportunity to be heard.

I occupy, it is true, a position, sir, upon the Committee on Levees and Improvements of the Mississippi River, but I am frank to confess I know no more about the subject now than I did when I attended the only meeting of that committee which has been held since I had the honor to be upon it, and I speak upon this subject as a sufferer to some extent by the very proposition which is now made.

I speak as one who knows that the question of Mr. Eads's ability, the question of the success of his plans, of his enterprises, the question as to whether he is a great success or a great failure as an engineer is a mooted question in the minds of the people of this country, scientific or otherwise, and not a concluded question by any means as this bill assumes it to be.

I have observed, sir, the unanimity with which the gentlemen from that section of the country who represent it here on this floor seem to espouse the idea of his ability; and I give them credit for their perfect good faith in what they have said and all they propose to do concerning it. But there are hundreds and thousands of men in the Mississippi Valley to-day, as I know from ownership and interest in Mississippi and Louisiana property, who believe honestly that the system and schemes proposed by Mr. Eads as prosecuted to-day are going to ultimately ruin the Mississippi Valley. There are men who believe that under the present system of engineering adopted or recommended by him he will force the river through the Bonnet Carré crevasse or the Atchafalaya River, as it is inclined now to go under the present system of improving the river as far as it has gone.

The tendency is already in that direction. There are men there in that valley, scientific or otherwise, who believe this is to be the result; and yet the proposition of the committee in reporting this bill to the House is to absolutely ignore the whole Engineer Department of this Government, headed by the Chief of Engineers, who wears the Stars of a general upon his collar and who has been educated at the national academy where millions and millions of dollars have been spent to give the best engineering instruction that the world can give. The proposition embodied in this bill to-day is that we are to ignore and set aside that whole Department, and on the *ipse dixit* of a non-professional committee to put aside a regularly organized department of this Government and place one of the largest, greatest, and most important improvements proposed in this whole country in charge of a gentleman whose theories and schemes are at best but problematical.

Now, sir, I desire to place myself on record as being opposed to that *in toto*, and I maintain if this is to be carried out here we might as well at once abolish the department of engineering at West Point and let the Committee on Rivers and Harbors take full control.

[Here the hammer fell.]

Mr. LIBBEY obtained the floor and yielded his time to Mr. JOHN S. WISE.

Mr. JOHN S. WISE. I am very much obliged to my colleague.

Now, Mr. Chairman, I have pretty much said all that I desired to say in this connection. I say, only to complete the sentence which was on my lips when my time expired, that if this recommendation of the committee is to be taken, if their plan is to be adopted, let us follow it up to its legitimate conclusions by the announcement that the United States academy at West Point is a failure.

Let us follow it up by the announcement that we have an organization containing hundreds of men educated at a vast expense to the Government, paid millions of dollars in salaries, as has been shown by the statistics furnished by General Newton, who do not know what they are about. I ask you to follow it up by that announcement. But, Mr. Chairman, it is not necessary to follow it up, because the very act which has been presented here for our adoption is itself an announcement that the Committee on Rivers and Harbors of the House of Representatives of the United States knows more about engineering science than the engineers of the Army, and that they and Mr. Eads can run this Government, while there is nothing for the Engineer Department to do but to draw its pay and take a back seat.

I have never in my life seen a proposition which not only ignored but absolutely insulted the Department of Engineers as this does. I say that it is a proposition which assumes that a mooted and vexed question about the Mississippi River and its treatment is settled, and settled by the views of Mr. Eads, and that that system carries with it a right and title to take possession of the vast improvements of this Government and control them at will and establish plans based on any kind of theory, while the Engineering Department of the Government is to stand by and idly suck its thumbs. That is what it means.

Let me add in conclusion, Mr. Chairman, that I do not make this statement as an enemy or opponent of this bill. I make it as a friend of river and harbor improvements, and I make it as a man who will vote liberally for the enlargement of these appropriations from Maine to Florida, and as one who deprecates the introduction here of the idea by anybody that "you get more than I do," or that "your section gets more than mine." When it comes to Boston Harbor, which has had more money poured out into it than my whole State ever got, I mean to vote for Boston; and if there is anybody here who believes it to be necessary and wants to move to increase the amount, I will vote with him for it. But the greatest calamity that could have befallen this bill was the introduction of this personal direction clause in it.

I say it is not right, sir, to tie up the fortunes and theories of a private individual with the adoption of a great measure of national importance such as this. I say it is a misfortune that an adventurer and his fortunes should be linked with a measure of public policy; and when this bill is to be voted upon I shall vote for every appropriation it

contains, and more besides if it is believed that they are not sufficient, but that proposition I can never sustain.

I only desired, Mr. Chairman, in this hurried manner to record before this House and the country my view that the proposition to make the fortunes of one man by incorporating his name in a great national measure in defiance and to the exclusion of the Engineer Department of this Government in its boldness and audacity surpasses anything I have ever witnessed in this House.

The CHAIRMAN. The time for debate on this amendment has expired.

Mr. HEPBURN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 16 insert the following:

"*Provided*, That no part of the sums in this act appropriated shall be paid to civil engineers; and the Secretary of War is hereby directed to detail from the Army of the United States such a number of captains and lieutenants as will perform the labors of the civil engineers now employed under the direction of the Secretary of War."

Mr. WILLIS. I make the point of order on that amendment, and pending that I appeal to my friend from Iowa to withhold it until we get to the section where it would have a better application.

Mr. HEPBURN. I have offered this amendment in perfect good faith. It applies as well to the bill if attached to the paragraph which has just been read as if attached to any other. With reference to the point of order, I would like to hear what it is.

Mr. REAGAN. The point of order is that the amendment changes existing law and does not retrench expenditures. The law is now that this work is to be done under the direction of the War Department. The gentleman from Iowa proposes to change that and adopt another rule which does not reduce expenditure.

The CHAIRMAN. The Chair could not on account of the confusion in the committee hear distinctly the point of order that has been raised.

Mr. REAGAN. I will restate it. The amendment changes existing law and does not reduce expenditures. The existing law requires these works to be done under the direction of the Secretary of War. This adopts a new and different rule, not existing in the law now, and it does not retrench expenditure.

Mr. HEPBURN. I have been utterly unable to hear what was the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Kentucky [Mr. WILLIS] to state his point of order.

Mr. WILLIS. The gentleman from Texas [Mr. REAGAN] has made the point.

Mr. REAGAN. I ask the gentleman from Kentucky [Mr. WILLIS] to state it. The Chair can not hear me.

The CHAIRMAN. The Chair heard the gentleman from Texas [Mr. REAGAN], but thought the gentleman was repeating a point of order made by the gentleman from Kentucky [Mr. WILLIS].

Mr. REAGAN. I was not aware the point of order had been made by the gentleman from Kentucky; otherwise I would not have made it.

Mr. HEPBURN. I have been unable to hear what point of order has been raised on this amendment.

The CHAIRMAN. So far as the Chair is informed the point of order raised is that this is new legislation and does not on its face decrease expenditure.

Mr. HEPBURN. I suggest to the Chair that this is not a general appropriation bill, and that point of order can not be raised in connection with it. I desire to suggest, secondly, that while the amendment may not specifically upon its face curtail expenditures, yet it must be plain to gentlemen that it must have that effect.

Mr. WILLIS. I do not desire to occupy the time of the committee further than to state what is in my judgment the foundation of this rule which does not allow new legislation on appropriation bills.

Mr. HISCOCK. Does the gentleman from Kentucky claim that this is a general appropriation bill covered by the twenty-first rule?

Mr. WILLIS. I claim it is a general appropriation bill to the extent of excluding new legislation changing existing law and which is not in the line of economy.

Mr. SPRINGER. I make the further point of order that the amendment is not germane to this clause of the bill.

Mr. WILLIS. We give these appropriation bills the right of way, and, as they have the right of way, we hamper their jurisdiction; and this being one of the appropriation bills having the right of way, I take it it comes within the rule prohibiting new legislation unless in the line of economy; and moreover the amendment is not germane to this part of the bill.

Mr. HEPBURN. Allow me to call the attention of the Chair to the ruling found on page 381 of the Digest, where, under the caption of "River and harbor bill," I find this:

Not one of the general appropriation bills. See debate and decision of Chairman CARLISLE.

Mr. BOUTELLE. On this very point now raised.

The CHAIRMAN. The Chair has no difficulty on that proposition. This is not a general appropriation bill; but the Chair will hear the gentleman from Iowa [Mr. HEPBURN] as to the amendment being germane to the bill under consideration. The point as made by the gentleman from Kentucky is that the amendment is not germane to the clause; the point made by the gentleman from Illinois [Mr. SPRINGER] is that it is not germane to the bill.

Mr. SPRINGER. Not germane to this clause of the bill.

Mr. HEPBURN. This bill is for the purpose of carrying on certain works of improvement. Engineers are essential incidents to carrying on all these improvements. They must be provided for in some way, and it is proposed by this amendment to provide for them in part. It seems to me that it is clearly germane to the general purpose of the bill, and therefore germane to all of the clauses of the bill.

The CHAIRMAN. The Clerk will again read the amendment for information.

The amendment was again read.

Mr. REED, of Maine. Mr. Chairman, it is certainly competent for this House, while it is making an appropriation, to say how that appropriation shall be expended. If this is not a general appropriation bill and not subject to the particular rule, then certainly it must come under the general rule which enables Congress to direct the manner of the expenditure, and it has been repeatedly ruled. In such a case, if it does come under the particular rule, or under the reason of the rule, the employment of officers already under the pay of the Government is on its face a retrenchment. This amendment provides that none of the money shall be paid to civil engineers, but that Army officers who are already under the pay of the Government shall be detailed to do that work.

Mr. LONG. I understand the question to be whether this amendment is germane. The amendment is in the form of a proviso, and that proviso by its very terms applies to the whole bill and not to any part of it. The proviso is germane to the bill. The mere place in the bill where that proviso shall come in is of no consequence. It applies to each clause and to the whole bill.

Mr. STONE. Mr. Chairman, I submit that in the present posture of the case this amendment is not in order, because it has no relation to the precise subject now under consideration. I think that while this is not a general appropriation bill, it is in the nature of a general appropriation bill, and in Committee of the Whole is to be dealt with as an appropriation bill so far as it is found necessary or practicable to observe the rule which requires the committee, in dealing with a general subject-matter, to take it up by sections. The point I wish to make is this, that while the general subject now under consideration is the river and harbor bill, by the practice and usage of the House we deal with such a bill section by section, and therefore, when we are dealing with the particular clause now under consideration, the question to be considered is whether the amendment proposed is germane to that particular part of the bill. Now the question raised by the gentleman from Iowa [Mr. HEPBURN] is a question of administration, which relates to the general character of the bill, and, as has been said, it comes in appropriately in the latter part of the bill where matters of administration are considered and provided for; but to attempt to raise a question of administration and put it into the bill at this point is only to cause confusion in our method of transacting business.

Therefore, in my judgment, if we are to observe the rule or the usage of the House which requires us in dealing with bills of this nature—I do not claim that this is a general appropriation bill—to deal with them by sections. I think we shall find it extremely inconvenient if we undertake to insert in this part of the bill a matter which has no relation to the precise question now under consideration. I call attention to the seventh clause of Rule XVI, on page 196 of the Manual, which provides that when a motion or proposition is under consideration, no subject different from the one under consideration shall be admitted under color of an amendment, and I submit that under the true construction of that rule we are now dealing with a proposition which is not the entire bill, and that this amendment has no relation to the paragraph under consideration, and therefore is not germane.

Mr. HEPBURN. Mr. Chairman, the point of order raised by the gentleman from Massachusetts [Mr. STONE] seems to me to involve simply a matter of literary taste, as to where this amendment should come in. I submit that if it can not be attached to the paragraph now under consideration, there is no portion of the bill to which it can be attached, according to the gentleman's argument, because the paragraphs in the bill all apply to distinct matters, and this amendment proposes that this principle shall apply to all the paragraphs—that it shall be general in its operation.

The CHAIRMAN. The clause of Rule XVI, cited by the gentleman from Massachusetts [Mr. STONE], reads as follows:

And no notice or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The Chair thinks that the subject under consideration is the improvement of rivers and harbors, and that this amendment is not upon a different subject, because it is not passing to a different subject for the committee to undertake to prescribe how the money appropriated in this bill for such improvements shall be expended. The point of order is therefore overruled.

Mr. HEPBURN. Mr. Chairman, I was about to say when interrupted by this point of order that there is a popular belief in this country that these works of improvement are carried on by the engineer

officers of the Army, and that to that extent at least—the matter of engineering—there was no additional expense imposed upon the Treasury. I desire to suggest to the committee that that is a serious mistake. A report recently made to this House by the Secretary of War develops the fact that two hundred and two civil engineers are now employed upon the various river and harbor improvements, and that a monthly expenditure in excess of $35,000 is incurred in their payment. Four hundred thousand dollars is paid annually by this Government to engineers outside of the Army of the United States. We have at this time nearly 1,500 educated engineers of the class named in this amendment. These gentlemen have all received the same education that is received by those who are graduated with such rank as entitles them to appointment in the engineers.

There is no difference in the character of the instruction received by West Point graduates, and it is therefore reasonable to suppose that those graduates of that institution who are not in the Engineer Corps have such capacity as is needed for carrying on these works. There are 1,500 gentlemen from whom these details might be made. It is complained on every occasion when we are discussing an Army appropriation bill that the Army of the United States is top-heavy; that it has entirely too many officers. It is a fact known to at least a hundred gentlemen now present that three officers are not needed in time of peace for the command of a single company. Very many of these officers are loitering away their time at frontier posts, where they are absolutely doing nothing; and by a proper detail they might be placed in such a situation that they would be earning their monthly pay and saving the Government $400,000 a year. I am entirely unwilling to believe that these gentlemen have not the capacity for this work, or that they are not equal to other gentlemen who are now taken from civil life and employed upon these public improvements. It often happens that a county engineer or a county surveyor is employed upon these works, and often it is a mere matter of favoritism as to who shall receive the large stipends that are paid.

I believe it would be a wise procedure to put these officers to work, thus saving this large amount of money and securing this better character of educated talent to carry on with increased efficiency these various needed improvements.

Mr. BRECKINRIDGE. Mr. Chairman, I want to call attention to one or two very important features in this amendment. It proposes to take two hundred officers out of the line of the Army, detaching them from their regiments and from their present duty, and put them upon the engineering works of the Government. The gentleman who submits this amendment presents no information from the Secretary of War that the public service can stand such a detail. This of itself is a very weighty matter to be considered. We are at present employing in round numbers one hundred military engineers upon our civil works and two hundred civil engineers upon the same works. Our works are in charge of the military engineers, who employ the civil engineers.

But the real foundation proposition of the gentleman's amendment is to keep civil works entirely in the charge of military engineers. Now, the growth and drift of enlightened thought in this country is in the other direction. Engineering science is so extensive, is so great in all the elements of greatness, that those countries which have achieved eminence in the specialties of that science have found that men must devote themselves to the special features of it. I have a letter, which is only one of many from learned men upon this subject, from the president of one of the most eminent universities in this country, who states that he has examined the working of this system in every European nation and with unusual facilities for getting at the facts; and that none of those countries permit their military engineers to have anything to do with their civil works, nor do they permit their civil engineers to run their military works. They do not go upon the "jack-of-all-trades-and-good-at-none" plan. They compel their military engineers to confine themselves to that engineering which has reference to the art of war, and their civil engineers to confine themselves to the civil engineering features of that vast and intricate science. This is only in accordance with the sound doctrine of a division of labor as laid down by Adam Smith, as due to the "utility" of Bacon, and as can not be successfully controverted by any man.

What would be thought of us, if in time of war we should put all our great military operations under the charge of civil engineers? What ought to be thought of us, if in any time of peace we put all our civil operations under the charge of military engineers as we do now? It is foolish to the last degree, as reason and results loudly testify. Each, in subordination, can supplement the other as occasion may require; but we should regard economy and the public weal, and stick to reason.

There are points of analogy between the two professions; but there are great differences between them, and in none of our great institutions where civil engineering is taught, one branch being enough to constitute the life-work of even a great man, do they ever pretend to trench upon the great science of military engineering. It seems to me that our military engineers are making a grave mistake. They ought to resent, as far as is practicable and proper, being employed out of the strict line of their profession. We have had twenty years of peace. Let us have twenty years more. Let us work our military engineers to death on civil works. Let us get into war with a foreign country. What kind of men have we then? How will they contend with the great military engineers of foreign countries? Our old men are dead. Our new ones are untrained in war. How much blood and treasure is needed to fit them for duty? We need them now and soon will employ them on our coast defenses, and we have not enough for needed work. We need to work them in this, and to send them abroad for study.

I have stated what is the drift of enlightened opinion in this matter. There is now before the Committee on Rivers and Harbors a bill, introduced by me, which I have not asked the committee to take action upon this session, but which I expect to perfect and to ask them to take action upon next session—a bill to create a river and harbor bureau, with the view of ultimately putting this whole business upon the basis that it occupies to-day in every enlightened country except ours.

[Here the hammer fell.]

Mr. BLANCHARD obtained the floor and said: I yield my time to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. I thank my friend for his kindness. We put these works in the hands of men not trained to this division of the science. What is the result? We find works at all the great harbors along the coast in such a wretched state of dilapidation and disorder that our committee by a unanimous vote incorporated in this bill a measure which I introduced for the appointment of a United States harbor board to take these harbors all under consideration.

Our committee unanimously adopted a provision under which this board is to embrace four civil engineers, only two Army engineers and one member to be detailed, for his technical knowledge, from the Coast and Geodetic Survey. I argued this nearly a whole day and a half before my committee. We went all over the books. We did more than I can cite here. At the very inception of the great marine works of America, some ten years ago, the gentlemen in charge of those works, instead of sitting like Paul at the feet of Gamaliel to learn of those who had made a special study of this business, got into an unfortunate wrangle—our military engineers upon the one hand, and the civil and hydraulic engineers and the balance of mankind and the laws of Almighty God upon the other hand. The result has never been shrouded in a particle of doubt.

There is not on earth, with all the magnificent sea-works that exist, some of them over a century old, a single one embracing any one of the essential features of these submerged fascine works in salt water, where there is no mud or silt-bearing stream. There is nothing to countenance such a system. I have seen it mentioned but once in the annals of high foreign authority, and then with ridicule. Having gone into this line of experiments, they have brought the work on the Mississippi River to-day to a point where, as I can show by turning to their reports and as I briefly outlined in my remarks the other day, and as I will show in my printed remarks, as promised, by clear citations of the text, they propose and practice a plan of work which is a complete and radical abandonment of the original plan for improving that great river, and their wretched experiments are attended only with failure. They forced an eminent civil engineer off the commission; and they have now a plan of operations sketched out to spend, as stated by the gentleman from Maine [Mr. REED], $150,000,000. The calculation is a very plain one; and there is not in any of their work a guarantee that it will last twelve months.

This incubus of untrained engineers——

Mr. REED, of Maine. I am glad to hear the gentleman say that. I hope his statement will receive the attention of the House.

Mr. BRECKINRIDGE. Your statement is correct.

A MEMBER. In what?

Mr. BRECKINRIDGE. I will show you in what. They have put the cart before the horse and brought it to a point where they propose to carry on a systematic course of revetment to prevent caving, instead of contracting, as a condition precedent, the shoal places in order to bring about uniformity of width, uniformity of depth, uniformity of velocity, thereby minimizing excessive depth and excessive velocity, the causes of the caving. And their calculations are, in round numbers, that the system will cost $150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar; you have, I say, a thousand miles at $150,000 a mile, making an aggregate of $150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Therefore I have agreed with those who have urged that this incubus of mediocrity of untrained engineering talent in this line be taken off that river, or in some way subordinated, and it be put back to the original plan adopted by Congress which Captain Eads formulated, and which, clear in reason and sustained in practice, has never failed. That is in strict accordance with the safe, ascertained laws of hydraulics throughout the world, as indorsed by the most eminent hydraulic engineers, as both in harmony with science and common sense. In no place where it has been carried on has it been a failure, while in no locality where these experiments have been carried on have they been a success. They have brought that grand river and its improvements

to the verge of collapse. We have got to that point at which this school of untrained men in this specialty, who, in this and other important works, have abandoned the beaten track in this regard, have shown that in their wretched quarrels pique has been stronger than reason, and they have brought the public interest into this direful state of suffering.

Galveston Harbor is an instance of those harbors improved by that untrained engineering skill of a like character with this so-called improvement of the Mississippi River, involving the same conspicuous fundamental error, and therefore I say the whole drift of American thought, interest, and experience is in just the reverse direction to that indicated by the gentleman's amendment.

And, Mr. Chairman, I trust his amendment will not be adopted, but that we will go on and incorporate sound principles in this bill as far as we seek to incorporate them now, leaving more for the future.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS, of Arkansas. I will take the floor and yield my time to my colleague.

Mr. HEPBURN. Will the gentleman from Arkansas answer a question?

Mr. BRECKINRIDGE. Yes, sir.

Mr. HEPBURN. When did this change of policy and plan on the part of the Mississippi River Commission take place?

Mr. BRECKINRIDGE. It took place and is expressed in the first report they made after Eads was forced off the commission. I will take pleasure in showing my friend the exact text of that plain and emphatic determination of that Mississippi River Commission, as I have gone over the whole matter quite recently. It took place in the first report they made after Captain Eads was forced off the commission.

Mr. HISCOCK. When was Eads forced off the commission?

Mr. BRECKINRIDGE. He was forced off very soon after that second report.

Mr. HEPBURN. Prior to your argument on this bill last year?

Mr. BRECKINRIDGE. It was, and I did not understand it as well when I made my argument last year as I hope I do now, or I would not have indorsed this commission with the confidence I then felt in them.

I look upon that river as a national question. The people of this country have got to a point where commerce demands outlets, and all these bars and all these barriers which clog up the energy and enterprise of our country have got to be removed, and to remove them we may well expect to make expenditures commensurate with the difficulties involved as other nations have been forced to do under like circumstances. And I need only call attention to the fact that France the first year after the Franco-Prussian war appropriated $1,000,000,000 on works of this kind, $100,000,000 to be spent each year for ten years. While we can not go to that great length at once, yet we need not hope to overcome the great natural barriers at much less cost than other nations have to pay under similar circumstances. We have reached the time for a turn, and the battle is joined right here, now.

And, sir, the people of this country do not begrudge expenditures of this kind which bless twice. They bless those who give as well as those who receive. They make goods cheaper to the buyer and higher to the seller. All that the people of this country want is the inauguration of a plan in which they have confidence. But in order to give confidence you must put men at the head of these works of acknowledged success and ability; and then, and only then, will this country prove true to its great duty and destiny. And I trust, sir, in the prosecution of this work that no backward step will be taken, as is proposed here, so much at variance with what we believe to be the only available plan commensurate with the needs of the country, but that we will proceed in the plain, beaten track of modern progress. [Applause.]

Mr. REED, of Maine. Mr. Chairman, I am glad to listen to the remarks of the gentleman from Arkansas. I am glad to have him re-enforce the statement I made to this House, that an ultimate expenditure of $150,000,000 is proposed for the Mississippi River, and that we can not get out of that work inside of that amount——

Mr. BRECKINRIDGE. The gentleman misunderstands me; I did not say that.

Mr. REED, of Maine. Under this plan.

Mr. BRECKINRIDGE. I say under the experimental plan.

Mr. REED, of Maine. Under the experimental plan?

Mr. BRECKINRIDGE. But Captain Eads states that under a proper system of conducting the work the whole thing should be done for between $25,000,000 and $50,000,000, and nearer $25,000,000 than $50,000,000.

Mr. REED, of Maine. Yes; Captain Eads makes that statement, and——

Mr. BRECKINRIDGE. And we could not have better authority.

Mr. REED, of Maine. All of these other gentlemen have been making similar statements, and that is just what I complain of. Last year I took a stand against the Mississippi River appropriation, and I did it upon an indication that I saw here in the House. A proposition was made, a sensible business proposition, that we should content ourselves with the prosecution of the work on the two reaches of the river then under process of construction, to see if the plan contemplated in that work was to be a success. If it was a success, then we could go on; if it was not a success, we could suspend operations.

But that business proposition was rejected by an overwhelming crowd of votes. That satisfied me that there were a great many gentlemen who were more interested in the expenditure of money than they were in the navigation of the Mississippi River. Now the gentleman from Arkansas comes before the House and re-enforces by facts the suspicion which the conduct of these gentlemen at that time engendered in the minds of thinking men. It is well, therefore, for us to have fastened on our minds the tremendous fact that there is a proposed expenditure of $150,000,000 involved in this question.

Nor is it any information to me to be told that Captain Eads or Captain Anybodyelse says that he can do it for $25,000,000; for the distinguished men whom we have found out, whom even members of the committee have found out, announced that they could do it for $33,000,000; and the two reaches which have been operated upon originally had an appropriation of $2,670,000, and all of these famous gentlemen told us that that was amply sufficient for all the purposes, on which assurance we were beguiled into this tremendous expenditure. And now one of these commissioners says, and he is the only one who has the manliness to say anything about it, that it is ascertained to-day that these improvements will cost three times the amount they estimated it would cost, and may not last twelve months, as my friend from Massachusetts suggests. But, sir, the three times as much is by no means a certainty.

No man knows what it may cost eventually. No man who has been up and down that river will doubt the fact that a work of this character is like undertaking to chain a tiger with a bullrush.

I intend when we come to this paragraph referring to the Mississippi River in this bill to make some remarks about it. My object now is to impress upon the House the great fundamental fact admitted and asseverated by the gentleman from Arkansas, that $150,000,000 will not see the end of this unjustifiable expenditure.

Mr. HISCOCK. Mr. Chairman, I confess to a great deal of pleasure in hearing the acknowledgment made by the gentleman from Arkansas as to the probability of the ultimate cost of this work; and I ask him to bring in here the evidence that Captain Eads has not indorsed from the beginning the very plan now pursued by the Mississippi River Commission. I assert that he has indorsed it to the country and to Congress, and that he has never given to the country or to the House any other plan. He has gone out of the commission. They have made changes there. Why? Because 25 per cent. of the money we have appropriated for the improvement of the Mississippi River has been expended in repairing the work that has been done since 1881.

The experience of the last few years has demonstrated that all you are doing is being washed down the river and washed into the Gulf of Mexico. Captain Eads discovered it, and we can fairly draw the inference that, knowing the fact and recognizing the failure of his plan, he voluntarily retired from the commission.

Now, I insist that we can demonstrate here that he is recognised by the Government and the country as having given his indorsement of the present plan as it is now being prosecuted; and I ask the Committee on Rivers and Harbors if they have investigated the question of the amount of money that has been expended for repairs on works that have been done under this plan within the last two years?

Why have you not informed the House on that subject? I assert that of the $8,000,000 which have been appropriated and expended in this work nearly $2,000,000 have been expended in repairs on these mattresses and this revetment work; and yet that fact has been kept from the House, and kept from the country. This committee, with full power to investigate, with full power to ascertain all the facts upon this question, have brought in this bill and attempted to change the manner of doing this work, claiming we must call this Captain Eads to the helm and that he has some new plan, some new method that will give success to this great scheme of public plunder.

No, sir, I say to my friend do not leave this question since you have thrown down the gauntlet on that point, do not leave it till you have brought in the proof that Captain Eads has ever advised against this scheme and against the plan as prosecuted to-day.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BLACKBURN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HERBERT. I shall endeavor, Mr. Chairman, to bring this debate back to the question really before the committee. When we get to the appropriation for the Mississippi River, gentleman can then discuss that question. I believe, Mr. Chairman, that we ought to adopt the principle underlying the amendment of the gentlemen from Iowa [Mr. HEPBURN] when we get ready for it; but we have not yet made the necessary preparation.

This Government, in expending so many millions of dollars as are appropriated annually in the river and harbor bill, ought to have the

benefit of the very best talent and of the services of the men who have received the very best education. The education at West Point in engineering has been increased very much during the last twenty years. But gentlemen will find that the education given there in that branch is not equal to that received in the schools of arts and mining in the New York and Columbia Colleges, or in the special school at Harvard, or in the Ecole Polytechnic of France, or in certain schools in Germany.

We will not be prepared to adopt this policy of using only the talent and education, the skill and ability of our Army officers until we have improved our system of education at West Point. I believe we ought to add another year to the curriculum at that institution, and let it be devoted to the science of engineering. We have not much use now for our officers except as the nucleus of an army. We might as well extend the time and appropriate the money necessary for educating these young men another year, devoting that time especially to the science of engineering. When we shall have done that and turned out graduates who have had the additional time at West Point, then we will be prepared, and not till then, to adopt the principle of the amendment of the gentleman from Iowa.

As it is now, Mr. Chairman, we are simply doing what is done by every government in the world—availing ourselves of the very best talent to do the work. The Government ought not to be limited in its choice. In England the officers who conduct the ordnance survey are most of them civilians, eminent men, who have special qualifications from education and experience. I believe that that is the best policy to pursue. I believe it is the best policy to pursue here until we can, as I have said, provide for giving at West Point the very best education on this subject of engineering of which the human mind is capable.

Mr. WILLIS. Before moving that the committee rise I will ask my friend from Iowa [Mr. HEPBURN] to withdraw his amendment with a view to renewing it in the morning.

Mr. O'NEILL, of Missouri. I object.

The CHAIRMAN. The gentleman from Iowa can withdraw his amendment and renew it when he pleases.

Mr. HEPBURN. With the understanding that I can renew it in the morning, I now withdraw my amendment.

Mr. WILLIS. I move that the committee rise.

Mr. O'NEILL, of Missouri. I ask the gentleman from Kentucky to withhold his motion for a moment.

Mr. WILLIS. I will do so.

Mr. O'NEILL, of Missouri. In yesterday's discussion the gentleman from Kentucky [Mr. WILLIS] made this statement: "That of the appropriation made last year of $520,000 for that portion of the river of which I was the advocate, only $135,000 had been expended; and that, in other words, Congress had appropriated far more than it could judiciously expend." These are the exact words in the RECORD.

Now, as regards the appropriation of last year, I have here a communication from the Chief of Engineers, in which he states that all that money has been expended but $240,000, and that every dollar of that will be expended before the close of the present fiscal year, on the 30th June next. I desire to insert in the RECORD his statement and also a dispatch from the resident engineer at Saint Louis, Major Ernst.

Mr. WILLIS. That is exactly what I said. There has been appropriated a much larger sum than has been expended.

Mr. O'NEILL, of Missouri. But will be expended before June 30 next.

The following are the communications referred to by Mr. O'NEILL, of Missouri:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 4, 1885.

SIR: Your telegram of the 2d instant received to-day. I hasten to inform you that the balance of former appropriation for Mississippi River between mouth of Illinois and Cairo unexpended is $247,000, which will all be expended before close of the fiscal year.

For further information please see report of Major Ernst, herewith, pages 1411, 1417, &c. Estimate submitted by him for next fiscal year, $1,000,000.

This work is now under control of the Mississippi River Commission.

Very respectfully, your obedient servant,
JOHN G. PARKE,
Colonel of Engineers, Bvt. Maj. Gen. United States Army.

Hon. JOHN J. O'NEILL,
House of Representatives, Washington, D. C.

SAINT LOUIS, MO., *February 4, 1885.*

To Hon. JOHN J. O'NEILL,
House of Representatives, Washington, D. C.:

Amount now available, about $247,000, will all be expended by end of fiscal year; $1,000,000 can be advantageously expended next year. The works stood the heavy break-up of ice a month ago without damage.
ERNST, *Engineer.*

Mr. WILLIS. Mr. Chairman, I now renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The Chair asks the consent of the House to submit certain executive communications.

There was no objection.

SURVEY NEAR GUTTENBURG, IOWA.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a survey of the Mississippi River near Guttenburg, Iowa; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Interior, transmitting a supplemental report of Indian depredation claims reported to the Interior Department since January 13, 1885; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAWCATUCK RIVER, RHODE ISLAND.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Pawcatuck River, Rhode Island; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry and brevet colonel United States Army;

A bill (S. 1242) to reimburse Elizabeth Comstock for customs dues paid by her on articles donated for the relief of colored emigrants;

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton; and

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SKINNER, of North Carolina, for one day.

Mr. BENNETT was excused from attendance on the evening session, on account of sickness.

Mr. HERBERT was excused from attendance on the evening session, on account of sickness in his family.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

Mr. WILLIS. Mr. Speaker, I call attention to the order of the House for a recess until 8 o'clock this evening.

The SPEAKER *pro tempore*. The Chair has that order in mind, but nevertheless the motion of the gentleman from Kentucky [Mr. WHITE] is in order.

Mr. WILLIS. But that motion will not affect the recess, because the motion to take a recess was agreed to and the motion to reconsider was laid on the table.

The SPEAKER *pro tempore*. The Chair understands that, but, in the judgment of the Chair, the motion of the gentleman from Kentucky [Mr. WHITE] is in order under the rule.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is called for, and, the hour of 5 o'clock having arrived, the regular order is the execution of the order of the House to take a recess until 8 o'clock this evening. The House therefore stands in recess until 8 o'clock this evening, when the gentleman from Tennessee [Mr. MCMILLIN] will preside.

EVENING SESSION.

The House reassembled at 8 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. No objection being made, the motion is agreed to.

Mr. WHITE, of Kentucky. I call for tellers.

The SPEAKER *pro tempore*. The Chair thinks the gentleman is too late with his demand, but the Chair is not disposed to cut him off.

Mr. WHITE, of Kentucky. I made it as quickly as I could.

The SPEAKER *pro tempore*. The Chair is not disposed to take advantage of the gentleman's delay. Does the gentleman [Mr. WHITE, of Kentucky] now call for tellers?

Mr. WHITE, of Kentucky. I do.

The question was taken, and no one rose to second the demand for tellers.

The SPEAKER *pro tempore*. No one having risen, tellers are refused.

Mr. WHITE, of Kentucky. Mr. Speaker, I make the point of order that no quorum has voted.

The SPEAKER *pro tempore*. That fact has not been ascertained. Tellers are refused. The House has resolved to go into the Committee of the Whole on the state of the Union, and the gentleman from Georgia [Mr. HAMMOND] will take the chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair) and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

Improving harbor at Burlington, Vt.: Continuing improvement, $20,000.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to amend by making that appropriation $21,000. As I have not the estimates of the Chief of Engineers at hand, I desire to call attention to the anomalous position that we are in here to-night, in Committee of the Whole on the state of the Union, to consider a river and harbor bill carrying over $12,000,000, and yet not one-quarter of the members of this House present, not one-half of a quorum present, and by a gag we are forced into this committee. Let the country take notice of that fact. We are here, too, not to discuss this bill, but to discuss such parts of the bill as the Committee on Rivers and Harbors desire, for be it remembered that it was the chairman of the committee who made the motion that we should discuss no item of appropriation here to-night that exceeds $50,000. We are here to discuss the small items in this bill, the trout streams, the catfish streams, and the ponds.

Now, I desire to call attention to the fact that in the Forty-seventh Congress a bill was passed, which has been condemned by a portion of the people, which was uniformly condemned by the metropolitan press controlled by the railroad interests of the country, and which was further condemned by the veto message of the President, which inured to the benefit of the railroad magnates who do not want water transportation in competition with the railway lines. I desire to call attention to the fact that in that bill there was appropriated for the Big Hatchie, for the Great Pee Dee, for the Clinch in Tennessee, for the Big Sunflower in Mississippi, for the South Fork of the Cumberland in Kentucky, for the Tradewater in Kentucky, for the Big Tombigbee, together with the Niagara—for all these there were appropriated only $26,000.

But in your Democratic bill of last session you appropriated for the same items $49,500—nearly double what was carried by the bill of the Forty-seventh Congress. You may apply the same comparison to this bill, and you will find that it is with equal justice condemned.

In the bill of 1882 there were thirty-two rivers for which $5,000 each was appropriated; one for which $4,500 was appropriated; seven with an appropriation of $4,000 each; two, $3,500 each; seventeen, $3,000 each; one, $2,500; seven, $2,000 each; four, $1,500 each; four, $1,000. Your Democratic bill of last session appropriated for twenty-eight rivers $5,000 each; three, $4,000 each; two, $3,500 each; sixteen, $3,000 each; seven, $2,500 each; nine, $2,000 each; one, $1,500; and one, $1,000. In the Forty-seventh Congress the aggregate was $339,000 for these small streams; and at the first session of the Forty-eighth Congress it was $257,000. The difference in respect to these streams is not very large.

Now we are here to-night to discuss that part of this bill which it seems is intended to carry the Galveston appropriation, to carry the Mississippi River with ease, to carry the Hennepin Canal, and to carry the other enormous appropriations in this bill. I say we ought to have a full committee. We ought to discuss this thing with the light of day, with three hundred and twenty-five members present, not with an attendance of forty members as we have to-night. And, sir, when the proper time comes I shall call for a quorum; and if your side does not produce it here, you will not make any progress to-night.

Mr. WILLIS. It is very evident that there is not a quorum in the Hall to-night; but the House has been in session only a few minutes. It is well known to members that to-day, for the purpose of expediting the public business, this arrangement for an evening session was made, so that all who desired to oppose any item in this bill could have an opportunity to be present. The question now simply remains whether we shall call here a sufficient number of members to make a quorum, or whether those items which are not in dispute—items which have been carried in every river and harbor bill for the last ten years, items which certainly were in the last bill and the one prior to that—can be disposed of to-night, thus making way for those matters which are in dispute and which can only be determined upon a full vote of the Committee of the Whole.

The Committee on Rivers and Harbors in bringing in this bill stated frankly to the House and to the country that they had no hope of reporting a measure which would escape criticism. As chairman of that committee I felt it to be my duty in the brief opening statement which I made to call attention to four or five items—the Hennepin Canal, if you please, the Galveston Harbor, the Sandy Bay appropriation, and the improvement of the Mississippi River—which would excite debate. Those matters can be discussed and settled when there is a full House.

We are now met here as business men and Representatives of the people, not desiring to waste public time, but disposed I trust to proceed with this bill and get rid of that portion upon which we are all agreed. I appeal to my colleague as a Representative on this floor to let us go on with these matters upon which we can agree; and if we come to any matter really in dispute, it can be passed over. In the interest of public business and with a view to the discharge of our representative duty, I ask him and I ask other gentlemen to let us go on in this way, confident that those objects which all of us have in view will in the end be best secured.

Mr. WHITE, of Kentucky. Do I understand that this amendment is still open to debate?

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WHITE, of Kentucky. I thought my colleague [Mr. WILLIS] was discussing the amendment.

The CHAIRMAN. He opposed it.

Mr. WHITE, of Kentucky. I rise to oppose my colleague. Mr. Chairman, I desire to call attention——

Mr. BROWNE, of Indiana. I rise to a point of order. Is it in order for the gentleman from Kentucky to discuss this question in the absence of a quorum?

The CHAIRMAN. It has not appeared to the Chair that there is no quorum present.

Mr. BROWNE, of Indiana. If that point is to be raised, I hope it will be raised and settled before the gentleman from Kentucky proceeds further with this discussion.

Mr. WHITE, of Kentucky. Very well; I am willing if the Committee of the Whole is ready to vote on the proposition.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to make another motion to strike out.

Mr. WHITE, of Kentucky. I do not withdraw my motion to increase this appropriation $1,000.

The CHAIRMAN. Debate on that is exhausted.

Mr. WHITE, of Kentucky. Then I call for the question.

The CHAIRMAN. The question is on the amendment of Mr. WHITE, of Kentucky.

The committee divided; and there were—ayes 11, noes 64.

Mr. WHITE, of Kentucky. No quorum has voted. Let us have a call of the House if we are going to make appropriations.

The CHAIRMAN. The Chair appoints as tellers Mr. WHITE of Kentucky and Mr. BLANCHARD.

The committee again divided; and the tellers reported—ayes 11, noes 97.

Mr. WHITE, of Kentucky. No quorum.

The CHAIRMAN. Under the rule, the roll will be called.

The roll was called; and the following members failed to answer to their names:

Adams, G. E.	Dingley,	Keifer,	Robinson, J. S.
Adams, J. J.	Dockery,	Kelley,	Robinson, W. E.
Aiken,	Dorsheimer,	Kellogg,	Rockwell,
Anderson,	Dowd,	Lacey,	Ryan,
Arnot,	Dunn,	Laird,	Seney,
Atkinson,	Eaton,	Lamb,	Shaw,
Ballentine,	Eldredge,	Lawrence,	Singleton,
Barbour,	Elliott,	Le Fevre,	Skinner, C. R.
Barksdale,	Ellis,	Lovering,	Skinner, T. G.
Barr,	Ellwood,	Lowry,	Smith, A. Herr
Beach,	Ermentrout,	Lyman,	Smith, H. Y.
Belmont,	Evans,	McCold,	Spriggs,
Bennett,	Everhart,	McComas,	Steele,
Bingham,	Fiedler,	Millard,	Stewart, J. W.
Bisbee,	Findlay,	Miller, J. F.	Struble,
Blackburn,	Finerty,	Miller, S. H.	Sumner, C. A.
Bland,	Forney,	Milliken,	Sumner, D. H.
Boutelle,	Funston,	Mills,	Talbott,
Bowen,	Garrison,	Mitchell,	Taylor, E. B.
Boyle,	Geddes,	Money,	Thomas,
Brainerd,	George,	Morgan,	Thompson,
Bratton,	Glascock,	Morrill,	Throckmorton,
Breitung,	Goff,	Morrison,	Townshend,
Brewer, J. H.	Graves,	Morse,	Tucker,
Brumm,	Green,	Moulton,	Turner, Oscar
Buckner,	Hanback,	Muldrow,	Valentine,
Burnes,	Hancock,	Muller,	Van Alstyne,
Cabell,	Hardeman,	Murray,	Vance,
Caldwell,	Harmer,	Mutchler,	Van Eaton,
Campbell, Felix	Hatch, H. H.	Nicholls,	Wadsworth,
Campbell, J. M.	Hatch, W. H.	Oates,	Wakefield,
Cassidy,	Henderson, D. B.	Paige,	Ward,
Chalmers,	Henley,	Patton,	Warner, Richard
Clardy,	Herbert,	Payson,	Washburn,
Clay,	Hitt,	Peel,	Wemple,
Cobb,	Hobilitzell,	Perkins,	White, Milo
Collins,	Holmes,	Peters,	Whiting,
Converse,	Holton,	Pettibone,	Wilkins,
Cook,	Hooper,	Phelps,	Williams,
Covington,	Hopkins,	Poland,	Winans, E. B.
Cox, W. R.	Houk,	Post,	Winans, John
Craig,	Howey,	Rankin,	Woodward,
Culbertson, W. W.	Hutchins,	Ranney,	Worthington,
Curtin,	Jones, B. W.	Ray, G. W.	York,
Cutcheon,	Jones, J. K.	Ray, Ossian	Young.
Dargan,	Jones, J. T.	Rice,	
Deuster,	Jordan,	Robertson,	

The committee rose; and the Speaker *pro tempore* (Mr. MCMILLIN) having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, finding itself without a quorum, had caused the roll to be called, when one hundred and thirty-six members had answered to their names, and he was directed to report the names of the absentees to the House, to be spread upon the Journal.

Mr. HEWITT, of Alabama. I wish to state that my colleague, Mr. HERBERT, is absent on account of sickness.

Mr. GEORGE D. WISE. My colleague, Mr. CABELL, is absent on account of sickness.

The SPEAKER *pro tempore*. This is not the time for excuses; that will be done further on.

Mr. WHITE, of Kentucky. I rise to a question of order, and it is this, that the roll-call having been proceeded with and the Chair having announced that excuses were in order and they having been begun, it is not now in order for gentlemen to interrupt that roll-call which the House is now executing.

The SPEAKER *pro tempore*. The gentleman from Kentucky is in error as to the statement he makes. Members were offering excuses for absentees when the Chair announced it was not in order for excuses to be made at that time.

Mr. WHITE, of Kentucky. I stand corrected, but I understood the names of absentees were about to be read under the rule.

The SPEAKER *pro tempore*. The Chair begs leave to state there is no rule of the House requiring excuses for absentees to be rendered at this time. In case of further proceedings for the purpose of compelling the attendance of absent members, it will be in order to receive excuses for absent members.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the river and harbor appropriation bill.

Mr. COSGROVE. Pending that I move the House do now adjourn.

The House divided; and there were—ayes 25, noes 85.

So the House refused to adjourn.

Mr. STORM. I rise to a parliamentary inquiry. The last vote on a call of the House disclosed a quorum was not present. Can any other business be transacted except to proceed with the call of the House or to adjourn?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that there has been no proceedings in the House determining the fact that no quorum is present. There was a call in the Committee of the Whole, but there has been no ascertainment of the fact of no quorum in the House.

Mr. STORM. That fact was reported to the House, and the House is in possession of that information.

Mr. HOLMAN. The roll-call showed there was no quorum present.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS], that the House resolve itself into the Committee of the Whole House on the state of the Union.

The House divided; and there were—ayes 93, noes 2.

Mr. BELFORD. The call of the roll shows a quorum is not present.

Mr. DUNHAM. I desire to ask a question for information. The gentleman from Georgia [Mr. HAMMOND], chairman of the Committee of the Whole House on the state of the Union, reported that the committee, finding itself without a quorum, had caused the roll to be called, and he then reported the names of the absentees to the House. Now, that list of absentees has never been read.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that the rule requires the names of the absentees to be reported to the House to be entered upon the Journal. That does not require the reading of the names of the absentees.

Mr. DUNHAM. Have the names been reported to the House?

The SPEAKER *pro tempore*. They have, and been entered upon the Journal as the rule requires.

Mr. DUNHAM. Is the report of one clerk to another reporting to the House.

The SPEAKER *pro tempore*. The Chair rules on the point of the gentleman from Illinois that the usual course has been pursued. It has been the uniform custom of the House to proceed as has been done this evening.

The Chair appoints Mr. WHITE of Kentucky and Mr. BLANCHARD as tellers, and they will take their places.

The House divided; and the tellers reported—ayes 124, noes 8.

Mr. WHITE, of Kentucky. I move that there be a call of the House. We ought to have a quorum when discussing a bill that carries $12,000,000 and over.

Mr. O'NEILL, of Missouri. I ask for a division on that motion.

The House divided; and there were—ayes 24, noes 62.

So the motion was disagreed to.

Mr. WILLIS. Mr. Speaker, there are here about the usual number of members who legislate, and in order to get more it would be necessary to exhaust the patience and time of those who are here, and that I am unwilling to do. I have, as the House will bear me witness, done everything I could to advance this bill as expeditiously as is consistent with its proper consideration; but I do not feel it would be right to ask the House to tax the members who are present by keeping them here until a call of the House can be enforced. I will only ask the members who are present and those who may be here to-morrow to give the committee all the aid they can in the consideration of this bill.

Mr. WHITE, of Kentucky. Mr. Speaker, there is nothing before the House, and I move that we now adjourn.

Mr. WILLIS. And in view of these facts and the obstruction that has been foisted upon the House, I move that it do now adjourn.

Mr. WHITE, of Kentucky, I have already made that motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that the House do now adjourn.

Several MEMBERS. Which gentleman from Kentucky?

The SPEAKER *pro tempore*. The gentleman from Kentucky on the right of the Chair [Mr. WILLIS] is recognized as making the motion, he having the floor, and not the gentleman on the left, who interposed the motion.

The motion was agreed to; and accordingly (at 9 o'clock and 6 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition and papers of John A. Fairfax for relief as to certain losses during the late war—to the Committee on War Claims.

By Mr. BAYNE: Petition of Rev. E. E. Swift, D. D., and others, of Allegheny County, Pennsylvania, praying the early consideration by Congress of the Mormon question—to the Committee on the Judiciary.

By Mr. BEACH: Petition of citizens of Newburg, N. Y., on the Mormon question—to the same committee.

By Mr. BURLEIGH: Petition of citizens of Cambridge, N. Y., requesting early consideration of the Mormon question—to the same committee.

By Mr. CARLETON: Petitions of Robert N. Jenks and about 75 others, of Saint Clair; and of D. Lester and about 75 others, of Saint Clair, Mich., asking for the purchase by the United States of the Portage Lake Canal, and to make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Petition of Avetas Blood and others, of Manchester, N. H., for legislation to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. A. S. HEWITT: Petition of the New York State Cider and Cider-Vinegar Association, asking for the repeal of the vaporizing law of 1879—to the same committee.

By Mr. J. T. JONES: Memorial of the Alabama Legislature, for improvement of Coosa River—to the Committee on Rivers and Harbors.

By Mr. LOVE: Petition of Mrs. L. C. Marks and 50 others, of Thomas McCorkle, jr., and 23 others, of J. H. Nixon and 30 others, and of George Gray and 31 others, citizens of Wilmington, Del., for the suppression of Mormonism by law—to the Committee on the Judiciary.

By Mr. PIERCE: Petition of William H. Kellough, executor of Eleazer Woods, deceased, of Gibson County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. SHIVELY: Petition of John F. Kendall and 95 others, citizens of La Porte, Ind., for action by Congress looking to the suppression of Mormonism in the United States—to the Committee on the Judiciary.

By Mr. E. B. TAYLOR: Petition of 23 citizens of Greene, Trumbull County, Ohio, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. WEMPLE: Petition of citizens of Schenectady, N. Y., urging action by Congress upon the bills for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. WINANS: Petition of the Racine Wagon and Carriage Manufacturing Company, for legislation favoring the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. YAPLE: Petition of Mrs. C. Case and others, citizens of Niles, Mich., for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Sullivan County, Missouri.

By Mr. ANDERSON: Of 62 citizens of Clyde; of 13 citizens of Rice, Cloud County, and of 55 citizens of Sutphen's Mills, Dickinson County, Kansas.

By Mr. J. H. BREWER: Of citizens of West Point Pleasant, Ocean County, and of Aaron Wilkes Post, Grand Army of the Republic, of Trenton, N. J.

By Mr. CARLETON: Of S. H. Avery and 200 others, of Port Huron; of Peter B. Cade and others, of Romeo, and of Daniel George and 65 others, of Sanilac County, Michigan.

By Mr. W. W. CULBERTSON: Of 163 voters of Ashland, Ky.

By Mr. CUTCHEON: Of citizens of Chase, of Lake, and of Newaygo Counties, Mich.

By Mr. EATON: Of citizens of Hartford, Conn., and others.

By Mr. ELDREDGE: Of J. M. Branson and 159 others, of Tecumseh, Mich.

By Mr. ENGLISH: Of Adam L. Ogg and 126 ex-soldiers, of Hancock County, Indiana.

By Mr. FUNSTON: Of citizens of Urbanna, of Ochiltree, and of Hepler, Kans.

By Mr. FYAN: Of B. R. A. Jones and 370 others, of Carthage, of Charles Jacobs and others, of R. M. Peck and 38 citizens, of Webb City, of James Spain and 27 citizens of Carthage, Jasper County; of D. T. Bruck and 56 others, of Lawrence County; of John V. Atterbury and 56 others, of Elkland, Webster County; of J. E. Hunt and 50 others, of Ash Grove, Greene County; and of Thomas J. Newport and 123 others, of Neosho, Newton County, Missouri.

By Mr. HANBACK: Of 149 citizens of Scottville, and of 143 citizens of Bull's City, Kans.

By Mr. HAYNES: Of Alfred J. Crane and 41 others, of Deerfield; of Aaron Whitimore, jr., and 37 others, of Pittafield; of J. C. Hill and 14 others, of Wakefield; of John Kenney and 10 others, ex-soldiers, of Greenville; of Isaiah Tucker and 49 others, ex-soldiers, of Rockingham County, and of Charles T. Gilman and 79 others, of Belmont, N. H.

By Mr. HISCOCK: Of citizens of Cortland County, and of Syracuse, N. Y.

By Mr. HITT: Of 15 citizens of Winslow, of 48 citizens of Polo, of 63 citizens of Mount Carroll, and of 120 citizens of Brookville, Ill.

By Mr. HOUSEMAN: Of David Stockdale and 38 others, of Wayland, of Englishville, and of Berlin, Mich.

By Mr. LACEY: Of J. S. Willson and 87 others, of Leslie, Mich.

By Mr. LAMB: Of citizens of Clay, of Vigo and of Fountain Counties, Indiana.

By Mr. McCOID: Of citizens of Salina, Jefferson County; of Wapello, Louisa County, of Louisa and Henry Counties, Iowa.

By Mr. McCOMAS: Of 120 soldiers and citizens of Garrett County, Maryland.

By Mr. MAYBURY: Of citizens of Wayne County, of Plymouth, and of Ecorse, Mich.

By Mr. MILLARD: Of citizens of Broome, of Tompkins, and of Schuyler Counties; of Dryden, of Trumbull Corners, and of Groton, Tompkins County, New York.

By Mr. MORRILL: Of 52 citizens of Severance, Doniphan County, Kansas.

By Mr. MOULTON: Of 100 citizens of Macoupin, of Moultrie, and of Shelby Counties; and of Colis, Moultrie County, Illinois.

By Mr. NUTTING: Of numerous citizens of South Valley, Otsego County, and of Oneida, Madison County, New York.

By Mr. PARKER: Of citizens of Russell and of Hewittville, N. Y.

By Mr. PAYNE: Of 66 citizens of Waterloo, of 38 citizens of Port Byron, of S. E. Bulloch and 120 others, citizens of Wolcott; of C. A. Pulver and 62 others, citizens of Sodus; of 59 citizens of Moravia, and of 40 citizens of Owasco, N. Y,

By Mr. POLAND: Of Charles P. Coy and 300 others, of Bethel, and of Arthur S. Byam and 200 others, of Chester, Vt.

By Mr. W. F. ROGERS: Of ex-soldiers of Buffalo, and of citizens of Angola, Erie County, New York.

By Mr. SPRINGER: Of citizens of Jacksonville, and of 200 citizens of Forest City, Ill.

By Mr. STEPHENSON: Of H. R. Allen and 35 others, of Merrill; of John Garty and 77 others, of Waupaca County, and of David Dicks and 55 others, of Langlade County, Wisconsin.

By Mr. J. W. STEWART: Of citizens of Lamoille, of Addison, of Chittenden, of Franklin, of Rutland, and of Bennington Counties, Vermont.

By Mr. STORM: Of citizens and soldiers of Carbon County, and of Nanticoke, Luzerne County, Pennsylvania.

By Mr. STRAIT: Of James Hartt and 37 others, of Winsted Lake, McLeod County; of S. Harnden and 64 others, of Farmington, Dakota County; of W. J. Ives and 15 others, of Hutchinson, McLeod County; of J. R. Butler and 76 others, of Glencoe, McLeod County; of George Botham and 45 others, of Murdock, Swift County, Minnesota, and of Fred. A. Hobbs and 42 others, of South Norridgewock, Somerset County, Maine.

By Mr. WAKEFIELD: Of 125 citizens of Kasota, of 94 citizens of Eagle Lake, and of 45 citizens of Balston, Minn.

By Mr. WEAVER: Of George Little and 80 others, citizens of Odell; of P. Sherman and 328 others, citizens of Tecumseh; of William G. Stone and 83 others, citizens of Crab Orchard; of C. F. Came and 59 others, citizens of Louisville, and of John McCaig and 88 others, citizens of Elmwood, Nebr.

By Mr. WEMPLE: Of citizens of Edinburg, of Gloversville, of Ballston, of Duanesburg, of Schuylerville, and of Amsterdam, N. Y.

By Mr. W. L. WILSON: Of 64 citizens of Preston County, of 62 citizens of Morgan's Glade, Preston County, and of 42 citizens of Randolph County, West Virginia.

By Mr. JOHN WINANS: Of Edward Rogers and 64 others, members of L. E. Curtin Post, No. 34, of Whitewater, and of N. G. Parks and 23 others, of Woodworth, Wis.

By Mr. WOODWARD: Of 170 citizens of Vernon, and of 64 citizens of Sauk Counties, Wisconsin.

SENATE.

THURSDAY, *February* 5, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Idaho Territory, praying that so much of the lands in that Territory as are not actually required for the use and occupancy of the Shoshone and Bannock Indians may be restored to the public domain and opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Legislative Assembly of Idaho Territory, praying that so much of the lands set apart in that Territory for the Nez Percé Indians as is not actually needed for their use may be opened to settlement; which was referred to the Committee on Indian Affairs.

Mr. WILSON presented the petition of Joseph Cunningham and other citizens of Iowa, praying that a pension be granted to John Q. Deakins, late a soldier in the Black Hawk war; which was referred to the Committee on Pensions.

Mr. HARRISON presented the petition of Samuel Barr and 45 other citizens of Tippecanoe County, Indiana, praying that an appropriation of $100,000 be made for the improvement of the Wabash River between La Fayette and Terre Haute, and Pittsburg, Ind.; which was referred to the Committee on Commerce.

Mr. SABIN presented a concurrent resolution of the Legislature of Minnesota; which was read, and referred to the Committee on Commerce, as follows:

Whereas the Senate of the United States passed certain resolutions of date of April 22, A. D. 1884, directing the honorable Secretary of War to have examined and to procure information as to cost, condition, and value of the Portage Lake and Lake Superior Ship Canal Company's canal and the Portage Lake and River Improvement Company's canal (canals that cut a channel across the base of Point Keweenaw, making an open passage from Keweenaw Bay to Lake Superior), said examination to be made with a view to determining a fair value of said canals; and

Whereas the honorable Secretary of War designated Col. O. M. Poe, of the United States Army, to make full examination of these improvements and report all the facts, in accordance with the terms of said Senate resolution; and

Whereas the honorable Secretary of War, after receiving a full and careful report made by Colonel Poe, did submit his report to the Senate of the United States on January 5, A. D. 1885, wherein the purchase of these two canals is recommended at a fair and reasonable price, and that they be made free water ways to the commerce of the Northwest and the great lakes; and

Whereas the tolls and tonnage dues collected by these companies are a serious burden to important industries and a large number of people who are mainly supplied by these canals, and also a serious tax to the vessel interest and the commerce passing through them to the Northwest; and

Whereas these canals, form important channels, that should be made free to the great commerce of the Northwest and that is tributary to Lake Superior; and

Whereas the general use of these canals shortens the distance through Lake Superior via these canals over two hundred miles in going east and west, and permits of a quiet and safe passage, avoiding the most turbulent and unsafe portions of Lake Superior; and

Whereas these canals may be made harbors of refuge where Lake Superior is the most dangerous in navigating, and where these canals may be made the most available shelter from the storms that occasion serious disaster in this lake and in the vicinity of these canals: And therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Senators and Representatives in Congress be urged to use their influence in procuring such legislation as will result in acquiring the title to these canals to the United States for the purpose of making them free water ways to the commerce of Lake Superior and the Northwest.

Resolved, That the clerk of the house be instructed to furnish duly certified copies of the foregoing resolutions to each Senator and Representative in Congress from the State of Minnesota.

Adopted by the house of representatives January 15, A. D. 1885, and concurred in by the senate January 23, A. D. 1885.

J. R. HOWARD,
Chief Clerk of the House of Representatives.

Mr. CONGER presented the petition of James Moffat and 21 other citizens of Michigan, praying for the passage of the bill providing for the purchase by the Government of the two canals across Keweenaw Point, Lake Superior, State of Michigan; which was referred to the Committee on Commerce.

REPORT OF COMMITTEES.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 4382) for the relief of William H. Davis, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 5207) granting a pension to Adalbert Stickney, reported it without amendment, and submitted a report thereon.

Mr. JACKSON. On behalf of the minority of the committee I present their views upon that bill, which I move be printed and laid on the table.

The motion was agreed to.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office; which was read twice by its title.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., to report it with amendments.

Mr. JACKSON. I ask the consent of the Senate to take the bill up for present consideration. It is identical with one previously passed by the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. If the Senator is willing to let it stand over until after the morning business, I shall have no objection.

Mr. JACKSON. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

EULOGIES ON REPRESENTATIVE DUNCAN.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan, to report it favorably and without amendment. It provides for the usual number under such circumstances, and I ask for the present consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLICATION OF TREATIES.

Mr. MANDERSON. There was referred to the Committee on Printing a message of the President of the United States of January 23, 1885, transmitting, in compliance with a resolution of the Senate, copies of all treaties and conventions, except postal conventions, entered into by the United States and now in force. I am directed by the Committee on Printing to report back the message, with the accompanying documents, with a resolution providing that the usual number shall be printed.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the copies of treaties and conventions called for by a resolution of the Senate dated January 5, 1885, and transmitted by the President of the United States on the 23d of January, 1885, be printed.

Mr. MANDERSON. I ask for the immediate consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection to its present consideration?

Mr. COCKRELL. I should like to ask the Senator from Nebraska why not print some copies for distribution. It is an exceedingly valuable document, and it will be required and called for by a number of persons. Simply to print the usual number will give us, I believe, but two copies apiece unbound.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Until I get some information I shall object to it.

The PRESIDENT *pro tempore*. It is objected to.

Mr. COCKRELL. No; I should like to have some information on the subject before insisting on the objection.

The PRESIDENT *pro tempore*. If there be no objection, debate will proceed by unanimous consent on the question of present consideration.

Mr. COCKRELL. I think this is a document which should be printed, so that we can have some copies in addition to the ordinary and usual number that is printed simply for storing in the libraries and committee-rooms.

Mr. INGALLS. What is the usual number?

Mr. MANDERSON. Nineteen hundred. I ask consent to reply to the inquiry of the Senator from Missouri.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Nebraska will proceed.

Mr. MANDERSON. To print the usual number will require simply the Senate resolution I have presented. It is proposed to stereotype the work, so that other copies can be ordered at any time. The cost is ascertained, and after the usual number, 1,900, is supplied, by a concurrent resolution any number that may be required may be ordered.

Mr. COCKRELL. This is simply a Senate resolution?

Mr. MANDERSON. It is simply a Senate resolution for printing the usual number of a Senate document.

Mr. COCKRELL. I withdraw objection to its consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MILLER, of California. I was just going to say that it is my intention to bring in a concurrent resolution for publishing a large number. Five thousand copies of the document will propably be necessary.

Mr. COCKRELL. This being a Senate resolution, it is all right.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to it.

Mr. PLATT. Let it be read again.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the resolution.

The resolution was agreed to.

WAR DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I ask consent that the letter of the Secretary of War, communicating a list of clerks and employés, &c., in that Department during the year ended November 30, 1884, with the accompanying list, being Order of Business 1070, heretofore reported to the Senate by the Committee on Printing adversely to the printing of the same, be recommitted to the committee for further investigation and report.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that Order of Business 1070, being a letter from the Secretary of War, communicating list of clerks and employés, &c., during the year ended November 30, 1884, be taken from the Calendar and recommitted to the Committee on Printing. That order will be entered, if there be no objection.

INVESTIGATION OF NAVAL ESTABLISHMENT.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Naval Affairs to report a resolution and ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the naval establishment of the United States, including all vessels embraced in said establishment, the navy-yards of the United States, and to investigate all questions touching the organization of the Navy, the line and staff corps of the same, and all ranks and grades in said establishment, together with the pay of the same, and the question of promotion affecting such ranks and grades, and all other questions pertaining thereto; and for that purpose may sit during the recess of the Senate, at such times and places as the committee may determine, and shall have power to send for persons and papers, examine witnesses, employ a stenographer, and shall report their proceedings and such recommendations as they may see fit to make at the next session.

That all actual and necessary expenses of said committee, or subcommittee thereof, be paid on the approval of the chairman of said committee out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2615) to authorize medals to commemorate the completion and dedication of the Washington Monument; which was read twice by its title, and referred to the Committee on Finance.

Mr. HILL introduced a bill (S. 2616) to authorize the readjustment of the compensation of postmasters at certain fourth-class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SABIN introduced a joint resolution (S. R. 118) for the relief of actual settlers on the lands of the late Sioux Indian reservation in Dakota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

UNION PACIFIC RAILROAD DEBT.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is directed to inform the Senate what amounts were due the United States on December 31, 1882, from the Union Pacific Railroad; also, what amounts have become due from that date until December 31, 1884, according to the rule established in a decision lately made in the Court of Claims between the United States and said road; also, whether the annual settlement was made February 1, 1885, as provided in the Thurman act.

ADJUSTMENT OF POSTMASTERS' SALARIES.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate what number of clerks have been employed in adjusting postmasters' salaries during the present fiscal year under the act of March 3, 1883; the amount found due such postmasters in the adjustments now completed; the probable approximate amount that will be found due in adjustments that will be made within the present fiscal year with the present clerical force, and the probable approximate amount that will be found due during the next fiscal year with the increased clerical force asked for.

ARMY COURTS-MARTIAL.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire and report to the Senate as to whether any legislation is required, and, if so, what, in regard to the appointment of courts-martial and the regulation of proceedings and practice in trials before such courts in time of peace; and whether under existing law an officer may be tried before a court-martial appointed by the President in cases where the commander of the accused officer to be tried is not the accuser.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BLAIR submitted the following concurrent resolution; which was read:

Be it resolved by the United States Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1883-'84 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

Mr. BLAIR. That is the ordinary number printed. I move that the resolution, with the accompanying paper, be referred to the Committee on Printing.

The motion was agreed to.

MOQUELEMOS GRANT.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish and transmit to the Senate copies of all correspondence, affidavits, petitions, arguments, reports, and decisions on file in the Department of the Interior, or rendered by any of the officers of that Department, with reference to or in connection with the Moquelemos grant in the State of California, and the surveys thereof, and the status of settlers thereon.

RULE AS TO AMENDMENTS TO APPROPRIATION BILLS.

Mr. INGALLS. I give notice that I shall to-morrow move to amend the third paragraph of Rule XVI by striking out that part thereof which forbids amendments proposing general legislation on general appropriation bills. This notice is given under the provisions of Rule XL. The amendment that I shall propose is as follows:

Strike out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any," and insert before "amendment," in line 2 of said clause, the word "no." In line 3 strike out the word "the," before "bill," and insert "any general appropriation;" and insert after the word "bill" the word "shall;" so that when amended the clause would read:

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received, &c.

The PRESIDENT *pro tempore*. Will the Senator send the notice to the desk? The rule requires that the notice shall be in writing.

Mr. COCKRELL. I shall also ask that it be printed.

Mr. INGALLS. It will be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the notice of the intended amendment will be printed.

Mr. HOAR. I think the Senator's proposed amendment to the rule had better be printed in the usual form also.

The PRESIDENT *pro tempore*. That order has been made.

PENSION BILLS.

Mr. MITCHELL. I desire to state that to-morrow morning, immediately after the disposal of the strictly morning business, I intend to ask the Senate to take up the private pension bills on the Calendar and pass them.

PRINTING OF INTERSTATE COMMERCE BILL.

Mr. CULLOM. I move that the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, which was passed by the Senate yesterday, be printed for the use of the Senate as passed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of 16,060 extra copies of the Annual Report of the Smithsonian Institution and National Museum for the year 1884.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*.

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton;

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman;

A bill (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored emigrants; and

A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. JACKSON. I now renew my request that the Senate proceed to the consideration of the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., which was reported this morning by the Senator from Missouri [Mr. VEST].

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 21, to strike out "district" and insert "circuit;" so as to read: "circuit court of the United States."

The amendment was agreed to.

The next amendment was, in section 7, line 5, after the word "maintained," to strike out the words "at the time of erection of said bridge."

The amendment was agreed to.

The next amendment was, in section 7, line 16, to strike out "district" and insert "circuit;" so as to read "circuit court of the United States."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Chief Clerk calls attention to a mistake in the print in the last line but one of section 7. The words "of the" are repeated. They will be stricken out in the second place if there be no objection. In the first line of section 6 there is a typographical error, which will be corrected at the Clerk's desk.

Mr. SAULSBURY. I should like to have the last section of the bill read. If I understand it correctly it provides for the building of the bridge by the Government of the United States in a certain contingency.

The PRESIDING OFFICER. The last section, section 7, will be read as amended, at the request of the Senator from Delaware.

The Chief Clerk read as follows:

SEC. 7. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the companies or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, steamboats, and other water craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHANGE OF REFERENCE.

Mr. MORRILL. I ask unanimous consent at this time to have changed the reference of the petition, presented by my colleague [Mr. EDMUNDS] a few days ago, from Amos A. Lawrence and 15 other citizens of Boston, Mass., praying that they may be made a corporation, for the purpose of promoting immigration to the Territory of Utah and developing its agricultural and mineral resources, with such privileges and immunities and subject to such restrictions as Congress may grant or impose. It was referred to the Committee on Territories, and it should have been referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the reference of the petition be changed from the Committee on Territories to the Committee on Public Lands.

The request was agreed to.

DES MOINES RIVER LANDS.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. It is the second bill on the Calendar under Rule VIII.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on agreeing to the motion of the Senator from Kansas.

Mr. GARLAND. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. GARLAND. I know it is not, but I wish to ask a question, with the consent of the Senate.

The PRESIDING OFFICER. If there be no objection, the Senator from Arkansas will proceed.

Mr. GARLAND. Does the Senator from Kansas expect to get the bill through in the morning hour?

Mr. PLUMB. I hope to have the Senate decide it some way. I hope the Senate will finally pass the bill, but we shall have to take the chances of debate on that, I suppose.

Mr. GARLAND. I should like to say that there is no possible chance

of getting the bill through to-day if all day be devoted to it. I make that statement now for what it is worth.

Mr. PLUMB. That condition of things will be no more aggravated to-day than it would be to-morrow or next day. Certainly I think it is proper, and I feel sure the Senator from Arkansas himself will agree that it is entirely proper, that the Senate should at an early day say "yes" or "no" upon the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. GARLAND. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary began to read the report submitted by Mr. PLUMB April 8, 1884, from the Committee on Public Lands.

Mr. MORGAN. I desire to suggest that by some mistake a different bill has found its way into the report from that reported by the committee. It was a mistake in compiling the report, I suppose. The bill contained and recited in the report is not the bill reported by the committee.

The PRESIDING OFFICER. The bill reported by the committee has been read. It will be unnecessary, therefore, to read the bill in the report.

The Secretary resumed the reading of the report.

Mr. ALLISON. I ask unanimous consent that the documents, letters, statutes, &c., may be omitted in the reading of this report. I think it will facilitate time to omit them.

Mr. GARLAND. What is the request?

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the further reading——

Mr. ALLISON. No; there are a number of statutes quoted in the report and a number of letters from the Departments, &c., recited. I ask unanimous consent that they may be omitted by the Secretary in reading.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that in reading the report the statutes and letters be omitted.

Mr. LAPHAM. I desire to have them read. There can not be an understanding of the question involved unless everything is read.

Mr. ALLISON. Very well.

The Secretary resumed the reading of the report and continued till 2 o'clock without concluding.

COINAGE OF SILVER DOLLARS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being House bill No. 4976.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar, the pending question being on the motion of Mr. INGALLS to strike out section 5 of the substitute reported from the Committee on Finance.

Mr. BOWEN. Mr. President, this is the first occasion since I have been a member of this body that any legislation touching the great question of silver coinage has been brought up for consideration here, and I regret that it is being pressed now, because it is too great a subject to be considered in the short time which the Senate—in view of other pressing business—can afford to devote to it, because it can not be fairly and justly considered as an abstract proposition, but must be looked into in connection with many other questions which cover the entire range of the general financial and monetary policy of the Government in a direct way, to say nothing of the incidental bypaths into which we must of necessity extend our researches before we shall be prepared to arrive at conclusions satisfactory to our own intelligence or that of the people of this country.

The issue is directly presented by the amendment of the Senator from Vermont [Mr. MORRILL] to the House bill which we are now considering. The amendment, if it shall become a law, stops the coinage of standard silver dollars, while the House bill simply retires the trade-dollars, without at all interfering with the coinage of silver as now being carried on by the Government. It is, I believe, generally conceded that the trade-dollars should be retired, and in this general opinion I most fully coincide; but while doing so I am utterly opposed to injecting into the consideration of this one piece of legislation the many questions necessarily involved in any and every discussion of the question of bimetallism.

And right here and now, Mr. President, I desire to disabuse the minds of all who suppose that we view this question solely from a standpoint of local self-interest. Nothing can be further from the truth; for while we plainly confess that the silver interest is one in which the mountain States and Territories are most vitally and directly interested, we at the same time believe that the whole nation, with all its varied resources, industries, and interests, is affected—although not so directly—as much as our people at home. No, sir; the views of those of us who represent upon this floor the people of those States are neither blinded nor circumscribed by the narrow abstractions with which we are accredited. If we were, why do we sit here and give our votes and lend our co-operation to those who advocate the protection of industries domiciled in the great Atlantic States?

Sir, in the State of Colorado we produce—without limit as to quantity—the material, and from it manufacture the finest Bessemer steel rails in the world; and yet we need no protection by law for that great industry. Still we are protectionists, believing that policy to be for the best interest of the whole country. We are protected in this regard naturally and absolutely by over a thousand miles of railway transportation. We are protectionists, not that our immediate constituents need any protection for the interests I have just alluded to, but because we believe generally in the protection of all American industries and all American labor, fully satisfied as we are that the extensive area within our borders has resources varied and boundless beyond human comprehension, which can make this nation of people self-sustaining in every regard, and that we should legislate not for the world at large, but for the people of this country.

Sir, we should not commit the fundamental error, either in reason or act, of basing our action here upon the theory that we have no natural advantages superior to any or all of the older countries across the sea; because the moment we do we commit an error so fatal, so elementary, that we shall stumble at the beginning and find ourselves floundering to the end. Let us, therefore, begin right, by realizing that it is unfair to this country for us to reason or act upon the hypothesis that our capabilities, resources, and natural advantages are equal only to those of the old countries. It is sufficiently humanitarian that we do in the future as in the past, and keep our portals open wide to the oppressed of all lands, limited only by our unquestioned right to exclude all contract criminal and pauper labor.

Bimetallism can not be discussed intelligently without touching extensively upon the many questions so directly connected with it. Our entire monetary and financial system and policy is necessarily involved in such a discussion, including our legal-tender acts, banking acts, loan acts, resumption acts, &c., to say nothing of the great questions of labor and the protection of home industries and productions. Therefore we deprecate all attempts to open up these general questions at a time when Congress can not, for want of time, give them the consideration which their importance deserves. I shall therefore offer but few suggestions at this time.

Mr. President, I have already suggested reasons for favoring a protective policy. I have also intimated why we need no protection for our own iron industry; to show that while considering our own immediate interests and realizing the natural protection afforded us by distance and the cost of transportation, we are not unmindful of the interests of other States, and not unwilling to give them our support when the general good is best subserved thereby. Standing upon the apex of the American continent, and looking from the door of my own mountain home, I can see nearly the whole of my own State, and in the distance can see into the great Territories of Utah, Arizona, and New Mexico, the whole covering an area greater than a dozen of the Atlantic States—its mountains, gold and silver ribbed, teeming with millions in value of the precious metals awaiting only the hardy pioneer to discover and the necessary capital to mine and reduce the ores. Shall that great and extensive country be excluded from the policy which favors home products and home labor? Have we no part or lot in the grand scheme of American aggrandizement? Shall we join in the protection of all American industries save our own?

This question is directed more particularly to members of my own party. We do not ask for a tariff by which silver shall be protected; but we have a right to expect that it will be protected by the coinage acts of Congress in view of the undisputed fact that silver coin was embraced in the money contemplated by the Constitution.

Sir, it is worse than idle to say that because certain European governments have demonetized silver that we must perforce do the same. The reasons which actuated them may have been sufficient for their purpose. It is a long story, and will be told in full when this whole question comes up for discussion; but not now. Even then it should only be interesting to us as a matter of history, and should not in the least govern our action here.

This is a great country, and can not afford to treat as equals in natural resources the old nations with their overcrowded populations, parts of which populations, beginning centuries before Christ, have been migrating from east to west in search of new homes in new lands, making more room in their retreat for those they left behind, and thus constituting themselves the safety-valves of countries too narrow to hold so many souls.

The problem of population is one of stupendous magnitude and bears directly upon us whenever we consider policies bearing upon the future as well as the present; but that problem must also be remitted to a future period, when with ample time we can enter into the consideration of the great reform legislation which sooner or later we will find it necessary to consider.

A few passing words can not, however, do any harm. In a country

of vast expanse and boundless resources we see, we feel nothing of the difficulties which environ nations with limited territory and a superabundant population. Up to this time there has been a path of egress into broader fields for those who, crowded together in unwieldy masses beyond the sea, sought a breathing place in this hospitable and liberty-loving land; but how shall we stand affected here when we begin to feel a like pressure? We occupy the *ultima Thule*. From here there is no escape, no relief by emigration; and human wisdom and forethought must solve the problem.

Mr. President, I beg pardon for this digression, if it be such. Time may vindicate the wisdom of the thought. I find it impossible to think of our financial and monetary policy without entering into a field so wide that my mental vision aspires not now to see its other side.

Errors, fundamental errors, must exist in our financial monetary system, and, in my humble opinion, no lopping off of dead or useless branches will be of any avail; no tinkering can ever perfect a superstructure, the foundation of which is weak and imperfect. The ax must be laid at the root of the tree in the one case and the foundation-stone must be well and truly set in the other before the situation can be fully relieved.

Since the establishment of the Bank of Venice—the first effort ever made to create money—down to the present time every conceivable monetary theory has been promulgated; but as yet each has been marked with the seal of manifest failure.

The cry for honest money is the just sequence of these failures. What is money? It is nothing more nor less than a medium of exchange. Give this medium of exchange the most substantial and desirable basis possible, and you give the most honest money possible. Congress can do no greater work than to give this country a monetary system as sound and perfect as human wisdom can invent. Guided by the experiences of the past, including absolute failures as well as partial successes, I indulge in the hope that such efforts will in the end be crowned with success. You ask me for a panacea, but I do not consider myself the Moses to lead you out of the financial wilderness. If, however, I can drop a single thought sufficiently suggestive to cause our financial fathers here to even question the wisdom of any of the lines of thought in which they have heretofore indulged, I shall feel more than compensated, more than gratified.

Honest money is the best money that can be made with the material and power within our control. Gold and silver have an intrinsic value. They are the metals out of which money has been made all over the world for centuries; and this intrinsic value has been everywhere recognized. When you add to this intrinsic value the money function, the general legal-tender quality, backed up by a powerful nation at peace at home, at peace abroad, the area of which is grand and magnificent and the products of which make its people absolutely self-sustaining and independent, even if they should be surrounded by an impassable wall over which they could not buy or sell anything whatever, you have a money as perfect as human ingenuity can devise. But you do not have enough of it. To meet this deficiency, what are we to do? Having coined all our gold and silver and made it a legal tender for all debts public and private—saving and excepting, however, from the provision last named all existing contracts and obligations heretofore made payable in any other manner—proceed to issue legal-tender notes with a like money function in quantity sufficient, when added to the gold and silver coin, to make a circulation per capita commensurate with the progress and business interests of the country, which amount—and it should be too large rather than too small—can be arrived at with reasonable certainty by drawing upon the experience of the world. With a constantly increasing population, and the constantly growing business of a new country like ours, the volume of currency should be correspondingly increased from year to year, say about 3 per cent. per annum, which is about the usual increase of population. If fifteen hundred millions is an adequate circulation for 40,000,000 of people, it is fair to presume that double that amount of circulation would be necessary for double that population, and so on.

For convenience and to save loss by abrasion, &c., the gold and silver coined and uncoined might, and I think should, be deposited in the Treasury of the United States, and gold and silver certificates in denominations of not less than $5 issued therefor, this gold and silver, either coined or uncoined, to be held there in trust for the purpose only of redeeming these gold and silver certificates, which certificates should have the full money function the same as the coin itself, as should everything which professes to be money. Having submitted this statement of my own views, I wish to point out one danger which above all things should be avoided, and that is, not to issue a single dollar professing to be payable in coin or bullion unless we have the coin or bullion in the Treasury with which to redeem it on sight, for to do so would be to make dishonest money, which we do not want. That is the rock upon which Mr. John Law's financial scheme in France split and went to pieces long years ago. His French money professed on its face to be payable in coin, and all went well so long as confidence lasted, but when that ceased to exist and the bills were presented for redemption he had nothing but real-estate mortgages to pay with. The money was a lie upon its face, and the system met its just and legitimate fate—absolute failure.

Speaking of confidence, it is a hidden rock upon which more business lives have been wrecked than on all the financial shoals in Christendom. It is said to be of slow growth, yet it is not a hardy shrub. Its universal fate is withering and death when brought in contact with the cool breath of doubt and suspicion; and no financial policy or transaction is anything beyond a delusion and a snare, which depends *solely* on confidence.

About the time of our late resumption of specie payments some years ago, it was the common remark that confidence was the one great thing needed; that when a man found he could get his money he would not take it; he only wanted to know if he could get it if he wanted to, &c. This is all well enough in times of prosperity and peace, because in such times all goes well naturally; but when adversity, disaster, and panic overtake us, confidence vanishes like a mist in the morning—is worse than a broken reed. A financial policy or monetary system designed to stand only the shocks incident to good times, reminds one of the Russian Grand Duke's apprehension and distress when the Crimean war was declared. He regretted it because it would ruin his beautiful regiment of the imperial guard.

Sound finance requires that a government's monetary system should rest upon a solid foundation, and not be subject to the whims or caprices of any man or nation. I have already shown how a part of the money we need, namely, gold and silver certificates, having full legal-tender quality for all debts, public and private, and secured by deposits in the United States Treasury of gold and silver bullion or coin, will be absolutely sound and secure. The legal-tender notes, having full money functions, needed in addition to these certificates to bring up the circulation per capita to the proper point will, if they do not profess to be redeemable in something which we have not on hand to redeem them with, be the next best money we can have.

Having determined the kind of money we are to have and the amount of circulation needed, the next important point is to get this money out and keep it out, so that debtors and creditors can alike rest assured that all payments will be made on the same basis of circulation upon which they were contracted. How to get this money out and how to keep it out, so that no stringency can occur in the money market, is another of the most important questions to be determined, for if it is not kept in circulation, it had just as well not exist. Business can not be done without money, nor can it be done to advantage without plenty of it. More spot money and less credit business would be a blessing to rich and poor alike. Panic is directly traceable to the fact that too many people get in debt and get in too deep; for it is self-evident that if no person in this country owed a single dollar there never could be money panics, such as we have had upon us with frightful regularity from time to time; so that the less people are in debt the less danger we are in from panics and their ever-present shadows of disaster, ruin, and bankruptcy.

To get this money out and to keep it out is not a difficult problem. Say that we determine that we will keep *not* less than fifty millions nor more than sixty millions of the money intended for circulation in the Treasury as a surplus, exclusive of bullion and coin kept there to redeem the gold and silver certificates. Then provide by law for the loan of money direct to the people, taking promissory notes therefor, secured by mortgage on broad acres of improved lands. These notes should bear interest at a rate not exceeding 3 per cent. per annum, payable annually, and should run for long periods of time, but to become due, principal and interest, immediately on default of the payment of any one year's interest or any one year's taxes. I will not attempt to go into details, but such a system has many advantages over the elasticity aimed at by the calling and payment of bonds. Hundreds of thousands of people scattered all over the country have improved lands, and the money thus put out would go to all parts of the nation instead of to the money centers.

On the other hand, but few people have bonds, and nearly all who have either live or do business in the great cities. When they draw their money for their bonds what do they do? Why, sir, they go to Wall street, loan it out on call loans, and when they get more people in debt they give the crank another turn, call in their loans, and thus add their mite toward increasing the business and financial distress which the calling in of their bonds was intended to relieve; and having by this process of squeezing and repression destroyed as far as possible the price of property, they take it for themselves, and at once begin to sing the same old tune of returning prosperity and restored confidence, and keep it up until prices once more reach their zenith, when they sell the property thus acquired and soon thereafter begin to discover in the distance a financial cloud no bigger than a man's hand, to which they assiduously direct attention, and declare that it is growing larger and most rapidly approaching.

They are now preparing for another call of bonds and for a repetition of the same financial processes I have just described. Such, sir, are some of the beauties of our present elastic currency; and I leave them to the fond gaze of those who admire them. I do not.

Mr. President, the kind of money I advocate can all be put upon an actual hard-money basis within twenty years by the coinage alone of all the gold and silver produced in this country in the way I will mention. Let the Government take and retain the exclusive power of issu-

ing money and controlling the amount of circulation. Let no person or corporation interfere with that part of its sovereignty. Remove the standing menace to business and prosperity, which will exist so long as banks of issue are permitted to exist with power to expand or contract the amount of the circulation.

This danger was recognized by the Senate of the United States when it passed at its last session the McPherson bill, which in effect said to the national banks: "Please, sirs, do not destroy the country by retiring your circulation." What a commentary upon a great government! Sir, this tinkering and trimming should stop. We should reform our financial and monetary policy and legislation from alpha to omega.

We should recognize the greatness and the unlimited natural resources of our own country, and we should legislate for it, and leave other countries to do the same for themselves. If we stood in the respects just mentioned on an equality only with each and every other nation we could afford a different policy, but we are untrue to ourselves if we waive our own advantages over so many of the others.

Let us plant ourselves on the solid monetary basis which I have endeavored to explain, and then let us, over and above all things, see to it that the balance of trade remains continually in our favor, even if we have to double our present rates of tariff and do all else necessary, remembering at the same time that no nation on earth will buy a single dollar's worth of our cotton, wheat, corn, meat, or other of our products because they love us, but will be governed in their purchases by their own desires and necessities. If necessary to maintain the balance of trade in our favor, shut out absolutely all foreign luxuries.

With this balance of trade certainly and permanently in our favor gold will flow in upon us from abroad, which, with all the gold and silver produced in our own land, will in time be more than sufficient to retire every legal-tender note we may have found it necessary to emit, and leave us with a currency consisting solely of gold and silver certificates, each dollar of which will represent a dollar of gold or silver lying in the Treasury of the United States as a sacred trust with which to redeem these certificates on demand.

Let the fiat go forth to all the world in language too plain to be misunderstood that this country legislates for its own people, and protects them in all their efforts, industries, and enterprises, excluding no branch, whatever it may be or wherever located within our borders. Let them also as distinctly know that silver is one of our important industries, and that this nation has planted itself firmly, unconditionally, and everlastingly upon the platform of bimetallism, and will neither get off nor be knocked off. Show them that this nation will be the leader in this regard in spite of them, and that all attempts on their part to further dictate to us will be stale and unprofitable.

The time has come in dealing with monetary problems when the law-making power of this Government must adopt a decisive and permanent rule of conduct. We must have an established coinage, and our metal values must be secured against commercial vicissitudes and trading fluctuations. We hear much about an "honest silver dollar," and we are reproached that the existing 412½-grain dollar is "dishonest." Who fixes the scale of metal values by which our standard dollar is rated "dishonest?" Is it the Congress of the United States? No. Who then?

Why, nobody but a coterie of bullion brokers in London, operating in Lombard street as buyers and sellers, bulls and bears; mere traffickers in a commodity, not vested with either sovereignty or responsibility, but simply bent on driving sharp bargains for themselves from day to day.

And yet the monstrous proposition is put forward here that our standard dollar ought to be made to contain whatever quantity of silver these London brokers might be willing to pay 100 cents for as bullion. That is all that any plain business man can make out of the proposition. Thus we arrive at the conclusion that our coinage laws, to be just and right, should be framed in Lombard street, London, by a coterie of bullion-brokers, instead of on Capitol Hill, Washington, by the representatives of the American people. Is not that the naked logic of the proposition?

If that is the real logic of the proposition, then the amendment of the distinguished Senator from Vermont should contain a proviso somewhat as follows: "Provided, that the Secretary of the Treasury be, and is hereby, directed to ascertain the market price of silver bullion in London every thirty days, and that he be authorized and directed to alter the amount of pure silver in the standard coin from time to time, so as to make its bullion value equal to its expressed value, according to the prevailing London quotations."

Such an amendment would of course be antagonized by me. But if the Senators on the other side of this question wish to be consistent, it would command their support. For one, I would like to test the sense of the Senate on such a proposition. It would, at least, have the one merit of being a candid presentation of the real theory which lies at the bottom of all this warfare against silver.

Sir, I most earnestly hope that the amendment of the Senator from Vermont will be defeated, and that the House bill may pass.

Mr. BAYARD. Mr. President, it is a trite saying, and one history has often recorded, that those things most material to the happiness and welfare of a people are at the moment least regarded, the least sensational, that they proclaim themselves with less of noise and violence than other matters infinitely inferior in their consequences.

Here to-day this Senate Chamber tells the same story. There are scarcely a score of Senators in their places, and yet the matter before the Senate is profoundly important to the welfare of every man, woman, and child in the United States. It touches the question, what shall be received as the equivalent for every day of labor, what shall be received for every exertion of human industry, what shall measure every contract, great and small, among more than fifty millions of people? For it is the money of the people, the money of the nation, that we are now considering; and yet there seem to be a very small minority who care to await the discussion.

The title of the bill relates to a disk of silver metal that by the authority of the Government came from under the machinery of the Mint transformed from bullion into coin. Of these coins, called "trade" dollars, some thirty-five millions were, from the day of their authorization in 1873 until they were prohibited in 1878, allowed to be coined at the mints of the United States for the benefit of the individuals who owned the bullion.

All of this silver always was, and now is, private property; it belonged to the private owners who had worked for it and brought it from the mines, and had sold it; and the laws of their country permitted them to take it to the Mint of the United States, and, by paying the actual expense of the change in its form, to put it in these disks of metal called "trade" dollars, and to have the certification, under the honor of the United States stamp, that each piece contained 420 grains of silver, nine-tenths fine.

When the silver miners who owned this property in 1873 wished to take it to the Mint, I remember well their application; I remember the condition of the country, for I was then a member of this body. The United States had suspended specie payments. The Government had embarked upon a system of paper currency, and there was no money afloat among the people of the country other than the paper promissory notes of the United States, and those of the national banks, issued by the Government through an intermediary system of banking associations and secured by a deposit of national bonds. The paper money of the United States was at a heavy discount. Its credit did not command a hundred cents on the dollar. The gold coin of the United States was worth more than its paper, perhaps eighteen dollars or more on the hundred.

By an act of Congress passed in 1873, and which is now represented by section 3520 of the Revised Statutes, it was provided that—

> Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of 420 grains troy, designated in this title as trade-dollars, *and no deposit of silver for other coinage shall be received.* Silver bullion contained in gold deposits, and separated therefrom, may, however, be paid for in silver coin, *at such valuation as may be, from time to time,* established by the Director of the Mint.

Here was the authority for the owner of this species of property to take it to the Mint and have its fineness and weight ascertained and impressed upon it under the name of the trade-dollar, and the weight and fineness were by another section, in distinction from that of any coin of the United States, to be impressed upon it, "and no deposit of silver for other coinage" was to be allowed.

When that was done, there was a market value for this species of property. The owners of it, like all intelligent owners, were exercising their right of contract to obtain for it the highest market price. The relations between gold bullion and silver bullion of equal fineness were measured by the standard of gold valuation at the rate of 60 pence sterling per ounce for silver. To-day, or rather yesterday (I read from the New-York Evening Post of February 4, 1885), the price for silver bullion is 49½ pence per ounce. Any man who has it can get so much for it and he can get no more if that quotation be correct, and I assume it to be. Thus, under the law which I have just read, if the silver contained in gold bullion deposits be separated therefrom in the process of assaying, it may be paid for, how? In "such valuation as from time to time may be established by the Director of the Mint."

I beg the attention therefore of Senators to this fact, that when the law gave the privilege to the holders of silver bullion to take their property to the Mint and have it transmuted into such shapes as their interest and their convenience might dictate—that is to say, they could have it transformed from bullion into bars, or, if they pleased, into disks of money called "trade-dollars" of 420 grains, upon which both the bar and the coin the weight and fineness stamped by the Mint should be certified—it was their private property, and never belonged to the Government, never was received or paid out by the Government, but for the sole use of the private owner, at his sole volition, was coined for convenient trading with the silver-using countries of the East.

Mr. HARRIS. Is not that done with gold now?

Mr. BAYARD. It is done with gold now.

Mr. HARRIS. Precisely the same thing.

Mr. BAYARD. It is done with gold now, but my friend must remember that something more is done with gold now and was then done with it.

When gold bullion was deposited in the Mint for coinage and the silver it contained separated, *that silver* was by law to be paid for "at such rates as from time to time was to be fixed by the Director of the Mint;" but the price of gold was never "from time to time to be fixed by the Director."

The act of 1873 prohibited the deposit of silver for any other coinage than "trade-dollars;" but the gold coinage could be into any denominated gold coin.

The "trade-dollars" minted under the act of February, 1873, were then worth in the paper legal-tender currency of the United States a premium of 11 to 17 per cent. The metal of which they were composed had then a market value of 60 pence sterling per ounce. Yesterday it was worth and sold for less than 50 pence per ounce. And now Congress is asked, for one reason or another, to pay out standard silver dollars of full legal-tender power, nominally 100 cents, for a disk of metal worth perhaps 85 cents, or to pay in its standard and measure of value, 60 pence per ounce for silver bullion whose market value is less than 50 pence, say 15 or 16 per cent. above the market or intrinsic value. That is, about $5,600,000 over and above the bullion value of the silver minted into "trade-dollars," upon the application of the owners and for their convenience in trade with Oriental silver-using nations.

Mr. President, if it were ten times 16 per cent. and I believed there was an honorable obligation upon the part of the American people to pay this increased price for silver bullion or coin, I would advise them to do it, for I would say there is no gain so costly as that which is the price of departure from good faith and honorable obligation. It is not therefore this 16 per cent. upon $35,000,000, although that is a very important sum; if it were that alone I do not think that I should have cared to detain the Senate; but it is the principle that lies underneath this proposed payment which brings us face to face with profound results, to which I ask the attention of the Senate for a short time.

There has been, I submit respectfully, a confusion of terms and meaning in speaking of the redemption of the trade-dollars. When before was any standard coin not diminished in its weight by fraud or natural attrition—when before was such a coin said to be "redeemed?" Why, sir, what is the meaning of coined money, and its object? To produce under the sovereign authority that which not only should be a standard and a measure of value, but in addition *value itself;* for if it was not it was false and not real money. Therefore it is a mistake in terms, and it will not do to be mistaken in terms on such a subject as this, to talk of "redeeming" the standard coins of the United States. They need no redemption, for the lawful holder has value itself in his possession. They do not constitute a promise, but by their possession property and value, as on their face is expressed, is fulfilled. When such coins shall be that which upon their face and by law they profess to be, so much silver or so much gold of a certain weight and fineness, there in my judgment the great and important function of the Government commenced, and there it ended, to provide for its people a standard of value and to let the standard and the measure be combined with value itself in the form of the coin authorized.

Mr. President, since 1878, the Government of the United States has assumed a new relation, a new function and duty in respect to its coinage. Before that time, except for the manufacture of its subsidiary coins which are debased below the standard coins, the Government of the United States never owned an ounce of either metal that came into its mints for coinage; all that came was private property. This token coinage the Government was bound to redeem when defaced and too illegible for use. Why? Because they were adulterated and debased, and were issued by the Government only for the convenience of the people, and were not a standard of value—that is, not the principal standard of value, but never for more than $5, to accommodate the minor transactions of the citizens, the daily retail transactions.

Now, if I may pause here for one moment to give my reasons why there is no especial claim on the United States to exchange these coins, before I come to what I think is the great principle which we are face to face with to-day, I will say this, that having shown that the trade-dollars were in the same category precisely as silver bars, both minted and stamped for the convenience of the owner, a number were so coined, and, as I personally remember, upon the application of the representatives of the silver-bearing States, members of this body, and who came personally before the committee to seek the privilege of having their silver bullion turned into this convenient shape for the purpose of dealing with the Chinese particularly. The first of these coins was issued in July, 1873, and I read from page 130 of the report of the Director of the Mint, Mr. Burchard, for the fiscal year ending June 30, 1879. The figures are all here given of the bullion value, the currency value, the commercial value, the gold value of the trade-dollar, the amount of these coins and their export. In 1873, and down to July, 1874, the bullion value of the trade-dollar ran from 2½ per cent. to six-tenths of 1 per cent. premium. The currency value ran from July, 1873, to May, 1876, at a premium of 18.6 per cent. down to a premium of 3 per cent. So it was in the legal-tender currency at a heavy premium, and its commercial value was also even greater than was its currency value, for that I find ranged from 119 per cent. to 103.6 per cent. during the same period.

But now comes the question of coinage. From the 12th of February, 1873, to the 22d of July, 1876, there were coined 15,631,000 trade-dollars, and there were exported during the same time 12,270,000, although that is necessarily but an imperfect estimate. For instance, in 1876, when trade-dollars were dropped from the list of coins, and were no longer authorized at the mints, except for the purpose of foreign demand expressly, there were coined in July, 1876, 213,000; but there were exported in the same month 269,108, showing that there were 56,108 more exported in that month than there were coined in the same month.

I shall presently show to the Senate that trade-dollars in July, 1876, were at a premium in currency of 2.6 per cent., and that for that reason they would not be put in circulation, and were not—that obvious proposition, known historically as the Gresham law and known long before the name of Gresham was ever heard, that a currency nominally overvalued and really of less value will always drive out the better and really more valuable money.

Our own experience is sufficiently instructive upon that point. Our first coinage act as a government was in 1793, and then we attempted to fix a ratio of fifteen times the weight of silver to one of gold in our coinage. In 1834 we changed this ratio a little over 2 and a little less than 3 per cent. by lowering the amount of gold in the standard gold unit. From 1793 until 1834 the result was that, standard silver coins being relatively cheaper, we were on a silver basis.

Then we stepped from the ratio of 15 to nearly 16. I may say parenthetically here that during that very time the ratio between silver and gold as established by the European states now composing what is known as the Latin Union was 15½ to 1. We increased the amount of silver in our ratio so that it became almost 16 to 1, and what was the consequence? That silver being thus comparatively undervalued here, gold became necessarily the principal standard and measure of value; and so from 1834 to 1878 the standard of value of the American people in their foreign and domestic commerce, and in their payments at the custom-house was United States standard gold coin. Why? Because there was the comparatively small discrepancy of 2 or 3 per cent. between the ratio of these metals as fixed by our laws of coinage and the ratio of other commercial nations; and left free and undisturbed by statute (for at that time coinage was equally free to both metals) the natural laws of commercial valuation controlled, and people of course dealt in the cheapest money they could find, for they gave in exchange for commodities naturally as little as possible, and to that end availed themselves of the standard of regulations of the relative value of the two metals by the United States, and as a consequence silver coin ceased to be used here, and went abroad or into the melting-pot, and gold alone went to the Mint.

Now, I wish to ask: When the mints were open for those forty years, very nearly, if we saw that the owners of silver did not care to turn their bullion into coin because its ratio was fixed too low, and it was cheaper for them to procure gold dollars than silver dollars, because gold was relatively undervalued to silver and this difference of 2 or, at the utmost, 3 per cent. would control, would not the same fact necessarily prevail from 1873 to 1876, and when you find the commercial value and the currency value very much farther apart would not the same results accrue? Obviously; and not being at specie payments the difference between the two metals and paper was far greater than between the two metals in their commercial value, of which I have spoken, and the valuation at which silver bullion could be turned into coin. This being so, in 1876, in the month of July, Congress dropped out from their list of coins the trade-dollar entirely. It never had a legal-tender power of more than $5 in one payment; but after that date it ceased to have any legal-tender value or power for $5 or any other sum, and it became just what it was—a piece of precious metal, weighing so many grains and of such fineness as was declared by the stamp of the Mint upon its face.

It is therefore absolutely in the face of reason, it is in the face of history, it is in denial of actual experience to allege that while the trade-dollar was, under the statutes of the United States, nominated as a coin of the United States, or while it had legal-tender power even to the extent of $5, to allege that it was in circulation as money. It is a fact, proved by the figures I have stated, that these coins never were in circulation during the years that they had been authorized under the laws of the United States, for be it remembered that after July, 1876, there was no such coin in our laws as the trade-dollar, and before that its intrinsic value prevented it from passing as an ordinary dollar. It was worth too much to go into circulation—for it was held at a premium of from 18 per cent. to 3 per cent., and was only used for export and foreign trade.

Then in 1874, for reasons which I shall not stop here to examine——

Mr. BECK. Is not the Senator mistaken in saying the trade-dollar was no longer a coin after 1876?

Mr. BAYARD. No; I am not mistaken, for the Senator will find that in 1876——

Mr. BECK. The legal-tender quality was taken from it.

Mr. BAYARD. Not that alone.

Mr. BECK. What else?

Mr. BAYARD. On the 22d of July, 1876, it was resolved:

> That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage

thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Therefore it was a clear notification that they could not be coined except for export, and that placed them distinctly in the category of other merchandise.

Mr. BECK. They were coined by us.

Mr. BAYARD. But they were only to be coined for the use of the owners of the bullion and for export, and they were to be coined as "trade-dollars," and have their weight stamped upon them, which was never done by any standard coin of this Government.

In 1878, by a Treasury order, the coinage of trade-dollars was discontinued altogether, and from that day to this none have been permitted to be coined. Now comes the demand that the Congress of the United States shall redeem, as it is called, or, to speak more accurately, that they shall exchange a coin of the same fineness of silver weighing 412½ grains, authorized by the act of 1878, and styled a standard dollar, in equal numbers for the holders of these trade-dollars weighing 420 grains. Here is a paradox—citizens asking in the name of honor and justice to receive less for more of precisely the same commodity, and we are told that the honor of this country and its duty are to be satisfied by the performance of this strange transaction.

The very statement shows the condition of thought and false reasoning into which we have come by forsaking the landmarks of constitutional government and the footsteps of its founders, passing away from the real and the tested and embarking upon the unreal and the imaginary. Sir, if my countrymen can only learn at the cost of these six millions of money the simple truths that lie at the bottom of this question the lesson will be cheap. For the great question to be asked of every man, and to be answered by every man according to his reason and conscience, is simply this: Can the Congress of the United States create values? "Which of you by taking thought can add one cubit unto his stature?" Which of you and what majority of you by passing laws from now till doomsday can create a value? It seems to me there is an irreverence in the very proposition, not to say an absolute absurdity.

How can you pretend to create value? If it can be answered in the affirmative I will take my seat and listen with amazement not unmingled with awe when such a proposition shall be established that this power exists in man, whether in a collective assembly or whether he stands alone exercising his faculties under the limitations of his creation. If the Congress of the United States can increase the value of this coin 15 or 16 cents, if you admit the principle that we can by calling a thing by a special name change its nature and its value—I am speaking now of its actual value—giving it a value that we certify it possesses, and which, according to the phrase now, we are bound to redeem, why, then, Senators, we shall have repealed the great primeval law which first met the ear of man after Paradise had been lost, that by the sweat of his face should he gain his bread. If Congress can create values, then we may sit down here, let the loom and the plow and all other implements and agencies of human industry stand idle, and legislate ourselves into riches and property; for that is precisely the proposition contained in the declaration that the intrinsic value of the precious metals can be controlled by the act of a government.

That is about all I wanted to say. I wanted to clear my mind and my conscience on this subject. Here is the proposition, that we are bound in honor, as it is stated, to the holders of these 35,000,000 trade-dollars, each weighing 420 grains of silver, nine-tenths fine, to satisfy their just demands by giving them other coins weighing each 412½ grains of silver of the same fineness.

Let me ask, if there is an obligation in honor upon us to redeem the greater value by the smaller, *a fortiori* are we not bound to redeem again the lighter and less valuable dollar by one of still less value? Are we to pursue a system that has ended in such a *reductio ad absurdum*? That is illustrated in the most remarkable manner by the proposition before us that it is a duty, an honorable obligation of the Government, to redeem that which is greater with that which is confessedly less in weight and actual value, and to do that by the exercise of the compulsory power of legal tender. It is a Congressional fiat. Let value be and value shall be, say these apostles of the higher power of Congress.

Mr. President, it can not be. Not to go higher into a realm of discussion where I will not venture, however humbly, to tread, to touch that part of this question which relates to our moral and to our religious beliefs, come back to the plain matter of practical fact. The Congress of the United States, with 2,000,000 men under arms, issued the notes of the United States, and said they should be legal-tender, but all of those men, brave, able, and mighty in their strength, were unable to maintain those promises at one-half the value of their face. Oh, no; it can not be. If there be an obligation in honor upon us to redeem the silver coins of 420 grains, there is an obligation on us to issue no more of those weighing 412½ grains, certainly not to issue more of a less value which *a fortiori* we ought to redeem if this pledge and honorable obligation rests upon us.

But I shall leave it to the good sense and the conscience of my countrymen, when they shall come to see the simple truth, that in the choice of these two precious metals to serve as equivalents in human contracts and dealing, as mere instruments of exchange there are natural laws controlling their relative intrinsic value which they can not safely contravene.

I do not mean to say that between the two metals of silver and gold there may not be by arrangement of commercial nations from time to time such an equivalency established, such a mutuality of ratio as shall secure to the great volume of the world's money of both metals the presence and full use of both. I never have been able to contemplate the restriction of the volume of the metallic currency of this world to a single metal. I never have believed it would be wise, and I should stand in the face of such a proposition awed and reverent before the great truths of history as to the use, and the necessary and beneficial use, of both these metals for the purposes of commerce and exchange. But because I do seek for that, I should be equally false to my convictions, and lacking in that courage to express them that I earnestly long to possess, if when I see a course of legislation that inevitably is to drive one of these metals out of use and circulation to demonetize it, I did not beg my countrymen to pause before they either continued laws which would produce such results or enacted others which would have the same effect.

This is not a thing that partisan feeling should array itself about. Truth is truth. It must make itself apparent. Here is the report of the Secretary of the Treasury for the current year. I read from the thirty-second page of the report:

After giving the subject careful consideration—

Says Mr. McCulloch—

I have been forced to the conclusion that unless both the coinage of silver dollars and the issue of silver certificates are suspended there is danger that silver, and not gold, may become our metallic standard. This danger may not be imminent, but it is of so serious a character that there ought not to be delay in providing against it. Not only would the national credit be seriously impaired if the Government should be under the necessity of using silver dollars or certificates in payment of gold obligations, but business of all kinds would be greatly disturbed; not only so, but gold would at once cease to be a circulating medium, and severe contraction would be the result.

With great respect for that officer, I think he has stated scarcely one-half of the result; for if there must follow obviously from converting gold from currency into merchandise where it would be hoarded, if the volume of gold is, because of its superior value as compared to the other metal, to be subtracted from the volume of our currency, undoubtedly contraction, and a most severe contraction, is to follow, convulsing all business. But something else remains. What will measure prices when gold has gone? In what will be the estimates of the cost of living for those for whom I am sure our hearts are anxious to-day? Sir, the measure of prices will be in silver, and silver being of lesser value, those prices must be nominally increased to make up for the deficiency of real value. The scale will be higher, without regard to real values. And upon whom do such changes mainly fall? Who is it, Senators? Who are the first to feel the shock and the last to feel the benefit of such a change? It is the laboring class. It is the man without the capital to hide his time and wait or to foresee. It is to him whose eyes open upon labor in the morning and close upon it at night, who has no time, no thought, perhaps no capacity, to reason out these financial problems; but it is so. The wages of labor are the last to advance, and labor is the first upon which the suffering falls.

Therefore I not only class the question of the contraction which is to lower values, in one sense measuring values by a smaller volume, depreciating collateral securities, convulsing and disturbing contracts, but equally with that I measure as a maleficent result, the increase of prices for all the necessaries of life as measured in the cheaper and less valuable money. When is that to come? Who shall say when it shall come? Mr. McCulloch says, and of course it is with him but the opinion of an intelligent and experienced man, that it may not be imminent. I do not know what the information of my associates in this Chamber is upon the subject, and I pretend to little personal knowledge, for the duties of my life have not led me into that knowledge which entitles my opinion to weight upon the daily fluctuations in the values of stocks or bonds or other securities in the great markets of the world; but this I believe, that the controlling cause in prices is apprehension on the one hand or confidence on the other, a season of panic or oversanguine expectation.

Now, I believe that rightly or wrongly, wisely or otherwise, that apprehension does exist. I receive evidence of it in correspondence from gentlemen, some known and others not known to me, from the money centers. They all say there is great apprehension that the evils depicted by Mr. McCulloch of the contraction to follow our embarkation upon the monometallic basis of silver will convulse business, and the other evil that the prices for what is needed by the laboring classes necessarily will be increased by the measurement in the less valuable metal, for, whatever may be the power ascribed to the legal-tender authority given by our law, no man believes that outside the jurisdiction of the United States such laws amount to the snap of a finger.

A legal-tender law can only affect past contracts. It may enable the present debtor to discharge his present debt, but it will not go far toward enabling him to establish a fresh credit or to have a new debt created. That can and will be guarded against. Perhaps it may already be guarded against by special contracts, fixing the metal of the money as well as its denomination in which debts are to be paid. The men who do that are the wise and the skilled, the rich, the provident. They may perhaps have protected themselves against this danger, but when I think of the others, the great mass of toilers, who are to be affected by it, I confess I feel a sinking of the heart.

Yes, Senators, I not only feel for those who may have but little property, but I think there may well be a suggestion here and now, that the safety of the rich rests mainly upon the content of the poor. If men will follow no law but that of gain, and have no limit but that which their rapacity may set, they will be taught that there are laws of humanity which can not with safety be disregarded. Therefore, in dealing with this great and delicate subject of the currency and the money of the people, no rash and ignorant experiments should be tried, but just and admitted laws shall be regarded and insisted upon, and the chimeras of debtors, of speculators, of irreverent aspirants to power that never can be given to a government, should not be suffered to come in and create a state of affairs that brings a tidal wave of human wretchedness, and with it insecurity to property in all its forms.

So, sir, I speak to-day in the interest of every earner of daily wages, man, woman, and child, in the United States. I speak for every provident and self-denying saver of wages whose little store against the rainy day has been laid by. To the savings-bank depositor, to the capitalist, whether small or great, these truths apply, and sooner or later, and soon rather than late, they must control. Therefore it is that I am anxious for the passage of the very feature that is proposed to be stricken from this bill, and that is the contemplated suspension of the silver coinage under the act of 1878. Indeed, sir, my own view would be in favor of a more prompt suspension. But to secure the fact of a certainty in the future of this suspension would be an advantage so practicable and so valuable that, knowing the infinite variety of human opinion and the necessity of the abatement of individual judgments, I shall vote for that because I can not move more promptly.

As I have said in a very unprepared way, and perhaps I should have made more careful preparation, I do not believe that there is either a legal or a moral or an honorable—if you can distinguish morality from honor—obligation upon the Government of the United States to do what is called redeem the trade-dollars, nor to exchange them for others; much less do I consider that if there was such an obligation it is satisfied by the action now proposed, because we are simply continuing and intensifying in our proposed remedy the very evil which the remedy is imagined to prevent. That is to say, we are issuing millions upon millions of coin of confessedly inferior value to that which we are told now we ought to redeem. Shall we not hereafter be called on, with equal justice, to redeem these standard dollars, whose intrinsic value is less than trade-dollars?

Senators, does it not after all come down to this hinge: Can the Government of the United States create value by statute? I do not think any man will say they can. They can impair the obligations of contracts. Unquestionably and according to the Supreme Court of the United States in their last decision they may impair or wholly destroy the value of every pecuniary obligation that is expressed in lawful money of the United States. I do not wish, at this time, to comment upon that startling decision; but there is one thing the United States Supreme Court, and the Congress of the United States, and all the armies that can be raised to enforce the edicts either of court or of Congress can not do, and that is to create a value, to maintain a value against the opinion and belief of the person to whom it is tendered. Every such attempt has had "a most lame and impotent conclusion." Thus, on June 17, 1864, under the lead of Thaddeus Stevens, of Pennsylvania, a law was enacted prohibiting under heavy penalties, both of fine and imprisonment, future contracts in gold, the object being to abate the premium on gold, and consequently to assist the value and receivability of paper currency. The passage of the law was followed by an immediate advance in the premium upon gold, which rose from 196½ per cent. to 250 per cent. in less than two weeks, and led to the hasty repeal of the act on July 2, 1864, after a futile existence of fifteen days.

Men may be cheated out of the entire result of their life's labor, and a piece of worthless paper may answer for one-half century of honest toil. That may be according to the decision of the court; but when we look to the future, and when we look to contracts, and when we look to the performance of obligations outside of this country, we shall find such propositions utterly impotent; not only impotent, but discredited and discreditable. They will be as the idle wind that passes men by and they respect not.

I voted to take up this bill, and I shall vote for its passage. I shall vote for its passage to secure what these petitioners demand. No man need yield up his dollar of 420 grains, nine-tenths fine, for a dollar weighing 412½ grains. There is nothing compulsory in that. As I have said before, I do not believe there is a legal obligation to take up the trade-dollar, and certainly, if there be to redeem, do not let us so trifle with reason and truth as to say it is redemption to pay that which has greater value with that which has less, unless this wonderful and magical power does reside in the Congress of the United States to create value by statute. It is legislative juggling with the truth, and sooner or later the people of the United States will find it out.

If Congress has not the power to create values the continuance of the pretense of its exercise can only lead and must lead to confusion and distress, and the practical fact remains that we are or ought to use every endeavor to maintain by some arrangement with the leading commercial nations the full use of the two precious metals co-ordinately to make up the great volume of money for the world's business. That is what I desire to see. I believe that for this, co-operation among commercial nations is necessary. I believe that all the currency necessary for the present hour is here now; and should future experience dictate to us the necessity and the wisdom of passing to the basis of a single metal as our principal standard of value, when that time comes we shall discuss it; but in the mean time I wish my steps and my votes to be guided by the unmistakable light of experience. I must remain true to my convictions until some light shall be given that shall cause those convictions to be changed.

Mr. President, the Congress of the United States can not by statute create values, and the attempt to continue to do so will only lead to further embarrassment, distress, and loss.

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 44 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 5, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

TEMPORARY POLICE FORCE FOR INAUGURATION.

Mr. FOLLETT. Mr. Speaker, I rise to submit a privileged report. I am directed by the committee of conference to submit the report which I send to the desk.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreements to the amendments of the Senate numbered 1, 2, 5, 6, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; and the Senate agree to the same.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

ISHAM G. HARRIS,
JOHN J. INGALLS,
AUSTIN F. PIKE,
Managers on the part of the Senate.

The committee of conference submit the following statement, under the rule:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, submit the following written statement in explanation of the effect of the action recommended by the conference committee:

If the action recommended in the conference report is ratified by the two Houses the bill will appropriate $8,000, payable in equal amounts from the United States Treasury and the revenues of the District of Columbia, and will prescribe a fine not exceeding $25, in the police court, for violation of rules and regulations that may be prescribed by the commissioners to maintain public order during the period of the inauguration and from February 20 to March 6, 1885.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. FOLLETT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGO CONFERENCE AT BERLIN.

Mr. BELMONT. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back the resolution which I send to the desk and recommend its passage.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to cause the originals or copies of all communications which have been received respecting the Congo conference, and especially copies of the text of the commissions or powers sent by the Government to each of the three American plenipotentiaries or agents, to be immediately transmitted to this House.

Mr. BELMONT. I ask the present consideration of the resolution.

Mr. KEIFER. I desire to inquire of the gentleman from New York why this resolution requests the President of the United States to send the original documents here? Why not request that copies be furnished?

Mr. BELMONT. The resolution specifies either originals or copies, and the text of the resolution recognizes the discretion which always rests with the Department of State in complying with such requests. This resolution I may say, Mr. Speaker, is unanimously recommended by the committee. It is merely to re-enforce a previous demand already made in reference to this subject.

Mr. KEIFER. I do not object to the resolution, except I think it is very unusual and perhaps without precedent to call upon the President for original papers. I would suggest to the gentleman that it be modified in that respect.

Mr. BELMONT. It always remains, of course, within the discretion of the Executive to refuse compliance with a resolution of the House, and the resolution clearly states, "if not incompatible with the public interests" that such a communication as is specified shall be made.

Mr. KEIFER. I think it is unusual, entirely so. Perhaps there is no case like it where the House has called upon the Executive of the United States for original papers.

I move to strike out the words "original or" in the resolution, and if the resolution can be again reported it will be seen that this applies it exclusively to copies.

Mr. POST, of Pennsylvania. I should like to ask if this is a report from the Committee on Foreign Affairs?

The SPEAKER *pro tempore*. The Chair will state that the gentleman from New York [Mr. BELMONT] presents this report by direction, as he states, of the Committee on Foreign Affairs.

Mr. BELMONT. It is unanimously reported by the committee.

Mr. KEIFER. I suggest to the gentleman from New York that it be modified by striking out that part of the resolution calling upon the President to furnish original papers.

Mr. BELMONT. I have no objection to such a modification.

Mr. KEIFER. I ask that the resolution be again read.

The resolution was again reported.

Mr. KEIFER. I now move to strike out the words "original or."

The amendment was agreed to.

Mr. ADAMS, of Illinois. I should like to ask the gentleman from New York what difference exists between this resolution of inquiry and the former resolution, which I infer the gentleman from New York on the Committee on Foreign Affairs deems insufficient.

Mr. BELMONT. That report was a preliminary report made by the Secretary of State, and it is understood that another report is soon to follow. The House has asked for the text of the credentials to all our representatives at the conference. The answer was not made to that extent. This resolution asks for copies of the powers granted to all our representatives engaged in the Berlin conference, and therefore was adopted by the Committee on Foreign Affairs to re-enforce the previous demand. I move the previous question on the resolution as amended.

The previous question was ordered; and under the operation thereof the resolution as amended was adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF SPECIAL RULE.

Mr. RANDALL. I rise to make a privileged report. I submit from the Committee on Rules the report which I send to the desk, and upon which I ask the previous question.

The Clerk read as follows:

Amend the special rule adopted on the 3d instant as follows: That before asking for objections to the bill or resolution indicated it shall be in order for the debate provided for to be had, and thereafter there shall be no further debate.

The Committee on Rules further recommend that the language of the rule inconsistent therewith be changed accordingly.

Mr. HOLMAN. I hope the rule will be read as it is proposed to be amended.

Mr. SPRINGER. We all understand it. I object.

Mr. RANDALL. There is a single change. The report changes the place of the objections by ten members from immediately after the reading of the bill or resolution until after the ten-minute debate; and if any one wants to have the report accompanying the bill read it can be read as part of the affirmative or negative of the debate.

Mr. HOLMAN. How does the amendment affect the right to amend?

Mr. RANDALL. There is no right to amend and there was not in the original rule.

Mr. HOLMAN. I think there ought to have been.

Mr. McMILLIN. I suggest to the gentleman from Pennsylvania that one difficulty that will arise in applying the rule as proposed to be amended will be the fact that some of the reports will take longer time for their reading than is provided for debate; and in that event we will be cut off in the midst of the report by the rule.

Mr. RANDALL. I ask for the previous question.

Mr. REED, of Maine. I would like to say that I have had no part in this amendment or in the original proposition.

Mr. McMILLIN. That speaks well both for the amendment and for the original proposition.

Mr. REED, of Maine. The gentleman from Tennessee——

The SPEAKER *pro tempore*. The previous question has been moved.

Mr. KEIFER. Will the gentleman from Pennsylvania [Mr. RANDALL] yield to me for a moment? I concurred in this report this morning, and wish to say——

Several members called for the regular order.

Mr. KEIFER. I understood that the gentleman from Pennsylvania [Mr. RANDALL] was willing to yield to me for a minute.

The SPEAKER *pro tempore*. The Chair would gladly indulge the gentleman from Ohio, but the previous question is demanded by the gentleman from Pennsylvania on his report.

The previous question was ordered.

The SPEAKER *pro tempore* (putting the question). The question is on the adoption of the report.

Mr. REED, of Maine. I claim the right of debate under the rule.

The SPEAKER *pro tempore*. The gentleman from Maine has his right of debate, but not during the time that the House is engaged in voting on the report.

Mr. REED, of Maine. I rose in my place in time to claim the right of debate.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. The Chair had proceeded to put the question to a vote and the time for debate had passed.

The SPEAKER *pro tempore*. The Chair must state that it has no option; and it does not desire to question the statement of the gentleman from Maine, that he had risen and claimed in time his right to debate under the rule.

Mr. RANDALL. That is under the clause allowing fifteen minutes on each side.

The SPEAKER *pro tempore*. That is correct.

Mr. RANDALL. I do not want to lose my right to the floor.

Mr. REED, of Maine. I know the gentleman from Tennessee [Mr. McMILLIN], in the remark he was kind enough to make a few moments ago, intended only an impertinence. That was his sole object. But I do not intend to reply to him in that vein, because there are serious questions involved in the method of conducting the business of this House, questions to which the gentleman from Tennessee would address himself provided he was capable of comprehending their importance. I desire, however, to spend no further time on him.

The method by which we shall conduct the business of this House lies at the very foundation of the public business. Unless we have a right and proper method of conducting the public business we are wasting the public time; and this rule which was presented on the 3d instant by the gentleman from Pennsylvania is only one of a series which I have witnessed in procession since the present system of rules of the House was adopted.

We go on for a period covering nearly the entire session of Congress under a system which obstructs and prevents transaction of the public business, and then when we find ourselves within four weeks of the close of the session—a four weeks which are also mortgaged by the appropriation bills—we then undertake to establish some such hybrid affair as the present rule for the purpose of stopping the clamor of members of this House. We try to crowd in the four weeks which are already predestined to be occupied by the appropriation bills the business of this House which should have been spread over the entire period of two years. We undertake to run Niagara through a quill. That is the effort that is made Congress after Congress since this infamous system of rules was adopted, and the result is always the same. A few men are selected. Those men are allowed to put through a few bills which are of no consequence, because not even ten men can be found to object to them.

Now, that is a substitute for government in this country by the majority, and against that system I uttered my protest and wished to be personally kept clear from the responsibility of it, and to that the gentleman from Tennessee [Mr. McMILLIN] was kind enough to say that my action was an approval of these transactions to his mind. What that says for his mind I leave the House to consider.

Now, Mr. Speaker, I want to reiterate again that this system is entitled to the approval of no legislator. It is false in its principle; it is bad in its results; it only conduces to a congestion of the public business instead of a transaction of it, and for my part I want the responsibility of this whole system, with its outhouses and all, put upon the men who started it originally and who are now undertaking to patch it. And I rise for the purpose of again calling the attention of the House to this system in order that men may understand it, in order that when an opportunity comes again in the next Congress to vote it down men may consider the principle, or lack of principle, upon which it is founded, and not find themselves at the end of the second session of that Congress as hopeless and helpless as they are to-day.

Mr. Speaker, I reserve the balance of my fifteen minutes.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] has ten minutes remaining, and is recognized as controlling the time on his side.

Mr. McMILLIN. Mr. Speaker, in response to the charge of the distinguished Representative from Maine [Mr. REED] concerning the pertinence or impertinence of my remark to him, I have this to say: that this House will bear me witness that among all of its three hundred and twenty-five members there is not one who has less cause to criticise impertinence on the part of others than the Representative from Maine [Mr. REED]. [Applause on the Democratic side.] Who ever raised a debate here that his remarks were not in it, in season and out of season? As to the magnificence of his intellect, why, probably it would be rashness for any man to compare himself with what that gentleman *thinks* he is. [Applause and laughter on the Democratic side.] Thad. Stevens was once asked on this floor who was the greatest man here. He responded, giving the name of a Representative whom I will not name.

The gentleman who had made the inquiry said, "Ah, is that so? I had not thought it." "Well," said Mr. Stevens, "if you do not believe it go and ask him; he himself will tell you so." [Laughter.] Tested by that rule, I know no man who would stand higher than the gentleman from Maine, and probably he would stand a few stories higher tested in that way than he would if tested by any other rule.

Now, Mr. Speaker, concerning the disposition of the gentleman from Maine as to these rules, or as to other matters here, some have thought that his peculiarity was attributable to a perverse nature. Others have concluded that art and long practice had much to do with it; but those who know him best give him credit for being the result of such a combination of art and nature as has not resulted in the production of any prototype of him and is not likely to result in any successor. [Laughter and applause on the Democratic side.] I am willing for the House to judge what my action has been in the past and what the merits of my standing are upon this floor, and I do not hesitate to say that the gentleman from Maine [Mr. REED] has on more occasions spoken here in a way that was critical of others than he has spoken anywhere else, and probably more frequently than he would speak anywhere else where the protection of the rules did not surround him. [Cries of "Oh!" "Oh!" on the Republican side.]

Mr. REED, of Maine. Mr. Speaker, I think that in that last sentence the gentleman from Tennessee struck his natural level. [Applause on the Republican side.] The other heights to which he ascended I perceive now were furnished to him by the gentlemen who surrounded him and with whom he was busily consulting during the few observations which I had the honor to make. It is a great pity for his own reputation that he did not adhere to his borrowed utterances instead of dropping to his natural situation as in the last sentence. [Laugther on the Republican side.]

Mr. McMILLIN. If the gentleman from Maine [Mr. REED] can improve his utterances by borrowing, I would suggest the borrowing process. [Laughter on the Democratic side.]

Mr. POST, of Pennsylvania. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. POST, of Pennsylvania. I wish to inquire whether it is now in order for us to proceed to the transaction of public business?

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I have heard so often the views of the gentleman from Maine [Mr. REED] as to the present rules of the House, that I do not think it is necessary to waste the public time further in connection with that subject, except to say that the other members of the Committee on Rules will cheerfully give him a certificate that he has had nothing to do with the preparation of this amendment.

One word more. I am free to say to this House that these rules in almost their entire volume come to us from a period beyond our own generation; and these rules, as they exist, are in the main those which were adopted by the Committee on Rules without political bias and by a unanimous vote.

So far as my action in connection with the rules is concerned, I have always kept in view the object of preventing what I conceived to be unwarranted expenditures from the Treasury of the United States, and I shall long continue, I trust, to occupy that position.

Mr. REED, of Maine. How much time have I remaining?

The SPEAKER *pro tempore*. The Chair understands gentlemen on both sides as having reserved whatever time they did not occupy. The gentleman from Maine has eight minutes remaining.

Mr. REED, of Maine. I yield four minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Speaker, I desire to say one word in reference to this trouble about the rules, from the fact that having served in this House for several terms I find myself able to state only one thing conclusively, and that is that it is utterly impossible under our present rules for any one in this House to do anything that is really important or to pass any measure that will surely benefit the country. I do not know the remedy. I do know that at the opening of the last two sessions of Congress an effort has been made by the gentleman from Maine [Mr. REED] and others to annul these rules, so that the majority of this House might do some business. I do know that the gentleman from Pennsylvania [Mr. RANDALL] has fought that effort persistently, and has prevented it from being successful, until to-day we stand here with our hands tied, and we can do no legislation at all.

We met here last night for the purpose of considering one of the most important bills before the House. We were blocked instantly and successfully by the persistency of the gentleman from Kentucky, who angered me at the time exceedingly, as I thought his opposition was foolish and unreasonable. I said more to him privately than that; but to-day I wish to apologize to him, for after I reached home and thought over what he had done I found I had been blaming him for precisely the same thing that the leaders on this floor do repeatedly. It was only Monday last when the gentleman from Pennsylvania himself held us here all day and away into the night simply because he feared the passage of some legislation that did not exactly suit him. He himself blocked the whole proceedings of this House, and I am not the man who should put on airs about this matter. I fear I have done the same thing whenever a measure came up that did not suit me. [Laughter.] But I say that a rule which permits one or two men to block the entire business of this House is destructive of legislation, and prevents the majority of the people's Representatives from securing the transaction of any business here at all.

This new rule which we are about to adopt can not relieve us. We witnessed the proceedings here yesterday morning, when bill after bill without any consideration was objected to and laid aside.

A MEMBER. Not voted on at all.

Mr. HORR. Not voted upon—not allowed to come before the House. The difficulty is, our rules are so framed that a few men in a minority can prevent the passage of any bill that they see fit to oppose. It is too late now in this session for any remedy. We have more work before us than we can do. We shall do well if we succeed in passing the appropriation bills. The rule now under consideration, with the amendment proposed, will prove of little use. You can possibly get through under it four bills in a morning. Under the amendment the speaking will go on for ten minutes before objection is called for; and the rotatory motions which will take place here at intervals will allow possibly from one to three bills to be acted upon—with the best of luck not to exceed five—and many of them will be thrown out by the objections of ten members. I sat here and witnessed the operation of the Pound rule, when I saw this same thing tried; and I never saw a bill passed under that rule.

A MEMBER. Oh, yes.

Mr. HORR. Hardly one; there may have been one or two unimportant bills; certainly no bill that was of general interest.

The difficulty is, when you prevent the majority from doing the business of this House it makes little difference then whether you limit the power of obstruction to one, five, or ten men.

We can get no remedy during this session. I do not think you gentlemen on the other side want any remedy. I believe I am not doing my friend from Pennsylvania any injustice when I say to this House that I think we are doing fully as much business as he desires to see done—just as much as he intends to have done—just as much as a few gentlemen over there have determined to have done. And I am not sure you gentlemen are not right. Many of the bills passed in this House during this session do not recommend themselves to me as of such a nature that I care to have them repeated many times.

Mr. Speaker, we are beyond help in this Congress. All we can hope to do is to pass the appropriation bills, and we have a good deal to do if we do that.

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. HORR. Yes, sir.

Mr. WELLER. Has not the whole difficulty been owing to the superior statesmanship of our leaders? [Laughter.]

Mr. HORR. As the gentleman himself is one of the main leaders on that side of the House I will say that is probably the real trouble. [Renewed laughter.]

Mr. WELLER. I am exceedingly glad to have such high encomium from the gentleman from Michigan.

Mr. RANDALL. How much time is remaining?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has seven minutes remaining.

Mr. RANDALL. How much time has the gentleman from Maine?

The SPEAKER *pro tempore*. The gentleman from Maine has three minutes.

Mr. REED, of Maine. I yielded but four minutes, and I have four minutes remaining.

The SPEAKER *pro tempore*. The Chair states the facts. The Chair did not hear the gentleman from Maine put any limitation on the gentleman from Michigan, and all the time of the gentleman from Maine has been used but three minutes.

Mr. REED, of Maine. But I yielded only four minutes to the gentleman from Michigan.

The SPEAKER *pro tempore*. The Chair will ask by unanimous consent, as it was the Chair's fault and not that of the gentleman from Maine, that the extra minute be granted to him.

There was no objection, and it was ordered accordingly.

Mr. KEIFER. I appeal to the gentleman from Pennsylvania to give me five minutes.

Mr. RANDALL. I can not, but I will give you three.

Mr. KEIFER. Mr. Speaker, I favored the amendment of the special rule when the subject was brought to my attention. I did it not with any great hope we were going under this special rule to redeem the present House from its difficult situation. With all the bills reported and on the Calendar and on the Speaker's table that are important we are likely to do but very little.

I wish to say I was opposed originally to the adoption of the present system of rules. I have in every Congress since their adoption favored some method by which the majority of the House of Representatives could transact the business that was properly brought before it through committees or otherwise. I agreed to co-operate with the gentleman from Maine in the Forty-seventh Congress in attempting to so amend the rules as would make them at all practical in legislation. I favored in this Congress the same amendment, but it has turned out that a majority of this House is opposed to amending these rules.

Notwithstanding the fact the House had it within its power to have adopted the amendments reported by the gentleman from Maine, I am willing we should resort to any scheme or device, or whatever you choose to call it, to give gentlemen here the right to legislate for the remainder. I do not expect we will accomplish much under it, but if we can adopt the amendment it will accomplish that little, at least, toward effecting the legislation which the Congress of the United States is charged with.

[Here the hammer fell.]

Mr. REED, of Maine. Mr. Speaker, I think it fair and proper I should take my four minutes now; and I desire to take them to make reply to the suggestion made by the gentleman from Pennsylvania [Mr. RANDALL]. That gentleman has stated to this House that the present system of rules has come down to us from former generations. I stand here in my place and say that he is mistaken in that statement.

Mr. RANDALL. I said in the main.

Mr. REED, of Maine. I say to him it is true that a majority of these rules are the same as they were before he took hold of them in the Forty-sixth Congress, but I say at the same time the whole system of transacting business has been changed and uprooted. We are not now living on the system of our ancestors, unless the gentlemen from Pennsylvania and Indiana are our ancestors. [Laughter.] I say we have been "cabined, cribbed, confined," by this present system of rules; so we find ourselves to-day in this position.

The Forty-sixth Congress did no business because we discussed the rules, the Forty-seventh Congress did no business because we had the rules except when we changed the rules, and the Forty-eighth Congress has done no business because the rules have put it in the power of a few men to stop all business of the House.

Now, I have said these things once or twice before [laughter], and I am glad to repeat them, for virtue in this world gets on not merely by sound statement but by reiteration of sound statement. It gets on by means of men having the idea driven into them that something is wrong. Everybody in this House knows from the condition of public business that something is wrong. Everybody knows it is a senseless proceeding for a body of three hundred and twenty-five men to sit here for two years and be chained as this body of men has been. I challenge again the gentleman from Pennsylvania to justify such action.

If he says on his part he does not want certain bills to be passed, allow me to say to him, without meaning any personal offense, it is not his measure which is to govern the affairs of the United States; that every Representative on this floor is his equal, is the equal of every other member, and that no one of them ought to exercise the veto power. And yet under this system of rules the veto power is in large measure given to every single member. It is not only the gentleman from Pennsylvania who exercises it, but the gentleman from Iowa, as my friend from Michigan has well said, has won distinction as a leader in this very line of thought and proceeding. [Laughter.] It is just because every single member is allowed a veto power, which the Constitution only allows to a majority, that I have protested and renew my protest.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, the gentleman from Maine has endeavored to controvert my statement in reference to the fact that these rules had come down from former generations of legislators. The whole framework, the very principles upon which the rules themselves rest and in large degree their policy, have come down to us as I stated; and when the gentleman seeks to arouse prejudice in this House against a single member because he stands here and objects under the rule, I say that that member, no matter who he is, would be controlled by the rules, and is himself utterly powerless if he stood alone and without that constitutional power which is given to one-fifth of this House to call the yeas and nays to be entered upon the journals. And I say further, sir, that this furore which is attempted to be raised against individual members who are arraigned because as alleged they seek to obstruct legislation is unjust and unfounded, because a member would be utterly powerless if he had not one-fifth of the House associated with him and acting in unison with him to accomplish his object. This for a moment can not be gainsaid.

I do not want to sweep aside with the little facetiousness the gentleman from Maine is so much at home with the rules as they stand today; for I say now that the deliberate purpose of the rules as adopted by the House, and which came from the Committee on Rules with its unanimous voice and with no political suspicion as to any of them, was to protect the people of this country against unjust inroads into the Treasury; and that is the reason why I feel firm and determined in standing against any encroachments which would allow the public Treasury to be unduly entered by measures for which there is no constitutional warrant. The rules in that respect are a protection. I admit, because we are all but human. I feel it every day. We are coaxed, we are pursued, we are talked to, we are got at in every conceivable honorable manner to induce us to vote money out of the Treasury of the United States; and it is well that I and others have this power embraced within the rules to protect ourselves from temptation and to save the Treasury of the United States from the unwarranted expenditure of public money. [Applause.]

The SPEAKER *pro tempore*. The time allowed for debate has expired. The question is upon agreeing to the report made by the gentleman from Pennsylvania.

Mr. HORR. Let it be again reported.

The SPEAKER *pro tempore*. Without objection the report will be again read.

There was no objection, and the report was again read.

The SPEAKER *pro tempore*. The question is on agreeing to the report.

Mr. BELFORD. Can we not have that again reported? It was impossible to hear it here.

Several members objected.

The SPEAKER *pro tempore*. Objection is made. The question is on the adoption of the report.

The question was taken; and upon a division there were—ayes 151, noes 16.

So the report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now ask that the rule, as modified, may be printed in full in the RECORD of this day's proceedings.

There was no objection.

The rule, as amended, is as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. That before asking for the objections to the bill or resolution indicated, it shall be in order for the debate provided for to be had and thereafter there be no further debate. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

ORDER OF BUSINESS.

Mr. ERMENTROUT. I rise to submit a privileged report from the Committee on Accounts.

The SPEAKER *pro tempore*. Before that the Chair will ask the consent of the House to lay before it certain executive communications.

There was no objection.

REPORT OF LIEUTENANT RAY—POINT BARROW EXPEDITION.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, relative to the publication of 2,000 additional copies of Lieutenant Ray's report of the international polar expedition to Point Barrow, Alaska; which was referred to the Committee on Printing, and ordered to be printed.

IMPROVEMENT OF POCOMOKE RIVER, MARYLAND.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of the Pocomoke River, in Maryland; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING, CHARLESTON, W. VA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, submitting an estimate for an additional appropriation to complete the public building at Charleston, W. Va.

The SPEAKER *pro tempore*. Without objection this will be referred to the Committee on Appropriations.

Mr. TOWNSHEND. I should think that ought to go to the Committee on Public Buildings and Grounds.

Mr. RANDALL. What is the purport of the communication?

The SPEAKER *pro tempore*. It is a letter from the Secretary of the Treasury, asking an additional appropriation to complete a public building.

Mr. RANDALL. If it is in pursuance of existing law it would go

to the Committee on Appropriations, if otherwise, to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair thinks that under the rule this should go to the Committee on Appropriations, but will examine the paper more carefully. It is, however, perfectly competent for the House to make any reference of the communication it may deem fit. Does the gentleman from Illinois make any motion?

Mr. TOWNSHEND. I do not.

Mr. RANDALL. If the proposition relates to an appropriation within the limit of existing law it ought to go to the Committee on Appropriations; but if it relates to a proposition for the enlargement in the limit of the appropriation, it should go to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair will cause the Clerk to read the rule.

The Clerk read as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows:

* * * * * * *

20. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair will now ask the Clerk to read the letter of the Secretary of the Treasury, which is short.

Mr. SNYDER. If in order, I desire to make a motion to refer this communication to the Committee on Appropriations.

Mr. STOCKSLAGER. Is there a public building at that point?

Mr. SNYDER. There is one in course of erection. This is to increase the appropriation.

Mr. STOCKSLAGER. I think this should go to the Committee on Public Buildings and Grounds, and move that reference.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman when the Clerk has read the letter of the Secretary.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 3, 1885.

SIR: I have the honor to state that there will be required for the completion of post-office and court-house at Charleston, W. Va., and for the payment of certain outstanding obligations on account thereof, the sum of $1,153.30; which amount I respectfully recommend be included in the sundry civil bill now under consideration by the Committee on Appropriations.

Respectfully,

CHAS. E. COON, *Acting Secretary*.

To the SPEAKER *of the House of Representatives*.

Mr. STOCKSLAGER. I withdraw the motion to refer the communication to the Committee on Public Buildings and Grounds.

The communication was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ERMENTROUT. I desire to make a privileged report. I am directed by the Committee on Accounts to submit the report which I send to the desk.

The Clerk proceeded to read the report, which related to the question of adjustment of salaries of the disbursing and stationery clerks of the House.

Mr. STOCKSLAGER (interrupting the reading). Is that in order?

The SPEAKER *pro tempore*. The Chair thinks this is not a privileged report. It will be returned to the gentleman from Pennsylvania.

DEPUTY MARSHALS AND SUPERVISORS OF ELECTIONS.

Mr. VAN ALSTYNE. I am instructed by the Committee on Expenditures in the Department of Justice to report back the House resolution submitted by the gentleman from Missouri [Mr. DOCKERY] on the 2d instant, and to recommend that it be adopted. The report is a privileged one. I move the previous question on the adoption of the resolution.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the House of Representatives what has been the total amount of expenses incurred under the law providing for the appointment of deputy marshals, chief supervisors, and supervisors of elections, and in what States the money has been expended; showing the separate amounts expended in each State, and also the accounts for such services which remain unadjusted.

The previous question was ordered.

Mr. VAN ALSTYNE moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The resolution was adopted.

Mr. VAN ALSTYNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHINESE IMMIGRATION.

Mr. EATON. I desire to make a report.

The SPEAKER *pro tempore*. Is it a privileged report?

Mr. EATON. I am directed by the Committee on Foreign Affairs to report what ought to be a privileged question. I am not sufficiently familiar with the rules to know whether it is or not.

The SPEAKER *pro tempore*. The gentleman will send it to the Clerk's desk, and the Chair will pass on its character. [After examining the report.] The gentleman from Connecticut submits a privileged report.

The report was read, as follows:

The Committee on Foreign Affairs, to which was referred the resolution submitted by Mr. BUDD February 2, calling for information relative to the construction given by the Secretary of the Treasury to the act of July 5, 1884, relative to Chinese immigration, has considered the same, and believing the information sought to be of great importance, reports the resolution to the House with the recommendation that the second paragraph of the preamble be stricken out, and, as so amended, it be adopted.

The resolution was read, as follows:

Whereas it is alleged that the Secretary of the Treasury, under date of January 14, 1884, issued, as a circular to the collectors of customs, the following regulations and instructions, among others:

"5. Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer, or, if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.

"6. Section 6 of the act of 1884 does not apply to Chinese persons other than laborers lawfully in the United States. Such persons are by treaty entitled 'to come and go of their own free will and accord,' and when they leave the United States are entitled to re-enter on any evidence satisfactory to the collector that they are not Chinese laborers.

"For the convenience of such persons and of the customs officers and others, such persons who may desire to depart from, and return to, the United States, may enter the United States on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by the collector of customs of the port of departure, which certificate may be *prima facie* evidence of a right to enter the United States.

* * * * * * *

"8. Chinese persons who may be compelled to touch at the ports of the United States in transit to foreign countries may be permitted to land under the regulations of January 23, 1883 (section 5544), so far as may be applicable, such persons to take passage by the next vessel leaving for their destination or the voyage of which may form part of the route necessary to carry them to their destination."

And whereas, if issued, such instructions and regulations are in violation of the act of July 5, 1884, relating to Chinese immigration, and are therefore a practical nullification of an act of Congress by one of the Executive Departments of this Government; and

Whereas Congress by the act of July 5, 1884, intended to, and did, by express terms prohibit all Chinese, whether laborers or merchants, former residents or new arrivals, from entering the United States of America without the certificate required by such act and issued by the officers and in the manner therein provided: Therefore,

Be it resolved, That the Secretary of the Treasury is hereby directed to report to this House, at the earliest possible date, what, if any, regulations and instructions relating to the rights of Chinese to enter the United States of America have been issued by the Treasury Department since July 5, 1884; under what law for the regulation or prohibition of the coming of Chinese to this country such regulations have been issued; and if any instruction has been issued that a United States consular officer might issue the certificate required by the act of July 5, 1884, to be issued by a foreign government, or if any other instructions or regulations such as above set forth have been issued, to specify under what section and clause of any law relating to the rights of the Chinese to enter the United States the same are authorized.

Mr. EATON. This resolution was unanimously adopted by the Committee on Foreign Affairs. It is simply to direct the Secretary of the Treasury to give information to this House as to the orders of that Department. I think there will be no objection to it. I move the previous question.

Mr. SKINNER, of New York. Is that a privileged report?

The SPEAKER *pro tempore*. The Chair thinks it is a privileged report. It is a resolution of inquiry, and the reporting of it back under the rule is privileged.

The previous question was ordered.

Mr. EATON moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the amendment recommended by the Committee on Foreign Affairs.

Mr. HOLMAN. Let the amendment be reported.

The Clerk read as follows:

Amend by striking out the second paragraph of the preamble, as follows:

"And whereas, if issued, such instructions and regulations are in violation of the act of July 5, 1884, relating to Chinese immigration, and are therefore a practical nullification of an act of Congress by one of the Executive Departments of this Government; and

"Whereas Congress by the act of July 5, 1884, intended to, and did, by express terms prohibit all Chinese, whether laborers or merchants, former residents or new arrivals, from entering the United States of America without the certificate required by such act, and issued by the officers, and in the manner therein provided."

The SPEAKER *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. EATON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EDUCATION REPORT.

Mr. ROGERS, of New York. I rise to make a privileged report. I

am instructed by the Committee on Printing to report back with an amendment the joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

The joint resolution was read, as follows:

Resolved, &c., That of the report of the Commissioner of Education for 1883 and 1884 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; and

A bill (H. R. 5461) to regulate interstate commerce.

The message also informed the House that the Senate had passed the joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

QUESTION OF PRIVILEGE.

Mr. BRECKINRIDGE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRECKINRIDGE. The Committee on Rivers and Harbors wishes, through me, to call attention to some remarks made in yesterday's debate by the gentleman from Maine [Mr. REED] and by the gentleman from New York [Mr. HISCOCK].

I send a copy of the RECORD to the desk with certain passages marked which I ask the Clerk to read.

The Clerk read as follows:

Mr. REED, of Maine. All of these other gentlemen have been making similar statements, and that is just what I complain of. Last year I took a stand against the Mississippi River appropriation and I did it upon an indication that I saw here in the House. A proposition was made, a sensible business proposition, that we should content ourselves with the prosecution of the work on the two reaches of the river then under process of construction, to see if the plan contemplated in that work was to be a success. If it was a success, then we could go on; if it was not a success, we could suspend operations.

But that business proposition was rejected by an overwhelming crowd of votes. That satisfied me that there were a great many gentlemen who were more interested in the expenditure of money than they were in the navigation of the Mississippi River. Now the gentleman from Arkansas comes before the House and re-enforces by facts the suspicion which the conduct of these gentlemen at that time engendered in the minds of thinking men.

* * * * * * *

Mr. HISCOCK. * * * I ask the Committee on Rivers and Harbors if they have investigated the question of the amount of money that has been expended for repairs on works that have been done under this plan within the last two years?

Why have you not informed the House on that subject? I assert that of the $8,000,000 which have been appropriated and expended in this work nearly $2,000,000 have been expended in repairs on these mattresses and this revetment work: and yet that fact has been kept from the House, and kept from the country. This committee, with full power to investigate, with full power to ascertain all the facts upon this question, have brought in this bill and attempted to change the manner of doing this work, claiming we must call this Captain Eads to the helm, and that he has some new plan, some new method, that will give success to this great scheme of public plunder.

Mr. BRECKINRIDGE. Mr. Speaker, in the remarks read by the Clerk the deliberate charge is made that the Committee on Rivers and Harbors has practiced concealment of important information from the House, in order to put through a job, "a scheme of public plunder." The deliberate charge is made, with reference to legislation which meets the approval and has met the indorsement of the Committee on Rivers and Harbors, that gentlemen sustaining that legislation were far more interested in securing the expenditure of the public money than they were in carrying out the solemn pledges and purposes expressed in the bill. Now, sir, I intended last night—indeed, I desired immediately when these remarks were uttered—to get the floor, but I did not succeed in doing so. I intended to call the attention of the House to these gross and unwarranted reflections upon the proceedings of the House and of the committee to which I have the honor to belong. This morning, at a meeting of our committee convened for other purposes, I called the attention of its members to this matter, and for that reason I, instead of the chairman of our committee (who had not heard the remarks when they were made, and who had not read them in the RECORD), was requested by the committee to report to the House its proceedings in the premises and to express its sentiments.

At a full meeting, attended by every member of the committee, Republican and Democratic, that is in the city, except one, my friend General BAYNE, from Pennsylvania, it was unanimously and warmly agreed that these remarks should be denounced upon the floor of the House as——

Mr. REED, of Maine. Mr. Speaker, is this a question of privilege?

The SPEAKER *pro tempore*. The Chair is very little disposed to rule that it is not a question of privilege when a committee of the House by its own action seeks to bring a matter of this nature to the attention of the House.

Mr. HISCOCK. Mr. Speaker, we have been anxious upon this side of the House to have time for discussion. I hope that the gentleman from Arkansas [Mr. BRECKINRIDGE] may be allowed to continue his remarks and that we may then have an opportunity to be heard.

Mr. REED, of Maine. I simply desire, Mr. Speaker, to call attention to the point, because I do not want this proceeding to go on and then when it is finished be cut off from reply.

The SPEAKER *pro tempore*. The Chair thinks that the gentleman from New York [Mr. HISCOCK] will have no occasion to complain of any want of fair dealing on the part of the Chair.

Mr. BRECKINRIDGE. I should insist upon the gentlemen having ample time.

Mr. BROWNE, of Indiana. Well, Mr. Speaker, I make the point directly that this is not a question of privilege, and I ask the ruling of the Chair.

The SPEAKER *pro tempore*. The Chair will ask the Clerk to read the rule which applies.

The Clerk read as follows:

RULE IX.

QUESTION OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, &c.

The SPEAKER *pro tempore*. The Chair does not think the point of order well taken. The Chair thinks that this is a question of privilege under the rule just read. The point of order is therefore overruled The gentleman from Arkansas [Mr. BRECKINRIDGE] will proceed.

Mr. BRECKINRIDGE. The members of the Committee on Rivers and Harbors wish this House to know that they unanimously denounce the imputation upon their action contained in the remarks that have been read as utterly base and groundless——

Mr. HUNT (*sotto voce*). Baseless and groundless.

Mr. BRECKINRIDGE (continuing). Baseless and groundless. I would let the word "base" stand if it were parliamentary, for a thing that is groundless is base when it impeaches the character of honorable men.

Mr. Speaker, as for the language of the gentleman from New York [Mr. HISCOCK], I do not wish to dwell upon it or characterize it with anything like passion, though it would require terms somewhat passionate to express the indignation that I feel at charges of this character so unwarrantably uttered. The committee has not a single essential fact but what I and others have stated or what are contained in the public records of the country, which are open to the gentleman, and from which he has drawn the statements of fact that he has presented. The Committee on Rivers and Harbors brought forward their conclusions, based upon these serious facts, and they have been called too radical; yet the gentleman complains of our not dealing with them. Those conclusions were predicated upon the very matters which he complains of as having been concealed from Congress. It is not customary to bring into the House all the details of any case or to read in full the thousands of pages of evidence; but, speaking as a member of the committee, I have myself brought out here what I conceive to be the most startling and striking statistics connected with this subject. Therefore the gentleman, being himself supplied not only with these statements, but with the public printed records giving all the information that the committee has, can find no justification for making the charge of concealment for "plunder" that he does make against the committee.

Sir, I believe it is a just and proper maxim that a good construction should be put upon the actions of men unless a bad construction is unavoidable. These gentlemen seem to reason about the actions of their associates from a low plane of suspicion. Even when those actions are indorsed by their own associates and by overwhelming majorities in this House, such as are cited by the gentleman from Maine as having been the vote upon these previous questions in connection with this matter, they are unwilling to adopt a good construction if it is possible to adopt a bad one. It is only fair to say (and they can take it to their own reflection) that the majority of their associates have perhaps as little confidence in them individually as they have in the great body of their associates in Congress.

Sir, we have no desire to have these insulting and unwarranted remarks taken from the RECORD. We are willing for them to stand as evidence of the kind of criticism these gentlemen indulge in about the action of Congress and the action of a committee of this House. We are willing to stand upon our record, allowing that and the criticisms upon it to go down together for examination and analysis on the part of any who take an interest in this matter.

I want to say for the committee that I have been associated with it day after day, our labors beginning generally before the meeting of this House and continuing in solid session until after its adjournment, this labor having run through a number of months in the last session of Congress, and in the present it has run through nearly every week from the beginning of the session down to this hour. I never met a body of

men whom I considered purer, more patriotic, or more worthy of confidence in all the motives and purposes directing their action than this body has shown itself to be. Therefore, sir, in its name, and as a member of this Congress, and as a gentleman, I resent the insults and slanders that these gentlemen seek to heap upon their associates.

Mr. REED, of Maine. Mr. Speaker, I am particularly pained to think that the Committee on Rivers and Harbors should not feel that they have already a sufficient affair on their hands, without undertaking to indict their fellow-members for words spoken in debate. I had myself felt it was enough that those gentlemen sat with closed doors upon this bill, that they absorbed all the opportunity for discussion upon it, without giving to themselves in addition a supervisory power over the utterances of gentlemen who have been obliged to condense into five minutes their views upon very important subjects.

I also desire to express my personal sorrow that a gentleman of the standing of the gentleman from Arkansas [Mr. BRECKINRIDGE], whom until to-day I have always felt to be in character and ability worthy of the distinguished name that he bears, should in himself exemplify in his attack upon me precisely the objectionable things which he thinks he finds in what I said, but which neither he nor any other member of this House can find there.

I hold it to be above all things low and groveling for a member of this House to stand up in his place and insinuate dishonest personal motives as having characterized the action of any other member of this House; and I am the last man to do it; for my experience in this House has satisfied me that if I were to undertake to name every member of whom I had any suspicion of impropriety, I should have exhausted the list long before I had covered the fingers of one hand. I am a believer in the honesty of purpose of the members of the House of Representatives. I take no part or stock in any of the flings made against them anywhere, either on the floor of this House or elsewhere.

Mr. HUNT. May I ask the gentleman a question?

Mr. REED, of Maine. No, sir; I am now discussing this matter for myself, and I beg leave to be allowed to conclude without interruption.

Mr. HUNT again rose.

Mr. REED, of Maine. I insist that I shall not be interrupted.

The SPEAKER *pro tempore*. It is the right of the gentleman from Maine to proceed without interruption.

Mr. BRECKINRIDGE rose.

Mr. REED, of Maine. I decline to be interrupted, except by the gentleman from Arkansas.

Mr. BRECKINRIDGE. I wish to say that the remarks which the gentleman has just uttered are of a most generous and considerate nature; but I think he will admit——

Mr. REED, of Maine. Now, the gentleman must permit me to finish.

Mr. BRECKINRIDGE. One moment, if the gentleman pleases.

Mr. REED, of Maine. Very well.

Mr. BRECKINRIDGE. I think the gentleman must admit that his remarks of yesterday, whether rightly expressing his intent or not, are not open to any other construction than that he did reflect upon the purposes and motives of gentlemen engaged in legislation in this House. I can not conceive it to be honorable for gentlemen to meditate a raid on the Treasury under the guise and expressed purpose of legitimate ends. The disclaimer the gentleman now makes is entirely satisfactory to the committee as well as myself.

Mr. REED, of Maine. I understand the gentleman's point, and I must be allowed now to go on.

Mr. BRECKINRIDGE. This shall not come out of the gentleman's time if I have any voice in the matter. I only wish to add that if the language just used by the gentleman expresses his sentiment in regard to the honorable purposes of the great majority of this House whom he undertook yesterday to criticise, then it is all that should be required between gentlemen, and I cheerfully withdraw all that applies to him.

Mr. REED, of Maine. Now I wish to go on further, in order that I may be distinctly understood by the House.

Mr. HUNT. That is why I wished to ask the gentleman a question.

Mr. REED, of Maine. I will allow the gentleman to ask his question after I have finished.

Mr. HUNT. Let me do it now.

Mr. REED, of Maine. The gentleman is destroying the continuity of my discourse.

Mr. HUNT. I do not mean to do that.

Mr. REED, of Maine. I desire to say further, I hold it is the right of every member of this House to criticise the motives of other members, provided that criticism is of public motives. If I see a man on the floor of this House apparently going for one object and I think he is going for another, and I think if this House understands that to be the effect it will change their views and opinions, I hold it to be right and proper for me in the course of debate to express my views on that subject.

Now, in the remarks which are complained of I have connected no man with any charge of dishonest conduct whatever. I have simply said, in substance, that raised in my mind the belief gentlemen were more interested in the expenditure of money in their section than they were in true measures for the navigation of the Mississippi River. And I stand before this House upon that statement as a statement proper to be made by an honorable man to gentlemen of this House. I believe no man here can gainsay it. I believe that the language which I used is susceptible of no other interpretation than a fair and honest criticism of the public action of public men taken for public motives; and that I had a right to do. And for the Committee of Rivers and Harbors to undertake to hold a session and sit in judgment upon gentlemen whom they have forced to crowd into five minutes a great discussion it seems to me to pass the bounds of all reasonable human endurance. [Laughter.]

Mr. HUNT. The gentleman from Maine will now allow me to ask him a question?

Mr. REED, of Maine. Assuredly I will.

Mr. HUNT. What do you mean when you say (and that is what I wanted to ask the gentleman so as to give him an opportunity to explain)—what do you mean when you say that Representatives are more influenced by a desire to secure the expenditure of money than for the improvement——

Mr. REED, of Maine. Of the navigation of the Mississippi River.

Mr. HUNT. Yes; for the improvement of the navigation of the Mississippi River. Now, in the connection in which you say it, what does that mean?

Mr. REED, of Maine. You can judge for yourself. [Laughter.]

Mr. HUNT. The gentleman says I can judge for myself. I say that it is improper, incorrect, and absolutely untrue as shown by the record—that it is an untrue statement made in an improper and uncharitable spirit.

Mr. REED, of Maine. Well, I will simply allow the gentleman——

Mr. HUNT. I wish you to explain it.

Mr. REED, of Maine. I simply allow the remark of the gentleman from Louisiana to pass in conjunction with his manner of saying it.

Mr. HUNT. It will pass, and so will you. [Laughter.]

Mr. HISCOCK. Mr. Speaker, some members of the House—I do not say how many—in previous sessions when this subject of the improvement of the Mississippi River has been up have asserted upon the floor that the great object of that work was to improve the alluvial land on the banks of the Mississippi River. They have asserted that this great river could not be chained by these engineers. They have asserted that this plan of improvement which was sent to Congress, and which Congress has repeatedly indorsed, would be a failure. Sir, I happened to be one of that number. I never had any confidence in the scheme—I never had confidence in the project. But I will withdraw the word "scheme" lest it may be deemed objectionable.

A committee of this House, of which the Speaker of this House was one, and he and the other members of that committee, who were at least honorable gentlemen, brought in a report, after full investigation, substantially agreeing with the views of those members who had opposed these appropriations or this plan of expenditure. They were substantially laughed down when that report was presented. The appropriations went on, but finally time has vindicated them. We waited until yesterday for the distinguished gentleman from Arkansas, in his place on this floor, to advertise to the country, upon his responsibility as a member of the House, that all this work had been a failure and nothing had been accomplished by it.

And, Mr. Speaker, in this connection I will read the language used by the honorable gentleman from Arkansas [Mr. BRECKINRIDGE]:

Therefore I have agreed with those who have urged that this incubus of mediocrity of untrained engineering talent in this line be taken off that river, or in some way subordinated, and it be put back to the original plan adopted by Congress which Captain Eads formulated.

This language of his follows the language I will now quote:

And their calculations are, in round numbers, that the system will cost $150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar; you have, I say, a thousand miles at $150,000 a mile, making an aggregate of $150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Now, sir, I know, and every gentleman will know if he will take the pains to examine the record, that there has never been any change in the original plan. Up to the spring of 1884 or the fall of 1883, Capt. J. B. Eads, in his sworn testimony, has indorsed the work of the Mississippi River Commission. Up to that period of time it had his full approval.

Mr. SPRINGER. I rise to a point of order. I desire this discussion shall be confined to the question of privilege, while the gentleman from New York is now discussing the merits of the question.

Mr. HISCOCK. I am coming to the question of privilege.

The SPEAKER *pro tempore*. The gentleman from New York is perfectly familiar with the requirements of the rule in that regard, and the Chair hopes he will observe them.

Mr. HISCOCK. I am coming more directly to the point made by the gentleman from Arkansas [Mr. BRECKINRIDGE], but it seemed to be necessary I should state this history and these facts preceding what I am about to say in reply to the strictures of the gentleman from Arkansas.

We have now before us the recommendations of the Committee on

Rivers and Harbors. I understand it, interpreted by the language of the gentleman from Arkansas, proposes an entire change in the plan for the improvement of the Mississippi River (the bill does not clearly point it out), and they come in here with this recommendation, and they have not told us wherein the old plan, if there was an old plan which has been departed from—they have not told us wherein there was a failure, but they compel us to grope in the dark for the facts the gentleman from Arkansas has asserted, insidiously, I am almost justified in saying; they have formulated a new plan, and he admits he had and withheld this information as to the destruction of the works on the Mississippi River.

I do not stand here, sir, to make any charge of impropriety against the Committee on Rivers and Harbors of this House. I will throw over them the mantle of charity, and I believe that only charity can cover their omission in this respect. If that is unparliamentary, Mr. Speaker, I will withdraw it.

But when they come in here with a bill, and when a member of that committee charges that this commission which is now conducting the work is an incubus upon the public service, when I know and he must know if he has examined the record that all that has been done has been done with the concurrence of this model engineer who is paraded before Congress and the country to take charge of the public works—I say when the bill comes in and he brings these charges it seems to me it was the duty of the Committee on Rivers and Harbors not only to tell us wherein there had been a departure from the original plans, but to tell us also where and what are the amount of the works that had given way, and what amount of money had been required for the repair of these works.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. It is now nearly 2 o'clock; we have taken up a considerable part of an hour or more with this question of privilege. I make the point now that it is delaying measures of public legislation, and that the gentleman from New York is not confining himself to any question of privilege.

The SPEAKER *pro tempore*. The Chair hardly thinks the gentleman from New York is confining himself within the strict limits of the rule to a question of privilege.

Mr. HISCOCK. I have been arraigned by the gentleman from Arkansas by the direction of the Committee on Rivers and Harbors for having made a charge against his committee which was unwarrantable. I certainly did not intend to impugn the honor of any individual member of that committee.

Mr. SPRINGER. That is sufficient; let us go on now with the public business.

Mr. HISCOCK. I did not intend to impugn the honor of the committee acting in its capacity as a committee. I can only defend myself from the charge the gentleman has brought against me by going into the history of this Mississippi River improvement to some extent, and by calling the attention of the House to the fact that the foundation upon which they propose to change this plan, and the facts upon which they propose to put Captain Eads at the helm, have been kept out of the House and from the country, and that we have no information upon that point. He says everything is spread on the records. Are we, I ask you, Mr. Speaker, to grope through a report to find a letter here or an expression there that may possibly point our way in making an investigation of a vexed question of this kind? When a great radical change is made or sought to be made, and when the purpose and object of that change is withheld from the House, it is the right and duty of every member to criticise it.

Mr. WILLIS. Mr. Speaker, I must raise the question of order. I submit to the gentleman from New York himself that the whole question that has been sprung has been entirely covered by the remarks already made.

Mr. BOUTELLE. The gentleman himself ought to be the best judge of that.

The SPEAKER *pro tempore*. The Chair has already intimated that it was hardly of opinion that the gentleman from New York was speaking to the question of privilege. The Chair thinks that now, however, the gentleman is referring to the question that has been raised, and will proceed in order.

Mr. HISCOCK. Why is it that the gentleman from Arkansas has arraigned me and the distinguished gentleman from Maine on this subject, and the chairman of his committee now seeks to hush us down? Is that unparliamentary? May I be called to account for that expression? Then I withdraw it and apologize. [Laughter.] Mr. Speaker, they invited this discussion. It has been brought in here as a question of privilege, because I made the assertion on yesterday that Captain Eads, as the pet of this committee—is that objectionable?—the pet of this committee is sought to be placed over all the internal improvements of this great country.

Now, sir, I have but little more to say on this question. I had hoped that this subject might be fully ventilated. I had hoped that I might have time when the bill was under general debate to say some things that I have been compelled to say briefly to-day. I say to this committee who have brought in this proposition that opened the discussion of this question that I shall make no charge against it but what I may establish by the proofs and the record; and if from these proofs and facts I am justified in drawing the inference that it has suppressed a part of the facts bearing upon this question, or I will not say suppressed them, but that your committee has not fully advertised to the House all of the facts in its possession and all of the facts in the possession of the gentleman from Arkansas, I shall continue to assault the committee, I shall continue to make the same expressions that I have heretofore made, and I shall let the House and the country draw its own inferences whether it has dealt fairly with this subject or not. [Applause on the Republican side.]

Mr. SPRINGER. Now would it be in order to demand the regular order?

Mr. BAYNE. I want to say one word. I shall not occupy much time.

Mr. SPRINGER. I did not know that the gentleman from Pennsylvania [Mr. BAYNE] was involved in this question.

Mr. BLANCHARD. I call for the regular order.

The SPEAKER *pro tempore* (Mr. HAMMOND). This is the regular order. A question of privilege is under debate.

Mr. HISCOCK. I believe I have some time, and I desire to ask the gentleman from Pennsylvania [Mr. BAYNE] if he united in the direction to the gentleman from Arkansas [Mr. BRECKINRIDGE] that the gentleman from Maine and myself should be arraigned on this floor for the statement we made?

Mr. BRECKINRIDGE. The gentleman knows very well I stated the gentleman from Pennsylvania was absent.

Mr. HISCOCK. Oh! he was absent.

Mr. BRECKINRIDGE. I stated that, and the gentleman knows it.

Mr. HISCOCK. Well, I will supplement the gentleman's remark by saying this: I ought to have known it, because I know very well that the gentleman from Pennsylvania would never have lent himself to any such scheme or any such project.

Mr. BAYNE. I have but a word to say. I am a member of the Committee on Rivers and Harbors, and I beg to say the action of that committee so far as I know and believe has been in every sense honorable and upright. I do not believe any member of that committee through any personal motive or any motive outside of the public interest has done anything to influence the actions and deliberations of that committee. We have radically differed in the committee as to appropriations for certain streams, and we have differed here on the floor.

The gentleman from Maine [Mr. REED] ably criticised, as he always does, various propositions in this bill. The gentleman from New York [Mr. HISCOCK] ably criticised them; and other gentlemen on this floor have done so. And it was their right to do so. I am one of those who believe in giving the hardest knocks that lie within the power of the human intellect in debate on any matter that comes before Congress for consideration. I have no dread of the criticisms of any gentleman; and if the criticisms of any gentleman point out to me that the measure or proposition is wrong, I am willing to acquiesce in the suggestions he may make. I think that is the only way of arriving at the truth and securing the best possible legislation.

I submit, Mr. Speaker, that nothing that has been said here has been in the nature of a personal affront or imputation on the honor of any gentleman in the House. I did not so regard it. Although a member of the Committee on Rivers and Harbors, and although much criticism has been made on the action of that committee, I took nothing to myself as imputing to me personal dishonor or any motives other than those which should control my action as a member of the House. I for one believe in the frankest, fullest, freest criticism of all the propositions that may come before Congress; and I shall not feel offended by anything that any gentleman may say respecting any one of these propositions either in the river and harbor bill or any other bill.

There is one thing at least that can be said and should be said in favor of the Committee on Rivers and Harbors. It has been repeatedly said here that the doors of that committee were closed against members of the House. That is true. But why were they closed? Simply because it was absolutely necessary that they should be, if a river and harbor bill should be prepared for the consideration of this Congress. If the members of the House and if delegations from the various States had been admitted to that committee to make their statements no bill could have been matured by the committee in time to present it to the House. The committee sat from 11 o'clock in the forenoon until about 5 in the afternoon every day except Sundays since the recess of Congress, and a good deal of the time before that. They occupied that time most industriously in preparing this bill, preparing it with such care and deliberation and thought as they could give to it. You have the result of that deliberation and that thought. There are propositions in that bill to which I never can consent. Yet what we did we were compelled to do under the circumstances, if you were to obtain a river and harbor bill at all. The fault does not lie with the Committee on Rivers and Harbors for excluding delegations from different States and for excluding members of Congress from coming before them and making their statements, but it is attributable to the short time we had, and to no other cause. Therefore I say, although this criticism is perhaps unfair,

it is a criticism I do not object to having been made, because it simply indicates and enforces the argument that gentlemen on the floor of the House should be given as much opportunity as can be given to them to discuss this bill when they could not have a hearing before the committee.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

The SPEAKER *pro tempore*. The Chair, if there be no objection, will lay before the House some requests affecting the personal convenience of members.

Mr. SPRINGER. If that will not take up time or require a roll-call I shall make no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRAIG, for the day, on account of sickness; and

To Mr. JOHN S. WISE, for one week from to-morrow.

WITHDRAWAL OF PAPERS.

On motion of Mr. WAIT, by unanimous consent leave was granted to withdraw from the files of the House the papers in the case of Amos Clift, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. YOUNG. Before the hour is called, I ask to call up the bill (H. R. 2799) in order to move that the House concur in the Senate amendments.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

Mr. GIBSON. Mr. Speaker, I shall be compelled to object. A bridge across the Mississippi River is so important a matter that we ought not to pass that bill without seeing the amendments.

Mr. RANDALL. Mr. Speaker, I did not mean to make the objection, but now that some one else has made it, I desire to ask whether the operation of the new rule does not prevent the Chair from entertaining requests for unanimous consent.

The SPEAKER *pro tempore*. The Chair does not think that it does. The Chair will have the proviso in the rule read which states that for purposes of reference unanimous consent may be given.

Mr. GIBSON. Let us hear the amendment, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair will first have the proviso in the rule read.

The Clerk read as follows:

Provided, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than as herein provided; but he may entertain such requests to refer such bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. That was the ground upon which the Chair held that the request might be entertained.

Mr. WHITE, of Kentucky. I call for the regular order.

Mr. SPRINGER. I withdraw my call for the regular order.

The SPEAKER *pro tempore*. The call is renewed by the gentleman from Kentucky [Mr. WHITE]. Under the rule, the hour will begin at a quarter past 2 o'clock.

Mr. HOLMAN. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. HOLMAN. The hour set apart for this purpose is very clearly designated in the rule, which provides that each morning during the remainder of this session immediately after the approval of the Journal an hour shall be devoted to a particular branch of business. The proviso does not modify that at all, except as follows:

That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than is herein provided, but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Now, sir, I submit that the hour immediately after the approval of the Journal being set apart for the consideration of a certain class of measures which are pointed out, no other hour can be consumed in that business unless that hour, or a portion of it, shall have been consumed in conformity with the provisions contained in the proviso to the rule.

The SPEAKER *pro tempore*. The Chair has no difficulty in reaching the conclusion that the gentleman's point of order is not well taken. The Chair——

Mr. WARNER, of Ohio. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is now endeavoring to answer the gentleman from Indiana upon the point of order which he has made.

Mr. WARNER, of Ohio. It is on the point of order that I wish to be heard a moment.

The SPEAKER *pro tempore*. On that point of order?

Mr. WARNER, of Ohio. On that point of order. I desire to be heard for a moment.

The SPEAKER *pro tempore*. The Chair will hear the gentleman with great pleasure.

Mr. WARNER, of Ohio. I simply wish to add a word to what has been said by the gentleman from Indiana. The hour set apart by the rule is a distinct portion of time, to wit, the hour following the approval of the Journal, and is not an hour floating around in the House and following any other business; and my point is that no other portion of time except that specific portion named in the special order can be appropriated to this business under the rule. It is not at all like the morning hour.

Mr. SPRINGER. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair does not think it necessary to hear further discussion upon the point of order. The Chair very frankly avows that its opinion is taken.

Mr. SPRINGER. I was going to second the opinion of the Chair.

The SPEAKER *pro tempore*. The Chair is not at all surprised to find the gentleman from Illinois concurring in its opinion. [Laughter.]

Mr. SPRINGER. We have the morning hour fixed at a certain time, and yet in practice we have sometimes had it at about 12 o'clock at night; and I think that if the morning hour can vary its place in that way this hour may do likewise.

The SPEAKER *pro tempore*. The Chair was going to suggest, in reply to the point of order made by the gentleman from Indiana [Mr. HOLMAN], that under the rule the morning hour comes at a stated time in the day, yet frequently it comes twenty-four hours after the time when it would be due by the clock. This new rule declares that immediately after the approval of the Journal an hour shall be set apart for the calling up of bills and resolutions subject to consideration under the rule. But a rule of the House, which is imperative, declares that questions of personal privilege, or privileged reports, or privileged questions shall take precedence of all other questions, and that their consideration, and the time consumed therein, shall not be taken account of by the Chair or by the House. The Chair has no arbitrary power to deny the right of the House to state and to be heard upon its privileged reports, its questions of privilege, and its privileged questions. The Chair therefore overrules the point of order made by the gentleman from Indiana [Mr. HOLMAN], and holds that nothing has occurred since the reading of the Journal but the acceptance and entertaining of a privileged report, or the consideration of a question of privilege, or a privileged question. The hour, therefore, begins at twenty-two minutes past 2 o'clock, and the Chair recognizes the gentleman from Texas [Mr. JONES].

PUBLIC BUILDING, TYLER, TEX.

Mr. JONES, of Texas. I move to call up the bill (H. R. 5674) for the erection of a public building in the city of Tyler, in the State of Texas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices, at the city of Tyler, in the State of Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. JONES, of Texas. Mr. Speaker——

The SPEAKER *pro tempore*. Under the rule as modified by the action of the House this morning the report may be read and debate had before objections are called for. The gentleman from Texas is recognized to discuss this bill for five minutes.

Mr. JONES, of Texas. Mr. Speaker, in March, 1851, thirty-four years ago, Tyler, in the State of Texas, was designated as one of the places at which the Federal courts should meet. Since that time the district and circuit courts have met there annually, except for two or three years during the "unpleasantness." Several thousand cases have been considered in those courts. Some of the largest cases, involving perhaps more property than has been involved in suits from any other court, have come up from those courts to the Supreme Court of the United States, leaving there great piles of records which are valuable as muniments of title to thousands of acres of land. Citizens of nearly every State in the Union are interested in the preservation of these records.

Tyler is a little city, but is growing in population rapidly. Not only is it the place of meeting of the Federal courts, but it is one of the places where, under the law, the courts of last resort in Texas meet. It has one of the best libraries in the Southwest. There are three railroads running to and from it, making it very accessible. There are two large machine-shops there, employing hundreds of hands.

Tyler is the geographical center of East Texas, and is the center of the wealth and enterprise of that portion of the State. In the courts held there the business of seventeen or eighteen counties is transacted. The post-office there will soon be made a second-class office. This postal business has to be provided for.

We ask for an appropriation of only $50,000 for a court-house and

post-office building. If any objection can be made to this bill it is in the fact that we ask for so little. But in reply to an objection of that sort I would state that building material of the very best quality—stone, brick, and timber—is convenient and cheap. We are only ambitious to secure the erection of a convenient and safe public building, not to build a large and imposing edifice.

Mr. WEAVER. Can the gentleman state precisely the amount of business at the post-office there?

Mr. JONES, of Texas. I can not; but it is very large. The office will shortly be made a second-class office. I think the pay of the postmaster is about $1,900.

Mr. WELLER. I would like to ask the gentleman a question. If this bill passes is he willing the appropriation should be made in standard silver dollars?

Mr. JONES, of Texas. Oh, yes; perfectly willing. That is the sort of money we like. It is legal tender with us.

The SPEAKER *pro tempore*. The time of the gentleman from Texas [Mr. JONES] has expired. Under the rule five minutes are now allowed for debate in opposition to the bill.

Mr. WARNER, of Ohio. I desire only to ask the gentleman from Texas a question or two. What is the value of the best business building—I mean for private business—in the town or city of Tyler?

Mr. JONES, of Texas. The value of the county court-house, I suppose, would be $60,000. There is a hotel there that has cost fifty or sixty thousand dollars. The best public buildings in the State are located there.

Mr. WARNER, of Ohio. What is the population?

Mr. JONES, of Texas. It is about 9,000 and is rapidly increasing. Three hundred public and private buildings have been erected there during the last year, I am informed. As I have already stated, there are two large machine-shops there; and the place has large railroad facilities.

Mr. WARNER, of Ohio. I think the report had better be read.

The SPEAKER *pro tempore*. The gentleman from Ohio, who has been recognized by the Chair as controlling the time in opposition to the bill, demands the reading of the report. It will be read in his time.

The report (by Mr. YOUNG) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1568) providing for the erection of a public building at Tyler, Tex., to be used by the United States Government as a court-house and for a post-office and other Government offices, submit the following report:

The committee find that the city of Tyler contains a population of 7,000 inhabitants and is rapidly increasing in population. It is near the geographical center of Eastern Texas and the center of the populous counties of Eastern Texas. It is very accessible, having three railroads passing through it, running in different directions through the State and the counties whose business is transacted in the United States courts at Tyler, making the district compact and every part of it easily reached by the officers of the courts with the least possible expenses to litigants, and assuring the greatest celerity in the dispatch of business.

In February, 1857, Tyler was designated by act of Congress as one of the places in Texas for the sittings of United States circuit and district courts, and said courts have been held there ever since.

A statement of the business in the United States courts held at Tyler shows a total number of causes filed from January 1, 1866, to date to be 4,536.

The business transactions in the post-office for the year 1883 were as follows:

Value of stamps and stamped envelopes sold	$5,558 74
Amount collected for box-rent	827 05
	6,385 79
Number of money-orders issued	5,003
Amount received for money-orders issued	$70,996 64
Number of money-orders paid	2,108
Amount money-orders paid	$45,689 91
Number of postal notes issued September 3 to December 31, 1883	438

There is no building at Tyler owned by the United States. The United States circuit and district courts are held regularly there, but in unsafe and unsuitable rooms, as they are liable to be burned, together with the records, and the rooms are not conveniently arranged, for the use of which the United States pays annually about $1,000.

The post-office is kept in an unsuitable building, which affords no protection from loss in case of fire. The annual rent paid for post-office is $100.

The courts of last resort of the State of Texas meet at Tyler, and have met there annually since 1861, which are supplied with an extensive and valuable library by the State.

Tyler is healthy, not subject to epidemics, with a pure atmosphere, and good, pure free-stone water.

The principal machine-shops of the Texas and Saint Louis Railroad are located there, and the machine-shops of the Kansas and Gulf Shore Line Railroad are also located there.

There is an abundance of the best building material, both of stone, brick, and lumber, convenient to Tyler.

The commercial and manufacturing interests of Tyler are flourishing and improving.

Your committee therefore consider favorably the proposition for the erection of a public building for the use of the United States courts and post-office at Tyler, Tex., but, in lieu of the bill referred to them, recommend for passage a substitute [H. R. 5674], which more clearly sets forth, in their opinion, the terms and conditions on which the appropriation should be made.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. Is there objection to its consideration? The Chair hears none, and the bill is before the House.

Mr. WELLER. I move to amend by adding to the bill the following:

This appropriation shall be made and paid in standard silver dollars only.

The amendment was not agreed to, there being 1 vote in the affirmative—noes not counted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JONES, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, TROY, N. Y.

Mr. BURLEIGH. I call up for consideration at this time the bill (H. R. 1013) for the erection of a public building at Troy, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, United States courts, and other Government offices, at the city of Troy, N. Y. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $250,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. BURLEIGH. Mr. Speaker, I wish this bill to pass simply on its merits, for I consider it in every sense a meritorious measure. Troy is one of the largest and most important business points in Northern New York. The report of the committee will be found to cover the whole ground, and I do not desire to take the time of the House in any further presentation of the facts and arguments in the case, and sincerely hope it may receive favorable consideration. I ask the report of the committee be read.

The report (by Mr. WEMPLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1013) providing for the erection of a public building in the city of Troy, N. Y., make the following report:

The committee have had the same under careful and mature consideration.

The city of Troy is one of the oldest and most flourishing manufacturing cities in the State of New York. It is at the head of steamboat navigation on the Hudson River, and is one hundred and sixty miles from the city of New York. Its population receiving mail at the Troy post-office is 73,500; and an order has just been issued extending the free-delivery system of Troy to West Troy, which will make an additional population of 12,500: total, 86,000.

The rent paid for the post-office in Troy, with very poor accommodations, per annum, is $2,875: the rent paid for the collector's office in Troy is $850; the rent paid for the United States district attorney's office is $237—a total of $3,962.

The number of persons employed in the Troy post-office is thirty-five, not including those apportioned for the West Troy delivery. Lansingburg, Green Island, and Stow's Hill are all stations of the Troy post-office.

STATISTICS.

Receipts for the year 1883 from stamps, postal cards, stamped envelopes, and box-rents	$100,064 25
Expenses	41,533 22
Net income	58,531 03

MONEY-ORDER BUSINESS.

Receipts	190,986 25
Payments	233,134 11

MAIL MATTER.

Registered letters received for delivery and received and dispatched in transit		55,902
Letters delivered by carriers	2,259,355	
Postal cards delivered by carriers	505,611	
Drop letters delivered by carriers	408,489	
Drop postal cards delivered by carriers	243,317	
Newspapers delivered by carriers	1,177,794	
Registered letters delivered by carriers	6,627	
Letters, postal cards, and newspapers collected from street letter-boxes	2,457,978	
Total number of pieces handled by carriers		7,059,171
Delivered through lock-boxes and window delivery		638,768
Letters, postal cards, and second, third, and fourth class matter mailed at Troy		5,771,878
Letters and newspapers received in transit and dispatched		2,521,790
Total		16,047,499

The United States internal-revenue office, fifteenth district, is in Troy. This district consists of the territory embraced in the counties of Clinton, Essex, Warren, Washington, Rensselaer, Columbia, Dutchess, Putnam, and Westchester. The collections for the current year will exceed $1,000,000. The number of employés is eighteen.

The office of the United States district attorney is located at Troy.

The number of offices occupying Government buildings in the United States is seventy-one. Of this number there are but twenty-five whose gross receipts annually are as large as the gross receipts of the Troy office. Of this number also there are eight whose aggregate receipts annually are not equal to the annual receipts of the Troy office.

Of the whole number of Government post-office buildings New York has but six.

The leading industries of the city of Troy are as follows:

IRON INDUSTRY.

Number of persons employed	4,000
Amount of wages paid annually	$2,000,000
Amount of annual sales	$8,000,000
Tons of coal used annually	300,000

STOVE INDUSTRY.

Number of men employed	3,000
Amount of wages paid annually	$1,300,000
Amount of annual sales	$4,000,000

SHIRT AND COLLAR BUSINESS.

Number of persons employed	11,000
Amount of wages paid annually	$2,000,000
Amount of sales annually	$8,000,000

In addition to the foregoing industries, Troy has one of the largest and most

perfectly equipped mathematical-instrument manufactories in the United States; also large and extensive paper-manufacturing establishments, leather-belting and boiler-making establishments, ale and lager breweries, and a multitude of other manufacturing industries.

In view of the foregoing facts your committee respectfully recommend the passage of the bill, having amended the same by striking out the word "and," at the end of line 11, also the word "fifty," at the beginning of line 12; so that it shall read: "The site and building complete, the sum of $200,000," &c.

The SPEAKER *pro tempore*. The time allowed for debate in favor of the bill has expired.

Mr. KING. I ask by unanimous consent that the gentleman be allowed to go on.

The SPEAKER *pro tempore*. The Chair can not under the rule entertain a request for unanimous consent.

Mr. WARNER, of Ohio. Mr. Speaker, I wish to call the attention of the House to one thing in connection with these public buildings bills. This bill contains the same provision which nearly all the bills for public buildings which have passed the House for a number of years have contained. The provision to which I refer is as follows:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $200,000.

Now I call attention to the decisions of the Solicitor of the Treasury on this provision. Having exceeded that limit in a number of buildings, or having gone on under plans and specifications and expended all the money appropriated in the bill under this limitation, the Architect then submits the question to the Solicitor of the Treasury whether he could go on and expend other money, notwithstanding the limit contained in the act providing for the building. He inquires also whether he can make such plans and specifications as in his judgment the exigency of the service may require. The Solicitor replies as follows:

In the act of May 25, 1882, Congress said to the Secretary of the Treasury, proceed and purchase a site and erect a public building thereon, but you shall not expend more than $200,000 for that purpose. In the act of July 7, 1884, Congress again said in effect: It is true we limited you to $200,000, and we are now of opinion that sum is not sufficient for the purpose intended, and therefore we authorize you to expend $45,000 more. Can there be any doubt as to the intention of Congress? Then it follows that so far as the last acts are repugnant to or inconsistent with the first they substantially repeal the first. In other words, the first law is to be read as authorizing an expenditure of $245,000.

The other question submitted by the Architect is this:

If, however, in the case of any one or all of the buildings named, it should be my judgment that the public officers and the public business to be properly done would require a building whose cost would exceed the present aggregate appropriations, I desire to ask instructions as to whether I may not prepare the plans for buildings at these points in accordance with the manifest demands of public business and without any reference to any limit of cost as fixed by statute.

The Architect here asks in substance if he is bound to consider the limitation as anything more than so much at first appropriated.

He asks if he can not make plans and specifications, notwithstanding they will involve further appropriations, anticipating that Congress would go on and appropriate more. Now I call the attention of the House to this fact, that those bills passed under the supposition that the limitation on the cost of the building is definite and final and that the appropriation can not be exceeded, do not determine the final cost of buildings.

Mr. STOCKSLAGER rose.

Mr. WARNER, of Ohio. Let me proceed to show in how many cases this limit has been exceeded.

Mr. STOCKSLAGER. That is only by subsequent act of Congress.

Mr. WARNER, of Ohio. Oh, yes; by subsequent acts of Congress, but that is expected.

Mr. STOCKSLAGER. Over which the Committee on Appropriations have control.

Mr. WARNER, of Ohio. This Congress, notwithstanding this limitation, have passed bills for further appropriation of money for buildings on which the cost was limited. Out of the seventy-two bills now before the House there are a considerable number asking for larger appropriations, because these limitations have not been adhered to by the Architect.

Mr. STOCKSLAGER. I think you are right about that.

Mr. WARNER, of Ohio. All of the authorities responsible for these public buildings——

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time in opposition to the bill has expired.

Mr. HOLMAN. I understand there is an amendment pending to the bill reducing the appropriation from $250,000 to $200,000.

Mr. BURLEIGH. Yes, there is.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WELLER. I object.

The SPEAKER *pro tempore*. Those objecting to the consideration of this bill will rise and stand until counted. Five members only have risen, not a sufficient number, and the bill is before the House for consideration. The Clerk will report the amendment of the committee.

The Clerk read as follows:

In lines 11 and 12, strike out "50;" so it will read "200,000" instead of "250,000."

The amendment was agreed to.

Mr. RANDALL. I should like to put in under the limitations the words "and the approaches."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURLEIGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF ADDITIONAL GROUNDS FOR PUBLIC BUILDINGS.

Mr. SPRINGER. I ask for the consideration of the bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to purchase the ground adjoining the United States court-house and post-office building in the city of Springfield, in the State of Illinois, bounded on the north by Monroe street, on the east by Seventh street, on the west by Sixth street, and on the south by the alley in the middle of the block: *Provided*, That said additional ground can be purchased, and a good and valid title secured to the United States, for not exceeding $26,000. And there is hereby appropriated for this purpose, out of any money in the Treasury not otherwise appropriated, the sum of $26,000, or so much thereof as may be necessary. The Secretary is authorized to cause the buildings now on said ground to be removed, and the lot inclosed and improved; and for this purpose he may use the proceeds derived from the sale of the buildings, and in addition the sum of $1,000, or so much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SPRINGER. Mr. Speaker, this bill, I will say in brief, has received the unanimous recommendation of the Committee on Public Buildings and Grounds of this House and has unanimously passed the Senate. I hold in my hand a report of the committee, which may be read if any gentleman desires it to be read. I wish to say, however, before that, that this property must be purchased before the close of this session, or else the Government can never obtain possession of it at all. The owner of the property has recently died and it is now in the hands of the executor, who is required to close up the estate, which will necessitate the sale of this property to the highest bidder, and immediately upon its sale it will be completely filled up by private buildings, thereby surrounding the Government property at that point. I may say in this connection that there is necessity for increasing the building already there; but, owing to the necessity of appropriations of this character this year I have not insisted upon that. I deem it to be the greatest economy on the part of the Government to secure this land when it can be done so cheaply as the amount stated here—$26,000. If gentlemen wish to see a plat of the property I can show it to them, and it is the opinion of gentlemen well acquainted with the value of property in that vicinity that the price fixed upon this is exceedingly low, and that the Government should avail itself of the opportunity now of getting control.

Mr. CUTCHEON. May I ask the gentleman if this has unanimously passed the Senate?

Mr. SPRINGER. Yes, sir; and has been unanimously recommended by the Committee on Public Buildings and Grounds, not only of this but of the last House.

Mr. WARNER, of Ohio. Mr. Speaker, I opposed the adoption of this rule because from the little experience I have had with such rules I anticipated just the condition of affairs that has already become manifest. I am not one of those who believe that this country has suffered in its past history because the quantity of legislation has been insufficient. It may have suffered from unwise legislation, from hasty legislation, or from ill-considered legislation, but not because the quantity has not been as great as it should be. I am myself more concerned about the quality than I am about the quantity of legislation. The natural effect of this rule is to link interests together and to place one member under obligations to another. There is probably not a member here but has some measure he is anxious to get through.

I do not mean to insinuate, for I do not, that any member will be directly controlled in his action by what he may wish to bring before the House; but I say that the natural tendency of the rule is to place members under a feeling of obligation to one another. This feeling is necessarily engendered by this rule, for when one has refrained from objecting to bills it is rather expected that others will not object to his, and in that way bills are permitted to pass which ought not to pass. Legislation through mutual obligation or by mutual courtesy is not safe legislation. And I think we will not have proceeded very far under this new rule, Mr. Speaker, before we will find that this is exactly the result of this sort of legislation by turns to accommodate members. The whole seventy-two public buildings bills might go through in this way, perhaps. I ask if the country will be benefited by this kind of legislation?

Is this such legislation as should be allowed to crowd out public business, as appropriation bills or the river and harbor bill or other business which requires and should have full discussion and consideration? This is legislation without discussion, except for five or ten minutes, and that really amounts to nothing but to consume so much time. I

am, therefore, opposed not only to this rule but to the execution of it. I am opposed to proceeding a step under such a rule.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time for debate on this proposition has expired. Is there objection to the present consideration of the bill?

Mr. WELLER. I object.

The SPEAKER *pro tempore*. The Chair will call for objections under the rule.

Four members only objecting, the consideration of the bill was ordered.

Mr. SPRINGER. I move the previous question upon the bill.

Mr. WELLER. I move the following amendment.

The SPEAKER *pro tempore*. The gentleman from Illinois was recognized as in possession of the floor. If the previous question which he demands is voted down it will then be competent for gentlemen to offer amendments.

Mr. RANDALL and others. Let the amendment be read for information.

The SPEAKER *pro tempore*. The previous question has been demanded.

Mr. STORM. There will be some objection here if the House is going to shut off amendments.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The previous question was ordered.

Mr. SPRINGER moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was accordingly taken from the Speaker's table and read by its title a first and second time.

The SPEAKER *pro tempore*. The question recurs upon the third reading of the Senate bill.

The question was taken; and there were—ayes 119, noes 8.

Mr. WELLER. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted the Chair will order tellers.

Mr. WELLER and Mr. SPRINGER were appointed tellers.

The House again divided, but before the result of the vote was announced,

Mr. WELLER, one of the tellers, said: I withdraw the point that no quorum has voted.

The bill was ordered to be read a third time; and being read the third time, was passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF NEW YORK INDIAN LANDS.

Mr. PERKINS. I call up for consideration the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas, which was reported by the Committee on Indian Affairs, and is now on the House Calendar.

The bill was read, as follows:

Be it enacted, &c., That those persons, being heads of families or single persons over 21 years of age, who have made settlement and improvement upon, and are bona fide claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than $3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum; and the moneys arising from such sales shall be paid into the Treasury of the United States in trust for, and to be paid to, said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale, in the usual manner, at not less than $3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold, together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

The amendments reported by the committee were read, as follows:

In lines 16 to 20 strike out "in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum," and insert "in cash at time of purchase."

In section 2, lines 6 to 10, strike out these words:

"Together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided."

Mr. PERKINS. I desire to say this bill has been unanimously reported by the Committee on Indian Affairs, they having given to it careful consideration. I also desire to say that the same bill was reported to the Forty-seventh Congress from that committee. There are only thirty-two tracts remaining of this land. It was a part of what were the New York Indian lands in our State, embracing 1,824,000 acres. All the balance has been sold to settlers at $1.25 per acre. This bill provides these thirty-two pieces of land, of three hundred and twenty acres each, shall be sold at $3 per acre in cash.

The Indians to whom the land was allotted are making no objections to the bill. They were here some years ago proposing through their attorney to accept $2.50; but the committee, in view of the circumstances, thought it right to make the amount $3 per acre and to provide the payment should be at once in cash. The Indians who will be benefited by this legislation are not only, as I have said, interposing no objection, but are wanting it.

The land has been occupied by settlers more than twenty years, during which time they have been cultivating and improving it but have not been in condition to get title to it. It is in consequence of that state of things that this legislation is necessary. All the balance of that great reservation of 1,824,000 acres was disposed of by the act of the President of the United States in 1860, by his executive order and proclamation, at $1.25 per acre. But this was allotted to these Indians who are now seeking to be put in a condition that they may get something from it. This bill proposes to give them $3 in cash, which would be $1.25 from the date of settlement with 6 per cent. interest to this time.

These settlers who are on this land think they should get it at $1.25. But our committee is of opinion that they should pay the $1.25 paid for the balance and 6 per cent. interest; it amounts substantially, though not quite, to the sum mentioned in the bill.

Mr. LONG. What is the land worth an acre now?

Mr. PERKINS. The land with improvements on it is worth probably $15 to $20 or $25 an acre.

Mr. HISCOCK. Have the settlers paid any rent?

Mr. PERKINS. No, sir.

Mr. BLANCHARD rose.

The SPEAKER *pro tempore*. Does the gentleman from Louisiana rise to oppose the bill?

Mr. BLANCHARD. I do. I dislike very much to oppose my friend from Kansas [Mr. PERKINS] when he calls up this bill for the consideration of the House. I happened, however, to have been a member of the Committee on Indian Affairs in the Forty-seventh Congress, and it was allotted to me while serving on that committee to make an investigation in this matter. I did so, and I reported to the committee that the price of $3 per acre, as proposed in the bill of that session and likewise in the bill which my friend from Kansas has just presented, was not the actual value of that land. And I furthermore reported that the Secretary of the Interior in a former year, Mr. Carl Schurz, had reported against this very proposition which is embodied in this bill. I hold his report in my hand. I furthermore reported to the committee and state to this House that under the direction of the Secretary of the Interior a commission was appointed to go out there and examine into the value of these lands; and I hold in my hand the report of that commission relative to the value of those lands.

I call the attention of the House to the fact that the price fixed in this bill is $3 an acre; whereas when this report was made several years ago—five, six, or seven years ago—the least value of any acre of that land was $3.75, the highest valuation being $10 an acre. Under this report which I hold in my hand the average price of the land would be four or five dollars an acre.

Mr. FUNSTON. Will the gentleman allow me a question?

Mr. BLANCHARD. I have but five minutes.

Mr. HAMMOND. I ask the gentleman to allow me a question. Were you one of the minority of the committee that made the dissenting report?

Mr. BLANCHARD. I was.

Mr. HAMMOND. Who joined you in making that report?

Mr. BLANCHARD. Mr. Charles E. Hooker, of Mississippi, and Mr. JAMES K. JONES, of Arkansas. This land belongs to these Indians.

Mr. PERKINS. Will the gentleman yield to me for a question?

Mr. BLANCHARD. I yield to the gentleman.

Mr. PERKINS. Did you ever know one of those Indians to interpose an objection to this legislation?

Mr. BLANCHARD. It was not my province to hunt up these Indians or their attorneys. I am stating the facts, and I say the price of $3.50 an acre for these lands which belong to these Indians is far below the actual value of those lands.

Mr. HAMMOND. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. HAMMOND. My point is that the hour allotted for the consideration of these bills has expired.

The SPEAKER *pro tempore*. The gentleman is mistaken.

Mr. BLANCHARD. I will venture the assertion, Mr. Speaker, that there is not an acre of these lands to-day that is not worth from $10 to $15.

Mr. PERKINS. Is not that the consequence of improvements put upon them by the settlers?

Mr. BLANCHARD. I mean without the improvements. Years ago, when these lands were not improved, or without regard to the improvements existing, the lowest figure at which they were valued per acre was $3.75 and the highest $10.

Now, sir, I say that we should deal fairly by these Indians. If these lands are worth more than $3 an acre, the settlers ought to be required to pay their value to the Indians, and with a view to providing for that object I will offer an amendment.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the bill is not now before the House and therefore an amendment is not in order. When the bill comes before the House the Chair will recognize the gentleman to offer his amendment. The time for debate has been exhausted. Is there objection to the consideration of this bill?

Mr. BENNETT. I object, and call for the reading of the report.

The bill was laid aside, the requisite number of members having objected to its consideration.

KATHERINE C. B. MERRILL.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The Chair is in the execution of the regular order, and the gentleman from Louisiana [Mr. KING] is recognized.

Mr. KING. Mr. Speaker, I ask the present consideration of the bill (S. 2168) for the relief of the executrix of Ayers P. Merrill.

The bill was read, as follows:

Be it enacted, &c., That the claim of Katherine C. B. Merrill, executrix of the last will and testament of Ayers P. Merrill, deceased, and late of the State of Mississippi, for quartermaster and commissary stores and supplies alleged to have been taken and used by the United States Army, during the rebellion, from the plantations of said Merrill, in the vicinity of Natchez, Miss., be referred to the Quartermaster-General, who shall investigate the justice and legality of said claim and report the amount and value of said stores and supplies taken and used by the Army of the United States, and also what amount has been paid on the same; and that he report all the facts and evidence for the consideration of Congress.

Mr. KING. I ask for the reading of the report.

Mr. WELLER. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. My point of order is that the hour for the consideration of these bills began at twenty minutes past 2, and has now expired.

The SPEAKER *pro tempore*. The hour began at twenty-two minutes past 2, and will end at twenty-two minutes past 3.

Mr. WELLER. Twenty minutes past 2, I distinctly understood.

The SPEAKER *pro tempore*. The Chair is not responsible for the gentleman's understanding.

Mr. REED, of Maine. Then the indicator in front of the Clerk's desk ought to be changed.

The SPEAKER *pro tempore*. The Chair is taking the report as to the time made to him by the Clerk.

Mr. HISCOCK. I desire to ask the gentleman from Louisiana [Mr. KING] in charge of this bill how many other relief bills have been passed for the same party to whom this bill applies.

Mr. KING. None.

The Clerk proceeded to read the report of the committee upon the pending bill.

Pending the reading of the report,

Mr. WELLER. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. My point is that the Chair announced at the commencement that this hour began at twenty minutes past 2.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The Chair stated, as he was informed by the Clerk at the Speaker's desk, that the hour began at twenty-two minutes past 2. The hour has now expired.

Mr. ROBERTSON. I ask unanimous consent to take from the Speaker's table and refer to the Committee on Claims the bill (S. 10) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary.

There being no objection, it was ordered accordingly.

Mr. HEWITT, of Alabama. Mr. Speaker, I ask unanimous consent to submit a report.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is demanded by the gentleman from Kentucky [Mr. WHITE].

Mr. WILLIS. As there was a call of committees yesterday, I move to dispense with the morning hour.

The motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion to dispense with the morning hour was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. WILLIS. I now move that the House resolve itself into the Committee of the Whole on the state of the Union, to resume the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of further considering the river and harbor appropriation bill. The pending question when the committee rose yesterday was on the motion of the gentleman from Kentucky [Mr. WHITE] to increase the appropriation for continuing the improvement of the harbor of Burlington, Vt., from twenty to twenty-one thousand dollars.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to further amend that paragraph by making the appropriation for the harbor of Burlington, Vt., $80,000. I invite attention to the report of the Chief of Engineers, which will be found in volume 2, part 3, page 2157, in which it is stated that the estimated cost of repairs of the 1,100 linear feet of breakwater recently injured by the storms is $35,000, and that the cost of repairs of the additional 1,000 linear feet of the superstructure, which should be repaired next season, will be about $20,000. Now, sir, the committee proposes to make for that harbor altogether an appropriation of only $20,000. I think that some explanation ought to be made to the House, to the committee, and to the country, as well as to the engineers having this work in charge, of the reasons why the committee propose to appropriate so small a sum. There can be but one reason for it, and it is that we are afraid to pass a bill commensurate with the needs of commerce, we are afraid to pass a bill in accordance with the recommendations of the Chief of Engineers.

The chairman of the committee tells us that the committee has rejected one hundred and forty of the rivers recommended in the Engineer report; but in this bill, which carries $12,000,000, they propose to appropriate something varying from $1,000 each for one hundred and forty-one rivers, so that they have rejected about one-half of those recommended.

I desire to repeat again in the hearing of this Committee of the Whole that it is a waste of money to make niggardly appropriations in the prosecution of these public works. The machinery is there; the plant is there; the annual expenses of employés above the grade of laborers go on; the salaries of the civil engineers as well as the regular engineers continue. All these expenses must go on whether the appropriation is $20,000 or $80,000. If you appropriate $20,000, a larger percentage of the appropriation will go for the pay of officers, the keeping up of machinery, and everything else in the way of equipage, than if you appropriate $80,000.

But, sir, the committee tell us that on the 1st of July, 1884, there was available for this work $383. Last year we made an appropriation of $50,000. The amount required for the completion of this project, which was begun away back in 1836, is $203,000. The amount that can be profitably expended during the fiscal year ending June 30, 1886, is $80,000. Yet the committee proposes to have this branch of the Engineer Corps undertake to do this work for $20,000. Does not every business man know that the expenses of the plant and the officers must come out of this sum of $20,000, and that a very small portion of it will be left for making repairs? And it is estimated that for repairs alone $55,000 will be required—$20,000 for the repair of one stretch and $35,000 for the repair of the other stretch.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, the best and indeed the only reply necessary to be made to the remarks of my colleague on this subject is that the harbor of Burlington is represented on this floor by the gentleman from Vermont [Mr. STEWART], who is now present, and entirely acquiesces in the action of the Committee on Rivers and Harbors. I ask a vote on the amendment.

The question being taken on the amendment of Mr. WHITE, of Kentucky, as modified, to make the appropriation $80,000, it was not agreed to.

The Clerk read as follows:

Improving harbor at Boston, Mass.: Continuing improvement, $50,000.

Mr. SPOONER. Mr. Chairman, I had hoped to have the opportunity to discuss this bill during the progress of the general debate; but I labored under the same misfortune as many other members in not being able to participate in any of the time, which was controlled entirely by the Committee on Rivers and Harbors. I shall accordingly be compelled to take such advantage as I can of the five-minute debate to interject, in as condensed form as I may, what remarks I have to make concerning this river and harbor appropriation bill.

As much as any member on the floor I regret the manner in which this bill was prepared and the course pursued by the committee in limiting general debate, and thus preventing a more general consideration of its provisions. I neither approve of the peculiar privacy in which the bill was framed by the Committee on Rivers and Harbors nor of the results, necessarily proceeding from such a course, so evident

upon the face of their work. It is this state of facts which necessitated the criticisms which have been made concerning many of the appropriations proposed by this bill, and compels me, at this otherwise perhaps unseasonable time, to present certain facts and suggestions for consideration which might have been more pertinent in the general debate, but which the course adopted by the committee, against the protests of many of us, then afforded me no opportunity to submit.

I favor, and I represent a constituency which strongly favors, reasonably liberal appropriations for the improvement of all such rivers and harbors as are legitimate objects of national bounty, and to provide all proper safeguards for navigation and for the protection of our great commercial interests; but I do protest against the provisions of a bill which discriminates, as this bill does, against the important interests of my own locality and State, and against the interests of large sections of this country and in favor of other sections.

The Committee on Rivers and Harbors, according to their report, have included in this bill appropriations amounting, in the aggregate, to $12,323,700, embracing some very doubtful and some unworthy objects of appropriation, as I believe a careful inspection of the items will show, being more than 35 per cent. of the total estimates submitted by the engineers; yet the flexible theory, or lack of theory, upon which this bill was constructed, while rejecting entirely one hundred and forty of the appropriations called for in the Book of Estimates—one of those rejected being for the completion of the important harbor of refuge at Block Island, in my own State—reduces many appropriations far below the amounts required for the proper prosecution of meritorious works now in progress, and far below 35 per cent. of the estimates and recommendations of the engineers, but appropriates great sums for numerous less deserving projects, and frequently 50 per cent., and sometimes 100 per cent. of the estimates; gives $750,000 for the harbor of Galveston without any estimate at all, and casts millions of dollars into the turbid waters of the Mississippi with but a possibility of any resulting improvement to that wayward stream.

The bill opens modestly, I admit, with the apparent purpose of appropriating 25 per cent. of the amounts recommended by the engineers; and that rule appears to have been very rigidly applied in the appropriations conceded to my locality.

The bill ignores large Government interests and the necessities of a great line of water travel and transportation at Newport, R. I., by a strict application of the 25 per cent. limitation. The work in progress in Providence River and Narragansett Bay, demanded in the interest of a large existing and increasing commerce and a work of national importance, receives but 25 per cent. of the appropriation recommended therefor, that is to say, but $25,000. The same rule is very generally and persistently applied, with but rare exceptions, I believe, to the entire Northern Atlantic coast.

But the liberality of the committee has wonderfully expanded and their conscience has become singularly elastic as they reach those States represented upon the Committee on Rivers and Harbors and those sections of the country most largely represented upon that committee.

Savannah, Charleston, and Mobile are given appropriations ranging from $85,000 to $150,000 each for works of far less national importance than those in progress in my own State, and for the benefit of a commerce far inferior to that of the city of Providence. One hundred and twenty thousand dollars are appropriated for the harbor of Mobile—50 per cent. of the amount recommended; $175,000 for the Great Kanawha River, $48,900 for the Monongahela, $40,000 for the Coosa, $112,500 for the Cumberland, and $350,000 for the Tennessee, the latter being more than 63 per cent. of the amount recommended; but each of these projects is located in a State represented on the Committee on Rivers and Harbors; and when we come to the State represented by the chairman of that committee we find an appropriation for the Kentucky River of $200,000, nearly one-half the amount recommended, and an appropriation of $125,000 for the Falls of the Ohio at Louisville!

Mr. WILLIS. I rise to oppose the amendment, and ask for a vote.

The question being taken on the amendment of Mr. SPOONER, it was not agreed to.

Mr. SPOONER. I move to strike out the word next to the last.

Mr. HISCOCK. I hope the gentleman does not intend to "insinuate" anything.

Mr. SPOONER. I withdraw any "insinuation." [Laughter].

I insinuate nothing and intend to impute no unworthy motive to any member. I simply intend to call attention to the monstrous inequalities presented by this bill—the necessary result of the privacy in which the bill was framed and the consequent lack of information in the committee concerning the comparative merits and necessity of the various projects under consideration.

Gentlemen who have preceded me in their criticisms of this bill have been accused of raising a sectional issue here; but that issue was raised by the committee itself, when it brought in a bill which invites and justifies these comparisons. The natural and necessary criticisms upon this bill are only such as the bill itself presents to the House. Now, I believe the fact to be, and I can only so reconcile the protestations and statements of the committee with the evidently unjust discriminations made, that the committee were utterly uninformed or misinformed concerning many matters and statistics most pertinent and essential to the consideration of river and harbor appropriations, and to their fair, reasonable, and equitable apportionment.

It is no sufficient or fit answer to these criticisms for the committee to tell us that no sectional issue was raised or mooted in their deliberations, and that they had no intention of extending liberal appropriations to one portion of the country at the expense of another portion. The fact still remains that such discrimination exists and is readily traced, as has been already indicated, and stares at us from almost every page of the bill.

The gentleman from Texas the other day saw fit to refer slightingly to the little State I have the honor to represent upon this floor, illustrating, I think, the need of that same information on his part concerning the comparative magnitude of Rhode Island interests, the want of which by the Committee on Rivers and Harbors has resulted in this very unequal, unjust, and imperfect bill. It is this ignorance and its necessary results of which I complain.

It might seem preposterous for me Mr. Chairman, to attempt comparison of the little State of Rhode Island, at which the gentleman almost sneered, with the great empire State of Texas. But if the committee will permit the opportunity, and I will try to seek it, I will make such comparison here and now.

Mr. REAGAN. I suppose the gentleman does not want to do me injustice. I made no sneer at Rhode Island, and the gentleman is entirely too sensitive, as there is no earthly ground for it.

Mr. SPOONER. It appeared so in the printed remarks of the gentleman, and my attention has been called to it by several members in private upon the floor.

Texas, Mr. Chairman, embraces a territory more than two hundred and forty-one times larger than that of the State of Rhode Island, and I shall not attempt to moot the question of whether Texas is not larger in area than my own little State. The population of Texas is more than five times that of Rhode Island. Yet all that broad expanse of territory, comprising an area of 262,290 square miles, with its buildings and improvements, constituting the real estate of that immense State, is of an assessed value but little exceeding that of the 1,085 square miles of Rhode Island.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The Committee of the Whole here rose informally, and Mr. FINDLAY took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. 8179) making appropriations for the legislative and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCMILLIN. I reserve all points of order.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session, Mr. HAMMOND in the chair.

Mr. WILLIS. I hope we will have a vote now.

Mr. STEELE. I desire to yield my time to the gentleman from Rhode Island.

Mr. PAYNE. Give him five minutes more.

The CHAIRMAN. The Chair will remark it again that there has been no disposition to cut off debate in any form, but the rule requires five minutes debate on either side, and when another gentleman rises to take the floor the Chair treats it as an objection and varying from the rule. Therefore the Chair recognizes the gentleman from Alabama.

Mr. WILLIS. I hope, Mr. Chairman, we will get on with the bill.

Mr. JONES, of Alabama. The gentleman from Rhode Island stated that a rule had been adopted by the committee appropriating 25 per cent. of amount estimated by the engineers, and that in some localities this rule was enforced very rigidly, while in others an elastic arrangement had been adopted. To show how unfounded this imputation is I will refer to some appropriations as arranged in this bill and give the facts.

The town of New London, Conn., is not, I believe, very distant from where the gentleman resides. The amount appropriated for that town in this bill is $4,000. Now, if the gentleman will refer to the report of the engineers for the amount estimated for that place, he will find it is $6,200; $4,000 on that amounts to 66 per cent. That is rather elastic for a 25 per cent. rule.

He says, moreover, that when we come to other parts of the country, to Alabama, for instance, that 25 per cent. was not adhered to. I ask him to look at the amount appropriated for the Cahawba River, namely, $10,000, and then consult the Engineers' recommendation for that river of $100,000. Only 10 per cent. was appropriated by the committee for that river on the amount which the engineers report could be profitably expended. Is that elastic?

I call the gentleman's attention also to the Alabama River. The engineers recommended an appropriation there of $50,000. The committee have given $10,000—only 20 per cent. Is that elastic? Now look to the Detroit River, in Michigan, and you will find that the committee give the full amount of the appropriation asked for, 100 per cent., being $27,700. Look also at the Ohio River; there the committee have given over 50 per cent. of the recommendation of the engineers.

But the gentleman alluded to Mobile as getting $120,000 in this bill. Now, the rule adopted by the committee was not adhered to when a small amount as compared with the total cost of an improvement would complete the work. That was the case on the Detroit River, and hence the committee gave the full amount. In the case of the Tennessee River, referred to by the gentleman from Rhode Island, the $350,000 completes that important national improvement. Why, sir, $4,000,000, or thereabout, have been expended by the General Government and the State of Alabama on that improvement. And it should be remembered that this is not like the appropriations for many other rivers. Other rivers are navigable and can be utilized while the work progresses, but navigation on this river is wholly obstructed by the Muscle Shoals, and appropriations heretofore made are of no use to commerce, and will not be until the work is completed. By making an appropriation of $350,000 we complete this improvement, and they get the benefit of all the money that has been heretofore expended upon it, and open up the river to a navigable length of 1,000 miles from Virginia through Tennessee, Alabama, and Kentucky to the Ohio River. That consideration influenced the committee in appropriating the whole amount. In the case of Mobile, $240,000 will complete the project, which was estimated in 1878 to cost $800,000, and the committee was influenced in appropriating 50 per cent. of the $240,000, so that in the next annual appropriation an appropriation of another $120,000 will complete the project.

[Here the hammer fell.]

Mr. WILLIS. I call for a vote.

Mr. SPOONER. Unfortunately none of the illustrations referred to by the gentleman from Alabama [Mr. JONES] who has just occupied the floor help the interests in my own district and other localities, where the inflexible rule of 25 per cent. only of the amount recommended by the engineers has been applied by this bill, and where one meritorious object of appropriation, the harbor and breakwater at Block Island, a very necessary work of national importance which $15,000 would complete, has been omitted entirely from the bill.

But I will proceed, sir, with my comparison concerning the State of Texas. The assessed value of the real estate in Texas is $205,508,924——

Mr. REAGAN. What date does the gentleman refer to?

Mr. SPOONER. Eighteen hundred and eighty. All of these figures are taken from the census of that year.

That is an average value of only about $783 per square mile.

Mr. REAGAN. I suppose the gentleman knows that there has been a very great, a very material, change since the date of that report.

Mr. SPOONER. While the assessed value of real estate in the little State of Rhode Island is $188,234,459; an average value of over $173,478 per square mile.

Mr. MILLS. The taxable property in the State of Texas has increased over $100,000,000 in one year—the year before last.

Mr. SPOONER. Yes, sir; and we have been increasing up our way a little, too.

Mr. MILLS. Nothing to compare with that.

Mr. SPOONER. We have been marching in that direction all through the past; and the enterprise of our people is certainly equal, and that can be demonstrated, to that of the people of any other portion of the country, to say the least; and I see no reason to doubt that, if the statistics were available, a present comparison would present substantially the same results indicated by those of the census of 1880.

Texas being regarded as a great agricultural State, gentlemen may be inclined to smile at an attempt to compare her agricultural interests with those of Rhode Island; yet I would like to submit a few facts even in that direction.

[Here the hammer fell.]

During the delivery of Mr. SPOONER'S remarks the following proceedings occurred:

Mr. WILLIS. I ask for a vote on this amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Rhode Island [Mr. SPOONER].

The amendment was not agreed to.

Mr. SPOONER. I move to strike out the fifth last word.

Mr. WILLIS. I move that the committee rise for the purpose of limiting debate on this section.

Mr. HART. Is it understood that the gentleman from Kentucky [Mr. WILLIS] proposes to limit debate on the entire section.

Mr. WILLIS. I withdraw the motion.

Mr. SPOONER. I move to amend by striking out the fourth word before the last.

Mr. BELFORD. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. It seems to me, Mr. Chairman——

Mr. SPOONER. I hope this will not be taken out of my time.

Mr. BELFORD. I do not want to occupy the gentleman's time. I want him to get in all he can. But it seems to me an extraordinary proceeding to allow a gentleman to move to strike out the last word of a section; then, when he has consumed five minutes, to move to strike out the next last word, and so on continuously. If that is permitted, the gentleman may stand there discussing this bill through the whole time of this session of Congress. I say that such a thing was never heard of in this House before, at least during the eight years I have been a member of it. The speech of the gentleman from Rhode Island is very profitable and absolutely improving to our minds; but I protest against the right of a member to rise in his place and move first to strike out the last word, then to move to strike out the second last word, and so on, and to speak to each motion. I say it is in the face of the rule which directs that a member shall not speak but once on a bill or motion until every other member of the House is heard. I want to know whether the Chair rules you can get up and move to strike out the last word, and when your five minutes have expired that you can then move to strike out the second last word, and when a second five minutes have expired that you can then move to strike out the last three words, and so on? I want to know that, because I wish to get in remarks on this bill myself.

The CHAIRMAN. The Chair will state on the point raised by the gentleman from Colorado that all this is a very extraordinary proceeding; but there is no rule known to the Chair that prevents gentlemen making successive motions of this kind unless the committee chooses to rise and limit the debate. The gentleman from Rhode Island will proceed.

Mr. WILLIS. I hope now, Mr. Chairman, that we will have a vote.

Mr. SPOONER. I withdraw the motion that I made, and move to strike out the fourth word.

Mr. WILLIS. Mr. Chairman, I hope the gentleman from Rhode Island will not insist upon a general discussion in this manner.

Mr. SPOONER. I hope the gentleman from Kentucky will not insist upon his objection when it is remembered that the committee have controlled all the time for general debate.

Mr. WILLIS. I submit in good faith to the gentleman whether he thinks the river and harbor appropriations are being advanced by this discussion?

Mr. SPOONER. I do, sir. The provisions of this bill demand consideration such as I believe I am assisting to secure.

Mr. WILLIS. The gentleman must know that he is not in order in this manner, and I appeal to him in view of the condition of the public business to let us go on with this bill.

Mr. SPOONER. The chairman of the committee thought it perfectly right and proper that the members of the committee should have all the time in general debate. He thought it proper that each member of the committee who favored the bill should occupy an hour in general debate; and no gentleman not a member of the committee was permitted to say a word without their consent. I think we have good reason to be dissatisfied with the manner in which the bill has been prepared and reasonable general debate upon it refused. I seek the opportunity, therefore, by the indulgence of the House, to occupy such time as I can secure in presenting these comparative statistics. They illustrate the suggestions I have made concerning the misapprehension which exists as to the relative importance of different localities and the magnitude of various interests; and I consider them entirely germane to the consideration of this bill.

AGRICULTURE.

It may, perhaps, seem preposterous to compare the agricultural interests of Rhode Island with those of Texas; for Rhode Island is not only small in area, but her agricultural interests, which are of minor importance, are overshadowed by the magnitude of her other industries. And yet what do the statistics show us? Persons engaged in agriculture in Texas, 359,317; in Rhode Island, 10,945; number of farms in Texas, 174,184—more than twenty-eight times as many as in Rhode Island, where there are 6,216.

The total number of acres of land in the farms of Texas is 36,292,219 acres; in Rhode Island farms 514,813 acres; Texas having in her farms more than seventy acres of land for each acre in Rhode Island farms. The farms in Texas average two hundred and eight acres to each farm; those in Rhode Island average eighty-two acres to each farm. The value of all the farms in Texas is $170,468,886. The value of all the farms in Rhode Island is $25,882,079. The average values of the farms in the respective States are—in Texas $979 per farm; in Rhode Island $4,162 per farm. Yet, notwithstanding the very much larger average area of Texas farms—the average number of acres in each Texas farm being more than two and a half times the average number of acres in each Rhode Island farm, and the improved land in each Texas farm averaging nearly double that in each Rhode Island farm—each Texas farm produces, on the average, less than two-thirds in value of what is produced by each Rhode Island farm.

Texas is the great cattle State, and the value of all the live-stock on all the farms in Texas is $60,307,987.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPOONER. I withdraw my amendment.

Mr. WHITE, of Kentucky. I renew it and yield my time to the gentleman from Rhode Island.

The CHAIRMAN (Mr. SPRINGER). The time of the gentleman from Rhode Island has expired. The question is on the amendment of the gentleman from Kentucky [Mr. WHITE].

Mr. ADAMS, of Illinois. I rise to oppose the amendment of the gentleman from Kentucky, and yield my time to the gentleman from Rhode Island [Mr. SPOONER].

Mr. WILLIS. I object.

The CHAIRMAN (Mr. SPRINGER). The Chair directs the Clerk to read Clause 6 of Rule XIV.

The Clerk read as follows:

No member shall speak more than once to the same question without leave of the House unless he be the mover or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not till every member choosing to speak shall have spoken.

Mr. JOHN S. WISE. I move to strike out the first word.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that the gentleman from Kentucky [Mr. WILLIS] is entitled to the floor.

Mr. WILLIS. I ask for a vote on the amendment.

The CHAIRMAN (Mr. SPRINGER). The pending motion is that submitted by the gentleman from Kentucky [Mr. WHITE], to strike out the last word.

Mr. SPOONER. If I may be permitted to say a word I would remark if the chairman of the Committee on Rivers and Harbors would be a little more liberal I think we would get along faster. I have no wish to delay the committee in getting along with the bill.

Mr. GIBSON. If the gentleman from Rhode Island does not wish to delay the committee in getting along with the bill, why does he delay it with this quarrel between two States as to which has most population or wealth or business? What has that to do with this bill?

Mr. SPOONER. I was trying to illustrate what I believe to be the fact, that the Committee on Rivers and Harbors was not properly informed or was misinformed as to the condition of different sections of the country.

Several members called for the regular order.

The question being taken on the amendment of Mr. WHITE, of Kentucky, it was not agreed to.

Mr. WILLIS. I ask the Clerk to proceed with the reading of the bill.

Mr. WHITE, of Kentucky. I move to strike out the last word, and yield my time to the gentleman from Rhode Island [Mr. SPOONER].

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion this can not be done except by unanimous consent. The Chair has had the rule read and it is to be executed in its spirit.

Mr. WHITE, of Kentucky. I will occupy the floor in my time.

Mr. BELFORD. That is a greater infliction than the other.

Mr. WHITE, of Kentucky. It is very evident, Mr. Chairman, the clause under consideration proposes a small part of what is recommended by the Engineer Department. The committee recommends $5,000. I call attention to the report of the engineers on page 522, in which it is stated that the amount that can be profitably expended in the fiscal year ending June 30, 1886, is $16,000. It is estimated that it will require $85,000 to complete this project. Now, sir, at the rate of $5,000 a year it must be clear to this committee and to the country as well that you will keep the Engineer Corps there, you will require the machinery to remain there seventeen years to complete that project, when by the appropriation recommended by the Chief of Engineers it can be completed in five years, and your corps of engineers then can be withdrawn and put on some other work and this expenditure stopped.

It is no economy to dribble out these expenditures in this manner. It is only worthy of the Democratic party, which for seventy years said that appropriations for internal improvements are unconstitutional, and then went to Chicago in 1884 and declared in their platform that they were in favor of appropriations for improving the Mississippi and the other great water ways. If this is not a great water way, strike it out and do not appropriate a dollar. But if it is a great water way, then appropriate enough to keep the work going on rapidly with a view to its early completion. It will cost $85,000 to complete this work, and at the rate of $5,000 a year, as recommended by the committee, it will take seventeen years to complete it; but if the engineers are correct in their estimates that $16,000 can be used wisely, economically, profitably in the next fiscal year, then, I say, it is niggardly in us to refuse to appropriate the money. I therefore hope that the amount will be increased to that which is recommended by the Corps of Engineers.

Mr. SPOONER. Mr. Chairman, I rise to oppose the amendment.

Mr. WILLIS. Mr. Chairman, unless the gentleman from Rhode Island [Mr. SPOONER] really intends to oppose the amendment I shall object to his taking the floor.

Mr. SPOONER. Mr. Chairman, I hope this interruption will not come out of my time.

Mr. WILLIS. I rise to oppose the amendment in good faith. If the gentleman from Rhode Island [Mr. SPOONER] rises with the same purpose he is entitled to the floor.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Rhode Island stated that he desired to oppose the amendment, and therefore he was recognised; otherwise he would not have been recognized. If he says now that he does not intend to oppose the amendment, the Chair will be compelled to recognize some other gentleman.

Mr. SPOONER. I rise to oppose the amendment.

Mr. WILLIS. If the gentleman says that he rises in good faith to oppose the amendment, I have nothing to say.

Mr. REED, of Maine. I do not think that any question ought to be raised here as to the good faith of a member, except by a full committee. [Laughter.]

The question was taken on the amendment proposed by Mr. WHITE, of Kentucky, and it was disagreed to.

The Clerk read the next paragraph of the bill, as follows:

Improving harbor at Nantucket, Mass.: Continuing improvement, $20,000.

Mr. SPOONER. As I was remarking, the value of all the live-stock on the farms in Texas is $60,307,987, being less than twenty-seven times the value of the live-stock on Rhode Island farms, although Texas is more than two hundred and forty-one times larger than Rhode Island, the value of the live-stock on all the farms in Rhode Island amounting to $2,254,142. Or, to state it in another manner, the average value of live-stock on each Rhode Island farm is just about two and a half times greater than the average value of live-stock on each Texas farm.

But let us refer to those interests which come a little nearer the subject-matter of this bill. The total exports of cattle, sheep, and swine, from all the customs districts of Texas, in 1880, amounted in value to $418,552. And yet the great lines of steamers which ply back and forth from the city of Providence carry loads of merchandise daily greater in value than that total annual export from Texas.

Mr. OCHILTREE. Will the gentleman from Rhode Island allow me to interrupt him?

Mr. SPOONER. Yes, sir.

Mr. OCHILTREE. Do you claim the exports from all the customs districts in Texas amount to only the sum you have named?

Mr. SPOONER. I speak now of the exports of cattle, sheep, and swine only, which represent the great industry of Texas.

FISHERIES.

In the fisheries in Texas 601 persons were employed; in Rhode Island, 2,310. The value of the annual product in Texas was $128,300; in Rhode Island, $880,915; that is to say, with her great line of seacoast as compared with that of the State of Rhode Island, the total value of the product of the fisheries in Texas was only about one-seventh the value of those in Rhode Island, and the value of the same per capita to the persons employed less than four-sevenths in Texas of what it was in Rhode Island.

MANUFACTURES.

I now come to those industries in my own State, to which I may refer with just pride. From an unwilling soil the prudent and industrious farmers of Rhode Island have wrung such favorable results as I have indicated as the fruits of intelligent, thrifty agriculture; from her inland waters and the stormy Atlantic her hardy, venturesome fishermen have gathered comfortable support, competence, or fortune; her commerce has sailed on every sea and to every clime; her sons have achieved success and attained prosperity in every direction where intelligence, enterprise, and indomitable perseverance could carry them, and despite unpropitious circumstances have erected within her narrow boundaries a State great in the magnitude of her varied interests and diversified industries. In manufactures Rhode Island stands pre-eminent. Although, by the census of 1880, Texas appears to have had 2,996 manufacturing establishments and Rhode Island only 2,205, the total capital invested therein in Texas was less than one-eighth of the capital so invested in Rhode Island, and the value of the total annual products thereof less than one-fifth in Texas of the value of the same in Rhode Island, while the wages paid in all such establishments in Texas amounted to less than one-sixth of such wages in Rhode Island.

COTTON MANUFACTURES.

Rhode Island is the second cotton-manufacturing State in the Union—second only to Massachusetts—with an invested capital therein, in 1880, of upward of $28,000,000, being more than three times the amount of the total capital of all the manufacturing establishments of Texas; paying annual wages therein of nearly five and a half millions of dollars; with an annual product of the value of nearly $23,000,000, and of greater value than the entire products of all the manufactures of Texas; employing more than one and three-quarter million spindles and consuming more than 81,000,000 pounds of cotton annually.

SHIPPING.

Rhode Island, in 1880, had a larger number of sail vessels than Texas, with a tonnage more than double that of Texas; she had twice the number of steamers that Texas had, with a total tonnage nearly five times greater; and her commerce and commercial interests far exceeded those not only of Texas, but of many of the States which receive very much larger consideration in this bill.

I am not seeking to make any invidious comparisons, and I regret the necessity which has compelled me to draw attention to these statistical facts, so suggestive in their proper application. They illustrate the merits of the respective claims for just and reasonable appropriations by this bill, based, as all such claims should be, upon the material business and commercial interests in whose behalf alone they can properly be demanded.

I do the committee the justice to believe that if they had known and

appreciated these facts, which, with their proper deductions, I am attempting to impress upon them, as thoroughly as they understood the requirements in their own States, they would not have brought in this incongruous bill, nor recommended such grossly disproportionate appropriations as it contains. I have no design to draw any comparison unfavorable to the State of Texas; my attention was specially directed to that State by reason of the reference of the gentleman [Mr. REAGAN] to Rhode Island, and on account of the enormous appropriation proposed by this bill for the harbor of Galveston, so disproportionate to the existing commerce of that port. I might have illustrated the same argument by reference to other equally suggestive statistics.

The last official report shows that of all the States in the Union but sixteen had a larger number of vessels, June 30, 1884, than Rhode Island; and that even among those sixteen there were three States each of which, although credited with a larger number of vessels than Rhode Island, was her inferior in total tonnage; and, which may seem more surprising, that of the fourteen States represented on the committee which reported this bill there are six neither of which had half as many vessels nor half the amount of total tonnage which Rhode Island possessed, and two of the six States last referred to appear to have had no vessels whatsoever.

The foreign commerce of Providence is not large; it is very small in comparison with her domestic commerce. Yet I find that in the last fiscal year the duties collected on imports at Galveston amounted to only four-fifths of the amount collected at Providence; at Savannah and Mobile, respectively, less than one-third as much as at Providence, and at Charleston but one-fifth as much. Indeed, in only two customs districts or ports south of Baltimore, namely, at New Orleans and Key West, was so large an amount of such duties collected as at Providence. I fear that many of you gentlemen from other States but little appreciate the magnitude of our varied interests, of which our commerce forms no insignificant part.

Not only my own State, but all Central New England, is largely dependent upon that great channel of commerce, through Narragansett Bay and Providence River to the harbor of Providence for the convenient and economical receipt of those vast supplies which their people and their manufacturing industries consume and for exporting their immense manufactured products. By reference to the latest available statistics I find that during the year 1883 the number of vessels arriving at and sailing from the port of Providence was 17,104, with a total tonnage of 4,522,768 tons, and transporting 1,539,554 tons of freight and 549,711 passengers, including in the freight brought during that year to said port 952,747 tons of coal, 1,314,565 bushels of grain, 4,676 barrels of flour, 38,860 bales of wool, and 221,897 bales of cotton—more than three times as much cotton as was shipped from Mobile by vessels during the year 1884.

Regular lines of steamers run between Providence and New York, Philadelphia, Norfolk, and Baltimore, transporting great quantities of freight, and a portion of them conveying many thousands of passengers annually through that great artery of commerce and of inland intercommunication extending from Providence to the ocean. The project for the improvement of that great water way is of national importance; and its progress and completion, to secure safe and sufficient facilities for the commerce which seeks that route, demand the earnest and considerate attention of Congress.

I trust that this and the other important river and harbor improvements in Rhode Island, as well as throughout the country, may receive just recognition; that, by proper amendments, the monstrous inequalities of this bill may be corrected, and that we may be able to finally complete and pass a river and harbor appropriation bill which will commend itself to our own good judgment and to the intelligent judgment of the country.

I will print in the RECORD a few statistics, presenting in a comprehensive form some of the facts and figures to which I have referred, and illustrative of the suggestions I have attempted to impress upon the committee and the House:

Facts from the census of 1880 and other official sources.

	In Texas.	In Rhode Island.
AREA, POPULATION, ETC.		
Area in square miles	262,290	1,085
Population	1,591,749	276,531
Assessed value of all real estate	$205,508,924 00	$188,224,459 00
Average value per square mile	$783 00	$173,478 00
AGRICULTURAL.		
Persons engaged in agriculture	239,317	10,945
Number of farms	174,184	6,216
Total acres in farms	36,292,219	514,813
Average number of acres in each farm	208	82
Total acres of improved land in farms	12,650,314	298,486
Average number of acres of improved land in each farm	72	48
Total value of farms*	$170,468,886 00	$25,882,079 00
Average value of each farm	9979 00	$4,162 00
Value of farm productions	$65,204,329 00	$3,670,126 00
Value of live-stock on farms†	$60,307,987 00	$2,254,142 00

Facts from the census of 1880 and other official sources—Continued.

	In Texas.	In Rhode Island.
FISHERIES.		
Persons employed	601	2,310
Value of annual product	$128,300 00	$880,915 00
MANUFACTURES.		
Number of establishments	2,996	2,205
Total capital	$9,245,561 00	$75,575,943 00
Annual wages paid	$3,343,067 00	$21,958,619 00
Value of annual product	$20,719,928 00	$104,168,631 00
COTTON MANUFACTURES.		
Capital invested		$28,047,331 00
Spindles employed		1,764,889
Cotton annually consumed ... pounds		81,137,172
Value of said cotton		$10,457,770 00
Annual wages of operatives		$5,320,203 00
Value of annual product		$22,875,111 00
SHIPPING.		
Number of steamers, 1880	35	70
Tonnage of same, 1880 ... tons	4,351.91	21,486.52
Number of sail vessels, 1880	230	241
Tonnage of same, 1880 ... tons	7,712.50	16,557.91
Total vessels, June 30, 1884	267	291
Total tonnage, June 30, 1884 ... tons	10,802.00	41,499.25
INTERNAL REVENUE.		
Total amount collected from 1866 to 1884, inclusive	$11,152,276 56	$20,800,562 86
Total amount collected from 1883 to 1884, inclusive	$11,152,276 56	$27,925,282 72
Amount collected in year 1880	$233,106 55	$210,883 98
Same, being per capita upon basis of population of ... cents	14.6	76.2

* The total value of farms in Texas is nearly 83 per cent. of the assessed value of all real estate in Texas; the total value of farms in Rhode Island is less than 14 per cent. of the assessed value of her real estate.

† The live-stock on each Rhode Island farm is, on an average, about two and one-half times the value of the live-stock on each Texas farm.

Commercial.

	At Charleston.	At Savannah.	At Mobile.	At Galveston.	At Providence.
Total duties collected on imports, year ending June 30, 1884	$29,475 42	$56,409 85	$50,138 74	$151,855 41	$189,864 68
Vessels arrived and sailed, one year, number	1,034	1,080	541		17,104
Tonnage of same, tons	602,235	1,066,601	279,301		4,522,768

Cotton received at Mobile from all sources, both by rail and water, during year, 260,911 bales; total cotton shipped from Mobile by vessels during year, 73,920 bales; total cotton received at Providence by vessels during year, 221,897 bales.

In each case the year for which the latest statistics were available, being 1883 or 1884, or the year embracing a portion of both said years, is referred to.

Mr. CANNON. Mr. Chairman, I understand that the gentleman from Rhode Island has the floor. Am I correct in that?

The CHAIRMAN (Mr. SPRINGER). The gentleman from Rhode Island rose to speak to an amendment which he had proposed, and the Chair decided that he must confine his remarks to the subject-matter before the committee.

Mr. CANNON. Very well. Then, as I understand it, all the Chair can say to the gentleman from Rhode Island under the rule is that he shall proceed in order.

The CHAIRMAN (Mr. SPRINGER). Yes.

Mr. CANNON. As to whether the gentleman's remarks are apt and proper, the Chair of course can not rule on that question.

The CHAIRMAN (Mr. SPRINGER). The Chair has decided that the gentleman from Rhode Island [Mr. SPOONER] must confine himself to the subject under consideration.

Mr. CANNON. That is, that he must proceed in order; but I suppose the gentleman from Rhode Island is to judge whether his remarks are in order.

The CHAIRMAN (Mr. SPRINGER). The Chair must decide whether the gentleman is in order or not. The gentleman from Rhode Island [Mr. SPOONER] will proceed in order.

Mr. SPOONER. Mr. Chairman, what I have said by way of comparison between my own State and the State of Texas, and of the appropriations made for each, is what might be said of almost all appropriations proposed to be made by this bill for improvements in the New England States, as compared with those for other sections of the country represented largely upon this floor by the members of the Committee on Rivers and Harbors. Let me give, in illustration of this, some commercial statistics.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that the gentleman is not conforming to the rule—not discussing the question before the committee. That question is in reference to the improvement of the harbor of Nantucket, and the Chair is willing to hear the gentleman from Rhode Island on his amendment. But, as the point of order has been made, the Chair must insist that the gentleman shall proceed in order.

Mr. CANNON. Mr. Chairman, i rise to a question of order.

The CHAIRMAN (Mr. SPRINGER). The gentleman will state his point of order.

Mr. CANNON. If I understand the ruling of the Chair, no member can proceed in discussion of a motion here unless his line of discussion conforms to the judgment of the Chair.

The CHAIRMAN (Mr. SPRINGER). What is the point of order that the gentleman from Illinois [Mr. CANNON] makes?

Mr. CANNON. I am trying to find out whether I understand the ruling of the Chair. I understand the Chair to hold that he is to judge of whether a gentleman is proceeding in order and confining himself to the amendment before the House.

The CHAIRMAN (Mr. SPRINGER). Does the gentleman from Illinois rise to a parliamentary inquiry or to a question of order? If he rises to a parliamentary inquiry, he will please state it.

Mr. CANNON. I want to find out the scope of the ruling of the Chair.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that a point of order must be submitted in the first instance to the decision of the Chair; but it is in the power of the Committee of the Whole, upon an appeal, to reverse that decision. The Chair is of opinion that the gentleman occupying the floor must speak to the clause now before the committee, and unless he does so he is out of order.

Mr. SPOONER. Do I understand the Chair to rule that I am not permitted by way of illustration to draw a comparison as between certain ports, or certain sections of this country, or certain States, in order to point the significance of my remarks?

The CHAIRMAN (Mr. SPRINGER). The Chair will say to the gentleman from Rhode Island that if he will, in good faith, state to the committee that he intends this line of discussion for the purpose of illustrating his remarks in regard to this clause he will be in order, and the Chair will hear him to that extent.

Mr. SPOONER. Why should I alone be required to allege good faith?

Mr. REED, of Maine. I object to the ruling of the Chair that the gentleman from Rhode Island must make a declaration of his good faith.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Maine has not the floor unless he rises to a question of order.

Mr. REED, of Maine. I do rise to a question of order.

The CHAIRMAN (Mr. SPRINGER). The gentleman will state it.

Mr. REED, of Maine. My point is that the chairman of the Committee of the Whole has not the right to require a gentleman on this floor to make a statement in regard to his good faith. That is presumed.

The CHAIRMAN (Mr. SPRINGER). If the gentleman does not desire to make the statement the Chair will not insist upon it. The Chair believes the Committee of the Whole will certainly bear him out in holding that the gentleman from Rhode Island is not proceeding in order. If the Committee of the Whole were compelled to be subject to proceedings of this kind, all possibility of ever terminating business in Committee of the Whole would be at an end. Therefore the Chair thinks the gentleman ought to confine himself to the subject under consideration; and in asking him to do so the Chair believes he is discharging his duty as chairman of the Committee of the Whole. If the gentleman from Rhode Island desires to proceed in order the Chair will hear him.

During the delivery of Mr. SPOONER's remarks, the following proceedings occurred:

Mr. SPOONER. I move to strike out the last word.

Mr. BRECKINRIDGE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN (Mr. SPRINGER). The gentleman will state it.

Mr. BRECKINRIDGE. The point is this: This paragraph provides for an improvement which is located in the State of Massachusetts, while the gentleman from Rhode Island is giving us a dissertation on the State of Rhode Island. He is not speaking to the proposition before the House, and therefore is not in order.

Mr. BAYNE. Mr. Chairman, I think the committee will get through sooner by permitting the gentleman from Rhode Island to proceed.

Mr. SPOONER. I shall endeavor to be heard before we get through with the bill, whether at this stage or at some other. [Laughter.]

The CHAIRMAN (Mr. SPRINGER). The Chair will ask the Clerk to read clause 5 of Rule XXIII.

The Clerk read as follows:

When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. BRECKINRIDGE. Now, Mr. Chairman, I submit that under that rule the gentleman from Rhode Island must either confine himself to the discussion of the amendment in relation to this Nantucket improvement or else yield the floor.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that the gentleman must be allowed five minutes to explain any amendment that he may offer, but that to be in order under the rule his remarks should be directed to the paragraph under consideration. The Chair is aware that discussions have been frequently allowed on motions to strike out the last word, but such discussions, to be in order, must be upon the subject-matter before the committee at the time. The gentleman from Rhode Island is proceeding to discuss matters which are not before the committee at this time, and the Chair therefore thinks the point of order well taken.

Mr. SPOONER. I shall not object to the ruling, Mr. Chairman, if it is applied with the same force to other members. So far it has not been.

The question being taken on the amendment of Mr. SPOONER, it was not agreed to.

The Clerk read as follows:

Improving harbor at Newburyport, Mass.: Continuing improvement, $50,000.

Mr. LONG. I move to amend by inserting after the clause just read the following:

Improving harbor at Hingham, Mass.: Continuing improvement, $6,000.

Mr. Chairman, I trust that this amendment, being a substantial one, will not be considered out of order. At the last session Congress ordered a survey of Hingham Harbor with reference to the continuation of the improvements there. The report of the engineers was made as promptly as possible, but did not reach this House until the day on which the bill now pending was reported. The improvements necessary in the channel are a continuation of the removal of shingle and gravel, a continuation of certain dredging, and a continuation of the removal of certain ledges, at an estimated cost of some $18,000, with the effect of relieving a transportation which involves the carriage of hundreds of thousands of passengers and large quantities of freight.

The engineer reports that the further improvement will be of great benefit and will require a comparatively small expenditure, and that in his opinion the harbor is worthy of improvement. I take it that if this report had come to the committee before this bill had been reported there would have been no hesitation whatever in reporting a certain portion of the amount recommended by the engineers. This is not a question which I propose to argue. It is not a case in which I propose to solicit anything from the committee. I simply submit this to the House as a perfectly proper case for the amendment of the bill, and I do not believe the committee will oppose the proposition. This amendment contemplates an appropriation of one-third of the sum recommended by the engineers.

Mr. WILLIS. This amendment is for a harbor upon which at the time the committee was not in session and there was no report. Therefore that committee have never considered this improvement. We have not condemned it, nor do I know they have approved it. It is like one hundred and thirty or one hundred and forty other improvements for which surveys have been asked and reports made, but except in the case of one or two they have not been brought before the Committee on Rivers and Harbors.

In my State of Kentucky I may say there were three or four reports, but the committee determined in view of the shortness of time they would not consider them, although, unlike this, they were before the committee. The committee expect at its next session to take up all these reports, when they will have time to consider the facts upon which they are based.

I ask the gentleman to consider that these reports have not been before the committee, and to wait until they can come up in their order, when the committee will have full time to act upon them.

Mr. LONG. I recognize the position in which the committee are placed as stated by the chairman. If this were a personal matter I would not hesitate to withdraw my request, but this is a matter affecting the interests of the constituency I represent. To them it is a question of having an improvement made now, as it ought to be, or waiting a year and a half. It is not their fault that the report of the engineer was not in sooner. It is not their fault that this provision was not in the bill when originally reported. I should not do my duty to them if I did not ask the House on the recommendation of the engineer who was charged to make the survey and report and who has reported favorably, to embody his report in legislation.

I appreciate the fact the committee has not had time to consider this matter, but yet this report has been before the House and committee since the 20th of January last. If the committee are unable to determine a little petty matter of this kind, certainly the House are able.

As I said before, I do not propose to argue the matter or tease the committee or House, but simply to present the matter to the consideration of the House.

Mr. WILLIS. Just one word. In the last river and harbor bill all

surveys were submitted to the Chief of Engineers to state as to whether they were worthy of improvement, and consequently whether they were of public necessity. Now, this report has not been before our committee at all. There are one hundred and forty others which are in the same position, and upon the hasty examination I have made at this moment I find the condition upon which appropriations were to be made are not fulfilled in this case. The engineer, Major Raymond, in his report—it is a part of Boston Harbor—says there is a channel which is used by quite a number of vessels. It has been much improved by the United States. The further improvement desired will probably be a great benefit and require but comparatively a small expenditure. I am of opinion the harbor is worthy of improvement. But he does not say that it is of public necessity. Those two conditions were required of all these surveys.

So this is a matter which has not only not been before the committee, but had it been before the committee it would not have come up to the measure prescribed by the House for all similar improvements, that they should not only be worthy of improvement, but they should be a public necessity. It only illustrates the necessity of having time to look into all these matters.

Mr. LONG. I leave it to the House.

The committee divided; and there were—ayes 71, noes 61.

So the amendment was adopted.

The Clerk read as follows:

Improving national harbor of refuge at Sandy Bay, Massachusetts: Continuing improvement, $100,000.

Mr. OATES. I move to strike that out.

Mr. GIBSON. I hope the gentleman will withhold his motion until the report from the Committee on Rivers and Harbors can be made.

Mr. OATES. I will withhold my motion, then, for that purpose, but with the understanding I shall make it again if I need it.

Mr. STONE. I offer the following substitute for the paragraph which has been read, and I do it by instruction of the Committee on Rivers and Harbors.

The Clerk read as follows:

Improving national harbor of refuge of first class at Sandy Bay, Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation or any previous appropriation shall be expended until a new board of three engineers, one of whom shall be a resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor that shall serve all the uses for which it may be needed

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN (Mr. HAMMOND). The gentleman from Alabama is entitled to the floor.

Mr. WHITE, of Kentucky. But I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. I have watched the reading of this bill with a view to offering an amendment when Plymouth Harbor was reached, but I think it must have been overlooked, for I certainly did not hear the reading by the Clerk.

The CHAIRMAN. The Chair will state that the Clerk read the lines in which Plymouth occurs, and no point was made by any one, after which the next lines were read by the Clerk until he reached line 36, when the gentleman from Alabama moved to strike out lines 33, 34, and 35, and yielded to have read this proposition of the gentleman from Massachusetts, and the gentleman from Alabama is entitled to the floor.

Mr. OATES. Mr. Chairman, I think the amendment offered by the gentleman from Massachusetts is wholly unnecessary. I am in favor of liberal and reasonable appropriations to improve the water ways of this country, but I am not in favor of Congress embarking in the expenditure of money for any improvement which has been condemned by a board of engineers.

Under the previous action of Congress a board of engineers was appointed, who made a survey and estimates, and have reported upon the practicability and probable cost of the proposed improvement at this point. Their report is so full and conclusive that I prefer the board of engineers to speak to this question rather than myself, and I ask the Clerk to read what I have marked touching that matter.

The Clerk read as follows:

It may be well here to state what the board understands by the expression "national harbor of refuge of the first class." It may be defined to be an artificial harbor, prepared at the expense of the General Government, capable of affording refuge and shelter to a large number of vessels, great and small, at the same time, this refuge and shelter referring to danger from storms, actual or impending, as well as from hostile ships in time of war.

Such a harbor of refuge should be easy of entrance at all states of the wind and tide, by night as well as by day; should have sufficient depth and area at all stages of the tide; should be free from the hurtful action of strong winds and currents and of ice; should have a good holding-ground, and be readily defended from hostile ships.

Very great depth is not only not necessary, but is undesirable, as requiring vessels to have very long cables and to take more time in coming to anchor and departing, as well as more room for swinging at anchor. Room is needed in a harbor not only for vessels quietly at anchor, but for those entering in the confusion and tumult of a gale to find a place among others already within. The speed of such vessels can not be checked in a moment. Great artificial harbors of refuge, such as here described, are very few in the world, and, it may be added, very expensive to construct. The importance of such a harbor is greatly enhanced if it be at or near a great commercial center.

These being in our view the essential features of any harbor that may be properly designated "a national harbor of refuge of the first class," it may be said at once that considering the present defenseless condition of the natural harbors in which our coasts abound, and the exposure of our navy-yards and our great maritime centers of commerce to the assaults of an enemy's fleet, it is wholly useless to construct an artificial harbor anywhere if its defensibility against a foreign enemy is to be regarded as one of its requisites.

It is not to be supposed that a fleet would require a refuge from an enemy. A single ship might need such a place of retreat near Cape Ann, and this could be readily afforded by the existing harbor of Gloucester to the northwest of Boston, as it would on the south at Provincetown.

The Navy of the United States does not at this time require much space for its accommodation. If the number of ships be increased they will be steamers, and could readily be accommodated in the harbors of Boston, Portland, or Provincetown, should it be deemed best to withdraw them from the open sea.

Leaving, then, the question of defense out of consideration, we shall discuss the proposed harbor only with regard to its value as a place of refuge during storms.

Harbors of refuge are more important for sailing vessels than for steamers, as the latter are more navigable under the varying conditions of winds and currents. And this consideration is becoming of more importance every year, as the commerce of the world is more and more carried on by steam. As the steamers are more independent in movement as well as usually more quick, it would appear that a number of smaller harbors of refuge nearer together, the total cost being the same, would be more useful than one great one, as the former would be more convenient to the slower sailing vessels that happened to be caught by bad weather in their vicinity.

It must not be supposed that all wrecks would be prevented, if harbors of refuge, great and small, were numerous. Nor is it probable that such harbors would be used by all vessels, either steamers or sailers, as some, perhaps many, would prefer to go to sea rather than enter them. Insufficient crews and equipage and bad management will cause many wrecks to occur, notwithstanding the existence of natural harbors and the construction of artificial ones.

An idea of the necessity of a harbor of refuge in any special locality may be obtained by examining the record of wrecks that have occurred in its vicinity and the consequent loss of property.

Having made these general observations, let the ideas they involve be applied to the particular case under consideration, namely, the construction at Sandy Bay of "a national harbor of refuge of the first class."

The project of Major Raymond, as contained in his report of November 28, 1883, published in Senate Executive Document No. 74, Forty-eighth Congress, first session, has been examined by the board with attention and great interest. He proposes to inclose an area of 1,664 acres inside the high-water line, while on the 24-foot contour the area would be 1,377 acres.

It is estimated that 70,000 vessels pass Cape Ann annually. This would be about 6,000 each month or 200 each day. These are almost all bound to or from Boston; about half each way, or about one hundred each way each day. Vessels going from Boston would seldom need a harbor of refuge at Cape Ann, as precedence would require them to refrain from leaving a good and safe harbor to risk the dangers of Cape Ann in a storm. Heavy storms seldom continue more than three days. It would seem sufficient, therefore, to provide for one hundred vessels approaching Boston on each of the three successive days, or three hundred vessels. Allowing one and one-half acres of anchorage ground to each, we would need a harbor of but four hundred and fifty acres. One and one-half acres for each is an ample allowance.

Few of these vessels would have a draught exceeding fifteen feet. To provide, therefore, an area of five hundred acres with a depth at low water nowhere less than thirty feet would be enough. The plan of Major Raymond is estimated by him to cost $4,000,000 and to require ten years for its completion with regular annual appropriations of $400,000. It is thought by the board that the cost should be set at not less than $5,000,000, and to this should be added $800,000 for lighthouses, buoys, &c., and not less than $2,000,000 for defenses, if they are to be considered.

It is not probable, judging of the future from the past, that $400,000 are to be appropriated each year for this object. The increase in the time of construction would greatly add to the final cost of the work.

An examination of a list of wrecks between the ports of Boston and Portland during the past fifty-five years, which has been furnished to the board and is supposed to be authentic, gives the following information: The total number of wrecks in all these years has been less than 400. The vessels wrecked were almost all of small-sized schooners. The least number reported in one year, 1851, was 1, and the greatest number was 40, in 1849. The average has been 7 or 8 per annum, and of these some at least would not have been prevented by a harbor of refuge at Sandy Bay. It may not be inappropriate also to compare the average annual loss with the interest on the total cost of such a harbor of refuge as is contemplated.

In view of all the circumstances of the case, the board has reached the following conclusions:

It is not considered necessary or expedient at this time to construct "a national harbor of refuge of the first class" at any point "between Boston and Portland." Should Congress decide otherwise, the board is of the opinion that Sandy Bay "is the best place" for such a harbor between Boston and Portland. If Sandy Bay be occupied and the area of the harbor be made as great as proposed by Major Raymond the lines selected by him for the breakwater seem the best.

It is recommended that further study be given by Major Raymond to the consideration of the practicability and cost of construction of a harbor of smaller area at Sandy Bay, with a view mainly to a reduction of expense, and that in connection therewith he examine the question of constructing a smaller harbor at the southeast point of Cape Ann as well as the improvement of the harbor of Gloucester, which would be effected by a breakwater on the bar at its mouth.

Should it be decided by the authorities in Washington that a national harbor of refuge of the first class is to be made at Sandy Bay, it is considered that it would be inexpedient, with so small a sum as $100,000, to make any expenditure looking thereto except to commence the observations and studies which should precede the preparation of a detailed project for so great, difficult, and costly a work, and that actual construction should not be commenced until the engineer had in hand at least $500,000.

* * * * * * *

Second. If, as suggested by the board in their preliminary report, the idea of constructing "a national harbor of refuge of the first class" in this vicinity be abandoned on account of the useless expense which it would involve, and a smaller harbor of refuge for commercial uses only be substituted, the board are of the opinion that the interest of commerce will be best subserved by the formation of an artificial harbor at the southeast point of Cape Ann, by constructing breakwaters from Thatcher's Island to Milk Island, and from each of these islands toward the shore, with suitable entrances.

This would furnish anchorage in water from twelve to thirty-five feet deep for about one hundred and fifty vessels of the classes which would most commonly make use of it, according to the allowance of one and one-half acres for each, given in the preliminary report of the board.

The estimated cost of this harbor, according to the views of the board, is about $1,000,000, which is about one-fifth of the amount which they estimated as the cost of the proposed harbor at Sandy Bay.

The special advantages which a harbor here would offer are: First. That the site is already well known to navigators, and is well marked and lighted by the Cape Ann or Thatcher's Island lights—two conspicuous lights of the first order. Second. That it is close to the track of vessels passing along the New England

coast bound to and from Boston. Third. It would be safe and easy of ingress and egress in all weathers. Fourth. Even with one breakwater extending westwardly from Thatcher's Island, cutting off the most dangerous seas, which come from the northeast, valuable refuge would be gained.

During the reading of the foregoing the hammer fell.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LEWIS was recognized, and yielded his time to Mr. OATES.

Mr. OATES. I now ask the clerk to continue the reading down to and including page 5, and also on page 15.

Before the reading was concluded the hammer fell.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OATES. I ask unanimous consent that the reading of what I have marked of this report be concluded, as it will take but a few minutes longer.

The CHAIRMAN. The rule does not allow the Chair to entertain such a motion. The Chair presumes that there will be no objection to the gentleman printing the report as a part of his remarks.

Mr. OATES. But this question will be voted upon in a few moments, and if the report is not read prior to that time it will not be necessary to insert it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

Mr. BAYNE. I propose an amendment to the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

It shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof.

Mr. STONE. I accept that amendment.

Mr. REAGAN. I would suggest to the gentleman to add the words "and the necessity therefor."

Mr. BAYNE. I accept the suggestion of the gentleman from Texas, and will incorporate it in the amendment.

Mr. STONE. Let the amendment be read as modified.

The Clerk read as follows:

Improving a national harbor of refuge of the first class at Sandy Bay or Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation or of any previous appropriation shall be expended until a new board of three engineers, one of whom shall be the resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor that shall serve all of the uses for which it may be needed; and it shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof and the necessity therefor.

Mr. OATES. I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Debate is exhausted.

Mr. POTTER. I move to strike out the last word.

Mr. BELFORD. I rise to a point of order. I insist that we have a right to know what is going on here. It is impossible in the confusion prevailing to hear a word.

Mr. BAYNE. I believe I am entitled to the floor for five minutes, since I have not occupied the time on my amendment.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. OATES. I desire to ask the gentleman from Pennsylvania if he has observed in the report of the engineers that there is a difference between a harbor of the first class and such as that recommended at Cape Ann?

Mr. BAYNE. Yes, sir; I have observed the difference, and the proposition I have made, which has been embodied in the amendment of the gentleman from Massachusetts, requires that board of engineers to make an examination along that coast and report the various points at which harbors may be constructed as well as the necessity therefor and the cost thereof.

Mr. OATES. But there is a distinction between a harbor of the first class and such as they say is necessary. They say an expenditure of $1,000,000 would be sufficient for the commercial purposes, whereas a harbor of the first class at Sandy Bay would cost eight or ten million dollars.

Mr. BAYNE. I am opposed to it on that account.

Mr. CUTCHEON. I wish to ask the gentleman from Pennsylvania [Mr. BAYNE] a question. In the last clause of his amendment do the words "the necessity therefor" relate to the harbor at Sandy Bay or to all?

Mr. BAYNE. To all.

Mr. POTTER. In my judgment this expenditure, in the present state of the rivers and harbors of the country and of the defenses of the country, can not be justified. It is proposed to make upon the shore of Massachusetts, with the harbor of Boston upon one side within thirty miles, with the harbor of Portsmouth on the other side within thirty or forty miles, and the harbor of Gloucester just around this very point and but five or six miles removed from it—it is proposed to enter upon an expenditure which the engineers tell us will end in an outlay of eight or ten millions of dollars. And for what? In order to make a harbor of refuge.

Sir, there is far more demand for harbors for the living commerce of the country. At the great port of New York there are but twenty-two feet of water upon the bar at low tide, over which two-thirds of the commerce in question of this country flows. To enter now upon this expenditure or to take any step that can possibly lead to such an expenditure ought not to be permitted. Why, sir, there is no spot upon the shore of this country that is so well provided with harbors as the shore of Massachusetts.

I certainly, sir, can not be charged with any partiality against Massachusetts. She is my native State; my kindred are there. I passed the first years of my professional life within fifteen miles of this proposed harbor, and I do not believe it would have been thought of but for the fact that a Representative from that district, loving his section and loving the granite of his section and the interest of his section, has dwelt upon this thing until he has come to think that in the interests of benevolence, of a large world-wide charity, it would be wise to transfer these granite bowlders from these granite quarries and make this great harbor of refuge on the coast of Massachusetts. I have been importuned recently to give my influence in favor of building this harbor in order that these granite quarries might be utilized. It will make undoubtedly this district one of great activity. It will do more. It will be a monument to whoever can carry such a bill as this through this House. But, sir, it will be a monument of something more mournful than that. Up to this time Massachusetts, I believe, has never asked an appropriation of the General Government for rivers and harbors which it did not deserve. I do not believe that the Representatives of Massachusetts outside of this district will say that they believe this appropriation ought to be made in the interests of commerce or in the present state of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULDROW obtained the floor and yielded his time to Mr. OATES.

Mr. OATES. Mr. Chairman, I ask for the reading of the latter portion of the report of the engineers, which I have marked.

The Clerk resumed and concluded the reading as above.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. OATES] has expired and the gentleman from Massachusetts [Mr. STONE] is recognized.

Mr. WILLIS. Mr. Chairman, I ask the gentleman from Massachusetts [Mr. STONE] to yield to me in order that I may move that the committee do now rise.

Mr. STONE. Can we not finish this matter this evening?

Several MEMBERS. Oh, no.

Mr. WILLIS. My object in moving that the committee do now rise is to ask the House to take a recess until 10 o'clock to-morrow. I have consulted as many members as I could consult conveniently and they seem to be generally willing that I should make that motion. With that view I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House take a recess until 10 o'clock to-morrow.

Mr. MILLIKEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MILLIKEN. If we take a recess now until 10 o'clock to-morrow, will that continue this legislative day after 12 o'clock to-morrow?

The SPEAKER *pro tempore*. It will, unless the House should adjourn at some time before 12 o'clock to-morrow.

Mr. MILLIKEN. So that we shall lose the hour which we would otherwise have under the rule.

The SPEAKER *pro tempore*. Unless the House should adjourn at some time between 10 and 12 to-morrow.

Mr. WILLIS. I will say to my friend from Maine [Mr. MILLIKEN] that if the House now take a recess until 10 o'clock, I will make a motion to adjourn before 12 o'clock to-morrow in order to save the morning hour.

MESSAGE FROM THE PRESIDENT.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Kentucky [Mr. WILLIS] for his motion, but before submitting the motion the Chair asks consent to submit a message from the President of the United States.

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of State relative to the Japanese Government's offer to donate a valuable piece of land to the United States in fee-simple for legation purposes, and earnestly recommend that the Executive be immediately authorized to accept the gift in the name of the United States, and to tender to his Imperial Japanese Majesty's Government a suitable expression of this Government's thanks for the generosity which prompted the presentation of so desirable a site of ground.

I deem it unnecessary to enlarge upon the statement of the Secretary of State. I feel certain, however, that a persual of his communication will at once commend itself to the favorable attention of Congress, and doubt not that the necessary authorization of Congress will be immediately given for the acceptance of the gift, as well as insure early action looking to the erection on the premises of a suitable public building for the use of the legation of the United States at Tokio. This step can not but be favorable to the United States in every honorable way, while the disinterested motives of a friendly foreign government deserves from us a proper and just recognition.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 5, 1885.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BOYLE, of Pennsylvania, until Monday, February 9.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROSECRANS, leave was granted to George A. Jaegar to withdraw his papers, now with the Committee on Military Affairs, leaving copies on file.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, in response to inquiries of several members, I will say that if the motion for a recess prevails I will agree to make a motion to adjourn just before 12 o'clock to-morrow, so as to save the morning hour. I now move that the House take a recess until 10 o'clock to-morrow morning.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now take a recess until 10 o'clock to-morrow, pending which does the gentleman from Kentucky on the left [Mr. WHITE] renew his motion?

Mr. TURNER, of Kentucky. Mr. Speaker, I move to adjourn.

Mr. BLOUNT. Mr. Speaker, I wish to ascertain whether I correctly understood the gentleman from Kentucky [Mr. WILLIS] to say that if the House should now take a recess until 10 o'clock to-morrow he would move an adjournment before 12 o'clock to-morrow with a view of preserving the morning hour?

Mr. WILLIS. The gentleman from Georgia understood me correctly.

The question was taken on the motion of Mr. TURNER, of Kentucky, to adjourn.

The motion was not agreed to.

Mr. WHITE, of Kentucky. I move to amend the motion of my colleague [Mr. WILLIS] by striking out "10" and inserting "11."

Mr. RANDALL. I wish to inquire whether the object of the gentleman from Kentucky [Mr. WILLIS] is to continue this legislative day beyond 12 o'clock to-morrow.

The SPEAKER *pro tempore*. The gentleman from Kentucky has already stated that such is not his purpose.

The question being taken on the amendment of Mr. WHITE, of Kentucky, to the motion of Mr. WILLIS, it was not agreed to; there being—ayes 13, noes 149.

Mr. WHITE, of Kentucky. I move that the House now adjourn.

The motion was not agreed to.

The question then recurring on the motion of Mr. WILLIS for a recess, it was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House took a recess till 10 o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Friday, February 6), Mr. BLACKBURN in the chair as Speaker *pro tempore*.

Mr. WILSON, of Iowa. Mr. Speaker, there are so few members present, I move that the House take a recess for ten minutes.

The motion was agreed to; and a recess was accordingly taken.

The recess having expired, the House resumed its session.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, and pending this motion I move that debate in Committee of the Whole on the pending amendment be limited to twenty minutes.

Mr. GIBSON. Twenty minutes on the section and pending amendment?

Mr. WILLIS. I modify my motion so as to limit debate on the section and amendments to twenty minutes.

The question being taken on the motion to limit debate, it was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Improving a national harbor of refuge of the first class at Sandy Bay or Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation nor of any previous appropriation shall be expended until a new board of three engineers, one of whom shall be the resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor, that shall serve all the uses for which it may be needed; and it shall be the duty of said board of engineers to examine into and report upon such other places on said coast as may be suitable for harbor purposes, and to estimate the cost thereof and the necessity for such a harbor.

Mr. WILLIS. Mr. Chairman, as this amendment will give rise to some debate, I ask in the interest of public business that it be passed over for an hour. The House will then be fuller.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that the pending amendment to lines 33, 34, and 35 be passed over for one hour.

Mr. HEPBURN. I object.

Mr. WILLIS. I hope my friend will not object.

The CHAIRMAN. Objection is made. The gentleman from Massachusetts [Mr. STONE] is entitled to the floor.

Mr. STONE. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS]?

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] objected.

Mr. WILLIS. I saw no one rise. The rule is that a member objecting must rise.

The CHAIRMAN. Does the gentleman from Iowa insist on his objection?

Mr. HEPBURN. Yes, sir; I object.

Mr. GIBSON. The gentleman will allow me to make a suggestion. The object of the proposition to pass this paragraph over is to avoid any bad feeling upon the part of other members——

The CHAIRMAN. The Chair suggests that any appeal to the gentleman from Iowa had better be made in private. [After a pause.] Does the gentleman from Iowa insist on his objection?

Mr. HEPBURN. I do not know how often it is necessary to make objection. I have done so twice.

The CHAIRMAN. The Chair will say that a request was made that the Chair allow an appeal to be made to the gentleman from Iowa. The Chair did not know the effect of that appeal without asking the question. The gentleman from Iowa objects; and the gentleman from Massachusetts [Mr. STONE] has the floor.

Mr. STONE. I suppose, Mr. Chairman, that I am disclosing no secret and betraying no confidence when I state that the amendment which I have proposed to the pending clause of the bill was offered by me after a conference with the committee, and with reason to believe that it would be satisfactory to the committee, which, as members are aware, has been somewhat divided upon some questions in this bill; and judging from the indications upon this floor it was believed, in order to carry this bill, which is supposed to be of great importance to the country, that it was desirable to have if possible some unanimity of opinion and some concert of action in the committee. It was therefore to give effect to that opinion and to procure unanimity and concert of action to secure the passage of the bill that an effort was made in the committee to obtain for all the items of the bill as much harmony of action and unity of sentiment as possible, and which it was believed would result in the final passage of the measure, with such amendments as it was believed or as might be indicated during the course of the discussion of the bill were necessary. I offered the amendment, therefore, with that view, and did not anticipate that the member of the committee from Pennsylvania, who it seems was not present at the meeting of the committee, although I thought all were present, would offer the amendment which he did subsequently or immediately after mine was read.

Now, Mr. Chairman, I rise to-day for the purpose of opposing the amendment which the gentleman submitted for this reason: that I desire the bill, or this portion of it, shall pass with the amendment submitted by me and unhampered in its operation by the subsequent amendment suggested by him. I am opposed to his amendment, because it proposes to submit to a board of engineers the question of the necessity of a particular improvement of a river or harbor in this country. Now the question of the necessity of any such improvement is a question addressed to the legislative faculty of the country, and not to the executive. It is entirely inconsistent with our theory of government, with our established division of the powers of government, by which legislative questions are to be submitted to the legislative department of the Government and executive questions to the executive department, to refer a question whether or not the commercial needs of the country demand a particular improvement to a board of engineers. I repeat, sir, that such a submission is inconsistent with the doctrine of legislation, although I know very well when I make that remark that by a provision in the legislation of this country when a survey is first ordered it is believed to be expedient to refer the question of the commercial improvement of the place to a board of engineers, who shall pass upon the superficial question whether or not it appears to be an improvement required by the commerce of the country.

But the question which now confronts us—this particular improvement—was referred in the usual way to General Thom, and General Thom in his preliminary report distinctly declared and reported to the Government that there was need of a harbor of refuge at this point, and that this particular improvement was, in his judgment, a question

of public necessity. Now my friend from New York [Mr. POTTER] suggested that this was the fruit of my own imagination or something to that effect, and that it was not a great need of commerce or a requirement of the country, nor was it demanded even by the Representatives of my portion of the country.

In response to the suggestion I wish to say to him that this enterprise did not originate with me. It came to this Congress before my time. It was reported here by General Thom before I had anything to do with Congress, and it was a pending enterprise before I had any connection with this business in any form.

[Here the hammer fell.]

Mr. HART was recognized, and yielded his time to Mr. STONE.

Mr. STONE. Now, Mr. Chairman, I submit as I have already intimated that this is not a question to be decided by any narrow, material, or limited view of the needs of the commerce of the country. It is a question of humanity itself; a question that appeals to the liberal and enlightened policy of the age. It is a question as to whether or not an improvement of this character on this coast is demanded by all the considerations of public policy; and that question is one to be considered and decided, as I have said, by the legislative faculty of the country, and not by any power which may reside in any executive department. I say, therefore, that it is an abdication on the part of Congress to attempt to avoid the responsibility of the question by referring it in effect to a board of engineers. It is a question to be determined absolutely by considerations of public policy.

Why, Mr. Chairman, we have more than 3,000 miles of Atlantic seacoast, and there is not a single harbor of refuge of any pretension on that entire coast except the one at the mouth of the Delaware Bay. To-day England is constructing upon her east coast three large harbors of refuge to be built and paid for out of the imperial treasury, and the same policy prevails with all of the maritime powers upon the continent; and we have got to recognize the necessities of our vast seacoast by the construction of such harbors to meet the demands of commerce and humanity. For there is another consideration to which I wish especially to call the attention of the committee to show why we should not refer this subject to a board of engineers.

In the consideration of the question as to the necessity of establishing a harbor of refuge what are the conditions which are to govern Congress in its actions? Let me call the attention of this committee to the fact that it is not simply a question of the commercial needs of the country, but a question of humanity itself is involved. It is a question to be addressed peculiarly and solely to the legislative faculty of the Government. I ask, then, that this House shall consider and decide upon this question for itself if they believe that the time has come when this great nation of ours, with its vast resources and possibilities, shall begin to consider the mode of providing in the most ample way not only for the needs of commerce, but to meet the demands of humanity, as well as for the adequate defense of our coast in the event of foreign complications. If the House is to consider and reflect upon such things, it ought now to pass upon and decide the question whether or not this enterprise of constructing a great harbor of refuge upon the coast of Massachusetts is to be decided here or left to the possibilities of the future.

Now, one word more. I am quite willing, Mr. Chairman, to submit any question of an engineering character to the Corps of Engineers. I agree that in respect to the topography of the country, in respect to the best location on the coast, it is a very proper question for engineers to decide; therefore I am content to do it that way. But when it comes to surrendering the power of this Congress—to a submission of the legislative authority upon a question which has been long adjudicated, entered upon and decided, I submit it is only an expedient to avoid responsibility, and throw upon other persons a question which should be decided by the House.

[Here the hammer fell.]

Mr. HORR. Is debate exhausted on this amendment?

The CHAIRMAN. Five minutes remain on the formal amendment.

Mr. HORR. I desire to say, Mr. Chairman, that I agree most heartily with the gentleman from Massachusetts [Mr. STONE] as to this harbor of refuge. There are no outlays in this river and harbor bill that do more for the protection of life and property than the building of proper harbors into which vessels can go during storms. The idea of building a second-class harbor for that purpose is simply preposterous; that is simply providing for one class of vessels on the ocean and saying to the other class you can go to the bottom and we will do nothing for you.

Now, the breakwater on the Delaware, as every one who has examined this question knows, forms one of the best harbors now, and almost the only one, on the Atlantic coast. It is not an uncommon thing to see seven hundred vessels within those walls at once getting protection from the storm. We have on the lakes but one practical harbor of refuge, that is at Sandy Beach, on the coast of Michigan. It cost over $700,000, and almost weekly during the winter season you can see from one hundred to three hundred vessels driven within those walls to protect them from utter destruction.

On the coast of New England there is perhaps more commerce than on any other part of the coast except down in the vicinity of the Delaware Breakwater. Nothing is more needed than a first-class harbor opposite the New England coast, and if we build one, Mr. Chairman, let us have a good one.

I want to enter my protest against the American people having second-class things anywhere in the world. We ought to do first-class and nothing but first-class, and build first-class work, something that is in conformity with the dignity and power this nation ought to sustain among the nations of the earth. I do hope, therefore, the members of the House will stand by this committee in its decision that this harbor of refuge shall be built in such manner as to protect all the vessels that run upon the high seas.

Mr. HART, by unanimous consent, withdrew his amendment.

Mr. WHITE, of Kentucky. Let the amendment be again read.

Mr. GIBSON. I wish to ask, Mr. Chairman, whether the vote would not first be upon the amendment of the gentleman from Pennsylvania [Mr. BAYNE] to the amendment of the gentleman from Massachusetts [Mr. STONE]?

The CHAIRMAN. The Chair did not put that question because the gentleman from Massachusetts, as the Chair understood him, made the amendment to the amendment a part of his own amendment.

Mr. STONE. No; that is a mistake.

Mr. GIBSON. I understood the gentleman so on yesterday, but this morning he states differently.

Mr. STONE. I will explain, if the Chairman will allow me a moment. When the gentleman from Pennsylvania [Mr. BAYNE] offered his amendment I accepted it, but after he offered it he modified it, referring the question of necessity also to the engineers. Some one asked whether that related to the whole work. He answered it did. Now, that was a material and vital change, referring the question of necessity to the engineers, and that is the precise point I stand here to contest and combat.

The CHAIRMAN. The Clerk will read from the RECORD.

The Clerk read as follows:

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

Mr. BAYNE. I propose an amendment to the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"It shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof."

Mr. STONE. I accept that amendment.

Mr. REAGAN. I would suggest to the gentleman to add the words "and the necessity therefor."

Mr. BAYNE. I accept the suggestion of the gentleman from Texas, and will incorporate it in the amendment.

Mr. STONE. Let the amendment be read as modified.

The Clerk read as follows:

"Improving a national harbor of refuge of the first class at Sandy Bay or Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation or of any previous appropriation shall be expended until a new board of three engineers, one of whom shall be the resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor that shall serve all of the uses for which it may be needed; and it shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof and the necessity therefor."

The CHAIRMAN. As the Chair remembers, that is all of it; and the gentleman from Massachusetts [Mr. STONE] having agreed to accept the amendment of the gentleman from Pennsylvania [Mr. BAYNE], and being silent after the gentleman from Pennsylvania modified it, the Chair treated the whole amendment as accepted.

Mr. STONE. If so, it was done under a misapprehension.

The CHAIRMAN. If the gentleman from Massachusetts did not so intend——

Mr. STONE. Not at all.

The CHAIRMAN. In that case the Chair will put the question on the amendment of the gentleman from Pennsylvania.

Mr. GIBSON. I ask unanimous consent that the question may be put on the amendment of the gentleman from Pennsylvania [Mr. BAYNE] without the words "and the necessity therefor."

Mr. REAGAN. I understand, then, the question will be on the adoption of the last clause suggested, and I desire to say a word on it.

Mr. WILLIS. Is not debate exhausted?

The CHAIRMAN. Debate on the amendment of the gentleman from Ohio [Mr. HART] was exhausted and he withdrew his formal amendment.

Mr. WILLIS. But the House limited debate on all amendments to the paragraph.

Mr. REAGAN. I think there have been only ten minutes of discussion.

The CHAIRMAN. There has not been debate for a longer time than fifteen minutes, although there was considerable interruption, occupying much time. The gentleman from Texas will proceed.

Mr. REAGAN. I think it would be a mistake to adopt this amendment in a form which requires a report in favor of a harbor of refuge at that point without a report upon the question of its necessity. There is a fine harbor of twenty-two feet water within five miles of it. There is Boston Harbor, a deep and valuable harbor, within thirty miles. There is another harbor some forty miles north of it; all of them good harbors. And if it is intended as a defensive measure, the money that goes into it had much better go to the fortification and strengthening of

the defenses all around the city of Boston, where the commerce is. Besides, I am informed that in bad weather sailing vessels, at least if the wind is from the ocean side, can not enter the harbor; in good weather they will not wish to enter the harbor.

I think we ought not to require the engineers to report a scheme like this when there is an abundance of harbors for all purposes of commerce and safety without letting the engineers pass on the question of the necessity for the harbor.

I add one more word. The gentleman from Massachusetts raised an objection to the improvement of another harbor to facilitate what is almost a continental commerce. One of his objections was that the cost of building it amounted to too much. Here is one proposed by him that will cost more, that for all purposes except to furnish a market for granite is useless.

Mr. OATES. I desire to ask the gentleman a question. Does not the report of the engineers show the very thing proposed by this has been done, and if such a harbor is to be built Sandy Bay is the best on the coast? This is what this amendment is striking for now. But the board of engineers report against it on account of the immense cost.

Mr. REAGAN. They have reported against the necessity for it, and I do not wish them tied up so that they can not do it again.

Mr. STONE. I wish to say, if the gentleman from Texas referred to me when he said the gentleman from Massachusetts——

Mr. REAGAN. I did refer to the gentleman.

Mr. STONE. When the gentleman says I am opposed to an appropriation smaller than would ultimately be expended on account of this breakwater, an appropriation in any part of the country, he misconceives my position altogether. I have never in any way objected to any appropriation of any magnitude for any enterprise in any part of the country. If the gentleman imagines I am opposed to the appropriation of $1,000,000 or five millions for the city of Galveston or any other point he misconceives my position.

Mr. REAGAN. I must have misunderstood the gentleman. I certainly understood him to criticise and oppose that proposition.

Mr. STONE. The gentleman misunderstood me entirely. I want to say one word more to meet the argument of the gentleman from Texas. I am willing to submit the topographical question to engineers, and if the harbor is found to be inaccessible in bad weather, or for any other reason will not fulfill the conditions of a first-class harbor, the report will be unfavorable. But as I have already said the only question that should go to the engineers is the topographical question as to whether this is the best location, having regard to all the conditions of a first-class harbor.

Mr. CUTCHEON rose.

The CHAIRMAN. By order of the House all debate on the pending paragraph and amendments thereto was limited to twenty minutes. The Chair has allowed some latitude because of certain interruptions, and the limit of debate has now been reached. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. BAYNE].

The question being taken, there were—ayes 47, noes 52.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Massachusetts [Mr. STONE].

Mr. BLOUNT. I ask that the amendment be reported again.

The CHAIRMAN. The Chair directs the amendment to be reported again.

The amendment was again read.

The committee divided; and there were—ayes 82, noes 20.

So (further count not being called for) the amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Alabama [Mr. OATES] to strike out the paragraph.

Mr. DAVIS, of Massachusetts. I ask that the question be again stated.

The CHAIRMAN. The Chair seems to be in some confusion from a want of recollection of what occurred yesterday with reference to this matter. The effort of the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from Massachusetts [Mr. STONE] was to perfect the section before the motion to strike out was made. It is suggested, however, that the motion of the gentleman from Massachusetts [Mr. STONE] was offered as a substitute for the section——

Mr. STONE. My motion was a substitute for the whole section.

Mr. OATES. Mr. Chairman, I think the RECORD will show that I yielded the floor for an amendment to be offered for the purpose of perfecting the section.

The CHAIRMAN. That is the recollection of the Chair. The Chair's recollection is that the gentleman from Massachusetts [Mr. STONE] asked consent of the gentleman from Alabama [Mr. OATES] to amend the section before the motion of the gentleman from Alabama was made.

Mr. THOMAS. Yes; but the gentleman from Massachusetts [Mr. STONE] expressly stated in so many words when he offered the amendment that he offered it as a substitute.

Mr. REAGAN. I suppose there must be some mistake about it, because there would be no appropriation if this were a substitute for the other provision.

The CHAIRMAN. The Clerk will read from the RECORD what took place.

The Clerk read from the record of yesterday's proceedings, as follows:

Mr. STONE. I offer the following substitute for the paragraph which has been read, and I do it by instruction of the Committee on Rivers and Harbors.

The Clerk read as follows:

Mr. BAYNE. I take it the motion to strike out can be entertained whether the vote is upon a substitute or not.

Mr. WILSON, of Iowa. Mr. Chairman, I would like to be heard upon that point.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAYNE] will please repeat his statement.

Mr. BAYNE. I say that the motion to strike out will apply just as well if the proposition of the gentleman from Massachusetts [Mr. STONE] was offered as a substitute as if it was offered as an amendment; and on this principle, that the House, or the Committee of the Whole, House, has a right to perfect the proposition as nearly as it can, to get it in as good shape as it can. If it can get it in the best possible shape by adopting the substitute it adopts the substitute; but if, after having got the proposition into that shape, the committee is dissatisfied with the substitute, then it is within the power of the committee to strike it entirely out. That is the parliamentary law of the case. Under the rules the committee can strike out this substitute, even though it may stand in that position.

Mr. OATES. The substitute is an amendment.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania [Mr. BAYNE] is just as much mistaken about that as if he had "burned his shirt." [Laughter.] According to Jefferson, who is one of our authorities, after you strike out and insert in Committee of the Whole, what you insert can not be stricken out by itself. You may insert A, B, and C, but after that you can not strike out A, B, and C, though you can move to strike out A, B, C, and D. The theory is based on the old English parliamentary practice, as far as the Committee of the Whole is concerned, that what we do in committee we can not undo. The House can undo it, but the committee can not. The motion to reconsider is denied in the Committee of the Whole on that same ground. The rules have never carried the motion to reconsider into Committee of the Whole; and that is based upon the broad parliamentary principle that it is vain to do a thing and then turn around and undo it.

Mr. GIBSON. Mr. Chairman, there is evidently a mistake all around as to the time at which this motion was made and the manner of the offering of the substitute. If the Clerk will look a little further back in the RECORD he will see that when this paragraph was reached and the gentleman from Alabama [Mr. OATES] rose to make a motion to strike out the paragraph, I rose in my place and requested him to withhold that motion, stating that the committee had agreed upon a substitute, which the gentleman from Massachusetts [Mr. STONE] would offer. Thereupon, on that request, the gentleman from Alabama [Mr. OATES] said, as near as I can recollect his language without having the RECORD before me: "Under those circumstances I will withhold my motion until the substitute is offered." That motion was withheld and the substitute was offered. After the substitute was offered and the gentleman from Pennsylvania [Mr. BAYNE] offered his amendment some difficulty arose about that, and we have now adopted the substitute of the committee offered by the gentleman from Massachusetts [Mr. STONE] in place of the original proposition. That is the state of the facts in relation to this matter.

Mr. CUTCHEON. Mr. Chairman, it seems to me that this is a matter of words rather than of things. The gentleman from Alabama [Mr. OATES] moved to strike out the paragraph. He yielded for the amendment of the gentleman from Massachusetts [Mr. STONE], announcing in the first instance that he desired to offer an amendment——

Mr. STONE. I beg the gentleman's pardon.

Mr. CUTCHEON. Subsequently the gentleman from Massachusetts [Mr. STONE] characterized the amendment as a substitute. Now, what is the substitute? The substitute says, "Improving national harbor of refuge of first class at Sandy Bay, Cape Ann, Massachusetts, $100,000." So far it is the original paragraph precisely in terms. Then it appends a proviso. What is that but an amendment? You may call it a substitute, but you incorporate in your substitute first the identical paragraph, and then append to it a proviso. That is—I was going to say "whipping the devil around the stump," but that is not an elegant metaphor. I will say, however, that it is simply evading the point by calling the proposition a "substitute" instead of an amendment, when it is to all intents and purposes an amendment.

Mr. WILSON, of Iowa. There is a complete striking out and a complete inserting.

Mr. CUTCHEON. No; you do not strike out anything. You leave the original paragraph intact and simply add a proviso. Calling the proposition a substitute does not make it a substitute.

Mr. STONE. In order to shorten this matter I have no objection to its being passed upon in the mode suggested by the gentleman last on the floor [Mr. CUTCHEON]; that is, I am perfectly willing that the motion to strike out shall be passed upon by the Committee of the Whole.

Mr. THOMAS. I make the point of order that the gentleman from

Massachusetts [Mr. STONE] can not consent to an unparliamentary proceeding, and that this is not an amendment, the assertion to the contrary notwithstanding. Under the rules a paragraph in the bill may be amended; and there may be amendments to an amendment with the view of perfecting the section. But when the section has been stricken out and a substitute adopted in lieu thereof, a motion to strike out is not in order, as the House has already expressed its opinion upon the point and adopted the substitute.

Mr. WILSON, of Iowa. That is correct.

Mr. THOMAS. Therefore I say, although the gentleman from Massachusetts may be willing to agree that a vote be taken upon the proposition to strike out, his assent avails nothing, for the House has already expressed itself with reference to this paragraph—has adopted a substitute, and that is the end of it.

Mr. ROWELL and Mr. OATES rose.

The CHAIRMAN. The Chair thinks that there has been enough debate on this question, but will hear gentlemen further if they so desire.

Mr. ROWELL. I want to make a single suggestion. When the vote was taken this morning the chairman put the question upon the "amendment" of the gentleman from Massachusetts, and the Committee of the Whole adopted it as an "amendment" and so understood it. If we voted upon an "amendment" and it turns out that it was offered as a substitute, then we have not voted upon the substitute.

Mr. WASHBURN rose.

The CHAIRMAN. The Chair is ready to rule on this question.

Mr. WASHBURN. Whatever this point of order may be worth, it seems to me we may just as well have a fair, square, honest vote on this proposition and have it at this time.

The CHAIRMAN. The Chair will suggest that the quickest way to reach a vote is to allow the Chair to dispose of the question of order.

The gentleman from Massachusetts offered a substitute which repeats in hæc verba the language of the bill and simply adds a proviso. It has been treated as an amendment to the paragraph and so debated. Not one single word of the paragraph was stricken out or changed by this proposition, but simply a proviso added. While it is true that a motion to strike out and insert would operate as claimed by gentlemen who have spoken, the Chair thinks that in its effect this was not such a motion, and therefore will resolve the doubt by pursuing his original idea—that the question in order is upon the motion proposed by the gentleman from Alabama to strike out the section.

The question being taken, there were—ayes 74, noes 42.

Mr. STONE. Tellers.

The CHAIRMAN. Tellers are demanded. As many as are in favor of ordering tellers will rise.

Mr. LONG (during the count by the chairman). Is not my colleague [Mr. STONE] entitled to tellers, there having been no quorum?

A MEMBER. That point was not made. [Cries of "Too late!"]

The CHAIRMAN. Twenty-one members have risen to order tellers—not a sufficient number. Tellers are refused. The motion of the gentleman from Alabama to strike out the section is adopted.

The Clerk read as follows:

Improving harbor at Wood's Holl, Mass.: To complete improvement, $8,600.

Mr. WHITE, of Kentucky. I move to amend by striking out the last word. I rise for the purpose of calling attention——

The CHAIRMAN. The gentleman from Kentucky will suspend. The Chair is informed that when the motion to limit debate was made this morning by the gentleman from Kentucky [Mr. WILLIS] it was put and adopted in the form of a motion to limit debate on the "section." If that action be now strictly construed, debate is not in order.

Mr. WILLIS. I recognize the fact that as the motion was stated and adopted it would prevent debate on every other paragraph of this section; but I feel it would be improper to take advantage of a slip of language on my part. My intention in making the motion was to limit debate not on the "section" but on the paragraph. Therefore, as the paragraph has now been passed, I make no point as to debate having been closed.

The CHAIRMAN. The Chair will state that it is very common to call these paragraphs "sections," though technically they are not such. Hence the inquiry made by the Chair. The gentleman from Kentucky [Mr. WHITE] is recognised.

Mr. WHITE, of Kentucky. I move to amend by striking out the last word. I rise for the purpose of calling attention to two lines which in the hurry of our proceedings were passed over without giving us a chance to offer any amendments. I refer to lines 27 and 28, providing for the improvement of Plymouth Harbor. I am aware the Chair has ruled that we have passed these lines——

Mr. GIBSON. I rise to a point of order. The gentleman has stated that his object in rising now is to discuss a paragraph that has been passed; and I submit that upon his own statement he is not in order.

The CHAIRMAN. The Chair thinks the point of order is well taken. The gentleman from Kentucky will proceed in order.

Mr. WHITE, of Kentucky. If I am not mistaken, the river and harbor bill is still under discussion. In order to understand the whole bill it is necessary to understand its parts. It is a well-known mathematical axiom that the whole is only the sum of all the parts. Now, I am going to talk about two parts of this bill in connection with my amendment to lines 36 and 37. My amendment is to lines 36 and 37, and I desire to call the attention of the committee to what was done yesterday. When the paragraph relating to Plymouth Harbor was read it was passed over in the hurry of debate without the offering of the proper amendment. Now, in the last Congress we appropriated but one-third of what the engineers said was necessary to complete that work. This year in this bill we appropriate less than one-third of what they say will be necessary to complete that work. In other words, we appropriated $10,000. This year we appropriate $5,000. The engineers tell us that $18,000 will complete that work. We need only appropriate $18,000 to complete that work, where there is some commerce, where there is a harbor, and where we can do something for the benefit of commerce.

What did we do yesterday? Instead of completing the harbor at Plymouth we put in this bill an appropriation of $6,000 for Hingham Harbor, where there is no harbor and where there is no commerce. How much confidence will the people of the United States have in Congress if when Congress says we are not to rely upon the engineers and then Congress turns round and refuses to appropriate money to complete an important harbor—the oldest harbor on the Atlantic coast—when only $18,000 are required to complete it, put in only an appropriation of $5,000 for that work——

The CHAIRMAN. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I move to strike out the two last words; and I desire to call attention of the committee to this fact: We can not impose on the country, although we may put weight enough in this bill to carry it through.

Mr. WAIT. I make this point of order in this way: Can any member of the House consume the entire time that is supposed to be devoted here to the discussion of this bill, and can no other party have an opportunity to offer an amendment or to discuss the bill?

Mr. WHITE, of Kentucky. I will yield to the gentleman from Connecticut if he wants the floor to discuss the bill. I always yield to gentlemen of age.

The CHAIRMAN. Will the gentleman allow the Chair to rule on the point of order?

Mr. WHITE, of Kentucky. Yes.

The CHAIRMAN. The Chair can only rule as he did yesterday, that when gentlemen make propositions the Chair knows no way to stop debate except by rising and having debate limited in the House. The Chair can not do otherwise than recognize the gentleman.

Mr. WHITE, of Kentucky. I can not yield for that motion just now.

Mr. REAGAN. I wish to ask the Chair if he feels bound to recognize the same gentleman over and over again to the exclusion of the balance of the House?

The CHAIRMAN. The Chair will state in that regard that no other gentleman asked for recognition. The gentleman from Kentucky is entitled to the floor and will proceed.

Mr. WHITE, of Kentucky. This harbor of Wood's Holl, Mass., is under discussion. Now, in regard to the part of the bill passed over the committee have ignored, and every important harbor which the engineers have reported on from time to time which has a great deal of commerce, where $18,000 would complete the work, and this bill gives to that harbor by the action of yesterday $5,000 only. Why, sir, that will not do for the keep of the plant of the machinery and the man in charge, to say nothing of the prosecution of the work. It is simply a continuation of a tax without any beneficent result.

Now, I want to compare that with an appropriation made yesterday for a harbor, so called, on that same coast, within a few miles of Plymouth. I refer to Hingham Harbor, where there is no harbor, where there is no commerce, and only one steamboat can run at all. Yet for that little harbor, so called, this bill carries now $6,000, and yet for Plymouth, within a cannon-shot of Hingham, you only give one-third the amount and tell us it will complete it. I point this out as an enormity in this bill, and that is all I desire to say.

Mr. LONG. I rise to oppose the amendment, simply to say the gentleman from Kentucky, who is not, perhaps, thoroughly informed as to Hingham Harbor, has made some statements which I must correct.

A MEMBER. Nobody pays any attention to it.

Mr. LONG. Very well, then, I will not detain the House.

The Clerk read as follows:

Improving harbor at Newport, R. I.: Continuing improvement, $12,500.

Mr. SPOONER. I move, in line 41, to amend as follows:

Strike out "$12,500" and insert "$20,000."

Mr. Chairman, the harbor at Newport, as stated in the report of the engineers, and as should be well understood, is one of the most important harbors on the coast, providing a safe roadstead and anchorage.

The inner harbor is a harbor of refuge very much required on that part of our coast. It is a harbor of national importance. The important Government works of Fort Adams are there; the naval training school is located there. The work now progressing is to obtain a uniform depth of fifteen feet in the channel and inner harbor. Among the great commercial interests of that port which I think it is desirable the committee should provide for are the great steamers of the Old Colony Steamboat Company, running from New York to Newport and thence to Fall River, in the State of Massachusetts. It is a great line of intercommunication and inland travel. On these steamers during the last year there were carried about 250,000 tons of freight and passengers to the number of about 270,000.

The depth of the water in the channel, as indicated on the chart at mean low water, is now thirteen feet; but as there are times, particularly in stormy weather, when there will be instead of thirteen feet at mean low water but twelve feet in mid-channel, it is earnestly urged that the project now in progress for completing the depth to fifteen feet should be continued, as recommended by the engineers.

The supervisor of the Old Colony Steamboat Company, in his communication to the engineer in charge of the work, says:

That until a depth of fifteen feet is obtained it is impossible for our great steamers to enter the harbor at all stages of the tide.

Any of the steamers of this line—

He says—

with an ordinary load will ground in the present channel at extreme low water.

The amendment I offer, Mr. Chairman, contemplates a moderate portion only of the appropriations recommended by the engineers. The engineers recommended an appropriation for the present year of $50,000. The committee have cut this down, as I have already suggested in my remarks on yesterday, to but 25 per cent. of the estimate, or $12,500, and I simply ask at this time that the harbor of Newport, important as it is in its commercial relations, should have at least that moderate consideration of its necessities which is asked for by the amendment, and which seeks an appropriation of but 40 per cent. of the amount recommended by the engineers. I hope the amendment will be adopted. I ask it in the interest of existing commerce, and not of any problem of what may possibly be required hereafter.

Mr. THOMAS. Mr. Chairman, I hardly think it is necessary to reply to the remarks of the gentleman from Rhode Island in support of his amendment, because the committee have acted carefully in the consideration of this matter, and have given all that they deemed necessary. I can only say, therefore, that this harbor has been treated exactly as other harbors, except in cases where a small amount would complete the whole work; and in comparison to the amount of shipping to be benefited this harbor has received as much under this bill as has been allowed to any other harbor of equal importance.

Mr. WILLIS. And there are $20,000 of the last appropriation on hand yet unexpended.

Mr. THOMAS. As suggested by the chairman of the committee, and as the report shows, there are $20,000 of the last appropriation on hand unexpended, which, with the amount allowed in this bill, will be all that can be expended through this season. I hope the amendment will not be adopted.

Mr. SPOONER. If it be necessary, I shall move to strike out the last word, to say that the amount on hand is simply the appropriation which is to be used for the present fiscal year. It has no reference to the next year. I ask a vote upon the amendment.

The question was taken; and on a division there were—ayes 36, noes 65.

So the amendment was not agreed to.

Mr. SPOONER. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after line 41:

"Improving harbor and breakwater at Block Island, R. I.: Completing improvement, $15,000."

Mr. SPOONER. Mr. Chairman, the objection which was urged by gentlemen on the committee to the last amendment, asking the increase of appropriation, certainly does not apply to this. This is one of the very works to which the gentleman from Illinois alluded, where but a small amount of additional appropriation is required to complete the works now in progress. The recommendation of the engineer in charge is that $15,000 should be appropriated for the completion of the work, which is the completion of the breakwater at Block Island.

The harbor at Block Island, Mr. Chairman, is a natural harbor of refuge in certain states of wind and weather, and will be a perfect harbor of refuge after the completion of the breakwater now in progress. It is of the utmost importance to the commerce of the country which passes along that coast and in the neighborhood of Block Island, which is a very dangerous locality. It also affords refuge for the fishing fleets off the banks in that neighborhood, and is of great importance in the interests of the general commerce of the country.

I ask, Mr. Chairman, that this project may have the fair and reasonable consideration of the committee. Fifteen thousand dollars will complete the work now in progress. A member of the committee has said that they have made these appropriations generally or only in those cases where the amount would complete the work. It will do it here. It is a meritorious improvement.

Mr. THOMAS. I only desire to call the attention of the committee to this paragraph in the report of the Chief of Engineers to show why the committee rejected this project:

It is proposed, with the available remainder of the appropriations of August 2, 1882, and the amount appropriated by the act of Congress of July 5, 1884, to replace the Government wharf within the inner harbor by a substantial structure. To this wharf, which is in a decayed condition, all the freight carried to and from the island is brought, and at it are landed the United States mails and all the supplies for the four light-houses on the island and the steam siren (fog-signal).

It will be seen that the engineer in charge proposes and is engaged in building a wharf upon which to land freights for the inhabitants of the island. It is a private enterprise. It is for the improvement of private property, and not in the interest of general commerce. It is not even in the interest of shipping that may suffer from storms or would be seeking a harbor of refuge, but is simply to build wharves at which private freights for the inhabitants of the island may be landed. The committee thought it was not safe to engage or to go further in an enterprise which was to be directed to the improvement of private property alone. I hope the amendment will not be adopted.

Mr. SPOONER. Have I any time remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. SPOONER. I move to strike out the last word, as I want a little more than one minute, although I shall be very brief. The gentleman who has just addressed the committee has inadvertently only read a portion of the report referred to. If he will turn to a prior page he will see what was the original condition of that island. The report says:

Before the construction of the present harbor of refuge Block Island had no harbor which afforded protection for decked vessels. The only ones used were open boats, which, on the approach of storms, were hauled up on the beach by oxen. The largest of these boats were of about ten tons burden.

There are, as has been already indicated by what the gentleman from Illinois himself has read, four light-houses on the island. There is the Government post-office there. There is the fog-signal, which is to be cared for. All these are matters of Government interest; and this wharf which has been referred to had to be built in the first instance for the benefit of these Government works and those who are concerned in managing the affairs of the light-houses, and to enable the United States mails to be landed upon the island and taken from the island.

It is well known that Block Island has grown to be a place of great resort. There are regular lines of steamers running there daily during the summer season and one steamer which runs there during the entire year. If gentlemen of the committee do not apprehend the importance of this little harbor of refuge I believe it is because they have not given that careful consideration to this project which has been given to other projects far less meritorious which are included in the appropriation in this bill.

I hope, sir, that justice will be done to the little harbor of Block Island, and to the hardy fishermen and sailors who look there for a harbor of refuge.

A MEMBER. Is it a Government wharf?

Mr. SPOONER. It is a Government wharf.

Mr. THOMAS. In reply to the gentleman from Rhode Island I will say that the breakwater has been completed; the harbor of refuge is in a perfect state now, and the engineer expressly states that the present project is to build this wharf where the mails are landed. The hardy fishermen have complete protection in this harbor of refuge now? And shall we go on and complete wharves for the landing of freights of private individuals after we have protected the hardy fishermen of Block Island? I protest against it.

Mr. SPOONER rose.

Mr. THOMAS. I yield for a question.

Mr. SPOONER. I wish to ask the gentleman from Illinois to read a portion of the report, which will correct the misinformation which he has just given to the committee. The harbor of refuge and breakwater have not been completed, and the repairs on the Government wharves are but a trifling item of what is asked for in this appropriation.

Mr. THOMAS. I read this from the report:

It is proposed, with the available remainder of the appropriations of August 2, 1882, and the amount appropriated by the act of Congress of July 5, 1884, to replace the Government wharf within the Inner Harbor by a substantial structure. To this wharf, which is in a decayed condition, all the freight carried to and from the island is brought, and at it are landed the United States mails and all the supplies for the four light-houses on the island and the steam siren (fog-signal).

Mr. SPOONER. Read the next paragraph.

Mr. THOMAS. The next paragraph is as follows:

It is also proposed to fill the gap in the breakwater to exclude the heavy sea which now rolls through it in easterly storms into the anchorage, and of which complaint is made.

The estimated cost of the last project was $30,000. Of this amount there has been appropriated the sum of $15,000.

That is the whole of it.

Mr. SPOONER. As I understand the portion of the report now read the last-mentioned project refers entirely to the completion of the breakwater.

The CHAIRMAN. The question is on the amendment of the gentleman from Rhode Island [Mr. SPOONER].

The question being taken, there were—ayes 48, noes 72.

The CHAIRMAN (having announced the vote). The amendment is not agreed to.

Mr. SPOONER. No quorum.

The CHAIRMAN. The point of no quorum is made too late. The Chair had announced the vote.

Mr. SPOONER. I demand tellers.

The CHAIRMAN. The demand is too late.

Mr. SPOONER. Why too late?

Mr. REED, of Maine. I wish to suggest to the Chair that it is impossible to make the point of no quorum until the Chair has announced the vote.

Mr. SPOONER. How can I tell whether a quorum has voted until the result is announced?

The CHAIRMAN. The Chair was mistaken.

Mr. WILLIS. I hope the point of no quorum will be waived.

The CHAIRMAN. The Chair was mistaken. The gentleman from Rhode Island, Mr. SPOONER, and the gentleman from Kentucky, Mr. WILLIS, will act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 106.

So the amendment was not agreed to.

Mr. McCOMAS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Provided, That the sums by this act appropriated shall be expended only for such of the rivers, harbors, ice-harbors, harbors of refuge, creeks, bayous, canals, and reservoirs named in this act as the Secretary of War, under the direction of the President, shall determine: *And provided further*, That in no case shall the expenditure for any one purpose exceed the sum now designated by this act for that purpose.

Mr. McCOMAS. Mr. Chairman, I propose this amendment in good faith, and it shall receive at least one vote, from the conviction that such a proviso would save from waste many thousands and perhaps a million or millions of dollars. I want the responsibility for this expenditure placed somewhere. While some worthy gentlemen are sensitive respecting this bill, no one seems responsible for all of it. This debate has disclosed the fact that the engineers are not responsible. The report of the Chief of Engineers warns us that the estimates of the engineers are not to be considered as carrying with them a recommendation of the need of the expenditure.

The House thus far has not contrived to make any amendment of this bill looking to the reduction or material modification of appropriations. The members of the Committee on Rivers and Harbors themselves in this debate, one after another, have shown this House that they are not united upon the policy of the main items of appropriation in this bill. Nor has there yet been a single member of that committee who, when pressed, has not admitted in effect that there are many lesser items in the bill which are of doubtful propriety or public need.

Now, Mr. Chairman, since we appropriated $13,000,000 for rivers and harbors last session, and propose to add $12,000,000 in the present session, if it be true, as I do not doubt it is true, that the committee were hurried for want of time, it seems to me that we are making too much haste to expend $25,000,000 by the appropriations of this Congress for rivers and harbors. Shall we in one Congress expend a sum which equals nearly one-fourth of all the money expended by all the Congresses for that purpose from the beginning of the Government until this Congress met? For that total is but $111,299,464.79.

This is an appropriation bill. Why was not time taken to ascertain the total amount appropriated and to print it at the foot of the bill? I wish the printed bill had disclosed to the members of this House the estimate of the Secretary of War, which recommended but $8,177,000 for rivers and harbors this year. It is not a sufficient answer to say that this practice has not heretofore obtained. It has been so often urged in this debate that a river and harbor bill is like a general appropriation bill in all else, shall it not resemble it in this respect! Such a showing would make plain that this bill proposes to expend three dollars where two would suffice for the public need.

Without my amendment this bill as an annual appropriation bill in effect directs the President to expend $12,000,000 in so brief a period that the expenditure can not be made economically and advantageously.

[Here the hammer fell.]

Mr. McCOMAS. I ask five minutes more.

Mr. WILLIS. Mr. Chairman, I am sure my friend from Maryland [Mr. McCOMAS] has offered this resolution in good faith, but when I assure him that that is the exact law at the present time I think he will not desire to press his proposition.

Mr. McCOMAS. Mr. Chairman, with all due deference to the able chairman of the Committee on Rivers and Harbors [Mr. WILLIS], let me say that this amendment is intended only to follow in the line of the river and harbor veto message of President Arthur, which had the approval of the country at large; and when the President himself said, under the advice of his Attorney-General, that if that money was appropriated he would feel himself directed and compelled to expend it all, it seems to me that there can be no better reason for adopting such a proviso as this.

There is a public sentiment steadily gathering favor in this country that the President should have the power to veto items of an appropriation bill. Can we not safely in this bill, which no one member warmly defends in its entirety, and which, though prepared in haste, embraces many new projects involving enormous expenditures, intrust the new President with a discretion which may prevent the extravagant waste of public moneys? If there be a provision of that sort inserted somewhere in this bill, if my amendment be adopted, I believe the result will be that in the next Congress we may find millions saved.

The engineer report, barely printed when this bill was taken up, shows us that probably millions of the funds heretofore appropriated remain unexpended. Shall we pile up these millions in addition by hurried legislation? Shall we not by my amendment fix the responsibility somewhere? Shall we not hold the President and Secretary of War responsible? Let the bill indicate to them the objects which Congress, with a too hurried examination, believes to be worthy of the nation's care. Their more deliberate selection may be trusted to determine which of these need the money. It may result that millions may be saved.

If the Secretary of War, under the direction of the incoming President, confines the expenditure of these moneys to the improvement of rivers and harbors navigable within the legal definition of the word navigable, as defined by the Supreme Court, the nation will not suffer, and the tax-payers of the nation will applaud Congress for adopting this proviso.

The Supreme Court (11 Wallace, 411) calls a river "a navigable water of the United States when it forms by itself, or by its connection with other waters, a continuous highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water;" and declares that "if a river is not of itself a highway for commerce with other States or foreign countries, or does not form such a highway by its connection with other waters, and is only navigable between different places within the State, then it is not a navigable water of the United States, but only a navigable water of the State."

If at the next session we should learn by the operation of this amendment that much of the money had been saved because the harbor or river or creek named in the bill was only a navigable water within a State, or, being within a State, was not navigable, or was not navigated, or could not be made navigable, the tax-payers of the country would realize the benefit of this provision. The Hennepin Canal may be thus delayed; but if it be the great good to the Northwest which its friends claim, the delay may enlist the Northern States to bear a share in proportion to their peculiar benefits therefrom.

Why, Mr. Chairman, the State of New York, when it was not yet the Empire State, when it was scarcely more populous than Connecticut or Maryland, constructed the Erie Canal. I find in this bill the two Kanawhas, and am reminded that Washington, in the days of the Potomac Company, in a letter to Governor Johnson, of Maryland, as early as July 20, 1770, recommended the connection of these waters on either side of the Alleghanies, "upon a more enlarged plan, as a means of becoming the channel of conveyance of the extensive and valuable trade of a rising empire." But he did not dream of asking Congress alone to do it. Virginia and Maryland expended millions upon the Chesapeake and Ohio Canal as it extended toward the Ohio River.

Now, who in these days expects the State of West Virginia to go hand in hand with Congress in putting locks on the Great and Little Kanawha? Instead, its demand upon Congress grows in frequency, and we are rapidly nearing the time when the General Government will be expected to provide, where there is a color of national advantage, for every variety of State or local benefit. As a friend of a liberal national policy I protest against its abuse. Why is it that the apparition of the constitutional lawyer, from his ghost-walk on the other side of the House, does not stalk across the floor in this debate? Can it be that so many of the habitual constitutional lawyers of this House reside hard by the green pastures and still waters of the streams now favored and first made famous by this bill, that like the ghost in Hamlet they scent the morning air, and therefore do not materialize on days when we are discussing the river and harbor bill?

Galveston Harbor, too, may wait, having received one and a half millions already, until its predicted commerce has still more fully developed. There is probably much of truth in these glowing predictions. But we are asked to expend this money not for the commerce that is, but for the commerce that is to be.

Mr. Chairman, I have heard the committee complain justly and pathetically of their prolonged sessions, extending far into the evenings——

[Here the hammer fell.]

Mr. THOMAS. Mr. Chairman, I object to the adoption of the pending proposition, and I do so upon this ground: It is admitted that under the law all these works upon rivers and harbors are to be executed under the direction of the Secretary of War, who is but an agent of the President of the United States. But this proposition goes further. It proposes to take from the legislative branch of this Government the right to determine where improvements shall be made. It attempts to set up the judgment of the Executive over that of the representative bodies, the Senate and this House, making the President a virtual dictator to say when and where improvements shall be made. I believe this to be contrary to the spirit and genius of our institutions—contrary to the theory of our Government. I believe that the power to determine these questions is vested in this House and the Senate, not in the Executive of the United States.

If we should go upon the theory proposed by the gentleman from Maryland [Mr. McCOMAS], why is there any necessity of our sitting here and discussing the propriety or impropriety of any measure? Why not relegate the whole subject to the President of the United States, and let him direct alone where the public money shall be expended and for what purpose?

I protest against any such idea. I believe that it is the duty of Congress to hold on to the trust which has been placed in its hands by the people of this country, and to guard with jealous care every prerogative that the Constitution gives it. We have no right to delegate this authority to the President of the United States, and I hope most earnestly that the jealousy with which the representatives of the people ought to guard their rights will prompt them to stand here and vote solidly against this proposition.

Mr. STORM obtained the floor and said: I yield my time to the gentleman from Maryland [Mr. McCOMAS] that he may conclude his remarks.

Mr. McCOMAS. I thank the gentleman for his courtesy. I was about to say—and I shall soon conclude—when I heard how late they sat on these short winter days, while they were regaled with accounts of the prospective trade of Galveston, as their eyes wearied with gazing at the magic circles drawn on the remarkable Galveston map which I hold in my hand, so liberally strewn about our desks to-day, I can fancy that therein they saw the countless flocks of sheep, traveling in these straight lines, flocking toward Galveston from half a continent, and the cattle on a thousand hills of the great West "winding slowly o'er the lea" toward Galveston Harbor. I suspect they turned from the map toward the hills across the Potomac River and the winter evening sky, nowhere brighter than when seen through their committee-room window; I fancy they—

> Saw the heavens filled with commerce, argosies of magic sails,
> Pilots of the purple twilight laden down with costly bales.

These visions in the sky, the enthusiasm of Captain Eads, and the imaginative computation of countless bales of cotton that might yet come pressing to that market shall not tempt me to wager $7,000,000 of public money upon the opinion of Captain Eads.

When specialists differ, "when doctors disagree," when the Army engineers and the civil engineers are at variance in opinion on this question, we are to have millions spent upon that harbor as an experiment.

Mr. WILLIS. The gentleman will permit me one word? I know he does not want to fight "a man of straw;" and I will say to him that by unanimous vote of the Committee on Rivers and Harbors Captain Eads is now entirely eliminated from the bill; and the appropriation for Galveston Harbor, which has called forth the denunciation of the gentleman, has been so amended in the committee that, with the exception of one member—and in this remark I do not exclude the gentleman from Pennsylvania [Mr. BAYNE]—the appropriation as now agreed upon has the approbation of the whole committee.

Mr. BLANCHARD. I hope the chairman of our committee will except me from the statement just made. I voted in the committee against the "elimination" of Captain Eads.

Mr. McCOMAS. Mr. Chairman, I am glad to learn by this disclosure that the "man of straw" has only just now been burned up and taken out of this debate.

Mr. WILLIS. And now I hope the gentleman will let him rest.

Mr. McCOMAS. But, Mr. Chairman, it matters not to me whether Captain Eads disappears from this bill or not. He is not "a man of straw;" he is of sterner stuff. I have great respect for him as a man of genius; but I am looking to the interests of the people of this country, who I believe would have these appropriations so reduced that we may save some money for the defense of the harbors we have, and for the protection of commerce already thriving.

The great commerce of Baltimore is already pressing for relief. The channel to that great harbor is only deepened one-half its width, and actual vessels with present commerce freighted deep must wait, or the vessels heavily laden must still go bumping into the sides of the submerged banks of the harbor channel, and you propose $75,000 this year to aid the present commerce of Baltimore, in order to expend this year $750,000 for the development of commerce which may come to Galveston. Why not apply some of this money to coast defenses, to protecting the harbors you already have, whereon stand great cities stored with the grain of half the farmers in America, wherein ride countless vessels, all defenseless against the navies of the world?

Why not build up your Navy, so that we may protect our native and naturalized citizens at least against the naval armament of powers like Portugal or Chili, or at least Ecuador.

Adopt my amendment, and you will, as I believe, provide for a great saving of the money sorely needed, where you can alike provide for the common defense and the general welfare.

Mr. WILLIS. On yesterday when I made the motion to take a recess it was with the understanding that I should make the motion to adjourn at this time; and in pursuance of that understanding, while I regret we have not made more progress with the river and harbor bill——

A MEMBER. I do not.

Mr. WILLIS. I know the gentleman does not; I never think for him.

Mr. REED, of Maine. What induces the gentleman to make observations to me; I made none to him?

Mr. WILLIS. I am glad to know you have not.

Mr. REED, of Maine. I have said nothing to provoke any such attack as that.

Mr. WILLIS. I understood the gentleman to interject right there.

Mr. REED, of Maine. I interjected nothing.

Mr. WILLIS. You are rejected then from my remark.

Mr. REED, of Maine. I submit on my part, not making any observation, the gentleman from Kentucky ought not to preface his motion to adjourn by so much advice to this side of the House. I submit if he wants to make a motion to adjourn, that is sufficient.

Mr. WILLIS. The gentleman from Kentucky has never been guilty once where the other gentleman has a dozen times, and the rebuke comes with a great deal of grace from him.

Mr. REED, of Maine. I think it does. [Laughter.]

Mr. WHITE, of Kentucky. I rise to a question of order.

Mr. WILLIS. I rise pursuant to my agreement for the purpose of moving that the House adjourn.

The CHAIRMAN. The committee will first have to rise.

Mr. WILLIS. Certainly. I will make the motion that the committee rise.

Mr. DUNN. I hope the committee will not rise.

The CHAIRMAN. The motion is not debatable.

The committee divided; and there were—ayes 123, noes 37.

Mr. BRECKINRIDGE. I call for tellers.

The CHAIRMAN. The motion is agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. BRECKINRIDGE. I called for tellers on the motion that the committee rise, and the chairman disregarded my call.

The SPEAKER *pro tempore*. The Chair has no knowledge of proceedings in the Committee of the Whole House on the state of the Union except as reported.

Mr. WILLIS. I move the House do now adjourn.

Mr. DUNN. I hope the House will not adjourn.

The SPEAKER *pro tempore*. The ayes seem to have it.

The motion was agreed to; and accordingly (at 11 o'clock and 59 minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Papers relating to the claim of T. B. Planché's widow, of Natchitoches Parish, Louisiana—to the Committee on War Claims.

Also, papers relating to the claim of Fanny M. Wells and Ida F. Wells, of Rapides Parish, Louisiana—to the same committee.

By Mr. DUNN: Petition of John P. Moore, of Helena, Ark., praying for reference of his claim to the Court of Claims under act of March 3, 1884—to the same committee.

By Mr. T. J. HENDERSON: Petition of Mrs. J. Benedict and 38 others, ladies of Arlington and Lamoillee, Ill., praying for early action on the Mormon question—to the Committee on the Judiciary.

By Mr. HERBERT: Joint resolution and memorial of the Legislature of Alabama, urging an appropriation for the improvement of the Coosa River—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: Petitions of citizens of Pittsburgh, Pa., in favor of improvement of the Alleghany River—to the same committee.

Also, petition of 146 employés and owners of Pittsburgh Plate-Glass Company, in favor of improvement of the Alleghany River—to the same committee.

By Mr. KEAN: Petition of citizens of Elizabeth, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the Committee on the Judiciary.

Also, petition of citizens of Plainfield, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the same committee.

By Mr. LOWRY: Petition of 10 citizens of Albion, Noble County, Indiana, for the passage of the Mormon bill—to the same committee.

By Mr. McMILLIN: Petition of B. M. Cantrell, E. W. Taylor, J. W. Foutch, G. R. Smith & Son, J. W. McCarty, and 30 other citizens of De Kalb County, Tennessee, asking for the improvement of the Caney Fork River by locks and dams—to the Committee on Rivers and Harbors.

By Mr. MAYBURY: Petition of Alice E. Bartholomew, guardian of John Winchell, a survivor of the war of 1812, asking for arrears of pensions—to the Committee on Pensions.

By Mr. PATTON: Petition of citizens of Clarion County, Pennsylvania, asking for the passage of the Lovering bill (H. R. 6463)—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of H. A. Hicks and 39 others, honorably discharged officers, soldiers, and sailors of the late war, asking for legislation granting a land-warrant of one hundred and sixty acres of land without the condition of settlement to every honorably discharged officer, soldier, and sailor, or their widows and orphans, of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PETTIBONE: Petition of A. G. Cadle, of Tazewell, Tenn., asking pay for certain quartermaster stores taken and used by United States troops—to the Committee on War Claims.

By Mr. SHIVELY: Petition of B. F. Stephens and 60 others, citizens of Elkhart, Ind., praying for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. C. R. SKINNER: Petition of Silas Davis, of Chaumont, N. Y., with accompanying papers, asking Congress to pay him for a cargo of stone lost in Lake Ontario—to the Committee on Claims.

By Mr. VAN ALSTYNE: Petition of Rev. J. D. Countermine and many others, citizens of Albany, N. Y., praying Congress to take early action on the Mormon question—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of 59 citizens of Austin, Minn., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. E. B. WINANS: Resolution of the board of control of State swamp lands of the State of Michigan, relative to accretions adjacent to Maison Island, in Saginaw Bay—to the Committee on the Public Lands.

Also, concurrent resolution of the Michigan Legislature, relative to the purchase of the Lake Superior and Portage Lake Canal by the General Government—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. BOUTELLE: Of W. C. Clark and others, of Lincoln, Me.

By Mr. T. M. BROWNE: Of 55 ex-soldiers of Rush County, Indiana.

By Mr. J. E. CAMPBELL: Of citizens of Clermont and of Butler Counties, Ohio.

By Mr. CONVERSE: Of G. S. Innis and 13 others, citizens of Columbus; of A. M. Call and 26 others, citizens of Swan, Hocking County; of J. M. French and 64 others, citizens of New Lexington, Perry County; of Peter Hall and 102 others, citizens of Marcy, Fairfield County; of C. C. Kagy and 111 others, citizens of Bremen; of J. H. Brandt and 63 others, citizens of Carroll; of R. T. Field and 57 others, citizens of Columbus; and of M. Hetul and 58 others, citizens of Columbus, Ohio.

By Mr. W. W. CULBERTSON: Of 129 voters of Soldier, Ky.

By Mr. DINGLEY: Of citizens of Appleton and of Newcastle, Me.

By Mr. ENGLISH: Of E. Marsh and 128 others, citizens of Hancock County, Indiana.

By Mr. FERRELL: Of citizens of Cumberland and of Gloucester Counties, New Jersey.

By Mr. FUNSTON: Of citizens of Crouse, of Baldwin City, of Richmond, and of Burdgeville, Kans.

By Mr. GEORGE: Of citizens of the State of Oregon.

By Mr. HANBACK: Of Edward Rickett and 23 others, of Lincoln County, Kansas.

By Mr. H. H. HATCH: Of citizens of Adams, of Shelby, of Cheboygan, of Tuscola, of Emmet, and of Putnam Counties, Michigan.

By Mr. HENLEY: Of citizens of Butte, of Sonoma, and of Shasta Counties, California.

By Mr. B. W. JONES: Of 107 citizens of Boaz, Wis.

By Mr. KEAN: Of 63 citizens of Keyport, of 59 citizens of Matawan, and of 43 citizens of Asbury Park, N. J.

By Mr. KEIFER: Of S. D. Converse and 123 others, of Plain City, Ohio.

By Mr. KLEINER: Of ex-soldiers of Otwell, and of Gentryville, Ind.

By Mr. LACEY: Of James S. Perry and 13 others, of Nashville, Mich.

By Mr. LONG: Of W. W. Manson and 182 others, of Scituate; of W. H. Wade and 38 others, of Plainville; and of Charles L. Weeden and 126 others, of New Bedford, Mass.

By Mr. MITCHELL: Of soldiers of Menden, of Guilford, of Middletown, and of New Haven, Conn.

By Mr. MORRILL: Of John Nuzman and 57 others, of Soldier, and of B. F. Whitaker and 53 others, of Pardee, Atchison County, Kansas.

By Mr. NEECE: Of citizens of Warren, of Schuyler, and of Rock Island Counties, Illinois.

By Mr. PETERS: Of 218 ex-soldiers of Stafford County, Kansas.

By Mr. PETTIBONE: Of N. T. Beal and 170 others, and of John Altom and 63 others, of Hawkins County, Tennessee.

By Mr. PHELPS: Of citizens of Morris County, New Jersey.

By Mr. OSSIAN RAY: Of F. L. Moulton and 9 others, of West Camp, ton; of Levi B. Laney and 68 others, of East Weare and North Weare and of Sanborn M. Crockett and 72 others, of Plymouth, N. H.

By Mr. RIGGS: Of J. M. Bush and 105 others, of Pittsfield; of George M. Forsyth and 51 others, of Virginia, and of David H. Dunmire and 39 others, of Cooperstown, Ill.

By Mr. ROBERTSON: Of citizens of Chicago, Marion County, Kentucky.

By Mr. RUSSELL: Of Benjamin A. Bridges and 118 others, of Holliston; of S. M. Cross and 39 others, of Newburyport, and of C. B. Garfield and 68 others, of Templeton, Mass.

By Mr. SEYMOUR: Of Jacob Wolf and others, of South Norwalk; of A. Bates and others, of Lakeville; of George S. Partrie and others, of Norwalk; of Caleb Wood and others, of South Norwalk; and of J. W. French and others, of Georgetown, Conn.

By Mr. SHIVELY: Of William Anderson and 50 others, citizens of Stark County; of J. E. Vail and 111 others, citizens of La Porte County, and of J. S. Neely and 59 others, citizens of Marshall County, Indiana.

By Mr. H. Y. SMITH: Of W. W. Long and 47 others, citizens of Pleasantville, Marion County, Iowa.

By Mr. SPRIGGS: Of citizens of Annsville, of Vienna, and of Utica, Oneida County, New York.

By Mr. STOCKSLAGER: Of Thomas Young and 43 others, citizens of Evans's Landing; of W. W. Sloan and 122 others, citizens of Crawford County; of J. E. Enlow and 54 others, citizens of Scott County; of W. S. Taylor and 83 others, citizens of Butlerville; of 100 citizens of Clark County, of 65 citizens of Tampico, and of 53 citizens of Palmyra, Ind.

By Mr. STRUBLE: Of J. S. Toliver and 64 others, citizens of Greene County, and of W. H. H. Petty and 62 others, citizens of Woodbury County, Iowa.

By Mr. WAKEFIELD: Of B. F. Goodwin and 136 others, of Winnebago City, Minn.

By Mr. WARD: Of citizens of Middle Fork, of Summitville, and of Dayton, Ind.

By Mr. WEAVER: Of Omaha (Nebr.) Union Veteran Club, seven hundred and thirty-eight names.

By Mr. WILKINS: Of 101 citizens of Coshocton County, and 103 citizens of Canal Dover, Ohio.

By Mr. WOODWARD: Of citizens of Monroe, of Richland, and of Vernon Counties, Wisconsin.

SENATE.

FRIDAY, *February* 6, 1885.

Prayer by Rev. J. J. BULLOCK, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JOHN J. INGALLS, chosen by the Legislature of Kansas a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Supervising Architect of that Department recommending that the limit of cost of the proposed public building at Louisville, Ky., be extended to $1,500,000, and concurring in such recommendation; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, requesting the printing of 2,000 additional copies of Lieutenant Ray's report of the international polar expedition to Point Barrow, Alaska, for distribution by the Chief Signal Officer of the Army; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, stating, in response to a resolution of the 4th instant, that the erasures and interlineations in the documentary history of the railway mail service were simply the result of the final revision of the document, and not to be taken as a part of it; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of the Territory of Montana, urging the enactment of such national laws as shall thoroughly stamp out all contagious cattle diseases, and prohibit the influx of Texan or other infected cattle into that Territory; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of John Plemer, late private Twenty-second Ohio Volunteer Infantry, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of F. H. Plumb, A. S. Cosgrove, Charles Campbell, and M. F. Barry, of Wisconsin; and the petition of Thomas Walsh and Thomas Hughes, of Eirin Prairie, Wis., praying for such legislation as shall prohibit railroads between States from charging more for a short than for a long distance; which were ordered to lie on the table.

Mr. FRYE presented the memorial of F. O. Additon and others; the memorial of J. B. Mason and others; the memorial of W. H. Norton and others; the memorial of F. B. Andrews and others; the memorial of Thomas Lane and others; the memorial of Carrie E. Alden and

others; the memorial of Z. L. Packard and others; the memorial of W. G. Coombs and others; and the memorial of Benjamin Ames and others, all citizens of Maine, remonstrating against the free admission of honey under the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. LAPHAM presented a petition of manufacturers and merchants of New York city, praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented a petition of citizens of Cape Vincent, N. Y., and the petition of Smith & Davis and other vessel owners, masters, and marine underwriters, of Buffalo, N. Y., praying that the United States may acquire possession of the Portage Lake canals in the State of Michigan; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am directed by the Committee on Territories to report back the bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and to state that a Senate bill of the same import has been referred to the Committee on Public Lands. The Committee on Territories therefore ask to be discharged from the further consideration of this bill, and that it be referred, together with the accompanying papers, to the Committee on Public Lands.

The report was agreed to.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6946) for the relief of Margaret McCarty, to report it adversely. I wish to state that the adverse report is based upon the fact that since the action of the House a pension has been allowed by the Pension Office. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2161) granting a pension to Harvey Crane, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1655) granting a pension to Newton J. Burris;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
A bill (H. R. 6997) granting a pension to Henry Davis; and
A bill (S. 2160) granting a pension to Robert Walker.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 476) for the relief of Seth Colvin;
A bill (S. 926) granting a pension to Levi H. Naron;
A bill (S. 1436) granting a pension to Francis M. Cox;
A bill (S. 1443) granting a pension to Peter Riley;
A bill (S. 1515) granting a pension to Beverly Post; and
A bill (H. R. 2100) granting a pension to Mary Allen.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1084) granting a pension to Dorothea Bothner, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1653) granting a pension to John H. Crumb, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to report it with an amendment. I will state that I shall favor the original bill giving the widow the pension proposed to be given by the bill sent to the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1633) granting a pension to James Bond, to report it favorably and without amendment.

Mr. JACKSON. I ask leave to submit in connection with that report the views of the minority.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1416) granting a pension to Mrs. Charlotte Hackett, reported it without amendment, and submitted a report thereon.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord, to submit an adverse report thereon. I ask that the bill be placed on the Calendar. I call the attention of the Senator from Vermont [Mr. MORRILL] to the fact that I am making an adverse report on the bill.

Mr. MORRILL. I ask to have the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Illinois in reporting the bill made the same request. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CONGER. I inquire whether there is a written report accompanying the bill?

Mr. CULLOM. There is.

Mr. BLAIR. I understood that there would be submitted the views of the minority on the bill, and that it is not a unanimous report adverse to the bill.

Mr. CULLOM. The report in the case sets out the facts. I expect for myself to oppose the majority report which I submit. I am in favor of the passage of the bill notwithstanding the action of the committee.

I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 2377) granting a pension to Mrs. Emily L. Alvord, to report it adversely.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2484) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy, reported it adversely, and moved its indefinite postponement; which was agreed to.

Mr. BLAIR. By direction of the Committee on Pensions, I also report the bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy, adversely, recommending its indefinite postponement, in which case I desire to submit the views of the minority favoring the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR. By direction of the Committee on Pensions, I also report adversely the bill (S. 957) granting a pension to Margaret D. Marchand, recommending its indefinite postponement. I submit also with the report the views of the minority favoring the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR. By direction of the Committee on Pensions, I report adversely the bill (S. 2428) granting a pension to Margaret B. Harwood, recommending its indefinite postponement. I submit with the report also the views of the minority, and on behalf of the minority I ask that the bill be placed on the Calendar, and that the views of the minority be printed.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and the views of the minority will be printed, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 3527) granting a pension to George A. Marshall; and
A bill (H. R. 6956) granting a pension to Maria H. Sargent.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 357) granting a pension to William Lockhart;
A bill (H. R. 2140) for the relief of Hugh Dougherty; and
A bill (H. R. 5923) granting a pension to Ruth Stratton.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 1804) granting a pension to Clarinda Hunt, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1803) granting an increase of pension to George A. Washburn, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5800) for the relief of Sarah B. Jackson;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 7295) granting a pension to Albert D. Simmons; and
A bill (H. R. 6934) granting a pension to Ann J. Williams.

Mr. CULLOM, from the Committee on Territories, to whom was referred the bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. On the 12th of January last I reported, by direction of the Committee on Public Lands, the bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California, adversely. I have this morning received a communication from the Attorney-General, accompanied by copies of letters from the district attorney of the United States for the district of California of January 5 and January 24, which I think should be printed with the report. The report has not yet been received from the Public Printer owing to the fact that certain maps accompany it, and the Printer is waiting on the Bureau of Engraving and Printing to prepare the maps so that they may be

printed in connection with the report. I ask that the papers be printed as an addendum to the report.

The PRESIDENT *pro tempore*. The Senator from Oregon, from the Committee on Public Lands, reports certain papers the nature of which he has described, which he asks may be printed in connection with the report heretofore made on the bill the title of which he has named. If there be no objection the papers will be received as part of the report and printed in connection with it. The Chair hears no objection.

A MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.;

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas; and

Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

BILLS INTRODUCED.

Mr. COKE introduced a bill (S. 2618) to authorize the readjustment of compensation of postmasters at certain fourth-class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VAN WYCK introduced a bill (S. 2619) granting a pension to Martha Hughes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2620) granting a pension to Thomas H. Boaz; which was read twice by its title, and referred to the Committee on Pensions.

HARBOR DEFENSES.

Mr. SEWELL. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of War be directed to inform the Senate whether any plans or preparations have been matured by the Engineer Corps of the Army or in the War Department for defending, by torpedoes or otherwise, in case of sudden war with any foreign power, the harbors on our seacoast and lakes; and if torpedo stations have been established, or are contemplated for such defense of harbors, then whether any armament has been provided or planned for the protection of such torpedo stations.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MORGAN. I think the resolution had better go to the Committee on Military Affairs. The Government of the United States may have very good reasons why it does not wish to disclose the full state of preparation for the defense of the country.

The PRESIDENT *pro tempore*. The resolution is not open to debate. It is not yet before the Senate.

Mr. MORGAN. My motion is to refer the resolution.

The PRESIDENT *pro tempore*. The resolution is not yet before the Senate.

Mr. MORGAN. I beg pardon. I shall make the motion at the proper time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Michigan will proceed.

Mr. CONGER. If there were any such plans in regard to particular harbors, any details of the designs of the Department with regard to those harbors, it would be publishing to the world what perhaps ought not to be known. As I see there is no discretion left to the Secretary of War whether the information is to be communicated if in accordance with the public interests, I think the resolution had better be referred.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection the Senator from New Jersey will proceed.

Mr. SEWELL. I have no doubt as to the propriety of this matter, but I have no objection to a reference of the resolution to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is there objection to the resolution being considered this day and referred to the Committee on Military Affairs? The Chair hears none, and it is so referred.

HOUR OF DAILY MEETING.

Mr. SHERMAN. I offer the following resolution and ask for its immediate consideration:

Resolved, That on and after Monday, February 9, the hour of meeting of the Senate shall be 11 o'clock a. m., unless otherwise ordered, and the morning hour shall expire at 1 o'clock.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I think the resolution had better lie over.

The PRESIDENT *pro tempore*. The resolution will lie over on objection.

Mr. SHERMAN. I shall call it up to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2168) for the relief of the executrix of Ayres P. Merrill.

The message also announced that the House had passed the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7469) for the relief of Wehrle, Werk & Son; and

A bill (H. R. 3236) for the relief of Ernest H. Wardwell.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications; and it was thereupon signed by the President *pro tempore*.

RULE AS TO AMENDMENTS TO APPROPRIATION BILLS.

Mr. INGALLS. Pursuant to the notice I gave yesterday, I move to amend the third paragraph of Rule XVI by striking out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any," and inserting before "amendment," in line 2 of said clause, the word "no." In line 3 strike out the word "the" before "bill" and insert "any general appropriation;" and insert after the word "bill" the word "shall;" so that when amended the clause would read:

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received, &c.

The PRESIDENT *pro tempore*. Pursuant to the notice given yesterday, the Senator from Kansas now moves to amend Rule XVI. The proposed amendment will be read.

Mr. HARRIS. I desire to ask the Senator from Kansas if he has put his motion in the form of a resolution.

The PRESIDENT *pro tempore*. It is a motion made by the Senator from Kansas pursuant to notice. The motion will be read, after which the Chair will ask for objection to its present consideration.

The CHIEF CLERK. In the third paragraph of Rule XVI strike out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any"——

Mr. INGALLS. No; that is wrong.

The PRESIDENT *pro tempore*. The Chief Clerk is reading the official print.

Mr. INGALLS. He is reading the rule as proposed to be amended.

The PRESIDENT *pro tempore*. The Chief Clerk is reading precisely the notice given yesterday by the Senator from Kansas.

Mr. INGALLS. I understood that the Senator from Tennessee [Mr. HARRIS] called for the reading of the rule as it would be when amended. I was mistaken.

Mr. HARRIS. I simply inquired if the Senator from Kansas had put in writing the motion he makes, a copy of which I now have in my hand. I intended to suggest to the Senator that he allow his motion to be referred to the Committee on Rules, so that we may have a meeting as early as the Senator may choose and consider it there.

The PRESIDENT *pro tempore*. The Chief Clerk will now read the proposed amendment.

The CHIEF CLERK. Amend the third paragraph of Rule XVI as follows:

Strike out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any," and insert before "amendment," in line 2 of said clause, the word "no." In line 3 strike out the word "the" before "bill," and insert "any general appropriation;" and insert after the word "bill" the word "shall;" so that when amended the clause would read:

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received, &c.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the motion?

Mr. HARRIS. I suggest to the Senator from Kansas——

The PRESIDENT *pro tempore*. The subject is not open to debate, as the motion is not yet before the Senate for consideration.

Mr. HARRIS. I have no objection to its consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the motion of the Senator from Kansas? The Chair hears none. It is before the Senate, and the question is on agreeing to it.

Mr. SHERMAN. I do not care now to do it, but I desire to make the motion which the Senator from Tennessee indicated, that the question be referred to the Committee on Rules. That, I think, is the proper course, because it is very difficult to discuss a question of this kind unless the appropriate committee have first considered and reported upon it. I have no doubt it would be promptly reported. I do

not desire to delay the question at all, but I think the motion had better be referred to the Committee on Rules, of which I believe the Senator from Kansas himself is a member.

Mr. HALE. Could it not be reported to-morrow morning probably?

Mr. SHERMAN. I think very likely. The Senator's colleague [Mr. FRYE] is the chairman of the committee.

Mr. FRYE. The Senate will remember that this matter has been discussed heretofore by the Committee on Rules, on a revision of the rules, and that the decision was unanimous against it.

Mr. SHERMAN. I know, but at the same time, during the present session, under the peculiar circumstances which surround us, it might be that a temporary rule could be agreed upon. I hope it may not become a permanent one. It is a question which might very well be considered by the Committee on Rules.

Mr. FRYE. If we once open this door we shall keep it open, I fear.

Mr. SHERMAN. I shall submit a motion to refer.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the motion be committed to the Committee on Rules. The question is on agreeing to the motion to refer.

Mr. HALE. The Senate finds itself confronted this year with more instances on appropriation bills sent from the other House to this body of legislation than perhaps ever before. There are bills now pending before the Senate which have been reported from the Committee on Appropriations containing very marked features of legislation—bills which must be considered by the Senate at a very early day. The pension appropriation bill among others contains legislation curing defective and what the House evidently believes, and what I believe, to be improper legislation of last year. The Senate will be met squarely with the question upon that bill to-day or to-morrow whether because of blind adherence to the present rule of the Senate it will take action against legislation which in itself is proper, is remedial, and is needed. I should hope that in view of the present condition, the stress of weather under which the Senate is acting——.

Mr. BECK. Will the Senator from Maine allow me to interrupt him?

Mr. HALE. Let me finish this sentence, and then I shall yield.

Mr. BECK. I was about to say——

The PRESIDENT *pro tempore*. The Senator from Maine declines to yield.

Mr. HALE. I yield to the Senator from Kentucky.

Mr. BECK. It was just in the line of the very sentence the Senator is uttering that I desired to say that even if we do adhere to our rule, that does not get clear of it, because the House will come into conference and demand it there. We do not get clear of it by adhering to the rule. That is the trouble. I beg the Senator's pardon for the interruption.

Mr. HALE. I was going to say that I hope, if the motion is sent to the Committee on Rules, it will have a meeting to-day or to-morrow morning and in view of the exigency will relax the stringency of the present rule of the Senate, because if we insist upon the rule and vote out all the House propositions, vote out legislation that in itself nine out of ten of the members of this body would vote for, we do not thereby, as the Senator from Kentucky says, get rid of it. The whole thing is thrown into conference, and it may well be found that the attitude of the other House is that upon proper legislation it will insist upon its amendments even if the bill be lost. Then the Senate will be found meeting the question squarely whether it will, because of this rule, utterly defy the House and declare that upon appropriation bills no sort of legislation shall be put, however wise and just. I for one upon such matters do not believe that the Senate can stand—I do not believe it will stand—when confronted with such a question as that.

Therefore, I hope if the motion goes to the Committee on Rules that it will have prompt consideration and that the rule will be relaxed.

Mr. BECK. I rise to apologize to the Senator from Maine for interrupting him in the midst of his remarks. I was thinking of the same thing and feared that he would leave out the most difficult part of the trouble, and I very improperly interrupted him before he finished his sentence.

Mr. HALE. Not at all.

Mr. BECK. But that is the trouble. We shall have before us the pension appropriation bill, which I understand will be called up to-day, or to-morrow at the furthest. Legislation has been placed on that bill by the House which we have *pro forma* stricken out in the Committee on Appropriations in obedience to the wishes of the Senate, but which the Committee on Appropriations knows it can not keep out, and which we do not believe it ought to keep out, unless the rules compel us to do so. Further, we do not believe the Senate will consent to have that legislation stricken out; and if the Senate does consent to strike it out the House will never yield. So something ought to be done, such as the Senator from Kansas suggests, to get us out of this dilemma, which is only the first perhaps of twenty or thirty more which we shall have before us in the next twenty days.

Mr. BAYARD. Mr. President, I do not concur with the proposition to allow the ingrafting of general legislation upon appropriation bills, and so far from desiring to see the Senate rule amended in order to permit the extension of that mode of legislation, I earnestly hope the Committee on Rules will feel themselves authorized to confer with members of the corresponding committee in the other House for the purpose of seeing whether a joint rule can not be adopted to exclude general legislation from appropriation bills.

I do not propose to repeat the reasons against ingrafting general legislation on appropriation bills, because they are very obvious. I only understand now that the House permits it, and the Senate does not, and that between the two there is an inequality of influence. The other House may submit to us appropriation bills stuffed full with general provisions and new provisions of law, whereas under our rules we can not do it. Rather than see the extension of what I think is an evil principle in legislation upon appropriation bills, I hope that the committee representing the Senate may be able to induce the House to so modify their rules that appropriation bills will not be capable of becoming the vehicles of general legislation under a joint rule of the two bodies.

Mr. FRYE. In reply to the Senator from Delaware I desire to say a word. I said that this subject had been considered by the Committee on Rules, and a proposition like this determined against when the rules were revised—determined against with instructions to send to the House a joint rule such as the Senator from Delaware suggests. That joint rule was passed through the Senate and sent to the House, and the chairman of the Committee on Rules believed himself to be instructed to do everything in his power to get the assent of the House or of the Committee on Rules of the House to that proposition. He did so. No assent has been obtained, and I desire to say to the Senator from Delaware that I do not believe it is within the range of possibility that any assent to such a rule can be obtained. The truth is that under the present rules of the House legislation is almost an impossibility unless it is had upon an appropriation bill; and so long as that condition exists they will not give up their rule, which allows them to legislate on a general appropriation bill, and I do not believe it is any use to undertake in any way to obtain a provision on the part of the House such as has been desired heretofore by the Senate, and has prevailed in the Senate. I think they will not give up the privilege which they now enjoy under their rules.

Mr. BAYARD. It is a very melancholy condition of things for the House of Representatives that they should have adopted such a set of rules that they become rather obstructive, instead of assistants to the transaction of business; and it scarcely seems to be the part of wisdom that we should cripple our own system of business which has proved itself to be convenient, and which in all reason is just and proper, simply because the House of Representatives tie their hands so that they can not legislate in a wise and rational manner.

Mr. INGALLS. Mr. President, being a member of the Committee on Rules, perhaps I ought not to object to a reference of this resolution for the purpose of enabling them to consult thereon; but I think I do not go beyond a correct statement of this matter when I say that every member of the Senate is competent and ready at this time to act upon this question, that Senators do not need any instruction from the Committee on Rules upon the subject.

I concur heartily with the Senator from Delaware as to the vice of general legislation upon general appropriation bills; but we are confronted to-day with a very grave dilemma. We are in a predicament. We have gone into a *cul de sac* so far as legislation is concerned, and there is nothing for us to do but to turn around and come out again.

Mr. President, so far as the attitude of this question is concerned there can be but one view. The Senator from Maine [Mr. HALE] has stated one proposition. The pension appropriation bill is on the table of the Senate, ready to be taken up at this present time. It appropriates $60,000,000. Appended to that is certain legislation, much of which is wise and just, some of which is of questionable propriety. Under the rules of the Senate we are forbidden either to amend that or to discuss it; and the Committee on Appropriations, the Senator from Maine informs me, has, in accordance with the rules of the Senate, so reported, and that legislation is absolutely stricken out by the action of that committee, and so stands upon the House bill to-day.

It is in the power of any single member of this body, by objecting to any legislation, to obtain the ruling of the presiding officer that it is not in order under the rules, and therefore must go out. We are deprived of the opportunity of amending the legislation that comes to us from the House of Representatives. Now, I say frankly that there is some of the legislation on the pension appropriation bill that I can not afford to resist. The Senate of the United States can not afford to resist it. It is matter that is material to the interest of this Government and to the welfare of pensioners and pension claimants.

Mr. HALE. Will the Senator allow me to interrupt him?

Mr. INGALLS. With pleasure.

Mr. HALE. And is also entirely germane to the subject-matter of the appropriation bill and the laws and rules under which the Pension Department runs, as affecting hundreds of thousands of pensioners. It has all that merit.

Mr. INGALLS. The Senator from Maine intensifies the argument that I was making on this subject. With this first clause of the rule stricken out, this legislation it would be competent for the Senate to consider.

I hope, therefore, that, inasmuch as it has become apparent that gen-

eral legislation, however vicious, however undesirable it may be, can not be excluded from general appropriation bills without either a joint rule or the mutual agreement of the two Houses, we shall accept the situation and put ourselves in a position where we shall be at liberty to amend legislation that comes here from the House, to propose legislation if we see fit, and not leave ourselves in this predicament of finally being compelled to accept legislation from the House of Representatives by the report of a committee of conference, without any opportunity either for discussion or for amendment.

As I said at the outset, I do not feel at liberty to oppose the reference of this subject to the Committee on Rules, but I hope the Senate will not refer it. It is a matter that has been discussed here, so that every Senator is fully advised upon the subject. Every one knows the evil we desire to cure, and we are just exactly as able to act intelligently upon the subject now as we shall be after the Committee on Rules have reported either in favor of or against it.

Mr. MAXEY. I should like to ask the Senator from Kansas, who is very much more familiar with the rules than I am, if this is not the result of the sixteenth rule, that where a measure in the nature of legislation comes from the House on an appropriation bill which we think in the right direction but defective, then we can not amend that defect here under our rules. Is not that the fact?

Mr. INGALLS. That is very true; we are deprived not only of the opportunity of presenting legislation ourselves to an appropriation bill, but we are forbidden to amend that which comes from the House of Representatives.

Mr. MAXEY. That was the point I was desiring to suggest.

Mr. INGALLS. And the practical result is, as the statutes of Congress will show for the past ten years, that notwithstanding the existence of this provision in the Senate rules, there is hardly one of your appropriation bills that does not contain general legislation that has been placed there by conference committees, to which the Senate has been ultimately compelled by the exigencies of the situation to agree.

Mr. HARRISON. Mr. President, I have thought that the reference of this matter to the Committee on Rules might result in introducing some plan of this sort. I think one great objection to the consideration of general legislation in connection with appropriation bills is that the Committee on Appropriations are often called upon to deal with entirely unfamiliar subjects. These bills come late in the session, and the investigation and labor required in looking into the items of appropriation pure and simple are sufficient to occupy the time of the Appropriations Committee. By legislative provisions in the bills they are frequently called upon to consider some general legislation affecting the Army, possibly without any representative of the Military Committee upon the Committee on Appropriations. There is no provision under the rule by which they can take the opinion of the Committee on Military Affairs as to that legislation. Now if we are to so modify our rules that general legislation coming from the House of Representatives may be considered and amended and that new general legislation germane to the bill as matters affecting the Army to the military bill and the Navy to the naval bill, we ought so to arrange our rules that those propositions should be submitted to the judgment of the appropriate committee to which the matter would go if it was introduced independently here in the Senate, so that the Appropriations Committee should have the judgment of the appropriate committee upon these matters of general legislation. It seems to me that if this measure goes to the Committee on Rules they may so amend the rules as that that result would be secured. It would undoubtedly aid the Committee on Appropriations. I have no contest with them; I do not desire in the smallest degree to depreciate them or their efforts; they are as able as any other Senators of the same number to deal with all these questions; but toward the close of a session it is an overworked committee, and unless propositions looking to general legislation can have the consideration of the appropriate committees that deal with the subjects about which legislation is to be had, we shall get careless legislation.

Therefore I think the rule ought to be so framed as that the Committee on Appropriations should be required to take the advice or submit to the judgment—not perhaps to be conclusive—but at least that they may have the benefit of the views of the particular committee having general charge of the subject and that the views of that committee might accompany their report of the appropriation bill to the Senate. If we are to open the door to this legislation—and it seems to me we must do so, for I have no hope at all that the House will ever be induced to adopt a joint rule by which they surrender the right to put general legislation on an appropriation bill—it should be in this way. It is absurd that the one body should be free in this direction and the other should be absolutely tied up by its rules. If we can not come to the common ground of excluding it altogether, then there is nothing to do but to accept the situation upon this subject. But when that is done I should hope the rule might be so framed that legislation would go to the committee that is familiar with the particular subject upon which legislation is asked.

Mr. SHERMAN. Mr. President, this is an old and controverted subject. I think if there is to be a remedy applied it must be a radical remedy. I am perfectly willing, in view of the present condition of the business of the Senate, to vote for a provision modifying the sixteenth rule so as to allow any legislative amendments germane or relevant in their character to be offered to appropriation bills during the present session; but I want it distinctly understood that if the House are to adopt a rule that will force us to consider general legislation on appropriation bills, then I am in favor at the next session of Congress of reversing the whole theory of our rules and referring every general appropriation bill to the appropriate committee having charge of the subject to which the bill relates. There is no other way.

I have had long experience on the subject. At one time as a member of the House of Representatives, when chairman of the Committee of Ways and Means, I entered into a contest with the Senate on the subject. The result then was that the Senate and House agreed upon a series of joint rules by which the business was conducted. Those joint rules now have ceased to exist and are of no force. But it is absolutely certain that if the House sends legislation on appropriation bills of the most important character affecting every branch of the public service, unless we want to resolve ourselves into a committee of one upon all subjects of legislation, and to have a single committee to deal with all these multiplied questions, we must send the appropriation bills to their appropriate committees. In that event the appropriation bill for the support of the Army should go to the Military Committee, for the Navy to the Naval Committee, for the Patent Office to the Patent Committee, for pensions to the Pension Committee, and so of all the different branches of the public service because these committees are informed upon these various branches.

At the present session I believe it is now absolutely necessary to relax the rigor of the sixteenth rule in order to deal with these questions. I know one thing: Rule or no rule, I will vote for some of the legislative provisions proposed by the House of Representatives, but they are legislative provisions to correct legislation upon appropriation bills by committees of conference, or by the action of one or the other House without full consideration.

My tendency is to adopt the general change demanded by the House of Representatives so that each bill may stand upon its own bottom. Meantime I think it is necessary to consider this subject in committee, because it is necessary for us to provide some modification of the rules for the present session. I believe that can be done better by five or six gentlemen sitting around a committee table than in the Senate Chamber; but if it should not be deemed necessary to refer it, I shall offer as a substitute for the proposition of the Senator from Kansas, which he will probably agree to, that for the present session the sixteenth rule be so modified that amendments proposing general legislation germane and relevant to the subject-matter contained in any general appropriation bill may be received, confining it to the present session.

Mr. INGALLS. That is entirely satisfactory to me.

Mr. HARRISON. May I ask the Senator from Ohio whether it would not be better that general legislation proposed here should have the sanction of some committee, rather than to open the entire subject?

Mr. SHERMAN. The rule already requires that no amendment of any kind to an appropriation bill enlarging the scope of it can be offered except by direction of a committee of the body. That is already in the rules.

Mr. FRYE. I wish to call the attention of the Senate to this rule. I understand the position of the Senate heretofore to have been that there shall be no general legislation on an appropriation bill. The House rule is that any amendment germane and relevant and decreasing the expenditures shall be received. The Senate has been opposed to even that proposition, limited in that way that it shall decrease expenditures; but yet the Senator from Kansas proposes to pass an amendment which shall make in order any amendment germane and relevant, whether it decreases or increases expenditures. In other words, the Senator from Kansas proposes that the Senate shall go beyond the House notwithstanding the complaint which has been made of the House.

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received.

Mr. INGALLS. Read the rest of the rule. Do not stop there.

Mr. FRYE. Mr. President——

Mr. HARRIS. I desire to ask the Senator from Maine if he will yield to me?

Mr. FRYE. I do.

Mr. HARRIS. I ask if he can conceive of any subject-matter of legislation that would not be germane and relevant to some one or other of the appropriation bills that we annually pass; and if that be true, had we not quite as well or even better abolish our rule altogether than make the modification that is proposed? I am opposed to the modification, and I am opposed to abolishing the rule.

Mr. PLATT. Mr. President, whether this proposition shall be referred to the Committee on Rules or not is a matter of indifference to me. I am opposed to the proposition, whether we are to act upon it now or, with my present light, whether it comes here by the report of the Committee on Rules; and I am opposed to the modification of this rule for the present session even. There is a familiar quotation that it is better to

> Bear those ills we have
> Than fly to others that we know not of.

And while it is true that we are in a predicament, we are proposing

in order to escape that predicament not exactly to fly to evils that we know not of, but to evils that we are perfectly acquainted with.

This rule has been adopted by the Senate and adhered to for a long period of years, because it was the deliberate conviction of the Senate that legislation upon appropriation bills was fraught with great danger, and the danger is just as great at this session and will be just as great at a succeeding session as it ever has been.

Mr. INGALLS. Will the Senator allow me to inquire right there if our adhesion to the rule has prevented general legislation on appropriation bills?

Mr. PLATT. To a certain extent it has, but not entirely. But for one I prefer as a Senator to stand in the attitude of rejecting all general legislation upon appropriation bills and placing the responsibility for such legislation where it belongs, rather than to open the doors to what it seems to me will be a very bad and very dangerous practice.

Mr. PLUMB. Mr. President, I want to suggest an amendment which I presume is not in order, but I submit it to enable me to present my views to the Senate on this question.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that there be read an amendment intended to be proposed by him to the resolution. It will be read for information, if there be no objection.

The Secretary read the proposed amendment, as follows:

Nor shall any amendment which proposes general legislation be put on any appropriation bill unless proposed by the proper standing committee of the Senate, nor except on a vote of two-thirds of the Senators voting, said vote to be taken by yeas and nays.

Mr. PLUMB. I think it would be unwise to break down this rule entirely even for this session. It is just as competent for the Senate to meet this emergency now as it will be next year. It has grown to the proportions of a very great evil. But we are still confronted with one fact, and that is that the House will make its own rules and that they are just as competent and just as much authorized to pass upon the question of public policy involved as the Senate, and it ought to be understood as a matter due not only to the Senate but to the House also that indirectly we can accomplish nothing. The fair, the frank, the manly way to arrive at a conclusion on this subject which shall be mutually profitable and just is to propose to the House what we think ought to be the common rule of both Houses; but it is not fair for the Senate to insist that the Appropriations Committee, nor is it fair that the Appropriations Committee shall itself by indirection seek to coerce the House. We shall in that way neither gain in our own temper nor in that of the House, nor shall we gain in anything which concerns the public good or welfare. If we believe that here is a practice which has grown up which ought not to be, which is subversive of the good of legislation, we ought to say so to the House frankly and ask them to confer with us on that subject in order that a common conclusion may be arrived at which shall meet the case. As it is now we stand in the attitude when our virtue is at high-water mark of rejecting all legislation on appropriation bills and thereby seeking to do by indirection what we lack the courage apparently to do by direction, and then one extreme following the other, as it always does, we yield entirely and take everything that the other House sends, with or without amendment, according as the temper is at the time.

We are nearly at the close of a session. We are confronted by a very serious problem on the pension appropriation bill now on the Senate table. Numbers of Senators feel about this matter as my colleague has expressed himself—that is to say, that there are provisions on that bill which he himself is not willing to take the responsibility as a legislator here of rejecting *in toto*; and that results in the position in which the House may put itself; its members say "we are not willing to omit the opportunity which our rules afford us" of doing the very thing which my colleague says he is not willing to omit the opportunity to do himself, that opportunity being presented. That only illustrates the difficulties which attend the situation all the way through. There may be emergencies occurring at any time at the close of a session when the ability to put legislation upon an appropriation bill, the objection of one member to the contrary notwithstanding, may be of the most vital character. Instead, therefore, of tying our hands even at this late hour of the session, or opening the door too wide, we ought, I think, to do the conservative thing and reserve the right of the Senate under proper discrimination, and after discussion, and when the Senate is full—that is to say, when a quorum is present and voting—then only of doing what may be an emergent thing. Therefore I suggest if the proposed rule is to be voted upon now, that it should be amended so that only under two conditions will the Senate consent to even amend any legislation that may be sent here on appropriation bills by the House. One is that the amendment shall be reported by the proper standing committee of the Senate; and the second is that there shall be two-thirds of the Senators present forming a quorum voting for that upon the yeas and nays, thereby expressing in an affirmative manner their conviction of the necessity or the urgency of the proposed legislation.

That much at least I think is due to the dignity of men sitting to legislate for the country; that much is due to the position of the body as a conservative branch of the Government, and yet, while conservative, not willing to put itself in the attitude of being obstructive.

I speak of this question as a member of the Appropriations Committee, with the embarrassments which surround the case in that committee, and the feeling on the part of the committee that it is not our function originally to pass on these questions, and with the further feeling that the Senate itself ought not by indirect means to seek to ask the House to abandon its rule under which it is proceeding; and as there is now time for a conference with the House on the subject, and as something apparently ought to be done, though I am willing for one to strike out all legislation from these bills, yet as there is an apparent necessity for doing something in a certain direction in the way of legislation that can only be accomplished in this method, and as the House has tendered us some important propositions and will tender us more—because I have a bill on my table, the Post-Office appropriation bill, full of legislation, some of which is good undeniably, some of which is vicious undeniably; and therefore, as I said, we ought to be able to meet it, but while meeting it we ought not as a rule to throw down the bars entirely and open wide the door in such a way that there may be a carnival of unwise and ill-digested legislation put on appropriation bills in the expiring hours of the session when from the very necessity of the case, as we know by past experience, there will be sometimes not a quorum nor half a quorum in attendance on the deliberations of this body.

Mr. DAWES. Mr. President, the Senate misses on this occasion the orators who instructed and stimulated it to a valiant maintenance of its rules when the pension appropriation bill was brought in from the other branch. The difficulty and the defect in our rule was pointed out at that time, and the dilemma in which it placed the Senate was presented. Nevertheless we were told then that it was the duty of the Senate to maintain our rule to the letter, let the consequences be what they might; and we were told by Senators of great experience and ability and long service in this body that they would stand by this rule, let the consequence be an extra session of Congress if the Senate maintained what was framed in wisdom and was necessary for the maintenance of free, unbiased deliberation upon appropriation bills. We were told then that the only cowards in this body in respect to it were the Appropriations Committee, that they would come in and in the last moments would surrender to the other branch and take legislation on appropriation bills. It did not matter that Senators were reminded on that occasion of the urgency, when the last days of a session approached, the absolute necessity that the appropriation bills should be adopted, and that that necessity would, in spite of our then valor, carry through this body legislation just precisely as it was brought to us. I am amazed now that since the Appropriations Committee, stimulated in their duty as they were by that debate, have presented the question here, the self-same orators who taught us our duty so plainly and so clearly at that time as to make us surrender all doubt and misgiving on our own part, are now either silent or are the first to surrender our rule *in toto*.

It was supposed by those Senators, and they were right, that legislation in appropriation bills was an evil, an evil that ought to be remedied, not surrendered to. We are inviting it by this debate to-day. We are calling upon ourselves to consider in appropriation bills the legislation of the country, and you are imposing upon your Appropriations Committee, in the last days of the session, not only that which hitherto has been considered enough for them to do, to consider what are proper appropriations, but to take up also the duty of the Pensions Committee, the duty of the Committee on Indian Affairs, of the Committee on Military Affairs, of the Committee on Post-Offices and Post-Roads, and of the Committee on Naval Affairs, and more than all that, that most important of all committees, if I may make a comparison, the Judiciary Committee, all are by this debate surrendered to the Appropriations Committee, and they can not take up those matters till within three weeks of the end of the session.

There comes along in one bill private claims enough in a single appropriation bill to occupy the Committee on Claims half this session, and the committee having it in charge, the Appropriations Committee, who have supposed hitherto that it was quite enough for them to do to ascertain and recommend to the Senate what were proper appropriations, are called upon to examine into or take unexamined private claims enough in a single appropriation bill to occupy any committee, who would ascertain thoroughly the merits of those claims, the whole of the next three weeks.

Where is the determination of the Senate a few weeks ago to uphold the rule? Where are those who told us they would stand here in support of the rule till an extra session of Congress, if need be, were upon us? The rule, in my opinion, was a wise one as it was framed. If there is any defect in it at all it is in a misconstruction of the rule some time ago, which has since grown into a precedent which ought to be modified, much like the suggestion of the Senator from Kansas [Mr. INGALLS], though he will pardon me for saying that the quarter from which it comes is the one I least expected to see it from.

Mr. President, if you adopt the amendment suggested by the Senator from Ohio you impose at once upon the Appropriations Committee a duty they can not perform. To look to the appropriations proper, and nothing else, is more than they can properly do in the next eighteen days; but in those bills from the necessity of the exigencies in the other branch is all the legislation of the session in the other branch. I understand the difficulties of the case. I understand that one branch

has just the same power and the same right to determine its rules as the other, and that we have no more right to say what shall be the rules of the other branch than the other branch has a right to say what shall be our rules. The only way to meet the case is to find some possible common rule, and if it be a common rule like that which is suggested by the amendment of the Senator from Ohio to the proposition of the Senator from Kansas, then distribute the appropriation bills, discharge your Appropriations Committee from the consideration of the legislation in those bills, divide this work, or have it brought in here crude and unconsidered, and mature it here in the Senate Chamber in the last few days of the session.

Let us meet this question as it is, not undertake to meet the difficulty coming from the other branch by a counter difficulty here overwhelming them, running a race with them, competing with them to see which will get the most legislation in an appropriation bill. Legislation in an appropriation bill is an evil, an alarming evil, a dangerous evil, and it ought to be stopped in some way or other, not invited, not increased, not aggravated as we are proposing to do to-day.

Mr. HOAR. Mr. President, I think this amendment to the rules is one of the most dangerous propositions ever addressed to the Senate if its logic be acted upon in the future conduct of our relations with the other branch. I wish the Senate for a moment to consider to what this is to lead.

When the Constitution was adopted the power was given to the House of Representatives, as the great constitutional equivalent for the equality of the States in the Senate, to originate money bills. The House has insisted that the true interpretation of that constitutional provision authorizes the House exclusively to originate appropriation bills; and it was determined when that question arose, upon the declaration of Mr. Webster, that the House must from the necessity of the case be the final judge of the meaning and extent of that constitutional provision; so that practically I am correct in saying that the power was given to the House by the Constitution exclusively to originate appropriation bills.

I will not undertake to proceed.

The PRESIDENT *pro tempore*. Senators will please resume their seats. Business will be suspended until Senators take their seats and cease conversation [rapping with his gavel].

The Senator from Massachusetts will proceed.

Mr. HOAR. I do not care about proceeding.

Mr. ALLISON. Mr. President, I desire to say a word or two with reference to this general subject, which is not a new one, as the Senator from Ohio has said. I think any proposition looking to general legislation on appropriation bills is a dangerous one. In the nature of things the appropriation bills, whether at the long or the short session, are delayed until nearly the last moments of the session. At the session ending in July last the important appropriation bills did not reach the Committee on Appropriations of the Senate until in May and June. It is true they were full of legislation at that time. The committee, under the instructions of the Senate, eliminated from the bills all legislation. Afterwards, in the committees of conference, a portion of that legislation was yielded to in order to secure an agreement to the passage of the bills.

But what was dangerous then is more dangerous now, and is always especially so at a short session. If we are to open these bills to legislation, necessarily there will be legislation put upon them that is not well considered; and therefore, as a member of the Committee on Appropriations, I should be glad to see the Senate stand rigorously in favor of its present rule against all legislation on appropriation bills, and against consenting to legislation put on by the House of Representatives; but I know the Senator from Kansas will say in response that the end is legislation that the House insists upon, or a failure of the appropriation bills.

Mr. INGALLS. By the action of the committees of conference—and I say that without any invidious allusion at all—that is the practical operation, that without amendment or discussion the legislation proposed by the House of Representatives is agreed to finally by committees of conference.

Mr. ALLISON. More or less of that legislation is thus agreed to, and I admit that is vicious; but we are confronted always at the end with the fact that we must make some compromise on these bills or else the bills will fail.

Now, I hope this resolution of the Senator from Kansas to amend the rules will be referred to the Committee on Rules, and I hope he will consent to that, and that that committee, if they see proper to open this door at all, will open it in a way to permit the least possible legislation on appropriation bills. I would be glad myself to have it confined to amendments of legislation that we find on the bills when they come to us from the House. If that will not do, then all legislation proposed here on appropriation bills should be proposed by a standing committee of the Senate, because, in the nature of things, the Committee on Appropriations can not consider such legislation.

Take for illustration the legislation on the pension appropriation bill. It affects all the questions relating to pension attorneys and other matters of importance. The Committee on Appropriations, in the nature of things, can not examine these questions in the short time allowed them. Yet we were compelled on the pension appropriation bill at this session to examine in detail, so far as we could, all the legislation found upon the bill as it came from the House of Representatives. If the Senate will adhere to its rule that all legislation shall be struck from appropriation bills and insist upon that, then we can within a reasonable time, and possibly at this session, eliminate every matter of legislation from these bills; but if we yield to the House of Representatives and ourselves put on legislation, the effect will be that there will be a race, as the Senator from Massachusetts says, between the two Houses with reference to legislation, and then not only the legislation of the House will be found upon these bills, but counter legislation from the Senate, and committees of conference will in the end be compelled to decide great questions of legislation in conference that have not been considered in the House or that have not been considered in the Senate.

The question is not without difficulty. The Committee on Appropriations do not desire power to be given them with regard to legislation upon appropriation bills. I should be glad—and I think I express the sentiment of the committee when I say we prefer that there should be no legislation upon these bills at any time submitted to the Committee on Appropriations. We prefer that questions of legislation should go to the proper committees whose duty it is to consider the respective subjects.

Take the legislation that is proposed in the Post-Office appropriation bill for the next year that has not yet reached the Senate. It runs over the entire range of the Post-Office establishment; it involves the rates of postage; it involves the entire contract system; it involves grave questions of legislation that ought to be considered by the Post-Office Committee, by the Committee on the Judiciary, and by other committees of this body. Surely the Committee on Appropriations can not consider those questions, and I do not see how they can be referred, as the Senator from Ohio suggests, to their appropriate committees. Take the Post-Office appropriation bill for illustration, containing the legislation to which I have alluded. A part of it should go to the Committee on the Judiciary, a part of it to the Committee on Post-Offices and Post-Roads, and a part of it elsewhere perhaps. And so with every regular appropriation bill that comes before the Senate. Take the sundry civil bill as an illustration. A part of it should go to the Naval Committee, a part of it to the Committee on Military Affairs, a part of it to the Committee on Public Buildings and Grounds, a part of it to the Committee on Patents, and so on. The sundry civil bill would be referred to a dozen different committees of this body on that idea. So of the legislative, executive, and judicial appropriation bill. That is an impracticable thing. Therefore I shall be glad if the Senate will adhere as rigidly as it can adhere to the rule that there shall be no legislation upon appropriation bills, and let the Appropriations Committee be confined in its jurisdiction and authority to recommending the appropriations of public money as provided by law, and leave to every other committee of this body its proper jurisdiction to recommend the change of existing laws and such general legislation as it may think proper; and unless that is done legislation in this body will be hasty legislation.

The Senator from Ohio very truthfully says that we come in here with the reports of committees of conference and then hasty legislation is the consequence. That is true, and I will go with him in every instance where a conference committee or the Committee on Appropriations have made mistakes to correct those mistakes on the appropriation bills notwithstanding the rule; but my judgment is that we shall only increase the difficulty if we open this door to legislation in any way through the Senate of the United States. We shall only create an opportunity for more hasty legislation with reference to all the subjects that will come before the Senate on the appropriation bills, because there are a great many subjects of legislation that are germane to these bills and can properly be introduced here if the rule suggested by the Senator from Kansas is adopted as he now proposes it. I trust he will consent that this proposition of his and the other propositions suggested in connection with it may be referred to the Committee on Rules. If this door is to be opened at all let it be opened in the narrowest possible way. I will say to him that if he will consent to that I shall not call up the pension appropriation bill until the Committee on Rules shall have had an opportunity of acting upon this question.

Mr. HAWLEY. I agree very heartily with the Senator from Iowa. This is not a new question in these Halls; it is not a new question in the legislative bodies of the several States; it is not a new question in the British houses of Parliament. Six years ago we had a four months' extra session of Congress caused by differences between the two Houses arising substantially on this practice. To send us legislation upon appropriation bills is practically to nullify this body, practically to make it an absolute nullity in the business of the country. It is not a question of personal pride or preference on our part; it is our constitutional duty to stand by our rights in this matter. The appropriation bills are absolutely necessary to the existence of the Government. What discretion then is left us as legislators when the most important legislation is placed upon those bills? We are virtually told by the very presentation of it here from the other House that we must yield to their views in certain matters, whether they be our views or not; otherwise the Government is *pro hác vice*, as the lawyers would say, sacrificed.

I hope the Senate will stand by the old rule, and what I consider to

be not merely a preference or a convenience in business, but a constitutional right.

Allow me a moment more. Three-quarters of the States forbid this practice. I think nearly every one of the original constitutions adopted within fifteen years, and the amended constitutions adopted within that time, forbid this practice. Essentially it was forbidden in some of the original constitutions adopted one hundred years ago. If I recollect aright, the constitution of the State of Maryland from the beginning forbade it. In 1708 it was declared in the British Parliament that the practice was subversive of the constitution, and that put an end to it there, for there the house of commons alone can originate supply bills, and after a fierce controversy they came to the conclusion that the practice was, as it is here, subversive of the constitution.

There is only one true final settlement of this whole series of questions, and that is to put into the Constitution of the United States three propositions, in substance as they are now in the constitutions of several States, namely: First, that each bill shall refer to but one subject, and that shall be clearly indicated in the title; next, that there shall be no general legislation upon appropriation bills; and thirdly, that the President may veto any item upon an appropriation bill, approving the remainder. These three amendments to the Constitution of the United States will settle a question that is dangerous to the present purposes and organization of the Government.

Mr. COCKRELL. Mr. President, this is a practical and not a theoretical question. Theoretically, legislation on appropriation bills is vicious. I think there can be no question of that. But Congress is composed of two Houses; each House is coequal with the other, each House makes its own rules and regulations. The House of Representatives has certain rules. Under them it can place legislation upon appropriation bills. The Senate has a rule, its own rule, a legal rule, which prohibits the Senate from either amending that legislation or ingrafting any new legislation upon an appropriation bill. Then we are left in the condition under our rule of being utterly helpless and powerless to do anything in regard to the proposed legislation of the House except to strike it out. The House non-concurs in the amendment of the Senate striking out the legislation. It is forced into a conference committee. Then the question is, what will the Senate do? There has never yet been a time since I have been here, so far as I know, when the Senate would have stood upon that proposition, and forced an extra session of Congress or the continuance indefinitely of the session then near its close. There is the practical question.

The very necessity for legislation upon the pension appropriation bill now pending lying upon the table of the Senate grows out of the fact that we at the last session struck out the House legislation, refused to amend or have anything to do with it, and then when the bill went into conference legislation slipped in which a great many Senators did not understand.

Mr. HALE. And which had not been considered by either House.

Mr. COCKRELL. And which had not, as the Senator from Maine says, been considered by the Senate or the House, and was a surprise to a large number of people. I do not know whether it is true or not, but some paper published in this city has stated that a distinguished attorney of this city got $2,500 for his services as attorney in procuring that amendment, and another distinguished attorney got a thousand dollars for his services as attorney in securing the passage of that legislation. Testimony to that effect is said to have been taken before a committee of the other branch of Congress, the attorney himself, who was interested in the legislation, having stated that he made these payments.

Mr. LAPHAM. He stated further that both of those sums were made contingent upon the success of the legislation.

Mr. COCKRELL. Both made contingent, as the Senator from New York says, upon securing the kind of legislation that was desired, and it having been secured the money was paid.

Now, Mr. President, it is a practical question, what shall we do? Shall we continue to tie our hands and remain supinely upon our backs, do nothing, strike out all legislation, and then leave a conference committee to modify it, and finally have such legislation enacted as neither the Senate nor the House knows anything about?

Mr. HAWLEY. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. HAWLEY. If this legislation, obtained in the manner he has said, is so exceedingly vicious, if there be such a desire to repeal it, why would not a bill repealing it pass the Senate in half an hour, and why should not the House unanimously consent to the passage of such a bill?

Mr. COCKRELL. The bill, I understand, is already reported and has been for some time from the Committee on Pensions, and is now on the Senate Calendar.

Mr. HAWLEY. There is no doubt that the Senate would pass it, I suppose.

Mr. COCKRELL. No doubt about that. Why has it not been done?

Mr. HAWLEY. I am not on that committee. I do not know.

Mr. COCKRELL. I am not on that committee, nor am I of the majority of the Senate that controls and regulates the business of the Senate. The Senator is.

Mr. ALLISON. Will the Senator allow me?

Mr. COCKRELL. I yield with pleasure.

Mr. ALLISON. The Senator from Missouri will remember that a bill was introduced here some time ago on that very subject, and has been reported favorably by the Committee on Pensions, and is in the hands of the Senator from Tennessee [Mr. JACKSON] to report.

Mr. COCKRELL. I understand that it is already reported, and is upon the Calendar.

Mr. ALLISON. Very well.

Mr. COCKRELL. And subject to the disposition of the Senate. I am not saying that anybody is specially to blame, but the Senator rather intimated by his question that some of us ought to have had that legislation passed.

Mr. ALLISON. No.

Mr. COCKRELL. I was simply, gently, and kindly informing him of a fact that he was well aware of.

Mr. ALLISON. I know how "child-like and bland" the Senator from Missouri is, but I do not think where a non-partisan matter is in the hands of a committee of this body and its conduct is committed to a member of the body, that it is quite fair to charge that upon the party majority.

Mr. COCKRELL. There is no dereliction about it. There are hundreds of other as important bills on the Calendar of the Senate, reported by Democrats and Republicans, that have not yet been considered.

Mr. President, what shall we do? It is a practical question.

Mr. FRYE. I should like to inquire of the Senator whether or not it was also a joke that a majority of the Senate were of an opposite party to him, and that they, therefore, were responsible for the legislation when the Senate sent some two hundred bills over to the House, and under the rules of the House they went to the Speaker's table, and there was no going to the Speaker's table by the House for over five months' time and no reference of a single bill which was sent by the Senate——

The PRESIDENT *pro tempore*. The Senator from Maine is not in order in referring to what the House of Representatives has or has not done within its own Hall.

Mr. COCKRELL. Mr. President, the people elect their Representatives and their Representatives are responsible to the people, and I shall not arraign them here. Let them answer to their constituents, their masters.

Mr. DAWES. I want to remind the Senator what the Senator from Maine was cut off from reminding him of, that the very legislation he is alluding to has received the sanction of a body containing three hundred and twenty-five members, four to one, already.

Mr. COCKRELL. That is not the question that we are now discussing. It is, what shall we do in regard to legislation upon appropriation bills? It seems to me perfectly plain that there is but one plan that will secure success, and that is for the Senate to direct its Committee on Rules or appoint a select committee to confer with the House, and, if possible, agree upon a joint rule in regard to these matters. We had joint rules for a long time; they have been set aside; we have no joint rules now. There has been no determined effort either on the part of the House or on the part of the Senate to have joint rules adopted, so far as I know.

Mr. FRYE. Will the Senator pardon me?

Mr. COCKRELL. Certainly.

Mr. FRYE. This Senate sent a whole code of joint rules to the House of Representatives immediately on reporting the revision of the rules, and with the same report, and they have been in the House of Representatives now for a year and a half.

Mr. COCKRELL. Still I think that action ought to be taken in regard to that. If we are to take a stand that means anything we ought to make our position impregnable, and that is by having another conference on that question; and then if we can not agree upon joint rules with the House, we ought to do one of two things as sensible, practical business men: we ought either to adopt a rule which will permit us to amend the legislation of the House in matters germane to that legislation, or we ought to say that we will strike it out and never will agree to any appropriation bill with legislation upon it, and then let session after session be continued if necessary in our refusal. There are only two practical courses that I see. I for one in our present emergency am in favor of the Senate exercising the power to amend the legislation of the House in a manner germane to that legislation. I think it is the only practicable, sensible plan for us to pursue now.

Mr. JACKSON. I ask consent of the Senate at this time to call up Senate bill 2511.

Mr. INGALLS. I ask the Senator to yield one moment while I may have final disposition made of the subject before the Senate.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; pending which the Senator from Tennessee [Mr. JACKSON] asks unanimous consent that the Senate now consider Order of Business 984, being the bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. INGALLS. I ask the Senator from Tennessee to yield to me for a motion to dispose of the subject pending when 2 o'clock arrived.

Mr. JACKSON. Certainly.

The PRESIDENT *pro tempore*. The Senator from Kansas is entitled to the floor.

Mr. INGALLS. I wish to make a single observation only.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Kansas proceeding on the motion offered by him? The Chair hears none.

Mr. INGALLS. I wish to make a single observation about a remark which fell from the Senator from Missouri [Mr. COCKRELL], which appeared to me to show the necessity of some action in the direction indicated by my resolution. He states that the pending legislation in the bill making appropriations for the payment of pensions is due to the fact that certain vicious and pernicious legislation was introduced into the pension appropriation bill passed last year. He states that the legislation was not considered in either House. It must, therefore, have been admitted to the appropriation bill by the action of the conferees of the two Houses, and the Senator says that for the purpose of procuring that legislation one eminent attorney was paid $2,500 and one other attorney less eminent was paid $1,000. What inference is to be drawn from that of course I am not able to say; but it shows the importance of having some discussion upon matters of this magnitude in one House of Congress or the other.

As there have been several propositions looking toward the amendment or modification of this rule, and, in the expectation that the Committee on Rules will be able to report before the pension appropriation bill is called up by the chairman of the Committee on Appropriations, I will suggest that this subject be referred to the Committee on Rules—that that resolution and all the amendments be referred to the Committee on Rules.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. CALL. I think this matter had better go over until to-morrow. ["No!" "No!"]

The PRESIDENT *pro tempore*. Does the Senator from Florida object?

Mr. ALLISON. I hope the Senator from Florida will not object.

Mr. CALL. I will not object, but I desire to say something on the subject.

Mr. ALLISON. That can be done when the Committee on Rules reports.

The PRESIDENT *pro tempore*. Is there objection to this motion with all the suggested amendments being referred to the Committee on Rules? The Chair hears none, and the reference is ordered. The Chair now recognizes the Senator from Tennessee.

Mr. JACKSON. Mr. President——

Mr. COCKRELL. Will the Senator from Tennessee yield a minute until I can make a correction?

Mr. JACKSON. Certainly.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Missouri to ask a question.

Mr. COCKRELL. I wanted to ask a question of the Senator from Kansas, why he made the statement that I had said so and so in regard to the payment of money? I know he did not intend to leave that impression, but he said that I stated that money had been used. I stated that it was reported and published in the papers of the city, purporting to have been testimony taken before a committee of the House, that a certain party had paid $2,500 to a distinguished attorney and a thousand dollars to another distinguished attorney—I did not make any distinction between their eminence, because they are both very distinguished gentlemen. In doing that I simply stated what I saw in the papers without any intention of reflecting at all upon the conference members of either the Senate or House.

Mr. INGALLS. Certainly, I did not understand the Senator to reflect on them.

Mr. COCKRELL. Because I do not think that there was any ill purpose whatever on the part of the conference committees of either the Senate or House. I think they did just exactly what they thought was best, and they were justifiable in doing it under the advice and recommendations which they had at the time.

FEES IN PENSION CASES.

Mr. JACKSON. I renew the motion to suspend the pending order and take up Senate bill No. 2511.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate now proceed to the consideration of Order of Business 984, being the bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. MORRILL. I take it——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I wish to ask a question of the Chair—whether that will supersede the regular unfinished business?

The PRESIDENT *pro tempore*. It will if it is agreed to.

Mr. MORRILL. Then I hope——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I hope it will not be acceded to.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Tennessee. [Putting the question.] The ayes appear to have it.

Mr. MORRILL called for the yeas and nays, and they were ordered.

Mr. CAMERON, of Wisconsin. Can we not get out of this difficulty?

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CAMERON, of Wisconsin. I ask unanimous consent——

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. CAMERON, of Wisconsin. I was going to inquire if we could not get out of this difficulty by agreeing unanimously that the silver bill may be informally laid aside.

Mr. MORRILL. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair would state that always under such circumstances a presiding officer would recognize the gentleman in charge of the unfinished business to move it again.

Mr. CAMERON, of Wisconsin. As soon as this is disposed of, undoubtedly the silver bill will come up.

Mr. MORRILL. Under those circumstances I withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the vote ordering the yeas and nays be reconsidered and the call withdrawn. Is there objection? The Chair hears none.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I wish to object, if I can, to the withdrawal of the call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New Hampshire objects to the call for the yeas and nays being withdrawn. The question is on agreeing to the motion of the Senator from Vermont to reconsider the vote of the Senate ordering the yeas and nays.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Vermont now withdraws the call for the yeas and nays. The question is on agreeing to the motion of the Senator from Tennessee [Mr. JACKSON].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2511) relating to claim agents and attorneys in pension cases.

WOMAN SUFFRAGE.

Mr. PALMER. In pursuance to the notice I gave on Wednesday, I ask of the Senate unanimous consent to take up Order of Business 436, being the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States, for the purpose of submitting a few remarks and not for final action.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the Senate take up for consideration, with a view to his submitting remarks upon it only, Order of Business 436, being Senate joint resolution No. 19, proposing an amendment to the Constitution of the United States. Is there objection? The Chair hears none.

Mr. PALMER. I now give way to the Senator from Pennsylvania.

MAJ. WILLIAM LUDLOW.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position, to report it without amendment; and I ask for its immediate passage.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to report at this time a joint resolution, and he asks unanimous consent that the joint resolution be now considered.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

Mr. CAMERON, of Pennsylvania. Can I say a word?

The PRESIDENT *pro tempore*. The Senator from Michigan is entitled to the floor.

Mr. PALMER. I call for the reading of the joint resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

WOMAN SUFFRAGE.

The Chief Clerk read the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States, as follows:

Resolved, &c., That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of said Constitution, namely:

ARTICLE —.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Mr. PALMER. Mr. President, this resolution involves the consideration of the broadest step in the progress of the struggle for human liberty that has ever been submitted to any ruler or to any legislative body. Its taking is pregnant with wide changes in the pathway of future civilization. Its obstruction will delay and cripple our advancement. The trinity of principles which Lord Chatham called the "Bible of the English constitution," namely, the Magna Charta, the Petition

of Rights, and the Bill of Rights, are towering landmarks in the history of our race, but they immediately concerned but few at the time of their erection.

The Declaration of Independence by the colonists, and its successful assertion, the establishment of the right of petition, the abolition of imprisonment for debt and the property qualification for suffrage in nearly all the States, and the recognition of the right of women to earn, hold, enjoy, and devise property are proud and notable gains.

The emancipation of 4,000,000 slaves and the subsequent extension of suffrage to the male adults among them were measures enlarging the possibilities of freedom, the full benefits of which have yet to be realized; but, sir, the political emancipation of 26,000,000 of our citizens, equal to us in most essential respects and superior to us in many, seems to me to translate our nation, almost at a bound, to the broad plateau of universal equality and co-operation to which all these blood-stained and prayer-worn steps have surely led.

RISE AND PROGRESS OF THE MOVEMENT.

The time which I may occupy in advocacy of this measure will not admit of even a cursory review of the history and progress of the movement whose ultimate is before us.

Like life insurance and the man who carried the first umbrella, its inception was greeted with derision. Born of an apparently hopeless revolt against unjust discrimination, unequal statutes, and cruel constructions of courts, it has pressed on and over ridicule, malice, indifference, and conservatism, until it stands in the gray dawn before the most powerful legislative body on earth and challenges final consideration.

In its progress it has benefited all and injured none. It has created a public sentiment before which Legislatures have bent and courts have bowed.

The laws which degraded our wives have been everywhere repealed or modified, and our children may now be born of free women.

Our sisters have been recognized as having brains as well as hearts, and as capable of transacting their own business affairs.

New avenues of self-support have been found and profitably entered upon, and the doors of our colleges have ceased to creak their dismay at the approach of women.

Twelve States have extended limited suffrage through their Legislatures, and three Territories admit all citizens of suitable age to the ballot-box, while from no single locality in which it has been tried comes any word but that of satisfaction concerning the experiment.

The spirit of inquiry attendant upon the agitation and discussion of this question has permeated every neighborhood in the land, and none can be so blind as to miss the universal development in self-respect, self-reliance, general intelligence, and increased capacity among our women. They have lost none of the womanly graces, but by fitting themselves for counselors and mental companions have benefited man, more perhaps than themselves.

OBJECTIONS CONSIDERED.

In considering the objections to this extension of the suffrage we are fortunate in finding them grouped in the adverse report of the minority of your committee, and also in confidently assuming from the acknowledged ability and evident earnestness of the distinguished Senators who prepared it that all is contained therein in the way of argument or protest which is left to the opponents of this reform after thirty-seven years of discussion.

I wish that every Senator would examine this report and note how many of its reasonings are self-refuting and how few even seem to warrant further antagonism.

They cite the physical superiority of man, but offer no amendment to increase the voting power of a Sullivan or to disfranchise the halt, the lame, the blind, or the sick.

They regard the manly head of the family as its only proper representative, but would not exclude the adult bachelor sons.

They urge disability to perform military service as fatal to full citizenship, but would hardly consent to resign their own rights because they have passed the age of conscription, or question those of Quakers, who will not fight, or of professional men and civic officials who, like mothers, are regarded as of more use to the state at home.

They are dismayed by a vision of women in attendance at caucuses at late hours of the night, but doubtless enjoy their presence at routs and entertainments until the early dawn. They deprecate the appearance of women at political meetings; but, in Michigan, women have attended such meetings for years upon the earnest solicitation of those in charge, and the influence of their presence has been for good. Eloquent women are employed by State committees of all parties to canvass in their interests and are highly valued and respected.

They object, for their own States, to the addition of their former bondswomen because of their ignorance; but that risk was taken at greater hazard upon the adoption of the fifteenth amendment; and I hardly think the gentlemen would care to acknowledge their inability to provide that control for women which they appear to have obtained over the men.

They object that many women do not desire the suffrage and that some would not exercise it. It is probably true, as often claimed, that many slaves did not desire emancipation in 1863, and there are men in most communities who do not vote, but we hear of no freedman to-day who asks re-enslavement and no proposition is offered to disfranchise all men because some neglect their duty.

The minority profess a willingness to have this measure considered as a local issue rather than a national one, but those who recall the failures to extend the ballot to black men, in the most liberal Northern States, by a popular vote, may be excused if they question their frankness in suggesting this transfer of responsibility.

The education of the people of a whole State on this particular question is a much more laborious and expensive work than an appeal to the several Legislatures. The subject would be much more likely to receive intelligent treatment at the hands of the picked men of a State, where calm discussion may be had, than at the polls where prejudice and tradition oftentimes exert a more potent influence than logic and justice.

To deny this method to the women of this country is to discriminate against them invidiously.

A whole race, distinct from us, was enfranchised in this way, after repeated attempts at securing popular approval from the voters had failed, and to refuse it to those to whom we are bound by the dearest ties betrays an indifference to their requests, or an inexplicable adhesion to prejudice, which is only sought to be defended by an asserted regard for women, which to me seems most illogical.

I share no fears of the degradation of women by the ballot. I believe rather that it will elevate men. I believe the tone of our politics will be higher; that our caucuses will be jealously guarded, and our conventions more orderly and decorous. I believe the polls will be freed from the vulgarity and coarseness which now too often surround them, and that the polling booths, instead of being in the least attractive parts of a ward or town, will be in the most attractive; instead of being in stables, will be in parlors. I believe the character of candidates will be more closely scrutinized and that better officers will be chosen to make and administer the laws. I believe that the casting of the ballot will be invested with a seriousness—I had almost said a sanctity—second only to a religious observance.

THE MISUSE OF THE BIBLE.

The objections enumerated above appear to be the only profferings against this measure excepting certain fragmentary quotations and deductions from the sacred Scriptures; and here, Mr. President, I desire to enter my most solemn protest.

The opinions of Paul and Peter as to what was the best policy for the struggling churches under their supervision, in deferring to the prejudices of the communities which they desired to attract and benefit, were not inspirations for the guidance of our civilization in matters of political co-operation; and every apparent inhibition of the levelment of the caste of sex may be neutralized by selections of other paragraphs and by the general spirit and trend of the Holy Book.

In the history of human advancement no single influence has been so powerful as that of the Bible. It has sufficed for all the ages passed and will suffice for the ages to come. To its students has come wisdom. Its precepts have trained to virtue. To the wretched it has afforded comfort, and to the sorrowing it has brought consolation. None have learned from it bad citizenship, and its guidance has ever led to gentleness, honor, and truth. Its histories, poems, and inspired directions, altogether, inculcate the broadest equality of the human race and the greatest tenderness of mutual rights, while its pyramidion, the Golden Rule, voiced by the Saviour, contains the essence of all the law and the prophets.

Sir, my reverence for this grandest of all compilations, human or divine, compels a protest against its being cast into the street as a barricade against every moral, political, and social reform; lest, when the march of progress shall have swept on and over to its consummation, it may appear to the superficial observer that it is the Bible which has been overthrown and not its erroneous interpretation.

TRADITION AND PREJUDICE SHOULD BE LAID ASIDE.

Sir, if, with our present experience of the needs and dangers of co-operative government and our present observation of woman's social and economic status, we could divest ourselves of our traditions and prejudices, and the question of suffrage should come up for incorporation into a new organic law, a distinction based upon sex would not be entertained for a moment.

It seems to me that we should divest ourselves to the utmost extent possible of these entanglements of tradition and judicially examine three questions relative to the proposed extension of suffrage: First. Is it right? Second. Is it desirable? Third. Is it expedient? If these be determined affirmatively our duty is plain.

IS IT RIGHT?

If the right of the governed and the taxed to a voice in determining by whom they shall be governed and to what extent and for what purposes they may be taxed is not a natural right, it is nevertheless a right to the declaration and establishment of which by the fathers we owe all that we possess of liberty. They declared taxation without representation to be tyranny, and grappled with the most powerful nation of their day in a seven years' struggle for the overthrow of such tyranny.

It appears incredible to me that any one can indorse the principles proclaimed by the patriots of 1776 and deny their application to women.

Samuel Adams said:

Representation and legislation, as well as taxation, are inseparable, according to the spirit of our Constitution and of all others that are free.

Again, he said:

No man can be justly taxed by, or bound in conscience to obey, any law to which he has not given his consent in person or by his representative.

And again:

No man can take another's property from him without his consent. This is the law of nature; and a violation of it is the same thing whether it is done by one man, who is called a king, or by five hundred of another denomination.

James Otis, in speaking of the rights of the colonists as descendants of Englishmen, said they "were not to be cheated out of them by any phantom of virtual representation or any other fiction of law or politics."

Again:

No such phrase as virtual representation is known in law or constitution. It is altogether a subtlety and illusion, wholly unfounded and absurd.

The Declaration of Independence asserts that, to secure the inalienable rights to life, liberty, and the pursuit of happiness, governments are instituted among men, "deriving their just powers from the consent of the governed."

Benjamin Franklin wrote.

That liberty or freedom consists in having an actual share in the appointment of those who frame the laws and who are the guardians of every man's life, property, and peace.

That they who have no voice nor vote in the electing of representatives do not enjoy liberty, but are absolutely enslaved to those who have votes and to their representatives.

James Madison said:

Under every view of the subject, it seems indispensable that the mass of the citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them.'

But it seems unnecessary to multiply these excerpts, familiar to every student of the history of those times.

These declarations were not confined to our shores.

Lord Somers said:

Among all the rights and privileges appertaining unto us, that of having a share in the legislation, and being governed by such laws as we ourselves shall cause, is the most fundamental and essential as well as the most advantageous and beneficial.

The judicious Hooker wrote:

Agreeable to the same just privileges of natural equity is that maxim of the English constitution that "Law to bind all must be assented to by all," and there can be no legal appearance of assent without some degree of representation.

In 1790, Condorcet, in his treatise on the admission of women to the rights of citizenship in France, says:

Now, the rights of men result solely from the fact that they are rational beings, susceptible of acquiring moral ideas and reasoning on those ideas. Women, having the same qualities, have the same equal rights. Either no one individual of the human kind has true rights or all have the same, and one who votes against the right of another, whatever be that other's religion, color, or sex, from that moment forfeits his own.

Mirabeau condenses the whole question in his definition that "a representative body should be a miniature of the whole community."

The right of women to personal representation through the ballot seems to me unassailable, wherever the right of man is conceded and exercised. I can conceive of no possible abstract justification for the exclusion of the one and the inclusion of the other.

IS IT DESIRABLE?

Is the recognition of this right desirable? The earliest mention of the Saxon peoples is found in the Germany of Tacitus, and, in his terse description of them, he states that "in all grave matters they consult their women." Can we afford to dispute the benefit of this counseling in the advancement of our race?

The measure of the civilization of any nation may be no more surely ascertained by its consumption of salt than by the social, economic, and political status of its women.

It is not enough for contentment that we assert the superiority of our women in intelligence, virtue, and self-sustaining qualities, but we are to consider the profit to them and to the State in their further advancement.

Our statistics are lamentably meager in information as to the status of our women outside their mere enumeration, but we learn that in a single State 42,000 are assessed and pay one-eleventh of the total burden of taxation, with no voice in its disbursement.

From the imperfect gleaning of the Tenth Census we learn that of the total enumerated bread-winners of the United States more than one-seventh are women. They are classified in round terms as follows: Agriculture, 600,000; professional and personal services, 1,400,000; trade and transportation, 60,000; manufactures and mechanical and mining industries, 600,000. That these 2,647,157 citizens of whom we have official information labor from necessity, and are everywhere underpaid, is within the knowledge and observation of every Senator upon this floor.

Only the Government makes any pretense of paying women in accordance with the labor performed—without submitting them to the competition of their starving sisters, whose natural dignity and self-respect have suffered from being driven by the fierce pressure of want into the few and crowded avenues for the exchange of their labor for bread.

Is it not the highest exhibit of the moral superiority of our women that so very few consent to exchange pinching penury for gilded vice?

Will the possession of the ballot multiply and widen these avenues to self-support and independence?

The most thoughtful women who have given the subject thorough examination believe it, and I can not but infer that many men, looking only to their own selfish interests, fear it.

History teaches that every class which has assumed political responsibility has been materially elevated and improved thereby, and I can not believe that the rule would have an exception in the women of to-day.

I do not say that to the idealized women so generally described by obstructionists—the dainty darlings whose prototypes are to be found in the heroines of Walter Scott and Fennimore Cooper—immediate awakening would come; but to the toilers, the wage-workers, and the women of affairs the consequent enlargement of possibilities would give new courage and stimulate to new endeavor, and the state would be the gainer thereby.

The often urged fear that the degraded and vicious would swarm to the polls, while the intelligent and virtuous would stand aloof, is fully met by the fact that the former class has never asked for the suffrage or shown interest in its seeking, while the hundreds of thousands of petitioners are from our best and noblest women, including those whose efforts for the amelioration of the wrongs and sufferings of others have won for them imperishable tablets in the temple of humanity.

Would fear be entertained that the state would suffer mortal harm if, by some strange revolution, its exclusive control should be turned over to an oligarchy composed of such women as have been and are identified with the agitation for the political emancipation of their sex?

Saloons, brothels, and gaming-houses might vanish before such an administration; wars—avoidable with safety and honor—might not be undertaken and taxes might be diverted to purposes of general sanitation and higher education, but neither in these respects nor in efforts to lift the bowed and strengthen the weak would the right to life, liberty, and the pursuit of happiness be placed in peril.

Women have exercised the highest civil powers in all ages of the world—from Zenobia to Victoria—and have exhibited statecraft and military capacity of high degree without detracting from their graces as women or their virtues as mothers.

A woman, Mrs. Ross, designed the American flag.

The records of all wars show the presence of women in the ranks. More than four hundred were discovered in the Union Army who had eluded the scrutiny of the mustering officers and served in disguise.

The services of Clara Barton, Dorothea Dix, Elizabeth Blackwell, and hundreds of other noble women were as valuable as any received.

That the most important campaign of that war was planned by Anna Ella Carroll is attested by the report of the Committee on Military Affairs of the House of Representatives March 3, 1881, as "fully established," and was vouched for in elaborate detail by Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, soon after its triumphant close permitted him to speak.

The rallying of a Michigan regiment by Ann Ethridge and leading them again into the hot fires of Chancellorsville was only a repetition of the chivalrous deeds of women recorded in every age.

The preponderance of women in our churches, our charitable organizations, our educational councils has been of such use as to suggest the benefit of their incorporation into our voting force to the least observant.

A woman who owns railroad or manufacturing or mining stock may vote unquestioned by the side of the brightest business men of our continent, but if she transfers her property into real estate she loses all voice in its control.

Their abilities, intellectual, physical, and political, are as various as ours, and they err who set up any single standard, however lovely, by which to determine the rights, needs, and possibilities of the sex.

To me the recognition of their capacity for full citizenship is right and desirable, and it only remains to consider whether it is safe, whether it is expedient.

IS IT EXPEDIENT?

To this let experience answer to the extent that the experiment has been tried.

During the first thirty years of the independence of New Jersey, universal suffrage was only limited by a property qualification; but we do not learn that divorces were common, that families were more divided on political than on religious differences, that children were neglected or that patriotism languished, although the first seven years of that experiment were years of decimating war, and the remaining twenty-three of poverty and recuperation—conditions most conducive to discontent and erratic legislation.

The reports from Wyoming, which I have examined, are uniform in satisfaction with the system, and I do not learn therefrom that women require greater physical strength, fighting qualities, or masculinity to deposit a ballot than a letter or visiting-card; while in their service as jurors they have exhibited greater courage than their brothers in finding verdicts against desperadoes in accordance with the facts.

Governors, judges, officers, and citizens unite in praises of the influence of women upon the making and execution of wholesome laws.

In Washington Territory, last fall, out of a total vote of 40,000, 12,000 ballots were cast by women, and everywhere friends were rejoiced and opponents silenced as apprehended dangers vanished upon approach.

Some of the comments of converted newspaper editors which have reached us are worthy of preservation and future reference. The elections were quiet and peaceable for the first time; the brawls of brutal men gave place to the courtesies of social intercourse; saloons were closed, and nowhere were the ladies insulted or in any way annoyed. From the Isle of Man, where universal suffrage obtains, comes similar approval.

Women vote intelligently and safely, and it does not appear that their place is solely at home any more than that the farmer should never leave his farm, the mechanic his shop, the teacher his desk, the clergyman his study, or the professional man his office for the purpose of expressing his wishes and opinions at the tribunal of the ballot-box.

To-day—and to a greater extent in the near future—we are confronted with political conditions dangerous to the integrity of our nation.

In the unforeseen but consistent absorption from immigrants and former bondsmen of a vast army of untrained voters, without restrictions as to intelligence, character, or patriotism, many political economists see the material for anarchy and public demoralization.

It is claimed that the necessities of parties compel subserviency to the lawless and vicious classes in our cities, and that, without the addition of a counterbalancing element, the enactment and enforcement of wholesome statutes will soon be impossible.

Fortunately that needed element is not far to seek. It stands at the door of the Congress urging annexation. In its strivings for justice it has cried aloud in petitions from the best of our land, and more than one-third of the present voters of five States have indorsed its cause. Its advocates are no longer the ridiculed few but the respected many. A list of the leaders of progressive thought of this generation who espouse and urge this reform would be too long and comprehensive for recital.

Mr. President, I do not ask the submission of this amendment, nor shall I urge its adoption because it is desired by a portion of the American women, although in intelligence, property, and numbers that portion would seem to have every requisite for the enforcement of their demands; neither are we bound to give undue regard to the timidity and hesitation of that possibly larger portion who shrink from additional responsibilities; but I ask and shall urge it because the nation has need of the co-operation of women in its direction.

The war power of every government compels, upon occasion, all citizens of suitable age and physique to leave their homes, families, and avocations to be merged in armies, whether they be willing or unwilling, craven or bold, patriotic or indifferent, and no one gainsays the right, because the necessities of state require their services.

We have passed the harsh stages incident to our permanent institution. We have conquered our independence, conquered the respect of European powers, conquered our neighbors on the Western Continent, and at vast cost of life and waste have conquered our internal differences and emerged a nation unquestioned from without or within.

Our heroic and semi-barbarous ages have closed and slumber in history, never, I trust, to be reacted.

The great questions of the future conduct of our people are to be economic and social ones. No one questions the superiority of womanly instincts, and consequent thought, in the latter, and the repeated failures and absurdities exhibited by male legislators in the treatment of the former, should give pause to any assertion of superiority there.

The day has come when the counsel and service of women is required by the highest interests of the state, and who shall gainsay their conscription?

We place the ballot in the keeping of immigrants who have grown middle aged or old in the environment of governments dissimilar to the spirit and purpose of ours, and we do well; because the responsibility accompanying the trust tends to examination, comparison, and consequent political education; but we decline to avail ourselves of the aid of our daughters, wives, and mothers, who were born and are already educated under our system, reading the same newspapers, books and, periodicals as ourselves, proud of our common history, tenacious of our theories of human rights, and solicitous for our future progress.

Whatever may have been wisest as to the extension of suffrage to this tender and humane class, when wars of assertion or conquest were likely to be considered, to-day and to-morrow and thereafter no valid reason seems assignable for longer neglect to avail ourselves of their association.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be returned to the Calendar.

HOUSE BILLS REFERRED.

The bill (H. R. 7496) for the relief of Wehrle, Werk & Son was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 3236) for the relief of Ernest H. Wardwell was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims.

Mr. HAMPTON. I suggest that the bill be sent to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Chair directed the reference to the Committee on Claims as from its appearance the bill seems to provide for a claim. If the Senator from South Carolina moves to refer the bill to the Committee on Military Affairs, the Chair will entertain the motion.

Mr. HAMPTON. It is similar to the Senate bill which, on my motion, was recommitted to the Committee on Military Affairs the other day.

The PRESIDENT *pro tempore*. If there be no objection the reference will be changed, and the bill will be referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas.

The joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884 was read twice by its title, and referred to the Committee on Printing.

GOVERNMENT BUILDING IN JAPAN.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and, with the accompanying documents, ordered to be printed:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State relative to the Japanese Government's offer to donate a valuable piece of land to the United States in fee-simple for legation purposes, and earnestly recommend that the Executive may be immediately authorized to accept the gift in the name of the United States, and to tender to his Imperial Japanese Majesty's Government a suitable expression of this Government's thanks for the generosity which prompted the presentation of so desirable a site of ground.

I deem it unnecessary to enlarge upon the statement of the Secretary of State. I feel certain, however, that a perusal of his communication will at once commend itself to the favorable attention of Congress, and doubt not that the necessary authorization of Congress will be immediately given for the acceptance of the gift, as well as insure early action looking to the erection on the premises of suitable public buildings for the use of the legation of the United States at Tokio. This step can not but be favorable to the United States in every honorable way, while the disinterested motives of a friendly foreign government deserve from us a proper and just recognition.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 5, 1885.

THICKNESS OF STEAM-BOILERS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, which was, in line 15, after the word "sounds," to insert "or the great lakes, or any of them, and water flowing to and from the same, or any of them."

Mr. CONGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

AMENDMENT TO THE INDIAN APPROPRIATION BILL.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FEES IN PENSION CASES.

The PRESIDENT *pro tempore*. The bill taken up on the motion of the Senator from Tennessee [Mr. JACKSON] is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. JACKSON. I am instructed by the Committee on Pensions to propose certain amendments to the bill. At the end of section 2, after the word "pensions," I move to add the words:

Under such regulations as the Commissioner of Pensions may prescribe.

The amendment was agreed to.

Mr. JACKSON. In section 3, line 8, after the word "dollars," I move to insert:

Subject to revision by the Commissioner of Pensions as to the amount to be paid.

The amendment was agreed to.

Mr. JACKSON. In section 3, line 11, I move to strike out the word "twenty-eighth" and insert "twentieth;" so as to read: "June 20th, 1878," which is the date of the statute referred to.

The amendment was agreed to.

Mr. JACKSON. In section 5, line 6, after the word "thereof," I move to insert "under such contract;" so as to read:

Or arrears thereof, under such contract, greater than is herein provided.

The amendment was agreed to.

Mr. JACKSON. In section 6, line 4, I move to strike out the word "twenty-eighth" and insert "twentieth;" so as to read: "20th day of June, 1878."

The amendment was agreed to.

Mr. JACKSON. In section 6, line 16, after the word "duress," I move to strike out all down to and including the word "act," in line 18, in the following words:

For the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act.

And to insert:

In accordance with existing law.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. JACKSON. It is proper to explain that amendment, which is the most material one offered by the committee.

Since the passage of the act of July 4, 1884, certain new contracts have been made and entered into for the payment of $25 on the cases pending between 1878 and the date of the passage of that act. Some of those contracts, it is presumable, were entered into fairly and understandingly. If so, it is not in our power to abrogate or disregard them. The purpose of the amendment is to leave in force such contracts as have been entered into under the act of 1884, where those new contracts have not been procured by fraud or duress. We did not feel that we were at liberty to disturb contracts that were fairly entered into under existing law, and so we propose the amendment that those contracts made without fraud or duress, in accordance with the existing law, may stand.

Mr. ALLISON. As I understand this provision, without the amendment suggested by the Senator from Tennessee all contracts fairly made are preserved if they relate to claims filed after the 4th of July, 1884. Taking the whole provision together from the word "provided," in line 14, down to the word "act," in line 18, it preserves all contracts that were entered into since the act of 1884 relating to pension claims filed after July 4, 1884, does it not?

Mr. JACKSON. Yes, sir; I think it does; but the committee had some doubt and preferred to make that perfectly clear.

Mr. ALLISON. If that provision were to stand as found in the bill, and then if the repealing clause were to stand, all contracts made respecting pension claims filed after the 20th of June, 1878, and before the 4th of July, 1884, would be nullified by the bill.

Mr. JACKSON. That is not the purpose of the amendment, and it was not the intention of the committee. If it has that effect, of course we had better leave it as the bill originally stood, and the amendment ought to be voted down, for that was not the intention of the committee.

Mr. ALLISON. What I wish to call the attention of the Senator to is this: The Committee on Appropriations considered this clause and they agreed with the Committee on Pensions that we could not nullify contracts fairly made relating to pension claims filed after the 20th of June, 1878. Therefore the Committee on Appropriations suggested an amendment looking to an abrogation of so much of the law as requires the Pension Office to pursue the claim up to the point of payment, leaving the pensioner and the attorney to settle that question as best they may between themselves, not requiring the Pension Office to pursue the claim; so that if the amendment suggested by the Committee on Appropriations to the pension appropriation bill shall be adopted it seems to me the language now found in the bill should be retained.

Mr. JACKSON. The amendment proposed by the Committee on Appropriations will harmonize exactly with the amendment proposed by me on behalf of the Committee on Pensions. We simply mean that new contracts which have been made and entered into without fraud or duress shall not be disturbed by the bill, and our amendment I think accomplishes that purpose. It makes the proviso read:

Provided, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, in accordance with existing law.

Mr. PLATT. I should like to ask the Senator from Tennessee a question so that I may understand this matter. In the pension appropriation act of July 4, 1884, there was certain legislation about the fees of pension attorneys. Is it the intention of the committee reporting this bill that where contracts have been entered into since that date under that legislation, without fraud or duress, those contracts shall be validated and preserved?

Mr. JACKSON. Yes, sir; that is just the purpose of the amendment.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on agreeing to the amendment offered by the Senator from Tennessee on behalf of the Committee on Pensions.

The amendment was agreed to.

Mr. JACKSON. I move to add at the end of section 6 the following additional proviso:

And provided further, That in all cases filed after June 20, 1878, and prior to July 4, 1884, where new contracts have been entered into under the act of July 4, 1884, no deduction for attorney's fees shall be made by any pension agent from the pension allowed; but the whole amount of such pension shall be paid directly to the claimant; and in all such cases the Commissioner of Pensions shall certify to the pension agent paying the pension the fact that a new contract has been filed in the Pension Bureau, and on account thereof no deduction shall be made.

The amendment was agreed to.

Mr. JACKSON. In section 7, line 3, I move to strike out the word "heretofore" and insert "or may be;" so as to read:

That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been or may be abandoned by his attorney from employing another attorney or agent.

The amendment was agreed to.

Mr. JACKSON. The next amendment that I wish to propose on behalf of the Committee on Pensions is in section 8, line 18, after the word "State" to insert the words "or Territory."

Mr. HARRISON. May I ask the Senator from Tennessee whether by section 8 it is intended to prohibit the payment of the fee of $25 by a soldier residing in the District of Columbia to an agent in the District?

Mr. JACKSON. No, sir.

Mr. HARRISON. It does so, I think.

Mr. JACKSON. That was not the intention.

Mr. HARRISON. That is the effect of the section, I think, as it stands.

Mr. JACKSON. I suggest to add "or the District of Columbia;" so as to read:

Provided, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State, or Territory, or the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Tennessee modifies his amendment. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. JACKSON. The next amendment which I propose on behalf of the Committee on Pensions is in section 8, line 19, after the word "attorneys" to strike out the words "in the District of Columbia" and insert "residing elsewhere;" so as to read:

And shall not extend to agents or attorneys residing elsewhere.

The amendment was agreed to.

Mr. JACKSON. In section 8, line 21, after the word "State," I move to insert the words "or Territory, or the District of Columbia."

The amendment was agreed to.

Mr. JACKSON. I believe that covers all the amendments suggested by the Committee on Pensions.

Mr. PLATT. If I may be permitted to go back to the sixth section, I wish to call the attention of the Senator from Tennessee to the apparent effect of that section as amended, according to my understanding of it. I understand that the Senator desires to have the section when amended validate the contracts which have been made since the passage of the act of July 4, 1884, with reference to claims filed since 1878, so that where contracts have been entered into for the payment of more than $10, if those contracts were entered into without fraud or duress, they shall not be interfered with by the bill. I fear that such is not the effect of the section. It provides:

That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10.

Further on in this section there is this proviso, as amended:

Provided, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, in accordance with existing law.

Then the repealing clause repeals the law of July 4, 1884, so that when the bill passes that law will not be in existence. It seems to me the effect of it is that as to all contracts which have been made under the act of July 4, 1884, they will not be validated. I do not know that I understand it, but upon a casual examination, having now looked at it for the first time, it seems to me that that is the effect.

Mr. JACKSON. I think it is hardly subject to that criticism inasmuch as this measure recognizes the validity of contracts entered into without fraud or duress under existing law. If you do repeal the existing law, still the contracts made under it are good.

Mr. HARRIS. If my colleague will allow me I suggest that instead of the words "existing law" he substitute the words "existing at the time of making such contract." That would make it perfectly plain.

Mr. JACKSON. Upon the suggestion of my colleague, I will propose to amend it so as to make it read:

In accordance with the laws existing at the time of making such contract.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to amend the amendment already agreed to in section 6, lines 16 to 18, so as to read:

In accordance with the laws existing at the time of making such contract.

Is there objection to modifying the amendment already agreed to in the manner proposed by the Senator from Tennessee? The Chair hears no objection, and it is so ordered.

Mr. INGALLS. I should like the Senator from Tennessee to explain the object and reason of the proviso in section 8 which declares "that the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State or Territory or the District of Columbia, where the claimant resides, and shall not extend to agents or attorneys residing elsewhere," and also forbids attorneys resident in a State where the claimant resides "to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent" residing elsewhere. The provisions are certainly novel, and unless there is some reason other than that which has been presented to the Senate, I should say that they were of doubtful propriety. The Senator from Tennessee may of course have information that is denied to the rest of us at this time.

Mr. JACKSON. I have no special information in reference to it. The whole Senate is familiar with what has taken place under the inadvertent legislation of July 4, 1884.

Mr. INGALLS. I am not familiar with it. I should be very glad if the Senator would state what the practice has been under that legislation which requires the adoption of this proviso.

Mr. JACKSON. I only refer to that incidentally; but the general idea of the committee was that this business could be done better, more safely, and at less expense to the pensioner if conducted in the locality of his residence; and that when we are legislating upon the subject of fees, and to increase fees, we should, as far as possible, encourage the claims being investigated as near the locality of the applicant as possible.

Mr. INGALLS. There is much force in what the Senator from Tennessee states upon that point; but take an illustration: Suppose that in some remote locality upon the frontier an attorney has two or three pension cases which are submitted to him for preparation. Of course he takes that in connection with his other business. It is absolutely essential that he should have some information or some co-operation elsewhere, it may be here at the capital, from attorneys who are competent to act in these cases and who have special information. What is the reason why such an attorney, having two or three cases, should be forbidden from saying to anybody residing here that for the assistance he will render at the Pension Office he shall have a portion of the fee?

Mr. JACKSON. If the Senator will notice the eighth section of the bill he will see that that provision relates alone to this proposed contingent fee of $25. If we increased the claim agent's contingent fee to $25 we thought it advisable and good policy to let that class of cases go as near the locality of the claimant as possible.

Mr. INGALLS. Is not the fee of $25 dependent upon the decision of the Commissioner of Pensions?

Mr. JACKSON. No, sir; if the contract is made without fraud the attorney gets his $25 without reference to the sanction or approval of the Commissioner.

Mr. INGALLS. I thought the discretion of the Commissioner of Pensions was reserved in the bill.

Mr. JACKSON. I think not, sir.

Mr. INGALLS. I am very clear that the Senator's reading is different from mine.

Mr. ALLISON. The Senator from Tennessee introduced an amendment to that effect.

Mr. JACKSON. Yes, sir; I beg pardon.

Mr. INGALLS. That amendment was agreed to, and therefore it is now a part of the bill.

Mr. JACKSON. I was thinking of the bill as originally reported. We have made an amendment which makes it subject to the approval of the Commissioner.

Mr. INGALLS. So that this fee of $25 is conditioned, as the bill now stands, upon the decision of the Secretary of the Interior or the Commissioner of Pensions?

Mr. JACKSON. Yes, sir; upon the approval of the Commissioner.

Mr. INGALLS. Therefore there is no longer any doubt or danger about the pension applicant being imposed upon by agreeing to pay a fee larger than what equity would require. With that safeguard, what is the reason, in the case I have suggested, why an attorney having but two or three applicants who have applied to him for assistance should be denied the privilege of saying to some attorney here in this District who has access to the Department that for the purpose of filing the papers and ascertaining the status of the case he would divide with him the emolument he is to receive?

Mr. JACKSON. In the individual case stated by the Senator from Kansas there would be an apparent hardship, but the committee thought it would be the best and wisest policy of legislation upon the subject of increasing fees to transfer the business as far as possible to the locality of the applicant for a pension. We know, and we can not as Senators shut our eyes to the facts, that the existence of the pension claims agencies here leads to a great deal of pernicious legislation. Those agents press the Senate, they press the committees in various ways, and through their influence and by inadvertence and inattention pernicious legislation creeps in upon the subject of pensions. The Committee on Pensions thought it was wise policy to transfer this business, so far as could be done by legislation, to the locality of the pension applicant.

Mr. PLATT. The practice of sending pension claims to agents in Washington has been attended with a great many evils. On the other hand the practice of employing persons in the localities where the pensioner resides is attended with a great many evils. I do not know which practice is the better. The pension agents here in Washington send out circulars and secure the business, and having once secured it the applicants feel that it is not thoroughly and properly attended to. I do not undertake to say whether such is the case; but if the pension is not granted pretty quickly the applicant becomes thoroughly discouraged and disheartened and feels that his business is not attended to, and therefore begins to be discontented and finds fault with the pension attorneys here in Washington. But, on the other hand, if a fee of $25 is provided for a local attorney and not for an agent here in Washington, the effect of it I apprehend will be to put the business of soliciting pensions into the hands of local attorneys who have really no understanding of the rules and requirements of the Pension Office, and who, therefore, will not properly prosecute the claims. Either practice has a great many evils connected with it. I confess that I do not know which is the better practice.

But I rose for the purpose of saying that I believe the pension applicants in my own State would be much better served if the business were given to the officer who has been appointed by the State of Connecticut for the especial purpose of procuring pensions and attending to claims for back pay and bounty. We have, and have had for a long series of years, I think for as many as fifteen years, an officer appointed and paid by the State, who is called the assistant adjutant-general of the State, and whose sole duty is to represent pension applicants and soldiers in their claims against the Government. Yet, in practice and experience, very few applicants go to that officer. Although being the agent of the State, he has a standing in the Pension Office, is recognized as such, although no friction or controversy is likely to arise between such an agent and the office, for some reason or other the claims are given either to local attorneys, who are utterly incompetent in some instances to prosecute the claim, or to the pension agents in Washington, who, if competent, are supposed, at least by those who intrust business to their care, to neglect it.

I do not know whether this evil can be remedied. There is in the country to-day no such prosecution of pension claims as there ought to be. If the Committee on Pensions has thoroughly considered this matter, and believe that it is better really to transfer the business of prosecuting claims from the District of Columbia to the localities where the claimants reside, I shall go with the committee and vote with it, although I can see the evils which will attend that practice also.

Mr. BLAIR. Any legislation upon this subject is bad—bad continuously. In my belief, the legislation upon this subject had more to do with the evils that exist in this country in the prosecution of pension claims than any other one cause that can be named.

This business is like any other business, and the principles of human nature will assert themselves. It is a somewhat difficult business to perform, and incompetent men can not perform it. Competent men, in order that their services may be secured, are able to obtain fair compensation for what they do. To prosecute a pension claim, especially in these later years when such great difficulties attend the collection of testimony, its proper preparation, putting it in the right form, and a compliance with the various requirements of the law, is so difficult a matter that a certain degree of skilled service is necessary to its proper performance.

We have interfered, as we do not interfere between attorney and client, between the principal and the agent, in any other case whatever so far as I know, and we have interfered with the best motive in the world—that is, for the protection of the pensioner or the claimant upon the bounty of the Government. In order to prevent extortion we have undertaken by an iron rule to limit the compensation of the attorney; and in doing that we have fixed the rate of compensation so very low that the business has fallen almost universally into the hands of incompetent men or a class of shysters who for the small fee are willing to take charge of the claims, hoping by fraud and evasion of the law to obtain fair compensation for the services which they actually do render, and which services are as a rule entirely without value to the claimant. By the confusion which is created in the preparation of testimony, by the incompetency displayed in the discharge of the duty when it is assumed on the part of the agent, the difficulties surrounding the case originally are increased rather than diminished.

On the other hand, those men knowing the merits of the cause, living in the locality of the applicant, knowing the difficulties that surround the case, having the necessary qualifications belonging to the legal profession, or other men who have sufficient capacity to discharge the duties under the pension laws in the way of establishing the claims, have not been willing to undertake the work. They have failed to do it, and the legislation of the country has come to just this in its practical effect: We have said to applicants for pensions, to claimants upon the bounty of the Government, "You are entitled to certain rights, to certain pecuniary compensation for services and sacrifices which you have made for the country and the disability which you have contracted in its service;" but at the same time we have denied them that sort of justice which is necessary to the establishment of their claims. We have said to those who would have undertaken to assist them: "You shall have such compensation as is not sufficient to command your time

and your skill." The consequence is that honest, competent men throughout the country have not undertaken this business, and they will not touch it.

That really is the source of the difficulties that attend the administration of the pension laws far more than any other cause that may be found. Originating, as I say this legislation did, in the best of motives, it has been the one great evil that has attended and that to-day attends the administration of the pension laws. In my belief it is an evil which will never be reached and remedied until we take that course which appears to be the necessary and proper course with reference to the regulation of business like this in all other cases.

I would repeal all the laws there are with reference to compensation to the attorneys who may prosecute pension claims, but I would enact the most stringent criminal legislation against those who may practice extortion upon these claimants against the Government. The result of that would be, as I think, that the claimant would find assistance at home. If he has a good case there are plenty of men with skill and honesty who would undertake its prosecution and who would see him through; the community would do it; but when there is nothing to be paid at all adequate to the service that is to be rendered, or to the money that must be advanced and paid out, the proper legal assistance is not likely to be found. It has not been found hitherto, it is not likely to be found hereafter, and these difficulties will continue.

I believe that if we should repeal the existing legislation in regard to the compensation of claim agents and leave this matter open to the natural operation of the laws of human nature, and then enact very stringent measures both by way of fine and imprisonment wherever there is any extortion practiced on a claimant, we should reach the seat of the trouble. That I suppose is not likely to be done. I presume the legislation proposed in the bill is as good as anything else and as bad as anything else that we are likely to get; but it will not reach the great evil, and the rights of those who have pension claims are not likely to be vindicated for many years to come.

Mr. BECK. Mr. President, I am not sure that I understand this bill as well as I ought to do; and, therefore, perhaps I ought not to speak in regard to it; but we have had the matter under consideration in the Committee on Appropriations for some time and very flagrant irregularities at least have been made apparent. The House of Representatives has attempted, as far as it can, in the pension appropriation bill sent to us, to remedy these wrongs; and it seems now we are about to undo all the remedial legislation that has come to us in the bill from the House, which I hold in my hand, making appropriations for the payment of pensions for the year ending June 30, 1886. On the 20th of June, 1878, a law was passed, which reads thus:

Be it enacted by the Senate and House of Representatives, &c., That it shall be unlawful for any attorney, agent, or other person to demand or receive for his services in a pension case a greater sum than $10. No fee-contract shall hereafter be filed with the Commissioner of Pensions in any case. In pending cases, in which a fee-contract has heretofore been filed, if the pension shall be allowed the Commissioner of Pensions shall approve the same, as to the amount of the fee to be paid, at the amount specified in the contract.

That continued to be the law until 1884. Under that act, if I properly understand the late report of the Commissioner of Pensions, on page 22, he shows that the total number of original claims pending on the 30th of June, 1884, was 239,590, and the number of claims on rejected files, June 30, 1884, was 138,723, making a total of 378,313. All of these, at least nearly all of them, come under the provisions of the act of 1878, which allowed only a fee of $10. The pension agents came before Congress and endeavored to have their fees increased beyond that amount. Both Houses refused to do it. The bill went into a conference committee, and after the claims of these men had been rejected by both Houses, without a vote in either House, without the consent of either House, a clause was added in the act of July 4, 1884, which provided—

That section 4785 of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

"SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney, or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, That in all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney."

I believe that was the clause inserted in conference. It was the clause.

Mr. JACKSON. Will the Senator from Kentucky allow me to explain that?

Mr. BECK. I desire to have it explained.

Mr. JACKSON. The House bill and the Senate bill on the subject of attorneys' fees, reported at the last session, excepted from its operation all the claims filed after the 20th of June, 1878, and prior to the passage of the proposed legislation.

Mr. BECK. I know that.

Mr. JACKSON. That clause in the conference committee was stricken out, so that these $25 contracts now relate back and cover all the claims that were filed under the act of June 20, 1878.

Mr. BECK. That is what I understand.

Mr. ALLISON. Will the Senator from Kentucky yield to me, because I wish to say one word on this question?

Mr. BECK. Yes; I want to get at the facts.

Mr. ALLISON. It is also true that the provision which came from the House was struck out under our rule, so that when the bill went back to the House there was no legislation on it except what the House proposed. That threw the whole legislation into the hands of the conference committee. I wish the Senator from Kentucky to allow me to state right here that the Secretary of the Interior and the Commissioner of Pensions, at least the present Commissioner of Pensions, both insisted that the legislation was wise and in accordance with the precedents. I mention that for the purpose of relieving the conference committee of any desire or apparent wish to put into a bill what was not recommended by the proper administrative officers of the pension system.

Mr. BECK. Still the Senator from Iowa will, I believe, agree with me that when a conference committee meets to decide between the disagreeing votes of the two Houses, neither the Secretary of the Interior nor the Commissioner of Pensions nor anybody else has any right to come before that committee and advise them in regard to anything.

Mr. ALLISON. I quite agree with the Senator from Kentucky. They have no right to do that.

Mr. BECK. Any officer who forces himself before a conference committee is derelict in his duty, or any conference committee which allows a man to come before them to bring about a decision upon anything, other than the disagreeing votes of the two Houses, is derelict in its duty. When they opened up all the cases between 1878 and 1884, and allowed a fee of $25 instead of $10 to be taken, they were taking just that much money out of the pockets of the pensioners and putting it into the hands of pension agents without the will of either House of Congress and against the known will of both. Consider the amount of money to be paid to the attorneys upon the claims reported by the Commissioner of Pensions pending on that day, which I have just read, 239,590 pending, and 138,723 which had been rejected but were still being pressed for restoration, and perhaps will be all or in great part restored, as the Commissioner told us the other day. It puts into the pockets of the pension agents on the 239,590 cases, of which there is no dispute, at the rate of $15 increase, the sum of $3,593,850; and when, on the rejected claims which are being pressed for restoration, $15 each is added, it makes the sum of $2,080,845 more. The grand total out of which the pensioners were robbed—for that is the word—robbed by this legislation, and which was paid or is to be paid into the hands of pension agents, in violation of their agreements under the law of 1878, amounts to the enormous sum of $5,674,695. The pension agents or attorneys agreed to do that work for $10 for each case; they had in many instances received the money, and when they managed to get the legislation of last summer through the conference committee, as I said against the will of both Houses, on the recommendation of the Secretary of the Interior, the Commissioner of Pensions, or anybody else, who had no business before that committee, they robbed the pensioners of this country of over five and a half million dollars. Many of them, according to the information laid before the Committee on Appropriations, had abandoned the cases that were then pending. They had got their $10 in advance, and they sold out to other men their good-will, and the papers of a pensioner were withheld until he had to sign a contract to make the fee $25. The first fellow got his $10, and then abandoned the case and sold out to somebody else, who got $15 more or the applicant for a pension could not even have his papers presented.

Now the House of Representatives comes and demands that that legislation shall be repealed as a fraud upon the pensioners of the country. That is demanded in a bill now pending before the Senate. The legislation of the House was stricken out *pro forma* by the Committee on Appropriations in order to comply with the rules of the Senate; but if not all, certainly a large majority of the members of the Committee on Appropriations, reserved the right not only to vote for but to maintain that legislation on this floor and elsewhere, and to insist that the House of Representatives was right in demanding the repeal and in refusing to recognize the action which had been thus surreptitiously obtained in 1884. The provision of the pension appropriation bill from the House is as follows:

That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884—

Being the time when that law was in force—

any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided.

Mr. JACKSON. Will the Senator from Kentucky yield to me for a moment?

Mr. BECK. Yes, sir.

Mr. JACKSON. The Committee on Pensions would have been pleased to have retained the bill as it came from the House if we thought we could have enforced that provision. Will the Senator suggest that it is in the power of Congress to disturb those contracts which have been entered into under the act of 1884, even admitting that the act went through without notice?

Mr. BECK. I believe that fraud vitiates everything. I believe that a fraud was perpetrated upon the committees of conference of the two Houses.

Mr. JACKSON. We save the cases where the contract was under fraud or duress.

Mr. BECK. I want them to go to the courts. The same power that made the recommendation to give them the $25 in the Department of the Interior or the Pension Office will never see a fraud. Let them go to the courts of the country and get their fee, and not put it in the hands of the very men who aided them in perpetrating the fraud to decide whether it was a fraud or not. That is what I insist upon. The House assume upon the very face of the bill (and the facts will warrant them before any court in the country) that this clause inserted, that $15 should be added in each case, amounting to over $5,000,000, in violation of contracts, was a duress; and I will not trust any Commissioner of Pensions or any Secretary of the Interior to pass upon it, especially when the Senator from Iowa says the Secretary and the Commissioner advised this to be done after both Houses had rejected it, and when a committee of conference yielded to the pressure of men who had no right to speak to them about matters pending before them when they were only conferring properly about the differences between the two Houses.

Mr. JACKSON. The Senator will allow me to say that I should be perfectly willing to enact that legislation and disturb these contracts if we had the power to do it. The question with the committee and the question with me as a lawyer was, assuming that some of these contracts might be valid, having been entered into freely and understandingly, whether Congress had power to invalidate them.

Mr. SAULSBURY. We can in appropriating money provide that none of the money we appropriate shall be applied to such contracts.

Mr. ALLISON. I fear that I may have been myself misunderstood. I want to say that the Secretary of the Interior, I understand, recommended this legislation, and I know, as does the Senator from Kentucky, that the present Commissioner of Pensions stated before the Committee on Appropriations that he would allow this legislation to stand. I did not mean to say that the Commissioner of Pensions at the time this legislation was proposed recommended it, because I do not know whether he did or not.

Mr. HARRISON. The Senator from Kentucky will allow me to say that I understand from the chairman of the Committee on Pensions, who sits beside me [Mr. MITCHELL], that Colonel Dudley, then the Commissioner of Pensions, did not advise or favor this legislation.

Mr. ALLISON. I did not mean to say that he did so advise, and that was why I wished to correct myself if the Senator from Kentucky misunderstood me.

Mr. JACKSON. I wish, in reply to the suggestion made by the Senator from Delaware, to remark that one of the amendments we have adopted prevents the Commissioner of Pensions from using any portion of the pension fund to pay these pension attorneys the $25 fee.

Mr. BECK. And I hope it goes further and does not allow the Commissioner of Pensions to detail clerks, as he is now detailing them, to work up the cases wherein the men claim they have not even got the $10 for their former services in obtaining a pension. That is another cloak of wrong. In other words, the pension agents have managed in this legislation to obtain without the will of either House all they ask; and a more skillfully drawn proposition to rob the pensioners and violate their own contracts and coerce out of them $25 each in two hundred and odd thousand cases when they had agreed to do the work for $10 never was devised. I am prepared to annul it, and stand by the House in annulling it, and I believe every court in the country will stand by the House in annulling that legislation whenever the facts are fairly presented.

I know that these agents, many of them not lawyers, not pretending to be lawyers, get up these claims in the country and send them here to Washington, and go into combination with people here who have made fortunes out of the misfortunes of these poor men, and every Senator here, and I suppose every Representative, has to go to the Department day after day; I have presented hundreds of cases myself for the poorest people all over Kentucky, many of whom can neither read nor write. We have to do all the work of preparing their cases and getting them through, and then there stands a hummer at the other end to receive $25 out of the money which he neither helped to get nor had the capacity to tell how to aid the pensioner in obtaining.

That is the way nine-tenths of these men get their fees. There is not a Senator here who does not know it. I have presented five hundred cases since the 1st day of December, in my opinion, and have employed the time of my secretary and myself to work them through and get the proofs, or tell the parties how to get them, while these agents are increasing their compensation from $10 up to $25 by law, going into conference committees and getting men to recommend that they ought to have it when they did more harm than good in the effort to obtain a pension. They never go to the Pension Office; they never see the papers; but induce the applicants to write to their Representatives and Senators, as they do; every Senator knows it. Then they get this sort of legislation for their own benefit. I do not care whether the House is right or wrong, in putting on appropriation bills legislation to meet this. The most radical remedy to reach such men and to stop their robbery of the poor people ought to be applied and take the chances of the courts sustaining it.

Mr. CALL. Mr. President, this bill provides in the eighth section—

That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia.

The Constitution provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Now, I suppose the right to contract with a pension agent in the States is a privilege of a citizen. I presume that a citizen of the District of Columbia is not excluded from the right to contract with a citizen of a State, equally with a citizen of any other State, although the District is not a State. I have never heard that it was within the power of Congress to provide that the people who live in the District of Columbia shall not have the privileges of the citizens of each State; and manifestly the Constitution is not intended to have any such construction; and yet this bill provides that because a man lives in the District of Columbia he shall not have the same right to contract with a pensioner that a man has who lives in a State. It is suggested by the Senator from Texas [Mr. COKE] he may be a citizen of some other State temporarily residing here in the District, but manifestly there is no propriety in a provision which discriminates between citizens of the United States, whether in the District of Columbia or in the States.

Then, again, I am at loss to know where Congress gets the power to punish criminally a man who makes a contract with another citizen of the United States for the payment of a fee. I do not find anything in the powers given to Congress which justifies that. The eighth section of the first article of the Constitution provides that "Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States;" shall have power "to define and punish piracies and felonies committed on the high seas and offenses against the law of nations." But the right of contract, the power of making a contract in good faith with another citizen, is not included within any of these terms and descriptions, and it never was so intended.

It certainly is competent for Congress to provide that so far as the money appropriated for pensions is concerned it shall be paid entirely to the pensioner, and that no fee at all shall be charged, or that any specific amount shall be charged; and yet that would not interfere with the right of contract between those citizens. When a man gets his money, it is no crime in him to give, and there is no power in Congress to say that it shall be a crime for another man to accept from him any part of that money.

But this bill does not limit itself to ascertaining and fixing the payment of the money in the hands of the pensioner, but it makes it a crime and punishes severely the man who contracts with another one. Section 5 provides—

That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court.

In my judgment this bill is not within the power of Congress to pass, nor do I think it good policy. I agree with the Senator from Kentucky as to the wrong and bad policy of allowing pension agents to appropriate a large portion of the money voted to pensioners. I think it very proper that a limitation should be laid upon the fee so far as concerns the payment of it by the proper officers of the Government. But I do not concur in the provisions of this bill that make it a crime for a man to contract with another one for the payment of a reasonable fee for his services.

Mr. HARRISON. I do not wish to interpose a hasty consideration (and that is all I have been able to give to the eighth section) against the more mature consideration of the lawyers upon the committee. If I understood the Senator from Tennessee, when the object of the provisions of this section was inquired for by the Senator from Kansas, it was put on the ground of abuses which had grown up here in connection with the claim-agency business in the District of Columbia; and the bill seems originally to have been framed with the sole view of putting a limitation upon the power of agents in the District of Columbia to contract for a fee of more than $10; but as it has been amended it is in this shape: it applies to the States as well. If the object is to bring the attorney into the neighborhood of the claimant, so that he may reach his witnesses readily, and may render him efficient service, the amendments which have been adopted would very often defeat that very thing.

A pension claimant residing near the line of a State would be prohibited from making a contract, within three miles or within one mile of the place of his residence, with an attorney in a case that seemed to justify a fee of $25, but would under the bill be authorized to make it in his own State at a distance of two hundred miles from where he re-

sided. It seems to me that that distinction is of doubtful propriety. If it be best at all to allow a contract for a fee of $25 it seems to me that to limit it within State lines is not proper. It may be that a claimant in my own State would be much more accessible to Cincinnati and would be able to have a much more reliable and efficient agent there than he would at Indianapolis or Terre Haute; and yet under this bill he could not contract with an agent at Cincinnati to give him a fee of $25 for getting his claim through, but he could contract with a man living two hundred miles from him.

It does not seem to me that this division upon State lines can be justified. I think the reason which has been stated, namely, improper practices here in the District of Columbia, does not cover this whole provision; it comes short; and it seems to me that if a fee of $25 is to be allowed, some other guard or restriction that would be founded upon better reason ought to be provided than this distinction by territorial lines.

Mr. JACKSON. The whole subject is very difficult to deal with, and the committee in reference to that matter concluded that it was better to adopt that line of policy, if possible, in reference to the increase of fees that would transfer the business as near the pensioner's locality as possible. Of course there may be individual hardships arising under the operation of such a law, but the general principle is undoubtedly the best.

I will not take up the time of the Senate to answer the objection of the Senator from Florida [Mr. CALL] in regard to the constitutionality of this legislation, because it is in a line with all legislation since the pension laws were adopted. This bill as now proposed is practically the act of 1870, with a single exception in reference to the $25 fee.

In regard to what was stated by the Senator from Kentucky [Mr. BECK] the committee went just as far as they felt they had the power to go in annulling the act of 1884. We felt that we could not go any further than we had done, and that we had no right to do so. We could not abrogate or annul contracts entered into understandingly, voluntarily, and without fraud. That was the result of our examination.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. WILLIAM LUDLOW.

Mr. CAMERON, of Pennsylvania. I now ask unanimous consent to have the Senate take up House joint resolution No. 309.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Pennsylvania will suspend until the Chair lays before the Senate, or rather the Senate resumes the consideration of, the unfinished business, the Secretary informing the Chair that the unfinished business was informally laid aside.

Mr. CAMERON, of Pennsylvania. I ask that it be laid aside.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. CAMERON, of Pennsylvania. I ask that that be laid aside informally to take up House joint resolution No. 309.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed to the consideration of the joint resolution (H. Res. 309), extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It extends for the period of one year the permission granted to Maj. William Ludlow, Corps of Engineers, United States Army, to accept a civil position in the service of the city of Philadelphia, without a forfeiture of his military commission, until the 1st day of April, 1885. By the provisions of a joint resolution approved February 28, 1883, Ludlow is not to receive from the United States any pay or allowance whatever during the period indicated.

Mr. CAMERON, of Pennsylvania. I wish to say that Colonel Ludlow is now in the employ of the city of Philadelphia, and has charge of work now going on and which is uncompleted. The city desires to retain his services for another year, and therefore has asked that this resolution be passed by Congress. It has already passed the House, and I hope it will pass the Senate without objection.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I ask now that the regular business be laid aside informally in order that I may call up House bill 7857, being the consular and diplomatic appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed to the consideration of the bill indicated by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the first or formal reading of the bill may be dispensed with, and that the amendments may be considered as the reading progresses, and that the committee amendments may be acted on before other amendments are received and considered.

The PRESIDING OFFICER. If there be no objection the first reading of the bill will be dispensed with and the bill will be read for amendment. Under the rules the committee amendments are to be first considered.

The Chief Clerk proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment was to strike out the following clause, from lines 19 to 23:

For salaries of envoys extraordinary and ministers plenipotentiary to Belgium, Netherlands, Sweden and Norway, Argentine Republic, Venezuela, Hawaiian Islands, the United States of Colombia, and Turkey, at $7,500 each, $60,000.

The amendment was agreed to.

The next amendment was, after line 28, to insert:

For salaries of envoys extraordinary and ministers plenipotentiary to the United States of Colombia and Turkey, at $7,500 each, $15,000.

The amendment was agreed to.

The next amendment was, after line 32, to insert:

For salaries of ministers-resident in Belgium, Netherlands, Hawaiian Islands, and Sweden and Norway, at $7,500 each, $30,000.

The amendment was agreed to.

The next amendment was, after line 35, to insert:

For salaries of ministers-resident and consuls-general in Venezuela and Argentine Republic, at $7,500 each, $15,000.

The amendment was agreed to.

The next amendment was, after line 44, to insert:

For salary of minister-resident and consul-general to Roumania, Servia, and Greece, $6,500.

The amendment was agreed to.

The next amendment was, in line 50, after the word "agent," to strike out "and consul-general;" so as to read:

For salary of agent to the States of the Congo Association, $5,000.

The amendment was agreed to.

The next amendment was, in the same paragraph, after the word "dollars," in line 51, to insert:

Said agent to be charged with introducing and extending the commerce of the United States in the Congo Valley; and for such purpose the further sum of $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in line 72, before the word "Austria," to insert "Turkey;" and after the word "all," in line 73, to strike out "nine thousand" and insert "ten thousand eight hundred;" so as to make the clause read:

For salaries of the secretaries of the legations of Spain, Turkey, Austria, Italy, Brazil, and Mexico, at $1,800 each; in all, $10,800.

The amendment was agreed to.

The next amendment was, in line 75, after the word "in," to strike out "Turkey;" and before the word "dollars," in line 77, to strike out "four thousand five hundred" and insert "three thousand;" so as to make the clause read:

For salaries of the secretaries of the legations in Chili and Peru, at $1,500 each, $3,000.

The amendment was agreed to.

The next amendment was, in line 92, before the word "hundred," to strike out "eight" and insert "two;" and in the same line, after the word "each," to strike out "three thousand six" and insert "two thousand four;" so as to make the clause read:

For salaries of second secretaries of the legations in Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at $1,200 each, $2,400.

The amendment was agreed to.

The next amendment was, in line 94, after the word "legations," to strike out "and consulates-general;" and in line 96, after the word "dollars," to insert "each;" so as to make the clause read:

For the salaries of interpreters to the legations in China, at $3,000, and in Japan and Turkey, at $2,500 each; in all, $8,000. But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

The amendment was agreed to.

The next amendment was, after line 106, to insert:

For salary of interpreter to the legation in Corea, $1,000.

The amendment was agreed to.

The next amendment was, after line 108, to insert:

For salary of the clerk to the legation in Spain, $1,200.

The amendment was agreed to.

The next amendment was, after line 122, to insert:

To enable the Secretary of State to comply with the requirements of the fourth section of "an act regulating fees and the practice in extradition cases," approved August 3, 1882, to be disbursed by the Secretary of State, $5,000.

The amendment was agreed to.

The next amendment was, after line 127, to insert:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $12,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 133, to insert:

For the payment of the actual and necessary expenses of two civilian experts as delegates of the United States to an international commission for the establishment of electrical units, $3,000.

The amendment was agreed to.

The next amendment was, after line 137, to insert:

For rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, $3,100.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 151.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Iowa that after the word "partisan," in line 150, there apparently should be a comma.

Mr. ALLISON. There should be a comma. I move to insert it.

The PRESIDENT *pro tempore*. It will be inserted if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 153, before the word "year," to insert the word "calendar," and after "year" to strike out "ending June 30;" so as to make the clause read:

For contribution to the maintenance of the international bureau of weights and measures for the calendar year 1886, in conformity with the terms of the convention of May 24, 1875, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, $2,270.

The amendment was agreed to.

The next amendment was under "Schedule B," in line 167, before the word "consuls-general," to strike out "salary of" and insert "salaries of the;" in line 168, after the word "at," to strike out "two" and insert "three;" and in line 169, before the word "thousand," to strike out "four" and insert "six;" so as to make the clause read:

For salaries of the consuls-general at Constantinople and Rome, at $3,000 each, $6,000.

The amendment was agreed to.

The next amendment was, in line 170, before the word "consuls-general," to strike out "agents and;" so as to make the clause read:

For salaries of the consuls-general at London, Paris, Havana, and Rio de Janeiro, at $6,000 each, $24,000.

The amendment was agreed to.

The next amendment was, in line 181, after "Vienna," to strike out "Bucarest;" and in line 182, before the word "thousand," to strike out "eighteen" and insert "fifteen;" so as to make the clause read:

For salaries of the consuls-general at Saint Petersburg, Frankfort, Halifax, Vienna, and in Ecuador, at $3,000 each, $15,000.

The amendment was agreed to.

The next amendment was, in line 186, before the word "at," to strike out "consul-general" and insert "consul;" so as to read:

For salary of the consul at Liverpool (Great Britain), $6,000.

The PRESIDENT *pro tempore*. The Chair will call the attention of the chairman of the committee to line 184:

For salary of the consul-general at Mexico, at $2,500.

Should the second word "at" be there? Is there objection to the amendment last stated? The Chair hears none, and it is agreed too.

Mr. ALLISON. Strike out "at" before "two," in line 184.

The PRESIDENT *pro tempore*. If there be no objection that change will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 190, after the word "clerks," to strike out "to be appointed under section 1704 of the Revised Statutes, thirteen thousand," and insert "fourteen thousand five hundred;" so as to make the clause read:

For salaries of thirteen consular clerks, $14,500.

Mr. ALLISON. Instead of $14,500, that should be $14,600. So I move to strike out "five" and insert "six."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 195, to reduce the total appropriation "for salaries of consuls, vice-consuls, and commercial agents" from $321,000 to $318,500.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class II," in line 200, after "Foochow," to insert "Hankow;" so as to read:

CHINA.

Foochow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class VI," to strike out lines 297 and 298, as follows:

CHINA.

Hankow.

The amendment was agreed to.

The next amendment was to strike out lines 373 and 374, in the following words:

For salary of a clerk to the legation in Spain, $1,200.

The amendment was agreed to.

The next amendment was, in line 375, to increase the appropriation "for allowance for clerks at consulates" from $47,840 to $49,280.

The amendment was agreed to.

The next amendment was, in line 378, before the word "at," to strike out "consul-general" and insert "consul;" in line 380, before the word "consuls-general," to strike out "agents and;" in line 381, after "Havana," to insert "Shanghai;" in line 384, after "Vienna," to strike out "Shanghai" and insert "Montreal;" in line 388, after the word "year," to strike out "for the consul-general at Montreal;" and in line 395, after "Colon (Aspinwall)," to insert "Singapore;" so as to make the clause for consular clerks read:

For the consul at Liverpool, a sum not exceeding the rate of $2,000 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of $1,600 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, Montreal, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,200 for any one year; and for the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $960 for any one year; for the consuls-general at Calcutta, Port au Prince, Hayti, and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall,) Singapore, and Glasgow, each a sum not exceeding the rate of $800 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, Victoria, and Matamoras, and for the consul-general at Halifax, each a sum not exceeding the rate of $640 for any one year; for the consul-general at Mexico, and for the consuls at Malaga, Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demarara, each a sum not exceeding the rate of $480 for any one year.

The amendment was agreed to.

The next amendment was, in line 416, before the word "thousand," to strike out "ten" and insert "twelve;" and in line 417, after the word "*Provided*," to strike out:

That not more than $1,200 shall be expended for interpreting at any one consulate or consulate-general: *And provided further*.

So as to make the clause read:

For salaries of interpreters to be employed at consulates in China and Japan, $12,000: *Provided*, That no person otherwise receiving a salary in any capacity whatever from the United States shall be entitled to any part of the above sum.

The amendment was agreed to.

The next amendment was, in line 424, before "Smyrna," to insert "Constantinople;" and in line 425, after "Corea," to strike out "three" and insert "four;" so as to make the clause read:

For interpreters and guards at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, and Beirut, in the Turkish dominions, and at Seoul, in Corea, $4,000.

The amendment was agreed to.

The next amendment was, in line 427, before the word "marshals," to strike out "seven" and insert "eight;" and in line 428, before the word "thousand," to strike out "seven" and insert "eight;" so as to make the clause read:

For salaries of eight marshals for the consular courts in Japan, China, and Turkey, $8,000.

The amendment was agreed to.

The next amendment was, in line 431, to increase the appropriation "for hiring of steam-launch for use of the legation at Constantinople," from $500 to $1,000.

The amendment was agreed to.

Mr. ALLISON. At that point I desire to offer, from the Committee on Appropriations, another amendment. I move, after line 431, to insert:

For boat for official use of the United States consul at Osaka and Hiogo, and for pay of boat's crew, $500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 443, after the word "interpreter," to strike out "and the expense of a prison and prison-keeper at" and insert "to;" and in line 445, before the word "hundred," to strike out "one thousand two" and insert "five;" so as to make the clause read:

For the salary of an interpreter to the consulate-general in Bangkok, Siam, $500.

The amendment was agreed to.

The next amendment was, after line 445, to insert:

For the expense of a prison and prison-keeper at the consulate-general in Bangkok, Siam, $1,000.

The amendment was agreed to.

The next amendment, was in line 460, after the word "Turkey," to strike out "the sum of seven thousand five hundred" and insert "nine thousand;" so as to read:

For the purpose of paying for the keeping and feeding of prisoners in China, Japan, Siam, and Turkey, $9,000.

The amendment was agreed to.

The next amendment was, in the proviso to the same clause, in line 465, after the word "feeding," to strike out—

And such payment shall cover all expenses attending the keeping, feeding, and care of any such prisoner: *And provided further*, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case.

So as to make the clause read:

For the purpose of paying for the keeping and feeding of prisoners in China, Japan, Siam, and Turkey, $9,000: *Provided*, That no more than 75 cents per day for the keeping and feeding of each prisoner, while actually confined, shall be allowed or paid for any such keeping and feeding.

The amendment was agreed to.

The next amendment was, in line 472, after the word "of," to strike out "prisoners" and insert "prisons;" so as to make the clause read:

For rent of prisons for American convicts in Turkey, and for wages of keepers of the same, $1,000.

The amendment was agreed to.

The next amendment was, in line 476, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

For relief and protection of American seamen in foreign countries, $50,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 477, to insert:

For expenses of shipping and discharging seamen at Liverpool, London, Cardiff, Belfast, and Hamburg, $6,000.

The amendment was agreed to.

The next amendment was, after line 495, to insert:

Rent for consul-general at London: For rent, in lieu of the statutory allowance of 20 per cent. of salary, of consul-general at London, $2,400.

The amendment was agreed to.

The next amendment was, after line 499, to insert:

Rent for consul-general at Paris: For rent, in lieu of the statutory allowance of 20 per cent. of salary, of consul-general at Paris, $2,000.

The amendment was agreed to.

The next amendment was, after line 502, to insert:

To pay the expense of a preliminary search, to be made under the direction of the Department of State, of the records of the French prize courts from 1792 to 1801, inclusive, to ascertain whether any evidence or documents relating to the claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801, still exist, and, if so, the nature and character thereof, the sum of $3,000, or so much thereof as may be necessary, the same to be immediately available.

Mr. HOAR. I ask the chairman of the committee whether that should not be a little more comprehensive than merely to authorize the search of the records of the French prize courts? It is quite possible that the claims which were forwarded to the French Government from ours may be in the archives of their department of foreign affairs. Would it not be better to say "records of the French prize courts or other French archives," because the Department of State would see of course that the money is properly applied?

Mr. ALLISON. I will state to the Senator that we used the language of the law which provides for this search. I think it is section 5 of the act passed this year.

Mr. HOAR. Has the Senator that act?

Mr. ALLISON. I have it not with me at this moment. It is the law passed at this session.

Mr. HOAR. I will suggest the amendment—it can certainly do no harm—to insert after "prize courts," in line 505, the words "or other French archives." The Department of State will see that proper search is made.

Mr. ALLISON. I do not know that there is any harm in the proposition; but that is a pretty wide authority, to search the archives of the French Government.

Mr. HOAR. But it is limited by the smallness of the appropriation, which is only $5,000.

Mr. ALLISON. I know; but I take it the French prize courts are open and their records are public documents, but the archives of the French Government may not be.

Mr. HOAR. The Department will not spend any more money than will answer the purpose under this appropriation.

Mr. ALLISON. Very well; I make no objection.

Mr. HOAR. I move to amend the amendment by inserting after "courts," in line 505, the words "or other French archives."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 512, to insert:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, $50,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill has been concluded, and the amendments of the Committee on Appropriations have been disposed of.

Mr. HAWLEY. I wish to call the attention of the chairman of the Committee on Appropriations to the class in which the consulate at Jerusalem is placed. Jerusalem, on page 14, is under class 6, at a salary of $1,500. I was about to look at the estimates of the Department. My recollection is that the Department recommends or estimates that the salary be put at $2,000. I happen to have some information about that particular consulate. There are quite a number of American citizens residing there, some of whom are American by birth and several hundred of whom are adopted citizens, with more or less of controversy from time to time.

Many hundreds of American travelers visit Jerusalem, as everybody knows, and scarcely one ever comes near to the city without sending word, perhaps in advance, to the consulate, and certainly not without calling upon the consul, asking for more or less of advice, and frequently for the company of that officer; and very naturally being invited in a great many cases to luncheon, he is involved in very considerable expense in traveling about the vicinity anywhere from one to twenty-five miles. In short, the inevitable expenses of the duties of his position, as well as the hospitalities which he can not as a gentleman shun, make a very heavy deduction from his pay.

Once this bill came here putting the consulate in the $2,000 class, and the State Department thinks it is wise and has recommended it, not at my solicitation, but of its own accord, though I was there two years ago inquiring about it. They said it was true that this consulate ought to be raised. What is left for the consul is a very small sum in this case. I do not see how any consul stationed there, except the one who is there now, could get along at all. I know him to be a scholar in Arabic, learned in the geography of the Holy Land, devoting what time he can spare to studies of all these subjects at the instance of various learned societies, the Palestine Exploration Society and others. He speaks Arabic, has the confidence of the natives about him, is a very useful and especially fitted man, and I say his net compensation is scarcely that of a laborer about this building. The reports this consul has made I happen to know, in two or three cases, have been specially commended for their value.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut make any motion?

Mr. HAWLEY. I do not know what is the usual course. I move to place the consulate at Jerusalem in class 5, at $2,000 per annum.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to insert in line 250, after the word "Beirut," the word "Jerusalem." That will bring it in class 5 in proper connection.

Mr. HAWLEY. I thank the Chair.

The amendment was agreed to.

Mr. HAWLEY. Does that strike it out in the other place?

The PRESIDENT *pro tempore*. No.

Mr. HAWLEY. I move to strike it out.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to strike out, in line 330, the word "Jerusalem."

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business of yesterday.

Mr. ALLISON. I wish the Senate to dispose of the Military Academy Appropriation bill. It will take but a moment.

Mr. MORRILL. Laying aside the unfinished business informally.

The PRESIDENT *pro tempore*. The Senator from Iowa asks leave to make a report at this time from the Committee on Appropriations. If there be no objection the report will be received.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, direct me to report it back with the recommendation that the Senate recede from its amendments to the House bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate recede from its amendments heretofore agreed to to this bill. The amendments will be read.

Mr. ALLISON. I will state in brief that the amendments relate to the pay of the subordinate officers at the academy. The Senate made some amendments in reference to that, but on further examination the committee has become satisfied that the House provision is correct.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. On page 2, line 12, after the word "professors," the Senate struck out "and officers on (increased rank);" and in the same line, after the word "service," the Senate struck out "$9,525" and inserted "$8,898.50;" so as to make the clause read:

For additional pay of professors for length of service, $8,898.50.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate recede from these amendments.

The motion was agreed to.

COINAGE OF SILVER DOLLARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS], striking out the fifth section of the amendment reported from the Committee on Finance.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 6, 1885.

The House met at 12 o'clock m. (Mr. BLACKBURN in the chair as Speaker *pro tempore*). Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

INSPECTOR OF PUBLIC BUILDINGS.

The SPEAKER *pro tempore*. If there be no objection the Chair will lay before the House at this time some executive communications.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, asking an appropriation to pay the salary of inspector of public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

BUREAU OF LABOR STATISTICS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting estimate for salaries and expenses of the Bureau of Labor Statistics for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL OFFICERS, ALASKA.

The SPEAKER *pro tempore* also laid before the House a letter from thh Secretary of the Treasury, inclosing a letter from the commissioner for Alaska, asking appropriation to pay the expenses of civil officers; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, LOUISVILLE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect of the Treasury, relative to an increase in the limit of the cost of the public building at Louisville, Ky.; which was referred to the Committee on Appropriations, and ordered to be printed.

QUESTION OF PRIVILEGE.

Mr. ROGERS, of Arkansas. I rise to a question of personal privilege. On the 1st of January last, while the gentleman from Kentucky was occupying the floor, by his permission I interrupted him to give something of the history of the prosecution against the late Mr. Payne, of Oklahoma notoriety. After my remarks were made a gentleman on the Committee on Appropriations called and asked me to show him the remarks to which I called his attention. On reflection I came to the conclusion that one statement of fact in my remarks, found on page 904 of the CONGRESSIONAL RECORD, was an error. I therefore addressed a letter to the district attorney of the United States for the western district of Arkansas, asking the precise status of the litigation then pending, as well as that which had been disposed of in court, and in order to correct this statement now and to lay before the people of the country at this time interested in legislation touching the Oklahoma territory I send the remarks I then made to the Clerk's desk to be read, and then will lay before the House the answer of the district attorney to my letter, which will furnish the country, and more particularly those States surrounding the Indian Territory, with the exact status of that Oklahoma territory at this time as determined by the courts.

Mr. BROWNE, of Indiana. I am compelled to make the point of order, Mr. Speaker.

The SPEAKER *pro tempore*. And the Chair is bound to sustain the point of order, because the gentleman from Arkansas does not state anything in the nature of a question of personal privilege.

Mr. ROGERS, of Arkansas. I desire simply to correct an error in my remarks made in the House at that time.

The SPEAKER *pro tempore*. If the gentleman desires to correct the RECORD, he will proceed, and the correction will be made accordingly, as that is a privileged question. But the gentleman proposes to correct an error of his own and not an error of the RECORD.

Mr. BROWNE, of Indiana. I have no objection to the gentleman making the correction he desires; my point of order is made entirely in the interest of the public business.

Mr. ROGERS, of Arkansas. I hope the gentleman will withdraw his objection, as the letter I send up to the Clerk's desk to be read will make the proper correction.

Mr. BROWNE, of Indiana. It is not a correction of the RECORD, but a correction of the gentleman's own statement.

Mr. ROGERS, of Arkansas. I did not hear the gentleman's last remark.

Mr. BROWNE, of Indiana. I say that it is not a correction of the RECORD, but a correction of some previous statement which the gentleman has had put upon the RECORD.

Now I make this objection in the very best of faith, because I desire to save the time of the House and to get on with the public business now before us. I have uniformly interposed these objections, and certainly with no ill-feeling toward any gentleman here upon the floor.

Mr. ROGERS, of Arkansas. Let me make two suggestions to the gentleman from Indiana: First, as a member of this House, if I have inadvertently made a statement which I have found afterward to be not correct, it occurs to me that I should, under the rules of the House, have a right to make the correction.

The SPEAKER *pro tempore*. The Chair must interpose and sustain the point of order of the gentleman from Indiana. The Chair does not think that the gentleman from Arkansas has stated a proposition which embodies a question of personal privilege. His proposition, as the Chair understands it, is simply to correct a statement of his own which appears in the RECORD, and the correctness of the RECORD in regard to the statement is not questioned. It is only a correction of what the gentleman has himself placed in the RECORD, and in the opinion of the Chair does not constitute a question of privilege.

Mr. ROGERS, of Arkansas. Then I will ask the gentleman from Indiana to withdraw the point of order and allow this letter to be printed in the RECORD for the information of the House.

Mr. BROWNE, of Indiana. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The letter referred to by Mr. ROGERS, of Arkansas, is as follows:

OFFICE OF UNITED STATES DISTRICT ATTORNEY,
Fort Smith, Ark., February 1, 1885.

DEAR JUDGE: Your favor of the 28th ultimo, relating to the Payne cases, is duly received. Payne was not convicted under a criminal statute, but at the time of his death there was a criminal suit pending against him for introducing spirituous liquor into the Indian country. There was also at that time a civil prosecution pending against him for the enforcement of a penal statute against intruders in the Indian country (R. S., secs. 2147 and 2148). Prior to this time two other civil suits for the enforcement of this penal statute had already gone to judgment, one at the term preceding Payne's death and the other some two or three years before. The first of these suits was hotly contested, prominent lawyers from Saint Louis being sent here to argue it.

The way the criminal proceeding came to be instituted was because at the time of Payne's last arrest he pointed out to the officers some whisky which he said he had introduced and that he defied the Government to proceed against him for that; that in such a proceeding the question would be directly raised as to whether the country he and his followers were settling was in the Indian country. When he was brought here, and I was informed of this matter, I concluded to accommodate him, and filed the information charging him with the introduction. He then made an application to the court for a continuance of the case on the ground of an absent witness by whom he alleged he could prove that he did not bring the whisky in, but that it was brought in by another. I had announced myself ready for trial, and was perfectly willing to try the issue in that way. The case was continued on his motion.

This suit, together with the third and last civil action, abated at his death.

At the time the last civil suit was brought against Payne, there were suits of the same character brought against each of some twelve or fourteen of his followers. These have all gone to judgment within the last few days.

Very respectfully,

WM. H. H. CLAYTON.

Hon. J. H. ROGERS, *Washington, D. C.*

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Under the rule the Chair will now entertain motions to take up bills and resolutions for consideration, the hour beginning at twenty-five minutes past 12 o'clock.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know whether under the rule recently adopted the Chair will hold that the first business in order to-day is not the consideration of the Private Calendar; whether, in other words, the special rule of the House will supersede the order of business on Fridays?

KATHERINE B. C. MERRILL.

The SPEAKER *pro tempore*. The Chair thinks that the rule of the House is imperative, and that the first business in order is the unfinished business coming over from yesterday morning under this special rule, the bill called up by the gentleman from Louisiana, which the Clerk will report.

The Clerk read as follows:

Be it enacted, &c., That the claim of Katherine C. B. Merrill, executrix of the last will and testament of Ayers P. Merrill, deceased, and late of the State of Mississippi, for quartermaster and commissary stores and supplies alleged to have been taken and used by the United States Army, during the rebellion, from the plantations of said Merrill, in the vicinity of Natchez, Miss., be referred to the Quartermaster-General, who shall investigate the justice and legal-

ity of said claim, and report the amount and value of said stores and supplies taken and used by the Army of the United States, and also what amount has been paid on the same; and that he report all the facts and evidence for the consideration of Congress.

The SPEAKER *pro tempore*. The Clerk had begun the reading of the report accompanying this bill on yesterday when the hour expired. The reading of the report will now be concluded.

The report (by Mr. GEORGE) is as follows:

That in 1863 the United States forces at and near Natchez, Miss., took from plantations of Ayres P. Merrill, deceased, the testator of claimants, a large amount of commissary and quartermaster supplies. The proof has been made by the affidavit of a large number of colored witnesses, who were the slaves of said Merrill. Some of these plantations were situated in Mississippi and some in Louisiana, all being near the city of Natchez. The proof is not of a very satisfactory character as to the amount. It is also singular that no vouchers were given, as Ayres P. Merrill was a man of known loyalty, possessing the confidence of General Grant, General Gresham, General Smith, General Crocker, General Ransom, and Commodore Greer, as shown by letters of all these to him, written about the time the supplies were taken. It seems certain, however, that a considerable amount of supplies was received and used by the United States Army.

Ayres P. Merrill died several years ago. He was a very old and infirm man for several years prior to his death, paying little attention to business.

It is possible that some, if not all, these supplies have been paid for, but if so, the vouchers will be found in the proper Department.

Under all the circumstances the committee deem it proper to recommend the passage of a bill referring the claim to the Quartermaster-General, with instructions to inquire into and ascertain the full amount of supplies so taken and used by the United States Army, and to ascertain what amount, if any, has been paid on the same, and report the facts to Congress.

The SPEAKER *pro tempore*. Under the rule, five minutes remain for debate in opposition to the bill.

Mr. REED, of Maine. I understand from the last portion of the bill that this proposes only to have the facts stated to another Congress.

Mr. KING. That is all.

The SPEAKER *pro tempore*. Unless some gentlemen desire to debate the bill the Chair will put the question.

Mr. STEELE. I would like to have this bill again read.

The bill was again reported.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. KING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES MURPHY.

Mr. PRICE. Mr. Speaker, I ask consent to take up House bill 6531, for the relief of Charles Murphy, withdraw it from the files, and substitute in lieu thereof a new bill, changing the nature of the recommendation of the committee from an appropriation simply to the privilege of going into the Court of Claims to have the case considered. I apprehend that there is no necessity for an argument in support of that proposition. I desire to say in a word simply——

Mr. KEIFER. The bill has not been read yet.

Mr. PRICE. Suppose I state what it is first.

Several MEMBERS. Let the bill be read.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read as follows:

Substitute for House bill 6531——

Mr. KEIFER (interrupting the reading). Is this a bill from one of the Calendars?

Mr. PRICE. The bill is on the Calendar and was reported by a committee, and I am seeking now by authority of the entire committee to have this modification made.

Mr. KEIFER. I understand then that it is a bill reported by a committee and on the Calendar?

Mr. PRICE. Yes, sir.

The SPEAKER *pro tempore*. The Chair will state that the bill H. R. 6531, to which the gentleman refers, is upon the Calendar, and under the rule can be called up; but the bill sent to the desk by the gentleman from Wisconsin is not upon the Calendar, and in the judgment of the Chair is not covered by the rule.

Mr. PRICE. If the gentleman from Ohio had permitted me to proceed, as I was in order proceeding, there would have been no objection interposed to the proposition I was about to make.

The SPEAKER *pro tempore*. Under the rule the bill must be reported by the Clerk before the debate can be had.

Mr. KEIFER. I only insisted upon the bill being read.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Wisconsin, however, that the bill sent to the desk is not, in the judgment of the Chair, covered by this rule.

Mr. RANDALL. The only way to get it before the House as a substitute bill is to call up the original bill and amend it by the substitute.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will recognize gentlemen as soon as order is restored so that the Chair may hear them. The House will be in order. The gentleman from Kentucky rises to a question of order. The gentleman will state it.

Mr. WHITE, of Kentucky. The gentleman from Wisconsin [Mr. PRICE], as I understand, has been recognized under the rule. Under a misapprehension that he could present a substitute for a bill on the Calendar he has sent up a bill for the consideration of the House which has been ruled out very properly by the Speaker. I raise this question of order, whether if the gentlemen were to call up for consideration the bill on the Calendar it would then be proper for him to move to amend it as he suggests?

The SPEAKER *pro tempore*. The Chair answers that it would.

Mr. MCMILLIN. That is what the gentleman from Wisconsin indicates his desire to do.

The SPEAKER *pro tempore*. The gentlemen from Wisconsin has not lost his right in any way.

Mr. PRICE. I am infinitely obliged to gentlemen who take care of my interests. But they will permit me to state that I think I can do so myself. My desire was that the original bill should be read, and then that this should be offered as a substitute.

Mr. KEIFER. We must proceed under the rule.

The SPEAKER *pro tempore*. The Clerk will report the bill as it appears on the Calendar.

The Clerk read as follows:

A bill (H. R. 6531) for the relief of Charles Murphy.

Be it enacted, &c., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $42,834 to Charles Murphy, as balance due said Charles Murphy for work done and damages sustained by him growing out of or arising from his contract with the United States Government to excavate a dry-dock at Mare Island, in the State of California.

Mr. PRICE. I now desire to offer a substitute.

The SPEAKER *pro tempore*. The bill is not yet before the House for consideration. It will be in order to offer the substitute if the bill shall not be objected to by the number of members required under the rule. The gentleman is entitled to be heard for five minutes.

Mr. PRICE. I desire to state the substance of the bill. Last April the Committee on Claims, after months of close investigation, reported a bill back to this House with the recommendation that Charles Murphy be paid $42,000 for certain work done for the Government in 1873 at Mare Island, California. A minority of the committee disagreed, and said the amount should be $92,000. Now that bill is on the Calendar, and the committee have instructed me, in accordance with the wishes of Mr. Murphy and his friends, to report a substitute, not giving him a cent, but simply waiving the statute of limitations and under certain conditions sending the claim again to the Court of Claims to be adjudicated upon. That is the substance of the bill which I ask this House now to pass.

Mr. WASHBURN. You want it sent to the Court of Claims?

Mr. PRICE. Yes, sir. The new bill simply provides the case shall go to the Court of Claims to be adjudicated on its merits under certain conditions named in the bill. On the part of the entire committee I submit this bill and ask its passage as a substitute for the original bill. A gentleman near me suggests that it be read as a part of my remarks; and in that connection I desire to submit also the report in favor of the bill.

The SPEAKER *pro tempore*. The gentleman has but two minutes of his time remaining. The substitute which he proposes will be read as a part of his remarks.

The Clerk read as follows:

Be it enacted, &c., That the claim of Charles Murphy be remanded to the Court of Claims for a further hearing upon the testimony and papers formerly heard in said court, and upon such further testimony relative to his acceptance of the award under protest, including the claimant's evidence, as either party may file, pursuant to the rules of the court; and said court, in addition to the authority conferred upon it by existing laws, shall have equitable jurisdiction of all matters presented by the claimant in his new petition, to be filed within sixty days from the approval of this act; and said court is authorized and directed speedily to render judgment for such amount as right and justice may demand, without reference to any statutes of limitation, and with legal interest from the time his cause of action accrued; and furthermore, an appeal shall lie from such judgment to the Supreme Court of the United States, by either party, upon the entire record considered in the Court of Claims.

The SPEAKER *pro tempore*. Unless some gentleman desires to occupy the time allowed for opposition the Chair will now call for objections.

Mr. COSGROVE. I wish to ask the gentleman from Wisconsin a question. Has not this claim been already before the Court of Claims?

Mr. PRICE. The bill itself says so. It was once superficially tried before the Court of Claims. Additional evidence since obtained shows it was not tried on its merits; and we desire to send it back to the Court of Claims for a further hearing.

Mr. COSGROVE. What was the result when the case was formerly tried before the Court of Claims?

Mr. PRICE. It was adverse to the claimant.

Mr. RANDALL. Was there an appeal to the Supreme Court of the United States?

Mr. PRICE. There was an appeal to the Supreme Court of the United States on the record made, but no part of the testimony introduced went to the Supreme Court.

Mr. RANDALL. Did the Supreme Court affirm the judgment of the Court of Claims?

Mr. PRICE. The absence of the evidence was fatal, all the evidence not having been before the Court of Claims.

Mr. COSGROVE. Was the question of the statutes of limitation raised?

Mr. PRICE. No, sir.

Mr. COSGROVE. On what point of fact or of law was the decision based?

Mr. PRICE. It is all right. No one can be wrong in supporting this bill. The court had no evidence before them at all; absolutely none.

A MEMBER. Whose fault was that? Was it the fault of the Government?

Mr. PRICE. I do not say it was the Government's fault, but it would be the fault of the Government now if it did not give this claimant an opportunity to be heard.

Mr. COSGROVE. I understand from the gentleman from Wisconsin that this case has been before the Court of Claims, and he states the evidence in the possession of the claimant was not all adduced before the court when the case was tried. And upon that the Court of Claims decided against the claimant, and after that an appeal was taken from the judgment of the Court of Claims to the Supreme Court of the United States, and in the Supreme Court the judgment of the Court of Claims was affirmed.

Mr. PRICE. Will the gentleman permit me to answer him?

Mr. COSGROVE. Yes, I will permit the gentleman to answer.

Mr. PRICE. The gentleman from New York [Mr. VAN ALSTYNE] understands the case and he will answer the gentleman.

Mr. VAN ALSTYNE. Mr. Speaker, as I understand the history of this case, it is after this wise——

Mr. RANDALL. The time for advocacy of the bill has expired.

The SPEAKER *pro tempore*. The time now being consumed is that in opposition to the bill. Does the gentleman from Missouri [Mr. COSGROVE] yield to the gentleman from New York [Mr. VAN ALSTYNE]?

Mr. COSGROVE. I yield one minute.

Mr. VAN ALSTYNE. The case was this: There was a legitimate subsisting claim in behalf of Murphy against the Government by reason of the interference of the Government in the performance of the work which he had agreed to do. He applied for payment, and part payment was made. He protested against accepting the sum in satisfaction of his legitimate claim. He was forced to go to the Court of Claims to get redress. There the fact that he had received this money was put in proof by the Government, and when he offered to show that he had accepted it under protest, and had refused to take it in full satisfaction of his claim, that evidence was objected to by the Government and excluded by the Court of Claims.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from Missouri [Mr. COSGROVE] has two minutes left.

Mr. COSGROVE. I will give the gentleman from New York [Mr. VAN ALSTYNE] another half a minute of my time.

Mr. VAN ALSTYNE. The claimant excepted. The finding of the court was against Murphy. He took an appeal. The error-book did not show that he had ever offered any proof whatever that he had accepted under protest the amount which he had received in part payment, and in the absence of that proof the judgment of the Court of Claims was affirmed.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. O'NEILL, of Missouri (to Mr. VAN ALSTYNE). It is all right, is it not?

Mr. VAN ALSTYNE. It is all right.

Mr. COSGROVE. Now, Mr. Speaker, it seems to me that if this gentleman received this money under protest he should not have given a receipt for it, unless he gave one specifying that the money was accepted under protest. If I understand correctly the statement of the gentleman from New York, this gentleman receipted for this money without making any protest in writing, although he may have had a mental reservation on the subject which I do not understand to be a protest or equivalent to a protest.

Mr. VAN ALSTYNE. My recollection is that the protest was in writing, but not in the same paper in which he had receipted for the money, and he proved by two witnesses who were at the time in the service of the Government that he had accepted the money under protest and that it was so understood.

Mr. COSGROVE. If that fact was before the court the evidence of it was there, as a matter of course.

Mr. VAN ALSTYNE. The voucher did not show it.

Mr. COSGROVE. The gentleman states that the voucher was given in evidence before the Court of Claims, and I understand him to claim now, as matter of fact, that that voucher did show that this man had received the money under protest. If that evidence was before the Court of Claims how could it have happened that it was not considered?

Mr. PRICE. I will state to the gentleman that it was not considered.

Mr. COSGROVE. Well, the voucher ought to show the fact, if it was a fact.

The SPEAKER *pro tempore*. The time for debate on both sides is exhausted. Is there objection to the consideration of this bill?

Mr. RANDALL. There is objection.

Mr. WELLER. I object to the consideration of the bill.

The requisite number of members objected to the consideration of the bill, and it was laid aside.

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the report in relation to this case may be printed in the RECORD with the bill.

The SPEAKER *pro tempore*. The Chair hears no objection to granting the request of the gentleman from Iowa [Mr. PRICE], and it is so ordered.

The report (by Mr. PRICE) is as follows:

On January 7, 1884, Charles Murphy presented to the House his petition for relief. He asked to be paid for excavating the pit of the dry-dock at Mare Island, California, and for damages that he sustained while performing that work, owing to a failure by agents of the Government to carry out its contract with him in good faith, whereby he was forced into insolvency, and lost all his property at sheriff's sale, valued at $49,200.

Your committee had printed, in report No. 483, the testimony in his case, and on April 11, 1884, it submitted a unanimous report, No. 1242, recommending the payment to Charles Murphy of $42,834 for work done upon said excavation, and bill H. R. 6531 accompanied that report.

A minority (of four) of your committee found that Murphy is entitled to $49,732 damages, and recommended that much additional payment to him, or a total payment of $92,566.

But the Senate Committee on Claims reported adversely upon Murphy's petition (report No. 997). It took the ground that having had an adverse decision upon his case in the Court of Claims and in the Supreme Court of the United States, Murphy is not entitled to any relief. It therefore becomes inexpedient to consider further the bill (H. R. 6531) which provides for the appropriation of $42,834.

Since the adverse action of the Senate committee Charles Murphy had introduced into both Houses of Congress, on the same day (bills H. R. 8113 and S. 2583), a measure to allow him to go before the Court of Claims for a new trial.

On February 4, 1885, the Senate committee agreed to report adversely upon said measure. But your committee, notwithstanding, recommends that Charles Murphy be granted a new trial in the Court of Claims for the following reasons:

First. The Court of Claims rendered an adverse judgment to Murphy (14 Court of Claims Reports, page 508), conformably to an award made by a single arbitrator, appointed solely by the Secretary of the Navy, without the consent or agreement of Murphy.

Second. The Court of Claims held that Murphy accepted the award without objection, and solely upon that ground the Supreme Court affirmed the judgment of the Court of Claims. (14 Otto, page 464.)

Upon a motion for a new trial in the Court of Claims evidence of two witnesses was taken, which shows that Murphy strongly protested against accepting the award in satisfaction of his claim. The Court, in its decision refusing a new trial, recited in substance the evidence of the witnesses. (15 Court of Claims Reports, page 217.) But this decision and evidence were withheld from the Supreme Court, as appears from a statement made to your committee by Hon. WILLIAM S. ROSECRANS, a member of this House. Besides, this decision does not form a part of the transcript of the record which went before the Supreme Court. (Bound Transcripts, 1281, page 13776.)

For this reason alone your committee recommend that Murphy be accorded a new trial, inasmuch as Murphy was unfairly beaten in the Supreme Court.

Third. The Court of Claims has abandoned its doctrine as to receipts in full in cases of protest as pronounced in Murphy's case, and has held, in the case of the Cape Ann Granite Company, decided this present year, that when a party protests against giving a receipt in full, the receipt will go for only so much money paid on account.

Fourth. Congress has heretofore given just and ample relief in face of adverse decisions by the courts.

PRECEDENTS, MURPHY'S CASE, AMENDMENT A.

1. Samuel J. Hensly: Adverse decision in Court of Claims; paid $96,375 by act of June 9, 1860. (12 Statutes, 847.)
2. David C. Myer: Adverse report Court of Claims; paid $30,000 by act of June 16, 1860. (12 Statutes, 861.)
3. Heirs Stephen Johnston: Court commanded to try the case again; to allow value of his land, *with interest*, from February 2, 1841; act February 9, 1863. (12 Statutes, 915.)
4. Alex. Cross: Court of Claims commanded to hear case again, by act July 2, 1864, 13 Statutes, 391; it gave him judgment for $43,607.63. (1 C. C. Reports, 347.)
5. Samuel Norris: Case sent back to Court of Claims for *examination and allowance*; act June 22, 1866. (14 Statutes, 608.)
6. Rich'd W. Meade: Court was instructed to hear case over by act July 25, 1866. (14 Statutes, 611.)
7. Arthur Edwards *et al.*: Bill passed for further relief in court; vetoed by President Buchanan April 17, 1860. (Senate Journal, first session Thirty-sixth Congress, page 406.)
8. Battle and Evans: Court of Claims directed to hear case a second time; act of April 5, 1872. (17 Statutes, 651.)
9. Theodore Adams: Supreme Court decided against him (7 Wallace, 463); paid $112,740.76, by act January 20, 1873 (17 Statutes, 713), and Congress was so delicate about reversing the United States Supreme Court that it had no report made on the bill either by a Senate or House committee.
10. Lydia R. Shreve: Adverse judgment in Court of Claims; paid $50,000, act January 13, 1881. (21 Statutes, 602.)
11. Heirs of the brig General Armstrong: Adverse judgment in Court of Claims; paid by Secretary of State under act May 1, 1882, $70,739. (22 Statutes, 607.)
12. A. Grant: Adverse decision in Court of Claims; Congress ordered the court to try it over; act January 5, 1883 (22 Statutes, 750); judgment for $14,016.29.

For these reasons your committee earnestly recommend the passage of the accompanying bill in justice to the claimant, who has a most meritorious claim. And its former report, No. 1242, is appended hereunto, in order that the evidence in this case may be available to the House.

WEHRLE, WERK & SON.

Mr. HURD. I call up the bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to abate internal-revenue taxes to the amount of $461.87 illegally assessed against Wehrle, Werke & Son, in the year 1876, for spirits distilled in the year 1875.

Mr. HURD. I ask for the reading of the report.

The Clerk read the report (by Mr. HERBERT), as follows:

In 1875 Wehrle, Werk & Son were engaged in the business of fruit distillers at Middlebar's Island, Ottawa County, Ohio, and in the tenth internal-revenue district of said State. On the 22d of June, 1876, said firm was assessed an internal-revenue tax of $983.37 upon a deficiency in the production of distilled spirits for the month of June, 1875, which they allege was erroneous and unjust.

In the survey of the fruit distillery of said firm, made on January 2, 1875, the brandy-producing capacity thereof from sour wine in twenty-four hours was placed at 373.55 proof gallons, and the number of gallons of sour wine required to produce one gallon of proof brandy was stated to be 5.35. Said survey also stated the number of bollings capable of being made in twenty-four hours to be nine. This was the survey under which the distillery was run at the time the deficiency occurred, upon which the tax sought to be abated was placed.

This survey was erroneous. The Commissioner of Internal Revenue, in a letter of February 4, 1879, to Hon. Charles Foster, says:

"It would be more in harmony with the surveys in other districts if the number of boilings were reduced to seven, and the quantity of sour wine required for a gallon of spirits increased to seven gallons. If the survey had been so made the daily producing capacity for sour wine would be 219.97 gallons, instead of 373.53 gallons."

The Commissioner recommends relief for petitioners from $461.87 of said tax.

Your committee find that petitioners had never distilled brandy from wine before the survey was made, and had no means of knowing that the survey was erroneous until actual experiment. They ran the still for fifty-one hours only, and as soon as the error was discovered reported the product to the proper officers and paid the tax as assessed.

The committee find that there was no neglect on the part of the petitioners in this connection, and recommend the passage of the accompanying bill.

Mr. HURD. Mr. Speaker, I have nothing to add to the report except to say that these parties were ignorant of this business until the survey had been made by the Government officer. The mistake was made in making the capacity of the still one hundred and fifty gallons more a day than it could possibly produce. After trying the capacity of the still for fifty-one hours they discovered the error and made a claim for abatement. The Commissioner of Internal Revenue at the time recommended the abatement, and four Committees of Ways and Means have reported in favor of the bill.

Mr. HOLMAN. As I understand the gentleman from Ohio [Mr. HURD] this abatement has been recommended by the Secretary of the Treasury.

Mr. HURD. By the Commissioner of Internal Revenue.

Mr. WHITE, of Kentucky. I would like to ask the gentleman from Ohio [Mr. HURD], who is a member of the Committee on Ways and Means, how many cases similar to this are before that committee, and whether the passage of this bill will not be a precedent for many large claims on the ground that the distilleries were not accurately surveyed at some time remote in the past. I remember that the gentleman from Indiana [Mr. HOLMAN] urged the passage of a bill something like this.

Mr. HOLMAN. And it was passed.

Mr. WHITE, of Kentucky. Yes, it was passed—very improperly, I think.

Mr. HURD. The Committee on Ways and Means has had a number of cases before it, but this is about the only one recommended, because these parties discovered the error within a few hours after commencing to work the distillery, and they quit work. The case is exceptional in that regard.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none, and the bill is before the House. The question is on ordering the bill to be engrossed and read the third time.

Mr. PRICE. Mr. Speaker, have objections been asked for?

The SPEAKER *pro tempore*. The Chair asked for objections, and none were made.

Mr. PRICE. I have been listening very intently and patiently to hear the invitation for objections, because I wanted to enter my protest against this bill.

The SPEAKER *pro tempore*. The Chair asked for objections, and after waiting, announced that none were heard.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ERNEST H. WARDWELL.

Mr. McCOMAS. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 3236) for the relief of Ernest H. Wardwell, and that the House now proceed to consider the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to Ernest H. Wardwell, of Garrett County, Maryland, late a captain and assistant quartermaster of United States volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain and assistant quartermaster in the United States Army from the 11th day of March to the 18th day of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. McCOMAS. The report in this case, which is by the distinguished gentleman from Massachusetts [Mr. LYMAN], is so clear and explicit, that if members of the House will only listen to it, I think there can not be ingenuity enough to find ground of objection to this bill.

Mr. HOLMAN. I ask that the report be read.

The report (by Mr. LYMAN) was read, as follows:

The Committee on Military Affairs, to whom was referred bill H. R. 3236, beg leave to submit the following report:

Ernest H. Wardwell, in May, 1861, enlisted in the Sixth Massachusetts Volunteers, and served for more than three months without pay. On September 7 of the same year he enlisted as a private in the Twenty-sixth Massachusetts Volunteers. November 8, 1862, he was commissioned second lieutenant Second Louisiana (Union) Volunteers. April 4, 1863, he resigned on account of sickness. February 5, 1864, he was commissioned first lieutenant and quartermaster Second North Carolina (Union) Volunteers. February 23, 1865, he was mustered out to accept a commission which had been promised him as captain and assistant quartermaster, in which grade he was confirmed by the Senate March 11, 1865. His commission, dated April 15, 1865, was forwarded to him May 11, and was accepted May 18. He was honorably mustered out of service July 28, 1865.

From this record it appears that Captain Wardwell had an honorable though not continuous service of over three years.

He claims that he should receive pay from March 11, 1865, to May 18, 1865, and also three months' extra pay under the act of March 3, 1865.

There was a certain delay between March 11, 1865, when Captain Wardwell was confirmed by the Senate, and May 11, when his commission was sent to him. For this period of delay he thinks he ought to receive the pay of his rank, because he resigned his lieutenantcy to accept the commission of captain which had been promised him, and was present and ready to receive his commission at the date of his confirmation. It appears, however, that in addition to the time usually required for the making out and signature of the commission, there was a further delay caused by the assassination of President Lincoln, April 14. By law and regulations an officer does not begin to draw pay until he has received and accepted his commission and taken the oath. Unfortunate circumstances caused a delay of some weeks to Captain Wardwell in the receipt of his commission, and it seems not unreasonable to allow him pay during this period of waiting, because he resigned his lieutenantcy on the positive information that he had been appointed a captain, and he was present and ready to assume his new duties.

The act of March 3, 1865, grants three months' extra pay to officers then in commission and who should continue in service to the close of the war. Captain Wardwell was mustered out February 23, 1865, and was not confirmed by the Senate as captain till March 11, and only accepted his commission on the 18th of May, so that he was not in service on the 3d of March, 1865, and could not legally draw the three months' extra pay.

But as Captain Wardwell, after being in the Army nearly three years, resigned for the sole purpose of receiving his new commission, and was present and ready to be mustered in under it, he may not improperly be considered as constructively in the service on the 3d of March, 1865, and therefore entitled to three months' extra pay.

The committee, therefore, report that the bill should pass.

Mr. BEACH. I wish to inquire of the gentleman from Maryland [Mr. McCOMAS] whether the general act passed in the last Congress does not cover this case?

Mr. McCOMAS. No, sir; it does not.

Mr. BEACH. One additional inquiry: How much money will this bill take out of the Treasury?

Mr. McCOMAS. The extra pay of this officer for three months.

Mr. BEACH. What will that amount to?

Mr. McCOMAS. A few hundred dollars; I have forgotten the exact amount. But under the bill this officer will simply receive the three months' pay which every other officer received. This officer was promoted, and while waiting to receive his commission, which was accidentally delayed, he was mustered out, and in this way deprived by a technical rule of the extra pay which all other officers received. He was promoted, and his promotion was confirmed by the Senate, but his commission went by mistake to Oakland, Cal., instead of Oakland, Md.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED G. HATFIELD.

Mr. WALLACE. I desire to call up from the Speaker's table for present consideration the bill (S. 295) for the relief of Alfred G. Hatfield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Alfred G. Hatfield, the legal representative of John Hatfield, deceased, late veterinary surgeon of the Thirteenth Pennsylvania Cavalry, the sum of $675, in full for services as veterinary surgeon for said regiment for nine months, at $75 per month.

Mr. RANDALL. Is there a report accompanying this bill?

Mr. WALLACE. I ask the Clerk to read the report of the Committee on War Claims upon a House bill similar to this bill of the Senate.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1368) for the relief of Alfred G. Hatfield, having considered the same and accompanying papers, submit the following report:

The committee find the facts to be as stated in House report No. 1682, Forty-seventh Congress, first session, which said report is hereto annexed and made a part of this report, and is as follows:

"The Committee on War Claims, to whom was referred the petition of Alfred G. Hatfield, with accompanying documents, respectfully report:

"The petitioner is a citizen of the United States and a resident of the District of Columbia. He claims relief as the son and only heir at law of John Hatfield, who died in the city of Washington in the year 1874.

"It appears from the papers referred with the bill that on or about the 1st day of June, 1862, John Hatfield was employed by James A. Gallagher, then colonel commanding the Thirteenth Pennsylvania Cavalry Volunteers, in the military service of the Government of the United States, to act as veterinary surgeon for said regiment. At the time of the employment of John Hatfield by Colonel Gallagher veterinary surgeons were not allowed by law; but from affidavits of officers of the regiment and others it appears that the necessity existed for the employment of one. There were eight or nine hundred horses in the regiment, and many of them were affected with distemper and other diseases, and required the care and skill of a competent veterinary surgeon. John Hatfield, as such, had charge of all the horses of said regiment, under instructions from and the authority of Colonel Gallagher, from the date of his employment as aforesaid until the 3d day of March, 1863, a period of nine months, and he was paid nothing for his services rendered during that time, although the promise of pay was often repeated by Colonel Gallagher.

"From papers on file in the War Department it appears that John Hatfield, in December, 1863, presented his claim for recognition and pay as veterinary surgeon for nine months; that he had acted as such under the authority of Colonel Gallagher. There was then no law authorizing the employment of veterinary surgeons, and his claim was properly rejected; but on a review of the facts a warrant as veterinary surgeon was issued in his favor January 2, 1864, to date March 3, 1863, the date veterinary surgeons were authorized by law. From the 3d of March, 1863, until he was discharged he received $75 per month, that being the compensation for veterinary surgeons provided by the act of Congress approved on the said 3d day of March, 1862, known as the 'enrollment act.' But it being clear that he rendered valuable and efficient services during the nine months he acted under the authority of Colonel Gallagher, saving the Government from great loss, and that the necessity existed for his employment, your committee are of opinion that he should be paid a reasonable compensation therefor, and we are further of opinion that $75 per month is fair and reasonable.

"The committee therefore report the accompanying bill, appropriating the sum of $675, and recommend its passage."

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 1368) for his relief, with recommendation that it pass.

Mr. McMILLIN. I desire to ask the gentleman in charge of the bill when the application in this case was first made.

Mr. WALLACE. I do not know when it was first made. This bill has been passed by the Senate.

Mr. McMILLIN. During this Congress?

Mr. WALLACE. Yes, sir; at the last session. In this House a bill precisely similar has been referred to the Committee on War Claims and reported unanimously.

Mr. McMILLIN. I would like to know how it happened that the man who actually did this service lived nine or ten years after the war closed without making application to Congress for relief. But ten years after his death his legal representative comes and asks relief.

Mr. WALLACE. I ask that the gentleman from Ohio [Mr. GEDDES] make a statement about that matter.

Mr. McMILLIN. The gentleman from Ohio says that he does not remember. Now that is a material inquiry.

Mr. WALLACE. The bill has been here for some time.

Mr. McMILLIN. Is there any proof that this claim was presented in the lifetime of the deceased?

Mr. WALLACE. I am unable to inform the gentleman.

Mr. McMILLIN. I do not see anything in the report to that effect, nor is there any indication that it ever was presented in the lifetime of the deceased. The colonel commanding the regiment of course could not have supposed he had any authority under the law to employ such veterinary surgeon, and, of course, this man could not have served there for nine months without seeing other men receiving pay when he received none and he must have known there was no authority of law for his employment.

Mr. WALLACE. In answer to the gentleman from Tennessee I will say this: The gentleman was employed by the colonel commanding the Thirteenth Pennsylvania Cavalry Volunteers in the military service of the Government of the United States to act as veterinary surgeon for such regiment after the regiment was organized and before the law was passed under which he could be paid. He was employed for nine months before an act of Congress was passed providing for his payment. That act authorized the payment to him of $75 per month for the previous nine months when he served faithfully and efficiently as a veterinary surgeon, and when he received no pay. This bill has been introduced in order to make provision for his payment.

Mr. McMILLIN. But the point I make is, there was no law to pay him, no authority of law for his appointment, and there was no reason why the colonel commanding every cavalry regiment in the service could not have made a similar appointment and given rise to a similar claim.

Mr. WALLACE. According to the proof, this man rendered very efficient service as a veterinary surgeon. The claim was referred to the Committee on War Claims, and that committee reported in its favor.

Mr. McMILLIN. The point I make is that it is against public policy to allow any such claims where appointments have been made without authority of law. The man who remains in service when he knows there is no authority of law for his employment has no right to bring in any claim here against the Government, and especially so long as the service is rendered.

Mr. WALLACE. The papers were presented to the War Department in 1863.

Mr. McMILLIN. I see that in the report.

The SPEAKER *pro tempore*. The time allowed for debate has expired. Is there objection to the consideration of the bill?

Mr. McMILLIN. I object.

The SPEAKER *pro tempore*. Those who object to the consideration of the bill will rise. [After a pause.] More than a sufficient number have arisen, and the bill therefore is not before the House.

REGULATION OF STEAM-BOILERS.

Mr. DAVIS, of Illinois. I call up for consideration the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels, with an amendment reported from the Committee on Commerce of this House.

The bill was read, as follows:

Be it enacted, &c., That section 4434 of the Revised Statutes of the United States be amended by adding thereto a proviso, so that the section will read as follows:

"SEC. 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues: *Provided*, That boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used on steam vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, or the great lakes, or any of them, or waters flowing to and from the same, or any of them, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness."

The amendment was read, as follows:

In line 17, page 2, after the word "sounds," insert the words "or the great lakes, or any of them, and waters flowing to and from the same, or any of them."

Mr. DAVIS, of Illinois. Mr. Speaker, the law at the present time provides that no boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness. This bill amends the present law by providing that boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used in steam vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, or the great lakes, or any of them, or the waters flowing to and from the same, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness.

It has passed the Senate; has come to the House; has been reported back from the Committee on Commerce unanimously to the House; has the approval of the board of supervising inspectors of steam-boilers; is recommended by the Secretary of the Treasury, and is required for the purpose of passing some of the boilers used on the larger vessels of the country.

I reserve the remainder of my five minutes until I can hear from the other side.

Mr. WELLER. Let the report be read.

The SPEAKER *pro tempore*. The report can be read, but it will come out of the time allowed for debate in opposition.

Mr. BAYNE. Why is this amendment required?

Mr. DAVIS, of Illinois. The amendment is required to pass the inspection of boilers for the waters of the great lakes which were left out of the Senate bill. Senator CONGER, of Michigan, called the attention of the committee of the House to the fact that the amendment ought to be included in any legislation to take place, as the waters of the lakes are clean in every respect.

Mr. WELLER. I ask for the reading of the report.

The report of the committee was read, as follows:

The Committee on Commerce, to whom was referred the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam vessels, which bill passed the Senate of the United States December 18, 1884, having considered the same, respectfully report:

That the Senate bill do pass with the following amendment:

In line 17, page 2, after the word "sounds," insert the words "or the great lakes, or any of them, and waters flowing to and from the same, or any of them;" so that the said bill shall read, when amended, as follows:

"An act to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam vessels.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4434 of the Revised Statutes of the United States be amended by adding thereto a proviso, so that the section will read as follows:

"SECTION 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues: *Provided*, That boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used on steam vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, or the great lakes, or any of them, or the waters flowing to or from the same, or any of them, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness."

The SPEAKER *pro tempore*. Does the gentleman from Illinois desire to be heard for the remainder of the time?

Mr. DAVIS, of Illinois. I do not, sir.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, the amendment agreed to, and the bill as amended ordered to be read the third time; and being read the third time, was passed.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS, MO.

Mr. O'NEILL, of Missouri. Mr. Speaker, I desire to call up House bill 6881, on the Private Calendar, for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That there be paid to the trustees of the Christian Brothers' College, of Saint Louis, in the State of Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, in full compensation for the use and occupation of the buildings and lands of said college during the late war by the United States troops, and for injury to and destruction of property belonging to said trustees by said troops.

The committee recommend, in line 6, to strike out "thirty-five" and insert "twenty."

Mr. O'NEILL, of Missouri. I ask to have the report read.

The Clerk proceeded to read the report.

Mr. MORSE (interrupting the reading). I move to dispense with the further reading of the report.

Mr. O'NEILL, of Missouri. I ask unanimous consent that its further reading be dispensed with.

The SPEAKER *pro tempore*. Unless some gentleman desires to debate the bill the Chair will call for objections.

Mr. HEWITT, of Alabama, and Mr. BENNETT. Let the report be read.

The Clerk resumed the reading of the report.

Mr. BROWN, of Pennsylvania (after the reading had proceeded for some time). I think the House is satisfied so far as the report is concerned, and I ask that its further reading be dispensed with.

The SPEAKER *pro tempore*. The gentleman from Alabama and the gentleman from North Carolina demanded the reading of the report.

Mr. HEWITT, of Alabama. I withdraw the demand.

Mr. BENNETT. I ask that it be read.

The Clerk resumed and concluded the reading of the report (submitted by Mr. STORM). It is as follows:

Prior to the recent rebellion the College of the Christian Brothers of Saint Louis, Mo., was a large, well-appointed, and flourishing institution, being 200 feet long by 40 feet in width, with a wing attached 130 feet by 40 feet, and four stories high, and devoted to the education of youth in all the practical departments of knowledge. Its pupils, drawn from all sections of the United States, numbered about five hundred on an average. From this large patronage the college derived its revenue, and upon this it depended for the maintenance of its corps of instructors and the procurement of all its needed educational facilities. That soon after the commencement of hostilities McDowell's College, immediately adjoining the College of the Christian Brothers, was occupied by the Union forces as a military prison; that the occupancy of the former building for the purpose of a military prison made it necessary and convenient for Union forces to occupy a portion of the latter building, with all the grounds belonging thereto. This occupation, commencing in 1861, continued for four years.

The effect of such occupancy upon the school was, as might have been expected, fatal. The preservation of discipline among the students was impossible; the noise and distractions of the camp put an end to study and scholastic exercises, and the voice of collegiate authority was silenced amid the din of arms. The well-worn legal maxim can be easily changed to meet the result in this case: *Inter arma silent muse*. Within one year the attendance diminished to one hundred pupils, and at the close of the war but a small fraction of this number remained.

The common use by the soldiers of the halls and rooms for so long a period of time was attended by great damage to the furniture, walls, flooring, and plastering. For the purpose of giving the sentinels and guards a better command of the military prison, the partitions and outer walls were cut through and greatly damaged. The repairs made necessary by the aforesaid occupation required a large expenditure of money.

For this occupancy, and for the injury done to the college, the memorialists think they ought to have $10,000 or $12,000 per annum for rent, and $12,000 for repairs, making in all from $52,000 to $60,000. Of the amount of repairs, as itemized in the testimony of Henry Noeth, the committee do not think more than $7,000 is properly chargeable to the occupancy by the Union forces, and that, judged by its effects upon the school, such occupancy cost the college all of $12,000 per annum, yet the committee have thought it best to reduce that claim.

The occupancy of the college in question is testified to by the officers then in command, and among them Col. Henry F. Harrington, now the president of the board of public schools of the city of Saint Louis.

The amount of damages, &c., is shown by various witnesses and from the books of the college, where the expense of repairs was kept. Institutions of religion, learning, and charity are respected by all civilized nations, and by the well-established law of nations are exempted from the usual operations of war. The Society of Christian Brothers has peculiar claims upon the Government and mankind as large. They are not a religious or priestly order; they do not, and under the laws of the society can not, own any property as individuals. In this respect they very much resemble the primitive Christians. They live and labor for all mankind—their charity is extended to all.

Had this building been a machine-shop or a factory, occupied as the college was, its owner would be entitled to a fair and just compensation. We can not do otherwise with this institution.

The committee allow the sum of $20,000 for the use and occupation of the college, and recommend the passage of the said House bill No. 6881, with the following amendment: Strike out the words "thirty-five," in line 6 of the bill, and insert "twenty."

The SPEAKER *pro tempore*. The Chair will announce that the hour has expired.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

H. H. ALEXANDER.

Mr. McADOO. I ask unanimous consent to submit a resolution for reference.

The resolution was read, as follows:

Resolved by the House of Representatives, That H. H. Alexander be paid the sum of $162 for services as stenographer to the subcommittee of the Committee on Accounts from January 21, 1884, to January 31, 1884, inclusive.

The resolution was referred to the Committee on Accounts.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. SPRINGER. I ask unanimous consent to submit a resolution for reference.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress, and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered to be printed which have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress, and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

The resolution was referred to the Committee on Printing.

GIRARD AND MOBILE RAILROAD COMPANY.

Mr. PAYSON, by unanimous consent, from the Committee on the Public Lands, reported, as a substitute for H. R. 179, a bill (H. R. 8180) to declare forfeited a grant of land in aid of the Girard and Mobile Railroad, in Alabama; which was read a first and second time, and, with the accompanying report, referred to the House Calendar, and ordered to be printed; and the bill (H. R. 179) was ordered to be laid on the table.

MARTHA C. BREESE.

Mr. HEWITT, of Alabama, by unanimous consent, from the Committee on Pensions, reported back the bill (H. R. 4280) to increase the pension of Martha C. Breese; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. THOMAS, by unanimous consent, from the Committee on Naval Affairs, reported back with an adverse recommendation the joint resolution (H. Res. 311) tendering the thanks of Congress to Commander Winfield Scott Schley, Commander G. W. Coffin, and Lieut. William H. Emory, jr., of the United States Navy, and to the officers and men under their command, for the rescue of Lieut. A. W. Greely and his surviving comrades, of the Lady Franklin Bay expedition; which was ordered to be laid on the table, and the accompanying report printed.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I demand the regular order.

Mr. RANDALL. Mr. Speaker, I suppose now would be as good a time as any to inquire of the gentleman from Kentucky as to the bill under consideration in the Committee of the Whole. I am instructed by the unanimous voice of the Committee on Appropriations to make an inquiry as to when the gentleman in charge of the bill expects to reach a final vote on its passage?

Mr. WILLIS. I can only reply to the inquiry of the gentleman from Pennsylvania by stating, what he knows and what every other member of the House knows, that the Committee on Rivers and Harbors have prosecuted the consideration of the bill as fast as these abominable rules will permit us to do, and we propose to continue that effort and reach a determination of all the issues involved at the earliest possible moment. We are ready to go on now. We are ready to proceed to-morrow, and will go on to-night if the House will permit us to do so. We are as anxious to dispose of this bill as the gentleman can possibly be for us to get it out of the way; and it is with this view that I have submitted the motions which I have made to expedite its passage.

I will state a fact that is well known, that the committee in the Senate which has charge of the river and harbor appropriation bill, has no business before it and is awaiting the passage of this bill, while the Committee on Appropriations, which will have charge of all of the appropriation bills, has already a half a dozen bills before them and are busy with their consideration, while the committee to which I have referred have nothing to do. And for that purpose my aim and the aim of the Committee on Rivers and Harbors, with the help of the members on the floor, is to get it out of the way as quickly as possible that the committee of the Senate may consider and act upon it.

Mr. RANDALL. This bill, if its consideration is continued to-day and to-morrow, will have occupied the entire week. The Committee on Appropriations consider that this House will not be free from public criticism if the appropriation bills are not all sent to the Senate by the 22d to the 25th of this month. To accomplish that the committee are of opinion that they should have the right of way after Saturday night, and that on Monday a serious effort should be made on their part—and in this effort they are united as one man—to claim next week for the Post-Office appropriation bill and the legislative appropriation bill, and for the sundry civil bill, which is likely to be reported early enough to take up any of the days unoccupied toward the end of next week. And I have thought and the committee thought it was due to the gentlemen who advocate and have special charge of the pending bill that this intimation should be given.

Mr. HISCOCK. Will the gentleman from Pennsylvania allow a suggestion from this side of the House? The Commerce Committee of the Senate will have but one appropriation bill to consider. I mean this bill. I suppose in the Senate it goes to the Committee on Commerce. The Appropriations Committee of the Senate has to consider all the appropriation bills. Now it seems to me, if we are not to have an extra session of Congress, the general appropriation bills should now have the right of way, and should go over as soon as possible to be referred to the Appropriations Committee of the Senate.

Mr. WHITE, of Kentucky. I rise to a question of order. Rule XXVI provides as follows:

Friday in every week shall be set apart for the consideration of private business unless otherwise determined by a two-thirds vote of the members present and voting.

Now, we have on the Calendar twenty-four pages of private bills, aggregating about——

Mr. TOWNSHEND. Is this in order?

The SPEAKER *pro tempore*. The gentleman from Kentucky rose to make a point of order. He will state it.

Mr. WHITE, of Kentucky. The point of order is that the regular order to-day is the consideration of private bills.

The SPEAKER *pro tempore*. The Chair does not see that the gentleman presents any point of order.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports of private bills. The gentleman from Kentucky [Mr. WILLIS] moves to dispense with the consideration of private bills for to-day. The question is upon that motion.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. O'NEILL, of Pennsylvania. I desire to make an inquiry of the Chair. Will the order just made, dispensing with the consideration of private business, take away the night session for the consideration of pension bills?

The SPEAKER *pro tempore*. The Chair does not think that the order has that effect.

Mr. O'NEILL, of Pennsylvania. I supposed not.

The SPEAKER *pro tempore*. The Chair does not understand that the motion embraced dispensing with the regular Friday night session on pension bills. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union.

Mr. WILLIS. Pending that I move that the order for a recess at 5 o'clock shall be extended so that the recess shall commence at 6 o'clock.

The SPEAKER *pro tempore*. That motion requires unanimous consent.

Mr. WILLIS. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the order for a recess this evening at 5 o'clock shall be extended so that the recess shall commence at 6 o'clock.

Mr. WHITE, of Kentucky. I object.

The SPEAKER *pro tempore*. The question is on the motion that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. Before the pending question is stated, the Chair will submit the request of the gentleman from Maryland [Mr. McCOMAS] that he be permitted to extend his remarks, as they will be printed in the RECORD. The Chair hears no objection, and the request is granted.

The pending question is on the amendment offered by the gentleman from Maryland [Mr. McCOMAS].

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Norwalk, Conn.: Continuing improvement, $3,000.

Mr. WAIT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Improvement of the river and harbor at Niantic, in Connecticut, $5,000.

Mr. WAIT. This river and harbor have been twice examined by the surveyors and engineers of the United States, and twice they have reported in favor of an appropriation for the improvement of that river and harbor. The report of the Engineer did not reach the Committee on Rivers and Harbors in sufficient time to have an appropriation voted for by the committee and put in their bill. I therefore offer this amendment, after having conferred with the chairman of the committee.

The engineer who made the last examination, and that was within the past year, recommended an appropriation of $8,000 for the improvement of this river and harbor. They are virtually one thing. The harbor is an indentation into the coast and the river is an extension really of the harbor, but about a mile or a mile and a half inland from the south.

The object of this improvement is to permit the raw material and the coal required for the mills to be brought there, which they can not now bring there except at very high tides. It is impossible at any other time on account of the bar in the harbor; nor can they go up the river with it on account of the bar at the mouth of the river. There is a constant desire on the part of the owners to bring coal and to bring material to use in these mills by water, and to stop the expensive transportation by land from New London, which is five or six miles distant from the mills.

In addition to that the State of Connecticut has purchased thirty-eight acres of land there and established a State camp, and for a week or ten days each year there is a constant necessity for the running there of steamers of all kinds, not only for the transportation of troops from other parts of the State to this camp, but for bringing the materials necessary for the use of the camp.

A very large and bright and beautiful village is built up there. The Baptists have their annual gatherings there, and it is the same with the Spiritualists. Material has to be brought for the erection of houses and churches, but there exists this embarrassment resulting from the bar in the river. I offer this amendment, and I hardly think that the chairman of the Committee on Rivers and Harbors, after the conversation I have had with him and with other members of the committee, will object to it. I believe that public convenience and public necessity require this improvement to be made; that the demands of commerce require it; that the necessities of the State require it. The petition that has been sent to me, and which I have shown to the gentlemen, is headed by ex-Governor Waller and by every leading military man in the State; and it asks that this improvement be made as a matter of public convenience and public necessity. I do not wish to occupy more time upon the subject. I have stated the case, and every gentleman who is familiar with the facts knows that I have stated them correctly. I ask only for an appropriation of $5,000, and the engineer has recommended an appropriation for this work of $8,000.

Mr. WHITE, of Kentucky. Mr. Chairman, will the gentleman from Connecticut state the page of the report on which this item appears?

Mr. WAIT. It is not in the report. It was not received in time to go into the printed report.

Mr. WHITE, of Kentucky. Has there ever been an appropriation for this harbor heretofore?

Mr. WAIT. No. There have been two surveys, and each time a recommendation of an appropriation. The first time it was not brought to the attention of the committee so as to enable them to pass upon it, and on the second occasion the engineer did not send in the report in time to go into the printed volume. If it had come in time it would have appeared in the printed volume.

Mr. WHITE, of Kentucky. Mr. Chairman, I call for the reading of the report.

The CHAIRMAN (Mr. CRISP). The Chair is not aware that there is any such report here. If the gentleman from Kentucky wants to read anything in his own time he can do so; or if he desires to have the Clerk read it, he can send it up.

Mr. WAIT. Mr. Chairman, I have no objection to the reading of the report. I have it here.

Mr. WHITE, of Kentucky. Mr. Chairman, I understand that the gentleman from Connecticut [Mr. WAIT] has the report, and I desire to have it read in my time.

The Clerk read the report, as follows:

ENGINEER OFFICE, UNITED STATES ARMY,
New Haven, Conn., October 28, 1884.

GENERAL: I have the honor to submit the following report upon the preliminary examination of the river and harbor at Niantic, Conn., made under act of Congress approved July 5, 1884:

Niantic Harbor is an indentation of the Connecticut shore-line, about five miles west of New London, and eight miles east of the Connecticut River.

What is known as the river is but an extension of the harbor inland for three or four miles, the two being separated by the bridge of the shore-line division of the New York, New Haven and Hartford Railroad.

Upon inquiring of Hon. J. C. WAIT, M. C., in whose Congressional district Niantic Harbor is situated, as to the object of the survey ordered, I was referred by him for the necessary information to Mr. C. P. Sturtevant, of East Lyme, the town in which Niantic is situated, and to Mr. Beckwith, the postmaster at Niantic.

Through these gentlemen I learned that the commerce of the river and harbor is restricted wholly to the importation of coal and to the occasional exportation of railroad-ties and wood, and that formerly a quarry on the river, employing from twenty-five to one hundred men, was operated, but that the difficulty of navigating the harbor and river was so great that it prevented the establishment of other industries on their shores and compelled the hauling from New London of large amounts of freight required by the neighboring community which otherwise would be delivered more cheaply by water.

There are two coal-yards now in use here—one at the bridge, the other at the head of the river about three miles above the bridge. The amount of coal which they handle is between 2,500 and 3,000 tons annually. The number of vessels that enter this harbor is less than one a month. There is no custom-house officer stationed here. The chief difficulty experienced in the outer harbor is within

a quarter of a mile of the bridge. The channel here has a depth of only four or five feet at low water, while the mean rise of the tide is about two and a half feet; vessels carrying freight can enter only at high tide, and when this occurs, either before daylight in the morning or after it in the evening, the harbor is practically closed against them, and they are compelled to remain outside subject to the danger of being caught by bad weather in a shallow and exposed harbor.

There is better water up the river, but the channel there is very crooked in places, and navigation is troublesome, as vessels are in constant danger of getting aground.

These obstacles make it difficult and expensive to secure charters for the cargoes of coal that have to be brought here.

From the statements made to me it appears that the present channel below the bridge has altered very little, if any, since it assumed its present course after the building of the railroad bridge, and it is probable therefore that if it were improved the improvement would be of a permanent character.

To deepen this channel to nine feet at low water for a width of one hundred feet would require the removal of about 20,000 cubic yards of material, which at 20 cents per cubic yard would cost $4,000.

The improvement of the river above the bridge does not appear to be of so much importance at present, as but one mill would be affected by it and the cost of making an unobjectionable channel would be out of proportion to the benefit which it would confer. But its navigation might be very much improved by cutting off some projecting points and widening and deepening it in several places. The removal of 20,000 cubic yards of material would make this a serviceable channel, costing, at 20 cents per cubic yard, $4,000.

Total estimated cost of both improvements, 40,000 cubic yards of dredging, at 20 cents per cubic yard, $8,000.

The present demands of the commerce of the place I have already indicated, and these demands will increase with the growth of the town.

The State of Connecticut has recently established its permanent military camp on the west bank of the Niantic River, just north of the railroad bridge, and has expended a good deal of money in the erection of permanent buildings there; and I am informed that the village is growing rapidly.

In view of the fact herein presented, the little cost of making the contemplated improvement, and the desirability of giving to the community a means of supply which will act as a check upon extravagant railroad charges, it is my opinion that this harbor is worthy of improvement.

The survey, made under the direction of General Warren in 1872, is so much in detail that no further examination or survey is needed here.

Very respectfully, your obedient servant,

WALTER McFARLAND,
Lieutenant-Colonel of Engineers.

Brig. Gen. JOHN NEWTON,
Chief of Engineers.

During the reading of the report the following proceedings took place:

The CHAIRMAN (Mr. CRISP). The time of the gentleman from Kentucky has expired. The question is on agreeing to the amendment of the gentleman from Connecticut [Mr. WAIT].

Mr. WHITE, of Kentucky. I move to amend the amendment of the gentleman from Connecticut [Mr. WAIT] by striking out the last word, and I ask that the Clerk shall continue the reading of the report. It is very interesting. There is a great deal of commerce on this stream.

Mr. WILLIS. Mr. Chairman, I raise the question whether the gentleman from Kentucky [Mr. WHITE] is entitled to hold the floor in this way. The rule that we have becomes a complete farce if a gentleman can continue to occupy the time of the House by merely moving to strike out the last word, or some other word, of every amendment.

Mr. WHITE, of Kentucky. Mr. Chairman, I object to this coming out of my time.

The CHAIRMAN (Mr. CRISP). The Chair understands that under the rule the gentleman from Kentucky [Mr. WHITE] is in order in his motion to strike out the last word. The Clerk will proceed with the reading of the report.

The Clerk then continued and completed the reading of the report as above quoted.

Mr. WHITE, of Kentucky. Mr. Chairman, in the four minutes remaining I desire to call the attention of the committee to the fact that notwithstanding this is a very small harbor, it is of quite as much importance to the people living in its neighborhood as greater harbors are to the people of larger communitjes. I am not one of those that believe in appropriating money merely for the Mississippi and the other "great water ways" (according to the Democratic platform), but I am in favor of appropriating money for the improvement of every navigable river and every navigable harbor within the United States.

Now, sir, it is true that this is a very small harbor. It is comparatively insignificant; but the engineer reports that there is some commerce there, and the engineer reports furthermore that if this harbor is improved it will tend to cheapen transportation, which the railroads now monopolize. In that sentence is the gist of all our appropriations for rivers and harbors. It is to have commerce flow unrestricted, it is to have some way of checking the extravagant charges of railroad corporations that we make these appropriations. This is a small harbor, but it is not so small as Hingham; neither is Hingham so large as Plymouth. We have appropriated $6,000 for the small harbor of Hingham, which has some commerce, very little commerce, and we have appropriated a smaller amount for the larger harbor of Plymouth.

Now, sir, the recommendation for an appropriation for this little harbor has come too late for the committee to consider it—I mean the committee with closed doors; but it is in ample time for this committee. It goes alongside of Hingham Harbor, which, upon the representations of the gentleman from Massachusetts [Mr. LONG], has been appropriated for in this bill, not on the recommendation of the committee that sits with closed doors, but by a majority of this honorable Committee of the Whole House. I ask, therefore, that the amendment of the gentleman from Connecticut [Mr. WAIT] be adopted.

Mr. WAIT. Mr. Chairman, is my time entirely exhausted?

The CHAIRMAN. It is.

Mr. WILLIS. I hope we shall have a vote.

Mr. WAIT. The report of the engineer——

Mr. WILLIS. I object to further debate. Every word that has been uttered has been in favor of this proposition. The Committee on Rivers and Harbors were unanimous in rejecting this appropriation. This case was not like that of Hingham Harbor, which was not before the committee. This case was before the committee, and the proposed appropriation was unanimously rejected upon the ground that there was no public necessity for it, that no commercial interests demanded this expenditure. I trust we shall have a vote.

Mr. WAIT. I move to amend the amendment by striking out the last word, because I feel bound in duty to my constituents to respond to what has just fallen from the chairman of the Committee on Rivers and Harbors. If the committee examined the facts in this case before rejecting the proposition, they did not examine all the facts. The improvement which this amendment proposes would afford facilities for the carrying of raw material to a very large woolen mill up this river, as well as an oil factory. It would also enable our beautiful granite to be transported to market. We desire such an improvement made as will give steamers access to this river.

There was a time, as the report states, before the river became obstructed, when a large number of persons were employed in quarrying granite for transportation to various points, to be used for building purposes and to be wrought into monuments. It is true, as stated by the engineer, that if this river were made properly accessible it would be of great advantage to the manufacturing interests of that locality, which are now compelled to pay for railroad transportation five or six miles to New London or eight miles to the Connecticut River.

I withdraw the *pro forma* amendment to strike out the last word.

The question being taken on the amendment of Mr. WAIT, it was not agreed to—there being, ayes 43, noes 53.

The Clerk read as follows:

Improving harbor at Buffalo, N. Y.: Continuing improvement, $75,000.

Mr. ROGERS, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 55, strike out "75" and insert "100," so as to make the appropriation for continuing improvement of harbor at Buffalo, N. Y., $100,000.

Mr. ROGERS, of New York. Mr. Chairman, I have the honor to represent in this House the district in which this improvement is being carried on; and I know something of the needs of this work. Here is an improvement of which the estimated cost is over $1,200,000. The Committee on Rivers and Harbors propose to grant an appropriation of $75,000. This improvement has been going on for the last ten years, and on account of the small appropriations little more than half the work is now completed. At this rate it will take ten years more to finish the improvement. I think I am very modest in the amendment I now propose, and hope that the committee will accede to it.

Mr. HISCOCK. I wish that my colleague would have read the report of the engineer on this subject.

Mr. ROGERS, of New York. The Chief of Engineers recommends for this improvement an appropriation of $300,000.

Mr. HISCOCK. I wish my colleague would have the recommendation read.

Mr. ROGERS, of New York. It is found on page 321, and I ask the Clerk to read it.

The Clerk read as follows:

Buffalo Harbor, New York.—The original project for the improvement of this harbor was adopted in 1826, the date of the first appropriation, and as modified at various times provided for the construction of a north and south pier at the mouth of Buffalo Creek, a masonry sea-wall running south from the inner end of the south pier and a breakwater less than half a mile in front of the Buffalo light-house, its long arm extending nearly parallel with the shore.

The present project was adopted in 1874, and provides for the construction of a breakwater of crib-work, 7,600 feet long, running parallel to the shore and a shore arm of pile and crib-work, 4,100 feet long, running out toward the southern end of the main or detached breakwater, leaving an opening about 150 feet wide between them.

The total amount appropriated for this harbor up to the close of the fiscal year was $1,661,880.41, of which $1,487,352.41 have been expended, resulting in the construction of the north and south piers, the sea-wall, 4,891 linear feet of detached breakwater, and 870 linear feet of pile pier. The main breakwater is now being extended 800 feet, and will be finished early in the coming fiscal year.

The south pier, the pile pier, and the northern portion of the main breakwater are very much in need of repairs.

Mr. HISCOCK. I ask my colleague to state the commerce of Buffalo.

Mr. ROGERS, of New York. The tonnage of Buffalo last year was about 4,000,000 tons and the custom-house receipts about $850,000. Our shippers there are now very much embarrassed for want of harbor facilities. These facilities will be largely increased when this improvement is completed, not before. I trust the committee will see the propriety of acceding to this amendment.

Mr. BLANCHARD. The Committee on Rivers and Harbors found that on July 1, 1883, there was to the credit of the Buffalo Harbor improvement $121,395; from July 1, 1883, to July 1, 1884, there was expended only $37,382; so that on the 1st day of July, 1884, there was

available for this improvement more than $84,000. Now, by the last river and harbor bill, approved July 5, 1884, we appropriated for this improvement $100,000. Thus there is available for the fiscal year ending July 30, 1885—the present year—$184,000. Now, we propose in this bill an appropriation of $75,000, making more than $250,000 available for the improvement of Buffalo Harbor for the remainder of the present fiscal year and for the fiscal year ending June 30, 1886.

Now, as only $37,000 was spent on this work during the fiscal year ending June 30, 1884——

Mr. ROGERS, of New York. I will explain why more was not expended.

Mr. BLANCHARD. How is it that my friend expects the engineers to spend upon this work $250,000 from now till the end of the coming fiscal year? That is why the committee did not give any more than $75,000. We thought it was as much as they could expend in one year, judging by the expenditures of the past year.

Mr. STEVENS. Has the gentleman from Louisiana any advice as to how much money has been expended or will be expended on the 30th of June, 1885? He refers to a certain amount applicable on hand during the fiscal year ending June 30, 1885. Is he in possession of any information from the War Department that will enable us to tell how much has been expended during the past year?

Mr. BLANCHARD. We have no information other than that furnished to us in these printed reports, but we did see by these printed reports they did not expend but $37,000 in the year preceding the last year, and last year we gave $100,000, leaving $84,000 to the credit of that harbor, while in addition we have given in this bill $75,000, which increases the amount to $230,000.

Mr. STEVENS. For two years.

Mr. BLANCHARD. For the balance of this year and for the next fiscal year.

Mr. ROGERS, of New York. I can explain to the gentleman from Louisiana why only $37,000 was expended during that year. Contracts were invited by the engineers, but when opened they were found to be excessive—so much so they refused to entertain them at all; and consequently they had to make return to Washington, so that the contracts were thrown over to the succeeding year. My friend from Louisiana will understand, under existing contracts the bulk of the appropriation now made will be used during the present year. This is an important work, and Congress would do well to appropriate twice the amount to complete this work. [Cries of "Vote!"]

Mr. BLANCHARD. I desire to say the committee recognize the great importance of Buffalo Harbor, and since they have $244,000 on hand less the amount they have expended during the last six months, and inasmuch as Buffalo gets the same proportion as other harbors all over the country, I submit the amendment of my friend from New York should not be adopted.

Mr. HISCOCK. I move to strike out the last word, and will say a single word in reference to this matter. The harbor of Buffalo receives the commerce of the lakes. It is an important harbor—important not only to New York and to the farther East, but to the shippers of the West. What are the facts about it? Proposals were submitted to the War Department to do the work for which appropriation was made, but the bids received were excessive and were rejected. New advertisements were necessary, and the result was the work was delayed. The money on hand is covered by contracts substantially in existence. Therefore there are no such funds in the Treasury as the gentleman from Louisiana has indicated. What money is there is pledged to the execution of existing contracts.

It does seem to me, Mr. Chairman, the amount asked by my colleague is little enough, and I hope it will be granted.

The committee divided; and there were—ayes 66, noes 41.

So the amendment was agreed to.

Mr. WILLIS. I reserve the right to ask a vote on this amendment in the House.

The Clerk read as follows:

Improving Buttermilk Channel, New York: Continuing improvement, $10,000.

Mr. BELFORD. I move to strike out "$10,000" and insert "one million." [Great laughter.] I hope I will have the attention of my distinguished, genial, and lovable friend from the State of New York [Mr. COX], the gentleman whose countenance is invariably lighted by the sunbeams of the Arctic frozen ocean, the sunbeams of the Orient, the sunbeams of the West, and the sunbeams of the East; whose heart is as mellow as that of a child, and whose voice is as sweet as that of a lute. [Laughter.]

Several MEMBERS. Give us his name!

A MEMBER. There is no such man in this House. That man must be a woman. [Laughter.]

Mr. BELFORD. He comes in here with a proposition to improve the channel of buttermilk, and asks the House to appropriate the sum of $10,000 for that magnificent project! [Laughter.]

Buttermilk! We have constructed great railroads across the plains where we have expended millions of dollars in their achievement and accomplishment. [Cries of "Vote!" "Vote!"] Oh, hold on! [Laughter.] And now, when we are coming to open up in the very heart of this continent a channel to furnish us all with a glass of buttermilk, our distinguished friend from New York has limited it to $10,000. My proposition is to vote $1,000,000 for this amendment. [Cries of "Vote!" "Vote!"] Oh! well, you will vote when I get ready for you to vote. [Laughter.]

One million of dollars, I think, should be appropriated, which will give full value for the money invested in this country. That will provide every voter in the country one glass of buttermilk, at least. [Laughter.] Now, if we consume buttermilk on election day, you can readily appreciate the fact that we will have a decent and orderly election. We all commenced in early life with a fondness for milk. [Laughter.] [Cries of "Vote!" "Vote!"] Oh! you will vote when I get through with this floor. I say we began with a fondness for milk, but that was sweet milk. [Laughter.] Then when we got to college our sweet, gentle, and kindly mothers brought us a glass of buttermilk to cure our sores and overcome our pains; and here is the great representative council of this nation, in view of a subject of such pre-eminent and magnificent importance, proposing to vote the little trifling sum of $10,000 to construct a channel in this country through which we can pour buttermilk! [Renewed laughter.]

But I want to look at some other things in this bill a little while. I am opposed to a good many of them, but I propose to support the bill! [Cries of "Vote!" "Vote!"] Don't be in a hurry. [Laughter.] I propose to vote on the principle on which the young robin takes its food—shut my eyes, open my mouth, and swallow whatever is put into this bill—bugs, lizards, whatever it may be. [Laughter.] I will take it all in a lump. Now I alluded to this buttermilk question because I wanted my distinguished and eloquent friend from New York [Mr. COX] to make a speech. I have heard him make magnificent speeches on the river and harbor bill; but he has been silent up to this present time on the pending bill. I want him to make such a grand speech as he made on the census bill, as a eulogy on buttermilk. Commence, my friend, from your earliest recollections, if you can go back that far—sweet milk—and then make the buttermilk sweet by the genial smile of your face and the eloquence of your tongue. [Laughter.]

I withdraw the amendment.

Mr. COX, of New York. I move to strike out the last word for the purpose of saying a word in response to my genial friend from Colorado. I do not propose to discuss any kind of drink, nor do I propose to say anything about rivers and harbors except that I had no relation whatever to this matter of the appropriation of $10,000 for the improvement of Buttermilk Channel.

This channel is in the upper part of the bay of New York, between Governor's Island and the mainland, and provision is made for it in this bill in pursuance of proper estimates and recommendations by the board of engineers. It does not, however, touch the main matter that will be presented hereafter as to the improvement of the harbor of New York. It is only one of those indispensable things which necessarily go into the preparation of a bill of this character, and which demand attention as forming parts of the general scope of the improvement of the whole harbor of New York.

I will say simply, to give my gentle friend from Colorado a little bit of facetiæ, so that he can have an opportunity of pondering and sleeping on it to-night, that this was called "Buttermilk" Channel because in the early days, owing to the shoaling at times, the waters of the channel were churned up so as to resemble very much in appearance buttermilk; but latterly, owing to changes in the tide and improvements in the channel, the shoaling has ceased to a great extent, and we have now almost twelve feet of navigable water in this channel. Time has obscured the original meaning of the term as applied to this channel, which term has no meaning now except that my friend from Colorado has given it the glorious glow of his Western eloquence.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from New York a question.

Mr. COX, of New York. Certainly.

Mr. WHITE, of Kentucky. I wish to ask the gentleman if he knows how much the officer in charge of the work at that point gets as an annual salary and how much the plant is worth with which the operations are carried on.

Mr. COX, of New York. I have no relation whatever to this appropriation, but no doubt the Committee on Rivers and Harbors will answer the question of the gentleman satisfactorily.

Mr. WHITE, of Kentucky. I move to strike out the last word——

Mr. WILLIS. I only desire to say in regard to Buttermilk Channel——

Mr. WHITE, of Kentucky. Who has the floor?

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky who now addresses the Chair.

Mr. WHITE, of Kentucky. With a view of presenting this matter before the committee in proper shape I shall move now to strike out $10,000 and make the appropriation for this point $20,000, as recommended by the engineers.

I make the motion for this reason, that if the gentlemen of this committee—not the committee with closed doors, but this Committee of the Whole—will go through this bill carefully and study the estimates of the Chief of Engineers they will see that by the appropriation of a little

more money they can close up scores of these works. If the engineer reports can be relied upon this important work, which began with nine and a half feet, I believe, and now has twenty-six feet of water, a harbor that admits all sizes of vessels and is of importance to commerce, not only to New York but to this whole country, can be completed for $20,000, which the Chief of Engineers says will be sufficient for the work. Why, then, give $10,000? Why continue the expense through the next year and the next year, with an additional expense of the officers in charge, with the plant and equipage and machinery, everything necessary to continue the work, instead of completing it now by this small additional appropriation?

What I am saying in regard to the Buttermilk Channel will apply to nearly all the small appropriations in this bill.

Now I desire to call the attention of the committee to the fact [cries of "Vote!" "Vote!"]—I hope this will not be taken out of my time. I do not desire to speak to those members who are yelling "Vote!" "Vote!" I am talking, as I think, to the question under consideration in the light of the information given us by the Engineer Department and the facts that are pertinent to this case. And if gentlemen have no more respect for me than to halloo "Vote!" when I address the committee, they should have regard for their own oaths under the Constitution and for the rules of the House under which I speak.

I desire to call the attention of the committee to the fact that in the bill which was vetoed by the President there were only eleven small harbors at $5,000, only one at $4,500, only one at $4,000, only six at $3,000, only three at $2,000. But the bill passed by your party last year and signed by the President had fifteen at $5,000, one at $4,000, two at $3,000, four at $2,000, and one at $1,000, making a difference in favor of the bill of the Forty-seventh Congress and in favor of the Republicans that passed that bill.

I desire to call your attention to the fact that in that bill we attempted to complete some works; we attempted to appropriate enough money, not only for the officers in charge, not only for the maintenance of the plant, but to finish the work. And if you are afraid to complete anything, if you simply want to keep the works going, with the machinery and the officers that are there, until your party comes into power, your party which has been benefited by the civil-service law, I ask you how this applies to your civil-service law? The chairman of the Committee on Rivers and Harbors was the very gentleman whose praises were sounded in connection with the civil-service bill. Yet he and his committee, sitting with closed doors, propose to keep these little works going on. I say it is more like statesmanship to appropriate $20,000 and close it than to appropriate $10,000 for the officers there to keep the machinery barely in motion and not complete the work.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. WHITE].

The amendment was not agreed to.

The Clerk read the following paragraph:

That if any person shall knowingly and willfully, by any process or in any manner, deposit or cause to be deposited, or authorize, instigate, or aid in depositing, any refuse, dirt, materials, ashes, cinders, or any substance other than that flowing from street sewers and carried therefrom in a liquid state, into tidal waters within the navigable waters of the harbor of New York, or its adjacent and tributary waters, whereby a deposit shall or may be created and the depth of water lessened, such person, on conviction thereof, shall be punished by imprisonment of not more than one year, or by fine not more than $2,500, or by both such fine and imprisonment; and that the sum of $5,000 be, and is hereby, appropriated to carry out the provisions of this section; and the Secretary of the Treasury is hereby authorized to pay that sum from any moneys in the Treasury not otherwise appropriated. The court having jurisdiction of all violations of this act shall be the United States court of the southern district of the State of New York.

Mr. WHITE, of Kentucky. I reserve all points of order on the paragraph.

Mr. PERKINS. I desire to call the attention of the committee to the language found in line 104, and also in line 84, where "this section" is spoken of. That was undoubtedly the language of the original bill, but when incorporated in this bill the phraseology should be changed and should read in each case "provisions of this act."

Mr. BLANCHARD. We have no objection to that.

The CHAIRMAN. The amendment suggested by the gentleman from Kansas [Mr. PERKINS], so far as it relates to line 84, can now only be made by unanimous consent of the committee, the paragraph in which that line occurs having been passed from and the next paragraph read. Without objection the word "section," in line 84, will be changed to "act."

There was no objection.

The CHAIRMAN. The question is now on the amendment to substitute the word "act" for the word "section" in line 104.

The amendment was agreed to.

Mr. COX, of New York. I desire to suggest another verbal amendment at line 108, to insert the word "district" before "court." As the language is now it is very indefinite.

The CHAIRMAN: The Chair will remark to the gentleman from New York that that amendment is in order. The other was not, because the committee had passed from the paragraph.

Mr. THOMAS. That is all right.

The Clerk read the amendment proposed by Mr. COX, of New York, as follows:

In line 108, after the word "States," insert the word "district;" so that it will read, "United States district court."

The amendment was agreed to.

The Clerk read the next paragraph, lines 110 and 111, as follows:

Improving harbor at Canarsie Bay, New York: Continuing improvement, $5,000.

Mr. WHITE, of Kentucky. I make the point of order on the paragraph ending with line 109 that it is new legislation.

The CHAIRMAN. The Chair holds that the point of order is made too late. The Clerk has read the next paragraph.

Mr. WHITE, of Kentucky. When the gentleman from Kansas [Mr. PERKINS] took the floor I rose and stated I reserved points of order.

Mr. COX, of New York. Two amendments to the paragraph have been voted on since and adopted by the committee.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] stated he would reserve points of order. Two amendments were then voted on, and the next paragraph was read without any objection being made.

Mr. WHITE, of Kentucky. I beg pardon of the Chair. I was doing my best to make the point of order.

The CHAIRMAN. The Chair thinks the point is too late.

Mr. WHITE, of Kentucky. I must appeal from the decision of the Chair. I appeal to the record to show whether when the gentleman from Kansas offered his correction I did not then give notice that I would raise the point of order.

The CHAIRMAN. The gentleman from Kentucky does not seem to understand the Chair. He did give notice, but he made no point of order until after amendments were voted on and the next paragraph was read.

Mr. WHITE, of Kentucky. That was not my fault. I desired recognition but could not get it.

The CHAIRMAN. The gentleman from Kentucky did not ask for recognition.

Mr. WHITE, of Kentucky. I do not know what is required to make a demand for recognition if it did not constitute such a demand that I rose in my place and stated that I reserved points of order on the paragraph.

The CHAIRMAN. The gentleman from Kentucky appeals from the decision of the Chair. The question is: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative.

The Clerk read the following paragraph:

Improving harbor at Charlotte, N. Y.: Continuing improvement, $30,000.

Mr. STEVENS. I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

On page 6, at the end of the line 113, insert as follows:
"Improving Oak Orchard Harbor, New York: Continuing the improvement, $10,000."

Mr. STEVENS. Mr. Chairman, I regret exceedingly the necessity that has compelled me to occupy the time of the committee in offering this amendment; but, in common with the other members of this House who are not members of the Committee on Rivers and Harbors, I have had no opportunity to present the claims of this harbor before that committee. I only desire to say now that it has already had expended upon it $173,500, and that the engineers of the War Department report that the amount required to complete the improvements is $92,000. They recommended last year $40,000, and they again reported that amount as one which could be properly and economically expended there this year. The harbor is not only necessary for the wants of commerce, but it is quite an important harbor. The revenue collected there during the last year for United States customs was $1,951. The engineer reports that this harbor is important to the wants of the commerce on Lake Ontario as a harbor of refuge, and it appears that during the year preceding his last report fifty vessels in stress of weather sought it as a harbor of refuge.

It is an important harbor. It has had appropriations heretofore, but during the last Congress it had only $50,000. It is stated to be actually a harbor of necessity, and it is certainly one of great importance to the commerce of Lake Ontario. I have offered this amendment in good faith, believing that the people of that section with the interests of commerce require the appropriation, and I do trust that, notwithstanding the Committee on Rivers and Harbors have refused to make any appropriation for this purpose, the good sense of this Committee of the Whole House will see the propriety of adopting this amendment.

The question was taken on the amendment; and there were—ayes 86, noes 28.

Mr. WILLIS. Mr. Chairman, without waiting now to ask a vote by tellers I will reserve a vote upon this amendment in the House.

The CHAIRMAN. The Clerk will report the next paragraph.

The Clerk read as follows:

Improving harbor at Dunkirk, N. Y.: The sum heretofore appropriated is to be used one-half for the repair of the beacon and the remainder for dredging.

Mr. BREWER, of New York. I offer an amendment as a substitute which I ask to have read.

The Clerk read as follows:

For improving the harbor at Dunkirk, N. Y.: Five thousand dollars in addition to the $10,000 heretofore appropriated; $5,000 for repairing the beacon and the remainder for dredging out the channel.

Mr. BREWER, of New York. Mr. Chairman, I ask for this additional $5,000 for the harbor of Dunkirk for the reasons which I shall explain. I probably might have obtained the insertion of this appropriation in the bill if I could have had an opportunity to explain the matter to the Committee on Rivers and Harbors. Two years ago the ice carried out the large day beacon which indicated the entrance to the channel, and it has not been restored. The channel there is cut out of solid rock, and as a result of the disappearance of the beacon the *débris* from the harbor and from the city has been permitted to fill up, so that it will require somewhat more than the amount appropriated in the bill to clear it out. For that reason I ask the substitution of this amendment instead of the provision in the bill.

Mr. WILLIS. Mr. Chairman, I desire to say at this point that the Committee on Rivers and Harbors is placed under considerable embarrassment by the fact that if we take time to present and discuss the reasons upon which we have acted in individual cases, we thus place ourselves in the power of those gentlemen who are endeavoring to kill this bill by a waste of the public time; while, on the other hand, if we make no reply to the statements and arguments presented on the other side, of course they stand as good.

Now, with reference to this harbor, the committee did consider the question. It considered it last year at length, and also this year. It considered it three distinct times, and in considering it the committee had in possession all the facts which the gentleman from New York [Mr. BREWER] has presented. But there are certain other facts which the gentleman does not present here, but which are presented by the engineers. I have before me the report of the engineer, in which it is stated that—

Unfortunately for the improvement of this harbor, it can not be made to accommodate the larger vessels except at an enormous expense, since any depth more than twelve and five-tenths feet throughout the entire inclosed area of the harbor must be gained by excavating its solid rock bed. Indeed, I may add that persons who were most sanguine for the lake commerce of Dunkirk a few years ago are now compelled to very much modify, if not to abandon, their expectations.

He goes on to say that there were only twenty vessels that entered that harbor during the past year. So that the harbor is of no considerable commercial importance, while the only improvement that would benefit it, the engineer states, would cost the Government more than the commercial interests of the harbor demand.

I refer to this, Mr. Chairman, as only one of many instances where the Committee on Rivers and Harbors felt that they had ample reason for their action, and if they do not occupy the time of this Committee of the Whole in presenting those reasons in every instance, it is because of the fact, which I have already stated, that they are anxious to press this bill through to a conclusion—willing and anxious to hear all legitimate arguments, but very desirous of speedily reaching some conclusion upon the whole bill. I ask for a vote.

Mr. BREWER, of New York. Am I not entitled to some additional time?

The CHAIRMAN. The gentleman is entitled to three minutes.

Mr. BREWER, of New York. I do not object to what the gentleman has said about the improvement of the harbor; but he does not state the matter with entire accuracy. I do not ask for any money to do new work; the object sought by this appropriation is to replace a beacon which has been carried away by the storms, and which indicated the entrance of the harbor, and also to dredge out the channel, which is cut out of solid rock, and has filled up.

Mr. THOMAS. Was not the provision as it now appears in the bill put in at the gentleman's instance and request?

Mr. BREWER, of New York. I desired an appropriation of $5,000 more to complete the work.

Mr. THOMAS. It was either the gentleman himself or some Representative from his State who induced the committee to insert this provision as it stands, and upon the representation that the appropriation would be satisfactory.

Mr. BREWER, of New York. It was not I, because the amount proposed in the bill is not enough to carry out the work properly.

The question being taken on the amendment of Mr. BREWER, of New York, it was not agreed to; there being—ayes 40, noes 54.

The Clerk read as follows:

Improving harbor at Flushing Bay, New York: Continuing improvement, $10,000.

Mr. COX, of New York. Mr. Chairman, I move an amendment to come in after the paragraph just read.

Mr. YOUNG. I desired to get the attention of the Chair to offer an amendment to come in after the preceding paragraph.

The CHAIRMAN. The Chair did not understand that the gentleman from Tennessee [Mr. YOUNG] was seeking the floor. I had promised to recognize the gentleman from New York [Mr. COX].

Mr. COX, of New York. I will yield to the gentleman with pleasure.

Mr. YOUNG. I will offer my amendment afterward.

The CHAIRMAN. The Chair understands the gentleman from Tennessee does not desire to take the floor now. The amendment sent to the desk by the gentleman from New York [Mr. COX] will be read.

The Clerk read as follows:

Add to line 118 the following:
"That the United States harbor board herein provided for shall report a plan and estimate for obtaining a permanent channel, sufficient for the wants of commerce, over the Sandy Hook Bar entrance into New York Harbor."

Mr. COX, of New York. Mr. Chairman, it will be seen by turning to page 43 of this bill that the Committee on Rivers and Harbors has very wisely reported a provision for a board to investigate all rivers and harbors to be improved by Federal money.

As to New York Harbor, allow me to thank this committee for its favorable consent to my measure.

It involves little money. It does one thing which is quite valuable to that harbor. It welds the jurisdiction of New Jersey and New York, in regard to this harbor, into one.

It is a part of our pitiable situation as the great commercial city of the continent that we have a divided jurisdiction. The pilot commissioners of New Jersey and New York, while they have not divided with any acrimony, still have divided as to the proper mode of saving our channels and water ways from spoliation by reason of a selfish greed of the contracting mind. The New York State line runs below Governor's Island. New Jersey embraces the Raritan River and Prince's Bay and the waters south of Staten Island. The Federal Government comprehends all the waters of the Lower Bay and Sandy Hook.

The committee will perceive that there is a great likelihood of a collision, not only between New Jersey and New York, but between the Federal, State, and municipal jurisdictions. The meaning and intent of the sections that have just passed the House is that these varied jurisdictions, which simply hamper and impede, shall be united into one, which shall give a remedy for one of our troubles.

The New Jersey Legislature has demanded this unity of jurisdiction. The Chamber of Commerce of New York and other commercial bodies have done the same. The North Atlantic conference appealed to Congress to give the Federal Government control of this wonderful harbor evoked by nature out of many of her remarkable catastrophes or crises.

Inasmuch as there are pilot commissioners of New York and New Jersey, and inasmuch as there can be no harmony of action between them, the merchantmen and corporate bodies who have trade at stake come to Congress for relief.

I thank the committee for making the provisions of the bill, which I trust will pass the Senate and become a law; but may I be permitted to say in justification of our vote that the garbage, even in some of the 14-foot channels three miles inside of the prescribed dumping limit, has been so excessive as to call for remonstrance?

The secretary of the New York pilot board, Captain Nash, did not believe that the State of New York could stop the illegal dumping. New Jersey stood in the way. New Jersey had another jurisdiction. Others have said that the commercial world depended upon some action of this kind; the danger to the harbor was imminent; that some united and energetic movement was necessary.

Is it said that some one should care for this garbage and use it for other and wiser purposes? I answer: True. Even Brooklyn and Jersey City utilize this peculiar material. Agriculture, horticulture, and chemistry have their modes of utilizing such garbage. But as long as the contractors and the city government of New York remain as they are there will be no care where the sweepings go, nor what the result is to health or city, provided only the contractors make their large percentage.

The result of this wild license about garbage to our great metropolitan city is that its upper and lower bay are shoaling their waters. There has been a deposit of 1,200,000 pounds of this garbage. If this accretion goes on, the harbor will be closed to the larger steamers. Adopt this amendment, and you give some police system of a Federal nature. Thus this great mischief may be remedied.

Is it said that the State government should do this duty—should stop this dumping? The answer is that all the penalties provided by State laws have failed. Nobody can find out where the dumping takes place or who does it. The dredging-scows return from their work suspiciously very soon. There is nobody to control or watch the harbor.

In further justification of the vote which has been given by the House, may I not say that the gradual filling up of the harbor by the deposit of garbage and with the diminution of the tide area is a matter which concerns the Federal Government? Local jurisdiction has failed to give it the proper care and protection.

The trouble with mere local legislation and law is that it only imposed a pecuniary fine. Such a fine was useless against people like the scow and the steamboat men. We could not convict them. It was impossible to get evidence. The appropriation of money from the State was very meager. The State inspector was watched. The dumping was done in places where no one could follow or see it. Men of character, old shipmasters and others, have said that the captains of tugboats were the chief offenders. They could not be reached by a temporary revocation of their licenses. They could not be reached by increasing the

NEW YORK
BAY AND HARBOR
NEWARK
MILES
6
ATLANTIC
OCEAN

CONEY ID.
BLACK
DEEP WATER
SANDY HOOK
COMPILED BY E.I. PALMER, C.E. FROM GOL. GILLESPIE'S U.S. TOPO. SURVEY, NEW YORK.

penalty for their offenses. There was a lack of legal power. There was a lack of money. The law of the State was evaded.

The truth is, sir, the harbor in the upper and lower bay is Federal, national, international, and continental. No local expedients could or can save it. It needs not only the abstract ægis, but the vigilant police, of the Federal Government. That it will now have, if this bill becomes a law.

It is the general judgment that the Federal Government should take charge of this harbor. It is dedicated to all mankind and not to New York only.

But a larger and better thing remains to be done for New York Harbor. The larger vessels now coming into that harbor frequently touch bottom, because our channel at Sandy Hook is not more than twenty-one or twenty-two feet at low water. It is still shoaling. It is said to be no more than it was a century ago; but recently it has been shoaling. It has shoaled since 1881 two or three feet. We desire for that harbor at least twenty-eight to thirty feet of water. We desire this in order that the largest steamer may come in at mean low tide.

Why, sir, Canada has spent $8,000,000 to deepen the Saint Lawrence River. Canada has spent $40,000,000 for making ship and other canals. These have diverted our trade from the great West away from New York and other ports upon the Atlantic. Is it not time that New York—is it not time that the country which is represented by New York in a commercial way—should heed the necessity of protecting this great harbor?

The only expenditure, Mr. Chairman, ever made in a Federal way for this harbor, outside of Hell Gate, has been only $15,000 for the removal of a wreck. I will not institute comparisons as to what other and less meritorious harbors have received.

New York has at least one-half of all the exports of this country. She has two-thirds of all the imports. She stands as the entrepôt of our inland and outland and coastwise trade. She has besides great railway lines.

The State of New York, sir, has freely given to the West, to the nation, the Erie Canal. She built it with her own resources. She built it for purposes of transportation. She made no ignoble, no unprosperous connection with the lakes and with the great and teeming West.

New York built her Erie Canal within her own borders. Since such questions are mooted here on bills of this kind, it becomes this Congress, representing the whole people, to consider whether New York should be ostracised. There is no part of the country which can afford to say to New York, "We have no need of you." Her splendid harbor should have the care, protection, and advice of the board to be established under this bill. The city itself, the select home of benevolence and charity, should be honored by those who come to her for all sorts of largesses. By aiding to aggrandize her natural greatness gentlemen honor and aid their own communities.

I believe, sir, that if this board be created, it will make a full examination in regard to our harbors, and we may have a good report as to this harbor. We may get rid of this shoaling which now interferes with our commerce. We may lessen the cost of transportation, because by increasing the depth of our channel we may enable the largest vessel to carry one-third more freight. We would thus diminish the expense of transportation.

In this way, sir, we help not merely shippers in New York and Buffalo, but the great West and South, and we will be more or less benefited by the action of such a board.

Mr. Chairman, my colleague [Mr. HEWITT, of New York] has had special charge of matters connected with Sandy Hook and New York Harbor. I am his lieutenant; but I wish to say before we pass from this matter that this Congress should hear him. He stands as the exponent of the whole country, because he so fitly represents New York city and State.

Mr. Chairman, I shall include in my remarks, with the consent of the House, the two diagrams referred to by my honorable colleague. [Pages 1344 and 1345.] They explain the character and extent of this work and the relation to the harbor of New York and its surroundings of the amendment which I propose, and will also illustrate what I have stated here in these hurried five minutes of desultory talk.

Mr. WILLIS. I see no objection to the amendment offered by the gentleman, and I hope the Committee of the Whole will accept.

The amendment was agreed to.

Mr. KING rose.

The CHAIRMAN. The Chair desires to state that the Clerk read the last section not knowing any gentleman desired to amend the section in advance, and in that way the gentleman from Tennessee [Mr. YOUNG] was not recognized by the Chair, because the Chair had promised to recognize the gentleman from New York [Mr. COX] on this Flushing matter. If the gentleman from Tennessee desires to move an amendment, by unanimous consent he will be recognized for that purpose.

Mr. YOUNG. I know there was no intention on the part of the Chair not to recognize me, and as the gentleman from Louisiana has the floor, I will wait.

Mr. KING. I move, after line 118, to insert.

The Clerk read as follows:

After line 118 insert:

"For the improvement of Sandy Hook Channel at the entrance of the harbors of New York, Brooklyn, Jersey City, and Hoboken, and to obtain a depth of thirty-two feet on same, $15,000,000, or so much thereof as may be necessary: *Provided*, That none of said sum shall be expended except for surveys of said channels until the proper method of improving same shall have been determined by a commission of seven engineers, familiar with the science of river and tidal currents, to be appointed by the President on or after April 1, 1885, who shall proceed forthwith with the execution of its duties."

Mr. KING. Now, I know there is no possibility under the rules of this body to get that amendment inserted in this bill.

Mr. WILLIS. Then let us go on with the bill.

Mr. KING. But I know equally well there is a necessity for the measure. From the boards of trade of the city of New York, and from what we can gather from the public prints of that city also; from reports made by the great lines of merchantmen passing between that city and Europe, constituting almost daily ferries across the ocean, so clearly stated by the gentleman from New York [Mr. COX] a moment ago, in that great port no ship can enter drawing over twenty-six feet of water. These first-class merchantmen that carry so vast a portion of our commerce are detained on that bar or in front of it, on an average, one-half day in the course of their voyage. That must amount to an expenditure of something between $500 and $1,000 on each occasion.

I do not wish to cast any reproach upon the gentlemen on this floor representing the great city of New York. I only want to call the attention of the country to the fact that notwithstanding what we may do now this necessity of our commerce stares us in the face; and I believe we shall have to meet this expenditure in the near future.

Immediately after the close of the Franco-Prussian war, Mr. Chairman, France, crippled and crushed as she was, appropriated $172,000,000 for her rivers and harbors. And right here I wish to call the attention of the country to the fact that though this river and harbor bill has been much maligned and charged with unnecessary expenditure of public money, there is no measure which can bring to the people greater relief on the part of the Government. There is no country so vast as this that expends so small an amount on rivers and harbors, nor is there one with such vast transportation lines on rivers and lakes for cheap freights. I shall cheerfully co-operate in the future with all who will endeavor to have a provision made to carry out the intent of this amendment. This work may require fifty millions in time, and I feel it would be judicious to spend even that amount to get the relief required.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I simply take this occasion, Mr. Chairman, to acknowledge the receipt of some articles in the press of the city of New Orleans which I have read, and which I have been receiving for some days, alleging I was to make an assault or do something else in reference to the jetties at the mouth of the Mississippi River. Some reflections have been cast on me in consequence of that allegation. Now, I have never intended to make any such assault—never imagined such an undertaking, and have no sympathy with any such scheme.

Mr. KING. I rise to a question of personal privilege in regard to the remarks of the gentleman from New York.

The CHAIRMAN. The gentleman will state his question of privilege.

Mr. KING. The allusion of the gentleman from New York is directed against myself.

Mr. HISCOCK. I beg the gentleman's pardon.

Mr. KING. There is no means of covering it up.

Mr. HISCOCK. I say unqualifiedly they were not directed against the gentleman.

Mr. KING. And I say unqualifiedly I understood the gentleman to state in a private conversation with me it was his purpose to state on this floor that the jetties at the mouth of the Mississippi had been of no commercial value to that city. Whereupon, taking him to be in earnest, I immediately telegraphed to the various chambers of commerce in that city as to the benefit to the commerce of the Mississippi Valley by the jetty system at the mouth of the river, and I hold in my hand their answers, and I request that they be printed in the RECORD or read from the desk.

Mr. HEWITT, of New York. Mr. Chairman——

Mr. HISCOCK. I hope my colleague will yield to me a little while.

The CHAIRMAN. The Chair does not think that the gentleman has presented a matter of personal privilege.

Mr. HISCOCK. I ask to be recognized for a moment. I move to strike out the last word.

The CHAIRMAN. The Chair will hear the gentleman from New York if his colleague will yield the floor, but his colleague has been recognized.

Mr. HISCOCK. I hope my colleague will yield to me.

Mr. HEWITT, of New York. I want to occupy at least five minutes.

Mr. HISCOCK. I will take the floor and yield to you if you will allow me to proceed now.

Mr. HEWITT, of New York. Very well.

Mr. HISCOCK. All I desire to say in reference to it is this: That just so far as I can go and keep myself within the rule of parliamentary language, just to that extent I desire to go in contradicting the statement that I ever advertised that I had any such purpose.

Mr. KING. That you ever advertised it; but the gentleman will not say that in a private conversation he did not make that statement?

Mr. HISCOCK. I have nothing more to say, except that just so far as I can go within the rules of the House I desire to go, and do go, in saying that I have never——

Mr. KING. What?

Mr. HISCOCK. Well, that I have never said that I intended to do any such thing.

Mr. KING. And I state just within the rules of the House that that statement is false.

The CHAIRMAN. The committee will be in order. The gentleman from New York [Mr. HEWITT] is entitled to the floor.

Mr. LOWRY. If the gentleman from New York will yield to me one moment I desire to make a statement.

Mr. HEWITT, of New York. If it does not come out of my time I have no objection.

Mr. LOWRY. At the request of the chairman of the Committee on Rivers and Harbors I desire to repeat a communication which I have given to him from the chairman of the Committee on Invalid Pensions, to the effect that he does not expect to be here to-night himself and is willing that the Committee on Rivers and Harbors shall have the time devoted to the consideration of pension matters for the further consideration of this bill.

Several MEMBERS. That is a matter for the House.

Mr. HEWITT, of New York. Mr. Chairman, the amendment offered by my colleague [Mr. COX, of New York] requires the board created by this act to consider the improvements necessary in the harbor of New York in order that it may respond to the demands upon it as to the foreign and internal commerce of the country. The gentleman from Louisiana [Mr. KING] supplements that with the proposition to expend a very large amount of money in improving the harbor of that city.

By the bill of last year $200,000 was appropriated for deepening Gedney's Channel. The use of that money has developed a fact probably known for the first time, to the general public certainly, that there has been no shoaling of the deep channel into the port of New York since the memory of man. The fact is apparent that on a comparison of the present depth of water in the main channel with the depth prior to the Revolution, the channel, instead of being shoaled, is rather deeper now than it was a hundred years ago. But the deposits of refuse matter, which I trust hereafter will be regulated and controlled by the provisions of this bill, have shifted the bottom of the harbor of New York, until now the surveys which we have, and a copy of which I have here before me, turn out to be entirely incorrect, and there are to-day no correct surveys of the harbor of New York.

I asked the chairman of the Committee on Rivers and Harbors here why provision was not made in this bill for a survey of the harbor of New York in order that we might know how to spend the money before it was appropriated. He replied that he was informed by the Chief of Engineers that he had all the necessary information for that purpose. Thereupon I wrote to the Chief of Engineers upon that point, being fully satisfied that the chairman of the committee was mistaken, and that they had not the information, and in reply to my inquiry I beg leave to submit the following letter:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 31, 1885.

DEAR SIR: I am in receipt of your communication of the 29th instant in regard to a complete survey of New York Harbor, and inquiring whether the statement that the appropriation for the survey would have been reported by the River and Harbor Committee but for my statement that it was unnecessary, &c.

I beg to inclose for your information a copy of my communication to the Secretary of War, dated June 21, 1884, upon Senate bill 2176, from which it will appear that, referring to the improvement of the channel through Sandy Hook bar, the following language was used:

"Without such resurvey recommended by the board it is impossible to discuss intelligently the question of improvement, the various schemes for which object are presented from day to day.

"It is necessary, likewise, to establish the facts with regard to the statements made concerning the changes and deterioration of this harbor, which are not, however, entitled to the confidence which an accurate survey alone can give."

A survey was accordingly made of the bar, with the view to improvement, under the appropriation of July 5, 1884. The board of engineers recommended a resurvey of the harbor of New York, from the Battery to a line drawn from Navesink to Rockaway beach, as indispensable to study the changes which have taken place.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bet. Maj. Gen.

Hon. ABRAM S. HEWITT,
House of Representatives, Washington, D. C.

Now, then, before the board contemplated by the resolution of my colleague can act there must be a resurvey of the harbor of New York. Fortunately, it is not an expensive operation. I am informed by the Coast Survey that the sum of $30,000 will probably enable them to get all of the facts necessary to determine how to carry on the work for the purpose of securing the depth of water that is necessary for the commerce of the port of New York, namely, thirty feet.

Preparatory to that survey, however, the commercial bodies of New York have had a preliminary survey made, showing the present condition of the channel, which survey I hold in my hand, and copies of which are at the service of gentlemen who desire to examine it. By it it is shown that the present channel from the point of departure known as the main channel, through Gedney's Channel, is eleven miles long and is exceedingly crooked; that the Swash Channel is eight miles in length, and that the East Channel will be six miles.

It turns out on this survey that to get the depth of thirty feet in the present channel or main channel would require an excavation of 6,000,000 cubic yards, whereas to get the same in the east channel would require an excavation of only 4,600,000, and the distance would be five miles. Happily for New York and happily for this country it turns out the thing wanted to be accomplished, and the best thing to accomplish, is the cheapest thing to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I move to strike out the last word, and yield my time to the gentleman from New York [Mr. HEWITT]. I wish, however, to ask him what is the difficulty about the Coast Survey using the fund appropriated annually for them to make surveys instead of putting it in this bill.

Mr. HEWITT, of New York. I will answer the gentleman from Georgia with pleasure. I do not propose to put it in this bill. I do not propose any amendment of that sort. I supposed the appropriation for that purpose would be inserted in the sundry civil bill, in accordance with the estimate of the Department.

Mr. BLOUNT. I did not understand the gentleman to make that statement.

Mr. HEWITT, of New York. We have arrived in the history of the commerce of this country at a point of departure. We have got to a point where the commerce is so great that the ships required to carry it on cheaply are too big for the harbor of New York; and there is no harbor in the country, except the harbor of New York, which can ever be made available to do this business. Man did not make the harbor of New York. It is the work of that same Almighty Power which so ordered the arrangements of nature that water could be made to flow from the great lakes to New York, and which made the harbor of New York to cover various channels and bays, so that there are at least three independent currents striving with each other to keep that harbor open for the commerce of the world. But the size of the ships to-day exceeds the capacity of the channel, so that they leave the port of New York with incomplete loads.

I have in my hand a letter, or I had it in my hand a moment ago—I will state the contents of it—a letter from the agent of the Cunard Company, saying they are compelled by the shallowness of the channel to haul off their large ships, and if the channel could be made to carry thirty feet of water they could take from fifty to sixty thousand bushels of grain more in a cargo, and thus cheapen the cost of transportation one-third, and that concerns the great West, the grain-growers of the country. It is for them we want this harbor deepened. It is for them this improvement must be made.

But before one dollar can be wisely expended there should be a resurvey at this small cost, and when the sundry civil appropriation bill comes in containing that item I should hope the House will then enable the engineers charged with this work to arrive at the information necessary to make a wise expenditure of money which my friend from Louisiana would generously give to us.

Mr. WILLIS. I ask for a vote.

Mr. WHITE, of Kentucky. The State of New York, more than any other State of this Union, raised a howl in 1882 against the river and harbor bill which appropriated eighteen millions of money. The railroad kings that live in the city of New York made opposition to it, and the President, under the influence of those railroad kings, vetoed that river and harbor bill. That veto was founded on the idea that in the bill were appropriations for small streams, insignificant harbors, and creeks and rivers upon which there was no commerce.

Now, sir, the gentleman from New York [Mr. HEWITT] comes in here and tells us that the Cunard line have built their ships so large that in the winter months they can not enter the harbor of New York, and they ask this Congress for a resurvey of that harbor with a view to excavating it, not only digging out the rubbish that that city has been filling it up with, but excavating it deeper than nature left it, so as to admit not only the Cunard steamers, but the other larger steamers which are yet to be constructed.

Let it not be forgotten that in the past, before the West and the South asked for any appropriation for these small cat-fish streams and brooks, the State of New York had received millions of dollars, and to-day stands at the head of the list with $10,000,000 for its harbors to be improved for the ships of commerce as they are now, not counting your Cunard steamers which have to be hauled up in the winter. It is a new line of departure. I take this occasion to say again we should meet this issue squarely. There is but one manly way to do it; and that is to appropriate for all navigable rivers, great and small, amounts large or small according only as there is money in the Treasury. To-day we have $150,000,000 there. The railroad kings of this country sitting in New York not only influence the President into a veto, but they influence Congress; they influence the commerce of this country, and our rivers and harbors go unimproved. Why? Because the railroad kings have got commerce by the throat.

This is a new departure. The Cunard steamers can not enter New York Harbor in the winter; therefore Congress must make appropria-

tions to dig out these harbors and deepen them for their Cunard steamers as they are now and as they are proposing to make them larger.

The question was taken on the amendment offered by Mr. KING, and it was disagreed to.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

Improving harbor at Great Sodus Bay, New York: Continuing improvement, $10,000.

Mr. YOUNG. Mr. Chairman, I have an amendment which I desire to offer at this point, and which I send to the Clerk's desk to be read.

The Clerk read as follows:

After line 120, insert:

"For improving the harbor at Memphis, Tenn., $75,000."

Mr. YOUNG. Mr. Chairman, I regret that I am driven by the pressure of circumstances to resort to a most unpleasant expedient. For sixty days I knocked at the door of the "star chamber" where the Committee on Rivers and Harbors were preparing this bill, but I received no response. When the bill was reported to the House and I discovered that important improvements, upon which hundreds of thousands of dollars had been heretofore expended by the Government, had been altogether left out, I was astonished. Every harbor between Cairo and New Orleans was left out altogether, and I confess that when I saw the bill I was amazed.

In view of the ability, character, and standing of the gentlemen who have charge of this bill, it was a matter of great surprise and astonishment to me, and I therefore sought, I believe, every solitary member of that committee to remonstrate against their extraordinary action, and I found but one single member that did not disavow all connection with it. The chairman of the committee was the only member I was able to find that was willing to assume the responsibility of leaving to absolute and certain destruction millions of dollars' worth of property for the want of a trifling appropriation.

Mr. WILLIS. Mr. Chairman, I desire to say that the statement which the gentleman makes is not true.

Mr. YOUNG. Very well, we will see about that. How do you know it not to be true?

Mr. WILLIS. Because the committee acted upon all those harbors, including the harbor of Memphis.

Mr. YOUNG. I did not say that they did not.

Mr. WILLIS. Well, you undertook to place upon me before this House the sole responsibility for the action of the committee upon those appropriations, and I state that that is not true.

Mr. YOUNG. Mr. Chairman, what I have stated is literally true. I applied to every member of this committee, and they all said they were in favor of this appropriation except the chairman.

Mr. BRECKINRIDGE. The gentleman from Tennessee [Mr. YOUNG] is certainly very much mistaken.

Mr. YOUNG. And you [Mr. BRECKINRIDGE] were one of them.

Mr. BRECKINRIDGE. I certainly was, and I urged the appropriation very warmly before the committee; but when my proposition was put to a vote it was voted down.

Mr. YOUNG. That does not affect what I have stated. I state here that every member of the committee that I spoke to, except the chairman, told me that he was in favor of it.

Mr. WILLIS and Mr. BRECKINRIDGE rose.

Mr. YOUNG. Wait until I get through. When I get through, if I have made any incorrect statement you gentlemen expose it if you can.

Mr. WILLIS. Well, so far as I am concerned, I expose it now.

Mr. YOUNG. No, you do not. I stated that I spoke to every member of that committee, and all the members of the committee disavowed any responsibility for this action, and stated that they were opposed to it. That is true of every member of the committee that I spoke to, and I spoke to a number of them, the gentleman from Arkansas [Mr. BRECKINRIDGE] among the number; and I now repeat, in reply to the discourteous and offensive language of the gentleman from Kentucky, that he was the only one that I talked with that assumed the responsibility. Does he deny that?

Mr. BRECKINRIDGE. That is a very different statement from the one the gentleman made before.

Mr. WILLIS. He said that I was the only one in the committee that was responsible for its action in this matter.

Mr. YOUNG. I did not say anything of the sort.

Now, Mr. Chairman, proceeding with what I was saying, I sought an opportunity by humbly supplicating nearly every member—I will not say every one, but a great number of the members of this committee—to be allowed five minutes, or four minutes, or two minutes, or one minute to say a few words with reference to these features of the bill to which I object. I was met with the answer—except from the chairman who did not give me an answer at all—I was met with the answer by every gentleman whom I applied to except one, "I have but an hour and I wish I had two hours." The gentleman from Alabama [Mr. JONES] was kind enough to offer to divide his time with me; but so much time had been occupied by the other members of the committee that he had none left. Therefore it is that I am driven now under this five-minute rule to speak in sections.

[Here the hammer fell.]

Mr. DUNN obtained the floor and said: I yield my time to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. I do not wish to be disrespectful to any of these gentlemen. I do not intend to be offensive. I have the greatest respect for all the members of this committee. The chairman has received many courtesies at my hands, and I was glad to extend them, for personally I have great respect for him. But I say it is an outrage upon any member of this House, any Representative on this floor, when vital interests of his constituents are at stake to give him no opportunity to be heard upon the floor of this House.

No Representative in this body should be driven to the necessity of applying to the Senate in order to secure that which it is his right to have in this House. I am told by these gentlemen that I can get my amendment on in the Senate. I am not a member of the Senate—perhaps I ought to be, but I am not. [Laughter.] I am a member of this House, and I intend to insist upon the rights of my constituents here and not to appeal to the Senate except as a *dernier ressort*.

I have heard no explanation from any of these gentlemen as to the reason it was found necessary to make an appropriation for Cairo, which was never asked and for which I believe no estimate was made, and leave out all the harbors from Cairo to New Orleans. I have failed to hear any explanation from any member of the committee as to the reason why New Orleans was so generously provided for, after passing over a stretch of that river of more than six hundred miles, where millions of dollars' worth of property was liable to be destroyed if this appropriation was not promptly made and wisely applied.

At my own town, if my memory serves me correctly, $474,000 have already been expended in the prosecution of this class of work. The engineers, in their report and estimates of the present year, ask that this work shall be continued with an appropriation of $75,000. From my knowledge of the work, of the topography of the river and the land at that point, I am enabled to assert that if this work be abandoned now, as these gentlemen of the committee propose, the whole of it will be swept away at the next rise in the Mississippi River. The custom-house, a structure that cost the Government nearly $600,000, is liable to be swept away, unless the river front, which is rapidly caving into the bosom of the stream, shall be protected. The case is the same with Greenville and Natchez, and perhaps other towns on the Lower Mississippi.

I submit to the House whether it is wise statesmanship or sound economy to leave unprotected work that has cost $474,000, when the engineers estimate that only $75,000 is necessary to preserve it from destruction. I have not heard from any member of the committee in all their discussion any explanation of the necessity of pursuing this course, and I have heard the most objectionable feature in this bill denounced by but one member of the committee. I refer to the extraordinary proposition to turn over our whole work of internal improvements, to revolutionize it entirely, and give it over to the control and dictation of a single individual.

Mr. Chairman, I desire that the House shall understand this proposition and the necessity for this appropriation. In the brief time allowed under the five-minute rule I can not present it as much in detail and as strongly as I would desire. I shall seek opportunity during the further progress of the debate to pursue this investigation and submit additional remarks. I believe my time has now expired.

Mr. WILLIS. Mr. Chairman, if the language of the gentleman from Tennessee [Mr. YOUNG], uttered in the presence of this committee a few minutes ago, meant anything it meant that the chairman of the Committee on Rivers and Harbors, and he alone, was responsible for the failure to make an appropriation for Memphis Harbor; and he supplemented that statement with another, which he now withdraws, that he had applied to all the other members of this committee and that I was the only one whom he found opposed to this proposition.

Now what is the history of this Memphis appropriation? Last year the Committee on Rivers and Harbors gave him—gave every gentleman and every delegation—all the time that they asked. As the result of that the committee concluded not to make a special appropriation for the city of Memphis, or any other city on the Mississippi River. But the gentleman and his friends went to the other end of the Capitol and under a statement that there was a public building endangered by the rise of the Mississippi River they succeeded in getting what no other city, no other harbor of the Mississippi River secured, and that is an appropriation of $200,000.

In our committee we believed that appropriation was largely intended to protect private property in Memphis, and under the solemnity of our oath, representing the whole people, we saw no warrant of law to give hundreds of thousands of dollars for the protection of private property of a city. But when the question was presented there and was stated that the custom-house was involved, the committee of conference yielded to that suggestion and put it in the bill.

In the present bill the estimate comes forward for $75,000 additional. The committee took it under consideration. They found an estimate for half a dozen harbors of $2,000,000. Three of these harbors were in my own State, that at Paducah, that at Columbus, and that at Hickman. The committee having given to the improvement of the Mississippi the sum of $2,800,000, having given to the Mississippi River

nearly one-third of all the appropriations in this bill, and having a commission to whom they intrusted the expenditure of this money, took the position that that commission was either competent or it was incompetent. If it were incompetent, it ought to be disbanded and its life ended at once. If it were competent, it could take into consideration the harbors at Memphis or at Vicksburg or anywhere else. And in so far as the improvement of these harbors was necessary to the navigation of that river, they have the right under the law to appropriate all this sum of nearly $3,000,000.

If the gentleman desired this committee to go beyond that, then he desired that which we in our judgment believed we had no right to do. We gave this appropriation for the navigation of the Mississippi River, and I say to him, whether he be a friend of the Mississippi River or not, and that I doubt—but I say to him, assuming he is a friend of the present method of improving the Mississippi River, that if you want to handicap it, if you want to destroy it on this floor, then have your appropriations for harbors at Hickman, and Columbus, and Vicksburg, and Memphis, and all along the line made so each will have an appropriation of fifty or one hundred thousand dollars, and the people's representatives will end the whole business.

I say to him now that in that committee, if I am permitted to disclose a committee's secret, there was not one-fifth, or more than one-fifth, that did not agree with me. I could have been silent, as the gentleman suggests. I, as chairman, was the only one of the committee who did not as a matter of fact vote, but had I voted I should have unquestionably indorsed the judgment of three-fourths of our committee, and that was that this appropriation for Memphis should not be made specific, but should be left to the judgment or discretion of these engineers who have charge of the whole river. I reply again that his statement undertaking to fix upon me the entire responsibility is untrue, unjust, and ungenerous in the extreme.

The CHAIRMAN. The gentleman's time has expired.

Mr. YOUNG. I move to strike out the last word.

The CHAIRMAN. Discussion on the present amendment is exhausted. The Chair will recognize the gentleman from Tennessee directly, but he is compelled to keep his promise made to the gentleman from West Virginia [Mr. GIBSON].

Mr. YOUNG. But I wish to say a word right here, and I appeal to the gentleman from West Virginia to yield to me for that purpose.

The CHAIRMAN. Does the gentleman from West Virginia yield the floor?

Mr. GIBSON. I do when the gentleman makes a personal appeal to me.

Mr. YOUNG. Now, I do not think the gentleman from Kentucky intends to apply to me the offensive epithet he has used. I should like to know if that is his purpose; whether he intends to assert before the House I have deliberately asserted a falsehood.

Mr. WILLIS. I say if the gentleman undertakes to put upon me the responsibility of refusing this appropriation he does state that which is untrue.

Mr. YOUNG. I have explained already that I was told by other gentlemen they were in favor of the proposition, and you were the only one I think who was opposed to it. I made that statement.

Mr. GIBSON. But you do not state that on your own knowledge.

Mr. YOUNG. He knew very well I did not make that statement on my own knowledge; but I do not wish any question about this matter. I do not want any member of the House to stand on the floor and declare that I have deliberately stated a falsehood. I never would do it myself. It is not the place to do it. I am able to take care of myself here, and I do not care about any such thing going out in the way of imputation against me. Now I wish to ask the gentleman from Kentucky to state whether that is so.

Mr. WILLIS. The gentleman understands exactly what I intended.

Mr. YOUNG. I do not.

Mr. WILLIS. I will state again, and if the gentleman has not understood me I think the House will understand, that if the gentleman undertook to say that I was the only member of the Committee on Rivers and Harbors that opposed this proposition, and that upon me rested the entire responsibility for its rejection, while I am perfectly willing to assume the responsibility of it, he states what is not true.

Mr. YOUNG. Then I have to say in reply that upon his assumption he undertakes to brand me as uttering a falsehood upon this floor.

Mr. WILLIS. No; I did not intend to go to that point.

Mr. YOUNG. Then you had better state clearly what you mean.

Mr. WILLIS. That if you stated what I said, then I stand by what I said.

Mr. YOUNG. Then the gentleman assumes a hypothetical case.

Mr. WILLIS. I think I have been very clear in my statement.

Mr. YOUNG. The gentleman asserts a hypothetical case, that "if" I said a thing, and upon that hypothetical assumption he assumes to brand falsehood upon me.

Mr. WILLIS. If the gentleman has not made such a statement then my language does not apply.

Mr. YOUNG. You know that I never made it.

Mr. WILLIS. Then of course the language does not apply.

Mr. YOUNG. Now if the gentleman can listen courteously, and I shall demean myself courteously to him and the House, I desire to say a few words in reply to the argument of the gentleman directed to this feature of the bill.

I understand him to say that it was his belief, and it is a matter of no consequence what he chances to believe personally about it, that this appropriation of $200,000 which the Senate gave last year was obtained for the protection and improvement of private property.

As reputable gentlemen as the gentleman from Kentucky or any other gentleman upon this floor, representing the public sentiment of my city, representing the city government, representing its great steamboat and commercial interests, were here in the city of Washington, and stated to that gentleman in my presence the absolute necessity for the making of this appropriation in order to protect the banks of the Mississippi River at that point, where further caving would ultimately involve a loss of more than $2,000,000 unless checked.

In vindication of that people and of those gentlemen who appeared before the committee I have to say to the House now that I do not believe there is a single individual in Memphis, and I am certain I do not represent the wishes of any such, who entertains such an opinion, who desires that an appropriation shall be included in this bill for his personal benefit or for the protection of private property any further than such property may be necessarily protected in the efforts to protect the public property.

This is the most important harbor on the Mississippi River between Saint Louis and New Orleans. It is the commercial emporium of the Lower Mississippi Valley. More than 600,000 bales of cotton are shipped annually from that point. Seventeen hundred water craft land at its wharves. Nearly 40,000 seamen and steamboat-men man these crafts and earn their living by it.

Heretofore one and a half millions of dollars' worth of property has been destroyed in Memphis by reason of the current of the river being diverted from the Arkansas shore to the Tennessee shore before Congress made any appropriation whatever to arrest the evil. Some years ago upon estimates of the engineers an appropriation was made, which has been kept up continuously ever since, and a large amount of property, which before now would in all human probability have gone into the bosom of the river and been swept out to the Gulf, has been protected. The engineers estimate that $75,000 is necessary to complete the work.

[Here the hammer fell.]

Mr. GIBSON. Mr. Chairman, I took occasion upon the introduction of this bill into the House to declare that I was not only not responsible for any of these radical features, but that I intended to oppose them here in the committee. I thought then that they were calculated to shock the common sense of the country and arouse its indignation against the report. Unfortunately for this bill, and unfortunately for the great objects in view, it did succeed in arousing the sentiment of this House against it. But now I want to appeal to the members of this body, who have at heart the interests of the rivers and harbors or the development of our internal commerce, to know, after the committee has receded from every single one of these objectionable features, why a discussion should go on that is based simply upon these propositions?

Eads is entirely out of the bill. Sandy Bay has been eliminated from it. We are progressing as rapidly with the consideration of the bill as the Committee of the Whole will allow us under the rules of the House to proceed.

The statement has been repeatedly made here that the committee was not willing and did not hear members of the House in the preparation of this bill. I want to say here now, and put it upon the record of this House, that there is not a member of the House who has been denied the privilege of being heard by the present Committee on Rivers and Harbors. During this present term of Congress every member of this House who applied to be heard has been heard. At the former session of this Congress there was not one who wished to be heard and was not heard.

For five long months this committee sat almost day and night listening to the complaints of everybody and to the applications of everybody; and then when the short session came on, and it was determined that this committee could not in justice to itself undertake to go into new enterprises, we then said, having heard the members of this House once upon their projects, having heard all the delegations fully at the long session, we would not be discharging our duty to the House if we would undertake to delay the consideration of this bill. Many members talked to me privately as they did to other members of the committee. I explained the matter to them; and I challenge one single member of this House to get up and say that he at that time protested against it as a wrong or outrage against him. On the contrary, it was universally acknowledged and conceded that it was the only course we could pursue.

Now, one word further in relation to the amendment of the gentleman from Tennessee [Mr. YOUNG]. I protest here against the appropriation of a solitary dollar to any landing on the Mississippi River. Those landings are not harbors in any sense of the word. They are not harbors such as any Government can or ought to improve. They are mere private landings established for inland commerce, and they do not come within the purview of a river and harbor bill. If this House

were to undertake to establish landings and improve landings upon the inland streams, upon the Ohio River, the Mississippi River, and the Missouri River, there would not be money enough left in the Treasury of the United States, after the pockets of over 50,000,000 of people had been drained, to carry out such improvements. It would be a wrong and an outrage upon the people. It would destroy the whole object of the system of internal improvements; and as I said before about these other propositions, it would shock the common sense of the country and arouse its just indignation against us.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. I withdraw the amendment.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] desired to offer an amendment to the paragraph. He was proposing to offer it when the gentleman from Tennessee [Mr. YOUNG] rose. The Chair will now entertain that amendment.

The Clerk read Mr. PAYNE's proposed amendment, as follows:

In line 120, strike out "$10,000" and insert "$20,000;" so that it will read: "Improving harbor at Great Sodus Bay: Continuing improvement, $20,000."

Mr. PAYNE. Mr. Chairman, I offer this amendment in good faith, and I desire the attention of the committee for the first five minutes that I have trenched upon their time to hear a little something about this harbor at Great Sodus. There can be no doubt about its commercial importance. It is at the terminus of the Northern Railroad of Pennsylvania, their line running from Great Sodus through the States of New York and Pennsylvania by the way Williamsport and Harrisburg to Baltimore and Washington. It is a great coal-carrying road, and this railroad company intends to make the port at Great Sodus the principal point for the shipment of coal both for Canada and the great lakes in the West. By the way, I want to call the attention of the committee again to the fact that the poor little Dominion of Canada is spending millions of dollars to provide a canal around the Niagara Falls in order to draw away a portion of the commerce that naturally belongs to the United States, and take it down to Montreal and Quebec. I say the little Dominion of Canada has lately expended millions of dollars to increase the depth of the Welland Canal so that boats drawing fourteen feet of water can pass around it. That necessitates the improvement of the principal harbors on the shore of Lake Ontario. But the committee seem to have overlooked the fact that this board of engineers recommend that such harbors as Charlotte, Great Sodus, Little Sodus, and Ogdensburg should immediately have their capacities increased so that vessels coming through this canal can enter these harbors.

The committee in the first instance determined to appropriate for the improvement of the Great Sodus Harbor the munificent sum of $5,000. Well, I got the door open far enough to find out on what theory they did it; and I was told that the commerce of this harbor would not warrant any larger expenditure. And it seemed to be a new revelation to the committee when they turned to the collector's report and found there was actually collected during the last year at this port the sum of $19,400 in customs. They concluded that it was a harbor important enough to increase the sum from $5,000 to $10,000. They told me, as I presume they will tell this committee, that they were only allowing 25 per cent. of the engineer's estimate; and yet they have allowed $12,000,000 in this bill upon $32,000,000 of estimates of the engineers, and at the same time they tell this committee they have stricken out one hundred and forty harbors that the engineers have made recommendations for.

Now why not exercise a little common sense in regard to this bill? Why not pick out the important harbors that are nearing completion and appropriate the money necessary to complete them, and try to keep pace with the Dominion of Canada in our internal improvements?

Mr. WILLIS. Mr. Chairman, in behalf of the Committee on Rivers and Harbors, I can only repeat that we have allowed to this harbor the same proportion that was allowed to four-fifths of the harbors of the country. The estimate of the engineer is for $40,000. The committee has allowed one-fourth of that amount, which is $10,000. They have on hand the sum of $14,308, which, with the $10,000, would give them about $25,000. The committee in the last Congress, on a bill much larger than the present one, reported for this improvement the sum of $10,000, the same amount that is given in this bill. It may not be all that they could use, but it is all that could be given consistently with the demands of other points of equal if not of greater importance. I ask for a vote on the amendment.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, it is true that there is available for the fiscal year ending June 30, 1885, the sum of $14,308.85; but I ask the chairman of the committee and the members of this Committee of the Whole what that has to do with the amount that is to be appropriated for the fiscal year commencing on the 1st day of July, 1885? Why, sir, that $14,000 is already contracted for, and the work will be done and the money expended before the 30th of June, 1885; and why is it that this Committee on Rivers and Harbors will continually harp upon the amounts that are still available for the fiscal year ending on the 30th day of June next when we are making appropriations for the fiscal year ending June 30, 1886? It is an insult to the intelligence of this Congress for them to continually try to defeat these amendments that are offered in good faith upon any such flimsy pretext as that.

Mr. Chairman, the engineer further reports that about five hundred linear feet of the east and four hundred linear feet of the west pier superstructure is badly decayed, and will require to be rebuilt within the next two years at an estimated cost of $12,000. Also, that the east breakwater will require some repairs. And these repairs are required within two years of the time when this report was made. The time will be nearly up when the fiscal year for which we are now appropriating expires; and yet this committee do not propose to provide a dollar of this $12,000 that is necessary to protect the work already done.

I suppose they intend to wait until, by the action of the winds and waves, the work is swept away, unless some immediate occasion for doing something should arise, and then, instead of appropriating $12,000, we shall have to appropriate $25,000, $40,000, or perhaps $50,000 to repair the breaks. I suppose that is the idea of the committee.

[Here the hammer fell.]

Mr. PAYNE. I wish I could have two or three minutes more.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to strike out the last three words, and I yield my time to the gentleman from New York; but I wish that the gentleman would first answer a question. I understood him to say a while ago that he had got the door of the committee-room open far enough to get this amount increased from $5,000 to $10,000. He is the first member of this House who appears to have succeeded in getting before that exclusive committee, and I wish he would tell us how he did it. [Laughter]

Mr. PAYNE. Well, Mr. Chairman, perhaps a word of explanation is due to the members of the Committee on Rivers and Harbors. What I meant to say was that I went around and saw the members of the committee individually and told them my story. I had also permission to see for about five minutes, in the committee-room, the engineer's report; and from the recollection of that which I could carry away I wrote out and presented to a member of the committee a statement which I suppose went before the full committee, though I am not informed on that subject. But the report itself I could not get hold of to find out what the engineers had recommended until the bill was reported to the House.

Now one thing further: The engineers say that the extension of the east breakwater so as to close up the gap where sand is drifting and where a good deal of dredging is required to be done will cost about $2,000. This, added to the $12,000, makes $14,000 that is imperatively necessary to protect the work that has already been done. Still, the committee makes no provision for the great commerce coming to this port from the lakes and from the Welland Canal. Why, Mr. Chairman, it seems to me that there ought to be no doubt or hesitation about ingrafting on this bill this important amendment. It seems to me that we can all vote for it with a clear conscience, because we believe that this is a measure in the interest of rivers and harbors, in the interest of internal improvements, in the interest of providing water ways that shall furnish some protection against what gentlemen are pleased to call the "railroad kings" and the "great monopolies."

Mr. WILLIS. I ask for a vote.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. WHITE] withdraw his amendment to strike out the last three words?

Mr. WHITE, of Kentucky. I withdraw it.

The question being taken on the amendment of Mr. PAYNE, there were—ayes 78, noes 72.

Mr. WILLIS. I ask for tellers.

Tellers were ordered; and Mr. WILLIS and Mr. PAYNE were appointed.

The committee again divided; and the tellers reported ayes 78, noes 92.

So the amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Gowanus Bay, New York: Continuing improvement, $5,000.

Mr. STEVENS. I move to amend by adding after the paragraph just read the clause which I send to the desk.

The Clerk read as follows:

Improving Olcott Harbor, New York: Continuing improvement, $5,000.

Mr. WHITE, of Kentucky. I desire to know whether the offering of this amendment to come in after the lines just read will cut off debate on those lines? I have a substantial amendment which I desire to offer to those lines.

The CHAIRMAN. The bill is being considered not by lines, but by paragraphs. This is an amendment to the paragraph. When it is disposed of a further amendment to the paragraph will be in order.

Mr. ROBINSON, of New York. When my friend from New York [Mr. STEVENS] interposed I was seeking to offer an amendment to the appropriation for improving Gowanus Bay. I do not wish to lose my right.

The CHAIRMAN. The Chair suggests that the gentleman from New York [Mr. STEVENS] allow his colleague [Mr. ROBINSON] to offer his amendment now.

Mr. STEVENS. Certainly. My amendment is an independent one. I will offer it hereafter at the proper time. I only desire not to lose my right.

Mr. BRECKINRIDGE. I reserve a point of order against the amendment just read.

The CHAIRMAN. That is not pending. It has been withdrawn for the time being.

Mr. ROBINSON, of New York. I move to amend by making the appropriation for continuing the improvement of the harbor at Gowanus Bay $20,000.

We have been trying for a considerable period to get improvements at that place, and have been from time to time delayed or denied. All that part of the bay of New York, which needs large improvements, has been kept down to very small sums, hardly worth accepting, so small indeed that we would rather no appropriations had been made. I might mention Canarsie Bay and others for which the amounts appropriated have been very meager.

Gowanus Bay is a very important part of the harbor of New York, and there is an immense commerce upon Gowanus Creek, extending a considerable distance above Hamilton avenue bridge. We believe there ought to be an appropriation to dredge that canal above the bridge, because the immense amount of United States business above that point should be provided for by the Government, and the cost should not be put upon the city of Brooklyn. We are not now in a position, however, to urge any appropriation for the canal or creek. But for Gowanus Bay the committee here propose to give us $5,000. The original proposition was "to dredge a channel from the 18-foot contour outside the bay to the drawbridge at Hamilton avenue" at an estimated cost of $182,850. The report of the engineer states:

The amount expended at the close of the year ending June 30, 1883, was $40,-12231, and a channel dredged 1,826 feet long, 100 feet wide, and 18 feet deep at mean low water.

The amount expended during the year ending June 30, 1884, was $19,661.82.

These expenditures, amounting to about $60,000, leave $120,000 of the original estimate unappropriated. The Engineer-in-Chief states in this report that the amount which can be profitably expended during the fiscal year ending June 30, 1886, is $50,000. Yet this committee proposes to give us the small sum of $5,000 for this vast improvement. Why, sir, we ask nothing for the canal above the bridge, upon which the Engineer-in-Chief states there is a very large amount of tonnage. That canal, although we ask nothing for it, has more commerce than one-half the rivers and harbors mentioned in this bill.

I do not believe there are ten rivers on the whole bill of as much importance as Gowanus Creek above the bridge, for which we do not ask anything.

I ask to make an amendment—and I hope the chairman will allow me to make it—that is, $20,000 for the improvement of Gowanus Harbor. I hope he will allow some increase and not keep us down; allow us some decent sum, so we can go on and make some improvements, instead of giving driblets of appropriations in this way.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. Mr. Chairman, it was my intention to offer an amendment in line 22, and to call attention to the fact the committee had evidently made a mistake in putting in $5,000 for Gowanus Bay when the engineers recommended $50,000. I will be charitable and suppose the committee intended the word "five" for "fifty," because the engineers' report from which the distinguished gentleman from New York [Mr. ROBINSON] has just read states that $50,000 can be properly expended for this important harbor. I had intended to contrast this harbor for which $5,000 is recommended in this bill with Hingham Harbor, for which $6,000, by the action of yesterday, was appropriated. I had intended to call the attention of this committee to the fact that with a small sum of money a depth of water varying from six to eight feet had been deepened to eighteen feet, and a channel of one hundred feet wide had been made at Gowanus Bay, whereas at Hingham they have to-day in that channel more than eight feet of water, while the work they propose to do there is to carry that channel to the immense length of nine miles, which seems to be entirely for the benefit of that one steamboat there to which I have already referred.

Now let me call the attention of this committee to the report of the engineer, where he says on page 4 of this special report:

The proposed improvement consists in restoring to the upper portion of the channel the width obtained by dredging in 1875, and giving it a depth of ten feet at mean low water, which is an increase of two feet on the depth formerly obtained. It is also proposed to remove the ledge lying about midway in the lower channel between Chandler's and Ragged Islands.

Further on the assistant engineer in charge of the work says:

The least width of the channel excavated in 1876 was one hundred feet; it therefore has diminished in width more than half. Above the wharf of the steamboat company no channel of eight feet depth exists now; the average depth in the original 50-foot wide channel does not exceed now three and a half feet.

And a little further on suggests:

During spring tides the water frequently falls 1.5 feet, and at times nearly three feet below mean low water, so that but five and one-half feet, and occasionlly not much over four feet depth of water can be counted on.

He says on page 6:

Total estimated cost of improvements, $18,750.

The above estimate appears high, but is not so considering the rather unfavorable circumstances under which the work has to be done; among which the great distance to which the excavated material will have to be carried, partly through crooked and narrow channels, out to sea about nine miles or more, is the most prominent.

We have appropriated only a third of that amount by the action of yesterday. We have given $6,000 on the motion of the gentleman from Massachusetts [Mr. LONG] for that harbor at Hingham where only $18,000 is recommended, and where there is but little commerce.

Now, sir, I am in favor of improving harbors where there is little commerce. Do not understand me to say we ought not to have done that; but I am astonished how unjust and how unfair the discrimination is in this bill. Where it is said by the Engineer Department $50,000 could be expended profitably this year the committee put in the bill only $5,000, scarcely enough to pay for the running expenses of the machinery.

[Here the hammer fell.]

The CHAIRMAN. The question recurs on the amendment of the gentleman from New York [Mr. ROBINSON].

The committee divided; and there were—ayes 11, noes 62.

Mr. ROBINSON, of New York. I do not wish to detain this committee, but I think we ought to have the vote on that by tellers, as I understand there is no quorum, but I ask for tellers not for the purpose of delaying the committee, but this is a meritorious case and deserves a vote.

The CHAIRMAN appointed Mr. ROBINSON, of New York, and Mr. WILLIS as tellers.

Mr. ROBINSON, of New York. After what has been said to me by the chairman of the Committee on Rivers and Harbors, I withdraw the point of no quorum.

So the amendment was rejected.

Mr. STEVENS. I move the following amendment.

The Clerk read as follows:

In line 122 insert:

"Improvement of Olcott Harbor, New York: Continuing improvement, $5,000."

Mr. STEVENS. Mr. Chairman, again, in the discharge of what I believe to be my duty as a Representative upon this floor, I have been compelled to ask the indulgence of the committee while I shall explain to it the objects and purposes of this amendment. The harbor for which this appropriation is asked has had already expended upon it by the General Government the sum of $118,000. The amount needed to complete it, according to the report of the engineers, is $30,000. That amount was asked for last year, but the Committee on Rivers and Harbors in their judgment decided to make no appropriation whatever, and consequently it had nothing to depend upon except the small unexpended balance coming over from previous years. The engineer in charge of this work says:

There will be no operations at this harbor during the present season, since the funds are practically exhausted.

The engineer also goes on to say that the appropriation of $30,000 asked for is to be applied to the extension and maintenance of the piers and the deepening of the channel between the piers.

It is true, sir, that the commerce at this harbor is not very large. I believe there was something over 100,000 packages of merchandise handled there last year. The only amount I ask in this amendment, as will be seen, is not the $30,000 recommended by the engineers, nor one-fourth of it, which I understand the Committee on Rivers and Harbors seem inclined to recommend in accordance with the report of the engineers, but I only ask one-sixth of the sum, in order that the recommendation of the engineer, to wit, that the improvements already made may be preserved, shall be carried out.

I do not ask this, sir, in any spirit of criticism upon the action of the Committee on Rivers and Harbors; nor do I desire to be called an obstructionist because, having been denied an opportunity of presenting the claims of this harbor in any other way than before the Committee of the Whole House, I think it is a right not only that I have, but that every member of the committee has, to present the claims of their respective constituents and the claims of harbors in their districts in Committee of the Whole. In that spirit alone have I offered this amendment, and I hope it will be accepted.

Mr. WILLIS. Mr. Chairman, in one word I desire to say that this harbor had a full hearing in the last Congress as well as in this. The gentleman himself appeared before the committee then.

Mr. STEVENS. Not this year.

Mr. WILLIS. Not this year; I refer to the last session of Congress. It was rejected in the last session, and was rejected also in this, simply for the reason that its commercial statistics were so small. There were only 19,000 packages of merchandise and some 91,000 pounds of provisions as the whole of the exports from that point. The whole revenue derived was $82.90, while the whole imports reached $118.

Now we were compelled to make some discrimination as to the nationality and importance of these harbors, and simply for the reason that it did not come up to the measure of what was required as a national improvement we felt compelled to reject the application to

make an appropriation for this point; and I may say it was excluded reluctantly from this bill.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Little Sodus Bay, New York: Continuing improvement, $10,000.

Mr. PAYNE. I move to strike out "ten," in line 128, and insert "fifteen," so that it will read:

Continuing improvement, $15,000.

This harbor is in a situation very similar to the Big Sodus Harbor, of which I spoke a few moments ago. It is at the terminus of the Lehigh Valley Railroad, a road running across the States of New York and Pennsylvania to Philadelphia, and is the outlet on the lakes of the great Lehigh Valley coal mines. It has a larger commerce than Big Sodus. The collections from import duties were $23,589 for the last fiscal year. But otherwise the cases are almost exactly parallel. There is about the same sum left over, which it is necessary to use to pay for contracts already existing before the 30th day of June next. In every other respect I think it is exactly similar.

Now, I have suggested the sum of $15,000 in this amendment not because of the impression that seems to prevail in the minds of the committee that if we add five or ten thousand dollars to this bill in the way of an amendment the whole thing is so weak that that small sum might make it topple over and that consequently we must stand by the committee and support the bill and must not increase it by any small amount which may be absolutely necessary for fear that the bill could not carry it, but because I believe that unless this bill is amended in these particulars, and unless some objectionable features are stricken from the bill which are already there, so that the aggregate will be below the $12,000,000, it will not furnish a bill that has a chance to pass this Congress. We have already stricken out $100,000 for Sandy Bay. Now, I want to put in a little for these harbors about the country which are of national importance and which have a commerce and which are harbors that need improvement, and let every member not only of the Committee of the Whole but every member of the Committee on Rivers and Harbors vote his honest convictions, and not feel compelled to stand by a report of the committee when it must be seen that that report is made without receiving all the light upon the subject which is obtainable and when this body can see that the committee was wrong and that the amendment offered is right.

The question being taken on Mr. PAYNE'S amendment, it was not agreed to; there being—ayes 56, noes 67.

Mr. STEVENS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 128 insert the following:

"Improving Wilson Harbor, New York: Continuing improvement, $5,000."

Mr. STEVENS. This is another of the same class of harbors for which I have offered the two previous amendments. I only desire to state in connection with this matter that the amount of money already expended here is $49,866. The amount required according to the estimate of the engineer to complete it is $50,000. The amount he recommends to be appropriated this year, or which he states can be economically expended during this year, is $30,000.

I have offered this amendment in order to preserve the work. All I ask for in the amendment is $5,000, simply to preserve in repair the work already done.

In answer to the chairman of the Committee on Rivers and Harbors, I will state that the revenue received at that port by the United States collector is $932. And in further answer to the objection the gentleman offered to making an appropriation for Olcott Harbor, I will say that I find by reference to the bill which the committee have presented that for the harbor of Fairport, Ohio, where the magnificent sum of $87.85 was collected during the last twelve months, the committee recommend an appropriation of $5,000. At Black Lake, Mich., there was a revenue in one year of $212.57, and the committee recommend an appropriation by their bill of $6,000.

And so I could go through the bill, taking up item after item. But I do not desire to do it, merely calling the attention of the committee to the fact that the objection offered by the honorable chairman of the committee in regard to Olcott Harbor does not prevail against this, and that it does obtain against quite a number of harbors for which he has reported in the bill presented quite liberal appropriations.

Mr. WILLIS. In one word, I desire to say this was fully considered at the last session. The gentleman had a hearing, and by a vote of the committee, on which his own State was represented, it was excluded. The reason given is here stated:

The question is of growing importance whether the United States is to serve improvements made by the Government originally but now lying inside the shore line and in use or subject to use by riparian owners for docks, &c., or whether such original Government work is to be preserved by the local authorities or parties most in interest.

The question is whether this harbor is to be improved for private use by public money; and the committee did not believe it ought to be.

Mr. STEVENS. I desire to say in answer to the gentleman from Kentucky [Mr. WILLIS] that that is the very principle that I would like to see decided by this House; and that is whether after the Government of the United States shall have during a long series of years been making these appropriations, and shall have made very comfortable harbors in most instances for the use not merely of the riparian owners but for the use of all the people, especially of those who may happen to have ships and vessels of various kinds doing business on the waters and rivers where these improvements have been made—whether Congress shall now discontinue those works. This is the very question which the people want to have understood and settled—whether by this Congress there is to be an abandonment of all the precedents of past Congresses, and whether this burden is to be thrown on the individuals who happen to be living contiguous to those improvements which have been made in years past. We want to know what the sentiment of this Congress is, and whether the rights of the people which have been protected in years past by Congress are in future to be ignored.

The question being taken on the amendment offered by Mr. STEVENS, it was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Oswego, N. Y.: Continuing improvement, $50,000.

Mr. NUTTING. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 134 strike out "$50,000" and insert "$95,000;" so that the clause will read:

"Improving harbor at Oswego, N. Y.: Continuing improvement, $95,000."

Mr. NUTTING. I offer this amendment with the belief that it ought to be allowed. The harbor of Oswego holds from the seventh to the tenth place among the harbors of the United States as regards the collection of duties. It is the principal harbor of Lake Ontario, and nearly at the foot of lake navigation.

The report of the engineers for the last year asks Congress to appropriate $70,000 for repairs and continuation of work on this harbor. The Committee on Rivers and Harbors has thought fit to give us $50,000.

But, Mr. Chairman, allow me to say that since the report of the engineers was made a storm came upon the works of that harbor and two hundred and fifty feet of the pier were swept away; the entire pier of this harbor is, if I recollect correctly, about three-fourths of a mile in length, and shuts in the water of the lake to the extent of one hundred acres.

This is not all. By this break in the piers of the harbor of Oswego, which occurred in December last, not only the Government works themselves, which have cost the Government about $1,500,000, are in danger, but the immense property on the water front of the city, to the extent of a million dollars and probably more, is in danger of destruction. I formulated a resolution to be passed through the Senate that a survey be made of these damages, and a survey was made under instructions of the Senate.

This damage which I have described to the House is said by the Engineer, in answer to the Senate resolution, to amount to $45,000; and in speaking of the necessity of this appropriation in a letter to the mayor he says substantially that it is absolutely necessary for the preservation of the public works at the harbor of the city of Oswego.

Now, Mr. Chairman, if the members of this committee will look at this matter for a few minutes as business men, I am sure there will not be a single dissenting vote against the amendment that I have offered. The customs district of Oswego has within the last twenty years collected nearly or quite $20,000000, for the Treasury of the United States. We have received there for all our public works less than the interest upon the money which we have collected and put into the Treasury. Yet now, when the United States engineers, under their official oaths, have said that it is necessary for the preservation of all this work, when they have said that it is absolutely necessary in order that the harbor of Oswego may be kept open, that $45,000 shall be added to the original estimation, the Committee on Rivers and Harbors simply sit down and in substance say that this harbor shall not have the money.

Mr. Chairman, I warn this House and the country that if that appropriation be not made, damage to the amount of more than a million dollars will be done within the next six months within the harbor of Oswego by the storms.

Do gentlemen realize the importance of this harbor? The tonnage of Oswego last year was over 350,000; the amount of lumber shipped into that harbor from Canada over 187,000,000 feet in the year 1883. The amount of coal which is shipped from that harbor to other ports and other countries was about a quarter of a million tons in the same year. The grain of all kinds which came to that port in 1883 was nearly four and a half million bushels, and the amount of customs collected that year direct—saying nothing about bonded goods—was nearly $700,000. The value of imports was nearly six million and a half of dollars, and the value of exports about $2,000,000.

Mr. WILLIS. Mr. Chairman, I do not dispute, and I am sure that no member of the Committee on Rivers and Harbors will dispute, the commercial importance of the harbor of Oswego, and the committee have endeavored to be strictly just to its claims. The estimate of the engineer of the amount that could be profitably expended was $70,000. In the cases of fully four-fifths of the harbors of the country the committee has allowed one-fourth of the estimated amount, but in this case, instead of allowing one-fourth of the estimate, which would have been something over $16,000, the committee have allowed $50,000.

Mr. NUTTING. Does the gentleman mean that of the $50,000 $45,000 is to be appropriated for the mending of the piers?

Mr. WILLIS. I was about to come to the point. In the last Congress this House appropriated for the harbor of Oswego $40,000, and the Senate added $40,000, making $80,000; so that, if the appropriation in this bill be allowed, that harbor will have on hand $130,000. In the year preceding they were able to expend only $54,000. So that, even allowing for these improvements, they will not be able, gentlemen of the committee, to expend more than the amount of $140,000 in the next two fiscal years—$70,000 per year. I ask for a vote.

Mr. NUTTING. Mr. Chairman, I move to strike out the last word of the pending amendment in order that I may have an opportunity to answer briefly the statement of the chairman of the Committee on Rivers and Harbors.

I was as unfortunate as other members of the House in my efforts to get into the room of that committee so as to lay before them my views as to the necessity for this appropriation for the harbor of Oswego, but I did place in the hands of some of the members of the committee (who were generous enough to listen to what I had to say and to receive the papers I had to present) evidence to show that this money, which the chairman of the committee says is now on hand, has been already expended under contracts, and that before the end of this fiscal year it will be entirely expended, and there will not be a dollar on hand with which to carry on work from June, 1885, to June, 1886.

Now, Mr. Chairman, if there is any legislative body in the world that ought to be governed by business principles in its legislation it is the Congress of the United States. Where would you have got the money you are now appropriating if it had not been for such harbors as that of Oswego, which have been continually bringing into the Treasury of the United States the money upon which we are now drawing for the improvement of the harbors and the commerce of the country? And yet, when the time comes that we need some of this money to maintain and keep in existence the harbor of Oswego, and when we come here with the sworn report of the Government engineers that it is necessary to have $45,000 more in order to mend the piers in that harbor so that the property there and the harbor itself may not be exposed to damage and ruin, this committee refuses to make the appropriation.

Any business man owning these piers and this harbor, if he found this break in the piers, would at once expend every dollar necessary to repair them. Yet this Congress, when the whole matter is laid before it time after time, refuses to make the appropriations which it should make as legislators for the nation. I ask the members of this House to vote this amendment of $45,000 which the engineers say is necessary to carry on the work at this point, and especially to preserve the work already placed there by the Government.

Mr. THOMAS. Does not this bill provide more than the $45,000 required to repair the damage?

Mr. NUTTING. It provides $5,000 more; and I suppose the gentleman would have us credit that $5,000 upon the $70,000 additional, which the engineers have stated in their annual report to be necessary for the preservation and continuation of the works there.

The question being taken on the amendment of Mr. NUTTING, there were—ayes 73, noes 84.

Mr. NUTTING. I make the point that no quorum has voted and call for tellers.

Tellers were ordered; and Mr. NUTTING and Mr. BRECKINRIDGE were appointed.

The committee again divided; and the tellers reported—ayes 84, noes 80.

So the amendment of Mr. NUTTING was adopted.

Mr. BRECKINRIDGE. I reserve the right to have a vote in the House on this amendment.

The CHAIRMAN. That is not necessary.

The Clerk read as follows:

Improving harbor at Saugerties, N. Y.: Continuing improvement, $5,000.

Mr. WILLIS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels.

The message further informed the House that the Senate had passed without amendment the joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Chairman, I have no desire to trespass upon the business of the Pension Committees; but I will ask unanimous consent that at the close of to-night's session the House take a recess until 10 o'clock to-morrow morning.

A MEMBER. Let us hear the request.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that at the close of the session to-night the House take a recess until 10 o'clock to-morrow morning. Is there objection?

Mr. VALENTINE and others objected.

Mr. CONVERSE. I move that the House now take a recess until 10 o'clock to-morrow morning.

Mr. WHITE, of Kentucky. I ask that the order under which the House meets on Friday night be read.

The SPEAKER *pro tempore*. Pending that, the Chair will ask consent to present several executive communications.

GOVERNMENT RECEIPTS AND EXPENDITURES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a detailed account of receipts and expenditures of the United States for the fiscal year ending June 30, 1880; which was laid on the table, and ordered to be printed.

SKIPTON CREEK, MARYLAND.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War, inclosing report of the Chief of Engineers of an examination of Skipton Creek, Maryland; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HART, for the remainder of the day, on account of important business.

To Mr. STEVENS, for to-morrow, on account of important business.

To Mr. BAGLEY, until Monday next, on account of business.

To Mr. FIEDLER, until Tuesday next, on account of sickness.

To Mr. WEMPLE, until Monday next, on account of important business.

To Mr. BRUMM, until Tuesday next, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.; and

A bill (S. 2168) for the relief of the executrix of Ayres P. Merrill.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, in pursuance of its standing order, takes a recess till 8 o'clock p. m.; the session of to-night, at which the gentleman from New York, Mr. BAGLEY, will preside, being for the consideration of pension business.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

BUSINESS BY UNANIMOUS CONSENT.

Mr. RAY, of New Hampshire. I was not present when the committees were called, the only time they were called since the last meeting of the Committee on Invalid Pensions, and therefore I ask unanimous consent that I may make two reports, which I was instructed by the Committee on Invalid Pensions to submit.

Mr. HEWITT, of Alabama. I do not object, but I would like to know whether this can be done under the order of this evening session.

Mr. RAY, of New Hampshire. It has been done before in two or three instances, I think.

Mr. HEWITT, of Alabama. Then if it has been done before I shall not object.

The SPEAKER *pro tempore*. Anything can be done by unanimous consent.

There was no objection.

BENJAMIN P. LOWELL.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6310) granting a pension to Benjamin P. Lowell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYNTHIA MARTIN AND CATHERINE STOVER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pen-

sions, also reported back with amendment the bill (H. R. 2804) for the relief of Cynthia Martin and Catherine Stover; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE CALENDAR.

Mr. MORRILL. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar for the consideration of pension cases.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

ORDER OF BUSINESS.

Mr. BREWER, of New York. I ask by unanimous consent to take up from the Calendar the bill (H. R. 7938) granting a pension to Amanda Allen.

The CHAIRMAN. The Chair will suggest that some order of procedure be adopted.

Mr. HEWITT, of Alabama. I ask by unanimous consent that members may be allowed to call up such cases as they may see proper.

The CHAIRMAN. Alternating from one side to the other according to the practice of the last two sessions of the Committee of the Whole House.

There was no objection, and it was ordered accordingly.

AMANDA ALLEN.

Mr. BREWER, of New York. I call up the bill (H. R. 7938) granting a pension to Amanda Allen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda Allen, mother of Charles F. Allen, late of Company B, One hundred and forty-fourth Regiment New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner is the mother of Charles F. Allen, who enlisted August, 1862, as a private in Company B, One hundred and fifty-fourth New York Volunteers, and who died October 5, 1864, at Savannah, Ga., while a prisoner of war. The mother's application for pension was filed October 9, 1879, and rejected on the ground that the soldier at the date of death left a widow surviving, who would have prior right to pension if allowed.

The claimant, in her affidavit, alleges that the soldier was never married nor left a widow or child or children. She also states in another affidavit that her son was married prior to his enlistment, but did not live amicably, and the wife remarried prior to soldier's death; that he lived with his wife scarcely a month, and that she was a woman of bad morals. It is shown also that the wife remarried or lived with another man prior to soldier's death. A witness says that in 1862, while in the service, at Chattanooga, he wrote a will for said Allen, by the terms of which he gave to his mother all his property of every kind, including all claims for back pay and demands of every nature. This affiant says he knew the wife of soldier and when he married her. After their marriage Mrs. Allen acquired a bad reputation, and it was so understood by many people. Allen told this affiant this also, and that he intended to not live with her again, and that he should get a divorce on his return home.

The husband of claimant was, for a long time prior to his death, seriously disabled, so that he could perform little, if any, manual labor.

The petitioner testifies that prior to his enlistment the soldier, her son, was her principal support, and that she was dependent upon him for her maintenance, and that he gave her from time to time while in the said service all he received as bounty or wages while in the service.

The mother is an old woman, and is very poor, and she is represented as being an honest, reputable woman, and has the respect of the community in which she lives.

As the widow of this man seems to have sought the society of another, in the capacity of a wife, and that, too, prior to the death of the soldier, and as the mother was dependent upon the soldier, and by his death lost her support, and is now in need of aid, the committee think it proper she should be pensioned, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JUDSON BOSTWICK.

Mr. STEVENS. I call up the bill (H. R. 7334) granting a pension to Judson Bostwick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Judson Bostwick, of Arcade, N. Y., late of Company F, Fifth Regiment New York Cavalry Volunteers.

Mr. HEWITT, of Alabama. I hope the gentleman from New York will make a short explanation of this case.

Mr. STEVENS. I will say, Mr. Chairman, that Mr. Bostwick, the claimant, enlisted September 11, 1861, and was discharged July 2, 1862. On December 18, 1879, he filed a declaration for a pension, which was rejected February 16, 1883, on the ground that there was no record of alleged disability in the War Department. There is abundance of medical evidence of prior soundness and of disability at the time of discharge. He had contracted a severe cold by reason of exposure near Annapolis, Md., which resulted in disease of the kidneys and lungs, a disease that still continues. The examining surgeon finds him one-half disabled, which I suppose will be the measure of the pension that would be granted.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS D. FITCH.

Mr. DAVIS, of Illinois. I call up the bill (H. R. 7696) granting a pension to Thomas D. Fitch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Fitch, late surgeon of the Forty-second Regiment Illinois Volunteer Infantry.

Mr. HEWITT, of Alabama. I hope the gentleman will make a short explanation.

Mr. DAVIS, of Illinois. I will state that Mr. Fitch was a surgeon, in 1862, of the Forty-second Illinois Volunteers, and was mustered on the 12th of January. He had previously been appointed as assistant surgeon in November; had served during November, December, and a portion of January with his regiment in Missouri. He had little knowledge of military matters, and supposed he was regularly appointed, but it turned out that he was not regularly appointed and did not receive a commission as assistant surgeon. He did receive a commission as surgeon, and was mustered, as I have already stated, on the 12th of January, 1862.

He is reported on the rolls of the Department as having been present during the month of November as assistant surgeon, borne on the rolls as a member of the staff, and participated in the duties of an officer—was so regarded and so obeyed. The disability under which he asks this pension was caused by an attack of typhoid fever at the time he was acting assistant surgeon. The technical ruling of the Department is probably correct, that he was not actually in the service at that time. He recovered from that attack and served for two years or more, doing good in the Army as surgeon. The Adjutant-General referred the matter to Congress so that the record might be corrected.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRY H. G. KISLINGBURY AND OTHERS.

Mr. MAYBURY. I call up House bill 7618, granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler S. Kislingbury, and Douglas E. L. Kislingbury, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, reported from the committee with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of Harry H. G. Kislingbury, Walter Frederick Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, all minor children of the late Lieutenant Frederick F. Kislingbury, Eleventh United States Infantry, and to pay to each of said children a pension at the rate of $25 per month, commencing June 1, 1884, and until said children severally attain the age of 21 years.

SEC. 2. That this act shall take immediate effect.

The amendment of the committee was read, as follows:

Strike out in line 9 "twenty-five" and insert "ten;" and strike out the words "commencing June 1, 1884."

Mr. MAYBURY. I need not state the facts of the death of Lieutenant Kislingbury, one of the heroes of the Greely expedition, as it is a matter of history. So far as his orphan children are concerned they are now residents of my State, and the guardian appointed for them by the probate court of the county reports to me that the estate consists only of a few personal effects of their late father and that they are in destitute circumstances. I ask for the reading of the report, which is short.

The report (by Mr. ROBINSON, of New York) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler S. Kislingbury, and Douglas E. L. Kislingbury, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, having had the same under consideration, beg leave to report as follows:

Lieutenant Kislingbury, after long suffering, met his death while in service of the United States in the Lady Franklin Bay expedition, leaving four minor children, herein named, as wards of the nation. His services the most hazardous and death the most heroic are matters of history too familiar to need rehearsing.

The committee beg leave to report the following letter from Lieutenant Greely:

"DEAR SIR: I trust that the bill in your charge which provides a pension for Lieutenant Kislingbury's children during minority will be favorably reported. It seems to me that the matter is in a nutshell. Lieutenant Kislingbury met his death after extreme privation and terrible suffering, while in service and on duty with the Lady Franklin Bay expedition, the circumstances attending which are everywhere known. After twenty years' honorable and faithful service, during which he served in all grades, from a private in the volunteer army during the late war to lieutenant in the regular Army, he leaves four children dependent and without support. I know that his last thoughts were of those children, and that he hoped and trusted that the Government would not see them suffer. It seems to me that the Government can expect the most devoted and faithful duty to death from all its servants, but in return they at least hope that through their labor and at the price of their lives reward may come to those they leave dependent.

"Respectfully, yours,

"A. W. GREELY.

"Hon. W. E. ROBINSON, M. C."

Your committee recommend the passage of the bill with an amendment granting each of the children $10 a month instead of $25 a month, as provided by the bill.

Mr. WOLFORD. I move to amend by making it $15.

Mr. MAYBURY. The committee have considered the matter, and

I think it had better remain as reported by them. I believe the amount is small.

Mr. CUTCHEON. This continues the pension until 21 years of age. Is that the usual custom?

Mr. HEWITT, of Alabama. The general law is until they are sixteen.

Mr. WOLFORD. These are orphan children, with no means of support.

Mr. WOLFORD's amendment was disagreed to.

The amendments of the committee were agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL B. RANDALL.

Mr. MORRILL. Mr. Chairman, I call up from the Calendar the bill (H. R. 7903) granting a pension to Daniel B. Randall, and ask to put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Randall, late a private in Company A, One hundred and second Illinois Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MORRIS GELD.

Mr. WOLFORD. Mr. Chairman, I ask the consideration of the bill (H. R. 4869) for the relief of Morris Geld.

The bill was read, as follows:

Be it enacted, &c., That Morris Geld, late of the general mounted service, United States Army, be, and he hereby is, placed on the pension-roll of the United States, subject to the limitations and provisions of the pension laws, with rate proportioned to his disability, and to take effect from date of discharge, September 30, 1882.

Mr. HEWITT, of Alabama. That bill seems to be rather peculiar in its form. I suppose it was not reported by the committee in that shape.

Mr. WOLFORD. Yes.

Mr. HEWITT, of Alabama. I ask that the report be read.

The report (by Mr. WOLFORD) is as follows:

Morris Geld entered Company B, Tenth Regiment New York Volunteer Cavalry, December 19, 1862, and was honorably discharged on July 17, 1865, having made a good soldier. He enlisted in the United States Army October 6, 1865, in the Second Cavalry, for three years, and was honorably discharged October 6, 1868. In his discharge his character is given as "excellent in every respect, sober, and attentive to duties."

Enlisted again the same day in the regiment for five years, and was honorably discharged September 25, 1870, in consequence of General Order No. 92. This discharge says, "Character excellent, and temperate in his habits."

October 13, 1870, he re-enlisted again in the Fourth United States Cavalry for five years, and was honorably discharged October 13, 1875. This discharge says, "Character excellent."

He enlisted as sergeant on October 22, 1875, and was honorably discharged October 21, 1880. This discharge says, "Character very good."

He enlisted again February 11, 1882, for five years, and was discharged September 13, 1882, on a surgeon's certificate of disability. Character still good.

His disability occurred while in the line of his duty in this way: A street-car ran over his hand and mashed the bones of it so badly that his left hand had to be taken off at the wrist-joint. He was on recruiting service at Philadelphia. Being sick one morning, his sergeant sent him out to take a short ride, believing it would do him good; he returned in a very short time, and when within twenty feet of his quarters (the recruiting office) he fell and was run over by the car, with the result as before stated. His sergeant, who was in command, swears he was within twenty feet of him when he fell, and that he was perfectly sober.

The Pension Office rejected his claim because he was out of his quarters with leave for a few minutes.

Your committee report the bill without amendment with the recommendation that it do pass.

Mr. WOLFORD. I am instructed by the Committee on Pensions to move an amendment that this pension shall take effect from and after the passage of the act. I offer that amendment by the instruction of the committee, and while I do this at their instance I think at the same time that this gallant soldier who served his country faithfully, intelligently, and soberly should be entitled to this pension to date back from the date of the injury. I am for the private soldier now a little, and I think that after twenty years of gallant service, intellectual, honorable service to his country, he ought to be entitled to the pension and would have been entitled to it but for some quibble in the Department. There is no question but that he was injured in the line of duty. He was obeying the instructions of his superior officer; and in my judgment there can be no doubt that the man who has been sent out by his superior officer for a specific purpose, and who is injured while absent or on his return to his command, if he is crippled for life, that it entitles him to a pension as much as if he had been shot down in battle.

I say now, sir, that I have offered this amendment by the instruction of the committee, and having done my duty in that respect I oppose the amendment, and hope every gentleman in this House will vote for this gallant private soldier to give him a pension from the time he was disabled in the line of his duty.

Mr. WALLACE. Will the gentleman permit me to ask him a question?

Mr. WOLFORD. Certainly.

Mr. WALLACE. Was this application rejected by the Pension Department?

Mr. WOLFORD. Yes, sir.

Mr. WALLACE. On what ground?

Mr. WOLFORD. There was a misunderstanding of the law, and it was rejected upon the ground that he was not in the line of duty while doing what his superior officer commanded.

Mr. WALLACE. Was there any appeal taken from the decision of the Commissioner of Pensions to the Secretary of the Interior?

Mr. WOLFORD. I do not know. He is here before Congress now and asks to be righted, and this Congress has the right to do it.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Kentucky.

The Clerk read as follows:

That this act shall take effect from and after its passage.

Mr. HEWITT, of Alabama. I think it would be better to amend the bill in the usual way; that is, that he shall be placed upon the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. WOLFORD. That provision is already incorporated in the bill.

Mr. HEWITT, of Alabama. Let the bill be read as proposed to be amended.

The bill as proposed to be modified was again reported.

Mr. HEWITT, of Alabama. I move to amend by striking out all after the words "subject to the provisions and limitations of the pension laws."

Mr. WOLFORD. I hope that will not be adopted. He has been waiting for his pension a long time, and is disabled and penniless.

The CHAIRMAN. The Clerk will report the words proposed to be stricken out by the gentleman from Alabama.

The Clerk read as follows:

With rate proportioned to his disability, and to take effect from date of discharge, September 30, 1882.

Mr. HEWITT, of Alabama. If this is adopted, under the law he will be rated according to his disability.

Mr. CUTCHEON. If I heard the reading of this report it gives arrears back to 1862.

Mr. BOUTELLE. No; to 1882.

Mr. WOLFORD. If the amendment proposed by the gentleman from Alabama is adopted, it strikes out the rating proportioned to his disability.

Mr. HEWITT, of Alabama. It is not necessary to incorporate these words. He will be rated subject to the provisions of the pension laws.

Mr. WOLFORD. This man has been entirely helpless ever since his hand was mashed. He served his country faithfully and supported out of his army pay a poor helpless mother. He has been exceedingly temperate and a good soldier, and was left penniless with nothing to support his aged mother. I do insist that Congress in equity has the right to give him pay all that time that he had to depend upon public charity for the support of himself and mother.

Mr. BAGLEY. I wish to say simply that this question involves the payment of arrears. If this bill prevails as originally reported, we break down a rule which has been adopted by the Committee on Invalid Pensions and by the House without exception. I believe that no bill should be passed involving arrears, and I desire to enter my protest against the passage of such a bill now.

Mr. CUTCHEON. I desire to call the attention of the committee to the fact that in a case somewhat similar to this recently appealed to the Secretary of the Interior, as I understand, it has been held that the soldier while on leave of absence, while *en route* to his command to resume his duty, is held to be in the line of duty. I do not know whether that will affect the point made by the gentleman from Kentucky or not. It seems to me that if he was in the line of duty the rating would be fixed by the Pension Office, and also that there would be no necessity for passing a special act here.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Alabama.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CATHERINE SCHOOLS.

Mr. HOUK. I ask unanimous consent to call up the bill (S. 750) granting a pension to Catherine Schools.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Schools, widow of Thomas Schools, deceased, late a private in Company C, First Regiment of Delaware Infantry Volunteers.

Mr. HOUK. The report is very short. I ask that it be read.

The report (by Mr. HOUK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 750) granting a pension to Catherine Schools, submit the following report:

This is a Senate bill, passed by that body, and comes here for the action of the House.

Claimant is the widow of Thomas Schools, who had successfully prosecuted his claim and was a pensioner at the time of his death. His disability was clearly shown. It was contracted in the service in the line of duty, and he was

discharged on surgeon's certificate thereof. His disease was consumption, and continued up to his death. The proof shows that he was in that condition from this disease that he was expected to die at any moment.

However, he died when alone, somewhere about his premises, and it seems the Pension Office inferred that the immediate cause of his death was unknown; but all the circumstances, the origin and progress of the disease, his lingering and frail condition, being, as the witnesses state, "at death's door" for some time previous—these facts clearly lead to the conclusion that he died fro m the disability incurred in the service. Such was the view of the Senate, and such this committee believe to be the fact, and therefore recommend that the bill do pass.

Mr. HOUK. I desire to say a word. The Pension Office rejected this claim, but how and why they could possibly arrive at such a conclusion from the testimony on file I can not understand. It was shown that this soldier contracted his disease in the service. The whole case was made out satisfactorily. To use the language of the witnesses in the case, he was "at death's door" for some time previous to his death. But because somebody did not stand by and see him die the Pension Office decided the cause of his death was unknown. The fact is he was a walking corpse until he was found dead.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRISON MITCHELL.

Mr. WOOD. I call up the bill (H. R. 1901) for the relief of Harrison Mitchell, of Company K, Forty-eighth Indiana Volunteers, reported by the Committee on Invalid Pensions with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers, on the pension-roll at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 6, strike out the words "at the rate of $8 per month" and insert "subject to the provisions and limitations of the pension laws."

Mr. HEWITT, of Alabama. I should like to have some explanation of this bill.

Mr. WOOD. The report explains the facts. Let it be read.

The Clerk read the report in part.

Mr. HEWITT, of Alabama (interrupting the reading). I do not care to hear the report read further.

The report (by Mr. MATSON), in full, is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1901) granting a pension to Harrison Mitchell, having duly considered the evidence in the case, report:

That claimant enlisted in the military service of the United States as a private in Company K, Forty-eighth Regiment Indiana Volunteers, August 10, 1862, and was honorably discharged May 29, 1865.

January 4, 1870, he filed a declaration for pension, alleging that "at Medaryville, Ind., February 13, 1864, while returning home on a furlough, in getting off the cars, at said place, in the night-time, he fractured his right leg at the knee," which was rejected June 21, 1878, on the ground that the soldier was not in the line of duty at the time of receiving the disability.

The evidence in the case discloses the fact that claimant was a recruit, assigned to the Forty-eighth Regiment Indiana Volunteers; that the regiment re-entered the service, and returned home on veteran furlough; that at the time of mustering said regiment as a veteran organization claimant had not served a sufficient length of time to enable him to re-enlist as a veteran; but that he came to Indianapolis with his regiment, where he was also given a furlough for thirty days by the officers of his company and regiment along with the balance of the regiment. He received his furlough at Indianapolis February 12, 1864, and started for his home, where he arrived on the morning of February 13, 1864, just before daylight, and in getting off the train fell among railroad cross-ties, breaking his right thigh above the knee.

The occurrence of the injury in manner and at the time claimed is shown by the witnesses present at the time, who aided the soldier in getting to his house after the accident.

The testimony of the commissioned officers of claimant's company show that the soldier did not seek the furlough, but that it was given him solely on the ground that the rest of the company was being granted a veteran furlough, and they could do nothing with the soldier but send him home also.

It is also shown that the soldier was not under the influence of intoxicants in any degree at the time of being disabled.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EBENEZER K. MARDEN.

Mr. HAYNES. I call up the bill (S. 1823) granting a pension to Ebenezer K. Marden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer K. Marden, late a private in Company C, Sixth Regiment New Hampshire Volunteers.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1823) granting a pension to Ebenezer K. Marden, have examined the same, and report favorably.

The soldier rendered service, contracted the disease, and has ever since been disabled. It is abundantly proved that he was sound and well before enlistment. We see no reason why the bill should not pass, nor, in fact, why it should not have been allowed in the Pension Office.

The cause of rejection in Pension Office June 14, 1862, was because the disability for which a pension was claimed, namely, "chronic inflammation of the bowels," existed prior to enlistment. November 13, 1862, claimant prayed to have his case reopened, which was done, and furnished the affidavits of seven or more reputable persons that he was well and sound prior to enlistment, and that he had no such disability at the time of his enlistment. January 25, 1863, the Pension Office again rejected the claim on the same ground as above stated, notifying the claimant that the "evidence filed by you November 13, 1862, is insufficient to controvert the record, and this office declines to reopen the claim."

Your committee think it is too late, after having accepted the soldier's services in the field, to reject his claim for a pension on the ground that some record or memorandum in the War Department indicates prior unsoundness, especially when, as in the present case, there is a large preponderance of evidence the other way.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JULIA HARTLEY.

Mr. WOLFORD. I call up the bill (H. R. 7952) granting a pension to Mrs. Julia Hartley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension law, the name of Mrs. Julia Hartley, widow of Capt. John Hartley, late of the Twenty-second United States Infantry.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7952) granting a pension to Mrs. Julia Hartley, widow of Capt. John Hartley, beg leave to report:

That the military record of Capt. John Hartley is most honorable. He was in the Army twenty years in continuous service of his country. He enlisted in the Eighth Minnesota Volunteer Infantry in the war of the seceding States on the 11th of August, 1862, as a private; was in several engagements, and was at different times three times severely wounded—twice in his leg and once in his right eye; and for his gallant conduct was made sergeant-major and captain commissary, and brevetted major in the line, and was honorably discharged at the close of the war. He was commissioned captain on the 28th of July, 1866, in the United States Army, and placed in command of Company B, Twenty-second Infantry. He participated in all the Indian fights under General Stanley, and General Stanley writes a letter stating that Captain Hartley served under his command a long time, and in the field a gallant officer, brave and efficient at the station, a good duty officer, meritorious and faithful.

Colonel Otis writes a letter stating that Captain Hartley was a very intelligent, brave, efficient, and faithful officer; quick to understand and prompt to obey any orders; that he served under his command a long time, and very hard and dangerous service in the field, and very useful at the station. General Terry writes a letter that Captain Hartley served in his department, and he was one of the best officers in his command; intelligent, brave, and faithful; an upright gentleman, of superior qualities in every respect. General Hancock writes that he knew Captain Hartley well; that he served under his command; that he was an excellent officer, and gave entire satisfaction. Captain Hartley had a severe wound in his right eye, received in the line of his duty, which always produced pain in his head, and as his arduous duties increased the pain increased until it affected his brain, and caused him in a fit of insanity to resign.

The committee is satisfied that the cause of his unhappy death was the result of wounds received in the service of his country and in the line of his duty. He was kind and generous to his friends and devoted to his wife. His widow is very poor; her late husband left her penniless. Wherefore the committee report back the bill to the House with the opinion that it ought to pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYNTHIA MARTIN AND CATHARINE STOVER.

Mr. RAY, of New Hampshire. I call up the bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, directed and authorized to so correct the records of Joseph W. Stover and Robert H. Martin, late of Company H, Fifth Kentucky Cavalry, as to remove the charges of desertion or absence without leave from their commands at the time they were killed, being on or about the 5th day of March, 1862, standing against their names; that the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Cynthia Martin, widow of said Robert H. Martin, and Catharine Stover, widow of said Joseph W. Stover, to be paid pensions from the date of the deaths of their said husbands, to include the amounts provided by law to be paid the minor children of said soldiers; and that said widows and children be paid all bounty, back-pay, and allowances provided by law, any charge of desertion or absence without leave to the contrary notwithstanding.

The bill was reported with the following amendments:

Amend by striking out in line 15 all after the word "date;" all of line 16, and in line 17 the words "of said soldiers," and insert in lieu thereof the words "of the passage of this act." Also, strike out in line 17 the words "and children."

Mr. HEWITT, of Alabama. I would like to hear the bill read as proposed to be amended.

The bill was read as proposed to be amended.

Mr. HEWITT, of Alabama. Is that bill reported by the Committee on Invalid Pensions?

Mr. RAY, of New Hampshire. Yes, sir. I call for the reading of the report.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The evidence in this case establishes the fact that Joseph W. Stover and Robert H. Martin were soldiers in the late war, enlisted in the Army of the United States in Company H, of the Fifth Kentucky Cavalry, commanded by Col. D. R. Haggard; that they left Overton County, Tennessee, which was within the confederate lines, and went to Kentucky for the purpose of enlisting in the United States service; that Cynthia Martin is the widow of Robert H. Martin; that Catharine Stover is the widow of Joseph W. Stover; that in March, 1862, the company returned to Clinton County, Kentucky, which is adjacent to Overton County, Tennessee, and near their home; that while there these soldiers, together with other members of the company from the same neighborhood, returned to their home for the purpose of seeing their families, and the further purpose on the part of one to get a horse belonging to him which he feared would fall into the hands of the confederates. They remained but a short time and started back to their command, before reaching which they were overtaken by Champ Ferguson and his men and killed.

Various witnesses testified to these facts, and it is abundantly shown that they were on their way back to the Army and only a few miles from the place where

the company was stationed when so killed. It is shown by one witness that they stated they had authority from their commander to leave. There can be no question as to their returning. Their widows petition Congress for the removal of the charge of desertion and for the granting of a pension, &c., to which they were entitled but for the charge.

Your committee are satisfied that there was no desertion, nor any intention to desert; that they had in good faith gone to see their families, from whom they were not only separated by the ordinary restrictions upon the soldier's life, but they were likely to be deprived of the privilege of seeing them from the further fact that their families lived within the lines of the enemy. The widows are proved to be very destitute and deserving. Your committee are of opinion the prayers should be granted, and therefore recommend that the accompanying bill be passed with amendments as follows:

Strike out in line 15 all after the word "date;" all of line 16, and in line 17 the words "of said soldiers," and insert in lieu thereof the words "of the passage of this act;" also strike out in line 17 the words "and children."

Mr. RAY, of New Hampshire. This bill was introduced by the gentleman from Tennessee [Mr. MCMILLIN] in this Congress and referred to the Committee on Invalid Pensions. It was unanimously ordered to be reported by our committee at its last meeting. The gentleman from Tennessee informed me to-day that he would probably be unable to be present this evening and desired me to give a word of explanation, if any were deemed necessary.

The bill was introduced into the Forty-seventh Congress and referred to the Committee on Invalid Pensions and a favorable report was made, and I think the bill or bills passed the House. As I remember the case, our committee thought we would not grant any pension to the children because they must be old enough now to take care of themselves and that we would not grant any arrears. But the bill provides that the widows may have any back pay or bounty that was due the soldiers at the time when they were killed. We thought it proper enough to include that in the bill because the husbands of these two widows were killed under the circumstances mentioned in the report, and the only reason why the Pension Bureau denied pensions to them was on account of the record showing their desertion, when the truth is the men were killed by the Guerrilla Ferguson on their way back to their command. They had no intention of deserting. Their offense, if anything, was merely technical—not substantial.

The facts are, as set forth in the report, that these men went home to see their familes, were absent but a short time, and were returning and had got nearly back to their camp when they were killed. They understood, as I am informed by the gentleman from Tennessee [Mr. MCMILLIN], who has examined the matter very carefully—they understood, as I have no doubt, that they had a right to go home and to be absent from their command for a short time, but, being killed, could not return; hence the record of their desertion. It was only a technical desertion at best, not a voluntary desertion in any sense. Therefore, under the circumstances, the effect of the bill being merely to give these poor widows just what the soldiers had earned before they were killed and to put their names upon the pension-roll from and after the passage of the act, the Committee on Invalid Pensions thought would be no more than just.

Mr. HEWITT, of Alabama. Mr. Chairman, this bill is in some respects an extraordinary one, for it contains three propositions, over which, severally, three different committees of this House have jurisdiction. In the first place, the removal of the disability of desertion belongs to the Committee on Military Affairs, not to the Committee on Pensions. Second, the question of the pay that may have been due these soldiers for their service and back pay belongs either to the Committee on War Claims or to the Committee on the Payment of Pensions, Bounty, and Back Pay. Thirdly, so far as this bill seeks to put these widows upon the pension-roll, that part of it belongs to the Committee on Invalid Pensions. Therefore I say the bill is an extraordinary one, in the fact that it contains these three distinct propositions, over which three different committees of this House have, severally, jurisdiction.

Mr. RAY, of New Hampshire. Will the gentleman yield to me for a moment?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. RAY, of New Hampshire. I only wish to ask if the bill will be satisfactory if amended so as to simply place these two widows upon the pension-roll with nothing more?

Mr. HEWITT, of Alabama. Mr. Chairman, I was going on to say that if a bill had been introduced and reported here containing simply the first proposition in this bill, namely, to remove the disability of desertion, there would have been ample jurisdiction in the Department to give all the relief that is necessary; because the very moment the disability of desertion is removed from the records of these soldiers, then, if they were killed in the line of duty, their widows are entitled to pension from the Bureau of Pensions. Not only that, but the administrators of these soldiers would be entitled to whatever pay might have been due them, and could obtain it through the Department without any act of Congress, unless the claim is barred by some statute, and I do not think it is.

Now, I am very much opposed to allowing one committee of this House to usurp the powers of any other committee. It would have been much better that the one necessary proposition in this bill should have gone to the Committee on Military Affairs. If that committee had acted upon it and brought in a bill to remove the disability of desertion, then there would have been no necessity for any further legislation in the matter.

But, Mr. Chairman, the evidence, upon the very statement of the gentleman from New Hampshire [Mr. RAY], is not clear that these soldiers were not absent without leave. They had left their command without permission to return to their homes. That seems to be admitted, and if they did that it is not a case of mere technical desertion; it is straight-out desertion. It is a case of absence without leave, no matter what the excuse may have been, because every soldier that left the service and went back to his home to see his family had that excuse for his action, and it is a very strong one too—the desire of a poor soldier, away from his home and his children, to return, it may be but for a few days, to see the loved ones he has left behind. But if such a thing is encouraged it will tend to increase insubordination, and if such conduct is to be encouraged by voting pensions to such soldiers or their widows, I fear that it will result in great harm to the service.

Mr. BAGLEY. Mr. Chairman, I move to amend by striking out the clause in that bill in relation to bounty and back pay.

Mr. WOLFORD. Mr. Chairman, I rise to oppose that motion, and I want to be heard a few minutes in reply to my friend from Alabama [Mr. HEWITT]. I think that my friend (whose heart is always right) misunderstands this whole case. He made one remark in which he surely does not expect this House to agree with him—putting these men on the list of criminals and asserting that it will tend to the violation of good discipline to pension them. Pension whom? Pension the widows of these soldiers, those innocent, harmless women, who lost their husbands in the Army in defense of their country. But again, sir, the rule of law is altogether different from the way my distinguished friend from Alabama [Mr. HEWITT] states it in this case.

If these parties were on trial in a court, or even in a court-martial, they would have the benefit of every reasonable doubt. My friend wants to reverse that rule. He says the evidence is not clear in their favor. Sir, the evidence ought to be clear against them before you deprive poor, innocent ladies of what is reasonable and right. Before this House would do that the evidence ought to be clear that these men were in fact deserters. Are you going in this Congress—the highest body upon earth, with more rights and more equities and more great privileges of doing right to the citizen than any other legislative body in the world—are you going to reverse every principle of law and every principle of equity, and declare that you can not pass a law to pension a poor widow without destroying the discipline of your Army?

Does any man in this House believe that if you pass this law giving pensions to these poor ladies any soldier will ever remember that action as a reason or an excuse for deserting his duty? These men were going back to their camp, and that fact alone is evidence of the most convincing character that they were not deserters in a criminal sense. But it is said that they had gone away from their command. Admit that they had gone a few miles farther than they had permission to go, influenced by a longing desire to see the wives and children whom they loved; admit they did that, and there is nothing in it that does not indicate all the good impulses of human nature or all the higher feelings of the great soldiers that carried our flag triumphantly through the war; admit all that, and is it a reason for saying that these good feelings are an evidence of a depraved heart; that the man showing these feelings should bear forever the stain of desertion, should be forever put down as a criminal, and that his wife and children should starve by reason of this stain, because a great Government with plenty of money refuses to overlook these infirmities of human nature? In Heaven's name, will the gentleman from Alabama say that he has no charity for human infirmities? I had no wife during the war [laughter], but I do not know how it would have been possible for me, if I had been within a few miles of my children while that conflict was pending, not to have gone to see them. I do not know how the gentleman from Alabama feels; I do not know how close his wife and children are to him; but I can not believe that during the war, and while he was in the military service, he would not have gone to see them if he had been within a few miles of them.

Why, sir, a chancellor—and this is a higher tribunal than a court of chancery—a chancellor having taken jurisdiction of a case as to one branch of it goes through the whole of it. That is the rule, as my friend from Alabama very well knows. Now why should we not go through this whole case instead of splitting it up and making this Congress a little technical, driveling concern? When the rights of the widows of soldiers of this nation are under consideration why should this Congress say: "We have the case before us; we have heard all the facts; we know you ought to have the relief you ask; but we will divide your case."

My friend from Alabama would say these ladies ought not to have a pension because the stain of desertion has not been removed. Now who takes off the stain of desertion? Do you tell me that this Congress has not the power in the same bill which grants a pension to remove from the record of these soldiers the charge of desertion?

Why should we carve up this case? Why should there be several different tribunals—one to remove the charge of desertion, one to grant a pension, and one to consider the application for back pay? Why

should we thus split up this case when it is all before us? We have all the facts here. There is not a gentleman in this House, my friend from Alabama not excepted, who does not believe these poor women ought to have the pay which these United States can well afford to grant them. Everybody, I think, must concede that this stain of desertion ought to be wiped off, and that the pensions asked in these cases should be granted. Everybody, I think, believes this; and I do hope every member here will come right up and do an act of simple justice by voting for this bill.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from New York [Mr. BAGLEY].

The Clerk read as follows:

Strike out at the end of the bill these words:

"And that said widows and children be paid all bounty, back pay, and allowances provided by law, any charge of desertion or absence without leave to the contrary notwithstanding."

Mr. RAY, of New Hampshire. If I understand the scope of the amendment, its effect is that these widows shall receive a pension from and after the passage of the act.

Mr. BAGLEY. That is the intention. The idea is to strike out all provision for the payment of these arrearages.

The CHAIRMAN. Does the gentleman from New York propose to strike out that portion of the bill which removes the charge of desertion?

Mr. BAGLEY. No, sir.

The CHAIRMAN (having put the question on the amendment). In the opinion of the Chair the amendment is adopted.

Mr. WOLFORD. I call for a division.

The CHAIRMAN (having again put the question). On this question the ayes are 23, the noes 15. The ayes have it, and the amendment is adopted.

Mr. HEWITT, of Alabama. Just one remark, Mr. Chairman, in reply to my sympathetic friend from Kentucky [Mr. WOLFORD] in relation to the law of this matter. Now, it is very true that if you make a charge of desertion against a person the presumption of innocence arises, and the burden is upon the party making the charge to show the fact of desertion. But in this case the record which is kept by authority of law and by sworn officers shows that these two deceased soldiers were deserters. There is record evidence standing——

Mr. RAY, of New Hampshire. Will my friend from Alabama allow me to interrupt him a moment?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. RAY, of New Hampshire. My own impression is that these men were killed within a few miles of their own camp and command, and that the adjutant, or whoever kept the record, entered the charge of desertion against them in ignorance of the fact that they had already been killed. That is my judgment as to the facts of this case. Nobody can tell the precise date when they were killed; I do not know that any one has taken the trouble to cipher that out exactly; but my judgment is that the men would have been back in season, and that there would have been no charge of desertion in this case if they had not been overtaken by Champ Fergusson and both killed.

Mr. HEWITT, of Alabama. Admit the statement made by the gentleman from New Hampshire and it does not affect the argument I am making on the question against my friend from Kentucky.

Mr. WEAVER. Let me ask a question.

Mr. HEWITT, of Alabama. I yield with pleasure.

Mr. WEAVER. The amendment having prevailed to relieve the party of desertion, I ask as a legal proposition whether it is not true should this bill pass that the party could refuse to accept under the bill and receive arrears at the Pension Office?

Mr. HEWITT, of Alabama. If these widows have filed in the Pension Office an application prior to 1880 they would be entitled to their back pay, and they could waive this act and proceed under that.

Mr. WEAVER. And that would be the status of this case if this bill would pass?

Mr. HEWITT, of Alabama. Yes; provided we pass this bill now.

The argument I make here is against the legal position taken by the gentleman from Kentucky [Mr. WOLFORD]. I say where there is a record kept according to law and by officers sworn to perform their duty, the presumption of law is that record is correct. The records of courts can not be assailed at all. They are presumed to be absolutely correct, and can not be questioned collaterally anywhere. A record of this kind may be; the burden of proof is on the party who denies the correctness of that record. It is the duty of those who come here and allege that record was properly kept or that it is false to show that fact by clear evidence.

One other word. I will never consent that there shall be no difference made in this country between soldiers who served faithfully and those who did not. Every man in this country feels, as I do, an interest in keeping up a nice distinction between the faithful and unfaithful soldiers of this country. For one I shall never consent that no distinction should be made between those who stood by their colors during the war and those who deserted them and went home.

Mr. BRUMM rose.

Mr. BROWN, of Pennsylvania. I make the point that this discussion is out of order. The amendment has been adopted and there is nothing before the House to discuss.

The CHAIRMAN. The question before the House is whether the bill as amended shall be reported to the House with the recommendation that it do pass, and the Chair overrules the point of order.

Mr. BRUMM. I do not wish to discuss the merits of this bill, as I know nothing of them beyond what has transpired in relation to them during the course of this discussion, but I rise for the purpose of saying a word or two on the legal point involved.

I think the gentleman from Alabama [Mr. HEWITT] is mistaken in in his legal proposition in his answer given to the gentleman from Nebraska [Mr. WEAVER]. It is true, as a matter of law, that where there is a vested right no subsequent legislation can deprive the owner of that vested right. Subsequent legislation which may add an additional right to the vested right may waive the later legislation and take advantage of the former.

In this case there was a vested right to this pension, and no legislation of ours could deprive these widows of that vested right. The law giving pensions grants those pensions to persons who have served their term of enlistment, and it distinctly deprives those who have deserted from receiving any pensions. In this case, therefore, there is no vested right and there is no law they can go back to and take advantage of.

Mr. DAVIS, of Illinois. If a man renders good service and is wounded during that service, but subsequently deserts, I would like the gentleman to show me the law which bars him from a pension.

Mr. BRUMM. One of the first elements, the very gist and marrow of a pension, is an honorable discharge, and no deserter can procure that discharge. The record must show an honorable discharge. In this case these people or their heirs can show no honorable discharge, and hence there is no vested right. The clause in this bill which says that the pension shall date from the date of the passage of this act keeps them down to it, and they can not go back, because there is no right back of this bill. But suppose there was, and I will go a little further as a legal proposition—if there was a vested right prior to the passage of this bill this law says we will remove the charge of desertion, but you can only get your pension from the date of this act; and, therefore, there being no vested right whatever, there being no act in violation of any contract, the latter act, wherever inconsistent with the former, repeals that former act.

Mr. WOLFORD. Will the gentleman allow a question?

Mr. BRUMM. Yes, sir.

Mr. WOLFORD. Does the gentleman suppose that a pension is a vested right in anybody except where there is law?

Mr. BRUMM. It is not a natural right, of course.

Mr. WOLFORD. How is it a vested right? I always thought it was a bounty of the Government.

Mr. BRUMM. It is a vested right under the law.

Mr. WOLFORD. Yes; but this is making the law. We are the law-making power of this Government.

Mr. BRUMM. The law says that certain persons under certain conditions are entitled to pensions, and therefore that right is vested the moment the pension law passes. But the person who is entitled to that vested right must first prove that he comes within the conditions of the law which vests the right. Hence gentlemen need not have any fear when they come to vote upon the passage of this bill that this amendment will enable these people to get their pensions before the date of the passage of this bill. There is no question about that. [Cries of "Vote!" "Vote!"]

Mr. MCMILLIN. Mr. Chairman, I had occasion in the Forty-seventh Congress to investigate the facts connected with this case. It may not, therefore, be inappropriate that I should make a statement concerning it. Prefatory to that statement I will say that no man on this floor is more anxious to keep up the distinction between faithful and unfaithful service on the part of the soldier than I am. I would not vote for a pension for any man who did not serve faithfully.

I concur in what the gentleman from Alabama has said as to the propriety of keeping up that distinction; but it is a distinction that can not hurt in the present case. The facts were these: These parties had left their homes and gone north of their homes for the purpose of enlistment and going into the Federal service.

Mr. SINGLETON. By what authority or what order did they go?

Mr. MCMILLIN. They were citizens when they left, and went of their own volition to enlist in the service of the country. The command in which they enlisted, after it was organized, returned to the neighborhood, that is to say, to the adjacent county in Kentucky in which these parties lived. They went home during the stay of the command there to see their families, and were not away, if I remember correctly, seventy-two hours. As they returned to their command, stating at the time they were absent that they had been permitted to leave their command for the purpose of seeing their families, they were captured and killed, or killed in the process of capture. These are the facts in the case.

There can be no foundation for a charge of desertion against them.

They were not deserters; they were not absent from their commands for one week, and the evidence all along the line shows that having been absent no longer, if my memory is not incorrect, than a period of seventy-two hours, they were returning to their command when they were killed. They had leave to go, I repeat, as they stated at the time.

Mr. KING. Will the gentleman from Tennessee permit me to ask him a question? Had they any authority for their absence from their post?

Mr. MCMILLIN. Their statement at the time was that they had; and I will say to the gentleman from Louisiana further, that it is highly probable, when we consider the circumstances, that their statement was a correct one. As I have said, the command was in the neighborhood in which they lived before they enlisted, a fact that was not likely to occur again within three years; for we all know how persons who enlisted in Kentucky and in the border States generally were likely to be separated from their families for the whole war. They had gone away to enlist.

The command in which they had enlisted had returned to that neighborhood, and my colleague from Tennessee, who was on the border during the war, will bear testimony that when that occurred general leave was given to all parties to go and see their families. All soldiers who served during the war from the border States will bear witness to that.

Mr. HOUK. Will my colleague allow me a moment?

Mr. MCMILLIN. Certainly.

Mr. HOUK. I presume that every man here on either side who served in the border States in the war knows that it was a custom, by orders from headquarters, to give leaves of absence freely in such cases; that the colonels, captains, and officers of all ranks went home, and that the custom was universal.

Mr. MCMILLIN. It is a state of facts that is generally understood to have existed among all soldiers who lived in the border States and served in the Federal Army during the war.

Mr. KING. Is there any testimony to show that these were good soldiers when they were in the service?

Mr. MCMILLIN. There is not a charge against their efficiency as soldiers from the hour of their enlistment until the time of their death. There is not a single suspicion that they did not serve faithfully during the whole time. I have read every affidavit in the case and every paper filed with it and studied them closely, for I desired to arrive at a just conclusion in the case; and I came to the conclusion on a thorough examination of the subject that they were fairly entitled to a pension. So thinking and believing, my impression now is that when the question was up before I so stated; but whatever my statement then was, the bill passed the House during the last Congress, but failed in the Senate for want of time.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. HEWITT, of Alabama. I am not willing that this bill shall pass without first answering the arguments which were made by the gentleman from Pennsylvania [Mr. BRUMM] on the question of the law of this case.

An invalid pension, or the pension which these widows would be entitled to under the law provided their husbands had not deserted or had not been marked as deserters on the record, is a pension which they can demand as a right, and it is in no sense, as the gentleman from Kentucky said, a bounty.

When the soldiers of the late war, and in fact of all of our wars, volunteered and went out to serve the country, the law says to them, "If you are killed in the line of your duty your widow shall have a pension;" but that pension which goes to the widow is as much her right under the law as the monthly wages of the soldier who performs the service. An invalid pension is in no sense a bounty. But it is a contract which the Government made with the soldiers when they volunteered to serve their country that if they served their country faithfully and were wounded or contracted disease in the service and were honorably discharged they should have a pension; or if they should be killed in the service in the line of duty their widows should have a pension.

Mr. BRUMM. That is not a condition of enlistment.

Mr. HEWITT, of Alabama. It is a condition of enlistment in the case of every soldier.

Mr. BRUMM. I beg your pardon; I think it is not.

Mr. HEWITT, of Alabama. The gentleman from Pennsylvania must go and reread the statute. What did your law say to your soldiers when they volunteered? It said to every soldier when he volunteered, "If you shall be killed in the service, your widow shall have a pension." That act was passed before the soldier volunteered. It is a part of the contract which the soldier made with the Government and it is a right the widow can demand, not a bounty that the Government bestows.

Mr. WOLFORD. Will the gentleman from Alabama answer me a question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. WOLFORD. There was a law saying that whoever enlisted should receive a bounty and that law was passed before the soldiers did enlist. Was that a bounty or not?

Mr. HEWITT, of Alabama. You may call it what you please, you may call it a bounty if you want to. But if there was such a law and the law promised a man $300 if he enlisted, was not the Government bound to pay it? It was not a bounty at all in the eyes of the law.

Mr. WOLFORD. Every pension is a bounty.

Mr. BRUMM rose.

The CHAIRMAN. The Chair will state that gentlemen must observe the rules. The gentleman from Alabama is on the floor, entitled to be heard, and gentlemen can not interrupt him without addressing the Chair or without his consent.

Mr. WOLFORD. I beg pardon of the Chair.

The CHAIRMAN. The present occupant of the chair is determined this rule shall be observed while he occupies it.

Mr. BRUMM. Will the gentleman from Alabama yield to me for a question?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. BRUMM. The gentleman states that the widow of a person killed in the service is entitled to a pension. To entitle his widow or his heirs to a pension is it not necessary that he should be killed in the line of duty?

Mr. HEWITT, of Alabama. Of course.

Mr. BRUMM. One more question. If the soldier was killed while playing a game of ball we shall say, if he was killed while in camp accidentally while doing something that was not within his military duties, would his heirs be entitled to a pension?

Mr. HEWITT, of Alabama. Not his heirs.

Mr. BRUMM. This party was on his way to his home from the regiment and not in the line of duty. Then, would the mere removal of the charge of desertion, he being killed not in the line of duty, entitle his heirs to a pension by virtue of the killing alone?

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Pennsylvania a question. I will play the Yankee with him and answer his question by asking another. Of course I do not use the word in an offensive sense.

Mr. BROWN, of Pennsylvania. We are all proud of that name, anyhow.

Mr. HEWITT, of Alabama. I ask the gentleman if he believes a soldier who has leave of absence for seventy-two hours and is on his way back to the service—does he not believe that soldier is in the line of duty?

Mr. BRUMM. If he is on his way back to the service under leave of absence, he is.

Mr. HEWITT, of Alabama. In the line of duty?

Mr. BRUMM. Yes, sir; but this is not that case.

Mr. HEWITT, of Alabama. That is all I want the gentleman to answer.

Now, Mr. Chairman, why is it that the widows in these two cases are not entitled to a pension? It is because the record stands there with their husbands marked on it as deserters, and on account of their being marked as deserters they are precluded from getting a pension at the Pension Bureau.

But now what does this bill propose to do? This bill proposes to take those records and to strike from the records those marks of desertion against these parties. Then the record will stand clear of any charge of desertion against these two soldiers whose widows are claiming a pension under this bill.

Now, if you remove from the record this stain upon the character of the husbands, if you blot it out entirely, what is to hinder the widows under the law from going on and prosecuting the claims which they have now in the Pension Bureau, and which were rejected only on the ground that the record showed that the husbands had deserted?

If you remove that stain, if you remove that record, the coast is clear.

Mr. CUTCHEON. They can get arrears then.

Mr. HEWITT, of Alabama. They can get arrears beyond all question. But, Mr. Chairman, all I want to do is to show this House that if you pass a bill removing this stain of desertion which now stands against the record of these parties—and I do not pretend to say you ought not to do it if what the gentleman from Tennessee [Mr. MCMILLIN] has stated is correct—no further legislation is required. All I desire is that the House shall vote upon this matter knowing what they are doing.

Mr. CUTCHEON. May I ask the gentleman one question?

Mr. HEWITT, of Alabama. Not just now. I will yield to the gentleman in a few minutes.

Mr. Chairman, there has been a decision upon this subject. Congress—I believe the Forty-fourth Congress—passed a special act granting General Burnett, of New York, a pension of $50 a month. Afterward he became totally blind, his blindness resulting from his service, and he applied to the Pension Bureau, and that bureau granted him a pension of $72 a month, and for a time he drew both pensions.

Mr. BRUMM. The cases are not parallel at all.

Mr. HEWITT, of Alabama. But after the passage of the act which prohibited a man from drawing two pensions the Supreme Court held that he, General Burnett, had the right either to take his pension under the special act of $50 a month or under the general law at $72 a month; that he was at liberty, in his discretion, to take the one or the other, but that he could not take both.

So in this case, if you pass this bill these widows will be at liberty to take pensions either under this law or under the general act, but they can not take under both.

Mr. SINGLETON. Mr. Chairman, I have no disposition to protract this debate, but I shall be called upon presently to vote upon the passage of this bill, and there are several points connected with it about which I am not satisfied. In the first place, I understand that there is no evidence here, no competent evidence I mean, to show that these parties had leave of absence from the Army. All that gentlemen pretend to state on that point is that these men were permitted to leave; but I suppose that no soldier ever left his duty and went home to see his family who did not make the same excuse.

Now, sir, if these men had no privilege granted them of leaving the Army, then, being absent without such privilege, they were deserters. Who will deny that proposition?

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. SINGLETON. Yes.

Mr. McMILLIN. These men either were or were not deserters. If they were deserters, upon what theory does the gentleman account for the fact that, according to the testimony of every witness in the case, they were returning to their command within less than a week after they had left it.

Mr. SINGLETON. Mr. Chairman, it does not make any difference whether the time was one day, or one week, or one year; a soldier absent from duty without the permission of his commanding officer is a deserter.

Mr. DAVIS, of Illinois. Will the gentleman yield to me for a moment?

Mr. SINGLETON. I yield to the gentleman.

Mr. DAVIS, of Illinois. I simply wish to call attention to the fact that there is a great difference between "absent without leave" and "desertion." I do not believe there is a case in the whole army record where a man is put down as a deserter who was not absent more than a week unless he deserted to the enemy.

Mr. SINGLETON. Oh, the gentleman is altogether mistaken about that.

Mr. DAVIS, of Illinois. No, sir; I am not.

Mr. SINGLETON. The gentleman is mistaken. Now, Mr. Chairman, if the charge of desertion is made against these parties the presumption is that the officers who made that charge and that record knew more about the facts than we can possibly know. The presumption is that they did not act hastily; and when we now undertake to reverse their action upon partial affidavits—affidavits upon one side—and when the matter has not been properly investigated, I say that we do injustice to the officers who made up that record.

Mr. WOLFORD. Will the gentleman yield for a question?

Mr. SINGLETON. Yes.

Mr. WOLFORD. The charge of desertion was made against these men long after they were dead.

Mr. SINGLETON. What evidence have you of that?

Mr. WOLFORD. That is the statement that is made here.

Mr. SINGLETON. Ah, but I want the law and the testimony now.

Mr. WOLFORD. Well, I will give you the law and the testimony. This charge of desertion was made after they were dead. Now, does the gentleman from Mississippi——

The CHAIRMAN (Mr. HATCH). The Chair did not understand the gentleman from Mississippi [Mr. SINGLETON] to yield to the gentleman from Kentucky [Mr. WOLFORD] except for a question. Does the gentleman yield further?

Mr. SINGLETON. If the gentleman from Kentucky [Mr. WOLFORD] wishes to ask me a question, of course I will yield to him.

Mr. WOLFORD. It has been explained that all the men of these different commands had general authority when they were close to their homes to go home. That was not desertion. These men were killed as they came back, and in that way this charge of desertion in their case arose.

Mr. SINGLETON. Now I want to know from the gentleman whether there was not always a record kept by the officers when leave of absence was granted?

Mr. WOLFORD. Never that I know of. [Laughter.] Let me explain. I think I was very intimate with the manner in which things were done. There was always a record made when men were gone any length of time and failed to return. In that case the officer put down the charge of desertion against them; but never till that occurred. So far as I was concerned I always sent my men off when I thought they ought to go. I commanded a division, and was intimate with commanders of divisions in our Army; and I never knew of the charge of desertion having been made where a man went off and staid just a little while.

Mr. SINGLETON. The gentleman from Kentucky is taking for granted what has not been proved here, as I understand. If these men were not deserters, they or their friends had it within their power to have the erroneous record corrected. How should this have been done? Should we be asked to declare by a bill pensioning their widows that these men were not deserters? No, sir, the parties interested should have gone before the Military Committee, where both sides could have been heard, and if the men were not deserters that committee could have reported a bill to correct their record; and then, as remarked by the gentleman from Alabama, there would have been no necessity for applying to this House for a pension.

Why is this case here at all if these men were not deserters? If they were not deserters their widows are entitled to pensions under the law. If they were deserters, the only proper and legitimate way for removing the charge of desertion was not upon mere one-sided affidavits, but through the action of the Military Committee, who could have investigated the whole matter and determined whether those men were in fact deserters.

It is said that they were on their way to their commands. What proof have we of that?

Mr. McMILLIN. We have the testimony of every witness in the case who testifies on that point, and there are a number of them.

Mr. SINGLETON. Well, what do they say about it? I would like to know.

Mr. McMILLIN. They say absolutely that these men were on their return to their commands. That is directly and positively sworn by the witnesses.

Mr. SINGLETON. How far were they from their homes?

Mr. McMILLIN. I do not recollect whether the evidence states that fact.

Mr. SINGLETON. Now, as the men were found somewhere in the neighborhood of the army, and perhaps not far from their homes, it is very easy to assume that they intended to return. But no mortal man can tell what a person intended to do in a case of this sort.

Mr. McMILLIN. For the information of my friend from Mississippi [Mr. SINGLETON] I will say that I am acquainted with the geography of that part of the county where this command was stationed. The command was near Albany, Clinton County, Kentucky, and the homes of these men were only a few miles across the line in the State of Tennessee, not twenty miles distant.

Mr. SINGLETON. How far were they from the army when they were killed and by whom were they killed?

Mr. McMILLIN. As I have just stated, the command to which they belonged was stationed in Clinton County, Kentucky, and their homes were in Tennessee, just across the line, the two points being not twenty miles apart.

Mr. SINGLETON. How far were they from the army when they were killed and how were they killed?

Mr. McMILLIN. They were shot.

Mr. BROWN, of Pennsylvania. They were killed by the common enemy.

Mr. WOLFORD. By Champ Ferguson.

Mr. SINGLETON. Were they fighting by themselves against the army of the confederacy, or had they joined the Federal Army?

Mr. McMILLIN. They were not marauders; they belonged to a regular command of the Federal soldiery, and, as stated by the gentleman from Kentucky, and as the affidavits show, they were killed by Ferguson's men.

Mr. WOLFORD. And Ferguson was himself a marauder, a very dangerous one.

Mr. SINGLETON. Is that the evidence in the case?

Mr. WOLFORD. Yes; and he was hanged for it afterward.

Mr. McMILLIN. I know nothing of this case except as I gather the facts from the evidence. I do not know a single one of the parties. But I have read every affidavit in the case, and I am acquainted with the region of country in which these matters are said to have occurred.

Mr. SINGLETON. One moment and I am done.

Now, Mr. Chairman, I think it proper, as remarked by the gentleman from Alabama [Mr. HEWITT], we should keep up a nice distinction between those who served faithfully during the war on one side or the other and those who did not and neglected their duty—who deserted and were put down as deserters.

The gentleman from Kentucky [Mr. WOLFORD] made a most sympathetic speech here in favor of these ladies. I do not think there is any man living who regards women more highly than I do, and I would go as far as he who goes furthest to do them a service. But, sir, these ladies claim these pensions through their husbands—not because they are women, for there are a thousand women in the land doubtless as good—and if we pension them simply because they are women, I could bring scores to take pensions on that ground; but they claim through their husbands, and if their husbands were guilty of desertion I do not think it becomes us in a bill of this sort to pension them.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SYLVESTER GREENOUGH.

Mr. HOLMES. I call up the bill (H. R. 7434) granting a pension to Sylvester Greenough.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sylvester Greenough, a soldier of the Mexican war, Black Hawk war, and Florida war, and late a private in Company E, Thirty-seventh Regiment Iowa Volunteer Infantry (Gray-Beard Regiment), at the rate of $12 per month.

The report (by Mr. HOLMES) was read, as follows:

Sylvester Greenough, the claimant, enlisted as a private in Company E, Thirty-seventh Iowa Volunteer Infantry, on September 6, 1862, and was discharged on May 24, 1865. He is an old man of about 75 years of age, and alleges his disability to be "old age, and general debility caused by hardship in the service, and chronic diarrhea, which he contracted in the war of the rebellion, near Alton, Ill., in the line of duty." The record also shows prior service of the claimant in Company K, Fourth United States Infantry, in Florida war, and also in Company H, Fourth United States Infantry, in the Mexican war, making altogether over fourteen years' service for his country. He alleges that hardships in the service have broken him down, and that he is entirely disabled for the performance of any manual labor, which fact is fully sustained by the certificate of the examining surgeons.

The testimony of comrades and neighbors is to the effect that the claimant was stout and hearty for years before entering the service in the war of the rebellion, and fully corroborates the claimant's allegation of sickness from diarrhea in the service at the time and place alleged, and that he has been incapacitated for manual labor since his discharge by reason thereof.

Your committee think that the record of long and honorable service which the claimant has performed for his country, together with his age and broken-down condition, caused without doubt by the hardship he has sustained, and especially the disease which he is proven to have contracted in the service and from which he is still suffering, and the absolute necessity for speedy relief, if it is to be given at all, present a strong case for the favorable consideration of the Government which he has so faithfully served, and therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH W. CREIGHTON.

Mr. WALLACE. I call up the bill (H. R. 5086) for the relief of Elizabeth W. Creighton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elizabeth W. Creighton, widow of J. Blakely Creighton, late a rear-admiral, on the pension-roll, and to allow her a pension at the rate of $50 per month from and after the passage of this act.

The report (by Mr. BAGLEY) was read, as follows:

That the applicant, Mrs. Elizabeth W. Creighton, is the widow of J. Blakely Creighton, late a rear-admiral in the service of the United States; that she is now receiving a pension of $30 per month, in accordance with law, and she asks that her pension be increased to $50, the sum given by special act, in many cases, to widows of general officers.

As the committee have recommended an increase in other cases of this character, they feel justified in recommending the passage of the accompanying bill. Mrs. Creighton is in straitened circumstances, and has to depend in part upon the charity of friends for support.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY N. HUGGINS.

Mr. PARKER. I call up the bill (H. R. 7735) for the relief of Henry N. Huggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry N. Huggins, dependent father of Andrew P. Huggins, deceased, late a private in Company K, Twenty-fourth Regiment New York Volunteer Infantry, on the pension-roll, subject to the conditions and limitations of the pension laws.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner applied for a pension August 11, 1879, alleging that his son died from disease of the lungs, contracted in the service of the United States, and that before and at the time of death he was dependent upon him for support, and that he did at sundry times contribute money for that purpose. Of the son's receiving wounds and incurring disease in the Army there is no doubt, as it was proven to the satisfaction of the Pension Office, he being allowed and paid a pension of $8 per month from May 30, 1863, to the time of his death, July 13, 1877.

It is in evidence that the soldier received a canister-shot through the right thigh at Bull Run, Virginia, August 29, 1862, and that prior to that he had been sick with measles with many others in the regiment, and that, on account of the hospital being overrun with sick, he was obliged to remain in company quarters, and in consequence took cold and had "falling back of the measles," from which he never recovered, but that his lungs became affected; that he had a constant cough, which continued and increased until he died from hemorrhage of the lungs.

This is the substance of several affidavits, both medical and lay, which makes the fact of soldier's death plainly and positively attributable to disease incurred in the service.

Soldier was married, but his wife is dead, and there are no children. Mother is also dead, and the father has a clear title.

As to the question of dependence, the claimant shows that the soldier enlisted at 18 years of age; that after he was old enough to work he received his wages; that soldier sent from the Army $40, and afterward $100 or more; that after his return home gave him $100 more; that after his enlistment gave claimant $300 town bounty; that he purchased clothing for his mother to the amount of $35 or $40, and bought affiant a suit of clothes. Claimant says that during the last five years (statement dated August 25, 1881) his whole earnings, with a little his wife had, has been insufficient for his support.

Dr. Jacobs testifies that at the time of soldier's death claimant had chronic dysentery and hyperemia of the brain, with irritable condition at base of skull. Occupation was that of clerk in a store, and could do about one-third the labor of an able-bodied man. Doctor says at date of affidavit that claimant is in same disabled condition.

Postmaster at Manneville, N. Y., says claimant is a man of integrity, and that he considers him poor; that he is now more than 60 years old, and incapable of doing much labor. There is much evidence showing the dependence of the father; that he earns but little and is incapable of earning much.

The committee are of the opinion that the claimant is entitled to be placed upon the pension-roll, and recommend the passage of the bill. Claim was rejected by the Pension Office on the ground that claimant was not dependent upon the soldier or assisted by the soldier at the time his wife died. While this may be true it is a mere technical objection, and does not affect the merits of the case.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK HUTTEN.

Mr. ENGLISH. I call up the bill (H. R. 7170) for the relief of Frederick Hutten.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hutten, formerly of Company K, Thirteenth Regiment Indiana State Volunteers.

The report (by Mr. MATSON) was read, as follows:

That Frederick Hutten was drafted in the military service of the United States March 7, 1865, and assigned to Company K, Thirteenth Indiana Volunteers, and honorably discharged on surgeon's certificate of disability July 20, 1865. July 17, 1869, he filed a declaration for pension, alleging rupture of the right side, incurred June 1, 1865, while in line of duty, which was rejected on the ground that the disability existed at the time of entering the service of the United States. Dr. P. N. Payne testifies, January 4, 1869, that he was the family physician of claimant prior to his enlistment into the military service of the United States; that he was then a sound able-bodied man, free from any disease or disability; that he treated claimant during an attack of fever in 1864, from which he recovered, and continued to enjoy good health up to the the time of his enlistment.

The testimony of neighbors and intimate acquaintances of the soldier corroborate the evidence of Dr. Payne as to the good health of claimant at the time of the enlistment.

Adolphus O. Mitchell, of Richmond, Wayne County, Indiana, testifies November 11, 1862, that he was captain of claimant's company in the Army, and that about June 1, 1865, at Raleigh, in the State of North Carolina, the soldier received a rupture of the right side, caused from falling upon the ground while returning from drill at "double-time;" that he knows these facts from duplicate papers in his possession and from seeing him in that condition.

John W. Nicholson, of Dubois County, Indiana, a comrade of the soldier, corroborates the evidence of Captain Mitchell.

It is shown by the records of the Adjutant-General's Office that the soldier was examined at the time of his enlistment by T. B. Harvey, surgeon of the board of enrollment of the sixth district of the State of Indiana.

The continuance of the claimant's disability is shown by the evidence.

Your committee find from the evidence in this case that the claimant was disabled in the military service of the United States and in the line of duty, and that he is entitled to a pension, and therefore recommend the passage of the accompanying bill.

JEREMIAH M'CARTY.

Mr. SPOONER. I call up a bill (H. R. 6029) for the relief of Jeremiah McCarty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jeremiah McCarty, of Newport, R. I., on the roll of pensioners, and to pay him a pension of $25 per month, commencing with the 1st day of September, 1875.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6029) for the relief of Jeremiah McCarty, respectfully report:

That said Jeremiah McCarty was a civil employé at the torpedo station on Goat Island, Newport Harbor, Rhode Island, and that while so employed he was seriously and permanently injured and disfigured in the manner and under the circumstances hereinafter set forth.

On August 31, 1875, said McCarty was directed by Lieut. George A. Converse, United States Navy, the first assistant inspector and executive officer at said torpedo station, to submerge a torpedo, for experimental purposes, about one hundred feet from the shore. While so engaged, under the direction of Lieutenant Converse, and while holding the torpedo in his hands—Lieutenant Converse remaining on the shore and having charge of the electric wires, by which the torpedo was to be fired—the torpedo was exploded by the extremely careless and premature connecting of the wires with the battery, shattering the boat in which McCarty was, destroying his right eye, disfiguring his face, body, and limbs, and permanently disabling him from the performance of ordinary labor.

As the immediate result of said injuries, said McCarty was confined to his room for some two months, endured great suffering, and was compelled to submit to the entire removal of his right eye by a surgical operation. He then reported to the torpedo station for duty and attempted to resume labor there as formerly, but suffered a relapse, which forced him to again forego all labor, and he has never since been able to perform any except light and irregular labor.

McCarty is a veteran soldier of the late war, and prior to said accident was a vigorous, able-bodied man, capable of earning a good support for himself and his family.

In addition to the permanent injuries above mentioned, said McCarty alleges impairment of the sight of his remaining eye, partial loss of hearing, shortness of breath, pains in the head and body, and general weakness and disability.

The facts, as found by your committee, are corroborated by the medical and other testimony submitted, by the official report of said accident made by Capt. R. K. Breese, United States Navy, then in charge of said torpedo station, to the Bureau of Ordnance of the Navy Department, and by the certificate of said Captain Breese.

Said certificate, affording a concise and official account of said accident and of the injuries incurred by said McCarty, is here given in full, namely:

UNITED STATES TORPEDO STATION,
Newport, R. I., November 13, 1875.

I certify that Jeremiah McCarty was employed on the civil roll of the station on the 31st August, and was directed by one of the officers of the station, Lieut. G. A. Converse, to place a torpedo containing about fifteen pounds of powder. Whilst so engaged the torpedo was exploded, through no fault of his; and a very serious injury was the result. At this time the apparent permanent injury is loss of right eye, face disfigured by powder, and legs badly marked by same. Complaint is made at times of inability to work as of old, at which I am not surprised; the great wonder to me being that the man lived after such an accident.

A full report of the accident was made to the bureau on September 8.

K. R. BREESE,
Captain, United States Navy, and
Inspector of Ordnance, in charge of station.

In view of the facts and circumstances, your committee recommend that said bill be amended by striking out the word "five," in the sixth line, and all of lines 7 and 8, and by inserting at the end of line 6 the words "from and after the passage of this act;" and that, as so amended, the bill be passed.

The amendments of the committee were read, as follows:

Strike out "25" and insert "29;" and strike out "commencing with the 1st day of September, 1873," and insert "from and after the passage of this act."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB WIENER.

Mr. BAGLEY. I call up a bill (H. R. 7292) to grant a pension to Jacob Wiener.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Jacob Wiener, late a private in Company I, Forty-first Regiment of New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7292) granting a pension to Jacob Wiener, having considered the same, report as follows:

The petitioner enlisted in the Army of the United States as a private in Company H, Forty-first New York Volunteers, on November 1, 1861, and was discharged November 7, 1864. Declaration for pension was filed November 8, 1878, alleging that at Hunter's Chapel, Va., January, 1862, he froze both feet so that they burst open and disabled him for the performance of duty, and was attacked with rheumatism in both feet and legs while on guard duty. The Pension Office allowed $4 per month for frost-bite, but rejected the claim for rheumatism on the ground that it did not originate in the service and line of duty.

In the consideration of the case it seems somewhat strange that the soldier should remain in the service for two years after the incurrence of the disability, but it is explained by the affidavits of Henry Sweitzer and Ernest Weber, who say that at the time of the injury the claimant was treated in regimental hospital for a severe cold and frosted feet, which resulted in chronic rheumatism; that in the spring of 1863 they saw him in Washington, D. C., where he was on detached duty, being unfit for active duty or service by reason of rheumatism, from which he was then suffering; that they saw him after his discharge and he was still suffering, and they swear this knowledge is from personal observation.

There is no record testimony or medical evidence of treatment, and claimant has not been able to supply the deficiency, but offers the affidavit of the captain of his company, Julius Stommel, who says that he knew of claimant's feet being frozen, and that he received medical treatment in the regimental hospital at Hunter's Chapel, Va., and that he suffered from broken-open feet several times subsequently. The fact of the claimant's feet being frozen is undoubted, as it is testified to by several witnesses, as also that the rheumatism has been continuous and increasing.

Claimant states that the frozen feet and chronic rheumatism are the direct results of his military service, in consequence of which he has been totally incapacitated from performing manual labor; that without the aid of an assistant he can neither dress, eat, nor perform the functions of nature, and that he is totally and utterly helpless. This statement is corroborated by acquaintances, and particularly by the attending physician, Dr. R. G. Mause, who testifies that claimant has steadily run down in health and ability to take care of himself; that his feet, hands, and body swell enormously, entirely incapacitating him from feeding and dressing himself for weeks at a time; that the paralysis of his extremities is steadily increasing, and that his case is a most deplorable one, as he is without means of alleviating his sufferings by reason of his extreme poverty. That as he requires assistance in dressing and feeding himself, and is entirely incapacitated for even the slightest manual labor, he certainly should have his pension increased. Thinks his condition is due entirely to his Army service.

Surgeon-General Barnes, in an affidavit filed January 11, 1882, says claimant has been suffering for the past sixteen years, and is unable to take care of himself. Three examining surgeons have rated disability for frozen feet at $4 per month, without reference to rheumatism. One surgeon rates "first disability, $4;" second, "total second grade, $24."

Special Examiner George W. Frost, after taking evidence in the case under date of February 15, 1883, concludes his report to the Commissioner by saying "that for ten years at least claimant has been wholly incapacitated for manual labor, and that for five years has required assistance, and recommends that the claim for increase be admitted."

General W. S. Rosecrans, in a letter to the Commissioner, says: "Do what you can for this old soldier; I know his condition is distressing."

Your committee are of the opinion the pension should be increased, and recommend the passage of the bill, amended as follows: Strike out of line 4 the following words "place on the pension-roll the name" and insert "increase the pension;" and add after the word "volunteer," in line 6, "to $40 per month." Amend title so as to read, "to increase the pension of Jacob Wiener."

The amendments of the committee were read, as follows:

Strike out "place on the pension-roll the name" and insert "increase the pension;" and at the end of the bill insert "to $40 per month."

Amend the title so as to read: "A bill to increase the pension to Jacob Wiener."

The amendments were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE HIGGERSON.

Mr. CULLEN. I ask consent to call up the bill (H. R. 1856) granting a pension to Caroline Higgerson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline Higgerson, dependent mother of Robert S. Barber, late a private in Company H, Twenty-second Regiment Illinois Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARTHA C. BREESE.

Mr. HEWITT, of Alabama. I ask consent to call up the bill (H. R. 4280) granting an increase of pension to Mrs. Martha C. Breese and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the pension now granted to Mrs. Martha C. Breese, widow of Kidder Randolph Breese, late a captain in the United States Navy, be, and the same is hereby, increased to $50 per month.

Mr. CUTCHEON. Let the report in that case be read.

The report (by Mr. HEWITT, of Alabama) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese, submit the following report:

Mrs. Breese is the widow of Kidder Randolph Breese, late a captain United States Navy, of whom Admiral Porter has well said: "There was no officer during the war who performed more valuable service than he did." And referring to Mrs. Breese's application to Congress for an increase of her pension, Admiral Porter says: "I hope sincerely that she will not be disappointed in this matter, for if ever the widow of an officer deserved to be taken care of by the Government it is the widow of Captain Breese."

Captain Breese served all through the campaign of the Mississippi, through the siege of Vicksburg, and the opening up of the river to the sea, and always with the most distinguished bravery and self-sacrificing conduct. He was fleet captain of Admiral Porter's fleet at the storming of Fort Fisher, and the heroism with which he led the forlorn hope of naval officers and sailors that assaulted the works by land is a bright page in the history of the civil war, and is the common heritage of American citizens. "But," says Admiral Porter, referring to Captain Breese's part in the campaign of the Mississippi, "he no doubt laid the first seeds of disease on those rivers, for he was never well after he left there." Captain Breese died while on sick leave, September 13, 1881, leaving no estate and nothing for his family to live upon.

The widow of this hero is now dependent upon her small pension of $30 a month and the trifling amount of $2 allowed each of her four little children, she having absolutely no other source of income. Can Congress refuse to grant her an increase of $20, all she asks?

The committee believe not. Certainly her case appeals strongly to the Government, and the committee recommend the passage of the bill for her relief.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN P. LOWELL.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I call up the bill (H. R. 6310) granting a pension to Benjamin P. Lowell; and as the report in this case is somewhat lengthy, after the bill is read I will ask consent to make a brief statement, which I think will be satisfactory.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the pension laws, the name of Benjamin P. Lowell, late of Company I, First Regiment Maine Cavalry Volunteers.

Mr. BROWN, of Pennsylvania. I will state briefly that the difficulty at the Pension Office in this case was that the soldier was unable to prove by persons who saw him at the time of receiving the injury what the extent of the injury was; nor was he able to show that he was cared for by the surgeon of the regiment.

The facts are, that he had been detailed for a certain service at that time, and was on a foraging expedition when the injury (hernia) was received, and he was taken in charge by the surgeon of another regiment and was not able to give the evidence of his comrades. That was the only reason the pension was not allowed at the office.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BIEDERBICK.

Mr. VAN ALSTYNE. I ask unanimous consent to call up the bill (H. R. 7933) granting a pension to Henry Biederbick.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Henry Biederbick, late a hospital steward in the United States Army, and one of the survivors of the late Greely expedition to Lady Franklin Bay, at the rate of — dollars per month.

The committee recommend the following amendment:

Strike out in the eighth and ninth lines the words "at the rate of — dollars per month."

Mr. VAN ALSTYNE. Mr. Chairman, the report in connection with this case is of some considerable length, and I will not ask the attention of the committee to read it, but will make a brief statement of what it discloses as to the personal history of the applicant in this case, which I am satisfied will commend him most strongly to the favor of this committee, as well as to the admiration of all men.

His patriotism induced him to enlist as a common soldier in 1879. By reason of his characteristics he was assigned to duty with the Lady Franklin Bay expedition, which sailed in June, 1881. In this service he devoted himself most assiduously to the duties assigned to him, that of hospital steward, and to such an extent that Lieutenant Greely himself says that he was so faithful and so overtaxed himself in the discharge of his duties that on frequent occasions he had to make specific orders to restrain him. The report shows that by reason of his exposure and arduous duties he has been deprived partially of his eyesight, his mental faculties have been impaired, and one of his arms is entirely useless, the hand being drawn back by rheumatism; also that he is suffering from heart disease, one of the definitions being asthenopia.

Not being a medical man, I have looked into the dictionary to find the meaning of the word, and find that it means feebleness of the functions of the heart and incapacity on the part of that organ to send the blood through the circulation of the system. I believe that if there is a case that ever was presented to the committee which demands a recognition this is the case, and if there is no objection I move that this bill

be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The amendment of the committee will first be voted upon.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. FILLEBROWN.

Mr. O'NEILL, of Pennsylvania. I call up the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary E. Fillebrown, widow of the late Commodore Thomas Scott Fillebrown, from $30 to $50 per month, said increase to take effect from and after the passage of this act.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown, having carefully examined the same, submit the following report:

The applicant is the widow of the late Commodore Thomas Scott Fillebrown, United States Navy, who died at the New York navy-yard on the 27th of September, 1884.

Commodore Fillebrown, at the time of his death, had served the Government faithfully for a long period of years, having entered the Navy October 19, 1841. He served with distinction during the late civil war, and during the time that he was in the Navy he saw about twenty-four years of active sea-service.

During his entire naval career he was noted for his unflinching integrity in the discharge of his duties. He died leaving little or no property, and his wife is without means of support, and is unable to maintain herself, being in delicate health. It has been customary in similar cases to allow special pensions, and the long and efficient services of Commodore Fillebrown, and the necessity of this pension for the support of his widow, make it right and just that the custom should be followed in this case.

We report the following bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SEBERT TONEY.

Mr. WELLER. I call up the bill (H. R. 7447) granting a pension to Sebert Toney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sebert Toney, late a private in Company B, Thirty-seventh Iowa Volunteers.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7447) granting a pension to Sebert Toney, having considered the same, report as follows:

Sebert Toney, the claimant, enlisted as a private in Company B, Thirty-seventh Iowa Volunteers, and was discharged on May 24, 1865. He filed his application for a pension on November 20, 1880, alleging disability by reason of "chronic diarrhea and disease of the bladder contracted in the line of duty at Gallipolis, Ohio, in March, 1865." The claim was rejected by the Pension Office on the ground of "inability to furnish any medical evidence of condition in service, or any evidence of condition at discharge and thence up to 1869.

The evidence in this case shows positively, by the testimony of the captain of claimant's company, that claimant was suffering, as he alleges, at Gallipolis, Ohio, with diarrhea and disease of the bladder at said time, and that he went on sick furlough for about a month, and that he was still suffering from said disease, to his positive knowledge, at the time of his discharge. The claimant states in an affidavit that he was first taken with the disease at or near Memphis, Tenn., in July, 1864, and that the second attack, which was much more violent, occurred in March, 1865. The testimony of unimpeachable witnesses shows claimant to have been a perfectly sound man when he entered the Army, and the proof is positive and direct of the continuance of said diseases from the time of his discharge to the present, but to an increased extent. The claimant appears by the evidence to be totally incapacitated for the performance of manual labor by reason of incontinence of urine and diarrhea to such an extent as to make life miserable to him. The witnesses in this case are of the highest character, and the claimant bears the highest reputation for morality and integrity.

Your committee have no hesitation, upon the evidence in this case, in reporting the bill back with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY AGNEL.

Mr. REED, of Maine. I call up the bill (S. 475) granting arrears of pension to Emily Agnel.

The bill was read, as follows:

Whereas Emily Agnel, widow of Lieutenant-Colonel and Professor Hyacinthe Robert Agnel, of the United States Army, was placed on the pension-roll on the 16th day of December, 1880, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to adjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and to pay, or cause to be paid, to the aforesaid Emily Agnel, a pension at the rate prescribed by law from the date of death of the said Hyacinthe Robert Agnel: *Provided*, That all sums previously paid on account of pension to the said Emily Agnel be deducted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY F. BLAKE.

Mr. WINANS, of Michigan. I call up the bill (H. R. 7538) granting an increase of pension to Mary F. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary F. Blake, widow of the late Commodore Homer Crane Blake, from $30 to $50 per month, said increase to take effect from and after the passage of this act.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7538) granting an increase of pension to Mary F. Blake, having considered the same, report as follows:

The petitioner is the widow of Commodore Homer Crane Blake, and is now receiving a pension of $30 per month. She asks an increase to $50. It has been the rule of this committee to report favorably bills of this character when the applicant will testify that the increase is necessary for her support. In her affidavit she says:

"My present income is wholly inadequate and insufficient, and an increase of my pension as the widow of the late Commodore Blake is absolutely necessary and requisite for my support and maintenance."

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. GREEN.

Mr. MATSON. I call up the bill (H. R. 6177) for the relief of Charles W. Green.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Green, formerly of Company B, Cass County Home Guard, Missouri State Volunteers.

Mr. CUTCHEON. I call for the reading of the report.

The report was read in part. In full it is as follows:

The petitioner enlisted as a private in Company B, Cass County, Missouri, H. G. Cavalry, June 27, 1861, and was discharged January 11, 1862. Declaration for pension was filed November 12, 1878, in which it is alleged that while on a march from Paola, Kans., to West Point, Mo., about November 28, 1861, he took a severe cold while in camp, at night, which settled in his head and affecting his eyes. The claim was rejected on the ground of no record of alleged disability, and claimant has declared his inability to furnish the necessary evidence to connect it with the service.

Claimant, in an affidavit, says he is unable to get the affidavit of his regimental surgeon, for the reason that he can not find out where he lives or whether yet alive or not, and that the best evidence he can get of being treated in the service for his eyes is the affidavit of Lieutenant Rogers. Claimant further says that he was mustered out with his regiment February 28, 1862, and that he was then broken down in health and has not been able to do a steady day's work since, and that prior to enlistment he was a strong, healthy man; never requiring the services of a physician, and never employed one up to that time; that he had no trouble with his eyes until after entering the service.

The Adjutant-General's report states that the muster-rolls of Company B of the regiment show that claimant was discharged for disability.

Surgeon-General makes same report. Lieutenant Rogers, on whose affidavit claimant relies to show incurrence of disability in service, says, that while regiment was stationed at West Point, Bates County, Missouri, during December, 1861, and January, 1862, owing to the destruction of the railroads and freezing up of the river, it was impossible to get supplies, such as clothing, &c., and hence the regiment did service the greater part of the winter without heavy clothing, and a great many of the men had disease fastened on them from taking severe colds; among the number was claimant, who, being exposed to the severe cold weather while on duty, contracted sore eyes, and for a time during the winter was nearly or quite blind, and when the regiment had been mustered out he was still suffering from sore eyes. States that he saw claimant about five or six years after he was mustered out of service, and he was then nearly blind.

Charles and Elizabeth Baker, who have known claimant since 1860, testify that since that time he has not been able to do a day's work on account of poor health and defective sight, and that he is dependent upon the charity of friends for his living and clothing.

Doctors Frank Abbott, Lewis, and Wright, who are on the medical staff of the Buffalo Homeopathic Hospital, testify that claimant is in a weak, debilitated, physical condition, and that the sight of both eyes is seriously impaired; that claimant was treated at the hospital as a free patient.

Elizabeth Baker, in a second affidavit, says that when Green came to her house in 1860 he was so blind he had to be led around, and that he has ever since been broken down in health and helpless. This affidavit is dated May 21, 1881.

Three examining surgeons, in a certificate dated February 5, 1879, say that the disability is equal to loss of both eyes, total first grade, $31.25 per month.

The committee are of the opinion that the claimant incurred his disability in the service, that he is a great sufferer thereby, and that he is entitled to a pension. It is recommended that the bill pass.

Mr. CUTCHEON (interrupting the reading). I do not insist on the further reading of the report; but I would like the indulgence of the Chair for a moment while I make a remark or two. I take the occasion of the reading of this report, because it is another illustration of the many cases we have had before us where the case is in the nature of an appeal from the Pension Office to Congress.

I desire in this connection to say a few words perhaps of a personal nature. I was informed by a gentleman now on the floor, a member of the House, that some remarks I made a few evenings since in regard to examiners in the Pension Office have been given a much broader construction and application than I had any intention of their receiving. The gentleman I refer to informed me some official connected with the Pension Department had taken exception to the remarks I made. I desire to say I had no intention whatever of casting any reflection on the pension examiners as a class.

I believe as a class there are no more faithful, industrious, and laborious men in the public service. Neither did I intend my remark should be applied to any considerable part of them either at this time or at any other time. The rejected cases to which I applied it are not recently rejected cases, but are cases which were rejected under a former administration of the Pension Office, when, I think, a much stricter rule than is now applied governed the office; when a different system prevailed; when cases rejected by the pension examiner did not go to a court of review; when, therefore, the report of the examiner must be made on the cases not rejected, and therefore when a difficult case was reached it was for his interest to lay it aside.

Now, I do not know that that practice has ever prevailed to any considerable extent, but other gentlemen besides myself have remarked that at some time in the Pension Office a much less impartial system prevailed than prevails at present. For the gentleman now at the head of the Pension Office I have the greatest respect, and I believe the soldiers of this country have no better friend anywhere than the present Commissioner of Pensions. And, as I said before, I believe there is no more faithful, honest body of public servants than the pension examiners, taken as a whole.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

DAVID M'KINNEY.

Mr. STRUBLE, from the Committee on Pensions, by unanimous consent reported with a favorable recommendation the bill (H. R. 7573) granting a pension to David McKinney; which was ordered to be printed and placed on the Private Calendar.

ORDER OF BUSINESS.

Mr. STRUBLE. Mr. Speaker, I dislike to make the request at this time, but I feel impelled to ask the House to go into Committee of the Whole on the Private Calender for the purpose of considering the bill just reported.

The SPEAKER *pro tempore*. Does the gentleman make the motion that the House now resolve itself into Committee of the Whole House on the Private Calendar?

Mr. STRUBLE. I do.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar (Mr. HATCH in the chair), and resumed the consideration of bills upon the Private Calendar.

Mr. PETERS. Mr. Chairman, I call up for present consideration the bill (H. R. 7573) which has just been reported from the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place on the pension-roll the name of David McKinney, late a private in Capt. Nathan Boone's company, serving under General Dodge in the Black Hawk war, and grant him a pension, subject to the pension laws, from the date of the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. MATSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration a bill (H. R. 7573), and had directed him to report the same back to the House with the recommendation that it do pass.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7903) granting a pension to Daniel B. Randall;
A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 5066) for the relief of Elizabeth W. Creighton;
A bill (H. R. 7735) for the relief of Henry N. Higgins;
A bill (H. R. 7170) for the relief of Frederick Hutten;
A bill (H. R. 1856) granting a pension to Caroline Higgerson;
A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 7997) to increase the pension of Mary E. Fillebrown;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7538) granting an increase of pension to Mary F. Blake;
A bill (H. R. 6177) for the relief of Charles W. Green; and
A bill (H. R. 7573) granting a pension to David McKenney.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7618) granting a pension to Henry H. G. Kislingbury and others;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 1901) for the relief of Harrison Mitchell; and
A bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover.
A bill (H. R. 6029) for the relief of Jeremiah McCarty;
A bill (H. R. 7933) granting a pension to Henry Biederbick; and
A bill (H. R. 7292) to grant a pension to Jacob Wiener [title amended so as to read, "A bill to increase the pension of Jacob Wiener"].

Senate bills with the following titles were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 475) granting arrears of pension to Emily Agnel;
A bill (S. 1823) granting a pension to Ebenezer K. Marden; and
A bill (S. 750) granting a pension to Catherine Schools.

Mr. MATSON moved to reconsider the several votes by which the bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. ENGLISH, by unanimous consent, was granted leave to print additional remarks upon the bill (H. R. 3947) granting a pension to Joseph Raible.

And then, on motion of Mr. MATSON (at 10 o'clock and 30 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of citizens of Catskill, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. BEACH: Petition of citizens of Chester, Orange County, New York, on the Mormon question—to the same committee.

By Mr. FIEDLER: Petition of Robert J. Beach, Amzi Dodd, Israel Jacobus, and about 200 others, citizens of New Jersey, requesting proper legislation on the Mormon question—to the same committee.

By Mr. FOLLETT: Petition of citizens of Cincinnati, Ohio, praying for the passage of laws to suppress Mormonism—to the same committee.

By Mr. FORAN: Memorial and petition of the Brush Electric Light Company, the White Sewing Machine Company, and citizens of Cleveland, Ohio, in relation to the want of adequate clerical force and examiners in the Patent Office—to the Committee on Patents.

By Mr. GEORGE: Petition of the Portland (Oreg.) Board of Trade, favoring the Nicaraguan treaty—to the Committee on Foreign Affairs.

By Mr. B. W. JONES: Joint resolution of the Legislature of Wisconsin, requesting purchase of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. NELSON: Concurrent resolution of the Legislature of Minnesota, urging that the United States acquire title to the Portage Lake and Lake Superior Ship Canals, and make the same free of tolls—to the same committee.

By Mr. TALBOTT: Petition of John W. McCullough and 200 others, citizens of Cecil County, Maryland, asking Congress to enact laws to suppress Mormonism—to the Committee on the Judiciary.

By Mr. THOMPSON: Petition of L. W. Cooke; of A. M. Fuller, first lieutenant Second United States Cavalry; of A. S. Greenhow, late paymaster's clerk, United States Army; of W. J. Moberly; and of A. E. Frank, a citizen of Deadwood, Dak.—to the Committee on Military Affairs.

By Mr. WEMPLE: Petition of citizens of Galway, Saratoga County, and of Amsterdam, N. Y., urging action by Congress upon the bills for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JAMES WILSON: Petition of citizens of Marion, Linn County, Iowa, asking for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BOUTELLE: Of Melville M. Folsom and others, of Oldtown, Me.

By Mr. W. W. CULBERTSON: Of 163 voters of McGlone, Carter County, Kentucky.

By Mr. GEDDES: Of S. H. Mowers and 96 others, of Lucas, and of W. S. Chamberlin and 123 others of Adario, Richland County, Ohio.

By Mr. KLEINER: Of ex-soldiers of Velpen, Pike County, Indiana.

By Mr. LACEY: Of Stephen P. Russell and 85 others, of Banfield, Mich.

By Mr. LOWRY: Of 64 citizens of Hudson, Steuben County, Indiana.

By Mr. MURPHY: Of 56 citizens of Tipton, of 63 citizens of Davenport, and of 40 citizens of Stanwood, Iowa.

By Mr. PERKINS: Of Thomas Hawkins and 123 others, of Elk County, and of Charles Fye and 61 others, of Elk County, Kansas.

By Mr. POLAND: Of M. T. Fenno and 200 others, of Saint Johnsbury, and of S. H. Foster and 100 others, of Calais, Vt.

By Mr. T. B. REED: Of T. F. Hodgdon and others, of Milo; of W. H. Learey and others, of Bridgton; of Elisha B. Lovejoy and others, of North Turner; of Charles E. Bramy and others, of Bingham, and of E. W. Tobey and others, of South Norridgewock, Me.

By Mr. RICE: Of George W. Clifford and others, of Worcester County; of George W. Danforth and others, of Spencer; and of E. L. Peck and others, of Westfield, Hampden County, Massachusetts.

By Mr. ROCKWELL: Of E. S. Elsbree and 62 others, veterans, of Chicopee, Mass.

By Mr. RYAN: Of 361 citizens of Kansas.

By Mr. H. Y. SMITH: Of 55 citizens of Macksburg, Madison County, Iowa.

By Mr. STEVENS: Of 110 citizens of Youngstown, Niagara County, New York.

By Mr. STOCKSLAGER: Of E. W. Coward and 169 others, citizens of Charlestown; of James H. Bennett and 62 others, citizens of New Amsterdam; and of J. H. Hughes and 29 others, citizens of Charlestown, Ind.

By Mr. E. B. TAYLOR: Of R. A. Gamble and 41 others, citizens of Trumbull County; of 63 citizens of Greensburg; of 58 citizens of Windson, Ashtabula County; of 70 citizens of Warren, and of Garrettsville, Ohio.

By Mr. THOMAS: Of 53 citizens of Union County, of 63 citizens of Massac County, of 49 citizens of Johnson County, of 62 citizens of Pulaski County, and of 25 citizens of Union County, Illinois.

By Mr. MILO WHITE: Of citizens of Dover Center, Olmsted County; of Dresback, Winona County; of Canton, Fillmore County; of Spring Valley, Fillmore County; and of Plainview, Wabasha County, Minnesota.

By Mr. JAMES WILSON: Of citizens of Benton County, of Linn County, of Johnson County, and of 434 names from T. Z. Cook Post, Grand Army of the Republic, Cedar Rapids, Iowa.

By Mr. E. B. WINANS: Of Charles E. West and 40 others, citizens of Williamston, Ingham County; of E. F. Lamb and 33 others, citizens of Mount Morris, Genesee County; of 63 citizens of Holly, and of 116 citizens of Oakland County, Michigan.

By Mr. WORTHINGTON: Of William H. Little and others, citizens of Stark County, Illinois.

SENATE.

SATURDAY, *February 7*, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of William M. Evarts, chosen by the Legislature of New York a Senator from that State for the term commencing March 4, 1885; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution requesting our Senators and Representatives in Congress to aid in procuring the purchase of the Portage Lake and Lake Superior Ship-Canal and the Portage Lake and River Improvement Company Canal by the General Government.

Whereas the Senate of the United States has passed certain resolutions, dated April 22, A. D. 1884, directing the Secretary of War to procure information as to cost, condition, and value of the Portage Lake and Lake Superior Ship-Canal and the Portage Lake and River Improvement Company Canal, with a view to a purchase of the same by the Government;

Whereas the honorable Secretary of War selected Col. O. M. Poe, of the United States Army, to make an examination under said resolution, and advise as to the desirability of purchasing said canals;

Whereas the Secretary has reported under this resolution, on the date of January 5, A. D. 1885, recommending that the Government should make said purchase and make those two ship-canals free water ways to the commerce of the lakes;

Whereas the tolls collected by these two canal companies are burdensome to the people of a large district who are supplied through these canals, and equally burdensome to the vessel interest and the commerce of the Northwest using them;

Whereas these canals form important channels that should be made free to the great commerce of the North Pacific country, as well as the local country doing business with those growing Lake Superior industries, and lessens the danger of navigation to this great commerce passing through Lake Superior, making at the enterance of the main ship-canal a harbor of refuge that is needed just where the greatest danger to navigation exists on this great lake: Therefore,

Resolved by the senate (the assembly concurring), That our Senators and Representatives in Congress be urged to use their influence to procure such legislation by Congress as will effect the purchase of these canals and make them free water ways to the people of the region supplied by them and the whole commerce of Lake Superior and the Northwest.

Resolved, That the governor be requested to forward one copy to each of our Representatives and Senators in Congress, and one copy to the honorable the Secretary of War.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst T. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal at the capitol, in the city of Madison, this 3d day of February, in the year of our Lord 1885.

[SEAL.] ERNST G. TIMME,
Secretary of State.

Mr. CAMERON, of Wisconsin, also presented a memorial of the Legislature of Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial to Congress relating to Sturgeon Bay and Lake Michigan Ship-Canal

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the shipping and commercial interests tributary to our great chain of lakes, and more especially the interests in Wisconsin, Michigan, and Illinois, as well as the Fox and Wisconsin Rivers and their tributaries, require the proper maintenance of the Sturgeon Bay and Lake Michigan Ship-Canal; that it seems to us most desirable that the United States Government have full control of all the waters of such large and necessary traffic and commercial importance, and that the interests of the commerce of the lakes and the welfare of the United States demand that said canal be kept free for all navigation; that the said canal, together with the harbor improvements now maintained and projected by the General Government, forms a very necessary harbor of refuge for the commerce of Lake Michigan;

Therefore, your memorialists would respectfully ask that the United States Government take said Sturgeon Bay and Lake Michigan Ship-Canal on the terms already agreed upon between the General Government and the owners of said canal, thereby causing it to be made a free water way.

We request his excellency the governor of the State to transmit a copy of the foregoing memorial to each of our Representatives in Congress, also one copy each to the governors of the States of Illinois and Michigan.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 4th day of February, in the year of our Lord 1885.

[SEAL.] ERNST G. TIMME,
Secretary of State.

Mr. CAMERON, of Pennsylvania. I present eighteen petitions, signed by 1,049 citizens of Allegheny City and other places in Pennsylvania bordering on the Allegheny River, praying for an appropriation for the improvement of that stream. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I present a preamble and resolution of the Board of Trade of the city of Jacksonville, Fla., in the following language:

Whereas the Board of Trade of Jacksonville, Fla., knowing the benefits of the United States Signal Service reports and records to business men, and especially those interested in shipping matters and the culture of fruits and vegetables, and knowing the appropriations made by Congress for the Signal Service during some previous years have not been sufficient for the proper maintenance of that now indispensable service: Therefore,

Be it resolved, That we most earnestly call on the members of Congress from the State of Florida to use their votes and influence for adequate appropriations for the Signal Service, in order that it may be conducted in a manner for the greatest possible benefit to the agricultural, commercial, and public interests.

I move that the resolution be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MILLER, of New York, presented a petition of business men of Oswego, N. Y., praying that the United States may acquire possession of the Portage Lake canals in the State of Michigan; which was referred to the Committee on Commerce.

Mr. SABIN presented a petition of the Duluth (Minn.) Board of Trade, praying that the Government purchase the Lake Superior Ship-Canal, and the Portage Lake Improvement Canal, in the State of Michigan; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2585) for the relief of James Albert Bonsack, of the State of Virginia, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California. The Committee on Foreign Relations instruct me to report back the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, and to ask to be discharged from its further consideration, and that it be referred to the Committee on Claims, it having been improperly referred to the Committee on Foreign Relations.

Mr. HOAR. That matter was considered by the Committee on Claims during the last Congress. It presents a very important and interesting public question. I do not think the Committee on Claims will have time to consider it during the present session, and it is utterly hopeless to expect it to be considered by the Senate, much less by the two Houses and the President. I, therefore, instead of having the bill referred to

the Committee on Claims at this time, suggest that it lie upon the table with the purpose of having it brought forward in the next Congress and referred.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to ask that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. Is there objection to the Committee on Foreign Relations being discharged from the further consideration of the bill? The Chair hears none. The Senator from California moves that the bill be referred to the Committee on Claims.

Mr. MORGAN. Does the Senator from Massachusetts resist the motion?

Mr. HOAR. I made a motion that it lie on the table.

Mr. MORGAN. The claim was reported upon by my former colleague in the Senate, Mr. Pryor, favorably, as I remember.

Mr. HOAR. No; he made a minority report. It is not important enough to take the time of the honorable Senator from Alabama or of the Senate. It is a matter upon which the Committee on Claims were divided. It presents a very important question, a question which will lead to a long debate in the Senate. My suggestion was that as it is so late in the session the bill had better lie on the table, to be brought forward at the beginning of the next Congress and duly referred.

Mr. MORGAN. I hope the Senator will postpone that motion until the arrival of one of the Senators from Maryland, at all events. They take a great interest in the claim.

Mr. HOAR. I will withdraw the motion and let the bill go to the Committee on Claims. It will amount to the same thing, practically.

Mr. MILLER, of California. It is a House bill, and if it should receive the favorable action of the Committee on Claims at this session it may become a law.

The PRESIDENT *pro tempore*. The Chair will state that the reference of the bill to the Committee on Foreign Relations was made under the impression that at some former session the matter had been in that committee and there considered. The Chair was probably mistaken. The question now is on referring the bill to the Committee on Claims. That order will be entered, if there be no objection.

Mr. VEST, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha, and to prescribe the dimensions of the same, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VOORHEES, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 2611) to revive and amend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia, reported it with amendments.

Mr. PENDLETON. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 1004) relative to the Chinese indemnity fund, to report it without amendment. I am directed also to say to the Senate that, under the instructions of the committee, I shall take the first convenient opportunity that the Senate may have to ask for its consideration.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 1457) to establish a Department of Agriculture, reported it with an amendment.

TESTIMONIALS TO ULYSSES S. GRANT.

Mr. SHERMAN. The Committee on the Library, to which was referred the message of the President of the United States transmitting the offer made by Mrs. Grant to give to the Government in perpetual trust the swords and military and civil testimonials lately belonging to General Grant, have had the same under consideration, and directed me to report a joint resolution accepting the gift. As it is a matter which I presume will receive the assent of every Senator, and ought to be acted upon promptly in order to do it graciously, I ask for the present consideration of the joint resolution.

The joint resolution (S. R. 119) accepting the gift of William H. Vanderbilt and Julia Dent Grant, wife of Ulysses S. Grant, to the United States of certain articles was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the joint resolution be now considered. Is there objection? The Chair hears none. The joint resolution is before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read the joint resolution, as follows:

Whereas William H. Vanderbilt and Julia Dent Grant have by deed of trust executed on the 16th day of January, 1885, presented to the United States certain swords, medals, paintings, bronzes, portraits, commissions and addresses, and objects of value and art presented by various governments in the world to General Ulysses S. Grant, as tokens of their high appreciation of his illustrious character as a soldier and a statesman: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States accept the said property and articles, more fully described in the schedule attached to said deed of trust, to be held by the United States and preserved and protected in the city of Washington for the use and inspection of the people of the United States. And the thanks of Congress are hereby tendered to the said William H. Vanderbilt and Julia Dent Grant for their generous and valuable gift.

Resolved, That the said property and articles are placed under the custody of the Librarian of Congress; and the Secretary of War is hereby directed to receive the same for safe-keeping and custody in the Department of War until they can be transported by the Librarian of Congress to a suitable building to be provided for the use of the Library of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLICATION OF TREATIES.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the Treaties and Conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House; 4,000 copies for the use of the Department of State; and 1,000 copies for distribution, by the Department of the Interior, among public libraries not depositories under existing laws, each Senator, Representative, and Delegate in Congress to designate two libraries to whom copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

CHANGE OF NAME OF A BANK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y., to report it favorably.

Mr. LAPHAM. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER RILEY AND JOHN S. WILLIAMS.

Mr. PLUMB. I should like at this time, as a matter of personal convenience, to ask unanimous consent to have two bills, which have been heretofore reported adversely and postponed indefinitely, placed upon the Calendar. The first is the bill (S. 1443) for the relief of Peter Riley, which was reported yesterday adversely from the Committee on Pensions, and the other is the bill (S. 2010) for the relief of John S. Williams, which was reported adversely on Tuesday.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill (S. 1443) for the relief of Peter Riley, be reconsidered, and that the bill, with the adverse report of the committee, be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

He also asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill (S. 2010) for the relief of John S. Williams be reconsidered, and that the bill with the adverse report be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent at this time that the Senate proceed to the consideration of the bill (H. R. 5670) to authorize a retired-list for private and non-commissioned officers of the United States Army who have served for a period of thirty years or upward.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania that the bill named by him be now considered?

Mr. COCKRELL. There are quite a number of House bills upon the Calendar which could be very readily disposed of.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate is not in order.

Mr. COCKRELL. Can the motion be amended?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for unanimous consent, which is all he can do at this time.

Mr. COCKRELL. I suggest to the Senator from Pennsylvania to move to take up House bills on the Calendar not reported adversely, and let them be considered one after the other.

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDENT *pro tempore*. The Chair will state that debate is not in order. Is there objection to the request of the Senator from Pennsylvania?

Mr. HOAR. I rise to a parliamentary inquiry of the Chair. Is the morning business over?

The PRESIDENT *pro tempore*. The morning business is not over, and the Senator from Pennsylvania asks unanimous consent that the bill, the title of which he has stated, be now considered. Is there objection?

Mr. SHERMAN. I should like to have a resolution of three lines passed.

The PRESIDENT *pro tempore*. Debate is not in order. Is there objection to the request of the Senator from Pennsylvania?

Mr. HOAR. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HOAR. I shall object until the morning business is over.

HOUR OF DAILY MEETING.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate a resolution offered yesterday by the Senator from Ohio [Mr. SHERMAN], which will be read.

The resolution was read, as follows:

Resolved, That on and after Monday, February 9, the hour of meeting of the Senate shall be 11 o'clock a. m., unless otherwise ordered, and the morning hour shall expire at 1 o'clock.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. I should like to ask the Senator from Ohio if he does not think it is a little too early for us to begin our sessions at 11 o'clock. It interferes materially with all the committee work of the Senate.

Mr. SHERMAN. There are but eighteen working days remaining of the session in which to dispose not only of the vast number of appropriation bills, but of other important bills. It is a question for the Senate to determine. I think it is time that we should begin to meet at 11 o'clock. I may state that it is about the usual time in the session for the Senate to meet at 11.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

COUNT OF THE ELECTORAL VOTE.

Mr. HOAR. I move that the President of the Senate be authorized to appoint two Senators to be tellers on the part of the Senate, in accordance with the concurrent resolution adopted by the two Houses, to make a list of the votes for President and Vice-President of the United States as they shall be declared when the two Houses assemble at 12 o'clock on the 11th of February, 1885.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the President of the Senate be authorized to appoint two tellers on the part of the Senate, provided for in the concurrent resolution of the two Houses on the subject of counting the votes for President and Vice-President of the United States. Is there objection to the present consideration of the motion? The Chair hear none. The question is on agreeing to it.

The motion was agreed to.

JAMES W. TEBBS.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate the sum of $1,696 to James W. Tebbs, as the residue of his salary as messenger from May 5, 1879, to November 30, 1883.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 475) granting arrears of pension to Emily Agnel;
A bill (S. 750) granting a pension to Catherine Schools; and
A bill (S. 1823) granting a pension to Ebenezer K. Marden.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1856) granting a pension to Caroline Higgerson;
A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;
A bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover;
A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
A bill (H. R. 6029) for the relief of Jeremiah McCarty;
A bill (H. R. 6177) for the relief of Charles W. Green;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 7170) for the relief of Frederick Hutten;
A bill (H. R. 7292) to increase the pension of Jacob Wiener;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7538) granting an increase of pension to Mary F. Blake;
A bill (H. R. 7573) granting a pension to David McKinney;
A bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7735) for the relief of Henry A. Huggins;
A bill (H. R. 7903) granting a pension to Daniel B. Randall;
A bill (H. R. 7933) granting a pension to Henry Biederbick;
A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; and
A bill (H. R. 7997) to increase the pension of Mary E. Fillebrown.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.; and
A bill (S. 2168) for the relief of the executrix of Ayres P. Merrill.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I now renew my request, and I hope there will be no objection to it, to take up the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania?

Mr. CAMERON, of Wisconsin. I ask unanimous consent to be allowed to make a suggestion in regard to the conduct of business.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to be allowed to submit observations upon this request and the subject of pending business. Is there objection? The Chair hears none. The Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. The suggestion I desire to make is that hereafter during the remainder of this session, when the Senate proceeds to the consideration of business during the morning hour under the eighth rule, it shall take up and consider House bills favorably reported and pension bills.

Mr. COCKRELL. Let that be done this morning.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to be heard upon this matter. Is there objection?

Mr. HARRIS. I desire to ask the Senator from Pennsylvania, if the Senate will allow me, if the bill he refers to is a House bill?

Mr. CAMERON, of Pennsylvania. It is a House bill, reported unanimously from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Pennsylvania being heard upon this question?

Mr. INGALLS. Is the order of morning business concluded?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made. Is there objection to the request of the Senator from Pennsylvania that the bill be now considered?

Mr. CAMERON, of Wisconsin. I shall object.

The PRESIDENT *pro tempore*. Objection is made. "Concurrent or other resolutions" are still in order.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. Objection has just been made to that.

Mr. CAMERON, of Pennsylvania. Not to that, I believe.

The PRESIDENT *pro tempore*. That is what the Chair asked for. "Concurrent or other resolutions" are still in order. [A pause.]

Mr. CAMERON, of Pennsylvania. I am informed by Senators on the floor that the morning business is now over.

The PRESIDENT *pro tempore*. Not yet. Are there further "concurrent or other resolutions?" If there be none that order is closed.

ARMY RETIRED-LIST FOR PRIVATES.

Mr. CAMERON, of Pennsylvania. Now is it proper for me to make my request?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of Order of Business 1080, being the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years and upward. The question is on agreeing to the motion. [Putting the question.] The noes appear to have it.

Mr. CAMERON, of Pennsylvania. I call for a division.

The question being put, there were on a division—ayes 27, noes 4; no quorum voting.

Mr. HAWLEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I think if the Senate will divide again there will be a quorum, if the Chair will ask unanimous consent for that purpose.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will put the question again. The Chair hears no objection.

The question being again put, there were on a division—ayes 33, noes 2; no quorum voting.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON, of Pennsylvania. Before the yeas and nays are taken I wish to say—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to say three or four words.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to be heard. Is there objection?

Mr. COCKRELL. Will the Senator yield a moment?

Mr. CAMERON, of Pennsylvania. Yes, sir.

Mr. COCKRELL. Let the vote be taken *viva voce* again.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to make a statement. Is there objection? The Chair hears none, and the Senator from Pennsylvania will proceed.

Mr. CAMERON, of Pennsylvania. I simply wish to state to the Senate that I shall be compelled to leave the city on Monday, and I am extremely anxious to have this bill taken up and disposed of before I go. If I were to return in a week I should not care about pressing the bill now, but I may be gone longer, and I therefore ask the indulgence of the Senate to consider this bill now, which I think will not occupy more than ten minutes of time.

Mr. HARRIS. I ask unanimous consent to be allowed to occupy half a minute.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Tennessee being allowed to make a statement? The Chair hears none.

Mr. HARRIS. Under the circumstances stated by the Senator from Pennsylvania, as far as I am concerned, I will cheerfully consent to the consideration of the bill to which he refers, but I desire to give notice here and now that unless the suggestion of the Senator from Wisconsin is agreed to by the Senate, I will from this time on object to the consideration of every House bill on the Calendar that is not regularly reached, and I will vote against the consideration of every bill on the Calendar until the Calendar of House bills favorably reported can be taken up in their order and disposed of.

The PRESIDENT *pro tempore*. On the question whether this bill shall be taken up for consideration the yeas and nays have been ordered. The Secretary will call the roll.

The yeas and nays were taken.

Mr. CULLOM. I am requested by the Senator from North Carolina [Mr. RANSOM] to state that he is ill and will not be in his seat to-day, and he and my colleague [Mr. LOGAN] are paired.

The result was announced—yeas 44, nays 3; as follows:

YEAS—44.

Allison,	Edmunds,	Hill,	Morrill,
Bayard,	Fair,	Hoar,	Pendleton,
Beck,	Frye,	Ingalls,	Pike,
Blair,	Garland,	Jackson,	Platt,
Bowen,	George,	Lapham,	Sabin,
Call,	Groome,	McMillan,	Sawyer,
Cameron of Pa.,	Hale,	Maxey,	Sherman,
Colquitt,	Hampton,	Miller of Cal.,	Van Wyck,
Conger,	Harris,	Miller of N. Y.,	Vest,
Cullom,	Harrison,	Mitchell,	Voorhees,
Dolph,	Hawley,	Morgan,	Wilson.

NAYS—3.

Cameron of Wis.,	Cockrell,	Slater.

ABSENT—29.

Aldrich,	Gibson,	McPherson,	Saulsbury,
Brown,	Gorman,	Mahone,	Sewell,
Butler,	Jonas,	Manderson,	Vance,
Camden,	Jones of Florida,	Palmer,	Walker,
Chace,	Jones of Nevada,	Plumb,	Williams.
Coke,	Kenna,	Pugh,	
Dawes,	Lamar,	Ransom,	
Farley,	Logan,	Riddleberger.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years and upward.

It provides when an enlisted man has served as such thirty years in the United States Army or Marine Corps, either as a private or as a non-commissioned officer, or both, he shall, by making application to the President, be placed on the retired-list created by it, with the rank held by him at the date of retirement; and he is thereafter to receive 75 per cent. of the pay and allowances of the rank upon which he was retired.

Mr. BAYARD. Is there any report accompanying that bill?

Mr. CAMERON, of Pennsylvania. There is a short House report.

The PRESIDENT *pro tempore*. There is a report from a committee of the House of Representatives as the Chair is told, which came over with the papers.

Mr. CAMERON, of Pennsylvania. It was adopted by the Senate committee.

Mr. CAMERON, of Wisconsin. Let it be read.

The Chief Clerk read the following report, submitted by Mr. LYMAN, from the Committee on Military Affairs of the House of Representatives, March 4, 1884:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5670) for the retirement of non-commissioned officers and enlisted men, submit the following report:

Something is needed to give greater stability and a better standing to the enlisted man in our military service. If he could feel that he would have a proper provision for his old age he would be more likely to support the monotonous life of the service contentedly.

Were such a provision made, it would go far to make our military service an attractive one for respectable men, and in this way to get rid of the disreputable characters, who take the first opportunity to desert.

It is scarcely necessary to say that desertion is not only a great loss to the Government in men, money, and material, but it is the source of serious demoralization.

The annual desertions from our Army are between three and four thousand, and any measure that would lessen this number might well be considered an economical one; but beyond the question of economy stands that of justice. For it is no more than just that the soldier who has given all the best years of his life to the military service of the country should have some provision made for his old age beside the present Soldiers' Home, where he is separated from his family.

It is the opinion of the Lieutenant-General of the Army that thirty years would be the proper period of service to authorize the retirement of a private soldier or a non-commissioned officer. The passage of this bill would not entail much expense for the Government, because there are in the Army only fifty enlisted men who have served thirty years.

Your committee therefore advise the passage of the accompanying bill as a substitute for bill H. R. 1040.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. SAULSBURY. I should like to have the yeas and nays on the question of the passage of the bill. For one I do not hesitate to say that I am opposed to the creation of so many retired-lists in this country. The people of this country are all alike. I do not see why men engaged in the military service should be put upon retired-lists to be supported after a certain period by the taxes drawn from the people any more than any other class of worthy citizens. I think we are doing wrong in creating these life pensions by retirement and otherwise that saddle upon the people of this country such a large number of persons who are to be supported by taxes paid by the people. I shall vote against the measure.

The PRESIDENT *pro tempore*. On the passage of the bill the Senator from Delaware demands the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I should like to ask my honorable friend from Delaware what he would do with soldiers who had served in the United States Army thirty years.

Mr. SAULSBURY. I would pay them for the services which they rendered at the time, and I would treat them as I would treat any other man engaged in the public service, just as I would treat the Senator from Massachusetts, pay him for his services while in the public service and when he retired from the public service of his own will I would make him do as other men do, provide for himself.

Mr. HOAR. You will discharge the soldier, I suppose, if he was disabled at the end of thirty years?

Mr. MAXEY. Mr. President, a few years ago we had a bill of like character to the one now before the Senate up for consideration, and after very considerable debate the bill passed the Senate, receiving the approbation, I believe without a call of the yeas and nays, of the entire Senate.

The theory on which the Committee on Military Affairs of the Senate made that report is very clear. There is a great spirit of jealousy on the part of the men in the Army that officers drawing high pay are placed on the retired-list after they become worn out in the service, while the soldier who has served equally as honorably and faithfully in his more humble position is left in his old age without protection.

We thought that it was not right; we thought that the same reason applied in the one case as the other, and that bill passed the Senate. It contains some few words—I have not the bill before me, but I drew it myself—requiring that those retired should have served honorably and continuously. The word "honorably" is not in this bill, as I think it ought to be. It was found after investigation that there were quite a number of cases where a man had served his term of enlistment and after being out a few weeks re-enlisted. That class would be cut out under the old bill. For that reason the word "continuously" is left out of the present bill.

If the theory be correct that a military officer who has devoted his whole time to the service of the country should be provided for by the Government, I can see no reason why that should not apply to the private soldier and to the non-commissioned officer precisely as to the commissioned officer. I can see no reason for the difference.

It is a well-known fact—perhaps Senators have had their attention called to it—that desertions have got to be alarmingly common all through the Army. There is loud complaint of the frequency of desertions. Many plans have been presented by officers of the Army to endeavor to prevent these continual desertions in the Army. It is my opinion as a member of the Military Committee, and I think the entire committee agree in that idea, that if we show by act of Congress our determination to take care of these old men after they have honorably and faithfully served their country for that long period of time, it will be a great incentive to men to remain in the service and not desert; and therefore we thought it was not only a good thing in itself to do, because to-day a vast amount of expense is incurred by enlisting men, having them desert, and having to send details for the purpose of arresting and trying them, but that all things considered, as these points were presented on the former bill which was satisfactory to the Senate, this bill should be accepted, being practically the same as the one formerly passed by the Senate.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family; but under the pair I feel at liberty to vote on a question like this.

Mr. HARRISON (when his name was called). I am paired generally with the Senator from Louisiana [Mr. JONAS], but feeling at liberty to vote on a question of this kind, I vote "yea."

The roll-call having been concluded, the result was announced—yeas 37, nays 5; as follows:

YEAS—37.

Allison,	Fair,	Ingalls,	Morgan,
Beck,	Frye,	Jackson,	Morrill,
Blair,	Garland,	Lapham,	Pendleton,
Call,	Groome,	McMillan,	Platt,
Cameron of Pa.,	Hale,	Mahone,	Riddleberger,
Cameron of Wis.,	Hampton,	Manderson,	Sawyer,
Conger,	Harrison,	Maxey,	Sherman.
Cullom,	Hawley,	Miller of Cal.,	
Dolph,	Hill,	Miller of N. Y.,	
Edmunds,	Hoar,	Mitchell,	

NAYS—5.

Coke,	Harris,	Saulsbury,	Vest.
Colquitt,			

ABSENT—34.

Aldrich,	Farley,	Logan,	Slater,
Bayard,	George,	McPherson,	Vance,
Bowen,	Gibson,	Palmer,	Van Wyck,
Brown,	Gorman,	Pike,	Voorhees,
Butler,	Jonas,	Plumb,	Walker,
Camden,	Jones of Florida,	Pugh,	Williams,
Chace,	Jones of Nevada,	Ransom,	Wilson.
Cockrell,	Kenna,	Sabin,	
Dawes,	Lamar,	Sewell,	

So the bill was passed.

FEES IN PENSION CASES.

Mr. JACKSON. I move that the bill (S. 2511) relating to claim agents and attorneys in pension cases, passed yesterday with amendments, be printed as passed.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill named by him which passed the Senate yesterday be printed as passed.

The motion was agreed to.

PRIVATE PENSION BILLS.

Mr. MITCHELL. I ask unanimous consent of the Senate now to proceed to the consideration of private pension bills not reported adversely, as they stand upon the Calendar, and that the morning hour be extended until these bills shall be completed.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar reported favorably——

Mr. MITCHELL. Not reported adversely. There are some reported without recommendation.

The PRESIDENT *pro tempore*. Those not reported adversely, and that the consideration of those bills be continued until they are disposed of. Is there objection?

Mr. ALLISON. I suggest to the Senator from Pennsylvania that he continue them until 2 o'clock.

Mr. HARRISON. I hope the Senator from Iowa will let them go through. It will not take long, and there are some Senate bills in the list.

Mr. MITCHELL. We had better go through with them. Some are Senate bills which we want to send to the other House.

Mr ALLISON. Very well; I make no objection.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Pennsylvania.

Mr. MITCHELL. I accept the suggestion made by the Senator from Massachusetts [Mr. HOAR] that the rule of five minutes' debate be applied.

Mr. HOAR. I desire to have that a part of the understanding.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania modifies his request so as to be a proposition that the Senate now proceed to the consideration of private pension bills on the Calendar not adversely reported, and that the consideration of these bills be continued until they are disposed of, and that the five-minute limitation of debate as under Rule VIII, apply. Is there objection? The Chair hears none. The first pension case on the Calendar will be stated.

ERASTUS W. BABSON.

The first pension case on the Calendar was announced to be the bill (S. 772) granting a pension to Erastus W. Babson.

Mr. BLAIR. That may be passed over.

The PRESIDENT *pro tempore*. This bill has once passed the Senate and on motion the vote passing the bill was reconsidered, and the question now is, Shall the bill pass?

Mr. BLAIR. It may as well be passed over informally. It is a case in which certain further evidence is really necessary and the man himself is dead. The Senator interested in the bill had hoped that it might be available, but I suppose the result will be its indefinite postponement in the end. Let it be passed over for the present.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that this bill be passed over, retaining its place on the Calendar. Is there objection? The Chair hears none.

SIMPSON HARRIS.

The bill (H. R. 433) to increase the pension of Simpson Harris, was considered as in Committee of the Whole. It directs the Secretary of the Interior to increase the pension of Simpson Harris, a soldier of the war of 1812, and who now holds pension-certificate numbered 3706, to $50 per month.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER (Mr. INGALLS in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. COLQUITT on June 10, 1884:

The Committee on Pensions, to whom was referred the bill (H. R. 433) to increase the pension of Simpson Harris, have considered the same, and report:

The facts are set forth in the following report made during the present session by the Committee on Invalid Pensions of the House of Representatives (House Report No. 801):

"That Simpson Harris served in the war of 1812 as a private in Capt. James Graham's company, North Carolina militia, from November 28, 1814, to February 22, 1815; that he was honorably discharged, and was placed on the pension-rolls as a pensioner at the rate of $8 per month under act of February 14, 1871.

"Your committee further report that the petitioner is probably the oldest pensioner on the pension-rolls, being now over 104 years old. It also appears from the affidavit of Dr. Samuel A. Hinton, the claimant's family physician, that for more than five years he has been sorely afflicted; that he has suffered from paralysis since 1866; that he has steadily grown worse, other diseases intervening, until, since 1880, he has been entirely helpless. He has not been able to perform manual labor since 1866, and is poor and needy, and a charge upon the charity of his family and friends. He requires the services of an attendant at all times. In view of these facts your committee are of opinion that said claimant should receive the same pension which he would be entitled to if rated by the Pension Department for his disability, and report the bill back with a recommendation that it pass."

Your committee report back this bill without recommendation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNE S. MELLACH.

The bill (S. 1154) to increase the pension of Anne S. Mellach was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that this bill is incorrectly entered on the Calendar as being reported without amendment, the fact being that the report of the committee is adverse. The bill, therefore, will be passed over, and the next will be read.

Mr. COCKRELL. Let the Calendar be corrected hereafter.

Mr. BLAIR. Is the report adverse?

The PRESIDING OFFICER. So the Chair is informed.

R. W. DUNCAN.

The bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of R. W. Duncan (colored), known as Pack Duncan, who was employed as a guide for an expedition under the command of Col. W. F. Cloud, of the Second Kansas Cavalry, and who was wounded and permanently disabled on that expedition, at the same pension as would be allowed a private soldier for like disability.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZELICA T. DUNLAP.

The bill (H. R. 4041) restoring the name of Zelica T. Dunlap was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll the name of Zelica T. Dunlap, late widow of the late Lieut. Col. James E. Dunlap, of the Twenty-ninth Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. AMOS.

The bill (H. R. 5500) for the relief of Benjamin F. Amos was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Amos, late of the Seventh Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYDNEY L. SKAGGS.

The bill (S. 1268) for the relief of Sydney L. Skaggs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sydney L. Skaggs, late scout of the Second Arkansas Infantry.

Mr. PLATT. I should like to hear the report read in that case.

The Secretary read the following report, submitted by Mr. JACKSON January 6, 1885:

The Committee on Pensions, to whom was referred the bill (S. 1268) for the relief of Sidney L. Skaggs, having examined the same, make the following report:

That said Skaggs, in 1864 and during the early part of 1865, acted as pilot and

guide for the different Federal commanders at the post of Clarksville, Johnson County, Arkansas. That in January, 1865, while out with a scouting expedition, under the command of Lieutenant Pitts, of Company A, Second Arkansas Infantry, the party were attacked by rebels or bushwhackers, and during the fight said Skaggs was wounded in each shoulder. The wound in the right shoulder necessitated amputation of the right arm near the shoulder-joint. This amputation was made by the regimental surgeon, and he was treated in the regular Army hospitals. He filed his application for pension, which was rejected by the Pension Office on the ground that he was not an enlisted man in the military service of the Government, and because the general law made no provision for volunteer scouts and pilots, although regularly employed. Skaggs was between 16 and 17 years of age while serving as scout and when wounded, as aforesaid, in an actual engagement with the enemy. Your committee have, in several instances, recommended relief in cases of this character, where the disability or injury was received by the scout in an actual engagement with the enemy. They think such cases constitute a proper exception and come within the spirit of the law. The committee accordingly report back the bill to the Senate with the recommendation that it be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BEDELL, SR.

The bill (S. 2327) for the relief of James Bedell, sr., was considered as in Committee of the Whole. It provides that the claim of James Bedell, sr., for a pension, on account of the death of Samuel Umstead, a soldier of Company G, Sixty-seventh Regiment Indiana Infantry Volunteers, shall be heard and determined by the Commissioner of Pensions in all respects as if Umstead had been the son of Bedell, as for the purposes of this pension application he shall be taken to be.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. SMITH.

The bill (H. R. 5004) for the relief of William B. Smith was considered as in Committee of the Whole. It proposes to increase the pension of William B. Smith, late a private in Company K, Fourteenth Illinois Infantry, who is now drawing a pension at the rate of $50 per month, to $72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. KATE A. DRUMMOND.

The bill (S. 2231) granting a pension to Mrs. Kate A. Drummond was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Kate A. Drummond, of Iowa City, Johnson County, Iowa, widow of Thomas Drummond, late captain of the Fifth United States Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BEN MORGAN.

The bill (H. R. 1256) increasing the pension of Ben Morgan was considered as in Committee of the Whole. It proposes to place the name of Ben Morgan, late colonel of the Seventy-fifth Regiment Ohio Volunteers, on the pension-roll at the rate of $45 per month, in lieu of his present pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN JOHNSON.

The bill (H. R. 2920) for the relief of John Johnson was considered as in Committee of the Whole. It declares that the act of March 3, 1879, entitled "An act for the relief of certain pensioners" (who have lost a leg at the hip-joint), shall be so construed as to include John Johnson, who had his right arm and a part of the shoulder-blade shot away at the battle of Fredericksburg, Va., December 13, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STACK.

The bill (H. R. 6665) for the relief of James Stack was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Stack, late a private in Company F, One hundred and thirtieth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA WALCOTT.

The bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll was considered as in Committee of the Whole. It directs the restoration to the pension-roll of the name of Rebecca Walcott, mother of James A. Walcott, late a corporal of Company E, Second Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORIN R. M'DANIEL.

The bill (S. 1546) granting a pension to Orin R. McDaniel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Orin R. McDaniel, late of Company H, Sixty-fourth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'CALLEN.

The bill (S. 1571) granting a pension to James McCallen was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws in force at the date of the filing of his claim for pension, the name of James McCallen, late a private in Company B, Seventh Regiment California Infantry; the disability for which pension is granted by the bill being disease of the throat, as claimed by the soldier in his application for pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN J. SHARP.

The bill (H. R. 6816) for the relief of Nathan J. Sharp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to add "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Nathan J. Sharp, formerly a member of Company E, One hundred and twentieth Regiment New York State Volunteers, to $40 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE ZIEFLE.

The bill (H. R. 5960) granting a pension to George Ziefle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Ziefle, of Livingston County, State of Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. BROWN.

The bill (H. R. 3703) for the relief of James W. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James W. Brown, late a private in Company L, First Regiment New Hampshire Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON GAMMONS.

The bill (H. R. 6461) granting a pension to Nelson Gammons was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nelson Gammons, late a private in Company K, Thirty-third Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY B. LEACH.

The bill (S. 2204) granting arrears of pension to Nancy B. Leach was considered as in Committee of the Whole.

The preamble recites that Nancy B. Leach, mother of Bradford Leach, late of Company I, Twelfth New Hampshire Volunteers, was placed on the pension-roll on the 25th June, 1881, and from which date payment of the pension was made. The bill directs the Secretary of the Interior to pay Nancy B. Leach a pension at the rate prescribed by law from the date of the death of Bradford Leach, deducting all sums previously paid on account of pension to her.

Mr. JACKSON. I should like to have the report in that case read.

The Secretary read the following report, submitted by Mr. BLAIR January 16, 1885:

The Committee on Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, mother of Bradford Leach, have examined the same and report recommending the passage of the same.

The committee desire to submit the exact point involved in this case. The original application was duly made and executed February 11, 1879. It was actually filed June 25, 1881, and the proof sustaining the claim. It was allowed, and certificate No. 205323 issued to the dependent mother, carrying pension at the rate of $8 per month. The claimant supposed that her application was on file until long after the 1st day of July, 1880, the period of limitation under the arrears-of-pension act. The claimant has no practical remedy unless relieved by special act.

Mr. Hill, the attorney employed, is a reputable citizen, who has held responsible positions of public trust, and an honest attorney at law in good standing in the profession.

The affidavits of Hon. James E. French and of Hon. David H. Hill are herewith submitted, which establish all the remaining facts necessary to be stated.

I, James E. French, of Moultonborough, in the county of Carroll, State of New Hampshire, make oath and say, am well acquainted with Nancy B. Leach, holder of pension certificate No. 205323. I well remember the time she made her application for a pension, because it was at my suggestion that she applied to Hon. David H. Hill, of Sandwich, to assist her, and it was in the winter of 1879; said Hill afterward informed me that said claim was filed, and said claimant was so informed several times prior to July 1, 1880.

I have no interest in said claim for a pension.

JAMES E. FRENCH.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.] W. A. HEARD,
Clerk of Supreme Court.

I, David H. Hill, of Sandwich, in the county of Carroll, and State of New Hampshire, depose and say that I acted as attorney for Nancy B. Leach in matter of pension for her as dependent mother. The declaration was drawn by me and taken to William A. Heard, clerk of supreme court, to be executed, as I now remember it.

I think we returned to my office, and I put the declaration in an envelope and put stamp on for postage. It was understood that it was to go by that mail.

I supposed for a long time that it went that day, and so informed Mrs. Leach. The papers were thus completed, and sealed and stamped at the time of their date. I had no doubt of it until a student in my office called my attention to an envelope thus sealed and stamped, which he said he had found among other papers which he thought he had packed away as papers no longer useful, and asked me if there was not something that had been overlooked. I at once sent them to George N. French, a clerk in Treasury Department, to file at the Pension Office. Within ten days he wrote to me that they were filed, and they were sent to said French just a few days before I was informed that they were filed. I can not be positive how they were first overlooked, but believe that my student, A. B. Fosker, of said Sandwich, took some letters to the mail for me, and Mrs. Leach and myself both supposed he had taken the Leach papers with them, and continued so to think until they were discovered by said Fosker, as above described.

My post-office address is Sandwich Center, Carroll County, and State of New Hampshire, and I have no present interest in the pension claim of Mrs. Leach.

DAVID H. HILL.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.] W. A. HEARD,
Clerk of Supreme Court.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. COCKRELL. Let the bill be read again.

The bill was read.

Mr. COCKRELL. I should like to ask the Senator from New Hampshire how far does that go back?

Mr. BLAIR. To the time of the war, I believe. The son died in the war. The pension certificate was allowed some time in 1881. The pension has been paid since the date of the filing of the application, about three years, or four years possibly.

Mr. SLATER. This is going much further than we have gone in pension cases before. It is alleged that, by some oversight by the attorney or parties who were connected with this case, the papers were not transmitted to the Pension Bureau in time to come within the act which would allow arrearages. If we open that door we shall be flooded with just such cases. They ought not to pass.

Mr. JACKSON. As the Senator from Oregon suggests, the facts in this case show that the agent or attorney of the claimant negligently failed to forward the application to the Pension Office so that it would reach here in time to get the benefit of the arrears act; and I doubt the propriety of now granting arrears when there was no fault of the Government. We passed a case some sessions since where the application was placed in the mail for transmission in time, but owing to some accident it never reached its destination. The committee thought that inasmuch as the failure resulted from the action of the Government agent, perhaps it was proper to give the claimant the benefit of the intended application; but in the present case the application was never perfected and never actually mailed, and that through the negligence of the attorney.

Mr. BLAIR. We have, I think, repeatedly gone much further than we should be going by the passage of this bill. We have not often done precisely the same thing, I do not know whether ever precisely the same thing. It may be that the facts in this case differ slightly from those of any other case; but repeatedly where there was no application whatever made, but an instrument executed failing in important statutory particulars and placed on file, we have allowed that to be taken and treated as an application, and we have gone so far as where the application was made and actually placed in the mail, but failed through the fault of the mail, or by accident, misfortune of some kind, to be received and filed in season, to hold the declaration to be good and to cover the arrears.

The principle we have acted upon is that where the applicant seems to have in good faith designed to make and file his application so as to secure the benefit of the act, we have relieved against any innocent fault or misfortune on his part.

In this instance the claimant is an old lady who lost her son upon whom she was dependent, and whose application has been proven to be meritorious, and her claim allowed. It seems that she did everything that she possibly could in season to have received the benefit of the law for the arrears. The application was made in due form, executed before a clerk of a court, her agent being a reputable attorney in active practice as I know and as honest a man as there is in our State or in our country, and who sealed it in its envelope, properly directed it, and placed it with his other mail for transmission. In some way the boy who carried the mail to the office failed to get this particular package. How it happened nobody knows; and everybody supposing, the attorney himself, the claimant herself, supposing that the application was on file, it was not until after the period within which it must actually be filed in order to derive the benefit of the arrears act, that the contrary was ascertained. Immediately the declaration was forwarded, and the case was prosecuted and pursued to a successful issue.

Mr. CONGER. May I ask the Senator whether the allowance of the pension was upon that application?

Mr. BLAIR. The final allowance of the pension was upon precisely that same instrument which had thus been delayed through the misfortune of the applicant.

There can be no stronger case in equity. I do not think any private citizen in the United States would be allowed to live in any local community who would take advantage of a blunder or a misfortune of this kind, and it hardly seems to me that the country would stand well in its own estimation if we should take advantage of a misfortune of this sort against this old lady, who is very poor, and as the report shows is utterly without remedy as against the attorney himself. He is a good man, an honest man, standing well in his profession, but he is not in a situation to make good these arrears if their loss was his fault.

Now, a word in regard to the suggestion that we may be overwhelmed with applications of this sort. Since the arrears act expired, I do not suppose we have passed, in the way of relieving all manner of inaccuracies or errors of this description or any description, twenty acts, and I do not remember more than one or two other applications of any sort that have been pending in the present session, and but very few in the last session of Congress.

The PRESIDING OFFICER. The Senator's five minutes have expired.

Mr. BLAIR. If we pass this I do not imagine we shall be overwhelmed.

Mr. ALLISON. Do I understand the Senator from New Hampshire to state that the Committee on Pensions have established the rule that in cases where by no fault of the applicant the application has failed to reach the Pension Office within the time prescribed advantage shall not be taken of that fact by the Government?

Mr. BLAIR. In instances that have been passed where the application was informally made and filed seasonably we have allowed that defective application to be treated as a correct one. In other instances where the application was not actually filed, where a good or bad application was not actually filed until after the limitation expired, but where in good faith the party made the effort and the application was transmitted in the mail but not received, we have relieved in such cases.

Mr. ALLISON. That is this case?

Mr. BLAIR. That is this case to this extent: The application was made out in due form; the attorney placed it in an envelope, sealed it, directed it properly, and put it with the rest of his mail, and directed his servant to carry it to the post-office, and that is the last he knows about it.

Mr. ALLISON. That is this case?

Mr. BLAIR. It is this case.

Mr. ALLISON. That is a very just case. I have one just like it. I hope this will pass and be made a precedent so that such cases may be allowed.

Mr. BLAIR. There will not be a great number.

Mr. PLATT. I am going to vote for this bill; but I put it on this ground, that it does not appear to have been the neglect either of the applicant or of the attorney that the application did not reach the Pension Office in time, but was a case of mistake or accident. I do not believe that we can open the door to arrears for all cases where by the neglect of the attorney the application has failed to be received in time. I presume that there are a thousand cases in the State of Connecticut where, if we should adopt the rule that the neglect of the attorney was to be overlooked, there would be petitions to grant arrears in instances where the applicant executed the declaration in time to have it filed in the Pension Office.

Mr. McMILLAN. I shall support this bill because I think it is altogether just; and wherever the fault lies with the Department or in the course of transmitting a claim of this kind to the Department, I think the arrears should be given. I know of a case myself where the application was transmitted to the Department, but no further information can be obtained in regard to it, the information from the Department being that the claim is not on file. I think all such cases should be embraced.

The bill was read the third time, and passed.

ISABELLA HIGGINS.

The bill (S. 2549) granting a pension to Isabella Higgins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabella Higgins, late hospital matron of the Eighth Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILLIA STAPLES.

The bill (H. R. 1504) for the relief of Millia Staples was considered as in Committee of the Whole. It proposes to place on the rolls of the Pension Office the name of Millia Staples, of Morgan County, Tennessee, for and on account of services rendered the United States by Benjamin T. Staples, who was killed while in line of duty as first lieutenant and adjutant of the Eleventh Regiment Tennessee Cavalry Volunteers, on March 22, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. SCHUYLER SUTTON.

The bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, to strike out lines 3 to 6 in the following words:

That the act entitled "An act granting a pension to A. Schuyler Sutton," ap-

proved June 4, 1872, be, and the same is hereby, amended, so as to read as follows.

And in line 12, after the word "month," to strike out "from and after the 4th day of March, 1883," and insert:

In lieu of the pension he is now receiving, to take effect from and after the passage of this act.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $60 per month, in lieu of the pension he is now receiving, to take effect from and after the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. MITCHELL, the title was amended so as to read: "A bill granting a pension to A. Schuyler Sutton."

WATSON S. BENTLEY.

The bill (H. R. 760) granting an additional pension to Watson S. Bentley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Watson S. Bentley, of Marlborough, Mass., late a private in Company B, Thirty-seventh Regiment Massachusetts Infantry Volunteers, at the rate of $45 per month, in lieu of that now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET G. HALPINE.

The bill (H. R. 6480) granting a pension to Margaret G. Halpine was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret G. Halpine, widow of Charles G. Halpine, late a lieutenant-colonel and brevet brigadier-general of volunteers in the Union Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. MARSHALL.

The bill (H. R. 3663) granting a pension to John T. Marshall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John T. Marshall, late a seaman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. W. W. FRYBARGER.

The bill (H. R. 4379) for the relief of Maj. W. W. Frybarger was considered as in Committee of the Whole. It proposes to put Maj. W. W. Frybarger, of Connersville, Ind., on the pension-roll at the rate of $40 per month, to be in lieu of all other pensions granted Frybarger.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS D. PETTY.

The bill (H. R. 5776) granting a pension to Louis D. Petty was considered as in Committee of the Whole. It provides for placing the name of Louis D. Petty, late a private in Company E, Eighth Missouri Volunteer Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARISSA M'KEE.

The bill (H. R. 2399) granting a pension to Clarissa McKee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clarissa McKee, widow of William McKee, late a private in Company D, Second District of Columbia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERIT M. OAKLEY.

The bill (H. R. 6927) granting a pension to Merit M. Oakley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Merit M. Oakley, who was a private in Company K, Sixth Regiment of Iowa Cavalry, at the rate of $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR L. DUTTON.

The bill (S. 1790) granting an increase of pension to Edgar L. Dutton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars" to strike out "eighteen" and insert "sixteen;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Edgar L. Dutton, late a private in Company K, Twenty-second Regiment Indiana Volunteers, at the rate of $16 per month, in lieu of the $12 per month heretofore allowed him, as specified in pension certificate 116433.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC DEMARANVILLE.

The bill (H. R. 4059) granting a pension to Isaac Demaranville was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Demaranville, late a private in Company E, Ninety-third Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS REESER.

The bill (S. 2398) granting a pension to Cyrus Reeser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cyrus Reeser, late a private in Company F, Sixty-first Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH O'NEIL.

The bill (S. 1183) granting a pension to Hugh O'Neil was considered as in Committee of the Whole. It proposes to place the name of Hugh O'Neil on the pension-roll, he being the dependent father of John O'Neil, late a private in Company I, Mounted Riflemen of the Indian wars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN A. VANCE.

The bill (H. R. 5812) granting a pension to Ellen A. Vance was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen A. Vance, invalid daughter of Col. Joseph W. Vance, deceased, late colonel of the Ninety-sixth Ohio Volunteer Infantry, at the rate of $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. KNAWBER.

The bill (H. R. 499) granting a pension to Mary A. Knawber was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAYDEN REYNOLDS.

The bill (H. R. 3612) granting a pension to Hayden Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hayden Reynolds, late a private in Company B, Sixth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW FRANKLIN, ALIAS ANDREW M'KEE.

The bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "to," to strike out "March 7th" and insert "February 22d;" and in line 11, after the words "from the," to strike out "time of filing his application" and insert "passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Andrew Franklin, alias Andrew McKee, late a private in Capt. M. Armstrong's company of Ohio militia, from August 22, 1812, to February 22, 1813, and from July 28, 1813, to August 18, 1813, in the war of 1812, to take effect from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO CORNWELL.

The bill (H. R. 7046) granting a pension to Alonzo Cornwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alonzo Cornwell, late a private in Company F, Sixty-seventh Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HERRING.

The bill (H. R. 4752) granting a pension to William Herring was considered as in Committee of the Whole. It proposes to place the name of William Herring, late a private in Company A, Thirteenth United States Colored Heavy Artillery, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. GILLEY.

The bill (S. 2587) granting a pension to William H. H. Gilley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. H. Gilley, late a private in Company G, Forty-second Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISABEL CAMPBELL.

The bill (H. R. 1171) granting a pension to Isabel Campbell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabel Campbell, of Ashland County, Ohio, widow of James Campbell, late of Company K, Eighty-second Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONORA A. BOYDEN.

The bill (S. 1709) granting a pension to Leonora A. Boyden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Leonora A. Boyden, mother of Charles F. Putnam, late a master in the United States Navy, lost in the Arctic Ocean, and pay her a pension of $30 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE INGHAM.

The bill (H. R. 4238) granting a pension to Sallie Ingham was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Sallie Ingham, formerly Sallie Frary, mother of Justin Frary, late a private in Company I, One hundred and first Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN MALONEY.

The bill (H. R. 5926) granting a pension to John Maloney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Maloney, late a private in Company K, Seventieth Indiana Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES M'MANUS.

The bill (H. R. 2908) granting a pension to James McManus was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McManus, late a private in Company B, Twelfth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM EURELE.

The bill (H. R. 3565) granting a pension to William Eurele was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Eurele, late a private in Company A, Tenth Regiment Connecticut Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WALTER H. CROW.

The bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll was considered as in Committee of the Whole. It proposes to restore the name of Walter H. Crow, late a sergeant of Company K, Thirty-third Indiana Volunteers, to the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MRS. JANE YOUNG.

The bill (H. R. 2432) for the relief of Mrs. Jane Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jane Young, mother of Henry Young, alias Frank Lowe, late a member of Company G, Sixteenth Regiment of Massachusetts Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN D. RICKARDS.

The bill (H. R. 2348) granting a pension to John D. Rickards was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Rickards, late a private in Company A, Sixty-ninth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RUSSELL F. DIMMICK.

The bill (H. R. 6594) granting a pension to Russell F. Dimmick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Russell F. Dimmick, late a private in Company E, First Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH J. BREMMER.

The bill (H. R. 5632) granting a pension to Sarah J. Bremmer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah J. Bremmer, widow of William B. Bremmer, late captain of Company F, Fifth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. RUGG.

The bill (H. R. 5630) granting a pension to George W. Rugg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Rugg, late of Company M, Fifth New York Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FRANK S. MARSH.

The bill (H. R. 2453) granting a pension to Frank S. Marsh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank S. Marsh, late of Company K, Ninth Regiment Illinois Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DANIEL W. ADAMS.

The bill (H. R. 7141) granting a pension to Daniel W. Adams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel W. Adams, late of Company A, Ninety-third Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE S. HARROLD.

The bill (S. 2158) granting an increase of pension to Jesse S. Harrold was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse S. Harrold, late second lieutenant of Company H, Fourteenth Regiment Indiana Volunteers, at the rate of $33 per month, in lieu of what he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EUGENE O'SULLIVAN.

The bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Infantry, at the rate of $18 per month.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID T. HOOVER.

The bill (S. 2514) granting a pension to David T. Hoover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David T. Hoover, late a private in Company H, Fifty-sixth Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEO AHRENS.

The bill (H. R. 5565) granting a pension to Theo Ahrens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theo Ahrens, late a private in Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID M. NAGLE.

The bill (H. R. 5543) granting a pension to David M. Nagle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after "pension-roll," to insert "subject to the provisions and limitations of the pension laws;" and after "Nagle," in line 6, to strike out the words "and pay him a pension at the rate of $25 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David M. Nagle.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH KENNEDY.

The bill (H. R. 2692) granting a pension to Sarah Kennedy was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Sarah Kennedy, widow of Seth T. Kennedy, late major of the Sixteenth Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA TURNER.

The bill (S. 2009) granting a pension to Isabella Turner was considered as in Committee of the Whole. It proposes to place the name of Isabella Turner, widow of Oscar D. Turner, late a sergeant of Company I, Twenty-third Regiment of Maine Volunteers, on the pension-roll, and to pay her a pension from the death of her husband, March 14, 1882, subject to the general pension laws should she again marry, and as to the rate of pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK FURLONG.

The bill (S. 2610) granting a pension to Patrick Furlong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Furlong, late a private in Company G, Fourteenth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. MAGUIRE.

The bill (H. R. 6726) granting a pension to Margaret A. Maguire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret A. Maguire, of Philadelphia, widow of George R. Maguire, deceased, late a lieutenant in the Thirteenth Pennsylvania Cavalry, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADALBERT STICKNEY.

The bill (H. R. 5207) granting a pension to Adalbert Stickney was announced as the next pension bill in order.

Mr. JACKSON. The views of the minority are presented in that case, which I should like to have read.

Mr. CULLOM. I suggest to the Senator that we pass over the bill until we get through with the other cases.

Mr. JACKSON. Very well; let it be passed over for the present.

The PRESIDING OFFICER. At the suggestion of the Senator from Illinois the bill will be passed over until the pension cases to which there is no objection shall have been acted upon.

NEWTON J. BURRIS.

The bill (S. 1655) granting a pension to Newton J. Burris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton J. Burris, late a private in Company I, Sixty-eighth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN OTIS.

The bill (H. R. 6882) granting a pension to John Otis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Otis, dependent father of Thomas Otis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JENNIE E. JOHNSON.

The bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jennie E. Johnson, mother of Capt. Charles P. Johnson, deceased, late a captain on the retired-list of the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DAVIS.

The bill (H. R. 6997) granting a pension to Henry Davis was considered as in Committee of the Whole. It proposes to place the name of Henry Davis, late lieutenant-colonel of the Eighty-second Regiment Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT WALKER.

The bill (S. 2160) granting a pension to Robert Walker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Walker, late a private in Company B, Seventy-first Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DORATHEA BOTHNER.

The bill (H. R. 1084) granting a pension to Dorathea Bothner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dorathea Bothner, widow of Gustavus Bothner, late second lieutenant of Company C, Thirty-eighth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. FRANCES L. THOMAS.

The bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, the widow of Maj. Gen. George H. Thomas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "$2,000 per annum" and insert "$100 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 a month now received by Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to $100 per month, to take effect from and after the passage of this act.

Mr. CULLOM. I hope the amendment will not be agreed to, but that the bill will be passed by the Senate as originally introduced, allowing $2,000 per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Pensions. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. Let us have the yeas and nays on the question.

The yeas and nays were ordered.

Mr. PLATT. I wish the Senator who reported the bill, or some member of the Committee on Pensions, would state to the Senate whether the pension proposed of $2,000 a year is in accordance with any precedent which has been already established.

Mr. CULLOM. There is only one precedent. There is none so far as the military service proper is concerned, but the widow of Admiral Farragut was given by the Congress of the United States a pension of $2,000 a year. I believe, as other members of the committee, I think, believe, that this is a case which stands alone so far as the record of military services is concerned, and that we can afford, as a Government, to place the widow of General Thomas upon a level with the widow of Admiral Farragut.

Everybody, I think, admits that General Thomas was the peer of any other Union general in the service of the country during the late war and from the time he entered the service. I have felt, and feel now, that the Congress of the United States ought to give this expression of the recognition of the services of General Thomas to his widow. She has no children. I understand that she is poor. She is of course, as we may well suppose, becoming somewhat aged. I think the Congress of the United States ought to vote her a pension of $2,000 a year. As General Garfield said in referring to the case, when she made application for a pension, there was but one General Thomas in all the world.

I hope that the amendment will be voted down and that the original bill will be passed.

Mr. PLATT. No one has a higher admiration for the services of General Thomas than I have; but we ought in what we do to act with deliberation and with reference to its future effect. You will not be able to persuade the widows of many of the gallant generals of the Union Army that their husbands were not as distinguished for service, for courage, and for ability as General Thomas. If we give a $2,000 pension to the widow of General Thomas it will be very difficult to refuse it to the widows of very many of the generals of the Army in time to come. In other words, it will establish a precedent; but if the Senate desires to do that, of course I have no objection.

Mr. BLAIR. The Committee on Pensions was not unanimous in recommending the amendment to the bill. The bill, as referred to the committee, it will be observed, proposed to grant a pension to Mrs. Thomas at the rate of $2,000 per annum. There is one precedent, that of the widow of Admiral Farragut. Hitherto Mrs. Thomas has been drawing a pension at the rate of $30 per month. I am right in that statement, I think.

Mr. CULLOM. Yes; that is correct.

Mr. MILLER, of California. Since 1876.

Mr. BLAIR. Since the death of her husband in 1876 she has been drawing a pension at the rate of $30 per month, while the widows of very many other officers, who under the law drew a pension at the same rate, have applied for and obtained an increase by special act. This widow, now an aged woman, without children, solitary and alone in the world, and with certainly as great desert on the part of her husband as could be claimed in any other case whatever, even although our most eminent generals might have been already deceased, has been entirely silent. With a dignity that is commendable she has suffered this neglect on the part of her country, in which others have not so readily acquiesced. I do not mean by this to intimate that any have unduly pressed their claims upon a grateful country.

The Congress of the United States has very rarely denied such applications for special relief, and it seems to me as it has seemed to the Congress, that when the widows of any of our officers who rendered the highest and most distinguished service apply to us, being oftentimes in need and disabled themselves by approaching age, and wish a pension at the rate of $50 per month, only giving them an income for their support in a manner consistent with their positions in life of $600 per year, it would be almost disgraceful to deny the application, and certainly Congress has not done it where the application has been made.

As to the suggestion made by the Senator from Connecticut that if we grant to the widow of General Thomas a pension at the rate provided in the bill, we shall be overrun with applications of equal merit, I beg leave to differ. I think that the unanimous verdict of the American people, without distinction of party or of section, would be that no general officer of the United States rendered higher or more conspicuous or more essential service during the recent war than General Thomas. Certainly I think everybody will vote unanimously that he takes rank with Grant, Sherman, and Sheridan. I believe myself that had he been living when recently there was a vacancy and an opportunity to be appointed to the highest position in our Armies, he would have been selected by the universal acclaim of the American people, and the distinguished officer who now holds that position would have been among the very first to have said that George H. Thomas was the man to be appointed to it.

Under these circumstances I could not agree, and did not agree in the deliberations of the committee, to the amendment recommended by the majority of the committee. I trust that it will be rejected and that the bill may be passed as originally introduced in the Senate.

Mr. COCKRELL. In considering these various applications to increase very largely the pensions granted to a certain class, I noticed some time ago an article published in a newspaper contrasting the difference of treatment meted out to the widows of officers and the widows of soldiers who carried their muskets on their shoulders—who bore the heat and burden of the day and achieved those victories the honors and the laurels of which others largely wore. I ask that the article which I send to the desk may be read.

The PRESIDING OFFICER. If there be no objection the paper to which the Senator from Missouri calls attention will be read.

Mr. McMILLAN. What is the paper which the Senator asks to have read?

Mr. COCKRELL. It is an article contrasting the difference between the treatment of officers and privates. If the Senator does not want the Chief Clerk to read it, I can read it myself.

Mr. McMILLAN. No; I simply wish to know what it is.

Mr. COCKRELL. It is an article contrasting the treatment of the widows of officers and the widows of soldiers.

Mr. McMILLAN. Is it an extract from a newspaper?

Mr. COCKRELL. It is from a newspaper.

Mr. McMILLAN. In what newspaper was it published?

Mr. COCKRELL. I do not remember now in what paper. I think it is taken from a paper published here in the city of Washington.

Mr. BLAIR. Will the Senator from Missouri permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. BLAIR. I ask if it is not an article written in order to induce the American Congress to pass the Mexican pension bill?

Mr. COCKRELL. No, sir; it has no relation to that question. It was written before that time.

Mr. BLAIR. A bill which makes a large increase for the benefit of the same class which has aroused the sympathies of the Senator.

Mr. COCKRELL. It was written before the Mexican pension bill was passed by the Senate. I have had it in my drawer for nearly two years, waiting for an opportunity to have it read.

Mr. BLAIR. Undoubtedly the Senator may say that its suggestion aided in passing that bill.

Mr. COCKRELL. It was written long before the Mexican pension bill was passed.

The PRESIDING OFFICER. If there be no objection the paper will be read.

The Chief Clerk read as follows:

TWO SOLDIERS AND THEIR WIDOWS.

James B. Horseman went into the war for the Union as a colonel, at a salary of $3,500 a year, besides perquisites and allowances. He served as colonel bravely and faithfully for a year and about three months, and then was promoted to brigadier-general, at a salary of $5,500 per year besides perquisites and allowances. In this capacity and at these wages he served bravely and faithfully for another year and a quarter and then was deservedly promoted to major-general, at a salary of $7,500 a year, besides perquisites and allowances; and in this capacity, and at this rate of wages, he continued to serve until after the close of the war.

James B. Footman went into the Union Army, at the outbreak of the rebellion, as a private; and his wages for the first year were $144, plus $100 bounty, plus some clothing, plus some grub, when he could get it; total for first year perhaps $500. In the second year he was promoted to corporal, and his total pay for that year was less than for the first. In the third year he was promoted to sergeant, and still his total pay came to less than $500.

In 1864 he was promoted to first sergeant, and "veteraned;" and so for the last year of his service he received in all some $800, counting greenbacks at their face and rations at—well, at a long ways above what they actually averaged. We do not count any perquisites or allowances in his case, because he did not get any. He served bravely and faithfully during his whole time until the close of the war.

Neither General Horseman nor Sergeant Footman was ever wounded, though each passed through many battles; and neither lost health in the service in such manner as to entitle him to pension under the current interpretation of existing laws. After the war, General Horseman held some offices, was prominent in public affairs, had his name in the papers often, and was considered a leading man generally. Sergeant Footman meanwhile plodded along in the even tenor of his way, an unobtrusive and almost unknown private citizen, inasmuch that half of his neighbors in the place to which he removed never knew that he had been in the Army, and those who did know did not care.

A few months ago both General Horseman and Sergeant Footman died, both being poor men and leaving large families. Sergeant Footman's death was announced in a three-line notice in the local papers; his funeral was attended by his neighbors; and that was the last the public ever heard or thought of Footman. But General Horseman's death was telegraphed all over the country, and the daily papers published long accounts of his gallant military services, and a contribution paper for the benefit of his family was started, and a bill was forthwith introduced in Congress to grant a pension of $50 a month to his widow, and Congressmen were urged by leading journals to "pass the bill without a dissenting voice."

And then we reflected that the command to "render unto Cæsar the things which are Cæsar's" is not greater than that which follows it: "and unto God the things that are God's."

Let us fully honor the memory of the deceased general; but as to granting a pension of $50 per month to his widow because he was a general before granting $8 a month to Sergeant Footman's widow because he was "only an enlisted man"—or indeed as to granting one comrade's widow six times as much as the other, merely and solely because the one man had been a high officer and drawn large salaries while the other, equally brave and faithful, had received from the Government barely enough to keep him alive while he was in the service and nothing afterward, and died "unhonored and unsung"—we say, let us rather reverse the order of things, and first pension the poor sergeant's widow at as high a rate as justice and reason will allow, and then pension the general's widow at precisely the same rate, and no higher.

Mr. CULLOM. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has spoken once upon the bill.

Mr. MITCHELL. The bill as referred to the committee did not meet with the approval of my judgment. I should be very highly gratified to vote a pension of $2,000 a year to Mrs. General Thomas and a large number of other widows of distinguished generals and soldiers who served in the late war; but in view of the situation as respects the relative claims of the representatives of soldiers I can not bring my mind to an agreement to that proposition. I thought that perhaps we might safely go as far as is proposed by the amendment, because in the case of the widow of General Shields a pension of $100 a month was granted. I think there has been no other pension so large as that granted to a soldier or to any representative of a soldier in the Army.

The case of Mrs. Admiral Farragut has been mentioned. She is receiving a pension of $2,000 a year, but it must not be forgotten that Admiral Farragut was at the head of the Navy of this country and it is a case of greater distinction than that of General Thomas. If we grant the pension even as proposed by the majority of the committee to the widow of General Thomas, we must in justice to a large number of others whose husbands also rendered distinguished services to the country increase their pensions very largely. If we are to do it at all, we ought to do it intelligently and purposely, and meet the question here and now.

I am not disposed myself to go so far as that, and especially because up to this time the other branch of Congress has declined to do the simple justice—I might say very much less than justice—to the widows and mothers and fathers of private soldiers who served in the late war that we proposed to do by the so-called Mexican pension bill passed by the Senate at the last session, but which has not thus far been favorably considered in the House of Representatives.

I make this allusion somewhat in response to the statement from a newspaper which has been read in the hearing of the Senate. I am willing to grant a pension of $100 a month to Mrs. Thomas, but I am not willing to go any further.

Mr. PLUMB. Mr. President, there is one distinction made by this bill which has not been mentioned in the debate so far as I have heard it, and that is, that a pension is granted to the widow of General Thomas irrespective of the cause of General Thomas's death. That is the case with most pensions of this kind, which are in effect benefactions as compared with any pensions which we grant under the general law. So far as I know, no pension has ever been granted to the widow of a private soldier unless the widow could prove that the soldier had died from a disease incurred in the line of duty; but we have taken up admirals of the Navy—not admirals like Farragut, but admirals who were admirals in name in comparison with Farragut—and general officers of the Army, and other persons of title and of newspaper and other distinction, and have given to their widows pensions irrespective of the cause of death; thus not only constituting a distinction between the two classes growing out of the amount of the pension and the necessities of the case, but a distinction still broader by reason of the fact that one relates strictly and directly to a disability incurred in the line of duty and the other is totally outside of that.

I have heretofore opposed pensions of this character uniformly; I have said much in the Senate about them, and have been so uniformly overruled that I had made up my mind hereafter to say nothing. If, however, there is a case which could have the assent of my vote, it is that of a pension to the widow of General Thomas. I am not willing to let the remarks of the Senator from Pennsylvania [Mr. MITCHELL] go without challenge, to the effect that the service of Admiral Farragut was one thing and that of General Thomas an entirely different thing; that Admiral Farragut was much more eminent than General Thomas, and consequently his widow constituted a class by herself as compared to the widow of General Thomas. I think there was no more meritorious soldier who wore the blue than General Thomas, no one who was more entitled to the gratitude of the nation than he, and no one who, in my opinion, was more ignored during his lifetime, when the opportunities presented themselves for his promotion, than General Thomas.

But we are dealing with this question either upon a rule or system or plan which we have adopted about the question of pensions, or we are dealing with it simply at haphazard. If we are dealing with it upon a rule, then we ought to apply substantially the same rule to these people that we apply to the great mass of the body of the Army. If we are dealing with it without reference to rule, then we ought to

take up not only one case but hundreds and thousands and tens of thousands of cases of the widows of private soldiers who served their country just as intelligently, just as faithfully, just as efficiently, and at just as much cost as that of any man who served it under shoulder-straps.

We not only have considered that the Senate should do but one of these cases, but it seems that we have permitted our regard for rank and for reputation to obscure the real merits that underlie all this pension business. I have in my mind two pension bills which went through the Senate one day, which pensioned the widows of two ex-Presidents—two ladies who I am told are not only beyond the reach of want, but are in affluence. Although they needed nothing we added to their already ample funds, to their great wealth, $5,000 a year for life; yet we reject here day after day the applications of people who, whatever the relation may be between their present disability and their services in the Army as shown by testimony, have that claim upon us which soldierly service always gives or ought to give, especially when it is followed by disease or incapacity on account of that service to labor in order that one may live. We actually give to those who need it not for the purpose of taking it away in the shape of taxes from those who do need it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MILLER, of California. Mr. President, it was my fortune to introduce this bill, and I did it as much as a tribute to the memory of one of the greatest of American generals as an act of justice to his lonely widow whom he left behind. The world takes note of rank. The question whether the Congress of the United States has dealt liberally and justly by the widows and representatives of private soldiers is not the question here. Nobody expects that the pension granted to the widow of a general who commanded great armies and fought great battles and won great victories will be the same as that granted to the widow of a private soldier. It may be true that the latter may be as much entitled to it as the former, but Congress has never proceeded upon that theory.

It is simply a question here whether the widow of this great general should be treated as the widows of other generals and as the widows of high officers of the Navy have been treated, or whether an exception is to be made against her. I placed the amount in the bill at $2,000, because there is a precedent in the case of Admiral Farragut, and regarding also the other precedents which have been established. Many representatives of deceased officers receive $50 a month, some $100; the widows of former Presidents of the United States receive $5,000 a year, and proceeding upon the theory that Congress would be willing to grant a pension in this case according to the services which were rendered by General Thomas, I could not put the sum at less than $2,000 per annum.

The name of General Thomas is illustrious. No general during our war rendered greater service. There was none more able than he. He was an ideal soldier, modest, brave, and unflinching in the line of duty. He came as near illustrating the perfection of his race as any man who ever lived. All who knew him regarded him as a model soldier and a model man. There is no question that he and his command saved from disaster the Union Army in two great battles. His splendid battle of Nashville, one of the last victories of the war, will be studied as a model by the students of military science as long as war lasts upon the earth.

I do not wish to prolong the discussion, but I hope the Senate will vote down the amendment put upon the bill by the Committee on Pensions.

The PRESIDING OFFICER. The roll-call will proceed on the question of agreeing to the amendment of the Committee on Pensions, which proposes to reduce the sum from $2,000 per annum to $100 per month.

Mr. CULLOM. I hope the amendment will be voted down.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON].

Mr. HARRISON (when his name was called). I am paired with the senior Senator from Louisiana [Mr. JONAS]. I shall withhold my vote for the present. I do not know how he would vote. I should vote "nay" if the Senator from Louisiana were present.

The roll-call having been concluded, the result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Bayard,	Fair,	Jackson,	Van Wyck,
Beck,	Garland,	Maxey,	Wilson.
Cockrell,	George,	Mitchell,	
Coke,	Hampton,	Platt,	
Colquitt,	Harris,	Slater,	

NAYS—27.

Aldrich,	Conger,	Lapham,	Plumb,
Allison,	Cullom,	McMillan,	Riddleberger,
Blair,	Dawes,	Manderson,	Sabin,
Bowen,	Edmunds,	Miller of Cal.,	Sawyer,
Call,	Hawley,	Miller of N. Y.,	Sherman,
Cameron of Pa.,	Hoar,	Morrill,	Voorhees.
Chace,	Ingalls,	Palmer,	

ABSENT—32.

Brown,	Gorman,	Kenna,	Pugh,
Butler,	Groome,	Lamar,	Ransom,
Camden,	Hale,	Logan,	Saulsbury,
Cameron of Wis.,	Harrison,	McPherson,	Sewell,
Dolph,	Hill,	Mahone,	Vance,
Farley,	Jonas,	Morgan,	Vest,
Frye,	Jones of Florida,	Pendleton,	Walker,
Gibson,	Jones of Nevada,	Pike,	Williams.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. D. WASHBURN of Minnesota, Mr. E. W. SEYMOUR of Connecticut, and Mr. S. R. PETERS of Kansas managers at the conference on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa; and

A bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College of Saint Louis, Mo.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position; and it was thereupon signed by the President *pro tempore*.

COUNT OF THE ELECTORAL VOTE.

The PRESIDENT *pro tempore*. The Chair, pursuant to the authority of the Senate given this morning, appoints as tellers on the part of the Senate to count the electoral vote on Wednesday next the Senator from Massachusetts, Mr. HOAR, and the Senator from Ohio, Mr. PENDLETON.

JAMES BOND.

The bill (S. 1633) granting a pension to James Bond was announced as the next pension bill in order upon the Calendar.

Mr. COCKRELL. Let the report be read.

Mr. JACKSON. The reports in that case have not yet come in from the printing office. The bill was reported yesterday. I have sent to the document-room and have been informed that the majority and minority reports have not yet come in.

The PRESIDING OFFICER. Does the Senator desire the bill to go over?

Mr. JACKSON. Yes; it will have to go over, because it is a matter of contest.

The PRESIDING OFFICER. The next pension case on the Calendar will be announced.

MRS. CHARLOTTE HACKETT.

The bill (S. 1416) granting a pension to Mrs. Charlotte Hackett was considered as in Committee of the Whole. It proposes to place the name of Charlotte Hackett, mother of Samuel F. Hackett, late a private in Company E, Second Regiment Wisconsin Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH S. SAMPSON.

The bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah S. Sampson, an Army nurse, widow of Lieut. Col. Charles A. L. Sampson, late of the Maine Infantry Volunteers, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. MARSHALL.

The bill (H. R. 3527) granting a pension to George A. Marshall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George A. Marshall, who in the war with Mexico was a member of Company C, Fourth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA H. SARGENT.

The bill (H. R. 6956) granting a pension to Maria H. Sargent was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria H. Sargent, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LOCKHART.

The bill (S. 357) granting a pension to William Lockhart was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Lockhart, late a soldier in the Black Hawk war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH DOUGHERTY.

The bill (H. R. 2140) for the relief of Hugh Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hugh Dougherty, late first lieutenant of Company K, Thirteenth Regiment Kansas Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH STRATTON.

The bill (H. R. 5923) granting a pension to Ruth Stratton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ruth Stratton, of Henry County, Indiana, as the dependent mother of Albert Stratton, deceased, who was late a private in Company F of the Eighty-fourth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARINDA HUNT.

The bill (S. 1804) granting a pension to Clarinda Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, to strike out "1868" and insert "1865;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Clarinda Hunt, the foster-mother of Edwin W. Hunt, deceased, who enlisted in the United States Navy September 15, 1864, and was discharged September 1, 1865, for disability, from which he never recovered.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. WASHBURN.

The bill (S. 1803) granting an increase of pension to George A. Washburn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "regiment," to strike out "seventeenth" and insert "sixteenth;" and in line 7, before the word "dollars," to strike out "fifty" and insert "forty-five;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George A. Washburn, late major of the Sixteenth Regiment Connecticut Volunteers, and brevet brigadier-general, to $45 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH B. JACKSON—RATES OF PENSION.

The bill (H. R. 5800) for the relief of Sarah B. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah B. Jackson, widow of William B. Jackson, late of Company A, Ninety-first Regiment New York Volunteers.

Mr. VAN WYCK. I move to amend the bill by adding a new section, as follows:

SEC. 2. That all widows or minor children of soldiers and sailors who, as such, are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws, shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK. Mr. President, that is precisely the same language which the Senate incorporated in the Mexican pension bill, as it is called. The majority of the Senate no doubt felt then as now that if there was any general legislation to be had it should be to increase the meager compensation given to the widows of soldiers who had fallen upon the field of battle. I have felt it my duty to call the attention of the Senate to the matter by way of amendment to this bill. It is proposed to a House bill. If the Senate adopts it and places it upon the bill and the House refuses to concur, then we can readily consent that the Senate shall recede from its amendment so as not to imperil the bill for the relief of the person now seeking this pension. I am anxious, inasmuch as there is no possibility of legislation on this branch of the question unless it be done in this way, that the Senate should at least seek this opportunity to do this act of justice.

Mr. MITCHELL. I should like to ask the Senator from Nebraska whether his amendment covers the case of dependent parents?

Mr. VAN WYCK. No. There is also another provision which should be put in, and the Senator from Pennsylvania is desirous in regard to it. I should have incorporated that in the amendment except that I feared some Senator might think we were proposing to do too much. If the Senate will adopt my amendment then I would suggest to the Senator from Pennsylvania that we take the sense of the Senate upon an amendment giving to dependent parents an increase of pension.

Mr. BLAIR. Of course it is a very difficult thing for a friend of the soldiery of the country, disabled or suffering from their services, to oppose an amendment of this kind; but the Senator from Nebraska must on reflection see that attaching the amendment to the bill in the first place imperils somewhat the passage of this poor woman's application; and also that inevitably it is the defeat of the Mexican pension bill itself.

If this bill should be amended and returned to the House of Representatives and the amendment there concurred in, the man must be less astute than I think the Senator from Nebraska is, especially when he brings his faculties to bear upon a subject, who does not perceive that the other bill with its numerous and exceedingly important provisions for the relief of others who have suffered on account of service to their country will be entirely passed by. I had hoped that the fight might be fairly and clearly in the other branch of Congress upon the passage of that bill giving general and almost universal relief to all those who have deserved well of their country from the Mexican war to the present time. We know very well that there is no inclination to pass that bill in some quarters, and that there may be an inclination, if some slight excuse can be availed of, to defeat the bill and fall back upon a comparatively unimportant provision enacted into law.

Mr. VAN WYCK. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has once spoken.

Mr. VAN WYCK. I failed in all the suggestions of the Senator from New Hampshire to see——

The PRESIDING OFFICER. The Senator has already spoken once on the bill.

Mr. ALLISON. Can I be recognized and yield to the Senator from Nebraska?

The PRESIDING OFFICER. No, sir.

Mr. VAN WYCK. Is another amendment in order?

The PRESIDING OFFICER. An amendment to the amendment will be in order, or the Senator may proceed by unanimous consent.

Mr. VAN WYCK. I propose to amend the amendment by making the amount $13 instead of $12 per month.

The PRESIDING OFFICER. The Chief Clerk will report the amendment to the amendment.

The CHIEF CLERK. In line 7 of the amendment it is proposed to strike out "12" and insert "13," so as to read "$13 per month."

Mr. VAN WYCK. I failed to see any force in the suggestion of the Senator from New Hampshire that we should place the Mexican pension bill in peril by agreeing to the amendment I propose. It is in peril to-day, and it is defeated substantially. The only question is whether we should attempt to do something which I think both branches of the American Congress desire and which the nation universally desires, to increase the pensions of those whose pensions are far below what they should be in the estimation of the nation. The Mexican pension bill stands defeated, and as far as the veteran of the Mexican war is concerned the bill is defeated by the action of the Senate. The Senate were so unwilling that that measure should stand upon its own merits that they placed amendments upon it which they believed to be just and right. The only practical question which we are to meet to-day in regard to pensions is whether we shall do this act of stern justice, or refuse to do it and do nothing in the direction which my friend, the Senator from New Hampshire, desires.

Neither the Mexican soldier nor the other classes who were considered in the amendments of that bill will receive any consideration at the hands of this Congress before the 4th day of March. We can now save something for the most needy of all these classes, and that is the widows who are receiving only $8 a month, and I suggest to my friend that it puts nothing in peril, not even this bill. If we place this amendment on the bill and the House refuse to concur, then I shall be willing that the Senate recede from our amendment. We shall have done all in our power; we shall have satisfied the nation that we are disposed to do justice to those who are receiving least from its bounty and generosity. We can come in here specially and give the widows of some admirals and generals $50 a month, and of others $2,000 a year. That imperils nothing; but when we resolve to take out of the difficulty in which they are placed that class which, of all others, is entitled to relief, we are told we should pause a moment to give the subject consideration; and when a remedy is within our reach, as it is now, to save them and do them justice, it will be no answer, and my friend from New Hampshire can not answer the widows in New Hampshire, and New England, and the United States, who are receiving this pittance, by saying that it is sought to do something else, and he fears this would put something else in peril. If he sees fit to embrace the opportunity I trust he will do it now and here.

Mr. BLAIR. I ask unanimous consent, as I have spoken once on this amendment, to be permitted to speak again.

The PRESIDING OFFICER. No; the Senator is in order in speaking five minutes on the amendment to the amendment.

Mr. BLAIR. The distinction between "twelve" and "thirteen" is, of course, entirely unimportant. The Senator assumed that the Mexican pension bill was dead when he made his motion. Sir, that was a violent assumption, and, as I believe, an untrue assumption, however honest he may have been in making it. The Mexican pension bill now is dead, and dead by virtue of the offering of this amendment, in which I shall now concur.

Mr. MORRILL. I shall vote against this amendment, because it is not germane to the bill. It is general legislation upon a private bill, and any one who is acquainted with the proceedings of the two Houses will see at once that it is a measure that will be lost if sent to the other House in this form, not acted upon, and this poor woman, if she is entitled to a pension, will lose it, at any rate for the present session.

Mr. SHERMAN. I wish to ask the Chair a parliamentary question. Suppose we attach this amendment to the bill and the House fails to take action upon it at all, could the Senate recede without having possession of the bill before it?

The PRESIDING OFFICER. The Chair would think, on casual reflection, that the Senate could not.

Mr. SHERMAN. There is the difficulty I have.

Mr. VAN WYCK. Let me suggest that it would be competent for the Senate then to recall the bill from the House and strike off its own amendment.

Mr. SHERMAN. I suppose that course could be pursued. I should vote for this amendment with great pleasure, if that could be done. I think the request ought to be granted, and if the Senator will see to it that this lady is not affected injuriously by this amendment I shall vote for it, but I shall hold him responsible for the recall of the bill in time to secure its passage.

Mr. VAN WYCK. I will say that I intended to put this amendment on the last bill on the Calendar, but the chairman of the committee suggested that was for the case of an exceedingly old lady, and then I had better take the first opportunity, and so I offered it on this bill. I will with pleasure accept the suggestion of the Senator from Ohio, and see to it that if the amended bill is not acted on the bill shall be recalled and the amendment receded from.

Mr. HOAR. It may be better to put it on some bill that the Senator knows will be acted on.

Mr. VAN WYCK. I think there will be no difficulty in accomplishing what we desire.

The PRESIDING OFFICER. Does the Senator from Nebraska insist on his amendment to the amendment?

Mr. VAN WYCK. I withdraw that.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The question recurs on the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. HARRIS. I ask for a division on the question of concurring in the amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CALL. Let it be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to add to the bill:

SEC. —. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

Mr. SHERMAN. I think we had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS]. If he were here, I should vote "yea" on this amendment.

The roll-call was concluded.

Mr. FRYE. I am paired with the junior Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Aldrich,	Dolph,	Lapham,	Sabin,
Allison,	Garland,	McMillan,	Sawyer,
Blair,	Hale,	Mahone,	Sherman,
Bowen,	Hampton,	Manderson,	Slater,
Call,	Hawley,	Miller of Cal.,	Van Wyck,
Cameron of Pa.,	Hill,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Hoar,	Mitchell,	Wilson.
Conger,	Ingalls,	Palmer,	
Cullom,	Jackson,	Platt,	
Dawes,	Jones of Nevada,	Plumb,	

NAYS—12.

Bayard,	Cockrell,	Harris,	Riddleberger,
Beck,	Coke,	Maxey,	Saulsbury,
Chace,	Fair,	Morgan,	Vest.

ABSENT—27.

Brown,	George,	Kenna,	Pugh,
Butler,	Gibson,	Lamar,	Ransom,
Camden,	Gorman,	Logan,	Sewell,
Colquitt,	Groome,	McPherson,	Vance,
Edmunds,	Harrison,	Morrill,	Walker,
Farley,	Jonas,	Pendleton,	Williams.
Frye,	Jones of Florida,	Pike,	

So the amendment was concurred in.

Mr. MITCHELL. I offer an amendment which I send to the desk.

The CHIEF CLERK. It is proposed to add to the bill the following:

SEC. —. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

SEC. —. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

SEC. —. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

Mr. MITCHELL. The amendment proposed applies the same rule to dependent parents which the amendment already adopted applies to widows. I think the reasons in the one case are as strong as in the other. It also adopts the rule in relation to presumption of soundness at the time of muster into service, and retains the last section of the so-called Mexican pension bill which was intended to prevent the payment of double pensions. There seems to be some doubt in the law as it now exists on that point. It simply covers those three things.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania. [Putting the question.] The noes appear to have it.

Mr. MITCHELL called for the yeas and nays; and they were ordered.

Mr. SLATER. I trust that amendment will not be attached to the bill. It will endanger the more important and more necessary amendment we have just adopted. It is this method by which we find ourselves losing measures on which the two Houses can not agree. This amendment, I am satisfied, will prevent all legislation on this subject. Let us at one time offer legislation for the widows and at another time for the others.

The yeas and nays were taken.

Mr. CAMERON, of Wisconsin. I wish to state that the Senator from North Carolina [Mr. VANCE] is paired for this afternoon with the Senator from New Hampshire [Mr. PIKE].

Mr. SHERMAN. I have been requested to announce the pair of the Senator from Indiana [Mr. HARRISON] and the Senator from Louisiana [Mr. JONAS].

The result was announced—yeas 31, nays 17; as follows:

YEAS—31.

Aldrich,	Dawes,	McMillan,	Platt,
Allison,	Dolph,	Mahone,	Plumb,
Blair,	Hale,	Manderson,	Sabin,
Bowen,	Hawley,	Miller of Cal.,	Sawyer,
Cameron of Pa.,	Hill,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Ingalls,	Mitchell,	Van Wyck,
Conger,	Jones of Nevada,	Morrill,	Wilson.
Cullom,	Lapham,	Palmer,	

NAY—17.

Bayard,	Colquitt,	Jackson,	Slater,
Beck,	Fair,	Maxey,	Vest.
Call,	Garland,	Morgan,	
Cockrell,	Hampton,	Riddleberger,	
Coke,	Harris,	Saulsbury,	

ABSENT—28.

Brown,	George,	Jones of Florida,	Pugh,
Butler,	Gibson,	Kenna,	Ransom,
Camden,	Gorman,	Lamar,	Sewell,
Chace,	Groome,	Logan,	Vance,
Edmunds,	Harrison,	McPherson,	Voorhees,
Farley,	Hoar,	Pendleton,	Walker,
Frye,	Jonas,	Pike,	Williams.

So the amendment was agreed to.

Mr. BLAIR. I move, as an additional amendment to this bill, the section I send to the desk.

The Chief Clerk read as follows:

SEC. —. That every person who served in the military or naval service for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or who shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total inability to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application

for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

Mr. BLAIR. This section is also taken from the Mexican pension bill. The three sections which were last adopted as an amendment to this bill and the section adopted on the motion of the Senator from Nebraska comprise classes embraced also in the Mexican pension bill, whose right to assistance from the Government arises from the service rendered during the war of the rebellion. This section which I now move as an amendment is the principal section of the Mexican pension bill, applying to the soldiers of the late war. It has passed the ordeal of discussion in the Senate; it has been adopted by the Senate, and if these other classes which have been taken out of the Mexican bill are to be added to this bill, in all justice this section also should be adopted as an amendment to it.

Mr. RIDDLEBERGER. I wish to ask the Senator from New Hampshire whether to pass the amendments which have been proposed to this bill will not amount to about this, that it pensions all those who are provided for in the Mexican pension bill except those who served in the war with Mexico. That is the way it looks to me.

Mr. BLAIR. That is very likely so; but if this private bill which we are passing is to be made to carry as it already does three or four classes which are provided for in the Mexican pension bill, there is no justice whatever in leaving out the by far larger and certainly as meritorious class—that is to say, the soldiers themselves—provided for by that bill, who served in the late war.

Mr. MITCHELL. I presented the amendment which the Senate has adopted because I regard the questions it involved as practically undisputed. The amendment proposed by the Senator from New Hampshire is one which I understand has led to the difficulty experienced in the two Houses on the subject, and I am inclined to think that its adoption would defeat this bill. I have great hopes that the amendments already adopted may become a law and this bill be passed as it now stands. The amendment proposed by the Senator from New Hampshire if adopted will raise almost precisely the same question that is now in dispute in the other House. I shall myself vote against it.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire has once spoken.

Mr. BLAIR. I was proposing to ask the Senator from Pennsylvania a question before he takes his seat. I ask the Senator from Pennsylvania if the class provided by this section is not made up exclusively of the soldiers of the late war of the rebellion, and if in his belief it is not as just and as necessary that they should be provided for as the other class to which he has alluded.

Mr. MITCHELL. Yes. Mr. President, the amendment covers precisely what the Senator from New Hampshire suggests; but it ingrafts upon the statutes of the country a new principle in pension legislation, one about which there has been great difference of opinion and much dispute; and on that account I think it would be likely to lead to the defeat of the bill.

Mr. BLAIR. One question more. Let me ask the chairman of the committee if his own amendment adding the class that has just been added by the Senate, dependent parents or those who are disabled from any cause whatever provided they were parents, does not introduce the same new principle which, in the section I move as an amendment, we undertake to apply to all soldiers?

Mr. MITCHELL. No; it does not at all. It simply increases the rate of pension allowed dependent parents and changes the time in reference to the proof of dependence, and on that I have learned that there is no difference of opinion even in the other House.

Mr. BLAIR. I do not understand this matter as the chairman states it.

Mr. VAN WYCK. Only a word, Mr. President. I concur with the statement made by the chairman of the committee, the Senator from Pennsylvania. The idea which impelled me, as him, was that these matters which were really undisputed might have an opportunity to receive the concurrence of both branches and therefore become law. The disabled soldier of the war to-day receives a pension. The new principle to which I accord my judgment, as well as the Senator from New Hampshire, is that every soldier who served a certain length of time during the war should be pensioned. I say to my friend as substantially the Senator from Pennsylvania has said, that the danger is that that will imperil here the establishment of that which we all desire for a class placed on the Mexican pension bill by the Senate, soldiers who can not receive relief under the present law. That class of soldiers, I say to my friend, I believe in New Hampshire and throughout the Union ask to have their claim deferred until the next session of Congress, when there will be time to consider it, rather than that the claim of the widows and dependent parents should be put in peril or altogether rejected.

Mr. BLAIR. Time will tell about these things.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BLAIR. I suggest that the title be amended to read:

A bill for the relief of Sarah B. Jackson, and for other purposes.

Mr. HAWLEY. Can that title not be amended so as to give some sort of indication of what is in the bill? It gives no indication whatever. It contains very important legislation just now.

Mr. SHERMAN. Add "and to increase certain classes of pensions."

The PRESIDING OFFICER. The Chair will receive any proposition to amend the title that may be submitted.

Mr. HAWLEY. I move to amend by adding to the title the words suggested by the Senator from Ohio:

And to increase pensions in certain cases.

The PRESIDING OFFICER. If there be no objection, the title will stand as about to be reported by the Chief Clerk.

The CHIEF CLERK. The title as proposed to be amended will read:

A bill for the relief of Sarah B. Jackson, and to increase pensions in certain cases.

Mr. MITCHELL. And add to that "and for other purposes." There is another purpose in it.

The PRESIDING OFFICER. Does the Senator from Pennsylvania propose an addition to the title?

Mr. MITCHELL. I would suggest a different amendment than that which has been suggested.

The PRESIDING OFFICER. The title will stand as last reported by the Chief Clerk, unless some proposition to amend is made. It will again be read.

The CHIEF CLERK. "A bill for the relief of Sarah B. Jackson, and to increase pensions in certain cases.

Mr. MITCHELL. I move to strike out the word "and" in the title, and add at the end the words "and for other purposes."

The PRESIDING OFFICER. The title will be reported in accordance with the suggestion of the Senator from Pennsylvania.

The CHIEF CLERK. "A bill for the relief of Sarah B. Jackson, to increase pensions in certain cases, and for other purposes."

The PRESIDING OFFICER. Is there objection? If not, the title will stand as last reported.

WILLIAM HARBESON.

The bill (H. R. 4248) granting a pension to William Harbeson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Harbeson, of Reading, Pa., late a private in Company G, Sixth Pennsylvania Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALBERT D. SIMMONS.

The bill (H. R. 7295) granting a pension to Albert D. Simmons was considered as in Committee of the Whole. It proposes to put the name of Albert D. Simmons, late a private in Company E, One hundred and ninetieth Regiment Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANN J. WILLIAMS.

The bill (H. R. 6934) granting a pension to Ann J. Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann J. Williams, mother of Ebenezer Williams, late a private in Company A, First Regiment of Nevada Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PENSION BILLS.

Mr. PLUMB. If the pension bills have been disposed of, I move that the Senate proceed to the consideration of the bill (H. R. 8039) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDING OFFICER. Will the Senator pardon the Chair one moment? The Chair would state that two pension bills were temporarily passed over on the calling of the Calendar, in which reports of the minority had been made, but which were not adversely reported. The Chair awaits the pleasure of the Senate to ascertain whether these bills shall now be considered or whether they shall go over.

Mr. JACKSON. I suggest that they go over.

Mr. MITCHELL. They were within the order, not being reported adversely, but objections were made by the minority.

Mr. COCKRELL. The reports have not come in yet, and the bills can not now be discussed intelligently. I suggest therefore that they go over.

Mr. MITCHELL. The Senator from Illinois [Mr. CULLOM], who is interested specially in these cases and who reported them, I believe, is willing they should go over for the present.

The PRESIDING OFFICER. The two bills will go over.

Mr. MITCHELL. Retaining their places on the Calendar?

The PRESIDING OFFICER. Retaining their places on the Calendar.

Mr. CULLOM. The reports are not in, I believe.

The PRESIDING OFFICER. That being the order, the pension cases are concluded.

CREDENTIALS.

Mr. JONES, of Florida, presented the credentials of WILKINSON CALL, chosen by the Legislature of Florida a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406, of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office, reported by him from that committee on the 5th instant.

INTERNATIONAL LONGITUDE CONFERENCE.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported the following concurrent resolution, and submitted a report thereon:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President be authorized and requested to communicate to the governments of all nations in diplomatic relations with the United States the resolutions adopted by the international conference held at Washington, in October, 1884, for the purpose of fixing a prime meridian and a universal day, and to invite their accession to the same.

Mr. SHERMAN. That ought to be a joint resolution.

Mr. MILLER, of California. No; a concurrent resolution.

Mr. SHERMAN. There ought to be a title to it certainly.

Mr. MILLER, of California. Very well; I can have a title prefixed. I ask that it be printed, and I give notice that I shall call it up on Monday.

The resolution was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1856) granting a pension to Caroline Higgerson;
A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;
A bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover;
A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
A bill (H. R. 6029) for the relief of Jeremiah McCarty;
A bill (H. R. 6177) for the relief of Charles W. Green;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 7170) for the relief of Frederick Hutten;
A bill (H. R. 7292) to increase the pension of Jacob Wiener;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7538) granting an increase of pension to Mary F. Blake;
A bill (H. R. 7573) granting a pension to David McKinney;
A bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7735) for the relief of Henry A. Huggins;
A bill (H. R. 7903) granting a pension to Daniel B. Randall;
A bill (H. R. 7933) granting a pension to Henry Biederbick;
A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; and
A bill (H. R. 7997) to increase the pension of Mary E. Fillebrown.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER. I beg leave to make a report from the second conference committee of the two Houses on the bill for the protection of children in the District of Columbia. The bill has been returned from the House to-day. There is a correction of a clerical error made by this report.

The report was received and read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the Senate No. 729, for the protection of children in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

1. In line 20, page 1, of the bill, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight," so that the clause will read "in their presence or sight;" and the House agree to the same.

2. In line 27, page 2, of the bill, that in lieu of the word "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
Managers on the part of the Senate.
WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.

The report was concurred in.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. PLUMB. I move that the bill be read for amendment.

The PRESIDING OFFICER. That order will be taken if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in the item of appropriation "for salaries and contingent expenses," after the word "dollars," in line 24, to strike out the following words:

And the accounting officers of the Treasury are authorized and directed to adjust and settle equitably the accounts of the late commissioners, allowing such of the same as are manifestly just and proper.

And in lieu thereof to insert:

And the accounting officers of the Treasury are authorized and directed to credit the accounts of the ex-commissioners of the District of Columbia accruing since 1876 with all such disbursements and expenditures, made in good faith, heretofore disallowed in the settlement of the same, wherein it shall satisfactorily appear that the money was paid for goods sold and delivered, work and labor done, materials furnished; or services rendered to the District in accordance with contracts and agreements made in good faith on behalf of the District, and also to adjust and settle equitably said accounts, allowing such of the same as are manifestly just and proper.

Mr. PLUMB. In line 31 of the amendment reported by the committee, after the word "seventy," I move to strike out the word "six" and insert "eight;" so as to read "accruing since 1878" in place of "1876."

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the amendment of the Senator from Kansas to the amendment of the Committee on Appropriations.

Mr. PLUMB. The clause inserted by the House is relative to the adjustment of the accounts of the citizen commissioners whose terms have expired, Messrs. Morgan and Dent, and of the engineer commissioner, Major Twining, who some two years ago died. The Comptroller of the Treasury suspended items of account against them amounting to about $20,000, covering various expenditures for municipal purposes which they had made and which he decided were not within the purview of the acts making the appropriations.

They had allowed expenses of a certain character on the supposition that they had the ordinary municipal authority or discretion over the control of funds committed to them for expenditure. I will name a few of the principal items. One of them is $2,500 paid for interest on what is called the Linthicum loan—a loan of money due by the District. One thousand dollars was paid as the expenses of the National Firemen's Convention, held in the city of Washington. Certain sums were also paid as expenses to the chief of the fire department for examining into the fire-department systems of other cities. They used the contingent fund given to them to employ clerks to do certain necessary work about the District offices. The commissioners expended all of this money, but the Comptroller held that they had no authority to employ money in this way, inasmuch as all the clerks the law intended they should have had been specifically provided for; and so as to other items.

Among other items there was an item for subsistence furnished to the Reform School. In contracting for the supplies of the Washington Asylum the commissioners found that it was better to contract for a large quantity than for a small quantity, and they made a contract in behalf of the Washington Asylum for a large quantity of supplies which they proposed to transfer and did in fact transfer to the Reform School. The Comptroller held that they could not be paid for out of the appropriations for the Reform School, notwithstanding the supplies had gone there, because they had gone under a contract made for the Washington Asylum.

The Senator from Missouri [Mr. COCKRELL] and the Senator from Massachusetts [Mr. DAWES] and myself have for the last year during the time we have been associated together as members of the subcommittee of the Committee on Appropriations, having charge of this matter, examined thoroughly these accounts and the cause of their suspension, and arrived last year at the conclusion that the suspension ought to be removed, that the suspension was technical, that the District had had value received for all the expenditures, and that there was nothing in them to subject any of the commissioners to any charge of impropriety or lack of reasonable and proper vigilance. The clause as it came from the House, according to the view of the Comptroller, is not sufficient to accomplish the purpose had in view, and therefore the committee has reported a substitute for it.

Mr. MORGAN. Will the Senator explain why it is that he now proposes to change the date from 1876 to 1878?

Mr. PLUMB. Simply to cover the terms of the commissioners whom we have in view. The date 1876 was fixed by mistake. Eighteen hundred and seventy-eight covers the term of Messrs. Dent and Morgan, the civilian commissioners, and Mr. Twining, engineer commissioner.

Mr. MORGAN. Are there any previous commissioners whose case is the same?

Mr. PLUMB. Not that the committee is aware of. They have not been brought to our attention.

Mr. MORGAN. It seems to me to be a case of legislation on an appropriation bill.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move to amend the amendment in line 38 by striking out the words "such of the same as are manifestly just and proper" and inserting "all payments made for expenses incurred in good faith for the benefit of the District." That is the suggestion of the Comptroller of the Treasury as to the form of language necessary to accomplish the object.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for engineer's office," in line 129, after the word "animals," to insert "care of same;" and after the word "items," in line 130, to insert "and services, in all not to exceed;" so as to read:

Contingent expenses, including rent of property-yards, books, stationery, binding and preservation of records in the engineer's and surveyor's offices, printing, transportation (vehicles, animals, care of same, saddlery, forage and repairs), and other necessary items and services, in all not to exceed $5,000.

The amendment was agreed to.

The next amendment was, in line 131, after the word "for," to strike out "contingent" and insert "necessary;" so as to read:

For necessary expenses of office of inspector of gas and meters, for maintaining and keeping in good order and repair the laboratory and apparatus, $600.

The amendment was agreed to.

The next amendment was, after the word "That," in line 135, to strike out "hereafter;" so as to read:

Provided, That overseers or inspectors temporarily required in connection with sewer, street, or road work, or the construction or repair of buildings, done under contracts authorized by appropriations, shall be paid out of the sums appropriated for the work, and for the time actually engaged thereon.

The amendment was agreed to.

The next amendment was, after the word "annual," in line 142, to strike out "reports" and insert "report;" so as to read:

And the commissioners of the District, in their annual report to Congress, shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation.

The amendment was agreed to.

The next amendment was, in line 146, after the words "shall be," to strike out "public records" and insert "a part of the public property of the District of Columbia;" so as to make the proviso read:

Provided further, That the records of the surveyor of the District of Columbia shall be a part of the public property of the District of Columbia.

The amendment was agreed to.

The next amendment was, in the appropriations for "improvements and repairs, and for care and repair of bridges," after the word "dollars," in line 172, to insert:

Provided, That all moneys legally retained from contractors shall be invested and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury, to the credit of the United States and of the District of Columbia in equal parts.

Mr. PLUMB. I move to amend that by inserting in line 173, after the word "moneys," the words "shall have been or may hereafter be."

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

Mr. SHERMAN. The amendment just now read, it seems to me, is a very unjust provision to contractors, and an unjust discrimination against small contractors. Has that been acted on?

Mr. PLUMB. It has been acted on.

Mr. SHERMAN. I call attention to it. It begins in line 172 and runs to line 178.

The PRESIDING OFFICER. Does the Senator wish it acted on again?

Mr. SHERMAN. I should like to have it reconsidered.

The PRESIDING OFFICER. If there be no objection the vote by which the amendment was adopted will be regarded as reconsidered. The Chair hears no objection, and the question is on the amendment.

Mr. SHERMAN. I wish to know the object of this proviso. It seems to me to be a very unjust provision to contractors.

Mr. PLUMB. If the Senator is willing I will state the purpose of the amendment.

Mr. SHERMAN. I will hear the Senator, subject to the point of order, but I do not want to raise it if I can avoid it.

Mr. PLUMB. In that portion of the organic law of the District of Columbia which provides for the letting of contracts for the laying of pavements, &c., it is provided:

And that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts; and 10 per cent. of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per cent. shall be invested in registered bonds of the United States or of the District of Columbia, and the interest thereon paid to said contractors.

This difficulty has arisen in a case in which four or five years ago a purchase of bonds was made out of the 10 per cent. retained from a paving contract and the contractors had meanwhile kept up the repairs. A question arose as to whether the contractors or the Government were entitled to the profit which had been realized by reason of the investment in bonds, the bonds in the mean time having appreciated in value. The Treasury Department held that the Government was entitled to the profit, but suggested a suit to determine the question. Thereupon a suit was brought. The statement I make now is that made to the committee by the commissioners of the District of Columbia. Suit was brought, and three of the judges of the supreme court of the District of Columbia said on the hearing that they had no doubt the Government was entitled to the profit and not the contractors, because in the event that the bonds had declined the contractors would have been fairly entitled to have received the money value of the 10 per cent. retained, and could not have been required to take the bonds which had a less value than the reserved 10 per cent. But before the decision was formally rendered the contractors dismissed the suit and brought the matter again before the Treasury Department, where, after going through all the forms and before all the officers before whom it could be brought, including the Secretary of the Treasury, a similar decision was reached. Thereupon the Treasurer, who was then the custodian of the bonds, paid to the contractors the 10 per cent. which had been retained and covered the balance into the Treasury to the credit of the United States. At the same time the Treasurer made the discovery, or claimed to have made the discovery, that the law did not require him to remain as the custodian of these bonds, and he therefore compelled the commissioners themselves to take the bonds, which they did, and rented a box in the safe-deposit company, where they are now kept.

The matter was brought to the attention of the committee with the request on the part of the commissioners that a provision should be inserted which would require the Treasurer himself to keep these bonds, as being a safer and more proper depositary than the board of commissioners of the District, and for the purpose of providing that hereafter one-half the profit, whatever it may be, of this retained fund should go to the District of Columbia and one-half to the United States. It was for the purpose of providing that the Treasurer himself should be the custodian of these bonds instead of having them in the custody of the commissioners, as it is now, that the amendment was inserted.

Mr. SHERMAN. The statement of the Senator is precisely what I am informed is the true status of this matter. It seems to me it is a clear violation of the rights of these contractors and a palpable infringement and change of existing contracts. The present law under which these contracts were made requires the investments to be made and interest to be paid to the contractors. That is a stipulation in the law. Ten per cent. on a contract, especially if it is a large contract, say one amounting to $50,000, would require a deposit of $5,000. That is the money of the contractor earned apparently in the execution of his contract. By the terms of that contract this money is to be invested in Government securities for his benefit. It is his money. The amendment proposes to take that money, the accretions of the bonds, the interest of the bonds, and divide it between the District of Columbia and the United States. It does not belong to the United States.

Mr. PLUMB. The court so decided.

Mr. SHERMAN. But there has been no final decision. The suit was withdrawn for the purpose of trying to make an arrangement. I do not know anything about it except what I have heard. I understand that a suit was commenced upon the terms of the contract for the recovery of the interest; but as there was a hope of settling it in the Treasury Department, the matter being still under consideration there, the suit was withdrawn. These contractors have now a right to sue for the money in the Court of Claims, or in any court of competent jurisdiction. I suppose they could sue for the money; it is their money under the express terms of the contract.

I think that rather than deal with this question at all we had better leave it to the courts. I look upon this as a palpable infringement of the contract. It might be applied as a rule for the future by saying that in all future contracts the money shall be deposited in the Treasury, and that no interest shall be allowed; but these contracts expressly provide that the money shall be invested for the benefit of the contractors, and that they shall have the interest. I ask the Senator to be kind enough to read that clause of the charter again.

Mr. PLUMB. The clause reads as follows:

And 10 per cent. of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per cent. shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors.

Mr. SHERMAN. That is perfectly plain. It is evident that these contractors are entitled to the interest. It may be, however, that on account of the high price of the bonds no interest could accrue, because the diminution of the premium may be more than the interest.

I think the best way is to leave this matter to stand upon the con-

tracts as they exist and to leave the parties their remedy and not to seek by legislation to change it. If the Senator from Kansas had changed the provision so as to apply only to future contracts, I should have no objection to it, because the bids may be made with a view to the loss of interest on 10 per cent. of the money due on the contract for the period of five years, as the whole of it must be deposited for five years. If that is understood by the contractor when he makes his contract he has no right to complain; but as to existing contracts it seems to me perfectly clear that you are proposing to take money which belongs to the contractors, money earned under a law by which they were to have the interest on it, and that the Government was simply to act as a trustee for their benefit.

Therefore, as the amendment is plainly objectionable on the ground that this is legislation attached to an appropriation bill, I shall make that point against it, leaving these parties to their remedy in the courts. I think there will be no injustice done if that course is pursued.

Mr. PLUMB. Let me say that the committee have proceeded not on the theory that they were establishing new rules, but they were simply conforming to the rule already established, first by the Secretary of the Treasury, and second by the board.

The Senator from Ohio says there has been no final judgment rendered; but that the contractor himself prevented it by withdrawing his suit.

Mr. SHERMAN. I do not know who the contractor was.

Mr. PLUMB. In that case also the transaction has been settled, because the contractor accepted from the Government his money and the Treasurer proceeded to deposit the premium. The contractor also had the interest, by the way, but the Treasurer proceeded and deposited the premium to the credit of the United States.

Two things the committee designed to do. They designed to restore this deposit to the Secretary of the Treasury. Now it is in the hands of the commissioners of the District. The committee did not think that was wise. In the next place they proposed that whatever profit is derived hereafter, it having been decided that it did not belong to the contractor, should go, half to the Government and half to the District, and not all to the Government of the United States. Of course if we adopt the amendment the contractors will have a perfect right to bring their suit anyhow, as I think, so far as that part of it goes.

Mr. SHERMAN. I do not want by law to undertake to change a contract.

Mr. PLUMB. I have no objection to the Senator making the point of order and letting the provision go entirely out of the bill.

Mr. SHERMAN. I do not know but what the United States might have the benefit of the advance in the bonds.

Mr. PLUMB. That is all they have.

Mr. SHERMAN. Certainly the interest is accruing on those bonds.

Mr. ALLISON. If the Senator from Ohio thinks this provision affects the interest I will suggest to him to add the words "including interest."

Mr. PLUMB. Yes, I will agree to put in the words "including interest" after the words "due to contractors."

Mr. SHERMAN. The Senator will see that it is worded so that all the interest or all the profit growing out of this investment inures to the District of Columbia and the United States.

Mr. PLUMB. Will the Senator agree to such an amendment, putting in after the word "contractors" the words "including interest?"

Mr. ALLISON. It would then read, "in excess of the amounts due to contractors, including interest."

Mr. SHERMAN. "Including interest accruing on said bonds." That will answer.

Mr. PLUMB. That was precisely the purpose the committee had in view.

Mr. SHERMAN. It now reads, "or shall be realized from such investments in excess of the amounts due to contractors." The interest is not due to the contractor.

Mr. ALLISON. The law says the 10 per cent. shall be deposited, and during the deposit the contractor shall have the interest.

Mr. SHERMAN. Let it read, "in excess of the amounts due to contractors for the said sum, and the interest thereon." Then I shall be perfectly willing to agree to it.

Mr. PLUMB. Insert after the word "contractors" the words "including interest on said bonds." I think the Senator's first suggestion is the best.

Mr. SHERMAN. "Including all interest on said bonds while so held." I have no objection to that.

The PRESIDING OFFICER. Does the Senator from Ohio suggest an amendment to the amendment of the committee?

Mr. SHERMAN. I do. The Senator from Kansas will state it.

Mr. PLUMB. After the word "contractors," in line 176, add the words:

Including the interest accruing on said bonds while so held.

Mr. SHERMAN. That is right. That will save them their legal rights. If they claim more than that, and claim the benefit of a rise in the value of the bonds, I do not think they will have any right to that.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 176, after the word "contractors" in the proposed amendment, insert:

Including all interest on said bonds while so held.

So as to read:

And any sum which has been or shall be realized from such investment in excess of the amounts due to contractors, including all interest on said bonds while so held, shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts.

The amendment to the amendment was agreed to.

Mr. SHERMAN. Even as amended there is some doubt whether this would not be a violation of the contract, because this is obligatory to invest in United States bonds, and one of the advantages of investment in United States bonds is the accretion of the premium. But I do not stand upon that, so long as the language of the contract is complied with and observed. I think that will probably meet my objection.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 182, after the word "dollars," to strike out—

For replanking and repainting Anacostia Bridge, $5,500; for two draw-keepers at Anacostia and Benning's Bridges, at $720 each—

And insert—

Draw-keeper at Anacostia Bridge, $720.

The amendment was agreed to.

The next amendment was, in line 189, to reduce the total amount of the appropriations "for ordinary care of Benning's, Anacostia, and Chain Bridges," &c., from $15,600 to $9,380.

The amendment was agreed to.

The next amendment was, in the appropriations "or Reform School," to increase the item for compensation of "superintendent of chair-shop" from $600 to $720.

The amendment was agreed to.

The next amendment was, in line 241, after the word "exceeding," to strike out "five" and insert "four;" and in the same line, after the word "number," to strike out "one thousand and eighty" and insert "nine hundred and sixty;" so as to read:

Watchmen, not exceeding four in number, $960.

The amendment was agreed to.

The next amendment was, in line 243, to increase the total amount of appropriations for salaries of officers and employés of Reform School, from $11,550 to $11,616.

The amendment was agreed to.

The next amendment was, in line 251, after the word "items," to strike out "including compensation for additional labor or services;" so as to make the clause read:

For support of inmates, including groceries, flour, meats, dry-goods, leather and shoes, gas, fuel, hardware, tableware, furniture, farm implements and seeds, harness and repairs to same, fertilizers, stationery and books, plumbing, painting and glazing, medicines and medical attendance, stock, fencing, and other necessary items, all in the discretion of the commissioners of the District, $25,000; and the proper accounting officers of the Treasury are hereby authorized to close the accounts of the Reform School for the fiscal years 1883 and 1884, if the same can be done without the payment of any money from the Treasury; and hereafter all the revenues derived from the labor of the inmates and from the products of the farm shall be paid into the Treasury of the United States, to the credit of the United States and the District of Columbia in equal parts.

The amendment was agreed to.

The next amendment was, in line 282, to reduce the appropriation "for the National Association for Destitute Colored Women and Children," from $7,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 286, to insert:

To aid the Association for Works of Mercy, District of Columbia, in the purchase of buildings and grounds, $10,000.

The amendment was agreed to.

The next amendment was, in line 292, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For the purchase or construction of a building for the National Homeopathic Hospital of the District of Columbia, $15,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 295, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For the construction of an additional building for the National Association for Destitute Colored Women and Children, $18,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in the appropriations "for Metropolitan police," in line 354, before the word "privates," to strike out "ninety" and insert "one hundred;" so as to read:

One hundred privates, class 1, at $900 each.

The amendment was agreed to.

The next amendment was, in line 380, to increase the total amount of the appropriations "for Metropolitan police" from $335,220 to $344,220.

The amendment was agreed to.

The next amendment was, in line 385, after the words "to be," to

strike out "kept under the control of the commissioners and be invested in United States or District bonds" and to insert:

Invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District.

So as to make the clause read:

Provided, That hereafter the commissioners shall deduct $1 each month from the pay of each policeman, which sum so deducted shall be added to and form a part of the present police fund, to be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District.

The amendment was agreed to.

The next amendment was, in the appropriations "for the fire department," in line 409, after the word "one," to strike out "secretary" and insert "clerk;" so as to read:

One clerk, $900.

The amendment was agreed to.

The next amendment was, in line 414, to reduce the appropriation for compensation of "two tillermen" from $900 each to $800 each.

The amendment was agreed to.

The next amendment was, in line 419, to reduce the appropriation "for fuel" from $2,250 to $2,000.

The amendment was agreed to.

The next amendment was, in line 421, to reduce the appropriation for "forage" from $6,000 to $5,500.

The amendment was agreed to.

The next amendment was, in line 425, after the word "furniture," to insert "fixtures;" and in line 427, after the word "items," to strike out "six" and insert "seven;" so as to read:

Contingent expenses, including office-rent, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, $7,500.

The amendment was agreed to.

The next amendment was, in line 429, to increase the total amount of appropriations "for the fire department" from $108,100 to $108,150.

The amendment was agreed to.

The next amendment was, in line 431, after the word "each," to strike out "employé of fire department" and insert "fireman;" in line 432, after the word "fund," to strike out "under the control of the commissioners;" in line 434, after the word "bonds," to insert "in manner provided in this act for the police fund;" and after the word "any," in line 435, to strike out "employé of fire department" and insert "fireman;" so as to make the proviso read:

Provided, That hereafter the commissioners shall deduct $1 each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, and be invested in United States or District bonds in manner provided in this act for the police fund, and shall be used for the relief of any fireman who, by accident, while in actual performance of duty, or by service not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such accident, leaving a widow or children under 16 years of age, for their relief.

The amendment was agreed to.

The next amendment was, in line 442, after the word "one," to strike out "employé of fire department" and insert "fireman;" and in line 446, after the word "any," to strike out "employé of fire department" and insert "fireman;" so as to read:

Provided further, That such relief shall not exceed for any one fireman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District.

The amendment was agreed to.

The next amendment was, in the appropriations for "public schools," before the word "thousand," in line 482, to strike out "forty-nine" and insert "fifty-nine;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and other necessary items, $559,930, namely.

The report was agreed to.

The next amendment was, before the word "thousand," in line 495, to strike out "eighty-five" and insert "ninety-five;" so as to make the clause read:

For teachers, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $570, $365,000.

The amendment was agreed to.

The next amendment was, in line 502, before the word "at," to strike out "one new building" and insert "Dennison buildings;" so as to read:

For janitors, and care of the several school buildings: For care of the high-school building, $1,600; of the Jefferson building, $1,400; of the Franklin building, $1,100; of the Force, Seaton, Henry, Webster, Gales, Peabody, Wallach, Garnett, Sumner, Analostan, and Dennison buildings, at $900 each.

The amendment was agreed to.

The next amendment was, after the word "buildings," in line 532, to insert "and for all other buildings provided for in this act;" so as to make the clause read:

For buildings for schools: For the purchase of sites, when necessary, and the erection and completion of new buildings, and for furniture for new school buildings, $80,000: *Provided*, That the plans and specifications for each of said buildings, and for all other buildings provided for in this act, shall be prepared by the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the commissioners of the District, and said buildings shall be constructed by the commissioners in conformity therewith, and shall be contracted for and finished by the 1st day of July, 1886.

The amendment was agreed to.

The next amendment was, in the appropriations for "health department," after the word "dollars," at the end of line 562, to insert "repair of pest hospital, $600."

The amendment was agreed to.

The next amendment was, in line 563, to increase the total amount of the appropriations for the "health department" from $43,530 to $44,130.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. PLUMB. The committee amendments now having been adopted I move, on page 5, line 97, after the word "thousand," to insert "two hundred," so as to make the salary of the assistant inspector of buildings $1,200. I make that motion on the request of the commissioners.

The amendment was agreed to.

Mr. PLUMB. The total of the paragraph should be increased to correspond.

The PRESIDING OFFICER. Will the Senator state in what line?

Mr. PLUMB. In line 135, so as to make the total read $65,690 instead of $65,490.

The amendment was agreed to.

Mr. PLUMB. I move to insert after line 152:

For the purpose of defraying the expenses of the assessment of the real property of the District of Columbia, as provided by the act of March 3, 1883, $15,000.

The amendment was agreed to.

Mr. PLUMB. On page 14, line 314, I move to insert the words "purchase of and" before the word "repairs;" so as to read:

Purchase of and repairs to pumps.

The amendment was agreed to.

Mr. PLUMB. On the same page, line 311, after the word "forty," I move to insert "five," so that the appropriation for "current work on county roads and suburban streets" shall be $45,000 in place of $40,000, and the total should be changed in line 315.

Mr. MORGAN. I ask the Senator from Kansas to explain why it is that he wants $5,000 more for county roads and suburban streets?

Mr. PLUMB. All I know about it is that the commissioners state that they have some work to be done which comes properly within this appropriation which requires its increase from $40,000 to $45,000.

Mr. MORGAN. They ought to come in here with statements that the committee can exhibit.

Mr. PLUMB. If the Senator thinks it ought not to go in I have no objection to letting it go out.

Mr. MORGAN. Let it go out then.

Mr. PLUMB. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PLUMB. On page 17, line 393, I move to strike out "accident while in actual performance," and insert "injuries received or disease contracted in line;" so as to read:

And said police fund shall be used for the relief of any policeman who by injury received or disease contracted in line of duty or by service not less than fifteen years, &c.

The amendment was agreed to.

Mr. PLUMB. In line 396, I move to strike out the word "accident" after the word "such," and insert "injury or disease;" so as to read:

And in case of his death from such injury or disease.

I will state that these amendments are made on the suggestion of the policemen whose fund this is, being derived from their salaries.

The amendment was agreed to.

Mr. MORGAN. There should be a comma after "widow," in line 396.

Mr. HOAR. Is it the intention of the paragraph to require the disability to be caused by the policeman serving more than fifteen years? Suppose he serves thirty or forty years and becomes disabled by old age?

Mr. PLUMB. I understood this covers the whole class of cases where a man is disabled by injury received or disease contracted in the line of duty, or where he——

Mr. HOAR. I inquire whether it really expresses that meaning.

Mr. PLUMB. That was the intention.

Mr. HOAR. It reads:

And said police fund shall be used for the relief of any policeman who, by accident while in actual performance of duty or by service not less than fifteen years, shall become so permanently disabled, &c.

Which would require that the service should have caused the disability.

Mr. PLUMB. That was the intention.

Mr. HOAR. But suppose a man had served thirty years and has become disabled by old age, would you give him then the benefit of

the fund? Would it not be well to say that "having served not less than thirty years shall become permanently disabled."

Mr. PLUMB. "Or not having served less than fifteen years."

Mr. HOAR. Yes. I suppose if a man has served fifteen years and has become permanently disabled, and has become a charge upon the service by reason of the disability, it is the intention to give him the benefit of this fund, although the service has not caused the disability. As it is now expressed, it would require the disability to be caused by the service.

Mr. PLUMB. I shall not object to the amendment if the Senator will propose it.

Mr. HOAR. Will not the Senator from Kansas propose his own language?

Mr. PLUMB. At the end of line 393 strike out "by service" and insert "having served." That expresses the idea of the Senator from Massachusetts.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 393, after the word "or," it is proposed to strike out "by service" and insert "having served;" so as to read:

And said police fund shall be used for the relief of any policeman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, &c.

The amendment was agreed to.

Mr. PLUMB. I move to add at the close of line 612, on page 26—

And hereafter the supply of Potomac water may be extended to points in the District beyond the limits of Washington and Georgetown upon like terms and conditions as are provided by law for the supply of the same in those cities.

The amendment was agreed to.

Mr. PLUMB. I ask to have inserted in the RECORD the appendix which is referred to in the provision of the bill making appropriations for the streets.

The PRESIDING OFFICER. It will be so ordered if there be no objection.

The paper referred to is as follows:

APPENDIX *Gg*.

In relation to the estimates of the commissioners of the District of Columbia. (See page 192.)

IMPROVEMENT AND REPAIR.

SCHEDULE OF WORK PROPOSED TO BE EXECUTED DURING THE FISCAL YEAR 1886.

CLASS A.—*Replacement of wood.*

Street.	From—	To—	Square yards.	Cost per square yard.	Total cost.
Fifteenth street northwest	S street	U street	3,910	$2 25	$9,255 00
Eighteenth street northwest	K street	L street	1,429	2 25	3,400 00
Nineteenth street northwest	K street	M street	3,740	2 75	10,740 00
Twenty-second street northwest	K street	M street	2,806	2 25	6,700 00
Twenty-third street northwest	K street	M street	2,920	2 25	6,920 00
New Hampshire avenue northwest	P street	Q street	2,710	2 25	6,097 00
Total Class A			17,515		43,112 00

CLASS B.—*Replacement of rubble.*

Fifth street northwest*	D street	G street	4,151	$2 25	$11,819 00
Sixth street northwest*	Missouri avenue	Louisiana avenue	4,457	2 25	10,728 00
Tenth street northwest*	D street	E street	1,493	2 25	4,865 00
Fourteenth street northwest*	Pennsylvania avenue	F street	1,645	2 75	5,957 00
C street northwest*	Fourth-and-a-half street	Seventh street	4,150	2 25	14,865 00
H street northwest*	Fourth street	Seventh street	5,060	2 25	15,274 00
I street northwest*	Eighth street	Ninth street	830	2 25	2,448 00
I street northwest*	Tenth street	Eleventh street	860	2 25	12,315 00
Total Class B			22,646		68,271 00

CLASS C.—*Laying new pavements.*

Sixth street southeast	East Capitol street	South Carolina avenue	9,305	$2 25	$22,021 00
A street southeast	Third street	Sixth street	3,637	2 25	8,603 00
Fifth street northeast	East Capitol street	Maryland avenue	4,600	2 25	12,300 00
Sixth street northeast	East Capitol street	Massachusetts avenue	4,600	2 25	11,000 00
B street northeast	Fourth street	Sixth street	2,800	2 25	6,650 00
Third street southwest*	Virginia avenue	F street	1,853	2 25	6,000 00
Tenth street southwest	B street	Maryland avenue	3,000	2 25	7,100 00
C street southwest	Ninth street	Fourteenth street	7,928	2 25	20,463 00
Thirty-first street, Georgetown*	P street	U street	5,230	2 25	17,700 00
O street, Georgetown	Twenty-eighth street	Thirty-second street	5,813	2 25	13,745 00
Total Class C			48,766		125,582 00

CLASS D.—*Grading and regulating.*

Eighth street southeast	Pennsylvania avenue	East Capitol street			$8,000 00
E street southeast	Third street	Eleventh street			10,300 00
G street southeast	Third street	Eleventh street			12,000 00
South Carolina avenue southeast	Third street	Eleventh street			9,600 00
D street northeast	North Capitol street	Maryland avenue			9,100 00
Eighth street southwest	C street	Water street			9,100 00
Thirteenth street northwest	T street	Boundary street			6,000 00
New Jersey avenue northwest	M street	Boundary street			11,000 00
Vermont avenue northwest	R street	Boundary street			8,000 00
For filling up any streets below the established grade, provided the cost in no instance shall exceed 10 cents per cubic yard					5,000 00
Total Class D					88,100 00

NOTE.—The cost of grading, in addition to the cost of pavement proper, is included in the total cost on all the streets in Classes A, B, and C. On streets marked thus, *, the cost of curbing and sidewalks is also included. "Grading and regulating" includes grading, laying sidewalks with curbstones and gutters, and graveling or macadamizing the roadway. Asphalt pavements are estimated to cost $2.25 per square yard, and granite-block pavements $2.75 per square yard. The above estimates do not include the work within two feet of railroad-tracks, which will be paid for by the railroad companies.

RECAPITULATION.

	Sq. yds.	Cost.			Amount.
Class A	17,515	$43,112	Southeast section		$70,524
			Northeast section		39,060
Class B	22,646	68,271	Southwest section		42,663
			Northwest section	$1,36,383	
Class C	48,766	125,582	Georgetown section	31,445	
					167,828
Class D		88,100	Filling		5,000
Total		325,065	Total		325,065

The bill was reported to the Senate as amended.

Mr. SHERMAN. I call for the separate consideration of the amendment on page 8. I ask to have it read in order to modify the language somewhat and call the attention of the Senator from Kansas to it. I ask that that amendment be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In line 173, after the word "dollars," the following proviso was added:

Provided, That all moneys which have been or which may hereafter be legally retained from contractors shall be invested and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors, including all interest on said bonds, shall be deposited in the Treasury, to the credit of the United States and of the District of Columbia in equal parts.

Mr. SHERMAN. To make clear and certain the amendment which was put in at my suggestion, instead of the words inserted in line 176 I will ask that the clause be amended so as to use these words instead of those I offered. My only desire is to carry out the same idea and make it so clear that there will be no controversy. In line 176, after the word "contractors," I wish to insert:

Including the interest on such bonds that has accrued or shall accrue before the full payment to such contractors.

Mr. PLUMB. That is entirely satisfactory.

The amendment to the amendment was agreed to.

Mr. SHERMAN. That gives them the interest and the Government the profit, whatever it is.

The amendment as amended was concurred in.

The remaining amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY ALLEN.

Mr. PLUMB. I ask unanimous consent that the vote by which the bill (H. R. 2100) granting a pension to Mary Allen was indefinitely postponed yesterday be reconsidered and the bill placed on the Calendar.

The PRESIDING OFFICER. If there be no objection that order will be made.

ORDER OF BUSINESS.

Mr. DOLPH. I move to take up for consideration House bill No. 7004, Order of Business 1001, being the bill to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. ALDRICH. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Under the existing order of the Senate it becomes the duty of the Chair to lay before the Senate the unfinished business, being House bill No. 4976, for the retirement and recoinage of the trade-dollar, pending which the Chair will present bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., was read twice by its title, and referred to the Committee on Claims.

SAINT CROIX RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CONGER. I move that the Senate insist on its amendments and grant the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CONGER, Mr. MCMILLAN, and Mr. VEST were appointed.

ORDER OF BUSINESS.

Mr. BECK. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] has been recognized.

Mr. BECK. The unfinished business having been laid before the Senate, I merely desire to say that being a member of the Committee on Finance, and not agreeing with the majority of the committee, I wish to say something in regard to the subject on Monday, when it comes up. I do not want to take the floor unless I am entitled to it; but if I am, I should like when the bill comes up again to be recognized.

The PRESIDING OFFICER. The Chair has previously recognized the Senator from Oregon, who was interrupted by laying messages before the Senate.

Mr. BECK. I beg pardon; I was not aware of that.

Mr. DOLPH. If it is the understanding that the present order of business is to be concluded at this time, of course I do not want to antagonize it; but I do not want other bills to be considered before that is disposed of, to the exclusion of the bill referred to by me; therefore I make the motion to take up for present consideration the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. DAWES. Does the Senator from Kentucky propose to go on to-night?

Mr. BECK. No, I do not. I propose when the silver bill is called up on Monday to have the floor.

Mr. DAWES. If the Senator from Kentucky does not wish to proceed to-night I should like to call up a bill which I think will cause no debate.

The PRESIDING OFFICER. A motion to proceed to the consideration of another bill is not, under the rules, open to debate.

Mr. DOLPH. I withdraw my motion.

Mr. DAWES. If the Senator from Kentucky does not desire to go on now, I ask that the unfinished business be informally laid aside that I may call up Order of Business 1112.

The PRESIDING OFFICER. The Chair will state that the Senator from Kentucky is recognized by the Chair as entitled to the floor when the unfinished business shall be resumed.

Mr. BECK. I am satisfied with the announcement of the Chair.

Mr. DAWES. Now I ask unanimous consent for the consideration of the bill I have named.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of Order of Business 1112, being the bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes. Is there objection to the present consideration of this bill?

Mr. HARRIS. I do not think we can consider that bill this evening.

Mr. DAWES. Does the Senator desire to object to it?

Mr. HARRIS. I think it is a bill perhaps too important to be considered at this hour of the evening.

Mr. DAWES. If the Senator thinks it will cause debate, I do not want to take time.

Mr. HOAR. I rose to move to proceed to the consideration of executive business, but I do not want to interfere with my colleague.

Mr. DAWES. If the Senator from Tennessee thinks this bill will cause debate, I shall not urge that it be taken up now.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. HAMPTON. May I ask the Senator from Massachusetts to withdraw that motion for a moment?

Mr. HOAR. Certainly.

TENEDORE TEN EYCK.

Mr. HAMPTON. I have a bill that has been at the head of the Calendar for several weeks, and I am sure that it will not take five minutes to consider and pass it, and I should be very glad to have action upon it to-night, if possible.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the Senate at the present time consider a bill. Will he name it?

Mr. HAMPTON. If it leads to any debate I shall consent to its postponement. It is the bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers. I think, with a word of explanation, that bill will lead to no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from South Carolina?

Mr. HOAR. Let the bill be read informally for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT. Is there a report in that case? If so, let it be read.

Mr. HAMPTON. If Senators will allow me, I think I can save time by an explanation of two or three minutes, which will cover all that is in the report, which is quite a long one. I hope that will be satisfactory. I propose to do it only to save time.

This gentleman went before the retiring board, having a very severe illness. He was examined, and the board, while admitting that his disease was of a very serious character, thought that it was not permanent. He was therefore not recommended for retirement, and was dropped subsequently from the rolls of the Army; but an examination by a very large number of physicians—all their affidavits are in the report—proved that up to six days before the examination, and from that day to this, he has been a confirmed invalid. The only obstacle in the way at all was that the retiring board had given an adverse verdict upon the case.

One of the members of that board, General Miles, is now in the city, and I communicated with him upon the subject and submitted to him the affidavits of all these eminent surgeons, and he writes this:

EBARTT HOUSE, *Washington, D. C., January 22, 1885.*

MADAM: In regard to your husband's retirement from the Army in 1871, I can only say that, to the best of my recollection, he appeared before the retiring board at Leavenworth, Kans., in the autumn of 1870, of which I was a member. The report of the medical officers who examined him was that his disability was not of a permanent nature. From what I can learn of his case since I have no doubt that his disease was not temporary but of a chronic order.

Respectfully,

NELSON A. MILES.

Mrs. T. TEN EYCK.

Assistant Surgeon-General Perrin was one of the medical officers who thought the disease was not permanent. I received a dispatch from him. Somebody had sent him a copy of the report of the Military Committee.

FORT SNELLING, MINN., *February 3, 1885.*

To Senator WADE HAMPTON,
United States Senate, Washington:

Have received the report of your committee. From the affidavits therein given it appears that the diseases from which Captain Ten Eyck suffered at the time he was before the retiring board have proven permanent in character. The short time he was before the board gave little opportunity of judging of the permanency or chronic nature of the diarrhea. It is not unlikely that the board may have erred in its findings.

G. PERRIN,
Assistant Surgeon-General United States Army.

I will say further, and I am sure that will satisfy the whole Senate, that my friend, the Senator from Missouri [Mr. COCKRELL], who is on the committee and was originally opposed to this bill, upon seeing these letters and telegrams from the Assistant Surgeon-General, has admitted the justness of this claim, and said he would go for the bill, and I am sure if he goes for it nobody in the Senate will make any objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HOAR. I now renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 7, 1885.*

The House met at 12 o'clock m., Mr. BLACKBURN in the chair as Speaker *pro tempore*. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

OFFICERS AND CREW OF STEAMER CORWIN.

Mr. SINGLETON, by unanimous consent, reported back favorably from the Committee on the Library the joint resolution (H. Res. 317) proposing the thanks of Congress to Capt. M. A. Healy and the officers and crew of the revenue-marine steamer Corwin; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CLERK TO COMMITTEE ON ACCOUNTS.

Mr. DOCKERY. I ask unanimous consent to offer a resolution for reference.

The SPEAKER *pro tempore*. The resolution will be read subject to objection.

The Clerk read as follows:

Resolved, That from and after March 1, 1885, the clerkship to the Committee on Accounts be an annual clerkship, with compensation fixed at $2,000 per annum.

Mr. HEWITT, of Alabama. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. HEWITT] objects to the reference of this resolution.

INTERSTATE COMMERCE.

Mr. REAGAN. I ask unanimous consent to take from the Speaker's table, with a view of having a disagreement in the amendments of the Senate, House bill 5461, known as the "interstate-commerce bill."

Mr. WASHBURN. Mr. Speaker, we do not understand the request of the gentleman from Texas [Mr. REAGAN].

The SPEAKER *pro tempore*. The gentleman from Texas asks to take from the Speaker's table House bill 5461 in order that Senate amendments thereto may be disagreed to and a committee of conference appointed. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to prohibit unjust discriminations by common carriers.

The SPEAKER *pro tempore*. The gentleman from Texas asks to take this bill from the Speaker's table with a view of reaching a conference with the Senate.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I object.

The SPEAKER *pro tempore*. Objection is made.

JACOB PINDLE.

Mr. OATES, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House pay to Jacob Pindle out of the contingent fund of the House the sum of $50 per month for services rendered in the bath-room of the House of Representatives during the second session of the Forty-eighth Congress.

ANTE-BELLUM POST-OFFICE WARRANTS.

The SPEAKER *pro tempore*. The Chair, if there be no objection, will lay before the House several executive communications and personal requests.

There was no objection.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Sixth Auditor, asking an appropriation to pay ante-bellum post-office warrants; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF HOT SPRINGS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Interior of an appropriation for the protection and improvement of Hot Springs; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a supplemental report on certain Indian depredation claims; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DAMAGES FOR COLLISION WITH UNITED STATES STEAMER.

The SPEAKER *pro tempore* also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy relative to a claim for damages resulting from collision of a Japanese junk with United States steamer Ashuelot; which was referred to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF RED-CROSS CONFERENCE.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives of the United States:

I transmit herewith a communication from the Secretary of State, submitting, at the request of a delegate of the United States to the third international conference of the Red Cross, held in September, 1884, a copy of the preliminary report of that conference.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 2, 1885.*

WITHDRAWAL OF PAPERS.

Mr. VAN ALSTYNE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Daniel Leary.

JAMES H. BLOUNT.

On motion of Mr. WHITE, of Kentucky, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of James H. Blount without leaving certified copies.

JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position; when the Speaker signed the same.

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS, MO.

The SPEAKER *pro tempore*. Under the rule, the Chair will now entertain a motion to take up bills and joint resolutions for consideration, the order beginning at twenty-two minutes past 12 o'clock. The first bill in order is the unfinished business coming over from yesterday, which is House bill 6881 on the Private Calendar, for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., reported with an amendment, and which the gentleman from Missouri [Mr. O'NEILL] asks be taken up for consideration.

Mr. O'NEILL, of Missouri. I will yield to my colleague [Mr. BROADHEAD], in whose district the college referred to was located. Their present college is in mine.

The SPEAKER *pro tempore*. Debate on both sides under the rule has been exhausted, and the question now is, Is there objection to the present consideration of the bill?

Mr. HOLMAN. Has the ten minutes of debate been exhausted?

The SPEAKER *pro tempore*. It was exhausted on yesterday in the

reading of the report. Is there objection to the consideration of the bill?

There was no objection.

The question then recurred on the pending amendment to strike out "35" and insert "20;" so that it will read:

That there be paid to the trustees of the Christian Brothers' College, of Saint Louis, in the State of Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, in full compensation for the use and occupation of the buildings and lands of said college during the late war by the United States troops and for injury to and destruction of property belonging to said trustees by said troops.

The amendment was agreed to.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that it had receded from its amendments to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

It further announced the passage of the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, with amendments; in which concurrence was requested.

It further announced the passage of the bill (S. 2511) relating to claims agents and attorneys in pension cases; in which concurrence was requested.

APPRAISEMENT AND SALE OF LOTS, PERU, IOWA.

Mr. PAYSON. Mr. Speaker, I call up for present consideration from the House Calendar a bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa.

The bill was read, as follows:

Whereas under an act approved July 2, 1836, and an act amendatory thereto, approved March 3, 1837, entitled "An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevue, Dubuque, and Peru, in the county of Dubuque," &c., certain disposition was therein provided for the lands set off for such towns; and

Whereas the site for the said town of Peru, in the year 1840, and the lots thus reserved, have been settled upon by *bona fide* settlers, who have made valuable improvements thereon: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States appoint three commissioners, any two of whom shall be a quorum to do business, who, before entering upon the discharge of their duties, shall take an oath to faithfully perform the same. Said commissioners shall have power, and it is hereby made their duty, to view said lots and appraise their value, not taking into consideration the improvements thereon; after which appraisement the proper register and the proper receiver shall expose said lots to public sale to the highest bidder, after advertising the same in three public newspapers at least three months, reserving from such sale such lots as, according to the records of the General Land Office, have already been paid for or patented: *Provided*, That the actual settlers upon said lots who have made valuable improvements thereon shall first be entitled to purchase the same at their appraised value.

SEC. 2. That said commissioners shall each be entitled to $5 per day for each day actually employed as provided above, to be paid by the receiver of public moneys of the proper land district.

The SPEAKER *pro tempore*. Discussion is now in order for ten minutes; five minutes on each side.

Mr. PAYSON. Mr. Speaker, a bill identical with this has twice passed the Senate. It was unanimously reported from the Committee on the Public Lands in the Forty-seventh Congress, and this bill is reported unanimously by that committee in this Congress. The lands affected by it lie in the district of my friend from Iowa [Mr. HENDERSON], and he having personal knowledge of the facts connected with it, I yield to him the time for explanation.

Mr. HENDERSON, of Iowa. Mr. Speaker, this bill is local in its character. I desire to say, in the first place, that it passed in the Forty-sixth Congress, passed the Senate in the Forty-seventh Congress, but failed of passage in the House of Representatives for the sole reason it was not reached on the Calendar.

In 1836, on July 2, it was provided that certain lots should be laid out for the town of Peru, in Dubuque County; my own county. It ran along until 1841, when it was discovered instead of being able to build a town at Peru, the city of Dubuque, four miles off, had sprung up, owing to its peculiar location and the attraction of the lead mines. This defeated the building of a town at Peru, and it was wholly abandoned, and the section of land was settled upon by squatters, and has been occupied since 1840–'41. The squatters hold no title whatever, and it has paid no taxes to the county of Dubuque or the State of Iowa.

This legislation, which has been recommended by the Commissioner of the General Land Office, as detailed in the report, is for the sole purpose of appointing commissioners to appraise the value of the lots, not taking in consideration the improvements thereon, and that the *bona fide* settlers upon said lots—and they are occupied by gardeners who supply the market of the city of Dubuque—shall first be entitled to purchase the same at their appraised value.

That is the whole purpose of the bill. The county attorney of Dubuque County and other citizens of the county have asked Senator ALLISON of the Senate, and myself in the House, to exert ourselves to secure the passage of the bill. It is desired by everybody there that it shall pass. The land-owners themselves desire it, because they prefer to have their titles vested rather than go on making improvements with this uncertainty resting upon them. The county of Dubuque and the State of Iowa desire it, because then they can compel the owners of this land, or the families resident upon it, to pay taxes as well as the rest of the citizens of the State. That is the whole purpose of the bill.

I will yield now for any gentlemen who may desire to ask any questions, if there be any present who feel any trouble about the matter.

The bill, I repeat, is purely local in its character.

Mr. WELLER. I ask for the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Iowa can demand the reading of the report in the time allowed for debate in opposition to the bill, but not in the time of the gentleman from Illinois, who has two minutes of his time remaining.

Mr. PAYSON. May I say to the gentleman from Iowa that this report simply recommends the passage of the bill and embodies in it a letter from the Commissioner of the General Land Office recommending its passage.

Mr. WELLER. Owing to the confusion prevailing in the Hall I can hear the report read much better than the statement of the gentleman himself.

The SPEAKER *pro tempore*. Does the gentleman from Iowa desire to occupy his time?

Mr. PAYSON. I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The Chair then will recognize the gentleman from Iowa on the right of the Chair for five minutes in opposition.

Mr. WELLER. In that time I request the report to be read.

The report (by Mr. LEWIS) was read, as follows:

The acts of July 2, 1836, and March 3, 1837 (5 Statutes, pages 70 and 178), provided for the sale of the lots in five towns in the then Territory of Wisconsin, including the town of Peru, mentioned in said bill. The act of 1837 authorized certain commissioners to adjudicate all pre-emption claims to any of the lots in the towns in question, and thereafter the proper local officers were empowered to expose the residue of the lots to public sale under the regulations in the third section of the said act of 1837. The lands selected for the town of Peru were parts of sections 25, 26, 35, and 36, township 90 north, range 2 east. The town was laid off into 267 lots of various sizes, with intersecting streets and alleys.

The first lot was sold April 26, 1841; and from that time until October 7, 1853, eighty-one lots were disposed of to the several claimants under the third section of said act of 1837. The entries covering said lots were all patented December 1, 1846, except two, which were patented October 19, 1853, and the patents transmitted to the local office, then at Dubuque, and it is supposed they were all delivered to the patentees. The town of Peru is now wholly abandoned as a town, and the land is wholly occupied for farming purposes by settlers who have no title, the title remaining in the Government. It has been wholly abandoned as a town, and is unsuited for that purpose.

The Commissioner of the General Land Office, in response to an inquiry made in reference thereto by the Hon. W. B. ALLISON, on the 19th of December, 1881, wrote the following letter:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 19, 1881.

SIR: I am in receipt of your letter of the 12th instant, covering a letter addressed to you by W. J. Castillon, esq., dated Dubuque, December 6, 1881, relative to the town site of Peru, in Dubuque County, Iowa, and stating that a petition had been forwarded asking for legislation looking toward the disposal of the land embraced in said town site. In your letter it is stated that "this land is wholly occupied for farming purposes by settlers who have no title, the title remaining in the Government. It has been wholly abandoned as a town, and is unsuited for that purpose. I think a bill ought to be prepared looking to a sale of this property. It probably should be appraised and the settlers permitted to take it at the appraised value; they failing to do so, to be sold to the highest bidder."

In reply I have the honor to advise you that the matter of the disposal of the land in question has frequently been the subject of correspondence with members of the Senate and House of Representatives, with a view to the passage of a law providing for the sale of said town sites. The acts of July 2, 1836, and March 3, 1837 (5 Stats., 70 and 178), provided for the sale of the lots in five towns in the then Territory of Wisconsin, including said town of Peru. The said act of 1837 authorized certain commissioners to adjudicate all pre-emption claims to any of the lots in the towns in question, and thereafter the proper local officers were empowered to expose the residue of the lots to public sale, under the regulations in the third section of the said act of 1837.

The land selected for the town of Peru—the same being parts of sections 25, 26, 35, and 36, township 90 north, range 2 east—was laid out into two hundred and sixty-seven lots of various sizes, with intersecting streets and alleys. On April 26, 1841, the first lot was sold, and from that time until October 7, 1853, eighty-one lots were disposed of to the several claimants under the third section of said act of 1837, as will be seen by the inclosed schedule. The entries covering said lots, sixty-one in number, were all patented December 1, 1846, except two, which were patented on October 19, 1853. The patents were all transmitted to the local land office, then at Dubuque, and it is supposed that they were all delivered to the proper parties. I inclose a diagram of the town plat, showing the whole number of lots, with the word "sold," in red ink, marked upon the lots disposed of. I inclose also a diagram of a portion of the township plat, showing the location of the town site.

Under the state of facts as above presented this office can not, in view of the rights of the purchasers, whose names appear in the schedule, recommend that the whole town site be sold, but would urge that some law looking toward the disposal of all the lots remaining unsold should be passed by Congress. The lapse of time since the sale of a lot and the enhanced value of the land suggests the advisability of legislation which will provide for the appraisal of the remaining lots and their sale to the highest bidder at public auction. The rights

of the settlers, who, it is alleged, are now residing on the land, should be protected in such a way as Congress, in its wisdom, may direct.

Here follows a list of the indicatrices to accompany this communication, viz:

Diagram of town site, marked A.
Diagram of township plat, part, marked B.
Schedule of purchasers of lots, marked C.

I also return Mr. Cantillon's letter.

Respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. W. B. ALLISON,
United States Senate.

On these lands are squatted a number of people paying no taxes for State or county purposes, though they have enjoyed the use of these lands for years. At the same time these squatters are anxious to get title to the places that they are on. Considering these facts, and following the recommendation of the Commissioner, your committee beg leave to report back the bill and recommend that the same do pass.

The SPEAKER *pro tempore.* The gentleman from Illinois has two minutes of his time remaining.

Mr. PAYSON. I do not desire to occupy the time, as I think it is not necessary.

The SPEAKER *pro tempore.* Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN V. B. BLEECKER.

Mr. TALBOTT. I ask leave to take from the Speaker's table Senate bill No. 1335, to authorise the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy, and put the same upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury of the United States be, and they are hereby, directed, in settling the accounts of the late John V. B. Bleecker, a paymaster in the United States Navy, to credit him with the amount charged against him on their books, namely, $5,531.36.

Mr. WARNER, of Ohio. Is there a report accompanying this bill?

Mr. TALBOTT. There is a report. I will say that this bill passed the Senate unanimously, and the report was adopted unanimously by the Committee on Naval Affairs.

Mr. WARNER, of Ohio. I ask that the report be read.

The report is as follows:

The facts in this case are as follows:

Paymaster Bleecker was, at the request of Admiral D. D. Porter, commanding the Mississippi squadron, ordered to duty as purchasing paymaster of that squadron June 8, 1864, and entered upon that duty at Mound City about July 1, 1864.

When he received these orders he was just recovering from a severe attack of illness, incurred by long and arduous service as fleet paymaster in the Gulf squadron. Although far from well, he did not ask for sick-leave, but hastened to carry out his orders.

Paymaster Bleecker remained on duty at Mound City, Ill., until the last of October the same year. At that time he was so ill with typhoid fever that he was sent to his home in New York city, where he died on the 8th of November, 1864, three days after his arrival. His clerk was compelled to accompany him to New York, and, consequent to such a hurried departure, no time was had to place any one in charge of his office. His papers, accounts, vouchers, bills, personal effects, &c., were left behind, and, no one properly looking after them, were hurriedly and confusedly packed in boxes and shipped to the Fourth Auditor for adjustment and settlement. His widow states that she has never been able to obtain his personal effects. The Fourth Auditor states that his accounts as rendered show that Paymaster Bleecker, while on duty as purchasing paymaster, Mississippi squadron, received moneys from the United States amounting to $[illegible], and disbursed upon three hundred and eighty-four vouchers the sum of $[illegible], and there was returned to the Government $[illegible], leaving apparently unaccounted for $[illegible]. This balance was reduced, however, by credits allowed him, $183, and by an error in his account of 50 cents against him, leaving the amount charged against him on the books of the Treasury Department $[illegible].

In collecting his papers, many vouchers and receipted bills for stores purchased were undoubtedly lost or destroyed, which if they could have been found would have satisfactorily accounted for the apparent deficit now held in said Bleecker's accounts.

His entire record from his entry into the naval service in 1847 is an excellent one. His accounts have always been rendered promptly and satisfactorily, and as an evidence that the accounting officers do not think there was any criminal intent on the part of Paymaster Bleecker it need only be said that he has now been dead twenty years, and they have never taken any steps toward compelling his bondsmen to make up the apparent indebtedness to the Government of the United States. The committee call special attention to this fact, and believe it will be accepted as conclusive evidence that Bleecker never entertained an idea of defrauding the Government which he so faithfully served, and to which he gave his life.

His widow is poor and has a family; she prays Congress to annul this amount charged against her late husband; she does not wish to have his name handed down as a defaulter, and takes a becoming pride in wishing to wipe out this apparent dishonor of the father of her children.

Congress has passed several bills relieving paymasters of similar charges held against them on the books of the Government.

In the Forty-fifth Congress a law passed for the relief of Paymaster Cushing, who had charged against him $[illegible]; in the Thirty-ninth Congress there was enacted a law for the relief of Paymaster James Fulton; in the Forty-sixth Congress a bill for the relief of Pay-Director Cunningham, whose clerk (an officer for whom he was responsible) embezzled funds under the paymaster; and again in the Forty-seventh Congress an act was passed relieving Edward K. Winship, an acting assistant paymaster, of funds charged against him to the extent of $[illegible].

Your committee, therefore, recommend the passage of this bill, believing it to be but a simple act of justice.

The record of service of the late Paymaster Bleecker is herewith given:

Abstract of the services of J. V. B. Bleecker, late paymaster United States Navy, commissioned a purser in the Navy January 16, 1847.

March 13, 1847.—To the steamer Union.
May 25, 1847.—Detached and settle accounts.
July 16, 1847.—To the Relief.
August 11, 1848.—Detached and settle accounts.
July 7, 1849.—To the Vandalia.
October 12, 1852.—Detached and settle accounts.
June 25, 1853.—To the Decatur.
September 21, 1853.—Transferred to the Dale.
January 17, 1856.—Detached from Dale and settle accounts.
April 1, 1856.—To receiving-ship at Boston.
April 30, 1858.—Detached, and to the Macedonian 15th May.
July 14, 1860.—Detached and settle accounts.
September 1, 1860.—To the navy-yard Portsmouth, N. H.
August 8, 1863.—Detached October 1 and wait orders.
October 3, 1863.—To the East Gulf squadron as fleet paymaster.
May 20, 1864.—Detached and wait orders.
June 8, 1864.—To Mississippi squadron as purchasing paymaster.
Died at New York November 8, 1864.
Total sea service—Nine years, ten months, twenty days.
Total shore duty—Five years, four months.

[During the reading of the report the hammer fell.

The SPEAKER *pro tempore.* The time allowed for debate in support of the bill has expired.

Mr. WARNER, of Ohio. I take the floor for the time allowed in opposition, and ask that the reading of the report be concluded.

The Clerk resumed and concluded the reading of the report as above.]

Mr. WARNER, of Ohio. I desire to ask the gentleman in charge of this bill if this is the same bill that passed the Senate?

Mr. TALBOTT. Yes, sir; and reported unanimously from the Senate committee, as well as from the House committee.

The SPEAKER *pro tempore.* Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRAWBACK ON CERTAIN IMPORTED MATERIAL.

Mr. RUSSELL. I ask to call up the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported.

The bill is as follows:

Be it enacted, &c., That section 3019 of the Revised Statutes be amended so that it will read:

"SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid, when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury; and all provisions of law inconsistent herewith are hereby repealed."

Mr. MILLS. I make the point of order that that bill was called up under this rule for consideration the other day and was rejected.

The SPEAKER *pro tempore.* What point does the gentleman make?

Mr. MILLS. That it is not competent to call up a bill under this rule which has been called up and refused to be considered.

The SPEAKER *pro tempore.* The Chair does not understand that the point of order is good in its application to the operation of this rule. This bill is on the Calendar, and the gentleman has the right to call it up.

Mr. MILLS. Can the gentleman offer the same bill repeatedly under this rule?

The SPEAKER *pro tempore.* The Chair does not know of anything in the rule to prevent any gentleman who is recognized from offering the same bill, if he shall see proper to do so.

Mr. MILLS. I think there ought to be, if there is not, some limit, so that he shall not ask day after day to consider the same bill.

Mr. WELLER. I raised the same question of order the other day, and I should like to have a decision of the Chair upon it.

The SPEAKER *pro tempore.* The Chair decided it then, and overrules the point of order now.

The gentleman from Massachusetts is recognized for five minutes in support of the bill.

Mr. RUSSELL. I propose to submit an amendment to the bill.

Mr. WELLER. I wish to inquire if the time for offering objections has arrived?

The SPEAKER *pro tempore.* It has not. The Chair will call for objection after the time for debate has expired.

The Chair will state to the gentleman from Massachusetts that the time has not arrived for offering amendments to the bill, as it is not yet before the House.

Mr. RUSSELL. I yield two minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. This bill simply proposes that instead of 10 per cent. being retained upon all goods manufactured wholly of foreign material, the drawback shall be 100 per cent. This policy, Mr. Speaker, has long obtained. The law at present allows a drawback of 90 per cent. upon all goods manufactured of foreign material. This bill proposes to allow 100 per cent. The 10 per cent. at present retained was originally provided for in order to pay the expenses of collecting the drawback.

In the case of sugar the amount of cost has been found to be not as much as 1 per cent., and consequently heretofore the law has been so changed as to allow 99 per cent. to be refunded on sugars. This bill proposes to allow 100 per cent. on everything.

In committee I preferred that the drawback should be 99 per cent., and that the Government should retain 1 per cent. to indemnify it against the cost of collection. But the 1 per cent. is a matter of little or no importance.

The principle of the bill is simply this: To allow foreign material imported here to be marked up by our own people for exportation without any duties being charged by the Government. I can not see how it will injuriously affect any interest in this country. It will simply result in giving employment to a larger number of workmen without affecting the general interests of the business of the country. The amount of foreign material that can be imported into this country and worked up into manufactures for exportation will never be very large so long as labor with us is higher than it is in foreign countries.

The SPEAKER *pro tempore.* The gentleman from Massachusetts [Mr. RUSSELL] has two minutes of his time remaining.

Mr. RUSSELL. I desire to say that this bill is in the interest of American manufactures and American labor. The present law provides that when an article manufactured wholly of imported material on which a duty has been paid and the manufactured article is exported, it is entitled to a drawback of 90 per cent. This bill provides that the whole amount of duty on the imported material shall be paid back, which enables us to more successfully compete with many articles of domestic manufacture in a foreign market; and I hope that this—being in the interest of American labor—bill will pass.

Mr. DINGLEY. Will the gentleman from Massachusetts for one moment permit an inquiry?

Mr. RUSSELL. Certainly.

Mr. DINGLEY. As I understand, the law since 1799 has provided for a drawback of 90 per cent. on all articles imported for manufacture when re-exported. And I understand the only amendment proposed is to make the drawback 100 per cent. instead of 90.

Mr. RUSSELL. That is the effect of it.

The SPEAKER *pro tempore.* The Chair recognizes the gentleman from Texas [Mr. MILLS] to control the time in opposition to the bill.

Mr. MILLS. A long time ago a law was made that 90 per cent. of the duty paid on all articles entering into manufactures that were re-exported should be refunded to the party paying the tax. That has been the policy of the Government for many years. It is proposed now by this bill to give to the manufacturer the whole of the money that he pays on the raw material entering into the manufactures that are re-exported. The doctrine has been stated by the gentleman from Alabama [Mr. HERBERT] this morning that that 10 per cent. was retained in order to pay the cost of collection. I have always understood all taxes were imposed by the Government of the United States for the purpose of raising revenue. But now we are told this tax was imposed simply to pay the expense of collection. Here is the position assumed by the manufacturers: They are in favor of free trade as far as it concerns all raw materials which they buy in order to manufacture goods to sell in the open markets of the world, and they are opposed to every reduction of taxation on the finished product that the people of the United States have to consume. That is just the proposition of this bill; to give to the manufacturers absolute and unconditional free trade in all the materials entering into the manufacture of their products, while you charge the people of the United States 100, 110, 120, 140, and 150 per cent., and refuse all the time to permit the reduction of one farthing on the necessaries of life to the poorest part of our population. I hope there are gentlemen enough in this House who have not bowed their knees to Baal to prevent the consummation of such a purpose.

Mr. WELLER. There are.

Mr. HERBERT. I wish to ask the gentleman from Texas [Mr. MILLS] has it not been the rule in all administrations from the beginning of the Government to allow this drawback—even in the Walker tariff?

Mr. MILLS. Ninety per cent. has been the rule all the time.

Mr. HERBERT. In all administrations. And I ask the gentleman further: Will he deny that the 10 per cent. retained was for the purpose of paying the cost of collection?

Mr. WASHBURN. I wish to ask the gentleman from Texas whether this changes the principle of paying drawbacks.

Mr. MILLS. It changes the principle as far as the paying back of the 10 per cent. is concerned.

Mr. WASHBURN. Then you should change it altogether.

Mr. WELLER. I should like to hear the report read.

Mr. MILLS. Oh, no; let us vote.

Mr. WELLER. I withdraw the demand for the reading of the report.

Objections being called for, more than the requisite number of members objected.

PUBLIC BUILDING AT NEW ALBANY.

Mr. STOCKSLAGER. I call up the bill (S. 1040) to provide for the construction of a public building at New Albany, Ind.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise procure, a suitable site for a public building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys, and cause to be erected thereon, at the city of New Albany, in the State of Indiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, the internal-revenue service, and the post-office; the plans and estimates for said building having first been prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, upon calculations and specifications that will insure the completion of the building at a contract to exceed the sum of $100,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States jurisdiction over the same for all purposes during the time the Government shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

Mr. STOCKSLAGER. In 1857, when the construction branch of the Treasury Department was under the control of Captain Bowman, an engineer officer of the Army, he recommended the construction of a public building at the city of New Albany. He also repeated that recommendation in 1858 and 1859. Since that time the city has more than doubled in population and commercial importance. Thirteen years ago Federal courts were established there. This bill, or a similar one, was favorably reported in the Forty-sixth and Forty-seventh Congresses. The present bill has passed the Senate unanimously. A similar bill has been reported to this House and considered in the Committee of the Whole House on the state of the Union, and after full discussion it passed that committee by a vote of 151 to 20. I hope there will be no objection to this bill and that it will pass.

Mr. WARNER, of Ohio. Is there a report?

Mr. STOCKSLAGER. Yes, sir.

Mr. WARNER, of Ohio. Let it be read.

Mr. STOCKSLAGER. I have it here. It is the report on the House bill, not on the Senate bill. If the gentleman from Ohio [Mr. WARNER] desires it read; I ask that it be read in his time.

Mr. WARNER, of Ohio. No. I want to offer an amendment to the bill.

Mr. HOLMAN. I wish to suggest to my colleague [Mr. STOCKSLAGER], as chairman of the Committee on Public Buildings and Grounds, that one of the most serious objections to bills of this class is that there is never any certainty that the amount appropriated will finally complete the building.

Mr. STOCKSLAGER. I suggest to my colleague that that is not the fault of Congress. This bill is now carefully guarded on that point.

Mr. HOLMAN. I hope we will make it the fault of Congress if it occurs hereafter. With a view of obviating that objection to this bill, I shall move to amend by striking out the remainder of the paragraph after the words "United States," in line 15, and inserting the amendment which I send to the desk and ask the Clerk to read.

The SPEAKER *pro tempore.* The Chair will inform the gentleman from Indiana [Mr. HOLMAN] that the bill is not before the House.

Mr. HOLMAN. I am making a suggestion to my colleague [Mr. STOCKSLAGER] as to this amendment, and I wish the Clerk to read the language now contained in the paragraph after the words "United States," as I have indicated, and the amendment which I propose.

The Clerk read a portion of the bill, as follows:

Upon calculations and specifications that will insure the completion of the building at a cost not to exceed the sum of $100,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. The Clerk has read enough. Now I ask my colleague to accept an amendment which I will ask the Clerk to read.

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which plan and specifications shall not involve an expenditure, in the erection and completion of said building and the approaches thereto, exceeding the portion of said $100,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. Mr. Speaker, the real trouble with these appropriations for public buildings, the thing which excites indignation all over the country, is, that when an appropriation is made for the erection of a building at a given cost it nearly always happens that a large portion of the sum appropriated is expended for the site, combinations are formed; and Congress is called upon for additional appropriations. It is to correct that evil in this case that I propose this amendment, and I hope my colleague [Mr. STOCKSLAGER] will accept it.

Mr. STOCKSLAGER. Mr. Speaker, I desire to say that so far as I am concerned I would have no objection at all to this amendment, but——

The SPEAKER *pro tempore.* The gentleman's time has expired.

Mr. STOCKSLAGER. The remarks of my colleague [Mr. HOLMAN] were not to be taken out of my time.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana [Mr. STOCKSLAGER] is exhausted.

Mr. STOCKSLAGER. Mr. Speaker, it was distinctly stated that the time occupied by my colleague [Mr. HOLMAN] was not to be taken out of my time.

The SPEAKER *pro tempore*. The gentleman's colleague [Mr. HOLMAN] controls the time on the other side, and probably the gentlemen can arrange as to the time.

Mr. HOLMAN. I think the time that I consumed should not be charged to my colleague [Mr. STOCKSLAGER].

Mr. STOCKSLAGER. Mr. Speaker, I merely want to suggest that that amendment is right in principle, but I do not——

Mr. WILLIS. If the gentleman in charge of this bill [Mr. STOCKSLAGER] will permit me, I will suggest that he is putting the bill "in a hole," because when an amendment is adopted here the bill must go back to the Senate.

Mr. STOCKSLAGER. That is the difficulty. The amendment is right in itself; but if it were adopted the bill would have to go back to the Senate, and at this late day in the session it probably could not be considered there. If it were a House bill, or if it were earlier in the session, I should accept the amendment without hesitation.

Mr. HOLMAN. I guess the Senate can act upon it.

Mr. STOCKSLAGER. The Forty-sixth and Forty-seventh Congresses adopted a form of bill for public buildings which, as completely as seemed practicable, limited the amount of the original appropriation, and this goes a step further in the same direction.

The amendment offered by my colleague [Mr. HOLMAN] is right in itself, but I trust he will not press it, because if this bill is amended and goes back to the Senate it can not be considered at this session.

Mr. WARNER, of Ohio. Mr. Speaker, I was about to offer an amendment to this bill——

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Ohio [Mr. WARNER] that the bill is not before the House.

Mr. WARNER, of Ohio. I was about to offer an amendment (to be read in my time) of the same purport as that which has been suggested by the gentleman from Indiana [Mr. HOLMAN], but as his covers the ground I withhold mine.

I wish, however, to offer a few reasons and present a few facts to show why such an amendment should be adopted upon every bill of this kind. I desire to cite from the report of the Supervising Architect of the Treasury Department some figures on this subject.

In the case of the post-office at Harrisburg, Pa., the cost was originally limited to $160,000. For that building there has already been appropriated $410,000. In the case of the building at Nashville, Tenn., the cost was originally limited to $150,000, and there have been appropriated for that building $424,000. For the court-house at Pittsburgh, Pa., the limit of cost was originally fixed at $300,000. Eight hundred thousand dollars have already been expended upon that building, and this House recently passed a bill appropriating—how much more? A million more, I believe. In the case of the court-house at Parkersburg, Va., the cost was originally limited to $150,000, and $243,000 have been appropriated.

The SPEAKER *pro tempore*. The time for debate on this bill has expired.

Mr. WARNER, of Ohio. There are a dozen other cases of this kind which I might state if time were allowed.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BENNETT. I object.

Mr. HOLMAN. I trust my colleague [Mr. STOCKSLAGER] will accept the amendment I have suggested.

Mr. STOCKSLAGER. It may be offered and voted upon.

Mr. WARNER, of Ohio. I have no objection to the bill if the amendment be accepted.

Mr. STOCKSLAGER. I have no objection to the amendment being offered and voted upon by the House, but do not like to accept it for the reasons I have stated.

Objections being called for, thirteen members objected.

The SPEAKER *pro tempore*. Objection being made by more than ten members, the bill is not before the House.

ALTAR, ETC., FOR CATHOLIC CHURCH, CARROLLTOWN, PA.

Mr. CAMPBELL, of Pennsylvania. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill which I send to the desk and that it be now considered and passed.

The Clerk read as follows:

A bill (H. R. 7356) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of import duty thirteen cases of church regalia imported by Dugoleiedt & Co., August 25, 1884, in the steamer Weser, from Bremen to New York, marked "L. C. B.," and numbered from 680 to 692, inclusive, containing a Gothic altar, with stations for the same, imported by order and for the exclusive use of the Catholic church at Carrolltown, Pa.

The SPEAKER *pro tempore*. Ten minutes are now allowed for the discussion of this bill.

Mr. CAMPBELL, of Pennsylvania. I will not now occupy the time of the House by discussing the bill. The simple reading of it explains its purpose. I do not think there will be any objection to its consideration.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WELLER. I call for the reading of the report.

The report (by Mr. HISCOCK) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 7356) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa., have had the same under consideration, and respectfully report:

That the proposed remission of duty is upon articles exclusively for the use of a religious institution, and not for sale, and following a precedent established by the passage of many such claims, the committee recommend the enactment of this bill into law.

Mr. WELLER. I have no objection to the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BROWNE, of Indiana. There is objection.

Mr. WARNER, of Ohio. Was there discussion on this bill?

The SPEAKER *pro tempore*. The opportunity was offered, but no gentleman took the floor to debate the bill.

Mr. WARNER, of Ohio. I wished simply to ask a question—why the articles named in the bill can not be admitted free of duty under the existing law without a special act? Upon articles imported for charitable or religious purposes there is no duty imposed by the law, as I understand.

Mr. CAMPBELL, of Pennsylvania. It was supposed that these articles would come in free of duty, but the ruling of the Treasury Department was otherwise; hence the necessity of the passage of this bill.

Objections being called for, only five members objected.

The SPEAKER *pro tempore*. The bill is now before the House for consideration. The first question is upon ordering it to be engrossed and read a third time.

The question being taken, there were—ayes 105, noes 7.

Mr. SKINNER, of North Carolina. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from North Carolina, Mr. SKINNER, and the gentleman from Pennsylvania, Mr. CAMPBELL.

The House again divided; and the tellers reported—ayes 157, noes 14.

So the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CAMPBELL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. DORSHEIMER. I call up for present consideration the joint resolution (S. R. 4) to provide for settlement of accounts with the Mobile and Ohio Railroad Company.

The joint resolution was read, as follows:

Whereas by act of Congress approved February 27, 1875, entitled "An act to provide for settlement with certain railway companies," the Secretary of War and the Attorney-General were authorized to make such abatements in the accounts of the companies named in said act as they might find just; and

Whereas the Secretary of War and the Attorney-General having determined and agreed upon a basis for such abatements and settlements, it was found that the Mobile and Ohio Railroad Company had so far paid its accounts that the abatements determined upon would not only extinguish the balance claimed against said company, but would also require the return of a portion of the money already paid by it; and

Whereas the said act not making any appropriation or provision for the return of any money, no settlement was made with the Mobile and Ohio Railroad Company as contemplated by said act, and its accounts still remain unadjusted and unsettled: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed jointly to adjust and finally settle the accounts of the United States with the Mobile and Ohio Railroad Company for property received from the United States in the years 1865 and 1866, as provided for in the act of Congress approved February 27, 1875, and upon the same basis of settlement and upon the same terms and conditions as was done with other companies included in said act.

SEC. 2. That when said accounts have been adjusted, if it shall be found that the adjustment upon the basis herein provided for requires the return of any money heretofore paid by the Mobile and Ohio Railroad Company on said accounts, the Secretary of War be, and he is hereby, authorized and directed to issue his warrant on the Treasury of the United States in favor of said company for the amount of money so to be returned; and the amount necessary for such purpose is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. WELLER (during the reading of the joint resolution). Mr. Speaker, I make the point that the hour for the consideration of bills under this order has expired.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The Clerk concluded the reading of the joint resolution.

The SPEAKER *pro tempore*. The hour has now expired. The gentleman from New York [Mr. DORSHEIMER] will be recognized again when this order is reached.

Mr. DORSHEIMER. This will come up in the next hour under this order?

The SPEAKER *pro tempore*. It will come up in the hour of Monday next.

QUESTION OF PRIVILEGE.

Mr. GIBSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GIBSON. During the discussion yesterday on the river and harbor bill, a colloquy occurred between the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] and the gentleman from Tennessee [Mr. YOUNG]. It struck me at the time there was misapprehension on the part of both gentlemen as to what was said. Since that time I have carefully examined the RECORD, and I have had conversations with both gentlemen as well as other gentlemen on this floor, and I am satisfied a statement——

Mr. BROWNE, of Indiana. I rise, Mr. Speaker, to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. I make the point that the gentleman from West Virginia is not stating any question of personal privilege.

The SPEAKER *pro tempore*. As far as the gentleman has gone the Chair does not think he is stating any question of personal privilege.

Mr. GIBSON. I could not make myself understood without first making a preliminary statement.

Mr. KEIFER. For how long a time?

Mr. GIBSON. I will be brief.

The SPEAKER *pro tempore*. The Chair will ask the gentleman to state his question of personal privilege.

Mr. GIBSON. There was language used which was taken to be a reflection on a member of this House by another member.

Mr. KEIFER. Was it on you?

Mr. GIBSON. Yes; on me partially. I can not see why any gentleman should object——

Mr. CANNON. Mr. Speaker, I wish to know if it is in order for me to ask by unanimous consent that pending the consideration of the river and harbor appropriation bill every gentleman upon the floor who may desire to do so shall have the right to print in the RECORD whatever he may choose, as a matter of personal privilege, so as not otherwise to take up the time and attention of the House. If so, I will ask unanimous consent for that purpose. ["Good!"]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. SKINNER, of New York. Yes, I object.

The SPEAKER *pro tempore*. The gentleman from West Virginia will state his question of personal privilege.

Mr. GIBSON. I was about to state that in the language used yesterday it appeared the gentleman from Tennessee [Mr. YOUNG] reflected on members of the Committee on Rivers and Harbors as well as on the chairman of that committee.

Mr. STORM. Did he reflect on you?

Mr. GIBSON. Yes; for I am a member of that committee.

Mr. BROWNE, of Indiana. I still insist on my point of order.

The SPEAKER *pro tempore*. And the Chair feels compelled to sustain the point of order, as the gentleman from West Virginia, in the judgment of the Chair, has not stated any question of personal privilege. [Cries of "Regular order!"]

Mr. GIBSON. I will try then to restate it.

The SPEAKER *pro tempore*. The Chair must recognize the gentleman from West Virginia [Mr. WILSON] to a privileged report.

PROTECTION OF CHILDREN.

Mr. WILSON, of West Virginia. I submit the following privileged conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the Senate No. 729 "for the protection of children in the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

I. In line 20, page 1 of the bill, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight," so that the clause will read "in their presence or sight;" and the House agree to the same.

II. In line 27, page 2 of the bill, that in lieu of the word "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.
H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the House to the bill of the Senate 729 "for the protection of children in the District of Columbia, and for other purposes," submit the following statement in explanation of the conference report:

I. In section 2 of the original bill authority was conferred on certain officers "to arrest without warrant all persons violating within their view any law relating to or affecting the protection of children," &c. The Senate striked out the words "within their view" the words "in their presence," as inappropriate. The Senate agreed to this amendment with the addition of the words "or sight," so that the clause will read, line 20, page 1 of the bill, "in their presence or sight;" and the House concurred to this addition.

II. In section 4 of the bill it was made criminal "to entice, decoy, place, or take any female child under the age of 21 years into any house of ill-fame," &c. The House substituted "16 years" for "21 years." Both Houses now agree on "18 years."

WM. L. WILSON,
E. JEFFORDS,
J. THOS. SPRIGGS,
Managers on the part of the House.

Mr. WILSON, of West Virginia. I ask the adoption of that report.

The report was adopted.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. YOUNG. Mr. Speaker, I desire to correct some inaccuracies in the RECORD of this morning, and that may involve incidentally the necessity of correcting myself somewhat.

Mr. KEIFER. That can only be done by unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Tennessee has a right to correct the RECORD.

Mr. KEIFER. That is, if he states the RECORD reports him inaccurately then that is a correction of the RECORD.

Mr. YOUNG. If the gentleman will let me alone I will state briefly what I desire.

Mr. KEIFER. It is a question of privilege to correct the RECORD.

The SPEAKER *pro tempore*. The gentleman said that was his object.

Mr. YOUNG. Who decides the question, the gentleman from Ohio, or the Chair?

Mr. KEIFER. If the gentleman is so facetious about it, the Chair has been trying to be very kind to him——

The SPEAKER *pro tempore*. The gentleman from Tennessee will state his correction.

Mr. KEIFER. He stated he rose to a correction of the RECORD. I understood him to say that he rose to a question of privilege to correct himself.

Mr. YOUNG. Is it not a question of personal privilege to correct the RECORD?

Mr. KEIFER. No, sir.

Mr. YOUNG. I do not understand what a question of privilege is, then.

The SPEAKER *pro tempore*. The gentleman will address the Chair.

Mr. YOUNG. Mr. Speaker, what I wish to say in brief is this: The RECORD this morning reports me as saying in my remarks yesterday that I had had a conversation with every member on the Committee on Rivers and Harbors and I found but one who assumed the responsibility of a measure to which I objected. I did not think I had made such a statement until I was informed by the gentleman from Michigan [Mr. HORR] and one or two other gentlemen that that was my language. When my attention was called to it I corrected it in a subsequent part of my remarks.

I did not intend to state that I had had a conversation with every member of the committee. I did intend to state what was a fact, and what I thought I had stated, that I had spoken to a number of members, and that every member to whom I had spoken, while not perhaps using the exact language employed by me, in substance disavowed any responsibility in connection with it; and every one of these gentlemen did say—that is, every one with whom I spoke—that he was of opinion that this particular appropriation should be made, but the committee decided differently. That statement I had made to the chairman of the committee three days before I uttered it upon the floor of this House. I certainly had no intention of attacking the motives of any member of the committee, nor to question their right to pursue their own convictions of public duty. I only intended in an emphatic but respectful manner to express my dissent from their views, and this I had a perfect right to do, but I had no intention of being offensive to any single one of them.

Mr. Speaker, this question affects a great interest that has been confided to my care in this House, and I felt it to be my duty to protect that interest with all the power I could command. I conceived it to be my duty to point out what I believed to be the errors and omissions which appeared in the bill. That it was my duty to do, and had I failed in it I should have been unfaithful to the trust confided to me by the people who sent me here to represent them and their interests. The misunderstanding what I said has grown out of the necessity I was under of attempting to crowd an hour's speech into five minutes' time, and in undertaking to accomplish such a thing as that it is quite natural that some mistakes should occur. I repeat now that I disclaim any intention of reflecting unjustly upon a member of the committee in the remarks that I made yesterday, nor would I have believed that I made some attributed to me, nor that they could have been construed as ef-

fensive, had I not been informed by a number of gentlemen, perhaps less liable to be mistaken than I, that they were open to that criticism.

Mr. BAYNE. Mr. Speaker, I am glad that the gentleman from Tennessee has made this statement. I knew very well that my friend from Tennessee would not misrepresent anybody on this floor or anywhere else, and when he stated that he had a conversation with every member of the committee upon this subject, I knew that the statement was made in error and in the heat of debate and discussion, for he had not had any conversation with me upon the subject.

Mr. THOMAS. Nor did he have any with me.

Mr. YOUNG. Nor did I say that I had.

Mr. WILLIS. I hope the House will indulge me for a very few moments, for the reason that a number of gentlemen have called my attention to the fact that the language I made use of on yesterday, in response to the gentleman from Tennessee, might be susceptible of a harsh construction, which I did not intend to give to it. If it be necessary, therefore, I wish now to disclaim in any degree the slightest intention of using any discourteous or offensive language toward the gentleman from Tennessee.

And I may be permitted, Mr. Speaker, in a single moment, in connection with the subject of the improvement of that harbor (Memphis) to say, that had it not been for my efforts in the last Congress, on the conference committee, the appropriation of $200,000, to which reference was made in the debate on yesterday, would not have been granted. This, I believe, is admitted on all hands. [Cries of "Regular order!"]

Mr. YOUNG. I hope I will be permitted a single word further. I have now but a last word to say in connection with this subject. I expected this disclaimer from the gentleman from Kentucky. I could not believe that it was his intention to reflect injuriously upon me in what he said or I should perhaps have said more in reply, but I am glad I remembered that the grandest of all victories are won by charity and forbearance, and I felt assured, too, that time and reflection would surely bring regret to the gentleman from Kentucky [Mr. WILLIS] as they have to me.

BRIDGE ACROSS THE SAINT CROIX RIVER.

Mr. WASHBURN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a House bill that has been returned with certain amendments of the Senate for the purpose of moving non-concurrence in the Senate amendments with a view to getting a conference committee appointed.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3356) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

IN THE SENATE OF THE UNITED STATES, *January* 22, 1885.

Resolved, That this bill pass with amendments.

The SPEAKER *pro tempore*. Does the gentleman desire the amendments to be read?

Mr. WASHBURN. I do not. I move that the House non-concur in the amendments of the Senate in order to ask for a conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* announced as the conferees on the part of the House Mr. WASHBURN, Mr. SEYMOUR, and Mr. PETERS.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. LACEY, on account of important business.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

REPORT OF LIEUTENANT SCHWATKA.

Mr. ROGERS, of New York. I rise to make a privileged report from the Committee on Printing. I am instructed by the Committee on Printing to report back with the recommendation that it be adopted the Senate concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance, be printed, and that 2,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred Senate resolution authorizing the printing of the official report of Lieut. Frederick Schwatka, United States Army, have duly considered the same, and recommend that the House do concur therein.

The cost of printing the additional number of copies is estimated at $5,430.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House, at the close of its session today, take a recess until 10 o'clock on Monday morning.

Mr. WHITE, of Kentucky. I call for a division on that motion.

Mr. TOWNSHEND. I wish to inquire if the gentleman from Kentucky means that the House on Monday shall adjourn at 12 o'clock.

The House divided; and there were—ayes 135.

Before the negative vote was counted,

Mr. TOWNSHEND said: I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. I want to know if the gentleman from Kentucky [Mr. WILLIS] has stated his intention was that the House should adjourn before 12 o'clock on Monday.

The SPEAKER *pro tempore*. The Chair did not hear any such statement by the gentleman from Kentucky.

The negative vote was counted; and there were—noes 20.

The SPEAKER *pro tempore*. On this question the ayes are 135 and the noes are 20.

Mr. WHITE, of Kentucky, and Mr. TOWNSHEND. No quorum.

The SPEAKER *pro tempore*. The point is made that a quorum has not voted. The Chair will appoint tellers.

Mr. TOWNSHEND. If the understanding is that the House shall adjourn before 12 o'clock on Monday, I shall not insist on the point as to a quorum.

Mr. WILLIS. I call for the regular order.

Mr. REED, of Maine. I ask the Chair to state the question.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS], that at the close of this day's session the House shall take a recess until 10 o'clock on Monday morning.

Mr. REED, of Maine. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED, of Maine. If the House determines that question in the affirmative, and then at the close of this session should adjourn, would it not adjourn until 12 o'clock on Monday?

The SPEAKER *pro tempore*. The Chair thinks it would.

Mr. REED, of Maine. Then I do not see what good can result from this motion, even if it be decided in the affirmative.

The SPEAKER *pro tempore*. The House can not be stripped of its power to adjourn when it pleases.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. If the House should take a recess until Monday at 10 o'clock, would it not then be in the power of a majority to extend the day of Saturday through Monday?

The SPEAKER *pro tempore*. If the motion should prevail and a recess should be taken at the end of this day's proceedings until Monday at 10 o'clock, it would still be in the power of the House to adjourn at any time it pleased between 10 and 12 o'clock on Monday.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. If the House should adopt this order and take a recess could the House on Monday proceed without adjournment to take up the Post-Office appropriation bill?

The SPEAKER *pro tempore*. The Chair would say it could not.

Mr. REED, of Maine. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED, of Maine. I inquire what is the effect of this motion if carried? It seems to me that the result, if it has any, is this, that when we adjourn we shall take a recess.

The SPEAKER *pro tempore*. The Chair does not so understand the motion. The Chair has endeavored to state the question to the House and will state it again. The gentleman from Kentucky [Mr. WILLIS] moves that at the close of this day's proceedings instead of adjourning the House shall take a recess until 10 o'clock on Monday.

Mr. REED, of Maine. I make a point of order on that motion.

Mr. WILLIS. I withdraw the motion, and now move that at 6 o'clock this day the House shall take a recess until 10 o'clock on Monday morning.

Mr. WHITE, of Kentucky. I renew my point of order.

The SPEAKER *pro tempore*. What is the gentleman's point of order?

Mr. WHITE, of Kentucky. I think the Chair misunderstood me. What I meant to ask the Chair is this: If we take a recess until 10 o'clock on Monday, and when we meet at 10 o'clock we should debate until two minutes past 12 o'clock and then adjourn, would not the adjournment be until Tuesday, so that there would be no Monday as a legislative day?

The SPEAKER *pro tempore*. The Chair hardly thinks the question of the gentleman from Kentucky needs an answer.

Mr. TOWNSHEND. I wish to ask the Chair whether this question is not debatable.

Mr. WILLIS. I believe I have got the floor.

The SPEAKER *pro tempore*. The question is not subject to debate. The gentleman from Kentucky [Mr. WILLIS] has made a motion, which the Chair has submitted to the House; and, after having submitted it, the Chair is now engaged in answering parliamentary inquiries.

Mr. TOWNSHEND. And this is not debatable?

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. REED, of Maine. The motion for a recess, if the Chair please, must be debatable.

The SPEAKER *pro tempore*. The Chair differs from the gentleman from Maine.

Mr. REED, of Maine. Allow me to suggest to the Chair what the state of facts is. We are now dividing on the motion of the gentleman from Kentucky, that at the close of this day's proceedings the House shall take a recess. The gentleman has withdrawn that motion.

The SPEAKER *pro tempore*. The Chair is aware of that.

Mr. REED, of Maine. The gentleman has now submitted a new motion.

The SPEAKER *pro tempore*. The Chair agrees.

Mr. REED, of Maine. And the Chair decides that the motion of the gentleman from Kentucky is not debatable.

Mr. PARKER. I move to amend the motion of the gentleman from Kentucky, so that the House shall take a recess until 11 o'clock instead of 10 o'clock on Monday.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that the House at 6 o'clock this afternoon shall take a recess until 10 o'clock on Monday, to which the gentleman from New York [Mr. PARKER] moves as an amendment to fix 11 o'clock as the hour to which the recess shall be taken. The question is first on the amendment submitted by the gentleman from New York.

The amendment was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Kentucky.

The question being taken, the Speaker *pro tempore* stated in the judgment of the Chair the ayes had it.

Mr. TOWNSHEND. I call for a vote.

The House divided; and there were—ayes 132, noes 15.

Mr. WHITE, of Kentucky. No quorum.

Tellers were ordered; and Mr. BRECKINRIDGE and Mr. WHITE of Kentucky were appointed.

The House again divided; and the tellers reported—ayes 158, noes 6.

Mr. TOWNSHEND. No quorum.

The SPEAKER *pro tempore*. A quorum is found; the ayes have it, and the motion is agreed to.

Mr. TOWNSHEND. I call for the yeas and nays.

The SPEAKER *pro tempore*. The call is too late. It was not made until after the decision of the Chair was announced.

Mr. HOLMAN. Mr. Speaker, I submit that the call for the yeas and nays was made instantly.

The SPEAKER *pro tempore*. The Chair thinks differently; for the Chair waited very deliberately for the gentleman from Illinois [Mr. TOWNSHEND] to make the demand, and it was not made until after the decision of the Chair was announced.

Mr. WHITE, of Kentucky. Mr. Speaker, it is in order now to call for the yeas and nays, is it not?

The SPEAKER *pro tempore*. It is not.

Mr. WILLIS. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moves that the House now resolve itself into the Committee of the Whole.

Mr. REED, of Maine. I rise to a point of order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman as soon as the Chair has stated the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. REED, of Maine. But, Mr. Speaker, I rose to a point of order before that motion.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky [Mr. WILLIS] is that the House now resolve itself into the Committee of the Whole House on the state of the Union. Now, the Chair recognizes the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. But, Mr. Speaker, I do not rise to a point of order regarding this motion, but to a point preceding the motion.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. REED, of Maine. My point of order is that the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays immediately upon the Chair's announcement of the vote, and that that was the only time when he could have called for the yeas and nays.

The SPEAKER *pro tempore*. The Chair does not see the point of order. The Chair states that when the report was handed up from the tellers the Chair announced the vote and waited for a call for the yeas and nays to be made. No call having been made, the Chair announced the result, after which the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays.

Mr. REED, of Maine. Mr. Speaker, this is a matter of some importance, and I desire to be heard a little further upon it. After the announcement of the vote by tellers it is in order, I believe, to call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair admits it.

Mr. REED, of Maine. And it is not in order until after the announcement.

The SPEAKER *pro tempore*. The Chair admits it.

Mr. REED, of Maine. And immediately after the announcement by the Chair the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] did not call for the yeas and nays immediately. He——

Mr. REED, of Maine. He could not have made the call until after the announcement by the Chair.

The SPEAKER *pro tempore*. Whenever the gentleman from Maine [Mr. REED] desires it, the Chair will state what occurred.

Mr. REED, of Maine. Precisely.

The SPEAKER *pro tempore*. The Chair has stated, and now restates, that when the vote was handed up from the tellers the report showed 158 votes in the affirmative and 6 in the negative; whereupon the gentleman from Illinois [Mr. TOWNSHEND] made the point that no quorum had voted. The Chair replied that a quorum had been found and had voted; and then the Chair waited for a call to be made for the yeas and nays, if any gentleman desired them—waited what the Chair thought was a full and reasonable time. Then, no demand being made for the yeas and nays, the Chair announced that the ayes had it, and that the motion had prevailed; after which the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays; which the Chair thought, and then decided and still decides, was too late and not within the rule.

Mr. REED, of Maine. Mr. Speaker, I did not understand such to be the state of facts.

A MEMBER. Such were the facts.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is called for; and it is the motion of the gentleman from Kentucky [Mr. WILLIS] that this House do now resolve itself into Committee of the Whole House on the state of the Union.

Mr. WHITE, of Kentucky. Mr. Speaker, pending that motion I move to reconsider the vote by which the House resolved to take a recess at 6 o'clock this evening until 10 o'clock Monday morning.

Mr. WILLIS. I believe I have the floor, Mr. Speaker.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky [Mr. WHITE] to reconsider is in order.

Mr. WILLIS. Then I move to lay it on the table.

Mr. WHITE, of Kentucky. Upon that motion I call for the yeas and nays.

The question was taken by a rising vote on ordering the yeas and nays, and the motion was not agreed to—only twelve members having risen.

Mr. WHITE, of Kentucky. I call for tellers.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] asks for tellers upon his demand for the yeas and nays. Gentlemen in favor of ordering tellers will rise and remain standing until counted. [After a pause.] Ten gentlemen have risen—not a sufficient number; so tellers are refused and the yeas and nays are refused.

The question was taken on the motion of Mr. WILLIS to lay on the table the motion of Mr. WHITE to reconsider the vote by which the House had ordered a recess to begin at 6 o'clock this evening.

The motion to lay on the table was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. PAYNE. I move to amend by inserting after the pending paragraph of the bill the amendment which I send to the desk.

The Clerk read as follows:

After line 140, insert:

"Improving harbor at Pultneyville, N. Y.:..For dredging channel and constructing pile pier, $7,500."

Mr. PAYNE. Mr. Chairman, I do not offer this amendment for the purpose of delaying the Committee of the Whole in the consideration of the bill. I have no sympathy with any feeling of that kind which may exist upon this floor. I offer the amendment in the interest of an improvement which I think ought to be made. This harbor at Pultneyville, upon Lake Ontario, is a harbor where the Government in 1870 entered upon the task of improvement. Prior to that time and before the Government had spent a dollar upon the work private parties had expended more than $30,000 for the improvement of this harbor. This showed the feeling of these individuals as to the necessity of this improvement.

Since the Government entered upon this work it has spent $71,000 for the purpose of getting a 10-foot channel. The last appropriation

used was in the year 1882. A channel of ten feet was obtained. As a result the commerce of this harbor started up, and from nothing increased to such an extent that the revenues from customs during that year were something like $1,300, as appears by the official report. Since that time, and because the improvement so far as made did not completely remedy the difficulty, sand has drifted into the channel, which now is not more than four feet in depth.

The Committee on Rivers and Harbors refused an appropriation last year because the engineer had made no survey and no appropriation was recommended. This year a survey has been made, and the engineer says that if this pile pier be built and the channel be dredged he believes that ten feet of water can be obtained. He recommends an appropriation of $30,000. I have graded my amendment upon the precise percentage which the committee say they allow. The amendment proposes to expend only 25 per cent. of the $30,000 recommended. I submit that this amendment ought to prevail and that this work on which the Government has expended $71,000 and private individuals $30,000 ought ultimately to be completed and the harbor made navigable for vessels drawing ten feet of water.

Mr. WILLIS. This is not in the estimates at all. The whole number of steamers entering this harbor during the last year was 2; sailing vessels, 17; the total revenues, $453; and the total tonnage 690 tons. It is a harbor of no commercial importance whatever. I ask for a vote on the amendment.

Mr. PAYNE. In order to reply to the statement just made, I move to amend the amendment by striking out the last word. I wish to repeat that this work is recommended by the engineer. An appropriation of $30,000 is recommended. The reason the commerce at this harbor has been reduced so that the revenues are less than $500 annually is because sand has drifted into the harbor, and it needs redredging. An expenditure of only $30,000 for this pile pier is necessary to complete the work that the Government has entered upon.

Mr. WILLIS. The gentleman should understand that the Chief of Engineers has not recommended this work; it is the local engineer.

Mr. PAYNE. The Chief Engineer does recommend it; the recommendation appears at page 324 of the report of the Secretary of War. I withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. PAYNE, it was not agreed to; there being—ayes 38, noes 83.

The Clerk read as follows:

Improving harbor at Raritan Bay, New Jersey: Continuing improvement, $15,000.

Mr. KEAN. I move the following amendment:

Improving harbor at Raritan Bay: For completion of same, $45,000.

Mr. Chairman, I shall detain the Committee of the Whole only a moment for the purpose of calling attention to the vast commerce passing through this channel. The work is almost completed, and with its completion a depth of twenty-one feet of water will be maintained for the whole distance. The whole amount already expended for this improvement has been only $120,000. The sum named in my amendment is required to complete the work. The Chief of Engineers and the engineer in charge not only recommend but earnestly recommend the appropriation.

As stated in the engineer's report—

The annual tonnage of the channel for actual freight is estimated at 2,000,000 tons; it is carried in about 5,000 vessels and steamers, and has an estimated value of $10,000,000 annually.

This tonnage is increasing largely, and if the appropriation now asked be made the work will be completed. This is not an experiment. With this additional appropriation the work will be a success. I ask for a vote.

The CHAIRMAN. The noes seem to have it.

Mr KEAN. I demand a division.

The committee divided; and there were—ayes 32, noes 64.

Mr. KEAN. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers Mr. WILLIS and Mr. KEAN.

Mr. WILLIS. I hope the gentleman from New Jersey will not insist on his point of no quorum.

Mr. KEAN. I withdraw the point.

So the amendment was disagreed to.

The clerk read as follows:

The Secretary of War is hereby directed to report to the next Congress on the expediency and desirability of continuing the Government improvements of the harbor at Chester, Pa., and the probable expense of repairing the piers now in service there.

Mr. REED, of Maine. I should like to have some explanation in regard to that paragraph.

Mr. EVERHART. Do you want to defeat the paragraph?

Mr. REED, of Maine. No, sir.

Mr. EVERHART. All right, then.

Mr. REAGAN. What is the question before the committee?

The CHAIRMAN. Debate is not in order unless some amendment be pending.

Mr. WILLIS. I will say to the gentleman from Maine that there is no recommendation made by the engineer, but the gentleman from Pennsylvania [Mr. EVERHART] interested in that harbor asked a survey be made for the purpose of ascertaining whether it would be necessary to further improve it. On page 816 of the engineer's report it states:

No work has been performed during the past fiscal year. It is recommended no further appropriation be made for this improvement, and we have made none. The ice-harbor at Marcus Hook, which is very extensive and in a very effective condition, is but two or three miles below, and answers all purposes that a harbor at Chester could demand.

But the gentleman from Pennsylvania [Mr. EVERHART] asked further examination should be made to ascertain whether the facts in favor of continuing the Government improvements on the harbor at Chester, Pa., could not be strengthened.

Mr. REED, of Maine. It is not a place where improvements have been going on and stopped by this committee?

Mr. WILLIS. No, sir.

The Clerk read as follows:

Improving harbor at Baltimore, Md.: Continuing improvement, $75,000.

Mr. FINDLAY. I move, in line 173, to strike out $75,000 and insert $200,000.

Now, Mr. Chairman, in 1853 we had a depth in the ship-channel leading to Baltimore of seventeen feet at mean low water, and by the united effort of the United States, the State of Maryland, and the municipal authorities of the city of Baltimore we have increased that depth to twenty-seven feet. The depth is now sufficient for all practical purposes, but there are three channels leading into the harbor of Baltimore from the deep water of the Chesapeake Bay. There is the channel (I take them in the reverse order) from Fort McHenry to Fort Carroll. Then there is the channel called the Brewerton Channel. Then there is the cut-off which leads to Craighill Channel; and taking the average width of all these channels which are outside of the harbor of Baltimore proper, we have only about two hundred and seventeen feet in width. We want four hundred feet in width and we can not get along without it for obvious reasons. The big steamers which come into that port, some four hundred and forty feet in length, are being continually stranded upon the sides of these channels, and it takes from $2,000 to $3,000 in lighterage, towage, cooperage, and what not to get them off. The bay craft and the seacoast craft that come into that channel, and having the right of way against these steamers, crowd them onto the banks, and this is the result.

We have the testimony of the agents of the board of underwriters and of the pilots of that port. The Chief of Engineers says he can profitably expend in 1886 $200,000, and that $200,000 is only in continuance of the existing project and is absolutely necessary to make it effectual. We have been allowed $75,000 by the committee, but it is not enough, for it makes no difference how deep you make the channel, unless you give it the requisite width it is not sufficient.

I do not propose to go into the general line of argument why we should have this. I shall not allude to the fact that the city of Baltimore has a population of 400,000 souls, or to the other fact that two great trunk lines which lead into the West terminate at that point, and that we have provided the amplest terminal facilities for the accommodation of the Western country as well as of the foreign commerce that comes into that great port of Baltimore.

I will not allude to the further fact, sir, we have helped ourselves in this matter. There has been appropriated about $1,800,000 by the General Government for the improvement of the ship-channels leading into the harbor, and the State of Maryland and the city of Baltimore have come up and appropriated one-third of that amount for the same improvement.

I desire to say further that the city of Baltimore, of all the cities of the Atlantic seacoast, has never received a dollar for the improvement of her harbor proper; all this money has been expended for ship-channels leading into the harbor. The city has given $400,000 for that outer ship-channel. But for the improvement of the harbor itself—for the water ways that are in the harbor—we never received a single dollar from the Government of the United States.

[Here the hammer fell.]

Mr. TALBOTT was recognized, and yielded his time to Mr. FINDLAY.

Mr. FINDLAY. I am very much obliged to my colleague.

I desire to say here that on a comparison with what has been done or with results that have been reached in the other great cities on the Atlantic seacoast we also hold a most favorable situation. The average approximate width of the channel leading into Boston Harbor is 600 feet; the average width of the New York channel is 1,200 feet; that of Philadelphia 470 feet; while the average width, as I have shown, of the channel of Baltimore is only 217 feet. And although the depth of water in the Baltimore Harbor compares most favorably with the depths of channels leading into other harbors, yet in point of width we do not show so well. For instance, Boston Harbor I think has a depth at high water of 31¾ feet; New York has a depth of 27¾ feet at high water; Philadelphia has 26 feet at high water; while Baltimore has 27 feet at mean low water, with 18 inches more as the result of the average rise of the tide, which is increased also by the spring tide.

As I have said, Mr. Chairman, it is not depth, therefore, that we want, but width, for without width depth is good for nothing to meet the demands of the commerce of such a city as Baltimore.

I reserve the remainder of the time allotted to me, in order to hear what may be said in opposition to this amendment by the other side.

Mr. BRECKINRIDGE. Mr. Chairman, I will call the attention of the committee briefly to a few points which influenced the minds of the Committee on Rivers and Harbors in their consideration of the improvement connected with the Baltimore Harbor.

The depth of the channel is now 27 feet. It is correctly stated that there is no trouble about the depth of that channel. The whole question is one of width. This channel averages 250 feet in width in one part, the same in another, 225 feet in another, and for a distance of only a half a mile is it narrowed to 160 feet.

They have on hand enough for this year and for the next fiscal year, being in round numbers $400,000.

Mr. FINDLAY. Oh, no!

Mr. BRECKINRIDGE. Yes; it so appears in this Book of Estimates.

Mr. FINDLAY. They only have $320,000.

Mr. BRECKINRIDGE. Three hundred and twenty thousand dollars plus $75,000 is $395,000. Of course I spoke in round numbers when I said $400,000.

Mr. FINDLAY. But that is for 1886.

Mr. BRECKINRIDGE. I say for this year and the coming year.

Mr. FINDLAY. I beg pardon; I did not understand that to be your statement.

Mr. BRECKINRIDGE. Now it is estimated by the engineers that they can spend profitably $200,000 in this year. They have got, as I have said, about $400,000 in two years, and in this respect this harbor of Baltimore is in a far better condition than most of her sister cities, which have neither width nor depth, and as it only lacks after this is given $125,000 of what will secure the full completion of the harbor or the completion of the project originally embarked upon, they certainly can not be in a very great state of suffering such as would warrant this increase in the expenditure.

The committee thought, in considering the urgent needs of the commercial interests of this country as involved in this question, that by allowing to Baltimore the sum specified in this bill they had given more than the average allowance of appropriations for works of a similar character generally throughout the country.

Mr. FINDLAY. Mr. Chairman, I do not appreciate altogether the force of that argument. It seems to me that these questions are to be decided not by what has been given to one place or by what has been refused in another, but that each place must be permitted to stand upon its own individual merits.

Now, $1,250,000 was the sum of the original estimate for the completion of this channel improvement in Baltimore. Two hundred thousand dollars yet remain unexpended, or unappropriated, of that original estimate. It is absolutely necessary to complete this great project, so the engineer says, and not merely the Chief Engineer in his report, who says that that amount can be profitably expended in 1886, but the local engineer, Colonel Craighill, says there is a necessity for it. It is true, taking the unexpended balance coming over from 1883 and adding it to the sum appropriated by the last river and harbor bill, that we have $320,000 which is subject to expenditure during the fiscal year 1885. But this appropriation is not for 1885. This appropriation is for 1886; and the Chief of Engineers says that $200,000 can be profitably expended during that year.

I wish now to call the attention of this committee and the attention of the Committee on Rivers and Harbors to the fact that during the year 1883–'84—the fiscal year 1884—we expended $240,000 on that work. And I would like to know whether we would not be able to expend profitably the same amount for the year 1886, when the engineer says that $200,000 at least can be profitably expended. In the year terminating the 1st July, 1884, we expended $240,000. Now, if we have $320,000 to expend for the fiscal year 1885, and if we deduct the $240,000 from the $320,000, there are left $80,000 to go over as an unexpended balance; that, added to the $75,000 the committee propose to give us, would be $155,000 for the year 1886. But, sir, we expended $240,000 for the year 1884, and the inference is we could expend at least that amount for the year, 1886.

The question being taken on agreeing to Mr. FINDLAY's amendment, there were—ayes 40, noes 39.

So (further count not being called for) the amendment was agreed to.

Mr. WILLIS. I of course reserve the right to have a vote on this in the House.

The Clerk read the following paragraph:

Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va.: Continuing improvement, by widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, commencing at Lambert's Point Light, $50,000.

Mr. GEORGE D. WISE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out from the paragraph just read the following: "By widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, commencing at Lambert's Point Light," and inserting at the end of the paragraph the following: "To be expended under the direction of the Engineer Department."

Mr. BRECKINRIDGE. That is simply to leave the expenditure of the appropriation at the discretion of the Engineer Department?

Mr. GEORGE D. WISE. Yes, sir.

Mr. BRECKINRIDGE. There is no objection to that amendment.

Mr. GIBSON. Does it add to the amount in the bill?

Mr. GEORGE D. WISE. Not at all.

The amendment was agreed to.

The Clerk read the following paragraph:

Improving harbor at Charleston, South Carolina: Continuing improvement, $150,000.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 187, strike out "$150,000" and insert "$300,000."

Mr. DIBBLE. Charleston is one of the most important cotton ports on the South Atlantic. It is the largest city on the South Atlantic and Gulf coasts south of Richmond, except the city of New Orleans, and work has been going on at that point which is not local but is national in its importance. By reason of its western connections, Charleston is in communication with Chicago, Cincinnati, Louisville, and Saint Louis for the Western trade to the Southeast Atlantic States. The chambers of commerce of the great city of New York and of our sister city of Baltimore, which has been so fortunately recognized by this House a few moments ago, the Chamber of Commerce of Louisville, Ky., and the Board of Trade and Transportation of Cincinnati, Ohio, have memorialized Congress from time to time to foster and further this improvement as a matter of interest to all those sections of the country.

Now, what is the condition of that work? According to the original project of General Gillmore, one of the best of the Army engineers, that work was to be completed in four years at an annual expenditure of $450,000; and General Gillmore said to the committee that with that amount to expend annually he could construct the works, could secure the works, and could complete the improvement. It has been seven years since that project was submitted. A little over a million of dollars out of the $1,800,000, a little more than half, has been expended. The engineers ask for $600,000 for the year commencing next July. They have now only the means to carry this work up to the end of the present fiscal year. They want $600,000 for the next year.

The committee have reduced us under an arbitrary scale to 25 per cent. of the estimate. I submit, Mr. Chairman, that the importance of this work is exceptional; that it stands as favorably as any project which has been submitted to this Congress, and it ought to be put under the most favorable terms. In this amendment I have only asked for 50 per cent. of the amount the engineers estimated. I ask that the appropriation be raised from $150,000 to $300,000.

There is this additional reason in regard to this improvement: There was estimated in the original project of this work $102,000 for dredging purposes. The time has come when that dredging is necessary; and of this addition of $150,000 fully $100,000 will be needed for that purpose.

The works have to go on. The results at that harbor, as appears by the letter of General Gillmore which was published the other day in the RECORD, show that the work is going to be a success. The people of Charleston have confidence in it. The shipmasters say it is going to give us deep water, and I ask this House that this be made one of those cases where the rule of 25 per cent. shall not be arbitrarily enforced.

Mr. BRECKINRIDGE and Mr. HORR rose.

Mr. BRECKINRIDGE. I yield to the gentleman from Michigan. Is he in opposition to the amendment?

Mr. HORR. I have but a word to say; but if I recollect this harbor aright it is the one about which we have had so much trouble on the Atlantic coast. Is not this the harbor where the Government, in 1862, sunk from fifteen to twenty ships loaded down? This is the same harbor, is it not?

Mr. DIBBLE. It is the same harbor.

Mr. HORR. Can the gentleman tell us where those ships are?

Mr. DIBBLE. The ships that were sunk at that time have gone down in the quicksands at a point near Pumpkin Hill Channel. But I will say to the gentleman from Michigan, in explanation, that the point where the jetties are located—which jetties have not sunk—has been found by borings made by the engineers to have a solid basis. The place where the ships were sunk is five miles distant from that point.

Mr. HORR. My memory is very clear that the harbor of Charleston is one of the most doubtful improvements in this entire bill, and I think the Committee on Rivers and Harbors have been very liberal with it under all the circumstances of the case; for, if I understand the difficulties there, it is extremely doubtful, with the present engineering and present plan, whether it is not a worse harbor to manage than even Galveston, and I do not want to cast a slur on Galveston by any means. I think that the appropriations for Charleston Harbor up to this time have failed to secure the additional water which we have been told would be obtained. Am I mistaken about that?

Mr. DIBBLE. The gentleman is mistaken about that, in this: the improvement is about three miles long, and the result so far of the im-

provement from the incomplete works has been to develop deep water about half that distance seaward. The other half has not been developed at all. The movement of deep water seaward is going on day by day, and the report of the last examination shows that it has gone three hundred feet seaward since the previous examination.

Mr. HORR. My memory is still the same. I think the committee have given to this harbor in this bill all that the circumstances and conditions of that harbor will warrant, and if I were to vote for anything with reference to the harbor of Charleston, from the knowledge I have of it, my vote would be not to spend another dollar there until we know a little better what we are getting in return for the money already expended.

That is my idea about it; and I am very clear that it is a conclusion founded upon the reports of engineers and upon ascertained results up to this time. I am sorry, but I say, conscientiously, that I think the money put into Charleston Harbor up to this time has not been profitably spent—that the improvement has not been a success. I appeal to the committee to state if I am not right, and if that is not the information that we have upon this subject. [Cries of "Vote!" "Vote!"]

Mr. THOMAS. Mr. Chairman, Charleston was one of the harbors considered seriously by the committee, with reference to cutting off appropriations entirely, until a complete examination of it could be made by the harbor board provided for in this bill, and a report, giving plans, specifications, and estimates for the final improvement of the harbor, could be submitted to Congress. But, as I said in my extended remarks the other day, the committee concluded that possibly the information they had received at the last session of Congress might not have been correct, and that possibly they were mistaken in their view of the condition of this harbor; and hence it was that a majority of the committee thought it better to allow to this harbor the percentage adopted by the committee in this bill generally, at the same time providing that it should be examined by this harbor board, and a complete report made on the plans and estimates for its improvement. I want to say, Mr. Chairman, that the work on Charleston Harbor has not been satisfactory to the committee, and from representations made to the committee at the last session of Congress we have had little hope that the work under the present system will ever prove satisfactory.

Mr. DIBBLE. Mr. Chairman, I move to strike out the last word. There is at Charleston Harbor an outer bar, and across that bar there are three principal channels, the Beach Channel, the Swash Channel, opposite the center of the harbor, and the Pumpkin Hill Channel, five miles below.

Mr. THOMAS. Will the gentleman yield for a question?

Mr. DIBBLE. Yes.

Mr. THOMAS. I wish to ask if it was not represented to the committee by the gentleman himself at the last session of Congress that the work done there had had the effect of reducing the depth of water in the Pumpkin Hill Channel, which is the best channel, about eighteen inches?

Mr. DIBBLE. About ten inches.

Mr. THOMAS. And is not that the best channel into the harbor—or was it not so represented by the gentleman and his associates at the last session?

Mr. DIBBLE. It is the main ship channel. It was in that channel five miles below that the vessels were sunk to which the gentleman from Michigan [Mr. HORR] referred a while ago. Now the engineers, in devising a plan for this improvement, took the channel opposite the mouth of the harbor, the Swash Channel, which, with these jetties, has through it a depth of water equal to the average depth of the Pumpkin Hill Channel, the largest channel which Charleston Harbor has had.

Of course the Pumpkin Hill Channel, as the engineers have already reported, will deteriorate in proportion as the central channel improves. Now the central channel has improved to the stage where it is equal in depth to the Pumpkin Hill Channel. But we want money to continue the improvements, because one-half of the space between the two jetties now carries thirty feet of water at low water at places where there was formerly only twelve feet, and the sand which has been carried seaward has not formed a bar outside, but has been dispersed; so that the removal of that sand to the depth of thirty feet has not injured the mouth beyond the jetties or built up a bar there. Within the last twelve months there have been taken, for the purpose of observing the effects of the work that has been done, 40,000 soundings, embracing an area of twenty-five square miles. That is the source from which we get these results. There has been a diver sent down to examine the stability of the jetties, and they have been reported by the engineer as in a satisfactory condition.

Now all I ask is an appropriation which will enable the Government to carry out this project. General Gillmore says:

> I wish to reaffirm my confidence in the ability of these works when completed to maintain a deep navigable channel across the bar. I believe a depth of thirty feet to be easily obtainable.

Now we do not expect to keep Pumpkin Hill Channel open. We expect to make the Swash Channel the channel. Pumpkin Hill is shoaling from day to day. If it continues to shoal and the work upon the other channel is left in this incomplete condition, then it is a measure cals the port of Charleston.

Mr. SMALLS. Mr. Chairman, I hope the amendment offered by my colleague will be adopted. The question has been asked, what became of the ships which were sunk in Charleston Harbor in 1862. My colleague said they went down in the quicksand. They did not go down in the quicksand. I happened to be off that bar about that time. I had something to do around that bar. The main body of those ships were knocked to pieces by the waves and were drifted ashore upon Morris Island, Folly Island, and the rest of the islands along that coast. The bottoms of the ships and the stone in them may have gone down, God knows where.

This channel is now being dug close on to Sullivan's Island beach; and I have been informed by men of experience—such men as General Q. A. Gillmore, who is as high in authority as any man in this country—that the channel over this bar can be improved to a depth of thirty feet. I believe if we give the necessary amount this can be done. I ask the House to give the amount asked for in order that a fair trial may be had.

The trouble is that from time to time there have been appropriations of amounts which were too small, so that just when the work had reached a point where it ought to be prosecuted without delay the appropriations would be exhausted, and the work would be stopped for five or six months till more money could be obtained. In consequence of this method of making insufficient appropriations the channel after work has been done has filled up again so that the work has had to be done over again. This work at Charleston bar has been from time to time commenced anew in this way.

Mr. CUTCHEON. I would like to know what amount of money would give this thirty feet of water that the gentleman speaks of and keep it there.

Mr. SMALLS. I refer the gentleman to the report of that distinguished officer General Gillmore. If he will read that report, he will find just what is needed. [Laughter.]

I hope gentlemen, on this side of the House at least, will give us a chance. If we do not show some improvement, next year cut us off and give us nothing.

A MEMBER. Then what will become of the money that we now appropriate?

Mr. SMALLS. We will take care of that as soon as you appropriate it. There is no trouble about spending the money. [Laughter.] The only trouble in this House is to get it—to prevent gentlemen on the other side from "objecting." Mr. Chairman, I hope the amendment will be adopted.

Mr. DIBBLE. Mr. Chairman, for the purpose merely of replying to a question which has been asked, I move to amend the amendment by striking out the last word. General Gillmore has stated that to make this improvement by jetties, partly submerged and partly high-water jetties, would in his judgment cost $1,800,000. The board of engineers state that the expense for the project as submitted would be $1,800,000. If the jetties were all made high-water jetties, of which the project is capable with the same foundation, the cost would probably be $3,000,000.

Mr. HORR. How much has already been expended there?

Mr. DIBBLE. About $1,000,000.

Mr. HORR. Since when? Since the improvement commenced?

Mr. DIBBLE. In the seven years that the work has been going on. I withdraw the formal amendment.

The question being taken on the amendment of Mr. DIBBLE, there were—ayes 62, noes 53.

Mr. THOMAS and others. No quorum.

Tellers were ordered; and Mr. DIBBLE and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 53, noes 73.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. DIBBLE] withdraw the point of "no quorum?"

Mr. DIBBLE. I did not make the point.

Mr. THOMAS. I made the point; I withdraw it.

Mr. HEPBURN. The gentleman from Pennsylvania [Mr. BAYNE] made the point.

Mr. THOMAS. I also made it.

Mr. ANDERSON. At any rate the point is not insisted upon.

The CHAIRMAN. The point of "no quorum" not being insisted upon, the amendment is rejected.

The Clerk read as follows:

> Improving harbor at Georgetown, S. C.: To complete improvement, $2,000.

Mr. BELFORD. I move to insert after the clause just read the amendment which I send to the desk.

The Clerk read as follows:

> That the Secretary of War is hereby authorized and directed to appoint a commission, to consist of three, two of whom shall be members of the Engineer Corps of the Army, and the third one a civilian, to make surveys for the construction of reservoirs on the Poudre, Platte, and Saint Vrain for the storage of surplus water to be used in irrigating and reclaiming the public lands located in the State of Colorado, and to report the probable cost of the construction of such work; and the sum of $20,000 is hereby appropriated to defray the expenses of such commission.

Mr. WILLIS. I make the point of order——

Mr. BELFORD. Oh, Mr. Chairman, I hope not.

Mr. WILLIS. I regret I am compelled to make it, but I do so in the interest of public business.

Mr. BELFORD. All right; but I propose to be heard on that point of order.

Mr. WILLIS. It has been acted on.

Mr. BELFORD. No, it has not been acted on at all; it was withdrawn by consent. I say that the Chair, when he comes to understand this question as I desire to present it, will correct his former ruling on this subject; and I am going to demonstrate it by the character of this bill; and that is the question on which I desire the Chair to hear me.

The CHAIRMAN. The Chair is ready to hear the gentleman from Colorado.

Mr. BELFORD. Very well. Now, Mr. Chairman, this is a proposition to construct reservoirs to preserve the water in the Western rivers in order to reclaim the public land. That is the subject-matter. Will the gentleman from Kentucky tell me if I offer an amendment to widen the channel of the Ohio River at Saint Louis that it would be out of order? Would he have the courage and the audacity—I hate to use that word because he is such an elegant gentleman—would he have the courage to stand up on the floor of this House and say that an amendment of that character was out of order? Suppose some gentleman stood up in his place and offered an amendment to this bill providing we should establish jetties in the Mississippi River in order to deepen the channel in the center of that stream, is there a gentleman here who would stand up and say that that proposition was out of order? If a gentleman comes here and says we should appropriate so much money to deepen the channel of a river, who will say that is not in order? Suppose some gentleman comes here with a proposition to diminish the caving in of the banks of a stream, who will not say that is not in order? Now, what is my proposition? It is simply to preserve the surplus water of these rivers in Colorado in order that we may reclaim over 700,000,000 acres of the public domain held by the Republic in trust for everybody.

I wish to call the gentleman's attention—Brother WILLIS, will you please give me your attention. [Great laughter.]

Mr. WILLIS. With pleasure, if the gentleman will help me to pass this bill.

Mr. BELFORD. I call the attention of the Chair to page 38 of this bill, commencing with line 902. Oh! it is in order for you fellows down South to have the water flow through your baskets, but it is not in order for us to get any pork in our pot out West. [Renewed laughter.]

I wish you to answer this question as chairman of the Committee on Rivers and Harbors. My proposition is to construct reservoirs to save the surplus water in Colorado. Now what has the gentleman done? He has been chairman of the Committee on Rivers and Harbors for two years. What did you report in the last bill and what do you report in this? "For continuing operations on the reservoirs at the headwaters of the Mississippi River, $35,000." Did you raise the point of order when you incorporated that into the body of your bill? What do you want these reservoirs for at the headwaters of the Mississippi River except that it may run down to the South?

Mr. BRECKINRIDGE rose.

Mr. BELFORD. The gentleman will pardon me, but I have no time to yield.

The CHAIRMAN. The gentleman from Colorado is speaking by consent of the Chair, and the Chair is ready to rule on the point of order.

Mr. BELFORD. I wish to present my point before the Chair rules.

The CHAIRMAN. The Chair would be glad to have the gentleman do so.

Mr. BELFORD. But I will hear my friend from Kentucky.

Mr. BRECKINRIDGE. The gentleman speaks of reservoirs. Have those he refers to any connection with navigation?

Mr. BELFORD. I do not know but we may get water enough there to navigate a vessel. [Laughter.]

Mr. BRECKINRIDGE. I have asked my friend a plain question.

Mr. WILLIS. It is irrigation vs. navigation.

Mr. BRECKINRIDGE. I ask the gentleman the plain question whether these reservoirs he refers to have anything to do with commerce?

Mr. BELFORD. They have an important connection with commerce. You have got, as I said a moment ago, 700,000,000 acres of unoccupied public land west of the one hundredth meridian. Oh! the gentleman may smile—he will not smile when he gets as old as I am. [Laughter.]

Now, what is commerce? It is nothing but the product of population. What is produced by human hands—what is produced by human brains—that is commerce.

The CHAIRMAN. The Chair hopes the gentleman will keep to the point of order.

Mr. BELFORD. I have been trying to keep to it as close as I could.

The CHAIRMAN. The Chair decides the point of order to be well taken; and rules the amendment out.

Mr. BELFORD. Then I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. BELFORD. Now, Mr. Chairman, I am coming to another branch of this question. Here is my own State that contributes millions of dollars to spread out the purse of the national revenue. I come here and ask you gentlemen to give us $500,000 to improve our streams, to reclaim our deserts, to make them blossom as the rose, and you will not give us a cent. We have not a single nickel in this bill. [Laughter.]

Now, let me tell you where the pork is circulated in this measure, and I must hurry through; as I want to keep inside of my five minutes. Maine, the little Pine-Tree State of Maine, that is represented by a gentleman of brains who is larger than the whole State [laughter]—and I make no personal allusion—gets $67,000.

New Hampshire—and I do not know whether they have got a harbor up there in that part of the country or not—gets $22,500. Massachusetts, $273,000—that belongs to the pork-and-beans section of the country. [Laughter.] Vermont gets $20,000. Rhode Island, about which my friend SPOONER made a magnificent speech yesterday, or the day before—you get $50,000 of the general swag.

Mr. SPOONER. And we are entitled to a great deal more.

Mr. BELFORD. Connecticut gets $138,000. North Carolina, with the largest seacoast border in this country—they cut that State down—and they get, I think, $112,000. South Carolina, $179,000; Georgia, $140,000; Louisiana, $279,000; Texas, larger than the whole Republic of France—yes, you could chuck the whole Republic of France into the State of Texas and it would not create a ripple on the surface [laughter]—Texas gets $1,112,500. And outside of this statement I challenge any gentleman to show notwithstanding the fact that Colorado pours into your Treasury every year millions of dollars and has done so from the time she came into this constellation of States, gleaming with the burning beauty of the beams of the sky—you never appropriated over $60,000 for her benefit. Hold on to that gavel for a moment. [Laughter.] We are fit objects for public robbery, but you are not willing to give us a cent to build up a million of homes for a million of poor families in the West, homes of men who will make your spindles turn, men who will construct your railroads, men who will transport the commerce of the country, and who by their money and labor and resources have enriched and are enriching this nation—you are not willing to give us a penny. Take your bill and pass it if you can. [Laughter, and cries of "Vote!" "Vote!"]

I withdraw the amendment.

The Clerk read as follows:

> Improving the harbor at Brunswick, Ga.: Continuing improvement, $18,000.

Mr. NICHOLLS. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

> Strike out, in line 192, the word "eighteen" and insert "twenty-five;" so that it will read:
> "Continuing improvement, $25,000."

Mr. NICHOLLS. This harbor of Brunswick, Mr. Chairman, is a very important harbor, one of the most important on the coast, not only to the commerce of that State, but to the commerce of the West. The appropriations have been very small in the past. I read from the report of the Chief of Engineers:

> The first appropriation of 1836 was for the removal of the Brunswick Bar, and was so expended.
>
> In 1879, the date of the next appropriation, there was only nine feet of water at low tide over the bar at the entrance of the harbor. The improvement since commenced and still in progress had resulted in June, 1882, in establishing a channel from forty to fifty feet in width, with a minimum depth of about thirteen feet at low water, and has benefited commerce by increasing the depth over the bar.
>
> The present plan contemplates a depth of fifteen feet at low tide over the bar.

It will be seen, Mr. Chairman, by an examination of this report, that the amount appropriated by the act of August 2, 1882, was $25,000. On July 1, 1882, the outstanding liabilities, inclusive of the amount expended, was $24,502; and on the 1st of July, 1883, the amount available was only $498.90.

Now, I only ask for an increase of $7,000, and I think it is important to increase the appropriation at that point.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Georgia.

The question was taken; and on a division there were—ayes 26, noes 47.

So the amendment was not agreed to.

The Clerk read as follows:

> Improving harbor at Savannah: Continuing improvement, $85,000.

Mr. NICHOLLS. I move to amend, in line 196, by striking out "$85,000" and inserting "$200,000."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Georgia.

The amendment was read by the Clerk.

Mr. NICHOLLS. Now, there can be no doubt in the minds of any one who is at all familiar with the international and national importance of the port of Savannah as to the propriety of this amendment. The appropriation of $85,000 amounts to nothing, since that amount will not accomplish any material results, and they had just as well not appropriate one dollar, because about as fast as the work is done on such meager appropriations it is destroyed for lack of money to prosecute it vigor-

ously. We really need there a large appropriation for purposes which I will specify. We should have, for instance, an increase of the appropriation to enable the construction of a large and powerful dredge-boat, at a cost of about $100,000, to be used on the bar at Savannah, in Charleston Harbor, in Brunswick, and on the Saint John's Bar. The construction of such a boat would enable the work to be carried on a great deal more rapidly than it is possible to do it now.

I desire to have read a letter from the chairman of the river and harbor committee of the council of the city of Savannah, showing the great necessity for an increase of the appropriation to that harbor.

The Clerk read as follows:

CITY OF SAVANNAH, MAYOR'S OFFICE,
Savannah, Ga., January 31, 1885.

DEAR SIR: As chairman of the harbor and river committee of the council of the city of Savannah, I beg most respectfully to call your attention to the proposed appropriation of only $85,000 for the improvements in the Savannah River, and to request that you will exert your influence for the increase of this amount, which is so inadequate for the successful prosecution of the work already begun.

In the present incomplete condition of these improvements the channel, of necessity, is shifting continually, which causes frequent grounding of vessels, thus greatly obstructing commerce and entailing expense by delay, and often of lightcrage. This shifting, of course, can be remedied only by the completion of the improvements, and you will appreciate at once of what vital importance this completion is, not only to the city of Savannah, but also to the State at large; and to secure this most needed result an appropriation for the coming year of at least $200,000 is required. The commercial interests of the entire State would suffer if the rapid and vigorous prosecution of this most important work should have to stop from any cause, and especially when that cause is the failure of Congress to make a sufficiently large appropriation.

Bespeaking for this matter a continuance of that interest and influence which you always have shown and exerted in matters of such vital importance to the city of Savannah, and which are so intimately connected with the welfare of the State,

I am, dear sir, respectfully, yours,

ROBT. D. BOGART,
Chairman Committee on Harbor and River.

Hon. JOHN C. NICHOLLS,
House of Representatives, Washington, D. C.

Mr. NICHOLLS. I now ask that the report of the Chief of Engineers be read.

The Clerk read as follows:

SAVANNAH RIVER AND HARBOR, GEORGIA (page 134).

The appropriations between 1825 and 1855, inclusive, were chiefly applied to the removal of wrecks sunk in the channel-way of the river below Savannah during the Revolutionary war; to dredging shoals produced by them and at other points, and in constructing works designed to throw a large volume of water into "Front River." The result was an increase of depth at the worst places of from seven or eight feet at low water to ten feet, and an increase of the available high-water depth, from Tybee Roads to the city, from about fourteen to sixteen or seventeen feet.

The channel-way of the river below the city greatly deteriorated during the civil war, in consequence of numerous and extensive obstructions placed in it. The first three appropriations since 1872 were almost exclusively used in removing those portions of the obstructions most injurious to navigation, and to that extent commerce was benefited by the work.

The expenditures since 1874 have resulted in forming a practical ship-channel from Tybee Roads to the city of Savannah, by which about thirteen feet at low water and nineteen feet at high water can now be carried to the city.

Under the existing plan it is expected that at its completion vessels drawing twenty-two feet will be able to reach the city wharves.

July 1, 1882, amount available		$15,051 92
Amount appropriated by act passed August 2, 1882		200,000 00
		215,051 92
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	$116,591 21	
July 1, 1883, outstanding liabilities	37,445 09	
		154,036 30
July 1, 1883, amount available		61,015 62

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GEORGE D. WISE. I move to strike out the last word, and yield my time to the gentleman from Georgia [Mr. NICHOLLS].

Mr. WILLIS. I hope the gentleman will not occupy more time but will let us have a vote.

Mr. NICHOLLS. I have only a word to add. The chairman of the Committee on Rivers and Harbors seems to be very uneasy about the time to be occupied. More has been saved to the country by the member who now addresses this committee, in not occupying the public time upon this floor as much as other gentlemen have, than perhaps the whole amount I ask to be appropriated for this important work. It is very rarely that I am on the floor taking up the time of the country by addressing the House or the Committee of the Whole on any subject of this character. But I feel very much in earnest about this. It is a very important work, as I remarked at the outset, and the small appropriation made by this committee for that important harbor, it occurs to me, would be like throwing the money into the river instead of expending it for improvements. We ought to expend a sufficient sum on these harbors, the amount asked by the engineers, and complete the work and be done with it. Why go on from year to year and appropriate inadequate amounts and accomplish no good result? When a work of this important character is brought to the attention of the House, why not make a sufficient appropriation to accomplish some good?

The question being taken on the amendment offered by Mr. NICHOLLS, there were—ayes 23, noes 49.

Mr. NICHOLLS. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Georgia, Mr. NICHOLLS, and the gentleman from Kentucky, Mr. WILLIS.

Mr. NICHOLLS. I will not delay the bill, and do not insist on a vote by tellers.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Improving Tampa Bay, Florida: Continuing improvement, $10,000.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 200 strike out "$10,000" and insert "$37,000."

Mr. DAVIDSON. I favor the passage of a river and harbor bill at the present session and at every session of Congress. I believe, sir, that a liberal and judicious expenditure of money for the improvement of our rivers and harbors is right; that it helps the laborer, benefits commerce, and improves the general welfare of our country. Therefore, sir, in offering this amendment I was prompted by no desire to delay action upon this bill, but simply by a sense of duty.

The town of Tampa, on Tampa Bay, is about two hundred and fifty miles from Key West and three hundred and fifty miles from Havana. Within the last three years it has greatly improved in population and commerce. It is now the terminus of one railroad connecting it with the Saint John's River at Sanford, and it will soon be the terminus of another connecting it by rail with Jacksonville. It is situated immediately on the line of travel from the United States to Cuba and the Central American and South American States, and before this year ends no doubt the mails from our country will be carried through Tampa to Havana.

This work was commenced about four years since. Forty thousand dollars have been expended. A great good has resulted from that expenditure. The engineers report that $37,000 can be profitably expended during the next fiscal year, and that amount will complete the work.

A few days since I received a paper signed by many of the leading citizens of Tampa, addressed to the Senators and Representatives in Congress from Florida, urging them to appeal to Congress at its present session to make the necessary appropriation to complete the work at that place. If the committee will bear with me, I will read a few extracts from this paper. It came too late to be referred to the Committee on Rivers and Harbors before they had agreed upon their bill:

Tampa is now the terminus of the longest and most successful system of railroads reaching the Gulf of Mexico. Its line of road, of which it is the terminus, is to be speedily connected to other systems of railroad; and other individual lines of railroads are being built to this city. It has thus been chosen by skillful, competent, and far-seeing engineers and capitalists as a natural outlet to the Gulf of Mexico.

We earnestly ask you to recognize the importance of the position of the town of Tampa, with its bay and harbor, its railroad and terminal possessions, its direct and continuous connection with all great Northern, Eastern, and Western States and cities by railroad, and its safe and close position to the Island of Cuba, South America, and West Indies—being the most southern seaport town with railroad service open (with but little improvement to its channel)—to the vast trade, export and import, of Cuba and West Indies, also South America.

We wish particularly to call to your attention the useless work accomplished by small appropriations, that ere the work is commenced the appropriation is expended, and even with what has been appropriated and expended our shipping to Cuba, South America, Key West, West Indies, and New Orleans, is seriously impeded by lack of water in our channel and obstructions needing removal.

[Here the hammer fell.]

Mr. WILLIS. I ask for a vote.

The question being taken on Mr. DAVIDSON'S amendment, there were—ayes 19, noes 43.

So (further count not being called for) the amendment was not agreed to.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 200, insert:

"Improving harbor at Pensacola, Fla., including outer and inner bars, $100,000."

Mr. DAVIDSON. I regret to occupy the time of the committee, but I am prompted by a sense of duty to offer this amendment. The importance of the harbor of Pensacola, and the necessity for an appropriation to improve it, have induced me to offer this amendment. I can tell this committee that if our country desires a deep-water outlet on the Gulf of Mexico for its agricultural products and the products of its manufacturers, a safe and convenient port, a spacious anchorage for vessels, Pensacola is that port. Sir, it is a port of importance; it is growing in importance, and it is already a place of far more importance than many members of this committee probably think it is. For the year ending June 30, 1883, the value of the exports from Pensacola was $2,598,549; for the year ending June 30, 1884, the value of the exports was $3,025,246. The number of vessels entering and leaving the port of Pensacola during the year ending June 30, 1883, was 1,111, of which 685 were foreign vessels; and for the year ending June 30, 1884, the number of vessels was 1,184, of which 777 were foreign vessels. The aggregate tonnage for the year ending June 30, 1884, was 698,851 tons.

Now, sir, I shall have to occupy a few moments in reading some extracts from the report made by Assistant Engineer Hayes to Captain

Hoxie, of the Corps of Engineers. I read from the report of the preliminary examination:

"The preliminary examination of the "outer bar," reported to Maj. A. N. Damrell, Corps of Engineers, United States Army, July 15, 1884, shows the distance across it, between the 25-foot curves, to be 3,000 feet; the minimum depth upon the crest of the bar to be 22.25 feet at mean low water, and the amount of excavation required to cut a channel across it 300 feet wide, affording a depth of 24 feet at mean low water, or the same depth as is contemplated for the channel across the "inner bar," is estimated to be 80,000 cubic yards. This work is more exposed than that on the "inner bar," and will cost about $100,000 for its execution.

[Here the hammer fell.]

Mr. DAVIDSON. Mr. Chairman, while I am aware that it probably will not accomplish any good at the present time, I will, with the permission of the House, print with my remarks extracts from the report of this preliminary examination. The following are the extracts:

The commercial statistics of the port of Pensacola for the fiscal year ending June 30, 1884, exhibits the present extent and importance of its foreign and domestic commerce. It will be observed that the tonnage of sailing vessels entering this port exceeds that of any port on the Atlantic and Gulf coasts between Philadelphia and the Rio Grande, including Baltimore and New Orleans. * * * The largest cargoes of lumber and timber ever shipped by steamers or sailing vessels from any Southern port have sailed from Pensacola since the 1st of July, 1884.

As the site of one of the largest and best appointed naval stations of the country, Pensacola Harbor possesses consequence as an important position for naval operations in the Gulf of Mexico. Its geographical position relatively to the commerce of the Gulf; its proximity to resources which form the material of war as well as of commerce, to the development of which so wonderful a momentum is now being imparted; the removal of a great barrier to the commerce of Europe and America with the Pacific by the construction of the Isthmus Canal; the rapid extension of the network of railways in the Gulf States, of which Pensacola is an important terminus, developing the capacity of production of agricultural values, mining and manufacturing resources of these States, will at no remote period give test to the capacities and advantages of every Gulf port which will give prominent significance to this harbor.

The question was taken on the amendment offered by Mr DAVIDSON, and it was not agreed to.

Mr. DAVIDSON. Mr. Chairman, as I have already said, I dislike exceedingly to occupy the time of the committee; but representing as I do a district which has more seacoast than any other in the Union, I feel it my duty to offer another amendment, which I send to the Clerk's desk to be read.

The Clerk read the amendment, as follows:

After line 200 insert:

"Improving the harbor of Cedar Keys, Fla.: Continuing improvement, $10,000."

Mr. DAVIDSON. Upon that amendment, Mr. Chairman, I have this to say: At the last session of Congress the Committee on Rivers and Harbors recommended an appropriation of $5,000 to commence the work on the harbor of Cedar Keys. In this bill there is no provision made for that harbor. The engineer, speaking of this harbor, says:

In my judgment, the harbor of Cedar Keys is worthy of improvement, and a work of public necessity, on account of the large and rapidly increasing commerce of the port, and the small expenditure, relatively, probably necessary to give the relief sought.

He further says that $25,000 will be sufficient to complete the work. I repeat that $5,000 was recommended for this harbor by the Committee on Rivers and Harbors in the last bill, and the recommendation was agreed to, and now by this amendment I ask only for $10,000 more to carry on the work.

The question was taken on the amendment offered by Mr. DAVIDSON, and it was not agreed to.

The Clerk read the next paragraph of the bill, as follows:

Improving harbor at Mobile, Ala.: Continuing improvement, $120,000.

Mr. DUNHAM. Mr. Chairman, I wish some gentleman of the committee would explain how it happens that Mobile is given an appropriation 50 per cent. larger relatively than is usually given by this bill to other harbors throughout the country.

Mr. JONES, of Alabama. It is because the necessity of that place required it in the judgment of the committee. [Laughter].

Mr. HORR. Can the gentleman tell us what the exigency was which caused the committee to recommend an appropriation for Mobile of 50 per cent. of the estimate when they have allowed only 25 per cent. to similar harbors all over the country?

Mr. JONES. The committee have allowed more than 25 per cent. of the estimates to different harbors throughout the country. A number of such have been mentioned. Detroit River, in the gentleman's own State, gets 100 per cent. of the estimate; the Ohio River gets $370,000 on an estimate of $600,000—over 50 per cent.; New London gets 66 per cent.

Mr. HORR. The Detroit River appropriation is to complete a rock channel at the Lime Kilns, which is almost completed. This little balance of $27,000 finishes it.

Mr. JONES, of Alabama. Yes, sir.

Mr. TURNER, of Kentucky. Mr. Chairman, what is the question before the committee?

The CHAIRMAN. There is no motion pending.

Mr. TURNER. I call for the regular order.

Mr. HORR. I move to strike out the last words of the paragraph. I would like to know why the gentleman [Mr. JONES, of Alabama] takes an extreme case like the Detroit River appropriation, where the engineers estimate that $27,000 will complete the work—a river that has upon it a commerce of $40,000,000.

Mr. JONES, of Alabama. The estimate of the board of engineers is $240,000 as the sum that will complete the Mobile improvement, which was estimated originally to cost $820,000. The committee was influenced to give one-half of the amount of the estimate in order that the next appropriation might complete the work, as the Detroit River work is to be completed.

Mr. HORR. Who influenced them?

Mr. JONES, of Alabama. Why, they were influenced by a consideration of everything connected with the case.

Mr. HORR. Oh, you did not mean they were influenced by any particular person. I know I could not get into the room of the committee to influence them, though I tried to. [Laughter.]

Mr. JONES, of Alabama. Now, sir, this harbor of Mobile is quite different, in regard to the nature of the work, from all the other harbors on the Atlantic and Gulf coasts. In every other one of them the material to be dealt with in making harbor improvements is sand, and the work done on them is very unsatisfactory; but at Mobile the material is blue mud, and the work there is reported by engineers to be permanent.

Mr. HORR. Then, wherever it is blue mud the committee allowed one-half the estimate. [Laughter.]

Mr. JONES, of Alabama. Where the improvement was likely to be permanent. A large experimental cut twenty-two feet deep, one hundred feet wide, and three hundred feet long was made at Mobile in 1882, and it has been found that there is no shoaling and the work is permanent; hence the engineer in charge feels warranted in reporting and does report that the dredging done and to be done there will be permanent. No work done at any other harbor from Old Point Comfort to the Rio Grande is so satisfactory.

Now I will read what the engineer in charge of this work says about it:

As the early completion of the channel as projected, and also its comparative permanency, is now believed by the commercial portion of this port to be a certainty, business and commerce have assumed a healthy condition, really has increased in value, new industries are springing up, new companies forming, not only in Mobile, but with wonderful rapidity throughout the vast mineral and timber portions of Alabama and adjacent States—

A MEMBER. What is the commerce?

Mr. JONES, of Alabama (reading)—

The amount of shipping of 1883 and 1884 is about 40 per cent. greater in number than that of 1881 and 1882, while the tonnage is about 54 per cent. increase, showing a much larger class of vessels now seeking this port.

Mr. HORR. Now, as I understand, there are about two hundred or two hundred and fifty ships going into Mobile in the course of a year. On the river I spoke of in Michigan there are at least six hundred—I think it would be safe to say nine hundred; but I will say six hundred. Why do you cut down——

Mr. HERBERT. There has been an increase of tonnage at Mobile since this work began—a very great increase the present season.

Mr. HORR. Well, there ought to be an increase.

Mr. JONES, of Alabama. The increase is on account of this improvement there.

Mr. HORR. I do not find any fault with the improvement at Mobile; but the treatment of Mobile in comparison with some other localities does not seem to me to be fair, that is all.

Mr. THOMAS. Mr. Chairman, I take the floor simply for the purpose of answering the inquiry why 50 per cent. of the estimate has been given by the committee at this place rather than 25 per cent., as in other instances.

A MEMBER (to Mr. THOMAS). If you answer that you will do well.

Mr. THOMAS. I will give what I think should be accepted as a complete answer. The representative on the committee from that State urged upon the committee the importance of this improvement over every other in the State, saying he was willing, and it was acceptable to the residue of the delegation from the State, that the appropriations for other improvements in the State should be less in order that this one grand improvement should be carried forward to completion. That has governed the action of the committee, and although 50 per cent. of the estimate is allowed in this instance, the appropriations for the other projects in the State are cut down to less than 25 per cent. This is a straightforward statement of the reason why 50 per cent. has been given in this instance instead of 25.

Mr. DUNHAM. Mr. Chairman, I had no desire to disturb the committee on this question; but in examining this bill together with the engineer's estimates, I discovered that the bill gave to Mobile 50 per cent. of the estimate, which was larger in proportion than the amount allowed to any other harbor thus far reached in this bill. My desire in asking the question was simply that this fact might be explained and that we might understand the reason of this apparent discrimination. I must say, however, even after what the gentleman from Alabama [Mr. JONES] has stated, that, judging from the amount of commerce going into that harbor, I can not see any real necessity for giving Mobile more in proportion than any other harbor in the United States.

Mr. BLANCHARD obtained the floor.

Mr. HORR. Before the gentleman proceeds I wish to correct a state-

ment which I made a moment ago. I said that probably six hundred vessels went into the Saginaw River in the course of a year. I find the actual number is over 2,000, against two hundred or a little more at Mobile.

Mr. BLANCHARD. In further explanation of the action of the committee in regard to Mobile Harbor, I will state that the original project of the engineer was to obtain a channel in that bay two hundred feet wide and seventeen feet deep. The money heretofore expended has been used in deepening that harbor to the depth of seventeen feet, but the width of the channel is only one hundred feet.

Mr. BRECKINRIDGE. Seventy-five feet.

Mr. BLANCHARD. It was seventy-five feet, but has been increased twenty-five feet, making one hundred feet. Now, that is not a sufficient width to do any good with a depth of seventeen feet. The committee thought it would be right to give enough money to widen this channel in Mobile Bay to two hundred feet, so as to render it available for commerce, and to make a corresponding reduction upon works in other parts of the State.

Mr. BRECKINRIDGE. That channel is twenty-six miles long. Consequently it takes a good deal of money to make a cut.

Mr. HERBERT. Mobile has the largest watershed, I believe, anywhere east of the Mississippi. It is the natural port of the Gulf of Mexico. As soon as the work is completed it will be a more desirable harbor than New Orleans. Every dollar that is put in there is valuable. Every bucketful or basketful of earth taken out of that harbor makes it exactly that much deeper, because, as has been said by my colleague, the bottom of that bay is blue mud, or, rather, a hard sort of clay, and money invested there pays more in actual results than anywhere else. The natural flow of the current tends to wash the channel deeper instead of to fill it up, as in other places.

I was told by the Government engineer that an old British chart made a hundred years ago shows that on the bay the water was then one foot shallower than it is now. This confirms his opinion that the natural action of the current is to wash the channel deeper. But the clay is too hard; it washes too slowly. It must be taken out by the dredge, and then Mobile will become, what by its position on the Gulf and its proximity to coal and iron it is entitled to be, a great manufacturing and commercial city.

One word as to why this 50 per cent. is given here. In the last appropriation bill my recollection is that Mobile got $200,000. Considering the importance of that port relatively to others that was not too much. The engineers have since reported that to complete the work according to the present plan only $240,000 was necessary. That really ought to have been all appropriated at once. But suppose you go to work at this sum on the 25 per cent. rule, giving only 25 per cent. of what the engineers recommend each year. You will never get through with appropriating that needed $240,000—needed to make a channel one hundred feet wide and seventeen feet deep.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERBERT. Fifty per cent. of that $240,000 is only $120,000.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The House informally rose; and a message from the Senate, by Mr. McCOOK, its Secretary, announced the passage of bills of the House of the following titles:

A bill (H. R. 5670) to authorize a retired-list for privates and noncommissioned officers of the United States Army who have served for a period of thirty years or upward;
A bill (H. R. 6934) granting a pension to Ann J. Williams;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 433) to increase the pension of Simpson Harris;
A bill (H. R. 6665) for the relief of James Stack;
A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;
A bill (H. R. 2920) for the relief of John Johnson;
A bill (H. R. 1256) increasing the pension of Ben Morgan;
A bill (H. R. 5500) for the relief of Benjamin F. Amos;
A bill (H. R. 5004) for the relief of William B. Smith;
A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;
A bill (H. R. 3703) granting a pension to James W. Brown;
A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;
A bill (H. R. 5960) granting a pension to George Zielle;
A bill (H. R. 6461) granting a pension to Nelson Gammons;
A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;
A bill (H. R. 2432) for the relief of Mrs. Jane Young;
A bill (H. R. 2348) granting a pension to John D. Rickards;
A bill (H. R. 6594) granting a pension to Russell F. Dimmick;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;
A bill (H. R. 5630) granting a pension to George W. Rugg;
A bill (H. R. 2452) granting a pension to Frank S. Marsh;
A bill (H. R. 7141) granting a pension to Daniel W. Adams;
A bill (H. R. 3565) granting a pension to William Eurele;
A bill (H. R. 2908) granting a pension to James McManus;
A bill (H. R. 5565) granting a pension to Theo Ahrens;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 6726) granting a pension to Margaret A. Maguire;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
A bill (H. R. 6997) granting a pension to Henry Davis;
A bill (H. R. 1084) granting a pension to Dorathea Bothner;
A bill (H. R. 5776) granting a pension to Louis D. Petty;
A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;
A bill (H. R. 3663) granting a pension to John T. Marshall;
A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 760) granting an additional pension to Watson S. Bentley;
A bill (H. R. 1504) for the relief of Millia Staples;
A bill (H. R. 3612) granting a pension to Hayden Reynolds;
A bill (H. R. 5812) granting a pension to Ellen A. Vance;
A bill (H. R. 499) granting a pension to Mary A. Knawber;
A bill (H. R. 6927) granting a pension to Merit M. Oakley;
A bill (H. R. 1171) granting a pension to Isabel Campbell;
A bill (H. R. 7046) granting a pension to Alonzo Cornwell;
A bill (H. R. 4752) granting a pension to William Henning;
A bill (H. R. 4238) granting a pension to Sallie Ingham;
A bill (H. R. 4059) granting a pension to Isaac Demaranville;
A bill (H. R. 2399) granting a pension to Clarissa McKee;
A bill (H. R. 5926) granting a pension to John Maloney;
A bill (H. R. 6956) granting a pension to Maria H. Sargent;
A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 3527) granting a pension to George A. Marshall;
A bill (H. R. 2140) for the relief of Hugh Dougherty; and
A bill (H. R. 5023) granting a pension to Ruth Stratton.

It further announced the passage of bills of the following titles, with amendment; in which concurrence was requested:

A bill (H. R. 2370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;
A bill (H. R. 5546) granting a pension to David M. Nagle; and
A bill (H. R. 6816) for the relief of Nathan J. Sharp.

It further announced the passage of bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 357) granting a pension to Mrs. Charlotte Hackett;
A bill (S. 1546) granting a pension to Orin R. McDaniel;
A bill (S. 1571) granting a pension to James McCallen;
A bill (S. 1655) granting a pension to Newton J. Burris;
A bill (S. 1709) granting a pension to Lenora A. Boyden;
A bill (S. 1790) granting an increase of pension to Edgar L. Dutton,
A bill (S. 1803) granting an increase of pension to George A. Washbourn;
A bill (S. 1804) granting a pension to Clarinda Hunt;
A bill (S. 2009) granting a pension to Isabella Turner;
A bill (S. 2158) granting an increase of pension to Jessee I. Harrold,
A bill (S. 2160) granting a pension to Robert Walker;
A bill (S. 2204) granting arrears of pension to Nancy B. Leach;
A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;
A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;
A bill (S. 2327) for the relief of James Bedell, sr.;
A bill (S. 2398) granting a pension to Cyrus Reeser;
A bill (S. 2514) granting a pension to David T. Hoover;
A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas;
A bill (S. 2549) granting a pension to Isabella Higgins;
A bill (S. 2587) granting a pension to William H. H. Gilley;
A bill (S. 2594) to change the name of the Manufacturers' National Bank, of New York, to the Manufacturers' National Bank, of Brooklyn, N. Y.;
A bill (S. 2610) granting a pension to Patrick Furlong; and
A joint resolution (S. R. 119) accepting the gift of William H. Vanderbilt and Julia Dent Grant, wife of Ulysses S. Grant, to the United States of certain articles.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. Without objection, the Chair will regard the *pro forma* amendments of the gentleman from Michigan and the gentleman from Alabama as withdrawn.

The amendments were withdrawn.

The Clerk read as follows:

Improving harbor at New Orleans, La.: Continuing improvements, $150,000, to be expended under the jurisdiction of the Mississippi River Commission.

Mr. TURNER, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 205, after the word "dollars," insert "and for the improvement and preservation of the harbor at Hickman, Ky., $50,000."

Mr. TURNER, of Kentucky. Mr. Chairman, I do not desire to trespass upon the time or the patience of this committee. I have but five minutes of time, and I can not do justice to the subject in that brief

space. I rise, however, to call the attention of this committee to a few points in connection with this Mississippi River improvement.

In the last river and harbor appropriation bill there was embraced in the Mississippi River improvement, specifically named, the harbors at New Orleans, Natchez, Vicksburg, Memphis, Hickman, and at Columbus. In the present bill the Committee on Rivers and Harbors have stricken out every harbor on the river named in the last bill which passed except New Orleans. They have stricken out Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus. Why this has been done I can not imagine; certainly for no just reason.

Now, sir, I say that it is not fair and just to the other harbors and points of importance on this river, and which have heretofore been uniformly embraced in the river and harbor bill. It is not fair to these harbors and to the great commercial interest of the West and South.

The harbor of Hickman is the terminus of the Nashville and Chattanooga Railroad, a railroad extending to the East and connecting with the roads running throughout the whole Southeastern States and terminating at Hickman, Ky. All the commerce of a great region of country is brought to the river by that line of road at Hickman. This harbor is a very important point, and has been considered important by this very committee, as may be inferred from the fact that it was embraced in the last annual river and harbor appropriation bill, which passed this House at the last session. In addition I desire to say that the Mississippi River Commission have recommended in their last report an appropriation for the harbor at Hickman of more than double the amount proposed by my amendment.

Mr. GIBSON. Will the gentleman permit me to ask him a question?

Mr. TURNER, of Kentucky. No, sir; I do not yield now. The gentleman can occupy his own time. I have not the time to spare. I desire to state that after the river and harbor bill passed at the last session of Congress, the president of the Mississippi River Commission made no improvements whatever at Hickman or Columbus; and in response to a communication from the mayor and city council, as I am informed, stated that he had no money, or that the fund appropriated was not sufficient to make improvements there. Now, however, he specifies the amount that is necessary for that harbor, but the committee have left it out. They strike out every harbor on the river except New Orleans. I trust the amendment will be adopted, that the harbor may be preserved, for the bank of the river at Hickman is rapidly falling in and the harbor will be destroyed.

Mr. BLANCHARD. I will state to my friend from Kentucky that the Mississippi River Commission which is charged with the important duty of the improvement of the Mississippi River from the Des Moines Rapids to its mouth made separate estimates for all of these harbors, and said in their report that if appropriations were made for any of the harbors on the river that they should be made separately, granting so much for each.

Now, when the Committee on Rivers and Harbors came to consider the question of these harbors they came to the conclusion that New Orleans, being a great seaport, the second in importance in the United States in point of commerce and the amount of shipping and the value of its exports—that they would make an appropriation for that harbor, the estimate for it being $700,000. We appropriated of that amount only $150,000.

Mr. TURNER, of Kentucky. I desire to say to my friend from Louisiana that I do not want to be understood as antagonizing the appropriation at New Orleans by any means.

Mr. BLANCHARD. I agree the gentleman did not antagonize it, but he asks why is it that appropriation is made by this committee for New Orleans when it is denied to Hickman, Ky. I state in response to his inquiry that it was because the committee recognized New Orleans as a great seaport, while Hickman, Ky., can not claim that dignity as a harbor.

Mr. HUNT. Will the gentleman from Kentucky allow a question?

Mr. TURNER, of Kentucky. I believe my time has expired.

Mr. HUNT. I would like to have the gentleman state whether he ever voted for a river and harbor bill during his service in Congress.

Mr. TURNER, of Kentucky. I have to reply that the question of the gentleman has nothing whatever to do with the question before the committee now, and at the proper time I will answer it.

Mr. HUNT. You decline to answer it?

Mr. TURNER, of Kentucky. I will answer at a proper time, when I have time——

Mr. HUNT. It is stated to me that you never have, and yet you want the committee to do that which you have never been willing to do yourself.

Mr. TURNER, of Kentucky. The records of this House will show my votes in regard to the river and harbor appropriation bills since I have been a member of this House; and if the gentleman from Louisiana will take the trouble to examine for himself, he will know just what my views are and how I voted, for I have expressed my views on river and harbor bills repeatedly in this House and they are to be found in the record, and I stand by the views that I have expressed in regard to river and harbor bills. I have always favored the improvement of navigable rivers that would benefit commerce.

Mr. YOUNG addressed the Chair.

The CHAIRMAN. The gentleman from Louisiana is entitled to the floor if he chooses to occupy it in opposition to the amendment of the gentleman from Kentucky.

Mr. YOUNG. I seek recognition to ask a question of my friend from Louisiana, whether or not the appropriation recommended by the Committee on Rivers and Harbors for New Orleans is for the "landing" or for the "harbor?"

Mr. HUNT. I will answer the gentleman from Tennessee.

Mr. YOUNG. Very well, I would like to have an answer.

Mr. BLANCHARD. It is for the harbor of New Orleans.

Mr. YOUNG. I want to know the particular point where the appropriation is to be disbursed; whether at the river landing or at the mouth of the Mississippi River.

Mr. BLANCHARD. The mouth of the Mississippi River is one hundred and thirteen miles from New Orleans, and this appropriation has got nothing to do with the mouth of the river. The harbor of New Orleans itself is about two and a half miles long——

Mr. HUNT. The city has a front of eleven miles.

Mr. BLANCHARD. Then it extends eleven miles along the Mississippi River, and this appropriation is for the harbor of New Orleans.

Mr. YOUNG. Then, if I understand it, it is an appropriation for a river front like Hickman, Memphis, and Vicksburg. But I am not antagonizing it.

Mr. HUNT. Then you are for it.

Mr. YOUNG. I do not know why I should not be. I withdraw my amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. TURNER].

The amendment was not agreed to.

Mr. TURNER, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 235, after the word "dollars," insert:
"And for the improvement and preservation of the harbor at Columbus, Ky., $50,000."

Mr. TURNER, of Kentucky. In addition to what I have just said upon the amendment which has been voted down by this committee, in accordance I suppose with the rule which has controlled the committee, or at any rate those having appropriations in the bill to vote down all amendments, I simply desire to state this: That Columbus is the terminus of the Mobile and Ohio Railroad, a railroad running from the Gulf of Mexico and terminating at Columbus, Ky., connecting it with all the railroads through the Southern and Southeastern States. In addition to that it is the terminus of the Iron Mountain Railroad, running from Saint Louis on the opposite side of the river; the connection is made there. The amount of the commerce is immense that is transported to that point, the river is caving in, the harbor is being almost destroyed, and it is just as much entitled to an appropriation as New Orleans or any other harbor on the river.

In addition to that, let me say that the question was investigated at the last session of Congress, and after mature and deliberate consideration Columbus was included among the harbors to be put in the last river and harbor bill, and the provision for that harbor passed the House of Representatives and the Senate and became the law. No improvement was made, because the president of the Mississippi River Commission said he had not funds to make the appropriation. He has now given his estimate, and says it would take $80,000. I have only asked in the amendment for $50,000. I think it is a proper amendment and ought to be adopted.

Mr. BAYNE. I want to say a word. I have not detained the committee hitherto because I want to get the bill through the House.

There are seven or eight places reported here as harbors and called harbors on the Mississippi River. They have no more right to be called harbors than any point on any navigable river in the country. They are merely landings.

The criticism of the gentleman from Kentucky on the New Orleans appropriation is just criticism. The $150,000 voted for the so-called harbor at New Orleans ought not to be in this bill. No appropriation should be made for New Orleans, Memphis, Vicksburg, Natchez, Greenville, Hickman, or Columbus or for Cairo. If you adopt the principle that all the landings along the navigable rivers and lakes of this country are to be called harbors and that a separate and distinct appropriation is to be made for each, you will require a harbor bill which will run into hundreds of millions of dollars. That is what this whole thing means. The whole thing ought to be stricken out. It was, as to all points except New Orleans, but the persistence of my friend from New Orleans that secured that appropriation.

Mr. BLANCHARD. May I ask my friend from Pennsylvania a question? Did he not vote for it in the committee?

Mr. BAYNE. I acceded to it when I understood there was no use of fighting it, and I have not opposed it here.

[Here the hammer fell.]

Mr. TURNER, of Kentucky. I desire to reply to the remark of the gentleman from Pennsylvania.

Mr. CUTCHEON. I want to ask the gentleman from Pennsylvania a question. [Cries of "Vote!" Vote!"]

Mr. TURNER, of Kentucky. I move to amend the amendment by striking out the last word.

Mr. Chairman, I have listened with a great deal of surprise to my friend from Pennsylvania [Mr. BAYNE]. Now, sir, what is a harbor? Here is the last river and harbor bill. What constitutes in this bill harbors on the Mississippi River? They are points for the landing of boats for the purpose of receiving freight which is brought to the river by the railroads which permeate the interior of the country.

My friend from Pennsylvania has been on the River and Harbor Committee for years in this House. Every river and harbor bill that has passed this House since I have had the honor of being a member on the floor has embraced specifically, by name, the harbors on the Mississippi River—New Orleans, Greenville, Vicksburg, Natchez, Memphis, and at the last session Congress put in Hickman and Columbus as important harbors, and the gentleman from Pennsylvania has voted for every one of them, and voted for the last bill. He is the last man that has the right to come upon this floor and proclaim at this late day that these important points are mere landings and not harbors. The gentleman's argument that you might embrace every landing on the Mississippi River and on other rivers amounts to nothing. Congress would not be guilty of such folly, but have properly embraced important termini of great railroads, and Hickman and Columbus are two of them—heretofore properly included.

It is a matter for the sound discretion of Congress, and it is presumed that they will exercise a sound discretion. There are but few points on the Mississippi River that are reached by important lines of railroad. Hickman and Columbus are two of them, Memphis is another, and all these are important harbors, which have been embraced in every river and harbor bill, and ought not at this late day to be left without provision for their improvement while everything is given to the city of New Orleans. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Kentucky [Mr. TURNER] withdraw his formal amendment?

Mr. TURNER, of Kentucky. I do.

The question was taken on the previous amendment offered by Mr. TURNER, of Kentucky, and it was not agreed to.

Mr. HEPBURN. I move to strike out the lines of the pending bill 202, 203, 204, 205, and 206.

Mr. Chairman, so far as my information goes, the aim of this so-called harbor improvement at New Orleans is nothing more than the building of a levee, the broadening of a levee, and the pavement of a levee, for the convenience and protection of the people of New Orleans. If there is anything more than that in this proposed "improvement," I shall be glad to have some of the gentlemen from Louisiana instruct me at a proper time. My information is that opposite the city of New Orleans throughout the whole breadth of the Mississippi River there is a navigable depth of over fifty feet of water.

A MEMBER. One hundred feet.

Another MEMBER. Two hundred feet.

Mr. HEPBURN. There is nothing needed at that place for the navigation of the river except a proper bank, a proper quay for the convenience of shippers—just exactly such an "improvement" as at the city of Burlington, at the city of Davenport, at the city of Dubuque, the people, for their own convenience and out of their own treasury, have from year to year been making. I know of no reason why the people of New Orleans should not be required to provide themselves with these ordinary facilities of commerce as the people of other cities along the river do. This is simply a provision for the paving of one of the public thoroughfares of the city of New Orleans, a thoroughfare upon which there is perhaps more burdensome travel and traffic than in any other part of that city. If I am in error about this I would be glad to have one of these gentlemen inform me of it.

Mr. KING. The gentleman is very greatly in error.

Mr. HEPBURN. Very well, sir; I will yield to you to explain wherein I am in error. [Cries of "Vote!" "Vote!"]

Mr. KING. The gentleman is entirely in error. This money, if appropriated, will not be applied to any highway whatever.

Mr. HEPBURN. Is not this quay of yours, this landing, a highway?

Mr. KING. No.

Mr. HEPBURN. Do you not carry your freights there and receive your freights there?

Mr. KING. No, sir. This appropriation is to be applied to keep the harbor where it is.

Mr. HEPBURN. What is the harbor?

Mr. KING. This is to prevent the river by erosion from destroying the harbor.

Mr. ROWELL. Mr. Chairman, in order that we may understand what this "harbor" is for, it may be well to read from the report of the engineers on the subject. I read:

The project for laying 10,000 feet of mattress revetment, 400 feet wide, in Carrollton Bend was approved September 18, 1882. Work was begun October 9, 1883, but has made little progress to date, owing to trouble in securing a supply of brush.

* * * * * * *

On the right bank from Westwego to Algiers there has been serious caving, involving much loss to property of considerable present and much greater prospective value. Fully 40,000 feet of bank will require protection.

Under the statement of the Mississippi River Commission, the improvement of New Orleans Harbor devised by that commission was to protect the banks, and they say that fully 43,000 feet of bank will need protection to prevent the destruction of private property of large present and prospective value. There is no use in trying to escape the fact that in addition to the millions appropriated for the Mississippi River $150,000 is here proposed to be added to that amount for the purpose of protecting private property along the banks of that river. That is clearly the case, unless the river commission are mistaken in their report.

Mr. HEPBURN. Mr. Chairman, in addition to what my friend [Mr. ROWELL] has said, I want to call attention to the fact that this improvement is on the bank of the river opposite to the city of New Orleans. It is for the protection of private property which lies on the other side of the stream—on the right bank of the river.

The question was taken on the motion of Mr. HEPBURN; and on a rising vote there were—ayes 68, noes 60.

Mr. WILLIS. Mr. Chairman, I call for tellers.

Mr. HEPBURN. Oh, I hope the gentleman will not delay the progress of the bill. [Laughter.]

Tellers were ordered; and the chairman appointed Mr. HEPBURN and Mr. BLANCHARD.

The committee again divided; and the tellers reported—ayes 64, noes 85.

Mr. HEPBURN. No quorum.

The CHAIRMAN. No quorum having voted, the tellers will keep their places. There is evidently a quorum present, and gentlemen will please vote.

The committee again divided; and the tellers reported—ayes 66, noes 97.

So the amendment was not adopted.

Mr. HEPBURN. I move to amend by striking out in line 204 the words "one hundred and."

The question being taken on the amendment of Mr. HEPBURN, there were—ayes 25, noes 68.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN. No quorum having voted, the Chair appoints as tellers the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Louisiana, Mr. BLANCHARD.

The committee again divided; and the tellers reported—ayes 43, noes 121.

So the amendment was not agreed to.

Mr. VAN EATON. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After line 206 insert:

"Improving harbor at Natchez, Miss.: Continuing improvement, $200,000."

Mr. VAN EATON. Mr. Chairman——

Mr. HOLMAN. One word, Mr. Chairman, before the gentleman proceeds. Is it understood that the preceding paragraph—the paragraph relating to New Orleans—is passed?

The CHAIRMAN. The gentleman from Mississippi [Mr. VAN EATON] moves to add something to the end of that paragraph.

Mr. HOLMAN. I desire to move to strike out a portion of the paragraph, if I can be recognized.

Mr. WILLIS. I submit, Mr. Chairman, that the paragraph the gentleman from Indiana [Mr. HOLMAN] refers to is passed. This is another paragraph.

Mr. HOLMAN. When the Chair made the announcement that the amendment of the gentleman from Iowa [Mr. HEPBURN] was not agreed to the gentleman from Mississippi [Mr. VAN EATON] rose——

The CHAIRMAN. And offered an additional paragraph.

Mr. WILLIS. I make the point that the paragraph in regard to the improvement at New Orleans has been passed.

The CHAIRMAN. When the Chair announced the result of the vote on the amendment of the gentleman from Iowa, the gentleman from Mississippi obtained recognition and sent his amendment to the desk. After it had been read the gentleman from Mississippi began his remarks, and then the gentleman from Indiana rose and asked the Chair a question.

Mr. HOLMAN. I rise to a point of order. The very moment the fact became apparent that a new paragraph was being offered I rose and addressed the Chair.

Several MEMBERS. Regular order.

The CHAIRMAN. The Chair can not be responsible as to when the gentleman from Indiana became aware of a fact. The fact is that the paragraph to which he refers has been passed. [Cries of "Regular order!"]

Mr. HISCOCK. Had the Clerk commenced the reading of the subsequent passage?

The CHAIRMAN. The Clerk had read the new paragraph sent up by the gentleman from Mississippi, and that gentleman had begun to argue the question. [Cries of "Regular order!"]

Mr. HOLMAN. I desire to be heard upon a question of order. When the Chair had announced the result of the last vote, and before the Clerk had proceeded to read, the gentleman from Mississippi immediately

upon the announcement of the Chair rose—— [Cries of "Regular order!"]

Mr. HOLMAN. I have a question of order pending.

The CHAIRMAN. The gentleman from Indiana is trying to state his point of order.

Mr. WILLIS. I understand it has been decided.

Mr. HOLMAN. I am trying to state my point of order. When I observed that the gentleman from Mississippi was not proposing an amendment to the pending paragraph, but an independent paragraph, I instantly rose, because I desired to offer an amendment to the pending paragraph—the paragraph in regard to New Orleans Harbor. No other paragraph has been read. I could not intervene between the rising of the gentleman from Mississippi and the announcement made by the chairman, for the reason that there was no interval. I had a right to take it for granted, as I did, that the gentleman from Mississippi rose to make an amendment to the then pending paragraph, the only paragraph that had been read and that was before the committee. How then could I have intervened so as to meet the objection raised by the gentleman from Kentucky? I concede if the Clerk had proceeded to read the next following paragraph of the bill it would then have been too late, but he had not done so. The pending paragraph is the one that relates to the levees at New Orleans.

Mr. WILLIS. And the next was an entirely new subject, and the gentleman from Mississippi had begun his speech when interrupted.

The CHAIRMAN. The next paragraph in the bill had not been read.

Mr. WILLIS. But the paragraph submitted by the gentleman from Mississippi had been read and the gentleman had begun his speech before the gentleman from Indiana was on his feet.

Mr. VAN EATON. That is true.

Mr. HOLMAN. But the pending paragraph of the bill, to which amendments are still in order, is in regard to the New Orleans improvement.

The CHAIRMAN. The Chair is disposed to think that the motion of the gentleman from Mississippi is in the nature of an amendment to the paragraph as to New Orleans because he adds to it. Therefore that paragraph has not yet been parted from, although that amendment may or may not be adopted; and the Chair, on the statement of the gentleman from Indiana that he was endeavoring to get recognition, and sought it as soon as he could, will change the former ruling and hold it to be in order.

Mr. HEPBURN. I rise to a parliamentary inquiry. I desire to know——

The CHAIRMAN. The Chair further suggests, as he did before to the gentleman from Indiana, if he was in order to amend the words passed over in the bill, that it would be proper for him to offer his amendment to be acted upon before that of the gentleman from Mississippi.

Mr. HOLMAN. I move to strike out the words——

Mr. VAN EATON. I think I am entitled to the floor and claim my rights.

The CHAIRMAN. The gentleman is entitled to the floor if he insists upon it. The Chair will recognize the gentleman from Indiana later.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I desire to know whether the paragraph composed of lines 203, 204, 205, and 206 is not still open to amendment.

The CHAIRMAN. The Chair has just so stated, and an amendment is now pending to the paragraph and the gentleman from Mississippi has the floor.

Mr. HEPBURN. I have an amendment I desire at the proper time to offer.

Mr. VAN EATON. Mr. Chairman, I have offered this amendment in perfect good faith, and I respectfully request the attention of this committee while I compress a two hours' speech in something less than five minutes.

The Committee on Rivers and Harbors have, in some sense, brought into this House one of the most remarkable bills perhaps that has ever been brought into the House, and now when it comes to matters concerning which I and my constituents are interested, they avow the most extraordinary doctrine I have ever heard enunciated since I have been a member of this body, to wit, that these "landings," as they call them, the cities upon the banks of the Mississippi River, where hundreds of thousands of bales of cotton are annually shipped, and where are received the great products of the North and West, are not harbors at all, but were landings. Why, Mr. Chairman, only a year ago this same committee classed them as harbors in their bill. Thus they used this language on page 15 of the bill of that year. It will be remembered that they made the proposition or rather an appropriation in the following terms:

Improving Mississippi River from the head of the passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenfield, Memphis, Hickman, and Columbus.

And to-day they object to any appropriation because, in the classical language of the gentleman from West Virginia [Mr. GIBSON], they are mere landings on the Mississippi River, and not harbors at all.

I want to call the attention of this committee in good faith to this fact, that all the way from the Des Moines Rapids down to the mouth of the Mississippi this committee has only made appropriations for two harbors—one at Cairo and one at New Orleans—both of them, according to the language of the committee, if it is properly voiced by the gentleman from West Virginia, being merely "steamboat landings."

The fact is, sir, that in all of this magnificent country from Cairo down, including the cotton section of the country, not one dollar is appropriated, not one dollar is set apart for that country that comprises the great cotton-producing section of this country, and, I may say, of the world. To that whole region of country and its needs this committee has paid no attention. They have ignored it completely and entirely.

Now, with regard to Natchez, the particular amendment under consideration, it is a fact that within the last year or two the river has been threatening a cut-off above, which will likely leave the city a mile or two inland from the current and attack the town of Idalia, on the other side of the river, and destroy it.

The Mississippi River Commission has made an estimate for an appropriation here. Estimates have been made for proper harbors in all this magnificent country. And yet the gentleman tells us they are only landings. Why, sir, yesterday the gentleman from West Virginia [Mr. GIBSON] used this language:

I protest here against the appropriation of a solitary dollar to any landing on the Mississippi River. Those landings are not harbors in any sense of the word.

Then at the conclusion of his remarks he said that to make such appropriations "would destroy the whole object of the system of internal improvements, and it would shock the common sense of the country and arouse its just indignation against us."

Now, Mr. Chairman, for fear there might be some just indignation aroused against us, I thought I would look over the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG obtained the floor and yielded his time to Mr. VAN EATON.

Mr. VAN EATON. I looked over the bill, and I wish to draw the attention of the committee to this remarkable fact: In West Virginia there was an appropriation last year of $1,500, and there is another this year of the same amount, to improve a mountain stream, the Buchanan River, which this report of the engineers says is only fifty-seven miles in length and can never be made navigable except for logs—logs! [Laughter]. Some man who owns some timber on that river wants to get out some sawlogs, and he can not do it unless this great Government will make an appropriation of $3,000 to get out his sawlogs.

But let me say a little more about Buchanan. It is good reading, this report. I would like to incorporate this portion of it in my remarks and publish it in the RECORD. It ought to be published. The report says of this and Tygart's Valley River—I suppose you all know Tygart's Valley River—[laughter]—the gentleman seems to have lately discovered the Buchanan and the Tygart's Valley Rivers up among the mountains. The report says:

Both rivers are exclusively rafting streams.

And it is for one of these that $1,500 is appropriated in this bill. The gentleman says his sense of propriety is shocked by an appropriation for the great cotton harbor on the great inland sea of America; but he wants to give $1,500 for the improvement of a little logging stream.

Mr. HUNT. Will the gentleman state what percentage of the estimate that is?

Mr. VAN EATON. I must decline to be interrupted. I am a young man and am easily scared. [Laughter.]

Mr. Chairman, this remarkable Buchanan River that this committee wants to improve has a fall it appears of seven hundred feet—

Which—

Says the report—

is an average of more than nine feet to the mile.

And in one place the fall is sheer twenty feet right straight down, and the trouble is when they do manage to get their logs there they wear out before they get through. That is the fact. [Laughter.]

Now the engineer says further:

It is evident from the above summary statement that all that can be done to these streams is to remove the isolated bowlders and masses of rock that cause log jams, and thus facilitate the downward passage of—

Of what? Of ships, of steamboats, of barges? No, sir—

And thus facilitate the downward passage of logs.

[Laughter.]

There it is. That is the engineer's report. It says further:

In the present case I have to report that no survey is needed, as the preliminary examination has developed all of the essential facts.

Indeed, all a man would have to do would be to go and survey that gorge by his eye. [Laughter.] It is only fifty-seven miles long.

[Here the hammer fell.]

Mr. GIBSON rose.

Mr. VAN EATON. I should like to say just one word more.

Mr. GIBSON. I move to strike out the last five words.

Mr. VAN EATON. I desire to say just another word.

Mr. GIBSON. I will yield to the gentleman if I shall then have my five minutes.

Mr. VAN EATON. I should like to hear the gentleman whose sense of propriety is shocked by appropriations for harbors on the Mississippi River characterize in what he considers fit terms this appropriation for Buchanan River to facilitate the passage of logs.

Mr. GIBSON. In speaking on this bill on yesterday I said that the expenditure of money for the purpose of improving landings on the Mississippi River was calculated to shock the common sense of this country. I repeat that language now, and repeat it with reason for it. Not one solitary dollar of this money proposed for the purpose of improving what they call these harbors is to be applied to giving one inch of water that any vessel may float upon it, not even that a log may float upon it; but every dollar of it is to be used for the improvement of levees and landings of parties engaged in trading in those towns.

Mr. REED, of Maine. Is that the case with the New Orleans appropriation?

Mr. GIBSON. It is the case with every dollar of it. Not one dollar is to be expended in digging out and deepening the channel. No ship is able to float better by reason of it. But it is to protect the property of those who are engaged in trading on the banks of the river. I protest against the use of the public money for that purpose; and I appeal to the common sense of this House and to the common sense of the country to sustain me in that protest.

But the gentleman from Mississippi [Mr. VAN EATON,] undertakes to criticise me very facetiously. That gentleman's record in this House shows how much he is in favor of releasing the people from public plunderers and from the burdens imposed on them and of improving the facilities for commerce and the interchange of commodities between the States. It is not for him to criticise my actions or the actions of any other member of this House who has sought to save the public property and restore it to those who own it.

But now as to West Virginia, and as to the gentleman's talk about the Buchanan River, I have this to say——

Mr. VAN EATON. Perhaps the gentleman would like this engineer's report to read from. [Laughter.]

Mr. GIBSON. No, sir; I have seen that report, and I am as well acquainted with that as I am with the record in this House of the gentleman from Mississippi [Mr. VAN EATON]. Although he may be "young" and "a new member," he has made a record, and I have seen it.

Now, as to the Buchanan River, I know nothing about that river; I have no personal knowledge of it; it is not in my district, nor have I any interest in it. I only know that the Engineer Corps of the United States Army, in charge of the commercial improvements of the rivers and harbors of this country, came to this Congress with a report strongly recommending that that river be opened, so that, as the engineers say, between fifty and one hundred million feet of oak timber, which is needed for ship-building along the Ohio and the Missouri and the Mississippi, can be gotten out, in order that the commerce of the great West may float upon its timbers.

Mr. HORR. Does the gentleman admit that that is the only commerce of that river—the floating down of lumber?

Mr. GIBSON. I declare to this committee that the only commerce that river has or can have is the letting out of millions and millions and millions of feet of timber which is required for the building of vessels to float upon the Western waters.

Mr. VAN EATON. Then there will be lots of "log-rolling" there. [Laughter.]

Mr. GIBSON. Yes, sir; and you understand "log-rolling," I suppose.

Mr. VAN EATON. There is $275,400 worth of "log-rolling" in this bill for the gentleman's State.

Mr. GIBSON. Well, sir, that only shows how much inferior I am to the gentleman from Mississippi [Mr. VAN EATON]. If he had been there perhaps he would have had several millions.

Now, as to this stream, Buchanan River, I speak frankly, for I have no concealments to make. I based the recommendation for that improvement upon the report of the engineers. Colonel Merrill, who is on the Ohio River, and who is the engineer in charge, without any request from me, without any knowledge on my part, recommended that this appropriation be made.

Mr. HORR. Is there any appropriation made anywhere in this bill for improving a stream simply for the running of logs?

Mr. SPRINGER. Yes; there are several such cases out West.

Mr. HORR. There are none in Michigan.

Mr. SPRINGER. Yes.

Mr. HORR. Not a dollar for any such stream in Michigan.

Mr. SPRINGER. Black Lake, just above Grand Haven; there never was any commerce there but logs.

Mr. TOWNSHEND. Mr. Chairman, this is the first time that I have asked the indulgence of the House to say anything in regard to this bill. I had made up my mind to vote against the bill, and therefore had determined to content myself with my vote as an expression of my opinion in regard to it. But, Mr. Chairman, I rise now for the purpose of saying this: The other day, when a motion was made that the House take a recess until 10 o'clock the next morning, the assurance was given by the chairman of the committee having this bill in charge that before 12 o'clock next day should arrive he would move that the House should adjourn, so that the ordinary business of the House might be carried on after 12 o'clock. To-day, when the motion was made by the same gentleman that a recess be taken until 10 o'clock on Monday next, he declined to give any such assurance to the House; and I have learned that it is the purpose of the friends of this bill, or at least of gentlemen that are pressing it, that on Monday next, if the House meets here in pursuance of the order for a recess, the House shall not adjourn, but shall go on with the consideration of this bill next morning. Now, Mr. Chairman, I wish to remind gentlemen that we have three important appropriation bills ready for consideration——

Mr. WILLIS. Mr. Chairman, I rise to a question of order.

Mr. VAN EATON. Mr. Chairman, I would like to know on which side of my amendment the gentleman from Illinois [Mr. TOWNSHEND] is speaking. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] will state his point of order.

Mr. WILLIS. My point of order is that the gentleman from Illinois [Mr. TOWNSHEND] is proceeding entirely against the rules in the remarks that he is making.

The CHAIRMAN. The point of order is well taken. The gentleman from Illinois [Mr. TOWNSHEND] will proceed in order.

Mr. TOWNSHEND. I did not hear the ruling of the Chair.

The CHAIRMAN. The Chair ruled that the gentleman was proceeding out of order.

Mr. TOWNSHEND. Well, Mr. Chairman, I have perhaps stated sufficient facts as a basis for what further I have to say. I have reminded the House that there are three appropriation bills pending. It is already known that next Monday the bill making appropriations for the postal service——

Mr. WILLIS. Mr. Chairman, I again raise the point of order, and I ask that the gentleman take his seat until he can proceed in order.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] will proceed in order.

Mr. TOWNSHEND. Then, Mr. Chairman, if I have not been in order heretofore, I make the motion that this committee do now rise. I make that motion with the view of making a motion that when the House adjourns to-day it adjourn until Monday at 12 o'clock.

The motion being taken on the motion of Mr. TOWNSHEND that the committee rise, there were—ayes 52, noes 98.

Mr. TOWNSHEND. I call for tellers.

A MEMBER. No quorum has voted.

The CHAIRMAN. No quorum having voted——

Mr. SPRINGER. A quorum is not necessary on a motion that the committee rise, which is equivalent to the motion in the House to adjourn.

The CHAIRMAN. The question is on ordering tellers.

The question being taken, there were ayes 32—less than one-fifth of a quorum.

The tellers were not ordered; and the motion that the committee rise was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment presented by the gentleman from Mississippi [Mr. VAN EATON].

Mr. VAN EATON. I withdraw the amendment for the present.

The CHAIRMAN. The amendment of the gentleman from Mississippi being withdrawn, the Chair recognizes the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I move to amend the pending paragraph by striking out "jurisdiction of the Mississippi River Commission" and inserting "direction of the Secretary of War," so as to provide that this appropriation be expended under the direction of the Secretary of War through the Government's Corps of Engineers.

Mr. Chairman, up to a comparatively recent date, some five years ago, all the public works of the country have been under the supervision of the War Department, controlled and conducted by the Engineer Corps of the Army; and there are many arguments in favor of the resumption and continuation of this policy, and of its application to the Mississippi River and the various improvements connected with it.

I have not, I believe, heard any one call in question the integrity or capacity of this body of trained public officers—the Engineer Corps of the Army. In point of integrity and capacity they certainly equal any body of engineers in civil life who can be employed by the Government in connection with its public works. The fact of their being trained to this employment, and having no personal motives in connection with the public work, having only the public interests in view, makes it in my judgment a matter of the highest possible moment, in order to secure public confidence in the administration of your public works, that the Engineer Corps of the Army, under its responsible chief, should be employed to direct and control them. Has anything in our history occurred to justify the belief that we can employ upon, works of this character any body of citizens more eminently qualified for these duties?

Mr. WILLIS. My friend will allow me to say that this is not a new departure. The improvement of the Mississippi has always been under such direction as is proposed in the bill.

Mr. HOLMAN. I am, of course, aware of the fact that the improvements on the Mississippi River in recent years have been taken out of the regular order—not placed in charge of a body of men who have for years enjoyed the public confidence, but in charge of gentlemen not connected as a body with any department of Government—gentlemen differing with an engineer officer who is prominently connected with them. Thus you have the spectacle of a regular engineer of your service advising against the plan of his colleagues on that commission.

This commission stands by itself. One of the members is a very respectable and intelligent lawyer of my State, who perhaps had no acquaintance with the Mississippi River until his recent appointment—a gentleman devoted to his profession, knowing nothing, I think, about engineering or hydraulics, knowing nothing about public works—a man of ability and integrity, I have no doubt, but wholly unacquainted with the business of managing great public works. Are you to displace competent and trained public officials who have been connected with the Government works for years, under a responsible head, and put in their places lawyers whose education has no relation to public works? I think, sir, that these works should be restored to the control of responsible officers of the Government, to a responsible department, so that our people may have confidence in the capacity and integrity with which these public works are conducted and confidence in the proper expenditure of their money.

[Here the hammer fell.]

Mr. BLANCHARD. I regret, Mr. Chairman, that my friend from Indiana [Mr. HOLMAN] is so badly informed on this subject. This work at the city of New Orleans is being done, and has been done for years, under the control of Major Stickney, of the United States Corps of Engineers. He is the executive officer of the Mississippi River Commission, the head of which is General Gillmore, of the Corps of Engineers. Other members of that commission are General Comstock and Major Suter, of the Corps of Engineers. Another member is Mr. Mitchell, of the Coast and Geodetic Survey. When the gentleman from Indiana speaks of the eminent lawyer from his own State who is a member of that commission he refers to Mr. Robert S. Taylor, who was appointed, in pursuance of the requirement of law that one or two civilian engineers be appointed and one person who was not an engineer.

So that this money which is to be expended at New Orleans is to be expended under the direction of the Secretary of War, in accordance with plans, specifications, and recommendations of the Mississippi River Commission; just as it has been done for years. Now, I say, is there any more responsible body of men to which the expenditure of that money could be confided? In other words, the Secretary of War first, General Gillmore, Major Comstock, and Major Suter, and then the executive officer in charge, being Major Stickney, of the Corps of Engineers. [Cries of "Vote!"]

Mr. HOLMAN. Will the gentleman allow me to make a suggestion?

Mr. BLANCHARD. Yes, sir.

The CHAIRMAN. Debate on the present amendment is exhausted.

Mr. REAGAN. I move to strike out the last word. If amended by striking out "under the discretion," in line 205, and insert "according to the plan," then it would be done according to the plans of the Mississippi Commission, as the work is now being done, the money being expended under the direction of the Secretary of War.

Mr. BLANCHARD. I have no objection to that.

Mr. HUNT. I have no objection either.

Mr. HOLMAN. That is not what I am aiming at.

Mr. REAGAN. Then I desire to say this: I think the gentleman from Indiana is laboring under some mistake. He agrees in improving that river. It has gone on for some years on the idea that the improvement was to be made under the plans of the commission composed of officers of the Army and of the Geodetic Survey and of civilians, but chiefly under the control of officers of the Army, while the plan is to be furnished by the commission. The expenditures are made under the direction of the Secretary of War. If the purpose is to take this from under the plan of the improvement of the Mississippi River as presented by the commission, then it seems to me it would be a mistake, unless it has become the purpose to abolish that commission and to abolish the plan and fall back to where we were before, and that means no effort shall be made to improve the Mississippi River.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, the gentleman from Texas [Mr. REAGAN] misapprehends me. But before referring to his observations I wish to say to the gentleman from Louisiana [Mr. BLANCHARD] that he, too, misapprehends me. What I am complaining of is the plan and method of the Mississippi River Commission. I had the honor, as one of the members of the last House of Representatives and as a member of the committee of the House, to visit that river and the improvements in progress and examine the works at Plum Point, at Lake Providence, at Vicksburg, and wherever else those works of the commission were then in progress. And what I object to is the continuance of works on the present plan of the commission. It is the plan and method of the commission of which I am complaining. It is the absence of responsibility of which I complain. Millions have been expended with no satisfactory results up to this time, and yet no one can be called to account. There is no responsible head to the body of citizens who were spending in their own way these millions annually.

What have been the results of this system up to this time? Gentlemen, I presume, are aware that a very large percentage of your expenditures on these works have been simply for repair of works only partially completed, repairs from the beginning. The reports now lying before you state the fact that, notwithstanding the work done to the extent of hundreds of thousands of dollars at, above, and below Plum Point, the present indication is that "Plum Point" will soon become "Plum Island." The river, indifferent to these large expenditures, is working its way eastward to a new channel.

Mr. DUNN. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly; a question.

Mr. DUNN. Does not the gentleman approve the plan of John Cowdin, who is neither an Army engineer, a civil engineer, a lawyer, nor a man of any responsibility in any official sense?

Mr. HOLMAN. That is the gentleman's question.

Mr. DUNN. Is it not true?

Mr. HOLMAN. That is a proper question and I will answer it.

Mr. DUNN. Is it not true?

Mr. HOLMAN. I believe the outlet system for the protection of the valley of the Mississippi is the better and safer one, and perhaps the only practicable one. You closed up in part, by the expenditure of the public money, Bonnet Carré crevasse according to the plan of the commission two years ago. What was the result? Will the gentleman from Arkansas answer that question, if he pleases? Well, what was the result? A region of country extending from the river to Lake Ponchartrain, which had been devastated for years by that crevasse, was not reclaimed, but the closing up of that crevasse in the east bank of the river by the expenditure in part of public money inured to the benefit of a railroad corporation, and then a new crevasse soon occurred below in the west bank, and the waters of the Mississippi rushed over an extended region of the most fertile portions of that great State of Louisiana. Yes, sir; another crevasse occurs which takes the place of the one closed up by the commission and carries desolation and ruin to a fertile region of vast extent. My belief is, and it is a belief entertained by many intelligent engineers, that a properly adjusted and regulated outlet system is the only safety to the great valley of the Mississippi.

Mr. DUNN. I do not know of an engineer in the world who approves it.

Mr. HOLMAN. But I do not at this time propose to discuss that question. It will come up later. For the present I only insist on placing public works under a responsible department.

Mr. BRECKINRIDGE. Will the gentleman yield to me?

Mr. HOLMAN. Excuse me.

Mr. BRECKINRIDGE. You ask that the work should be placed under the control of responsible Government officers.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLIS. Let us have a vote.

Mr. BLANCHARD. I move to strike out the last three words, and I will detain the committee but a moment. I do this for the purpose of saying simply that the statement of the gentleman from Indiana that Bonnet Carré crevasse was closed in the interest of a railroad company is not in accordance with the facts.

Mr. HOLMAN. Just a word now. Let me ask the gentleman from Louisiana if there is not now a railroad constructed on the dike that was constructed across the mouth of that outlet? Did not a railroad join with the Government in the furnishing and expenditure of the money for the construction and completion of the dike, and is not that dike to-day the track of a railroad, and was not the Government funds expended on the dike that closed up the crevasse? I ask the gentleman if that is not true?

Mr. BLANCHARD. I will ask the gentleman for his authority for that statement.

Mr. HOLMAN. Why, it is a fact well known. It is unquestionable. There is a gentleman on the other side of the Chamber within sound of my voice, if he will give me his attention, who knows this to be a fact.

Mr. BLANCHARD. I will say to the gentleman that we have no such information. We know nothing of any crevasse that was ever closed under the circumstances he mentions. On the contrary, I do know that this Bonnet Carré crevasse was closed in good faith by the commission, and was put in good repair long before the railroad to which he refers was built. I withdraw the amendment. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I move to strike out the last word.

I will inform my friend from Louisiana that his State and the railroad corporation in question and the commission each furnished a portion of the funds which built the dike across the mouth of the Bonnet Carré crevasse and closed it up; and that the said dike is now a part of the road-bed of that railroad.

Mr. HISCOCK. Let me ask the gentleman from Indiana a question.

Mr. HOLMAN. Certainly.

Mr. HISCOCK. Do we understand the gentleman to say that the levee is now used by a railroad company, and that upon this levee $150,000 is to be expended?

Mr. HOLMAN. Oh, no, sir; I am speaking of outlet system and the closing of the Bonnet Carré crevasse above New Orleans, a crevasse closed up in part by appropriations out of the public Treasury through this commission joined with the State of Louisiana and a railroad company, which company is now using this dike for a road-bed; and I think the gentleman from New York is aware of that fact and will bear out the statement.

Mr. BLANCHARD. Again I ask the gentleman for his authority.

Mr. HOLMAN. The gentleman from New York is aware of the fact.

Mr. HISCOCK (from his seat). Yes, sir.

Mr. HOLMAN. A portion of the railroad funds was applied to that subject, some money of the State of Louisiana was applied to it, and a part of the appropriations made by us for the improvement of the Mississippi went into that work, which I regret is now, or was recently, used as a road-bed by this railroad which engaged in its construction. And after the Bonnet Carré crevasse was closed, as I have said, a crevasse which had done but comparatively little damage, involving only a limited region, another occurred a short distance below that point, in the western bank of the river, flooding one of the most fertile portions of the State of Louisiana, of vast extent.

I say, sir, therefore that so far as I am advised—and such was certainly the opinion of other members of the committee sent by this House during the last Congress to investigate the subject—a well-regulated system of outlets for the floods of that great river is the only solution of the important question of reclaiming from the floods that vast and fertile region.

Mr. BRECKINRIDGE. Let me ask the gentleman from Indiana a question: Has my friend from Indiana at hand the opinion, or is he aware of the fact, that any engineer of ability has indorsed that plan?

Mr. HOLMAN. Yes, I think so; more than one; and yet at this moment I do not recall them.

Mr. BRECKINRIDGE. I should be glad to know who.

Mr. HOLMAN. I have not the name in my memory, but I think there are several could be named.

Mr. BRECKINRIDGE. The universal authority of the best engineers is against that plan as destructive to the navigation of the Mississippi River.

Mr. HOLMAN. I think not all, by any means. The gentleman is, I think, mistaken in saying that this is the universal opinion.

Mr. BRECKINRIDGE. I have never heard of but one engineer who indorsed a scintilla of any such doctrine.

Mr. HOLMAN. The experience of many years in dealing with the river, in the judgment of many intelligent rivermen, has demonstrated the soundness of the proposition. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman withdraw the *pro forma* amendment?

Mr. HOLMAN. I do.

Mr. LONG. I ask that the pending amendment be again reported.

The Clerk read as follows:

In lines 205 and 206 strike out the words "jurisdiction of the Mississippi River Commission" and insert "under the direction of the Secretary of War."

The question was taken; and on a division there were—ayes 71, noes 60.

Mr. BLANCHARD. I demand tellers. [Cries of "No!" "No!"]

The CHAIRMAN. Does the gentleman insist upon the demand?

Mr. BLANCHARD. At the request of the chairman of the committee I withdraw the demand for tellers.

So (no further count being demanded) the amendment was agreed to.

Mr. HEPBURN. I desire to amend by inserting at the end of the paragraph what I send to the desk.

The Clerk read as follows:

After the words "Secretary of War," in line 206, insert: "*Provided*, That no portion of said $150,000 shall be expended in the repair, erection, maintenance, or paving of levees, or in the grading or revetment of the banks of the Mississippi River owned by private parties or municipalities."

Mr. THOMAS. I hope that will be accepted.

Mr. HUNT. I ask for the reading of the amendment.

The amendment was again reported.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard in opposition to the amendment?

Mr. HUNT. I do, sir; I rise for that purpose.

Mr. Chairman, I consider it my duty to correct the misapprehensions which have been expressed here regarding this matter under debate. The $150,000 to be given is, strictly speaking, a harbor appropriation. A harbor is a place for the shelter of ships—a port—and the $150,000 proposed to be appropriated is to be expended for the necessary protection and security of the great harbor at New Orleans, the second harbor in importance in the United States.

Mr. Chairman, the engineer officer says in speaking of the $1,400,000 of property immediately involved:

But this does not represent the whole interest at stake. The river front here is being used for purposes of commerce and navigation, and these interests suffer very much from the caving in of wharves, railroad-inclines, and depots. The commercial interest is much greater than the value of property already located there, and its value can not be estimated.

This refers to the Goldsborough bank. Further on the same officer says:

In order to make the city of New Orleans secure from danger of breaks in the levee, and from being gradually washed away, it is necessary to protect the bank in this bend—

The Carrollton bend—

but the immediate importance of the work is small when compared with what it is at Goldsborough.

There are two places, then, to be protected—one at Goldsborough bank and the other at the Carrollton bend—and the protection of both places is required for the security of one of the greatest harbors in America, near the mouth of the Mississippi River, second in commercial importance only to the port of New York.

Mr. CUTCHEON. Will the gentleman allow me——

Mr. HUNT. Excuse me; my time is too short. In the report of the engineers it appears that the experiment for protection is now going on, and their estimate is for $683,000. This includes their plan of revetment. It includes a plan of improvement in accordance with the recommendations, specifications, and plans of the River Commission, of scientific, symmetrical, and of general application under correct superintendence. It requires, evidently, proper liberty and discretion, and is an indispensable public harbor improvement in the strictest sense of the terms.

The opinion that the diffusion of waters will increase and benefit navigation is not considered a respectable opinion in modern engineering science, and the attempt, Mr. Chairman, to prescribe limitations to the proper discretion of the scientific men connected with the civil service and particularly with the engineering corps, such as will prevent this improvement at New Orleans from being carried out in good faith, is the indulgence of a legislative liberty which, if successful, might result in the loss of interests of property and of commerce of the most general character and of the most important nature.

[Here the hammer fell.]

Mr. HEPBURN. These improvements are not on the east bank of the river, but they are at the town of Algiers; and the gentleman from Louisiana is entirely mistaken, in my judgment, when he indulges in the affirmation that they are in any way connected with the commerce of the Mississippi River——

Mr. HUNT. I read what the engineer said.

Mr. HEPBURN. Or with the safety of the vessels navigating the river. I venture the statement that these improvements are solely or mainly for the protection of the individual property of residents living opposite the city of New Orleans.

Mr. HUNT. You are mistaken. It is not so.

Mr. HEPBURN. I appeal from the interested declaration of the gentleman to that better statement that I find in the report of the Mississippi River Commission.

Mr. HUNT. What do you mean by "interested statement?"

Mr. HEPBURN. I mean what I say, that you are interested as a Representative in securing this appropriation.

Mr. HUNT. Interested—how?

Mr. HEPBURN. As a Representative.

Mr. HUNT. Do you mean as a man of honor and public spirit?

Mr. HEPBURN. I mean as a man of the very highest honor.

Mr. HUNT. Then I have no objections to your statement.

Mr. HEPBURN. Mr. Chairman, let me call your attention to the language of this report in regard to the importance of protecting Goldsborough bank. That is a part of the harbor that, with Carrollton bend, constitutes largely the harbor that is to be improved. The engineer says:

IMPORTANCE OF PROTECTING GOLDSBOROUGH BANK.

From my report of November 19, 1883, the value of land and improvements in the Goldsborough bend, which will be lost in a few years if the bank is not protected, was estimated to be $1,400,000. But this does not represent the whole interest at stake. The river front here is being used for purposes of commerce and navigation, and these interests suffer very much from the caving in of wharves, railroad inclines, and depots.

The commercial interest is much greater than the value of property already located there, and its value can not be estimated.

COMPARISON.

The caving of bank in Carrollton bend causes a very small loss of property compared to what it does in Goldsborough bend. The commercial interests in Carrollton bend are almost nothing, while in Goldsborough bend they are very great and are rapidly increasing, and they make the work of improvement more difficult. In order to make the city of New Orleans secure from dangers of breaks in levee and from being gradually washed away it is necessary to protect the bank in Carrollton bend; but the immediate importance of the work is small compared to what it is at Goldsborough.

Respectfully submitted.

W. G. PRICE,
United States Assistant Engineer.

It seems to me that that sustains the statement that this is not for the protection of the commerce of the country; that it is not for the purpose of establishing a harbor where ships may ride in safety; but that this money is to be expended where these individual interests are invested, where they are jeopardized, where there is a possibility of large pecuniary loss. And these gentlemen are seeking, undoubtedly in harmony with their ideas of propriety, the protection of these private interests of their constituents with the money of the public, and that is what I propose to prevent, if I can, by asking the adoption of this amendment.

I desire also to incorporate with my remarks the following passage from the report of the Mississippi River Commission:

NEW ORLEANS HARBOR.

At date of last report a mattress 400 feet in width was being laid in Carrollton bend. Owing to delays in receiving material the rising river forced a suspension of operations when 470 feet of this mat had been completed and sunk, and the work has not been resumed, owing to the more pressing necessity of protecting the bank in Goldsborough bend. Here the protection will consist of a series of sloping submerged spurs, so designed and located as to move the current of the river away from the bank to be protected. These spurs rest on a mattress 200 feet wide and 350 feet long laid on the bed of the river and normal to the bank, beginning at low-water mark. The spurs themselves are built up of timber cribs, filled with brush and loaded with stone. The width of the structure at the bottom is 60 feet, which diminishes by steps to 20 feet at the top, the size and arrangement of the cribs being such that the top of the finished structure will have a slope of 1 vertical to 3 horizontal feet from low-water mark to the bed of the river. The distance apart of the spurs will vary from 500 to 1,000 feet, according to the curvature of the banks. One spur is now well under way, and two more will probably be nearly completed with the funds now available.

The work is experimental, and its efficiency can only be determined after the subsidence of the next flood. The estimate for continuing this work and for completing the revetment in Carrollton bend is $683,600.

Mr. BLANCHARD. I move to strike out the last two words. I do so because I do not wish the statements of the gentleman from Iowa, [Mr. HEPBURN] made, as I know they are, in good faith, to go unchallenged. The gentleman speaks of this improvement at Goldsborough and at Carrollton. Although these villages are within the limits of the city of New Orleans I will say, for my friend [Mr. HUNT], that they are outside of his district.

Now, then, what we need at New Orleans is—I will be very frank with this committee—what we need there is not a deepening of the river, because the river is already sufficiently deep; but there enters in from the mouth of the Mississippi a vast amount of ocean shipping which finds its way to the wharves of New Orleans, extending four or five miles in length on both sides of the river, and is there moored for purposes of commerce. The city of New Orleans, as gentlemen know, is situated in a bend of the Mississippi—hence its name of the "Crescent City." It is well known to every one who knows anything about the Mississippi River that at times acres of land will fall into the stream as a result of caving. Within a short distance of the bank of the river in New Orleans is located the custom-house of the Government, which cost, if I recollect right, about $2,000,000. Now, in order to prevent this immense caving in of the banks on both sides of the river in a city of nearly 300,000 inhabitants, a city with the greatest amount of shipping of any in the United States except the city of New York, we ask that this $150,000 be appropriated to be used for the legitimate purpose of the preservation of the harbor of New Orleans. It is not to protect anybody's private property. It is just as legitimate, I submit in all candor, to expend money in preserving a harbor as in maintaining the depth of water in a harbor. Mr. Chairman, these works that are being constructed at Goldsborough and at Carrollton, just at the upper edge of the city of New Orleans, are for the purpose of preventing the caving of the bank there and for the purpose of deflecting the current which, on its way down along the city front, where the shipping is moored, will cause caving and the destruction of the harbor.

[Here the hammer fell.]

Mr. YOUNG. Mr. Chairman, I would like to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 206 the following:

"*Provided*, That no portion of said $150,000 shall be expended in the repairing, erection, maintenance, or paving of levees, or in the grading or revetment of the banks of the Mississippi River owned by private parties or municipalities."

Mr. HISCOCK. I suggest to the gentleman from Iowa [Mr. HEPBURN] that he add to his amendment the words, "or for the protection of private property."

Mr. HUNT. Better not give the money at all.

Mr. YOUNG. I would ask the gentleman whether he means this money to apply for the reclamation of overflowed lands or merely for the protection of cities?

Mr. HEPBURN. I mean just what the amendment says. I do not want the money to be used for the construction, paving, or maintenance of levees.

The question was taken on the amendment of Mr. HEPBURN, and on a rising vote there were—ayes 61, nays 60.

Mr. BLANCHARD. I demand tellers.

Mr. WILLIS. I hope my friend from Louisiana will not do that.

Mr. KING. Yes; let us have tellers.

Tellers were ordered; and the chairman appointed Mr. HEPBURN and Mr. BLANCHARD.

Pending the announcement of the vote,

Mr. WHITE, of Kentucky. Mr. Chairman, would it be in order that the committee do now rise?

The CHAIRMAN. It would not be in order.

Mr. WHITE, of Kentucky (after a pause). Mr. Chairman, I ask for the reading of the rule which declares that when the House is left without a quorum there are but two things in order.

The CHAIRMAN. It has not yet been ascertained whether there is a quorum or not. As soon as the Chair ascertains that fact he will act accordingly.

The tellers reported—ayes 53, noes 67.

Mr. BUDD. No quorum.

The CHAIRMAN. Under the rules of the House, it being ascertained that there is no quorum voting, the Clerk will call the roll.

Mr. WHITE, of Kentucky. Pending that motion, I move that the committee do now rise.

Mr. WILLIS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kentucky on the right [Mr. WILLIS] moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Chairman, I move that the House do now adjourn.

Mr. MILLS. I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER *pro tempore*. If there be no objection, the Chair will submit certain personal requests.

Mr. WHITE, of Kentucky. I object.

The SPEAKER *pro tempore*. Does the gentleman object to the submission of personal requests?

Mr. WHITE, of Kentucky. I object.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Texas [Mr. MILLS], that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. TOWNSHEND. My motion has precedence.

Mr. MILLS. It has not.

Mr. SPRINGER. I ask unanimous consent to present a report for the sake of having it printed and placed on the Calendar.

There was no objection.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce, navigation, and the regulation of steam vessels.

Mr. REED, of Maine. Mr. Speaker, is that privileged?

The SPEAKER *pro tempore*. It is a matter of the highest privilege known to the rules.

Mr. REED, of Maine. Against a motion to adjourn?

The SPEAKER *pro tempore*. Against a motion to adjourn.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] moves that when this House adjourns it adjourn to meet on Tuesday next.

Mr. TOWNSHEND. Does that motion take precedence of my motion that the House do now adjourn?

The SPEAKER *pro tempore*. The Chair certainly thinks it does. The House must determine the time to which it will adjourn before it adjourns, and the rule so declares. The question is on the motion of the gentleman from Texas [Mr. MILLS].

Mr. WILLIS. Mr. Speaker, pending that motion I ask unanimous consent (as it is evident that the remaining time will be consumed) that the House now take a recess until 10 o'clock on Monday next.

Mr. WHITE, of Kentucky. I object. I call for the regular order.

The SPEAKER *pro tempore*. Objection is made, and the question is on the motion of the gentleman from Texas [Mr. MILLS], that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. HEWITT, of Alabama. Mr. Speaker, has not the House determined to take a recess at 6 o'clock this evening?

The SPEAKER *pro tempore*. That is the order of the House. The motion is now made by the gentleman from Texas [Mr. MILLS] that when the House adjourns to-day it adjourn to meet on Tuesday next.

The question being taken on the motion of Mr. MILLS, there were—ayes 14, noes 66.

Mr. MILLS. I call for tellers.

Several MEMBERS. No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, tellers are ordered; and the Chair appoints the gentleman from Kentucky, Mr. WHITE, and the gentleman from Texas, Mr. MILLS.

Mr. WHITE, of Kentucky. This is not my motion.

The SPEAKER *pro tempore*. The gentleman from Illinois, Mr. TOWNSHEND, will act as a teller with the gentleman from Texas.

The House again divided; and the tellers reported ayes 2.

The SPEAKER *pro tempore* (before the tellers had announced the negative vote). Pending the count by the tellers, the Chair asks unanimous consent to submit several reports from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

There being no objection,

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 475) granting arrears of pension to Emily Agnel;

A bill (S. 1823) granting a pension to Ebenezer K. Marden; and

A bill (S. 750) granting a pension to Catharine Schools.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 646) for the relief of H. G. P. White, Peter Hanger, and L. T. Green.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour of 6 o'clock having arrived, the House now, in pursuance of its previous order, stands in recess until 10 o'clock a. m. on Monday next.

AFTER RECESS.

The recess having expired, the House at 10 o'clock a. m. (Monday, February 9) resumed its session, Mr. BLACKBURN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House do now resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering general appropriation bills.

Mr. WILLIS. Mr. Speaker, as the House is very well aware, the recess which has just expired was taken for the purpose of resuming this morning the consideration of the river and harbor bill. If the gentleman from Illinois [Mr. TOWNSHEND] wants to waste public time, he has it in his power to do so. If his motion is voted down, I shall ask the House to continue the consideration of the river and harbor bill, with the honest purpose of finishing it. We have been delayed in the progress of this bill because of the want of a quorum. As the Speaker is well aware, a good part of this House has been engaged in making up a Cabinet for the next President—and various members of the Committee on Appropriations, its chairman and several other members, have been included in that—and another portion of them have been engaged in festivities, and by their absence we have been frequently left without a quorum, and hence delay has occurred in the progress of this bill. But as they are all here now, and as the Cabinet, I hope, is made up, and as I hope we are now ready for business, I trust this House will vote down the motion of the gentleman from Illinois, and let us go on in good faith with this river and harbor bill.

Mr. TOWNSHEND. Mr. Speaker, during the whole of the time that the river and harbor bill has been under consideration I have up to Saturday last voted every time with the friends of the bill to facilitate its passage. On Saturday I asked the chairman of the Committee on Rivers and Harbors to let the House understand that he would permit an adjournment to-day just before 12 o'clock, all the time till then being occupied with this bill. But the gentleman declined to give any such assurance.

Now, it was made known last week that the Committee on Appropriations would not interfere during that week with this bill; but notice was given that they would to-day seek the floor for the purpose of bringing up general appropriation bills. I feel, Mr. Speaker——

Mr. WILLIS. I hope the gentleman——

Mr. TOWNSHEND. I did not interrupt my friend.

Mr. WILLIS. I just ask one moment. It has been suggested to me that a remark I made just now in regard to the absence of members may be misconstrued, and I desire to withdraw it.

Mr. GIBSON. And not have it appear in the RECORD.

Mr. WILLIS. Have it considered as ignored.

Mr. TOWNSHEND. Now, I want to say to the gentleman from Kentucky I would be willing again to do all in my power to facilitate action on his bill as he knows I have heretofore done until Saturday last. But I feel, Mr. Speaker, that now the Committee on Rivers and Harbors should give way for the consideration of the general appropriation bills, which are now ready. The Post-Office appropriation bill and the legislative appropriation bill are ready. I would ask my friend to remember that when his bill goes over to the Senate the Committee on Commerce will perhaps have no other bill to consider, whereas the Committee on Appropriations of the Senate will have to consider all these appropriation bills, and certainly we should get them to the Senate as soon as possible. I feel that in order to avoid the danger of an extra session we ought to take up these appropriation bills which are ready and get them out of the way, and in the intervals which may occur between these bills the gentleman from Kentucky can proceed with the river and harbor bill.

Mr. HOLMAN. Allow me just one word. Two of the general appropriation bills—the Post-Office bill and the legislative bill—are ready for consideration; and I do not believe that either of them will occupy the House more than a few hours. I think the Post-Office bill can be got through to-day and the legislative bill to-morrow; and then there will be no other general appropriation bill ready for immediate consideration.

The sundry civil bill will be the next, and I think the interval between the Post-Office and the legislative appropriation bill can be well devoted to finishing up the river and harbor bill. Then we can take up the sundry civil bill, and then the peril of unfortunate delay will be avoided.

Mr. WILLIS. I desire to say this committee has in good faith, as I think the House will bear witness, been as expeditious as we could to dispose of this bill. We have already passed several points in the bill which have been objected to, and the committee has amendments to other points objected to which I think will be satisfactory to the House and the Committee of the Whole. The only questions that remain now are the reading of the bill and getting through with it. We are at the point of Galveston, and the committee has an amendment in regard to that which meets with the approbation of the committee, and I think will meet with the approbation of every member of the House. I believe so; at least I hope so. It will, I think, too, give rise to no debate.

When the Mississippi River is reached I say to the gentleman from Indiana, who is interested in that, the committee has an amendment eliminating Captain Eads from any control and limiting the expenditure to the plan in the first and second Mississippi River Commission reports, which gets rid of the costly revetment system to which several gentlemen here are opposed. The committee have in good faith endeavored to take out of the bill everything objectionable, and it now remains whether this costly plant of the Government scattered over the country shall be unused, at a loss of hundreds of thousands of dollars, or whether we shall make the necessary provision for the great rivers and harbors of the country, which we can do in this session. The gentleman can make this issue at any time during the day if we pass the hour of 12 o'clock, and I submit in good faith, and as a matter of good sense, if we pass 12 o'clock to-day, the District of Columbia Committee will have the day after 2 o'clock. The Journal will be read; the morning hour will take up another hour; the call of committees, which you can not get rid of, will take up another hour; then the wrangle between these committees, if we have a wrangle—the contest between them will take the day.

In the interest of the expedition of the public business let us go on and pass these two hours which the House by an overwhelming vote has set apart, as the gentleman knows, for the consideration of the river and harbor bill, and not waste two hours now in fruitless contention, because we all understand we can easily tide over these two hours without any one being benefited by it. Let us go on in good faith and consider the bill, and when we pass 12 o'clock let the gentleman from Illinois get up and move the committee rise for the purpose of considering the Post-Office bill, and we will have an end of the contest, and we will have the benefit of the whole day instead of allowing it to be wasted in the call of the States.

Mr. HOLMAN. Can not the gentleman consent before 12 o'clock is reached that the adjournment shall take place in the usual way?

Mr. WILLIS. Does not the gentleman know the motion I make is in the interest of saving time? If you do get the floor five minutes after 12 o'clock you can get up then, and if you can get the majority of the House you will have the benefit of the day. If we go on with the programme the gentleman suggests we will consume two hours; we will only waste them. If we remain in session, what I mean is that when we pass 12 o'clock the gentleman from the Appropriations Committee can make the motion, and if a majority of the House sustains him, then they can go on with the Post-Office appropriation bill and save three hours.

Mr. HOLMAN. My friend from Kentucky must see we can not pass 12 o'clock without adjournment, or we will lose the day.

Mr. TOWNSHEND. I desire to say to the gentleman from Kentucky, if he will give me his attention, I most earnestly desire he may use the two hours this morning in the consideration of his bill. If I could get an assurance then the House would adjourn, and let the ordinary business of the House be proceeded with, I would take my seat.

Mr. WILLIS. I will go further, to show my perfect good faith. This House knows, Mr. Speaker, that this is the District of Columbia Committee day, and that committee has no business to call up. The first business is the call of States for the formal introduction of bills and joint resolutions; and no one will introduce bills or joint resolutions at this late day, as there can be no expectation of getting them through at this period of the session. To show my perfect good faith I will go further; I will say in response to the suggestion of the gentleman from Illinois, and agree myself that the committee shall rise and test the question.

The SPEAKER *pro tempore*. Let the hour of 12 o'clock be passed even for one minute and there will be no session of Monday, and it will be the continuation of the legislative day of Saturday.

Mr. BLOUNT. I ask the gentleman from Illinois to yield to me. I do not belong to either of these committees that seek to bring before the House their respective measures. I have endeavored to facilitate the Committee on Commerce in every way I could in consideration of the river and harbor bill. There is no doubt about the fact we are uncertain as to whether or not all of these bills can be passed before the 4th of March. Whatever may be the opinion of several gentlemen composing these committees there is an unrest in my own mind as well as in that of other gentlemen as to whether they can be passed or not.

It is a grave situation and we ought to proceed carefully in reference to it. The river and harbor bill is the only bill that the Senate Committee on Commerce will have to consider when it shall have reached them. The bulk of the appropriation bills proper have not been passed by this House. When we shall have passed them they will, of course, go to the Senate and undergo the examination of the Senate committee, come back into the Senate, and each in its turn will have to go through the process of examination, consideration, and amendment in that body.

Mr. TOWNSHEND. May I interrupt my friend from Georgia to say I am advised that the Senate Appropriation Committee has no bill before it at all now? I understand they are all before the Senate, and that there is nothing, unless this bill shall be sent to them, for that committee to work upon.

Mr. RYAN. I beg to correct my friend from Illinois.

Mr. TOWNSHEND. I am informed that they have no bill before them.

Mr. RYAN. That is a mistake; there are bills pending now before that committee.

Mr. TOWNSHEND. What bills?

Mr. BLOUNT. It is not a matter of so much consequence whether they have bills now to consider or not; one thing is certain, they have bills before the Senate which they are bound to look after. If, however, that committee has bills before it, it is altogether likely that they will soon be disposed of, and the committee will have to wait on the House. These bills ought to go to the Senate committee at once.

Mr. Speaker, I have had some experience, I may be permitted to say, at the close of a session of Congress as to the difficulties encountered by the Committee on Appropriations, and especially those who are placed on conference committees at such a time as this; and I do think in all that experience there has been nothing so straining to the patience, time, and endurance of the individual members of this House as the overcrowding of work in conference committees at the close of the session.

The very Post-Office bill which we are now seeking to consider is an illustration. Having been a member of that committee I know that on one night the conferees were in session until after 1 o'clock in the morning; and on another night, being the closing night of the session, they were continually engaged until 4 o'clock in the morning endeavoring to agree to a conference report. This applies to all the appropriation bills; and this will be the situation of the Appropriations Committee of the Senate when we come to the closing hours of the session, while the Committee on Commerce of the Senate will have nothing but this bill all the while to take up and consider. It seems to me it is a very easy matter for us to take up the river and harbor bill in the intervals between the consideration of the other appropriation bills and send them over to the Senate, so that that committee can have time to consider and report them to the Senate and bring the two Houses to a vote on any questions of disagreement that may arise.

I do trust, sir, that these annual appropriation bills, which can not fail without involving an extra session, will command the first consideration of this House.

Mr. HAMMOND. Will my colleague from Georgia allow me a question?

Mr. BLOUNT. Certainly.

Mr. HAMMOND. The point as I understand it now is how to avoid the hour that is provided for under the new rule for the consideration of business to which no objection is made, and also the call of States; and the Committee on Rivers and Harbors say that at a quarter past 12 o'clock they will allow the committee to rise and a test be made between the two bills pending at that time. Would it not then be a positive saving of time to go on for two hours and pass over the Monday's session, by waiting until half past 12 o'clock, and then test the question in the House between the consideration of these two bills?

Mr. BLOUNT. But the two committees of the House are not themselves agreed as to what is the best thing to be done; and in the midst of this and that suggestion we are likely to succeed in accomplishing nothing, as in all probability the whole time will be wasted. No man can foresee the result.

Mr. HAMMOND. But the suggestion that has been made will certainly accomplish the saving of the two hours to which I have alluded, and in that light is it not better than anything else that has been suggested?

Mr. BURNES. Will my friend from Georgia permit me to interrupt him for a correction?

Mr. BLOUNT. Of course, for a correction I will yield to the gentleman.

Mr. BURNES. I understand the gentleman to say that the two committees were not agreed as to the policy that should be pursued. The Committee on Appropriations is unanimously agreed that at 12 o'clock to-day this House shall adjourn and the Appropriations Committee shall have the floor, and that every effort shall be made for that purpose. The Appropriations Committee has no dissenting voice in it. We are perfectly unanimous that the best interests of the country and the best interest of legislation demand that the appropriation bills shall be proceeded with after 12 o'clock to-day.

Mr. BLOUNT. I do not understand the gentleman to have made any correction of my remarks. On the contrary, it is manifest from his own statement that the disagreement I alluded to between the Committee on Rivers and Harbors and the Appropriations Committee does exist. The gentleman from Missouri announces that the Committee on Appropriations have agreed that they will endeavor to do a certain thing. That is but a committee composed of fifteen members. It will be necessary for the House to interpose to accomplish what they desire and to determine for itself which of the two bills shall have precedence in the order of consideration. I understand the gentleman from Illinois [Mr. TOWNSHEND] to propose to the gentleman from Kentucky [Mr. WILLIS] to take the two hours this morning for the consideration of the river and harbor bill, and after that to let the House go on with the consideration of the Post-Office appropriation bill, which the gentleman from Kentucky declines to do. On the contrary, he proposes to go on until 12 o'clock perhaps, or until nearly 12 o'clock, or I believe his proposition is to go beyond 12, and then have a struggle as to which committee shall have recognition.

Mr. BROWN, of Pennsylvania. Which means an all-day fight.

Mr. BLOUNT. Which means, perhaps, as my friend from Pennsylvania suggests, an all-day fight. And if the Committee on Rivers and Harbors can not agree to take the two hours which the gentleman from Illinois proposes to concede to them, I think the members of this House outside of those committees should decide which of them shall have its business considered.

Mr. HEWITT, of Alabama. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND], which is that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The question being taken on the motion of Mr. TOWNSHEND, there were ayes 36.

Before the negative vote was counted,

Mr. HOLMAN called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 19.

The SPEAKER *pro tempore*. The affirmative, in the judgment of the Chair, is not a sufficient number to order the yeas and nays.

Mr. HOLMAN. Count the other side.

Mr. SPRINGER. I hope business will not be delayed by the ordering of the yeas and nays.

The negative vote being counted, there were noes 67—the affirmative being more than one-fifth of the whole vote.

Mr. SPRINGER. I call for tellers on ordering the yeas and nays.

Tellers were ordered, 46 members voting therefor.

The SPEAKER *pro tempore* appointed as tellers Mr. SPRINGER and Mr. TOWNSHEND.

The House again divided; and the tellers reported—ayes 21, noes 76.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND], who moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The question was taken; and there were—yeas 53, nays 131, not voting 139; as follows:

YEAS—53.

Beach,	Ferrell,	Mutchler,	Turner, Oscar
Blount,	Follett,	O'Neill, Charles	Wadsworth,
Boyle,	Fyan,	Ranney,	Walt,
Brewer, J. H.	Hardy,	Reed, T. B.	Warner, A. J.
Brown, W. W.	Hiscock,	Rice,	Washburn,
Browne, T. M.	Holman,	Ryan,	White, J. D.
Burnes,	Horr,	Shively,	White, Milo
Campbell, J. E.	Hutchins,	Smith, H. Y	Whiting,
Cannon,	Kelley,	Steele,	Wilkins,
Cassidy,	Le Fevre,	Stewart, J. W.	Winans, E. B.
Cosgrove,	Long,	Stockslager,	Yaple.
Dockery,	Lore,	Storm,	
English,	Lyman,	Swope,	
Ermentrout,	Muldrow,	Townshend,	

NAYS—84.

Adams, G. E.	Blanchard,	Clardy,	Dibrell,
Anderson,	Breckinridge,	Converse,	Dingley,
Atkinson,	Brewer, F. B.	Cox, S. S.	Dornheimer,
Bagley,	Broadhead,	Crisp,	Dowd,
Ballentine,	Buchanan,	Culberson, D. B.	Dunham,
Barksdale,	Budd,	Culbertson, W. W.	Dunn,
Bayne,	Burleigh,	Cullen,	Eldredge,
Belford,	Cabell,	Davidson,	Ellis,
Bennett,	Caldwell,	Davis, G. R.	Evenhart,
Bisbee,	Candler,	Davis, L. H.	Forney,
Blackburn,	Carleton,	Davis, R. T.	Funston,

Gibson,	Johnson,	Pierce,	Sumner, C. A.
Greenleaf,	Jones, J. H.	Poland,	Taylor, E. B.
Guenther,	Jones, J. T.	Post,	Taylor, J. D.
Halsell,	Kean,	Price,	Taylor, J. M.
Hammond,	King,	Pryor,	Thomas,
Hancock,	Lanham,	Pusey,	Tillman,
Hardeman,	Lewis,	Reagan,	Tucker,
Hart,	McCoid,	Reese,	Turner, H. G.
Hatch, H. H.	McMillin,	Riggs,	Van Eaton,
Hatch, W. H.	Mills,	Robertson,	Wakefield,
Haynes,	Murphy,	Rogers, J. H.	Wallace,
Hemphill,	Neece,	Rogers, W. F.	Ward,
Henderson, D. B.	Nelson,	Rosecrans,	Warner, Richard
Henderson, T. J.	Nutting,	Rowell,	Weaver,
Hepburn,	Oates,	Seymour,	Wellborn,
Herbert,	Ochiltree,	Slocum,	Willis,
Hewitt, G. W.	O'Hara,	Smalls,	Wilson, James
Houk,	Payne,	Snyder,	Wilson, W. L.
Houseman,	Peel,	Springer,	Wise, G. D.
Hunt,	Perkins,	Stevens,	York,
Hurd,	Peters,	Stewart, Charles	Young.
Jeffords,	Pettibone,	Strait,	

NOT VOTING—139.

Adams, J. J.	Ellwood,	Lamb,	Ray, Ossian
Aiken,	Evans,	Lawrence,	Reid, J. W.
Alexander,	Fiedler,	Libbey,	Robinson, J. S.
Arnot,	Findlay,	Lovering,	Robinson, W. E.
Barbour,	Finerty,	Lowry,	Rockwell,
Barr,	Foran,	McAdoo,	Russell,
Belmont,	Garrison,	McComas,	Seney,
Bingham,	Geddes,	McCormick,	Shaw,
Bland,	George,	Matson,	Singleton,
Boutelle,	Glascock,	Maybury,	Skinner, C. R.
Bowen,	Goff,	Millard,	Skinner, T. G.
Brainerd,	Graves,	Miller, J. F.	Smith, A. Herr
Bratton,	Green,	Miller, S. H.	Spooner,
Breitung,	Hanback,	Milliken,	Spriggs,
Brumm,	Harmer,	Mitchell,	Stephenson,
Buckner,	Henley,	Money,	Stone,
Campbell, Felix	Hewitt, A. S.	Morgan,	Struble,
Campbell, J. M.	Hill,	Morrill,	Sumner, D. H.
Chalmers,	Hitt,	Morrison,	Talbott,
Clay,	Hobilitzell,	Morse,	Thompson,
Clements,	Holmes,	Moulton,	Throckmorton,
Cobb,	Holton,	Muller,	Tully,
Collins,	Hooper,	Murray,	Valentine,
Connolly,	Hopkins,	Nicholls,	Van Alstyne,
Cook,	Howey,	O'Ferrall,	Vance,
Covington,	James,	O'Neill, J. J.	Weller,
Cox, W. R.	Jones, B. W.	Paige,	Wemple,
Craig,	Jones, J. K.	Parker,	Williams,
Curtin,	Jordan,	Patton,	Winans, John
Cutcheon,	Keifer,	Payson,	Wise, J. S.
Dargan,	Kellogg,	Phelps,	Wolford,
Deuster,	Ketcham,	Potter,	Wood,
Dibble,	Kleiner,	Randall,	Woodward,
Eaton,	Lacey,	Rankin,	Worthington.
Elliott,	Laird,	Ray, G. W.	

So the motion was not agreed to.

Mr. MCMILLIN. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WHITE, of Kentucky. I object.

The Clerk read the names of members voting.

The following pairs were announced:

Mr. MORRISON with Mr. HOWEY, on all political questions, until further notice.

Mr. SHAW with Mr. LAIRD, until further notice.

Mr. JONES, of Arkansas, with Mr. KELLOGG, until further notice.

Mr. GARRISON with Mr. BARR, until further notice.

Mr. LOVERING with Mr. GEORGE, on this vote.

Mr. MITCHELL with Mr. JAMES, on this vote.

Mr. MURRAY with Mr. PHELPS, on this vote.

Mr. COOK with Mr. PAYSON, on this vote.

Mr. VAN ALSTYNE with Mr. HOLMES, on this vote.

Mr. THOMPSON with Mr. ROCKWELL, on this vote.

Mr. SPRIGGS with Mr. SPOONER, on this vote.

Mr. SINGLETON with Mr. STRUBLE, on this vote.

Mr. SENEY with Mr. RAY, of New Hampshire, on this vote.

Mr. O'NEILL, of Missouri, with Mr. PARKER, on this vote.

Mr. PAIGE with Mr. MILLER, of Pennsylvania, on this vote.

Mr. MAYBURY with Mr. MILLARD, on this vote.

Mr. LOWRY with Mr. MCCORMICK, on this vote.

Mr. HILL with Mr. CUTCHEON, on this vote.

Mr. HEWITT, of New York, with Mr. HANBACK, on this vote.

Mr. GEDDES with Mr. GOFF, on this vote.

Mr. FORAN with Mr. ELLWOOD, on this vote.

Mr. CLEMENTS with Mr. CRAIG, for this day.

Mr. CAMPBELL, of New York, with Mr. CAMPBELL, of Pennsylvania, on this vote.

Mr. AIKEN with Mr. BINGHAM, on this vote.

Mr. MCADOO with Mr. HARMER, on this vote.

Mr. MULLER with Mr. LACEY, for the day.

Mr. THROCKMORTON with Mr. MCCOMAS, for the day.

Mr. ADAMS, of New York, with Mr. LIBBEY, for the day.

Mr. CLAY with Mr. STEPHENSON, on this vote.

Mr. HOPKINS with Mr. BRUMM, on this vote.

The result of the vote was then announced as above stated.

Mr. WILLIS. Mr. Speaker, the House having declared by a vote of three to one that its order shall be respected, I now move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to ask if I have not misunderstood the Chair as deciding that if this debate should continue until one minute past 12, and the House should then adjourn, the effect would be to lose the session of Monday entirely.

The SPEAKER *pro tempore*. The Chair does not understand what decision the gentleman from Kentucky [Mr. WHITE] is attributing to the Chair.

Mr. WHITE, of Kentucky. I understood the Chair before the yea-and-nay vote was taken to say in answer to some gentleman upon the floor that if this debate should continue until one minute beyond 12 o'clock Monday's session would be lost.

The SPEAKER *pro tempore*. The Chair so decided.

Mr. WHITE, of Kentucky. Then, pending the motion of my colleague [Mr. WILLIS] that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of discussing the river and harbor bill, I move that the House adjourn, so that we shall not lose Monday's session.

Mr. WILLIS. Is that in order, Mr. Speaker?

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky [Mr. WHITE] is in order.

Mr. BLOUNT. Mr. Speaker, I desire to make a parliamentary inquiry. If this motion to adjourn is voted down, will it be competent for the committee after 12 o'clock to rise and determine whether it will consider the Post-Office appropriation bill or the river and harbor bill?

The SPEAKER *pro tempore*. Most certainly it will. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union; pending which the gentleman from Kentucky [Mr. WHITE] moves that the House do now adjourn.

Mr. WHITE, of Kentucky. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to ask if we can not have the chairman of the Committee on Rivers and Harbors to agree——

The SPEAKER *pro tempore*. The Chair has no authority to answer as to any agreement.

Mr. WILLIS. There is no agreement about it.

Mr. WHITE, of Kentucky. I withdraw my motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] withdraws his motion. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday the pending question was upon the amendment offered by the gentleman from Iowa [Mr. HEPBURN] and the House was dividing by tellers. The gentleman from Iowa [Mr. HEPBURN] and the gentleman from Louisiana [Mr. BLANCHARD] will please resume their places as tellers, and the Clerk will report the pending amendment.

The Clerk read as follows:

After line 20 insert:

"*Provided*, That no portion of said $150,000 shall be expended in the repair, erection, maintenance, or paving of levees, or in the grading or revetment of the banks of the Mississippi River owned by private parties or municipalities."

The committee divided; and the tellers reported—ayes 60, noes 105.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

Improving Aransas Pass and Bay, Texas: Continuing improvement, $100,000.

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky.

The Clerk continued the reading, as follows:

Improving Brazos Santiago, Texas: Continuing improvement, $25,000.
Improving Paseo Cavallo, Texas: Continuing improvement, $35,000.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to strike out the last word of the first paragraph read by the Clerk.

The CHAIRMAN. The Clerk has read two other paragraphs since that.

Mr. WHITE, of Kentucky. Yes; but he did so when I was trying to get the floor.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] rose, and the Chair recognized him. He then entered into conversation with the gentleman on his right [Mr. JOSEPH D. TAYLOR], and the Clerk read on.

Mr. WHITE, of Kentucky. Which the Clerk had no right to do.

Mr. JOSEPH D. TAYLOR. I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After line 212, insert the following:

"*Provided*, That no part of the money appropriated in this act shall be paid out for the purposes herein named until such payments shall be approved by the Attorney-General of the United States as legal and constitutional."

Mr. JOSEPH D. TAYLOR addressed the committee. [See Appendix.]

Mr. POST, of Pennsylvania. I move to strike out the last two words.

Mr. Chairman, reluctantly I rise to beg the indulgence of this committee. Not often have I claimed your attention; nor would I now did not the dictates of humanity require that some voice be raised in behalf of the much-maligned Committee on Rivers and Harbors. For them there is no couch of down, but each insatiate suitor for the people's coin upon their devoted heads pours forth the vials of his wrath. For days these gentlemen have been tortured and tormented by their associates with a relish and unction worthy of the cruelty inflicted by Parrhasius, the painter of Athens, upon the aged Olynthian captive. With attentive ears we have listened to their plaints. Analyzed, they amount only to the conflicting claims of rival discoverers. The hitherto undiscovered beauties and great possibilities of certain regions of our country as they are unfolded to us in the brilliant rhapsodies of gentlemen upon this floor having pet schemes to foster at the public expense are indeed most marvelous. By their fervid eloquence in defense of the old flag and an appropriation, swamp lands and barren deserts become fertile plains and blossom as the rose.

Shallow creeks and rivers whose elongated names are greater in extent, I ween, than the streams themselves, are made to appear as vast deeps upon, whose placid bosoms the commerce of the world might ride in majesty and still have room for more.

Hamlets as yet unnamed upon the maps flash upon the public notice with meteoric brilliancy, pictured as the future great trade centers of the country by the lurid oratory of the Representative who seeks a modicum of the redundant revenues wherewith to render himself more solid with his confiding constituents. [Laughter and applause.]

Historical, geographical, and scientific societies are ever and anon bestowing medals upon individuals for discoveries considered to be of value to the human family. Banquets are given, laudatory resolutions are passed, in fact eloquence runs riot in honor of men who by research, experiment, or exposure to the elements have added to the store of human knowledge.

Sir, the title to this bill is a misnomer. Instead of being an ordinary appropriation bill it is in reality a bill of discovery, and the paltry sums recommended to be expended thereon are in the nature of an inducement from some of these streams to remain with us all the year round rather than ascend heavenward in summer-time responsive to the blandishments of the sun's torrid heat.

I ask, Mr. Chairman, shall the Congress of the United States prove ungrateful to those of its membership who have, as recorded in this bill, rivaled the achievements of the most noted and eminent of the discoverers whose names have been inscribed upon the roll of fame? Be it not so. But rather let us pause and pay homage to the men who have rescued from oblivion and elevated to dignity of great national water ways diminutive rivers, which appear positively for the first time in this country, and for a limited season only (unless properly cared for, regardless of expense) in this wonderful aggregation brought together by the skill and untiring energy of our River and Harbor Committee. I appeal, therefore, to the members of this House to deal more tenderly with these deserving statesmen. Cease, I pray you, to revile them, and inveigh no more against their lack of capacity.

Is there one among you who has done for his country, for the cause of education, for posterity, anything so commendable, so grand or patriotic, as to have discovered the absolute necessity to the perpetuity of our institutions of improving the Withlacoochee River or the widening of Wappoo Cut? If not, then hold your peace.

Why, sir, some of the less thoughtful of our members have stood upon this floor and with wild gesticulations and in stentorian tones have complained because the members of this committee have held their sessions with closed doors and refused to be interrupted in their deliberations by the murmurings of the common herd, who were actuated only by mercenary motives, and who, like my loquacious friend from Saint Louis, sighed only for a fat slice of the "pork," as he heartlessly denominates this bill.

Is it unnatural that a body of men bent upon such a tremendous mission should withdraw themselves temporarily from the world, from the rude jostling of hungry suitors, that the serenity of their minds might not be disturbed by the jargon of the rabble?

THEIR LABORS ENDED.

Now behold the glorious work which they have wrought—a pamphlet bearing richest evidence of most profound erudition. I beg you to note in particular how the minutest detail has not been overlooked. We are not left to conjecture where rolls the Salkehatchie, or where the limpid Tchifuncte winds its tortuous way, nor yet where the gurgling waters of the Noxubee are wont to gurgle, but with conscientious precision we are told exactly which of the sisterhood of States possesses each of these great natural channels of transportation.

Imagine, Mr. Chairman, the irreparable loss to mankind if, as the grave and reverened signiors of this august committee were about to concentrate the power and ingenuity of their combined intellects to ascertain the source and course of the Chillysquawky River, the clamorous demand of the gentleman from Saint Louis "for a square divide" was to have thundered upon the declicately organized tympanums of their ears, or the irate gentleman from Wisconsin was to have flaunted the "bloody shirt" beneath their classic proboscides.

I shudder, sir, as I think of what might have been the disastrous results of so rude an interruption of the lucubrations of this noble band of public benefactors.

Having defended the committee as best I could in a general way I now desire to advert for a moment to a specific item in this bill.

Many have been the expressions of surprise and harsh have been the criticisms because of the large appropriation recommended for the improvement of Galveston harbor. Such strictures have been passed because of ignorance as to the matchless splendor, the magnetic power, the God-given advantages over all others of the city of Galveston. I hold in my hand a map printed in the Galveston Daily News, which shows beyond doubt that what Duluth was but a few years ago Galveston now is—the hub of the universe.

I confess, sir, that up to the moment that my desk was decorated with this all-convincing map, a reference to which demonstrates conclusively that the Creator intended that this great country should exist merely to pay tribute to the city of Galveston, I had entertained grave doubts as to the advisability of expending so much money in improving its harbor. Until my eyes rested upon this unanswerable chart, with the utmost nonchalance I would have voted ruthlessly to have stricken out the appropriation asked for, and viewed, without a twinge of remorse, the lamentations of its bereaved sponsors.

But all is now changed. As I gaze upon this map, frescoed so artistically, my soul is stirred to its deepest depths, and I am well-nigh persuaded to tap the fountain of our nation's wealth *a la* the gentleman from Colorado [Mr. BELFORD], and permit the golden stream to gush forth unchecked to aid in furnishing a vent for the commerce which flows into Galveston with such ever-increasing force and volume.

Mark you, Mr. Chairman, how monarch-like, grand, gloomy, and peculiar, sits this metropolis of the sunny South; the waters of the Gulf coyly creeping in gentle wavelets to the shore, singing soft, sweet songs of adulation, and again, with boisterous billows piling mountain-high, rushing madly to be obsequiously prostrated at her feet, to bear the story of the myriad crafts that sail upon Old Ocean, and which seek in vain the honor of mooring at her wharves. Yet look again, and see that as the earth revolves around the sun, so the whole of creation revolves about this favored city and is but the halo which encircles the brow of the infinite.

This map grows upon me at every glance. See how, far away upon the golden shores of the Pacific, the people impatient long for an opportunity to shower in profusion into the lap of Galveston the wealth of precious metals and semi-tropical luxuries of that remote region!

Even the polygamous Mormons of Utah with feverish anxiety only desire the excuse of this appropriation when they, too, will render generous tribute to this modern Tyre.

Look whichever way you will, and there is visible a cord which binds the whole human family in closest sympathy with the welfare of Galveston. With such proof who can escape the conviction that upon the fate of this item hang the hopes, the fears, the happiness, and future prosperity of millions of souls who breathlessly await the action of this House. Who knows but in the fate of this item also hangs trembling in the balance the ultimate destiny of our nation.

If what is here delineated be true, in my mind's eye I see the dread results of a failure to respond favorably to this demand. Methinks even now I hear the wail of distress that will come up from Galveston, and which, according to the indications upon this map, will be echoed along the far western coast and re-echoed through the cavernous depths of the Yosemite.

Deny this boon, and the winds, as they sway the forests of the great Northwest, will moan piteously over the sad fate of this stupendous project; the overflowing granaries of the Southwest will burst with indignation, while the very heavens will frown with fiercest displeasure. At least I should judge so according to the map.

Mr. Chairman, imagine the anguish of soul I suffer with these convictions pressing upon my conscience, these lofty thoughts agitating my mind, and these emotions welling up in my bosom, to think that by my vote I can not assist in forwarding this humanitarian enterprise because of a craven fear of being held to an account therefor by those whom I represent upon this floor.

Recently in a formal manner they requested me to quit public life after the 4th of March and return to their loving embrace, having elected another whom they could better spare than me for this work. They don't understand this matter. They have not seen this map, and, in their benighted state, should I vote for this item, it might dampen the ardor of their love for me and throw a coldness over the meeting when I go home. [Laughter and applause.]

Mr. WILLIS. I ask for a vote on this proposition.

Mr. POST, of Pennsylvania. I withdraw the *pro forma* amendment.

Mr. BARKSDALE. I move the following amendment.

The Clerk read as follows:

Improving Vicksburg Harbor, under the direction of the Secretary of War, $250,000.

Mr. BARKSDALE. A great statesman, not a resident of the Mississippi Valley, but of the Atlantic coast, in advocating the claims of the Mississippi River to protection by the General Government, properly denominated it as an inland sea. Vicksburg Harbor is third in importance to all others on the Mississippi River between Cairo and its mouth. It has a commerce of $11,000,000. It is situated at the base of the Yazoo delta, embracing a region of two hundred and fifty miles in length and seventy-five miles in width, unexampled for its fertility either in this country or any other on the face of the globe. It lies on the line of two great transcontinental railways, one the most direct route from the Atlantic to the Pacific, and the other extending from Newport News to San Francisco by way of Louisville, Memphis, Vicksburg, and New Orleans. It is the entrepôt, or the trade center, of a large portion of the agricultural region of the Northwest. There millions of dollars' worth of products are received and distributed throughout the interior. Hence, Mr. Chairman, it is not a local improvement I am asking an appropriation for; it is to promote a commerce in which not less than two-thirds of the States are directly interested.

Now, sir, I have no reproaches for the Committee on Rivers and Harbors. They have performed their work faithfully. Within this short session it was literally impossible for them to hear the arguments of delegations from the several States in advocacy of the various objects proposed for improvement, but they have been addressed in writing by members and others who have felt it their duty to be heard by the committee. An address, signed by the Senators and a portion of the Representatives from Mississippi, presenting the claims of Vicksburg and other harbors of the Mississippi River within the limits of the State, has been presented to the committee, and, while its recommendations have not been accepted, there is reason to believe that it has been at least respectfully considered. From that portion of the address which relates to the harbor of Vicksburg I will submit the following extract:

The recommendation for Vicksburg Harbor is so insignificant in amount that we conclude that as to that necessary, even essential improvement, the commission is unwilling to undertake it without the direction of Congress. And this surmise receives support from the published declarations of at least one member of the commission. Certainly the commission do not mean to say that only $20,000 is needed to restore a safe and convenient harbor for the city of Vicksburg, as every one at all conversant with the subject knows that the sum recommended is wholly inadequate for that purpose. We infer that the commission means that they intend only to preserve the present status of that point by preventing a further recession of the river from caving on the opposite bank. This means to abandon that important city, and to turn over the immense interests there to destruction. Against this we most solemnly protest. The amount needed to restore that harbor, though very considerable, is yet much smaller than Congress has granted to harbors in other States. And there is nothing which can justify this discrimination against Vicksburg and the State of Mississippi. The interests involved are not too insignificant to demand the favorable action of Congress or of your honorable body. These interests are not merely local, but are of great importance to the State, and in fact to a large section of the Union.

Vicksburg is the most important point on the river (except Memphis and Natchez) between Saint Louis and New Orleans. It has a population of 15,000, which would have been largely greater but for the neglect of the national authorities in restoring this harbor. The real estate in Vicksburg is now worth more than $4,000,000, and this is to be destroyed if the harbor is not restored. There are situated there two large compresses on which cotton is pressed for shipment to New England and Europe. There are several large wholesale houses, as well as a great number of retail establishments. The largest cotton-seed-oil mill in the world is also there, and another of considerable size. There are also three large foundries, an ice factory, and a furniture and general woodenware factory. Many large lumber mills, with planing, turning, and grooving mills, and sash and blind factories attached. There are also situated there the large workshops of the Vicksburg and Meridian Railroad, which has its western terminus there. Vicksburg is also the commercial terminus of the Vicksburg, Shreveport and Pacific Railroad, which ends on the western bank of the river, opposite the city, and is connected therewith by a steam ferry. The largest national cemetery (except one) in the Union is situated there. It is the coaling station, as well as the depot for ice and other supplies, of all the steamers that ply on the Mississippi River, every one of which use the harbor in passing up and down the river. The Louisville, New Orleans and Texas Railroad, which connects New Orleans with Newport News, Va., passes through the city, and there connects with the other railroads above mentioned and with the Mississippi River.

We have no specific statistics as to the commerce, but we can give some idea of its magnitude now and its immense proportions in the near future, if Congress will only discharge its plain duty by restoring the harbor.

The city is situated at (just below) the mouth of Yazoo River, which with its tributaries, the Tallahatchie, Coldwater, Yazoo Pass, Yallabusha, Rolling Fork, Sunflower, Deer Creek, Steele's Bayou, Silver Creek, Bear Creek, all navigable streams, traverse a country than which there is no other on earth more fertile, or richer in natural resources. It is the entrance to the Yazoo delta and the doorway through which its productions, now already immense, and soon, with the levees restored, to arise to enormous proportions, go into the commerce of the world. Vicksburg is the home port of a large fleet of small steamers which navigate these streams, traversing and reaching every part of the great delta. It is the northern terminus of a line of steamers from New Orleans, the most magnificent that ply on the Western waters. It is also the home of a large number of steamers plying between Natchez and that point and the bends above and below, and is the southern terminus of a tri-weekly line of steamers running between that port and Saint Louis and all intervening points. By rail it has direct connection with New Orleans, with Memphis, and all cities north of it, and with Meridian and Jackson, both of which are railroad centers. And at these points it gets connection with the whole Union. By the Mississippi River it gets the cheap freights of water transportation, and by the small rivers above mentioned and its various railroad connections distributes these cheap rates throughout the State. By this connection with the great river the State has the regulating influence of that stream on freights.

We do not go too far when we assert that if the harbor be restored, Vicksburg is destined soon to be one of the most important cities in the Southwest, and if this be neglected, there will be a great retrogression and loss, and little chance of progress.

For these cogent reasons I appeal to the judgment of Congress from the report of the Mississippi River Commission, and from the bill reported by the Committee on Rivers and Harbors, in behalf of this important harbor. Shall it be preserved to the commerce of the country, or shall it be doomed, by niggardly parsimony, to destruction?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OATES took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the following bills, with amendments; in which the concurrence of the House of Representatives was requested:

A bill (H. R. 5800) for the relief of Sarah B. Jackson; and

A bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

Also, that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers.

The message further announced that the Senate insists on its amendments disagreed to by the House of Representatives to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., and agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Messrs. CONGER, MCMILLAN, and VEST as conferees on the part of the Senate.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

Also, that the President *pro tempore* of the Senate had appointed Messrs. HOAR and PENDLETON tellers on the part of the Senate for the purpose of counting the votes for President and Vice-President of the United States.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KING. Mr. Chairman, I move to strike out the last word.

In seconding the amendment of the gentleman from Mississippi for this appropriation I desire to say that I believe if there is an amendment that could be made to this measure which would have intrinsic merit it is the amendment offered by the gentleman from Mississippi, and now pending before this committee.

The harbor of Vicksburg is a clear and very distinct illustration of the harbors on the Mississippi River. It illustrates the fact that these harbors can be destroyed by the current of that stream. The Government has been for ten or fifteen years past operating extensive works to maintain the harbor at Vicksburg. This bill has unfortunately left that harbor out and made no provision for it. Those works must suffer and that harbor must suffer still further from the neglect of Congress in making an appropriation for it. The works have already cost a large sum of money. If there is no provision now made for their continuance and maintenance they must in a large degree perish. To complete them will require comparatively a small sum in addition to what has been already expended, and if they are once finished they will be permanent in their character, and require but little expenditure in the way of repairs in future.

Mr. Chairman, the city of Vicksburg is not a mere way-point on that great river. It is the most important city between New Orleans and Memphis. It is a point at which several important railroads converge. It is a point where one of the most important lines across the continent passes the river—the Southern Pacific road, as it used to be named, now the Vicksburg, Shreveport and Pacific Railroad—one of the important transcontinental lines. On the opposite side of the river there are very important works being prosecuted by the Mississippi River Commission for the improvement of the river itself. I only desire to add here, therefore, that if it be possible for the Committee on Rivers and Harbors to reconsider their action on this point I trust they will do so, and allow the appropriation suggested by the gentleman from Mississippi, for the purpose indicated by him, to go into the bill.

Mr. WILLIS. I call for a vote.

Mr. JEFFORDS. Mr. Chairman——

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. JEFFORDS. I move to strike out the last word.

Mr. WILLIS. I appeal to the friends of this bill to let us get along as fast as we can. As business men I appeal to them.

Mr. JEFFORDS. Mr. Chairman, I am as earnestly a friend of this river and harbor bill as the chairman of this committee, and I ask to be heard for a few moments on this important measure. I have been endeavoring to be heard. Vicksburg is in my district and, as I think this question is presented, I should have the privilege of being heard briefly upon the subject.

Sir, I know that it is impossible for the committee to frame an ideal river and harbor bill. That can never be done until all the navigable waters of the United States are embraced in one bill and the amounts to be given for the improvement of the navigable waters of the United States equitably distributed between all localities. Then you will have an ideal river and harbor bill.

I do not question the motives of the committee, nor do I rise for the purpose of arraigning them for the bill which they have reported. I do, however, disagree with the allotments and the apportionments that have been made under this bill.

Some statements, sir, have been made here in the course of this debate which if left unchallenged would create a false impression, and would establish a rule that would be detrimental to the interests of rivers and inland harbors. It has been asserted here that these harbors on the Mississippi River are mere steamboat landings; that they are not harbors. Where is the authority for any such declaration as that? I grant you, sir, that from the organization of the Government in 1783 down to 1851, when the decision in the Genesee Chief case was pronounced, the fresh-water rivers and lakes were not regarded as within the admiralty jurisdiction of the United States; but since that decision every square inch of navigable water belonging to the United States is subject to the admiralty jurisdiction of the United States and to the jurisdiction of Congress in making appropriations for the improvement of the rivers and harbors of all our inland navigable waters.

Let me say to those gentlemen who represent the lakes and the Western rivers that if this doctrine is to be established, that the landings or harbors, as they have always been called, on the Mississippi are not harbors and are not subject to the jurisdiction of the United States simply because they are upon fresh water instead of the open sea, that will allow a precedent to be established which will strike down the improvement of the rivers and harbors on the lakes and the rivers. It would be a dangerous thing to allow this thing to be done.

So far as this improvement of the Vicksburg Harbor is concerned there is an estimate. The Mississippi River Commission have estimated $20,000 for the improvement of Vicksburg Harbor or Delta Point, which is a part of the harbor.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. DINGLEY. I take the floor and yield my time to the gentleman from Mississippi.

Mr. WILLIS. I object. I again appeal to the friends of this bill to let us go on.

Mr. JEFFORDS. I can get in after a while, and the gentleman might as well let me finish now.

Mr. WILLIS. If the gentleman is a friend of this bill——

Mr. JEFFORDS. I am a friend of it.

Mr. WILLIS. I know he is.

Mr. JEFFORDS. I am willing to do what I can to pass the bill.

Mr. WILLIS. It is because the gentleman is a friend of the bill that I appeal to him.

Mr. DINGLEY. I move to strike out the last word. I was recognized, as I understand, by the Chair. I yield my time to the gentleman from Mississippi [Mr. JEFFORDS].

The CHAIRMAN. The gentleman from Mississippi [Mr. JEFFORDS] is entitled to the floor and can not be taken off it. If the gentleman from Kentucky desires it the Chair will afterward recognize him for a motion that the committee rise for the purpose of limiting debate.

Mr. JEFFORDS. I will say to the chairman of the Committee on Rivers and Harbors that some of the friends of this bill insist it shall be amended. Instead of being an injury to the bill, it is a benefit to the bill to have its friends propose to amend and perfect it. The committee ought to listen to their friends. As I said, I have no disposition to criticise their action, for I know that they have done the best that they possibly could, or what they thought or believed was for the best.

I desire, Mr. Chairman, to know why New Orleans was put in this bill, while Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus are all left out? The gentlemen say because New Orleans is a seaport or something of that kind. The Mississippi River is navigable from the sea almost to its headwaters, and if New Orleans is a harbor, then Natchez and Vicksburg and these other points are harbors also. Why this discrimination? Why has this historic and heroic city of Vicksburg been denied the pitiful sum of $20,000, which is included in the estimates made by the Mississippi River Commission? I again ask why this discrimination against this spot? If ever a time comes when American valor is to be commemorated by a monument erected to the heroism of American soldiers, and by this I mean the soldiers of both sides, the fittest place in all this land for such a monument will be the city of Vicksburg. The river having left it some two miles, this city appeals to Congress, appeals to the nation to save her harbor. The Committee on Rivers and Harbors see fit to ignore that appeal and to refuse this small appropriation of $20,000 even, that is for the purpose of maintaining and preserving that harbor and holding the work already constructed by the Government.

Mr. HENDERSON, of Iowa. May I ask the gentleman whether the Chief of Engineers has made a recommendation in favor of an appropriation?

Mr. JEFFORDS. The Mississippi River Commission does so. It is in the report of the Chief of Engineers, which embraces the report of the Mississippi River Commission, and they recommend this as much as they have recommended any other matter that is in the bill. They have recommended this appropriation of $20,000; and yet this city of such great historic renown is discriminated against in favor of the greater city of New Orleans. I trust the amendment of my colleague will be adopted.

[Here the hammer fell.]

Mr. JEFFORDS. I ask leave to extend my remarks as printed in the RECORD.

There was no objection.

Mr. JEFFORDS. Mr. Chairman, it is well known that the Committee on Rivers and Harbors, on account, as they said, of the shortness of the session, declined to hear oral arguments from any one; but they courteously agreed to receive and consider arguments and memorials in writing. Availing ourselves of this permission, our Senators and the Representatives more immediately representing the river districts submitted to the committee the following memorial, which, as it embodies more clearly than anything I can now say arguments in favor of appropriations for the benefit of these river harbors, I herewith submit as part of my remarks for the consideration of this committee and of the country:

WASHINGTON, *January* 10, 1885.

To the honorable the Committee on Rivers and Harbors of the House of Representatives:

GENTLEMEN: Returning you our thanks for the courtesy extended in the promise to receive any suggestions we might see proper to submit in writing in relation to appropriations for rivers and harbors on the Mississippi River, we now proceed to submit this insufficient statement on that subject.

We regret that the time of the committee will not allow of the delay necessary to enable us to get a copy of the last report of the Mississippi River Commission, now in the hands of the Printer. Not having seen that paper, we have no other information of the recommendations of the commission than short abstracts relating solely to the amounts estimated, such as have been published in the press. We learn in this way that the commission recommends $20,000 for the work on the Vicksburg Harbor, $186,000 for Greenville, and $700,000 for Natchez. With the estimates for Natchez and Greenville we make no complaint, but join with the commission in their recommendation, and ask, for the reasons hereinafter to be stated, that these amounts be severally allotted to these harbors.

The recommendation for Vicksburg Harbor is so insignificant in amount that we conclude that as to that necessary, even essential, improvement the commission is unwilling to undertake it without the direction of Congress. And this surmise receives support from the published declarations of at least one member of the commission. Certainly the commission do not mean to say that only $20,000 is needed to restore a safe and convenient harbor for the city of Vicksburg, as every one at all conversant with the subject knows that the sum recommended is wholly inadequate for that purpose. We infer that the commission means that they intend only to preserve the present status of that point by preventing a further recession of the river from caving on the opposite bank. This means to abandon that important city, and to turn over the immense interests there to destruction. Against this we most solemnly protest. The amount needed to restore that harbor, though very considerable, is yet much smaller than Congress has granted to harbors in other States. And there is nothing which can justify this discrimination against Vicksburg and the State of Mississippi. The interests involved are not too insignificant to demand the favorable action of Congress or of your honorable body. These interests are not merely local, but are of great importance to the State, and in fact to a large section of the Union.

Vicksburg is the most important point on the river (except Memphis and Natchez) between Saint Louis and New Orleans. It has a population of 15,000, which would have been largely greater but for the neglect of the national authorities in restoring this harbor. The real estate in Vicksburg is now worth more than $4,000,000, and this is to be destroyed if the harbor is not restored. There are situated there two large compresses, on which cotton is pressed for shipment to New England and Europe. There are several large wholesale houses, as well as a great number of retail establishments. The largest cotton-seed-oil mill in the world is also there, and another of considerable size. There are also three large foundries, an ice factory, and a furniture and general woodenware factory; also many large lumber mills, with planing, turning, and grooving mills, and sash and blind factories attached. There are also situated there the large workshops of the Vicksburg and Meridian Railroad, which has its western terminus there. Vicksburg is also the commercial terminus of the Vicksburg, Shreveport and Pacific Railroad, which ends on the western bank of the river opposite the city, and is connected therewith by a steam-ferry. The largest national cemetery (except one) in the Union is situated there. It is the coaling station, as well as the depot for ice and other supplies, of all the steamers that ply on the Mississippi River, every one of which uses the harbor in passing up and down the river. The Louisville, New Orleans and Texas Railroad, which connects New Orleans with Newport News, Va., passes through the city, and there connects with the other railroads above mentioned and with the Mississippi River.

We have no specific statistics as to the commerce, but we can give some idea of its magnitude now, and its immense proportions in the near future, if Congress will only discharge its plain duty by restoring the harbor.

The city is situated at (just below) the mouth of Yazoo River, which with its tributaries, the Tallahatchie, Coldwater, Yazoo Pass, Yallabusha, Rolling Fork, Sunflower, Deer Creek, Steele's Bayou, Silver Creek, Bear Creek, all navigable streams, traverse a country than which there is no other on earth more fertile or richer in natural resources. It is the entrance to the Yazoo delta and the doorway through which its productions—now already immense, and soon, with the levees restored, to arise to enormous proportions—go into the commerce of the world. Vicksburg is the home port of a large fleet of small steamers which navigate these streams, traversing and reaching every part of the great delta. It is the northern terminus of a line of steamers from New Orleans, the most magnificent that ply on the Western waters. It is also the home of a large number of steamers plying between Natchez and that point and the bends above and below, and is the southern terminus of a tri-weekly line of steamers running between that port and Saint Louis and all intervening points. By rail it has direct connections with New Orleans, with Memphis and all cities north of it, and with Meridian and Jackson, both of which are railroad centers. And at these points

it gets connection with the whole Union. By the Mississippi River it gets the cheap freights of water transportation, and by the small rivers above mentioned and its various railroad connections distributes these cheap rates throughout the State. By this connection with the great river the State has the regulating influence of that stream on freights.

We do not go too far when we assert that if the harbor be restored Vicksburg is destined soon to be one of the most important cities in the Southwest, and if this be neglected, there will be a great retrogression and loss and little chance of progress.

We desire here to call attention to the necessity of Greenville for a specific allotment of the amount estimated by the commission. Greenville is already a flourishing and important city. It is the county seat of the largest cotton-producing county in the world. It has a railroad connection by the Georgia Pacific for a considerable distance south, which road penetrates the richest country in the Southwest. It has, by the same road, a connection east with the Sunflower River, on which is situated a large district of the richest lands in the Yazoo delta. When this road is completed to Columbus, in Northeast Mississippi, it will have direct connection with Birmingham, Ala., and Atlanta, Ga., and all the roads coming to these important cities, besides cross connections with these great lines of roads running from the West to New Orleans, Mobile, and Texas. It also has connection by a branch with the New Orleans, Louisville and Texas Railroad.

A year ago Colonel Percy, a citizen of Mississippi, addressed this committee in behalf of the claims of Greenville, and introduced many interesting statistics pertaining to the city. He also advanced arguments and reasons in favor of preserving the harbor. We understand these remain among the archives of the committee, and we ask that the committee will examine them again and give them the weight their importance demands. The harbor is now caving, and the very existence of the city is threatened. And here we may be permitted to add that Greenville is the only important town in the Yazoo delta, except Yazoo City, which is at the base of the hills. This delta is, to the extent of three-fourths of the whole number, inhabited by the colored race. The whites are few. The necessity of maintaining a town of considerable size, in which the whites predominate, in this district, is too obvious to need comment. We mention only that the conservative influence of the town in the past has been found of the greatest importance in preserving good order and safe local government in this district.

In connection with what we submit in relation to the Vicksburg and Greenville harbors we desire to add something in relation to the Yazoo delta. It will be remembered that Vicksburg is at the southern end of the delta, and is the natural water outlet of its productions, while Greenville is about the center of the delta, north and south, though on its western boundary. That both of these cities are destined soon to be of immense importance is evident. This delta contains over 4,000,000 acres of the finest land in the world. It is in the center of the cotton belt; as you go north or south of it, the cold on the one hand and the heat on the other renders cotton cultivation less successful. In this delta is found every favoring condition for the cultivation and production of this great staple, besides being well adapted to the production of corn, oats, potatoes, and other food. The delta of the Nile is less than 6,000,000 acres, and on its bosom were supported immense populations and the greatest cities of the world. The Yazoo delta is five-sixths as large as the Nile delta. It is equally as fertile. It is dominated and occupied by the most progressive race on earth. From its rich soil can come and will come more cotton than is now produced in the whole Union. It will also be of longer staple and greater strength. It is now almost wholly undeveloped, not more than one-twelfth (if so much) of its area being in cultivation. The levees have been built at great expense, and it may be considered that from now henceforth the delta will be exempt from destructive floods. As soon as it shall be ascertained and recognized that security from overflows is attained, there will be a speedy settlement of the whole delta. This large population thus secured and their immense productions will depend upon two cities for commercial marts. It is impossible to be extravagant as to what will be the outcome.

In addition, we desire to press a most important consideration on the committee. This land has been so favored by nature for agriculture, giving such ease and freedom in rural work, and the consequent extreme facility for acquiring independence by farming, and the obstacles there existing to successful manufacturing, such as want of coal and water power, will prevent the establishment of manufactures to any large extent in this delta. The great population which it will contain will be consumers of the products of the other sections of the Union. They will continue to buy their horses, mules, meat, flour, lard, and other provisions and agricultural implements from the West; and their dry goods, clothing, and other necessaries and their luxuries must come from the East. The whole or nearly the whole of their immense cotton production will be spent in interstate commerce, which, being free, will benefit both sides. This is the certain result in the near future. In view of this, it would be the greatest of all follies to refuse to improve these harbors, which are the means by which and through which this great commerce shall be carried on. These two cities will grow to be of importance if Congress will only allow to them, as it allows to all other cities, that aid in the way of harbor improvements necessary for commerce. And, in relation to Vicksburg, we trust we will be pardoned for adding that from its natural advantages it has been and still is the surest hope of the State for a large commercial city. As yet the State is without one. Vicksburg is situated about midway between its northern and southern border. It has the water and railroad connections and the splendid country for support we have hereinbefore pointed out. In view of these facts, a failure to restore her harbor, the abandonment of her fortunes, as seems to be proposed by the Mississippi River Commission, would be a fatal blow to the State. We can not think the committee will be a party to its infliction.

The claim of Natchez is equally great. It is the oldest city in the State. It has long been the seat of wealth and refinement. It is now and always has been the center of a flourishing commerce. It has recently become a considerable manufacturing point. It has taken a lead in an industry so necessary to the development of the South. Already two large cotton mills are in operation. It has an extensive commerce with the back country in Mississippi and on the banks of the river both above and below. It has also a large commerce west by a railroad running in that direction. It has connection by a railroad built mainly by its own capital and that of the country through which it runs with Jackson, which is a railroad center. Arrangements have been completed to make this road of standard gauge, and to extend it to Columbus, Miss. This extension, now certain to be made in a very short time, will connect Natchez with the prairie section of the State, a very large district, only surpassed in richness by the Yazoo delta. We might say more on this subject, but as the Mississippi River Commission, as we learn from the press, has recommended $700,000 for this harbor, we deem it unnecessary. We insist earnestly that this sum be granted. If they should be longer delay the cost of the work will be augmented, and it may amount to a sum so great as to make it difficult to obtain the proper appropriation from Congress. Maps and papers were laid before your committee last session by Judge Van Eaton, Representative of that district, showing great and immediate danger of the river so changing its course as utterly to ruin the harbor, and to which we now ask your attention. This danger is as imminent now as ever, in fact more so, but this is shown by what we hear is the recommendation of the river commission asking as above $700,000 for Natchez Harbor. Since the war the citizens of Natchez have shown much commendable public spirit in the building of the railroad and cotton factories above referred to. Also cotton-seed-oil mills, iron factories, and various other manufacturing interests. All of which, as well as the city, are likely to be utterly ruined unless Congress acts very speedily.

We desire now to enter our most solemn protest against leaving the improvement of these three harbors to the sole discretion of the Mississippi River Commission. The harbors in other sections of the country are provided for specifically by Congress, fixing the amount which shall be given to each. There is no necessary connection between channel improvements and the improvements of these harbors, so as to require that a gross sum shall be given for both harbor and river improvement, leaving it to the Mississippi River Commission to make the allotment of the separate shares of each.

The commission makes its estimates yearly; Congress never grants but a small per centum of the amount. The commission finds itself without the necessary means to do the work needed. It is compelled to select the work which it deems the most important. It has so happened that in making this selection it has failed to give a dollar to Natchez or Greenville, and also practically nothing to Vicksburg. Thus the interest of these cities of the State of Mississippi have been sacrificed. The insufficient sum granted for channel improvements has been eked out by taking what is due to these harbors. In this manner Mississippi's interests have been sacrificed to the interest of other sections. Her quota of the funds for harbor improvements has been taken for other purposes. It is no answer to this just complaint to say that this is necessary to the harmony and symmetry of the system adopted for the improvement of the Mississippi River. If that were true, then the system is unjust, and should be abandoned or modified. We ask no modification of the system except that Congress shall give enough to do the work of harbor and also channel improvement, and that it shall express its will that the one shall not be sacrificed to the other.

We desire with the emphasis coming from a consciousness of past wrong done to our State and people to urge the committee to look into the matters of this communication, with the determination to right the wrong perpetrated; to do equal and impartial justice to all interests involved, and not to allow themselves to be hampered and restrained by seeking a harmony and symmetry in systems of expenditure not needed for the perfection of the work to be accomplished, and unattainable but by the sacrifice of great interests, and which heretofore has only had the effect to impede and to bind a just exercise of river and harbor improvement in Mississippi in a narrow and inflexible technicality. We ask that the sums respectively recommended by the commission for the harbors of Greenville and Natchez be specifically allotted to them in the bill which the committee shall frame, and in like manner that the sum of $500,000 be allotted for the improvement of the harbor at Vicksburg.

L. Q. C. LAMAR.
J. Z. GEORGE.
E. JEFFORDS.
H. S. VAN EATON.
T. C. CATCHINGS,
M. C. elect Third District.
H. D. MONEY.

We of the Mississippi Valley believe we have just cause to complain that whenever we have asked for appropriations we have been met as if we were mendicants seeking a charity of the Government, when we are really but demanding our just dues.

It perhaps is not generally known that the Government received a gross income of about $6,000,000 for the year ending June 30, 1884, derived from steamboats and other vessels engaged in the carrying trade of the Mississippi and its navigable tributaries. This vast sum is made up of steamboat fees, assessments on the tonnage of vessels, licenses to captains, pilots, and others connected with, or engaged in the trade and commerce of, the rivers of the great Mississippi Valley. The gross sum thus received, estimating the receipts at $6,000,000, for the past twenty years, would reach the enormous sum of $120,000,000. For the year ending June 30, 1884, after paying all fees, salaries, and expenses, the Government derived a net income of $1,513,713.99, and which for a period of twenty years, assuming this to be a fair average, would yield a net aggregate for that period of $30,274,279.80.

It does not seem to me as if we ought to be treated as beggars when we who contribute so much to the support of the Government ask that a portion of what we contribute may be returned to us for the purpose of increasing our facilities in conducting the commerce of this great country.

Is it presumptuous for us to ask some aid from the Government in such a cause and in behalf of such interests?

Mr. Chairman, it is my conviction that of all appropriations for the improvement of the navigation of the Mississippi River one-third should be devoted to channel and harbor improvements and two-thirds to the erection and maintenance of levees.

Channel improvements, in my opinion, should mainly consist in removing snags and obstructions. If levees are erected and maintained so as to confine the river at flood-tide within the banks of the levees, the river will in the course of time change its habits and correct most of its present eccentricities. This is the theory of the River Commission. It is evident to any fair-minded person that six of the seven river commissioners give the preference to the levees over any other method of improvement. They specially emphasize the advantages and benefits to be derived from the construction of levees. I call attention to the following extract taken from the report of the river commission, to be found on pages 13 to 20, inclusive, Executive Document No. 64, second session Forty-eighth Congress:

LEVEES AND OUTLETS.

The difficulties of navigation on the Mississippi River below the mouth of the Missouri at no time arises from want of volume.

During the flood stages the supply is of course ample; and it is equally true that if the volume of discharge of even the lowest stages were constant, it would develop, in time, a sufficient channel for navigation.

Where the increases of width and area of section have become so excessive as to have seriously impaired navigation, scour and fill are less the result of absolute velocity than of the relative velocities in adjacent sections. In such cases the narrow and deep parts have greater areas of section, and therefore lesser velocities in the lower stages; while the wider and bar-obstructed sections at that period have lesser areas and greater velocities. At higher stages this relation is reversed.

An increment to the bars accompanies the flood because in the sections where

they form there is greater area and less velocity than in the pool sections above. This subject is discussed by Mr. R. E. McMath (Report Mississippi River Commission, 1881, Appendix K, page 242).

This condition is not a necessary result of the flood in a regulated river, but rather of those irregularities of the water way the correction of which constitutes an essential part of the plan of improvement projected by the commission. With equal widths there should be no such interchanges of velocity at adjacent sections in high and low stages, and no differences of depth and area except at reversion points, where less resistance makes lesser sectional dimensions equally efficient. A certain result of such uniformity of the elements of area as has always been insisted on by the commission will be the correction of this local bar building by the flood.

To this bar growth at high stages there is a logical limit. When it has progressed far enough to maintain, by contraction, the velocity of approach from above, it necessarily ceases. This is true as long as the volume of discharge finds no other means of escape outside the bed of the stream. But when such opportunity is afforded, the bar growth is unchecked as long as a line of resistance is open through the outlet. In the case of a cut-off the entire river is deflected in the direction of the increased slope through the new bed, and within a year or two the abandoned channel is entirely closed.

Now, "when we consider that the slope of the river along its proper course averages scarcely one-third foot to the mile, while the banks slope away from the river four to ten feet to the mile, it is easy to see to what an extent, during floods, the river is tempted to change its course," and that in such proportion as this temptation prevails, an effect similar to that of a cut-off in building a bar across the depleted channel is produced.

As the direction of the surface slope affects the direction of the thread of motion of the stream to all depths, so in case of both cut-off and crevasse the stream is turned from delivering a loss of power in the impact against the bank, continuity of motion is broken, velocity is reduced, and a source of bar-formation is introduced. In the case of the crevasse, by the loss of volume loss of velocity and ultimately of section is also incurred.

All plans proposed for the improvement of the river have for a common aim the establishment of uniform conditions at the same stages. As these conditions are interdependent, the securing of any one will tend to bring about the others. Thus uniform section will give uniform mean velocity, which in turn will induce greater uniformity of channel depth at any given stage. But, as an element of uniform section, the importance of uniform width by itself as a factor in producing uniform velocity is lessened so long as the escape of water from and return to the river over banks varying twenty feet in height, as referred to the flood slope, allow inequality of flood velocity and depth as great as results from the present unequal widths.

Variation of discharge, at the same flood stage, in alternating parts of the river, from 1,000,000 to 1,600,000 cubic feet per second, is as much an obstacle to stability of regimen as the existing difference of width; and improvement is only attainable by the control of both the area and discharge.

Uniformity of bank grade, therefore, as an element of uniformity of section and velocity and channel depths, assumes the same importance as uniformity of width, and should be extended and maintained over the entire length of the alluvial river.

The present grade of the banks with reference to its earlier and normal conditions is discussed in Appendix F, page 122, report Mississippi River Commission, 1881. The levees as heretofore built, or as now recommended, can not justly be considered as superimposed on, or added to, what would have been the bank height when carried unchecked to its natural limit; but as establishing, by artificial means, a grade which the river in the free exercise of its functions is ever seeking to attain, and to which, under normal conditions, it has approximated.

All observations bearing on this subject made by the commission sustain these views. In 1862 a break known as "Cubitt's Gap" occurred in the left bank of the river, about four miles above the head of the passes. It rapidly enlarged, until its section was about 34 per cent. that of the main river. The locality was surveyed in 1868, 1872, 1875, 1876, and 1877 by the United States Coast and Geodetic Survey. So we have a full physical history of the changes, which are thus stated by Mr. Marinden, assistant in charge of the surveys:

"A noticeable feature in front of the 'gap,' and one which in a great measure must be traced to it as its cause, is the formation of a flat on the west bank, as shown by the deep contours—the 24-foot curve more especially. Starting at a point on the west shore 3,000 feet above the 'gap,' where all the curves run parallel to the shore, and the 24-foot curve is two hundred and sixty feet from the 3-foot curve, which I have taken as the reference for convenience, being smoother than the shore-line, although running parallel to it, the 24-foot contour abruptly juts out towards the center of the river, till opposite the north point of the 'gap' it is eight hundred and twenty feet from the 3-foot curve; then following downstream and opposite the south point it is nine hundred and twenty feet; then after passing the opening of Cubitt's Gap it retreats toward the shore-line, so that about 2,000 feet below the south point it is seven hundred and sixty feet; 4,000 feet below it is seven hundred and twenty feet off, and 8,000 feet below the 'gap' it is only five hundred feet off, notwithstanding the gradual expansion of the Mississippi, which at the upper limit is 3,720 feet wide, and at the lower limit, 8,000 feet below the 'gap,' it is 4,815 feet in width, as measured between the 3-foot curve of each bank.

"From the south point for a distance of about 1,300 feet down-stream the two surveys compared are one of 1866, and the other 1876, which give a mean shoaling of 1.6 feet in the ten years, or 0.16 foot per year.

"From the above-mentioned limit, 1,306 feet below the south point of 'gap' to Cubitt's House, we have two surveys for comparison, one executed in 1866 by Assistant Gerdes, and the other by my party in 1877, giving an interval of eleven years; over this space there has been a mean shoaling of 3.9 feet, or 0.39 foot per year.

"From Cubitt's House to the head of the passes, including all the space now covered by the works for the improvement of the channel-way into South Pass, we have two surveys again; one of 1866 by Assistant Gerdes, and one done under my direction in 1875 by Subassistant Braid. These surveys show a decrease in depth of 3.6 feet in nine years, or 0.4 foot each year. Where, however, the present jettied channel into South Pass is located, there has been a decided deepening."

A subsequent survey, under the direction of the commission, indicates the continued progress of this deterioration of the channel, which already threatens serious consequences to the maritime commerce of New Orleans.

The great loss of section, extending many miles below Malone's, Riverton, Bolivar, and Mound Place, and consequent upon these crevasses in 1882; and also the enlargement of the low-water section below Bonnet Carré, caused by the closing of this crevasse in the same year, were fully described in the last annual report of the commission (1883, page 16, and Appendix D, part 4, page 171).

That such results are not only local but cumulative—throughout long reaches—is also indicated by observations. The gauge records of flood heights and the knowledge of facts connected with them are not extended or complete enough to possess full authority. But if Memphis and Natchez are respectively selected as locations characteristic of unleveed and leveed fronts, and the existing record at each point divided into two parts covering equal time periods and the means compared, it shows that the floods along the unleveed fronts have become greater during the latter half of the time covered by the record, while for the same relative time along leveed fronts they have been less. As there is no doubt of the increase, during this time, of one factor of sectional area—width—any tendency to great flood heights along unleveed fronts means a more than proportionate decrease of the depth. The reverse of this is the apparent inference along the leveed front.

These two points, Memphis and Natchez, have been selected as fairly representative, having the longest records (57 and 52 years, respectively), and being least affected by conditions not under consideration. An examination of the adjacent gauge records does not conflict with the inference drawn from those cited.

Again, the greater oscillation between high and low water at the mouth of the tributaries than at intermediate points has long been observed. It is presented here in tabulated form for the gauge stations at the mouths, and one intermediately located. It is represented graphically for all gauge stations in Plate No. I.

Location.	Extreme.	Mean of last five years.
Cairo, mouth of Ohio	53.17	43.44
Fulton, intermediate	34.55	30.13
Helena, mouth of Saint Francis	47.20	38.57
Malone's, intermediate	34.05	33.91
Mouth White River	48.40	40.06
Lake Providence, intermediate	40.90	33.91
Vicksburg, mouth of Yazoo	51.10	39.85
Natchez, intermediate	50.30	38.04
Mouth Red River	48.50	39.39

These differences of relative level have generally been attributed to abnormal local flood elevations, caused by increase of volume at the mouths of the tributaries. The reverse of this is the truth. The difference is in the extreme fall and not in the extreme rise at these points. The bed of the river has adjusted itself to the annually recurring demands of the discharge by increasing its depth where they are greatest and diminishing it where the discharge is dissipated by successive outlets.

It will be noted that, while by far the greater part of this difference of oscillation is in the depression of low water, yet there is some trace of abnormal flood-height. As the average considered includes three of the greatest floods on record, this would partially disappear were the term of years extended.

As the low-water surface closely conforms to the controlling bars, it seems obvious that any such general elevation or convexity of bed as is found between the tributaries must make these bars more prominent and obstructive to navigation. Between the Yazoo and the Red Rivers where levees have been comparatively well maintained, giving uniformity of bank-height and discharge, this irregularity of low-water slope does not recur, and the navigation is three or four feet better.

Since such levees as have been built have never restrained the higher floods in safety, it can not be expected that the "closing of existing gaps" will suffice to restrain volumes greater than those which have heretofore overwhelmed them; or to fairly test the principles upon which the recommendation of levees by the commission is based. They must be higher, stronger, and more continuous than they have heretofore been built.

The grade of levees for the improvement of navigation should be at least the normal height of the bank of the river or the height to which the bank would be built by such floods as recur with sufficient frequency to exert an appreciable influence in bank building or enlargement of water way. This grade is approximately indicated by points on or near the margin of the river, well above general overflow, where deposit has been carried to a natural limit, unchecked by swift currents, and undisturbed by caving. This grade should be supplemented by such additional height as will protect it against frequent injury and destruction.

Preparations must also be made in the grade for such increase of flood elevation as will at first and during the period of readjustment ensue from the introduction of greater volume between levees when made more continuous. It is not possible to predict at present to what this will amount, and it is probable that an exact conclusion will only be reached by experience.

There are variables entering into the problem so subtle as to require additional investigation and study. This is now being given. Numerous observed facts indicate that gauge heights for great discharge can not be predicted by extending the curves constructed at low and medium stages with these elements as coordinates.

Many of the discharge curves of the observations of 1881-'82 and other years show great irregularities in this respect.

The high-water curve plotted on Plate I is of remarkable symmetry, while the brakes in the low-water curve, to which the profile of the bed conforms, are greater and more abrupt. The imprint of the flood's power is on the bottom and not on the surface. The slope has proved more inflexible than the bed. The capacity of the river has increased as the discharge.

This indicates that increment of volume will not be piled on top of the present flood heights, and that flood slopes can not be changed over long distances from 25 to 75 per cent. The material of the bed does not possess stability under the fractional resistance such increased slopes would indicate. Indeed, which the impossibility of maintaining a slope greater than the average is indicated in the promptness with which slope is readjusted at every cut-off, where within a few hours the process of distribution is evident for very long distances, both above and below.

It is believed, to the contrary, that if an increase of .50 to .75 of the discharge can be arbitrarily and repeatedly withdrawn from and reinjected into the bed with very slight slope disturbance, it can be retained throughout the entire course of the river, and that even the maximum present discharge, by careful and judicious engineering, can be yet further safely increased, without ultimately raising the flood plane.

The following tabulated extract from Plate No. I compares high and low water slopes between the tributaries and a single intermediate station:

Location.	Slopes per mile.	
	High water.	Low water.
Cairo to Fulton	.435	.380
Fulton to Helena	.426	.490
Helena to Malone's	.400	.302
Malone's to White River	.327	.490
White River to Lake Providence	.327	.278
Lake Providence to Vicksburg	.276	.398
Vicksburg to Natchez	.291	.277
Natchez to Red River	.194	.218

It is assumed that no argument is here needed to attest the practicability of a levee system. It is thoroughly established by a large experience that faithfully constructed levees, of sufficient proportions and age enough to have settled and become sod-pressure. Of one hundred and forty-nine breaks in the Yazoo front in 1882, one hundred and forty-seven were caused by water running over the levees and eroding the rear slope. Caving of banks destroys far more than all other causes combined; but such loss will be reduced as caving is prevented, and permanence of bank will make the maintenance of levees of inconsiderable cost.

We therefore conclude that levees, such as have been herein described, are, in connection with an equalization of width and the prevention of caving, an important part of any general and systematic plan for the improvement of the navigation and the prevention of destructive floods; and we do recommend the construction of new and raising of existing levees along all parts of the river where the highlands are too remote to check the passage of large volumes of flood water outside the bed of the river; or, in other words, on the entire right and also on the left bank below Baton Rouge, and from the Yazoo River to Horn Lake, below Memphis.

As this recommendation extends to levees below Red River, where excellent facilities for navigation now exist, special reasons therefor seem necessary. It is not important here to repeat at length the principles on which are formed the regimen of a river so strictly alluvial as the Lower Mississippi. It has already been stated in the discussions of the commission that the dimensions of the river are of its own creation; that a larger volume collected in one bed is discharged with less friction, other things being equal, and therefore with less slope, and more beneficent results to navigation and riparian interests; while subdivision of volume, on the contrary, meets proportionately more resistance in each minor channel, and therefore requires more slope.

It follows from this law that every step in the improvement of the river, including its delta, which begins at the junction of the Mississippi and Atchafalaya, should be in the direction of the assembling of its many outlets into one channel, while subdivision in passes or dispersion through crevasses is a grave error.

Besides these general reasons, there are others, local in character but of great importance, which will appear on examination of the physical condition of this region why the work of improvement should include this part of the river.

As has just been said, the point where the Atchafalaya diverges from the Mississippi is the true head of the delta, of which the Mississippi, Atchafalaya, and La Fourche are the only remaining passes or natural outlets. The capacity of discharge of neither of these channels is normally equal to that of the river above, just as in the subdelta neither the South nor Southwest Passes or Pass à l'Outre has the capacity of the river above their joint head. But it is known that the Mississippi and Atchafalaya together can not now discharge the volume of a great flood without disastrous overflow in the region they traverse.

Thus, in 1862, the total flood discharge from the drainage basin above the head of the delta reached 2,200,000 cubic feet per second, divided approximately as follows: Down the Mississippi, 1,450,000; through the Tensas Basin as overflow, 500,000; and down the Red and Black Rivers, 250,000 cubic feet per second. Of this, 1,595,000 escaped down the Mississippi below Red River, and 281,000 down the Atchafalaya. The balance of 324,000 cubic feet per second entered neither stream, but escaped broadcast to the Gulf over the country.

The redistribution of a similar flood discharge, as effected by the completion of the levees above Red River, would be 1,950,000 from the Mississippi and 250,000 from the Red and Black.

Under the circumstances, one of two results is inevitable, and either would necessitate precautionary work.

In the first case the volume discharging down the Mississippi below Red River would be largely increased. This would require the temporary raising and strengthening of the levees on that part of the river. In the other case the water which now escapes in floods through crevasses in the Tensas front and returns in part to the Mississippi through Old River would reverse this movement if kept in the Mississippi, and would seek the lower levels of the Red and Atchafalaya through Old River with such force as not only to arrest the filling which now annually occurs in this channel, but also to deepen it and connect the deep water in the Mississippi with that in the Atchafalaya. This must be prevented at all hazards by work preceding the exclusion of flood water from the Tensas Basin.

These discharges of the Mississippi and Atchafalaya (respectively 1,595,000 and 281,000 cubic feet per second) are maintained for but a very short distance from the junction. Their capacity is rapidly reduced as they descend by repeated loss of volume over insufficient levees. Thus, while the Mississippi has a capacity at the gauge just below the mouth of Red River of about 1,500,000 cubic feet per second, at Carrollton, just above New Orleans, it does not exceed 1,000,000, as established by the following gaugings and computations:

	Cubic feet.
1851, Humphreys and Abbot	1,152,000
1858, Humphreys and Abbot	1,188,000
1880, Mississippi River Commission	987,000
1881, Mississippi River Commission	792,000
1882, Mississippi River Commission	921,000
1883, Mississippi River Commission	1,079,000

The surplus power of the flowing water is wasted over and through levees not sufficient in grade or strength to convert it into work. They offer less resistance than the bed of the stream. Thus, in 1884, the discharge at Red River gauge was upward of 1,400,000, and at Carrollton about 1,000,000 cubic feet per second, while between were the following crevasses:

	Cubic feet.
Morganza	211,000
Waterloo	46,000
Belair	14,000
Giudry's	3,000
Davis	140,000
Total	414,000

Similar breaks occur whenever the discharge past Red River gauge largely exceeds 1,000,000 cubic feet per second. It is literally true that these levees are awash in every flood of magnitude for hundreds of miles. For long distances the waves from storms and steamboats overrun them, and a continual outflow is only prevented in many places by boards set on edge and sand bags. It is, therefore, impossible safely to increase the slope even by a few inches in three hundred miles, and without this the velocity can not be increased nor the resistance diminished.

The mere introduction of additional volume into the upper end of a channel is not a practical compliance with the principles underlying the plan of the commission. The condition of affairs just described has been substantially unchanged for upward of fifty years—since the extension of levees up to Red River—and yet the volume discharged past that point, and recurring approximately with every flood, has not wrought out for itself below, in these many years, a sufficient water way. It has run vagrant over the fields, rather than work. The restraint and concentration of the present supply of energy logically precedes its increase. Without this, additional volume only means waste of power and disaster from overflow.

While the enlargement of any outlet, natural or artificial, should be promptly and finally arrested, the levees from Red River down should be sufficiently raised and strengthened to restrain and apply effectively such power as resides in the mass of water now necessarily discharging and to be discharged between them before greater servitude is imposed, otherwise the treatment of the river becomes merely local, or partial measures inconsistent with a general plan and general improvement. Such a plan must protect any and all parts of the river against the direct consequences of its application to other parts by providing for the safe conduct to the Gulf of a more rapid discharge of the volume flowing from above.

Therefore, it is the opinion of the commission that the building of levees for the improvement of navigation in the obstructed portion of the river can not proceed indefinitely without involving damages to the proprietary interests below; and if this portion of the improvement to navigation is to proceed, provision must be made for strengthening and raising the levees in the lower portion of the river where navigation is now good.

This recommendation is not based on conditions which will be continually increasing or even permanent. No reason is apparent why the law that a larger volume of water flows through a bed adjustable by its own forces to its own needs, with less resistance and slope, should not ultimately be fully operative here.

During the transition period unquestionably the increase of work will be indicated by increase of slope, which will disappear as the equilibrium is re-established.

The following general order is believed to be judicious in the completion of a levee system. As its object is generally to enlarge the water way, a common-sense analogy is found in the homely art of ditching. It should begin at the lower end. Each bottom, the Manchac, La Fourche, and Atchafalaya, constituting Lower Louisiana, the Tensas, Yazoo, White, and Saint Francis, should be inclosed in order from below upward.

In each bottom, as it is reached in the foregoing order, the most important levees, as restraining the greatest escape of water, should be first constructed.

Mr. Chairman, sooner or later the Government of the United States will be compelled, for the protection of its citizens and their property, to assume control of the Mississippi River with a view to securing the alluvial districts from inundations and the great loss of life and destruction of property which have been of such frequent occurrence in recent years.

The magnitude and importance of this subject have been so well and often stated, that it is useless to reiterate them at this time.

Nothing less than the adoption and inauguration of a national levee system under the direction of the Federal Government will satisfy the public demand. There will be ceaseless agitation on this subject until the Government does its duty by its citizens. It has been, and is now, and will continue to be for all time to come a national necessity. The farmers of the North and West and the manufacturers of the North and East find the most profitable markets for the products of their farms and factories in the lower valley of the Mississippi. One-half of the settled portion of the national domain and one-half of the population of the entire nation is embraced within what is termed the Mississippi Valley. Whatever benefits this half of our common country will inure to the welfare and prosperity of the other. All that vast area of territory lying between the Alleghenies on the east and the Rocky Mountains on the west is directly interested in this question. The States of Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, and Tennessee are all as deeply interested in the inauguration of a national levee system as are Arkansas, Mississippi, and Louisiana.

The Senators and Representatives of these States can compel appropriations to build our levees, if properly united. There is no longer any question or doubt as to the constitutional power on the part of the Government to make the necessary appropriations. There may be a few hoary Bourbons of antediluvian times who look owlish and drawl about constitutional doubts, but no man abreast of the progress of the age any longer doubts the power of Congress on this subject. We all understand this to be "a Government of the people, by the people, for the people." Let it be in practice what it professes to be in theory. The Congress of the United States should give the people what they need, and if it does not do this then the people will be to blame if they do not elect Senators and Representatives who will. With the Representatives of the lower valley let this question be paramount to all other issues. This has become with us a life-and-death question. Local county or State aid will no longer suffice.

Both before and since the civil war very large sums of money have been expended by the local authorities. The State and county systems have been thoroughly and honestly tried by means of local taxation. Local taxation has had the test of a hundred years. It has always failed and must always fail to accomplish the object desired, in view of the vast destruction of property caused by the floods within the past few years, and it is within the vivid recollection of all that whole counties and districts of country have repeatedly been submerged, by which hundreds and thousands of lives have been lost and millions upon millions of property destroyed; and to-day a large majority of the people of seventeen States and three Territories demand that the National Government shall grant them relief against the angry floods of the Mississippi River. There should be no further temporizing with this question. The Federal Government alone can furnish adequate aid and afford permanent and certain relief.

This is not a political question, nor is it sectional in the least degree. I sincerely trust that neither politics nor sectionalism will carry any weight in this discussion. The riparian States—the States bordering on the Mississippi River—have neither the power nor the pecuniary ability to deal satisfactorily with this great question. This is not a State river; it is a United States river, and the United States Government alone possesses the means and the power to afford full relief and protection. No other nation in existence, or which has ever existed,

has ever been so remiss in its duties toward its citizens where interests of such magnitude have been involved. No other great nation of either ancient or modern times has ever shown such apathy in relation to a subject of such paramount interest to so large a portion of its population.

Of the ancients the Egyptians were among the most advanced and enlightened. No higher evidence is afforded of the civilization and development of ancient Egypt than her improvement and control of the river Nile, in the interests of her people.

In Egypt proper we are told that it never rains. And yet Egypt is traversed by the Nile, and yet again the valley of the Lower Nile was subject to periodical floods and inundations until a general system of levees and reservoirs was established and maintained thousands of years ago. We are told constantly that the Mississippi, said to be very similar in many of its characteristics to the Nile, can not be controlled, and that all money spent in its improvement will be thrown away.

Shall it be said that what Egypt could do thousands of years ago, with its limited resources, we, with all our boasted intelligence, almost boundless resources, and more advanced civilization, can not accomplish? The floods of the Nile were circumscribed and held in check, and Egypt became in ancient times the granary of the Oriental world. The famine-stricken nations of the Orient were fed from the superabundant harvests gathered from the levee-protected valley of the Nile.

When we reflect what Holland, Germany, and Italy—mere garden patches in extent of territory to the vast area embraced within the Mississippi Valley—have done, a feeling of disgust tinctured with shame comes over us. The work will be a vast one. A large appropriation will be required to carry on and complete the undertaking, and doubtless some one will make money out of the work as it progresses. So mote it be. Those opposed will attempt to stigmatize it as a "job." Let them. The idle and surplus labor of the nation will be employed and the country itself developed; over 15,000,000 acres of the best corn, sugar, and cotton land on the globe will be reclaimed, and the wealth of the United States increased beyond the power of figures to compute, and the whole civilized world will be benefited. No Government engineer, nor the most distinguished engineer in civil life, has ever estimated the cost of a national levee system above $50,000,000. Suppose it should take $100,000,000? What of that to a country and a people as rich as ours? And what would even this sum be, large as it is, in comparison with the benefits to be derived? I have seen the statement that in 1861, after the breaking out of our civil war, a general railroad system was inaugurated in India which contemplated the construction of 5,000 miles of new railroads to stimulate the growth of cotton in that country, and the British Government agreed to pay the interest on the capital to be thus employed. The Mississippi River is the greatest inland highway on earth; teeming millions of inhabitants along its borders; great wealth is theirs; the soil is of unsurpassed fertility, and the climate genial and inviting, and nothing is needed to make it the most prosperous and flourishing portion of the habitable globe but a general levee system under the control of the National Government. If we do not get it, all this vast alluvial region will in the course of time, and that at no distant period, become an abandoned waste and howling wilderness.

The heart grows sick and the mind becomes morbid in contemplating the widespread ruin and desolation wrought by the floods of the Mississippi River in the recent past.

Let us then, ignoring all former differences, forgetting all feelings of sectionalism as a thing of the dead and buried past by laying aside all party distinction, unite with our brethren from every locality in favor of the most necessary improvement of any age or any country, which, when completed, so stupendous will be its proportions, will be justly classed as the eighth wonder of the world.

The *pro forma* amendment was withdrawn.

Mr. HEPBURN. I move to strike out the last word. Mr. Chairman, as bearing upon this question I desire to call the attention of the committee to the report of the Mississippi River Commission in relation to the harbor of Vicksburg, which will be found on page 249 of the document. The commission there report that the balance available for the improvement of Vicksburg Harbor on November 1, 1883, was, in round numbers, $55,000; that there was allotted to that improvement the additional sum of $25,000; that there was expended of that sum, in round numbers, $27,000, and that of this fund available for the improvement of the harbor of Vicksburg the commission transferred to Lake Providence reach a portion amounting to $22,000, evidently concluding that no sum in excess of the amount expended was necessary for the Vicksburg improvement. They probably were moved to that action by the condition of things which is shown by their report. The engineer in charge, in discussing the Vicksburg Harbor, says:

The work here consists of improvement of the harbor proper and the maintenance of Delta Point, in Louisiana, opposite Vicksburg. The former [Vicksburg] is entirely local in character, and would add nothing to the general improvement of the work.

[Cries of "Vote!" "Vote!"]

The question was taken on the amendment offered by Mr. BARKSDALE, and it was rejected.

Mr. NICHOLLS. I offer an amendment, to come in after line 212, which I send to the Clerk's desk to be read.

The Clerk read as follows:

For building and keeping a dredge-boat and operating said boat for one year in the improvement of the harbors of Savannah, Charleston, and the Saint John's Bar, $100,000.

Mr. NICHOLLS. Now, Mr. Chairman, I desire to have read, in connection with that improvement, a communication from the mayor of Savannah.

The Clerk was proceeding to read the communication.

Mr. NICHOLLS. Mr. Chairman, on the suggestion of a member of the committee I withdraw the amendment for the present.

The CHAIRMAN. The gentleman from Georgia withdraws his amendment. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

Improving harbor at Galveston, Tex.: The Secretary of War is hereby authorized and directed to construct such permanent and sufficient jetties and such auxiliary works as may be necessary to create and permanently maintain a channel between the thirty-foot contour-lines of said harbor and the Gulf of Mexico thirty feet deep at low water and not less than two hundred feet wide at the bottom; and all the works within the harbor that may be necessary as a means of procuring and maintaining said channel shall be constructed so as not to diminish the area of twenty-six feet of water in said harbor, and, so far as practicable by said works, said twenty-six feet area shall be increased. Said works shall be constructed according to the plans, specifications, and estimates to be submitted by James B. Eads, as hereinafter provided for, and shall be of a substantial and enduring character, not inferior to those at the mouth of the Mississippi River, and so made as to be protected against teredo and other marine insects.

Mr. WHITE, of Kentucky, and Mr. SPRINGER both rose.

Mr. WILLIS. Mr. Chairman, I rise to a question or order.

Mr. SPRINGER. I move to strike out the paragraph just read, and upon that I desire to address the committee.

Mr. WHITE, of Kentucky. I move that the committee do now rise.

Mr. SPRINGER. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] is recognized and moves to strike out this paragraph.

Mr. WHITE, of Kentucky. Pending that motion, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] can not obtain the floor while the gentleman from Illinois [Mr. SPRINGER] has it, arguing in favor of his proposition.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state his question of order.

Mr. WHITE, of Kentucky. I desire to ask the Chair if mine is not a privileged motion before the gentleman from Illinois [Mr. SPRINGER] offers his amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] did not make his motion before the gentleman from Illinois offered his amendment, and therefore the Chair need not answer the question.

Mr. WHITE, of Kentucky. The gentleman from Illinois [Mr. SPRINGER] has not yet offered his amendment.

The CHAIRMAN. The gentleman from Illinois rose to address the Chair, and stated that his motion was to strike out the paragraph just read by the Clerk, and he now has the floor and is proceeding to debate that proposition. The gentleman from Illinois [Mr. SPRINGER is recognized.

Mr. SPRINGER. Mr. Chairman, I had desired before the debate upon this bill concluded to submit some remarks upon the paragraph which has just been read. It is true that the committee has already devoted much time to the discussion of the question of the improvement of Galveston Harbor, but so far that discussion has been either under the rule for general debate or has been introduced out of order upon other sections of the bill. The committee having now reached that part of the bill making provision for the improvement of Galveston Harbor, I desire to submit some views in relation thereto. It seems to me, Mr. Chairman, that the Committee on Rivers and Harbors in recommending the appropriation provided for in this paragraph has departed widely from the usual manner of making appropriations for the improvement of rivers and harbors. The employment of a particular person, or the requirement of the employment of a particular person, to carry on a particular work is such a departure from correct principles and well-established usage as I hope this committee and this House will not make without very serious consideration.

Having moved to strike out this paragraph, I will state that I am not actuated by any desire to defeat the appropriation for Galveston Harbor. On the contrary, I regard that as a very important harbor, and one deserving the attention of Congress and worthy of a liberal appropriation. But I am utterly opposed to farming out appropriations that are made for the improvement of rivers and harbors to be controlled by any particular individual or individuals, however eminent they may be as engineers. The particular engineer mentioned in this provision is to be paid $5,000 a year for his services and $3,000 a year for each additional foot of navigable water that is obtained there. I have seen it stated in the newspapers that the city of Galveston has proposed to pay him, in addition to this, the sum of $10,000 salary and $5,000 a foot for each additional foot of navigable water; making in all a salary of $15,000 a year cash and $8,000 for each additional foot of navigable water obtained below the present line. If he should be en-

gaged ten years in making this improvement and it should cost the sum of money heretofore estimated by him, the Government and the city of Galveston will have paid this engineer at least $27,000 a year as salary and for the contingent amount to be allowed for increased depth of water.

How much additional might be made by the skillful manipulation of contracts it is, of course, impossible to estimate. I am utterly opposed to the employment of any individual in this way; I am utterly opposed to making an appropriation dependent on the employment of a particular individual. If this gentleman should die pending this work, your appropriation should lapse. If he should become *non compos mentis*, or, through sickness or disease, should become unable to carry on the work, everything would stop and this harbor improvement would be at an end.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I rise to oppose the amendment of the gentleman from Illinois [Mr. SPRINGER]. The gentleman proceeds upon the erroneous assumption that the provision which he opposes is to be permitted to remain in the bill. Now I desire to say to him and to the Committee of the Whole that the Committee on Rivers and Harbors, at a meeting subsequent to the one at which they agreed to report this provision, determined, after consultation in regard to the Galveston improvement, to offer as a substitute for the provision now in the bill the amendment which I send to the Clerk's desk and ask to have read as a part of my remarks.

The Clerk read as follows:

For Galveston Harbor, $500,000; and the harbor board herein provided for are directed to proceed at once to examine, survey, and report to the Secretary of War for his approval plans, specifications, and estimates for said improvement, and when said plans, specifications, and estimates shall have been approved, said work shall be carried forward with all possible expedition.

Mr. WILLIS. Now, Mr. Chairman, it will be seen that Mr. Eads is entirely eliminated from the provision in regard to Galveston Harbor. He is not given the control of the work; he is not to be paid an annual salary; nor is he to be paid a fee for securing additional depth of water. In other words, he has nothing to do with Galveston Harbor.

We believe that the Committee of the Whole will be ready to accept this proposition; and the Committee on Rivers and Harbors have instructed me by a unanimous vote to offer this as a substitute for all of these four or five provisions touching Galveston.

Mr. CUTCHEON. What is the part of the bill for which this is proposed as a substitute—from what line to what line?

Mr. WILLIS. It begins at line 213 and ends at line 305—embracing the whole three pages with reference to Galveston Harbor.

Now as to the appropriation which the committee recommend, we propose $500,000 instead of three-quarters of a million dollars. The Committee of the Whole will bear in mind that when the last river and harbor bill was presented it contained an appropriation of $250,000 for Galveston, but upon the motion of the gentleman representing the Galveston district [Mr. OCHILTREE] that provision was stricken out, so that in the last river and harbor bill the harbor of Galveston received nothing. Under the present estimates, according to the rule we have adopted, this harbor would have been entitled to another appropriation of $250,000; but in view of the fact that in the last bill this harbor received nothing, the committee have supplemented the ordinary appropriation of this year with that which they put in the last bill, but which was struck out on motion of the Representative from Galveston; so that, taking the two bills together, $500,000 for Galveston Harbor is no more in proportion to the estimates than any others of the great harbors of the country have received at the hands of the River and Harbor Committee.

I not only trust, Mr. Chairman, that this matter will be satisfactory, but I may say (going in advance a little) that in regard to the Mississippi River the committee have authorized me to offer an amendment which I believe will commend itself to all sound-thinking men on this floor—a proposition that hereafter the improvement of the Mississippi River shall be confined to the plans as detailed in the first and second reports of the Mississippi River Commission.

[Here the hammer fell.]

Mr. WILLIS. Just one word more. If this is done, this costly revetment system is done away with, and the objections urged on this point will be obviated. I ask for a vote.

Mr. TOWNSHEND. I move that the committee now rise.

Mr. WILLIS. I hope that will not be done.

Mr. MOULTON. Oh, yes; it ought to be done.

Mr. WILLIS. I ask the friends of this bill to vote down the motion.

The question being taken; there were—ayes 119, noes 85.

Mr. WILLIS and Mr. GIBSON called for tellers.

Tellers were ordered—more than one-fifth of a quorum voting therefor.

Mr. WILLIS. I rise to a parliamentary inquiry.

Mr. RANDALL. If there is to be debate let us have it on both sides.

Mr. WILLIS. I wish to make a parliamentary inquiry. If the Committee of Whole should now rise——

The CHAIRMAN. The Chair will state that no debate is in order except by unanimous consent.

Mr. WILLIS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. If the Committee of the Whole should now rise and the House should adjourn would not the legislative day of Monday be gone?

The CHAIRMAN. That is a question to be determined in the House.

Mr. RANDALL. We want to go on with the Post-Office appropriation bill.

The CHAIRMAN. Tellers have been ordered on the motion that the committee rise. The Chair appoints the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Illinois, Mr. TOWNSHEND. The tellers will take their places.

The committee again divided; and the tellers reported—ayes 129, noes 98.

So the motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. HAMMOND. I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. RANDALL. It may be in order, intervening business having——

Mr. HAMMOND. That is my purpose.

Mr. WHITE, of Kentucky, rose.

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. It is not in order pending the motion of the gentleman from Georgia.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. Is it a question of personal privilege to which the gentleman rises?

Mr. WHITE, of Kentucky. I think so.

The SPEAKER *pro tempore*. Then state it.

Mr. HAMMOND. The gentleman from Georgia consents to nothing.

The SPEAKER *pro tempore*. The Chair understands that, but wishes to hear the gentleman from Kentucky.

Mr. WHITE, of Kentucky. In the remarks of the gentleman from Kentucky——

The SPEAKER *pro tempore*. That, in the judgment of the Chair, is not a question of privilege.

Mr. WHITE, of Kentucky. Will the Chair let me state——

The SPEAKER *pro tempore*. The Chair can not let the gentleman have unlimited scope.

Mr. WHITE, of Kentucky. I desire to repeat the language of my colleague.

Mr. TOWNSHEND. I make the point——

The SPEAKER *pro tempore*. Does the gentleman refer to the language of his colleague [Mr. WILLIS]?

Mr. WHITE, of Kentucky. I will state if the Chair will allow me.

Mr. TOWNSHEND. I make the point this is not in order pending the motion to adjourn over.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The question is on the motion of the gentleman from Georgia [Mr. HAMMOND] that when the House adjourns to-day it adjourn to meet on Tuesday next.

The motion was disagreed to.

Mr. TOWNSHEND. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Post-Office appropriation bill.

Mr. WILLIS. If that motion is voted down I hope I——

Mr. RANDALL. Debate is not in order unless allowed on both sides.

The SPEAKER *pro tempore*. Debate is not in order except by unanimous consent.

Mr. POST, of Pennsylvania. I object.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. If that motion is voted down will it not be in order then to move to go into Committee of the Whole House on the state of the Union for the purpose of taking up the river and harbor bill? If so, I announce that is my object.

Mr. RANDALL. That same motion can be made after the other general appropriation bills are passed.

The SPEAKER *pro tempore*. It is the opinion of the Chair if this motion is rejected the gentleman can move to go into the Committee of the Whole House on the state of the Union and to state what his object in so doing is.

Mr. WHITE, of Kentucky. I rise to a question of personal privilege. I have the reporter's notes of what my colleague said this morning and I will read from them.

The SPEAKER *pro tempore*. Does the gentleman rise to a question of personal privilege.

Mr. WHITE, of Kentucky. I do so far as the remarks of my colleague [Mr. WILLIS] are concerned in the speech which he made this morning, and so far as they apply to me I desire to make a denial. He used the following language. [Cries of "Regular order!"] This is what he said:

We have been delayed in the progress of the consideration of this bill because of the want of a quorum. As the Speaker is well aware, a good part of this House has been engaged in making up a Cabinet for the next President, and various members of the Committee on Appropriations, its chairman and several other members, have been included in that—and another portion of them have been engaged in festivities, and by their absence we have been frequently left without a quorum, and hence delay has occurred in the progress of this bill.

[During the reading of the above there were constant cries of "Regular order!"]

Mr. SPRINGER. I object to this.

Mr. TOWNSHEND. I rise to a point of order.

Mr. WHITE, of Kentucky. I deny that I have been engaged in any of these festivities. [Laughter and cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Kentucky is out of order and will resume his seat.

Mr. WHITE, of Kentucky. Mr. Speaker, I wish to say——

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that the order of the Chair is obeyed.

Mr. HILL, assistant sergeant-at-arms (without the mace), proceeded up the aisle and took hold of Mr. WHITE, of Kentucky, Mr. WHITE resisting. The assistant sergeant-at-arms returned to his desk and came again, carrying the mace, toward Mr. WHITE.

The SPEAKER *pro tempore*. The Chair will recognize no gentleman until all the members resume their seats and order is restored. [After a pause.] The question before the House is the motion the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriations bills.

Mr. WILLIS. I ask, Mr. Speaker, if there is——

Mr. RANDALL. If we are to have debate let us have it on both sides.

Mr. WILLIS. I ask the yeas and nays be taken at once in order to save time.

The SPEAKER *pro tempore*. Are the yeas and nays called.

Mr. WHITE, of Kentucky. I rise to a question of personal privilege. I desire to state, sir, that when I was occupying my place on this floor, the assistant sergeant-at-arms came to me, he a citizen, without any authority, without any semblance of authority—came to me for the purpose of arresting me on this floor. [Cries of "Regular order!"]

Mr. BOUTELLE. This is the regular order.

The SPEAKER *pro tempore*. He went to discharge his duty under the direction of the Chair. The Chair ruled that the gentleman was not in order, and having requested him to take his seat he persistently refused to do so. [Applause on the Democratic side of the House.]

Mr. WHITE, of Kentucky. I desire to debate the question I have raised.

Mr. TOWNSHEND. Regular order.

Mr. WHITE, of Kentucky. I have the right to be heard.

The SPEAKER *pro tempore*. The Chair thinks differently, and declines further to hear the gentleman on his question of privilege, holding it is not a question of personal privilege.

Mr. KELLEY. I desire to ask in reference to that question of personal privilege whether a person without any insignia of office can place violent hands on a member and push him from his seat. I deny that such a thing can be done.

Mr. HAMMOND. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair has heard no appeal from his decision.

Mr. CUTCHEON. It seems to me, Mr. Speaker, that this is a question of the very highest personal privilege.

The SPEAKER *pro tempore*. And the Chair differs from the gentleman.

Mr. HAMMOND. I rise to a question of order.

Mr. CUTCHEON. And it seems to me that it is hardly competent——

The SPEAKER *pro tempore*. The gentleman from Georgia has risen to a question of order.

Mr. HAMMOND. I raise the question of order that, the Speaker having decided the question and no appeal being taken, all of these remarks are out of order.

The SPEAKER *pro tempore*. The point of order is sustained.

The question is on ordering the yeas and nays on the motion of the gentleman from Illinois.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 117, not voting 57; as follows:

YEAS—149.

Aiken,	Bland,	Browne, T. M.	Carleton,
Alexander,	Blount,	Buchanan,	Cassidy,
Bagley,	Boutelle,	Buckner,	Clardy,
Bayne,	Boyle,	Burnes,	Cobb,
Beach,	Brewer, F. B.	Campbell, Felix	Collins,
Belmont,	Broadhead,	Campbell, J. E.	Connolly,
Bingham,	Brown, W. W.	Candler,	Converse,
Cosgrove,	Hiscock,	Poland,	Sumner, D. H.
Covington,	Hitt,	Post,	Swope,
Cox, S. S.	Holman,	Price,	Talbott,
Cox, W. R.	Hopkins,	Pusey,	Taylor, J. D.
Crisp,	Horr,	Randall,	Tillman,
Curtin,	Howey,	Ray, G. W.	Townshend,
Deuster,	Hutchins,	Reed, T. B.	Tully,
Dingley,	Jones, B. W.	Reid, J. W.	Turner, H. G.
Dockery,	Kean,	Reese,	Turner, Oscar
Dorsheimer,	Keifer,	Rice,	Valentine,
Dowd,	Kelley,	Riggs,	Van Alstyne,
Eaton,	Ketcham,	Rogers, W. F.	Vance,
Eldredge,	Lamb,	Rosecrans,	Van Eaton,
English,	Lawrence,	Rowell,	Wadsworth,
Ermentrout,	Le Fevre,	Russell,	Wait,
Everhart,	Long,	Ryan,	Wakefield,
Ferrell,	Lyman,	Seney,	Wallace,
Follett,	McCormick,	Seymour,	Warner, A. J.
Funston,	Matson,	Skinner, C. R.	Washburn,
Fyan,	Millard,	Skinner, T. G.	White, J. D.
Glascock,	Mitchell,	Slocum,	White, Milo
Graves,	Morgan,	Smith, A. Herr	Whiting,
Greenleaf,	Morse,	Smith, H. Y.	Wilkins,
Hammond,	Moulton,	Spooner,	Winans, E. B.
Hardeman,	Murray,	Spriggs,	Winans, John
Hardy,	Mutchler,	Springer,	Yaple,
Harmer,	O'Neill, Charles	Steele,	York,
Hatch, W. H.	Paige,	Stevens,	Young.
Haynes,	Patton,	Stewart, J. W.	
Henley,	Payson,	Stockslager,	
Hill,	Pettibone,	Storm,	

NAYS—117.

Adams, G. E.	Ellwood,	Jones, J. T.	Robertson,
Anderson,	Findlay,	King,	Rogers, J. H.
Ballentine,	Finerty,	Kleiner,	Shively,
Barbour,	Foran,	Lanham,	Singleton,
Barksdale,	Forney,	Lewis,	Smalls,
Bennett,	George,	Lore,	Snyder,
Bisbee,	Gibson,	Lowry,	Stephenson,
Blackburn,	Goff,	McCold,	Stewart, Charles
Blanchard,	Green,	McMillin,	Stone,
Bratton,	Guenther,	Milliken,	Strait,
Breckinridge,	Halsell,	Mills,	Struble,
Breitung,	Hanback,	Money,	Sumner, C. A.
Budd,	Hart,	Muldrow,	Taylor, E. B.
Burleigh,	Hatch, H. H.	Murphy,	Taylor, J. M.
Cabell,	Hemphill,	Neece,	Thomas,
Caldwell,	Henderson, D. B.	Nelson,	Thompson,
Culberson, D. B.	Henderson, T. J.	Nichols,	Ward,
Culbertson, W. W.	Hepburn,	Nutting,	Warner, Richard
Cullen,	Herbert,	Oates,	Weaver,
Cutcheon,	Hewitt, G. W.	Ochiltree,	Wellborn,
Dargan,	Hoblitzell,	O'Ferrall,	Williams,
Davidson,	Holmes,	O'Hara,	Willis,
Davis, G. R.	Houk,	Payne,	Wilson, James
Davis, L. H.	Houseman,	Peel,	Wilson, W. L.
Davis, R. T.	Hunt,	Perkins,	Wise, G. D.
Dibble,	Hurd,	Peters,	Woodward,
Dibrell,	James,	Phelps,	Worthington.
Dunham,	Jeffords,	Pierce,	
Dunn,	Johnson,	Pryor,	
Ellis,	Jones, J. H.	Reagan,	

NOT VOTING—57.

Adams, J. J.	Craig,	Libbey,	Ray, Ossian
Arnot,	Elliott,	Lovering,	Robinson, J. S.
Atkinson,	Evans,	McAdoo,	Robinson, W. E.
Barr,	Fiedler,	McComas,	Rockwell,
Belford,	Garrison,	Maybury,	Shaw,
Bowen,	Geddes,	Miller, J. F.	Throckmorton,
Brainerd,	Hancock,	Miller, S. H.	Tucker,
Brewer, J. H.	Hewitt, A. S.	Morrill,	Weller,
Brumm,	Holton,	Morrison,	Wemple,
Campbell, J. M.	Hooper,	Muller,	Wise, J. S.
Cannon,	Jones, J. K.	O'Neill, J. J.	Wolford,
Chalmers,	Jordan,	Parker,	Wood.
Clay,	Kellogg,	Potter,	
Clements,	Lacey,	Ranklin,	
Cook,	Laird,	Ranney,	

So the motion was agreed to.

Mr. RANDALL. I move to dispense with the reading of the names.

Mr. WILLIS. I object.

Mr. RANDALL. I only wanted to save time for the House.

The Clerk proceeded to read the names of those voting.

Mr. WILLIS. I withdraw the motion.

Mr. WHITE, of Kentucky. Pending the announcement of the vote I rise to a question of personal privilege.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman can not, unless it pertains to the calling of the roll, until the announcement of the vote, which announcement can not be made until the roll-call is completed.

Mr. WHITE, of Kentucky. I thought it was completed.

The SPEAKER *pro tempore*. It is not completed.

[The Speaker *pro tempore* (Mr. BLACKBURN) here resumed the chair.]

Mr. WHITE, of Kentucky. Pending the announcement of the vote I desire to rise to a question of the highest personal privilege.

The SPEAKER *pro tempore*. The Chair will state that the vote having been ascertained by call of the yeas and nays, the first thing in order will be the announcement of that vote to the House, after which the gentleman will be recognized.

Mr. WHITE, of Kentucky. I desire to raise the question of order that then it will be too late.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman after the roll-call is completed.

Mr. WHITE, of Kentucky. But if the vote shall have been announced will the Chair not then have announced the fact that the House

has resolved to go into Committee of the Whole House on the state of the Union, and will it not then be too late to rise to a question of privilege?

The SPEAKER *pro tempore*. The Chair thinks not. The Chair thinks the vote should first be announced, and that will be done unless the gentleman from Kentucky rises to correct or change his vote.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the House determined to go into Committee of the Whole House on the state of the Union; and moved to lay that motion on the table.

Mr. WHITE, of Kentucky. And pending that motion I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair will recognize the motion of the gentleman from Pennsylvania as pending, and recognizes the gentleman from Kentucky as rising to a question of personal privilege, which he will now state.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. I have said, sir, that I rose to a question of the highest privilege.

Mr. Speaker, I desire to call the attention of this House to what occurred on this floor a few moments ago relative to myself. I was addressing the House—the Speaker—in regard to a question of privilege. I ask that the Clerk now read Rule IX, to show that I was addressing the Chair under a question of personal privilege.

The SPEAKER *pro tempore*. The Chair does not understand the gentleman to have taken an appeal from the decision of the Chair.

Mr. WHITE, of Kentucky. But I now rise to a question of privilege.

The SPEAKER *pro tempore*. The Chair is aware of the rule to which the gentleman refers, and, as the Chair has suggested, no appeal was taken.

Mr. WHITE, of Kentucky. But I am now seeking to present a question of personal privilege.

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman presents a question of personal privilege by the statement of what took place a few moments ago, when the gentleman declined to take an appeal.

Mr. WHITE, of Kentucky. But I am rising to a question of personal privilege as to what occurred with reference to myself at that time.

The SPEAKER *pro tempore*. The gentleman can state it.

Mr. WHITE, of Kentucky. If the Chair does not care to hear the rule read I will call the attention of the Chair to what occurred.

While I was stating, as I thought, a question of personal privilege, and before I had completed what I desired to say, the Chair ruled me out of order. Numbers of gentlemen were standing around me upon the floor and in front of the Speaker's desk. The Chair ordered the Sergeant-at-Arms to preserve order upon the floor, and now, in order that I may not be mistaken in stating what occurred, I shall ask the Clerk to read from the notes of the Official Reporter as to what transpired.

The SPEAKER *pro tempore*. The Clerk will read what the extended notes show.

The Clerk read as follows:

Mr. WHITE, of Kentucky, having concluded reading an extract from the speech of Mr. WILLIS, made this morning. [Cries of "Regular order!"]

Mr. SPRINGER. I object.

Mr. TOWNSHEND. I rise to a point of order.

Mr. WHITE, of Kentucky, continued reading. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Kentucky is out of order and will resume his seat.

Mr. WHITE, of Kentucky. Mr. Speaker, I wish to say——

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that the order of the Chair is obeyed.

Mr. HILL, assistant sergeant-at-arms, without the mace, proceeded up the aisle and took hold of Mr. WHITE, of Kentucky, Mr. WHITE resisting.

The assistant sergeant-at-arms returned to his desk and came again, carrying the mace, toward Mr. WHITE.

The SPEAKER *pro tempore*. The Chair will recognize no gentleman until all resume their seats and order is restored.

Mr. WHITE, of Kentucky. That is all that I wish to have read. I desire to call the attention of the House to this fact, that while I was addressing the Chair there were numbers of gentlemen on the floor, and when the Chair ordered the Sergeant-at-Arms to preserve order, a citizen, without any symbol of power, as is required by paragraph 2 of Rule IV—

The symbol of his office—

Referring to the Sergeant-at-Arms—

shall be the mace, which shall be borne by him while enforcing order on the floor.

I say, while I was addressing the Chair and while the Chair was attempting to preserve order, a citizen without any semblance of power came to me and demanded I should take my seat; and when I protested with the palm of my hand, without any violence, he laid violent hands on me and in an offensive manner demanded I should take my seat. He had passed numbers of gentlemen standing on this floor. Why should I be singled out?

If he was carrying out the order of the Speaker, if that was the intention of the Speaker, then like Cromwell this Speaker can put his foot down and say, "Go, begone." He can do as the speaker of the pseudo parliament at Constantinople did a few years ago when the Sultan was attempting to throw dust in the eyes of the civilized world to make them believe there was a parliament sitting for the Turkish people. If any member dared to do what the speaker did not wish, he had the sergeant-at-arms arrest that member and thrust him out of the house.

If a citizen without any symbol of power can come here and lay hands on me, then he can take hold of the venerable gentleman from Pennsylvania [Mr. KELLEY], who called attention to this matter in such eloquent language; he can take hold of any man on this floor. The country will take note of the fact.

I was reading what the chairman of a committee of this House had said of the distinguished chairman of the Committee on Appropriations; that he had been away forming a cabinet; that members of that committee had been away forming a cabinet; that there was no quorum here because we were going out for festivities; and I desire to say for my part I had declined to go to that oyster or clam bake although the invitation was presented to me.

Mr. GEORGE D. WISE. I call the gentleman to order. This has nothing to do with any question of privilege.

The SPEAKER *pro tempore*. The Chair does not see that the gentleman from Kentucky is confining himself to the question of privilege.

Mr. GEORGE D. WISE. He evidently wishes to make a political speech. I object to his proceeding.

The SPEAKER *pro tempore*. The Chair asks the gentleman to confine himself to his question of privilege.

Mr. WHITE, of Kentucky. I am not making a political speech.

Mr. GEORGE D. WISE. That is what you are doing.

Mr. WHITE, of Kentucky. The gentleman should address his remarks to the Chair.

Mr. GEORGE D. WISE. I address them to you. I address my remarks to the gentleman from Kentucky, and I call the gentleman to order.

The SPEAKER *pro tempore*. The Chair asks the gentleman from Kentucky to confine his remarks within the proper limit of what is a question of privilege.

Mr. WHITE, of Kentucky. The question I raise is that if any person comes to a member on this floor, acting for the Sergeant-at-Arms, by the sanction of the Sergeant-at-Arms—comes to a member and attempts to arrest him without bearing the mace, and lays violent hands upon the member, he is unworthy to be an officer of this august body.

Mr. MILLS. Will the gentleman allow me to ask him a question?

Mr. WHITE, of Kentucky. I will yield for a question.

Mr. MILLS. Suppose the Sergeant-at-Arms sees a member involved in a difficulty with another member, and there is a likelihood that one or the other will receive great bodily harm, should he wait to go down and get his mace before taking measures to restore order?

Mr. WHITE, of Kentucky. That has no relevancy to this case, where a citizen comes to a member on this floor without bearing any symbol of power and lays violent hands on him. I do not desire to discuss a hypothesis.

Mr. HAMMOND. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. This identical matter was passed upon by the Chair and no appeal was taken from his decision. My point of order is that this argument is out of order without any regard at all to what may be its merits.

The SPEAKER *pro tempore*. The Chair thinks the point of order is well taken.

Mr. WHITE, of Kentucky. Mr. Speaker, the facts are these—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair would very gladly indulge the gentleman from Kentucky, but thinks the point of order taken by the gentleman from Georgia [Mr. HAMMOND] is well taken; and the regular order is demanded.

Mr. BOUTELLE. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. Some gentlemen would like to know what the point of order is which the Chair has sustained?

The SPEAKER *pro tempore*. It is not the fault of the Chair if the gentleman from Maine did not hear what was the point of order sustained by the Chair.

Mr. BOUTELLE. But I submit it is the fault of the Chair if it does not give a respectful answer to a question which I have respectfully asked.

The SPEAKER *pro tempore*. The Chair does not think he is bound to answer the question, but out of politeness he will say the point of order was made by the gentleman from Georgia that the question that was being submitted by the gentleman from Kentucky had already been raised, and had already been decided by the Chair not to present a question of privilege, and no appeal was taken from that decision, although the Chair asked if the decision of the Chair was appealed from. The Chair thinks the point of order is well taken.

Mr. WHITE, of Kentucky. Will the Speaker indulge me? [Cries of "Regular order!" "Regular order!"] At the time to which the Chair has referred we were taking the yeas and nays, and I only postponed the appeal until the call had been completed. I now appeal from the decision of the Chair. [Cries of "Too late!" "Regular order!"]

The SPEAKER *pro tempore*. It is too late to take an appeal. The regular order is the question on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to lay on the table the motion to reconsider the vote by which the House determined to go into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. WHITE, of Kentucky. Pending that I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. Upon what point does the gentleman appeal?

Mr. WHITE, of Kentucky. Upon the point raised by the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I think the appeal comes too late.

The SPEAKER *pro tempore*. The Chair hardly thinks there can be any difference of opinion upon that subject. The effort of the gentleman from Kentucky [Mr. WHITE] to appeal now from that decision of the Chair is clearly too late under the rule. The Chair therefore submits the motion of the gentleman from Pennsylvania [Mr. RANDALL] to lay on the table the motion to reconsider the vote by which the House determined to go into Committee of the Whole to consider appropriation bills.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the first bill on the Calendar.

The Clerk proceeded to read the bill (H. R. 8128) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. TOWNSHEND. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The bill is now before the committee for general debate, and the gentleman from Illinois [Mr. TOWNSHEND] is recognized.

Mr. WILLIS. Mr. Chairman, I desire to ask a question of the gentleman in charge of this bill; I desire to know when he proposes that general debate upon it shall close.

Mr. TOWNSHEND. Mr. Chairman, I am unable at present to say what will be the length of time desired for general debate. I can only say for myself that I am anxious to expedite the passage of this bill as much as is practicable. There are several new features in the bill. Some very important new legislation is proposed by the committee, and it will take some time to properly explain that new legislation so that the House shall vote upon it intelligently. I will say to the gentleman from Kentucky [Mr. WILLIS] that in my judgment it would be best to allow the debate to run on for some time, because I think we shall then be able more easily to ascertain how much time may be needed. I say to the gentleman further that I will join with him in restricting debate within the closest limits that may be found to be compatible with the interests of the public and the proper explanation of this bill. This is a bill which appropriates over $52,000,000, and it certainly ought to have a reasonable time allowed for its explanation.

Mr. WILLIS. Mr. Chairman——

Mr. TOWNSHEND. I do not yield the floor, Mr. Chairman, but I am willing that the gentleman shall ask me a question if he desires to.

Mr. WILLIS. I desire to say, Mr. Chairman, that the Committee on Rivers and Harbors, after one test vote (to which they were entitled, as being in charge of the river and harbor bill), made no opposition to the will of the House to take up this appropriation bill; but it was announced then, and it is understood now, that the time for the consideration of all these important bills is quite limited, and therefore, in no captious spirit, but in the interest of the promotion of the public business, and with a view to the consideration of other important public measures after this one shall have been disposed of, I move that after this bill shall have been debated for an hour and a half the committee shall rise.

Mr. TOWNSHEND. Mr. Chairman, I do not yield the floor for any motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] can not make any motion at this time. He can give notice of a motion.

Mr. WILLIS. Very well; then, Mr. Chairman, I give notice that at the expiration of that time I will make that motion.

Mr. RANDALL. I think it would be better to allow the bill to remain in charge of the gentleman from Illinois; and in that connection I want to say, for one, that in my judgment the general debate on this bill should not extend over to-day.

Mr. TOWNSHEND. I do not think it will.

Mr. GIBSON (to Mr. RANDALL). I thought you said you wanted to pass the bill to-day.

Mr. HOLMAN. Two hours ought to be sufficient.

Mr. RANDALL. I thought that two hours would be sufficient, but the other side demand two hours.

Mr. TOWNSHEND. Mr. Chairman, I now desire to resume the floor.

Mr. HORR. I think this side of the House will be satisfied with two hours and a half for the discussion of this bill.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor and declines to yield, and he is entitled to one hour under the rule.

Mr. TOWNSHEND. Mr. Chairman, I hope this discussion does not come out of my time.

The CHAIRMAN. It must come out of the gentleman's time.

Mr. RANDALL. Well, the gentleman from Illinois [Mr. TOWNSHEND] has time enough, at any rate. The gentleman from Michigan [Mr. HORR] desires to make a statement, and I think that if the committee will listen to him the effect will probably be to shorten the debate.

The CHAIRMAN. The appeal must be made to the gentleman in charge of the bill.

Mr. TOWNSHEND. If it will not come out of my time, I am willing to yield to the gentleman [Mr. HORR] for a statement.

The CHAIRMAN. If there be no objection the gentleman from Michigan [Mr. HORR] will be heard out of order.

Mr. HORR. Mr. Chairman, upon consultation I am satisfied that two hours and a half will meet the wishes of gentlemen upon our side of the House. That is the best I can do, and it is a very short time for the discussion of this bill.

Mr. RANDALL. I think gentlemen had better consent to that proposition, rather than excite any factious opposition.

Mr. TOWNSHEND. Mr. Chairman, what is the proposition that is made?

The CHAIRMAN. The Chair can not entertain any proposition in regard to limiting the debate in committee. The Chair has been simply listening to suggestions made upon that subject by unanimous consent. All motions to limit debate must be made in the House.

Mr. TOWNSHEND. Mr. Chairman, I desire to know if it is the wish of the gentleman from Michigan [Mr. HORR] that two hours and a half shall be allowed to that side of the House for the discussion of this bill?

The CHAIRMAN. The gentleman from Michigan [Mr. HORR] has so stated.

Mr. TOWNSHEND. If that be allowed, proper courtesy, I suppose, would require that two hours and a half should be accorded to this side also.

Mr. HORR. Of course.

The CHAIRMAN. Gentlemen will understand that although they make informal agreements upon this subject here in committee, when it comes to an actual motion to limit debate that must be made in the House.

Mr. TOWNSHEND. Mr. Chairman, at the request of some gentlemen around me I would say I am willing to accept the proposition made by the gentleman from Michigan [Mr. HORR] and let general debate on this bill be limited to two hours and a half on each side. It is possible that the entire time awarded to this side of the House may not be consumed, but I would not like to bind myself by an agreement that gentlemen on this side will not wish the entire time. I will ask an understanding that the limit I have just named shall be the limit upon this debate.

Mr. ANDERSON. I shall object to that for the purpose of ascertaining whether there is no way by which debate can be closed at an earlier period. It seems to me that with all these appropriation bills hanging we had better vote than talk.

Mr. RANDALL. I have always found it better to accede to a reasonable request of either side as to general debate than refuse and then have more time taken by reason of the bad temper resulting.

Mr. ANDERSON. I rise to a parliamentary inquiry. Is it in order to move to limit general debate on this bill to two hours, or I will say three hours?

The CHAIRMAN. The chairman of the Committee of the Whole can entertain no motion to limit debate. The Committee of the Whole can not regulate that matter except by unanimous consent, and objection having been made——

Mr. RANDALL. I hope the gentleman from Kansas [Mr. ANDERSON] will not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. TOWNSHEND] that all general debate on this bill be limited to five hours?

Mr. REAGAN. There is objection. In view of the condition of business I am surprised that gentlemen should desire to occupy so much time in general debate on this bill.

Mr. RANDALL. Well, the gentleman from Texas [Mr. REAGAN] need not express any astonishment. We are compelled to meet the views of the House as a whole.

Mr. WILLIS. Why not submit the question to the House?

Mr. RANDALL. Because it is not in order to do so now.

Mr. REAGAN. It is not necessary to waste almost two days on general debate at this stage of the session.

Mr. RANDALL. Well, this Post-Office bill is an important measure.

Mr. REAGAN. All the new legislation in the bill will have to go out on points of order at any rate.

The CHAIRMAN. This debate is not in order. The gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor.

Mr. TOWNSHEND. Mr. Chairman, the bill now before this Committee of the Whole carries an appropriation of $52,253,200, a sum twice as large as that contained in any other appropriation bill except the one providing appropriations for the payment of pensions. It authorizes an aggregate expenditure exceeding all the appropriations for the support of this Government in 1854. It provides for the payment of salaries of more officers of this Government than any other of the great

money bills. It is a bill which affects the entire business and industrial interest of the whole country. Its influence is felt in every village, yea in every neighborhood, of the land. All localities, all interests, all the people are directly interested in it, and it reaches into American interests in every civilized foreign country. It does seem to me, therefore, that a bill of such magnitude is entitled at least to five hours for explanation and general discussion, which is asked for.

The river and harbor bill, in which the gentleman from Texas [Mr. REAGAN] feels such an interest, occupied the attention of this House last week in general debate for several days; and that bill does not provide expenditures exceeding $12,400,000. I repeat, it does seem to me a reasonable request when gentlemen representing both sides of this House on the Appropriations Committee ask that debate on so important a measure as this shall not be restricted to less time than five hours for explanation and general debate. But, Mr. Chairman, in addition to the large appropriation this bill carries it contains some very important new legislation. Considering the amount appropriated and the character of this new legislation, it is in my judgment the most important postal appropriation bill that has ever been brought before this House. And I will say to the gentleman from Texas that when he makes examination he will discover that some at least of the important new legislation in this bill is not subject to a point of order; so that he and others will be called up to vote upon their responsibility as Representatives whether some of these provisions shall be retained in the bill or not.

I wish to say further that the Committee on Appropriations has had no desire to introduce this class of legislation upon this bill unless it believed that public interest demanded such action. We would have much preferred to confine the bill strictly to the appropriations for the postal service; but in view of the fact that the Calendar is crowded with business, and there is no possibility, perhaps, of any independent bill on those subjects securing final action during this session, the committee, looking to the general interest and necessities of the public and the economy in the use of public money, have thought it wise that we should meet some of the existing emergencies by introducing in this bill provisions which have been here inserted.

Much patient labor has been bestowed by the subcommittee in the preparation of the bill, and the general committee has given careful consideration to every item it contains, either of appropriation or new legislation. Our postal service is necessarily growing. It annually demands increased expenditures. In this more than any other Department of the Government there is a necessity for increased appropriations. The development of the country, its growth in population and commerce, require that we should recognize the necessity for increased postal facilities. Indeed if no increase of the postal service was required, such a condition of things would indicate national decay instead of progress. The Committee on Appropriations in a liberal spirit have responded to this necessity and recommended expenditures fully large enough to meet every want of this branch of the public service; but at the same time we have sought to avoid an extravagant expenditure of the people's money.

I desire to call the attention of the House to the fact that this committee has been more liberal in its appropriations for the postal service on this bill, with few exceptions, than the Appropriations Committee of any Congress which has preceded it.

I have in my hands a table of the aggregate appropriations for the postal service since 1882, to which I wish to call attention:

Appropriations for the postal service for the fiscal years 1882, 1883, 1884, 1885, *and amount recommended for* 1886.

Appropriated 1882	$40,957,432
Appropriated 1883	44,643,900
Appropriated 1884	44,489,520
Appropriated 1885	49,040,400
Recommended 1886	52,253,200

Aggregate increase 1883 over 1882, $3,686,468; increase 1883 over 1882, 9 per cent.

Aggregate decrease 1884 under 1883, $154,380; decrease 1884 under 1883, ½ per cent.

Aggregate increase 1885 over 1884, $4,550,880; increase 1885 over 1884, 10¼ per cent.

Aggregate proposed increase 1886 over 1885, $3,212,800; proposed increase 1886 over 1885, 6½ per cent.

It will be seen from these figures that in 1884, the second session of the last Congress, instead of increasing the appropriation, as absolutely required by the increasing demands of the postal service, actually reduced the appropriations below those made for the year previous. I am merely mentioning this as a matter of fact, and not for the purpose of inspiring criticism on the action of the last Congress; but I do feel that I am warranted in urging this as evidence that this Congress has not dealt with the necessities of this service in an illiberal or niggardly spirit. It will be seen from this table that in 1883 the increase of appropriations was 9 per cent. In 1884 the appropriations were reduced one-third of 1 per cent. below the appropriations of the previous year. The appropriations at the last session of this Congress were increased 10¼ per cent. over the year before, and the appropriations of this year, as authorized by this bill, increase the appropriation 6½ per cent.

I will remark here, Mr. Chairman, before I go further, that the reduction of postage which occurred neary two years ago did not diminish the receipts of the Department. There was no loss of revenue by the act of Congress which reduced the postage to 2 cents per half ounce; there was actually an increase of revenue. The deficit which occurred the year following was due to the fact that the expenditures were greater, and I am willing to confess that large expenditures were necessary to meet the wants of the service.

The Department this year estimates that an aggregate appropriation of $56,099,169.50 should be made. The Committee on Appropriations have reduced the amount appropriated below the estimate, to $52,253,200, which is $3,845,969.50 less than the estimate, but which is $3,162,800 more than the amount appropriated for the current fiscal year.

This estimate of over $56,000,000 included an item of about $1,100,000 which would result from a change in the method of accounting between the Pacific railroads and the Government. Heretofore the Government has not made an appropriation to meet the charges by the Pacific railroads for carrying the mails, but has charged it up against the account the Government held against them for interest on bonded indebtedness due the Government by the bonded roads. This year the Postmaster-General recommended the appropriation of a sum directly from the Treasury to pay the accounts of the Pacific railroad companies, which would swell the appropriations to the extent of about $1,100,000. The committee deemed it to be the best policy to adhere to the plan heretofore followed, which necessarily reduces the estimates of the Department over $1,100,000. I ask attention to the report of the committee, which is as follows:

Mr. TOWNSHEND, from the Committee on Appropriations, submitted the following report, to accompany bill H. R. 8138:

In presenting the bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, the Committee on Appropriations submit the following in explanation thereof:

The estimates upon which the bill is based will be found on page 173 of the Book of Estimates, and amount to $56,099,169.50, of which sum the committee recommend $52,253,200, which is $3,845,969.50 less than the estimates and $3,162,800 more than the amount appropriated for the current fiscal year.

The estimated revenue for the fiscal year 1886 from the postal service is $51,272,820.24, or $980,379.76 less than the amount recommended to be appropriated. To meet this or such deficiency as may occur in the postal revenues a sum sufficient is appropriated from the Treasury.

The following table exhibits in detail opposite each title the estimates for 1886, amounts recommended for 1886, appropriations for 1885, and expenditures for 1884:

	Estimated, 1886.	Recommended, 1886.	Appropriations, 1885.	Expended, 1884.
OFFICE OF THE POSTMASTER-GENERAL.				
Mail depredations and post-office inspectors and fees to United States marshals and attorneys	$250,000 00	$200,000 00	$200,000 00	$187,686 79
Advertising	20,000 00	20,000 00	20,000 00	18,915 09
Miscellaneous items	1,500 00	1,500 00	1,500 00	1,151 39
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.				
Compensation to postmasters	13,000,000 00	12,300,000 00	11,000,000 00	11,283,830 87
Compensation to clerks in post-offices	5,300,000 00	5,100,000 00	4,900,000 00	4,735,058 42
Letter-carriers and expenses free-delivery service	4,535,000 00	4,100,000 00	4,050,000 00	3,504,206 52
Wrapping-paper	35,000 00	35,000 00	30,000 00	24,988 18
Twine	95,000 00	85,000 00	70,000 00	62,998 41
Marking, rating, and canceling stamps, and ink and pads	25,000 00	20,000 00	25,000 00	10,670 32
Letter-balances, test-weights, and scales	20,000 00	20,000 00	25,000 00	19,998 35
Rent, light, and fuel	500,000 00	490,000 00	480,000 00	430,294 58
Office furniture	40,000 00	20,000 00	40,000 00	9,690 96
Stationery	65,000 00	65,000 00	65,000 00	59,968 23
Miscellaneous items	80,000 00	80,000 00	80,000 00	87,218 99

Table showing estimates and amount recommended for 1886, *appropriation for* 1885, *and expenditures for* 1884.—Continued.

	Estimated, 1886.	Recommended, 1886.	Appropriations, 1885.	Expended, 1884.
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.				
Inland mail transportation—railroad	$15,684,205 00	$15,265,000 00	$12,750,000 00	$12,131,920 35
Inland mail transportation—steamboat	615,000 00	615,000 00	625,000 00	576,270 41
Inland mail transportation—star routes	5,900,000 00	5,700,000 00	5,600,000 00	5,074,184 16
Railway post-office car service	1,875,000 00	.....	1,625,000 00	1,575,000 00
Necessary and special facilities on trunk lines	266,764 50	.....	250,000 00	184,821 24
Railway postal clerks	4,682,300 00	4,482,300 00	4,300,000 00	3,971,357 30
Mail messengers	975,000 00	975,000 00	975,000 00	824,830 70
Mail locks and keys	20,000 00	20,000 00	25,000 00	16,326 00
Mail-bags and mail-bag catchers	275,000 00	275,000 00	250,000 00	217,082 09
Miscellaneous items	1,000 00	1,000 00	1,000 00	306 94
OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.				
Postage-stamps	$174,000 00	$174,000 00	$146,000 00	$135,974 47
Postage-stamp agency	8,100 00	8,100 00	8,100 00	6,757 49
Stamped envelopes and newspaper wrappers	749,000 00	749,000 00	644,000 00	619,321 21
Stamped-envelope agency	16,000 00	16,000 00	16,000 00	15,251 72
Postal cards	239,000 00	239,000 00	232,000 00	197,646 32
Postal-card agency	7,300 00	7,300 00	7,300 00	6,323 70
Register envelopes, locks, seals, post-office and dead-letter envelopes	140,000 00	140,000 00	140,000 00	102,820 88
Ship, steamboat, and way letters	2,000 00	2,000 00	1,500 00	1,614 88
Engraving, printing, and binding drafts and warrants	2,000 00	2,000 00	2,500 00	1,983 36
Miscellaneous items	1,000 00	1,000 00	1,000 00	201 05
OFFICE OF SUPERINTENDENT OF FOREIGN MAILS.				
Transportation of foreign mails	425,000 00	970,000 00	425,000 00	322,994 12
Balances due foreign countries	75,000 00	75,000 00	75,000 00	1,894 04
Expenses of delegates to postal union congress	.....	.....	4,500 00	.....
Total	56,099,169 50	52,253,200 00	49,090,400 00	46,402,956 43

Estimated amount of revenues for 1886 ..... $51,272,820 24

ITEMS INCREASED.	
Salaries of postmasters	$1,300,000
Clerks in post-offices	200,000
Letter-carriers	50,000
Wrapping-paper	5,000
Twine	15,000
Rent, light, and fuel	10,000
Railroad transportation	2,515,000
Star-route service	100,000
Postal clerks	182,300
Mail bags and catchers	25,000
Postage-stamps	28,000
Stamped envelopes	105,000
Postal cards	7,000
Ship, steamboat, and way letters	500
Foreign mails	545,000
Total	5,092,300
ITEMS DECREASED.	
Marking, rating, and canceling stamps	5,000
Letter balances, &c	5,000
Office furniture	20,000
Steamboat transportation	10,000
Postal-car service	1,625,000
Special facilities	250,000
Mail locks and keys	5,000
Delegates to postal-union convention	4,500
Total	1,929,500

New legislation is contained in the bill as follows. On page 3, lines 43 to 53:

"That hereafter the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building."

* * * * * * *

On pages 4 to 7, lines 67 to 153:

"That the Postmaster-General is authorized and directed to readjust the compensation to be paid for the transportation of the mails on railroad routes upon the condition and at the rates hereinafter mentioned, and which shall take effect July 1, 1885:

"'First. That the mails shall be carried upon any train at the request of the Postmaster-General; and railroad companies shall provide necessary depot-rooms, with heat and light for the same, shall receive the mails from and deliver the mails to the Post-Office Department at depots, shall put the mails into and out of the cars, shall transfer the mails between trains at depots, and shall transport the Superintendent and assistant superintendents of the railway mail service and post-office inspectors upon the exhibition of their credentials, and railway postal clerks over the lines upon which they may be assigned to duty.

"'Second. That the compensation for carrying closed mails in baggage cars and for railway post-office service, the minimum car width in every case being hereby fixed at eight feet and six inches (inside measurement), or its equivalent in floor-space, shall not exceed the following rates, namely: For closed mails, 5 mills per linear foot of space (inside measurement) per mile run; and for two hundred pounds of mail or less the equivalent of six linear inches shall be required, for five hundred pounds one foot, and for each additional five hundred pounds one foot. For railway post-office service, at a rate of speed of twenty or less miles per hour from terminus to terminus, five mills per linear foot of space (inside measurement) per mile run; and for each additional two miles per hour to and including thirty miles per hour one-tenth of a mill, and for each additional mile per hour one-tenth of a mill. And the adjustment of space by linear feet for railway post-office service shall be as follows: For a daily average of from twenty-five to five hundred pounds of mail, not to exceed thirteen feet; from five hundred to 1,000 pounds, not to exceed fifteen feet; from 1,000 to 2,000 pounds, not to exceed twenty-five feet; from 2,000 to 4,000 pounds, not to exceed forty feet; from 4,000 to 5,000 pounds, not to exceed forty-five feet; for 6,000 pounds, fifty feet; 8,000 pounds, sixty feet; the weight to be ascertained by a weighing of not less than twenty-eight consecutive days; and in all railway post-offices the load shall not exceed double the greatest weight for the respective lengths as herein provided; and for any gross weight, if carried on two or more trains daily, the space may be subdivided upon the basis of amounts of space for lower weights as the nature of the service may require; and no additional space shall be required or paid for unless found to be necessary: *Provided*, That the pay for the transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum; and at any post-office contiguous to a railroad route, and where trains do not make regular stops, the Postmaster-General may require that the mails shall be exchanged directly with the railway post-office at the nearest available point upon the track; and in the case of all special mail trains no more time shall be consumed at terminal points in transferring mails between different lines of railroads at such terminal points than is absolutely necessary for such purpose, and there shall be no delay in departure of any special mail train after receiving the mail from the connecting line than is absolutely necessary; and at post-offices located not more than one-fourth of a mile from railroad stations, railroad companies shall also provide for carrying the mails as often as may be necessary between such post-offices and railroad stations; but the Postmaster-General may provide mail-messenger or contract service at terminals: *Provided further*, That railroad companies whose railroads were constructed in whole or in part by land grants made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, and the railroad companies incorporated under the provisions of an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, shall hereafter receive for the transportation of the mails over their respective railroads only 80 per cent. of the compensation authorized by this act; and the said act approved July 1, 1862, and all acts amendatory thereof, are hereby amended to conform to the foregoing provisions; but the right of the United States to further amend said act, or any act amendatory thereof, is expressly reserved. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.'"

* * * * * * *

On page 7, lines 156 to 162:

"The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service."

On page 8, lines 181 to 202:

"That upon all matter of the first class, as defined by chapter 180 of the laws of Congress, approved March 3, 1879, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,' and by that act declared subject to postage at the rate of 3 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and upon all matter of the second class, as defined by said act and by that act declared subject to postage at the rate of 2 cents for each pound or fraction thereof, shall be charged, on and after the 1st day of July, 1885, except as provided in section 25 of said act, approved March 3, 1879, 1 cent for each pound or fraction thereof; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885."

* * * * * * *

On pages 10 and 11, lines 224 to 252, in lieu of the usual paragraph providing for the transportation of foreign mails, there is inserted the following:

"For transportation of mails on foreign steamships and for foreign administration for intermediary, territorial, and sea transit of foreign mails, $870,000.

"For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not

exceeding $900,000 of the net revenues of the Post-Office Department of the United States on mail matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General, only after legal advertisement with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips: *Provided further*, That the general laws regulating the transportation of inland mails shall be applicable to such contracts except as herein provided: *And provided further*, That vessels engaged in this service shall be of American registry, and shall in time of war be liable to charter or purchase by the United States at reasonable rates, and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885."

* * * * * * *

On pages 12 and 13, sections 3 to 6:

"SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

"SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

"SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorised to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

"SEC. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 3 of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department."

Mr. Chairman, I am convinced if this bill be adopted in its present form it will carry every dollar that is needed for the public service—every dollar that will be required to conduct the postal service efficiently and up to the full requirement of wants of the people.

There may be a difference of opinion by gentlemen as to how much may be needed under specific items in this bill as to whether in some instances we have allowed enough or not, but my investigations have convinced me that every dollar properly needed for the postal service is provided in this bill. But aside, Mr. Chairman, from the fact that this bill carries the large amount I have indicated, much of the importance of this bill is due to the changes it provides in our postal laws.

The committee would have much preferred, as I have already stated, that such legislation should have been left to separate and independent measures, but the glut of important business before this House renders it necessary that these provisions should be placed in this bill, or they will undoubtedly fail of enactment during this Congress. The committee, regarding most of these provisions as being essential to an economical and proper administration of this service, have therefore authorized them to be incorporated into this bill.

The greatest change in the law which this bill seeks to accomplish is that of the method of compensation for the railway mail service. This is the most difficult problem which ever perplexed the officials in the Post-Office Department. It has puzzled the Department for over forty years. The present and former laws on this subject have been found crude, incongruous, and in many instances extravagant, glaringly unjust to the Government, while in some instances injustice has resulted to the railroad companies.

Congress for the first time recognized the railways as carriers of the mails in 1838, when it enacted a law authorizing the Postmaster-General to cause the mails to be transported by railroads, provided he should not be required to pay more than 25 per cent. over what was being paid to the stage coaches. This was the earliest recognition of the element of speed in fixing the compensation for carrying the mails, it being then determined that higher pay at the rate of 25 per cent. should be allowed for the more expeditious mode of transporting the mails than by the slow coach.

I shall not now detain the House with a discussion of former laws, as I shall present a document which will furnish a full and clear history of the nature and operations of the former as well as the present and proposed law. It is a report that was prepared by a commission appointed in pursuance of the act of March 3, 1883. This document deals with the whole subject ably and exhaustively. It furnishes evidence of patient, laborious, and thoughtful work, and should be read and studied by every member of Congress.

A study of the former and of the present law shows that the compensation for conveying the mails on the railways is dependent largely upon the discretion of the Postmaster-General. Under the exercise of that discretion gross injustice both to the Government and the roads has resulted. In some instances the compensation is much larger than it should have been, while in others it has been too low. No doubt much of this has been due to mistake, but often to pressure from individual railroad companies, and perhaps in some instances to favoritism. The act of March 3, 1873, now in force, brought about much improvement by prescribing even rates of pay for a like daily average weight of mail carried, but it is defective in essential particulars. It leaves unwise discretion to the Postmaster-General, which is subject to abuse and mistake, and is not thought to be much in advance of the previous law.

The law at present makes the following provision for compensation to railroads for carrying the mails:

Average weight of mail whole distance per day.	Pay per annum per mile of route's length.	Pay, less deduction of 14.50 per cent.
1 to 200 pounds daily	$50 00	$42 75
200 to 500 pounds daily	75 00	64 13
500 to 1,000 pounds daily	100 00	85 50
1,000 to 1,500 pounds daily	125 00	106 88
1,500 to 2,000 pounds daily	150 00	128 25
2,000 to 3,500 pounds daily	175 00	149 63
3,500 to 5,000 pounds daily	200 00	171 00

COMPENSATION FOR RAILWAY POSTAL CARS.

Railway post-office cars, 40 feet, per daily line	$25
Railway post-office cars, 45 feet, per daily line	30
Railway post-office cars, 50 feet, per daily line	40
Railway post-office cars, 55 to 60 feet, per daily line	50

From this it will be seen that under the present law the only element considered in fixing railway-mail pay is weight, with an additional allowance where a large daily average of mail requires it for rent of postal cars.

The commission to which I have referred in their report set forth the practical objections to the present law as follows:

First. The great volume of postal transportation is performed in cars or apartments and accompanied by clerks. Under the law there is no discrimination between service so rendered and closed mails carried in bulk in baggage cars. It is therefore to the interest of the railroad companies to provide the least possible space accommodation for the mails.

Second. The matter of frequency is covered by the indefinite expression "due frequency." Practically there is no discrimination, where the same weight of mail is carried, between cars or apartments, with clerks, run six, seven, twelve, or fourteen round trips per week, the less frequent securing the same rate as the most frequent.

Third. The matter of speed is disposed of in the expression "due frequency and speed." Under this law the speed with which the mails are carried, though a feature of great value to the public, has no effect on the rate of pay.

Fourth. The size of cars or apartments to be used is provided for by the following phrase:

"Sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route-agents to accompany and distribute the mails."

All of this is insufficient and too indefinite to be continued as the expression of the requirements of the Post-Office Department with regard to the 115,000 miles of postal service.

Fifth. Specific allowance for railway post-offices is an entirely unreasonable method of compensating for the service required. There is no reason known why fifteen, twenty-five, or thirty feet of interior car space used for mails and clerks should not be made the occasion of specific allowance, if forty, fifty, and sixty feet cars, used in precisely the same manner, are so treated.

* * * * * * *

Seventh. The present method is further defective because of the great inequality existing in many cases between the weights carried and the apartments provided.

An analysis of the tables accompanying the report of the Postmaster-General, showing the daily weights on all the roads in the United States, with the size of the apartment corresponding, will reveal such incongruities as the following:

On one road a daily weight of two hundred pounds of mail is carried in an apartment seven feet long; on another road the same weight is carried in an apartment thirteen feet long. On one road four hundred pounds of mail daily are carried in an apartment eight feet long, while another road carries the same weight of mail in an apartment sixteen feet long. On one road seven hundred pounds of mail are carried in an apartment nine feet long, while on another road the same daily average weight of mail is carried in an apartment forty-two feet long. Either in the one case the space provided is too small, or in the other case it is too large. In any case a system which would equalize the amount of space as related to weight would manifestly be an improvement upon the present methods.

These objectionable features the committee hope to avoid in the scheme proposed and herewith submitted.

The magnitude to which the vast appropriations for the railway mail service has grown and its rapid increase should arrest the attention of every Representative here, the largest single item of expenditure being for the transportation of the mails on railroads.

The report to which I have referred shows that—

In the year 1842 there were but 3,000 miles of railroad service, at an annual cost of about $400,000. In 1851 there were about 12,000 miles of railroad service, costing $1,600,000. The year 1883 shows a railway postal service 110,000 miles in length, at a cost of about $13,800,000, the increase in 1883 being equal to the entire postal service by railroad in 1853.

Each decade has doubled the railway service from its establishment, and if the present rate of increase should be maintained, and the present methods of pay continued, the year 1900 would show a service by rail of at least 200,000 miles, at an annual cost of not far from $25,000,000.

It exceeds the total annual revenues of the Federal Government under the administration of John Quincy Adams.

Now what is desired is to establish a basis of competition which will secure efficiency at such a rate of pay as will be just to the railroads and the Government.

The commission report that a rate of pay which will, in general, yield the railroad companies carrying the mail a return per car per mile run not differing materially in amount from the returns now received by these corporations for running their passenger trains can not be other than just and reasonable. I think such a rate too liberal, because the accommodations, expense, and liabilities of the mail cars are far less than the passenger, and approximate nearer that of express. The commission says a careful analysis of the returns of all the railroads in the United States shows that the average receipts from passenger trains running at the ordinary rate of twenty miles per hour between terminals is about 5 mills for each linear foot of car space per mile run, or 26 cents per mile of a car fifty feet in length. It also recommends that for railway post-office service only this rate be increased one-tenth of a mill for each two miles increase of speed per hour from twenty to thirty miles, and one-tenth of a mill more for each mile per hour in excess of thirty miles.

The only objections which have been found to exist in this scheme are that the rates agreed upon by the commission would result in giving too much to the largest roads and not enough to the smaller lines. To obviate this the committee has recommended that the rates be reduced to 4 mills per linear foot per mile, and that the rate for speed above thirty miles per hour be made uniform with that allowed for rates of speed between twenty and thirty miles per hour; or, in other words, one-tenth of 1 mill for each additional two miles of speed per hour above thirty as well as between twenty and thirty miles per hour, and in order to provide ample compensation to the smaller roads we have provided that the minimum compensation to any road shall not be less than $40 per mile.

In looking over the table of rates of compensation per mile of railroads of the United States, I find that not more than some half dozen of them receive a compensation lower than $42.75 per mile per ton. We have made the minimum limit $40 per mile. We think that sum will sufficiently protect the smaller roads, and give them ample remuneration. The provision in this bill providing increased compensation for increased speed above twenty miles per hour supersedes the necessity for any specific allowance for special fast-mail facilities, as you will discover by examining the tables which the officials of the Post-Office Department have furnished to me, and which will be appended to my remarks, with directions for making proper computations under the terms of this bill.

This new scheme will secure efficiency in the service and present a uniform and systematic plan of compensation, which will be just and equitable to the railroads, and will at least result in an annual saving to the Government of over $1,500,000.

The late Second Assistant Postmaster-General Lyman, in a letter to the Committee on the Post-Office and Post-Roads, said:

Having participated in the preparation of the scheme embodied in the recommendations of the committee, I can speak with some degree of positiveness concerning it, and have to say that the rate of pay adopted as the initial basis of compensation, *i. e.*, 25 cents per mile run for cars fifty feet in length, is, in my opinion, not only a fair proposition, but is also the only just and practicable basis of payment for the peculiar service required by the Post-Office Department.

Under the plan proposed, compensation would be made according to the amount and character of the service rendered in each case; and the result would be to decrease the cost of transportation by railroad per annum $1,687,980.

The change which we make of rates recommended by the committee will result in a much larger saving. As I have said, the allowance for speed renders specific appropriations for special fast-mail facilities unnecessary, and therefore we have omitted such from this bill.

This undeniably presents a principle which will be just, uniform, efficient, and economical. The only question to be solved is to establish proper rates. The recommendations of the commission in its report are:

The committee would, in conclusion, respectfully recommend as follows:

(1.) That the compensation to the railroads for carrying the mails shall be determined upon the basis of the space used and the frequency and speed with which the mails are conveyed.

(2.) That the space factor shall be determined by the Postmaster-General, in view of the needs of the service, modified by the weight and frequency of the mails; that the speed factor shall be determined by the schedules of the various railroads, in connection with the official reports of the railway mail service.

(3.) That the pay for all mail transportation shall hereafter be at a fixed rate per linear foot of car per mile run. This rate to cover the cost of the service, furniture and fixtures in the car, transportation of postal clerks, &c.

(4.) That the Postmaster-General may at any time order an increase or a reduction in the amount of space to be paid for, if, after a weighing, it be found that there has been a sufficient increase or diminution in the amount of mails transported on any railroad to require the same.

(5.) The closed or pouch mails, now carried in express or baggage car, without postal clerks accompanying them, requiring no space for distribution *en route*, shall be paid for on the following basis, viz: the aggregate weight of the closed or pouch mails carried on any road on all trains for twenty-four hours shall be made the basis of pay, and this aggregate weight reduced to an equivalent in linear feet of car space in the following proportions:

Two hundred pounds of mail or less shall be rated as the equivalent of six linear inches to be paid for at the rate of 5 mills per linear foot per mile run.

Five hundred pounds of mail shall be rated as one linear foot, and for each additional five hundred pounds one linear foot of car space shall be allowed, with the proviso that the pay for transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum.

(7.) That the pay for railway post-offices, at a speed of twenty or less miles per hour between termini, be 5 mills per linear foot, inside measurement, of car space per mile run, and for each increase of speed amounting to two miles per hour up to and including thirty miles per hour one-tenth of a mill; *i. e.*, twenty-two miles per hour, 5.1 mills; twenty-four miles per hour, 5.2 mills; twenty-six miles per hour, 5.3 mills; twenty-eight miles per hour, 5.4 mills; thirty miles per hour, 5.5; and for each additional mile per hour, one-tenth of a mill.

And it is further recommended that in the adjustment of space by linear feet for railway post-offices a daily average of 500 pounds of mail or less shall be entitled to pay for space not to exceed thirteen feet. From 500 to 1,000 pounds, space not to exceed fifteen feet. From 1,000 to 2,000 pounds, space not to exceed twenty-five feet. From 2,000 to 4,000 pounds, space not to exceed forty feet. And we recommend that no change in the allotment of space shall be made until the average weight reaches 6,000 pounds. For 6,000 pounds, fifty feet; for 8,000 pounds, sixty feet—the weight to be ascertained by a weighing of not less than thirty consecutive days; and no additional space shall be paid for unless it is found to be necessary.

In all railway post-offices the load should not exceed double the greatest weight specified for the respective lengths, and for any gross weight carried on two or more trains daily the space may be subdivided upon the gradients of space for lower weights, as the nature of the service may require; with the further provision that the Postmaster-General may increase the compensation upon any railroad route not to exceed 50 per cent. per annum for special mail trains performing service upon schedules fixed by him. In all these estimates the minimum car width should be fixed at eight feet six inches, inside measurement.

In order that gentlemen may make proper investigation of the cost of the service under the proposed law and be enabled to readily make computations with the data furnished in the reports accompanying that of the Postmaster-General, I will now call their attention to a rule for computation and tables of comparison of the cost of the service under the present and proposed law at the rates of 4 mills per mile run and 5 mills per mile run and rates of speed as therein specified:

Cost of carrying the mail on railroads on basis of 4 mills per mile run at twenty miles or less per hour, with an allowance of one-tenth of a mill for every two miles per hour additional speed, compared with cost under present law.

Daily average weight of mail carried whole distance (both ways).	Present pay per mile per annum.			Linear feet of car space.	Cost per mile per annum, at various rates of speed, for six round trips per week.										
	For weight.	For postal cars when allowed per daily line.	Total.		20 miles or less per hour.	22 miles per hour.	24 miles per hour.	26 miles per hour.	28 miles per hour.	30 miles per hour.	32 miles per hour.	34 miles per hour.	36 miles per hour.	38 miles per hour.	40 miles per hour.
					4 mills.	4.1 mills.	4.2 mills.	4.3 mills.	4.4 mills.	4.5 mills.	4.6 mills.	4.7 mills.	4.8 mills.	4.9 mills.	5 mills.
200 pounds	$42 75		$42 75												
500 pounds	64 13		64 13	13	$32 55	$33 36	$34 17	$34 99	$35 80	$36 62	$37 43	$38 24	$39 06	$39 87	$40 69
1,000 pounds	85 50		85 50	15	37 56	38 49	39 43	40 37	41 31	42 25	43 19	44 13	45 07	46 01	46 95
2,000 pounds	128 25		128 25	25	62 60	64 16	65 73	67 29	68 86	70 42	71 99	73 55	75 12	76 68	78 25
3,500 pounds	149 63	$25 00	174 63	40	100 16	102 66	105 16	107 67	110 17	112 68	115 18	117 68	120 19	122 69	125 20
5,000 pounds	171 00	30 00	201 00	45	112 68	115 49	118 31	121 13	123 94	126 76	129 58	132 39	135 21	138 03	140 85
6,000 pounds	181 69	40 00	221 69	50	125 20	128 33	131 46	134 59	137 72	140 85	143 98	147 11	150 24	153 37	156 50
8,000 pounds	203 06	50 00	253 06	60	150 24	153 99	157 75	161 50	165 26	169 02	172 77	176 53	180 28	184 04	187 80

Cost of carrying mail on railroads at rates fixed by bill H. R. 8138.

Daily average weight of mail carried whole distance (both ways).	Present pay per mile of route per annum.			Linear feet of car space.	Cost per mile per annum, at various rates of speed, six rounds trips per week.											
	For weight.	For postal cars when allowed per daily line.	Total.		20 miles or less per hour.	22 miles per hour.	24 miles per hour.	26 miles per hour.	28 miles per hour.	30 miles per hour.	32 miles per hour.	34 miles per hour.	36 miles per hour.	38 miles per hour.	40 miles per hour.
					5 mills.	5.1 mills.	5.2 mills.	5.3 mills.	5.4 mills.	5.5 mills.	5.7 mills.	5.9 mills.	6.1 mills.	6.3 mills.	6.5 mills.
200 pounds	$42 75	.....	$42 75	12	$40 99	$41 50	$42 31	$43 13	$43 94	$44 75	$46 38	$48 01	$49 64	$51 26	$52 89
500 pounds	64 13	.....	64 13	12	46 25	47 88	48 82	49 76	50 70	51 64	53 52	55 40	57 27	59 15	61 03
1,000 pounds	85 50	.....	85 50	15	79 25	79 81	81 38	82 94	84 51	86 07	89 20	92 33	95 46	98 59	101 72
1,500 pounds	106 88	.....	106 88	25	79 25	79 81	81 38	82 94	84 51	86 07	89 20	92 33	95 46	98 59	101 72
2,000 pounds	128 25	.....	128 25	25	78 25	79 81	81 38	82 94	84 51	86 07	89 20	92 33	95 46	98 59	101 72
2,500 pounds	149 63	$25 00	174 63	40	125 20	127 70	130 20	132 71	135 21	137 72	142 72	147 73	152 74	157 75	162 76
3,000 pounds	171 00	30 00	201 00	45	140 85	143 65	146 48	149 30	152 11	154 93	160 56	166 20	171 83	177 47	183 10
6,000 pounds	181 69	40 00	221 69	50	156 50	159 63	162 76	165 89	169 02	172 15	178 41	184 67	190 93	197 19	203 45
8,000 pounds	208 06	50 00	253 06	60	187 80	191 55	195 31	199 06	202 82	206 58	214 09	221 60	229 11	236 62	244 14

To ascertain the cost per linear foot per mile per annum, the rate per linear foot per mile run being given, multiply the rate per linear foot per mile run by 2 (which product is the rate for one mile and back), multiply that product by 313 (the number of round trips in a year), and the product will be the cost per linear foot per mile per annum for six times a week service at twenty miles per hour speed.

To ascertain the cost per mile per annum of any given road, multiply the cost per linear foot per mile per annum by the number of linear feet of space furnished.

Now, Mr. Chairman, I shall not occupy further time in describing the new plan that has been suggested. It is not a new thought. It is a subject that was introduced in the Forty-fourth Congress—a proposition somewhat like this, though materially different in important details. It, however, would have resulted in larger expenditure and lacked the degree of order and system of the proposed plan. It was then discussed, but was rejected.

The necessity for a change in the present law induced Congress to pass the act of March 3, 1883, appointing a commission of experts to devise a plan which would cure the defects of the present law.

That commission consisted of D. A. Elmer, the late Second Assistant Postmaster-General; W. B. Thompson, the late Superintendent of the Railway Mail Service, and now Second Assistant Postmaster-General, and Mr. Isaac C. Slater, all of them gentlemen of large experience and well qualified for this service. That committee had at their command a large force of very capable and experienced clerks. They entered into a correspondence with others who had experience and most knowledge on the subject. They sought and obtained a vast amount of statistics and information from railroad officials, and after they had gathered information and statistics from every quarter where it was obtainable they labored upon the problem for some eight months and formulated this proposition which we have incorporated in this bill. Those gentlemen then declared and still declare that if this scheme is adopted in the shape they recommend it will result in an annual saving to the Government of over a million and a half of dollars.

The proposition comes to us recommended by that commission of experts, and recommended by every officer of the Post-Office Department, from the Postmaster-General down to the lowest who has anything to do with this branch of the postal service. It has been studied and recommended by the Committee on Post-Offices and Post-Roads of the Senate and House. In the last session, when preparing the postal bill of that session, I was called on to investigate this scheme with a view to recommending it to the Committee on Appropriations. But I did not have time to ascertain what would be its effects; and fearing it might result in an increase rather than a diminution of the cost of the postal service I declined to recommend it. Since then I have had better opportunity to study it, and I feel now convinced it will be well for the Government and the facility of the service that it should be adopted. It is true that we can not fully determine what may be its exact results. It is probable that by experience we may discover defects in it. But we can never find out the defects or value of any scheme for this purpose until we test it by experience. Therefore I have concluded it is the best policy that it should during the next year be put in operation, and as we hereafter may discover defects they can be remedied.

How much further time have I?

The CHAIRMAN. The gentleman has occupied thirty minutes.

Mr. TOWNSHEND. I wish now to speak of some other features of the bill.

Another feature, Mr. Chairman, that we have introduced into this bill changing the present law is an increase in the period for which the Postmaster-General is permitted to lease buildings for the use of post-offices of the first and second classes. Under the present law he is limited to a term of one year. It is believed by all who have considered the question that it will be in the interest of economy and greatly to the interest of the Government to allow the Postmaster-General to extend the terms of the lease. And therefore we have authorized him under the provisions of this bill to make contracts for leases extending to five years, believing he can thereby obtain better terms for the Government.

Another feature of the bill to which I wish to call attention is in pursuance of a recommendation of the Postmaster-General, and that is to increase the weight of letter mail to one ounce for 2 cents postage. Under the present law, as is well understood, the weight of a letter carried by a stamp of 2 cents is limited to one half-ounce. It is believed by those connected with the Post-Office Department who have studied the question that this will probably not result in any material loss of revenue. On the contrary, they believe that circulars and other matter now carried open will be put under seal, thereby swelling our receipts. The change will undoubtedly result in great convenience to the people.

Another new feature in this bill is a provision which reduces the cost of carrying newspapers in the mail. Under the present law it is required that newspapers sent from the offices of publication shall pay 2 cents per pound. Several years ago I looked into this question, and came to the conclusion that as we had reduced the cost of letter and other postage, it would be just and right that we should make reduction of the postage on newspapers and periodicals sent from the offices of publication. In the last Congress I introduced a proposition which put them on the same basis with the newspapers circulated in the county where issued; in other words, it proposed to allow them to go free through the mails outside as well as inside the county where published. It struck me that if it was right under the law then in existence that a newspaper should circulate free in the county where published, it certainly would not be unjust to allow it to circulate beyond the boundary line of the county. I further believed it was in the interest of public education and the dissemination of knowledge, and I therefore introduced a bill for the purpose of amending the law which confined the free circulation of newspapers to the county of publication.

The Committee on the Post-Office and Post-Roads have taken up the subject, and at the present session they reported a bill reducing the rate of postage on newspapers one-half the present rate, or to 1 cent a pound. The Committee on Appropriations have accepted their proposition and have ingrafted it upon this bill. This puts such newspapers upon the same basis with fourth-class matter or merchandise. It does seem to me that if playing-cards and dog-collars may be sent through the mails at that rate from New York to the mountaineers of Idaho, it is right to allow newspapers and periodicals to be transported at the same rate. I will say, before leaving that question, that I do not believe that any loss of revenue will result from the adoption of this provision, for the reason that now the great daily newspapers issued in the large cities are sent at short distances by express. If this provision shall become a law it will no doubt induce those establishments that send their papers by express to transmit them through the mails, so that the Government will gain largely by superseding the use of the express for the carriage of newspapers on short hauls.

Now, Mr. Chairman, there is another important provision in this bill to which I invite attention, the provision in relation to compensation for the foreign mail service. During the last session of this Congress a bill was passed repealing the compulsory law which required American steamers before they were permitted to obtain clearance to carry the mails. The rate of compensation allowed for that purpose by the present law is the amount collected for what is known as the "sea-going postage," 2 cents on each letter, &c. The compulsory law, passed in 1873, made it incumbent upon every American steamer before obtaining clearance to carry the mails for the compensation mentioned. It is true that the Postmaster-General is permitted to exercise his discretion in allowing to American steamers the inland postage in addition to the sea-going postage, but in no instance, if I am correctly informed, has that ever been allowed; so that, as a matter of fact, the compensation has been confined to the sea-going postage.

Complaint has been made by the companies that that compensation is insufficient; and it is feared that those companies may after April next, when the compulsory law expires, refuse to take the mails for such compensation. They insist that when the compulsory law was enacted in 1873 the rates of postage to the countries visited by American lines of steamers were much higher than at present, ranging in some instances as high as 30 to 40 cents per letter. The companies say that they were satisfied at that time with the rates of compensation thus received, because the ocean postage was sufficient to pay them for the service; but they insist that when the international postal union in 1878 reduced the rate of postage at 5 cents throughout and between nearly all the countries of the civilized world their compensation was greatly reduced, in some instances so much so as to make it a burden and loss to them rather than a benefit to carry the mails. I have occupied so much of my time on other features of this bill that I will be unable to enter into a full discussion of this question, but I see before me gentlemen who have studied it, who served upon the committee which prepared the bill of which this provision is substantially a copy and who procured the passage of the compulsory law at the last session, and who doubtless desire to be heard upon this question. I will leave this discussion to those more familiar with the subject than myself. The subcommittee which prepared this appropriation bill did not recommend this provision when they prepared it for the general committee; they concluded to leave this question for the determination of the House on the bill now on the Speaker's table, and known as the Hunt bill, of which this is a substantial copy, except that this bill reduces the limit of rate of compensation one-half. For that reason the subcommittee did not change the estimate of the Department for that service; but the general committee by amendment inserted, this provision in this bill and recommend its adoption.

I will only say further on this subject in passing—as I have no time for details—that it is absolutely necessary that something shall be done to insure the carriage of our mails to the Southern and Pacific countries. If nothing is done in this respect before the adjournment of the present session a serious interruption of our commerce and communications with those countries may follow. The compulsory law which forced American steamers to carry the mails having been repealed, they could now refuse to take them, and as they furnish about the only steamers making regular trips to the ports of Mexico, Central and South America, West Indies, and trans-Pacific and Australasian countries, it can be seen that the interruption of our mail communication with those countries would be very serious. I merely desire to call the attention of the committee to this feature of the bill, leaving the discussion of it for other gentlemen more familiar with the question than I am.

Now as to another matter. A bill was introduced some time ago by the gentleman from New York [Mr. SKINNER] for the purpose of providing an additional 10-cent postage-stamp to be known as the "special mail-facility stamp." The object was to provide a force of messengers who, immediately upon the arrival at the office of destination of letters bearing such stamps, would deliver them to the parties to whom they should be addressed. In other words, the idea is, that at any time from 6 o'clock in the morning until 12 o'clock at night (if I remember the hours correctly), as soon as a letter bearing a stamp of this kind is received at the office of destination a messenger shall be at once dispatched to deliver it at the residence of the party to whom it is addressed. The bill provides that the amount necessary to be paid for messenger service shall not exceed the amount collected by means of the 10-cent special-facility stamp—which is, of course, in addition to the ordinary postage-stamp, and that the pay of the messengers shall not exceed $30 per month. But as the gentleman [Mr. SKINNER] is here himself, and will doubtless be heard upon the proposition, I shall not discuss it at this time, except to say that, having given it some examination, I can see no objection to it. I believe it will afford great convenience to the public, and, as it will cost the Government nothing, I see no reason why it should not be enacted in this bill.

Now, Mr. Chairman, as regards the amounts appropriated, I have said that it will be found that we have appropriated in this bill for each item estimated by the Department a sum large enough to promote the public convenience and to properly conduct this branch of the Government service. Some of the estimates in the office of the Second Assistant Postmaster-General have been reduced. There is no reduction whatever made in the estimates of the office of the Third Assistant Postmaster-General, and I desire to say that in reducing the estimates in the office of the Second Assistant Postmaster-General the committee intend no reflection on the officer who prepared those estimates, but there is simply a difference of opinion between that officer and the majority of the members of the Committee on Appropriations as to how much will be needed for that service. I believe the last retiring and the present Second Assistant Postmaster-General to be capable and upright officers, but I differ with them as to the amount required for portions of this service.

As I have said, in the office of the Third Assistant Postmaster-General we have made no reduction at all, but have accepted his estimates as to every item relating to that office. In the investigation I have made in regard to the estimates heretofore submitted by this officer I have found him exceedingly careful, very judicious, and economical in making his recommendations. Indeed, sir, since he has been in office the cost of the service under his charge has been greatly reduced; and as I wish to give credit where it is due, I will say I have no doubt this reduction has been largely due to the care and ability of this officer.

I find here a statement showing that the articles furnished to the Department in 1877 numbered 1,075,000,000 at a cost of $817,382; the articles furnished in 1884 were 2,205,000,000—more than double the number furnished in the former year; and the appropriation amounted to only $1,055,000. Thus it will be seen that the increase in the number of articles furnished was 1,130,000,000 and the increased cost $238,000, the increase in the number of articles furnished being more than 105 per cent. and the increase of cost only 29 per cent.

Mr. Chairman, I believe I am now through with the general discussion of the bill. How much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. TOWNSHEND. I wish to reserve us much of that as possible.

Mr. ANDERSON. I could not hear what the gentleman said as to legislation in the bill respecting the Pacific railroads. Do I understand that the bill makes a direct appropriation to those companies for carrying the mails?

Mr. TOWNSHEND. On the contrary, we have refused to make a direct appropriation. I continue the present method of compensation.

Mr. OATES. Will the gentleman explain why the provision authorizing the Postmaster-General to pay rents of post-offices should not be applied to third-class offices as well as those of the first and second classes?

Mr. TOWNSHEND. The committee did not consider that question. Any change in that respect would involve a change in the existing law, and a very large increase of expenditure. The subject was not brought before the committee, and therefore we did not take it into consideration, leaving the question to be considered by the House upon the bill reported by the Committee on the Post-Office and Post-Roads.

Mr. OATES. I understood the gentleman to state that the amount allowed by the committee to railroads for transportation of mails was $40 a mile. I see the figures in the bill are $35.

Mr. TOWNSHEND. That has been changed by the committee since the bill was printed.

Now, Mr. Chairman, unless it is understood that the general debate shall be limited to five hours, I move that the committee rise for the purpose of limiting debate; but I hope the committee will agree to the limit which has been named.

Mr. WILLIS. I object to five hours' debate.

Mr. TOWNSHEND. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair asks unanimous consent to submit at this time several executive communications.

There was no objection.

DETECTION OF REVENUE FRAUDS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a list of special customs agents employed to detect frauds in the customs revenue, showing changes made and reasons therefor; also referring to the duties of such agents and the authority for their appointment; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF UNITED STATES COURTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Attorney-General, submitting a statement of amounts now available for expenses of the United States courts; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS IN KANSAS AND ILLINOIS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Supervising Architect, asking an extension of the limit of cost of public buildings at Leavenworth, Kans., Peoria, Ill., and Quincy, Ill.; which was referred to the Committee on Appropriations, and ordered to be printed.

STATEMENTS FROM BUREAU OF STATISTICS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, with an inclosure, a communication from the Chief of the Bureau of Statistics relative to printing certain statements discontinued under provision of act of July 7, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

BIDS FOR POSTAGE-STAMPS, ETC.

The SPEAKER *pro tempore* also laid before the House a letter from

the Postmaster-General, transmitting a communication from the Third Assistant Postmaster-General, with inclosures, recommending a provision in the Post-Office appropriation bill relative to the submitting of bids for stamps, stamped envelopes, and postal cards; which was referred to the Committee on Appropriations, and ordered to be printed.

HUNTINGTON HARBOR, LONG ISLAND, NEW YORK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Huntington Harbor, Long Island, New York; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LOSSES OF PROPERTY BY ARMY OFFICERS, ETC.

On motion of Mr. ROSECRANS, by unanimous consent the bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States was taken from the Speaker's table, the amendment of the Senate non-concurred in, and a conference with the Senate requested.

The SPEAKER *pro tempore* announced the appointment of Mr. ROSECRANS, Mr. MURRAY, and Mr. CUTCHEON as conferees on the part of the House.

Mr. TOWNSHEND. I yield to the gentleman from Ohio [Mr. FOLLETT.]

APPROPRIATION BILL.

Mr. FOLLETT. I rise, Mr. Speaker, for the purpose of asking by unanimous consent the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, returned from the Senate with sundry amendments, be taken from the Speaker's table, and the bill and amendmenet ordered to be printed, and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

PENSION ATTORNEYS' FEES.

Mr. ROGERS, of Arkansas. I move by unanimous consent, Mr. Speaker, that the bill (S. 2511) relating to claim agents and attorneys in pension cases, returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

Mr. RANDALL. I suggest to the gentleman from Arkansas that he also include in his motion with leave to report it back at any time. It is a bill, I will say to the House, that cuts off the fee business.

Mr. ROGERS, of Arkansas. I ask, Mr. Speaker, that the committee shall have leave to report at any time.

There was no objection, and the motion as modified was agreed to.

LEAVE OF ABSENCE.

Mr. WELLER, by unanimous consent, was granted leave of absence indefinitely, on account of the dangerous illness of his mother.

DRAWBACKS ON IMPORTED MATERIAL.

Mr. GEORGE, by unanimous consent, had leave to print remarks in the RECORD as part of the debates on the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported.

ADIX ISRAEL HEBREW CONGREGATION.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. 8181) for the relief of the Adix Israel Hebrew congregation; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIMITATION OF DEBATE.

Mr. TOWNSHEND. I move, Mr. Speaker, when the House resumes consideration of the Post-Office appropriation bill general debate thereupon shall be limited to five hours, including the time already consumed in discussion; and on that motion I demand the previous question.

Mr. WILLIS. I ask the gentleman to yield to me to let this House express its will on the amendment to limit the debate to one hour and a half additional to what has already been given.

Mr. RANDALL. The gentleman occupied a solid week on the river and harbor appropriation bill, and here is a bill involving $52,000,000.

Mr. WILLIS. It was not the will of our committee the House occupied the time, as we asked to reduce the time for general discussion. This committee asks to increase the time. We want to pass the river and harbor appropriation bill, and they seem to want to delay their bill.

Mr. TOWNSHEND. I object to this discussion, as I have demanded the previous question on the motion to close debate.

Mr. WILLIS. Then I give notice if the demand for the previous question is voted down I will submit the amendment which I have indicated.

The SPEAKER *pro tempore*. The Chair can only state the motions before the House.

The question recurred on the demand for the previous question.

The House divided; and there were—ayes 124, noes 41.

Mr. BLANCHARD demanded tellers.

Mr. WILLIS. The demand for tellers is withdrawn.

The SPEAKER *pro tempore*. Then the previous question is ordered.

Mr. TOWNSHEND moved to reconsider the vote by which the demand for the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND's motion was then agreed to for the limitation of the debate on the Post-Office appropriation bill in the Committee of the Whole House on the state of the Union to five hours, including the time already expended.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

Mr. TOWNSHEND. Have I not twelve minutes of my time remaining?

The CHAIRMAN. The gentleman has still twelve minutes of his time left.

Mr. HORR. Mr. Chairman, this bill appropriates about fifty-two and a quarter million dollars on estimates made by the Department of $56,000,000 in round numbers. But in the $56,000,000 is included $1,100,000 of the Union Pacific and its branches, an item which is put in the estimates simply as a matter of book-keeping. So really the estimates of the Department are $55,000,000, and the bill attempts to meet the needs of that service with $52,250,000.

As the gentleman from Illinois [Mr. TOWNSHEND] has stated, this bill has incorporated into it a large amount of new legislation, some of it very important and very wise and some of it important and I think very unwise.

It attempts to change the present method of payment of the railroads of the United States for carrying the mails, and proposes to base their compensation upon a new and untried plan, and in doing it the gentleman from Illinois states to the House that in his opinion it will save at 5 mills per linear foot about $600,000, and at the proposed rate, for he intends to amend the bill by fixing it at 4 mills a linear foot instead of 5, it must save $1,500,000.

Mr. BLOUNT. Will the gentleman yield to me for a question?

Mr. HORR. Certainly.

Mr. BLOUNT. I wish to know if the effect of this plan, if there is any saving, will not be by decreasing the compensation of the small roads of the country.

Mr. HORR. I will come to that.

Mr. BLOUNT. And if it is not admitted that in the operations of the bill the great trunk lines will get increase of pay.

Mr. HORR. I will come to that if the gentleman from Georgia will wait a moment. Let me say, however, that I desire to have any one ask me any question as I proceed that may occur to him, because it is a mathematical problem that I am working at, and I hope to make it plain to this House, first, that this new plan instead of decreasing the compensation of the railroads will increase them on the 5-mills basis, and secondly that it is unjust in its distribution and in its application, and as the gentleman from Georgia just intimated by his question, it decreases the pay of the long poor roads and short poor roads that run only six trips per week and puts an excess of pay into the pockets of railroad companies which now get large amounts. I think I can prove this to the satisfaction of every member of this House. If it does that, no one will claim that we should change the plan. I wish to say frankly, however, that this bill came to the Committee on Appropriations with the unanimous indorsement and recommendation of the Committee on the Post-Office and Post-Roads of this House.

We ingrafted this provision into the bill with my assent also, because at that time I thought that it was going to be a great saving, taking as I did the estimates of men who had examined and prepared the bill. But, fearing that there might be some mistake about it, I tackled the plan as best I could, and now, after a large amount of careful study, I think I have been enabled to get at the bottom of this proposed change, and believe I am able to show to the House that this is the last thing in the world that should be incorporated into the bill providing for this service.

The first question arose as to how we can get at the fact whether this bill is a saving or not. If you will take the tables which the gentleman from Illinois has, and I do not know whether he intends to publish them or not——

Mr. TOWNSHEND. I do.

Mr. HORR. If you take those tables prepared by the parties who are in favor of this measure you will find that upon the face of those figures it looks as if there will be a big saving in the future. You will find mathematically it looks very much like a saving of money and a great improvement upon the present plan. But there are men here who remember—the gentleman from New York, Mr. COX, will recollect—that they brought in here a new system from the Census Bureau for figuring out the apportionment in the last Congress which was perfect in its mathematical bearings, but when we came to examine it we found that the result was that it gave more members to States that ought not to have had them and took them away from States that ought to have had them. So the result is what we want to get at in this matter before we change the law affecting an appropriation of about $15,000,000. The real question is, what will be the outcome of this change? How much do the roads get now and how much will they get then?

So I directed my attention to this proposition: What effect will this bill have upon the different railroads of the country if adopted? And to do this I selected at random, I think, perhaps two hundred roads, and with the aid of my friend from Illinois [Mr. ROWELL] we worked out their present compensation and their compensation under this new plan. The result which we arrived at I desire now to give to the House to show what in our judgment will be the effect of this change. I do not propose to show the result in all the two hundred different cases, but in a few cases, selected I trust, so as to fairly illustrate the question here involved, and I hope to be able to show to the House where the difficulty in this bill lies, for it is a mathematical question, and is capable of a mathematical solution.

Take the Lake Shore road from Buffalo to Elyria, through Cleveland. That route runs from Buffalo to a town twenty-five miles west of Cleveland, called Elyria.

It is two hundred and eight miles long. It carries a large mail—89,031 pounds each day. Under the present rate the road from Buffalo to Cleveland gets $1,398.75 per mile. That is the amount it receives per year for each mile of its road measured between the terminal points, Cleveland and Buffalo.

Let me state right here—for some members of the House may not have given it any attention—we pay the roads now by weight per mile of track $200 for the first 5,000 pounds, and then $1 more per mile for every eighty pounds over the 5,000 pounds. Then, in addition to that, roads that furnish post-office cars get for a car forty feet long $25; for a car forty-five feet long, $30; for a car fifty feet long, $40; and for a car fifty-five long, $50; and for a car sixty feet long they get $55, if my memory serves me aright. Understand me; they get those sums for these post-office cars in addition to the amounts paid for weight just named.

Now, as I said, from Cleveland to Buffalo, one hundred and eighty-three miles, they get $1,398.75 a mile; from Cleveland to Elyria, twenty-five miles, they get $1,434.37 a mile. That is, that route now pays that railroad company $279,063.65 for the whole year. Now let us see how much they will receive under the new plan, allowing them 5 mills per linear foot for the car space now used. This bill, you will see, allows 5 mills per linear foot for each mile run, and all roads carrying less than 500 pounds of mail can not use more than thirteen linear feet in a car. It may carry that amount in a less space, in which case they would get less pay. But they can not go above it. For a daily average of 500 pounds to 1,000 pounds they get not to exceed fifteen feet; from 1,000 pounds to 2,000 pounds, not to exceed twenty-five feet; from 2,000 pounds to 4,000 pounds, not to exceed forty feet; from 4,000 pounds to 5,000, not to exceed forty-five feet; for 6,000 pounds, fifty feet; for 8,000 pounds, sixty feet.

Right here let me make this statement in addition. The above rates are for a speed of twenty miles an hour. For every two miles of speed per hour in addition this bill gives them an increase of one-tenth of a mill per linear foot. For twenty-eight miles per hour five mills and four-tenths of a mill would be the rate per linear foot. After it gets above thirty miles then one-tenth of a mill for every single mile is added. But the subcommittee, the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. HOLMAN], propose to cut out the last increase, so that as they propose now to amend the bill it will only give one-tenth of a mill for every two miles from twenty up to forty miles an hour.

Now, then, let us get back to our illustration. Under this new plan, as the bill was reported by the committee and as it now stands, this Buffalo and Elyria route would get $301,529.35 for the entire year. That is a gain of $22,465.75 over the present pay. Under the new plan they will get $1,487.05 a mile from Buffalo to Cleveland and $1,683.11 per mile from Cleveland to Elyria. At 4 mills per linear foot, which is according to the proposed amendment, there will be a loss to this road of about $21,000 a year.

Take the road from Charleston to Savannah. This road is one hundred and fifteen miles long. It carries 7,194 pounds of mail per day. At present it gets $259.09 per mile. It gets a total during the year of $29,795.35. Under the new plan, at 5 mills, it would get a gain of $6,001.85. Under the rate of 4 mills instead of 5 per linear foot it would gain only $426; so that the 4-mill rate brings that road down to about the same that it is getting now.

Take the road from Atlanta to Chattanooga, a distance of one hundred and thirty-eight miles. That road carries a daily average of mail of 8,067 pounds. It has a speed of twenty-four miles per hour. Their present pay is $293.49 per mile. They get now a total of $30,549.56 per year. Under the new plan, at five mills and two-tenths of a mill for twenty-four miles speed, they would get $37,194.26; a gain of $6,644.70.

Mr. BLOUNT. I presume in that comparison the amount under the present law is not only for the weight but for postal-car service too?

Mr. HORR. It is the amount all together.

Mr. BLOUNT. All included.

Mr. HORR. It is the amount all together. In all these cases I give the total amount each road gets for weight and postal cars.

Mr. BLOUNT. I supposed you did.

Mr. HORR. If you should reduce it to four mills and two-tenths, that road would get $2,430 less than it gets now.

Again, take the road from Milwaukee to La Crosse. They have a daily average of 35,167 pounds of mail, and run a distance of one hundred and ninety-eight miles, at a speed of thirty-four miles per hour. Their present pay is $868.34 per mile. They get in a year $132,296.30. Under the new plan they would get $170,480.70, or a gain of $38,184.40. At the 4-mill rate they would still make a gain of $4,505.86.

Take the Michigan Central road from Detroit to Chicago. I give this large number of instances in order that you may see that the outcome is the same in substance, and so as to have cases enough to get at the principle. That road gets now $360.83 per mile for a distance of two hundred and eighty-five miles and runs thirty miles per hour. They get $102,836.55 a year. At 5.5 mills a linear foot they would get $120,013.50—a gain of $17,176.95 to that road. It would be a loss, if you reduce it to 4.5 mills, of $4,643.16. Understand me, this bill as now proposed by the committee would give this road that amount less than it receives under the present law.

Take the route from Elkhart to Chicago. That road carries on an average 63,780 pounds daily. The distance is one hundred and one miles; speed twenty-eight miles per hour. The pay now is $912.83 a mile. Under the new plan, at 5.4 mills, they would get $1,143.85 a mile, and the total would be $115,518.85 as against the present total of $92,185.83; a gain of $23,333.02 over the present plan. At 4.4 mills per foot this road would still gain $11,790.64.

The route from Columbus to Cincinnati would gain by the new plan $9,986.40 at the 5-mill rate, and at the 4-mill rate would lose $530.40.

Now take the road from New Orleans to Cairo; that is a long route—five hundred and fifty miles. It carries a daily average of 4,317 pounds and runs twenty-four miles per hour. At present that road gets a low rate, only $185.74 per mile. At the new rate, 5.2 mills, they will get just about what they get now; but if you reduce the rate to 4 mills instead of 5, then there will be a loss to that road of nearly $27,000 a year.

Mr. BLOUNT. Have you the figures for the Pennsylvania Central?

Mr. HORR. Yes, sir. I have just received them; but I have not had time to look them over.

Mr. ANDERSON. Will the gentleman [Mr. HORR] state whether he has got the figures for the Pacific railroads?

Mr. HORR. I am now coming to them. Take the road from San Francisco to Ogden, which is one of the Union Pacific system. The length of line is 834 miles; speed, 20 miles per hour; average weight of mail per day, 20,046 pounds. It now gets on 784 miles $381.74 a mile, and on 50 miles, a short route from San Francisco to some other city, it receives $406.74 a mile. The total amount is $319,621.16 per year. Now, mark; on this plan, at 5 mills, this road would get only $219 a mile on the 784 miles distance, and $438 per mile on the 50 miles. It would get only a total of $193,596 for the year as against $319,621.16 under the present law.

That is a total loss of $135,762.16. Then the bill comes in and undertakes, in spite of the charter of the Union Pacific Railroad Company, to cut that amount down, and say that it shall have only 80 per cent. of that sum, which will reduce the amount $38,719 more, making a total loss of $174,481.36, and if you should make the reduction to 4 mills, as is now proposed, then they would get only $123,901.44 where they now get $319,621.16, so that they would then get a large sum less than half the amount they get now. The route from Omaha to Ogden, a distance of 1,034 miles, carrying 29,665 pounds of mail daily, is in almost the same position. They get now for 374 miles $509.34 per mile, and for 660 miles $484.34 per mile; making, for the entire 1,034 miles, $477,091.56 per year. Under the new plan at 5 mills there would be a loss there of $53,638.54, and 20 per cent. more off would make the loss $138,329. At 4 mills they would get only $340,423.82 as against $477,091.56, a loss of $136,667.74, to which add the 20 per cent. reduction made by this bill on account of its being a land-grant road, and the loss would be $204,751.90 a year.

Mr. MONEY. Will the gentleman permit me to ask him a question?

Mr. HORR. Certainly.

Mr. MONEY. I have heard frequent mention in the gentleman's remarks of a reduction to 4 mills; is there any proposition of that sort here?

Mr. HORR. Mr. TOWNSHEND gave notice that the committee had agreed to recommend a reduction from 5 to 4 mills.

Mr. MONEY. It is not in the bill.

Mr. HORR. It is not in the bill yet; but it will be when the committee comes to amend it; that he will offer as an amendment proposed by the committee.

Mr. RYAN. What committee proposed that?

Mr. HORR. It was done by the subcommittee, but with the authority of the full committee. The full committee authorized the subcommittee to amend the bill as to this new plan as we might consider best.

Mr. RYAN. But there has been no ratification of that action?

Mr. HORR. No; there has been no ratification of it. My plan—there is no secret about it—was to strike this new plan all out. The other members of the subcommittee undertook to evade the increase of pay, the irregularities and discrepancies of the bill, by putting in "4" mills instead of "5," I suppose because they became convinced that the very roads which under the present plan get a good deal would get very much more under the new plan if the rate should remain at 5 mills.

Now, Mr. Chairman, I want to state this proposition, and I am sorry that the gentleman from Illinois [Mr. TOWNSHEND] is not now in his seat, but I observe that the gentleman from Indiana [Mr. HOLMAN] is. I affirm that under this new plan every road that runs only one trip a day, six or seven trips a week, no matter whether a long or a short route, I do not care where you find the road, nor what may be the amount of mail that it carries, it will be cut down by this bill. Most of the roads which run only one trip a day carry but a few pounds of mail. On the other hand, wherever you find a road that makes a large number of trips per week this bill increases its compensation, and gives every such road a good deal more than it gets now. If you will figure it out you will find that the result is invariably the same. The lowest that any of the roads (with the exception, perhaps, of half a dozen one-horse roads) get now is $42.75 per mile. The law gave at first $50 per mile to roads carrying from twenty-five to two hundred pounds per day. Afterward that was reduced 10 per cent. And then still later another reduction was made of 5 per cent. on what the railroads then received, which leaves a large number of routes paying only $42.75 per mile per year.

Some gentlemen are asking me for the New York Central and Pennsylvania Railroads. I am sorry I did not get these reports earlier, because I do not know that I can master them here in the limited time I have at command, but I see at a glance enough to justify me in making this statement—the roads running from New York city to Philadelphia, and the road from New York city to Buffalo, the New York Central.

I find that the new plan largely increases the compensation that those roads now get; but I can not give exact figures without more time to examine them; but you will find they are no exception to the rule laid down, and I will show you why in a moment—I will demonstrate that this plan increases the pay on account of the increased number of trips, while every railroad that only makes six or seven trips a week is slaughtered. Thus the bill strikes a blow at the Southern and Western roads, while it is a regular "bonanza" for the great Eastern lines. It is scriptural in the extreme, as it verifies the statement that "to him that hath shall be given and from him that hath not shall be taken away even that which he hath."

Mr. TILLMAN. Will the gentleman be kind enough to state whether the Treasury of the United States, as well as the weak roads, will have to respond to make up the "bonanza" for these larger roads?

Mr. HORR. In my judgment—I have to run counter to the experts who have figured on this matter, but I have made the best estimate I can—I think that this rate of 5 mills, instead of saving a million of dollars to the United States Treasury, will make the cost of railroad mail transportation a million and a half dollars greater than it now is; and every dollar which the Government thus loses will go into the treasury of the roads, which now receive large sums for carrying the mails.

Mr. TILLMAN. Besides robbing the poor roads.

Mr. HORR. Under this bill all the roads that now receive $60 per mile or less will be cut down to $35 per mile, or rather $40, as the other members of the subcommittee now propose to make it. It looked so terrible, when they came to think it over, that they have decided to change their figures in the bill; instead of striking out the plan altogether they propose to strike out $35 and insert $40. But the result will be that every road in the United States now getting not more than $60 a mile will be cut down to $40, except the roads running two trips a day, making twelve to fourteen trips a week; and these will be held up just about where they are now.

Now, what is the trouble with this new plan mathematically, practically? It is not a very abstruse proposition. If I had a blackboard I could make the matter plain in a few moments, but perhaps I can get along without that. This bill proposes to pay 5 mills, and when amended will pay 4 mills for every linear foot occupied in the car until you get up to the full car, and then the price is still the same, so much a linear foot for car run. This is the wording of the bill; it was intended to be the wording of the bill. Consequently the road gets this pay for every single mile run, and if it makes fourteen trips a week it gets twice as much pay as when it runs one trip a day, whereas under the present law the mail may go over the road twenty times in one day, and the company will not get anything extra, unless it carries more pounds of mail or takes more post-office cars, which are paid for at so much per year per mile of track.

Consequently, under this new plan all roads making a few trips will get small results, and a large number of trips give large results; and, therefore, roads that carry but little mail and go through sparsely populated portions of the country, where the passenger business does not warrant running more than a train a day or six trips a week, will be compelled to do the work for less than they do it now; and these very roads do it now, as I shall presently show, for a great deal less than it is worth.

At the same time this plan gives increased compensation to the rich roads, whose treasuries are already filled by their large outside work and this Government pay besides. These roads which use from one hundred and fifty to three hundred linear feet of space get the same price per foot as those using only twenty to thirty linear feet; in other words, it pays retail prices for wholesale work.

I do not claim that these roads get any more than they earn. This bill seems to be in the right direction. It takes into account space, weight, speed, and frequency, and these elements one would think ought to be taken into account; but the difficulty is that it overlooks this great fact—that where roads carry enormous quantities of mail and make an enormous number of trips, they can afford to receive less per linear foot per mile than roads that make but one trip each day and use but small space. Consequently this bill is in the interest of corporations that do not need help, while it sacrifices the poorer roads that can not afford to be cut down.

Mr. WARNER, of Ohio. I suppose when the gentleman speaks of "roads that do not need it," he means roads that can not afford to carry the mails at the compensation proposed.

Mr. HORR. Yes; roads which are now carrying the mails for less than the service is worth, but which are compelled to do the work because it accommodates their customers all along the line.

Mr. ANDERSON. I would like the gentleman to give his opinion about the aggregate under the 4-mill plan. He has said that the 5-mill plan would cost a million and a half dollars more than the present cost. What would be the aggregate under the 4-mill plan?

Mr. HORR. My impression is that the 4-mill plan would save the Government considerable money.

Mr. ANDERSON. A million or two?

Mr. HORR. Perhaps a million or one and a half millions. It would leave the roads which get large pay now with little change; but it would take all this saving out of the roads that the 5-mill plan reduces; in short, it will compel the roads that get small pay now to take still less, and will leave the great New York, Pennsylvania, and Eastern roads generally about where they now are. To be local in the statement, it will reduce the pay of the roads long and short in the sparsely populated West and South, and will increase or not affect the pay of the thickly settled Eastern and Middle States.

The question now arises as to whether this railroad service is too high. Are we paying an unreasonable amount for this work to-day? If we are, then it should be reduced; if we are not, then we should appropriate the necessary amount and stop there. I shall now attempt to show that this railroad service is not at the present time getting any such compensation as we have been led to believe. I ask members to give me their close attention, because I would like to disabuse the minds of the men here who think these roads are getting enormous prices for their work at this time. I have taken a good deal of trouble to ascertain and figure out just what several roads do get for carrying the mail as compared with their other work.

The mails are carried on passenger trains; fast trains. This is as it should be. People can not get their mails too soon. Let us examine a few routes and see what the compensation is. Take the route from Bowling Green, Ky., to Memphis, Tenn., two hundred and sixty-two miles; it carries 7,693 pounds of mail per day, receiving $199.22 per mile. This is the amount of pay the road would receive for carrying eleven passengers the same distance at 3 cents a mile. Understand me, eleven passengers running over that road the entire distance would pay just the same amount of money that this road now gets for carrying the mail. But they furnish space for the mail which would suffice for sixty passengers. They carry the weight of fifty-three passengers, and yet only get pay for eleven passengers.

Take the road from Portland to Wallula, in Oregon; they carry 6,596 pounds of mail. They get $187.25 per year per mile of track. That is, they get pay for carrying the mail, which is less than nine passengers would pay for the same distance. Understand me, nine passengers riding where the mail passenger now rides would bring more money than the railroad gets for carrying him all this 6,596 pounds of mail a mile. They furnish space for nineteen passengers. They carry the weight of forty-five passengers, and only get the pay for about nine. Is that extravagant pay?

Mr. WEAVER. How much would it be putting it on the basis of steers?

Mr. HORR. We could not do that; steers do not occupy the place of passengers—do not go thirty miles an hour. No man will claim that the mails should be carried at the rates paid for heavy freight on slow trains. Again, the road between Atlanta and Chattanooga gets $293.49 a mile. They get pay for less than fourteen passengers. That road furnishes space for the mail, which would carry one hundred and twenty

passengers, and carries the weight of sixty-one passengers, and only gets the pay for fourteen. The road from Springfield, Mo., to Memphis, Tenn.—two hundred and eighty-six miles long—that road runs seven trips a week, and it gets now $72.86 a mile. When I say seven trips, I mean over the road and back seven times a week. Four passengers over that road would bring more money than they now get for carrying the entire mail.

Mr. ROWELL. You mean four passengers per trip?

Mr. HORR. Certainly. At 3 cents a mile. I take it for granted it would be 3 cents a mile. There are no roads in the Southern States where they carry passengers for less than 3 cents a mile, are there?

Mr. AIKEN. None.

Mr. HORR. The roads do this mail work in the South for about the amount that would be paid for carrying three passengers, and they furnish the space for from ten to sixteen and carry the weight of from five to seven. Now take the large road from Buffalo to Cleveland. We will allow only 2 cents a mile there. Sixty-two passengers would pay for what they get for carrying the mails. They furnish a space that would accommodate over five hundred passengers, and they carry the weight of five hundred and thirty passengers and only get the pay for sixty-two passengers. You see the large roads figure that way because they carry an enormous amount of weight, this road averaging daily over 89,000 pounds, which figures up faster for them than for the small roads.

The road from Washington to Evansville carries only one hundred and twenty-six pounds of mail, for which it gets $42.75.

I wish you would look to this carefully, because this applies to the small roads all over the country. They get the pay now for just two passengers, that is, on nearly half the railroad routes where the mails run two passengers would bring the roads as much as they now get for carrying the mails. They carry a weight of from two to eight passengers over these small roads, and they furnish a space of from six to ten and sometimes as high as eighteen. But none of them get any more per mile than would be paid for carrying two passengers over the route. That is to say, these railroads furnish from six to thirteen linear feet of space; under this bill they can not go above thirteen. Some furnish as low as six. A linear foot is a space one foot long and the width of the car. These small roads furnish apartments of different dimensions. Six by twelve is a common room, but I reduce them all to the equivalent of linear feet, which is one foot by eight and one-half feet, or eight and one-half square feet—but it amounts to that when figured. Now, the roads to-day which get $42.75 only get the pay for carrying two passengers, and they carry one, the post-office messenger. So they furnish—now mark you—they furnish this space, run the car, heat it, light it, deliver the mails to the post-offices on the route and bring it from the post-offices back to the cars unless it is over a quarter of a mile distance, and for that whole work they can only get what they would get for carrying one passenger.

Mr. RYAN. Two passengers.

Mr. HORR. No; they carry one man, the post-office messenger. They get what one passenger would come to, and this bill steps in and takes out of that class of roads a million of dollars.

Mr. ANDERSON. Will the gentleman permit me to interrupt him?

Mr. HORR. Certainly.

Mr. ANDERSON. Have you made any comparison between freight and passengers?

Mr. HORR. I have not, nor would it be fair to do so. I have, however, compared it with rates received by railroad companies from express companies, and it is less than one-half what the express companies pay the railroad companies.

Mr. ANDERSON. Well, then, it ought to be divided by about four to get it down under the limits of grand larceny according to the rates in my part of the country. But the small roads get this rate for carrying this mail in the baggage-car.

Mr. HORR. Yes; the mails are carried in the baggage-car on the routes which carry but little, but the car is run on the passenger train and run at the same speed as passengers. I do not care how you figure it, if you will be accurate you can not help seeing that the small roads are inadequately paid.

Mr. BLOUNT. I would like to ask the gentleman a question in this connection.

Mr. HORR. Certainly.

Mr. BLOUNT. Is it not conceded that on the great trunk lines, the larger lines of road, there is an increase of pay by this provision?

Mr. HORR. Yes; it is so conceded by the commission who placed the rate at 5 mills per foot.

Mr. BLOUNT. Is there any dispute in the committee that on a few of the lines where the largest mail is carried there is a considerable increase?

Mr. HORR. There is no doubt about it whatever under the 5-mill rate, and under the 4-mill it is about even; some of them would get considerably more and some get less than now.

Mr. BLOUNT. But on the largest is it not true that there is an increase even under the 4-mill rate? I understand my friend to say that on the Pennsylvania Central, which is one of the largest in the country, there is an increase?

Mr. HORR. Yes, sir. And so there would be on the road from New York to Philadelphia, and also over the New York Central.

Mr. BLOUNT. Then if there is an increase on the larger lines there must be a decrease somewhere.

Mr. HORR. Undoubtedly. I have tried to state with mathematical exactness that this falls heavily on those roads that run but six or seven trips a week.

Mr. BLOUNT. I am agreeing with the gentleman, for it seems to me the conclusion is inevitable.

Mr. HORR. There is no doubt about it in the world. That is just what I am trying to demonstrate here; there is no other conclusion that can be reached.

Mr. TILLMAN. Will the gentleman yield to me for another question?

Mr. HORR. Certainly.

Mr. TILLMAN. At present the law provides for what is known as the fast-mail service of the East, West, and South. In our sparsely settled country in the South that fast mail saves at least one day in business. How will this bill affect that fast-mail service on our roads?

Mr. HORR. As the bill came to us from the Committee on Post-Offices and Post-Roads it provided for fast mails by permitting the Postmaster-General to add 50 per cent. to the regular rates for securing that service to which the gentleman alludes. That was a permission which could be extended over the entire United States in the discretion of the Department.

I opposed that provision, because I thought the latitude was too great, and suggested to our subcommittee that it would be better to strike out that clause and leave in the $250,000 which we appropriated for that purpose as being a much safer and more feasible plan. They agreed with me, and so we struck out the 50 per cent., but when we got to the $250,000 they struck that out also. [Laughter.] So that we have now nothing whatever in this bill for the fast-train service referred to by the gentleman from South Carolina.

Mr. TOWNSHEND. Does the gentleman from Michigan say that there is nothing to give an inducement for the fast-mail service to these railroads?

Mr. HORR. For what is called the daily fast-mail service, for which we gave $250,000 last year, there is not a shilling of provision made in this bill.

Mr. TOWNSHEND. But does not the gentleman admit that the provision which proposes an increase of one-tenth mill for each two miles additional speed over the ordinary rate of twenty miles per hour is an inducement to the roads to increase their speed?

Mr. HORR. The gentleman will bear me out in this, that that amounts to but a small part of what the roads get for carrying this fast mail. I will tell you what the exact amount is, and then I will show you why this bill does not cover this fast service which we were talking about at all.

Under the present law the road from New York to New Haven gets $17,647.06; the New York Central and Hudson River road gets $25,000 out of the $250,000. These are the only two roads in that section of the country that get anything. Then comes the Wilmington and Baltimore road, $20,000; Baltimore and Potomac road, $21,900; Quantico and Richmond, $17,419; Richmond to Petersburg, $14,197.50; Petersburg to Weldon, $11,680; Weldon to Wilmington, $29,565; Wilmington to Florence, $20,075; Florence to Charleston Junction, $17,337; Charleston Junction to Savannah, $19,062; Savannah to Jacksonville, Fla., $30,358; and the line put on last year from Baltimore to Hagerstown, $15,758.

Now, I wish my friend from Illinois to give me his attention, because he undertakes to make us think that this bill provides for this same fast service. True, this bill allows one-tenth of a mill for every two miles of speed run over the ordinary rate of twenty miles per hour, so that if a road runs forty miles an hour it would get 1 mill extra; that is, 5 mills instead of 4 per linear foot.

Mr. MONEY. Five mills for thirty miles, is it not?

Mr. HORR. No; it is five-tenths up to thirty, and 1 mill up to forty.

Mr. MONEY. Yes; one-half a cent up to thirty.

Mr. HORR. No; one half a mill up to thirty.

Now here is the difficulty: When you add that speed on these roads, all except these two Northern roads, and figure their pay, you will find at 4 mills they will still get less than they are getting now for carrying the ordinary mails. You will cut them down to this point; and still the gentleman says we are providing for this fast mail when these roads will not get as much for carrying it at forty miles an hour as they now get for carrying it at the ordinary rate of speed.

I hope the gentleman will explain then how this bill provides for special fast mails.

Mr. TOWNSHEND. I neglected a moment ago to call the gentleman's attention to another additional element which enables the roads under the new system to get larger compensation than under the old; and that is the element of frequency. The figures the gentleman from Michigan gave me the other day as to the Charleston and Savannah road, which is one of the longest in the southern line of special mail-facility roads, were that under the old law that road got $259.09 a mile, but

under the new law they would get $321.20; a gain of $62, without one single dollar of appropriation for special mail facilities.

Mr. HORR. Certainly; but you have cut that down one mill, and so cut out the very money you are talking about.

Mr. TOWNSHEND. I know that. But the additional appropriation is produced by two elements—speed and frequency—and that road, according to the gentleman's figures, gets $62.11 more than under the present law.

Mr. TILLMAN. I ask the gentleman from Illinois [Mr. TOWNSHEND] is not that estimate based on the assumption that the road makes two round trips a day?

Mr. TOWNSHEND. Yes, sir; that is what they do make under the present arrangement.

Mr. TILLMAN. That is in consequence of their being paid to run one fast mail train a day. If you stop what is known as the fast mail on the poor roads that do not make but seven round trips a week, I would like to know what inducement the railroad companies would have to make two trips.

Mr. HORR. I hope the gentleman will hurry.

Mr. TOWNSHEND. I will answer the gentleman from South Carolina, if I am permitted to do so. I have mentioned the inducement we give the roads—an additional compensation for every two miles of speed above the ordinary rate of twenty miles an hour. And then there is the frequency of carrying the postal cars over the line, which, as the gentleman from Michigan [Mr. HORR] figured it out, on the basis of 5 mills, will give the Charleston and Savannah road $62.11 per mile per annum over and above the present compensation.

Mr. HORR. Now, if the gentleman from Illinois will give his attention, I will show him where he fails mathematically. This road now gets $259.00 a mile. If you figure on the basis of 5 mills, then it will get $321.20. That is, they would have gained under that rule $6,001.85. They now get $19,000 for fast-mail service. But you have cut down the rate per foot to four mills and five-tenths of a mill for speed. So that at that rate, adding the speed, they will get only $262.80 per mile. And if the bill passes they get just about the same as they are getting now, and have not a shilling to carry the mails with on the fast trains, just as I stated in the start. It is a matter of arithmetic, and the gentleman from Illinois knows very well that when he struck out the 50 per cent. discretionary power given the Postmaster-General in the bill proposed by the commission he purposely failed to provide for this special fast-mail service.

Mr. TOWNSHEND. I want to say to the gentleman from Michigan his arithmetic is wrong. In the first place his figures are wrong. I made an investigation last night from the tables accompanying the report of the Superintendent of the railway mail service. He has estimated the amount of the present compensation per mile for that road considerably higher than what it is. The figures show it amounts to only $212.06 under the present law.

Mr. HORR. The gentleman is mistaken. I took my weights carried from the Postmaster-General's report, and my calculation is correct.

Mr. TOWNSHEND. I took mine also from the Postmaster-General's report; but you have made a mistake in your figures.

Mr. HORR. The book is right here, and I can show the gentleman that my calculation is correct.

Mr. TOWNSHEND. Allowing for postal-car service and present weight, it amounts to only $212.06. The gentleman from Michigan says on the basis of 5 mills a mile it amounts to $312.20 under the law; a difference of about $110 a mile.

Mr. HORR. Will not your bill, when amended, cut down the rate?

Mr. TOWNSHEND. Our bill will cut it down one-fifth, and with that cutting down they still get $100 a mile more.

Mr. HORR. I beg the gentleman's pardon. His results are not correct. I have been interrupted, Mr. Chairman, and I desired to be; but I trust the committee will allow me to complete my remarks. My time must be nearly exhausted.

My friend from Kansas [Mr. ANDERSON] seems very anxious to have me talk longer about the big roads which have frequent trips. By one of these rates they will gain a little. By the 5-mill plan they will gain a good deal. Of the Western roads through the gentleman's State, the Santa Fé road will lose largely by this bill. The Union Pacific lines will lose, as I have shown, several hundred thousand dollars if this bill becomes a law. It takes the money away—and that, I know, will please my friend from Kansas—from the Gould roads. But how would he like to have it put it into the pockets of the Vanderbilt system?

Mr. ANDERSON. I think the gentleman did not understand my question. He has given us some interesting statistics in regard to several roads, and stated he would give us the statistics in regard to the effect of these several propositions upon the leading trunk lines. Now I am very anxious or at least desirous to hear those statistics showing what effect this will have on the Vanderbilt system, the Gould system, the Chicago road—all those big fellows.

Mr. HORR. I have shown the facts already.

Mr. ANDERSON. What I want is the statistical statement as to those roads.

Mr. HORR. I am compelled to say to my friend from Kansas that the report of the New York Central has just reached me, and it is not in such shape that I can state exactly the results.

Mr. ANDERSON. All right.

Mr. HORR. But I do know philosophically, mathematically, that it will increase the compensation of that road enormously at the 5-mill rate and considerably at the 4-mill rate. It must do so on account of the great number of trips made over that line. I know that wherever a road makes only one trip a day, six trips a week, this plan will be ruinous to it.

Mr. ANDERSON. I want the figures. That is what I am after.

Mr. HORR. I have given enough figures to establish the principle. But, Mr. Chairman, there are some other features in this bill upon which I desire to make some comment. I am in favor of continuing the fast-mail service through that sparsely settled country in the South.

Mr. TILLMAN. If the gentleman will permit me a suggestion I will remind him that the poor roads through the sparsely settled portions of the country will be compelled to make two trips a day if they are to carry a fast mail, because their local business compels them to stop at every depot. With the pay heretofore given for fast-mail service they have been able to run a fast-mail train.

Mr. HORR. Certainly. I say that under this bill you will get no fast mail in that part of the country, and moreover it was not the intention that you should.

Mr. TILLMAN. That is my understanding of it.

Mr. HORR. There can not be any doubt about that.

Now, Mr. Chairman, in order that gentlemen may understand and appreciate the importance of this bill I wish to submit a few more figures. The whole number of railroad mail-routes in the United States is 1,634. The number of routes that receive less than $43, or $42.75, is 605. The number that receive less than $51 is 168. Therefore this bill reduces 773 routes down to $35 per mile, though the committee tell me that they are going to raise it to $40 per mile. Every road now receiving $80 per mile will get only $35 or $40 under this plan, except a few that make over seven trips a week. There are only 861 routes that get over $81. If this bill now stands at 4 mills per foot one-half of those will get about what they are getting now. Those are the large routes, which are now getting pretty good pay. The smaller routes will be reduced. So that nearly every dollar saved by this bill will come out of the poor railroads that are now getting for carrying the mail no more than they get for carrying one passenger, for they carry a railroad mail-clerk all the time anyway.

Mr. TOWNSHEND. Will the gentleman permit me to ask him a question? How much less would the majority of the small roads get under this bill than under the present law?

Mr. HORR. If you put in your amendment of 4 mills and of $40 the small roads will get $2.75 less. But there are over three hundred roads that get between that and $80, every one of which your bill will cut down to $40.

Mr. TOWNSHEND. But a majority of the roads get only $42.75.

Mr. HORR. Yes; a majority of the small roads get only $42.75.

Mr. TOWNSHEND. And some of them do not get as much as $35 under the present law.

Mr. HORR. Only a half-dozen or so, which does not amount to anything in the discussion of this bill. To the roads that now get $42.75 this bill proposes to give $40; but there is a large number of roads that get from $50 to $80 which this would cut down to $40; also roads that carry now four hundred, five hundred, six hundred, seven hundred, or eight hundred pounds of mail.

[Here the hammer fell.]

Mr. RYAN. Mr. Chairman, if I can be recognized now I will yield a portion of my time to the gentleman from Michigan [Mr. HORR] to enable him to finish his speech.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] is recognized.

Mr. RYAN. I yield so much of my time to Mr. HORR as he may need to finish his remarks.

Mr. TOWNSHEND. Mr. Chairman, if the gentleman will permit me, I will say that the commission that was appointed by the Post-Office Department to prepare this bill made the minimum limit $35. We have raised that minimum limit to $40 a mile. It is true that we have lowered the rate per mile from 5 to 4 mills, but that does not affect these roads. This $40-limit protects all those roads, and we have raised the limit from $35 to $40. I wished to make that statement in justice to the committee.

Mr. HORR. If $42.75 is such a meager amount, such a mere pittance, for the service now, why do you propose to cut it down at all?

Mr. TOWNSHEND. In reply to that, Mr. Chairman, I will say that I do not think that $42.75 is a very meager pittance for the amount and character of the service. Furthermore, we leave open the opportunity for these small lines, as they grow and as the business of the country through which they pass grows, to get a higher compensation than $40 per mile.

Mr. HORR. Mr. Chairman, having, as I believe, shown clearly that the present plan of compensating the railroads for their service had better be adhered to, at any rate until we can devise a plan that will be better understood than this new plan seems to be, and having also

shown that the roads are now doing their work at a low price, I desire now to speak briefly of some of the other provisions in this bill.

In the first place, the committee here cut down the estimate for the railway clerks. They have cut down that appropriation until it is wholly inadequate for the service during the next year. There are now 56 of those clerks who get $1,400 a year; there are 519 that get $1,300; there are 518 that get $1,150; there are 1,408 that get $1,000; and there are 800 that get from $900 down to $810, and there are 740 that get from $800 down to $100, but 497 of those get $800 per year. Under the provision of the law the maximum salary of these clerks is fixed. I believe, Mr. Chairman, that the worst thing that this country can do, or rather the worst thing this House can do for the country, is to cut down the mail clerks and cut down their salaries, because they are really the key to the whole railroad-mail system.

I know that my friend from Indiana [Mr. HOLMAN] differs with me as to the amount that these clerks should receive. I am frank to confess that I prepare a bill of this kind with different feelings, different emotions, from my friend from Indiana. We view this work from different standpoints, we carry into it different habits of thought, different notions of public duty and public expediency. The question which always occurs to me when I am preparing the appropriation for so important a service as this is, first, what is the work that we call upon these men to do; second, what salary will procure for the Government the best and most perfect service? It is not only arduous work, it is dangerous work these railway clerks are asked to perform. If my memory serves me right, seven of these railway postal clerks have been killed by accident within the last year; about fifty of them, perhaps, have met with injuries more or less severe. Yet, when we come to form the appropriation bill for the payment of these clerks, my friend from Indiana insists that they get too much pay for their work.

Mr. TOWNSHEND. Did I understand the gentleman to state that we had cut down the amount of appropriation for postal railway clerks?

Mr. HORR. Yes; it is cut down below the estimate.

Mr. TOWNSHEND. Not below the appropriation for the present year?

Mr. HORR. Certainly not.

Mr. TOWNSHEND. We give an increase of nearly $200,000 upon the present year.

Mr. HORR. But that increase is so small as absolutely to prevent—and the gentleman from Indiana intended to do it; he will not disavow it—to prevent these clerks from getting the amount of pay that the law allows them. But, as I was saying, while I always ask the question, "What is this service worth?" my friend from Indiana always seems to be asking "Is it not possible to get some fellow to do this job for a few cents less? Can we not cut off 5 cents from each of these men and yet not touch the starvation point?" [Laughter.]

Now, the appropriation for railway clerks in this bill is so small that you can not pay the present service of the men now engaged at the salaries fixed by law.

Mr. BROWN, of Pennsylvania. That is practical repudiation, is it not?

Mr. HORR. There have been built this year 6,000 miles of new railroad upon which this service ought to go.

No more faithful men live than these hard-worked railway clerks, and of all the men in the public service they are the last who should be reduced in this way.

Mr. Chairman, the next reduction I will call the attention of the House to is the star-route service. In this item there is a reduction of—$200,000, is it not [turning to Mr. TOWNSHEND]?

Mr. TOWNSHEND. On the estimates; not on the appropriations of last year.

Mr. HORR. I am talking about the estimates—the amount the men who have this work in charge say is needed to meet the proper demands of that branch of the postal system.

Now, an increase of the railroad service does not, as a person might at first think, decrease the star-route service. It is assumed by some people that as we increase service by rail the service by horses diminishes. But this assumption is not true; it overlooks the fact that when you run a railroad through a country intersecting post-routes come into existence by the dozen from little towns springing up all over that section of the country. Thus the increase of the star service always keeps pace with the railroad service. And this bill is so drawn as to prevent the natural increase of the star-route service in these sparsely populated places. The people living in these towns need their mail—their letters and their newspapers—just as much as those who live in the large cities. These horseback mails should be provided for with the greatest care. They reach the pioneers of this country, the men who crowd our civilization out into the wilderness, perhaps only once a week, but that once a week is a good deal to those brave, hardy people. I would provide amply for this service. This bill lacks $200,000 of doing that.

Again, the Committee on Appropriations has cut down the estimate for carriers something more than $400,000. I did everything I could to prevent it. At the last session we had this same fight in this House.

Mr. TOWNSHEND. The gentleman will allow me to correct him. We have cut down the estimate only $50,000, and we have given for letter-carriers $50,000 increase on the appropriation of last year.

Mr. BINGHAM. The estimate is four and a half million of dollars.

Mr. HORR. The committee has cut down the estimates for the letter-carriers $435,000. Now, this work, as everybody understands, is done by men who labor as faithfully and work as hard as any men in the United States. The amount which the committee propose to appropriate is more than $200,000 less than is needed to keep the service right where it is to-day.

Mr. TOWNSHEND. I know the gentleman does not want to do injustice to his own committee, and I wish to show that he is mistaken. The amount asked for letter-carriers and free-delivery service was $4,100,000. We have given $4,050,000—a reduction of only $50,000 below the estimate of the Department.

Mr. HORR. The gentleman is mistaken. I can not see how you can claim any such thing.

Mr. TOWNSHEND. In this connection I wish to state that the expenditure last year for this service was only $3,504,000. We increase the appropriation for the next year half a million dollars above the expenditure of last year.

Mr. BINGHAM. If the gentleman from Illinois [Mr. TOWNSHEND] will read his own report he will see that the Department asks for $4,535,000 for the letter-carriers and expenses of free-delivery system, while this bill recommends an appropriation of only $4,100,000.

Mr. TOWNSHEND. I admit the gentleman's correction as to the estimate; but we give over $500,000 more than was expended during the year ending the 30th of last June. I was mistaken about the estimates.

Mr. HORR. I do not like to take so much time; but since the gentleman has brought up this letter-carrier business, and seems so strenuous about it, let me give him some exact information. There are now 2,236 carriers, at $1,000 a year; 1,084, at $850; 333, at $800; 684, at $600; making 4,337, who receive in the aggregate $3,834,200. Of the 684 receiving $600 each now, 337, under the act passed a few years ago, will receive an increase up to $800 per year, which will take $75,400; and 307 will be increased to $850 each, making $76,750. Three hundred and thirty-three go from $800 to $1,000 a year, which takes $66,600. Then add for increase in cost of service on account of vacations given them by law last year, and it takes $115,000 to provide for that. Then add for incidentals $130,000, and it takes to keep the force just as it now is $4,297,950; that is nearly $200,000 more than this bill carries, and less than is needed, if we do not put another carrier on or do any thing to increase this service.

But, Mr. Chairman, New York city has already applied for increase of a large number of carriers. Several hundred carriers scattered all over the country are actually needed in addition to those now employed in order to bring the service up to where it will be good and efficient, and yet this committee undertake to run this important service with $200,000 next year less than it will take to make legal payments if we do not add another carrier to the force.

Now, this bill has cut down the entire estimates over $3,000,000. If my friend from Illinois will look at it, he will see how absurd it is. This bill only appropriates about $700,000 in the entire bill more than it will take for the entire post-office service this current year. The post-office service increases every year about 8 per cent.; that would call for some $4,000,000 of increase for this year over last year. It is idle for anybody to talk about doing this extra 8 per cent. work for nothing. It must be paid for. Seven hundred thousand dollars can not supply an increase of $4,000,000. This country will rue the day when we get so we can make as small an appropriation for the post-office service in one year as we did the year before, because that will be a sure indication that decay has set in, that progress has stopped, that growth is at an end in this nation of ours.

The appropriations for the postmasters are cut down here below the estimate some $700,000. The gentleman will remember I labored hard to get this House to fix an amount for the postmasters and an amount for the railway service last year up to the estimates. You voted me down. The Senate put it in; we did not yield; they yielded. We struck it out, and the gentleman from Illinois well knows the deficiencies are already known for this year to be just about the amount cut out in that bill last year.

I wish to say one additional word and then I will be done. In preparing this appropriation bill I have sought only to give such amounts as will be needed for good service in this department of the Government. We are not going on this side of the House to expend this money. You gentlemen are going to have the control of it. If you think you can do this work for three or four million dollars less than the men who have been managing this business for twenty-five years tell you it will take to run it try it on, but do not say I came in and undertook to give you inadequate means with which to perform this work. I desire the appropriations to meet the wants of the people. The people pay for this service. The estimate of the Department this year is that we shall raise $51,000,000 by postage alone.

Yet on the eve of the change to lower postage they reduce the service to about $52,000,000. The gentleman from Illinois [Mr. TOWNSHEND] must know, and my friend from Indiana [Mr. HOLMAN] must know, that this bill simply means a deficiency of $2,500,000 next year. It means either that, or it means such a crippling of this service as the

people of this country do not wish, nor will they submit to it in any degree of quietness or good feeling. The people pay for this service directly. The men who use the mails pay for the work.

Then, I say, give them such sums as will make it a perfect service. It has come to be very common to criticise and ridicule any work done by the Government. People, and some members here, seem to take great pleasure in defaming any management of national affairs. Still, the postal service of the United States, in my judgment, is one of the best managed and most successful business institutions known to the world. When you take into account its vast machinery, its immense number of operatives, the nooks and corners of the continent it must search out and serve, the innumerable number of packages it must care for and send in the proper direction, the precision of its deliveries and the accuracy of its every-day transactions become truly wonderful. I assert that private enterprise never excelled in perfect work at so low a price the labor that is being daily performed by our 80,000 post-office officials and employés.

No doubt that now and then there have been grave irregularities. Corrupt rings have probably been formed from time to time and frauds perpetrated. What vast work in this world has ever yet been free from such incidents? Such crimes should always be exposed and the perpetrators speedily punished. But these exceptions do not invalidate the statement that our postal service is one of the most perfect systems that human intellect can devise and human energy and integrity execute. Such perfection can not be reached in a day. It is, it necessarily must be, the outgrowth of years of intelligent management, of patient, severe labor, and in all this complicated work the duties of the postal railway clerk are exceptional. Not every man can fill that position. Natural adaptability to the work, opportunity and experience alone can do this work well. Hence it is a class of work that should command good pay.

It matters not whether the employés of this Department be Democrats or Republicans, they should be compensated for the work performed. You gentlemen are about to assume the responsibilities of this service. My hope is that you will perform its duties well, for it is a service that affects every family fireside in the land. It is pre-eminently the service that touches all the people; and, for one, I am determined that the means shall be adequate for the work to be performed.

Mr. Chairman, I have detained the House much longer than I intended. Permit me to thank the members for their kind attention, and, in conclusion, to express the hope that after this bill shall have received careful consideration by this Committee of the Whole it will be amended and passed in such shape as will meet the demands of a great service, that now requires over $50,000,000 to meet its honest necessities.

Mr. RYAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN (Mr. WORTHINGTON in the chair). The gentleman has forty minutes remaining.

Mr. RYAN. I reserve that time, and permit the gentleman from Indiana to take the floor if he desires to be heard now.

Mr. HOLMAN. I yield twenty minutes to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. Mr. Chairman, familiar as I am with the working of the third-class post-offices of this country, and with the necessity they have for clerical hire, I had determined after reading this bill to propose to the House to increase the amount allowed for clerical service in such offices.

But, sir, having examined carefully the annual report of the Post-Office Department, I am clearly of the conviction that if the present amount which is appropriated were more equitably distributed we would have more clerks in the third-class offices, and the postmasters themselves would not be required to take their own salaries to pay for clerical help.

I have looked, sir, somewhat critically over the Postmaster-General's report for 1884, which is the last public document we have from that Department, and I find that the money appropriated for clerk-hire is distributed with a discretionary power that seems to me to have no rule or regulation connected with it.

I should probably first call the attention of the committee to the fact that these post-offices throughout the United States are classified. We have first-class, second-class, third-class, and fourth-class offices. There is no statutory requirement that either one of these classes shall have so much or so little clerical help, or that any specific amount shall be allowed each for clerk-hire; but the law does require that the postmasters in these respective classes of offices shall have a specified salary. In the third-class offices the salary must be one thousand dollars and less than two thousand; in the second-class the salary must be two thousand and less than three thousand; and in the first-class the salary must be three thousand and less than four thousand dollars, with one or two exceptions, which have been fixed by law. I learn from the Postmaster-General's report that this law has not been complied with.

Finding this to be the case, I was induced to examine the disbursements of the appropriations for clerk-hire in these three classes known as the Presidential offices. Selecting some of the first-class offices, where the amount of mail matter to be distributed can not vary very materially from different States as well as from the same State, and comparing them, I find as follows: At Sacramento, Cal., the clerk-hire amounts to $9,920, while at Bridgeport, Conn., the clerk-hire is only $7,671, or $2,300 less; and yet when I look at the gross receipts I find that the receipts at Bridgeport are $8,000 more than at Sacramento, and that it pays into the Treasury $7,500 more of net revenue to the Government than Sacramento.

I find that at Evansville, Ind., the amount paid for clerk-hire is $7,180, while at Peoria, Ill., it is $6,440 only; and yet Peoria has a gross income of $30,000 more than Evansville, and pays into the Treasury of the Government a net revenue of $27,000 more than Evansville.

Mr. HORR. Let me ask the gentleman from South Carolina whether he knows how these two points compare in the distribution of the mails?

Mr. AIKEN. That is a point which I tried to examine, but could not arrive at any conclusion from the report.

Mr. VALENTINE. Let me suggest to the gentleman from South Carolina that I do not think the receipts of the office are any test at all for the amount paid for clerk-hire. The only test, in fact, is as to the amount required for the distribution of the mails.

Mr. AIKEN. I understand that to be the case generally, but in these first-class offices there must be additional clerical help, for the postmaster of a first-class office could not possibly handle the mail received at the office without assistance, and the gross receipts in a degree indicate the amount of mail matter handled in the office, even though it be no distributing office. But all these first-class offices are alike distributing offices.

Mr. VALENTINE. I know that in some offices in my own State the postmasters have to pay for clerk-hire for distribution of the mails out of their own salaries.

Mr. AIKEN. Why?

Mr. VALENTINE. Because Congress does not furnish the money to pay it.

Mr. AIKEN. If the gentleman will allow me to state what I get from the annual report of the Post-Office Department, he will see there is some irregularity about it. There is some imposition upon the third-class postmasters and the third-class offices in my judgment. They do not get what is due them.

Mr. VALENTINE. I believe that too.

Mr. CANNON. As I understand it, none of the third-class post-offices get clerk-hire. They can only get an allowance for separating the mails, and that is limited, whereas from $2,000 up they get clerk-hire.

Mr. AIKEN. What, then, is meant by clerk-hire? As set forth in this report there are 1,620 third-class offices that get clerk-hire.

Mr. CANNON. That is for separating the mail. But they get nothing for clerk-hire proper.

Mr. AIKEN. Why, sir, there are some of these third-class post-offices that get more for clerk-hire than they pay revenue to the Government.

Mr. CANNON. For separating the mails.

Mr. AIKEN. I do not care what it is for. It is work under the Post-Office Department. But this report of the Postmaster-General calls it clerk-hire.

Mr. CANNON. If the gentleman will allow me I will state this: Take two offices. One pays $1,900; the other $2,000. The $2,000 office, suppose it takes one extra man, gets an allowance for clerk-hire for that extra man. The $1,900 office does not get a cent of allowance and can not get under the law. That is all I say.

Mr. AIKEN. You mean the office with $1,900 salary?

Mr. CANNON. Yes, sir.

Mr. AIKEN. Then no man that understands the English language can read that book and get an idea from it. But let me give this House some further little statistical discrepancies on this point; and it will all tend to show this distribution of money should not go in bulk. It should be divided among these various classes of offices.

I take the post-office of Syracuse, N. Y., which I take it is a distributing office. Syracuse has $122,000 of gross receipts. Then I take Troy, N. Y., which has $92,000 of gross receipts, a difference in gross receipts of $30,000. And yet they have identically the same amount for clerk-hire, $3,000. And Syracuse pays $33,000 more of net income to the Government than Troy does. I put it to any man of common sense whether Syracuse has not more necessity for clerical help than Troy. Yet the same amount is paid for clerk-hire, while the one pays $33,000 more of net income to the Government than the other.

Now take Portland, Oreg., and Harrisburg, Pa. Portland, Oreg., has $75,000 of gross receipts; Harrisburg, Pa., only $45,000. Yet at Harrisburg $600 more is paid for clerical help than at Portland, Oreg.

Mr. HORR. There are a great many roads which meet at Harrisburg, and it supplies a thickly settled country.

Mr. AIKEN. I know that a thickly settled country is supplied there. But go farther South to a sparsely settled country. If it is a thickly settled country in the vicinity of Harrisburg, and more is required there for clerical help, we will go to the State of Texas. At Austin, Tex., there are $38,000 of gross receipts; at Dallas, $44,000. Both are central points where railroads meet; and yet Austin, with $6,000 less of gross receipts and $4,000 less of net receipts, gets $800 more for clerical help.

Mr. VALENTINE. That is easily explained.

Mr. AIKEN. I have not time to yield to the gentleman. It is not explained in this book. I understand what a distributing office is. I have been in them and know all about them.

Take Norfolk, Va., and Wheeling, W. Va. Norfolk, Va., ought in my judgment to be considered more of a distributing office than Wheeling. Wheeling is on a line of railroad going north and south and east and west. We have similar roads centering at Norfolk. It supplies a large section of country. Norfolk has $28,000 of net revenue. Wheeling has $20,000; but Wheeling gets $10,000 for clerical help and Norfolk gets $7,000—a difference of $3,000.

These are all first-class post-offices. I will only instance one from the second-class. I will take Waverly, N. Y. Is it a distributing office? The gross receipts are only $7,338. It gets but $370 for clerk-hire. I suppose that is for a man to assist in distributing. Penn Yan has $7,351 of gross receipts; only a few dollars more than Waverly. It gets $1,216 for clerk-hire, nearly $1,000 more.

Mr. SKINNER, of New York. They have more to do there. That is right.

Mr. AIKEN. Now, I will say one thing further. In examining this report I was baffled when I attempted anything like a mathematical calculation. The Postmaster-General says that on the 30th day of June, 1884, there were eighty-four first-class post-offices in the United States. In another part of his report he enumerates them, and there are but seventy-eight, making a difference of six. He says there are four hundred and four second-class post-offices. I ran over the list, counted them, and there are but four hundred and one. He says there are 2,323 third-class offices, and he refers you to the list. I went over the list and found the number 2,161, being one hundred and sixty-two less than the number stated.

Now, Mr. Chairman, that led me to another idea.

A MEMBER. May there not have been changes since those figures were given?

Mr. AIKEN. No, sir; there can not have been any changes. These figures are all of the same date, and the Postmaster-General refers you to the section of his report where you will find these figures. He states that the gross receipts from these (as he says 2,323, but as I say 2,161) post-offices are over $33,000,000. I have added them up, aggregated them by States and individual offices, and I find that they do not aggregate $32,000,000.

Now I come to a point which I wish to impress upon the House, and it is the point which suggested these remarks. The clerical help in the first-class offices amounts to $3,465,859, which is 18 per cent. of the gross receipts of those offices and 26 per cent. of their net receipts. The clerical help of the second-class post-offices amounts to $820,592, which is only 14 per cent. of their gross revenue and 24 per cent. of the net revenue. But when we examine the third-class post-offices we find that their gross receipts are more than $500,000 in excess of the gross receipts of the second-class offices, and they pay $2,690,897 net revenue to the Government; yet their clerical help amounts to only 7 per cent. of their gross receipts, and less than 17 per cent. of their net receipts. Now I think I am warranted in saying that that is not an equitable distribution of this money which is given to the Postmaster-General for his discretionary disbursement.

I notice another fact, sir; that the clerk-hire recorded in this report averages $575 to each office, taking the entire list; but of that total number there are one hundred and seventy-three third-class post-offices that receive for clerical hire $100 or less than $100, while five hundred and eighty receive nothing at all; and I know of my own knowledge of more than half a dozen offices that are distributing offices where the postmaster has to work both day and night; and I know of one or two instances where money is paid directly from the salary of a third-class postmaster for help, because he finds it impossible otherwise to perform the duties required of him.

Mr. VALENTINE. That is the case all over the country.

Mr. AIKEN. Why should it be so? It is wrong. There ought to be a sufficient appropriation made to put an end to that state of things.

Mr. VALENTINE. That is what I propose to help you to do.

Mr. AIKEN. Now a few words about salaries, and then I shall submit the amendment which I propose to offer at the proper time to this bill. I begin with the Sacramento office, California. The net receipts of that office were $22,342, and the salary of the postmaster is $3,075; while Oakland, Cal., which gives a net return of $12,000 more, is only a second-class office and the salary of the postmaster is $2,925. There is no distribution in that case. That is regulated by law. The law provides that every post-office shall have a certain standing in its class, and that according to its standing in the class the postmaster shall receive a salary of $1,000 or over, $2,000 or over, or $3,000 or over. Here, then, is the case of an office where the postmaster gets a salary of over $3,000, yet which does not do much more than half as much business as is done by another which is put in the second class. Again, take Quincy, Ill. The net revenue of that office is only $20,000, while Rockford, Ill., yields $29,000; yet Quincy is ranked as a first-class office, while Rockford is only a second-class office. Again, Evansville, Ind., yields a revenue of $19,000 a year and ranks as a first-class office with a salary of $3,000; Lincoln, Nebr., yields a revenue of $5,500 more, but it is only a second-class office. Still, strange to say, that second-class postmaster gets a salary of $3,000. How is that? The law provides that the salary of the postmaster at a second-class office shall be $2,000 and over, yet here is a postmaster in an office of the second-class who gets a salary of $3,000. Little Rock, Ark., pays a net revenue of only $16,684, but it is a first-class office, and the postmaster gets a salary of $6,000; Los Angeles, Cal., pays almost twice as much revenue to the Government, yet it is put down as a second-class office, and the salary of the postmaster is only $2,800.

[Here the hammer fell.]

Mr. AIKEN. I ask the committee, as they have indulged the gentleman from Michigan [Mr. HORR], to give me ten or twelve minutes more.

Mr. HOLMAN. I will yield five minutes to the gentleman.

Mr. AIKEN. To continue the comparison of these offices, Harrisburg, Pa., is put down as a first-class office, with a salary of $3,150. It pays only $24,000 net revenue, while Wilmington, Del., pays $1,000 more net revenue, yet the salary of the postmaster at Wilmington is $150 less than that of the Harrisburg postmaster. But still the postmaster at Wilmington gets a salary of $3,000, although the office is recorded as belonging to the second-class. What right has that postmaster to draw a salary of $3,000 when the law provides expressly that no postmaster shall draw that salary unless his is a first-class office? Again, take the office of Kankakee, Ill.; it is put down as a second-class office, with a salary of $2,250, while Joliet, another little town in that State, is put down as a third-class office, with a salary of $1,800; but Joliet yields $1,500 more revenue to the Government than Kankakee. Again, take Natick and Amesbury, in Massachusetts. One is set down as a second-class office and the other as a third-class office, but both postmasters get the same salary, $2,000.

Mr. VALENTINE. May not those apparent discrepancies be explained by the returns of gross revenue?

Mr. AIKEN. No, sir. The gross revenues are invariably less where I have stated the net revenues as less, but the salary is sometimes greater. Geneva and Glens Falls, N. Y., are both recorded as third-class offices, yet the salary of the postmaster in each is considerably over $2,000. What right has the Postmaster-General or anybody else to appropriate a salary of $2,000 to a postmaster of the third class in violation of the law? Again, Gloversville, N. Y., with net and gross revenues less than either Geneva or Glens Falls, is registered as a second-class post-office.

There are three second-class offices in Colorado whose gross receipts do not reach $6,000 each, and whose net revenue to the Government is each less than the salary paid the postmaster. The clerk-hire in one of these is more than its net revenue.

In Nevada there are two second-class offices, in each of which the sum of the salary of the postmaster and the clerk-hire exceeds the net income to the Government, and a third office of the second-class where the salary of the postmaster and the clerk-hire are each more than the net revenue to the Government.

Carthage, N. Y., with a gross income of only $3,535.69 and a net revenue to the Government less than the salary of the postmaster, is a second-class post-office, while Geneva, N. Y., with a gross income of $16,901.84 and a net revenue of $12,325.84, is a third-class post-office, though the postmaster has a salary of $2,575.

Meadville, Pa., with a gross income of $16,487.30, is a third-class post-office, though the salary of the postmaster is $2,500; and Sharon, Pa., with a gross income of only $7,809.92, is a second-class post-office, and the salary of the postmaster over $2,000.

Mr. Chairman, after considering all these irreconcilable inaccuracies it does seem to me we ought not to allow the sum of $5,100,000 to be appropriated in bulk to be distributed for clerical hire. Therefore, at the proper time, I propose to submit an amendment to add to the clause of the bill which I have been discussing the following:

Three million five hundred thousand dollars of which shall be paid to clerks in first-class offices, $900,000 to clerks in second-class offices, and $700,000 to clerks in third-class post-offices.

I return the floor to the gentleman from Indiana [Mr. HOLMAN], to whom I am much obliged for his kindness.

Mr. HOLMAN. I reserve the residue of my time.

Mr. RYAN. Mr. Chairman, I take the floor not so much for the purpose of discussing the provisions of this bill as to call the attention of the House to the exact status of that business which this House must transact, if it would avoid an extra session of the Forty-ninth Congress. I have reference to the appropriation bills; and if I can have the attention of members and can make them thoroughly understand the status of their business, I believe we shall be in a better frame of mind to facilitate the passage of the appropriation bills remaining unacted upon; and if I should accomplish this result, I shall not have occupied the time in vain.

I doubt whether within the experience of the oldest member of the House the appropriation bills at a corresponding stage of any session of Congress have been in such a state of immaturity. Only one of the thirteen general appropriation bills has gone to the President. We have remaining but nineteen legislative days of this session, including the last day, the 4th of March. The fortification appropriation bill, the estimates for which are over $7,000,000, is still in the hands of a

subcommittee of the Committee on Appropriations of this House, so that in fact the Committee on Appropriations has not considered it at all. The naval appropriation bill, the estimates for which are over $30,000,000, is still in the hands of a subcommittee of the Committee on Appropriations of this House, not having been acted on at all by the committee itself.

The sundry civil bill, the estimates for which are over $32,000,000, remains still in the hands of a subcommittee of the Committee on Appropriations of this House, the committee itself not having considered it at all. The deficiency bill, the estimates for which are over $8,000,000, remains still in the hands of a subcommittee of the Committee on Appropriations of the House, not having been acted on at all by the committee.

So that here are four of the most important of the general appropriation bills which have not yet been considered by the Committee on Appropriations. The Post-Office bill now under consideration must, as every member can foresee, occupy considerable time if it is to be fairly considered. The legislative bill, already reported, is next to be considered by the House.

Now a word as to the condition of the other appropriation bills. The pension bill has passed both Houses, and is now on the Speaker's table, the Senate amendments having yet to be considered.

The Military Academy bill is the only one, a little bill of $310,000, that has gone to the President. The consular and diplomatic appropriation bill, I believe, is ready for conference. The Indian appropriation bill is still in the hands of the Senate committee, not having been reported to the Senate at all. The Army appropriation bill is in the same condition. I ought to say, in passing, the pension bill to-day is under consideration in the Senate; but the Army appropriation bill is still in the Senate committee. The District of Columbia bill was reported back here to-day, and has been referred to the Committee on Appropriations of the House, that the Senate amendments may receive consideration. The agricultural appropriation bill is still in the Senate committee.

This, Mr. Chairman, is the condition of the appropriation bills to-day, and it would seem that the peril of an extra session is imminent, and this House, in order to avoid that and all its disastrous consequences to the business of the country, will be compelled to press on so rapidly that it can not give that consideration to these bills carrying over $200,000,000 they ought to receive at the hands of the representatives of the people. At the last session of Congress we were obliged to pass one of the most important of the appropriation bills, the sundry civil, under a suspension of the rules—a most reprehensible practice.

Now I want to call the attention of the House to the time we occupied at the last session of Congress in considering the bills which we are yet to consider in this House.

Mr. BLOUNT rose.

Mr. RYAN. Let me conclude this, and then I will answer questions. We occupied two days in the consideration of the deficiency bill. I have explained the status of that bill. It has not yet been acted on by the Committee on Appropriations. We occupied with the fortifications bill three days. We occupied three days in the consideration of the legislative, executive, and judicial bill. We occupied five days in considering the naval bill. We occupied five days in considering the Post-Office bill. We occupied, of course, but one day in considering the sundry civil bill, which in fact, we did not consider at all, having passed it under a suspension of the rules. Thus we occupied nineteen days at the last session of Congress in considering those bills which we have not considered at all at this session, and we have but twenty days remaining of the session.

Mr. VALENTINE. Not working days.

Mr. RYAN. Twenty legislative days is all we have remaining of the session, including the 4th of March.

Mr. VALENTINE. But you have to take out the day for the electoral count and the 22d of February.

Mr. BROWN, of Pennsylvania. Really only eighteen days left.

Mr. RYAN. Now the Senate requires as much time in considering these bills as the House. In justice to themselves and to the country they must consider every item of these appropriation bills—consider them in the committee, consider them in the Senate—and after that has been done they come back again to the House to receive consideration at least on the amendments which are made to them.

Much new legislation is upon many of these bills, and agreements are likely to take a considerable time.

I have thought it my duty, Mr. Chairman, to call the attention of the House to these important facts, that we may no longer than is necessary delay action on those bills which we must pass if we would avoid an extra session of Congress, and which I believe every man on this floor desires to avoid.

Mr. Chairman, how much time have I left?

The CHAIRMAN. Thirty minutes.

Mr. HAMMOND. Will the gentleman allow me to ask him a question?

Mr. RYAN. With pleasure.

Mr. HAMMOND. Is it because the necessity was so great that we limited general debate on this bill to five hours?

Mr. RYAN. I wish to say to the gentleman from Georgia that the policy of pushing a bill through the House carrying $52,000,000 without debate is reprehensible in the highest degree, and any policy that compels the necessity of such a course on the part of the House is equally reprehensible.

I will reserve the balance of my time for the purpose of yielding it to the gentleman from Pennsylvania [Mr. BINGHAM] when he desires to take it.

Mr. DUNHAM. Let the gentleman state to the House the facts about the delay of these appropriation bills—state to the House where the trouble is—who is to blame.

Mr. RYAN. The House is as competent to judge of that as I am.

Mr. MONEY. Mr. Chairman, as a great deal of the new legislation in this bill has been prepared by the Committee on the Post-Office and Post-Roads, I desire the attention of the House for a few minutes until I can put forth, in as clear a manner and as briefly as I may be able, the reasons which actuated that committee in their report. It is impossible in the time allowed by my friend from Louisiana [Mr. ELLIS] to do more than touch upon the salient points of this bill. It will be impossible for me to go further than that provision in reference to the compensation of railroads for carrying the mails.

In the first place, it seems to me, from the speeches that I have listened to here to-day and heretofore on this floor, that the whole purpose of the great postal service of this country is entirely misunderstood. We have been told heretofore that the Post-Office Department of this country, by gentlemen who have debated the question, is conducted as a business.

We have been told that in some sections of the country this business was a great charge upon the people, because of the fact that the particular section of country in question did not pay in postage the expense of handling and transporting the mails.

We have been told that in other sections it was a lucrative business productive of revenue, and that it was a profitable business because that particular section paid more to the revenues of the country in the shape of postage than was expended for conducting the service.

In my view, sir, the Post-Office Department or the postal service of this country is one of the functions of this Government, and is not conducted as a business or a charity. In my judgment there should be no arrest of the development of the service because of the insufficiency of the revenue derived from postage. There is no country on the face of the earth that has a postal service at all that does not conduct it as a function of the government; and there is just as much right to assume that the other great functions of this Government are run as business enterprises, and that they should pay their expenses, as that the postal service should be required or expected to do so. For instance, it would be just as proper to say that Congress should pay all of its own expenses, that the judiciary should pay the expense connected therewith, and that the Army and Navy or any other branch of the Government should be required to pay its own expenses, as that the postal service should.

The only excuse for fixing postage at all is that it is a tax levied upon those who use the mails for the general purposes of Government, and not to conduct the Post-Office; that it is a tax of universal application and distribution, and that it is a tax of which no complaint has ever yet been made as to its levying. It is a tax levied for the general purposes of Government just as excise taxes and imposts are levied for the general purposes of Government, and the Post-Office Department is a function of the Government administered for the good of the whole people of this country, because it has been found necessary that the communication that built up the social and commercial relations of the several sections should be developed to the highest possible degree. And I say that there should be no limit to the revenues derived from this service. I mean that every single dollar expended in the service should be made to procure just as much as possible of the service demanded by it.

Now, in that view I undertake to address myself to this particular provision—the compensation allowed to railroads for mail transportation. The bill just submitted differs in some material respects from the law as it stands; and it is not a question, as stated by the gentleman from Michigan [Mr. HORR], of robbing the little roads or increasing in an inordinate degree the earnings of the larger roads, but it is simply a question of paying for the service which the Government gets. If the small railroad does not carry a large mail they should not get the pay for carrying a large mail.

Mr. HORR. It does not now.

Mr. MONEY. It does not now, because it does not carry the large mail, and therefore it should not get pay for that which it does not do. The railroads are not to be treated as objects depending upon the subsidy of the Government; and the Government should not be taxed to support a small road, nor should it withhold from the large roads that which they actually earn.

Now, the basis of pay, as formerly and now determined, is fixed by weight supplemented by space. It is complained of this bill or this amendment of the old law that frequency and speed are also items that enter into the calculation. That is exactly as it ought to be. If you have a star-route mail service running three times a week and you increase it to six times a week, it is a law that double compensation shall

be paid for the increase; and is there any reason, if speed is valuable in a single instance on a star route for the transportation of a small portion of the mails of the United States, that the same reason should not be applied to railroads which convey 90 per cent. of the entire mails of the Union? In other words, is there any reason why the railroads transporting 10,000 pounds of mail per day should have as much pay as the road transporting 10,000 pounds twice a day? Not only that, sir, but in expediting the schedule, which has been the subject of investigation and also the cause of corruption in the administration of the contract office, there is the same element to be considered.

Mr. Chairman, this bill is the result of an investigation into the whole railway system of the United States by a commission of competent experts appointed by the Postmaster-General. In their investigation they took the average earnings of the railroads of the United States. Then they took the average earnings of the six great railway States of the United States, and they had correspondence which they had invited from almost all the great lines of the country.

It was ascertained that about 26½ cents per mile per car run was the cost of the passenger trains of the United States. That was the average. In the great State of Ohio, according to a late report by her commissioner of railroads, the earnings were 29.4 cents per mile; which is perhaps a fair sample of the business of the United States.

It was desirable that a just and reasonable compensation should be paid to the railroads for their services. This was particularly incumbent upon the Government, because it had not permitted a bidding by these roads; but by force of public opinion it exercises a compulsion upon them, and they are compelled to carry at whatever rates we pay. Having then both sides of the bargain in our own hands, we are under double obligation to be just and reasonable to them. It certainly would not do to pay these roads the price earned per car per mile run for freight, as suggested by the gentleman from Kansas [Mr. ANDERSON] in a question to the gentleman from Michigan; because all the expenses are different; the speed is different, delivery is different, and everything is different. But it is reasonable and it is just to pay to the roads the same price paid for passenger cars, because the cars supplied by the companies are expensive; they are better lighted and better heated and they run upon the same trains on which the passengers are carried. It is just and reasonable therefore to make the pay for the railway post-offices the same as for passengers. And it has been calculated that 25 cents per mile per car run is a just compensation, because it is a certain business, and while not quite as large as the average earnings, as shown by the reports of these several railroads in their passenger business, there is enough in the regularity and certainty of the compensation to make up for that. Besides that there is the additional feature which permits extra pay for every two miles up to a speed of thirty miles per hour, and every one mile up to forty miles per hour. This more than makes up the difference.

So I again say, Mr. Chairman, that the bill as reported was a fair one. I was unaware till an hour ago that the subcommittee had changed their views as to the relative rate of pay, and had fixed it at 4 mills instead of 5 mills per linear foot. In my judgment that is not sufficient.

I do not say anything about the clause as to the Pacific railroads, the land-grant roads. In my opinion they should be paid precisely what other roads are paid; and if they are indebted to the Government for assistance given in their construction, that does not at all release us of the obligation to treat them justly and fairly. They should be made to pay their debts to the Government, and they should be paid a fair compensation for services rendered to the Government, to be credited to their account.

I find, then, in this bill all the elements that are required in the postal service. First, the space occupied, and that space fixed by the weight carried. The next element is the frequency with which the service is performed. The next is the speed with which the mails are carried. In every branch of the service we have been accustomed to have frequency, and to-day there is no excuse for any bill that leaves out this element of compensation. If it is a benefit to transport the mails from one point to another in twelve hours and we have thought it expedient and proper to offer other inducements in larger pay for quicker mails, why should it not be embodied in one general law, that will induce the railroad companies of the United States to increase their speed and the frequency of their mail trains?

Why, sir, we have leaving New York every day four great trains that carry nothing but mail—neither passengers nor express nor baggage. Of course these companies must have extra inducements, because their trains have to leave at hours fixed by the postmaster at New York. In the British system the postmaster-general has the right to fix the schedule of departure and of arrival, the time of delay at the several stations, and the time for arriving at and leaving stations; but the postmaster-general fixes a compensation commensurate with this extra service, something that is just and reasonable, to compensate these roads for the facilities they extend to the government. In any system of service rendered by citizens of the United States to the Government they should be paid exactly for what they do. If a solitary company to-day receives insufficient pay from the United States for this service rendered in carrying its mail, this bill proposes to give them exactly what they earn and no more.

It is unjust to the Government that the sympathies of the House should be appealed to to pay more to a small road because it is small or poor, when it does not earn the money by the service it renders to the Government. There is but one standard that this House, in justice to itself and in justice to the railroads of the country, can adopt, and that is a uniform reasonable rate of compensation for all roads for the service rendered. When we go beyond that, we undertake to subsidize the small roads to put a life into them which they have not in themselves. On the other hand, we do not propose—to use the language of the gentleman from Michigan [Mr. HORR]—to rob the big roads of money to which they are entitled by reason of their services.

Mr. TILLMAN. Will the gentleman from Mississippi [Mr. MONEY] permit me to ask him a question?

Mr. MONEY. Yes, sir.

Mr. TILLMAN. Why is it that the compensation on the small star routes is much greater in proportion to the weight of the mail carried than on the routes where there are heavier mails?

Mr. MONEY. I will answer that with pleasure. The star routes are open to the world, and every man in the country is at liberty to bid for that service, the Government taking the lowest bidder. The Government can not compel a man to carry the mails by his wagon, his horse, or his stage-coach, but the railroads are compelled to carry the mails—compelled not by law but by public opinion. A railroad that runs through a populous country, connecting great cities, bound together by domestic ties and by the thousand ties of business and politics, can not afford to decline to carry the mails, because if it does its competitors will take all the trade. So in dealing with the railroads the Government fixes the rate at which they shall be compensated; it does not invite competition between them, it simply fixes the rate that it will pay.

Mr. TILLMAN. I wish to ask the gentleman another question. Can not a road running between large cities and carrying with many passengers large amounts of freight and making several round trips a day, afford to carry the mails for much less than a poor railroad can, running through a sparsely settled country and making but one trip a day? I ask the gentleman from Mississippi [Mr. MONEY] if in his judgment the compensation ought to be on the same basis for a poor road having but little freight or travel and making but one trip a day, and a large road between two great cities? Ought not the poor road to have more pay in proportion than the other?

Mr. MONEY. The gentleman's question is an argument against his own position, because this bill fixes a uniform standard rate of compensation based upon weight, frequency, and speed. If a railroad does a large business, its space is valuable in proportion, and therefore the Government ought to pay for it.

Mr. TILLMAN. But is not the element of frequency entirely eleminated on the poor road?

Mr. MONEY. If a road runs through a sparsely settled country, and does not do much business, it follows that its space is not very valuable.

Mr. HORR. That is not the point.

Mr. MONEY. Let me finish my answer to the gentleman from South Carolina [Mr. TILLMAN]. He says that frequency ought not to be considered in regulating the pay on a small road. Now, it costs just as much to run a car at one time in the day as at another, and if two trains are run, the space upon one of them is presumed to be just as valuable as upon the other.

Mr. HORR. But this is a point to be considered. A little road takes a small number of linear feet, from four and a half up to thirteen. It can not take over thirteen until it gets over five hundred pounds of mail. Can not a road afford to sell one hundred and eighty or three hundred and sixty feet of space every day at a cheaper rate per foot than it can afford to sell nine, ten, or up to thirteen feet? Yet you give them all precisely the same rate per foot, no matter how much or how little space they sell.

Mr. MONEY. When a road gets into that position which my friend from Michigan and my friend from South Carolina describe, it is protected by the provision that it shall not receive less than $35 a mile. Such a road as gentlemen describe is not worth more than $35 a mile to the Government or to anybody else, and whenever the value of its space increases there will be more frequent trips. But the cost of a certain amount of space is just as great upon one train as upon another; and if the Government demands a certain space upon any train, it ought to be willing to pay for it. In every other department of the service we pay for frequency and speed, and we do so properly. If we can save twelve hours between Chicago and New York, how valuable that is to the merchants of these great cities! Why, sir, a merchant in New Orleans has informed me that the value to the merchants of the fast mail between that city and New York would pay the whole cost of it, and a merchant of Denver states that a fast mail between New York and Denver, passing through the great cities of Chicago and Saint Louis, would save a thousand dollars a year to him alone. This mail service is for the benefit of all the people of the Union.

Now, Mr. Chairman, I have a very compassionate feeling for the small roads, because the roads that run through my country are generally of that class. The greatest road that runs through my State carries only 4,000 pounds of mail per day. I allude to the southern

section of the Illinois Central. It carries only 4,000 pounds a day, and that only once a day. It runs two passenger trains, but only one of them is a mail train. It does not carry more than one mail a day, because under the present system the Government does not give more for carrying two mails a day than for carrying one, unless you make the appropriation which is left out of this bill for special facilities on great trunk lines.

Now recollect that 90 per cent. of all the mails of the Union are distributed upon these trains; and whenever you expedite a solitary mail on any railroad of the United States you expedite by exactly that much every star-route fed by these great trunk lines. The mail system of the whole Union has its ramifications in every section and every community, and the service to every citizen is quickened by any expedition of the schedule on any of these roads. In every sense of the word, looking at the interest of the Government of the United States and the interest of every citizen enjoying the benefits of postal communication, this bill is a fair and just one, and a measurable improvement over the old system of weighing the mails, which is partial and one-sided to the last degree. Why, sir, as the matter stands to-day, the discrepancy in pay, comparing the small roads with the great ones, is as eight to ninety-six in relation to the service performed; in other words, one road is paid twelve times as much as the other roads for the service it renders.

It is not the province of Congress to say that because a railroad does a great business it should not have reasonable pay for its service, and when, in a bill of general character like this, we undertake to say that, subject to the discretion of the Postmaster-General, we will discriminate, fixing one price for one road and another price for another road, we at once open the door for a flood of corruption which would sweep through the whole mail service of the country.

Mr. REAGAN. Has the committee ascertained what the first-class roads—those carrying the heaviest mails—would receive under this system?

Mr. MONEY. I have seen no figures based upon this system, and I do not know of any. I have none myself.

Mr. HORR. What was the question?

Mr. MONEY. The gentleman from Texas asked whether I knew what the main trunk lines would receive under this new system. This matter was explained by the gentleman from Michigan [Mr. HORR]. I do not recollect his figures. But it matters not, Mr. Chairman, what may be the amount that these roads will receive in the aggregate. I am trying to impress upon the mind of this House the fact that under this system each road will receive exactly what it earns, and will not receive one dollar unless it does earn it. This House could expect nothing more, and could offer nothing less. We can afford to be just to our own citizens, whether corporations or private individuals, especially when we compel these corporations by force of public opinion to do this service for the Government, whether they wish to do it or not, and at a price which we ourselves fix.

Mr. REAGAN. Does not the gentleman think the House is entitled to information from the committee as to what the cost would be per mile on these great roads for carrying the mails under the system proposed?

Mr. HORR. I told you the cost.

Mr. MONEY. I said that the gentleman from Michigan had the figures. In this connection I will say that, according to the figures of experts who have thoroughly examined the question, this system will save over $1,678,000 per annum. That is the estimated saving to the Government on the present basis of pay and the present basis of business.

Of course this great business is constantly enlarging. It is estimated that for the current year the increase will be about 9 per cent. So the extension of business goes on, marking the development of our country, its population, its wealth, &c. There is no better index of the progress of this country than the extension of and perfection of our great postal system, as shown by the reports of this Department year after year.

As I have said, the basis of pay contemplated by this bill is a fair one. If a railroad chooses to make thirty miles an hour or more, it will get a proportionate increase of pay for every mile of additional speed. This is proper and just. It costs more to run a fast train than a slow one. The consumption of rolling-stock, road-bed, and track is greater. Everything points to additional expense, which is attempted to be met by the provisions of this bill.

There are some features embraced in the bill of the Committee on the Post-Office and Post-Roads which the Committee on Appropriations have not thought it expedient to incorporate in this bill. I will engage in no sort of dispute about that. I am willing to take this measure as it is. This bill, following in this respect the bill reported by the Post-Office Committee, leaves as it is the relative status of the land-grant roads and the other roads. Not that I think there is any justice in this discrimination, as I have said awhile ago; but we had no disposition to disturb the law as it stands, knowing the House to be inclined, as it has been previously, to make that distinction.

Now, Mr. Chairman, I come to another provision of the bill, if the House will bear with me, to which I propose to address myself. That is in regard to the reduction of newspaper postage. The postage on newspapers is really a tax on the publishers of these papers. They pay this much to the Government for permission to do their business. It is a relic of that class of taxes which has almost entirely faded away. All the other taxes in relation to postage are levied on the people of the United States. They are paid by the beneficiaries of the postal system. These are paid by the publishers. It is evident inequality and injustice was rendered necessary in some degree by the collection of postage on newspapers, as that was uncertain under the old system and very unsatisfactory. Therefore, to make the whole system of prepayment of postage uniform it was necessary to provide newspapers should also prepay, withdrawing the burden from the millions of readers to the shoulders of the publishers themselves.

[Here the hammer fell.]

Mr. HUNT. Mr. Chairman, the gentleman from Illinois [Mr. TOWNSHEND] who opened this discussion stated to the committee that some legislation was absolutely necessary to transport the mails of the United States to foreign ports. The bill before the House, at line 228, provides:

For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $900,000 of the net revenues of the Post-Office Department of the United States on mail-matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips: *Provided further*, That the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided: *And provided further*, That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885.

The remark of the gentleman from Illinois that some legislation is indispensably necessary becomes evidently true when we consider what was done at the last session of Congress. Congress then repealed sections 3976 and 4203 of the Revised Statutes of the United States requiring American vessels engaged in the foreign trade to carry the mails at a sum not exceeding the sea and inland postage. The repeal of these sections having taken place, it is apparent some additional legislation has become absolutely necessary.

Mr. BLOUNT. Will the gentleman allow me just there to ask him a question?

Mr. HUNT. Certainly.

Mr. BLOUNT. Is not the gentleman from Louisiana a member of the committee that had charge of the shipping bill?

Mr. HUNT. Yes, sir.

Mr. BLOUNT. Then I desire to know whether the object of repealing those sections of the Revised Statutes of the United States was not to prepare the way for this increase of compensation for carrying the mails?

Mr. HUNT. I will answer with pleasure.

Mr. BLOUNT. If that be true, I further inquire of the gentleman whether we can not re-enact in this bill the law as it stood prior to the repeal of those sections of the Revised Statutes?

Mr. HUNT. I will answer as I go on. Under the sections referred to American vessels engaged in foreign trade were compelled to carry the mails. These vessels might be detained for such limit of time as suited the Post-Office, and were obliged to deliver the mails to the foreign ports to which they were bound and to the Post-Office Department itself. For this service the Post-Office Department paid the inadequate sum of 2 cents a letter. Instances are stated to be numerous where American vessels have been detained by the Postmaster-General, to receive the mails and to deliver them, when the pay for carrying did not compensate the vessels for detention and cartage of letters at the port of destination.

The injustice so occasioned by the sections of the Revised Statutes referred to by the unanimous action of Congress was removed by the enactment of the shipping bill, providing for the repeal of these sections, to take effect from and after the 1st of April, 1885. The object of deferring the operation of the repeal of the sections was to enable Congress at its present session to legislate suitably in the premises, the Postmaster-General being without warrant of law (when his power of compulsion had been removed) to make contracts with American vessels engaged in the foreign trade for carriage of the United States mails except to the extent of the amount of sea and inland postage, which was fixed by the international postal treaties and made without regard to the extent of the service rendered and which was conceded on all sides to be inadequate.

Congress, then, Mr. Chairman, is brought to this condition, that there is now no power in the Postmaster-General to compel vessels to carry the mails as was formerly the case; and the only resource left him is to attempt to enter into contracts at rates which are likely to be declined as entirely inadequate, and which in the judgment of the Shipping Committee are contrary to sound public policy. In order that this may appear satisfactorily to the committee I have procured a statement from the Post-Office Department showing the sums paid for the ocean conveyance of mails between the United States and Mexico and South America during the fiscal year ending June 30, 1884, by the lines of vessels therein employed. The table is as follows:

Statement showing the sums paid for the ocean conveyance of mails exchanged between the United States and Mexico and South America during the fiscal year ended June 30, 1884, and the lines of vessels employed in the conveyance of said mails.

MEXICO.

Lines.	Termini of services.	Amount paid.
New York, Havana, and Mexican Mail Steamship Company	New York to Mexico	$4,264 54
Do	New Orleans to Mexico	873 80
California and Mexican Steamship Company	San Francisco to Mexico	278 42
New York and Cuba Mail Line	New York to Mexico	43
Pacific Mail Steamship Company	New York to Mexico	47 31
Do	San Francisco to Mexico	914 74
Morgan Line	New Orleans to Mexico	822 65
Do	Galveston to Mexico	32 77
Steamer Estado de Sonora	San Francisco to Mexico	13 37
Steamer E. D. Sidbury	New Orleans to Mexico	8 14
Total		7,271 37

SOUTH AMERICA.

Atlas Steamship Company	New York to United States of Colombia	466 31
Pacific Mail Steamship Company	New York to United States of Colombia	1,949 35
Do	New York to Colon for Chili	1,429 01
Do	New York to Colon for Ecuador	380 42
Do	New York to Colon for Peru	1,498 65
Do	New York to British packet agent, Colon	5 04
Do	New York to British packet agent, Panama	45 56
Do	San Francisco to United States consul, Panama	88 78
Do	San Francisco to United States of Colombia	94 84
Do	San Francisco to Panama for Chili	142 98
Do	San Francisco to Panama for Ecuador	7 97
Do	San Francisco to Panama for Peru	74 76
Royal Mail Steam Packet Company	New York to United States of Colombia	32 12
Red "D" Line	New York to Venezuela	756 05
Steamer Craighill	New York to Venezuela	60
United States and Brazil Mail Steamship Company	New York to Brazil	3,567 65
Do	Baltimore to Brazil	143 71
Do	New York to Rio de Janeiro for Argentine Republic, &c	1,234 84
Booth Steamship Company	New York to Brazil	219 20
Red Cross Line	New York to Brazil	224 71
Red Cross Line	New York to Rio de Janeiro for Argentine Republic, &c	50 41
Steamer Mendoza	New York to Argentine Republic	87 52
Steamer Jennie	New York to Brazil	87 75
Do	New York to Rio de Janeiro for Argentine Republic, &c	65 16
United States and River Plata Line	New York to Argentine Republic, Uruguay, &c	195 70
Simpson, Spence & Young's steamers	New York to Brazil	277 37
Do	New York to Rio de Janeiro for Argentine Republic, &c	95 74
Total		13,324 43

If we turn from this view of the case of carrying the mails to Mexico and South America to the amounts paid for the whole foreign mail service for the fiscal year ending June 30, 1884, the results are equally surprising and discreditable to the liberality of the Government and its sense of justice. The total sum so expended is $327,207.91. The table is as follows:

Amount paid for the whole foreign mail service during the fiscal year ended June 30, 1884.

Transatlantic	$270,949 44
Trans-Pacific	19,125 78
Miscellaneous	37,132 69
Total	327,207 91

Amount paid to American and amount paid to foreign lines during the fiscal year ended June 30, 1884.

Service.	American.	Foreign.	Total.
Transatlantic	$2,833 20	$268,116 24	$270,949 44
Trans-Pacific	16,883 97	2,241 81	19,125 78
Miscellaneous	30,259 33	6,873 36	37,132 69
Total	49,976 50	277,231 41	327,207 91

Amount paid to the Pacific Mail Steamship Company during the fiscal year ended June 30, 1884	$21,521 36
Amount paid to the American line (Philadelphia to Queenstown) during the fiscal year ended June 30, 1884	2,833 20

If from this statement we turn, Mr. Chairman, to the coastwise and steamboat mail service of the country we find a contrast, and a striking contrast, which I desire to present as one of the strongest arguments in favor of the bill now before the committee. By steamboat from San Francisco, Cal., to Eureka, Cal., we paid $6,500 a year, or at the rate of 58 cents a mile; from Portland, Oreg., to the Dalles, $7,487, or 21 cents per mile. From Seattle to Sehome, Wash., we paid $8,439.83, at 32 cents per mile. From Port Townsend, Wash., to Sitka, in Alaska, we paid at the rate of $1.23 cents a mile, or $16,000 annually. From San Francisco, Cal., to Portland, Oreg., we paid $22,000, or 69 cents per mile. From New Tacoma, Wash., to Port Townsend, in Washington Territory, we paid $29,700, or 97 cents per mile, while during the same period we paid 3 cents a mile to the Pacific Mail Steamship Company and 3 cents to the Philadelphia and Queenstown line. What difference is there in the nature of things between the mail service of the country on the routes which I have now enumerated and the mail service of the country upon the ocean of which I have just spoken? Is it not performed under circumstances strikingly similar, except in regard of greater risk, greater adventure, and the concern of greater capital on the ocean routes?

Upon what system of correct reasoning, or upon what considerations of a wise and expansive public policy, can the Legislature insist upon the continuance of liberal rates such as I have spoken of in connection with steamboat routes, and refuse at the same time like compensation to steamships engaged in the transportation of the mails of the United States on the ocean?

Now, if we turn from the steamboat lines to the star-route service we find that also enumerated in the official tables. From Cedarville, Cal., to Reno, Nev., 20 cents a mile is paid, or $11,328 a year; from Bieber, Cal., to Lake View, Oreg., 27 cents a mile, or $11,500 annual pay, and so on the table goes, showing pay all the way from 20 cents per mile up to 45 cents. The table is as follows:

No. of route.	From—	To—	Pay per mile.	Miles.	Trips.	Annual pay.
46162	Cedarville, Cal	Reno, Nev	20+	177	Six times a week	$11,328 00
46155	Bieber, Cal	Lake View, Oreg	27+	118¼	Seven times a week	11,500 00
37116	Green River City, Idaho	Fort Washakie, Wyo	25+	153¾	Seven times a week	12,000 00
42121	Boise City, Idaho	Winnemucca, Nev	27+	267	Seven times a week	25,700 00
46153	Redding, Cal	Grant's Pass, Oreg	45+	300¾	Seven times a week	94,972 02
41111	Kelton, Utah	Pendleton, Oreg	29+	544¼	Seven times a week	67,685 97

Again, Mr. Chairman, if we turn to the exhibit of the Post-Office Department regarding the inland service of to-day we find that there are only ten States in the Union the mail service of which is self-sustaining.

According to the statement there is a net excess of expenditure up to date of over $3,000,000.

The table is as follows, and is accompanied by the annexed communication of the Second Assistant Postmaster-General:

Statement of the excess of postal receipts and expenditures of the United States by States.

States and Territories.	1882.		1883.		1884.	
	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.
Maine	$84,084 54		$44,618 76			$48,328 31
New Hampshire	72,947 74		63,065 20		$18,068 40	
Vermont	19,595 69		12,330 06			33,909 75
Massachusetts	1,080,588 10		1,111,461 12		916,906 62	
Rhode Island	154,641 41		149,618 51		124,638 22	
Connecticut	201,910 29		258,548 23		135,463 91	
New York	2,601,409 90		2,813,729 82		2,312,665 24	
New Jersey	174,214 85		249,603 62		143,517 59	
Pennsylvania	1,017,439 55		987,170 58		560,677 81	
Delaware	19,159 65		22,201 47		8,162 90	
Maryland		$2,148 60		$29,731 20		125,862 44
Virginia		312,734 81		331,636 19		408,972 90
West Virginia		18,030 20		83,199 06		76,920 10
North Carolina		135,698 37		155,481 23		207,191 96
South Carolina		101,657 65		109,758 18		159,693 36
Georgia		208,945 47		198,968 98		320,202 31
Florida		111,174 01		103,337 50		133,294 45
Ohio		240,494 41		430,160 28		845,401 42
Michigan	340,673 81		333,902 61		39,461 62	
Indiana	3,366 49			130,374 61		294,652 53
Illinois	661,508 55		852,319 15		347,400 38	
Wisconsin	156,883 78		115,854 63			160,835 91
Iowa	146,573 35		101,468 12			371,407 62
Missouri		107,573 18		103,477 45		180,383 04
Kentucky		90,460 27		112,944 01		171,089 63
Tennessee		19,459 24		21,136 41		111,210 62
Alabama		183,430 24		177,262 65		258,494 53
Mississippi		94,183 06		101,477 78		186,082 87
Arkansas		189,412 65		165,972 83		208,602 28
Louisiana		75,329 04		79,487 50		120,660 75
Texas		499,019 34		302,437 67		431,354 03
California		508,351 28		277,016 91		417,188 81
Oregon		123,981 01		75,945 14		133,308 85
Minnesota	22,498 02		5,004 18			299,369 54
Kansas		250,167 21		284,081 56		382,276 42
Nebraska		501,801 79		545,451 59		596,411 89
Nevada		137,935 11		106,720 60		113,108 91
Colorado		179,234 87		145,600 10		277,615 85
Utah		230,210 53		151,640 19		180,996 73
New Mexico		48,417 37		51,803 37		111,366 59
Washington		95,466 36		93,993 43		110,892 66
Dakota		40,652 20	21,175 36			39,007 22
Arizona		225,320 51		118,019 35		149,819 77
Idaho		111,712 55		88,488 87		105,356 20
Wyoming		32,684 52		29,827 39		43,907 10
Montana		103,556 29		45,470 97		62,553 34
Alaska	160 33		230 73			1,600 33
District of Columbia		58,003 26		69,358 12		109,141 43
Indian Territory		81,300 78		35,146 44		42,086 96
Total	6,740,234 48	5,184,996 58	7,122,402 15	4,707,277 85	4,606,982 69	8,291,942,40
	5,184,996 58		4,707,277 85			4,606,982 69
Net excess	1,555,237 90		2,415,124 30			3,684,959 71

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 5, 1885.

SIR: In compliance with the verbal request made by you, I herewith transmit a statement showing the postal receipts and expenditures in the respective States and Territories of the United States during the years 1882, 1883, and 1884. For a statement of the cost of service on six of the largest steamboat routes I would refer you to the statement furnished by this office, January 8, 1884, appearing in the CONGRESSIONAL RECORD of May 1, 1884 (page 3651), there having been no material change in the cost of steamboat service since that date.

Very respectfully,

W. B. THOMPSON,
Second Assistant Postmaster-General.

Hon. CARLETON HUNT,
House of Representatives.

If, then, we consider the condition of the country, now that it can no longer insist upon the carriage of the mails, as it were, for nothing; if we compare the carriage of the foreign-going mail with the sums paid for the steamboat and star-route service; if we look at the sums paid for the carriage of the mail to South America and Mexico; if we regard the amounts paid to the coastwise service; if we bear in mind that the liberality of the Department is extended, for example, to a line from Morgan City to Galveston, or in that neighborhood, at the rate of $38,000 a year; if we recall at the same time the nature of the ocean service, the difficulties therein involved, the enterprise concerned, and the capital of our citizens invested, there can be no justification whatsoever for witholding larger compensation.

The present view is made perfect, and I am brought near to a close in connection with it when I ask the consideration of the committee to what is proposed to be done by the bill. I hold in my hand a statement showing the net revenue of the Post-Office Department on mail matter sent to and received from foreign countries during the fiscal year ending June 30, 1884. The total receipts are $2,157,622.63; the total expenditures are $1,431,893.77, and the net revenue, $725,728.86. This net revenue is reached necessarily after making all deductions, and especially a deduction upon the highest estimate of the cost of interior mail service.

The bill proposes of this net revenue to devote $600,000 in payment for the carriage of the mail. And it proposes to do so under all the restraints which are usual in other branches of the service.

The statement is as follows:

Statement showing, approximately, the net revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year ended June 30, 1884, based upon the tabulated estimate of mail matter exchanged during that period given on page 639 of the Postmaster-General's report for 1884.

RECEIPTS.

Amount of postages prepaid on letters sent abroad	$1,511,947 80
Amount of postages prepaid on postal cards sent abroad	19,902 16
Amount of postages prepaid on printed matter sent abroad	468,298 46
Amount collected on unpaid mail matter received	134,481 17
Forty per cent. on $57,457.60 of registration fees on 574,576 registered articles sent abroad—this being estimated as net profit on registration	22,993 04
Total receipts	2,157,622 63

Brought forward—Total receipts			$2,157,622 63
EXPENDITURES.			
Amount paid for sea conveyances, other than intermediary or transit, namely	$332,221 21		
Amount paid foreign administrations for intermediary, territorial, and sea transit of United States mails	$30,379 00		
Less amount received for similar service performed for said administrations by the United States	2,756 09		
		a27,622 91	
Net cost of maintaining the Shanghai and Panama postal agencies		b2,283 15	
United States share of support of international bureau and subscription for "Union postale"		b676 95	
			$362,804 22
Estimated cost of interior (domestic) mail service on 61,732,049 letters sent and received—three letters to one ounce=20,577,349 ounces, 2 cents per half-ounce	$823,036 96		
2,961,131 postal cards sent and received, at 1 cent each	29,611 31		
42,460,248 packets of fruits, &c., 816,699 packets of samples sent and received=43,276,857 ounces, at 1 cent for two ounces	216,384 28		
			1,069,069 55
Total expenditures			1,431,893 77
Net revenue			725,728 86
Net revenue, without charge for estimated cost of interior service as above, viz: $1,069,089.55 ($2,157,622.63—$362,804.22)			1,794,818 41

(a) Transit accounts for the year only partially adjusted and settled. When settled the net amount of expense to the United States will probably read $90,000.
(b) These expenses were not included in the similar statement made for 1883.

It is hardly necessary, Mr. Chairman, to say anything further in support of the view that I have laid before the Committee of the Whole. But I will conclude by calling your attention to the recent statistics published by the State Department to show how our commerce is affected by the prevailing penurious policy of the United States toward the ocean-going mail service. From a table just compiled in the State Department, it appears that the exports from England, France, and the United States to Mexico, Central and South America, the Spanish West Indies, Hayti, and San Domingo, of cotton goods, iron and steel, machines and implements of hardware and cutlery, &c., are as follows: From England, $112,183,000; from France, $77,213,000; and from the United States only $64,000,000.

It appears further, as to the trade of Brazil, while we import from that country products to the value of $53,000,000 against $29,000,000 imported therefrom into England and $29,000,000 into France, we export thither goods to the value of only $8,000,000, while England sends to Brazil goods valued at $34,000,000 and France goods valued at $15,000,000.

Of our total imports from South America the value of the goods brought in American vessels is $25,000,000, against a value of $49,000,000 brought in foreign vessels. It is only in our imports from the Spanish West Indies, Mexico, and Central America that American prevails over foreign tonnage, to wit: American vessels $53,000,000, against $22,000,000 in foreign vessels. Thus it appears that foreign vessels bring to the United States from those countries double the imports brought by American vessels. The imports into the United States from South America in foreign vessels are $49,000,000, in American vessels $25,000,000. The exports from the United States to South America in American vessels are $19,000,000, and in foreign vessels $11,000,000. Our total imports from South America in foreign steam vessels were of the value of $32,000,000, against $900,000 in American vessels.

This result, it appears, is brought about by the foreign policy in relation to commerce by steam sea-going vessels.

The round trips of the great European lines of steam vessels are expedited according to the following order: From Europe laden with European manufactures to South America; from South America laden with South American products to the United States; from the United States laden with our products to Europe; thus completing the circle to the advantage of European trade alone, only very few steam vessels carrying American products to South America.

Finally, Mr. Chairman, I incorporate in my remarks a table showing the course of the foreign civilized countries in this regard:

Table of subventions accorded by various European states to international steam-navigation lines.

States.	Number of companies subventioned.	Average duration of concessions.	Amount of the subventions. Per year.	Per league.	By other criteria.	Average speed required.
		Years.	Francs.	Francs.		Miles.
Austria	1	10	*5,000,000	2.85 to 10		8 to 12
Hungary	1	10	375,000		For 150 voyages	8 to 12
England	10	1	15,400,145		According to the importance of the postal service	9 to 12
France	2	15 to 24	32,414,457	25.90 to 45.70		9 to 12
Spain	7	8 to 10	5,000,000		According to the postal service	11 to 12½
Belgium	2	15	1,000,000		Guarantee of an average return	10 to 11
Holland	4	10 to 15	1,762,500	5 to 9.75		9 to 11
Germany	4	10	352,500		According to postal service	9 to 10
Italy	2	12	8,639,576	†12 to 32		8 to 10

* Other advantages. † According to the line.

The table proves that Austria, Hungary, England, France, Spain, Belgium, Holland, Germany, Italy, are all engaged in a course of liberal encouragement to their merchant marine. So that the fact is that while all the countries of the world that are civilized are engaged in encouraging ocean steam navigation we alone have neglected our opportunity. A review of the debates upon this question in foreign countries will indeed establish that the ocean-going steam vessel is considered the herald of civilization.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. HUNT. The gentleman will excuse me. I will yield presently. It is the herald of civilization; it is the bearer of correspondence between merchant and merchant; it is the vehicle by which contractual relations are introduced, and the means by which in the end those contractual relations are brought to rich results.

The policy pursued by Great Britain, with characteristic enterprise and by the use of her almost boundless wealth (in the way of the circle of voyages which I have described), has been followed by a success which has brought to all Americans who have reflected, and who would have the policy of America liberal and flourishing, the deepest regret for our own shortcomings in this respect. In this connection, Mr. Chairman, I will ask the Clerk to read to the House an extract from a message of Governor Cleveland, of New York, whose attention as an enlightened statesman had been brought to this very subject. He has formulated views which are similar to those that I have expressed upon the floor to-day, and his early accession to the first office in the Republic gives hope that the country is about to have in the Executive chair a Chief Magistrate who will insist upon principles that are enlightened and liberal.

The Clerk read as follows:

Fifty years ago a most distinguished foreigner, who visited this country and studied its condition and prospects, wrote:

"When I contemplate the ardor with which the Americans prosecute commerce, the advantages which aid them, and the success of their undertakings, I can not help believing that they will one day become the first maritime power of the globe. They are bound to rule the seas as the Romans were to conquer the world * * * The Americans themselves now transport to their own shores nine-tenths of the European produce which they consume, and they also bring three-fourths of the exports of the New World to the European consumers. The ships of the United States fill the docks of Havre and of Liverpool; while the number of English and French vessels which are to be seen in New York is comparatively small."

We turn to the actual result reached since these words were written with disappointment.

In 1840 American vessels carried 82⅞ per cent. of all our exports and imports; in 1850, 72⅛; in 1860, 66⅞; in 1870, 35⅞; in 1880, 17⅛; in 1882, 15⅛.

The citizen of New York, looking beyond his State and all her efforts in the interest of commerce and national growth, will naturally inquire concerning the causes of this decadence of American shipping.

While he sternly demands of his home government the exact limitation of taxation by the needs of the State, he will challenge the policy that accumulates millions of useless and unnecessary surplus in the national Treasury, which has been not less a tax because it was indirectly but surely added to the cost of the people's life.

Let us anticipate a time when care for the people's needs as they actually arise, and the application of remedies as wrongs appear, shall lead in the conduct of national affairs; and let us undertake the business of legislation with the full determination that these principles shall guide us in the performance of our duties as guardians of the interests of the State.

The CHAIRMAN (Mr. SPRINGER). The time of the gentleman from Louisiana has expired.

Mr. TOWNSHEND. I move that the committee rise for the purpose of making a motion that the House take a recess until to-morrow at 11 o'clock, and I state to the House that I am willing that just before 12 o'clock to-morrow the committee shall rise so that the House may get out of Saturday's session. My object in moving a recess is to save an hour for debate.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan;

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes;

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; and

A bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleeker, a paymaster in the Navy.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and had found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 433) to increase the pension of Simpson Harris;
A bill (H. R. 499) granting a pension to Mary A. Knawber;
A bill (H. R. 760) granting an additional pension to Watson S. Bentley;
A bill (H. R. 1084) granting a pension to Dorathea Bothner;
A bill (H. R. 1171) granting a pension to Isabel Campbell;
A bill (H. R. 1256) increasing the pension of Ben Morgan;
A bill (H. R. 1504) for the relief of Millia Staples;
A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
A bill (H. R. 2140) for the relief of Hugh Dougherty;
A bill (H. R. 2348) granting a pension to John D. Rickards;
A bill (H. R. 2399) granting a pension to Clarissa McKee;
A bill (H. R. 2432) for the relief of Mrs. Jane Young;
A bill (H. R. 2453) granting a pension to Frank S. Marsh;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 2908) granting a pension to James McManus;
A bill (H. R. 2920) for the relief of John Johnson;
A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;
A bill (H. R. 3527) granting a pension to George A. Marshall;
A bill (H. R. 3565) granting a pension to William Eurele;
A bill (H. R. 3612) granting a pension to Hayden Reynolds;
A bill (H. R. 3663) granting a pension to John T. Marshall;
A bill (H. R. 3703) granting a pension to James W. Brown;
A bill (H. R. 4041) granting a pension to Zelica T. Dunlap;
A bill (H. R. 4059) granting a pension to Isaac Demaranville;
A bill (H. R. 4238) granting a pension to Sallie Ingham;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 4379) for the relief of Maj. W. W. Freybarger;
A bill (H. R. 4752) granting a pension to William Herring;
A bill (H. R. 5004) for the relief of William B. Smith;
A bill (H. R. 5500) for the relief of Benjamin F. Amos;
A bill (H. R. 5585) granting a pension to Theodore Ahrens;
A bill (H. R. 5630) granting a pension to George W. Rugg;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;
A bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;
A bill (H. R. 5776) granting a pension to Louis D. Petty;
A bill (H. R. 5812) granting a pension to Ellen A. Vance;
A bill (H. R. 5923) granting a pension to Ruth Stratton;
A bill (H. R. 5926) granting a pension to John Maloney;
A bill (H. R. 5960) granting a pension to George Zieflе;
A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;
A bill (H. R. 6289) to place R. W. Duncan on the pension-roll;
A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 6461) granting a pension to Nelson Gammons;
A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 6584) granting a pension to Russell F. Dimmick;
A bill (H. R. 6665) for the relief of James Slack;
A bill (H. R. 6726) granting a pension to Margaret A. Maguire;
A bill (H. R. 6862) granting a pension to John Otis;
A bill (H. R. 6927) granting a pension to Merit M. Oakley;
A bill (H. R. 6934) granting a pension to Ann J. Williams;
A bill (H. R. 6956) granting a pension to Maria H. Sargent;
A bill (H. R. 6997) granting a pension to Henry Davis;
A bill (H. R. 7046) granting a pension to Alonzo Cornwell;
A bill (H. R. 7141) granting a pension to Daniel W. Adams;
A bill (H. R. 7295) granting a pension to Albert D. Simmons.

LEAVE TO PRINT TESTIMONY.

On motion of Mr. LYMAN, the Committee on Military Affairs was given leave to have printed for the use of the committee the testimony taken by it on the subject of armor-penetrating breech-loading cannon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House now take a recess until 11 o'clock to-morrow.

ELECTORAL COUNT.

Mr. HATCH, of Missouri. I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER *pro tempore*. The Chair would suggest to gentlemen that there is a matter which affects the convenience of members and the counting of the electoral vote on the day after to-morrow, in relation to which the gentleman from Maryland [Mr. FINDLAY] desires to offer a resolution and the Chair was about to recognize him for that purpose.

Mr. FINDLAY. Mr. Speaker, I offer a resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That on Wednesday, February 11, the whole of the east gallery and such portion of the south gallery as lies east of the reporters gallery shall be reserved for the use of the families of Senators, Members of the House of Representatives, and Delegates, and their visitors. The Doorkeeper shall strictly enforce this order. The Speaker shall issue to each Senator and member of the House of Representatives two cards of admission, and only persons holding these cards shall be admitted.

Mr. FINDLAY. This resolution is drawn in strict accordance with the resolution adopted without dissent on the occasion of the last electoral count. I hope there will be no objection.

There being no objection, the resolution was considered adopted.

Mr. FINDLAY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.;

A bill (H. R. 1339) increasing the appropriation for the erection of the public building at Pittsburgh, Pa.;

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas; and

Joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

A bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882; and

A bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington for the enlargement of the Post-Office Department building and for the accommodation of the city post-office.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

Mr. WOLFORD, by unanimous consent, referred back favorably from the Committee on Pensions the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House now take a recess till 11 o'clock to-morrow morning. I will state I shall be willing that just before 12 o'clock to-morrow the Committee of the Whole may rise and the House adjourn.

Mr. NEECE. I move to amend the motion for a recess by striking out "11" and inserting "10."

Mr. DUNHAM (at 5 o'clock and 15 minutes p. m.) I move that the House adjourn.

The motion of Mr. DUNHAM was not agreed to.

Mr. O'NEILL, of Pennsylvania. Is it the intention, if this recess be taken till 10 o'clock to-morrow, that the two hours before 12 shall be devoted to a continuation of the general debate, no other business to be done? [Cries of "No!" "No!"]

The SPEAKER *pro tempore*. The Chair is not informed of the purpose of the gentleman from Illinois.

Mr. DUNHAM. I wish to ask the gentleman from Illinois whether he intends to run this legislative day through to-morrow?

Mr. TOWNSHEND. I do not. I intend to move just before 12 o'clock to-morrow that the committee rise and the House adjourn.

The question being taken on the amendment of Mr. NEECE, there were—ayes 70, noes 46.

Mr. WHITE, of Kentucky. I make the point that no quorum has voted. I am opposed to doing business without a quorum.

Tellers were ordered; and Mr. NEECE and Mr. WHITE, of Kentucky, were appointed.

The House again divided; and the tellers reported—ayes 86, noes 51.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The gentleman from Kentucky insists on the point that no quorum has voted.

Mr. WHITE, of Kentucky. Pending that, I move the House do now adjourn. I am opposed to proceeding without a quorum. We met this morning at 10 o'clock, and not a dozen members were present.

Mr. HATCH, of Missouri. I move that when the House adjourns to-day it be to meet on Tuesday next at 12 o'clock.

The SPEAKER *pro tempore*. Under the rule the House when it adjourns would meet at 12 o'clock on Tuesday.

Mr. HATCH, of Missouri. Does not the record show that we are now proceeding in the legislative day of Saturday?

The SPEAKER *pro tempore*. The gentleman is correct; this is the legislative day of Saturday.

Mr. WHITE, of Kentucky. The House would meet on Tuesday at any rate, would it not?

The SPEAKER *pro tempore*. In the opinion of the Chair, the effect would be substantially the same, whether the motion of the gentleman from Missouri be agreed to or not.

The question being taken on the motion of Mr. HATCH, of Missouri, it was agreed to.

The question then recurring on the motion of Mr. WHITE, of Kentucky, that the House adjourn, there were—ayes 45, noes 53.

Mr. TOWNSHEND. I now renew my motion that the House take a recess until 11 o'clock to-morrow, Tuesday.

Mr. WHITE, of Kentucky. Does the gentleman from Illinois, speaking for his side, say that we shall adjourn to-morrow morning before 12 o'clock, so that the House may operate for an hour under the new rule?

Mr. TOWNSHEND. Speaking for myself, and also I think for my side of the House, I do so state.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois for a recess.

Mr. NEECE. What became of my motion?

The SPEAKER *pro tempore*. It failed for lack of a quorum.

Mr. TOWNSHEND. I call for the previous question on my motion.

Mr. HISCOCK. I submit to the gentlemen from Illinois whether the form of his motion should not be for a recess until Tuesday morning at 11 o'clock.

Mr. TOWNSHEND. That is the form in which I have stated it.

Mr. HISCOCK. I thought the gentlemen said "to-morrow morning."

The previous question was ordered, and under the operation thereof the motion of Mr. TOWNSHEND for a recess was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until to-morrow (Tuesday) morning at 11 o'clock.

AFTER RECESS.

The recess having expired, the House, at 11 o'clock a. m. (Tuesday, February 10), resumed its session, Mr. BLACKBURN in the chair as Speaker *pro tempore*.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. Under the order of the House all general debate will expire in one hour and five minutes, of which time the gentleman from Pennsylvania [Mr. BINGHAM] is entitled to thirty minutes, and the gentleman from Indiana [Mr. HOLMAN] is entitled to thirty-five minutes.

Mr. HOLMAN. I believe the gentleman from Pennsylvania was entitled to the floor last evening. If general debate is to be closed in one hour and five minutes, I hope there will be some understanding as to how the time is to be consumed on each side.

The CHAIRMAN. The Chair has stated that under the order of the House the time for general debate will be exhausted in one hour and five minutes.

Mr. HOLMAN. This side of the House is entitled to thirty-five and the other side to thirty minutes.

Mr. BINGHAM. This side of the House, in my judgment, is entitled to one hour. There has been consumed on this side but one hour and a half.

Mr. TOWNSHEND. If that is so, that side of the House is entitled to an hour.

The CHAIRMAN. There was no order made in regard to the division of the time between the two sides of the House.

Mr. BINGHAM. By no agreement, but by an understanding to which there was no objection.

The CHAIRMAN. The Chair has been unable to determine by the line of argument taken whether gentlemen were for or against the bill. Some were in favor of some particular parts and opposed to others; and some suggested propositions of future amendment. Therefore there can not be said to be sides, so far as has been developed in the general debate which has already taken place.

Mr. DINGLEY. The general debate was limited to five hours, and it was understood that two hours and a half would be used by this side of the House and two and a half by the other side of the House. Now, this side of the House has only had an hour and a half.

Mr. BINGHAM. And that time on the part of this side of the House has been used by the two members of the Committee on Appropriations, the gentleman from Kansas [Mr. RYAN] and the gentleman from Michigan [Mr. HORR].

Mr. KING. Mr. Chairman, I do not think there will be any objection to allowing the other side of the House the time desired.

The CHAIRMAN. But the general debate has been limited by order of the House.

Mr. KING. The extension asked for can be granted by unanimous consent.

Mr. BINGHAM. I think the Chair is in error as to the time that has been consumed.

Mr. KING. I ask unanimous consent to extend the time.

Mr. TOWNSHEND. I suggest that the gentleman from Pennsylvania [Mr. BINGHAM] proceed, and in the mean time we can arrange this matter.

The CHAIRMAN. The Chair has stated there was an hour and five minutes left of time for general debate on this bill. The Chair has not undertaken to allot the time between the two sides of the House, but has followed the usual course of taking the names handed to him.

Mr. BINGHAM. If the Chair will refer to the RECORD it will be found that the debate did not commence until 2 o'clock, and the House adjourned at five minutes after 5.

The CHAIRMAN. The general debate commenced at five minutes after 1 o'clock. The Chair is positive about that, as he noted it himself at the time.

Mr. HOLMAN. I reserved thirty-five minutes of my hour and am willing to yield a portion of that time to the other side, but I wish twenty-five minutes myself.

Mr. DINGLEY. How long did the gentleman from Kansas occupy?

The CHAIRMAN. Half an hour, and he yielded thirty minutes to the gentleman from Pennsylvania [Mr. BINGHAM], which would make, when occupied, two hours and twenty minutes for that side of the House.

Mr. DINGLEY. The gentleman from Michigan [Mr. HORR] took an hour in his own time, when Mr. RYAN then obtained the floor and yielded to him twenty minutes.

Mr. BINGHAM. That is the position exactly.

Mr. TOWNSHEND. Yes; that is the fact.

Mr. YORK. What time remains of the five hours for general debate?

The CHAIRMAN. One hour and five minutes.

Mr. BINGHAM. The Chair announced when Mr. RYAN left the floor he had thirty minutes of his time left, which he yielded to me, so the RECORD states.

The CHAIRMAN. The Chair stated that the gentleman from Kansas had thirty minutes left, which he yielded to the gentleman from Pennsylvania [Mr. BINGHAM]. Now, the order of the House must be obeyed so far as the time for closing general debate is concerned, and of that time only one hour and five minutes remain.

Mr. TOWNSHEND. How much on either side?

The CHAIRMAN. The Chair is unable to decide whether gentlemen who occupied the floor were for or against the bill, but has recognized them in the order in which their names were given to him.

Mr. KING. What is the wish of the gentleman from Pennsylvania?

Mr. BINGHAM. So far as I am personally concerned I have ample time; but my friend from Maine [Mr. DINGLEY] desires an opportunity to discuss one of the paragraphs of the bill, for which purpose he will require at least half an hour.

Mr. KING. I hope that time will be granted.

The CHAIRMAN. The gentleman from Pennsylvania will proceed for thirty minutes, after which time gentlemen can determine how the other thirty-five minutes will be divided.

Mr. BINGHAM addressed the House. [See Appendix.]

The CHAIRMAN. The Chair desires to correct a statement which he made before the remarks of the gentleman from Pennsylvania [Mr. BINGHAM] began as to the time remaining for general debate. The Chair

was then informed by the Clerk that but one hour and five minutes remained. The Chair has since examined the record of the time occupied yesterday by each gentleman, and finds that up to this time gentlemen on the minority side of the House have occupied two hours, and gentlemen on the other side two hours and thirteen minutes, leaving forty-seven minutes, of which the Chair will award thirty minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. TOWNSHEND. How much will be left for our side of the House?

The CHAIRMAN. Seventeen minutes.

Mr. TOWNSHEND. I had reserved twelve minutes from the hour allotted to me. I wish to say I will yield my time to my friend from Indiana [Mr. HOLMAN] if he desires it.

Mr. DINGLEY. Mr. Chairman, the gentleman from Louisiana yesterday called the attention of the Committee of the Whole to the importance of early action by Congress on the subject of the foreign mail service of the United States. I desire to emphasize the conclusions of that gentleman, and to add such considerations as my time will permit. The twenty-third section of the shipping act, approved June 26, 1884, repealed all laws and parts of laws that compel vessels of the United States to carry our mails to and from foreign countries for the small compensation allowed by law, the repeal to take effect on the 1st of April next. This repeal was just and proper, for there was obvious injustice in requiring the owners of American vessels in the foreign trade to carry our mails arbitrarily for a grossly inadequate compensation, while not only the owners of foreign vessels entering and clearing from our ports, but also the owners of American coastwise vessels and land conveyances, were left free to make such arrangements with the Government for transporting the United States mails as were mutually satisfactory.

So far as mail communication between the United States and the countries of Europe are concerned, the repeal of these compulsory provisions of our laws can cause no difficulty. The immense carrying trade between this country and Europe and the necessity imposed on the nations of Europe of maintaining frequent and rapid postal and commercial communication with the United States have built up a large number of lines of steamships. These lines, to be sure, are all foreign since the withdrawal of the Philadelphia American line a few months ago; yet all are willing to make contracts to carry our mails for the postal-union rate, for the reason that the immense amount of mail matter carried between this country and Europe makes this rate yield a considerable compensation, and for the further reason that as these lines of steamers are maintained by other business and by the mail subsidies of the nations of Europe, whatever additional pay can be obtained of our Government is so much gain.

But so far as direct mail connection with the countries of Central and South America, Mexico, the Sandwich Islands, the Australian colonies, China, Japan, and some of the West India islands, is concerned, the repeal of the compulsory provisions of our law, unless some provision shall be made for adequate compensation, is in danger of depriving our people of the facilities of postal communication now offered by the lines of American steamers which make regular trips between the United States and these countries. I do not by any means desire to intimate that the owners of these American steamship lines will take any improper advantage of the fact that after the 1st of April next they will have the same right to control their own property that every other citizen of this country possesses. But no reasonable man will expect them, for any considerable time after that date, to continue to carry the mails of the United States many thousand miles for so paltry a compensation that the amount received from our Government for this service by one of our largest steamship companies has barely paid for the expense to which the company has been subjected in delivering the mails at the post-offices at the termini of the routes.

Indeed, there has been so marked a discrimination against American vessels in the foreign trade in our postal legislation and administration that a simple statement of its nature is a convincing argument against its continuance. Under the compulsory law requiring the master of an American vessel in the foreign trade to receive, convey, and deliver all mails tendered him by the Post-Office Department, for which he shall be entitled to receive 2 cents per letter, our Government in a recent year paid five important American steamship lines, which traveled 1,181,309 miles, and maintained regular postal and commercial communication with Australia, China, Japan, Brazil, Cuba, and Mexico, $31,405 for carrying the mails of the United States, or the munificent compensation of 2¾ cents per mile!

In the same year, under the laws applicable to coastwise vessels and inland conveyances, that give contracts for carrying the mails to the lowest voluntary bidder for such transportation, the Government paid five small lines of coastwise steamers, which traveled only 247,960 miles and connected several minor domestic ports, the sum of $142,706, or 57½ cents per mile.

As an illustration of the discrimination against American vessels in the foreign trade, I ask the committee to observe that while the small coastwise steamers which carry the United States mail between Galveston and Brashear, received $50,000 per annum for this service, a distance of a few hundred miles, the Pacific Mail Steamship Company received only $14,849 for conveying the United States mails between San Francisco and Australia, China and Japan, a distance of 12,000 miles.

I am sure, Mr. Chairman, that no fair-minded man will care to have this unjust discrimination continued. I desire to bring this state of things to the attention of Congress, in order that there may be legislation before the adjournment authorizing the Postmaster-General to give such compensation for carrying our mails to the countries of this continent and the countries of the East which lie nearer to us than to Europe as will not only maintain the present postal and commercial communication afforded by American lines, but will also encourage the establishment of new lines directly connecting the United States with other countries of South America with which we have no steam communication except by way of England. The President, in his annual message, and the Postmaster-General, in his recent report, both call the attention of Congress to the necessity of legislation on that point.

Mr. Chairman, to my mind the provisions incorporated into the postal appropriation bill by the Appropriations Committee, if enacted into law, will tend to accomplish this result; and accomplish it, too, simply by the extension to foreign mail service by American steamers of the same system of contract to the lowest bidder which has worked so successfully on the land in the case of inland conveyances, and so acceptably on ocean routes where the mail is conveyed by coastwise steamers between our own ports.

The provision recommended by the Committee on Appropriations, and in substance unanimously indorsed by the Select Committee on Shipping Interests, although the latter recommend a larger appropriation, simply authorizes the Postmaster-General to invite proposals for carrying the mails in American steamers between the United States and foreign ports to which he may regard it desirable to extend postal and commercial communication, and, if he shall deem it proper, to enter into contract for not exceeding four years, with the lowest responsible bidder, for a sum not to exceed 50 cents per nautical mile traveled each way, the entire amount to be expended for this purpose not to exceed the profit which the Government makes on its foreign mail service, and not more than $600,000 for the next fiscal year. It will be observed that not a dollar of the revenue obtained by ordinary taxation is to be appropriated to maintain and extend postal and commercial communication with foreign countries. The rule which has always prevailed in our domestic postal service has been to make expenditure and revenue as nearly equal as possible. The plan of the committee extends the same principle to our foreign mail service, and proposes to use the excess of receipts from this source above expenditure, deducting even the cost of inland service, in improving and extending postal and commercial communication with foreign countries. Even if we should appropriate the gross revenue of the foreign mail service, estimated at $1,700,000, in maintaining and extending postal and commercial communication with foreign countries by means of American steamers, as recommended by the Shipping Committee, we should fall far short of what England does in the same direction, for in the last fiscal year she paid British steamship lines over a million and a half of dollars more than the gross amount received for foreign postage, and but a few years ago her expenditure for this object in excess of receipts exceeded three millions annually.

From the last annual report of the British postmaster-general received at our Post-Office Department I take the following statement of the amounts paid by Great Britain to steamship lines, almost entirely British, for foreign mail service, and the amounts paid each line by the Government in excess of the receipts for postage:

Steamship lines.	Payments.	Excess of payments over postal receipts.
Australia	(*)	.....
Brazil	$60,825	.....
Cape of Good Hope	(†)	.....
Alexandria and Cyprus	39,295	$38,500
East Indies and China	1,793,000	1,023,000
East coast of Africa	31,120	29,000
West coast of Africa	41,990	10,000
Dover and Ostend	80,585	.....
Malta and Messina	7,500	.....
United States	462,615	260,000
Bermuda and Jamaica	87,500	82,500
Panama and Valparaiso	13,285	.....
West Indies and Mexico	420,115	265,000
Total	3,039,830	1,707,000

* Paid by Australia. † Paid by colony.

Previous to 1875 the British Government paid annually from $4,000,000 to $5,000,000 to steamships for ocean mail service; an amount from two to three millions in excess of her revenue from foreign postage. Nearly all of this sum was paid British steamship lines. France pays her mail steamships over four and a half millions annually; Italy nearly two millions, Austria one million, Spain one million, and even little Holland over $300,000.

Compare with these figures the sums paid to steamships by the United States for foreign mail service in the last fiscal year, as follows:

Service.	American.	Foreign.	Total.
Transatlantic	$2,833 20	$268,116 34	$270,949 44
Trans-Pacific	16,833 97	2,241 81	19,125 78
South and Central America and West Indies, &c	30,259 33	6,873 36	37,132 69
	49,976 50	277,231 41	327,207 91

The aggregate amount paid to steamships for foreign mail service in 1884 by the United States was $327,207, of which only $49,976 was paid to American steamers, while Great Britain paid for the same object an aggregate of $3,039,830, of which about $2,900,000 went to British steamships. Until within a year and a half the little colonies of Australia and New Zealand and New South Wales paid the Pacific Mail Steamship Company $400,000 annually to maintain postal and commercial communication with the United States, and since November, 1883, the amount paid has been $250,000, of which New Zealand has contributed $156,000 and New South Wales $94,000, while the United States paid for the same service only $11,000. Finding that the United States was disinclined to pay its proportion of the cost of maintaining this service New South Wales withdrew last December, and unless this country comes to the aid New Zealand will soon follow, and steamship communication with Australia will be discontinued.

Observe the great difference in compensation awarded for carrying the mails by Great Britain to her steamers and that paid by the United States to our steamers for similar service. Great Britain paid her Brazil line $60,825; the United States paid our Brazil line $5,249. Great Britain paid her lines to the West Indies and Mexico $420,115; the United States paid our Cuban and Mexican lines $9,800; Great Britain paid her China and East India lines $1,793,000; the United States paid our China, Japan, and Australian line $14,849.

The simple statement of these facts, when it is borne in mind that with two or three exceptions the figures of the past year illustrate the indifference of our Government for nearly thirty years to the extension of postal and commercial communication with foreign countries by means of American steamship lines, goes far to explain our humiliating position on the ocean and ought to arouse the attention of Congress to the importance of preliminary legislation looking to the adoption of that policy of encouraging the establishment of steamship lines by liberal mail pay which was so successfully inaugurated by Great Britain more than forty years ago, and which nearly every European commercial nation has within a recent period begun to imitate.

I am aware, Mr. Chairman, it is sometimes claimed that Great Britain has been indifferent to the national character of the vessels which carried her mails, and that her sole object has been to secure the transmission of postal matter with celerity, regularity, and at the lowest cost, regardless of the flag which floated over it and the nationality of the ports from which the steamers took their departure. No one can trace the history of the development of England's postal and commercial communications without reaching the conclusion that the two have marched abreast.

Wherever there seemed to be an opening for British trade she has hastened to encourage the establishment of steamship communication by tendering liberal pay for carrying her mails. She has not been content to send her mails by any foreign steamship line when it has been possible to secure equal dispatch by a British line. When the Collins line of American steamers seemed about to distance the British Cunard line, England did not say that it made no difference to her whether her mails were carried by British or American steamers, but she promptly came forward to the aid of the Cunard line by increasing her mail pay. She could have dispatched her mails to Brazil by the French line of steamers at a nominal cost, but instead of doing this she came forward to aid in the maintenance of a direct British line, not simply by liberal mail pay, but by a guarantee of 8 per cent. interest to encourage merchants to maintain a British line to Brazil. She continued this policy until the British steamship lines had possession of the routes of foreign trade and there was no necessity of more than ordinary compensation.

The policy of Great Britain has been to maintain direct postal and commercial communication by means of British steamships with all foreign countries which offered opportunities for trade. As strikingly stated by Capt. Bedford Pim, a well-known English statesman, in a recent address in Washington, the British hold that "trade will follow the flag." Trade follows the flag which opens and maintains direct postal and commercial communication. It is in part by means of British steamship lines connecting directly and regularly foreign countries with the ports of Great Britain, and affording prompt and regular means of correspondence and transportation of merchandise, that Great Britain has been able to seize and hold to such an extent the markets of the world.

One of the important problems which is commanding the attention of the American people at the present time is how to obtain possession of a large share of the trade of the non-manufacturing countries of this continent, which purchase of us only sixty-four millions, but of France seventy-seven millions, and of Great Britain one hundred and twelve millions. The present Congress has regarded a successful solution of this problem so important that it has authorized a commission to visit Mexico and the countries of Central and South America and report such measures as seem to these gentlemen best calculated to secure this end. The commission have not yet completed their labors, but they have already obtained sufficient light to make public some of their conclusions. They represent in the strongest terms possible that one of the first things to be done is to establish direct and regular steamship connection for postal and commercial purposes with such countries in South America as we wish to reach with the products of our industries.

At present we have no regular direct steamship connection with most of the countries of South America. Our mails and our goods must largely go by the roundabout way of England. In these days when purchasers demand conveniences for swift communication and quick delivery it is impossible for us to think of largely reaching the markets of South America unless we have steamship lines regularly running between our ports and the leading ports of that country by which mails and goods may be transported promptly and regularly.

The growth of our trade with Australia, Mexico, and other countries with which we have established regular steamship connection affords evidence of the commercial importance of regular American steamship lines. Our exports to Mexico have increased from $3,716,599 in 1866 to $14,370,992 in 1883; to Central America, from $121,534 to nearly two millions; and to Australia, from $3,419,973 in 1870 to $9,638,997 in 1883.

It is idle, however, to expect that the existing American steamship lines to Australia, China, Japan, and Brazil can be long sustained, or new lines to South American ports be established, unless the United States shall feel sufficiently interested to extend liberal mail pay for postal service. No nation of Europe has ever originally established steamship lines to connect with foreign countries without liberal mail pay from the government. It has been frequently asserted that this has not been the case with Great Britain. The official records, however, prove that England was the pioneer of this policy on the most liberal scale. To settle this point beyond question, however, I addressed a note of inquiry to Capt. Bedford Pim, recognized everywhere as an English authority on all matters relating to the British marine, and I received from him a prompt reply on this point, in which he says:

> It has been the policy of the British Government to establish or rather encourage the establishment of British steamship lines by the annual payment of a postal subsidy, and this with the most gratifying result as regards the expansion of British commerce. I know of no instance of a British postal line of steamers originally established without a subsidy for carrying the mails.

Now that Great Britain has obtained possession of most of the important lines of steamship communication with foreign countries she has no need of dispensing her largesses with so liberal a hand as formerly; but the mail compensation she still gives so many of her steamship lines shows that she continues to jealously guard this important agency in the development of her foreign trade.

Mr. Chairman, there remains one other consideration which it is important that Congress should not overlook. The plan to which I am calling attention provides that in case of war all American steamers, under contract to carry the mails of the United States, shall be subject to purchase or charter by this Government at reasonable rates. This is substantially the condition on which Great Britain has for years entered into contract with her mail steamships. In this way she has constantly had at hand a large fleet of swift steamships at comparatively slight expense to her treasury, which she could take possession of at a day's notice in case of war, and use as transports for troops and supplies, and even as light-armed swift cruisers to sweep an enemy's commerce from the sea.

By encouraging the establishment and maintenance of steamship lines employing large and swift vessels, through liberal compensation for carrying our mails to foreign countries, it is in our power, at a comparatively small expense, to build up a fleet of steamships and large private ship-yards, which will be of inestimable value in case of war.

The chief objections to the plan proposed by the committee, which have been suggested, are that it gives the Postmaster-General too much power; that it involves too great expense; that it will inure largely to the benefit of the few existing American lines which will have no competition, and that it will not measurably add new lines running to other countries.

These objections are entitled to careful consideration. If no new lines of American steamships shall be added to our present fleet, no expense would be incurred in that direction. If new lines to some of the more important ports of South America can be secured even at the maximum compensation provided, I think there would be little difference of opinion as to the wisdom of the appropriation.

The United States paid to foreign steamers in the last fiscal year about $268,000 for carrying her mails to Europe, and will pay nearly $300,000 in the next year. I am informed by gentlemen who have practical acquaintance with the subject that if this sum was annually placed at the disposal of the Postmaster-General, with authority to make

a contract for four years for carrying our European mails, American capitalists would without doubt enter into a contract with our Government to establish a semi-weekly line or lines of American mail steamships, equal to any in the world, between New York and Liverpool, on the assurance that they would receive the same sum annually for carrying our mails to Europe that is now paid in the aggregate to foreign steamers. And this sum, it is worthy of note, is almost exactly the maximum of 50 cents per nautical mile, estimating the mileage made by a semi-weekly line of steamships between New York and Liverpool. Would it not be far wiser to use the $268,000, or the $300,000, as the amount paid to foreign transatlantic steamers will unquestionably be the next fiscal year, in establishing an American line of swift first-class mail-steamers, that would bear the American flag and be available for Government uses in case of war, than to pay it to maintain foreign steamships, which would be turned against us in case of trouble between the United States and the nations under whose flag these steamers sail?

Such a change in our policy would add very little to our expenditure, so far as our transatlantic mails are concerned, on the basis of semi-weekly mails between Europe and the United States. Certainly, we could well afford to increase our expenditure for foreign mail service $550,000 annually, as contemplated by the provision recommended by the Committee on Appropriations, or even $1,700,000, as recommended by the shipping committee, if thereby we could secure and maintain prompt and frequent postal and commercial communication by American steamships with the countries of South America, the Australian colonies, and China and Japan—countries whose trade we are seeking to draw to ourselves in larger measure.

Perhaps, Mr. Chairman, the objection which has most weight is that under the plan proposed existing American steamship lines, running to the West India islands, Mexico, Central America, a few countries of South America, the Australian colonies, and China and Japan, might all be able to secure the maximum amount provided, without regard to the value of their service, and thus appropriate to themselves the most of the sum placed at the disposal of the Postmaster-General without adding anything to the facilities we now have. This objection assumes that the Postmaster-General would administer this measure, if it should be enacted into law, without due regard to the public interests. Why should there be fear of this in his administration of the laws relating to foreign mail service, with a limitation of the maximum expenditure by-law, when we have no hesitation in intrusting to him the expenditure of many millions in the domestic mail service by land and sea without any limit to the sum that he may pay for transportation of the mails? Why this extraordinary distrust the moment that any measures are proposed to promote postal and commercial facilities with foreign countries and encourage the American merchant marine?

It is to be observed that there is nothing in the measure proposed which requires the Postmaster-General to pay a single dollar to an American line of steamers. He may invite proposals for carrying the mails by American steamers to any country that he regards it proper to do so, and when he has received bids for this service he may reject any and all proposals which in his judgment it is not for the public interest to accept. If he can not obtain a proposal satisfactory to him he may send our mails by foreign competing steamers or by way of England. The absolute discretion vested in him in the foreign, as in the domestic mail service, limited, however, in the case of the foreign service to the maximum sum of 50 cents per mile and the aggregate of $600,000, would make the Postmaster-General master of the situation in the case of the adoption of the measure proposed.

Moreover, with the exception of the lines from the Sandwich Islands to Australia, San Francisco to Panama, and San Francisco to British Columbia, there is already competition by foreign steamship lines, which would be ready to carry our mails if American lines asked too much, or by American companies owning foreign steamers which would be ready to dispose of their foreign steamers and purchase American vessels in order to secure the contract for our mail service.

The following list of ocean mail-routes on which American vessels now carry the mails of the United States to foreign countries, with the number of miles traveled by steamships on each route and the amount paid each line by this Government for mail service in the last fiscal year, omitting the Philadelphia line now withdrawn, will be of interest in this connection:

Lines of service.	Miles traveled.	Amount mail pay.
*Pacific Mail Steamship Company, San Francisco to Australia, &c.	156,000	$11,184
Pacific Mail Steamship Company, San Francisco to China and Japan	165,620	3,665
Pacific Mail Steamship Company, New York to Aspinwall	144,072	6,841
*Pacific Mail Steamship Company, San Francisco to Panama	158,688	1,597
*San Francisco to British Columbia	83,000	357
New York, Havana and Mexican Mail Line, New York to Cuba, Porto Rico, and Mexico	209,000	8,101
New Orleans to Vera Cruz	16,000	873
New York and Brazil Line	162,080	5,249

List of ocean mail routes—Continued.

Lines of service.	Miles traveled.	Amount mail paid.
New York and Cuba Mail Line, Cuba, Porto Rico, and Bahamas	101,500	$2,957
Morgan Line, New Orleans to Cuba and Mexico, Key West to Cuba, Galveston to Mexico	85,000	954
New Orleans to Honduras and Guatemala	61,200	512
New York to Hayti	35,496	483
New York to Venezuela	79,716	1,046
Baltimore to Bermuda	4,200	14
Boston, Halifax and Prince Edward	81,600	144
Boston to Yarmouth, Nova Scotia	75,600	141
San Francisco to Mexico	39,840	258
Oceanic Steamship Company, San Francisco to Hawaii	83,200	1,852
Steamship Mendoza, New York to Argentine Republic	26,000	87

The above lines, with a few irregular trips by other steamers carrying the mail, apparently make an aggregate mileage of about 1,750,000 miles. But the service from San Francisco to Hawaii, New York to the West India islands and Mexico, and several other points, is duplicated; several lines run to countries with which we are connected by railroads; and on all the routes but the three indicated by a star, thus (*), there are competing lines. On one of these three, that from San Francisco to the Australian colonies, there is competition to Hawaii, which leaves routes covering only about 300,000 miles on which there is but one steamship line. Although the miles traveled by the steamers of the four lines of the Pacific Mail Steamship Company, which carried the United States mails in the last fiscal year, were 624,380, yet there are competing lines, either foreign or American, over all portions of their routes except 231,488 miles; and mail matter may be dispatched even to these points by longer indirect foreign routes.

It will be seen, therefore, that there is no more reason to suppose that any sum which may be appropriated on the plan proposed for foreign mail service will not be wisely and economically expended by the Postmaster-General than there is that the much larger appropriations for domestic mail service puts in the hands of that officer will be misappropriated.

Mr. Chairman, I have dwelt on the objections urged against any practicable plan of increasing our postal and commercial communication with foreign countries and of encouraging the establishment of American steamship lines because many gentlemen have given undue importance to them. I am sure that when gentlemen rise to the national importance of these ends they must feel that Congress will do itself and the country great injury if it allows objections which can have no force except on the supposition that the Postmaster-General of the administration soon to be inaugurated will be unfit for the position, to stand in the way of an earnest effort to secure postal and commercial communication with foreign countries by means of American steamships.

A nation of 56,000,000 of people, occupying so high a place among the powers of Christendom, and proudly boasting of a future of which no other country ever dreamed, ought not to be content until her mails are carried to other nations by steamships floating her own flag. Our commercial interests demand this, for in the multiplied presence of American vessels in the world's waters there would come to us a commercial as well as moral advantage. The steamship is the great agency of foreign trade; and the commercial history of the world shows that trade follows the flag which floats at the masthead of the ocean carrier. What the devices of advertising are to the merchant who solicits trade our merchant fleets upon the seas are to this country.

Patriotism unites in the appeal for the extension of American steamship lines. A nation is known and felt abroad more by the flag floating over her shipping in foreign ports and on the great ocean highways than by any other agencies. If we would have our Republic more highly honored and respected abroad, we can secure this result in no other way so successfully and cheaply as by multiplying American ocean tonnage and encouraging the establishment of American steamship lines to the leading ports of the world. The same policy of liberal mail pay which has built up British steamship lines on all the great routes of ocean commerce, and nothing else, will, if persistently followed, secure to the United States similar results.

The instinct of self-preservation admonishes us to multiply swift merchant steamships, which in time of war may be laid hold of by our Government as transports and commerce-destroyers, and ship-yards which in time of need may be resorted to for the prompt construction of war vessels and engines of war. The nation whose boundaries and chief commercial cities are touched by the sea is almost defenseless unless it can cope with its enemies on the ocean. In modern times the seat of power of every nation is on the rocking waves as well as on the solid land.

Mr. TOWNSHEND. The gentleman from Maine yields to me for the purpose of moving the committee rise.

Mr. DINGLEY. How much time have I left?

The CHAIRMAN. Thirteen minutes.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND moved that the House adjourn.

The motion was agreed to; and the House accordingly (at 11 o'clock and 55 minutes a. m., February 10, 1885) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Mary C. Stames, asking a reference of her case to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Memorial of R. S. Waring and others, of Pittsburgh, Pa., in favor of Indian schools—to the Committee on Indian Affairs.

Also, memorial of the First, Second, Third, Fourth, Fifth, and Seventh United Presbyterian churches of Allegheny, Pa., praying that the educational facilities recommended by the Secretary of the Interior be incorporated into law by Congress—to the same committee.

Also, memorial of the faculty of Western University of Pennsylvania and the professors of various colleges, praying that the educational facilities recommended by the Secretary of the Interior may be incorporated into law by Congress—to the same committee.

Also, memorial of Samuel Barnes, D. D., pastor of Fourth Baptist church of Pittsburgh, representing 496 members, praying that the educational facilities recommended by the Secretary of the Interior may be incorporated into law by Congress—to the same committee.

By Mr. BEACH: Petition of citizens of Port Jervis, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. BRENTS: Petition of Custer Post, No. 6, Department of Washington Territory, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. T. M. BROWNE: Petition of 73 citizens of Rushville, Ind., praying the passage of a bill for the abolition of polygamy, &c.—to the Committee on the Judiciary.

By Mr. CANNON: Papers to accompany bill for the relief of Samuel and David Wilson—to the Committee on Ways and Means.

By Mr. CLEMENTS: Petition of Hester A. Weitinger, widow of John Weitinger, deceased; of John A. Masteller and Elizabeth A. Moody, administrators of Andrew Masteller, deceased; and of David Murdoch, of Bartow and Chattooga Counties, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. COLLINS: Petition of Walworth Manufacturing Company and others, in favor of legislation to carry into effect the treaty with Mexico—Committee on Ways and Means.

Also, petition of Rev. John Wright and others, citizens of Boston, Mass., in favor of additional legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. CRISP: Petition of John A. Cobb, S. B. Hawkins, C. W. Hancock, and other citizens of Sumter County, Georgia, asking further aid to the World's Industrial and Cotton Centennial Exposition at New Orleans—to the Committee on Appropriations.

By Mr. G. R. DAVIS: Petition of C. M. Keys & Co. and 25 others, leading shippers and dealers in live-stock, of Saint Louis, Mo., against the passage of the Hopkins resolution relating to the shipping of live-stock—to the Committee on Commerce.

Also, petition of T. C. Eastman and 18 others, leading shippers and dealers in live-stock, of New York city, against the passage of the Hopkins resolution—to the same committee.

By Mr. ELLIS: Memorial and petition of John A. Palmer, index clerk House of Representatives—to the Committee on Accounts.

By Mr. GEDDES: Papers relating to the claim of St. Andrew's Lodge, No. 18, of Free and Accepted Masons, Cynthiana, Ky.; also of James S. Frizzell, of Cynthiana; of Joseph B. McClintock, of Harrison County, Kentucky; of the estate of Thomas V. Stirman, deceased; and of Marcus L. Broadwell, of Harrison County, Kentucky—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon, for the further improvement of Coquille River—to the Committee on Rivers and Harbors.

By Mr. GLASCOCK: Resolution of the Board of Trade of the city of Sacramento, Cal., asking for ratification of treaty with Nicaragua, and the construction of the Nicaragua Canal—to the Committee on Foreign Affairs.

By Mr. GREENLEAF: Petition of B. F. Wilber, F. S. Upton, John D. Burr, and others, citizens of Geneseo, N. Y., that the United States shall acquire the title to the two canals connecting the Portage Lake, Michigan, with Lake Superior—to the Committee on Rivers and Harbors.

Also, petition of Mrs. H. Otes, Mrs. M. Hayes, C. Roby, and others, citizens of the United States, asking that the Mormon question may receive the attention which its importance demands; also of S. D. Bentley, W. F. Cogswell, Edward Harris, citizens of the United States—to the Committee on the Judiciary.

By Mr. HOBLITZELL: Petition of Ferdinand Mullan, administrator of Charles N. Mullan, deceased, late an employé of the Forty-fourth Congress, for an allowance for necessary funeral expenses of said deceased—to the Committee on Accounts.

By Mr. HOPKINS: Memorial of Chamber of Commerce of Pittsburgh, Pa., upon the subject of railroad discrimination and pooling—to the Committee on Commerce.

By Mr. HOWEY: Petition of J. L. Roberts and others, of Bernardsville, Somerset County, New Jersey, praying for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JOHNSON: Petition of Rev. A. J. Fennel and others, of Glens Falls, N. Y., for legislation on the Mormon question—to the same committee.

By Mr. B. W. JONES: Memorial of newspaper publishers of the West and Northwest, asking reduction of newspaper postage—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of the State of Wisconsin, asking the United States to take control of Sturgeon Bay and Lake Michigan Ship Canal—to the Committee on Rivers and Harbors.

Also, resolution of State Grange of Wisconsin, asking legislation to the end that manufacturers and agents shall alone be liable for infringement of patents—to the Committee on the Judiciary.

By Mr. KEAN: Petition of citizens of Jamesburg, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the Committee on the Judiciary.

Also, petition of citizens of Springfield, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the same committee.

By Mr. LIBBEY: Petition of the Soldiers' and Citizens' National League, for pensioning all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. McCORMICK: Petition of Rev. H. Calhouse and 108 citizens of Lawrence County, Ohio, against Mormonism—to the Committee on the Judiciary.

By Mr. MAGINNIS: Petition of citizens of Montana, for a pension of $8 per month for all discharged soldiers—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of Professor W. T. Axtell and 45 others, of Monroe County, and of J. A. Woodburn and 20 others, citizens of Monroe County, Indiana, for legislation to remedy the evils of Mormonism—to the Committee on the Judiciary.

By Mr. MULDROW: Petition of Daniel Peel, of Tishomingo County, Mississippi, asking for reference of his claim to the Court of Claims to correct error in finding of late Southern Claims Commission—to the Committee on War Claims.

By Mr. PERKINS: Resolutions of citizens of Elk County, Kansas, favoring the opening of the Oklahoma country to settlement and condemning the employment of soldiers to evict the settlers therefrom—to the Committee on Indian Affairs.

By Mr. PETERS: Petition of citizens of Comanche County, Kansas, asking for passage of an act to make valid certain acts of notaries public taking final proofs on pre-emption claims—to the Committee on the Public Lands.

By Mr. PETTIBONE: Petition of James O. Broyles, of Washington County, Tennessee, praying for pay for two horses taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. POLAND: Petition of Rev. A. L. Cooper and others, of Springfield, Vt., praying for legislation upon the Mormon question—to the Committee on the Judiciary.

By Mr. RAYMOND: Petition from citizens of Brulé County, Dakota Territory, asking for the passage of the bill (S. 1755) for opening a part of the Sioux reservation to settlement—to the Committee on Indian Affairs.

By Mr. STEPHENSON: Joint resolution of the Legislature of the State of Wisconsin, relative to the purchase of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Wisconsin, relative to the Sturgeon Bay and Lake Michigan Ship Canal—to the same committee.

Also, petition of E. C. Daniels and 26 others, of Sturgeon Bay, Door County, Wisconsin, praying for an increase of widows' pensions—to the Committee on Pensions.

By Mr. STONE: Petition of Andre Thissell, of Essex County, Massachusetts, for pension—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of Judson S. Post, for relief—to the Committee on Naval Affairs.

By Mr. VAN ALSTYNE: Petition of Rev. H. E. Stanton and many others, citizens of Albany, N. Y., asking Congress to pass a law suppressing polygamy—to the Committee on the Judiciary.

By Mr. VANCE: Petition of James Taylor, for settlement of accounts as delegate of Eastern band of North Carolina Cherokees—to the Committee on Indian Affairs.

Also, petition of Joseph Hensen (Bull Frog), a Cherokee Indian, as to certain lands in North Carolina—to the same committee.

By Mr. A. J. WARNER: Petition of James N. Chamberline and others, against the repeal of section 4419, Revised Statutes—to the Committee on Commerce.

By Mr. WINANS: Petition of veteran soldiers of Michigan, for an increase in the pension allowed Jane Brent, widow of Captain Brent, late of the regular Army—to the Committee on Pensions.

By Mr. WOODWARD: Resolution of the State Grange of Wisconsin, urging amendment of patent laws—to the Committee on the Judiciary.

By Mr. YAPLE: Petition of A. E. Knapp and 62 others, citizens of Kalamazoo, Mich., for legislation to check the increase of the evil of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BALLENTINE: Of citizens of Wayne County, Tennessee.

By Mr. BREITUNG: Of citizens of Platte, of Traverse City, and of Omena, Mich.

By Mr. CULBERTSON: Of 121 voters of Catlettsburg, Ky., and of 472 citizens of Fearis, Ky.

By Mr. CURTIN: Of citizens of Elk County, of Clearfield County, of Mifflin County, of Centre County, and of Philipsburg, Pa.

By Mr. FUNSTON: Of citizens of Coffeyville, of Ransomville, of Empire City, of Louisburg, of Ottawa City, of Oswego, and of Paola, Kans.

By Mr. HART: Of M. W. Spargur and 114 others, soldiers of Highland County, Ohio.

By Mr. KEIFER: Of Theodore Smith and 115 others, of Madison County, Ohio, and of H. M. Cline and 62 others, of Bellefontaine, Ohio.

By Mr. KLEINER: Of ex-soldiers of Leopold, Ind.

By Mr. LACEY: Of Charles S. Daskam and 42 others, of Albion, Mich., and of A. D. Goodrich and 61 others, of Olivet, Mich.

By Mr. LOWRY: Of 62 citizens of Ligonier, Noble County, Indiana.

By Mr. LYMAN: Of citizens of Somerville, of Pepperell, of Shelburne Falls, and of Charlemont, Mass.

By Mr. PATTON: Of Mrs. M. Salsgiver and 20 others, citizens of West Lebanon, Indiana County, Pennsylvania.

By Mr. RAYMOND: Of citizens of Union, Day, Hughes, and Yankton Counties, and of Denver, Dak.

By Mr. OSSIAN RAY: Of Madeline E. Carr and 39 others, of Stewartstown, N. H.

By Mr. RYAN: Of 184 citizens of Kansas.

By Mr. H. Y. SMITH: Of 38 citizens of Perry, Dallas County, Iowa.

By Mr. STONE: Of citizens of Lawrence, Essex County, Massachusetts.

SENATE.

MONDAY, *February* 9, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of DANIEL W. VOORHEES, chosen by the Legislature of Indiana a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

Mr. MORGAN presented the credentials of JAMES L. PUGH, chosen by the Legislature of Alabama a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

COMMITTEE SERVICE.

Mr. PENDLETON. I am requested by the Senator from California [Mr. FARLEY] to ask that he be excused from service upon the Committee on Commerce and the Committee on Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. The Senator from Ohio, on behalf of the Senator from California [Mr. FARLEY], asks that the Senator from California be excused from further service upon the Committee on Commerce and the Committee on Transportation Routes to the Seaboard. Is there objection? The Chair hears no objection, and the Senator from California is excused.

Mr. PENDLETON. I now move that the Chair have authority to fill the vacancies on those committees occasioned by the retirement of Mr. FARLEY.

The motion was agreed to by unanimous consent.

The PRESIDENT *pro tempore*. The Chair will appoint upon the Committee on Commerce the Senator from Oregon [Mr. SLATER], and upon the Committee on Transportation Routes to the Seaboard the Senator from South Carolina [Mr. BUTLER].

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting recommendations of the Supervising Architect to extend the limit of cost of the public buildings at Leavenworth, Kans., and Peoria and Quincy, Ill.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with the requirements of the joint resolution of February 13, 1884, a detailed report of the expenditure of the appropriation for the Greely relief expedition; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Sylvester F. Scord, president of the Worcester University, in Ohio, and other members of the faculty of that institution, praying for the passage of laws providing for the education of Indians; which was referred to the Committee on Indian Affairs.

Mr. PENDLETON presented petitions of the Block Publishing and Printing Company, of Cincinnati, Ohio; the Times-Star Company, of Cincinnati, Ohio; the United Brethren Publishing House, of Dayton, Ohio; the Cincinnati (Ohio) Furniture World; the Publishing House of the Evangelical Association, of Cleveland, Ohio; the Iron Trade Review, of Cleveland, Ohio; L. Hirsch & Co., of Columbus, Ohio; the Jeffersonian, of Cambridge, Ohio; and Will C. Turner, of Columbus, Ohio, praying for a reduction of the postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present the petition of the trustees and pastor and congregation of the East Washington Colored Methodist Episcopal church, of the District of Columbia, praying compensation for damages done their church property by certain public works. When that order is reached I shall introduce, by request, a bill for the relief of these parties. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BUTLER presented a petition of citizens of Charleston, South Carolina, favoring the adoption of certain amendments to the patent laws; which was referred to the Committee on Patents.

He also presented a letter from William P. Craighill, Lieutenant-Colonel of Engineers, United States Army, suggesting that the unexpended balance appropriated for the monument at Yorktown, Va., be used for the erection of a small building and the employment of a watchman at that place; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1013) for the erection of a public building at Troy, N. Y., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, reported it without amendment.

Mr. MAHONE. I desire to call the attention of Senators to the report accompanying the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office. The report is now being distributed, and I give notice that I shall call the bill up during the morning hour to-morrow.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, reported it without amendment.

PUBLIC BUILDING AT PITTSBURGH.

Mr. MAHONE. I ask unanimous consent that the bills just reported by me from the Committee on Public Buildings and Grounds may be taken up and considered.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the first bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa. It proposes to increase the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Pittsburgh, Pa., to $1,500,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT TROY.

The bill (H. R. 1013) for the erection of a public building at Troy, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT QUINCY.

The bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882, was considered as in Committee of the Whole. It proposes to extend the limitation of $175,000 to $200,000, for the purpose of adding a third story to the public building now in course of erection at Quincy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PEORIA.

The bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, was considered as in Committee of the Whole. It proposes to extend the limitation of $225,000 to $245,000, for the purpose of adding a third story to the building at Peoria, and of changing the first story according to plans and specifications to be previously made and approved by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CITY POST-OFFICE.

Mr. MORRILL. I ask unanimous consent to take up Senate bill 2617, providing for the Washington city post-office. The notice given by the chairman of the Committee on Public Buildings and Grounds [Mr. MAHONE] that he would call it up to-morrow, was made in consequence of the report not having been laid upon the desks of Senators at that time; but it is so important that the bill should pass the Senate and reach the other House, that I venture to ask that it be considered this morning. I think any Senator on reading the report will not hesitate to vote for the bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office, be now taken from the Calendar for present consideration. Is there objection?

Mr. HOAR. Will that require any debate?

Mr. MORRILL. No; the report fully explains it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. In lines 8 and 9 of section 8 I move to fill the blank by inserting the words "ten thousand;" so as to read:

And for that purpose the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. MORRILL. I move an amendment, to correct the exhibit on page 6, opposite to "$55,000," by striking out the name "C. Moore" and inserting in lieu thereof "C. T. Wood;" and in the same line by striking out the second word "Moore" and inserting the word "Wood;" so that the line will read:

C. T. Wood, agent for Mrs. A. Wood.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed to the exhibit attached to and by reference made a part of the bill.

The amendment was agreed to.

Mr. INGALLS. I should like to ask the Senator from Virginia how much property in this square remains not covered by definite offers mentioned in Exhibit A.

Mr. MAHONE. One hundred thousand dollars—three lots.

Mr. INGALLS. Three lots valued at $100,000?

Mr. MAHONE. Yes, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EULOGIES ON REPRESENTATIVE EVINS.

Mr. MANDERSON. On behalf of the Committee on Printing, I report back favorably the joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina. I am directed to ask for the immediate consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLICATION OF TREATIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a concurrent resolution for printing treaties and conventions, and I ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the Treaties and Conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House; 4,000 copies for the use of the Department of State; and 1,000 copies for distribution by the Department of the Interior among public libraries not depositories under existing laws, each Senator, Representative, and Delegate in Congress to designate two libraries to whom copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

PUBLIC BUILDING AT TYLER, TEX.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas, and I am also instructed to ask for its present consideration. This completes the reports from that committee of bills for public buildings.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2622) for the relief of the trustees, pastor, and congregation of the East Washington Colored Methodist Episcopal church of the District of Columbia; which was read twice by its title.

Mr. HOAR. The bill is introduced by request. I know nothing of the contents of the bill, except as shown in the petition relating to the subject which I presented this morning. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CALL introduced a bill (S. 2623) to remove the political disabilities of Alexander W. Stark, of Virginia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 2624) to appropriate money for the purchase of a steam-dredge to be used in Government work on the coast of South Carolina, Georgia, and Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2625) to make appropriation for continuance of improvements in Charleston Harbor; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a joint resolution (S. R. 120) authorizing the Secretary of War to loan arms to the Richland Volunteer Company, of Columbia, S. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENT TO APPROPRIATION BILL.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERNATIONAL LONGITUDE CONFERENCE.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order. The Chair lays before the Senate a concurrent resolution offered on a former day by the Senator from California [Mr. MILLER], authorizing the President to communicate to the governments of other nations the resolutions adopted by the international conference for fixing a prime meridian. However, the resolution was reported from the Committee on Foreign Relations, the Chair observes. It belongs on the Calendar.

Mr. SHERMAN. It had better be considered now.

Mr. MILLER, of California. If there is no objection I should like to have the resolution considered.

The PRESIDENT *pro tempore*. The resolution was reported on a former day, and it was laid on the desk of the Chair as a resolution offered to which objection had been made. Resolutions reported from committees go on the Calendar. The Senator from California asks unanimous consent that the resolution, the title of which the Chair has read, be now considered. Is there objection?

Mr. CONGER. Let the resolution be read subject to objection.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President be authorized and requested to communicate to the governments of all nations in diplomatic relations with the United States the resolutions adopted by the international conference held at Washington, in October-

1884, for the purpose of fixing a prime meridian and a universal day, and to invite their accession to the same.

PROPOSED CHANGE OF REFERENCE.

Mr. MORRILL. I ask that the Committee on Finance be discharged from the further consideration of the bill (S. 2615) to authorize medals commemorating the completion and dedication of the Washington Monument, which was erroneously referred to that committee, and that it be referred to the Committee on the Library.

Mr. SHERMAN. I do not care to which committee the bill is referred, but the Committee on Finance have always dealt with questions relating to coinage at the Mint, &c. I think the reference to the Committee on Finance was proper.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Committee on Finance be discharged from the further consideration of the bill, and that it be referred to the Committee on the Library. Is there objection?

Mr. COCKRELL. I can not see why a bill of that kind should go to the Committee on the Library.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. I object to the proposed change of reference.

The PRESIDENT *pro tempore*. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its clerk, announced that the House had passed a bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 475) granting arrears of pension to Emily Agnel;

A bill (S. 750) granting a pension to Catharine Schools;

A bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels;

A bill (S. 1823) granting a pension to Ebenezer K. Marden;

A bill (S. 646) for the relief of R. G. White, Peter Hanger, and L. T. Green; and

A bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

AMERICAN SHIPPING TRADE.

Mr. CAMERON, of Pennsylvania. I ask that the resolution which I offered on the 4th of December relative to the American shipping trade be taken from the table and read, and I wish to submit some remarks on it.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

Whereas the shipping trade in American vessels is, and has for years been, depressed, and the export trade in American produce is languishing for want of a market that might be reached if the shipping trade was in the hands of citizens of the United States: Therefore,

Resolved, That the Committee on Finance be, and is hereby, directed to inquire whether it would be expedient to expend the surplus revenue of the United States, or any portion thereof, for the purpose of reviving the shipping and export trade by allowing a rebate from tariff duties on foreign goods imported in ships built and owned in the United States, and by also allowing a premium on American-grown products and articles of American manufacture exported in American vessels, and report by bill or otherwise.

Mr. CAMERON, of Pennsylvania. Mr. President, the most important question before the country to-day is the depressed condition of business, and my object in introducing this resolution is to direct attention to the means by which I firmly believe that business can be revived. I do not claim to have a plan perfected in all its details, and I do not think that any one man can devise such a plan. But I think that I see the direction through which relief can and must come, and by agitation and discussion and mutual consultation I hope that from the general ideas which I shall suggest a practicable working plan may be elaborated, by means of which the country may resume its march of prosperity.

My belief is that relief can be obtained only by applying and extending the principle of the protective tariff in such manner as to secure foreign markets for our agricultural and manufactured products, and the best method of doing this is on the principle adopted in a recent French law, of which I shall present a full translation, namely, to pay a bounty both for the building and the running of American vessels—so much a ton for their construction and so much a mile for every ton transported. If our ship-building and ship-carrying interests are protected and fostered in this manner they can underbid the ships of Great Britain and other countries in the carrying trade, and we can find markets in every quarter of the globe for the supplies we are capable of producing over and above the needs of the home market.

In brief, then, I propose that we use ten, twenty, or, if necessary, thirty millions of our surplus revenue every year to protect the carrying trade, and thereby find markets for two hundred to three hundred millions of our surplus products.

I believe this method to be much simpler and more feasible than the system of rebates which I had in view at the time I introduced this resolution. Since that time I have conversed with those who are familiar with the details of the question. I have also consulted some of the most prominent statisticians in the country, and have used very freely the facts and figures obtained from them.

With these preliminary remarks, I will endeavor to explain as briefly as possible why I think the present an opportune time to call the attention of the country to the necessity of a practical measure looking to the restoration of the American carrying trade, and why, under the existing condition of affairs, such an agitation is likely to be prolific of good results.

In these times of business depression, when troubles are falling thick and fast upon our manufacturers; when the grain of the country is being stored in granaries because it will not pay to transport it to a distant market; when there are various estimates that from 500,000 to 1,000,000 of our working population are out of work; when capital lies idle for the want of useful employment, and when the cry comes from labor organizations throughout the land that work must be found for the unemployed, it is about time we turned our attention to measures of relief. In the midst of this suffering for the want of employment there is on all sides a great plenty. The granaries of the country are, as I have said, overflowing with the product of our fields. The mills and factories of the country are closing down for lack of orders. For the time being production seems to have overtaken consumption. We can raise in one year more grain and cotton and meat than we can consume in two years, and it has been said that we can manufacture in six months more than we can sell in a year. Stored away in our warehouses are millions of dollars' worth of goods for which we can find no purchasers. The national Treasury of the country partakes of the same plethoric condition as the nation at large, and the question is asked on all sides, What shall we do with the surplus revenue?

We have the means at hand in the surplus revenue that annually accumulates in our Treasury—a surplus revenue, by the way, that in a few years we shall not be able to apply to the abolition of our debt, unless we go into the market and purchase our own bonds at a premium. Then, why not turn a portion of this surplus revenue into a practical channel, that of ship-building and ship-carrying? The honorable Senator from New York [Mr. MILLER] made an estimate last May that the total subsidies paid to vessels engaged in foreign commerce by all the nations of the earth was less than $25,000,000 annually. I am informed upon competent authority that less than one-fifth of this sum steadily applied would establish an American merchant marine that would in a short time create for us a great industry, aid in finding new markets for American products, and place us on an equal footing with the other nations of the world in our foreign carrying trade.

If, however, it requires more than this, if it requires an amount equivalent to our entire surplus revenue, I claim that the proposed object of expenditure would be just and right. Other nations would undoubtedly struggle against it, but in such a struggle the nation with the greatest resources would win. That nation is the United States, and the time has come for her to assert and win her commercial supremacy on the ocean in the same manner and by the same means that in the last forty years she has established her commercial supremacy in the home market, by building up her own resources instead of being content to pay tribute forever to the foreign producer.

Great Britain would not give up this great source of wealth—the carrying trade—without a commercial struggle any more than she gave up her American colonies without a war. She would increase her subsidies, and to that extent we must be prepared to increase ours.

But in such a contest the United States will prove the stronger power and will survive. The people of England are now ground down under a system of taxation which enriches the few and impoverishes the many. Hoyle, the great authority on the English poor law and its workings, has estimated that 7,000,000 people of that island are, to use his expression, "toeing the line of pauperism." An increase of a million or two dollars in her budget has to be met with an increase of the income tax, while with our present taxation we have a large surplus which can be used in the struggle. We have paid more of our national debt in ten years than England has paid in sixty years. England is dependent upon other nations for the food her population consumes, while so boundless are our resources that we can live and flourish independently of the rest of the world.

Our system of taxation, which bears lightest upon those least able to pay, now brings us annually a surplus far greater than can possibly be needed. To secure for the United States pre-eminence in the world's carrying trade would complete her commercial system and make her the first commercial nation in the world. This is an object worth attaining. We have the means at hand, but we must apply them with boldness and vigor in order to succeed. It was only by decided measures, like those I shall propose, that England wrested the commercial supremacy from Holland. It is of no use to nibble at the question, and it is of no use to advocate anything but old-fashioned, vigorous, protective methods. The condition of our foreign shipping shows the blighting effect of free trade and the wonderfully prosperous condition of our coastwise shipping shows the beneficent effect of protection.

The measure proposed is a measure for the benefit of the entire country. It is not intended for the ship-builder along the seacoast. It is not intended for the capitalist, who puts his money into ships after they are built. It is not intended for any class, but is merely the extension of the policy of protection to this one industry which we have left unprotected, and a rounding or completion of the American system. It grants no subsidies. It is free to all. The railroads of this country annually carry nearly 300,000,000 tons of merchandise. Nearly one-third of this amount is the product of the farm, a large proportion of which is dependent upon ocean transportation before it reaches the consumer.

It has been clearly demonstrated that the protection given to American manufacturers has ultimately reduced the cost of all kinds of goods to the consumer until he, in many instances, pays less than the present foreign price for an article of equal quality, and much less than the foreign price would have been had we been dependent upon foreign countries. We paid the English manufacturers for steel rails $100 per ton, delivered at English seaports, when we imported them. By the development of our own steel industry the cost of those rails has been reduced to $30 per ton. We have reduced the price of wool because, by protection, we have increased its production from 60,000,000 pounds annually, when the Morrill tariff was enacted, to 325,000,000 pounds at the present time. We have reduced the price of our cotton goods so rapidly to the consumer that the common grades are cheaper here than in England. The same is true of our manufacture of silk, earthenware, china, porcelain-ware, plate-glass, and, in short, every manufactured article consumed in the United States.

The agricultural interests have been benefited in two ways by this: the value of land and the value of product have been enhanced, as hundreds of centers of manufacturing energy have been started and built up in the midst of agricultural districts. The farmers have also been benefited by the decrease in the cost of what they buy.

The encouragement of the American carrying trade would stimulate the shipping interests in the same way as the States forty years ago stimulated the building of canals, and as the United States has stimulated the building of railroads and the manufacture of steel rails and textile goods. And it would as surely decrease the cost of freight from the seaboard to foreign ports as these other protective measures have ultimately decreased the cost of internal transportation and the cost of manufactured goods.

It would also benefit the American farmer just as all other measures creating home industries have benefited the farmer. It would enlarge our ship-building interest and increase the number of people employed in it. And by this I do not mean the ship-building interest on the Delaware and of New England alone, but all along our seaboard. The iron of Alabama and Tennessee could be profitably converted into ships at Mobile, Savannah, New Orleans, and Galveston. The iron from the Virginias could be used in the same way at Norfolk. All of these ports would have extensive ship-yards if the same protection was extended to this industry that we extend to all others. The $100,000,000 paid annually to foreign nations, or to Great Britain, for carrying our farm products, would be paid to Americans, and thus increase the earnings of capital, which is awaiting new avenues of usefulness.

The proposed plan, while making a new avenue for capital, is free to all. It has no proscribed lines. To extend our foreign trade and find foreign markets for our products is its ultimate aim. It would form the most comprehensive feature of our present protective tariff. It says to every individual having a dollar to invest, put it into ships and the Government will protect you against all rivals; to the cotton producer, build your ships in Mobile, Norfolk, Savannah, Galveston, New Orleans, and put your cotton into these American vessels and send it to Europe. It says to the farmer on the Pacific coast, build your ships at Portland, at San Francisco, or any other port, and instead of sending your 30,000,000 bushels of wheat annually to Europe in foreign vessels, send it in American vessels. It says to the farmers of the prairie States, who ship nearly 50,000,000 tons of grain annually on her railroads, we will furnish you a cheaper transportation to the world's consuming points.

And more than this. The money which you now pay out for ocean freight, and which goes into the pockets of the builders and owners of foreign vessels, will come back to you and benefit you in the American labor that it will employ and in the American industries that it will build up. There are now 500,000 persons directly employed by the railroad companies of the United States. There are 2,000,000 to 2,500,000 of our population thus dependent upon this industry. There is no reason why our foreign carrying trade should not be extended until a like number is employed in it, and a like number of our population dependent upon it. And no one can estimate the value in time of war or emergency of having a large maritime population from which to obtain sailors for manning our war vessels. This population we can only get by fostering the mercantile marine.

No further argument is needed to prove that all parts of the United States will be benefited by the expansion of foreign trade.

It is generally admitted that our commerce flows in an improper channel and calls loudly to us to give it a different direction, and in doing this I would only propose such a degree of encouragement as will enable us to enter into competition with foreigners in our own carrying trade. For years the shipping industry of this country has been knocking loudly at the door of Congress for some kind of equitable legislation that will put this important industry on a level with the other protected industries of the nation. As I shall presently show, various measures of relief have been proposed, but, owing to the great prosperity of other industries and the numerous avenues for profitable investment, those propositions have never crystallized.

I will first call attention to our position in the world as a maritime nation. The following table shows the shipping of all flags, the nominal tonnage, and carrying power of the several nations of the world:

Flag.	Nominal tonnage.			Carrying power.	
	Sailing.	Steam.	Total.	Tons.	Ratio.
United Kingdom	3,688,000	3,004,000	6,692,000	18,110,000	42.1
France	642,000	278,000	920,000	2,032,000	4.7
Germany	956,000	216,000	1,182,000	2,046,000	4.7
Russia	481,000	73,000	554,000	846,000	2.0
Austria	248,000	62,000	310,000	558,000	1.3
Italy	922,000	77,000	999,000	1,307,000	3.0
Spain	374,000	164,000	538,000	1,194,000	2.8
Portugal	71,000	11,000	82,000	126,000	0.3
Belgium	10,000	65,000	75,000	335,000	0.8
Holland	322,000	83,000	415,000	747,000	1.7
Denmark	175,000	51,000	226,000	430,000	1.0
Sweden	447,000	84,000	531,000	887,000	2.0
Norway	1,456,000	55,000	1,511,000	1,730,000	4.0
Greece	201,000	10,000	211,000	251,000	0.6
Europe	10,013,000	4,233,000	14,246,000	30,579,000	71.0
United States	2,856,000	1,211,000	4,067,000	8,910,000	20.6
Canada	1,283,000	78,000	1,311,000	1,623,000	3.8
Australia	201,000	77,000	278,000	586,000	1.3
India, Cape, &c	427,000	28,000	455,000	567,000	1.3
Japan	151,000	41,000	192,000	356,000	0.8
Brazil, Chili, &c	240,000	58,000	298,000	530,000	1.2
Total	15,121,000	5,726,000	20,847,000	43,151,000	100.0

From the above table it will be seen that the carrying power of Great Britain is 42 per cent. of the aggregate carrying power of the world, while the carrying power of the United States is less than half as great, or a little more than one-fifth of the world's carrying power, and that, too, including our coastwise tonnage. Of foreign shipping the United States has much less than 10 per cent. Great Britain, therefore, ranks in shipping as we do in railroads, having a carrying power nearly equal to the rest of the world. At the beginning of the present century the carrying power of the United Kingdom was 2,211,000 tons. To-day it exceeds 18,000,000 tons, having grown eightfold since 1810. Nearly 200,000 seamen are employed in this great merchant marine, the flags of which may be found in the ports of every country throughout the civilized world.

What are the earnings of these ships and what proportion of the benefits of this carrying trade do the several countries reap for themselves? Here it is. The British includes colonial, and the table comprises all trade:

Flag.	Tons carried.	Earnings.			
		Freight.	Passenger.	Total.	Ratio.
British	63,190,000	$397,000,000	$61,500,000	$368,500,000	55.2
French	6,100,000	29,500,000	6,000,000	35,500,000	5.4
German	6,200,000	30,000,000	6,000,000	36,000,000	5.4
Italian	3,900,000	18,500,000	4,000,000	22,500,000	3.3
Spanish	3,600,000	17,500,000	3,500,000	21,000,000	3.1
United States	37,000,000	52,500,000	77,500,000	130,000,000	19.6
Various	9,500,000	42,500,000	9,000,000	51,500,000	8.0
Total	129,490,000	497,500,000	167,500,000	665,000,000	100.0

Thus 55 per cent., or $368,500,000, of the earnings of shipping go into the coffers of Great Britain to enrich her ship-owners and manufacturers, while less than one-fifth of the total amount, or $130,000,000, is the share that comes to the United States; and this again includes the coasting trade. Of course these figures are approximate. They were originally compiled by Mulhall, the English statistician, and I only use them for comparative purposes.

In amount of ship-building England is even more in advance of us than in her carrying power and earnings of shipping; yet, as the following table shows, in 1850 the tonnage built in the United States was more than twice that of England, and even as late as 1860 the average

annual output in the United States was greater than in England. In 1882 it will be seen that the British exceeded ours fourfold:

Year.	Tons.		Tons per vessel.	
	American.	British.	American.	British.
1850	272,000	134,000	201	192
1860	213,000	212,000	198	208
1870	277,000	343,000	132	362
1882	281,000	1,194,000	250	770

The following figures for each semi-decennial year since 1840 will present at a glance the facts relating to the past and present condition of American shipping:

Years.	Foreign trade.	Coastwise trade.	Exports and imports.	Carried in American vessels.	Carried in foreign vessels.
	Tons.	*Tons.*	*Value.*	*Per ct.*	*Per ct.*
1840	762,838	1,176,694	$231,227,465	82.9	17.1
1845	904,476	1,223,218	231,901,170	81.7	18.3
1850	1,439,694	1,797,825	330,037,038	82.5	17.5
1855	2,348,358	2,543,255	536,625,366	85.6	14.4
1860	2,379,396	2,641,867	762,298,550	66.5	33.5
1865	1,518,350	3,381,522	604,412,666	27.7	62.3
1870	1,448,846	2,638,247	901,896,889	35.6	64.4
1875	1,515,598	3,219,698	1,219,434,544	25.8	74.2
1880	1,314,402	2,637,686	1,613,770,633	17.4	86.6
1881	1,297,035	2,646,011	1,675,024,318	16.0	84.0
1882	1,259,492	2,873,638	1,567,071,700	14.5	14.5

In other words, forty-five years ago four-fifths of our exports and imports were carried in our own ships, and now more than four-fifths are carried in foreign ships.

In the face of the growth that we have shown of railroads and manufactures this is a very unhealthy condition of affairs. The growth of American tonnage practically ceased in 1855. Before that period it had increased for many years at the rate of about 12 per cent. per annum; but between 1855 and 1860 (notwithstanding our exports and imports increased 8 per cent. per annum, or 40 per cent., during the five years) our tonnage employed in the foreign trade remained almost stationary; and the ship-building industry, so far as it was directed to the construction of vessels for the foreign trade, rapidly declined.

I shall show further along how during the four years of civil war American tonnage employed in foreign trade declined, a loss of nearly 1,000,000 tons, or nearly 40 per cent., in the four years, being the result of this turn in the tide against our shipping interests.

The situation to-day shows British shipping triumphant on every sea and ours successful on none, except in our coasting trade, where, in consequence of a wise protection, it is impossible to compete with us. When the policy of protection was judiciously applied to American ship-building and American ship-owning, as it was in the earlier days of the Republic, the result was satisfactory from the start. From 1789 to 1812 our tonnage increased from 208,000 to 1,100,000 tons, or 500 per cent.; while that of England increased only from 1,500,000 to 2,000,000, or 25 per cent. The growth of our tonnage continued. In 1850 we had a tonnage of 3,335,454, an increase of over 200 per cent. since 1815.

Our coasting trade, from which foreign ships were excluded, employed nearly 2,000,000 tons of shipping, an increase of nearly 400 per cent. in the same period. Our tonnage increased to over 5,000,000 in 1860. This growth, of course, was almost wholly in the wooden sailing ships. The war came and almost simultaneously the change from wood to iron and steel. The Navy Department took of our best shipping (principally steam) 565,978 tons; and the War Department took for transportation 787,611 tons. Having no navy to protect our shipping, it sought refuge under foreign flags, and 801,311 tons were lost to us in this way, making our total loss of tonnage during the war 2,154,900.

Between 1865 and 1875 I am informed that 457,000 tons were sold to foreigners, because the cheap capital, cheap labor, and favorable laws of taxation of other countries, and the refusal of our own Government to afford the shipping industry adequate protection, made it impossible for American ship-owners to run them in the foreign trade in competition with other countries. Thus we have a total decline of 2,611,900 tons, the loss representing nearly $116,000,000 of invested capital.

The capital thus displaced went into the protected industries of the country, which have during the last twenty years grown by leaps and bounds. Under the protective tariff we have grown from a purely agricultural country, largely dependent upon Europe for our manufactures, to a nation teeming with important industries. During twenty years of protection we have added 20,000,000 to our population. The number of our cities and towns with over 8,000 inhabitants has actually doubled, and their population has more than doubled. The important industries have developed in the same proportions. The annual product of our coal mines has increased nearly sevenfold. Our iron mines produced in 1880 nearly nine times the amount that they produced in 1860. The various metal industries of the country have increased by sixfold in the number of their employés and nearly fourfold in the value of their products. In industries relating to wood the increase has been threefold, and in the woolen industry the same.

In the cotton industry need I say that we have practically robbed England of 55,000,000 customers, increased the number employed in our mills to 200,000 persons, and in the last two decades doubled the value of the product? Imports of cotton goods have steadily declined until they are now only one-tenth of what they were twenty years ago. A more remarkable progress has been made in the silk industry, which, before the Morrill tariff, gave employment to 5,000 persons; in 1880 it employed over 30,000, a sixfold increase. The importation of silk goods has remained stationary since 1860 at about $30,000,000, the production from our own mills increasing from $6,000,000 in 1860 to over $40,000,000 in 1880, or nearly sevenfold. The manufacture of pottery, stoneware, and glass employed 12,000 persons in 1860, against 35,000 now. The chemical industry was in its infancy thirty years ago—6,000 persons were engaged in it; to-day there are five times that number, or 30,000.

Our 30,000 miles of railroads of those times will exceed 120,000 miles now—a mileage equal to the railroad mileage of the rest of the world.

This enormous increase in manufacturing, internal improvements, and home trade has been very largely due to protective measures, which must now be applied to our shipping interests in order that they may be developed and extended as our manufacturing interests have been. Those opposed to giving sufficient encouragement to ship-building ought to recollect the manufacturing interests, which, as I have shown, have been reared by the fostering care of the Government. They ought to remember the land grants that have been given to extend that grand system of internal improvements that is equal in mileage to the systems of the rest of the earth. They ought to remember that this Government has given in aid of the construction of railroads an area very little less in extent than that of the original thirteen States, namely, 335,000 square miles.

The same is true in regard to the artificial water ways of the country. In 1839 we find that nearly $103,000,000, or 60 per cent. of the then entire State indebtedness, had been expended for the improvement of a system of internal transportation, and it was exactly this principle which led the State of New York to build the Erie Canal at its own expense—a work which repaid its whole cost of construction in ten years, reduced the cost of freight from Lake Erie to the Hudson River from $100 to $7 a ton, and added $100,000,000 to the value of the farms of the State. It is needless to point out the effect of the application of this principle on these industries. It can be best read in the progress and wealth of the nation. It can be best read in the simple fact that we are to-day first in agricultural productions, first in manufacturing, first in railroads, first in annual increment of wealth, and first in aggregate wealth.

On the other hand, the neglect to apply this principle on the ocean has enabled our greatest competitor to wrest from us the lion's share of the carrying trade of the world and to effectually prevent the development of the industry of ship-building, so necessary to the prosperity and safety of the country, to say nothing of the extension of our foreign commerce.

In showing the policy of other governments toward the ship-building industry, I do not think it necessary to go back to the days of wooden sailing vessels. I shall have to deal with iron and steel ships. Since 1837, according to one of the most reliable authorities on ship-building in the United States, England has paid $222,500,000 in mail compensation and bounties to encourage her capitalists to invest in the fast mail ships. Here are the estimates in detail:

From general post-office, 1837 to 1849	$25,000,000
From mercantile marine fund	37,500,000
From general post-office, 1850 to 1859, over	60,000,000
From general post-office, 1860 to 1869	50,000,000
From general post-office, 1870 to 1879	50,000,000
Assistance from British treasury to her shipping service, 1837	222,500,000

It may be urged that a great deal of this money was paid for mail service to her colonies. This is undoubtedly true, but when we compare side by side the amounts paid for the carriage of foreign mail by the United States; and when we see our own Government actually trying to squeeze a profit out of our decaying shipping industry, as compared with the liberal policy adopted by Great Britian, we no longer wonder that England enjoys the largest share of the carrying trade, the surprise being that we are even permitted to have any. The entire cost of transporting our mails to foreign countries rarely exceeds a quarter of a million dollars, and not infrequently the Postmaster-General announces an actual profit of one million and a quarter to the Department on this service, while every year we incur cheerfully a deficit of double this amount in carrying the mails to some of the States and Territories.

Many attribute the decline that I have already shown in our ocean-carrying trade to what they term (it must be confessed not inaptly)

the iniquitous postal laws existing on the statute-books of the United States, which compel vessels of the United States to transport and deliver mails at 2 cents for every letter so delivered. The pay to United States vessels in the foreign trade for transporting the mails in 1880 was, I am informed, only 2½ cents per mile; while, at the same time, the steamers on our coasts, which contracted for domestic mails, receive 57½ cents per mile for mail service. While we make a profit on our foreign mail service, England pays out more than double what she receives from it.

I append a statement from the report of the Postmaster-General, showing our foreign mail service for 1883.

Statement showing approximately the net revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year ended June 30, 1883, based upon the tabulated estimate of mail matter exchanged during the period, given on page 697 of the Postmaster-General's report for 1883.

RECEIPTS.

Amount of postage prepaid on letters sent abroad			$1,450,078 90
Amount of postage prepaid on postal cards sent abroad			32,328 26
Amount of postage prepaid on printed matter sent abroad			451,357 92
Amount collected on unpaid mail matter received			145,148 46
Forty per cent. on $52,507.80 of registration fees on 525,078 registered articles sent abroad, this being estimated as net profit on registration			21,003 02
Total receipts			2,099,916 56

EXPENDITURES.

Amount paid for sea conveyance other than intermediary or transit, namely:			
1. To foreign vessels, including French packets		$284,076 41	
2. American vessels		32,445 72	
Amount paid foreign administrations for intermediary, territorial, and sea transit of United States mail	$86,745 91		
Less amount received for similar service performed for said administrations by the United States	30,252 96		
		56,492 95	
Estimated cost of interior (domestic) mail service on 57,573,272 letters sent and received (three letters to one ounce = 19,191,091 ounces, 2 cents per half ounce)	767,643 64		
2,999,735 post cards sent and received, at 1 cent each	29,397 35		
48,329,548 packets, prints, &c.; 490,422 packets, samples, sent and received (50,851,391 ounces, at 1 cent for two ounces)	254,256 96		
		1,051,297 95	
Total expenditures			1,424,313 03
Net revenue			675,603 53
Net revenue, without charge for estimated cost of interior service as above, namely			1,051,297 95
			1,726,901 48

Turning to France, we find that she has aided her ship-owners for years, and quite recently, finding it impossible to obtain a great merchant marine by purchasing it of England, she passed a law offering a bounty for every iron steamship built in France—an encouragement said to be equal to $7,000,000 per year, including the sums paid to those running French-built ships under the French flag.

The following is a translation of the French mercantile-marine bill as passed by the Chamber of Deputies:

ARTICLE 1. The right of free pilotage is granted to all sailing vessels not measuring over eighty tons, and to steamers whose measurement does not exceed one hundred tons, whenever they run regularly between port and port, and habitually frequent the entrance to rivers.

Nevertheless, at the request of the Chamber of Commerce, and after an inquiry in the usual form has been made, the public administrative regulations shall determine the modifications of rules which may be considered necessary in the interest of navigation.

ART. 2. For foreign-going vessels, the visit of inspection prescribed by article 225 of the commercial code for a fresh cargo loaded in France shall not be obligatory unless six months have elapsed since the last inspection, except the vessel may have sustained damage.

ART. 3. For the official documents or *procès-verbaux* showing the changes of owners of the ship, either totally or partially, a fixed charge shall be made for registration of 5 francs. Article 5, No. 2, of the law of the 28th February, 1872, is repealed so far as it is contrary to the present provision.

ART. 4. To compensate ship-builders for the charges fixed by the custom-house tariff, the following allowance shall be made to them for gross tonnage:

For iron or steel vessels, 60 francs.

For wooden vessels of two hundred tons or more, 20 francs.

For wooden vessels of less than two hundred tons, 10 francs.

For composite vessels, 40 francs.

For engines placed on board steamers, and for auxiliary apparatus, such as steam-pumps, donkey-engines, winches, ventilators worked by machinery, also boilers and connecting pipes, 12 francs per hundred kilograms.

Ships planked with timber, having beams and ribs of iron or steel, are to be considered as composite vessels.

ART. 5. Every change in a ship by which an increase in measurement is gained shall give right to a bounty based on the above tariff according to the increase of tonnage gained.

A similar bounty shall be granted for driving-engines and auxiliary apparatus placed on board after completion of the ship.

On change of boilers, the owners shall be allowed a compensation of 8 francs per 100 kilograms on new boilers without the tubes, if of French make.

ART. 6. The fees granted by articles 4 and 5 shall be paid on delivery of the ship's register by the receiver of customs, at the port nearest to the place of construction.

ART. 7. The regulation of admission in bond fixed by article 1 of the law of the 19th of May, 1866, and by article 2 of the law of the 17th of May, 1879, is abolished.

ART. 8. Ship-builders shall receive allowance for vessels on the stocks at the time when the present laws came into force, as stipulated in articles 4 and 5, after deducting the amount of customs dues fixed by the conventional tariff on foreign imports, which may have been entered in bond for ship-building purposes.

ART. 9. As compensation for charges imposed on the mercantile navy for recruiting, and the military navy, a navigation bounty shall be granted, during ten years from the date of publication of this law, to all French vessels, sailing or steam. This bounty is applicable only to foreign-going vessels. It is fixed at 1 franc 50 centimes per register ton, and per 1,000 miles run for vessels fresh off the stocks, and decreases annually by 0.075 franc for wooden vessels, 0.075 for composite vessels, 0.05 franc for iron vessels. The bounty is increased by 15 per cent. for steamers built in France according to plans approved by the marine department. The number of miles run is calculated according to the distance from the point of departure to the point of arrival, measured on a direct maritime line. In case of war, merchant ships can be requisitioned by the state. Vessels used for fishing, those belonging to subsidized lines and yachts, are excepted from receiving a bounty. Twenty per cent. from the bounty granted by the present law shall be deducted and paid into the "Caisse des Invalides" of the marine, so as to increase the retiring pensions of registered seamen.

ART. 10. Every master of a vessel receiving a bounty fixed by article 9 of the present law shall be obliged to carry, free of charge, mails put under his charge by the post-office authorities, or which he will deliver to their administration, as prescribed in the consular decrees of the 19th Germinal, year X. If a post-office agent is deputed to accompany the dispatches, he shall also be conveyed free of charge.

ART. 11. A regulation of public administration, containing a special statement of the distances between ports, shall fix the system on which this law shall be applied.

To give a practical illustration of this new French bounty law, one of our well-known ship-builders was requested to apply it to a 3,000-ton steamer. The result is as follows:

Weight of iron in hull, 1,800 tons, at $12	$21,600
Weight of machinery, 500 tons, at $24.43	12,215
	33,815

Then there is allowed 30 cents per ton for every 1,000 miles run after being put in service for first year, diminishing 1 cent per ton for each year thereafter. Presuming the above 3,000-ton steamer makes ten trips from Havre to New York per annum, or 60,000 miles, this gives for first year's service, as follows:

Three thousand tons, at 30 cents = $900×60	$54,000
And second year's service	52,000

This will expire entirely at the end of thirty years. Adding the bounty and allowance per mile, the law would grant the 3,000-ton ship the first year $89,015. The French Government for this year requires in return the carrying of its mails and the right to use the ships in case of war, taking them at a fair valuation. Though this law seems an expensive one, yet it will furnish France, at small expense, with the materials for a large and sudden increase of the navy.

Germany contracts with her numerous navigation companies for certain amounts of mail pay and fosters her commercial interests in other respects, and at this moment bills are pending before the German Parliament to largely increase the assistance which it already gives to its shipping interest.

Italy expends in subsidies and postage to steamships yearly the sum of about $3,000,000, besides payments of postages to other lines.

Russia pursues a system of compensation to her steamship lines, paying $1.40 per mile, although to one line she pays a round subsidy.

Austria likewise pays a remuneration per marine league per voyage.

Even Belgium, out of her limited revenues, pays $250,000 a year to encourage her shipping interest.

Spain, Holland, and Brazil, and indeed it would be safe to say every civilized country, have found it necessary to encourage their own ship-building, and to give advantages to their own shipping. Even China is pursuing a policy of wonderful energy, and, after ruining the owners of the native junks, by permitting foreign ships to do its coasting trade, has finally secured the coasting trade of its great empire.

I append here a summary of what other nations are doing for their shipping industry, for which I am indebted to the honorable Senator from New York [Mr. MILLER], and which shows that other nations are paying nearly $25,000,000 annually as subsidies to their ships. It also brings out the ridiculously insignificant sum paid by the United States to American vessels for mail services.

Recapitulation of nations that are to-day paying subsidies to shipping, and the amounts paid thereto.

France	$6,477,000
Great Britain	3,750,000
Italy	3,228,000
Brazil	1,704,000
The Australasian Colonies	1,500,000
Austria	1,089,000
Russia	1,050,000
Sweden and Norway	175,000
Mexico	806,000
Canada	200,000
Central America	100,000
Japan	500,000
Germany	89,000
Spain	1,000,000
Belgium	250,000
Holland	263,000
Hungary	75,000
Total	22,877,000
The United States to American ships (postage*)	43,000
Total with United States postage	22,920,000

* The United States to foreign ships $230,000.

Our direct loss in not having a sufficient merchant marine is at least the sum of $100,000,000 annually, which we pay to foreign vessels that ought to go to vessels built in American ship-yards. We are carrying only 20 per cent. of our foreign commerce in our own vessels, and have invested in ships engaged in the foreign carrying trade about one hundred million dollars. If we could regain and control four-fifths of this trade, we should have invested in ship property $300,000,000. Our foreign commerce is growing with great rapidity. From 1869 to 1879 our exports increased from 2,482,172 tons to 11,149,160 tons, or more than 400 per cent. It is estimated that we build only about 10 per cent. of the tonnage afloat, hence the country loses largely in the industry of building and repairing the shipping lost or broken up. In case of war we lose the advantage of a navy, to say nothing of valuable commercial business.

The indirect losses are educated ship-builders, seamen, and managers of ships—a very important class of people in Great Britain. We also lose a very important amount of marine insurance business.

After a thorough investigation of this subject an authority on navigation in the United States, Mr. Henry Hall, of the New York Tribune, said:

There appears to be no prominent government in the world which, while legislating directly in favor of native shipping, does not give it financial support, except the United States.

Having shown how all parts of the United States will be benefited by an expansion of foreign trade, and that our want of a merchant marine prevents us from taking that position which is rightfully ours, and having shown that the reason for the present unsatisfactory condition of our merchant marine is because the same principles that have been applied in building up our internal system of transportation, our manufactories, and our agricultural interests, have not of recent years been applied in the building up of the iron and steel ship-building industry; having also shown that other countries have seized the opportunities, and when the change from wood to iron and steel came, by subsidies, bounties, and other favorable legislation, have not only wrested from us a large part of the carrying trade which rightfully belongs to the United States, but so crippled our ship-building industry and obtained such advantages by cheap capital, cheap labor, and less taxation that we are rapidly being pushed out of the world's markets by other nations—having established this, it is next important to examine the various methods proposed to revive shipping.

Among the various remedies proposed are "free ships," the repeal of the navigation laws, the remission of local taxation, additional subsidies to mail lines, and other propositions, no one of which, in my opinion, goes deep enough to remedy and to be of real service. Nothing short of old-fashioned methods vigorously applied can deal with this question effectually. Free ships will merely destroy the ship-building industry and leave us as far behind as ever in competition in the world's commerce, I might more properly say our own foreign commerce.

The effect of the abolition of our navigation laws, even if they are inadequate and useless, as their enemies say they have become, would jeopardize our vast coasting trade, the fostering of which was one of the first measures of the first Congress. One of the very first acts of Congress, after the Government had been formed, was to exclude from the trade of our rivers and coast the vessels of all other nations.

From the beginning of the Republic we wisely discriminated in favor of American shipping. Not only was American shipping subject to less taxation than foreign shipping, but merchandise, such as tea, for example, which did not compete with our home industries, was admitted at a less rate of duty, if in an American ship direct from the place of production, than in an American ship from Europe or than in a foreign ship. This so stimulated American shipping that in 1827 $145,000,000 of the commerce of the United States was carried in American vessels and only $14,000,000 in foreign vessels. This condition of affairs, owing very largely to the wisdom and boldness which characterised our early legislation in regard to our marine, continued (though the rates of foreign tonnage increased somewhat) until 1850, when $240,000,000 of our foreign trade was carried in American vessels and $90,000,000 in foreign. We know how all this has been reversed.

It is not the building of vessels that troubles our people. We have abundance of ship-iron, and, though labor costs more, the greater ingenuity and mechanical genius of Americans have overcome these obstacles.

According to Mr. C. A. Griscom, who, as far as I can ascertain, has presented the clearest and most precise testimony in regard to the difference in the cost of ship-building here and in England, and which testimony has not been controverted even by the opponents of protection, the cost of first-class steamers is about 10 to 12 per cent. more in this country, and of the so-called "ocean tramps" from 30 to 40 per cent. more. The reason for this is apparent. To the extent that extensive joiner-work becomes a part of the structure, to that extent is the American cost relatively cheapened; and to the extent that you descend in the scale toward a simple freight carrier, which, as Mr. Griscom said, means merely an iron box with engines to drive it, is the difference against building in this country.

From the report made by Mr. DINGLEY, from the Joint Select Committee on American Ship-building, we learn that the committee, after examining a number of the most practical ship-builders in the United States, arrived at the conclusion that it now costs on an average from $10 to $15 per ton more to build an iron sailing vessel and from twenty-five to thirty-five dollars per ton more to build an iron steamship in the United States than it costs on the Clyde. They all agree that the chief cause of this excess of cost is the fact that the labor required to mine, smelt, and make the iron and fashion it into the form of a steamship costs considerably more in the United States than it does on the Clyde.

Prominent among the causes named for this enhanced cost was the fact of the small demand for iron vessels, as it gives little encouragement to investments of the large amounts of capital needed to establish and extend iron ship-yards and to overcome the obstacles always encountered in inaugurating new industries. The committee dwelt so strongly on this point that I am inclined to think that if the demand for American shipping was greater we could soon build them as cheaply, ton for ton, class for class, as they are built on the Clyde.

It is evident, therefore, that it is not a measure for free ships that we want, but a measure looking toward helping the American flag after the ships have been built in American ship-yards. There are many obstacles in the way of this—such as taxation, dear capital, dear labor, and other burdens. Not altogether in the original construction of the boat, for that, as I have shown, by ingenuity and adaptability has been in a measure overcome, but a steady addition of 50 per cent. on all the labor employed in running a ship, preoccupation of the northern Atlantic by other nations, non-American agitation, lack of that firm adherence to principles which characterized the actions of the founders of the Republic, when they enacted stringent navigation laws and discriminated in favor of goods carried in American bottoms as against vessels under other flags.

As I have said, one of the obstacles to our shipping interest is the amount of taxes levied upon ship property, the title of which must be registered at some port of entry. These taxes in some cases are as high as 2½ per cent., based on the value of the ships, while the English impose no direct tax upon their ships, but levy a tax of 1 per cent. on the net profits that the vessels earn.

The State of Massachusetts and the State of New York and, I think, possibly some other States have already realized the inconsistency of asking aid from the General Government for the shipping interest, while withholding what they can render themselves. They have, therefore, been among the first States to lead off and exempt from local taxation vessels engaged in the foreign trade for more than ten months in the year.

The same principles apply to navigating ships as apply to manufacturing. No man can run a factory on the American plan of high taxation, high capital, and high labor, successfully in England; and hence, unless our flag can carry our protective policy with it into all the ports of the world, we shall never be able to compete with foreign vessels.

Referring to the State laws, I find that they generally adopted the idea of discrimination. The State of Pennsylvania discriminated in favor of its own vessels and against those of other nations. So did the State of Maryland; the British vessels paying as much as 6s. 8d. ($1.60) per ton and 2 per cent. extra on goods imported over and above those paid by American vessels. The laws of Virginia and South Carolina discriminated in the same way.

Believing in the wisdom of the founders of this Republic and having proof of their foresight in the rapid development of American commerce until it was checked in 1860, having faith in the policy of Great Britain of subsidizing her steamships to the extent of $224,000,000 since 1837, recognizing the fact that the wisdom of that policy is demonstrated by her present control of the world's carrying trade, and with the example of nearly every other civilized country before us, I believe that we ought at once not only to correct existing legislation, such as that compelling American vessels to carry mails at an actual loss, but also at the same time lay the foundation for a comprehensive plan to restore American navigation.

We ought to provide for the payment of certain rates of compensation to all American-built ships, and I believe this to be better than by discriminating in the duties paid by imported merchandise, as originally proposed.

Vessels receiving aid should be officered by American citizens, built to carry a reasonable tonnage, and in all respects creditable to the nation, and should be encouraged in the foreign ocean carrying trade. The safest unit of service upon which payment to such vessels could be based would be the actual mileage run. The sum to be paid per unit of service should be such as to afford a protection equivalent to the average protection afforded American industries—say 40 per cent.

Mulhall estimates the monthly working expense for a vessel of 1,000 tons, crew twenty men, to be as follows:

British	$625
French	675
German	675
Austrian	625
Italian	675
American	1,000

If this estimate is approximately correct, the protection that should be afforded American ship-owners to compensate them for the difference in the cost of labor ought not to be less than 40 per cent. If such a plan as this can be adopted and put into force, our ship-building industry would increase in the same manner that our manufacturing and agricultural industries have, while our vessels would extend over the oceans and seas as our railroads have extended over our vast domain. Ten millions of our surplus revenue thus judiciously expended would in a few years bring about this beneficent result, and place us first in shipping and in foreign commerce. The method proposed is in direct keeping with what our ancestors did; it is in keeping with what we ourselves have done for every other of our great industries; it is in keeping with what other nations are doing, and the only practical way out of the difficulty.

In order to ascertain whether the French rate of 30 cents per ton would give us the needed protection, an expert investigation would be necessary. One of our ship-owners informs me that 40 cents per ton would give us the needed protection. Let us compare the American wages with the English.

Below are tables showing the average wages paid in England and America, which are taken from a speech delivered in the Senate (April 30 and May 1) by the honorable Senator from Maine [Mr. FRYE], and which were discussed at length in the Senate and generally admitted to be true.

The following table comprises the monthly wages paid by steamships at Philadelphia and Liverpool:

Occupation.	Philadelphia.	Liverpool.
First officer	$89 10	$58 39
Second officer	63 00	48 66
Third officer	49 50	34 06
Fourth officer	40 50	24 33
Surgeon	63 00	48 66
Purser	63 00	48 66
Carpenter	40 00	34 06
First boatswain	35 00	31 62
Second boatswain	30 00	24 33
Quartermaster	30 00	20 66
Seaman	25 00	19 46
Mess boy	13 50	7 29
First engineer	121 50	87 59
Second engineer	81 00	68 13
Third engineer	70 20	58 39
Fourth engineer	62 10	48 66
Oiler	40 50	23 11
Storekeeper	36 00	24 33
Donkeyman	36 00	23 11
Fireman	40 00	21 89
Coal-passer	30 00	19 46
Chief steward	63 00	48 66

Philadelphia wages 36 per cent. higher than wages at Liverpool.

The following list of prices are paid by sailing ships at present:

Occupation.	San Francisco.	Liverpool.
First mate	$50 00	$43 79
	60 00	48 66
Second mate	40 00	29 19
Carpenter	35 00	29 19
Steward	35 00	34 06
Cook	30 00	24 33
Seaman	30 00	12 16
Ordinary seaman	15 00	9 73
	20 00	

Wages at San Francisco 33⅓ per cent. higher than at Liverpool.

It will be seen from these tables that the difference in seamen's wages alone is 36 per cent., and I am informed on reliable authority that it is, upon the whole, nearer 50 per cent.

The Forty-eighth Congress has passed two acts in relation to our merchant marine. The first was called an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and the second was an act to constitute a bureau of navigation. These measures, while they may have been a move in the right direction, are entirely inadequate. The recent shipping law made some changes that were said to be needed in relation to the discharge of seamen, payment of wages, and return of destitute seamen; permitted the employment of foreign seamen; reduced the amount of tonnage duties for American vessels engaged in certain lines of trade; removed the expense of maintaining the Marine-Hospital Service from ship-owners, or, as a matter of fact, from the American seamen; allowed a drawback on all dutiable materials entering into the construction of vessels for foreign account, and, in short, made a complete circuit of the shipping problem without once touching the core of the question.

The House committee, in preparing and reporting the bill referred to, frankly admitted that this problem will never be satisfactorily solved until a policy of protection has been inaugurated which will secure the carrying trade to American sailing and steam vessels after they are built, and this at no higher cost to the owners than English ship-owners can sail their vessels under British laws. This is the heart of the question.

The propositions of this same committee, which, however, were not incorporated in the act passed, to allow adequate compensation for the transportation of mails and to provide for the abolition of taxation of vessels by State authority, are both to be commended, perhaps, to those who believe in doing things by halves; but a complete revival of the foreign carrying trade is never to be had by half measures. None of the enacted or proposed measures go to the marrow of the question.

Hon. WILLIAM A. RUSSELL, of Massachusetts, made an interesting report upon the causes of the decadence of our merchant marine, and he came to the conclusion that of the ten elements urged as obstacles to our success, four, namely, tonnage duties, admeasurements, compulsory pilotage, and individual liability of ship-owners, impose no burdens upon the foreign carrying trade, which we are now seeking to restore, that are not borne by our competitors in this business. Four, namely, the privilege of taking ship-stores out of bond free of duty, extra pay to seamen discharged in foreign ports, excessive consular fees, and local taxation, are in a greater or less degree burdens which bear directly upon our vessels engaged in the ocean carrying trade, not borne by our rivals, and are questions that demand consideration, and which have subsequently, to some extent at least, been relieved.

The question of wages paid the seamen and the repeal or maintenance of the navigation laws are two other obstacles. The latter, which in its more common phrase means "free ships," is out of the question. The question of the wages paid to seamen can only be overcome by extending not only to the building of ships but to the running of them the same provisions and the same protection that we extend to manufacturers.

The following resolution was passed by the national convention of ship-owners by a vote of 63 to 14:

That results have clearly and forcibly proved that under the present condition of affairs our shipping can not prosper or even maintain itself in competition with the navigation of other maritime people: therefore we call upon the Government to aid the restoration of our commerce by granting a bounty of $—— per ton per year for sail tonnage, and $—— per ton per year for steam tonnage, for a period of —— years after the passage of this act; this to apply only to vessels engaged in the foreign trade, and not exceeding fifteen years of age.

The above is in the line that I propose. It was passed after a long debate, in which the details of reasons or causes were set forth at length. These reasons were founded on the cost of vessels themselves, the cost of service, the absence of just compensation for postal business, and the existence of obstructive practices and charges in pilotage, tonnage measurements, and tonnage dues. I have endeavored to touch on all these points, but not with the same degree of thoroughness and detail as those shipping experts did.

To sum them up, the points to be considered are:

1. The relative cost of construction of American and foreign vessels and the extent to which American ship-owning is affected thereby.
2. The relative cost of operating American and foreign ships.
3. The charges and taxes which American ships have to pay from which foreign ships are exempt.
4. The policy pursued by foreign powers, so far as it is hostile to American ship-owning.
5. The policy of Government aid to the shipping interest.

On all these points and many others it was shown at the ship-builders' convention, as I have endeavored to show to-day, that American ships are now at a disadvantage as compared with foreign ships of almost every country. I have to-day explained the general principle on which relief must be based. The advice of experts will have to be obtained before I can incorporate this principle in a bill, which I intend to do at the next session.

Mr. President, I have given this subject long and careful consideration, and have endeavored to discover the reasons why the shipping interest has not prospered. It is because it was not fostered. The enterprising, restless, ambitious, and adventurous youth of this country for a half century have been pushing westward, where obstacles were to be overcome and fortunes made, and there they have established great enterprises, produced wealth in fabulous amounts. Now, however, they are anxious for new fields to open for their enterprise. Start them on the ocean, and the same American force and energy will soon push to the front, and we shall again be mistress of the seas. What has taken other people centuries to accomplish can and will be done by our people in a single generation. The accomplishing power of Americans has never been appreciated. Whether it is the mixed blood, the clear, bracing atmosphere, the vast domain, the freedom from restraint, and the effort to rise in the social scale, or whether it is the combination of all these, I can not tell, but certain it is that our growth in all material interests is phenomenal.

I have shown you that the United States is to-day first in agriculture, first in manufacture, first in railroads, first in annual increments of wealth, and the measure I propose will, I believe, give us in addition the control of the carrying trade, and thus make us the first commercial nation in the world. In the well-known article published in the North American Review a few years since by Mr. Gladstone, he says:

It is she (the United States) alone who, at a coming time, can and probably will wrest from us that commercial primacy. We have no title—I have no inclination to murmur at the prospect. If she acquire it, she will make the acquisition by the right of the strongest; but in this instance the strongest means the

best. She will probably become what we are now, the head-servant in the great household of the world, the employer of all employed, because her service will be the most and ablest. We have no more title against her than Venice, or Genoa, or Holland has had against us.

Do we realize this? Do we comprehend that the world's carrying trade is within our grasp if we only take the proper steps to seize it? And above all things it must be remembered that the measure I propose is not a measure to benefit any particular class. It is a national measure. It holds out the same inducements to every one in this broad land. It says to the farmer, we mean to give you facilities to reach every market in the world. We propose to protect our producers until their products meet the consumer, in whatever part of the world he may be found. If a Chinaman in Hong-Kong wants cotton goods, we propose to enable our cotton planters and manufacturers to deliver it to him cheaper than any one else can. If hardware is needed on the Congo, we propose that our hardware merchants shall supply it cheaper than any one else. If food is needed in England, we propose that our farmers shall deliver it cheaper than it can be bought from any of the English colonies.

Who will derive the most advantages from it? The American producer, be he farmer or be he manufacturer. He can have his goods transported at a very low rate, because the ship-owner can afford to do it. Therefore it may be truthfully said that this aid given by the Treasury of the United States, and assessed on the general interests of the country, would be one of the best means of developing our agricultural interests by cheapening transportation from the place of production to the place of consumption in whatever portion of the globe it may be.

And now, sir, one word in conclusion. We have had propositions before us for the last ten years for the revival of our shipping. Few of them have been carried, and none of them, it must be frankly confessed, have excited the interest that they deserved. And I think the reason has been that people did not really care much about the carrying trade, because there were so many other channels open to commercial enterprise. The building of railroads, the opening up of the great West, the development of manufactures—all these have afforded favorable opportunities for the investment of capital; and in them the entire capital and labor of the country has found full employment. Now, however, with our extraordinary growth we have reached a point where these pursuits do not offer inducements to capital, and consequently both capital and labor are idle.

The commercial conquest of our own country by our own people is complete. We have more railroads and factories and agricultural products than we need for our own use. Shall we then lie idle and wait till we grow up to the capacity of our industries? I say, no; but rather let us push our way boldly into foreign markets. To do this we must have our own shipping, and we can only get it by protection—by the same means that have given us such an unexampled development at home. At last, therefore, the time is ripe for the revival of the shipping interest, because that is the instrument by which all industries and all commercial interests can be revived. I therefore ask the earnest attention of the Senate to the measure, or more properly the principle, which I advocate, the protection of the ship-building and ship-carrying interests; not only and not chiefly for the sake of those interests themselves, but because in the present condition of affairs by reviving these interests we shall set in motion the wheels of trade in every one of its branches. By adopting these principles I confidently believe that in less than a generation we shall be mistress of the seas and command the markets of the world as completely as to-day we control the markets of our own broad land.

The PRESIDING OFFICER (Mr. WILSON in the chair). The question is on the resolution.

Mr. VAN WYCK. I ask unanimous consent for the consideration of a House bill.

Mr. SHERMAN. Let this resolution be referred.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Pennsylvania.

The resolution was agreed to.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

Mr. VAN WYCK. I ask unanimous consent for the consideration of the bill (H. R. 5479) to prevent unlawful occupancy of the public lands, known as the fencing bill. It is reported from the Committee on Public Lands with some amendments. The report of the committee of the Senate is unanimous, and therefore the bill will probably not provoke any discussion.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of the bill named by him. Is there objection?

Mr. COCKRELL. One word. I desire simply to say that I have examined the Calendar and there are only forty-nine House bills upon the Calendar which have been reported favorably by Senate committees.

The PRESIDING OFFICER. Does the Senator from Missouri object to the request of the Senator from Nebraska?

Mr. COCKRELL. I intend to object at the proper time to all others except this bill now. I simply desire to give notice that I shall move in connection with the Senator from Wisconsin [Mr. CAMERON] either to-day, or, if the time is too far gone now, to-morrow, to take up the House bills and consider them in their consecutive order. We can dispose of all of them inside of an hour and a half, I am satisfied.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 6, after the word "to," to strike out "all" and insert "any;" and in line 19, after the word "prohibited," to strike out:

And it shall be lawful for any person to tear down, cut, or demolish any such inclosure as is above prohibited, when the inclosure includes more than one hundred and sixty acres of land.

So as to make the section read:

That all inclosures of any public lands in any State or Territory of the United States heretofore or to be hereafter made, erected, or constructed, by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim made in good faith at the proper land office, under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "proper," to insert "United States district or circuit;" in line 14, after the word "any," to insert "United States district or circuit;" in line 15, after the word "court," to strike out "of record;" and in line 28, after the word "way," to strike out "with a posse comitatus, if necessary;" so as to make the section read:

SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1 of this act is being violated, showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation, as nearly as may be, and by description if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, in the name of the United States and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employé having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case, if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "lands," to strike out "not exceeding one hundred and sixty acres" and insert "under the land laws of the United States;" so as to make the section read:

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct or shall combine and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not apply to persons who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto in good faith.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the word "agent," to strike out "attorney or employé," and in line 6, after the word "offense," to strike out:

And the continuance of an unlawful inclosure after conviction or pending prosecution shall be deemed another offense.

So as to make the section read:

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding $1,000 and be imprisoned not exceeding one year for each offense.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 5. That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and for such purpose to employ civil or military force, as may be necessary for that purpose.

Mr. VAN WYCK. The words "for such purpose" occur in line 3, and the words "for that purpose" in line 4. Let the words "for such purpose," in line 3, be stricken out.

The PRESIDING OFFICER. The amendment to the amendment is, in line 3, to strike out the words "for such purpose." If there be no

objection the amendment will be so modified. The question is on the amendment of the committee as modified.

The amendment as modified was agreed to.

Mr. GARLAND. Is there a report with this bill?

The PRESIDING OFFICER. There is.

Mr. GARLAND. Let the report be read. Some Senators may not understand it.

The Secretary read the following report, submitted by Mr. VAN WYCK January 12, 1885:

The Committee on Public Lands, to whom was referred bill H. R. 5479, beg leave to submit the following report:

That they have suggested certain amendments, which will appear in the body of the bill.

The necessity of additional legislation to protect the public domain because of illegal fencing is becoming every day more apparent. Without the least authority, and in open and bold defiance of the rights of the Government, large, and oftentimes foreign, corporations deliberately inclose by fences areas of hundreds of thousands of acres, closing the avenues of travel and preventing the occupancy by those seeking homes. While those fencing allege the lands within such inclosures are open to settlement, yet no humble settler, with scarcely the means for the necessaries of life, would presume to enter any such inclosure to seek a home.

The Government has sufficient authority to drive those seeking homes from the Indian Territory, and to burn the ranches of those invading the Yellowstone Park, while those appropriating vast areas are hoping the only remedy to be used against them will be the law's delay in the courts.

Therefore your committee have added a new section to the Army bill, authorizing the President of the United States to summarily remove all obstructions, and, if necessary, to use the military power of the United States.

The bill was reported to the Senate as amended.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill if it compels the taking down of these unlawful inclosures.

Mr. VAN WYCK. Certainly; that is the intention.

Mr. COCKRELL. I see that by section 2 proceedings may be commenced upon the affidavit of any citizen of the United States. The judgment of the court is that the man shall take down his fence. Who is to pay the costs and all that?

Mr. VAN WYCK. The party against whom the judgment is rendered will pay the costs. If the Senator will examine the whole bill he will see that was the only remedy by the House bill as it came to us. We added to the bill, to make it more stringent and summary, the provision of the law of 1870, which in my judgment is still in force, but has not been recognized as in force by the Interior Department. That provision authorized the President of the United States to use the military force to remove unlawful obstructions. The committee intended to meet the very point which I think the Senator has suggested.

Mr. PLUMB. I think if the Senator from Missouri will read section 4 he will not object to the bill as not being stringent enough.

Mr. COCKRELL. I have read section 4, but how are you going to enforce it? The section provides:

That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000, and be imprisoned not exceeding one year for each offense.

How is that to be enforced?

Mr. PLUMB. It is to be enforced by an action in the courts of the United States just as all other offenses against United States laws are punished.

Mr. MORGAN. I call the attention of the Senator from Missouri to the concluding clause of the second section:

In any case, if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

That seems to be a very full remedy for the destruction of inclosures by order of the court, and I think that is the proper way to get at it.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. CONGER. It seems to me that the provisions of the first section of the bill would prevent the settlement of any person, a squatter if you will say so, on any of the unsurveyed public lands of the United States and make him liable to punishment and penalties. It makes no discrimination for an actual settler. Of course he could have no title and could acquire none, for there would be no land office where he could acquire any title.

I think the bill is dangerous in that respect, and instead of punishing those who occupy and inclose large tracts of country it leaves citizens of the United States liable to prosecution for going and attempting to make a settlement on lands that have not been surveyed, and where there is no land office. Perhaps I may be mistaken about it. It punishes those who may make or control an inclosure who have—

No claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim made in good faith at the proper land office, under the general laws of the United States at the time any such inclosure was or shall be made.

There are settlements made in remote parts of the country, where there is no land office, where there has been no survey, with the intention of securing a future homestead there—what we call a squatter's right. I think this provision, without some amendment of it, would make such settlers liable to penalty and prosecution.

Mr. PLUMB. I think the Senator is mistaken in that. He will find that two classes of claims are provided for in the section which he objects to. Possibly it might be made a little more certain. The first class excepted from the operation of the section is persons who have made claim or color of title acquired in good faith. Under the public land laws entry upon the public lands in accordance with the provision of the law which authorizes persons to go there for the purpose of effecting a settlement under the land laws is the assertion of a claim or color of title, I think, fairly within the meaning of this section. Then there is another class of claims provided for, and that is where the right has been asserted in good faith at the proper land office. It seems to me that the class of claims to which the Senator refers is covered by that provision. Of course it would be made perhaps a little broader if the words "the proper land office" were stricken out, but I do not think that is necessary, because of the first clause which refers to the persons who have a claim or color of title acquired in good faith.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived the Chair lays before the Senate the unfinished business.

Mr. PLUMB. This bill has proceeded so nearly to a conclusion that I think it would be a saving of time for the Senate to close the consideration of it this morning.

Mr. CONGER. Let the bill go over and be examined a little. There may be no objection to it hereafter. Let it go over to another morning.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business and will then entertain the request of the Senator from Kansas to proceed by unanimous consent.

Mr. VAN WYCK. I will assent cheerfully to the suggestion of the Senator from Michigan if it can be understood that the bill shall be taken up again in the morning hour to-morrow.

Mr. CONGER. There will be no objection, I presume, to taking it up at some time when it can be examined.

The PRESIDING OFFICER. Does the Senator from Michigan object?

Mr. CONGER. I should rather have it go over.

The PRESIDING OFFICER. The Senator from Michigan objects.

COINAGE OF SILVER DOLLARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar, the pending question being on the motion of Mr. INGALLS to strike out section 5 of the substitute reported from the Committee on Finance.

Mr. BECK. Mr. President, I shall endeavor as briefly as I can to show why the first three sections of the bill reported by the Finance Committee, being an amendment to the House bill retiring the trade-dollar, should pass; that done, I shall endeavor to show why we should not at this time interfere with the coinage of the standard silver dollar, or commit ourselves to any future change of policy in regard to it.

When the bill was reported from the Finance Committee and argued so elaborately by the chairman [Mr. MORRILL] and so ably by the Senator from Delaware [Mr. BAYARD], I took occasion to announce that the report was not a unanimous one. Several of the committee, of whom I was one, were entirely satisfied to retire the trade-dollar, but we thought that there was neither a necessary nor natural connection or relation between the subjects, indeed that it was irrelevant and improper to attach to such a bill a measure to stop the coinage of the standard silver dollar either now or hereafter. The House had sent us a very simple proposition; the Senate Finance Committee amended it, and, I think, properly; but to tack onto it the whole question of silver coinage, which involves very serious consequences, seemed to me to be just as much out of place as it would have been to have tacked on an amendment proposing to build new cruisers, or to attach the river and harbor bill or any other measure entirely foreign to the subject that the House had asked us to deal with. The rider is bigger than the horse; the tail wags the dog in this case.

The only effect of insisting upon retiring the standard silver dollar on a proposition to retire the trade-dollar and substitute standard legal-tender dollars for it is in fact to do nothing; it simply means the defeat of the bill, which a majority of the committee, and I think a majority of the Senate, would like to see passed. Therefore, as I said, I shall endeavor to show why we ought to retire the trade-dollar, and why we ought not to deal with the other subject at all, because it must be obvious that when we do it is important enough to be brought before us as a separate matter to be discussed fully, elaborately, and carefully by both Houses, and not be made a rider to a bill to which it has no necessary or proper relation in the closing hours of a session and in the expiring days of an administration.

The Committee on Finance of the Senate have never found any difficulty before this body in obtaining a hearing when they make a report upon any important question, and I do not see why we ought now, on a bill like this, to say that we will do what the House proposes provided they will agree to stop the coinage of the silver dollar. We might as well propose to pass the bill sent to us provided they would agree to build up the Navy, or provided they would establish a manufactory for great guns, or make the Commissioner of Agriculture a Cabinet minister, or provided they would agree to do anything that was

not in any way connected with the subject-matter under consideration. In my judgment that is not the way to deal with a great question of this sort.

I am one of those who have believed ever since the legal-tender quality was taken from the trade-dollar that it ought to be retired, and I have not failed since I have been a member of the Senate to introduce bill after bill during three Congresses for the purpose of substituting legal-tender standard dollars for it. I thought that good faith to the country, good faith to the laborers who were for years compelled to take those trade-dollars for their daily wages, and yet were unable to pay them out for the rent of their homes, or for the clothes their families needed, or for groceries or anything else, required Congress to retire them and substitute for them a coin having the qualities which all money allowed to circulate ought to have.

During the first Congress in which I had the honor to be a member of this body, before I was a member of the Finance Committee, on the 2d of December, 1878, the first day of the third session of the Forty-fifth Congress, I introduced a bill to provide for retiring the trade-dollar and for its recoinage into standard silver dollars. It was referred to the Committee on Finance after being twice read, and never was heard of any more. At the next Congress, the Forty-sixth, I was, by the kindness of Senators, made a member of the Finance Committee, and thought I would be able to do something in that regard. At the first special session, without waiting for the regular session, on the 21st day of March, 1879, I introduced Senate bill No. 70, it being a bill to provide for retiring the trade-dollar and for its recoinage into standard silver dollars. That, too, was referred to the Finance Committee, and died there as the former bill had done. Not content with that, still hoping to get rid of the dishonored coin, when the Forty-seventh Congress met on the 5th of December, I believe the very first day of the Congress, I again introduced Senate bill No. 84, to provide for the retirement of the trade-dollar, and it again went to the Finance Committee, and never was heard of any more. When this Congress met the evils which I was seeking to remove had comparatively passed away. Trade-dollars were not being paid to laborers any more; they were not being required to take them for wages. They had been dishonored everywhere. Our own post-office officials and fiscal agents had driven them out of circulation. I did not introduce a bill to retire them when this Congress opened; they had passed into the hands of associations of bankers and brokers. The men who had obtained them doubtless took them from the laboring classes at a heavy discount in most instances, I know they did in many, yet I knew that through their press, with their organizations and their united power, they would make themselves felt even by Congress in a way that I had not been able to make myself felt when advocating the cause of the people who had taken this degraded money for their wages, and that they would enlist champions more potent than I had proved to be.

I guessed right. It was not long before the press, especially of Philadelphia, sustained by the press of the almost united North, the bankers, the brokers, the moneyed organizations everywhere, demanded that the trade-dollar should be retired. The House acted upon their demand promptly. The Senate committee held it back for a long time. The Finance Committee of the body was pressed to report on this subject in some way at the last session of this Congress; they did not, but they report now, and when they do they attach a condition in the form of a rider to it, which, if not intended to defeat the bill, overthrows or looks to the overthrow of the whole silver coinage of the country.

I do not desire to be understood as saying that the trade-dollar ought not to be retired now. I think it ought, and for the same reasons that I sought to retire it during the three previous Congresses. I do not care whether the present holders of them took them at par or at a discount, whether they obtained them by gift or by purchase or in any other way. They are outstanding, after being dishonored by Congress. They are the coin of the United States. They were issued by our authority. Their legal-tender quality, which was all that enabled men to use them to supply their wants, was taken away from them by law. My position has always been that the moment that was done it became the duty of the United States to retire its repudiated coin and to substitute a coin which the people could use. Whether they are held by brokers or bankers, or whether they are held by Shylocks who preyed upon the necessities of the laborers in order to get them below their value, it makes no difference to me; they ought not to exist, and Congress ought not to allow them to remain outstanding.

The only excuse that I have heard offered by any gentleman who differs with me is that they are not a coin of the United States; that they were coined for the private benefit of the men who owned silver bullion, and that we are therefore under no obligation to retire them or substitute legal-tender dollars for them. Indeed, the Senator from Vermont went so far as to say that they were given a legal-tender value even to the extent of $5 by accident, by inadvertence, in 1873. Let me quote his exact language. He said:

> It is true that by some inadvertence it happened to be included as a legal tender by the coinage act of 1873, the same as subsidiary silver coins, to the extent only of $5 for three years, or until July 22, 1876, when even its limited legal-tender character was repealed. Up to that time the whole amount issued was $15,418,450.

He said further along in his speech "somebody blundered" in making them legal-tender, and argues that because it was done by inadvertence Congress ought not to take any notice of them. I deny his statement of facts. There was no inadvertence about it. Section 3511 of the Revised Statutes provides that—

> The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of 25.8 grains, shall be the unit of value; a quarter-eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece.
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> SEC. 3513. The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece.

Giving the weights respectively of these. Then follows a further provision which, I think, is a complete answer to all gentlemen who are contending that they are not as much coin of the United States as gold coin because they were coined for the private use of individual men. They were coined by law, just as the gold coin of the United States was coined. Section 3519 of the Revised Statutes says:

> Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit.
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> SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of 420 grains troy, designated in this title as trade-dollars, and no deposit of silver for other coinage shall be received.

Congress by the act of July, 1873, had stricken down the old silver dollar, but as to the trade-dollar it was provided that silver bars and bullion were to be received at our mints and coined for the benefit of the person who deposited the silver bullion, just as the gold was to be coined for the benefit of the man who deposited the gold bullion. No distinction was made between them. When I called the attention of the Senator from Delaware [Mr. BAYARD] to that subject I said to him that there was no distinction, and I believe with the exception of giving to the holder of gold the right to sell or the Government the right to purchase whatever silver was found mixed with the gold, for we were buying silver for subsidiary coin, he failed to show any distinction. I called attention also to the fact that it was made a felony and is a felony to-day to counterfeit any of these coins of gold or silver, the trade-dollar included.

Section 61 of the act of February, 1873—the section of the Revised Statutes from which I have read being part of it—provides "that if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any coin or bars in resemblance or similitude of the gold or silver coins or bars, which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be made, current in the United States, or are in actual use and circulation as money within the United States, or shall pass, utter" the same, he shall be guilty of a felony, and all the penalties prescribed by the statute shall be imposed upon him precisely the same for silver coin, for the trade-dollar, as for the gold eagle; there is no difference between them. The Senator from Delaware very pertinently answered his own argument in his speech in regard to the difference between the two coins when he said:

> Mr. President, since 1878, I think in February, the Government of the United States has assumed a new relation, a new function and duty in respect to its coinage. Before that time, except for the manufacture of its subsidiary coins which are debased below the standard coins, the Government of the United States never owned an ounce of either metal that came into its mints for coinage; all that came was private property.

Yet all had full legal-tender quality and were coins of the United States for all purposes.

That is true; true as well of the gold coin as of the trade-dollar; true as well of one coin as of another, so that there is no weight in the argument that the trade-dollar was coined for the private benefit of the persons who brought the bullion to the mint any more than could be based upon the fact that the gold coin was coined for the benefit of the men who brought the gold bullion there for coinage. When we demonetized or deprived the trade-dollar of its legal-tender quality by joint resolution in 1876 there was no attempt to deprive it of its existing relation as a coin of the United States further than to take away its legal-tender quality. The Senator from Delaware thought there was, but when he came to read the law he found, I think to his own satisfaction, that there was not. This is the language. I will read it so that there may be no mistake about the facts in regard to it. July 22, 1876, the legal-tender quality was taken away from the coinage of the trade-dollar, and this was added:

> And the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

That was not altering its quality; that did not make it less a coin of the United States, but it gave authority to our agent, the Secretary of the Treasury, to limit the amount to be issued to what he might deem was necessary for the foreign export trade. But all that he saw fit to allow to be issued, all that he saw fit to allow to go into circulation in the hands of the people, was as much a coin of the United States, and

was paid out to men for their days' wages just as freely as before that act was passed, and very likely a good deal more so. If any one was to be blamed for allowing the dishonored and useless trade-dollar to be issued at all after 1876 it was the Secretary of the Treasury. He was the agent of the authorities of the United States. Congress trusted him and invested him with power. The people of the United States, to whom that money was paid in small sums and wages could not tell what the Secretary of the Treasury was doing or what his object was in allowing that coin to be issued in the way it appeared. It found its way into the hands of their employers. They may have bought the silver bullion at 10 or 15 per cent. discount from which to coin it to pay their hands with, or they may have paid par for it. So it was these trade-dollars were paid to them on Saturday night for their wages. They believed it to be good money, they hoarded it, they held on to it, they thought it better than depreciated paper, they believed that the Secretary of the Treasury, under the authority given to him, was doing his duty and was giving them a good, honest coin, and that the United States would protect them in taking it, if they thought or knew anything about it at all.

I remember upon one occasion in a town in my own State, for we had great trouble there with it for years, an honest German had collected $65 in silver coin, trade-dollars every one of them. He had taken them for his chickens, his butter, his eggs, and the things he was selling at the market-house and had laid them away until he had sixty-five. He and his wife came into the town to get a draft to send to some dependent relative in Germany, when it was found they were trade-dollars; the bank refused to take them at par, the United States officials and everybody was refusing them; the German gardener had to suffer 10 per cent. discount on his $65 to get the little draft he desired to send abroad. That ought not to be; it ought never to have been possible. It was a common case. I only use it to illustrate the general condition. When we issued a coin and punished men for counterfeiting it and authorized our Secretary of the Treasury to let as many be issued as he saw fit—and he did see fit to let thirty-five millions be issued—every one of them that has not been adopted by foreign nations and branded with the brand of a foreign country that is now here unchanged, no matter who holds them, ought to be retired and a good dollar that will pay the rent of the laborer's house, that will pay his bill at the grocery, that will buy himself a pair of shoes or clothes for his family, and that he can require everybody to take as he has to take it, should be given to him in its place. That is the only fair and honest solution of the question. A Government like this can not afford to higgle about technicalities.

It will not do to say, as has been argued here, that values can not be changed or created by law; that there is no difference between the value of money as a coin and its value as a merchantable article. The very fact that the holders of trade-dollars are willing and anxious to take a coin of 412½ grains and give up for it a dishonored coin containing 420 grains shows that they know that there is a difference in value because of the uses to which the one can be put and to which the other can not. All the financiers of the country have insisted upon that being the effect of the legal-tender quality. Mr. Hamilton in his earliest report, in 1792, when he started the United States Mint—I do not care to take time to read much—showed that we were at the mercy of foreign nations, and that the values of the coin we used depended upon action abroad on the values the foreign countries saw fit to give them. The reason why the States gave up the right to coin money was because of these differences and changes in value in different coinage. I will read one extract however. It covers the whole case. In his report of 1791 Mr. Hamilton used this language:

> Every fabric, it is remarked, is worth intrinsically the price of the raw material and the expense of fabrication—a truth not less applicable to a piece of coin than to a yard of cloth.
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> This position, well founded in itself, is here misapplied. It supposes that the coins now in circulation are to be considered as bullion, or, in other words, as a raw material; but the fact is that the adoption of them as money has caused them to become the fabric; it has invested them with the character and office of coins, and has given them a sanction and efficiency equivalent to that of the stamp of the sovereign. The prices of all our commodities at home and abroad, and of all foreign commodities in our markets, have found their level in conformity to this principle.

Mr. Hunter, in 1853, when the same question was up, repeated the same idea when he said, speaking of gold and silver:

> These metals derive their value from two distinct sources—one from their use as a currency, the other from their application to manufacturing purposes. The demand for them as currency in any given year is to be measured by the number and amount of exchanges to be made in specie during that year—their value for mechanical uses is their bullion value—that is to say, it is measured by their proportion to the residue of the property of the world, for the demand for them in the arts will be very nearly in proportion to the wealth of society.

These principles regulate the value of our coins; it is the use to which we by law allow the 412½-grain dollar to be applied when we do not allow the 420-grain dollar to be used for any public purpose that gives the former greater value. Its value is governed by the uses to which it can be put. It is a fabric. What would be the use of even the celebrated Wood's self-binder, which has revolutionized the grain-raising of the country, if we were to pursue the policy of China in order to prevent labor from being driven out of employment, and say it should not be used? The raw material is there, but you can not use it, and there is no practical value in it to anybody, no matter how great its capacity. If the 420-grain dollar will not pay a debt, will not pay house-rent, will not buy shoes, will not procure clothing, will not buy the necessaries of life, it is of no value to a laboring man who holds it; it is not a fabric, and he can not use raw material; as to him it is not a representative of value. The standard legal-tender dollar, with less raw material in it, has been adopted by the Government, issued, put into the hands of the people in all the States; it regulates transactions among individuals, States, municipalities, and corporations over the whole country. It has its fixed value and its uses, and the greater the uses the greater the value. That is the accepted doctrine as I understand it; that is the fact, whatever may be the theory.

The object of passing the House bill is to give people something they can use, and not force them to hold something which we have destroyed for all the purposes money is needed for, which by law we have said shall no longer perform any of the functions of coin, and which our Secretary of the Treasury under the discretion given him allowed the mints to coin. Everybody knows that when Congress determined to resume specie payments on the 1st of January, 1879, the moment the Secretary of the Treasury, even in violation of law, said, "Although the law prohibits me from receiving the legal-tender notes of the country, the greenbacks as they are called, at the custom-houses, I will receive them for customs dues," they were taken, and there was never a dollar of gold called for to redeem them, because greenbacks, having even by executive order received that additional use, were at once as good as gold. Over $200,000,000 had to be paid every year in customs dues. The greenbacks had been long dishonored in the interest of the bondholders, and were, of course, at a discount because their use was limited. The moment that additional use was given to the legal-tender notes the difference between them and gold disappeared at once.

Mr. Hunter's report, from which I read a moment ago, shows that the bills of exchange issued by the Amsterdam merchants in the last century were worth more than gold because they would pay bills in Italy, in Austria, in France, in Holland, in England, and almost everywhere else, whereas the gold had to be transported at great cost, risk, and expense to those different countries. Therefore Amsterdam bills of exchange were always at a premium because of the additional use which could be made of them and the safety and convenience attending their use.

I repeat that it will not do to insist that the trade-dollar was not money, and therefore that we ought not to take it back and furnish a substitute for it after we have declared that it should no longer have the uses it had when we adopted it as a coin. There are but six or seven millions, according to the best estimates we can obtain, now in the hands of the people of this country. The other twenty-eight millions went abroad. The Director of the Mint advises us that he believes much of it has been melted up, but whether it has been or not it has been adopted in great part by China and other countries, and their brands, marks, and stamps have been put upon it, and it thus became theirs. I insist—I differ in that from other members of the committee—that we ought not to be called upon to take back a coin that China has stamped as her own, whether the change has been made by the government or the merchants of that country.

The committee had great difficulty in finding a trade-dollar with the Chinese stamp, but the Senator from Ohio [Mr. SHERMAN] obtained one somewhere; it was stamped all over with hieroglyphics so that nobody in this country would have a doubt but that it had been changed from what it was when it was issued from the Mint of the United States; and there would be no danger of our people being deceived in regard to that fact.

Returning to the old silver dollar and the treatment it received at the hands of Congress in 1873, and the persecution it has been subjected to ever since, attracted by what the Senator from Vermont said the other day, that it was by some inadvertence that the trade-dollar happened to be allowed to have any legal-tender quality in the coinage act of 1872, I hope that distinguished gentleman will tell us about that inadvertence, and I am glad the Senator from Ohio [Mr. SHERMAN], as he advised me a few moments ago, is going to argue this question when I sit down, which will be very soon. I want him to tell us what "inadvertence" it was that allowed to the trade-dollar the legal-tender quality given to it by the act of 1873.

If there was any "inadvertence" in that law it was in striking down and destroying the old standard legal-tender dollar of 412½ grains, which up to that day had been of equal legal-tender quality with gold from and before the adoption of the Constitution. We had been a silver-using country in all time.

The Senator from Vermont, while I think of it—for I have no particular order in speaking on these questions—seemed to think that it was a strong argument against silver coinage in any form that up to the time when the standard dollar was demonetized in 1873 only $8,445,838 of standard silver dollars had ever been coined in the United States; but he forgot to tell that we had half-dollars, quarter-dollars, 20-cent pieces, 10-cent pieces, and 5-cent pieces, and of them we had coined

before 1853, if I mistake not, over one hundred million dollars' worth; they were of full legal value. We had coined of full dollars, it is true, only about eight millions and odd, but of half-dollars one hundred million dollars' worth, of quarter-dollars some $40,000,000, and of other small coins large amounts; making in all $184,280,941.40 in 1877. Upward of $100,000,000 of half-dollars had been coined before 1873; nearly $2,000,000 of standard dollars had been coined within fourteen months before the act of February, 1873, was passed. Up to the time that gold was discovered in California in 1849, we had more silver in the country than gold; I believe almost double as much, if the amount of Spanish milled dollars in circulation is taken into account.

It is difficult to tell how much silver we had, because we adopted the Spanish milled dollar; indeed it had been adopted by the several States long before the Constitution of the United States was adopted; and in 1793, in the first coinage act, while we allowed foreign coins of gold and silver to circulate under the regulation of Congress and to be accepted as a legal tender at the value so regulated, this provision was made by section 2 of the act of February 9, 1793:

That at the expiration of three years next ensuing the time when the coinage of gold and silver agreeably to the act entitled "An act establishing a mint, and regulating the coins of the United States," shall commence at the Mint of the United States, which time shall be announced by the proclamation of the President of the United States, all foreign gold coins and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

That act made another provision, that when foreign coins were received by the United States they should be recoined into the coin of the United States at the Mint, all except the Spanish milled dollar. That coin was retained and kept as part of our coinage; it was paid out at the Treasury and paid back into the Treasury and passed between man and man under the laws of the United States without change. Consequently our own coinage of silver dollars is apparently small, because we had adopted the Spanish milled dollar and did not require it to be recoined as we did other foreign coins, but kept it as part of our own coinage at full legal-tender value. The great mass of silver came from the Spanish countries at that time. The Senator from Delaware said in his speech, as he reminds me now, that at that time we were in fact a silver-using country, but we suffered no inconvenience from it. We had gone through the war of 1812; we had acquired Louisiana; we carried on the Mexican war, and by it acquired all the great States and Territories on the Pacific, while we relied on silver much more than we did on gold.

I do not care to refer to the various changes in our laws relative to foreign coins; they were regulated by Congress and were most of the time a legal tender at the rates fixed, but at all times the Spanish milled dollar was the favorite standard coin.

A great wrong was perpetrated by the act of 1873 in demonetizing silver, and the way it was done made the offense a grievous one. The Constitution of the United States declared that the States should make nothing but gold and silver coin a legal tender; that Congress shall alone have power to coin money. When it had coined money, when it had induced people to buy Spanish milled dollars and had placed them in the hands of the people, when the States, the municipalities, the corporations, private individuals, and the United States itself in its own obligations had contracted enormous debts upon the basis of the standard silver dollar, and when we had in regard to our own bonds said that they should be paid in gold or silver coin of the standard value of July, 1870, to strike down that coinage from the country, and say that silver should no longer be coined, should no longer be a legal tender for anything, was an unparalleled outrage, especially in a country like ours, growing as rapidly as we are, owing as we did six or seven or eight thousand million dollars in debts of the United States, of the States, of municipalities, of corporations, and of private individuals; yet the Senator from Vermont complains in the face of that action that somebow or other, by some "inadvertence," Congress happened to allow the trade-dollar to have a legal-tender quality of $5. I said I desired to know what that "inadvertence" consisted of. I aver here that there were not ten men in the lower House of Congress who knew at the time that the standard silver dollar was demonetized, that it was so stricken down. I have never seen or heard of one. The "inadvertence," when explained, may enlighten many of us. I was then a member of that body and would be glad to hear all about that transaction.

I have a very remarkable speech in my hand. I refer to a speech made by Hon. WILLIAM D. KELLEY, stating how little he and others knew about it. I call the attention of the Senator from Vermont to it. Perhaps he can tell where the "inadvertence" comes in. I would like to be informed, and I think the country would. Mr. KELLEY said:

In 1872, when I made the remarks which were cited by those gentlemen, and which have been frequently quoted in both Houses, and always with an air as much as to say that to convict this man of the crime of having been instructed by the logic of events would forever settle this momentous question, we were not using coin, and no gentleman in either House appears to have appreciated the scope and magnitude of the silver question or to have given it special study. Hence the bill—and I wish gentlemen to know what that bill was; it was a bill to reorganize the mints, not to revise the coin money of the country, but to reorganize the mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. The then Speaker of the House, now a distinguished member of the Senate, and Hon. Mr. VOORHEES, of Indiana, who is also a member of that body, were then members of this House, and during the last Congress this colloquy occurred between them. It was, I think, denied by Mr. VOORHEES that members of the House knew that the bill proposed to demonetize the silver dollar, and to sustain his view he said to the ex-Speaker: "Did you know it, sir?" "No," said Senator Blaine, "did you?" "No," replied Senator VOORHEES.

I was chairman of the committee that reported the original bill, and I aver on my honor that I did not know the fact that it proposed to drop the standard dollar, and did not learn that it had done it for eighteen months after the passage of the substitute offered by Mr. Hooper, when I disputed the fact. The distinguished gentleman from Ohio [Mr. Garfield] who now leads this side of the House was then as now an attentive and already a distinguished member of the House; yet when in joint debate before the people of Ohio in October, 1877, the question arose as to who was responsible for its demonetization, he frankly said he did not know that such a provision was in the bill when it passed the House. I state this the more freely in his absence because I informed him that I intended to do so; and he replied, "It is the case; I did make that statement, and it is true."

Nor did the President who signed the bill know that it abolished legal-tender standard silver dollars, for in his letter to Mr. Cowdrey of October 6, 1873, cited by the gentleman from Ohio [Mr. WARNER], he said:

"Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard value the world over. Silver has this."

More remarkable perhaps than that, when a debate arose in the House of Representatives fourteen months after that bill had passed in which the Senator from Vermont says by inadvertence the legal-tender quality to the extent of $5 was allowed to the trade-dollar—I suppose he means that they did not do the work as well as they thought they had done; they thought they had struck down silver in every form, but by inadvertence the trade-dollar happened to be allowed a five-dollar legal-tender quality; the law passed in February 1873, yet on the 14th day of April, 1874, fourteen months after, as the Senator from Vermont contends, all silver was supposed to be demonetized and stricken from the coinage and its legal-tender quality taken away except the inadvertence he speaks of—a debate sprang up in the House of Representatives growing out of what was known as the greenback controversy, whether we should retain the volume of greenbacks at $356,000,000 as they then were, or make the amount $400,000,000, which was finally compromised, I believe, at $378,000,000, and whether we should have free banking. Mr. E. Rockwood Hoar, a very distinguished gentleman who had been Attorney-General, and a very able one, by unanimous consent offered the following amendment to the bill:

That from and after the 4th day of July, in the year 1876, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debts thereafter contracted.

Do you think he had any suspicion that there was no silver coin of the United States then a legal tender for anything? Did he know any of the secrets of the act of February, 1873? No. The yeas and nays were called on Judge Hoar's proposition, and among those who voted for this amendment were Hon. HENRY L. DAWES, Hon. WILLIAM P. FRYE, James A. Garfield, EUGENE HALE, JOSEPH R. HAWLEY, GEORGE F. HOAR, and quite a number of other distinguished gentlemen. They evidently did not understand when the yeas and nays were called fourteen months after the passage of the act of 1873 that there was simply a five-dollar legal-tender quality to the trade-dollar, and that that was there by inadvertence. The inadvertence was all on the other side. These gentlemen did not know that silver coin had been stricken down. When that bill came to the Senate it was managed by the distinguished Senator from Ohio [Mr. SHERMAN], and the RECORD shows every form of expression used by him indicated that he did not know it. Among other things he said:

And in order to show this, wherever our silver coin shall float—and we are providing that it shall float all over the world—we propose to stamp upon it, instead of our eagle, which foreigners may not understand, and which they may not distinguish from a buzzard, or some other bird, the intrinsic fineness and weight of the coin. In this practical utilitarian age the officers of the Mint seemed to think it would be better to do that than to put the eagle on our silver coins. I must confess I do not think it is very important; but I think the Senator ought to be willing to defer in these matters to the practical knowledge of the officers who have charge of this branch of the Government service.

In all the debate the only controversy in the Senate was whether there should be a coinage charge. Mr. Casserly, a Senator from California, protested against it, and Mr. SHERMAN and others contended that we ought to have the right to charge enough to pay the expense of the coinage; but no suggestion was made anywhere by anybody that Congress proposed to strike silver from the coinage altogether, or that the five-dollar legal-tender quality that was ultimately given to the trade-dollar was by any inadvertence.

As I said, I do not propose to argue elaborately the policy of the provision of the fifth section of the committee's measure. I desire to content myself with showing now that we ought to retire the trade-dollar. The people took it believing it was good money and could be used as such. It had the sanction of the Government as one of its coins; men were punished for counterfeiting it; the amount of issue was under the control of the Secretary of the Treasury. No private man could tell what was the reason why he was allowing it to be issued; before 1876 $15,600,000 had been issued, $12,000,000 and more had been exported, three and a half millions was at home, and after the other $20,000,000

were coined the report of the Director of the Mint shows the following facts as to the coinage and export of trade-dollars:

For the month of—	Coined.	Exported.
November, 1877	400,000	487,177
December, 1877	589,060	531,301
January, 1878	1,391,300	381,237
February, 1878	1,525,200	101,761
March, 1878	1,308,200	131,250
April, 1878	35,000	290,835
May, 1878	200	85,306
Total	5,248,960	2,008,867

The coinage was $5,248,000, yet we only exported $2,008,000, leaving $3,400,000 to be scattered over the country and paid as I said to men who were working for wages to earn their daily bread, and this was going on under the direction of the Secretary of the Treasury.

Mr. MORRILL. Will it interrupt the Senator if I ask him to allow me to say a single word?

Mr. BECK. Certainly not.

Mr. MORRILL. As it is obvious to every one that the trade-dollar was solely intended for other parties, to be exported, the only thing I intended to convey by the word "inadvertence," which furnishes the Senator from Kentucky with so much music, was that it was wrong to allow a coin that was intended for export only to have any legal-tender quality whatever.

Mr. BECK. Then the Senator from Vermont intended that there should be no silver coinage that should have any legal-tender quality at all. Did he intend or avow that we should have gold, and gold alone, and exclude from our people one-half the coinage that then existed. In other words, did he intend to give the money that every creditor received from his debtor double the value that it had before, so that it would take twice the number of bushels of wheat, twice the number of acres of land, twice the number of cattle, horses, or anything a man had to pay the debts that his creditor held over him, thus doubling the burdens of the debtor class of the whole people, doubling the value of the money that the creditor was to have, and do all this by an act that was not known to the men that did it, and yet complain that there was some "inadvertence," that somebody blundered? It seems to be a source of regret that they did not do it absolutely and are sorry because they allowed the trade-dollar to have a five-dollar legal-tender quality. I ask the Senator from Vermont after the legal-tender quality was taken away from it what use was it to the men who held it? Why was it not retired at once? Did not fair dealing, did not common justice require that money issued by authority of the Government, coin of the United States coined upon precisely the same terms as gold, and given to men who brought the metal there just as gold coin was given to the men who brought gold, put it into their hands having a legal-tender quality that a man could not refuse to the extent of $5—and workers for wages seldom got more than that from one pay-day to another—require that the Government should honor it? To refuse to take it from them unless at a discount is an outrage that ought to be corrected, and that promptly.

In 1878 we restored the legal-tender quality of the 412½-grain dollar. We annulled the act of 1873. We were told then that gold would be driven out of the country in less than a year. There is nearly double as much gold in the country now as there was then. Silver has not driven gold out. That bill was vetoed by the President, it was passed over his veto in this body on a call of the yeas and nays by a vote of 46 to 16. Why turn against it now, it has performed its functions well from that day to this? I do not know what the discount on silver was then. I see by the reports it was almost as great, if not quite as great, as it is now, and it has never had fair play from any of the officials of the Government; it has been an illused step-child all the time.

Why should the coinage be stopped at this time? Whatever it may become necessary to do hereafter, why should we now strike it down? The bank circulation has decreased, as the Comptroller of the Currency says, last year twenty-five and a half millions, I think twenty-nine millions by this time. He has assured us that it will decrease every year $40,000,000 hereafter. There are only one hundred and ninety-three or one hundred and ninety-four millions of bonds outstanding now which can be paid before 1892, and they are payable now, on which say $135,000,000 of bank circulation is based. When these bonds are withdrawn the banks are under no obligation to buy others or to continue to keep out their circulation. They can withdraw if they please, and if they do as they may why should we now be in hot haste to strike down the silver currency and the silver certificates that have done so well?

Let me refer for a moment to another fact before I take my seat. We passed a law when we rechartered the national banks on the 12th of July, 1882, in which we made this provision:

SEC. 12. That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums not less than $20, and to issue certificates therefor in denominations of not less than $20 each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposits shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances.

Yet to-day, in order to force us to strike down silver, these banks, in violation of that law, are combining with others, although they are prohibited by the very act granting them their charters from doing so, and are refusing to receive silver certificates, for the purpose, of course, of making them less valuable, the law of Congress to the contrary notwithstanding.

Mr. President, I do not care to argue this matter elaborately, indeed I do not care to do so at all, but when we do discuss it I think it will be shown to the satisfaction of the people of this country that the present condition is the result of an unlawful combination, organized in great part by men who are our fiscal agents, our creatures, living under our law, having only such authority as we see fit to give them, and yet they are publicly and openly defying our authority because they think it is their individual interest to do so. They are endeavoring to drive silver and the silver certificates which we have provided for out of existence in order to bring gold to a premium, and thus embarrass the Government of this country. I do not know what is to be done by the new administration, but the difficulty that we have had all along in the past has been that our own agents have been allowed to violate the law. The banks have been allowed to violate it. They have certified checks when they had no money, time and again. No, body will venture to deny that. They are not authorized to charge a greater rate of interest than is allowed by the State in which they exist, and yet they have done it all the time.

The Comptroller of the Currency reports many cases, and says they have been warned and warned. All through his reports are warnings not to repeat those offenses, but nobody is punished. The law provides that gold and silver coin only shall be taken at the custom-house in payment of customs dues; and yet the greenback is taken by Treasury order, and the very men who ordered it to be taken illegally refused on a call of the yeas and nays in this Chamber to allow it to be legalized. They would rather operate against law and in violation of law and above law than act in accordance with it. The law provides that all the coin received at the custom-house—I have repeated that so often that I am almost ashamed to repeat it again—shall be set apart and applied first to pay the interest, and then to purchase 1 per cent. of the entire national debt as a sinking fund, and the balance only shall be paid into the Treasury.

The reports of our officials show, and the Senator from Vermont in his speech the other day showed, that they were receiving silver and silver certificates in large amounts at our custom-houses and refusing to pay them out as the law directs. The Senator from Vermont [Mr. MORRILL] said: "In six months, from July to December, 1883, inclusive, the receipts of customs at the port of New York in gold and gold certificates was $54,000,000, and the receipts for six months in 1884 in gold and gold certificates were $22,000,000, while the entire receipts at that port were three-fourths of the entire customs, $64,000,000, showing little more than one-third actually paid in gold or its equivalent."

Silver is by law the equivalent of gold, and is by law required to be paid out on the same terms; yet it is agreed by all that not one dollar received at the custom-house in silver coin or silver certificates has ever been paid for any such purpose as the law requires the customs receipts to be paid.

I do not know, as I said, what is going to happen hereafter, but I desire our coinage to remain as it is now until we see what does happen; whether men will be required to obey the law; whether they will be allowed to form syndicates or combinations or clearing-house arrangements in violation of their own charters; whether the next Secretary of the Treasury will dare to withhold silver and silver certificates received at the custom-house that he is required to use in payment of interest to the bondholders and in the purchase of bonds for the sinking fund.

I know what I think ought to be done. Whenever any bank forms an association of an illegal character and seeks to discredit the money, the gold or the silver or the certificates of this country, I would pay every dollar I could legally pay to them in silver and in silver certificates, and I would make them take the silver coin in payment of interest on their bonds, and I would redeem the bonds they held in silver and silver certificates, even if I had to take the gold that I received and pay it to banks and corporations that obeyed the law. I would discriminate as far as I could by aiding men and banks who obeyed the law, and I would do whatever the law allowed me to do to make those men who are defying our authority obey it and make it their interest to obey it by giving them the coin the Secretary is required to give them and which they are compelled to receive. I would make it their interest to make it good and thus put an end to the combinations they admit to-day they are illegally a part of.

Mr. MORGAN. Will the Senator from Kentucky allow me to ask whether he thinks there is any further legislation necessary in order to

protect the Government against these crimes which he says the banks have been committing?

Mr. BECK. With officers to enforce the law, with officials here to compel them to obey it, we have law enough; but there is no effort to punish them, and never has been anything but pretenses.

Mr. MORGAN. If I understand the statement made by the Senator from Kentucky, a member of the Committee on Finance, it is that the banks have deliberately violated the laws, the criminal laws, of the United States; that the Secretary of the Treasury reports those violations to Congress and to the Committee on Finance, and that instead of there having been any proceedings taken to punish the men who thus openly and flagrantly violate the law, a mere admonition is served upon them that hereafter they must do better than that or else they will be dealt with. Is that the situation?

Mr. BECK. That is the way I understand it substantially.

Mr. MORGAN. Last spring I received quite a rebuff in the Senate for having invited the Committee on Finance to look into this question and make a report upon it. The resolution that I had the honor to introduce was referred to that committee, and they sat down upon it. They have got it still in the committee, without having paid the slightest attention to it I believe; and now it turns out from the statement of a member of the Committee on Finance that all of those able Senators have been cognizant of the fact that these crimes have been committed; that the President of the United States has been cognizant of the fact that these crimes have been committed, and that they have not got the power to call these criminals to the bar of justice and punish them for the violation of the law.

I will further add, if the Senator from Kentucky will permit me, that there is no use of multiplying statutes merely to be dishonored by the Senate of the United States in its constant, persistent ignoring of crimes committed against law which they refuse to take any steps to insist shall be punished.

Mr. BECK. Mr. President, I said when I rose that I only meant to sustain the action of the committee in reporting the first three sections of this amended bill, and did not care to argue the other branch of the question. I am willing to wait. I am not alarmed by bank clearing-house combinations. Every dollar of every debt we owe can be paid in silver coin, and it is said our vaults are full of them. Every State, corporate, and private debt can be paid in silver. It will not be long before there will be a change of administration. I hope it will be an improvement on what we have had in the years gone by. Only one word more. Section 4 of the amended bill provides:

That the President is hereby authorized to renew negotiations with the States of the "Latin union," and with other foreign powers, for the purpose of making treaties with them in order to secure such co-operation as may enable the nations agreeing thereto to open their respective mints to the free coinage of silver, with full legal-tender power, at an agreed ratio to gold.

I do not think that there is any objection to that; I do not know that the House will object to it. I am willing so far as I am concerned to give the sanction of Congress to any honest effort that any Executive may make in dealing with other nations to endeavor to utilize our silver and in keeping up our coinage of it. We are producing in the United States 40 per cent. of all the silver that is produced in the world. The gold product of the world has fallen from $152,000,000 a year a few years ago down to $94,000,000. The Director of the Mint shows that four countries, the United States, England, France, and Germany, are using fifty-two millions per annum of the ninety-four millions produced in the world in ornamentation, jewelry, and other things for which gold can be used; he shows that gold is diminishing in quantity and thereby increasing in value; that our silver is not increasing in quantity, but has somewhat diminished, but holding its own better in proportion than gold has done, while trade and business is rapidly developing everywhere, and silver will buy more of anything but gold than it ever would. We know that France is maintaining a far larger proportion of silver to gold than we are maintaining to-day—five hundred millions of silver against six hundred millions of gold, and her silver is worth 12½ grains less to the dollar than ours.

Mexico, Central America, South America, China, Japan, the Indies, all the countries with whom we shall ever have any sale in the future for our manufactures, are silver-using countries; and if the President can make any arrangement whereby England will no longer dominate the coinage of the world, and the trade of the world, and the bills of exchange of the world, as she is doing now through her 60 per cent. of its carrying trade and commerce—she, of course, wants gold and gold alone—I hope we will if we can, aid the President in making an earnest effort to get the other countries to agree with us in maintaining a silver standard equal with gold. I am very anxious to see that done; but I am not willing, in advance, to vote for the section which provides that if we fail to do what we desire we will quit coining silver on a given day within sixteen months of this time. I regard that as equivalent to saying in advance to England or Germany, "If you great creditor countries can prevent other countries from uniting with the United States for twelve or fifteen months, then we have a contract already by an act of Congress that the United States will make no further effort to maintain silver coinage; then they will be at your mercy and at the mercy of the creditor class at home, your allies." I will not say that as the last section of the committee bill proposes to do.

England with her diplomacy and power will prevent all agreements if we pass that section. Germany, though I think she is not as anxious to maintain gold alone as she was after she obtained a thousand millions in gold from France, has an object in view. England draws coin from every quarter. Her reports show over ten thousand ports in the world to which her ships trade; she has her agents gathering in business and cargoes everywhere. She is now drawing from us $100,000,000 for doing our ocean-carrying. All bills of exchange have to be drawn on London. Her bankers get the profit. She is to-day storing the goods of the world in her great warehouses and selling the silver that she obtains from us to her serfs in India, while her own people at home are drawing in the gold of the world. I am not willing to say in advance to her that if she can defeat any efforts made by us to restore our silver coinage we will surrender to her. That is what is proposed by the fifth section of the bill. But I must close. I said to the Senator from Ohio [Mr. SHERMAN] I would not consume over three-quarters of an hour. I have exceeded my time and I will now yield the floor.

Mr. SHERMAN obtained the floor.

Mr. MORGAN. Will the Senator from Ohio yield to me?

Mr. SHERMAN. I understand the Senator from Iowa [Mr. ALLISON] desires to call up an appropriation bill. I will yield to that.

Mr. ALLISON. I ask the Senator from Ohio to yield to me in order that I may at this time present to the Senate the pension appropriation bill.

Mr. SHERMAN. I have no objection, having the floor on this question, when the bill comes up again. I suppose the bill ought to be laid aside informally.

Mr. ALLISON. I desire that the bill be laid aside informally.

The PRESIDING OFFICER. That course will be taken if there be no objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 6th instant, approved and signed the act (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored emigrants; and, on the 9th instant, the joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

HOUSE BILL REFERRED.

The bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa., was read twice by its title, and referred to the Committee on Finance.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I ask that House bill 7785, being the pension appropriation bill, may be taken up at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask that the bill may be read for amendment, and that the first or formal reading of the bill may be dispensed with.

The PRESIDING OFFICER. If there be no objection the formal reading of the bill will be dispensed with, and the reading for amendment will proceed. The Chair hears no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in section 1, line 30, after the word "pensions," to insert "who shall have served at least three months after date of muster;" so as to make the proviso read:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

The amendment was agreed to.

The next amendment was, in section 1, line 34, before the word "agents," to strike out "twelve" and insert "eighteen;" and in line 35, after the word "each," to strike out "forty-eight" and insert "seventy-two;" so as to read:

For the salaries of eighteen agents for the payment of pensions, at $1,000 each, $72,000.

The amendment was agreed to.

The next amendment was, in section 1, after the word "dollars," in line 36, to strike out the following clause:

And from and after July 1, 1885, there shall be no more than twelve agents for the payment of pensions, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, in section 1, line 44, after the word "lights," to strike out "and;" in line 46, after the word "pensioners," to insert "stationery, and other necessary expenses, to be approved by the Secretary of the Interior;" and before "thousand," in line 48, to strike out "fifty-three" and insert "fifty-six;" so as to read:

For fees for preparing vouchers, rent, fuel lights, postage on letters to the

Executive Departments and to pensioners, stationery, and other necessary expenses, to be approved by the Secretary of the Interior, $256,000.

The amendment was agreed to.

The next amendment was, in section 1, line 48, after the word "after," to strike out "March 4" and insert "June 30;" and after the word "available," at the end of line 55, to strike out:

And hereafter the mode and manner provided by law and regulations for the payment of white persons entitled to pensions shall apply to and govern the payment of all pensioners.

So as to make the proviso read:

Provided, That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

The amendment was agreed to.

The next amendment was to strike out lines 59 and 60, as follows:

For contingent expenses of pension agencies, $3,000.

The amendment was agreed to.

The next amendment was to strike out, from section 2 to section 10, inclusive, as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears of pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall wilfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

SEC. 7. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts entered into fairly and without fraud or duress, for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the sixth section of this act.

SEC. 8. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been heretofore abandoned by his attorney from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, that the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the sixth section of this act.

SEC. 9. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty land-claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatsoever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia; and it shall be unlawful for any agent or attorney residing in a State of which the claimant is resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

SEC. 10. That all the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

The amendment was agreed to.

Mr. INGALLS. All the portion that embraces general legislation is, in accordance with the recommendation of the committee, stricken out?

The PRESIDING OFFICER (Mr. PLATT in the chair). From and including section 2 to the end of the bill.

Mr. MITCHELL. I desire to call the attention of the Senator from Iowa to the provision in relation to the presumption of soundness in the proviso at the end of the clause on page 2:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

On Saturday the Senate adopted an amendment to the bill for the relief of Mrs. Sarah B. Jackson on that subject which reads as follows:

That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

There is a conflict between these two provisions.

Mr. ALLISON. I suggest to the Senator that when the bill comes into the Senate he can ask for a separate vote on that amendment.

Mr. MITCHELL. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. How shall the question be taken on the amendments?

Mr. ALLISON. At the suggestion of the Senator from Pennsylvania, I ask for a separate vote on the amendment found on page 2, section 1, lines 30 and 31.

The PRESIDING OFFICER. A separate vote will be reserved upon that amendment, and the question will be put on concurring in the other amendments.

The question being put, it was declared that the affirmative appeared to prevail.

Mr. INGALLS. Is the question now on striking out the general legislation?

The PRESIDING OFFICER. It includes all the amendments except the one on the second page at lines 30 and 31.

Mr. INGALLS. I will ask for a division of the Senate upon the question of agreeing to the amendments made as in Committee of the Whole—that is, on the proposition to strike out the general legislation in this bill.

The PRESIDING OFFICER. The Senator from Iowa asked for a separate vote as to agreeing to the amendment on page 2, in lines 30 and 31, and the question was put on agreeing to all the other amendments in gross.

Mr. ALLISON. Of course, if the Senator from Kansas desires a separate vote, I shall not object to it. I think the Senate ought to understand exactly what is proposed in striking out the legislation found on page 4 and the following pages.

The PRESIDING OFFICER. Does the Senator from Kansas ask for a separate vote upon any other amendment than the one reserved by the Senator from Iowa?

Mr. INGALLS. The Senator from Iowa reserved, I understand, the amendment on page 2, lines 30 and 31.

Mr. ALLISON. Yes.

Mr. INGALLS. What I desire to obtain is a vote of the Senate upon the amendment striking out the general legislation from this bill. Will the Senator from Iowa allow me to ask him, are those words upon page 3, lines 36 to 42, recommended to be stricken out because they are general legislation?

Mr. ALLISON. They are recommended to be stricken out for a double reason; first that they are general legislation, and secondly because we do not think it is a wise thing to reduce the number of agents from eighteen to twelve.

Mr. BLAIR. I should like to inquire of the chairman of the Committee on Appropriations where the new legislation commences. It does not seem to be that which is erased simply, but it certainly includes some other provisions, because in the thirtieth line in the proviso there is language in Italics which the committee have reported to insert which is an amendment of other new legislation.

Mr. ALLISON. A separate vote has been asked on that, and I suppose it will be voted out.

Mr. BLAIR. The committee has reported the rejection of some of the new legislation, and has not reported the rejection of others, as would appear from the form of the bill.

The PRESIDING OFFICER. As there seems to have been some misunderstanding, the Chair will inquire again whether any Senator desires a separate vote upon any amendment other than the one which was asked for by the Senator from Iowa.

Mr. INGALLS. Yes, sir; I have just stated that I desire to obtain the sense of the Senate on the question of striking out the general legislation, beginning on page 4, as recommended by the committee.

Mr. BLAIR. I should like to inquire whether the motion of the

Senator from Kansas is designed to include all the new general legislation.

The PRESIDING OFFICER. The Chair was about to suggest to the Senator from Kansas that he should specify the amendment upon which he desired a separate vote. The Chair understands that he only asks for a separate vote on the striking out of the sections commencing on page 4. The Chair will put the question——

Mr. CAMERON, of Wisconsin. What is the question?

The PRESIDING OFFICER. The Chair understands the question to be this, whether the Senate will concur in the amendment made as in Committee of the Whole, striking out all of the bill commencing on page 4, section 2, to the end.

Mr. BLAIR. Now, Mr. President, I wish to understand where we are. This comes here under the broad general statement of a principle of action adopted by the Appropriations Committee, as I understand—I may be wrong, and I should like to be set right if I am wrong—that they will, under the rules of the Senate and the supposed instruction of the Senate, reject all general legislation sent to the Senate from the House upon an appropriation bill, and therefore they have reported in favor of striking out certain portions of this bill; and those portions which they recommend to be stricken out, in the application of this principle, are designated by a line drawn through them by way of erasure. It seems to me, and I suppose it to be so from other portions of the bill, that they have reported favorably and have amended themselves other general legislation coming to us from the House upon this same bill. I very likely am wrong; I shall be glad to be set right if I am wrong. I will call a point to the Senator's attention. Take the second page, line 29, where the proviso commences:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Is not that general and new legislation?

Mr. ALLISON. It is.

Mr. BLAIR. There is no such law at the present time. That is not erased.

Mr. INGALLS. The Senator will pardon me a moment. The committee have also reported an amendment to that provision of general legislation coming from the House in the bill.

Mr. BLAIR. Certainly; so that the committee seem to have adopted the instruction of the Senate where it pleased them and to have rejected it where in their judgment it was unwise to follow the admonition of the Senate. Undoubtedly it is all right, but it ought not to be understood by the Senate that the committee comes here rejecting certain legislation, because it is general legislation, thereby standing by the instruction of the Senate and the principle prohibited in our rules, when as part of the same bill, in the same bill, they report favorably other general legislation and amend the same which may commend itself to their judgment.

Mr. JACKSON. I understand that the new legislation that is proposed to be stricken out by the committee is substantially the same as the bill that the Senate passed the other day.

Mr. ALLISON. Yes, sir.

Mr. BLAIR. It may be all right to strike that out, and undoubtedly it ought to be stricken out. I only call attention to the fact that there is other legislation on this same bill coming from the House which the Appropriations Committee reports favorably along with amendments to the same.

The PRESIDING OFFICER. That amendment has not yet been acted upon.

Mr. INGALLS. Is that the amendment I indicated?

The PRESIDING OFFICER. It is on page 2, line 30. It has not yet been acted on.

Mr. INGALLS. Is it now subject to the point of order?

The PRESIDING OFFICER. The Chair thinks that it is.

Mr. INGALLS. Then I make the point of order.

The PRESIDING OFFICER. The Chair thinks it will be subject to the point of order when it comes before the Senate. It is not now before the Senate.

Mr. INGALLS. I understood it was all now before the Senate.

The PRESIDING OFFICER. The Chair thinks it is not. The Chair thinks the question now before the Senate is on concurring in the amendment of the Committee of the Whole striking out from section 2 to section 10, both inclusive.

Mr. INGALLS. The bill has been reported to the Senate?

The PRESIDING OFFICER. It has been.

Mr. INGALLS. Then I raise the point of order on the amendment reported by the committee in lines 30 and 31 that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair will consider that point of order after having disposed of the question now before the Senate. The question before the Senate——

Mr. INGALLS. I will relieve the Chair from any embarrassment by reserving a separate vote on each of the amendments.

The PRESIDING OFFICER. Perhaps it would be more in order, then, that the Senate should take them as they occur in the bill.

Mr. INGALLS. In their order.

The PRESIDING OFFICER. If there be no objection, that order will be pursued. The question is on concurring in the amendment made as in Committee of the Whole in lines 30 and 31, on page 2, which will be read.

The SECRETARY. After the word "pensions," in line 30 of section 1, the Committee of the Whole inserted, "who shall have served at least three months after date of muster."

The PRESIDING OFFICER. The Chair understands that the Senator from Kansas raises the point of order.

Mr. INGALLS. Yes, sir.

The PRESIDING OFFICER. That this is an amendment in the nature of general legislation? The Chair sustains the point of order.

Mr. INGALLS. Although the Chair is right, for the purpose of settling this question by vote of the Senate I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Kansas appeals from the decision of the Chair sustaining the point of order.

Mr. MITCHELL. Will the President state the question? I do not understand it.

The PRESIDING OFFICER. The question before the Senate was upon concurring in the amendment made as in Committee of the Whole on page 2, lines 30 and 31; and the Senator from Kansas made the point of order that the amendment proposed was an amendment in the nature of general legislation. The Chair sustained that point of order, from which decision the Senator from Kansas has taken an appeal.

Mr. ALLISON. I desire to understand from the Chair the ground he takes in reference to this legislation. This is legislation attached to a legislative provision which was inserted in the House. Am I to understand the Chair to decide that although a legislative provision appears in the bill as it comes from the House, it is not competent for the Senate to amend that legislation? In other words, shall I understand the decision of the Chair to mean that we must take whatever House legislation comes in these bills as a whole, without amendment, not having the power or the privilege in this body of amending a legislative provision found on the bill as it comes here? That is, as I understand, the ruling of the Chair.

The PRESIDING OFFICER. If it were an original question it is possible the Chair might have decided differently, but the Chair understands that the ruling now made is in accordance with former rulings made by the regular presiding officer of the body; and in holding that this amendment was not in order the Chair supposed he was following what has been laid down as the rule of the Senate. If the Chair is in error in that respect he would be very glad to be corrected; but the Chair so understands the ruling of the Senate, and proposes to follow it without expressing any individual opinion on the point.

Mr. INGALLS. Mr. President, I do not think this precise point has been ruled upon by the present President *pro tempore* of the Senate. The Senator from Massachusetts [Mr. HOAR] asks that the precise point involved in this appeal may be stated to the Senate. I will state it.

House bill 7785, being the bill making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, is under consideration. This bill, in section 1, contains general legislation sent here by the House of Representatives. The Senate Committee on Appropriations have reported an amendment to the general legislation contained in the bill as it comes from the House of Representatives. It has hitherto been held that legislation on appropriation bills coming from the House of Representatives was not open to amendment in the Senate.

I have raised the point of order upon the amendment in lines 30 and 31 of the first section of the bill, that it was not admissible under the rules of the Senate, being general legislation on an appropriation bill. The Chair held, in accordance with previous rulings, that the point of order was well taken and that the amendment should be stricken from the bill. From that decision I have appealed for the purpose of obtaining the opinion of the Senate whether or not the spirit of our rule that forbids us to put general legislation upon appropriation bills prevents us from amending general legislation that comes from the House of Representatives on such bills. I believe that the rule in its spirit does not prevent us from amending such legislation. I think the decision of the Chair has hitherto been improvidently made; I think the decision was wrong; and I want the Senate by its vote to declare a precedent that will enable us hereafter to offer amendments to general legislation coming on appropriation bills from the House of Representatives if we are forbidden by our own rules from offering amendments in the nature of general legislation ourselves.

Mr. DAWES. I hope that the decision of the Chair will not be sustained, although I agree with the occupant of the chair that the precedents require that ruling by him. I always believed that it was erroneous, and it has led to much trouble. The amendment is not a proposition to amend existing legislation, but to amend proposed legislation. It is proposed legislation which is in order. It is in order because it came here from the other branch.

The proposed legislation is in order. You can not strike that out except by a vote. The idea that to offer an amendment to proposed independent legislation is to propose itself independent legislation I never could understand. The consequence of it has been such that we ought,

in the shortest possible way, without reflecting upon any occupant of the chair, to put a construction upon that rule which has some sense in it, I hope I may be permitted to say. The idea that we can not amend proposed legislation because we can not introduce independent legislation, is like saying that we can not propose an amendment to an appropriation bill because we can not introduce an appropriation bill here. I do not think it is right and sound; and the effect of it has been such as to bring its impropriety so prominently before the Senate that I am very glad the Senator from Kansas has taken this appeal from the decision of the Chair, and I hope we shall not omit this opportunity to make the rule what I supposed it was.

Mr. HALE. Will the Senator allow me to interrupt him for a moment?

Mr. DAWES. Certainly.

Mr. HALE. Will the Senator state, if it has not been already stated in the debate, how long a time back the ruling that the Senate can not in any way deal with and amend propositions from the House embodying general legislation has been the parliamentary law of this body?

Mr. DAWES. Other Senators could tell more definitely than myself. When the President *pro tempore* preceding the present President *pro tempore* was occupying the chair, I should think some four years ago, I heard it announced for the first time as a ruling. It took me, and I supposed, from the remarks that were made in the discussion, it took the whole Senate by surprise as a new ruling. Up to the time of the ruling by the President *pro tempore* who immediately preceded the present President *pro tempore* of the Senate I had never heard of such a construction upon the rule; but still my memory is not conclusive.

Mr. HALE. Was it not the actual fact that up to that time it was the common practice for the Senate to deal with House provisions embodying legislation upon appropriation bills by amending them, by modifying them, by changing them according to the will of the Senate, without any point of order being raised?

Mr. DAWES. That is my memory in reference to the decision here, though I would not speak with any great confidence.

Mr. HALE. That was before my service in the body, but my recollection is that that was the course of procedure in the Senate up to within a comparatively brief space of time.

Mr. DAWES. Before my service in the Senate, if my memory serves me right, there was a rule in the Senate which allowed independent legislation on appropriation bills, while there was one in the House which absolutely forbade it. I know the habit of members of the House was, whenever they failed to get an amendment into an appropriation bill on that ground, to come to this body and get it inserted here. I remember one very distinct case, a very important civil-service law, that we had until this last one, was a provision which had been tried two or three times upon an appropriation bill in the other branch; and at my suggestion the author of it came over here and it was sent down to the House in an appropriation bill from this body.

As I understand, this change in our rules has gone further, and the Senate till a recent period permitted some sort of independent legislation and the House excluded it. The House has gone the other way, and the Senate has receded to the extent that it has voluntarily, by a construction which seems to me to be wrong, tied its own hands and said to the House, "We will take or reject, but will not amend, anything you send over."

Mr. CAMERON, of Wisconsin. Will the Senator from Massachusetts permit me, before he sits down, to ask a question? The proposed amendment in lines 30 and 31 is undoubtedly germane, but suppose an amendment were proposed not germane to the matter, for instance, putting in a whole pension bill, would the Senator still be of opinion that it should be received?

Mr. DAWES. Putting new matter in?

Mr. CAMERON, of Wisconsin. Under our rule it is not essential that an amendment shall be germane. We can propose an amendment entirely changing the original bill.

Mr. DAWES. I do not think that an independent amendment, an amendment having no pertinency to and not germane to the measure, would be in order. It seems to me it is not independent legislation to propose to amend in any way that is germane to the subject-matter before the Senate. It was a good while before I could learn that it was no objection to an amendment in this body that it was not germane to the subject-matter. That was so strange a parliamentary rule that it was a good while before I could learn to govern myself accordingly.

Mr. PLATT. If the Senator from Massachusetts will permit me, there is nothing in the rule I think which requires that an amendment proposed shall be germane to the particular matter of legislation which appears in the bill to which the amendment is moved. If an amendment is not germane or relevant to the subject-matter contained in the bill it can not be received. But to illustrate: Suppose that we may amend legislation which comes from the House, taking this very legislation which comes from the House, if an amendment is in order, why may we not take section 2 to section 10 and substitute them for this legislation which has come from the House to which really they have no particular relevancy?

Mr. DAWES. I would so administer the parliamentary law of this body, until I was required to administer it some other way, that matter not germane should not be in order; that matter having no reference to the independent legislation that has come here in order should not under the guise of amendments to it be ruled in order.

The PRESIDENT *pro tempore*. The Chair begs leave to state, although the matter has been decided and is now pending on appeal, if the Senate will pardon him, that this precise question as it now appears on raising the point of order upon an amendment to legislation which comes in a House bill has been presented to the Senate several times within the recollection of the present occupant of the chair.

The present occupant of the chair recollects that in the time of Mr. Colfax, Vice-President of the United States, in the time of Mr. Wheeler, Vice-President of the United States, and in the time of Senator Davis, President *pro tempore*, not always by the Senator who now occupies the chair decisions have been made (sometimes by the Senator who now occupies the chair) upon distinct amendments proposed to legislation that appeared in a House appropriation bill coming from the House; and the recollection of the Chair is that all these presiding officers held that such an amendment was not in order, upon the ground that the rules of the Senate made no distinction as to the part of the bill at which the proposed amendment by a Senator or by a committee might come in. That ruling was always acquiesced in or sustained. The Chair does not remember any case of an appeal.

So the Chair thinks it clear that the history for a good many years, going back to the time of Mr. Colfax, of the action of the Senate has been such as would sustain the ruling of the Senator from Connecticut who occupied the chair when this question arose. The provision of the rule is that—

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The effect of holding that this particular amendment reported from the Committee on Appropriations is in order would be that it would be in order to propose any other amendment to this legislation that is germane to the bill—that is, germane to the subject of providing the means of carrying on the payment of pensions. It seems clear to the Chair, this amendment being held to be in order, that if some Senator should rise and propose an addition to this legislation and as a continuation of it some other provision that should seem to be useful to the Senator on the subject of administering the pension laws, it would be germane to the bill, as much so as the amendment that is now pending, which is certainly germane to the bill. It relates to the subject that the bill has under consideration. No point of order could be made upon this amendment on the ground that it is not germane. The result would be that any legislation which touched the Pension Office and the payment of pensions would be germane to the bill. If an amendment to the House legislation is in order on the ground that it does not fall within the condemnation of the other part of the rule, then any legislation that is proposed in this bill to the House legislation, although not germane to that particular point, but still germane to the subject of a pension appropriation bill, would be in order, and the result would be that the whole subject of legislating about pensions would be open.

Mr. HALE. Will the Chair excuse me for asking a question here? What would be the construction the Chair would place upon the next clause in the rule? It reads—

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Is the force of the word "thereto" to be made applicable to the "item or clause of such bill," or to the bill in general? It seems to me that if it is applicable to the "item or clause," you thereby get a limitation which prevents general sweeping legislation coming in relating to the whole subject of the bill. I make the inquiry because I desire to be enlightened.

The PRESIDENT *pro tempore*. The Chair understands the point precisely, and can state in reply that that subject has undergone a constant practice in the Senate for a great many years, the construction of that clause in the rule having always been that it relates to items of appropriation and clauses of appropriation, and not to the question of general legislation which has been exhausted and provided for in the previous provision; so that if there were an item to pay so much for pension clerks you could not add to that item a provision for paying special agents, or whatever it might be, that did not relate to the question of pension clerks. It relates to appropriation items as distinguished from legislation. That the Chair thinks has always been the practice of the Senate.

Mr. INGALLS. Speaking historically, I think the Chair has probably fallen into an error in the statement that the interpretation of the rule to which he alludes had been given to it by Mr. Colfax among others. Since this subject was previously under discussion I have examined the history of this rule, and I find that the first inhibition in the rules of the Senate against general legislation upon an appropriation bill appeared in 1876 in the revision that was made under the leadership of the then Senator from Michigan, at one time President *pro tempore* of the Senate, Hon. T. W. Ferry. Inasmuch as Mr. Colfax disappeared from public life in 1873, the memory of the Chair I think would hardly be borne out by the statistics. But that of course is immaterial. I merely allude to that fact because it was stated somewhere within my

hearing not long since that there had been a prohibition forbidding general legislation on appropriation bills as far back as 1837.

That is absolutely incorrect. There has been no such rule even in the House of Representatives until within ten years last past, and even there it is not in words a prohibition of general legislation, but a statement that no amendment shall be received to change existing law, which is of course tantamount to the same thing. But so far as the history of parliamentary procedure in the Senate is concerned, the prohibition first appeared in our rules in 1876–'77. Whether the interpretation has been such as the President *pro tempore* states since then, of course I am not fully advised, but with regard to every other interpretation of our rules I think I am correct in saying that it has been upon whichever side of the rule a majority of the Senate seemed inclined to favor. There can be found upon all these disputed points decisions on one side and decisions on the other.

Now, about the ruling that is at present before us, I think that the Senator from Connecticut then occupying the chair was entirely correct in ruling as he did, that the amendment proposed by the committee to the bill as it came from the House was not in order under our rules as they had been previously interpreted, but I think the interpretation was improvidently made; it is one which I think is not within the spirit of the rule; and I desire to present as broadly and as distinctly as is possible, by an appeal from that ruling, the question whether we shall be permitted to propose amendments to general legislation upon appropriation bills propounded by the House, because if we are not to do it then we have one simple alternative, either to reject all such legislation under our rule, which does not apply to legislation coming from the House of Representatives, or to accept such legislation exactly as the House proposes it to us.

I should like to make a further parliamentary inquiry, because this question is one of very great interest; it is one of great moment. If a committee of conference submit a report amending general legislation upon an appropriation bill, is that open to a point of order under the rules of the Senate; or has a committee of conference a right to violate those rules and bring in general legislation here to which we are compelled to submit without amendment? I ask that as a parliamentary question of the Chair in order that we may have a full view of all the exigencies that confront us.

The PRESIDENT *pro tempore*. Of course the Senator from Kansas, with his familiarity with parliamentary law, will perfectly understand that the question would be premature, and the Chair could not, fully performing his strict duty, be called upon to make any reply.

Mr. INGALLS. I understood that, sir.

The PRESIDENT *pro tempore*. But the present occupant of the chair will state to the Senator from Kansas that it is clear to the present occupant of the chair that no conferees on the part of the Senate (we have nothing to do with those of the House) can have any right to recommend anything that would violate the rules of the Senate, whatever it might be, on appropriation bills or anything else; and that a point of order made upon a report of Senate conferees on any bill that what they had reported contravened the rules would necessarily be sustained if it turned out that it did contravene the rules.

Mr. INGALLS. That is, if the Senate conferees should submit a report here in which it appeared that an amendment had been made to general legislation upon an appropriation bill coming from the House, that would be open to a point of order under the Senate rules?

The PRESIDENT *pro tempore*. The Chair thinks so.

Mr. HALE. Now, Mr. President, let us understand this. Under that intimation from the Chair, if the House of Representatives under its rules, which are the law of that body, incorporates upon an appropriation bill features of general legislation which the rules of the Senate would forbid this body to put on, but which the House can put on, and the bill is sent here and the Senate strikes out that legislation, and the bill is returned to the House with the House legislation stricken out, and conferees are appointed by the two bodies, if then the Senate conferees report that they have at last in conference assented to the House proposition and report the bill back to this body with the legislation put on by the House left upon the bill, is it the intimation of the Chair that a point of order would then be good and would be sustained on the report of the conference committee?

The PRESIDENT *pro tempore*. That has not been the intimation of the Chair. That is a different question, leaving the bill precisely with what the House had in it. But if the Senate conferees should report any provision in a bill which if moved by a committee of this body or by any Senator in it would be out of order, it would be still out of order if reported by the conferees.

Mr. HALE. But if the Senate conferees report that they have assented to the legislation which the House put on, which the Senate could not, under its rules, put on, would that be subject to a point of order on the conference report?

The PRESIDENT *pro tempore*. That is quite a different question.

Mr. HALE. I do not understand the Chair.

The PRESIDENT *pro tempore*. That would be merely a recommendation by the Senate conferees, because the Senate conferees have nothing else to substitute. It would be merely a recommendation that the Senate recede from its disagreement to the proposition of the House.

Mr. HALE. Then we may not understand that there is any intimation that a point of order would lie in the case I have stated?

The PRESIDENT *pro tempore*. There is no such intimation from the Chair.

Mr. DAWES. I should like to inquire if there is any precedent for the idea that when independent legislation is submitted to a committee of conference of the two bodies, it can not be modified?

The PRESIDENT *pro tempore*. The Chair can not state. The Chair can only say that it is the duty of the Chair to enforce the law of the Senate as laid down to him in the rules; and when the rules provide that no amendment shall be received to an appropriation bill which is legislative in its character, and the Senate and the Chair hold that an amendment is legislative in its character, the Chair is of opinion (speaking in advance of such a question being raised and of course having the right to change his opinion upon consideration; it is merely an intimation) that the conferees of the Senate, the agents of the Senate, in conferring with the House, have no more power to agree to violate the rules of the Senate than any committee of the Senate or any Senator would have. That is all the Chair now says.

Mr. DAWES. Could the Chair indicate what would be the use of submitting such a proposition to a committee of conference if it could not be modified?

The PRESIDENT *pro tempore*. The Chair thinks it can.

Mr. DAWES. The Chair thinks it can be modified?

The PRESIDENT *pro tempore*. The Chair thinks he can intimate what would be the use of it. In persuading the House of Representatives——

Mr. DAWES. If the Chair will allow me, I do not see what else the committee of conference could confer about except whether they would take the legislation as the House dictates it. I do not think anybody would want to go on such a committee of conference.

The PRESIDENT *pro tempore*. The Chair is not of opinion that the House dictates any legislation to the Senate or the Senate to the House. The Chair is of opinion, speaking in advance of all such questions, that there might be a use in conference in attempting to persuade the House of Representatives that any legislation upon an appropriation bill was vicious and that the Senate could not consent to it.

Mr. DAWES. If the Chair will bear with me (because I am sometimes on committees of conference, and I am at sea just now), am I to understand that the Senate conferees could go to this extent, that they might persuade the House conferees to modify their proposition, but that they could not suggest any modification of their own? Is that the understanding of the Chair?

The PRESIDENT *pro tempore*. It is the understanding of the Chair, beginning with the fundamental principle which the Chair believes in, that the agents of the Senate have no greater power in conference than any committee of the Senate would have in a proceeding within its walls, and that therefore when the agents of the Senate conferring with the House propose that the Senate shall violate its own rules by introducing matter which the rules forbid, the fact that they are called upon to reach an agreement gives them no different status from that which a standing or select committee would have.

Mr. DAWES. If the rules of the Senate require that when a committee of conference is appointed on the part of the Senate over some independent legislation that gets into conference, the Senate conferees are limited to the effort to persuade the House conferees to modify it, and they can not themselves suggest any modification, the Chair will permit me to remark that it is highly instructive, to say the least.

The PRESIDENT *pro tempore*. The Chair thinks that the simple question is this, if the Chair may be allowed to say it here, instead of on the floor. If the Senate of the United States is unwilling that legislation shall go on appropriation bills, it is only necessary to say so to the House of Representatives. Neither House ever undertakes to dictate to the other, and whatever one House proposes to the other must be agreed to by the other House before it can become operative. If therefore the Senate of the United States speaking through its conferees says to the House of Representatives, "We can not consent to this bill, this clause, or phrase, or section, or series of sections in it," if the House of Representatives can not persuade the Senate that they ought to leave those sections in, the House of Representatives will of course recede, as the Senate would if the proposition were an independent amendment of its own put on by it to which the House objected. The House of Representatives has an absolute right to make its own rules. It may provide that no legislation shall be had in that body except on appropriation bills, if it desires to do so, and we have no right at all to complain of it, the Chair thinks. The House of Representatives is the sole and independent judge of its own methods of procedure. If the Senate chooses to think that it is unwise to introduce any legislation on an appropriation bill it has the right to say so, and to say to the House of Representatives that it can not consent to introducing any legislation upon an appropriation bill good or bad, because "any" implies that it may be good or it may be bad. The Chair thinks, therefore, that the question is a perfectly simple one between the two Houses, and should occasion no collision whatever.

Mr. CALL. Mr. President, it seems to me very clear that the Senator from Kansas [Mr. INGALLS] is right in his proposition, and that

the rule never had and never could have any reference to an amendment of general legislation coming from the House on an appropriation bill. The Constitution vests the legislative power in the Senate and in the House, and it recognizes the power to propose amendments and to confer in regard to a disagreement upon any amendments as a part of the legislative power. A construction of the rule to the effect that the Senate shall not propose any amendment to a legislative provision in an appropriation bill coming from the House, and that this body shall be thus limited in its functions, is unquestionably a violation of the constitutional duty imposed upon the Senate. Therefore to assume that the rule of the Senate forbids the proposing of amendments affecting general legislation upon a House bill is unquestionably to say that the Senate shall not perform its constitutional duty of proposing amendments to legislation coming from the House.

I think that a construction of the rule which violates the Constitution and limits the constitutional functions of the Senate can never be sustained. Nothing can be clearer than this. To say that the House has a right to put such legislation on an appropriation bill and the Senate a right to refuse to amend it, because it is on an appropriation bill, is to affirm the truth of two contradictory things. It is to say the House has a right to legislate on an appropriation bill and the Senate is obliged to consider and amend such legislation as the House sends, but the Senate may refuse to consider and amend legislation on an appropriation bill.

Mr. SHERMAN. I ask for the reading of the amendment now pending to the House bill.

The PRESIDENT *pro tempore*. The amendment will be read for information.

The SECRETARY. In section 1, line 30, after the word "pension," the Senate, as in Committee of the Whole, inserted:

Who shall have served at least three months after date of muster.

So as to make the proviso read:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SHERMAN. This amendment fairly presents the trouble which has arisen between the two Houses in regard to legislative amendments to a general appropriation bill. The paragraph from line 17 to line 33 contains new and very important changes in the existing law. We have no right to call in question the power of the House to put this legislative provision on the bill. Even though it were a violation of the rules of the House, the House could by unanimous consent waive its rules and place this or any other legislative provision on a general appropriation bill. If the Senate has so tied itself up, if it has so disabled itself that it can not modify this proposed legislation, then indeed we have surrendered the most important power that we possess. The object of the Senate as an organic body was to correct and amend propositions made by the House as well as to propose new items, new propositions of a legislative character; but if we have no power to amend this general legislation, but must take it all or none, then we are practically disabled from legislating here and performing our functions as a separate and independent branch of the legislative power.

I have foreseen that the time would come when either the Senate must modify its rules or we must have all sorts of very faulty legislation proposed by the House in the hurry of their proceedings, often amid great confusion, and thus ingraft upon our appropriation bills legislative provisions that are entirely faulty, nugatory, or vicious. Nearly all the amendments of a legislative character proposed to appropriation bills by the House might, unamended, be faulty and injurious.

If the Senate by unanimous consent, as was done on Saturday, should waive its objection to legislative provisions, that is a different thing. We may waive our rules by unanimous consent. The bill that was passed Saturday contains probably fifteen or twenty different legislative provisions, and every one of them was agreed to by the Senate without objection.

We have a perfect right to waive our rules and by unanimous consent to agree to these legislative provisions. We have done that, but if a legislative provision comes to us from the other House that we desire to amend we certainly ought under our rules to have the power to amend such a provision. Therefore, when this subject was discussed the other day, I proposed that either by a ruling or by an amendment to our rules a modification be made, which I believe would meet all the difficulty we encounter. It is that, in the opinion of the Senate, amendments may be made in the Senate pertinent and relevant to legislative provisions in a general appropriation bill as it comes from the House.

If we would adopt that rule, or something similar to it, so that we should confine the amendments proposed in the Senate of a legislative character to propositions to amend the legislative provisions contained in the House bills, no great harm could result. Indeed, nearly all the legislative provisions that are hurriedly put on in the House or Senate are provisions which command the attention and the support of one or both Houses.

It seems to me there is no objection to this proposition, except that it ought to be qualified in one particular. We ought to have the power to qualify it. Take the next page of the bill, page 3. When I called for the reading of the pending amendment I supposed the amendment on page 3 to be the legislative provision involved in this debate. There it is proposed to limit the salary and emoluments of agents for the payment of pensions to $4,000, and no more, in every case. I am prepared to show that to limit the compensation of a pension agent to $4,000, cutting off all fees and throwing upon him all the expense of clerical force, &c., in some cases expenses of office rent, would be practically to disable the pension agent from transacting his business.

Mr. DAWES. The expenses to which the Senator refers do not come out of the pay of the agents.

Mr. SHERMAN. Is it $4,000 clear of all expenses?

Mr. DAWES. Clear of all expenses.

Mr. SHERMAN. That I did not know, because the provision does not so state.

Mr. DAWES. The bill provides subsequently that the agent shall pay his clerks, his rent, &c., out of another fund.

Mr. HALE. It comes out of the voucher fees. They pay the expenses of the office.

Mr. ALLISON. Still the Senator from Ohio is right in one sense. It is in a sense legislation, because it changes the compensation to be given to pension agents.

Mr. SHERMAN. It not only changes the amount of compensation, but it changes the rule of compensation.

Mr. DAWES. The Senator's argument is just as good as if the provision was as he first supposed.

Mr. SHERMAN. If we could vote on this proposition so as to reserve to the Senate the right to propose pertinent and relative amendments to legislative provisions in a general appropriation bill, I think that would be the best solution of the question for the present. But if, on the other hand, we sustain the ruling that has been made and properly stated by the Chair, that no legislative provision whatever of any kind modifying or altering the proposed legislation by the House is in order, then it seems to me we have disabled ourselves from performing our most important duty. I should feel disinclined to vote for any such rule. It is true that if we vote upon the question broadly by reversing the rule, as has been proposed, we practically substitute another rule, that all legislative provisions pertinent to pensions may be put on this bill as an amendment to propositions made by the House, and that is practically to nullify and repeal our rule. That is the danger I wish to avoid. I do not wish to open the door so wide that the Senate or the Senate committees may propose legislative provisions that go beyond the scope of the legislative provisions proposed by the House; but if we confine our power to offer legislative provisions merely to amendments to the provisions proposed by the House, I think there can be no great harm done. I should like to vote for that, but I do not know how that vote could be brought about except by a change of our rules.

I ask the Chair if it would be in order pending this appeal to propose a resolution in the nature of the opinion of the Senate expressed on the appeal, so that in case the decision of the Chair is not sustained we can by this order confine the amendments to pertinent and relevant amendments made to legislative provisions found in the House appropriation bills as they come to us?

The PRESIDENT *pro tempore*. The Chair does not think it would be in order without unanimous consent.

Mr. SHERMAN. It can not be offered except by a proposed rule, if that is the case. Nor do I agree with the Chair, though perhaps I am wrong in that, in regard to committees of conference. Our rules do not apply to committees of conference. It seems to me that the plain reading of the rules says that they do not apply at all to conference committees. When a committee of conference is appointed it is a free conference. The only restriction upon the powers of a committee of conference is that it must introduce no new matter that has not already been voted upon in one House or the other. That is the rule, and there is no other restriction made upon a free conference. No instructions are given.

Therefore it seems to me, with due deference to the opinion of the Chair, that when a committee of conference is appointed by the Senate upon legislative provisions contained in an appropriation bill, that committee of conference is not restrained by the rules which apply to our standing and select committees. A conference committee is entirely distinct from one of the standing or select committees of the body. The one is an organ of the Senate itself; but when our conferees go into conference they cease to be organs of the Senate merely. They are not restrained in any way except that they can not propose any new item, either in amounts or language, or anything of that kind. They must take up and act on the disagreeing votes of the two Houses, and they may modify propositions upon which the two Houses disagree in any way they choose.

It would be unwise indeed to tie up the hands of a conference committee by any such construction as is suggested by the Chair. In that case a single Senator could prevent the passage of any appropriation bill at this session, or could have prevented the passage of any appropriation bill in the last twenty years. There is not a single bill reported back to us from a committee of conference that has not in some

respect done what the rules forbid a standing or select committee of the Senate to do, or perhaps forbid the Senate to adopt. A committee of conference is a free one, not restrained by these rules. The only restraint upon them is that they must try to bring about an agreement between the two Houses upon a particular substantive proposition which has been disagreed to between the two Houses. They may modify or change it as to amount, as to terms, and all that, and they may report so here. It is true we can reject the report of the conference committee and appoint a new one that will more strictly carry out the wishes of the Senate; but it seems to me that any rule or any construction of our rules which tends to tie up or limit the powers of a conference committee beyond the limit fixed as to all conferences would be unwise. It would place it in the power of a single Senator to defeat any conference report whatever. I take it the Senator from Iowa [Mr. ALLISON] will know whether there has been a single general appropriation bill passed in this body since he has held the position of chairman of the Committee on Appropriations that would not be subject to objection on a point of order made by any Senator. I doubt if there is any such case.

Mr. ALLISON. I think almost without exception these bills contain legislation, but usually legislation limiting the appropriation itself or relating strictly to the appropriation. But, of course, in most of these bills in one way and another legislation does creep in, as the Senator from Ohio says.

Mr. SHERMAN. I will say further that there has scarcely been an appropriation bill reported on which the Senate has not itself adopted legislative provisions, as it did on Saturday adopt several important legislative provisions.

Mr. INGALLS. In what bill?

Mr. SHERMAN. In the District of Columbia appropriation bill. There was one very important proposition of legislation contained in that bill, but it was adopted by unanimous consent. It was perfectly right; nobody raised the point of order, and it was agreed to; but suppose that after this has been done by general consent either House should object to it because the bill does contain provisions that have been agreed to by the Senate which are legislative in their character. A Senator might change his mind. After agreeing to the very proposition in the Senate he might change his mind, and when the committee of conference reported back an agreement upon the subject he might raise the point of order that the bill as it stands contains legislative provisions. It seems to me that that would not be logical. There should be no restraint whatever upon a committee of conference. It is a free and open conference where the representatives of the two Houses meet and discuss propositions and try to reconcile differences.

Now I will ask the unanimous consent of the Senate—I hardly expect it to be granted, but I hope it will be—that during the present session we may be at liberty to offer amendments to such legislative propositions as come to us from the House in respect to appropriations. I believe that would relieve us from the difficulty. Let it apply to the present session of Congress. If it does not work well we can ignore it at future sessions. It does not change our rules.

Mr. HALE. Let us see what the language is.

Mr. SHERMAN. I will send it to the desk.

Mr. BAYARD. Let it be read.

The PRESIDENT *pro tempore*. The Senator from Ohio submits a resolution for information. It will be read.

The Chief Clerk read as follows:

That in the opinion of the Senate amendments may be made in the Senate pertinent and relevant to legislative provisions in a general appropriation bill as it comes from the House.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to ask unanimous consent that the resolution be now considered?

Mr. SHERMAN. I will accept the suggestion made by the Senator from Massachusetts, and modify it in one particular by saying that "a true construction of the rule authorizes," and so that it may be confined to amendments relating to and pertinent to particular items of legislation.

Mr. ALLISON. Does the Senator mean to apply that to this session only, or is it to be construed to be the rule for all time?

Mr. SHERMAN. I think I will leave it stand as in my original proposition. It will apply to the present session only.

The PRESIDENT *pro tempore*. The Chair may be allowed to say not perhaps in response to but in connection with what the Senator from Ohio has said about the powers of conferees in respect of being free and not being obstructed, that the Chair has very vividly within his recollection that point being raised on what is called the "salary-grab" bill, and the Senate decided that it was not competent to instruct Senate conferees on that particular bill certainly. But an investigation which was submitted to the Senate afterward, and which has ever since been acquiesced in and acted upon, showed that in both Houses it had frequently been the practice for each House to instruct its conferees and agents as to what they should present and insist upon in their conference with the representatives of the other House.

Mr. SHERMAN. All I desire to say in respect to that point is that I have no doubt either body might instruct its conferees not only to insist but to adhere, but that would not be an ordinary parliamentary practice. It is very rarely indulged in. I do not know any such case.

Mr. DAWES. There are two kinds of conferences. One is a free conference, to which we commit bills, and the other is a special conference, to which instructions may be given by either branch; but a free conference is the one to which we usually commit bills.

Mr. SHERMAN. I have no doubt about the power of the Senate to adhere or to give instructions, but that is very rarely done, and when it has been proposed in certain cases it has generally been voted down. We may do it, but in an ordinary free conference, as it is called by parliamentary law, the whole matter of the disagreeing votes of the two Houses is sent to the conferees, and the only instruction they have is that they shall not put in new matter that has not been proposed in either House; and that is the old parliamentary law. In all other respects they are open and free, the result to be reported, as a matter of course, to their respective Houses.

Mr. FRYE. Mr. President, I have never been able yet to yield my assent to the ruling of the Chair made at a former session of Congress, and, I understand, made again to-day by the Senator from Connecticut [Mr. PLATT], who was temporarily in the chair when the question was raised. I do not believe that it is possible under rules for a body to be placed in the anomalous position that a ruling of that kind would place this body in.

It is beyond any question whatever that the House of Representatives under its rules has a clear, well-defined right to send this legislation to the Senate. It has just as much right in a general appropriation bill which does not increase expenditures to send to the Senate legislation as it has a right to introduce a bill and send it to the Senate, to introduce a resolution and send it to the Senate. General legislation on an appropriation bill is just as clearly rightfully here now and under consideration now in the Senate as if it was contained in a separate bill sent from the House.

Mr. HALE. Or as the rest of the bill.

Mr. FRYE. Or as the rest of the bill. There can not be any question about that. Now, is it possible that there can be a rule which properly construed prevents us from taking any action whatever upon legislation truly, correctly, properly before this body? I am not prepared to believe it, Mr. President. I do not believe that there is anything in the Senate rule which says so. I know that in well-settled parliamentary law no rule can be found which shall put a body in the position we find ourselves in if the ruling is correct. If it is not to be found in well-settled parliamentary law, then you must look to a rule of the Senate which directly, affirmatively, positively says that no such legislation shall be received. I respectfully contend that in Rule XVI there is no such prohibition.

No amendment which proposes general legislation shall be received to any general appropriation bill.

The proposition here is not a proposition of general legislation offered by the Senate of the United States to a general appropriation bill. It is simply a proposition to amend general legislation on the House appropriation bill which is properly and rightfully here in the Senate for consideration. I contend respectfully that it is a strained construction of clause 3, Rule XVI, which leads to a ruling by the Chair that does affect a proposition such as that made here on the floor of the Senate to amend the general legislation in this bill. [A pause.]

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Tennessee.

Mr. FRYE. I have not yielded the floor.

Mr. HARRIS. I beg the Senator's pardon.

Mr. FRYE. I was undertaking to discuss as well as I could to the presiding officer of this body a question touching a ruling which had been made.

The PRESIDENT *pro tempore*. The Chair begs pardon of the Senator from Maine. The Chair supposed the Senator was addressing himself to the general question.

Mr. FRYE. I was contending that the ruling which had been made here before by a former presiding officer and the ruling which had been made to-day was not a correct ruling under Rule XVI of the Senate. In clause 3 of Rule XVI of the Senate, which is the clause which would be cited to sustain the ruling, in the first sentence of that clause it is provided that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

I was respectfully contending that the proposition now before the Senate to amend general legislation in an appropriation bill was not general legislation proposed to be received in the United States Senate to a general appropriation bill, but was simply an amendment offered to general legislation contained in an appropriation bill coming from the House, which came rightfully from the House, which is here under the rules of the House and must be considered by the Senate as coming rightfully under the rules of the House. I believe under a fair construction of the rule any provision which is on a general appropriation bill coming from the House under their rule may be open to amendment in the United States Senate.

I do not believe in the proposition made by the Senator from Ohio touching this method of legislation. I do not believe that the Senate

of the United States should open Rule XVI one jot or one tittle. I believe it is the most dangerous legislation that can possibly come before a legislative body, and I believe the experience of the two Houses of Congress ought to have taught us that by this time.

The first time it was ever resorted to, I think, was in 1855, when the House of Representatives deliberately ingrafted upon a civil and diplomatic appropriation bill a reduction of the tariff and sent it to the United States Senate. The United States Senate contested that for weeks and weeks, and a distinguished Senator from Delaware, Senator Bayard, took strong ground against such legislation and declared that it was dangerous to the very form of existence of a republican government, and Senator Clayton took ground similar to it. The Senate resisted the attempt, and the House yielded.

The next instance was a provision put in the House upon an Army appropriation bill in 1856. The Senate resisted it on the same ground. Congress adjourned and no Army appropriation bill was passed, and there was an extra session.

The next case was in 1865, on the sundry civil appropriation bill, where the House put a provision that no man should be tried by military authority wherever there was a United States court; and again the Senate resisted and resisted to the bitter end. The bill failed, and the appropriations could not be made till Congress again assembled.

I do not find that the proposition on the part of the House to put legislation on appropriation bills ever prevailed until the measure in the Forty-second Congress increasing salaries. That did prevail; it became a law; but it humiliated the Congress of the United States more profoundly than any legislation that it had ever enacted before; it humiliated individual members of Congress as nothing else ever humiliated them before, and it compelled Congress at the very earliest opportunity in the next session to repeal every single word of that legislation.

All these propositions were put upon appropriation bills before there was any rule of the House which authorized any general legislation on an appropriation bill; they were put onto appropriation bills by the action of the House itself, by its majority, and not by virtue of a rule, for there was no rule for it; on the contrary the rules of the House of Representatives were as strict in relation to general legislation on their bills as the rules of the Senate to-day. Up to that time, and including even that last proposition of the House——.

Mr. INGALLS. To what date?

Mr. FRYE. Eighteen hundred and seventy-three it was; what was known as the "salary grab." The present rule of the House was not adopted until some time later than that, and the only proposition which has attracted general attention since the House adopted the present rule was that to repeal certain provisions by which troops were at the polls on election days and by which supervisors and United States deputy marshals were employed in certain duties about the polls. That is fresh in the memory of every Senator, and I do not believe there is a Senator who wants that history repeated. It was in the Forty-fifth Congress. It was an angry, exciting, exasperating debate. Congress closed and two great appropriation bills were not passed—the Army bill and the legislative, executive, and judicial bill. We were called in extra session within less than a month's time. We remained in extra session for over four months, one of the most exciting sessions that this country has ever seen in time of peace. Veto after veto came; crimination and recrimination; attack and defense. And that is the only general legislation of any manner of importance, at least of importance enough to attract the attention of the country, under the new rule. Surely there was nothing in that which ought to lead the United States Senate to encourage the House in keeping on its books the existing rule allowing legislation on appropriation bills.

Again, if Senators will notice the House rule is curiously drawn. It is drawn so that you can destroy everything, build nothing. As a distinguished member of the House once said, it was drawn so that you could level down but you never could level up. Here we are to-day within fifteen or twenty days of the close of the session and not any great appropriation bill yet before the Senate. On the remainder of the appropriation bills, some of them not yet reported from the Committee on Appropriations of the House, there may be general legislation under the House rule which shall destroy the Army of the United States; which shall destroy its Navy; which shall cripple and destroy all of your foreign consulships and diplomatic agencies; which shall cripple your post-office and mail facilities; which shall destroy the judiciary almost entirely; and not any legislation that can build up any one of them if it costs a dollar; any legislation if it is germane to the bill itself and reduces expenditure; none which increase expenditures.

Now, Mr. President, I do not believe under the experience of the past and under that rule with its peculiar nature that the Senate of the United States ought to encourage the House in keeping that rule on the book. It was adopted in 1876, I think. It was offered by the member from Indiana [Mr. HOLMAN]; it was reported from the Committee on the Rules by Mr. COX; it was indorsed by the chairman of the Appropriations Committee, Mr. RANDALL, for special purposes then existing. The committee, at the revision made subsequently to that, undertook to repeal it, but that committee having agreed beforehand that no amendment to any rule should be reported unless with unanimity, and unanimity not being obtained, that rule, as a matter of course, came back to the House as it stood, and it is kept on its book to-day as one of the rules of the House. I do not believe that a majority of the members of the House are in favor of that rule, and I do believe that the time is coming and not far distant when the joint rule sent to the House of Representatives by the Senate at the very last session will be accepted by the House. I do believe that if the Senate stands firm in this matter, ultimately the House will rescind that portion of that rule under which all these troubles have arisen.

Mr. President, it may be said that a ruling of the Chair, such as I say I believe to be correct, would do all the harm and mischief that positive and affirmative action on the part of the Senate as recommended by the Senator from Ohio would do. Whether it would or not, I can not help it. I have examined this question with care. I did examine it when the late Senator from Illinois, then President of the Senate, for the first time made that ruling, and I do not believe that the Senate can be placed in so anomalous a position by anything which is legitimately, fairly, and under the rules properly before the Senate.

Mr. EDMUNDS (Mr. HARRIS in the chair). Mr. President, I think that we are proceeding on a slight misapprehension in respect to the powers of the two Houses. Referring to what my friend from Maine [Mr. FRYE] has said, I wish to state with all the emphasis of which I am capable that it is no matter of ours constitutionally, whatever we may think of it personally as citizens, what kind of rules the House of Representatives adopts for its own proceedings. It is absolutely independent and we have no right in this Chamber to question the wisdom even or propriety of its methods of doing business. If the House of Representatives had a rule which authorized every species of legislation upon an appropriation bill, it would be a matter of which we should have no right to complain as a body here, whatever we might think of it as private citizens in respect to the wisdom of that sort of thing. The same might be true in the Senate, and we might have a rule here which would authorize on appropriation bills coming from the House every species of legislative amendment, germane or not, so as to make such a bill an omnibus and put on everything that a majority of the Senate chose to put on, and the House of Representatives would not have the slightest reason to complain of our right to propose that to them, but they would have a right to say, as we have a right to say on their legislation, that they could not consent to that method of procedure; and when they said that they could not consent to it, we should be put in the attitude of saying "we will not carry on the Government unless the House of Representatives will consent to change the laws in the particulars that we have named," a position that, of course, everybody will understand is totally indefensible, absurd, wicked. There is no phrase that you can state it too strongly in. Both Houses are independent.

I do not see, therefore, the force of the criticisms upon whatever the House rules may be. They have a right to have their own rules according to their own notions of the best way of doing their business. When they send a bill to us, be it an appropriation bill or any other bill, if there is any section or clause in the bill that comes here which the Senate of the United States is unwilling to agree to, either because on discussion it believes it to be unwise, or because on principle it believes it has no place on that bill and it ought not to be considered in connection with the other subjects in the bill, and so have a general rule about it, the House of Representatives has no right to complain; and that, on the other hand, would put them, if they insisted upon it, in the attitude of saying "we will not appropriate money to carry on the Army or the Navy or the Post-Office, or to pay pensions, unless the Senate of the United States will consent to change the laws in respect of the general regulation of this business; unless the Senate will consent to do that we will not have any appropriation at all." They can not stand upon any such position. They never have and they never will, because they are just as patriotic as we are, and they, recognizing as we do the absolute independence of the two Houses, know perfectly well that neither House can insist upon the other's consenting to affirmative propositions that both are not willing to agree to, whether it is under a rule, or whether it is under a discussion of a particular question.

That is all clear enough as it seems to me. Now, if we had a joint rule, such as my friend from Maine refers to, prohibiting all legislation on appropriation bills, what would be the effect of that? Suppose in the Senate an amendment comes from the Committee on Appropriations contrary to that joint rule? The Chair, the point being made, rules it out of order because the custom is that the Chair on reports from committees, and very often on motions by Senators to amend bills, does not make the point of order himself. He waits. No point of order is made, although the amendment violates the joint rule. On the point of order being suggested, unanimous consent is asked to let that go on and send it to the House of Representatives to see if unanimous consent can not be got there to do the same thing. What good does your joint rule do? It comes back to the point of a proposition by the Senate to the House to suspend that joint rule for the time being and let that legislation go on, and then you get into the same question. To be sure, one member might object and then the Speaker would say "I can not suspend it."

What is the state of the bill then? What are you to do with it? It is a bill that one House has sent to the other House, and then you have to say "We refuse to receive the bill at all because it violates our joint understanding."

Mr. HOAR. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. Yes.

Mr. HOAR. Will not the effect of the joint rule be this, that it will at least confine this abuse, if it be an abuse, to the passage of those measures which are so clearly demanded by public necessity that they command unanimous consent?

Mr. EDMUNDS. That would be the effect, but it still does not fail to illustrate the proposition that as between the two Houses neither can act without the assent of the other, and you have only in the case of a joint rule accumulated difficulties of getting that assent. That is all there is to it.

I repeat, the Senate has no right to complain of whatever rule the House of Representatives has, be it much or little. If we think really and seriously (which I begin to doubt) that legislation on appropriation bills is unwise, let us say so by adhering to our rule. The legislation proposed may be good in a particular instance, as in this, if you please, very good indeed; but if it is good in this instance, and you have a rule that tolerates it, the next instance may be one where it is very bad, and yet where you can get a majority, it may be not understanding the question in the heat of excitement, or whatever it may be, in the fear of the failure of a bill, to sanction it. Therefore, if you open the door at all, you open the door to every amendment that may be proposed in the methods which are indicated, and then you load up your appropriation bills just as you did before.

Now, what can we do? All that we have to do is to say by a rule, or without a rule by the vote of the Senate at this moment, that we do not think legislation on an appropriation bill is a good thing, and we have, therefore, rejected all the parts of the House bill relating to pensions that are legislation, and we must stand upon it; not as undertaking to dictate to the House of Representatives; we do nothing of the kind. We say we are unable to assent to sundry affirmative propositions, sections 4, 5, 6, and 7 of this bill. We are perfectly willing to appropriate this money to pay pensions under existing laws, and we are willing to consider changes in existing laws on bills appropriate for that purpose and not on bills paying money from the Treasury to carry out existing laws, and we can not accede to your proposition to change existing laws in this bill.

When we do that, what does the House of Representatives say as a patriotic body, as it is? "The Senate of the United States has a notion; we do not think that it is a wise notion; but we have no business to quarrel with it. They are unwilling to legislate in this manner. The question, therefore, is whether we will pay pensions under the laws as they stand, that either House has had the right to propose a change in during all its session but has not; or will have no payment at all until the Senate can be got to agree on this very bill or another like it to change these laws." Neither House will stand on any such thing as that. You can not find a member of the other House or of this body who will stand up and maintain it. Our way, therefore, is perfectly clear. If we sincerely believe that legislation on appropriation bills is bad, all we have to do is to strike out under our existing rules whatever legislation there is in a House bill and say to the House of Representatives in a conference, or without a conference, as we do when we send the bill back with the amendment, "We are unwilling to put these provisions on this bill; we are willing to consider them on any appropriate bill at any time." There is no collision; there is no contest, there is nothing about it except the simple independence of the two Houses.

If you take the other line, and hold to this rule, which I am bound to say the Senator from Connecticut occupying the chair has interpreted as it has been interpreted ever since the rule existed, and, as I am told by our friend who sits here as the Reporter, who remembers more about the practice of legislation than any gentleman whom I know, as was the practice under special rules and orders about appropriation bills before from session to session, which carries me back to the time of Mr. Colfax that I referred to—if you do that, and hold to what has been held all this time, then you are simply driven to the alternative of saying, "We will take the House legislation, as bad and imperfect as it is, and let it go," or else say, "We will strike it all out."

I remember perfectly well in the time of Mr. Wheeler, I myself, standing at this very desk, thinking that possibly within this rule an amendment to House legislation might be in order, proposed an amendment that was clearly necessary and that nobody denied, and the Vice-President, occupying the chair, ruled within this very rule as it now stands that it was not competent to offer that amendment to a legislative provision in an appropriation bill because it was an amendment to the bill, and if one amendment were offered to it, any other amendment that related to that general subject by way of addition of just as many sections as the Senate chose to put on would still be in order, and that the moment you departed from the rigor of the rule you would open the whole question of putting on germane legislation, which is a very indefinite term, and which the rules provide shall be determined by the Senate according to its wishes and notions, and not as a matter of strict order by the Chair.

So then the real question is, I think, whether the Senate actually believes and desires that it will not have legislation on appropriation bills. If it wishes legislation on appropriation bills, it is only necessary to overrule the decision of the Chair, which has conformed to all previous decisions—every one—and open the door to additions and changes to legislation within the scope of the bill under the other provisions of the rule, or else to say, "We will have none of it; we will appropriate the money to carry out the laws as they stand, and we will change the laws as they stand on independent bills."

Mr. HOAR. Mr. President, it seems to me this question is one which affects very seriously the constitutional power and dignity of the Senate in legislation. We send over to the House of Representatives bills by the hundred. There were some time ago when I counted them about three hundred Senate bills on the House Calendar or the Speaker's table untouched, sent there in the ordinary way under the constitutional power of the Senate to propose general legislation; and they remain, so far as we have any official information, untouched and not to be touched.

The House sends up to us such few measures of general legislation as persons in that body who have the power of obstructing general business choose to select and approve, at the close of the session, upon appropriation bills, and if we submit to that proceeding because of the necessity or convenience of a particular period of the session, you have extended the constitutional claim of the House to originate money or appropriation bills, as it is construed, to originating all legislation whatever. Here is the bankruptcy bill; here is the library bill; here are a dozen bills which I enumerated the other day in the hearing of the Senate; important matters, including the bill in regard to the Presidential count; measures which have commanded almost the unanimous assent of this body without distinction of party, every one of them, and they remain absolutely untouched, and a few measures of general legislation are sent up here at the end of the session and you are asked to take them or to let the Government stop because otherwise the appropriation bills will fail. You are asked to mature them, not by the ordinary process of debate and consultation and consideration, but you are asked to take them in their final shape at the hands of an Appropriations Committee at midnight, two or three days before the session ends; and you are bound so to take them or submit yourselves to the inconvenience and the country to the disturbance of a special session of Congress.

Now, if we, by modifying our rule, or by making a special rule for the time being, which can be extended for every time being under the same circumstances as proposed by my honorable friend from Ohio, say that if we can not get any legislation in the ordinary way, we will take it when proposed by the House of Representatives upon an appropriation bill, you may just as well amend the Constitution of the United States and declare that henceforth all legislation whatever is to be proposed by the House of Representatives, and that we are a body exercising only a veto power like that of the Executive.

Mr. HARRISON. I wish to call the attention of the Senator from Massachusetts to the fact that one of the important provisions of general legislation in this very bill was passed by the Senate at the last session in our general pension bill, and the House has selected one of those provisions, all ready passed by us, and put that on here.

Mr. HOAR. I do not believe any Senator will question that it is a most vicious form of legislation to send in provisions of general legislation from one House to the other or from the two Houses to the President of the United States with the declaration, "This legislation is the condition upon which an adequate provision is to be made for the support of the Government during the year, according to existing laws." There was an attitude of that kind, as the Senator from Maine has said, taken a few years ago, and it was supported for a little while by some very able, some very clear-headed, some very honest, and some very patriotic members of this body; but on reflection it did not meet their approbation, I think; they abandoned the position after a little while. A very distinguished Senator from Delaware, whose name is represented in this body, was quoted as having uttered thirty years ago in the Senate his judgment that the establishment of that practice was one of the most dangerous things to the Constitution of the United States which could possibly happen.

The fathers of the Republic, and statesmen of both parties of all sections of a later generation, have agreed, as it has been agreed in England—because the practice of putting general legislation upon their bills of supply has been discontinued now for more than a century and a half—the agreement has been there and here that this is one of the most dangerous forms of legislation. In my judgment it would be better for us to submit to the inconveniences of an extra session, however grave and serious those may be, rather than make an inroad upon the position which has been taken and assumed by the Senate after great deliberation in this matter.

Mr. President, I do not believe that the patience of the American people will very long tolerate that either of its legislative bodies shall live and be fettered under a system of rules which deprives the constitutional majority of that body of the right to consider, deliberate, debate, and decide on the grave legislative questions which affect the welfare of the American people, and carry out after that deliberation the will of the constitutional majority of that body. I do not believe they will submit to the practical overthrow of the constitutional provision that laws shall be made, laws shall be changed, laws shall be repealed, grievances shall be redressed whenever a majority of each of the two bodies elected under the Constitution shall think best.

Why, take the bankruptcy bill; it was almost the unanimous desire of this body to pass that bill after full and thorough discussion and deliberation upon its details; and I believe there is no legislative body in this country under the Constitution of whom it is not the desire by a two-thirds majority at least to pass that bill, and still we receive no notice of its passage, and I am not at liberty to say whether it happens that some dozen or twenty gentlemen are able by methods not in accordance with the spirit of the Constitution to prevent the passage of that much-desired measure. That is a mere illustration.

There are some gentlemen in this body who are opposed to that legislation; but I could name a dozen bills which each one, probably, of the gentlemen who oppose that legislation favor, and which also are favored by large majorities of the American people and of both Houses of Congress, that fail to get through for the same reason.

If we submit to this keeping of general legislation on appropriation bills, or if we make that submission easier by reversing the ruling of the Senator from Connecticut and saying that instead of rejecting it *in toto* we will take it and amend it and pass it, we make that condition of things to which I have alluded much more likely to be permanent. I think we should plant ourselves at the gate and we should say that we will do nothing here which makes it easier to prevent the carrying out the will of a constitutional majority of the people and of the representatives of the people in legislation, and we will do nothing to establish or to continue the practice which presents general legislation to the Senate or to the Executive and says: "Agree to it or the supplies necessary for carrying on the Government shall fail."

Mr. BAYARD. Mr. President, the great importance of the question involved in this discussion must be my apology for troubling the Senate at all upon it.

If there be one admitted corner-stone in the structure of this Government of laws designed to promote liberty, it was the independence of the two Houses of Congress. There is no feature of our Government so frequently referred to and so emphatically expressed as the one I have stated in the constitution of the Government. They are to be absolutely independent of each other, and the consent of both acting independently of each other is to be obtained before any measure can become a law, no matter what may be the majority in one House or the other.

It is obvious that for the transaction of public business for the public welfare a spirit of comity must prevail between the two Houses, a desire on either part to promote the great objects of the Government, not to obstruct them; for if the desire of obstruction shall prevail, then an illustration of our unfitness for self-government will have been given.

One of the features of the Constitution securing this independence is that each House shall determine the rules of its own proceedings. It is true that they can make a joint rule, but it is also true that that rule is binding only until either House shall retire from it. It is expected that the spirit of comity, that a grave sense of public duty, a sense of self-respect and propriety will so constrain members of the two Houses that rules shall not be enacted in haste and repealed at mere will; but the fact nevertheless remains that the rules of the Senate are absolutely within the control of the Senate, and they may be suspended at the pleasure of the Senate in accordance with such terms and by such notice as the rules themselves may regularly provide.

And herein I must differ from my distinguished friend from Maine, who in the course of this discussion has been disposed to state as a fact for our consideration and as having authority upon us that the action of the House in this or any other respect has been regularly in accordance with its rules of order. I submit to that Senator we have nothing to do with the regularity or the irregularity of the proceedings of the House under its own rules. The House is, so far as we are concerned, a law unto itself. It may suspend its own rules from day to day; it may change them; and I apprehend we have no right here in discussion to bring into consideration the regularity of the proceedings of the other branch of Congress either with or without rules of their own. If that be so—and I say it because the Senator cited the fact that a feature of general legislation had been ingrafted upon a mere money bill called an appropriation bill, and that it had been done under the admitted rules of the House—with due respect to the Senator, I do not care whether it was done under the admitted rules or not. If it comes to us in the ordinary channel of communication, we are to treat it—how? According to our own rules and our own sense of comity in the transaction of public business.

The proposition of the honorable Senator from Ohio would seem to me to give up entirely the principle that I think it is essential for us to maintain, first, the independence, and next, the question of the wisdom of the rule we have made on the subject, Rule XVI. That rule forbids amendments of a legislative character upon a general appropriation bill. I am not here to repeat what has often been said before, and I think seldom better said than it has been said to-day in this Chamber, of the danger of permitting general legislation to be attached to appropriation bills, money bills for the necessary expenses of the Government. I do not propose to reiterate to the Senate now the reasons for that wise rule. Long ago, upon the first examination of the subject I became convinced of the profound importance of avoiding legislation of that character, and I would protest now, as I have always protested, and this without exception in the last sixteen years, against the Senate being compelled to legislate in defiance of its own rules and under duress because of the manner in which legislation was presented to the Senate.

I know that there was in some quarters a claim made to grant appropriations only upon terms, that it was in the power of either House to couple provisions of general legislation with an appropriation bill, and so to coerce one House, or both Houses joining together to coerce the Executive and compel him to give his unwilling signature to a law that he knew to be vicious because that bill contained appropriations necessary for the maintenance and support of the Government. Sir, against that principle I am just as much opposed to-day as I ever was, and I never have given to it my consent, for it seems to me that to yield ourselves to such a doctrine is to deposit in the hands of the House having the power to originate these bills, the power to attach to them such conditions as would make them masters of the whole. In other words, it would resolve all the powers of this Government into a single House of the legislative branch.

But, sir, the Senator from Ohio says that he proposes now that we shall not repeal the language of our own rule, but that if general legislation comes to us we may amend it. It is an axiom of mathematics that things which are equal to the same thing are equal to one another. The power of amendment is unlimited, and the power of amendment may ingraft every original proposition that could have been conceived in the original features of the law. If the Senate can tack on under the name of amendment to general legislation anything that it devises, there is not a law of the United States relating to our general policy that may not be changed upon an appropriation bill.

Mr. President, the situation is a very serious one; it is very grave. I appreciate it fully; but I believe always that where a principle is profound and important and is recognized it should not be abandoned. I do not propose by my vote to open wide this gate for the influx of measures without end, and to a system of legislation which I believe is practically destructive of all the philosophic machinery of checks and balances under a government of laws that our Constitution was intended to create. If it shall be that drifting along, from one cause or another, one of the Houses of Congress—and I am speaking now by way of illustration—shall have gotten its rules for the transaction of business into such a perfectly insensible and incomprehensible and obstructive condition that no measure, good or bad, questionable or not, can be brought before that House for decision but that it must await the moment of necessity of the Government, a time when every branch needs money to keep it in motion, and then, and then only, ingrafted upon such a bill, can a hearing be obtained for those measures which the machinery of their rules absolutely prohibits in the ordinary, regular, thoughtful manner of presenting business—if such a state of things as that has arrived, if it be true that a republican government is to be carried on under that species of snap judgment and duress, the remedy had better be applied now and a stand had better be taken now. It will always be inconvenient to take it; it will always give rise to some extra personal labor and responsibility; but it might as well be met, because I can see—and I think without the slightest desire of exaggerating the results—the absolute destruction of all those tests for the justice, the honesty, the reasonableness of measures of legislation that parliamentary rules as known to the fathers of this Republic and to their descendants were ever intended to secure.

No, sir, there must be two things. There are two independent judgments. They ought to be those of men acting in a spirit of comity for a great public end. Neither can coerce the other, and neither ought to be able to do it. The sense of public duty should weigh equally upon each, and each must be responsible for the manner in which they shall recognize that public duty. There can not be force, but there can and there ought to be reason and conscience; and without reason and conscience, and without a sense of comity between the Houses of Congress, between all the branches of Congress, it is in vain to talk about a just or a possible administration of the affairs of this great country.

Mr. HALE. Mr. President, I object, for one, to this proposition being considered as of the kind just stated by the Senator from Vermont [Mr. EDMUNDS] when in his seat and not in the chair, that it was simply a question whether or not the Senate desired legislation to be incorporated into general appropriation bills. Upon that I do not believe there is much difference in this body. I do not think the sense of the Senator from Vermont or the sense of the Senator from Delaware is any keener upon the dangers that may result from general legislation being incorporated on appropriation bills than is mine or that of other Senators in this body.

We all realize how that it fundamentally does break up the opportunity for discussion, for investigation, and for considering grave subjects-matter in the early part of the session when time can be given com-

mensurately to that consideration; and there is no man here who will not at all proper times and places object to appropriation bills being made the vehicle for great measures of public legislation and precipitated upon this body in the waning days of each session. There is nobody here who can appreciate that better than my friend the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations; there are no men in the Senate who know it and realize it better than all the members of that committee; and there are no Senators here who desire to be relieved of this irksome addition to labor and responsibility more than the members of the Committee on Appropriations. So it is not, Mr. President, a question whether the Senate desires legislation upon appropriation bills. I have the right to assume that we all agree in that.

I agree with the Senator from Massachusetts [Mr. HOAR] as to the evils. I recall, with some satisfaction, my own experience in another place at the time that the very rule under which the House thrusts in the face of the Senate repeatedly great measures of general legislation upon appropriation bills was adopted in that body, and the efforts that I made to prevent it, and the evils that it seemed to me would grow out of it. But what I am seeking here to help to bring the Senate to is the practical consideration of the situation that confronts us.

When the Senator from Vermont, re-enforced by the Senator from Delaware, declares the proposition, which I beg leave to say is by no means new to other Senators, that neither House may coerce the other and that it is the bounden duty of each to cultivate a spirit of comity and to try to bring about harmony, there is nothing novel in that proposition. There is nothing novel in the proposition that the body which legislates, which seeks to force affirmative legislation, ought not to coerce the other body. The Senator from Vermont says that it is an easy thing for the Senate to take that attitude, and if the House sends to us legislation upon an appropriation bill and the Senate declines to accept it, to stand there like a rock, like a stone wall, and the Senator from Delaware and the Senator from Massachusetts say, let there be an extra session. Is the Senate ready to take that position? The proof whether it will take that position, not in argument, not in illustration, not in incitement as to what we ought to do, but the real, sober question of what we will do, is now straight before our noses.

The House of Representatives has sent a regular appropriation bill with items of appropriation for the payment of money to the great army of pensioners for whom we so liberally provide year by year. In addition to that, it has selected certain legislation that was passed last year upon an appropriation bill that has worked irksomely and onerously and oppressively upon the great mass of pensioners, out of the operation of the rules as they are now, which gentlemen are so tenacious of standing by. That legislation was passed by this body and became a law, containing provisions that since then have worked to the damage of the pensioners, and a great uproar has come up from that great body of men demanding relief. The House of Representatives under its rules has selected those features of oppressive legislation that put every pensioner at the mercy of the claim agent that had his case, whereby he was obliged to double and more than double the fee to be paid to that claim agent—the House has selected the provisions contained in that law, and under its rules has sent to the Senate provisions in this bill repealing those features of the law.

Now, the question is whether, when there is good legislation upon an appropriation bill, when there is admittedly wise legislation upon an appropriation bill, when there is legislation that affects and touches men, women, and children in all the States who demand the relief, the Senate will upon the rule and upon the attitude invoked by Senators here simply say, "We decline to give this relief; we decline upon the general ground that we will not suffer any infraction of the principle under which we mean that appropriation bills shall be passed shorn of legislative enactment."

Mr. HOAR. Will the Senator from Maine allow me to ask if it is not true that we have passed that identical measure and sent it down to the House, so that they have nothing to do but to say yes to it and make it a law?

Mr. HALE. I know that very well, but the test case that is brought up here is the bill whereupon that beneficent legislation may be made a law or may be defeated, and Senators have to confront it there. The fact that we have sent over a bill to the House of Representatives which is lodged in the great mass of matter that is piled up mountain high on the Speaker's table does not relieve the Senate of the responsibility. This beneficent legislation will pass upon the pension appropriation bill, or it will receive its death-blow and will not pass, and Senators may as well realize that they are to be confronted with this question, whether they shall strike this out and let it pass from this session to another, or will pass upon it and let it become a law now.

If the Senate is ready upon the grounds taken by the Senators from Vermont, and Massachusetts, and Delaware, much older, abler, wiser, better Senators than we who are younger here, then let us understand it, but do not let the Senate be put in the attitude that it stands up here for the cause of public virtue in legislation and speaks by its rule, and that the moment the question comes in practical application it turns about and runs from its conclusions, and thereby submits itself to the merited reproach on the part of the House of Representatives that it has no faith in its declarations, and that all that the Senate means when it declares that general legislation shall not be put upon appropriation bills is that it will stamp out with its veto the measures that it does not want passed, and will allow to pass the measures that it does not see fit to resist. I want to free the Senate from that attitude. I do not want the House to be able to reproach us in that way. Let us have either one rule or the other. And it seems to me, recognizing all the evils that come from general legislation upon appropriation bills, that if this body is confined strictly to pertinent and germane amendments upon propositions that come from the House, leaving us to deal with them, this body will maintain a consistent attitude better than it will if it tries to adopt this procustean rule which says no letter of legislation shall be allowed upon an appropriation bill, no matter how sound and judicious it is in itself.

Mr. PLATT. Mr. President, this present contention I understand to be whether notwithstanding our rules that forbid amendments to be received containing general legislation to appropriation bills, we shall nevertheless allow the House of Representatives, we having deprived ourselves of that privilege, to present just such measures of general legislation upon appropriation bills as it desires, we reserving to ourselves the right to amend those propositions. It is said that is a practical rather than a theoretical question, and I want to look at it for a moment as a practical question.

First, we agree that all such legislation is wrong, is vicious, is dangerous, is destructive. We start with that admitted proposition. Then we come to this, that we are to receive from the House of Representatives legislation which, if we judge the future by the past, will be of a vicious character, will be dangerous, will possibly be destructive to our system of government, and that we confine ourselves simply and purely to trying to make it better. And it is said that that is a consistent position for the Senate to take. I think it is an extremely inconsistent position for the Senate to take.

I am utterly opposed to depriving ourselves of the right to ingraft upon appropriation bills such legislation as we in our wisdom think is proper to be enacted, and confining ourselves to the paltry privilege of saying that the legislation which is sent to us from the other branch of Congress, which has been hastily considered, illy considered, or not considered at all, may simply be revised and made not quite so bad as it is in the shape in which it comes to us, for that is all we gain by the proposed rule.

For myself I believe that we have just only to be firm once, and that is the end of this trouble. I believe that if we have convictions now, to-day, at this session, as I believe the Senate and all Senators in it have, that this kind of legislation is vicious and wrong, we have but to say so and the trouble will be ended. The difficulty about it is that while we all agree that it is wrong in principle, while we all agree that it is better in the particular case speaking as a matter of principle, to say that there shall be no general legislation on appropriation bills, yet some of us feel so anxious to have some particular measure passed which comes from the House of Representatives that we abandon our principle for the time being, and we say, "Oh, yes; for this once let us abandon the principle and get this little matter of legislation which we really think ought to be adopted." So to get a little good we submit to a very great evil. We can not legislate in that way. It comes every day. The pinch of it comes just when there is some matter like this pension matter that we all desire to see passed. It seems to me that if we once say we will not abandon our position and our principle for the sake of a little temporary gain, we shall have no real trouble about this matter in the future.

It always comes that this argument is made: "Why, if you do not take this legislation which has been sent from the other branch of Congress you are going to have an extra session, and are you ready to meet the question whether there shall be an extra session of Congress?"

Well, Mr. President, I do not believe that there is any Senator who desires an extra session of Congress; I do not believe that there is any member of the other branch who desires an extra session of Congress, but just so long as that argument can be held up to us as a bugbear—if that be a proper legislative term to use—just so long we shall fail to accomplish what we desire to accomplish in the way of legislating in a manner which we believe to be proper, to be constitutional, and to be for the best interests of this Government.

Take this bill. The Senator from Maine [Mr. HALE] asks are you going to refuse to take this general pension legislation upon this appropriation bill; all the pensioners want it, and do you wish to put yourselves in the attitude of having an extra session of Congress by rejecting it from this appropriation bill? How is an extra session of Congress to come if we say our rules are such as prevent legislation on appropriation bills, and our principle is such that we can not accede to legislation which comes on appropriation bills from the House of Representatives? How is any extra session going to follow any such action of the Senate as that? Simply, if it comes at all, by the other branch saying, "You must take that legislation upon that appropriation bill or you can not have the appropriation bill." Now, if it be within the rules of the Senate, I desire to say that I have no idea that the House of Representatives is going to put itself in that attitude. I have no fear of it. I do not believe there is any such danger; but I do believe that

there is danger to the legislation of this country every time we are influenced by an argument of that sort.

Mr. SAULSBURY. Mr. President, I concur very heartily in all that is said about the danger of legislation upon appropriation bills. That has been too well understood, I believe, in the Senate to be denied by any one.

Here we have a practical measure before us. We have a legislative provision in this bill which proposes to repeal an act that was passed at the last session unknown to a large number of the members of this House, whereby certain pension agents are to receive out of this very appropriation bill some two or three million dollars. The question is now whether we shall so far depart from our rule as to prevent such a result, or whether we shall adhere to our rule and let the very money that we appropriate here for the benefit of pensioners go into the pockets of pension agents? Suppose we accomplish all that has been predicted by the Senator from Connecticut; suppose we drive the House from its position; suppose that the House does recede and takes off all this legislation, what is the result? We then pass the pension appropriation bill and, according to my information, from two to three million dollars of the money thus appropriated will be diverted from the pensioners and go into the hands of pension agents. I say that to avoid such a result as that, to prevent such a fraud and wrong upon the pensioners as well as upon the Treasury, from which the money is appropriated, I am willing to suspend for the time being, in conformity with the resolution of the Senator from Ohio, the rule that we have adopted to govern our action in this case.

The Senate I believe with entire unanimity passed a bill on Friday or Saturday to correct the very evil that is corrected in this pension appropriation bill. Everybody knows that the bill which we sent to the House can not become a law. We are therefore stultifying ourselves, simply by adherence to an iron rule, to do that which in the judgment not only of this body but of the other House ought to be done to secure the pensioners of this country against the wrong that was done by the legislation of the last session.

Mr. PLATT. The Senator will permit me a word. He says everybody knows that that bill can not become a law. I for one wish to dissent from that sweeping statement. I do not know that it can not become a law. I think I know that it can become a law. I think I know there is no difficulty about that bill becoming a law.

Mr. SAULSBURY. I confess that I do not know, but the statement was made by the Senator from Maine a few moments ago that with the great mass of business on the Speaker's table it was utterly impossible to reach that bill, and I accepted that as about the conclusion to which every fair-minded man would come who understands anything about the rules of the House. But I am not willing to take the risk of its becoming a law. I want to save this money to the pensioners of the country; I do not want it to go, and it ought not to go into the hands of the pension agents; and the question I am now called upon to meet——

Mr. HALE. The Senator means not the pension agents, but the claim agents, pension attorneys.

Mr. SAULSBURY. Yes, claim agents. I am called upon to meet the question whether I shall vote to adhere to the Senate rule and thereby take from the pensioners of this country from two to three million dollars, or whether I shall be willing to suspend the operation of that rule for the present session and secure that money to the pensioners. There is no disguising the true question we have to meet in this matter. I have no such great pride of opinion as to the correctness of the rules of the Senate. While I am willing to admit the general proposition that legislation upon appropriation bills is pernicious, yet I am not so great a stickler for our own rules that I am willing that they shall operate in every instance when I know that thereby great injustice is to be done, and done to a class of men that the Government of this country has been bound to make provision for.

To adhere to the rule is in my opinion virtually saying that from two to three million dollars of the appropriations for the pensioners in the bill now before the Senate shall be diverted from its legitimate object and put into the pockets of the claim agents around this city and throughout the country. When that alternative is presented to me, I will vote for the resolution of the Senator from Ohio or I will vote against the decision of the Chair that has been made in this case.

Mr. CALL. Mr. President, I think that we have exaggerated this question a great deal. The importance of prohibiting general legislation upon appropriation bills is certainly a general opinion of the Senate and of the country, but that the life of the Republic depends upon it, that a provision becomes bad which in itself is good because it comes upon an appropriation bill, there is no reason to believe; and the Constitution has happily provided against that. It has provided in the concurrence of the two Houses, in the veto of the President, in the responsibility of the Representatives to the people against hasty and indiscreet legislation; and these, and not the fact that it is upon a separate bill instead of an appropriation bill, are the great conservators of the country.

Why is it that when the House of Representatives send to us legislation, and we say we recognize the sovereign and independent right of that body to send it here, and to send it here upon an appropriation bill, we shall still say we will not consider it because of the manner in which it comes here, because we think the rule of the House that allows general legislation upon an appropriation bill is an improper rule? Why, sir, you can not acknowledge the independent and sovereign right of the House as to its own rules and as to the manner in which it shall send legislation here, and still say to it, "We will not consider it; we will not perform our constitutional duty of amending it, because of the manner in which you chose to send that legislation here."

It is manifest that the consent which the Constitution requires this body to give, or the refusal to consent to the legislation of the other House, refers to the merits of the proposition, and that we are expressly forbidden by the Constitution from refusing to consent to it because of the manner in which the House shall send it here. Because they see fit to send it upon a general appropriation bill, the Constitution expressly forbids us to refuse our concurrence in that legislation because of disapproval of the manner in which the House shall have sent it here, and confers upon them as upon us the sovereign right to send it upon an appropriation bill or any other bill or in any other way that they shall see fit; and it imposes upon us the duty of saying whether it is vicious legislation—not a vicious method—whether it will benefit the country or injure the country. That seems to me perfectly clear, and I am surprised that we should have any hesitation in arriving at a unanimous conclusion upon that subject.

I maintain, sir, that the House has a right to send legislation here upon appropriation bills, and that we have a constitutional duty to consider not the manner in which it is sent here, whether good or bad, but to consider whether it is proper legislation, whether its merits are such as to commend it to the country and will benefit the people. The independent right of the House to decide that they will send us general legislation on an appropriation bill, and the Senate's right to refuse to consider and amend it, can not coexist, because the Constitution clearly imposes on the Senate the duty to consider and amend or reject the legislation of the House, and not the rules of the House.

Mr. MORGAN. Mr. President, I do not wish to detain the Senate by debating this question any longer; but I have to vote on it, and I will vote against sustaining the judgment of the Chair, but in doing that I desire to explain that I am not adverse to the rule that the Senate has so long observed. I believe, with every Senator who has expressed himself this afternoon, that that rule is not only a very good one, but it is one that is necessary to preserve the constitutional rights of this people. But the difficulty about the rule of the Senate is not that it is too stringent, but that it is not sufficiently stringent. I wish to explain that remark.

A general appropriation bill comes from the House and it contains general legislation. It has been ruled by the Chair frequently, I think uniformly, that in order to get rid of that general legislation in the Senate you must move to strike it out and take the vote of the Senate upon it. That is the uniform ruling of the Chair.

The rule ought to be so framed as that it should be the duty of the Chair, or at least the right of a Senator, on motion, to strike out any general legislation that the House sends us on an appropriation bill; and in the amendment of our rules, instead of relaxing the rule so as to create exceptional cases we ought to strengthen it by making it the duty of the Chair to strike out upon motion of a Senator any matter of general legislation that is found on an appropriation bill. If we should take that course we would clear appropriation bills of all this kind of legislation, and they would stand as they were designed to be, the mere bills to apply the money of the people to ascertained legitimate subjects of appropriation.

Mr. MILLER, of California. Will the Senator allow me to make a suggestion?

Mr. MORGAN. Yes, sir.

Mr. MILLER, of California. There is a practical difficulty here. You strike out of an appropriation bill general legislation. Take the case now before the Senate, the pension bill. You strike out all the general legislation and pass the bill, and it goes back to the House. They disagree to the amendment of the Senate striking out, and then a conference is had, and the conferees are appointed. Has it not always been the custom of the Senate when it reaches that stage to recede from its position, so that practically when we strike out this legislation it gets back again through a conference? Is it not so in a majority of cases, and has it not been so generally?

Mr. ALLISON. Now I must interpose. I think the rule has been the other way. Of course conference committees have yielded, as in this case last year, but as a rule we have resisted as far as possible legislation on appropriation bills.

Mr. HALE. Was it not under the operation of this rule and under the operation of the construction of this very rule as given to it by different occupants of the chair that this vicious legislation did creep in last year?

Mr. ALLISON. It was placed there through a conference committee.

Mr. HALE. And that conference committee had a discretion allowed under our rules.

Mr. DAWES. If the Senator from Alabama will allow me, I was on that conference committee——

Mr. MORGAN. I did not suppose I was raising such a disturbance on that side. Of course I will yield until it is ended.

Mr. DAWES. The matter is perfectly clear and apparent. The Senate struck out the entire legislation. The House non-concurred in the Senate amendment. The difference between the two Houses was submitted to a conference committee. One portion of the conference committee refused to adopt that legislation, and the other portion refused to take the bill without it, and the bill was pending in conference and reported back to the two bodies on disagreement several times until at last the two conference committees agreed that they would take the legislation now on the book in place of the legislation proposed by the House, and the result was that this legislation that now every one is satisfied was vicious was forced upon both Houses by the rules of the two Houses.

Mr. MORGAN. Not by the rules of the Senate.

Mr. DAWES. It was forced upon both Houses as the alternative of a loss of the pension appropriation bill.

Mr. MILLER, of California. And the Senate agreed to it.

The PRESIDENT *pro tempore*. The Senator from Alabama must not be interrupted without his consent.

Mr. MILLER, of California. I thought I had his consent.

Mr. MORGAN. The Senator has my consent.

Mr. MILLER, of California. The point I was making to the Senator from Massachusetts was that the Senate sustained their conferees in their action on this matter and eventually yielded, and the conference committee was permitted to legislate for both Houses by the consent of both Houses. I say that is the practical result, and it does not make much difference what you do now, whether you stick to the rule you have or make another. The difficulty comes about in the way I have indicated.

Mr. DAWES. The Senator from California is exactly right, in my opinion.

Mr. MORGAN. I am glad the Senators are agreed about it. This rule of course has been made the stalking-horse for a great many irregularities in legislation. I do not doubt that the Senate has perfect control of its committees of conference and can instruct them to any particular course that it may desire upon any bill that may be committed to their keeping. But I was not looking forward to what might be the results of an abuse by a committee of conference of the rules of the Senate or the indulgence on the part of the Senate of such abuse as its committee might see proper to make.

The question with me is just this: If I vote to sustain the Chair, do I vote to break down the rule of the Senate? I maintain that I do not. It may be called a relaxation of the rule; and if precedent were necessary to justify that relaxation I could go back in our history and find a great many, sometimes when the matter has gone on permissively and at other times when it has gone on by express consent of the Senate on its vote, for I remember frequent instances in which the Chair has been overruled on a ruling as to whether a particular measure was a measure included within the purview of our rule and was prohibited from going upon a bill.

This particular amendment is new legislation coming from the House. That everybody concedes. It is the ruling of the Chair, as I understand, that a question of order does not lie to the new legislation as presented in the bill sent to us from the House. To get rid of that legislation we must have an affirmative vote of the Senate to strike it out. Then the question arises whether the amendment now proposed is of the character of amendment denounced in the third clause of the sixteenth rule. I think it is not, for the reason that the legislation in respect of which that amendment is germane has been received by the Senate; and in proposing to amend what the House has put in and what the Senate has received and acted upon, we are not proposing new legislation in the sense of a violation of the Senate rule, but we are exercising a constitutional right and privilege in amending a bill that has been received by the Senate and is here the subject-matter of action, which bill, so far as the parliamentary law is concerned, is open to every motion that any other bill is open to.

Here, then, is the new legislation proposed by the House before the Senate, having been received by it, being under consideration, and which will become a part of this measure unless it is stricken out. Finding it in this condition, the proposition under the sixteenth rule is to amend it, and the question is raised, you have no right to amend it, because in amending it you propose general legislation. My answer to that is, that it is not a proposition of general legislation within the meaning of the rule, but it is a proposition merely to amend a proposition that is lawfully before the Senate and upon which we have a full freedom of action, just as much so as if the bill had been reported in the Senate and was not amenable to any rule at all.

I merely desired to explain that in voting against sustaining the ruling of the Chair I do not wish to be understood as departing from this rule at all; on the contrary, instead of modifying the rule I would vote to strengthen the rule and make it more strict than it is by requiring the Chair, whenever legislation of a general character came to us from the House of Representatives, to strike it out, at least on the motion of a Senator.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"] If a vote is to be taken I shall not insist on the motion.

Mr. HALE and others. Let us try for a vote.

The PRESIDENT *pro tempore*. Does the Senator from New York withdraw his motion?

Mr. MILLER, of New York. I withdraw the motion.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair, holding this amendment not to be in order, stand as the judgment of the Senate?

Mr. SHERMAN. I ask again that unanimous consent be given to entertaining and adopting the resolution I have offered. If any Senator objects to it, of course that is the end of it.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent to submit a resolution.

Mr. HARRIS. Let it be read for information.

The Chief Clerk read as follows:

That in the opinion of the Senate amendments may be made in the Senate pertinent and relevant to legislative provisions in a general appropriation bill as it comes from the House.

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. Objection is made. The question is, Shall the decision of the Chair stand as the judgment of the Senate upon the pending amendment to the pension appropriation bill?

Mr INGALLS called for the yeas and nays; and they were ordered.

Mr. HARRIS. One single moment, Mr. President. There are two facts to be ascertained by the Chair in respect to this question of order. First, is the bill under consideration a general appropriation bill? That fact determined in the affirmative, next, is the amendment recommended by the committee general legislation?

If that fact be determined in the affirmative, it falls not only within the spirit but the very literalism of the rule, and it is out of order. That is all I desire to say.

The question being taken by yeas and nays, resulted—yeas 35, nays 23; as follows:

YEAS—35.

Aldrich,	Conger,	Hawley,	Pendleton,
Allison,	Cullom,	Hoar,	Pike,
Bayard,	Edmunds,	Lamar,	Platt,
Beck,	Garland,	Lapham,	Plumb,
Blair,	Gorman,	McMillan,	Pugh,
Brown,	Groome,	Manderson,	Ransom,
Cameron of Wis.,	Hampton,	Mitchell,	Sabin,
Chace,	Harris,	Morrill,	Wilson.
Colquitt,	Harrison,	Palmer,	

NAYS—23.

Call,	Hale,	Miller of Cal.,	Slater,
Coke,	Ingalls,	Miller of N. Y.,	Van Wyck,
Dawes,	Jackson,	Morgan,	Vest,
Dolph,	Jones,	Saulsbury,	Voorhees,
Frye,	Malone,	Sawyer,	Williams.
George,	Maxey,	Sherman,	

ABSENT—18.

Bowen,	Fair,	Jones of Nevada,	Sewell,
Butler,	Farley,	Kenna,	Vance,
Camden,	Gibson,	Logan,	Walker.
Cameron of Pa.,	Hill,	McPherson,	
Cockrell,	Jones of Florida,	Riddleberger,	

The PRESIDENT *pro tempore*. The decision of the Chair stands as the judgment of the Senate.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope that the unfinished business will first be laid before the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the Senate resumes the consideration of the unfinished business, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The Senator from New York moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes:

A bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy;

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 760) granting an additional pension to Watson S. Bentley;

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1256) increasing the pension of Ben Morgan;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 2140) for the relief of Hugh Dougherty;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2453) granting a pension to Frank S. Marsh;

A bill (H. R. 2692) granting a pension to Sarah Kennedy;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 2920) for the relief of John Johnson;

A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;

A bill (H. R. 3527) granting a pension to George A. Marshall;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 3612) granting a pension to Hayden Reynolds;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 3703) granting a pension to James W. Brown;

A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 4238) granting a pension to Sallie Ingham;

A bill (H. R. 4248) granting a pension to William Harbeson;

A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;

A bill (H. R. 4752) granting a pension to William Herring;

A bill (H. R. 5004) for the relief of William B. Smith;

A bill (H. R. 5500) for the relief of Benjamin F. Amos;

A bill (H. R. 5565) granting a pension to Theo. Ahrens;

A bill (H. R. 5630) granting a pension to George W. Rugg;

A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;

A bill (H. R. 5670) to authorize a retired list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 5776) granting a pension to Louis D. Petty;

A bill (H. R. 5812) granting a pension to Ellen A. Vance;

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 5923) granting a pension to Ruth Stratton;

A bill (H. R. 5960) granting a pension to George Zeifle;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;

A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;

A bill (H. R. 6461) granting a pension to Nelson Gammons;

A bill (H. R. 6480) granting a pension to Margaret G. Halpine;

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;

A bill (H. R. 6665) for the relief of James Stack;

A bill (H. R. 6726) granting a pension to Margaret A. Maguire;

A bill (H. R. 6882) granting a pension to John Otis;

A bill (H. R. 6927) granting a pension to Merit M. Oakley;

A bill (H. R. 6934) granting a pension to Ann J. Williams;

A bill (H. R. 6956) granting a pension to Maria H. Sargent;

A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;

A bill (H. R. 7141) granting a pension to Daniel W. Adams;

A bill (H. R. 7295) granting a pension to Albert D. Simmons;

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; and

Joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

SENATE.

TUESDAY, *February* 10, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Secretary read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to perform the duties of the Chair in my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *February* 10, 1885.

Thereupon Mr. ALLISON took the chair as Presiding Officer.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. ALLISON) laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect to extend the limit of cost of the public buildings at Dallas, Tex., and Oxford, Miss.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting a report of recent explorations in Northern Alaska by Lieut. George M. Stoney, United States Navy; which, on motion of Mr. HARRISON, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Territories.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a memorial of the Legislative Assembly of the Territory of Dakota, favoring the division of Dakota and the admission of the southern portion of that Territory as a State; which was ordered to lie on the table.

He also presented a memorial of the New York Produce Exchange of the city of New York, in favor of such steps and appropriations as shall be requisite to place the chief city of the nation in wealth, population, and importance in a condition of safety, whatever foreign complications may arise; which was referred to the Committee on Military Affairs.

Mr. MILLER, of New York, presented a petition of seamen of New York city, praying for the passage of the bill to amend the tenth section of the act to remove certain burdens from the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of citizens of New York city, interested in the navigation of Lake Superior, praying for the passage of the bill providing for the acquisition by the United States of the Portage Lake Canal, so called; which was referred to the Committee on Commerce.

Mr. WILSON. I present the petition of J. W. Sargent and 100 other citizens of Iowa, praying for the forfeitures of the unearned lands within the limits of the land grant to the Sioux City and Saint Paul Railroad Company. As the bill relating to that subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. WILSON presented the petition of D. W. Chamberlain and 47 other citizens of Iowa, and the petition of John O. Thompson and 50 other citizens of Iowa, praying for the forfeiture of the unearned lands within the limits of the land grant to the Sioux City and Saint Paul Railroad Company; which was ordered to lie on the table.

Mr. CONGER presented the petition of George A. Farr and 132 other citizens of Grand Haven, Mich., praying for appropriations for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

He also presented the petition of H. A. Lathrop, of Armada, Mich., praying to be reimbursed for property taken by the United States Government during the war; which was referred to the Committee on Claims.

MARGARET D. MARCHAND.

The PRESIDING OFFICER. Reports of committees are in order, if there be no further petitions or memorials.

Mr. SEWELL. On the 6th of February the Senator from New Hampshire [Mr. BLAIR] reported from the Committee on Pensions the bill (S. 957) granting a pension to Margaret D. Marchand with an amendment, and submitted a favorable report thereon. I find that it is marked on the Calendar as an adverse report. I ask to have the Calendar corrected. I call the attention of the Senator from New Hampshire to it.

Mr. BLAIR. It should be marked "reported favorably with an amendment."

Mr. MITCHELL. I suggest to the Senator from New Jersey that the bill might be taken up and passed now, as it was really included in the order of the Senate the other day, and the Calendar was incorrectly printed.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill (S. 957) granting a pension to Margaret D. Marchand. Is there objection?

Mr. JACKSON. Is there not an adverse report in that case?

Mr. MITCHELL. There was no adverse report. It was a favorable report, and it was improperly placed upon the Calendar as an adverse report. It comes within the order of the Senate the other day in regard to the consideration of pension bills.

The PRESIDING OFFICER. The Chair is informed that the majority report was an adverse report, and therefore the bill was placed upon the Calendar accordingly.

Mr. BLAIR. That is a mistake. The Chair has been misinformed. It is a House bill granting a pension to this lady at the rate of $50 per month, reported favorably by the Senate Committee on Pensions with an amendment reducing the rate from $50 to $30. So it becomes a favorable report with an amendment. It is not strange that it was understood to be an adverse report, because it is one of that class of cases on which we have had controversy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret D. Marchand, widow of

Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of $30 per month from the date of the passage of this act.

The PRESIDING OFFICER. The amendment reported from the Committee on Pensions will be read.

The CHIEF CLERK. In line 8 strike out "fifty" before the word "dollars" and insert "thirty;" so as to read:

At the rate of $30 per month.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BLAIR. I think the attention of the Senate ought to be called to this bill, because it is an important one. This bill, rather inadvertently brought before the Senate, is of too much importance to be disposed of in the hurried manner that it seems likely to be, and therefore I ask the attention of the Senate while I state what it is.

It is a bill of the same class as those upon which the Senate had a somewhat closely contested discussion at the last session. It proposes to pension the widow of a rear-admiral of the Navy who rendered very distinguished service to his country during half a century of time, if I remember correctly. The report sets forth fully the facts. The bill was passed by the House, giving her a pension at the rate of $50, which has come to be perhaps the settled practice of Congress in such cases. It was referred to the Senate Committee on Pensions, who reported it favorably to the extent of $30—that is, with an amendment reducing the amount proposed by the House to $30.

The real controversy that is pertinent to this and to some ten or twelve other cases of like character now pending upon the Calendar of the Senate is whether the Senate will give to this lady the additional $20 which has been voted by the House. It is important not alone on account of the propriety, to say the least, of treating all these ladies with some consistency, but because there are pending ten or twelve cases at the present time, and whatever principle is adopted by the Senate in disposing of this case will be very naturally followed in the others.

I do not wish to reopen the discussion upon this class unless others should see fit to do so, because the discussion has already been very full and I could add no new light to the matter. It is as it was at the last session, save only that by a very emphatic vote of the Senate in all the cases which were called to its attention the previous precedents have been greatly strengthened.

Mr. PLUMB. I should like to inquire what is the order of business now under the consideration of the Senate?

The PRESIDING OFFICER. The Senator from Pennsylvania asked unanimous consent that this pension bill be considered at this time, which was granted.

Mr. PLUMB. What is the order of business in the morning hour?

The PRESIDING OFFICER. Reports of committees.

Mr. PLUMB. I object to the further consideration of the bill.

The PRESIDING OFFICER. Objection is made, and the bill goes over. Reports of committees are now in order.

Mr. BLAIR. As this bill was called up hurriedly, I wish to correct a statement I made. I am informed that it is a Senate bill. Some of these bills pending before the committee are from the House; but two or three were introduced originally in the Senate. I may have been mistaken as to this one having passed the House, but quite a number of others being exactly similar to it have passed that body, so that the principle involved is the same.

Mr. PLATT obtained the floor.

Mr. SEWELL. I ask unanimous consent to have the correction made and the adverse report stricken from the Calendar opposite the bill

Mr. JACKSON. That is improper. It was an adverse report of the majority of the committee, and the views of the minority were presented by the Senator from New Hampshire. The bill is reported adversely so far as a pension at the rate of $50 a month is proposed in the bill.

Mr. BLAIR. The report is adverse so far as the additional $20 are concerned, and favorable so far as the $30 are concerned. The bill should be marked as "reported favorably with an amendment."

The PRESIDING OFFICER. The Chair finds in the RECORD of February 7 the following:

Mr. BLAIR. By direction of the Committee on Pensions I also report adversely the bill (S. 957) granting a pension to Margaret D. Marchand, recommending its indefinite postponement. I submit also with the report the views of the minority favoring the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

That is the record.

Mr. BLAIR. That is precisely correct. I have a recollection now in regard to it that the bill was rejected *in toto*; it was not sanctioned at all by the committee. The report as stated in the RECORD is precisely correct. My statement at the time, in the ordinary way in which these cases have come before the committee, should have been that the report was favorable so far as $30 per month was concerned; but in this case the committee rejected the bill *in toto*—that is to say, they did not allow a pension in any degree.

I ought to say, further, that this was called to my attention by the Senator from Pennsylvania and the case called up, which I supposed was somewhat under my own charge, in such a way that my recollection was a little obtuse. The bill was in my mind, however, and the case would have been taken care of at what I should have considered a proper season.

Mr. MITCHELL. I desire to say a word.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT] has been recognized by the Chair.

Mr. PLATT. Let me have my say first.

Mr. INGALLS. What is the question pending?

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT] has been recognized. The Chair does not know for what purpose he rises.

Mr. INGALLS. I ask, for parliamentary information, what is the pending question?

The PRESIDING OFFICER. Reports of standing and select committees.

Mr. MITCHELL. I desire to make a report from the Committee on Pensions.

Mr. PLATT. Have I the floor?

The PRESIDING OFFICER. The Chair has recognized the Senator from Connecticut.

Mr. PLATT. I should like to say, if I may be permitted, that it seems to me the matter which we have been considering, having come up under the circumstances in which it has, ought not to go over into the Calendar under the ninth rule, but it ought to be passed over without prejudice. I trust the Senator from Kansas [Mr. PLUMB], who objected to the further consideration of the bill, will have no objection to that course.

The PRESIDING OFFICER. The Senator from Connecticut asks that the bill may be placed on the Calendar under the eighth rule, without prejudice.

Mr. PLUMB. The purpose of my objection was simply that we might go on with the morning business. I have no objection to the bill being placed exactly where it was before it was brought to the attention of the Senate in this irregular manner this morning.

Mr. HOAR. I should like to inquire what is the rule about it. I understand that unanimous consent was given to taking up the bill; the Chair asked for it, and two or three Senators spoke to it. Can an objection be interposed now?

The PRESIDING OFFICER. The Chair understands that an objection can be interposed at any time.

Mr. HOAR. Under the eighth rule?

The PRESIDING OFFICER. So the Chair understands.

Mr. HOAR. I understood that the bill was taken up by unanimous consent at the time of morning business, before reports of committees were concluded, not under the eighth rule, and that unanimous consent would give the measure its right, and no objection could remove it.

Mr. MITCHELL. That was my understanding of the case. However, I do not care for it; but as many mistakes have been made in regard to this matter, I think it due to myself that I should state what I understand to be the facts in regard to it.

In the first place, I did not ask for unanimous consent. I suggested to the Senator from New Jersey [Mr. SEWELL] that it would be a proper case to consider at this time, inasmuch as by my understanding it came within the rule which was adopted in the Senate the other day for the consideration of pension bills. My recollection in regard to the report is entirely different from that now stated by the Senator from New Hampshire. My recollection is that the committee did agree to report in favor of granting a pension of $30 a month in this case, and I think the report so shows. However, I think the bill may as well go over and come up regularly hereafter. I do not desire to press it, and I had no such desire at the time I made the suggestion.

Mr. WILSON. If the Senator from Pennsylvania will yield to me I wish to make a statement. The action of the committee, according to my recollection of the case, was based upon the fact that we had no information before us that an application had been made for the allowance of a pension.

Mr. BLAIR. No application to the Pension Office?

Mr. WILSON. No application had been made to the Commissioner of Pensions; and while a majority of the committee, I may say all the members according to my present recollection, were in favor of the allowance of a pension at the rate of $30 a month, still a portion of the committee desired that the application should be made to the Commissioner of Pensions in order that we might have the record from the Pension Office, and it was on that basis that the committee acted.

The PRESIDING OFFICER. Reports of standing and select committees are now in order.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 7496) for the relief of Wehrle, Werk & Son, reported it without amendment, and submitted a report thereon.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 1877) granting an increase of pension to John Hall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following petitions, reported adversely thereon; and their prayer was denied:

Petition of John G. Burchfield, of Illinois, praying for a pension; and

Petition of Edward Kelly, of Maine, praying for a pension.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 662) granting a pension to Mrs. Ann Sheffield;

A bill (H. R. 3829) granting a pension to John Beck;

A bill (S. 2115) for the relief of Abraham Van Assum;

A bill (S. 2428) granting a pension to James McLaughlin; and

A bill (S. 2114) granting a pension to Alonzo Raymond.

Mr. CAMDEN. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1995) granting a pension to John R. Hurd, to submit an adverse report thereon. The relief asked for in the bill has been granted in the Pension Office. I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts, reported it without amendment, and submitted a report thereon.

Mr. LAPHAM, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

Petition of Ralph S. Demarest, of New Jersey, in relation to the distribution of the Venezuela awards; and

Petition of Margaret F. Rawdon, of Little Falls, N. Y., praying the passage of the resolution referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President.

Mr. LAPHAM. The joint resolution which I have reported simply provides for the distribution of the Venezuela award as it lies in the State Department, amounting to about half a million dollars, while these petitioners and various other claimants are kept out of their money. There is a similar measure pending in the House. I ask for the present consideration of the joint resolution. I think there can be no objection to it.

Mr. SHERMAN. I ask that it be read for information first.

Mr. LAPHAM. Certainly.

The Chief Clerk read the joint resolution and the amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HARRIS. I think it had better go over and be printed.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;

A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; and

A bill (H. R. 8038) granting a pension to Harriet A. B. Corts.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 2524) granting a pension to Harriet A. B. Corts, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2282) granting a pension to Adolph Weach;

A bill (H. R. 1711) granting a pension to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;

A bill (H. R. 7724) granting a pension to Lydia Wetherbee;

A bill (H. R. 5969) increasing the pension of Frederic S. Rich;

A bill (H. R. 3701) granting a pension to James Bradford;

A bill (H. R. 8033) granting an increase of pension to George W. Clark; and

A bill (H. R. 5762) for the relief of Ann Lumphrey.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2568) granting a pension to Mrs. Adeline E. Chadbourne, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7707) to pension Holden Cook;

A bill (S. 2443) granting an increase of pension to Polly Young;

A bill (H. R. 5813) granting a pension to Rachel Smith;

A bill (H. R. 6965) granting a pension to David T. Dudley;

A bill (H. R. 7315) granting a pension to Frederick P. Dearth; and

A bill (H. R. 2138) granting a pension to Martha Angell.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1113) granting a pension to Ann E. Manchester;

A bill (S. 2302) granting a pension to John Lowe;

A bill (H. R. 6196) granting a pension to R. D. Lawrence;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 4098) granting a pension to William Gibbons;

A bill (H. R. 1984) granting a pension to Robert M. McKinlay; and

A bill (H. R. 7561) to allow a pension to George F. West.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 5798) granting a pension to John E. Denham, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 691) for the relief of William W. Thomas, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese, to report it adversely, with the views of the minority recommending the passage of the bill. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania reports adversely the bill named by him. It will be placed on the Calendar. The Senator also submits the views of the minority. If there be no objection they will be received and printed.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;

A bill (S. 2245) granting a pension to William N. Morris; and

A bill (H. R. 6966) granting a pension to Wealthy H. Seavey.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 2522) granting a pension to John Q. Bellville; and

A bill (H. R. 765) for the relief of Emily Agnel.

Mr. MITCHELL. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 1079) granting an increase of pension to Mrs. Emily M. Wyman, to submit an adverse report thereon, and the views of the minority in favor of the passage of the bill. I ask that the bill be placed on the Calendar. In this case the Secretary of the Navy recommended the passage of the bill to the committee.

The PRESIDENT *pro tempore*. The Senator submits the views of the minority. If there be no objection they will be received and ordered to be printed. The bill will be placed on the Calendar.

WASHINGTON MONUMENT MEDALS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. 2615) to authorize medals commemorating the completion and dedication of the Washington Monument, to report it favorably with an amendment. If the bill is to be passed at this session it ought to be passed now; and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. ALLISON in the chair). Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information, and then we can tell.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SHERMAN. The Senator from Vermont [Mr. MORRILL] suggests that I should make a statement in regard to the bill.

It has been customary not only in this country but in all countries to commemorate any event in their history that they think important. Congress passed a somewhat similar resolution authorizing medals in commemoration of the laying of the corner-stone of the Washington Monument. The Monument Commission believe that the completion and dedication of the monument is an event that ought to be commemorated by the most enduring memorial in the world, a coin or medal. Coins have survived. Indeed the evidence of the appearance, character, nature, and qualities of the Romans and Grecians is better preserved in their medals than in any other way. It is usual with all nations to commemorate any important event in national history in this way.

The dies provided by the bill can be made at an expense of about $500, and then anybody can get a medal at cost. I am told, coming from the Director of the Mint, that the medals will cost from thirty to forty cents apiece, so that it is not a matter of much expense; and the medals will no doubt be purchased by people not only in our day but, as the die will be kept, the medals will be perpetuated and increased to the extent that there may be a demand for them.

The only doubt I have about the bill (and I wonder that some Senators have not called attention to it) is that it provides for one medal for each member of Congress. I should rather have that provision out, because we are able to buy these things. But that is not an unusual provision, and it is supposed members of Congress will place them in some library or some receptacle where they will be perpetuated and preserved.

That is the object of the bill, and I believe it is an object approved by all nations. England and France especially have in their galleries of medals a very remarkable display of skill. The Romans were also very celebrated for their medals, not only to commemorate events, but to perpetuate the faces and names of heroes and statesmen.

The PRESIDING OFFICER. The bill is reported with an amendment which will be read.

The CHIEF CLERK. The Committee on Finance report to amend the bill after the word "reverse," in line 7, by striking out "an exact" and inserting "a;" so as to read:

That to commemorate the completion and dedication of the Washington Monument, the Secretary of the Treasury is hereby directed to have prepared, at the mint at Philadelphia, medals, not less than four inches in diameter, bearing on one side the head of George Washington and on the reverse a representation of the Washington Monument, with suitable devices to be approved by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON THE JUDICIARY.

Mr. INGALLS. I ask unanimous consent that the Committee on the Judiciary may have leave hereafter to sit during the daily sessions of the Senate.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that for the remainder of this session the Committee on the Judiciary have leave to sit during the sittings of the Senate.

The motion was agreed to.

MARIA SYPHAX.

Mr. VAN WYCK. I ask unanimous consent to take up——

Mr. HAWLEY. Will the Senator yield a moment? I have a report to make. I did not hear the close of that order of business.

The PRESIDENT *pro tempore*. The Chair will receive the report.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report favorably the bill (S. 2342) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax," and I beg to ask the Senate for its immediate consideration. I think it will be granted if I can be allowed thirty seconds to state the purpose of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It declares the act of June 12, 1866, "for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, Virginia, shall be construed to operate as a relinquishment of any outstanding title which the United States may have acquired since the date of that act.

Mr. HAWLEY. As there has not been time since I had my instructions to report this bill to draft a written report, allow me to place on the record a very brief statement.

Maria Syphax was a favored servant of the Custis family on the famous Arlington estate. The family allotted her a little house and piece of ground. The United States afterward acquired the tax title, as everybody knows, to the whole estate. During that time while the United States claimed to have this title it passed the act of June 12, 1866, now before me, confirming to this favored old servant this piece of ground. The Supreme Court afterward decided that the United States themselves had no title to any part of the estate. Since that decision the United States has acquired a full title to the property by negotiation and purchase. Now the United States is asked simply to reaffirm its act of 1866, that the old woman 80 years of age, a favored old servant, may have the piece of ground the Custis family originally intended she should have. The Government yielded it to her once, supposing it had a perfect title, but now the claimant is advised that there ought to be a confirmatory act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. I move to amend the title by inserting after the word "act" the words "of June 12, 1866;" so as to read: "A bill declaratory of the meaning of the act of June 12, 1866, entitled 'An act for the relief of Maria Syphax.'"

The amendment was agreed to.

PUBLIC BUILDING AT FORT WAYNE.

Mr. VAN WYCK. Mr. President——

Mr. VOORHEES. I ask the Senator from Nebraska to be kind enough to yield to me to pass a bill of purely local importance, but the necessity for which is pressing. The bill was reported last session unanimously by the Committee on Public Buildings and Grounds. It is Order of Business 871, Senate bill 2084.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. VAN WYCK. Yes, sir, I yield; though I suppose the bill I have in charge will not take long.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of Order of Business 871, being the bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limitation from $100,000 to $175,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. VAN WYCK. Mr. President——

Mr. PIKE. Will the Senator yield to me a moment?

Mr. VAN WYCK. If I can do so without seeming to be intruding on the Senate.

Mr. PLUMB. Let me say that I think it would better subserve the convenience of the Senate to go on and finish the bill in charge of the Senator from Nebraska. It will take but a moment, and I wish to say for myself that I want to be here when it is passed.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate is not in order. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. COCKRELL. I rise to a point of order, and that is whether one Senator can take the floor and then farm out the business of the Senate to others? I object to that mode of doing business.

Mr. VAN WYCK. I shall have to go on.

The PRESIDENT *pro tempore*. The Chair thinks the point of order of the Senator from Missouri is well taken if the state of the case would warrant it as a matter of fact. The Chair only thought, according to the usual courtesy of the Senate, that it was his duty to recognize the Senator from Nebraska in preference to any one else.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

Mr. VAN WYCK. I move the consideration of Calendar number 993, being the bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is, Shall the amendments be engrossed and the bill read a third time? But it is still open to amendment.

Mr. PLUMB. At the time the consideration of this bill was concluded yesterday the Senator from Michigan [Mr. CONGER] had made a suggestion in regard to an amendment to the first section. While I did not think then and do not now think that is necessary, at the same time, to make more specific the meaning of this section, I will move to add in line 10, after the word "faith," the words "with a view to entry thereof;" so as to read:

Or an asserted right thereto by or under claim made in good faith with a view to entry thereof at the proper land office.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. VEST. I ask the Senator in charge of the bill as to the language used in lines 10 and 11 of section 2, where it is provided:

And the persons guilty of the violation as nearly as may be, and by description if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court.

Under the Constitution the Territorial courts are not United States courts. Every lawyer understands that the language here used would confine jurisdiction over these proceedings to the district or circuit courts of the United States, which are not in the Territories at all. I would suggest an amendment to cover this point: In line 11 of section 2 say "the proper United States district or circuit or Territorial district court," because the evil that this bill seeks to remedy is in the Territories where the district and circuit courts have no jurisdiction.

Mr. VAN WYCK. There is no objection to the suggestion of the Senator from Missouri.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be read.

The CHIEF CLERK. In section 2, line 11, after the word "court" it is proposed to insert "or Territorial district court;" so as to read:

To institute a civil suit in the proper United States district or circuit court or Territorial district court.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. VEST. In line 15 of the same section the same amendment will follow as a matter of course.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to insert after the word "court," in line 15 of section 2, the words "or Territorial district court."

The amendment was agreed to.

Mr. VEST. In section 3, I desire to call the attention of the Senator having charge of this bill to the rather uncertain and nebulous language used in the proviso. Section 3 provides:

That no person, by force, threats, intimidation, or by any fencing or inclosure, or any other unlawful means, shall prevent or obstruct or shall combine

and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands.

Now the proviso reads:

Provided, This section shall not apply to persons who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto in good faith.

As a matter of course a person who has gone on the public lands under a color of title or with an honest claim under the laws of the United States is not likely to confederate and with violence or by unlawful means prevent other persons from coming there. I suggest that the proviso be modified to read as follows:

Provided, That this section shall not be held to affect the right or title of persons who have gone on, improved, or occupied said lands.

I understand the meaning of the proviso to be to protect honest *bona fide* settlers who have gone on the public lands claiming a homestead or pre-emption right.

Mr. VAN WYCK. Does the Senator think the phraseology there used does not meet the case suggested?

Mr. VEST. Yes. Suppose that should go into court for legal construction. Are you to hold that it means that persons who go there claiming homesteads and pre-emptions should have the right by force, intimidation, or unlawful means to keep off other people? I take it the committee means that the right or title under the land laws of the United States of the honest *bona fide* pre-emption or homestead settler shall not be affected by this legislation. That I suppose is the meaning.

Mr. VAN WYCK. That is the intention, and I think the language would give that meaning. If the Senator thinks he can make it clear, I shall be happy to accept the amendment.

Mr. VEST. I am a friend of the bill; I want it to pass; but I should like it to pass without danger of litigation hereafter in regard to these terms.

Mr. VAN WYCK. Will the Senator repeat his amendment?

Mr. VEST. Strike out in line 9 of section 3, after the word "not," the words "apply to" and insert "be held to affect the right or title of."

The PRESIDENT *pro tempore*. The amendment proposed will be read.

The CHIEF CLERK. In section 3, line 9, after the word "not," it is proposed to strike out the words "apply to" and insert "be held to affect the right or title of;" so as to read:

Provided, This section shall not be held to affect the right or title of persons who have gone upon, improved, or occupied said lands.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWAY A. GRANT.

Mr. PIKE. I desire to call up Order of Business 733, being the bill (S. 1972) for the relief of Edway A. Grant, not for the purpose of asking its passage, but to move its indefinite postponement.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PIKE. I move that the bill be indefinitely postponed. The reason of this is, that since the Committee on Claims reported the bill favorably I am informed by the claimant that his claim has been adjusted at the Post-Office Department, and he does not desire further action. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. PIKE. I offer the following order for returning the papers to the claimant:

Ordered, That Edway A. Grant have leave to withdraw from the files of the Senate the papers relating to his claim.

The order was agreed to.

ORDER OF BUSINESS.

Mr. COCKRELL. I gave notice yesterday that I should ask the Senate to-day to take up and consider in consecutive order the House bills reported favorably by the Senate committees. I stated yesterday that there were only forty-nine of these bills on the Calendar. One has been passed this morning, which leaves only forty-eight. I have looked over them all, and I am satisfied that the unobjected cases will possibly not occupy much longer than an hour and a half or two hours. I think we can finish nearly all the unobjected cases in one morning. It will be a great relief to all the Senators to have this done.

Mr. HARRIS. Consider them under Rule VIII?

Mr. COCKRELL. Consider them under Rule VIII, whereby one objection will carry a bill over.

Mr. BLAIR. What is the first number? Can the Senator give us the first Calendar number?

Mr. COCKRELL. It is on page 11 of the Calendar. I have all of them marked.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that House bills on the Calendar be taken up in their order and be considered as under Rule VIII. Is there objection?

Mr. WILSON. I object to that.

Mr. McMILLAN. The proposition, I understand, was to take up the case subject to objection. A single objection would then put them over.

Mr. CAMERON, of Wisconsin. Certainly; the Senator from Missouri asks that they be taken up under Rule VIII, and under Rule VIII a single objection puts a bill over.

The PRESIDENT *pro tempore*. But under Rule VIII the Senate by a majority can proceed with the consideration of any bill that is objected to. Does the Senator from Missouri intend to have that part of the rule apply, or only to take up bills not subject to objection?

Mr. COCKRELL. Subject to discussion under five minutes' debate.

The PRESIDENT *pro tempore*. Is there objection?

Mr. WILSON and others objected.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Iowa who has risen will proceed.

Mr. WILSON. I wish to state in this connection that on the 19th day of March, 1884, the Committee on Public Lands reported a bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. That bill has now won its way to the head of the Calendar, under Rule VIII, and it has occupied that position for some time. It has given away now and then from time to time on the request of Senators, until it is growing so late in the session that it will be almost impossible to expect favorable action in the House of Representatives should it pass the Senate, unless it be acted on now; and, therefore, until some disposition is made of that bill, I must object.

The PRESIDENT *pro tempore*. Objection is made. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the Calendar under Rule VIII.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. I move that the Senate now proceed to consider Order of Business 863, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill named by him. The question is on agreeing to the motion.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I withdraw the motion, as I am informed——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. Is it in order to withdraw the motion?

The PRESIDENT *pro tempore*. It is.

Mr. BLAIR. I ask unanimous consent to give my reason for so doing.

Mr. PLUMB and Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. Objection is made, and the Senator from New Hampshire can not proceed. The motion is withdrawn. The Calendar under Rule VIII is before the Senate.

Mr. COCKRELL. I call for the regular order.

PUBLIC LAND LAWS.

Mr. DOLPH. I move to take up Order of Business 1001, being House bill 7004, which has been partly considered by the Senate.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate now proceed to the consideration of Order of Business 1001, being the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture. The question is on agreeing to the motion.

Mr. ALLISON. I ask for the yeas and nays on that motion.

Mr. COCKRELL. And I join you.

The PRESIDENT *pro tempore*. Debate is not in order. On this question the yeas and nays are called for. Is there a second?

The yeas and nays were ordered.

Mr. HARRISON. Will the Chair state the question?

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon that the Senate now proceed to the consideration of Order of Business 1001, being House bill 7004, on which motion the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 15, nays 36; as follows:

YEAS—15.

Cameron of Wis.,	Harrison,	McMillan,	Platt,
Dolph,	Hawley,	Miller of Cal.,	Sawyer,
Edmunds,	Hoar,	Miller of N. Y.,	Sherman.
George,	Lapham,	Pike,	

NAYS—36.

Allison,	Chace,	Ingalls,	Plumb,
Bayard,	Cockrell,	Jackson,	Pugh,
Beck,	Coke,	Jonas,	Sabin,
Blair,	Conger,	McPherson,	Saulsbury,
Bowen,	Cullom,	Manderson,	Sewell,
Brown,	Frye,	Maxey,	Slater,
Butler,	Garland,	Mitchell,	Vance,
Call,	Hampton,	Morgan,	Voorhees,
Camden,	Harris,	Morrill,	Wilson.

ABSENT—25.

Aldrich,	Gorman,	Lamar,	Van Wyck,
Cameron of Pa.,	Groome,	Logan,	Vest,
Colquitt,	Hale,	Mahone,	Walker,
Dawes,	Hill,	Palmer,	Williams.
Fair,	Jones of Florida,	Pendleton,	
Farley,	Jones of Nevada,	Ransom,	
Gibson,	Kenna,	Riddleberger,	

So the motion was not agreed to.

EFFICIENCY OF THE ARMY.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. Order of Business 394, being the bill (S. 1420) to increase the efficiency of the Army of the United States, will now be laid before the Senate.

Mr. COCKRELL. I object to its consideration. The Senator who reported it is not present.

The PRESIDENT *pro tempore*. The bill goes over.

DES MOINES RIVER LANDS.

The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was announced as next in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. This bill has been read and the reading of the report was called for. The Secretary will resume the reading of the report of the Committee on Public Lands where it was suspended on a former occasion.

The Secretary resumed the reading of the report, submitted by Mr. PLUMB, from the Committee on Public Lands, April 8, 1884.

Mr. LAPHAM. I ask the Secretary at what page he is reading.

The PRESIDENT *pro tempore*. About the middle of page 16. The reading will proceed.

The Secretary resumed and continued the reading of the report till 1 o'clock.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. PLUMB. I ask unanimous consent that the special order may be laid aside so that the report in this case, the reading of which has now been nearly completed, may be concluded, in order that at the next sitting of the Senate when the bill comes up the bill itself may be considered.

Mr. MORRILL. I hope the Senator from New York [Mr. LAPHAM] will forego the further reading of the report. Manifestly it is a bare consumption of time; nobody is paying any attention to the reading of it; and I do not think we have any time to waste in this way. I hope the consumption of further time in reading a document that all of us are familiar with will not be insisted on by the Senator from New York.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the pending order be laid aside informally until the Secretary concludes the reading of the report. Is there objection?

Mr. LAPHAM. I object.

COINAGE OF SILVER DOLLARS.

The PRESIDENT *pro tempore*. Objection is made, and the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar is before the Senate as in Committee of the Whole. The question is on agreeing to the motion of the Senator from Kansas [Mr. INGALLS] to amend the amendment reported by the Committee on Finance by striking out section 5 of the amendment.

Mr. MORRILL. I do not see the Senator from Ohio [Mr. SHERMAN] who is entitled to the floor in his seat at this moment, and I ask that the bill be passed over, to be taken up to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the further consideration of this bill be postponed until to-morrow.

Mr. PLUMB. I move that the special order be laid aside informally, in order that the reading of the report in the Des Moines River bill may be completed.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. MORRILL. I move to lay the pending order aside until to-morrow. The Senator from Ohio [Mr. SHERMAN] does not appear to be in his seat.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the pending bill be postponed until to-morrow.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I ask the Senate now to finish the pension appropriation bill.

Mr. PLUMB. I move, if the Senator from Iowa will withdraw his motion for that purpose——

The PRESIDENT *pro tempore*. The Chair will state the question. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes. The question is on agreeing to the motion.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be reported.

The SECRETARY. The Senate, as in Committee of the Whole, in section 1, line 34, before the word "agents," struck out "twelve" and inserted "eighteen;" and in line 35, after the word "each," struck out "forty-eight" and inserted "seventy-two;" so as to read:

For the salaries of eighteen agents for the payment of pensions, at $4,000 each, $72,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, after the word "dollars," in line 36, to strike out the following clause:

And from and after July 1, 1885, there shall be no more than twelve agents for the payment of pensions, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of section 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

Mr. COCKRELL. I raise the point of order that in the amendment of the Committee on Appropriations there is general legislation and can not be entertained.

The PRESIDENT *pro tempore*. The Chair overrules the point of order on the ground that the amendment proposed by the Committee on Appropriation takes legislation out of the bill, instead of leaving it in. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 44, after the word "lights," to strike out "and;" in line 46, after the word "pensioners," to insert "stationery, and other necessary expenses, to be approved by the Secretary of the Interior;" and before "thousand," in line 48, to strike out "fifty-three" and insert "fifty-six;" so as to read:

For fees for preparing vouchers, rent, fuel, lights, postage on letters to the Executive Departments and to pensioners, stationery, and other necessary expenses, to be approved by the Secretary of the Interior, $256,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 48, after the word "after," to strike out "March 4" and insert "June 30;" and after the word "available," at the end of line 55, to strike out:

And hereafter the mode and manner provided by law and regulations for the payment of white persons entitled to pensions shall apply to and govern the payment of all pensioners.

So as to make the proviso read:

Provided, That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 59 and 60, as follows:

For contingent expenses of pension agencies, $3,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 2, in the following words:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

Mr. ALLISON. The striking out of all the sections from section 2 to the end of the bill is one amendment.

Mr. SHERMAN. It ought to be read.

Mr. ALLISON. It has been read through; it was read through in Committee of the Whole. I suppose the Senator may require another reading, but it was read through in Committee of the Whole yesterday.

Mr. SHERMAN. The Senate was not full yesterday.

The PRESIDENT *pro tempore*. The Chair thinks that although all the sections from 2 to 10, both inclusive, are stricken out, the striking out of each section is an amendment of itself, and therefore the Chair will be bound to put the question on striking out each section. The question is on the amendment of the Committee of the Whole striking out section 2, which will be read.

The Chief Clerk read section 2, as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

The amendment was concurred in.

Mr. SHERMAN. The Senator from Kansas [Mr. INGALLS] expressed a desire to take the sense of the Senate on some of these legislative provisions. The bill came up suddenly without his knowledge, and he, supposing the regular order would go on, is not present. I have no objection to having these sections laid over. It is but fair he should

be present. I know he desires to retain some of these sections, but I am not familiar with his views on the subject. I know he wishes to raise the question.

Mr. DAWES. I understood the Senator from Kansas wished to test the sense of the Senate on the legislation in the bill, but that question was determined yesterday. I construe the vote of the Senate yesterday as a determination to strike out and not amend the legislation in the bill.

Mr. SHERMAN. The very first legislative section in the bill provides:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

I believe that was the old law until it was repealed at the last session.

Mr. ALLISON. Though not the law now, it was the law up to 1878 from the beginning, I believe, of the pension legislation. In 1878 the fee was reduced in all cases to $10, and an attorney could collect the fee at any time; but in 1884 the legislation on the pension appropriation bill provided that no attorney's fee should be paid except out of the claim. So this is a re-enactment of the law as it stands now, so far as section 2 is concerned.

Mr. SHERMAN. The Senator from Kansas [Mr. INGALLS] is now present. He and the chairman of the Committee on Pensions are much more familiar with these provisions than I am. The Senator from Kansas desired to raise some question on the legislative provisions of the bill. He can now do so.

The PRESIDENT *pro tempore*. The next amendment will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole was to strike out section 3, in the following words:

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other persons shall receive any fee for his services in a pension claim, except through the agent for paying pensions.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 4, in the following words:

SEC. 4. That the fee in all pension, arrears of pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 5, as follows:

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 6, as follows:

SEC. 6. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 7, as follows:

SEC. 7. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the sixth section of this act.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 8, as follows:

SEC. 8. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been heretofore abandoned by his attorney from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, that the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the sixth section of this act.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 9, as follows:

SEC. 9. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia; and it shall be unlawful for any agent or attorney residing in a State of which the claimant is resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 10, as follows:

SEC. 10. That all the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. INGALLS. I understand that the Senate by its action yesterday resolved upon the subject of general legislation upon general appropriation bills to be hereafter virtuous; that there should be no more cakes nor ale, and that ginger should not be hot in the mouth. I should like to ask the Senator from Iowa, the chairman of the Committee on Appropriations, whether he regards the action of the Senate yesterday, as expressing the sense of this body, binding upon that committee that hereafter there shall be no legislation admitted upon these bills?

Mr. ALLISON. I certainly regard the action of the Senate yesterday as requiring the Committee on Appropriations as well as the Senate to observe the rule as it was interpreted. While, of course, I can not speak for all the members of the Committee on Appropriations as to how they may vote upon special questions, for myself I believe the Committee on Appropriations practically to be instructed to report these bills without legislation.

Mr. INGALLS. And that there is to be no surrender in committees of conference? I ask whether the instruction goes that far?

Mr. ALLISON. I can only speak for myself, as I say.

Mr. INGALLS. Speaking as the organ of the committee.

Mr. ALLISON. For myself I regard the action of yesterday as requiring a committee of conference on the part of the Senate not to report legislation here without the instructions of the Senate.

Mr. INGALLS. And that the conference committees are to adhere to the instructions even if the appropriation bill should fail?

Mr. ALLISON. They would, of course, in that event probably take the advice of the Senate. I certainly would not undertake to force an extra session of Congress by the failure of appropriation bills without taking the advice of the Senate. But I repeat that as a member of a conference committee, if the presiding officer of this body should ever appoint me upon such a committee, I should not feel, after the vote of yesterday, that I was permitted to agree to legislation upon appropriation bills.

Mr. INGALLS. Without further order from the Senate?

Mr. ALLISON. Yes.

Mr. INGALLS. There appears to have been some discrimination exercised by the Committee on Appropriations in their report upon this bill. Some of the general legislation that came to us from the House of Representatives has been stricken out; other of that legislation the committee have allowed to stand. I am unable to see why, if the rule is to be applied, it should not be applied uniformly. I will, therefore, ask the Senator from Iowa, the chairman of the Committee on Appropriations, whether the matter contained upon page 2, from line 18, after the word "dollars" to and including the word "made" in line 29, is not general legislation?

Mr. ALLISON. I will state to the Senator from Kansas that it was not so regarded by the committee. It is open, I think, however, to the criticism of the Senator from Kansas, inasmuch as the word "hereafter" is inserted in line 18. If that word should be stricken out, the provision would in no sense be legislation. It is a mere regulation of the appropriation of $500,000 for fees and expenses of examining surgeons.

Mr. INGALLS. Let me ask the Senator if the proviso from lines 23 to 29 is not general legislation?

Mr. ALLISON. I do not so regard it. It is a mere regulation as to how the appropriation of $500,000 shall be expended.

Mr. INGALLS. Is not the proviso which closes the paragraph, from lines 29 to 33, general legislation?

Mr. ALLISON. That might be so construed, although it is claimed by many good lawyers that that is the law now. But I will say to the Senator from Kansas that although that is general legislation, for one I was not willing to report the bill with that provision stricken out.

Mr. INGALLS. That is, the Senator thought it was valuable and necessary legislation, and therefore preferred to leave it in.

Mr. ALLISON. No, sir; not precisely that. The Senate has twice passed that provision as a bill separately. Of course the Committee on Appropriations could report to strike it out, or any Senator could move to strike it out. If the Senator from Kansas thinks it ought not to be in the bill, he can now move to strike it out. I do not myself regard that clause as a change of existing law.

Mr. INGALLS. It is a change of existing law although it is not a change of existing practice in the Pension Office. Of course it seems inequitable and unjust that the Government after having mustered a soldier, subjecting him to the most rigid examination, should be allowed, when he applied for a pension, to say that he was not sound when he was enlisted. After having accepted his services, it appears as though the Government should be estopped from denying his soundness or his capacity to serve.

Upon inquiry at the Pension Office the other day, I was informed by the Commissioner that the law is now practically interpreted in that way, but that it is necessary that there should be a discretion left in the pension examining officers for the reason that certain disabilities might have existed at the time of offered enlistment which did not render the man unsound within the purview of the law. That is to say, the loss of the left eye did not render a man incompetent to be mustered; the loss of a little finger was not such a disability as rendered him incapable of being mustered. Therefore, if the soldier now applied for a pension upon the ground of loss of left eye or of little finger he ought to be compelled to show that those disabilities were incurred in the service after his enlistment and did not exist at the time when he was mustered. Obviously that is just. It appears to me, however, that the proviso contains general legislation.

Mr. ALLISON. I move that the word "hereafter," in line 18 of section 1, be stricken out after the word "and;" so as to read: "And each member of each examining board shall," &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. JACKSON. I understand from the Senator from Iowa that he keeps in the proviso found from line 30 to line 33, which is certainly new legislation, and that is retained in the bill because the Senate has heretofore expressed its judgment that it is proper legislation.

Mr. ALLISON. To what line does the Senator refer?

Mr. JACKSON. The proviso from line 30 to line 33. I understood the Senator to state that that new legislation was retained by the committee because it had received the sanction of the Senate heretofore in separate bills that had covered that provision.

Mr. ALLISON. No; the Senator misunderstood me. The Senator from Kansas interrogated me upon this point, and I stated to him that the Committee on Appropriations understood this to be a mere assertion of the law as it now exists, and therefore we did not choose to recommend that it be stricken out. Of course any Senator can make a motion to strike it out.

Mr. JACKSON. It is clearly new legislation. Instead of moving to strike it out, I ask the unanimous consent of the Senate to add as an amendment the bill the Senate passed last Friday on the subject of pension fees.

Mr. ALLISON. That relates to that part of the bill found on page 4 and the succeeding pages.

Mr. JACKSON. Yes, sir. It seems to me that when the Senate referred that bill to a committee of this body, when it received its investigation and sanction, and then was unanimously adopted by the Senate, consent ought to be given to allow it as an amendment to this bill rather than that the legislation should fail. I ask the consent of the Senate that the bill passed by the Senate may be taken as an amendment to the pension appropriation bill.

Mr. SHERMAN. Let the amendment be read.

Mr. JACKSON. The amendment I propose is the bill that was passed by the Senate on Friday.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the bill be amended by adding thereto what will now be read by the Chief Clerk.

The Chief Clerk proceeded to read the matter contained in Senate bill No. 2511.

Mr. ALLISON. The Chief Clerk is not reading the bill as it was passed by the Senate on Friday. At the close of the second section we inserted the words "under such regulations as the Commissioner of Pensions may prescribe."

Mr. JACKSON. I sent to the desk the reprint of the bill, and I supposed it contained the exact amendments that were adopted by the Senate.

The PRESIDENT *pro tempore*. The paper the Senator from Tennessee has sent to the desk the Chair understands is not a correct reprint of the bill.

Mr. JACKSON. My idea was to propose the reprint with the amendments as adopted. The Secretary can procure a correct copy of the reprint.

Mr. MITCHELL. I call the Senator's attention to the fact that the bill as it was passed by the Senate was incorrectly printed at first. After the incorrect print was received it was returned to the Printing Office, and a correct reprint is now here. I have a copy of the correct reprint, which was furnished me this morning.

Mr. JACKSON. That is the amendment I desire to offer. Will the Senator from Pennsylvania send that to the desk?

Mr. MITCHELL. Certainly.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that there be added to the bill as amended what will be read for information.

Mr. DAWES. Before it is read I should like to ask the Senator from Tennessee if it is his proposal to ask the Senate unanimously to reverse the decision of yesterday?

Mr. JACKSON. I suppose that would be the effect of the request. Inasmuch as some new legislation is retained in the bill that the Senate has heretofore approved, I ask that the Senate retain this, which the Senate has also approved by a unanimous vote, I believe.

Mr. DAWES. I hope the majority of the Senate will take notice of the fact that it is proposed to-day by a unanimous vote of the Senate to undo what it did yesterday and reverse the construction put upon the rule yesterday, so that to-morrow we shall know exactly the opinion of the Senate upon the subject of inserting legislation in appropriation bills. Yesterday we decided that come what may there should be no legislation in an appropriation bill; and we are asked now unanimously to say that that means only such legislation as we do not like!

Mr. JACKSON. There is just this difference in the two cases which occurs to me, that the amendment recommended by the Committee on Appropriations, which was stricken out yesterday on the point of order as being legislation on an appropriation bill, had never received the sanction of the Senate and had never been considered by the Senate. My proposed amendment has received the sanction of the Senate; it has been investigated by a committee of this body; it has been reported to the body and adopted by the body.

Mr. DAWES. I suppose that means that it is only a question of time at what time we shall introduce independent legislation on an appropriation bill—that is, before it has been considered or after it has been considered by the Senate as a separate measure.

Mr. CAMERON, of Wisconsin. I do not think the Senator from Massachusetts states the case correctly. The Senate did not resolve yesterday that, come what may, no general legislation should be placed upon general appropriation bills. It simply decided that under the rule, if objection be made, general legislation could not be placed upon general appropriation bills. That is all the Senate decided.

Mr. DAWES. I understood the Senator from Wisconsin, whom I am following implicitly, to say that he understood it in the way I stated.

Mr. CAMERON, of Wisconsin. The Senator misunderstood me.

Mr. DAWES. I suppose I did.

Mr. CAMERON, of Wisconsin. The Senator from Wisconsin voted to give a construction to the rule as he understood it. He did not vote at all upon the question as to whether general legislation shall not be placed upon general appropriation bills, but simply that under the rule as it now is if objection be made general legislation can not be placed upon general appropriation bills; that is all.

Mr. PLATT. I am opposed to general legislation on appropriation bills, and I am opposed to placing it there by unanimous consent. I do not like to be placed in a position where, to carry out my ideas of proper legislation, I must object to a proposition of this kind; but as my position is founded on principle, and as I believe it is better to adhere to the principle than to violate it whenever there is some legislation proposed which we desire to have enacted, I shall object.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Connecticut objects to the amendment suggested by the Senator from Tennessee.

Mr. MAXEY. Mr. President, while I am opposed as much as any man in the body—and have so held for the ten years I have been in the Senate—to legislating on appropriation bills, that is not now the question before us. Legislation comes from the House to the Senate on an appropriation bill. It may be wise legislation or it may not be. It may be wise but defective. The question then comes up, can the Senate amend that legislation which has reached us from the House under their rules? It is conceded by all that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

And:

Each House may determine the rules of its proceedings.

That is entirely clear. There is another clause in the Constitution which bears on the proposition:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

It occurs to me that although each House may adopt rules for its own government, yet those rules must be consistent with the provisions of the Constitution. They can not be in conflict, but they must be in conformity with its provisions. In the only case in which the House has the exclusive right of originating a bill, a revenue bill, that clause itself reserves to the Senate the right to propose or concur with amendments as on other bills, thereby showing conclusively that it is the constitutional right of the Senate to propose amendments or to concur in amendments.

That being the case, a rule, under the power given to each House to make its own rules, must conform to the Constitution and not violate it. How can a rule of this body deprive a member of the Senate or the Senate of the right of amending any bill whatever that comes here from the House?

So, not pretending to be a rule man, I do not believe that any rule can be adopted which will deprive a member of the Senate or the Senate of the right of making an amendment germane to any proposition which comes to us from the House.

As to the manner in which a bill should come to us from the House, the House determine that; we have nothing to do with it. It is their business, not ours. The Constitution does not provide any specific method in which a bill shall be drawn. It is perfectly true that most States have determined it to be wise that no bill shall relate to more than one subject, and that the subject shall be set forth in the caption, but that is not required by the Constitution. A bill comes to us. It matters not how it comes. It contains legislation, and the Senate believes that that legislation ought to be amended. The Senate has the right under the Constitution to amend, unless that right is destroyed by reason of a rule which is adopted by this body. Can a rule be made in such a manner as to deprive any member of the Senate of a constitutional right? I think not.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. JACKSON] asks the unanimous consent of the Senate to offer an amendment. The Senator from Connecticut [Mr. PLATT] objects, and the amendment is not before the Senate.

Mr. INGALLS. I move to strike out the proviso after the word "made" in lines 29, 30, 31, 32, and 33 of section 1, on the ground that it is general legislation.

Mr. SHERMAN. I hope the Senate will not do any such thing. That would be carrying our new idea to an extreme extent. There is not a man in the Senate who does not know that this provision sent to us by the House is right and just, and that it is a gross outrage and a shame that a man should now at the end of twenty years be compelled to prove a fact which the Government by its own officers, by its medical examiners, admitted at the time when the soldier commenced his service. He may have passed through the service, he may have been wounded, and now he may be absolutely unable to prove that when he entered the service he was a well man. Although the Government certified it, its medical officer found it, and his services were received and he performed those services, yet it may be a physical impossibility to prove the fact. Some cases have been brought to my attention where it is absolutely impossible for a man to prove the condition of his health, the condition of his body twenty-odd years ago.

Mr. JACKSON. Will the Senator from Ohio yield to me for a moment?

Mr. SHERMAN. Certainly.

Mr. JACKSON. That is the rule in reference to privates, but I believe the officers are subjected to no examination, yet this proviso in the bill would relate to the cases of officers who are subjected to no such examination prior to enlistment.

Mr. SHERMAN. This is a just provision. Why should we strike it out merely because all at once we find out that it is wrong to put legislative provisions upon an appropriation bill? We have done so repeatedly. I venture to say that there has hardly been a single general appropriation bill passed in the last twenty years—sometimes the fortification bill or some other little bill may have passed without it—that has not had legislative provisions in it, and we have put them on ourselves time and time again. I would not carry on this farce any further. I shall not vote to strike out the proviso, and I shall insist upon the yeas and nays.

Mr. INGALLS. So shall I.

Mr. SHERMAN. If we are going to do it, then let us strip these appropriation bills and say to the House that they shall not correct an error when they have made a mistake, that they shall not do anything, by unanimous consent. Now, because it has been misplaced or has not been dotted right, or that the t's are not crossed, or because of some other critical objection which is made, it is proposed to deny to the soldier a rule that is manifestly equitable, just, and right, and which we all know to be right. I for one shall not vote for any such proposition.

Mr. VOORHEES. What is the motion of the Senator from Kansas? I did not hear it distinctly.

The PRESIDING OFFICER. The Chief Clerk will report it. It has not been reported by the Chief Clerk.

Mr. VOORHEES. Is it to strike out the provision entirely?

The PRESIDING OFFICER. The Chief Clerk will report the amendment proposed by the Senator from Kansas.

The CHIEF CLERK. In section 1, line 29, after the word "made," it is proposed to strike out down to and including the word "rebutted" in line 33, as follows:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Mr. VOORHEES. The Senator from Kansas moves to strike out the proviso which has been read. In that I can not agree with him. The suggestions made by the Senator from Ohio have been in my mind for years past, and they have been greatly strengthened within the last few months.

When a soldier went to enlist in the service of his country he underwent the severest physical examination a man ever undergoes who is a well man. There is no such examination ever given to the human system, unless it is down prone with sickness, as the medical surgeons gave to the men when they were enlisted. With a certificate that the man was fit to fight, that he was well enough to shoulder a musket, sound enough to sleep on the ground, and live on hard food, he went to the front. I think a meaner, more contemptible spectacle no government ever presented than that which is presented by the Government of the United States saying that that is not an estoppel; that it can go behind that and prove that the certificate of the agent of the Government was false, and that the soldier was not a sound man. After obtaining his service on the field, his exposure to death, his wounds, his blood and all, it can then turn around and say when he applies for a pension, "Despite the certificate which we gave you in order to get your services, you are not a sound man."

Certain instances have come to my mind of the most shocking character. During the last canvass of the State of Indiana, in which I was engaged, I remember well—I remember the town and the place and the grove where it occurred—a little Irishman came up to me to show me his pension papers. In looking at them I saw that the last communication between him and his Government was a paper stating that his pension claim had been rejected because he was not sound at the time of enlistment. I asked him how long he had served. His papers showed he had been in the service three years and a half; he had been mustered out on the great campaign closing in Virginia. While talking with him I observed on his coat lapel something that I took to be a silver dollar. He was so poorly dressed that I wondered he should have anything like an ornament upon him. I investigated and found that under a law which scarcely a Senator on this floor now knows exists, he had been decorated by his Government with a silver medal given to a private by order of the War Office, and which read as follows substantially: "Presented to Michael Torpey for distinguished and conspicuous gallantry at Edgefield Junction, Tennessee, August 22, 1863." There stood that man crippled and warped with inflammatory rheumatism, which he had contracted by lying upon the ground in the service, decorated with a medal, of which a soldier of Napoleon might have been proud, on one lapel of his coat and in his pocket a letter from the Commissioner of Pensions telling him that in despite of fifty battles and in despite of his decoration of honor, nobler to him than the cross of the Legion of Honor ever was to a soldier of Europe, his pension application was rejected because he was not sound when he was mustered into the service.

I state this case among hundreds and thousands, but I state it because it is a very strong one. The Government had had that man's service. He came out broken; he came out decorated; and he was rejected from the pension-rolls of his country. I do not know whether he has since succeeded in getting a pension. That man had been thoroughly examined, the surgeons had passed upon him, and he was so sound and his conduct so good that he received distinctions unusual in our service. I could detail, if I saw fit, the circumstances which called for this unusual attention and honor on the part of his country. He had been told to retreat from an exposed position. Although a private he was virtually in command of a squad of men, for courage takes command over rank in desperate situations. His commanding officer from a place of safety called upon him to come back from there or he would be killed. In the midst of shot falling thick and fast he exclaimed over his shoulder, "What are we here for except to be killed or hold this place?" and they held it.

Yet this Government rejects pensions on the ground that men like him, whose services were given, were not sound. I interrogated him a little more and I found the usual explanation, that somebody had testified that some time in the years gone by he had had some rheumatism perhaps, had been seen a little crippled up. Suppose he had, what care I whether he was sound or not; when a man gives such services as that, I shall not pause for a moment, had I the power, to question a man's right to a pension. Even if he had limped before he went into the service he earned a pension.

I hope this clause will stand in the bill as it is. It should have been in the law long before now. It is tardy justice, but it has come at last, and it will stay.

Mr. FRYE. I call the attention of the Senator from Indiana to the fact that more than a year ago the Senate sent to the House a bill which provided that service in the Army should be *prima facie* evidence of

soundness, and to the additional fact that that bill has not yet become a law.

Mr. VOORHEES. The Senator from Maine I suppose is alluding to the amendments of what is called the Mexican pension bill.

Mr. FRYE. I am.

Mr. VOORHEES. That is a mixed-up affair, I thought unfortunately presented, though the measure the Senator speaks of was entirely right, and I voted for it here.

Mr. FRYE. Now I desire to say one word further, called out by the remark of the Senator from Ohio [Mr. SHERMAN]. The blame, if there is any blame, for the position in which the Senate is placed to-day is that of the Senate alone, a majority of it. A proposition comes before the United States Senate which under the ruling of the presiding officer can not be stricken out on objection or on a point of order; it can only be stricken out by a vote on a motion to strike out. The motion to strike out is made, as the motion now is made in this case, and the presiding officer of the Senate rules that that motion being made the subject-matter of it is not open to amendment; that it must be stricken out. The Senate yesterday by a vote on the yeas and nays sustained the presiding officer in that ruling, and he having been sustained in it by the Senate there is but one thing for the Senate to do, and that is to strike out.

I respectfully contend that the majority of the Senate was wrong; that when it was admitted that you can not act upon general legislation on an appropriation bill in the Senate except by a motion to strike out, the moment the motion to strike out is made that general legislation is before the Senate for consideration, and there is no rule, there is no parliamentary law, when a matter is before a body like this for consideration, which prevents amendment. On the contrary, it is open to amendment just so long as any Senator in this body desires to amend, there being no previous question here.

Mr. SHERMAN. I wish to ask my friend from Maine if he does not know that there is an express rule which requires that a motion to amend a clause proposed to be stricken out shall first be put before the motion to strike out can be put? The motion to strike out this clause can not be put to the Senate until every Senator here has had an opportunity, according to the express rule, to move to amend the part proposed to be stricken out.

Mr. FRYE. I thank the Senator from Ohio for the suggestion. I was going to add further that the whole spirit of Rule XVIII is that when a motion is made to strike out, the part moved to be stricken out shall be open to amendment, and it is the right of every Senator before he is compelled to vote on the question of whether or not a proposition shall be stricken out, to modify it, to improve it, to make it satisfactory to himself or to the Senate before he is compelled to vote on the yeas and nays whether or not it shall be stricken out. I say there is only one exception known to parliamentary law, and that is where in a body by its rules there is a previous question, and that previous question is ordered by the required vote of that body. Then amendment and discussion are cut off; but no Senator can name another instance in parliamentary law or in the rules of any legislative body in the United States of America, where a proposition is legitimately before the body and a motion is made to strike out a portion of that legislation, that that proposition is not open to amendment.

So I contend respectfully that my vote was right yesterday and that the ruling of the presiding officer was wrong yesterday, and that the Senate did not avail itself of the opportunity it had then to overrule that ruling of the presiding officer.

Why, Mr. President, the Senate by that iron rule is only going to put itself into the position in which the resolution offered by the Senator from Kansas three or four days ago would place it. It is only going to compel the Senate in time to adopt the rule that any proposition, any amendment, germane and relevant shall be in order, for so long as the present rule abides in the other House, and general legislation comes here, ay, even without the rule, it is in the power of the majority of the House to put general legislation on the appropriation bills, and so long as that condition of things exists there is no power in the Senate to amend. The Senate itself would in cases like the one now under question be compelled to open its own rules, which I should regard as a very serious misfortune. I believe that the iron rule will compel us to do what in my judgment we ought not to do, provide by our own rules to put general legislation on appropriation bills.

Mr. CAMERON, of Wisconsin. Will the Senator allow me a remark right here?

Mr. FRYE. With pleasure.

Mr. CAMERON, of Wisconsin. Rule XVI provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill, &c.

A few days ago the Senator from Kansas proposed a resolution looking to an amendment of that rule. That resolution was referred to the Committee on Rules, of which my friend from Maine is the chairman. I do not know whether the Committee on Rules has taken any action upon it or not. All that I know is that it has not yet been reported to the Senate from that committee.

The Senator now says that he should regard the adoption of the amendment proposed by the Senator from Kansas as a very unfortunate thing; but he proposes by construction to open the rule quite as wide as the Senator from Kansas proposes to open it by his resolution, so that it would make very little difference in the result whether the rule were opened wide by the construction which the Senator from Maine desires to be given to it or by the resolution of amendment proposed by the Senator from Kansas.

Mr. McPHERSON. Will the Senator from Wisconsin state before taking his seat, as I have been absent from the Senate for some days, in what manner and to what extent the resolution of the Senator from Kansas proposes to amend the rule?

Mr. CAMERON, of Wisconsin. If the Senator from New Jersey will consult the RECORD he will find exactly.

Mr. INGALLS. It proposes to permit any general legislation germane and relevant to general appropriation bills to be offered in the Senate as it now is in the House.

Mr. CAMERON, of Wisconsin. I think the Senator from Ohio [Mr. SHERMAN] also proposed an amendment, or made a suggestion looking to an amendment, to the resolution offered by the Senator from Kansas, and that that proposition was also referred to the Committee on Rules.

Mr. FRYE. I want to add one word right here in relation to the amendment offered by the Senator from Kansas. It goes a great deal further, because, as a matter of fact, the amendment offered by the Senator from Kansas provides that any amendment germane and relevant shall be in order. Now our rules provide that on the question of relevancy the Senate itself shall determine, not the presiding officer. Therefore the amendment proposed by the Senator from Kansas provides that any amendment in the opinion of the Senate of the United States relevant shall be in order; so that a majority of the Senate under it may put on any appropriation bill any amendment it pleases.

Mr. CAMERON, of Wisconsin. The Senator will allow me to say that the whole matter was confided to the Committee on Rules. That committee was not bound to take the proposition made by the Senator from Kansas as he made it. It was at liberty to alter or amend or change it, or to propose any other amendment to the rules that that committee thought it advisable to propose.

Mr. FRYE. It was referred to the Committee on Rules. It is true that the Committee on Rules immediately held a meeting and considered the amendment. It is true that a majority of the committee were opposed to any amendment of Rule XVI of the Senate and that the chairman was instructed to draw a report, and that the chairman has drawn a report and holds it in his hand, but is not at liberty to present it to the Senate now, from the fact that although authorized to draw the report further action was postponed until the report was submitted to the committee, and it has not yet been so submitted. But the report takes ground against any amendment to Rule XVI and against general legislation on appropriation bills anywhere. Can not the Senator from Wisconsin see the difference between the ruling of the presiding officer of the Senate reversed and the proposition of the Senator from Kansas? They are as broad apart as the two poles. In the one case, there is simply permitted under a ruling of the presiding officer an amendment to legislation already on an appropriation bill, as is the fact here. In the other case amendments would be permitted to be put on in the Senate.

The Senate will pardon me for saying that in my judgment a rule of that kind in the Senate is infinitely more dangerous than it is in the House of Representatives. Why, Mr. President, the early history of legislation shows that the fight was between the Senate and the House, the Senate putting general legislation on appropriation bills and the House resisting. That was true until 1855. The great fight of 1849 was on legislation put on by the Senate and not by the House. And in the Senate when we are confronted with this position, that we pass three hundred Senate bills and send them to the House of Representatives, and they lie on the Speaker's table six months without any reference whatsoever to any committee of the House of Representatives, and when we have the power to legislate on appropriation bills, is not the temptation infinitely stronger in the Senate to avail itself of that opportunity than in the House of Representatives?

Every morning we dispose of every bill and every resolution that comes here from the House. The House could do the same; and under the proposed joint rule sent to the House there was a proposition that they should do so. They do not, but the Senate bills go to the Speaker's table and lie there. The Senator from Massachusetts [Mr. HOAR] talked about the bankruptcy bill, the electoral-count bill, and divers other important bills that have been sent there, in a speech that he made here yesterday. If you could under the amendment of the Senator from Kansas load down the appropriation bills with general legislation, would not the temptation be too great to withstand for the Senate, situated as it is with its legislation, to pile and heap on the appropriation bills all conceivable legislation? I say, sir, one proposition is infinitely more dangerous and more liable to be productive of harm than the other.

But I maintain that the ruling of the presiding officer was wrong. I believe under the well-settled principles of parliamentary law it was wrong. If it was wrong—and I believe it—then it is my right and my duty to argue against it and vote against it. I repeat, sir, in no deliberative legislative body on earth can a proposition be placed before

it, and no Senator can name one, on which a motion to strike out can be made without opening that proposition to motions to amend, except where a previous question has been ordered.

Mr. CAMERON, of Wisconsin. I think I can name another.

Mr. FRYE. I shall be happy to hear it.

Mr. CAMERON, of Wisconsin. I can name it, I think, here and now. Take the case that was under consideration yesterday, the proviso on page 2:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

That is the provision as it came from the House to the Senate and as it stood before it was acted upon by the Senate Committee on Appropriations. The Senate Committee on Appropriations proposed this amendment—to insert, after "pensions," the words "who shall have served at least three months after date of muster." If it be admitted that that is general legislation, then, notwithstanding the general parliamentary rule which the Senator from Maine correctly states, clause 3 of Rule XVI steps in and provides that no amendment which proposes general legislation shall be received to any general appropriation bill. That is the special rule which governs. It prevails over the general parliamentary rule to which the Senator from Maine refers.

So that in addition to the case he has stated, where a previous question prevails, I say that where a special rule governs it is another case where an amendment can not be received when the motion is to strike out. A proposition to amend the portion to be stricken out can not be received if that is an insertion of general legislation into a general appropriation bill.

Mr. FRYE. I contend, Mr. President, that clause 3 of Rule XVI is not open to that interpretation. I contend that clause 3 of Rule XVI applies to propositions made by the Senate for general legislation on an appropriation bill, and that under well-settled parliamentary law when another body sends general legislation on appropriation bills to this body, and a motion is made to strike out that general legislation, not proposed by the Senate at all, but proposed by another body and legitimately before the Senate, it is open to amendment, and that the power to amend can not be cut off except by a rule which affirmatively and positively provides that no proposition for general legislation sent to the Senate by the House shall be open to amendment; else the thing is utterly absurd.

Here is general legislation in this bill of great importance. It comes before the Senate of the United States, and the Senator from Kansas makes a motion to strike it out, and I am compelled to vote "yea" or "nay" on that. I think it is absurd to say that I am compelled to vote "yea" or "nay" unless first I have exercised the right which all parliamentary law gives me to perfect that legislation which it is proposed to strike out.

Mr. CAMERON, of Wisconsin. Then change paragraph 3 of Rule XVI. There is no use talking about imposing an iron rule upon ourselves. If there be an iron rule it is imposed by the rules we have prescribed to ourselves.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

SUITS FOR DAMAGES.

Mr. HARRIS. I desire to present the report of a conference committee at this time.

The PRESIDENT *pro tempore*. The Senator from Tennessee, from a conference committee on the part of the Senate, submits a report on the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia. The report will be read.

The Secretary read the report.

Mr. HARRIS. I see that the word "section" is left out after the word "second" in one clause of the report. I will for the present withdraw it in order that the word may be inserted. I shall have to see the conferees on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection, the report is withdrawn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, this day, approved and signed the following acts:

An act (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.;

An act (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman; and

An act (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton.

CREDENTIALS.

Mr. BUTLER presented the credentials of WADE HAMPTON, chosen by the Legislature of South Carolina a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills and joint resolution, which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes;

A bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy;

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 760) granting an additional pension to Watson S. Bentley;

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1256) increasing the pension of Ben Morgan;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 2140) for the relief of Hugh Dougherty;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2453) granting a pension to Frank S. Marsh;

A bill (H. R. 2692) granting a pension to Sarah Kennedy;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 2920) for the relief of John Johnson;

A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;

A bill (H. R. 3527) granting a pension to George A. Marshall;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 3612) granting a pension to Hayden Reynolds;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 3703) granting a pension to James W. Brown;

A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;

A bill (H. R. 4050) granting a pension to Isaac Demaranville;

A bill (H. R. 4238) granting a pension to Sallie Ingham;

A bill (H. R. 4248) granting a pension to William Harbeson;

A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;

A bill (H. R. 4752) granting a pension to William Herring;

A bill (H. R. 5004) for the relief of William B. Smith;

A bill (H. R. 5500) for the relief of Benjamin F. Amos;

A bill (H. R. 5565) granting a pension to Theo. Ahrens;

A bill (H. R. 5630) granting a pension to George W. Rugg;

A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;

A bill (H. R. 5670) to authorize a retired-list for privates and noncommissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 5776) granting a pension to Louis D. Petty;

A bill (H. R. 5812) granting a pension to Ellen A. Vance;

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 5923) granting a pension to Ruth Stratton;

A bill (H. R. 5960) granting a pension to George Zeifle;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;

A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;

A bill (H. R. 6461) granting a pension to Nelson Gammons;

A bill (H. R. 6480) granting a pension to Margaret G. Halpine;

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;

A bill (H. R. 6665) for the relief of James Stack;

A bill (H. R. 6726) granting a pension to Margaret A. Maguire;

A bill (H. R. 6882) granting a pension to John Otis;

A bill (H. R. 6927) granting a pension to Merit M. Oakley;

A bill (H. R. 6934) granting a pension to Ann J. Williams;

A bill (H. R. 6956) granting a pension to Maria H. Sargent;

A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;

A bill (H. R. 7141) granting a pension to Daniel W. Adams;

A bill (H. R. 7295) granting a pension to Albert D. Simmons;

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; and

Joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

PENSION APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. MILLER, of California. Rule XVIII seems to imply that where a motion is made to amend by striking out a portion of a bill a motion to amend the part proposed to be stricken out shall have precedence and be put before the question is taken on the motion to strike out. I desire to offer an amendment to the part of the bill which the Senator from Kansas has moved to strike out, by inserting after the word "pen-

sions," in line 30, the words "who shall have served three months next after date of muster into service."

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment is not in order.

Mr. MILLER, of California. I merely wanted the ruling of the Chair. Now, Mr. President, a motion to strike out a portion of the matter included in the motion of the Senator from Kansas would be in order, and I therefore move that all after the word "enlistment," in line 32 of that clause, be stricken out, being the words, "but such presumption may be rebutted."

The PRESIDENT *pro tempore*. The Senator from California moves to amend by striking out the words "but such presumption may be rebutted." The question is on this motion.

Mr. MITCHELL. May I inquire what became of the amendment proposed by the Senator from Kansas?

The PRESIDENT *pro tempore*. That is pending; but under another rule of the Senate it is in order to perfect within the rules the paragraph proposed to be stricken out. The Senator from California moves to perfect the paragraph by striking out a certain part of it, so as to bring the Senate to a vote on what will be left if the Senate should agree to the motion.

Mr. INGALLS. Is that motion an amendment to the section?

The PRESIDENT *pro tempore*. It is an amendment to the paragraph proposed to be stricken out.

Mr. MITCHELL. I desire to state that it would be unwise, if the provision in the bill is to become a law, to agree to the amendment proposed by the Senator from California. I could give the Senate an instance of almost an entire regiment which was mustered into service near here, in the State of Maryland, during the late war, composed of persons who had been examined and rejected by the examiners appointed by the Government. Of course those musters were fraudulent. I could also give very many instances of individuals who were substitutes for other persons, where the examination was made of some other person, and it is necessary for the protection of the Government that there should be the right to rebut this presumption.

Mr. MILLER, of California. When the Government has accepted a soldier and received his service, it has no right to come in afterward and say that he was not sound at the time of his enlistment, and it has no right to rebut the presumption that he was a sound man, because the Government itself decided that he was a sound man at the time of his enlistment.

Mr. MITCHELL. Will the Senator allow me a word right there?

Mr. MILLER, of California. Certainly.

Mr. MITCHELL. In the case I stated it is a matter of history that nearly the whole of a regiment had been examined and rejected, and afterward, by a fraud upon the Government, they were mustered into service. Does the Senator say that in a case of that kind the Government should not be permitted to protect itself against a muster of that sort?

Mr. MILLER, of California. The amendment which I offered, and which was ruled out on a point of order, would have protected the Government in that case by requiring that the men should have served three months; but it seems we can not get that in. While there may be such a case as the Senator mentions, there are thousands and tens of thousands of cases where pensions have been refused to soldiers who served well and faithfully because they were technically not sound at the time of their muster into service; they were under some disability. I claim that in these instances great injustice has been done, and great injustice continues to be done in such cases. It is better that the Government should suffer a loss in the case the Senator from Pennsylvania mentions than that all this great number of men should be so unjustly treated. I do not know of any such cases as he mentions. I suppose there is some foundation for the statement, and perhaps frauds have been perpetrated upon the Government in the matter of enlistments, but they were not usual; they were extreme cases.

I do not propose to prolong the discussion upon this matter. Of course I would rather have the clause with the words which the Committee on Appropriations proposed to put in, and which I in substance moved to insert just now, included in the law before striking out the words that I have moved to strike out; but I do not believe the Government ought to go into a trial of the soldier who is asking for a pension upon the question of fact whether he was under a physical disability at the time of his enlistment. I do not think it is just or right to do it. It puts the soldier to great inconvenience and great trouble.

Mr. BLAIR. I should like to make a parliamentary inquiry, and that is whether this motion to amend the part proposed to be stricken out on the motion of the Senator from Kansas, by striking out "but such presumption may be rebutted," is in order under the ruling of the Chair.

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. BLAIR. I understood the decision of the Senate yesterday to be that this section, properly here from the House, part of a general appropriation bill coming from the House, can not be amended by action of the Senate. It went certainly to this extent, that it can not be amended by the action of the Senate when that action involved the addition of further words. But it is obvious that a general appropriation bill or any proposition can be quite as essentially amended by striking out as by adding words. The Senate ruled that the sense of this proposition, coming here rightfully from the House of Representatives, could not be changed by additional words emanating from the Senate itself. Now do I understand that the Senate may entirely change the sense of that same proposition by striking out words, when it can not affect the sense of the proposition by making additions thereto?

The PRESIDENT *pro tempore*. The Chair holds that amendments proposing to strike out legislation or a part of legislation in an appropriation bill are in order. It would be in order to move to strike out all the legislative provisions of the bill in a body, all together, or to strike them out word by word, as stripping the bill, as far as the motion goes, of its legislative provisions.

Mr. BLAIR. Perhaps not entirely in the nature of a parliamentary inquiry, if I have the floor, I should like to state a few points in this matter that trouble me, and I should be glad to see them elucidated. I wish that the Senator from Maine [Mr. FRYE] were present who gave us such a zealous and emphatic dissertation upon parliamentary law; but he is not here. My difficulties can be perhaps as well resolved otherwise. I understand that everybody agrees that a general appropriation bill must come from the House.

Mr. INGALLS and others. No.

Mr. BLAIR. Well, Mr. President, it is agreed that a general appropriation bill coming from the House, whether it is simply a bill of supply or a bill of supply plus general legislation, is rightfully here, and as it comes from the House it must be properly considered by the Senate, or it may be—I will use as a matter of preference the words "must be"—as a matter of legislative duty considered by the Senate. There are no rules of the Senate to the contrary, at all events. When that general appropriation bill in its entirety is thus properly in the possession of the Senate for action, we are met by a rule of the Senate which says that we shall not act upon that portion of the bill coming from the House which proposes general legislation. We may alter and amend, approve or reject, as we please, that part which does not propose general legislation but which is strictly a supply bill; but the part which proposes general legislation we must either accept precisely as it comes from the House or we must reject it *in toto*. There is no rule which compels us to reject it.

I think this is of the very gist of this whole discussion. There is no rule which compels us to reject it. There is a rule which deprives us of the power to modify it. The Senate yesterday construed that rule, and its decision was that the rule is simply that we can not modify what comes to us; we must accept it as it comes to us or we must reject it *in toto*; yet the rule does not require us to reject it *in toto*. We may, however, under the rule permit the motion, which the Senator from Kansas has last made, to strike out to be made. If it strikes out the whole, excludes the whole, of this proposed legislation, then any member of the Senate holding to the rule and to the construction of the rule which was adopted yesterday may support that motion, as I understand. But believing in and voting for the construction of the rule which was adopted yesterday, that we may not amend that proposed general legislation, I do not see wherein, believing in that construction and voting for that construction of the rule and for striking off the proposed amendments (whether by additional words or by striking out so as to change the nature of the proposition, which is now the suggestion of the Senator from California), I am involved in any inconsistency if I vote for the motion of the Senator from Kansas, that motion being to strike out the entire proposition which came from the House. I think I am consistent, and I think the majority of the Senate would be perfectly consistent in approving of his motion. He holds to the contrary. The speech of the Senator from Maine was made specifically to charge upon the majority of the Senate inconsistency if they fail to vote against this motion to strike out. It seems to me that we are consistent with ourselves and we still enforce the rule. Here comes this proposition from the House in its entirety. There is nothing in the rule of the Senate which prevents us from rejecting the whole. The rule of the Senate simply prevents us from modifying the whole; and, notwithstanding the suggestion of the Chair, I beg leave to ask whether I am not right in saying that under that rule of the Senate we can neither modify by addition nor by striking out. We must reject the proposition as a whole in order to be outside the rule.

Mr. CAMERON, of Wisconsin. If the Senator from New Hampshire will look at the third clause of Rule XVI, I think he will see that he states it broader than the rule lays it down.

Mr. BLAIR. "Nor shall any amendment to any item or clause"——

Mr. CAMERON, of Wisconsin. "No amendment which proposes general legislation shall be received to any general appropriation bill." Any amendment can be received under this rule which does not propose general legislation.

Mr. BLAIR. I understand that; I am only dealing with that portion of a general appropriation bill which, coming properly from the House, proposes general legislation.

Mr. CAMERON, of Wisconsin. But the Senator from New Hampshire stated as broadly as it could be stated that the Senate must either take the proposition that comes from the House as a whole or reject it as a whole.

Mr. BLAIR. The proposition containing general legislation.

Mr. CAMERON, of Wisconsin. We can modify that proposition if our modification or amendment does not propose general legislation.

Mr. BLAIR. We can make an amendment which strikes out the whole. That is not a proposition for general legislation.

Mr. CAMERON, of Wisconsin. Certainly not.

Mr. BLAIR. But what I say is this: When a proposition comes here for general legislation and we propose to amend that by striking out any portion of it, thereby changing the sense of that proposition, then we offer an amendment and force an amendment in violation of this rule touching general legislation.

Mr. CAMERON, of Wisconsin. But is it in violation of the rule? The rule simply is "no amendment which proposes general legislation."

Mr. BLAIR. Certainly.

Mr. CAMERON, of Wisconsin. This proposition to strike out does not propose any legislation.

Mr. BLAIR. Certainly it does, because will the general legislation if adopted with these words stricken out be the same general legislation that it would if the words were not stricken out? Does the Senator suggest that the sense of a proposition can not be changed by striking out as well as by inserting? The point I think is a very clear one and a very important one, and I feel that the Senate, to be at all consistent with itself if holding to its vote of yesterday, must disagree to the suggestion of the presiding officer at the present time, that this proposition coming from the House may be corrected by striking out when it can not be amended by inserting.

The PRESIDENT *pro tempore*. The Chair will state that under the rule of the Senate which the Chair is bound to enforce as he understands it, subject to the judgment of the Senate afterward——

Mr. BLAIR. I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Chair has not yet stated his conclusion. The Senator will pardon the Chair. The Chair is proceeding to make a decision from which the Senator from New Hampshire desires to take an appeal. The amendment proposed by the Senator from California to strike out certain words is in order, the reason of the Chair in so holding being that in the opinion of the Chair the motion of the Senator from California does not propose general legislation, but proposes to strike out general legislation which is contained in the bill. It is true that the motion does not propose to strike out all the legislation in the bill; and what the consequence may be as to what is left if that is not stricken out, is a matter with which the Chair has nothing to do. Does the Senator from New Hampshire appeal from the decision of the Chair?

Mr. BLAIR. If there is any desire for further discussion I withdraw the appeal for the moment. Can I renew it?

The PRESIDENT *pro tempore*. The appeal is open to discussion.

Mr. BLAIR. Then I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Senator from New Hampshire appeals from the decision of the Chair on this point. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HARRISON. It seems to me that the rule as stated by the Chair, while it appears to have plausibility, is after all perhaps sticking in the bark a little. It can very well be seen that the striking out of a thing may convert a proposition which is affirmative into a negative proposition or a negative into an affirmative proposition; as for instance, in this case, if the House legislation should say that it should not be presumed that the soldier was suffering under disability at the time of enlistment, if under the rules of the Senate we might amend by striking out the word "not" we should have as effectually introduced new legislation by that amendment as if it had been contained in an independent and separate proposition.

So it seems to me that unless the motion here to strike out strikes out some substantive part of the House legislation so as to deprive it of any force, the particular proposition is given the power to carry the whole with it instead of being a mere modification and being intended to be a modification of it. So then in the one case the ruling of the Chair might be correct and in the other incorrect, because the proposition of the Senator from California does not destroy, does not strike out any affirmative piece of legislation, but converts it from one thing into another, and is as distinctively a change in legislation by an amendment in the Senate involving general legislation as if it had been accomplished by the insertion of new words.

Thus it seems to me in the one case the ruling of the Chair might be right where something was to be stricken out, some proposition, but if it is the striking out of a word that converts the legislation from an affirmative to a negative proposition and changes the whole scope of it, but maintains the legislation, it is subject to the rule against amendments of general legislation.

Mr. MILLER, of California. My purpose in moving these amendments was to see how it was that we could not insert matter in provisions that came to the Senate, and at the same time we might strike out words which would also change the sense and make essentially new legislation. The words which I moved to insert were clearly general legislation, and the words which I have now moved to strike out convert this proposition from a *prima facie* presumption to a conclusive presumption that the soldier was under no disability when he was mustered in.

It seems to me that the proposition to strike out here involves a question of general legislation just as much as the proposition to insert. The words of the House provision are:

> That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

If we strike out the words "but such presumption may be rebutted," then what was a *prima facie* case for the soldier, a *prima facie* presumption in his favor, becomes a conclusive presumption. It changes the entire sense of the provision and makes it a new legislative proposition, a new law differing totally from that which this would be if enacted as submitted to us. I have made these propositions for the express purpose of having the ruling of the Chair upon them, to test the question whether we could do the one thing or whether we could not effect the same object by the insertion of words, as by the striking out of words in a proposition from the House containing legislation.

Mr. INGALLS. Upon the decision of this question would depend whether the Senate can do by indirection what it can not directly do. If the Chair will observe the language that I propose to strike out by my motion, in connection with the portion that the Senator from California proposes to eliminate, the Chair will see that the effect of striking out the words which the Senator from California moves to eliminate from the bill will be exactly the same as if the word "conclusively" were to be inserted before the word "presumed" in line 31.

The PRESIDENT *pro tempore*. The Chair may be allowed to state that the Chair thinks the fundamental question is, first, whether it is competent under the rules of the Senate, legislation coming on a House bill, for the Senate to strike it out. The Chair supposes that everybody agrees that it is. Then the question is whether you are bound to strike out the whole of it altogether, or may strike out a part of it and leave some of it still standing. Take an appropriation bill in which, as in this instance, there are several sections. If a motion be made to strike out one section of the legislation and not made to strike out all the sections of legislation, it changes the character of the bill. It will be if it becomes a law a different law from what it would have been had the section been left to stand. The Chair thinks that the same intellectual reason would apply to the striking out of a part of a section, just as the Senator from Kansas has moved himself to strike out a proviso to a section that may be supposed to contain and as the Chair thinks does contain legislation. The Chair has entertained that motion because, so far as it goes, if agreed to by the Senate, it rids the bill of so much legislation. It leaves the bill a different bill and with different legislative provisions and that may have a different effect than it would have if the section, or the proviso, or the part of the proviso had been left in. So the Chair thought and still thinks the motion of the Senator from California is in order although the consequence may be that the bill will be entirely different with those words stricken out, and that the proviso will be different as the bill would be different if the proviso itself were stricken out.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. I was absent from my seat for a moment on public business, and I ask that the Chair will restate the proposition; I do not mean restate the entire proposition in full, but state the substance of the question.

The PRESIDENT *pro tempore*. The Senator from Kansas moved that the proviso on page 2, lines 29 to 33, be stricken out. Pending that motion the Senator from California moved to perfect that proviso under another rule of the Senate, by moving to strike out the words "but such presumption may be rebutted." The question of order having been made whether the motion of the Senator from California was in order to strike out those words, before the question was put on the motion of the Senator from Kansas, the Chair held that that was in order. From that decision the Senator from New Hampshire appealed to the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were not ordered.

So the decision of the Chair was sustained.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from California.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Kansas [Mr. INGALLS].

Mr. CONGER rose.

The PRESIDENT *pro tempore*. Does the Senator from Michigan desire to address the Senate?

Mr. CONGER. I did desire to do so on the amendment of the Senator from California.

The PRESIDENT *pro tempore*. The Chair had announced the result of the vote, but the Chair will consider it as not having been announced, as the Senator from Michigan had risen to address the Senate upon the question.

Mr. CONGER. I should like to have a vote upon that proposition. I think with a clause standing in the bill that the presumption may be rebutted by other evidence, it leaves the applicant for a pension in a worse condition than now, the clause providing that the enlistment

shall be considered as presumptive evidence of soundness but may be rebutted by other evidence. Where, how, and in what manner, and what kind of a suggestion? We are met with that continually now, on the mere suggestion of the Pension Office or of some clerk in the office, that some letter has been received or some statement or some suggestion of incompetency or disease or disability existing before the muster-in; and now a claimant is required to search through all the country to find out somebody to rebut the mere suggestions of the office, or of private letters, or of anonymous letters, as I have known in some cases.

With a statement that the presumption of soundness at the time of the muster-in may be rebutted by other testimony, without defining how it shall be obtained or what amount of testimony may rebut that presumption, I venture to say that every person who is called upon to sustain the question of soundness before enlistment will be more and more embarrassed by this provision as it stands than he would be under the present construction of the law in the Pension Office. At least 50,000 cases are hanging just upon that one question, upon which every Senator, I presume, receives twenty-five or thirty letters a week from the applicant and from his friends, saying that he is unable to find testimony to prove that he was sound—that he is unable to meet the suggestion of an enemy that he was unsound before his enlistment. The whole trouble will be aggravated and the complaints will come upon Senators and upon members of the House with redoubled force.

Sir, what matter is it if there were a few cases of fraudulent muster-in by proper officers of the United States? What matter is it to us if there was a regiment or a part of a regiment rejected because the men were assumed by one mustering officer to be unsound, and by another mustering officer, perhaps infinitely better prepared to decide justly, to be sound and were mustered in? The Government has had their services. They went into the service and into battle. Some lost their health; others lost their lives. They did all that soldiers could possibly do for their country; they endured all hardships, were exposed to all perils. There is no question of cowardice, no question of desertion; but somebody comes twenty years after and says there was some infirmity, some complaint about this man in his boyhood, in his early years, which escaped the attention of the mustering-in officer and the rigid examination which was held over him in these cases.

Now, I want a yea-and-nay vote upon a proposition to strike out this clause, which, in my judgment, would embarrass the poor soldier more than he is embarrassed now, and what seems to come as a benefit really becomes an unmitigated curse to the poor, disabled soldier who is seeking a pension from his country.

By the strictness of our laws, I will not say by false constructions of them by the officials of the Pension Bureau, we have now through this country thousands of suspended cases in which every man in the community believes the applicant is entitled to a pension. They are men who have known the soldier from his youth up, and his daily life, and his health and his strength, and his labor, until he went into the Army, as I know cases of men young, vigorous, able to perform all labor, able to engage in all athletic sports, full of vigor and full of life. They went into the Army, performed their duty well, returned, and asked for a pension; and some enemy, in most cases some enemy, some traitor himself to his country, envying the soldier for the possibility of a pension, writes letters raising doubts of his health, of his soundness before he was enlisted.

I could pick out of my file of letters which have been sent to me some fifty or sixty coming to me in that same way, with the proof that an enemy interposed this objection with no proof but a naked assertion, and threw the applicant upon his proof—unspecified proof, with no date, no time, nothing which a soldier can meet as he is required to do in other cases. There are cases of that kind lingering along now in the Pension Office or compelled to be brought to Congress for relief, where I know the men went forth to battle for their country as strong, hearty, vigorous, and valiant as men ever went, and they came home worn out, diseased, the very life sapped from their system, and they are gradually sinking and sinking from no known cause to their graves.

Sir, I have been more ashamed of the procrastination and I have been more ashamed of the pension laws when these questions have come to me and these charges of unsoundness in that roundabout and hostile way than of anything connected with the soldier which has fallen under my observation. I had almost said that right or wrong I would vote to repeal any rule that prevented any amendment or prevented the introduction into a bill of a clause which should compel one department of this Government to take in good faith the decision of another department of the Government that a man was sound when he enlisted in the service of his country, and when he returned a poor, shattered wreck from disease or from wounds or whatever might be the cause he might be entitled to the benefit of a pension without wearing out years and years of hopeless effort to defeat a hostile and a false charge of previous infirmity.

With that view, I ask for the yeas and nays upon agreeing to the proposition.

The yeas and nays were ordered.

Mr. CONGER. Will the Chair state the question again, so that we may understand it?

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from California, which is in section 1, line 32, after the word "enlistment," to strike out the words:

But such presumption may be rebutted.

Mr. HARRISON. Mr. President, if the amendment proposed by the committee, which limited this presumption to such soldiers as had rendered three months' service, could have been continued in the bill, I should have been entirely willing to make the presumption a conclusive one, but under the point of order made against the amendment suggested by the committee those words have been stricken out.

If the amendment of the Senator from California is adopted, it makes the presumption of soundness absolutely conclusive upon the Government without reference to service. The soldier may have been mustered in one day and never have left the camp of rendezvous, he may never have faced the enemy in battle, he may never have left the State where he enlisted. In very many cases it may be absolutely certain that the disease for which he asks a pension was upon him at the time of his enlistment, that it not only did not originate in the service but was not aggravated in the service; and yet it is proposed in every such case to make enlistment an absolutely conclusive presumption that he was a sound man.

I am disposed, I think, to be liberal in these matters of pension provisions. I have thought that I was usually safe if I listened to those representations which were made to Congress by the soldiers themselves. If I found myself willing to give them just what they asked in their memorials and petitions and just what they asked through their influential committees of the Grand Army of the Republic, which have appeared before the Committee on Pensions of the Senate, I supposed that I was dealing with liberality toward the soldiers. The proposition which came to us from the committee of the Grand Army of the Republic which met with our Pension Committee at the last session and discussed this matter, was the proposition of the bill, that acceptance and enlistment should be *prima facie* proof of soundness. I am told by the chairman of the Committee on Pensions, refreshing my own recollection, that such was the request of that committee composed in part of men who were maimed themselves in the heroic defense of their country's flag.

It seems to me that so far from leaving their condition worse it relieves at once those meritorious cases that have been dragging in the Pension Office. Very often a soldier at the time of making his application for a pension is in a community remote from the place of his enlistment; there is no one near him or accessible to him who knew anything about his condition of health prior to his enlistment, and he is greatly embarrassed if the affirmative is put upon him, the burden of proof, to produce to the Department affidavits showing his condition of health at the time of enlistment. But the bill as it comes to us from the House relieves him absolutely from the necessity of producing any evidence on that subject at all. He is not required even to make oath himself that at the time of enlistment he was a sound man. The law says to him: "We take that for granted; we require no proof of you upon the subject;" and at once all of this great class of cases where it has been difficult for the pension applicant to find persons who could make any proof as to his condition of health before enlistment are relieved.

I think that goes far enough; I think it goes as far as the soldiers of this country have asked that it should go. I do not believe they demand that the Government shall be prohibited from showing that fact in the case of those who under the stimulus of great bounty or otherwise were accepted into the service under the exigencies of the Government and immediately broke down, who rendered no service, and where it is apparent that their disease had no connection whatever with their service. The soldiers who ask for a pension, the deserving men to whom the bounty of the Government ought to flow freely as a river, are the men who suffered disability by reason of service. All such by the bill itself are relieved of any burden, even the filing of their own affidavit that they were sound at the time of enlistment.

I should prefer myself, if we could, to have some limitation of service, some months of actual service, in order to make the presumption conclusive. I should be willing to do that; but as we can not have such a provision, I think we go as far as the law goes in any case when we say, "We will give you a *prima facie* case; we will relieve you from all burden of proof." It is not to be supposed that the Government or anybody else will be very diligent in combating that presumption which we give the soldier at the threshold. The great bulk of these cases will go without challenge, but the provision will exclude those cases (and doubtless in our great Army there were many thousands of such cases) where the disability had no possible connection with the service of the soldier.

Mr. CONGER. The Senator from Indiana, in my opinion, has not met the point in this case. The applicant for a pension under the law with this provision must prove his disability received in the line of duty in the service just as much with the clause as without it.

Mr. HARRISON. Undoubtedly; I did not say the contrary of that; but he is relieved from all obligation to connect his disability with his service by proof that he was sound when he started upon the service.

Mr. CONGER. He is with these words stricken out, but unless that is done he has got to meet all the suggestions of former disability with proof just as much as now if anybody makes the suggestion or brings a little proof of prior disability. It is enough for the soldier that he was received as a sound man and rendered service to his country, whatever was demanded of him, more or less.

The point, and the only point made in this proposition, is that the presumption and the rule for the Pension Office shall be that where the Government certified through its proper officer that the person applying for a pension was sound, and under the strict rules of enlistment was a suitable person to be enlisted and mustered into the service, it shall be taken as conclusive, that the Government shall be held by that rule. I have said in my remarks that striking out the clause proposed by the Senator from California leaves that rule full and positive and beneficial. Leaving that clause in, in my judgment, makes it worse for the soldier than it is now. A mere suggestion of former disability would require him to go through all the proof as he would be required to do without this provision.

But the Senator from Indiana says he would prefer a certain length of service. I can not see how any one who desires to do the applicant good would say that he must show that he had served three months before he could avail himself of the benefits of this proposed legislation.

Mr. MITCHELL. If the Senator from Michigan will allow me at that point, I will state to him what I believe to be the rule at the Pension Office at this time.

Mr. CONGER. Certainly.

Mr. MITCHELL. At the present time the ruling in the Pension Office is, that if the disability appeared within three months of the time of enlistment and muster, then the burden of proof is thrown upon the applicant to show that he was sound at the time of enlistment. It is in pursuance of the practice in the regular Army, where, as I understand, if a soldier is enlisted and is discharged within three months of the time of enlistment, it is expressly stated on the certificate of disability that the disability arose before his entry into the service. It is by analogy with that rule of the regular Army that the Pension Office adopted the rule that where the disability was developed within three months it is presumed that it arose before enlistment.

Mr. CONGER. If that is the rule of the Pension Office, and I suppose it is, it is a rule that never ought to have been adopted, no matter in what other branch of the service it has obtained. The mere circumstances of the case show that that is a harsh and unjust rule. Here are young men going from comfortable homes in the midst of all the enjoyments and comforts of life; they enlist and go into the service, and for the first three months they sleep in wintry nights without tents, they are exposed to all the hardships of camp life before they become hardened. Those three months are the crucial months of a soldier's life. If he can live through them without contracting disease from the exposure he is good for three years. Everybody knows that. So the rule is a wrong one, and the purpose now is to obviate that rule.

Mr. DOLPH. Will the Senator from Michigan allow me to ask him a question?

Mr. CONGER. Certainly.

Mr. DOLPH. I wish to ask the Senator from Michigan if he supposes that striking out the words "but such presumption may be rebutted" would at all change the sense of the proviso? I understand that it is only a *prima facie* presumption.

Mr. CONGER. Will the Senator read the first clause of the proviso?

Mr. DOLPH. It reads:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment.

I think the subsequent words, "but such presumption may be rebutted," are surplusage. It is not a conclusive presumption.

Mr. CONGER. Then the words ought to be stricken out, of course, if it means the same thing without them. I thank the Senator for his suggestion, and I think there is some force in it; but for fear that it might have a different construction from men who can not judge of the law and of the change of words as the Senator from Oregon can, the clause should be stricken out.

Mr. HARRISON. I simply want to make good a statement I made that the Senator from Michigan is asking more than the representatives of the soldiers before our Pension Committee themselves asked. He speaks with great eloquence of the men who went out and faced danger and death and slept under a covering of snow and endured hardships for the flag.

The gentlemen who signed the memorial from which I am about to read were men who had done and suffered all those things themselves. One of them at least was a man who had lost both his legs in the service of his country. All of them were influential members of that great body, the Grand Army of the Republic, and were in the habit of meeting from week to week in those social conferences in which the men who carried the flag to victory meet in every village and hamlet in the country. They were appointed by the national convention of that order to represent the wishes of the several hundred thousand soldiers who are now enrolled in the Grand Army of the Republic, as a special committee upon pension legislation. They came here and presented to our committee a memorial or address in which they asked for certain legislation. Among other things they said:

We are in favor of the bill which provides that the fact, as shown by the record of the acceptance and muster-in of the soldier and sailor, shall be received by the pension authorities as *prima facie* evidence that he was sound at that time—the Government not to be debarred from proving that he was unsound at date of enlistment, but the onus of the proof to be on the Government.

Mr. FRYE. Is not that exactly what the bill says?

Mr. HARRISON. It is exactly what the bill says as it stands now, but it will not be what the bill says if the amendment of the Senator from California prevails. The bill will then say that this presumption shall be conclusive. If a man was accepted and mustered in with one eye, the mustering officer believing that he had the physical capacity to render good service as a soldier, the Senator from Michigan would make this provision read that he shall be conclusively presumed to have had both eyes when he enlisted.

I only desired to show that this proposed legislation as it stands expresses the deliberate judgment of the great body of the soldiers of the country as to what they want, and that if a man who went into the service had lost a finger or an eye, or was suffering under some disability at the time of his acceptance into the service, comes back asking for a pension for the loss of an eye, the Government shall not absolutely be debarred from showing that he had lost it before he went into the service. The soldiers of this country are not asking for such legislation; at least they have not asked for it in any of the memorials or petitions which have been presented here.

Mr. MILLER, of California. The Senator from Indiana has read what the soldiers ask for, and it amounts to this: they ask that the burden of proof shall be on the Government of the United States and not upon the soldiers. I ask the Senator from Indiana as a lawyer whether the clause as it stands throws the burden of proof upon the Government? Does it require the Government to prove that the soldier was unsound at the time of his enlistment?

Mr. HARRISON. If I am able to understand language, it does. It says that "all applicants for pensions shall be presumed to have had no disability"—that is, to be sound "at the time of enlistment." The Senator as a lawyer knows that in the trial of a case, whether it be a presumption resulting from the proof of certain facts, or whether the law gives the defendant the *prima facie* evidence, the burden is cast upon the other party at once to disprove his case. So in this case, as I understand it, a soldier does not file with his application any evidence as to his status or as to his physical condition when he went into the service. He omits that. That evidence is *prima facie* furnished by the fact of his enlistment. But the Government may call witnesses to show that he had lost his eye or his thumb before he went into the service. If the amendment of the Senator from California should be adopted, that could not be done.

Mr. MILLER, of California. It amounts to saying that the soldier must go into a trial, and if the Government suggests that he was unsound at the time of enlistment, then there is a trial upon the question of fact, and the Government rebuts the presumption of soundness. But it is not required under this provision to offer conclusive proof that the disability existed before enlistment. That is the difference. It does not throw the burden of proof wholly upon the Government. The Government can put the soldier to his proof by a mere rebuttal. Any evidence tending to show that the disability existed before enlistment is rebutting evidence, and that puts the soldier upon his proof again, just as he is now. With these words stricken out, if the soldier commits a fraud the evidence of that fraud can be introduced. The presumption is not conclusive against fraud, but the pension is a contract between the Government and the soldier, and fraud vitiates everything.

Mr. HARRISON. I beg the Senator's pardon, if he will allow me to interrupt him. Suppose a case. Suppose a soldier in making application for a pension for the loss of an eye, as he alleges, which occurred in the battle of Spottsylvania. Under the bill as it stands it would be presumed that he had both eyes when he went into the service, but under the bill as it would stand if the Senator's amendment is adopted it would be conclusively proved against the Government that he had both eyes when he went into the service, and so far he would be helped in his application in making out his case that he lost his eye in battle that the Government or somebody would have to account for the loss of the eye after he went into the service, when the fact was he lost it before, because the presumption is that he had two eyes. The Senator says it would not apply to a case of fraud. There is no fraud about it. The soldier simply avails himself of the law, which says he had two eyes when he enlisted.

Mr. MILLER, of California. But the fraud I speak of is a fraud in enlistment. If a man presents himself for enlistment and knows he has a disability, some hidden defect which would unfit him for a soldier, and he is accepted and does not disclose that defect, of course that is a fraud upon the Government.

In the case put by the Senator from Indiana, where the party applying for a pension alleges that he lost an eye or a limb at some particular battle, and there is a presumption raised by the law that that is the fact, if you strike out these words the presumption is not so strong, it is

not conclusive; the Government may introduce proof to show that such is not the fact, but that it is a false and fraudulent representation.

Mr. HARRISON. I do not so understand it. I understand that a conclusive presumption can not be rebutted; it can not be overcome. No proof will have any effect upon a conclusive presumption.

Mr. MILLER, of California. The presumption by this bill is not so conclusive as that. It is a presumption which requires proof to set it aside; that is all. What we contend for is to have the bill so that the burden of proof shall be upon the Government all the time in these cases, which the bill does not do in my opinion. The lawyers here differ. The Senator from Indiana says that this makes a conclusive presumption. The Senator from Oregon, who is an equally learned lawyer, says that it does not; that it is a mere *prima facie* case made out by the soldier; that striking out the clause does not affect the provision at all, as it is mere surplusage. I agree with the Senator from Oregon that if the words are surplusage they ought to be stricken out. There never ought to be surplusage in a law.

Mr. DOLPH. I do not understand that any presumption created by statute is conclusive unless it is so stated, and the addition of the words "but such presumption may be rebutted" does not change the effect of the proviso as it would stand if they were stricken out. The language is that "all applicants for pensions shall be presumed to have had no disability at the time of enlistment." The applicant makes a case as to soundness by the fact that he was examined when he was enlisted, but that may be overthrown by the Government, in my judgment, whether or not the words remain in the bill which the Senator from California has moved to strike out. As it was broadly stated that if these words were stricken out this would be a conclusive presumption, I desired to give my understanding of it before the question was voted upon.

Mr. HAWLEY. I hope the bill will not be left in such a shape as to permit anybody to say that the enlistment, the reception of a soldier, was conclusive evidence of his soundness. I think it would be so left if the last clause should be stricken out. It is proposed to strike out the words "but such presumption may be rebutted." The proviso would then read:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment.

It seems to me (I speak humbly as a lawyer of comparatively slight experience) that with that clause so reading it would still be the right and duty of the Government to show, in case of reasonable cause for doing so, that the soldier was unsound at the time of enlistment. It would be open to the Government to do that.

Mr. MILLER, of California. The burden of proof would be on the Government instead of on the soldier, as it is now.

Mr. HAWLEY. I do not see that the retention of the clause would change the burden of proof at all.

Mr. MILLER, of California. It would change the law.

Mr. HAWLEY. In either case it rests upon the Government to show that the presumption the soldier has under the law is an unsound and unjust one; that it is not true. The burden of proof in the sense that my friend uses the term seems to have the same office in either case. It is possible, however, that it might be that striking out the clause "but such presumption may be rebutted" might change the judicial construction of this proposed act, and I should be sorry to have it do so.

I hope no amendment will be made, that no construction will be given here in debate that will make the presumption absolute, for I do know myself that there are cases where the presumption should not be absolute. I can see one of the men now in my mind's eye distinctly who would get a pension probably, and who would not in the slightest degree in the world deserve it. He could make a conclusive presumption. It is not one case alone. There are hundreds—yes, thousands—of cases toward the latter part of the war nearly entirely. When there came to be great bounties of three hundred, five hundred, six hundred, or a thousand dollars offered, and when the enlisting officers were very anxious to clear their county or their town of its quota under the draft, they gathered in whatever would come, men beyond age, men who obviously had physical unsoundness. They had not lost an eye or an arm, perhaps; there was no great visible disability; but the man I spoke of whom I had in my eye could not have gone on a double-quick for three hundred yards to save his life, and he looked as well as average men. He did not stay with our forces three weeks before he was sent back in contempt to the town from which he came as a disgrace to the law and the people who had sent him. That was more obvious than many other cases, but there were many of them toward the close, just as there were, unfortunately, of the miserable bounty-jumpers and deserters and thieves, many of whom were shot in the front of the line for attempts at desertion or other shameless crimes.

I object to the proposed amendment. I think the ex-soldiers of the Army would unanimously say that the Government ought clearly to have the right of rebuttal and ought to exercise it, for the pensioning of any such man—and it is generally known in his neighborhood, in his town, in his county—is a grievous offense and is felt as an insult. They desire to protect their own honor as well as the finances of the nation.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from California [Mr. MILLER], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family. I shall not vote unless my vote may be necessary to make a quorum.

The roll-call having been concluded, the result was announced—yeas 17, nays 36; as follows:

YEAS—17.

Aldrich,	Hale,	Miller of Cal.,	Voorhees,
Bowen,	Hill,	Miller of N. Y.,	Wilson,
Conger,	Jones of Nevada,	Palmer,	
Cullom,	Lapham,	Sabin,	
Dolph,	Manderson,	Sawyer,	

NAYS—36.

Allison,	Garland,	Ingalls,	Pike,
Bayard,	George,	Jackson,	Pugh,
Beck,	Gorman,	Jonas,	Saulsbury,
Butler,	Groome,	Kenna,	Sewell,
Call,	Hampton,	Maxey,	Sherman,
Camden,	Harris,	Mitchell,	Slater,
Cockrell,	Harrison,	Morgan,	Vance,
Coke,	Hawley,	Morrill,	Vest,
Colquitt,	Hoar,	Pendleton,	Williams.

ABSENT—23.

Blair,	Edmunds,	Lamar,	Plumb,
Brown,	Fair,	Logan,	Ransom,
Cameron of Pa.,	Farley,	McMillan,	Riddleberger,
Cameron of Wis.,	Frye,	McPherson,	Van Wyck,
Chace,	Gibson,	Mahone,	Walker.
Dawes,	Jones of Florida,	Platt,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to strike out the proviso.

Mr. INGALLS. Mr. President, I made that motion intending to vote against it. I believe that the legislation as it appears in the bill as it came from the House of Representatives is wise and just and prudent. The Senate yesterday upon a point of order rejected an amendment that was offered by the Committee on Appropriations to this provision, upon the ground that it was general legislation upon an appropriation bill. The Committee on Appropriations reported amendments to strike out a large number of sections in this bill upon the ground that they were general legislation, and, therefore, properly not in the bill. They omitted to strike out the provisions of general legislation contained upon page 2, a part of which I have moved to eliminate for the purpose of ascertaining whether the rule about which we have been debating for the last week or two is to be enforced absolutely or only when it applies to legislation that the Senate desire to place upon an appropriation bill. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Kansas, on which the yeas and nays have been demanded. Is there a second?

The yeas and nays were ordered.

Mr. MITCHELL. As the case is stated by the Senator from Kansas, I shall vote against this provision; but there are other good reasons in my mind why I should vote for it. The Senate has passed two bills containing a provision which I regard as better than the one here proposed on this subject. Only on Saturday to the bill (H. R. 5900) for the relief of Sarah B. Jackson the Senate adopted an amendment which reads as follows:

SEC. —. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

I regard this provision as much better than the one here proposed; and for the reasons which I have stated I am disposed to vote against this clause of the bill. If the House of Representatives desire to act upon this question they have two opportunities—one in the Mexican pension bill, so called, and the other in the bill to which I have just referred; and my information in regard to the latter bill is that there is a very strong probability that it will be agreed to. That bill also contains the provision in relation to increase of pension to widows and dependent parents, and it appears to me it is most likely it will be adopted by the House.

Mr. COCKRELL. Let the amendment to be voted on be now read.

Mr. MITCHELL. I shall vote to strike out the clause, as I understand that is the form of the amendment proposed.

The PRESIDING OFFICER. The motion of the Senator from Kansas is to strike out what will now be read.

The SECRETARY. It is proposed to strike out the proviso at the end of section 1, beginning in line 29, as follows:

Provided, That all applicants for pension shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Mr. VOORHEES. I shall detain the Senate but a moment. The proviso does nothing when it allows presumption to be denied, because the presumption now is that a man was sound when he enlisted. Every

applicant for pension in filing his application says he was a sound man when he enlisted, and that is the presumption now, and then the Government is permitted to turn around on him with all its force and destroy that presumption. That is just what it claims the right to do now, and it leaves him exactly where he is under the present law.

Mr. HARRISON. Will my colleague allow me to ask him whether he understands that under the present law all the proof a soldier is required to make that he was sound at the time of enlistment is his own affidavit?

Mr. VOORHEES. No, I do not; but shall I understand my colleague in that question to imply that a soldier who makes such a declaration has no presumption in his favor, or that he is presumed to not tell the truth?

Mr. HARRISON. No; nothing of the kind; but it is left as a fact to be proved, upon which the burden rests on him to supply what will be accepted as adequate proof, and under the law and the administration of it the soldier's affidavit of any particular fact, as for instance the fact of his having been shot in battle, is required to be supported by additional proof. So as it is now the burden of establishing the fact of soundness at the time of enlistment is upon him, and his affidavit is not accepted as sufficient proof on that or any other question; so that the legislation does help him.

Mr. VOORHEES. I just wish to call the attention of the Senate and the country to the fact that this matter is left where it is now, with perhaps the exception of the soldier, as the law stands now, being required to put in some additional proof besides his own declaration; but after he has made his declaration and his proof, the Government then has the right, as the law stands now and as it will stand after this measure is passed, to go to work and scour the country with its examiners, hunt up men who are the soldier's enemies in the neighborhood, and do everything toward him to break down his case as they can now. There is no question about that at all. This term "rebuttal" means nothing more than that the Government is at liberty to go to work and prove that it certified a falsehood when it certified that the man enlisted was sound.

If there is any value in this discussion at all it may be this, that when the Government accepted a man and certified that he was sound and qualified to be a soldier it shall be held to that record, that it shall not be permitted twenty years afterward to turn around and prove that it itself certified to a falsehood. That is the value of this. There is nothing more or less in it. When a soldier was inspected for service his lungs, his stomach, his limbs, his thews, his sinews, his heart, all his vital powers underwent medical inspection, and the authorities of the Government said, "This man is a sound man;" and I say the Government should be held to the same rule that would govern an honest man—that is, it should be estopped from going behind a record deliberately made and sending an officer to investigate the fact and say that what he said then was false.

I believe in no morals of that kind. When you say that the soldier shall be presumed to have been sound and then say that the Government may rebut the presumption, you just let the Government go to work with all its power of examiners and with money, as I have seen it going on for years past, to break down the soldier's case. I proclaim here as far as my feeble voice will extend that the soldier gains nothing by this proviso.

Mr. HARRISON. I supposed my colleague had had sufficient experience in his extended practice as a lawyer, too much experience, to make the statement which we have just heard from him, that it was no advantage to a litigant or claimant to have given to him at the outset a *prima facie* case. It will be new, I think, to the other lawyers in this body. "The burden of proof" is an expression well understood by every lawyer; he knows how much the difficulties of his case have been relieved when he can roll the burden of proof off upon his adversary and stand from under it himself; and yet I grieve to hear my colleague say that whereas now there is no presumption in favor of the soldier at all, but he is required to prove the fact of his soundness at the time of enlistment with precisely the same quality and the same amount of evidence that he is required to prove that he received a wound in action, it gives no relief, forsooth, when we start him in upon his proof without any burden as to the question of his soundness at the time of enlistment, but create a presumption in his favor without any proof whatever.

Mr. President, there are hundreds of cases that have been brought to my own attention, such as I alluded to a moment ago, where the soldier has removed from the place of his enlistment, where he has gone away from the friends who knew him before his enlistment, and where it is impossible for him to produce any testimony as to his physical condition before enlistment. Now, by this proviso in this bill that soldier is absolutely relieved of the necessity of producing any evidence at all on that point. He starts free. The burden is on the other side. The legal aspect of the case is, "My pension must be granted so far as the proof upon that question is concerned, unless the Government can prove that I was unsound at the time of my enlistment."

Mr. President, I was surprised to find that soldiers themselves know so little about these questions of pensions and the delays and impediment and restraints of the law which have been felt by them as personal matters, which have been discussed by them in those meetings where soldiers only act, in their camp-fires, in the Grand Army posts, in their national conventions of men who were in the field, men keenly alive to and in sympathy with their comrades who were disabled—that it never occurred to them, though they have discussed this matter for years, that to be relieved of the burden of proof and to be given a *prima facie* case was no relief. As I showed a moment ago, the intelligent representatives of the Grand Army of the Republic came to the Senate and said, "That is all we want; that relieves this difficulty, it removes the trouble;" and yet we are to be told here to-day that these gentlemen, as I said a while ago, one or more of them men who had been wounded in battle, are really ignorant of this question, and my colleague thinks that which they ask and all they ask will result in no benefit whatever to them.

Mr. President, I venture to say that those soldiers understood this question; they knew just where the difficulty was, and they made that reasonable demand which would remove the difficulty out of their way. I say no soldier has asked, by petition or otherwise, Congress to say that when a man was accepted, if he was found afterward with one eye, it should be conclusive presumption that he had two when he enlisted.

Mr. VOORHEES. Suppose the Government surgeon certified that he had two, then what would you do?

Mr. HARRISON. My colleague is unfamiliar with a mustering certificate. He is not familiar with the mustering certificates. The Government never did certify as to whether a man had one eye or two. They accepted him as a soldier, and that was all they certified; and it is within the knowledge of every man who was a soldier that sometimes during the stress of war and the demand for troops at the front men were accepted with but slight examination, and those men only ask that they may have a *prima facie* case.

I hope this proviso will not be stricken out, because it stands here as a response by the Senate of the United States to the demands of the Grand Army of the Republic, the organization of the veterans who went to the front and came back by God's grace alive if not whole—an exact response to the prayer which they have made in every particular. It starts every honest applicant for a pension upon his race of proof without any imputation against him, with the presumption that he was sound when he entered the service. It simply leaves it to be shown, if the fact was so, that in the particular case there was some existing unsoundness.

Mr. VOORHEES. But a single moment, Mr. President. The question which it seems my colleague either will not or can not discern in this matter is, whether the Government shall be allowed to dispute its own solemn record in order to evade the duty of paying a pension. That is not a question of presumption. I vote to retain this proviso for what it is worth. It would be worth everything to the soldier if it were not for the last clause of it. I am willing to go to the country and to any honest tribunal on the question whether the United States Government, after certifying to a fact, shall be allowed to turn around and say it did not tell the truth. I am willing to stand on that. That is the question here. I say the Government, after it certified that a man was qualified to be a soldier, should not be allowed to dispute it in order to defeat the payment of a pension.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS], on which the yeas and nays have been ordered.

Mr. COCKRELL. I should like to ask the Senator from Indiana what will be the effect if the amendment prevails and the proviso is stricken out?

Mr. HARRISON. The soldier is left without any *prima facie* case; he is left as now to make his proof as he can.

The question being taken by yeas and nays, resulted—yeas 16, nays 44; as follows:

YEAS—16.

Bayard,	Camden,	Harris,	Mitchell,
Beck,	Coke,	Hoar,	Pike,
Brown,	Garland,	Jackson,	Platt,
Butler,	Hampton,	Maxey,	Vance.

NAYS—44.

Aldrich,	Frye,	McMillan,	Ransom,
Allison,	George,	McPherson,	Sabin,
Blair,	Gorman,	Manderson,	Saulsbury,
Bowen,	Hale,	Miller of Cal.,	Sawyer,
Call,	Harrison,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Hawley,	Morgan,	Sherman,
Chace,	Hill,	Morrill,	Slater,
Cockrell,	Ingalls,	Palmer,	Vest,
Conger,	Jonas,	Pendleton,	Voorhees,
Cullom,	Jones of Nevada,	Plumb,	Williams,
Dolph,	Lapham,	Pugh,	Wilson.

ABSENT—16.

Cameron of Pa.,	Fair,	Jones of Florida,	Mahone,
Colquitt,	Farley,	Kenna,	Riddleberger,
Dawes,	Gibson,	Lamar,	Van Wyck,
Edmunds,	Groome,	Logan,	Walker.

So the amendment was rejected.

Mr. MITCHELL. I desire to say that my colleague [Mr. CAMERON, of Pennsylvania] is called away by illness. I presume he would vote "nay" if he were present.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. LAPHAM. At the end of line 33, section 1, I move to add:

By record evidence or other competent evidence on behalf of the United States.

So as to read:

But such presumption may be rebutted by record evidence or other competent evidence on behalf of the United States.

Mr. BAYARD. Is that in order?

Mr. LAPHAM. This amendment makes the bill correspond with the one the Senate has already passed and sent to the House; that is, it defines the mode of proof by which the presumption may be rebutted.

Mr. PLATT. I am not aware that the amendment has been received. Does not a point of order lie against the amendment?

The PRESIDING OFFICER. The Chair will dispose of any question of order which may be raised upon it when raised.

Mr. PLATT. I was not aware that the amendment had been received so that it was before the Senate.

The PRESIDING OFFICER. It is the duty of the Chair to receive any amendment that may be proposed. If any Senator chooses to make a question of order upon the amendment, the Chair will dispose of the question of order when raised.

Mr. PLATT. If it is not too late, I raise the question——

The PRESIDING OFFICER. It is not too late.

Mr. PLATT. I raise the question of order.

The PRESIDING OFFICER. The Chair does not hesitate to sustain the point of order. The amendment is legislation and is not in order.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Chair lays before the Senate the next special order upon the Calendar of Special Orders, being, as the Chair is advised, the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. DOLPH. I now move to take up for consideration Order of Business 1001, being the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDING OFFICER. The Chair is informed that under the order of the Chair a moment since the wrong bill was announced. The Chair ordered that the first bill on the Calendar of Special Orders be reported to the Senate. The Secretary will now report the bill which is the first of the special orders.

The CHIEF CLERK. A joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power.

Mr. DOLPH. I now renew my motion that the Senate proceed to the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands, and the laws allowing entries for timber culture.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Oregon that he must first dispose of the joint resolution before the Senate by postponing the consideration of the same or other disposition, before his motion will be in order.

Mr. DOLPH. I move then that the joint resolution before the Senate be postponed until Saturday next.

The PRESIDING OFFICER. The Senator from Oregon moves that the further consideration of the joint resolution now before the Senate be postponed until Saturday next.

Mr. INGALLS. By whom was that resolution reported?

Mr. CULLOM. I hope that resolution will be passed over informally. It is a joint resolution introduced by my colleague.

The PRESIDING OFFICER. The joint resolution was reported by the Senator from Illinois [Mr. LOGAN].

Mr. CULLOM. I ask that it be passed over informally, retaining its place on the Calendar.

The PRESIDING OFFICER. The Senator from Illinois asks that the joint resolution be informally laid aside, holding its place as the first special order upon the Calendar. Is there objection? The Chair hears none.

Mr. DOLPH. Now I renew my motion to proceed to the consideration of House bill 7004.

The PRESIDING OFFICER. The Chair thinks it is the duty of the Chair to lay the next special order upon the Calendar of Special Orders before the Senate. The Secretary will state it.

Mr. DOLPH. I move that that be laid aside.

The PRESIDING OFFICER. The title of the bill will first be read.

The CHIEF CLERK. A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico.

Mr. COKE. I ask that that bill may be informally laid aside, retaining its place as a special order on the Calendar.

The PRESIDING OFFICER. The Senator from Texas asks that the bill just announced be informally laid aside, holding its place on the Calendar of Special Orders. Is there objection? The Chair hears none.

Mr. DOLPH. Now I move that the next special order be laid aside.

The PRESIDING OFFICER. The Chair lays before the Senate the next special order on the Calendar of special orders.

Mr. DOLPH. I move that the Calendar be laid aside.

The PRESIDING OFFICER. The Secretary will report the special order by its title, and then the Senator can be heard.

The CHIEF CLERK. A bill (S. 60) to declare certain lands subject to taxation.

Mr. DOLPH. I move that the Calendar be laid aside for the purpose of considering House bill 7004. I move that it be taken up for present consideration.

The PRESIDING OFFICER. The Chair holds that the Senator's motion is not in order.

Mr. DOLPH. That the Calendar be laid aside?

The PRESIDING OFFICER. That the Calendar be laid aside. The Senator may move to postpone to a day certain or indefinitely the special order, and that disposes of all special orders, and the motion he has suggested, the Chair thinks, would then be in order.

Mr. DOLPH. Very well, Mr. President, I accommodate myself to the ruling. I move that the special order be laid aside for the present for the consideration of House bill 7004.

The PRESIDING OFFICER. He can move to postpone to a day certain, if the Senator desires to conform to the rule.

Mr. DOLPH. I move to postpone it until to-morrow.

The PRESIDING OFFICER. The Senator from Oregon moves that the pending bill be postponed until to-morrow.

Mr. GARLAND. The bill now called as the special order is a bill which I reported from the Judiciary Committee; but the Senator from Kansas [Mr. PLUMB] who is absent from his seat introduced the bill originally, and manifested more concern in it than anybody else. I would supplement the motion by moving that it be postponed until Saturday next, because it will be impossible to consider it to-morrow on account of the counting of the electoral vote at the other end of the Capitol.

The PRESIDING OFFICER. The Senator from Arkansas moves that the further consideration of the bill be postponed until Saturday next.

The motion was agreed to.

PUBLIC LAND LAWS.

Mr. DOLPH. I understand, Mr. President, that that was an amendment to the motion made by me. I now move to take up House bill 7004.

The PRESIDING OFFICER. The title of the bill designated by the Senator from Oregon will be read.

The CHIEF CLERK. A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to the consideration of this bill.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

The PRESIDING OFFICER. The Chair is informed that the bill has been read, and all the amendments recommended by the Committee on Public Lands agreed to.

Mr. DOLPH. I think not; the last two amendments have not been acted on yet.

The PRESIDING OFFICER. The Secretary has just corrected his former statement, and informs the Chair that some of the committee amendments have not yet been acted on. The first of the amendments not heretofore acted on will be read.

The CHIEF CLERK. The Committee on Public Lands propose to insert, as a new section, the following:

SEC. 5. That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

The PRESIDING OFFICER. To this amendment of the committee the Senator from Missouri [Mr. COCKRELL] offered an amendment, which will be read.

The CHIEF CLERK. The proposed amendment to the amendment is, at the end of line 8, to insert:

Excepting all lands situate in the State of Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment of the Committee on Public Lands.

Mr. DOLPH. I hope that if this course is to be followed by Senators from other States where there are offered public lands, the amendment will be voted down and the section offered as an amendment by the committee be voted down also rather than undertake to except the several States where there are offered public lands.

As I stated on a former occasion, there are but few States where there are offered public lands for sale at private entry. Those are Missouri, Arkansas, Mississippi, Louisiana, Alabama, Florida, Michigan, and Minnesota. There are also small amounts of such lands in California,

Oregon, and Washington Territory, and the Territory of New Mexico. If the Senators from the Southern States, where there are considerable quantities of offered lands, are not in favor of this provision withdrawing those lands from private entry, it will be better to vote down this section offered by the committee and then strike out of the bill section 6, as it came from the House, than to undertake to except the several States in this section. I do not see the Senator from Missouri, who offered the amendment.

Mr. VEST. My colleague is not present, but I can state the reasons which I think will be entirely satisfactory to the Senate why this provision should not apply to the State of Missouri. There are no public lands in the State of Missouri that will ever be taken up by homesteads or pre-emptions. The only lands within the limits of that State which are now public lands are mineral lands, lands situated in the hilly or mountainous portions of the State, and they are not taken up by homesteaders. If this section applies to the State of Missouri, it simply amounts to keeping those lands that are now public lands in their present condition forever. All we desire as representing that State is that this provision shall not apply to Missouri in order that these lands may be entered for grazing and mineral purposes, as they certainly will not be taken up by homesteads or pre-emptions.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The question being put, there were on a division—ayes 20, noes 15; no quorum voting.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Now let the amendment that I offered be read again, that I may see exactly the relation of it.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be read again.

The Chief Clerk read the amendment and the amendment to the amendment.

Mr. COCKRELL. I should like to ask what action has been taken upon section 4.

The PRESIDING OFFICER. Section 4 has been agreed to.

Mr. COCKRELL. And then section 5, the new section?

The PRESIDING OFFICER. That is the pending section, to which the Senator's amendment is proposed.

Mr. COCKRELL. I should like to ask the Senator from Oregon if this proposed amendment, section 5, the new section, was disagreed to, what would be the condition then of the bill?

Mr. DOLPH. If the motion to strike out section 6 and insert section 5, which is under consideration, should not prevail, the bill would stand as it came from the House, with section 6 in it, and then a motion could be made to strike out section 6. If section 5 is not adopted and section 6 should be stricken out, it would leave all the offered lands, lands subject to private entry, in the States named, still subject to private entry.

My objection to the amendment of this section by excepting a State is that it is likely to be followed by like amendments excepting other States where there are offered lands. If that is to be the case the section had better be voted down at once, but if there are no other Senators who desire to except their States from the operation of this section I should have no serious objection to the amendment offered by the Senator from Missouri.

Mr. COCKRELL. I have no disposition to complicate this bill in any shape, manner, or form, for I am heartily in favor of the general provisions of it, but it would do great injustice to the State of Missouri and to her people for this section 5 to be adopted. I offered the amendment which I did for the purpose of excepting Missouri from the operation of the law. I see at once that if an exception be made in favor of one State there will be exceptions then sought in favor of others, and the better way and the proper way would be to disagree to section 5, the amendment proposed by the committee, and then agree to strike out section 6. I ask the Senator if that would not leave the public lands in these old States just in the condition they are now in?

Mr. DOLPH. So far as the question of their sale at private entry is concerned, it would.

Mr. COCKRELL. That is what I mean. I have in my hand a letter from the Commissioner of the General Land Office, which I will read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 5, 1885.

SIR: In response to your verbal request of to-day, I have the honor to state that it is probable that all public lands in the State of Missouri, now vacant, have once been offered at public sale. There were withdrawals made for the following railroads: Hannibal and Saint Jo, lands within the six and fifteen miles limits; Saint Louis and San Francisco, from Saint Louis to Springfield, six and fifteen miles, and from Springfield west, for Atlantic and Pacific, twenty and thirty miles limits; the Iron Mountain, from Bird's Point southwest to State line, six, fifteen, and twenty miles, and from Ironton to Poplar Bluff, ten and twenty miles limits.

The alternate sections, which were increased in price by reason of being within the granted limits of the above roads, were offered at $2.50 per acre, but such as were reduced in price by act of June 15, 1880 (21 Stat., 236), have not been re-offered at such reduced price, and they are not subject to private entry until so reoffered. The sections within the indemnity limits, which did not inure to the benefit of the railroads, were restored to market at private entry.

There is probably a large amount of land in Missouri that has been withdrawn from sale at private entry by having been entered under the homestead laws, which entries were subsequently canceled. Such lands are not subject to private entry unless they shall have been properly restored.

Very respectfully,

L. HARRISON,
Assistant Commissioner.

Hon. F. M. COCKRELL,
United States Senate.

I desire to say simply that on the north side of the Missouri River, in our State, there are no public lands. All the public lands in Missouri are south of the Pacific Railroad substantially, and the greater part of them in the southern part of the State. There are no prairie lands, there are no agricultural lands in Missouri to-day vacant; no lands whatever that can be called agricultural lands. There can not be found one hundred and sixty acres of public land in Missouri upon which you could make a tillable field of sixty acres. There is land some of which has timber upon it; some of it has brush; it probably will be valuable for grazing cattle and sheep; and it will be valuable to some extent for the timber.

If you make this land subject to homesteads you simply preclude the sale of another acre of land in Missouri. There it is. It has been for twenty-five years subject to private entry; nobody has taken it up, speculators have not gone there and taken it up, and there is no danger of anything of that kind. Now, Mr. President, I shall insist that the Senate disagree to this proposed amendment known as section 5, and let the Missouri lands remain precisely as they have been so far as the provision at private sale is concerned. I hope that the Senate will do this. It does not affect any other lands which are properly tillable, agricultural lands.

If I may be allowed I would move—the motion, I believe, would not be in order, however—that the Senate disagree to the proposed amendment of the committee. If the Senate will permit, I will withdraw the amendment which I proposed, making a special exception of Missouri, and ask the Senate to non-concur in this amendment of the committee.

The PRESIDING OFFICER (Mr. HALE in the chair). The yeas and nays have been ordered on the amendment offered by the Senator from Missouri.

Mr. DOLPH. I should like to suggest to the Senator from Missouri that he can offer his amendment in the Senate; that he withdraw it at this time, and let the vote be had in Committee of the Whole on the section as it stands. If it should be voted down of course the matter will be ended; but if the Senate adopts the amendment of the committee it will be open in the Senate to amendment still, and then the amendment excepting Missouri can be offered.

Mr. COCKRELL. That was precisely what I was stating, that I would withdraw the amendment which I had proposed and ask the Senate to vote down section 5.

The PRESIDING OFFICER. Does the Senator from Missouri desire to withdraw his amendment?

Mr. COCKRELL. I ask unanimous consent that I may be allowed to withdraw my amendment, or that the order of the Senate ordering the yeas and nays may be reconsidered, and then that I may be allowed to withdraw the amendment in order that we may take a direct vote on the amendment of the committee.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the order of the Senate ordering the yeas and nays on his amendment be vacated. If there be no objection it is so ordered. The Senator from Missouri now asks leave to withdraw his amendment. There being no objection it is so ordered.

Mr. DOLPH. Before the vote is taken on the amendment reported by the committee I desire to call attention again to the States in which the lands subject to private entry are situated. There are in the State of Mississippi about 1,000,000 acres; in Florida about 500,000 acres; in each of the States of Alabama, Arkansas, and Louisiana about 200,000; in the northern portions of Michigan and Minnesota about 500,000 acres each. There are only about 50,000 acres in California, 50,000 acres in Oregon, and 50,000 acres in Washington Territory. These amounts are not large enough to make the matter of any considerable importance to the people of the Pacific coast. I understand that portions of the lands subject to private entry in some of the States, if not in Missouri, are agricultural lands. I simply want the Senate to understand what they are voting upon, where the lands are situated, and what the character of the land is, before they vote on the committee amendment.

Mr. SHERMAN. I ask the Senator if all the lands thus situated have not been open to private entry for more than twenty years?

Mr. DOLPH. I think probably for more than twenty-five years and continuously, except in the Southern States, where during or just after the war they were withdrawn from private entry for a time, and then again placed on the market subject to private entry by act of Congress.

Mr. SHERMAN. Then it seems to me there would be no harm in letting the thing stand as it is.

The PRESIDING OFFICER. The question is on the amendment of the committee proposed as section 5.

Mr. CALL. Mr. President, I ask the Senator from Oregon if the effect of this section 5, when passed, is not to prevent any entry of the public lands except a homestead entry?

Mr. DOLPH. Did I understand the Senator from Florida to propose a question to me?

Mr. CALL. I asked the Senator from Oregon if the effect of this section 5, if passed, is not to prevent any entry on the public lands except a homestead entry.

Mr. DOLPH. Certainly not. The section under consideration, if adopted, would only withdraw lands from private entry. Unless we pass the bill itself and adopt the sections which repeal the pre-emption law the land can still be entered under that law. Unless we adopt the section which repeals the timber-culture act they can still be entered under that act, and so with the desert-land act.

Mr. DOLPH. Offered public lands are such lands as have been offered at public sale, and not having been sold at public sale are afterward subject to private entry. That would be the only class of land which would be affected by this section.

Mr. CALL. Unoffered public lands are only subject to pre-emption entry.

Mr. DOLPH. Under the homestead law, the timber-culture act, and the desert-land act they are open to settlement.

Mr. CALL. I am speaking of section 5. The section says:

SEC. 5. That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

Mr. DOLPH. But the Senator will understand that the terms "offered lands" and "private entry" have come to have a special meaning when applied to the land laws.

Mr. CALL. I so understand.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Public Lands proposed as section 5.

The amendment was rejected.

Mr. DOLPH. There is still another committee amendment.

The CHIEF CLERK. The committee report to strike out section 6, as follows:

SEC. 6. That after the passage of this act no public lands of the United States adapted to agriculture shall be sold except mineral lands and town sites; and all of the public lands of the United States adapted to agriculture shall be reserved for actual and *bona fide* settlers only, under the provisions of the homestead law, subject, however, to bounty-land warrants and college scrip issued by authority of Congress, and the grants which Congress has made and shall hereafter make in the new States and Territories for the purpose of education; but all laws and parts of laws touching the rights of the officers, soldiers, and seamen heretofore in the military or naval service of the United States in the public lands are continued in full force: *Provided*, That nothing herein contained shall be construed to amend or repeal the act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory, passed June 3, 1878: *Provided further*, That nothing in this act shall be construed to impair, defeat, or in any manner affect the rights of any State to indemnity for swamp and overflowed lands granted to the State of Arkansas and other States under the provisions of an act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, as provided in sections 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, and 2490 of the Revised Statutes of the United States.

Mr. DOLPH. I think the previous section has been inadvertently acted on. The motion was to strike out and insert, and it failed, and there has been no motion renewed to strike out. I understand it will not be in order until the committee amendments are disposed of; and on page 7 is another committee amendment which I suppose will be in order to be acted upon.

The PRESIDING OFFICER. No action of the Senate has been taken on the amendment which has just been read.

Mr. COCKRELL. As I understand, really section 5 was a substitute for section 6, but the proposed amendment came in in advance of what was proposed to be stricken out. We have disagreed to section 5 to be inserted, and now I hope we shall agree to striking out section 6, and that leaves us all right.

The PRESIDING OFFICER. The question is on the amendment striking out section 6.

Mr. COCKRELL. It is only a question of the order in which it was printed. Section 5 comes in in advance of section 6, and it is an independent proposition, though practically it was intended to strike out section 6 and insert the proposed section 5 in lieu of it. Now, I hope the amendment of the committee proposing to strike out section 6 will be agreed to.

The PRESIDING OFFICER. The question is on the amendment to strike out section 6.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any person who has already settled on the public lands, either by pre-emption or by virtue of the homestead law, or any amendments thereto, and any person who shall hereafter settle on the public lands by virtue of the homestead law, or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads."

Mr. DOLPH. This is an exact copy of the old statute, except that it eliminates the words "pre-emption law" where they occur in this section so as to make it conform with the bill, if it is passed, which repeals the pre-emption law.

The amendment was agreed to.

Mr. INGALLS. Are there further amendments from the committee?

Mr. DOLPH. There is an amendment I should like to offer in section 1, in lines 9, 10, and 11, to strike out the words "and all other laws allowing pre-emption of the public lands in the United States."

I have ascertained since the bill was reported that there are some special acts authorizing the pre-emption of lands on Indian reservations or lands ceded to the United States by Indian tribes, which can only be disposed of in that manner. I have ascertained further that since the statutes were revised there have been no amendments of importance to the pre-emption law, and therefore the words "and all other laws allowing pre-emption of the public lands of the United States" may be stricken out without doing any harm, and striking them out will leave in force the laws covering these exceptional cases which we might overlook if we undertook to specify them all in the act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon, which will be read.

The CHIEF CLERK. In section 1, line 9, after the words "United States," it is proposed to strike out:

And all other laws allowing pre-emption of the public lands of the United States.

The amendment was agreed to.

Mr. DOLPH. I move further to amend the bill by adding after the word "repealed," in line 29 of section 1, the following proviso:

And provided further, That all entries heretofore made under the pre-emption laws on which final proof and payment have been made and to which there are no adverse claims and which have been sold to innocent purchasers, shall be confirmed and patented upon presentation of satisfactory proof to the proper Department officer of such sale.

Mr. SHERMAN. It seems to me that is a wide-reaching provision, which may confirm illegal entries, irregular entries, entries that are in violation of law. The Senator, I suppose, does not intend that.

Mr. DOLPH. I will state what is proposed. This amendment was submitted to me by the Senator from Minnesota [Mr. SABIN], and I was requested to offer it. It has been submitted, I believe, to all the members of the Committee on Public Lands who are present and accessible and has been approved by all of them. It only proposes the confirmation of titles where final proof has been made, where payment has been made, and where the land has passed into the hands of innocent purchasers, and where the Commissioner of the General Land Office or the Secretary of the Interior shall be satisfied from the proof that the purchasers are innocent purchasers. Under the laws regulating the transfer of property between private citizens, a purchaser of property in good faith and for a valuable consideration from a person having evidence of title would be entitled to hold it, as against a third person who might be the real equitable owner of it. It is only proposed to apply the same rule to the Government where there are no adverse claims to the property; and where, as I have said, the land has been entered, final proof and payment made before the transfer, I see no objection to it myself. And, as I said before, I understand from the Senator from Minnesota that it has been submitted to each member of the Committee on Public Lands and no objection made to it. That was the reason I offered it.

Mr. SHERMAN. It seems to me this is a wide-reaching provision. This would confirm absolutely void pre-emption claims. It would prevent the United States from setting up its title merely because some person alleged to be an innocent holder might claim the land. These pre-emptions may have been made on lands not subject to pre-emption. The proof might have been made. I trust the Senator will not press it. I am not sufficiently informed about the nature of pre-emptions. I hope, therefore, it will not be offered here unless it is reported from the committee, and I do not think then it ought to be reported except upon a letter from the Commissioner of the Land Office or the Secretary of the Interior. Certainly this would confirm we do not know how many claims. In ordinary cases, when the pre-emptor has paid the purchase-money and the matter seems to be all clear, he would get his title as a matter of course. Consequently this is intended to confirm illegal pre-emptions, fraudulent pre-emptions, pre-emptions on land that is not open to pre-emption, and denies to the United States the power to resist those pre-emptions and the execution of patents based upon them, simply, forsooth, because somebody who is innocent of the fraud is, may be, now in possession. That would be wrong. The United States might be in great danger from such a wide-reaching provision, and therefore it ought not to be adopted, it seems to me, except upon full consideration.

Mr. PLUMB. The Senator from Minnesota exhibited this amendment to me yesterday. Without fully getting its scope, perhaps I may have said I did not see any objection to it. But the general subject has been before the Committee on Public Lands in the shape of a bill introduced by the Senator from Colorado, and the committee encountered a great deal of difficulty in the consideration of it. Undoubtedly there are a great many claims which ought to be passed and patented which have been prevented, but on the other hand there are a great many

claims which have been suspended which ought not to be passed. That is the *prima facie* condition at least.

A provision of this kind, so sweeping in its nature, would in my judgment be really against the interests of the Government and against the interests of justice as between claimants; but with reference generally to the disposition of the public lands the bill which the Senator from Colorado introduced and the committee have under consideration, provided that after a certain lapse of time, after the issue of a patent, proceedings might be taken to set aside the patent, and that brought up the general question of holding up claims in the General Land Office on the ground that the pre-emption law or the homestead law or whatever law they were sought to be entered under, had not been complied with.

I have no doubt that in a great many cases the reports of special agents or other reports on which the Interior Department has acted have been partial and have worked injustice; but on the other hand every one who reads the report of the Commissioner of the General Land Office, and who is at all conversant with the history of the administration of the public land laws during the last few years, must know that in the greed to get land which has seized upon a good many people during the last few years a great many instances have occurred where entries have been made which were not warranted by the law at all and which were practically a fraud on the Government.

If the Government were desirous simply of getting the money for the lands, if it was only a question of getting a dollar and a quarter an acre, then of course the Government side of the question might well be satisfied by the money; but for many years the public lands have been regarded as a trust for the benefit of those persons, citizens of the United States who desired to make homes on them and therefore the mere payment of money unaccompanied by the evidences of settlement which the law requires and unaccompanied by the fact that men have actually made homes to entitle them to enter them is practically a fraud upon the public. It is that class of cases which this bill is designed to prevent.

While a healing act in reference to certain classes of those cases might be well, at the same time it can not be framed off-hand. It is not wise, as I think, to put it onto a bill of this kind, or of any kind, without some discussion of the matter so that the exact limitations of it may be thoroughly understood. It might be possible that you could heal all entries made in a certain number of years. That would do in certain sections of the country; but in certain others perhaps that would not do. Therefore, this being a very large question, it seems to me to be unwise to attempt in this manner to ingraft it upon legislation.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I ask the Senator from Missouri to withdraw that for a moment.

Mr. VEST. We can not finish this bill to-night because there are important amendments here. It is impossible to finish it.

Mr. HARRIS. I ask the Senator from Missouri to withdraw the motion until I can make a report from a conference committee.

Mr. VEST. Certainly.

The PRESIDING OFFICER. The motion is withdrawn.

SUITS FOR DAMAGES.

Mr. HARRIS. I offered this morning the report of a committee of conference, but on hearing it read at the desk I discovered that the clerk of the House committee in making the duplicate copy had omitted a single word, and I sent it back to have the House conferees and Senate conferees agree to insert the word. I now present the report in correct form.

The PRESIDING OFFICER. The Senator from Tennessee submits a report from a conference committee, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 7131, to authorize suits for damages where death results from the wrongful act, neglect, or default of any person or corporation in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments thereto:

In the first section of said Senate amendment and next before the proviso to said section insert the following words: "And such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the widow and next of kin of such deceased person."

And also by adding to said first section, after the proviso, the following words: "*And provided further*, That no action shall be maintained under this act in any case where the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party."

And also by amending the said Senate amendment by striking out of said second section thereof the words "two years" and inserting in lieu thereof "one year."

And the Senate agree to the said amendments to the Senate amendments to said bill.

ISHAM G. HARRIS,
JOHN J. INGALLS,
H. H. RIDDLEBERGER,
Managers on the part of the Senate.

LUKE P. POLAND,
J. R. TUCKER,
WILLIAM DORSHEIMER,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced the appointment of Mr. JAMES F. CLAY, of Kentucky, and Mr. J. WARREN KEIFER, of Ohio, as tellers on the part of the House provided for in the concurrent resolution of the two Houses on the subject of counting the votes for President and Vice-President of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.;

A bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.;

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas; and

Joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2626) for the relief of William E. Blunt; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of New York (by request), introduced a bill (S. 2627) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnstone; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 2628) relating to sales for taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GROOME introduced a bill (S. 2629) to amend the law concerning mechanics' liens in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 2630) granting a pension to Mrs. Ann Bailey; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me., with an amendment; in which the concurrence of the Senate was requested.

The message also announced that the House had passed the bill (S. 591) for the relief of the estate of Chester Ashley.

The message further announced that the House had passed a bill (H. R. 6533) for the relief of Dr. Thomas J. Jones; in which it requested the concurrence of the Senate.

PUBLIC BUILDING AT AUGUSTA, ME.

Mr. FRYE. I ask unanimous consent that the question of concurrence in the House amendment to the bill providing for the erection of a public building in the city of Augusta, Me., may be passed upon now. It is a Senate bill, has passed the Senate twice, and is returned from the House with an amendment.

The PRESIDING OFFICER (Mr. HALE in the chair). The Chair lays before the Senate a bill returned from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the bill from the Senate, No. 235, entitled "An act to provide for the erection of a public building in the city of Augusta, Me.," do pass with the following amendment:

In line 11 of the bill, after the word "dollars," insert the following:

"And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which plan and specifications shall not involve an expenditure, in the erection and completion of said building and the approaches thereto, exceeding the portion of said $150,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

The PRESIDING OFFICER. The Senator from Maine moves that the Senate concur in the House amendment.

The amendment was concurred in.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 10, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday, February 7, was read.

The SPEAKER *pro tempore*. Without objection, the Journal as read will be approved.

Mr. KELLEY. Mr. Speaker, I desire to ask that the Journal as read be amended in that portion of the proceedings of yesterday which refers to what occurred between one of the assistant sergeants-at-arms of the House and the gentleman from Kentucky [Mr. WHITE].

After stating that the Sergeant-at-Arms returned for his mace and passed up the aisle, it says "the gentleman from Kentucky took his seat." That is a mistake, and it should state the truth, which is that when the member from Kentucky saw the party who had assailed him pass beside the Speaker's chair and assume the mace he took his seat; so that the Journal should read "he had taken his seat," and not that he took his seat under the constraint of the Sergeant-at-Arms with the mace in his hand.

This much is due to the gentleman from Kentucky. I can have no personal feeling in suggesting this amendment which is due to him. The House knows that there can have been no personal relations between him and me for some years past, while I know I am ready to bear testimony that I have never experienced anything but courtesy from the gentleman, whom I think was yesterday a grave aggressor upon the dignity and decorum of the House.

I move that the Journal be amended by striking out the word "took" and inserting "had taken," or such form of words as may be necessary to make the correction I have suggested.

Mr. COX, of New York. I am sure, Mr. Speaker, that this matter should be correct in the Journal, and I am equally sure that it is correct as it now stands. It is a mistake on the part of the gentlemen on the other side of the House, perhaps on this side, that the mace, Cromwell's old bauble, is the only symbol of authority. It is only the outward emblem of the inward authority of the Speaker; and when the Speaker sent the Sergeant-at-Arms, without having the mace in his possession, down to the member from Kentucky, he had the right under the fourth paragraph of Rule XIV to do just what he did; and I wish that rule had been read in the hearing of the House on yesterday, as it might have saved the motion of the gentleman from Pennsylvania. That clause of the rule in question is as follows:

> 4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down.

It does not follow that he shall be approached with the mace if he is approached by the authority of the Speaker in the person of the officer of the House; and the Speaker on yesterday said, as the RECORD will show, that he had directed the Sergeant-at-Arms to see that the gentleman from Kentucky was seated. All was done in kindness and gentleness by the Speaker *pro tempore* toward his colleague. There is nothing to complain of. Nobody can complain of either the Speaker *pro tempore* or the Speaker himself in their treatment of the gentleman from Kentucky: and the only complaint is that they have exceeded in lenity and not in severity. [Applause on the Democratic side.]

Mr. KELLEY. I do not desire to discuss the doctrine of this case at this time. A time will come for that. All that I now ask is that the Journal, which should be a faithful record of the proceedings of the House, shall state the facts as they actually occurred.

The gentleman from Kentucky did refuse to take his seat upon the order of a man who had laid violent hands upon him and bore no symbol of office. When, however, that citizen left him to assume evidence that he was an officer of the House and under the Speaker's command the gentleman took his seat; and when the representative of the Sergeant-at-Arms approached or turned to approach the gentleman from Kentucky he was, as all the gentlemen around us here well know and will say, already in his seat. And the Journal should show, not that he took his seat under official constraint, but that, if he had made a mistake in assuming that no citizen had the right to force him by violence off his feet when addressing the Chair—when he saw that the authority of the House was speaking to him he had taken his seat; and I ask that this correction be made in the Journal.

Mr. CONVERSE. Will the gentleman from Pennsylvania permit me a question?

Mr. KELLEY. Yes, sir.

Mr. CONVERSE. I would like to inquire of the gentleman from Pennsylvania, who has had long and wide experience in parliamentary law, whether there is any rule of the law which requires an officer of this House to carry with him the mace or other symbol of authority when he is obeying the instructions of the presiding officer of the House or when serving a writ or process or performing any other duty that he is by the law required to perform?

Mr. KELLEY. As there will be, Mr. Speaker, time enough to discuss that question when it arises, I shall not proceed to discuss it now. The question before us is whether the Journal states the facts as they occurred or whether it misrepresents them. I ask that it state them correctly.

Mr. REAGAN. The Journal is correct as read. It states the facts as they occurred. The only pretense for making this question is a purely technical one, which ignores the actual facts of the case.

The gentleman from Kentucky knew the Sergeant-at-Arms as well as the Speaker and every other member of the House knew him. He heard the order of the Speaker to the Sergeant-at-Arms to cause him to be seated. The pretense now that he did not bring the mace is, I repeat, a mere technical pretense, in order to make an issue to the disadvantage of the Speaker when he had discharged the duty which devolved upon him—with perhaps the exception stated by the gentleman from New York [Mr. COX], that he extended too much leniency and listened too long to the abuse of the patience of the House.

Mr. REED, of Maine, rose.

The SPEAKER *pro tempore*. Does the gentleman from Texas yield?

Mr. REAGAN. I was going to move, and I do move, to lay the proposed motion to correct the Journal on the table.

Mr. REED, of Maine, addressed the Chair.

The SPEAKER *pro tempore*. The motion to lay on the table is not debatable.

Mr. REED, of Maine. I think the gentleman from Texas will kindly withdraw his motion for a moment.

Mr. REAGAN. I would be glad to hear the views of the gentleman from Maine, but we have a great deal of important business and we should not waste more time on this matter.

Mr. REED, of Maine. I simply desire one moment.

The SPEAKER *pro tempore*. The Chair will state the motion of the gentleman from Texas, as the gentleman from Maine well knows, is not debatable. The gentleman from Pennsylvania [Mr. KEILEY] has moved to correct the Journal——

Mr. REED, of Maine. I would like to state—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is not debatable, as the gentleman from Maine knows perfectly well. The gentleman from Pennsylvania [Mr. KELLEY] has moved to correct the Journal as indicated, and the gentleman from Texas moves to lay that motion on the table.

The question being taken on Mr. REAGAN's motion, there were—ayes 138, noes 94.

Mr. KELLEY. I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. WASHBURN. Before the roll is called I would like to have the clause of the Journal which it is proposed to correct reported again.

The SPEAKER *pro tempore*. Unless there be objection it will be again read.

Several members objected, and called for the general order.

Mr. WASHBURN. I am satisfied so far as I am concerned. [Cries of "Regular order!"]

The question was taken; and there were—yeas 164, nays 95, not voting 64; as follows:

YEAS—164.

Adams, J. J.	Dorsheimer,	Lore,	Snyder,
Aiken,	Dowd,	Lovering,	Spriggs,
Alexander,	Dunn,	Lowry,	Springer,
Arnot,	Eaton,	McMillin,	Stevens,
Bagley,	Eldredge,	Matson,	Stewart, Charles
Ballentine,	Ellis,	Maybury,	Stockslager,
Barbour,	English,	Miller, J. F.	Sumner, C. A.
Barksdale,	Ermentrout,	Mills,	Sumner, D. H.
Beach,	Ferrell,	Mitchell,	Swope,
Belmont,	Findlay,	Money,	Talbott,
Bennett,	Follett,	Morgan,	Taylor, J. M.
Blackburn,	Foran,	Moulton,	Thompson,
Blanchard,	Forney,	Muldrow,	Tillman,
Bland,	Fyan,	Muller,	Townshend,
Blount,	Geddes,	Murphy,	Tucker,
Boyle,	Gibson,	Murray,	Tully,
Bratton,	Glascock,	Mutchler,	Turner, H. G.
Breckinridge,	Graves,	Neece,	Van Alstyne,
Broadhead,	Green,	Nicholls,	Vance,
Buchanan,	Halsell,	Oates,	Van Eaton,
Buckner,	Hammond,	Ochiltree,	Wallace,
Cabell,	Hardeman,	O'Ferrall,	Ward,
Campbell, J. E.	Hardy,	Paige,	Warner, Richard
Candler,	Hatch, W. H.	Patton,	Warner, A. J.
Carleton,	Hewitt, A. S.	Peel,	Weaver,
Clardy,	Hewitt, G. W.	Pierce,	Wellborn,
Clay,	Hill,	Post,	Wemple,
Cobb,	Holman,	Pryor,	Wilkins,
Collins,	Hopkins,	Pusey,	Williams,
Converse,	Houseman,	Randall,	Willis,
Cosgrove,	Hurd,	Reagan,	Wilson, James
Covington,	Hutchins,	Reid, J. W.	Wilson, W. L.
Cox, S. S.	Jones, B. W.	Riggs,	Winans, E. B.
Cox, W. R.	Jones, J. H.	Robertson,	Winans, John
Crisp,	Jones, J. K.	Rogers, J. H.	Wise, G. D.
Dargan,	Jones, J. T.	Rogers, W. F.	Wolford,
Davidson,	King,	Rosecrans,	Wood,
Deuster,	Kleiner,	Seney,	Woodward,
Dibble,	Lamb,	Seymour,	Worthington.
Dibrell,	Lanham,	Shively,	Yaple,
Dockery,	Lewis,	Singleton,	York.

NAYS—95.

Adams, G. E.	Ellwood,	Kean,	Rowell,
Anderson,	Evans,	Keifer,	Ryan,
Atkinson,	Everhart,	Kelley,	Skinner, T. G.
Bayne,	Finerty,	Lawrence,	Smith, A. Herr
Bingham,	Funston,	Long,	Smith, H. Y.
Bisbee,	George,	Lyman,	Spooner,
Bontelle,	Goff,	McCold,	Steele,
Breitung,	Greenleaf,	McComas,	Stephenson,
Brewer, F. B.	Guenther,	McCormick,	Stewart, J. W.
Brewer, J. H.	Hanback,	Millard,	Storm,
Brown, W. W.	Hart,	Nelson,	Strait,
Browne, T. M.	Haich, H. H.	Nutting,	Struble,
Budd,	Haynes,	O'Hara,	Taylor, E. B.
Campbell, J. M.	Heimphill,	O'Neill, Charles	Taylor, J. D.
Cassidy,	Hepburn,	Payne,	Thomas,
Connolly,	Hiscock,	Perkins,	Valentine,
Craig,	Hitt,	Peters,	Wadsworth,
Culbertson, W. W.	Holmes,	Pettibone,	Wait,
Cullen,	Horr,	Phelps,	Wakefield,
Cutcheon,	Houk,	Poland,	Washburn,
Davis, R. T.	Howey,	Price,	White, J. D.
Davis, L. H.	Hunt,	Ray, G. W.	White, Milo
Dingley,	Jeffords,	Ray, Ossian	Whiting.
Dunham,	Johnson,	Reed, T. B.	

NOT VOTING—64.

Barr,	Elliott,	Lacey,	Reese,
Belford,	Fiedler,	Laird,	Rice,
Bowen,	Garrison,	Le Fevre,	Robinson, J. S.
Brainerd,	Hancock,	Libbey,	Robinson, W. E.
Brumm,	Harmer,	McAdoo,	Rockwell,
Burleigh,	Henderson, D. B.	Miller, S. H.	Russell,
Burnes,	Henderson, T. J.	Milliken,	Shaw,
Caldwell,	Henley,	Morrill,	Skinner, C. R.
Campbell, Felix	Herbert,	Morrison,	Slocum,
Cannon,	Hobbitzell,	Morse,	Smalls,
Chalmers,	Holton,	O'Neill, J. J.	Stone,
Clements,	Hooper,	Parker,	Throckmorton,
Cook,	James,	Payson,	Turner, Oscar
Culberson, D. B.	Jordan,	Potter,	Weller,
Curtin,	Kellogg,	Rankin,	Wise, J. S.
Davis, G. R.	Ketchum,	Ranney,	Young.

So the motion to correct the Journal was laid on the table.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. LIBBEY.

Mr. SHAW with Mr. LAIRD.

Mr. GARRISON with Mr. BARR.

Mr. RANKIN with Mr. KELLOGG.

Mr. HERBERT with Mr. LACEY.

The following pairs were also announced:

Mr. CALDWELL with Mr. BRUMM, on this vote.

Mr. DAVIS, of Illinois, with Mr. O'NEILL, of Missouri, on this vote.

Mr. BOYLE with Mr. HENDERSON, of Iowa, for to-day.

The result of the vote was then announced as above stated.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER rose. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. If there be no further objection, the Journal will stand approved.

Mr. KEIFER. I object. I now move that the Chair appoint a committee of five members to examine and report upon the question of fact, as made by members around me, with reference to the proceedings yesterday in connection with the Sergeant-at-Arms and the gentleman from Kentucky [Mr. WHITE]. I may state, in support of this motion, that it is in accordance with the rule in the English Parliament; indeeed, it is the only way to have the fact recorded, and it is the right of every member, no matter what the judgment of the House may be, to have the facts recorded. The House has no right to vote, by a majority vote, that a fact which has occurred in its proceedings shall not be recorded in the Journal.

Mr. REAGAN. Mr. Speaker, I move to lay the motion made by the gentleman from Ohio [Mr. KEIFER] on the table.

Mr. TOWNSHEND. I call for the regular order, Mr. Speaker. The motion of the gentleman from Texas [Mr. REAGAN] is not debatable.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] moves that the Chair appoint a committee of five members to examine and report as to the correctness of the Journal as read by the Clerk. That motion the gentleman from Texas [Mr. REAGAN] moves to lay on the table.

Mr. THOMPSON. Is the motion subject to the point of order?

The SPEAKER *pro tempore*. The Chair thinks that it is too late to make the point of order. The question is on the motion of the gentleman from Texas [Mr. REAGAN] to lay upon the table the motion of the gentleman from Ohio [Mr. KEIFER].

Mr. REED, of Maine. Mr. Speaker, does the gentleman from Texas [Mr. REAGAN] have the right to make that motion while the gentleman from Ohio [Mr. KEIFER] is on the floor?

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Ohio [Mr. KEIFER] had concluded his remarks.

Mr. KEIFER. I had not concluded, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman had made his motion, and in the silence that ensued, the gentleman from Ohio [Mr. KEIFER] not addressing the Chair, the gentleman from Texas [Mr. REAGAN] rose and made the motion to lay on the table.

Mr. KEIFER. I paused, Mr. Speaker, for the purpose of having the Chair state the question, which had not been stated up to that time; and before the Chair had stated the question the gentleman from Texas [Mr. REAGAN] took the floor to move to lay my motion on the table. I claim the right to have the Chair state the motion that I have made, and then to proceed to discuss it.

The SPEAKER *pro tempore*. The Chair does not recognize the right of the gentleman from Ohio [Mr. KEIFER] to require such service at the hands of the Chair until he has concluded his remarks; but in order to be entirely fair, the Chair will hear the gentleman from Ohio [Mr. KEIFER] further.

Mr. KEIFER. Mr. Speaker, I do not make this motion in any captious spirit at all——

Mr. MCMILLIN. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. MCMILLIN. But before he discusses the proposition the point of order can be entertained.

The SPEAKER *pro tempore*. The Chair will overrule the point of order if the gentleman desires to make it, and will hear the gentleman from Ohio [Mr. KEIFER].

Mr. MCMILLIN. I was about to reserve the point of order.

The SPEAKER *pro tempore*. The Chair has passed upon it, and the gentleman from Ohio will proceed.

Mr. KEIFER. I do not make this motion in any captious sense at all, nor to occupy the time of the House, but to preserve the integrity of the records of the proceedings of this House. I do not know personally the facts in relation to this matter that is claimed to have been omitted from the Journal, but all around me, I may say regardless of party, there is concurrence in this: that the gentleman from Kentucky [Mr. WHITE] took his seat before the Sergeant-at-Arms arrived with the mace.

Now, whether that is correct or not depends upon the facts as they may be disclosed by a large number of honorable gentlemen here. The point I make, Mr. Speaker, is that it is not the right of a majority of this House to say that a fact which concerns the proceedings of this House and is a part of them shall not be recorded upon the Journal. Indeed, I think that the House, with a little deliberation, would not attempt to prevent a record being made of the proceedings as they took place. There may well be a difference of opinion as to what did take place; it may be that a majority of the House, either from not knowing anything about the matter, or from information received, might vote down a motion such as that submitted by the distinguished gentleman from Pennsylvania [Mr. KELLEY]; but in parliamentary bodies whenever there is an allegation of inaccuracy in the Journal, or of omission from the Journal, it has been the practice to appoint a committee to inquire into the facts and report to the House, in order that the Journal might be corrected. The Journal is of that sort of paramount importance that in the organic act of the nation it is made mandatory upon each House of Congress to keep a journal of its proceedings. Now, is that journal to be kept in accordance with the vote of the majority of the House, in accordance with their wish as to what shall be recorded, in accordance with the whim of the majority of the House (if I may use the expression) at the time the record is made up, or is it to be kept in accordance with the fact? To illustrate, suppose the gentleman from Texas [Mr. REAGAN], or any other gentleman, has an important proceeding here upon a bill, and it is entirely omitted from the Journal by mistake or otherwise, I insist that that gentleman himself, even if no other member agrees with him, has a right to have the Journal show exactly what did take place—precisely what did take place. It is not for the judgment of the House to determine whether or not it shall go upon the record, but whether it is the fact.

This, Mr. Speaker, comprises substantially all I desire to say. It is laid down in Jefferson's Manual, page 139, that in cases of this kind the House may take proceedings to have the facts ascertained which should go upon the Journal. The language is:

> On information of a misentry or omission of an entry in the journal, a committee may be appointed to examine and rectify it and report it to the House.

I now yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REAGAN. Mr. Speaker, how does this debate come up?

The SPEAKER *pro tempore*. The motion of the gentleman from Ohio is that a committee of five members be appointed to inquire into the facts and report to this House as to the correctness or incorrectness of its Journal.

Mr. REAGAN. I moved to lay that motion on the table.

The SPEAKER *pro tempore*. The Chair will repeat the statement already made, that the Chair, supposing the gentleman from Ohio had finished his remarks, recognized the gentleman from Texas [Mr. REAGAN], who moved to lay the motion of the gentleman from Ohio on the table. But the gentleman from Ohio, claiming that injustice was done him, the Chair, in order to be entirely fair, recognized the gentleman from Ohio to proceed again. That gentleman now seems to be claiming an hour, and is yielding certain time to other members.

Mr. ROBERTSON. Has he the right to do so under the rules?

The SPEAKER *pro tempore*. The Chair will say that it is the gentleman's right, if he claims it, under the circumstances.

Mr. ROBERTSON. Does he claim it?

Mr. KEIFER. Not the whole hour; no.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Ohio.

Mr. KEIFER. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. Mr. Speaker, the only anxiety I feel about this matter is that the House should do itself justice. This is not a matter of personal popularity or personal unpopularity. It is a question of what is due to the House in the statement of a fact upon its Journal. I simply desire to say to the House that I was personally an eyewitness of the transaction, and that the Journal does not, according to my recollection, state the fact as it occurred.

I do not desire for one moment to enter into the question of the right or wrong of the transaction; that will come up under another form of proceedings. But here is a proposition to correct a misstatement in the Journal. It seems to me the House owes it to itself to make that correction in some form or other. I do not know that a word need be added to what I have said. The House ought to ascertain whether the correction should be made, if there is any dispute.

Mr. KEIFER. I yield five minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I shall be obliged to vote for this resolution, because it is proper, without any regard to who is right as to the matter of fact. There is an issue, and the only way to try that issue is before a committee. We have no standing committee that has jurisdiction of this question; therefore a special committee ought to be appointed.

I may believe that the Journal is exactly correct; other gentlemen believe it is wrong. The fact that anybody feels an interest in having it corrected creates a necessity for ascertaining the truth. This is but a repetition, for the purpose of emphasis, of what I have already said.

Mr. KEIFER. I now yield five minutes to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Speaker, upon this question valuable time is being consumed which there is an imperative demand should be devoted to the transaction of the public business. I have conversed with several gentlemen on this side of the House, and I find the opinion to prevail generally that the shortest and quickest way out of this imbroglio will be to adopt the motion of the gentleman from Ohio—appoint this committee, and let a report be made in regard to the facts touching this transaction, and thus dispose of it without consuming the time of the House.

Mr. KEIFER. I now desire to yield for a moment to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker——

Mr. O'NEILL, of Missouri. I rise to a point of order. Was not a motion made to lay on the table?

The SPEAKER *pro tempore*. That motion is not before the House. The gentleman from Pennsylvania will proceed.

Mr. KELLEY. Mr. Speaker, I began the remarks with which I preceded my motion on this subject by disclaiming all personal feeling in this matter. I can not do so at this time. I have a deep personal interest in this question as now presented. I have made a statement as to a matter of fact which I had witnessed, and which was witnessed by my neighbors all around me. This honored member of the Democratic party who now stands near me, the gentleman from Louisiana [Mr. HUNT], stood as near as I did to the scene of the transaction, and would, I am quite sure, tell a committee that my statement was to the letter accurate.

Mr. HUNT. I believe the gentleman's statement was correct.

Mr. KELLEY. I believed the gentleman would say so. The man himself who came as a citizen and claimed to be executing an order addressed to an officer of the House, and whose conduct has given rise to this discussion, has, if I am not misinformed by several gentlemen, said that my statement of the facts was accurate.

As has been said, it is due to the member involved that the Journal shall speak of him truthfully. It is due to the honor of the House, in whose behalf I proposed the amendment, that it shall recite the truth and not falsely record the angry impulse of a majority on the floor. Therefore I ask as a measure of justice to the House that the parliamentary usage of a committee to inquire where in a moment of excitement an issue has been raised shall be followed so it may be corrected.

Mr. REAGAN rose.

Mr. KEIFER retained the floor.

The SPEAKER *pro tempore*. The Chair desires to know what the gentleman from Ohio proposes to do?

Mr. KEIFER. I do not propose to occupy any more time at present.

The SPEAKER *pro tempore*. The gentleman must occupy his time or yield the floor.

Mr. KEIFER. I yield a moment to the gentleman from Minnesota.

Mr. WASHBURN. Mr. Speaker, I only desire to say that I think this is a case of much ado about nothing. Just as it now stands it seems to me it is beyond the authority of the other side of the House, or of this House, to do anything except to go forward and have this committee appointed and the fact ascertained.

Mr. O'NEILL, of Missouri. We will not do anything, of course, if we take up the whole time with this trash.

Mr. WASHBURN. I sat in my seat, and I know, unless my senses misled me, that the statement in the Journal is not correct. Now, can any one of us afford to refuse to have that correction made? I can not see that anybody is to be harmed by it. Let the correction be made and let the Journal stand as a true record of our proceedings.

Mr. OATES. Let me ask the gentleman a question.

Mr. WASHBURN. And then let us proceed to business. So far as I am concerned, I have heard enough of this whole trifling proceeding.

Mr. OATES. Let me ask the gentleman a question.

Mr. KEIFER. I yield the floor for the present.

The SPEAKER *pro tempore*. The gentleman from Ohio has yielded the floor. [After a pause.] The Chair recognizes the gentleman from Texas.

Mr. WASHBURN. I yield for a question.

Mr. REAGAN. I am willing to yield for a question.

Mr. OATES. Is not the Journal correct so far as it goes, the trouble being in the fact that it is not explicit? ["No!" from the Republican side.] It states the Sergeant-at-Arms went and got his mace and then returned, and that, after he had returned, Mr. WHITE took his seat. If you had inserted the words that Mr. WHITE had taken his seat "before the deputy sergeant-at-arms had again reached him," you would have the whole thing. It is not an error in what is stated, but in not stating enough to make it explicit.

Mr. REAGAN. Now I desire to go on.

The SPEAKER *pro tempore*. The gentleman from Texas is recognized.

Mr. REAGAN. Mr. Speaker, the whole of this means that gentlemen on the other side of the House, for the protection of the man who has been interrupting the proceedings of the House and producing unnecessary delays by a course of conduct that ought not to have been tolerated, now desire to dictate to the Democrats on this side that they shall make an apology for the Speaker having performed his duty as he did. That is all there is of it. The Sergeant-at-Arms by the command of the Speaker went to the desk of that member and tried to get him to take his seat after he was called to order and requested to do so by the Speaker; but he refused to be seated. The Sergeant-at-Arms went back to his desk and got his mace, under the idea perhaps that it would add to his authority; but when he returned the member was seated. It seems to me we ought not to consume further time, that common decency, in view of the history of this transaction, forbids that we should go on to spend more time on this subject.

It is asserted that it is an outrage on personal rights. Now, if the question of right could be considered, the whole question of right, we would consider the outrage on the rights of this House and on the interests of this country by delaying its proceedings day after day by dilatory and filibustering motions.

Mr. BOUTELLE. By whom?

Mr. REAGAN. By the very gentleman you are now trying to make a martyr of; the gentleman you put up—the gentleman Mr. REED put up. I am tired of seeing Democrats rise here and apologize for efforts on the part of the majority in trying to control this House. [Applause on the Democratic side.] It has been our fate long enough——

Mr. REED, of Maine, rose.

The SPEAKER *pro tempore*. The gentleman from Texas will suspend.

Mr. REED, of Maine. I desire the words of the gentleman from Texas be taken down.

The SPEAKER *pro tempore*. The words will be taken down.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. The gentleman from Texas has been called to order, and he has not taken his seat while the words are being taken down.

The SPEAKER *pro tempore*. The words of the gentleman from Texas have been called for, and when they have been supplied by the Official Reporter they will be read. The gentleman from Texas having been called to order will take his seat. [Laughter.]

Mr. REAGAN. Let the words be taken down if the gentleman wants them.

The SPEAKER *pro tempore*. The gentleman from Texas will suspend until the language of the gentleman has been reported to the House.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I make the point of order that under the rule itself the only privilege of the gentleman from Texas now is to take his seat until the words are reported to the House. I call the attention of the Chair to the fact that the gentleman is still standing. [Laughter.]

The SPEAKER *pro tempore*. The Chair will state that it is in order

for every member on the floor to take his seat; and the Sergeant-at-Arms will see that all members are seated.

Mr. REAGAN. Since the gentleman from Kentucky is so sensitive about the rules, I will take my seat. [Laughter.]

[The assistant sergeant-at-arms, with the mace in his hands, proceeded through the Hall until order was restored and members had resumed their seats.]

The SPEAKER *pro tempore*. The Clerk will read the language to which the gentleman from Maine excepts.

The Clerk read as follows:

Mr. BOUTELLE. By whom?

Mr. REAGAN. By the very gentleman you are now trying to make a martyr of; the gentleman you put up—the gentleman Mr. REED put up. I am tired of seeing Democrats rise here and apologize for efforts on the part of the majority in trying to control this House. [Applause on the Democratic side.] It has been our fate long enough.

* * * * * * *

Mr. REED, of Maine. I ask that the gentleman's words be taken down.

The SPEAKER *pro tempore*. The Clerk will now read clause 5 of Rule XIV.

The Clerk read as follows:

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER *pro tempore*. The Clerk will now read clause 4 of the same rule.

The Clerk read as follows:

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case require it he shall be liable to censure or such punishment as the House may deem proper.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] takes exception to the language of the gentleman from Texas.

Mr. REED, of Maine. I simply ask the Speaker to rule upon the question of order as to the right of the gentleman to mention my name in the connection in which it has been mentioned by him.

The SPEAKER *pro tempore*. Does the gentleman from Maine make the point of order that the gentleman from Texas violated the rules of the House in using the language read by the Clerk?

Mr. REED, of Maine. That the gentleman was out of order in making a personal allusion to me in the course of his remarks.

The SPEAKER *pro tempore*. The Chair does not regard the language of the gentleman from Texas as a transgression of the rules of the House in the connection in which it was used.

Mr. RANDALL. I move that the gentleman from Texas be allowed to proceed.

Mr. CASSIDY. In order?

Mr. COX, of New York. The gentleman from Texas should be allowed to proceed, Mr. Speaker, but I think that the gentleman was out of order in naming the gentleman from Maine. I therefore move to amend the motion of the gentleman from Pennsylvania by moving that the gentleman from Texas be allowed to proceed in order.

Mr. REED, of Maine. That is proper.

Mr. COX, of New York. The gentleman from Texas was unquestionably out of order in mentioning by name the gentleman from Maine; and although we are in the habit of doing it on the floor every day, when attention is called to it it is a practice that ought not to be indulged in.

Mr. REED, of Maine. I have no resentments or animosities whatever in the matter; but I think the rule ought to be enforced with regard to members mentioning the names of other members on the floor of the House in debate.

Mr. MILLS. Mr. Speaker, I think my colleague from Texas was perfectly in order in mentioning the name of the gentleman from Maine in the manner that he did. It will be remembered that a direct question was asked of my colleague, and in response to that question he named the gentleman from Maine.

Mr. COX, of New York. Under the rule the gentleman had no right to name a member.

The SPEAKER *pro tempore*. The Chair has already passed upon the point of order, and the gentleman of course has the right to appeal if he sees proper.

Mr. RANDALL. The Chair decides that the language of the gentleman from Texas was not out of order.

The SPEAKER *pro tempore*. Such has been the ruling of the Chair.

Mr. RANDALL. Now, in view of that decision, from which no appeal was made, I make the motion that the gentleman from Texas be allowed to proceed.

Mr. REED, of Maine. And the gentleman from New York supplements that by a motion that the gentleman be allowed to proceed in order.

Mr. REAGAN. I desire to say that I used the name of the gentleman from Maine in response to a question; and if that is the objection I cheerfully withdraw the personal reference to him.

Mr. REED, of Maine. I have no objection beyond that.

Mr. REAGAN. Mr. Speaker, I have stated once that the motion which was offered this morning, and which has been disposed of, did not embrace the whole question. That was true as far as it went, but it did not embrace the whole case. The circumstances before the House and all that transpired in reference to it are facts in the knowledge of the House. All of the circumstances took place in view of the members of the House and to their personal knowledge, and yet it is proposed that there shall be an investigation by a committee to know what are the facts which are already in the knowledge of the House. What can we know that we do not now know after a committee shall act upon the subject? I warn Democrats of this side of the House that if they consent to this investigation they help to put the Speaker of this House in a false and disagreeable attitude in having done his duty in the mildest possible manner; and they undertake to apologize for what has been done, not to get new facts, but to get a report from the committee and involve another partisan discussion and waste of time upon this subject. More consumption of time, more waste of time, for it has been manifest to this House for days, for two weeks nearly, that the purpose was to defeat necessary legislation and appropriations by dilatory and filibustering motions.

Mr. HISCOCK. Let me ask the gentleman from Texas if there has been any more filibustering on this side, on this bill or on any other bill, than there has been on the other side on the Mexican pension bill, on the public-building bills, and other measures that could be named?

Mr. REAGAN. Mr. Speaker, I am discussing the question before the House and I do not propose to allow the gentleman from New York [Mr. HISCOCK] to lead me into a general discussion. We are now within three weeks of the final adjournment. The appropriation bills, many of them, are not yet passed. It will require extraordinary expedition to pass them. The gentleman from New York does not need an answer from me; he does not need an answer from any other member, that this House has had its time willfully wasted by filibustering and dilatory motions.

Mr. HISCOCK. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Texas yield to the gentleman from New York?

Mr. REAGAN. I do not; but I propose to yield to the gentleman from Georgia [Mr. BLOUNT].

Mr. HISCOCK. I make the point that the gentleman from Texas is not now speaking in order.

The SPEAKER *pro tempore*. The gentleman from New York is not in order. The gentleman from Georgia [Mr. BLOUNT] is entitled to the floor.

Mr. BLOUNT. It seems to me this is a very plain matter. It was complained by gentlemen on the other side of the House that the Journal was incorrect in the very small matter as to whether the gentleman from Kentucky [Mr. WHITE] was sitting or standing when the officer came the second time with the mace—a very small matter.

Mr. KEIFER. Let it be corrected then.

Mr. BLOUNT. The gentleman from Ohio has had the floor and will allow me to proceed. The gentleman from Pennsylvania [Mr. KELLEY] rose and called that matter to the attention of this body; and the opinion of the House was that it was a matter of too small significance to be entertained, and it tabled the motion. That is the whole of it.

I think any gentleman must concede that there is nothing in this matter of correcting the Journal in this particular, unless, as has been suggested, it is preliminary to something else behind of which we are not advised.

Now, after the House has deliberately determined that this is a matter of no consequence at all, and I think every gentleman's judgment will lead him to that conclusion, the very moment it is suggested, after that has been deliberately done on a yea-and-nay vote, the gentleman from Ohio [Mr. KEIFER] rises and wants to raise a committee to examine this great question. And they are to come back and make their report, and whatever further time of this House they are to occupy and whatever purposes they may have is then to be disclosed.

As has been suggested by the gentleman from Texas, we are approaching the end of the session. We have crowded upon us the consideration of many important matters, including appropriation bills, the delay of which may involve the country in an extra session of Congress. I do believe it is our duty now to close up this small matter and to go on with the business in which the country is so deeply interested.

Mr. REAGAN. I move to lay the motion of the gentleman from Ohio [Mr. KEIFER] on the table, and on that I call the previous question.

Mr. RANDALL. The call for the previous question is not necessary.

Mr. REED, of Maine, rose.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Maine rise?

Mr. REED, of Maine. The Chair has decided the gentleman from Texas [Mr. REAGAN] was in order in the remarks he made, and it would seem unfair they should go unanswered, as they are easily answered.

The SPEAKER *pro tempore*. The Chair has no power over that. The motion to lay on the table is not debatable.

Mr. REED, of Maine. I appeal to the sense of fairness of the House——

The SPEAKER *pro tempore*. Debate is not in order. The gentle-

man from Ohio [Mr. KEIFER] moves to appoint a committee of five members to decide on the correctness or incorrectness of the Journal in the particular indicated; and the gentleman from Texas [Mr. REAGAN] moves to lay that motion on the table.

The question being taken, there were—ayes 127, noes 17.

Several MEMBERS. No quorum.

The SPEAKER *pro tempore*. The point as to a quorum is not made by any gentleman rising from his seat.

Mr. BOUTELLE, Mr. ANDERSON, and others rose, and made the point that a quorum had not voted.

The SPEAKER *pro tempore*. The Chair recognizes gentlemen for the point that a quorum has not voted when they rise from their seats and make it. The Chair will appoint tellers.

Mr. REAGAN. Let us have the yeas and nays.

The yeas and nays were ordered, 51 members voting therefor.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Texas to lay upon the table the motion of the gentleman from Ohio.

The question was taken; and there were—yeas 155, nays 32, not voting 136; as follows:

YEAS—155.

Aiken,	Dowd,	Lovering,	Singleton,
Alexander,	Eaton,	Lyman,	Slocum,
Arnot,	Eldredge,	McMillin,	Snyder,
Bagley,	Ellis,	Matson,	Spriggs,
Ballentine,	English,	Mayburry,	Springer,
Barbour,	Ermentrout,	Miller, J. F.	Stevens,
Barksdale,	Ferrell,	Mills,	Stewart, Charles
Belmont,	Follett,	Money,	Stockslager,
Bennett,	Foran,	Morgan,	Storm,
Blackburn,	Forney,	Morse,	Sumner, D. H.
Blanchard,	Fyan,	Moulton,	Swope,
Bland,	Geddes,	Muldrow,	Talbott,
Blount,	Gibson,	Muller,	Taylor, J. M.
Boyle,	Glascock,	Murphy,	Thompson,
Bratton,	Graves,	Murray,	Tillman,
Breckinridge,	Green,	Mutchler,	Townshend,
Broadhead,	Greenleaf,	Neece,	Tucker,
Buchanan,	Halsell,	Nicholls,	Tully,
Cabell,	Hardeman,	Oates,	Turner, Oscar
Caldwell,	Hardy,	Ochiltree,	Vance,
Campbell, Felix	Haich, W. H.	O'Ferrall,	Van Eaton,
Campbell, J. E.	Hemphill,	O'Neill, J. J.	Wallace,
Carleton,	Henley,	Paige,	Ward,
Clardy,	Hewitt, A. S.	Patton,	Warner, Richard
Clay,	Hill,	Pierce,	Weaver,
Clements,	Holman,	Post,	Wellborn,
Cobb,	Hopkins,	Pryor,	Wemple,
Collins,	Houseman,	Pusey,	Wilkins,
Converse,	Hurd,	Randall,	Williams,
Cosgrove,	Jones, B. W.	Reagan,	Willis,
Covington,	Jones, J. H.	Reid, J. W.	Winans, E. B.
Cox, S. S.	Jones, J. K.	Reese,	Winans, John
Cox, W. R.	Jones, J. T.	Riggs,	Wise, G. D.
Crisp,	King,	Robertson,	Wolford,
Davidson,	Kleiner,	Rogers, J. H.	Wood,
Deuster,	Lanham,	Rogers, W. F.	Woodward,
Dibble,	Le Fevre,	Seney,	Yaple,
Dibrell,	Lewis,	Seymour,	York.
Dorsheimer,	Lore,	Shively,	

NAYS—32.

Adams, J. J.	Davis, L. H.	Lowry,	Turner, H. G.
Beach,	Dockery,	Parker,	Walt,
Brown, W. W.	Everhart,	Poland,	Wakefield,
Buckner,	Finerty,	Potter,	Warner, A. J.
Campbell, J. M.	Hammond,	Skinner, C. R.	Washburn,
Candler,	Hewitt, G. W.	Skinner, T. G.	Wilson, W. L.
Cassidy,	Hunt,	Struble,	Worthington,
Dargan,	Lawrence,	Thomas,	Young.

NOT VOTING—136.

Adams, G. E.	Elliott,	Kean,	Ray, G. W.
Anderson,	Ellwood,	Keifer,	Ray, Ossian
Atkinson,	Evans,	Kelley,	Reed, T. B.
Barr,	Fiedler,	Kellogg,	Rice,
Bayne,	Findlay,	Ketcham,	Robinson, J. S.
Belford,	Funston,	Lacey,	Robinson, W. E.
Bingham,	Garrison,	Laird,	Rockwell,
Bisbee,	George,	Lamb,	Rosecrans,
Boutelle,	Goff,	Libbey,	Rowell,
Bowen,	Guenther,	Long,	Russell,
Brainerd,	Hanback,	McAdoo,	Ryan,
Breitung,	Hancock,	McCoid,	Shaw,
Brewer, F. B.	Harmer,	McComas,	Smalls,
Brewer, J. H.	Hart,	McCormick,	Smith, A. Herr
Browne, T. M.	Hatch, H. H.	Millard,	Smith, H. Y.
Brumm,	Haynes,	Miller, S. H.	Spooner,
Budd,	Henderson, D. B.	Milliken,	Steele,
Burleigh,	Henderson, T. J.	Mitchell,	Stephenson,
Burnes,	Hepburn,	Morrill,	Stewart, J. W.
Cannon,	Herbert,	Morrison,	Stone,
Chalmers,	Hiscock,	Nelson,	Straight,
Connolly,	Hitt,	Nutting,	Sumner, C. A.
Cook,	Hoblitzell,	O'Hara,	Taylor, E. B.
Craig,	Holmes,	O'Neill, Charles	Taylor, J. D.
Culberson, D. B.	Holton,	Payne,	Throckmorton,
Culbertson, W. W.	Hooper,	Payson,	Valentine,
Cullen,	Horr,	Peel,	Van Alstyne,
Curtin,	Houk,	Perkins,	Wadsworth,
Cutcheon,	Howey,	Peters,	Weller,
Davis, G. R.	Hutchins,	Pettibone,	White, J. D.
Davis, R. T.	James,	Phelps,	White, Milo
Dingley,	Jeffords,	Price,	Whiting,
Dunham,	Johnson,	Rankin,	Wilson, James
Dunn,	Jordan,	Ranney,	Wise, J. S.

Mr. ROBERTSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. ANDERSON. I object.

The Clerk read the names of members voting. The result of the vote was then announced as above stated.

Mr. REAGAN moved to reconsider the vote by which the motion of Mr. KEIFER was laid on the table; and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Unless there be further objection to the Journal it will stand approved as read. [After a pause.] The Chair hears none, and the Journal is approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;"

A bill (S. 2342) declaratory of the meaning of the act of July 12, 1866, entitled "An act for the relief of Maria Syphax;" and

A bill (S. 2615) to authorize medals commemorative of the completion and dedication of the Washington Monument.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

The message also announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, for the printing and distribution of additional copies of the treaties and communications transmitted to the Senate by the President in his message of January 23, 1885.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing and requesting the President to communicate to the governments of all nations in diplomatic relations with the United States the resolutions adopted by the international conference held at Washington in October, 1884, for the purpose of fixing a prime meridian and a universal day and to invite their accession to the same.

ELECTORAL COUNT.

Mr. KING. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. KING] will suspend for a moment until the Chair can make an announcement. The Chair announces the appointment of Mr. CLAY and Mr. KEIFER as tellers on the part of the House, provided for in the concurrent resolution of the two Houses on the subject of counting the votes for President and Vice-President of the United States.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

Joint resolution (H. Res. 327) providing for the printing of the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina; and

A bill (H. R. 5674) for the erection of a public building in the city of Tyler, in the State of Texas.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.; and

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.

DAVID'S ISLAND, NEW YORK.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War for the construction of a sea-wall around David's Island, New York Harbor; which was referred to the Committee on Appropriations, and ordered to be printed.

SAINT LOUIS RIVER AND BAY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and examination of Saint Louis River and Bay, Wisconsin and Minnesota; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FORT POINT CHANNEL, BOSTON.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting reports from the Chief of Engineers of a survey and examination of Fort Point Channel, Boston Harbor, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. HENDERSON, of Iowa, by unanimous consent, was granted indefinite leave of absence on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. PETTIBONE, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of A. L. Rogers, without leaving certified copies thereof. Also the papers in the case of J. B. Hale, leaving certified copies thereof.

Mr. LANHAM, by unanimous consent, obtained leave to withdraw from the files of the House papers presented by him in the claim of V. F. Gorrissen; there having been no adverse report thereon.

HOUR OF MEETING.

Mr. RANDALL. Mr. Speaker, in obedience to the constitutional requirement as to the counting of the electoral vote, in accordance with the Revised Statutes fixing to-morrow as the day on which those votes shall be counted, as by concurrent resolution of the two Houses the time for the count has been fixed at 12 o'clock to-morrow, and as it will be inconvenient for this House to meet at that hour and more convenient to meet at an earlier hour, I move that the session of the House to-morrow commence at 11 o'clock. I believe, Mr. Speaker, that this is a privileged motion not connected altogether with the rule, because the fixing of the hour of the meeting of the House has generally been referred to another committee than the one on the rules.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL], for the reasons he has stated, moves that when the House adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. MILLS. I move that hereafter the hour of meeting of the House be 11 o'clock every morning.

Mr. RANDALL. To that I will urge no objection.

Mr. KEIFER. I think we had better not undertake to make a change permanently now.

The SPEAKER *pro tempore*. The Chair understands that the motion of the gentleman from Pennsylvania [Mr. RANDALL] is made in order that the House may to-morrow, in the exercise of its power and in obedience to the requirements of the Constitution and law, discharge a special duty.

Mr. RANDALL. That is my object.

Mr. KEIFER. To that there certainly should be no objection.

The SPEAKER *pro tempore*. Is there objection to the motion of the gentleman from Pennsylvania?

Mr. TOWNSHEND. As amended by the motion of the gentleman from Texas. [Cries of "Oh, no!"]

The SPEAKER. Does the gentleman from Texas insist on his proposition?

Mr. SPRINGER. Is it not in order to move an amendment?

The SPEAKER *pro tempore*. The Chair would hold an amendment in order if any gentleman insists upon such a motion.

Mr. RANDALL. I will say in this connection that the members of the Committee on Rules have consulted—perhaps informally—and I think I may say it is the intention of the committee to introduce a proposition that on and after Monday next the House shall meet at 11 o'clock.

Mr. KEIFER. Let me suggest that the Committee on Appropriations must have considerable time this week to prepare its bills, and the members of that committee cannot be here as early as 11 o'clock every day.

Mr. RANDALL. In view of the fact that it is the intention of the Committee on Rules to report a proposition that on and after Monday next for the remainder of the session the hour of meeting shall be 11 o'clock, I would prefer that the gentleman from Texas withdraw his motion.

Mr. MILLS. I do so.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Pennsylvania that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER, Mr. TOWNSHEND, and others called for the regular order.

PERSONAL EXPLANATION.

Mr. KING. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KING. Mr. Speaker, on some day last week, I think it was Friday, the gentleman from New York [Mr. HISCOCK] made some remarks which I thought reflected upon me. I replied in terms which I thought just, under my understanding of his meaning and purpose. Personal explanations have been made in person between the gentleman and myself, and I am satisfied he intended nothing offensive or unkind to me. Feeling free therefore to do so, I take great pleasure in withdrawing all of my remarks which were offensive to him, and to express my regret that under any misapprehension I should have said anything which was unkind or offensive to the gentleman from New York.

Mr. HISCOCK. Mr. Speaker, I wish to say that upon the occasion to which the gentleman from Louisiana [Mr. KING] has referred I had no purpose of making an attack or reflection upon him. Whatever language I used upon that occasion was not used with that intent, but to emphasize the position I occupied upon the question that I was discussing. I have known the gentleman from Louisiana since he has been a member of the House, and in all our intercourse I have found he always has been earnest in defending the rights of his constituents, and at the same time, as I believe, has intended to be just. On the occasion therefore to which he has referred I have no doubt he labored under a misapprehension.

Mr. SPRINGER. Now "let us have peace" and the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The gentleman from New Jersey (Mr. PHELPS) rises, as the Chair understands, to present a privileged report.

CHARLES A. VAN BOKKELEN.

Mr. PHELPS. I am directed by the Committee on Foreign Affairs to report back with a recommendation that it be adopted the resolution of inquiry which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States be requested to furnish to this House, if not incompatible with the public interest, all the correspondence and other papers in the hands of the Government relating to the case of Charles A. Van Bokkelen, a citizen of the United States, imprisoned for a year past, as alleged, at Port au Prince, Hayti.

The resolution was adopted.

Mr. PHELPS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER *pro tempore*. The regular order now for one hour is the calling up, under the special rule, of bills, resolutions, &c., for consideration.

Mr. TOWNSHEND. I wish to inquire whether it is not in order to move to dispense with this proceeding.

The SPEAKER *pro tempore*. It is not.

Mr. TOWNSHEND. I ask unanimous consent that we may dispense with this proceeding in order to resume the consideration of the Post-Office appropriation bill.

Several members objected.

MOBILE AND OHIO RAILROAD COMPANY.

The SPEAKER *pro tempore*. The Clerk will report the title of a joint resolution coming up in this hour as unfinished business, having been called up on last Saturday by the gentleman from New York [Mr. DORSHEIMER].

The Clerk read as follows:

Joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The SPEAKER *pro tempore*. This resolution was read during the last hour devoted to this business and upon the conclusion of the reading the hour expired.

Mr. DORSHEIMER. Mr. Chairman, for the information of the House I will ask for the reading of the report.

The Clerk read as follows:

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report [to accompany H. Res. 293]:

The Committee on the Judiciary, to whom was referred the joint resolution (H. Res. 293) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company, respectfully report:

That they have examined into the facts of the case as exhibited in the different laws passed, and the reports of the Quartermaster-General, and previous reports of committees upon this subject.

By the act of February 27, 1875, "to provide for settlement with certain railway companies," the Secretary of War and Attorney-General were authorized and empowered jointly to adjust and settle the claims of the United States against the Mobile and Ohio and other railway companies named therein for property purchased by them of the United States in the years 1865 and 1866. The Secretary of War reported to the Senate (Ex. Doc. 57, Forty-fourth Congress, first session) that under the provisions of that act an abatement of 25 per cent. was found equitable and just in the valuation of the property charged, and that he made that deduction and settled with certain of the roads on that basis in accordance with the provisions of the law. He reported further that he had been unable to make any settlement of the account with the Mobile and Ohio Railway Company for the reason that a settlement on the basis determined on as equitable and just, and on which settlement had been made with the other companies, would bring the Government in debt to the company, and that no means had been provided in the act cited for paying any balance in favor of the company.

In the annual report of the Quartermaster-General, made to the last session of Congress, attention is called to the condition of the accounts of the Mobile and Ohio Railway Company, and legislation is recommended for their settlement on an equitable basis.

In the report of Colonel Chandler, he says:

"Three acts of Congress have passed, under which compromises have been effected and the accounts closed. * * * But it was found not possible to close the account of the Mobile and Ohio Railroad Company, because, on an application of the principle considered equitable, a cash payment from the United States to the railroad company was necessary, as the railroad had already paid over $500,000 on its debt, and it was considered that the law did not justify a settlement which would bring the Government in debt. In this case, it is suggested that Congress be asked to have some equitable law to close the long-standing account."

The committee believe that the law intended that settlement should be made with each company on the same basis. The fact that settlement on the basis adopted requires the return to the Mobile and Ohio Railway Company of money

overpaid by it should not be taken advantage of by the Government from any failure in the law to provide for it.

This resolution is to direct the settlement to be carried out with the Mobile and Ohio Railway Company.

We report the resolution back and recommend its passage.

Mr. DORSHEIMER. Mr. Chairman, I do not think it is necessary for me to proceed at any length for the purpose of re-enforcing the report of the Judiciary Committee. However, it will be proper for me to inform the House that this bill at former sessions passed both Houses of Congress, but at no time has passed both Houses at the same session.

The act of 1875 provided for the settlement of the accounts of a number of railway companies named in the act. The Mobile and Ohio Railway Company was one of those so named. The settlement with the other companies brought them in debt to the Government, but the auditing officers found that an adjustment of accounts between the Government and the Mobile and Ohio Railway Company would bring the Government in debt to that company, and the act of 1875 having made no appropriation, it was impossible to make the adjustment of accounts which the act contemplated.

Under these circumstances the Judiciary Committees of both Houses have in a number of instances recommended the passage of a law which should permit the adjustment of this account. The Judiciary Committee now recommend that the joint resolution which has passed the Senate shall receive the approval of the House of Representatives.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOLMAN. I have in my hand the report made by the Judiciary Committee, but it is not very full, and I hope the gentleman from New York will state how much this railway corporation owed the Government and how much was paid before the act of 1875 was passed.

Mr. DORSHEIMER. I state in answer to the gentleman from Indiana that there is no evidence from which the committee could obtain information as to what balance would be found on an adjustment of these accounts. The railway company previous to the passage of the act had purchased $500,000 worth of rolling-stock from the Government and had paid therefor the sum of $440,000. The basis of adjustment between the Government and other railway companies named in the act if applied to the transaction with the Mobile and Ohio Railroad Company would bring the Government somewhat in debt. There has never been any ascertainment whatever, for it appears when the officers charged with the duty of auditing the accounts found what was likely to be the result they stopped further proceedings and made no ascertainment whatever.

Mr. HOLMAN. But it occurs to me that the Judiciary Committee ought to have ascertained the amount of the original indebtedness and the amount that would have remained after deduction of 25 per cent. I concede it is quite clear from the report and my recollection of the transaction that this corporation should have been credited with 25 per cent. According to the views expressed by the Quartermaster the amount of deduction contemplated by the act of 1875 should not exceed 25 per cent. The Quartermaster seemed to think 25 per cent. deduction from the original price of the property sold to the corporation was reasonable.

But the statement simply comes to us as to the payment by this company of over $500,000, as shown here by the report; while there is no statement as to the original indebtedness of the corporation nor are we informed as to the amount involved in this measure. That information ought to have been given to the House in some shape.

Mr. DORSHEIMER. In further reply to the gentleman from Indiana I will state that if it had been possible for the Judiciary Committee to ascertain the amount properly payable to the Ohio and Mobile Railway Company there would have been no necessity at all for the passage of this joint resolution. The joint resolution is passed for the purpose of having an adjustment of this account on the spot—in the place where the railroad is located and where the evidence exists. There is no evidence before the Judiciary Committee on which it could audit the account.

Mr. HOLMAN. I am anxious to have this resolution again read if it can be done in the time allowed in opposition.

The joint resolution was again reported.

Mr. HOLMAN. Mr. Speaker, I regret that the effects of this measure are so briefly stated in the report——

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time allowed for debate under the rule has expired.

Is there objection to the present consideration of the joint resolution?

Objection was made by ten members, whereupon the joint resolution was withdrawn.

SAC AND FOX INDIAN RESERVATION IN NEBRASKA AND KANSAS.

Mr. WEAVER. Mr. Speaker, I ask to take from the House Calendar the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That with the consent of the majority of the chiefs, headmen, and male adults of the Sac and Fox (of the Missouri) tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold the remainder of the reservation of the Iowa Indians, lying in the States of Nebraska and Kansas. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Sac and Fox tribe of Indians and the other two shall be appointed by the Secretary of the Interior.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same, through the United States public land office at Beatrice, Nebr., at public sale, to the highest bidder. In cases where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than $8 per acre, and to none except such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath, before the register of said land office, and filed the same with said officer of the land office at Beatrice, Nebr., that it is his good faith and intention to settle upon and occupy the land which he seeks to purchase, and improve the same for a home; and, except in case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the payment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land, and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres. If the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, and no other objection exists, the purchase of such excess shall be allowed. Such purchaser shall pay one-fourth of the purchase-price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of 5 per cent. per annum; and where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid. No patents shall issue until all payments shall have been made; and on the failure of any purchaser to make payment as required within ninety days he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

SEC. 3. That if any member of said Iowa tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale as provided for herein; and the Secretary of the Interior shall cause a certificate to issue to the person so electing as follows: If he be the head of a family, to one hundred and sixty acres of land, and if a single man, eighty acres of land, the land so selected to include his improvements, and to be accepted in full satisfaction of his interest in and to the said reservation, and of the moneys or fund realized from the sale thereof. The certificate provided for herein shall be of the legal effect and declare that the United States does and will hold the land thus certified, for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus allotted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands during such time shall not be subject to taxation, alienation, or forced sale, under execution or otherwise.

SEC. 4. That the proceeds of the sale of any improvements belonging to individual Indians shall be paid to the Indians to whom such improvements belonged. The proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States; and the proceeds of the sale of said lands, first deducting therefrom the cost of the survey, appraisement, and sale, and the expense of removing the Indians as hereinafter provided, shall be placed to the credit of said Sac and Fox Indians in the Treasury of the United States, and shall bear interest at the rate of 4 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization.

SEC. 6. That the President of the United States be, and he is hereby, authorized to cause a patent to be issued to the Sac and Fox (of the Missouri) tribe of Indians for the reservation that may be selected for them under the provisions of the preceding section.

SEC. 7. That the patent authorized by the preceding section to be issued to said Iowa tribe of Indians shall be of the legal effect, and declare that the United States does and will hold the land therein described in trust for the sole use and benefit of said Sac and Fox tribe of Indians.

SEC. 8. That whenever the Indians who may be properly residing upon the said reservation referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

To each head of a family, one hundred and sixty acres.

To each single person over the age of 21 years, eighty acres.

SEC. 9. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, the President shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of the legal effect, and declare that the United States does and will hold the fee of the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

SEC. 10. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as provided in section 1, cause the removal of that portion of the Sac and Fox tribes residing upon said Sac and Fox reservation in Nebraska and Kansas to the reservation that may be secured for them, and expend such sum as may be rendered necessary by such removal, and for the comfort and advancement in civilization of said Indians; and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox land; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sales of said lands.

The SPEAKER *pro tempore* (Mr. MILLS in the chair). Is there objection to taking up this bill for consideration?

Mr. WARNER, of Ohio. Let the report be read, or let us have an explanation of it.

Mr. WEAVER. Mr. Speaker, I am satisfied that after having stated this case to the members on the floor there will be no objection to this bill.

This is one of the most carefully prepared bills that has ever been brought before this House; and I desire to state at the outset that the bill was prepared by the Commissioner of Indian Affairs, and concerns a reservation lying in the States of Nebraska and Kansas, consisting of 8,014 acres, no more.

It is provided in the bill that the lands shall not be sold for less than $8 per acre, and that they shall be sold to the highest bidder. Provision is also made that actual settlers are to have these lands in quantities not to exceed one hundred and sixty acres.

There are residing on this reservation at the present time seventy-five Indians only, the balance of the tribe being on a reservation in the Indian Territory, that has been already set aside for their use by executive orders. There are two or three amendments only for the purpose of correcting clerical errors and names of tribes that I desire to offer as the bill progresses. If there is any gentleman on this floor who desires any other information on the bill I shall cheerfully give him an explanation, for I understand all about this reservation.

I reserve the remainder of my time.

Mr. WARNER, of Ohio. I wish to ask the gentleman from Nebraska what is to be done with the Indians now on the reservation?

Mr. WEAVER. It is provided in the bill that they are to be placed on the reservation where a large portion of the tribe has already been located in the Indian Territory.

Mr. WARNER, of Ohio. Are these Indians willing to relinquish the reservation and go with the rest of the tribe?

Mr. WEAVER. They have applied for the passage of the bill, and the Commissioner of Indian Affairs has recommended it. There is no reason in the world why it should not pass.

Mr. RANDALL. Do I understand the gentleman to say that they have asked for this themselves?

Mr. WEAVER. Yes, sir.

Mr. RANDALL. That fact ought to be set forth in the report. The report has not yet been read.

Mr. WEAVER. I will state further to the gentleman from Pennsylvania that the Indians are amply protected——

Mr. RANDALL. I think the report had better be read.

Mr. WEAVER. I was going to state that it is further provided in the bill that the lands can not be sold until the Indians make further application.

Mr. WARNER, of Ohio. Where is the money to go which is to be derived from the sale of these lands?

Mr. WEAVER. Into the Treasury, and the Indians get the benefit of it as well as of the interest on it.

Mr. WARNER, of Ohio. The Indians are to be benefited, then, by this change?

Mr. PERKINS. I will answer the gentleman and say yes; and it is also provided that the lands are to be sold only to the highest bidder, the minimum price being fixed at $8.

Mr. RANDALL. I ask that the report be read.

The report (by Mr. PERKINS) is as follows:

The accompanying bill provides for the sale of the Indian reservation of the Sac and Fox Indians, lying in the States of Kansas and Nebraska, and for the removal of the Indians to such reservation as may be secured for them, with their consent, by the Secretary of the Interior.

The lands are valuable, and are located in Brown County, Kansas, and Richardson County, Nebraska, in a fine agricultural section, and are surrounded by finely cultivated farms, and by churches, schools, and thrift and prosperity, and in consequence of which will bring a large sum for their occupants. There are only 8,014 acres of the land, and in its present condition it yields but little to its occupants, and contributes but little to their advancement, comfort, or support, can not be taxed, alienated, or disposed of, and it does not in any way contribute to the growth, development, or material prosperity of the communities of which it constitutes an integral part. There are about seventy-five of these Sac and Fox Indians, the most or nearly all of whom are residing on this reservation. These lands are situated the same as the Iowa Indian lands in Kansas and Nebraska, the condition of which your committee has heretofore reported to the House, recommending their sale substantially as provided for by the provisions of this bill.

Your committee are advised that it is the wish of many of the Sac and Fox Indians that this reservation should be sold, and that the proceeds may be used in the manner provided for in this bill; but if in this your committee are mistaken, the bill is so drawn that nothing can be done under it without the consent of the chiefs, headmen, and male adults of the tribe, and no harm would result from the passage of this bill. The bill provides that the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other lands for them upon which to locate, and cause the removal of the Indian tribe, and expend such sum as may be necessary for their comfort and advancement in civilization in so doing.

These Indians wear the American dress, speak the English language, and are quite well qualified for the duties of citizenship and to care for their own, and many of them desire to go to the Indian Territory, where they think the conditions are more congenial and the opportunities for development and improvement better than upon their present reservation. And yet the bill is so framed that if they should find lands that could be obtained for them where the conditions would be more desirable than the Indian Territory, such lands could be procured for them by the Secretary of the Interior for the purpose of a reservation.

The land now occupied by them is but little cultivated and developed, and has become so valuable in consequence of the development of the surrounding country that, in the judgment of your committee, the proceeds realized from its sale would do very much toward making the Indians comfortable where cheap lands could be obtained for them, and would give them a fund for educational purposes that could be used for their good.

The bill provides that the land shall be appraised by three disinterested appraisers, and shall be sold at not less than the appraised value, and in no event at less than $8 per acre. It also provides that such Indians as have improvements on the lands shall be permitted to retain them if they so desire, and shall have certificates of allotment issued to them by the Secretary of the Interior for the land upon which the improvements are situated, as follows: If the head of a family, to one hundred and sixty acres; if a single man, to eighty acres. The conditions of certificates, and the circumstances under which they may issue, are suggested in the bill as reported by your committee, and it has been prepared with such care as to do justice to the Indians as well as to the purchasers of their lands, and it retains nearly all the important provisions of the original bill.

The bill has also been prepared so as to give the lands to actual settlers who should desire them for purposes of cultivation and for a home, and to prevent them from falling into the hands of speculators and those who would hold them, at the expense of the communities, for years as a speculative investment, and, in the judgment of your committee, it is better for the Indians, as well as better for the communities in which the lands are situated, that the land should be disposed of as provided in the bill; and hence your committee report it to the House, recommending its favorable consideration and passage, as a substitute for House bill 5359.

During the reading of the report the hammer fell.

The SPEAKER *pro tempore*. The time for debate in support of the bill has been exhausted.

Mr. WARNER, of Ohio. I take the floor in opposition and ask for the completion of the reading of the report in my time.

The Clerk resumed and concluded the reading of the report as above.

The SPEAKER *pro tempore*. The time allowed under the rules for debate on this bill is exhausted. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HOLMAN. I suggest to the gentleman in charge of the bill to make the rate of interest on page 3, line 34 of the bill, 6 per cent. instead of 5 per cent.

Mr. WEAVER. I agree to that amendment.

Mr. HOLMAN. That is the portion of the bill, as I understand, that provides for the rate of interest on the purchase-money.

The SPEAKER *pro tempore*. The Chair hears no objection to that amendment being made.

Mr. WEAVER. I offer the amendments which I send to the desk.

The Clerk read as follows:

In line 8, section 1, strike out the words "Iowa Indians" and insert the words "Sac and Fox Indians."

In line 4, section 2, insert after the word "Beatrice" the words "or Lincoln."

In line 14, section 2, insert after the word "Beatrice" the words "or Lincoln."

In line 15, section 2, strike out the word "and" between the words "faith" and "intention."

In line 41, section 2, after the word "required" strike out the words "within ninety days" and insert "by this act."

The amendments were agreed to.

Mr. WEAVER moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTATE OF CHESTER ASHLEY

Mr. BRECKINRIDGE. I call up for consideration from the Private Calendar the bill (H. R. 1779) for the relief of the estate of Chester Ashley, and I desire to amend it by substituting a Senate bill having the same title.

The SPEAKER *pro tempore*. Does the gentleman call up the House bill from the Private Calendar or the Senate bill from the Speaker's table? He can do either under the rule.

Mr. BRECKINRIDGE. I will call up the Senate bill from the Speaker's table, the bill (S. 591) for the relief of the estate of Chester Ashley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Chester Ashley, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,100, in full for rent of building in the city of Little Rock, Ark., for the use of the Army, from July, 1865, to the 31st of March, 1866.

The SPEAKER *pro tempore*. Does the gentleman from Arkansas ask for the reading of the report?

Mr. BRECKINRIDGE. Yes, sir.

The report (by Mr. FERRELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1779) for the relief of the estate of Chester Ashley, having considered the same, report as follows:

The facts out of which this bill for relief arises will be found stated in Senate report of the Committee on Claims, first session Forty-eighth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

"[Senate Report No. 582, Forty-eighth Congress, first session.]

"The Committee on Claims, to whom was referred the bill (S. 591) for the relief of the estate of Chester Ashley, have considered the same, and report as follows:

"Chester Ashley was the owner of a house in Little Rock, Ark., which was occupied as offices for headquarters of the Department of Arkansas from July 7,

1865, to March 31, 1866. On May 10, 1866, Henry Noble, colonel and assistant quartermaster, issued to said Ashley a voucher for $1,100 for the rent of said house, being at the rate of $125 a month during its occupancy by the United States forces. The voucher was presented to the accounting officers by Ashley's administrator, and the claim was rejected, the act of Congress of February 21, 1867, prohibiting the settlement of claims for the use and occupation of real estate in the insurrectionary States.

"It has been the uniform policy of this committee to recommend the payment of claims for rent of buildings in the insurrectionary States where an agreement was made for its payment by proper authority. This claim evidently comes within this rule, and the committee therefore report back the bill and recommend its passage."

Mr. BRECKINRIDGE. I shall not make any extended remarks on this bill unless some questions are asked. This is a regular case; it has been approved by a committee of the Senate and passed the Senate, and it has been approved by the very painstaking Committee on War Claims of the House. I am ready to answer any questions.

Mr. WARNER, of Ohio. I hope the gentleman from Arkansas will explain a little further than the report seems to explain—first, why this rental was not paid by the quartermaster or through the Quartermaster's Department in the regular way.

Mr. BRECKINRIDGE. The report shows that.

Mr. MCMILLIN. I will explain that if the gentleman will permit me.

Mr. WARNER, of Ohio. Very good. But I desire to ask two questions: First, was this contract made between the quartermaster or assistant quartermaster there and the owner of the property?

Mr. BRECKINRIDGE. It was, as the report shows.

Mr. WARNER, of Ohio. And had the quartermaster the right to make that agreement?

Mr. BRECKINRIDGE. He had, as the committee believes.

Mr. WARNER, of Ohio. And why, on that state of facts, was not the rental paid at the time by the Quartermaster's Department?

Mr. BRECKINRIDGE. Whatever may have been the reason, the Senate committee and our committee felt it was unjust that this claim should not be paid.

Mr. MCMILLIN. I will call the attention of the gentleman from Ohio [Mr. WARNER] to the fact that in 1867, the early part of the year 1867, after claims of this kind had accrued, there was a statute passed by Congress forbidding their payment. I had occasion, the gentleman will permit me to state further, to investigate that question recently; and even where there had been a contract regularly entered into——

Mr. BRECKINRIDGE. As in this case.

Mr. MCMILLIN. As in this case, the officers of the Government were not permitted to pay by reason of that retroactive statute.

Mr. WARNER, of Ohio. I can understand that; but that does not explain why it was not paid in the year in which the property was used or in the next year; why it was not paid at the time.

Mr. BRECKINRIDGE. I can not tell the gentleman.

Mr. STORM. It was because of the law preventing the payment of claims at that time, the renting of the property having taken place in an insurrectionary State.

Mr. MILLS. There were cases of that kind all through the South.

Mr. BLOUNT. I want to ask the gentleman from Arkansas if it is not true that a contract was made by the Army officer for this property, and if the Government did not use the same and have never paid for it?

Mr. BRECKINRIDGE. There is no doubt about that. That is perfectly plain; both committees state it.

Mr. BLOUNT. I had no doubt about it myself; I wanted the gentleman to state that fact.

Mr. WARNER, of Ohio. But still my question is not answered: Why this was not paid through the Quartermaster's Department at the time.

Mr. BRECKINRIDGE. I can not tell the gentleman.

Mr. WARNER, of Ohio. I suppose the chairman of the Committee on War Claims can inform me.

Mr. GEDDES. This fact plainly appears from evidence submitted to the committee. The gentleman from Ohio [Mr. WARNER] will observe the claim was presented by the administrator shortly after the close of the occupancy of the premises. It sufficiently appears that it was on account of the sickness of the party and his subsequent death that it was not presented at an earlier date, and that only the short time of one year intervened between the time of occupancy and the time the claim was presented.

Mr. WARNER, of Ohio. That is sufficient explanation there. Now, let me ask one question further. Was this agreement or contract for the rent approved by the Quartermaster-General?

Mr. ROGERS, of Arkansas. It was.

Mr. WARNER, of Ohio. It has had the approval of the Quartermaster-General?

Mr. ROGERS, of Arkansas. Oh, yes; the report shows that.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. ROGERS, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, AUGUSTA, ME.

Mr. MILLIKEN. I call up Senate bill 235, and ask its present consideration.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Augusta, in the State of Maine, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, United States courts, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. RANDALL. I ask for the reading of the report in that case.

The report (by Mr. MILLIKEN) was read, as follows:

That Augusta is the capital of the State, with a population of 8,666, showing a small increase during the last decade. It is situated on the Kennebec River, in the center of population in the State, has a fine and extensive water-power, has large industries in the manufacture of cotton, lumber, boots, and shoes, &c., and has good railroad facilities, and is surrounded by thrifty and growing towns and cities within a radius of twenty miles.

The post-office business of Augusta for the year ending June 30, 1883, was as follows, namely:

Cash receipts of office	$83,878 13
Stamped third-class matter with stamps not purchased at the Augusta office	48,051 09
Receipts from money-orders issued	37,086 02
Receipts from money-order drafts	3,650 00
Receipts for money-orders deposited by postmasters	183,571 00
Amount of money-orders paid	139,288 95
Amount of money-order money deposited with Postmaster Goddard, at Portland	84,179 00
Amount deposited with assistant treasurer at Boston, Mass.	72,480 30
Total postal business of the office	652,184 49
Total number of money-orders issued during the year	2,467
The number of money-orders paid during the year	21,936
Total number of sacks of newspapers sent from the office during the year	47,378
Total number of circulars sent	5,709,180
Total number of pieces of mail matter handled by letter-carriers	1,332,663
Total number of pieces of mail matter handled during the year	18,173,928

In the amount of second-class mail matter for the year ending June 30, 1882, Augusta ranked as the seventh post-office in the United States, New York city being first; Chicago, second; Boston, third; Philadelphia, fourth; Saint Louis, fifth; Cincinnati, sixth; Augusta, seventh. Augusta's post-office receipts show a large increase each year since 1879, when they were $51,440, and are likely to increase in future, for they are in great part due to large publishing houses located here, which do a business which extends all over the globe, and has been increasing for more than a decade. They have extensive permanent buildings and the very best class of printing machinery, and, together with the cotton and lumber industries here, have a continually growing business.

We also find that this vast mail is handled in two separate buildings, more than three hundred feet apart, which is both inconvenient and unsafe, as these buildings have no fire-proof vaults, and is very expensive to the Government.

For these unsafe and inconvenient buildings the Government pays a rental of $3,300 per year; and though they are the best that can be had, they afford but poor returns in the accommodations which they give for the rental paid. It is estimated by Mr. Manley, the present postmaster, that $3,000 per year might be saved to the Government in rental and by reason of the superior facilities which a properly constructed building would afford.

There is a United States pension office at Augusta, which distributes annually $2,500,000 on account of pensions. The internal-revenue office is also located at Augusta, and at least one term of the United States court is required to be held there on account of its central location in the State and the commercial interests which center here. Augusta is at the head of navigation on the Kennebec River, and in the midst of a large and rapidly increasing manufacturing and commercial community.

A bill similar to the one accompanying this report passed the Senate of the Forty-seventh Congress, and was favorably reported to the House, but on account of the illness of Mr. LINDSEY, who had charge of it, was not called up on the Calendar.

Your committee would therefore recommend that bill H. R. 702, accompanying this report do pass, limiting the cost of said building and grounds, when completed, to the sum of $150,000.

Mr. HOLMAN. I ask the gentleman from Maine [Mr. MILLIKEN] whether he will not consent that the bill may be amended by inserting after the word "dollars," in line 11 of the engrossed bill, the following:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $150,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. MILLIKEN. I accept that amendment. I would have placed it in the bill originally if it had been suggested.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WARNER, of Ohio. I was about to propose an amendment; but the one suggested by the gentleman from Indiana [Mr. HOLMAN] and accepted by the gentleman from Maine [Mr. MILLIKEN] is substantially the same, so I will not offer mine.

The bill as amended was ordered to a third reading; and accordingly it was read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

DR. THOMAS J. JONES.

Mr. HALSELL. Mr. Speaker, I call up the bill (H. R. 6533) for the relief of Dr. Thomas J. Jones.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. Thomas J. Jones, of Warren County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $300, for medical services rendered the Eleventh Regiment Kentucky Infantry Volunteers during the months of October, November, and December, 1861.

The report (by Mr. FERRALL) was read, as follows:

This claim is for medical services alleged to have been rendered the Eleventh Regiment of Kentucky Infantry Volunteers during the months of October, November, and December, 1861, under appointment of Col. P. B. Hawkins, commanding the said regiment.

Colonel Hawkins in his affidavit states "that he appointed the said Dr. Thomas J. Jones *pro tempore* as the attending physician on the sick of his regiment, there being no regular surgeon appointed; that he knows the said Dr. Thomas J. Jones attended to the sick of his regiment most faithfully, day and night, for over three months."

Under sections 1304, 1305, and 1306 of the Army Regulations of 1863, pages 313, 314, and 518, commanding officers of United States troops had authority, in proper cases, to employ private physicians.

Your committee, in view of the foregoing statement of facts, report herewith a substitute for the bill, appropriating the sum of $300, and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

Mr. HALSELL moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

JOSEPH F. WILSON.

Mr. CANNON. Mr. Speaker, I move to discharge the Committee of the Whole on the Private Calendar from the consideration of the bill (H. R. 275) for the relief of Joseph F. Wilson.

The SPEAKER *pro tempore*. The hour allotted to this business has expired.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The motion was agreed to.

The SPEAKER *pro tempore*. The morning hour is dispensed with.

Mr. TOWNSHEND. I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of the Post-Office appropriation bill. The gentleman from Maine [Mr. DINGLEY] is entitled to the floor.

[Mr. DINGLEY concluded remarks begun and printed on page 1444.]

Mr. HOLMAN. Mr. Chairman, the feature of this bill which seems to command most attention and which is of the most practical importance is that in relation to the compensation of railroads for transportation of the mails. Undoubtedly the committee is impressed with the importance of some reform in regard to that matter of expenditure. Under the act of 1873 the compensation paid to railroad corporations for transportation of the mails was very materially increased. The limitations which were provided prior to that time were removed and a very material and striking increase of compensation to railroads provided for, while since that time the expenditure of the Government for service on the star routes and by steamboats has been largely reduced. The cost of transporting the mails by railroad has steadily increased notwithstanding the reduction since of the 15 per cent. in 1877 and 1878, and at a rate that ought to arrest the attention of Congress.

I have before me, Mr. Chairman, a statement showing this extraordinary increase. The entire expenditure for transporting the mails by railroads, including the postal-car service in 1881, was $11,031,000. The estimates for 1886, after a lapse of only five years, for the same service was $17,559,205; an increase of $6,528,205.

Mr. HORR. That includes the Union Pacific, too.

Mr. HOLMAN. It includes the estimates as they stood both in 1881 and in 1886.

Mr. MONEY rose.

Mr. HOLMAN. Give me a moment to state the figures. Indicating the increase in five years of $6,528,205, an increase greatly beyond any just and fair increase which would arise from an increase in the postal service.

Mr. MONEY. Will the gentleman from Indiana state what is the increase of mileage of railroads within that period, and also the bulk of mails carried over them?

Mr. HOLMAN. I sought to state, if my friend will allow me, a moment ago that it was manifest that the increase was far beyond the increase of the postal service and far beyond the increased mileage of the railroad system.

Mr. HORR. Mathematics will not show that, Judge.

Mr. HOLMAN. It will still be that five years ago $11,031,000 covered the cost of the railroad postal service, which now reaches over $17,500,000. I think a mere statement of the figures is a sufficient indication that the basis of the adjustment of this service is wrong.

Mr. HORR. But in that statement there are included $1,100,000 of the Union Pacific expenses, which were not in the estimates.

Mr. HOLMAN. Does not my friend largely overstate the amount? I think the mail service on the Union Pacific roads could not reach that sum. But if I understand the estimates, in 1881 they were made upon the same basis as in 1886; and I think my friend will discover such to be the fact. I think the estimates in 1881 as in 1886 were intended to cover the Union Pacific system as well as the other roads. If the figures are correct, and I think they are correct as far as the estimates are concerned, then it is manifest that the expenditures in this branch of the public service are growing far too rapidly, and in some manner this increase ought to be arrested.

Mr. MONEY. Will the gentleman allow me a question?

Mr. HOLMAN. I hope my friend will permit me to proceed without interruption, since I have but seventeen minutes. The gentleman and others, unfortunately for me, occupied the greater part of the time allowed for debate, and I think occupied it well, so that I have but seventeen minutes at my disposal, and I trust I may be permitted to use the time without interruption.

Upon the basis of the increase, to which I have called attention of the committee, from 1881 to 1886 the expenditure for the next fiscal year, 1887, will have reached over $20,000,000; that is to say, for the year 1886 the increase will be $3,184,205 over the year 1885, and in 1887 will exceed $20,000,000. This is startling increase in a single year!

Mr. HORR. But that all comes from extra weight of mails carried by the roads. It can not be derived from any other source, for they can not get it from any other source.

Mr. HOLMAN. The increase in 1886 over 1885 results from weighing, and that is the very thing that ought to arrest the attention of Congress. The increase from one year to another, from 1885 to 1886, is the enormous sum of $3,184,205, if I understand these estimates.

Mr. MONEY. Will my friend allow me to call his attention to the fact that the rate of increase in the receipts, which is the measure of mail transportation, was for the years to which he refers as follows: The rate of increase in the receipts for 1880 over 1879 was 10.8 per cent.; for 1881 over 1880 it was 10.4 per cent.; for 1882 over 1881 it was 13.8 per cent.; and for 1883 over 1882 it was 8.6 per cent.

Mr. HOLMAN. I would like to yield to my friend from Mississippi and permit him to call attention to the figures; but the gentleman has had his time, and I am satisfied he could hardly expect me to consume my time by allowing him to call up figures, when I seek to present the same facts in a different form.

Mr. MONEY. I simply called the gentleman's attention to that in order that he might consider them in connection with his argument.

Mr. HOLMAN. But the ratio of increase is not so important or definite as the actual increase in expenditure. It has been proposed, if possible, to adopt some system that would cure the extraordinary result of our weighing system recognized by the act of 1873 and the preceding years.

Congress in 1883 provided by law for a commission of experts to examine and report to Congress what system could be adopted that would fix the railroad transportation of the mails at just and reasonable rates, and reform the injustice resulting from this system of regulating the compensation by weight of the mails. That commission has made an exhaustive report on this subject, and, since attention has been called to that report of the commission during the discussion of this question, I ask the Clerk to read the passage marked, for the purpose of showing the final conclusion reached by them in reference to this question.

The Clerk read as follows:

This careful analysis of the returns of all the railroads in the United States points to the conclusion that as the average yield per car mile is about 26 cents, if the roads receive 5 mills per linear foot per mile run, or at the rate of 25 cents for a 50-foot car, at the ordinary speed of twenty miles per hour, they will be getting a rate corresponding closely to the returns from all passenger traffic combined, which on the face of it would seem to be both just and reasonable, and the commission feel constrained to make this further qualification, that the regularity and frequency of the service, the freedom of railroads from liability, the certainty of the compensation, the exemption of the carrier from those expenses ordinarily attending passenger traffic, all combine to strengthen the conviction in the minds of the commission that the rate herein recommended is both just and reasonable.

Mr. HOLMAN. Now, Mr. Chairman, when this bill was under discussion during the last session of Congress we were then informed by the gentleman from Pennsylvania [Mr. BINGHAM] who addressed the committee touching this question to-day, that the plan proposed last session to reduce the compensation to railroads by a reduction of 5 per cent. was not a reasonable plan, and that the plan proposed by this com-

mission was an intelligent and wise plan and would reduce the cost of the transportation of the mails over the railroads at least a million of dollars, if my memory is correct.

The commission claim that the plan proposed by them will reduce the cost a million dollars a year. That plan is embodied into this bill. This report proposes to pay the railroad companies for the transportation of the mails a sum substantially equal to what they would earn by the employment of the same space in the transportation of passengers. And yet they said substantially that that basis is not exactly a fair one to the Government; that there is no responsibility in the transportation of the mails, not so much even as in the transportation of freights. There is no responsibility; it is freight transported virtually at the risk of the Government, and the only liability incurred by the railroad corporation is simply that of seeing that the mails are properly and promptly delivered; that and nothing more; while the transportation of passengers is subject to great and important responsibilities.

Now, sir, the commission propose as the unit of the adjustment of compensation to railroads the payment of 5 mills per linear foot of car space occupied by the mails per mile for a speed of twenty miles per hour or less. It is said by my friend from Michigan that that basis will greatly exceed the present cost. And that impression had reached the subcommittee, of which he and myself are members and the gentleman from Illinois [Mr. TOWNSHEND] is chairman having charge of this bill. Therefore the majority of that committee have reached the conclusion that the basis should be reduced 20 per cent., and that instead of paying 5 mills per linear foot of the car space occupied it shall be 4 mills. My friend from Michigan thinks that is too low.

Now, I have only this to say about it, the same that I was compelled to say nine years ago when this subject was first before the House and reported substantially in the same form in which it is now, except that then the limit of weight was not taken into account in fixing the amount of space to be occupied. That has been added as the result of the investigations of the commission. When the matter was then pending (I had charge of the bill) I was compelled to say to the Committee of the Whole, then considering the bill, it would be impossible to tell the exact effect of the measure until a practical test had been made; and I am compelled to say that is the conclusion I have reached now. I think the plan must be tested practically before the exact result can be determined. The railroad postal service is a vast and complicated one. There are so many roads, and the service varies so greatly in the wide range between the great trunk lines running many trains daily and the small roads doing but little service and running once a day, that no amount of calculation will disclose the exact results.

But the plan is strongly recommended. It is recommended by the superintendent of railway mail transportation, and by this commission it is recommended—a commission appointed under the authority of Congress—a commission of very competent gentlemen. And yet I am compelled to say for myself that I do not believe it can be stated with reasonable certainty what will be the cost until the effect of the proposition shall be determined by actual experience. But I regard it of the highest moment that the plan reported by the commission shall be tested as far safer and better than the law under which we are now acting.

Mr. TOWNSHEND. Both the Post-Office committees of the House and of the Senate have also agreed to it.

Mr. REAGAN. Would it interfere with the gentleman from Indiana if I should ask him a question?

Mr. HOLMAN. Not at all.

Mr. REAGAN. I want to inquire of the gentleman for information whether the committee or subcommittee know what would be the cost of the railroad service of the trunk roads, for instance, under this method?

Mr. HOLMAN. We have all of us made more or less calculations as to the effect on particular routes in different parts of the country; on the plan as proposed and on the basis of 4 mills for every linear foot car space, I think it will be found there will be some material reduction on the basis of 4 mills. I think that is certain, and that there will be a material reduction even on the trunk lines below what is now paid. And I think I can safely answer the gentleman from Texas that at 4 mills there will be paid a good deal, perhaps a great deal, less than will be under the present law when the next weighing occurs, which will be in the coming spring.

The CHAIRMAN. The time for general debate on this bill allowed by order of the House has expired. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk proceeded to read the bill, and read the following paragraph:

For compensation to postmasters, $12,300,000.

Mr. HORR. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$12,300,000" and insert "$13,000,000."

Mr. HORR. I offer this amendment simply for the purpose of avoiding a deficiency in the coming year. We appropriated for this service in 1885 $11,000,000. In 1884 we expended $11,283,830.87; that is, we expended in that year over $280,000 more than we appropriated in the bill of last session for the current year. Now the Department estimates that this year there will be a deficiency of $875,000; so that it will cost for this current year for that item $11,875,000.

The Department estimates that it will cost $13,000,000 to meet the expenditure next year. I am aware, Mr. Chairman, that it makes no difference whatever whether we appropriate this money or not as far as the postmasters themselves are concerned. They retain their salaries out of the money collected, and consequently it is a simple matter of book-keeping. All I desire is to appropriate enough money to prevent a deficiency bill next year. And this amount is needed for that purpose. It does not affect the expenditure itself one mill, nor can it do so, because the compensation is fixed by law.

Mr. TOWNSHEND. The appropriation for the salaries of postmasters in this bill is an increase of $1,300,000 above the appropriation of last session. It is an increase of nearly $3,000,000 over the appropriation in 1883. The expenditures last year for this purpose up to the 30th of last June did not exceed $11,283,830. This year we have recommended an appropriation of over $1,000,000 more money than was expended last year for the salaries of postmasters. The subcommittee made careful inquiry as to the amount that would probably be needed to compensate postmasters, and it was my firm conviction that $12,000,000 would cover every necessary expenditure for that purpose; but the general committee, after thoroughly considering the question, in order to cover all possible danger of a deficiency, authorized an increase upon that sum of $300,000. It was the opinion of the members of the committee generally, as I understood, with perhaps the exception of the gentleman from Michigan [Mr. HORR], that the appropriation of $12,300,000 would avoid the possibility of any deficiency whatever.

Mr. HORR. Will the gentleman say that, from a single man connected with the Department, he has ever had any estimate or statement that the amount in this bill is sufficient to meet the requirements of this branch of the service?

Mr. TOWNSHEND. I will say this: That the estimate of the Department is purely speculative. The Department estimates that there will be a percentage of increase corresponding to that of some years past; but that is altogether a speculative estimate. I call the attention of the gentleman from Michigan [Mr. HORR] to the fact that notwithstanding we appropriated last year $1,300,000 less than the appropriation in this bill, the Department has not yet sent to the Committee on Appropriations any request for a deficiency.

Mr. HORR. They do not have to.

Mr. TOWNSHEND. Wait until I get through. I know what the gentleman from Michigan [Mr. HORR] is going to say. He is going to say that an inquiry was sent to the Department—perhaps by some individual—and that some of the officers of the Department have said that it is probable that there will be a deficiency of $700,000 or $800,000.

Mr. HORR. Eight hundred and fifty thousand dollars.

Mr. TOWNSHEND. Well, suppose there should be; still we appropriate here a half a million more than that possible deficiency and the deficiency of last year. If there should be a deficiency—and that is only a matter of speculation—of, say, $800,000, then it would only require for the current year, up to June next, $11,800,000. Now, in order to guard against the danger of a deficiency next year, we have added over $500,000 to that amount. I am quite convinced, Mr Chairman, that if the sum recommended in this bill be appropriated there is no danger of any deficiency.

Let me say further, that I think the increase in the aggregate amount needed for the salaries of postmasters will be much less in the future than it has been in the immediate past. The bulk of the increase last year resulted from the fact that we increased the salaries of postmasters, and the law was made retroactive so as to embrace arrears of salaries for the six months preceding. It was that unexpected retroactive feature of the bill that swelled the appropriations in 1884. But no such question will arise under the present bill. There are no arrears of salaries to be appropriated for, and I am convinced from the investigation I have made that with an appropriation of $12,300,000 we shall have a surplus to be returned into the Treasury rather than a deficiency.

The CHAIRMAN. The time for debate upon this paragraph has expired.

Mr. HORR. I move to strike out the last word. The speech which the gentleman from Illinois [Mr. TOWNSHEND] has made is precisely the same speech made by him upon the Post-Office bill last year. I do not find fault with it because it is a repetition, for good things will bear repeating. [Laughter.] He stated at that time that the amount which we put into that bill would cover, in his judgment, more than the expenditures of the year for the compensation of postmasters. I tried then to get him to increase it $750,000, and told him I feared his estimates were made in a sort of general, hazy way, without any definite computations.

Mr. TOWNSHEND. Yet, although we only appropriated $11,000,000 last year—$1,300,000 less than the appropriation in this bill—there has been no demand for a deficiency.

Mr. BINGHAM. It is not time yet.

Mr. HORR. But notwithstanding the gentleman from Illinois [Mr. TOWNSHEND] said that the amount in the bill would be sufficient, we are now told by the officer in charge of that branch that if the expenses continue for the next six months as they have been for the last six months there will be a deficiency of $875,000. I told the gentleman at the time that that deficiency would have to be made up, but he would not believe it, and now he comes here and claims the same thing again.

Mr. Chairman, I have an idea that these are the actual facts of the case. The officers up there in the Department have made their estimates carefully, upon mathematical bases, while my friend from Illinois has simply said: "I guess we can keep this bill down if we cut out six or seven or eight hundred thousand dollars; so let us cut it out, and let it go at that." It does not do any harm to the service in the end, Mr. Chairman; I do not care much about it, only I would like, if possible, to have a little business principle infused into this bill at this end of the Capitol. I am going to insist on that as far as I can, but if the House will not consent to it, then let the bill go over to the other end of the Capitol and let them do there as they did last year—insert the business principle into it for us, as they will do.

Mr. BINGHAM rose.

The CHAIRMAN. Debate on pending amendments is exhausted. As the Chair understands, the formal amendment is withdrawn.

Mr. BINGHAM. I move to amend the amendment by striking out the last word. Mr. Chairman, if the gentleman in charge of this bill asserts that no executive communication has been received by this House with reference to the supposed deficiency in compensation of postmasters, I wish to remind him that we are not within six months of the time when such a communication may, according to the usage, be expected. Postmasters are paid under a general statute, and they take from the revenues of their offices the compensation they are allowed under the law. The compensation of postmasters of the first, second, and third classes is regulated by the actual amount of business done in their office, so that they can determine to the very cent the compensation that they are allowed by law. The compensation of postmasters of the fourth class is determined by the amount of stamps canceled in their offices, so that they also know exactly the compensation they are to receive.

The gentleman refers to the appropriation for 1884. I hold in my hand the estimates of deficiencies for 1884, now before the gentleman's committee, and I find there the following: "Three hundred and thirty-three thousand dollars, amount retained by postmasters in excess of appropriations."

Mr. TOWNSHEND. That is to meet a deficiency in the appropriations of the last Congress.

Mr. BINGHAM. Of course. But never mind that. We can not have from the Department a statement of the deficiencies for the present fiscal year until the meeting of the next Congress.

Mr. TOWNSHEND. The appropriation for the year in which that deficiency of more than $300,000 occurred was only $9,250,000.

Mr. BINGHAM. I grant that. But I am calling the gentleman's attention to the fact that the estimate of deficiency for postmasters' salaries during the present fiscal year will not come to this House until the meeting of the next Congress. That is all I have to say on this point. I withdraw the *pro forma* amendment.

Mr. TOWNSHEND. Mr. Chairman, of course the Committee of the Whole will do as they please about this matter——

Mr. HOLMAN. A single word before my friend from Illinois proceeds. It is conceded that no harm will be done if we make a mistake about this item.

Mr. BINGHAM. None whatever.

Mr. HOLMAN. The subcommittee believe that the amount proposed in the bill is sufficient. If it is not sufficient, no injury can be done to this branch of the public service.

Mr. BINGHAM. That is true.

Mr. HOLMAN. So I submit we ought not to spend time over this matter.

Mr. BINGHAM. I agree to that.

Mr. TOWNSHEND. I merely wanted to supplement what my colleague on the committee has said by calling attention to the fact that we this year have raised this appropriation over $3,000,000 beyond the appropriation for 1884. Is it possible that the salaries of the postmasters of this country are growing so rapidly that it becomes necessary to increase this appropriation every two years to the extent of more than $3,000,000? If this be the fact, the time has come when we should see whether we can not reduce the salaries of postmasters.

Mr. MONEY. You can do it by decreasing the business. There is no other way.

Mr. TOWNSHEND. But I do not ask a reduction of their salaries. I am confident, from what I know of the appropriations of the past few years, that this sum named in the bill, $12,300,000, will pay every dollar of the salary of every postmaster in the land. I have no fear whatever on that point. It was out of abundant caution that the subcommittee recommended the increase this year to $12,000,000; and it was still further out of abundant caution that the general committee added $300,000.

I see no reason whatever for an increase upon this item of the bill, except a wanton desire to swell these appropriations far beyond what may be needed for the public service.

Mr. HORR. What does the gentleman mean by "wanton" with reference to this matter? Will the amount of the appropriation affect the amount expended to the extent of one cent?

Mr. TOWNSHEND. I admit it will not; but where is the honesty or good sense of appropriating vast sums of money where there is no need for it?

Mr. HORR. What can there be "wanton" in the appropriation if the amount of expenditure is fixed by law?

Mr. TOWNSHEND. It is a wanton disregard of a proper sense of economy to appropriate large sums of money for which there can be no need.

Mr. CUTCHEON. Will the making of this appropriation as proposed cause the salaries of the postmasters to cost any more?

Mr. TOWNSHEND. Not at all; and if the sum appropriated should not be quite large enough, as said by the gentleman from Indiana, no possible injury can result.

Mr. CUTCHEON. Can anything be saved by cutting the appropriation down?

Mr. TOWNSHEND. But we should not appropriate more than will be required.

The question being taken on the amendment of Mr. HORR to strike out, in lines 25 and 26, "$12,300,000" and insert "$13,000,000," it was not agreed to; there being—ayes 40, noes 55.

The Clerk read as follows:

For compensation to clerks in post-offices, $5,100,000.

Mr. HORR. I move, in line 28, to strike out "one" and insert "three;" so it will read "$5,300,000." And I will yield the floor to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I wish to say a word, Mr. Chairman, in reference to these Post-Office appropriations. Now, the appropriation for the current fiscal year is $4,900,000. There is in addition a deficiency estimate for $75,000 more, which has not yet been passed upon. For some months it has been impossible throughout the length and breadth of the country to get any allowance for clerk-hire for separating offices or for offices of the first and second class. The truth is, where the salary is less than $2,000 the postmaster pays his own office-rent, his own clerk-hire, and except where there are star routes or cross railroads, where he is required to distribute or separate the mails, and where occasionally a small allowance is made for separating—and there is within my own knowledge in my own section, and I understand it is so throughout the country generally—this class of postmasters have not only to pay their own clerk-hire, their own office-rent, for their own fuel and lights, but they have to draw on their own salaries—and it is equally true of fourth-class offices—to pay for the large amount of work which is thrown upon them.

I thought last year this appropriation was not sufficient. I still think so. For the coming year I believe the full estimate ought to be given, if you expect to have good service for the convenience of the people. I must say I am not as anxious about it this year as I was last year. [Laughter.]

You gentlemen are soon to take charge of these offices, or rather your party is soon to administer the affairs of the Post-Office Department as well as of the other Departments of the Government. Whatever party or Executive may administer them, in my judgment there should be sufficient money appropriated to carry on the service so as to give the people the amplest facilities. I do not think this bill recommends enough, and therefore I shall vote for the amendment of the gentleman from Michigan. Still I would be frank and say that if you gentlemen on the other side of the House do not want an increase, for one I am not going to push it on you. That is all I desire to say on the subject.

Mr. HOLMAN. I trust the committee will observe the fact that the increase for this service over the present year is $300,000.

Mr. BINGHAM. No, $200,000.

Mr. HOLMAN. Yes, $200,000; and gentlemen will see that this is a very material increase. Mr. Gresham, the late Postmaster-General, issued an order to the postmasters, as gentlemen will remember (and I hope gentlemen will not forget that fact), in which he admonished them that clerical force was not intended to supersede their active participation in the duties of their respective post-offices; that the postmaster was expected to render efficient service in the discharge of the duties of his office. I admit this had more direct reference to the postal-order system than to the general duties of post-offices; but it was a significant fact, and it is a fact which Congress should take notice of. The attention of postmasters was called to the fact they were to render a proper degree of service in connection with the post-offices over which they were placed. I believe, sir, with an increase of $200,000 a year you are making ample provision for that branch of the service. I am in favor of appropriating all that is necessary, and $200,000 increase is undoubtedly sufficient. Any amount above that would, in my judgment, be unnecessary and extravagant.

Mr. HEWITT, of Alabama. I wish to ask the gentleman a ques-

tion for the purpose of explanation. I want to know how it is that the allowance for clerk-hire for Birmingham, Ala., which has gross receipts——

Mr. HOLMAN. What page?

Mr. HEWITT, of Alabama. Page 681 of the Postmaster-General's report. I wish to know why it is that the office of Birmingham, Ala., is allowed but $1,652 for clerk-hire, while in the same State the office of Selma, which has receipts of only $600—over a thousand less than Birmingham—is allowed $2,223. Also, why the city of Vicksburg, Miss., which has $100 less of gross receipts than Birmingham, is allowed $3,000 for clerk-hire. I wish to know if there can be any explanation why such difference is made in these offices. You will find the same running through the whole report.

Mr. HOLMAN. I think there is some explanation for this. Undoubtedly in some degree the distribution of the clerical force is arbitrary. The Postmaster-General assigns clerks to post-offices according to his own discretion. I should take it for granted that postmasters who are most persistent in asking assistance in the way of clerical force would be most likely to obtain it. There is another explanation to which I wish to call the attention of the gentleman from Alabama, and that is this: Some of these offices are distributing offices for other points to a greater extent than others. In such cases there would be a larger amount of clerical service required in proportion to the amount of revenue received than in some other offices. There in some instances may be found the explanation of the difference he states. But the distribution of this fund is entirely under the control of the Postmaster-General, and he is necessarily besieged with applications for increase of clerical force, and favoritism undoubtedly prevails in the service, which accounts in a large degree for the difference in the clerical force of different offices.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. BINGHAM. I move to strike out the last word.

Mr. Chairman, I have just this to say: that if it was clearly understood how this appropriation will be applied under the law and under the discretion of the Postmaster-General there should be no difficulty in voting for the amendment and the recommendation of the Department. There are almost six hundred first and second class post-offices, as well as 2,300 separating offices. This appropriation is disbursed and distributed among this number of offices. These offices return to the Government 60 per cent. of the postal revenues. There are 8,240 subordinates in the clerical force of the first and second class post-offices. This does not include the separating offices, where the average is about $240 to the 2,300 separating offices.

The appropriation for this year is in deficiency $75,000. As recommended by the committee your bill appropriates $200,000 in addition to the allowance for the present fiscal year. But we know to-day that the allowance for the present fiscal year is $75,000 in deficiency. Therefore for the next fiscal year, upon the information that we possess to-day, the bill appropriates but $125,000 additional.

That appropriation to this class of post-offices, which pay 60 per cent. of all the revenues and gross receipts from your service, will give to this vast body of offices but one hundred and fifty-six men at $800 a year compensation. It will not give an allowance to any of the separating offices, nor will it promote a single man in the service to-day, that numbers 8,240.

I want to say in this connection, representing a large city constituency as I do, that there are grave and serious apprehensions that the business interests of our community will be seriously hampered if a full and fair appropriation is not made for our postal facilities. Under the general statute to-day the Postmaster-General to all outlying sections of the country can locate post-offices; and again under the general statute the postmasters will receive their compensation. But to the districts that have a fixed post-office, like New York and Philadelphia, we must make and we must demand for our convenience appropriations under the general appropriation bill for clerk-hire and carrier force; and I further make the statement that the business of the Department will not be carried on under the meager increase of $125,000.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, the appropriation for the current year gives the entire amount called for by the Department. Every dollar estimated for by the Postmaster-General was given by Congress for the current year; but it seems that the Postmaster-General—and I am willing to admit it—did not make quite as large an estimate as should have been made, as appears from the present condition of things in the Post-Office, and for that reason a deficiency of $75,000 is asked for.

Now, in order to avoid a deficiency for next year we have given an increase of $200,000, which will be $125,000 more than the appropriation that is made for the current year and the deficiency for this year which is asked for. But, as I have said, we gave all of the estimates for the current year——

Mr. BINGHAM. Why, does not the gentleman know that you cut down the estimates nearly $5,000,000?

Mr. TOWNSHEND. I can not yield to the gentleman now for an interruption. I say all was given that was estimated for.

Now, this is an item of the bill that we can increase to any amount, and still the pressure and demand will come up for higher appropriations and a larger number of clerks. One reason in my judgment why General Gresham, who was a most excellent officer, asked for no more than he did was because he discovered that the clerical force was not properly distributed; that in some offices there were more clerks than there ought to be, and in some offices there were less than there ought to be in accordance with the amount appropriated. The report which the gentleman from Alabama has read confirms that conviction of the late Postmaster-General, for it is well known that in some States where the population is much less than in others they have received a large allotment for clerical force—twice as much as is given to others. I can give the House the reason for it and the authority for believing that there ought to be a readjustment or redistribution of the clerks in post-offices. My authority is the late Postmaster-General himself in his report at the last session of Congress. I read from page 11 of the report of the Postmaster-General last year upon this very question. What is his language? He says:

> Postmasters, backed as many of them are by influential friends, have in some cases been unreasonable in their demands for allowances, and it is not surprising that some of them have received more than their share of the appropriation, while others have received less.

My friend and colleague from Illinois [Mr. CANNON] seems to feel considerable anxiety that we may not provide appropriations enough to employ all the clerks that will be needed under the incoming administration. I want to say here, sir, at the very threshold of the incoming Democratic administration, that I want to see it prove itself true to the first fundamental Democratic principle of economy; I want to see the incoming Democratic administration practice what we have been preaching under Republican administrations. [Applause.] I want to see the expenditures of the Government kept within reasonable bounds. But if I could be convinced that this appropriation is not large enough I would be perfectly willing to accede to the demand that is made.

[Here the hammer fell.]

Mr. BINGHAM. I withdraw the *pro forma* amendment.

Mr HISCOCK. I renew it. I confess I am surprised there has not been a very large reduction in the appropriations for this branch of the service; that there is not a reduction in salaries, and that the employés are not called upon to work more hours. I did expect the gentleman from Illinois [Mr. TOWNSHEND] would present a bill here that would point directly in the direction of economy.

Now, if the next administration is to be economical, I, for one, am opposed to making appropriations so that they can turn a large surplus into the Treasury. I think that would be unwise, and it seems to me the gentleman from Illinois instead of having increased any of these appropriations should have decreased them.

We have been lectured here for the last eight years on the excessive appropriations for the Post-Office Department, and now I understand the gentleman from Illinois has brought in a bill here actually increasing the appropriations for the different branches of that service; and I have risen, sir, only for the purpose of expressing profound surprise that that should be the fact.

What does the great Democratic party intend to do? This is the first appropriation bill for this Department, the money voted by which is to be expended by the incoming administration; and here the country is presented with a bill which proposes to increase the amount. It does seem to me the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. TOWNSHEND] have been somewhat derelict in their duty.

Mr. HORR. I rise to oppose the *pro forma* amendment. I am very glad to hear my friend from Illinois [Mr. TOWNSHEND] indorse the accuracy, ability, and integrity of Postmaster-General Gresham: because the estimates upon which this bill was drawn were made by that gentleman. In the bill the gentleman has presented here he has cut down the estimates of his ideal, and proposes to have an incoming administration run this Department for $3,000,000 less than this ideal of his says it can be run with.

Mr. TOWNSHEND. Does the gentleman from Michigan say that Postmaster-General Gresham prepared these estimates? He had been appointed judge before the estimates were prepared.

Mr. HORR. The estimates were made before Judge Gresham went out.

Mr. TOWNSHEND. I venture the assertion that Judge Gresham did not pass on these estimates.

Mr. HORR. Last year you cut down the estimates of the same Postmaster-General $4,000,000, and had it not been for the wisdom of another body that has to revise these bills our service would be to-day with a deficiency of over $4,000,000.

The gentleman from Illinois says he does this because he wants to keep good the word the Democrats have been giving to the people that they are to run things economically. Bless your soul, Brother TOWNSHEND, do not trouble yourself about that. [Laughter.] Nobody understood you intended that in earnest. But let me say to you right here, if you run these Post-Office matters as economically as the Republicans have done in the last four years you will get the encomiums of the people of this country. You can not carry the mails and do this work for any less money than it is being done for now; and, as I said

yesterday, it will be a sorry day for this nation when the Post-Office bill of one year is smaller than the bill for the year preceding it.

Mr. TOWNSHEND. I agree with you.

Mr. HORR. It must be in the necessity of things larger.

Now, what I have offered here is to give a little money to help out the distributing offices that are growing up all over the United States. Wherever a railroad line is run, and star routes cross it, an increase of work arises, and it takes clerks to distribute that mail. Do you think the Democrats will distribute it without pay? [Laughter.] Will you get some Democrats to work at it for nothing? My impression is, Mr. Chairman, that if this work is to be done, and Democrats are going to do it, they will have to eat and drink like other men. So far as I know they are not visionary either on eating or drinking. [Laughter.] It is an actual business with them, and I propose simply to give money enough to keep this service in a respectable condition. But if you do not want it, all right; I am not going to worry over it.

The *pro forma* amendment was withdrawn.

The question was taken on Mr. HORR's amendment to strike out $5,100,000 and insert $5,300,000; and there were—ayes 92, noes 31.

So (further count not being called for) the amendment was agreed to.

Mr. MONEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

> After line 28 insert the following:
>
> "And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work."

Mr. MONEY. Postmaster-General Gresham made a ruling that no clerk or employé of the Post-Office paid in whole or in part from the allowance for postal funds should be employed in the money-order business, and issued an order (No. 12) to that effect.

The result is that a clerk who is paid to transact the money-order business can not be put at any other work whatever. The money-order business may not occupy him one-third of his time, yet under this ruling of the Postmaster-General (which is a proper construction of the law) the postmaster can not put the clerk at any other work. And, *vice versa*, a clerk engaged in ordinary postal business can not be detailed to assist in the money-order department even though he may have nothing else to do.

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent that this paragraph be passed over informally for the present, so that my friend from Mississippi [Mr. MONEY] may offer this proposition later, after the matter has been examined.

Mr. MONEY. I have no objection at all to that arrangement.

The CHAIRMAN. There being no objection, this paragraph will be passed over for the present with the understanding that the gentleman from Mississippi [Mr. MONEY] may offer his amendment at a subsequent time.

Mr. AIKEN. I desire to offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

> After the word dollars, in line 28, insert:
>
> "Three million five hundred thousand dollars of which shall be paid to clerks in first-class offices, $900,000 to clerks in second-class offices, and $700,000 to clerks in third-class post-offices."

Mr. TOWNSHEND. Mr. Chairman, I make the point of order on that amendment that it proposes new legislation and increases expenditures.

Mr. AIKEN. The gentleman is mistaken; there is not a word of increase in the amendment. On the contrary, it looks directly to economy, and therefore it seems to me that it is not amenable to the point of order. I hold, sir, that it is legislating in the direction of economy to say exactly where and how the public money shall be spent, and not allow any officer of the Government to distribute it where he pleases, to the advantage of his friends and the disadvantage of other servants of the Government.

The CHAIRMAN. The Chair will rule upon the point of order.

Mr. AIKEN. I do not care about the point of order; but is it in order, Mr. Chairman, for me to say a few words on the amendment?

The CHAIRMAN. The Chair is of opinion that this amendment is not subject to the point of order, as it merely provides for the distribution of the money appropriated in the bill, and does not increase expenditure.

Mr. TOWNSHEND. Why, sir, it increases the appropriation $300,000.

Mr. AIKEN. It does not increase it a dollar—not one dollar. It looks to the economical distribution of the money appropriated by the bill, and it is entirely germane to this paragraph.

The CHAIRMAN. The Chair is informed that the amendment does not increase the amount of the appropriation.

Mr. TOWNSHEND. Let it be read again.

The Clerk again read the amendment as above printed.

Mr. HOLMAN. Mr. Chairman, I rise to a point of order.

Mr. AIKEN. If the committee will allow me to explain my own amendment they will be at least edified.

Mr. TOWNSHEND. I have made the point of order, Mr. Chairman.

Mr. HOLMAN. Just a word, Mr. Chairman. The proposition contained in this amendment does not reduce expenditures; it does not reduce the amount appropriated by the bill or by the present law. It simply provides for the mode of distributing a certain portion of the money appropriated in the bill, and that mode is contrary to the provisions of an existing statute. I will call the attention of the Chair to the present law, if it is important in this connection; but it can not be important, because under clause 3 of Rule XXI, an amendment, to be in order, must reduce expenditure, and this does not reduce expenditure but merely provides for the disposition to be made of the money.

Mr. AIKEN. Mr. Chairman, do I understand the Chair to decide that this amendment is not in order?

The CHAIRMAN. The Chair is of opinion that this amendment is not subject to the point of order, and will submit the question to the committee on its merits.

Mr. AIKEN. Then I hope the House will hear me while I proceed to explain the amendment, and I will not submit to interruption.

Mr. HOLMAN. Mr. Chairman, there is so much confusion in the Hall that I did not hear the decision of the Chair.

The CHAIRMAN. The Chair overruled the point of order.

Mr. HOLMAN. Mr. Chairman, I rise to a point of order. When the ruling of the Chair was understood by me I at once rose to take an appeal.

The CHAIRMAN. That is in order.

Mr. HOLMAN. I appeal from the decision of the Chair, and on that appeal I desire to say but a word. I ask the Clerk to read clause 3 of Rule XXI.

The Clerk read as follows:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. HOLMAN. I now ask the Clerk to read sections 3859 and 3860 of the Revised Statutes.

The Clerk read as follows:

> SEC. 3859. The Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third, fourth, or fifth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.
>
> SEC. 3860. The Postmaster-General may allow to the postmaster at New York city, and to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box-rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster-General.

Mr. HOLMAN. Those two provisions of law determine the manner in which this clerical service shall be furnished to the various post-offices. Clause 3 of Rule XXI requires it shall affirmatively appear that a legislative provision upon an appropriation bill retrenches expenses. This amendment not only proposes to change the law as read by the Clerk, but it does so without any pretense of retrenchment. On the contrary, it provides for the payment of the money in a different mode and under different authority from that provided for by existing law. And the method of payment proposed in the amendment must eventually result in a very heavy increase of expenditure.

The CHAIRMAN. Before submitting this appeal to the committee the Chair desires to say that in ruling originally upon this question he gave but little thought to it. The attention of the Chair, as well as the committee, having been now especially called to the matter, the Chair desires to give the reasons for the decision that he made.

In the opinion of the Chair the third clause of Rule XXI does not apply to this provision at all. If the provision now proposed as an amendment had been included in the bill as reported—appropriating $3,500,000 for clerks of the first class, $900,000 for clerks of the second class, and $800,000 for clerks of the third class—it seems to the Chair the provision would not have been a change of existing law or obnoxious to the rule.

Mr. VALENTINE and Mr. HOLMAN rose.

The CHAIRMAN. The Chair desires to conclude his statement of the grounds of his ruling.

Mr. HOLMAN. Allow me a single additional word. The Chair must perceive that the present law applies to first and second class offices, while this provision extends to third-class offices.

The CHAIRMAN. The question whether an amendment increases or diminishes the amount proposed to be appropriated does not necessarily bring it within or exclude it from Rule XXI, as the Chair understands. It frequently happens that appropriations for a given year are larger or smaller than for the preceding year. But that consideration does not change the fact that this is a work already existing, and that Congress must appropriate the necessary amount therefor.

The Chair is not passing upon the question whether more is appropriated for these various classes of offices than ought to be appropriated; but simply rules that it is within the province of the House, in making appropriations, to designate the particular objects for which the

appropriations are made; and by such a specific designation of objects Rule XXI is not violated.

Mr. VALENTINE. Has the Chair noticed the fact that this amendment entirely excludes fourth-class offices, and does thereby change existing law? Under this amendment not one dollar of the present appropriation can be used for the fourth-class offices.

The CHAIRMAN. The Chair would entertain an amendment to provide for fourth-class offices. It must not be supposed that the Chair is bound to suggest necessary or proper amendments to this bill; the Chair merely rules upon the question whether a proposition is subject to the point of order.

Mr. OATES. Now let us have a vote on the appeal.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has appealed from the decision of the Chair. The question is, Shall the decision stand as the judgment of the committee?

The Committee of the Whole having voted on the question,

The CHAIRMAN. The Chair is in doubt, and would prefer to appoint tellers. [Cries of "Oh, no!"] The Clerk will count the vote.

The question having been again taken, there were—ayes 51, noes 34.

So the decision of the Chair was sustained.

The CHAIRMAN. The question is now on the amendment submitted by the gentleman from South Carolina [Mr. AIKEN], on which the gentleman is entitled to the floor.

Mr. AIKEN. In order to meet the objection urged by the gentleman from Nebraska [Mr. VALENTINE] I ask consent of the committee to amend my own amendment by inserting after the word "third" the words "and fourth."

Mr. VALENTINE. Will that be sufficient?

Mr. AIKEN. This gives a discretionary power to the Postmaster-General to the extent of $800,000, but not as to the bulk of the money appropriated.

Now, it seems to be the desire of the House to know how I have arrived at this suggestion for the distribution of this money. I simply took two or three annual reports of the Postmaster-General and added up what they report had been disbursed for the benefit of these respective offices. Taking the first class, then the second class, and then the third class, I found the amount given the first-class offices even in the last fiscal year to be $85,000 less than is allowed in my amendment, so that this sum may be added next year to what has been expended this year for first-class offices. I take it that will be quite sufficient, as the past year we have had an increase of only three first-class offices.

Then I took the second-class offices and found it in the same way. I added up the amount disbursed through them for clerk-hire for two or three years, and discovered that the amount I have inserted in this amendment will give a margin of $130,000 surplus to be expended for the incoming year. And I simply ask that the Postmaster-General be required to disburse the remainder of the appropriation in securing clerical help to the third and fourth class offices.

Mr. Chairman, I stated yesterday that second-class offices got 17 per cent. on their net revenue for clerk-hire, and last year this amounted to only $820,000. Third-class offices paid nearly $600,000 more into the Treasury than second-class offices, and they received less than 17 per cent. The entire amount they received, although numbering 2,160, was only $420,000. This amendment gives them at least $350,000 more for the next fiscal year, leaving $150,000 for fourth-class offices, which is more than was distributed last year.

Now, Mr. Chairman, with that explanation, it does seem to me this is a perfectly legitimate distribution of this money. It does not curtail the authority of the Postmaster-General in disbursing the entire sum, but simply appropriates so many dollars for each class of Presidential offices, thereby securing justice to the many overworked postmasters of that class.

Mr. BAYNE. I rise to oppose the amendment, but principally for information. I have heard the explanation of the gentleman from South Carolina.

Mr. TOWNSHEND. Let me suggest the shortest way out is to take a vote, as I am satisfied the amendment will be voted down.

Mr. BAYNE. The gentleman from South Carolina is mistaken in this matter. He asks you to make an apportionment of this money. He has told you how much it will give to one class, how much to another, and how much to another. Now, what benefit is to come from subdivision and separation of the amount?

Mr. AIKEN. I will simply say postmasters of the third and fourth classes throughout the United States, working twelve and fifteen hours a day many of them, have to take the money out of their own pockets to pay for clerk-hire, and in my amendment these postmasters will have that money supplied to them by the Government without one dollar being taken from the first and second classes.

Mr. BAYNE. I am afraid the gentleman's amendment will cripple the other classes, and I believe it should be voted down. [Cries of "Vote!"]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker *pro tempore* having resumed the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

It further announced the passage of an act (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, with amendments, in which concurrence was requested.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session, Mr. SPRINGER in the chair.

Mr. CANNON. I move to strike out the last word. I think, Mr. Chairman, it would be well for the committee to understand what this amendment of the gentleman from South Carolina [Mr. AIKEN] does. Under the law, as it now is, any clerk as such can be authorized, paid for, either in third or fourth class offices. For the first and second class offices there is a provision of law which allows the Postmaster-General in case of separating offices to make allowance for clerk-hire. It is not for clerk-hire technically speaking. So I wish the committee to understand that if this amendment is adopted it makes an appropriation pure and simple for clerk-hire at forty-five or forty-six thousand post-offices not now entitled to it under the law. A man, therefore, who holds a third or fourth class post-office, where there is no cross-route, where there is no separating to be done, may apply and receive a portion of this appropriation for clerk-hire. Now, that effort has been made several times heretofore and has been opposed, and especially from that side of the House, with great force and so far successfully. And I undertake to say, that if this amendment is to be adopted, instead of $800,000 you want a million or two millions to satisfy the demand.

That is all I desired to say, and I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from South Carolina.

The amendment was not agreed to.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk proceeded to read, as follows:

For payment of letter-carriers and incidental expenses of the free-delivery system——

Mr. ANDERSON. I rose to offer an amendment.

The CHAIRMAN. The gentleman will permit the Clerk to read the section through before submitting an amendment.

Mr. ANDERSON. I desire to offer an amendment at the point where the gentleman from South Carolina offered his amendment.

Mr. TOWNSHEND. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair desires unanimous consent to present the following executive communication and also to lay before the House some personal requests of members.

There was no objection.

SILVER DOLLARS AND SILVER CERTIFICATES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House of February 3, 1885, relative to the alleged refusal of certain banks and banking associations to receive silver dollars and silver certificates in settlement of their balances, reports from the Treasurer of the United States and the Director of the Mint; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FERRELL, until Thursday next, on account of important business.

To Mr. ROSECRANS, for to-morrow, on account of important business.

To Mr. HITT, for to-morrow, on account of important business.

To Mr. ROGERS, of New York, for one week from the 11th instant, on account of business.

TICKETS FOR THE ELECTORAL COUNT.

The SPEAKER *pro tempore*. The Chair desires to say for the information of the House that the tickets printed and issued under the resolution passed on yesterday for the reserved galleries of the House on to-morrow during the count of the electoral vote are now in the hands of the Doorkeeper and subject to the order of members.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. ROGERS, of Arkansas (by request), by unanimous consent, introduced a bill (H. R. 8182) for the regulation of the Hot Springs reservation, at Hot Springs, Ark.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLICATION OF TREATIES.

The SPEAKER *pro tempore*. The Chair desires to submit in obedience to the statute the following concurrent resolution of the Senate for reference.

The resolution is as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the treaties and conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House; 4,000 copies for the use of the Department of State; and 1,000 copies for distribution, by the Department of the Interior, among public libraries not depositories under existing laws, each Senator, Representative, and Delegate in Congress to designate two libraries to whom copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

The resolution was referred to the Committee on Printing.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. BREITUNG, by unanimous consent the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; and the same was referred to the Committee on Military Affairs.

PENSION BILLS ON THE SPEAKER'S TABLE.

On motion of Mr. MATSON, it was ordered that Senate pension bills on the Speaker's table be taken therefrom and appropriately referred.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I demand the regular order.

Mr. ROGERS, of New York. I rise to submit a privileged report.

The SPEAKER *pro tempore*. The regular order has been demanded, which is the motion of the gentleman from Illinois that the House do now adjourn.

Mr. ROGERS, of New York. I hope the gentleman will not insist upon the demand for the regular order.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman to insist upon the demand?

Mr. HEWITT, of Alabama. I withdraw the demand.

Mr. DUNN. I renew it.

Mr. ROGERS, of New York. I ask to submit a privileged report.

The SPEAKER *pro tempore*. The regular order has been demanded.

Mr. ANDERSON. Would it be in order to move that the House take a recess until 11 o'clock to-morrow?

The SPEAKER *pro tempore*. The Chair will state that it would not. By unanimous consent, on motion of the gentleman from Pennsylvania, this morning it was ordered, instead of a recess to-day, that when the House adjourns to-day it be to meet at 11 o'clock to-morrow.

The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Susan Flowers, widow of B. Y. Flowers, deceased, of Claiborne County, and of Mrs. Nancy Mitchell, of Copiah County, Mississippi, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. BAYNE: Resolution of the Grand Army of the Republic, Department of New York, asking Congress to provide for the purchase by the Government of the Forbes historical art collection—to the Committee on Military Affairs.

By Mr. BEACH: Petition of citizens of West Town, N. Y., and vicinity, in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. BUDD: Memorial of the San Francisco (Cal.) Chamber of Commerce, favoring House bill 7163, to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others—to the Committee on Commerce.

Also, memorial of Stockton (Cal.) Board of Trade, for the ratification of Nicaragua treaty; also for construction of a navy—to the Committee on Foreign Affairs.

Also, concurrent resolution of the California Legislature, favoring a soldiers' home—to the Committee on Military Affairs.

Also, petition of citizens of San Joaquin County, California, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. BURLEIGH: Petition of citizens of Troy, N. Y., requesting early consideration on the Mormon question—to the Committee on the Judiciary.

By Mr. S. S. COX: Petition of George A. Hoyt, Floyd Jones, and 38 others, corporate and natural persons, of New York city, asking that the United States shall acquire the two canals which connect Portage Lake, Michigan, with Lake Superior—to the Committee on Rivers and Harbors.

By Mr. DIBBLE: Petition of H. C. Rucker and of Matthew J. Rucker, of Lexington County, South Carolina, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. FOLLETT: Two petitions for the establishment of night schools in the District of Columbia—to the Committee on the District of Columbia.

By Mr. T. J. HENDERSON: Petition of Lewis Hurd, Mrs. Catharine Wheeler, and 26 others, of Henry County, Illinois, asking for an increase in widows' pensions—to the Committee on Pensions.

Also, petition of Mrs. Harriet Darby and others, citizens of Morrison, Ill., asking for an increase of widows' pensions—to the same committee.

By Mr. HOLMAN: Petition of William A. Moulton, of Hidalgo, Ill., late a soldier in Company D, Eighteenth Regiment Indiana Volunteers, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. B. W. JONES: Memorial of Business Men's Association of Oshkosh, Wis., for improvement of the Fox and Wisconsin Rivers—to the Committee on Rivers and Harbors.

By Mr. LAMB: Petition from citizens of Indiana, asking that Benjamin Martain be reimbursed for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. MILLS: Petition of numerous citizens of Limestone County, Texas, asking for reduction in price of CONGRESSIONAL RECORD—to the Committee on Printing.

By Mr. MULDROW: Papers relating to the claim of Daniel Peel, of Tishomingo County, Mississippi—to the Committee on War Claims.

By Mr. POLAND: Petitions of Rev. L. C. Dickinson and others, of Caledonia County, and of Rev. G. F. Arms and others, of Dover, Vt., praying for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. PRYOR: Papers relating to claim of Fayette Hungerford, with communication from the Secretary of the Navy, asking certain appropriations—to the Committee on Appropriations.

By Mr. PUSEY: Petition of citizens of Council Bluffs, Iowa, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. G. W. RAY: Petition of citizens of Otsego County, and of Delhi County, New York, asking for action by Congress on the Mormon question—to the same committee.

By Mr. J. H. ROGERS (by request): Memorial of the city council of Hot Springs, Ark., and others, in favor of a bill for the regulation of the reservation at Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. VAN EATON: Petition of David Singleton, of Adams County, Mississippi, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. VANCE: Petition of Solomon H. Messer, of Jackson County, North Carolina, for a pension—to the Committee on Pensions.

By Mr. RICHARD WARNER: Petition of Jeff M. Stone, of Lincoln County, Tennessee, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. WEMPLE: Petition of citizens of Buel, Montgomery County, New York, urging action by Congress on the bills before them for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of 96 citizens of Freeborn County, Minnesota, asking legislation on the Mormon question—to the same committee.

By Mr. W. L. WILSON: Petition of Joseph West, of Berkeley County, West Virginia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BUDD: Of citizens of El Dorado and of Placer Counties, and of Sacramento, Cal.

By Mr. KLEINER: Of ex-soldiers of Augusta and of Stendal, Ind.

By Mr. LACEY: Of Nicholas O. Bowen and 43 others, of Athens, Mich.

By Mr. McCOMAS: Of 44 citizens of Hagerstown, Md.; of 63 citizens of Hancock, and of 63 soldiers and citizens of Hagerstown, Md.

By Mr. G. W. RAY: Of citizens of Oneonta, Otsego County, New York.

SENATE.

WEDNESDAY, *February* 11, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting recommendations of the Supervising Architect to extend the limit of cost of the public buildings at Hannibal, Mo., and Brooklyn, N. Y.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the requirements of the act of July 15, 1870, a full and complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by the Department of the Interior; which was ordered to be printed, and, with the accompanying papers, laid on the table.

HOUSE BILL REFERRED.

The bill (H. R. 6533) for the relief of Dr. Thomas J. Jones, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. MANDERSON presented a memorial of the Legislature of Nebraska; which was read and referred to the Committee on Public Lands, as follows:

Memorial and joint resolution concerning the people of Nebraska and the lands known as the Saint Joseph and Denver City Railroad Company lands, and the bill now pending in Congress for the relief of the settlers upon said lands.

To the honorable Senate and House of Representatives of the United States:

Whereas there are many settlers and purchasers of the public domain in the State of Nebraska who have patents from the United States for said land, the title to which is now disputed by an adverse claim derived originally from grants of land by Congress to a certain railroad company, known as the Saint Joseph and Denver City Railroad Company—*i. e.*, Kneevals and Mitchell land claims;

Whereas such dispute of title is a very great injury and wrong to many persons who have spent many of their best years in toil, deprivation, and expense upon such lands, and has resulted in the confiscation of the homes of many of our best citizens residing upon and owning said lands, and their eviction therefrom;

Whereas a bill is pending in Congress for the relief of the settlers upon said lands, which bill has passed the Senate of the United States, and is now pending in the House of Representatives thereof: Therefore,

Be it resolved by the senate and house of representatives of the State of Nebraska, That the passage of said bill would be but an act of justice to those of our citizens who are interested therein.

Resolved, That we earnestly urge upon Congress and every member thereof, regardless of their political affiliations, their immediate attention and favorable action upon said bill.

Resolved, That the secretary of state be requested to forward to each of our Senators and Representatives in Congress a copy of this memorial and joint resolution.

H. H. SHEDD,
President of Senate.

Attest:

SHERWOOD BURR,
Secretary of Senate.

ALLAN W. FIELD,
Speaker of House of Representatives.

Attest:

JAMES F. SEDIKER,
Chief Clerk of House of Representatives.

Approved February 6, 1885.

JAMES W. DAWES,
Governor.

I hereby certify that the within memorial and joint resolution originated in the senate and passed the Legislature February 5, A. D. 1885.

SHERWOOD BURR,
Secretary of the Senate.

STATE OF NEBRASKA,
Office of Secretary of State.

I, E. P. Roggen, secretary of state of the State of Nebraska, do hereby certify that I have carefully compared the foregoing copy of a memorial and joint resolution concerning the people of Nebraska and the lands known as the Saint Joseph and Denver City Railroad Company lands, and the bill now pending in Congress for the relief of the settlers upon said lands, approved February 6, 1885, with the original rolls on file in this office, and that the same is a true and perfect copy of said memorial and joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln this 6th day of February, A. D. 1885, of the Independence of the United States the one hundred and ninth, and of this State the eighteenth.

[SEAL.]

E. P. ROGGEN,
Secretary of State.

Mr. MITCHELL presented the petition of Sarah Jane De Coursey, of Philadelphia, and others, praying for the passage of the bill (S. 438) for the relief of the heirs and legal representatives of Capt. Lambert Wickes; which was referred to the Committee on Revolutionary Claims.

Mr. GARLAND. I present the petition of a large number of citizens of the city of Hot Springs, Ark., praying for certain legislation in reference to the Hot Springs reservation. Accompanying the petition is a bill which the petitioners desire me to introduce to carry out the views set forth in the petition. At the proper time I shall introduce the bill. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. SEWELL presented a memorial of the Philadelphia (Pa.) Board of Trade and the Philadelphia (Pa.) Maritime Exchange, remonstrating against the passage of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was referred to the Committee on Commerce.

Mr. BLAIR presented the petition of Charles H. Mendum, James P. Boutell, John Sise, G. R. Laighton, W. C. Walton, Andrew P. Preston, Joseph W. Peirce, and Andrew J. Penhallow, of Portsmouth, N. H., praying for the ratification of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. GARLAND (by request) introduced a bill (S. 2631) to regulate the Hot Springs reservation in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN introduced a bill (S. 2632) making appropriations for the constructon, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

NORTHERN MONTANA INDIAN RESERVATIONS.

Mr. DAWES. I ask unanimous consent to call up a bill on the Calendar which I think will cause no debate. The friends of the measure are very anxious to get it to the other branch, where they think they can get it through if it is passed by the Senate now.

Mr. ALLISON. If it leads to no debate, I shall consent.

Mr. DAWES. If it causes debate, of course I shall withdraw it.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Massachusetts asks unanimous consent to have taken up at this time the bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SHERMAN. I ask the unanimous consent of the Senate to call up a bill that I am quite sure will not lead to any debate. It is House bill No. 7496, reported from the Committee on Finance.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to have taken up for consideration at this time the bill (H. R. 7496) for the relief of Wehrle, Werk & Son. Is there objection?

Mr. HARRIS. With other Senators I have for a week past been urging the Senate to take up House bills favorably reported upon the Calendar in their order. I gave notice three or four days ago that until that was done I should object to the taking up of any one House bill on the Calendar other than a regular appropriation bill. I therefore, according to the notice, object.

Mr. SHERMAN. I then move, the Calendar being in order, that the Senate proceed to the consideration of the bill. I concur with my friend from Tennessee in the view that we ought to take up House bills and act upon them, but now that I have called the bill up and it is a small matter to which the Senator from Tennessee has himself agreed in committee, I ask him that he allow the bill to pass, and I shall hereafter join him in taking up the House bills in their order. We shall not have time this morning to do what the Senator proposes, or I should be willing to pursue that course this morning.

Mr. HARRIS. I did not even notice the character of the bill that the Senator wishes to have considered.

Mr. SHERMAN. It is a House bill reported from the Committee on Finance, which the Senator himself has approved. As we can not now take up under a general order the House bills on the Calendar, I hope the Senator from Tennessee will not interfere with this bill.

Mr. HARRIS. If the Senate will now consent that we shall, after the morning business, proceed with the consideration of House bills favorably reported upon the Calendar, we can at least agree to that, it will not delay the Senator from Ohio more than a day or two. I do not understand that the question of time is important in this particular case.

The PRESIDING OFFICER. Objection is made.

Mr. SHERMAN. Then I submit a motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. SHERMAN. I submit again to the Senator from Tennessee that——

The PRESIDING OFFICER. The motion is not debatable.

Mr. GARLAND. Let the bill be read by its title.

Mr. PLATT. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state his point of order.

Mr. PLATT. My point of order is that although Senators have been standing very near me and talking very loud, I have been unable to hear what has been said.

The PRESIDING OFFICER. Senators will resume their seats, and the Senate will be in order. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

The motion was not agreed to.

Mr. McPHERSON. Mr. President——

Mr. ALLISON. Regular order, Mr. President.

Mr. SHERMAN. I insist upon the regular order.

Mr. INGALLS. The regular order.

Mr. McPHERSON. I ask the privilege of moving to recommit a bill.

The PRESIDENT *pro tempore*. The Senate will be in order. The Chair will hear the Senator from New Jersey.

Mr. McPHERSON. I rose for the purpose of asking unanimous consent to recommit a bill now upon the Calendar.

Mr. SHERMAN. I insist upon the regular order.

The PRESIDENT *pro tempore*. Objection is made. The Calendar under Rule VIII will be laid before the Senate.

Mr. LAPHAM. I move to take up at this time the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President. I asked for the consideration of it yesterday——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. LAPHAM. I ask unanimous consent to make a very brief statement.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. LAPHAM. I asked for the consideration of the joint resolution when I reported it from the Committee on Foreign Relations yesterday, and the Senator from Tennessee [Mr. HARRIS], under a misapprehension, I think, objected to its consideration.

The joint resolution refers to the President the distribution of the fund now in the State Department under the Venezuelan award. There is about half a million dollars lying there belonging to the claimants under the award. In 1883 we passed a joint resolution authorizing the President to open negotiations with Venezuela. He submitted the draught of a convention to the representative of that government, who has finally rejected it; and Venezuela has taken the strange position that, by virtue of that resolution, we vacated all these awards, and that government refuses to pay any more money. There is no alternative left to us now but to leave to the President the distribution of what money is in our Treasury.

I hope there will be no objection to the consideration of the joint resolution at this time.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York that the Senate now proceed to the consideration of the joint resolution indicated by him.

Mr. HOAR. The motion is now only to take up?

The PRESIDENT *pro tempore*. The motion is to take up.

The motion was not agreed to.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes. The bill is before the Senate as in Committee of the Whole, and the reading of the report will be resumed.

Mr. PLUMB. I ask unanimous consent that the reading of the report may be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the report be dispensed with. Is there objection?

Mr. LAPHAM. I can not consent to that this morning, sir.

The PRESIDENT *pro tempore*. Objection is made. The reading will proceed.

The Secretary resumed, at page 23, the reading of the report submitted by Mr. PLUMB, from the Committee on Public Lands, April 8, 1884.

The reading having proceeded five minutes,

Mr. PLUMB. I rise to make a suggestion and at the same time a request to the Senator from New York. The reading of the report is unnecessarily, as I think, occupying the time of the Senate. I am not myself willing to believe that the Senator from New York desires to unnecessarily use up the time of the Senate, or that he desires to put himself in the attitude of having delay for the sake of delay. I think he is a more courageous opponent than that would indicate. I therefore ask unanimous consent that the reading of this report may be dispensed with, that the residue of the report be printed in the RECORD, and that this bill may then go over until to-morrow at the time when the Calendar shall be reached, giving the Senator all the time he could have anyhow by reason of continuing the reading of the report. That is all I now ask.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the report be dispensed with and that the residue of the report be printed in the RECORD and that this bill be passed over, retaining its place where it now stands on the Calendar under Rule VIII. Is there objection?

Mr. HAWLEY. I object to that part of the request which asks that the remainder of the report be printed in the RECORD. It would be of no material service to anybody to print a fraction of the report. The report itself is a very long one. Did the Senator mean to print in the RECORD the whole of it?

Mr. PLUMB. I am not particular about its going into the RECORD, if there is any point about that.

Mr. HAWLEY. The Senator said the remainder of the report. I object to printing the report in the RECORD.

Mr. HOAR. It is printed in the RECORD now as a matter of course unless the Senate otherwise orders. Every report read at the desk is printed in the RECORD as a matter of course. Now, if the reading goes on it will be printed in the RECORD, and both the time of the Senate be taken up and the columns of the RECORD be filled with it. The request of my honorable friend from Kansas is that so much of the regular order as implies the Senate taking another hour to have it read, when of course it will go into the RECORD, may be dispensed with.

The PRESIDENT *pro tempore*. The Chair will state that he knows of no rule which requires a report when it is read to go into the RECORD, that the Reporter consulted the Chair about this voluminous report already in print when its reading at the desk first began, and the Chair advised the Reporter that there was no rule which required it to go into the RECORD, and that to put it there would be a useless waste of public money.

Mr. HOAR. May I inquire of the Chair if that has not been hitherto the general, I do not know whether the uniform, rule that all the proceedings of the Senate, including anything read in the Senate, were printed in the RECORD?

The PRESIDENT *pro tempore*. According to the recollection of the Chair that has not been the uniform rule. Frequently the CONGRESSIONAL RECORD merely states that "the report was read." It has very often happened that where a report was brief, it was set out in full in the RECORD.

Mr. HOAR. I think that is the general rule.

The PRESIDENT *pro tempore*. At any rate the Chair took the responsibility of advising the reporter not to reprint this long report in the RECORD as part of the proceedings, as it was read piecemeal from day to day. Whatever responsibility there is about it belongs to the Chair and not to the Reporter; he only took the advice of the Chair as a matter of economy of space and money. Is there objection to the request of the Senator from Kansas?

Mr. LAPHAM. I have no objection to this case standing over until to-morrow. I think to-morrow will be a better day to take it up for consideration; but I am unwilling this morning, without any understanding, to say anything on the subject of its disposition. If the bill can stand over until to-morrow without prejudice, I think meantime we can come to some understanding.

Mr. PLUMB. No; I have had no thought about it. There was no understanding proposed by me. Let the Senator himself be responsible for obstructing the business of the Senate.

Mr. LAPHAM. I am not responsible. This is a very instructive and able report, and I think the Senate ought to hear it. If, as I understand, it is not to go in the RECORD, it ought certainly to be read.

Mr. ALLISON. Very well; let us have it.

Mr. PLUMB. Regular order.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed the reading of the report.

The reading having been continued for ten minutes,

ORDER OF BUSINESS.

Mr. INGALLS. I ask that the reading of the report may be for a moment suspended while I inquire whether it is the understanding of the Senate that after the count of the electoral vote the Senate is to return to the Chamber for the purpose of continuing business to-day.

The PRESIDENT *pro tempore*. The Chair of course is unable to answer.

Mr. INGALLS. I understood that, and I ask for the understanding of the Senate.

Mr. SHERMAN. We must return here.

Mr. GARLAND. How long does the Senator from Kansas suppose the count will take?

Mr. INGALLS. The proceedings at the last occasion of counting the electoral vote consumed an hour and forty minutes. I suppose they can be concluded to-day by 2 o'clock, unless there is some interruption not now anticipated.

I will suggest, in order to bring the matter to a decision, that there be unanimous consent that after the proceedings in the House the Senate return to this Chamber for the purpose of continuing legislative business.

The PRESIDENT *pro tempore*. The Senate hears the suggestion of the Senator from Kansas. The Senate will of course return to its Chamber.

Mr. INGALLS. I understand of course that the Senate will return to this Chamber; but I ask unanimous consent that there may be a decision on which we can act, that at the close of the proceedings in the House, on the return of the Senate to this Chamber, legislative business for the day shall be resumed.

The PRESIDENT *pro tempore*. The Senate hears the suggestion of the Senator from Kansas.

Mr. SHERMAN. The custom heretofore has generally been that the first man who gets back and can get the attention of the Chair, before a quorum has arrived, rises and says, "I move that the Senate adjourn."

Mr. INGALLS. That I desire to avoid.

Mr. SHERMAN. If it is understood that the Chair will not put the question on adjournment until there is a quorum present to act on it, I think there will be no difficulty.

The PRESIDENT *pro tempore*. The Chair is bound to say that under the rules a motion to adjourn is always in order.

Mr. HOAR. The custom of the Senate has been to return to its Chamber and to receive the report of the proceedings in joint convention, and pass a resolution in regard to those proceedings. Four years ago that resolution was passed in each branch, not as a concurrent resolution—the concurrence of the other branch was not asked for—but each passed the same resolution, and actual concurrent action became unnecessary. We shall return to our Chamber in all human probability to-day before 2 o'clock, which is the hour at which the morning business is concluded and the general business of the day is begun till within a day or two. There will be plenty of time to have three or four hours for useful legislation.

The PRESIDENT *pro tempore*. If there be no objection, it will be understood that the Senate is expected to proceed with its regular business on its return from the House of Representatives. The reading of the report will proceed.

The Secretary resumed the reading of the report and continued it till 11 o'clock and 55 minutes a. m.

Mr. LAPHAM. I suggest to the Senator from Kansas, with a view of saving time in reading the report further, that if the Senate will consent that the views of the minority may be printed in the RECORD of to-morrow morning I will let the reading be suspended and have the bill stand over until to-morrow morning. The minority views are not long.

Mr. PLUMB. I have no pride of opinion about the majority report, but it seems to me that there ought to be a full statement of the case, and that if any part of it goes in the RECORD it ought all to go in.

Mr. LAPHAM. I have no objection to the whole of it going in; I should rather prefer it. I do want the views of the minority to be incorporated in the RECORD; they are not lengthy.

Mr. SHERMAN. This involves a very large expense, and it is an absolute waste. No man who will take this report and read it in the ordinary document form will read it in the close print of the RECORD; therefore it is a mere wanton waste without cause. Any one can get it in more convenient form, for he can read it in document form, while if it is entombed in the RECORD it will never be seen.

Mr. GARLAND. It is now four minutes of 12; and I suggest that the Senate take a recess for the execution of the order.

The PRESIDENT *pro tempore*. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution directing the Clerk to inform the Senate that the House was ready to receive the Senate at 12 o'clock m. to proceed, under the concurrent resolution of the two Houses, to count the electoral votes for President and Vice-President.

COUNT OF ELECTORAL VOTES.

The PRESIDENT *pro tempore*. The concurrent resolution of the two Houses providing for a meeting in the Hall of the House of Representatives at 12 o'clock will now be executed, and the Senate will proceed to the Hall of the House of Representatives.

The Senate, headed by the President *pro tempore* and Secretary, and preceded by the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 1 o'clock and 22 minutes p. m.

The PRESIDENT *pro tempore*. The Senate resumes its sitting.

Mr. HOAR. Mr. President, the tellers who were appointed on behalf of the Senate, in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, beg leave to report that the two Houses met in joint convention in pursuance of the resolution, and that thereupon the certificates of the electors of the various States of their votes for those officers were opened by the President of the Senate and delivered to the tellers, and on being examined it appeared that the votes of the several States had been cast in accordance with the list which I hold in my hand and will send to the Chair.

From those votes it appeared that the whole number of electors appointed to vote for President and Vice-President of the United States for the term of office beginning on the 4th of March, 1885, was 401, of which a majority was 201. The state of the vote for President of the United States appeared to be—

For Grover Cleveland, of the State of New York, 219.

For James G. Blaine, of the State of Maine, 182.

The state of the vote for Vice-President of the United States appeared to be—

For Thomas A. Hendricks, of the State of Indiana, 219.

For John A. Logan, of the State of Illinois, 182.

Which result having been delivered by the tellers to the presiding officer, the presiding officer declared that Grover Cleveland, of the State of New York, had received a majority of the votes of the whole number of electors as they appeared in the certificates and by the list of the tellers, and so appeared to have been elected President of the United States for four years, commencing on the 4th day of March, 1885; and that Thomas A. Hendricks, of the State of Indiana, appeared to have received a majority of the votes of the whole number of electors appointed as they appeared in the certificates read by the tellers, and so appeared to have been elected Vice-President of the United States for four years, commencing on the 4th day of March, 1885.

The PRESIDENT *pro tempore*. The report will be placed on file.

Mr. HOAR. I offer the following resolution——

Mr. CONGER. Before that is offered I should like to have the last clause of the statement as to the declaration and the effect of it read.

The PRESIDENT *pro tempore*. The Chair will read the declaration the President of the Senate made at the meeting of the two Houses, for information:

And the President of the Senate makes this declaration, only as a public statement, in the presence of the two Houses of Congress, of the contents of the papers opened and read on this occasion, and not as possessing any authority in law to declare any legal conclusion whatever.

Mr. CONGER. Mr. President, the proper mode of presenting my view upon that question I do not know that I understand; but I desire here as one of the Senators of this body to say that I entirely dissent from the declaration that the President of the Senate has no other power in announcing the electoral vote than to merely announce the facts. I do not know by what authority a question so long in dispute, and perhaps with the views of the Senate and of the people of the United States almost equally divided, should be attempted to be settled by making a statement of one view of it a part of the declaration. I merely speak of it, however, to express my dissent from that declaration of the presiding officer that he is only to make a statement of the result and has no other power in the case.

Mr. SHERMAN. I also wish for myself, as I have recorded my opinion on this question at other times, to assert and put upon the record my statement that the declaration made was the declaration of the gentleman who presided on that occasion expressing his own opinion, and should not be taken as a precedent except so far as it may command the judgment of mankind hereafter. I believe that the President of the Senate exercised a constitutional power when he presided over the joint body to-day and counted the vote, and that his announcement is the conclusive end of all argument upon the question, and that doing so he not only gave his own opinion as to the result of certain papers that were presented to him, but he made the only constitutional declaration that is provided for under existing law of who shall be President of the United States after the 4th of March.

I simply rose to enter my caveat now so that this declaration of the presiding officer shall not be regarded as concluding what I consider to be his constitutional duty and which he has performed with ability and propriety.

Mr. HOAR. Mr. President, I conceived it to be my duty as one of the tellers to report to the Senate only so much of the proceedings of the two Houses as seemed to me to be of the substance of the ascertainment and declaration of the result. I did not, therefore, in the report which I made, communicate the various declarations or statements of the presiding officer, as I supposed he understood, as has been said by the Senator from Ohio, that the declaration which has been adverted to was a declaration of his own understanding of the significance of the official act, and in no way entered into it as giving it authority or as affording any precedent or weight for the future guidance of the representatives of the American people in the two Houses except so far as the very great and deserved weight which attaches to the opinion of so eminent a constitutional lawyer may make it a precedent hereafter.

I desire to introduce a resolution——

Mr. INGALLS. Without entering, Mr. President, upon the discussion of a question which is and probably always must remain an open one, I wish on this occasion to express my dissent absolutely from the conclusions contained in the declaration of the President *pro tempore* of the Senate, and to say that in my judgment it should not be held in

any way as a precedent governing the action of that officer or of this body upon similar occasions hereafter.

Mr. WILSON. Mr. President, I merely wish to express my concurrence in what has been said by the Senator from Kansas. In my judgment the duty devolved upon the Vice-President of the United States in the matter of counting and announcing the vote for President of the United States is a high constitutional duty; and the declaration made by the President *pro tempore* of the Senate to-day in my judgment is not in accord with the requirements of the Constitution.

Mr. LAPHAM. Mr. President, I had occasion eight years since to examine this question. I find from the journals of the convention which framed the Constitution that the clause of the Constitution relative to counting the electoral vote as acted on and adopted read that the President of the Senate should then and there open all the certificates and the votes should then and there be counted in the presence of the Senate and House of Representatives, making the Senate and House of Representatives mere witnesses of an act to be performed by the presiding officer of the Senate.

Following that, the first resolution adopted on the subject was a resolution of the convention in which they recommended among other things that the Senators should appoint a President of the Senate for the "sole purpose of receiving, opening, and counting the electoral votes for President"—just that language exactly—and that was done. Following that precedent of the fathers, Vice-President Adams counted and declared the result, and announced himself to have been elected President of the United States. I believe, sir, that it was the intention of the framers of the Constitution that the presiding officer of this body should perform the duty of counting the votes as well as of receiving and opening the certificates.

Mr. HOAR. Mr. President, I do not think it very profitable at this stage of the session to reopen the great debate of eight years ago; but I think, as all the suggestions which have been so far made upon this question have been made upon one side, it is proper to remind the Senate and the country that by a very large majority the Senate of the United States expressed eight years ago on the fullest debate its dissent from the propositions which have been advanced by the several Senators who have spoken, in that concurring with some of the greatest constitutional authorities we have ever had in this country, including John Marshall, Oliver Ellsworth, if my recollection is not at fault, Daniel Webster, and Abraham Lincoln. And a late eminent Senator from the State of New York stated in my hearing that every member of the Senate but eight had in his hearing expressed sentiments which were in conflict with those which have been expressed by the Senator from Ohio and the Senator from New York. At any rate, whether that statement was true or not, a computation which I myself made showed that all the then Senators of the United States, with eighteen exceptions, a very small minority of the body, were on record expressly and distinctly declaring that the President of the Senate had not the power to count the vote under the Constitution in any sense of the term of counting the vote, which implies the right to decide what votes should or should not be taken into consideration in ascertaining the constitutional result.

I myself believe that the President of the Senate derived for the count of to-day an authority from the concurrent resolution which the two branches have passed, and that his declaration of the count which the two branches witnessed and which was the result of the report of the tellers representing the two branches, in their presence, without their dissent, uttered by the authority of the two branches a constitutional declaration and proclamation of the result. Our ancestors were jealous of executive power. They were in the habit of continuing the same person in the public service year after year and official term after official term, and I believe they would have deemed it monstrous if the supposition had been suggested then that the Vice-President of the United States, the constitutional President of the Senate, who as they originally established the Constitution was one of the two leading candidates for the office of the Presidency (because there was no voting for a Vice-President in those days, as everybody remembers), and who of course would be in the ordinary course of events one of the leading candidates at the election the result of which was to be declared, should be clothed with the enormous power under the Constitution of determining the question whether he himself were duly elected President, and that there should be under the Constitution and laws of the United States no possible appeal from his decision. I hold that to be a proposition repugnant utterly to all we know of the opinions, practices, and conduct of our ancestors who framed the Constitution.

It was true in almost every State in the Union, with one or two exceptions, at that time, as it is true in a large number of the States since (I think there was but one exception at that time), that the two Houses of the Legislature ascertained the result of the election of the Executive. So it was in my own State; so it was in Virginia; so, I think, it was in every State but New York.

I do not desire, however, to go into this interesting question at this time, except that as Senators have thought proper to put on record their opinion and there has been no dissent from it, I wish to state emphatically my dissent. I agree with the Senator who first spoke, and I have no doubt that the occupant of the Chair agrees, that the declaration which he made was no part of the constitutional proceeding, any more than his calling the two Houses to order or other statements which he was bound to make in the exercise of his duty; but that it was his individual expression of a judgment as to the scope and extent of an official act which he performed. It seems to me it was entirely proper for the presiding officer to make that declaration, although no part of the constitutional proceedings, because otherwise he might be supposed to be undertaking to do what, as he viewed the question, would have been an act of usurpation.

Mr. CONGER. When I called attention first, after the reading of the report, to this subject, I did it not with any view of entering into any discussion upon the question one way or the other, and I did not suppose without some proposition being made that the discussion would be entered into; but I did feel as if it was the right of any Senator here to dissent from any mode of declaration not authorized by law or by the Constitution as a precedent. It was for that purpose and that only, giving all due weight and superior weight to the opinion of the presiding officer and his own view of this question, that I desired to dissent from that declaration as in my judgment a wrong construction on the power of the office upon a point long disputed and still in dispute in the Senate and House and among the people of the United States.

The PRESIDENT *pro tempore*. The Chair begs leave to state, with the indulgence of the Senate, that the Senate, in the opinion of the Chair, is in no way responsible for the declaration that the President of the Senate made on the occasion referred to. Neither the Senate of the United States nor the House of Representatives had conferred any authority upon the President of the Senate to make any declaration. There is no law, within the knowledge of the President of the Senate, which provides for any proceeding, except the Constitution. The President of the Senate was of opinion, and still is, that a concurrent resolution is not a law; and if the concurrent resolution providing for this occasion had contained any direction to the President of the Senate that was inconsistent with his views of constitutional duty, he would have been bound to disregard it, or preferably, as he certainly would have done, he would have resigned his office and allowed the Senate freely to elect some gentleman whose opinion coincided with that of the majority.

No Senator need feel bound as a precedent by anything the President of the Senate said. He was exerting a constitutional duty in opening the certificates and superintending the making manifest of what they contained; and he stated on his own responsibility, and on that of nobody else the negation of an implication that might have arisen from a different statement of the result; that is all.

Mr. INGALLS. I ask leave at this time to offer a resolution.

Mr. HOAR. I had the floor to offer a resolution, and yielded. I think the Senator from Kansas should not interpose other business.

Mr. INGALLS. It bears directly on this subject.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to offer a resolution at this time. It will be read.

Mr. BAYARD. It will be read for information, I presume.

The PRESIDENT *pro tempore*. It will be read for information, after which the Chair will call for objection.

The Chief Clerk read the resolution of Mr. INGALLS, as follows:

Resolved, That the Senate does not assent to the concluding declaration of the President of the Senate in the announcement of the vote for President and Vice-President of the United States made in the presence of the two Houses of Congress this day.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BAYARD. I ask that it may lie over.

The PRESIDENT *pro tempore*. Objection is made and the resolution goes over.

Mr. HOAR. I offer the following resolution, for which I ask present consideration:

Whereas the Senate having met the House of Representatives in accordance with the fifth section of the act of 1st March, 1792, relative to the election of President and Vice-President of the United States, and the electoral votes having been opened by the President of the Senate in the presence of the two Houses of Congress and counted by the tellers appointed on the part of the two Houses, and it appearing that the whole number of electors appointed to vote for President and Vice-President of the United States is 401, of which a majority is 201; and it further appearing that Grover Cleveland, of New York, had received 219 votes for President of the United States, and that Thomas A. Hendricks, of Indiana, had received 219 votes for Vice-President of the United States, which number is a majority of the votes of the whole number of electors appointed, and the same having been duly declared by the President of the Senate in the presence of the two Houses: Therefore,

Resolved by the Senate of the United States, That the Senate is of opinion that the Constitution and laws have been duly executed, and that no further declaration of these facts is necessary.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CONGER and Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HOAR. I ask unanimous consent to say that this resolution is in the usual form. It is exactly the resolution adopted four years ago.

Mr. INGALLS. But the declaration is not in the usual form.

Mr. HOAR. The declaration contained in it is the declaration of four years ago.

The PRESIDENT *pro tempore*. Objection is made. The resolution will be printed and go over.

HOUSE BILL REFERRED.

The bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The message also announced that the House concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN F. FOLLETT of Ohio, Mr. WALDO HUTCHINS of New York, and Mr. J. G. CANNON of Illinois managers at the conference on its part.

The message further announced that the House had passed the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which are now in the custody of the Secretary of War, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 7522) for the relief of Joseph F. Wilson; in which it requested the concurrence of the Senate.

PUBLIC LAND LAWS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of yesterday, which is the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands, and the laws allowing entries for timber-culture. The bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. I wish to withdraw that amendment. As I said yesterday, I offered it with the understanding that it was agreed to by all the members of the Senate Committee on Public Lands. There appears to be some difference of opinion in that committee in regard to it, and I am not willing to take the responsibility of fathering the amendment myself and thus imperiling the bill. I however take occasion to say that I do not see any harm in the amendment itself.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws the amendment submitted by him yesterday.

Mr. DOLPH. I move to add to the first section of the bill the following additional proviso:

And provided further, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash except for fees and commissions in the disposal of public lands at the land offices at which such certificates are now receivable in commutation of homestead and pre-emption rights.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. I ask that a letter from the Commissioner of the General Land Office which I sent to the desk may be read in connection with the amendment.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 22, 1885.

SIR: In reply to your personal inquiry of this date relative to outstanding certificates of deposit issued on account of surveys, and the effect upon such certificates of H. R. No. 7004, providing for the repeal of the pre-emption and timber-culture laws, &c., as reported with amendments from the Senate Committee on Public Lands, I have the honor to state as follows:

The amount of such certificates now outstanding arising from deposits made since July 1, 1880, is $395,441.12. A small amount arising from deposits made prior to July 1, 1880, also remains outstanding.

Such certificates are issued under sections 2401 *et seq.*, Revised Statutes, as amended by the acts of March 3, 1879 (20 Statutes, 352), and August 7, 1882 (22 Statutes, 327), providing that settlers in unsurveyed townships may make deposits for the expenses of the survey of such township.

The certificates are receivable from the settlers who made the deposit in part payment for their lands, and are also made assignable by indorsement, and when so assigned are receivable in payment for lands entered by settlers under the pre-emption and homestead laws in the land district in which the deposit was made. Certificates issued prior to August 7, 1882, are so receivable in any land district.

The effect upon these certificates of the repeal of the pre-emption law would be to ultimately restrict their use to commuted homestead cases. They would, however, meanwhile be used in payment of lands to which existing pre-emption claims attach, and under which entries have been or may be made. Such entries, present and prospective, cover many millions of acres.

The amendment of the homestead law, extending the period requisite for commutation, would have the effect to defer the present use of the certificates in that class of cases.

It does not occur to me that there would be any objection to extending the use of the certificates so as to make them receivable in payment for public lands generally. I think that with such provision the value of outstanding certificates would not be impaired.

I respectfully call your attention to the fact that agricultural-college scrip issued under the act of July 2, 1862 (12 Statutes, 503), is locatable on lands subject to sale at private entry, and under section 2278, Revised Statutes, may be received in payment of pre-emption claims. By construction such scrip is also received in commuted homestead cases. Military bounty-land warrants are receivable only in like manner. Private land scrip issued under the acts of June 2, 1858 (11 Statutes, 294), and July 22, 1860 (12 Statutes, 85), and the supplemental acts of March 2, 1867 (14 Statutes, 544), June 10, 1872 (17 Statutes, 378), and June 28, 1879 (20 Statutes, 274), can be used only in the same way.

The pending bill makes no special provision for this class of cases. In event you should desire to consider an amendment covering these cases, as well as certificates of deposit, I make the following suggestion in connection with your request that I submit appropriate forms of amendment in the matter of certificates of deposit:

Add to section 5 the following:

"*Provided, however*, That this section shall not be construed to prevent the location of military bounty-land warrants or of agricultural-college or other scrip issued under existing laws upon any unoccupied and unappropriated lands now subject to such location; *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the disposal of public lands at the land-offices at which such certificates are now receivable in commutation of homestead and pre-emption rights."

The reason for the exception of fees and commissions in the above form of amendment is because of the small and irregular sums in which fees and commissions are payable and the trouble which would be involved in adjusting differences.

I return herewith your memorandum of points of inquiry submitted.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Hon. J. N. DOLPH,
United States Senate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon.

Mr. VAN WYCK. I do not understand fully the purport of this letter. I ask whether the effect of the amendment will be to extend the power of the certificates of deposit, by making them good outside of the land district in which they were issued?

Mr. DOLPH. I think not, but I was about to make a statement of what the amendment is.

After this bill had been reported my attention was called to the fact that there had been issued under existing laws certificates to parties who had advanced money for carrying on the public surveys. The amount of these outstanding certificates is now about $400,000—a little under that sum. They are receivable in payment for pre-emption claims, and, by construction of the Department, are also receivable in payment for commuted homesteads, which is but another form of pre-emption.

If by this bill we repeal the pre-emption law, of course we impair the value of those outstanding certificates; and if we require, before a homestead entry can be commuted, thirty months' residence instead of six months' residence, of course the number of commuted homesteads will be much smaller than at present, and thus we shall almost repudiate these obligations which have been issued upon the faith of an act of Congress.

In my judgment only two courses are left for Congress in this matter. One is to authorize the redemption of these certificates at the Treasury of the United States when they are presented and pay them in cash from the Treasury; the other is the one proposed by the pending amendment to authorize their receipt in payment for other public lands sold for cash as a compensation to the holders, if the bill under consideration should become a law, for the loss caused by the change, which would prevent their being used to the extent at present allowed in payment of pre-emption claims.

I made an inquiry of the Commissioner of the General Land Office concerning this matter; and his letter in answer to the inquiry states the manner in which the passage of the bill under consideration would impair the value of these certificates; and he also states that he sees no objection to allowing these certificates to be used in payment for other lands of the United States sold for cash, except as to payment for fees of officers, and the only objection to that is that it would require a system of book-keeping which he does not desire to enter upon.

The effect of the amendment will be to allow these certificates to be used until they are all redeemed, in payment for any other class of lands where the United States receives cash—mineral, coal, and other lands for which payments are made in cash; and I think such a provision would be an equivalent for the restricted use of them which the passage of this bill would cause. I am not particular about it, but I would not like to have the bill pass the Senate, inasmuch as I reported it from the Committee on Public Lands and might be held in some sense responsible for its effect, without having the matter brought before the Senate, with the recommendation of the Commissioner of the General Land Office upon the subject.

Mr. MCMILLAN. Mr. President, this is an amendment of a very important character. It repeals legislation upon the statute-book enacted but a few years ago. When that legislation was before the Senate it occasioned a very interesting and lengthy discussion. If I remember the provisions of the law aright, parties were authorized by the law to proceed and make certain surveys of public lands, and they were to receive certificates in compensation for those surveys, which were authorized to be used in payment of public lands within the land district in which the land was situated. This amendment repeals all those sections. I have not had an opportunity of examining the proposed amendment. It has not been submitted to the Committee on Public Lands during the consideration of this bill.

Mr. DOLPH. I will state that after the bill was reported the letter was received, and it has been called to the attention of the committee. Then, after the bill was reported, I was authorized by the committee to offer this amendment.

Mr. MCMILLAN. Was it fully considered there?

Mr. DOLPH. I think so.

Mr. MCMILLAN. It is certainly legislation of an important character. The issuing of scrip subject to location upon the public lands of the United States has been a fruitful source of corruption and fraud, and so great had these become that it was with great hesitation the Senate enacted the legislation already upon the statute-book. I am opposed on principle to creating any scrip or authorizing the issuance of any scrip which shall be assignable and locatable upon the public lands of the United States. If the scrip is to be issued in compensation of services of any kind or in the liquidation of any obligation of the Government——

Mr. DOLPH. Will the Senator allow me to interrupt him a moment?

Mr. MCMILLAN. Certainly.

Mr. DOLPH. The Senator I think is entirely under a misapprehension. This is not scrip. These certificates are already issued; and they are merely obligations for so much money. They do not authorize the location of any land; but a homesteader or pre-emption claimant may secure one of these certificates and turn it in in lieu of money when he pays for his claim. If we repeal the pre-emption laws we will have $400,000 of these certificates outstanding, which represent so much money paid for the benefit of the Government under a statute of Congress which provides that these certificates may be used to pay for pre-emption claims not only by the parties advancing the money, but they are assignable and may be used by any pre-emption claimant.

The only object of the amendment, which was drawn in the General Land Office, is to prevent the repudiation of these certificates, and, as they will not be redeemed in payment for pre-emption claims hereafter owing to the repeal of the law, and as they are not likely to be in demand for paying for commuted homesteads, to allow them to be used in payment for mineral lands and timber lands on the Pacific coast. Those are, I think, all the cases in which they can be used under the amendment. We supposed that would be a fair compensation for restricting their use under existing laws in payment for pre-emptions; but they are not scrip; no one can locate land with them. They will be simply made an equivalent to so much money receivable in payment for all public lands, as they are now in pre-emption and commuted homestead cases.

Mr. MCMILLAN. These certificates were issued to persons who desired to make surveys of lands for their own benefit. They were issued in order to remunerate them for making surveys in advance of surveys regularly made by the Government of the United States. Persons were unwilling to wait until the Government surveys were extended to lands upon which they wished to enter, and this law was passed for the purpose of enabling them to go on and survey the lands in advance of the Government, and they were to be compensated for the surveys by the issuance of this scrip; and so far as it was authorized to be used its use was limited to the district in which the lands surveyed were located.

Mr. DOLPH. This amendment does the same thing.

Mr. MCMILLAN. What is the limitation?

Mr. DOLPH. The same limitation as at present—that is, the certificates shall be received at the land office at which such certificates are now receivable in commuted homestead and pre-emption entries. They are receivable in the same way precisely.

Mr. MCMILLAN. Is the limitation that broad?

Mr. DOLPH. Yes, sir. The Senator will see it in the latter part of the amendment; they have been made assignable by law already.

Mr. MCMILLAN. If that is the construction——

Mr. CALL. If the Senator will allow me I should like to ask a question. I should like to know, if the Senator is advised, who is responsible for the correctness of the surveys made under the law referred to. How have they ever been ascertained?

Mr. MCMILLAN. The Senator from Oregon will answer that.

Mr. DOLPH. The money is placed to the credit of the Government and expended by the surveyor-general the same as any appropriation made by Congress for carrying on surveys. The surveys are carried on by the surveyor-general. They are reported by him. They are approved by the General Land Office. It is merely an advance to the Government representing so much money paid out by the Government.

Mr. CALL. The surveys are carried on under the supervision of the surveyor-general?

Mr. DOLPH. Yes, sir.

Mr. MCMILLAN. The money being deposited by the individual who desires the land surveyed. I have not had an opportunity of examining the proposed amendment as carefully as I would desire to do, but if the construction given to it by the Senator from Oregon is correct, it relieves it of my objection. Still I am opposed to making these certificates receivable in payment of the public lands because the lands surveyed may be in a portion of the country where the lands are not arable, and the district may extend to and embrace territory where the agricultural lands are the principal and prominent lands in the district. These certificates may be used for the purpose of payment by parties who choose to go and make their surveys voluntarily.

As I said, the issuing of scrip has been a fruitful source of fraud and wrong upon the Government, and it has brought the public service, so far as the land laws are concerned, into great disrepute, and perhaps is one of the elements which have led to the demand for repeal of the pre-emption law. I was opposed to the enactment of the law now on the statute-book. If these parties have taken certificates under the law they are not deprived of any right to which they were entitled. They were advised, of course, of the right of the Government to repeal any law upon the statute-book, and they took these certificates under those circumstances and are not now entitled to plead that they have a right to use them for any other purposes.

Mr. DOLPH. If the Senator from Minnesota will propose an amendment for the repeal of the laws under which these certificates were issued, I shall have no objection to its adoption; but we are confronted with this difficulty: These certificates are already issued. They are outstanding to the amount of about $400,000. They are assignable and pass by delivery. They can be used only to pay for commuted homesteads and in payment of pre-emption claims. The question is, what shall be done with them? Every one in this body knows that if the pre-emption law is repealed and no provision made for the payment of these certificates the holders will come here for relief and Congress will make appropriation to pay them in cash, with interest, out of the Treasury.

The Commissioner of the General Land Office says he sees no objection to extending their use so that they may be received in payment in lieu of cash for all lands subject to cash entry. I think that would be the best way to dispose of them—to provide a method by which they may be paid in land. By this amendment we create no new right. These certificates are not scrip. No man can locate land with them. If the amendment prevails they could only be used as now within the district in which they were issued.

Mr. MCMILLAN. If the Government has received funds for the payment of these surveys there would be no hardship in the Government paying the certificates in cash, because it would be paying for service which the Government itself should have performed and which it would in time perform.

Mr. PLUMB. There ought to be no misunderstanding about this matter. If this bill should not be passed, the people who hold this scrip can go on and make use of it according to the law as it now stands, which provides for its use from time to time in the entry of public lands. In making this repeal the committee have simply thought it not wise to take away the right which was conferred by a previous law under which this scrip has been acquired. We do not enlarge it at all; and I presume all that is now outstanding can be located only in the land district in which the surveys were made. That was the effect of the law of a few years ago; it was so limited; and I think the Senator from Minnesota would not advocate the taking away of a right simply because we happen to be amending and changing our land system.

The amendment itself adds nothing at all to the value of what these people have, but only preserves their rights as they are; and that I think is very much wiser legislation than it is to attempt to take away a right on the theory that perhaps at a future time Congress under some impulse or other may make a money compensation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. DOLPH. I now offer an amendment to section 3, which I send to the desk to be read, and then I will state the necessity for it in a moment.

The SECRETARY. It is proposed in section 3 to strike out all after the word "entry," in line 8, to the end of the section, as follows:

And obtaining a patent therefor, the proofs of actual settlement and cultivation thereof to be filed at least six months prior and as preliminary to the application for the patent, and in the same manner and to the same effect as is provided and required in section 3 of this act as to final proofs and the issuance of patents.

And to insert in lieu thereof these words:

And before the expiration of five years from obtaining a patent therefor from the Government as in other cases directed by law, on making proof of settlement and cultivation as provided by the laws in force granting pre-emption rights.

Mr. DOLPH. The necessity for this amendment will appear by reference to the statutes. We have stricken out section 3 of the bill as it came from the House, which provided a new manner of making proof in homestead entries. The latter clause of section 4 of the original bill which is section 3 of the present bill, referred to the previous section, which is stricken out, for the manner of making proof in commuted homestead cases, but it was overlooked by myself and the committee in reporting the bill. By this amendment it is proposed to strike out the last clause of section 3, which refers to the previous section which has not been adopted, and to restore the clause of the section as

it stands in the Revised Statutes, so as to require the proof to be made in cases of commuted homesteads in accordance with the pre-emption law which has been heretofore in force. It is a mere formal matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. INGALLS obtained the floor.

Mr. PALMER. Mr. President——

Mr. INGALLS. I yield to the Senator from Michigan [Mr. PALMER], who desires to propose an amendment.

Mr. DOLPH. I have one or two more amendments to offer.

Mr. INGALLS. Coming from the committee?

Mr. DOLPH. They are not from the committee, but they are mere formal corrections of the several sections. I yield to the Senator from Michigan with the understanding that we shall go back and that I may hereafter have an opportunity to offer several amendments.

Mr. PALMER. I move to add as a new section to the bill the following:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th of January, 1885, there are no valid conflicting claims thereto, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. CALL. The amendment has not been printed, I think.

Mr. PALMER. I will state for the information of the Senator from Florida that it was printed and put upon the desks of Senators several days ago.

Mr. SLATER. As I understand the language of the amendment, it is broad enough to cover a case that I have in my mind, where some six hundred or more persons have settled on land of this description under the homestead law. There being some question about the land being subsequently offered for sale, the effect of it will be to foreclose and turn the homesteaders out, if I understand the language of the amendment correctly. I refer to the settlers on what is known as the Ontonagon and Brulé River grant. I think it covers that case.

Mr. PALMER. If the Senator from Oregon will permit me to make a statement, I think I can satisfy him that the amendment does not involve any of those settlers. It provides merely that where lands have been withdrawn from market and afterward restored to market by order of the Land Office and have not been reoffered at public sale, where parties have gone on in good faith and purchased the lands at the reduced price as ordered by the Land Office, their titles shall be validated. It covers I do not know how many acres in Michigan. For the Senator's information and for the information of the Senate, possibly it would be well for the Secretary to read the letter from the Commissioner of the General Land Office, contained in Senate report of committee, No. 1026.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. SLATER. I yield for the reading.

Mr. PALMER. Let the Secretary read what I have marked.

The PRESIDING OFFICER. The letter from the Commissioner of the General Land Office referred to by the Senator from Michigan will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 14, 1885.

SIR: I am in receipt, by your reference, of a letter from Hon. P. B. PLUMB, chairman Committee on Public Lands, United States Senate, transmitting a copy of Senate bill No. 2509, "to confirm titles to lands in certain cases," and requesting the views of your Department thereon.

The bill, though general in its nature, applies particularly to certain lands in the Upper Peninsula of Michigan, which were once offered at public sale and afterward withdrawn from private entry by reason of railroad grants, and then relieved from the withdrawal, or were reduced in price by act of Congress, but were not again offered at public sale at the reduced price nor restored to private entry by public notice, but which were nevertheless entered as lands subject to private entry, contrary to decisions of the courts and the decisions and instructions of this Department. I am not informed that this state of facts exists elsewhere than in the locality referred to. Many of such entries in that locality have been patented, and such patents have not been attacked. It is held that patented lands have passed beyond the jurisdiction of the land department. Many other private cash or equivalent entries upon such lands remain of record, some of which have been held for cancellation for illegality, and all of which are liable to be so held when reached for action. These unpatented entries which are deemed illegal embrace a probable aggregate of between 100,000 and 200,000 acres.

Settlers have gone upon some of these lands with a view of claiming title thereto under the homestead or pre-emption laws as soon as their entries may be admitted, and applications to make filings or entries have been received and are awaiting action in several hundred cases.

The bill confirms titles which have passed by patent, and confirms all unpatented entries where there are no adverse claims. So far as the question is one between the United States and the private-entry man, the United States by this bill waives the illegality in the entries and makes them valid. So far as any settlement, claim, or other conflicting right has accrued up to the date of the approval of the act, the entries are not validated. The confirmation proposed is that which does not affect the rights or claims of third parties, and does not propose to adjudicate nor make rules for adjudication in cases of conflicting claims, but leaves the respective claimants in such cases to the operation and remedies of existing laws. I perceive no objection to the legislation proposed.

The only point which occurs to me as rendering the act open to any doubt in respect to its construction is the phrase where there are "no conflicting claims," in line 16. While this language seems broad enough to cover all cases of adverse rights or claims, its meaning might perhaps be rendered more certain if the words "settlements or applications" were also added, so that the paragraph should read (lines 15 and 16) "and when, at the date of the approval of this act, there are no conflicting claims thereto, or settlements on such lands, or applications to enter the same," &c.

I return herewith Senator PLUMB's letter, and copy of Senate bill No. 2509.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

Mr. PALMER. I move to amend the amendment, as suggested by the Commissioner of the General Land Office, by inserting in line 15, after the word "thereto," the words "or settlements or applications."

Mr. MILLER, of California. I should be glad to have the recommendation of the Commissioner of the General Land Office read again. I do not think that the amendment comprises all that the Commissioner suggested. I shall be opposed to the amendment unless it shall so appear. I ask for the reading of the recommendation of the Commissioner of the General Land Office again.

The PRESIDING OFFICER. That portion of the recommendation of the Commissioner of the General Land Office, referring to the amendment proposed by the Senator from Michigan, will be read.

The Chief Clerk read as follows:

The only point which occurs to me as rendering the act open to any doubt in respect to its construction is the phrase where there are "no conflicting claims," in line 16. While this language seems broad enough to cover all cases of adverse rights or claims, its meaning might perhaps be rendered more certain if the words "settlements or applications" were also added, so that the paragraph should read (lines 15 and 16) "and when, at the date of the approval of this act, there are no conflicting claims thereto, or settlements upon such lands, or applications to enter the same," &c.

Mr. MILLER, of California. The amendment of the Senator from Michigan does not go quite as far as the Commissioner of the General Land Office recommends. I regard the amendment as very important in view of the many conflicting claims in the Western States, and particularly in the State of California, where there are cases in which a Spanish or Mexican grant which has been declared invalid has been covered by a railroad grant made by act of Congress prior to the final settlement of the question in respect to the Spanish or Mexican grant. There are cases where settlers have gone upon land claiming that it was Government land, because covered by a Spanish grant at the time the railroad grant was made, and there are other parties claiming the same land under titles derived from the railroad company. Unless we are very careful in legislating upon this subject we shall confuse these questions and make an intense conflict between rival claimants to land, which will lead to interminable litigation and difficulty.

I shall insist on the words which have been suggested by the Commissioner of the General Land Office being inserted in the amendment before it is adopted. That I think would save it and leave it to the decision of the courts as to which party should have the land where there are rival claims of settlers, pre-emptioners, homesteaders, and every kind of claims that there may be in the land office. We should save the rights of all parties.

Mr. PALMER. If the Senator from California will permit me to interrupt him, I should like to say that the amendment covers nothing except those entries where there are no conflicting claims, settlements, or applications.

Mr. MILLER, of California. The question might arise as to what is a conflicting claim. A great variety of questions might arise. I wish to save the rights of all parties and leave it to the courts to decide which is the lawful claimant to the land where parties claim under different titles and sources of title, such as a Spanish grant or homestead title, or a title from a railroad company holding the land under a railroad grant.

Mr. PALMER. If the Senator from California will permit me, I will state that the object is merely to validate the titles procured by innocent parties in good faith where there is no conflict of any character whatever. A conflicting claim is a conflicting claim, it makes no odds of what character it is. The only parties involved here are the United States and the holders of the certificates or patents who have bought in good faith. If there are any third parties projected into the case under any of these descriptions, as a matter of course if there is a conflict and they are thrown out, they will have their redress in the courts before the proper tribunal. This is merely to make good the action of certain United States officers who have sold land and who supposed they were doing it legally, until a recent decision of the Supreme Court, which is of this character:

All lands which were put in the market at the enhanced double minimum price prior to the 1st of January, 1861, were by the third section of the act of Congress of June 15, 1880, reduced in price to $1.25 per acre. They are not, however, subject to private entry at the reduced price until again offered at public sale.

Some of these lands were offered at private entry before being reoffered at public sale, and where there is no conflict it seems to me perfectly

right and just and fair that the action of the officers of the United States should be validated.

Mr. DOLPH. I fear the amendment is not fully understood by every Senator. The facts in the case are that certain lands which had been withdrawn on account of certain railroad grants were put in the market after the expiration of the time within which the roads were to be constructed under the terms of the act and before the lands were forfeited. Some lands which will probably be affected by this amendment were sold under a wrong construction of the law by the then Secretary of the Interior or Commissioner of the General Land Office. Other lands were sold by the officers of the local land offices despite the instructions of the General Land Office. The amendment will only affect lands which have been sold and paid for, and the purchase-money for which has gone into the Treasury of the United States.

While the sales were illegal, because contrary to law, still, in view of the vast number of cases of that kind now pending in the General Land Office and in the courts, in cases where, as provided in the amendments, there are no conflicting claims, where no one else is claiming the land, and it is merely a matter between the purchaser and the United States, I think the best thing to be done is to confirm the title, keep the money, and let the parties have the land and thus get rid of this annoyance.

A large portion of the lands which have been offered at private sale, sold and paid for, have been settled upon by pre-emption and homestead claimants who are pressing their claims before the Committee on Public Lands and in the Department and in Congress. The bill does not affect such cases, but I think we ought to make haste and prevent any further complications of this kind by confirming the title of purchasers, where there are no conflicting claims at the present time, and preventing any future contest between such purchasers and pre-emption and homestead claimants. It is not the object to affect any case where there is a conflicting claim. However, the amendment is not important enough to take up time, and if the Senator from Michigan desires to have it adopted I do not suppose the committee will object. But the Committee on Public Lands believed that the bill was best as reported.

Mr. PALMER. At the suggestion of the Senator from Oregon I will withdraw the amendment to the amendment. I did not think at the time that I was invading the rights of the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Michigan withdraws the proposed amendment to the amendment.

Mr. PLUMB. As there are other amendments which it is desired to offer to the bill, I should like to have the matter go over for a little while, and in the mean time, if there are other amendments to be offered, let them be offered, in order that this measure may have a little further consideration. There are one or two amendments that I should like myself to suggest to be inserted.

Mr. PALMER. I supposed that we had got to the end of the amendments, and that was the reason I offered mine.

Mr. SAWYER. We might act upon this amendment, and then the Senator from Kansas can offer his amendments.

Mr. MILLER, of California. Before the amendment is voted upon, I shall move to amend it. I move to insert the words suggested by the Commissioner of the General Land Office, because I think they are necessary and proper. I think the amendment has a much wider scope than was stated by the Senator from Oregon.

Mr. DOLPH. I hope the question will be settled without further discussion.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan.

Mr. MILLER, of California. I have not the words before me, but I wish to move such an amendment to the amendment, and take the sense of the Senate upon it.

Mr. CALL. Do I understand the Senator from Michigan to withdraw the amendment recommended by the Secretary of the Interior, which he proposed to line 15 of his amendment? If that amendment is withdrawn, and I am in order, I shall renew it.

The PRESIDING OFFICER. The amendment would not be in order now. The Senator from California has proposed an amendment to the amendment offered by the Senator from Michigan. As soon as the amendment offered by the Senator from California is disposed of, the Chair will recognize the Senator from Florida.

Mr. MILLER, of California. In line 15 of the amendment of the Senator from Michigan, after the word "thereto," I move to insert the words "or settlements;" so as to read:

There are no valid conflicting claims thereto or settlements, all such entries, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CALL. After the word "settlements," as inserted by the amendment of the Senator from California, I move to add the words "or applications to enter such lands."

Mr. DOLPH. I call for the reading of the amendment in connection with the amendment just offered by the Senator from Florida.

The PRESIDING OFFICER. The Secretary will report the amendment as proposed to be amended.

The SECRETARY. After the word "settlements" it is proposed to add "or applications to enter such lands;" so as to make the amendment read if amended:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, Executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there are no valid conflicting claims thereto, or settlements, or applications to enter such lands, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

Mr. DOLPH. I should like to suggest what might be the possible effect of the amendment of the Senator from Florida. These are lands subject to private entry. They have been sold once at private entry and the Government has received the money for them. If some person, supposing that the first sale was illegal, has slipped up in anticipation of this act and filed an application to purchase the lands again, assuming that they are still public lands, it seems to me that might render the bill entirely nugatory as to such lands.

Mr. CALL. The amendment which I propose is recommended by the Secretary of the Interior, and it could have no such effect as is suggested by the Senator from Oregon. It simply saves the legal rights of a party who has made the application to enter as against the provisions of this proposed law. It is true there might be a case in which the entry was valid, but certainly being recommended by the Secretary of the Interior it is proper that it should go into this measure, for it saves what may be a legal right in the applicant. There can be no harm done by its adoption.

Mr. CONGER. The object of the amendment offered by my colleague is to save from applications for entry and from purchase lands which have been sold by the United States and paid for by the purchasers, and patents or certificates given, but over which there is some cloud to the title, because the Land Office failed to reoffer the lands at public sale. But for that omission, which perhaps was not in accordance with law, these titles would be as perfect as any patent of the United States could make them.

Since that was understood, since the decision of the Commissioner of the General Land Office has been rendered that the lands were not in all respects sold according to law, that they ought first to have been reoffered at sale, persons of opinion that they could take away land for which patents had been given and payments made have made applications for entry, have made applications for settlement, and they are doing it every day. The object of the amendment is to secure the rights of those who in good faith under the offer of the Government have purchased the lands, paid for them, received their patents or certificates, and have in all other respects a perfect title, only that the Government failed to offer them at public auction.

Now then, with this proposed amendment suggested by the Commissioner of the General Land Office every application for entry that has been made since this decision of the Commissioner of the General Land Office comes in with a conflicting claim; and wherever such claims have been made (and they have been made by hundreds over the country) they conflict with the title of the original purchasers and throw them out from the benefit of this proposed general amendment. As the Senator from Oregon says, if any one has his title still, and nobody has attempted to jump his claim by an application for a settlement or a pre-emption, it will relieve those, but the others will be thrown out of the protection of the original amendment. I do not think it a wise change; I think it defeats the object to a certain extent of the original amendment, and I hope it will not be adopted.

Mr. CALL. On the statement of the Senator from Michigan, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws his amendment.

Mr. PLUMB. I am in sympathy with the purpose the Senator from Michigan had in offering this amendment, and the only thing I fear is that we shall, without intending it, make it too broad.

There are cases where, if we undertake to interfere in controversies, we ought not to make an arbitrary legislative decision as to rights. As I understand this case, the courts have decided that under certain circumstances lands were required to be offered at public sale a second time before they could be subject to private entry, and it is designed now to relieve against the effect of that decision, which was that all private entries made of lands not thus offered a second time were invalid. I think the better way would be, instead of confirming and making valid all these entries, to relieve them against the objection that the lands have not been offered a second time, and then let them take their chance as to whatever other rights they may have or as to whatever other points there may be upon them affecting their legality. I will therefore move to insert after the word "thereto," in line 15, these words:

It shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

The PRESIDING OFFICER. The Senator from Kansas offers an

amendment to the amendment of the Senator from Michigan, which will be reported.

The SECRETARY. After the word "thereto," in line 15, and before the amendment already adopted, it is proposed to insert:

It shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

Mr. PLUMB. The effect of that will be, in place of declaring all these entries valid and legal as against all other objections as well as the one that the land has not been offered the second time, we relieve them from the legal effect of that failure to offer at public sale the second time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Michigan [Mr. PALMER].

Mr. PALMER. I call for the reading of the amendment that I offered, as amended by the Senator from California [Mr. MILLER] and also the Senator from Kansas [Mr. PLUMB].

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan, as proposed to be amended by the Senator from Kansas, will be read.

The Secretary read as follows:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, it shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

Mr. PALMER. I think that involves it so that it will end by making the amendment very obscure.

Mr. HALE. The words last proposed ought to be put in another place.

Mr. MILLER, of California. Let the clause come in after the word "settlement," and the word "thereon" should be added to "settlement." I move to make the correction.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the word "thereon" be added to his proposed amendment after the word "settlement." Is there objection? The Chair hears none.

Mr. PLUMB. I suppose it is understood that I desired to strike out all after the word "thereto" and insert what I sent to the desk, and I will say that I do not think the word "purchases" is necessary there, but I find it used in the preceding portion of the amendment. I think the word "entries" has a well known significance and is all that is necessary. These lands must have been entered at what is called private entry; and that is the character of the entry, no matter whether they were paid for in money or paid for by scrip; but I have used the word "purchases" in order to accommodate the amendment to what I find in line 8 preceding. My motion was designed to be to strike out all after the word "thereto" and insert what I have sent to the desk. That, I think, makes the amendment exactly what the Senator from Michigan desires to have it and prevents it from going further than he has in his mind.

The SECRETARY. It is proposed to strike out all after the word "thereto," in line 15 of the amendment, as follows:

"The settlement thereon, all such entries, and the certificates and patents issued thereon are hereby confirmed and declared valid and legal.

And insert:

It shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

Mr. SAWYER. I hope that amendment will not be adopted. I think the provision was in good shape as it was before. It was reported unanimously from the Committee on Public Lands, recommended by the Commissioner of the General Land Office, and it is not at all doubtful. It applies to lands paid for ten or fifteen years ago, and I do not know why we should not say, as the original amendment provides, that they were paid for and regular entries were made. I prefer the language of the original proposition.

Mr. PLUMB. I appeal to the Senator's sense of fairness if it was not said that there was nothing to complain of about these titles until the Supreme Court decided that the lands were not subject to entry for the sole reason that they had not been offered at public sale a second time. If we take away that objection the titles are exactly where the parties who held them before supposed they were; and certainly we ought not to confer a new right. It is enough if we restore these people to what they supposed they had a perfect right to consider were their rights before.

Mr. SLATER. I call the attention of the Senator from Kansas to the practical effect of this proposition, if I understand it correctly. That class of cases where citizens settled upon these lands believing that they were subject to settlement, though not subject to sale, were brought to the Supreme Court, and there it was decided that these entries were defective, and the parties will be entirely ousted if some remedy be not provided.

Another point that I wish to call attention to is this: that here the Committee on Public Lands upon a particular class of cases proposed a bill applying specifically to certain cases. Now this proposition goes to this general, not merely in that particular locality, but throughout the United States. It will be a drag-net. We do not know where it will reach, or what rights it will involve. It is dangerous legislation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Michigan [Mr. PALMER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Michigan [Mr. PALMER].

Mr. DOLPH. I move that the word "are," in line 15 of the amendment, be stricken out and the word "were" inserted. That is made necessary by the change of time.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Oregon? The Chair hears none, and the amendment of the Senator from Michigan will be so modified. The question now is on the amendment of the Senator from Michigan.

Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. It will be again read.

The CHIEF CLERK. It is proposed to add as an additional section:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon, all such entries and the certificates and patents issued thereon are hereby confirmed and declared valid and legal.

Mr. MORGAN. I wish to call the attention of the Senator from Kansas, the chairman of the Committee on Public Lands, to this amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan.

Mr. PALMER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 29; as follows:

YEAS—28.

Allison,	Dawes,	Jones of Nevada,	Platt,
Blair,	Dolph,	Lapham,	Plumb,
Brown,	Frye,	McMillan,	Sabin,
Cameron of Wis.,	Hale,	Manderson,	Sawyer,
Chace,	Hawley,	Mitchell,	Sewell,
Conger,	Hill,	Morrill,	Sherman,
Cullom,	Hour,	Palmer,	Wilson.

NAYS—29.

Bayard,	Fair,	Jonas,	Saulsbury,
Beck,	Garland,	Jones of Florida,	Slater,
Butler,	George,	Kenna,	Vance,
Call,	Groome,	Maxey,	Voorhees,
Camden,	Harris,	Miller of Cal.,	Williams.
Cockrell,	Harrison,	Morgan,	
Coke,	Ingalls,	Pendleton,	
Edmunds,	Jackson,	Pugh,	

ABSENT—19.

Aldrich,	Gibson,	McPherson,	Riddleberger,
Bowen,	Gorman,	Mahone,	Van Wyck,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Vest,
Colquitt,	Lamar,	Pike,	Walker.
Farley,	Logan,	Ransom,	

So the amendment was rejected.

Mr. DOLPH. I think that section 1 may be made clearer and less involved by transposing some words in it. I therefore move to insert after the word "that," in line 3, the words "section 2299 and," and to strike out from lines 8 and 9 the words "and section 2299." It is simply a transposition of words to make the sense clearer.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

Mr. COCKRELL. I should like to understand it.

Mr. DOLPH. It makes no change whatever. It is only a transposition of words to make the meaning clearer, so that one of the sections repealed shall not come in conflict with one of the sections excepted. The sentence is a little involved as it stands in the bill, and the amendment is only to make it clear.

The amendment was agreed to.

Mr. DOLPH. I offer the amendment which I send to the desk, and ask to have the report of the committee upon the bill from which it is taken read for information. It is as short a statement as can be made in regard to it.

The PRESIDING OFFICER. The Senator from Oregon offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert as an additional section the following:

SEC. 8. That section 2347 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any

association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than $5 per acre for such lands where the same shall be situated more than fifteen miles from any completed railroad, and not less than $10 per acre for such lands as shall be within fifteen miles of such road."

Mr. DOLPH. I call for the reading of the report connected with the bill from which the amendment was taken.

The Secretary read the following report, submitted by Mr. DOLPH January 9, 1885:

The Committee on Public Lands, to whom was referred the bill (S. 2483) entitled "A bill to amend section 2347 of the Revised Statutes, relating to the entry of coal lands," have carefully examined the same, and report it back to the Senate with the recommendation that it do pass.

The only change in the existing law proposed by the bill is to reduce the price of coal lands from $10 to $5 per acre where the same are situated more than fifteen miles from any completed railroad, and from $20 to $10 per acre where the same are situated within fifteen miles of such completed road.

Under the present law coal land is sold for $10 minimum and $20 maximum per acre, while the most valuable of mineral lands of all other classes are sold at $5 per acre.

So far as your committee can ascertain, there is no good reason for the difference in price which now exists between coal lands and other mineral lands. Coal is a necessary article of general and every-day use, and the interest of the consumers of coal, who constitute a very large proportion of our entire population, demands that the laws for the disposal of coal lands by the Government should be so framed as to induce the sale of the lands and the opening and development of the mines. At present prices the land can not be purchased by any but capitalists.

In the opinion of your committee, should the price be reduced as provided in this bill, the sale of coal lands would be largely increased, the opening and development of coal mines greatly stimulated, and the receipts of the Government from the sale of this class of lands instead of being diminished would be considerably increased.

Mr. DOLPH. I will make a statement in regard to this amendment, and then if there is any serious objection to it let it be made to appear.

I introduced a bill, which went to the Committee on Public Lands and was reported favorably unanimously from that committee, to change the price of coal lands from $10 and $20 per acre, the present price, to $5 and $10. I find that there were only fifty entries of coal lands in the United States last year, although there were several thousand applications to purchase. As was said in the report of the committee, we think there will be much more coal land sold at the reduced price than at the present price, and the lands will be brought within the reach of the poorer classes, whereas they can now be purchased only by capitalists and speculators, so that the Government would receive more money, the coal lands would be developed, and coal would be cheaper.

The proposition is simply to reduce the price of coal lands. In several of the States coal lands are now subject to entry as agricultural lands; in many of the States there are mineral lands which are sold at $2.50 an acre, or are subject to private entry; and there is no other class of mineral lands that costs more than $5 an acre. Gold mines, silver mines, iron mines, and every other class of mineral lands in the United States are sold at not exceeding $5 an acre.

This amendment does not reduce the price of coal lands to that extent, but reduces the price of coal lands within fifteen miles of a railroad to $10 an acre and without those limits to $5 an acre. It reduces the present price one-half. It is a question every Senator can understand upon the statement of it. I have seen nothing but favorable comments on the proposed bill from the public press and from every quarter where it has been noticed.

Mr. HARRISON. When this bill was called up those of us who had not the honor and the privilege of being members of the Committee on Public Lands of the Senate understood that it was a measure to repeal the pre-emption and timber-culture clauses of the public lands acts, and to reserve the domain of the United States for homestead entries. That was a proposition general in its character and which every Senator could readily understand, and to which most of us had already given our assent.

Mr. MORGAN. The Senator from Indiana will allow me to say that that was the understanding also of the Committee on Public Lands, and I did not apprehend that there would be legislation proposed here over the entire public domain when this bill was called up.

Mr. HARRISON. I am glad to have that said by the Senator from Alabama. Now we are asked, by amendments which have been proposed and are being proposed, to enter on the business of revising the land laws of the United States. For one, I desire to say to the Senator in charge of this bill that if we are to have amendments proposed here to which the attention of the Senate has not been directed, to which possibly in part the attention of the Department has not been directed, as to which we have no reports, and as to which the attention of the Senate has not been invited in advance, and of which we can have no information, except the reading of amendments at the Secretary's desk, for one I shall oppose the whole bill.

I do not think it is fair to the Senate to be loading down this bill, which had one single object, an obvious and well understood one, when it was brought before the Senate, by amendments the scope of which we can not understand as they are proposed here. A few moments ago I voted against an amendment. It may be right in itself; it may be proper legislation; but it was new to me, and I could not in the time allowed here acquire that information which was necessary to an intelligent vote, and so I voted "no." I hope this bill may be brought back to its original plan and idea, a bill for the repeal of the timber-culture and pre-emption laws of the United States, and be allowed to pass in that shape.

Mr. MORGAN. I concur with the Senator from Indiana that we are covering entirely too much ground in this bill. I voted against the amendment of the Senator from Michigan for the very same reason that the Senator from Indiana has stated. I did not have time to consider that amendment as I thought it ought to be considered, and therefore I was unwilling to act upon an amendment that was so radical in its character, and might have such very strong effects on titles already granted. The amendment ought to go to the Committee on Public Lands, and be considered there before it is put on here, and so ought this amendment of the Senator from Oregon, and I hope that the Senator from Oregon will content himself with allowing the Senate to take a vote upon the two propositions that were involved in the bill originally.

Mr. DOLPH. I wish to say to the Senator from Alabama that the status of this measure is this: The proposition was introduced by me as a separate bill, and it went to the Committee on Public Lands. I understood the Senator from Alabama to favor it in committee. There was a unanimous report upon it at all events. The amendment was printed and laid upon the desks of Senators a week ago. Therefore the measure has the unanimous sanction of the committee, and furthermore I understood that the agreement was that the committee would endeavor to put some of these important matters of legislation relating to the public lands on this bill, it being a House bill, in order to secure action upon them, and I so stated publicly when I proposed to call up the bill. I have offered the amendment. It is an easy matter to vote it down if there is any objection to it.

Then I have submitted and had printed another amendment which I intended to propose, being also a measure reported favorably from that committee, amending the timber and stone act, but out of deference to the opinions which have been expressed I will not offer it. As to the amendment before the Senate, let it be voted on. If there are any objections to it, let it be voted down. I can not see any; I have heard none. It has, I repeat, the unanimous sanction of the Committee on Public Lands in a report which has been read, and it has been printed as a proposed amendment to this bill, and has been on the desks of Senators for a week.

Mr. PLUMB. I say now, as I said to the Senator from Oregon privately, that I thought it was unwise to offer these amendments to this bill. I foresaw I thought exactly what we see now, that Senators would not be willing to enlarge the scope of the bill to include matters about which there had been no public discussion and about which there was no immediate emergency for action, at all events as compared with that which is believed to exist in regard to the main questions covered by this bill. I think now that it would be the wise thing to accept the suggestion made here on the Senate floor, more particularly because these matters about which the Senator from Oregon is specially concerned in regard to his own locality, the coal lands, &c., are of a kind which can be permitted to wait, however just and meritorious they may be, without in any manner inconveniencing anybody or being in opposition to the interest of the Government. I think, therefore, the best way is not only for the purpose of the passage of the bill here, but as a matter of propriety for the regularity of proceedings in our business here as well as elsewhere, because we have to have the concurrence of the House, that the bill should be kept as free as possible from extraneous matter.

Mr. PALMER. Mr. President, while concurring on general principles with the Senator from Kansas in regard to attaching extra legislation to this bill, I would say that the amendment offered by me and which by implication he said was not very pressing is really very pressing. It is to cure a supposed defect in the titles to a great portion of the northern part of the State of Michigan. Men have cleared farms and developed land, made it valuable, and now they are subject to conflict of title, because the United States officers did not comply with the law in the matter of advertising that the land should be offered at public sale before being restored to private entry.

That is the whole animus of my amendment, and it seems to me that all conflicts are provided for, that no injustice can be done to any one, because it only provides for those cases where the United States is one party and the present holders of the patents are the other. If there is a conflicting claim, it is thrown out; it does not come within the scope of the amendment. The object of appending an extra section to the bill was to enable the House to act on it, this being a House bill, as there is no probability of getting consideration for the proposition of the amendment in the House as a separate bill at this late period of the session.

Mr. HARRISON. I ask the Senator from Michigan whether the proposition he made in his amendment has been favorably reported in the Senate from the Committee on Public Lands as a separate measure?

Mr. PALMER. Yes, sir.

Mr. HARRISON. At this session?

Mr. PALMER. Yes, sir; I think that is so, and I offered the amendment to this bill for the purpose of getting legislation. It is also recommended by the Commissioner of the General Land Office.

Mr. DAWES. When this bill came before the Senate I hailed it as a very beneficent measure, one that I thought was demanded more than almost any pending in this body. I very much fear that it is going to be defeated. There are two ways of killing a bill; one is by overloading it, and another is by voting against it. One is just about as efficacious as the other. Next to crowding all the legislation you can think of into an appropriation bill because you can not otherwise get it through another body very well, is the attempt to put all sorts of legislation on one bill; and in a body that does not have any rule which requires amendments to be germane to the main body of the bill, it is a great temptation. In the existing state of things, having as proper a regard for the rules of other bodies as parliamentary law permits us to have, we might just as well become a committee of consolidation and put all we want in one bill—there is no rule against it—and put that on an appropriation bill and send it to the other branch, and then we may have accomplished something.

Now the amendment which the Senator from Oregon proposes is doubtless a very good measure. What makes me think it is is because the Senator from Oregon advocates it. I do not know anything further about it. But this is quite certain: if every good measure that our friend from Oregon advocates is to be put upon this bill we are down at once. Here is a plain proposition for Congress to say whether the public lands shall be reserved hereafter for homestead settlers, and we have been at work upon that. My friend from Ohio [Mr. SHERMAN] says we have stricken that out of the bill. Pray, then, what is in the bill? If this bill so loaded does not carry even that proposition, then we are in the position of seeking and inviting all those who can employ men for three or four months to go and settle down upon the public lands in the name of a pre-emptor or a homesteader to gather in the public lands by the thousands and thousands of acres, those lands which we have proclaimed are to be for the settler, until all our public lands shall become to be what three-fourths of them are now, held by large corporations that never die and never have any heirs to whom they can be distributed after death, and they will be held in all coming time by counties, by States, by tracts too large to make anything but a great Western State.

My friend from Oregon seems to have lost sight of that great feature of the bill and the only feature of it originally, in the desire to get those good and beneficent measures which he has considered himself all together in one bill, so that when "be it enacted" shall become efficacious and a law, little else will be required for us to do here save perhaps to look after the one bill which came from the other body to prevent the further appropriation of the public lands in vast quantities by foreign holders and by corporate bodies. Every measure my friend from Oregon has brought here has so commended itself to me that I have voted for it blindly; but now I ask him to let us have the privilege of taking his bills *seriatim* and try them one at a time. I give him my word that I shall alter my own judgment and course if I fail to follow him step by step if he will allow me that privilege. But let us have the question decided here by yeas and nays whether the business of appropriating public lands in these vast quantities under false pretenses and false affidavits shall continue till the last piece of our domain is gone.

Mr. DOLPH. Mr. President, I am very much obliged to the Senator from Massachusetts for his expression of confidence in myself, but I wish to say that I think I have proved myself diligent in attempting to put this measure in proper shape, and pressing it on the attention of the Senate, and this is the first amendment to the House bill proposing new legislation I have offered. This amendment is I think germane to the bill. The bill under consideration is a bill to amend the land laws of the United States. The amendment is intended for the same purpose it was introduced some time since in the Senate; it has had the consideration not only of myself but of the Committee on Public Lands; it was reported favorably and it was presented, printed, and laid upon the desks of Senators as an amendment for their examination. I do not think that it would be either improper or contrary to the rules of the Senate to attach it to this bill, but I defer to the judgment of Senators who say the measure ought not to be attached to this bill for fear of jeopardizing its passage, and withdraw the amendment.

The PRESIDING OFFICER. The Senator from Oregon withdraws his amendment.

Mr. SLATER. I desire to make a few remarks in relation to the general bill as it came from the House.

The amendments that have been attached to the bill in the main received my approbation in the Committee on Public Lands. As separate measures, standing upon their own bottom and by themselves, I should have voted for them; but no provision can be attached to the original bill that can secure my support.

The Senator from Massachusetts speaks of the blindness of men. Why, sir, there is none so blind as the Senator from Massachusetts himself. Of all the monstrosities that have been proposed in this Congress or in any other Congress since I have been here, the proposition to repeal the pre-emption laws to my mind is the most monstrous.

Reflect a moment, sir. This country has grown to its present strength, more homes have been acquired under your pre-emption laws than under any other land laws you have passed; more of the West has been settled, greater prosperity has come to it under the influence and operations of your pre-emption laws than under any other, not excepting your boasted homestead law, valuable as that is.

Sir, if I were going to put a title to this bill that would delineate its effect, I should say, "An act to facilitate the sale of lands to corporations," because that will be the effect of the bill and its legitimate scope and operation in the far West, and I am surprised that the people's House, coming up from the people as they do, the people who understand these laws, should have been entrapped into the passage of such a bill as this. It is true there have been great frauds, numerous frauds perpetrated under these laws; but as great as they have been, as numerous as they have been, the evils that come from that source can not exceed the evils that will come to the people from their repeal.

From my boyhood to the present time I have always lived in sections of the United States where these laws were of daily application, where people were settling upon the lands of the United States and acquiring homes under them. The past season I mingled with the people. They asked me whether it was probable that the pre-emption law would be repealed. I told them that I feared it would be. Many of them said that they hoped not; that although they had been long in the West, they had not yet been able to avail themselves of its provisions and wished to do so.

Now, sir, what is the effect? Within the past twenty-five or thirty years you have covered the great body of the West with your land-grant railroads. No longer in the State of Illinois, the State of Iowa, and many other of the Western States can either a homestead or a pre-emption be procured, while the land-grant railroads have plenty of lands for sale. The people want to acquire lands on the public domain, and in proportion as you restrict their right to acquire lands, just in that proportion you facilitate the sale by land-grant corporations of the lands they are now holding and are seeking to sell.

There is another consideration to be remembered, that the lands you have yet remaining for settlement are not the rich and alluvial lands of the West as a general thing. Here and there you will find a little valley that settlers would like to have, as valuable as the lands of the Mississippi Valley; but the larger proportion, probably nine-tenths of the public land remaining, is fit only for pasturage and grazing, in which in perhaps not one quarter section in a hundred can you get a place large enough to have a field of forty acres under the plow. It is said that one hundred and sixty acres is large enough for a farm. Indeed, sir, it is enough if you can get such lands as there are in Iowa, Illinois, Minnesota, and many other States; but when you go to the great plains of the West it requires much more land for a man to settle down upon and make a home. Under the operations of your pre-emption law and your homestead law together, a man could go beyond the settlements and in the course of two or three years he could avail himself of both statutes and acquire title to three hundred and twenty acres, and even then he would not be able to make as good a living as he could upon even forty acres of better lands in the West.

Mr. DAWES. I ask my friend from Oregon if he would not need a tree-culture law and also a desert-land law to carry it out in full?

Mr. SLATER. I have seen the operation of the tree-culture law, and I do not believe, as a rule, that it has been of any benefit. I think of all the laws that have been a subterfuge to cover up fraudulent entries, that has been the most vicious of all. That law I would be willing to vote to repeal, and I have been disposed to vote for the repeal of the desert act, and yet I am very doubtful whether it would be a wise provision, for the largest area of your lands now remaining for sale is of a desert character, upon which you must take water before you can expect anything to grow in the nature of cereal crops or vegetables of any description. One man, even if he gets water for one hundred and sixty acres, will not perhaps have one-quarter of that land fit for the plow. Then I say of the land you have left, a man needs from three hundred and twenty acres to a whole section of land to be able to even have the amount of stock that many a farmer in Illinois will keep and maintain well on eighty acres of land.

And yet the cry has gone up and the House has been entrapped into repealing this, one of the most beneficent laws ever put upon your statute-book, a law which has built more homes, has created greater wealth, and is more important to-day than it ever has been so far as it applies to the sections yet to be settled. But I suppose the men who represent the States that have grown up under this law have come into being since the generation that settled there. Their States under the operation of this law have grown to be wealthy. They listen to these stories, more or less true, that come from the Department, of frauds; and there are frauds, many of them, but we should meet them in a different way. They should be ferreted out and the men who perpetrate them should be punished and sent to the penitentiary. Do not repeal your law. Amend your law so as to punish those who commit frauds, and save to the men who need homes one of the advantages and opportunities of acquiring a home on the few public lands that remain to the United States.

I hope that the bill will be most emphatically defeated.

Mr. INGALLS. Mr. President, this bill if enacted will effect an entire revolution in the present public land system of the United States, and many of my constituents and others interested in the homestead and pre-emption system have written me stating that arrangements have been partially completed by which they expect to go on the public domain, and suggestion has been made that perhaps equity would require that in a matter as important as this the time when it is to go into effect should be a little postponed. If it would not be disagreeable to the Senator from Oregon who has charge of the bill [Mr. DOLPH], I would like to move as an amendment that the bill, if it becomes a law, shall take effect at some time in the near future, say on the 1st of June or July, 1885.

Mr. DOLPH. I can not speak for the committee; but as far as I am concerned I have no personal objection to that proposition.

Mr. INGALLS. I will then move in line 21 of section 1 to strike out the words "passage of this act" after the word "the," and insert the words "1st day of July, 1885."

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In section 1, line 21, after the word "the," it is proposed to strike out "passage of this act" and insert "1st day of July, 1885;" so that the clause will read:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. INGALLS. In line 7 of section 2, after the word "the," I move to strike out the words "passage of this act" and insert as in the former amendment, "1st day of July, 1885."

The amendment was agreed to.

Mr. INGALLS. In section 4, line 7, I move to strike out the words "passage of this act" and insert, as in the previous amendment, the words "1st day of July, 1885."

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PLUMB. I should like to reserve for a separate vote that part of the amendment made as in Committee of the Whole striking out the latter clause of section 3 of the bill. I wish simply to have the question divided so that the vote on striking out the last clause of the section may be taken separately.

The PRESIDING OFFICER. Does the Senator from Kansas refer to the clause commencing in line 17?

Mr. PLUMB. I refer to the clause commencing in line 17, which reads:

And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

The PRESIDING OFFICER. That amendment will be reserved. How shall the vote be taken on concurring in the other amendments made as in Committee of the Whole? ["In gross."] The question will be taken upon concurring in the amendments in gross if there be no objection.

Mr. SHERMAN. At some stage of the bill I should like to have it read as it stands since it has been amended.

Mr. ALLISON. That had better be done now.

Mr. SHERMAN. I think it had better be so read now, because it strikes me that the bill has been stripped of all its favorable features but one, and I do not know what amendments have been put upon it.

The PRESIDING OFFICER. The bill as amended will be read.

The Secretary read the bill as amended.

Mr. ALLISON. I notice in the reading of the first section of the bill that an amendment has been inserted requiring the land offices to receive everywhere certificates issued for surveys of public lands. I should like to have that clause read again.

The PRESIDENT *pro tempore*. That part of the bill will be again read.

The Secretary read as follows:

And provided further, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the disposal of public lands at the land offices at which such certificates are now receivable in commutation of homestead and pre-emption rights.

Mr. ALLISON. I should like to ask the Senator from Oregon what those sections of the Revised Statutes are.

Mr. DOLPH. I think the Senator from Iowa was not in when this matter was discussed. Those are sections which authorize any person to furnish the necessary money to extend the public surveys. The money is placed at the disposal of the surveyor-general of the district. The surveys are made in accordance with the laws of the United States and under the supervision of the surveyor-general, and returned to the Department and approved as the other cases. For these moneys certificates have been issued. There are now outstanding, as I am informed by the Commissioner of the General Land Office in a letter which was just read at the desk, about $400,000 in amount of these certificates. They are made assignable and may be used to pay for pre-emption claims and commuted homesteads in the district where the money was paid for the surveys.

The proviso does not extend the limit to which they may be used; but as a compensation for the repeal of the pre-emption law, and in order that the certificates may be disposed of for public lands, it extends them to the entry of other public lands where cash entries are made.

Mr. ALLISON. In the district where the surveys are made?

Mr. DOLPH. In the district.

Mr. ALLISON. I happen to know that there were great frauds in the surveys of public lands in the arid regions of our country and these certificates were spread over those portions of the country where lands were valuable. Some years ago we provided that the certificates should only be receivable in the surveying district where the survey was made, so that if people were engaged in surveying arid lands which nobody wanted for settlement they should apply the certificates to payment for such land and not be allowed to transfer them to the rich regions of Oregon, Dakota, and Minnesota.

Mr. DOLPH. This retains that provision of existing law.

Mr. ALLISON. I am very glad to know that I was mistaken in listening to a casual reading of the provision. As I understand the Senator from Oregon now, it does not enlarge the scope of the certificates in any degree.

Mr. DOLPH. Not as to the place where they may be used.

Mr. ALLISON. Not as to the place where they may be used.

Mr. DOLPH. The amendment was drawn in the Land Office.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, except that which was reserved for a separate vote, the clause commencing in line 17, and embracing lines 18, 19, and 20 of section 3.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment made as in Committee of the Whole, striking out the clause beginning in line 17 of section 3, which will be read.

The Secretary read as follows:

And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. PLUMB. The act of 1879 required the publication by a homesteader or pre-emptioner of a notice in a newspaper for a certain number of weeks before his entry could be perfected, thus imposing a cost of from $4 to $6 upon each one of them. The bill as it came from the House repealed that act. The third section was stricken out by the Senate committee, I consenting in company with other members of the committee, without observing at the time that the section as stricken out contained that provision. I think the law of 1879 ought to be repealed, and I therefore should be glad to have the Senate reject the amendment made as in Committee of the Whole, and repeal that provision of law. I do not think the provision has operated as it was designed it should operate, to prevent frauds; and inasmuch as we now limit the entries on public lands to one form, and that a homestead, and as no title can be acquired under any circumstances without an occupancy of at least thirty months, there would not seem to be any necessity for the publication which is now required, and which was designed primarily to apply to homestead and pre-emption entries which could be made after an occupancy of six months.

Mr. SHERMAN. The Senator from Kansas made a statement which strikes me with surprise. If it is true I should be much more in favor of the bill than I have been. Do I understand that if the bill is passed no land can be entered except under the homestead law?

Mr. PLUMB. Only under the homestead law.

Mr. SHERMAN. On the contrary, as I understand it, every particle of public land can be bought with money after the passage of the bill just as readily and upon the same terms as it may be bought now.

Mr. PLUMB. No, sir.

Mr. SHERMAN. If the Senator from Kansas could convince me of that, it would give me great satisfaction. As I understand, the Senator from Oregon acquiescing in the motion of the Senator from Missouri, the Senate struck out all the provisions of the bill which affected in any way whatever the entry of public lands for money, and under the bill as it now stands any corporation in this country or any other, or any citizen of this country may enter any land for money which is now subject to entry in that way.

Mr. PLUMB. I made my statement too broad. I will qualify it; but still it does not touch the point that is under consideration. The committee inserted a provision which was designed to reach, and which only did reach lands in Southern States, because only in those States (except perhaps as to a small tract of land in Washington Territory) is there any land subject to private entry without settlement.

Mr. SHERMAN. For money?

Mr. PLUMB. Yes; for money without settlement. We designed to put all the lands in the Southern States which are now subject to private entry (and they are chiefly timber lands, I believe) under the opera-

tion of the homestead law. The Senate failed to agree to the amendment of the committee in that regard; but in all the Northwest, and in all the other States of the Union, under the bill no land can be acquired except by occupancy for at least thirty months.

Mr. SHERMAN. Can not that be under the existing law? Is there no land now in the Northern States subject to private entry without settlement?

Mr. PLUMB. As I said, there may be possibly a handful of land in Washington Territory. With that exception I think there is not an acre in any Northern or Northwestern State or Territory which can be purchased under what is known as private entry by the payment of a dollar and a quarter an acre irrespective of settlement.

Mr. SHERMAN. That statement surprises me.

Mr. PLUMB. I was going to add that the provision of 1879 was enacted in order to throw some safeguard around the execution of the pre-emption law by requiring a publication by the pre-emptioner and also by the homesteader, because it embraces them both; but it was designed especially for the pre-emption claimant, requiring him to give notice of the time when he would make application to complete his entry under the pre-emption law. That was deemed best because of the frauds that were being committed under the pre-emption law and by reason of the belief that such a publication would to some extent prevent them.

Now we have repealed the pre-emption law; it is no longer operative, and no one can acquire title to land, except in Southern States where lands are open to private entry, unless by a settlement which shall not be for less than thirty months in duration. That, I believe, is a sufficient notice to all the world of the intention of the party, and will give ample opportunity for the protection of the Government without imposing upon the homesteader the necessity of paying from four to six dollars to a newspaper to publish his intention to enter the land.

Mr. DAWES. Will the Senator from Kansas explain the fifth section of the bill as reported by the committee?

Mr. PLUMB. The Senate, as in Committee of the Whole, failed to insert section 5 of the bill, reported by the Committee on Public Lands, as an amendment. That proposed section was in these words:

That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

That was designed to prevent the entry for money of the lands now subject to private entry, of which there are none except, as I said, a very small quantity besides those in the Southern States, chiefly in the States of Louisiana, Alabama, and Mississippi.

Mr. DAWES. Does the Senator from Kansas say that the statement of the Senator from Ohio has no application except in those States?

Mr. PLUMB. No, sir.

Mr. SHERMAN. The Senator from Oregon [Mr. DOLPH] shows me a statement he made yesterday, and he says there are 500,000 acres in Northern Michigan and Minnesota.

Mr. PLUMB. As I said, there may possibly be some lands heretofore offered for public sale, but they are within very limited areas, and the law as to those is not enlarged. I was not aware of the existence of any such land up there, but it must be very small in extent.

I think myself that the provision as reported from the committee ought to have been adopted. I believe it is wiser for the State of Missouri, which is especially under consideration here, and all of the Southern States, that every single acre of land in those States shall be subject to acquisition only on condition of settlement, but the Senate thought otherwise, and therefore those lands are not covered by the bill, but are left exactly as the bill found them.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Senate made as in Committee of the Whole, to strike out the clause which has been read.

The amendment was not concurred in.

Mr. PLUMB. In order to take the provision out of its anomalous position in the bill, I move that it be inserted at the close of the bill as a separate section.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the clause which by a vote of the Senate has been retained in the bill be transposed to the end of the bill as a separate section. Is there objection? The Chair hears none.

Mr. PLUMB. I suggest that the clause be amended by striking out the first word, the word "and," and substituting "that," so as to read: "That an act entitled," &c.

The PRESIDENT *pro tempore*. That modification will be made by unanimous consent, if there be no objection.

Mr. PALMER. I move to add as an additional section to the bill the following:

SEC. —. That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. HARRISON. As I had occasion to say a few moments ago, this proposition comes to me and, I think from what has been said, to other Senators in the nature of a surprise. I inquired a little while ago whether as an independent bill it had ever received the favorable report of the Committee on Public Lands, and was advised by some members of the committee that it had, and by others that it had not. I think, however, inquiry shows that perhaps not in the exact form, but in something like its present form, it was reported favorably to the Senate by the Committee on Public Lands, but unaccompanied by any report.

Mr. PALMER. If the Senator will permit me I will state that this was a distinct bill originally, being Senate bill No. 2509. It was reported by the Committee on Public Lands with certain amendments, and it is now offered as an amendment to the bill before the Senate as a better means of securing legislation on the subject than in any other way.

Mr. HARRISON. So I understood; but the point I make is that it was unaccompanied by any report from the Committee on Public Lands.

Mr. DOLPH. There were two bills containing a recital of the same provision, reported from the Committee on Public Lands. There was a report made on one of them, I am not able to say on which just now. The subject is covered, however, by a communication from the Commissioner of the General Land Office.

Mr. HARRISON. The inaccuracy, if there be an inaccuracy in the statement which I have been making, grows out of the fact that I did not succeed in getting definite information on inquiry from members of the Committee on Public Lands of the Senate. I was advised by one member of that committee that no report had accompanied the measure, and by another that the bill had not——

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. HARRISON. Certainly.

Mr. COCKRELL. If a report has been made, can we not find it? Have we not got the record?

Mr. HARRISON. I understand that the report is here, it having been presented to me now by the Senator from Michigan [Mr. PALMER].

I sent for and have before me now, but have not had time to examine it—as the book has been placed on my desk since I rose—the case of Eldred *vs.* Sexton, in 19 Wallace, 169. I will send the book to the Senator from Alabama [Mr. MORGAN] who is upon the Committee on Public Lands. He may examine the case and see what its bearing upon the question is. It seems that in 1880 an act was passed which is found in the twenty-first Statutes at Large, page 237, and the third section of that act is as follows:

That the price of lands now subject to entry which were raised to $2.50 per acre, and put in market prior to January, 1861, by reason of the grant of alternate sections for railroad purposes, is hereby reduced to $1.25 per acre.

I do not understand whether the trouble here is that these lands were sold at the reduced or minimum rate of $1.25 an acre, having at one time been withdrawn from public entry, and were entered at that rate, and that the law has since been declared that they were not subject to sale at a dollar and a quarter an acre, but should have been put upon the market at the double minimum price, as it is called, of $2.50 an acre. My impression is that they could not have been sold at private sale for a dollar and a quarter an acre, because they had not again been offered at public sale. I may be entirely mistaken about the difficulty, and I am seeking information. Do I understand—the Senator from Michigan can advise me—whether the lands are subject to entry by persons at double the minimum price without being offered again at public auction, and whether the question is simply one of a dollar and a quarter an acre or whether it is one which affects the title altogether?

Mr. PALMER. If the Senator from Indiana will permit me, I think the text of the amendment will inform him. The language is:

And such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, &c.

The whole difficulty intended to be remedied is where parties have bought in good faith lands that have been restored by act of Congress or the order of the Land Office to market at $1.25 an acre, and the Supreme Court has since decided that those lands should have been re-offered at public sale before being submitted to private entry.

Mr. HARRISON. Before being submitted to private entry at $1.25 an acre, but not before being sold at $2.50 an acre, so that the difficulty, I judge, must be that they were put upon the market and sold at $1.25 an acre before the President had proclaimed them as subject to entry and before they had been offered again at public sale; and the trouble is not one affecting the title, but is the question between $2.50 and

$1.25 an acre. I may be altogether wrong; I am simply attempting to gather the state of the case, which, as I said, has come to me as a surprise, because my attention had not been attracted to it, it being a bill that had not yet been reached and no notice had been given that its consideration would be pressed. I want to get at what the facts are.

Mr. MILLER, of California. The question is whether those who paid a dollar and a quarter an acre have a good title.

Mr. HARRISON. Exactly.

Mr. HALE. The withdrawal from sale may have been terminated and the lands restored by a proclamation of the President.

Mr. HARRISON. I say to the Senator from Maine that the proclamation does not have to precede the sale at $2.50 an acre. The lands may be sold at the double minimum price without any proclamation, and without being offered at public sale as I understand; but before they can be sold at the minimum price, $1.25 an acre, there must be a proclamation restoring them, and they must be once offered at public sale.

Mr. CONGER. If the Senator will allow me, under the $2.50 act they must then be offered at public sale before they can be entered at $2.50, but by law they have been withdrawn from that class at $2.50, or the double minimum, and may be entered at $1.25. In either case, if they had not been offered at public sale at $2.50, they must be so offered before sale, or else the claimant must seek a suit in court to perfect his title. Having by law been reduced to $1.25 they must then be offered at public sale. So the Supreme Court have decided. It is not a question whether the Government shall receive $2.50 an acre or $1.25 an acre, but it is whether the mere neglect to offer the land at public sale shall be cured by a statute. It is a cloud on the title which it is designed to remove.

Mr. HARRISON. The Senator from Michigan may be right. The impression I had was that where the lands were offered at the double minimum price it was not a condition precedent to a private entry that they should have been offered at public sale. Perhaps the Senator is right in saying that it was. I think we ought to have from the chairman of the Committee on Public Lands or the Senator from Alabama [Mr. MORGAN], who is a member of that committee, some clear statement of just what the trouble is, how much land is involved in the proposed legislation, what the attitude of the Department with reference to the question is, and then I think we shall be in a condition to vote upon the amendment. I voted against it before upon the impression derived from some members of the committee that it was unnecessarily broad for the particular purpose mentioned, and especially in its concluding words which undertake to confirm absolutely certain things. Instead of simply saying that the lands shall stand as if they had been offered at public sale and let everything else be as it is now, the amendment as I understand it goes further, and not simply relieves these people from this condition, but it assumes to confirm certain titles.

It seems to me that if such is the purpose of the provision it should simply say that in cases where sales have been made the fact of previous failure to offer the lands at public sale should not be held to invalidate the title, but that such cases should be heard and determined by the General Land Office precisely as if the lands had been offered at public sale. That would leave everything else unaffected. It would leave the man who had complied with the land laws in every other particular but this one in a condition to perfect his title, and would not put us in danger of going further by assuming to confirm titles by act of Congress which should stand, after we have removed this defect, upon their own merits and upon the papers which have been filed.

Mr. PALMER. I will state for the information of the Senator from Indiana, as he has not probably read the communication from the Commissioner of the General Land Office, that that officer says under date of January 4, 1885, that—

The confirmation proposed is that which does not affect the rights or claims of third parties, and does not propose to adjudicate nor make rules for adjudication in cases of conflicting claims, but leaves the respective claimants in such cases to the operation and remedies of existing laws.

It applies merely to cases where the United States may remedy the laches or derelictions of its officers.

Mr. HARRISON. I ask the Senator from Michigan whether that communication is not addressed to the Senate bill and not to his amendment, and whether the terms of that bill do not differ in some respects from the amendment?

Mr. PALMER. There has been a very slight change for the protection of the settlers. The amendments that were made were of a character to include a larger number of conflicts, if possible—that is, to make the measure of conflict more extensive. In the original bill it was applied to cases where there were no conflicting claims. In the proposition as amended as in Committee of the Whole it was put in as "valid conflicting claims or settlements thereon."

Mr. MITCHELL. I wish to say just one word in relation to the pending amendment. I have had a number of letters from constituents of mine who say to me that they have paid their money for lands to which they have not a perfect title, and that this measure will enable them to perfect their title. So far as they are concerned, unquestionably they are innocent purchasers, and they ought, I think, to have a good title. Therefore I shall favor the amendment.

CIVIL-SERVICE COMMISSION REPORT.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the President of the United States.

The Secretary read as follows:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil-service of the United States," the Civil-Service Commission has made to the President its second annual report.

That report is herewith transmitted.

The commission is in the second year of its existence. The President congratulates the country upon the success of its labors, commends the subject to the favorable consideration of Congress, and asks for an appropriation to continue the work.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 11, 1885.

The PRESIDENT *pro tempore*. The message will be printed and with the accompanying document referred to the Committee on Printing.

EIGHTH NEW YORK HEAVY ARTILLERY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives returning Senate joint resolution No. 92 with an amendment, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 10, 1885.

Resolved, That the joint resolution from the Senate (No. 92) entitled "Joint resolution authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War," do pass with the following amendment:

In line 4 of the bill strike out the word "Beam" and insert the word "Ream;" so as to read: "And which were captured by confederate forces at Ream Station, on the Weldon Railroad, August 25, 1864."

Mr. HARRISON. I suppose that is simply an error in nomenclature. I move that the Senate concur in the amendment of the House.

The amendment was concurred in.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the Senate insist on its amendments disagreed to by the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

RECOMMITMENT OF A PETITION.

Mr. McPHERSON. I ask unanimous consent to recommit a petition to the Committee on Pensions. I have the consent of the member of the committee who made the report in the case. It is the petition of Martha A. F. Terrett, widow of Colville Terrett, late a lieutenant in the United States Navy, praying for an increase of pension. The petition was reported adversely by the Senator from Iowa [Mr. WILSON] on the 16th of January, 1885, and was ordered to lie on the table. I desire to have it recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the vote of the Senate heretofore taken, laying on the table the petition referred to by him, be reconsidered and that the petition be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

OLIVER S. FLORENCE.

Mr. COLQUITT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be paid out of the contingent fund of the Senate the sum of —— dollars to Oliver S. Florence, of the Capitol police, for extra services in guarding the room in which the electoral votes were kept from December 4, 1884, to February 11, 1885.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2633) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved March 3, 1879; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 2634) granting an increase of pension to Grace F. Edes; which was read twice by its title, and referred to the Committee on Pensions.

BINDING OF GLOBES.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to have bound at the Government Printing Offices 650 volumes of the Congressional Globe furnished to the Senate Library under the joint resolution approved May 16, 1884.

AMENDMENTS TO A BILL.

Mr. BLAIR and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

PUBLIC LAND LAWS.

The Senate resumed the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. PALMER].

Mr. MORGAN. Mr. President, the Senator from Michigan declares that he desires this amendment put upon the bill for the purpose of getting it through this session of Congress, and he puts it on a House bill in order that he may have a better opportunity of passing it. I do not know that I should be opposed to the amendment of the Senator, considered as a separate proposition, but I think it is hardly proper to put it on this bill. It is a separate subject of legislation entirely; has reference to a different condition of public lands from that which is presented in the bill sent over from the House and amended and reported back to the Senate; and more than that it appears to be a sort of special and local measure involving particular grants in particular States.

I am apprehensive that if we declare forfeitures of some of these railroad grants, as we have been doing and are expected to do, if we put this measure through the Senate now we shall find it in the way of some particular legislation that we desire to put upon those special land-grant forfeiture bills. The measure in itself appears to be a just one, but I would prefer very much to have the roads named to which it is to be made applicable. It clearly applies only to cases where railroad grants have been made, roads have been located, and afterward the locations changed, and thereafter, without any new order of offering the lands for sale, they have been entered at private entry in the land office.

Mr. SAWYER. The Senator is a little mistaken. It is broader than that.

Mr. MORGAN. Yes, it is very broad.

Mr. SAWYER. It will affect more lands than the Senator supposes.

Mr. MORGAN. I notice in the amendment offered by the Senator from Michigan that he insists upon the words "valid conflicting claims"—"there are no valid conflicting claims thereto"—and the words "on settlements" come in at some point, I do not know precisely where.

Mr. PALMER. If the Senator from Alabama will permit me, I will say that I did not insist on that. I put that in at the suggestion of other Senators. The object was to confirm all these titles, not only where there was no conflict, but where a conflict had been had and had been determined in favor of the party. I thought it was a little superfluous, but I put it in at the suggestion of others.

Mr. MORGAN. There is no reason that I can conceive of why, where a party has in good faith by the consent of the local land officers paid his money and got a certificate for entry of lands that were not withdrawn and afterward became virtually but not legally lands that were offered for sale, he should not have his certificate, and why the Government should not relieve him unless in the mean time some conflicting claim has arisen in favor of some other person; but I am apprehensive that this very sweeping legislation will include such cases as that, and that we shall be legislating here to give effect to certain titles which otherwise would not be of any validity as against other individuals who are making honest, *bona fide* claims to the land; as, for instance, giving effect to a title where a person has entered it at a dollar and a quarter an acre, and another person has bought the same land at two dollars and a half an acre. The case of Eldred vs. Sexton, 19 Wallace, which has been referred to by the Senator from Indiana, seems to lay down the law very explicitly upon this question just as it was stated by the Senator from Oregon. I will read the syllabus:

The fundamental principle established by the act of Congress of April 24, 1820, and since governing the matter of sales of the public lands, that private entries are not permitted until after the lands have been exposed to public auction at the price for which they are afterward sold, held to be applicable to a case that of the grant by Congress, June 3, 1856, of alternate sections designated by odd numbers, to the State of Wisconsin for the aid of the Chicago and Northwestern Railway.

The point in the decision which is applicable to the present case is as follows:

There, after the line of the railroad was located and the price of sections within six miles designated by even numbers doubled—that is to say, fixed at $2.50 per acre—and after these were offered at public sale at that price and remained unsold, so that thenceforth they became open to private entry at $2.50, but not at less, the line of the road was changed by joint resolution of Congress, leaving outside of the six-mile limits certain of these even sections; the joint resolution providing that the even sections of public lands reserved to the United States by the act of June 3, 1856 (the original grant), along the originally located route of railroad, and along which no railroad has been constructed, shall hereafter be sold at $1.25 per acre.

It was—

Held, notwithstanding this provision, that the "fundamental principle" above spoken of was of so pervading a character that although these sections, while within the six-mile limit, had been offered at public sale at $2.50 and refused, they were not open to private entry now that by the change of location they were without that limit, until they had been offered for public sale at $1.25 per acre, and had been left unsold.

So it is established by this decision that the prevailing practice of the Government shall obtain, as a rule of construction of the public land laws, that lands must be reoffered by the Government before they are the subject of private entry. Where the price has been reduced from $2.50 to $1.25 they must be reoffered, although they were once offered at a dollar and a quarter an acre. That is a formality that must be gone through with by the Department before the lands can be said to be subject to private entry. That is a decision against which now the Senator from Michigan is asking relief, and in a proper case I concede that he is entitled to relief. The only difficulty I have about the matter is that it is provided here that there shall be no other valid conflicting claims. Now, it may be that some persons have come in and offered to buy these lands or actually bought them and paid $2.50 an acre for them, while other persons have come in and bought lands at a dollar and a quarter an acre—different prices according to the construction placed on these acts by the local land officers.

The question arises in my mind if we pass this amendment we are legislating to decide upon private titles between private individuals, and that is the point of the case about which I have apprehension. I would very much prefer, therefore, that the particular facts in the particular case against which we are to relieve should be brought forward. If there is a particular railway grant in Michigan where the line of the road has been changed, and in consequence of that certain lands have been thrown out of the limits that were included for a time, and therefore withdrawn from market, let a bill be brought here for the purpose of remedying that particular case. We can understand then the whole subject; but because such a mischief as that may have been wrought in Michigan, to make that the basis of general legislation to affect all classes of claimants throughout the United States it seems to me is rather a hazardous business.

Mr. HARRISON. I wish to ask the Senator from Alabama——

Mr. MORGAN. I yield.

Mr. HARRISON. I ask how he understands this amendment. It reads "that wherever lands have been withdrawn from settlement," &c. Does the Senator understand that to apply only to a case where that has already been done, or should we be making a provision of law that would attach whenever other lands are withdrawn from sale? It strikes me that the phraseology is not very clear if it is intended to apply only to existing cases.

Mr. MORGAN. I think the language of the act is broad enough to include all cases in the retrospect as well as in the future.

Mr. HARRISON. Then certainly that is an additional objection, and we are attempting to provide a remedy for a particular case and are establishing a law that is to apply to the future cases that may occur hereafter.

Mr. PALMER. It seems to me that both the Senator from Alabama and the Senator from Indiana are at fault in their interpretation of this language. I do not see how such phraseology as this can refer to anything in the future:

That wherever lands have been withdrawn from sale or disposition on the part of the United States, &c., * * * and such withdrawals have been terminated by act of Congress, executive order, &c.—

And—

where lands have been, by operation of law, reduced in price, &c., * * * said lands have been purchased, &c.

I do not see how that can apply to the future.

Mr. MORGAN. Suppose that ten years after this date an officer of the Government reading this act should conclude that it was of continuous application, and that if its words had reference to the past they would refer to that period of time between now and ten years to come. Still that is an easy matter to correct by putting in the word "heretofore." There is no trouble about getting at the meaning of the Senator's amendment, no trouble in making it entirely explicit. That I understand him to state is the meaning of the amendment.

Mr. PALMER. I would suggest that the Senator from Alabama just insert that. I will accept that; or say "where that has hitherto been done."

Mr. MORGAN. Now, I would ask who is to decide on the validity of these conflicting claims? Are we not sowing a crop of litigation here by changing the law so as to relate back to titles that have already been acquired? What forum is to decide on the validity of these conflicting claims so as to determine whether this act validates a grant which was hitherto invalid, under the decision in Eldred *vs.* Sexton? I am apprehensive that we are creating quite a broad field of litigation by this form of legislation, and unless I knew the particular facts of the case to which this amendment would be applicable I should feel unwilling to sustain it. I might be willing to vote for a bill that was apparently just, as just as this, where the only question in the case was between the Government of the United States and the person who claimed title. Here is a man who holds a certificate of entry, we will say, for one hundred and sixty acres of land, or any other amount, paid for at a dollar and a quarter an acre.

Mr. PALMER. Will the Senator permit me?

Mr. MORGAN. In a moment. If he has paid for his land at $1.25 an acre and holds his certificate, the Supreme Court of the United States has declared that the title is invalid because that land had not been a second time offered in market. As between the Government of the United States and the holder of that certificate I am willing to confirm the title. But suppose that in the mean time some person has come in and acquired a title to this same tract of land under the laws of the United States, as they are construed by the Supreme Court. I do not wish now by legislation to go back and interfere with that title, to change the law so that it will have some retrospective effect upon that title. That would not be a proper thing for Congress to do. We had better take up the certificates by refunding the money; and in fact there is a general law which authorizes and requires the refunding of money in cases of this kind where entries have been improvidently made; or if persons have gone on and made improvements on the land it is better for Congress to pay for the improvements and to do justice fully in this particular than it is to interpose its authority and the weight of its opinion in behalf of one claimant of the land against another, both claiming under the Government, one claiming under the law and the other contrary to law.

Mr. PALMER. Will the Senator from Alabama permit me?

Mr. MORGAN. Yes.

Mr. PALMER. He will see by the phraseology of the amendment that this only applies to cases where the United States is one party and the purchaser the other party, that where there are any conflicting claims they are not included, nor is the title cured or affected in any way by this measure.

Mr. MORGAN. That is correct as the bill was originally reported where there is any conflicting claim, but we have now the word "valid," or rather "any valid conflicting claims," and that requires some court to decide it; that requires some authority on the part of the Government or somebody else to decide on the validity of that conflicting claim. If the Senator should limit the question entirely between the purchaser from the Government and the Government so that the controversy that might arise in respect of it between two private citizens would not get into the case possibly, then I should be satisfied with it.

I am willing, if a man has made an entry at a dollar and a quarter an acre, and that is now the price of the land, that he should have his certificate or should have his patent, provided some person else in the mean time has not come in and acquired a right to the land; and if the amendment should be limited entirely to cases between the Government of the United States and a claimant, I am willing that this should be considered as a valid title as against the Government. But where there is any person else who is interested at all, I should object to having the matter settled in that way.

I do not wish now to legislate so as to give to a man a title that was invalid at the time he got it. I am willing to pay him for the land; I am willing to compensate him for all the damage he has sustained, but not to take the title from some person else and transfer it to him.

That is my difficulty about the amendment, and I think it will be much better for the Senator to allow this matter to be considered on a separate bill, and let us have the facts of the particular case to which the bill is to be applied. I should like to have the railroad company named, to have all the facts and circumstances of the particular case stated to Congress in order that we might know precisely what we were doing. Here is a proposition that covers the whole territory of the United States, and I think it will be found very inconvenient in respect to some of the legislation we have already enacted and some that it is proposed to enact.

Mr. VEST. I think if this matter is laid over until to-morrow I can make some valuable contributions in the way of information upon the subject. I have some papers in regard to it which I received some time ago, and I laid them away, in reference to this question coming up in the Senate; but I have them not now in the Chamber. I will move for an executive session.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I hope before that is done——

Mr. VEST. I withdraw the motion.

Mr. ALLISON. I ask the Senator to withdraw the motion until we have an order to print this bill as far as it has been agreed to, so that in some way we may know a little more as to the scope of it than we can by a hasty reading at the desk.

Mr. VEST. I think that is right.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill as it now stands with the amendments agreed to——

Mr. ALLISON. And proposed.

The PRESIDENT *pro tempore*. And proposed, be printed. That order will be entered if there be no objection.

Mr. SHERMAN. Before the order is made, I desire to move a substitute for section 5, so that it may be printed also.

The PRESIDENT *pro tempore*. The Senator from Ohio submits an amendment intended to be offered by him as section 5, which will be printed.

Mr. PLUMB. The old section 5 was stricken out of the bill.

Mr. SHERMAN. I know.

Mr. PLUMB. But there is another section 5.

Mr. SHERMAN. I know it.

Mr. PLUMB. I offer an additional section to the bill, which I ask may be printed.

The PRESIDENT *pro tempore*. The Senator from Kansas sends an amendment to the Chair intended to be proposed as an additional section to the bill. That also will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa; and

A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased.

The message also announced that the House had passed the bill (S. 1705) to provide for the issue of duplicate checks.

The message further announced that the House had passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That a committee of three members of the House of Representatives be appointed by the House, and two members of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1885.

ARMY APPROPRIATION BILL.

Mr. ALLISON. Now, I ask to have printed a statement to accompany the Army appropriation bill in the nature of a report from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Iowa, from the Committee on Appropriations, submits a statement to accompany the report of the Army appropriation bill, and asks that it be printed. That order will be entered, if there be no objection.

EXECUTIVE SESSION.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 11, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I rise to offer a privileged motion.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Illinois in a moment. The gentleman from Vermont [Mr. POLAND] is recognized.

SUITS FOR DAMAGES IN THE DISTRICT.

Mr. POLAND. I rise to present a privileged report. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the bill H. R. 7131.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 7131, "to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendments thereto:

In the first section of said Senate amendment, and next before the proviso to said section, insert the following words: "and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default, causing such death, to the widow and next of kin of such deceased person." And also by adding to said first section, after the proviso, the following words: "*And provided further*, That no action shall be maintained under this act in any case where the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party."

And also by amending the said Senate amendment by striking out of the second section thereof the words "two years" and inserting "one year."

And the Senate agree to the said amendments to the Senate amendment to said bill.

LUKE P. POLAND,
J. R. TUCKER,
WM. DORSHEIMER,
Managers on the part of the House.

ISHAM G. HARRIS,
JOHN J. INGALLS,
H. H. RIDDLEBERGER,
Managers on the part of the Senate.

Mr. POLAND. I will not take any time to make any explanation of this report unless some gentleman on the floor should desire it.

The report of the committee of conference was agreed to.

Mr. POLAND moved to reconsider the vote by which the report of the committee was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACTION ON BILL VACATED.

The SPEAKER *pro tempore*. The Chair desires to submit a statement with reference to the action of the House on Saturday last on the bill named.

The Clerk read as follows:

The action of the House on Saturday last disagreeing to certain amendments of the Senate to the bill of the House H. R. 5713 and asking a conference with the Senate thereon will be vacated, the said bill not having passed the Senate.

The SPEAKER *pro tempore*. The action of the House was taken on the motion of the gentleman from California [Mr. ROSECRANS]. The Chair, having submitted to the House the statement of facts, asks that this may be ordered. The Chair hears no objection.

HOUR OF DAILY MEETING.

Mr. TOWNSHEND. I rise to offer a privileged motion.

The Clerk read as follows:

Resolved, That the hour of daily meeting of the House for the remainder of the present session be 11 o'clock a. m.

The SPEAKER *pro tempore*. Does the gentleman desire to have the resolution referred to the Committee on Rules?

Mr. TOWNSHEND. I desire a vote on it.

Mr. KEIFER. I make the point that the resolution should be referred to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the resolution is referred to the Committee on Rules.

Mr. TOWNSHEND. That is not as I understand the rule. Such a resolution has been offered every session and I have never known one to be sent to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair has never known one that was not sent to the Committee on Rules.

Mr. KEIFER. I will state to the House that it will be reported back between this and Monday.

CHANGE OF REFERENCE.

Mr. CUTCHEON. I ask unanimous consent to change the reference of the bill (H. R. 8117) for the relief of the heirs of Charles B. Smith, deceased, from the Committee on Claims to the Committee on Military Affairs, the reference to the Committee on Claims having been erroneously made.

There was no objection, and it was so ordered.

ADMISSION TO THE FLOOR.

Mr. MCMILLIN. I desire to offer a privileged resolution, which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the members' gallery during the joint session for the count of the electoral vote.

Mr. HEWITT, of Alabama. Is that a privileged question?

Mr. MCMILLIN. I will state that this is in the exact language of the resolution offered in the Forty-sixth Congress, which was at that time held to be privileged, and which was passed. I think there can be no objection to it. The state of facts is this: About eight hundred tickets have been issued; the seating capacity of the galleries set apart is barely four hundred. Hence this is necessary in order to accommodate those holding the tickets which have been issued.

Mr. COSGROVE. I ask that the resolution be again reported.

Mr. HEWITT, of Alabama. Mr. Speaker, is that motion privileged?

The SPEAKER *pro tempore*. The Chair thinks it is.

Mr. WASHBURN. Do I understand the Chair to hold that this is a privileged motion?

The SPEAKER *pro tempore*. The Chair thinks it is a privileged motion, in the light of the rulings that have been made by the Speakers of the House.

Mr. HEWITT, of Alabama. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. HEWITT, of Alabama. I rise to make a point of order on this motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HEWITT, of Alabama. Mr. Speaker, my understanding of the rules of the House is that under them certain persons are admitted upon this floor and all other persons are excluded. Now, the resolution of the gentleman from Tennessee [Mr. MCMILLIN] proposes to admit upon the floor of the House persons who, under the rules, are excluded from the floor; therefore it is a proposition to change the rules of the House, and is subject to the point of order that it must go to the Committee on Rules, and can not be considered without one day's notice.

Mr. MCMILLIN. Mr. Speaker, I have at hand a reference to a precedent if it is desired.

The SPEAKER *pro tempore*. It is not necessary to debate the point of order further. The Chair will state (if the gentleman from Tennessee is content) that this is not the first time this point has been raised and ruled upon, and the Chair has no disposition to overrule the rulings made by its predecessors, which is that the rule to which the gentleman from Alabama [Mr. HEWITT] has adverted does not apply to a joint session of the two Houses of Congress, but applies simply to the sessions of the House. Such has been the ruling from the Chair heretofore, and the present occupant feels no disposition to controvert that ruling.

Mr. HEWITT, of Alabama. Then, Mr. Speaker, there is no rule excluding any one from the floor of the House.

The SPEAKER *pro tempore*. Not when it is in joint session, except at the pleasure of the House. The Chair overrules the point of order.

The question was taken on the adoption of the resolution offered by Mr. MCMILLIN; and there were—ayes 134, nays 72.

So the resolution was agreed to.

Mr. MCMILLIN moved to reconsider the vote by which the resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT. Mr. Speaker, I submit a privileged report from the Committee on Appropriations, which I ask the Clerk to read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill of the House 8689, making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1886, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows: They recommend concurrence in the amendments of the Senate numbered 1, 3, 4, 5, 9, 12, 13, 14, 15, 16, 17, 18, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 46, 48, and 49.

They recommend non-concurrence in the amendments numbered 2, 6, 7, 8, 10, 11, 19, 20, 21, 22, 23, 25, 26, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, and 50.

The SPEAKER *pro tempore*. If no separate vote is demanded upon the amendments the question will be upon concurring in the recommendation of the Committee on Appropriations.

Mr. BENNETT. Mr. Speaker, I ask that the Senate amendments be read.

The Clerk proceeded to read the amendments. Before he had concluded the reading,

Mr. BENNETT rose.

The SPEAKER *pro tempore*. Does the gentleman from North Carolina withdraw his demand for the reading of the Senate amendments?

Mr. BENNETT. I do, sir, because I can not get any information from it. [Laughter.]

The amendments numbered 1, 3, 4, 5, 9, 12, 13, 14, 15, 16, 17, 18, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 46, 48, and 49 were concurred in.

Mr. TALBOTT moved to reconsider the vote by which the amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. FOLLETT. I move that the House non-concur in the remainder of the Senate amendments and ask for a committee of conference.

The motion was agreed to.

Mr. FOLLETT moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON.

OFFICERS OF UNITED STATES COURTS.

Mr. SPRINGER, by unanimous consent, reported back favorably from the Committee on Expenditures in the Department of Justice the bill (H. R. 7675) relating to the compensation and duties of United States attorneys, marshals, and other court officials, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REFERENCE OF SENATE PENSION BILLS.

The SPEAKER *pro tempore*. Under the order of the House made yesterday various pension bills from the Senate now on the Speaker's table will be taken up and appropriately referred.

Bills of the following titles were accordingly taken from the Speaker's table, read twice, and referred to the Committee on Invalid Pensions:

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry;

A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;

A bill (S. 1546) granting a pension to Orin R. McDaniel;

A bill (S. 1571) granting a pension to James McCallen;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 2009) granting a pension to Isabella Turner;

A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;

A bill (S. 2160) granting a pension to Robert Walker;

A bill (S. 2204) granting arrears of pension to Nancy B. Leach;

A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2327) for the relief of James Bedell, sr.;

A bill (S. 2398) granting a pension to Cyrus Reeser;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas;

A bill (S. 2549) granting a pension to Isabella Higgins;

A bill (S. 2587) granting a pension to William H. H. Gilley; and

A bill (S. 2610) granting a pension to Patrick Furlong.

Bills of the following titles were taken from the Speaker's table, read twice, and referred to the Committee on Pensions:

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 1183) granting a pension to Hugh O'Neil; and

A bill (S. 1709) granting a pension to Leonora A. Boyden.

S. W. MARSTON.

On motion of Mr. COSGROVE, by unanimous consent the bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, was taken from the Speaker's table, read twice, and referred to the Committee on Claims.

SILVER DOLLARS AND SILVER CERTIFICATES.

Mr. BLAND. I ask unanimous consent that an order be made to print in the RECORD the communication which came in last evening from the Secretary of the Treasury in response to a resolution of the House asking information relative to the alleged refusal of certain banks and banking associations to receive silver dollars and silver certificates in settlement of their balances.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri [Mr. BLAND]? The Chair hears none, and the order is accordingly made.

The communication is as follows:

TREASURY DEPARTMENT, *February* 10, 1885.

SIR: I have the honor to acknowledge the receipt of resolution of the House of Representatives dated February 3, 1885, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice.

"Also, what amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885.

"Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same.

"Also, what amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates.

"Also, what amount of the customs and internal revenue and other receipts of the Government, stated separately, have been received in silver coin or silver certificates, stated by months, for each year since the 1st day of January, 1879.

"Also, what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin; also, the amount of such coinage, and what part thereof was from recoinage and what part from bullion.

"Also, the price paid per ounce by the Director of the Mint for silver bullion on the 1st days of January and July in each year from 1878 to 1885, both years inclusive."

In reply, I inclose herewith copies of reports from the Treasurer of the United States and the Director of the Mint, to whom the resolution had been referred, which contain the information desired.

Very respectfully,

H. MCCULLOCH, *Secretary*.

The SPEAKER *of the House of Representatives*.

TREASURY OF THE UNITED STATES,
Washington, February 10, 1885.

SIR: I have the honor to submit such information as this office is able to furnish in answer to the resolution adopted by the House of Representatives on the 3d instant and referred to the Treasurer of the United States for report.

1. "Whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice."

It is not known to this office that the Clearing House Association at New York or any national bank thereof has, since the passage of the act of July 12, 1882, refused to receive silver dollars or silver certificates in the settlement of their balances, or has at any time refused to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association.

The following resolutions, among others, were adopted by the New York Clearing House Association November 12, 1878, viz:

"*Resolved*, That in order to facilitate the payment of drafts and checks between the Treasurer of the United States and the associated banks, the manager of the New York Clearing House is authorized to make such an arrangement with the assistant treasurer as will accomplish that purpose through the medium of the clearing-house.

"*Resolved*, That the associated banks of this city, after the 1st of January, 1879, will (1) decline receiving gold coins as 'special deposits,' but accept and treat them as lawful money; (2) abolish special exchanges of gold checks at the clearing-house; (3) pay and receive balances between banks at the clearing-house either in gold or United States legal-tender notes; (4) receive silver dollars upon deposit only under special contract to withdraw the same in kind; (5) prohibit payments of balances at the clearing-house in silver certificates or in silver dollars, excepting as subsidiary coin, in small sums (say under $10); (6) discontinue gold special accounts by notice to dealers on 1st of January next to terminate them."

In a letter to the chairman of the clearing-house committee of Boston, dated November 18, 1878, Secretary Sherman said that—

"The arrangement between this Department and the New York Clearing House Association was confined to the convenient adjustment and payment of drafts drawn upon the Treasury and the banks, respectively, and to the receipt, by the banks, of United States notes as coin, after the 1st day of January, 1879. The several resolutions adopted by the associated banks of New York * * * were for the guidance of the banks and not in any respect a stipulation with the Government."

The Treasury, in January, 1879, became a member of the New York Clearing House to the extent and for the purposes set forth in the resolution above quoted.

A provision having been inserted in the twelfth section of the act of July 12, 1882, that "no national banking association shall be a member of any clearing-house in which such certificates (gold and silver certificates) shall not be receivable in settlement of clearing-house balances," the associated banks of New York adopted the following resolution:

"*Resolved*, That the resolutions adopted by the Clearing House Association on the 12th of November, 1878, be, and are hereby, modified so far as they conflict with section 12 of the act of Congress passed July 12, 1882."

The members of the clearing-house have continued to settle their balances in gold coin or certificates, or United States notes, and as no silver dollars or silver certificates have been tendered, none have been refused. The Treasury, although not a party to any understanding that silver dollars or certificates should not be tendered, and though it has never in any way waived the right to pay demands upon it in any kind of money which may lawfully be tendered for the purpose, has conformed to the practice of the associated banks in paying the balances against it at the clearing-house. The Department has deemed it inexpedient as a matter of public policy to force the issue of silver dollars or certificates at the chief financial center of the country until compelled to that step by the condition of the Treasury. Silver certificates have recently been used in part payment of a day's balance against the Treasury, and have been accepted by the clearing-house. They will be again so used whenever the state of funds in the Treasury may require it.

2. "What amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885?"

There was deposited with the assistant treasurer at New York during the month of January, 1885, $575,000 in gold, for which drafts payable in silver certificates by the assistant treasurer at New Orleans, La., were issued by the Treasurer.

There was also received during the same month $42,000 in drafts on New York, which were collected through the clearing-house, in exchange for which silver dollars were forwarded by the Treasury from the mints. These drafts, while not payable in gold, became equivalent to gold receipts by reducing the balances against the Treasury at the New York Clearing-House. The exchanges were made at par.

It is not known that any other amounts of gold came into the Treasury in exchange for silver dollars or silver certificates.

3. "Whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same."

The Treasury, not being a member of any other clearing-house than that at New York, has no authentic information as to the rule or practice of other clearing-houses in the receipt or payment of silver dollars or silver certificates. It is publicly reported that silver certificates are accepted in settlement of balances at the clearing-house in Boston.

Silver certificates are used in the payments to the public creditors, including the national banks, at all of the subtreasuries, except New York.

This office has no further information as to the rule or practice of individual national banks, other than that contained in the above-quoted resolutions of the New York Clearing House Association.

4. "What amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates."

The following table shows, for the 1st of January in each year, from 1879 to 1885, the amount of the cash in the Treasury, less certificates actually outstanding, the silver dollars held and silver certificates actually outstanding, and the amount of silver dollars actually owned, with the percentage of the latter to the net cash in the Treasury.

As the Treasury also holds other silver coins and silver bullion, the table also shows, for the dates named, the amounts of such coin and bullion held, and the total silver assets, and the percentage of the same to the net cash in the Treasury:

January—	Net cash in the Treasury.	Standard silver dollars in the Treasury.	Silver certificates actually outstanding.	Standard silver dollars actually owned.	Percentage of dollars owned to net cash.
1879	$202,026,723 77	$16,704,829	$413,360	$16,291,469	8.06
1880	222,426,311 33	33,168,064	3,824,252	29,343,812	13.19
1881	215,040,205 57	48,190,518	36,127,711	12,062,807	5.61
1882	235,686,783 59	69,589,937	62,315,920	7,274,617	3.09
1883	223,700,425 05	94,016,842	68,443,660	25,573,182	11.43
1884	253,205,010 20	119,449,385	96,717,721	22,731,664	8.98
1885	239,423,682 25	146,502,865	114,865,911	31,636,954	13.21

January—	Standard silver dollars actually owned.	Silver bullion in the Treasury.	Fractional silver coin in the Treasury.	Total silver assets owned.	Percentage of silver assets to net cash.
1879	$16,291,469	$9,121,416 63	$6,349,849 14	$31,762,734 77	15.72
1880	29,343,812	4,492,421 19	18,881,629 15	52,717,862 34	23.70
1881	12,062,807	6,183,224 05*	24,769,057 22	43,015,088 37	20.00
1882	7,274,617	3,607,829 86	25,963,641 48	36,846,088 34	*15.63
1883	25,573,182	4,468,193 10	26,521,692 20	56,563,067 30	25.28
1884	22,731,664	4,534,372 93	27,224,126 33	54,490,163 26	21.52
1885	31,636,954	4,716,055 33	29,194,355 52	65,547,364 85	27.38

5. "What amount of the customs and internal revenues and other receipts of the Government, stated separately, have been received in silver coin or silver certificates, stated by months, for each year since the 1st day of January, 1879?"

By direction of the Secretary of the Treasury, no distinction has been made, since January 1, 1879, in the accounts of the Treasury, between coin and currency, and no record has been kept in this office of the kinds of lawful money received. The assistant treasurer at New York has, however, kept a record of the kinds of funds received at his office, from customs, since January 1, 1881; and a statement showing the amounts of internal revenue and of customs, and

the amounts of silver dollars and silver certificates from the latter source, received at his office, by months, since that date, is appended:

Months.	Internal revenue.	Customs.	Customs paid in silver dollars.	Customs paid in silver certificates.
1881.				
January	$200,885 72	$10,864,217 25	$11,000	$4,768,000
February	177,107 65	11,511,654 46	14,000	5,162,000
March	328,892 93	13,518,696 10	17,000	6,222,000
April	248,526 13	12,060,056 46	17,000	6,025,000
May	209,251 82	11,600,398 32	15,000	5,626,000
June	233,448 42	11,517,353 81	15,000	6,284,000
July	264,853 31	12,417,758 22	12,000	7,005,000
August	273,508 55	15,759,021 87	15,000	8,033,000
September	259,252 94	14,612,119 94	14,000	8,561,000
October	286,963 28	13,561,133 52	16,000	8,091,000
November	290,626 70	10,358,272 49	14,000	3,285,000
December	253,571 44	11,383,843 28	15,000	2,062,000
Total for 1881	3,026,888 89	149,134,065 72	175,000	71,124,000
1882.				
January	247,889 42	13,698,669 95	14,000	2,715,000
February	220,360 97	13,999,395 19	12,000	2,565,000
March	231,665 25	14,490,727 56	14,000	2,781,000
April	213,670 26	12,475,568 26	24,000	2,666,000
May	235,443 64	12,539,023 25	31,000	2,897,000
June	211,133 89	11,825,150 72	11,000	2,673,000
July	203,387 86	14,172,501 27	9,000	3,400,000
August	351,976 70	16,536,020 44	22,000	7,954,000
September	346,851 85	15,146,956 87	13,000	8,161,000
October	333,103 88	13,751,199 70	13,000	4,213,000
November	251,434 14	10,738,755 34	11,000	1,607,000
December	213,687 09	10,783,378 30	10,000	1,947,000
Total for 1882	3,060,604 95	160,537,056 65	184,000	43,486,000
1883.				
January	224,720 79	12,919,503 90	10,000	1,976,000
February	404,269 00	12,506,721 14	9,000	1,944,000
March	151,554 11	12,831,869 51	13,000	1,624,000
April	109,984 32	9,958,572 33	11,000	1,633,000
May	101,459 90	8,610,480 50	10,000	2,131,000
June	37,460 56	14,113,254 11	19,000	2,755,000
July	12,865 01	14,970,785 69	18,000	1,906,000
August	17,942 13	13,605,586 19	11,000	2,395,000
September	21,406 58	12,410,251 32	10,000	1,682,000
October	47,487 08	12,057,049 78	10,000	1,902,000
November	6,273 03	9,380,065 08	9,000	2,011,000
December	6,736 66	9,781,084 19	9,000	1,809,000
Total for 1883	1,141,259 37	143,145,218 74	139,000	23,768,000
1884.				
January	14,571 08	11,996,509 53	9,000	2,794,000
February	14,674 24	12,410,941 00	8,000	2,661,000
March	12,652 28	11,798,707 81	10,000	3,031,000
April	38,401 07	10,195,180 09	13,000	2,643,000
May	22,680 05	9,693,544 48	13,000	3,282,000
June	5,438 94	9,752,969 74	14,000	3,396,000
July	5,575 09	13,428,848 27	13,000	4,247,000
August	4,867 00	13,162,434 28	12,000	4,164,000
September	7,760 42	12,413,746 40	13,000	3,764,000
October	11,076 70	10,879,631 82	13,000	3,331,000
November	3,064 79	8,257,859 06	10,000	3,253,000
December	4,837 69	8,426,924 46	11,000	3,559,000
Total for 1884	144,999 35	132,416,696 94	139,000	40,097,000
1885.				
January	6,346 19	10,595,288 24	13,000	4,179,000
Total for forty-nine months	7,380,098 75	595,828,325 29	650,000	182,654,000

Silver certificates are also received at the New York office on account of transfers of funds, the 5 per cent. fund of national banks, customs receipts at other ports, &c. The following statement shows the amount of such receipts of certificates for each of the past thirteen months:

Months.	Amount.	Months.	Amount.
1884.		**1884.**	
January	$2,430,000	October	$1,971,000
February	2,808,000	November	2,372,000
March	2,140,000	December	2,294,000
April	2,043,000	**1885.**	
May	2,922,000	January	3,243,000
June	2,545,000		
July	2,482,000		
August	2,014,000	Total for thirteen months	31,023,000
September	1,749,000		

The resolution of the House of Representatives is returned herewith, as requested.

Very respectfully,

E. O. GRAVES,
Assistant Treasurer United States.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., February 7, 1885.

SIR: I have the honor to acknowledge your reference to me, for report thereon, of that portion of the resolution of the House of Representatives requesting to be informed as to "what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin," &c., and, in reply thereto, I inclose two tabular statements giving the information as far as received at this office.

The statement in respect to the coinage gives the nominal value in United States money of the silver coinage in the year 1883 of the sixteen countries named, distinguishing, as far as possible, the amount of limited from full legal-tender coins, the amount, as far as ascertained, of silver coins withdrawn or used in coinage during the year, and whether the coinage is on Government account or for the public.

In respect to the price of silver, it is not practicable to give the price paid per ounce for silver bullion on the 1st days of January and July in each year, as the purchases are made on Thursdays of each week, and I have therefore given the average price upon the day upon which purchases were made nearest to those named in the resolution. No purchase of silver was made in January, 1878, the first purchase under the act of February 28 having been made March 5, 1878.

Very respectfully,

HORATIO C. BURCHARD, *Director.*

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

Statement showing the average price per ounce, fine, paid for silver bullion purchased under the act of February 28, 1878, at dates named, from July 1, 1878, to January 1, 1885.

Date.	Price paid.	Date.	Price paid.*
March 5, 1878	*$1.2029	January 5, 1882	$1.1285
July 5, 1878	1.1552	June 29, 1882	1.1440
January 3, 1879	1.0916	January 4, 1883	1.0912
July 2, 1879	1.1429	July 5, 1883	1.1117
December 31, 1879	1.1415	January 3, 1884	1.1113
July 1, 1880	1.1579	July 3, 1884	1.1098
January 6, 1881	1.1183	January 2, 1885	1.0935
July 7, 1881	1.1226		

* The final purchase under act February 28, 1878. No purchases were made in January, 1878.

HORATIO C. BURCHARD,
Director of the Mint.

Statement showing the value of silver coined by foreign countries during the year 1883, and its composition.

Countries.	Silver coined.			Composition.		For whom.
	Full legal tender.	Limited legal tender.	Total.	Recoinage.	Other bullion.	
Mexico	$24,083,921		$24,083,921		$24,083,921	Depositors.
Bolivia	1,600,000		1,600,000		*1,600,000	Government account.
Argentine Republic	1,715,445		1,715,445		1,715,445	
Great Britain		$6,201,517	6,201,517	$1,900,000	4,301,517	Government account.
India	24,927,400		24,927,400	750,000	24,177,400	Depositors.
Germany		594,464	594,464	594,464		Government account.
Austria-Hungary	5,552,191		5,552,191			Do.
Netherlands		81,095	81,095	81,095		Do.
Norway		37,520	37,520		37,520	Do.
Sweden		250,468	250,468		250,468	Do.
Spain	7,769,050	2,754,371	10,523,421			Do.
Japan	7,584,188		7,584,188	1,926	7,582,262	Depositors.
Brazil			23,589		23,589	
Turkey			44,000			Government account.
Colombia			699,174		699,174	
Persia			605,579	605,579		Government account.
Total	73,232,195	9,919,435	84,523,972			

* Presumed to be from domestic bullion.

FEBRUARY 7, 1885.

HORATIO C. BURCHARD,
Director of the Mint.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the hour provided for by the new rule for the consideration of bills called up by members.

Mr. BUCKNER. I move that the House now take a recess until five minutes before 12 o'clock.

Mr. SPRINGER. I hope that will not be done. We can proceed now with business under the hour rule, and there will be that much time saved.

The SPEAKER *pro tempore*. The gentleman from Illinois is aware that this motion is not debatable.

Mr. BUCKNER. I withdraw the proposition.

NOTIFICATION TO THE SENATE.

Mr. KEIFER. Mr. Speaker, I move that notice be sent to the Senate that the House will be ready to receive the Senate at 12 o'clock to-day, to proceed with the business of the electoral count in accordance with concurrent resolution already adopted.

The motion of Mr. KEIFER was agreed to.

JOSEPH F. WILSON.

The SPEAKER *pro tempore*. The hour under the new rule now begins at fifteen minutes before 12 o'clock. The Clerk will report the bill called up in this hour yesterday by the gentleman from Illinois [Mr. CANNON], and coming over as unfinished business.

The Clerk read as follows:

Be it enacted, &c., That the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and required to issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by the said Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to preemption or homestead settlement, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which said tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by the said Josiah Smith, after his said entry, sold and conveyed to the said Wilson, and of the title to and possession of which the said Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, A. D. 1880, thereof, by reason of a prior disposal of or a prior equitable title in and to said tract of land, as the said court held and decided, to or in persons other than the said Josiah Smith; and the said Wilson, or his legal representatives or assigns, after the location of the said warrants on such lands as he or they may select, shall be allowed patents for the land so located; and the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith, or any one claiming under him, may have, or may have had, under and by virtue of the provisions of the said acts of Congress, as well as in full satisfaction of any claim which the said Wilson, as assignee or grantee of the said Josiah Smith, may have, or may have had, against the United States touching said described tract of land.

Mr. CANNON. I think it is unnecessary to have the report in this case read or to make any statement.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EIGHTH NEW YORK HEAVY ARTILLERY ASSOCIATION.

Mr. STEVENS. I call up for consideration the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belong to said artillery, and which were captured by the confederate forces at Beam Station, on the Weldon Railroad, August 25, 1864, and are now in the custody of the office of the Adjutant-General of the United States Army; said colors to remain the property of said association.

Mr. STEVENS. I do not care to discuss this joint resolution. I think there will be no objection to it.

The SPEAKER *pro tempore*. Is there objection to the consideration of this joint resolution?

There being no objection, the House proceeded to consider the joint resolution.

Mr. STEVENS. I move to amend the joint resolution by striking out "Beam," and inserting "Ream," which is the proper name of the station referred to in the resolution.

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, KEOKUK, IOWA.

Mr. McCOID. Mr. Speaker, I move to take up for consideration House bill No. 483, for the erection of a public building at Keokuk, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, in the city of Keokuk, Iowa. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $180,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State and the service of civil process therein.

Mr. HOLMAN. I see the gentleman from Iowa [Mr. McCOID], who represents the district in which this building is situated, is on the floor, and before objection is called to the consideration of the bill I wish to inquire of the gentleman whether he is or is not willing to reduce the amount of appropriation to $100,000, and also to agree to an amendment to provide for the purchase of the site before the plan of the building is approved by the Secretary of the Treasury.

Mr. McCOID. I agree to the amendment appropriating $100,000.

The SPEAKER *pro tempore*. If there be no objection the bill will be considered as adopted.

Mr. HOLMAN. I will send up to the Clerk's desk an amendment covering the point indicated by me to the purchase of the site.

The SPEAKER *pro tempore*. The bill is not yet before the House for consideration.

Mr. HOLMAN. It can be done by unanimous consent. It is to come in after the appropriation of $100,000.

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plan and specification of said building to be prepared, which said plan and specification shall not involve an expenditure in the erection and completion of said building or the purchase thereof exceeding the portion of $100,000 remaining after the site of said building shall have been paid for. And no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building.

Mr. HOLMAN. I understand the gentleman from Iowa accepts both of my amendments.

Mr. McCOID. I have no objection to the amendments.

Mr. WARNER, of Ohio. Is there any report accompanying this bill?

Mr. STORM. If there is, I ask that it be read.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 483) to provide for the erection of a public building in the city of Keokuk, in the State of Iowa, respectfully report that they have had the bill under consideration, and recommend the passage of the same.

The city of Keokuk is the place fixed by law for holding the circuit court and the district court of the United States for the eastern division of the southern district of Iowa, which division embraces the oldest, wealthiest, and most populous portion of the State. Keokuk is a prosperous and growing city, of a present population of 15,000 inhabitants, and is rapidly extending and increasing its commercial and manufacturing interests. It is located at the Des Moines Rapids Canal on the Mississippi River, and is the head of deep-water navigation for the largest steamers running above Saint Louis, the average depth of the river being one foot higher from Keokuk to Saint Louis than from Keokuk to Saint Paul.

The canal is eight miles in length, and was built at a cost to the United States of about $4,000,000.

The United States, pursuant to a recent act of the Forty-seventh Congress, are now building at the canal extension dry-docks, which will make the canal the finest harbor on the river.

The relation of this city to the Mississippi River and its vast and rapidly growing commerce make the court of admiralty here the most important north of Saint Louis.

Keokuk is equally fortunate in her railroad facilities, affording easy and ready communication with all parts of the district and State and adjoining States. The great railways of the West, the Wabash, Saint Louis and Pacific, the Chicago, Rock Island and Pacific, and the Chicago, Burlington and Quincy meet here and compete for business; and the Saint Louis, Keokuk and Northwestern Railway Company, running from Keokuk south to Saint Louis, and north with connecting lines to Saint Paul, and southwest with connecting lines to Kansas City, have the headquarters of its operating department at Keokuk.

Thus the commerce of this city by land and by water is important and extensive.

The post-office and internal-revenue receipts are very large, and the business of the courts is larger than at any other point in Iowa, unless at the capital of the State.

At present there are inadequate accommodations for the business of the Government. The courts, the post-office, the office of the deputy revenue collector and the office of the judges are in separate buildings on annual leases, and the public records and public property are exposed to hazards and dangers that should be promptly provided against by the erection of a suitable building.

All of the Federal judges for Iowa, the justice of the Supreme Court assigned to that circuit, the judge of the Circuit Court, and the district judge are united in the opinion that there is a pressing and urgent necessity for the erection of a public building at this point adequate to the accommodation of the public business.

ORDER OF BUSINESS.

Mr. KEIFER. I ask by unanimous consent further proceeding under

the rule be discontinued, as the time has nearly arrived when the House will receive the Senate.

The SPEAKER *pro tempore*. Only five minutes remain. In obedience to the custom heretofore observed the Chair will ask that the two front or first tiers of seats in the House may be vacated for the occupancy of the Senate.

COUNTING THE ELECTORAL VOTE.

At 12 o'clock m. the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall preceded by its Sergeant-at-Arms and headed by the President and the Secretary of the Senate, the members and officers of the House rising to receive them.

The President of the Senate [Mr. EDMUNDS] took his seat as presiding officer of the joint convention of the two Houses, the Speaker *pro tempore* [Mr. BLACKBURN] occupying the chair on the left of the Vice-President.

The PRESIDENT OF THE SENATE. The two Houses have met pursuant to the Constitution and the laws and their concurrent resolution for the purpose of executing the duty required by the Constitution and the laws in the matter of counting the electoral vote for President and Vice-President cast by the electors in the several States for the term commencing on the 4th of March, 1885. The tellers appointed by the two Houses will please take their places.

Mr. HOAR and Mr. PENDLETON, the tellers appointed on the part of the Senate, and Mr. CLAY and Mr. KEIFER, the tellers appointed on the part of the House, took their seats at the Clerk's desk, at which the Secretary of the Senate and the Clerk of the House also occupied seats.

The PRESIDENT OF THE SENATE. The President of the Senate will open the votes of the several States in their alphabetical order, and now opens the certificates from the State of Alabama and hands to the chairman of the tellers on the part of the Senate the certificate of Alabama received by mail, and to the chairman of the tellers on the part of the House of Representatives the certificate received by messenger. The certificate will be read.

Senator HOAR read in full the certificate of the vote of the State of Alabama, giving 10 votes for Grover Cleveland, of the State of New York, for President of the United States, and 10 votes for Thomas A. Hendricks, of the State of Indiana, for Vice-President of the United States.

Mr. CLAY (one of the tellers) then read at length the certificate of the vote of the State of Arkansas, and announced the electoral vote of that State for President and Vice-President.

Mr. LOWRY. Mr. President, I rise to a question of order.

The PRESIDENT OF THE SENATE. The gentleman will state it.

Mr. LOWRY. Owing to slight confusion arising in the body of the House and throughout the galleries and from other causes we are entirely unable to hear the reading of these documents. I suppose one of the objects of having them read is that they may be heard by the members of the joint convention.

The PRESIDENT OF THE SENATE. The Chair will endeavor to enforce order as far as possible. Gentlemen will please preserve silence on the floor and in the galleries in order that the certificates may be heard.

Mr. SHERMAN. Mr. President, I suggest that by unanimous consent only the operative part of the certificates be read, containing simply the result of the vote, after having been examined by the Chair and found to be regular.

The PRESIDENT OF THE SENATE. In the absence of objection the tellers will read only the substance of the certificates.

There was no objection.

The tellers then proceeded to announce the electoral votes of the States of California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, and Indiana.

The PRESIDENT OF THE SENATE. The Chair now hands to the tellers the vote of the State of Iowa received in duplicate. The Chair will state that the vote received by mail not having been received by the first Wednesday in January, the Secretary of State was officially informed thereof, who sent to the district judge for the vote deposited there as required by law, which was also returned. I open them all; two will be handed to the tellers and the third placed on file, if there be no objection.

The tellers then proceeded to announce the electoral votes of the States of Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, and New Jersey.

The PRESIDENT OF THE SENATE. I now open and hand to the tellers the vote of the State of New York, received in duplicate, one by messenger and one by mail.

Mr. CLAY (one of the tellers). It appears by the certificate of the electors of the State of New York that Grover Cleveland, of the State of New York, received 36 votes for the office of President of the United States—— [Applause in the galleries.]

The PRESIDENT OF THE SENATE. Let there be order during the proceedings.

Mr. CLAY (one of the tellers) continuing. It also appears from the certificate of the electors of the State of New York that Thomas A. Hendricks, of the State of Indiana, received 36 votes for the office of Vice-President of the United States. The certificate is duly attested by the great seal of the State, and is signed by the governor—Grover Cleveland. [Lond applause on the floor and in the galleries.]

The PRESIDENT OF THE SENATE. The Sergeant-at-Arms will take into custody any gentleman or other person who, by applause or other manifestation, disturbs the order of these proceedings.

The tellers then proceeded to announce the electoral votes of the States of North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

The PRESIDENT OF THE SENATE. I have now opened the certificates of the electors of all the States, and their votes have been reported. The tellers will now make their computations and report the state of the vote.

The following is the report read by Senator HOAR, one of the tellers:

List of votes for President and Vice-President of the United States for the constitutional term to commence on the 4th day of March, 1885.

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		Grover Cleveland, of New York.	James G. Blaine, of Maine.	Thomas A. Hendricks, of Indiana.	John A. Logan, of Illinois.
10	Alabama	10		10	
7	Arkansas	7		7	
8	California		8		8
3	Colorado		3		3
6	Connecticut	6		6	
3	Delaware	3		3	
4	Florida	4		4	
12	Georgia	12		12	
22	Illinois		22		22
15	Indiana	15		15	
13	Iowa		13		13
9	Kansas		9		9
13	Kentucky	13		13	
8	Louisiana	8		8	
6	Maine		6		6
8	Maryland	8		8	
14	Massachusetts		14		14
13	Michigan		13		13
7	Minnesota		7		7
9	Mississippi	9		9	
16	Missouri	16		16	
5	Nebraska		5		5
3	Nevada		3		3
4	New Hampshire		4		4
9	New Jersey	9		9	
36	New York	36		36	
11	North Carolina	11		11	
23	Ohio		23		23
3	Oregon		3		3
30	Pennsylvania		30		30
4	Rhode Island		4		4
9	South Carolina	9		9	
12	Tennessee	12		12	
13	Texas	13		13	
4	Vermont		4		4
12	Virginia	12		12	
6	West Virginia	6		6	
11	Wisconsin		11		11
401		219	182	219	182

GEO. F. HOAR,
GEO. H. PENDLETON,
Tellers on the part of the Senate.
J. WARREN KEIFER,
J. F. CLAY,
Tellers on the part of the House of Representatives.

Senator HOAR (one of the tellers) said: Mr. President, the tellers on the part of the Senate, and on the part of the House of Representatives, have ascertained the state of the vote of the electors of the respective States for the offices of President and Vice-President of the United States; and it appears that the whole number of electors appointed to vote for President and Vice-President is 401, of which a majority is 201. The state of the vote for President of the United States is for Grover Cleveland, of the State of New York, 219; for James G. Blaine, of the State of Maine, 182. For Thomas A. Hendricks, of the State of Indiana, for the office of Vice-President of the United States, 219; and for John A. Logan, of the State of Illinois, for the office of Vice-President, 182.

The PRESIDENT OF THE SENATE. Senators and members of the House of Representatives:

The tellers have reported to the presiding officer the state of the vote which you have heard, from which it appears that Grover Cleveland, of the State of New York, has received 219 votes for the office of President of the United States, and that James G. Blaine, of the State of Maine, has received 182 votes for the same office; that Thomas A. Hendricks, of the State of Indiana, has received 219 votes for the office of Vice-President of the United States, and that John A. Logan, of the State of Illinois, has received 182 votes for the same office.

Wherefore, I do declare that Grover Cleveland, of the State of New York, has received a majority of the votes of the whole number of electors appointed, as they appear in the certificates read by the tellers, and so appears to have been elected President of the United States for four years, commencing on the 4th day of March, 1885; and that Thomas A. Hendricks, of the State of Indiana, has received a majority of the votes of the whole number of electors appointed, as they appear in the certificates read by the tellers, and so appears to have been elected Vice-President of the United States for four years, commencing on the 4th day of March, 1885. And the President of the Senate makes this declaration only as a public statement in the presence of the two Houses of Congress of the contents of the papers opened and read on this occasion, and not as possessing any authority in law to declare any legal conclusion whatever.

The business for which the joint convention assembled having been completed, the Senate will retire to its own Chamber.

[The announcement of the result of the vote was received with loud applause on the floor and in the galleries.]

The Senate then retired from the Hall; and (at 1 o'clock and 17 minutes p. m.) the Speaker *pro tempore* resumed the chair, and called the House to order.

ORDER OF BUSINESS.

Mr. THOMPSON. I move that the House take a recess for fifteen minutes, in order that the Hall may be cleared.

The Senate then retired from the Hall; and (at 1 o'clock and 17 minutes p. m.) the House took a recess for fifteen minutes.

AFTER THE RECESS.

The recess having expired, the House reassembled at 1 o'clock and 35 minutes p. m.

The SPEAKER *pro tempore*. The Clerk will report the bill which was under consideration during the special hour when the business of the House was suspended for the assembling of the joint convention of the two Houses.

Mr. KEIFER rose.

Mr. TOWNSHEND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. I desire to know if the House did not, before suspending business for the purpose of proceeding to the electoral count, dispense with the remainder of the special hour?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. TOWNSHEND. I think the Journal will show that it did.

The SPEAKER *pro tempore*. That could only have been done by unanimous consent, and no such request was submitted to the House.

Mr. SPRINGER. According to the ruling of the Chair on a former occasion the hour under the special rule consists of sixty minutes next after the beginning of the hour. The Chair made that ruling on a point of order raised by myself.

The SPEAKER *pro tempore*. Does the gentleman from Illinois raise the point of order now?

Mr. SPRINGER. I do not. I merely state that was the ruling of the Chair on a former occasion.

The SPEAKER *pro tempore*. The Chair will rule on any point of order if the gentleman desires to make it.

Mr. SPRINGER. Then I make the point of order that the hour under the special rule has expired.

The SPEAKER *pro tempore*. The Chair does not think the point of order is well taken. There should not, in the judgment of the Chair, be taken into account the time occupied by the joint session of the two Houses. The Chair does not think that should be counted against the hour under the rule which the House adopted for the transaction of its business.

Mr. SPRINGER. I am very glad to hear the Chair make that ruling, because it is exactly in accordance with my previous idea.

The SPEAKER *pro tempore*. And the Chair would further remark that the House has not been in session, but the two Houses were in session.

COUNT OF THE ELECTORAL VOTE.

Mr. KEIFER. According to custom, I furnish a report of the official count of the electoral vote as declared by the President of the Senate for the purpose of having it spread upon the Journal.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER], one of the tellers on the part of the House, submits the report by the tellers of the official count of the electoral vote for President and Vice-President of the United States in order that the same may be spread upon the Journal of this House.

Mr. KEIFER. And published in the RECORD.

The report was ordered to be spread upon the Journal of the House and published in the RECORD. [It appears in the proceedings of the joint convention of the two Houses.]

Mr. KEIFER. I now offer a resolution, in the usual form, declaring the sense of the House in the matter of the electoral count.

The SPEAKER *pro tempore*. The Clerk will report the resolution submitted by the gentleman from Ohio.

The Clerk read as follows:

Whereas the House of Representatives having met the Senate in accordance with the fifth section of the act of 1st March, 1792, relative to the election of President and Vice-President of the United States, and the electoral votes having been opened by the President of the Senate *pro tempore* in the presence of the two Houses of Congress and counted by the tellers appointed on the part of the two Houses of Congress, and it appearing that the whole number of electors appointed to vote for President and Vice-President of the United States is 401, of which a majority is 201, and it further appearing that Grover Cleveland, of the State of New York, had received 219 votes for President of the United States, and that Thomas A. Hendricks, of the State of Indiana, had received 219 votes for Vice-President of the United States, which number is a majority of the votes of the whole number of electors appointed, and the same having been duly declared by the President *pro tempore* of the Senate in the presence of the two Houses: Therefore,

Resolved by the House of Representatives, That it is the sense of this House that the Constitution and laws have been duly executed and that no further declaration of these facts is necessary.

Mr. RANDALL. Is that resolution before the House for consideration?

The SPEAKER *pro tempore*. The Chair thinks the resolution is of such a privileged character that it is before the House for consideration now.

Mr. RANDALL. I have no objection to it. I only wish to modify it so that it shall be communicated to the Senate. It does not appear to embrace that within its provisions.

Mr. KEIFER. I supposed the resolution would be communicated to the Senate without a special provision for so doing. This is exactly the resolution offered in the House four years ago, with the exception that that resolution was in the form of a concurrent resolution, although it was not sent to the Senate. The Senate adopted a resolution exactly in this form four years ago, with the exception that it was in form of a concurrent resolution, and it was not sent to the House. So we make them separate resolutions, one of the Senate and one of the House.

Mr. RANDALL. I wish merely to suggest that the fact of the House having adopted this resolution be communicated to the Senate.

Mr. KEIFER. I think that may be done without putting it in the resolution.

The SPEAKER *pro tempore*. The Chair hears no objection to the Clerk of the House being directed to communicate the resolution to the Senate if adopted.

Mr. POLAND. It appears to me this resolution is faulty in form. It refers to the provisions of an act of 1792, which act was repealed. Its provisions are contained in chapter 1 of title 3 of the Revised Statutes of the United States. The resolution should refer to the provisions of that chapter and not to the act of 1792, which was in form repealed. I would suggest that what is said in the resolution as to the act of 1792 be stricken out, and that there be inserted a reference to the provisions of chapter 1 of title 3 of the Revised Statutes of the United States.

Mr. KEIFER. It is possible that the criticism upon the resolution made by the distinguished gentleman from Vermont is a fair one. I wish to say, however, that the resolution in that respect is precisely in the language of the resolution adopted four years ago and on prior occasions of like character. And yet, Mr. Speaker, I think that the fact of the repeal of this statute in the revision of the laws being well settled it might be better to modify the resolution as the gentleman from Vermont suggests, so that it shall refer to the chapter of the Revised Statutes on the subject of the electoral count.

The SPEAKER *pro tempore*. Does the gentleman from Ohio accept the amendment suggested by the gentleman from Vermont?

Mr. KEIFER. I do; and will modify the resolution accordingly.

The SPEAKER *pro tempore*. The Chair hears no objection to the modification proposed.

Mr. HOLMAN. We did not hear what the modification was.

The SPEAKER *pro tempore*. The gentleman from Vermont will communicate to the Clerk's desk the amendment he proposes to offer.

Mr. HAMMOND. Mr. Speaker, there can be no trouble about this matter now; but, as it may become a precedent, I suggest that it had better be referred to the Committee on the Judiciary.

Mr. KEIFER. The change ought to be made now. There is no question about the fact of the repeal of the statute. The resolution can be amended, and I accept the amendment which the gentleman from Vermont [Mr. POLAND] has sent to the Clerk's desk to be read.

The Clerk read as follows:

Strike out "the fifth section of the act of 1st March, 1792," and insert "chapter 1 of title 3 of the Revised Statutes of the United States."

Mr. HAMMOND. Will the gentleman from Ohio [Mr. KEIFER] permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. HAMMOND. I ask it for information only. Why is it that we change the form of the resolution now from what it was four years ago, making it a separate House resolution instead of a concurrent resolution?

Mr. KEIFER. We changed the form simply because the resolution enacted four years ago in the form of a concurrent resolution was in fact only a House resolution, which was not sent to the Senate for their action. The Senate did the same thing. They adopted a resolution which was also in the form of a concurrent resolution, but was in fact

only a declaration of the sense of the Senate and did not come to the House for its action.

Mr. HAMMOND. Why?

Mr. KEIFER. Simply because each House acted separately, and while the Senate resolution was in form a concurrent resolution it was in fact a mere resolution of that body. I will state further, for the information of the gentleman from Georgia [Mr. HAMMOND], that on yesterday, at a conference held between the tellers on the part of the Senate and the tellers on the part of the House, in the presence of the President of the Senate, this very matter was considered, and it was agreed that we should put the resolution in a form to correspond with the fact, and strike out the concurrent feature of it. That was agreed to in the conference by Senator PENDLETON and others.

Mr. HAMMOND. Mr. Speaker, I would ask whether the tellers on the part of the House on our side are satisfied with the change?

Mr. CLAY. There is no objection to it at all.

Mr. HAMMOND. Then I have none.

Mr. SPRINGER. Mr. Speaker, I desire to say a word before this matter has been passed upon by the House. From the announcement made here by the president of the joint convention it seems that there was no declaration as to the result of the vote. On the contrary, the President of the Senate simply announced that it appeared from the count made by the tellers that Grover Cleveland had received the number of votes indicated, and that the other candidates had received the number of votes indicated as having been cast for them, and he then went on to disclaim any intention to make any official declaration as to the result of the count.

Mr. KEIFER. I beg the gentleman's pardon.

Mr. SPRINGER. Now, Mr. Speaker, I find that at the time Mr. Lincoln was declared elected the Vice-President said:

Abraham Lincoln, of Illinois, having received a majority of the whole number of electoral votes cast, is elected President of the United States for four years, commencing on the 4th day of March, 1861.

A similar announcement was made as to the election of the Vice-President. I see further, that the same form was followed when General Grant was declared elected President of the United States. At this time there has been a departure from that practice and no official declaration has been made here that anybody is elected to the office of either President or Vice-President of the United States.

Mr. KEIFER. The gentleman is mistaken about that.

Several MEMBERS. The vote was announced.

Mr. SPRINGER. Yes; the vote was announced. The president of the joint convention announced that one candidate had received so many votes and that the other candidate had received so many votes, but he then went on to make the disclaimer to which I have referred. Now, that is a departure from all the precedents upon this subject, and for that reason I would prefer that this whole matter should be referred to the Committee on the Judiciary, with instructions to report such additional resolution as may be necessary for the purpose of making known the official result of the election.

The SPEAKER *pro tempore*. The Chair desires to say that the President *pro tempore* of the Senate, the presiding officer of the joint convention, in making the announcement of the ascertainment of the vote as had to-day, announced the result that had been found, and simply added a disclaimer of any authority on his part, as the presiding officer of the Senate or the presiding officer of the joint convention, to make any declaration at all. Does the gentleman from Illinois [Mr. SPRINGER] make any motion?

Mr. SPRINGER. I do. I move that this whole matter be referred to the Committee on the Judiciary.

Mr. MOULTON. I think the declaration is exactly right.

The SPEAKER *pro tempore*. In the judgment of the Chair the declaration of the presiding officer of the joint convention was exactly what it should have been.

Mr. KEIFER. And it has no relation at all to this resolution.

Mr. SPRINGER. I have not asked the Speaker for his opinion. I desire to state mine.

The SPEAKER *pro tempore*. The Chair desires to state, as the officer representing the House in the joint convention, that there would have been a protest made if in the judgment of the Chair any improper declaration had been made on the part of the presiding officer of the joint convention.

Mr. HAMMOND. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. My point is that the joint session having made its declaration, this House has now nothing to do with whether it made it correctly or incorrectly.

Mr. SPRINGER. Mr. Speaker, I have not made any motion in reference to that.

Several members addressed the Chair.

The SPEAKER *pro tempore*. Does the gentleman make any motion?

Mr. SPRINGER. I desire to make a motion, if I can get permission to state it.

Mr. COX, of New York. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX, of New York. There is no motion before the House.

The SPEAKER *pro tempore*. The gentleman is mistaken; there are two motions before the House. [Laughter.]

Mr. COX, of New York. Then I move to lay them on the table.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman for that purpose. The gentleman from Illinois [Mr. SPRINGER] will submit his motion.

Mr. SPRINGER. I move to commit this whole subject to the Committee on the Judiciary, with instructions to report to the House what further declaration, if any, should be made for declaring the election of the persons who have been elected President and Vice-President of the United States.

Mr. RANDALL. Mr. Speaker, I submit that the announced vote elects, and that any ministerial part of the proceeding is not essential to the establishment of the fact that Grover Cleveland and Thomas A. Hendricks have been elected by the electoral college President and Vice-President of the United States.

The SPEAKER *pro tempore*. The Chair concurs with the gentleman.

Mr. CLAY. The declaimer to which reference has been made was only a position taken by the President of the Senate.

Mr. SPRINGER. It is discovered only at this late day that that is a proper way to make the announcement.

Mr. HAMMOND and several other members addressed the Chair at the same time.

The SPEAKER *pro tempore*. The Chair can not listen to a dozen gentlemen at once. The Chair will not recognize the gentleman from Georgia [Mr. HAMMOND] except in his order.

Mr. HAMMOND. I am in order, because I desire to make a point of order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman to make his point of order, but will try to secure order first. [After a pause.] The gentleman from Ohio [Mr. KEIFER] has submitted a resolution, to which an amendment has been offered by the gentleman from Vermont [Mr. POLAND], which amendment has been accepted by the gentleman from Ohio [Mr. KEIFER].

Mr. COX, of New York. What is it? Let it be read.

Mr. TUCKER. Mr. Speaker, may I ask to have that resolution reported?

The SPEAKER *pro tempore*. The Chair will ask to be allowed to state the question that is before the House, and then, unless there be objection, the resolution will be again reported to the House by the Clerk. The gentleman from Ohio [Mr. KEIFER] submitted a resolution, to which the gentleman from Vermont [Mr. POLAND] offered an amendment, which the gentleman from Ohio [Mr. KEIFER] has indicated his willingness to accept. The gentleman from Illinois [Mr. SPRINGER] has moved to refer the whole matter, the resolution and the amendment, to the Committee on the Judiciary. That motion is now pending, and the Chair recognizes the gentleman from Georgia [Mr. HAMMOND], who raises a question of order.

Mr. SPRINGER. I withdraw my motion.

Mr. HAMMOND. Then I withdraw my point of order.

Mr. KEIFER. I have no objection to having the resolution reported again, as modified, for the benefit of the gentleman.

The SPEAKER *pro tempore*. In the absence of objection the Clerk will again report the resolution.

Mr. COX, of New York. I imagine that the Constitution settles this matter.

Mr. KEIFER. I do not yield the floor for further discussion. I demand the previous question.

The SPEAKER *pro tempore*. If the gentleman from New York [Mr. COX] rises to a point of order he will state it.

Mr. COX, of New York. Let the resolution first be read.

The SPEAKER *pro tempore*. The Chair had already directed the reading when interrupted by the gentleman from New York.

Mr. COX, of New York. The "gentleman from New York" did not intend to interrupt the Chair for a moment.

The SPEAKER *pro tempore*. The Clerk will report the resolution.

The resolution having been again read,

Mr. KEIFER. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] asks that, in the event of the adoption of this resolution, it shall be made the duty of the Clerk of this House to communicate the fact of its adoption to the Senate.

Mr. KEIFER. I understood that had already been agreed to.

The SPEAKER *pro tempore*. The Chair hears no objection to the suggestion of the gentleman from Pennsylvania.

Mr. KEIFER. I demand the previous question on the adoption of this resolution. I think it is simply a declaration of the sense of the House. It does not elect anybody, but is a proper thing to be done.

Mr. COX, of New York. I would like to have an extract from the Constitution read, so as to show that all this is irrelevant and superfluous.

Mr. KEIFER. I yield to allow the reading of the extract referred to by the gentleman, but for no other purpose.

The Clerk read as follows:

The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of electors appointed.

* * * * * * *

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed.

Mr. KEIFER. I must now insist on the previous question.

Mr. COX, of New York. I think the Constitution in this matter executes itself.

Mr. KEIFER. I agree to that; but I insist on the previous question.

Mr. COX, of New York. I move to lay the resolution on the table. I do not propose to make a precedent for the future; and I do not want my friend on the other side to elect our President.

Mr. KEIFER. The reason I have insisted on the previous question is because I hoped we would get to other business. It is not important to me whether the resolution be adopted or not; but it is in accordance with custom. It is in the same form as a resolution offered four years ago by Mr. House, then a member from Tennessee.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from New York [Mr. COX] to lay on the table the resolution of the gentleman from Ohio as amended by the motion of the gentleman from Vermont.

The question being taken, there were—ayes 78, noes 70.

Mr. KEIFER. Let us have tellers.

Mr. MOULTON. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 34, noes 28.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll.

Mr. ROGERS, of Arkansas. I hope the resolution will be read again.

The SPEAKER *pro tempore*. If there be no objection the Clerk will again report the resolution.

Mr. ROBERTSON. I object.

Mr. BAYNE. I hope the resolution will be reported again.

The SPEAKER *pro tempore*. The Chair has no authority to order the resolution reported a third time, when objection has been made.

The question was taken on the motion of Mr. COX, of New York, and it was decided in the affirmative—yeas 137, nays 113, not voting 73; as follows:

YEAS—137.

Adams, J. J.	Davis, L. H.	Lanham,	Seymour,
Aiken,	Dibrell,	Long,	Shively,
Alexander,	Dockery,	Lore,	Singleton,
Bagley,	Dorsheimer,	Lovering,	Spriggs,
Ballentine,	Dowd,	Lowry,	Springer,
Barbour,	Dunn,	Lyman,	Steele,
Barksdale,	Eaton,	McCoid,	Stevens,
Bayne,	Eldredge,	Maybury,	Stewart, Charles
Beach,	Elliott,	Miller, J. F.	Stewart, J. W.
Bennett,	English,	Money,	Swope,
Blackburn,	Follett,	Morgan,	Talbott,
Boyle,	Garrison,	Morse,	Taylor, J. M.
Brainerd,	Geddes,	Moulton,	Thompson,
Broadhead,	Gibson,	Muldrow,	Tillman,
Browne, T. M.	Graves,	Muller,	Tucker,
Buchanan,	Green,	Murphy,	Van Alstyne,
Budd,	Greenleaf,	Mutchler,	Van Eaton,
Burleigh,	Hanback,	Neece,	Wallace,
Burnes,	Hardy,	Oates,	Warner, A. J.
Cabell,	Hatch, H. H.	O'Ferrall,	Warner, Richard
Caldwell,	Hatch, W. H.	O'Neill, J. J.	Weaver,
Campbell, Felix	Henley,	Payson,	Wellborn,
Campbell, J. E.	Herbert,	Peel,	Weaple,
Candler,	Hewitt, A. S.	Pryor,	Wilkins,
Carleton,	Hill,	Pusey,	Williams,
Cassidy,	Hopkins,	Ranney,	Willis,
Clardy,	Houseman,	Reagan,	Wilson, W. L.
Clements,	Hunt,	Reese,	Winans, John
Converse,	Hurd,	Robertson,	Wolford,
Covington,	Hutchins,	Robinson, W. E.	Wood,
Cox, S. S.	Jeffords,	Rockwell,	York,
Cox, W. R.	Johnson,	Rogers, J. H.	Young.
Crisp,	Jones, B. W.	Russell,	
Culberson, D. B.	Jones, J. H.	Ryan,	
Dargan,	Jones, J. K.	Seney,	

NAYS—113.

Adams, G. E.	Findlay,	McCormick,	Stone,
Anderson,	Finerty,	McMillin,	Storm,
Bingham,	Forney,	Millard,	Strait,
Bisbee,	Fyan,	Morrill,	Struble,
Bland,	Guenther,	Nicholls,	Sumner, D. H.
Blount,	Halsell,	Nutting,	Taylor, E. B.
Boutelle,	Hammond,	O'Neill, Charles	Taylor, J. D.
Brewer, F. B.	Hancock,	Paige,	Thomas,
Brewer, J. H.	Hardeman,	Parker,	Townshend,
Brown, W. W.	Harmer,	Patton,	Tully,
Brumm,	Hart,	Perkins,	Turner, H. G.
Campbell, J. M.	Haynes,	Peters,	Turner, Oscar
Cannon,	Hemphill,	Pierce,	Valentine,
Clay,	Henderson, T. J.	Poland,	Vance,
Connolly,	Hepburn,	Post,	Wadsworth,
Cosgrove,	Hewitt, G. W.	Potter,	Wait,
Culbertson, W. W.	Hiscock,	Randall,	Wakefield,
Cullen,	Hoblitzell,	Ray, Ossian	Ward,
Cutcheon,	Holman,	Reid, J. W.	Washburn,
Davidson,	Holmes,	Rice,	White, Milo
Davis, G. R.	Horr,	Rowell,	Wilson, James
Davis, R. T.	Houk,	Skinner, C. R.	Winans, E. B.
Dibble,	Keifer,	Skinner, T. G.	Wise, G. D.
Dingley,	Ketcham,	Smith, A. Herr	Woodward,
Ellwood,	Lawrence,	Smith, H. Y.	Worthington,
Ermentrout,	Le Fevre,	Snyder,	Yaple.
Evans,	Lewis,	Spooner,	
Everhart,	Libbey,	Stephenson,	
Fiedler,	McComas,	Stocklager,	

NOT VOTING—73.

Arnot,	Ellis,	Kleiner,	Rankin,
Atkinson,	Ferrell,	Lacey,	Ray, G. W.
Barr,	Foran,	Laird,	Reed, T. B.
Belford,	Funston,	Lamb,	Riggs,
Belmont,	George,	McAdoo,	Robinson, J. S.
Blanchard,	Glascock,	Matson,	Rogers, W. F.
Bowen,	Goff,	Miller, S. H.	Rosecrans,
Bratton,	Henderson, D. B.	Milliken,	Shaw,
Breckinridge,	Hitt,	Mills,	Slocum,
Breitung,	Holton,	Mitchell,	Smalls,
Buckner,	Hooper,	Morrison,	Sumner, C. A.
Chalmers,	Howey,	Murray,	Throckmorton,
Cobb,	James,	Nelson,	Weller,
Collins,	Jones, J. T.	Ochiltree,	White, J. D.
Cook,	Jordan,	O'Hara,	Whiting,
Craig,	Kean,	Payne,	Wise, J. S.
Curtin,	Kelley,	Pettibone,	
Deuster,	Kellogg,	Phelps,	
Dunham,	King,	Price,	

So the resolution as amended was laid on the table.

Mr. LORE moved to dispense with the reading of the names.

Mr. KEIFER objected.

The following additional pairs were announced from the Clerk's desk:

On all political questions, until further notice—

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. COOK with Mr. LACEY, for this day.

Mr. MATSON with Mr. MILLER, of Pennsylvania.

Mr. JORDAN with Mr. HOLTON.

Mr. GLASCOCK with Mr. KELLEY.

Mr. FORAN with Mr. BOWEN.

Mr. FERRELL with Mr. KEAN.

Mr. MCADOO with Mr. CRAIG.

Mr. MURRAY, with Mr. HENDERSON, of Iowa.

Mr. ROSECRANS with Mr. HOOPER, on this vote.

Mr. LAMB with Mr. JAMES.

Mr. KING with Mr. WHITING.

Mr. CURTIN with Mr. BARR.

Mr. ELLIS with Mr. DUNHAM.

Mr. MILLS with Mr. NELSON.

Mr. SLOCUM, with Mr. RAY, of New York.

Mr. RIGGS with Mr. PAYNE.

The vote was then announced as above recorded.

NOTIFICATION TO PRESIDENT AND VICE-PRESIDENT ELECT.

Mr. CLAY. Mr. Speaker, I desire to offer the resolution I send to the Clerk's desk.

The SPEAKER *pro tempore*. The gentleman from Kentucky submits a privileged resolution, which will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a committee of two members of the House be appointed by the House, and one member of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th day of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1885.

Second. That the President of the Senate do make out and sign a certificate in the words following:

CERTIFICATE OF ELECTION.

Be it known that the Senate and House of Representatives of the United States of America, having been convened in the city of Washington, on the second Wednesday in February, in the year of our Lord 1885, the underwritten President of the Senate *pro tempore* did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for President and Vice-President of the United States; whereupon it appeared that Grover Cleveland, of the State of New York, had a majority of the votes of the electors as President, and Thomas A. Hendricks, of the State of Indiana, had a majority of the votes of the electors as Vice-President.

By all of which it appears that Grover Cleveland, of the State of New York, has been duly elected President, and Thomas A. Hendricks, of the State of Indiana, has been duly elected Vice-President, of the United States, agreeably to the Constitution, for the term of four years, beginning on the 4th day of March, 1885.

In witness whereof I have hereunto set my hand this —— day of February, 1885, and have sealed with the seal of the Senate.

And that the committee hereby appointed, when notifying the persons elected of their election to the offices of President and Vice-President of the United States, shall present to each of them a duly authenticated copy of the foregoing certificate.

Mr. CLAY. I offer that resolution, Mr. Speaker, in accordance——

Mr. DUNN. Mr. Speaker, by consent of the gentleman from Kentucky I ask him to allow me to move an amendment to that resolution, changing the resolution in the statement made that the President of the Senate opened and counted the votes, so it will read: "That he opened the certificates of the electoral votes of the several States, and they were counted in the presence of the two Houses."

Mr. CLAY. I accept that amendment as a modification of my resolution.

The SPEAKER *pro tempore*. As it is a matter of some importance, the Chair will ask the gentleman to reduce his amendment to writing.

Mr. CLAY. I do not think it is necessary to make any extended remarks on the resolution which I have presented. It is in accordance with all the precedents heretofore except as to the two most recent Presidential elections. I now demand the previous question on my

resolution as modified at the suggestion of the gentleman from Arkansas [Mr. DUNN].

Mr. COX, of New York. With the consent of my friend from Kentucky I move to strike out "three" and insert "five" as the number constituting the committee, two on the part of the Senate and three on the part of the House.

Mr. CLAY. That is rather a large committee.

Mr. COX, of New York. It is suggested in deference to the opinion of gentlemen on both sides.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry. I wish to know from the Speaker what rule of the House or clause of the Constitution justifies the presentation of this resolution as a question of privilege?

Mr. CLAY. It has been so regarded from the very beginning.

The SPEAKER *pro tempore*. According to the custom and all the precedents such resolution on this day has uniformly been regarded as one of the highest privilege. It is not so much a question of rule as it is in accordance with the mandate of the Constitution of the United States.

Mr. JOSEPH D. TAYLOR. I move to lay the resolution upon the table.

The SPEAKER *pro tempore*. That motion will be in order when the gentleman is recognized as having the floor. The gentleman from Kentucky [Mr. CLAY] is entitled to the floor.

Mr. CLAY. I have not yielded the floor.

Mr. KEIFER. I ask the gentleman from Kentucky to yield to me not to exceed five minutes.

Mr. JOSEPH D. TAYLOR. I rise to another parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. When can I make the motion to lay the whole resolution upon the table?

The SPEAKER *pro tempore*. The gentleman can submit that motion as soon as he gets the floor.

The resolution was reported as modified.

Mr. HOLMAN. Unless the precedents are uniform——

Mr. CLAY. Permit me to state, Mr. Speaker, right here that I accept the suggestion of the gentleman from New York [Mr. COX], and will therefore modify the resolution so as to make the committee consist of five—two from the Senate and three from the House. I will now yield the floor to the gentleman from Indiana.

Mr. HOLMAN. Mr. Speaker, unless the precedents have been uniformly in favor of such action as is proposed by the last clause of this resolution, providing for the execution of a certificate of election of the President and Vice-President by the presiding officer of the Senate—I say unless the precedents are uniform in that direction, and I think they are not, I must, as a member of the House, object to that portion of the resolution.

The declaration of the result of the count is unquestionably proper—the counting of the votes. The appointment of a committee of the two Houses of Congress to wait upon the President and Vice-President elect and inform them of the result of the count is for manifest reasons proper. Beyond that I do not think the House should go. I think the action of the two Houses ought to terminate right there; and therefore I say again that, unless my friend from Kentucky [Mr. CLAY] has found the precedents uniformly recognizing some other attestation than the simple declaration of the result of the counting of the vote, I hope he will consent that the last part of the resolution which provides for the official certificate of the President of the Senate be stricken out.

It is clearly apparent, Mr. Speaker, from what has occurred in the history of this country to what perils the Government might be exposed in the future if it was recognized that the title under which the office of President and Vice-President shall be held required some other procedure than a compliance with the simple requirements of the Constitution of the result of the count.

Mr. CLAY. Mr. Speaker, I can not say in response to the gentleman from Indiana that the precedents are entirely uniform, but in the election of General Washington, the first President, that form was pursued.

Mr. SPRINGER. Oh, well; what was good enough for Washington ought to be good enough for us. [Laughter.]

Mr. CLAY. In the election of Mr. Harrison that same form was pursued. In the election of General Grant in his second term, and Mr. Lincoln, I think, it was also pursued.

Mr. HOLMAN. But, as I understand the gentleman, it has not been the uniform practice?

Mr. CLAY. It has not been uniformly pursued, as I have stated.

Mr. HOLMAN. There is not then a uniform line of precedents—occasional instances only of such a verification as is now proposed. I think we ought not to follow and give new force to a questionable precedent, and one which experience has demonstrated might, in an unfortunate contingency not unlikely to arise in the future, greatly endanger the public safety. It is a precedent that we certainly should not now reaffirm. The counting of the vote and declaration of the result of the count, in the manner contemplated by the Constitution, and the appointment of a committee to inform the citizens chosen for President and Vice-President of their election, is as far as we can, in my judgment, go with safety. I trust my friend from Kentucky [Mr. CLAY] will consent that all of the resolution shall be omitted except the part providing for the committee.

Mr. CLAY. I think, Mr. Speaker, that if this resolution be proper at all it is very proper that the persons elected to the offices of President and Vice-President should have that information given to them and the certificates of election at the same time.

Mr. HOLMAN. But the gentleman will not hold that it is necessary or that it is required by the Constitution.

Mr. CLAY. It is not necessary, nor is it required by the Constitution.

Mr. WARNER, of Ohio. I move to strike out all of that portion of the resolution which provides for the certificate—all after the first clause.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor.

Mr. CLAY. I have said that I did not regard it as necessary, nor is it required by the Constitution; but it is well known that the President and Vice-President elect do not know officially the fact of their election unless such action shall be taken by the Congress. This simply prescribes that an official notification shall be sent to them. At present there is nothing but the statement in the public press of the country.

I have agreed to yield five minutes to the gentleman from Ohio [Mr. KEIFER].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendment of the House of Representatives to the bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.; and also that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 2609) to provide a permanent reservation for the Indians in Northern Montana, and for other purposes.

NOTIFICATION TO PRESIDENT-ELECT.

Mr. KEIFER. Mr. Speaker, I shall not perhaps occupy that much time. I rise to say, sir, simply that this resolution, in so far as it is necessary under the Constitution and the laws of the United States, in the matter of determining the election of the President and Vice-President, is wholly unnecessary. Like the resolution just laid upon the table it is not one of the essential things in the determination of the result of the count of the electoral votes. But, like that resolution, it may be a matter of courtesy on the part of the Congress of the United States, that witnessed the count of the electoral vote and the ascertainment of the result, that the officers who are elected by that count should have a proper notification. That is all.

Whether Grover Cleveland receives a notice through the newspapers of the day, through the CONGRESSIONAL RECORD, or by notification sent by the Vice-President, or through the action of a committee that may be sent by the two Houses of Congress, or not at all, it makes no difference so far as concerns the question as to who will be the President of the United States for four years from the 4th of March next.

But, sir, I maintain that there are sufficient precedents for the adoption of this resolution. They are not uniform, it is true, from the beginning of Presidential elections down to the present time, but there are precedents, and of a character that it seems to me are well worth following. In the important act of electing a Chief Magistrate of the United States, when we have done all that is essential and gone through all of the requisite forms, it is due the dignity of that high office, and to the person elected to it, that we should notify him in some form. There are many things which we do which do not belong to and can not be classified as absolutely essential, and yet they are important and in accordance with right and good policy. If the notification of the election of a person to the high office of President and another to the high office of Vice-President is only a courtesy, I would still give it.

We have had twenty-five elections for Presidential terms. In seven cases there have been re-elections of persons who were President. Washington was re-elected, Jefferson was re-elected, Madison, Monroe, Jackson, Lincoln, and Grant were each re-elected to the office of President of the United States. My recollection now is, from having examined the question some time since, that in each of these cases of re-election at least there were committees sent to notify the President-elect of his election to the office of President of the United States. I do not say that this has been uniformly the case, but in some instances it has been the practice.

In other cases the policy has been to send a notification in writing over the signature of the President of the Senate to the person elected President of the United States and to the person elected Vice-President of the United States. In some instances Congress has called on the President-elect after he was notified to send notice to the Vice-President-elect of his election. But there are numerous instances that form precedents for the action proposed to be taken under the pending resolution. Therefore I shall vote for this resolution.

Mr. COSGROVE. I wish to ask the gentleman from Ohio a question.

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired.

Mr. COSGROVE. Then I will address to the Chair a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COSGROVE. Is it not customary for all joint resolutions to be signed by the presiding officers of one or other or both bodies?

The SPEAKER *pro tempore*. It is. But this is not a joint resolution. It is a concurrent resolution.

Mr. HOLMAN. Will the gentleman from Kentucky [Mr. CLAY] yield to me for a moment?

Mr. CLAY. Yes, sir.

Mr. HOLMAN. I move to strike out all of the resolution but the first clause?

The SPEAKER *pro tempore*. There is a motion now pending, made by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], as the Chair understands, to lay the resolution on the table.

Mr. WASHBURN. I thought the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] was not allowed to make that motion.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Ohio to make that motion, and that this discussion was going on by unanimous consent.

Mr. WASHBURN. I understood the Chair to say he would recognize the gentleman from Ohio to make that motion when it was in order to do so.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky [Mr. CLAY] claim he was holding the floor to the exclusion of the gentleman from Ohio to make the motion to lay on the table?

Mr. CLAY. I do. I now move the previous question on the resolution as amended, and the amendment of the gentleman from Indiana [Mr. HOLMAN], which proposes to strike out that part of the resolution that relates to the certificate.

Mr. WARNER, of Ohio. That is to say, it proposes to strike out all after the first clause of the resolution.

Mr. JOSEPH D. TAYLOR. I move to lay the resolution on the table.

Mr. WARNER, of Ohio. I rise to make a parliamentary inquiry.

Mr. COX, of New York. The motion to lay on the table is not debatable.

The SPEAKER *pro tempore*. That motion is not debatable. But the gentleman from Ohio [Mr. WARNER] rises to make a parliamentary inquiry. The gentleman will state it.

Mr. WARNER, of Ohio. I wish to know whether the gentleman from Kentucky [Mr. CLAY] accepts the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. The gentleman from Kentucky has no such power. It is for the House to determine whether the amendment shall be adopted or not.

Mr. WARNER, of Ohio. That amendment is pending.

The SPEAKER *pro tempore*. It is pending. The question is on the motion of the gentleman from Ohio to lay the resolution on the table.

Mr. CLAY. I desire to make a parliamentary inquiry. Which motion has precedence?

The SPEAKER *pro tempore*. The motion to lay on the table. The gentleman from Kentucky has asked the previous question on the adoption of the resolution he has submitted, subject to the amendment offered by the gentleman from Indiana; and, pending that demand, the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] moves to lay the motion on the table.

The question being taken on the motion to lay on the table, there were—ayes 38, noes 108.

So (further count not being called for) the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the demand for the previous question.

Mr. DUNN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. Is it not necessary for a vote to be taken on the amendment which I suggested and offered?

The SPEAKER *pro tempore*. The Chair asked if there was objection, and the amendment of the gentleman from Arkansas [Mr. DUNN] was accepted without objection.

Mr. DUNN. That is sufficient.

Mr. ROGERS, of Arkansas. Before the vote is taken on the amendment of the gentleman from Indiana we desire to hear how the resolution will read if amended.

The SPEAKER *pro tempore*. Does the gentleman ask for the rereading of the resolution?

Mr. ROGERS, of Arkansas. I ask for the rereading of what is left, if the portion which the gentleman from Indiana moves to strike out shall be stricken out.

The SPEAKER *pro tempore*. Unless there be objection the resolution will be read as proposed to be amended by the gentleman from Indiana.

Mr. HOBLITZELL and Mr. KEIFER objected.

Mr. KEIFER. I shall not object to the rereading after the previous question shall have been ordered.

The SPEAKER *pro tempore*. The question is upon the demand of the gentleman from Kentucky [Mr. CLAY] for the previous question on the resolution and the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The previous question was ordered.

Mr. CLAY moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. KEIFER. Now, I do not object to the resolution being read again.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from Indiana. Unless there be objection the Clerk will report the resolution as it will read if amended as proposed.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a committee of three members of the House of Representatives be appointed by the House, and two members of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th of March, 1885.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. WHITE, of Kentucky, addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Kentucky rise?

Mr. WHITE, of Kentucky. I would like to have the resolution reported again. I think it states we believe that Grover Cleveland was elected. I do not. I believe that there were forty districts in which there was no election.

The SPEAKER *pro tempore*. Debate is not in order.

The amendment was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The resolution as amended was adopted.

Mr. CLAY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HUNT. Mr. Speaker, I suggest that the phraseology of that resolution should be changed so as to make it read: "Commencing on the 4th day of March," instead of "commencing with the 4th day of March." If the gentleman from Kentucky [Mr. CLAY] will look at the resolution I am sure he will see the propriety of the change.

Mr. CLAY. The Constitution fixes the time.

Mr. HUNT. But the proper language should be used.

Mr. CLAY. I think that is rather a technical point.

The SPEAKER *pro tempore*. Is there objection to the modification of the resolution as suggested? [Calls of "Regular order!" "Regular order!"]

PUBLIC BUILDING AT KEOKUK, IOWA.

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the consideration of the unfinished business under the hour provided by the special rule. The Clerk will finish the reading of the report on the pending bill (H. R. 483) to provide for the erection of a public building at Keokuk, Iowa.

The Clerk completed the reading of the report as printed earlier in this RECORD.

Mr. WARNER, of Ohio. I wish the gentleman from Iowa [Mr. MCCOID] would consent to make the amount named in that bill $75,000 instead of $100,000. As prices are now, $75,000 is money enough to build a good, substantial building.

The SPEAKER *pro tempore*. The time allowed for debate in opposition to the bill has expired. The gentleman from Iowa [Mr. MCCOID] has five minutes of his time left. Does the gentleman from Ohio [Mr. WARNER] desire more time?

Mr. WARNER, of Ohio. I desire to offer an amendment.

The SPEAKER *pro tempore*. An amendment is not in order, because the bill is not yet before the House.

Mr. MCCOID. Mr. Speaker, I have already yielded to the proposition of the gentleman from Indiana [Mr. HOLMAN] to reduce the amount from $150,000 to $100,000. The Secretary of the Treasury submitted an estimate stating that $150,000 was necessary; but I have accepted the amendment of the gentleman from Indiana [Mr. HOLMAN], and I do not think it would be wise to reduce the amount below that. I only want to say further, in addition to what is stated in the report, that at Keokuk they have an iron bridge across the river which cost a million dollars, the finest bridge across the Mississippi north of Saint Louis; they have there a canal which has cost the Government $5,000,000; they have as fine a national cemetery as there is in the country; they have there the engineers in charge of the Government works; they do a wholesale grocery business larger than is done in any other place in the State

of Iowa, and a wholesale dry-goods business larger than any other in Iowa——

Mr. WARNER, of Ohio. Mr. Speaker, I thought the time for debate was exhausted.

The SPEAKER *pro tempore*. The Chair stated that the time for debate in opposition to the bill was exhausted. The gentleman from Iowa had exhausted none of the time in favor of the bill.

Mr. WARNER, of Ohio. But the first five minutes was exhausted in reading the first part of the report.

Mr. McCOID. That was not in my time.

The SPEAKER *pro tempore*. The reading of the report was called for without reference to the gentleman's time.

Mr. McCOID. I will only add that I have been in this House a long time and have never asked a measure that was not a proper one, and I believe that those who know me know that I would not ask for the passage of a bill of which I had any doubt as to its justice, propriety, or economy. I ask the House to pass this bill, and I hope that no one will object.

Mr. WARNER, of Ohio. I shall not object myself, but when the proper time comes I shall offer an amendment to reduce the amount to $75,000.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. OATES. I object.

The question was taken, and seven members objected.

The SPEAKER *pro tempore*. But seven members have objected, not a sufficient number, and the bill is before the House for consideration.

Mr. WARNER, of Ohio. I move to strike out the words "one hundred" before the word "thousand" and substitute the words "seventy-five," so as to make the amount $75,000 instead of $100,000.

The House divided; and only 18 members voted in the affirmative.

So the amendment was not agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

HEIRS OF MARY JANE VEAZIE.

Mr. SINGLETON. I call up for consideration the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased.

The bill was read, as follows:

Be it enacted, &c., That the sum of $5,440 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the heirs of Mary Jane Veazie, deceased, late of Natchez, Miss., for property taken for the use of the United States troops stationed at Natchez, Miss.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out "$5,440" and insert "$2,500."

Mr. SINGLETON. Mr. Speaker, a bill similar to this was introduced in the Senate during the Forty-seventh Congress, was referred to the Committee on War Claims of that body, was unanimously indorsed by that committee, was passed by the Senate without opposition, came to this House, was referred to the War Claims Committee of this body, was reported favorably, and went upon the Calendar, but was never considered by the House for want of time. The present bill was introduced in this House at this session and referred to the Committee on War Claims, who have reported it with an amendment cutting down the amount allowed to $2,500. The bill having received the favorable consideration of my friend from Ohio [Mr. GEDDES] as a subcommittee, and having been reported favorably by the Committee on War Claims, I think everybody will agree that there can be no objection to it. The loyalty of the parties, the taking of the property for the use of the Army, and the value of the property have been fully established. It seems to me there can be no objection to the bill. There is a report from the Committee on War Claims. If any gentleman so desires, it can be read.

Mr. WASHBURN. Is this a unanimous report?

Mr. SINGLETON. So I understand.

Mr. WARNER, of Ohio. I think the report had better be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased, submit the following report:

The facts out of which this claim for relief arises will be found stated in Senate report of the Committee on Claims, No. 406, first session Forty-seventh Congress, hereto appended.

Your committee adopt the said report as their own, and report back the bill with the recommendation that it do pass, with an amendment, as follows:

Insert in the third line, in place of the words "five thousand four hundred and forty," the words "two thousand five hundred."

"The Committee on Claims, to whom was referred a bill for the relief of Mrs. Mary Jane Veazie, having examined the same, make the following report:

"It appears from the evidence and papers on file in this case that from July, 1862, to December, 1863, there was taken from the plantation and residence of Mrs. Mary Jane Veazie, near the city of Natchez, in the county of Adams, and State of Mississippi, by the military authorities of the Government, for use of the United States troops then in the permanent occupation of that district and stationed at said post, certain property belonging to the said Mary Jane Veazie, for which the present bill proposes to make her compensation. She describes the property taken, and states her account against the Government as follows:

Two horses, at $150 each; one carriage, $200	$500
Sixty head of hogs, at $8	480
Fifty-six head of neat cattle, at $20	1,120
Fencing used for fuel	280
Twenty-five brood mares, at $50	1,250
One hundred and fifty cords of wood, at $3	450
Three frame houses, at $200, $185, and $135	520
Two bales of cotton, 420 pounds each = 840 pounds, at $1	840
Total	5,440

"Which amount she claims under the act of Congress of July 4, 1864. She states that no receipt or voucher was given her for her property; that she had no one to attend to the matter, her husband being absent at the time, employed in the custom-house at New Orleans, La., while she was prevented from looking after the business in person by the long protracted and fatal sickness of her little child. It is clearly established by a number of credible witnesses, who were in a position to know, and who testify to the fact as of their own knowledge, that the above-described property was actually taken in 1863 from the said Mary Jane Veazie for the use of the United States Army stationed in and around the city of Natchez, and that the charges which she has made were the fair market prices therefor at the time and place the same was taken.

"It is also shown that Judge James H. Veazie, the husband of the said Mary Jane Veazie, was a loyal and consistent Union man, devoted to the Government and Union of the States; that he opposed secession, and gave no aid to the rebellion; and that in 1863, when his wife's property was taken as aforesaid, he was employed in the custom-house at New Orleans. In 1864, 1865, and 1865 he was employed as cashier of the assistant treasury in that city. Among others who testify to Judge Veazie's loyalty is General Stewart Van Vliet, assistant quartermaster United States Army, who says, 'I know that he was a loyal citizen during the war and is so now.' It is also clearly established by the affidavits of several credible parties, well acquainted with Mrs. Veazie, that she shared fully her husband's sentiments and devotion to the Union; that she and her family were loyal to the Government, and gave no aid to the rebellion. Her property having been appropriated to the use of the Government, her right to compensation, in the opinion of your committee, comes within the spirit, if not the letter, of the act of July 4, 1864. But the items of $240 for carriage and $840 for two bales of cotton, taken from claimant, can not be properly regarded as a necessary army supply, and should be rejected. Your committee accordingly recommend that the bill for relief of claimant be amended by striking out the words 'five thousand four hundred and forty dollars,' in the third line of the bill, and inserting in lieu thereof the words 'twenty-five hundred dollars,' and, as thus amended, the committee recommend the passage of the bill by the Senate."

The SPEAKER *pro tempore* (before the reading of the report was concluded). The first five minutes allowed for debate on this bill have expired.

Mr. BROWNE, of Indiana, obtained the floor, and said: I ask that the residue of the report be read in my time.

The reading of the report was then concluded.

Mr. HORR. I would like to ask the gentleman in charge of this bill why this claim was not presented before the proper tribunal at the proper time, in the proper way, and adjusted through the regular channel?

Mr. SINGLETON. The answer to that question appears in the report. In the first place, the husband of Mrs. Veazie was absent from home, being at New Orleans, in the employment of the Federal Government. In the second place, he was in the later years of his life very much afflicted.

Mr. VAN EATON. Mr. Speaker, this claim arose in my district; and the difficulties which prevented its earlier presentation and adjustment have been correctly stated by my colleague [Mr. SINGLETON]. I happen to know—not personally, it is true, but from report about which there can be no doubt—that the husband of this lady was absent in New Orleans in Federal employ.

Mr. HORR. When?

Mr. VAN EATON. During the war, and at the time of the occurrences out of which this claim arises.

Mr. HORR. Very well; what prevented him from making the claim in the usual way and getting it allowed as other claims were?

Mr. VAN EATON. Because he was at the time exceedingly afflicted, being in impaired health both mentally and physically.

Mr. SINGLETON. So that he afterward died.

Mr. VAN EATON. Yes; and in the later years of his existence he became so poor, I understand, that his library was sold in order to furnish the means of his support.

I know further that in our section of the country this is regarded as a just claim, if any claim can be just, a just claim for the whole amount originally named in the bill. Inasmuch as the sum has been cut down by the committee to $2,500, I believe the least this House can do is to allow this amount.

One word with regard to the loyalty of these parties. I happen to know that they were not popular at all in that portion of the country because they were loyal. While the fact that they remained loyal is no recommendation to me, it does bring the case within the usages under the law. I repeat that in my portion of the country the claim is regarded as in every sense just, if ever a claim was just; and I happen to know the feeling of that community in this matter, as the claim originated in my district, and not far from my home.

Mr. BROWNE, of Indiana. If I understand this report, the committee find that $4,400 is due the claimants in this case. I would like to know why the amount has been cut down to $2,500. Is it because of the loyalty of the claimants?

Mr. SINGLETON. The claim has been cut down from $5,440 to $2,500.

Mr. BROWNE, of Indiana. So I understand. The committee deduct $840 for two bales of cotton and $200 for a carriage. That would leave $4,400.

Mr. SINGLETON. The committee has reduced the amount still further.

Mr. BROWNE, of Indiana. But why? Because the claimants were loyal or because the Government of the United States has for years delayed payment?

Mr. SINGLETON. I can not say.

The SPEAKER *pro tempore*. The time allowed for debate on this bill has expired. Is there objection to its present consideration? The Chair hears none, and the bill is before the House.

The amendment reported by the Committee on War Claims was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF DUPLICATE CHECKS.

Mr. PETTIBONE. I move to take up for present consideration the bill (S. 1705) to provide for the issue of duplicate checks.

The bill was read, as follows:

Be it enacted, &c., That section 3646 of the Revised Statutes of the United States be amended to read as follows:

"Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof satisfactory to them of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of $2,500."

Mr. PETTIBONE. This bill simply strikes out in section 3446 of the Revised Statutes of the United States the limitation of $1,000 and inserts $2,500. There are now about thirty bills pending in this House restoring lost checks, and this bill will let them all in and allow the Secretary of the Treasury and other disbursing officers of the United States, on the filing of proper refunding bonds, to issue duplicate checks in place of those which have been lost to the amount of $2,500 instead of $1,000. It applies to pension checks as well as to quartermaster's checks

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HILL. I object. I am not satisfied this important change in the statutes should be made without consideration. It seems to me it throws wide open the doors of the Treasury to all sorts of petty frauds.

Mr. VALENTINE. The bill has received the consideration of the Committee on Claims and been unanimously reported by them. It simply authorizes the very parties who issued checks to issue duplicates when it is positively proved they have been lost or destroyed, and on the filing on the part of the claimants of a sufficient refunding bond, and after a proper time has elapsed.

Mr. HILL. Is it accompanied by a report of any committee?

Mr. PETTIBONE. Yes. There are now over thirty-five cases pending in this House which this legislation will cover.

Mr. HILL. I withdraw my objection.

Mr. HOLMAN. A word on the bill. It has always seemed to me the law is too narrow in providing for the issue of duplicate checks.

Mr. PETTIBONE. You can not get the Senate to go higher.

Mr. HOLMAN. It should embrace not simply duplicate checks, but it should also authorize the issuing of duplicate certificates of deposit in subtreasuries. There is no general law on that subject now. I had occasion a short time ago to inquire at the Treasury Department whether a duplicate certificate of money deposited in a subtreasury could be issued, and was informed it could not be done. This legislation should be broad enough to cover all these cases, checks on the one hand and certificates of deposit on the other. But I will not embarrass this measure, which, of course, is right. It changes the law only in increasing the amount.

Mr. MORRILL. The present law authorized the issue of duplicate checks to the amount of $1,000, and this simply increases that amount to $2,500.

There was no objection; and the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PETTIBONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, DETROIT, MICH.

Mr. MAYBURY. I call up for present consideration the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable lot of land in the city of Detroit, county of Wayne, and State of Michigan, and cause to be erected on the grounds so purchased a building suitable for the accommodation of the courts of the United States, of the custom-house, post-office, pension office and other Government offices in that city. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $600,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal law of said State and the service of civil process therein: *Provided*, That if the Secretary of the Treasury shall deem it advisable to use for said purpose the site now owned by the United States, upon part of which the post-office and custom-house building now stands, he may do so; and should he further deem said site insufficient, he may enlarge the same by the purchase of additional adjoining grounds.

SEC. 2. That the Secretary of Treasury, in the event of the selection and purchase under this act of a site other than that now owned and occupied by the United States within said city of Detroit, be, and he is hereby, authorized and directed to sell at public auction, for cash, after thirty days' advertisement of the time, place, and terms of sale, the property in the city of Detroit purchased by him for the erection of a public building under and by virtue of an act of Congress approved May 25, 1882, entitled "An act to provide for the erection of a public building at Detroit, Mich.;" and the moneys received from such sale shall be covered into the Treasury of the United States.

SEC. 3. That in the event of the purchase and use of an entire new site, then, after the erection of the building provided for in the first section of this act, or at such a time as the exigencies and needs of the public business may render such action prudent and desirable, the Secretary of the Treasury is authorized and directed to sell, at public auction, for cash, and after thirty days' advertisement of the time, place, and terms of sale, the property or site now owned and occupied by the United States as a post-office, custom-house, and for other offices of the United States; and the money received from such sale shall be covered into the Treasury of the United States: *Provided*, That the Secretary of the Treasury may, in his discretion, delay the sale of the property referred to in the second section of this act, and offer the same for sale jointly with the property referred to in this section of this act, and in like manner and terms: *Provided further*, That the Secretary of the Treasury, in any and every case of an attempted sale, shall be authorized and empowered to reject any bid which in his opinion shall be less than the value of the property or part thereof offered for sale under the provisions of this act, and reoffer the same for sale in the matter above provided until the said property shall bring a fair price.

SEC. 4. That an act entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, 1882, being chapter 187 of volume 22 of the Statutes of the United States, is hereby repealed: *Provided*, That nothing herein contained shall be construed as in any manner affecting the appropriation so far made for the purpose contemplated in that act, but that the same shall be available to be applied in effecting the objects sought under the provisions of this act.

Mr. MAYBURY. Mr. Speaker, I will state to the House that this bill is precisely similar in its text to the bill reported unanimously by the Committee on Public Buildings and Grounds of this House. I have not the time to state all the facts which perhaps should be stated to this House, but I assume the House will take cognizance of the fact this building is asked for a city of 175,000 people, with two dependencies numbering some 25,000 more, making a community of 200,000 people.

I will devote the few minutes left to me in giving to the House a comparison of the appropriation made in this bill with those made for erection of public buildings in thirty-one cities of this Union. I have selected for the purpose of this comparison no mean cities. I have omitted the cities of New York, Brooklyn, Boston, Chicago, Saint Louis, and San Francisco, and have taken cities of like character with the city of Detroit, many of them, indeed most of them, not of the same commercial importance of that city. I have selected such cities as Albany, N. Y.; Charleston, S. C.; Hartford, Conn.; Louisville, Ky.; Memphis, Tenn.; New Orleans, La.; Portland, Oreg.; Portland, Me.; Toledo, Ohio, &c. I have made a comparison of the appropriations made for the public buildings in those thirty-one cities with that proposed in this bill.

My comparison has been made first upon the ratio of population, and upon that the city of Detroit would receive a little less than three millions of money. I have made a comparison upon the basis of the receipts of public moneys—first, if you please, the postal receipts. The postal revenue for Detroit last year was $303,126.02. The postal revenue from the thirty-one cities to which I have referred was $3,361,220. Striking an average on this basis would give to the city of Detroit $1,865,272.

Now I have made a comparison also upon the basis of the number of public buildings and the number of employés in the service of the Government, and it shows these figures: In the thirty-one cities I have mentioned the cost of public buildings is $19,000,000; the total number of Government employés is 1,730. In Detroit there are three hundred and six public employés, one hundred and ninety-six of whom require office-room. On this plan of comparison the appropriation for Detroit would be $2,480,000.

I have made also an estimate upon the basis of the customs revenue derived from these thirty-one cities, which aggregates $5,150,600. At Detroit last year $406,000 was collected. Taking this as the gauge of comparison, the appropriation for the city of Detroit would be $1,580,528. The total internal revenue derived from these cities was $24,537,236. The internal revenue collected at Detroit was $1,251,000. Upon this basis the appropriation would be $1,016,207.

I have made a further estimate, sir, based upon the total revenues

derived from these cities from all sources, which will be found to aggregate $33,000,000. For Detroit it amounts to $1,970,280, on which basis the appropriation for that city would be $1,180,406.

The SPEAKER *pro tempore*. The time allowed for debate in support of this measure has expired.

Mr. HOLMAN. Mr. Speaker, I was not able to understand clearly the effect of this bill from the hasty reading, and I beg to make some inquiries of the gentleman from Michigan with reference to it. In the first place it proposes to limit the cost, as I understand it, to $900,000, proposing either to build upon the present site or to select a new site. If a new site is purchased is it proposed that the proceeds of the sale of the old site shall be added to the $900,000 for the new building?

Mr. MAYBURY. No, sir. The bill especially states that the money realized from the sale of the present site shall be covered into the Treasury of the United States.

Mr. HOLMAN. I understand, then, sir, that part of the bill.

Now I think, perhaps, the amount suggested—$900,000—while in point of fact it is not larger than undoubtedly, as the gentleman says, we have appropriated for other large cities, is still, I think, a greater sum than is required.

We have been so extreme in our extravagance in regard to the erection of public buildings throughout the country for many years past that the country has protested against it. I think my friend ought to consent to the naming of a more reasonable sum for the erection of this building than the amount fixed in the bill. Nine hundred thousand dollars, as I understand it, is mentioned in the bill for that purpose—that is to say, for the purchase of the site and the erection of the building.

Mr. MAYBURY. Yes, sir.

Mr. HOLMAN. For the purchase of the site and the construction of the building. Now I suggest that $700,000, or at the extreme $750,000, would be ample for all the purposes named.

The revenues mentioned by the gentleman do not indicate to any material extent the importance of this locality for a public building. Unimportant towns comparatively have the same claim. One in sight of where I live pays $3,000,000 into the public Treasury, and yet that furnishes no reason for the erection of a public building there. I ask the gentleman, therefore, before the time expires for calling for objections to the consideration of this bill, that in the event of a new site being purchased the same proposition shall be incorporated in this bill which was adopted a short time ago with reference to another bill, the bill immediately preceding this, and that it shall apply to this; that if a new site is purchased the plan of this building shall not be adopted until after the purchase of such site, and that then the balance of the appropriation remaining only shall be applied to this purpose. Will the gentleman consent to that?

Mr. MAYBURY. Mr. Speaker, I will state, if permitted to do so, in answer to the gentleman from Indiana, that when this matter was considered before the Senate committee the appropriation to be reported was fixed at one and a half million of dollars; and at my own suggestion the committee of this House—acting on my recommendation—reported the amount now fixed in the bill.

Mr. HOLMAN. But I am not asking as to the amount of appropriation, but to the limitation as to the remainder after purchasing the site; that the remainder only shall be expended in the construction of the building. The site is first to be purchased and the balance of this appropriation only applied to the building.

Mr. MAYBURY. As I understand the gentleman from Indiana, I see no objection to his suggestion. That is to say, that if the site shall be purchased with the $900,000 the building shall be erected out of the remainder.

Mr. HOLMAN. I ask that there be considered also as pending the proposed amendment to reduce the amount to $750,000.

Mr. MAYBURY. I think that there has been some controversy in the minds of gentlemen with reference to this question, as suggested by the gentleman from Indiana, of this extension of the appropriation for similar purposes. The statute in force would prevent that.

Mr. HOLMAN. But that is inoperative.

Mr. MAYBURY. But the statute exists and makes it a penal offense for any officer of the Government to extend the appropriation by plans or specifications involving a larger expenditure.

Mr. HOLMAN. Now I offer the amendment which I send to the desk.

The SPEAKER *pro tempore*. The bill is not yet before the House.

Mr. HOLMAN. Before objections are called for I presume it is understood that both those amendments may be offered.

Mr. MAYBURY. Yes, sir.

Mr. WARNER, of Ohio. But there is the further question, Does the gentleman from Michigan [Mr. MAYBURY] accept that amendment?

The SPEAKER *pro tempore*. The gentleman from Michigan has no power to accept any amendment. The Chair understands it is agreed the amendments shall be offered. Is there objection to the present consideration of the bill?

Objection was made by two members—not a sufficient number.

The SPEAKER *pro tempore*. The bill is before the House for action. The question is on the amendments of the gentleman from Indiana [Mr. HOLMAN], which the Clerk will read.

Mr. HOLMAN. The first proposition is to strike out $900,000 and insert $750,000; and then I propose to add the following language——

Mr. SPRINGER. I ask for a division of the two propositions.

The SPEAKER *pro tempore*. The Chair will order a division of the question.

The Clerk read the amendments proposed by Mr. HOLMAN, as follows:

Strike out "$900,000" and insert "$750,000."

And add as a proviso to the bill the following:

"*Provided, however*, That if a new site shall be purchased for said building, as heretofore authorized, it shall be the duty of the Secretary of the Treasury after the site for said building shall have been purchased to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $750,000 remaining after the site of said building shall have been paid for. And no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

Mr. SPRINGER. A division of the question being permitted, in the event of the first proposition being voted down it would be necessary to modify the second so as to make the amount correspond with the amount named on the bill.

The SPEAKER *pro tempore*. The Chair thinks the question is susceptible of division. The question will first be on the first amendment of the gentleman from Indiana to reduce the amount.

Mr. HOLMAN. I will state to the gentleman from Illinois that if the motion to decrease the amount is voted down, the amount in the second amendment can then be increased.

Mr. MAYBURY. I call for the previous question on the bill and amendments.

Mr. SPRINGER. It is understood the motion may be made to increase the amount in the second amendment if the first should be voted down.

The SPEAKER *pro tempore*. The Chair understands it will be in order to make the second amendment correspond with the effect of the vote of the House on the first amendment.

The previous question was ordered.

Mr. MAYBURY moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is first on the amendment of the gentleman from Indiana [Mr. HOLMAN] to reduce the amount provided in this bill from $900,000 to $750,000.

The question being taken, there were—ayes 43, noes 107.

Mr. HOLMAN. A quorum not having voted, I ask that we may have the yeas and nays.

Mr. ANDERSON. I rise to a question of order. The hour under the special rule has expired.

The SPEAKER *pro tempore*. The hour has expired.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The motion was agreed to—two-thirds voting in favor thereof.

Mr. TOWNSHEND rose.

Mr. ROBINSON, of New York. I ask unanimous consent——

Mr. ROGERS, of Arkansas. I desire to make a privileged report.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Arkansas [Mr. ROGERS] after he has heard the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills.

The SPEAKER *pro tempore*. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills; pending which the gentleman from Arkansas [Mr. ROGERS] rises to make a privileged report.

CLAIM AGENTS AND ATTORNEYS IN PENSION CASES.

Mr. ROGERS, of Arkansas. I am directed by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to report back the Senate bill No. 2511, and to ask for its immediate consideration under the previous order of the House.

The Clerk read the title of the bill, as follows:

A bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. McMILLIN. I inquire of the Chair is this bill privileged for consideration?

The SPEAKER *pro tempore*. The Chair will say it is. This bill was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, with power to report it back at any time, which, in the view of the Chair, carries with it the right to consideration. The question of consideration, however, may be raised against the bill. The Chair holds the committee under the order of the House had the power to report the bill back at any time for immediate consideration in the absence of any question of consideration being raised.

Mr. HORR. How does the bill come before the House at the present time?

The SPEAKER *pro tempore*. The Chair has just stated, as plainly and distinctly as he can, that the House ordered this bill to be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, with power to report it back at any time; and the committee has now reported it back.

Mr. HORR. And it goes to the Calendar.

The SPEAKER *pro tempore*. The Chair thinks not, and has just stated that the power to report back at any time carries with it the right to consideration, subject to the right of every member to raise the question of consideration to be determined by the House.

Mr. TOWNSHEND. I rise to a question of order. At the time this bill was reported the House was about to divide on my motion that the House should resolve itself into Committee of the Whole House on the state of the Union. I ask if a privileged report can intervene to prevent the question being taken on my motion?

The SPEAKER *pro tempore*. The House was not "dividing" on the gentleman's motion, which is the language of the rule.

Mr. TOWNSHEND. My motion was pending.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Illinois [Mr. TOWNSHEND], stating to the House at the same time that he would recognize the gentleman from Arkansas [Mr. ROGERS] to make a privileged report. The Chair does not think the point of order well taken. The motion of the gentleman from Illinois had not been voted upon.

Mr. HORR. I do not see how the gentleman from Illinois, who had taken the floor and announced his purpose to proceed with the appropriation bill, could be taken off the floor by another bill thrust in here without the knowledge of any one. It does seem to me a queer proceeding. It is different from anything I have ever seen in this House before.

The SPEAKER *pro tempore*. Has the gentleman any point of order to raise?

Mr. HORR. I do raise a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HORR. I make the point that this bill can not come back to the House in this way except simply to be placed upon the Calendar, as it would be, in the first instance, when it came over from the Senate.

The SPEAKER *pro tempore*. The Chair overrules the point of order, and states again, for the third time, this bill was referred to the committee with an order from the House to report it back at any time, which order, in the judgment of the Chair, in conformity to the uniform rulings of the Chair, carries with it the right of consideration, subject to the point of consideration being raised by any gentleman. The Chair goes further, and states that the gentleman from Illinois [Mr. TOWNSHEND] had moved that the House resolve itself into the Committee of the Whole House on the state of the Union for a certain purpose; the gentleman from Arkansas [Mr. ROGERS] then rose with a motion of higher privilege, just as any gentleman in the House might have risen and moved that the House adjourn, which would have taken precedence over the motion of the gentleman from Illinois [Mr. TOWNSHEND], as did the motion of the gentleman from Arkansas. The Chair so ruled and still so holds.

Mr. TOWNSHEND. Does the Chair hold that the motion I made does not take precedence of the report of the gentleman from Arkansas [Mr. ROGERS]?

The SPEAKER *pro tempore*. The Chair holds that the report of the gentleman from Arkansas [Mr. ROGERS] takes precedence of the motion of the gentleman from Illinois [Mr. TOWNSHEND].

Mr. ROGERS, of Arkansas. Now, Mr. Speaker, I demand the regular order.

Mr. CANNON. Mr. Speaker, is it not in the power of the majority of the House to proceed to the consideration of the Post-Office appropriation bill?

The SPEAKER *pro tempore*. The Chair has stated more than once that the question of consideration may be raised by any member.

Mr. ROGERS, of Arkansas. I demand the regular order, and I call for the previous question.

Mr. TOWNSHEND. I rise to the question of consideration, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair will state that the demand for the previous question is not in order until the bill has been read.

Mr. HORR. Mr. Speaker, I raise the question of consideration upon this bill at this time, in order that the House may go on with the appropriation bills.

The SPEAKER *pro tempore*. The question of consideration was first raised by the gentleman from Illinois [Mr. TOWNSHEND]. As many as are in favor of proceeding with the consideration of the bill reported by the gentleman from Arkansas [Mr. ROGERS] will say "ay"——

Mr. ROGERS, of Arkansas. Mr. Speaker, I withdraw the bill for the present.

The SPEAKER *pro tempore*. The gentleman from Arkansas withdraws the bill, and the question recurs upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7785), with the Senate amendments, and have it referred to the Committee on Appropriations and printed.

The SPEAKER *pro tempore*. There being no objection, it will be so ordered. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND]. Before putting that motion the Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 235) providing for the erection of a public building in the city of Augusta, Me.; and

A bill (S. 591) for the relief of the estate of Chester Ashley.

CIVIL SERVICE.

The SPEAKER *pro tempore* laid before the House the following message; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," the Civil Service Commission has made to the President its second annual report. That report is herewith transmitted. The commission is in the second year of its existence. The President congratulates the country upon the success of its labors, commends the subject to the favorable consideration of Congress, and asks for an appropriation to continue the work.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 11, 1885.

REMOVAL OF CHEROKEE INDIANS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for subsistence and removal of certain Eastern Cherokee Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

GAS-PIPES IN PENSION BUILDING.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for gas-pipes in the United States pension building; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, BROOKLYN, N. Y.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect recommending an increase in the limit of cost of the public building at Brooklyn, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS AT DALLAS, TEX., AND OXFORD, MISS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a recommendation from the Supervising Architect for the extension of the limit of cost of public buildings at Dallas, Tex., and Oxford, Miss.; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. DUNHAM, by unanimous consent, was granted leave of absence for five days, on account of important business.

BILLS REFERRED.

Mr. ROBINSON, of New York, by unanimous consent, reported from the Committee on Pensions bills of the following titles; which were ordered to be placed on the Private Calendar:

A bill (H. R. 7513), with an amendment, granting a pension to Margaret B. Harwood; and

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin.

W. H. MURDAUGH.

Mr. TUCKER. I desire unanimous consent to report from the Committee on the Judiciary two bills removing political disabilities.

There being no objection, Mr. TUCKER reported from the Committee on the Judiciary a bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia; which was read a first and second time.

The SPEAKER *pro tempore*. The bill will be referred to the House Calendar.

Mr. RANDALL. I suggest that we pass these bills at once; it will take but a moment.

Mr. COX, of New York. Bills of this character are usually passed as soon as reported.

There being no objection, the House proceeded to the consideration of the bill H. R. 8183; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the

United States be, and the same are hereby, removed from W. H. Murdaugh, of Virginia.

Mr. KEIFER. I desire to know whether there is a petition in this case from the person whose disabilities are to be removed.

Mr. TUCKER. Oh, yes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND and others called for the regular order.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. TUCKER] has sent to the desk two bills, only one of which has been acted on.

Mr. TOWNSHEND. I must call for the regular order.

The SPEAKER *pro tempore*. The remaining bill will be returned to the gentleman from Virginia.

Mr. WHITE, of Kentucky. Mr. Speaker, would it be in order now to ask unanimous consent to take up the Mexican war pension bill?

The SPEAKER *pro tempore*. The Chair does not think it would. The regular order has been called for, and the question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The Clerk read as follows:

For payment to letter-carriers and the incidental expenses of the free-delivery system, $4,100,000; $45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established:

Mr. HORR. I move to amend the paragraph just read by striking out "100" and inserting "535;" so as to make the appropriation for payment to letter-carriers and incidental expenses of free-delivery system $4,535,000. I yield my time to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Chairman, in rising to urge the adoption of this amendment I wish to call attention to the vast importance of expediting as much as possible the delivery of letters in all the cities of the Union and all the large towns to which this free-delivery system is now and may be extended under the law. This is an era when we are saving as much as possible the time of the country. Time is business, it is commerce, it is progress, it is the advance of civilization.

The loss of half a day in all the great cities of the Union is so much lost from the executive capacity of the age in which we live. Nowhere can the amount of money now asked for be applied so as to affect so directly and potently the welfare of the whole country as in the administration of the Post-Office Department. In this matter there is no question of constitutional law, there are no local jealousies, no sectional interests to embarrass us. Every dollar that we give goes directly to the people, goes directly toward the promotion of the business, the welfare, the progress of the country. One hundred thousand dollars spent in our cities and large towns in securing the delivery of the mails at an earlier hour than they are now delivered will be an actual saving of more than ten times that amount to the country.

I hold in my hand a letter received a day or two since from a gentleman in Chicago, stating that unless the mails arrive there so as to be given to the carriers before 11 o'clock in the morning they are not delivered until the next day. Those letters comprise, perhaps, business orders from all regions of the country whose trade centers there, so that delay in the delivery of a single day's mail is often the cause of the loss of vastly more than the amount which would be distributed to that city under this amendment.

I know that in the city which I have the honor to represent in part on this floor there were last year many thousand applicants in favor of increasing this appropriation. It was then somewhat increased, and the great advantages of the increase have been so apparent that there is to-day a unanimous sentiment in favor of continuing this increase until letters shall be delivered in these great centers of the country without the least loss of time.

But this question does not affect the great cities alone; it affects as well all the towns having commercial connections with these cities. If a letter sent to New York or Chicago can not be delivered on the same day it is received there, at least one day is lost to the business and enterprise of the country centering in those cities.

Mr. WARNER, of Ohio. If it will not disturb the gentleman, I would like to ask him whether this proposed enlargement of the appropriation is for the purpose of increasing delivery facilities or for increasing the salaries of carriers?

Mr. POTTER. Simply for increasing delivery facilities; nothing else.

Mr. HORR. The salaries are all fixed by law.

Mr. POTTER. The salaries are fixed by law. The object is that letters arriving at all the cities and towns of the country to which this system extends may be delivered at once, so that our constantly accelerating means of communication by steam, by telegraph, &c., may have due effect in the great centers of activity and commerce. The object is simply that mails arriving at these different places shall not be delayed unnecessarily, but delivered at once.

Mr. TOWNSHEND. Mr. Chairman, we have in this item granted an increase of $50,000 over and above the appropriation for the current year. The amount we have appropriated is over a half a million more, or about a half a million more than the amount which was expended for the last year ending on the 30th of June.

Mr. MONEY. Compare it with this year.

Mr. TOWNSHEND. We have given an appropriation of half a million of dollars to the free-delivery offices over and above the amount expended last year.

Mr. MONEY. But how as to this year?

Mr. TOWNSHEND. It will be more. We have about reached the limit of the establishment of free-delivery offices. There are only nine, I understand, now in the United States not supplied with free-delivery service where it is possible to apply it.

Mr. BINGHAM. Let me ask the gentleman one question.

Mr. TOWNSHEND. Do not interrupt me right here. The gentleman will get an opportunity in his own time.

Mr. BINGHAM. What, under the law as it now exists, will be required to pay the letter-carrier service without the extension to an additional city and without the addition of another man?

Mr. TOWNSHEND. The gentleman's question is too long and he can explain it in his own time. Now, I wish to say about this item that the subcommittee on appropriations have considered it, and the majority of that subcommittee have reached the conclusion, in view of the fact the time has come when a limit will be put to the free-delivery service in other cities, and in view of the fact we have given half a million dollars over what was expended last year, that the point has been reached, in the opinion of that subcommittee, when we should call a halt in extravagant appropriations for free-delivery offices.

Mr. HORR. Did you take into account the fact of the increase under the law of $150,000 in order to carry out the law itself?

Mr. TOWNSHEND. What $150,000?

Mr. HORR. The increase of salaries under the law is $152,150.

Mr. TOWNSHEND. This is one of those items.

Mr. COX, of New York. Answer that question.

Mr. TOWNSHEND. Well, sir, as I said yesterday, so far as this service is concerned, the more you give the more will be demanded.

Mr. HORR. I beg pardon.

Mr. BINGHAM. Just the reverse.

Mr. HORR. The law fixes the salary at so much.

Mr. TOWNSHEND. And the number of free-delivery letter-carriers will be multiplied no matter how much we appropriate.

Mr. HORR. You do not answer my question. Did you take into account that fact?

Mr. TOWNSHEND. We took into account the whole situation and reached the conclusion that the sum we have appropriated is ample for that purpose.

Now, Mr. Chairman, if I can go on without being interrupted I will proceed with my remarks.

Mr. COX, of New York. Did you——

Mr. TOWNSHEND. I have only five minutes—you will have your own time.

Mr. MONEY. Oh, let him go on.

Mr. COX, of New York. Allow me——

Mr. TOWNSHEND. Not now. These gentlemen are obtaining large appropriations every year.

Mr. COX, of New York. Allow me a question——

Mr. TOWNSHEND. Not now; wait until I get through.

Mr. COX, of New York. I never discarded you.

Mr. TOWNSHEND. Well, then, put your question.

Mr. COX, of New York. It is whether this appropriation is in pursuance of existing law?

Mr. HORR. There is not money enough to pay them.

Mr. TOWNSHEND. When you get through with your questions I will proceed.

Mr. COX, of New York. That is all. I take but little of the time of this House.

Mr. TOWNSHEND. It is in pursuance of the present law, and in my judgment if economically administered, as I hope it will be, under the next administration, it will furnish ample means to supply the free-delivery service.

Mr. HORR. Do you propose the incoming administration shall pay these men less than the law says they shall receive?

Mr. TOWNSHEND. I do not.

Mr. HORR. Then your appropriation lacks $200,000.

Mr. TOWNSHEND. I can not yield. I say there are millions and

millions of people in this country who do not get free-delivery service, who are taxed in order to furnish it to towns and cities of 20,000 inhabitants in other sections.

Mr. COX, of New York. That is not correct, because we make a surplus.

Mr. TOWNSHEND. That is not correct. New York city makes a surplus——

Mr. COX, of New York. And so does Philadelphia make a surplus, and so does Baltimore.

Mr. TOWNSHEND. There are but ten cities where the free-delivery service is self-sustaining.

A MEMBER. There is not a city that does not.

Mr. TOWNSHEND. I have the statistics here to show. I say only ten—I may be mistaken about the exact number—are self-sustaining. The vast majority of free-delivery offices are a burden upon the Treasury. They do not pay, a vast majority of them.

Mr. HORR. The gentleman can not mean that, unless he confines them to local postage.

Mr. TOWNSHEND. Of course I do.

Mr. HORR. Why of course?

Mr. TOWNSHEND. The last Postmaster-General declared that it should be so confined, and made that the measure of the self-sustaining quality of the free-delivery offices. He declared in his report that that should be and was the proper measure.

Mr. HORR. Does not the gentleman from Illinois know that, as a whole, they pay a considerable amount of surplus revenue?

Mr. TOWNSHEND. I know that New York city furnishes nearly the entire bulk that comes from the free-delivery system.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MONEY. I move to strike out the last two words.

Mr. Chairman, the statement of the honorable gentleman in charge of this bill is certainly misleading with reference to this portion of it. He takes occasion to say that the appropriation is half a million of dollars in excess of the appropriation of last year. Why did not the gentleman say of ten years ago, or make his basis of comparison any other ancient date?

Mr. TOWNSHEND. Because that is too far off.

Mr. MONEY. If the gentleman undertakes to show the actual condition of the expenditures, why does he not compare it with the appropriations for the current fiscal year? Now, I say that it is only $100,000 in excess of the appropriation for the current fiscal year.

Mr. BINGHAM. Fifty thousand dollars.

Mr. MONEY. The increased business, according to the report of the Postmaster-General, for the current year is 16.30 per cent., and if the gentleman in the preparation of his bill proposed to make an appropriation for this service commensurate with the increased business of the Department it will be necessary to appropriate $600,000.

Now, in the consideration of the provisions of this bill in its application to the postal service it should be remembered that it is neither a sectional nor a partisan service. It is a service that is performed for the benefit of the whole country, and I do not think that it is the intention of the people of the United States or their wish to cripple the Government in any manner in sustaining or in extending these facilities. It can not be so. In this particular item, therefore, not only would the appropriation, if made upon the basis of the increase of business, be over $600,000, but how can the gentleman state so positively that there could be only nine offices that would be benefited by the extension of this system? How can the gentleman tell what will be the growth of our cities and towns during the year? How many towns throughout the country may reach the limit of 20,000 population or $20,000 in gross revenue, which would entitle them to the benefits of the free-delivery system? That is a question that the gentleman has no means of determining.

And not only that, sir, but I wish to state also that the gentleman was mistaken when he said that he had considered the whole system of the postal service of this country, and had appropriated adequately to meet its necessities.

Why, taking into consideration the present force of carriers, if not a single one should be appointed during the fiscal year, and the system should not be extended to embrace a single town in addition to those where it is now in operation, the law regulating promotions would require more than the sum appropriated here to meet the demands of the service.

Mr. HORR. That is a fact.

Mr. MONEY. Of course it is. Even a blind man could see that. There can be no question but that the whole country is interested in the development of the free-delivery system. Every correspondent throughout this entire country is interested in the free-delivery system in order that his letter may get to his merchant or correspondent as speedily as possible. It is a service to the whole country and for the country and all the people and should not be hampered; and in addition to that if you cripple the service in one branch, so multiplied are the ramifications of the service and so sensitive is it, that you cripple it in every department.

And in point of fact, of the $52,000,000 that is covered by this bill, notwithstanding the stump-speeches which have been made here upon the subject of extravagance and economy, $50,000,000 of the sum can not be affected in the matter of expenditures by the figures put into this bill. That expenditure is regulated by the law as it stands. I care not if you appropriate $100,000 or $1,000,000,000; $50,000,000 in the application is governed by the law, and not affected by the provisions you incorporate here.

But, sir, this particular provision is limited by existing law. The Postmaster-General dare not go beyond that limit except in so far as the pay of the carriers at their present status and their promotion as regulated is concerned to meet the requirements of the service. Beyond that, however, the expenditure is limited by statutes already in existence, and it is for this House to say if it will cripple this branch of the service or develop it.

In my judgment, sir, it would be wise not only not to arrest the development of this service, but to extend it to cities of 10,000 inhabitants. After a while, as we progress in this country, I have no doubt whatever that it will be extended, and that we will eventually carry our letters into every town, village, and hamlet in the entire land. To-day we are at least twenty-five years behind most of the other civilized nations in this particular of free delivery. Most of the countries of Europe that pretend to a properly arranged postal system deliver letters by a carrier to the minor towns and hamlets. In Great Britain the delivery is daily in the towns and villages, and even in the rural districts they have carrier-delivery three times a week, and the lowly tenant of the cottage receives this welcome visitor. In Hungary and Austria, Italy and Spain, Switzerland, France, and Germany the same system is in operation for the benefit of the public.

[Here the hammer fell.]

Mr. HARDEMAN was recognized, and yielded his time to Mr. MONEY.

Mr. MONEY. I am obliged to the gentleman from Georgia for his courtesy.

Mr. Chairman, it is not worth while to speak here of a few thousand or a few hundred thousand dollars in connection with a great service like this. Does any gentleman imagine any of his constituents will call him to account for a provision that extends more liberally and more efficiently a great public function like this, which diffuses its benefits all over the land? In my section of the country thousands of people would not care though you should abolish the Supreme Court, though you should do away with the Army and Navy; but lay your hand on the slightest member of this great service and you will arouse a general indignation.

We are all interested in the Post-Office, a Department by means of which the Government lays its hand of benediction on the people, and nothing but blessing can flow from it. We want this service so perfected, so extended, so developed that every community in the country, however remote, shall be brought into more intimate, closer, and more rapid communication with every other part of the country.

And after a while we shall take in the postal telegraph, and shall make communication so rapid and so frequent that sectional lines will be blotted out, and States will exist, except as to their autonomies, as simple geographical divisions. Nothing will tend to unite the people so much as to perfect your postal system. Let us not linger in the rear in the glorious race of progress. Except in machinery and appliances of distribution, we are behind the world in that liberal and enlightened spirit which carries out measures for the general good.

Our neighbor the Dominion of Canada transports all its newspapers and periodicals free of any charge, because it recognizes in the press of the country—its religious, agricultural, and other periodicals devoted to science, arts, and industry, and the great news press—a great educator of the people. I would have the diffusion of these means of education as free as the wind of heaven, without cost and without price, without limit or restriction.

If we rise to a proper sense of our duty we will enlarge this system it is true by prudent and proper advances, but we will enlarge it until it embraces within its operation every facility that human ingenuity can devise to make it as widespread and far-reaching and as general in its application as it is to-day in the free-delivery cities.

Let me state another thing. If you restrict the number of letter-carriers in the great cities you will put the country to the expense of building store-room for its mails. In New York there are handled one hundred and forty tons of mail matter each day.

If we restrict the facilities of mail delivery in any particular you must enlarge your accommodation for storing and handling your mails until they can be called for by the citizens themselves. And besides, as suggested by the gentleman from New York [Mr. POTTER], look at the time consumed by people visiting the office for their mails.

Another word, Mr. Chairman. In my opinion this amendment offered by the gentleman from Michigan [Mr. HORR] is necessary to preserve even the service as it is now. But we want its extension. We want these privileges carried further and further. And I assure you you never yet made an improvement in this service to which there has not been a response in the increase of its revenue. Talk of the cost of this service! The report of the Postmaster-General shows that the re-

ceipts of the free-delivery system amount to $1,273,000 above its expenses. It matters not if New York furnishes the whole of the excess of receipts, or if it is distributed through a number of cities.

Mr. TOWNSHEND. A vast majority of the free-delivery cities do not pay expenses.

Mr. MONEY. What difference does that make?

Mr. TOWNSHEND. It makes a great difference if New York and a few cities bear the expense of the service for the others.

Mr. MONEY. The people ask for this service, and the people cheerfully pay the money for it, and they should receive the benefit which it brings. [Loud applause.]

[Here the hammer fell.]

Mr. McMILLIN. I have listened to the speech of the gentleman from Mississippi [Mr. MONEY] with interest. If the expression of beautiful theories without reducing them to practice were either desirable or possible, we might all afford to follow his suggestion. He began on a proposition to increase the appropriation for this special service. Branching off from that in beautiful and eloquent and metaphorical terms, he launched into an extension of the service from cities of 20,000 inhabitants down to those of 10,000 inhabitants.

Mr. COX, of North Carolina. Villages.

Mr. McMILLIN. Villages, as the gentleman from North Carolina suggests. And what would it take to carry out the service in the manner suggested by the gentleman from Mississippi? Why, sir, in place of having a deficiency of from three to five millions of dollars a year we would have a deficiency of $15,000,000 a year, and, as now suggested to me by the gentleman from New York [Mr. HUTCHINS], an increase of office-holders that would be almost, like the sands of the seashore, innumerable.

I am in favor of the free-delivery system. It is not my purpose to attack it. It has performed a good work, and may be made useful in future. But, like all other branches of the service, it should be kept within judicious limits.

The gentleman from Mississippi, passing from that, suggests a still further departure, in which I think we should not follow him. Not content with swelling this appropriation, not satisfied with suggesting a scheme that would increase the appropriation for deficiencies to $10,000,000 or $15,000,000 a year, he goes into another project. What is that? That the Government ought to take possession of and control the telegraphs of the country. That is another beautiful scheme. But how practical! What would be the consequence of it? Already this free Republic is ruled over by 120,000 officers—selected how? It purports to be democratic; it is reputed to be a representative Republic; yet out of those 120,000 officers less than 500 are elected by the people. And the gentleman proposes a system which would vastly increase and probably double the number of these appointive officers, if the Government should ever assume to purchase or build a postal telegraph to be operated by Government officials. How many would it take to run that system? When would be the end of it? I enter my protest at this time against a system so problematical in its workings.

Mr. MONEY. Will the gentleman allow me to ask him a question?

Mr. McMILLIN. With pleasure.

Mr. MONEY. How many officials or employés, in addition to the present number, does the gentleman think it would require to do the business under a proper postal-telegraph system?

Mr. McMILLIN. "In addition to the present number"—I know not, according to any plan that I have ever seen.

Mr. MONEY. I thought not.

Mr. McMILLIN. Nor does the gentleman.

Mr. MONEY. I can tell you.

Mr. McMILLIN. You can not tell, nor does the man live possessing powers of mind this side of Omniscience that can tell.

Mr. MONEY. If my friend will allow me——

Mr. McMILLIN. The gentleman has had his turn.

Mr. Chairman, it appears that on every bill that is brought in here for an increase of these appropriations the beauty of the postal system and its necessities are to be clamored about. I remember that in years gone by, in the star-route period, an appropriation of $2,500,000 was demanded by the Postal Department to continue peculation, fraud, thieving. It was done under the guise of extending the mail service.

[Here the hammer fell.]

Mr. HORR. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I do not propose, Mr. Speaker, to argue the value of the postal-telegraph system. Whatever it may have of value belongs to the future. But I do think my honored friend from Illinois [Mr. TOWNSHEND] in charge of this bill should have been more thoroughly candid and full in his statement when I asked him about the cost and the net proceeds of the free-delivery system. Why, sir, for the year which ended June 30, 1884, the excess of postage on local matter over the total cost of the service was $1,273,278.35. The increase over the preceding year was $251,384.34.

Every time we have increased the appropriations for this service we have added to the revenue, and any business man will readily understand what that means and how it comes about. The Postmaster-General has told you on this subject what I will not read, but I will embody in my remarks. This system of delivery is more acceptable than the old mode of office delivery. It is more accurate, more thorough in the delivery of letters. It reduces the number of dead letters. It diverts to the post-office many letters formerly delivered by expresses and private messengers. It stimulates mail and local correspondence, increases postage on local matter, saves time and money to the people and fruitless calls at the post-office. It yields a large surplus of postage on local matter above its cost, notwithstanding that the class of matter for which it gets credit is only about 25 per cent. of the matter handled by the carriers. There is no answer to these facts. There is no way of getting over them, or under them, or around them; and the Committee on Appropriations in appropriating money in pursuance of existing law should have brought in an amount adequate to meet every idea and requirement embodied in the legislation on this subject. I hope that this House will stand by the letter-carriers, stand by this increase of revenue, stand by the men who stand by the letter-carriers, who are our best friends in all our local and domestic relations.

[Here the hammer fell.]

Mr. HORR. I yield a minute to the gentleman from Mississippi [Mr. MONEY].

Mr. MONEY. Mr. Chairman, I am not accustomed to speak in this House upon subjects that I am not informed upon. When I undertake to express views upon any subject here, I do it only after careful study and preparation. I have had the honor to-day to draw the fire of my distinguished friend from Tennessee [Mr. McMILLIN], who, not having given himself the trouble to examine into this matter of the postal service, is able to speak out of the abundance of what he does not know, and consequently can say a great deal. [Laughter.]

The gentleman defies me or any other man to say what would be the number of additional Government employés required to perform the service under a proper postal telegraph system, and, as the matter is before the House, I think it a proper thing to reply to him now. I asked the gentleman whether he knew what the number would be, and he said he did not. That was the answer that I expected of him. Sir, I do know, because the committee to which I have the honor to belong has now upon your Calendar a bill reported by the distinguished gentleman from Arkansas [Mr. ROGERS], which, if enacted into law, would give a fine postal telegraph system to this country with not one single added Federal official, not a single additional appointment, and would make a reduction in rates to a schedule under which every solitary telegraph company in the United States has signified its intention to bid if the bill should become a law. And yet, as I have said, that system provides for no additional Federal officials, no enlargement whatever of the Federal patronage. So much for that question.

Now, when gentlemen speak here about robbing the Treasury to give the people proper mail service, and talk about the people being taxed to support this great post-office system, I ask them if they are able to point to any system of taxation so universal in its application, so easy of collection, or borne with such general acquiescence in the levying of it as the tax that is paid in the form of postage for the conveyance of mail matter.

[Here the hammer fell.]

Mr. HORR. I withdraw my formal amendment.

Mr. BINGHAM. I renew the amendment.

Mr. Chairman, while I recognize the intelligence and the information that this general debate has given us, I fail to see its direct bearing upon the paragraph now at issue. If I can have the attention of the House for five minutes I think I can clearly demonstrate that the amount allowed in this bill will not conduct this service during the next fiscal year under the law as it now exists.

The letter-carrier service, like the "civil service," has come to stay in the future administration of this Government. It is the offspring of Republican administration, and came into being under legislation adopted in 1863. To-day, recognizing the gentleman from Illinois [Mr. TOWNSHEND] as the spokesman of the next administration, the Republican party hands over this service to the incoming administration with a net profit of $1,250,000 per annum.

This bill, as submitted by the committee, appropriates $4,100,000 for this service. The law passed at the first session of this Congress gives for this service for the present fiscal year $4,050,000. Before this same Committee on Appropriations is an application for a deficiency of $50,000 in this service created under the law. When that deficiency is met, the appropriation in this bill will be exactly what it is for the present fiscal year. But that is not enough.

Mr. TOWNSHEND. The gentleman will allow me to say that the appropriation last year was $3,500,000——

Mr. BINGHAM. The year before last.

Mr. TOWNSHEND. I mean the appropriation for the year ending the 30th of June last. The Postmaster-General reports that of that appropriation over $10,000 remains in the Treasury unexpended.

Mr. BINGHAM. Why does the gentleman discuss the appropriations of last year? The issue is, what is the service costing this year and what will it cost next year? The gentleman undertakes to predicate the appropriations for the coming year upon those for the last year; but they should be predicated on the expenditures of the present fiscal year and the necessary increase of business. I hold in my hand

a letter from the chief of the letter-carrier division of the Post-Office Department, stating that, without extending this service to a single additional city, without the employment of one additional man, it will cost, under the law for the next fiscal year, $4,297,950; for it is to be remembered that letter-carriers entering the service at $600 receive after one year's service $800, and after two years' service $1,000. This is the amount they must be paid under existing law. So that $197,950 will be required for the next fiscal year beyond the amount allowed in this bill; yet the bill provides that $45,000 shall be given for the establishment of new offices.

[Here the hammer fell.]

Mr. BINGHAM. I would like to have about two minutes more.

Mr. BAYNE obtained the floor and said: I yield my time to my colleague [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, this is a paying service. It does not come to this House with hat in hand asking for alms. Here is a common-sense business proposition. Four million and fifty thousand dollars has been given to this branch of the Post-Office Department to be expended during the present fiscal year. What is the result? I hold in my hand a dispatch from the chief of this service, stating that the net income to the Government from this service will be $1,250,000. What business man of this House, if he could realize $1,250,000 upon an investment of $4,050,000, would not extend such a system? Since 1874, without the break of a single year, this service has returned a large net revenue to the Government.

Mr. TOWNSHEND. Will the gentleman allow me a moment? The Postmaster-General says that there are one hundred and fifty-six letter-carrier offices——

Mr. BINGHAM. I am speaking of these offices as a group.

Mr. TOWNSHEND. And of these one hundred and fifty-six offices only twelve are self-sustaining.

Mr. BINGHAM. I do not care if only one is self-sustaining. You have established this system; it is now in successful operation; and the gentleman himself by his own bill is debarred from arguing against it, because the bill appropriates $45,000 for the establishment of new offices.

Mr. McMILLIN. I understand the gentleman from Pennsylvania to state that according to official report the net revenue derived from this system during the present fiscal year will be a million and a quarter of dollars.

Mr. BINGHAM. Yes, sir.

Mr. McMILLIN. In arriving at that result does not the gentleman take the net revenue from all sources in the cities that have this system?

Mr. BINGHAM. Let me explain. I am glad the gentleman has asked that question.

Mr. McMILLIN. I know that the city of New York and a few other cities pay a revenue, but I know also there are many others that do not.

Mr. BINGHAM. I am glad to have the opportunity to make an explanation. The letter-carrier service in the cities where it is established depends wholly for the payment of its expenses and for its revenue upon the postage on drop or local letters. It not only does its work and returns a million and a quarter of dollars profit to the Government, but every letter and every newspaper coming from every section of the country to be delivered at these local delivery offices is delivered by the carriers without the charge of a fractional part of a cent to the general Post-Office service.

It makes a million and a quarter of dollars per annum upon its own business, and does in addition the delivery of all other mail matter that goes into that office.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I do not rise so much to oppose the amendment as to call the attention of the committee to the fact that if this bill is to pass, as well as the other appropriation bills behind it, it will be impossible to allow so much time to be consumed as has been on this Post-Office appropriation bill up to the present moment. Gentlemen can not pass the appropriation bills if they are to drag as this bill has dragged. If, then, the intention be to pursue that policy in regard to all of the appropriation bills, this House may as well make up its mind to a called session and be done with it.

Mr. BLOUNT. Is it not perfectly competent for the gentleman at any time to move the committee rise and close debate?

Mr. BINGHAM. It is in the hands of the chairman of the subcommittee.

Mr. HORR. Will the gentleman permit me to ask him one question?

Mr. HOLMAN. Yes, sir.

Mr. HORR. Could not all this trouble be avoided if they would bring them in right in the first place?

Mr. TOWNSHEND. They are brought in right.

Mr. HOLMAN. Undoubtedly, if we should throw wide open the doors of the Treasury and invite gentlemen to come in and help themselves we would be all right from my friend's standpoint.

Mr. WARNER, of Ohio. Yes; that is their position.

Mr. HOLMAN. I have not taken up any time in this five-minute discussion, and therefore will be indulged for a few remarks on the pending subject. Gentlemen assume this Committee of the Whole know nothing about it, that gentlemen have not examined the report of the Postmaster-General, that this is a fresh subject of discussion. Now, every gentleman knows last year three and a half millions of dollars were appropriated for this service, and that $14,500 were afterward added, making in all $3,514,500, of which ten thousand and more dollars went back into the Treasury.

Mr. MONEY. Certainly.

Mr. HOLMAN. In this the second year after that state of things it is proposed to add on the basis of that expenditure nearly $600,000 to this branch of the service. Gentlemen know further it is these branches of the public service nearest to the people, in which they take the deepest and most earnest interest, on measures of public policy of the highest moment, that these branches of the Government are seized upon to inaugurate schemes of extravagance which sooner or later bring the blush of shame to honest men all over the land. But when gentlemen make appeal for extravagant and unwarranted appropriations in any given branch of the public service on account of its being nearest to the hearts of the people, they forget that in thus encouraging unnecessary and wasteful extravagance of public expenditure they are sowing seeds which always result in a harvest of humiliation and misery to the country.

Now, an increase of $600,000 in this service is in my judgment ample and sufficient for all proper purposes. I am making no argument against the free-delivery system. I think it is good enough. There are about ten of these offices which pay their own way. The industry of the whole balance of the people supports the others. I am not inclined to complain of it. The system is fairly fastened upon the country, and there is a disposition to acquiesce in it. I do, for one. But, sir, I do protest against opening up here, because of the nearness of this service to the hearts of the people, a system of extravagant and discreditable expenditure of the public money.

The Committee on Appropriations believe this increase to be sufficient.

A MEMBER. There is no increase.

Mr. HOLMAN. The salary of letter-carriers is fixed, but the number to be employed is within the discretion of the Postmaster-General. If we make extravagant appropriations, of course the number will be increased beyond the wants of the public service, and you can not prevent it. If you furnish the money to the Post-Office Department the pressure will be irresistible to expend every dollar of it. It is because it is necessary to impose not only just restraints upon ourselves, but upon those charged with the administration of the Government, we appeal to you to make only a fair and reasonable increase of appropriation for the public service, and not to permit bills in which great public interest is felt to be made the agency of extravagance and corruption in governmental administration.

Mr. BINGHAM. Why does not the gentleman give us for the incoming administration sufficient to execute the law?

Mr. COX, of New York. That is what I wish answered.

Mr. HOLMAN. As I have already stated, and as every gentleman knows, while the salary is fixed by law, the number of persons to be employed is within the discretion of the Postmaster-General.

Mr. BINGHAM. They are there now.

Mr. HOLMAN. If you furnish the money irresistible pressure will be brought to bear upon the Postmaster-General to employ men beyond the needs of the service. Now, I hope the gentleman from Illinois will move the committee rise.

Mr. TOWNSHEND. I move the committee rise for the purpose of closing debate.

The committee divided; and there were—ayes 77, noes 90.

Mr. TOWNSHEND demanded tellers.

Tellers were ordered; and Mr. TOWNSHEND and Mr. BINGHAM were appointed.

The committee again divided; and the tellers reported—ayes 76, noes 77.

So the committee refused to rise.

Mr. HORR. I now call for a vote on my amendment.

The CHAIRMAN. The *pro forma* amendment is withdrawn by unanimous consent, and the question recurs on the amendment of the gentleman from Michigan [Mr. HORR].

Mr. RANDALL. I demand a division.

The committee divided; and there were—ayes 100, noes 64.

Mr. TOWNSHEND. Let us have tellers.

Mr. HOLMAN. I suggest to my colleague on the committee that he take a yea-and-nay vote in the House.

Mr. TOWNSHEND. I will withdraw the demand for tellers, and give notice that I shall demand a yea-and-nay vote in the House.

So (no further count being demanded) the amendment was agreed to.

The Clerk read as follows:

For wrapping paper——

Mr. SKINNER, of New York. Mr. Chairman, I offer the amendment I send to the desk.

Mr. HAMMOND. I move that the committee do now rise.

Mr. SKINNER, of New York. I give way for that motion, but let the amendment be stated.

Mr. TOWNSHEND. I want to oppose the amendment; let it be read.

The CHAIRMAN. The gentleman from Georgia moves that the committee do now rise.

Mr. TOWNSHEND. The committee has just voted down a motion to rise. [Cries of "Regular order!"] I make the point of order that it is not competent to renew that motion; the last vote disclosed a large majority in opposition to it.

The CHAIRMAN. The last vote was on the amendment of the gentleman from Michigan, and there has been intervening business since the former vote on the motion to rise.

Mr. SKINNER, of New York. I desire to offer the amendment now, to have it printed in the RECORD, and will then yield to the motion to rise.

Mr. HAMMOND. For the purpose of having the amendment read I will yield to the gentleman from New York.

The CHAIRMAN. The amendment can then be printed for information.

The Clerk read as follows:

After line 35 insert:

"Letter-carriers may be employed for the free delivery of mail matter as frequently as the public convenience may require at every place containing a population of not less than 10,000 within its corporate limits."

Mr. HOLMAN and Mr. RANDALL. A point of order on that amendment.

The CHAIRMAN. Let the Clerk conclude the reading of the amendment. The point of order will be reserved.

The Clerk concluded the reading of the amendment, as follows:

Provided, The gross revenue for the preceding fiscal year from the post-office or post-offices in such place shall have aggregated at least $10,000.

Letter-carriers may also be employed at the principal and most central post-office of towns or places within short distances of one another, provided such towns or places contain in the aggregate a population of not less than 10,000, and the gross revenue for the preceding fiscal year from the several offices aggregate not less than $10,000.

All laws or parts of laws inconsistent with this provision are hereby repealed.

Mr. TOWNSHEND. The point of order is made upon that amendment.

The CHAIRMAN. The points of order are reserved.

Mr. TOWNSHEND. I do not reserve the point of order, but I make the point of order directly upon it. I am willing, however, that the gentleman from New York shall be heard if he desires it.

Mr. HAMMOND. I submit as a point of order that that was read simply for the purpose of allowing it to be printed in the RECORD.

Mr. TOWNSHEND. Then I want my point of order to be considered as pending.

Mr. ANDERSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. My point of order is that the gentleman from New York rose to move this amendment and had the floor, but between the time that he sent it up to the desk and the time it was read by the Clerk the gentleman from Georgia interposed the motion that the committee rise. I make the point of order that the gentleman had not the floor for that purpose until the amendment had been read.

The CHAIRMAN. The gentleman subsequently yielded the floor for that purpose, and the amendment was read by the Clerk for the information of the House, at the suggestion of the gentleman from New York himself, in order that it might be printed in the RECORD.

The question is, Will the committee now rise?

Mr. TOWNSHEND. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. The gentleman from Georgia yielded the floor to have an amendment of the gentleman from New York read. When it was read I immediately raised the point of order upon it. Now I insist that I have the right to have that point of order disposed of.

The CHAIRMAN. The Chair will again state that the gentleman from Georgia yielded to have the amendment read for information in order that it might be printed in the RECORD. It has been read, then, simply for information, and is not now a pending amendment. The Chair distinctly stated that the points of order were reserved.

Mr. TOWNSHEND. I make the point of order upon it now.

The CHAIRMAN. That will be in order when the amendment is proposed for consideration. The question is, Shall the committee now rise?

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the Post-Office appropriation bill, had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House do now adjourn, but yield to the gentleman from Kentucky [Mr. WOLFORD] to make a motion. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. If the motion to adjourn is withdrawn I renew it.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Middletown, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

Also, petition of citizens of Haverstraw, N. Y., in reference to the Mormon question—to the same committee.

By Mr. BINGHAM: Resolutions of the Commercial Exchange of Philadelphia, Pa., regarding the purchase by the United States of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. W. W. BROWN: The memorial of the directors of the Commercial Exchange of Philadelphia, in behalf of the Portage Lake and Lake Superior Ship Canal—to the same committee.

By Mr. BRUMM: Petition of W. P. Sheafer and 63 others, citizens of Pottsville, Pa., urging action on the Mormon question—to the Committee on the Judiciary.

By Mr. CLEMENTS: Papers relating to the claim of E. A. Harper, of Chattooga County, Georgia—to the Committee on War Claims.

Also, petition of E. A. Harper, of Chattooga County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. G. R. DAVIS: Petition of Rencker, Linkhorn & Co. and 200 others, leading dealers and shippers of live-stock, of Pittsburgh and East Liberty, Pa., against the Hopkins resolution relating to shipping of live-stock—to the Committee on Commerce.

By Mr. DUNN: Petition of citizens of Arkansas for the improvement of the Cache River—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Memorial of the committee of the commissioners of the States to the World's Industrial and Cotton Centennial Exposition, praying for aid for said exposition—to the Committee on Appropriations.

By Mr. EVERHART: Resolution of the Young Men's Democratic Club of Brooklyn, N. Y., urging the discontinuance of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Commercial Board of Exchange, in regard to purchasing by the United States of Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. FIEDLER: Petition of A. Van Vleet, Charles Williams, John Meeker, and others, citizens of New Jersey, in favor of legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. FORNEY: Petitions of Robert A. Clark; of Susan E. Scroggins, daughter of Mrs. Lucy Kirk, deceased, and of James Davis, all of Cherokee County, Alabama, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon for the improvement of Coquille River—to the Committee on Rivers and Harbors.

By Mr. HARMER: Resolution of the Commercial Exchange of Philadelphia, in favor of the acquisition by the United States of the Portage Lake and Lake Superior Ship Canal—to the same committee.

By Mr. HAYNES: Papers relating to the claim of A. P. Burditt and James Fisk—to the Committee on War Claims.

By Mr. HOLTON: Preamble and resolution approved by the mayor, councillors, and aldermen of the city of Annapolis, Md., in favor of the Senate bill providing for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: Resolution of the Young Men's Democratic Club of Brooklyn, in favor of stopping the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, resolution of citizens of Karns City, Pa., upon the subject of river and harbor improvement—to the Committee on Rivers and Harbors.

Also, memorial of the Commercial Exchange of Philadelphia, in favor of the acquisition by the United States of the Portage Lake and Lake Superior Ship Canals—to the same committee.

By Mr. HUTCHINS: Petition of citizens of Westchester County, New York, on the Mormon question—to the Committee on the Judiciary.

By Mr. B. W. JONES: Resolution of the Young Men's Democratic Club of Brooklyn, N. Y., relating to the coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. MORSE: Petition of Augustus P. Clarke, late surgeon of the Sixth Regiment New York Cavalry Volunteers, war of 1861, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. MOULTON: Petition of 200 citizens of Effingham County, praying for action against polygamy—to the Committee on the Judiciary.

By Mr. SKINNER: Petition of William M. Thomson, of Alexandria Bay, N. Y., and 28 others, asking that the United States acquire title to Portage Lake and Lake Superior Ship Canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

Also, petition of Anna Shelmidine, of Lorraine, N. Y., and others, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. STORM: Petition of Rev. J. B. Woodward and 57 others, citizens of East Stroudsburg, Pa., praying for the passage of certain bills for the suppression of polygamy in the United States—to the Committee on the Judiciary.

Also, petition of the Commercial Exchange of Philadelphia, praying for the enactment of a law for the acquisition by the United States of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. WEMPLE: Petition of citizens of Gloversville, N. Y., urging action by Congress on the bills now before them for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JAMES WILSON: Petition of William Mauler, for compensation—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BURNES: Of numerous citizens of Mound City, of Ebony, and of Maryville, Mo.

By Mr. COBB: Of numerous citizens of Green and Knox Counties, Indiana.

SENATE.

THURSDAY, *February* 12, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 5th instant, a report of the Commissioner of Railroads and letters from the Attorney-General and the president of the Union Pacific Railroad Company on the subject of the settlement of the indebtedness of that company as provided in the Thurman act, so called. If there be no objection, the letter of the Secretary, with the accompanying letters and papers, will be printed, and they, with the accompanying printed documents, will be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes, a list of all persons employed in his Department during the year ended December 31, 1884; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of the 4th instant, a report of the steps taken by him to establish an advanced course of instruction of naval officers at Coasters' Harbor Island, Rhode Island; which, on motion of Mr. SHERMAN, was referred to the Committee on Naval Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 7522) for the relief of Joseph F. Wilson was read twice by its title.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Kansas not now in his seat [Mr. PLUMB] desired that this bill should be laid upon the table for the time being if he were not in the Senate at the time it was presented. If there be no objection the bill will be laid on the table.

The bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 483) for the erection of a public building at Keokuk, Iowa, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

NOTIFICATION TO THE PRESIDENT-ELECT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 11, 1885.

Resolved by the House of Representatives (the Senate concurring), That a committee of three members of the House of Representatives be appointed by the House, and two members of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1885.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. GARLAND. I move to refer that resolution to the Committee on Privileges and Elections. If such a resolution be deemed proper or necessary, the language of this one needs some correction, and it is better for it to go to that committee for investigation.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a resolution adopted at a meeting of steamboat owners and managers held in the city of Cincinnati, Ohio, in which they remonstrate against the repeal of section 4419 of the Revised Statutes, and state that if that section should be repealed a useless and unnecessary burden would be added to the already oppressed navigation interest. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PENDLETON presented petitions of the Daily and Weekly Local, of Sandusky, Ohio; the Daily and Semi-Weekly Torchlight, of Xenia, Ohio; the Standard of the Cross, of Cleveland, Ohio; the Christian Witness, of Newark, Ohio; the Standard Publishing Company, of Cincinnati, Ohio; the Yellow Springs Review, of Yellow Springs, Ohio; the Weekly Echo, of South Solon, Ohio; the Western Tract Society, of Cincinnati, Ohio; the Independent Press, of Wakeman, Ohio; the East Liverpool (Ohio) Tribune; the Hocking Valley Printing and Publishing Company, of Athens, Ohio; the Ohio Educational Monthly, of Akron, Ohio; the Buckeye Vidette, of Salem, Ohio; the Republican Gazette, of Logan, Ohio; the Beverly Dispatch, of Beverly, Ohio; the Independent, of Richmond, Ohio; the Toronto Tribune, of Toronto, Ohio; the Free Press, of Fredericktown, Ohio; the Dennice Novověku, of Cleveland, Ohio, and the Portsmouth Blade, of Portsmouth, Ohio, praying for a reduction of postage on second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Cleveland, Ohio, praying for the repeal of the law which fixes the term of certain administrative officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. JACKSON. The Committee on Claims, to whom was referred the bill (S. 1400) for the relief of Edward C. Garlick, have directed me to report the same back adversely. At the request of the Senator from Ohio [Mr. SHERMAN] I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1999) for the relief of John K. Le Baron, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1668) for the relief of George T. Dudley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2503) for the relief of Charles E. Maris, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 632) for the relief of the heirs of Manning R. Ariail and Sarah Fish, deceased; and

A bill (S. 1370) for the relief of Washington Ford.

Mr. HALE. By direction of the Committee on Naval Affairs I report back a communication from the Secretary of War, with sundry papers accompanying it, on the subject of establishing signal stations upon the Island of Nantucket, Massachusetts, and ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Appropriations.

The report was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1327) for the relief of J. H. Hammond, reported it without amendment, and submitted a report thereon.

CHANGE OF NAME OF BANK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock, to report it favorably with an amendment. This is a very short bill, and it is rather necessary that it should reach the other House in season to be acted upon there. I therefore ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Finance was to add to section 2 the following words:

And that after such change of name the First National Bank of Little Rock shall continue to be in all respects the identical association previously known as the Merchants' National Bank of Little Rock.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore* subsequently said: The Chair begs to call the attention of the Senator from Vermont [Mr. MORRILL] to the bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock. It appears on looking at the bill after its passage that in the print where the word "months" should be printed it is printed "month."

Provided, That such acceptance be made within six month after the passage of this act.

The Chair will ask unanimous consent that in the engrossment of the bill that may be made to read "months" instead of "month" to make sense of it. The Chair hears no objection.

THE STEAMER ALERT.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an original joint resolution to authorize the return to the Government of Great Britain of the Arctic relief steamer Alert. As it is necessary that this measure should go to the other House as soon as possible, I ask for its present consideration.

The joint resolution (S. R. 121) to authorize the return to the Government of Great Britain of the Arctic relief steamer Alert was read twice by its title.

Mr. CONGER. Let it be read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The Chief Clerk read as follows:

Be it resolved, &c., That the President be, and he is hereby, authorized to return to the Government of Great Britain the Arctic relief steamer Alert, presented by that government to form a part of the United States relief expedition which on the 23d of June, 1881, rescued Lieut. A. W. Greely and the survivors of his party at Cape Sabine; and the President is also hereby requested in returning the Alert to express suitable acknowledgments for the action of said government in so promptly placing the vessel at the service of the United States.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS O. OSBORN.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported a bill (S. 2635) to permit Thomas O. Osborn, minister-resident and consul-general of the United States to Buenos Ayres, to receive a symbolic shield from the Argentine Republic; which was read twice by its title.

Mr. CULLOM. I hope the Senator from California will ask that the bill may be passed at once so that it may go to the other House.

Mr. MILLER, of California. I will make that request. I ask unanimous consent that the bill be now considered.

Mr. INGALLS. Let the bill be read at length subject to objection.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That Thomas O. Osborn, minister-resident and consul-general of the United States at Buenos Ayres, be, and he is hereby, authorized to receive an engraved symbolic shield from the Argentine Republic.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 2636) granting a pension to Laura M. Cheek; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VAN WYCK introduced a joint resolution (S. R. 123) prohibiting railroad corporations selling, mortgaging, or pledging lands donated by Congress or offering so to do when a bill for forfeiture is under consideration in either branch of Congress or patents have not been issued for the same; which was read twice by its title, and referred to the Committee on Public Lands.

LOAN OF TENTS.

Mr. JONAS introduced a joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans; which was read twice by its title.

Mr. JONAS. I request the immediate consideration of the joint resolution.

Mr. SHERMAN. I should like to have it read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

Be it resolved, &c., That the Secretary of War is authorized and directed to loan to the American Association of the Red Cross for use by their branch in New Orleans at the World's Exposition grounds twelve hospital tents and outfits: *Provided*, Satisfactory security is given for the safe-keeping and return of the same.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHERMAN. I submit an amendment intended to be proposed to the sundry civil appropriation bill. In support of the amendment I present certain letters from the Treasury Department containing a recommendation for the proposed appropriation. I move that the amendment, with the accompanying papers, be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. LAPHAM submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

COUNT OF ELECTORAL VOTES.

Mr. SHERMAN. I wish to submit a resolution in regard to a formal matter.

The PRESIDENT *pro tempore*. Two resolutions went over yesterday which it is the duty of the Chair first to lay before the Senate.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution offered yesterday by the Senator from Kansas [Mr. INGALLS].

The resolution submitted yesterday by Mr. INGALLS was read, as follows:

Provided, That the Senate does not assent to the concluding declaration of the President of the Senate in the announcement of the vote for President and Vice-President of the United States made in the presence of the two Houses of Congress this day.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. I move that the resolution be referred to the Committee on Privileges and Elections. I propose to make the same motion in regard to the resolution offered by me yesterday.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered yesterday by the Senator from Massachusetts [Mr. HOAR]. It will be read.

Mr. HOAR. I ask unanimous consent to waive the reading of it. The Senate heard it yesterday.

The PRESIDENT *pro tempore*. If there be no objection the reading of the resolution will be dispensed with.

Mr. HOAR. I move that the resolution be referred to the Committee on Privileges and Elections.

Mr. CONGER. Will the resolution be printed in the RECORD the same as if read?

Mr. HOAR. It was printed in yesterday's proceedings when proposed.

Mr. CONGER. It is not printed in to-day's RECORD, I think.

The PRESIDENT *pro tempore*. The Chair understands that it is printed in the RECORD. It will not be reprinted in to-day's proceedings ordinarily. The Senator from Massachusetts moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SHERMAN. I offer the following resolution, which I believe is in accordance with the usual custom of the Senate:

Resolved, That a committee of three Senators be appointed by the President of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT *pro tempore* subsequently appointed Mr. SHERMAN, Mr. HAWLEY, and Mr. RANSOM as the committee of arrangements.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.;

A bill (S. 591) for the relief of the estate of Chester Ashley; and

A bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

TEXAS PACIFIC RAILROAD LANDS.

Mr. VAN WYCK. Mr. President, I rise to a parliamentary inquiry. On the 9th day of December the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, was ordered to be placed upon the Calendar of Special Orders. It remained on the special-order calendar until within a few days, when, without having been considered by the Senate, it was displaced from its order and does not appear upon the Calendar of Special Orders. I ask if there has been some mistake on the part of the clerks in taking the bill from the Special-Order Calendar, or whether it has been done by a vote of the Senate?

The PRESIDENT *pro tempore*. The Chair will state that there has been no mistake on the part of the clerks. The bill was laid before the Senate as a special order and considered, in the technical sense of being entered on the Journal as considered, as a bill before the Senate for action. The Senate by a vote refused to consider it, and proceeded to consider another bill. That, under the constant ruling of the presiding officer, sent the bill back to its place on the General Calendar, and it ceased to be a special order.

Mr. VAN WYCK. Then I ask unanimous consent that the bill be restored to its place on the Calendar as a special order. I doubt very much whether Senators considered, in the hurry of the moment when they resolved to take up for consideration the silver bill, that they were displacing this bill upon the Calendar.

Mr. HOAR. What would be the place of the bill?

Mr. VAN WYCK. It would be at the head of the Calendar of Special Orders. There is where it belongs. I ask unanimous consent that the bill be restored to its place.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Nebraska and to the Senate, what perhaps is entirely unnecessary, that under the present rules it is in order for a Senator at any time after the morning business is closed to rise in his place and move to proceed to the consideration of any bill on the Calendar, which motion is to be determined at once and without debate.

The Chair will now state the request of the Senator from Nebraska. The Senator from Nebraska asks unanimous consent that the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, be restored to the place it formerly held at the head of the Calendar of Special Orders. Is there objection?

Mr. DOLPH. I inquire if that would affect the unfinished business, which is the pending order?

The PRESIDENT *pro tempore*. It will not affect the unfinished business.

Mr. INGALLS. I did not understand under what rule the bill, having been made a special order, was retired to a place on the Calendar of General Orders. It seemed to me at the time the decision was first announced, which I believe was on the morning after another bill had been taken up, that the Senate was not properly advised, or it might not have consented to the ruling which was made. I did not understand that any public announcement had been delivered from the Chair as to the rule or the interpretation of the rule under which the special order was displaced. It occurred to me at the time when I first discovered it that it was not in accordance with the spirit of the rule. I have always understood that when a bill was made a special order it would remain such under our rules unless displaced in the manner pointed out by the rules.

The PRESIDENT *pro tempore*. The rule, Rule X, in relation to special orders, reads in this way:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate unless there be unfinished business of the preceding day—

This the Chair did, and it was before the Senate for action upon the bill—

and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

Pending this bill, which pursuant to the special order of the Senate had been laid before the Senate and was before the Senate as in Committee of the Whole for action, under another rule of the Senate the Senator from Vermont [Mr. MORRILL] moved that the Senate proceed to the consideration of another bill. The Senate on the yeas and nays voted that it would proceed to the consideration of that other bill, and that in the understanding of the Chair (he consulted some Senators either then or on a former occasion) finished that bill as a special order. To hold otherwise would be to hold that a bill once made a special order would through a whole session retain its place unless it was acted upon directly by a vote rejecting it or passing it. The Chair could not put that interpretation on the rule and did not.

Mr. INGALLS. I do not speak complainingly of the decision, but I am very sure that the Senate has not until this time understood it. It was not the purpose in the vote which I gave in any way to displace or interfere with the special order. But I see that there are still on the Calendar of Special Orders, the time for which has long since passed, that is, the particular day has long since passed, three bills or joint resolutions yet remaining assigned as special orders; and I can not understand why, if one special order was displaced by a yea-and-nay vote upon the question to take up another bill, all of those, which had been previously reached in the order of time, at least so far as the almanac is concerned, should not have taken the fate of the first upon the list.

The PRESIDENT *pro tempore*. While the order of time had gone by, they had not been reached in the procedure of the Senate, and they had not had their day in court, so to speak, as special orders not having been reached before, the Senate always having had before it unfinished business. The Chair may add to the Senator from Kansas that the present occupant of the chair voted against the motion of his colleague, because the Chair understood what his own interpretation of the rule was, and he did not wish to displace the Texas Pacific bill.

Mr. INGALLS. Does the Chair then understand that if the Senate should vote to-day to take up another bill, the first special order upon the assignment would be displaced and go back to the Calendar of General Orders?

The PRESIDENT *pro tempore*. The Chair does not so understand it until that special order is placed before the Senate and is before the Senate as a bill to be acted on.

Mr. HOAR. Will the Chair be kind enough to state under what rule a motion to proceed to take up another subject is in order when a special order is pending, that special order having been made so by a two-thirds vote?

The PRESIDENT *pro tempore*. The Chair understands that when a bill is made a special order and is laid before the Senate, that special order of the Senate has been executed. It has been placed before the Senate for consideration at that time. That being done, the Chair understands the provisions of Rule IX, as well as the provisions of the rule relating to special orders which expressly recognize a motion to proceed to other business, entitle any Senator, the special order having been laid before the Senate and the bill being under consideration, to move to displace that, as he might any other bill.

Mr. HOAR. Rule IX and Rule X both seem in their letter, as also the general rule about motions, to exclude the right to put that question in that form when a special order is before the Senate. Rule IX says:

If there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order * * * and in such case the following motions shall be in order.

Then the other rule says what motions shall be in order—to amend, to adjourn, and so on; and Rule XXII says on page 13:

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain,
To take a recess, &c.

Neither of these rules admits a motion to proceed to take up another subject when a special order is before the Senate.

The PRESIDENT *pro tempore*. The rule as to special orders—the Chair will call the attention of the Senator from Massachusetts to it—stood before its last amendment at the last session differently from what it does now; but Rule IX stood very much, if not entirely, the same. Under the rules as they then stood the Chair announced his decision on some question that was presented, that it would be in order to move to proceed directly to the consideration of any other bill on the Calendar under the second clause of the enumerated motions under Rule IX. That was doubted upon the suggested ground that special orders once laid before the Senate did not fall within the scope of the ninth rule. The Chair thought that they did; but that being doubted, the matter was referred to the Committee on Rules, and they reported two amendments, among which the Chair thinks he remembers was this one at the end of Rule X:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The Chair thinks, if he understood the Committee on Rules, the purpose of that was to put a special order once laid before the Senate, within the same category of the power of the Senate upon motion to proceed to other business if it chose to do so.

Mr. HOAR. Then the first clause of the tenth rule would seem to be nugatory; that is, that if the special order be not finally disposed of on that day it shall retain its place. Certainly it is not a final disposition of that order to lay it before the Senate. It is not a final disposition of it to substitute some other business for that day. If it be not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time in which it was made a

special order unless it shall become by an adjournment unfinished business. That is the provision. It seems to me that would require, if the special order were displaced by something else, that it should take its old place on the Calendar.

The PRESIDENT *pro tempore*. The Chair sees the force of the suggestion of the Senator from Massachusetts and saw it when the matter was under consideration on a former occasion, but taking the whole rules together, the Chair thought and still thinks, with great respect, that a special order is finally disposed of as a special order when it has been regularly laid before the Senate and is up for consideration and by a vote of the Senate it is declared that it will not consider it and will consider something else.

Mr. HOAR. The rule contemplates that if it continues during the day and is the unfinished business by adjournment it is not finally disposed of.

The PRESIDENT *pro tempore*. It finally disposes of it as a special order, and it becomes unfinished business by the very language of the rule, as the Chair thinks.

Mr. HOAR. If it be not finally disposed of, it shall be so and so, unless it becomes by adjournment unfinished business, implying that it is not finally disposed of in that case.

The PRESIDENT *pro tempore*. The Chair puts exactly the opposite interpretation on those words, that when it becomes the unfinished business it ceases to be a special order and has been disposed of as that, but stands at the very top of the whole Calendar as unfinished business, having therefore a preference over all special orders.

Mr. SEWELL. Does not the third section of Rule IX apply to the case in point? It reads thus:

"Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

That is as I understand the case.

The PRESIDENT *pro tempore*. That was not the case. A motion to pass over is different from a motion to supersede a bill and proceed to another bill. Passing over is quite a different thing from displacement on motion.

Mr. SEWELL. I understood this bill was set aside temporarily or otherwise passed over.

The PRESIDENT *pro tempore*. That was not the motion. The motion was a direct one under another clause of the rule to proceed to the consideration of the trade-dollar bill, and on the Chair's understanding of the rule he voted against the motion of his colleague although he wished to have the trade-dollar bill considered, voted on the yeas and nays to keep the special order where it stood for action.

Mr. VAN WYCK. I asked unanimous consent that the bill be restored to its place on the Calendar of Special Orders.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Nebraska that the Texas Pacific land-grant forfeiture bill be restored to its old place at the head of the Calendar of Special Orders? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. SHERMAN. In order to prevent any struggle, for we have come to that period of the session when it is likely to come, I suggest, without knowing the bills on the Calendar, that by unanimous consent the House bills now on the Calendar may be taken up under the eighth rule, subject to objection and also subject to the five-minute limitation of debate. In that way we may dispatch a number of bills that will excite but little opposition, or if there is any objection after that they go over and take their chances with other bills. I make that suggestion.

Mr. WILSON. Does that displace the pending bill reached in the call of the Calendar?

Mr. SHERMAN. No; it brings them under the eighth rule. I move to take up House bills.

Mr. SEWELL. Suppose you take up a House bill and I object to it?

Mr. SHERMAN. Then it goes over. It is subject to the eighth rule. I propose to take up House bills under the provisions of the eighth rule.

Mr. WILSON. If that interferes with the present position of the bill for the relief of settlers on the Des Moines River lands, I object to it.

Mr. SHERMAN. It does not interfere with that. We dispose of this order first, and leave that still standing.

Mr. WILSON. Then I object. That bill, as I have stated before, was reported nearly a year ago and it has got by repeated displacements until now it is at the head of the Calendar, and I desire it to be continued.

Mr. SHERMAN. I want to vote for that bill, but it can come up again as soon as this order is disposed of.

Mr. WILSON. It was reported last March. It will require the action of the House of Representatives if it passes the Senate, and I can not consent to its displacement now.

Mr. SHERMAN. Are we to stop until the State of Iowa does justice to its citizens? For the State of Iowa ought to pay every dollar of this money. I do not want to go into that discussion; but I think it is wrong to keep that bill in the way of all others.

Mr. WILSON. Then I say the Senator ought not to start that discussion.

Mr. SHERMAN. I do not think it is exactly right to let that bill stand in the way of all legislation. I do not know what the bills from the House are, but I know that there are several important bills that the Senate is very much in favor of. We can probably in a short time dispose of all those to which there is no objection, and thus get rid of and enroll those bills in time to have it done methodically and without mistake. I have always proposed and expect to vote for the bill of the Senator from Iowa, but I do not think it ought to stand in the way of the general legislation of Congress.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the House bills on the Calendar of the Senate be taken up in their order as under Rule VIII, subject to objection and to five minutes' debate? Does the Senator from Ohio ask that Rule VIII shall also operate in regard to a vote of the Senate to consider a bill notwithstanding an objection?

Mr. SHERMAN. Yes; let the order be under the operation of the eighth rule entirely.

The PRESIDENT *pro tempore*. The Chair only wanted to understand it. The Chair will therefore state the request again. The Senator from Ohio asks unanimous consent that the House bills on the Calendar be taken up in their order as under the whole operation of Rule VIII. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order of business is closed and the Chair lays before the Senate the Calendar under Rule VIII. The first bill in order on the Calendar is Senate bill No. 1886.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the report will proceed.

The Chief Clerk resumed at page 26 the reading of the report submitted by Mr. PLUMB from the Committee on Public Lands April 8, 1884.

Mr. MORGAN. I hope that the Senator from New York will consent that the further reading of this report may be dispensed with. It does not go into the RECORD, the reading of it does not inform the Senate about anything; it is merely in the way of the progress of the bill; and unless the Senator desires to hear it read himself I hope he will consent that the further reading may be dispensed with. We can refer to such parts of the report as we desire in our remarks, and those parts will then go into the RECORD.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Alabama asks unanimous consent that the further reading of the report be dispensed with. Is there objection?

Mr. LAPHAM. Since the statement was made yesterday that no part of this report can go into the RECORD I am inclined to yield the demand that it shall be read; but I supposed that the report being read it would be placed in the RECORD, where it could be seen. Under the ruling of the Chair it appears it will not go into the RECORD. I want in some way that the views of the minority, which are addressed directly to the consideration of the question before the Senate, shall be either printed in the RECORD or read to the Senate.

The PRESIDING OFFICER. Does the Senator from New York object to the suggestion of the Senator from Alabama?

Mr. MORGAN. I suggest to the Senator that he can put any part of the report he chooses in his own remarks so as to bring out anything that he desires to inform the Senate of. That will answer every purpose.

Mr. LAPHAM. Although I was charged yesterday with being an obstructionist because I insisted upon the reading of the report of the committee in support of the bill, I have no desire to detain the Senate with the reading of the residue of this report; none whatever.

The PRESIDING OFFICER. The Chair hears no objection to dispensing with the further reading of the report. The further reading is dispensed with by unanimous consent.

Mr. MORGAN. Mr. President, I move the indefinite postponement of this bill; and my purpose in doing so is to get the question at issue before the Senate directly as to whether we ought to consider it or not.

The PRESIDING OFFICER. The Senator from Alabama moves that the bill be indefinitely postponed.

Mr. MORGAN. The subject has been before the Senate very frequently. I suppose it has received as much examination as almost any other question of a like character at least that has ever been here. It has been before the Committee on the Judiciary and received a most thorough examination from that committee, and they made a unanimous report. I think it was unanimous. The report to which I refer was presented by the Senator from Arkansas [Mr. GARLAND], declaring that there was nothing in this case of which Congress had any jurisdiction.

The history of the case is a very prolonged struggle between the State of Iowa and its own citizens, between the State of Iowa and the United States Government, and between the citizens of Iowa and the United States Government. It originated, as the Senate knows, in a grant of land made to the State of Iowa for the purpose of improving the Des Moines River. The first question that arose in it was whether the land thus set apart for this public work was granted above the Raccoon Fork of that river. While this controversy was pending here a number of citizens, attracted doubtless by the excellent quality of the land and the beauty of the country, moved in there and commenced their settlements. They were originally squatters, as they are termed, and I believe they still honor the name by having located under that title in the State of Iowa, a large number of them doubtless most excellent people, perhaps as good a community as there is in that State.

They commenced to set up their titles to this tract of land; they pressed their claims upon the local land offices and afterward upon the Department of the Interior, and many of them obtained certificates of entry, and some of them obtained patents.

Congress sought to relieve the difficulty by passing a joint resolution explanatory of former legislation. The effort of Congress was evidently only to quiet the title, to give to the State of Iowa the grant of lands that was embraced in the original act, not the later interpretation, but to confirm as far as they could confirm the titles that had been made under the sanction of the laws of the State of Iowa.

Out of this imbroglio arose a number of lawsuits between quite a number of different parties. These lawsuits originated, all of them, I believe, in the State of Iowa and in the State courts of Iowa; at all events the State courts of Iowa were appealed to from the local land courts up to the supreme court, and from thence appeals were taken to the Supreme Court of the United States, and a variety of cases that it is not necessary now to enumerate have been decided by the Supreme Court of the United States.

Now this bill provides for a new lawsuit; and that is all that it does provide for—a lawsuit in which the Government of the United States shall be one of the plaintiffs, and a certain class of persons interested in these lands shall join with the Government in the action, the object of it being as declared to settle all questions of controversy in respect to the ownership of these lands.

When this case was before the committee we went over the subject and investigated it as thoroughly as we could, having also the advantage of the report made by the Committee on the Judiciary, which was an exhaustive report. A minority of the Committee on Public Lands agreed with the Committee on the Judiciary that we could find no ground of jurisdiction for legislative purposes remaining in Congress; that this whole matter had been decided by the courts of the country, and that there was really no question left open that we would discover that the courts had not practically adjudicated touching the title to these lands.

Mr. President, a very fair way to try this matter would be this: it would be for some of the Senators who insist upon the passage of this bill and the renewal of this litigation to state a case that actually exists that is not covered by some decision made by the supreme court of Iowa or by the Supreme Court of the United States.

I do not refer now to a case that we can make by legislation; I do not refer to a case that may spring up after we have legislated to change titles here; but upon the existing state of facts, under the existing laws of the United States, let some Senator now state a case as one actually existing, not hypothetical, but one actually existing, which is not covered by some decision that has been made by the supreme court of Iowa or by the Supreme Court of the United States.

Then when we get that case stated, we can understand, I think, how far we can go in legislating to give a remedy in that particular case. But this matter has been embarrassed by an almost universal complaint among a certain set of claimants that their rights had not been fairly considered, that they had not had a full and fair opportunity to have them adjudicated, that the Government of the United States has not taken those steps which are necessary to declare the rights of persons who claim under it; that therefore it is necessary to have some Congressional declaration, and following that Congressional declaration to have a new lawsuit to determine how far Congress can affect titles that already exist. In my judgment the bill, while well intended, while intended to give repose to a great community and to quiet down questions which ought never to have existed, instead of quieting down those questions and settling those disputes only sows another harvest of litigation, and it will be years perhaps before that can be terminated.

The Committee on Public Lands were not only embarrassed by the manner in which this claim was presented, but their sympathies have been greatly worked upon; mine have been. I confess that I have a great desire to compensate those people, who have been misled in the investment of their money both in the purchase of these lands and in the improvements put upon them in some way or other. I feel that the Government of the United States has been derelict about this matter. Congress itself is not without blame in respect of it; but the officers of the Government of the United States having charge of the public lands have made a contrariety of decisions, they have made contradictory decisions, repugnant decisions in regard to these titles, and they have left the people of Iowa in a condition where some of the officers would induce them to go on and make expenditures of money and of labor in the improvement of their farms, while other officers would come on succeeding them and overturn their titles entirely. Then they would rush into the courts, and they were not satisfied of course with the decisions of the courts of the State of Iowa; and then Congress was appealed to to come in and indemnify the State of Iowa, to grant lands in excess of the original grant, which was done; so that the State of Iowa out of the lands granted, I suppose, might have made compensation to her citizens. It is insisted on one side that Iowa having received this indemnification at the hands of Congress, it is her duty to indemnify her people. I have not adopted that view of the case, because I have never begrudged to any of the new States the lands within their borders.

I have always felt that there was a certain degree of inequality between the new and the old States in respect of the domain within their borders. The old thirteen States and several others that were carved out of them by the assent of Congress received not from the Government of the United States, it is true, but they received in the partition of territory which they acquired in our revolutionary struggle the absolute title to all the lands within their borders, subject to certain contributions that they had to make to pay some of the expenses of the Revolutionary war, and also to pay bounties to some of the soldiery of that war; but practically the old States got all the land within their borders, while the new States got no part of the land within their borders except certain reservations which they made for school purposes and purposes of locating and building State-houses and the like—very small parcels of land compared with the vast domain that they surrendered by their acts of cession to the Government of the United States.

So I have never been at all disposed to be strict in giving to the new States the lands within their own borders for any public purpose that might be useful to the people; and so I have not adopted the view which some Senators have taken in committee and elsewhere, that because the State of Iowa received certain lands in the nature of an indemnity, she should have furnished them to her people to compensate them, for the losses which they had sustained because of our loose legislation, and because of the contradictory decisions made in the Land Office. I have never believed that that relieved the Government of the United States from its own obligation morally and equitably to compensate those people for the difficulties and traps into which they had been led by our legislation and by our system of decisions in the Land Office.

Now, sir, I announce my willingness on this floor to-day to have an account taken between every settler in Iowa who has been misled by the action of the officers of the Government of the United States and the United States Government, have the balance struck, and pay it in money, so that no citizen of that State shall have the right to complain of the Government of the United States that he has been misled by its action into making improvements upon lands that he purchased and paid for to the Government under the decisions of the General Land Office; but I want this matter out of the way, so that we can proceed to make that compensation in order that the Government of the United States can discharge itself of this debt, as it must of every honorable obligation resting upon it, it makes no difference whence derived. I can conceive of no obligation of greater weight in the scale of honor than that which arises in favor of a citizen of the United States who has been misled by the judgment or action of the Government officers in placing his home upon a piece of public land and making improvements thereupon of which he is deprived afterward in consequence of the fact that those officers had no right to authorize the settlement.

Here are other persons who are interested in these lands. Laws were passed and decisions made by courts of the highest appellate authority. These laws settled the rights of men to go to Iowa and buy these lands. People living in distant States went there and invested their money. They are innocent purchasers in every sense of the word. They bought not only in innocence of any defect in the title, but they bought actually under the invitation of the Government of the United States and also of the State of Iowa. We can not regard these men as being intruders into the State of Iowa, it makes no difference if some of them have got more than one hundred and sixty acres of land in a body.

At the time these laws were enacted the State of Iowa was an unsettled country to a large extent; it was very new; it needed population and it invited population, and Congress seconded the invitation, to get not population only but capital into that country. And mark how she has prospered. What State of all the number of the younger sisters in this great Confederacy has had greater prosperity than Iowa? But she has been dependent for it very largely upon the public-land grants that have been made to her so liberally by Congress. It was right to make them. She has enjoyed the benefit of them; she has got population; she has become wealthy. Now it is not right that we should turn back and say to the men who took their money in there and invested it in Iowa lands, "You shall have no title," or that, "You shall have eternal litigation before this matter is ended."

I might remark, I think with great justice also, that the laws and decisions of the United States are not fully respected in regard to these lands in Iowa. There is a disposition there to resist the laws, a disposition not to allow them to have their full effect, a disposition to contra-

vene the decisions of the Supreme Court of the United States. There are organizations there having ostensibly for their purpose, if not resistance to the decisions, at least the protracting of the litigation over these lands. That is a bad state of affairs, and I should like to remedy it.

We can not get rid of that feeling by holding out a vain hope to these people that they can possibly overturn the decisions of the Supreme Court of the United States in some further litigation. We had better express a decisive judgment, as was done by the Committee on the Judiciary, and say that Congress has no longer any power over this question, for that is the fact.

If Congress has not passed the title to these lands, then there is no use of passing laws, making decisions, and issuing patents; and I believe, so far as I have been able to understand the facts in this case, Congress has just as much right by an act to take the title of a tract of land that I may hold under a patent that is thirty or forty years old out of my hands and give it to any other Senator on this floor as it has to go back and rip up these decisions by enacting a new law, create a new litigation, and enable a court to make a decision contrary to the decisions that have already been made. There must be a time when the Government of the United States can rid itself of its title; and whenever that Government has issued a patent that is not fraudulent on its face—by which we mean a patent that is not affected with fraud in the fact of its issue—Congress can not recall that patent and undo it by a legislative act. It is a conveyance made by the Congress of the United States, having power to make it, having an understanding of the facts, certainly not subject to duress; and when the conveyance is not affected by a fraud that inheres in the patent itself and makes it void as a muniment of title, that patent conveys that land, and after we have gotten rid of it in that aspect, whatever question arises in respect of the title to that land afterward becomes a judicial and not a legislative question.

So I think that every question in this case, as far as I have been able to see, indeed I am sure that every question in this case that is now sought to be raised by this bill and to be brought back again before the courts for adjudication, is a judicial question merely, and not a legislative question. The whole subject of the title to these lands has passed beyond the domain of Congressional legislation. What we have done is a finality, so far as the Government is concerned, and if we have done wrong, nothing remains for us to do but to pay the damages to the people that we have injured by our contradictory and inconsistent course of legislation.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama, that this bill be indefinitely postponed.

Mr. WILSON. Mr. President, it is not my purpose to detain the Senate long in submitting the remarks upon this motion which it is my desire now to do, but if Senators will give me their attention for a few minutes I think I can present this case in a manner that will give it clear understanding to the mind of every Senator.

In the very heart of the State of Iowa there are living to-day more than one thousand families to whom the passage of this bill means more than I can tell or we can realize. These families include many persons now in the winter of life. Years of adventure, hardship, and toil are behind them, all of which were expended in hopeful endeavors to secure and improve homes for themselves and their families on the lands to which this bill relates and which they now believe of right belong to them. For more than a quarter of a century have many of them lived where they now live, having commenced their terms of occupancy in full belief that the end would be perfect titles to peaceful homes. Relying on the good faith of the Government and depending on the assurance of written public law, they entered upon the struggle through which homes in the West were then secured. As they pursued the even tenor of their ways the wilderness was subdued, waste places were reclaimed, civilization advanced, homes were established, farms unfolded their beauties, families multiplied, and happy communities evolved the elements of thrift and prosperity. They had no suspicion of danger to the titles to which they looked for an assurance to them of the results of their willing sacrifices and sturdy endeavors. It was no fault of theirs that governmental action and inaction induced the presence of conflicting claims and controverted rights.

Twenty-five years ago the section in which these lands and homes are situate was the frontier of Iowa settlements. No one then had reason to believe that the conditions which now exist relative to the titles to the lands there situate would ever transpire, and these settlers began their work in that new region in full belief that under and in pursuance of the land laws of the United States perfect titles would eventually come to them from the Government. They did know what Congress, the Secretary of the Interior, the Commissioner of the General Land Office, and the State of Iowa had done. This they were bound to know. But they did not and could not know what these powers and officers might do or attempt to do in the future. Nor did either prudence, duty, or the law require them to enter upon inquiries relative to the possibilities which might appear in that uncertain field of action, and they now believe that whatever was subsequently done could not lawfully affect their rights.

It is not necessary for me here to affirm that vested rights can not be divested by an act of Congress or by the mistake or unlawful act or decision of an executive officer of the Government. We all know that it can not be done. Whatever rights these settlers had they, in contemplation of the law, now have, in spite of legislative or executive action, whether it be that of the United States or of the State of Iowa. And this doctrine will apply with as effective force to the bill which we are now considering in the event of its enactment by Congress as it does to the acts which have cast a cloud upon the titles to the lands which constitute one of the most beautiful sections of the State of Iowa. Hence no one can be harmed by the passage of this bill. Even the temporary disturbance which may be occasioned by the commencement and progress of the action which it directs shall be instituted on behalf of the United States by the Attorney-General will be more than compensated by the perfect title to be assured by the judicial determination of the controversy. And this view of the case leads me to remark that the contention which it is the office of this bill to terminate is not wholly measured by the private rights involved in it. It is one of those disturbances which affect a considerable region of country in all of the relations which influence values, contentment, prosperity, a right progress. From this aspect of the case a public question results. This broadens and intensifies the character of the bill. Its object embraces the interests of all of the people of the region immediately affected; indeed of the entire State of Iowa, and of the individuals, residents of other States, who claim title to any part of the lands involved adverse to the settlers. Each and all of these are definitely interested in obtaining, at the earliest practicable day, a final judicial determination of the controversy which rests like a blight upon the titles of all.

I do not state the case too strongly when I say that the controversy which it is believed the methods provided by this bill will settle rests like a blight on all of the titles to the lands affected. No one who has not come personally into contact with the facts and effects of this case can fully realize or perfectly appreciate how absolutely this blight has settled upon its every feature. But every person in interest knows full well how malign its influence has been and still is, and it will get no better but rather grow worse until in some such way as is now proposed a definite judicial remedy shall have been applied; and I am surprised that the Des Moines Navigation and Railroad Company and all of its assigns and grantees do not join in asking for the passage of this bill; for the title of that company and of its assigns and grantees will remain in doubt, challenged and uncertain, until some such remedy shall have been provided and applied.

Many of the settlers who are urging the passage of this bill, I am informed, are grantees of the said company, having endeavored to perfect their titles by purchasing that claimed by the corporation also. Still others, who have no title but such as they have derived from the company by purchase, approve this measure and ask that it be enacted into a law. My information is to the effect that these several classes of claimants and grantees can neither sell their lands nor raise money on them by incumbrance. Every phase of the title is regarded as in some way imperfect, and is the subject of suspicion. Nor will this condition be remedied by any worrying-out process on behalf of the resisting corporation. A thousand families, some of whom have been occupying these lands as homes for a third of a century, and many of them, as I have already stated, for more than a quarter of a century, will not give up the contest even though this bill should fail of passage. They are not asking that the rights of others be interfered with, but simply that their own shall be protected. They claim that in fact and in law the legal title to all of the lands covered by this bill is in the United States; that having complied with the laws relative to pre-emption and homestead entries they are entitled to patents for the lands on which they have settled and made their homes; that as to the remaining, concerning which no adverse claims exist, they are content to have them confirmed to the said company or to its grantees as this bill provides. That is the whole case as these settlers present it. They simply ask that all of the questions involved in the conflicting claims to these lands shall be judicially determined, alleging that in none of the cases cited against them has this been done.

In this latter allegation they do not stand alone, as is abundantly evidenced by the fact of the universal suspicion which rests upon the titles involved. The cases cited are not free from the taint of alleged collusion. I make no charge in this regard, nor shall I enter upon an examination of the said cases. It is sufficient for my purpose and in justification of this bill to say that in none of the said cases has the United States asserted its title, and the settlers who ask for the passage of this bill have had no opportunity which would allow them to do so.

The representatives of those settlers tell me that they and all of their associates will promptly and peacefully yield to the result of the judicial proceeding which this bill proposes to institute should it prove to be adverse to them. It may be responded to this that in so doing they would but be obeying the law and performing a duty incumbent on every good citizen. This is true; but it is also true that it involves the surrender of the results of the labors of their lives, the loss of homes which have sheltered them, and in which their families have been reared, and another start in the struggle of life with too many of their years gone for those yet remaining to move upon them freighted with hope and goodly promise of success and fortune.

Mr. President, the citizens who ask for the passage of this bill have

long importuned Congress for relief. They have been patient and respectful. It does not seem just to deny their prayer. They can not put their case in the courts. But the Government can go there under the provisions of this bill. These citizens are humble; but their rights, though they may embrace merely claims to titles to small holdings of lands on which they have spent the best years of their lives in hardy endeavors to found and possess homes, should be as sacred in the contemplation of the Government as though they were the owners of principalities of lands and millions of invested capital. A government can be as truly great in guarding the comparatively insignificant rights of its humblest citizens as in contests for empire. We can give the protection prayed for in this case not only without injustice to other citizens, but in a manner which, while it protects private rights, will also promote the public welfare. For it must be seen by all that even though the remedy proposed shall fail of that full measure of good result which would secure to these patient settlers their homes, it certainly will quiet the titles to all of the lands whose conditions are disturbed and values unsettled by this long existing controversy. Hence, whatever the final issue may be, a good result will have been reached. A conflict of many unpleasant features will come to an end. I can but hope that the end will assure to these patient people their homes. But should it fail of this, it will give rest and perfect title to one of the most beautiful and fruitful sections of the State of Iowa. The Government will have done its full duty, and the citizen will feel that it is not unmindful of him, though he may be poor and his home humble. This will tend to remove unrest and establish contentment; and no results of government are more to be desired than these.

With this description of the case I am willing to submit it, so far as I am concerned, to a test of the motion made by the Senator from Alabama.

Mr. GARLAND. Mr. President, some four years ago almost exactly I had occasion at the instance of the Judiciary Committee to examine this matter very thoroughly, and I made a very careful and elaborate examination of it so far as I was concerned; and as a result I was directed to submit as the unanimous voice of that committee a report in accordance with the views expressed by the Senator from Alabama [Mr. MORGAN] a few moments ago.

In making that examination I had every sympathy with what are called the settlers there, and I used the few faculties I had to the best of my ability to find out some way to give them a remedy or to give them relief; but I was forced to the conclusion, as was the committee unanimously, that there was no relief that Congress could give, that the matter had long since passed out of the legislative jurisdiction of Congress.

One of your predecessors, sir [Mr. HARRISON in the chair], Mr. Pratt, years before I came into the Senate, and years before I ever had any idea that I should be able to get to the Senate, made a report from the Judiciary Committee, which was unanimously indorsed, to the same effect as the report I made and as the minority report made now by the Senator from Alabama. The Senator from Alabama has expressed my views so thoroughly and so completely that I shall not detain the Senate many minutes. I will simply attempt to re-enforce, with some additional light on the question in more recent years, what the Senator from Alabama has said. Coming down to the pure stubborn question of fact and law, the settlers do not stand in relation to this property as innocent purchasers. It can not be claimed. But while that is true, as was so well stated by the Senator from Alabama, I have some sympathy with them, and believe that possibly Congress in dealing with them ought not to hold them to the strict letter of the law, but might open its sympathy and give them some relief, possibly in the way suggested by the Senator from Alabama, but certainly not in the way the bill proposes.

Now I wish to call the attention of the Senate for a few minutes to the closing part of the report which I made four years ago from the Judiciary Committee on this subject:

> Notwithstanding the opening of the land offices in 1868, by the direction of the Secretary, to the entry of these lands as Government lands, it seems to the committee that the settlers were put upon their guard, not only by the decision in the Wolcott case, but the injunctions granted by the circuit court, that there was a question as to their right to enter the lands. They chose to take the risk, and the ultimate decision proves they acquired no title. From the very start there was a cloud of doubt. They can not, in face of these facts, be regarded as innocent purchasers. The intrinsic value of the lands at the time when they made their filings and entries was probably nearly as great as now, aside from the improvements. But the committee understand the fact to be that the lands in controversy were all settled upon while the order was in force withdrawing them from sale, although many applications for entering at the land office appear to have been made since.

So that according to the law of the case from the foundation of the Government to the present day the Government is never understood to warrant and covenant in regard to the grants it makes.

The parties in all cases take them subject to their own risks, and here, according to the report, there was sufficient to put these settlers on their guard, and in law the opportunity of knowing is knowledge. But, as stated by the Senator from Alabama, if you could compute this in money and give it to them in meritorious cases I should have no objection. The closing paragraph of the report is:

> The more recent decisions (Wolsey *vs.* Chapman, 101 U. S. R., 755, and Litchfield *vs.* County of Weber, *Ibid.*, 773) approve the earlier cases on this subject already cited, and from them all it is clearly to be gathered that this matter has passed beyond the reach of Congress, and whatever rights the settlers seek to show or may wish to establish, they are not within any remedial legislation of Congress; they can not be affected by any act of Congress; in fact, it is a subject over which Congress has no jurisdiction; and the committee ask to be discharged from the further consideration of the bill, and recommend it be indefinitely postponed.

In that report, and in the report of Mr. Pratt which preceded it some years, the litigation on this subject was analyzed from the case in twenty-third Howard about twenty-five years ago, and they run in one current from that down to one hundred and ninth United States Reports, which I have here, and from which I shall read a short paragraph, the Supreme Court holding without a dissenting voice that Congress had passed this property away from the United States. Here I wish to call the attention of the Senators from Iowa to one fact which in this report is not stated, but I will now undertake to state it. Sharing with them in the fullness of their sympathies and their desire to aid these settlers, I yet say that the State of Iowa should do this. She was the recipient of all these lands and of this grant; and if she has come in between the Greenleaf settlers and the United States, she should take the *onus* of protecting the parties, and it should not be thrown on the United States. She parted with the property over twenty years ago. In the report the cases are all referred to; but since then, a year or more ago, in the case of The Dubuque and Sioux City Railroad Company *vs.* Des Moines Valley Railroad Company, the Supreme Court said where this very question came up—

> That the act of July 12, 1862, (c. 162, 12 Stat., 543)—

Now nearly twenty-three years ago—

> transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant.

And they refer to the Wolcott case and the Litchfield case and the Weber case and all the decided cases; and so you see that by an unbroken course of decisions for twenty-five years past this property has been determined to have passed to the State of Iowa—to have passed away from the United States—with which the United States has now no more to do than it has with my home in Little Rock. There is the whole case in a nutshell.

But the Senator from Iowa who has just taken his seat said these parties never had any opportunity to test this question. Let us see. I hold in my hand a transcript of a case decided by the Supreme Court over one month since, the case of Bicknell *vs.* Comstock, on appeal from the eastern district of New York, where one of these persons had sold his land and made a covenant and warranty of title. The vendee caught him in New York and sued him there for a breach of warranty. The Supreme Court reviewed this whole question again from the Litchfield case in twenty-third Howard down to the case in one hundred and ninth United States Reports, and determined that this party had no title, that Congress had passed the title to the State of Iowa, and he must account on his warranty.

Now, what is Congress asked to do in the face of all this? To permit parties to go into the tribunals in Iowa to litigate about property that the Supreme Court of the United States has said the Government has no title to. It has said it now almost five times five. The honorable Senator from Iowa says the bill can do no harm. Suppose, for the sake of the argument, that to be true; I might just as well ask Congress to pass a law to permit me to sue for the great ranch of my friend from Tennessee [Mr. HARRIS] in Texas that I might covet and desire. The Government does not own it; Congress has nothing to do with this property. It may be a very interesting business for Congress to permit people to go into court and litigate; but if the Government has no title to the property about which the litigation is to be instituted, Congress has no business to pass such a bill.

But I wish to say to the Senator from Iowa that it will do harm. How? It will simply bring litigation upon these people that the courts will be compelled to dismiss upon a motion or on a demurrer to the complaint filed, because if there is no title, if there is no right to this property in the Government, Congress can give no right to bring a suit for it; and a court on demurrer will dismiss the bill and say, "You have nothing to litigate about, so far as Congress is concerned." You point to these innocent people who, according to the speech of the Senator from Iowa, have already suffered greatly, and you plunge them into an additional expense for litigation. That is the harm it will do. I sympathize with the settlers, and I am willing to stretch, if you please, the legislative conscience of Congress to do something for them in meritorious cases; but not to invite them to litigate about a matter where there is no right to the property in the General Government. This bill would be a delusion to them, it would be a snare, and then they would come back to Congress after their complaint was dismissed and say, "Well, we thought you were giving us bread, but it turns out to be a stone. We ask now for some further relief."

As Congress has virtually passed on this repeatedly, and the Supreme Court so often, there is nothing left, it seems to me, but for the Senate to sustain the motion of the Senator from Alabama that the bill be indefinitely postponed.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7004) to repeal all laws providing for the

pre-emption of the public lands and the laws allowing entries for timber-culture.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I ask the Senator in charge of the bill to yield to me for a moment. I ask unanimous consent of the Senate to present at this time the following resolution:

Resolved, That after the call for "concurrent and other resolutions" has been concluded, it shall be the duty of the President of the Senate to lay before the Senate, in their order, House bills on the Calendar which have been favorably reported by a Senate committee, subject to the provisions of Rule VIII, which shall continue until 1 o'clock each day until all of such bills shall have been considered.

Mr. HARRIS. I ask that the resolution may be printed and lie upon the table until to-morrow morning, at which time I shall ask the Senate to consider it.

Mr. SHERMAN. It is offered so that it will be in order to call it up to-morrow.

Mr. ALLISON. I offer the following amendment to that:

That this order shall not interfere with the pending case.

Mr. HARRIS. I have no objection whatever to that amendment if the Senator from Iowa desires it inserted.

Mr. ALLISON. I do desire it.

The PRESIDING OFFICER. The resolution will be so amended by consent.

Mr. HOAR. Let the resolution as amended be read again for information.

The PRESIDING OFFICER. The resolution will be read again for information.

Mr. SHERMAN. I object to the amendment being adopted.

The PRESIDING OFFICER. The Chair will state that it has not been adopted. It has been simply accepted by the Senator who offered the resolution as a modification. The amendment of the Senator from Iowa will be read.

The SECRETARY. It is proposed to add to the resolution:

Provided, That the pending order, Senate bill No. 1886, shall not be interfered with.

Mr. HARRIS. Let it appear that that is an amendment, not a modification. I have no objection to it, but I do not care to be responsible for it.

The PRESIDING OFFICER. Then the Senator from Iowa proposes an amendment to be printed.

Mr. ALLISON. I desire that my amendment shall cover the scope of the bill pending before the Senate in the morning hour.

The PRESIDING OFFICER. Does the Senator from Iowa desire to propose the amendment now, or will he withhold it until the resolution is under consideration?

Mr. ALLISON. I am not very particular. I will offer it now.

Mr. SHERMAN. Let it be acted on.

Mr. ALLISON. I give notice of it.

The PRESIDING OFFICER. The Senator from Iowa can at this time give notice of an intended amendment and ask to have it printed. It can not be properly offered as an amendment now, because the resolution is not pending.

Mr. ALLISON. I think the Senate very well understands the general scope of the amendment I propose. It is hardly worth while to print it.

Mr. HOAR. I ask that the resolution be read as it would read if amended.

The Secretary read the resolution submitted by Mr. HARRIS with the amendment of Mr. ALLISON added thereto.

Mr. HOAR. I understand that the resolution is not now before the Senate for action, but I beg leave at this time to ask the Senator from Tennessee whether he proposes to have the resolution passed in such terms that it will deprive the Senate of the ordinary power to take up upon motion any matter that it may see fit during the morning hour?

Mr. HARRIS. I do not think it would have that effect.

Mr. HOAR. If the Senator does not intend that effect, will he be good enough in the interval to look at the resolution and see whether it may not possibly have it?

Mr. HARRIS. My present request is that the resolution be printed and lie on the table until to-morrow morning, at which time I will ask the Senate to consider it, and in the mean time I shall be glad to have the Senator from Massachusetts look at it, as I will do.

PUBLIC-LAND LAWS.

The Senate resumed the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture, the pending question being on the amendment proposed by Mr. PALMER as an additional section.

Mr. VEST. I stated yesterday that I wanted this bill postponed until to-day in order that I might submit to the Senate some papers that I had received in regard to it. It is hardly necessary for me to say that I have no personal interest in the subject, but on the 26th of January I received from a person unknown to me, but I spoke about him to the Senators from his State and others, who concurred that he was a gentleman of high character, as high as any one in that State, and he makes some suggestions in regard to the question pending on this bill which, it seems to me, should receive attention. The matter should be the subject of a separate bill, and should not be placed by amendment on this bill in the way now proposed to be done. I ask the Secretary to read this letter I send to the desk. I will not give the name of the writer, but he is known to the Senators from Michigan. The statement is of a public nature and relevant to the matter now before the Senate.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

SAGINAW, MICH., *January* 26, 1885.

Hon. GEORGE G. VEST,
Washington, D. C.:

SIR: Permit me to call to your notice a bill recently introduced by Senator PALMER, of this State, reported on the 20th instant from the Committee on Public Lands, and recommended for immediate action, which provides: "That wherever lands have been withdrawn from sale to aid internal improvement, or where the lands have been reduced in price to $1.25 per acre, and such lands have been purchased in good faith and patents obtained therefor, without having been first proclaimed by the President, such patents shall be valid, where on the 25th of January, 1885, there are no conflicting claims," &c.

The bill is drawn in the interest of a few men, who were permitted by officials in the local land offices, and more especially in Northern Michigan and Wisconsin, to purchase at private sale, for cash, at $1.25 per acre, valuable lands of the United States worth $25 to $100 per acre, and this, though in direct conflict with the law providing "that all such lands shall first be proclaimed by the President and offered at public auction to the highest bidder, $1.25 per acre being the minimum price," thereby throwing the lands open to competition and enabling the general public to attend the sale, purchase if they so desire, and the Government to realize approximately, at least, the value of the lands.

And now come these persons before the country posing as innocent purchasers in good faith.

There was no good faith in these transactions, and none can properly be claimed.

The bill is not in the interest of homesteaders or actual settlers; on the contrary, its design is to cut these people off, and is in direct conflict with the design of the Government to reserve its lands for actual settlement.

It is an effort on the part of certain land speculators to bolster up by legislation claims procured in a notoriously unlawful manner to lands the titles to which have already been declared void by the Supreme Court of the United States. A few individuals have quietly entered the choicest and most valuable tracts before the people generally are aware of what is going on, and after these persons have secured what they want, the knowledge gradually spreads that the lands are being taken, and a few isolated pieces are picked up by A, B, and C. robbing itself to pass unnoticed.

The Washington correspondents of our Michigan newspapers seem to be in the employ of these innocent (?) parties, as they do not give the facts, but a garbled statement, leading one to understand that homesteaders and poor men are to be injured by the ruling of the Secretary of the Interior and the decision of the Supreme Court.

Mr. VEST. I would not submit a private letter to the Senate unless I knew the character of the writer, and I know this gentleman from the statements of Senators to be a man of high character, whose statements are entitled to respect. He states here that the Washington correspondents of the Western papers, especially of Wisconsin and Michigan, are entirely in the interest of this amendment which was reported here as a Senate bill. Attached to this letter are extracts from the correspondence of some of these correspondents. There is one statement made in behalf of the amendment from a correspondent of the Detroit Post manifestly in this interest. He says:

For twenty-five or thirty years the officers of the Land Department have been offering at private sale lands which had been withdrawn from market for railroad and other purposes and then restored without another public auction of them. Thousands of citizens of Michigan have been purchasing these lands for many years. In a great number of cases men have made it their chief business and have by this time become the owners of large tracts. Two or three citizens of Detroit have written here that their entire fortune consists in lands which they have thus been acquiring. Mines have been dug upon lands so purchased, homes secured, and farms laid out. Messrs. Barnhart, Hill, and Freeman, of Grand Rapids, Case & McKinnon, of Marquette and others, who are in Washington now, own probably 100,000 acres of these lands.

I read this, coming from a party favorable to this amendment, to show that this legislation is not in the interest of the poor men of Michigan and Wisconsin, that it is not in the interest of homesteaders or of pre-empters who seek, in accordance with the general policy of the land laws of the United States, to secure humble homes upon the public lands, but it is in the interest of speculators. Here are these gentlemen whose names I have read from the lips of their friends, who are in Washington now, to secure title to 100,000 acres of the public domain by this act of legislation alone, showing that the statements made by the gentleman whose letter I have read are true and shown to be true from the public press.

Will it be pretended that these were innocent purchasers? Who ever heard of men buying 100,000 acres of public land without knowing exactly what they bought? Who does not know that men will not put their entire fortunes in a speculation of that sort without examining every fact and having the best legal opinions that can be bought for money in this entire country?

With no knowledge personally, with no acquaintance personally with any of the parties interested, I am authorized to declare here from my seat in the Senate that the facts show beyond question that this is a stupendous speculation for the purpose of buying up hundreds of thousands of acres of public land on an uncertain title at a price at which the land could not otherwise have been bought, and then by an act of Congress to legalize the speculation and put immense fortunes into the pockets of certain individuals. I am opposed to all such means; and with the lights before me, with the facts which I have brought here, and

which, I take it, can not be contradicted, because especially the salient fact that these lands are in vast bodies in the hands of certain individuals comes from a friend of this measure, I am authorized in making the statement that I have made.

Therefore I hope the amendment will be rejected.

Mr. PALMER. The Senator from Missouri has pictured a frightful representation of the amount of turpitude involved in the amendment. I suppose very likely some men may possibly have gotten title there in late years knowing that they were getting an imperfect title; but those are not the men whose rights I desire to secure.

At the time when there was a carnival of land grants in Congress, along about 1856, nine lines of road, I believe, were given grants. They threaded our State in every direction. Certain amounts of land were withdrawn from market, and owing to the peculiar directions in which the railroads were run it took out from market nearly one-half of the northern half of the lower peninsula. Those lands have been purchased not only by speculators, by lumbermen, but by farmers—men who have put their sweat, their blood, and their toil in those acres, and now a cloud has come on their title, which always existed, but which they were not aware of till the last decision of the Supreme Court, which was to the effect that all lands which had been withdrawn from market should be again offered at public sale before they were subject to private entry.

In many of these cases, as the Commissioner of the General Land Office states in his letter to the Committee on Public Lands, there was no offering at public sale. I do not know how far the defect in the titles of those lands will extend or to how many thousands of acres, but I know that a vast majority of the land-owners of the northern half of the lower peninsula of Michigan are in jeopardy by reason of not having their titles confirmed. They bought the lands honestly, they paid for them, they have held them, some of them twenty years, paying taxes on them, and now they are liable to the depredations of land-jumpers and jackals of every character.

In regard to the letter which the Senator from Missouri has read, I will say that I know the gentleman who wrote it. He is a reputable man, and I can not conceive the animus of that letter unless it is that he has some private pique to gratify, and if the thing should be followed up, if it were worth while, I have no doubt that would be established. As to the land he speaks of in the upper peninsula of Michigan I know but little. Possibly there may have been some titles gotten there by men who know that they were buying a defective title, but in the case of the vast majority of the lands where the defect in title is attempted to be cured by this measure the owners are honest men and men who deserve relief. I suppose there can not be anything of this kind brought up before Congress without the vision of a big land steal being involved. I hope the matter will be exhaustively discussed. I am ready to answer any questions in regard to it.

If Senators will look at the letter of the Commissioner of the General Land Office they will see the animus of this measure and why it should pass. He says:

From the foregoing it appears that, briefly stated, the practice of this office has been:

1. In the earlier grants to the States to restore to private entry by a simple public notice such lands as had once been offered.

Again he says:

If for any reason lands which had once been offered at $1.25, and afterward at $2.50, were reduced to $1.25 per acre, a second offering at that price does not appear until of late years to have been considered necessary in order to render them subject to private entry.

Whose fault was it that these men got defective titles? It was the fault of the officers of the United States; and where there are no conflicts it seems to me that common honesty and common decency require that Congress should validate the titles. The amendment provides for that where there are no conflicts.

Mr. VEST. Mr. President, let me say a word in regard to——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. PALMER. Certainly.

Mr. VEST. I beg pardon; I thought the Senator was through.

Mr. PALMER. No; but I should like to hear what the Senator from Missouri wishes to say.

Mr. VEST. I was about to say, and possibly I had better say it in the way of an interruption, that I think there is not a single Senator here (speaking for myself I am absolutely certain) who, if a question should ever be presented such as I take it from the character of the remarks of the Senator from Michigan he thinks is presented to the Senate, would hesitate one instant in validating the title of an honest *bona fide* purchaser who went to the land office and bought for a home a reasonable amount of land, whether one hundred and sixty acres or more, and was in actual possession of it for the purpose of making a home. I take it there is not a Senator here who would hesitate to validate such a title and give such a man a prior right over any one else for land thus acquired. But I submit that at any time when facts exist (I do not say whether they do or not, but they are quoted here from a responsible source, a man of good character) showing that speculators have gone on land knowing that the title was defective, knowing that the land officers were exceeding their authority, or where there was a probability that they were exceeding it, and have bought up hundreds of thousands of acres of valuable land at a dollar and a quarter an acre in fraud of the rights of the Government and in fraud of the rights of other citizens of the United States, in that case we ought not to pass a law which validates their titles. The speculators took their chances; they lost the case in the Supeme Court of the United States, and it is unfair and unjust by a sweeping act of Congress to give them their game after they had taken the chances and lost.

Mr. PALMER. I will state, in answer to the Senator from Missouri, that the amendment is not entirely in the interest of speculators. There are thousands of farm titles which are also involved in the same uncertainty by the acts of the Land Office, as well as the titles of men who have bought for speculation. I do not consider that there is any great crime in speculating in lands. I consider that the United States is benefited, and that all parties are benefited, if men buy lands and pay taxes on them and hold them for sale.

But the amendment is not intended to benefit rich men alone. It involves more poor men than rich men. If the Senator sees in it anything that appears to him like an attempt to defraud the Government I hope he will propose to so amend the amendment that it may pass in such a shape that the northern half of the southern peninsula of Michigan at least, and also the Lake Superior region, may be relieved from an incursion of land-jumpers that would be worse than that of Attila and the Huns or the Goths and Vandals, and which would unsettle half the property in the northern part of the lower peninsula of Michigan.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. PALMER].

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I do not know on what authority the Senator from Missouri says this measure is intended for the advantage of men owning 50,000 and 100,000 acres of land in Michigan. It will be news to any Michigan man to have such a statement made. I have never seen any such statement coming from any of the persons who have written letters or sent petitions in regard to this matter. I understand from the Senator that he gets his information from private sources, and I do not know how authentic they may be.

The real truth about this matter is that the decision of the Land Office, confirmed by the Supreme Court, throws a cloud upon the title of lands that have been entered for the last twenty or twenty-five years as the homes of hundreds and thousands of people of Michigan. I speak of Michigan because I know more about that, but in Wisconsin, Minnesota, and other States there have been public lands situated as these public lands were, and where by the action of the Land Office they have been held out to the people of Michigan and Wisconsin and Minnesota as subject to entry without having been first offered at public sale. The people who bought these lands, whether they bought more or whether they bought less, have been misled by Government officers. They have been deceived in regard to a law which it was supposed the executive officers of the United States understood, and they have paid their money and bought their lands and received their patents and their certificates of ownership. Hundreds and thousands of men have gone with their families into the northern part of our lower peninsula, and into the upper peninsula, and have spent years with their families there clearing land and making homes with the patent of the United States in their hands, believing that they had a home under the laws of the United States, believing that the great patent of the United States gave them their lands and gave them their homes, and after years of toil and years of sacrifice of comforts in the wilderness, when they had a career of some comparative comfort and competence before them, all at once by a new decision of the Land Office, supported by the decision of the Supreme Court, they find that they have no right to these lands, or at least that there is a cloud upon their title, and they find, worse than that, that any speculating man may go right upon their farms and pre-empt their home, their house, their barn, their garden, their orchard, their fields, or may go and settle upon it and claim it as a homestead even, and take away the rights of all these settlers at a grasp.

There is no sense in such a state of the law as that, and Congress should provide a remedy immediately. It may be that some have larger portions of land and some smaller, but it affects all alike. Why should not this remedial measure be passed to stop the rapacity of those who would take away from the settler his hard-earned orchard and garden and house and barn; or, if he has died in the struggle to make him a home, who would take it away from the widow and from the children, and they, standing there with the broad seal of this Government upon a patent to their lands, are driven off by whatever speculator, knowing this cloud and defect upon their title, may see fit to plant himself in the midst of this home gained by so much toil and by so much labor?

I care not if there be a few men who have large possessions. I speak for the hundreds and thousands of the poor men of Michigan who settled that country, who within twenty years have made the wilderness of the northern part of our lower peninsula smile like a garden, beautified by homes, cheered by the improvements which their hard labor

has made, and which are about to be swept away and taken away by the rapacious land-shark. And men will vote against this measure in favor of homestead settlers, giving them the right to go and take these lands, when by doing it they wring the hearts of thousands of men, women, and children in all these States and take away their possessions.

The Government made this defect in title. The Government failed to put these lands up at public auction. The Government of the United States, the paternal Government of the United States, led them into this trap into which they are to perish to lose their homes.

I make this appeal for the settlers on these lands. I make this appeal in favor of making valid the great patent of the United States to the homesteader, to the pre-emptionist, and to the settler.

The State of Michigan in the last twenty-five years has doubled its population, and it has doubled it by inviting to these wild lands settlers from every State in the Union, who have gone there, improved the lands, and made their homes; and years afterward they find a cloud upon their title—ay, they find themselves in the position of having it all wrested from them because the President failed to order the lands to be offered at public sale.

I do not know a case in all the legislation of Congress where justice and equity and right more demand the passage of such a measure as this to secure the people of the United States in homes that they have already made. I would go as far as the farthest in preserving the public lands of the United States for homes for the people, for lands for the landless, but I shall not do it at the expense of those who have put upon their lands the toil of years. I would not drive the father of the family and the mother and the children from the homes into which they have put all their labor, all their toil, all their love for the family and for their children during long years of privation and labor.

That is what this amendment means. It would save those homes to the thousands of people of these States where this class of lands has been sold and patents given, and where, by an unexpected order of the Commissioner of the General Land Office, sustained properly probably by the Supreme Court on mere technical points of law, they are to be driven from their homes, driven into exile in their old age, driven from their gardens and their fields, from their houses and from their barns into a hopeless exile.

I have stated the object of the amendment. If it happens that some men more fortunate, with more lands, have a large number of acres in some few places, it may have that objection. But are you not to do right by those who have got more lands? The main object here is to preserve the thousands, and I had almost said hundreds of thousands, of individuals—the thousands of families—from being wrecked and destroyed, with the muniments of title to their lands in their hands.

What a spectacle it would be to let a speculator come and take away these lands and drive off as with a flaming sword the people who have toiled and labored so long for a home and see them wandering away from their homes, to the eternal disgrace of this nation and this people, bearing aloft and fluttering in the winds a valid title and patent of the United States, with the great seal of the United States attached to it! Yet that is what those who oppose this measure will compel in these cases unless some remedy like that proposed in the amendment is held out to our people there.

Mr. MITCHELL. I desire to repeat what I said yesterday upon this question. There are quite a large number of citizens of Pennsylvania who claim that their titles are clouded in such a manner that this measure would cure the defect. They are respectable citizens who have written to me in regard to the matter, saying that they purchased on the faith of the derivation of their title directly through a patent by the Government and paid their money, and they hold that they are entitled to a clear grant from the Government of the United States. It appears to me, therefore, to raise the question of the protection of the innocent purchaser in this case, in addition to that of the settler. For that reason and for the reason stated by the Senator from Michigan I shall vote for the amendment.

Mr. MORGAN. Yesterday I took the ground in discussing this matter that the subject ought to come up again before the Committee on Public Lands. A bill was reported from that committee substantially the same as the amendment now proposed by the Senator from Michigan [Mr. PALMER]; but it was offered merely as a general proposition of law, a sweeping proposition affecting all cases of this kind throughout the United States. I had no idea that there was any controversy about lands in Michigan or elsewhere of the character suggested by the statements made by the Senator from Missouri [Mr. VEST]. It seems, though, that there is a question of conflict of title between the claimants to these lands, and that question has been pending a long time.

I suppose from the information the Senator from Missouri gave us this morning that the whole controversy arose out of the case of Eldred vs. Sexton, the head-notes of which I read yesterday, decided by the Supreme Court in 1873. It has been nearly twelve years since that decision was made, and I am not aware that any movement has been made since that time for the remedy of this difficulty by act of Congress. I am totally unfamiliar with the state of facts about these controverted titles, and the Committee on Public Lands, so far as I am aware, are totally unfamiliar with it. We looked at the proposition that was sent to us as a general proposition which upon its face was very fair and very plausible. At the same time it ought not to have the application that is intended to be given to it here. The Congress of the United States ought not to interfere between private claimants to land from the Government to settle questions that in their nature are only judicial. The laws of the United States, as expounded in the case of Eldred vs. Sexton——

Mr. PALMER. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Yes, sir.

Mr. PALMER. I think the Senator from Alabama labors under a wrong impression in regard to the amendment. Where there are any conflicting or adverse claims it is not intended by the amendment to cure the defect in the title; such cases go to the proper tribunals.

Mr. MORGAN. That was the manner in which the bill was first reported from the committee, but still Senators have put in it a question of valid conflicting title. We are to legislate so as to declare, contrary to the decision of the Supreme Court, that an entry of lands within these railroad limits at a dollar and a quarter an acre is valid. That is the first step taken in the amendment. It is to validate an entry which the Supreme Court of the United States has declared to be invalid under the law. Having taken that step, another party comes in with a conflicting claim, and you require that that claim shall be valid. In other words, it is proposed to legislate out of the hands of whoever may be the holder of the property a title which he holds under the Government of the United States, for which he has paid $2.50 an acre, and then legislate it into the hands of a man who holds a certificate for which he paid a dollar and a quarter an acre, which the Supreme Court held to be invalid. You declare the invalid title to be a valid title, and you exclude the man who paid $2.50 an acre for his land unless he can prove that his title was a valid one. That is deciding the whole case by legislative action in a single proposition.

The Congress of the United States ought not to be asked to do a thing of that kind. If the Government of the United States has sold the land to any person for a dollar and a quarter an acre, and there is no person else who claims the land under any purchase from the Government whatever or under any right of homestead or any right of pre-emption, then I am willing to confirm the certificate that was granted at a dollar and a quarter an acre, because what we should do then would be merely to waive the difference between a dollar and a quarter and two dollars and a half an acre on the price of the land; but to go beyond that and to take up the question of title and make valid by act of Congress an invalid title, decided to be so twelve years ago by the Supreme Court, and then to fence in and protect that title, to put it in a bomb-proof by saying to the holder of that title, "You shall hold it against every person in the world except some man who shall show a valid title against the United States," is merely to sweep the lands out of the hands of persons who may have purchased them at two dollars and a half an acre and give them to persons who bought them at a dollar and a quarter an acre.

I think there has been a good deal of delay about this matter. Why should these parties have slumbered upon their rights without seeking the intervention of Congress for twelve years since the decision in Eldred vs. Sexton? If the Congress of the United States in regard to the public lands will concern itself simply in overruling by legislative action the decisions of the Supreme Court of this country, we need not attempt to do any other kind of business; Congress will be converted into a court for the trial of land titles, and we shall be appealed to continually by men who have got equitable claims, or claims that they conceive to be equitable, who will bring them in here for the purpose of having them vamped up by act of Congress so that they may go back and assert them in the courts and beat any person else who has a prior legal title.

I lament very much that Congress is being called upon almost every day—that has been my observation since I have had the honor of a place upon the Committee on Public Lands—to legislate titles out of the hands of some grantee of the Government and arrange them so that they will fall into the hands of some other grantee or some homesteader or some settler upon the public lands. It is hardly worth while to argue before a body composed entirely of lawyers that this is a transgression of the constitutional power of Congress, for when we enact laws and the people acting under those laws and in conformity with them acquire interests in the public domain, we have no power to set aside those interests and to recall the lands at our will and pleasure. After we have granted the title to an individual in pursuance of the laws of the United States, held to be valid by the Supreme Court or otherwise, it will not be insisted that we can assert the power on the part of Congress to recall those lands at our pleasure and bestow the title in some other direction.

It seems that we have set ourselves up as a sort of supreme court of appeals from the Supreme Court of the United States to reverse by legislative decree what they have solemnly decided to be the law of the land. The Supreme Court in making these decisions exercised only its constitutional functions. In providing by law to overturn those decisions and take from parties in whose favor they have been made the benefit of them we are usurping rights that we have no authority to usurp under

the Constitution of the United States; we are transgressing the boundaries of our jurisdiction.

I repeat that I think this case ought to be considered by the Committee on Public Lands. I had no suspicion that there was any such controversy as that which has been suggested by the remarks of the Senator from Missouri who sits behind me until he made known this statement in the Senate. The Committee on Public Lands have had people from Michigan upon various controversies before them in large numbers, and some of the ablest lawyers in that section of the country and in other sections of the country have been here to represent the controversies about the Ontonagon Railroad grant and the various complications which have arisen out of that and about grants to canals and other works of public improvement which have been construed in one way and another by the authorities of Michigan, and by the authorities of the United States Government, so as to involve those people in a labyrinth of difficulty and turmoil and litigation. But when this case came up I did not suppose that there was any actual controversy in respect to the title to a large body of land in that State between private individuals. I had no thought of such a thing. I thought that what was presented was a general proposition of law, and I was trying to prevent, so far as I was able, any application of the general principle insisted upon in the amendment of the Senator from Michigan, which might prove inconvenient or damaging or destructive to the titles of people who had acquired titles in good faith under the Government of the United States.

Now, it appears that here is a private controversy about these lands. It appears that certain persons have bought these lands, if I understood the remarks of the Senator from Missouri, in good faith, paid their money for them, and they insist that they are entitled to the lands. Shall we, by passing a measure as sweeping in its provisions as this, which applies all over the United States, undertake in this indirect way to settle a private controversy between persons in the State of Michigan about tracts of land? It seems to me that it is preposterous that we should undertake to do it.

The Senator from Michigan ought to be willing to allow this bill, which has been reported by the committee, and I think improvidently reported, to come up on its merits, and to let those people in Michigan, who are now notified by the fact that such a bill has been reported, come in and present their controversy and their contention about these lands. Do not let us decide a case of the magnitude that this appears to be in this indirect way, and without offering the opportunity of a hearing to those people in Michigan.

We have before us a bill for the purpose of repealing the pre-emption laws, the timber-culture laws, and the desert-land act. That is the object of the bill. Senators on this floor, persons interested everywhere, are notified that when the bill is called upon the Calendar the Senate intends to engage itself in considering those changes in the general land laws of the United States. While that bill is under consideration the Senator from Michigan offers an amendment to it which purports to be general and universal in its application, but which touches upon a subject that is not hinted at in the bill which the honorable Senator from Oregon is conducting through the Senate. When the people, whose rights were referred to in the remarks made by the Senator from Missouri, come to inquire of us why it was that on a bill to repeal the pre-emption laws and the timber-culture laws we took up and considered a matter entirely foreign to it, which drew into controversy a private litigation between citizens in Michigan and elsewhere, what have we to say about it?

I am very much obliged to the Senator from Missouri for having furnished the Senate with information that nobody else has furnished it with heretofore. It is now made known to the Senate of the United States that there is a private controversy about this question, and the Senate ought to allow the committee to hear both sides of it, or at least the Senate ought itself to hear both sides of it before it decides upon a question of such magnitude.

Mr. CONGER. The amendment of my colleague has been before the Senate as a separate bill for a long time. There has never come to the knowledge of the Senate by any public petition or memorial or document whatever any opposition to the measure from any source.

Mr. MORGAN. Not until this morning.

Mr. CONGER. Nothing has come to the Senate as a body in the way of petition or memorial from any source, and yet it is the subject of constant and continual notice in all the Michigan papers to-day and has been for weeks.

Mr. MORGAN. Will the Senator from Michigan allow me to say that it can not be the fault of any member of the committee, there being no Senator on that committee from Michigan, that we did not know of this private controversy in his own State? He might have informed us of it. I suppose he knew it.

Mr. CONGER. There is no controversy in the State of Michigan except by those men who want to get away these lands from the settlers, as I said, and the Senator is defending, by opposing the amendment, that class of men who, from a defect in title, as shown by a decision of the Supreme Court, think they have a right to go upon all these lands and make homesteads and entries and pre-emptions upon them. That is the condition of it.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. CONGER. Let the Senator wait for a moment until I conclude, and then I will hear him.

Mr. MORGAN. I just wish to ask the Senator a question.

Mr. CONGER. Very well; I yield for that.

Mr. MORGAN. I understood the Senator from Missouri to say that the gentleman who had made this representation was from Michigan, and was an honorable man.

Mr. CONGER. I told the Senator from Missouri so when he asked me, for I knew he was an honorable man.

Mr. MORGAN. I am willing to defend that sort of a man here at any time.

Mr. CONGER. Yes; but I want to defend the hundreds and thousands of poor, innocent, hard-working settlers in my State. The Senator may defend those who desire to get away their lands if he chooses, but I am not in that rôle.

Now, what does the amendment do? I ask every Senator to see what it does propose, and only what. It proposes that where a certain class of lands—and I ask the Senator from Alabama to listen to me in this argument if he will——

Mr. MORGAN. I surely will; I always do that, as the Senator knows.

Mr. CONGER. The amendment applies to a certain class of lands which have been withdrawn from market for purposes specified in it, and have been restored to the great body of the public lands, or where they have been among the lands reserved for a railroad before its line was built, and after its line was built they were found to fall outside of the fifteen or twelve mile limit and went into the body of the public lands. Everybody knows that they were then public lands subject to entry, homestead, or pre-emption; and although they had been at $2.50 an acre until the railroad had defined its central line and the limits were established, the moment that was defined they fell back into the kind of lands to be bought at $1.25 an acre. Where there was reserved from market for any reason and again restored to market any public land, the law, so the Supreme Court decides, required that before it should be purchased or settled upon it should have been again offered at public sale.

That class of lands is not railroad lands, not forfeited lands; but lands that in a great width of twenty or thirty miles perhaps across a country were reserved from market until the railroad company ran its line, and then by the terms of the law all outside of the limits of the line of the railroad itself fell back. They were not used; they were not granted, but merely reserved by the Land Office until the location of the road. The court decides that before those lands were liable to entry, to fall back into the domain of public lands, they should have been offered at public sale; and so of all the other classes which are specified in the amendment. The amendment says:

> Wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department,

That is one class of land. That is outside of the limits. There are hundreds and thousands of acres in that class. Another class is—

> Or where lands have been, by operation of law, reduced in price to $1.25 per acre.

Where Congress has ordered that they should be, or after offer put them at that price. That would include all those outside of railroad limits that were reserved from market, and then when the railroad limits were established fell back into the body of the public lands and fell back from $2.50 an acre to $1.25 an acre. Again, where such lands—

> have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry—

Now comes the point that the Senator refers to—

> without such lands having first been proclaimed—

Or in case such lands have not been proclaimed—

> by the President and offered at public auction.

As the Supreme Court decided they ought to be before they were offered. Where lands of these classes have been purchased and patents given without this having been reoffered by proclamation at public sales the amendment applies. Those are the classes of land and the only classes to which it applies; and that is the only defect in the title that the amendment is to heal, where the lands had not been proclaimed and offered at public auction.

> And where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

The only point to heal is the simple point that these lands were not proclaimed and offered at public sale. That is the only thing which the amendment affects; and where prior to a certain time there were no conflicting claims, and where prior to a certain time there was nobody settled on the lands, then the entries are declared valid. It is a simple question of healing; curing the non-action of the United States in reoffering the lands. It can not affect any other claims. Where there are two conflicting claims of any kind whatever, then it does not heal.

Mr. MORGAN. Will the Senator from Michigan allow me to ask

him a question for information? I do not know anything about the particular case he is arguing.

Mr. CONGER. Yes, sir. The Senator from reading the provision will see that I have stated the point correctly.

Mr. MORGAN. I wish to get at some facts about it. Who are the conflicting claimants? Who are the persons alluded to in the amendment?

Mr. CONGER. The United States.

Mr. MORGAN. And nobody else?

Mr. CONGER. That is all there is who can be affected by the amendment. It merely heals the lack of title clouded by the decision of the Supreme Court.

Mr. MORGAN. And there are no persons——

Mr. CONGER. If there are other conflicting claims it does not heal them, it does not cure anything. If even some settler squatted and made a settlement on these very lands for which other men have patents, the amendment does not heal that title. I think the amendment is drawn carefully to protect simply the rights of those who suffered because the United States authorities did not do their duty in proclaiming and offering at public sale these lands. That is all that is intended to be healed by it.

Mr. MORGAN. If the Senator will allow me, he is arguing that nobody can be hurt by the amendment? He is arguing that no conflicting claims of any validity can be affected by the provisions of the amendment?

Mr. CONGER. Yes, sir.

Mr. MORGAN. There might be some difference of opinion about the effect of this provision between the Senator and other Senators. I wish to ask the Senator in regard to one fact. Are there persons living upon these lands or any of them who have acquired an interest in them either under the homestead laws or the pre-emption laws, or by purchase from the Government of the United States in good faith?

Mr. CONGER. These very men whom we are trying to protect have by purchase or by pre-emption, or as homesteaders, settled upon the lands. They have got their patents, and they would be secure in their possession if it was not for a decision of the Supreme Court which says that the lands were not properly in market to be patented or to have homestead settlements upon. I will tell the Senator who would be affected adversely by this legislation. By that decision of the Supreme Court technically these settlers and these purchasers had no legal title. Having no legal title, the Senator or myself, or any other man if he desired to go there and pre-empt one hundred and sixty acres of land, or if he desired to go and make a homestead of one hundred and sixty acres of land, these occupants having no legal title, may go and claim pre-emption upon one hundred and sixty acres of land that has been cultivated for years, and when it is tried the occupant now can not protect himself by his title under the decision of the court.

Mr. MORGAN. Will the Senator allow me to ask him how I could go and pre-empt that land, or how I could go and take a homestead on it in the face of the fact that a person has settled upon it, and has got his home there already, and is claiming it?

Mr. CONGER. There can not be any question about that. I have had here in the Congress of the United States a case which illustrates that so completely that I will state it for the benefit of the Senate. One of my neighbors in Saint Clair County bought twenty-five or thirty years ago a piece of land in Saint Clair County. He got the patent of the United States for it, lived there, and cultivated it with his family. He wrested it from the wilderness and made a beautiful farm out of it with a fine house and barn. Finally some person went to the State land office of Michigan and found that that happened to be, by the listing, among the swamp lands given by the extension of the Arkansas swamp-land act to Michigan. He went and bought it by description of the State of Michigan, and when he came to find where his description was it covered the eighty acres of land of which I have spoken. Suit was brought in court. The person who bought the swamp-land right brought suit to eject the man who had lived upon the tract for thirty years. The court decided that the Arkansas swamp-land act, extended to the other States, operated *per se;* that although the lands were not described and were to be listed afterward, it operated as a grant *per se* to the State. After the passage of that law, but before the lists were made out, the United States had sold this tract to the occupant and given a patent for it and received his money; but the court held that the United States had already granted that land to the State of Michigan by an act of Congress, the particular land to be found out by reference to the field notes and lists of the surveyor-general, and the new purchaser held the land, and there was no remedy. The Supreme Court of the United States said it was the law, and I tried in vain to get a bill passed giving some relief to this neighbor of mine who lost his land by operation of law through the fault of the Government.

Mr. MORGAN. If the Senator will allow me, I will call his attention to the distinction between that case and the one I put to him. In the case of the swamp-land grant the title was granted in fee by the Government of the United States to the State of Michigan?

Mr. CONGER. Yes.

Mr. MORGAN. After that of course the Government had no further title to the land.

Mr. CONGER. Of course the court decided right.

Mr. MORGAN. But in a case where there has been no grant of land to any person, where an attempt was made to grant the land which failed because the lands had not been brought into market and thereby the certificate of entry became void or voidable, if that person is in the occupation of the land claiming it as his homestead or having upon it the right of pre-emption, he having complied with the conditions of the law as prescribed in the homestead and pre-emption acts, how could I go there and claim a homestead upon that land or claim a pre-emption right upon it? I could not go and ride down the possession and claim of a person on a tract of Government land in that way.

Mr. CONGER. The Senator knows very well that the settler could not sustain any right there under the pre-emption law.

Mr. MORGAN. He could if he was protected under this amendment.

Mr. CONGER. Under this, yes; but he could not without this.

Mr. MORGAN. The question of fact is this: Are there any persons upon these lands who have bought them, for instance, at $2.50 per acre and claim the right of ownership over those who bought them previously at one dollar and a quarter?

Mr. CONGER. Not at all. There can not be one. The man who bought them at $2.50 an acre got his patent for them at that rate. He holds them by virtue of a good title because he could buy without their being restored. Such men have patents, and there is no conflict between these two classes of cases. They do not interfere with each other. They can not from the very nature of the case.

Mr. MORGAN. Now will the Senator indulge me one word further, because this is all new matter to myself; I heard nothing of this controversy about the questions of title until it was mentioned by the Senator from Missouri.

Is it conceded that those persons who hold these lands at a dollar and a quarter an acre under certificates that they got from the local land offices obtained them in good faith, or did they go and induce—as has been done in some cases and complained of by the Department—the local land office to issue certificates for these lands at a dollar and a quarter an acre for the mere chance of getting the title if they could afterward work it through?

Mr. CONGER. Oh, Mr. President, these men bought their lands in good faith after the lands had been restored to market by the determination of the limits of the railroad grant in that class of cases. There is no question about that. The Senator has not heard and will not hear all this session or all next session any public statement contradictory of what I am saying here from anybody in Michigan.

Mr. CAMERON, of Wisconsin. It was held by the Land Department that the lands were properly restored to market, and that they could be legally sold and entered at that price, and no one doubted that until the determination of the Supreme Court which has been referred to.

Mr. CONGER. There was no question about their being properly restored to market and properly subject to sale, except this technical thing, that the President had not proclaimed them and ordered them to be offered at public sale; and if the Senator will read the amendment he will see that it says, "without such lands having first been proclaimed by the President and offered at public auction." That is the only thing attempted to be cured.

The Senator says it has been many years since this decision of the Supreme Court. Men with their patents in their hands, settlers in the wilderness, the common people of the country, do not stop to think, with such a muniment of title, whether there is any defect in the Government's action about these things. They are too busy at work; the toil of the day and the necessary sleep of the night prevent their hunting around for defects of title or for crimination against their Government for having deceived them.

Mr. MORGAN. But I understood the Senator's colleague to say that many of these lands had gone into the hands of speculators.

Mr. CONGER. No. If the Senator will just bear this in mind, I have said that the defect in title will now allow men to go there and jump these lands and put on another title. This defect was not understood till within a very short time, although the decision may have been as long ago as the Senator from Alabama said. The people did not dream that a decision could take away their lands in that way until men began to go and put pre-emptions and homesteads onto the farms of these men. That is what awakened attention to it. And now, I say it in sorrow, sir, to-day all through the northern part of Michigan and Wisconsin and some parts of Minnesota families are trembling at the approach of the land-shark to take away their farms. Letters are being sent by those who have just awakened to a sense of the precarious condition of their titles, imploring their representatives to lay their case before Congress and ask for relief, not against other holders, because where there is a conflict there can be no question of the operation of this provision, but against their Government.

I hope that this amendment will prevail. In my solemn judgment it can do no injury to any honest claimant in the world, but it will quiet the hearts and quiet the homes of thousands and thousands of the citizens on the wilderness lands of Wisconsin, Michigan, and Minnesota. I do not know that it applies anywhere else; probably not.

Mr. VEST. Mr. President, this debate seems to attract only the attention of three or four Senators, and I do not feel like addressing the Senate on a subject in which there appears to be no particular interest; but the truth ought to be vindicated at any hazard, at any expense of time.

I said to the colleague of the senior Senator from Michigan, who has just taken his seat—possibly he was absent from the Chamber—that I did not think there was a solitary Senator here, and speaking for myself I was positively certain that not a vote would be cast against a measure whenever offered, at any time, to secure to any *bona fide* settler his home. I will vote for any such amendment; and I would not under any circumstances take away from any human being a home upon the public lands of the United States, because, to say nothing more about it, I am a Western man, appreciate what a homestead means, understand it thoroughly, and would never directly or indirectly violate the spirit of the public-land system of the United States and our manifest destiny, which is for giving to every settler a home upon the Western prairies. That is not this case. I read here from a reputable gentleman, a constituent of the Senator, a statement over his own signature, and I gave the Senator his name this morning, in which he says there was collusion between the officers of the land offices and a body of speculators in order to get the most valuable lands in the States of Michigan and Wisconsin at a dollar and a quarter an acre in violation of the laws of the United States; and I undertake to say now that I hold in my hand a paper which, in my judgment, makes it absolutely impossible that there should not have been collusion between these speculators and the officers of these land offices in regard to this matter. I quote from a report, No. 684, from the Public Lands Committee of the House of Representatives upon this subject, and I call the attention of Senators to it. Says the majority of the committee:

> It further, in respect to these entries, satisfactorily appears to your committee that they were made in violation of direct and positive instructions from the General Land Office, forbidding such disposition of the land; that these instructions were issued at intervals from 1865 to 1880; that not the slightest attention was paid to them by the local officers, who still continued to dispose of the lands at private entry, and that in this way, within the limits of the Ontonagon and State Line grant alone, there were disposed of, between 1856 and 1880—

Mark the date—

> as already stated, 88,471 acres of lands, more than three-fourths of which were entered by less than thirty corporations, firms, and individuals.

Mr. CONGER. Will the Senator allow me a word?

Mr. VEST. Certainly.

Mr. CONGER. I venture to challenge the gentleman to show that that refers to one single acre of this class of lands in any possible way.

Mr. VEST. We will see:

> These figures are compiled from the pamphlet entitled History of the Ontonagon and State Line Railroad Grant, a document prepared by the private-entry claimants themselves, and furnished the committee for use in this case.
>
> Some of the orders, emanating from the Land Department, prohibiting these entries, read by counsel to the committee, found in their brief, with references to the official record, and uncontradicted, were as follows—

Now see whether these are the lands or not—

> The Commissioner [of the General Land Office] to register and receiver, July 5, 1886—

Twenty years ago.

> You will not forget—

Says the Commissioner—

> that all odd-numbered sections in your district north of township 40 and west of range 21 (including the lands in contest)——

Mr. CONGER. What lands in contest?

Mr. VEST. The lands that are involved in this very amendment now.

Mr. CONGER. Not an acre of them.

Mr. VEST. Then this committee have stated what was absolutely false and incorrect, and put it on record.

Mr. CAMERON, of Wisconsin. It refers to a different matter altogether. It has not the remotest relation to the lands that will be affected by the proposed amendment.

Mr. VEST. These lands were withdrawn, as I understand, by an order of the General Land Office, and then they were entered at a dollar and a quarter, when they ought to have been, under the decision of the Supreme Court, put up at auction. Is not that so?

Mr. CAMERON, of Wisconsin. That is not the whole truth. The lands to which the Senator from Missouri refers were never restored to market by executive order or otherwise.

Mr. CONGER. And are not yet.

Mr. CAMERON, of Wisconsin. And are not yet.

Mr. PALMER. If the Senator from Missouri will read the amendment he will see that the cases he is referring to are excepted.

Mr. CAMERON, of Wisconsin. He is on the wrong track altogether.

Mr. VEST. This is the very bill that is now in discussion here before the Senate. The House committee say in the report from which I am reading:

> During the argument of the matter before your committee it was asserted by counsel for homestead and pre-emption settlers that most of the applications to enter were filled out in the handwriting of the then register of the Marquette office, the officer to whom the various prohibitory orders were sent; that they were frequently made on top of subsisting pre-emption and homestead claims, and that the register who allowed the most of them is now a member of a "committee of land-owners," urging the passage of the confirmatory bill.

Mr. CONGER. That is a matter which has been in controversy for years as to what are called the Ontonagon and Brulé Railroad lands. That is the kind of land that the land officers there allowed people to purchase inside of the railroad limits, the alternate sections, but that can not be affected and can not be reached in any way by this amendment, for those lands have never been restored to market, they never have been forfeited. A bill is pending now in the Senate to forfeit them. They are no such lands as these that have been restored to market.

Mr. VEST. Even assuming that the statements made now by the Senators from Wisconsin and Michigan are true, one fact remains about which I take it there will be no sort of question, and that is that large tracts of this land, the very land in controversy here now, amounting, according to a statement which I read this morning, to 100,000 acres, in the hands of three or four individuals, are affected by this amendment. If the Senators will bring in an amendment which confines this remedial act to homestead settlers or to men who own a home, whether it is one hundred and sixty or three hundred and twenty or six hundred and forty acres, I will vote for such an amendment, and I do not believe a single Senator in this Chamber will vote against it; but I do say in justice and in perfect candor that where a set of gentlemen, ingenious and refined in the art of making money, have amassed capital together to the amount of hundreds of thousands of dollars, have deliberately gone to the land office and in violation of law, plain, express, and manifest law, as the Supreme Court of the United States has declared, entered hundreds of thousands of acres of pine land in order to make immense fortunes out of them, they ought not afterward to come to the Congress of the United States and say "we must have relief in the interest of homestead and pre-emption settlers." They do not stand upon any such footing. They speculated with their eyes open; they put in their money, and they now ask the Congress of the United States to take this enormous amount of the public domain and hand it over to them. I submit to Senators in all candor and truth and justice that is not right, that is not the spirit of the public land laws of the United States.

As to these facts I know nothing. I have exhibited my authority for the statement I have made. The gentleman who wrote me that letter gave names, and he gave the names of five gentlemen in this city at the time he wrote the letter, on the 26th of January, who were here in the interest of the bill now offered as an amendment, for the purpose of confirming their title; and he asserts in that letter that they hold 100,000 acres of the public domain. That is not the pathetic picture that my friend from Michigan [Mr. CONGER] has drawn here of a humble settler on the public domain, under his vine and fig tree and with his wife and children about him.

Mr. CONGER. Will the Senator permit me?

Mr. VEST. Certainly.

Mr. CONGER. The Senator's letter and the statement he read in a report was in regard to 88,000 acres of land of the alternate sections of the Ontonagon and Brulé Railroad lands, which never have been restored to market. The five gentlemen the Senator speaks about were here to try and get a bill passed securing them their titles. I say I do not know a living man from the State of Michigan or Wisconsin who is interested in this proposition who has been here in reference to this measure or in the city of Washington at all, now or formerly—not one solitary man.

The Senator speaks of 80,000 or 100,000 acres. That relates to land inside of the limits of the Ontonagon and Brulé Railroad which the land officers at Marquette permitted to be entered while they were then, as they are now, alternate sections within the railroad limits, and gave patents for. I know of 88,000 acres. That one statement there refers to that. I presume there are others. There were last year and the year before, but not this year that I know of, for I have not seen that class of men here—there were men interested in that railroad disputing the right to those lands. They were sections belonging to the railroad as contemplated by the law, not lands belonging to the United States; and those were the gentlemen—I could name them if it was necessary—who have been here trying to hold against the railroad company those lands which were sold while they were railroad lands and have never been forfeited. It does not apply to an acre of the class of lands affected by this amendment.

The Senator from Missouri I know wants to be fair in such a matter as this, but he has caught up accidentally a report which refers to a class of lands the dispute about which is between a railroad company and private purchasers. I know these lands very well. They are the subjects of another bill; they are the subjects of frequent comment between Senators on this floor, one Senator and another. Now, the picture that I have drawn of these purchasers and homesteaders and settlers and pre-emptioners is not a vine-and-fig-tree picture. The gentleman has mistaken the character of that rude boreal region. It is a settlement in the northern cold regions of Northern Michigan and Lake Superior.

I thank the Senator for giving me permission to use so much of his time.

Mr. VEST. That is all right. We will eliminate the vine and fig-tree from this compensation, and can talk now of the pine-woods settle-

ments. But I am in favor of protecting the home of the settler whether it is in the tropics or at the North Pole. I want that distinctly understood; and I will vote for any amendment that does that. But this amendment covers any case where—

lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon.

I call the attention of the mover of this amendment to the fact that if he means there a settlement in good faith, the phraseology ought to be changed, because as it is there it applies to any settlement, even the settlement of a party who went to the land office and in whose interest this amendment is presumed to prevail, unless by construction the word "conflicting" applies both to the words "claims" and "settlements"——

Mr. CONGER. Conflicting claims or conflicting settlements.

Mr. VEST. I suppose that may be the meaning of it; but if that is the meaning, the word "conflicting" ought to be repeated. But whether this bill affects the Ontonagon lands or not, the point still remains that there are different statements here made in regard to the quantities of these lands that have been entered under this law. If the intention be to protect homesteaders and pre-emptors and *bona fide* settlers to build homes on these lands, let such an amendment be offered here and I will vote for it; but as it stands now it protects enormous tracts of land, and it is intended to protect speculators and does in fact protect them.

As to matters of fact, I will not go into any controversy with the Senators from Michigan, who as a matter of course know all about the facts that cover this case; but the law itself ought to apply to those persons who have gone there and made homes upon these lands, and if there are speculators who by collusion with the officers of the land office or otherwise have devoted, as the letter stated which I read this morning, enormous amounts of money and years of their time in order to purchase these lands for the purposes of speculation, then the law ought not to protect them.

Mr. CONGER. I desire to say to the Senator that I have been charged with the duty and have tried to perform it of preventing the carrying out of the plans of men who purchased large masses of land for pine purposes. I am one of those who have stood here for two or three years opposing any confirmation of the lands that I described and that are described in the report the Senator read, which were bought when they were railroad lands. I have stood here in obedience to a resolution of the Legislature of the State of Michigan asking me to stand by the railroad corporations to which Michigan had intrusted the building of the railroad by extending to it this grant. Censured by my friends who own these lands, censured in the papers, opposed here for opposing the confirmation of the very lands mentioned in that report, I know what these lands are. My duty as a Senator under the instructions of my State, under the solemn resolution of the Legislature of my State, requires me as the representative of that State to oppose the confirmation of those lands and the title to those lands which the Senator has referred to. I think I know my duty; I think I know the interest of the people; I think I know that this amendment is to heal the title and cure the title of innocent purchasers and of homesteaders and of pre-emptors; and I think I have not in advocating this amendment carrying out a measure in direct opposition to the instructions of the Legislature of my State.

Mr. VEST. Before the Senator takes his seat I want to ask him a question. I make no issue with him as to his duty to his constituents; no question of that sort can be brought into this discussion; but I want to know from him if he does not believe, if there can be any doubt, in other words, about the fact that under this amendment as it stands now, if there are lands entered by speculators at $1.25 an acre in defiance of law, the amendment will perfect their title?

Mr. CONGER. If the defiance of law be that the President had not proclaimed these lands and had them offered at public sale, then all purchasers, pre-emptors, and homesteaders have violated the law in the sense the Senator means; but I do not stand here to say that when lands were properly in market and were liable to purchase, he or I or any other Senator may not buy forty acres or four thousand acres. I do not know of any of these great purchases of these lands. I do not believe they exist.

Mr. VEST. That is only a question of belief.

Mr. CONGER. I say this only cures the title where the defect was the non-offer of the lands at public auction. If from any other defect the title is doubtful, this amendment does not help it.

Mr. VEST. One thing is certain; no controversy can exist here about that; and that is, whether the person who made the entry was a pre-emptor or speculator, under the decision of the Supreme Court in nineteenth Wallace both parties violated the law.

Mr. CONGER. The homesteader did, too.

Mr. VEST. And the homesteader, too. In other words, these lands were not subject to pre-emption, they were not subject to homestead, they were not subject to sale. That was the decision made by Judge Davis in nineteenth Wallace in the Eldred case.

Mr. CONGER. Not these purchasers violated the law, but the officers of the United States from the President down to the receiver of the Land Office all violated the law, and we are trying to remedy their violation of the law.

Mr. VEST. I can not concede the proposition that these officers violated the law.

Mr. CONGER. They issued patents; they sold the land.

Mr. VEST. They did. They issued patents; but the President of the United States had an option as to putting these lands up at auction in regard to the time in which it should be done; and he might have been upon the eve of performing his duty at the very time the land officers permitted these entries to be made and these patents to issue.

Mr. CONGER. He has not done it yet, and most of these patents were issued years ago.

Mr. VEST. The circumstances may vary in particular cases. As a matter of course, where a patent has emanated from the Government it is beyond the control of the Government of the United States; the title having once emanated according to the decisions of the Supreme Court has passed away from the Government. It is true that as between individuals Mr. Smith may become, if he has perpetrated a fraud, a trustee of that legal title for Mr. Jones, but that is a question for the jurisdiction of the courts, and not for the action of Congress. All these parties are wrongdoers in the eye of the law, but I submit to the senior Senator from Michigan that there is a vast amount of difference between wrongdoers. If I innocently perpetrate a wrong upon my neighbor, if I innocently violate a law of the United States in letter, still if I am guiltless in spirit, Congress, as a great court of equity, ought to come to my relief.

Mr. CONGER. That is what we ask.

Mr. VEST. But if I go with my eyes open and undertake to appropriate to myself without the forms of law large tracts of the public domain, not for a home but for speculation, and I am deceived in my judgment, I am defeated in my speculation, stocks go down with me instead of going up, I have no more right to come to Congress for relief than a stock gambler in Wall street, when he says "I thought Congress meant so and so; I invested my money in Erie and it went down instead of going up; I am entitled to relief." There is a vast difference between a pre-emptor or the owner of a homestead right and a speculator who has gone in through his sharpness and his avarice and his greed to get the better of the Government and his fellow-citizens and put money in his own pocket.

I do not know anything about the facts, and I care nothing. The Senator from Michigan says he knows of no speculators interested here, and he believes there are none. That will not do for legislation. Let the Senator who claims to protect these settlers and pre-emptors come here with legislation that gives to every man who has made a *bona fide* settlement his home and I will vote for it; but I will vote for no law that covers men who have gone and bought 100,000 acres of the public domain and then come here and say to Congress, "We were mistaken about the laws; our lawyers deceived us, and now we want relief."

Mr. CONGER. The concluding remark of the Senator from Missouri would indicate that I had said that none of these lands were held by men who were not pre-emptors or homesteaders.

Mr. VEST. No.

Mr. CONGER. I meant to say no such thing. I said they might have been bought for pine lands. I knew of no such general purchase as that; still any man who knows anything about lumbering knows that no man can lumber on a single quarter-section, or section, or mile square of pine in the wilderness, any more than a herd of cattle can graze on a quarter-section of land in Missouri. They must accumulate lands. I am not saying that because it is so in this case, but there must be, to make any kind of lumbering profitable, accumulations of a tract large enough to warrant the expense of making the improvements, of building the tramway, of getting the logs to the stream, and getting them to the mill.

A man would be an insensate fool who thought he could come in and by entering quarter-sections of land miles and miles apart carry on lumbering in a pine region. Therefore I am not foolish enough to say that either from pre-emptors or purchasers or from whatever source some of these lands may not have been aggregated together in quantities of several sections for the purpose of lumbering in the pine lumbering States of Michigan and Wisconsin. I do not know how it is, but I do marvel at the opposition to this amendment so carefully guarded and carefully prepared, and where it only on the very face of it undertakes to cure and heal the defect of title caused by the wrongdoing of the authorities of the United States.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Michigan [Mr. PALMER], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. GEORGE (after having voted in the negative). I inadvertently voted. I was paired with the Senator from Rhode Island [Mr. CHACE]. I withdraw my vote.

Mr. SEWELL. I am paired on this question with my colleague [Mr. MCPHERSON].

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 25, nays 22; as follows:

YEAS—25.

Allison,	Cullom,	Miller of Cal.,	Sawyer,
Blair,	Dolph,	Mitchell,	Sherman,
Bowen,	Hale,	Morrill,	Van Wyck,
Brown,	Hawley,	Palmer,	Wilson.
Cull,	Hill,	Pike,	
Cameron of Wis.,	Jones of Nevada,	Platt,	
Conger,	McMillan,	Sabin,	

NAYS—22.

Bayard,	Garland,	Jackson,	Vance,
Butler,	Groome,	Morgan,	Vest,
Cockrell,	Hampton,	Pendleton,	Voorhees,
Coke,	Harris,	Pugh,	Williams.
Colquitt,	Harrison,	Saulsbury,	
Fair,	Ingalls,	Slater,	

ABSENT—29.

Aldrich,	Frye,	Lamar,	Plumb,
Beck,	George,	Lapham,	Ransom,
Camden,	Gibson,	Logan,	Riddleberger,
Cameron of Pa.,	Gorman,	McPherson,	Sewell,
Chace,	Hoar,	Mahone,	Walker.
Dawes,	Jonas,	Manderson,	
Edmunds,	Jones of Florida,	Maxey,	
Farley,	Kenna,	Miller of N. Y.,	

So the amendment was agreed to.

Mr. MORGAN. I offer the following amendment to come in at the close of the amendment just adopted:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior; and in case there is any actual settler on any of said lands in good faith under the homestead and pre-emption laws of the United States, the rights of such settler shall prevail against any previous entry at the price of $1.25 per acre.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

Mr. MORGAN. I will explain the amendment. The senior Senator from Michigan [Mr. CONGER] stated that one of his purposes was to protect the homestead and pre-emption settlers there. A controversy would arise I think naturally between those persons who had entered the lands at a dollar and a quarter an acre and the homestead or pre-emption settlers upon the same lands. When we are ratifying and confirming the titles of those who entered at a dollar and a quarter an acre, those entries being decided to be illegal by the Supreme Court, I propose to provide for the honest, *bona fide* settlers and homesteaders, by saying that their claim upon these lands shall be adjudicated as other claims are in the Interior Department, and they shall prevail over those purchasers of the lands who have paid a dollar and a quarter an acre for them. Of course the effect would be this: Mr. A, a speculator, a lumberman, or whatever he may be, five or ten years ago has bought a tract of land there at a dollar and a quarter an acre.

Mr. CAMERON, of Wisconsin. Suppose Mr. A be not a speculator or lumberman or a farmer, but bought a tract of land eight or ten or twelve years ago, and erected a dwelling-house upon it, and is residing thereon with his family?

Mr. MORGAN. That only suggests another one of the difficulties which I have adverted to several times, that we are trying to settle private titles by adjudicating them in the Congress of the United States. That is my objection to the entire proposition. We are by legislative decree trying to settle private land titles. That is what the proposition means anyhow. Of course difficulties of the kind suggested by the Senator from Wisconsin would arise to any man who has the subject in view, but the Senator from Michigan emphasized the fact that he wanted to protect this class of people, homesteaders and pre-emptors.

Mr. CONGER. And purchasers.

Mr. MORGAN. You can not protect them all. If there is a homesteader or a pre-emptor upon a forty, eighty, or one-hundred-and-sixty acre tract of land in good faith residing there, and at the time you pass this measure there is somebody else who holds title to the land at a dollar and a quarter an acre, an invalid title, a bad title, and you undertake now to make that title valid by an act of Congress, you say that you will not protect the homesteader and the settler. Does the Senator say now that he does not want to protect the homesteader and settler against the man who holds an invalid title acquired at a dollar and a quarter an acre?

Mr. CONGER. The Senator asks me that question. Would he like me to repeat what I said about my desire to protect the homesteader? Or does he say that to throw some discredit upon what I have said?

Mr. MORGAN. Not at all. The Senator asked a question.

Mr. CONGER. I should like to know what the object of the Senator is in insinuating as to my belief.

Mr. MORGAN. No insinuation about it. There is a little too much tender-footedness about this measure anyway; there is too much crowding about it anyway. It does not come in like other bills do on the floor of the Senate. If the Senator will allow me to say it, I have been a little mild in my opposition to it; but now if the Senator wants to have the subject brought up in square form I will say to him that I do not like the aspect of this measure in the Senate.

It looks to me too much as if some private enterprises were being carried forward here. When I bring in an amendment which carries out the very purpose that the honorable Senator himself insisted he wants carried into this bill, I hear objections.

Now, sir, if we mean in good faith to protect men who have honestly bought this land and paid a dollar and a quarter an acre for it let us do it. If we mean, however, in good faith to protect those men who have gone upon this land and have made their homestead and pre-emption settlements upon it, let us do that. Under the pre-emption and homestead laws of the United States every man not only has the right but he is invited by the Government of the United States to go upon the public lands and make his settlement.

Here is a class of people who have gone there under this invitation. They have made their settlements; they have built their houses and opened their farms. Now, the question is whether we shall validate a title, which somebody got ten or twelve or fifteen years ago at a dollar and a quarter an acre contrary to law, to the exclusion of a man who has a right of homestead or pre-emption. I do not profess to be particularly the partisan or friend of the homesteaders or any other class of settlers on the public lands; but I do profess to want every man to have his just rights under the laws of the United States. Senators who make themselves the champions of the homesteaders and the pre-emptors in this country have a fair opportunity for a square vote and no mistake about it between those speculators and lumbermen who have taken up these lands, as the Senator from Missouri has more than intimated, under combinations with the Government officials there, fraudulent combinations, and the men who have gone under the invitation of the Government and settled upon these public lands and made their homesteads there. Now, sir, we have a square issue in this case. The amendment brings it up. I have no more to say about it.

Mr. DOLPH. I do not rise for the purpose of expressing any opinion as to the policy of attaching the amendment which has been already adopted to the bill. The effect of that amendment, as I understand it, is only to confirm the title of parties who have been permitted by the officers of the general and local land offices to purchase land at a dollar and a quarter an acre at private entry. Whether those purchasers were speculators or not I do not know, but a large proportion of the present owners of the land are persons who are residing upon the land, poor men. The amendment as adopted does not affect any controversy which exists between such holders of land purchased at private entry and settlers under the homestead and pre-emption laws, because they are specifically excluded from the operation of the amendment. Now, as I understand it, all such controversies must be determined in the General Land Office in the first instance, and if the purchases at private entry have been illegal the Commissioner of the General Land Office will decide in favor of the pre-emption and homestead settlers, and they will obtain their patents under existing laws. The only object of the amendment now proposed by the Senator from Alabama is to change the existing law and provide a new and special rule for the disposition of lands the title to which is controverted in the Land Office. Suppose it should turn out that some of these entries where there are contests were legal; suppose it should hereafter be decided that those lands were open to private entry when they were purchased, and by adopting this amendment we provide that notwithstanding that fact the Commissioner of the General Land Office and the Secretary of the Interior should award these lands to the homestead and pre-emption claimants, would that be right?

There is no necessity in my judgment for this additional amendment, for any controversy concerning these lands must be determined in the General Land Office, and the Commissioner of the General Land Office must be governed in rendering his decision by the law of the case, and if the law gives lands to the homestead and pre-emption claimants they will get them, and if it does not they certainly ought not to have them.

This proposed amendment brings into this bill the decision of a controversy between private parties, the very thing that has been declaimed against by Senators on this floor. The amendment of the Senator from Michigan [Mr. PALMER] which has been adopted does not provide for the settlement of private rights. Because lands have been sold by inadvertence at private sale which were not subject at the time to private entry, and the Government has received the money for them where there are no other claims to them, it is proposed to confirm the titles. We had better get rid of the controversies concerning these lands now while we may do it.

There are already, as stated by the Commissioner of the General Land Office, in the particular locality where the lands in question lie, five hundred controversies between homestead and pre-emption claimants and persons who hold under private entries; and if we defer action until another session of Congress there will be five hundred more. These parties, both classes of claimants, have been before the Committee on Public Lands. There are cases which have been before the Committee on Public Lands in connection with railroad grants where the railroads

claim the lands, where purchasers from the railroads claim the lands, where persons who have entered the lands at private entry claim them, and where pre-emption and homestead claimants claim them. It is time some action was taken to prevent further controversies. We should dispose of these lands in some way so as to prevent further controversy.

Mr. COCKRELL. I ask the Senator from Oregon how it happened that officers of the United States Land Office, acting under the laws and the instructions of that Department, utterly ignored the laws, trampled them under foot, and permitted these private entries to be made?

Mr. DOLPH. I will state to the Senator from Missouri that I understand there have been different rulings by different Commissioners of the General Land Office, and by different Secretaries of the Interior. At one time it was held, as I now recollect, that lands which had once been offered at public sale and had become subject to private entry and were then withdrawn from private entry for railroad purposes, and afterward, on the location of the road, were restored to the public domain and opened to settlement, might be sold at private entry without being again offered at public sale.

Then another decision was made to the effect that such lands must be offered at public sale before they were open to private entry, and then the decision of the Supreme Court which has been referred to was made. In the mean time sales had been made under the rulings of the Department. Again, in one instance it appeared to the committee, or at least to myself, as if the local officers had disregarded the instructions of the General Land Office, although they claimed that for some reason the instructions, which had been sent in time, were not received until after the sales were made. The officers of the Government have been to blame. The parties who purchased the lands, whether speculators or not I do not know, duly entered the lands and paid their money for them; and the amendment which has been adopted is only intended to cure a technical defect in their title.

Mr. COCKRELL. Are those officers still in control of these land offices now?

Mr. DOLPH. Oh, no; that was years ago—thirty years ago, some one says.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. CALL. I wish to say a very few words. I voted for the amendment proposed by the Senator from Michigan [Mr. PALMER] upon the ground that Senators assured us it was not in the interests of speculators, that there was no job in it, that there were large numbers of *bona fide* settlers, whether by purchase or under the homestead and pre-emption laws, in actual residence on these lands whose titles were involved in this error or irregularity which would be cured by the amendment. I wish it understood that I put my vote upon the assurance of Senators from the State that this was a measure to save and perfect the titles of actual residents upon the lands. Now I think it would be only wise to adopt the amendment of the Senator from Alabama which makes that absolutely conclusive, and gives to any settler now upon the lands who has a claim under the law a right to appear before the Department of the Interior. It is true he has that right already, but it is also true that it is more certain with a legislative declaration accompanying the law that it is not intended to preclude him from the assertion of that right.

Mr. CONGER. I ask the Senator from Alabama who offered this amendment whether the time in January in the body of my colleague's amendment relates to the provision of this amendment also?

Mr. MORGAN. My amendment is a mere addition to the amendment already adopted.

Mr. CONGER. Would the limitation as to the 25th of January apply?

Mr. MORGAN. That is my understanding.

Mr. CONGER. If it does, it leaves the law just, as far as I know, as it was before.

Mr. MORGAN. My understanding is that it operates from the date stated in the original amendment. For instance, a settlement made now, a homestead taken now, would not prevail; indeed the question could not arise between a homestead taken after the passage of this bill and a prior entry, I think.

Mr. CONGER. The amendment of my colleague undertakes to say that no conflicting claim by jumping these lands after the 25th of January shall be allowed. If the amendment does that also, it saves the rights of these men to that extent.

Mr. MORGAN. I do not think it changes it, though the Senator can make it perfectly certain by moving to amend.

Mr. CONGER. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment proposed by Mr. MORGAN.

Mr. CONGER. If the Senator will put in the limitation, "made prior to the 25th of January," so that it shall not cover entries being made now, I shall not oppose it.

Mr. MORGAN. I have no objection. The Senator can amend my amendment. I will accept it.

Mr. CONGER. Let it be amended.

Mr. BLAIR. The word "heretofore" is in the amendment of the Senator from Michigan, so that that word would make the limitation which is suggested.

Mr. MORGAN. I think so, too; but I am willing to make it satisfactory.

The PRESIDENT *pro tempore*. Will the Senator from Alabama state the modification?

Mr. MORGAN. I am not offering any modification. I said I would accept that offered by the Senator from Michigan.

Mr. CONGER. Let it be again read.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk again read Mr. MORGAN's amendment.

Mr. CONGER. After "laws of the United States" I move to insert the words "made prior to the 25th of January, 1885." All I desire to accomplish is that the constantly accruing attempts to get these lands by settlement shall not be efficacious.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. DOLPH. I regret exceedingly to feel compelled to say another word in this debate, and I do not propose to say a word on the merits of the bill. I am anxious to get to a vote. At the same time I do not like to have this matter pass off by apparent agreement between two Senators. I should like to ask the Senator from Alabama if he does not understand that all such contests must now be adjudicated by the Land Office?

Mr. MORGAN. Yes. I want to keep the Land Office from getting into the courts.

Mr. DOLPH. Then the object of the amendment is to make the decision of the Land Office conclusive, so that the party defeated can not get into court?

Mr. MORGAN. No, sir, we can not do that, because we can not deprive the judicial establishment of this country of jurisdiction in that way. That is a constitutional question.

Mr. DOLPH. If the contest must now be determined in the Land Office, I suppose it must be determined according to the existing laws, and if the homesteaders or pre-emption claimants have the best title they will prevail in the Land Office.

Mr. MORGAN. I should think so.

Mr. DOLPH. Therefore we will add nothing to the existing law by this amendment unless we provide that notwithstanding the person who entered the land at private entry has the best title, the pre-emption claimant claiming the land shall be preferred to him.

Mr. MORGAN. If we confirm a patent, for instance, issued by the United States Government at a dollar and a quarter an acre which at the present moment is invalid, and confer the title of the United States upon that patentee, he can go into court and eject the homesteader?

Mr. DOLPH. No.

Mr. MORGAN. I want that question settled in the Interior Department before the patent acquires any validity.

Mr. DOLPH. But does the Senator from Alabama suppose for a moment that the amendment already adopted refers to any land where there is a present pre-emption or homestead settler claiming it?

Mr. MORGAN. Well, I am afraid it might.

Mr. DOLPH. I think that is not the intention, and certainly in my judgment it does not have that effect.

Mr. PALMER. I will state that the amendment from its very phraseology indicates that it does refer to where there are conflicting claims.

Mr. DOLPH The amendment of the Senator from Alabama?

Mr. PALMER. No, my amendment. It merely confirms titles where there are no conflicting claims.

Mr. DOLPH. Then the Senator means to say it does not refer to such claims.

Mr. PALMER. It is in the negative.

Mr. DOLPH. It refers to them and excepts them.

Mr. PALMER. Yes.

Mr. DOLPH. So I can not see the necessity for this amendment of the Senator from Alabama.

Mr. McMILLAN. I do not know whether I understand the effect of this legislation or not, because I am not familiar with the facts to which it is intended to apply; but if I understand the amendment already adopted, with the amendment proposed by the Senator from Alabama, it would have this effect, that if upon any of these lands there have been settlers who have acquired their titles by pre-emption or homestead settlements and received a patent therefor, and upon other portions persons have secured title by purchase, by entry, and have procured their patents as purchasers, and they may have disposed of portions of that land to innocent persons who knew nothing about any defect in the title, and these innocent persons, purchasers from the original patentees, may have actually settled upon the land holding their titles under the patent, and they would be ousted under the amendment of the Senator from Alabama—it would distinguish against settlers by purchase in favor of settlers by pre-emption or homestead settlement, and it would not protect such at all, if I understand the effect of the amendment.

Mr. CAMERON, of Wisconsin. The Senator from Minnesota will remember that there can not be any valid holders by purchase of these lands until we confirm the title.

Mr. McMILLAN. Yes; but our legislation should not produce any confusion in titles. That is to be avoided. If I understand the effect

of the first part of the amendment, it relieves the defect in the title to any part of these lands which consists in having entered or purchased them when they had not been offered for sale at auction. That extends to all titles by entry and purchase and by pre-emption and settlement. The first part of it covers the whole ground; but the latter qualifies it only as to pre-emptors and homestead settlers, and distinguishes *bona fide* purchasers even in the occupancy of land. That I understand to be the effect of this amendment.

Mr. MORGAN. I will state, if the Senator will allow me, that the effect is simply to validate what are now invalid titles in favor of persons who have purchased and paid for the same at a dollar and a quarter an acre, saving to the homesteaders and pre-emptors their rights, giving them a prior right.

Mr. McMILLAN. If I understand the effect of the amendment it is this: The provision already adopted does cure the defect in titles either of pre-emptors, homesteaders, or persons who purchased at private entry. The latter part of the amendment, that now proposed, protects pre-emptors and homesteaders against any persons who entered the lands and against any persons who hold under a title by entry, though they may be in the actual occupancy of the land under a conveyance from the original patentee where the entry was by private purchase.

Mr. HARRISON. The Senator from Minnesota will allow me to make a suggestion. He seems to be interested for those who, having acquired title under the persons whose imperfect title is to be confirmed by this bill, and who under that title so derived are on the land, lest they may be affected by this provision of the Senator from Alabama. It can not do so at all. This bill operates to confirm the title of their grantor, and of course they would be secure in their title unless it was a case where some homesteader had a prior right.

Mr. McMILLAN. I think the Senator from Indiana does not comprehend the scope of this amendment. Upon these lands which were purchased at private entry there may have been persons who entered as settlers but have not obtained a patent, and as against any person holding a title under the purchaser by private entry those men would take and their title would prevail, because the first part of the amendment is qualified and restricted; but the latter part of it distinguishes against any title which accrued under the purchaser by private entry. I think it would produce confusion. I know nothing about where this legislation is to apply or what would be the effect of it further than the language of the amendment, and I see it has that effect.

Mr. HARRISON. I am not inclined to resent the imputation of the Senator from Minnesota that I do not comprehend——

Mr. McMILLAN. Mr. President——

Mr. HARRISON. I say I am not at all inclined to resent it, but I rise to say that I think that has been the trouble with this whole amendment with which we are dealing here. We are dealing with a proposition that the committee of this body that should have had charge of it have never investigated, and that not a single member of the committee has yet been able to contribute any information on the subject; but still I think as to the particular matter to which I called the attention of the Senator from Minnesota I had perhaps a fair comprehension of the scope of the amendment of the Senator from Alabama.

Mr. McMILLAN. I made the allusion to the Senator in no offensive sense, and I am sorry that he is so sensitive upon the subject. I had been listening to the entire debate upon this amendment, and I am rather inclined to think the Senator did not hear it all. This amendment of the Senator from Alabama is intended to qualify the original amendment offered by the Senator from Michigan to this bill. I think the amendment offered by the Senator from Alabama does qualify the original amendment and leave the matter in confusion.

Mr. CALL. There is no difficulty between the original amendment and that proposed by the Senator from Alabama. The original amendment provides simply and unmistakably that the entries of all unoffered lands, except where there are conflicting claims or settlements, shall be confirmed. The amendment of the Senator from Alabama proposes that where there is a conflicting homestead or pre-emption claim or settlement, that shall be adjudicated in the Department of the Interior, and shall be heard and decided there. That is all. There is no difficulty, I apprehend.

Mr. ALLISON. I ask unanimous consent that this bill may be laid aside informally in order that I may bring before the Senate the Army appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to the consideration of the Army appropriation bill. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN HANCOCK of Texas, Mr. JOHN F. FOLLETT of Ohio, and Mr. W. D. WASHBURN of Minnesota managers at the conference on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES N. BURNES of Missouri, Mr. RICHARD W. TOWNSHEND of Illinois, and Mr. W. D. WASHBURN of Minnesota managers at the conference on its part.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by O. L. PRUDEN, one of his secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam vessels; and this day the act (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the first or formal reading of the bill may be dispensed with, and that as the bill is read the amendments of the Committee on Appropriations may be considered in their order.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the first reading of the bill *in extenso* be omitted and that the bill be read for amendment and that the amendments of the Committee on Appropriations be considered as the reading proceeds. Is there objection? The Chair hears none.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, after the word "departments," in line 20, to strike out the words:

Being for the purchase of the necessary articles of office and desk furniture, stationery, binding, maps and books of reference, police utensils, and similar necessaries.

So as to make the clause read:

For contingent expenses of the Adjutant-General's Department at the headquarters of military divisions and departments, $2,500.

The next amendment was in line 27, after the word "including," to strike out "such;" so as to read:

For expenses of the Signal Service of the Army: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target-ranges.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Pay Department," to strike out the following proviso from lines 86 to 91:

Provided, That the cost of such telegrams shall not exceed the amount fixed and paid by the Government, under contract, for telegrams composed of a similar number of words, exclusive of address and signature, officially sent to and from the Signal Service stations of the United States.

Mr. ALLISON. I think I ought to say a word with reference to this amendment. The effect of it is to increase rather than diminish the cost of Government telegraphing. The Government now has no contract with reference to the sending of these messages. They are all sent under a schedule of rates fixed by the Quartermaster-General from time to time under the law of 1866. The cost has been reduced within the last year about 45 per cent. from previous years.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 124, to reduce the total amount of the appropriations for "subsistence of the Army" from $1,900,000 to $1,800,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Quartermaster's Department," in line 138, after the word "offices," to insert "and for sale to officers;" and in the same line, after the word "officers," to strike out:

And for extra-duty pay to such enlisted men as may be employed in procuring and caring for fuel, forage, and heating apparatus: *Provided*, That fuel in kind may be issued to officers when on duty.

So as to read:

For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus and repair and maintenance of same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, storehouses, and offices, and for sale to officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, including its care and protection, &c.

The amendment was agreed to.

The next amendment was, in line 158, to reduce the appropriation for

purchase of horses for the cavalry and artillery and for the Indian scouts and for such infantry as may be mounted, from $200,000 to $180,000.

The amendment was agreed to.

The next amendment was, in line 159, after the word "that," to strike out "hereafter;" so as to make the proviso read:

Provided, That the number of horses purchased under this appropriation added to the number actually on hand shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service.

The amendment was agreed to.

The next amendment was, in the appropriations "for incidental expenses of the Quartermaster's Department," in line 178, after the word "clerks," to strike out "and other employés;" so as to read:

Compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon-masters authorized by the act of July 5, 1838, &c.

The amendment was agreed to.

The next amendment was, in line 182, after the word "for," to strike out the words "the rewards for;" so as to read:

For the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit, &c.

The amendment was agreed to.

The next amendment was, in line 192, to reduce the total amount of the appropriation "for incidental expenses" of the Quartermaster's Department from $690,000 to $650,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for transportation of the Army," in line 219, before the word "repairing," to insert the word "or;" and in line 220, after the word "transportation," to strike out:

And employed as train-masters, and in procuring water, opening roads, navigating vessels, and building wharves.

So as to read:

Pay of enlisted men on extra duty driving teams or repairing means of transportation; transportation of funds for the Pay and other disbursing Departments.

The amendment was agreed to.

The next amendment was, in line 229, to reduce the total amount of the appropriation "for transportation of the Army" from $3,000,000 to $2,900,000.

The amendment was agreed to.

The next amendment was, in line 231, after the word "That," to strike out "hereafter;" so as to read:

Provided, That the whole number of civilian employés, including agents, superintendents, mechanics, packers, teamsters, and train-masters, paid from appropriations for transportation of the Army, shall not at any one time hereafter exceed 1,000, &c.

The amendment was agreed to.

The next amendment was, in line 255, before the word "thousand," to strike out "seven hundred" and insert "six hundred and fifty;" so as to read:

For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, and for grounds for camp and summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables, and for repairing public buildings at established posts, $650,000.

The amendment was agreed to.

The next amendment was, in line 256, after the word "That," to strike out "hereafter;" so as to make the proviso read:

Provided, That no expenditure exceeding $500 shall be made upon any building or military post without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department; and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement.

The amendment was agreed to.

The next amendment was to strike out the following clause, from lines 274 to 276, inclusive:

For quarters for quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, and veterinary surgeons, $15,000.

The amendment was agreed to.

The next amendment was, in line 286, after the word "million," to strike out "four hundred" and insert "two hundred and fifty;" so as to make the clause read:

For cloth, woolens, materials, and for the manufacture of clothing for the Army; for issue and for sales at cost price, according to the Army Regulations; for altering and fitting clothing and washing and cleansing when necessary; for equipage, and for expenses of packing and handling and similar necessaries, $1,250,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 306, to strike out "five" and insert "ten;" and in the same line, after the word "all," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For the Army Medical Museum, including ordinary repairs of the museum hall, preservation of specimens, and the preparation or purchase of new specimens, $5,000; for the library of the Surgeon-General's Office, $10,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, in line 353, after the words "purchase of," to strike out "Gatling or Hotchkiss;" so as to read:

For the purchase of machine-guns suitable for field service, $20,000.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows:

"ART. 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine."

The amendment was agreed to.

Mr. SHERMAN. The Secretary read so rapidly that I did not have an opportunity to call for a division on the last amendment on page 16, to strike out section 2. I ask that it be read again.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment will be read.

The Secretary read section 2.

Mr. SHERMAN. Article 94 reads as follows:

ART. 94. Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

Under the provisions of that article a recent court-martial was continued here for weeks and months because the court was compelled by the express provisions of law to adjourn at 3 o'clock each day. I am told that the origin of that rule was derived from the British service, and the reason for it was that after 3 o'clock a gentleman on a court-martial was not expected to be sober enough to pass judiciously upon a proposition. The whole habits of our people, the hours of taking meals, &c., have changed, and therefore it is perfectly absurd to keep alive the old article of war which requires a court-martial to adjourn promptly at 3, and yet they must do it by law.

It is true this is legislation in an appropriation bill; it changes an article of war; but as it is here put on by the House, evidently in the interest of economy, I take it every Senator will assent to it unless some good reason should be given for striking it out. The article as proposed by the House is:

ART. 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine.

Surely a general court-martial convened for the trial of offenses ought to be allowed to adjourn and fix their hours of adjournment so as to be convenient to themselves and convenient to witnesses and the public. I hope therefore the law will be changed.

Mr. MILLER, of California. I agree with the Senator from Ohio. This article of war ought to be changed substantially as the House has attempted to change it. The language, however, of this section 2 is very peculiar:

SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed and amended so as to read as follows:

I think that is rather contradictory, to repeal a section and then amend it.

Mr. SHERMAN. We can amend that by striking out the word "repealed."

Mr. MILLER, of California. It ought to be, "that article 94 be amended to read as follows."

Mr. ALLISON. We can not amend it here under our rules.

Mr. MILLER, of California. We can not amend it! Why not?

Mr. ALLISON. It is legislation.

Mr. MILLER, of California. We can do it by unanimous consent so as to give it sense and meaning.

Mr. ALLISON. Unanimous consent can do it.

Mr. MILLER, of California. It is obviously a mistake in the print, or else done by inadvertence.

Mr. ALLISON. This article 94 has been in existence, as stated by the Senator from Ohio, since the foundation of the Government, and was drawn from the articles of war of Great Britain. The law now provides that a court-martial shall be held between the hours of 8 in the morning and 3 in the afternoon. I quite agree with the Senator from Ohio that it may be inconvenient at times in general courts-martial, such as that referred to by him for the trial of General Swaim, to hold the court between these hours; but this is a general provision; it relates to the entire Army of the United States, and I suppose it was inserted originally somewhat for the benefit of those who are accused of crime in the Army. It was intended that the accused should have full opportunity every day to bring his witnesses to the presence of the court; that a court-martial "organized to convict," if you please, as courts-martial have sometimes been organized hitherto, it is said, should not put the accused through under a hop, skip, and jump; that he should have an opportunity day by day with his counsel to bring forward witnesses and to examine the testimony as far as the trial had gone. It may be necessary, after the close of the day's sitting, that the accused should have an opportunity of reviewing the testimony.

The Committee on Appropriations did not feel itself authorized to take up on an appropriation bill the change of an article of war which had been carried through several wars in this country, including the late civil war, without change.

Mr. SHERMAN. I am told by officers that it was not observed.

Mr. MILLER, of California. I will say to the Senator from Iowa that during the war, when we had numerous courts-martial, they held sessions at other hours than from 8 to 3. They held sessions all day sometimes.

Mr. ALLISON. These articles, I believe, were revised after the war.

Mr. MILLER, of California. I suppose the Secretary of War, being

the authority by which courts-martial are authorized during the war, probably set the article aside in that particular, because I know that court-martial sessions were held all through the day and in the night.

Mr. ALLISON. I agree that this is rather an inconvenient hour in the city of Washington, but it may be a very convenient hour elsewhere; and I trust because of some inconvenience in a single instance that we shall not on an appropriation bill change this law, especially as we have no report from the Secretary of War and no report from the Committee on Military Affairs, the proper organ of the Senate in reference to such matters. If this is an inconvenience and if it requires change, it will be an easy thing any morning for the Military Committee to report an alteration of this article of war and to pass it through in a moment, and if it is so pressing, certainly there can be consent to pass it in the House of Representatives.

Mr. SHERMAN. The Senate being so thin, I do not propose to divide the Senate on a question of this kind; but I think the new idea of avoiding legislation on appropriation bills is running to seed, although I see some provisions of a legislative character even in this bill that are not stricken out. But I have called the attention of the Senate to it, and I hope the committee of conference when they meet on this bill, if they do at all, will allow this section to stand. I do not propose to divide the Senate at this time and in its present condition.

The PRESIDING OFFICER. The Chair will put the question on the amendment of the committee to strike out the second section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE NEW ORLEANS EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a copy of the report of the board of management of the World's Industrial and Cotton Centennial Exposition, dated February 2, 1885, requesting an additional appropriation to extinguish a deficit in its accounts, and asking authority to reopen the exhibition during the winter of 1885-1886.

A failure on the part of the management to carry out the original intent in regard to the exposition might reflect upon the honor of the United States Government, since twenty-one foreign nations and forty-six States and Territories have joined in the enterprise through faith in the sanction of the Government. In view of this fact, and in consideration of the value of the exposition to the cause of material progress and general education, I respectfully submit the report mentioned for the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 12, 1885.

PUBLIC BUILDING AT DETROIT, MICH.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., which passed the Senate and has been returned by the House of Representatives with an amendment. The action of the House will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 12, 1885.

Resolved, That the bill from the Senate, No. 1609, entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," do pass with the following amendment. In line 25 of the bill, at the end of section 1, add the following:

"*Provided, however*, That if a new site shall be purchased for said building, as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $600,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

Mr. PALMER. I move the reference of that bill with the amendment to the Committee on Public Buildings and Grounds.

The motion was agreed to.

PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments disagreed to by the House and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. CALL were appointed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes; and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

AMENDMENTS TO BILLS.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California. Let the accompanying documents be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. PLATT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of Samuel B. Gregory, with the accompanying papers, now on the files of the Senate, be withdrawn and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor, with amendments; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of John Hancock and other gas-consumers of Washington, D. C., praying Congress to take such action in their behalf that they may be supplied with illuminating heating gas of superior quality and cheap manufacture known as steam-carbon gas; which was referred to the Committee on the District of Columbia.

Mr. CONGER presented resolutions of the committee on foreign and coastwise commerce of the Board of Trade of Philadelphia, Pa., and the executive committee of the Philadelphia Maritime Exchange, protesting against the passage of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which were referred to the Committee on Commerce.

Mr. MAHONE presented a memorial of the Chamber of Commerce of Richmond, Va., praying that Richmond be made a naval station; which was referred to the Committee on Naval Affairs.

COL. HENRY J. HUNT.

Mr. HAWLEY submitted a report to accompany the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army, heretofore reported by him from the Committee on Military Affairs.

PUBLIC BUILDING AT ERIE, PA.

The PRESIDING OFFICER (Mr. PLATT in the chair), laid before the Senate the amendments of the House of Representatives to the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor.

The amendments were read, being in lines 6 and 7, to strike out the words "three hundred" and insert the words "two hundred and fifty;" in line 10, to strike out the words "three hundred" and insert the words "two hundred and fifty;" and at the end of line 10, after the word "dollars," to add: "And no plan shall be approved which will involve an expenditure for site and building complete greater than the amount hereby fixed as the limit of cost."

Mr. MITCHELL. I move that the Senate concur in the amendments of the House. I will state that the House amendments reduce the limit $50,000. We think it ought not to be reduced; but to secure the passage of the bill I consent to the amendments.

The amendments were concurred in.

OFFICIAL RECORDS OF THE REBELLION.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Printing are hereby directed to report what, if any, further legislation is necessary to secure the proper distribution of the copies of the Official Records of the War of the Rebellion, which members of the Forty-seventh Congress who have deceased since the passage of the act of August 7, 1882, were entitled to at the time of their death.

PUBLIC-LAND LAWS.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. PLUMB. I ask unanimous consent, pending the consideration of that bill, to take up House bill No. 7522, which is on the table.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to consider at this time the bill (H. R. 7522) for the relief of Joseph F. Wilson. Is there objection?

Mr. HARRIS. Yes, sir; there is.

The PRESIDING OFFICER. The Senator from Tennessee objects.

Mr. HARRIS. I want to take up House bills in their regular order.

Mr. PLUMB. I ask unanimous consent to be allowed to make a statement about this case. No, I believe I will not make a statement.

Mr. HARRIS. I do not object to a statement, but I object to the consideration of the bill.

The Senate resumed the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. PALMER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I understood the Senator from Michigan, perhaps both Senators from that State, to say that with some modification this amendment was altogether in harmony with the amendment which has been adopted.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MILLER, of California. I should like to have the amendment read so that I may know what we are voting upon.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 7—

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior, and in case there is any actual settlement on any of said lands in good faith under the homestead and pre-emption laws of the United States made prior to January 25, 1885, the rights of such settlers shall prevail against any previous entry at the price of $1.25 per acre.

Mr. MORGAN. I confess my surprise at the objection made by the Senator from Michigan [Mr. CONGER]. I thought the amendment was exactly in the line of his policy in regard to the public lands. Now, I wish to remark to the Senate that the bill as amended secures titles by subsequent ratification of the Congress of the United States to those men who had no titles, who had entered lands at a dollar and a quarter an acre, and it stops right there. Both the Senators from Michigan said that they had a desire to protect homesteaders and pre-emption claimants upon these same lands who had no right, of course, to file their entries upon this description of lands until Congress enabled them to do so or until the lands were offered a second time for sale. I thought that while we were securing titles to those lumbermen who had bought these lands at a dollar and a quarter an acre under circumstances that were not entirely free from suspicion, it would be exactly in harmony with the policy indicated by the senior Senator from Michigan that we should also secure titles to those men who had made homestead and pre-emption entries upon the same lands, who in good faith had built their homesteads and made their pre-emption entries upon the same lands.

I also thought that it was right, inasmuch as I supposed both Senators concurred in it, that we should give the preference to a homesteader or a pre-emptor over a man who had bought the land at a dollar and a quarter an acre and had got a certificate which was entirely void, entirely invalid under the law. Therefore I proposed to improve the amendment offered by the junior Senator from Michigan. While we were granting good titles to these men who had void titles and who had paid a dollar and a quarter an acre for them, I proposed to grant patents also, after investigation in the Interior Department, to those men who had made homestead entries upon these lands, and in case of contest between the homesteader or pre-emptor and the person who held the invalid title, my amendment gives the preference to the homesteader or the pre-emptor.

Mr. BLAIR. Suppose the conflict is between a homesteader and a pre-emptor, what would be the effect of the amendment in that case?

Mr. MORGAN. Then the amendment suggests that it shall be settled in the Interior Department.

Mr. BLAIR. And that the settlement be final and that the existing right to go to the courts be denied. The word "final" is still in the amendment.

Mr. MORGAN. A final settlement of a matter of this kind in the Interior Department relates only to the issue of the patent. It does not relate to the title, because that is all the time a matter open for controversy in the courts. Nobody can prevent that.

Mr. SHERMAN. I should like to ask the Senator a question. Suppose that under the amendment proposed the imperfect right of a person who has entered the lands at a dollar and a quarter an acre and paid his money into the Treasury of the United States is defeated by a subsequent entry by some person under the homestead act, would not that make at once a claim against the Government of the United States in favor of the person who had bought the land for the amount of the purchase-money of the land, perhaps with interest, and would not that multiply the difficulties that arise out of this state of affairs?

Mr. MORGAN. There is no doubt about its making a claim against the Government of the United States for the amount of money paid in, the dollar and a quarter an acre, and we have a general statute now which provides that in all such cases the money shall be returned to the party who had made the entry, without interest. The Senator from Ohio does not want to pay interest, I presume?

Mr. SHERMAN. No.

Mr. MORGAN. That is the law now. I confess my surprise at the attitude of some of the Senators on that side of the Chamber on this question. I thought that they in good faith were trying to protect the homesteaders and the pre-emptors. That was the impression made on my mind by the different resolutions, motions, and amendments that have been made. Now, when I suggest that these men shall have patents for their lands upon the basis of the homestead and pre-emption laws, and that those patents shall prevail against the void entries and against the void patents paid for by the lumbermen and the speculators at a dollar and a quarter an acre, I find opposition from the Senators from Michigan and others. Well, sir——

Mr. BLAIR. May I ask the Senator a question?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. I was not present when the vote was taken on the Senator's amendment and I suppose it is still pending. I do not understand why he uses the word "final" with reference to the controversy before the Department when under existing law parties always have a right to go further to the courts.

Mr. MORGAN. The word "final" relates to the action of the Department.

Mr. BLAIR. Does it have any effect whatever? Does the Senator mean it to have any effect whatever?

Mr. MORGAN. It has effect on the officers of the Department, of course.

Mr. BLAIR. I do not understand in what way it has any effect on the officers of the Department to provide that their action shall be final. Their action will be the same in any case. The word "final" comes in in such a way as to prevent further action beyond the jurisdiction of the officers of the Department. It seems to me that the Senator's position limits and restricts and injures the homesteader or the pre-emptor, as the case may be, who is in possession; it deprives him of a right to be relieved of injustice by the action of the courts when it is perpetrated against him by the Department. That right he now has. If that word "final" were striken out, the amendment, to my mind, would be perhaps one in the direction of relief. It is now one of injury and restriction.

Mr. MORGAN. The Senator attributes too much weight to the word "final" in the context. The object of putting that word in was to have the decision finally made as between these litigants or contestants for the patent, and only for the patent.

Mr. BLAIR. Is not that the case now? Does not the Department proceed to a decision upon which the patent is to be issued?

Mr. MORGAN. It certainly does, but at the same time——

Mr. BLAIR. Then, if the Senator will pardon me for asking a question, what is the effect of the word "final" so far as the action of the Department is concerned?

Mr. MORGAN. The bill brings within the jurisdiction of the Department a class of cases that are not now within its jurisdiction, and while the adjudications of the Department are final under the existing law in respect of the issue of a patent, giving the consent of the Government through its authorized agents to the passage of the title from the Government to the party purchasing—while that is the fact in regard to the general operations of the Interior Department, when we bring a new subject within the jurisdiction that is not now within it, it is proper to apply the law as it exists to this new subject.

Mr. BLAIR. I understand that the Senator proposes to make a law under which the Department will have a jurisdiction to decide something and to decide everything up to the point of the issuance of the patent. The adjective "final," if I comprehend it and its use, can have no reference whatever to the action of the Department in the exercise of its jurisdiction until it has issued the patent, and then its operation is such as to restrict the exercise of the litigant's right of appeal. It prevents the exercise of any such right to go further.

Mr. MORGAN. An appeal to what?

Mr. BLAIR. If the decision is final there can be no appellate jurisdiction beyond it.

Mr. MORGAN. Is there any now? I ask the Senator, is there any appellate jurisdiction now from the Department of the Interior to any court in the United States?

Mr. BLAIR. Not direct from the Department, perhaps, but there is a right to go to the courts. There is no provision of law that the litigant is concluded by the decision of the Department; he may have his resort to the courts. The Senator's amendment deprives him of the right to try his cause and have it adjudicated by a jury of his countrymen, if I understand it.

Mr. MORGAN. Then the Senator does not understand it.

Mr. HARRISON. May I ask the Senator from Alabama whether the word "final" as used in the amendment is at all essential to the amendment?

Mr. MORGAN. I do not think that it is at all essential.

Mr. HARRISON. It seems to me not.

Mr. BLAIR. Then strike it out.

Mr. HARRISON. I suggest to leave it off.

Mr. MORGAN. No, sir; I do not choose to submit to a mere hypercriticism which does not amount to anything. Every lawyer understands that the action of the Department of the Interior upon a question of title to a tract of land culminates and is fully expressed in the issuing of a patent or in the rejection of an application for a patent; and after the party gets his patent to that tract of land it is open to attack in court precisely as if he did not have any patent, precisely as the title is. That is all I undertake to provide in this case. I merely try to apply the laws of the United States in the very sense in which they are now applied to this new case brought within their jurisdiction. That is the whole matter.

Senators seem to be very much afraid that somebody who has bought these lands and got a patent for them at a dollar and a quarter an acre, the patent being entirely void, will not be able to oust somebody else of the right to an interest in these public lands. I insist that the statutes of the United States ought to apply to this case precisely as they are applied to all other questions adjudicated in the Interior Department, and as this is a new jurisdiction conferred only by the bill giving rights which now do not exist, I thought that it was only proper that we should apply the law as it does exist to these new titles and this new jurisdiction. That is the whole of it.

Mr. BLAIR. Will the Senator permit me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. I ask whether the law as it now stands in reference to the jurisdiction of the Land Office upon matters properly before it in controversy provides that the decision of the Interior Department shall be final?

Mr. MORGAN. Final as to the right of the party to the muniment of title, the patent?

Mr. BLAIR. Final in its broad sense?

Mr. MORGAN. Oh, no.

Mr. BLAIR. Final in the broad sense in which the word "final" is used in the amendment? That is the question.

I wish now while I am speaking to resent the suggestion of the Senator that the proposal that the word "final" be stricken out is an effort in the direction which he intimates. I should be very glad to support his amendment if I did not believe that the use of the word "final" has the effect to rob the litigant of a right which he now has and must have.

Mr. MORGAN. That is not the intention of it. The Senator broadens the meaning of the word "final" so as to extend it to title, and I am applying it only to a muniment of title. That is the difference between us. The action of the Department shall be final so far as the patent is concerned in passing the title from it to the other party through a deed, a patent. That is all of it. After you have got it into the hands of the patentee it is open to litigation in respect of everything but the lawful issue of the patent, precisely as it was before any action was taken upon it. I am merely applying the law as it stands to the new case that is to be brought before the Department in which a new jurisdiction is to be conferred. I have no pride of opinion about it, but still I can not recognize that the Senator's point of objection is material, for he is thinking about the bill having an effect upon the question of title, when I am sure it does not. It will have an effect only upon the muniment of title, the patent.

Mr. HARRISON. I have just looked at the amendment for a moment, and I wish to ask the Senator from Alabama whether he will not consent to insert after the words "Secretary of the Interior" the words "and the judicial courts of the United States;" so that the decision would be left to the Interior Department so far as the law provides for the consideration of any questions there, and so far as questions may arise for the courts the parties may go into the courts. I think it would help to secure the adoption of some portion of the amendment, which I think is in the right direction.

Mr. MORGAN. I have no objection to having those words go in to explain it to the satisfaction of any Senator who does not understand the law very well.

Mr. HARRISON. I was making a concession.

Mr. MORGAN. I beg pardon.

The PRESIDENT *pro tempore*. Does the Senator from Indiana move to amend the amendment?

Mr. HARRISON. Yes, I move to insert after the words "Secretary of the Interior," in line 6, the words "and the judicial courts of the United States."

Mr. BLAIR. How will it read then?

The PRESIDENT *pro tempore*. The amendment will be read as it would read if amended.

The Secretary read as follows:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior and the judicial courts of the United States; and in case there is any actual settlement, &c.

Mr. MORGAN. I suggest to the Senator that he had better put in words so as to include the judicial courts of the States.

Mr. HARRISON. Does the Senator from Alabama make a suggestion that the phraseology used would limit the jurisdiction to the Federal courts?

Mr. MORGAN. That is the way I understand it.

Mr. HARRISON. That was not my intention. I did not intend to exclude the jurisdiction of the State courts in any case where they would have jurisdiction, and if the language does that it does not express my intention. I ask the Senator if he now thinks that would be the effect of it?

Mr. MORGAN. No, I suppose not; I am indifferent about it. I merely wanted to have Senators understand it before voting upon it.

The PRESIDENT *pro tempore*. The courts of the United States have final jurisdiction of all questions arising under the Constitution and laws of the United States.

Mr. HARRISON. That is true.

Mr. DOLPH. Is the question now before the Senate on the motion to amend the amendment?

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment of the Senator from Alabama.

Mr. DOLPH. I wish to occupy but one moment. As I said, the amendment which has been adopted does not affect any case where there are conflicting claims between individuals. It only affects a case where there is a conflict of title between an individual and the Government, and with such lands we have a right to deal as we please. But when we come to legislate in regard to a tract of land which is claimed by two or more citizens under different laws, we have not a right to do as we please. I am not in favor of any amendment which proposes to forestall the action of the Department of the Interior and forestall the courts and say that when you come to adjudicate a contested case you shall decide in favor of one class of citizens and against one class of claimants.

I will go as far as any member of the Senate in favor of a homestead and pre-emption claimant, but what is done in their favor must be done in accordance with law and right. If there are two or more claimants to a tract or to several tracts of land, they now have a right to go into the Department or to go into the courts and have their rights adjudicated. I can not sit here and vote for an amendment which will undertake to forestall the action of the courts and say that the courts and the Department must render a given decision right or wrong where there is a conflict of claims.

I do not care particularly what is done with the pending amendment, but I wish to state my position upon it. I can not vote for any amendment by which we shall undertake to settle private rights by act of Congress.

Mr. MORGAN. I was not trying to forestall the action of the courts and compel them to decide where the title might be after we get through with this very delicate subject; but I was trying to provide that the officers of this Government should issue patents which Congress would declare valid to certain persons. The bill provides for the confirmation of a patent heretofore issued in favor of a purchaser at a dollar and a quarter an acre, notwithstanding his purchase was invalid at the time he made it. My amendment provides that if there is a homesteader or pre-emptor there he shall have a patent for his land under the adjudication of the Interior Department, provided he establishes his claim, and that his claim shall be paramount to that of the man who claims the land under a previous purchase at a dollar and a quarter an acre.

That is the situation exactly. I am not trying to forestall a judicial decision about this matter; I am merely trying to secure to homesteaders and pre-emptors upon these lands their rights. They have gone in innocence, they have gone by invitation of the Government upon these public lands, and when they get there they find themselves confronted with a patent or certificate issued to a purchaser at a dollar and a quarter an acre, who says to the pre-emptor and to the land officer and to the courts, "this is an invalid arrangement, it carries no title, because at the time the certificate was issued the lands were not marketable, they were not subject to sale by the local land officers." A provision was offered here, as I understood it, for the purpose of confirming their rights, and in cases where there were no conflicts between such persons and the prior purchasers for the purpose of confirming the rights of the prior purchasers who got the land at a dollar and a quarter an acre. That is the way I understood the matter.

In order to secure to the homesteaders and the pre-emptors an adjudication in their favor in the Interior Department in the case of conflict-

ing claims, and also a patent upon which they could rest, I have offerred my amendment to the bill, and I find that it stirs up a great deal of strife. It seems to me that I have touched upon a sort of tender point about this case, and that after all, while there are great professions here in favor of the homesteaders and the pre-emptors, the real object is to protect the logmen and the lumbermen; it is to protect that class of men about whom the Senator from Missouri spoke to-day, who he said had gone in there and had inveigled the public officers, contrary to instructions in some cases, to permit entries to be made at a dollar and a quarter an acre, they knowing and the purchasers knowing that all they were buying was like a ticket in the Louisiana Lottery; it was a mere chance to draw a prize.

I have not brought this subject into this case. The Committee on Public Lands did not bring this question into the case. We have been considering a bill having reference only to the modification or repeal of the pre-emption laws, the timber-culture laws, and the desert-land laws. Now we have switched off until we have got the main issue before the Senate, which has occupied the time of this body for hours and hours together, the control of certain lands in the State of Michigan, about which there seems to be more interest and to which more attention is drawn than there is to all the rest of the lands in the United States, although the bill covers the whole country.

In the pursuit of this controversy a question has arisen here as to whether the titles which we are trying to confirm are titles that are at war with the rights of homesteaders and pre-emptors, and also whether that title is at war with persons who have bought these lands subsequently and paid for them at two dollars and a half an acre. A good deal of debate has gone on about that. I had the honor to offer an amendment which I thought would reconcile everybody about it so that we could get rid of this bill and the Senate could proceed with the public business. After some lapse of time, when the proposition was duly digested on the other side of the Chamber among the Senators who are particularly interested in this matter, it obviously turns out that the whole intent and purpose of this legislation is to protect the men who hold the titles at a dollar and a quarter an acre, which are invalid, against everybody, against the men who paid two dollars and a half an acre for land subsequently, and against the homesteaders and pre-emptors. That is an obvious fact; and I am here trying to defend those persons in their rights acquired under the laws of the United States, while Senators who professed to be their champions and defenders a few hours ago are here warring against them. That is the situation.

I maintain that the Senate of the United States ought not in justice and duty to the country to ratify and confirm these void titles, pronounced twelve years ago to be void by the Supreme Court of the United States, unless in the mean time it protects those men who have honestly gone upon these lands and acquired homesteads there.

My amendment refers only to *bona fide* homesteaders and pre-emptors, not to men who set up pretended claims. While this controversy has been going on and since the decision of the Supreme Court twelve years ago, which invalidated the entries at a dollar and a quarter an acre, men have been settling themselves upon these lands in Michigan, claiming under the invitation of the Government of the United States the right to go there and to locate their homesteads and pre-emptions; and now it is proposed that we shall ratify and confirm the previous title and cut these men out entirely. That is what is meant by the amendment put upon the bill on the motion of the Senator from Michigan. I have said about it all I intend to say; and I shall let the Senate vote upon the amendment I have offered, so far as I am concerned.

Mr. HARRISON. I ask leave to modify my amendment to the amendment.

The PRESIDENT *pro tempore*. The Senator has a right to modify his amendment.

Mr. HARRISON. Instead of making it read, "and the judicial courts of the United States," I will modify it so as to read, "and the proper judicial courts." I suppose the final jurisdiction is in the United States courts in these cases; but I do not want to exclude the idea that preliminary jurisdiction may be in the State courts.

The PRESIDENT *pro tempore*. The Senator from Indiana modifies his amendment to the amendment offered by the Senator from Alabama. The amendment to the amendment will be read as modified.

The SECRETARY. In line 6, after the word "Interior," it is proposed to insert "and the proper judicial courts;" so as to read:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior and the proper judicial courts, &c.

Mr. CONGER. It is very unfortunate that any Senator on this floor should presume to call in question the argument, or the reasoning, or the conclusions of the Senator from Alabama. One might know beforehand that it would fall into a personal attack upon one who was so presumptuous.

Now it does not turn out, as the Senator with so much assurance asserts, that any Senator on this side of the Chamber, or any Senator from Michigan, or any Senator who has advocated the original amendment, has forsaken his position; that he has been inconsistent; that he stands here as the advocate of men who have accummulated vast amounts of land for any purpose whatever; and the Senator had no business to make such an intimation or such an insinuation. I dismiss it by saying that it was unworthy of him and of the place where the assertion was made.

The amendment which we advocated related only to claims where there was no conflict. In the express language of the amendment offered by my colleague, it related only to claims where there was no conflict. To what does the Senator's amendment relate? It refers to all such "conflicting claims." That is a new subject introduced. It has nothing to do with the amendment offered by my colleague. The claims referred to in the amendment offered by my colleague are claims where there is no conflict, and the amendment says so. Why does the gentleman wish to introduce an amendment here about another set of claims, the conflicting claims which are not reached in any possible way by the measure which we have been advocating?

Mr. MORGAN. Will the Senator allow me to inquire whether the words "no valid conflicting claims" do not form a part of the language of the amendment as adopted?

Mr. CONGER. Of course valid conflicting claims or conflicting claims are excluded. It says where there are no conflicting claims the confirmation shall operate.

The PRESIDENT *pro tempore*. If the Senator from Michigan will suspend, the Chair will answer the inquiry of the Senator from Alabama. The amendment heretofore agreed to by the Senate, in that part of it, reads:

Without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto or settlement thereon.

Mr. MORGAN. Then the Senator misquotes the amendment. I suppose he does it by accident.

Mr. CONGER. I do not do it by accident. I say where there were no conflicting claims the amendment makes the title good. That is plain enough; and the Senator has retired from it on my assertion, I see.

Notwithstanding the Senator has chided us for introducing into the bill new matter, he has introduced a new class of claims. Whether they come in or do not come in, it does not affect the previous provisions where there are no conflicting claims. I think the amendment offered by my colleague was a just and a proper one, protecting the rights of citizens of the United States against the fault or default of the Government of the United States, and that is what we wanted to meet. If the Senator wishes to bring in other claims, if he wishes to introduce into the bill additional matter, that is his proposition. He is determining beforehand by his amendment that the decision either at the local land office or at the Land Department generally shall be final on all these questions. He brings in new matter and a new class of claims which are especially excepted out of the previous amendment, and I object to it.

Mr. VEST. Before the vote is taken on the pending question I should like to make an inquiry of the mover of the amendment as to what is the meaning of a valid conflicting claim? When a claim is not in conflict with another, the one that prevails I suppose is the valid one!

Mr. CONGER. If the Senator will read the provision he will see that it says where "there are no valid conflicting claims" then it shall take effect.

Mr. VEST. I understand that. I suppose that if it were a conflicting claim that is not valid, it would be a different thing.

Mr. CONGER. They are an exception.

Mr. HARRISON. As to the meaning of the clause which the Senator from Michigan has been talking about, I think the bill intends to say that as between the holder of a valid claim and any other claimant the holder of a valid claim shall have preference, whether he be a homesteader or a pre-emptor or whatever his relations to the lands may be. It is declared that the men who confessedly have an invalid claim shall have their claim made valid against other invalid claims. That is the effect of the provision.

For one I wish to say, and that will end this debate so far as I am concerned—I have not taken up much time in it—that in every case where a homesteader, a man who goes to make his home upon the land of the United States—upon a reasonable amount of that land—to make a farm and a home, even if he mistakes the law, even if his proceedings to acquire title under the land laws are inefficient and ineffective, so far as I am concerned I always shall be ready to support legislation to secure him in that purchase, or attempted purchase, and to resist the invasion of others upon the land; but I do hold that where men go to buy the pine lands of the United States, or where men undertake to buy vast quantities of the grazing lands of the United States, men who ought to be advised as to what the laws are, men who have the means and the time and the ability to know what the laws are, and purchase vast tracts of these lands, and then come to the Government to ask the Government to confirm those invalid titles, for one I shall not be willing to do it, certainly not as against any man who wants to use any part of those lands as a home.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment offered by the Senator from Alabama.

Mr. MORGAN. I will accept that if I have the right to do it.

The PRESIDENT *pro tempore*. The Senator from Alabama can not accept it, the yeas and nays having been ordered upon his amendment.

Mr. HOAR (to Mr. MORGAN). Ask unanimous consent.

Mr. MORGAN. I ask unanimous consent that I may accept the amendment of the Senator from Indiana.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that he may accept the amendment offered by the Senator from Indiana. Is there objection? The Chair hears none, and the amendment to the amendment is accepted. The question recurs on agreeing to the amendment proposed by the Senator from Alabama as amended, on which the yeas and nays have been ordered.

Mr. SAWYER. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read as amended.

The CHIEF CLERK. It is proposed to add to section 7:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior and the proper judicial courts; and in case there is any actual settlement on any of said lands in good faith under the homestead and pre-emption laws of the United States made prior to January 25, 1885, the rights of such settlers shall prevail against any previous entry at the price of $1.25 per acre,

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON].

Mr. SABIN (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. KENNA]. If he were here, I presume he would vote "yea;" I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 28, nays 14; as follows:

YEAS—28.

Aldrich,	George,	Jonas,	Pendleton,
Bayard,	Groome,	Lamar,	Platt,
Blair,	Hampton,	Maxey,	Pugh,
Coke,	Harris,	Miller of Cal.,	Slater,
Colquitt,	Harrison,	Miller of N. Y.,	Vance,
Edmunds,	Ingalls,	Morgan,	Vest,
Garland,	Jackson,	Morrill,	Voorhees.

NAYS—14.

Cameron of Wis.,	Hawley,	Mitchell,	Van Wyck.
Conger,	Hill,	Palmer,	Wilson.
Cullom,	Lapham,	Pike	
Dolph,	Manderson,	Sawyer,	

ABSENT—34.

Allison,	Cockrell,	Jones of Florida,	Riddleberger,
Beck,	Dawes,	Jones of Nevada,	Sabin,
Bowen,	Fair,	Kenna,	Saulsbury,
Brown,	Farley,	Logan,	Sewell,
Butler,	Frye,	McMillan,	Sherman,
Call,	Gibson,	McPherson,	Walker,
Camden,	Gorman,	Mahone,	Williams.
Cameron of Pa.,	Hale,	Plumb,	
Chace,	Hoar,	Ransom,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. If no further amendment be proposed the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? [Putting the question.] The "noes" appear to have it.

Mr. DOLPH. What is the question?

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I was in the cloak-room and the bill passed to its present stage before I was aware of the fact. There was an amendment prepared by me in the first instance, but I think improved by the Senator from Kansas [Mr. PLUMB], which would give the bill, if it is to pass, the approval, I think, of a great many Senators who otherwise might not vote for it. In order to enable me to propose the amendment I move to reconsider the vote ordering the bill to a third reading.

Mr. HOAR. I hope the Senator from Ohio will have unanimous consent to move an amendment at this stage.

Mr. DOLPH. I think there will be no opposition to that course.

The PRESIDENT *pro tempore*. If there be no objection the vote ordering the third reading of the bill will be reconsidered in order to enable the Senator from Ohio to offer an amendment. Is there objection? The Chair hears none. The Senator from Ohio has sent to the desk the amendment submitted and printed as intended to be offered by the Senator from Kansas [Mr. PLUMB].

Mr. SHERMAN. That is the one I prefer. It accomplishes the same purpose and in fewer words.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. After section 4 it is proposed to insert as a new section:

SEC. 5. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations and mineral and other lands, the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. DOLPH. I fear the amendment will provoke discussion, but I hope the last clause, the words "or be subject to private entry," may be stricken out, because no land is subject to private entry unless it is first offered at public sale. Then the amendment will prevent any land being offered at public sale, and, of course, any land in the future being subject to private entry.

Mr. SHERMAN. I have shown the amendment to several Senators who are more familiar with the land laws than I am, because I am not very familiar with them, and it has met with their approval. I think those words would do no harm. Entry at private sale means entry for money. My purpose is that all lands that may hereafter be offered or ordered to be offered for public sale, or which may be offered under special laws limited to particular tracts of land, shall only be open for entry under the homestead system of the public lands.

Mr. LAPHAM. I ask the Senator to except soldiers' land-warrants.

Mr. SHERMAN. I do not think that is necessary. However, I have no objection to adding to the provision that it shall not apply to entries under soldiers' land-warrants.

Mr. DOLPH. I think, as that would specify some exceptions and leave out others, the amendment had better remain as it is.

Mr. SHERMAN. It had better be left as it is, because the entry of land by warrants is not an entry with money.

The PRESIDENT *pro tempore*. Will the Senator from New York state, so that the clerks may take it down, the modification which he proposes to the amendment? [A pause.] Has the Senator withdrawn his proposition to amend?

Mr. SHERMAN. I withdraw it. I do not think it necessary to make that provision, because there are very few such land-warrants out, and I do not think they are considered in the Land Office as being private entries. They are provided for by existing law; and the amendment I offer will not interfere with entries by land-warrants if there are any outstanding. I did not know that there were any out now.

Mr. DOLPH. If the amendment would at all affect lands which are now subject to private entry, then it would be necessary that the amendment suggested by the Commissioner of the General Land Office, and which was printed and laid on the desks of Senators, should be adopted also, so as to allow agricultural-college scrip, bounty-land warrants, and all other scrip authorized under acts of Congress to be still located. If it is clear that the amendment applies only to public lands which have never been offered at private sale, and does not affect public lands which have been heretofore offered, then it is not necessary.

That is the reason why I propose to strike out the words "or be subject to private entry." Every Senator knows that lands are not subject to private entry until they have been offered at public sale. The amendment as it would stand after those words were stricken out would prevent the offering of lands at public sale, and consequently no additional lands would in the future become subject to private entry.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Oregon that the Senator from Ohio has withdrawn his amendment.

Mr. DOLPH. I do not understand that he has withdrawn his amendment. It was the amendment proposed to the amendment that he withdrew after having first agreed to accept it.

Mr. SHERMAN. I do not think that the amendment interferes at all with entries upon any existing lands now subject to sale. It does not affect the existing law in that respect. Besides, I have excepted from the operation of this proposed law all lands heretofore open for private entry. It only applies to lands which may become subject to private entry upon the order of the Secretary of the Interior by offering them for public sale.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Ohio to have withdrawn his amendment.

Mr. SHERMAN. Oh, no; I only withdraw the amendment to the amendment.

The PRESIDENT *pro tempore*. The Chair apologizes to the Senator from Oregon [Mr. DOLPH]. The Chair misunderstood the Senator from Ohio.

Mr. SHERMAN. An amendment was proposed to the amendment, and there was some controversy between Senators around me in regard to the necessity of it, and I preferred to let my amendment stand as it was first offered. As it now reads it has been carefully considered by Senators who are familiar with the land laws. I submitted it also to the Senator from Oregon himself, and I supposed it would be satisfactory.

Mr. DOLPH. In justice to myself I should state that I suggested

to the Senator that the last clause of the amendment should be stricken out. I agree with the Senator that the construction of the amendment will be as he supposes; and now that the matter has been the subject of debate so as to show what is intended, and will be some direction to the land officers, I shall not insist upon any amendment to the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio.

Mr. MORGAN. As I understand the amendment of the Senator from Ohio it is to cut off the right of private entry.

Mr. SHERMAN. Yes, that is what is intended, except as to land-warrants, &c. I say nothing about them, because the technical phrase "private entry," I am told, is confined to the entry of public land with money.

Mr. MORGAN. The chairman of the Committee on Public Lands, who is not present at this time, made rather a complete statement on the subject in regard to the amount of lands in the United States subject to private entry.

Mr. SHERMAN. My amendment expressly excepts all lands that have heretofore been offered at public sale. It does not affect any of the lands that have been in controversy in the Southern States.

Mr. MORGAN. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to insert as an additional section after section 4 of the bill:

SEC. 5. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

Mr. SHERMAN. The amendment purposely excepts all lands that have heretofore been offered at public sale.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. SLATER. I ask for the yeas and nays on the passage of the bill.

The PRESIDENT *pro tempore*. The Chair assumes, and if there be no objection will take it, that the yeas and nays heretofore ordered on the passage of the bill shall stand as the present order. The Secretary will call the roll on the passage of the bill.

The yeas and nays were taken.

Mr. GEORGE. I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "nay."

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—nays 26, nays 20; as follows:

YEAS—26.

Blair,	Hawley,	Miller of Cal.,	Sabin,
Brown,	Hill,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hoar,	Mitchell,	Sherman,
Conger,	Lapham,	Morrill,	Van Wyck,
Cullom,	McMillan,	Palmer,	Wilson,
Dolph,	Mahone,	Pike,	
Harrison,	Manderson,	Platt,	

NAYS—20.

Bayard,	Groome,	Maxey,	Saulsbury,
Coke,	Hampton,	Morgan,	Slater,
Colquitt,	Harris,	Pendleton,	Vance,
Edmunds,	Jackson,	Pugh,	Vest,
Garland,	Jones,	Ransom,	Voorhees.

ABSENT—30.

Aldrich,	Chace,	Gorman,	McPherson,
Allison,	Cockrell,	Hale,	Plumb,
Beck,	Dawes,	Ingalls,	Riddleberger,
Bowen,	Fair,	Jones of Florida,	Sewell,
Butler,	Farley,	Jones of Nevada,	Walker,
Call,	Frye,	Kenna,	Williams.
Camden,	George,	Lamar,	
Cameron of Pa.,	Gibson,	Logan,	

So the bill was passed.

The title was amended so as to read:

An act to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands in certain States and Territories, and for other purposes.

Mr. DOLPH. I ask that the bill just passed be reprinted as amended. It is an important bill.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that the bill just passed about pre-emption laws, &c., be printed as passed. That order will be entered if there be no objection.

TEXAS PACIFIC LAND GRANT.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the next special order, being Order of Business 336, which by unanimous consent was to-day placed at the head of the Calendar of Special Orders. The title will be read.

The CHIEF CLERK. "A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes."

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. VAN WYCK. If that bill will take but a short time I shall consent to taking it up, but I do not wish to do anything to displace the special order.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. Let it be informally laid aside then.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of House bill No. 2550. The question is on agreeing to the motion.

Mr. INGALLS. May I make a parliamentary inquiry, Mr. President? In case the motion of the Senator from New Hampshire should be agreed to, will the special order that has just been named by the Chair be displaced and go upon the Calendar of General Orders?

The PRESIDENT *pro tempore*. In the opinion of the Chair it will.

Mr. VAN WYCK. Then I trust it will not be laid aside.

Mr. BLAIR. There is no objection on my part to the special order being laid aside informally. I did not suppose it was before the Senate.

Mr. CAMERON, of Wisconsin. It has been laid before the Senate.

Mr. VAN WYCK. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate do now adjourn.

Mr. McMILLAN. I hope we shall be allowed to have an executive session.

Mr. HARRISON. A brief executive session is necessary.

Mr. VAN WYCK. I have no objection to that.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Mr. President——

Mr. HARRISON. I felt under obligation to the Senator from Nebraska, as he yielded for a motion to go into executive session, to make that motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 12, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

The SPEAKER *pro tempore*. The Committee on Enrolled Bills desires to submit a report.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair desires to submit certain executive communications, and asks permission of the House.

There was no objection.

GREEN AND BARREN RIVERS, KENTUCKY.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting reports from the Chief of Engineers upon the condition of Green and Barren Rivers, Kentucky; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CLINTON RIVER, MICHIGAN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers

of the survey of Clinton River, Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF LAKE CHAMPLAIN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of the survey of Lake Champlain at Four Channels, New York; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRAIG, indefinitely, on account of illness

To Mr. RIGGS, for the rest of the week, on account of sickness.

ORDER OF BUSINESS.

Mr. CUTCHEON. I ask leave to introduce a bill for reference.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

HOUR OF DAILY MEETING.

Mr. RANDALL. I rise to submit a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution—"*Resolved*, That the hour of daily meeting of the House for the remainder of the session be 11 o'clock a. m."—

having had the same under consideration, report it back with the following substitute:

Resolved, That on and after Monday next the hour of daily meeting of the House for the remainder of the present session be 11 o'clock a. m.

Mr. RANDALL. I ask the previous question on the adoption of the report.

Mr. THOMAS. I desire to offer an amendment. I called the attention of the Speaker before the previous question was demanded.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] was recognized, and the gentleman from Illinois had no right under the rules to sweep the gentleman from Pennsylvania from the floor. The gentleman from Pennsylvania has submitted the report of the Committee on Rules and asks the previous question. It is in the pleasure of the House either to order it or to refuse it.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The substitute recommended by the Committee on Rules was agreed to; and the resolution as amended by the adoption of the substitute was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, with amendments by the Senate, and to move that the amendments of the Senate be non-concurred in.

Mr. THOMPSON. I reserve all points of order.

The SPEAKER *pro tempore*. The Chair thinks there is no point of order that can be reserved now. The gentleman from Missouri moves non-concurrence in the amendments made by the Senate.

Mr. THOMPSON. Is it not the right time now to reserve all points of order against those amendments before they are non-concurred in, so that they shall be considered in the Committee of the Whole House on the state of the Union?

The SPEAKER *pro tempore*. The Chair does not think there is any custom generally of reserving points of order at this stage. The gentleman from Kentucky has a right to make any point of order he may state.

Mr. THOMPSON. As I understand the rule, the amendments ingrafted on a House bill by the Senate are subject to the same points of order as if the propositions had originated in the House.

The SPEAKER *pro tempore*. The rule provides that any amendment of the Senate to any House bill shall be subject to the same point of order sending it for its first consideration to the Committee of the Whole House on the state of the Union that would apply if the proposition originated in the House.

Mr. THOMPSON. I only want to reserve the points of order so that we may know what we are doing. There may be something in those amendments which ought to go to the Committee of the Whole House on the state of the Union to be considered there.

The SPEAKER *pro tempore*. The reservation of points of order now, in the judgment of the Chair, would amount to nothing. The motion of the gentleman from Missouri is to non-concur in the amendments and send them out of the House.

Mr. THOMPSON. If the points of order be reserved and the amendments be read, would it not then be in order to make the point against any amendment that it should be first considered in the Committee of the Whole House on the state of the Union?

The SPEAKER *pro tempore*. The Chair thinks the point of order should be stated when the amendments are submitted for consideration.

Mr. THOMPSON. I mean that the amendments should be read now to the House.

The SPEAKER *pro tempore*. Does the gentleman demand the reading of the amendments?

Mr. THOMPSON. I think we should know what is being done.

Mr. WHITE, of Kentucky. I think the amendments should be read.

The SPEAKER *pro tempore*. The Clerk will read the amendments of the Senate.

Mr. KEIFER. Mr. Speaker, I trust the gentleman will not insist upon the reading of the amendments. There is a large number of them; many of them are merely formal, and the Committee on Appropriations have unanimously recommended that they be non-concurred in.

Mr. THOMPSON. I would like to ask the gentleman who asks non-concurrence whether these amendments have been considered by the Committee on Appropriations?

Mr. BURNES. These amendments have been considered by the Committee on Appropriations, and the committee has unanimously instructed me to ask what I have asked—that the House non-concur and that a committee of conference be appointed.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. There is so much conversation in the Hall that it is impossible to hear the statement of the gentleman [Mr. BURNES]. I have no desire to take up the time of the House by having these amendments read if the gentleman will state the points of difference.

Mr. BURNES. Mr. Speaker, there is quite a number of these amendments, but many of them, and indeed most of them, are merely formal and inconsiderable. For instance, many of them involve merely a change of title, as from "consul-general" to "consul;" from "envoy extraordinary and minister plenipotentiary" to "minister resident," and so on. Then there are some changes with regard to amounts. There is about $200,000 increase and some two or three thousand dollars decrease in the total appropriation. These amendments have been considered by the Committee on Appropriations and, without dissent on the part of any member of the committee, I have been instructed to move that the House non-concur in all the amendments and to ask for a committee of conference. I now demand the previous question.

The motion to non-concur was agreed to.

Mr. BURNES moved to reconsider the vote by which the motion was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* announced, as the conferees on the part of the House Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN.

ORDER OF BUSINESS.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent to offer a resolution of inquiry and put it upon its passage.

Mr. WHITE, of Kentucky. Mr. Speaker, I make the point of order that the resolution is not in order under this call.

Mr. TOWNSHEND. Mr. Speaker, I have this morning felt it my duty to insist upon the regular order and have declined similar requests from other members, and therefore I must object to this resolution.

The SPEAKER *pro tempore*. The Chair will state that this is a privileged matter under the rule.

Mr. TOWNSHEND. If it is privileged, of course I can not object to it.

Mr. KEIFER. Not privileged for present consideration, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair does not so hold. The Chair asks the gentleman from Texas [Mr. REAGAN] whether the resolution which he offers is reported from and under the order of any committee of the House?

Mr. REAGAN. It is not.

The SPEAKER *pro tempore*. Then it is not privileged.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. Mr. Speaker, I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7785) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, and to move that the House non-concur in the Senate amendments to said bill, and ask for a committee of conference.

The motion to non-concur was agreed to.

Mr. HANCOCK moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. HANCOCK, Mr. FOLLETT, and Mr. WASHBURN.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Now, Mr. Speaker, I call for the regular order.

The SPEAKER *pro tempore*. The hour under the special rule begins at this time—half past 12 o'clock. The Clerk will report the unfinished business coming over from the last hour, which is the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich. The question is on the second amendment offered by the gentleman from Indiana [Mr. HOLMAN], which the Clerk will report.

Mr. HOLMAN. Mr. Speaker, when the first amendment was put there was not a quorum present, and for that reason the yeas and nays were called for. There being a quorum now present, I withdraw the call for the yeas and nays, and ask for tellers upon that amendment.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] is correct. The House was dividing upon the first amendment submitted by him, which was to reduce the amount appropriated from $750,000 to $500,000. Upon that question no quorum had voted. The gentleman from Indiana [Mr. HOLMAN] now asks for tellers; and the Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Michigan, Mr. MAYBURY.

The House again divided; and the tellers reported—ayes 52, noes 112.

So the amendment was not agreed to.

The SPEAKER *pro tempore*. The question now recurs on the second amendment offered by the gentleman from Indiana [Mr. HOLMAN], which will be read.

Mr. HOLMAN. The amendment about to be read applies to the first section of the bill; and in view of the action just taken it should be modified by striking out "$750,000" and inserting "$900,000."

The Clerk read as follows:

Add the following to section 1:

"*Provided, however*, That if a new site shall be purchased for said building, as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $900,000 remaining after the site of said building shall have been paid for. And no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

Mr. MAYBURY. I am willing to accept that amendment.

The amendment was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. MAYBURY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAM ACROSS THE MISSISSIPPI AT BRAINERD, MINN.

Mr. NELSON. I call up for consideration the bill (H. R. 6764) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The bill was read, as follows:

Be it enacted, &c., That the Mississippi Water-Power and Boom Company, of Brainerd, Minn., is hereby authorized and empowered to construct across the Mississippi River, at some point not more than two miles from the limits of the said city of Brainerd, a dam, canal, and the appurtenances thereof, for water-power and other purposes, and in connection therewith a wagon and foot bridge for public travel: *Provided*, That the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes: *Provided also*, That the Government of the United States may at any time take possession of said dam and control the same for purposes of navigation by paying said company the actual cost of the same, but shall not do so to the detriment of the water-power created by said dam: *Provided further*, That the Secretary of War may at any time require and enforce, at the expense of the owners, such modification and changes in the construction of said dam as he may deem advisable in the interests of navigation; and that said dam shall be so built that boats and rafts may pass through the same when necessary: *And provided further*, That all suits relative to any obstruction of navigation arising from said dam may be tried in the United States circuit and district courts for Minnesota.

Mr. WHITE, of Kentucky. I call for the reading of the report.

The SPEAKER *pro tempore*. The Clerk will read the report.

Mr. NELSON. That will not be taken out of my time?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Kentucky to control the time in opposition to the bill. The gentleman from Kentucky demands the reading of the report in his time.

Mr. NELSON. I wish the gentleman from Kentucky would allow me to make an explanation.

Mr. WHITE, of Kentucky. I can not yield to the gentleman any of my time. I will let the gentleman occupy his time now. I reserve my time.

Mr. PAYSON. Mr. Speaker, has not the gentleman from Minnesota the right to occupy the first five minutes?

The SPEAKER *pro tempore*. The gentleman from Minnesota [Mr. NELSON] has the right to occupy five minutes in favor of the bill, and the Chair recognizes the gentleman from Kentucky as entitled to the five minutes in opposition.

Mr. NELSON. Mr. Speaker, this bill has been before the Committee on Commerce, by whom it was referred to the Secretary of War, who joins with the committee in recommending its passage. It provides for the construction of a dam in the Mississippi River at a place called Brainerd, where the Northern Pacific Railroad crosses the river. This point is between two hundred and fifty and three hundred miles above Minneapolis or the Falls of Saint Anthony, which is to-day practically the head of navigation on the Mississippi River. The Falls of Saint Anthony at present totally obstruct navigation beyond that point. One hundred miles above the Falls of Saint Anthony is a dam constructed, under authority of an act of Congress, at a place called Saint Cloud. Three miles above that is another dam constructed at Sauk Rapids, a dam which has been in existence over ten years. Beyond that some sixty or seventy miles is a succession of rapids called the Little Falls; and beyond that is this place called Brainerd, where it is proposed to construct this dam.

Mr. GIBSON. I desire to ask the gentleman whether the Government has not been appropriating money for the improvement of the navigation of that river above where it is proposed to put this dam.

Mr. NELSON. I was coming to an explanation on that point. Some two hundred miles above this dam is what is known as the reservoir system of the Mississippi River. These reservoirs are built for the purpose simply of retaining water to be let out when necessary to improve the navigation of the Mississippi below. On this reach of the river from Saint Cloud to Brainerd and thirty miles beyond the river has never been navigated. If the Government undertook to make that portion of the river navigable, it would have to do so by the construction of a system of locks and dams. Under the advice of the Secretary of War, the committee have ingrafted upon this bill amendments providing that this dam shall be so constructed that boats and rafts may pass, and that the Government may at any time take possession of the dam and use it for purposes of navigation.

Mr. GIBSON. But you require the Government to pay for the work.

Mr. NELSON. We propose to require that if this work be taken for the purposes of the Government the reasonable worth of the property shall be paid.

Mr. WARNER, of Ohio. But the Government is not required to pay for any lock or other work to be made now.

Mr. NELSON. No; the bill does not involve any appropriation at present.

Mr. MAGINNIS. There is no reasonable expectation that there ever will be any navigation on that part of the river. I have traveled in that country and know this to be the fact.

Mr. NELSON. There is no opposition on the part of any of the people of Minnesota to this measure.

Mr. WASHBURN. I would like to say to the gentleman from West Virginia I am personally acquainted with this whole region, and that it can not in any state of the case interfere with practical navigation.

Mr. CUTCHEON. This is intended for water-power, as I understand.

Mr. NELSON. And help the floating of logs down the Mississippi. There is to be left a free passage for logs in the dam.

Mr. WARNER, of Ohio. At the expense of those who build the dam, and not the Government?

Mr. NELSON. Certainly. It does not involve a cent of expense to the Government.

Mr. WHITE, of Kentucky, took the floor.

Mr. NELSON. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WHITE, of Kentucky. Mr. Speaker, this is a matter of no personal concern to me. But as affecting the right of Congress to appropriate money to improve the navigable rivers of the United States it is a matter of importance to me and every other gentleman.

Mr. NELSON and Mr. WASHBURN rose.

Mr. WHITE, of Kentucky. I do not yield.

Mr. WASHBURN. Only for a question.

Mr. WHITE, of Kentucky. Not just now. Mr. Speaker, I will read from the report attached to this bill, which I suppose is the most favorable which can be brought to bear in favor of this extraordinary measure:

* * * The Mississippi River at Brainerd is a part of the navigable waters of the United States, and its improvement, as a part of the third subdivision Mississippi transportation route, was reported upon in Senate document, first session Forty-third Congress.

There has been no steamboat navigation in the vicinity of Brainerd for a number of years. Should such navigation be resumed, a lock would become necessary were the proposed dam built. But so long as the river remains unobstructed by a dam the supply of water from the reservoirs above that point will preclude the necessity of any expensive river improvement by the United States.

That is signed by the Chief of Engineers, but I can not take up my time by reading further from this report. It was the duty of the gentleman asking this Congress to pass this bill to have this report read in his own time.

I have read the most favorable statement in favor of the passage of this bill, and to that I desire to make one reply. It is the intention of even the Democratic party, as it has been the practice of the Republican party and it was the purpose of the old Whig party, to make internal improvements throughout the United States where it could be done, and when there was money enough in the Treasury for that purpose. We have done a great deal for the Mississippi River above the Falls of Saint Anthony. This is above those falls. A member of Congress on this floor, for the benefit of a portion of his constituents, asks to put a mill-dam in there for the purpose of securing water-power. They propose in the end to sell that dam to the Government when they want to improve the navigation of that river. Above this we have the Mississippi River reservoir, nominally to supply the Mississippi River, when there is no water, but really to supply the mill-owners along that river.

Now, that this bill should come in here at this time in this way is preposterous in view of the strenuous efforts being made to improve the navigable rivers of the country. There are one hundred and forty-one rivers, which the Government engineers recommend to be improved, which have been ignored by the Committee on Rivers and Harbors of this House. Now, if you are going to turn them over to the mill-owners on those rivers, how many shall we need to improve at all? That is the gist of this whole matter of the improvement of navigable rivers.

The SPEAKER *pro tempore*. The gentleman's time has expired. Is there objection to the present consideration of the bill?

Mr. GIBSON. I object.

The SPEAKER *pro tempore*. Those in favor of sustaining the objection to the present consideration of the bill will rise. [After a pause.] More than a sufficient number has risen, and the bill is not before the House.

SALE OF NEW YORK INDIAN LANDS IN KANSAS.

Mr. BLANCHARD. I call up for consideration the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas, reported from the Committee on Indian Affairs with amendments.

The bill was read, as follows:

Be it enacted, &c., That those persons, being heads of families or single persons over 21 years of age, who have made settlement and improvement upon, and are *bona fide* claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than $3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum in cash at time of purchase; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for and to be paid to, said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale, in the usual manner, at not less than $3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold, together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

The amendments were read, as follows:

In section 1 strike out "in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum," and insert in lieu thereof the following: "in cash at time of purchase."

And in section 2 strike out the following words:

"Together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided."

Mr. BLANCHARD. I send up to the Clerk's desk, to be read and considered as pending at this time, an amendment which I propose to the bill.

The SPEAKER *pro tempore*. The bill is not yet before the House.

Mr. BLANCHARD. I desire to speak on the amendment.

The SPEAKER *pro tempore*. Without objection the amendment will be reported for information.

The Clerk read as follows:

In section 1, strike out "at not less than $3 per acre" and insert in lieu "the appraised value of said tracts as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled 'An act to provide for the sale of certain New York Indian lands in Kansas.'"

Also strike out, in lines 3 and 4 of section 2, the words "per acre" and in lieu thereof insert the words "the appraised value."

Mr. BLANCHARD. Mr. Speaker, a bill relating to this subject has been reported favorably from the Committee on Indian Affairs in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and the passage of the bill providing for the sale of these lands for the benefit of these Indians has been favorably recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

The bill reported by the Committee on Indian Affairs, which has been read by the Clerk, is not the bill the passage of which is recommended by the Secretary. That bill provides an arbitrary price for these lands of $3 per acre, and the amendment which I have sent up, and which has been read and considered as pending, provides that these lands shall be sold at their appraised value.

Now, then, I hope the House will consent to the consideration of this bill. It is my purpose to press the passage of the bill, not as reported by the Committee on Indian Affairs, but as recommended by the Secretary of the Interior. The House will remember that this is the same bill called up a few days ago by the gentleman from Kansas [Mr. PERKINS] and to which I objected at the time, not, however, to the passage of a bill relating to the subject, but to the passage of the particular bill offered by him. I said at the time that in my judgment a bill on this subject should pass, but that a bill should not pass which fixed an arbitrary price for the lands. The amendment I sent up covers the defects in the bill, as I understand them, as reported from the Committee on Indian Affairs.

I reserve the remainder of my time until the opposition is heard.

The SPEAKER *pro tempore*. The gentleman has one minute of his time remaining.

Mr. PERKINS. Mr. Speaker, as suggested by the gentleman from Louisiana, a bill on this subject ought certainly to be passed by the House. For a long time the necessity for legislation upon this subject has been recognized. There has been no difference of opinion upon that. It has been pressing for many years.

The Secretary of the Interior of to-day, and the Secretary of the Interior of the last administration, and every Commissioner of Indian Affairs to whom the subject was referred have recognized the necessity and the importance of just such legislation. The only difference of opinion that has ever existed upon the subject has been as to the price fixed for the lands; whether they should be sold at the price fixed in the bill or some other fixed price, or be sold at a price to be fixed by appraisement.

I think the amendment of the gentleman from Louisiana should not prevail, for the simple reason that it would result in accomplishing nothing. In 1877 Congress gave the settlers on the land an opportunity to acquire title to the lands at the sum or price fixed by the amendment of the gentleman from Louisiana, but they would not take it because it was regarded as an excessive rate, and the result has been that they are in possession of the property and have been since 1859, cultivating the lands and improving their homes, but without title, while the Indians hold their certificates of allotment and get nothing. Now the Indians as well as settlers want something to be done, and are satisfied with the provisions of this bill. No Indian has been found who has objected to the price fixed in the bill. On the contrary, they sent an attorney here six years ago, proposing to take at the rate of $2.50 an acre for the land, and the bill was reported favorably at that time. We propose now a settlement on the basis of $3 an acre, and I have no doubt that that price is ample, and particularly in view of the fact that those persons who have acquired title or who may acquire title under the provisions of the bill complain that they should have the lands for $1.25 an acre, which is the price their neighbors paid for their lands, and is the price for which the balance of the reservation was sold.

The Tonawanda Indians in 1859 settled with the Government for all their interest in this same reservation on the basis of $1 per acre for the land, and as late as 1874 the Oneida Indians, being a part of the New York Indians, submitted a proposition agreeing to sell their interest in the land at the same price, and to settle with the Government upon the basis of $1 per acre; and yet we propose to pay the allottees under the provisions of this bill $3 per acre, which is entirely satisfactory to them, and from which they will get something for the lands that will be of benefit to them and the settlers will get security.

Mr. WARNER, of Ohio. May I ask the gentleman a question?

Mr. PERKINS. Certainly, with pleasure.

Mr. WARNER, of Ohio. What is the value now of unoccupied and unimproved lands in that vicinity?

Mr. PERKINS. The value of unoccupied and unimproved lands will probably range from $10 to $30 per acre. But these lands have been occupied by settlers since 1859, and at that time they were not worth $1.25 per acre. In 1858 Mr. Thompson, then Secretary of the Interior, declared this great reservation of 1,624,000 acres to be open to settlement, because the Indians had not gone there. In consequence, settlers went in and took possession. Some time afterward several of the New York Indians claimed that they had entered the reservation in time, and having complied with the law were entitled to an allot-

ment of the lands. A commission was accordingly sent out by the Department to investigate and report upon the claim of these Indians.

This commission reported in favor of thirty-two of the Indians, and such thirty-two were allowed to select their allotments from any part of this whole reservation; and the commission further report that in almost every case they selected lands already occupied by settlers under the order of the Secretary of the Interior declaring them subject to settlement; and as a consequence these parties so dispossessed, or, in other words, having their homes given to the Indians, have never been able to obtain title. That is the condition and has been for many years.

Mr. WARNER, of Ohio. I had reference to the value of unimproved and unoccupied lands in that vicinity.

Mr. PERKINS. It is about as I have stated.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Louisiana has one minute remaining.

Mr. BLANCHARD. Mr. Speaker, there can be no question but that this amendment should be adopted. In 1873 Congress passed a bill directing that a commission should be appointed and that this commission should appraise the lands. That commission executed the duty assigned to them, and I hold in my hand a report of the commission. That commission made their report and appraised this land at from $3.75 an acre up as high as $10 an acre.

Mr. PERKINS. May I ask the gentleman a question?

Mr. BLANCHARD. No; I have but a moment. I state that the average price as fixed ten years ago is $6 an acre, as shown by the report of this commission; and this bill which is now before us proposes arbitrarily to fix the price at $3 per acre. The bill ought to be considered and amended.

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. RYAN. That amendment ought not to be adopted. It is unjust to the settlers who have made their homes there.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BENNETT. I object. But if the amendment suggested is accepted by the gentleman from Kansas [Mr. PERKINS] I shall withdraw the objection, if not I shall insist on it.

Mr. BLANCHARD. The amendment can be submitted to the vote of the House.

The SPEAKER *pro tempore*. Those objecting to the present consideration of the bill will rise.

More than the requisite number objected.

PUBLIC BUILDING AT ERIE, PA.

Mr. BRAINERD. I call up for consideration from the Speaker's table the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor.

The bill was read, as follows:

Be it enacted, &c., That the first section of the act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," approved July 7, 1882, be, and the same is hereby, amended by substituting the words "three hundred thousand dollars" in place of the words "one hundred and fifty thousand dollars;" so that the said first section of said act, as amended, shall read as follows: "Shall not exceed the cost of $300,000."

SEC. 2. That the sum of $100,000, in addition to the sum heretofore appropriated, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended and used, under the direction of the Secretary of the Treasury, for the prosecution of the work of construction and furnishing materials therefor.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania desire to be heard in support of the bill?

Mr. BRAINERD. I will reserve my time for the present.

Mr. CURTIN. I suggest that the report be read.

Mr. BRAINERD. I will yield two minutes of my time to the gentleman from Pennsylvania [Mr. CURTIN].

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. CURTIN] calls for the reading of the report.

Mr. WARNER, of Ohio. Then it will be read in the time allowed in support of the bill.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. BRAINERD] demand the reading of the report?

Mr. BRAINERD. I do not demand it.

The SPEAKER *pro tempore*. It will not be taken out of the gentleman's time unless he demands it.

Mr. McMILLIN. I suppose the gentleman from Pennsylvania [Mr. BRAINERD] will not insist on the passage of a bill doubling the amount originally fixed as the limit of cost of this building without some cause being shown either by a statement or a reading of the report.

The SPEAKER *pro tempore*. The Chair will recognize any gentleman who wants to control the five minutes in opposition to the bill. Does the gentleman from Pennsylvania call for the reading of the report? It will come out of his time if he wants it read.

Mr. BRAINERD. For the information of the House I desire the report shall be read.

The Clerk proceeded to read the report. Before he had completed the reading,

The SPEAKER *pro tempore* said: The time allowed for debate in favor of the bill has expired.

The report (by Mr. BRAINERD) is in full as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1415) for a public building at Erie, Pa., submit the following report:

Erie is a rapidly growing city of nearly 30,000 inhabitants. It is situated on the south shore of Lake Erie. It has the only harbor of refuge on the south shore of Lake Erie, and the only lake harbor in the State. There are four main lines of railroad running to and through the city, thus making it a place of large and increasing commercial importance. The post-office does a large business, and is a distributing office for an extensive section of country, and has no place for the transaction of business except such as can be rented.

The collectors of customs and internal revenue hold their offices at present in the old Government building, and are imperfectly provided for. They need much better accommodations. The United States circuit and district courts for the western district of Pennsylvania are held here and hold sessions twice a year when able to secure a place in the county court-house for that purpose. The want of a proper building in which to hold the court, and provide for the accommodation of its offices, and the keeping of its records has long been felt and has impeded the progress of the public business to the annoyance of the courts and to the great detriment of suitors and the public.

At the first session of the Forty-seventh Congress a bill was passed authorizing the purchase of suitable grounds and the construction of a building at Erie.

In 1883 a site was purchased by the Government fronting on the public park. The site is a very desirable one, and the best that could be obtained. This was purchased at the sum of $36,000. This was a very reasonable price. The property is said to be worth much more. The bill limited the cost of the building and grounds to the sum of $150,000. The sum of $100,000 was appropriated for immediate use. The Government has thus far expended, in the purchase of grounds and expenses, $36,180. This leaves $63,820 of the appropriation unexpended, and leaves the sum of $113,820 with which to construct the building. The balance, authorized to be expended by the act of 1882, is not sufficient, in our opinion, to construct such a building as the public interests demand. The necessities seem to require a large and well-constructed building at this place.

The construction of the building has not yet been commenced for the reason of the inadequacy of the amount authorized to be expended in its construction.

Mr. Hill, the late Supervising Architect of the Treasury Department, in his report, says:

"It would seem in the interest of economy to construct a building that will accommodate all the customs, post-offices, and court officers in Erie, but the balance of the amount fixed by Congress, as a limit, will be insufficient for a building large enough for this purpose."

The present Supervising Architect of the Treasury Department, M. E. Bell, in answer to our inquiry as to his opinion as to the amount a building to meet the requirements in this case would cost, including the cost of the site, says:

"It would seem to be advisable to have a building of sufficient capacity to accommodate all the Government officials, and, in my judgment, the amount specified in the bill H. R. 1415, namely, $300,000, will be necessary for the construction of such a building."

The opinions of the architects are entitled to weight.

A public building having been authorized, and considerable money already expended, as a matter of economy such a building should be constructed as will meet all the requirements of the case, and provide for the post-office, custom-house, internal-revenue office, and the United States courts. The amount authorized to be expended is not sufficient for this purpose.

Under the facts, your committee recommend the passage of this bill.

Mr. WARNER, of Ohio. I desire to ask the gentleman who has charge of this bill what amount—if it is in the report I did not hear it—what amount has been paid for the site?

Mr. BRAINERD. Thirty-six thousand dollars.

Mr. WARNER, of Ohio. Leaving $114,000 for the building?

Mr. BRAINERD. That is what is left.

Mr. WARNER, of Ohio. There is, I understand, a United States court at Erie?

Mr. BRAINERD. Yes, sir; that is the place where regular sessions of the circuit and district courts for the western district of Pennsylvania are held twice a year.

Mr. WARNER, of Ohio. This bill proposes an addition of $150,000 to the amount heretofore fixed as the limit of cost. That will make how much for the building alone?

Mr. BRAINERD. The difference between the cost of the site and expenses, $36,180 and $300,000; being about $263,000.

Mr. WARNER, of Ohio. Has the plan been approved?

Mr. BRAINERD. There has been a plan made.

Mr. WARNER, of Ohio. And that plan involves how much?

Mr. BRAINERD. Only $150,000 as originally made; and then they stopped on account of the inadequacy of the appropriation.

Mr. WARNER, of Ohio. I ask the gentleman from Pennsylvania to accept the amendment which I send to the Clerk's desk to be read. I think he will accept it.

The SPEAKER *pro tempore*. The bill is not yet before the House for consideration, but the amendment can be read in the gentleman's time.

The Clerk read the proposed amendment, as follows:

Add to the first section the following:

"And no plan shall be approved which will involve an expenditure for site and building greater than the amount hereby appropriated.

Mr. WARNER, of Ohio. I do not want a plan approved that will involve any more than the amount in the bill.

Mr. BRAINERD. The gentleman's amendment says "greater than the amount hereby appropriated." That should be changed.

Mr. WARNER, of Ohio. I mean the amount fixed by your bill.

Mr. McMILLIN. I make the point that the amendment is not in order at this time.

The SPEAKER *pro tempore*. The amendment is not at this time before the House for consideration. The bill is not yet before the House.

Mr. BRAINERD. I will say to the gentleman from Ohio that if he makes his amendment to apply to the amount fixed as the limit of cost I will not object to it.

Mr. WARNER, of Ohio. I will change the language of the amendment so that it will read "greater than the amount hereby fixed as the limit of cost."

Mr. BRAINERD. In that form I accept the amendment.

Mr. WARNER, of Ohio. I have nothing further to say than this, that if the bill comes before the House I will propose to reduce the amount of increase from $150,000 to $100,000; which will still leave over $200,000 for the building itself.

Mr. McMILLIN. Is the gentleman from Pennsylvania willing to accept an amendment of that kind?

Mr. BRAINERD. I think I could not accept an amendment of that kind, because I am informed $300,000 is as small an amount as a proper building can be erected for.

Mr. McMILLIN. It appears to me no sufficient reason is given in the report for the expenditure of another $150,000 on this public building. In general terms we have a description of the business transacted; but there are no figures given that I was able to hear which show the necessity for this increase.

Mr. BRAINERD. About $200,000 of revenue are collected there every year.

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. CURTIN. The amendment of the gentleman from Ohio [Mr. WARNER] will be accepted as a part of the bill.

Mr. McMILLIN. What is the agreement?

Mr. BRAINERD. That the limit shall be $250,000 instead of $300,000.

Mr. McMILLIN. I object to the appropriation of $250,000 for this building.

Mr. BRAINERD. By the amendment of the gentleman from Ohio the limit of cost will be $100,000 additional to the present limit.

Mr. McMILLIN. I object.

Objections being called for, the consideration of the bill was objected to by nine members; not the requisite number.

The SPEAKER *pro tempore*. The bill is before the House, and the question is on the amendment of the gentleman from Ohio [Mr. WARNER], which the Clerk will read.

Mr. McMILLIN. Let the amendment be reported.

The Clerk read as follows:

Add to the bill the following:

"And no plans shall be approved which will involve an expenditure for site and building complete greater than the amount hereby fixed as the limit of cost."

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the second amendment offered by the gentleman from Ohio [Mr. WARNER], which the Clerk will report.

The Clerk read the amendment, reducing the amount appropriated by the bill from $300,000 to $250,000.

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is upon ordering this bill to the third reading.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MAYBURY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NIOBRARA VALLEY RAILROAD.

Mr. THOMPSON. Mr. Speaker, I understand that the hour has about expired.

The SPEAKER *pro tempore*. The Chair would inform the gentleman that there are three minutes left.

Mr. THOMPSON. Then, Mr. Speaker, I call up the bill (H. R. 7081) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes."

The Clerk proceeded to read the bill, which is as follows:

Be it enacted, &c., That section 17 of the act of July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," be, and is hereby, amended by adding the following:

That such railroad company, now organized or that may hereafter be organized under State or Territorial laws, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, Iowa, westwardly, via the Niobrara Valley, to such point on the Union Pacific Railroad west of the one hundredth meridian as such company may select, not west of Granger, in the Territory of Wyoming, and on the same terms and conditions and with the same rights as are provided in this act, and the act to which this is an amendment, for the construction of the said Union Pacific Railroad and Telegraph Line and branches: *Provided*, That said company shall receive neither bonds nor lands, as provided in said acts: *And provided further*, That said company shall not be burdened by any of the obligations imposed upon the said Union Pacific Railway Company by reason of the lands and bonds given to that company, nor entitled to any special benefits conferred by said act growing out of such obligations, but shall be entitled to all benefits conferred by section 15 of the said act approved July 2, 1864, amendatory of the act approved July 1, 1862, and the said company and the said Union Pacific Railway Company shall be regarded as a continuous line; and each company shall receive from and deliver to each other freight, express matter, passengers, cars, and all traffic, and each company shall charge and receive compensation therefor pro rata according to distance: *And provided further*, That said road shall carry the mails at such prices as Congress may by law provide, and until such price is fixed by law the Postmaster-General may fix the rate of compensation: *And provided further*, That said road shall be completed within five years from the passage of this act.

SEC. 2. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 3. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862 and of said act of 1864, respectively, and of both said acts.

Before the reading was concluded,

The SPEAKER *pro tempore*. The hour provided for by the special rule of the House has expired.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THOMPSON. I desire to ask the Chair whether the consideration of this bill will be continued to-morrow in the special hour?

The SPEAKER *pro tempore*. It will go over as unfinished business, and will be the first business in this hour to-morrow.

MEMBER SWORN.

Mr. SPOONER. Mr. Speaker, I rise to a question of privilege, and send up to the Chair the credentials of Mr. Nathan F. Dixon, a member-elect from the State of Rhode Island. He is now present, and I ask that he be sworn in.

The SPEAKER *pro tempore*. The credentials will be read.

The Clerk read as follows:

By His Excellency AUGUSTUS O. BOURN, *governor, captain-general, and commander-in-Chief of the State of Rhode Island and Providence Plantations*:

Be it known that Nathan F. Dixon, of Westerly, in the State aforesaid, qualified according to the Constitution of the United States for a Representative in Congress thereof, was, by the people of the second district of said State having the qualifications requisite for electors of the most numerous branch of the Legislature thereof, on the 8th day of February, A. D. 1885, regularly elected a Representative from said State in the Forty-eighth Congress of the United States, in accordance with the laws of said State, to fill the vacancy caused by the resignation of JONATHAN CHACE, who resigned said office on the 26th day of January, A. D. 1885.

In witness whereof I have hereunto set my hand and caused the seal of said State to be affixed, at Providence, this 7th day of February, in the year of our Lord 1885, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.] AUGUSTUS O. BOURN.

By the governor:

JOSHUA M. ADDEMAN,
Secretary of State.

Mr. DIXON appeared at the bar of the House, and was duly qualified by taking the oath prescribed by law.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Now, Mr. Speaker, I move to dispense with the morning hour.

Mr. SPRINGER and others called for the regular order.

JOHN G. THOMPSON.

Mr. TUCKER. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on the Judiciary to report back a bill (H. R. 8184) to pay the judgment rendered by the supreme court of the District of Columbia in the case of Hallet Kilbourn against John G. Thompson, late Sergeant-at-Arms of the House of Representatives.

Mr. TOWNSHEND. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. That is not a privileged report.

A MEMBER. Yes; it is.

Mr. TOWNSHEND. It ought to go to the Committee of the Whole.

The SPEAKER *pro tempore*. The information received by the Chair

from the Clerk's desk is that, under the order of the House, this matter was referred to the Committee on the Judiciary, with leave to report at any time.

Mr. RANDALL. But subject to the point that if it makes any appropriation it must go to the Calendar.

The SPEAKER *pro tempore*. Yes; subject to the point that if it makes an appropriation that will carry it to the Committee of the Whole House on the Private Calendar.

Mr. KEIFER. Mr. Speaker, is this a privileged report?

The SPEAKER *pro tempore*. It is.

Mr. KEIFER. Then if it is a privileged report it carries with it the right of consideration in the House.

The SPEAKER *pro tempore*. The Chair does not understand that the rule of the House can be avoided which requires all bills which make appropriations to go to the Committee of the Whole House on the state of the Union.

A MEMBER. Does the Speaker overrule the point of order?

The SPEAKER *pro tempore*. That point of order has not been raised.

Mr. TOWNSHEND. It has been made, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair understood that the point made by the gentleman from Illinois [Mr. TOWNSHEND] was that this was not a privileged report.

Mr. TOWNSHEND. And then the gentleman from Pennsylvania [Mr. RANDALL] made the point of order that the bill must go to the Committee of the Whole.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] make that point of order?

Mr. RANDALL. I state the fact, that the gentleman from Illinois [Mr. TOWNSHEND] makes it. [Laughter.]

The SPEAKER *pro tempore*. The bill has not been read. The gentleman can not make the point of order at this time.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8184) to pay the judgment rendered by the supreme court of the District of Columbia in the case of Hallet Kilbourn against John G. Thompson, late Sergeant-at-Arms of the House of Representatives, and to pay other expenses attending upon the trial of said case.

Mr. TOWNSHEND. Now, Mr. Speaker, it is my duty to press the consideration of the post-office appropriation bill; I can not give way for any other matter. Therefore I make the point of order that this bill must receive its first consideration in Committee of the Whole.

Mr. COX, of New York. Why not pass it now?

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. TOWNSHEND] insist on his point of order?

Mr. TOWNSHEND. I do. The gentleman can withdraw the bill and present it hereafter.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The bill was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] moves to dispense with the morning hour.

Mr. WILLIS. I rise to make a privileged motion. I move that at the close of to-day's session the House take a recess until to-morrow morning at 10 o'clock. If the motion be adopted I will at five minutes before 12 o'clock move that the House adjourn. My object, if the House will permit me to state it, is in those two hours to take up the river and harbor bill, consider it, and if possible pass it.

Mr. RANDALL. That part of the gentleman's proposition relating to the river and harbor bill requires unanimous consent.

The SPEAKER *pro tempore*. Still it is competent for the House to determine by a majority vote whether it will take a recess and to fix the hour to which the recess shall be taken.

Mr. RANDALL. If the House adopts this proposition it does not commit the House to the consideration of the river and harbor bill.

The SPEAKER *pro tempore*. It amounts to this, that the river and harbor bill can be taken up at that time if the House so desires.

Mr. BLOUNT. I wish to inquire whether the gentleman from Kentucky [Mr. WILLIS] expects to co-operate with the Committee on Appropriations in the consideration of regular appropriation bills after 12 o'clock.

Mr. WILLIS. Certainly.

Mr. TOWNSHEND. That is just the question I intended to ask.

Mr. WILLIS. We hope in four hours to pass the river and harbor bill. I propose to move to limit debate on the whole appropriating section to one hour and a half, and to give one hour to the opponents of the bill and thirty minutes to its friends.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky, that when the House finishes its business to-day it will take a recess until 10 o'clock to-morrow morning.

The question being taken, there were—ayes 128, noes 16.

Mr. BRUMM. No quorum.

The SPEAKER *pro tempore*. No quorum having voted tellers are ordered, and the Chair appoints the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Pennsylvania, Mr. BRUMM.

The House again divided; and the tellers reported—ayes 159, noes 6.

So the motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I now renew my motion that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. I rise to make a privileged motion. I desire to call up House bill 5479 from the Speaker's table, for the purpose of concurring in the amendments of the Senate.

Mr. TOWNSHEND. I rise to a point of order. Pending the motion I have submitted, is it in order to make a privileged report?

The SPEAKER *pro tempore*. This is not a privileged report, but a privileged motion, with a view of concurring in amendments of the Senate to a House bill.

Mr. TOWNSHEND. This does not come from a conference committee.

The SPEAKER *pro tempore*. The Chair will state that it is upon a privileged subject. The Clerk will report for the information of the gentleman the title of the bill.

The Clerk read as follows:

A bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

IN THE SENATE OF THE UNITED STATES, *February* 10, 1885.

Resolved, That this bill pass with amendments.

Mr. TOWNSHEND. I have no objection to the measure which my colleague [Mr. PAYSON] wishes to bring up; but my point of order is that this privileged question, if it be such, can not take me off the floor on my motion to go into Committee of the Whole for the consideration of appropriation bills.

The SPEAKER *pro tempore*. The Chair has no doubt that the matter which the gentleman from Illinois [Mr. PAYSON] seeks to bring up is privileged; but if the gentleman from Illinois on the right [Mr. TOWNSHEND] insists on his occupancy of the floor and protests against the introduction of this motion, the Chair must sustain the point.

Mr. PAYSON. May I have the attention of my colleague for a moment? We can concur in these amendments while the gentleman is making his point.

Mr. TOWNSHEND. I have no objection if it can be done in a moment.

Mr. PAYSON. It can. There will be no objection. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. TOWNSHEND] insist on his point?

Mr. TOWNSHEND. In order to obtain final disposition of the Post-Office appropriation bill I must insist. I have no objection at all to the measure which my colleague desires to bring up.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The pending question is the amendment of the gentleman from New York [Mr. SKINNER].

Mr. TOWNSHEND. I reserve the point of order against that amendment until the gentleman has made his explanation.

Mr. SKINNER, of New York. Let the amendment be read.

The Clerk read as follows:

Letter-carriers may be employed for the free delivery of mail matter as frequently as the public convenience may require at every place containing a population of not less than 10,000 within its corporate limits: *Provided*, The gross revenue for the preceding fiscal year from the post-office or post-offices in such place shall have aggregated at least $10,000. Letter-carriers may also be employed at the principal or most central post-office of towns or places within short distances of one another: *Provided*, Such towns or places contain in the aggregate a population not less than $10,000 and the gross revenue for the preceding fiscal year from the several offices aggregated not less than $10,000.

All laws or parts of laws inconsistent with this provision are hereby repealed.

Mr. BLOUNT. I raise the point of order against that amendment.

The CHAIRMAN. It has already been made by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. BLOUNT. Then let there be a decision.

Mr. SKINNER, of New York. If the gentleman will withhold his point of order for the present it is all I ask.

Mr. BLOUNT. I do not wish to be illiberal, but we have little time to spare. However, as the gentleman from Illinois does not press the point, I will not do so.

Mr. SKINNER, of New York. Mr. Chairman, I am perfectly well aware of the fact that if the point of order made by the gentleman is insisted upon this amendment can not be considered, for it does "change existing law." The very purpose of the amendment is to change existing law, and I have offered it in pursuance of the recommendation of the Post-Office Department, and also in accordance with the unanimous action taken by the Committee on the Post-Office and Post-Roads of this House in favor of the extension of the free-delivery system to places having 10,000 inhabitants, or gross revenues for the preceding fiscal year of over $10,000. I give below an extract from the report of the Postmaster-General for the past fiscal year (page 67) touching this matter, prefacing it with extracts from the same report in reference to the growth and present condition of the service, adding a reference to the working of the system in England and other countries:

THE FREE-DELIVERY SYSTEM.

The number of free-delivery offices at the close of the year was 159, an increase of 5, namely: Chattanooga, Tenn., Los Angeles, Cal., Montgomery, Ala., Ottumwa, Iowa, and Scranton, Pa.; and the number of carriers 3,890, an increase of 210.

The regular appropriation for this service was $3,500,000, to which was added a special appropriation of $14,653.40 to prevent an anticipated deficiency, making a total of $3,514,653.40. The entire cost of the service was $3,504,206.52, leaving an unexpended balance of $10,446.88. The increase of appropriation over that of the preceding year was $314,653.40, and the increase of expenditure $330,870.01. This increased expenditure was due to the extension of the service to additional cities, to the number of carriers added to the force at the old offices, and to the increased pay of carriers required by act of August 2, 1882, which provides for the increase of the salary of each carrier in cities having over 75,000 inhabitants by $200 each annually, till the maximum ($1,000) is reached, and in cities having a smaller population by $250 each annually till the maximum ($850) is reached.

POSTAGE ON LOCAL MATTER.

The total postage on local matter at the several offices amounted to $4,777,484.87, an increase over that of the preceding year of $417,745.65, and over the entire cost of the service of $1,273,278.35, an increase of 9.95 per cent in postage on local matter and 36.35 over the cost of the service. The average cost per piece in handling matter was 2.3 mills, a decrease of one-tenth mill as compared with last year. The average cost per carrier, based on the total cost of the service less the amount paid post-office inspectors, was $893.78, an increase of $38.83 over that of last year. This increase was owing to the fact that a large number of carriers reached the maximum salary.

The number of mail letters delivered during the year was 402,577,395, an increase of 17.70 per cent. over that of the preceding year; mail postal cards delivered was 97,421,725, an increase of 13.10 per cent.; local letters delivered 121,853,932, an increase of 16.68 per cent.; local postal cards delivered 69,230,704, an increase of 14.48 per cent.; registered letters delivered 3,093,961, an increase of 9.32 per cent.; newspapers delivered 231,645,185, an increase of 13.79 per cent.

The number of letters collected was 414,198,891, an increase over that of last year of 19.95 per cent.; postal cards collected 130,057,314, an increase of 12.98 per cent.; newspapers collected 70,475,010, an increase of 8.84 per cent.

The whole number of pieces handled—delivered and collected—was 1,540,554,117, an increase of 16.30 per cent., and the average number handled by each carrier was 396,029, an increase of 10.02 per cent.

Additional information concerning the operations of the free-delivery service will be found in the tabular statement marked E, appended to this report.

Average result of free-delivery service for the fiscal year ended June 30, 1884.

Statistics of free delivery.	Total.	Increase over last year.	Per cent. of increase.
Number of officers	159	5	3.25
Number of carriers	3,890	210	5.98
Mail letters delivered	402,577,395	60,563,645	17.70
Mail postal cards delivered	97,421,725	11,288,497	13.10
Local letters delivered	121,853,932	17,416,786	16.68
Local postal cards delivered	69,230,704	8,758,511	14.48
Registered letters delivered	3,093,961	263,736	9.32
Newspapers delivered	231,645,185	28,077,180	13.79
Letters collected	414,198,891	68,881,088	19.95
Postal cards collected	130,057,314	14,943,788	12.98
Newspapers collected	70,475,010	5,723,168	8.84
Whole number of pieces handled	1,540,554,117	215,916,416	16.30
Pieces handled per carrier	396,029	36,074	10.02
Total cost of service, including pay of post-office inspectors	$3,504,206 52	$330,870 01	10.42
Average cost per piece in mills	2.3	†0.1	†4.16
Average cost per carrier*	$893 78	$38 83	4.51
Amount of postage on local matter	$4,777,484 87	$417,745 65	9.95
Excess of postage on local matter over total cost of service	$1,273,278 35	$251,384 34	24.60

* Based on the aggregate ($3,496,267.29) paid carriers, including incidental expenses at the several offices, less $7,939.23 paid post-office inspectors.

† Decrease.

Long experience has shown that this system of delivery is more acceptable to the people than the old mode of office delivery; that it is more accurate and thorough in the delivery of letters; that it reduces the number of dead letters; that it diverts to the post-office many letters formerly delivered by private expresses and private messengers; that it stimulates mail and local correspondence, and increases the postage on local matter; that it saves time and money to the people and fruitless calls at the post-office, and yields a larger surplus of postage on local matter alone above its cost, notwithstanding this class of matter for which it gets credit is only about 25 per cent. of the matter handled by carriers. In view of these facts, I do not hesitate to advise that the law governing the establishment of this system be so changed as to authorize its extension to places of 10,000 inhabitants, provided the postal revenue for the preceding fiscal year at such places amounted to $10,000; also that in case of several post-offices in the same city or place the revenues from all the offices may be aggregated and taken as a standard entitling such place to this system, provided it has the required population.

I would also call attention to a class of towns in the more densely settled portions of the country within short distances of one another, each with its separate post-office, which can not be reached as the law now stands, having in the aggregate the required population and revenue, but none of which singly reaches the requirements of the law, namely, 20,000 population within its corporate limits or $20,000 postal revenue.

The law should, in my judgment, be so changed as to allow the aggregation of the population and postal revenues of these towns, and when they meet the requirements of population and revenue this system should be extended. This could be easily done by establishing a service at the most important and central office and discontinuing the others, or substituting branches of the central office, as may be found on investigation to be most expedient. The result would be a diminution in the number of offices, and a more intelligent, economical, and satisfactory service.

In this connection, and as showing the extent to which the delivery of mail by carrier has been carried in the United Kingdom of Great Britain, I quote from a letter of July 19, 1883, from the general post-office, London, as follows:

"There is certainly no village, and but few hamlets, in the United Kingdom without a delivery of letters, &c., from house to house, and that, although in certain thinly inhabited districts the letters are not delivered every day, they are still delivered at least twice or more, usually three times, a week. Indeed, with but rare exceptions, letters are delivered even in rural districts on six days of the week, if not seven. * * As a rule, all towns and most of the considerable villages have two deliveries of letters from house to house every week day. * * * Of 880 head post-offices about 350 have two deliveries in the course of the day, 300 have three deliveries, 115 have four, 17 have five, 6 have six, and 1 (Liverpool) has seven daily deliveries. * * * In the London postal district, which comprises an area of about 216 square miles, the number of deliveries on week days ranges from twelve in the central or 'town' district to three in a few of the outer suburban districts where the population is comparatively sparse."

The following table, compiled from the same correspondence, will show the extent to which the free delivery of letters, &c., by carriers has superseded the delivery through post-office boxes in several of the principal cities of the United Kingdom:

City.	Number of post-office boxes rented.	Number of letters, &c., delivered through boxes weekly.	Total number of letters delivered weekly.	Percentage of letters delivered to boxholders.	Estimated population within city delivery.
Birmingham	162	65,500	492,500	13.3	408,600
Dublin	77	53,000	442,300	11.9	316,800
Edinburgh	56	27,600	569,900	4.8	268,400
Glasgow	178	79,400	756,000	10.5	704,400
Liverpool	206	59,000	582,600	4.9	681,900
Manchester	548	186,000	875,500	21.2	507,700
Sheffield	176	38,500	205,300	18.7	284,400
London, E. C. district	190	193,000	2,710,300	7.1	.....

The present law fixes the limitation at 20,000 inhabitants or gross postal revenues of $20,000 annually. There are now one hundred and seventy-seven free-delivery offices in the United States supplying 12,000,000 of people directly, not to say anything of the convenience enjoyed by the 40,000,000 of people who mail letters to free-delivery offices.

So far as the question of population is concerned the 20,000 limit was exhausted long ago. So far as the gross revenues are concerned those places now entitled to that privilege under the present law, measured by $20,000 gross receipts, number only nine. During the past year eighteen new free-delivery offices have been established. As the law now stands it will be absolutely impossible to extend that system except to these nine places. These places are Ann Arbor, Mich.; Battle Creek, Mich.; Bradford, Pa.; Fargo, Dak.; Ithaca, N. Y.; Lawrence, Kans.; Mahanoy City, Pa.; Middletown, Conn.; and Washington, N. J. These are the only places which can be supplied under the existing law. The amendment I offer would extend this privilege to one hundred and seventy new points, containing a population of 10,000 inhabitants each or having gross receipts during the past year of $10,000.

I take it for granted that this Congress is not going to stop the free-delivery system where it is, or when these nine places are supplied. One of the points named above, according to the last census, has a population of 9,000 and the smallest is 2,693. If the free-delivery system is not to come to an end when that list is taken care of, then the present list must be amended and the law must be amended, or when that limit is reached the free-delivery system must stop.

It has been shown in this debate that on an outlay of four millions of dollars there was a profit to the Government in the free-delivery system of a million and a quarter of dollars during the past year. It is true that only twelve cities out of one hundred and seventy-seven are more than self-sustaining, but there is not one of these twelve cities, not one inhabitant in one of these twelve cities, who objects to the free-delivery system being extended to the other one hundred and sixty-five.

It has come to be accepted as a mutual benefit to all places which

enjoy its privileges, and an inestimable convenience to every man, woman, and child who can read and write or appreciate a picture.

In that connection it is also true there are only ten States in the Union where the post-office system is self-sustaining, while in twenty-eight States it is not; but there is not one of those ten States which objects to the extension of the system to other States. If there were, where would the system go?

The CHAIRMAN. The gentleman's time has expired.

Mr. SKINNER, of New York. I ask by unanimous consent to print this list of post-offices that would come under the proposed amendment as well as other documents.

The CHAIRMAN. The Chair hears no objection.

Mr. SKINNER, of New York. The list is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
FREE-DELIVERY DIVISION,
Washington, D. C., February 5, 1885.

SIR: I have the honor to transmit herewith the information called for by your telegram of the 4th instant.

Very respectfully,

R. W. GURLEY,
Superintendent Free-Delivery System.

Hon. CHARLES R. SKINNER,
House of Representatives.

List of post-offices (not free delivery) having a gross revenue of $20,000 for the fiscal year ended June 30, 1884.

Cities.	Population, 1880.	Gross revenue, 1884.
Ann Arbor, Mich	8,061	$20,959
Battle Creek, Mich	7,063	20,464
Bradford, Pa	9,197	26,012
Fargo, Dak	2,693	24,133
Ithaca, N. Y	9,105	22,290
Lawrence, Kans	8,510	22,074
Mahanoy City, Pa	7,181	25,109
Middletown, Conn	6,826	20,315
Washington, N. J	2,142	36,497

List of towns and cities that had a population of less than 10,000 under the census of 1880 whose post-offices yielded a gross revenue of $10,000 and less than $20,000 for the fiscal year ended June 30, 1884.

Name.	Population, census 1880.	Gross revenue, 1884.
Birmingham, Ala	3,086	$17,786
Selma, Ala	7,529	16,259
Texarkana, Ark	7,007	11,765
Hot Springs, Ark	3,584	14,570
Pueblo, Colo	3,217	14,044
Birmingham, Conn	3,026	10,131
Danbury, Conn	11,666	14,325
Bismarck, Dak	1,758	10,299
Grand Forks, Dak	1,705	10,414
Huron, Dak	104	10,851
Sioux Falls, Dak	2,164	10,238
Pensacola, Fla	6,845	10,104
Rome, Ga	2,768	10,892
Alton, Ill	8,975	10,198
Cairo, Ill	9,011	14,841
Champaign, Ill	5,103	10,482
Danville, Ill	7,733	14,129
Englewood, Ill.*	.....	10,043
Evanston, Ill	4,400	12,147
Freeport, Ill	8,516	19,791
Moline, Ill	7,900	18,527
Mount Carmel, Ill	5,000	10,026
Ottawa, Ill	7,894	13,045
Sterling, Ill	5,087	10,681
Elkhart, Ind	6,953	12,762
La Porte, Ind	6,195	10,375
Vincennes, Ind	7,680	10,700
Clinton, Iowa	9,052	15,324
Creston, Iowa	5,091	11,750
Iowa City, Iowa	7,123	14,351
Marshalltown, Iowa	6,240	17,935
Muscatine, Iowa	8,295	14,372
Oskaloosa, Iowa	4,598	13,056
Waterloo, Iowa	5,630	12,951
Emporia, Kans	4,621	16,499
Fort Scott, Kans	5,372	15,904
Wichita, Kans	4,911	16,525
Wyandotte, Kans	6,149	14,308
Frankfort, Ky	6,958	12,048
Paducah, Ky	8,036	11,288
Auburn, Me	9,355	10,113
Bath, Me	7,874	10,384
Annapolis, Md	6,642	14,365
Frederick, Md	8,659	10,618
Hagerstown, Md	6,627	10,693
Greenfield, Mass	3,903	13,604
Westfield, Mass	7,587	14,492
Adrian, Mich	7,849	14,103
Big Rapids, Mich	2,532	10,401
Flint, Mich	8,409	13,785
Manistee, Mich	6,199	10,225
Port Huron, Mich	8,387	13,836
Duluth, Minn	3,131	19,698
Mankato, Minn	5,550	10,882
Red Wing, Minn	5,876	11,360

* Within corporate limits of Chicago.

Towns and cities that had a population of less than 10,000, &c.—Continued.

Name.	Population, census 1880.	Gross revenue, 1884.
Rochester, Minn	5,103	$10,847
Stillwater, Minn	9,055	15,618
Jackson, Miss	5,204	11,456
Carthage, Mo	4,167	10,639
Springfield, Mo	6,522	14,968
Butte City, Mont	3,363	16,169
Helena, Mont	3,624	19,249
Fremont, Nebr	3,913	10,441
Hastings, Nebr	2,817	10,425
Keene, N. H	6,784	11,809
Portsmouth, N. H	9,690	13,441
Asbury Park, N. J	.....	11,265
Atlantic City, N. J	5,477	14,901
Morristown, N. J	5,418	13,963
Plainfield, N. J	8,125	17,190
Albuquerque, N. Mex	2,315	10,911
Amsterdam, N. Y	9,466	13,500
Batavia, N. Y	4,845	12,537
Canandaigua, N. Y	5,726	10,693
Corning, N. Y	4,902	10,587
Cortland, N. Y	4,050	11,979
Geneva, N. Y	5,878	16,901
Glens Falls, N. Y	4,900	10,957
Gloversville, N. Y	7,133	10,795
Hornellsville, N. Y	8,195	13,247
Hudson, N. Y	8,670	14,767
Little Falls, N. Y	6,910	12,946
Middletown, N. Y	8,494	14,413
Olean, N. Y	3,036	12,024
Oneida, N. Y	3,262	10,889
Plattsburg, N. Y	5,245	10,112
Port Jervis, N. Y	8,578	11,471
Rondout, N. Y	.....	10,785
Seneca Falls, N. Y	5,880	13,759
Charlotte, N. C	7,094	15,063
Delaware, Ohio	6,894	12,664
Lima, Ohio	7,567	14,241
Massillon, Ohio	6,836	10,231
Mount Vernon, Ohio	5,249	10,232
Newark, Ohio	9,600	14,621
Norwalk, Ohio	5,704	10,454
Painesville, Ohio	3,841	11,613
Salem, Ohio	4,041	10,989
Tiffin, Ohio	7,879	10,319
Warren, Ohio	4,428	10,713
Wooster, Ohio	5,840	10,410
Xenia, Ohio	7,026	11,947
Bethlehem, Pa	5,193	11,010
Lock Haven, Pa	5,845	11,109
Corry, Pa	5,277	10,162
Franklin, Pa	5,010	10,157
Huntingdon, Pa	4,125	10,421
Johnstown, Pa	8,340	13,348
Lebanon, Pa	8,778	12,096
Meadville, Pa	8,460	16,487
New Castle, Pa	8,418	11,873
Oil City, Pa	7,315	13,074
Titusville, Pa	9,046	16,060
Warren, Pa	2,810	17,195
West Chester, Pa	7,046	14,180
Denison City, Tex	3,975	10,454
Palestine, Tex	2,997	11,209
Sherman, Tex	6,093	11,627
Waco, Tex	7,295	17,931
Ogden City, Utah	6,069	13,111
Brattleborough, Vt	5,840	14,626
Montpelier, Vt	1,847	11,457
Danville, Va	7,526	12,466
Staunton, Va	6,664	14,480
Seattle, Wash	3,533	15,983
Walla Walla, Wash	3,588	10,564
Parkersburg, W. Va	6,582	12,204
Appleton, Wis	8,005	13,752
Beloit, Wis	4,730	10,847
Janesville, Wis	9,018	17,489
Cheyenne City, Wyo	3,456	15,296

According to census of 1880, one hundred and thirty-one offices; estimated in 1885, one hundred and fifty offices.

List of cities that had 10,000 population under the census of 1880, and $10,000 and less than $20,000 gross revenue for fiscal year ended June 30, 1884.

Name.	Population, census 1880.	Gross revenue, 1884.
Alexandria, Va	13,659	$13,957
Aurora, Ill	11,873	16,087
Chester, Pa	14,997	13,753
Chillicothe, Ohio	10,538	13,404
Cohoes, N. Y	19,416	11,519
Columbia, S. C	10,036	17,077
Columbus, Ga	10,123	17,060
Cumberland, Md	10,693	11,607
Danbury, Conn	11,666	14,325
Dover, N. H	11,687	11,529
Hamilton, Ohio	12,122	14,620
Jacksonville, Ill	10,927	16,413
Joliet, Ill	11,657	19,168
Kingston, N. Y	18,344	10,229
Logansport, Ind	11,198	13,942
Muskegon, Mich	11,262	19,119
New Britain, Conn	11,800	19,714
New London, Conn	10,537	19,406
Newburyport, Mass	13,538	14,782

List of cities that had 10,000 population under the census of 1880, &c.—Continued.

Name.	Population, census 1880.	Gross revenue, 1884.
North Adams, Mass	10,191	$14,106
Northampton, Mass	12,173	15,522
New Albany, Ind	16,423	12,301
Nashua, N. H	13,397	17,459
New Brunswick, N. J	17,166	18,221
Norristown, Pa	13,063	12,153
Ogdensburg, N. Y	10,341	11,860
Orange, N. J	13,207	11,802
Portsmouth, Ohio	11,321	12,709
Rock Island, Ill	11,659	16,098
Rome, N. Y	12,194	17,894
Rutland, Vt	12,149	17,131
Saginaw, Mich	10,525	10,597
Schenectady, N. Y	13,655	16,852
Stamford, Conn	11,297	15,718
Steubenville, Ohio	12,088	13,673
Stockton, Cal	10,282	18,724
Vicksburg, Miss	11,814	17,663
Waltham, Mass	11,712	14,494
Winona, Minn	10,208	19,600
Woonsocket, R. I	16,050	11,848

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
FREE-DELIVERY DIVISION,
Washington, D. C., February 7, 1885.

SIR: I have the honor to transmit herewith, in compliance with your request, a list of free-delivery cities, with their population as shown by the census of 1880. This, though misleading in regard to most, if not all, of them, is the best source of information available at present, the population having largely increased since that date (1880).

Very respectfully,

R. W. GURLEY,
Superintendent Free-Delivery System.

Hon. CHARLES R. SKINNER,
House of Representatives.

Population of free-delivery cities, census of 1880.

Akron, Ohio	16,512	Jackson, Mich	16,105
Albany, N. Y	90,903	Jacksonville, Fla	7,650
Allegheny, Pa	78,681	Jamestown, N. Y	9,357
Atlanta, Ga	34,398	Jersey City, N. J	120,728
Auburn, N. Y	21,924	Kalamazoo, Mich	11,937
Augusta, Ga	23,023	Kansas City, Mo	55,813
Augusta, Me	8,665	Keokuk, Iowa	12,117
Atchison, Kans	15,106	Knoxville, Tenn	9,693
Allentown, Pa	18,063	La Crosse, Wis	14,505
Altoona, Pa	10,716	La Fayette, Ind	14,860
Austin, Tex	10,960	Lancaster, Pa	25,769
Baltimore, Md	332,190	Lansing, Mich	8,319
Bangor, Me	16,857	Lawrence, Mass	39,178
Bay City, Mich	20,693	Leadville, Colo	14,820
Binghamton, N. Y	17,317	Leavenworth, Kans	16,550
Bloomington, Ill	17,134	Lewiston, Me	19,083
Boston, Mass	362,535	Lexington, Ky	16,656
	99,510	Lincoln, Nebr	13,004
Bridgeport, Conn	29,148	Little Rock, Ark	13,185
Brooklyn, N. Y	566,689	Lockport, N. Y	13,522
Buffalo, N. Y	155,137	Los Angeles, Cal	11,311
Burlington, Iowa	19,450	Louisville, Ky	123,645
Burlington, Vt	11,364	Lowell, Mass	59,485
Brockton, Mass	13,608	Lynchburg, Va	15,959
Camden, N. J	41,658	Lynn, Mass	38,284
Canton, Ohio	12,258	Macon, Ga	12,748
Cedar Rapids, Iowa	10,104	Madison, Wis	10,325
Charleston, S. C	49,999	Manchester, N. H	32,630
Chattanooga, Tenn	12,892	Mansfield, Ohio	9,682
Chicago, Ill	503,304	Memphis, Tenn	33,593
Cincinnati, Ohio	255,708	Meriden, Conn	18,340
Cleveland, Ohio	160,142	Milwaukee, Wis	115,578
Columbus, Ohio	51,665	Minneapolis, Minn	46,887
Concord, N. H	13,838	Mobile, Ala	31,205
Council Bluffs, Iowa	18,059	Montgomery, Ala	16,714
Covington, Ky	29,720	Nashville, Tenn	43,401
Dallas, Tex	10,358	Newark, N. J	136,400
Davenport, Iowa	21,834	New Bedford, Mass	26,875
Dayton, Ohio	38,677	Newburg, N. Y	18,050
Decatur, Ill	9,547	New Haven, Conn	62,882
Denver, Colo	35,630	New Orleans, La	216,140
Des Moines, Iowa	22,408	Newport, R. I	15,693
Detroit, Mich	116,342	New York, N. Y	1,206,590
Dubuque, Iowa	22,254	Norfolk, Va	21,966
Easton, Pa	11,924	Norwich, Conn	21,141
East Saginaw, Mich	19,016	Oakland, Cal	34,536
Eau Claire, Wis	10,119	Omaha, Nebr	30,518
Elgin, Ill	8,787	Oshkosh, Wis	15,749
Elizabeth, N. J	28,229	Oswego, N. Y	21,117
Elmira, N. Y	20,541	Ottumwa, Iowa	9,004
Erie, Pa	27,730	Paterson, N. J	50,887
Evansville, Ind	29,280	Pawtucket, R. I	19,093
Fall River, Mass	49,006	Peoria, Ill	29,315
Fitchburg, Mass	12,405	Petersburg, Va	21,656
Fort Wayne, Ind	26,880	Philadelphia, Pa	846,984
Fort Worth, Texas	6,663	Pittsburgh, Pa	156,381
Galesburg, Ill	11,446	Pittsfield, Mass	13,367
Galveston, Texas	22,253	Portland, Me	33,810
Gloucester, Mass	19,329	Portland, Oreg	17,577
Grand Rapids, Mich	32,015	Pottsville, Pa	13,253
Hannibal, Mo	11,074	Poughkeepsie, N. Y	20,207
Harrisburg, Pa	30,762	Providence, R. I	104,860
Hartford, Conn	42,553	Quincy, Ill	27,275
Haverhill, Mass	18,475	Racine, Wis	16,031
Hoboken, N. J	30,999	Raleigh, N. C	9,265
Holyoke, Mass	21,852	Reading, Pa	43,278
Houston, Tex	18,646	Richmond, Ind	12,742
Indianapolis, Ind	75,074	Richmond, Va	63,803

Population of free-delivery cities, census of 1880—Continued.

Rochester, N. Y	89,366	Syracuse, N. Y	51,791
Rockford, Ill	13,136	Taunton, Mass	21,213
Sacramento, Cal	21,420	Terre Haute, Ind	26,042
Saint Joseph, Mo	32,424	Toledo, Ohio	50,146
Saint Louis, Mo	350,522	Topeka, Kans	15,452
Saint Paul, Minn	41,473	Trenton, N. J	29,910
Salem, Mass	27,086	Troy, N. Y	56,747
San Antonio, Tex	20,551	Utica, N. Y	33,913
Sandusky, Ohio	15,838	Washington, D. C	147,293
San Francisco, Cal	233,054	Waterbury, Conn	20,[illegible]
San José, Cal	12,567	Watertown, N. Y	10,697
Saratoga Springs, N. Y	10,522	Wheeling, W. Va	34,[illegible]
Savannah, Ga	30,681	Wilkes Barre, Pa	23,[illegible]
Scranton, Pa	45,850	Williamsport, Pa	18,[illegible]
Sedalia, Mo	9,561	Wilmington, Del	42,[illegible]
Sioux City, Iowa	7,366	Wilmington, N. C	17,[illegible]
South Bend, Ind	13,279	Worcester, Mass	58,[illegible]
Salt Lake City, Utah	20,768	Yonkers, N. Y	18,[illegible]
Springfield, Ill	19,746	York, Pa	13,940
Springfield, Mass	33,340	Youngstown, Ohio	15,431
Springfield, Ohio	20,729	Zanesville, Ohio	16,120

Total population, 1880, 10,197,993; estimated population, 1885, 12,000,000.
Free-delivery offices, February 7, 1885, 177; carriers, 4,337.

THE FREE-DELIVERY SYSTEM.

This system was in operation during the year at one hundred and fifty-four offices (including forty-two newly established ones), and employed in the aggregate 3,680 carriers.

The total appropriation for this service was $3,200,000, including a special appropriation of $200,000 to carry out the provisions of the act of August 2, 1882, an increase of $575,000 over that of the preceding year. The total cost of the service was $3,173,336.51, leaving an unexpended balance of $26,663.49. The increase of cost over the preceding year was $550,073.77. This was owing to the extension of the service to forty-two additional cities in different sections of the country, employing in the aggregate two hundred and twenty-two carriers, to the appointment of three hundred and forty-three additional carriers in the older free-delivery cities, to the increased pay of auxiliary carriers from $600 to $720, and to the promotion of carriers from the lower to the next higher grade at the expiration of one year's service, as required by the act of August 2, 1882.

POSTAGE ON LOCAL MATTER.

The postage on local matter at the various offices amounted to $4,195,259.22, an increase over the preceding year of $378,654.43, and over the total cost of the service of $1,021,894.01. This increase in postage on local matter was 9.92 per cent., while the increase in the cost of the service was 20.96 per cent., mainly attributable to the requirements of the act of August 2, 1882. The average cost per piece for handling matter was 2.4 mills, ad increase of one-tenth mill as compared with last year. The average cost per carrier, including incidental expenses, was $859.95, an increase of $34.20 over the preceding year.

The number of mail letters delivered during the fiscal year was 342,913,760, an increase of 14.66 per cent. over the preceding year; mail postal cards delivered, 86,133,228, an increase of 20.49 per cent.; local letters, 104,437,146, an increase of 16.03 per cent.; local postal cards, 60,472,193, an increase of 18.75 per cent.; registered letters delivered, 2,830,203, an increase of 10.86 per cent.; newspapers delivered, 261,568,055, an increase of 26.00 per cent.

The number of letters collected was 345,317,808, an increase over last year of 4.90 per cent.; postal cards collected, 115,113,531, an increase of 15.78 per cent.; newspapers collected, 64,751,842, an increase of 4.90 per cent. The whole number of pieces handled during the year was 1,224,637,701, an increase over last year of 95.83 per cent., and the average number handled by each carrier was 333,055, a decrease of 1.99 per cent.

REVIEW OF THE SERVICE.

The free-delivery service was inaugurated July 1, 1863. A summary of its business during the period which has since elapsed may therefore not be inappropriate, though in its earlier years its statistics were not as complete as they are at present.

Statement of the free-delivery service since organization.

Year.	Number of officers.	Increase.	Number of carriers.	Cost of service.	Postage on local matter.	Excess of cost.	Excess of postage.
1863–'64	66	.....	685	$317,061 22	.....	.....	.....
1864–'65	45	.....	757	448,684 51	.....	.....	.....
1865–'66	46	1	863	599,226 41	.....	.....	.....
1866–'67	47	1	943	689,984 24	.....	.....	.....
1867–'68	48	1	1,198	995,084 59	.....	.....	.....
1868–'69	48	0	1,246	1,183,915 31	.....	.....	.....
1869–'70	51	3	1,262	1,220,079 86	$661,864 70	$548,215 15	.....
1870–'71	52	1	1,419	1,353,923 23	754,120 78	599,802 45	.....
1871–'72	52	0	1,443	1,385,965 76	907,351 93	478,613 83	.....
1872–'73	52	.....	1,469	1,422,495 48	1,112,284 21	310,211 27	.....
1873–'74	57	35	2,049	1,602,496 41	1,411,481 66	191,014 75	.....
1874–'75	87	.....	2,195	1,880,041 99	1,947,569 54	.....	$67,517 55
1875–'76	87	.....	2,209	1,981,188 51	2,085,061 73	.....	103,873 22
1876–'77	87	.....	2,265	1,986,619 69	2,254,897 03	.....	268,277 33
1877–'78	87	.....	2,275	1,934,188 99	2,492,251 84	.....	558,062 85
1878–'79	88	1	2,359	1,947,705 61	2,812,888 95	.....	864,771 14
1879–'80	104	16	2,668	2,368,603 14	2,068,797 14	.....	765,196 00
1880–'81	109	5	2,861	2,499,911 54	2,273,689 39	.....	772,712 85
1881–'82	112	3	3,115	2,623,382 74	2,816,576 00	.....	1,193,213 26
1882–'83	154	42	3,469	3,173,336 51	4,195,259 22	.....	971,921,94 64
1883–'84	159	5	3,680	3,504,305 32	4,777,464 87	.....	1,273,376 35

* The apparent reduction in excess of postage on local matter for the last year is accounted for by the increased expenditure ($0,173,336.51) required by the act of August 2, 1882.

Number of free-delivery offices February 7, 1885, 177; increase since 1884, 18; whole number of carriers, 4,337.

REPORT OF THE POSTMASTER-GENERAL.

In 1864–'65 the cost per letter for delivery at nine of the principal cities was 1.1 cents each, as against 2.4 mills for the delivery and collection of each piece of mail matter in one hundred and fifty-four cities in 1883–'84, a reduction of 8.6 mills per piece. The report of the superintendent of free delivery contains other interesting information in regard to the working of the system.

Statement of the excess of postal receipts and expenditures of the United States by States.

States and Territories.	1882.		1883.		1884.	
	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.
Maine	$84,084 54		$44,618 76			$48,328 31
New Hampshire	72,947 74		63,065 20		$18,058 40	
Vermont	19,595 69		12,330 06			33,909 75
Massachusetts	1,080,588 10		1,111,461 12		916,906 62	
Rhode Island	154,641 41		149,618 51		124,638 22	
Connecticut	201,910 39		238,548 23		135,463 91	
New York	2,601,409 90		2,813,729 82		2,312,695 24	
New Jersey	174,214 85		249,603 62		143,517 59	
Pennsylvania	1,017,439 55		987,170 58		569,677 81	
Delaware	19,159 65		22,301 47		8,162 90	
Maryland		$2,148 63		$29,731 20		125,963 44
Virginia		312,734 81		331,636 19		408,972 90
West Virginia		18,030 30		33,199 06		76,920 10
North Carolina		135,698 37		155,481 23		207,191 96
South Carolina		104,657 65		109,758 18		159,693 36
Georgia		208,945 47		198,968 98		320,302 31
Florida		111,174 01		165,357 50		133,294 45
Ohio		240,494 41		430,160 28		845,404 42
Michigan	340,673 83		333,902 61		39,461 62	
Indiana	3,366 49			190,374 61		294,062 53
Illinois	664,308 55		852,319 15		347,400 38	
Wisconsin	136,883 78		115,854 63			160,535 90
Iowa	146,373 35		101,468 12			371,407 62
Missouri		107,973 18		103,477 45		480,388 04
Kentucky		90,460 27		112,944 01		171,089 63
Tennessee		19,459 24		21,136 41		111,210 62
Alabama		183,430 24		177,202 65		238,494 53
Mississippi		94,163 66		101,477 78		186,082 87
Arkansas		180,412 95		165,972 83		208,602 28
Louisiana		75,379 04		79,487 59		120,660 75
Texas		459,019 34		302,437 67		431,334 03
California		508,351 28		277,016 91		417,188 81
Oregon		123,981 01		75,915 14		133,306 85
Minnesota	22,496 02		5,064 18			299,369 54
Kansas		250,167 21		283,084 56		362,276 42
Nebraska		501,801 79		545,451 59		596,411 89
Nevada		137,935 11		106,720 60		113,108 91
Colorado		179,234 87		145,600 10		277,615 85
Utah		230,210 53		154,640 19		180,995 73
New Mexico		68,417 37		51,803 57		111,366 59
Washington		95,466 36		93,933 43		110,895 64
Dakota		60,652 20	21,175 36			39,007 22
Arizona		225,320 51		118,019 35		149,819 77
Idaho		141,712 55		88,488 87		105,356 20
Wyoming		32,684 52		29,827 59		45,907 10
Montana		133,356 29		45,470 97		62,553 34
Alaska	160 33		230 73			1,600 33
District of Columbia		58,003 26		69,358 12		109,141 43
Indian Territory		84,300 78		35,143 44		42,086 96
Total	6,740,251 48	5,184,996 58	7,122,402 15	4,707,277 85	4,606,982 69	8,291,942 40
	5,184,996 58		4,707,277 85			4,606,982 69
Net excess	1,555,257 90		2,415,124 30			3,684,959 71

Mr. TOWNSHEND. I raise the point of order against the gentleman's amendment and submit it without discussion.

The CHAIRMAN. The Chair sustains the point of order for the reason stated by the gentleman from New York.

The Clerk read as follows:

For rent, light, and fuel, $490,000. That hereafter the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

Mr. ANDERSON. Mr. Chairman, I move to insert in line 44, after the word "second," the words "and third;" so that it will read:

That hereafter the Postmaster-General may lease premises for use for post-offices of the first and second and third classes, &c.

Mr. TOWNSHEND. I make the point of order upon that amendment that it changes existing law without retrenching expenditures.

Mr. ANDERSON. But it might frequently retrench expenditures. Leases can be made for long periods at less rates than for short ones.

Mr. TOWNSHEND. There is no law allowing leases to be made for third-class post-offices. There is no allowance made for them.

Mr. ANDERSON. But in the very nature of things it is evident that a saving could be effected in many instances where the privilege was given to make a lease for a long period.

Mr. TOWNSHEND. It is clearly subject to the point of order.

Mr. ANDERSON. Let it be voted upon by the committee.

Mr. TOWNSHEND. I must insist upon the point of order.

Mr. HISCOCK. Is it any more subject to the point of order than the whole paragraph which has just been read and which changes existing law? If that paragraph is to be acted upon by the House any amendment that is germane to that must be in order.

Mr. TOWNSHEND. The gentleman of course can make the point of order upon it if he chooses

Mr. HISCOCK. I do not.

Mr. ANDERSON. Nor do I.

Mr. HISCOCK. But when a provision is once before the House—when a clause or paragraph of this character is pending in a bill—it is subject to amendment.

Mr. TOWNSHEND. Provided the amendment does not change existing law.

Mr. HISCOCK. Whether it does or does not is not a question that enters into consideration. If it be a subject over which the committee has jurisdiction the amendment to that subject is in order.

The CHAIRMAN. The Chair is of opinion——

Mr. BLOUNT. I understand the argument of the gentleman from New York to be that whenever you get in one proposition that changes existing law you may put in just as many as you please.

Mr. HISCOCK. No, that is not the argument; but when you once get before the committee a subject over which the committee has jurisdiction, then you can perfect it by amendment, and the only question with reference to the amendment is whether or not it is germane to the subject-matter.

Mr. TOWNSHEND. Allow the rule to be read.

The CHAIRMAN. The Chair is ready to decide the question of order.

Mr. ANDERSON. Let us have a decision.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken. Although the clause or section in question may itself have been subject to the point of order, still no point of order was made upon it; and the Chair understands that while the clause does contain some new legislation in it, yet it does not affect the question as to the authority to lease buildings for post-offices of the third class. That general law not being affected by the clause in question, the amendment does change existing law in that respect and authorizes payment therefor. Therefore to that extent it changes existing law and does increase expenditures, and is clearly subject to the point of order, which is sustained.

Mr. ANDERSON. Then I move an amendment to include the third-

class offices, where the provision for their lease will reduce expenditures in the amount of rent paid.

Mr. TOWNSHEND. Let the amendment be reported from the desk. I do not believe it is in order.

Mr. ANDERSON. I will not insist upon the amendment.

Mr. SKINNER, of New York, by unanimous consent, was granted leave to print some remarks.

The CHAIRMAN. The amendment is withdrawn.

The Clerk proceed to read as follows:

For office furniture——

Mr. HISCOCK. I desire to call the attention of the gentleman in charge of this bill, before we pass from this section, to the language in the forty-fifth and forty-sixth lines:

And no lease shall be made for a term exceeding five years.

That, I think, should be amended to read:

But a lease may be made for a term not exceeding five years.

As it now stands it is a sort of negative way of giving authority. Under the law as it stands to-day, as I understand it, leases can not be made for more than a year. If you propose to extend this period, why not extend it in terms and not leave it a matter of dispute?

Mr. RYAN. I think that had better be done.

Mr. TOWNSHEND. I have no objection.

Mr. HISCOCK. Then I move that the paragraph be so amended.

The Clerk read as follows:

Strike out, in lines 45 and 46, the words "and no lease shall be made for a term exceeding five years" and insert "but a lease may be made for a term not exceeding five years."

The amendment was agreed to.

Mr. HEWITT, of Alabama. I move to strike out the last word for the purpose of asking a question of the gentleman in charge of this bill. I would like to ask the gentleman if he has any objection to inserting an amendment that will require the Postmaster-General upon the failure of the Government to comply with its part of a contract for the lease of a post-office building to surrender the lease to the party making it.

I have a constituent of my own who leased a building for post-office purposes under a contract that he should be paid quarterly for the use of it. He complied with every condition of the lease upon his part, and the Government held that lease for over a year before it ever paid him a cent, and refused to surrender the premises upon demand, notwithstanding the fact that the Government itself, or the Postmaster-General, after having made the contract in writing to pay quarterly, had not done so, or complied in any way with its part of the contract.

Now, I should like to know if there is any objection to inserting in the law a requirement on the part of the Postmaster-General where the Government fails to comply with its part of the contract to surrender the lease to the lessor.

Mr. TOWNSHEND. I see no necessity for the amendment the gentleman from Alabama suggests, and I certainly object to it. The matter under this bill is left entirely discretionary with the Postmaster-General, and I have no doubt there will be judicious action on his part.

Mr. HEWITT, of Alabama. What I object to is its being left discretionary with the Postmaster-General. I will put the question to the gentleman from Mississippi [Mr. MONEY], who is chairman of the Committee on the Post-Office and Post-Roads, whether such an amendment ought not to be made; whether the Government ought not to be required, when it fails to pay according to the contract, to surrender the lease?

The *pro forma* amendment was withdrawn.

Mr. HISCOCK. For the purpose of having the provision read properly, in view of the amendment I suggested and which was accepted, I now ask that the semicolon after the word "quarterly," in line 45, be stricken out, that the words "but no lease shall be made" shall also be stricken out, and that after the word "term" the word "not" be inserted. With these changes the sentence beginning at line 43 will read properly and smoothly.

Mr. TOWNSHEND. I have no objection to these changes being made.

The CHAIRMAN. If there be no objection the verbal amendments suggested by the gentleman from New York [Mr. HISCOCK] will be made.

There was no objection.

The Clerk read the following paragraph.

Office of the Second Assistant Postmaster-General: For inland mail transportation, namely: For transportation on railroad routes, $15,265,000; and if any railroad company shall fail or refuse to transport the mails, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount provided by law.

Mr. ROWELL. I make the point of order.

Mr. TOWNSHEND. The whole proposition has not yet been read through.

The CHAIRMAN. The Clerk has read one paragraph.

Mr. ROWELL. I wish to have the opportunity of making the point of order on each paragraph relating to this whole subject down to line 153.

The CHAIRMAN. The bill has been read only to line 66. It has not yet been read to line 153.

Mr. ROWELL. I want to make the point of order now, this matter being divided into sections and paragraphs, so that the point shall cover each of the paragraphs. I do not wish to lose the opportunity of making the point of order on each of the paragraphs.

The CHAIRMAN. The Chair will treat the whole subject as one paragraph. The various clauses down to line 153 seem all to relate to the same subject. It seems to be one matter.

Mr. CANNON. I want to be heard on that. I do not think the first paragraph necessarily stands with the second. But if it be understood that no rights are waived, of course there is no objection to reading all the paragraphs relating to the whole subject.

The CHAIRMAN. The Chair understands the gentleman has reserved all points of order on the provisions of the bill down to line 153. The Chair directs the Clerk to read down to that point.

Mr. CLARDY. I desire to offer an amendment to come in after line 66.

Mr. TOWNSHEND. I rise to a point of order. Until the entire proposition is read through I insist that no amendment is in order.

The CHAIRMAN. This amendment is offered to come in at the end of line 66. The Chair is of opinion it is in order now if the gentleman from Missouri insists upon it.

Mr. BLOUNT. I ask the gentleman from Missouri to withhold his amendment until I can make a request for unanimous consent that all points of order may be reserved on all the paragraphs relating to mail compensation until they are read through.

The CHAIRMAN. The Chair understands that all points of order on those paragraphs have already been reserved.

Mr. BLOUNT. I did not understand that they could be reserved in that way unless by unanimous consent.

Mr. WARNER, of Ohio. It is understood the reservation of points of order covers the whole subject.

The CHAIRMAN. The Chair has so stated. The Clerk will report the amendment proposed by the gentleman from Missouri [Mr. CLARDY].

The Clerk read as follows:

Amend by adding after line 66:

"The Postmaster-General is authorized to pay out of appropriations for transportation on railroad routes for special railroad service between the Union depot in East Saint Louis, Ill., and the Union depot in Saint Louis, Mo., a sum not exceeding the lowest rate which private individuals, express companies, or others may pay for transportation between said points, but not to exceed for any fiscal year the sum of $25,000, including allowance for depot room and transfer service at each terminal."

Mr. TOWNSHEND. I will say to the gentleman from Missouri that that is now the law, and it is not affected by this bill. In the last Post-Office appropriation act we used language which makes this a permanent law and renders it unnecessary to have it re-enacted. That is the law to-day, and will remain the law until repealed; and this present bill does not affect it in any way.

Mr. CLARDY. That was my own opinion. But this is the identical provision contained in the two bills of the last Congress as well as in the bill of the first session of this Congress.

Mr. TOWNSHEND. Has the gentleman read the language in the last Post-Office appropriation act?

Mr. CLARDY. I have read it, and it occurred to me it was not necessary this amendment should be offered. I applied, however, to the Second Assistant Postmaster-General; and in answer to my question he states:

The appropriation should be made for the Saint Louis bridge the same as heretofore.

Mr. TOWNSHEND. That, perhaps, is true, that the appropriation should be made as heretofore. But the appropriation is embraced in the aggregate amount of $15,265,000. It will be paid out of the aggregate appropriation for this service. My friend from Missouri will see the telegram does not apply to the question of the necessity for this amendment.

Mr. CLARDY. If that is the construction the committee place upon it, and if that is the reason the provision is omitted, I withdraw the amendment.

The CHAIRMAN. The Clerk will read the remaining paragraphs relating to the subject of inland mail transportation.

The Clerk read as follows:

That the Postmaster-General is authorized and directed to readjust the compensation to be paid for the transportation of the mails on railroad routes upon the condition and at the rates hereinafter mentioned, and which shall take effect July 1, 1885:

First. That the mails shall be carried upon any train at the request of the Postmaster-General; and railroad companies shall provide necessary depot-rooms, with heat and light for the same, shall receive the mails from and deliver the mails to the Post-Office Department at depots, shall put the mails into and out of the cars, shall transfer the mails between trains at depots, and shall transport the superintendent and assistant superintendents of the railway mail service and post-office inspectors upon the exhibition of their credentials, and railway postal clerks over the lines upon which they may be assigned to duty.

Second. That the compensation for carrying closed mails in baggage-cars and for railway post-office service, the minimum car width in every case being hereby fixed at eight feet and six inches (inside measurement), or its equivalent in floor-space, shall not exceed the following rates, namely: For closed mails, 5 mills per linear foot of space (inside measurement) per mile run; and

for two hundred pounds of mail or less the equivalent of six linear inches shall be required, for five hundred pounds one foot, and for each additional five hundred pounds one foot. For railway post-office service, at a rate of speed of twenty or less miles per hour from terminus to terminus, 5 mills per linear foot of space (inside measurement) per mile run; and for each additional two miles per hour to and including thirty miles per hour one-tenth of a mill, and for each additional mile per hour one-tenth of a mill. And the adjustment of space by linear feet for railway post-office service shall be as follows: For a daily average of from twenty-five to five hundred pounds, not to exceed thirteen feet; from five hundred to 1,000 pounds, not to exceed fifteen feet; from 1,000 to 2,000 pounds, not to exceed twenty-five feet; from 2,000 to 4,000 pounds, not to exceed forty feet; from 4,000 to 5,000 pounds, not to exceed forty-five feet; for 6,000 pounds, fifty feet; 8,000 pounds, sixty feet; the weight to be ascertained by a weighing of not less than twenty-eight consecutive days; and in all railway post-offices the load shall not exceed double the greatest weight for the respective lengths as herein provided; and for any gross weight, if carried on two or more trains daily, the space may be subdivided upon the basis of amounts of space for lower weights as the nature of the service may require; and no additional space shall be required or paid for unless found to be necessary: *Provided*, That the pay for the transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum; and at any post-office contiguous to a railroad route, and where trains do not make regular stops, the Postmaster-General may require that the mails shall be exchanged directly with the railway post-office at the nearest available point upon the track; and in the case of all special mail-trains no more time shall be consumed at terminal points in transferring mails between different lines of railroads at such terminal points than is absolutely necessary for such purpose, and there shall be no delay in departure of any special mail-train after receiving the mail from the connecting line than is absolutely necessary; and at post-offices located not more than one-fourth of a mile from railroad stations railroad companies shall also provide for carrying the mails as often as may be necessary between such post-offices and railroad stations; but the Postmaster-General may provide mail-messenger or contract service at terminals: *Provided further*, That railroad companies whose railroads were constructed in whole or in part by land grants made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, and the railroad companies incorporated under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, shall hereafter receive for the transportation of the mails over their respective railroads only 80 per cent. of the compensation authorized by this act; and the said act approved July 1, 1862, and all acts amendatory thereof, are hereby amended to conform to the foregoing provisions; but the right of the United States to further amend said act, or any act amendatory thereof, is expressly reserved. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. TOWNSHEND. Before further action is taken I desire to have action on some amendments suggested by the committee in order to perfect the text of the bill.

Mr. ROWELL. Mr. Chairman, I suppose that the point of order ought to be made before the amendments are acted on.

Mr. TOWNSHEND. Not until we have perfected the text of the bill.

Mr. ROWELL. I do not so understand.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] in charge of the bill desires to move some amendments to the text before the point of order is entertained by the Chair. That can only be done by unanimous consent; from the fact that, pending the point of order, the section is not before the committee for amendment. But it can be done by unanimous consent.

Mr. BLOUNT and Mr. ROWELL. I object.

Mr. BLOUNT. Mr. Chairman, I desire to raise the question of order on these two paragraphs.

Mr. ROWELL. Mr. Chairman, I want to understand who has made the point of order.

The CHAIRMAN. The Chair does not understand that any point of order has yet been made. The gentleman from Georgia [Mr. BLOUNT] now states that he desires to make a point of order on these two paragraphs, and the gentleman from Illinois [Mr. ROWELL] stated a while ago that he thought the point of order ought to be made, but did not state what the point was.

Mr. ROWELL. I said that I reserved the point of order, and I rise now to state it.

The CHAIRMAN. The Chair understood the gentleman to say that he desired to reserve the point of order on the parts of the bill that had not been read, but of course the gentleman did not in that way obtain any right to the floor.

Mr. ROWELL. I understood the Chair to say that I would be recognised for that purpose when the point of order could be raised, and I desire now to be heard.

The CHAIRMAN. The Chair understood the gentleman to reserve all points of order on that portion of bill, but it was not then before the committee, and the point of order could not be entertained until the paragraph had been read. The Chair did not know what point of order the gentleman desired to make.

Mr. ROWELL. Then I misunderstood the Chair. I now claim the right to make the point of order.

Mr. BLOUNT. Mr. Chairman, I desire to make a point of order on these two paragraphs.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] rises to make a point of order which he will state; after which the Chair will hear the gentleman from Illinois [Mr. ROWELL].

Mr. BLOUNT. I wish to call attention to a provision contained in Rule XXI——

The CHAIRMAN. The gentleman will please make his point of order, and argue it afterward. The Chair does not yet understand what the point is.

Mr. BLOUNT. If I had not been interrupted the Chair would have understood it, because I was presenting the point of order. My point is that this provision changes existing law and does not retrench expenditures, and that the change is proposed to be made upon an appropriation bill.

The CHAIRMAN. Does the point of order apply to all these clauses?

Mr. BLOUNT. It applies to all that relates to changing the mode of paying the railroads for the transportation of the mails—the whole scheme. I will read a part of clause 3 of Rule XXI:

Nor shall any provision in any such bill, or amendment thereto, changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, Mr. Chairman, in order that gentlemen may appreciate the force of this point of order, it becomes necessary to state the present law as to the mode of compensating railroads for transporting the mails. The provision in the act of 1873 is in the following language:

On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200; and $25 additional for every additional 2,000 pounds; the average weight to be ascertained, &c.

This act was amended in 1876 by reducing these rates 10 per cent., and later on, in 1878, by a 5 per cent. additional reduction.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. MONEY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted upon its amendments to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which were now in the custody of the Secretary of War.

The message further announced that the Senate had passed a bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

The message further announced that the Senate had passed a bill (S. R. 635) to permit Thomas O. Osborn, minister resident and consul-general of the United States at Buenos Ayres, to receive a symbolic shield from the Argentine Republic.

The message further announced that the Senate had passed a joint resolution (S. R. 121) to authorize the return to the Government of Great Britain of the Arctic relief steamer Alert.

The message further announced that the Senate had passed a joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session and continued the consideration of the Post-Office appropriation bill.

Mr. BLOUNT. Recurring to the act of 1873 it appears by calculation that for 200 pounds $50 is allowed, making the rate $25 per hundred pounds; on 500 pounds additional, $15 per hundred; on a thousand pounds additional, $10 per hundred; on 1,500 pounds additional, eight dollars and a fraction per hundred; on 2,000 pounds additional, $7.50 per hundred; on 3,500 pounds additional, $5 per hundred; on 5,000 pounds additional, $4.50 per hundred.

The Clerk has just read the provision of this bill as to the mode of compensation, but as it is short I will again read it:

For railway post-office service, at a rate of speed of twenty or less miles per hour from terminus to terminus, 5 mills per linear foot of space (inside measurement) per mile run; and for each additional two miles per hour to and including thirty miles per hour one-tenth of a mill, and for each additional mile per hour one-tenth of a mill.

The CHAIRMAN. The Chair is of opinion that it is unnecessary for the gentleman to show that the provision of the bill is a change of existing law.

Mr. BLOUNT. My object was to show not alone that it changed existing law——

The CHAIRMAN. The Chair will take it for granted that it changes existing law without further reading from the provisions of the law or the bill.

Mr. BLOUNT. The Chair does not apprehend my purpose in reading. I have no doubt that any man would be with me on the proposition that this bill changes existing law. I am not addressing myself

to that point at all. The object I had in reading the old law and the proposition of this bill was to show that it does not appear from the bill itself that there is any retrenchment of expenditures. If the Chair is with me on this point I have nothing more to say.

The CHAIRMAN. The Chair is very glad to hear the gentleman, but supposed he was reading the bill to show that it differed from the existing law.

Mr. BLOUNT. I had that purpose, but it was subordinate to my other purpose to show that it does not appear from a comparison of these acts there is any reduction. But I will not take up further time of the Chair or of the committee in reading the provisions of the bill; I take it that its terms are understood.

Now the rule declares that a provision changing existing law must, to be in order, retrench expenditures in one of several ways, either—

By the reduction of the number or salaries of the officers of the United States—

It is clear there is no proposition of that sort here—

By the reduction of the compensation of any person paid out of the Treasury of the United States—

I think it equally clear that it does not appear that there is any reduction in this respect—

Or by the reduction of amounts of money covered by the bill.

There is nothing in the term of the bill making a reduction in this respect. The proviso added to the rule is in this language:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, I do not understand that the Committee on the Post-Office and Post-Roads, having charge of this subject, has offered this proposition. But if it were so, still there is no retrenchment of expenditures appearing on the face of the bill, but on the contrary it is a debatable question whether there will be under this proposition any reduction of expense. It seems to me, reading the percentages of decrease under the old law in connection with the terms of this bill, without going into details, that this provision certainly amounts to an increase of expenditures. One gentleman argues, and very properly perhaps, that it will increase expenditures; another argues that it will decrease expenditures. It is a matter of calculation.

Mr. TOWNSHEND. Nobody will say that the provision of the bill as we now propose it will increase expenditures.

Mr. BLOUNT. It was only the other day when my friend from Illinois [Mr. TOWNSHEND] and my friend from Michigan [Mr. HORR] were disputing each other's calculations as to the compensation of one of these railroads.

Mr. TOWNSHEND. Yes; on one line.

Mr. BLOUNT. And that one line is a part of the calculation in ascertaining the final result. If my friend from Illinois should be mistaken as to the amount to be paid to that one road——

Mr. TOWNSHEND. I was not mistaken.

Mr. BLOUNT. I trust my friend will not interrupt me. I will take back any allusion to him, and will suppose that some other gentleman has made a calculation as to the effect on a given line of railroad and ascertained to his satisfaction that the figures showed on that line an increase, while some other gentleman upon another calculation has satisfied himself to the contrary. In order for the Chair to ascertain whether or not the general result is to retrench expenditures it is incumbent on the Chair to make a calculation as to every line of railroad. Now, I submit that no gentleman who has ever examined the rules, or sat under their operation in this House, will undertake to say that the Chair was ever charged with any such duty. It must appear from the terms of the bill, as a legitimate and logical result, not as a mere matter of calculation to be made by this and that member of the committee, that there is a reduction. It must affirmatively appear that the provision does retrench expenditures, and if it does so appear the proposition must have come from a committee charged with the subject-matter, which is not the case here.

Mr. Chairman, this question was ruled on first by Mr. KERR, when Speaker of this House; and I am apprised that the present occupant of the chair is familiar with that ruling, having been present at the time it was made, having frequently referred to it since, and having had occasion to rule on this very question several times. I shall not, therefore, take up time in citing rulings of the present occupant of the chair or any other presiding officer of this House, but will conclude my remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. ROWELL] desires to state a point of order, and the Chair will hear him.

Mr. ROWELL. Mr. Chairman, the point I desired to submit is substantially the same as that submitted by the gentleman from Georgia [Mr. BLOUNT], with the additional remark that this bill on its face shows possibilities, not of diminished expense, but of largely increased expense. This provision, for compensating railroads for carrying the mails goes upon the theory that weight, space, frequency, and speed are all to enter into the determination of the compensation.

The old law goes upon the theory that weight is to be considered except in case where space to the extent of a full car is required. But speed does not enter into the computation at all except in certain instances.

Now, there are possibilities of increased expenditures in this bill beyond what the committee has dreamed of, and which would satisfy the gentleman from Colorado [Mr. BELFORD] in his desire to open the doors of the Treasury. This bill provides for increased compensation where the frequency of service is increased without any necessary additional expense to a railroad company, because on the roads where a large weight of mail is carried, where it requires two or three cars for the accommodation of the mails if they are all carried on one train, it is to the destruction of it as a passenger train. Where divided up into three trains it is not only for the accommodation of the people but for the accommodation of the railroad company and diminution of its expense. But in the large number of railroads in the United States, where two passenger trains are run each day each way, there is but a single mail. This bill provides, although it is a light mail, that mail may be divided and be required to be carried on the two trains. When that is done there comes an immediate doubling-up of expense, and it shows it on the face of the bill. With three-fourths of the railroad companies in the United States pressing for such service and daily working up public sentiment all along the lines of these roads to press for that enhanced service, without an additional dollar of expenses to the railroad companies, and with the power to enhance it contained in the bill, we have doubling-up of compensation to be paid to railroad companies in three-fourths of the railroads of the United States.

Again, this bill provides for enhanced compensation according to increased speed. Not because it costs the railroad companies any more, for those trains which run twenty-two, twenty-four, and thirty miles per hour ordinarily are so run to accommodate the passenger traffic and the connections of the roads, and not to accommodate the mails. Where they are run specially for the accommodation of the mails we have special trains. But here is a gratuity in this bill provided for railroad companies who could not diminish the speed of their trains if they would and retain their passenger traffic.

So for frequency required which accommodates the company, for increased speed, and that the company must contain to retain its business, we are providing a gratuity without exacting of the railroad company any additional expense for carrying the mails.

But if any gentleman will take the trouble to figure and take up these roads which carry two and three mails a day under the compensation provided in this bill, he will find from one-third to double the present cost will come out of the Treasury. And if he will take the railroads which now run two passenger trains each way daily, but carry one mail, which divide that mail and carry it on two passenger trains, he will find again under the rating of this bill a largely increased expense.

It is the possibility shown upon the face of the bill to take money out of the Treasury to pay railroad companies I object to, and it is for that reason I prefer to see this section go out on a point of order.

Mr. TOWNSHEND. Mr. Chairman, if this proposition would result in increasing the compensation for railway mail transportation, every one in this House who is acquainted with my colleague on the subcommittee, the gentleman from Indiana [Mr. HOLMAN], and myself, would say we would be the two last members of Congress in favor of it. I say now if I could be convinced this scheme would result in increasing the enormous, unjust, and extravagant appropriations made for the railroad service of the country, I would go as far as he who goes farthest in denouncing and seeking to defeat this proposition.

At the last session of Congress my attention was called to this, and I feared it might result in an increase rather than in a diminution of the expenditures for that service. But since then I have had opportunities of consulting with those who know far more about this service than myself—who know far more about this service in my judgment than any one who holds a seat upon this floor—and they have convinced me beyond all possibility of doubt this proposition will result, as it stands in the bill, in saving to the Government over one million and a half of money a year. And in view of the great saving we are convinced will be accomplished by this proposition the Committee on Appropriations have reduced the amount of the estimates $1,000,000.

Now, as to the facts. Congress in 1883, authorized the appointment of a commission to consider this question and ascertain what would be the best method for compensating railroads and also do justice to the Government. In pursuance of that law three of the best experts which could be found in the Post-Office Department were selected. One Mr. Elmer, the late Second Assistant Postmaster-General; another, Col. W. B. Thompson, late chief of railway mail transportation service, and present Second Assistant Postmaster-General; and the third a gentleman by the name of Slater. These three gentlemen were furnished with clerks and all the means of thorough investigation. They had at their command the best experts in the Department and summoned to their aid the best experts in the country. They obtained information from every source open to them.

These men labored on this proposition for a period of eight months, and they labored patiently, industriously, conscientiously, and I believe most intelligently. They reached the conclusion that the saving to the Government would be at least $1,000,000 if the proposition now presented in the shape it is here presented in this bill should be adopted.

The present Postmaster-General in his annual report indorses the findings of this commission and recommends the adoption of this provision as the law. Now, what amazes me is to find, after so much time has been bestowed upon this subject, after so much patient labor and investigation on the part of experts and intelligent men acquainted with the subject which they have been investigating, that there is so much wisdom in some of the gentlemen on this floor that they are able to sit down during a few hours of a few evenings, notwithstanding their other engagements, and make such calculations and investigations as enable them, upon a multitude of matters before the House, to discover that all of the experience and all of the investigation and all of the knowledge and all of the information of these experts are worth nothing, and that they know better than those who have devoted so much labor and time to the consideration of the question.

Mr. Chairman, wherein is the economy shown upon the face of the proposition now before us? In the first place, under the present law the closed mail service of the Government, or what is known as the "sealed pouches," are carried in baggage-cars, to which no more attention is paid than to an ordinary piece of baggage. Under the present law we are paying as much for carrying that mail as we do or carrying the mails upon the splendid postal cars, furnished at lavish expense and all of the conveniences, comforts, and appliances that the postal cars are fitted up with, and on which our postal agents travel.

What do we do here by this provision? We simply change the rate of compensation for the closed mail by reducing it to one-half of the amount allowed for mails carried on postal cars furnished with agents, light, fuel, and other comforts and conveniences. We make them carry the closed pouches or bags of mail at about the same rate of compensation they receive for carrying ordinary baggage, and they certainly ought not to receive more. It involves no more expense upon them, and they furnish no better facilities. My friend from Georgia [Mr. BLOUNT] and my colleague from Illinois [Mr. ROWELL] want us to return to the old law, and pay as much for carrying the closed bags as for the conveyance of the mail on postal cars, fitted up, as I have said, with every comfort and all of the paraphernalia of the present postal system of the country. That, I claim, is one of the great savings proposed in this bill. That is where hundreds of thousands of dollars are saved to the Government.

That mail is treated like baggage and carried like baggage; wherein, therefore, lies the justice of demanding that the Government shall pay the same terms that passengers pay for all of the luxurious accommodations now supplied to the traveling public?

There is another saving to which I wish to call attention. This proposition dispenses with the payment for postal cars, which aggregates about $1,625,000 per annum. Take for instance this: We appropriated for the current year $1,600,000 to pay for postal-car service. This bill dispenses with that altogether. That item is stricken from the bill, and we do not appropriate a dollar for postal cars; and why? Because the new scheme, as you are pleased to term it, does away with the necessity for it; in other words, in making up the great aggregate of what is needed for the working of the postal-mail service, it is determined by these gentlemen that no extra allowance shall be made for postal cars.

Now, then, there is a saving in this item of over $1,600,000. What further saving do we accomplish? In the bill passed at the last session of Congress we appropriated $250,000 for special mail facilities upon certain railroads. We have stricken that item out of the present bill. In my judgment, there is no necessity for one dollar being appropriated for special mail facilities. Why? Because one of the features of this new scheme is to furnish sufficient inducements to the railroads to quicken their time and supply fast-mail facilities without extra compensation or special appropriation for it. That item, therefore, was stricken out.

What further appears? If you glance over the rate of compensation paid to the railroads of this country, you will find that the minimum amount paid to any road does not fall below $42.75 except in some half dozen instances. Now there are 1,600 railroads in the country, and the majority of them, I believe—and I speak now in general terms—are the small roads, to which we are now paying $42.75 a mile per annum. We by an amendment I shall offer to this bill reduce the amount of compensation, or rather fix the amount of the minimum limit of $40 a mile, saving to the Government $2.75 per mile upon most of these roads. The bill in its present shape fixes the minimum limit at $35 per mile, which is a saving of $7.75 per mile; but in order to protect these roads we have established the limit at $40 a mile.

Now, Mr. Chairman, I think we have witnessed rather a singular state of affairs in this House. My friend from Michigan [Mr. HORR], if the amendments we have reported from the committee, but which have not yet been inserted in the bill, are adopted, says those amendments will cause the compensation to railroads to fall far below the present law, and in reducing the compensation will do railroads great injustice. On the other hand, my friend from Georgia [Mr. BLOUNT], who I know is an economist and who desires to bring about economy, and who, if he believed as I do about this proposition, would be the first on the floor to advocate it, is operating to defeat it from an entirely different standpoint—from the belief in his mind that the proposition will result in increasing the aggregate in the appropriation.

I want to make one further point. As I understand we are not to be confined to the language of the bill for proof of economy. I hold in my hand the report of the Second Assistant Postmaster-General. He states on page 105 that under the present system more than half a million dollars of the public money is unnecessarily expended every year.

I hold also in my hand a report made by Mr. Lyman, the Second Assistant Postmaster-General, to the Committee on the Post-Office and Post-Roads, in which this language occurs:

> Under the plan proposed compensation would be made according to the amount and character of the service rendered in each case, and the result—

Mark the language—

> would be to decrease the cost of transportation by railroad per annum $1,687,980.

And he further says:

> Even if we relieve railroads of what is known as side-service or side-messenger service we should still save to the Government $1,000,000 a year.

Mr. BLOUNT. Will the gentleman permit me to ask him a question?

Mr. TOWNSHEND. I should like my friend to wait till I get through.

I say to you gentlemen if you succeed in defeating this proposition you will practically go hand in hand with the railroads in obtaining for them from a million to a million and a half of dollars more money from the Government than they would obtain if this proposition is adopted. I do not wish to argue the question further than to say I am convinced this proposition will reduce the expenditures.

Mr. HOLMAN and Mr. HORR rose.

The CHAIRMAN. Does the gentleman from Michigan [Mr. HORR] desire to sustain the point of order?

Mr. HORR. I desire to sustain it. The gentleman from Illinois [Mr. TOWNSHEND] has just been opposing it.

The CHAIRMAN. The Chair has heard two arguments on that side. He will now recognize the gentleman from Indiana [Mr. HOLMAN.]

Mr. HOLMAN. I intend to speak but for a moment on this question, as it is confined to a single point. It is conceded the provision of this bill changes the law. There is no doubt about that. The only question is, does it retrench expenditures? If it does retrench expenditures, that fact can be shown but by two substantive facts or two that I know of. The only question is whether those facts can be sufficiently shown or not.

In the first place this provision does itself reduce the amount of the appropriation. The appropriation made by the present law is something over $16,000,000, and the estimates of appropriation for the present year are $17,571,000. Now, that the provision reduces the amount to be appropriated will be readily conceded.

Mr. BLOUNT. Will my friend from Indiana allow me a question?

Mr. HOLMAN. Certainly.

Mr. BLOUNT. I wish to ask the gentleman if it does not happen almost annually that the estimate of the cost of the railway-mail service as made by the Committee on Appropriations, and as enacted into law by the two Houses falls short of the actual results?

Mr. HOLMAN. I concede that.

Mr. BLOUNT. Allow me to proceed a step further. With great deference to my friend's opinion, I ask him if that be true can he argue that the figures he puts in this bill are a sequence of the language he uses changing the law?

Mr. HOLMAN. That is just what I am coming to. I stated as my first proposition that the provision itself reduced the amount of the appropriation some $2,000,000.

Mr. BINGHAM. Simply on its face.

Mr. HOLMAN. Upon its face it does. But I do not regard that as sufficient. I freely concede—the Chair has so intimated a hundred times—that if that be sufficient, all you have to do is simply to reduce the amount and attach the provision coupled with that amount. On its face there is a reduction of expenditure; but at the same time it will be readily seen that taking the whole thing together, the amount indicated, the sum named, may not be the true sum.

Mr. DIBBLE. Will the gentleman yield to me for a question?

Mr. HOLMAN. For a question, certainly.

Mr. DIBBLE. It is this: Suppose that every road which is now running at a certain rate under this new act should increase its speed five miles an hour, would not that produce an increased expenditure which would do away with all your calculations?

Mr. HOLMAN. It would not do away with all the calculations. Those are elements entering into the cost.

Mr. DIBBLE. Does not that increase your present estimate?

Mr. HOLMAN. Not at all. That is one of the elements you have to consider in ascertaining the amount.

I trust I will have the ear of the Chair for a moment. I am suggesting that while this reduces the amount of the appropriation, that perhaps is not sufficient. Now, what additional evidence would be requisite to show that the plan proposed as it stands now in the bill, without any amendment, has the effect of retrenching expenditures?

What else can be relied upon with the exception of the official statement? I submit that the argument of the gentleman as to the probable results amounts to nothing upon a question like this, where you

have to lay down different premises from which to draw your conclusions. That, I say, amounts to nothing in such a case, because it is purely argumentative, and the reduction or retrenchment of expenditures must be a fact established by some statement that does not depend upon a mere deduction. Now, Mr. Chairman, the only additional fact that can be presented showing that this is really a retrenchment of expenditures is the official statement. That statement is embodied in quite a number of documents, but in no other place is it presented so tangibly or concisely as in a communication addressed to the chairman of the Committee on Post-Offices and Post-Roads last session by the Post-Office Department. The communication was dated February 14, 1884, and was signed by the Second Assistant Postmaster-General, one of the commission appointed by Congress to inquire into this service and report some plan to adjust and regulate the transportation of the mails. The language of that official statement is as follows:

> Under the plan proposed, compensation would be made according to the amount and character of the service rendered in each case, and the result would be to decrease the cost of transportation by railroad per annum $1,687,980. From this deduct the cost of delivery of mails to the offices recommended by the committee, $687,980; net saving per annum, $1,000,000.

Mr. BINGHAM. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Wait a moment. Allow me to complete my sentence.

Mr. BINGHAM. I merely want to know the gentleman's own position on this bill. That is all.

Mr. HOLMAN. Now, Mr. Chairman, computation by figures for the purpose of showing a certain result is a fact. It may be what is called a verbal fact, but still it is a fact. The official statement before the Chair and before the House is that the plans proposed by this commission and put into this bill would retrench expenditures to the amount of a million dollars per annum.

Mr. MONEY. Six hundred and eighty-seven thousand dollars.

Mr. HOLMAN. No; a million dollars.

Mr. MONEY. But the provision which has been cut out of the bill reduces the saving to $687,000.

Mr. HOLMAN. But we have cut that out. That would still further increase the expenditure. I am now taking this official statement. It is proposed by this Committee on Appropriations, instead of taking the plan which would reduce the cost a million dollars, to reduce that amount 20 per cent.; that is, to reduce the first element in the cost from 5 mills down to 4 mills, which is a reduction of 20 per cent.

Now, I have this to say, in addition to what I have said already, that if an official statement as to the results of a proposed amendment of the law, coupled with an actual reduction of the appropriation, is sufficient to show a retrenchment of expenditure, then a retrenchment to the extent of a million dollars and 20 per cent. more is shown by the amendment now submitted. I admit that the question is not free of doubt. I think no question of the kind can ever be entirely free of doubt. But it does seem to me (and I have urged this view upon former occasions) that upon a question of expenditure, inasmuch as the Departments of the Government make their estimates and Congress acts upon those estimates and has acted upon them for a hundred years, as the basis for legislation as to public expenditures—in view of that fact it does seem to me that the official statement may be taken into account in determining the question whether a given provision of law does or does not retrench expenditures.

Mr. BLOUNT. Mr. Chairman, I rise to a parliamentary inquiry.

Mr. BINGHAM. I want to ask the gentleman from Indiana a question.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. MONEY having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed a bill and joint resolutions of the following titles:

An act (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes;

Joint resolution (H. Res. 323) for the printing of the eulogies delivered in Congress upon the late William A Duncan; and

Joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. BLOUNT. I simply want to call attention to the fact that this same provision is contained in another bill pending in the House—a bill reported from the Committee on the Post-Office and Post-Roads.

Mr. HORR. As I understand this question of order it embraces but one point. The fact that the provision in this bill changes the law is of course admitted by every one. This provision is certainly out of order unless upon its face you can ascertain that it reduces expenses. Now, if the gentleman from Indiana [Mr. HOLMAN] will give me his attention I wish to read what he said upon this point on the day before yesterday:

> But the plan is strongly recommended. It is recommended by the superintendent of railway-mail transportation, and by this commission it is recommended—a commission appointed under the authority of Congress—a commission of very competent gentlemen.

Now mark this language:

> And yet I am compelled to say for myself that I do not believe it can be stated with reasonable certainty what will be the cost until the effect of the proposition shall be determined by actual experience.

That, Mr. Chairman, was wisely said. Why, sir, this bill as originally framed by my friend from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. HOLMAN] provided for 5 mills per linear foot. The commission that they talked so much about agreed upon 5 mills per linear foot. Let the gentleman tell me how he and his colleague on the committee happened to take water on this proposition for 5 mills and change it to 4 mills. You did it because I demonstrated to the subcommittee that in all probability it would increase the pay of the railroad companies.

Now, Mr. Chairman, no man can tell whether the proposition as now pending will increase or decrease the aggregate cost of this service. I defy any one here to tell me how many roads under this plan will get more than they at present receive and how many less. I do know that the compensation of the small roads which now get only a small portion of the money—$42.75 a mile up to $60—by this rule will be decreased. I do know that the compensation of a large number of roads running from New York city, carrying frequent and heavy mails, will even under the 4-mill rate be largely increased.

Is there any use in discussing this question when upon the very face of the provision it is utterly impossible to tell what will be the cost of this service under that provision? It can not come within the rule. What is the use of undertaking by our rules to exclude legislation on appropriation bills if we can admit a provision of this kind, where even the experts themselves do not agree as to the result?

Mr. TILLMAN. The probabilities are that it will result in an increase, because there is a premium offered for speed to the large roads that can make additional speed, and also a premium for frequency.

Mr. HORR. Undoubtedly there is a large discretionary power under this provision; and that is what the gentleman from Indiana meant when he said that no man could tell what the result would be until the experiment should be tried, because nobody can tell how many trains will be permitted to run; nobody can tell to what extent the roads will increase their speed. It is utterly impossible to get at any definite result at this time. Therefore I say the point of order is well taken.

The CHAIRMAN. The Chair has heard gentlemen on both sides, and is ready to decide the point of order.

Mr. TOWNSHEND. One word in reply to the last point made by the gentleman from Georgia [Mr. BLOUNT].

The CHAIRMAN. The Chair does not desire to hear any argument on that subject.

Mr. ADAMS, of Illinois. Before the Chair gives his decision I desire to ask a question. All this debate has been upon the entire provision. If the Chair should overrule the point of order, then I should desire to make a point of order as to a particular part of the provision to which the argument thus far made does not directly apply. I desire to reserve that right in case the point of order should be overruled. The argument up to this time has applied to the entire paragraph, yet it was clearly understood that points of order were reserved not only on every distinct paragraph but on every part of a paragraph.

Mr. BAYNE. I submit that for the purpose of expediting the public business all points of order should be made and settled now. I can see the drift of affairs here. I want these points made and decided so that we may get through with the public business. If there is any point to be made, I ask that it be made now and I ask a proper decision from the Chair.

The CHAIRMAN. The Chair would prefer to hear the point of order now.

Mr. ADAMS, of Illinois. I desire to make the point that the clause beginning in line 123 with the words "and in case of all special mail trains" down to the word "necessary," in line 129, is subject to a point of order under the third clause of Rule XXI, inasmuch as it changes existing law and does not retrench expenditures in any of the three ways indicated by that rule.

Mr. TOWNSHEND. The proposition must be taken as a whole—you can not single out a particular line.

Mr. ADAMS, of Illinois. That is exactly what we reserved the right to do.

Mr. CANNON. I ask the point of order should run, and therefore I make it, to the whole of the second paragraph, commencing in line 83 and closing with line 153.

The CHAIRMAN. The same point of order has been made by the gentleman from Georgia.

Mr. CANNON. I do not desire to detain the Chair further than to

state that as I read Rule XXI, this being a change of law it must retrench expenditure, first by reduction of the number or salary of officers—and that this does not pretend to do; second, by reduction of the compensation of any person paid out of the Treasury of the United States. There is where the claim comes in, and I deny it.

The gentleman from Indiana has made the only plausible argument, if it can be called plausible, against the point of order. He says you are remitted to the opinion of a bureau officer of the Government—that is, the Speaker is—whether or not a proposition is in order. I could play off against him the Postmaster-General lately in charge. Mr. Gresham expressly refused to recommend this.

Mr. TOWNSHEND. The gentleman is mistaken. He is not able to put his finger on a line of Mr. Gresham's to that effect.

Mr. CANNON. I am stating what the fact is.

Mr. TOWNSHEND. You can not show a line.

Mr. CANNON. He never recommended it, for the reason it would increase expenses.

Mr. TOWNSHEND. Let me correct the gentleman. If he will read Mr. Gresham's report he will find that he says that he does not recommend it because he did not study it.

Mr. CANNON. I only wish to say a word in conclusion. There is only one safe construction to this rule, and that is, where new legislation is proposed it must clearly appear on its face to the eye of the Speaker and to the Committee of the Whole it does retrench expenditure in one of the three ways mentioned in the rule. Otherwise you are at sea and any and all legislation is proper on appropriation bills. The surmises of any clerk or head of bureau or any other person amount to nothing.

Mr. ADAMS, of Illinois. I thought my method of stating this point of order was in the interest of the expedition of public business, because we can not assume the Chair is going to sustain or overrule the point of order. If the Chair does sustain the point of order there will be nothing more for me to say, but if the Chair is going to pass upon my point of order I now desire to be heard upon it.

The CHAIRMAN. The Chair is ready to decide the question. [Cries of "Decision!"] The gentleman from Georgia [Mr. BLOUNT] makes the point of order on the part of the bill read by the Clerk that it is new legislation and does not retrench expenditure. He has cited clause 3 of Rule XXI as that to which this provision is obnoxious. The Chair desires to call attention to that part of the rule applicable to this case:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is admitted this provision does change existing law. The only question for the Chair to decide is whether it retrenches expenditure in one of the ways pointed out. If it does reduce the compensation of any person paid out of the Treasury it would not be subject to the point of order. A corporation is a person and receives compensation for carrying the mail, and if that is reduced by the provisions of this bill the point of order can not be well taken.

How is the Chair to determine whether the compensation to be paid to railroads in this clause is reduced? The Chair does not understand that reduction must appear on the face of the bill itself. The present occupant of the Chair heretofore in deciding questions of this kind has held the Chair might take into consideration every fact which a court could take into consideration in determining similar matters, and could take into consideration not only the face of the bill but previous appropriations for this purpose under existing law, and also official reports of the Departments of the Government.

The question whether there is reduction is one of fact, and the Chair concedes that can not be determined here by taking evidence on either side, but must appear in some official way and be brought to the attention of the Chair and committee from reports submitted by the Departments.

From the law passed at the last session for the same purpose it appears there is a reduction of expenditure by this bill, and the Chair therefore to that extent overrules the point of order.

Now, in reference to the question of order raised by the gentleman from Illinois on the left [Mr. ADAMS], as to whether a certain clause of detail here is in order or not, the Chair does not see that that clause is in order under the rule. He can not see that it relates to the question of reduction in any way; and is inclined to hold, if the point of order is made upon it, that it should go out of the bill. As there are many clauses in the bill, however, they must of course be taken altogether in consideration by the Chair in determining the point of order.

The Chair overrules the point of order.

Mr. HOLMAN. There was an additional point of order.

Mr. BLOUNT. I made an additional point of order that there was a bill of the same nature and substance pending.

The CHAIRMAN. The gentleman from Georgia made an additional point of order——

Mr. TOWNSHEND. It strikes me that, the question having been submitted to the Chair and ruled upon, it is too late to raise a new question of order.

The CHAIRMAN. The Chair thinks the point of order was made in time. The gentleman from Georgia made the further point of order that this provision is not in order because it is the substance of a pending bill. That point would be well taken if the proposition now before the committee were moved as an amendment.

The rule provides, clause 4 of Rule XXI:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

This is not an amendment, but a provision in an original bill; and the Chair has before it two bills, coming from two different committees, containing the same substance; but the Chair is not to say whether one committee or the other was entitled to report the same, but finds them here as original bills, and therefore not being an amendment to the pending bill, the point of order is overruled.

Mr. BLOUNT. I desire to appeal from the decision of the Chair as to the first point of order raised.

The CHAIRMAN. The gentleman from Georgia appeals from the decision of the Chair on the first question of order.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. TOWNSHEND. Let the question be stated.

The CHAIRMAN. The gentleman from Georgia appeals from the decision of the Chair upon the point of order made by him, to wit, that this proposition is new legislation and does not retrench expenditures.

Mr. NICHOLLS. That point came too late.

The CHAIRMAN. The Chair thinks not, and will entertain the appeal.

Before submitting the appeal the Chair desires to state that there is some doubt as to the propriety of the ruling, but the Chair has uniformly held that it was proper to rule such doubt in favor of submitting the proposition upon its merits to the committee, believing the committee to be the better judge of the proposition than the Chair; and hence the Chair will not exercise the arbitrary power of ruling out the proposition where any element of doubt exists.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division there were—ayes 30, noes 53.

Mr. TOWNSHEND. Let us have tellers.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers.

Mr. TOWNSHEND and Mr. BLOUNT were appointed tellers.

The committee again divided; and the tellers reported—ayes 52, noes 94.

So (no further count being demanded) the judgment of the Chair was overruled and the point of order sustained.

The CHAIRMAN. The Chair desires to state that on this point of order which has been sustained by the committee all that part of the bill from line 67 down to and including line 153 goes out.

Mr. NICHOLLS. I wish to submit an amendment.

Mr. HORR. Before passing from this section I desire to offer the proper amendments which are made necessary by going back to the present plan and striking this provision out of the bill.

The CHAIRMAN. The gentleman from Georgia has been recognized to offer on amendment.

Mr. HORR. I presume the gentleman from Georgia desires to offer an amendment to this section which should first be perfected.

Mr. NICHOLLS. I will withdraw for the present.

Mr. HORR. The gentleman from Illinois will observe that I shall move to strike out the words "for inland mail transportation" $15,265,000, and insert $14,010,000. I shall also move to insert after this clause "for railroad and postal-car service" $1,765,026, these being the estimates of the Department for the expenses under these two items under the rule that now exists.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The Clerk read as follows:

In lines 61 and 62 strike out "$15,265,000" and insert "$14,010,000," and at the end of line 66, for railroad postal-car service $1,765,026.

Mr. TOWNSHEND. Mr. Chairman, we are now about to vote upon a question of taking over half a million out of the Treasury. It is proposed to insert an item in this bill which will effect that result. I do think the committee ought to listen to whatever reason may be shown for it as well as what answer may be presented against it.

The CHAIRMAN. The committee will be in order and public business will be suspended until order is restored upon the floor.

Mr. TOWNSHEND. I shall yield to hear the gentleman from Michigan before proceeding to oppose the amendment.

Mr. HORR. At the request of the gentleman from Illinois I desire to state to the House that the two sums I have fixed upon are precisely the amounts that the Post-Office Department estimates it will take for this branch of the service under the present rule, omitting the Pacific railroads as they have been omitted in the past. I wish to say to the committee that this is an item which I am not strenuous about, because it is not determined at all by the amount we appropriate. Last year

we appropriated a good deal less than the gentleman from Illinois well knows it was going to take to run that service. There is a deficiency already of $975,000 or $750,000, I am not sure which.

Mr. TOWNSHEND. Eight hundred and fifty thousand for that service.

Mr. HORR. Yes, $850,000 is what the service costs more than was appropriated last year.

Mr. BLOUNT. Is that for the year 1884?

Mr. HORR. No, sir; it is for this fiscal year, being within a few dollars of the amount the Post-Office Department said it would require in their estimates. But the gentleman from Illinois and the gentleman from Indiana succeeded in cutting it down, and now we have to make it up by a deficiency.

Mr. TOWNSHEND. We gave the estimates of the Department.

Mr. HORR. I beg your pardon. The gentleman was mistaken yesterday, and he is mistaken now. This was one of the items we cut down.

Mr. TOWNSHEND. We reduced the item a million because the Department said we could do so if this scheme was adopted.

Mr. HORR. I am talking about the appropriation made last year. There is a deficiency for the current year of the amount I have named.

Mr. TOWNSHEND. That is correct as regards the estimates of last year.

Mr. HORR. I fix this amount in my amendment because it is the amount which the parties best able to judge say the service will take. Now, it does not make any difference whether you appropriate $6,000,000 or $16,000,000 or $20,000,000. It has got to be paid any way, and to be paid according to the law upon the weight that the railroad companies carry, so that you will not cripple the service by refusing it. I can not appeal to you on that ground. But if you want to make a law so that there will not be a deficiency to provide for next year you will have to vote the sum I have named. If you prefer to cut it down a million dollars, and then next year appropriate a million to make up the deficiency, simply for the purpose of making this bill look smaller than it really is, you can do that. There is no law to prevent it; nobody can prevent it.

But this is not a year, Mr. Chairman, that we need to make such appropriation bills. Last year in the discussion of these bills we were told repeatedly that "this year" this thing ought not to be done. But now we are in another year. We are entering upon a new era. The distinguished gentleman who is to occupy the Presidential chair the next four years has not called upon me yet to give him any advice as to his Cabinet or policy. I do not know why he has not done so. [Laughter.]

Mr. TOWNSHEND. He will call upon you.

Mr. HORR. If he should, I could tell him there is one gentleman in this House who understands the Post-Office business and has shown it in this debate; and I am glad to find there is one Democrat who not only understands it, but who is willing to stand up and declare his views upon it here on the floor of the House.

Mr. TOWNSHEND. I hope I will not be interrupted during the five minutes I am entitled to on this amendment. The gentleman from Michigan [Mr. HORR] has said rightly we have inaugurated a new era. We have done so right here and now, and it is an era of extravagance, of unnecessary appropriation of the people's money; and I quote the language of the officials of the Post-Office Department in saying so. When the proposition that was ingrafted upon this bill was stricken out the Treasury of the United States lost, according to the amendment of the gentleman from Michigan, over half a million of dollars. And the position of the Post-Office Department and of the Committee on Appropriations and the argument used by the gentleman from Indiana and myself could not have been more quickly sustained by its adversaries than it has been sustained by the motion of the gentleman from Michigan.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I rise to a question of order. The gentleman from Illinois is lecturing the Committee of the Whole House on the state of the Union for what it has done.

Mr. TOWNSHEND. I decline to be interrupted.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. TOWNSHEND. The Committee on Appropriations in this item of $15,265,000 gave every dollar that was estimated by the Department, taking out an appropriation for the Pacific railroads, which the gentleman from Michigan admits must come out of the bill. Now, as soon as this provision is cut out of this bill the gentleman from Michigan, who insisted this system would increase rather than cut down expenditures, comes to the front with a proposition increasing the appropriation to the service over half a million dollars, and perhaps this House will sustain him in it. That is the logic of it. Our proposition in the bill gives the Post-Office Department every cent that was asked for. We gave the full estimate of the Post-Office Department.

Mr. HORR. I will ask the gentleman does the amount fixed in this bill under either plan show at all what the real expenditure will be?

Mr. TOWNSHEND. No, sir; but the Postmaster-General says if we give his estimates we will give every dollar that is needed. And the Second Assistant Postmaster-General says now, "If you give us our estimates and adopt this new scheme, then you may deduct from this amount $1,000,000." That is just what the Appropriations Committee did. The gentlemen who opposed the proposition all insisted that our scheme was increasing the expenditures, and now upon the heel of that declaration one of the principal opponents of the proposition comes in and asks that we shall give an additional sum of over half a million dollars. Was an instance ever seen where the champion of the opposition has so quickly and so readily confessed that his opponent was right? By his action he now admits we were right in declaring that the scheme brought about economy and reduction instead of an increase. The gentleman is compelled to take the back track; he is compelled to go back upon his argument, for we in our scheme gave every dollar the Department asked. And now you come in and demand, after that provision has been stricken out, that we shall give over half a million more.

Now by striking out that provision, according to the confession of the gentleman from Michigan [Mr. HORR] himself, the Treasury loses over half a million dollars that will go down into the pockets of the stockholders of the railroad companies, and the Second Assistant Postmaster-General brands the appropriation as "an unnecessary use of the public money." I leave it for this committee to determine whether they will adopt the gentleman's amendment or not.

Mr. BAYNE. Mr. Chairman, I move to strike out the last word of the amendment. I want to be heard for a few moments at this point.

There are now six appropriation bills, large ones, pending, and four of them in the hands of subcommittees: The fortification bill, which appropriates over $7,000,000; the naval appropriation bill, which has just reached the full committee, and which appropriates $30,000,000; the sundry civil bill, which is in the hands of a subcommittee, and which appropriates $32,000,000; the deficiency bill, appropriating $8,000,000, also in the hands of a subcommittee; the legislative, judicial, and executive appropriation bill, which is on the House Calendar and not acted upon; the Post-Office appropriation bill, now under consideration; and the other appropriation bills in the Senate and not sent to the President—only one little bill appropriating $310,000 having yet gone to the President.

There are but sixteen legislative days remaining in which to act upon these bills. In the last Congress it took nineteen days to pass the number of bills now unacted upon here, and yet we are frittering away our time and necessitating an extra session of Congress.

Mr. HORR. What of it?

Mr. BAYNE. And, Mr. Chairman, it looks to me, although disclaimers have been made, as if there is a contrived plan here to force an extra session. It looks to me as if it were the purpose of the men who are delaying the appropriation bills to dump them in on the Senate at the end of the session, too late for action and then try to put upon the Senate the blame of making an extra session necessary. Where is the chairman of the Committee on Appropriations found urging this legislation? What has come of the promises made before the session began, that the Committee on Appropriations would sit before the convening of Congress and during the recess, so as to perfect the appropriation bills and have them ready for the action of the House? Nothing ready, nothing acted upon; yet we spend hour after hour here in endless discussion.

Here is your Committee on Post-Offices and Post-Roads proposing new legislation, when you know that the Senate will strike out every bit of new legislation that you put into this bill—everything that changes existing law. You have that notice, and yet you introduce this new legislation into this bill. Why do you introduce it? I can see no other purpose lying back of this than a design on the part of the Democratic members of Congress to delay legislation so as to remain here and be in Washington when the new President takes his seat, so that they may go to him and make appeals for appointments to office, and thus avoid the necessity of pilgrimages from their homes under circumstances which might make it less likely that they would be granted the favors they seek. I see in this action a determined purpose on the part of the majority of the House to force an extra session of Congress; but the country does not want an extra session, and the country will hold this Democratic majority responsible if there shall be one.

Mr. TOWNSHEND. The gentleman is unnecessarily alarmed; there will be no extra session. There is no danger of it.

Mr. BLOUNT. Mr. Chairman, I regret to have occasion to say one other word in reference to this bill; but my friend from Illinois [Mr. TOWNSHEND] has, I think, been doing great injustice to his colleagues on this floor. The gentleman from Michigan [Mr. HORR] moves that the amount estimated by the Post-Office Department as necessary for the next fiscal year shall be inserted in this bill. That estimate was made under the law of 1873; the rates in that law were reduced 10 per cent. on the motion of the gentleman from Indiana [Mr. HOLMAN] during a period of great financial distress in 1876, and that reduction was followed, upon the recommendation of the Committee on Appropriations (I having charge of the bill), by an additional reduction of 5 per cent. That is the law that Congress was content to act under in a period of great financial pressure, and we have gone on with it from that time until the present; and now at this late hour, when we are embarrassed from lack of time to consider properly a proposed revolution in the mode of compensating the railroads, the result of which, as to the amount of expenditure it would involve, is certainly debatable, my

friend from Illinois [Mr. TOWNSHEND], assuming his own conclusions to be absolutely correct, and ignoring and contemning the conclusions of honest and reputable associates upon this floor, stigmatizes them as seeking to squander the public funds.

Mr. TOWNSHEND. The gentleman is entirely mistaken. I never made any such expression.

Mr. BLOUNT. Well, I will withdraw that remark for the sake of being allowed to go on without interruption.

Now the gentleman from Michigan offers an amendment in the terms of the estimate. It has rarely happened that gentlemen on either side, when in control of legislation here, have asked for the amount of the estimates, and on this item, so far as I know, they have always gone below the estimate. But the gentleman from Illinois, refusing to follow his own practice upon the subject and the practice of both sides of the House, prefers to let the estimate stand, to magnify the accusation against his associates on this floor. I submit that the gentleman is not dealing liberally and kindly with us. If he thinks the amount estimated for is too large and will ask to reduce it, I will co-operate with him.

The gentleman from Michigan has repeatedly stated that the law fixes the compensation to be paid to the railroads; there is no room for any discussion upon that point. It is a matter of weight—so much per pound. If the railroads do not carry enough to earn the whole amount appropriated, the money will be unexpended. If the appropriation should not be sufficient to pay for the amount actually carried, the Government will be bound to recognize the deficit in a deficiency bill.

Mr. HOLMAN addressed the Chair.

The CHAIRMAN. Debate on pending amendments is exhausted. As the Chair understands, the *pro forma* amendment is withdrawn.

Mr. HOLMAN. Mr. Chairman, I renew the *pro forma* amendment. I think the gentleman from Georgia [Mr. BLOUNT] does not present this case exactly as it should be presented. Of course there may be some facts which are not generally understood. There was a fixing of compensation of railroads in the act of March 3, 1873, but that act, in the face of reduced wages of labor and a general reduction of prices throughout the country, increased enormously the rates to be paid to the railroad corporations—increased those rates beyond the compensation paid during the whole period of the war and the era of inflation immediately following. The only effect of the acts of 1877 and 1878 was a reduction of 15 per cent. upon the previous extravagant rates, the first act making 10 per cent. reduction and the second 5 per cent. reduction.

Mr. BLOUNT. Will the gentleman allow me a moment?

Mr. HOLMAN. I have but little time, but I must yield to my friend.

Mr. BLOUNT. The gentleman himself had charge of the appropriation bill in 1876, and asked for a reduction of only 10 per cent.; and it was conceded.

Mr. HOLMAN. There was a reduction of 20 per cent.; and that was a compromise between the two Houses.

Mr. BLOUNT. Not at all; my friend reported it from the Committee on Appropriations as an original proposition.

Mr. HOLMAN. I think the gentleman will find it was 20 per cent. that we compromised on then.

Mr. BLOUNT. Oh, no.

Mr. HOLMAN. Well, after a lapse of ten years I will not undertake to say who is correct in this matter.

Mr. BLOUNT. I will.

Mr. HOLMAN. Well, I will run the risk myself, if the gentleman is so confident. [Laughter.] But I like to be cautious in my statements.

Now, Mr. Chairman, the fact is manifest that the increase for the coming year over the present year, if we appropriate on the basis of the present year, must be over $3,000,000. I think gentlemen have not looked into this subject of the increase in the cost of transporting mails by railroad. I wish to call attention to the amounts paid during the last four years. For 1882 the appropriation for this service was $10,914,292; for 1883, $12,681,000; for 1884, $13,275,000; for 1885, $14,375,000. The estimate for the coming year is $17,559,205, an increase of $3,184,205 over the present year; so that, according to this rate of increase, the appropriation which we shall be called upon to make next year for this service will be more than $20,000,000. Gentlemen must see that this increase of expenditure must be arrested. Certainly we know that this is not a legitimate and honest increase.

Gentlemen must certainly be aware, if they will take the weighing over any road of which they have knowledge, that the great defect is the one we have been trying if possible to correct. From this system frauds upon the Government have resulted. My attention is called to the case of a single road where, upon a recent weighing, the weight was run up from 5,000 pounds to 18,000 pounds per day, although there was no reason to suppose any very material increase of business since the last weighing; and on the basis of this increased weight that road is now being paid. I desire to arrest in some small degree this extraordinary increase in the charges for this service. We are now paying $25 per mile per annum for the transportation of each 2,000 pounds of mail matter daily over and above 5,000 pounds.

I ask the committee to consent to reduce that to $20 per mile. Gentlemen will see the enormous increase is on the great trunk lines. I know when they do a large amount of business they can afford to carry the largely increased body of mails on a lower basis than a less amount. I hope the committee will consent to reduce that excess of 2,000 pounds of daily transportation over and above 5,000 pounds from $25 down to $20—that at least ought to be insisted upon by my colleague on this committee—and limit the amount paid to any railroad corporation to $600 per mile per year. The basis fixed a few years ago was $300. This act of the 3d of March, 1873, removed that limitation of $300 per mile and left us without any limit, so that you are paying beyond $1,000 per mile per annum.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I offer as an amendment the following.

The CHAIRMAN. The Chair understands the *pro forma* amendment is withdrawn.

Mr. HOLMAN. I desire to offer my two propositions together, which I ask to be read.

The CHAIRMAN. Is this offered as a substitute?

Mr. HOLMAN. No; but as an amendment in addition to the pending amendment.

The Clerk read as follows:

Provided, however, That the pay per mile for transportation of the mails by railroads shall not exceed $20 for each additional 2,000 pounds transported in addition to the 5,000 pounds of mail matter transported daily by any railroad under the provisions of section 4002 of the Revised Statutes; and the pay for transporting the mails by any railroad shall not exceed $600 per mile per annum, and the second clause of said section is amended accordingly: *Provided further*, That railroad companies whose railroads were constructed in whole or in part by land grants made by Congress, on the condition that the mails should be transported over their roads at such price as Congress by law should direct, and the railroad companies incorporated under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, shall hereafter receive for the transportation of the mails over their respective railroads only 80 per cent. of the compensation authorized by this act; and the said act approved July 1, 1862, and all acts amendatory thereof, are hereby amended to conform to the foregoing provisions; but the right of the United States to further amend said act, or any act amendatory thereof, is expressly reserved. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. HOLMAN. I wish to call attention, if gentlemen will allow me, to the fact that this last proposition simply extends the postal laws to the Union Pacific Railroad. It puts that railroad under the same law which regulates the transportation of mails over the other land-grant railroads.

Mr. REAGAN. Mr. Chairman, I desire to say in regard to the first amendment of the gentleman from Indiana I am disposed to favor it, and under his explanation the second proposition too. Up to 1873 the maximum rate paid to first-class railroads for carrying the mails was $300 per mile per annum. When night service was performed on such rate 20 per cent. might be added, so that no road for any service could receive more than $375 per mile per annum for this service up to 1873. That year the law was changed and a different mode was adopted for compensating the railroad companies for transporting the mails. Under that law the compensation to some of the first-class roads reached $1,000, and more than $1,000, a mile, which was a change in a single year.

I remember, in an investigation made by the Committee on Expenditures in the Post-Office Department during the Forty-fourth Congress, soon after this change was made, it was developed a single road south of the lakes, carrying mails for $75 a mile, was under that act given $750 a mile for carrying the mails.

Other changes subsequently took place in the law, and each time we have been told in the interest of economy. Now the maximum paid to the largest of these roads I am informed is over $2,000 a mile. So in eleven years the rate of compensation has been increased nearly fourfold. Fortunately for the country, I think, on a question of order another change was stricken from the bill this morning that would have greatly augmented the pay of these first-class roads, and in my judgment would have increased it to not less than $3,000 per mile per annum.

I think the amendment offered by the gentleman from Indiana is in the right direction, and it is the right thing that the House should sustain it. Certainly $600 a mile ought to be sufficient compensation. Under the new plan of compensation it is arranged to have a minimum rate of speed, and to increase the compensation if the speed is increased. It is proposed, too, to fix as part of the basis the car-space occupied and the number of trips.

Mr. BINGHAM. That is out on a point of order.

Mr. REAGAN. It is in the existing law.

Mr. BINGHAM. They are simply paid on weight.

Mr. REAGAN. Various kinds of ingenious machinery are used to multiply the price of railroads for carrying the mails. They ought to be properly compensated. I know it has been said in justification of this that improvements have been made in the service by providing postal railway clerks whose duty it is to distribute the mails as they pass along without the necessity of delaying them by distribution at various points. There is an advantage in that, and due allowance ought to be made for it. But I undertake to say that there is no railway in

this country carrying passengers or merchandise of any kind that can earn $600 a mile per annum carrying one, two, or three cars.

[Here the hammer fell.]

Mr. HORR. The gentleman is mistaken; if he will figure it out he will find he is mistaken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman to oppose the amendment of the gentleman from Indiana.

Mr. CANNON. That was my purpose in rising.

The CHAIRMAN. This, being an amendment to an amendment, is subject to ten minutes' debate, and the Chair recognizes the gentleman for five minutes in opposition.

Mr. CANNON. I was temporarily absent, Mr. Chairman, when this amendment was proposed by the gentleman. I have noticed it, however, at the Clerk's desk, and I see it contains a provision that the pay of no railroad for the transportation of the mails shall exceed $600 per mile per annum.

If gentlemen present will understand what the law is they will find that this amendment is not in the direction of economy but is absolutely in the direction of extravagance; and I can demonstrate it in a moment. Section 4002 of the Revised Statutes provides what the compensation of railroads shall be up to 5,000 pounds per mile per annum, or at the rate of $200 per mile. Then for every 2,000 pounds of mail matter in excess of 5,000 pounds provision is made for payment at the rate of $25 per ton per mile per annum. In other words, you pay for the additional matter not more than one-fourth of what is paid for the first 5,000 pounds.

Now, the result of the adoption of the amendment of the gentleman from Indiana will be to take these mails and distribute them among the various roads at the highest price; whereas if you allow the mails to seek the roads where they would naturally go, the roads being willing (not all the time, but generally) to carry them, you get the bulk of your mail carried at the lower rate, or $25 per ton per mile per annum.

Mr. HOLMAN. Will the gentleman from Illinois allow me a moment? I ask if that can be done without the connivance, and the dishonest connivance, of the railroad officials?

Mr. CANNON. Another thing: There are many gentlemen who want an appropriation for special mail facilities under the present law to roads which get all of the compensation that is provided by the statute to which I have referred. You take $250,000 to get fast-mail facilities from New York city south. Nearly every dollar of that appropriation is spent on Southern roads.

Take this mail train from New York west to Chicago, to Milwaukee, to Minneapolis, to Portland, Oreg., to Omaha, and to San Francisco, and you get fast mail there without a dollar expended for special mail facilities; and how? Simply owing to the fact that the Post-Office Department masses the mail at the cheaper rate on a given line of road.

The Department says to the railroad companies, "Take this mail and give us a certain speed, and we will mass the mail on your road." The Department can save money by the operation, and although by massing the mail on a given line of road at the cheaper rate it may increase the pay of the road $1,000 or $2,500 per annum, still the entire bulk of the mail is carried at the cheaper rate, and the Department gets fast-mail facilities without the expenditure of a dollar. On the contrary, it saves the expenditure of large sums of money.

In other words, under wise administration it is cheaper to give fast-mail service to the people than it is to give slow service and divide the bulk of the mails among the different parallel lines of railway. But the moment you cut the appropriation down to $600 per mile per annum good-by to your cheaper carriage, and good-by to your fast-mail trains. It cuts the service up by the roots. Now I am not in favor of reducing their pay so as to compel them to accept an unfair price. I doubt whether generally they get too much or any too large a price for the service now; but I want to pay for the service what it is fairly worth. In conclusion, I do beg of gentlemen that they will not come here and seek to cripple the service that has been settled by wise administration under existing law for nearly fifteen years without sufficient investigation, because when they do they will find that great damage is done to the country at large.

[Here the hammer fell.]

Mr. TOWNSHEND. I move to strike out the last word.

The CHAIRMAN. The debate upon this amendment to the amendment is exhausted. The Chair can not entertain any other amendment until the pending amendments are disposed of. There is an amendment in the second degree pending unless the gentleman from Indiana withdraw it. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. Let us have a vote.

The CHAIRMAN. The question is upon the amendment to the amendment submitted by the gentleman from Indiana.

The question was taken; and on a division there were ayes 22. Before the negative vote was counted,

Mr. HOLMAN said: I will not insist upon a further count, as I think the sentiment of the House is manifestly against the measure.

So (no further count being demanded) the amendment to the amendment was not agreed to.

Mr. HOLMAN. I now ask the House, and I suppose there will be no objection to it, to adopt the last provision of the amendment, putting the Union Pacific system on the same footing as the other land-grant roads in this country. I think even my friend from Michigan will not object to that.

Mr. HORR. Why, it is the most useless thing in the world to do, and the gentleman knows it.

Mr. HOLMAN. I offer it then as a separate proposition. The gentleman knows as well as any other gentleman upon the floor, that we have no law imposing any limitation whatever upon the transportation of the mails on the Union Pacific system of roads.

Mr. BINGHAM. We have a decision of the Supreme Court in the last week.

Mr. HOLMAN. And the decision of the Supreme Court, as well as the Court of Claims, is to the effect that we have not extended the system to embrace these roads; in other words, that we have no law which applies to them in this respect.

The CHAIRMAN. The Chair is of opinion that it is not now in order for the gentleman to offer the proposition which he has just submitted, since it has been already rejected by the committee.

Mr. HOLMAN. Not that proposition, Mr. Chairman, but combined with another. This proposition is simply a part of the proposition formerly submitted.

The CHAIRMAN. The committee rejected both propositions by the vote on the question which was submitted. The gentleman could have called for a division of the propositions but he did not do so. They were both submitted to the committee and were both rejected.

Mr. HOLMAN. I was not bound to call for a division. Does the Chair decide that when a proposition is submitted, which contains two substantive propositions, and they are voted down together, you can not offer as an amendment any portion of the matter voted down? I submit that that is done every day.

The CHAIRMAN. The Chair holds that when two substantive propositions are submitted to the committee in one vote and they are voted down, it is not in order to submit one of them again. It was in order to demand—and the rules provide for a division of substantive propositions if demanded; but the gentleman from Indiana failed to ask for that.

Mr. HOLMAN. I do not appeal from the decision of the Chair, because the matter is not of sufficient moment, perhaps, to justify an appeal.

Mr. TOWNSHEND. I move to strike out the last word.

I do not think my usually well-informed friend from Pennsylvania [Mr. BAYNE] was advised of the amount of work that the Committee on Appropriations have already accomplished, or of the condition of the business of the House or of the Senate either, when he sought to make an attack upon the action of that committee. This Post-Office appropriation bill has been pending before this House over ten days. It was kept back during all last week by the bill the gentleman himself has been pressing. I think that he himself owes it to the House to give an explanation of what has occurred in keeping back an important appropriation bill such as this in order to push the river and harbor bill.

Mr. BAYNE rose.

Mr. TOWNSHEND. I do not want to be interrupted.

Mr. BAYNE. But I desire that the gentleman shall not misrepresent me. I voted against my own committee to take up this bill.

Mr. TOWNSHEND. I am glad to hear that the gentleman appreciated the importance of this bill. But what I want to say is this: We have now two bills before the House, the present Post-Office appriation bill and the bill making appropriations for the legislative, judicial, and executive expenses of the Government. The bill I have last mentioned is the most voluminous bill that comes from our committee. [Cries of "Vote!" "Vote!"] It has more items in it and more pages in it than any other bill. I hope these demands for a vote will not come out of my time.

I want to let the gentleman further understand that the Committee on Appropriations have sent to the Senate two bills that they have not yet taken any final action upon. So the Senate has abundance to do in disposing of those appropriation bills whilst we are maturing this bill.

The Committee on Appropriations is pressing every day for action upon this bill. During the last two days the time of the House has been frittered away in my judgment by very frivolous motions and pretexts.

A MEMBER. Mr. Cleveland has been counted in.

Mr. TOWNSHEND. The Committee on Appropriations is doing its utmost to press action upon its bills. I want to say about the amendment offered by the gentleman from Michigan [Mr. HORR] that I intended no reflection on any member of this House by the remarks which I made to which the gentleman from Georgia [Mr. BLOUNT] took exception. I am satisfied, Mr. Chairman, if the gentleman from Georgia had understood that proposition as I believe I understand it, and as I believe the officers of the Post-Office Department do, I would have found in him a strong and potent champion of it on this floor, because I am satisfied he would have been impelled by his love of economy to seek its adoption.

I wish also to say that the amendment of the gentleman from Michigan is not so far out of the way as I feared it was at the start. The defeat of the proposition stricken out of this bill does render necessary a large increase in the appropriation, provided you desire to give the estimates of the Department. The Committee on Appropriations provided every dollar the Department estimated for. That was the point I wanted to make. We took the estimates of the Department, and under the advice of the Department we cut down those estimates $1,000,000, provided this proposition should be adopted.

The *pro forma* amendment was withdrawn.

Mr. BROWNE, of Indiana. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. I want to know if the committee talks all of the time, and does not vote at all, whether we can avoid an extra session of Congress.

The CHAIRMAN. That is not a parliamentary inquiry. The question is on the amendment submitted by the gentleman from Michigan [Mr. HORR].

Mr. HISCOCK. I submit that in the discussion which shall take place on this bill in the future gentlemen should be confined to the bill and not be allowed to discuss the question whether their side of the House or the Senate is responsible for delay.

Mr. WARNER, of Ohio. Or that side of the House.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

Mr. HOLMAN. I ask that it be read again.

The Clerk read as follows:

In lines 61 and 62, strike out "$15,265,000" and insert "$14,010,000."
Also, at the end of line 66, insert the following: "For railway postal-car service, $1,765,026."

The amendment was agreed to.

Mr. NICHOLLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 153, insert:
"For necessary and special facilities on trunk lines, $266,764."

Mr. TOWNSHEND. I make the point of order on that amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order on the amendment. He will please state it.

Mr. TOWNSHEND. I ask that the amendment be read again.

The amendment was again read.

Mr. TOWNSHEND. I make the point of order that there is no law authorizing the appropriation and that it does not retrench expenditures.

Mr. NICHOLLS rose.

The CHAIRMAN. The Chair will hear the gentleman from Georgia on the point of order.

Mr. NICHOLLS. That amendment is in the precise language of the present law. In the last session a similar amendment was offered to the Post-Office appropriation bill and was ruled out upon the point of order. The bill went to the Senate, and it was there amended as had been proposed in the House, and this amendment is in the precise language of the law as it now exists. Therefore, while at the last session the point was probably well taken, yet surely it is not so now, because this amendment is the law just as it stands. This increase is necessary. There is no question about that. Unless this amendment be adopted we get no fast-mail service at the South.

Mr. TOWNSHEND. Mr. Chairman, this same amendment was offered at the last session, and the same point of order was made and was sustained.

Mr. NICHOLLS. But the law was not then as it is now.

Mr. TOWNSHEND. The year before an appropriation had been made for this service, and last year the question was raised and this amendment was decided to be out of order.

Mr. HORR. Mr. Chairman, this amendment is drawn word for word like the existing law; it follows to the letter the law that is now upon the statute-book.

Mr. MILLS. But not for next year.

Mr. TOWNSHEND. I do not care to detain the Chair upon this point, but if he has any doubt whatever about it I refer him to the RECORD to show that at the last session the same proposition was submitted, and was ruled out on the point of order.

Mr. NICHOLLS. But that was for the reason I have stated. The law was not then as it is now.

The CHAIRMAN. The Chair would like to see the decision that was made upon this point by the presiding officer at the last session.

Mr. HAMMOND. Mr. Chairman, I understand the fact to be that the amendment was ruled out last year on the point of order. It was then carried to the Senate, which never puts any new legislation on a bill, and there it was put upon the bill.

Mr. NICHOLLS. I have stated that fact.

Mr. HORR. Mr. Chairman, I admit that my friend from Illinois [Mr. TOWNSHEND] is correct in saying that this was stricken out of the bill last year; but I doubt if it was done on the same ground. It went to the Senate and they put it in the bill, and then it was voted upon and indorsed by this House by a large majority. Now, I think the House is entitled to go on and do this year what it did last; but I may be mistaken about that, for if there is anything that I know less about than another it is what is permissible under our rules. [Laughter.]

Mr. TOWNSHEND. Mr. Chairman, I want simply to state that this amendment was put upon the same ground last year that it is placed upon now; so that it comes before the Chair under the same circumstances as last year. The year before last an appropriation had been made for this purpose, and it was in the bill of that year; yet, when this point was made upon the amendment last year, and the same reasons were urged against it that are urged now, the Chair decided, as the gentleman from Michigan [Mr. HORR] admits, that as the amendment was new legislation, and was not in the interest of economy, it must be ruled out. Then the bill went to the Senate, and there the amendment was put on. The appropriation of the current year is confined to the current year; it makes no law for the future.

The CHAIRMAN. The Chair has some hesitation in deciding on questions of order of this kind from the fact——

Mr. DIBBLE. If the Chair will permit me, I desire to say a word as to the point of order. Under the third paragraph of the rule, no amendment is in order upon a general appropriation bill providing for any expenditure not previously authorized by law "unless in continuation of appropriations for such public works and objects as are already in progress." That is one of the exceptions. Now, this is a continuation of an appropriation for a public object, which is already in progress. And, besides, what is the existing law, Mr. Chairman? Why, the Postmaster-General has the right to contract, and make expenditures, for necessary and special facilities on trunk lines. He has that power to-day, and this is a continuation of the appropriation for that purpose; and if there was no general law which said that he might do that, still, until that annual provision is repealed, it constitutes from year to year an existing law; and when it was passed it repealed any implication to the contrary that might exist from absence of specific provision in the general law. Therefore there is nothing in existing law inconsistent with such an appropriation.

The CHAIRMAN. The Chair was about to state that he felt some hesitation in passing upon points of order of this kind from the fact that there is a great disposition on the part of members to decide such a question as this upon its merits rather than upon the merits of the point of order; so that the Chair may be overruled when he is right and the committee wrong. [Laughter.]

Mr. HAMMOND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. I desire to know whether it is parliamentary for the Chair to undertake to state the reasons for the votes of members of the committee.

The CHAIRMAN. The Chair has not done so; but, if the gentleman desires, the Chair will withdraw any statement that may be regarded as of that character. As this question is not free from doubt, and in order to give the committee an opportunity to pass upon the proposition on its merits, the Chair will overrule the point of order. The question is upon the amendment submitted by the gentleman from Georgia [Mr. NICHOLLS.]

Mr. MONEY. Mr. Chairman, I desire to say a word upon this subject of special mail facilities. The sums appropriated for this purpose heretofore have been generally expended in the portions of the country where the railroads make very few trips and at a slow rate of speed, except the expenditure in the city of New York, where trains must go out carrying the mail and nothing else. Of course, where that is required there must be some extra compensation, or else the railroads would not consent to adopt the schedule of time and stoppages required by the Post-Office Department.

But most of the expenditure for this purpose has been made at the South, where trains are slow, where the towns are comparatively small, and where it is desirable to have more rapid communication with the great commercial centers of the country; and I think it will be profitable to the committee if they will permit me to read a statement of the expenditures of this character in the present fiscal year. Only three roads at the North have received compensation from this appropriation. The road between New York and Springfield, Mass., has received $17,647, and the same road appears in another place to have received $25,000. The road between Philadelphia and Baltimore has received $20,000. This makes a total of something over $62,000 of this money expended in the North. The expenditure of this character is so small in that section because the trains there generally run at a greater speed than in the southern portion of the country, and when you get south of Mason and Dixon's line you find that the balance, $185,000, has been expended there upon Southern lines. The Southern lines upon which this money is expended are those running from Bay View to Quantico, from Quantico to Richmond, from Richmond to Petersburg, from Petersburg to Weldon, from Weldon to Wilmington, from Wilmington to Florence, from Florence to Charleston Junction, from Charleston Junction to Savannah, from Savannah to Jacksonville, and from Baltimore to Hagerstown.

This is a recapitulation in brief of the expenditure of this particular sum appropriated for extraordinary facilities on trunk lines. I think this is money well expended. I know it is money well expended if you

consider the commercial interests involved in the rapid communication between great commercial centers. I hope the House will give its approval to the amendment.

Mr. TOWNSHEND. Mr. Chairman, would it be a crime for me to say a word in reply in behalf of the Treasury? I have but little hope of preventing any increase of expenditure sought to be made on this bill; but I shall at least keep my record consistent, and give the reasons why I think this appropriation ought not to be made.

In the first place, Mr. Chairman, there is not another line of railroad in the Union on which a single dollar of extra compensation is asked for fast-mail facilities. We get fast-mail facilities in the West; you get them in the Southwest; and they do not cost the Treasury a single dollar additional. But on this Atlantic line the demand comes up every year that we shall vote over a quarter of a million of dollars in addition to the enormous pay these roads already receive for carrying the mails.

I have made a computation of how much is received per mile by these roads that are now begging for this additional pay for furnishing fast-mail facilities. The link from New York to Springfield, Mass., gets $872 a mile under the present law. Yet that line, among others, comes here and says it will not carry the mails fast unless we make this additional appropriation.

Mr. BINGHAM. How many trains a day are there on that line?

Mr. TOWNSHEND. The line from Philadelphia to Baltimore—the Philadelphia, Wilmington and Baltimore Railroad—receives $656.66 per mile; yet we are asked to give additional compensation to this rich corporation for fast-mail facilities. Why, sir, the roads running clear through from New York to San Francisco give us fast-mail facilities without one dollar of extra compensation.

Mr. MONEY. Does the gentleman know the rate of speed on that line?

Mr. TOWNSHEND. I hope you will let me go on.

Mr. MONEY. Will you allow me to ask——

Mr. TOWNSHEND. I will not allow any interruption.

We have fast mails from Baltimore to Saint Louis, for which we pay nothing extra. We have a fast mail from New York to Saint Louis, for which no extra pay is allowed. The Baltimore and Potomac Railroad Company, one of the wealthiest corporations in the country, says it will not give us fast-mail facilities unless extra pay be allowed. That road is now getting $655.75 per mile for carrying the mails. Yet we must allow extra compensation to this poverty-stricken road.

Mr. FINDLAY. Will you allow me a question?

Mr. TOWNSHEND. No, sir.

Mr. FINDLAY. I simply wish to know where you get your figures.

Mr. TOWNSHEND. From the report of the Postmaster-General.

Mr. FINDLAY. Do you go to the Postmaster-General's report for an account of the financial condition of the Baltimore and Potomac Railroad?

Mr. TOWNSHEND. I hope the Chair will protect me from interruption.

Mr. FINDLAY. It is a most extraordinary place to get such information.

Mr. TOWNSHEND. I hope the Chair will give me protection.

Mr. FINDLAY. I think you need protection in making such a statement.

The CHAIRMAN. The Chair requests the Committee of the Whole to be in order. The gentleman from Illinois must be permitted to proceed without interruption.

Mr. TOWNSHEND. The report of the Postmaster-General has accompanying it a table giving the amount of mail compensation paid to every railroad in the United States. This report shows that last year the Government paid the Baltimore and Potomac Railroad $655.75 per mile for carrying the mails. So it runs throughout. It will be seen by the tables that many railroads in the West furnish fast-mail facilities and pay less dividends to their stockholders than the roads I have mentioned.

[Here the hammer fell.]

Mr. McCOMAS. I hope my friend will bear with me. [Cries of "Vote!"] I have rarely taken up the time of this House, and only ask for three minutes.

The CHAIRMAN. The gentleman will proceed. Does the gentleman submit an amendment?

Mr. McCOMAS. Yes; I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. McCOMAS. Mr. Chairman, I would be glad to see the plan of gauging payment of railway mail transportation by speed, weight, and space tested.

The gentleman from Indiana [Mr. HOLMAN] who strongly opposed this plan one year ago now reports it favorably. It is an experiment, of which the very strong argument by the gentleman from Michigan [Mr. HORR] should make us critical. But this committee have taken one step backward in cutting off the appropriation of $250,000 for special mail facilities. Every investigation of them testifies to the value of these special fast mails.

The commission of experts who recommended the new system of paying for railway mails, the Postmaster-General and Second Assistant Postmaster-General who advise the new system, all insist that the special mail facilities we now have be preserved in connection with the new system.

The report of the commission says that the Postmaster-General of Great Britain has power to call on any railway to run trains exclusively carrying mails, with such stoppages and speed as he may designate, paying higher special rates therefor, and adds that the day is not far distant when our country will do the same thing.

The commission say it is now only practicable for our Postal Department to contribute its share in maintaining trains as nearly as possible similar in character.

Postmaster-General Gresham, justly praised on the other side of this House, strongly recommended these special mail facilities and arranged their schedules for the benefit of more than half the States of the Union. The present Postmaster-General recommended the new system for paying for railway mails, but recommends with it the continuance of these special mail trains, which he says should be extended rapidly.

Second Assistant Postmaster-General Lyman, who is the special advocate of the new system, advises that $266,764.50 be appropriated for special facilities this year.

Colonel Thompson, one of the commission who recommended the new system of payment, as Second Assistant Postmaster-General, insists that we must also retain the special mail facilities we have.

The special fast mail gives us a coast-line service from Halifax and Boston to New Orleans, and the short span of eighty-seven miles paid for between Baltimore and Hagerstown afford a fast-mail line to Roanoke, three hundred and twenty-seven miles long, whence is afforded direct connection with Memphis and New Orleans.

This branch of the postal service is one of the most important factors in the stimulation of trade, the letters and papers conveyed concerning lands, merchandise, and business of every kind, and the interchange of information being followed by interchange of persons and commodities.

It is proposed suddenly to take away all this, though interlinked with the life and business of half of the States of our country and though enjoyed by the people since 1873. It costs but $250,000 and repays in value to millions of our people tenfold. If we appropriate it we know exactly where it will be applied, and if there be any abuse of the system those who oppose it ought to point out what part of this service can be dispensed with, and wherein the uniform support of those special mail facilities by the Department is wrong.

The distribution of the mail under this system is more complete than any ever had through the Atlantic and Gulf States and a vast interior country by close connections now made to reach places remote from special lines under schedules arranged by Postmaster-General Gresham. I have succeeded in having the branch of it from Baltimore to Hagerstown investigated in its actual workings last week. I hold in my hand a report of Postmaster Adreon, of Baltimore, giving the result of Supervisor Bailey's inspection of that route.

The special mail train leaves Baltimore at 4.40 a. m., arrives at Hagerstown, Md., at 7.45 a. m., whence it is carrried to Roanoke, Va., at 6 p. m. It carries mail from all mail-routes centering at Baltimore and arriving on the previous night, the mails from Boston, Providence, New Haven, and New York leaving that city at 9 p. m., and Philadelphia leaving that city at midnight. Along with these go all mails of Baltimore received between 3.30 p. m. and 4.10 a. m. For three hundred and twenty-seven miles of Maryland, West Virginia, and Virginia, which it traverses, it furnishes mail six hours earlier than before.

Coming northward, the special mail train gathers the mail from the Memphis and Charleston, the East Tennessee, Virginia and Georgia, the Selma, Rome and Dalton, the Norfolk and Western, the Chesapeake and Ohio Railways, and from their numerous branches and feeders.

It saves from the long delay before experienced the mail from Corinth and Meridian, Miss., Decatur, Selma, and Birmingham, Ala., Knoxville, and Chattanooga, and Memphis.

All these reach Baltimore at noon in time for close eastern connection with fast-mail trains, which thus, for $15,000 only, connect the South and Southwest with the North and Northeast. The expense is trifling, the benefit far-reaching. To abandon it is to retrograde in the mail-service, and to deprive the people who receive little of direct Government aid of the little they have enjoyed, and which they can not part with except by loss to trade and commerce. This is one unusual branch of it which the railway advantages (in direct and lateral connections) of Hagerstown, Md., enable the Government to reach many States by obtaining a special train on the Western Maryland road between Baltimore and Hagerstown.

[Here the hammer fell.]

Mr. WASHBURN. I renew the formal amendment to strike out the last word for the purpose of asking a question. Why is there any more propriety for paying for this fast mail under discussion than for the fast mail from New York to the West?

Mr. HORR. Simply because the mails going West aggregate three and four times and in some places twenty times, as they do going over these Southern roads, and they can afford for the price they now get to give extra speed. They can not do it for a smaller amount.

Mr. BINGHAM. They are always sure of a full load.

Mr. MONEY. Mr. Chairman, I wish to correct a statement made

by the honorable chairman of the subcommittee in charge of this bill [Mr. TOWNSHEND]. I intended to do it when he was upon the floor for fear some one might attach some importance to it. I was unable to do it then and will do it now. He said we had a fast mail by the Pacific railroads with an average speed of eighteen miles an hour. We did appropriate three years ago $200,000 for the purpose of establishing a fast mail to San Francisco, but the Postmaster-General had that money covered back into the Treasury, because these roads said they could not afford to give it to us at that rate. That is the reason why we have not a fast mail there.

We have a slow mail there, a very slow mail; and I submit to the House when the commercial benefits derived are so much in excess of the expenditure, we can not with any propriety to the business of the country restrict it. [Cries of "Vote!" "Vote!"] I withdraw the formal amendment.

Mr. TOWNSHEND. I wish to correct the gentleman from Mississippi. The Postmaster-General in his report, which I have before me, alleges he has secured fast-mail service from New York by way of Chicago to San Francisco without the cost to the Government of one single dollar. He states that he puts the mails down in San Francisco, by arrangement made with the Union and Central Pacific Railroads, one day in advance of ordinary time of travel, without the payment of a single extra dollar.

The question recurred on Mr. NICHOLLS's amendment.

The committee divided; and there were—ayes 89, noes 31.

So the amendment was agreed to.

The Clerk read as follows:

For inland transportation by star routes, $5,700,000.

Mr. HORR. I move to strike out "seven" and insert "nine." [Cries of "Vote!" "Vote!"] If the committee wants to vote, all right; I will not detain it.

The committee divided; and there were—ayes 88, noes 36.

Mr. HOLMAN. No quorum.

Mr. TOWNSHEND. I hope my friend will withdraw the point of no quorum.

Mr. HOLMAN. At the gentleman's instance, I do.

So the amendment was agreed to.

The Clerk read as follows:

For railway post-office clerks, $4,482,300.

Mr. HORR. I move to strike out "$4,482,300" and insert "$4,682,300."

Mr. WARNER, of Ohio. Before the vote is had on that let us know whether that increase is for an increase of the number of postal clerks or of the salaries of the number now provided by law.

Mr. HORR. It is the amount needed to put sufficient service on the new roads which have been already built and will go into operation during the next year.

Mr. WARNER, of Ohio. And is not to operate to increase salaries?

Mr. HORR. No, sir. The Postmaster-General estimates that it will take every dollar of it to provide for the increase in the service for the coming fiscal year.

Mr. RYAN. The salaries are already fixed by law in amount, and can not be increased.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan.

The question was taken; and on a division there were—ayes 95, noes 51.

So the amendment was agreed to.

The Clerk read as follows:

Office of the Third Assistant Postmaster-General: For manufacture of adhesive postage-stamps and of newspaper and periodical stamps, $174,000. That upon all matter of the first class, as defined by chapter 180 of the law of Congress approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 3 cents for each half ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and upon all matter of the second class as defined by said act, and by that act declared subject to postage at the rate of 2 cents for each pound or fraction thereof, shall be charged, on and after the 1st day of July, 1885, except as provided in section 25 of said act approved March 3, 1879, 1 cent for each pound or fraction thereof; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885.

Mr. TOWNSHEND. On the part of the Committee on Appropriations, and by direction of the committee, I am authorized to submit the amendment which I send to the desk.

The Clerk read as follows:

On page 9, after the word "thereof," in line 192, strike out all that follows down to and including line 203 and in lieu thereof insert:

"That upon all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof and from the office of publication to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound, or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces, or fractional part thereof, to be prepaid by ordinary stamps affixed thereto, and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter are to that extent hereby repealed on and after July 1, 1885."

Mr. LONG. I will ask the gentleman from Illinois whether he will accept the following amendment to the amendment which I am requested to offer. It simply authorizes the sender of a newspaper or other publication to mark any article to which particular attention is desired.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Massachusetts.

The Clerk read as follows:

Add at the end of the amendment just read:

"And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage."

Mr. TOWNSHEND. For my own part I have no objection to that.

Mr. LONG. The Committee on Post-Offices and Post-Roads have no objection to it.

Mr. BINGHAM. That is right.

Is an amendment now in order?

The CHAIRMAN. The Chair thinks this amendment to the amendment should be voted upon separately.

Mr. WARNER, of Ohio. Before that question is put I wish to be heard a moment upon it.

The CHAIRMAN. The Chair is of opinion that the amendment just submitted must be voted upon separately by the committee, as the gentleman from Illinois states that he has no authority to accept it.

Mr. TOWNSHEND. I am not authorized by the committee to do so.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WARNER, of Ohio. Now, before the vote is taken upon the amendment of the gentleman from Illinois, I wish to say a word or two. I do not know but that the amendment submitted by the gentleman in charge of the bill is sufficiently restrictive as applied to newspapers and periodicals sent to actual subscribers on which it is proposed to reduce the postage. So far as the reduction on such matter goes I have no objection to it. But a vast deal of rubbish is sent through the mail under the guise of newspapers and periodicals, and to this class of matter the reduction ought not to extend. I think we should guard against letting in anything but established newspapers sent to regular subscribers and periodicals regularly issued to actual subscribers. The proposed change reduces transportation on papers to $20 per ton across the continent, while for letters it amounts at the rate of 2 cents per ounce or fraction thereof to $640 per ton. The difference is very great, and it seems to me the reduction on letters is sustained by better reasons than the reduction upon newspapers.

Before taking my seat, Mr. Chairman, I wish to say a word in response to the opinion expressed by the chairman of the Committee on Post-Offices and Post-Roads in his report on this question, and to dissent *in toto* from the opinion expressed by him therein. I read from that report:

That postage upon written and printed matter is not a pay for service by the Government, but a tax, levied as imposts and excises are, for the general purpose of revenue.

I ask the gentleman under what clause of the Constitution a tax of that kind could be levied? Certainly not under the clause providing for the apportionment of direct taxes, nor under the uniformity clause. It is in no sense a tax. It is compensation for a specific service; and I think that the compensation ought to be sufficient to pay on the average the cost of the transportation whether of newspapers and periodicals or anything else. I do not believe in taxing one industry or one business to give more profit to another. On the assumption, therefore, that 1 cent a pound will cover the cost of mail transportation of regularly issued newspapers and periodicals—— [Cries of "Vote!" "Vote!"]

I shall not be taken off the floor by a call for a vote from that side of the House. You will require to have a quorum to do it.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] is in order, and the committee is out of order.

Mr. WARNER, of Ohio. I have occupied no time on this bill before, and I deem this an important matter, especially as expenditures for postal service already largely exceed the postal revenues.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] states that he rises to a question of order. He will state it.

Mr. WHITE, of Kentucky. It is due to every gentleman while speaking to have the attention of this House; and I make the point that there shall be order while the gentleman is speaking.

The CHAIRMAN. The Chair has so decided.

Mr. WARNER, of Ohio. I have no desire to take up time, but I do not propose to be taken off my feet by the demand of anybody for a vote. But I have said all I desire to say; and believing the amendment of the gentleman from Illinois who has charge of the bill imposes sufficient restriction, I do not desire to say any more.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment submitted by the gentleman from Illinois [Mr. TOWNSHEND] on behalf of the Committee on Appropriations.

The amendment was agreed to.

Mr. TOWNSHEND. I submit on behalf of the Committee on Appropriations another amendment which I send to the desk.

The Clerk read as follows:

After the amendment last adopted add the following:

"That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities, by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may reject any and all the bids of private parties and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if in his judgment it shall be for the best interests of the Government."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. If there be no objection to it, let it be adopted without debate.

The amendment was adopted.

Mr. TOWNSHEND. I ask to have printed in the RECORD a letter from the Third Assistant Postmaster-General in relation to this matter.

There was no objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 2, 1885.

SIR: I am in receipt of yours of the 31st ultimo, and have to thank you for the prompt and favorable manner in which you have acted upon the suggestions contained in my letter of the 29th ultimo.

I am glad to know that you are already prepared to manufacture the adhesive postage-stamps and postal cards, the contracts for which expire on the 30th of June next, and that you think that the stamped envelopes, which are under contract until September 30, 1886, can be included in my general plan of having all postal securities done by your bureau, provided the same can be performed as cheaply as by responsible private parties. Mr. Sullivan and Mr. Casilear, who were kind enough to respond to my request made of you on the 28th ultimo for a personal conference, and to whom I suggested the propriety of including the envelopes, were somewhat doubtful as to whether you would provide facilities for this particular work, and your letter therefore proves to be more gratifying than I had been led to expect.

In answer to your inquiry as to whether there is "any present law which will prohibit this (your) bureau, with the consent of the Postmaster-General and the Secretary of the Treasury, from submitting bids at the next letting," I beg to say that under the present statutes I do not know of anything that would prevent you from submitting bids, or that would justify this Department in refusing to consider such bids in competition with those of private parties. So far from that, when the proposals for the contracts were advertised for, nearly four years ago, I strongly urged upon your predecessor and other officers of the bureau that the bureau enter into the competition. My suggestions, however, were unheeded, for the reasons given in your letter. You will also remember that I most cordially entered into the movement made by yourself some two years since, looking to the procurement of the work, and that I gave you all needed facilities for examining into the requirements of the contracts and for arriving at the probable cost.

I am very glad to hear you say now that "in any event I (you) shall feel it my (your) duty, with the consent of the Secretary and Postmaster-General, to submit estimates, in the nature of bids, of the cost of executing such classes of postal securities, as invitations for proposals shall be advertised from time to time." Notwithstanding this assurance, however, I think, and doubt not you agree with me, that it would be better to have legislation making the matter compulsory upon the Treasury Department. In the face of the reasons so strongly urged by you for giving the bureau a monopoly of the work, I still adhere to the opinion I expressed to Mr. Sullivan and Mr. Casilear, that you should come in merely as a competitor, and that the work should not be given to you absolutely. Admitting the justice of much of what you say in support of your position, I am yet disposed to regard the question somewhat from the standpoint of the interests of this Department, separately considered.

While not disputing the grounds of public policy laid down in favor of your bureau, and admitting the security and possession of facilities claimed in your favor, still I believe that there are some private concerns, notably the leading bank-note companies, who could with all reasonable safety be intrusted with the work. In the case of any such concern I do not concede your proposition that if the contract be taken "at a sacrifice of its pecuniary interests" there "would be a constant inducement to reduce the standard of the work, and the safeguards which are necessary to the proper protection of the interests of the Government." To a reputable concern holding a Government contract there are indirect benefits—in the way of obtaining work in the line of private and corporate securities and obligations, and also Government work for foreign countries—that I think this Department is justly entitled to take advantage of in providing for its work.

Such advantage would inure not only to this Department, but to the General Government, if the work should be done more cheaply than you could do it. In the case of such concern as I have mentioned, there could be no inducement to slight the work in an artistic point of view, since the same is undertaken for the sake of the credit it carries with it, and bad work would be hurtful rather than beneficial in the way of realizing the indirect benefits which I have suggested. The same would be true of the more material part of the work, of whatever nature it might be.

With regard to the security to the Government, any reputable concern may, I think, be relied upon to use its utmost efforts, through the best system of checks attainable, toward safely guarding the large monetary values represented on the face of the work, since, independently of the heavy penalty fixed by the bond, it would result in utter ruin to have any serious misadventure occur with the securities while in private custody. Moreover, if you will pardon the suggestion, it would be likely to serve as a wholesome incentive to enterprise and economy on the part of your bureau to be placed in competition with the better class of private concerns engaged in similar work to that done by you. And I think if your bureau were required to compete for the work it would be productive of wholesome competition, not only in securing fair offers, but in preventing combinations among private bidders with the view to securing the contract upon their own terms.

The bureau and private concerns will hold each other in check, and the result in any case is bound to be to the advantage of this Department in securing moderate prices. In any event the amendment proposed by me leaves the matter wholly in the hands of the Postmaster-General, and he may order the work to be done by your bureau without reference to the bids of other parties; and in my opinion he will be likely to do this if you are not found to be too much in excess of other responsible bids. I am free to say that there are reasons looking to relief from official responsibility that would incline me to give preference to your bureau, but not at too great an expense to the postal revenue.

Noting your suggestion that "the true and wisest course would be to transfer the work to the bureau without going through the unnecessary form of advertising and receiving bids"—"upon the ground of public policy, leaving matters of price and other details to be adjusted between the officers of the two Departments," I can only say that it might assist the officers of this Department in fixing the price to ascertain through bids received upon public advertisement what is considered by competent authorities to be a just compensation. If I may ask you to pardon another suggestion, it might prove useful also in determining whether or not work of this character can be done as cheaply and as well by the Government as by private parties; a question which, I believe, has been seriously disputed, and concerning the merits of which I do not pretend to be advised.

Upon further consideration, I have modified my proposed amendment somewhat, so as to read as follows:

"*Provided*, That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may reject any or all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so."

The modification, as you will observe, does not affect the position previously taken with reference to your bureau, being essential only in expressly authorizing the Postmaster-General to discriminate among the bids of private parties. In view of the important character of the work, involving, as it does, the highest style of art, and underlying the very foundation of the entire postal revenues, only the bids of the most thoroughly responsible and fully equipped concerns should be considered at all, and even these latter are left to be rejected in favor of your bureau, absolutely at the discretion of the Postmaster-General.

Acting upon your affirmative response to my letter of the 29th ultimo, I shall take immediate occasion to lay the subject before the Postmaster-General, with the recommendation that, with the approval of the Secretary of the Treasury, he request favorable action upon my proposed amendment in the Post-Office appropriation bill now pending before the House of Representatives. I shall also request him to inclose copies of this correspondence with his recommendation, so that your proposal, as well as mine, if this latter be approved by him, may be considered by Congress.

Before closing, I can not forbear expressing my extreme gratification as your statement "that all who are at all familiar with this work recognize the fact that the rates now paid are extremely low." I am glad to know that the fact is recognized by others than myself, that not only are prices in the present contract very low, but that there have been great reductions in the cost of supplies furnished to this office since the beginning of my administration of its affairs, on the 1st of July, 1877. As an evidence of the fact, I beg to submit the following table, prepared some time since, showing the number and cost of articles furnished during the fiscal year ended June 30, 1884, as compared to the number and cost of those furnished during the year ended June 30, 1877, namely:

Comparative statement of supplies furnished by the office of the Third Assistant Postmaster-General.

Articles.	Year ended June 30, 1877.		Year ended June 30, 1884.	
	Number furnished.	Cost.	Number furnished.	Cost.
Postage-stamps	704,836,524	$110,189 59	1,469,209,998	$135,974 47
Postal cards	170,015,500	226,463 94	362,876,750	197,466 33
Stamped envelopes and wrappers	185,401,895	428,224 63	324,043,650	619,231 21
Registered package, post-office, dead-letter, and official envelopes	15,310,700	52,504 11	39,021,960	102,830 88
Total	1,075,564,619	817,382 27	2,205,152,356	1,055,502 89

Comparison.

Articles.	Increase in number furnished.	Increase in cost.	Per cent. of increase in number furnished.	Per centage of increase in cost.
Postage-stamps	774,373,472	$25,784 88	109.8	23.4
Postal cards	192,861,250	*28,997 61	113.4	*12.8
Stamped envelopes and wrappers	138,641,775	191,006 58	74.7	44.6
Registered package, post-office, dead-letter, and official envelopes	22,711,260	50,326 77	154.8	95.8
Total	1,129,587,737	238,120 62	105.0	29.1

* Decrease.

It will be observed that for the year ended June 30, 1877, the total number of the various articles furnished—postage-stamps, postal cards, stamped envelopes and wrappers, registered-package, post-office, dead-letter, and official envelopes—was 1,075,564,619, costing $817,382.27; while for the year ended June 30, 1884, the number of articles furnished was 2,205,152,356, costing $1,055,502.89—being an increase of 1,129,587,737, or 105 per cent. in the number of articles furnished, and of only $238,120.62, or 29 per cent., in the cost of the same.

Taking the different articles separately, the increase of postage-stamps was 774,373,472, or 109.8 per cent., in number, and $25,784.88, or 23.4 per cent., in cost; of postal cards, an increase of 192,861,250, or 113.4 per cent., in number, and a decrease of $28,997.61, or 12.8 per cent., in cost; of stamped envelopes and wrappers, an increase of 138,641,755, or 74.7 per cent., in number, and of $191,086.58, or 44.6 per cent., in cost; and of registered-package, post-office, dead-letter, and official envelopes, an increase of 22,711,260, or 154.8 per cent., in number, and of $50,326.77, or 95.8 per cent., in cost.

The subject of the great reduction effected in the cost of supplies for this office was touched upon in my annual report for the year ended June 30, 1882, in connection with the mention of a new contract, then recently made, for the supply of stamped envelopes and newspaper wrappers for the four years beginning October 1, 1882, as follows:

"The prices in the new contract (for stamped envelopes and wrappers) average a reduction of nearly 7 per cent. from those in the old one. The law requires

that stamped envelopes shall be sold at the cost of procurement, as near as may be, and accordingly a new schedule of prices has been adopted for the sale of the envelopes to the public at reduced rates. The present reduction follows one of about 20 per cent. four years ago, under the contract then made. Under the new schedule the best quality note size envelopes will be sold, exclusive of the postage value, at $1.60 per 1,000; of full letter size, at $2 per 1,000; of commercial size, at $2.20 per 1,000; of extra letter size, at $2.40 per 1,000; of official size, at $3.60 per 1,000; and of extra-official size, at $4 per 1,000. The second quality envelopes are sold at 20 cents per thousand less than those prices, and the third quality envelopes at 20 cents per thousand less than the second quality, for corresponding sizes.

"The full letter and extra letter sized ungummed envelopes for circulars are sold at $1.20 and $1.40, respectively, and the newspaper wrappers at $1 per 1,000, in addition to postage.

"To illustrate the great reduction in the price of stamped envelopes during the past few years, a letter-size envelope, which in 1869 was sold at $4.80 per 1,000, is now furnished in equally good if not better grade at $1.80 per 1,000. An extra letter-size envelope, which then sold at $6 per 1,000, can now be furnished in as good quality at $2.40. The official size, then sold at $8.60 per 1,000, is now offered in an equally good quality at $3.40 per 1,000. The public has received the pecuniary benefits of these reductions, the envelopes being sold by the Department, as before stated, at the cost of procuring them. Equally great reductions have been attained in the cost of other supplies. Adhesive postage-stamps, which in 1869 cost 27½ cents per 1,000, are now obtained at 9.19 cents per 1,000; and postal cards, first introduced in 1873, and then costing $1.39½ per 1,000, are now procured at 54.43 cents per 1,000."

Again thanking you for the prompt and courteous manner in which you responded to my suggestion of the 29th ultimo,

I am, very respectfully, your obedient servant,

A. D. HAZEN,
Third Assistant Postmaster-General.

Hon. T. N. BURRILL,
Chief of Bureau of Engraving and Printing,
Treasury Department.

Mr. BINGHAM. I desire, and I think the committee will make no objection, to amend the bill by striking out from line 181, after the word "dollars," to line 192, including the word "thereof," and inserting what I send to the desk, in order that the section in the bill may be consistent with local postage as well as domestic. It simply makes the bill consistent.

The Clerk read as follows:

Strike out all after the word "dollars," in line 181, down to and including the word "thereof," in line 192, and insert the following:

"That on and after the first day of July, 1885, upon all matter of the first class as defined by chapter 180 of the laws of Congress, approved March 3, 1879, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,' except postal cards and drop-letters, postage shall be charged at the rate of 2 cents for each ounce or fraction thereof; drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery is not established; and postal cards shall be transmitted through the mails at a postal charge of 1 cent each, including cost of manufacture."

Mr. HORR. That is right.

Mr. HOLMAN. I desire to reserve the point of order on that proposition until the effect of it is seen. I desire to ask a question in regard to it. I apprehend the effect of it is this: Under the present system in view of the advantages given to the cities having free delivery they pay something for the benefit of that free delivery. The effect of this is to relieve the cities having the benefit of the free delivery from the payment of additional compensation. Is that the effect of it?

Mr. TOWNSHEND. As there will be debate on this amendment I ask the gentleman from Pennsylvania [Mr. BINGHAM] to yield to me for a motion that the committee rise. It is understood we are to have a night session.

Mr. BINGHAM. This is so clearly in consistency with your own proposition that I think it will be unnecessary to debate it.

Mr. TOWNSHEND. I ask the gentleman to yield to me for a motion that the committee rise.

Mr. BINGHAM. Very well.

Mr. TOWNSHEND. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 7851) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. CALL.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House take a recess until 8 o'clock to-night.

Mr. WILLIS. I desire to ask the gentleman from Illinois a question. Is it understood that at the close of to-night's session, in pursuance of the order of the House, he will make a motion for a recess until 10 o'clock to-morrow?

Mr. TOWNSHEND. I am perfectly willing to do so, or that the gentleman from Kentucky [Mr. WILLIS] should do so.

Mr. WHITE, of Kentucky. I do not understand there is any unanimous consent to meet to-morrow at 10 o'clock.

The SPEAKER *pro tempore*. That has been ordered by the House.

NEW ORLEANS EXPOSITION.

The SPEAKER *pro tempore*. Pending the question on the motion for a recess the Chair submits a communication from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a copy of the report of the board of managers of the World's Industrial and Cotton Centennial Exposition, dated February 2, 1885, requesting an additional appropriation to extinguish a deficit in its accounts, and asking authority to reopen the exposition during the winter of 1885–'86.

A failure on the part of the management to carry out the original intent in regard to the exposition might reflect on the honor of the United States Government, since twenty-one foreign governments and forty-six States and Territories have joined in the enterprise through faith in the sanction of the Government. In view of this fact, and in consideration of the value of the exposition to the cause of material progress and general education, I respectfully submit the report mentioned for the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 12, 1885.

The message of the President was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL ADVISORY BOARD.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Navy, with an inclosure, in response to a resolution of the House calling for information as to expenditures of the naval advisory board; also as to any changes in the plans for hulls, boilers, machinery, &c., in the ships Chicago, Boston, Atlanta, and Dolphin.

Mr. RANDALL. I do not see the chairman of the Committee on Naval Affairs present, but I move that the communication be referred to that committee, and be printed in the RECORD.

It was so ordered.

The communication is as follows:

NAVY DEPARTMENT, *Washington, February 11, 1885.*

SIR: This Department has received a copy of the resolution adopted by the House of Representatives on the 3d of February, as follows:

"*Resolved*, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employés, and amounts paid each; the amount of salary drawn by the civilian members of said board, and from what appropriation it was drawn; and the amount paid each member of the board as traveling mileage, or other expenses; also, what changes, if any, have been made from the original plans in hulls, boilers, machinery, &c., by the Secretary of the Navy and the advisory board, of the ships Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case."

The advisory board has expended no money and has no power to expend money. All expenditures on its account have been made by the Department. The board was organized October 24, 1882, and during the two and one-fourth years of its existence there has been expended for furniture, stationery, drawing materials, and petty miscellaneous objects for its use the sum of $5,830.83. The board has no employés, but certain necessary assistants have been borne on the rolls of the Bureaus of Construction and Repair and Steam-Engineering, and assigned to duty with the board, six being now so employed. The sums affixed to the following names are the amounts of compensation paid such assistants to February 4: C. R. Hanscom, draughtsman, $3,380; C. Hemje, draughtsman, $2,763.50; A. Becker, draughtsman, $1,397; W. H. Scott, draughtsman, $508; L. Eidlitz, draughtsman, $164.50; D. Zevely, writer, $924; W. G. Coburn, writer, $813. Messrs. Hanscom and Hemje were previously in the employ of the Department, and were assigned to duty under the board.

The duties of the board have included, in addition to those on the new cruisers, much labor on the plans of additional vessels and for the double-turreted monitors and much experimental work, all required by law.

There have been employed as assistants to the inspectors of materials at the steel works, with total compensation as affixed to their names: J. H. Davidson, $1,570; C. W. Boggs, $231; J. C. Calderwood, $111; A. B. Russell, $90; F. T. Streeter, $566.50. These are no longer employed.

There are borne on the rolls of the Bureau of Construction and Repair, and assigned to duty at Chester, Pa., under the inspectors of hulls of the new cruisers, preparing finished and other drawings of the vessels, with total compensation as affixed to their names, the following:

J. A. Hargan, draughtsman	$2,073 00
George P. Frothingham, draughtsman	1,635 00
C. H. Simonds, draughtsman	1,369 00
W. H. Hart, draughtsman	172 00
J. D. Torrey, assistant draughtsman	1,106 00
F. L. Dubosq, assistant draughtsman	1,117 61
W. C. Bessellevre, jr., copyist	577 02
R. L. Berry, jr	218 42

A very small proportion of the amount paid the foregoing employés is due to the existence and maintenance of the naval advisory board, as the work done has been essential to the designing and construction of the vessels and to carry out the laws of Congress, and would have been equally necessary if there had been no board.

Mr. Henry Steers, as civilian member, has been allowed a salary of $5,000 per year, and has received for salary and expenses $12,084.58. Mr. Miers Coryell was allowed the same salary, and was paid for salary and expenses up to the time of his resignation, October 1, 1884, $8,112.58. These amounts were, by authority of

law, paid from the appropriation for the new steel cruisers. The expenses paid the other members of the board have been only for traveling mileage, as follows:

Rear-Admiral R. W. Shufeldt (former president)	$129 44
Rear-Admiral Edward Simpson	613 04
Chief-Engineer A. Henderson	1,966 96
Capt. J. A. Howell	210 72
Lieut. Commander F. M. Barber	1,450 44
Naval Constructor F. L. Fernald	1,698 92
Lieut. Edward W. Very (former member)	301 76

Accompanying this communication are transmitted statements showing the changes made from the original plans of the Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case. The statements do not include those ordinary minor changes in details which have been found expedient and have been authorized and made from time to time as the work has progressed, without increased cost or any loss to the Government; but they do include all material changes and all changes involving any variation in the cost. They also embrace all additions of requisites not contemplated by the original designs nor included in the contracts and specifications, but which it has been deemed necessary to have furnished by the contractor in order to seasonably complete the ships for service and to add to their efficiency.

The contract cost of each ship, the cost of changes and additions to date, and the percentage of the increase of the contract cost for changes and additions are as follows:

	Chicago.	Boston.	Atlanta.	Dolphin.
Contract cost	$889,000 00	$619,000 00	$617,000 00	$315,000 00
Cost of changes and additions to date	31,550 50	20,955 75	21,991 93	15,880 97
Percentage	3½	3½	3½	5

After making allowances, in considering the above figures, for the additions which were not included in the original contracts, and of course were not contemplated by the contractor in making his bids, it will be found that the changes have been fewer and their cost less than could reasonably have been expected in designing and building the first steel cruisers for our Navy.

Certain changes require special mention. Before work was commenced on the machinery of the Chicago a change was made in its general arrangement. The condensers were placed under the beam-centers instead of outboard, the stroke of piston being made the same for both the high and the low pressure cylinders, and increased to fifty-seven inches. The valves were placed on the outboard instead of the inboard side of the cylinders, making them more accessible. These changes were made with a view to increasing the efficiency of the machinery, and do not affect the cost of construction.

The "substitution of eight blowers for four large ones," the "drilling instead of punching rivet-holes," and part of the "ventilators of engine and boiler-rooms" were required because of a change in the arrangement of the boilers and some modifications of the specifications. The change was made after the work had been commenced. The weight of the boilers in the new arrangement of five double-ended and two single-ended boilers with four fire-rooms instead of fourteen single-ended boilers with two fire-rooms was reduced, and the cost was thereby lessened; but the value of the work already done which had to be abandoned was equal to the reduction; and no allowance was made either way. This change does not alter the type of boiler, and brick furnaces and external firing are retained, but the greater subdivisions of the fire-rooms admits of a more advantageous application of forced draft, and an arrangement of bridge-wall and combustion chamber which gives more effective combustion of fuel.

Careful examination and test of the fractured part and other length of the steel shafting of the Dolphin caused serious doubts as to the reliability of the shafts of the other ships, which, being similarly manufactured, were liable to the same faults, and raised the question whether the art of forging steel shafts from single ingots has been so developed in this country as to make the results sufficiently trustworthy. To avoid all doubt and risk and to prevent the delays which would become necessary while applying a series of adequate physical tests to the steel shafts, it was finally determined by the Advisory Board and the Department to allow the contractor to put into the vessels iron shafts of approved manufacture which, if they stand during the trial trips and final trials, are to be accepted, the contractor, however, to allow the Government the difference between the cost of making the iron and the steel shafting.

Such steel shafting as has been already made is to be subjected to all reasonable tests for determining its strength, and those parts which stand such tests are to be taken by the Government and paid for as duplicate shafting at their cost to the contractor. If any parts are broken by reason of any extraordinary tests which could not be fairly insisted on for proof, considering the existing conditions of steel manufacture in this country, the Government is also to pay the cost of such parts.

The ultimate cost of this change to the Government is not yet known. It was undoubtedly a fair, wise, and prudent arrangement. In this connection occasion is taken to repeat the suggestions of the annual report of the Department:

"The law requiring the ships to be built of steel of great tensile strength and ductility has been complied with, and rigid chemical and physical tests applied to the material, causing much difficulty and delay and extra expense to the contractor, owing to his losses from rejected material, which, as in the case of the broken steel shaft of the Dolphin, was imperfect only because of the inexperience of our steel manufacturers in producing metal of prescribed strength and ductility combined. Patience, forbearance, and liberal treatment of the manufacturers are necessary in order to encourage them to undertake the development of the production in this country of steel plate and armor for naval vessels and ingots for heavy cannon."

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

Statement of cost of changes made in and additions to the original plans of the United States steamer Chicago.

[NOTE.—Items in italics are credits; * denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Increasing thickness of inner bottom	$922 00	April 21, 1884
Engine foundation and strengthening of double bottom	2,796 10	May 23, 1884
Changes and additions to fire-room hatches	6,900 53	Sept. 6, 1884
Additional coal-scuttles*	474 60	Sept. 6, 1884
Water-tight doors in coal-bunkers	$504 00	Sept. 6, 1884
Wire panels in ward-room and store-room doors, &c.*	705 00	Sept. 13, 1884
Armory on gun-deck and casing to ward-room skylight*	350 00	Nov. 20, 1884
Light-box to fixed-ammunition room	158 00	Dec. 11, 1884
Armory workshop, with work-table, &c.*	140 00	Dec. 11, 1884
Additional labor and material to secure engine-bed	66 84	Dec. 11, 1884
Inclosures around engine-hatches between gun and spar decks	1,191 00	Dec. 11, 1884
Change of doorway No. 14	61 27	Dec. 11, 1884
Extension of fixed-ammunition room (forward)	118 00	Dec. 11, 1884
Sixteen hinged lights in engine-hatch inclosure*	560 00	Dec. 11, 1884
Ventilation of engine and boiler rooms	5,380 00	Jan. 12, 1885
Ventilator for steering engine*	206 00	Jan. 13, 1885
Additional beams on orlop-deck	170 00	Jan. 13, 1885
	20,794 64	
Machinery:		
Substitution of eight blowers for four large ones	2,000 00	June 7, 1884
Utilizing pump taken from Dolphin	1,062 50	Sept. 13, 1884
Two new condensers, cost over and above that required by specifications	200 00	Sept. 17, 1884
Additional piping and labor	375 00	Sept. 17, 1884
Two additional screws; solid cast-iron, $1,250 each	2,500 00	Sept. 27, 1884
One compartment pump in each engine-room instead of three (total)	425 00	Oct. 10, 1884
Two combined air and circulating pumps, $675 each, purchased by Bureau of Steam-Engineering	1,350 00	Sept. 17, 1884
	6,850 00	
Boilers:		
Additional cost for drilling instead of punching rivet-holes	3,000 00	Sept. 20, 1884
Loss to contractor by rejection of annealed plates	1,968 36	Sept. 20, 1884
	4,968 36	

RECAPITULATION.

Changes, &c.:		
Hull		$20,794 64
Machinery	$6,850 00	
Less credit	1,062 50	
		5,787 50
Boilers		4,968 36
Total		31,550 50

Statement of cost of changes made in and additions to the original plans of the United States steamer Atlanta.

[NOTE.—Items in italics are credits; * denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Increasing thickness of inner bottom	$226 00	April 21, 1884
One anchor davit complete*	900 00	Aug. 30, 1884
Two hatches to engineers' store-room	320 00	Aug. 30, 1884
Cutting and fitting hatches from magazines and shell-rooms	300 00	Aug. 30, 1884
Vertical stringers to bulkheads at both ends of superstructure-deck	615 60	Sept. 6, 1884
Extra bulwarks	266 00	Sept. 6, 1884
Thirty-eight life-line stanchions*	258 60	Sept. 6, 1884
Twelve coaling-port doors*	1,584 00	Sept. 6, 1884
Four shifting coal-chutes*	530 00	Sept. 6, 1884
Twelve coaling chutes attached to trunks*	912 00	Sept. 6, 1884
Hinging of three anchor-davits	1,200 00	Sept. 6, 1884
Twenty-two additional air ports*	935 00	Sept. 6, 1884
Ten additional coaling scuttles*	491 00	Sept. 6, 1884
Ventilators to shaft-alley	50 00	Sept. 6, 1884
Change in chart-house as per corrected drawing No. 75	308 00	Sept. 18, 1884
Change in pilot tower as per corrected drawing No. 69	2,313 10	Oct. 4, 1884
Tile floor for seamen's head	277 50	Oct. 2, 1884
Refrigerators, ward-room lockers, &c*	661 40	Oct. 4, 1884
Wire-panels in store-rooms*	371 25	Oct. 14, 1884
Light-box to forward fixed-ammunition room	156 70	Nov. 8, 1884
Twenty-two hinged lights in berth-deck hatch-casings*	770 00	Nov. 24, 1884
Changes in fire-room hatch bulkheads	424 75	Nov. 29, 1884
Electric bells*	830 00	Jan. 2, 1884
Fire-alarms*	720 00	Jan. 2, 1884
Water alarms*	787 00	Jan. 2, 1884
Strengthening of 6-inch gun ports	212 80	Jan. 21, 1884
	16,490 70	
Machinery:		
Additional cast-iron screws*	1,872 00	June 6, 1884
Changes in steam-pipes of fire-rooms	849 23	Oct. 4, 1884
Two additional blowers, 1 in each fire-room	2,735 00	Dec. 27, 1884
Reducing size of safety-valves on superheater-pipes, $400		Dec. 15, 1884
One combined air and circulating pump, purchased by Bureau of Steam Engineering	775 00	Sept. 17, 1884
	5,971 23	

RECAPITULATION.

Changes, &c.:		
Hull		$16,420 70
Machinery	$5,971 23	
Less credit	400 00	
		5,571 23
Total		21,991 93

Statement of cost of changes made in and additions to the original plans of the United States steamer Boston.

[NOTE.—Items in italics are credits; * denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Increasing thickness of inner bottom	$226 00	April 21, 1884
One anchor davit complete*	900 00	Aug. 30, 1884
Cutting and fitting hatches from magazine and shell-rooms	300 00	Aug. 30, 1884
Two hatches to engineers' storeroom	320 00	Aug. 30, 1884
Vertical stringers to bulkheads at both ends of superstructure-deck	615 60	Sept. 6, 1884
Extra bulwarks	266 00	Sept. 6, 1884
Thirty-eight life-line stanchions*	258 60	Sept. 6, 1884
Twelve coaling-port doors*	1,584 00	Sept. 6, 1884
Four shifting coal-chutes*	530 00	Sept. 6, 1884
Twelve coaling chutes attached to trunks*	912 00	Sept. 6, 1884
Hinging of three anchor davits	1,200 00	Sept. 6, 1884
Twenty-two additional air-ports*	385 00	Sept. 6, 1884
Ten additional coaling scuttles*	491 00	Sept. 6, 1884
Ventilators to shaft-alley*	50 00	Sept. 6, 1884
Change in chart-house, as per corrected drawing No. 75	308 00	Sept. 18, 1884
Change in armored pilot-tower, as per corrected drawing No. 69	2,313 10	Oct. 4, 1884
Tile floor for seamen's head	277 50	Oct. 2, 1884
Refrigerators, ward-room lockers, &c.*	661 40	Oct. 4, 1884
Wire panels in storerooms*	391 87	Oct. 14, 1884
Light-box to forward fixed-ammunition room	156 70	Nov. 8, 1884
Twenty-two hinged lights, berth-deck hatch casings*	770 00	Nov. 26, 1884
Change in fire-room hatch bulkheads	349 75	Nov. 29, 1884
Fire-alarms*	720 00	Jan. 2, 1885
Electric bells*	830 00	Jan. 2, 1885
	15,366 52	
Machinery:		
Additional cast-iron screws*	1,890 00	June 6, 1884
Change in steam-pipes of fire-rooms	599 23	Oct. 4, 1884
Reducing the size of safety-valves on superheater pipes, $400		*Dec. 15, 1884*
Two additional blowers, one in each fire-room	2,725 00	Dec. 27, 1884
One combined air and circulating pump, purchased by Bureau of Steam Engineering	775 00	Sept. 17, 1884
	5,989 23	

RECAPITULATION.

Changes, &c., hull		$15,366 52
Changes, &c., machinery	$5,989 23	
Less credit	400 00	
		5,589 23
Total		20,955 75

Statement of cost of changes made in and additions to the original plans of the United States steamer Dolphin.

[NOTE.—Items written in italics are credits; * denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Raising deck-houses seven inches in the clear	$482 00	Feb. 23, 1884
Change in location of steerage-hatch	220 00	Mar. 28, 1884
Iron bulkhead between magazine and fixed-ammunition room	112 00	April 5, 1884
Horizontal stiffener around engine-hatch*	200 00	April 5, 1884
Change from iron to wood in sheathing of wing-passage, $30		*April 5, 1884*
Change in Hotchkiss-gun towers	1,840 00	April 10, 1884
Door from engine-room to passage	69 00	May 9, 1884
Coal-pocket for emptying coal-bunker over after-boilers	48 00	May 9, 1884
Alteration in bunker, forward fire-room, port side	42 00	May 9, 1884
Alteration in pump-bed	35 00	May 9, 1884
Three water-tanks and one sand-tank*	532 00	June 9, 1884
Changes and additions to forecastle deck-rails, stanchions, and ladders, &c	125 00	June 25, 1884
Two refrigerators, at $160 each*	320 00	June 25, 1884
Forty-two lockers for crew*	168 00	June 25, 1884
Two side-lights complete, $60 each*	120 00	June 25, 1884
One prison complete*	100 00	June 25, 1884
Lowering plate-beam in after fire-room	40 00	July 9, 1884
Iron caps for Dolphin's masts, and altering mast-heads*	308 00	July 24, 1884
Supplying and fitting armory*	145 00	Aug. 1, 1884
Two screen-doors to coal-bunkers	90 00	Aug. 29, 1884
Four sliding-doors to coal-bunkers	80 00	Aug. 29, 1884
Additional sluice-valves*	140 00	Sept. 12, 1884
Ventilator for shaft-alley*	130 00	Sept. 17, 1884
Mahogany table for after deck-house*	40 00	Sept. 22, 1884
Extending forward end of engine-room one frame space, &c., including all changes and fittings	857 00	Oct. 24, 1884
Additional cowls on engine deck-house air-ducts and opening to ducts	462 00	

Statement of cost of changes made in and additions to the original plans of the United States steamer Dolphin—Continued.

Object.	Amount.	Approved by Department.
Fitting oil-lamps to cabin and wardroom electroliers	$125 00	Nov. 3, 1884
Sheathing of engine deck-house	608 60	Nov. 8, 1884
Changes and additions to topgallant forecastle	400 00	Dec. 22, 1884
Changes and additions in steering gear	1,773 00	Dec. 28, 1884
	9,671 60	
Machinery:		
One extra screw, solid cast-iron*	1,050 00	
Larger columns and additional braces for engines	700 00	May 9, 1884
Changes and additions in hand-reversing gear, and levers for steam-reversing gear	882 00	Aug. 22, 1884
One new blower, with engine, dampers, fittings, and connections	2,300 00	Oct. 24, 1884
New throttle-valve, with changes in main steam-pipe, &c	547 37	Jan. 20, 1884
	5,479 37	
One Blake pump	750 00	
	6,229 37	

RECAPITULATION.

Changes, &c., hull	$9,671 60
Less credit	20 00
	9,651 60
Changes, &c., machinery	6,229 37
Total	15,880 97

RECAPITULATION.

	Chicago.	Boston.	Atlanta.	Dolphin.
Contract cost	$889,000 00	$619,000 00	$617,000 00	$315,000 00
Cost of changes and additions to date	31,350 50	20,955 75	21,991 93	15,880 97
Approximate percentage of contract cost for changes and additions	3½	3½	3½	5

CHINESE IMMIGRANTS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury in response to a resolution of the House calling for information as to what regulations and instructions have been issued by that Department relating to the right of Chinese to enter America and the authority therefor; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

REPAIRS, ETC., OF PUBLIC BUILDINGS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, asking for an appropriation for the repair and preservation of public buildings for 1881-'82, and for heating, ventilating, &c., of public buildings for 1883-'84; which was referred to the Committee on Appropriations, and ordered to be printed.

COTTON EXPOSITION, NEW ORLEANS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the board of United States Executive Departments for additional appropriations for participation in the World's Industrial Cotton Centennial Exposition at New Orleans; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERPRETER AT OSAKA, JAPAN.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State to pay drafts of the United States consul at Osaka and Hiogo, Japan, for the salary of the interpreter at the consulate; which was referred to the Committee on Appropriations, and ordered to be printed.

MISSOURI, KANSAS AND TEXAS RAILROAD COMPANY.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a claim of the Missouri, Kansas and Texas Railroad Company, allowed by the Sixth Auditor; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES R. CARTER.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to pay claim of James R. Carter, of Fauquier Springs, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills with the following titles; when the Speaker *pro tempore* signed the same:

Joint resolution (S.R. 92) authorizing and requiring the Secretary

of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in custody of the Secretary of War; and

A bill (S. 1705) to provide for the issue of duplicate checks.

JANE D. BRENT.

Mr. WOLFORD, by unanimous consent, from the Committee on Pensions, reported favorably a bill to increase the pension of Jane D. Brent; which was ordered to be placed on the Private Calendar.

ELVIRA BLISS SHELDON.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8185) granting a pension to Elvira Bliss Sheldon; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The regular order is called for, and the question is upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now take a recess until 8 o'clock; pending which the gentleman from Kentucky [Mr. WHITE] moves that the House do adjourn. The question is upon the latter motion.

The House divided; and there were—ayes 51, noes 97.

Mr. WHITE, of Kentucky. No quorum, Mr. Speaker?

The SPEAKER *pro tempore*. A quorum is not needed on a motion to adjourn. The noes have it, and the House refuses to adjourn; and the question recurs upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now take a recess until 8 o'clock this evening.

Several MEMBERS. Regular order!

Mr. LE FEVRE. Mr. Speaker, I ask unanimous consent to make a favorable report from the Committee on Pensions.

The SPEAKER *pro tempore*. The regular order is demanded, and the question is upon the motion of the gentleman from Illinois [Mr. TOWNSHEND].

The House divided; and there were—ayes 114, noes 36.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] makes the point that there is no quorum voting. The Chair appoints tellers, and designates the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Kentucky, Mr. WHITE, to act as tellers.

Mr. ROBINSON, of New York. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROBINSON, of New York. My point is that, the House having already voted to take a recess until to-morrow at 10 o'clock, it is not in order now to reconsider that vote.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New York [Mr. ROBINSON] that the resolution adopted this morning was that at the conclusion of this day's proceedings the House would take a recess until 10 o'clock to-morrow. The proceedings of this day are not concluded until the House determines to end them.

Mr. REED, of Maine. But I submit, Mr. Speaker, that if the House should adjourn that would cut off the recess.

The SPEAKER *pro tempore*. The Chair has no doubt of that.

Mr. REED, of Maine. So that I do not see that that vote of the House amounted to anything.

The SPEAKER *pro tempore*. There is no motion to adjourn pending before the House. There is pending a motion to take a recess.

Mr. WHITE, of Kentucky. I call for the announcement of the vote.

The SPEAKER *pro tempore*. The tellers report 101 gentlemen voting in the affirmative and 16 in the negative.

Mr. WHITE, of Kentucky. No quorum. I move that the House do now adjourn. It is twenty minutes to 6 o'clock, and we are to meet at 10 o'clock to-morrow.

Mr. BROWNE, of Indiana. I move a call of the House.

Mr. WHITE, of Kentucky. I second the motion. We ought not to proceed without a quorum.

The SPEAKER *pro tempore*. The motion does not need a second. The question is on the motion of the gentleman from Indiana [Mr. BROWNE] that a call of the House be ordered.

The motion was agreed to.

The SPEAKER *pro tempore*. A call of the House is ordered. The Clerk will proceed to call the roll.

The Clerk proceeded to call the roll.

Mr. HISCOCK (before the roll-call was concluded). I ask unanimous consent that the House take a recess till 8 o'clock this evening.

The SPEAKER *pro tempore* (Mr. LAMB). The gentleman from New York asks unanimous consent that a recess be now taken till 8 o'clock this evening. Is there objection? The Chair hears none.

Mr. WHITE, of Kentucky. I move to amend by making it 10 o'clock to-morrow morning. [Cries of "Too late!"]

The SPEAKER *pro tempore* (at 5 o'clock and 50 minutes p. m.). The gentleman is too late. The Chair put the motion of the gentleman from New York [Mr. HISCOCK], and there was no objection. The House is now in recess till 8 o'clock this evening.

AFTER RECESS.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Hon. JOHN B. CLARK, Jr., Clerk of the House, who directed the reading of the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 12, 1885.

SIR: Hon. RICHARD P. BLAND is designated as Speaker *pro tempore* for this evening's session.

J. C. S. BLACKBURN,
Speaker pro tempore.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

The SPEAKER *pro tempore* (Mr. BLAND). The recess having expired the House resumes its session.

ORDER OF BUSINESS.

Mr. WILLIS. I rise to a privileged motion—that the House at 10 o'clock to-night take a recess to meet to-morrow morning at 10 o'clock.

Mr. HOLMAN. I do not know that I understand the object of this motion. What was the action of the House on this subject this morning?

Mr. WILLIS. The House, by an almost unanimous vote, decided that at the close of to-day's session it would take a recess until to-morrow morning at 10 o'clock; but in making my motion I did not fix the hour at which the recess should be taken, because I wanted the Committee of the Whole to continue the consideration of the appropriation bill till 5, 6, or 7 o'clock, as members might see fit.

The question being taken on the motion by Mr. WILLIS, it was agreed to.

Mr. WILLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of resuming the consideration of the Post-Office appropriation bill.

Mr. ANDERSON. Is there not a call of the House pending?

The SPEAKER *pro tempore*. When the House took its recess this evening it was proceeding with a call of the House.

Mr. TOWNSHEND. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. ANDERSON. I ask unanimous consent that my colleague [Mr. MORRILL] be excused from attendance at this evening's session, on account of sickness.

There being no objection, leave was granted.

Mr. DOWD, by unanimous consent, obtained leave of absence for this evening, on account of sickness.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The pending question is upon the amendment offered this afternoon by the gentleman from Pennsylvania [Mr. BINGHAM].

The amendment was again read.

Mr. TOWNSHEND. I wish to reserve a point of order on this amendment.

Mr. HOLMAN. That has already been done.

Mr. TOWNSHEND. I would like to hear the gentleman from Pennsylvania state exactly what changes this amendment proposes to make.

Mr. BINGHAM. The object of my amendment is simply to carry out that which is doubtless the purpose of the subcommittee that framed this bill and of the Committee on Appropriations. It simply makes the basis of weight of a letter one ounce, instead of half an ounce. Under the phraseology of the bill as submitted to the House this would apply merely to what are designated by the Department "domestic letters;" that is, letters from one section of the country to another. I desire the basis of an ounce weight to apply to local letters in a city as well as to letters going from one section of the country to another.

Now, I took the proviso that is in the bill and submitted it the Attorney-General for the Post-Office Department, stating to him the purpose of the committee was to make the minimum basis of weight in the future one ounce, and asked him to examine the statutes, in order that it might be consistent with reference to the domestic letter as well as to the local letter. The amendment I have sent up is the amendment the Post-Office Department submitted to me. I examined it myself in connection with the statutes and approved of it thoroughly and wholly. It carries out what is the intention of the committee, that the minimum weight of a letter shall be one ounce instead of half an ounce.

Mr. HOLMAN. This proposition affects the free-delivery cities. Of course that is the purpose of it. Now, I suggest to the gentleman from Pennsylvania that we pass over this amendment for the present, leaving the point of order stand as it is, and come back to it again. It is proposed this evening for the first time.

Mr. BINGHAM. I am perfectly willing to accept that suggestion, and I am sure when the gentleman from Indiana examines it he will see that my statement is correct.

The CHAIRMAN. If there be no objection, the committee will pass over this part of the bill with the understanding that before the bill is concluded the committee will return and take up the amendment of the gentleman from Pennsylvania, subject to the point of order.

Mr. ANDERSON. In what part of the bill?

The CHAIRMAN. After the word "dollars," in line 181, down to and including the word "thereof," in line 192.

Mr. HOLMAN. It is concerning letter-postage.

The CHAIRMAN. The Chair hears no objection, and this part is passed over for the present, to be returned to hereafter.

Mr. TOWNSHEND. I wish to make a verbal amendment to the amendment adopted this evening—striking out the word "upon."

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. GEORGE D. WISE. After the word "thereof," in line 199, as it stands in the bill, I wish to move an amendment.

Mr. TOWNSHEND. That has been stricken out.

The CHAIRMAN. The Chair will hear the gentleman's amendment.

The Clerk read as follows:

And provided further, That the rate of postage on second-class publications deposited in letter-carrier offices for delivery by the carriers of the office shall be 1 cent for each pound or fraction thereof.

Mr. TOWNSHEND. I reserve the point of order against that amendment.

Mr. BLOUNT. I suggest to the gentleman from Virginia we pass this paragraph and the amendment on the same condition as in the case of the amendment of the gentleman from Pennsylvania [Mr. BINGHAM], to be returned to hereafter.

Mr. GEORGE D. WISE. I have no objection to that.

Mr. SKINNER, of New York. I desire to insert after the word "dollars," in line 181, what I send to the Clerk's desk to be read.

The Clerk read as follows:

The Postmaster-General is authorized to issue return postal cards, or two postal cards attached, one for use by the sender and the second for reply, in such quantities and under such regulations as he may prescribe, provided that the same shall be sold at the post-offices of the country at the rate of 2 cents for each such return card.

Mr. TOWNSHEND. I make the point of order against that amendment that it changes existing law and does not retrench expenditure.

Mr. SKINNER, of New York. I hope the gentleman will waive that until I make an explanation.

Mr. TOWNSHEND. I can not do it. [Cries of "Regular order!"]

Mr. SKINNER, of New York. I do not desire to argue this amendment at all. It speaks for itself. It conforms to the custom of almost every other great country. When you write a postal card you can not inclose a stamp for reply. This simply folds another one with it, on which the correspondent can write his answer.

Mr. WARNER, of Ohio. I hope the point of order will not be made against it.

Mr. SKINNER, of New York. I ask unanimous consent.

Mr. BINGHAM. I think the gentleman had better accept that. It increases no expense, and is simply a matter of personal convenience. It will not increase your bill one penny.

Mr. WARNER, of Ohio. The Government will lose nothing.

Mr. BINGHAM. It will increase revenue.

Mr. WARNER, of Ohio. It will increase the revenue instead of decreasing it.

Mr. BINGHAM. It will not incommode the Department, while it will add largely to the convenience of the people.

Mr. TOWNSHEND. I do not feel justified in accepting the amendment.

Mr. WARNER, of Ohio. Is it liable to the point of order?

Mr. BLOUNT. I rise to a question of order. There is a point of order pending made by the gentleman from Illinois, and I hope we will have a ruling.

Mr. MONEY. The law already provides for returned postal cards.

Mr. BINGHAM. They are not furnished by the Department.

Mr. MONEY. I think there is a law which provides for all these things. It also provides the Government shall not pay royalty for any of these patents.

Mr. SKINNER, of New York. I would like simply to say this in reference to the point of order on this amendment, that I believe it is in the interest of economy, because economy is traced to an increase of business of the Government upon which there is a profit. That is all I have to say, except that I urge this amendment in the interest of the convenience of the public.

Mr. HORR. It is evident, Mr. Chairman, that it will increase the receipts of the Government by increasing the sale of postal cards. A larger number of cards will be sent in order to receive a return reply than are at present used, which will necessarily increase the revenue of of the Government in this direction. There is no additional expense involved and I believe it will result in economy.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. ANDERSON. I wish to be heard for a moment upon the point of order.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose.

Mr. ANDERSON. As I understand this amendment it will reduce expenditures of the Government, and while it may change existing law, yet by reducing the expenditures of the Government it will be in order under the rule. That I affirm to be the fact for the reason that it is cheaper to print two postal cards on one sheet than it is to cut the sheet in two and print on each of the two separately. This will enable the Government to obtain 2 cents' worth of postal cards at a less cost on a double card than if it was required to have the double card split and printed on both its faces, as is done at present. That is the first point.

Now I wish to suggest also to the Chair that in addition to the saving to the Government in reference to the cost of printing the cards, it will reduce the expenses of the Government by increasing the number of postal cards used. It will have precisely the same effect which has always followed a reduction of postage; that is, by giving to the correspondent additional facilities you will derive a larger revenue from the double than you now have from the single card. For these two reasons I suggest that the amendment is in order because, as I have said, though it may change existing law yet it does upon its face, and will in fact, reduce the expenses of the Government.

Mr. TOWNSHEND. The Committee on Appropriations has been very liberal in making changes in existing law. It strikes me that we have gone as far in that direction as we can safely go without more mature consideration. This proposition has not been before the committee; they have not considered such a proposition, and to spring it upon the House now I think ought not to be tolerated.

It seems clear to me that it is obnoxious to the point of order. There are three things requisite to bring an amendment which changes existing law within the rule: that it shall reduce the amount of the appropriation, or that it shall reduce salaries, or else reduce the number of persons paid out of the Government Treasury. This proposition does neither. It does not retrench expenditures in any one of the three manners which I have suggested. It is, therefore, obnoxious to the point of order, and I insist upon a ruling by the Chair.

Mr. MONEY. Mr. Chairman, this proposition does not change any existing law.

Mr. HEWITT, of Alabama. Then why do you want to adopt it, if the law is in force?

Mr. MONEY. I am not speaking upon the merits of the proposition, but simply as to the point of order. I say that the law already provides for this.

Mr. TOWNSHEND. Does the law provide for return postal cards?

Mr. MONEY. Yes, sir; it provides for return postal cards and return envelopes and letter sheets, and the only reason that it is not in use to-day by the Government is because of the provisions——

Mr. TOWNSHEND. Well, turn to the law.

Mr. MONEY. Please do not interrupt me now.

Mr. TOWNSHEND. Just point to the statute upon that point.

Mr. MONEY. I have requested to be permitted to proceed without interruption. Then—

Pray thee, take pain
To allay with some cold drops of modesty
Thy skipping spirit.

Mr. TOWNSHEND. I think the gentleman should take his own drugs.

Mr. MONEY. And the only reason why this has not been in general use by the Government is because of the provision in the statute which says the Department shall pay no royalty for the use of it.

Mr. TOWNSHEND. I hope the gentleman will not address himself to me.

Mr. MONEY. As you seem to need more information than any other person in the House, I was addressing you in particular.

Mr. TOWNSHEND. I call for a ruling by the Chair.

The CHAIRMAN. The Chair is compelled to hold that the point of order is well taken.

Mr. GREENLEAF. I offer the amendment which I send to the desk, to come in immediately after the last amendment adopted.

The Clerk read as follows:

And upon all seeds and bulbs embraced in the fourth class by the said act, and by that act subject to postage at the rate of 1 cent for each ounce or fraction thereof, shall be charged, on and after the 1st day of July, 1885, a half cent on each ounce or fraction thereof.

Mr. TOWNSHEND. I reserve the point of order until the gentleman can be heard upon this amendment.

Mr. GREENLEAF. I offer this amendment not only in the interest of the seedsmen, florists, and agriculturists all over this country, but

also in the interests of the Government itself. Under the operation of existing law seeds are now charged at the rate of 1 cent per ounce for all kinds.

The result of this is, as I am credibly informed, that express companies have the cream of the business and do the principal part of carrying short distances—that is, to the cities this side of Omaha—and the Government gets only what is left and carries these seeds only the long distances.

I hold in my hand a letter of one of the principal seedsmen in the country, known, I presume, by name to every member of the House, which gives some facts in explanation of this subject. I ask that it may be read for the information of the House.

The Clerk read as follows:

ROCHESTER, N. Y., *November 20, 1882.*

DEAR SIR: Referring to our recent conversation, I desire now to hand you a few facts concerning express charges from Rochester. I may state that we receive the largest number of orders from those States named first in order on the list sent herewith.

Last winter Postmaster-General Howe sent a letter to Congress (which letter was printed in the CONGRESSIONAL RECORD) recommending that the rate of postage on fourth-class matter be reduced, as, after a careful examination of all fourth-class matter leaving New York city post-office, he had found that about 65 per cent. was delivered east of Buffalo, about 75 per cent. east of Cleveland, about 90 per cent. east of Chicago, and about 97 per cent. east of Omaha.

It may be possible that these figures are not exactly those quoted by the Postmaster-General, as, having lost my copy of the CONGRESSIONAL RECORD, I am compelled to rely upon my memory. But, in the main, I feel confident of their correctness.

From these facts I think it is clearly demonstrated that by continuing the high rate of 16 cents per pound the Government is driving the cream of the package traffic into the hands of the express companies, and the Post-Office obtains only that share of the mail intended for the far West or to points on long runs where the express companies have no offices, or where the postage is lower than the express charges.

Yours, truly,

JAMAS VICK.

Hon. H. S. GREENLEAF,
Washington, D. C.

Mr. GREENLEAF. Now, Mr. Chairman, a word with regard to the express rates on seeds from Rochester, N. Y.—known as the "Flower City"—to several of the principal cities of the country east of Omaha (which rates I think correspond with the rates to other Eastern cities), and it will be clear, as I understand the subject, that it will be for the interest of the Government, as well as for the interest of the agriculturist and horticulturist, that this amendment be adopted. I hold in my hand a list of express rates which will explain itself, and which I ask to have entered in the RECORD.

This list I have obtained at considerable trouble, and is as follows:

Express rates on packages.

From Rochester to—	3-pound package.	4-pound package.
New York	$0 25	$0 25
Philadelphia	40	40
Chicago	35	35
Cincinnati	35	35
Omaha	60	60
The postage at 16 cents per pound	48	64

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] reserved the point of order subject to an explanation of the amendment.

Mr. WARNER, of Ohio. If the Government admits seeds at all to get through the mails, I think the rate of 8 cents a pound is enough; and I believe the reduction of rate would increase the revenue rather than diminish it. If the Government can afford to transmit papers for 1 cent a pound, it can, I think, afford to carry seeds at 8 cents. I am in favor of the amendment, and hope the point of order will not be made if it lie. I hardly think it will lie against the amendment.

Mr. MONEY. If there is no point of order to be made against the amendment, I wish to say a word on it.

Mr. TOWNSHEND. If it does not provoke debate I am willing the amendment should be voted on, and shall not make the point of order.

Mr. BLOUNT. I make the point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLOUNT. The point of order is that it changes existing law. It changes the rate of postage on seeds and bulbs, and therefore is new legislation; and it does not retrench expenditures in either of the modes designated as legitimate in amendments to appropriation bills. It does not reduce the compensation paid to any person, nor does it reduce the number of employés, nor does it reduce the amount carried by the bill. And I may remark that I do not know it is strictly a matter of postal service to be sending bulbs and seeds through the mails.

The CHAIRMAN. The Chair is of opinion the point of order is well taken. The Clerk will read.

The Clerk read the following paragraph:

For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $500,000 of the net revenues of the Post-Office Department of the United States on mail-matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement, with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 30 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips: *Provided further*, That the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided: *And provided further*, That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885.

Mr. MCMILLIN. I reserve the point of order on that paragraph.

Mr. HOLMAN. I rise to make the point of order on this paragraph. I wish to call the attention of the Chair to the state of the law. I ask that the Chair direct to be read sections 4007, 4008, and 4009 of the Revised Statutes, as bearing on this question and showing the present state of the law.

The CHAIRMAN. The Clerk will read the sections of the Revised Statutes which the gentleman has indicated.

The Clerk read as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing vessels when the service can be facilitated thereby.

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

Mr. HAMMOND. Will the gentleman from Indiana allow me to suggest that he should also have read section 3976?

Mr. HOLMAN. That is the section, I believe, which was repealed.

Mr. HAMMOND. It was repealed, the repeal to take effect next April; but it is the law now. I think the gentleman had better have it read.

Mr. WARNER, of Ohio. But it would not be the law when this takes effect.

Mr. HOLMAN. It occurred to me that that section was repealed. I ask that section 3976 be read. It appears it is still the law, for the repeal has not yet taken effect under the statute of last session.

The Clerk read as follows:

SEC. 3976. The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive 2 cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States.

Mr. HOLMAN. The point of order I desire to present I think is substantially, so far as the present state of the law is concerned, based on section 4009. The Chair will perceive that the substance of that section is that the Postmaster-General may enter into contract with American vessels for the transportation of foreign mails at a compensation including both the inland and the ocean postage, which would be 5 cents a letter, being the entire postage on the mail which the vessels shall carry. Where the contract is made with a foreign vessel or with a sailing vessel, then the Postmaster-General shall only pay to the vessel transporting the mail, the foreign vessel or the sailing vessel, the ocean postage. That is the present state of the law. To that extent contracts are authorized to be made.

The pending proposition changes that law entirely, and repeals it. It provides as follows:

For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $500,000 of the net revenues of the Post-Office Department of the United States on mail matter sent to foreign countries—

All mail matter, as the Chair will perceive; not the mail matter sent by a particular ship, but all the mail matter sent to foreign countries—

during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement, with the lowest responsible bidder, for a term not exceeding four years—

A new feature—

and at a rate not to exceed 30 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips.

The change in the law, Mr. Chairman, is very manifest. The present law would pay these vessels the inland postage as well as the ocean postage on the mail carried. If the inland postage and the ocean postage on that mail would amount to $20,000 the vessel would receive it all, or at least such a contract is now authorized to be made under section 4009 of the Revised Statutes.

As affecting the subject of appropriations I desire to read the terms

in which the law of the present year appropriates the sum of $425,000. I have not that law at hand, but have sent for it. It is quite important the Chair should have before it the exact terms of the law for the present year, being the same except in the amount of appropriation as for many years past. When the Chair shall come to examine this provision it will find that there has been appropriated for the present year $425,000 for foreign mail service. Under this appropriation, as the Chair will perceive, the Postmaster-General could contract with foreign vessels for the transportation of the mails for the ocean postage only, and could contract with American steam vessels for the transportation of the mails, paying them under the provision of the law the entire amount of postage, inland as well as ocean, to the extent of the $425,000.

Now, the amount paid during the last fiscal year to American vessels was about $55,000. This bill, instead of appropriating $425,000, appropriates $370,000 (being $55,000 less than the amount appropriated for the current year) for the transportation of mails on foreign ships. The language of this bill is:

For transportation of mails on foreign steamships, and for foreign administration, for intermediary, territorial, and sea transit of foreign mails, $370,000.

Now, the corresponding appropriation for the present fiscal year is in the following language:

For transportation of foreign mails, $425,000.

Of course the whole of this could be applied by the Postmaster-General under section 4009 of the Revised Statutes, paying one class of vessels the sea postage, the other class of vessels—American vessels—sea as well as inland postage.

This bill, in the paragraph upon which the point of order is now made, proposes to change the entire law, not by a decrease in the amount appropriated, but by an increase to the amount of $545,000; and it provides that instead of payment being made on the basis of the inland and sea postage, those vessels shall be paid at a rate not exceeding 50 cents per mile both ways. There is the point of difference. Then it repeals all conflicting provisions of law now in force, including, of course, section 4009. The concluding proviso of the paragraph is in these words:

That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885.

Mr. MILLS. Is that the provision of the existing law also?

Mr. HOLMAN. No, sir. None of these provisions are in the existing law. This is entirely new legislation, as the gentleman will perceive. It repeals section 4009; adopts an entirely new basis of compensation—not the simple ocean and inland postage, but a compensation not exceeding 50 cents per mile.

My attention is called to the further fact that the paragraph embraces new legislation in this provision:

That the general law regulating the transportation of inland mails—

Not sections 4007, 4008, 4009 of the Revised Statutes,

shall be applicable to such contracts, except as herein provided.

There is a provision also for contracts for a term not exceeding four years, while the present law contains no such provision.

I call attention also to that portion of the paragraph reserving to the Government the right to purchase these vessels. This, of course, is new legislation. But the main feature of the paragraph is the repeal of section 4009 and the substitution of a new basis of compensation.

I trust the Chair will indulge me a single moment further. The first portion of clause 3 of Rule XXI is simply an old rule, which came down to us from former times, and has reference not to any change of law, but to appropriations in continuation of public works already in progress. It was designed to apply to such works of national importance as have been authorized and were in progress before the adoption of this rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects—

"Works" and "objects" being manifestly synonymous terms—

as are already in progress.

That provision has no reference to a change or repeal of existing law.

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The pending proposition increases the amount of the appropriation $545,000. It does so by the repeal of section 4009 of the Revised Statutes, by the incidental repeal of other provisions of the statutes, sections 4007 and 4008, and also by the enactment of new legislation not now in force. These are the grounds on which I predicate the point of order.

Mr. HEWITT, of New York. Mr. Chairman, it is not often that I take the time of the committee on a point of order. I have been a member of this House for a good many years, and I have usually been in pursuit of information as to what was in order and what was not in order, but this particular measure is of such far-reaching importance that I have been induced to give some attention to the question of order which it involves. I take it that any objection made upon the ground that the amount of money to be taken from the Treasury under the operation of this provision will exceed the amount which has heretofore been paid to foreign mail service will have no weight with the Chair if it can be shown that existing law makes provision for payment for foreign mail service. It is the function of the law to say what shall be done; it is the function of Congress to provide the means; and the necessity for annual appropriation bills consists in this, that the exigencies of the nation change with the rolling years, and that the appropriation bill is to accommodate itself to the carrying condition; sometimes granting more money, sometimes granting less money than has been found necessary during previous years. I shall not spend any time, therefore, in enlarging upon this very obvious point. But if the proposed legislation should be found to change existing law, and then the amount appropriated should exceed the amount heretofore applied to this purpose, I acknowledge that the provision would be open to the point of order.

The first question, then, to be settled is whether this provision in the bill which we have under consideration changes existing law. Prior to the passage of the act commonly known as the Dingley bill unquestionably this provision of the bill would have changed existing law. But by that bill, in section 23, it is provided that—

Sections 3976 and 4203 of the Revised Statutes of the United States and all other compulsory laws and parts of laws that oblige American vessels to carry the mails to and from the United States arbitrarily, or that prevent the clearance of vessels until they shall have taken mail matter on board, be, and they are hereby, repealed; but such repeal shall not take effect until the 1st day of April, 1885.

Now, section 3976 of the Revised Statutes required American vessels bound from any port in the United States to any foreign port to take on board the mails and convey them for a compensation of 2 cents per letter; under which provision, as the gentleman from Indiana [Mr. HOLMAN] has propenly stated, a very small amount of money has annually been paid—I think he said $50,000 or $60,000.

Mr. HOLMAN. Fifty-five thousand dollars.

Mr. HEWITT, of New York. To increase that amount by the sum of $600,000, unless that section had been repealed, would have made this provision subject to the point of order. But the section is repealed, and there is no provision left upon the statute-book which requires American vessels to carry the mails for a compensation which in the aggregate amounted, as the gentleman [Mr. HOLMAN] says, to $55,000. But we are told that that repeal only takes effect on the 1st of April next, and that therefore this provision of the statute is not yet repealed, that it is existing law, and that therefore this provision of this bill contravenes existing law. Mr. Chairman, the Dingley bill is existing law. That is the law of the land to-day. In that law the provision is that after the 1st day of April next these American vessels shall not be bound to carry the mails.

This provision in the bill reported by the committee comes before the House for the reason that the obligation to carry the mails will cease on the 1st day of April next. This bill is to take effect on the 1st day of July next, and thus does not go into effect until after the repealing clause of the Dingley bill shall have become a fixed fact and the obligation to carry the mail under section 3976 shall have ceased. It seems to me, not being much of a lawyer, but only a plain man of business, that if I had to deal with the question as the Chair will deal with it, from a common-sense point of view, I should take knowledge of the fact that on the 1st day of April next I should be left without any provision for carrying the mails, and I would proceed, as a good business man, to prepare for this contingency in time; and that is what this House is asked to do.

Mr. RANDALL rose.

Mr. HEWITT, of New York. Does the gentleman desire to ask a question?

Mr. RANDALL. I want to reply. I thought you had finished.

Mr. HEWITT, of New York. Oh, no; I have not begun on the point of order. I am only approaching it by slow degrees.

Mr. RANDALL. I thought you were touching on the merits of the question?

Mr. HEWITT, of New York. I have strictly avoided the merits of the question. I have not touched upon them, and I do not propose to touch upon them, and I may as well say now that nothing will fall from my lips in the discussion of this point of order which will indicate whether I am in favor of this provision of the bill or not. I am only discussing the point of order, and I shall not go outside of it.

Now, if I am right in saying that this bill makes provision for the cessation of mail facilities which will occur on the 1st day of April next, then we are brought to the question as to what the existing law does provide. The existing law in section 4007, which is not repealed, is this:

The Postmaster-General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

There is the broad authority for the Postmaster-General to advertise and enter into contract for the carriage of the mails between the United States and any foreign country. Is there any limitation upon

that power? Do the statutes anywhere provide any limitation? Yes. In section 4009 there is this provision:

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage, and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

Now, by the first clause section of 4009 the Postmaster-General, if he sends the mail by a United States steamship, may allow as compensation the sea and the United States inland postage. He may take the whole of the sea postage and the whole of the United States inland postage—all that he has got.

He may advertise and make a contract, paying all the sea and inland postage he receives. I know that is a startling proposition.

Mr. HORR. And that amounts to $1,800,000.

Mr. HEWITT, of New York. I do not care anything about the amount now. I am dealing with the law as I find it. I did not make this law, but I find that as the law now stands the Postmaster-General may make this contract by which the steamships carrying the mails shall receive the whole of the sea and inland postage. Gentlemen may say that is an absurd construction. Let us see what the second clause of section 4009 says:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

On a foreign ship he is limited to sea postage "on the mail transported." But that limitation is not applied to a United States steamship. And by the very fact that it is applied to the one and not to the other it becomes a negative pregnant, and therefore gives to the Postmaster-General, as I said before, power to enter into contracts which shall absorb the whole of the sea and inland United States postage money on foreign letters, whatever the amount may be, and he is limited only by this amount.

I confess I should be very reluctant as Postmaster-General to take the responsibility of giving that construction to the statute, but such it seems to be.

Mr. HISCOCK. What other construction could you give it?

Mr. HOLMAN. How could you give it any such construction?

Mr. HEWITT, of New York. Mr. Chairman, I once was on the committee which framed the Electoral Commission. There were thirteen lawyers, and I was the only layman. They told me that bill was constitutional, and I took their word for it, and I was abused afterward for having done so. I now leave my colleague from New York [Mr. HISCOCK] and the gentleman from Indiana [Mr. HOLMAN], both eminent lawyers, to fight out the legal question.

I simply take this statute as I find it, with the ordinary common sense with which I try to carry on not only my own business, but my share of the business of this House, and I say the particular proposition seems to be true that the Postmaster-General by existing law may enter into contracts for carrying the mail, and that the only limitation upon his power to contract with United States vessels is the amount of the sea and the inland postage he has in his possession to deal with.

Now, then, if this position be true the provision of this bill is a limitation upon that power, for the amount he has to deal with is about $1,800,000 and the amount limited by this bill is $600,000. This, therefore, does not change existing law and does retrench expenditure in that it limits the expenditure from the sum of $1,800,000 and brings it down to the sum of $600,000. Therefore, as the provision stands I think it is entirely within the rule of the House from the fact it does not make new legislation and does retrench the expenditure allowed by the existing law, although retrenchment is not necessary to bring it within the rule since the repeal of section 3976.

Mr. HAMMOND. Mr. Chairman, suppose the Dingley bill had declared that it should not go into force until 1895, would it not be the law now? The gentleman from New York admits it is not repealed—that the Dingley bill does not go into effect until April, 1885. We have not arrived at that date, and therefore 3976 and the other section, forty-two hundred and something, are existing law. Whether the 1st day of April will ever come, and with it the continued life of the Dingley bill, are things in the future. And the rule is applicable to existing law; that is the language of it, and we may before this committee rises to-night repeal the Dingley bill so that it shall never go into effect. But it is not the law now. Therefore, the first point taken by the gentleman from New York is not well taken, even if it related only to the two sections affected by the Dingley bill.

But sections 4007, 4008, and 4009, which have been cited by the gentleman from Indiana, are certainly existing laws, and this provision in the bill is inconsistent with every one of them.

The gentleman from New York, assuming he had gotten rid of the existing law, undertook by a specious argument to say on the face of this bill, by a certain knowledge of business he had, he could demonstrate it was a reduction of expense. The language of the rule is, shall reduce the amounts in the bill. So far from this reducing the amount in the bill, it appropriates a certain sum of money.

Mr. HEWITT, of New York. It is not the amendment—it is in the bill itself.

Mr. HAMMOND. It is useless for me to read the rule. The language is, no amendment nor any provision of the bill. The committee can no more put in a section changing existing law, unless it changes it in one of three ways provided in Rule XXI, than I can do it. Otherwise the committee can do what it pleases. It would be a chartered libertine, and could do what it would take unanimous consent of the House to do without the sovereign permission of the committee.

If it does not change any existing law, why does any one want it here? Is there any law now declaring what sum of money the Postmaster-General shall contract for and with what vessels he shall contract for the carrying of the mails?

The gentleman from New York has said that if he chooses to bind himself by contract to ship only by American vessels, and pay to the limit prescribed in 4009, it would be more expensive than the amount laid down in this bill. But this very same section declares that he may allow that to an American vessel or he may employ a foreign vessel at so much per letter. May he not contract for the lower amount as well as for the higher amount; and if he may, does this decrease expenditures? The existing law allows him to contract up to a certain figure on an American vessel; this changes that law and it may increase the expenditure—I do not know; the gentleman from New York says it does not, that it decreases it; but you do not know. That is a matter dependent upon outside figures, but not appearing in this bill.

Is there any law now giving a subsidy to American ships other than that, limited, which he has read, with responsibility attaching to the Postmaster-General of making such a contract as would be ruinous perhaps when other ships would for less sums do the same service and equally well? This law now before us declares a new rule between any port of the United States or any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port. It makes a new rule as to the limitation of contracts—four years; it makes a new rule as to the rate per mile on each trip each way; it makes a new rule as to applying all the general law of inland transportation to sea transportation; it makes a new rule in declaring that in time of war the vessels employed to carry this mail may be chartered or purchased by the United States at reasonable rates, and also in repealing all laws in conflict with this act. This law itself put in here is not at all necessary to running the mail service of the United States. It is foreign to the whole business. It is simply a declaration that in order to encourage American vessels you will change the postal law as to carrying the mail on American vessels.

Would it be within the competency of this committee to report a provision allowing greater compensation for carrying the mails on a car made in Massachusetts than on one made in Oceanica? Would it not be utterly foreign to the business of appropriating money to carry the mails?

I am not arguing the question whether such laws would be good laws or bad laws. I am only saying they would be new laws, and laws that do not upon their face decrease expenditures by diminishing the number of officers, by a reduction in their salaries, or the amount reported in the bill under discussion. I have made myself understood by the Chair and ought not to consume any further time. It is to me a marvel that any gentleman can suppose this measure not obnoxious to the point of order under the provisions of Rule XXI.

Mr. OATES. Mr. Chairman, I only wish to speak to one branch of the point of order, in which I think the distinguished gentleman from Georgia is in error. His position assumes necessarily for its maintenance that the Chair must be blind to everything on the statute-books except those which are presented here in argument. He assumes that this amendment necessarily changes existing law. If the Chair puts out of sight the act known as the Dingley bill, that is true; but this I assume the Chair will not do.

What operation then, or effect, does the Dingley bill have or propose to have at a future period upon the statute read by the gentleman from New York [Mr. HEWITT]? It repeals it, but not until April next. Now, because that repeal is postponed until that date, the gentleman from Georgia assumes that it is existing law and that this amendment would work a change in the existing law.

Why, sir, the very bill upon which this amendment is proposed can not have any force or effect as a law until the 30th day of June, a period after the other, the Dingley bill, goes into operation. Now, inasmuch as the Dingley bill can not repeal this section or these sections to which he refers until the time named in that bill, then, by parity of reasoning, the present act proposed to be amended can not operate or have effect or become a law until the time named in which it is to become operative. Then, applying the language of the rule wherein he maintains that it changes existing law, the Chair, to maintain that position, must assume that this law will continue to exist up to and after the period when the law proposed to be amended is to go into operation. This, Mr. Chairman, is an unsound position.

The rule invoked against this amendment must have a sensible interpretation. The repeal of existing law is immediate, if the bill to which the amendment is offered is at once to go into operation; but if it is to go into operation at a time fixed in the future, the Chair will look and see whether that law which is interposed and which it is contended is an existing law that it will operate to repeal will also have no existence when the present act goes into operation. As the Chair sees and

knows that by the terms of the Dingley act this existing law which will be changed will not be law at that time, that part of the gentleman's argument necessarily falls to the ground.

Mr. RANDALL. There is no occasion for confusing the point of order, as made under the rule of the House, with other matters. The question simply is this, Is there existing law which authorizes the appropriation contained in this paragraph?

The prior law, subsequently repealed by the Dingley act, prescribed the amount to be paid for ocean postage; and the sum provided for in this act is in excess of the provisions of that law. The next question is, Did the repealing clause in the Dingley act create any new law which authorizes such an expenditure as is provided in this paragraph? I submit that there can not be cited any law, and that no construction can be placed upon any existing statute growing out of the repeal as contained in the Dingley act, which authorizes under the rule the making of this law unless it is in the direction of economy. And so far as I know there is but one gentleman on this floor who has maintained that the paragraph here will reduce the expenditures. When we appeal to common sense we might as well at the same time appeal to truth, and we know perfectly well no man can stand up here and truthfully say that this provision of $600,000 does not greatly increase the expenditures of the public money.

Mr. HISCOCK. Will the gentleman from Pennsylvania yield to me for a question?

Mr. RANDALL. In a moment. Now I maintain first that this provision does change the law as it existed prior to the enactment of the law known as the Dingley act; and it is not material when that goes into effect, because the Dingley act itself provided no law in substitution, conceding that it changed the other law which authorized this expenditure.

Mr. DINGLEY. Mr. Chairman, there has been a misapprehension on this point. The assumption has been in all this discussion that the twenty-third section of the shipping act, approved on the 26th day of June last, repealed all the legislation providing for compensation to American steamships carrying United States mails. This is not true. There were two provisions of statutes that existed at the time that bill went into effect. First, one which authorized the Postmaster-General without contract to require any American vessel to take the mails of the United States and deliver them, for which it was to receive 2 cents per letter. This was the compulsory statute. But alongside of this, and still remaining the statute to-day, there was another provision of law contained in sections 4007 and 4009 of the Revised Statutes, which also authorized the Postmaster-General to enter into contract with the owners of American steamships for the purpose of carrying the mails of the United States, for which the Postmaster-General might pay to American vessels the sea and inland postage.

Now, it makes no difference, Mr. Chairman, whether the twenty-third section of the shipping act repealing the compulsory provision is in force to-day or not, the Postmaster-General under the law as it exists to-day is authorized to contract with the owners of American steam-vessels to carry the mails of the United States, with the only limitation that the sum paid shall not exceed the sea and inland postage. But the revenue from sea and inland postage during the past year, as appears officially by the report of the Postmaster-General, was $2,172,000, and the Postmaster-General to-day by the law as it exists, and by the law as it existed last June before the twenty-third section of the shipping act was enacted, is authorized if he chooses to contract with American ships to carry the mails and expend $2,172,000.

The provision introduced into this bill limits this expenditure to $600,000. It is in effect as if the language of the provision was that the Postmaster-General should expend only one-third of the sea and inland postage.

Now, Mr. Chairman, it seems to me that in this view, taking the law as it stands, this provision reported by the Committee on Appropriations does limit the expenditure which the Postmaster-General may make to about one-third of the sum which he may expend to-day under the law. But the inquiry is made, Why, then, this legislation? Because, in the first place, the appropriation which has been made has not been sufficient for the purpose of carrying out the limitations of law; and in the second place, because the practice has been to use the compulsory provisions of law enforced upon American vessels and not enforced upon foreign vessels; and to-day with these compulsory provisions unrepealed American steamships have simply the same chance that foreign steamships have, the right to accept or reject an offer of the Government. And now with the law as it exists and as it may be enacted in this provision, limiting the amount to one-third of the sea and inland postage, it seems to me, Mr. Chairman, that this provision is clearly in order.

Mr. HISCOCK. As I understand the argument which is advanced by the gentleman from Georgia [Mr. HAMMOND] and by the gentleman from Indiana [Mr. HOLMAN], it is that the repealing clause in the Dingley act does not operate upon the two compulsory clauses until the 1st of April, and therefore they are existing law within the meaning of the rule. Now suppose the Dingley act had repealed those two compulsory clauses, to take effect the 1st day of April next and had enacted every provision in the pending bill excepting that appropriating money to take effect upon the 1st day of April next—I hope I am understood—suppose the repealing clause took effect as a compulsory clause on the 1st day of April, and they had put into their statute the provisions in this pending bill excepting the one appropriating the money—I mean the provisions regulating what shall be paid and so on—I ask gentlemen under what provisions of the statute would you have made your appropriation? Would you have said that the clauses of the statute that are to be repealed and wiped out on the 1st day of April next—would you have said that they were the existing law for the purposes of this appropriation? Would that have been your position? Yet you are forced to that position if you are right on this point. You are forced to say that under this rule you would be compelled to make appropriations to be expended under laws which are repealed as of the 1st day of April next, before the time when the money is to be disbursed, and that you could not make your appropriation with reference to the provisions of law which will be in force at the same time with the law under which the money is to be expended.

I have said this much for the purpose of illustrating the fallacy of the position taken by gentlemen here. The law under which you must make your appropriation, the law referred to by the rule, is the law under which the money is to be expended, and none other.

One word further now—and I am aware that I shall be traveling over the ground which has been so well occupied by the gentleman from Maine [Mr. DINGLEY]—I ask these gentlemen if these sections that are repealed as of the 1st day of April next are in force—if they are actually in force to-day? Can you compel the Postmaster-General to have the mails carried under those sections? It is true that the Postmaster-General can compel these vessels to take the mails under that law, but there is nothing in the statute which compels him to enforce the law.

But, on the other hand, you have the sections that are referred to here under which the Postmaster-General has a right to make contracts. I have not examined those sections very critically, but my understanding of them is that they are provisions of law designed to meet a present necessity. A ship is in port; it is desirable to have the mail carried upon that ship; possibly there is no contract with her, and in a case of emergency the Postmaster-General under this statute can call upon that vessel to carry the mail. They are emergency statutes; nothing more nor less. It was not contemplated that contracts for the carrying of the mails permanently should be made under those statutes.

One point further, and I have done. There is a class of cases in which you are compelled to go outside of the statute to find out whether expenditures are reduced or not. In the rule we have this provision:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States.

Now, sir, whenever the amount which is to be paid to a person or to a corporation out of the Treasury is not fixed by statute you are compelled to go outside of the law to find out whether by the proposed measure expenditures are reduced or not. Take a case in which the compensation is to depend upon the amount of service rendered; in such a case you are compelled to go outside of the law and to look up the facts in order to find out whether expenditures will be reduced under the bill which you are considering. If it is a salary or if the statute declares the amount of money, the specific sum, which can be paid, then you look to the bill; but where the amount is dependent somewhat upon the amount of service rendered and you have got to ascertain the amount of service which is rendered before you know how much money you will pay for the service, in all such cases as that you are compelled of necessity to go outside of the act to find whether you are reducing expenditures or not. In this case, as I understand it, there will be a large reduction of expenditure. Under the law as it stands a million and a half or two millions of dollars may be paid out, but by this provision the expenditure is limited to a much less sum than that, and in deciding upon this question you are compelled to look up the facts to find out whether there will be a reduction of expenditure under the bill.

Mr. BAYNE. Mr. Chairman, in my opinion this provision is very clearly subject to the point of order made against it. It is subject to the point of order because it changes existing law and does not reduce expenditure, but, on the contrary, very largely increases expenditure. In the first place, there is no existing law now authorizing the Postmaster-General to make a contract for five years for carrying the mails either in American or in foreign ships, or on any of the railroads of the country, or by any other method whatever. Yet this proposition is to enable the Postmaster-General to make a contract for carrying the mail for five years.

Mr. DINGLEY. Four years.

Mr. BAYNE. Well, for four years. Now, there is no such provision as that in the Revised Statutes, nor can it be found anywhere in existing law. Therefore I say this does change existing law in that respect. Moreover, it makes a preliminary appropriation of $600,000, and if this contract may be made for one year at $600,000, four times $600,000 is $2,400,000. The argument strangely announced by my friend from Maine, that because the inland postage cost $1,200,000, or $2,000,000, and this provision appropriates only $600,000, therefore this is a retrenchment of expenditures, is an argument for which I can see no foundation at all. It appears to me to have no logical force or application.

Moreover, the existing law requires the inland postage to be paid on the mails transported. The amount of mail matter is the measure of compensation. There is nothing in the law to-day that does not regulate the compensation by the amount of service rendered to the Government. But this provision proposes to pay 50 cents a mile though the ship may carry but one letter. Yet gentlemen say that this provision does not change existing law!

A ship may start from New York to Brazil having, as was the case a few years ago, only one bag of mail-matter. In such a case under this provision that vessel would be entitled to 50 cents a mile from New York to Brazil and 50 cents a mile for another bag of mail-matter from Brazil to New York, although the cost of that transportation, according to the rates fixed by section 4009, would probably be only 50 cents for the round trip. Yet it is said this does not change existing law! It manifestly changes existing law in several respects. It is a departure from the policy of this Government, which is to pay for services rendered a fair compensation and no more; and just so far as it is a departure from that policy the idea of subsidy enters into it. The provision not only changes existing law, but changes the whole policy of this Government. I, for one, will never consent to any proposition that looks to taking taxation from the people and paying it to particular ship-owners in order to build up a fictitious system of marine service, when such things should come according to natural causes, and will come in due time if our people will be a little patient.

Mr. FINDLAY. Mr. Chairman, I dislike very much to occupy the attention of the House at this late hour in discussing a point of order; but being a member of the Shipping Committee, which has had this matter under consideration, I feel some interest in it, and was very much gratified when the Appropriations Committee reported their bill embracing this provision.

The question before the Committee of the Whole is whether or not this provision changes existing law; for I take it if it does not, the question whether it retrenches or increases expenditures becomes immaterial. The language of Rule XXI is:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures—

In one of several specified methods. So that the vital, the fundamental question to be determined in this case is whether the provision changes existing law. If it does not, all that has been said on the question of retrenching or reducing expenditures falls to the ground.

I maintain that it does not change existing law. The bill itself recites that "this act shall take effect from and after July 1, 1885." What law will be changed by the paragraph now under consideration? Not the section which has been repealed by the "Dingley bill," which goes into effect on the 1st of April, 1885; for on the 1st of July, 1885, that will be gone and out of the question.

An intimation was made by the gentleman from Georgia [Mr. HAMMOND] that it is not to be assumed but that that provision of law may be re-enacted, if you please, before the 1st of April. That is not a fair presumption upon which to argue this question. The presumption is that it will not be re-enacted, because it has been repealed.

Mr. HAMMOND. The gentleman from Maryland will permit me to say that I made no such presumption.

Mr. FINDLAY. I understood the gentleman to say so.

Mr. HAMMOND. No, sir.

Mr. FINDLAY. Very well; if the gentleman makes the correction let it stand. I simply misunderstood him. There are others who understood him the same way.

Mr. HAMMOND. I corrected the gentleman from Maryland, not myself, as to what he understood.

Mr. FINDLAY. I am simply saying I misunderstood you.

Mr. HAMMOND. I thought you said I corrected myself.

Mr. FINDLAY. I simply said I misunderstood you; and there are others who understood you in the same way.

Mr. HAMMOND. I am very glad you made the mistake, as it gives me this opportunity of making them understand me correctly.

Mr. FINDLAY. I think we understand each other now; and as this is not very germane to the discussion I shall proceed with what I have been saying. Having made my apology to the gentleman, I do not think it necessary to go further.

Now, Mr. Chairman, what is the state of the case? On the 1st of April, 1885, the existing law now on the statute-book passes out of existence. Then there come April, May, and June, three months during which there is no law upon this subject. Then on the 1st of July, 1885, this provision, if enacted, comes into existence. It can not come into operation by its own terms until that date. If the law with which this provision is in conflict should be in force on the 1st of July, 1885, when this bill proposes to go into effect, there would be a change of the law existing at that date; but as the law will not then be in existence, the law having been repealed three months before, there will be at that date nothing to change.

Mr. HAMMOND. Will the gentleman allow me a question?

Mr. FINDLAY. Yes, sir.

Mr. HAMMOND. Assuming to be true what the gentleman has already said, will not this provision of the section be a change of existing law:

> That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. FINDLAY. I understood the gentleman to rest the weight of his argument upon the first point I was discussing. If he abandons the first point, if he thinks that point answered, and now feels compelled to fall back on his second point, I will meet him there.

Mr. HAMMOND. I do not abandon my first point, although the gentleman assumes that I do.

Mr. FINDLAY. I said "if the gentleman abandons it." I did not make the assumption; but it seemed to me the gentleman did abandon it.

Now, Mr. Chairman, the gentleman has asked whether or not the last proviso which he has just read does not change existing law. I say no; it does not change existing law; it simply adds to the law something not now in existence. It makes new law and does not change the old. If we are to go outside of the statute and into the principles of the law I do not admit it makes any change of principle, because in the exercise of the right of eminent domain the Government of the United States can take these vessels now and use them in time of war. This simply says that the vessels engaged in this service shall be of American registry and shall in time of war be liable to charter or purchase by the United States at reasonable rates. It simply gives it a power—embodies it here in the statute—which it has without the embodiment of that power in the statute. Therefore it does not change the law in that sense. But in another sense it is not a change of existing law. It only adds something to law where it is now defective. And so I say to the gentleman from Georgia his second line is no better than his first.

Mr. MILLS. I hope the committee will rise.

Mr. MONEY. I hope not, as I wish to be heard on this question.

Mr. THOMPSON. I desire to submit an additional point.

Mr. MONEY. Had we not better dispose of one at a time?

The CHAIRMAN. The Chair prefers to hear all the points raised.

Mr. THOMPSON. I will state the additional point. It seems to be conceded, Mr. Chairman, by all that the provision ingrafted on the bill by the Committee on Appropriations is an entirety. I submit to the Chair this paragraph is an entire proposition. It seems to be admitted on all hands that each of the provisos is of itself a change of existing law. For instance, the last gentleman who addressed the House, the gentleman from Maryland [Mr. FINDLAY], admits the provision here that vessels engaged in this service shall be of American registry, and shall in time of war be liable to charter or purchase by the United States, is a change of existing law. It is further admitted that proviso does not retrench expenditure either in the reduction of the number of men employed by the Government or in the amount of pay given out of the public Treasury. And that last clause is clearly within the provision of clause 3 of Rule XXI. So it is admitted by all the gentlemen who have argued the point of order that each one of the other provisos comes within the range of the rule.

The point I submit to the Chair is this: That where any portion of an amendment, which is an entirety, is subject to the point of order the whole provision must be stricken from the bill. It has been so ruled constantly by various Speakers of the House. I will only cite the Chair to the decision made by Mr. Speaker KEIFER in the Forty-seventh Congress (Journal Forty-seventh Congress, page 1704), that whenever any portion of a proposed amendment submitted is out of order in any part it is sufficient ground for rejection of the entire proposition. I ask the Clerk to read that decision.

The Clerk read as follows:

> Mr. BELMONT, also, by unanimous consent, submitted the following resolution, namely:
>
> "*Resolved*, That a special committee of seven members of this House be appointed with authority to report upon the causes of the decline of the American merchant marine, and to recommend to the House at its next session what changes in existing laws are needed to secure a revival of this interest."
>
> *Ordered*, That said petition and resolution be referred to the Committee on Commerce.
>
> And then,
>
> On motion of Mr. BINGHAM, the House proceeded to the consideration of the bill of the House (H. R. 859) regulating rates of postage on second-class mail matter at letter-carrier offices.
>
> Mr. TOWNSHEND moved to amend by adding thereto the following as additional sections, namely:
>
> "SEC. 6. Strike out the word 'three' and insert 'two,' on the eighth line of section 3906 of the Revised Statutes.
>
> "SEC. 7. Strike out sections 3905 and 3906 and insert 'that the postage on second class mailable matter be, and the same is hereby, abolished, and that such mail matter shall be conveyed in the mails of the United States free from postal charges.'"
>
> Mr. PERKINS made the point of order that the said amendment was not in order, not being germane to the subject-matter of the bill.
>
> Mr. MOORE made the further point of order that the said amendment, being

the substance of a bill referred to the Committee on the Post-Office and Post-Roads, was not in order under clause 4 of Rule XXI.

After debate on said points of order,

The Speaker sustained the same, and held that where any portion of a proposition submitted was out of order it was sufficient ground for the rejection of the entire proposition.

Mr. THOMPSON. Now, Mr. Chairman, I hold that this proposition is an entirety, and that the Committee on Appropriations have no more power to ingraft upon an appropriation bill a proposition of this kind than we have by an amendment offered in the House. I hold that they stand exactly in the same relation to the House, and under Rule XXI have the same power as we have, and no more. I hold further that the proposition brought in here, being an entire proposition, parts of which are admitted on all hands to be subject to the point of order, that necessarily the entire proposition is subject to the point of order if insisted upon, and I do insist upon it.

Mr. TOWNSHEND. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLAND having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ADAMS, of Illinois, indefinitely, on account of sickness.

To Mr. GOFF, until February 16, on account of sickness.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask unanimous consent that the House may now take a recess until 10 o'clock to-morrow, as provided for by a previous order, without waiting until the hour of 10 o'clock to-night.

There was no objection; and accordingly (at 9 o'clock and 55 minutes p. m.) the House took a recess until 10 o'clock a. m. Friday.

AFTER RECESS.

The recess having expired, the House (at 10 o'clock a. m., Friday, February 13, 1885) resumed its session.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. I move to concur in the amendments of the Senate to the bill (H. R. 5479) to prevent the unlawful occupancy of the public lands.

The SPEAKER *pro tempore*. The Senate amendments will be read.

The several amendments of the Senate were reported.

Mr. PAYSON. I move to concur in the amendments of the Senate.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Illinois a question: whether this has been considered by the Committee on Public Lands?

Mr. PAYSON. Yes, sir; and unanimously reported by the committee with that recommendation.

I suggest, Mr. Speaker, unless a separate vote be desired on some of these amendments, that the vote be taken in gross upon concurring in the Senate amendments.

There being no separate vote demanded, the Senate amendments were concurred in.

Mr. PAYSON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, announcing that my object is, if possible, to call up the river and harbor appropriation bill; and pending that motion I move that all debate on the pending section and amendments thereto be limited to one hour and a half, with the understanding that the opponents of the bill shall have one hour, and the friends one-half hour of this time.

Mr. REED, of Maine. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED, of Maine. I make the point of order that under the rules of the House debate can not now be limited on the section.

The SPEAKER *pro tempore*. The Clerk will read the clause of the rule applying to this subject.

Mr. REED, of Maine. If the Chair desires, I should like to be heard upon the point of order.

The SPEAKER *pro tempore*. As soon as the rule shall have been read.

The Clerk read as follows:

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

Mr. REED, of Maine. As I understood the proposition of the gentleman, it is to close debate not only upon the particular paragraph under discussion at the time the committee rose, but also to close it on the rest of the section which has not yet been read.

In order that the importance of the decision upon this point may be fully appreciated, I desire, first, to say that debate would be closed upon that portion of the bill which especially needs exemplification and discussion. It will be remembered that at the beginning of the debate on this bill the time was absorbed by the committee who have it in charge under the direction and action of the House, and the committee, with the exception of the very luminous remarks of the gentleman from Arkansas [Mr. BRECKINRIDGE], gave us very little satisfaction on the subject of the Mississippi River improvements, which are involved, or liable to be involved, in the matter now in hand.

The Chair will also recollect that we had this question raised for the only time, at least during my membership of the House, in the discussion on the tariff bill in 1883. One side of this House was exceedingly anxious to pass the House tariff bill, the other side was exceedingly anxious that it should not be passed, and hence every provision was discussed at length—was discussed in the light of amendment and in every way—and it became apparent that if that discussion was to go on the majority of the House would have grave difficulty in passing the bill prior to the close of the session. Thereupon the motion was made to close debate on the section, which substantially included the whole bill, and I have no doubt the Chair will recollect the remarks which he as an individual made at that time, and I trust that his view in the chair may be the same as the view he took upon the floor and as the view which was taken by the permanent occupant of the chair.

I think it will be found that I did not participate in that debate upon the point of order. If my recollection serves me I did not; probably because I did not agree with my party friends as to the question. But in any event the proposition was then very strenuously opposed.

Now let me suggest to the Chair that in a parliamentary body all the presumptions are in favor of full and complete debate, and that it requires an absolute, positive rule of the House to justify the closing of debate. I say it is absolutely necessary to start with the idea that a closing of debate on the part of the House is a measure against which all the presumptions lie. In other words, there must be a positive rule of the House to justify the action in closing debate, because the normal condition of a deliberative assembly is that of debate; a proposition needs to be fully discussed. There never has been a case where, upon objection being made, so far as I know, this proposition of the gentleman from Kentucky [Mr. WILLIS] has been sustained. On the contrary, it has been the experience of every man in this House that a bill like this is discussed point by point and paragraph by paragraph; and this arises from the very nature of the bill, because each item is a separate expenditure, governed by separate and different reasons, and it is impossible to close discussion upon a whole section without closing it upon a multitude of subjects at once. So that the practical effect of such closure is to oblige discussion to range over a great number of subjects, whereas the rule and the principle of the rule has always been, and the practice under it the same, to have each item involving a separate appropriation discussed thoroughly or discussed at any rate by members of the House. And the rule provides, in order that there may certainly be discussion, that not until after discussion has been commenced can it be closed, thus insuring at least five minutes of discussion on either side of each proposition.

Now I know the language of the rule is that debate may be closed on the section or paragraph, and the question is whether that refers to different kinds of bills or whether it refers to the same kind of bills. I admit also that it will be found when you go back to 1860, when the rule started, that the debate would indicate that in the minds of those who participated in that debate, or, more exactly, in the mind of the proposer, the House was to have the alternative power. But I call the attention of the Chair especially to this principle enunciated by the permanent occupant of the chair.

I made a point of order the other day that resolutions of inquiry which were reported back under the rule from committees were not under the rules privileged, so as to be discussed and decided at once, and the permanent occupant of the chair informed the House that if it were a new question he might decide otherwise; but that a custom had grown up, a custom which has certainly not existed any more than two Congresses, by which he should feel constrained to be governed. Now that custom has grown up, but without a single point of order within my recollection having been made on the subject. If, then, the custom is controlling in that, it certainly must be controlling in this; for for twenty-five years, so far as I know, this custom has obtained. I say so far as I know, for nobody can tell without having made a thorough search what there may possibly be in twenty-five years of the CONGRESSIONAL RECORD and Globe. But I am very certain that during the eight years that I have been here the custom has been universal, and that no decision can be found by any presiding officer to the effect that debate can be closed on a provision of the bill which has not yet been read.

My argument then is this: that the normal condition of a deliberative assembly is one of free and untrammeled debate; consequently that it should be clear that the rules of the House permit the majority to limit the rights of individual members; and that the universal custom

of the House, the reason and sense of the situation, all show that this motion made by the gentleman from Kentucky is out of order, and I trust the Chair will so rule.

The SPEAKER *pro tempore*. The Chair will state the point of order raised by the gentleman from Maine, and the argument submitted by him would in the opinion of the Chair be very well directed to a general appropriation or revenue bill. The river and harbor bill has been held more than once to be neither a general appropriation bill nor a revenue bill. The debate to which the gentleman alludes affecting the tariff bill, in the judgment of the Chair, does not apply in this case. If this were a general appropriation or a revenue bill the Chair would have no doubt as to the correctness of the views of the gentleman from Maine; but as a river and harbor bill has never been held to be either one or the other, the Chair does not think the point of order is well taken. The Chair will ask the Clerk to read the sixth clause of Rule XXIII.

The Clerk read as follows:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

The SPEAKER *pro tempore*. The Chair is not disposed to bar the House of its right to debate. The Chair——

Mr. HISCOCK. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is now endeavoring to state its ruling, and will hear the gentleman later. The Chair has no disposition to bar the House of its right of debate. It is within the power of the House to continue debate upon this section, or the paragraph, as long as it pleases; but under the clause of the rule read by the Clerk, this being neither a general appropriation nor a revenue bill, it is clear to the mind of the present occupant of the Chair that it is competent for a majority of the members here present to limit debate upon the pending section. The Chair therefore overrules the point of order made by the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. I desire to take an appeal; but would it be too much to ask the Chair to state the difference between this bill and a general appropriation bill.

The SPEAKER *pro tempore*. The Chair has stated its opinion and made its ruling, and the gentleman from Maine [Mr. REED] appeals.

Mr. WILLIS. I move to lay the appeal on the table.

Mr. REED, of Maine. I do not mean to yield the floor unless I have to.

The SPEAKER *pro tempore*. The Chair will not require the gentleman to do that, because it has not the power.

Mr. REED, of Maine. Mr. Speaker, I have now made an appeal from the decision of the Chair. I have had too much experience in this assembly not to know how it is liable to act, but I propose, for my part, so far as I am able, to do my duty in regard to this matter. I desire to say to the House that this is establishing a precedent of a most astonishing character—a precedent which must necessarily recoil on both sides of the House.

Mr. WILLIS. Mr. Speaker, I would like to know whether, in discussing this question, the House can be lectured?

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Maine [Mr. REED] to confine himself to the proper discussion of the question.

Mr. REED, of Maine. Will the Chair be kind enough to point out wherein I have deviated from parliamentary rules.

The SPEAKER *pro tempore*. The Chair hardly thinks that the gentleman is addressing himself to the appeal which he has made from the ruling of the Chair on the point of order that he submitted.

Mr. REED, of Maine. Surely I may be allowed to speak of the importance of this matter. Surely that is legitimate discussion.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman from Maine [Mr. REED] that all discussion upon a point of order is in the discretion of the Chair.

Mr. REED, of Maine. Not upon an appeal, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair admits that upon an appeal the gentleman has a right to discuss the ruling of the Chair upon the point of order he has submitted——

Mr. REED, of Maine. Precisely.

The SPEAKER *pro tempore*. And the Chair hopes that the gentleman will do that.

Mr. REED, of Maine. I shall certainly do so. I call the House to witness that the language I have used is legitimate and proper argument, and that it is not lecturing the House, because, among other reasons, the House has not yet passed upon this question.

Here is a question which involves the freedom of debate, and I beg that this House will not, on account of affection for any particular bill, deliberately establish a precedent which in its results, as I have said before, is sure to recoil upon both sides of the House; is sure to deprive the House on some important occasion of the right to debate. I have endeavored to obtain from the Speaker now occupying the chair the grounds on which he makes a difference between the bill now before the House and general appropriation and revenue bills, and I venture to say that it will not be possible for any member on the floor, or anywhere else, to state any real ground of difference between the bills under the rule, the interpretation of which is in question, because the rule which was read by the Chair in its decision expressly includes every bill; and if it be true that this House can deprive a minority of the right of discussion upon this bill, then it can do so upon every bill that comes before the House.

Let me explain what I deem to be the great fallacy—I say it with perfect respect toward the present occupant of the chair and toward the Chair—the very great fallacy which seems to me to lurk under one suggestion which has been made by the Chair, the proposition that this House need not close debate on the section unless it chooses. Just there is the mistake. I am not now struggling for the rights of the majority; I am struggling for the rights of the minority; and I say that, under the rules of this House, the majority of the House have not the right to close debate except under the rules, and that consequently the ruling of the Chair, if sustained, does cut off the minority, provided the majority choose to exercise that power if the House gives it to them. What is the rule? Let me read it again for the information of the House:

The House may by vote of a majority of the members present, at any time after the five-minutes' debate has begun upon proposed amendments to any section or paragraph to a bill.

Now, certainly the word "bill" there includes general appropriation bills, includes revenue bills, includes river and harbor bills, and all other bills that can be brought before the House or the Committee of the Whole. Consequently, if this ruling be sustained, the distinction made by the Chair can not be sustained. You will find yourselves, and we shall find ourselves, cut off from the discussion of tariff bills, cut off from the discussion of general appropriation bills, and I would like to ask what condition the House will be in then? It has no power to do general legislation now; under this ruling it can not discuss the river and harbor bill; it will not be able to discuss an appropriation or a tariff bill; and, if that is to be our condition, I should like to know why we meet at all. What would be the object of our coming together except to record without word or murmur the opinions of the temporary majority of the House? That is not the object of a deliberative assembly. That strikes at the very foundation of a parliamentary body.

I had at my desk (but some one has taken it) the debate which occurred on this question in the year 1883, and I commend the reading of that to the majority of this House. That debate was participated in by the present occupant of the chair and by the permanent Speaker of this House. There is not one word in any of the remarks made by those gentlemen which is not applicable to the present question. They were both of them very strenuously of the opinion that the majority of this House had not the right to deprive the minority of the power of discussion upon portions of a section which had never been read.

Let the House consider for a moment the existing condition of things. One-half of a section has been read; it has been commented on, paragraph by paragraph; and now it is deliberately proposed that all debate, except such as the majority choose to allow, shall be cut off upon the rest of the section, which has not even been read to the House. For my part I can not conceive of a more singular and astonishing proposition.

Let me further say to the House that this question becomes especially important on this very bill. We are coming to sections which involve the expenditure of millions of money. There are three hundred and twenty-five men who have the right of discussion of those measures. The Mississippi scheme, the Hennepin Canal, and the Galveston Harbor appropriation are involved in this. Yet it is proposed under this ruling to limit three hundred and twenty-five men to an hour and thirty minutes in the discussion of these questions, when the rules of this House give a right of five minutes' discussion pro and con on every item; and the custom of the House gives a much less limited right of discussion.

I am aware that what I have said would have been very much illuminated by the remarks made on the occasion to which I have referred by the gentleman who is now our permanent Speaker and by the present occupant of the chair; and I am sorry that I am not able to present them. Perhaps some gentleman can favor me with the volume? Has the gentleman from Kentucky [Mr. WILLIS] the debate at hand?

Mr. WILLIS. No; I have not. I have the Journal here.

Mr. REED, of Maine. Has the Speaker that debate?

The SPEAKER *pro tempore*. The Chair has not the volume.

Mr. REED, of Maine. If he has I shall be very much obliged——

The SPEAKER *pro tempore*. The Chair has not that debate at hand; he has the ruling made on this question by the permanent Speaker of this House, which after a while the Chair will ask to have read.

Mr. REED, of Maine. By the present Speaker of the House?

The SPEAKER *pro tempore*. By the present permanent Speaker of this House.

Mr. REED, of Maine. I yield five minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I shall make but a single suggestion on this question. We have in this House a custom, which I suppose has its authority in the construction of the rules—a custom under which we read a section or a paragraph, as the case may be, to which amendments and discussion are to be directed. We read the section or para-

graph before either amendment to it or discussion upon it is in order. If it had been the policy in the consideration of this bill to read this entire section before receiving amendments or entertaining discussion upon it, I could very well understand how the ruling of the Chair might be proper and right under the rules.

My understanding is that all the matter upon which you would limit debate must be read in the committee before a motion to limit debate upon it is in order. If in the consideration of this bill we had read the entire section before receiving amendments or allowing discussion, there would be, I concede, ground for the ruling made by the Chair. But we have adopted an entirely different policy—a policy and practice which have always obtained in this House, reading first a part of the section, the paragraph, and then receiving amendments to the paragraph and discussing those amendments.

It is entirely competent to limit the debate upon a part of the section which has been read and considered in that way, and upon all amendments which have been made to that paragraph. But when we go further than that, and attempt to limit discussion upon a part of a section which has never been read and which has not been before the committee, it seems to me, with all deference to the judgment of the distinguished occupant of the chair, we are violating every usage of the House and violating the spirit of the rule.

I submit is it competent, is it orderly, that we should go into Committee of the Whole and debate under the five-minute rule a section before that section has ever been read?

I ask if the Chair were presiding in the Committee of the Whole House on the state of the Union whether he would allow discussion under the five-minute rule until the subject-matter upon which general debate had been closed by order of the House had been read and the section, paragraph, or proposition was thus before the committee under the five-minute rule?

Under the ruling appealed from, Mr. Speaker, I see no reason why it is not entirely competent and proper to go into Committee of the Whole and have the gentleman who has charge of the bill, after general debate has closed, apply the five-minute rule on the section before it has been read at all, and amendments be received to it before it has been read. go then back into the House and cut off, if the House is of that mind, discussion entirely on the section which has never been read at all, and has not been before the House by the reading provided for in the rules. And in this way you may cut off the whole consideration of the bill. It is for this reason, Mr. Speaker, I have desired to enter my protest against the ruling which has been made.

Mr. REED, of Maine. I will yield five minutes to the gentleman from Massachusetts.

Mr. LONG. Mr. Speaker, my interest in this point is not connected with the bill under consideration; but it seems to me we are settling here a very important principle. As was suggested to me by the gentleman from New York [Mr. BEACH], if the construction now urged is to be carried out, the arrangement of a bill into sections being a mere matter of convenience, it will be in the power of any person or committee reporting a bill to put that whole bill in one section and then immediately cut off the debate upon it.

The rule reads as follows:

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph.

I call the attention of the Chair to the fact that this rule is two rules, not one; two rules are embraced in one formula. Those two rules are these: First, the House may, by the vote of a majority, &c., close all debate upon any section; second, the House may, by the vote of a majority, &c., close all debate on any paragraph. The language of the rule is "section or paragraph;" in other words it is disjunctive, making two rules, the second of which, that as to a paragraph, giving the same limitations and rights of debate on a paragraph which otherwise, under the first, would be given only to a section. After the five minutes' debate has begun on a paragraph, that is, after it has been read and debate has begun upon it, the House by a majority of its members may close debate on that paragraph. So, too, after a section has been read and the five minutes' debate has begun on that section, then you may close debate on that section. Therefore it follows that whenever any paragraph has been read and the five minutes' debate has begun, then and only then debate thereon may be closed. So, too, under the other part of the same rule, a section must first be read in regular order—the whole section; debate must begin on that section, and then and then only a motion is in order to close debate thereon. Until the whole section has been read, until the five minutes' debate has begun on that whole section, a motion is not in order to close debate; otherwise the rights of debate are cut off; otherwise, as the gentleman from New York has said, any committee may report a bill in one section and deprive this House of debate. This principle is too important to be sacrificed.

Mr. WILLIS. Can the gentleman from Massachusetts find any rule anywhere which would prevent the Committee on Rivers and Harbors of this House putting the bill making appropriations for the rivers and harbors of the country into one paragraph?

Mr. LONG. I know of none; that is the very argument I make.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

Mr. REED, of Maine. I have the floor. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from Maine has thirty-five minutes remaining of his hour.

Mr. REED, of Maine. I will yield now five minutes to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. Mr. Speaker, I do not propose at this time to enter into any discussion on the point of order now before the House. My only desire at the present time is to say a word in the interest of the bill and suggest to my friend from Kentucky [Mr. WILLIS] who has it in charge that in all probability it might reach consideration in the House at a much earlier hour if this question as to limiting debate should be held in abeyance for a little time. The vote taken by the House yesterday evening on the proposition to enter upon the consideration of the bill at this hour indicated very clearly the friendly feeling of the House toward it. I believe if a fair discussion can be had, if a reasonable time be allowed for that purpose, and if the gentlemen who are opposed to certain provisions of the bill are permitted to offer such amendments as they deem necessary, that there will be little or no opposition manifested to its passage; and I submit that it is due to those who have had no opportunity of being heard that they have some consideration shown them in this regard.

There are many important provisions in this bill which have not yet been discussed. Many members of this House think they have a right to be heard in the expression of their views against these provisions. It is just to them and just to the constituency they represent that they should have a reasonable opportunity at least to present their views to the House. None of them I am sure will urge any factious opposition but merely endeavor to protect the interests of their constituents, which they believe are now left without the protection which should be afforded under the provisions of this bill.

And up to this time it can not be denied, whether done purposely or not I will not undertake to say, that the committee having this bill in charge have occupied a very large portion of the time during which it has been under discussion, and now to limit all further debate upon the remainder of the bill to one hour and a half would be to deny to many members a right to which they are entitled.

During the whole time the bill was under consideration in the committee-room no member of the House, I believe, was permitted to lay his views before the committee. Since it has been before the House only a very small number of gentlemen who desired to speak have had an opportunity of discussing it, or of offering any amendment to it. This was unjust to them and may result in leaving important interests wholly unprotected.

Mr. REAGAN. Let me interrupt the gentleman to state that if he will remember, although the committee occupied the greater portion of the time, yet there were several members of the committee who addressed the House in opposition to the bill.

Mr. YOUNG. That may be. I do not know how that was, nor am I complaining of the distribution of the time, but was only going to suggest to the gentleman in charge of the bill that it might be better to let the discussion proceed this morning, ascertain the feeling and temper of the House in respect of further discussion, and how many gentlemen yet desire to speak. By pursuing this course, in all probability by to-morrow or the next day he will be enabled to have the bill in such condition as to submit it to the House for final action. I have no doubt that the House will cheerfully grant him for to-morrow and for the next day the same favor that has been accorded him to-day, in order that the bill may be fairly considered and that no gentleman may have any just cause of complaint. If this suggestion is adopted and an opportunity given to the few gentlemen who entertain decided views and convictions upon this subject to express them, I have no doubt that in a very few days the bill may be finally acted upon by the House and go to the Senate for its concurrence.

Mr. REED, of Maine. I now yield three minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I desire to submit to the Chair, in the first instance, a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. If the decision of the Chair should stand as the judgment of the House, and the motion of the gentleman from Kentucky [Mr. WILLIS] should prevail, and the debate be limited thereunder, would it be in order to submit either an amendment or remarks upon paragraphs of the bill which had not been reached and read under this order?

The SPEAKER *pro tempore*. Amendments to the bill would be in order, but debate would be closed by order of the House should the motion of the gentleman from Kentucky prevail.

Mr. CUTCHEON. I do not understand the Chair to answer my question fully.

The SPEAKER *pro tempore*. Possibly the Chair does not understand the gentleman's question.

Mr. CUTCHEON. Would it be in order to submit amendment or

debate upon a portion of this section of the bill until it had been reached in its regular order and read under this ruling of the Chair should the motion of the gentleman from Kentucky prevail?

The SPEAKER *pro tempore*. The Chair will state in response to the gentleman that amendments may be submitted and would be pending should the motion prevail. But the gentleman from Michigan will perceive, under the ruling of the Chair, if on the appeal that ruling shall be sustained and the motion of the gentleman from Kentucky prevail, that debate would be limited upon this section and such amendments as may be offered to the time indicated by him.

Mr. CUTCHEON. Mr. Speaker, I submit that the Chair has not answered the question.

The SPEAKER *pro tempore*. The Chair has answered the gentleman as distinctly as he can.

Mr. CUTCHEON. I beg pardon of the Chair, but the point of my inquiry is simply this: We have before us a bill of some fifty pages. But ten of these pages have been read. Under this decision of the Chair, if it should be sustained and the motion of the gentleman from Kentucky shall prevail, the entire debate will be limited to the portion which has been read. Now, if the motion of the gentleman from Kentucky shall prevail, I submit that it is manifest to every gentleman upon the floor that the entire hour and a half would be consumed in debating probably a single proposition in that bill, and no gentleman interested in any other portion of the bill beyond page 13 would have any opportunity of debate whatever. Therefore I put the question to the Chair, whether we could debate a proposition before it has been read in the bill if this motion prevails?

Mr. WILLIS. The whole section remaining will be read and be open to debate and amendment. The only point is that the debate will be limited to one and a half hours, one hour of which time will be devoted to the opponents of the measure and one-half to its friends.

Mr. CUTCHEON. I make this inquiry more as a friend of the bill than as an opponent. I desire to see the bill in some proper form pass the House at this session and become a law, and I desire to see it put in a form in which it can pass and become law before the close of this session.

Mr. REED, of Maine. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I listened to the ruling of the Chair as closely as I could, and I do not understand the Chair to hold, nor have I been able to find in the rules, any different provision as to general appropriation or revenue bills from those that apply to all bills, so far as the point of order is concerned. I do not believe that there exists any substantial difference, or that there should exist any; and I desire to read to the House very briefly from the remarks of the present Speaker of the House, Mr. CARLISLE, made upon the discussion of a similar question in the Forty-sixth Congress.

After reading clauses 5 and 6 of Rule XXIII, he says:

Now, we have invariably treated each separate and distinct clause of an appropriation or revenue bill as a paragraph; we have proceeded upon that rule throughout the whole of the consideration of this bill, even up to the very moment when the gentleman from Kansas submitted his motion that the committee rise.

Now I ask the particular attention of the House:

His proposition now is to do what has never yet been done or attempted to be done in this House since the organization of this Government so far as I know; that is, to go forward from the stage to which the House has arrived and close debate upon paragraphs and clauses and subjects not yet reached, not yet read, or considered in any manner by the House and to which no amendments have as yet been offered. And if the gentleman from Kansas can cite a single instance in the history of this body where such a motion as that has ever been entertained I shall have nothing more to say. The gentleman knows that no such proposition can be entertained by the Chair under the rules of the House.

Now observe this:

He knows that when we had under consideration in the last Congress the river and harbor appropriation bill which consumed a great deal of time, a bill which everybody was anxious to reach, where all of the various expedients which are admissible under the rules were resorted to with a view of taking it from the committee and bringing it into the House, he must remember that with all of the anxiety that prevailed to get that bill passed no gentleman upon this floor ever ventured to offer such a proposition as he now submits.

So spoke the present Speaker of the House of Representatives when he stood with the minority, not only touching revenue bills and general appropriation bills, but touching river and harbor bills and all other bills. It occurred to me then and it occurs to me now that he spoke well. And I hope this House will pause long before they will make a rule that does not now exist or make a distinction that does not stand in sound reason.

It is much better that this river and harbor bill should be a few days longer delayed in its passage than that a precedent should be made here which will return to plague the House not only perhaps in this Congress but in future Congresses. And I want to urge upon this side of the House, as we are now in the minority and to continue in the minority next Congress, that we owe it to ourselves to see that these rules do not receive such interpretation as will cut off fair debate.

Mr. BURLEIGH. I ask the gentleman from Illinois how did he vote at the time the matter was discussed?

Mr. CANNON. I do not recollect how I voted or whether any vote was taken.

Mr. REED, of Maine. There was no vote.

Mr. CANNON. I do not recollect that there was a vote upon it. But however I may have voted or not voted under these rules, and in the light of this discussion I feel assured that the ruling of the Chair ought not to stand. The gentleman from Massachusetts [Mr. LONG] has marked a passage, which I will also read, from the remarks of the present occupant of the chair, the Speaker *pro tempore*.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. REED, of Maine. I will read the passage to which the gentleman from Illinois has referred.

I desire to refer the House to the particular date of the debate which has been alluded to so that they may consult it. The debate in question occurred on the 17th day of February, 1883, and will be found in volume 61 of the CONGRESSIONAL RECORD for the year 1883.

The proposition was precisely the same as is made to-day, and it excited indignation on the part of members on both sides. The part which was taken in it by the permanent Speaker of the House has been read by the gentleman from Illinois [Mr. CANNON] and it is full and conclusive on the subject.

The gentleman from New York [Mr. COX] also participated in the debate, and gave utterance to one very fruitful sentence:

I answer him and the gentleman from Pennsylvania that these rules were intended for the minority, as a shelter against the majority, against the mere whims and caprices of both the Speaker or the majority, that being the object of all rules and all must abide by them.

I desire to add that that same gentleman protested against this identical doctrine. Mr. Robinson, of Massachusetts, now the governor of that State, then, as now, a Republican and in favor of the bill which this proposed action of February 17, 1883, would have aided, makes very strenuous declaration against it on common-sense grounds. He says:

Mr. Speaker, I should like to say something before the point of order is decided. I do not believe this motion to be in order, and I do not think it would be a safe practice for the House of Representatives to entertain any such motion in the present stage of the business, and feeling that conviction sure, I can not allow myself to sit still and not express my view of the matter.

Then he says further:

If it is only printed in one section it may be forced down the throats of members without an opportunity to debate or amend it. [Applause.]

And the applause came from both sides of the House apparently.

I want to speak here for myself and protest against such a position.

It will be found that the gentleman from Pennsylvania [Mr. RANDALL], an ex-Speaker of this House, and a distinguished parliamentarian, in that debate expressed precisely the same views. And lest I may seem to do injustice to the present occupant of the chair, I will read some observations which he made:

The gentleman from Kansas need not apologize for failure to cite precedents. Neither he nor any other man here or elsewhere can sue out a search warrant and find a precedent for the motion he makes. There never was a revenue bill or an appropriation bill considered in this House where it was ever attempted to close debate except upon the subject-matter which had already been considered in the Committee of the Whole.

And it will be observed that there is no limitation there to general appropriation bills; it is no revenue bill and no appropriation bill of any kind.

Then the gentleman says again:

You may succeed in thus gagging the House, but you can not gag the American people, and you shall not gag their Representatives without a protest being made before you do this thing after a fashion which is more adroit than it is either honorable or manly. I will now yield to the gentleman from Georgia [Mr. HAMMOND].

And the gentleman from Georgia expressed himself at length in opposition to the doctrine contained in the ruling of the present occupant of the chair. So, then, in the only case which has been found of record by the distinguished gentlemen who have brought it to the attention of the House it appears that members upon both sides of the House, with great forcibleness of language, repudiated the proposition, and it was abandoned by its author. The matter never came up again in the House and was never passed upon. That abandonment is practically equal to a decision, and a decision of the most determining character, on the part of the House.

I beg leave now to reaffirm that there is no possible distinction between "bills" under the clause of the rule which has been read here more than once this morning, and that if this decision covers anything, it has got to cover revenue and appropriation bills; but if the House has determined to face this question and to cut off debate—in the language of the present occupant of the chair—to "gag the Representatives of the American people," I do not suppose that anything I can say can prevent it. I yield to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I only desire a moment to impress upon this House the practice that we have always followed and to confront the House with this startling proposition: that under this ruling you may bring in here at any time a bill covering a hundred or a thousand paragraphs and millions of money, and, before one sentence of it has been read, after general debate has been closed, you can take the floor under the five-minute rule and limit debate upon all those paragraphs.

I appeal to the present occupant of the chair: If he was presiding in Committee of the Whole, would he entertain either an amendment to a section or an amendment to a paragraph, or debate upon a section or

debate upon a paragraph, until it had been read in committee? And yet this decision deprives us of the power of debate upon propositions which have not been read before the House. I do not know that there is any affirmative rule of the House to sustain the decision; but many and many a time I have seen gentlemen rise here to debate a proposition or to offer an amendment to a section or paragraph before it has been read, and they have been called to order and required to take their seats. I do not know that the present occupant of the chair has so ruled, but repeatedly we have seen it. It is within the experience of every gentleman present. No amendment, no debate, is in order until the proposition has been read to the committee which you desire to debate or to which you desire to offer an amendment, and you can not limit debate under the five-minute rule until such debate is in order, and it is not in order except as the bill is read for amendments.

I remember the discussion that took place here, which has been referred to by the gentleman from Maine [Mr. REED] and the gentleman from Illinois [Mr. CANNON], and I know the views that I entertained on this question when it was then submitted to the House. It does seem to me that this House owes it to itself—both sides of the House—to continue to occupy the position it occupied when this question was then presented, and to reverse this decision of the Chair.

Mr. REED, of Maine. I yield three minutes to the gentleman from Massachusetts [Mr. STONE].

Mr. STONE. Mr. Speaker, it appears to me that upon a proper consideration of the rule now under discussion it will be seen that to construe the rule in such a way as to authorize debate to be cut off upon a section which involves the substance of the bill, would be a gross abuse and perversion of the rule itself. I desire to ask the attention of the House for a moment to the question: What is the object of going into Committee of the Whole? Why do you, by your rules, provide in respect to certain bills which involve expenditures of money that they shall be discussed in the first instance in Committee of the Whole? Why do you do that? Simply, because in Committee of the Whole you can have a latitude of debate that is not to be had in the House; because in Committee of the Whole it is competent to discuss the matter at large; because in Committee of the Whole the right to call the previous question, the right to lay on the table, the right to reconsider—all those motions which affect and limit debate—are excluded.

Now, then, by the course indicated by the decision of the Chair you propose to practically escape the effect of going into Committee of the Whole by making a construction of the sixth clause of Rule XXIII which will allow the House, before the matter goes into Committee of the Whole, to cut off debate by a vote to the effect that debate shall be limited to five, ten, or fifteen minutes, as the case may be, upon the section or paragraph under consideration. What is the proper construction of that phrase in the rule "section or paragraph?" I submit that to adopt the construction which is contended for here is simply to avoid the effect of the other rule, which provides that all measures of this character which involve the expenditure of money shall be first considered in Committee of the Whole. If you attempt, as you now propose, to give this effect to the sixth clause of Rule XXIII, you practically control debate in Committee of the Whole by a previous vote on the part of the House, which is inconsistent with parliamentary rules and inconsistent with the very purpose for which your Committee of the Whole is instituted. Therefore, Mr. Speaker, I submit—and I have given some thought to this question—that this proposition is a gross perversion of the rule, and is an attempt, by means of a forced and unfair construction, to avoid the effect of going into Committee of the Whole.

[Here the hammer fell.]

Mr. REED, of Maine. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has six minutes of his hour remaining.

Mr. REED, of Maine. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, I presume the reason of the rule which most of the gentlemen on this side in the Forty-sixth Congress vindicated is even stronger than the precedent then created. Precedents are sometimes determined more or less by the condition of parties, by the relations of majority and minority. I do not know how gentlemen on the other side stood then. I know that many of us on this side, notably my friend from Illinois [Mr. SPRINGER] as well as the present Speaker of the House and others, believed that appropriation bills of all kinds, all bills taking money out of the Treasury, should have that full, free, and fair discussion and amendment which can only be had in Committee of the Whole.

Hence the reason of the rule, which I think was well expressed at that time in the language of our present Speaker, Mr. CARLISLE, not to mention what was said by other members. I will ask the Clerk to read as a very succinct statement of the rule to be applied to all appropriation bills a portion of the remarks made at that time by the gentleman who is now the permanent Speaker of this House.

The Clerk read as follows:

Mr. CARLISLE. Mr. Speaker, under the rules of this House, which have prevailed ever since this House was organized so far as I know, the Representatives of the people have a right to have all bills proposing to impose a tax or to make appropriations of money read by clauses and each clause considered on its own merits. By the practice of the House the gentleman in charge of the bill has a right to move the committee rise and close debate on a pending paragraph and amendments thereto, but there is no rule or practice of this House by which the House can close debate or cut off amendments to clauses not yet read or considered by the committee.

[Here the hammer fell.]

Mr. REED, of Maine. I now yield to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I yield one minute to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I understand that a distinction has been drawn by the Chair between this bill and revenue and appropriation bills. The portion of our rules upon which the decision of the Chair is based is the sixth clause of Rule XXIII. Taking the whole rule together, let us see what kind of bills come under that rule as entitled to be considered in Committee of the Whole, and therefore under this bill. The third clause of Rule XXIII provides:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

[Here the hammer fell.]

Mr. BAYNE. I yield one minute more to the gentleman from Massachusetts.

Mr. LONG. The fourth paragraph of Rule XXIII provides:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence.

These paragraphs of the rule clearly include all sorts of bills taking money out of the Treasury, and specially name "bills for the improvement of rivers and harbors." How, then, can the Chair hold that under clause 6 of the rule any distinction is made in behalf of revenue and general appropriation bills as against all others?

Mr. BAYNE. Mr. Speaker, I believe that the river and harbor bill now pending in Committee of the Whole can undergo the discussion that it should receive by the rules, and can be fully considered in a very short time. Most of the subjects which have excited discussion have been eliminated from the bill; and I believe it can now go through with little difficulty or delay under the ordinary rules. As a friend of the bill I am in favor of that sort of consideration and discussion.

Moreover, I believe it would be a bad precedent to shut off in this case the customary debate, item by item, on an appropriation bill. I do not care whether this bill falls within the category of appropriation bills by name; it is an appropriation in fact; and the thing is always far greater than the name.

I can not agree to the establishment of a precedent which would cut off discussion upon this or any other bill involving appropriations out of the Treasury of the United States. Bills of this character should be considered item by item. Each appropriation should on separate consideration be made, if justified by policy and law, or if not should be refused. I do not see how the Committee of the Whole can be enabled to reach any just conclusion unless the separate propositions are discussed *seriatim*. The method of consideration proposed by the chairman of the Committee on Rivers and Harbors will not permit, I think, the fair and candid discussion which there should be on this bill.

I regret exceedingly that the question has assumed this phase, because I believe that in the time already consumed upon this question we could have gone through a large portion of the bill. The only two propositions remaining in the bill which in my opinion are likely to excite anything like discussion are the appropriation for the Mississippi River and the creation of a new board. The grounds of contest in regard to Galveston Harbor have, I believe, been removed; the proposition to eliminate Captain Eads has been agreed to. If we now go on and consider the bill in the ordinary way I think we can get through it without any considerable debate.

The SPEAKER *pro tempore*. The hour of the gentleman from Maine [Mr. REED] has expired.

Mr. WILLIS. Mr. Speaker, the gentleman from Maine [Mr. REED] states that this is a question of the liberty of debate. I say, with the facts of the last five or six days before me, that it is a question of the license of debate and a limitation of that license.

What is the practical proposition here? What are these rules? Are they intended to advance legislation or to defeat it? Are they a fraud and a farce, or are they an intelligent system by which we can expedite legislation, hear fair, honorable argument, close discussion, and come to a vote? Let these questions be answered in the light of the last week.

Who has been discussing this bill? Has there been any desire on the part of the gentleman from Maine to bring this bill to a vote? Will he avow before this House that such is his object? I challenge him to do it. No; but he proposes under techical rules to fritter away the time of this House. He may not, in his wise statesmanship, be willing to make the amendment which is so full of suggestion and eloquence to strike out the last word, but there are others who do it, and do it with his approval.

Now, then, is there no remedy against this method of kicking a bill to death? Are three hundred and twenty-five men to be bound up under technical rules? Was that common sense? *A priori* would any man of common sense pretend these rules are to be so interpreted as to bring about such result as that? There is no bill on this Calendar with paragraphs in it that could not under this system be extended through four or five sessions of Congress. Will this House stultify itself by acknowledging it has bound itself hand and foot and thrown itself into the sea of legislation?

Gentlemen speak about abridging debate. Have we no previous question? Do we not day after day limit debate to one minute or even one second when we desire it? What is this rule? What is the proposition? That, in the plain language of the rules as they stand, this House shall instruct the Committee of the Whole to limit debate not on the paragraph, but upon the whole section.

What is the history of this rule? Up to 1860 the House had no rule limiting debate on either sections or paragraphs. It was the custom to go into the Committee of the Whole, as you, sir, know well, move to strike out the enacting clause and thus bring the bill back into the House, move the previous question, and cut off all debate. In order to prevent that the Committee on Rules brought in an amendment which read as follows:

That the House may at any time, after five minutes' debate has taken place on proposed amendments to any section of a bill, close all debate on such section.

What followed? The gentleman from Virginia, Mr. Millson, said:

I propose to amend the amendment by adding after the word "section" the words "or paragraph;" so it will read:

"At any time after five minutes' debate has taken place upon proposed amendments to any section or paragraph of the bill," &c.

That amendment was accepted by Mr. Washburn, of Maine, who was in charge of the rules. He said he was surprised the committee had not thought of it before.

Now, what did Mr. Millson say?

I will ask the Clerk to read it. It will be seen from the reading of that the House did not do the absurd thing the gentleman suggests, preventing itself from controlling its own action, but left itself free under existing condition of things to determine how much debate should be had.

The Clerk read as follows:

Mr. MILLSON. I do not think there will be any inconvenience, practically, from retaining what I have suggested. I do not propose to interfere with the right of the House to close debate upon the whole section, if they shall please to do so; but the committee will observe that, when we are in the Committee of the Whole on the state of the Union with an appropriation bill under consideration, we have a number of independent paragraphs in one section; indeed, it very often happens that there is but one section of an appropriation bill, and a great many independent paragraphs. Now, sir, the case may occur that the committee are desirous of closing debate upon a whole section; but in other cases they may desire to close debate only upon a paragraph. I wish, then, to leave it optional with them to close debate either upon the section or the paragraph, as may seem right at the time.

Mr. BOCOCK. I will say to the gentleman from Virginia that I am authorized by at least two members of the committee to say that they are in favor of the amendment which he proposes.

Mr. WASHBURN, of Maine. You are so authorized by a majority of the committee.

Mr. BOCOCK. Then, as a majority of the committee authorised it, the amendment of my colleague will be adopted as a part of the report of the committee.

Mr. MILLSON. The amendment having been accepted by the committee, it necessarily includes the following addition:

"That the House may, at any time, after five minutes' debate has taken place upon a proposed amendment, or any section or paragraph of the bill, close the debate upon such section or paragraph, or, at their election, upon the pending amendments only."

Now, it will be observed that the committee may sometimes desire to close debate upon a pending amendment or amendments without closing it upon the section, for the section may be a very long one, important in its provisions and needing amendment. The committee, however, may not be able to get on beyond a pending amendment, so as to enable them to perfect the subsequent part of the section or paragraph.

Mr. WILLIS. It will be seen, Mr. Speaker, from what has been read that at the very inception of this rule a sensible construction, not an arbitrary or absurd one, was given to its meaning. Under that construction the House by its vote can either limit debate to the whole section with all of its paragraphs, or it can limit debate to any one of a number of paragraphs at its option. Now, wherein under such a construction and practice is there any injustice to result? We know that there were only three or four provisions incorporated in this bill, when reported to the House, to which serious objection was made. One of these was with reference to the improvement at Sandy Bay Harbor, and that has been stricken from the bill. Another was with reference to having Captain Eads in charge of the Mississippi River improvements as supervising engineer. That also has been eliminated from the bill. Another point of controversy was with reference to the improvements at Galveston Harbor. This House knows, because an amendment is pending, that the committee had adopted an amendment satisfactory to every member of the committee and satisfactory to the members of the House, which has eliminated Captain Eads from the control at Galveston, and given to that improvement its proper proportion of the appropriations. Then there is nothing left but the Mississippi River, and the discussion as to whether this present system of improvements shall continue. Upon that and other matters of different minor questions in the bill we propose to give one hour to the opponents and thirty minutes to the friends of the measure.

Gentlemen claim that the bill has not been read. If this order shall be made, while it is a purely technical objection, the Clerk will immediately proceed to read the entire section to the close of the bill, and then amendment and debate will follow in order. Where is the hardship of that? Where is any wrong to be done to any member of the House who desires to be heard? I regret, sir, that time does not permit of a more extended consideration, but in view of what has been said I think the time now proposed is ample, especially when we consider the lateness of the session; and I will yield now to the gentleman from Ohio [Mr. KEIFER] for ten minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendment of the House of Representatives to the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor.

Also that the Senate had passed with amendments bills of the following titles; in which amendments the concurrence of the House of Representatives was requested, namely:

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; and

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

ORDER OF BUSINESS.

Mr. KEIFER. Mr. Speaker, the point of order is that a motion is not in order to limit debate upon a section of a bill which is divided into paragraphs. I know how difficult it is in the limited time allotted to me by the gentleman from Kentucky [Mr. WILLIS] to undertake to answer the many specious arguments which are made against the ruling of the Chair upon the point of order now pending. I will content myself, however, by stating two or three general propositions in that time.

The main point made against the power of the House to limit debate in Committee of the Whole upon an entire section is that it is taking away from the members of the House the right of free and full discussion. I wish to call attention to the fact that prior to the adoption of the present rule in its present form, the power was held and exercised by the House to limit debate upon an entire bill. That existed up to about the year 1860.

The right under a practice that had grown up in Committee of the Whole on a motion to strike out the enacting clause of the bill brought the bill back into the House, where, under the operation of the previous question, the whole bill could be passed without debate. Then a practice grew up under which the House could limit debate upon a section, which existed before the rules were amended so as to give the right to go into the House to limit debate upon paragraphs also. And instead of the decision of the Chair in the present instance being something new, something that is a limitation upon the power of the House, it is simply carrying out that which was taking away power originally held and exercised a long time by the House.

It is claimed that the House only has power by a majority vote to limit debate upon each paragraph of a section of such bill after it is reached for consideration. Paragraph 6 of Rule XXIII is in the following words:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

It ought to be conceded that the literal reading of this part of Rule XXIII gives the right to the House, by a majority vote, after the five minutes' debate has begun on a section of a bill, to limit debate upon it as well as upon a paragraph of a section or bill, and the Speaker should not hesitate to so hold if there were not other matters to be considered in giving it construction.

The greater part of the debate upon the pending point of order has been directed against the effect of entertaining and agreeing to such a motion as this, rather than against the right to entertain the motion under the rules. It is a great mistake to suppose that to entertain such a motion as this would be to give the House an unusual power over its business in the matter of passing laws, or over the proceedings of the Committee of the Whole House on the state of the Union.

If we looked alone to general parliamentary principles and uniform practice on the subject of the power of this House over the Committee of the Whole House on the state of the Union, we should find that independent of restrictive rules the House could by a majority vote control any bill in committee or discharge that committee from its consideration altogether. The present rules of the House, intended to cover all imaginable cases which may arise, however, assume rather than direct that the House has the power to limit general debate in Committee of the Whole House on the state of the Union upon any bill, yet such

practice is unquestioned. Paragraph 5 of Rule XXIII contains these words:

"When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, &c.

The rules nowhere authorize the limiting of general debate, but it is assumed in the paragraph just quoted, and nowhere else, that that power exists; and so far as I have been able to examine and learn this power has existed throughout the history of the Congress of the United States. The matter of the consideration of a bill in Committee of the Whole on the state of the Union under the five-minute rule is a wise parliamentary innovation, and comes in rather as a limitation on the power of the House to control the proceedings in the Committee of the Whole than in the nature of an extension of the power of the House over its committee.

The present rules of the House came into force on the 2d of March, 1880; but paragraph 6 of Rule XXIII, already quoted, is almost a literal copy of the provision added to Rule 60 of the old rules of the House. The addition was made March 19, 1860. Barclay, in his Digest, published in 1873, says of this proviso to Rule 60:

It was adopted so as to enable the majority to get a bill out of the Committee of the Whole after a reasonable time has been occupied in debating amendments, and was adopted at the same time as the amendment to the one hundred and twenty-third rule, the effect of which was to prevent a practice of doubtful propriety, by which the friends of a bill were in the habit of taking it out of the Committee of the Whole by adopting a recommendation to strike out the enacting clause.

The practice had grown up, prior to the amendment to the old rule, 123 (March 16, 1860), for the friends of a bill to move to strike out the enacting words, which being carried took the bill back into the House, where, under the then practice, the bill could be taken up and passed. The amendment to the old rule, 123, provided that when the recommendation of the committee, that the enacting words of a bill be stricken out, was disagreed to, the bill should stand recommitted to the committee for further action. This history of the rule upon which this point of order turns is important to determine the intention, or rather effect, which ought to be given to it. It seems clear that the central idea was to give to a majority of the House the right to limit debate in such way as to hasten an end to the consideration of a long bill, and especially where factious opposition was made to it. But prior to the adoption of the present rules of the House, at least from the year 1844, the House, by old Rule 104, was given the right by a vote of the majority of members present to "suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union, and also for providing for the discharge of the Committee of the Whole House and the Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered."

It will thus be seen that the power of the House by a majority vote to limit debate was greater prior to the adoption of the new rules than now, even though it should be held that it was in order by a majority vote in the House to limit debate on a section; for it had the right under the old rules to discharge the Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it and thus bring it back into the House, where, under the operation of the previous question, all debate on the entire bill and all amendments thereto might be cut off, except the thirty minutes allowed under paragraph 3 of Rule 28.

This reference to the past powers of the House is given as an answer to the claim that to entertain this motion would be to inaugurate something entirely novel and revolutionary in the history of the proceedings of the House. It appears that for above thirty years this House maintained the right by a majority vote to terminate all debate upon any bill in committee by simply discharging the Committee of the Whole House on the state of the Union from its further consideration, and under the operation of the previous question bring it to a final vote.

It is claimed that general appropriation, tariff, and tax bills are considered by clauses, while other bills are considered by sections. This may be true in fact, though it has grown up merely as a practice, and is not authorized or required by any existing rule. It is, undoubtedly, a good practice, but too much weight must not be given to it in giving construction to the plain language of the existing rule. If the right exists to limit debate on a section of any bill it exists as to all bills.

The most specious argument made in support of the point of order is, that before the House can limit debate upon proposed amendments, or a section or paragraph of a bill, debate must have begun upon such amendment, section, or paragraph; and it is claimed that while the House is considering paragraphs, and the paragraphs are not coextensive with the section of the bill until the entire section is read through by paragraphs and considered subject to amendment, the motion to limit debate can not be entertained. It is very hard to see how it is possible for a paragraph of a section of a bill to be under consideration and debate and the section not be under consideration.

It will be found that during the last ten days of this session a large number of amendments have been offered in effect to the section and not to paragraphs, as they were not propositions to amend paragraphs. There have been others in the form of motions to amend the section under consideration by striking out a whole paragraph or several paragraphs in one motion. There does not seem to be much difficulty in holding that debate has begun upon the pending section of the bill; and this is the only fact required by the rule to be ascertained before entertaining a motion to limit debate upon it. The claim so vigorously pressed, that to allow such a motion as this to be acted upon by a majority vote of the House would be to take away from the minority the right to debate at all certain important paragraphs of a bill, is worth considering; but it must be remembered that it is no more severe than the application of the previous question, which has existed almost from the beginning of the Government to the present time, which cuts off (with the exception already stated) debate upon any bill or proposition to which it may be applied, no matter about its importance.

The right of general debate upon a bill in Committee of the Whole House on the state of the Union was undoubtedly intended to be exercised before commencing the consideration of a bill by sections, or paragraphs, or clauses; and yet power is given to the House to limit this to a single minute. It must be kept in view that this motion is not a motion to preclude further amendment to the section, though such amendments would have to be decided without debate if the motion should be entertained and agreed to by the House. It is a narrow view to take to say that paragraph 6 of Rule XXIII was only intended to give the right to the House to limit debate upon an entire section of the bill, where the section consisted only of one paragraph. The framers of the rules of the House, in debating them, could hardly be supposed to have overlooked the fact that it would have been sufficient in such case to have given the power to the House to limit debate by a majority vote upon a single paragraph. For, if debate was limited upon a paragraph and that paragraph was an entire section of a bill, then it would be unnecessary to authorize a motion to limit debate upon a section.

The doubt that arises grows out of the fact that after a section is considered through to the end by paragraphs it may yet be in order to add new paragraphs independent of those in the original bill. It might have been intended that the right to limit debate upon a section of a bill was only to be invoked when the section had been gone through by paragraphs, and it was proposed to offer further amendments to the section in the nature of new paragraphs, and on which debate would be asked for. But if the rule is to be overridden on the theory that every paragraph of a bill or a proposition should first be considered and debated before debate is limited upon it, it will readily be seen that the power to cut off all debate upon a section after the section has been read through by paragraphs and considered would be a power which would take away from the friends of the proposed new paragraphs absolutely the power of debate, and it would have as many objectionable features about it as could apply to paragraphs already in the section.

It is said that there are no precedents for such a motion as this. This is a mistake. Precedents can be found which cover the present case. On the contrary, there are no precedents, so far as I am advised, against the right of the House, under the plain terms of the rule, to limit debate upon an entire section of a bill; and as I look upon the rule as a mere limitation upon the power of the House, in the absence of which there could be no doubt about the right of the House to limit debate upon an entire bill, or any section of it, or, in other words, to control the committee in its consideration of any bill as it might order, I think it would be unwise to undertake to put restrictions by mere construction upon what seems to be the plain reading of the rule.

It is fair to say that until the last session of the Forty-seventh Congress no point of order was made against the right of the House to limit debate upon a whole section of a bill in Committee of the Whole House on the State of the Union.

On May 11, 1872, during the Forty-second Congress, Mr. DAWES, of Massachusetts, moved to limit debate on an entire section of a bill, which was entertained by Speaker Blaine. Other like precedents are cited. It may be conclusively assumed that for nearly a quarter of a century after the rule as it now exists was adopted no member even questioned the right of the House to limit debate on an entire section of any bill, as well as a paragraph of a section.

The history of the adoption of the rule which is embodied in the sixth paragraph of Rule XXIII will make it perfectly clear that the original intention was to give the right to the House to limit debate upon the whole of a section to a bill, although it contain many paragraphs, or in the discretion of the House to limit debate upon any one of the paragraphs.

There was a general revision of the old rules in March, 1860. Mr. Washburn, of Maine, then a member of the Committee on Rules, reported a large number of amendments to the rules in force at that time. Among other amendments he reported one in the nature of a proviso which read as follows:

That the House may, at any time after five minutes' debate has taken place upon any proposed amendments to any section of a bill, close all debate upon such section.

Pending the consideration of the report of the Committee on Rules, Mr. Millson, of Virginia, called the attention of Mr. Washburn to the fact that the proposition of the committee to amend the rules should

go farther, and provide not only that the House should have the right to limit debate in Committee of the Whole House on the state of the Union upon a particular section, but also upon any paragraph of a section, so that the House might have the benefit of limiting debate upon a paragraph when it did not desire to do so upon the whole section. This amendment as proposed by Mr. Millson made the amendment of Mr. Washburn read as follows:

That the House may, at any time after five minutes' debate has taken place upon any proposed amendments to any section or paragraph, close the debate upon such section or paragraph, or, at their election, upon the pending amendments only.

It will be noted that this is the language almost to a letter of the rule that we are now trying to construe. The then Committee on Rules, or a majority of the committee present on the floor, agreed to accept the amendment of Mr. Millson, after he had stated the object of it, as follows:

I do not propose to interfere with the right of the House to close debate upon the whole section, if they shall please to do so; but the committee will observe that when we are in Committee of the Whole on the state of the Union with an appropriation bill under consideration, we have a number of independent paragraphs in one section. Indeed, it very often happens that there is but one section of an appropriation bill, and a great many independent paragraphs. Now, sir, the case may occur that the committee are desirous of closing debate upon a whole section, but in other cases they may desire to close debate only upon a paragraph of a section. I wish then to leave it optional with them to close debate, either upon the section or the paragraph, as may seem right at the time.

This will be found among the debates in the Congressional Globe, page 1188, volume 10, part 2, 1859–'60, and of date March 15, 1860.

This view of the rule as it was proposed was accepted, and on a subsequent day, to wit, March 19, 1860, the amendment was adopted without a division, and it has been from that time forward to the present a rule of this House.

Now, Mr. Speaker, one of the specious things that are stated upon the floor here is that no debate can be had, no consideration of a paragraph or a section can be had, until it is read through. Why, Mr. Speaker, every bill is read clear through in the Committee of the Whole before you proceed to consider it by paragraphs, unless by unanimous consent the reading of the bill be dispensed with; so that it is all read. And it will not do for gentlemen to argue that when a paragraph has been read and debated, that is not the debating of some part of a section. The whole theory of the rule it seems to me is that the House by a majority vote shall have a right to limit debate, but not to limit amendments upon a section. I am surprised that some of my party friends who differ with me on this point of order do so in the face of their position hitherto in favor of allowing a majority of the House to control all its business.

Some gentlemen fall into the idea that if debate is limited on an entire section it cuts off the right to amend the section. It does not; for by the express terms of paragraph 6 of Rule XXIII amendments may be offered without debate as long as members in the Committee of the Whole House on the state of the Union desire to offer them. I know it may be a hardship, a great hardship, to take away from members the right to debate a proposition that is important to them. But still, as I think, it is the rule. The plain reading of paragraph 6 of Rule XXIII gives the right to limit debate upon a section as well as a paragraph, and such was the view of its authors as has been shown.

And I wish to say, Mr. Speaker, that I do not see any distinction between bills in the application of this rule. Any bill that goes to the Committee of the Whole House on the state of the Union under our rules, I think, may have this rule applied to it.

Mr. WILLIS. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. The House is gravely informed by the opponents of this measure that there are no precedents for such a ruling as that which has been made by the Chair, and it is argued therefrom that there are no reasons that the mind of man can suggest why there can be a good and sufficient reason for the ruling. I have no patience with that confined theory which binds us within precedents of other years. Because no one had ever had the misfortune of having an apple fall on his head was Sir Isaac Newton to be prevented from investigating the philosophy of the law of gravitation? Because no one had ever sailed over the western sea was Columbus not to search out this American continent? Because no one has heretofore had the courage to come forward and have these rules construed by the Chair until the gentleman from Kentucky [Mr. WILLIS] this morning comes forward boldly in the defense of right and asks that the Chair shall mark upon the map the course which the ship of this House shall sail, shall it be said we shall not have this right asserted? I think not.

Although there has been no ruling, it is manifest under the rules; it is manifest, upon the reasons given at the time the rules were adopted, that this House has the right to limit debate as well upon the section as upon the paragraph, and the exception to the paragraph was made at the time of the adoption of the rules simply for the greater convenience of the House; not as taking away from it the power to close debate upon the whole section. Complaint is made that there is no opportunity for debate. The House will bear me witness that there has already been more debate upon this bill than upon four-fifths of all the river and harbor bills that have ever been passed by Congress. Almost every river and harbor bill heretofore has been passed without general debate; but there has been considerable general debate and also considerable debate upon the different paragraphs in this section.

Has any great hardship fallen upon the country by reason of the passage of these bills heretofore without extended general debate? I think not; and I think that with the light we have before us we shall have no reason to regret the early passage of this bill.

The bill has been in print, and has been read from beginning to end as well by every member of the House as by the Clerk from the desk, for by the unanimous consent given that the first reading of the bill should be dispensed with the legal effect of a full and complete reading was answered. We have been told many times, especially by the gentleman from Maine [Mr. REED], that these rules are most unhappily constructed; that they are so arranged as to prevent action by the House instead of enabling us to go forward with legitimate legislation.

I have always believed, and I entertain the opinion more strongly this morning than ever before, that the majority of the House ought to control its action. I believe that they ought not only to control its action, but that they ought to take the responsibility therefor, and I am sure that the good sober sense of this House will justify the ruling of the Chair in this instance, whereby he maintains that the majority should control the House as they have to bear its responsibilities.

ORDER OF BUSINESS.

Mr. WILLIS Mr. Speaker, as I have promised that at five minutes to 12 I would move to adjourn, I am compelled now to move to lay the appeal of the gentleman from Maine [Mr. REED] on the table without further discussion. I make that motion.

The SPEAKER *pro tempore*. In order that the House may understand the question pending, after the elaborate discussion that has been had, the Chair will restate it. The point of order was raised by the gentleman from Maine [Mr. REED]; it was overruled by the Chair upon the ground that this was neither revenue nor a general appropriation bill, supported by an elaborate opinion delivered by the present permanent Speaker of this House——

Mr. REED, of Maine. Mr. Speaker, if there is any new matter to be introduced——

The SPEAKER *pro tempore*. The Chair will not introduce new matter.

Mr. REED, of Maine. If any is to be introduced I should like to have an opportunity to debate it.

The SPEAKER *pro tempore*. The Chair will engage in no debate, but claims the right to state the question.

Mr. REED, of Maine. But the Chair has no right to argue it.

The SPEAKER *pro tempore*. The Chair overruled the point of order raised by the gentleman from Maine [Mr. REED] for the reasons stated. The gentleman from Maine appealed. That appeal has been debated. The gentleman from Kentucky [Mr. WILLIS] now moves to lay that appeal upon the table, and the question is on that motion.

The House divided; and there were—ayes 102, noes 69.

Mr. REED, of Maine. I demand tellers.

Tellers were ordered; and Mr. WILLIS, and Mr. REED of Maine, were appointed.

Before the tellers took their places,

Mr. WILLIS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. REED, of Maine. Will the Chair please state the question that is to be voted upon?

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] to lay on the table the appeal taken by the gentleman from Maine [Mr. REED] from the decision of the Chair.

Mr. REED, of Maine. And a vote in the negative is a vote against the decision.

The SPEAKER *pro tempore*. The Chair has stated the question. The Clerk will proceed to call the roll.

The question was taken; and there were yeas 121, nays 103, not voting 100, as follows:

YEAS—121.

Aiken,	Crisp,	Halsell,	Mills,
Alexander,	Culberson, D. B.	Hancock,	Mitchell,
Bagley,	Culbertson, W. W.	Hatch, W. H.	Money,
Ballentine,	Cullen,	Henderson, T. J.	Morgan,
Barbour,	Dibrell,	Henley,	Moulton,
Barksdale,	Dowd,	Hill,	Muldrow,
Bisbee,	Eldredge,	Houseman,	Muller,
Blanchard,	Ellis,	Hurd,	Murphy,
Bland,	Ellwood,	Jones, B. W.	Murray,
Brainerd,	English,	Jones, J. H.	Neece,
Bratton,	Ermentrout,	Jones, J. T.	Nicholls,
Breckinridge,	Fiedler,	Keifer,	Nutting,
Breitung,	Follett,	King,	Ochiltree,
Broadhead,	Foran,	Kleiner,	O'Ferrall,
Burleigh,	Forney,	Lamb,	Paige,
Cabell,	Funston,	Lanham,	Payne,
Caldwell,	Garrison,	Lewis,	Perkins,
Campbell, J. E.	Geddes,	Lore,	Pettibone,
Candler,	George,	Lowry,	Pryor,
Carleton,	Gibson,	McMillin,	Pusey,
Cassidy,	Glascock,	Matson,	Reagan,
Collins,	Graves,	Maybury,	Reid, J. W.
Cox, W. R.	Green,	Miller, J. F.	Robinson, W. E.

Rogers, J. H.	Taylor, J. M.	Warner, Richard	Winans, John
Seymour,	Thomas,	Washburn,	Wise, G. D.
Singleton,	Townshend,	Weaver,	Wolford,
Slocum,	Tucker,	Wellborn,	Wood,
Snyder,	Tully,	Williams,	Yaple.
Stewart, Charles	Vance,	Willis,	
Sumner, C. A.	Wallace,	Wilson, W. L.	
Swope,	Ward,	Winans, E. B.	

NAY—163.

Atkinson,	Evans,	Lyman,	Smith, H. Y.
Barr,	Everhart,	McCormick,	Spriggs,
Bayne,	Findlay,	Millard,	Springer,
Beach,	Fyan,	Morrill,	Steele,
Bennett,	Hammond,	Oates,	Stephenson,
Bingham,	Hanback,	O'Hara,	Stone,
Blount,	Harmer,	O'Neill, Charles	Strait,
Boutelle,	Hart,	Parker,	Struble,
Boyle,	Haynes,	Payson,	Talbott,
Brewer, F. B.	Hemphill,	Peters,	Taylor, E. B.
Brewer, J. H.	Hewitt, A. S.	Phelps,	Taylor, J. D.
Brown, W. W.	Hewitt, G. W.	Post,	Tillman,
Buchanan,	Hiscock,	Potter,	Turner, H. G.
Campbell, J. M.	Hitt,	Price,	Turner, Oscar
Cannon,	Holmes,	Ranney,	Van Alstyne,
Clardy,	Hopkins,	Ray, Ossian	Van Eaton,
Clements,	Horr,	Reed, T. B.	Wadsworth,
Converse,	Houk,	Reese,	Wait,
Covington,	Howey,	Rice,	Wakefield,
Cutcheon,	Hunt,	Rowell,	Warner, A. J.
Dargan,	James,	Russell,	White, J. D.
Davidson,	Kean,	Ryan,	Whiting,
Davis, G. R.	Kelley,	Shively,	Wilson, James
Davis, R. T.	Ketcham,	Skinner, C. R.	York,
Deuster,	Le Fevre,	Skinner, T. G.	Young.
Dingley,	Long,	Smalls,	

NOT VOTING—100.

Adams, G. E.	Dixon,	Jones, J. K.	Riggs,
Adams, J. J.	Dockery,	Jordan,	Robertson,
Anderson,	Dorsheimer,	Kellogg,	Robinson, J. S.
Arnot,	Dunham,	Lacey,	Rockwell,
Belford,	Dunn,	Laird,	Rogers, W. F.
Belmont,	Eaton,	Lawrence,	Rosecrans,
Blackburn,	Elliott,	Libbey,	Seney,
Bowen,	Ferrell,	Lovering,	Shaw,
Browne, T. M.	Finerty,	McAdoo,	Smith, A. Herr
Brumm,	Goff,	McCoid,	Spooner,
Buckner,	Greenleaf,	McComas,	Stevens,
Budd,	Guenther,	Miller, S. H.	Stewart, J. W.
Burnes,	Hardeman,	Milliken,	Stockslager,
Campbell, Felix	Hardy,	Morrison,	Storm,
Chalmers,	Hatch, H. H.	Morse,	Sumner, D. H.
Clay,	Henderson, D. B.	Mutchler,	Thompson,
Cobb,	Hepburn,	Nelson,	Throckmorton,
Connolly,	Herbert,	O'Neill, J. J.	Valentine,
Cook,	Hoblitzell,	Patton,	Weller,
Cosgrove,	Holman,	Peel,	Wemple,
Cox, S. S.	Holton,	Pierce,	White, Milo
Craig,	Hooper,	Poland,	Wilkins,
Curtin,	Hutchins,	Randall,	Wise, J. S.
Davis, L. H.	Jeffords,	Rankin,	Woodward,
Dibble,	Johnson,	Ray, G. W.	Worthington.

So the motion to lay the appeal on the table was agreed to.

The following members were announced as paired on all political questions, until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. COOK with Mr. LACEY.

Mr. HARDY with Mr. HEPBURN.

The following pairs on this vote were announced:

Mr. ROSECRANS with Mr. SMITH, of Pennsylvania.

Mr. DOCKERY with Mr. GUENTHER.

Mr. ADAMS, of New York, with Mr. ANDERSON.

Mr. BUDD with Mr. MCCOID.

Mr. DUNN with Mr. STEVENS.

The following pairs for this day were announced:

Mr. JORDAN with Mr. HOLTON.

Mr. THROCKMORTON with Mr. DUNHAM.

Mr. COBB with Mr. ADAMS, of Illinois.

Mr. RIGGS with Mr. HITT.

Mr. MCADOO with Mr. ROCKWELL.

The following pairs until Monday were announced:

Mr. CAMPBELL, of New York, with Mr. HENDERSON, of Iowa.

Mr. STORM with Mr. CRAIG.

Mr. HENDERSON, of Illinois. I ask unanimous consent that the reading of the names be dispensed with.

Mr. REED, of Maine. I object; let the names be read.

The SPEAKER *pro tempore*. The gentleman from Maine objects to dispensing with the reading of the names. The Clerk will recapitulate the vote.

The Clerk began to read the names of members voting.

Mr. REED, of Maine. Mr. Speaker, I withdraw my objection.

The SPEAKER *pro tempore*. The objection is withdrawn. If there be no further objection the reading of the names will be dispensed with.

There was no objection.

The result of the vote was announced as above stated.

Mr. WILLIS moved to reconsider the vote by which the appeal was laid on the table; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. WILLIS (at 11 o'clock and 59 minutes a. m.). I move that the House do now adjourn.

The motion was agreed to; and the House accordingly adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Petition of the Board of Trade of Vancouver, Wash., for an appropriation to improve the Vancouver Harbor—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Memorial of the Commercial Exchange of Philadelphia, for the acquisition by the United States of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

Also, petition of Young Men's Democratic Club, Brooklyn, N. Y., for the arrest of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Western Pennsylvania River Improvement Association—to the Committee on Rivers and Harbors.

By Mr. FORNEY: Petitions of George Wester, of Rhoda Ewing, of Leonard F. Daniel, of Napoleon B. Leath, of Cynthia J. Helms, widow of John Helms, deceased; of Francis A. Harwell, of Clara Pinkerton, of Mrs. Malinda Angle, of John Rolater, and of William Drew, all of Cherokee County, Alabama, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, papers relating to the claims of Robert A. Clark, James Davis, George Wester, Francis A. Harwell, John Helms, Leacy Kirk, Leonard F. Daniel, Napoleon B. Leath, John Rolater, and William S. Warren—to the same committee.

By Mr. GEDDES: Papers relating to the claim of Isaac N. Webb—to the same committee.

By Mr. GUENTHER: Joint resolution of the Legislature of the State of Wisconsin, favoring the purchase by the United States of the Portage Lake and Lake Superior Ship Canals, and making the same free of charge—to the Committee on Rivers and Harbors.

Also, petition by the State Grange of Wisconsin, asking for amendment of the patent laws—to the Committee on Patents.

By Mr. HENLEY: Resolutions of the Chambers of Commerce of San Francisco and Eureka, Cal., favoring the treaty with Nicaragua and the early construction of the Nicaraguan Canal—to the Committee on Foreign Affairs.

By Mr. LAMB: Petition from O. P. Morton Post, No. 1, Grand Army of the Republic, of Terre Haute, Ind., asking that Congress purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. LIBBEY: Petition of David L. Scott, of Jessamine County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of A. H. Brooks, of New Jersey, asking compensation for services to Internal Revenue Bureau—to the Committee on Claims.

By Mr. MITCHELL: Petitions of citizens of New Haven and Middletown, Conn., on the subject of civil service reform—to the Select Committee on Reform in the Civil Service.

By Mr. MULDROW: Petition of W. Y. Warren, of Alcorn County, Mississippi, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. NEECE: Petition of citizens of Illinois, asking legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of several hundred citizens of Weedsport, N. Y., for legislation on the Mormon question—to the same committee.

By Mr. PIERCE: Petition of Paul C. Crafton, of Gibson County, Tennessee, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims—to the Committee on War Claims.

By Mr. REAGAN: Petition of J. Taylor Wood, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. SPRIGGS: Petition of 100 citizens of Utica, N. Y., for action on the Mormon question—to the same committee.

By Mr. J. W. STEWART: Petition of C. H. Dunton, of Poultney, Vt., and others of same State, for more effective legislation to suppress Mormonism—to the same committee.

Also, petition of citizens of West Bolton, Vt., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. J. M. Taylor: Petition of Jerre R. Wright, administrator of Nancy Wright, deceased, of McNairy County, Tennessee, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WADSWORTH: Petition of citizens of New York, asking legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. RICHARD WARNER: Petition of Joseph Adams, of Marshall County, Tennessee, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Grundy, of Linn, of Livingston, and of Sullivan Counties, Missouri.

By Mr. COSGROVE: Of citizens of Slater, Mo.

By Mr. CURTIN: Of citizens of Center County, Pennsylvania.

By Mr. DINGLEY: Of citizens of North Haven, Me.

By Mr. H. H. HATCH: Of citizens of Unionville, of Canton, and of Athens, Mo.

By Mr. KLEINER: Of ex-soldiers of Petersburg, Ind.

By Mr. MILLIKEN: Of Charles B. Stewart and others, of South China, and of J. T. Hawes and others, of Litchfield Plains, Me.

By Mr. NEECE: Of Post 81, Grand Army of the Republic, Department of Illinois.

By Mr. OSSIAN RAY: Of James Gorman and 32 others, of Randolph; of Daniel Cobb and 89 others, of Ashland, and of H. E. Bliss and 65 others, of Lebanon, N. H.

By Mr. STEELE: Of citizens of Genoa, of Huntington, of Bloomfield, of Hackleman, and of Jalapa, Ind.

By Mr. J. W. STEWART: Of L. B. Kent and others, of Rochester; of J. A. Benedict and others, of Poultney; of J. W. Parkhurst and others, of Fair Haven; of Warren Gibbs and others, of Burlington; and of A. E. Ferris and others, of Forestdale, Vt.

By Mr. WEAVER: Of Thomas Wiles and 126 others, citizens of Plattsmouth, Nebr.

By Mr. WOOD: Of citizens of New Waverly, of Galveston, of Logansport, of Rochester, and of Winamac, Ind.

SENATE.

FRIDAY, *February* 13, 1885.

The Senate met at 11 o'clock a. m. Prayer by Rev. A. J. PALMER, D. D., of New York city.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Navy, recommending that the prime meridian of Greenwich be adopted for all nautical and astronomical purposes, as recommended by the international conference held in Washington in October last. If there be no objection, the letter will be printed and referred to the Committee on Naval Affairs.

Mr. MILLER, of California. The subject of a prime meridian has had the attention of the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Chair was under the impression that, as the astronomy of the United States is confined to the Naval Observatory, the proper reference would be to the Naval Committee. The Chair will change the reference if there be no objection, and the letter will be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect to extend the limit of cost of the public building at Denver, Colo.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting a letter from the Attorney-General relative to the importance of obtaining possession of certain records of the Post-Office Department of the late Confederate States pertaining to Southern mail contracts; which, with the accompanying documents, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of the Ohio State Sanitary Association, praying for the passage of the bill introduced by Senator PALMER for the prevention of the introduction and diffusion of contagious and infectious diseases into the United States; which was referred to the Committee on Epidemic Diseases.

Mr. PENDLETON presented petitions of the Lancaster Gazette, of Lancaster, Ohio; the German Publishing House, of Cleveland, Ohio; the Greenville Journal, of Greenville, Ohio; the Clermont Sun, of Batavia, Ohio; the Ohio State Journal, of Columbus, Ohio; the publishers of The Drugs and Medicines of North America; the Gazette, of Ottawa, Ohio; the Ohio Waisenfreund, of Columbus, Ohio; and the publishers of the Ohio State Journal of Dental Science, of Toledo, Ohio, praying for the reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution adopted by steamboat owners and managers at a meeting held in Cincinnati, Ohio, on the 4th of February, 1885, protesting against the repeal of section 4419 of the Revised Statutes of the United States, relating to the control of safety-valves and steam-registers; which was referred to the Committee on Commerce.

Mr. MITCHELL presented a petition of the Commercial Exchange of Philadelphia, praying for the purchase by the United States of the Portage Lake and Lake Superior Ship Canals; which was referred to the Committee on Commerce.

Mr. MILLER, of California. I present the petition of the Republican and Democratic county committees of Vallejo, California, praying that the workmen and other employés of the Mare Island navy-yard may receive compensation for time lost by them during January, 1885, pending the passage of the naval appropriation bill.

I also present a petition of workmen and other employés of the Mare Island navy-yard, California, not addressed to Congress, but evidently intended to be presented as a petition to the Senate, to the same effect. I ask that it may be received, and I move that both petitions be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection the latter paper will be received as a petition to the Senate, and both petitions will be referred to the Committee on Appropriations.

Mr. HOAR presented the petition of Mrs. Sarah E. Bowker, of Cambridge, Mass., praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2177) granting a pension to Henry Radford, to report it adversely, as a House bill in that case has been passed. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2520) granting a pension to Sally Ann Bradley, to report it adversely, and to ask that it be placed upon the Calendar for consideration.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2057) granting a pension to Margaret Beymer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4189) granting a pension to Caroline Van Norton;

A bill (H. R. 4837) granting a pension to Charles H. Phillips;

A bill (H. R. 6835) granting a pension to Bernard Donohue;

A bill (H. R. 7773) granting a pension to William E. Ayers;

A bill (H. R. 7386) granting a pension to Eliza M. Byers;

A bill (H. R. 732) granting a pension to William Weddingfield; and

A bill (S. 2437) granting a pension to Mrs. Mary Gordon.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

A bill (H. R. 3000) for the relief of William R. Miller, for pension;

A bill (H. R. 5082) granting a pension to Jane Hilton; and

A bill (S. 2262) granting a pension to Sedate P. Martin.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1960) for the relief of Mary Howard Farquhar, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2074) for the relief of Mary Howard Farquhar, moved its indefinite postponement; which was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom was recommitted the bill (H. R. 2136) granting an increase of pension to Merlin C. Harris, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1325) granting an increase of pension to Merlin C. Harris, moved its indefinite postponement; which was agreed to.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON. I am also instructed by the same committee, to whom was referred the bill (S. 498) granting a pension to Letitia Tyler Semple, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom were re-

ferred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 3828) granting a pension to Cornelius Wessels;
A bill (H. R. 3466) granting a pension to Azzur W. Reader;
A bill (H. R. 6851) for the relief of Mary G. Reader;
A bill (H. R. 4191) granting a pension to Jane Bracken;
A bill (H. R. 1024) granting a pension to Charles D. Duncan;
A bill (S. 2156) granting a pension to Corydon Millard; and
A bill (S. 2148) granting a pension to William A. Penfield.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (S. 2268) for the relief of Robert J. Ballort; and
A bill (H. R. 8133) granting a pension to Thomas McGill.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4317) increasing the pension of Julia A. Chambers, to report it favorably with an amendment, and submit the views of the minority favoring the passage of the bill as it came from the House.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed with the report of the committee.

Mr. BLAIR. I am also instructed by the same committee, to whom was referred the bill (S. 2242) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins, to report it adversely and recommend its indefinite postponement, and to submit the views of the minority favoring the passage of the bill.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed with the report, and the bill placed on the Calendar.

Mr. BLAIR. I am also instructed by the same committee, to whom was referred the bill (H. R. 6011) granting an increase of pension to Robert Casey, to report it favorably with an amendment correcting an error in the name of the pensioner. The name should be "Cary" instead of "Casey."

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 481) for the relief of John D. Bridges, to report it adversely, the report being based on the ground that the relief sought for may be granted by the Commissioner on Pensions. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1836) granting a pension to Sarah Hague;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 6653) granting a pension to Mary C. Axline; and
A bill (H. R. 3403) for the relief of Jacob J. Morningstar.

Mr. WILSON, from the Committee on Pensions, to whom was recommitted the bill (H. R. 2325) granting a pension to Helen M. Harrison, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report back to the Senate a communication of the Secretary of State, addressed to the chairman of the Committee on Foreign Relations, inviting attention to some commercial statistics submitted therein, showing our trade relations with the several countries in this continent, British North America excepted. I move that it be printed as a miscellaneous document, and recommitted to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes, reported it with amendments.

BINDING CONGRESSIONAL GLOBE.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably a resolution authorizing the Secretary of the Senate to have bound at the Government Printing Office 650 copies of the Congressional Globe, now unbound, in the Senate library, and to ask for its present consideration.

By unanimous consent the Senate proceeded to consider the resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to have bound at the Government Printing Offices 650 volumes of the Congressional Globe furnished to the Senate library under the joint resolution approved May 16, 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. Will the Senator from Nebraska be good enough to state the necessity for having these volumes bound?

Mr. MANDERSON. These unbound volumes by action of Congress were placed in the Senate library, and their binding is necessary to complete the bound sets of the Congressional Globe.

Mr. INGALLS. They are in the Senate library?

Mr. MANDERSON. They are already in the Senate library in an unbound form, and are useless in that shape.

The resolution was agreed to.

LANDING OF TELEGRAPH OCEAN CABLES.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back a message from the President of the United States, transmitting, in respouse to a Senate resolution of May 2, 1884, the report of the Secretary of State in relation to the landing of telegraph ocean cables on the shores of the United States, and with it a resolution providing for the printing of the report. I will state that the printing of such a report will cost less than a hundred dollars, and it seems to be important. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the papers accompanying the report of the Secretary of State relative to the landing of foreign telegraphic cables upon the shores of the United States, transmitted by the President in response to a resolution of the Senate of May 2, 1884, be printed, and that 1,000 additional copies in paper covers be printed for the use of the Department of State.

LIST OF WAR DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report back a letter of the Secretary of War, transmitting a list of clerks and employés of the War Department, with a resolution ordering its printing; and I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the list of clerks in the War Department, transmitted to the Senate by the Secretary of War, in compliance with section 191 of the Revised Statutes, be printed.

SUPREME COURT DECISIONS.

Mr. HOAR. I rise to put a question to the chairman of the Committee on Printing, who has just made several reports from that committee. The Senate some time ago referred to that committee a resolution providing that copies of the decisions of the Supreme Court of the United States should be furnished to Senators. It is a resolution the execution of which will be a very trifling expense, and it seems very important that we should have copies of the decisions, which may seriously affect our duties in legislation. I desire to ask the chairman of the Committee on Printing what action the committee has taken on that resolution?

Mr. MANDERSON. The committee has taken no action upon it as yet. It is under consideration and the matter is being investigated.

Mr. HOAR. The resolution was introduced in the Senate at the beginning of the present session. I suppose the illness of the late Senator from Rhode Island prevented the matter from being attended to then. I hope it will be attended to without further delay.

LIEUTENANT STONEY'S REPORT ON ALASKA.

Mr. HARRISON. I am instructed by the Committee on Territories, to whom was referred a communication from the Secretary of the Navy, transmitting the report of Lieut. George M. Stoney, of the United States Navy, of recent explorations in Northern Alaska, to report it back. I report also a resolution providing for the printing of the report, and I ask that the resolution may be referred to the Committee on Printing, together with the accompanying papers.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,500 copies of the report of Lieut. George M. Stoney, United States Navy, of his recent explorations in Northern Alaska, with the accompanying charts; 1,500 copies for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Navy Department.

The PRESIDENT *pro tempore*. The resolution, with the accompanying papers, will be referred to the Committee on Printing.

INDIAN APPROPRIATION BILL—WORK OF THE SESSION.

Mr. DAWES. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, with amendments, and also to submit a written report, which I hope may be printed; and as I intend to call the bill up to-morrow, if there be no objection I ask to have the report printed in the RECORD for the use of members of the Senate to-morrow.

The PRESIDENT *pro tempore*. The Chair is advised at the desk that there will be no difficulty in having the report printed in document form by to-morrow morning.

Mr. DAWES. If no one else desires to have it printed in the RECORD I do not.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. INGALLS. This report affords me the opportunity to say that I have recently observed in opposition quarters a statement that the Republicans in the Senate were so endeavoring to direct legislation as to

compel an extra session of Congress. I am sure it will be matter of interest to the Senate to know the condition of the public business at this time before the Committee on Appropriations, and I will ask the Senator from Iowa, the chairman of the committee, to be good enough to state what appropriation bills are now before that committee, what have been reported, and what are yet to be received from the House of Representatives.

Mr. ALLISON. I will answer the inquiry of the Senator from Kansas with pleasure.

The Military Academy bill has been signed by the President and is now a law. That is the only appropriation bill which has passed both Houses finally. The District of Columbia bill, the pension appropriation bill, and the consular and diplomatic bill are now in the hands of conference committees. The Army appropriation bill passed the Senate yesterday with amendments. The Indian appropriation bill has just been reported, and the committee will ask that it be considered to-morrow. That leaves in the Committee on Appropriations only the agricultural appropriation bill, which is a small bill and will be reported to the Senate on Monday.

Mr. HALE. Perhaps to-morrow.

Mr. ALLISON. Perhaps it will be reported to-morrow, in which case it can certainly be taken up for consideration on Monday.

That is the condition of the appropriation bills which have thus far been received by the Senate. The Post-Office appropriation bill; the legislative, executive, and judicial bill; the naval bill; the fortification bill; the sundry civil bill, and the bill known as the general deficiency bill, are yet in the House.

Mr. LAPHAM. And the river and harbor bill.

Mr. ALLISON. That does not go to the Committee on Appropriations. So six of the general appropriation bills which come under consideration by the Committee on Appropriations have not been received from the House of Representatives.

Mr. INGALLS. And those are among the most important?

Mr. ALLISON. I may say that the most important bills are yet in the House. The sundry civil bill, the naval bill, and the fortification bill have not yet been reported.

Mr. INGALLS. From the House Committee on Appropriations?

Mr. ALLISON. From the Committee on Appropriations in the House the legislative, executive, and judicial bill has been reported and is on the House Calendar. The Post-Office appropriation bill is now under consideration in the House, as Senators know from the RECORD. So far as the Senate and the Senate Committee on Appropriations are concerned I beg to assure the Senator from Kansas and other Senators that our work is well in hand and no delay can be caused in any way on account of the action of the Committee on Appropriations of the Senate.

Mr. BECK. I should like to ask the Senator from Iowa a question. Is it not the information of the chairman of the Committee on Appropriations that the work on appropriation bills in the House itself is better advanced than usual this far from the end of the session?

Mr. ALLISON. I will say in response to the suggestion of the Senator from Kentucky that I feel quite sure these bills are all in such a condition that if the House of Representatives will take care of them within reasonable time there will be no difficulty with reference to them in the Senate.

Mr. INGALLS. What time will the Senate Committee on Appropriations require before the close of the session to enable them properly to consider the appropriation bills yet remaining?

Mr. ALLISON. We ought to have all of these bills next week unless probably the general deficiency bill. There are now fourteen working days of the session remaining after to-day. That of course excludes the idea that much work will be done on the 21st of February, a week from to-morrow. I have stated the condition of the bills so far as I know, and the Committee on Appropriations I think can assure the Senate that so far as they are concerned the work will be well in hand as it comes to us from the House.

Mr. BECK. I only desire to say, as I have been asked several questions outside of the Chamber as well as on the floor of the Senate, that with a considerable experience in the Committee on Appropriations in both Houses (I believe I have been eight years on it here, and I was for some time on that committee at the other end of the Capitol with the Senator from Massachusetts [Mr. DAWES]), I do not recall a time during a short session of Congress when the work of the two Houses has been better up on the appropriation bills than it seems to be now. I have seen time and again four or five of the largest appropriation bills come before us within five or six days of the close of the session and still we were able to work them through. That is not going to be the case at this session unless things change very much from their present appearance. The Post-Office appropriation bill I think will be over to-day, judging from the RECORD, and I do not see that we are going to have any difficulty in either House in getting through the appropriation bills and having ample time to consider them. I only desired to say that much.

Mr. MORGAN. With a view to facilitate the business of getting through the appropriation bills, I introduced the other day in the Senate and had referred to the Committee on Commerce a river and harbor bill. It was the House bill, as I am informed, with certain provisions stricken out, upon which the House has already acted, which it is not necessary now to mention. I introduced that bill in order that our committee might make progress upon it. It is the subject of very considerable debate in the House, as we all know, and I desired that our own committee should have ample opportunity to consider that bill. It is therefore before the committee, and I conceive that there is no reason why it should not go on to perfect it.

I did not intend in introducing the bill to raise the question which has been somewhat debated of the constitutional power of the Senate of the United States to originate what is called an appropriation bill or a river and harbor bill. At the same time, I should have no difficulty, I think, in sustaining the power of the Senate to originate and pass the bill as an original measure. I will not occupy the time of the Senate this morning in reading the authorities upon which I rely to support that position, but I should like to call the attention of the Senate, so that they themselves can be informed about it, to the opinion of the justices of the supreme judicial court of Massachusetts, found in volume 126 of the Massachusetts Reports. The opinion, I believe, was written by Mr. Justice Gray, now one of the justices of the Supreme Court of the United States, in which this subject was very fully gone into and very ably argued upon a constitutional provision in the constitution of Massachusetts, corresponding precisely, I believe, in language with that in the Constitution of the United States. The syllabus of the opinion reads as follows:

The question whether a bill or resolve appropriating money from the treasury of the Commonwealth is a money bill, which must, by the constitution (c. I, sect. 3, art. 7), originate in the house of representatives, is a question upon which the two branches of the Legislature are authorized by the constitution (c. III, art. 2) to require the opinion of the justices of the supreme judicial court.

The exclusive privilege of the house of representatives, under the constitution of the Commonwealth (c. I, sect. 3, art. 7), to originate money bills is limited to bills that transfer money or property from the people to the State, and does not include bills that appropriate money from the treasury of the Commonwealth to particular uses of the government, or bestow it upon individuals or corporations.

That subject is very ably handled in this opinion, and I think that the Committee on Commerce would derive from it a very satisfactory solution of any difficulty that may beset them in respect to the jurisdiction of the Senate to originate a river and harbor bill, to say the least of it.

A river and harbor bill is not in every sense to be classified as one of the general appropriation bills for carrying on the Government. It is a provision for the improvement of commerce, the improvement of the facilities of intercourse between the different States of this Union, and between the country at large and foreign countries, and it is not in every essential sense a governmental project. We can dispense entirely with any further improvements of the rivers and harbors of the country, and yet execute every function of maintaining and conducting the Government of the United States. It does not in the other House go to the regular Appropriations Committee. It is a bill that goes to the Committee on Commerce in both Houses, just as bills here go to the Committee on Claims, which are reported back continually with appropriations originating in the Senate for the payment of debts of the people of the United States.

We had also in the Senate a very notable case at the last session, where some $30,000,000 were appropriated by a bill we passed for the purpose of general education. That bill originated in the Senate; and not only does it take about eighty millions of money out of the Treasury, but it does it for the next eight years consecutively; it charges a debt upon the Treasury of the United States which must be supplied from the future sources of revenue of this Government, which of course are mainly, if not entirely, taxation. That bill comes very much nearer to an invasion of the supposed constitutional right of the House of Representatives than a bill to make appropriations for works of internal improvement out of a fund already in the Treasury, for that bill looks to the raising of money—must look to the raising of money, inasmuch as it is procrastinated in its execution from year to year for eight years to come a charge on the Treasury of the United States, which of course we must meet by taxation. That bill went to the House of Representatives, and it induced, I suppose, a motion or a resolution, which was offered in that body, upon which action was recently taken declaratory of the power of the House of Representatives on such subjects. The House upon a yea-and-nay vote declared that the Senate had authority to originate appropriation bills. The declaration was a very broad one, much broader than I should be willing to see carried into practice. At the same time it concurred, and must have concurred, entirely and precisely with the opinion delivered in the case that I have just quoted from the Massachusetts Reports.

I will also call the attention of the Senate and of the Committee on Commerce to a report from the Committee on the Judiciary of the House of Representatives, made on the 22d of February, 1881, by Mr. Knott, who I believe was then the chairman of that committee:

The House having referred to the Committee on the Judiciary the bill (S. 1157) entitled "An act authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing," with instructions to inquire into the right of the Senate under the Constitution to originate bills making appropriations of money belonging to the Treasury of the United States, and said committee having considered the same, beg leave to submit the following report.

The Senate will observe that that resolution instructing this inquiry to be made by the Committee on the Judiciary of the House was a very broad and comprehensive resolution. Mr. Knott's report concludes with the following resolution:

Resolved, That the Senate had the constitutional power to originate the bill referred, and that the power to originate bills appropriating money from the Treasury of the United States is not exclusive in the House of Representatives.

I merely desired to call the attention of the committee to this question.

Mr. LAPHAM. Will the Senator allow me a word?

Mr. MORGAN. Yes.

Mr. LAPHAM. Has he also the views of the minority on that question?

Mr. MORGAN. There are no views of the minority expressed in the paper I hold in my hand.

Mr. LAPHAM. There was a minority report. The House Judiciary Committee were divided. There was a minority report, in which I concurred, which was the reverse of that, but no action was ever taken by the House.

Mr. MORGAN. I am informed that no action was taken.

Mr. CONGER. Mr. President, the question is so important a one to the Committee on Commerce that I send to the Senator from Alabama Rule XVI, and I should like his views upon the construction of that rule and the opinion of the Senator in regard to a bill for the improvement of rivers and harbors being a general appropriation bill under our rules.

Mr. MORGAN. Rule XVI has been so often discussed before the Senate that I should hesitate about entering into any further discussion with regard to it with a view of trying to enlighten the Senate on the subject. I do not know what precise point the Senator from Michigan has in his mind.

Mr. CONGER. The point with me was this: Rule XVI says:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

It provides which of those bill shall be sent to the Committee on Appropriations, and provides that the river and harbor bill, which seems to be treated as a general appropriation bill in the rule, shall be sent to the Committee on Commerce; and so further down in regard to amendments to such bills.

Mr. HALE. Is not the bill appropriating money for rivers and harbors treated in Rule XVI as a general appropriation bill, and so referred to, the same as other unquestioned appropriation bills are?

Mr. MORGAN. No doubt about it.

Mr. CONGER. It was on that point that I asked for the views of the Senator from Alabama.

Mr. MORGAN. There is no doubt of that, and I think it is a general appropriation bill. I am not arguing in favor of an exception upon this bill. I am willing to take it upon the broad proposition that it is a general appropriation bill, and yet the authorities to which I have referred and I believe the sound reasoning on the question are in favor of the proposition that the Senate of the United States can originate one of these appropriation bills as well as the House of Representatives. The case that I have just referred to is a case of general appropriations. The one in respect to the school bill is a case of general appropriations, because it applies to the education of children in all the States of the Union. It is general in another sense, that it makes a general draft upon the Treasury without looking to any specific fund, and, as I a moment ago suggested, it has something in it even more than an appropriation bill; it is a money bill, for it necessitates taxation and prolongs the period over which this taxation must prevail for eight or ten years. We have not the money in the Treasury now to pay that appropriation, nor do we in that bill set apart any fund in the Treasury not otherwise expended to meet that appropriation. It all looks to the future, and involves, therefore, necessarily a charge upon the Treasury of the United States, to be supplied from time to time, of course by taxation in part, if not in whole. So to that extent it is a money bill.

The House of Representatives had that subject under consideration the other day, and they resolved, as I have stated, upon a yea-and-nay vote, that the Senate had the authority to originate that bill. That is a bill wider in its sweep a good deal than the river and harbor bill, because the river and harbor bill appropriates only for a single fiscal year and appropriates money in the Treasury not otherwise expended, and if there happens to be not enough in the Treasury not otherwise expended to meet the appropriation of course it fails, and the deficiency must be made good by a deficiency bill; it can only be made good in that way.

Mr. FRYE. I desire to ask the Senator from Alabama a question. Does he think that the vote in the House the other day was a fair test of the opinion of the House——

The PRESIDENT *pro tempore*. The Chair thinks that any reference to any vote taken by the present House of Representatives is not in order.

Mr. FRYE. I understood the Senator to have made several references to votes taken by the present House.

The PRESIDENT *pro tempore*. The Chair was not aware of it. The Chair thought the Senator referred to votes of a former House of Representatives in another Congress in 1881.

Mr. FRYE. Twice the Senator has referred to votes of the present House.

The PRESIDENT *pro tempore*. The Chair did not hear such references or he would have interposed.

Mr. FRYE. He did, nevertheless, make those references.

Mr. MORGAN. I did refer to the action of the House on a resolution which was before the House, and only before the House, and did not come before the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that would not be in order in reference to the present House of Representatives. The Chair supposed the Senator was speaking of the House of a former Congress, in 1881.

Mr. MORGAN. Of course I do not wish to transgress the rules at all. I supposed they authorized me to speak of any action taken by the House which was final upon any measure as a measure that had been concluded, though the resolution of which I spoke referred only to the affairs of the House.

Mr. LAPHAM. Will the Senator from Alabama allow me? I call his attention now to the minority views of the House Judiciary Committee at that time. They submitted their views and recommended the following resolutions:

Resolved, That the seventh section of article 1 of the Constitution, which provides that "all bills for raising revenue shall originate in the House of Representatives," confers exclusive power upon the House to originate bills appropriating money from the public Treasury.

Resolved, That the Senate bill which has been referred to this committee be returned to the Senate of the United States with a copy of these resolutions.

This was signed by five members of the Judiciary Committee differing with the views of the majority. I beg while I am up to call attention to one extract from this report:

An extract on this point from the inaugural address of President Washington will not be inappropriate.

Here I may add that President Washington probably knew the meaning of this provision as well any person existing at that time. He said in his inaugural address:

To the preceding observations I have one to add which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed, and, being still under the impression which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may indispensably be included in a permanent provision of the executive department, and must, accordingly, pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditure as the public good may be thought to require.

Obviously the view of General Washington was that the House of Representatives alone could originate an appropriation bill.

Mr. MORGAN. Well, Mr. President, of course it is very unpatriotic and very presumptuous in any man to advance a view against the constitutional views of General Washington on the constitutional rights of the Senate of the United States; but unfortunately we have to deal with these questions through the centuries, and I venture the statement that nobody in the United States has ever yet lived who had a right to enjoy that opinion except General Washington. I do not think that any one else would have sufficient weight in the Government of the United States to stand upon it without a good deal of discussion to say the least.

I do not wish to protract my remarks about this matter. As I stated when I introduced that bill I did it in good faith, to give our Committee on Commerce an opportunity to work on the bill and have it ready, and if it should turn out that the House of Representatives can not furnish us that bill, then the question will arise, and I hope the Senate will consider it and decide it, whether we shall not send the bill to the House, for we have a duty to perform in connection with this Government that is quite as important as that of the House, and we stand quite as near to the people as the House of Representatives in every matter except those peculiar functions which the Constitution devolves upon that House and excludes us from. I do not believe that the appropriation of money for the service of the Government or the people is one of the functions from which the Senate is shut out by the Constitution.

Mr. JONAS. I would state to the Senator from Alabama that the Senate passed a bill appropriating $5,000,000 for the improvement of the Mississippi River in the session of 1881–'82. It went to the House, and, like most of the legislation of that Congress, it went on the Speaker's table, and there remained without action until the end of the session.

Mr. HALE. Mr. President, I do not propose to go into this very great question which has heretofore exercised the minds of great lawyers, members of both the Senate and the House of Representatives, but I hope that the Committee on Commerce of this body will think twice before it precipitates the question raised by the Senator from Alabama this morning in speaking of his bill. I should have some doubt, as I think he would have as an original proposition, whether a bill appropriating moneys for rivers and harbors would come under the purview of a general appropriation bill; but upon that I believe we are estopped

from raising any question, for the Senate has by its rules made it and adopted it as a regular appropriation bill, and so treats it in every regard and particular, with the exception that it is sent to the Committee on Commerce, because it needs a very exhaustive examination of a thousand details. So far as this body is concerned it is treated as a regular appropriation bill.

Now, Mr. President, unless all the traditions and all the beliefs, so far as we can judge by the records of the past and by the course in the past of the House of Representatives, are to be radically and fundamentally changed, that body will never yield, and especially will not yield in the short time that can possibly be given to the discussion of this great question between now and the 4th of March, the position that it has always firmly taken and insisted upon. The exceptions that are referred to by the Senator from Alabama in no way trench upon the general attitude taken always by the House of Representatives.

The report to which the Senator has referred in the past as coming from the House Committee on the Judiciary was antagonized by a most exhaustive minority report, and the House of Representatives never by any action on its part indicated any purpose of changing the traditional ground of the body; and it will not, no matter what is done by this body in the time between now and the close of this session, depart from its former attitude, and it will not agree to surrender its rights. I have no doubt whatever upon this, because I came here somewhat affected, largely affected, by the habits, course of action, and traditions of that body; and I say it will not agree to part with the power over money bills, of initiating the great appropriation bills that are given for the running expenses, the general expenses, of the Government; it will not give up that jurisdiction as inseparably connected with the other great question of the raising of the revenues of the Government, as to how they shall be expended, and the question of what shall be raised as affected by what shall be spent.

I hope, sir, that the Committee on Commerce will consider this carefully. I have no objection to its taking the bill, spending its time upon it, considering the items, and being prepared for any river and harbor appropriation bill that the House of Representatives may send to this body; but I hope it will not, without the greatest care and deliberation, launch upon this body and upon the two Houses that great question at this late day. I can see but one termination that would come from that, and it is not a good time to raise the question now.

Mr. HOAR. Mr. President, I rise to a parliamentary question. I desire to ask the Chair what is the question before the Senate?

The PRESIDENT *pro tempore*. There is no question before the Senate. This debate has been proceeding by unanimous consent.

Mr. ALLISON. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. Reports of committees are yet in order.

Mr. INGALLS. I beg leave to say a word.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Kansas will proceed.

Mr. INGALLS. I have been the unfortunate and innocent cause of this irrelevant debate upon an inquiry as to the condition of the public business. I desire to say that the assurances given by the Senator from Iowa and the Senator from Kentucky are entirely satisfactory. I made the request in order if possible to repel the insinuations being made that Republicans in the Senate and House desired that there should be an extra session of Congress. In my judgment nothing could be worse for the country and all its various business interests than an extra session of Congress. If there is a Republican member of the Senate who desires an extra session of Congress I do not know him. I doubt very much whether the interests of the incoming administration would be benefited by an extra session of Congress; and it is proper that the declaration should be made that if there is to be an extra session of Congress the responsibility for it will depend not upon the Republicans of this body or the House, but upon the party friends of the head of the next administration.

GEORGE E. SPENCER.

Mr. HOAR. Mr. President, I am instructed by the Committee on Privileges and Elections to report the following resolution, for which I ask present consideration:

Resolved, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of $7,133, being the amount actually and necessarily expended by him in maintaining his title to his seat.

Mr. SAULSBURY. I desire to inquire whether that is a report from the Committee on Privileges and Elections.

Mr. HOAR. It is.

Mr. SAULSBURY. I desire to say that I do not concur in that report as a member of that committee.

Mr. COCKRELL. Let the resolution take its place on the Calendar.

The PRESIDENT *pro tempore*. Objection is made to the present consideration of the resolution, and it will be placed on the Calendar.

WITHDRAWAL OF PAPERS.

Mr. CAMERON, of Wisconsin. On the 30th of January last an order was made by the Senate authorizing the claimants in the matter of the claim of Louis C. Madeira and Emilio F. Cabada to withdraw from the files of the Senate all the papers relating to that claim. The papers at that time were in the hands of the Committee on Claims, and I now return them to the Senate.

The PRESIDENT *pro tempore*. The papers will be placed on file.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2638) for the relief of the legal representatives of Peter Lyle, deceased; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2639) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," and making an additional appropriation therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1705) to provide for the issue of duplicate checks; and

Joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War.

CONSIDERATION OF HOUSE BILLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered yesterday by the Senator from Tennessee [Mr. HARRIS].

The resolution was read, as follows:

Resolved, That after the call for concurrent and other resolutions has been concluded it shall be the duty of the President of the Senate to lay before the Senate, in their order, House bills on the Calendar which have been favorably reported by a Senate committee, subject to the provisions of Rule VIII, which shall continue until 1 o'clock each day until all of such bills shall have been considered.

Mr. INGALLS. Is that resolution open to objection at this time?

The PRESIDENT *pro tempore*. The Chair would state that the resolution was offered on a previous day and now comes before the Senate regularly; but the Chair will call attention to Rule XL relative to motions to modify or suspend the rules. The nature of this, the Chair thinks, is a motion to suspend for the rest of the session and to modify the rules regulating the order of business.

Mr. INGALLS. May we hear that rule read, Mr. President?

The PRESIDENT *pro tempore*. Rule XL will be read.

The Chief Clerk read as follows:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice, in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

The PRESIDENT *pro tempore*. The Senator from Tennessee has not, as the Chair thinks, conformed to the requirements of that rule; but as it has been the practice of the Senate hitherto, before the present rules were adopted, to receive and consider resolutions analogous in their nature to this, the Chair will submit to the Senate the question whether this resolution is in order without a previous notice in writing.

Mr. SHERMAN. I think it had better not be submitted as a question of order, but let it be asked whether the Senate, by unanimous consent, will act upon it. I should vote against its being in order.

The PRESIDENT *pro tempore*. The Chair will first ask, Is there objection to this resolution being considered in order?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made. The Chair will then submit to the Senate the question whether under Rule XL this resolution is in order.

Mr. HALE. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. SHERMAN. I shall be compelled to vote, if objection is made, that it is not in order, though I am in favor of taking up and passing on the House bills. I hope the Senator from Tennessee, therefore, will give the requisite notice to-day, and it can come up again to-morrow. Clearly it does not conform to the rule now.

Mr. HARRIS. I quite agree with the Senator that it is not in accordance with the requirement of the rule if objection is made. I will give the notice to-day, and it will suit me quite as well to call it up to-morrow.

The PRESIDENT *pro tempore*. It will be laid aside for the time being if there be no objection, and a notice in writing will be required.

The Chair was of opinion that the practice of the Senate had been to receive similar resolutions, and therefore he proposed to submit the question——

Mr. HOAR. It will put the Senator from Tennessee to a good deal of trouble to go over the various rules and specify each one of them in writing. I suggest that instead of that the Senator from Tennessee have unanimous consent that this resolution of his may be considered on Monday.

Mr. HARRIS. To-morrow or Monday.

Mr. HOAR. To-morrow, I mean.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that this resolution shall be considered as in order to be laid before the Senate to-morrow on the call for resolutions. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made. The Senator from Tennessee will give such notice as the rules require.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 475) granting arrears of pension to Emily Agnel;

An act (S. 729) for the protection of children in the District of Columbia, and for other purposes;

An act (S. 750) granting a pension to Catharine Schools;

An act (S. 1823) granting a pension to Ebenezer K. Marden; and

An act (S. 2168) for the relief of the executrix of Ayres P. Merrill.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule.

The consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was resumed by the Senate as in Committee of the Whole.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Alabama [Mr. MORGAN] that the bill be indefinitely postponed.

Mr. LAPHAM. Mr. President, the morning hour has been so nearly consumed with other matters that I dislike very much to commence the discussion of this question this morning at this time.

Mr. HOAR. I rise to make a privileged report.

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. LAPHAM. Yes sir.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I am entitled to make the report as a matter of right.

The PRESIDENT *pro tempore*. From what committee?

Mr. HOAR. The conference committee on the disagreeing votes of the two Houses in regard to the bill regulating the Presidential count. If the Secretary will read the report I will make a statement in regard to it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts submits a report from a conference committee, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, having met, after full and free conference have been unable to agree.

GEORGE F. HOAR,
JOHN SHERMAN,
JAMES L. PUGH,
Managers on the part of the Senate.

WM. W. EATON,
E. T. BENNETT,
ALPHONZO HART,
Managers on the part of the House.

Mr. HOAR. The House asked the conference and the House has possession of the bill, or the conferees on the part of the House. The usual custom, therefore, is for the report——

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Massachusetts is in error as to which House asked the conference. The minutes show that the conference was asked by the Senate. The Senator from Massachusetts said, if the Chair understood him, that the House had asked the conference.

Mr. HOAR. I thought the Clerk showed me the fact that the House asked the conference.

The PRESIDENT *pro tempore*. In that case the report here would have been proper, with the papers, first. The minutes show that the conference was asked by the Senate.

Mr. HOAR. The other House agreed to the conference and has the papers. But in either case, the other House having the papers, it is the usual custom between the two branches, as I understand, that the report should be made first in the House of Representatives, and the House then should send over its action upon the report to the Senate for its information and action. This disagreement took place in the first week, I think, of the session, and the report was made up at that time very early in the session, but no information has been communicated to the Senate that the House has taken any action or that any report has been made there by the conferees on the part of the House; and I suppose we are justified in inferring, in the absence of such a communication, that no such report has been made to the House by its conferees. I have not heard of any such report having been made.

It seems to me, therefore, under these circumstances that it is the duty of the committee to report to the Senate without waiting the action of the House, which is a mere matter, I suppose, not of absolute parliamentary right but only of courtesy or custom. I therefore make the report, and move that the Senate further insist on its disagreement to the amendment of the House and communicate that fact to the House.

The PRESIDENT *pro tempore*. The Chair feels obliged to decide that such a motion is not in order. No vote can be taken on the bill without the bill being in possession of the Senate. The Chair thinks under the circumstances, there being no action in the report recommended for either House on the disagreement, that perhaps a report of this kind, that the conferees have been unable to agree, might be made in the absence of the papers, but the Chair thinks he can not entertain a motion in respect to the Senate insisting.

Mr. HOAR. I differ from the Chair; but to go into that would involve a long discussion of a somewhat unusual matter. I have reflected on the subject. Without insisting on any difference of opinion with the Chair on this subject I withdraw that part of the motion, and will move that a message be sent to the House of Representatives communicating to the House the fact that this report has been made to the Senate by its conferees.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that a message be sent to the House of Representatives informing it that the conferees on the part of the Senate on the bill named have reported that they have been unable to agree with the conferees on the part of the House of Representatives. The question is on agreeing to the motion.

The motion was agreed to.

DES MOINES RIVER LANDS.

Mr. ALLISON. Regular order.

The PRESIDENT *pro tempore*. The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, is before the Senate as in Committee of the Whole. The Senator from New York [Mr. LAPHAM] is entitled to the floor, the pending question being on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the bill indefinitely.

Mr. LAPHAM. Mr. President, this very extraordinary bill is accompanied by a report of the majority of the committee, occupying nearly forty pages. The records of the Senate will show that this bill was reported without any report from the committee, and time was asked to prepare a report, and it was, if I remember correctly, some two weeks after the bill was reported before the majority report was made in the Senate. I supposed the object of this report was to present for the consideration of the Senate the reasons which operated in the mind of the committee in favor of this bill; and I supposed, therefore, that the reading of the report was a proper matter for the consideration of the Senate preparatory to taking any action upon the bill. Accordingly I asked, when the Senate decided to take up the bill, that the report should be read. Two mornings of the Senate were occupied in reading a portion of it, when I was gravely accused by the Senator in charge of this bill with being an obstructionist, because I asked for the reading of this report. I do not complain of that, Mr. President. I refer to it simply by way of explanation and for the purpose of showing that the request I made was not an unusual nor an unreasonable one.

When I assented yesterday to the proposition that the further reading of the report should be dispensed with, I accompanied that with a statement that at some period of the discussion, and before the final action of the Senate should be taken, I should ask to have the views of the minority, which truly and succinctly present the questions involved in this case, read; and upon the suggestion of the honorable Senator from Alabama [Mr. MORGAN], who prepared the minority report, as I was informed, that I could have it read as a portion of my remarks, I yielded the point, and the discussion was taken up without reading any more of the majority report and without the reading of the views of the minority. Thereupon the honorable Senator from Iowa [Mr. WILSON] took the floor and in a very pathetic and earnest appeal in behalf of these settlers occupied the attention of the Senate for a half hour or more in a strain of remark to which none of us can properly take exception, for all our sympathies are enlisted in behalf of those who have mistaken their rights in settling upon this portion of the lands in Iowa. It shall be my purpose before I conclude to show, and to show very conclusively, I think, that the honorable Senator from Iowa entirely failed to reach or touch any question which is involved in the proper consideration of this bill.

I would have preferred that this discussion should have gone on and the vote taken, when it should be finally taken, on the passage of the

bill; and yet the motion of the honorable Senator from Alabama is precisely what would have accompanied a minority report if one had been made, as was made by the Judiciary Committee of this body in the Forty-sixth Congress. It leaves the whole question of the merits of this bill open to discussion, and, therefore, it is perhaps as well that the vote of the Senate should be taken upon this motion to indefinitely postpone the consideration of the bill as to have it taken upon the merits of the bill on its final passage. The questions are the same. The motion of the honorable Senator from Alabama to postpone indefinitely the further consideration of the bill presents precisely the same question which would have come up upon its passage, and that is the question: Is the legislation recommended by this bill such as Congress ought to adopt or such as the Senate ought to sanction?

Mr. President, I can not, in justice to the position I occupy here, allow this question to be taken without examining somewhat in detail the points which arise in this case. When I came into the Forty-fourth Congress in 1875, my friend General Martindale, of Rochester, came to me and said he was one of the purchasers of a portion of the land included in this Des Moines River grant. He asked if I would examine the question, and if I found that he was correct in the positions he took, whether I would assist in defeating any legislation which might be attempted in contravention of the rights of the purchasers from the Des Moines River Company. Being a friend of his, I told him I would. He brought me the papers, which I have had in my possession ever since—most of the papers I have now in my possession—and we spent some time together in the examination of the questions which arise in this case. I promised to aid, as far as I could, the citizens of my State and of Michigan and of a portion of the New England States who had become the purchasers of this property, in defeating the effort which is now made to deprive them of their rights.

General Martindale has since gone to an early though an honored grave; but the covenant I made with him is a "covenant running with the land," and is binding upon me as long as I have a voice or a vote in this body to prevent the consummation of this great wrong upon the rights of these persons.

In August, 1846, Congress made a grant of land to the then Territory of Iowa of the odd sections five miles in width on each side of the Des Moines River for the purpose of improving the navigation of that river from the Raccoon Fork to its mouth. There was no limit in terms in the grant as to the distance along the river which was covered by this enactment.

The Territory of Iowa, through its representatives, claimed that it covered the entire land (odd sections) five miles on each side of the river from the source of the river in the then Territory of Minnesota, and they were clamorous in that claim in the Halls of Congress and before the Departments. The officers of the Government having charge of this subject at that time—for there was no Interior Department then—entertained at first the view that that claim was a correct one, and opened the lands for assignment under this grant of 1846 to the northern bounds of the Territory of Iowa, but not carrying them into the Territory of Minnesota. Accordingly a portion of these lands were assigned to the Territory of Iowa above the Raccoon Fork, which is the scene of the present controversy, on each side of the Des Moines River. Iowa continued to claim that the counter constructions, which were adopted from time to time by the officers of the Government, were erroneous and that she was entitled to these lands by virtue of the grant of 1846. She persisted in that claim, and obtained in the month of March, 1861, a joint resolution of both Houses of Congress that all the lands in this grant certified to the State above the Raccoon Fork to the north boundary of the State should vest in the State of Iowa and in its grantees, which were the Des Moines River Navigation Company and their vendees, the persons whom I represent at this time. An act of Congress was also passed in the year 1862, which confirmed the same title and determined that all the lands which had been set apart by the action of the authorities of the Government as constituting a portion of the lands devoted to the improvement of the Des Moines River should vest in the State and its grantees.

In the course of the proceedings the Des Moines River Navigation Company entered into a contract with the State to make these improvements of the Des Moines River, and to receive, in consideration of the performance of that contract, a grant of these very lands. They were conveyed by the State—every acre of the lands now in controversy was conveyed by the State to the Des Moines River Navigation Company. The Des Moines River Navigation Company conveyed them for value to the persons whom I in part represent. The Des Moines River Navigation Company expended over $366,000 in the work of improving this river, and every dollar of the money was obtained through the sale of these lands, as the Territory first, and the State afterward, had no other means of raising money for the purpose of carrying on these improvements, except by a sale of the lands; and all the money which was expended—fruitlessly, it is true, it turned out to be; but that is not our fault—in these improvements, amounting, as I have said, to over $366,000, was money raised by the sale of these very lands, and was the basis of the title of the purchasers, in whose behalf I now appear.

After the Territory of Iowa first, and the State of Iowa afterward, had clamored in the Halls of Congress for this recognition of the title and obtained it, first by the grant of 1846, then by the resolution of 1861, and then by the act of 1862, and had acquired this large amount of money from purchasers of this property, the representatives of Iowa now turn around and say: "Why, all this was a nullity." That is the present attitude of those who represent the State here. "There were no valid titles conferred by these acts of Congress; the question is all open;" and they ask that here shall be made a public declaration by the Congress of the United States that these lands are now public lands of the United States to the extent they are in the occupancy of settlers—mere squatters thereon.

Well, Mr. President, this very statement of the proposition ought to satisfy every reasonable mind that it is a question with which we have nothing to do. If there had been no decisions of the Supreme Court, it ought to satisfy everybody that it is a question with which we have nothing to do. These acts of Congress were grants, grants *in præsenti*; they passed the title to the State of Iowa, and the State of Iowa passed the title to the Des Moines River Navigation Company, and that company sold these lands to private purchasers. It is true the purchasers are non-residents of the State, the great bulk of them—I do not know but all of them; and there is the source of all this hostility to these claimants. These lands have been purchased and paid for by men residing in the State of New York, in the State of Massachusetts, in the State of Michigan, and in the State of New Hampshire, and because, forsooth, these gentlemen chose to put their capital into the purchase of lands in Iowa and are non-residents of the State, they are not to be considered by these clamorous men in Iowa, settlers, as they are termed, on the Des Moines River lands. Mr. President, let us see what kind of settlers they are.

I have said that the original grant was made in 1846, that the confirming grants, which settled all questions about the extent of it within the State of Iowa, were made in 1861 and 1862. In 1873 Congress passed an act for the purpose of appointing commissioners to investigate this whole question of the settlers upon the Des Moines River lands, reporting who were the settlers, giving a list of the value of the lands they occupied, with a view of having some provision made by Congress to compensate them for the losses to which they had been subjected. Those commissioners were appointed, and a report was made. That report was made to Congress under the act of March 3, 1873, by Mr. O. P. Chubb, Mr. Charles Aldrich, and Mr. J. S. Robinson, the commissioners appointed under the act for the purpose of making this investigation. They give a schedule of all the occupants of these lands, of the date when their occupancy commenced, of the estimated value of the lands, and of the sums which they were willing to receive by way of compensation for them. From this report the fact appears that there is not a settler upon these Iowa lands, save two or three—to one of whose claims I will refer before I close—who did not go upon the lands and make the settlement either as a homestead entry or a pre-emption entry after all this legislation of Congress and after all these conveyances.

The great bulk of these entries, as shown by this document, were in the years 1862, 1863, 1864, and 1865, after the whole question of the title to these lands had been settled by this resolution and these acts of Congress, after the conveyance had been made by the State of Iowa to the Des Moines River Navigation Company, and that company had gone into the possession of these lands, and after the purchases had been made by those in whose behalf I now appear. What is the use, then, of talking about their being *bona fide* occupants? As the Judiciary Committee of this body four years ago decided, they are none of them *bona fide* occupants and claimants of title. They were all chargeable with notice of the state of the title before they entered or attempted to enter upon these lands. They are, therefore, not in a position, if we are to look at it in one light, to claim even the sympathy of the members of this body, because they have acted with their eyes wide open. They can not claim to have gone upon this property in good faith. The property had been withdrawn by the action of the officers of the Government from entry as public land and had been certified by the authorities of the Government to the State prior to the time when they made these entries.

It may be a fertile valley, as the honorable Senator from Iowa so fervidly said yesterday; I presume it is; but I think I shall show before I conclude the consideration of this question that it has been a very poorly tilled fertile valley since these settlers went into the occupancy of these lands.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday's sitting, being the bill (H. R. 3023) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. VAN WYCK. Mr. President——

Mr. ALLISON. I ask unanimous consent that the Senator from New York may have an opportunity to complete his remarks on the Des Moines River bill this morning.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending order be informally laid aside and that the Senator from New York be permitted to conclude his remarks. Is there objection?

Mr. LAPHAM. I desire to say that in the condition of my health this morning I prefer not to go on. It will take me an hour or two to say what I am going to say.

The PRESIDENT *pro tempore*. That the Chair considers to be in the nature of an objection.

TEXAS PACIFIC LAND GRANT.

Mr. VAN WYCK. Mr. President, the Texas Pacific Railroad forfeiture bill is the business before the Senate.

The PRESIDENT *pro tempore*. It is.

Mr. VAN WYCK. Mr. President——

Mr. BLAIR. Will the Senator from Nebraska give way?

Mr. VAN WYCK. For what purpose?

Mr. BLAIR. I desire to ask of the Senate consent that the unfinished business be informally laid aside, in order that the Senate may proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. VAN WYCK. I should prefer not to yield at this time for that purpose. This bill now under consideration by the Senate probably will not require much time or more at all events than the consideration of the bill to which the Senator from New Hampshire refers.

The PRESIDENT *pro tempore*. It is the duty of the Chair to state that debate is not in order. The Chair understands the Senator from Nebraska to object to the request of the Senator from New Hampshire.

Mr. INGALLS. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. INGALLS. The unfinished business now before the Senate was reported from the Committee on Public Lands by my colleague [Mr. PLUMB], who is the chairman of that committee, and who is unavoidably detained from the sessions of the Senate upon a conference on the District of Columbia appropriation bill. He is unable to be present without interfering with other business intrusted to him by the Senate; and as there can be no danger from delay I would ask the Senator from Nebraska to consent in consequence of the statement I have made about my colleague's engagements to the request of the Senator from New Hampshire, allowing this bill to retain its place on the Calendar of Special Orders.

Mr. HOAR. What is the bill?

Mr. INGALLS. The Texas Pacific Railroad forfeiture.

Mr. VAN WYCK. I ask unanimous consent to make a reply.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Nebraska will be heard in reply to the Senator from Kansas.

Mr. VAN WYCK. The Senate fully understands, and the country also, the nature of the bill which is now proposed to be considered. I of course do not desire to refuse the request of the Senator from Kansas or the Senator from New Hampshire if it may be certain that this bill will not be put in any further peril. It has been put in peril already. About the middle of December it was placed upon the Calendar of Special Orders and there remained without probably any special effort to force its consideration until it was reached on that Calendar, and then it was displaced by taking up for consideration a bill the principal feature of which, if ingrafted by this body and passed here, never can become a law by the concurrence of the other House, and this bill then was placed in peril by being necessarily thrust back and buried in the General Calendar.

That has been its history. There is no reason why this bill should require as much time as the one propounded by the Senator from New Hampshire. It is a plain, simple forfeiture of lands granted to the Texas Pacific Railroad, and so plain and so obviously just are the features of this bill that, if I may be allowed to say so, it was passed unanimously by the other House, or practically unanimously——

The PRESIDENT *pro tempore*. The Senator is not in order in referring to the proceedings of the other House.

Mr. VAN WYCK. If I had some papers I might read some facts upon that which might be in order. If I read from the RECORD the result of the votes in the House I suppose the Chair would hold that that would be out of order also?

The PRESIDENT *pro tempore*. The Chair would certainly so hold.

Mr. VAN WYCK. Then I shall have to endeavor to get that idea before this body in some other way. [Laughter.]

Some things are very remarkable. The very moment that a land-grant forfeiture comes up in this body terror seizes in some directions. Why should it on a bill of this importance? If I may not say how it was passed in the other House, I suppose it is competent for me to say that this bill is demanded by the unanimous sentiment of the American people. There is unanimity there, whether there was unanimity in the other House or not when they voted on this bill, or whether there will be unanimity in this body when this bill is voted upon here.

There is no reason why this bill should be displaced, no reason why it should not have prompt consideration, and there has been no reason for the last two months. I have a right to say to my friends here that we can not "palter" with the people "in a double sense" on this matter. Our own State and national conventions have demanded that there should be prompt and speedy action upon these matters. The national convention which represents the gentlemen on the other side of this Chamber was equally as unanimous and emphatic in its expression of a demand for the restoration to the public domain of forfeited lands, and that it should be done by the prompt action of Congress.

I am desirous that this bill should be speedily acted upon. I am willing to yield to another measure if thereby this bill be placed in no peril; and yet I think every day's delay imperils the bill. If it remains unacted upon until the week coming, then we are to be met with appropriation bills from day to day, and it will be an easy matter for gentlemen by long speeches to prevent a final consummation.

I desire at least to maintain my position upon this matter. I have as far as has been proper sought to press the consideration of this bill. We have discussed the question involved in it on other bills. There is no question remaining to be considered which has not been discussed. The matter has been considered on other bills. We have been enabled in this Congress to pass one of these bills into law and only one, and that was a bill where the railroad company itself was willing that its land grant should be forfeited. We have done nothing more. We have passed one bill which the railroad company concerned consented we should pass—nothing more. I desire that we shall not stop with that. We had some difficulty in passing that bill through this body where the railroad company were willing we should do it.

Now, the present owners of this Texas Pacific road of all men have no claim upon the generosity or the liberality of the people of this Union or of the American Congress. Have we forgotten those celebrated letters written by that great historian Huntington, of the Central Pacific Railroad, as to what was done with the Texas Pacific when he was here in the lobby? We at least can be admonished by the very forcible history which he has made; we at least should be admonished that we furnish no excuse for scandal and no opportunity for any historian like Huntington, or possibly Huntington himself, to reproduce in duplicate any chapters of history of the same kind.

I desired to say this much, because I do not know from the process of rules and the obstructions which arise from them whether I shall have an opportunity to say anything more on this question.

Mr. MILLER, of California. Will the Senator allow me to make a suggestion?

Mr. VAN WYCK. Certainly.

Mr. MILLER, of California. We have had notice that an appropriation bill will be called up to-morrow. If the Senator gives way now there is no telling when he can get his bill up.

Mr. VAN WYCK. Without intending to seem offensive or discourteous, I would prefer to have this bill take its course according to the rules of this body. If the majority choose to displace it, that is for them to say. If the rules thrust it aside, that will be no fault of the friends of the measure in this body.

The PRESIDENT *pro tempore*. The Senator from Nebraska objects to the request of the Senator from New Hampshire.

Mr. BLAIR. I ask unanimous consent to make a brief statement to the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to be heard. Is there objection? The Chair hears none.

Mr. BLAIR. I have never found it necessary to disregard what I believed to be my duty under the apprehension that I should be accused of any wrongful motive if I failed to make strong *ad captandum* demonstrations for the consideration of the public with reference to any matter of legislation that I was called upon to participate in. I am willing to settle those questions between my own sense of duty and such light as I may get from my constituents and from the country and such intellectual powers as I may possess; and whatever may be the result to myself personally from the discharge of my duty as I understand it, I accept that result.

Now, in regard to the Texas Pacific bill, in relation to which the Senator from Nebraska has offered these strange remarks, I have this to say: I am opposed to it in its present form. I am not opposed to its consideration, and I am ready to take my share of responsibility for any action that I in the end may see fit to take. My record will be here for consideration. But, sir, that bill has no rights here more than other measures of legislation. Such rights as it has I am perfectly willing that it should hold if, in the judgment of the Senate, it should retain them.

I wish now to make a little statement with reference to another bill, and if I had the unusual faculty which the Senator from Nebraska seems to possess of insinuating the opinions of the public, or of bringing an indirect pressure upon the members of this body to induce them to act as they might not act yielding quietly to the dictates of their own consciences and sense of duty, I might undertake to say that here is a bill in which the mass of the people are interested, in which all the 55,000,000 people in the United States are interested, and with reference to which it is not safe for the Senate to "palter in a double sense;" with reference to which the platforms of both parties are explicit, and in regard to which there are at least 25,000,000 people in this country anxious and interested for its consideration and for its passage; and if we postpone it, or if we in any way displace it from consideration, we shall be liable to the suspicion that lobbyists and improper influences are the source of the motives which actuate us.

The bill of which I speak has precedence in conscience and in all the formalities of parliamentary law over the Texas Pacific bill. It came to us in the last session. It came in the due and orderly course of business before this body a short time prior to the adjournment last summer. I insisted upon its being heard. Its consideration at that time was defeated by what I thought to be an unnecessary insistence upon formalities, and there can be no Senator present who does not know that this bill was not treated precisely with that fairness that I had a right to expect, nor was I treated personally as a Senator in the management of the bill with that courtesy which we deem ordinarily to be Senatorial. I did my best to get it passed at that time in compliance with what I and all Senators and the country knew to be a strong popular demand; but it was defeated, and upon the motion of the honorable Senator from Georgia not now in his seat [Mr. BROWN] it was postponed until the 9th of last December, quite a number of days before the Texas Pacific bill reached the records of the Senate, coming from its committee, and was placed upon its Calendar. So at this session this bill was in the nature of unfinished business. I understood that it had all the rights of a special order; so did other friends of the measure; but there were special orders interposed a little earlier than that time, and when on the 9th day of December something prevented the consideration of this bill, it went off into the limbo of cases upon the General Calendar. I, however, from that time until the present have made repeated efforts to get it before the Senate for consideration. I have been watching from that time until the present every day when I was not confined to my room by sickness to get the bill before the Senate of the United States for consideration. It has been awarded consideration by the unanimous sense of those members of the Senate who sit upon this side of the House very considerably in advance, as the Senator knows, of the bill which he is now pressing in opposition to it, and I only ask that it may be heard in accordance with those understandings which are binding upon gentlemen and in accordance with the rights of this bill before the Senate and before the country.

Now, sir, I do not anticipate that it will consume any very considerable time. It is a short bill. I do not propose to make a speech upon it. I do not propose to speak upon it half as long as I am now speaking for the purpose of getting consideration for it. A few which I deem to be unimportant amendments I shall offer. They are to some extent, to a very large extent, verbal amendments, and I imagine that the bill may be disposed of, if the Senate proceeds to its consideration, in the course of the afternoon; perhaps in the course of a single half hour.

And, sir, as objection is made against proceeding to its consideration, if I am in order I desire to move that the Senate now proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRISON. I am aware of that rule, but I desire to ask unanimous consent just to say a word.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to be heard upon this matter. Is there objection? The Chair hears none.

Mr. HARRISON. We are coming to that period in the session when the antagonism between different measures is absolutely sharp, and the advocates of them urge them perhaps with a little more zeal than may be commendable, and we consume more time in discussion as to what we shall take up than would be necessary to dispose of the measures taken up. The measure proposed by the Senator from New Hampshire is one that I think will occupy very little time. I think it will receive general concurrence. I believe there is a very wide and general demand for some legislation upon the subject in restraint of those contracts made abroad for the importation of gangs of men to work in this country.

Mr. VAN WYCK. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. VAN WYCK. Is there any difficulty, if the bill be as important as the Senator thinks, in its being taken up by the Senate immediately after the consideration of the bill now properly before us?

Mr. HARRISON. Probably not; but the bill to which the Senator from Nebraska refers is one I think likely to occupy more time. They are both House bills.

Mr. BLAIR. But this came a long time before the other, and we commenced action on it at the last session.

Mr. HARRISON. It seems to me that we ought to take up this contract-labor bill and dispose of it, and that we may do it, if the Senator from Nebraska will only agree to it, in a way not to displace his bill at all, but let it follow immediately after this.

Mr. VAN WYCK. Will the Senator ask unanimous consent that the labor bill be taken up immediately after the consideration of the Texas Pacific forfeiture bill, and then we shall have done with one bill, and he can get unanimous consent for the other.

Mr. HARRISON. Probably we can not get unanimous consent. But I will not take any more time than to say that I will not be put by the Senator from Nebraska's remarks in an attitude of opposition to the land-grant forfeiture bills. I believe in bringing them on to early consideration; but I am inclined to believe that the bill to which the Senator from New Hampshire refers, as its consideration will occupy but little time, ought to be considered now, and I shall vote for his motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of Order of Business 863, being House bill No. 2550.

Mr. VAN WYCK. May I ask the Chair a question? If the motion of the Senator from New Hampshire succeeds, then the Texas Pacific bill is thrown back to the General Calendar?

The PRESIDENT *pro tempore*. It is.

Mr. VAN WYCK. I want that distinctly understood.

Mr. BUTLER. Will one objection prevent the consideration of the bill now called up by the Senator from New Hampshire?

The PRESIDENT *pro tempore*. It will not. Under the rules a motion is in order to proceed to its consideration now, which motion by the rules must be decided without debate.

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR].

The Secretary proceeded to call the roll.

Mr. PUGH (when Mr. GIBSON'S name was called). I announce the pair of the Senator from Louisiana [Mr. GIBSON] with the Senator from Rhode Island [Mr. CHACE].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]. I do not know how he would vote, and I refrain from voting.

The roll-call having been concluded, the result was announced—yeas 29, nays 19; as follows:

YEAS—29.

Aldrich,	Edmunds,	Lapham,	Pugh,
Allison,	Frye,	Manderson,	Sawyer,
Blair,	Hale,	Mitchell,	Sewell,
Bowen,	Harrison,	Morgan,	Sherman,
Call,	Hawley,	Morrill,	Wilson.
Conger,	Hoar,	Palmer,	
Cullom,	Ingalls,	Pike,	
Dolph,	Jackson,	Platt,	

NAYS—19.

Bayard,	Coke,	Jonas,	Vance,
Beck,	Fair,	Jones of Florida,	Van Wyck,
Butler,	Garland,	Maxey,	Vest,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Williams.
Cockrell,	Hill,	Slater,	

ABSENT—28.

Brown,	George,	Lamar,	Plumb,
Camden,	Gibson,	Logan,	Ransom,
Cameron of Pa.,	Gorman,	McMillan,	Riddleberger,
Chace,	Groome,	McPherson,	Sabin,
Colquitt,	Harris,	Mahone,	Saulsbury,
Dawes,	Jones of Nevada,	Miller of N. Y.,	Voorhees,
Farley,	Kenna,	Pendleton,	Walker.

So the motion was agreed to.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. BLAIR. My intimation to the Senate was that I did not desire to be heard in a set speech on the general subject; but I wish to have a few amendments made, which are chiefly formal.

In section 1, lines 9 and 10, I move that the words "to perform service or labor" be stricken out. They seem to be superfluous.

The amendment was agreed to.

Mr. BLAIR. In section 2, line 6, after the word "service," I move to insert the words "or having reference to the performance of service or labor by any person."

The amendment was agreed to.

Mr. BLAIR. In section 2, line 8, I move to strike out the words "such persons" and to insert "the person or persons whose labor or service is contracted for."

The amendment was agreed to.

Mr. BLAIR. In section 3, line 12, after the word "person," I move to insert the words "who shall first bring his action therefor."

The amendment was agreed to.

Mr. BLAIR. In section 3, line 14, I move to strike out the words "who may choose to bring such suit."

The amendment was agreed to.

Mr. BLAIR. In section 5, line 15, after the word "singers," I move to insert the words, "nor to persons employed strictly as personal or domestic servants."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. ALLISON in the chair). The Chair suggests a verbal correction in line 8 of section 3. The word "poral" is printed instead of "parol." That change will be made.

Mr. MORGAN. I ask the Senator from New Hampshire whether the amendments he has been proposing come from the committee?

Mr. BLAIR. No; the Committee on Education and Labor reported the bill without any amendment in the hope that it might be passed during the last session. There were some objections made to the bill, and these are amendments that I have drawn and offered in this way without any formal consultation with the committee.

Mr. MORGAN. Of course I have had no notice of what the amendments are, and I desire to hear the bill read as it has been amended, so that we may know what is in it.

Mr. BLAIR. Certainly. If I had deemed them to be radical and substantial amendments I should have felt that I ought to have called the attention of the committee to them.

Mr. MORGAN. I do not make any complaint about that, of course. I merely wanted to know where is the proper print of the bill.

The PRESIDING OFFICER. The Chief Clerk will read as amended the sections of the bill which have been amended at the request of the Senator from New Hampshire.

The Chief Clerk read section 1 of the bill as amended, as follows:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Mr. McPHERSON. Do I understand that the words in lines 9 and 10, "to perform service or labor," have been stricken out?

The PRESIDING OFFICER. They have been stricken out.

Mr. McPHERSON. Has that amendment been agreed to by the Senate?

The PRESIDING OFFICER. It has been agreed to.

Mr. BLAIR. The Senator will see that those words are superfluous, and are to be found later on in the sentence near the close of the section. It is merely a grammatical correction. If the Senator will turn to the next page he will see that the words are there to be found inserted.

Mr. McPHERSON. I suppose it is not in order to discuss an amendment which has been already acted upon by the Senate, but it seemed to me that the whole object and purpose of the bill was to prevent the importation of foreigners under the contract system, like the Chinese, who have been so much complained of. Unless there is some part of the bill which corrects this defect, the result will be that no importation can be made, that no assistance can be given to any foreigners or aliens whatever, even for the establishment, if you please, of an agricultural or a manufacturing colony, or anything of that kind in this country.

Mr. BLAIR. The Senator will observe, what I stated in the beginning, that these words were stricken out simply as a grammatical correction, and the same words, having the proper connection to express the sense of the section, are to be found at the top of the next page. The section reads in this way, the amendment being made:

Under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

There was a grammatical mistake, which was only corrected in the interest of good English.

The PRESIDING OFFICER. The Chief Clerk will read section 2, as amended, and also the remaining sections of the bill which have been amended.

The Chief Clerk read as follows:

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of service or labor by any person, of any kind in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

SEC. 3. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

Mr. VAN WYCK. In section 5, line 7, after the word "aforesaid," I move to strike out the words:

Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained.

It is a very easy thing for gentlemen who desire to import labor under contract to have it called "skilled labor." The man who works in the mines is a skilled laborer, I think; the man who works in a factory is a skilled laborer. When the men were locked out of the glass-making establishments in this country there were found "skilled workmen" to take their places; and when the iron manufacturers close their doors against American workmen because they will not work at reduced wages, and sometimes at starvation wages equal to those of the pauper labor of Europe, then it will be said that it is "skilled labor" that is to be brought under contract from foreign countries. So I move that those words be stricken from the bill.

Mr. BLAIR. The bill was not framed by children and babes, but by the men whose interests it undertakes to guard and conserve. By their leading and most intellectual representatives they came before the committee of the House of Representatives, as they did before our committee, asking for this bill, which they had studied, and which embodied the ideas and propositions which they thought necessary to remedy the public evils of which they complain. The provision which the Senator from Nebraska moves to strike out is one that they were particularly careful to have included in the bill; and to strike it out would, in the general estimate of all those who take any affirmative interest in the enactment of the bill into a law, entirely emasculate it. They very likely would then prefer its defeat, or at all events would become indifferent to its enactment.

The Senate and the Senator perhaps will observe that the proposition which he moves to strike out is one which reserves to the country, to capital and to labor alike, the opportunity for the establishment of such industries, if there are any, as do not already exist in our country, and leaves open the power to American capital and enterprise and to American labor to secure from foreign countries the necessary skilled workmen to establish a new industry and to instruct the American laborer in the secrets and mysteries of the art. It has no application where the industry is already established in this country. It does not reach the iron industry nor the glass industry, nor any other industry which now flourishes upon American soil. It simply gives us the opportunity to establish new industries if there should be any occasion to do so, and thus affords the opportunity for additional investment of American capital and the employment of American labor.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

Mr. BAYARD. In section 5, line 2, after the word "of," I move to insert the words "the United States or of any;" so as to read:

That nothing in this act shall be so construed as to prevent any citizen of the United States or of any foreign country temporarily residing in the United States, &c.

I propose to follow that with another amendment.

Mr. MORRILL. There will be no objection to that.

Mr. BLAIR. There is no objection to it except that the amendment already made after the word "singers," in line 15 of the same section, cures the difficulty and covers the same ground. After the word "singers" the words were inserted "nor to persons employed strictly as personal or domestic servants." That is the same amendment and perhaps is a little broader than the one suggested by the Senator from Delaware.

Mr. BAYARD. I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Delaware withdraws the amendment.

Mr. HAWLEY. Mr. President, the bill is in contravention of natural right and ought to be very carefully considered indeed. I hesitate, however, because the Senator from New Hampshire tells me it was drawn by somebody outside and that we ought to be careful how we amend it.

Mr. BLAIR. The Senator, I imagine, will be careful not to misrepresent what I said. I have in no wise intimated that we ought to be careful how we amend it.

Mr. HAWLEY. The Senator said it was drawn with great care by somebody outside, with very great care, and he implied that it was so well drawn that it would be wise for us not to amend it without thinking a great deal. I am sure that is not a misrepresentation of what he said. But that does not of course release us from responsibility in the matter.

I am a believer in the most generous doctrines of immigration, in the most generous and liberal doctrines toward people of any part of the world who desire to come here. That is the existing law, or the old law. Blackstone cautions us in legislating to think of the old law, the mischief and the remedy. Now, what is the mischief? Of the millions who come over here the great mass with scarcely measurable exceptions are people who come here to better their condition in every respect. I I do not pretend to say that the majority of them reason carefully as to the difference between governmental institutions, but they believe that here they can get better wages for their labor, live in better houses, be able to clothe and educate themselves and their children to better advantage, and therefore they come. They are the vast majority of the people who come here.

What are the exceptions to this general fact? I will acknowledge that there are some evils. I will acknowledge that it is against the true policy of settlement here to encourage the coming of numbers of very ignorant laborers from abroad, an ignorant and a degraded class of laborers, who are willing to come here and engage themselves before they come to work at a very small price; but I think it has very seldom happened that they have not found out before they have been here long that they can get better wages. There have been very few who have come here so ignorant as not to discover that they could get a dollar and a half instead of a dollar and a quarter, and they are pretty apt to ask what their labor is worth after they have been here a short time.

Should some of these laborers violate the contract that brought them to our shores, I do not see what remedy the employer is to have, for the laborer is not a slave. He can bring his action for a violation of the contract, and the damages he would get from an American court may be imagined. For example, a laborer came here under an agreement to work two years for 50 cents a day, what damages would court and jury be likely to give the employer who obtained judgment against a penniless and ignorant laborer for the violation of a contract made in a foreign country? Is it likely that men are employed for a long time in this country upon very low wages, wages that are a degradation to the laborers themselves or to the laborers around them?

So I think the evil is exaggerated. But I am willing to acknowledge that there is an evil. It is a very discreditable and disgraceful thing, unjust to American citizens, that a body of men should be invited over here virtually to assume the condition of slaves or of peasants or peons; and if there were a way of correcting that, I should be glad to do it. Perhaps there is; perhaps this body will do it; but I say again that the bill is in contravention of natural right, and should be very carefully considered.

Now let me look at section 3 as it has been amended. For every violation of this proposed act, by assisting, encouraging, or soliciting the migration or importation of persons to perform labor under a contract after they come over here, &c., there shall be a penalty of a thousand dollars—half to the informer or prosecutor, I believe; and that there may be no element lacking, an amendment was put in this morning to add:

By any person who shall first bring his action therefor, including any such alien or foreigner.

The bill offers to the foreigner the chance to make a bargain to get himself over to the United States and work to pay his passage for a certain length of time, or to work afterward, if you please, but tells him "the day after you get here you may throw up your contract; you may inform upon the man who, whether from motives of gain or generosity, brought you over here; you may have him mulcted in the sum of a thousand dollars, and five hundred of that shall go into your pocket." I do not like the sound of that sort of legislation. Perhaps I am unnecessarily scrupulous, but I do not like the sound of it.

Again, in the fifth section it is wisely put in that this act shall not be construed to prevent any persons from engaging skilled labor to engage in a new industry—in substance, I quote it not literally—

Provided, That skilled labor for that purpose can not be otherwise obtained.

That is very loose criminal legislation, Mr. President—very much so indeed. I have been trying to think of some illustration. The nearest I can think of perhaps is the manufacture of plush, such as we see commonly upon the seats of railway cars. It has been all imported. I do not know how much has been done, very little has been done, toward introducing the industry in this country. I do not know why. It seems to me it might be easily done, but such has been the fact.

Mr. FRYE. There is a large concern in Maine.

Mr. HAWLEY. Yes, it has been growing, but I know that within a short time very large purchases have been made abroad, within one, two, or three years. I happen to know that individually. Here the industry is something. Suppose this Maine establishment desires to keep the business going in the United States, and do not know where to find workmen accustomed to make that particular article. Or I will make the case better for my argument; I will suppose that a new corporation in Connecticut desires to start the business, and not having been aware of the fact that there were skilled workmen in Maine, and that it might buy them away from the Maine establishment by offering a little higher wages, they go over to France and secure there a few skilled workmen, weavers who know just precisely the process of making plush. They are to be fined for it; they are to be heavily punished for it, because they might have gone to Maine and got away those skilled workmen from the Maine establishment, or borrowed them. But suppose they are not aware—I did not happen to be until this moment; if I were going into the business I should probably have found out that there was already an establishment here—but suppose they are not aware that there have been a hundred or two hundred skilled workmen already brought over, and they are here in this country to be found somewhere. Suppose the Maine establishment had broken down, and these men had scattered, some were gardeners, some were plowmen, some were blacksmiths, no matter what; I might have found a hundred skilled workmen if I had looked long enough among 57,000,000 people between Maine and Oregon. But if I go over without hunting them up I am liable to be heavily punished, because the proviso says:

Provided, That skilled labor for that purpose can not be otherwise obtained.

I do not like those things. If this measure had provided that no such contracts could be binding for anything more than the reasonable sum required to pay transportation to the United States it would have suited me very much better. I do not see how Patrick, coming over here and finding himself in a good place where another gardener is wanted, can ask his neighbor Andy to come, if he does not happen to be his brother. He is kindly permitted to help his brother over, but he wants to write over to Andy to say that in that same garden or in a neighboring garden there is an equally good place, and if he will come over he will do very much better. Andy says, "I have not a penny, and I do not see how I can save $5 a year where I am now." Patrick says, "I will give you the $20 to bring you from Queenstown over here, if you will come and work for me in this garden and see that the wages are secured to me, beyond enough to pay your board and clothes, until you can pay the $20 back." For so helping Andy out he is liable to a heavy penalty, and Andy might himself put a penalty upon him within forty-eight hours after he got over on this side.

I do not believe there is an association of laboring men in this country that desires to put anything of this kind or to put possibilities of this sort upon the statute-book of the United States. I am not afraid to discuss it freely. I am not afraid to vote against the bill if I think it best to do so. I do not think that any bill of this sort, in contravention of natural right, placing to a certain extent a stigma upon honest labor and honest enterprise, should be passed without most careful deliberation. I should like to have not alone the judgment of one committee but of many others. I should like to have that of the Judiciary Committee, which is supposed to be composed, and is, we believe, of able, learned, judicious lawyers. I should like to have them consider it, and the many gentlemen who are constitutional lawyers. I should like to have them think over it a good deal, to say nothing of the people who have read the Declaration of Independence. I do not like the bill, sir.

Mr. McPHERSON. I wish to call the attention of the Senator from New Hampshire to the force of the amendment that he has made to the first section of the bill. I do not think that the Senator could have investigated or studied over the effect that his amendment will produce, or he would not have offered it. The first section of the bill, as now amended, in my opinion would prevent the importation of any persons or any encouragement being given to any persons in any of the countries of Europe or elsewhere to come to the United States even as colonists. I supposed that if there was any want which the people of this country felt more than another, especially in the Southern and Western sections of the country, it was colonists, it was people to settle, it was money to be brought into those sections for the purpose of developing the resources of that part of the country. I supposed the bill was framed very largely, if not entirely, upon the idea of protecting labor.

In the first section of the bill you prohibit any encouragement of any persons coming here for any purpose, and the Senator has stricken out the saving clause of that section, which is found in the ninth and tenth lines, "for the purpose of performing service or labor." In answer to the inquiry made by me a few moments ago the Senator says it is remedied in the second section of the bill.

Mr. BLAIR. Not in the second section.

Mr. McPHERSON. I submit that it is not. The second section of the bill expressly provides——

Mr. BLAIR. The Senator will excuse me——

Mr. McPHERSON. In one moment, as soon as I have finished my statement. The second section of the bill does provide that the importation of these persons shall not be assisted by any person, company, partnership, or corporation for the purpose of performing service or labor anywhere; but the first section stands entirely alone, and declares that they shall not be assisted for any purpose whatever. Is not that the natural effect of the Senator's amendment?

Mr. BLAIR. Most certainly not. If the Senator would read the whole section instead of criticising a single phrase, and would apply his knowledge of the English language to classic usage either in speaking or writing, he would see that the section with those words stricken out has precisely the same effect that he understands it would have with those words in. I would trouble the Senator, if he has no objection, to read the whole section, and he will see that the words "to perform service or labor" stricken out in the ninth and tenth lines are simply superfluous; that the construction requires their elimination; and it is for that reason they were stricken out. The words "to perform labor or service" are precisely the same words——

Mr. McPHERSON. Do you retain the words on the second page?

Mr. BLAIR. They are retained.

Mr. McPHERSON. In the eleventh and twelfth lines?

Mr. BLAIR. Certainly.

Mr. McPHERSON. I understood the Senator's amendment to strike out all the words "to perform service or labor" in the section, in lines 9 and 10 and in lines 11 and 12.

Mr. BLAIR. I thought the Senator must have misapprehended it. I failed to make myself understood. I gave as a reason for striking out the words in the ninth and tenth lines the fact that they were in the eleventh and twelfth lines.

Mr. McPHERSON. I am entirely wrong, for I supposed the Senator's amendment included the striking out of the words in the eleventh and twelfth lines.

Mr. BLAIR. No. With those words retained the section has precisely the effect which the Senator understands it to have had originally in the way of the protection of American labor.

I hardly know whether it is worth while to engage in any discussion. I had not contemplated it. This bill has been before the country for a long time and the subject-matter to which it relates has been much discussed. I had supposed the measure to be entirely in consonance with the principles of the Declaration of Independence and the rights of mankind. I certainly would not have purposely made an assault upon the muniments of American liberty or of human liberty. I am willing, I am really if I know myself anxious, that all men should have a chance; that poor men should have a chance, and that the poor classes in all parts of the world should get up a little, step after step, and rise to the full dignity of freedom and of individual sovereignty; that every man should be a king, and that every man should have all the rights that any other man has.

The bill is aimed at slavery rather than freedom. It is designed to prevent substantially the cooly practices which have been initiated and carried on to a considerable extent between America and Europe, and which we have undertaken to prohibit not alone in the forum of general public sentiment, but in the legislation which both parties and the majorities in both branches of Congress have seen fit to enact.

The bill does not aim to prohibit the natural flow of immigration from any other land to the United States. It leaves all natural laws, business laws, social laws, industrial laws to their natural effect and operation. But it does undertake to prohibit the efforts of corporations and of individuals, of capitalists, which have been put forth to some extent in this country to introduce into it the cheap and servile labor of foreign lands, and, when it is not necessary to do so for the good of the American people and the promotion of American industries, the skilled labor of other countries, because that labor, as we know, can be commanded at very greatly reduced wages as compared with what we pay to the working people of our own country.

There have been repeated instances in all the great industries of this country where such importation has been made for the purpose of effecting a reduction of the natural rate of wages in this country such as our working people seem to be entitled to, such as are indispensable in order that they may participate by purchase (for we have nothing that we do not pay for with money in this world) in their due and just proportion of the benefits of civilization and of the principles of American liberty realized. It was in evidence before the committee of the House, and I was so informed personally by some of the leading representatives of the laboring element of the glass industry in this country, that the introduction of skilled glass workmen from the old countries by the practice which is prohibited by the bill—that is, by contracts made in advance for the services of skilled laborers abroad—had the effect to reduce at least 25 per cent. the previously existing rates and the natural rates of wages to those workmen who were engaged in that industry. That is one illustration.

I suppose it is not necessary to quote the newspapers of the country to show that the tremendous difficulties, disturbances, dangers not alone to capital but to life, and affording a most dangerous example to the country at large, in the Hocking Valley mines in Ohio, are attributed by the laboring people there to precisely the same practice that the bill is designed to prohibit; and I have seen it recently stated that already the pecuniary loss to that valley is upward of $4,000,000, and when the trouble is to end and how it is to end is beyond the prophetic vision of any man.

In regard to the suggestion that Patrick can not send for Mike, his relative and friend in the old country, it would almost seem to be trifling with the general framework and purposes of the bill. There is an express provision that this measure shall not be held to interfere with any individual assisting any member of his family or any relative to migrate from any foreign country to the United States.

It would be utterly impossible, probably, to fashion a bill which could not be subjected to some criticism. It would probably be utterly impossible to so frame this bill that in some direction, to some extent, it might not by an adverse and unfriendly spirit of interpretation, be claimed that it verged somewhat in the direction of an impairment of individual rights. But here is an evil which in the estimation of those who are interested in this bill is a very great one, and we must so frame our legislation as to reach the evil. If it should be found in its practical working that further legislation should be had to relieve it of some of its harsher operations, if evils shall be developed in its operation, then that can be remedied. It is comparatively a new field of legislation.

The bill has been prepared with a great deal of care and thought; and by those who have suffered from the evil and who are interested in the Declaration of Independence as much as the Senator from Connecticut or as myself, it has been thought to reach with its remedial provisions the evil under which they suffer. I am not averse to any criticism or discussion of the bill nor to any amendment of it which seems to be consistent with the principles of the Declaration of Independence and not subversive of the general purposes of the bill.

Mr. INGALLS. Mr. President, I listened to the Senator from Connecticut [Mr. HAWLEY], as I always do, with great pleasure and instruction, and I am sure that I sympathize with him as fully as any man can do in the views he expressed about the rights of man, and the infringement that appeared to be imposed upon those rights by some of the provisions of the bill; but we are confronted by a portentous exigency, and shall shortly be required to consider whether the doctrines of the natural rights of man as applied to this continent have not reached a dangerous extremity. We shall be called upon to decide whether every man, woman, and child on the face of this earth, no matter what may be his physical, mental, or moral condition, has the natural right to come to this country and do as he pleases and act as he pleases, to the detriment, it may be, of those here already.

Sir, there are 500,000 wage-workers, willing to labor, out of employment at this particular instant of time in the United States. With their dependent women and children, not less than 3,000,000 people in all are to-day, amid the extraordinary rigors of an unusually inclement winter, suffering for the necessaries of life. They need shelter. They are in want of the clothing that might be manufactured from the surplus production of our factories now stored in warehouses and waiting for a purchaser. They are in need of the corn that is this afternoon being burned for fuel on the plains of Nebraska and the wheat that is being fed to hogs in the valleys of Kansas. The gravity of the situation can not be exaggerated. It is an alarming paradox. In the midst of copious abundance there is haggard wretchedness and starvation. With all the elements of prosperity around us there is unprecedented depression and adversity.

We are confronted with the inquiry whether, under the doctrine of the natural rights of man, we are not under obligations as a nation to protect our own citizens against dangerous, detrimental, and prejudicial competition forced upon us either by the laudable ambition of those who desire to better their condition or by the cupidity of those great employers who are indifferent to the means they employ to swell their egregious gains.

Sir, the condition of society is serious and demands comment. The nations of the earth, under this doctrine of natural right—the right of every man on the face of the planet to come to the United States if he wants to—have been for a generation dumping their paupers, their dangerous and criminal classes, upon our shores under one pretext and another, until I am well-nigh persuaded, in view of recent demonstrations in New York, in Cincinnati, in Pittsburgh, and Chicago, that the time has come to consider whether it may not be patriotic and prudent in some degree to modify existing views as to the significance of the Declaration of American Independence and the universal rights of man. I hazard nothing of veracity in saying that there are elements in this country at work now which will require, as I said the other day in debate upon another subject, the very active coalition of the conservative forces of our system if we desire to prevent organic changes in our form of government through destructive assaults upon our institutions, upon our accumulations, upon our industries, upon everything that by the grace of God under our civilization has made America what we are proud to claim it to be to-day.

The recent violent demonstrations in various parts of this country forebode a perilous crisis, and unless measures are taken to protect the American people, to protect this great civilization that we have builded here by education, by religion, by the acknowledgment of the natural rights of man, within a brief space dangers as great as those that have overthrown monarchs and despots may with ruthless rage assail the institutions of republican freedom.

The socialistic and agrarian demonstrations that are nightly made in our great cities must give us pause. War has been declared upon property. The declaration has been openly announced that property is robbery; and the open avowals of that class of men who have been admitted into this country under the specious application of the doctrine of the natural rights of man to go whither he will irrespective of the purposes for which he migrates leave little room to doubt that in the event of another great financial crash or panic in this country, dangerous outbreaks may be expected in our great commercial centers. Already appeals are made to the unemployed, men who have come here under one pretext or another to better their condition, to commence their assaults upon what they are pleased to term the unjust accumulations of our manufacturers and merchants, to secure what is called in the language of these apostles of anarchy the forcible distribution of property, under the doctrine of the natural right of one man to have just as much as any other man has.

I do not regard the bill as a perfect measure; it has some provisions to which I yield reluctant assent; I should be glad to see it modified; but it is a movement in the right direction. It calls the attention of the people to the most formidable danger that threatens us, and that is this ceaseless, endless incursion of elements that come not for the purpose of building up, of elevating, but for the purpose of overthrowing and destroying.

Inasmuch as the object of the bill propounded by the Senator from New Hampshire is to exclude those men sought to be imported here under contract made in a foreign country for the purpose of laboring at less wages than those already employed can afford to accept, I shall vote for it with pleasure. We have for years past been declaring that the interests of American labor should be protected; and we are now to say whether the interests of the American laborer shall not be protected, not alone against the competition of the pauper and ill-paid labor of Europe, but against that most infamous free trade in labor itself which imports men here under a servile contract that is worse than the African slavery of the South, an ignoble and degrading competition—ignoble and degrading alike to those who make the contract and those who are subjected to its pernicious and destructive influences.

Mr. HAWLEY. Mr. President, I do not share the apprehensions of the Senator from Kansas [Mr. INGALLS] as to the future of this country, socially or politically. I am aware that there are many disturbing elements; but I see abundant signs of hope and comfort. These are but merely wrinkles on the great body of politics—little local humors. I am satisfied that the great and generous influences of civilization and of Christianity are abundantly capable of coping with them. I know there are some ranting men who talk about a forcible distribution of property, who pose all over the country as the enemies of property; but there is no land in which there is so general a distribution of wealth as here. Any man who has saved a hundred dollars or obtained for himself a cabin, however humble, or five acres of the sand and pine lands of the South, has given bonds to society against these pernicious errors. He is on the side of law and order; he is not ready to divide what he has. If he is worth $500 he is much more likely to take a musket and fall in at the command of the governor and the sheriff to repress riots than the millionaire who, perhaps, takes his yacht and escapes the danger, having bought foreign exchange. The safety of the country is in the hands of the poor men who have something or who mean to save something, if you omit any respect for their moral and Christian principles.

But, sir, indiscriminate legislation of the kind proposed here, a prohibition of immigration to poor men, would not tend to correct the evils against which the Senator warns us. The dynamite conspirator or the roaring socialist who would destroy all the natural rights, as we consider them, of property, can easily raise money enough to pay the twenty-five or thirty or forty dollars needed for transportation. The professional agitator will not be excluded by any bills like this. I am not willing to put a brand upon immigration by the wholesale. The dangerous men are not alone those who come from abroad, not those ill-informed and ill-educated poor laborers who came from other lands. The dangerous men have some money either from their own resources or by levying upon others, and have a good deal of education, such as it may be. They do not lack for intellectual acumen; they do not lack for the facility of expressing their ideas in common language. They are the men who make the trouble.

I acknowledge freely the evils. I want to correct them. I object to going carelessly and recklessly and too sweepingly at the work. The contracts that bring a body of poor laborers over here, paying their transportation under an agreement that they shall work not alone till they have paid their fare, but shall work for months and years for wage below those of the ordinary American laborer—those contracts are shameful, they are criminal, they are wrong, they are against natural right, against American law and the spirit of our institutions. They ought not to be permitted. They endeavor to establish a new system of slavery here. As I said substantially in my first remarks, they attempt to introduce a peasantry, a class of peons, a degraded class, to be considered as permanently belonging as the basis of society underneath those who may rule and govern the land. I would repress those evils. I would forbid them by all reasonable legislation. At the same time I would be very careful not to interfere with honest immigration; I would be very careful not to affix the brand of crime to deeds that are not only naturally right but exceedingly commendable; and that is what I fear this bill may do. I have specified the class of deeds that under this bill may be fined heavily, fined a thousand dollars, and which of themselves actually reflect great credit upon the men committing the deeds. I do think that a criminal law, a law making that a crime which is not by nature a crime, ought to be very carefully drawn; that is all. I denounce the evils, but I will not hurt the right by reckless and sweeping legislation.

Mr. BAYARD. Mr. President, I do not propose to embark upon a discussion of the somewhat dangerous social problems that are exhibiting themselves with more or less force in this country, nor do I see precisely the force of the remarks of the Senator from Kansas as directed against the communistic forces that propose to array numbers against property in the United States, labor against capital, and obviously and necessarily to involve both in a common destruction. But this bill is not directed, as I understand, to the exclusion of any of that maleficent and dangerous class of people, the outcasts of an older and more corrupted civilization than our own. It is not against them; it is not to their exclusion that this bill seeks to point in any degree. For such classes as he has described the laws of the several States providing for the punishment of criminals exist, and if the offenses shall take technical forms heretofore unknown to our simpler civilization and not amenable to punishment by the common law of England, which is the common law of the United States where not replaced by statute, then the proper method is for a fortification of our system of criminal law to meet and punish unrelentingly those foes to human society whose doings and threatenings have been described—hinted at rather—by the honorable Senator from Kansas.

There is the right, and with the right the obvious duty, of every State, as of every man, for self-preservation. It is the first instinct of nature, the instinct of society as organized and of the individuals that compose it; and I take it for granted that the spirit of liberty under law and the manhood of American citizenship will properly assert itself by the punishment, no matter under what name or what nationality it may appear, of the foes to society, to its peace, to its progress, to its safety.

But, sir, is this bill leveled at this dangerous class? As I read it, it is to exclude those who, under any form of solicitation or encouragement or contract, individual or extended, shall come to this country to perform labor or service; and that description runs through every section of the bill. It is the man who is brought here not for a dangerous purpose but for a useful purpose, to perform labor or service; if he is encouraged to come; if he is solicited to come; if he is paid to come; if his services are contracted for in advance, no matter how favorable to him or to the people of this country whom he is to serve—it is against that class that this bill is leveled.

Why, Mr. President, it seems strange to me that here in a Government founded upon the principles of the Declaration of Independence we find this violent penal anti-immigration law. Our forefathers took up arms against the British King, and they fought him to the death and they fought him to the victory, and one of the causes that they submitted in justification to a civilized world was that he had obstructed immigration to these States. I have no professions to make, there is no necessity of professions being made, of the deepest, simplest, sincerest sympathy for human suffering everywhere. It is not simply a virtue to hold sentiments of abhorrence to cruelty, to hold sentiments of sympathy for suffering; but, in my judgment, it is disgraceful to see suffering and not be for correcting it; it is disgraceful to have it in your power to relieve it and not exert your best effort to do so. This requires no assertion; it is a fact that no respectable man and no respectable nation will attempt to deny. Therefore its assertion here is superfluous.

But, sir, look at the machinery proposed by this bill. In sections 3 and 4 I find two provisions to which I would respectfully call the attention of the Senator from Maine [Mr. FRYE] who is apparently about to leave the Chamber. He has been one of the most intelligent and one of the most persistent and useful members of this body or of Congress in the effort to restore American shipping, to assist this commercial marine of which we were once so proud, and which to-day we all desire so much to resuscitate. Let me ask him what is to be the condition of any ship or of any shipmaster under section 4, which provides:

> That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

And then turning to section 3, you will find a provision for suits for penalties which may be expressly brought by any foreigner who is a party to the contract, one-half the amount to be paid to the person bringing the suit to recover the same and the other half to go into the Treasury. There is no limitation as to the time within which this party had made this agreement to perform labor in the United States, whether six months before or six days before or six years before. I will agree that the word "knowingly" is placed there, that he shall knowingly bring them, although I doubt very much whether the necessity of the knowledge of the contract is there implied; but what is to be the fate—I put it to the intelligent Senator from Maine—what is to be the fate of the master?

Mr. FRYE. Will the Senator yield to me a moment?

Mr. BAYARD. Let me put the question first. What is to be the fate of the master subjected to a fine of $500 and an imprisonment of six months for each foreigner, when any man or any number of men who may be shipped by the hundreds on his vessel can come in and sustain the charge by oath? He is at the mercy of such witnesses.

Mr. FRYE. I was, just before the Senator arrived at that section of the bill, examining it myself. I will say to the Senator that in my judgment there is nothing on earth that would save a ship engaged in the business of bringing emigrants from abroad to this country—in other

words, an emigrant ship—from entire destruction except that word "knowingly." Whether or not that would I am not prepared to say.

Mr. BAYARD. I know the word "knowingly" is there; but I submit to the Senator, whom I know to be an able criminal lawyer and who has had very large experience as attorney-general of his own State, that if he will observe the position of this word "knowingly" in the text of the bill, he will find it exceedingly doubtful whether it is the knowingly bringing them into the United States, or whether it is that he has a guilty knowledge of the fact of the contract prohibited by law having been made. But whether it be so or not, what is to protect this poor captain from fine and imprisonment? A score or a hundred of these unprincipled men swearing money into their own pockets, finding him in some port of the United States where he has no friends and no acquaintances, may put him in jeopardy. It is true he may under our present law, which has destroyed the disability because of interest of a witness, and therefore permits all persons to be sworn in the United States courts, be permitted to go upon the stand, and he may deny the fact that he knew or could have known the alleged criminal facts. But there may be circumstances from which it will be presumed that he must have known; and he is to be subjected to suit. The mere fact of being subjected to suit is a rod of terror over him at all times. Then section 3 provides that these very parties who themselves are *participes criminis*, for they have made the contract, and yet having made the contract here is a direct suggestion that they shall come forward in this country and expose it for the purpose of recovering one-half the penalty which is secured to their use.

We know the fact that there are in other nations classes who leave their country for their country's good; and those are the class who are here authorized to bring suit. They are the classes who are to step into the witness-box and freely and swiftly swear away the money either of a steamship company or of some citizen of this country, or it may be of the captain of the vessel, and he is to be terrorized. Every time a man came in with a ship-load of immigrants to this country he would never know whether he was to have launched upon him prosecutions for the recovery of this penalty and putting him in danger of imprisonment for having knowingly done what? I ask the Senate to notice the want of precision of this charge. The charge is having encouraged a man to come here. I think the whole Senate of the United States and perhaps 20,000 people in the United States every 4th of July do their best to encourage the down-trodden poor of other nations to find their home in this free country. What is to be encouragement? Is it to be a speech of a man who stands up and pictures the glowing beauty of the West and of the happy homes of America, so very different from those to-day pictured by the Senator from Kansas? Certainly that is encouragement; certainly that is solicitation in a sense. I suspect that any man among us who has ever traveled at all in other countries, remembering how much there was in the descriptions of this country to invite free and intelligent men and women who labor to come here, would be glad to see them make their homes in the United States and glad to welcome humanity to strengthen and uphold the institutions of this country.

Then the vagueness of this charge is that any encouragement of this kind may lay—I do not say it would lay—a man open to certain conviction, but I say it would subject him to prosecution under the letter of this bill. Therefore I move that the third and fourth sections be stricken from the bill, and I would say to-day under the beneficent provisions of law as they exist in every State of this Union improvident contracts, contracts so unjust as to shock the sense of justice and of humanity, are constantly set aside by courts. A contract that can be shown to have been made under duress, one where either party was intoxicated, one where he was deprived of the fair means of knowledge and understanding of the nature of the contract he was entering into—all these classes of contracts, improvident and grossly unjust, such as shock the natural sense, are constantly invalidated upon the application of any one to any court of justice; and even where they are not invalidated directly they never can be made the basis of a successful action at law. The very plea that they were so unjustly constituted, that they were so against public policy, that they had their foundations in an immoral source, would be enough to put an end to them before any court of justice in America.

Therefore, sir, if it be true that there have been organized attempts to band together the wretched and the underpaid men of other countries and bring them here by a contract founded not upon their will but upon their necessities, and throwing them into competition immediately with laborers in this country, an act to prohibit such conduct is very easily framed; but such an act as that needs no such penalty as this. Hence I respectfully submit to gentlemen, such as the Senator whom I venture personally to refer to, that they should understand well the fatal blow to the transportation of passengers by water from other countries if section 3 and 4 are permitted to stand.

I do not propose to say much more about this bill. It is very difficult to characterize it. I am far from desiring to speak otherwise than respectfully of the action of either House or of the members of either House. When I look at this measure, observe its crudities, see how it appears to be impracticable, incapable of execution, how wholly un-American is the general drift and purpose, and how far beyond the power of statute are many of the evils which it can be imagined to be intended to relieve, I must express my general want of faith in and opposition to it. In the infinite variety of human opinion I respect a philanthropy which I often recognize, although I believe it to be misdirected; and I see exhibitions of zeal without knowledge in a certain quixotic attempt to relieve evils by scraping the surface and to get rid of some incidents that I am afraid civilized society will ever contain; but when I see these attempts made, they provoke a feeling rather of sorrow than of any other emotion; and therefore, while I may respect the motives of individuals who frame bills of this kind, I can not see a useful result to come from their enactment. I now move, or I have already moved, and ask that the question may be put, to strike out the third and fourth sections of the bill.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from Delaware moves to amend the bill by striking out sections 3 and 4. The question is on that motion.

Mr. MCPHERSON. If there is any necessity for any bill such as this, the fourth section being an important part of the machinery by which contracts improperly made may be punished, it seems to me would also be necessary. I should like to ask the Senator from Delaware if an amendment could not be made to section 4 that would answer his objection to the section, making it read:

> That the master of any vessel who having knowledge thereof shall willfully bring within the United States, &c.

That would place the responsibility entirely on the ship-owner, who having knowledge of the fact that these laborers were under contract to come to the United States should willfully violate the law.

Mr. BAYARD. What in the name of common sense does the captain of a ship know of contracts or can he know of contracts for the carriage of the emigrant? It is not the owner of the vessel, the man who framed or has knowledge of this improper contract, who is punished, but it is the captain who is at sea buffeting the winds and storms, and who comes into port and instantly takes on board a set of men whom he never saw before, and it is he who has to turn round and carry them abroad; he is to be made the target for this penal legislation. Against him its penalties are directed; he is to go to prison, and he is to pay the $500 out of his small salary. How can the captain control it? He is but the agent for the navigation of the ship; it is the ship's agent on shore, the owner of the ship, who is the person against whom this penalty should be directed.

Mr. BLAIR. I hardly know how to make a speech in reply to this sort of criticism against the bill. I have read criminal statutes; I have drafted some; it has been my fortune, as a public officer, to enforce them against criminals to some extent; and I am utterly at a loss to comprehend how anybody can expect sensible legislators to enact any portion of this bill unless they retain the fourth section or something tantamount to it.

The Senator from Delaware in his criticism seems to treat the bill as though it was directed against immigration, such immigration as has been known from the foundation of the Government—as has been known through the history of all nations—free, natural, ordinary immigration; that sort of transition of individuals from one country or continent to another which takes place under the ordinary conditions and rules of existence. But this bill is directed against what is really a crime against the people of this country, against the laboring forces of this country. It is designed to prevent the combination of capital for the purpose of introducing into the American civilization, in direct collision and competition with the ordinary American producer, a foreigner who can not naturally get here, who is brought here by a combination of capital for the express and sole purpose of reducing the natural and ordinary compensation which the American laborer is to receive for his toil.

The American laborer is the essential ingredient, if I may so speak, in American civilization. Whatsoever we have of material, and so further on all spiritual, intellectual, and esthetic culture and development is, after all, based upon the efforts of the American toiler, the American workman, the American laborer. It is the man who is nearest the earth who develops the essential conditions, the primary conditions of existence itself, who gives us food, who gives us shelter, who gives us clothing—it is that man who is the basis of civilization and of all advancement. In our country, under our condition of laws, under the operation of the Declaration of Independence, this American laborer, this American producer, this American civilizer has attained a position where he has a certain amount of compensation, a certain amount allotted to him in the distribution of that which he produces. Capital gets its share. He gets his share, and here in America he gets a larger share, and it is only in the form of his wages that he gets it—more than the laborer does in any other land on the face of the globe.

Capital is selfish as you may say labor is selfish. Capital desires to get as large a proportion as it possibly can of the joint production of capital and labor combined. It says, "Here we pay too much in the form of wages;" we give to the American producer who is a part of our institutions, who is a part of our nation, and who is the real defender of those liberties of which we have been talking so much; the capitalist says "He gets too large a proportion of what my capital and that man's muscle produce." How will he meet the existing distribution of the products

and commodities of life? He proposes to send his agents abroad and he does send his agents abroad and he finds the cheap servile labor of another country; he brings it here under such contracts and under such conditions as he can enforce against that foreign producer on the spot, hungry, starving, anxious for any outlet that may improve his condition in life, and he brings him here under a contract which contract he undertakes to enforce and does enforce because he has him practically in chains and holds him as long as he pleases—a contract by which he pays him one-quarter, one-third, it may be one-half what the American laborer would receive for precisely the same exertion, for the same producing power. He thus comes directly in competition with a man who is already a portion of our civilization and who is the grand element in our national existence; and this bill propeses, if possible, to put an end to that evil.

We have in the course of our time legislated against slavery and the importation of slaves, and we have put an end to that great evil. We have in the course of events under the blessing of God put an end to American slavery upon our own soil, which was the grand competitor of free labor; and now we find this evil, not so extensive at present, like the little cloud that appears upon the horizon, but full of ominous portent and of destruction of the near future, for I believe very much more the sentiments enunciated here by the Senator from Kansas than seems to believed by many others; and this evil, great already and yet only in its incipiency, we are undertaking to nip in the bud and to destroy by this legislation, and it is on the whole I think a very tender bill. It is not a bill full of severity by any means.

But the Senator from Delaware and others perhaps sympathizing with him come here and say that it is too severe on the man who is the chief agent in the transaction of this ill, for it is not the contractor, it is not the capitalist here who sends his agent abroad who is really the most formidable agent in the perpetration of the evil itself, but it is the man who controls the ship and who brings the laborer. There is a provision in the fourth section aimed directly at him, but it only touches the master of the ship, the man who navigates it, the man who has to do with its sailing from one port to another. It aims at him a deadly blow if he knows he is violating this law. It presupposes, as does every other criminal statute, that he must have guilty knowledge. It uses the well-known word "knowingly," which has been construed in the decisions of all countries, and we know just what it means when it is a part of a criminal statute. This man is in no danger of prosecution unless he knows that he is violating this law.

If he knows it, why should he not be punished? Is it a very severe degree of punishment that he who knowingly, as the chief agent in the perpetration of this evil, brings a foreign laborer under a contract to our shores, is to be subjected to a fine of not more than $500 and to an imprisonment for a term of not exceeding six months? There is the maximum of penalty which would be applicable only to the most egregious cases of violation of the law, and it may be graduated all the way down to a day or an hour or a moment of imprisonment and to the smallest fine of a pecuniary nature imaginable. The penalty may be graded according to the degree of guilt which may be proven. And does the Senator say that this man is liable to be attacked by witnesses actuated by mercenary motives? It is no different in this case from what it is in all other cases of like statutes. We are all of us liable to be assailed by false witnesses. There are plenty of men in this country who would swear away the reputation of any Senator on this floor for a five-dollar bill. We run these risks, and yet we get along; and so every citizen, man, woman, or child, in the whole country is liable to be utterly destroyed by the perpetration of undetected perjury. We have to take those risks under a government of law, and I do not myself understand why the man who is the real perpetrator of the serious portion of this evil should not be held to liability.

He must be proven guilty beyond a reasonable doubt; and is there any great degree of danger to be apprehended of the maintenance of wrongful prosecutions by this class of immigrants? Where is the money coming from wherewith to make complaints and carry on prosecutions? It is a criminal statute. Are the law officers of the United States likely to enforce a law of this kind at the dictation of these servile immigrants who might possibly themselves be the subjects of bribery, and so might perhaps be induced, if other parties should set them in motion, to swear falsely in some instances?

But, Mr. President, after all there is very little danger to be apprehended, it seems to me, from this class of prosecutors. I doubt whether in the actual operation of this law there would be one case in a hundred where the man who had entered into a contract, the man who had been brought wrongfully to this country, would undertake to avail himself of this right of action. He is not likely to be in a situation to do it, and yet he being himself one of the victims of this bad practice he ought to have the right of action if he chooses to enforce it.

The Senator from Delaware has moved to strike out the third and fourth sections. There is nothing left of the bill, not a thing left of the bill, if that is done. There is, to be sure, a prohibition of the practice, but there is no penalty.

Mr. FRYE. I desire to ask the Senator a question before he sits down. Where is the principal ground of complaint in the Senator's own State about people brought into the State to work in competition with her own laborers?

Mr. BLAIR. We have none in our State.

Mr. FRYE. Is it not against the French Canadians?

Mr. BLAIR. The French Canadian is not brought here; he gets here himself. I never heard of an instance where the French Canadian was brought here under any such combination.

Mr. FRYE. Did you never hear of an instance in the city of Manchester where a manufacturing company, when there was a strike, sent to Canada and employed French Canadians enough to run the mill?

Mr. BLAIR. I never did. I never heard of but one strike in Manchester, and that was some twenty-five or thirty years ago. It was of the most trifling importance. We get on with our labor there without any difficulty. The French Canadians come there in large numbers. There are some 13,000 or 14,000 of the 40,000 inhabitants of that city French Canadians, and they do a much larger proportion of the work in the factories. They come and go.

Mr. FRYE. Why does not the Senator extend the provision of section 4 to railroad corporations, when two-thirds of the New England immigration, at any rate, comes by railroad from Nova Scotia, from the province of Canada, across the whole northern part of the United States?

Mr. BLAIR. For the simple reason that those persons are not brought here by any offensive or unjust combinations of capital. There was at one time a complaint that certain Swedes—I do not remember the numbers, perhaps one hundred or two hundred—were imported by a process that would be prohibited by this bill to the town of Pembroke; but that was investigated by our attorney-general, and his report was to the effect that no cause of complaint whatever existed. There was no evil of the sort that is attempted here to be prohibited, even in that case.

Mr. FRYE. I will ask the Senator another question. There are regularly established lines of immigrant steamers between Liverpool and Quebec and between Liverpool and Montreal. What provision is there in this bill to prevent all the men who desire to make such contracts as are referred to making contracts and bringing all the immigrants into the United States by the way of Quebec down the Grand Trunk Railroad? There is no penalty at all.

Mr. BLAIR. I do not know how we can possibly prevent the emigration of men from one country to another outside our own borders. We could make no provision whatever, I suppose, to prevent men coming freely of their own motion, after they arrived in Canada, to the United States. This bill does not attempt any extraterritorial legislation whatever. It would be formless and void if we should do it; but the bill does provide that if men come under a contract by which there is an attempt to evade the provisions of the law by bringing the immigrant from foreign shores to Canada under a contract and then leaving him to find his way to the United States as best he can, that contract itself would be entirely void. I suppose, perhaps, it would be practically void any way, for I do not know how after a man gets here any such contract could be legally enforced in our own courts. But at all events under the provisions of the second section such a contract as the Senator now speaks of would be void.

Mr. FRYE. But the Senator said that if these sections or either of them were stricken out of the bill the bill would have nothing whatever left in it, and that had application especially to section 4, which punishes the master of a vessel for bringing men into the United States.

Mr. BLAIR. Not specially to section 4, but to sections 3 and 4.

Mr. FRYE. Well, I apply it to section 4, and I ask the Senator if every man who desires to make his contract for help abroad should avail himself of the privileges of a steamship line to Quebec—which is a direct route to the United States—whether or not he could not escape entirely any penalty whatsoever, and he could by the Grand Trunk Railroad send all his immigrants into the United States? Why it is that section 4 is of so grave importance I do not see myself. I believe in the purpose of the bill; I propose to vote for the bill; but I do agree with the Senator from Delaware that that section 4 contains a fearful provision against the captains and masters of immigrant ships, and I think I would insist very earnestly that it should not be permitted to remain in this bill if we had any immigrant ships. Fortunately, the punishment which the section provides will fall on Englishmen entirely. I believe out of two hundred and sixty ships that sailed from the port of New York on foreign voyages in six days one carried the American flag, and out of probably five hundred ships sailing into the port of New York bringing immigrants not ten will bear the American flag. So this provision applies to foreign masters and not to our own. I am not so particular when the application is made to them. They have so many advantages now even under our best-applied shipping laws that a little disadvantage in that way will not make things equal them.

Mr. BLAIR. I am very glad to know that in addition to the other good qualities of this bill it is one for the revival of American shipping. Now in regard to the other suggestion, that in case the immigrant is brought by way of Canada, the prohibition of the contract would be of no effect.

Mr. FRYE. No; I did not make that suggestion.

Mr. BLAIR. I understood the Senator to say so.

Mr. FRYE. I referred to the punishment for bringing them in.

Mr. BLAIR. Then I only want to say that with reference to the manner in which the immigrant gets here, provided he does get here, the penalties of the third section would seem to apply to the party who made the contract.

Mr. FRYE. I wanted to make one more suggestion to the Senator from New Hampshire, and it is in the interest of the bill. It is in the direction suggested by the Senator from Connecticut. What objection has the Senator from New Hampshire to striking out the first proviso of section 5:

Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained.

What special use is there in keeping in these words?

Mr. BLAIR. Will it answer the Senator's purpose to say:

Provided, That skilled labor for that purpose can not otherwise be readily obtained.

Mr. FRYE. I should prefer very much to have this stricken out. This matter of new industries is of very great importance. For instance, take the tile industry. It was introduced into Indianapolis only a few years ago. It could not have been introduced into this country except by sending to England for skilled workmen, and every workman on those tiles was an Englishman, and it was the only way that industry could be started. After it was started in Indianapolis the education of our own people in that kind of business commenced, and you can multiply those concerns as much as you please, and thus it is an encouragement and help to our people. You may take the manufacture in the State of Maine of the nice covering for furniture, plush-covering, which is a new industry in the United States, all that sort of cloth having been imported until within the last five or six years. Every employé in that immense mill is an Englishman, necessarily so, because nobody in America knew how to make that plush, and those men were employed at the very highest wages. There are no American people in mills who earn higher wages to-day than those men do. Now that the Goodalls have established that kind of manufacturing, other manufactories will spring up and American laborers will get the benefit.

If a man desires to start a new manufacture, why should he be compelled to hunt around the country before he undertakes the establishment of it to see whether or not he can find help of that kind or of that skill within the limits of the United States? The probabilities all are that it would be an impossibility to find it, because it is a new industry. It would not be a new industry if there were men all over the United States who could be employed just as well as not by the man who undertook to start it. That would imply an old industry.

Under the provisions here—I agree with the Senator from Connecticut that it is not drawn for an indictment by any manner of means—I do not believe any man on earth would ever be punished, but it might have the effect to a certain extent to discourage a man who wanted to go into a new enterprise; but to suppose that it can do any good is to me utterly preposterous. I wish the Senator would strike out these words:

Provided, That skilled labor for that purpose can not be otherwise obtained.

Then transpose the next two lines to the close of the next proviso—

That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States, nor shall its provisions apply to professional actors, lecturers, or singers.

It seems to me that would be enough.

Mr. BLAIR. I have no objection to the Senator's moving to strike that out. I would not feel authorized to do it in behalf of the committee. I will state the reason why that clause is there. I do not think there is much force in it. I do not think it does a great deal of good, but I do not think that it does any particular harm, especially if it should be modified by the insertion before the word "obtained" of the word "readily" or "easily," so as to read:

Provided, That skilled labor for that purpose can not be otherwise easily obtained.

The proviso applies only to a new industry, and I suppose that it is there because of some jealousy that when skilled labor already in this country might be obtained there would be combinations to bring skilled labor from abroad to compete with it. Still, as it is confined only to the case of the establishment of new industries, I do not think it is at all important, and if the Senator does feel it to be important I should be very glad to have him make the motion to amend the section in the way he indicates unless there is objection from other sources.

Mr. CALL. Mr. President, as a member of the Committee on Education and Labor I gave my consent to the report of this bill, reserving the right to object to any of its provisions. I think it is quite manifest that the tendency of our civilization at large in this country is constantly to increase the number of those who are dependent upon their daily wages for support and increase the number of property-owners and large capitalists. A very universal sentiment has arisen among the laboring people of this country, and it has made itself known to the Committee on Education and Labor, demanding some legislation by which their share of production should be made larger. The idea has arisen and exhibited itself in nearly all their conventions that this may be done by preventing competition between the American laborer and the foreign workman imported here under contracts. I do not myself believe that there is any efficacy whatever in this idea or that it will afford anything of the protection to the American laborer that is anticipated by those who have conceived this idea. I think the object which all statesmen and lovers of humanity most cherish, that of giving to the laborer a liberal and adequate compensation by which he and his family may have and enjoy all the benefits of civilization and all the comforts which come from the great inventions and improvements of the age, is to be attained in an entirely different way, and that it is not affected to any perceptible extent by the competition between labor abroad and at home. Still I can not see that there is any harm in gratifying this desire and allowing this measure of theirs to be tested by some enactment that shall make it a law.

I therefore acquiesce in and support this bill to the extent of its prohibition of the importation under contract of foreigners to labor in this country. I can not see that that will do any great harm to anybody, whether it accomplishes any good or not. If it does protect the American laborer from an injurious competition that decreases his wages, to that extent the effect will certainly be a gratifying and a proper one.

The provision of this bill in section 4 which is punitive is, I think, an error, and is one that is calculated to damage the interests of American shipping and foreign shipping, and discourage that branch of industry. I think it is unjust in itself, and I concur with the remarks of the Senator from Delaware [Mr. BAYARD] in regard to this fourth section of the bill, which I think has no effect whatever upon the general objects of the bill; and striking it out of the bill would not in any way militate with the purpose of the bill to make unlawful and to punish the importation into this country of foreign labor under contract. I shall, therefore, vote for amending the bill in this respect by striking out the fourth section.

While I am up I wish to say that I concur in the suggestion of the Senator from Maine [Mr. FRYE] which has been accepted by the chairman of the committee and in the motion to strike out the words to which he has referred in section 5:

Provided, That skilled labor for that purpose can not be otherwise obtained.

I shall move at the proper time that the third section of the bill may be amended by striking out in the third line the words "assisting, encouraging, or soliciting the migration or;" so as to leave the section read:

SEC. 3. That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same, by importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia.

Also after the words "contract or agreement," in the seventh line, I shall move to strike out the words "express or implied, parol or special." I think with these amendments to the bill there can be no objection to its passage.

Mr. BLAIR. I doubt very much whether there would be any object in its passage after that. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware to amend the bill by striking out sections 3 and 4.

Mr. MILLER, of California. The object of this bill is to extend the protective principle not only to the importation of the products of foreign labor, but to the foreign labor itself. I do not perceive how this bill will effect that object if it becomes a law. From a careful examination of it there is no part of it which seems to me to be at all effective except the second section, which declares that all contracts or agreements of the character inhibited in the bill shall be void in the United States against the rights of the laborer himself, and allows him to break the contract and become a free man. That is a valuable provision.

The penalties imposed in this bill I do not think can ever be enforced. I do not believe the penalty prescribed in the third section, which is a fine of a thousand dollars for any violation of the first section, will ever be enforced, because the violations prescribed in the first section consist of acts committed in a foreign country, and our courts have no extraterritorial jurisdiction.

Mr. BLAIR. The Senator is under a misapprehension. It is the bringing to this country of the immigrant that is prohibited in the first section, not merely the making of the contract. The crime is consummated by the actual arrival.

Mr. MILLER, of California. The first section reads:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement.

Mr. BLAIR. Go on.

Mr. MILLER, of California. It continues:

Parol or special, express or implied——

Mr. BLAIR. Go on.

Mr. MILLER, of California—

to perform service or labor, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Mr. BLAIR. Now the Senator will see that the whole matter is consummated by the actual importation or migration of the alien to this country. If he does not come there is nothing prohibited.

Mr. MILLER, of California. But the important element in this offense is the agreement or contract, which must have been made before the party embarked for the United States.

Mr. BLAIR. But the act is not completed until the party arrives in the United States; and therefore it is the contracting and bringing to the United States which is prohibited, not simply the agreement not consummated.

Mr. MILLER, of California. This does not allude to bringing into the United States. The penalty for that is denounced against the vessel-master in the fourth section. The first section relates to the contract or agreement made in the foreign country under which the laborer agrees to perform service or labor in the United States. If that contract is completed after the foreigner comes to the United States I do not see how our courts would obtain jurisdiction of the offense. It is an offense committed in a foreign country.

Now as to the penalties in the fourth section. I can hardly conceive how a master of a vessel could ever be convicted under that section. First it must be proved that he knows all about this contract. The contract is the thing that is denounced in the bill, and the guilty knowledge which the master of a vessel must have is a knowledge of the contract; and it would be impossible to ever prove that he had any knowledge of the contract.

Mr. BLAIR. But the master is not punished for knowing in regard to the contract. What the master is prohibited to do and what he is punished for doing is bringing the immigrant with a knowledge of the contract; it is the actual transportation of such a laborer to this country.

Mr. MILLER, of California. You can not fine him unless you show that he knew the contract had been made.

Mr. BLAIR. There are of course two elements in the offense; one is knowledge that he was doing wrong, and the other is the overt act of doing the wrong. Both must combine.

Mr. MILLER, of California. It is no wrong under this section unless he knew it was wrong.

Mr. BLAIR. Certainly not.

Mr. MILLER, of California. It must be proved that he had criminal knowledge before you can convict him.

Mr. BLAIR. Certainly.

Mr. MILLER, of California. That you never can prove.

Mr. BLAIR. The honorable Senator from Delaware makes it the chief objection to the provision that you can prove and always will be able to prove that he had guilty knowledge.

Mr. MILLER, of California. I can not help that.

Mr. BLAIR. Of course not; but it shows the diverse views different minds take of it, and if the truth lies in the medium the section is about right.

Mr. MILLER, of California. Unless this bill should make unlawful the coming of these people into the United States these provisions imposing penalties will not be effective in my judgment. I expect to vote for the bill, but I want to put on record my understanding of it. My objection to the bill is that it has not enough in it.

Mr. HOAR. I should like to ask the Senator from New Hampshire a question for my own information. Section 1 makes it an offense "to prepay the transportation or in any way assist or encourage the importation or migration of any alien" under a contract made before the alien is imported. If the alien is not imported I agree with the Senator the offense is not complete; but if the alien be imported then the offense consists in having prepaid his passage or assisted or encouraged his coming. In what district are those offenses to be prosecuted?

Mr. BLAIR. The third section prescribes.

Mr. HOAR. The Constitution says that you must first have admiralty jurisdiction, which is a separate matter, for offenses committed on the high seas; but with the exception of offenses committed on the high seas every offense can be punished only in the State and district in which it was committed, which State and district shall have been previously ascertained by law. Now, if a man in Great Britain or Germany or Sweden or China prepays the importation of these laborers or assists or encourages them to come under a contract, and they come, in what district of the United States under the Constitution is the offense to be prosecuted?

Mr. BLAIR. The third section provides that suits may be brought in the circuit courts of the United States. I suppose that the Senator will see that the difficulty which he suggests is one that relates to the jurisdiction of the United States over the subject-matter itself under the Constitution, and if it is a subject-matter upon which there can be no constitutional legislation, then the attempt will utterly fail. But the bill makes the best provision of which the nature of the case is susceptible. I suppose the man or the corporation who might commit this offense would be subject to prosecution either at his or at its place of residence, or perhaps at such point as he may have transmitted the money, if the offense was that of prepayment in the case the Senator supposes; and so of a corporation, the offense might be held to be complete at that point where the money or the consideration was parted with by the corporation alleged to have committed the offense—at the office of the corporation or at the residence of the individual or at such town or city as may have been the one where, so far as he was concerned, his act was consummated.

It will be observed that from the language of the law one of the express purposes is to reach cases of the incitement to the assisting in the the consummation of the offense. It may be and perhaps is exceedingly difficult to reach this, but it is a difficulty that is, as I said before, inherent in the subject-matter, in the evil which we are undertaking to reach and to prevent, which necessarily is consummated partially in our own country and partially in the foreign country, in our own country where the capitalist lives, in the foreign country where is to be found the immigrant. In order to reach the evil at all, the best provision has been made that occurred to me, but if the honorable Senator from Massachusetts who is so learned in the law, who I doubt not can make a great many useful suggestions in the way of the amendment of the bill, will do so, I shall be very glad for one to assist in those amendments being made a part of the act.

Mr. McPHERSON. Mr. President, I wish to say to the Senator from New Hampshire that I am in sympathy with the object and purpose of the bill, but I am entirely at war with the agencies that he is trying to bring into operation.

As to the fourth section, I thought at first sight it might be amended in such a way as to make it more acceptable, but I now understand the Senator from Delaware [Mr. BAYARD] has moved to strike it out entirely. This seems to me to be wise, because the steamship companies are in no sense or form disposed to disobey, so far as I know, any law of the United States touching the importation of people who come in on any plea. They are simply transportation lines seeking business in the transportation of passengers, and their business has no relation whatever to the purposes of this act, which is to exclude people where contracts have been made for their labor, as I understand, which has worked grievous harm and grievous wrong to the laborers of our country.

Now, let me call the attention of the Senator from New Hampshire to the injury this might cause. In short, I do not see how this section can be operated. Let me state a case. We will suppose, for instance, that the importation of just such people as the Senator from New Hampshire proposes to keep out by the fourth section were brought not to the United States but to Canada—to Montreal, if you please—on a line of steamships running between the Old World and Montreal. They cross the river at Montreal on a bridge, they come into the United States, not by ship, not by vessel, but by rail; and any number of them may be brought into the country by that means. Steamship lines are now running, several lines I think, between Liverpool and other ports of Europe and the city of Montreal. When the passengers reach Montreal they can be transferred to railroad communication and come by railroad into the territory of the United States. In other words, the effect of the law is simply an invidious distinction against steamships running to our own country; and, therefore, it seems to me that the section has no place in the bill; there is no necessity for it; and how it can be amended to make it acceptable I can not see. I did submit an amendment to the Senator from Delaware, which was to put in the word "willfully," instead of moving to strike out the section, but upon second consideration and upon a more careful reading of the section, I think it has no place in the bill and should not stand.

Mr. BLAIR. Before the Senator from New Jersey sits down, let me ask whether I am to understand him to object to this section because he thinks it can not be enforced?

Mr. McPHERSON. I do not think it could be operative as against steamship companies.

Mr. BLAIR. If it can not be enforced will it do any hurt?

Mr. McPHERSON. It does not necessarily appear that we are to enact legislation because it will not do hurt. I think it would do a great deal of hurt. It would throw obstructions and hindrance in the way of legitimate commerce. That we have no right to do except it become necessary to carry into effect the provisions of the law which are of vital force and consequence to our people.

Mr. BLAIR. I do not understand the harm the section can do if it has no effect.

Mr. McPHERSON. It can do this harm: Any number of suits may be commenced against steamship companies which are entirely innocent of any intention or desire to evade the law or do any illegal act; and from the sole illustration I have stated—there may be others—we find that this is not operative as against all steamship lines, and, therefore, why make an invidious distinction in the law as against ships coming to our own ports and in favor of those going to Canadian ports when the law itself does not cover the immigrant coming here under the conditions the Senator has spoken of so often?

Mr. BLAIR. The Senator is under a mistake. The law covers the immigrant who comes here by virtue of such a contract entered into between any person or corporation within our jurisdiction, and expressly declares that the contract shall be void, and subjects the party

who enters into it, being under our jurisdiction, to the penalties of the act.

Mr. McPHERSON. Very true, but the Senator——

Mr. BLAIR. It makes no difference whether the immigrant reaches us by way of Canadian ports or by way of New York or any American port. So the Senator's criticism as to an invidious distinction between steamship lines that run direct from European to American ports and from European to Canadian ports is wide of the mark.

Mr. McPHERSON. I think the Senator can not possibly understand me. The law will be operative certainly as against the steamship lines landing passengers in any United States port.

Mr. BLAIR. Very well.

Mr. McPHERSON. But the law would not be operative as against a steamship not so landing them, but landing them in Canada and sending them here by rail.

Mr. FRYE. That is, section 4 would not be operative.

Mr. McPHERSON. I am speaking of section 4. That is the only question before the Senate now, as I understand, and it is to that question I am addressing myself. The Senator from Delaware has moved to strike it out.

Mr. BLAIR. If this is an evil and it is worth while to legislate in regard to it at all it is worth while to legislate so far as we can. It is no fault of ours that we can not enforce our laws in the Canadian ports, and the principle the Senator suggests, that we should not legislate at all to prohibit evils which we may control by courts within our own jurisdiction simply because a like evil may be accomplished in another way which we can not control, would put an end to all legislation upon this or any other subject whatever. But that the bill establishes of itself any invidious distinction between American steamships, or between steamship lines running directly between the ports of the Old World and our own country, and those which ply between the Old World and the ports of any other country—that there is any such distinction as that established by the bill, I think, is entirely incorrect. If it is the result, it is not the fault of this bill; but it is by reason of the topography of this world, which we can not very well alter.

In regard to the fourth section, as I said before, it is aimed, and aimed with perhaps the greatest severity of any of the penal provisions of the bill, against the man who knowingly brings an immigrant from foreign shores to our own, who comes here under and by virtue of a contract such as is prohibited by the bill. It seems to me that if we are to legislate on the subject at all it is folly not to reach this man who is the chief agent in the actual perpetration of the crime. We might as well say that we would not hang the man who is incited to commit murder simply because he is the tool of another; but he is the man that we hang, and the accessory may escape, or his guilt may exist in different degrees lesser than that of the man who is the actual agent who accomplishes the death.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6270) for the relief of John P. Peterson;

A bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5479) to prevent unlawful occupancy of the public lands; and it was thereupon signed by the PRESIDENT *pro tempore*.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I desire to give the written notice, required by the rules, of my intention to move to-morrow morning a modification of standing Rule No. 8. I send the written notice to the desk.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The notice will be read.

The Chief Clerk read as follows:

I give notice that on to-morrow I will move to suspend during the remainder of the present session of the Senate that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock;" and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

Mr. HARRIS. I offer the following resolution, in strict conformity to the notice that I have just given:

Resolved, That that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock" be suspended during the remainder of the present session of the Senate; and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

Mr. ALLISON. I desire to give notice now that when that resolution comes up I will offer an amendment by way of proviso that it shall not take effect until after the present order shall have been concluded. I mean the order now pending in the morning hour.

Mr. HARRIS. That is the printed amendment the Senator suggested the other day. That may constitute his notice.

Mr. ALLISON. Yes; I give notice of that amendment.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. At the end of the resolution insert:

Provided, That the pending order, Senate bill No. 1886, shall not be interfered with.

Mr. McMILLAN. I desire to give notice in connection with the notice already given by the Senator from Tennessee that as at present advised I shall move a further amendment to the resolution, that it be subject to objection on the part of any member of the Senate.

Mr. McPHERSON. I rise for the purpose of asking the Senator from Tennessee if his resolution will prevent the consideration of pension bills? I think there are a large number on the Calendar, pension bills which ought certainly to be considered and go to the House.

Mr. HARRIS. It will be in order, as under the rule as it exists today, for any Senator to move to proceed to the consideration of any bill on the Calendar after the morning business had been concluded and before 1 o'clock.

Mr. FRYE. The Senator, I suppose, means that the consideration of these bills shall proceed as under Rule VIII?

Mr. HARRIS. That is precisely the effect of the amendment I propose.

Mr. FRYE. That is what I supposed.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. FRYE. I desire to ask a division of the question on the amendment submitted by the Senator from Delaware to strike out two sections.

The PRESIDING OFFICER. The amendment is susceptible of division. The Senator from Maine desires the question to be taken on section 3 first?

Mr. BLAIR. I should like the attention of the Senate, and especially of those on the other side of the Chamber who find difficulty with the fourth section (and I wish the Senator from California were present who criticised the fourth section somewhat, and who supported the Chinese bill, so called), to the second section of the act passed so strongly by the Senate, which is a provision analogous to section 4 of the present bill. Section 2—perhaps the Senator from Maine will listen to this—of the law which we enacted on the 6th of May, 1882, provides:

That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought—

Whether that laborer instituntes the prosecution or not—

and may be also imprisoned for a term not exceeding one year.

This bill provides for an imprisonment not exceeding six months, and certainly is a far less severe penal section than the one in the law which was so strongly supported in this body.

Mr. MORGAN. Will the Senator from New Hampshire allow me to inquire whether he puts laborers who are coming here from Europe, for instance the Irish and Germans and Italians, upon a footing with the Chinese? Does he think they are not better people than the Chinese?

Mr. BLAIR. If they come here by virtue of a contract of this kind by which their compensation is to be restricted to a lower rate of wages than the natural rate of wages which they would obtain in fair competition with our own laboring people, the effect upon American labor is precisely that which we undertook to remedy and to prohibit by the anti-Chinese act.

Mr. MORGAN. My relations with foreign people both by affinity and by blood are of such a character that I could scarcely admit that the English people, the Irish people, the Welsh people, the Scotch people, the German people, or the Italian people are to be placed by the people of the United States in the same category that we place the Chinese. It is very true that we found ourselves necessitated to pass "cooly laws" to exclude cooly labor from this country, and those laws apply to all countries in Asia where the cooly system obtains.

If you will look over our statutes you will find that there is no definition of what is a cooly. We go to the East for that definition. We find it there in a social caste. A cooly in the East is a man whose business in life it is to labor under employment, having a master or a supervisor, or, as we call it in this country, a boss, who manages all of his affairs, hires him out, receives his wages, and doles out to him a part of it after having taken out his brokerage or his commission. That system obtains in India and in China, and through that system we were getting into this country, as they were doing also into Cuba and elsewhere, a large number of very inferior and very degraded people, people that belonged to a different class from those that possess the Anglo-Saxon blood; and we thought it was our duty, for the protection of our race, to legislate against the introduction of those coolies.

It was not merely a labor question, it was a social question, a question of the infusion of lower blood into the social element in this country. So we pass laws to restrain the importation of coolies. We went on afterward, when we found that the Pacific coast was being swarmed with Chinese, a very inferior and disagreeable and repulsive class of people, and we passed law after law for their exclusion. Some of these laws were vetoed by the President of the United States on the ground that they were in conflict with the Burlingame treaty. None of them, I believe, were vetoed because we were doing violence to any national public policy in their enactment, but those of us who sustained these laws I think were largely if not entirely actuated by the idea that it was a very false and dangerous policy to introduce this lower race into this country at all. We were not solely actuated by the idea of their competition with our home laborers, but it was more a question of race than anything else.

Some of us were born and raised in the slave States. We had received as an inheritance from our ancestors that crime, as it has been called a crime, which was perpetrated by the people of the North upon this country, and by whom it was inflicted upon the people of the South. It was something that we were born to as an inheritance; we had no agency at all in starting it up; and having seen the difficulties that it produced in the land, having seen the bloodshed that it led to through the strife between sections as well as between races, we thought that it was a proper thing to do to exclude the coming in of any more of the inferior Asiatic or African races into this land. So we voted for the laws prohibiting the Chinese from coming here.

That cooly system has been two or three times alluded to to-day by the Senator from New Hampshire as a justification of this line of enactment that we are now proceeding with. That includes necessarily the proposition that the men whom we are excluding by this law from migrating must be put on the same basis as the coolies. I object to that. I object to it in the name of those men who assisted us in winning our independence. I object to it in the name of those men who assisted us in winning our second independence from Great Britain in the war of 1812. I object to it in the name of those people who are represented to-day on this floor in the persons of Scotchmen, Irishmen, and Englishmen who are here. There are men on this floor to-day who came as laborers to this country, some as ordinary mechanics, and some who were diggers in mines are Senators on this floor. The law that you propose to enact, that the Senator from New Hampshire proposes now to spread all over the country except New Hampshire and Vermont and the Northeast, would have excluded these Senators from coming here unless they had the manhood to work their passage, or had the friends abroad, not in this country, to have advanced them money enough to pay their expenses to get here.

I am opposed on principle, I am opposed in deference to the traditions of this country, and I am opposed from a sense of respect for the work that these men have done in this country, to placing these people who are coming from abroad, under contracts to do labor in this land, upon the basis of the coolies. I do not want to extend the cooly system to them. I do not want to disgrace and dishonor them in that way, and I shall never vote for it.

The Senator from New Hampshire had his attention called by the Senator from Maine to the fact that no railroads or railroad managers are included in this bill, that he says so much attention has been given to by the committee. The Grand Trunk road leads straight into New England from the Dominion of Canada, and the Saint Lawrence River leads out from Quebec and Montreal to the sea and from the sea abroad to the open world, and the people of New England can import through those railroads connecting with Canada and through the Saint Lawrence River all the labor that they want, and no man can convict any of them under the fourth section of this bill. The Senator from New Hampshire, I dare say, never would have put that in the bill, because by doing so he would have cut off the supply of labor that is being received annually and monthly and daily from Canada to assist the manufacturers in the Northern States to carry on their operations.

When Senators came forward with bills that are pronounced to be very valuable and very benevolent toward other parts of the world, let us see whether they are willing to include their own section in the denunciations of the bill and in the provisions which prohibit the employment of imported contract labor. Let us see that. I speak disinterestedly about this, because the South is not employing foreign labor. We have not a single organization in the Southern States to-day, so far as I am aware of, that looks abroad for any part of its labor. We have labor enough in the South. What we have to do is to educate it, put it to work in our manufacturing interests and industries. That we are rapidly doing. But I speak disinterestedly about it, because the manufacturing industries of the South are not required to look abroad for a supply of labor.

So I recommend to the honorable Senator from New Hampshire, who seems to take charge of all questions on the subject of labor and industry, to consider whether or not he shuts out New England from free access to foreign markets for labor under contract by preventing his own people from bringing them to the Saint Lawrence River and by railroad across into New England.

Let us have a fair distribution of the operations and effects of this law if we are to have the law at all, and not confine it to importation in ships. Let it extend to railways, and let it extend to every other method of introducing labor. We might desire at some time or other to introduce the Mexicans from the South by railway and across the borders on foot or on burros, or whatever method of transportation we might see proper to resort to. What is there in the fourth section of this bill to prevent that? They can come if they please. They can come in such a way as that the Senator from New Hampshire, with all his ability and skill as a lawyer, could never catch them, never detect the people that had anything to do with the operation.

The Senator spoke of this as a bill that had been discussed and debated, I believe, or at least prepared, by some very distinguished person outside of Congress. Well, sir, he is a man who knows a great deal more about the law than I ever dreamed of. He, the framer of this bill, is the only person I ever yet heard of who could make a crime out of the violation of an implied contract. That is exactly what this bill does. A contract that is implied by the law is an agreement that the law sets up between two parties in consequence of their relations to or dealings with each other, and without either of the parties being able to say that there was any agreement between them until the law establishes the contract from the relation and gives effect to it. The first section of this bill says:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied.

You must not assist any person to come here under any contract "parol or special"—that is, in writing or oral—"express or implied."

Mr. BLAIR. I beg the Senator's pardon. Of course he does not mean that the distinction between contracts parol and special shall be simply whether they are oral or in writing. I suppose he understands that a special contract is one under seal, and a parol contract is either verbal or in writing.

Mr. MORGAN. It so turns out in my State that no contract is required to be under seal.

Mr. BLAIR. The proposition of law is correct as I state it.

Mr. MORGAN. Nor in any other State, I suppose. That has been abolished. We got away from that about fifty or one hundred years ago.

Mr. BLAIR. It is the law now, the common law of the country.

Mr. MORGAN. The Senator's State is very far behind on the subject of improvement in its judicial system if that is the law there now. Here we have it without reference to that. You must not encourage in any way or assist the importation or immigration of any alien or foreigner into the United States under any implied contract. I should like to have somebody define to me how a man could assist or encourage the immigration of laborers into the United States under an implied contract. Of course I refer to that for the purpose of showing that whoever it was that proposed this bill, however great a man he might have been, he was a very poor lawyer. And then in the third section to denounce a penalty of a thousand dollars fine against a man for the violation of an implied contract is going to rather a romantic extent in the way of creating fines and inflicting punishment.

After the surrender in the South and the negroes became free and the planters desired to control their service there, they had very great difficulty in getting them to adhere to their contracts. They did not seem to have any very clear sense of duty in respect of the obligation of contracts, and so a great many devices were resorted to and many of the ablest and most ingenious lawyers were consulted, both in the Legislatures and out, for the purpose of devising some system of laws that would be constitutional, that would convert the obligation of a contract into a crime whenever the Legislature saw proper to do so by a statute. But no one succeeded in that endeavor. Mr. President, there is no more vicious system of legislation that has ever been conceived of and scarcely one that has ever been more frequently tried than that of converting the obligation of a contract or the making of a contract into a crime, and to make it a crime for a man to fail to keep his obligation.

How can it be that the law can imply a contract out of the relations of two people, and then denounce as a crime that contract thus implied and punish a party for the violation of it by lodging him in the penitentiary? What more monstrous absurdity ever yet characterized a bill than that? I submit it to the judgment of every lawyer in the Senate if there was ever anything more monstrous as an absurdity than that. In our eager desire to gratify public demands, whether it may be on the part of the planters of the South or whether it may be on the part of those who control labor in the North, we are altogether too apt

to go off in search of criminal penalties for the violation of merely civil obligations.

It is a very dangerous ground to trench upon, and it is a ground where tyranny can indulge itself to the last possible degree in connection with power, and there is very little hope for the person whose relations are thus made the subject of criminal enactment.

Contracts in some form attend almost every act in our social and domestic relations, and to denounce those as crimes that are in themselves innocent is to endanger every relation and duty of life.

Now, a contract is made in England by a person there that he will furnish the money to a skilled artisan or to an unskilled laborer to come to the United States to do a certain kind of labor—work in a coal mine, iron foundry, or whatever it may be. The contract is, "I will pay your expenses across the Atlantic Ocean if you will agree to return me the money at a certain time with a certain amount of interest or percentage upon it." The contract is reduced to writing; it is signed. The party thus hired to go to the United States, or rather the party who thus receives an advance of money to enable him to come here, takes his steerage passage and lands in the city of Boston.

The first thing he does after getting there is to go and prove himself to some manufacturer as being skilled in the particular industry that he has come to work at. He informs the man who is to employ him, "I wish to charge you so much per month for my work, my purpose being to make money enough to pay my contract in England; that contract is that I was to work as low as $30 a month, and out of that I was to pay my passage-money, and I was to pay a percentage to the broker." He informs him of it, and the Boston manufacturer employs him under the information that he has been hired by an Englishman under English law and where the contract is entirely valid; that he has come here for the purpose of seeking employmemt.

There is a case from which you would imply an understanding on the part of the Boston employer that this man had been brought over to labor in the United States under a contract, and perhaps after he got through was to return to England again, and on that implication, because he employed him, a man better skilled than anybody else he could find, you would convict him, and you would mulct him in a fine of a thousand dollars, and perhaps you would put him in jail. That is a case in which I can suppose that there could possibly be a conviction upon an implied contract which was in violation of the general spirit and tenor of this law, declaring a public policy.

Senators surely do not wish to do that. I should regret very much—it makes no difference what might be the clamor in the country, it makes no difference if the labor-union societies were ten to where there is one—I would regret very much as a Senator to feel that I was compelled to yield to a demand made on me from that direction or from any direction to put upon the statutes of the United States entirely a new and dangerous system of legislation. You may search the statutes for one hundred years back and you will find nothing parallel to it. We have never ventured, it made no difference what might be the exigency, upon legislation of this kind for the correction of evils that are temporary in their nature and must ultimately correct themselves.

Suppose I should answer to the bill of the honorable Senator from New Hampshire and his committee that I believe the evil you are legislating against here is found in your tariff laws; that you are trying to confine the labor of this country to the supply of 55,000,000 people instead of 500,000,000 people, and that in your endeavor to limit the market of this country to the home supply, and in your refusal to go out beyond your borders, whether through reciprocity treaties or through our own legislation, to look up markets in the other parts of the world, you have got an overflux of labor here which is destroying itself; that the strikes in the Hocking Valley and the other strikes, which are said now to include 10,000 laborers thrown out of employment, are due not to the fact of the importation of foreign labor, but due to the fact that you put limits and curbs upon the exportation of American productions. Suppose I should take that view and suggest to the honorable Senator that that is a way out of his troubles for the laboring man? Sir, we are compelled by the very necessities of the situation (which seem to weigh upon the mind and the heart of the Senator from New Hampshire, and I agree that his heart is a benevolent one) to resort to expedients of legislation here that are entirely new and untried and dangerous in themselves, in order that we may give to the people who are thrown out of employment in this country useful and remunerative employment in the vast industries which our country affords and should sustain.

I venture to recommend to the honorable Senator and to the Senate that instead of trying to put what is called here a prohibitory tariff upon the introduction of foreign labor into this country they will reduce and modify some other of our prohibitory tariffs so that these laborers can get raw material brought from foreign countries at cheaper prices, so that they can realize out of their labor in the markets furnished us thus by foreign countries a remunerative compensation.

We have not got too much labor in this country nor are we likely to have. The vast fields which are open now to settlement in our public domain, and where we extend an invitation for settlement to every man who will come here and declare his intention of becoming a citizen of the United States, are sufficient for the next twenty-five or perhaps fifty years to absorb the unemployed labor of all the civilized countries of Europe that has any possible chance of emigrating to this part of the world.

Our excess of labor is not a general thing over the country. It is not an excess disproportioned to the magnitude or the strength of our country, but it is an excess of labor in respect of certain industries, certain mechanical pursuits, and only in respect of them. The object of the bill is not to prevent agricultural laborers from coming here and going upon the farms. It is not to prevent orchardists, or the dressers of vineyards, or men skilled in anything connected with agriculture from coming here and going upon farms and finding employment. The object is to protect the men who go into the coal mines, into the iron-works and iron mines, and into the ruder descriptions of manufacture by preventing others from coming to the country to compete with them.

When I speak of that being the object of the bill I do not mean that the bill does not exclude agricultural laborers or orchardists or vine-dressers, for it does, and I intend, before we get through with the bill, to offer for the consideration of the Senate an amendment which will take them out of the category in which the committee have put them. But the object of the bill is to exclude men from this country who can compete in mines and in the ruder styles and orders of manufacture so as to protect those men who are here.

When we are excluding these people from coming here in competition with their own brothers who have been here perhaps only a month or a year, is it not wise for us to consider the question whether we can not get rid of all this difficulty and of all this trouble without resorting to penal enactments to prevent the immigration of people into this land? Ought we not to consider whether a modification of our laws should not be made in respect of the tariff, in respect of the tax upon material brought over for manufacture? Should we not consider whether our laws which shut us out from foreign markets are not greater obstructions to our progress, greater clogs upon the laborer, than any others that we can think of, and ought they not to be removed rather than apply to the persons who import labor under these criminal conditions?

I remember on one occasion I was waited upon by a committee of laboring men, for whom I have great respect. I have much respect for them as I have for any other class of men. They were gentlemen who came from Washington city, and I put to them this question: "Suppose we exclude all foreign laborers from coming into this country, how are you going to prevent the negroes of the South from coming up here and coming in competition with you? When you put wages at a dollar a day or a dollar and a quarter a day in Washington city or in any other town in the North, how are you going to prevent the negroes from going there from the South and taking your place and running you out?" "Ah," they said in reply to me, "we will take care of them; they would not dare to oppose us; and when we wish to strike, we will take into our hands the control of the labor market. Those men will obey us; they speak our language; we know them and understand them; but the foreigners who come here we can not manage."

It is well enough to look over the field to see what we mean by this legislation and what we are doing. I could very conveniently allow this matter to go along and yield to the pressure that is brought to bear upon me by these hundreds and hundreds of labor unions, if I chose to do so and if I thought it was exactly what my duty is as a Senator; but I do not. I believe it is my duty to legislate in every case for equal justice to all men. Whether it is Mr. Vanderbilt or Mr. Gould with their untold millions or the humblest laborer in this land, let the laws bear upon all with justice and equity and with equality. We create such distinctions between men by class legislation as are difficult to eliminate afterward from our laws. All class legislation is wrong.

I do not propose to engage in any class legislation while I am here. There is nothing in the bill that is not directed expressly to class legislation. The classes legislated for and protected by the bill are not the agriculturists, they are not the house-builders and the ordinary mechanics of the country. They are almost wholly and exclusively the miners, the men who delve about the iron-works, and the men who do the ruder sorts of work about the manufacturing establishments of this land. When any Senator will take the bill and analyze it, and submit it to the quiet judgment of his mind, he must be convinced that the whole purpose of it is class legislation.

It is not legislation for the people of the United States at large. Certain particular classes—not named, I grant you, but nevertheless as clearly designated as if they had been named—are provided for in the bill, and no others. In that sense it is vicious legislation; vicious because it is class legislation; vicious because it violates the traditions of the Anglo-Saxon race in legislation by converting the ordinary and natural rights to make a contract into a crime; vicious in that, even in the admission of people into this country, it discriminates in favor of professional actors, lecturers, or singers. It makes an express exception and provision for professional actors, lecturers, and singers, leaving out all the other classes of professional men.

Mr. BLAIR. Not at all; personal or domestic servants are also excepted. That has been put in by an amendment.

Mr. MORGAN. Yes, personal or domestic servants. "Nor shall the provisions of this act apply to professional actors, lecturers, or singers," and, says the Senator from New Hampshire, "nor shall it apply to body servants."

Mr. BLAIR. "Personal or domestic servants."

Mr. MORGAN. Personal or domestic servants are excepted; that is to say, a gentleman who has got the money can come here and bring his personal or domestic servants with him from abroad; but if he happens to be a lawyer, an artist, a painter, an engraver, a sculptor, a great author, or what not, and he comes under employment to write for a newspaper, or to write books, or to paint pictures, as we are informed that a recent Secretary of State sent abroad for an artist to paint his picture, he comes under the general provisions of the bill.

Mr. BLAIR. The Senator will observe that it is only the importation of such people under contract to labor that is prohibited.

Mr. MORGAN. Of course; I understand.

Mr. BLAIR. If that class of people are liable to become the subject-matter of such importation, then the bill applies to them. Perhaps the bill ought to be further amended.

Mr. MORGAN. People who can instruct us in morals and religion and in every species of elevation by lectures and by acting plays in the theaters and by singing are not prohibited. The Senator wants to introduce those people into this country free; there is to be no tariff on them, no prohibitory duty. Let them come and act and sing and play as much as they please for the enlightenment of humanity on this side of the Atlantic Ocean. Chinese singers and Japanese players can come over here. They can come from any quarter, provided they fall within these honorable and distinguished and exempt provisions.

Now, I shall propose when we get to it to put an amendment in there. I want to associate with the lecturers and singers and actors, painters, sculptors, engravers, or other artists, farmers, farm laborers, gardeners, orchardists, herders, farriers, druggists and druggists' clerks, shopkeepers, clerks, book-keepers, or any person having special skill in any business, art, trade, or profession. I should like to be permitted without getting into the penitentiary to go abroad, if I were engaged in some of these trades and industries, and employ men particularly skilled, and I should like it especially if they happened to be any kin to me or those who are very dear to me.

If I were an Irishman or an Englishman and located in this country, and if I knew of some nice relative, it might be a lady who was capable of being a clerk in a dry-goods store, I should like to bring her in; but no, says the Senator from New Hampshire, "you can not bring her in if she does not sing, or lecture, or act on the stage," and therefore she can not come. If I were an Irishman who had been here only about a month and filed my naturalization papers before this proposed law was passed, I might like to send a little money back to my brother perhaps or to my son in Ireland and say, "I have established the business here of a hatter or a shoemaker, and I propose to carry it on, and if you will come and join me I will give you so much money to pay your expenses, or advance it to you so that you may come to this free and good country and share in its blessings."

Mr. BLAIR. The Senator can send to Ireland for all the relatives he may have there, or to any foreign country where they happen to be, as he will see by the provision of the bill.

Mr. MORGAN. I have failed to find it.

Mr. BLAIR. If the Senator will read the bill, perhaps he will criticise it with less severity.

Mr. MORGAN. I have read it and reread it.

Mr. BLAIR. The Senator will observe, since it seems he has not read the bill, that the very next clause after the one with which he is now dealing is:

That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

Mr. MORGAN. "Migrate;" but before you migrate or while you are migrating you must not have a contract to labor in this country. It only shows that the gentleman who drew the bill for the committee outside of the Senate did not very carefully weigh the words of it.

Mr. HAWLEY. Will the Senator allow me to make an inquiry as to the meaning of that clause? I should like to know for information as to the degree of relationship of those one may bring over. So far as I have any Irish friends, they are "cousins."

Mr. BLAIR. The Senator is probably able to define the word "relative" as well as anybody. I have heard of second cousins even.

Mr. MORGAN. The language is, "any member of his family or any relative." That is a pretty broad and generous expression, I grant you, but he must not assist him in doing anything else but migrate; he must not have any contract with him to labor after he comes here for fear he might come in competition with some of the privileged classes under the bill.

The action we are asked to take upon this subject only illustrates the extremities to which we go sometimes in trying to gratify a public whim or a public sentiment. We had better take the truth and a wise public policy for the basis of our action under all circumstances, and if we find ourselves confronted by some hot sentiment, or by some anxiety, or by some concentrated anguish, if you please, in consequence of the failure of the expectation of people to drive us from our duty, that is the time when we are called upon to stand by it more firmly than ever. I have not found in the bill as it is framed, or in any part of it, anything at all which commends it to my favor.

Mr. BLAIR. I should like to send to the desk to be read a synopsis of a letter addressed to the President of the Senate. The extract is from the New York Times, taken *verbatim*, as I understand, from the letter itself, but is not so lengthy as the letter.

The PRESIDING OFFICER (Mr. PLATT in the chair). The paper will be read, if there be no objection.

The Chief Clerk read as follows:

FOREIGN-CONTRACT LABOR—GRAND MASTER WORKMAN POWDERLY WRITES TO SENATOR EDMUNDS.

SCRANTON, PA., *January* 14.

Ex-Mayor T. V. Powderly, of this city, Grand Master Workman of the Knights of Labor for the United States and Canada, has addressed a letter to United States Senator EDMUNDS, directing his attention to the fact that the national House of Representatives passed a bill some months ago "to prohibit the importation of foreign-contract labor into the United States," and that the Senate has thus far taken no action in the matter. Mr. Powderly says: "It is of importance to the laboring men, the business men, and mechanics of the United States to know what the Senate intends to do with this bill," and adds: "That promises were made, pledges given, and party platforms spoke in unmistakable terms on this question during the recent political campaign," and that now "nothing remains but to fulfill these promises and confirm the statements made in the platforms of 1884. I see in the reported proceedings of Congress," continued Mr. Powderly, "that days of valuable time are being devoted to the discussion of questions of no consequence whatever to the general interests of the nation. The defense or condemnation of ex-confederates are matters which should be buried in oblivion. While the honorable gentlemen are fighting over again the battles which the powder and steel of the soldier have long since decided, and while the slavery of the past is being discussed in the Senate anew, a more powerful slavery is being established—a slavery which will not only grind 4,000,000 or 5,000,000 of black men, but 50,000,000 of white and black."

The importation under contract of men and women who come only to degrade American labor is described as a link in the chain of the new slavery, and that link, Mr. Powderly says, can be severed by the decisive action of the United States Senate. "Do not think that I call your attention to this matter on my own responsibility," Mr. Powderly adds, "as I but obey the request of the seven hundred thousand workingmen who respectfully ask for the speedy passage of this bill."

Mr. BLAIR. I have had referred to me by the honorable Senator from Michigan [Mr. CONGER] a letter addressed to him with the heading "Headquarters District Assembly No. 66, Knights of Labor," which goes over this matter, and is of a public nature, and I should like to have it read.

The PRESIDING OFFICER. If there be no objection, the letter will be read.

The Chief Clerk read as follows:

HEADQUARTERS DISTRICT ASSEMBLY NO. 66,
KNIGHTS OF LABOR,
Washington, D. C., January 17, 1885.

DEAR SIR: Knowing of your friendly interest in the toilers of the land and the cause of humanity, I take this opportunity of calling your attention to a measure now in the possession of the Senate Committee on Labor, H. R. 2560, "To prohibit the importation of foreigners and aliens, under contract or agreement, to perform labor in the United States, its Territories, and the District of Columbia." This measure is one of vital importance to every American citizen, and should receive proper attention from the lawmakers while they have the remedy in their own hands.

You can see the havoc made in the ranks of free labor in the Hocking Valley of Ohio. (Inclosed is a statement made by the Miner's Association, containing also a statement of Col. W. P. Rend, one of the largest mine-owners and operators in the valley.)

The following is taken from evidence submitted to our body by a committee appointed to investigate the enormity of this curse in the District of Columbia. One of the members of the committee, Mr. John Fallon, represented himself as being a contractor in search of laborers to work for him under contract; he was duly introduced to the "boss" of the gang, working on the new reservoir (Government work, too) who gave his name as Caimino Guidio. He asked: "How many men do you want?"—Ans. "Fifty to two hundred." "How much will you pay?"—Ans. One dollar and fifty cents per day for good men" (they were then getting $1.12 per day). "Do your men come from Italy under contract?"—Ans. "Yes." "Who manages your business in Italy?"—Ans. "Mr. Charles Soldano, Castle Civiès Salamo, Naples." "Who pays their passage to this country?"—Ans. "The company; but the men must pay it back out of the first money they earn; then when you arrange to take the men you must deposit $1 on each man, which will be paid back to you from the first earnings of the men. I can refer you to Mr. Peterson, the reservoir contractor, for whom we have done work for three years. We have depots where we keep men on hand all the time—one in New York city and one in Buffalo; the men work on Sunday also." * * * There were forty Huns and Italians at work then. * * * The room where they lived was 12 by 12 feet, some twenty of them living, eating, and sleeping therein. * * * If they are paid before pay-day they are charged 10 per cent.

I think this will be evidence enough to a man of your broad and liberal mind to convince you that this vile system should be broken up. However, if evidence is needed, you will find it on file in the Committee on Labor, Senator BLAIR chairman, and I will have at your disposal copies of the contract used, &c.

It is conclusive that your honorable body will not have the matter before them this session for specific reasons, unless a demand is made and a day set apart for the special order of business for the purpose of passing the bill (or at least a vote upon its passage). I therefore respectfully, in the name of this body, request you to use your influence in bringing H. R. 2560 before the honorable Senate for adoption or rejection.

Very respectfully,

W. S. WAUDBY,
R. S. D. A. 66, K. of L.

Hon. OMAR D. CONGER.

Mr. BLAIR. In this connection I will read a few lines from William J. Smith, addressed to myself, a letter which comes from the executive office of the Window-glass Workers' Assembly, Pittsburgh, Pa. I read it as bearing upon the question whether there is any unhealthy com-

petition brought about by the importation of such labor under contract. Mr. Smith says, addressing myself:

Thirty-five hundred flint-glass workers urge you to press the passage of the contract-labor bill. We have been made to feel the evil effect of contract labor. Thirty Bohemian chimney-makers have recently been brought from Nova Scotia under contract to work for $1 per day, when the labor of the American workmen whom they displace ought to be worth $4 per day.

These men from Nova Scotia find their way across the line in competition with the American workmen in the same branch of business. They come there under contract to work for $1 a day and in competition with our own workmen, when this class of skilled workmen get $4 a day.

Mr. SHERMAN. The Senator from Alabama [Mr. MORGAN] made some statements interesting in their character which I think ought to be answered if they can be. He stated that the Chinese bill, as it was called, was adopted upon certain principles. If the Chinese bill was a mere bill to discriminate against a man on account of color because he was of a copper color, or on account of his race because he was Chinese or Japanese or Indian—if that was the object of the bill it was very different from what I supposed. I supposed the object of that legislation was to exclude a class of men who came to this country not the owners of themselves, but owned by others, owned by corporations, who had contracted away their liberty, their manhood, before they came here—a class who were quasi servants and serfs, and that was the objection to that kind of immigration.

I voted against the Chinese bill because I thought it was dangerous to depart from the established policy of the American Government to open our doors to laboring men from all lands and from all climes. As I understand, the friends of that bill pressed it upon the ground that the men who came here under contracts as coolies were not free men. It was not because they were Chinese, or because their color was different from ours, but because they were not free men, because they came here as slaves to work against and to compete with free men in their labor. Still, even upon that claim I was opposed to the Chinese bill, and I was very sorry indeed that it passed.

Although I have often been severely criticised on account of my vote, I would stand by that vote now. I was opposed to restrictions upon the immigration of men who come to our country to better their condition, and I thought it was better to submit to the evils even of cooly contract labor than to undertake to interfere with our time-honored American policy. But when I was overruled in that particular, and Congress by a large majority, I think supported by the general public opinion, thought it was best to exclude those people, not because of their race and color, but because they were not free men, because they were owned by others, I yielded at once to that principle, and that became the law of the land and will not be changed.

The same rule ought to be applied to the same class of people of any other race or of any other color, or else I have not learned my theory of this Government aright. You can not base a discrimination of this kind upon race or color, but you must base it upon the condition of the people. We may properly refuse to allow slaves to be brought into this country, as our forefathers did when they prohibited the slave trade, not because they were black, but because they were slaves, and they were excluded on that ground. When slavery was abolished we regarded that the great thing accomplished was that those men were all made free, not that they were slaves and should be made white, or that they were made white by our emancipation, but that they were made free, the owners of themselves, their wives, and their children, hoping that in time, by education and association with our race they would become strong, self-reliant, self-governing. That was my idea of this class of legislation.

I have not considered the bill much. I suppose it would pass by common consent, as it did, I am told, in the other House. I supposed that the bill was in the line of the other legislation, to discriminate against a class, I do not care of what race or of what color, but a class of people who do not own themselves, who are brought here by corporations or by wealthy persons to compete in mines, manufactures, and establishments of various kinds with the free labor of free men, against hardy miners, mechanics, manufacturers, and even farmers; and that the objection to their coming here, whether they are Irishmen, or Englishmen, or Frenchmen, or Italians, is not on account of their race or their color, but simply because they are not in a condition to share with us in the civilization which has been founded by free men and which is to be perpetuated by the free intelligent laboring men of this country.

I know there was a demand in my own State that the laboring men of that region should be freed from this kind of competition. They do not object to the incoming into this country of any man from any country of Europe or from anywhere else, but they object to these men brought by corporations under special contracts, to be fed as they were fed in Europe, to be brought up without the opportunity of education or means of improvement, and that they should not be compelled while they are working away at their hard toil to compete with that kind of contract labor.

Mr. JONES, of Florida. Will the Senator from Ohio permit me to interrupt him for a moment?

Mr. SHERMAN. Certainly.

Mr. JONES, of Florida. The Senator said a while ago in connection with his vote on the Chinese question that it was the condition of the people which induced that legislation.

Mr. SHERMAN. The condition of a class of people.

Mr. JONES, of Florida. I think I voted with the Senator on that proposition; but if I recollect aright a more important question than that entered into it, and that was that the habits and customs of those people from the great Asiatic empire were so inconsistent with the habits and customs of the Anglo-Saxon race that it raised a problem which required the intervening hand of legislation. I think in the debate which took place at that time it was admitted on all hands that if they were a homogeneous people of Anglo-Saxon blood and capable of assimilation the chief objection to their immigration would be removed.

Mr. SHERMAN. All European nations can assimilate with our people, can mix or mingle with them, but if there is in any country of Europe a class of people who are in such a condition of life that they can be classed as you may say as the coolies of Asia, people who do not own themselves, who work only for others, who have never conceived the idea of independent manhood—if there are in Europe such a class of people, and I am told there are, we should prohibit their importation into this country. We are led to believe that in many countries of Europe there is still away down at the substratum of those ancient societies a class of people who are reduced to that condition.

If there are any such classes of the white race I do not want them here, on the same principles that the friends of the Chinese bill voted for that measure. As for independent emigration from Ireland, from Scotland, or England, the fountains of the great body of immigration to this country, or from old Germany, the fountain of all the Anglo-Saxon people, or from any country in Europe, even of the Latin races, if there are in those countries any class of men so low in the scale of society that by the contracts described in the first section of the bill they may be brought in here to compete with our independent citizens who are struggling to elevate themselves in the arts of manhood, I say I would prohibit them, and I think in doing that I represent not only the laboring people of Ohio, but I represent every class of citizens of the State of Ohio, the wealthy, the rich, the educated, every citizen of Ohio who has respect for his manhood.

Our people do not wish to have such a class brought here in competition with the laboring men of Ohio, who are bone of our bone and flesh of our flesh, and from which class all the great men of our State and of our nation have sprung. We do not want the class of laborers described in the first section of the bill to be brought in competition with them.

I am not very familiar with this class of subjects, but I am told that in the large tomes that my friend from New Hampshire has piled upon our tables it appears that such contracts have been made by mining corporations and railroad corporations. One is a great railroad corporation near to us here, which it is said made contracts with Italian laborers who had no manhood, no independent home, scarcely a family, persons who sold themselves out and expected to go back to the country from which they came; who did not come to assimilate themselves with us and mingle with our race and our blood, but who were bought for a price and brought here, who turn out of their homes and their workshops thousands of honest, independent, intelligent laboring men. That is the kind of evil I am trying to deal with.

When the bill was brought here I supposed it would pass without much objection. I have given but little attention to the details of the bill. I can see a good deal of force in the statement made by the Senator from Delaware against the fourth section of the bill. I do not see how anybody could be convicted under that fourth section, because how could you prove the guilty knowledge? How could you show that the captain or owner of the vessel knew of such a contract? Such a thing as that would not naturally be communicated. The trouble is that the captain of a vessel might be harassed with suits and bothered and bedeviled by Tombs lawyers and the like. I do not see much force in that section. I think it would be without force, of no account, and therefore I do not care much whether it is in or out; but the first and second sections of the bill ought to demand the attentive and serious consideration of the Senate, because they prohibit a class of labor contracts which are inconsistent with our civilization, and when brought in contact with our laboring people are absolutely destructive to them and to their families and to their homes.

In some cases I have known where this class of imported labor has been brought into competition where they have turned out from happy homes and made poor and a wanderer many a person who has sought honestly and industriously to make a living on what we would regard as very small rates of pay. I do not see any objection to the first and second sections of the bill, and I shall vote for them. As to the rest of the bill it is a matter of detail. If the proposition should succeed to strike out the third and fourth sections of the bill it would not prevent me from voting for the bill, as I do not care whether those sections are in or out.

Mr. BAYARD. If the Senator from Ohio will permit me——

Mr. MORGAN. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. The Senator from Delaware has this moment addressed me.

Mr. BAYARD. The language of the first section is exceedingly general and embracing. It prohibits the encouragement of the importation of any alien or aliens into the United States "under contract or agreement, parol or special, express or implied." I ask the Senator would it not be a very illogical thing to punish a citizen or a company who did these things, at the same time that the Government of the United States encourages and solicits the migration and importation of foreigners from every clime by offering them, under the right to enter homesteads, one hundred and sixty acres of land by merely making an affidavit that the applicant is the head of a family and has made a declaration of his intention to become a citizen? Here is a question of broad policy exemplified by the Government itself inviting and encouraging in the most ample manner men to come to this country and settle upon making the affidavit and the application, and they are, I may say, in direct competition with American labor, with persons doing service and labor in the shape of agriculture in the United States.

Mr. SHERMAN. Our land laws to which the Senator from Delaware refers were all based upon the idea that the immigration to this country was the immigration of industrious independent men. The whole theory of our land laws, which are the most liberal ever offered in the world, was founded upon the experience of the immigration to this country from 1820, because it did not commence much until after the war of 1812.

Mr. BAYARD. Will not my friend look at the language of the bill? It is confined to persons who are to perform labor or service.

Mr. SHERMAN. All these laws were based on the kind of immigration that came to this country from 1820 to 1870. Down to that time the idea of contract labor described in the bill was not thought of.

Mr. BAYARD. It may be the idea, but it is not the letter.

Mr. SHERMAN. It is the letter.

Mr. BAYARD. The letter is simply encouragement; it is to encourage migration.

Mr. SHERMAN. I will answer that. I say our land laws were made generous and liberal because they applied to a class of men who were worthy of that favor and who when they came upon the land at once contributed to our national wealth. But take the men who come here under these contracts to labor at a specific place and for a specific price; would you give them land? They do not want land; they do not come here for land; they do not come here for home or for family.

Mr. MORGAN. Will the Senator from Ohio now allow me to ask him a question?

The PRESIDENT *pro tempore*. Senators will please address the Chair.

Mr. SHERMAN. I will hear the Senator from Alabama as soon as I answer the Senator from Delaware, if he will allow me a moment further. Look at the language of the bill. The bill prohibits the encouragement of what? The assisting and encouraging of the importation or migration of any alien or aliens. If it stopped there I would say it would be seriously subject to the objection made by the Senator from Delaware, but it goes on, "under contract or agreement." I leave out the words "parol or special, express or implied." I do not think they ought to be there.

Under contract or agreement made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Take the first section in connection with the exceptions contained in the fifth section. That describes the importation of men who come here under special contracts, mostly in large unmbers, to work at largely reduced pay for the benefit of corporations and companies. If the definition is not correctly given, if the kind of people aimed at by the bill is not correctly defined, then as a matter of course the Senator from Delaware and the Senator from Alabama can suggest the correction. What I intend to vote for when I vote for the bill is to prevent this organized corporate importation, not of laboring men, but of bought men, to come here and compete with our laboring men, with our mechanics and miners. That is what I mean by it; that is the intention of the bill; and that importation ought to be prohibited in my judgment. Now I will hear the Senator from Alabama, if I have not already answered him.

Mr. MORGAN. I wanted to inquire of the Senator whether, if the party employed came here with the intention on his own part of remaining and becoming a citizen of the United States, he would then punish a man for having invited him to come or having paid his expenses?

Mr. SHERMAN. The bill does not propose to punish such a man. If a man comes here and enters into any of the ordinary avocations of life without regard to his contract it does not even prohibit his migration hither. The bill does not operate upon the man who migrates, but only upon the man who imports or encourages the migration of contract labor. That is the difference.

If a man comes here under one of these contracts and goes out and claims the benefit of our pre-emption law, and thus becomes an independent citizen, I do not see how he can be punished; but the man who entices him, the shysters, the fellows who are sent off by corporations to gather up a gang of a hundred or a thousand men to come here and drive out an equal number of hardy, industrious miners and laborers, it is that kind whom it is proposed to punish by severe penalties, and also corporations who do it, and the owners or masters of the ships that bring them over knowingly and willfully. That is the class who are to be punished.

Mr. MORGAN. Will the Senator allow me to ask him, if a farmer desired to bring over laborers to work on his farm in the West and he should make a contract with them that he would employ them for a year, and should say to them, "In addition to my contract to employ you for a year and to pay you for your service the Government of the United States will give you one hundred and sixty acres of land under her laws if you come," would the Senator consider that a violation of the public policy of the country or a violation of this proposed statute?

Mr. SHERMAN. All that would be done in that case would be that this bill would declare such a contract null and void unless it came within the exceptions embraced in the fifth section. There is no such kind of migration. We all know, the Senator knows as well as any one, that the kind of immigration which comes to this country which adds to our wealth and strength is that immigration which comes first from the adventurers who land here and start homes, who write back to the fatherland that here they can earn a dollar or a dollar and a half a day, and perhaps that information is accompanied with a twenty-dollar or a thirty-dollar contribution, saying, "Come here and share in the blessings of this great and free country." Those are the little influences and motives which have drawn to our country the great mass of our foreign immigration, and those are healthy in their character. They come here without contract, without arrangement, they take their chances with the rest of the laboring men in the country. The contracts described by the bill are contracts for organized labor which comes in competition with the free men who have thus been brought over in driblets in the ordinary course of migration.

Mr. MORGAN. But still, if the Senator will allow me, that would be encouraging the migration of those people into this country, and the bill denounces that.

Mr. SHERMAN. For one, if the Senator from Alabama can point out to me language more meet than the language contained in the first section to express what I want to prohibit, I will try to join with him in not prohibiting any more than we really desire to prohibit in order to accomplish the policy I have indicated. It may be that the language is not such as I would have used if I had framed the bill, and there are a good many things in it that I should have left out.

Mr. MORGAN. If the Senator will excuse me, I can scarcely be called upon to frame language to except people he wants to prohibit from coming here; he can frame it himself.

Mr. SHERMAN. I do not profess to reorganize all the bills that are brought here. I find here a bill that I believe aims at a good purpose. If in practice any defect should occur in its execution, just like the Chinese bill, which was very bad and faulty in the first instance and which was amended by subsequent legislation, so if this legislation is faulty it can be hereafter easily corrected by amendment.

Mr. MCPHERSON. Will the Senator from Ohio yield to me a moment for a question?

Mr. SHERMAN. Certainly.

Mr. MCPHERSON. The Senator says, if I understand him aright, that the bill is directed against the importation into this country of people who are practically bought to come here as organized labor.

Mr. SHERMAN. That is what I understand it to be.

Mr. MCPHERSON. The phraseology of the bill is very liberal, it seems to me, and applies even to individual cases; it makes no difference for what reason they come. It does not apply to organized labor alone, but reaches a great many laborers who would naturally come here to better themselves, and who come here under a contract previously made for that purpose. Let me cite a case, and I should like then to have the Senator answer me whether that gentleman would be subject to the provisions of the bill. About four weeks ago a gentleman who is largely engaged in the manufacture of jute in Scotland, having a plant which cost, he says, nearly a million dollars, employing something like eight hundred laborers, came to this country and was on a visit to California where the market for his goods is mainly found—jute bags for the transportation of grain—as I believe under the law the grain is required to be put in bags before being placed on board vessels and taken abroad. His purpose, he tells me, is to move his plant and his labor to California, he is firmly resolved upon it, and he will no longer pay the duty exacted, as his market is almost entirely in California. He wants to move his laborers bodily to the State of California. How could he do that under this bill?

Mr. SHERMAN. I do not see anything to prevent him from moving over to California. I should advise him to do it, because he gets nearer to the purchaser. I think if he is going to make jute bags he had better go to California, where he sells them, rather than to New Jersey.

Mr. MCPHERSON. The Senator and I agree upon that. We have established a protective tariff that we may protect our manufacturers and our own laborers. This gentleman desires to bring from five to eight hundred laborers from Scotland to California because they are dependent upon him there and they are a thrifty set of people who would become good citizens. Now I wish to know how under the bill it would be possible for him to move those eight hundred laborers without being subject to penalty?

Mr. SHERMAN. I can tell the Senator how. Suppose the man frankly says to his workmen, "I have got to go to California to do my business; I prefer to leave Scotland and to go there. If you choose to go there we will make no contract about it, but if you go over to California and choose to work for me, I will employ you at such and such wages." The bill clearly covers that case. That is not the kind of a case which is aimed at. If the Senator wishes to describe the case of the Scotchman who wants, wisely I think, to move his establishment from Scotland to California, and if he will express that in meet words and put it in as an addition to the fifth section, I shall vote for it.

Mr. McPHERSON. Assuredly; but at the same time the Senator begs the question; he does not answer it, I submit, in such a way as I expected him to do.

Mr. SHERMAN. Not at all.

Mr. McPHERSON. In other words, either the bill does interfere with the removal of those eight hundred people from Scotland to the United States or it has no virtue whatever.

Mr. SHERMAN. I will tell you what kind of a case it interferes with. Take a railroad corporation in the State of New Jersey that is not willing to pay a dollar and a quarter a day for wages, and finds that on account of the great superabundance of labor in Italy and Hungary it can hire men by the thousand, through shysters that it sends there for the purpose of talking to them, at 50 or 60 cents a day upon an agreement to work three years, with a certain stipulated quantity of rice and other food of that kind, and they make such contracts and are brought over, men who can not speak our language, who are not acquainted with our institutions, and they are put to work on a railroad in New Jersey, thus driving out of employment 3,000 Americanized laborers, good honest Americans, native-born or ordinarily naturalized citizens. That is the kind of people I want to get at. If the Senator and I can only agree on the language of the bill, I have no doubt we shall vote together.

Mr. McPHERSON. I quite agree with the Senator from Ohio, and probably will go as far as he will in any attempt to protect American labor, and I deplore as much as that Senator can the organizations that are gotten up for the purpose of depriving American labor of employment; but I want to do it by some measure of legislation that will be just and fair and proper, that will reach exactly that class of cases, and at the same time will not be so sweeping in its provisions as to deter honest and proper laborers from coming to this country seeking to better their condition.

The Senator from Ohio will go no further than I will in the direction that this bill proposes, and I submit that the only thing I wish to do is to perfect it. I do not like the bill as it is; I do not think the bill should pass in its present shape; but I do think it is possible to so amend it as to make it effective and capable of doing a great deal of good, and to that end I pledge myself, for I am very ready to aid in legislation on this question.

Mr. INGALLS. I move that the Senate do now adjourn.

Mr. BLAIR. If the Senator will permit me a moment before the motion is put, as the supply of printed bills is exhausted, I ask that it be reprinted. Several Senators have spoken to me in regard to it. I ask that it may be printed with the amendments already adopted proposed by the committee, so that the Senate may see how the bill stands at the present time.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will state his proposition.

Mr. BLAIR. Before the motion to adjourn is put I would ask——

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his motion for the purpose indicated?

Mr. INGALLS. I withdraw it for that purpose.

Mr. BLAIR. In response to the request of several Senators, as the printed supply of the bill is exhausted, I move that it be reprinted, and that it be so reprinted as to show the amendments already adopted in Committee of the Whole as distinct from the original text, and that it be laid upon the tables to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the pending bill be reprinted with the amendments made in Committee of the Whole so as to show the amendments as they stand as additions to or changes of the bill. That order will be entered if there be no objection. The Chair hears no objection. Will the Senator from Kansas withdraw his motion to enable the Chair to lay before the Senate certain House bills?

Mr. INGALLS. Certainly.

Mr. COKE. I propose an amendment to the pending bill and ask that it be printed.

The PRESIDENT *pro tempore*. The Senator from Texas presents an amendment intended to be proposed to the pending bill, which will be printed for consideration.

HOUSE BILLS REFERRED.

The bill (H. R. 6270) for the relief of John P. Peterson was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 6894) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy was read twice by its title, and referred to the Committee on Naval Affairs.

YELLOWSTONE NATIONAL PARK.

Mr. HARRISON. I believe there was a bill in relation to the Yellowstone Park that came from the House to-day. I ask the Chair to lay it before the Senate in order that I may ask the Senate to disagree to the amendments and have a committee of conference.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, returned from the House of Representatives with amendments. The action of the House of Representatives thereon will be read.

The amendments of the House of Representatives were read.

Mr. CONGER. I move that the Senate non-concur in the amendments of the House and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. HARRISON, and Mr. MANDERSON were appointed.

Mr. INGALLS. Now I renew my motion that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 13, 1885.

The House met at 12 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair asks unanimous consent to submit several executive communications.

There was no objection.

PUBLIC BUILDING AT DENVER, COLO.

The SPEAKER *pro tempore* laid before the House a communication from the Secretary of the Treasury, inclosing a letter from the Supervising Architect, recommending an extension of the limit of cost of the public building at Denver, Colo.; which was referred to the Committee on Appropriations, and ordered to be printed.

STEAM VESSELS.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the board of supervising inspectors of steam vessels, suggesting a modification of section 4435 of the Revised Statutes; which was referred to the the Committee on Commerce, and ordered to be printed.

MERIDIAN OF GREENWICH.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, recommending that the meridian of Greenwich be adopted for astronomical and nautical purposes; which was referred to the Committee on Naval Affairs, and ordered to be printed.

MACHINERY FOR STEEL CRUISERS.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy asking legislation authorizing the expenditure of balance of appropriation for steel machinery for steel cruiser for either of the cruisers; which was referred to the Committee on Appropriations, and ordered to be printed.

HON. S. F. RICE.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of the Treasury, transmitting report of the First Comptroller upon the claim of Hon. S. F. Rice for services rendered, recommending an appropriation therefor in the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SNY ISLAND LEVEE, MISSISSIPPI RIVER.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of War, transmitting report of the Chief of Engineers of survey and examination of Sny Island levee, Mississippi River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF PENSACOLA HARBOR.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting report from the Chief of Engineers of survey and examination of outer and inner bars, Pensacola Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ORDER OF BUSINESS.

Mr. OATES. I rise to a privileged question.

Mr. TOWNSHEND. Mr. Speaker, I would ask whether it would be within the rule to ask unanimous consent to dispense with the business of the special hour.

The SPEAKER *pro tempore*. The rule prohibits the Chair from entertaining a request for unanimous consent to set aside that order. The gentleman from Alabama [Mr. OATES] rises, as the Chair understands, to submit a privileged report.

Mr. OATES. I move to take from the Speaker's table House bill 7004 and refer it, with the Senate amendments, to the Committee on Public Lands.

Mr. NELSON. I object.

Mr. OATES. It is a privileged motion under what is known as the "Holman resolution," this being a bill to repeal pre-emption and other land laws.

The SPEAKER *pro tempore*. The gentleman will send the bill to the desk so that the Chair can determine whether this is a privileged question.

Mr. OATES. It was so ruled by the Speaker when the bill was under consideration in the House.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

IN THE SENATE OF THE UNITED STATES, *February* 12, 1885.

Resolved, That this bill pass with amendments.

Mr. TOWNSHEND. Upon what ground is the claim based that this is privileged?

Mr. KEIFER. Mr. Speaker, the bill is on the Speaker's table, is it not?

The SPEAKER *pro tempore*. The Chair is informed that the bill is on the Speaker's table.

Mr. KEIFER. Then I think the point of order that it is not privileged is well taken. It requires unanimous consent to take it up.

The SPEAKER *pro tempore*. The Chair was endeavoring to ascertain whether this is a privileged report that the gentleman from Alabama is calling up.

Mr. KEIFER. There is no report about it; the bill is on the Speaker's table.

Mr. OATES. The motion I have made is privileged under the "Holman resolution."

Mr. TOWNSHEND. Reports from the Committee on Public Lands are privileged.

The SPEAKER *pro tempore*. If this general subject be privileged, the motion in the judgment of the Chair would be privileged. The Clerk will report the resolution adopted by the House January 21, 1884, under which, as the Chair understands, the claim is made by the gentleman from Alabama that this is a privileged motion.

The Clerk read as follows:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration.

Mr. NELSON. This is not a report from any committee. It is a bill upon the Speaker's table. The motion is to refer it. It does not come within the privilege.

Mr. MAGINNIS. I ask attention to the point that the resolution applies to forfeited lands.

The SPEAKER *pro tempore*. The Chair is perfectly willing to hear gentlemen on each side. The Chair thinks there is no doubt about the ruling.

Mr. TOWNSHEND. Has the Chair decided?

The SPEAKER *pro tempore*. The Chair has not been allowed to decide anything.

Mr. OATES. Mr. Speaker, the rule expressly provides, as has been held by the Speaker of the House, that all matters pertaining to the disposition of the public lands as homesteads shall be privileged under the Holman resolution. The object of this bill, as it came from the Committee on Public Lands, was to confine the disposition of all agricultural lands to homesteads, and therefore it is completely within the terms of the Holman resolution.

The SPEAKER *pro tempore*. The Chair does not think this constitutes a privileged motion. The report of a bill under the provisions of the resolution cited is evidently privileged, but it gives it no higher dignity than an appropriation bill would have. Under the rule the Chair never held it would be competent for any member of that committee to make the motion the gentleman now makes as applicable to this bill. The Chair does not think the motion of the gentleman is privileged.

CALIFORNIA AND OREGON RAILROAD COMPANY.

Mr. HENLEY. I rise to make a privileged report from the Committee on Public Lands.

The SPEAKER *pro tempore*. The gentleman will submit it.

The Clerk read as follows:

Whereas it appears from the report of the Commissioner of the General Land Office that the California and Oregon Railroad Company have failed to complete its line of road within the time provided by law; and

Whereas no attempt was made during more than ten years to complete the building of any part of said line of railroad, although said company had ample time so to do; and

Whereas on March 18, 1884, the above-recited facts were called to the attention of the President of the United States, and protest duly made and filed against the appointment of commissioners to examine said line of railroad; and

Whereas during the first session of the Forty-eighth Congress a bill forfeiting said grant passed the House of Representatives, and is now pending in the Senate; and

Whereas the President of the United States has recently appointed three commissioners to examine and report on said line of railroad: Therefore,

Be it resolved by the House of Representatives, That the President of the United States be, and he is hereby, requested to inform this body, if not incompatible with the public interest, what were the reasons which moved him to appoint said commissioners to examine and report on the said line of railroad from Reading northwardly.

Mr. WASHBURN. Is that a privileged report?

The SPEAKER *pro tempore*. Upon what ground does the gentleman from California rest this as a privileged report?

Mr. HENLEY. It is a report from the Committee on Public Lands under the Holman resolution.

The SPEAKER *pro tempore*. It is a resolution of inquiry.

Mr. HENLEY. Yes, sir; it is a resolution of inquiry.

Mr. OATES. I offer the following substitute for the resolution; and after it has been read I wish to say a word in support of it.

Mr. TOWNSHEND. I rise to a question of order. Is it a report of a resolution or a bill?

The SPEAKER *pro tempore*. It is a resolution of inquiry.

Mr. KEIFER. Does it come from the committee?

The SPEAKER *pro tempore*. The gentleman from California has stated that his committee was authorized to report this resolution of inquiry.

Mr. KEIFER. Was it referred to the committee?

Mr. HENLEY. Yes, sir.

The SPEAKER *pro tempore*. The Chair so understood. The substitute will be read.

The Clerk read as follows:

Resolved, That the President of the United States is hereby respectfully requested not to confirm any favorable report which may be made by the commissioners recently appointed by him to inspect a section or sections lately completed of the California and Oregon Railroad, nor order patents to issue until the Senate of the United States acts upon H. R. 5997, being a bill to forfeit certain lands granted to aid in the construction of said railroad, and which passed this House June 6, 1884, or until after the adjournment of the present Congress.

Mr. KEIFER. I make the point that is not in order as an amendment.

The SPEAKER *pro tempore*. The Chair will examine it.

Mr. KEIFER. The substitute is not a resolution of inquiry, but calls upon the President not to do what the Constitution and the laws require him to do.

Mr. OATES. If the gentleman will wait a moment I think he will see that he misapprehends it.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HENLEY. I have no objection to the gentleman from Alabama submitting what observations he chooses on this matter, provided I am to have an opportunity to reply.

The SPEAKER *pro tempore*. The Chair will hear gentlemen on both sides on the point of order.

Mr. OATES. Mr. Speaker, the resolution submitted by the gentleman from California under instruction from the Committee on Public Lands is an inquiry to the President why he appointed commissioners to inspect a section of this railroad alleged to have been completed. His reply would necessarily be that he did it in obedience to section 4 of the act making the grant, which is as follows:

SEC. 4. *And be it further enacted*, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated by this act, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of and coterminous with the completed section of said railroad and telegraph line as aforesaid; and from time to time, whenever twenty or more consecutive miles of the said road and telegraph shall be completed and equipped as aforesaid, patents shall in like manner issue upon the report of the said commissioners, and so on until the entire railroad and telegraph authorized by this act shall have been constructed, and the patents of the lands herein granted shall have been issued.

The President has done simply what the law commanded him to do and simply what his oath of office required him to do. Hence, I oppose the resolution in the form presented here and offer the substitute, which respectfully requests him not to confirm any favorable report or the commissioners, or order patents to issue, until the Senate has acted

upon the bill which was passed by the House, or until after the adjournment of this session of Congress. I think that is as far as this House ought to go. The resolution reported from the Committee on the Public Lands is, in my judgment, not exactly respectful to the President, nor do I think that it strikes at what the House ought to strike at, that is to say, that the President shall not act upon the report of the commissioners until after the adjournment of this Congress, or until after the Senate has acted upon the bill to which I have referred.

Mr. HORR. Is there a precedent anywhere for such a resolution?

Mr. KEIFER. What has become of the point of order?

The SPEAKER *pro tempore*. The Chair is ready to decide upon the point of order made by the gentleman from Ohio.

The Chair does not think that it is competent by way of amendment to submit to the House for its action that which is not privileged in its character in lieu of that which has the right of privilege, and which besides is not germane to the matter which is submitted as a privileged report. The Chair sustains the point of order of the gentleman from Ohio, and holds that it is not competent to bring in, in the nature of an amendment to the resolution of inquiry which is privileged under the rule, a resolution such as that suggested by the gentleman from Alabama.

Mr. OATES. It relates to the same subject-matter.

The SPEAKER *pro tempore*. This, however, is not a resolution of inquiry as submitted by the gentleman from Alabama, and would not have been in order as a privileged matter unless it had been a resolution of inquiry reported back as the resolution comes from the gentleman from California.

Mr. BELFORD. Mr. Speaker——

Mr. TOWNSHEND. I demand the regular order.

The SPEAKER *pro tempore*. The question is on agreeing to the resolution reported by the gentleman from California.

Mr. BELFORD. I would like to inquire whether or not we can object to the resolution offered by the gentleman from California or whether all debate is cut off.

The SPEAKER *pro tempore*. Debate is not cut off unless the gentleman from California chooses to do so by demaning the previous question.

Mr. BELFORD. I want to be heard.

Mr. VALENTINE. Let the resolution be again reported.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from California is in possession of the floor.

Mr. HENLEY. Have I not the right to the floor?

The SPEAKER *pro tempore*. The Chair has just so stated.

Mr. HENLEY. Then I demand the previous question upon the adoption of the resolution.

Mr. VALENTINE. Let it be again read.

The resolution was again reported.

Mr. HORR. I hope the gentleman from California will not cut off debate instantly on this resolution; it is a matter of a great deal of importance. It seems to me to be in the nature of an insult to the Executive.

Mr. HENLEY. Mr. Speaker, I dislike very much to disoblige the gentleman from Michigan, but I shall have to insist upon the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 96, noes 52.

Mr. HORR. No quorum. I insist that an outrage of this kind should not be perpetrated upon the Executive without some proper [cries of "Regular order!"]—without some proper explanation.

The SPEAKER *pro tempore*. Debate is not in order pending the demand for the previous question.

Mr. WASHBURN. I think if the gentleman from California will answer a courteous question the call for a quorum may be withdrawn.

Mr. HENLEY. I will answer every question, of course. [Cries of "Regular order!"]

Mr. VALENTINE. I rise to a parliamentary inquiry. I desire to know if under the rule after the previous question has been ordered there will not be thirty minutes allowed for debate—fifteen minutes for and fifteen minutes against the resolution?

The SPEAKER *pro tempore*. The gentleman is correct as to the rule, but debate had been already had before the previous question was demanded, and hence there will be no debate after the previous question is ordered.

Mr. VALENTINE. There has been no debate upon the resolution, as I understand.

Mr. HORR. That is the very thing that we have not had.

The SPEAKER *pro tempore*. The Journal will show.

Mr. WASHBURN. I understand the gentleman from California to yield for a question.

The SPEAKER *pro tempore*. The House is dividing, and the only thing in order now is the appointment of tellers, the point of order being made that no quorum has voted.

Mr. HENLEY and Mr. HORR were appointed tellers.

The House again divided; and the tellers reported—ayes 116, noes 47.

So the previous question was ordered.

Mr. HENLEY moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the adoption of the resolution.

Mr. STEELE. Is it in order to move to lay that upon the table?

The SPEAKER *pro tempore*. It is.

Mr. STEELE. Then I move to lay it upon the table.

The question was taken; and on a division there were—ayes 47, noes 88.

So the motion to lay on the table was not agreed to.

The question recurred upon the adoption of the resolution.

Mr. BELFORD. On that I demand the yeas and nays.

The yeas and nays were not ordered, six members only voting in favor thereof.

The question was taken; and on a division there were—ayes 93, noes 55.

So (no further count being demanded) the resolution was agreed to.

Mr. HENLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour under the special rule begins at six minutes before 1 o'clock. The Clerk will report the bill coming over as unfinished business in this hour from yesterday, called up by the gentleman from Kentucky, Mr. THOMPSON.

NIOBRARA VALLEY RAILROAD.

The Clerk read as follows:

A bill (H. R. 7081) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes."

Be it enacted, &c., That section 17 of the act of July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," be, and is hereby, amended by adding the following:

That such railroad company now organized, or that may hereafter be organized under State or Territorial laws, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, Iowa, westwardly, via the Niobrara Valley, to such point on the Union Pacific Railroad west of the one hundredth meridian as such company may select, not west of Granger, in the Territory of Wyoming, and on the same terms and conditions and with the same rights as are provided in this act, and the act to which this is an amendment, for the construction of the said Union Pacific Railroad and Telegraph Line and branches: *Provided*, That said company shall receive neither bonds nor lands, as provided in said acts: *And provided further*, That said company shall not be burdened by any of the obligations imposed upon the said Union Pacific Railway Company by reason of the lands and bonds given to that company, nor entitled to any special benefits conferred by said act growing out of such obligations, but shall be entitled to all benefits conferred by section 15 of the said act, approved July 2, 1864, amendatory of the act approved July 1, 1862, and the said company and the said Union Pacific Railway Company shall be regarded as a continuous line; and each company shall receive from and deliver to each other freight, express matter, passengers, cars, and all traffic, and each company shall charge and receive compensation therefor pro rata according to distance: *And provided further*, That said road shall carry the mails at such prices as Congress may by law provide; and until such price is fixed by law the Postmaster-General may fix the rate of compensation: *And provided further*, That said road shall be completed within five years from the passage of this act.

SEC. 2. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 3. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862 and of said act of 1864, respectively, and of both said acts.

Mr. THOMPSON. Mr. Speaker, I desire to state to the House in brief that the object of this bill is to authorize the building of a railroad from Sioux City, in Iowa, to a place called Granger, in Wyoming Territory, up what is known as the Niobrara Valley. It has undergone the severest scrutiny of the Committee on Pacific Railroads that we could give it and we have found no objection to the chartering of the company and the building of the road. It is to be built exclusively by private capital, without any subsidy on the part of the Government.

Mr. BLAND. I would like to ask the gentleman whether there is any reservation of the authority of Congress over that road to regulate the traffic.

Mr. THOMPSON. Yes, sir. At the suggestion of the gentleman from Texas [Mr. REAGAN] I have agreed to accept an amendment to declare that expressly. I did not think it necessary, but in order that there should be no doubt whatever about it, I have agreed to accept an amendment that Congress shall reserve the right to regulate commerce and traffic on this road.

Mr. BUDD. May I ask the gentleman from Kentucky a question?

Mr. THOMPSON. Certainly.

Mr. BUDD. What is the meaning of the reservation from all of the "obligations imposed upon the said Union Pacific Railway Company?"

Mr. THOMPSON. The Government having given to the Union Pacific Company certain bonds and lands, required of them certain things

which they should do; one of which was that, under the Thurman act and amendments thereto, they should have a sinking fund for the payment of bonds, &c. That is not required in the case of this road, because the Government has not contributed anything to it.

Mr. BUDD. But does not this exempt the road from all obligations whatsoever to the Government imposed on the Union Pacific?

Mr. THOMPSON. No, sir; on the contrary, the bill provides every guard which the Committee on Pacific Railroads could find was necessary to secure to the Government the transportation of the mail at the same rate it pays to every other railroad in the country, together with the absolute power to regulate and control the traffic.

Mr. BUDD. Will the gentleman allow the amendment he has referred to to be read now?

Mr. THOMPSON. At the suggestion of the gentleman from California I desire to have read now the amendments which have been suggested. They are not, however, of much significance, being mostly verbal.

The Clerk read the proposed amendments, as follows:

In line 12, page 2, strike out the words "State or Territorial laws" and insert the words "the laws of Nebraska."

In line 15, after the words "Sioux City, Iowa," insert "crossing the Missouri River at Sioux City, thence."

After the word "acts," in line 24, insert the words "and the right of way shall be only one-half the width fixed by said acts."

In section 2, line 2, after the word "Congress," insert the words "to regulate interstate commerce or."

The SPEAKER *pro tempore* (Mr. YOUNG). The question is on the amendments.

Mr. THOMPSON. Not until the bill is before the House for consideration. I do not wish to take snap judgment in its favor.

Mr. STRUBLE. I would like to make a few remarks on this bill.

The SPEAKER *pro tempore* (Mr. YOUNG). Does the gentleman from Iowa desire to speak in opposition to the bill?

Mr. STRUBLE. No, sir; I am heartily in its favor.

Mr. THOMPSON. I yield to the gentleman from Iowa.

Mr. STRUBLE. Mr. Speaker, I thank the gentleman for the courtesy extended me, and now ask the attention of the House to the following resolutions recently adopted by the Board of Trade of Sioux City, Iowa, expressing as they do the earnest desire of the people residing there for the passage of the measure now under consideration:

Resolutions of Sioux City (Iowa) Board of Trade.

Whereas there is now pending in Congress a bill to provide for the construction of a line of railroad and telegraph from Sioux City to a connection with the Union Pacific road west of the one hundredth meridian, said line to cross the Missouri River at Sioux City and proceed directly westwardly; and

Whereas the proposition involved in said bill, carefully restricted, but contemplates a fulfillment, as we understand it, of the original purpose and promise of Congress with reference to the Union Pacific road and its branches: Therefore,

Be it resolved by the Board of Trade of the city of Sioux City, Iowa, That special appeal be made to Congress in behalf of the large business interests involved and the wide extent of growing territory to be benefited to pass this bill.

Resolved, That in the judgment of this board, the report of the Committee on Pacific Railroads, made at the last session of Congress, presents succinctly the cogent reasons why this bill should pass, as follows:

"First. It will give railroad facilities to a territory equal in extent to the States of Indiana and Illinois.

"Second. It furnishes by far the best connection with the Union Pacific to the northwestern system of roads at and above Sioux City. Of these roads the most important are the Chicago, Milwaukee and Saint Paul, the Chicago and Northwestern, the Illinois Central, the Chicago, Saint Paul, Minneapolis and Omaha, aggregating 15,000 miles of railway.

"Third. It shortens the distance to San Francisco from the principal points in the Northwest at least three hundred miles, on the average, so that its construction will directly benefit Northern Illinois, Iowa, Nebraska, Wisconsin, Minnesota, and Southern Dakota."

Resolved, That the unexpected diversion of the so-called Sioux City branch of the Union Pacific road to a line south from Sioux City to within twenty-four miles of Council Bluffs, and thence west to a connection with the Union Pacific at Fremont, in Nebraska, was a virtual nullification of the proposition originally presented, and the same has taken from Sioux City and all Northern Iowa, all of Wisconsin, Minnesota, and Dakota, as well as all of the extent of country immediately west and northwest of Sioux City, the advantages promised in the original proposition for a Sioux City branch of the Union Pacific road.

Resolved, That it is the earnest wish of this body that the bill now pending may be passed by Congress, believing that its provisions involve no more than an act of tardy justice both to the people and the railway interests predicated in an early day upon the building of the Sioux City branch, and can only result in signal advantage to all interests throughout the wide extent of country subject to the influence of the proposed line.

Resolved, That a copy of this preamble and of these resolutions be forwarded to our Representative in Congress, Hon. I. S. STRUBLE, and that he be requested to present and urge the same.

Attest:

JOHN HORNICK,
President Sioux City Board of Trade.
E. W. SKINNER,
Secretary.

Mr. Speaker, these resolutions voice the united sentiments of the citizens of a city in my district, in the growth and prosperity of which the entire district, and I think I may say the entire State of Iowa as well, feels a just pride.

Four years ago—five at most—it possessed a population of 8,000 people; it now has from sixteen to seventeen thousand. Its growth in every respect that marks its progress of permanent prosperity has, during the past four years, been marvelous.

In 1882 and 1883 its people expended over $600,000 each year in improving and building dwellings and business property. In 1884 they expended very nearly $1,000,000 for similar improvements, and the present year, notwithstanding the financial and commercial depression prevailing, promises further satisfactory growth.

Her wholesale establishments, large and small, number nearly twenty, and embrace some heavy and valuable stocks of goods. Manufacturing industries of importance have already gained a permanent foothold and are rapidly extending.

Situated on the Missouri River, about midway between Council Bluffs and the north line of the State, with no competing city for her wholesale trade east, north, or west for a less distance than three hundred miles, and surrounded on all sides by a vast and magnificent agricultural and stock-raising country, she is destined at no distant day to become a financial and commercial center of no little importance. Indeed that time has already come; and gentlemen may be surprised to learn that one of her three prosperous national banks, the Sioux National, in the amount of its paid-up capital and its individual deposits, ranks first in the State. Its paid-up capital is $500,000, being three hundred thousand more than any national bank in the State; and its individual deposits, as shown by the last report of the Comptroller of the Currency, were, at the date reported, $464,743.93, or $2,373.59 more than the next highest deposits in the State. On December 20, 1884, its individual deposits were over $600,000.

Her commercial and general business condition comports favorably with her financial, but her enterprising people, possessing the same commendable spirit of energy and enterprise for which the people of many sections of country are noted, are not content with the financial and commercial success already achieved.

They seek further growth, a larger prosperity, and it need scarcely be said that they are deeply interested in the passage of this bill. And not only so, but it must be apparent to the most casual observer who will for a moment consider the situation that all the sections of the West referred to in the resolutions which I have submitted are, or should be, largely concerned in having opened up more direct and speedy communications with the Pacific than now exist in that part of the West. The railroad connections of the sections referred to in the resolutions are almost perfect. Roads from the south, east, northeast, north, and northwest center there, and fairly adequate facilities exist across the river to the south and somewhat to the west, but the only way open to the Pacific for this vast section of country, except via the Northern Pacific, is south from Sioux City to within about twenty-five miles of Council Bluffs, thence west to a connection with the Union Pacific at Fremont, Nebr.

One more road, and one only, namely, the one contemplated by the original Union Pacific scheme authorized by the acts of Congress incorporating that road and its branches, and in an important sense promised to the people of that city and the sections to which I have referred, is lacking to complete perfect railroad communication to and from Sioux City in all directions and to open to the people of that great Northwest the same direct connection with the Pacific now and for nearly twenty years enjoyed by all other sections of the country included within the contemplation and purpose of Congress in seeking, as it did in 1862 and 1864, by the passage of the acts to which I have referred, the incalculable commercial benefits which have resulted to the sections of the country situated within convenient access to the Union Pacific and its completed branches. In the name and on behalf of the people of Sioux City and the great Northwest to which I have alluded I earnestly implore of this House the passage of this bill.

The railroad facilities on the east side of the Missouri River in that vicinity centering in Sioux City are practically complete, but west of the river are incomplete. The people in that section appreciate the importance of this line of road, which will give them connection with the West. I hope there will be no objection to the bill.

Mr. WASHBURN. Will the gentleman from Kentucky allow me to say a word?

Mr. THOMPSON. Yes, sir.

Mr. WASHBURN. I desire to say with the gentleman from Iowa [Mr. STRUBLE] that the entire section of country in the Northwest is interested in the building of this road. It should have been built under the original legislation, when there was a subsidy granted; but it was not, and the road was diverted down the Missouri River ninety miles without approaching the cut-off that was intended. It is but just to that section of the country, Iowa, Nebraska, Minnesota, and all that region, that this short line of road should be built and all reasonable inducements given to bring about such a desirable result.

The SPEAKER *pro tempore* (Mr. YOUNG). Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER *pro tempore*. The first question is on the amendments.

Mr. THOMPSON. I wish to say that I accept these amendments at the instance of the gentleman from TEXAS [Mr. REAGAN.] He proposed to strike out the words "State and Territorial laws" and substitute "the laws of Nebraska," because he said that possibly some Territorial Legislature might pass some charter which would contain some provision that was not well guarded. I consented to accept that amendment.

Mr. MAGINNIS. The Territories have no right to grant the charter.

Mr. THOMPSON. I accept the amendment and substitute the words "the laws of Nebraska."

Mr. HOLMAN. I wish to ask the gentleman from Kentucky——

Mr. BROWNE, of Indiana. I make the point of order that the time allowed for debate has expired.

The SPEAKER *pro tempore* [Mr. YOUNG]. The question is on the adoption of the amendments.

The amendments were agreed to.

The SPEAKER *pro tempore*. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

JOHN P. PETERSON.

Mr. HENDERSON, of Illinois. Mr. Speaker, I call up for present consideration the bill (H. R. 6270) for the relief of John P. Peterson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay to John P. Peterson, late a private of the Capitol police, the sum of $237.60, being the 20 per cent. additional compensation allowed him under joint resolution giving additional compensation to certain employés in the civil service of the Government at Washington, approved February 28, 1867.

Mr. HENDERSON, of Illinois. There is a unanimous report of the Committee on Claims in favor of this bill, and the Supreme Court has decided that this man is entitled to the additional 20 per cent.

Mr. HOLMAN. Let us have the report read.

Mr. HENDERSON, of Illinois. Yes; I intended to have it read.

The Clerk read the report (by Mr. WOOD), as follows:

The Committee on Claims, to which was referred the bill (H. R. 6270) for the relief of John P. Peterson, having considered the same, beg leave to report:

The committee find that said Peterson was on the 30th day of May, A. D. 1866, duly appointed as private on the United States Capitol police, at an annual salary of $1,361, and that he served as such from that day until the 1st day of April, 1867; that Congress passed a joint resolution giving an additional compensation of 20 per cent. on the amount of their salaries, to commence on the 1st day of July, 1866, to certain employés in the civil service of the Government at Washington, of which the said John P. Peterson was one, which said joint resolution was approved by the President February 28, 1867 (see 14 Stats., page 569), and that under said joint resolution the said Peterson is entitled to the sum of $237.60, the same never having been paid to him, as appears from the following letter from Hon. R. M. Reynolds, First Auditor of the Treasury:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
January 8, 1881.

SIR: Upon examination of the records of this office I do not find that you were ever paid 20 per cent. additional compensation under the joint resolution of February 28, 1867.

Respectfully, R. M. REYNOLDS,
First Auditor.

JOHN P. PETERSON, Esq.,
Room 13, Floor B, Post-Office Department:

The committee further report that the reason why said Peterson was not paid said additional compensation is, that the right of the members of said Capitol police to said additional compensation under said joint resolution was at first questioned, and for the purpose of determining the same suits were instituted in the Court of Claims, and said Peterson, among other claimants, gave his case into the hands of the attorney who brought such suits, but by some mistake of said attorney his claim was not filed, and said Peterson had no knowledge of the fact until the time had expired in which suits could be filed and until after the appropriations had been covered back into the Treasury.

But your committee find that said suits were finally decided by the Supreme Court of the United States in favor of the claimants, and that said Peterson is justly entitled to the said sum of $237.60, and they therefore report back said bill and recommend the passage of the same.

PETITION.

To the Senate and House of Representatives of the United States in Congress assembled:

The petition of John P. Peterson, of Altona, Knox County, State of Illinois, would respectfully show that on the 30th day of May, 1866, he was appointed on the Capitol police, at an annual salary of $1,361, and continued a member thereof from that time to April 1, 1867, inclusive.

That under a joint resolution giving additional compensation to certain employés of the civil service, at Washington, approved February 28, 1867 (14 Stat., 569), your petitioner was entitled to 20 per cent. additional upon his compensation as aforesaid, commencing with July 1, 1866, or an addition for the nine months from July 1, 1866, to April 1, 1867, of $237.60, no part of which ever was paid to him, although all the other members of the Capitol police force received the extra compensation provided by said joint resolution.

The circumstances which deterred your petitioner from receiving payment of the amount thus due him were as follows: The right of the members of said Capitol police to receive payment under the aforesaid joint resolution was at first questioned; and for the purpose of determining the same suits therefor were brought in the Court of Claims. Your petitioner gave his case to the attorney who brought the aforesaid suits, but by some mistake of said attorney it was never filed; of this fact your petitioner had no knowledge until the time had expired within which suits could be filed, and until after the appropriations had been covered into the Treasury.

The Supreme Court of the United States, in the case of Newman, captain of the Capitol police (reported in 13 Wallace, 568), held that the members of the Capitol police were entitled to be paid under said resolution. This opinion was delivered during the December term, 1871, and your petitioner fully believing that his case had been filed with the others, and that his interests were fully protected, waited until long after said time for payment to be made, when he learned for the first time the omission as aforesaid, when it was too late for him to take action on the case.

Your petitioner therefore humbly prays that the amount due him as aforesaid may be appropriated and the same may be paid by the honorable Secretary of the Treasury; and your petitioner will always pray.

JOHN P. PETERSON.

Subscribed and sworn to before me this 28th day of January, 1881.

[SEAL.] JAMES LAWRENSON,
Notary Public in and for the District of Columbia.

Mr. HENDERSON, of Illinois. Mr. Speaker, I will state further that a bill was passed quite recently giving the 20 per cent. to the Metropolitan police, and the Supreme Court has held that the Capitol police were also entitled to this additional compensation, which Mr. Peterson has never received.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

YELLOWSTONE PARK.

Mr. HILL. Mr. Speaker, I call up for present consideration the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the head-waters of the Yellowstone River as a public park. A few words of explanation may be necessary in reference to this bill.

The SPEAKER *pro tempore*. That will not be in order until after the reading of the bill.

Mr. MAGINNIS. I ask for the reading of the report.

Mr. HILL. I have no objection to the reading of the report.

The Clerk read the report (by Mr. POST, of Wyoming), as follows:

The Committee on Territories, to whom was referred the bill (S. 221) entitled "An act to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the head waters of the Yellowstone River as a public park," respectfully report:

That they have given the bill very careful consideration and have unanimously reported it with certain amendments.

The examinations of your committee have disclosed that north of the Yellowstone River there are no objects of public interest which it is desirable to embrace within the limits of the park. It was also very clearly disclosed that the uncertainty of its northern boundary rendered the control of that portion of the park extremely difficult and unsatisfactory. It has been almost impossible to convict persons arrested for depredations there, the ready excuse being that the game killed was not within the limits of the park.

Your committee deems it of great importance in a portion of the park which must necessarily be subjected to a large amount of travel, that its boundary should be so absolutely defined that no such excuses can avail. As it is now, the law is practically inoperative in that portion of the park, through the impossibility of giving it efficient execution for the reason stated.

The northern boundary, recommended by your committee, follows the Yellowstone River and its eastern branch, to a point where the East Fork intersects the meridian of 110° 10′ west longitude, and thence due east to the meridian of 109° 30′ west longitude. The extension of the park upon the east, as proposed in the Senate bill, includes the Hoodoo Mountains and many objects of great public interest, while it does not embrace any territory likely to be encroached upon by settlers, and is therefore peculiarly adapted to an efficient and permanent game preserve.

The bill for like reasons extends the park on the south to the forty-fourth parallel of north latitude.

The changes made by the committee are, first, to make the Yellowstone River and its eastern fork the northern boundary of the park to the meridian of 110° 10′ west longitude, thence due east to the meridian of 109° 10′ west longitude; and, second, to define and fix the judicial jurisdiction in Wyoming Territory, the laws of which are now operative in the park, and which are regarded as amply sufficient.

Your committee concurs in the Senate bill and recommends its passage, the only amendments being the fixing of the northern boundary to follow the Yellowstone River and its East Fork, as defined in the bill, and changing the jurisdiction, as expressed in the Senate bill, from Montana to Wyoming Territory, where your committee believes it to properly belong.

Amend the bill as follows:

In line 9, section 1, after the word "point," insert the following: "Where the said forty-fifth parallel touches the Yellowstone River, thence up the north bank of said river to the East Fork of the Yellowstone River, thence up the north bank of said East Fork to a point where it intersects the meridian of one hundred and ten degrees and ten minutes west longitude."

Second. In line 3, section 6, strike out the word "Montana" and insert the word "Wyoming."

Third. In line 6, section 6, strike out the word "Gallatin" and insert the word "Uinta."

Fourth. In line 9, section 6, strike out the word "Gallatin" and insert the word "Uinta."

Fifth. In line 12, section 6, strike out the word "Montana" and insert the word "Wyoming."

In line 18, section 6, strike out the word "Montana" and insert the word "Wyoming."

In line 11, section 7, strike out the word "Montana" and insert the word "Wyoming."

Mr. HILL. Now, Mr. Speaker——

The SPEAKER *pro tempore*. The time for debate in favor of the bill has expired.

Mr. HILL. There has been no debate.

The SPEAKER *pro tempore*. But the time for debate in favor of the bill has expired.

Mr. KEIFER. Mr. Speaker, I desire to say a word in opposition to the bill.

Mr. HILL. I ask unanimous consent of the House to make a statement about two minutes long in reference to this bill.

Mr. BROWNE, of Indiana. Unanimous consent can not be given under the rule.

Mr. BEACH. I object, unless the full five minutes is allowed in opposition to the bill.

Mr. WARNER, of Ohio. Has the time for debate expired?

The SPEAKER *pro tempore*. Five minutes of the time has expired.

Mr. KEIFER. Mr. Speaker, I thought I was recognized.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Ohio, but other gentlemen are asking questions.

Mr. KEIFER. I will yield a moment to the gentleman from Ohio [Mr. HILL], if there is no objection—just one minute.

Mr. HILL. Mr. Speaker, almost the sole object of this bill is to protect the Yellowstone Park.

Mr. BEACH. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BEACH. I understand that the gentleman from Ohio, on my right [Mr. HILL], asked to have two minutes within which to explain the provisions of this bill, and I objected if that time was to be taken out of the time in opposition to the bill——

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. HILL] is now proceeding, not by unanimous consent but in time yielded to him by his colleague [Mr. KEIFER].

Mr. BEACH. Ah! I did not understand.

Mr. HILL. Now, Mr. Speaker, this bill has passed the Senate unanimously on the unanimous report of the Committee on Territories. Two years ago more than eight hundred elk were shot down in the Yellowstone region by people who were not citizens, merely for the sport, and the year before that a party of despoilers from England went into this park and killed four hundred or more. They also used dynamite in the lake for the destruction of the fish, and cut down valuable timber in the park.

[Here the hammer fell.]

Mr. HILL. Is my time out already? It is the shortest minute I ever heard of. [Laughter.]

Mr. KEIFER. Mr. Speaker, it is difficult to comprehend an important matter like this in the short time we have to debate it. I agree with the general purposes of this bill, but I dissent from most of the amendments proposed by the House Committee. One of these amendments proposes to recede to the Territory of Montana a part of the land included in this national park. Now, as a matter of fact, the present northern boundary of the park is within less than five miles of the greatest natural curiosity in all the world—the Mammoth Springs. If you recede the northern portion of the park to Montana you bring the boundary line almost to the very verge of this great natural curiosity. We want to protect it.

I understand also, Mr. Speaker, there are some people who have discovered valuable minerals in the neighborhood of these great springs; and for this reason it is thought we should recede that part of the park to the Territory of Montana. But if we encroach upon the boundaries of this park as originally laid out, carefully and prudently, we are likely to encroach again whenever prospectors or others want to get in at one place or another.

It was my great delight to visit the National Park not a great while ago. I am in favor of extending its boundaries as proposed in this bill, but I am utterly opposed to cutting off a portion of the territory of the park, especially on the north. We could spare some of the land on the east or on the west, because there the boundary does not approach so closely to those important natural curiosities—the geysers. But we can not spare any portion of this park on the north.

Mr. CASSIDY. The mining district to which the gentleman has alluded is entirely outside of the boundaries of the park as existing today.

Mr. KEIFER. I beg the gentleman's pardon. I understand it is right on the boundary.

The SPEAKER *pro tempore*. The time allowed for debate on this bill has expired.

Mr. MAGINNIS. I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. By the rule under which we are now operating it is not in order for the Chair to entertain the request for unanimous consent.

Mr. BEACH. I rise to a parliamentary inquiry. I desire to know whether there is any time allowed in opposition to this measure?

The SPEAKER *pro tempore*. It has been exhausted by the gentleman from Ohio [Mr. KEIFER].

Mr. BEACH. Then I object to the consideration of the bill.

The SPEAKER *pro tempore*. Are there objections to the present consideration of the bill? [A pause.] Only one gentleman rises to object; and the bill is before the House for consideration. The first question is on the amendments reported by the Committee on Territories. If there be no objection, the question upon these amendments will be taken in gross.

Mr. KEIFER. I object. I ask that the amendments be considered separately.

The first amendment was read, as follows:

In line 9, section 1, after the word "point," insert the following:

"Where the said forty-fifth parallel touches the Yellowstone River, thence up the north bank of said river to the East Fork of the Yellowstone River, thence up the north bank of said East Fork to a point where it intersects the meridian of 110° and 10′ west longitude."

The SPEAKER *pro tempore*. The question is on agreeing to this amendment.

Mr. KEIFER. That amendment ought not to be agreed to.

The question being taken, the amendment was agreed to; there being—ayes 69, noes 17.

The Clerk read the next amendment, as follows:

Second. In line 3, section 6, strike out the word "Montana" and insert the word "Wyoming."

Mr. MAGINNIS. I presume there will be no objection——

The SPEAKER *pro tempore*. No debate is in order.

Mr. MAGINNIS. I rise to make a motion. I move that the question be taken on all the other amendments together. They simply take the jurisdiction away from Montana and give it to Wyoming, where I am perfectly willing it should go.

The SPEAKER *pro tempore*. In the absence of objection the question on the remaining amendments will be taken in gross. The Chair hears no objection.

The remaining amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATHAN B. CLARK.

Mr. EZRA B. TAYLOR. I call up for consideration the bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired list of the Navy, with the highest rate of retired pay of that grade.

Mr. EZRA B. TAYLOR. Mr. Speaker, this bill has been reported to the House by a unanimous vote of the Committee on Naval Affairs. It is an entirely meritorious measure and should encounter no objection. In order to identify the beneficiary in the bill I will say that he is the inventor of deflecting armor, and has been paralyzed for some years by reason of disease incurred in the service.

I propose at the proper time to ask the adoption of a substitute recommended for the bill by the committee, changing the form of the measure but not its substance. I reserve the residue of my time, intending to yield it to the gentleman from Pennsylvania [Mr. CURTIN] who introduced this bill.

The SPEAKER *pro tempore* (Mr. BLACKBURN). So far as the Chair is aware, no gentleman rises to claim the time in opposition to the bill.

Mr. WARNER, of Ohio. Has the report been read?

The SPEAKER *pro tempore*. It has not.

Mr. WARNER, of Ohio. I think it should be read.

The SPEAKER *pro tempore*. The report will be read in the time allowed for opposition to the bill.

The report (by Mr. GOFF) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 6824) authorizing the President to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief-engineer on the retired-list of the Navy, respectfully report as follows:

This officer entered the service May 13, 1861, and was placed on the retired-list October 16, 1868, on account of chronic rheumatism, contracted from exposure in the line of duty. During the war he was continuously at sea, with the exception of six weeks' leave of absence granted by Admiral Farragut in 1864, while the vessel to which he was attached was undergoing repairs. He is credited on the Register with five years and eight months' sea-service.

Since his retirement his physical disability has gradually grown worse, and for some years past he has been entirely unable to walk, or even move himself, and it has therefore been necessary to have the services of an able-bodied male attendant, which is an onerous tax on the pay allowed a retired passed assistant engineer, which is the same for a slight disability as for that of the gravest character. While the slightly disabled officer can supplement his retired pay by engaging in other pursuits, the one totally disabled is deprived of that privilege, and is handicapped by the maintenance of personal attendants and other expenses in order to live.

Prior to his retirement he had rendered all the sea-service required by law for promotion, with the exception of two months and eighteen days, and if on the active-list he would have reached the grade of chief-engineer years since. He was appointed to his present grade January 1, 1865. He participated in many of the most important naval engagements of the late war.

The committee are of opinion the bill should pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BENNETT. I object.

The SPEAKER *pro tempore*. Those who are in favor of sustaining the objection will rise. [After a pause.] Only two members have risen, which is not a sufficient number; and the bill is before the House for present consideration.

Mr. EZRA B. TAYLOR. I offer the following as a substitute for the pending bill.

The Clerk read as follows:

A bill authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief-engineer on the retired-list of the Navy.

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint one passed assistant engineer on the retired-list of the Navy a chief-engineer on the retired-list of the Navy, with the highest retired pay of that grade.

Mr. CURTIN. How do you know he will be appointed?

Mr. TALBOTT. That is all right.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. By unanimous consent the title of the bill will be amended to correspond with the substitute which was adopted.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING, ABERDEEN, MISS.

Mr. MULDROW. I call up for consideration the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable fire-proof building at Aberdeen, in the State of Mississippi, for the accommodation of the United States district court, post-office, internal-revenue officials, and for other Government purposes; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, to be expended under the direction of the Secretary of the Treasury in the purchase of a site and the erection of a suitable building, for which he shall cause proper plans and estimates to be made, so that no expenditure shall be made or authorized for the purchase of said site and the completion of said building exceeding the sum of $100,000: *Provided*, That no part of the said sum of $100,000 shall be used until the State of Mississippi shall release and relinquish to the United States the right to tax or in any way assess said site, and the property of the United States that may be thereon, during the time that the United States shall be the owner thereof.

The SPEAKER *pro tempore*. This bill is reported from the committee with the amendment to strike out "$100,000" and insert "$75,000."

Mr. MULDROW. The report of the committee is short, and I ask it be read.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 870) providing for the erection of a public Federal building in the city of Aberdeen, Miss., for the use of the United States district court, post-office, and other public services of the Government, make the following report:

The committee have given the matter careful consideration, and find that the city of Aberdeen is a place of great commercial importance and rapid growth, having nearly doubled its population since 1880, and erected nearly two hundred new houses in the last eighteen months. Its location near the head of navigation on the Tombigbee River gives it a controlling influence in the trade of that valley, while its position at the terminus of a branch of the Mobile and Ohio Railroad, and it being the present terminus of the Canton, Aberdeen and Nashville Railroad, just being completed, which will give it direct connection with New Orleans, and the probable completion of the Memphis, Selma and Brunswick road, upon which it is a charter point, impress your committee with the fact that it is likely in the near future to be a city of leading importance and population.

Your committee are convinced, however, that in considering the question of erecting such a building as the bill calls for at Aberdeen, for the accommodation of the Federal court, the population of the town itself is of secondary consideration. The court and court-house are for the accommodation of the district, and this jurisdiction, to wit, the eastern division of the northern district of Mississippi, embraces the great "prairie belt" of that State, including sixteen of the most prosperous counties of the State, with an aggregate population of about 200,000 people, and including the flourishing commercial towns of Tupelo, Corinth, Okolona, West Point, Columbus, Starkville, Macon, Baldwin, Verona, &c., in addition to Aberdeen.

That the population, wealth, enterprise, and all that goes toward creating business for the courts of the United States, is increasing, and there are many evidences that this immediate section is fully abreast in all things progressive with other portions of the Union.

While the population of the city proper does not probably at the present time exceed 5,000, the population of the supervisor's district, of which it is the center, is over 12,000, and it may be fairly estimated that Aberdeen is the post-office for a population of fully 15,000 people; the market town for fully 50,000, and the seat of the Federal court, to which 200,000 people must bring their grievances.

The Federal court business at Aberdeen is about two-thirds of the business of the northern district of Mississippi, and is constantly increasing. There is no building at present suitable for holding the court that can be obtained, the court now being held over dry-goods stores and law offices, without vaults or other places of safety for the keeping of the records, and where they are constantly exposed to the danger of fire. Your committee believe that the interests of the people of this large and populous region of Mississippi require the construction of the building contemplated by this bill, that it is necessary for the post-office and Federal court purposes, and therefore recommend the passage of the bill with an amendment making the amount $75,000.

Mr. MULDROW. I will say briefly, Mr. Speaker, that the Committee on Public Buildings and Grounds have recommended by their amendment an appropriation of $75,000 for this building. The court there is now held over an old store, where the records are in constant danger of destruction. There is neither conveniences for the court nor its officers.

Mr. HORR. What does the last census show to be the population of Aberdeen?

Mr. MULDROW. About 3,000. The population has nearly doubled since that time, Aberdeen being now the terminus of a railroad, and nearly two hundred new houses were put up in that town last year.

The SPEAKER *pro tempore*. The time for debate in favor of the motion has expired.

Mr. HORR. It does seem to me, Mr. Speaker, that it is just such a building as the one named in this bill which brings into disrepute the passing of this kind of laws. The gentleman himself admits it is a place of only 3,000 inhabitants.

Mr. MULDROW. Five thousand.

Mr. HORR. The report of the last census he says was 3,000; 5,000 is imaginary.

Mr. MONEY. Allow me to say that is the population within the corporate limits; there are two or three times as many there in and out of the corporate limits.

Mr. HORR. The report itself shows that town is of so little significance there is not a hall in it, or a place they can get to hold a United States court, except over some dry-goods store, showing this, that there are in the United States at a small estimate 50,000 villages larger than this one. And if you give this place a building we should extend the system without limit.

The SPEAKER *pro tempore*. Two minutes remain in opposition, but the hour under the rule has expired.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 5479) to prevent unlawful occupancy of the public lands; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Messrs. HART and ANDERSON, for this day, on account of sickness.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with all private business for to-day.

Mr. McMILLIN. Heretofore I have been in the habit of insisting on private business on Friday, but realizing the importance of getting appropriation bills out of the way and into the Senate, I shall not do so to-day.

Mr. BAGLEY. I hope we will not dispense with the morning hour, but let committees report back the Senate bills.

The SPEAKER *pro tempore*. Nothing but bills of a private nature could be reported.

Mr. BAGLEY. It would not take over fifteen minutes.

Mr. MATSON. Is the effect of the motion to do away with the evening session for pension cases?

The SPEAKER *pro tempore*. It does not affect that.

Mr. CANNON. Let the Pension Committee report back the Senate amendments. I ask that be done by unanimous consent.

The SPEAKER *pro tempore*. Under the new rule the Speaker can not ask for unanimous consent. The question recurs on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that all private business be dispensed with to-day.

The House divided; and there were—ayes 117, noes 20.

So (two-thirds having voted in the affirmative) the motion was agreed to.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, and pending that motion I yield to the gentleman from Alabama [Mr. FORNEY], who desires to submit a motion.

ARMY APPROPRIATION BILL.

On motion of Mr. FORNEY, the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, with Senate amendments thereto, was taken from the Speaker's table, ordered to be printed with the Senate amendments, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. PERKINS. Pending the motion of the gentleman from Illinois I ask that unanimous consent be given to the Committees on Pensions and Invalid Pensions to report pension bills to the House for action under the special order of Friday evenings.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kansas that under the rule he is not permitted to entertain requests for unanimous consent, but the Chair thinks that it is the province of the committees to make such reports.

Mr. PERKINS. To report them to the House for consideration?

The SPEAKER *pro tempore*. The language of the rule is, "the consideration of bills reported from the Committee on Pensions and the Committee on Invalid Pensions."

Mr. PERKINS. My request is that the committees at the evening session be permitted to make these reports.

The SPEAKER *pro tempore*. The Chair thinks that can be done under the rule.

Mr. TOWNSHEND. I yield to the gentleman from Kentucky [Mr. WILLIS] to submit a motion.

Mr. WILLIS. I move that at 10 o'clock to-night the House take a recess until 10 o'clock to-morrow morning.

The question was taken; and on a division there were—ayes 135, noes 1.

Mr. WHITE, of Kentucky. No quorum. I understand this is a proposition to take a recess to-night.

Mr. WILLIS. I object to debate and demand the regular order.

Mr. WHITE, of Kentucky. I desire to have the Chair state exactly what the pending motion is.

The SPEAKER *pro tempore*. The Chair has stated the motion of the gentleman from Kentucky upon which the House is now dividing, but will again state that it is proposed at 10 o'clock this evening that the House shall take a further recess until 10 o'clock to-morrow morning, upon which question the vote has just been announced and the point is made that no quorum has voted.

Does the gentleman from Kentucky insist upon the point of order?

Mr. WHITE, of Kentucky. I do insist upon it. I think that there should be a quorum present if gentlemen on that side of the House——

Mr. WILLIS. I object to debate, and call the gentleman to order.

The SPEAKER *pro tempore*. Debate is not in order.

The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE were appointed tellers.

The House again divided; and the tellers reported—ayes 164.

Mr. WHITE, of Kentucky. I make no further demand for a count and withdraw the call.

So (no further count being demanded) the motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBOTT, on and after Monday next.

To Mr. GOFF, for three days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of general appropriation bills.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the further consideration of the Post-Office appropriation bill.

At the close of the last session of the House the pending question was on the point of order made by the gentleman from Indiana to the clause of the bill which had been read.

Mr. HOLMAN. I desire to submit a single remark in further support of the point of order. I wish to call the attention of the Chair to the language of section 4011 of the Revised Statutes, which I ask the Clerk to read.

The Clerk read as follows:

Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

Mr. HOLMAN. Mr. Chairman, that the pending proposition changes existing law is manifest; and my main object in seeking the ear of the Chair further is to call attention to what I conceive to be the clear misinterpretation of this section 4009, to which the attention of the Chair was called at an early moment in this discussion.

The CHAIRMAN. The Chair will take the liberty of interrupting the gentleman to suggest that if he desires to close the debate upon the point of order the Chair is informed that a gentleman on the other side wishes to be heard.

Mr. HOLMAN. I desire to close the debate.

The CHAIRMAN. One other gentleman desires to speak upon the other side before the argument is closed.

Mr. HOLMAN. I shall be glad to hear from him before proceeding with my remarks.

Mr. BROADHEAD. Mr. Chairman, I feel some diffidence in undertaking to discuss a question arising under the rules of the House; but this is a question of law. The rules governing the business of this House are laws which are to be interpreted, as I understand it, just as other laws are interpreted.

The question raised here is that the provision of the bill under consideration undertakes to change existing law, and the first section which it is claimed to change is the section 3976; the next is 4007 and 4009.

Now, as a preliminary proposition, I wish to state that there can be no change in existing law until the law itself effecting the change becomes operative. It is admitted on all hands that section 3976 is repealed by the Dingley bill, so called, which goes into operation on the 1st day of April next. The Dingley bill is in conflict with existing law and repeals as soon as it goes into effect that section 3976. Let me ask the gentleman how can any law change existing law until it becomes operative? The law under consideration does not become operative until the 1st day of July next.

Suppose that in this very provision which is under consideration it were declared that on and after the 1st of July next this provision of the bill shall become operative, would it then be in conflict with existing laws? Why, sir, certainly not.

I will give you an illustration which I think is pertinent to the question under consideration. By the constitution of my State it is provided that laws passed by the General Assembly shall not go into operation until ninety days after their passage, unless there is a clause inserted in the bill itself declaring that, because of an emergency and declaring what that emergency is, the law shall go into effect immediately on its approval by the governor. But suppose there is no emergency clause; a bill passes the Legislature, say, to-day; by the provisions of that bill it repeals an existing law. But by the provisions of the constitution it does not go into effect until ninety days after its passage. The supreme court of Missouri have decided that question. They have decided that although the law passed to-day, by the terms of its provisions, by the letter of the law, repealed an existing law, yet it has no effect upon the existing law until it becomes operative in itself, to wit, ninety days after its passage.

Now I think that is a case in point. It is no law at all; it has no effect as a law until it becomes operative; and by the terms of the law itself under consideration it does not become operative until the 1st day of July next, when in the mean time section 3976 of the Revised Statutes has been repealed by the provisions of the Dingley law. So it has not the effect of repealing any existing law. But I can not add anything to the close argument presented by the gentleman from Maryland [Mr. FINDLAY] and by the gentleman from Alabama [Mr. OATES] on that point.

The next point under consideration is whether the provision is in conflict with the provisions of sections 4007 and 4009 of the Revised Statutes. Now, let us look at these statutes; and here is really the only question—I will not say the only question worthy of consideration, but I say it is the only question that suggests itself to my mind as to whether there can be any doubt whatever upon the question whether this does change existing law. That section, 4007, provides as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

There is an absolute authority unlimited but by the provisions of section 4009. There is a limitation there, and what is that limitation? It is this:

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

Now, if the words "on the mail so transported" referred to the first clause of the section as well as the second the point is well taken. But on a fair construction of that section can any one say the latter part of the section refers to the first clause; that is, to the transportation of mails on United States steamships? That first clause is a provision substantive and independent, standing by itself. It says:

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage.

That fixes the limit within which the Postmaster-General may make this contract; and, according to its terms, it includes in its aggregate all the sea and inland postage, according to the provisions of this section of the bill; all, not simply the mail that may be transported on the vessel, as is the case in reference to foreign vessels, but all the sea and United States inland postage. There is there a semicolon separating that portion of the section from the balance. The last clause is:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

What mail "so transported?" Why, sir, the mail so transported on a foreign steamship. The clause is entirely separate and distinct from the first clause which governs and controls and limits the Postmaster-General in regard to making contracts for transportation of mails on United States steamships. The last clause limits the power given to the Postmaster-General over the mail transportation upon a foreign steamship. The first has no limit except the whole amount of inland and sea postage; and the last is limited to the amount of mail so transported upon the vessel.

I defy any gentleman to place a different construction upon that section other than the one I have placed upon it. The first clause refers to transportation of the mail upon American vessels, the second to transportation upon foreign vessels. The first limits the Postmaster-General and the contracts within the whole amount of sea and United States inland postage; the second to the amount of postage on the foreign vessels on which that mail is transported.

These are the two questions, as I understand them, that are presented for our consideration, and it is simply a question of the construction of that provision of the rules which says that we shall not in an appropriation bill change existing law. I say there is no change of existing law made by this provision under the interpretation of the existing law that I have stated here.

Mr. HOLMAN. Mr. Chairman, although I think the argument submitted by the gentleman from Georgia [Mr. HAMMOND] was very conclusive, and one that has not yet been met—that, for the purposes of the rule of the House, section 3936 of the Revised Statutes is still in

force, is existing law, and is affected by this provision, yet, notwithstanding the cogency of that argument, for myself I prefer resting this question upon section 4009, which the gentleman from Missouri [Mr. BROADHEAD] has just discussed; and I feel confident that, after reading that section more carefully, my friend would not submit the argument he has made here either to the Chair or to a court of justice. I am absolutely certain he would not. I am perfectly willing that the interpretation of that section shall control this question of order.

Mr. Chairman, in interpreting a statute the mere punctuation is of no moment, as my friend from Missouri [Mr. BROADHEAD] is aware; but see the absurdity (if my friend will excuse me for using that term) of the conclusion which would inevitably be reached if his interpretation is correct. If a contract is made with a United States steamship it may extend to any sum not exceeding the sea and United States inland postage. The gentleman from Missouri [Mr. BROADHEAD] says that means all the United States inland and all the sea postage—all. That is the force of my friend's position. Now see the absurdity of the hasty reading of the statute that my friend has indulged in.

The next provision is:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage—

That is to say, interpreting the statute as my friend does, that under this section all the inland postage, as well as the sea postage, may be paid to an American steam vessel, while at the same time the same section provides that the sea postage on the mail matter transported by a foreign vessel may be paid to that vessel. How is that possible?

The whole of both the inland and the sea postage may be paid by the Postmaster-General to one class of vessels, American steam vessels; but at the same time, under the same section of the statute, a portion of that money, namely, the sea postage on the mail matter transported, may be paid to another class of vessels. I trust the absurdity of the proposition is sufficiently manifest.

Now, what is the fair reading of that provision of law? It is that for transporting the mails between the United States and foreign countries the Postmaster-General may allow to United States steamships, if the mails are transported by them, any sum not exceeding the sea and the United States inland postage, and if by a foreign steamship, or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported. Further, let my friend [Mr. BROADHEAD] note that under his interpretation of this statute the Postmaster-General is authorized to pay to a single solitary steamship the entire inland and sea postage.

Mr. BROADHEAD. The gentleman misunderstood me. I understand that section 4009 to be a limitation upon the power of the Postmaster-General in making contracts; that is all.

Mr. HOLMAN. Certainly it is a limitation, but it does not limit him so as to recognize his power to apply the entire inland and sea postage to the payment of a single ship, and yet at the same time provide for the application of a portion of the same money—the sea postage—to a foreign vessel to the extent of its transportation of the mails. Why, the proposition is utterly untenable.

But, Mr. Chairman, there is another consideration which should influence us in interpreting this statute, and I ask the attention of the gentleman from Missouri [Mr. BROADHEAD] to it. This statute has been in force for fourteen years, and yet it has never received the interpretation which the gentleman from Missouri now seeks to attach to it. It never has been so interpreted; but, on the other hand, it has been interpreted according to the manifest intent and force of the language, and has been held to mean that the contract of the Postmaster-General with an American steamship company might be for the entire inland and sea postage on the mail matter transported, and with a foreign vessel for the sea postage on the mail matter so transported.

The section has received no other interpretation from the time of its enactment till last night, when a gentleman who disclaimed being a lawyer suggested a contrary construction. Up to that time the interpretation for which I contend had never been doubted—that the Postmaster-General is authorized to contract with American steam vessels for the inland as well as the sea postage on the mail matter transported, and with a foreign vessel for the sea postage only on the mail matter transported. That interpretation makes both provisions in harmony, and carries out what has been the policy of the Government—to pay on the basis of service, as our Government has always paid except in three instances when subsidies were given.

Now, Mr. Chairman, one step further. Take section 4011 of the Revised Statutes——

Mr. HISCOCK. Will the gentleman allow me a single suggestion? Admitting that he is right as to the construction of this section, that it means the specific vessel shall receive the inland and sea postage upon the mail matter carried; admitting that in every case this rule applies under the existing law, is not the provision reported by the Committee on Appropriations a limitation on the power of expenditure?

Mr. HOLMAN. I shall have occasion to look at that question in a moment. Section 4011 is in the following words:

Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

What is the language of the pending bill?

The contract for said service shall be entered into by the Postmaster-General—

The language is imperative—

only after legal advertisement, with the lowest responsible bidder, for a term not exceeding four years.

Will gentlemen say that there is no direct and immediate repeal of the existing statute? The present law leaves the contract open to annulment either by the Postmaster-General or by Congress; the provision of this bill makes the contract a positive and subsisting contract for the period of four years.

In conclusion—for I do not wish to occupy time unnecessarily—I submit that the following changes are wrought in the existing law by the provision of this bill:

The present law fixes the compensation on the basis of the actual postal service rendered; the proposed bill pays a sum of money for the ship in transit to and from our shores and pays a definite sum per mile whether the ship carries a mail-bag or not.

The provision of the present bill changes the terms of the existing law by withholding from the Postmaster-General and from Congress the power to annul the contract, making the contract a definite, specific contract, unannullable for the period of four years.

At the same time this bill increases the amount of appropriation from the appropriation for the present year ($425,000) to $970,000, being an increase to the extent of $545,000 over the appropriation for the present year or for any preceding year. Yet it is said that the provision of the bill operates by way of limitation!

Mr. BAYNE. I would like to ask the gentleman a question, as he has examined this matter very fully. Can he find in the existing law anything authorizing the subsidizing of steamship lines?

Mr. HOLMAN. Nothing whatever. I was trying to present that point.

Mr. BAYNE. And is not this a subsidy to steamship lines?

Mr. HOLMAN. I was endeavoring to show that all our legislation now in force provides for the transportation of mails, whether foreign or inland, according to the mail matter; and this especially applies to the transportation of every foreign mail, whether by foreign or American vessels. Yet this bill proposes to pay, not on the basis of service, but on the basis of so much per mile traveled by the vessel, whether the vessel transports a mail or not. In other words, the present law rests on the basis of service rendered; the proposed law rests on the basis of an arbitrary subsidy—just that, nothing else and nothing more. In this respect there is a vital change in the principle upon which our laws now rest.

Mr. ELLIS. Will the gentleman from Indiana state how this is any more a "subsidy" than the compensation we pay to coastwise steamers, which now receive 10 cents more per mile than this bill proposes to pay to ocean steamers?

Mr. HOLMAN. There is no comparison between our inland mail service——

Mr. ELLIS. The gentleman from Indiana, adopting the suggestion of the gentleman from Pennsylvania [Mr. BAYNE], calls this a "subsidy." I want either of these gentlemen to explain in what respect it is any more a "subsidy" than the compensation now paid to coastwise steamers, or the compensation paid upon star routes, or the compensation to steamboats or railroads for carrying the mails.

Mr. HOLMAN. It is a subsidy, for the reason that it does not rest on the basis of the service rendered, but on the arbitrary principle of paying a given sum without reference to the extent and character of the service. I believe I have presented all the points I desired to present, and I will only further call the attention of the Chair to the fact that there is an increase of appropriation over former years of $545,000.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] makes the point of order on the pending paragraph of the bill to the effect that it changes existing law and does not retrench expenditure. The gentleman from Kentucky [Mr. THOMPSON] made the further point that if there were any provisions in this paragraph which were obnoxious to the rule, that then the whole paragraph should be ruled out. In reference to that matter the Chair desires to state the authority submitted to support that view was the ruling of a previous occupant of the chair on an amendment to some pending measure. But this is the text of the bill, and it would not be contended by any gentleman if there was one clause of a bill obnoxious to the rule the Chair should therefore rule out the whole bill. The Chair would only regard such substantive clause as obnoxious to the rule as might be brought under its provisions.

The first question to be considered on this point of order is whether the pending bill changes existing law. The argument made by the honorable gentleman from Georgia [Mr. HAMMOND] is that if section 3976 of the Revised Statutes is existing law there would be no difficulty in deciding this point. But the Chair is of the opinion, as this legislation does not take effect by its very terms until July next, that all questions as to what is existing law must be determined with reference to that time. And it appears by section 23 of what is known as the Dingley bill that that section of the Revised Statutes has been repealed to take effect on the 1st day of April next. This legislation

therefore must be considered in reference to the condition of the law at the time this is to take effect.

Now, so far as this matter is concerned, the Chair will hold the existing law is the Dingley bill, and sections 4007, 4008, 4009, and 4011 of the Revised Statutes. That is, we must consider the question whether it changes existing law by comparing the pending bill with reference to the sections of the Revised Statutes which have been indicated.

Section 4007 gives an unlimited power on the part of the Postmaster-General to make contracts for carrying the mails at any price he may agree upon. Section 4009 imposes a limitation upon that power. Section 4011 contains a reservation that Congress may at any time terminate these contracts. Such a provision, if the Chair is not mistaken, applies to all leases for buildings used for post-office purposes, the Government generally reserving the right to terminate such leases at its pleasure. The Chair does not think this section is repealed or modified in any way by the pending bill; that it will be in existence if this bill is enacted into law; that all contracts made will be subject to the provisions of section 4011, which gives the Government the right to terminate these leases at any time.

That leaves only section 4009 as affected by the point of order. Prior to the passage of the Dingley bill section 4009 was modified to the effect that the payment of postage on American vessels was limited to 2 cents for each letter carried. That is the language of section 3976, which was repealed. While that was the law all American vessels were limited to 2 cents on each letter actually carried, and appropriations were made only with reference to that fact.

It does not follow, therefore, the expenses of the current year or of the past year are any criterion of what it may cost to carry the mail under the law after the 1st day of April next. The law which limited the compensation to be paid to American vessels was repealed by the twenty-third section of the Dingley bill. If Congress intended what it actually did it struck out the provision of law which limited the payment of American vessels to 2 cents a letter for letters actually carried, and left only as a substantive proposition the first paragraph of section 4009 standing, that the Postmaster-General may allow as compensation any sums not exceeding the sea and United States inland postage. What that sum is can only be determined by reference to the reports of the Postmaster-General as to the amount of sea and inland postage. And it is given here not only for the purpose of determining the amount to be appropriated, but to determine the maximum to be contracted for for that purpose. Hence the argument of the gentleman from Indiana that there would be inconsistency in appropriating the whole amount at one place and only a portion in another is not well taken, from the fact that neither of the sums is appropriated by section 4009, but are merely given as a basis upon which contracts may be made.

The Chair is therefore of the opinion under section 4009 that there is no limitation on the power of the Postmaster-General in granting compensation for carrying the mails on American ships except it does not exceed the sea and inland postage. But there is a limitation upon foreign steamships to sea postage upon the mail so transported, and that this limitation is not upon the other clause of the bill, and that that was expressly repealed by the repealing section 23 of the Dingley bill.

The Chair is, therefore, of opinion that we are to consider this pending bill with a view to that construction of this section; and it therefore appears to the Chair that the provisions to which the gentleman has called attention in this section, that the payment is to be made by actual trips, is simply a limitation on the law as it exists, and the appropriation in the bill of $600,000 of the net revenues of the Postal Department is a limitation upon the Postmaster-General as to the amount to be expended and placed at his disposal for this purpose, which the Chair regards as a limitation of his power and not an enlargement of it; and so also in regard to the number of trips, which so far as it changes existing law is a limitation of his power and to that extent retrenches expenditures.

The provisions in the two last provisos may be subject to the point of order the gentleman from Kentucky [Mr. THOMPSON] has suggested, and if insisted upon when the committee has finally disposed of this question the Chair would be compelled to hold the point well taken. In making this ruling the Chair has decided it purely as a legal question and as a legal construction of the rule and the statutes combined, and will not feel at all sensitive as to the action of the committee should an appeal be taken.

Mr. THOMPSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON. There was so much confusion in the Hall that I could not hear the decision of the Chair upon the two last provisions of this clause.

The CHAIRMAN. The Chair stated that it was possible, after a careful reading of the provisions, that the provisos beginning with line 243 down to and including line 252 were subject to the point of order, and if the gentleman insisted upon it the Chair would so hold.

Mr. HOLMAN. I believe the Chair holds the effect of the provision is either to change or repeal section 4009. Therefore, there is some law repealed, because by the very terms of the amendment it repeals all laws in conflict therewith. The Chair, however, did not mention in what manner this clause reduces expenditures

The CHAIRMAN. The Chair stated that in so far as this limited the power of the Postmaster-General to contract for the service upon American ships to the amount of the sea and inland postage it was a limitation on his power, and to that extent operated as a retrenchment of expenditures.

Mr. HOLMAN. Mr. Chairman, this question is of so vital importance to the country that I shall most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The appeal is upon the decision of the Chair holding this section to be in order under the rule.

Mr. HOLMAN. Upon the ruling of the Chair that this provision does not repeal existing law and that it does retrench expenditures.

Mr. THOMPSON. Mr. Chairman, the point of order I made upon this measure I regard to be of so much importance that I respectfully also appeal from the decision of the Chair.

The CHAIRMAN. The Chair will entertain the first appeal, that of the gentleman from Indiana; afterward the gentleman from Kentucky will be heard.

Mr. THOMPSON. I understand that I must make the appeal immediately, for if any intervening business is permitted I shall be deprived of the privilege.

The CHAIRMAN. The gentleman from Indiana has the right to take an appeal.

Mr. HOLMAN. I take an appeal from the decision of the Chair in its entirety.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana for that purpose.

The question is, Shall the decision of the Chair stand as the judgment of the committee. The Chair desires to ask that tellers may be appointed upon the appeal. If there be no objection the Chair will appoint tellers.

Mr. TUCKER. It is entirely unnecessary; and I object to the appointment of tellers.

The CHAIRMAN. Objection being made, the question will be taken on a division.

The committee divided; and there were—ayes 104, noes 37.

Mr. HAMMOND. Tellers.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. May not a motion be in order upon this question to order that the committee rise with a view of testing the sense of the House on the question of order raised?

The CHAIRMAN. That could only be done now by unanimous consent, as the committee is dividing.

Mr. ELLIS. I object, and demand the regular order.

The CHAIRMAN. The Chair will appoint tellers.

Mr. HOLMAN and Mr. WASHBURN were appointed tellers.

The committee again divided; and the tellers reported—ayes 130, noes 45.

So the decision of the Chair was sustained.

Mr. HOLMAN. Mr. Chairman, I move to strike out the pending paragraph.

Mr. HISCOCK. I desire to make an inquiry. Do I understand that the Chair has ruled out already a certain portion of the paragraph?

The CHAIRMAN. The two provisos at the end of the clause, beginning with line 243, down to and including line 252.

Mr. THOMPSON. Mr. Chairman, I desire to take an appeal from the decision of the Chair upon the point of order I made.

The CHAIRMAN. The gentleman from Indiana appealed from the decision of the Chair upon the whole question submitted, which embraced the point of order of the gentleman from Kentucky. That having been decided, the Chair does not think a further appeal would now be in order.

Mr. THOMPSON. As I understand it the gentleman from Indiana appealed from the decision of the Chair upon the point of order.

The CHAIRMAN. The gentleman from Indiana stated he appealed from the whole ruling of the Chair.

Mr. HUNT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUNT. Did not the gentleman from Indiana say distinctly that he appealed from the ruling in its entirety? And was not the question so put and voted on?

The CHAIRMAN. The Chair has so stated.

Mr. CANNON. I understand the two provisos, from line 243 to the end of the paragraph, are out on the point of order.

The CHAIRMAN. The Chair so stated at the time.

Mr. WASHBURN. That was not the understanding of it generally, I think.

The CHAIRMAN. The Chair stated those two provisos were substantive propositions which stood alone, and that the fact that a particular clause in a paragraph was obnoxious to the rule did not make all of the paragraph obnoxious to it; and that the Chair was only authorized to rule out such parts of the bill as were obnoxious to the rule.

Mr. HORR. It was not understood here, and it was not understood when we voted, that that was the fact.

The CHAIRMAN. The Chair stated it distinctly. The gentleman from Indiana moves to strike out the paragraph. Is the committee ready for the question?

Mr. HOLMAN. Mr. Chairman, it may be suggested that as the Dingley act repeals section 3976 of the Revised Statutes requiring American vessels to carry foreign mails at a specific rate, some provision should be made to secure the transportation of foreign mails by American vessels. I do not enter into the apprehension of gentlemen that the repeal of that section will produce any possible embarrassment to the foreign mail service. It will produce none whatever. The mails will be carried as heretofore if no additional legislation is provided—just as they have been carried for years past. While section 4009 of the Revised Statutes remains in force, as it will remain in force, no embarrassment whatever can occur to the postal service. Under that provision the Postmaster-General may contract with the American steam vessel for the transportation of mails, paying them both the inland and sea postage on the mails transported, and to foreign steamships the amount of the sea postage on the mails transported, just as is now done and has been done for many years past. Under that law under which the great body of foreign mails have been carried for years there will be no embarrassment whatever. All of the transatlantic mails are now carried under that law, and I trust no gentleman will vote in favor of the subsidy proposition now pending on the theory that otherwise some embarrassment will accrue to our foreign postal service.

There was never an imperative necessity for section 3976, the section repealed by the Dingley act. It was only enacted because certain lines of American steam vessels twenty years ago refused to carry the mails for the United States inland and sea postage and sought to compel the Government to pay exorbitant rates on the mails transported; and inasmuch as these vessels—American vessels—were deriving great benefits from their exclusive right to the coastwise trade, and that trade was always open to them and to them exclusively, it was not then regarded a hardship to require them when they sailed to foreign ports to carry the mails at reasonable rates, and the then sea postage, 2 cents on each letter, was regarded by the Postmaster-General and by Congress as a reasonable rate; hence that law of 1864 was enacted.

Mr. ELLIS. The coastwise vessels never were under the operation of the compulsory postal law.

Mr. HOLMAN. Of course section 3976 did not apply to the coastwise trade. My friend misapprehends. The American vessels having the exclusive right to engage in the coastwise trade, a right of immense benefit to them, it was not thought to be an unreasonable burden when they engaged in the foreign trade, with the right always to re-enter the coastwise trade, that they should be required to transport the United States mails at a reasonable rate. The right to engage at all times in either the foreign or the coastwise trade of the United States, which our laws secure to our ships exclusively, of course adds very greatly to the value of the American ship.

Mr. DINGLEY. But this does not apply to vessels in the coastwise trade.

Mr. HOLMAN. I am surely very unfortunate in this failure to express my views. I stated that in 1864 this duty to carry the American mails at reasonable rates was imposed on American ships because of the extraordinary advantages conferred on them by our laws. If they went to a foreign port they were required to carry the mail as I have mentioned, but they had the valuable right, an exclusive right, to enter at any time the coastwise trade. While we gave them the exclusive control of the coastwise trade, adding greatly to their value, there was no reason why they should not bear reasonable public burdens, or at least be subject to reasonable regulations, for the public benefit. And besides that, twenty years ago it was not deemed a great hardship by the Republican leaders in Congress that vessels enjoying the monopoly of the coastwise trade whenever they wished to enter it should be required to carry the mails and take all the postage.

Mr. HUNT. Was not the postage very high then?

Mr. HOLMAN. The sea postage was then 2 cents on each letter. That was supposed to be a reasonable rate, and is still.

But now, Mr. Chairman, to avoid the possibility of its being said we have left the postal service embarrassed, I propose that we shall revive section 3976 of the Revised Statutes and keep it in force for one year, and in the mean time, if the slightest embarrassment shall arise, some course may be adopted to relieve the foreign mail service from such embarrassment without resorting to the fatal expedient of a subsidy, and for that reason I submit the amendment which I send to the desk.

Mr. ELLIS. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ELLIS. Is there not pending a motion to strike out the entire paragraph?

The CHAIRMAN. The gentleman from Indiana moved to strike out the paragraph, but he may modify his motion so as to strike out and insert. Is that the gentleman's motion?

Mr. HOLMAN. Yes, sir.

The Clerk read the proposed amendment, as follows:

Strike out the pending paragraph and insert:

"Office of superintendent of foreign mails: For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000.

"That section 3976 of the Revised Statutes, as in force on the 1st day of January, 1878, be and the same is hereby re-enacted, and the same shall continue in force for one year from and after the passage of this act."

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. THOMPSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 25) to fix the date for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, have reported to the Senate that the conferees of the two Houses having met, after full and free conference have been unable to agree.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HOLMAN. That restores for the present exactly the existing law and the exact present state of the appropriation, and gives us until a year to consider this subject and determine what is proper to be done, without adopting the subsidy principle.

Now a word further. Up to this time, excepting four instances, the mails of the United States have been carried abroad on the basis of the service actually rendered—the mail actually transported. The pending provision of this bill abandons that principle, and, instead of providing for payment upon the basis of the postal service rendered, it provides for paying a subsidy to these vessels whether they carry the mail or not.

Mr. DINGLEY. Does the gentleman from Indiana [Mr. HOLMAN] mean to state that this pays a subsidy to a vessel whether it carries the mails or not?

Mr. HOLMAN. The vessel will carry the mail if any is furnished, but it gets the subsidy any way. If you enter into a contract with the Pacific Mail Steamship Company, that powerful organization which has been pressing this measure forward with such industry, if you permit a contract to be entered into with that corporation, which now receives $31,000 a year, it would receive under this law at least $143,000. And I submit that whether you furnished them with mails to carry or not, whether you sent your mails by their vessels or by the White Star line, still this company would receive this enormous subsidy of 50 cents per mile for every mile traveled going to China and Japan and returning.

In the past subsidies have been granted to four lines—the Collins line, the line from New York to Rio, the line to the Sandwich Islands, and the Pacific Mail Steamship line. And can any gentleman say that this country ever received any advantage, or that any other results followed from those subsidies except, so far as the latter one was concerned, national dishonor?

Sir, I am confident that no member who was on this floor only a few years ago and saw the subsidy to that corporation increased by half a million dollars can ever wish to see the like done again, can ever be willing to see the dangerous and corrupting principle of subsidy again brought under consideration in Congress. No, sir. Men came here with untarnished reputations, clothed, as it were, with the dignity and authority of representatives of the people; but, under the baneful influence which this principle of subsidy ever inspires, they left here clothed with dishonor and disgrace.

For one, I protest against entering again on this evil principle. I am willing to vote to pay, to the last dollar, the sum of money that is required to compensate these parties for the service which they render in the transportation of the mails of the United States at home and abroad; but I am not willing, in view of the past history of subsidy in this country, either land subsidy or subsidy on the pretense of postal service, to see that principle which has been so unfortunate in the past, so demoralizing in the past, so humiliating in the past, again brought forward and permitted to obtain a standing in the American Congress. And, for one, my protest will be entered now and forever against it.

Mr. HAMMOND. Will the gentleman from Indiana [Mr. HOLMAN] allow a question for information?

Mr. HOLMAN. Yes, sir.

Mr. HAMMOND. The twenty-third section of the Dingley bill repeals sections 3976 plus 4203. Why do you leave 4203 out of the amendment you have just offered?

Mr. HOLMAN. Does my friend think it necessary to re-enact it?

Mr. HAMMOND. I think it ought to accompany the other section.

Mr. HOLMAN. Then I am perfectly willing that it should be added to the amendment.

Mr. HUNT was recognized by the Chair.

Mr. ELLIS. Mr. Chairman, before my friend [Mr. HUNT] proceeds, I merely wish to say that I trust time will run as smoothly and uninterruptedly for him for eleven minutes as it has run for the gentleman from Indiana [Mr. HOLMAN].

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] first moved to strike out the section, and addressed the committee for five minutes upon that. Then he withdrew that motion and moved to strike out and insert, and the Chair regarded that as a new proposition, which entitled him to five minutes more. That is how the gentleman from Indiana [Mr. HOLMAN] held the floor so long.

Mr. HUNT. Mr. Chairman, notwithstanding the uncommonly warm manner in which the gentleman from Indiana [Mr. HOLMAN] has addressed the committee, I am encouraged by the reflection that he has constantly spoken in a similar spirit since the Post-Office bill has been under consideration, and seldom if ever during that time without failing to carry a majority with him. The gentleman began by expressing the opinion that there would be no difficulty in existing circumstances about the carrying of the foreign mails. The fact is, we are brought to this condition, sir, that there is now no power in the Postmaster-General to compel vessels to carry the mail, as he formerly could do, and the only resource left him is to attempt to enter into contracts at rates which are likely to be declined as entirely inadequate, and which are in the judgment of the Shipping Committee contrary to sound public policy. Therefore, notwithstanding the belief of the gentleman from Indiana, I oppose to his the opinion of the Shipping Committee, which has given full, long, deliberate, and intelligent examination to this topic, and which is really the legislative author in this House of the principle which has been incorporated into the present appropriation bill.

Now, Mr. Chairman, what does the Shipping Committee propose? It proposes to give, out of the revenue of the Department, aggregating some $1,700,000, the sum of $600,000—a portion only of the net revenues derived from sea and inland postage—for the carriage of the mails in American steamships to foreign countries. What is the fact in this regard? When the amount of sea and inland postage was originally fixed—and nobody ought to know this better than the gentleman from Indiana, for I call all to witness the extent of his general information—when the law determining the postage in this way was adopted the rates were high, and the compensation therefore considerable. A change in the law is required by the exigency in which the Department finds itself because of the change in the rates of postage.

In the portion of my five minutes remaining I am brought now to consider what the gentleman says about subsidies.

Mr. Chairman, the object of this measure is to unify the postal system of the United States—to have the same system apply to the ocean-going mail service that applies to the service on the land. If you will look at your star-route service, your steamboat service, your coastwise service, you will find the compensation for carrying the mails will average some 57½ cents per mile.

Mr. FINDLAY. On six routes on the Pacific slope it is 66⅔ cents per mile.

Mr. HUNT. When you consider that the service on the ocean is attended with more risk, demands the investment of larger capital, and is connected necessarily with the maritime growth and glory of the country, and identified likewise with its proper naval development, has any reason been given, can any reason be suggested, why this service should be performed, as is frequently the case, at the cost of the vessels entering upon it, while at the same time the service on land is performed at the liberal rates to which I have referred?

To conclude, Mr. Chairman, the gentleman from Indiana has drawn a vivid picture of what he says was the scene of shame here when the Brazilian mail subsidy——

Mr. HOLMAN. No, the Pacific mail.

Mr. HUNT. When the Pacific Mail subsidy was advocated and obtained some years ago. Let those blush who have occasion to do so. What have the occurrences upon that occasion to do with what Congress is doing now? After many sessions of a committee, headed by a gentleman [Mr. SLOCUM, of New York] than whom none commands greater respect in the House—after the hearing of numerous witnesses, after anxious consideration kept up ever since the opening of Congress, and after obtaining all the information that was practicable, the result of which I have spoken was reached and brought before the House.

[Here the hammer fell.]

Mr. ELLIS. If I can be recognized I will yield my time to my colleague.

Mr. HUNT. I am much obliged to my friend.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. ELLIS. I move to amend the amendment by striking out the last word, and I yield my time to my colleague.

Mr. HUNT. Mr. Chairman, after public and honorable action of this kind, what right has the gentleman from Indiana to come here and remind us of scenes of disgrace of a former time? What right has the gentleman to tell us of corporations that are pushing their claims industriously? This committee knows nothing of any means that have been taken which were not open and fair and creditable. If it is a crime to have sought for information upon the subject before them, with the desire to develop the naval resources of the country and increase its maritime strength—if that be an offense I wish very much, and I have the right to say so from the way in which the gentleman has spoken, that the gentleman from Indiana had been a participant in it, because he would have spoken in a higher and better spirit than he has to-day.

Mr. Chairman, we have received from all parts of the country, from all well-informed men, from all persons who feel an interest in the development of the maritime strength of the country, from all who have watched the decaying power of its merchant marine, anxious representations that some little at least should be done for the purpose of reviving it. And in our effort to do so our chief regret has been that we could give only the modicum proposed by the bill under discussion in the way of compensation; for, Mr. Chairman, in the popular acceptance of the term, this is no "subsidy." You are as wrong, sir [turning to Mr. HOLMAN], as you have been persistent; you are as mistaken as you have been indefatigable.

The CHAIRMAN. The gentleman from Louisiana must address the Chair.

Mr. HUNT. Mr. Chairman, the fact being as I have stated, the fact being as I have endeavored to lay it before the committee, we have brought in here a bill which involves the principle of just compensation only. Is it right to give a *quid pro quo*? Is it right to pay a man for work and labor done? Is it right to pay your railroads for transporting the mails? Do the men who work upon the cars, do the men who build the railways, do the men who own them, do the men who carry on the mail service on land deserve to be paid or not? If they merit to be paid, do the men who own the steamships, do the men who ply the seas, do the men who bare their breasts to the storm, do the men who carry the flag at the masthead into foreign countries to tell of a prosperous, a free, and an adventurous nation—do they deserve to be left without reward for similar service upon a more dangerous element? There is but one opinion throughout the country on the subject.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. COLLINS having taken the chair as Speaker *pro tempore*, a message, in writing, from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that he had approved and signed a bill and joint resolution of the following titles:

An act (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; and

Joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position.

THE POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. BLOUNT. Mr. Chairman, the repeal of the law for foreign postage provided for in the Dingley bill occurred under circumstances which did not attract the attention of the great body of this House. It came in by virtue of a conference report. It came in under the counsel of gentlemen who are anxious not so much to give just mode of compensating steamships for carrying foreign mails as for the purpose of subsidizing vessels engaged in foreign trade by giving them large sums for carrying the mails. I submit, therefore, in view of the history of these transactions that we need not stand upon technicalities.

The gentleman from Maine [Mr. DINGLEY], the other day, when discussing this proposition, undertook in the general debate to illustrate its importance by calling the attention of the House to the fact that other great nations of the world were improving their commerce by giving large subsidies. My friend from Louisiana [Mr. HUNT], in his report upon this subject, likewise called attention to the great importance of improving American shipping by granting subsidies, and he cited the action of other governments. He called attention to the lines to China, Japan, and India, to France with 8,000,000 francs, to South America with 3,000,000 francs, to the Mediterranean, 4,000,000 francs, making a total of annual pay of 23,000,000 francs. Then he cites various subsidies on the part of the British Government and by the German Government. He shows but for these enormous subsidies these vessels would have to abandon their business.

Now, sir, I think we have fairly opened the question of subsidies when we come to look at the statement of these gentlemen in their reports and their arguments in favor of the Dingley bill and other measures. I say when these gentlemen have demonstrated the fact that these great steamship lines would go down but for these subsidies in foreign countries, how are we to hope to sustain the same lines in this country under more adverse circumstances? Germany does not hesitate, notwithstanding her subsidies, to go into every place on the face of the earth to buy her vessels at the cheapest rate. Great Britain did not hesitate to come to America years ago and buy the fast clippers of Baltimore; and so it has been with most of the nations of the earth. Yet under your navigation laws you are compelled to keep away from the markets of the world and use your own overprotected vessels. Then with a subsidy not equal to those foreign subsidies you seek to lure us into the thought we are likely to rebuild American shipping.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. I withdraw the formal amendment.

Mr. BLAND. I renew it, and will yield my time to the gentleman from Georgia.

Mr. BLOUNT. If that is true, Mr. Chairman, and I think it is irresistible, then with greater subsidies than we have proposed and with our adverse navigation laws we can not hope to revive American shipping by this increase. What is it then? Is it a mere illusion in this House? Is it an admitted failure that there is not to be competition with foreign ships in this way; and, if so, what is it but simply an effort to increase the compensation of the few lines we have now in existence? It seems to me, sir, that is all there is in it.

A distinguished gentleman on this floor said to me the question of order raised on this bill or the objection was presented to him for argument on this floor—presented by the agent of the Pacific Mail Steamship Company. Now, sir, I am not here to undertake to deny gentlemen have the right to present it, but simply to illustrate what I believe to be true, that it is these few lines in existence which seek by the repeal of the shipping bill to increase the sums of money to be paid to them under our postal laws. Now, the gentleman from Louisiana [Mr. HUNT] objects to the gentleman from Indiana saying this House should proceed cautiously in this direction. That gentleman from Indiana [Mr. HOLMAN] was here and witnessed the scenes so memorable in connection with this Pacific Mail Steamship Company years ago. Congress, honestly, no doubt, doubtless impressed by the arguments, influenced by the persuasion perhaps of suggestions emanating from this source, did grant large sums of money in aid of the Pacific Mail Steamship Company; what was the result? It resulted in scandal to the party in power. It turned not the gentleman from Indiana alone, nor any particular member of this House, but the whole American people, from that subsidy, and from that hour until now the public judgment has been adverse to it; and I trust, sir, that in the presence of the incoming administration, with the Democratic party on record whenever it has had an opportunity, standing up against this matter, whatever form it may have assumed, with that party in this House to-day and for the future to resist what I believe to be no more or less than a subsidy.

[Here the hammer fell.]

The formal amendment by unanimous consent was withdrawn.

Mr. FINDLAY. I renew it. Mr. Chairman, the original question seems to be shifted. The original proposition was to strike out, but that has been superseded by the proposition to insert, and the matter to be inserted is the old compulsory feature of the system which we have abolished, to go into effect on the 1st of April. Gentlemen, therefore, ought to be met on that proposition; and the question which addresses itself to the House is whether or not they are prepared to say that an American vessel about to leave port, with the wind fair and all on board, shall not receive her clearance unless she agrees to carry the mail at 2 cents a letter or at the price fixed by the United States.

Now, I want to know by what authority that is done. It is true that the vessel goes out upon the high seas documented by the Government, but she is none the less the property, the individual property of the citizen because she is on the high seas; and none the less entitled to the protection of the Government, and just as much entitled to it as any citizen is entitled to the protection of his property on the land. Therefore, I say when the United States comes in and by the strong arm of power refuses a clearance to a vessel unless it agrees to take mail matter on board upon the terms fixed by the United States itself, it is equivalent to the taking of private property for public use without making just compensation therefor.

Mr. ELLIS. That is it exactly.

Mr. FINDLAY. So far from there being any subsidy in this thing it is simply a compensation; the payment of an honest sum for a fair and honest service. Why, sir, think of it—think of the United States going on your farm, impressing your wagons and mules to carry the mails. What difference is there between the United States saying to the farmer, I want your wagon and your horses to carry this mail of the United States, as to say to the ship-owner, you shall not leave port unless you agree to carry the mail, and carry it at the price I fix?

Mr. DINGLEY. And it only says that to the American vessel.

Mr. FINDLAY. Yes, sir; it does not say it to the foreign ship-owner, thereby making a discrimination against the American vessel.

Mr. Chairman, we have been proclaiming in our State and national platforms, and discussing the question here, and every man rising up on this floor says: "Let us do something for the merchant marine of America, that America may take a step, though it be a feeble step, in the right direction." But the moment that step is taken we are met by a tide of obstruction. I confess I can not understand it.

Now, sir, I have taken an average of six of the steamboat coastwise routes on the Pacific slope, and I find that the prices paid them for mail transportation is 66⅔ cents per mile. Is that a subsidy?

Mr. MONEY. These gentlemen say it is.

Mr. FINDLAY. Yes, according to the definition of these gentlemen it is a subsidy; but these men say, "We will not carry your mails unless you pay us a fair sum for it." On the other side you say to these people, "You shall carry our mail, and it makes no difference what price we pay you." Is that fair, is it honest, is it just? I say nay.

Then again, Mr. Chairman, there is a recognized distinction between the star-route service and the steamboat coastwise service—one, I mean the steamboat coastwise service, being paid a higher rate than the star route, and why? Because it takes the risk of the seas. You go to a man and say, "Here is a mail-bag; I want you to carry it; you shall carry it, and carry it on my terms." He says, "I do not know what the contents are. I know it is valuable, because valuable things come in this way. I do not care about taking the responsibility of carrying the mail-bag." But you say, "You shall carry it; you shall not leave port unless you do; and you shall carry it at the price I fix, or practically for nothing."

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. If I can be recognized I will yield to the gentleman from Maryland.

Mr. FINDLAY. That is all I desire to say at present.

Mr. MILLS. Mr. Chairman, it has been said that we can have our mail carried on the ocean for $55,000 a year under the existing law, while the bill presented by the committee proposes to change that existing law so as to require the Government to expend about $600,000 for the same service.

Mr. DINGLEY. It does not require it; that is only the limit that may be expended.

Mr. MILLS. Yes; but it will go to the extreme limit. That is what the bill is for. It is made for that purpose.

Mr. DINGLEY. But the service is still open to competition.

Mr. MILLS. But the very bill which bears the gentleman's name, which passed through Congress, was passed for the purpose of making it possible for this subsidy to pass through Congress.

We have heard, sir, very much said about the Government taking the private property of the citizen for public use without making just compensation. Why is it in this connection we have heard nothing said in condemnation of the policy that is constantly persisted in of taking the private property of the citizen of the United States for private use without any compensation? What right have the Congress of the United States to put one hand of the Government into the pockets of its laboring people and take from them their daily earnings, thereby to build up John Roach for John Roach is the "nigger in the wood-pile" in this bill.

But perhaps there is patriotism in this bill. The mails of the United States can not be carried for $55,000 on foreign bottoms; but they must be carried in American vessels, in vessels built by American shipbuilders, carrying our colors and registry of American origin, and nobody but John Roach has the benefit of that provision of the law.

I ask if there is a gentleman on this floor who in his own private business affairs would be guilty of so squandering his revenues as to pay $600,000 for that service which he could get done for $55,000? What right have we as the public trustees of the people to put our hands into that fund that is wrung by our unjust and exorbitant system of taxation from the labor of this country and give as a bonus to Mr. Roach $600,000 for the service we can get for $55,000?

Mr. ELLIS. May I ask my friend from Texas a question?

Mr. MILLS. Yes, sir.

Mr. ELLIS. Why not strike out from the proposed re-enactment the 2 cents and compel the vessels to do the work for nothing? Then you will save $55,000.

Mr. MILLS. It has been asked why we compel the vessels of the United States to carry the mail and refuse them a clearance unless they do it. The Government of the United States can confer its protection and its flag upon vessels upon whatever terms it pleases, and wherever a vessel goes to sea and carries the power of this nation for its protection with it, this Government has a right to say upon what terms it will confer that power upon the vessel. It prescribes the terms upon which it shall carry its mail. And why should the Government go down on its knees and say to Mr. Roach that it will give him $600,000 as subsidy to carry the mail of the United States on American vessels when foreign bottoms will carry it and are now carrying it for $55,000?

I agree with my friend from Georgia [Mr. BLOUNT] it is a bad start for a Democratic administration just ushered into power, and, after being out for twenty-four years, once more brought to the confidence of the American people, after constant condemnation of subsidies and extravagant appropriations of this kind—I say it is a bad start for that administration that, a few days before we see the President-elect taking the oath of office to support the Constitution and laws and promising a great reform to the people of the United States, this Congress should go down on their knees to John Roach and grant him a subsidy of $600,000 for carrying the mails, when they could get it done equally well for $55,000.

[Here the hammer fell.]

Mr. PHELPS. Mr. Chairman, if I get the opportunity I shall move to amend the section by striking out the limit of $600,000, so that the net revenue of our foreign mail may be placed without reduction in the hands of the Postmaster-General to use for these great objects. The net revenue last year was $1,700,000. This surely is not too much to expend for objects every way worthy, and especially dear at this time to the hearts of the American people. It is to revive American commerce and to recreate the merchant marine, of which our fathers were so proud. The sum is small compared with the last sums spent by our rivals in these great enterprises. They give all their net revenue; more, they give all their gross revenue; more, they add to it all that their treasuries will allow.

England gave last year a million and a half of dollars more than her gross receipts, making nearly five millions; France gave four and a half millions; Italy two millions; Austria one million; Spain one million; little Holland $300,000. Our great Republic gave $327,000! Are you proud of this, gentlemen of the committee? And why should we treat our foreign service so much worse than our domestic? Will members believe it? We sent our steamships the dreary width of the Pacific and paid them 2¾ cents per mile. We sent our steamships down the coast that they might deliver the mail in sight of their homes, and paid them 57 cents per mile; and if you want to carry in your minds a neat illustration of the crying injustice of this discrimination, remember that to carry the mail from Brasheer to Galveston, a single night's trip, we paid a company $50,000; and at the same time we paid the vessels that carried the American flag to China, to Japan, and to Australia the munificent sum of $14,849.

If we pay 57 cents a mile to carry our mails on the coast, is 50 cents a mile too much to pay the American owner who sends his steamer half way round the globe?

England, and America, and France are struggling for the commerce of South American ports. England sells in them one hundred and twelve millions of her products; France, seventy-seven millions, and the United States, sixty-four millions. Why this anomaly? Our neighbors on this continent prefer our manners and our merchandise, but American men and American manufactures can reach them only by Liverpool. A double trip across the Atlantic is a burden which crushes even American energy and hope; and we have to see the country tributary to these ports supplied from the European market. What ought to be our home market is left for foreigners to profit by.

Non-manufacturing countries everywhere are the markets for which civilized nations compete. We can secure them only by sending our flag and our mail-bags. Trade never fails to follow the flag. Do you doubt it? Do you doubt that these are the pioneers that open the way, or that when the way is open American manufacturers can not walk profitably in it?

Look at our commerce under this medicine. Look at the countries where we have managed to secure some kind of regular or irregular communication. Since 1866 our Mexican trade has multiplied four times; our Central American trade eighteen times; and our Australian trade three times.

Our exports to Mexico were $3,700,000, now they are $14,300,000; to Central America were $120,000, now they are $2,000,000; to Australia were $3,400,000, now they are $9,600,000. And yet these are the very countries where British trade fights us with the resources of a generous government and the determination to check and destroy our competition. Last year Great Britain paid the steamships that carried her flag and mail-bags to Mexico and the West Indies $420,000; we gave $9,800. She gave for the encouragement of her trade in China and the East Indies $1,700,000; we gave $14,800. Does the American merchant have a fair chance with the British merchant? We ask that he should have some aid in this bitter competition. And my friend from Pennsylvania [Mr. BAYNE], generally considerate and wise, strives to frighten us from giving it by raising the ghost of a subsidy. This is too bad, for the average member starts at the ghost of a subsidy as Macbeth started at the ghost of Banquo. And yet this ghost ought "to down." This is no subsidy. A subsidy is a gift without consideration. Or it is a payment so excessive as to grossly overmatch the service rendered and to become a gratuity. Here is no gift, no excessive payment, no subsidy. The provision asks only a payment scarcely adequate to the service rendered; a service vital to the interests of our manufactures and to the men they employ; a service vital to the existence of American shipping.

I hope, Mr. Chairman, that this provision will pass, for it is the first step in a policy which will revive our manufactures, employ our labor, and place again in the ports of the world the vessels of American merchants busied in the pursuits of peace.

[When Mr. PHELPS had spoken five minutes the hammer fell. Mr. WASHBURN was recognized and yielded his time to Mr. PHELPS, who concluded his remarks as above printed.]

Mr. TOWNSHEND. Mr. Chairman, unless I can have unanimous consent to limit the debate on this portion of the bill I must move that the committee rise for that purpose. My object is to reach a final vote on this bill before 5 o'clock, at which hour we are to take a recess until 8 o'clock, the evening session being devoted to pension business. I therefore ask unanimous consent to limit the debate.

The CHAIRMAN. What limitation does the gentleman from Illinois propose?

Mr. TOWNSHEND. Five minutes on each side. [General cries of "Oh, no!"] Well, ten minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that debate on this part of the bill be limited to twenty minutes, ten minutes upon each side.

Mr. HAMMOND. I rise to a parliamentary inquiry. Is that a proposition to limit debate on all the provisions of the bill?

Mr. TOWNSHEND. No; only on this paragraph and the amendments thereto.

A MEMBER. Would that cut off amendments.

The CHAIRMAN. Amendments would be in order of course, but after the expiration of the twenty minutes they would not be subject to debate. Is there objection to the proposition of the gentleman from Illinois that debate on this paragraph and amendments thereto be limited to twenty minutes, ten minutes to be occupied by the friends of the paragraph and ten minutes by its opponents?

Mr. HAMMOND. I object.

Mr. TOWNSHEND. I move then that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask unanimous consent that the hour for taking the recess this afternoon be extended from 5 o'clock till 6.

There was no objection; and it was ordered accordingly.

Mr. MILLS. I rise to a parliamentary inquiry—whether it would not be in order for me to submit a motion instructing the Committee of the Whole on the state of the Union when it resumes the consideration of the Post-Office appropriation bill to strike out the pending paragraph and adopt the amendment proposed by the gentleman from Indiana [Mr. HOLMAN], the amendment pending in the Committee of the Whole.

The SPEAKER *pro tempore*. The chairman of the Committee of the Whole has not reported any amendment to the House; and the Chair has no official information in regard to the status of the question in the committee.

Mr. HOLMAN. Can not the House instruct the Committee of the Whole, like any other committee, to do a particular thing?

The SPEAKER *pro tempore*. The Chair does not question the power of the House to instruct any of its committees——

Mr. HOLMAN. The motion which the gentleman from Texas [Mr. MILLS] desires to submit is to instruct the Committee of the Whole to strike out a paragraph of the pending bill——

The SPEAKER *pro tempore*. The Chair hardly thinks that motion would be in order. By order of the House the bill has been sent to the Committee of the Whole House on the state of the Union; and the chairman of that committee has reported to the House that the Committee of the Whole has reached no resolution upon it.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills; and pending that motion I move that debate in the Committee of the Whole upon the pending paragraph and all amendments thereto be limited to twenty minutes. On this motion I call the previous question.

Mr. HORR. I hope the gentleman from Illinois will modify his proposition——

The SPEAKER *pro tempore*. The gentleman from Illinois has asked the previous question on his motion.

Several MEMBERS. Let us vote it down.

The SPEAKER *pro tempore*. That is in the power of the House. The question is on ordering the previous question.

The previous question was ordered.

Mr. TOWNSHEND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Illinois that when the Committee of the Whole on the state of the Union shall resume the consideration of the Post-Office appropriation bill all debate on the pending paragraph and amendments thereto be limited to twenty minutes.

The motion was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of Pennsylvania, for to-day and to-morrow, on account of sickness.

CENTRAL AND SOUTH AMERICAN COMMISSIONERS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit, as desired by the act of Congress approved July 7, 1884, a letter from the Secretary of State, with accompanying reports from the Central and South American Commissioners.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 12, 1885.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. By order of the House debate on the pending paragraph and all amendments thereto has been limited to twenty minutes. Ten minutes will be allowed by the Chair to each side. The gentleman from Mississippi [Mr. MONEY] is recognized as opposing the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. BAYNE. I rise to a parliamentary inquiry. I do not understand upon which side the gentleman from Mississippi is recognized.

The CHAIRMAN. The gentleman from Mississippi, as the Chair understood, rose to oppose the amendment, which is a motion to strike out and insert.

Mr. BAYNE. The gentleman is in favor of the provision of the bill?

Mr. MONEY. Yes, sir.

The CHAIRMAN. The Chair will allow one-half of the time to the gentlemen in favor of the amendment submitted by the gentleman from Indiana, and one-half to those opposed to it. The gentleman from Mississippi is entitled to the floor for five minutes.

Mr. MONEY. Mr. Chairman, the question before the committee is not only striking out the clause of the bill providing for transportation of mails on American steamships to foreign ports, but it is also to restore to the statute-book the compulsory clauses which were repealed by what is known as the Dingley bill. That is the question before us; and, sir, to effect this change in the law gentlemen have seen fit to parade before the House the unsightly specter of the Pacific Mail Steamship Company and to make it again a stench in the nostrils of the public at this time. They have attempted to sully a good measure here by applying to it an epithet.

They have, sir, denominated this measure a subsidy. What is a subsidy? The meaning of a subsidy is recompense for service performed. But on account of the odious Pacific Mail Steamship job and on account of the excessive aid given to a certain railroad in the United States the word subsidy has received a technical and opprobrious meaning.

Now, sir, if it is a subsidy to pay to steamships owned by American citizens a reasonable compensation for transporting American mails, then it is a subsidy to pay those steamships which carry the mails along our coasts; then it is a subsidy to pay every steamboat on our inland waters that carries a single letter; then it is a subsidy to all our railroads; then it is a subsidy to every single star route of all the star routes which permeate the length and breadth of this land, carrying intelligence to every community in it. If one is a subsidy, Mr. Chairman, then all are subsidies. Yet, sir, with this plain fact staring us in the face, several gentlemen work themselves into a fury, and like a lot of male Cassandras are horrified over the passage of a bill as beneficent, as just, and as reasonable as this.

I recognize the fact there are men who oppose every single improvement in the mail service, and who regard expenditure of a dollar even in the right direction to be a dagger in the vitals of the country. But, sir, I am not to be intimidated from the discharge of what I conceive to be a proper public duty and public necessity by any parade of disreputable jobs in the past.

One cries out that this is John Roach, as if John Roach had in his possession the whole fleet of the United States. I inquired of the gentleman from New York, and he informed me that he had not a single line to any foreign port, except perhaps one to Havana, which is already provided for in this bill in the transportation by steamship routes, which permit them to touch at foreign ports within two hundred miles of the last port on American soil.

Now, it is not worth while for the House to misunderstand this question. It is a plain question, whether we will pay American citizens a reasonable rate of compensation for carrying our mails or not. It is also a question whether we will compel these people, under the old law repealed by the Dingley bill, to carry the mails at what may be considered no price at all. You have the testimony of more than one committee of this House that these steamers lost more money in waiting for mails than they received for their transportation—much more, sir.

I know some gentlemen here, I do not care how reasonable the amount appropriated may be—if I may be allowed to use the expression of the old play—who turn upon it "a damned disinheriting countenance." [Laughter.] They are against anything that carries improvement with it. I ask the committee to stand by what is only fair and just. Do not be frightened from a proper discharge of duty by any cry of subsidy or scandal.

Why, sir, there was not long ago a great star-route scandal, when it was reported by a committee of competent jurisdiction of this House that over $2,000,000 had been plundered from the public Treasury by men engaged in transporting the mails throughout the country by mail coaches and on horseback. Is there here any proposition now, because of that past transaction, we shall put upon the carriers of the mails by star routes the duty of carrying those mails for the compensation of the postage of the letters and other mail matter which they carry? If that were done there is not a star route within the boundaries of the United States—not one of them, sir—could be carried on to-day if they were to receive as compensation only the postage paid on the letters and other mail matter which they carry. This is a self-evident proposition which needs no argument to establish it as a fact.

[Here the hammer fell.]

Mr. WARNER, of Ohio. It is claimed and seems to be admitted that this is a proposition to pay at least $500,000 more for carrying the foreign mails than is a fair compensation, or than it will cost to carry them by continuing the service as at present, or $500,000 more than ships now running to foreign ports would charge for carrying them. What is this $500,000 for?

Mr. HORR. Who admits that?

Mr. HUNT. Who admits that? Nobody.

Mr. WARNER, of Ohio. I can not yield for interruptions when I have only five minutes.

It is admitted, Mr. Chairman, that it only costs $55,000 now.

Mr. HORR. But you make them take it.

Mr. WARNER, of Ohio. And I think it will be found to be a fact that established lines will gladly carry the mails for $100,000 or less, probably for $50,000. Then why is $500,000 additional proposed? What is it for? For glory? Costly glory that. Who is to get the $500,000? Will it add ships to our merchant marine? Not necessarily. It is claimed that this is not a subsidy, but the argument is that it will encourage the extension of our merchant marine. The argument then is that it is a subsidy or will have the effect of a subsidy.

Now, sir, it has been well said on this floor, and it is a proposition that can not be refuted, that we can go into foreign markets with our products when we can sell them there as cheaply as other countries sell them, and not until then. I grant you if we carry goods for nothing, if we tax other industries, tax the people generally to pay for transporting them for nothing, it would be a gain to those carrying on the trade. But you would secure the same result precisely if, supposing our commodities to be 25 per cent. higher than in other countries—than the commodities of Great Britain, if you please—if you should go to the manufacturers and say: "Here, if you will send your goods to South America and take 25 per cent. less than their cost, we will make up to you its loss by a tax upon other industries." I wish to know how far we would have to extend a trade of that kind in order to enrich ourselves. Is it not evident that the more trade we have of that kind the worse we will be off? That is the economic principle involved in this proposition.

But, sir, I have always understood it to be Democratic doctrine to oppose subsidies; that subsidies, whether of land for railways, or money to special interest, were undemocratic. I believe it to be undemocratic now, and I believe to admit this proposition here would be a departure by a Democratic Congress from sound and safe Democratic principles and Democratic policy as heretofore practiced. Our steamships will go upon the seas whenever they can go there and compete successfully with foreign steamships, and they will not go until they can. If it is more profitable to invest $100,000 or $1,000,000 on shore, on the continent between the oceans than on the oceans in steamships, people will invest upon the land instead of upon the seas, and we gain nothing by attempting to force capital off the land and on the ocean by methods proposed by this bill.

[Here the hammer fell.]

Mr. HEWITT, of New York. Mr. Chairman, when the point of order upon this provision of the bill was under discussion last evening I stated that no word should fall from me which would indicate my opinion as to the merits of this provision; and I say now that if I had to decide upon this question in accordance with the views which have been presented here, either in its favor or against it, I should probably take, as I have uniformly taken heretofore during my public service, strong ground against the adoption of this clause. If it were in the nature of subsidy legislation I should oppose it. The original proposition reported by the Committee on Shipping was in the nature of a subsidy, because it proposed to appropriate money from the Treasury not contributed to it by the earnings from foreign postages. The Committee on Appropriations have properly limited the amount to be expended to a sum not in excess of the actual net revenues from the sea postage. The people of this country do not wish to be taxed to build up special interests.

But, sir, the people of this country are not fools. They do not expect to rob somebody in order to put money into the public Treasury. We are a practical people. We live by our daily labor. We want to sell the products of our labor, and we usually have sense enough to find out what is the best mode of getting markets and customers. The question then presented by this measure is simply this: Do the people of the United States want to have the mail carried in American ships or do they not? If they do not want it carried in American ships, then we do not need even to re-enact the law repealed by the Dingley bill. If they do want it carried in American ships, then there must be a reasonable compensation for the service which they demand.

Now they do want it carried in American ships, there is no question

of that. They do not want to pay subsidies, and they do not want to hire anybody to do something which does not pay, but they are willing to pay a fair price for that which they wish to have done for their own interest.

I hold in my hand, sir, a petition which I will send to the desk and have incorporated in my remarks, which, so far as I can see, and as will appear by the signatures, is signed by every prominent house engaged in the foreign trade in the city of New York, asking Congress to take steps to procure mail facilities between this country and foreign ports in addition to those furnished by foreign vessels.

Now, Mr. Chairman, it is said that this is a departure from the policy and practice of the country. It is no such thing. The policy of this country from the foundation of the Government has been to make the Post-Office self-sustaining, not a source of profit, and to spend every dollar yielded by the Post-Office in the extension of mail facilities. The revenues of the Post-Office came from its foreign mails and from its domestic mails. This foreign mail service shows a profit of about $700,000. That profit, according to the policy heretofore pursued by the American people, ought to be expended in extending the mail facilities to foreign countries; and this bill is a proposition to extend the facilities to foreign countries and pay a fair price for the service. It does not propose to do this by the mile, as the gentleman from Indiana said. It is a limitation that the amount paid shall not exceed 50 cents a mile. The Postmaster-General is to enter into contracts on the basis of service for the carrying of the mail, but when the payments are made if they reach 50 cents a mile no more than that rate is to be paid, no matter how much the service may be. It may cost less, but it can not cost more.

Now, Mr. Chairman, I am an opponent of all subsidies. I listened with satisfaction or astonishment to the gentleman from Pennsylvania last night when he proclaimed a new doctrine from that State that natural laws could be counted on to regulate and would regulate the distribution of the products of human industry. That declaration from him was as unexpected as his cry yesterday of "stop thief" in regard to the extra session.

Why, sir, Pennsylvania has lived upon the pabulum of protection and subsidies for a hundred years, and she has impoverished her laborers by the doctrine of protection and the granting of subsidies. To-day in the city of Manayunk, in the neighborhood of the rich city of Philadelphia, it is reported that 10,000 people are in a state of starvation as the result of this doctrine of subsidy and protection. I am against it, and in proof of it I give notice I shall offer the following amendment:

Provided, That United States certificates of registry shall be issued for foreign-built vessels which may be purchased or owned by any citizen of the United States, and vessels so registered shall be entitled to all the rights and privileges now conferred by law on vessels built in the United States.

The CHAIRMAN. The time of the gentleman from New York has expired. The amendment can be read when he again obtains the floor.

The following is the memorial referred to by Mr. HEWITT, of New York:

To the honorable Senate and House of Representatives of the United States:

We, the undersigned, merchants, manufacturers, exporters, and dealers interested in the foreign trade of the United States, do hereby set forth and petition your honorable bodies as follows:

That Congress having investigated the claims of American ship-owners to be relieved from the oppressive statutory enactments of a past age, which required them to carry and deliver the United States mails without any adequate compensation, and having enacted that such compulsory service shall cease on April 1, 1885, it becomes necessary, in order to prevent the commercial interests of the United States from lapsing into confusion and suffering loss, especially in connection with the countries of Central and South America, Cuba and the West Indies, Mexico, China, Japan, Australia, &c., that requisite legislation shall be effected without delay by which the Postmaster-General shall be given the competent authority to arrange for the regular and careful transportation of the mails to those and any or all other countries.

We, the undersigned merchants and others, do therefore earnestly petition your honorable bodies to give heed to this vital and important interest, so that the commerce of the United States, especially in the countries designated, may not suffer derangement and damage in its competition with other manufacturing countries, by an infrequent, irregular, and irresponsible mail connection.

Dated January 5, 1885.

W. H. Purcell, Snow & Burgess, Chadly & Co., D. De Castro & Co., Wm. H. Popham & Co., Marcial & Co.; Francis Spies, consul-general of Ecuador; J. Agostini, Barclay & Co., The China and Japan Trading Company, limited, S. D. Webb, vice-president; A. A. Low & Brothers, Chamberlain, Roe & Co., Fearons, Low & Co., H. A. Rogers, Schultz, James & Co., A. C. Menawlander, Thurber Whyland & Co., J. & S. Wormser, Fred. Probst & Co., F. G. Pierra & E. Jesurun, jr., F. O. Sherry, Pizac, Nephews & Co., A. D. Straus & Co., Isaac Brandon & Bros., Pennares & Cushman, M. Camacks Poldair, Jas. P. Spinney, J. Ferro, the E. & C. Degener Company, limited, C. Degener, P. Adolph Low & Co., Muños & Espriella, McKesson Robbins, S. Sampes & Co., Calheal & Co., M. Echeverrice & Co., Peres Triana & Co., Geo. C. Flint & Co.; Domestic Sewing Machine, James Blake, secretary; New Home Sewing Machine Company, Meriden Britannia Company, Reed & Barton, D. Appleton & Co.; A. James & Co., Max Silberstein, attorney; A. P. Stout, J. de Rivere & Co., Lewis & Pardo, H. S. Leesob, D. A. de Lines & Co., J. H. & A. E. Foster, A. Sumo & Cosaio, W. H. Crossman & Bros., L. D. Crossmond & Co., Motley & Sterling, Knorthbarbe & Kuhne, J. A. Pasill & Co., Hillargaard & Co., P. P. W. Louisa, S. Smithers, Bartram Bros., Colgate & Co., D. De Castro & Co., Wm. H. Popham & Co., Marcial & Co.; Francis Spels, consul-general of Ecuador; J. Agostini, Barclay & Co., G. Amsinck & Co.; The China and Japan Trading Company, S. D. Webb, vice-president; A. A. Low & Brothers, Chamberlain, Roe & Co., Fearing, Low & Co., H. H. Rogers, Schultz, Imies & Co., Howland & Aspinwall, Acker, Merrill & Co., Thurber, Whyman & Co., J. O. Ward & Co., Wm. Walls's Sons, Henry Best, Amos Taylor, Edwin W. Adams & Co., Wm. Scott's Sons, Edw. Tuman & Co., J. B. Carberry, Pinkard Anderson, R. T. Haskins, Saml. Walker, James M. Lawton, Jas. W. Trask, Faubel & Ahley, J. A. Bayley, W. C. Neuman, C. F. Emerson & Co., Holbar Company, José Menendez & Bro., E. E. Hublaw, Cruceles Puttanger, Nymphas C. Hall, E. W. Seymour, Chas. Rabadan, James Moore, jr., Rowland & Co., Chas. Bradford, Eggers & Heinlein, Kane & Behrens, Knapp & McCord, Menacho, Ping & Co., Suly & Howell, Emile Des Marets & Co., Louis Monjo, Jr. & Co., M. Chescina & Co., A. H. Mojarrieta, John E. Stow, McCormick & Hubbs, John Gamble, jr., Ilsley, Doubleday & Co., G. Folk & Bro., Schroder & Son, H. Schubart & Co., L. Pinzael, José MaMenendez & Co., Julian Cendoya, Hagerty, Bros. & Co., Marias & Co., L. Serny, Kemp, Day & Co., Chas. E. Rogers & Co., Shortland Bros. & Co., M. Vander Kupt, Virnsen, Armor & Co., Quinn & Hall, Robt. W. Parsons, Simon Heymann, Thos. P. Ball, W. D. Munson, Spanish American Light and Heat Co., R. W. Sneed, N. K. Fairbank & Co., F. D. Parcels, Henry C. Larowe, H. N. Ege, John E. Close, F. P. Chatterley, William Mitchell, Alex. H. Ebbes, O. W. Scripture, Thos. H. Boas, Figge & Brother, W. S. Weels, Andrew Irving, Stevens & Benedict, C. Ludmann, Jewell Milling Co., Furicalday & Arquimban, Yates & Porterfield, Juan Bins, Mosh Bros., Martin & Fay, Bird, Faulkner & Co., Guade & Huntington, Export Lumber Co., limited, Louis A. Hall, president.

Mr. BAYNE. I am a little surprised that in this debate we have not seen a constitutional specter raised; but none has been presented. On most occasions of this kind it would have arisen, and it would have been attempted to show that to give a subsidy to a steamship line was a violation of the Constitution, and that Congress had no right to appropriate money for any such purpose as that.

I am a little surprised, also, as has already been said, that the Democratic party should start out in this way, having seventy of a majority in the present House of Representatives, and seek to inaugurate the Democratic assumption of the control of this Government by the granting of what is and can not be held to be other than a subsidy. No man who knows the meaning of words in my opinion can characterise this provision by any other name. It gives for certain services done more than an equivalent for those services; and in so far as it pays more than may be necessary to pay for the actual service rendered it is a gift and bounty on the part of this Government, and therefore is a subsidy.

And who are benefited by this? Largely the Pacific Mail Steamship Company. And what is the Pacific Mail Steamship Company? It is said that American shipping is suffering. Suffering how? Why the Pacific Mail Steamship Company last year had earnings amounting to $4,780,000, and its net profits were $1,393,000; and yet if you carry out the provisions of this bill you will pay that steamship company $312,000, when that company now renders the service which would be commanded by this bill for $23,000. And yet gentlemen say this is not a subsidy.

Mr. HORR. How large is the capital of the company?

Mr. BAYNE. I do not care what its capital is.

Mr. HORR. Oh!

Mr. BAYNE. Wait. I have the floor. The Pacific Mail Steamship Company declared quarterly dividends of 5 per cent. or 20 per cent. per annum last year. So the amount of its capital has nothing to do with it.

But why is it we find the gentleman from New York [Mr. HEWITT] who has just taken his seat and various other gentlemen here arguing this case and insisting on this appropriation to the Pacific Mail Steamship Company? We find among the directors of the Pacific Mail Steamship Company Jay Gould, of New York; Russell Sage, of New York; Sidney Dillon, of New York; C. P. Huntington, of New York now. And that is the influence that lies back of the promotion of this scheme to wring a subsidy out of this Government, and the Democratic party stands sponsor for the attempt to take out of the national Treasury this money for that purpose, and it shall be held responsible before the country for that act.

But who are these men you are befriending? Why, sir, the gentleman from Texas [Mr. REAGAN] led in a fight to prevent railroad discriminations, and he got his bill through the House after a struggle in which I heartily sympathize. Yet these very men having control of the Pacific Mail Steamship Company are directors also, some of them, in the Pacific railroad companies, and these pay to the Pacific Mail Steamship Company $95,000 per month to keep their rates up so that the steamship company will not enter into competition with the Pacific railroad companies. These are the gentlemen that are to be benefited by this legislation; and you are going to pay $312,000 to this corporation for doing a service which you now get done for $23,000 a year. They say it is not a subsidy. It is not only a subsidy, but it will not aid American shipping. It will only aid a prosperous company controlled in the interest of the transcontinental railroads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE. Just one second more. Sir William Hamilton, one of England's greatest writers, says: "Words are the counters of the wise and the coin of fools." Make that application when you deny that this is a subsidy.

Mr. HOLMAN. That the vote may be taken directly on the proposition to strike out the paragraph I will withdraw the motion to insert.

The CHAIRMAN. The gentleman has a right to modify his motion. The gentleman from Indiana withdraws his motion to strike out and insert, and moves to strike out the paragraph.

The question being taken on the motion to strike out, there were—ayes 95, noes 77.

Mr. ELLIS. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. HOPE were appointed.

The committee again divided; and the tellers made their report.

The CHAIRMAN. On this question the tellers report 105 in the affirmative and 97 in the negative. The ayes have it, the motion is agreed to, and the section is stricken out. [Applause.]

Mr. HORR. I give notice I will ask for a yea-and-nay vote in the House.

The Clerk read section 3 of the bill, as follows:

SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

Mr. MCMILLIN. I make the point of order on that section that it changes existing law and does not retrench expenditures, and hence is obnoxious to the point of order?

Mr. BAYNE. I hope the gentleman will make the point of order so as to apply also to the subsequent section.

Mr. TOWNSHEND. To what section is the point of order made?

The CHAIRMAN. It is made to section 3.

Mr. BAYNE. The next section is subject to the same point of order, and I ask unanimous consent that the two be considered together.

The CHAIRMAN. The Chair can not entertain a point of order on a section of the bill that has not been read.

Mr. BAYNE. I ask unanimous consent that section 4 be also read. It is part of the same scheme.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the committee may consider sections 3 and 4 together, and that the point of order shall be considered as applying to both. Is there objection?

Mr. MCMILLIN. I think we had better have a decision on the point of order as made on the third section.

The CHAIRMAN. The gentleman from Tennessee objects to the request of the gentleman from Pennsylvania.

Mr. TOWNSHEND. I hope the gentleman will allow the point of order to apply to both sections as a matter of convenience.

The CHAIRMAN. The Chair is of opinion, on a casual examination, that section 3 is subject to the point of order.

Mr. BLOUNT. There is a good deal of confusion. I did not hear what was the decision of the Chair.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Tennessee.

Mr. SKINNER, of New York. I desire to debate the point of order made by the gentleman from Tennessee.

Several MEMBERS. Too late.

The CHAIRMAN. The Chair does not desire to hear any argument on the subject. It seems to the Chair very clear that the section is new legislation, and it does not retrench expenditures.

Mr. ROWELL. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROWELL. In considering the point of order does the Chair take into consideration the last section of the bill, which provides a limit to the compensation to be paid to the parties employed to deliver the mail, the limit being 80 per cent. of the face value of the stamps?

The CHAIRMAN. The Chair has not considered any section except the one before the committee.

Mr. MCMILLIN. If the Chair will indulge me, I will say my desire is that the bill shall not be loaded down with extraneous legislation. This may be a very good provision, but I do not wish to have it forced on an appropriation bill.

Mr. SKINNER, of New York. Will the gentleman from Tennessee allow me to say that this bill contains other new legislation besides that against which the point of order has been raised and which would have been obnoxious to the point of order? I ask the gentleman from Tennessee, in the interest of the new legislation which he has not thus far objected to, to withdraw his point of order on this——

The CHAIRMAN. All discussion is out of order; there is nothing before the committee unless some gentleman desires to appeal from the decision of the Chair. If not, the Clerk will read the next section of the bill.

Mr. SKINNER, of New York. Mr. Chairman, I desire to call the attention of the Chair to an important point in connection with this matter.

The CHAIRMAN. The Chair does not desire to hear any argument.

Mr. SKINNER, of New York. I desire to call the attention of the Chair to the point, with his permission.

Mr. BLOUNT. I call for the regular order.

The CHAIRMAN. The Chair has decided the point of order. The Chair is very clear about it; and, unless an appeal is taken, he does not think that the progress of the bill ought to be delayed.

Mr. CANNON. Mr. Chairman, I desire to offer an amendment. This point of order, as I understand, goes to all these sections.

The CHAIRMAN. This point of order has been made only on the section that has been read.

Mr. CANNON. Then I reserve my amendment for the present.

The CHAIRMAN. The Clerk will read section 4.

The Clerk read the section, as follows:

SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

Mr. MCMILLIN. I make the same point of order on that.

Mr. SKINNER, of New York. Mr. Chairman, may I not debate that point of order?

The CHAIRMAN. The section is of the same character as the other. The Chair desires to state to the gentleman from New York [Mr. SKINNER] that there can be scarcely any question upon the point of order.

Mr. SKINNER, of New York. But, I think, Mr. Chairman, there is a question.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SKINNER, of New York. Very well. I desire to call the attention of the Chair to clause 3 of Rule XXI which, after specifying what amendments may not be made to appropriation bills, says further:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, anything retrenches expenditures which helps to pay expenses, and that is precisely what this legislation does. According to one of the sections here this bill provides that, in addition to the regular postage upon a letter, a 10-cent stamp shall be added, and that there shall not be paid to any messenger for this delivery-service to exceed 8 cents out of that 10 cents, leaving 2 cents out of the 10 to pay the expenses of the work, aside from the matter of ordinary postage.

And, if I may be allowed, I will add against this point of order that these provisions of the bill come to this House upon the recommendation not alone of one committee but of two committees of the House, the Committee on Appropriations and the Committee on Post-Offices and Post-Roads. Further than that, it has also the unqualified approval of the Post-Office Department, and is of such importance that it was recognized in the last message of the Chief Magistrate of the Union. Now, sir, if a point of order which has been withheld from other good legislation in this bill can stand against the recommendation thus made with reference to these provisions of this bill, then I have nothing more to offer except to urge the gentleman from Tennessee [Mr. MCMILLIN] to withdraw his point of order.

Mr. MCMILLIN. In response to what has been stated by the gentleman from New York [Mr. SKINNER] concerning the merits of the two sections in the bill that succeed the one now under consideration, I have nothing to say, because they are not now under discussion. That this section is obnoxious to the rule requires but inspection to determine. So far as withdrawing the point of order is concerned, if I may be permitted to respond to that suggestion, I will also state to the gentleman that these provisions may be very good in their way—I do not attempt to adjudicate that question; but this bill is loaded down to the guards with general legislation, and when that legislation is designed to increase by hundreds and by thousands the officers or employés of the Government, then I think that if that is to be done at all it ought to be done in an independent measure, and not in such a way as to force us either to vote against an appropriation bill or else to vote for a proposition which, to say the least, is experimental. [Cries of "Question!" "Question!"]

Mr. HORR. Mr. Chairman, one word. I am astonished that my friend from Tennessee [Mr. MCMILLIN] should have sat here in his seat during this entire debate and permitted legislation to go on which is not one-tenth part as much in the interest of the people as this is, and should never raise his voice in objection to it and yet should object to this. Any man who will examine this special delivery question will wonder that the system has not been adopted before in this country—will wonder that it was not adopted twenty years ago. It carries with it nothing but benefits for the people. It pays for itself, and produces a surplus; that is secured by the very nature and wording of these provisions of the bill; and although I agree with the Chair that it may be obnoxious to the letter of the rule, yet I am surprised that any gentleman should here oppose ingrafting upon this bill a measure which simply permits people to send their letters direct by paying for the privilege.

The gentleman talks about this legislation increasing the number of the officers of the Government. Did he ever hear of a telegraph company dismissing all its messengers because it required a large number of boys to do the work?

Mr. MCMILLIN. If the gentleman will permit, the point I made was this, that on a general appropriation bill we ought not, without absolute necessity, to increase by hundreds or by thousands the employés of the Government.

Mr. HORR. Mr. Chairman, this bill simply increases the number of the boys who will deliver these letters. The number would be very large; there is no doubt of that; but the service would be paid for by the parties sending the letters. If the gentleman sees fit to insist upon the point of order, of course he can strike this measure out of the bill; but I do say to him that in doing that he commits an injury upon the people of this country and upon the postal service of the country which I believe he himself, when he reflects upon it, will regret. Indeed, I

am quite confident that the gentleman has not examined this provision with any care, because I believe that if he had done so he would not oppose it.

Mr. MCMILLIN. The gentleman is in error; I have given it careful examination. [Cries of "Regular order!" "Regular order!"]

Mr. TOWNSHEND. Mr. Chairman, I send up to the Clerk's desk an amendment which I wish to offer.

The CHAIRMAN. Will the gentleman wait a moment? There is a point of order now pending, and the committee has not yet disposed of the sections that succeed section 3.

Mr. TOWNSHEND. I want this amendment to come in after section 2.

The CHAIRMAN. The Chair has passed on section 4, and has ruled that out. The Clerk will read the next section.

The Clerk read as follows:

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

Mr. MCMILLIN. I make the same point of order on this section as on the preceding one.

The CHAIRMAN. The Chair is obliged to sustain the point of order upon this section, as he must also do upon the succeeding one. He regrets very much the necessity of doing so, because on the merits of these provisions he agrees fully with the gentleman from Michigan. If there be no objection the next section will be ruled out without being read. The Chair hears no objection.

Mr. TOWNSHEND obtained the floor.

Mr. SKINNER, of New York. I desire to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Illinois [Mr. TOWNSHEND].

Mr. HAMMOND. I rise to a parliamentary inquiry. We did not hear what became of section 6.

The CHAIRMAN. It was ruled out, being part of the same subject-matter as the sections immediately preceding.

Mr. TOWNSHEND. I move to amend by inserting the provision I send to the desk as a new section, to come in immediately after section 2.

The Clerk read as follows:

SEC. 3. That a special stamp of the valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designed by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office. And that such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act. And that to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department. And that to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by this section shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 75 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department.

Mr. MCMILLIN. The amendment just read is subject to two points of order: First, that it changes existing law, while it does not retrench expenditures; second, that it is the substance of another bill pending before the House.

Mr. TOWNSHEND. Mr. Chairman, the proposition I have just submitted is substantially the same as sections 3 to 6 of the printed bill. I have, however, incorporated those sections in a single proposition; and I do not believe that this proposition as an entirety is subject to the point of order.

This proposition, if adopted, will not cost the Government one dime; in reality it will increase the receipts of the Government. The compensation of the messengers whom it is proposed to employ will come exclusively out of the money received from the sale of the special stamps provided for; and I feel very confident that instead of increasing expenditures the measure will reduce expenses.

This proposition, Mr. Chairman, has received the unanimous approval of the Committee on Appropriations; its adoption will be a matter of very great convenience to the people, and I certainly hope, even if it be subject to a point of order, that no one will urge the point. I do not believe, however, that as an entirety it is obnoxious to the point of order, because the last clause of the proposition clearly confines the compensation of these messengers to the receipts from the sale of these special stamps. Besides, one-fourth of the amount thus received is to be retained by the Government and will be turned into the Treasury.

Mr. BROWNE, of Indiana, obtained the floor.

Mr. MCMILLIN. The gentleman from Indiana will allow me to say that this proposition is identical with the provisions just ruled out by the Chair on a point of order.

Mr. BROWNE, of Indiana. Except that in this the amount to be paid to the special carrier is changed from 80 per cent. to 75 per cent. of the money which may be received from the sale of these stamps. That is the only change.

I presume it will be conceded by every gentleman of this committee that this provision changes existing law. The next question then is, whether it reduces expenditures. Now, if all the expense growing out of this system were simply the payment of these special messengers, it would be true that the measure is in the direction of economy. But is that the whole expense? The proposition certainly involves, in the first place, the necessity of procuring additional stamps—stamps of a special character. This will cost something, as a matter of course. The printing of additional stamps must involve that much additional expense.

Mr. HORR. I know the gentleman from Indiana does not wish to be unfair; and he will allow me to ask whether it will cost any more to print these 10-cent stamps than to print any other kind of stamps that might be placed upon letters?

Mr. BROWNE, of Indiana. I presume it would not.

Mr. HORR. Then where is the increase of expense?

Mr. BLOUNT. The increase arises from the fact that the money received from the sale of these stamps is to go toward paying a new and special class of employés. There is the additional expense.

Mr. BROWNE, of Indiana. It is insisted I am mistaken in supposing that the printing of these special stamps will involve an additional expense. Suppose I am mistaken on that point; certainly this measure will involve the necessity of creating a separate accounting department in the Post-Office—a separate bureau in which to keep an account of the receipts and expenditures of this service. There can be no question in regard to that.

It also creates, though I have no objection to that, so many additional officers, whose salaries are to be paid, and these entail, of course, the necessity of additional accounts in the Department. In the nature of things this provision will increase—I can not tell to what amount—the expenditures of the Post-Office Department.

Now, possibly at the end of the fiscal year it may be developed that money has been made by the Government through the operations of this system. That may be true, but it certainly does not appear on the face of the provision itself.

If I understand the rule, it must appear either upon the face of the proposition itself or upon the face of the proposition taken in connection with existing provisions of law that it is in the direction of economy—that it does retrench expenditure of money. No member of the committee can by any computation tell whether this system is to cost more or less. It can not be told by any sort of computation, and we will never know what the result of the system will be until we have tested it in practical operation. If it is not apparent that it is in the direction of economy, if we can not tell from the nature of the proposition itself, then it is obnoxious to the point of order.

Mr. ELLWOOD. Mr. Chairman, it seems to me the argument of gentlemen themselves show conclusively there will be as the result of this measure a large balance of profit in favor of the Government of the United States. It will not only retain 20 per cent., but also all over $30 per month to any one person. Now, does any man here believe in an enterprise of this kind in offices where the system shall be established will not give more than $100 per month? Are we to stand here, therefore, and allow those who live outside cities to be ruled out on technical points from any advantage under this Government, even when we propose to pay for it? So far from any loss accruing it must be evident to all gentlemen that this Government will receive increased revenue by the adoption of this provision of law. It is provided that in no case shall the compensation paid for any one person exceed $30 per month. Now there is no doubt in my mind the income arising under this law will amount to three or four times that sum. I hope therefore the provision will meet with the favor of the two Houses.

Mr. TOWNSHEND. In the interest of the passage of this Post-Office appropriation bill I should like to have the Chair rule on this point of order.

The CHAIRMAN. When section 3 of the bill was reached the point of order was made on it. At that time there was nothing before the Chair but that section. The Chair could not know, because the other sections had not been read, what they contained. It seems this subsequent section materially changed the proposition. As there is some doubt in the matter, and as the Chair has not had time to consider it, he will submit it to the committee.

Mr. BROWNE, of Indiana. If the Chair has any doubt about it, I hope the gentleman from Tennessee will withdraw his point of order.

Mr. MCMILLIN. At the request of many of those around me I

withdraw the point of order, and will let the House vote on it. With the permission of the gentleman from Illinois I will withdraw my point of order to the original proposition instead of to his amendment.

The CHAIRMAN. If there be no objection, the point of order will be withdrawn and the text of the bill will stand.

Is there objection to allowing the original text of the bill to stand?

Mr. HAMMOND. To that I object.

Mr. TOWNSHEND. I do not think the gentleman objected in time.

The CHAIRMAN. The Chair did not hear the objection at the time.

Mr. MCMILLIN. The gentleman from Georgia was up. I know the fact. I do not know what he was up for, but I know he was up. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Will the gentleman state his objection?

Mr. HAMMOND. I made objection to this measure because I thought I had a good one. I desire to state the reasons for it, and then I will withdraw my objection, and if no gentleman thinks my reasons are good the proposition will go without objection.

In order under this bill to pay these carriers $30 per month, saying nothing in the world of the cost of books and all the other incidental expenses that occur, there must be delivered 1,500 letters per month at night in all these towns of 4,000 inhabitants to be affected thereby. There is not one in every twenty of them that will have the 1,500 letters. The gentleman interrupts me to say, "Then they will not pay anything." He interrupts me again to say, "Only what they get."

Now, if the gentleman will wait I will finish my sentence. The effect of it is that you will have thousands of officers employed all over the country and the report will be that they get no compensation, and Congress will pay them out of the Treasury.

A MEMBER. They are only boys.

Mr. HAMMOND. Yes, only boys, and because they are boys you pay them. Appeals will come up that these barefooted boys, after wading through the snow and ice to deliver these letters are not compensated, and you will pay them in spite of the bill now before us.

But, sir, I want to state another objection that is peculiarly personal. I think it is a direct attack upon the Democratic Congress. [Laughter.] It is a well-known fact that we are receiving letters by the peck that every writer understands to be extremely important. I am in the habit when I leave Congress of going to bed at 10 o'clock at night and trying to recruit for the next service here; and am I to be waked up every night and my slumbers disturbed by these night-letters? [Laughter.] It is a personal attack upon my comfort. [Renewed laughter.] Now I withdraw my objection.

The CHAIRMAN There is nothing before the committee, unanimous consent having been given that the text of the bill from section 3 to the end shall remain as it is.

Mr. HOLMAN. I desire to offer an amendment, if I can ask unanimous consent to go back in the bill.

Mr. TOWNSHEND. Will it not come in at the end of the bill?

Mr. HOLMAN. Very well. I will offer the amendment which I send to the desk as a new section.

The Clerk read as follows:

SEC. 7. For the office of the Second Assistant Postmaster-General: For transportation of foreign mails, including the railway transit across the Isthmus of Panama, $425,000.

Mr. HOLMAN. I now ask for the present unanimous consent to substitute the $425,000 for the $370,000 appropriation on page 10 of this bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to recur to the tenth page of the bill to strike out $370,000 and insert $425,000 with the provision he has annexed.

Mr. HORR. Is this to take the place of that provision?

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may assume the form of the amendment at page 10, lines 226 and 227, instead of incorporating it in the bill as an additional section.

Mr. ELLIS. I object.

Mr. HOLMAN. Unless the Chair will rule that I may have the privilege to return to this paragraph, I shall not insist upon the amendment here, but will offer it in the House.

The CHAIRMAN. The gentleman can offer it in the House before the previous question is ordered.

Mr. MONEY. I asked my friend to change the language. As it stands now there is not a cent here provided for American steamships.

Mr. HOLMAN. I am trying to correct that, but the gentleman from Louisiana objects. Therefore, for the present, I withdraw the amendment.

Mr. COX, of New York. I propose an amendment to come in at the end of the last section of the bill as a new section.

The Clerk read as follows:

SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin boards in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance, and provided also that no cost or charge to the Government shall be incurred in consequence of such instructions.

Mr. HORR. That is right.

The amendment was agreed to.

Mr. BAYNE. I want to make one statement. In making some remarks upon this bill I was in error in saying that the Pacific Mail Steamship Company divided a quarterly dividend of 5 per cent. and 20 per cent. per annum. It should have been 5 per cent. yearly, instead of 5 per cent. quarterly. I desire to make that correction, not wishing to make any mistake in a statement of this character.

The CHAIRMAN. The Chair desires to ask unanimous consent in behalf of the gentleman from New York [Mr. SKINNER] to print additional remarks on this bill.

Mr. ROWELL. I ask unanimous consent also for the same purpose.

There was no objection.

Mr. TOWNSHEND. There were one or two points passed over in the bill, and I ask now that we return to them, as the gentleman from Pennsylvania [Mr. BINGHAM] has an amendment to offer.

Mr. BINGHAM. After consultation with the gentlemen who have charge of this bill, I withdraw my former amendment and submit what I send to the desk in lieu thereof.

Mr. TOWNSHEND. I will state that the amendment of the gentleman from Pennsylvania has been submitted to the members of the committee and they are well satisfied with it. It merely makes uniform the charge in weight of letter-postage.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In line 192, after the word "thereof," insert:

"And drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices; and 1 cent for each ounce or fraction thereof where their delivery by carrier is not established."

Mr. WARNER, of Ohio, addressed the Chair.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ROBINSON, of New York. I have waited for two or three days to make some remarks upon the reduction of postage upon letters to 1 cent. I should like to be heard for a moment.

The CHAIRMAN. The gentleman from New York is entitled to the floor and will be recognized as speaking to the present amendment.

Mr. ROBINSON, of New York. There is no tax imposed upon the American people so iniquitous, so burdensome, so outrageous as that under the 2-cent postage law. The working people of these United States are compelled to pay twice as much on their letters as is required to pay the expense of conveying them. No man dares to deny, no man does deny, that the first-class letter matter to-day pays double the expense of its transportation. Other matters are crowded into the mails, and the people who send the letters have to pay the tax for sending other materials.

We have the franking privilege, which conveys great masses of documents all over the country free. We have the penalty envelopes lying by the thousand around in every Department. I do not know but the constables of the city of Washington have these penalty envelopes. The city department has, the Treasury Department has. And not content with the Treasury Department having them, every bureau has these penalty envelopes; and it was charged by a distinguished subordinate of one of these Departments of the Government that the chief of the Department employed them for his private use. They are lying loose around everywhere.

Then we have this immense conveyance of matter in the mail by hundreds of millions of pounds crowding down the paying portion of the people that pay for the carriage of the letters that are written for private correspondence; and yet we have this Committee on the Post-Office and Post-Roads in place of making any provision to rectify these evils coming in here to allow newspapers to the weight of four ounces to go for 1 cent. What was the use of this? Simply to allow persons to send a paper instead of a letter because they can avoid the postage and put marks inside the papers. The post-offices of the country are crowded with this useless matter.

Then we have a proposition to cut down the postage on the matters sent out from the great newspaper establishments, which go by hundreds of tons to one-half the price. [Cries of "Vote!" "Vote!"]

I have not trespassed upon the time of this committee. I have a proposition that should stop all legislation until this iniquity is remedied. Let me illustrate it in this way: Cyrus W. Field with his newspapers goes to a post-office with one pound of them and tells the postmaster to convey that to California for 2 cents. You propose in future to let him have it conveyed for 1 cent. A poor widow who lost her son in the rebellion and has a daughter in California, wants to write her daughter some family news and she has to pay her 2 cents for one-half ounce. You propose in this bill to allow Jay Gould and Cyrus W. Field and all the millionaires, all the monopolists of this country, to convey a pound of mail matter for 1 cent, while this poor widow has to state all her fears and hopes, her joys and sorrows, in a letter weighing half an ounce, and the United States asks 2 cents for conveying that.

Jay Gould and Cyrus W. Field meanwhile have full swing and have their mail matter conveyed at 1 cent, and the Congress of the United States denies to the poor widow the privilege of sending her half-ounce for 1 cent.

I move to strike out the words "2 cents," wherever they occur, and insert "1 cent."

[Here the hammer fell.]

Mr. TOWNSHEND. I make the point of order on the amendment offered by the gentleman from New York [Mr. ROBINSON].

Mr. HORR. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HORR. I want to know whether it will be possible in the House to make an amendment? Suppose the House, by a yea-and-nay vote, should still strike out the provision for the transportation of the mails in United States ships, which has gone out of the bill in committee, so that there is not a dollar in it for that purpose, can not that be corrected in the House?

Mr. HOLMAN. That is all right.

The CHAIRMAN. The Chair will state that unless the previous question should be ordered in the House, so as to cut off all amendments, the bill will be there open to amendment just the same as here. It will depend entirely on the previous question being ordered.

The gentleman from New York [Mr. ROBINSON] submits an amendment to the amendment. The gentleman from Illinois [Mr. TOWNSHEND] made the point of order on the amendment to the amendment. The Chair thinks the point of order is well taken.

Mr. ROBINSON, of New York. I ask permission to extend my remarks as they will appear in the RECORD.

There was no objection.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. TOWNSHEND. That amendment is accepted by the Committee on Appropriations.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Virginia [Mr. GEORGE D. WISE] is also recognized to offer the amendment which the Clerk will read.

The Clerk read as follows:

Add the following:

"*And provided further*, That the rate of postage on second-class publications deposited in a letter-carrier office for delivery by the carriers of the office, shall be uniform at 1 cent for each pound, or fraction thereof."

Mr. TOWNSHEND. I must make the point of order on that amendment; it changes existing law and does not retrench expenditures.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONEY. I send to the desk an amendment to come in after line 28.

The CHAIRMAN. The gentleman from Mississippi was entitled by unanimous consent to return to this part of the bill.

The Clerk read as follows:

After line 23, page 2, insert the following:

"And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work."

The amendment was agreed to.

Mr. TOWNSHEND. Now, Mr. Chairman, I move that the committee rise and report this bill back to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, had agreed to sundry amendments thereto, and had instructed him to report the bill as amended back to the House with the recommendation that it do pass.

Mr. TOWNSHEND. Mr. Speaker, I demand the previous question upon the bill and amendments; but before doing that I yield a moment to the gentleman from Indiana [Mr. HOLMAN], who desires to offer an amendment.

Mr. HOLMAN. I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out lines 224, 225, 226, and 227, and insert in lieu thereof the following:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000."

Mr. TOWNSHEND. Now, Mr. Speaker, I demand the previous question upon the bill and amendments.

The SPEAKER *pro tempore*. The question is upon ordering the previous question upon the bill and the amendments, including the amendment submitted by the gentleman from Indiana [Mr. HOLMAN.]

Mr. DINGLEY. Mr. Speaker, will the question be taken first on the amendment offered by the gentleman from Indiana [Mr. HOLMAN] or on the amendments reported by the Committee of the Whole?

The SPEAKER *pro tempore*. The Chair will take the vote of the House upon ordering the previous question upon the bill with the amendments pending, including the one just offered by the gentleman from Indiana [Mr. HOLMAN].

The question was taken; and the previous question was ordered.

Mr. TOWNSHEND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is upon the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. HORR. Mr. Speaker, it seems to me that the question on that amendment would come when we reach the section to which the amendment applies.

The SPEAKER *pro tempore*. The Chair does not understand that this bill is to be considered by sections in the House.

Mr. ELLIS. Mr. Speaker, I ask that the amendments be reported in their order.

The SPEAKER *pro tempore*. The gentleman is right. The Clerk will report the amendments in their order.

Mr. TOWNSHEND. Now, Mr. Speaker, as the previous question has been ordered, I think it would be well to let the recess begin at this time, and to-morrow, after the reading of the Journal, we can call the yeas and nays on these amendments and on the bill. I make that motion.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] moves that the House now take a recess until 8 o'clock this evening, with the understanding that the vote upon the bill and the amendments shall be taken to-morrow after the reading of the Journal.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I move that the scope of Friday evening's session be enlarged, so that bills reported from the Committee on the Judiciary for the removal of political disabilities, as well as Senate bills for the same purpose, on the Speaker's table, may be considered.

The SPEAKER *pro tempore*. If no objection be made, the Chair will entertain the motion of the gentleman from Indiana [Mr. MATSON].

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, if that requires unanimous consent I shall object. I do not want the Speaker of the House to have any power to come here and get us into Committee of the Whole to consider bills generally.

The SPEAKER *pro tempore*. The Chair will state that the Chair is assuming no authority to enlarge the order of the House. The gentleman from Indiana [Mr. MATSON] has moved that the scope of the night session be enlarged.

Mr. TUCKER (to Mr. O'NEILL, of Pennsylvania). It is for the consideration of bills removing political disabilities.

Mr. O'NEILL, of Pennsylvania. Oh, if it only for that I withdraw my objection.

The SPEAKER *pro tempore*. If there be no objection the order will be made in accordance with the motion of the gentleman from Indiana [Mr. MATSON].

Mr. PRICE objected, but immediately withdrew his objection.

The SPEAKER *pro tempore*. There being no objection, it is so ordered.

LEAVE TO PRINT A BILL AND REPORT.

Mr. ROGERS, of Arkansas, by unanimous consent, obtained an order to print the bill (H. R. 6864) and the accompanying report No. 1436 touching the establishment of a postal telegraph system.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts, and United States post-office, internal-revenue office, and other Government offices at Erie, Pa., and making an additional appropriation therefor.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Before the House takes a recess the Chair will announce that at the session this evening the gentleman from New York, Mr. BAGLEY, will occupy the chair as Speaker *pro tempore*.

By unanimous consent, it is ordered that the recess shall now begin, and the House will meet at 8 o'clock this evening, according to its previous order.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the orders defining the business for this evening's session.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

On motion of Mr. MATSON, by unanimous consent, the special order for Friday evening sessions for consideration of bills from the Committee on Invalid Pensions and the Committee on Pensions was amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

NATHAN J. SHARP.

Mr. JOHNSON. I ask unanimous consent to take from the Speaker's

table, for concurrence in an amendment of the Senate, the bill (H. R. 6816) for the relief of Nathan S. Sharp.

There being no objection, the bill was taken up and the amendment of the Senate, to add to the bill the words "in lieu of the pension he is now receiving," was concurred in.

JAMES BEDELL, SR.

Mr. MATSON, from the Committee on Invalid Pensions, reported back, with an amendment in the form of a substitute, the bill (S. 2327) for the relief of James Bedell, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JESSE S. HARROLD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2158) granting an increase of pension to Jesse S. Harrold; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDGAR L. DUTTON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1790) granting an increase of pension to Edgar L. Dutton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEWTON J. BURRIS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1655) granting a pension to Newton J. Burris; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. FRANCES L. THOMAS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SUSAN WOOLLEY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6782) granting a pension to Susan Woolley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EUGENE O'SULLIVAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. CHARLOTTE HACKETT.

Mr. BAGLEY (by Mr. MORRILL) reported back favorably from the Committee on Invalid Pensions the bill (S. 1416) granting a pension to Mrs. Charlotte Hackett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALBERT HARPER.

Mr. BAGLEY (by Mr. MORRILL) also reported back favorably from the Committee on Invalid Pensions the bill (H. R. 8090) granting a pension to Albert Harper; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID SEARS.

Mr. BAGLEY (by Mr. MORRILL) also reported back with amendments from the Committee on Invalid Pensions the bill (H. R. 8091) granting a pension to David Sears; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES L. ALDEN.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6960) for the relief of Charles L. Alden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES M'CALLEN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1571) granting a pension to James McCallen; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISABELLA HIGGINS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2349) granting a pension to Isabella Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM STANSBURY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7993) for the relief of William Stansbury; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. LUCY PARR.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8142) granting a pension to Mrs. Lucy Parr; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHRISTIAN ARNDT.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7992) for the relief of Christian Arndt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. KATE A. DRUMMOND.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2231) granting a pension to Mrs. Kate A. Drummond; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SYDNEY L. SKAGGS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1268) for the relief of Sydney L. Skaggs; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA T. SCOTT.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (S. 526) granting a pension of $50 a month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus Scott, late a rear-admiral in the United States Navy, and over forty-six years in active service; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. BEAN.

Mr. STRUBLE, from the Committee on Pensions, also reported back favorably the bill (H. R. 1710) granting a pension to George W. Bean; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LINA J. STEARNS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8082) granting a pension to Lina J. Stearns; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET FLAHERTY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7853) granting a pension to Margaret Flaherty; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK FURLONG.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2610) granting a pension to Patrick Furlong; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISABELLA TURNER.

Mr. RAY, of New Hampshire, from the Committee on Pensions, also reported back with an amendment the bill (S. 2009) granting a pension to Isabella Turner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN SNYDER.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 7718) restoring to the pension-roll the name of John Snyder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORIN R. M'DANIEL.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1546) granting a pension to Orin R. McDaniel; which was referred to the Committeee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CYRUS REESER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (S. 2398) granting a pension to Cyrus Reeser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. H. GILLEY.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (S. 2587) granting a pension to William H. H. Gilley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID T. HOOVER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (S. 2514) granting a pension to David T. Hoover; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

E. P. ALEXANDER.

Mr. REESE. I call up from the Speaker's table the bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States upon E. P. Alexander, of the State of Georgia, be, and the same are hereby, removed.

Mr. PRICE. I suggest that class of bills be laid over until we get through with the pension bills.

The SPEAKER *pro tempore*. The Chair is informed that by unanimous consent permission was given to consider these disability bills this evening. Therefore it would be necessary to have a vote at least.

Mr. PRICE. I suggest the propriety of laying them aside until we get through with the pension bills.

Mr. MATSON. This bill is on the Speaker's table and must be considered in the House, while the pension bills are in Committee of the Whole House on the Private Calendar. There are only two or three of them, as I understand.

Mr. PRICE. At the suggestion of friends around me I withdraw my objection. I wish, however, to put on record that this evening I made a clear and distinct objection when unanimous consent was asked, and that objection was never withdrawn, and therefore the order to which the Chair refers could not have been legally made.

Mr. CULLEN. If there are many bills of this character they are likely to take up the whole time of this evening session.

Mr. MATSON. There are two of them in the House and the remainder in the Committee of the Whole House on the Private Calendar. I do not think there can be any objection to taking them up and passing them, as they will take but little time.

The SPEAKER *pro tempore*. The Chair is of the opinion that under the order of the House it is entirely competent to consider this case.

Mr. CULLEN. I only desire to say that if the most of the time of this evening session is to be taken up by this class of business I must interpose an objection. I am not in favor of monopolizing the session of this evening with bills of such a character.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed—two-thirds voting in favor thereof.

ALBERT IVERSON.

Mr. GEORGE D. WISE. I call up from the Speaker's table the bill (S. 2034) to remove the political disabilities of Albert Iverson.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring), That Albert Iverson, of the State of Florida, is hereby relieved of all political disabilities imposed on him by the fourteenth amendment to the Constitution of the United States.

Mr. HOLMES. I should like to hear the report in this case read.

The SPEAKER *pro tempore*. This is a Senate bill, and there is no report accompanying it, as it is taken up from the Speaker's table.

Mr. GEORGE D. WISE. This bill has been considered also by the Judiciary Committee of the House, who reported favorably upon it and recommended its passage.

The CHAIRMAN. The question is on the passage of the bill.

The bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed—two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. MATSON. I now move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills under the special order.

Mr. MATSON. I ask unanimous consent that the order fixing the regular mode of business be dispensed with, so that the Chair may recognize members on each side of the House alternately to call up bills for consideration. My reason for making this request is that there are perhaps half a dozen bills on the Calendar which will provoke discussion; and since members have not come here to press them, I think it is proper that those gentlemen who are present should have the privilege of calling up their bills. I ask this, therefore, as a favor to the gentlemen who are here to-night.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There being no objection, it was so ordered.

EUGENE O'SULLIVAN.

Mr. MORRILL. I ask to call up the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Infantry, at the rate of $18 per month.

The committee recommend the following amendment:

Strike out in the last line "$18 per month" and insert "the pension allowed in the case of amputation of a leg above the knee." This pension to be in lieu of any other pension now allowed to said soldier.

Mr. MORRILL. I will make a brief statement in reference to this bill which I think will be satisfactory. This applicant was injured in Mississippi, I think, by being thrown from his horse, and was then placed upon the pension-roll at the rate of $8 per month.

He served for a few months after his injury was received, but was so much disabled that finally he was discharged from the service on account of his disability, one leg being two or three inches shorter than the other. He was employed in the quartermaster's department in Louisville, and while on a load of quartermaster's goods the horses became frightened, ran away, and he was thrown from the wagon, when a barrel of pork rolled on him, breaking the leg that had been injured in such a way as to necessitate amputation of the leg above the knee.

Of course he could not be pensioned under the general law, because at the time he had been mustered out and was then in the employ of the Quartermaster's Department. He was, however, on the pension-roll for the previous disability, and this places him on the pension-roll for the loss of the leg.

I will say further, that this bill passed the Senate and has the unanimous recommendation of the Committee on Pensions of the House.

Mr. HEWITT, of Alabama. Was he performing military duty at the time he received the last injury?

Mr. MORRILL. Not at the time he received the last injury. He had been a soldier, and was injured so that he could not take care of himself at the time the second accident happened; and not being able to get out of the way was permanently disabled, as stated.

Mr. HEWITT, of Alabama. You attribute his injury in the latter case to the disability arising from the original injury?

Mr. MORRILL. Yes, sir.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA W. THORNBURGH.

Mr. WOLFORD. Mr. Chairman, I ask consent to call up the bill (H. R. 7655) granting an increase of pension to Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the United States Army.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the Fourth Regiment of Infantry, United States Army, at the rate of $30 per month.

The committee recommend the following amendment:

Strike out, in line 7, the word "fifty" and insert "thirty;" so that it will read "$30 per month."

Mr. WOLFORD. Mr. Chairman, I propose to amend this bill by moving to strike out "thirty," the committee being divided upon that subject, and move to insert "twenty," the amount fixed in the original bill.

The CHAIRMAN. The Chair will state to the gentleman that the question will be first taken on the amendment submitted by the committee. Of course if that is voted down the bill will be placed upon its passage as originally reported.

Mr. BAYNE. But the amendment of the committee can be amended.

The CHAIRMAN. If the amendment of the committee is not agreed to the bill will be before the House as originally presented, which now contains the amount the gentleman proposes.

Mr. WARNER, of Ohio. Since there is a divided opinion in this case, I ask if there is a report accompanying the bill?

Mr. WOLFORD. There is.

Mr. WARNER, of Ohio. I think we should have the report read before being called upon to vote upon the amendment.

The report (by Mr. WOLFORD) is as follows:

That her late husband, Maj. Thomas T. Thornburgh, had a military record that would be a credit to any officer fifteen years in the Army, doing active, laborious, and dangerous duty. He acquired a reputation truly enviable early in the war with the seceding States.

When a boy he volunteered as a private in the Sixth Tennessee Infantry, was in the battle of Stone River and in several other engagements, in which he won distinction, and for his good conduct and great gallantry he was commissioned captain, and as captain his fine judgment and superior intelligence attracted the attention of his commanding officers, and he was made adjutant-general and placed on General Spears's staff. After this he was admitted as a cadet in the Military Academy at West Point, and graduated with distinction on the 17th of June, 1867, and was appointed second lieutenant, Second Artillery, and for his good conduct and efficiency he was promoted to first lieutenant, Second Artillery, April 21, 1870.

Served as professor of military science at East Tennessee University.

He was appointed paymaster of the United States Army with the rank of major, which office he filled with credit, being honest, industrious, and faithful.

On May 23, 1876, he was transferred to the line as major of the Fourth Infantry at his own request, and placed in command at Fort Fred Steele, and was killed at the head of his command at the crossing of Milk Creek while under orders. He was *en route* from Fort Fred Steele to the agency of the White River Utes with a command of four companies to protect their agent and to preserve order among them. He had orders not to attack, but he was attacked by the Utes in overwhelming numbers. In defense of his command he made one of the most gallant charges ever recorded in the annals of war.

General Crook, in General Orders No. 23, uses this language:

"As an officer, Major Thornburgh was active, ambitious, and actuated by a high sense of duty. His private life corresponded with his official reputation. It was unexceptionable and without a blemish."

General Sherman, in his report, says he was a young officer of excellent judgment and of high promise; brave, skillful, and efficient; a gentleman of fine instincts and a high sense of honor; an officer of whom we had reason to be proud. No man could have done better in life, nor met death with more heroism. (The exact language not given; we quote from memory.)

General Schofield testifies to his bravery, intelligence, and faithfulness in performing his duty in the Army, giving him great praise.

He was kind and tender to his men, while exacting strict obedience, and they all loved him and promptly obeyed him. He kept his men clean, healthy, cheerful, and always ready to fight. He was admired and beloved by all his brother officers. He was 6 feet 2 inches high, and every inch a soldier. He had high social qualities, was kind and generous to his friends, and loved his wife and children well. His widow, a lady every way worthy of him, is poor and has two of his children to support.

Your committee therefore report the bill with an amendment: Strike out the word "fifty" and insert the word "thirty," and with this amendment recommend that the bill pass.

Mr. WOLFORD. Before the vote is taken upon the amendment I want to make a little explanation. The committee, I have said, was not unanimous in this recommendation. They were divided, with a majority, however, in favor of the report.

I shall not detain the committee but a very few moments, but I hope the House will vote down the amendment and restore the amount originally fixed in the bill. If ever there was the widow of an officer who served under this Government, and who was entitled to consideration, this is a case that deserves it. If ever there was an officer below the rank of major-general who performed a gallant, high, and laborious service, this man did so. His widow now comes and asks for this relief. Her husband was murdered by the Indians in the discharge of his duty. He was started from Fort Fred Steele with an inadequate force. Proud, ambitious, and brave, he did not grumble, but moved right along. His hands were tied under the orders which he had not to attack the Indians.

The savages were on his right and left and in front of him, but he was not permitted to attack. When the attack of the Indians was made he charged with a gallantry and bravery unparalleled in the history of war. He was a most gallant officer, devoted to his men. He drove back the savage foe and stood manfully in front of them until he fell and died.

Now I say if there is gratitude in the American heart, if we intend to do right, this is a case which calls for fitting action on our part. The widow of Major Thornburgh is of excellent family, the daughter of Colonel Clark, of the United States Army, and closely related to the late Colonel Dawson, of Pennsylvania; and, with her two infant children to support, she comes before this Congress and asks Congress for enough to educate and raise as they should be educated and raised the children of that gallant officer.

I will not detain the House with an argument; for I feel it must be in the heart of every American, in Congress or out of Congress, to see the widow of that officer—young, brave, and promising, if he had lived, to be one of the greatest men in the United States—to see her put in a situation to properly educate and raise her children.

Mr. CUTCHEON. I wish to ask the gentleman from Kentucky as to the family of this lady. How many children has she?

Mr. WOLFORD. Two.

Mr. STEELE. The gentleman from Kentucky, I presume, wants the amendment voted down?

Mr. WOLFORD. Yes, sir; I want it voted down.

Mr. CUTCHEON. I desire to ask one more question. I ask the gentleman from Kentucky if this lady is now getting the full pension to which the rank of her husband entitled her?

Mr. WOLFORD. I think not.

Mr. CUTCHEON. I mean the regular pension to which a major's widow is entitled.

Mr. WOLFORD. She is getting $25 a month.

Mr. HEWITT, of Alabama. I wish to make one observation. This widow is now drawing a pension of $25 a month and $2 a month for each one of her children. That is, they are getting all of the pension the law allows to the widow of a major of the Army. And it is only a question now whether or not you propose to raise the amount from $25 to $50, making an exception of this case. I suppose there were many other officers that were as brave—I do not suppose any were braver—but I believe there were many as brave as this officer.

Mr. HOUK. I desire to ask the gentleman from Alabama a question. Do I understand the gentleman to say that the widow is now drawing a pension?

Mr. HEWITT, of Alabama. She is drawing a pension of $25 a month.

Mr. HOUK. For herself?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. HOUK. In her own right as a widow of this major?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. HOUK. Under the general law?

Mr. HEWITT, of Alabama. Under the general law. And this bill proposes to increase that pension. The committee recommend an increase to $30.

Mr. HOUK. What pension are the children drawing?

Mr. HEWITT, of Alabama. Each is drawing $2 a month.

Mr. WOLFORD. That is part of the $25.

Mr. MATSON. I do not wish to detain the committee arguing the question which has been frequently argued before. As the gentleman from Alabama [Mr. HEWITT] has said, the question is whether there is to be an exception in this case. But there is a question beyond that. The question is whether this Congress is not going so far that there will be no exceptions after a while, and that it will be impossible for Congress to resist the applications that are made for the increase of widow's pensions.

Mr. HOUK. Will the gentleman from Indiana allow me to make a suggestion?

Mr. MATSON. I decline to yield until I get through.

We have had it said, Mr. Chairman, time and again in the discussion of these questions when a particular application is brought before us, that this is an exceptional case. We have allowed an increase of $50 a month to the widows of all general officers. There the Committee on Invalid Pensions has stopped, and proposes to stop; not because the widows of general officers in all cases are entitled to be pensioned at a higher rate than the widows of some that were not officers at all, but because there must be a line drawn or else Congress launches out upon an unknown sea and no one can tell where this thing will stop.

There were many men in the service, of different ranks, some of them without rank at all, who performed deeds of very great heroism, and whose widows are living in absolute want. Nobody proposes to increase their pensions to $50 a month, and the question recurs upon this committee and upon this Congress as to where we are to stop. That is all there is of it.

I have no doubt that every word uttered by the gentleman from Kentucky [Mr. WOLFORD] in relation to Major Thornburgh was true; but the same thing could be said of thousands of men who have fallen in defense of their country. If this Congress believes that the country can afford to increase the pensions of all widows of soldiers to $50 per month, then it is right to go ahead.

But I say to you if this thing is carried to an extreme length, as it seems likely to be under the precedents set here night after night, it is not only an injustice to the widows, but an injustice to all of the pensioners on the pension-list. Pensions will be brought into disrepute, and the country will cry out against the outrage of attempting to make classes and pension some widows at $50 a month and others at $8 a month.

I say to you, Mr. Chairman, this is a serious question. I have presented it time and again to this House. And I say unless we draw the line and stop somewhere there is serious danger ahead, not only to the pensioners, but there is serious trouble ahead to the members of Congress.

Mr. WARNER, of Ohio. Mr. Chairman, I rise to express my agreement with the gentleman from Indiana [Mr. MATSON] and to indorse every word that he has said. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair will endeavor to see that gentlemen, when addressing the committee, shall have a proper hearing during the time to which they are entitled.

Mr. WARNER, of Ohio. And gentlemen will certainly make nothing by calling "Vote! Vote!" while I am on the floor.

I think, Mr. Chairman, that we do injustice when we single out a pensioner here and there and grant an exceptional pension without extending like benefits to others equally meritorious. I say equally meritorious, because, while this was undoubtedly a brave officer, it can not be claimed that there were not others equally brave and deserving. Doubtless there were among the men whom this brave officer led a number wearing the plain uniform of the private soldier who were equally brave, and who fell with him on that occasion. Their widows get but $8 a month; but, because some one is willing to introduce a bill for this special case, because this applicant has friends in the House of Representatives, it is proposed to raise the pension of this widow even above that of the widow of a major-general.

I do not think that we are treating the pensioners of the country rightly when we select a few from the top and raise them still higher, leaving the great majority of the pensioners of the country to get along with pensions of $2, $4, and $6 a month—on an average about $4 a month—and widows $8 a month. I have steadily opposed increasing the pensions of the widows of officers to $50 a month while we leave the pensions of widows of private soldiers at $8 a month. It does not seem to me to be right; and whenever a bill is brought in here for such a purpose I am moved to enter my protest against it as an injustice to the many widows who are drawing but $8 a month. One widow may be living in a city on one side of the street and another on the other side, one drawing $50 a month and the other only $8 a month, yet both may have lost husbands in the service, killed possibly in the same battle. I do not think that is just or that it is wise policy, and as the gentleman from Indiana [Mr. MATSON] has said, if we go on making these discriminations, selecting individuals here and there and increasing their pensions, the applications for the increase of pensions will multiply and there will be no end to them.

I think therefore that we do better justice and better promote the interests of the pensioners generally when we lay down right principles and adhere to them, doing equal justice to all.

Mr. HOLMES. Mr. Chairman, there seems to be a disposition upon the part of some members of this House to grade men in this matter of pensions according to the shoulder-straps they wore in the service—to grade them, not by the meritorious services they rendered to their country, but according as they were privates, or sergeants, or lieutenants, or major-generals. Sir, I am opposed to any policy that has that end in view. I am in favor of encouraging and rewarding military prowess and military genius. I am in favor of acknowledging and fitly rewarding the services of gallant men who imperiled their lives or gave up their lives for their country, no matter what rank they may have held or on what field they may have fallen.

This is the case of a man who risked his life as bravely against worthless barbarian redskins as if they had been his peers. He went down to death on that field as bravely as any man could die fighting against any foe. There seems to be a prevailing opinion in this House that if a man was only a major, his widow should receive but $20 a month. Mr. Chairman, that is a false idea, a false policy. It is warring against the inevitable law of cause and effect—it is warring even against human nature itself.

We recognize men for what they are worth, and the mere fact that a man was a major, or that he was not a major-general, does not preclude his family from the right to receive that recognition and reward which a brave and honorable soldier, whether living or dead, should always receive at the hands of his country.

Mr. Chairman, there is an effort made here to confine the pensions of privates to $8 a month. I regret to see an attempt to bind the American Congress down by any such rule. We have not followed that rule. We have violated it time and again, and I am glad to be able to say that there have been enough men found in the House of Representatives willing to violate a rule like that, having so little foundation in equity or common sense.

Here is a case which is recommended by the best men in the Army of the United States, the men who have rendered its history illustrious. They are all proud to do honor to the name of Major Thornburgh and to honor his wife and his family, and I hope there will be men enough in this committee to-night to stand up and give this widow and her family a pension of $50 per month. I hope we shall be generous. We shall not learn how to appreciate such men as Major Thornburgh until a foreign foe shall again knock at our doors, until our Navy, what little we have, has been driven from our shores and we are engaged in another great war.

Mr. Chairman, it is a good lesson to teach the young men in our Military Academy and in our Naval Academy that we do recognize the service of men of this kind, and if they fall in the cause of their country their wives and their families will be taken care of by their country. I trust, sir, that whether the case is that of a private, or a major, or a major-general, we shall always be ready to do justice, and that because a brave man was a private soldier we shall not therefore confine the pension of his widow to $8 a month or $50 a month, if he has done for his country that which deserves higher recognition and reward.

Mr. CONVERSE. Mr. Chairman, I will say only a word on this case. My excuse for saying anything is that this lady's friends and relatives have lived in my district. She is a niece of Dr. Dawson, who resided a great many years in my county; and I know something of her situation and the circumstances which have surrounded her since the death of her husband.

There is one fact that the chairman of the Committee on Invalid Pensions [Mr. MATSON] must not forget. When he admits that the statement made by the gentleman from Kentucky [Mr. WOLFORD] is a truthful statement, he must not forget that the gentleman from Kentucky stated this officer was sent forward with an insufficient force to rescue an Indian agent. It was a desperate service. This Indian agent, a civil officer of the Government, was in peril, and this officer, going forward with an insufficient force to his rescue, met his death. Now, will my friend from Ohio [Mr. WARNER] or any other gentleman claim that the sum we propose to allow in this case is an exorbitant amount for a widow and two children to live upon?

Mr. WARNER, of Ohio. That is not the question.

Mr. CONVERSE. But the gentleman says he wants all these cases drawn in a line, and wants them to stand exactly alike.

Mr. WARNER, of Ohio. Certainly.

Mr. CONVERSE. The very fact that this case comes here at all shows that it is an exceptional case. These applications for increase of pension are always exceptional. You can not draw any line in exceptional cases.

Mr. WARNER, of Ohio. Is not one widow with two children as deserving as another?

Mr. CONVERSE. And when another widow with two children, under circumstances which make an equally deserving case, comes here, I am ready to vote to her a similar increase. I am willing to vote to the widow of a private soldier in a meritorious case as much as to the widow of a colonel or a general.

Mr. WARNER, of Ohio. If the gentleman is ready to vote pensions of $50 a month to all widows of soldiers killed in the war, very well; but till we are ready to do so let us not single out particular cases and discriminate in their favor.

Mr. CONVERSE. Let the gentleman present here any exceptional case like this—a case where a man has lost his life on a field where no glory was to be won, where there was nothing but the naked and conscientious discharge of duty and where his death was the fault of the Government, and I am ready to vote $50 a month to the widow and children.

Mr. VAN ALSTYNE. Was the peril of this Indian agent imminent?

Mr. CONVERSE. Yes, sir; it was so considered by the officers there. These Utes rose and met this officer half-way.

Mr. VAN ALSTYNE. Did the Government have within convenient reach other forces that could have been added to the forces under the charge of this officer?

Mr. PETTIBONE. Oh, no; not available.

Mr. CONVERSE. Forces were scattered all along the Atlantic coast, and there were four companies at Fort Steele, but they were not within seventy-five or one hundred miles of this agency at the time.

Mr. STEELE. And the circumstances did not admit of delay?

Mr. CONVERSE. No, sir. There was an emergency. This officer was ordered by his superior officer to go forward with four companies at once, and he went in the discharge of his duty.

Mr. VAN ALSTYNE. Then he only performed his duty; and the Government was not at fault, inasmuch as no other forces were near there and subject to immediate order.

Mr. CONVERSE. The gentleman seems to forget that the country should do its duty by all. This is not a question of "drawing a line," as my friend from Ohio [Mr. WARNER] desires to do. It is a question of charity, of generosity. If this woman's husband had been spared to her his salary would have placed her in far better condition than this pension can do.

My friend from Kentucky, it seems to me, puts this case on the right ground. The proposition is to place in this woman's hands not only a bare support, but something with which to educate these children of hers; and $600 a year is a very small sum for any such purpose. Certainly it is no compensation for the loss of her husband.

Mr. CUTCHEON. How about those widows who receive only $75 a year, and some of whom have five or six children?

Mr. CONVERSE. If their pensions are not sufficient, increase them.

Mr. PETTIBONE. Mr. Chairman, this case, it seems to me, is entirely exceptional in its character. Let it be recollected that Major Thornburgh had given almost his whole life to his country. He had served for years on the frontier.

Mr. MORRILL. What had his salary been?

Mr. PETTIBONE. He had not been able to accumulate anything; he had been kept on the frontier, and every dollar that he had received had necessarily been spent for the support of himself and his family. Now in the very prime of life——

Mr. MORRILL. Let me ask the gentleman this question: Was not Major Thornburgh educated at the Government expense and paid a handsome salary as long as he was in the service?

Mr. PETTIBONE. Certainly he was educated at the expense of the Government, but before going to West Point he won his spurs in the war of the rebellion, having gone into the service as a boy. His father was a martyr in the cause of the country and his brother was in the service. He came of a line of soldiers.

This whole matter, it seems to me, is in a nutshell. Major Thornburgh, after giving the best fifteen years of his life to the country, died a poor man. The cause of his death was being suddenly pushed out into the Indian country to rescue an Indian agent, the lamented Meeker, and his family. He was sent out with orders not to fight if it could be avoided—not to make the attack. He could unquestionably have defeated the enemy. In an enterprise in which no glory was to be won he went forward without murmur, without question. He took his handful of men and started on his mission of rescue. Sternly obeying orders, refusing to make the attack when the emergency was imminent, certain that nothing but the utmost heroism would enable him to cut his way through, he saved the lives of his command but sacrificed his own, leaving his poor widow and two orphan children to receive a paltry pension of $25 a month, upon which the whole family were to be supported and the children educated.

This is one of those cases which probably will be rare in the history of the country, but it is one, it seems to me, which appeals to a liberal

and enlightened action on our part, so that if we would have officers in like manner to shed glory forever on the American arms, to do their duty without murmur, although no fame is to be won, with alacrity to enter upon the sternest discharge of duty, then we ought not to leave this widow and her orphan children to live in genteel poverty.

Mr. PUSEY. Mr. Chairman, I desire to say just one word in indorsement of that report. He was stationed at Omaha, and surrendered what is not usual, a very soft thing, a paymaster's position in the Army, to go out on our frontier to protect our settlers.

I say, gentlemen, if there ever was an exceptional case brought before this committee this is one; and I hope we will have the magnanimity to give this widow and her children some justice in compensation for the great sacrifice her husband made.

Mr. CUTCHEON. I am not in the habit of detaining this committee with any remarks. I am glad to hear the eloquent voices of the gentlemen who have spoken on my left. We are not accustomed to hear them in these pension meetings.

But I wish to say this, Mr. Chairman: There are in this country something like 70,000 widows whose husbands died gallantly for their country's sake, and when we begin to build up these discriminations no mortal man can tell where we are going to stop.

That this lady and some of her friends live in the district of the gentleman from Ohio [Mr. CONVERSE] is no reason why we should increase her pension.

That the gentleman from Ohio [Mr. PUSEY] is able to pay his most eloquent tribute to the character of Major Thornburgh is no reason why we should make her an exception.

If there are any facts in her circumstances which make it impossible for her to live on the pension she now receives, that may be a reason for increasing it, but ought to be no more reason for increasing it in her case than in each and all cases of widows whose husbands have perished in their country's cause.

I do not rise to oppose this bill, but I do rise to protest against discriminations which are not founded upon some good reason.

The CHAIRMAN. The question is on the amendment of the committee to strike out "$50" and insert "$30 a month."

Mr. RANDALL. What does the committee recommend?

The CHAIRMAN. Thirty dollars a month.

The committee divided; and there were—ayes 27, noes 25.

Mr. RANDALL demanded tellers.

Mr. BAYNE. I move by way of compromise, to remove all objections, it be put at $40 a month.

The CHAIRMAN. The committee is dividing and debate can only proceed by unanimous consent.

Mr. RANDALL. Further debate is not in order.

Mr. BAYNE. I withdraw the demand for tellers with a view to move $40 as a compromise.

The CHAIRMAN. The demand for tellers was made by the gentleman's colleague.

Mr. RANDALL. I want this widow to get $50 a month. The vote was so close I asked for tellers so as to decide it.

The CHAIRMAN. The Chair will appoint as tellers Mr. WOLFORD and Mr. CUTCHEON.

The committee again divided; and the tellers reported—ayes 24, noes 28.

So the amendment was disagreed to.

Mr. RAY, of New Hampshire. I move to amend by making it $40.

Mr. CULLEN. I move to amend the amendment by saying $35.

Mr. CULLEN's amendment to the amendment of Mr. RAY, of New Hampshire, was rejected.

The question recurred on the amendment of Mr. RAY, of New Hampshire.

The committee divided; and there were—ayes 18, noes 31.

So the amendment was disagreed to.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

The House divided; and there were—ayes 30, noes 22.

Mr. WARNER, of Ohio. I am upon the floor and make the point that no quorum has voted.

The CHAIRMAN. The Chair will appoint tellers.

Mr. STEELE. The point of no quorum came too late.

Mr. WARNER, of Ohio. I was on the floor all the time.

Mr. MATSON. It makes no difference, as the point can be made in the House as well as here.

The CHAIRMAN. The gentleman from Ohio states he made the point in time, and the Chair will recognize it.

Mr. HEWITT, of Alabama. I suggest the bill be laid aside to be reported to the House with the understanding that the previous question shall be ordered and that a vote shall be taken by the yeas and nays.

Mr. WARNER, of Ohio. It should be open to further discussion, and we might as well pass it now as to agree to that. I dislike to call a quorum on a bill of this kind, but the proposed legislation is of a character that seems to me to demand it.

The CHAIRMAN. The point of order being insisted upon that no quorum has voted, the Chair will order tellers.

Mr. WARNER, of Ohio, and Mr. WOLFORD were appointed tellers.

Mr. WARNNR, of Ohio. If we can reach an understanding that there is to be a yea-and-nay vote in the House, not to-night, however, but when a quorum is present, I will withdraw the demand for a quorum.

Mr. WOLFORD. And with the understanding that the previous question is to be ordered.

Mr. HEWITT, of Alabama. Let the previous question be ordered upon it, and it will come up then as unfinished business.

Mr. WARNER, of Ohio. I do not want the previous question to be ordered, for the reason that I wish to have an opportunity of being heard on this bill when it comes before the House. I want at least five minutes.

Mr. RANDALL. The gentleman from Ohio has made a suggestion that the friends of this measure will agree to, that the previous question prevail in the engrossment and third reading of the bill and that there be allowed on each side five minutes for debate.

Mr. WARNER, of Ohio. I have no objection to that.

Mr. PERKINS. And that the vote shall not be taken until a quorum is present.

Mr. WARNER, of Ohio. That is the understanding.

Mr. ROGERS, of Arkansas. Can the House be bound by any agreement made in Committee of the Whole?

Mr. RANDALL. This agreement can be made after the committee rises to-night in the House.

Mr. CONVERSE. And made a matter of record on the Journal.

Mr. PERKINS. Let me ask if any agreement made in this manner in Committee of the Whole will have any binding effect upon the House?

The CHAIRMAN. The gentleman from Arkansas has just made the same inquiry. It is suggested that the agreement be made in the House when it comes before the House after the committee rises.

Mr. WARNER, of Ohio. That is satisfactory to me.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass and with the understanding above recorded.

ALBERT HARPER.

Mr. PAYNE. Mr. Chairman, I ask the privilege of calling up the bill (H. R. 8090) granting a pension to Albert Harper.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert Harper, late of Company G, Ninth New York Heavy Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDISON M. COPEN.

Mr. HEWITT, of Alabama. I ask consent to take up from page 51 of the Calendar the bill (H. R. 8136) for the relief of Addison M. Copen and to put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Addison M. Copen, late of Company I, Third United States Dragoons in the Mexican war, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ESTHER HUDSON.

Mr. BINGHAM. Mr. Chairman, I ask consent to call up the bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Esther Hudson, mother of William H. Hudson, deceased, late a private in Company G, Twenty-sixth Regiment of Pennsylvania Volunteers, and afterward a sergeant of Company E, One hundred and ninety-first Regiment of Pennsylvania Volunteers, on the pension-roll at the rate of $8 per month, and to pay her, or cause to be paid her, a pension at said rate from the death of her said son, subject to the general laws should she again marry or her dependence upon her son cease.

The committee recommend the following amendment:

Strike out all after the word "pension," in the tenth line.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN WOOLLEY.

Mr. MATSON. I ask to take up the bill (H. R. 6782) granting a pension to Susan Woolley.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Susan Woolley, of Indiana, widow of Benjamin Woolley, late a private in Company C, Ninetieth Regiment of Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH DENNY RIPLEY.

Mr. STEELE. Mr. Chairman, I ask unanimous consent to take up the bill (S. 150) granting a pension to Sarah Denny Ripley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah Denny Ripley, widow of Brig. Gen. James W. Ripley, deceased, late Chief of Ordnance, United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIE LOUISE CRAVEN.

Mr. HEWITT, of New York. Mr. Chairman, I call up the bill of the Senate No. 1228, granting an increase of pension to Mrs. Marie Louise Craven, report numbered 2465, and ask that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Mrs. Marie Louise Craven, widow of T. A. M. Craven, late a commander in the United States Navy, and pay her a pension of $50 per month from and after the passage of this act, in lieu of the pension heretofore received by her.

The CHAIRMAN. Without objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I object. That is an adverse report.

Mr. HEWITT, of New York. I was about to state that this bill had been reported adversely by the committee, but I think a word of explanation will satisfy the committee as to the propriety of setting aside the adverse report.

Mr. MATSON. Permit me to say, if the gentleman from New York will allow me——

Mr. HEWITT, of New York. Certainly.

Mr. MATSON. In order to save time, that I am perfectly willing this bill should go into the House as the other bill went a few moments ago; otherwise I shall be compelled to insist upon the presence of a quorum. This bill, as I have said, comes from the committee with an adverse report.

Mr. HEWITT, of New York. I assent to the suggestion of the gentleman from Indiana, because, in the first place, there is nothing else that I can do, and because I am satisfied a mere statement in the House will be satisfactory to the members as to the propriety of the bill. I think it can be shown that there is a clear distinction between this and the other bill.

Mr. WARNER, of Ohio. Let us have the report.

The CHAIRMAN. The bill will be laid aside and reported to the House with the understanding that a vote is to be taken in the House on the terms on which the other bill was reported to the House, if there be no objection.

Mr. PRICE. I object to that arrangement.

Mr. HEWITT, of New York. I trust the gentleman will not insist upon his objection.

Mr. MATSON. I wish to say to the gentleman from Wisconsin that an objection will necessitate the presence of a quorum before action can be taken upon the bill. The proposition is to take a vote in the House.

Mr. PRICE. Very well; I will withdraw the objection.

There being no further objection, the bill was laid aside with the understanding that a vote should be taken in the House upon its passage.

CYRUS REESER.

Mr. CULLEN. I call up for consideration the bill (S. 2398) granting a pension to Cyrus Reeser.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Cyrus Reeser, late a private in Company F, Sixty-first Illinois Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SNYDER.

Mr. WINANS, of Michigan. I call up for consideration the bill (H. R. 7718) granting a pension to John Snyder, reported with amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Snyder, formerly of Company I, One hundred and twenty-ninth Regiment of Indiana Infantry.

The amendment by the committee was as follows:

In line 4, strike out the words "place on" and substitute therefor the words "restore to;" so that it will read: "Directed to restore to the pension-roll."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. REID.

Mr. PERKINS. I call up for consideration the bill (H. R. 2068) granting a pension to James H. Reid, reported by the Committee on Pensions with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Reid, of Dorsey's Regiment of Illinois Volunteers in the Black Hawk war.

The amendment was read, as follows:

In lines 4 and 5, strike out the words "subject to the provisions and limitations of the pension laws;" and after the words "Black Hawk war" insert "and pay him at the rate of $8 per month on and after the passage of this act."

Mr. PERKINS. I desire to oppose the amendment recommended by the committee. I think it should not prevail. The bill provides that this soldier shall be placed on the pension-roll subject to the provisions and limitations of the pension laws. The committee has recommended that he be placed on the pension-rolls to draw a pension of $8 a month. This soldier was wounded in the leg in the Black Hawk war. He is now an old man, over 70 years of age. I think the amendment should not prevail.

Mr. MATSON. I wish to state to the gentleman from Kansas [Mr. PERKINS] that $8 a month is as large a pension as a soldier of the Black Hawk war can get except for specific disability.

Mr. PERKINS. Very well; I will not oppose the amendment.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROSANNA RILEY.

Mr. LOVERING. I call up for consideration the bill (H. R. 7810) granting a pension to Rosanna Riley, reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place the name of Rosanna Riley on the pension-roll, and pay her a pension of $20 a month.

SEC. 2. That this act shall take effect upon its passage.

The amendment recommended by the committee was as follows:

In line 5, section 1, strike out "$20" and insert "$18."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. FRANCES L. THOMAS.

Mr. RANDALL. I call up for consideration the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 per month now received by Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to $2,000 per annum, to take effect from and after the passage of this act.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. I object.

Mr. RANDALL. The objection comes from that side of the House.

Mr. PRICE. I wish to say that no bill shall pass with my consent raising a pension for a soldier or a soldier's widow until there is a general bill that will take them all in. I willingly admit that General Thomas was one of the most brilliant men that adorned the history of the war. I grant all that.

Mr. RANDALL. If there be a case of increase of pension in which the American people will respond with a universal "ay," it is this case.

The CHAIRMAN. The question is, Shall the bill be reported to the House with the recommendation that it do pass?

Mr. PRICE. I call for a division.

The committee divided; and there were—ayes 36, noes 3.

Mr. PRICE. No quorum.

The CHAIRMAN. The point being made that a quorum has not voted, the Chair will order tellers.

Mr. MATSON. I suggest to the gentleman from Wisconsin [Mr. PRICE] that we make some arrangement by which this case shall go as the others, to be voted on in the House to-morrow, the previous question being ordered to-night; the agreement to be entered on the Journal, so that there may be no question about it, that the yeas and nays shall be taken after ten minutes' debate.

Mr. PRICE. I am perfectly willing to make any arrangement by which the majority of this House may do anything it chooses. I have no objection to that. There is no position that I assume with so much reluctance as that of taking advantage of the power that an individual has here to block legislation; but the difficulty in this case is that the gentleman who calls up this bill took advantage of that same power to prevent the passage of a bill infinitely more meritorious than this one.

Mr. RANDALL. The difference between the two cases is that I thought that bill was wrong, while you admit that this bill is right.

Mr. PRICE. Oh, I do not.

Mr. RANDALL. Then I am very sorry you do not.

Mr. PRICE. I am perfectly willing to make an arrangement that this bill shall go to the House, with the understanding that it shall not be acted upon until we have a quorum present, and then they may do what they please with it.

The CHAIRMAN. The bill will be laid aside under an order similar to that which has been made in two other cases this evening.

Mr. PRICE. I do not want the previous question ordered on it. Let it be open for debate in the House, if necessary.

A MEMBER. Let us agree then as to the time that shall be given for debate on this bill.

Mr. RANDALL. I suggest five minutes on each side.

Mr. PRICE. No, I will not agree to that. I do not want the five-minute rule. I will consent to twenty minutes on each side.

Mr. RANDALL. We have not that much time to give, but I am perfectly willing that the gentleman from Wisconsin [Mr. PRICE] shall have twenty minutes entirely under his control.

Mr. PRICE. That will do.

The CHAIRMAN. The bill will be laid aside to be reported to the House with the understanding just stated.

JAMES M'CALLEN.

Mr. STRUBLE. I call up for present consideration the bill (S. 1571) granting a pension to James McCallen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws in force at the date of his filing of the claim for pension, the name of James McCallen, late a private in Company B, Seventh Regiment California Volunteers; the disability for which pension is granted by this act being disease of throat, as claimed by said soldier in his application.

On motion of Mr. NUTTING, by unanimous consent the reading of the report was dispensed with, except the portion of it stating the amendments recommended by the committee, as follows:

Your committee, however, with the view of preserving some degree of uniformity in these measures of relief, recommend that the bill be amended by striking out after the word "pension laws," in the third line, the words "in force at the date of the filing of his claim for pension," and also by striking out all after the word "infantry," in the sixth line; and that as so amended the bill do pass.

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN L. COWARDIN.

Mr. GEORGE D. WISE. Mr. Chairman, I call up the bill (H. R. 7078) to remove the political disability of John L. Cowardin.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET FLAHERTY.

Mr. RAY, of New Hampshire. Mr. Chairman, I call up the bill (H. R. 7853) granting a pension to Margaret Flaherty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, the name of Margaret Flaherty, dependent stepmother of Bartlett Flaherty, late a private of Company F, Third Maine Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE HACKETT.

Mr. BAGLEY. Mr. Chairman, I call up the bill (S. 1416) granting a pension to Mrs. Charlotte Hackett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Charlotte Hackett, mother of Samuel F. Hackett, late ex-private in Company E, Second Regiment Wisconsin Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

KATE A. DRUMMOND.

Mr. PRICE. I call up the bill (S. 2231) granting a pension to Mrs. Kate A. Drummond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Kate A. Drummond, of Iowa City, Johnson County, Iowa, widow of Thomas Drummond, late captain of the Fifth United States Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NICHOLAS WITHAM.

Mr. WALLACE. Mr. Chairman, I call up the bill (H. R. 7612) granting a pension to Nicholas Witham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Witham, late a private in Company H, Third Regiment Massachusetts Heavy Artillery.

SEC. 2. That this act shall take effect upon its passage.

The report by (Mr. LOVERING) is as follows:

Your committee find that claimant enlisted as a private in Company H, Third Massachusetts Heavy Artillery, December, 4, 1863, and was discharged therefrom September 18, 1865. He filed a declaration for pension September 12, 1877, alleging chronic diarrhea and kidney disease, resulting in affection of the eyes. His claim was rejected by reason "no records, and inability to furnish medical or other evidence showing that condition of eyes is the result of disease contracted in the service and line of duty."

George H. Peirce, captain of claimant's company, says:

"Claimant was taken sick while in the line of his duty in summer of 1865, and was sent to the hospital, and never returned to duty afterward. He was a good soldier. Affiant's records fail to show nature of disease."

William Nichols, surgeon of Third Massachusetts Heavy Artillery, says:

"Claimant, while sick in the hospital at Fort Saratoga, in 1865, was under the charge of Drs. Grant and Gilbert; the former is dead; the latter, affiant understands, has disappeared. Affiant is convinced that claimant was sent to hospital in July, 1865, and was sent home sick with his regiment at date of its muster out; believes sickness of claimant was continuous from date of his arrival home, and was such as to disable him for very light business during the autumn and winter of 1865; is of opinion that claimant's disability was contracted in line of duty."

Lyman H. Chase, a comrade, and was detailed as ambulance-driver; recollects carrying claimant to the hospital; knows that he came home sick; came home with him.

Hiram N. Breed, ex-mayor, of Lynn, Mass., says:

"Ever since claimant's return home, in 1865, his sight has been poor, so that it is hard for him to recognize acquaintances, and his health has been poor; knows that he was an active man before he enlisted, and that since discharge he has been unable to do anything of consequence."

Thomas L. Swain testifies conjointly with Mr. Breed.

Thomas B. Knight, city treasurer, Lynn, Mass., says that claimant drew aid from the treasury in 1866, '67, '69, '71, '72, '73, '74, '75, '76, and '77.

In a personal interview claimant says he has "chronic diarrhea, and is so blind that he can scarcely find the way around," which is evidently true.

Dr. Isaac F. Galloupe, examining surgeon, says:

"In my opinion the said Nicholas Witham is totally incapacitated for obtaining his subsistence by manual labor from the cause above stated."

In view of all the facts, and in consideration of the extreme age (72 years) of claimant, your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HAYNES. Mr. Chairman, I call up the bill (H. R. 8082) granting a pension to Lina J. Stearns.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lina J. Stearns, widow of Oliver F. Stearns, late a private in Company F, Sixteenth New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN K. MITCHELL.

Mr. McMILLIN. I call up the bill (H. R. 7077) to remove the political disabilities of John K. Mitchell, of Virginia.

The bill was read; and, there being no objection, was laid aside to be reported to the House with the recommendation that it do pass.

DAVID SEARS.

Mr. NUTTING. I call up the bill (H. R. 8091) granting a pension to David Sears.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David Sears on the pension-roll of the United States, under the rules and regulations of the pension laws in regard to amount of pension.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JESSE S. HARROLD.

Mr. MATSON. I call up the bill (S. 2158) granting an increase of pension to Jesse S. Harrold.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse S. Harrold, late second lieutenant of Company H, Fourteenth Regiment Indiana Volunteers, at the rate of $30 per month, in lieu of what he is now receiving.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LUCY PARR.

Mr. SMITH, of Iowa. I call up the bill (H. R. 8142) granting a pension to Mrs. Lucy Parr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Lucy Parr, widow of Samuel B. Parr, late of Company I, Fourth Regiment Iowa Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORIN R. M'DANIEL.

Mr. STEVENS. I call up the bill (S. 1546) for the relief of Orin R. McDaniel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Orin R. McDaniel, late of Company H, Sixty-fourth Regiment Illinois Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN RANDOLPH HAMILTON.

Mr. HEWITT, of Alabama. I call up the bill (H. R. 7230) to remove the political disabilities of John Randolph Hamilton, of North Carolina.

The bill was read, and, there being no objection, was laid aside to be reported to the House with the recommendation that it do pass.

ISABELLA HIGGINS.

Mr. HOLMES. I call up the bill (S. 2549) granting a pension to Isabella Higgins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isabella Higgins, late hospital matron of the Eighth Regiment of Iowa Infantry Volunteers.

The following amendment, reported by the Committee on Invalid Pensions, was read:

Strike out the words "subject to the provisions and limitations of the pension laws" and insert "at the rate of $30 per month."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee do now rise. [Cries of "Oh, no!"]

Mr. ELLWOOD. I hope the committee will not rise; a number of us want to have our bills passed.

Mr. MATSON. My object in moving that the committee rise is that the House may extend the time for taking the recess, so that all gentlemen having bills they want considered to-night may be accommodated. I propose to ask the House to extend the time for taking the recess until half past 10 or 11 o'clock.

The motion of Mr. MATSON that the committee rise was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and also bills for removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

JONATHAN C. HARRISON.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH SANSOM.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7990) granting a pension to Joseph Sansom; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLARINDA HUNT.

Mr. LOVERING, from the Committee on Invalid pensions, reported back favorably the bill (S. 1804) granting a pension to Clarinda Hunt; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

A. W. STARK.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8186) to remove the political disabilities of A. W. Stark; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MATSON. I ask unanimous consent that the order fixing the time for taking the recess to-night at 10 o'clock be modified, so that the recess shall take place at a quarter before 11 o'clock.

Mr. GIBSON. I understand by the order of the House a recess is to be taken until 10 o'clock to-morrow.

Mr. BRECKINRIDGE. Have we the right by unanimous consent to change the hour to which a recess is to be taken?

The SPEAKER *pro tempore*. The present occupant of the chair thinks the House has the right by unanimous consent to extend the hour at which the recess is to be taken. Is there objection?

Mr. HEWITT, of Alabama. I ask for the reading of the order under which these evening sessions are held.

The SPEAKER *pro tempore*. Does the gentleman object to the proposed extension?

Mr. HEWITT, of Alabama. I do not believe we have the right to do it.

The SPEAKER *pro tempore*. Do you object? It requires unanimous consent.

Mr. HEWITT, of Alabama. I do not believe unanimous consent can do it.

The SPEAKER *pro tempore*. If there be no objection the hour will be continued.

Mr. McMILLIN. I suggest this amendment: that the hour for taking a recess be postponed until all the bills which have been reported from the Committee of the Whole House on the Private Calendar have been acted on.

Mr. HEWITT, of Alabama. I object, because under the order for the evening session we can only do that which we are authorized, and nothing more. It certainly does not authorize any such extension.

Mr. STEELE. I demand the regular order.

Mr. McMILLIN. I suggest to the gentleman from Alabama and the gentleman from Indiana we can by unanimous consent extend the hour for taking a recess until the bills reported from the Committee of the Whole House on the Private Calendar have been disposed of; nothing more is asked, and immediately after that has been done we can take a recess.

Mr. HEWITT, of Alabama. When we pass 10 o'clock all we can do is to adjourn.

Mr. McMILLIN. I do not think the gentleman is correct in that, but I do not insist upon it.

Mr. MATSON. There is time enough to dispose of the business reported from the Committee of the Whole House before 10 o'clock.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8090) granting a pension to Albert Harper;
A bill (H. R. 8136) for the relief of Addison M. Copen;
A bill (H. R. 6782) granting a pension to Susan Woolley;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7612) granting a pension to Nicholas Witham;
A bill (H. R. 8082) granting a pension to Lina J. Stearns; and
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 7077) to remove the disabilities of John K. Mitchell, of Virginia;
A bill (H. R. 7078) to remove the disabilities of John L. Cowardin; and
A bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 7810) granting a pension to Roseanna Riley;
A bill (H. R. 2068) granting a pension to James H. Reid; and
A bill (H. R. 7718) granting a pension to John Snyder. The title of the bill was amended to read "A bill restoring John Snyder to the pension-roll."

Senate bill of the following titles were severally ordered to a third reading; and were accordingly read the third time, and passed, namely:

A bill (S. 1546) granting a pension to Orin R. McDaniel;
A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;
A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;
A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;
A bill (S. 2398) granting a pension to Cyrus Reeser; and
A bill (S. 150) granting a pension to Sarah Denny Ripley;

Amendments to the following bills were severally agreed to, and the bills as amended were ordered to be read a third time; and they were accordingly read the third time, and passed:

A bill (S. 2549) granting a pension to Isabella Higgins;
A bill (S. 1385) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and
A bill (S. 1571) granting a pension to James McCullen.

The SPEAKER *pro tempore*. On the following bills it is the understanding the previous question shall be ordered and that the vote shall be taken by yeas and nays. The Chair hears no objection, and it is so ordered:

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
A bill (S. 2547) granting increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; and
A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

And then, at 10 o'clock p. m. (February 13, 1885), in compliance with previous order, the House took a recess until 10 o'clock to-morrow morning (February 14, 1885).

AFTER RECESS.

The recess having expired, the House at 10 o'clock a. m. (Saturday, February 14) reassembled.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, my

object being to reach the consideration of the river and harbor bill, and also that all debate upon that bill, when next entered upon, shall be limited to one and one-half hours; one hour to be allotted to the enemies or opponents of the bill and thirty minutes to its friends, and upon that I demand the previous question.

Mr. HISCOCK. I desire to ask the gentleman from Kentucky [Mr. WILLIS] a question as to the distribution of the time; how it is to be made; whether the debate shall proceed as we proceed with the consideration of the bill by paragraphs, or whether he proposes that the debate allowed by this motion shall be a general debate?

Mr. WILLIS. I can only give the gentleman from New York my own idea. It is this: The section will be read, and the gentleman from New York or some other gentleman opposed to the bill will take charge of the hour in opposition, and distribute it so as to suit the gentlemen who desire to speak in opposition.

Mr. HISCOCK. What I have desired to suggest is this: while the time for debate is limited, it will proceed, as I understand, under the five-minute rule.

Mr. WILLIS. Yes, sir.

Mr. REAGAN. That ought to be so, and that arrangement will no doubt accomplish the purpose of all parties. Let the time be occupied on the paragraphs as under the five-minute rule.

Mr. HISCOCK. That is precisely the point I am endeavoring to get at. I am sure there is no intention unreasonably to consume the time so far as this debate is concerned. But if I understand the gentleman from Kentucky, he does not propose to limit us even to the hour and a half allowed by his motion.

Mr. WILLIS. I will state for myself, and so far as I can speak for the friends of the bill, that even if the hour is exhausted when a gentleman offers an amendment and wants to present facts in connection with any particular paragraph, I at least will not raise the point of order.

Mr. HISCOCK. I desired to have this understanding before we went into committee, so that it may be clearly understood when we are in the Committee of the Whole that this was the arrangement.

Mr. CLARDY. I wish to suggest to gentlemen that the Committee of the Whole of course would be powerless to extend the time allowed for debate by the House.

Mr. HISCOCK. If the gentleman from Missouri [Mr. CLARDY] will pardon me, I will say if this understanding is now arrived at in the House, that there is to be such a license as has been suggested, the committee would be bound by that understanding.

Mr. WILSON, of Iowa. Before going into Committee of the Whole House on the state of the Union I would like to have the opinion of the Chair on one point. The proposition of the gentleman from Kentucky [Mr. WILLIS] this morning startles me. It is alarming. He suggests that somebody on this side of the House and somebody on that side shall control the time. Now, that may be all very well for the big men on this side of the House and the big men on that side; but the last opportunity that an obscure man like myself might have to speak in his own right for five minutes would be gone forever. Now, I would like to have the opinion of the Chair whether when the House by a majority limits debate on a section, say to one hour and a half—whether that hour and a half shall be in the control of one man on each side of the House or whether the debate shall progress under the five-minute rule. That is the point on which I would like to have the opinion of the Chair.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Iowa its opinion, that the question as to the disposition of the time allowed for debate would be one entirely in the hands of the chairman of the Committee of the Whole House on the state of the Union.

Mr. REAGAN. If the understanding can be as was suggested a little time ago, that the debate is not to be what is called a general debate, but a debate under the five-minute rule, such an arrangement would allow a better chance to meet the point now suggested by the gentleman from Iowa.

Mr. WILSON, of Iowa. If the chairman of the Committee of the Whole should take it into his head that under this order general debate was to be allowed for one hour and a half, to be controlled by one gentleman on the other side and one gentleman on this side, what chance would an obscure man like myself have to take part in that debate?

Mr. REAGAN. The chairman can not do that under the rules while the five-minute debate is going on.

The SPEAKER *pro tempore*. The Committee of the Whole is under the operation of the five-minute rule.

Mr. WILSON, of Iowa. I just wanted that much said by the Speaker.

Mr. HISCOCK. I would like to make a single remark to the gentleman on the other side who has charge of the bill. The friends of the bill say, "We have given you a great deal of latitude in this case; we have given you more time than we take ourselves." Now, I would like very much to speak against the provisions of this bill; but under the present circumstances I can not discuss any provision of the bill—I can not say a word against it. Why? Because here is my friend from Wisconsin [Mr. PRICE], here is my friend from Iowa [Mr. WILSON], here are other gentlemen who want to occupy the whole of the time in presenting their views on amendments that they wish to offer. I can not say to the gentleman from Wisconsin or these other gentlemen, "I will occupy time in attacking the provisions of this bill," when these gentlemen stand here and say——

Mr. KING. I will ask the gentleman whether it would satisfy him if this side of the House would allow him one half hour?

Mr. HISCOCK. I do not want to occupy time in that way under the circumstances.

Mr. REAGAN. The gentleman fails to recognize the fact that we are proceeding in Committee of the Whole under the five-minute debate, and there will be opportunity for amendment to every clause.

Mr. HISCOCK. I understand that. But here is the gentleman from Wisconsin, who says, "I have an important amendment that I desire to offer, which is vital to me and my people." Under such circumstances I can not take five minutes or ten minutes if thereby I interfere with the presentation of the merits of his amendment. So also I understand the gentleman from Iowa [Mr. WILSON] wishes to advocate an amendment. The case is the same with gentlemen all over this side of the House; they want the whole of this hour for presenting their arguments in favor of amendments that they may wish to offer.

Mr. REAGAN. That means that we are to defeat this bill by letting every man talk as long as he wants to——

Mr. HISCOCK. Oh, no; it does not. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is called for; and the Chair will state that the regular order is the business coming over from last night's session under the operation of the previous question.

Mr. WILLIS. I wish to say in behalf of the friends of this bill that the only object——

The SPEAKER *pro tempore*. Debate is not in order, the regular order having been called for.

Mr. TOWNSHEND. May I say a word?

The SPEAKER *pro tempore*. Debate is only in order by unanimous consent; and the regular order has been called for.

Mr. TOWNSHEND. I rise to a question of order. When the recess was taken yesterday afternoon it was generally understood that the business of the House before noon to-day should be the consideration of the river and harbor bill; and the general understanding is that no vote is to be taken upon the Post-Office appropriation bill until the House meets at 12 o'clock to-day. Now, good faith toward the Committee on Rivers and Harbors, as well as toward the Committee on Appropriations, demands that this order shall be carried out.

The SPEAKER *pro tempore*. The Chair thinks that was the understanding; still the Chair was not a party to any private understanding on the part of the House.

Mr. HEWITT, of Alabama. Mr Speaker—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. If the House will be in order, the Chair will state the regular order. The Chair thinks the understanding of the House has been correctly stated by the gentleman from Illinois [Mr. TOWNSHEND]; but the Chair has no power except to state the order of business under the rule. The regular order, in the judgment of the Chair, would be business coming over under the operation of the previous question from last night's session, of which this is a continuation. But the gentleman from Kentucky asks now, in accordance with the statement made by the gentleman from Illinois [Mr. TOWNSHEND] as to what was the understanding of the House, that the House may now resolve itself into Committee of the Whole on the state of the Union to proceed with the consideration of the river and harbor bill.

Mr. TOWNSHEND. That ought to be done.

Several members objected.

EVENING SESSION FOR LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. The call for the regular order is withdrawn to permit me to request that a session be held to-night, beginning at 8 o'clock, to take up the legislative appropriation bill. I think that can be promptly disposed of.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN]? The Chair hears none, and it is so ordered.

Mr. WILLIS. I desire to ask whether that means an understanding that the river and harbor bill shall stand out of the way? I do not understand from the gentleman that it does.

Mr. HANCOCK. That is just what it does mean.

Mr. HOLMAN. For to-night.

The SPEAKER *pro tempore*. The Chair understood that the request was for a session this evening for the purpose of taking up the legislative, executive, and judicial appropriation bill.

Mr. HOLMAN. I only ask it for to-night.

The SPEAKER *pro tempore*. The Chair hears no objection to the request of the gentleman from Indiana.

ORDER OF BUSINESS.

Mr. WILLIS. Now I renew my motion.

The SPEAKER *pro tempore*. The Chair has stated the regular order and has stated that the gentleman from Kentucky moves that the House now resolve itself into Committee of the Whole House on the state of the Union, to proceed with the consideration of the river and harbor appropriation bill——

Mr. REED, of Maine. I object. It seems to me the regular order is public appropriation bills.

The SPEAKER *pro tempore*. The Chair does not think so. The Chair thinks this is an extension of the session of last night; and the House having by its own action applied the previous question to certain bills undisposed of at the close of the session last evening, that business, in the judgment of the Chair, constitutes the regular order.

Mr. SPRINGER. Mr. Speaker, would it be in order to postpone the further consideration of that business at 2 o'clock to-day?

The SPEAKER *pro tempore*. The Chair does not think it is in order to move to postpone the previous question; the rule is imperative. The Clerk will report the clause of the rule which defines the operation of the previous question.

Mr. WILLIS. Mr. Speaker, I desire to appeal to the House.

The SPEAKER *pro tempore*. The gentleman will wait one moment while the Clerk reports the rule.

The Clerk read as follows:

RULE XVII.

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been ordered.

Mr. HAMMOND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. The language of the order under which the House sat last evening is this:

That until the further order of this House, on each Friday the House will take a recess from 5 until 8 o'clock p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

The SPEAKER *pro tempore*. The Chair holds that this is not Saturday. This is Friday's session.

Mr. HAMMOND. But it is not the evening session of Friday.

The SPEAKER *pro tempore*. In the judgment of the Chair this is a continuation of the Friday evening session and will be until the House shall adjourn or dispose of the business brought over from the Friday evening session under the previous question.

Mr. HAMMOND. Then I move that the House do now adjourn.

Mr. WILLIS. I hope the gentleman will withdraw that motion. I wish to appeal to the sense——

Mr. HAMMOND. Mr. Speaker, I do not wish to adjourn at all, but I do not desire to go on with pension bills when the understanding was that we were to go on with the river and harbor bill.

The SPEAKER *pro tempore*. The Chair thinks the understanding was as stated by the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Georgia, Mr. HAMMOND, but the Chair can only observe the rule. The Chair can not take official cognizance of private understandings.

Mr. YOUNG. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. YOUNG. Is a motion to adjourn debatable?

The SPEAKER *pro tempore*. The Chair thinks it is not debatable.

Mr. YOUNG. If it is, I wish to be heard a little while.

The SPEAKER *pro tempore*. It is not debatable. Does the gentleman from Georgia [Mr. HAMMOND] insist upon his motion?

Mr. HAMMOND. I withdraw it.

Mr. WILLIS. Now, Mr. Speaker, I want to be heard for a moment.

Mr. REED, of Maine. Mr. Speaker, is this debatable?

The SPEAKER *pro tempore*. Only by unanimous consent.

Mr. REED, of Maine. I object.

Mr. THOMAS. I move that the House do now adjourn.

The question was taken; and there were—ayes 11, noes 72.

So the motion was not agreed to.

Mr. WILLIS. Now, Mr. Speaker, on yesterday, when the gentleman from Illinois asked to dispense with the private business, his language was to "dispense with all private business for the day, except the evening session." Thereupon, following that, I moved that at 10 o'clock Friday night the House should take a recess until this day at 10 a. m., intending to call up the river and harbor bill. I appeal to the sense of justice of this House whether that was not practically the understanding in the House; and therefore, in view of that understanding, I ask unanimous consent to proceed in accordance with the expressed will of the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. REED, of Maine. Mr. Speaker, how many times has a gentleman got to object on the floor of the House to a proposition and how many times can it be renewed when gentlemen call for the regular order?

The SPEAKER *pro tempore*. The Chair stated expressly that debate, or any remarks in the nature of debate, could be had only by unanimous consent, and the gentleman from Maine [Mr. REED] stood with the rest of the House listening until the request of the gentleman from Kentucky was repeated.

Mr. REED, of Maine. The gentleman from Maine objected.

The SPEAKER *pro tempore*. The Chair denies that it is in fault in the matter at all. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS]?

Mr. REED, of Maine. I object.

The SPEAKER *pro tempore*. Objection is made.

The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas D. Thornburgh, late of the United States Army.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill the title of which has just been read.

Mr. MATSON. Mr. Speaker, it was understood that the yeas and nays were to be taken upon that bill.

The SPEAKER *pro tempore*. Does the gentleman ask for the yeas and nays?

Mr. MATSON. I do.

Mr. REAGAN. I hope it will be voted down. This is a snap judgment, intended to defeat the river and harbor bill.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. CUTCHEON. By the agreement made in the House last night it was understood that there was to be five minutes' debate upon that bill on each side.

Mr. KING. Mr. Speaker, this whole proceeding is in direct violation of good faith.

The SPEAKER *pro tempore*. Debate is not in order, as the Chair has ruled more than once. Five minutes' debate on each side was to be allowed upon this bill, and the Chair is ready to recognize any gentleman who desires to be heard upon it. [After a pause.] The question is on ordering the yeas and nays upon the passage of the bill.

The question was taken, and only 8 gentleman voted in the affirmative.

So the yeas any nays were refused.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The question was taken by a *viva voce* vote.

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. RANDALL. What is the use of killing this bill in this way? It will not take any more time to pass it than to kill it.

The House again divided; and there were—ayes 31, noes 48.

Mr. WASHBURN. No quorum.

The SPEAKER *pro tempore*. The Chair appoints as tellers Mr. HOUK and Mr. MATSON.

The House again divided; and there were—ayes 44, noes 48.

Mr. HOUK. No quorum. I can not permit this bill to be defeated without a quorum in the House.

Mr. RANDALL. I suggest to the gentleman from Tennessee that he allow the gentleman from Illinois [Mr. SPRINGER] to enter a motion to reconsider, and that motion to reconsider can go over until another time; and so we will be able to get out of this difficulty,

Mr. HOUK. With that understanding and in order that the House may go to public business, I will withdraw the point of no quorum.

The SPEAKER *pro tempore*. So the bill is rejected.

Mr. SPRINGER. I enter the motion to reconsider the vote by which the bill was rejected; and I give notice that I will call it up at another time.

MRS. FRANCES L. THOMAS.

The SPEAKER *pro tempore*. The next bill coming over under the agreement at the evening session is a bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 a month now received by Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to $2,000 per annum, to take effect from and after the passage of this act.

Mr. CUTCHEON. In the twenty minutes allowed for debate by agreement last night I ask the report be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the Senate bill No. 2547, granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, having carefully considered the same, beg leave to report as follows:

The proposition made by the Senate is to increase the pension of the widow of this illustrious officer from $30 per month to $2,000 per annum. It is said that General Thomas died owning but little property, and that his widow, though by no means in actual want, desires an increase of her pension in order that she may live comfortably. This committee has recommended in every instance when the appeal has been made that the pension of a widow of a general officer should be increased to $50 per month. This is to give a pension more than three times as large as that given to the widows of any of the general officers of the Army. There is one pension now granted by special act of Congress of $2,000 per annum. It goes to the widow of Admiral Farragut, so that we are not without a precedent. We should ask for no precedent for this proposition, because it can not be denied that General Thomas's service and career were in many respects exceptional. He stood in the front rank of our general officers during our greatest war, alongside of Grant, Sherman, and Sheridan, and yet by his modesty, or for some other unexplained reason, favors were never shown him. His whole life was one of work, faithful, unremitting service of the most difficult and trying kind. His military history furnished by the War Department shows this fact. During his lifetime he did not receive the lavish honors and favors that were given to others, but the impartial historian will place him as one of the most heroic and faithful characters in the history of our country, as great as the

greatest in his achievements. For these reasons, believing it furnishes no precedent for action in any other case, we recommend the passage of the Senate bill.

Mr. PRICE. When this bill came up in Committee of the Whole House on the Private Calendar last evening I raised objection to it and defeated its passage at that time solely on the ground that a single objection was fatal. I then agreed, because I disliked to apply that rule, that the question might be brought before the House this morning.

Mr. REAGAN. I rise to a question of order. What is before the House?

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

Mr. REAGAN. Is that debatable?

The SPEAKER *pro tempore*. Under the order of the House twenty minutes were reserved for debate.

Mr. BUCKNER. Is it in order to amend the bill?

The SPEAKER *pro tempore*. The previous question has been ordered and amendment is cut off. The House has so ordered.

Mr. WHITE, of Kentucky. I rise to a question. If the RECORD states it correctly, the gentleman from Wisconsin is entitled to control twenty minutes.

Mr. RANDALL. That was the understanding.

The SPEAKER *pro tempore*. The Chair understands that was the agreement.

Mr. PRICE. If gentlemen who are opposing my occupying the floor had been here last night, as they ought to have been, there would have been no necessity for these inquiries.

Mr. RANDALL. Will the gentleman allow me?

Mr. PRICE. No; I will not allow the gentleman to do anything. I asked a courtesy at his hands a few days ago and I was spurned.

Mr. RANDALL. I have to bear that.

Mr. PRICE. I had to bear a similar one the other day.

This is a bill to grant a pension to the widow of General Thomas of $2,000 per annum, and I rise to oppose it.

All the arguments that have been or can be urged in favor of its passage will be the gallantry and efficiency of General Thomas as an American soldier, and at the very outset I freely and cheerfully indorse all the eulogies that will be pronounced on General Thomas. I admit his skill, his bravery, his devotion to country. I know that he inspired his friends and the friends of civil liberty with a love, an admiration, and confidence equaled only by the dread with which he inspired his enemies. I know, too, that our revenues will never be large enough to remunerate him for his distinguished services. I know that his memory will be cherished as long as a spirit of patriotism shall find a place in the human heart, and that in after years coming generations will recognize his life as the finest type of a great and at the same time a good man.

It is because I would do honor to his name that I would oppose this bill. He fought and suffered and struggled that this might continue to be a free Government, by a free people; to preserve the right of every man, woman, and child to be the equal of every other before the law; that the benign and beneficent influence of its protecting arms might be thrown equally around all classes and all conditions of people; that the unworthy should suffer equal punishment, be he pauper or millionaire, and that equal meed of praise or reward should be extended to all who discharged equally well their social and political duties in whatever niche in life they might be placed.

He defended for us the principle that—

> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.

And we are violating this principle when we select this or any similar case and make it a matter of special legislation, to the exclusion of thousands of cases equally meritorious—admitting for this case all the merit that can possibly be claimed for it—that appeal to us daily all over our land, not for alms, but for simple justice.

I will be met with the argument that a higher degree of skill or talent or aptness entitles its possessor to greater compensation. Admitting this, and then you have not demonstrated that this bill should become a law.

Elevation to places of command is not proof conclusive of extraordinary qualification. A hundred or a thousand untried men coming together, some must be selected as commanders, and in the absence of knowledge frequent mistakes were made and the fittest selections were not always determined on. Promotions were too frequently the result of political influences, and men were left to trudge on foot and carry a knapsack who could have rode on horseback quite as gracefully and commanded quite as skillfully and did exhibit as much bravery as the bravest of our most gallant leaders. They all, both officers and men, equally loved the flag; equally sacrificed home and ease and safety; equally endured, and in too many instances died, that the nation might live.

The compensation of pay and comfort or discomfort of camp or march or battles fought were all in favor of the officer and against the private. Thus we did compensate more highly, while in the service, officers, assuming that they possessed these rarer qualifications.

But should we continue these distinctions, when the service is over, to them or to their surviving relatives?

You, Mr. Speaker, or myself, being selected for a few years, out of 200,000 people, to occupy a place in this Chamber to discharge the high and responsible duties of a legislator, do we by that accident or circumstance put on a finer organization, either physical or mental, as that in after years when we shall become dependent upon others we must be treated differently from any other citizen who has filled to the best of his ability his place in the world? The idea is abhorrent to the principle of man's equality, and unless the disposition to thus discriminate is checked will prove destructive to the future of the Republic. I deeply deplore the tendency of the times in this direction.

Class legislation has been the bane of every country that has tried it. France pursued it until the pressure became so great on the under strata of society that it rose in revolt, and anarchy and confusion ran riot.

I have no sympathy with that communistic sentiment, based simply on a feeling of hostility to those who by thrift and economy have accumulated the means of surrounding themselves with the conveniences or luxuries of a higher civilization; but I have a deep and abiding sympathy with that feeling of unrest so plainly visible in almost every community which is superinduced by just such legislation as this bill proposes. The private soldier was as warmly attached to his family and home as the officer. If he fell in battle his nerves were as sensitive, his blood as red, his last gasp of agony accompanied with as much pain as the officer's. His wife and children mourned him as truly. Their destitution was as complete, their agony as intense and lasting. In most instances they were more poorly equipped for the battle of life; and yet we have thus far contented ourselves with giving them such poor assistance as may be derived under and by virtue of a general pension law blurred all over with crude and cruel conditions, many of which it is physically impossible to comply with. But if a major-general, or a brigadier-general, or an officer of any grade knocks at the door of this Congress, each one vies with the others who shall most promptly vote the largest amount, while hundreds as brave and as patriotic men as they, who rendered as important service as they, though in a humbler sphere, or their dependent wives or children, are to-day in a condition of helpless and hopeless poverty superinduced by their service as private soldiers.

If the Republic would live it must secure and retain the confidence of its citizens, and this monstrous discrimination is so plain, so unendurable, that it can not be regarded other than with abhorrence.

There is now a bill pending in this House, and has been since the first week of the session, by the provisions of which if passed every soldier of the Union would receive a pension. Substitute that bill for this and pass it, and then with a consciousness that you have shown yourselves worthy of the great sacrifices made by our defenders, you can have nothing to regret, nothing to apologize for, and you will have made our Government stronger in the hearts of the people, and sleep sweetly in the consciousness of duty well performed. I will be told that this is a "great country," and we should not be parsimonious in our dealings with our public men. I know it is a "great country," and I want it to continue great and to become greater, but that end can only be attained by making it and keeping it a just Government, and for a short time we are the custodians of its honor.

Let us then strike down for all time these special acts in the interests of a few favorites, and pass a broad and generous pension bill which will treat all classes and all grades alike. Do not tell me I am opposed to pensioning the widow of General Thomas. It is not that that I am opposing. My opposition arises from the fact that all our soldiers are not provided for, and every one of such cases as this that is relieved makes it that much more difficult to get what is demanded by every consideration of prudence, patriotism, and justice.

Mr. Chairman, I offer as a substitute for the pending bill the bill to which I referred, which pensions all soldiers.

The SPEAKER *pro tempore*. The Chair will state that no amendment is now in order.

Mr. PRICE. Then I desire to record publicly my desire to offer the bill as a substitute for the pending proposition.

The SPEAKER *pro tempore*. The Chair will state that the previous question having been ordered on this bill it cuts off amendments.

Mr. PRICE. I agreed to give ten minutes to the gentleman from Indiana [Mr. STEELE].

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. PRICE. But I do not see the gentleman in the Hall, and if the gentleman from Pennsylvania [Mr. RANDALL] desires to be heard I will yield to him. I will extend to him a courtesy that he would not extend to me.

Mr. REED. Do I understand the Chair to hold that the gentleman has exhausted the twenty minutes with the exception of two minutes?

The SPEAKER *pro tempore*. The Clerk reports that two minutes of the gentleman's time remain.

Mr. REED. The gentleman commenced at twenty minutes before 11 o'clock.

Mr. MILLS. But the reading of the report took up a part of the time.

The SPEAKER *pro tempore*. The Chair will state that the Clerk reports the gentleman from Wisconsin has two minutes of the ten minutes remaining. There are consequently eighteen minutes of the twenty still remaining.

Mr. PRICE. Then I yield two minutes to the gentleman from Pennsylvania.

Mr. RANDALL. Mr. Speaker, we are not without a precedent in this particular. The widow of Admiral Farragut received, by act of Congress, up to the time of her death, $2,000 a year. This lady has been living, from the date of the death of her husband up to the present time, on a pension of $30 a month; and I do not believe that any request would have been made except that it was with her a question of necessity. Ay, more. I want to say to this House and to the country that there was developed in the war but one George H. Thomas, and I do not believe there is any part of the American people, in any section of our common country, who do not desire to see the widow of that great soldier go down for the rest of her life with her pillow smoothed and her declining years free from want. [Applause.]

Mr. PRICE. Then make them all smooth. I yield five minutes to the gentlemanfrom Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, while I sympathize in the main with many of the sentiments expressed by the gentleman from Wisconsin [Mr. PRICE] in regard to the matter of making discriminations between those of lower and those of higher grades who equally served, who equally suffered, and equally died in the interests of the country, I do think that the case of Maj. Gen. George H. Thomas is one that appeals so strongly by reason of his pre-eminent services, and towers so far above all others on which we are called to vote, that it ought to be made an exception. As was said by the distinguished gentleman on the left [Mr. RANDALL], the war developed but one George H. Thomas. He is one of the most eminent and most distinguished of all of the generals of the late war who have passed away; and I would place the widow of General Thomas side by side with the widow of our great sea admiral, Farragut, that so long as she lives she may know by the acts as well as the thanks of the American people that the supreme worth of her husband was fully appreciated by his country.

Mr. Speaker, there were single days in the history of our great civil war when the services of Major-General Thomas were worth uncounted millions to the people; and we can not now, without national disgrace and without dishonor to ourselves, refuse to put his widow beyond all possibility of want.

Mr. KING. I rise to make a parliamentary inquiry. I understand twenty minutes are allowed for debate. Ten minutes have already been given to that side of the House.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Louisiana, as the Chair has stated before, that the twenty minutes by order of the House were given, the whole of it, to the gentleman from Wisconsin.

Mr. KING. The whole time?

The SPEAKER *pro tempore*. The Chair has stated it three times that such was the agreement of the House. The gentleman from Michigan [Mr. CUTCHEON] will proceed.

Mr. CUTCHEON. For these reasons and for other reasons which there is not now time to enumerate I shall give my vote for this bill, and I trust that it may be passed by such an overwhelming majority in this House as shall emphasize the appreciation of the American people for that great hero General George H. Thomas.

Mr. KING. I wish to ask the gentleman from Wisconsin——

The SPEAKER *pro tempore*. To whom does the gentleman from Wisconsin yield?

Mr. PRICE. I do not yield to any one till I hear the request of the gentleman from Louisiana. What does the gentleman want?

Mr. KING. I want to have one minute.

Mr. PRICE. I will give it cheerfully if I can do so after fulfilling my promise to the gentleman from Texas [Mr. REAGAN]. How many minutes have I remaining?

The SPEAKER *pro tempore*. The gentleman has eight minutes of his time remaining.

Mr. PRICE. The gentleman from Texas [Mr. REAGAN] wants five minutes and I will cheerfully yield him that time; and then I will yield to the gentleman from Louisiana [Mr. KING].

Mr. REAGAN. There has been no time allowed for considering this bill. It was not reported, I am told, till last night. But that is not the point I rose to make.

Under our system of government it was never intended that there should be privileged classes—drones in society paid out of the labor of other people for doing nothing. Under the English Government, where privileged classes are preserved as a part of the nature and character of the government, high salaries are given to officers, and there are expensive pension-lists for the benefit of persons in various departments of life in order to sustain and keep up privileged classes. At the very foundation of our Government lies the declaration that there shall be no privileged classes, no aristocracy in this country.

We have, however, in recent years managed to pension the Federal judiciary, to pension the officers of the Army retired from service, to pension the officers of the Navy, to pension the officers of the marine service; and now there are pending before this House bills to pension twelve additional classes of people by putting them on the retired pension-list.

The whole of this means that there is to be established a class who are to be a privileged class, who are to live upon the labor of others. I ask this House if it is just in principle, because a citizen has received high honors and high emoluments, that therefore he and his family shall be pensioned upon the public Treasury? I ask if because he has been more fortunate than others, if because he has had superior position, social, political, military, or civil, this constitutes a reason for levying taxes upon the people to support him and his family when they are rendering no public service?

It is not to this particular case I am objecting. It is to the whole principle. I have not, I believe, voted for any case of this kind. I can not vote for a case of this kind, because I believe it to be violative of the principles and character of our Government and to be violative of the rules of right, unjust alike to all that are not pensioned.

It is said here that General Thomas died poor. Well, sir, thousands of men in this country die poor. It is said that it is desired his widow shall live in comfort. I wish that every widow in this land could live in comfort. But when you tax one part of the widows in this country to support another part, when you tax the poorer to support the richer, when you tax one part of the men in this country to support another part of the men in this country, when you tax the poorer for the benefit of those in a better position in life and society, I say it is a wrong, and it is a wrong that the American people should give attention to; because if these precedents should go on it will soon be the case that the parties who are benefited by this legislation and those interested in them will become an element so powerful as to create a privileged class, an order of drones upon society, who are to live upon the labor and enjoy the profits of the toil and sweat of those poorer and more suffering than themselves.

My hope, Mr. Speaker, is only in this five minutes, as far as I can, to direct the attention of this House, and if possible to direct the attention of the country, to the monstrous wrongs growing out of these precedents of paying people not for public services, but of pensioning them for life when they are rendering no public service, and of compelling people poorer than themselves to provide for them special and exclusive privileges.

[Here the hammer fell.]

Mr. PRICE. I yield two minutes to the gentleman from Louisiana [Mr. KING] and the remaining one minute to the gentleman from Tennessee [Mr. HOUK].

Mr. KING. I do not rise so much to oppose the pending measure as to call the attention of the House to a personal matter of fact. Yesterday this House took a recess until 10 o'clock this morning, for what purpose? For the purpose of considering the river and harbor bill. That, sir, among others, was the purpose of taking that recess, and now we are opposed by these pension bills. Do gentlemen who advocate this effort to strangle the river and harbor bill recognize the fact that this is bad faith? If this House is to be governed by anything in its deliberations, it must be governed by good faith. If we are to have no confidence in the pledges made between ourselves as to the discussion of great measures here, then certainly the public interests must suffer just in that proportion. I therefore appeal to gentlemen who are bringing forward these pension measures at this time to stop now and let us go back to where we began and proceed with the discussion of the river and harbor bill.

Mr. HOUK rose.

The SPEAKER *pro tempore*. The gentleman from Tennessee has one minute.

Mr. HOUK. Mr. Speaker, in one minute little can be said. It was my privilege to see and know a good deal of General Thomas during the war. I simply want to add to what other gentlemen have said here, that there were days, hours, and minutes as well, when even the life of this nation rested upon the action of that great man, and to refuse this tribute to his services by refusing to give this poor pittance to his wife would, I feel, be a national disgrace. That is all I have to say, as it is impossible to make a speech or recount his virtues in the time allotted.

The SPEAKER *pro tempore*. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading, and it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. RANDALL. Mr. Speaker, there was an understanding that the yeas and nays should be taken upon the passage of this bill, and of course that must be done if the gentleman from Wisconsin [Mr. PRICE] insists upon it; but I hope he will not insist, and that we shall now pass this bill, and proceed immediately to the consideration of other business.

Mr. REAGAN. Mr. Speaker, I insist on the yeas and nays.

Mr. PRICE. The agreement was that the yeas and nays should be called on the passage of the bill, and I hope that we will immediately kill it and then go on with the river and harbor bill.

Mr. HEWITT, of Alabama. Mr. Speaker, I make the point of order that this bill has been ordered to a third reading, and if the gentleman intended to insist upon the understanding they ought to have made the point sooner; it is now too late.

The SPEAKER *pro tempore*. The Chair understands that by agreement of the House the yeas and nays are to be called upon the passage of this bill. The question is now upon the passage of this bill. The gentleman from Wisconsin [Mr. PRICE] insists that the agreement of the House, in the nature of an order, that the yeas and nays shall be taken, shall be carried out, and the Chair can do nothing but execute the order of the House. The Clerk will proceed to call the roll.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to dispense with the order.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. PRICE] has just insisted upon the execution of the order. It is not in the power of the Chair to change the order of the House.

Mr. REAGAN. I insist that the understanding shall be carried out.

The question was taken on the passage of the bill; and there were—yeas 144, nays 52, not voting 128: as follows:

YEAS—144.

Alexander,	Follett,	Lyman,	Smith, H. Y.
Atkinson,	Foran,	McCold,	Snyder,
Bagley,	Funston,	McComas,	Spooner,
Bayne,	Fyan,	McCormick,	Springer,
Beach,	Geddes,	Maybury,	Steele,
Bisbee,	George,	Millard,	Stephenson,
Blackburn,	Greenleaf,	Morgan,	Stevens,
Boyle,	Guenther,	Morse,	Stewart, J. W.
Breckinridge,	Hancock,	Muller,	Stockslager,
Brewer, F. B.	Harmer,	Murphy,	Stone,
Brewer, J. H.	Hart,	Mutchler,	Strait,
Broadhead,	Hatch, H. H.	Nelson,	Sumner, C. A.
Brown, W. W.	Haynes,	Nicholls,	Swope,
Browne, T. M.	Henderson, T. J.	Nutting,	Taylor, J. D.
Budd,	Henley,	Ochiltree,	Thomas,
Burleigh,	Hill,	O'Neill, Charles	Tillman,
Burnes,	Hiscock,	Parker,	Townshend,
Cannon,	Hitt,	Payne,	Vance,
Carleton,	Holmes,	Payson,	Wadsworth,
Cassidy,	Horr,	Perkins,	Wakefield,
Connolly,	Houk,	Peters,	Wallace,
Covington,	Houseman,	Pettibone,	Ward,
Cox, S. S.	Howey,	Post,	Washburn,
Cullen,	Hunt,	Potter,	Weaver,
Curtin,	Hurd,	Pusey,	White, J. D.
Cutcheon,	Jeffords,	Randall,	White, Milo
Davis, G. R.	Kean,	Reed, T. B.	Whiting,
Davis, R. T.	Keifer,	Reid, J. W.	Wilkins,
Dibble,	Kelley,	Rosecrans,	Wilson, James
Dixon,	Lawrence,	Rowell,	Wilson, W. L.
Dockery,	Le Fevre,	Ryan,	Winans, E. B.
Elliott,	Lewis,	Seney,	Wise, G. D.
Ellis,	Libbey,	Shively,	Wolford,
English,	Long,	Skinner, C. R.	Worthington,
Ermentrout,	Lore,	Skinner, T. G.	Yaple,
Everhart,	Lowry,	Slocum,	York.

NAYS—52.

Ballentine,	Davidson,	Jones, J. H.	Reagan,
Barksdale,	Davis, L. H.	Jones, J. T.	Riggs,
Bennett,	Dibrell,	Lanham,	Rogers, J. H.
Blanchard,	Dunn,	McMillin,	Stewart, Charles
Blount,	Eaton,	Miller, J. F.	Taylor, J. M.
Buchanan,	Eldredge,	Mills,	Tucker,
Buckner,	Forney,	Neece,	Turner, H. G.
Cabell,	Green,	Oates,	Turner, Oscar
Caldwell,	Halsell,	O'Ferrall,	Van Eaton,
Clements,	Hammond,	Peel,	Warner, Richard
Cosgrove,	Hardeman,	Pierce,	Wellborn,
Crisp,	Hemphill,	Price,	Williams,
Culberson, D. B.	Hewitt, G. W.	Pryor,	Willis.

NOT VOTING—128.

Adams, G. E.	Deuster,	Jones, J. K.	Rice,
Adams, J. J.	Dingley,	Jordan,	Robertson,
Aiken,	Dorsheimer,	Kellogg,	Robinson, J. S.
Anderson,	Dowd,	Ketcham,	Robinson, W. E.
Arnot,	Dunham,	King,	Rockwell,
Barbour,	Ellwood,	Kleiner,	Rogers, W. F.
Barr,	Evans,	Lacey,	Russell,
Belford,	Ferrell,	Laird,	Seymour,
Belmont,	Fiedler,	Lamb,	Shaw,
Bingham,	Findlay,	Lovering,	Singleton,
Bland,	Finerty,	McAdoo,	Smalls,
Boutelle,	Garrison,	Matson,	Smith, A. Herr
Bowen,	Gibson,	Miller, S. H.	Springer,
Brainerd,	Glascock,	Milliken,	Storm,
Bratton,	Goff,	Mitchell,	Struble,
Breitung,	Graves,	Money,	Sumner, D. H.
Brumm,	Hainbuck,	Morrill,	Talbott,
Campbell, Felix	Hardy,	Morrison,	Taylor, E. B.
Campbell, J. E.	Hatch, W. H.	Moulton,	Thompson,
Campbell, J. M.	Henderson, D. B.	Muldrow,	Throckmorton,
Candler,	Hepburn,	Murray,	Tully,
Chalmers,	Herbert,	O'Hara,	Valentine,
Clardy,	Hewitt, A. S.	O'Neill, J. J.	Van Alstyne,
Clay,	Hoblitzell,	Paige,	Wait,
Cobb,	Holman,	Patton,	Warner, A. J.
Collins,	Holton,	Phelps,	Weller,
Converse,	Hooper,	Poland,	Wemple,
Cook,	Hopkins,	Rankin,	Winans, John
Cox, W. R.	Hutchins,	Ranney,	Wise, J. S.
Craig,	James,	Ray, G. W.	Wood,
Culbertson, W. W.	Johnson,	Ray, Ossian	Woodward,
Dargan,	Jones, B. W.	Reese,	Young.

So the bill was passed.

The following-named members were announced from the Clerk's desk as paired, until further notice, on all political questions:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. COOK with Mr. LACEY.

Mr. HARDY with Mr. HEPBURN.

Mr. LAMB with Mr. KETCHAM.

The following were announced as paired for this day:

Mr. STORM with Mr. CRAIG.

Mr. CAMPBELL, of New York, with Mr. HENDERSON, of Iowa.

Mr. JORDAN with Mr. BRUMM.

Mr. HERBERT with Mr. ROCKWELL.

Mr. ADAMS, of New York, with Mr. DUNHAM.

Mr. COBB with Mr. SMITH, of Pennsylvania.

Mr. AIKEN with Mr. LIBBEY.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. PAIGE, with Mr. ADAMS, of Illinois.

The following were announced as paired on this vote:

Mr. ROBERTSON with Mr. HOOPER.

Mr. CONVERSE with Mr. GOFF.

Mr. FERRELL with Mr. VALENTINE.

Mr. DARGAN with Mr. BOWEN.

Mr. RAY, of New Hampshire, was announced as paired with Mr. GIBSON on the bill granting a pension to the widow of General George H. Thomas.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MARIE LOUISE CRAVEN.

The SPEAKER *pro tempore*. The Clerk will report the title of the next bill coming over from last evening.

The Clerk read as follows:

A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

Mr. MATSON. I ask unanimous consent that the consideration of this bill be postponed for the time being, owing to the absence of the gentleman from New York [Mr. HEWITT] who is pressing the bill. I am opposed to it.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that, on account of the absence of the gentleman from New York who has charge of this bill, it be passed over without prejudice. Is there objection? The Chair hears none.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole, and pending that——

Mr. REED, of Maine. I rise to a parliamentary inquiry——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman. The Chair is now trying to hear the motion of the gentleman from Kentucky.

Mr. WILLIS. Pending that motion, I move that when the Committee of the Whole next enters upon the consideration of the river and harbor bill——

Mr. REED, of Maine. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman.

Mr. REED, of Maine. I do not want to be deprived of my right.

The SPEAKER *pro tempore*. The Chair will not deprive the gentleman of any right, but will hear the motion already in process of statement.

Mr. WILLIS. That all debate upon the pending section and amendments thereto be limited to one hour and a half, with the understanding that an hour be given to the opponents and thirty minutes to the friends of the bill; and upon that I call the previous question.

Mr. REED, of Maine. I make the point of order that we must take the vote on the Post-Office bill.

The SPEAKER *pro tempore*. The Chair has already ruled that this is a prolongation of the session of Friday evening for pension bills. The order was that the Post-Office bill——

Mr. REED, of Maine. If this is a prolongation of Friday evening's session, then the motion of the gentleman from Kentucky can not be in order, because the business of the Friday evening session is limited by order of the House——

The SPEAKER *pro tempore*. The Journal shows that the consideration of the Post-Office appropriation bill was to be resumed after the reading of the Journal to-day. The Journal and the RECORD both so state it.

Mr. REED, of Maine. Then, if the Chair holds this is a prolongation of last night's session, nothing is in order except pension bills.

The SPEAKER *pro tempore*. The Chair will state that everything that has come over from the Committee of the Whole House has been disposed of.

Mr. REED, of Maine. The Chair holds this to be a prolongation of Friday night's session. Then nothing is in order but pension bills.

The SPEAKER *pro tempore*. The gentleman from Maine will state his point of order.

Mr. REED, of Maine. The point of order I make is this: the Chair has already decided, and repeated the decision, that this is only a prolongation of last night's session. By general consent, and under an

order of the House, the business of that session is limited to pension bills of a certain class described in the rule.

The SPEAKER *pro tempore*. Is that the gentleman's point of order?

Mr. REED, of Maine. That is the point of order.

The SPEAKER *pro tempore*. The Chair holds, as it has held before, that this is a prolongation of the session of Friday evening for the completion of the work that came over under the operation of the previous question, and that under the rule this business can not be dispensed with except by unanimous consent. That work has now been completed, and there is nothing left upon which the previous question was in operation. The Chair overrules the point of order.

Mr. O'NEILL, of Pennsylvania. There is another bill that came over—the Thornburgh bill.

The SPEAKER *pro tempore*. By unanimous consent that was passed over.

Mr. WADSWORTH. Is there not one other?

The SPEAKER *pro tempore*. The Clerk reports there is none. The question is on the motion of the gentleman from Kentucky that the House now resolve itself into Committee of the Whole——

Mr. HISCOCK rose.

The SPEAKER *pro tempore*. The Chair will hear the gentleman, but first will state the motion of the gentleman from Kentucky, which is that the House resolve itself into Committee of the Whole on the state of the Union; and pending that, he moves that when the river and harbor bill shall be reached, all debate shall be limited to an hour and a half, with the understanding that one hour belongs to the opponents and thirty minutes to the friends of the measure. Pending that the gentleman from New York rises, as the Chair understands, for an inquiry.

Mr. HISCOCK. The inquiry I desire to make is this: is it not the order in reference to Friday evening sessions that no business shall be transacted except the consideration of pension bills?

The SPEAKER *pro tempore*. The Chair has ruled three times, and will rule again, that that was the only business in order until completed. It is completed.

Mr. HISCOCK. I ask to have the order read.

The SPEAKER *pro tempore*. Without objection the Clerk will report the order.

Mr. MILLS. I object.

Mr. REED, of Maine. I move to amend the motion of the gentleman from Kentucky by increasing the time to three hours.

The SPEAKER *pro tempore*. The motion is in order.

Mr. WILLIS. I called the previous question.

The SPEAKER *pro tempore*. The gentleman from Kentucky reminds the Chair of what it had for the instant forgotten, that he had demanded the previous question upon his motion.

Mr. REED, of Maine. I did not hear that.

The SPEAKER *pro tempore*. The gentleman had so stated it; and the Chair recognized the gentleman from Maine for the point of order. But the gentleman from Kentucky can not be swept off the floor after he has demanded the previous question.

Mr. REED, of Maine. I notice that he can not.

The SPEAKER *pro tempore*. He can not, because the rule will not permit it, nor will the Chair permit it.

Mr. HOLMAN. It is understood that the committee will rise at 12 o'clock m.

Mr. WILLIS. There is no such understanding.

The SPEAKER *pro tempore*. The gentleman from Kentucky demands the previous question on his motion.

Mr. REED, of Maine. Is my motion ruled out?

The SPEAKER *pro tempore*. It was never entertained by the Chair because the gentleman from Maine had not the floor to make it, the gentleman from Kentucky having demanded the previous question on his motion.

Mr. KELLEY. I ask whether if the order under which the session of last night was held has been executed, as I understand it has, and whether when there is no further business to be considered, we can go outside of that order so specific in its terms, and take up new business not connected with pensions?

The SPEAKER *pro tempore*. The Chair will rule for the third time on the same point of order substantially, and that is that the House having this morning completed the unfinished business coming over from last night's session under operation of the previous question, the work of that session has been finished and the motion of the gentleman from Kentucky is in order.

Mr. O'NEILL, of Pennsylvania. Let me ask a question. [Cries of "Regular order!"] The Thornburgh case went over, no quorum having appeared when the vote was taken.

Mr. KELLEY. I appeal from the decision of the Chair.

Mr. WILLIS. I move to lay that appeal upon the table.

Mr. ROGERS, of Arkansas. Is it not too late to take an appeal?

The SPEAKER *pro tempore*. The Chair will say no; and the gentleman from Kentucky moves to lay the appeal upon the table.

Mr. KELLEY. May I be heard to state the ground of my appeal?

The SPEAKER *pro tempore*. The Chair waited to hear the gentleman until the gentleman from Kentucky had twice been recognized. The gentleman did not claim the floor. [Cries of "Regular order!"]

Mr. WASHBURN. There was such a storm of disorder no one could be heard.

Mr. KELLEY. I can hear nothing that is going on, nor could I hear anything said by the Chair.

The SPEAKER *pro tempore*. The Chair waited until the gentleman from Kentucky had twice been recognized to move to lay the appeal upon the table.

Mr. KELLEY. I should have been pleased to have timed the period of the Chair's waiting.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky, to lay the appeal upon the table.

The House divided; and there were—ayes 132, noes 29.

Mr. KELLEY demanded tellers.

Tellers were ordered; and Mr. KELLEY and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 132, noes 32.

So the appeal was laid on the table.

Mr. WILLIS moved to reconsider the vote by which the appeal was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs on the demand for the previous question.

Mr. HISCOCK. On what motion is that?

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moved that the House resolve itself into the Committee of the Whole House on the state of the Union to resume the consideration of the river and harbor appropriation bill, and pending that motion he moved that all debate be limited to an hour and a half, one hour to be given to the opponents of the measure and thirty minutes to its friends. It is on that motion the gentleman from Kentucky demands the previous question.

Mr. HISCOCK. The previous question then is on the motion to limit all debate.

Mr. ROWELL. Is that on all the sections or the pending section of the bill?

Mr. WILLIS. The pending section of the bill and all amendments thereto.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. There are twenty-seven pages of this section remaining; and do I understand the time of an hour and a half is only to be given to the entire twenty-seven?

The SPEAKER *pro tempore*. The Chair has stated as plainly as he can that the proposition limiting the debate applies to the section and all amendments thereto, and not to the number of pages.

Mr. WHITE, of Kentucky. I desire to ask whether a few members who may happen to get the floor and occupy the hour in opposition to the bill on the first of the twenty-seven pages we would not then be compelled to vote on the other twenty-six pages without debate at all?

The SPEAKER *pro tempore*. The Chair does not think that is a parliamentary inquiry.

Mr. WHITE, of Kentucky. If we are required to do that then this is nothing better than a gag.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STEELE. Under the decision of the Chair, this being a continuance of last night's session, would it not be in order now to move to go into the Committee of the Whole House on the Private Calendar?

Mr. REAGAN. It is not a continuance of last night's session but of yesterday's session under the order of the House.

The SPEAKER *pro tempore*. The gentleman's parliamentary inquiry does not apply to the present status of the business of the House.

The previous question was ordered.

Mr. WILLIS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Kentucky, that all debate upon the section and amendments be limited to one and one-half hours.

Mr. KELLEY. On that I demand the yeas and nays.

The yeas and nays were not ordered, there being 33 voting in favor thereof and 136 against the call.

Mr. KELLEY. I demand tellers on the yeas and nays.

Tellers were not ordered, 14 members only voting therefor.

The motion of Mr. WILLIS was then agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion to limit debate was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Kentucky, that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the river and harbor bill.

Mr. HISCOCK. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HISCOCK. Under the ruling of the Chair that we were incon-

tinuation of last evening's session, I make the point of order that the only motion which is in order is a motion to go into Committee of the Whole to consider pension claims upon the Private Calendar.

Mr. WILLIS. May I interrupt the gentleman from New York for a moment? I think I can make a statement that will satisfy him that his position is not a correct one.

On yesterday the gentleman from Illinois [Mr. TOWNSHEND] moved that private business for the day, that is the legislative business of Friday, being the Private Calendar, be dispensed with except at the evening session fixed for the consideration of pension bills. Now, at the session of last night for the consideration of pension bills there were some two or three pension bills reported to the House from the Committee of the Whole with the understanding that they should be considered in the House this morning when a quorum was present. These bills have been called up and disposed of. That leaves operative the motion of the gentleman from Illinois to dispense with private business, and consequently the continuation of Friday's session, according to the order of the House, is to be devoted to such other business as may be taken up.

Mr. HISCOCK. I desire to have the RECORD read to which the gentleman from Kentucky alluded, showing in any way that we have dispensed with the consideration of private business on Friday.

The SPEAKER *pro tempore*. Will the gentleman from New York send to the desk any portion of the RECORD he desires to have read?

Mr. HISCOCK. I refer to that portion to which the gentleman from Kentucky has alluded.

Mr. COX, of North Carolina. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX, of North Carolina. I wish to inquire whether the question of order raised by the gentleman from New York has not been already decided.

The SPEAKER *pro tempore*. The Chair has more than once decided the question of order; but the gentleman from New York calls for the reading of the proceedings of the House with reference to dispensing with private business for Friday.

Mr. HISCOCK. The only interest I feel in the matter is that if by unanimous consent we have a given session in which a certain class of business only can be transacted, it seems to me that such an agreement should not be violated.

The SPEAKER *pro tempore*. The Chair has not made the ruling attributed to it by the gentleman from New York. The Chair ruled, as the RECORD and the Journal both show, that this is a prolongation of the session of last night for the consideration of such business as came over under the operation of the previous question. That business having been disposed of, the House is now in session, and the Chair thinks that the resolution to which the gentleman refers does not and can not apply longer to this session of the House.

The Chair, therefore, overrules the point of order of the gentleman from New York, as the Chair has done repeatedly before this morning. [Cries of "Regular order!"]

Mr. KELLEY rose.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Kentucky, that the House do now resolve itself into Committee of the Whole House on the state of the Union.

Mr. WHITE, of Kentucky. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WHITE, of Kentucky. I desire to raise the point of order under the language of Rule XXVI, which provides that Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote; that this being the continuation of Friday's session, only such business is in order as that rule provides for.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the order of business was set aside by a two-thirds vote of the House, as the RECORD and the Journal show.

Mr. WHITE, of Kentucky. The question I desire to raise is that the House having laid aside, by a two-thirds vote, private business on yesterday, and then having taken up the Post-Office appropriation bill, that that bill is in order now for disposal.

The SPEAKER *pro tempore*. The Chair would inform the gentleman that the Journal shows, by order of the House, that the consideration of the Post-Office appropriation bill is to be resumed after the reading of the Journal at the opening of the next day's proceedings. The Chair has no power to order the Journal to be read at this time.

Mr. WHITE, of Kentucky. By unanimous consent it could be done.

The SPEAKER *pro tempore*. The Chair does not think it requires unanimous consent to execute an order of the House.

Mr. HISCOCK. May I ask to have the Journal read on this point to which the Chair refers?

Mr. COX, of North Carolina. I object.

The SPEAKER *pro tempore*. Objection is made, and the Chair will state that the Journal is not presumed to be made up until the close of the session of the day to which it relates, which day's session has not yet terminated.

Mr. HISCOCK. I could appeal from the decision of the Chair; but I appeal to gentlemen on the other side that they had better withhold the objection, because if an appeal is taken I should be allowed time to debate it, and it will perhaps save time to have it read.

Mr. WILLIS. I make no objection to the request of the gentleman.

The SPEAKER *pro tempore*. The gentleman knows it is impossible to order the Journal of this day's proceedings to be read, for the reason that this day's proceedings have not yet terminated.

Mr. HISCOCK. But I understand the Speaker to say that the Journal shows a fact. Now I think the House ought to be in possession of the information.

The SPEAKER *pro tempore*. The Chair referred to the minutes of the proceedings taken during the day.

Mr. HISCOCK. Then I desire that the minutes of the proceedings be read to show what the motion was and the action of the House upon it.

Mr. WILLIS. I hope consent may be had to reading that portion of the minutes which relates to the motion of the gentleman from Illinois [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. Is there objection?

Mr. KELLEY. I understand I have been recognized by the Chair, but I have been taken off the floor by other gentlemen.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York [Mr. HISCOCK]? The Chair hears none. The Clerk will report that portion of the minutes which has been indicated.

Mr. KELLEY. Have I been recognized by the Chair?

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. KELLEY. I was about to say what seems to me to be pertinent to this business. I had been assured by the gentleman from Kentucky [Mr. WILLIS], and it has somewhat controlled my conduct, that there had been a resolution passed which made it legitimate when pension bills had been exhausted to go on with general business. The gentleman from New York [Mr. HISCOCK] seems to have had the same impression and calls for the reading of that resolution. I can not refer to it, for I have it only on the report of the gentleman from Kentucky who is managing this bill. I ask him to state when the resolution was passed and what it was, so that it may be produced for the satisfaction of gentlemen who do not remember it.

The SPEAKER *pro tempore*. Debate is proceeding by unanimous consent.

Mr. WILLIS. I will say to the gentleman from Pennsylvania that unanimous consent has been given to read that portion of the minutes which refers to that action of the House.

Mr. KELLEY. I merely wanted to know if it was the same thing.

The SPEAKER *pro tempore*. The Clerk will read that portion of the minutes.

The Clerk read as follows:

Mr. TOWNSHEND moved to dispense with the morning hour for the call of committees for reports, and with the consideration of private business for to-day, not to dispense with the evening session for private bills; which said motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I call for the regular order.

Mr. HISCOCK. Then, as I understand, we are now in the evening session yet.

The SPEAKER *pro tempore*. The Chair thinks not. The Chair has ruled three times upon the point of order the gentleman from New York is now seeking to raise again. The Chair held and still holds that this morning at 10 o'clock the House met in prolongation of the session of last night until the unfinished business coming over therefrom under the operation of the previous question should be disposed of. That has been done. And the Chair again rules that this House has completed the work of last night's session, and the question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Chair will state under the order of the House all debate on the pending section and amendments thereto has been limited to one hour and a half; one hour shall be given to the opponents of the bill and one half hour to the friends of the bill. The Chair desires further to state that but a part of the pending section has been read, and that, in the opinion of the Chair, the remainder of it ought to be read before that debate shall be begun.

Mr. TURNER, of Georgia. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Georgia. I would inquire whether in the execution of the order to which the Chair has just adverted it would be necessary to make points of order pending the reading of the section which the Chair has just ordered.

The CHAIRMAN. In the opinion of the Chair, points of order can not properly be raised upon the section until the section shall have been read, and unless objection is made the Chair will allow points of order to be raised after the reading of the section.

Mr. CANNON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. There being many paragraphs to this section, I submit to the Chair that if they be read through without objection, the right to amend whenever a paragraph is read would be lost.

The CHAIRMAN. The Chair is of the opinion that the reading is simply to place the section before the committee for consideration, and that every item in it will then be subject to a point of order, or to amendment; there being no limitation except that prescribed by the House of one hour and a half for debate.

Mr. KEIFER. I suggest as a matter of convenience that the section might be read by paragraphs after general debate is closed, for the purpose of amendments and points of order. And I suggest further that the reading of the whole section be omitted until general debate is closed.

The CHAIRMAN. It occurs to the Chair that it would be anomalous to debate a section that has not been read.

Mr. REAGAN. I ask unanimous consent that it be understood that the section has had its first reading.

Mr. REED, of Maine. I think it should be read. [Cries of "Regular order!"]

Mr. HISCOCK. I desire to make this inquiry: While there is to be debate for one hour to the opponents of the bill and thirty minutes to its friends, I understand nevertheless that debate is to be under the five-minute rule. It is not general debate. It seems, therefore, to me that this debate should be indulged in as we are proceeding with the consideration of the bill by paragraphs. And I will say further that I understood the gentleman from Kentucky [Mr. WILLIS], who has charge of the bill, to indicate that he thought that was the proper course to be pursued.

Mr. REED, of Maine. The effect of that would be to exhaust debate on a portion only of the paragraphs, and there would be no debate at all on the subsequent paragraphs of the section.

Mr. HISCOCK. Then, as I understand now, the whole section is to be read, and debate is to take place under the five-minute rule as the section is read by paragraphs.

Mr. WHITE, of Kentucky. I call for the reading of the section under the ruling of the Chair.

Mr. WAIT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAIT. If a member of this House offers an amendment to the bill, is he not to have time to explain that amendment and show to the House why that amendment should be agreed to?

The CHAIRMAN. The Chair will state that this anomalous condition of things exists: General debate on the bill was limited and concluded; after the bill had been acted upon under the five-minute rule the House determined to conclude all debate on the pending section, including all these paragraphs, in one hour and a half. Taking the two things together, the Chair thinks that hour and a half will be treated as divided into periods of five minutes, sixty of the minutes to be given to the opponents of the bill and thirty minutes to those in favor of it.

Mr. WAIT. Then, as I understand the Chair, if a gentleman offers an amendment to the bill after the sixty minutes is exhausted his amendment comes before the House without his having an opportunity to explain or debate it.

The CHAIRMAN. The gentleman's understanding is perfect. [Laughter.]

Mr. WAIT. Then if a member is so unfortunate as to present an amendment after the sixty minutes for debate is exhausted he is to have no opportunity to explain its bearing or effect or the importance of it to the section of country he represents. I can only say that I do not think that course will facilitate the passage of the bill.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGLEY. Mr. Chairman, I wish to know whether, when the reading of the bill is completed, an amendment to any part of the bill which is now to be considered and to be read will be in order during the progress of the debate?

The CHAIRMAN. The debate is limited simply on the pending section.

Mr. DINGLEY. Then will an amendment be in order during the progress of the debate?

The CHAIRMAN. The Chair does not see why it may not be.

Mr. DINGLEY. I so understand, and I wish to have it distinctly understood that an amendment may be offered at any time.

Mr. HISCOCK. Mr. Chairman, I desire to ask unanimous consent that the hour which is to be given in the discussion to the opponents of this bill shall be distributed so that thirty minutes of it may be devoted to that part of the bill which contains the appropriation for the Mississippi River.

The CHAIRMAN. The Chair has no control of that matter.

Mr. HISCOCK. I suppose we can make an arrangement here.

The CHAIRMAN. The Chair was going on to say that if gentlemen will agree upon a gentleman whom the Chair can recognize to parcel out the time on that side the Chair will recognize him, and such an arrangement would be very agreeable to the Chair.

Mr. HISCOCK. I should be entirely willing that the gentleman from Pennsylvania [Mr. BAYNE] should have the distribution of the time.

Mr. YOUNG. I am opposed to that. Mr. BAYNE is in favor of the bill.

The CHAIRMAN. The Chair is entirely willing that any gentleman shall be designated.

Mr. YOUNG. Mr. Chairman, that side of the House (if there is to be a division by political lines) has occupied a good deal of the time that has been devoted to the discussion of this bill, and I think it is but fair that gentlemen who desire to offer amendments and have been endeavoring to do so ever since the bill has been under discussion, should have some control of the time to be devoted to debate.

Mr. WASHBURN and several other gentlemen called for the regular order.

The CHAIRMAN. The regular order is the reading of the pending section.

Mr. HISCOCK. Mr. Chairman, I think some arrangement can be made such as I have suggested.

The CHAIRMAN. Will the gentleman allow the Chair to make a suggestion? It will take from ten to fifteen minutes to read this section of the bill, and during that time an arrangement can be entered into and the Chair informed of it.

Mr. HISCOCK. Well, I would suggest right here that Mr. REED, of Maine, shall take charge of the time.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. MCMILLIN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate disagreed to the amendments of the House to the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. VEST, Mr. HARRISON, and Mr. MANDERSON.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, Mr. HAMMOND in the chair.

The Clerk read as follows:

For the purpose of carrying out the foregoing provisions the Secretary of War shall, immediately upon the passage of this act, engage the services of James B. Eads as advisory engineer in the construction of said works, whose duty it shall be to prepare the plans, specifications, and estimates, and to make the necessary recommendations therefor, and to exercise a general supervision during the progress of the work; and for his services he shall receive the sum of $5,000 per annum, and the further sum of $3,000 for every additional foot of channel depth that may be secured: *Provided, however*, That no part of said sums of $3,000 for channel depths shall be due or paid until twenty-five feet of navigable depth of water throughout the channel shall have been obtained: *And provided further*, That said $3,000 payments shall be made by the Secretary of War when due, only on the certified statements of the Superintendent of the Geodetic and Coast Survey, whose duty it shall be to establish the plane of reference at mean low tide in the harbor of Galveston, and to survey and measure from said plane the depths of channel from time to time, and to promptly furnish to said Eads, when requested, such information regarding the depths of channel thus ascertained by his said surveys; and the compensation to said Eads above provided for shall be paid to him by the Secretary of War out of the sums appropriated by Congress from time to time for the improvement of Galveston Harbor and channel.

The Secretary of War shall detail for said works on Galveston Harbor and channel such officers of the Engineer Corps of the Army as he may deem necessary to disburse the funds and make the contracts and purchases incident thereto; and the officers in charge of said works shall make reports to the Secretary of War, as he may prescribe, of the progress of said works, and of their proceedings and expenditures, which shall be by him submitted to Congress at its regular meetings in December of each year; and said Eads shall report to the Secretary of War the yearly operations, plans, and estimates for this work, to be submitted by him in like manner to Congress.

It shall be the duty of the Superintendent of the Geodetic and Coast Survey, immediately after the passage of this act, if in the judgment of the Secretary of War it be necessary, to cause a survey to be made of the Galveston Bar and Harbor and adjacent waters. After the completion of such survey full and complete charts of the same shall be made, upon which shall be clearly shown the 30-foot contour line within the harbor and the 30-foot contour-line in the Gulf of Mexico. Said charts shall also show the location and depths of the best available channel existing at the date of such survey between the two contour lines

aforesaid. The channel to be obtained by said Eads may be located by him on any lines between said 30-foot contours of the harbor and the Gulf that he may determine upon; and said contour lines, and the depths of water upon the bar in the best available channel then existing as aforesaid, as laid down on said charts and measured from said plane of mean low tide, shall be fixed and final as affecting all questions between the Government and said Eads as to the measurements of channel depths for payments of his services or otherwise. Three of said charts, when completed, shall be duly certified by said superintendent, one of which shall be retained in his office, another shall be given to said Eads, and the third transmitted to the Secretary of War. And the sum of $10,000, or so much thereof as may be necessary, may be used out of the money hereinafter appropriated for the improvement of Galveston Harbor to defray the expense of the aforesaid survey and measurement.

The material and plant belonging to the Government at Galveston, together with the jetty and other works now in progress, may be removed or used in carrying out the provisions of this act; and the sum of $750,000 is hereby appropriated to commence said improvement, to be immediately available.

Improving Sabine Pass, Texas and Louisiana: Continuing improvement, $125,000.

Improving harbor at Ashtabula, Ohio: Continuing improvement, $8,500.

Improving Black River Harbor, Ohio: Continuing improvement, $9,000.

Improving harbor at Cleveland, Ohio: Continuing improvement, $100,000.

For the purpose of acquiring the title to the land adjoining the inner end of the west pier built by the United States for the improvement of the harbor at Port Clinton, Ohio, the Secretary of War shall negotiate with the owner or owners of the land for the purchase thereof at a reasonable price, to be approved by Congress; and if an agreement as to price can not be made with the owner, then the value of the same shall be ascertained in the mode provided by the laws of Ohio for the condemnation of lands for public uses in that State, the result of said proceedings of condemnation, if taken, to be reported to the next Congress for its approval.

Improving harbor at Fairport, Ohio: Continuing improvement, $5,000.

Improving harbor at Huron, Ohio: Continuing improvement, $5,000.

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $15,000.

Improving harbor at Sandusky city, Ohio: Continuing improvement, $5,000; and the $10,000 heretofore appropriated to repair existing works are to be expended in dredging the channel through the outer bar and within the bay, which last amount is hereby made immediately available.

Improving harbor at Toledo, Ohio: Dredging out the old channel, $20,000; and for continuing improvement on Maumee River, $62,500.

Improving harbor at Michigan City, Ind.: Continuing improvement, $40,000; of which sum $5,000 are to be expended on the inner harbor.

Improving Calumet Harbor, Illinois: Continuing improvement, $6,000.

Improving harbor at Chicago, Ill.: Continuing improvement, $75,000.

Improving harbor at Waukegan, Ill.: Continuing improvement, $15,000.

Improving harbor at Black Lake, Mich.: Continuing improvement, $6,000.

Improving harbor at Charlevoix, Mich.: Continuing improvement, $10,000.

Improving harbor at Cheboygan, Mich.: Continuing improvement, $6,000.

Improving harbor at Frankfort, Mich.: Continuing improvement, $8,000.

Improving harbor at Grand Haven, Mich.: Continuing improvement, $30,000.

Improving harbor at Grand Marais, Mich.: Continuing improvement, $35,000.

Improving harbor at Ludington, Mich.: Continuing improvement, $15,000.

Improving harbor at Manistee, Mich.: Continuing improvement, $10,000.

Improving harbor at Marquette, Mich.: Continuing improvement, $10,000.

Improving harbor at Muskegon, Mich.: Continuing improvement, 12,500.

Improving harbor at Ontonagon, Mich.: Continuing improvement, $10,000.

Improving harbor at Pentwater, Mich.: Continuing improvement, $6,000.

Improving harbor of refuge at Portage Lake, Mich.: Continuing improvement, $12,500.

Improving harbor of refuge at Sand Beach, Mich.: Continuing improvement, $25,000.

Improving harbor at Saint Joseph, Mich.: Continuing improvement, $10,000.

Improving harbor at Saugatuck, Mich.: Continuing improvement, $3,000.

Improving harbor at South Haven, Mich.: Continuing improvement, $5,000.

Improving harbor at White River, Michigan: Continuing improvement, $10,000.

Improving harbor at Ahnapee, Wis.: Continuing improvement, $9,000.

Improving harbor at Green Bay, Wis.: Continuing improvement, $7,500.

Improving harbor at Kenosha, Wis.: Continuing improvement, $5,000.

Improving harbor at Kewaunee, Wis.: Continuing improvement, $12,500.

Improving harbor at Manitowoc, Wis.: Continuing improvement, $15,000; of which amount $5,000 shall be expended in improving the inner harbor between the dry-dock and the mouth of the river.

Improving harbor at Menomonee, Wis.: Continuing improvement, $3,000.

Improving Milwaukee Bay and Harbor at Milwaukee, Wis.: Continuing improvement, $75,000.

Improving harbor at Oconto, Wis.: Continuing improvement, $10,000.

Improving harbor at Port Washington, Wis.: Continuing improvement, $5,000.

Improving harbor at Racine, Wis.: Continuing improvement, $8,000.

Improving harbor at Superior Bay and Harbor and Saint Louis Bay, Wisconsin: Continuing improvement, $12,500; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior. Seven thousand five hundred dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor and in repairing piers at natural entry, and $5,000 in dredging Saint Louis Bay from deep water at Connor's Point toward deep water at Grassy Point.

Improving harbor at Sheboygan, Wis.: Continuing improvement, $20,000; of which sum $5,000 shall be expended in improving the inner harbor between Pennsylvania avenue bridge and the mouth of the river.

Improving harbor of refuge at Sturgeon Bay Canal, Wis.: Continuing improvement, $5,000.

Improving harbor at Two Rivers, Wis.: Continuing improvement, $7,500.

Improving harbor at Duluth, Minn.: Continuing improvement, $31,500.

Improving ice-harbor at Dubuque, Iowa: Continuing improvement, $5,000.

Improving harbor at Grand Marais, Minn.: Continuing improvement, $5,000.

Improving harbor at Humboldt, Cal.: Continuing improvement, $100,000.

Improving harbor at Oakland, Cal.: Continuing improvement, $75,000.

Improving harbor at Wilmington, Cal.: Continuing improvement, $37,500.

Improving Yaquina Bay, Oregon: Continuing improvement, $40,000.

Improving Lubec Channel, Maine: Continuing improvement, $12,000.

Improving Moosabec Bar, Maine: Completing improvement, $10,000.

Improving Pawtucket River, Rhode Island: Continuing improvement, $25,000.

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $25,000.

Improving Connecticut River below Hartford, Conn.: Continuing improvement, $25,000.

Improving Housatonic River, Connecticut, by removing Drew's Rock and dredging, $6,000.

Improving Thames River, Connecticut: Continuing improvement, $20,000.

To complete the present arrangement for blasting the reef at Hell Gate, New York, $20,000.

Improving Ticonderoga River, New York: Continuing improvement, $2,000.

Improving Hudson River, New York: Continuing improvement, $20,000.

Improving Newtown Creek and Bay, New York: Continuing improvement, $20,000.

Improving Maurice River, New Jersey: Continuing improvement, $5,000.

Improving Passaic River, New Jersey: Continuing improvement, $30,000; of which sum $5,000 are to be expended above Newark.

Improving Raritan River, New Jersey: Continuing improvement, $15,000.

Improving Shrewsbury River, New Jersey: Continuing improvement, $10,000.

Improving Alleghany River, Pennsylvania: Continuing improvement, $10,000.

Improving Schuylkill River, Pennsylvania: Continuing improvement, $25,000.

Improving Delaware River from Trenton, N. J., to its mouth: Continuing improvement, $125,000: *Provided*, That not exceeding $10,000 of said sum shall be expended above Bridesburg.

Improving Choptank River, Maryland: Continuing improvement, $2,500.

Improving Susquehanna River, Maryland, $7,500; which sum, together with one-half of the unexpended sum appropriated under act of July 5, 1884, shall be expended for the improvement of the river above the railroad bridge.

Improving Potomac River and raising the flats at Washington, D. C.: Continuing improvement, $150,000: *Provided*, That before any part of this sum shall be expended on any part of said work a report shall be made by the Attorney-General of the United States to the Secretary of War upon the validity of the title of the United States to said flats, in accordance with the provisions of the act of Congress approved August 2, 1882: *And provided further*, That the Secretary of War, after receiving said report, shall be satisfied that said title is good.

Improving Appomattox River, Virginia: Continuing improvement, $12,000.

Improving James River, Virginia, below Richmond: Continuing improvement, $150,000.

Improving Mattaponi River, Virginia: Continuing improvement, $2,500.

Improving Rappahannock River, Virginia: Continuing improvement, $12,500.

Improving Stanton River, Virginia: Continuing improvement, $10,000; one-half to be expended on said stream between the mouth of Pig River and the crossing of the Midland Railroad.

Improving York River, Virginia: Continuing improvement, $17,000.

Improving Dan River, Virginia: Continuing improvement, $5,000.

Improving New River, Virginia: Continuing improvement between the lead mines in Wythe County and the mouth of Wilson's Creek, in Grayson County, $5,000.

Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, $25,000; of which sum $2,500 are to be expended on Tug Fork, and $2,500 on Levisa Fork.

Improving Great Kanawha River, West Virginia: Continuing improvement, $175,000.

Improving Guyandotte River, West Virginia: Continuing improvement, $2,500.

Improving Little Kanawha River, West Virginia: Continuing improvement, $22,500. But no toll shall be collected by any person or corporation for this improved navigation. If the right to collect toll is claimed to exist, the person or corporation so claiming shall relinquish the same, in a manner satisfactory to the Secretary of War, before any part of this appropriation shall be expended. Two thousand five hundred dollars of the sum hereby appropriated shall be used in continuing the improvement of navigation above the West Fork.

Improving Monongahela River, West Virginia: To complete improvement, $48,900.

Improving Buchanan River, West Virginia: Continuing improvement, $1,500.

Improving Cape Fear River, North Carolina: Continuing improvement, $70,500; of which sum $5,000 are to be expended between Wilmington and Fayetteville.

Improving Currituck Sound, Coanjok Bay, and North River Bar, North Carolina: Continuing improvement, $5,000.

Improving Neuse River, North Carolina: Continuing improvement, $5,000.

Improving Pamlico and Tar Rivers, North Carolina: Continuing improvement, $5,000.

Improving Roanoke River, North Carolina: Continuing improvement by dredging and building a snag-boat, $17,000.

Improving Trent River, North Carolina: Continuing improvement, $2,500.

Improving Ashley River, South Carolina: Continuing improvement, $1,000.

Improving Edisto River, South Carolina: Continuing improvement, $2,500.

Improving Great Pee Dee River, South Carolina: Continuing improvement, $5,000.

Improving Salkehatchie River, South Carolina: Continuing improvement, $3,000.

Improving Waccamaw River, South Carolina: Continuing improvement, $3,000.

Improving Wappoo Cut, South Carolina: Continuing improvement, $5,000.

Improving Wateree River, South Carolina: Continuing improvement, $5,000.

Improving Santee River, South Carolina: Continuing improvement, $5,000.

Improving Altamaha River, Georgia: Continuing improvement, $7,000.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $20,000.

Improving Coosa River, Georgia and Alabama: Continuing improvement, $40,000.

Improving Flint River, Georgia: Continuing improvement, $20,000; of which sum $5,000 are to be expended between Albany and Montezuma, and $15,000 below Albany.

Improving Ocmulgee River, Georgia: Continuing improvement, $2,500.

Improving Oconee River, Georgia: Continuing improvement, $2,500.

Improving Romerly Marsh, Georgia: To complete improvement, $14,000.

Improving Savannah River, Georgia: Continuing improvement, $9,000.

Improving Appalachicola River, Florida: Continuing improvement, $1,000.

Improving Caloosahatchee River, Florida: Continuing improvement, $2,500.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $12,500; $1,500 of said sum to be expended below Geneva, and $8,000 between Geneva and Newton, Ala.

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $8,000; no part of which is to be expended above Indian Creek.

Improving channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, $150,000.

Improving Upper Saint John's River, Florida: Continuing improvement, $5,000.

Improving Suwanee River, Florida: Continuing improvement, $5,000.

Improving Pease River, Florida: Continuing improvement, $3,000.

Improving Volusia Bar, Florida: Continuing improvements, $2,000.

Improving Withlacoochee River, Florida: Continuing improvement, $2,500.

Improving Alabama River, Alabama: Continuing improvement, $10,000.

Improving Cahawba River, Alabama: Continuing improvement, $10,000: *Provided*, That this appropriation shall not become available until the officer in charge shall have reported that the railroad and other bridges across said river have been provided with good and sufficient draw-openings.

Improving Tallapoosa River, Alabama: Continuing improvement, $5,000.

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement from Fulton to Vienna, $10,000; and below Vienna, $15,000.

Improving Warrior River, Alabama: Continuing improvement from Daniel's Creek to Demopolis, $25,000.

Improving Big Sunflower River, Mississippi: Continuing improvement, $4,000.

Improving Noxubee River, Mississippi: Continuing improvement, $6,000.

Improving Big Black River, Mississippi: Continuing improvement, $5,000.

Improving Pascagoula River, Mississippi: Continuing improvement, $8,000.

Improving Pearl River, Mississippi: Continuing improvement, $6,500; of which sum $2,500 are to be expended between Jackson and Carthage, and $4,000 below Jackson, including bar at mouth.

Improving channel of Biloxi Bay, Mississippi: Continuing improvement, $5,000; which sum, together with the balance of the money heretofore appropriated for the roadstead now on hand, is hereby directed to be applied to the deepening of the channel from Mississippi Sound to the wharves at Biloxi.

Improving Steele's Bayou, Mississippi: Continuing improvement, $2,500.

Improving Tallahachie River, Mississippi: Continuing improvement, $2,500.

Improving Tchula Lake, Mississippi: Continuing improvement, $1,000.

Improving Yallabusha River, Mississippi: Continuing improvement, $1,000.

Improving Yazoo River, Mississippi: Continuing improvement, $10,000.

Improving Bayou Black, Louisiana: Continuing improvement, $5,000.

Improving Boeuf River, Louisiana: Continuing improvement, $2,000.

Improving Bayou Bartholomew, Louisiana: Continuing improvement, $4,000.

Improving Bayou Courtableau, Louisiana: Continuing improvement, $6,000.

Improving Bayou D'Arbonne, Louisiana: Continuing improvement, $3,000.

Improving Bayou Teche, Louisiana: Continuing improvement, $10,000.

Improving Bayou La Fourche, Louisiana: Continuing improvement, $3,000.

Improving Bayou Terre Bonne, Louisiana: Continuing improvement, $5,000.

Improving Calcasieu River, Louisiana: Continuing improvement, including dredging bar at its mouth, $6,500.

Improving Tchifuncte River, Louisiana: Continuing improvement, $2,500.

Improving Cane River, Louisiana: Continuing improvement, $2,000.

Improving Red River, Louisiana and Arkansas: Continuing improvement from the Atchafalaya to Fulton, Ark., $65,000; of which sum $45,000, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya, with a view to the permanent improvement of the river, the closure of outlets above Shreveport, and the repair and preservation of the harbors of Shreveport and Alexandria.

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, $2,000.

Improving mouth of Brazos River, Texas: Continuing improvement, $10,000.

Improving Buffalo Bayou, Texas: Continuing improvement, $25,000.

Improving Cypress Bayou, Texas, and lakes between Jefferson, in Texas, and Shreveport, in Louisiana: Continuing improvement, $10,000.

Improving Black River, Arkansas and Missouri: Continuing improvement, $5,000.

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, $20,000, including bank protection at harbor of Monroe.

Improving White River, Arkansas: Continuing improvement, $12,000.

Improving Saint Francis River, Arkansas: Continuing improvement, $6,000.

For removing snags, wrecks, and other obstructions in the Arkansas River, $32,000; of which sum $2,000 shall be expended to complete the survey, or so much thereof as may be necessary for that purpose.

Improving Big Hatchie River, Tennessee: Continuing improvement, $2,500.

Improving Caney Fork River, Tennessee: Continuing improvement, $3,000.

Improving Clinch River, Tennessee: Continuing improvement, $1,500.

Improving Cumberland River, Tennessee and Kentucky, below Nashville: Continuing improvement, $12,500.

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, $100,000; with a view to secure a uniform depth in the channel of four feet, commencing with the lock at or near the lower island at Nashville.

Improving French Broad River, Tennessee: Continuing improvement, $4,000.

Improving Hiawassee River, Tennessee: Continuing improvement, $2,500.

Improving South Forked Deer River, Tennessee: Continuing improvement, $2,500.

Improving Tennessee River, Tennessee, above Chattanooga: Continuing improvement, $5,000.

Improving Tennessee River at Big Mussel Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvement at those localities, $350,000.

Improving South Fork of the Cumberland River, Kentucky: Continuing improvement, $4,000.

Improving Kentucky River, Kentucky: Continuing improvement, $200,000.

Improving Tradewater River, Kentucky: Continuing improvement, $2,000.

Improving Ohio River: Continuing improvement, $350,000; of which sum an amount not to exceed $50,000 shall be expended in extending the upper dike at Grand Chain down-stream, and removing rocks and other obstructions at that locality.

Improving Falls of the Ohio, at Louisville, Ky.: Continuing improvement in pursuance of the last plan of the engineer in charge, $125,000.

Improving Detroit River, Michigan: To complete improvement, $27,700.

Improving Hay Lake Channel, Michigan: Continuing improvement, $125,000.

Improving Saginaw River, Michigan: Continuing improvement, $50,000; of which sum $25,000 are to be used opposite Bay City.

The Secretary of War is hereby directed to cause a further examination of the public works on the Fox and Wisconsin Rivers, Wisconsin, by the board of engineers appointed May 14, 1883, for that purpose, with instructions to report to the next Congress the feasibility, cost, and propriety of continuing said works.

Improving Saint Croix River, Wisconsin and Minnesota: Continuing improvement, $7,000.

Improving Chippewa River, Wisconsin: Continuing improvement, $13,500, including Yellow Banks, and the removal of the bar at or near the city of Eau Claire.

Improving Wabash River, Indiana: Continuing improvement, $30,000; of which sum $40,000 are to be expended below Vincennes, and $10,000 between Vincennes and Terre Haute.

Improving White River, Indiana; Continuing improvement, $7,500; no part of which is to be expended until the bridges are so changed as not to obstruct navigation.

Improving Calumet River, Illinois: Continuing improvement, $25,000: *Provided, however*, That no part of said sum shall be expended, nor of any sum heretofore appropriated, until the entire right of way, as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners to the satisfaction of the Secretary of War.

Improving Illinois River, Illinois: Continuing improvement, $100,000; of which sum $5,000 may be expended in dredging the river in front of Peoria.

For the construction of a canal from the Illinois River near the town of Hennepin to the Mississippi River at or below Rock Island, and designated in a survey made by Major Benyaurd, together with the route surveyed for a branch canal or feeder from Rock River to the summit line of said canal, $300,000: *Provided*, That said canal and feeder shall be eighty feet wide at the water line and seven feet deep, and the locks one hundred and seventy feet in length and thirty feet in width, with a capacity for vessels of at least two hundred and eighty tons burden, with guard-gates, wash-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey: *And provided further*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for the right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private lands for public use.

Improving Gasconade River, Missouri: Continuing improvement, $5,000.

Improving Osage River, Missouri: Continuing improvement by snagging, $1,500.

Improving Red River of the North, Minnesota and Dakota: Continuing improvement, $10,000; and all sums heretofore appropriated and remaining unexpended for a lock and dam at Goose Rapids are hereby made available for dredging said rapids.

Improving Yellowstone River, Montana and Dakota: Continuing improvement, $12,500.

Improving Sacramento and Feather Rivers, California, $10,000; also $30,000 of the money heretofore appropriated for improving said rivers, unexpended at the close of the present fiscal year: *Provided*, That no part of said sum, or the money now on hand to the credit of this fund, except what may be necessary for snagging and dredging operations, shall be used, except as herein provided, until the Secretary of War shall have been satisfied of the cessation of hydraulic mining on said rivers and their tributaries.

Improving San Joaquin River, California: Continuing improvement, $40,000; one-half of which sum shall be expended on the San Joaquin River from mouth of the river to Stockton, including Stockton and Mormon Sloughs, and to railroad bridge at Banta, and the other half shall be expended on the river between Banta and Hill's Ferry.

Improving canal around the Cascades of Columbia River, Oregon: Continuing improvement, $125,000.

Improving the Upper Columbia and Snake Rivers, Oregon and Washington Territory: Continuing improvement, $9,000.

Improving Lower Willamette and Columbia Rivers below Portland, Oreg.: Continuing improvement, $40,000.

Improving Upper Willamette River above Portland, Oreg.: Continuing improvement, $5,000.

For gauging waters of the Columbia River, Oregon, $1,000.

Improving Chehalis River, Washington Territory: Continuing improvement, $2,000.

Improving Cowlitz River, Washington Territory: Continuing improvement, $2,000.

Improving Skagit River, Stielaquamish River, Nootsac River, Snohomish River, and Snoqualmie River, Washington Territory: Continuing improvement, $10,000.

Improving Coquille River, Oregon: Continuing improvement, $8,000.

For operating snag-boat on Upper Mississippi River, $15,000.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement; $200,000; of which sum $8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $35,000: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

Improving Mississippi River from Des Moines Rapids to mouth of Illinois River, including Quincy, Quincy Bay, and the removal of the bar at the mouth of Whipple Creek: Continuing improvement, $200,000.

Improving dry-dock at Des Moines Rapids: To complete the work, $65,000.

Improving Mississippi River from mouth of Illinois River to the mouth of the Ohio River: Continuing improvement, $400,000; of which sum $50,000 shall be used in extending the work for the protection of the easterly bank of the Mississippi River at Cairo, Ill., and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down-stream.

Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, $2,800,000; which sum, together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River, shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position.

For examinations and surveys at South Pass, Mississippi River, pursuant to the act of March 3, 1875, $10,000.

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $75,000.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of February 21, 1871, $5,000.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $30,000.

For rebuilding snag-boat De Ruscey, and fitting up the same for snagging and wrecking purposes, $50,000.

Improving Missouri River from its mouth to Sioux City, $350,000, and from Sioux City to Fort Benton, $100,000; to be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Missouri River Commission.

The sum of $15,000 appropriated by the act of July 5, 1884, for the survey of the Missouri River above the falls are hereby required to be used in the survey of said river from its mouth to its headwaters.

For continuation of surveys of the Missouri River from its mouth to its headwaters, now in progress; to make additional surveys and examinations of said river and its tributaries; and to make such additional examinations and investigations, topographical, hydrographical, and hydrometrical, as are necessary for maturing a plan for the permanent improvement of the entire river, $50,000.

For removing snags, wrecks, and other obstructions from the Missouri River, $30,000.

The sum of $10,000 is hereby appropriated for correcting the regimen and giving stability to the bank of the Missouri River along the Government reservation at or near Fort Leavenworth, Kans.; said sum, or so much thereof as may be necessary, to be expended under the supervision and direction of the Missouri River Commission: *Provided*, That this specific appropriation shall not be so construed as to conclude or prohibit the Missouri River Commission from using more money for said purpose, if in their judgment necessary, from the general

appropriation herein made for the improvement of the Missouri River from its mouth to Sioux City.

Mr. WAIT (before the reading had been concluded). I desire to offer an amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr. WAIT] is out of order. The reading of the section has not yet been concluded.

Mr. WAIT. Very well. I only wanted to be in time, as it appeared under the ruling of the Chair we would have so little time for discussion.

The Clerk resumed the reading, but before it was concluded,

Mr. SINGLETON said: I desire to offer an amendment to come in at line 658.

The CHAIRMAN. Amendments are not in order till the whole section shall have been read.

The Clerk resumed the reading, but was interrupted by

Mr. TURNER, of Georgia, who said: I desire at this point to inquire whether it is the understanding that points of order may be made after the entire section has been read?

The CHAIRMAN (Mr. NICHOLLS in the chair). That is the understanding.

Mr. TURNER, of Georgia. If that is the understanding, I will forbear to make a point of order now.

The CHAIRMAN (Mr. HAMMOND). During the confusion when the House first went into Committee of the Whole all the members may not have heard the statement of the Chair that all points of order could be made after the reading of the whole section, so that the reading might continue without interruption.

Mr. TURNER, of Georgia. Then I would inquire whether there will be any order in which points of order are to be raised, or can any of them be raised immediately after the reading of the section?

The CHAIRMAN. That would be a matter for arrangement; but the Chair would suggest, as upon points of order time is sometimes taken in discussing the merits, it might be better perhaps to reserve points of order until the expiration of the hour and a half limited for debate.

Mr. TURNER, of Georgia. Then, Mr. Chairman, I reserve a point of order on the paragraph now about to be read—the paragraph in regard to the Hennepin Canal.

The CHAIRMAN. The Chair will note it; but to prevent misunderstanding from this reservation the Chair desires to say that there need not be any reservation of points of order until the reading of the section is completed.

Mr. REAGAN. As I understand, the reading of this whole section is to bring it before the House——

The CHAIRMAN. That is the object.

Mr. REAGAN. But the reading by clauses, as I understand, opens each clause to amendment, whether there be debate or not, and to points of order.

The CHAIRMAN. The Chair understands that there is to be no further reading of this section by clauses.

Mr. TURNER, of Georgia. Mr. Chairman, I suggest that it would be a convenient mode of procedure to have points of order disposed of before the section is disposed of on its merits, because if points of order are sustained it will greatly simplify perhaps the duties of the committee.

The CHAIRMAN. That suggestion may be a very good one; but the Chair desires to say it will be better, after this statement, to finish the reading of the whole section, and then the consideration of what is to be done can be resumed.

The Clerk resumed the reading.

Mr. TURNER, of Kentucky [interrupting the reading]. I desire to to offer an amendment to line 926.

The CHAIRMAN. Amendments are not in order until the section has been read.

Mr. TURNER, of Kentucky. And then in what order?

The CHAIRMAN. That will be ascertained after the section shall have been read.

Mr. TURNER, of Kentucky. I simply did not want to lose the right to offer my amendment.

The CHAIRMAN. The gentleman will lose no rights.

The Clerk resumed and concluded the reading of the section.

Several members addressed the Chair.

Mr. WILLIS. I have some committee amendments.

The CHAIRMAN. The Chair desires to have the order of business understood. Is it the pleasure of the committee that the Chair now hear points of order to be raised on this section? That seems to be the first thing in order, unless some other arrangement be made by unanimous consent.

Mr. REAGAN. I suggest there may be amendments offered, which will obviate points of order that would otherwise be raised. Therefore the amendments had better be read and pending; and I submit that amendments proposed by the Committee on Rivers and Harbors should be first entertained.

The CHAIRMAN. The Chair first desires to let the committee understand the exact situation. All debate on this section is limited to an hour and a half, one-half hour to the friends and one hour to the opponents of the bill.

The Chair undertook to have that time parceled out by the gentlemen, who could arrange it in private. They failed to do so. Gentlemen have come to the Chair and asked their names be taken down for time until 12. Gentlemen's names have been put down in opposition to the bill, and six gentlemen's names have been put down as the friends of the bill. If these gentlemen have the time, five minutes apiece, they will take all the time, and all other amendments except those offered by them will be without debate either for or against.

But the gentleman from Texas [Mr. REAGAN] makes what the Chair supposes a good suggestion, that these amendments might now be read, in order that the committee in the discussion may understand what are the things likely to be voted on.

The only other question which remains for the committee to determine is whether points of order will be heard or whether they will be also postponed at the suggestion of the gentleman from Texas until after the amendments shall have been read, the idea being as expressed by him that the reading of the amendments may obviate some points of order.

Mr. KEIFER. In order to reach a point where there will be an end to points of order and an end to amendments, I suggest that the bill by the direction of the Chair, and I think the committee will acquiesce in it, be gone over by paragraph, and as each paragraph is reached, should amendments be made, the discussion shall go on until all the time has been taken up. After that debate will not be in order, but it will be in order to make points of order. If you go back and forth over it you will never get through.

Mr. REAGAN. The gentleman understands me, I think, in a degree. My suggestion is that these amendments be read and considered as pending.

Mr. KEIFER. That is all right. But everybody will agree you must go over it by paragraph or you will never get through with it.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. I wish to ask the Chair whether we are to understand the time for debate has already been pre-empted by those who have sent their names to the Chair, and that no others can be recognized to speak for or against the bill or upon amendments which may be offered?

The CHAIRMAN. The Chair states the situation: simply to obviate embarrassment he tried to have an arrangement made, but that was not agreed to. Gentlemen from either side have declined to enter into any arrangement. All the Chair could do, therefore, when gentlemen asked for recognition was to put down their names. He has such list, but whether he will recognize it or not is for future consideration. If the Chair should recognize gentlemen to speak on individual amendments as offered, then the condition of things would be that there would be debate on individual amendments which would exhaust the hour and a half, and there would be no general debate during that hour and a half. The Chair understood this anomalous condition to be a new order for general debate on the bill, and that general debate was to be parceled out five minutes at a time. Therefore by the very order, as the Chair understands, there will be no time allowed for discussion on amendments except on amendments made by the gentleman who shall first obtain the floor.

Mr. WARNER, of Ohio. I ask the Chair be controlled——

Mr. HOLMAN. I wish to say a word. It seems to me exceedingly unjust before amendments are submitted the Chair should determine who shall be recognized. It may be possible——

The CHAIRMAN. The Chair has made no determination on the subject.

Mr. HOLMAN. I know, when the Chair will hear me——

The CHAIRMAN. The Chair is simply stating the embarrassment he feels in trying to put a bushel into a peck measure. [Laughter.]

Mr. McMILLIN. I rise to a parliamentary inquiry. Under the rulings of the Chair generally on bills analogous to this, he has held that the discussion on a section, it having been read, waives the right to make points of order on that section. Now, by reason of the action yesterday we are in this anomalous condition, one I regret the more I think of it, that if we make amendments to that portion of the bill against which points of order can be made and they are discussed, I wish to know whether we are precluded from making points of order against paragraphs further on and which are subject to points of order?

The CHAIRMAN. The Chair will state in reply to the gentleman from Tennessee that this debate in no wise limits debate on points of order.

Mr. McMILLIN. But does it preclude the possibility of raising a point of order when paragraphs to which they apply shall have been reached?

The CHAIRMAN. The Chair will reply, no paragraphs will be reached except by unanimous consent when the section shall be reread by paragraph.

Mr. HOLMAN. I ask by unanimous consent that the House adopt this line of policy: That the hour and a half debate shall be first exhausted before points of order shall be entertained, because debate will not cut off points of order, but if they are raised during this hour and

a half there will doubtless be confusion. By postponing the points of order until the hour and a half shall have been exhausted, then the points of order can be discussed as they are raised from time to time until disposed of.

Mr. REAGAN. But if my suggestion is adopted the debate on points of order may be avoided in many instances, because the amendments which the Committee on Rivers and Harbors propose may obviate the necessity of making points of order.

The CHAIRMAN. The Chair will submit the motion of the gentleman from Indiana to the House.

The gentleman from Indiana asks unanimous consent that all points of order may be postponed and not made until after the hour and a half of debate shall have been made.

Mr. REAGAN. I object to that—because we will be debating and not know what we are talking about—for the reason that the modifications of the bill suggested by the committee may obviate the points of order.

Mr. HEWITT, of Alabama. In order to save time I demand the regular order.

The CHAIRMAN. The Chair thinks the regular order then is the hearing of points of order.

Mr. TURNER, of Georgia. Mr. Chairman I wish to make a point of order——

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I desire to know whether or not unanimous consent has been asked that this section be read by paragraphs and considered?

Mr. KEIFER. Subject to points of order and amendment.

The CHAIRMAN. The Chair will submit the request of the gentleman if desired.

Mr. BAYNE. I ask then, Mr. Chairman, in order that the remaining portion of the bill may be considered and with some hope of reaching a satisfactory conclusion, that it shall be read by paragraphs, and as the paragraphs are read points of order may be made upon them, amendments offered and be pending in their regular order.

Mr. TURNER, of Kentucky. That would facilitate business.

Mr. REED, of Maine. Can we have debate under the five-minute rule under that arrangement?

Mr. KEIFER. Of course, until the hour and a half is exhausted.

The CHAIRMAN. The Chair will state before putting the question, that all the time taken up in the discussion of points of order would be deducted, and the Chair would allow one and one-half hours for the discussion of other matters in accordance with the agreement in the House.

Mr. TURNER, of Georgia. I insist that I cannot be taken from the floor by a motion of that kind. I am willing to yield for any accommodation of this matter, but I do object that the debate on points of order shall be taken out of the hour and a half allowed for discussion.

The CHAIRMAN. The Chair stated that it would not; that that time would be deducted, leaving the hour and a half for the discussion, in accordance with the order of the House. Does the gentleman yield for the motion made by the gentleman from Pennsylvania?

Mr. TURNER, of Georgia. I am willing that any arrangement shall be made for the accommodation of the business of the House, provided I do not lose my rights.

The CHAIRMAN. The Chair will see that the gentleman does not lose his rights.

The gentleman from Pennsylvania asks unanimous consent that the reading of this section be resumed at the point where the reading ceased at the last sitting, and that as each paragraph is read points of order may be made or amendments offered thereto.

Mr. KEIFER. And also debate within the time specified.

Mr. REAGAN. That would exclude the amendments to the latter part of the bill to which the gentleman from New York has reference. If general consent is given that the committee shall present their amendments and they be read and then points of order submitted and disposed of, we will have no trouble. But this proposition would exhaust the time to no purpose. They will be limited to particular clauses as they are reached; but if you exhaust the time, as would probably be the case under the arrangement suggested, on the first two or three clauses, you deprive the gentleman from New York and others of the consideration of amendments which they wish to offer to the final clauses.

The CHAIRMAN. The Chair will state that the result of the motion of the gentleman from Pennsylvania would, in his judgment, be to exhaust the hour and a half on the first ten or fifteen amendments.

Mr. REED, of Maine. Then I object to it.

Mr. BAYNE. Before objection is made I want to interpose a word. I made this suggestion upon an intimation given by the Chair that twelve names had been placed upon a slip of paper there at the desk of persons who were opposed to the bill and six who were favorable to it, and that no other could be recognized for the purpose of debate except the persons there named or those who submitted amendments. I perceive fully the difficulty which the Chair suggests if that course is to be pursued; and I take it the Chair would shut off debate except as to those who would be recognized for the purpose of debate in the manner I have suggested. I do not know, of course, how these recognitions will be arranged.

The CHAIRMAN. The Chair begs to state that the gentleman who offers the proposition to amend the first paragraph would be recognized for the purpose of making a speech and might address himself to any other paragraph that he saw proper, the Chair being unable to control him unless the question of order was raised.

Mr. BAYNE. Then I withdraw the request.

Mr. PERKINS. Allow me to make a suggestion which I think will obviate the difficulty.

The CHAIRMAN. The Chair will hear the suggestion of the gentleman from Kansas.

Mr. PERKINS. I suggest that we adopt the resolution of the gentleman from Pennsylvania, except that the amendments shall not be debated. Points of order may be discussed and amendments offered, but not debated until the entire section shall have been read through.

Mr. WILLIS. That I think is a sensible suggestion.

Mr. TURNER, of Kentucky. I should object to that as I now understand it.

Mr. PERKINS. My suggestion is to allow the amendments to be offered and be pending, but not debated until the entire section has been gone through with.

Mr. REED, of Maine. The amendments are all to be considered as pending?

Mr. PERKINS. Yes, sir; but not to be voted on or debated until points of order are disposed of.

Mr. THOMAS. That is a good suggestion.

The CHAIRMAN. The Chair will state the proposition. The proposition now made by the gentleman from Kansas [Mr. PERKINS] is that the section be reread by paragraphs; that as each paragraph is read all amendments thereto be proposed without debate; that all points of order be raised and remain without debate——

Mr. PERKINS. That the points of order be discussed.

The CHAIRMAN. That points of order be discussed and disposed of. Is unanimous consent given to that proposition?

Mr. DAVIS, of Illinois. I object to that proposition. As I understand it, if the amendments are voted down you can not then substitute another amendment.

Mr. PERKINS. Oh, yes, you can.

Mr. MOULTON. I call for the regular order.

The CHAIRMAN. There is no power of avoiding the offering of amendments to any paragraph.

Mr. DAVIS, of Illinois. I understood from the statement made by the Chair that according to this proposition we would offer our amendments and they would all be pending; and I supposed that after the paragraph was passed the point would be raised that it could not be returned to for the purpose of offering another amendment.

The CHAIRMAN. A paragraph can not in parliamentary language be considered as passed while there is a pending amendment.

Mr. DAVIS, of Illinois. Then when that is voted down would it be in order to offer another?

The CHAIRMAN. It would be in order to offer as many as the gentleman wished.

Mr. DAVIS, of Illinois. Then I have no objection to the proposition.

Mr. WASHBURN. I wish to know if I understand the Chair correctly that if one amendment is voted down you can then substitute another.

The CHAIRMAN. The Chair sees no reason why if an amendment is voted down another amendment to the same paragraph may not be offered.

Mr. WASHBURN. Then it is all right.

Mr. STONE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Kentucky. I rise to a question of order. We can not hear what is being said.

The CHAIRMAN. The gentleman from Massachusetts will suspend until order is restored. The committee will come to order.

Mr. STONE. I make this point: I understand the House has voted to give an hour and a half of debate on the pending section. But the House has not voted as to how that hour and a half shall be distributed. Now, if you take this section up as you propose to do and proceed with the consideration of it by paragraphs, when a particular paragraph is under consideration a member on this floor under the arrangement proposed can not take a part of the hour and a half to discuss that part of the section which is under consideration. In other words, the question is, how are we to reconcile the order the House has given that an hour and a half shall be allowed for debate on this section with an opportunity to members to take part of that hour and a half in discussing the particular paragraph which for the time being happens to be under consideration? That is the point I wish to raise. If that be competent, then I submit it will be competent for a member to take some portion of the hour and a half to deal with the particular paragraph, and then in effect that particular paragraph will be debated as well as amended.

Mr. BAYNE. I reply to the gentleman from Massachusetts that if

the plan suggested be adopted an amendment may be proposed by the gentleman from Massachusetts; the amendment will not be voted on at the time it is proposed; but when the gentleman comes to be recognized for debate he can then advocate that amendment, if he happens to be among the number of the gentlemen on the list for recognition. I think that settles it.

Mr. STONE. I do not consider that is any answer to my question.

The CHAIRMAN. The proposition, as the Chair understands it, is a request for unanimous consent that the section be reread by paragraphs; that when so read amendments may be offered and points of order raised; that there shall be then no debate on amendments offered, but there shall be debate on the points of order raised; the time consumed on the point of order not to be counted out of the time limited for debate on the section by the House. Is there objection to that arrangement?

Mr. SPOONER and Mr. TURNER, of Kentucky, objected. [Cries of "Regular order!"]

The CHAIRMAN. The Chair is ready to hear any suggestions on points of order. The gentleman from Georgia [Mr. TURNER] is recognized.

Mr. TURNER, of Kentucky. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Kentucky. Did I correctly understand the Chair to state that the proposition of the gentleman from Kansas [Mr. PERKINS] was that afterward the amendments might be debated at the close of the reading of the section or paragraph?

The CHAIRMAN. The Chair stated that after the close of reading the section, and after the disposition of the points of order, there would be an hour and a half for debate. What will be debated in that hour and a half the Chair does not know.

Mr. TURNER, of Kentucky. I withdraw my objection to the proposed arrangement.

Mr. BAYNE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I wish to inquire whether a motion would now be in order to proceed according to the method which has been suggested and to which objection was made by the gentleman from Rhode Island [Mr. SPOONER], the objection of the gentleman from Kentucky having been withdrawn?

The CHAIRMAN. The Chair will ask again, is there objection to the mode of procedure suggested by the gentleman from Kansas? The Chair will restate it: That the Clerk shall begin to reread the section at the paragraph where he left off when it was being read by paragraphs for amendment; that he shall read it by paragraphs, and that amendments be offered to each paragraph when its reading is concluded, and that points of order may be raised on each paragraph when its reading is concluded; that there shall be no debate upon amendments offered, but there shall be debate on points of order offered; that after all of the amendments shall have been submitted the debate of one hour and a half according to the order of the House shall begin. The Chair again asks, is there objection?

Mr. TURNER, of Kentucky. I object.

The CHAIRMAN. The gentleman from Kentucky renews his objection, and the gentleman from Georgia [Mr. TURNER] will proceed upon his point of order.

Mr. TURNER, of Georgia. Mr. Chairman, I desire to raise the point of order against that part of the bill which begins on line 813 and ends with line 842. The confusion which has taken place here in Committee of the Whole in the effort to execute the order of the House limiting debate upon this entire section before it was read is a fitting illustration of the trouble which always comes from a suspension of the rules or a departure from the settled practice of the House. To the better judgment of the House on the point of order against that action I submit, but under the permission now given I desire to appeal to the rules, I desire now again to call the attention of the House to the importance of preserving the rules in their integrity and of maintaining inviolate the boundaries which mark the partition of power between the different committees of this House.

There is a rule which specifies the different committees of this House, and there is a general rule of the House that requires that everything shall be done, in the House or in the Committee of the Whole, upon the reports of these committees, which stand as referees, if I may use a judicial illustration. One of those committees is a committee on rivers and harbors; another is a committee on railways and canals. I submit that the lines in this bill to which I have called attention confuse the jurisdictions of the two committees I have named and blend them in one measure. That is my first point of order, and it is a point which goes to the jurisdiction of the Committee on Rivers and Harbors.

The next point of order which I make is akin to it, and is a question of privilege for the committee. I read from paragraph 8 of Rule XI, which not only defines the jurisdiction of the committee as I have stated it, but adds this matter of privilege to that committee:

And the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Under that clause of the rule which gives the Committee on Rivers and Harbors the privilege to come in here and report a bill on rivers and harbors the same as the Committee on Appropriations can do with a general appropriation bill, where do gentlemen find the power or authority conferred upon the Committee on Rivers and Harbors to report a proposition to construct a canal? Now, mark my proposition, Mr. Chairman: In the first place, on the question of jurisdiction, I demur to this paragraph of the bill as outside of the power of the Committee on Rivers and Harbors; and in the next place I say that when they reported this bill, or this paragraph in the bill, they exceeded their parliamentary privilege, which is a special privilege and can not be extended by them in any way—the House itself could not extend it, except by a two-thirds vote on a proposition to amend or suspend the rules.

My next point of order is (not intending to consume the time of the committee by a needless amplification of these considerations, which I know are entirely familiar to members of the House) an appeal to another rule of the House which I will now read, and I ask the attention of the Chair:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the committee.

I find in the files of the House a bill introduced by the gentleman from Iowa [Mr. MURPHY], and calendared as House bill 1975, entitled "A bill to provide for the construction of the Michigan and Mississippi River Canal and to cheapen transportation." On reading that bill it will be found that not only the substance of it, but the bill literally, with the exception of two or three sections at the end, is copied into the provision of the river and harbor bill to which I have called attention and upon which I have made this point of order. If the Chair, or any gentleman interested in the question, will examine that bill he will find that it is grafted literally, word by word, into the provision of the river and harbor bill as to which I have raised the point of order. Finally, Mr. Chairman, I revert to that well-worn point of objection, that this is new legislation, increasing the amount of expenditure covered by the bill, and doing it by a clause not germane to the bill. I now take leave of this subject by saying that under the partition of power among the committees of this House to which I have referred a proposition of this kind is no more germane to this bill than it would be for the Rivers and Harbors Committee to report a bill to construct an elevated railway from ocean to ocean or to construct the Nicaragua ship canal, or to graft upon this bill the interstate-commerce bill reported by the Committee on Commerce.

I have now briefly and succinctly stated the objections which I have, under the rules, to the consideration of the lines of this bill which I have specified, and I ask that they be stricken from the bill.

Mr. HENDERSON, of Illinois. Mr. Chairman, as to the objection last made by the gentleman from Georgia [Mr. TURNER] it certainly can not apply to this bill. This is not an amendment to the river and harbor bill; this is part of an original bill reported by the Committee on Rivers and Harbors for the improvement of rivers and harbors and for other purposes. The paragraph of Rule XXI to which the gentleman from Georgia referred relates to amendments offered to bills and resolutions under consideration in the House. The paragraph of the rule read by him is as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Now, if this provision were not in the bill, and I should propose it as an amendment, then I concede the point of order would be well taken. But most assuredly it is not well taken when this is an original bill reported by the Committee on Rivers and Harbors, and every proposition in it is a part of the bill.

Mr. TURNER, of Georgia. Will the gentleman permit an inquiry?

Mr. HENDERSON, of Illinois. Yes, sir.

Mr. TURNER, of Georgia. Does not the gentleman perceive that the narrow construction which he now gives to the rule just cited would land him at this conclusion—that the Committee of the Whole has less power than the Committee on Rivers and Harbors?

Mr. HENDERSON, of Illinois. Not by any manner of means. Mr. Chairman, I do not see the embarrassment suggested at all. This bill was reported by the Committee on Rivers and Harbors; the House received it, and referred it to the Committee of the Whole for the express purpose of its consideration, including every one of its provisions.

Mr. TURNER, of Georgia. But the gentleman forgets that points of order were reserved.

Mr. HENDERSON, of Illinois. I understand that perfectly well. But what points of order could possibly be reserved?

Mr. TURNER, of Georgia. That is the question.

Mr. HENDERSON, of Illinois. As to the question of jurisdiction, it may be that if this question had been raised at the proper time, when the bill was reported from the committee to the House, it would then have been competent to raise the question. The only instance in which, so far as I am aware, a question of this kind was raised and sustained is the one referred to by the gentleman from Kentucky [Mr. TURNER] in the last session of Congress. In that case Mr. Andrew Johnson, then

a Representative from the State of Tennessee, reported from a committee on expenditures in one of the Departments a bill to grant homesteads. The point or order was raised at that time that the committee reporting the bill had no jurisdiction to report the bill, and that point was sustained. But suppose instead of that point being raised and sustained the House by its own action had referred the bill to a Committee of the Whole for the purpose of considering it, would not any question of jurisdiction have been thereby waived?

Mr. Chairman, this question was decided at the last session of Congress by the then chairman of the Committee of the Whole, who held that the question of jurisdiction was waived by reason of the bill having been referred to the Committee of the Whole for the purpose of its consideration. On that ground the point of order was overruled. An appeal was taken; and the Committee of the Whole sustained the Chair in his ruling.

Mr. MCMILLIN. The gentleman from Illinois will permit me to ask him one question. Does he not see that if the construction for which he contends were placed upon the reference of a bill by the House to the Committee of the Whole, it would virtually prevent the sustaining of any point of order upon anything in the bill after it had been referred to the Committee of the Whole?

Mr. HENDERSON, of Illinois. I think there is no point of order that can be raised, unless it be raised under the rules of the House; and when you come to ascertain what points of order can be raised, they are confined to bills of a different character from this one. This is an original bill.

Mr. HEWITT, of Alabama. As the gentleman from Illinois refers to a ruling made on this subject last session, I wish to inquire whether that ruling was not based upon the ground that the bill had been referred to the Committee of the Whole without any reservation of points of order?

Mr. HENDERSON, of Illinois. No, sir; I submit not.

Mr. HEWITT, of Alabama. I think if the gentleman will examine that decision he will find that such was the case.

Mr. HENDERSON, of Illinois. The point of order was raised at the last session. I discussed it, and it was discussed by other gentlemen. I took the ground that when the House referred that bill to the Committee of the Whole on the state of the Union it referred it to that committee for the purpose of consideration, and that it was too late to raise the question of jurisdiction after it had been so referred. The gentleman from Massachusetts [Mr. STONE] and my colleague [Mr. SPRINGER] also took the same position. I desire to refer the Chair to the decision then made.

The CHAIRMAN. If the gentleman proposes to read from the RECORD he will oblige the Chair by naming the page and volume.

Mr. HENDERSON, of Illinois. I will do so. I read from page 5014 of the CONGRESSIONAL RECORD of last session, being volume 68:

The CHAIRMAN. The Chair will remark simply in reference to this that the paragraph objected to is not an amendment, but is a part of the original bill, and therefore obviously not obnoxious to the clause of the rule which has just been read.

With reference to the third ground, the want of original jurisdiction in the Committee on River and Harbors, the Chair will say this: the chairman of the Committee of the Whole on the state of the Union is asked to withhold from the consideration of the committee a particular clause in an original bill on the ground that the Committee on Rivers and Harbors reporting the bill to the House did not have jurisdiction over the subject-matter of the particular clause. In the view which the chairman of this Committee of the Whole takes of the question it is not necessary to decide whether the Committee on Rivers and Harbors has jurisdiction over the subject-matter of this particular clause or not. Whether it originally possessed that jurisdiction it is not necessary for the Chair to decide in the view which he takes of this question. Hence the Chair will not take the time to express any opinion in reference to it.

Now, this is the point to which I ask particular attention:

The view of the Chair is this: The action of the House in submitting this bill to the Committee of the Whole on the state of the Union for consideration does not leave it within the province of the Chair to pass upon the question of original jurisdiction in the Committee on Rivers and Harbors. The bill has been committed to the Committee of the Whole for the purpose of consideration, and the chairman of this committee believes that he is but executing the order of the House when he decides that the bill shall be considered. The committal of the bill to the Committee of the Whole House on the state of the Union the Chair thinks was not a submission to the committee of the question whether or not the bill should be considered, but an express direction to the committee to consider the bill.

Mr. BROWNE, of Indiana. Whose ruling is that?

Mr. HENDERSON, of Illinois. The chairman at the last session of Congress.

Mr. BROWNE, of Indiana. But who was the chairman?

Mr. HENDERSON, of Illinois. Mr. WELLBORN, of Texas. He continues:

To hold that the chairman of the Committee of the Whole on a point of order could go back and inquire into asserted irregularities and errors in the stages of the bill which preceded its reference to the Committee of the Whole would be either to clothe the chairman of the Committee of the Whole with power to review and reverse the order of the House in the matter of the reference or place the House in the anomalous position of having expressly directed the Committee of the Whole to do a particular thing and at the same time left the committee to determine whether the thing directed should be done or not.

Now, that is the decision of the chairman, and I maintain there was nothing said by the chairman to the contrary of that. It is like a lawyer who comes into court and omits to put in his plea in abatement or to the jurisdiction of the court at the proper time. He waives the question of jurisdiction by omitting to do it, and there is no rule of this House except, as I think, the rules which apply to general appropriation bills—and this is not a general appropriation bill—which would justify the chairman in ruling out this provision of the bill.

I want to say further, Mr. Chairman—I said before I did not know whether with propriety or not, but this whole question was discussed at length in the Senate, and upon a yea-and-nay vote they held a provision similar to this was not only in order but was germane to the bill.

In regard to the general remarks of the gentleman from Georgia [Mr. TURNER] I want to say, if I may be permitted to do so, there is not a canal in the country which was constructed by the aid of the General Government that has not been carried on under river and harbor bills. We are constructing the Muscle Shoals Canal on the Tennessee River; we are constructing a canal around the Cascades of the Columbia River; the Sault Sainte Marie Canal has been completed; but all these canals have been constructed and taken care of under river and harbor bills. What gentlemen want is this: that we shall be relegated to a committee that never reported a bill hardly in all its existence which has had the consideration and determination of the House of Representatives. You may take the history of the Committee on Railways and Canals, and I think they never originated or reported a bill of any importance that has received consideration at the hands of Congress. That is what gentlemen wish to do, to drive us to a course where we could never get any consideration.

I say there is no more impropriety, that it is just as germane to this bill to incorporate a provision like this in it as it is to construct a canal anywhere else in any other part of the country; and that, sir, we are doing and have been doing, and there are provisions of that character in this bill.

I know it was regarded as a narrow view before, but I say this is the improvement of a river in the highest and best sense of the term. It makes the river more valuable and more useful to the people interested in it.

I have already said, Mr. Chairman, this question was decided at the last session of Congress. An appeal was taken from the decision of the Chair, and that decision was sustained, I am told by my colleague [Mr. SPRINGER], by 103 ayes to 63 noes, the vote being taken by tellers. So it seems to me this committee should not reverse its own decisions. It was this very House of Representatives in Committee of the Whole which sustained the chairman in his decision at that time and by a very decided vote.

I wish to say, in addition to that fact, that since then there have been petitions referred in the ordinary and usual way to this committee, thereby giving it jurisdiction. It has never been denied that it was competent for the House to refer petitions to any committee and thereby vest it with jurisdiction. Petitions have been received and referred, as will be seen by reference to the RECORD, asking for the consideration of this canal. So that the point of order can not be based on the ground that there has been no reference of any petition to the committee authorizing its action. I repeat, therefore, Mr. Chairman, in my judgment this question was decided at the last session of Congress.

Mr. OATES. Mr. Chairman, the decision of the point of order made by the Chair at the last session of Congress was placed distinctly on the ground that points of order were not reserved on the bill. The question is now presented upon a bill where points of order were expressly reserved when the order was asked for referring the bill to the Committee of the Whole, and in order that the House may hear the language of the chairman of the Committee of the Whole when the question was decided I ask the paragraph marked be read at the Clerk's desk. The gentleman from Illinois [Mr. HENDERSON] read from the remarks of the chairman, but stopped before he got down to that point.

The Clerk read as follows:

The decision of the Chair is based on the assumption that points of order were not reserved upon the bill when it was referred to the Committee of the Whole House on the state of the Union.

Mr. OATES. Now touching the question of jurisdiction I call the attention of the Chair to paragraph 8 of section 9, which defines the jurisdiction of the Committee on Rivers and Harbors, and also to paragraph 17 of the same section, which defines the jurisdiction of the Committee on Railways and Canals. Now will the Clerk read from the rule as marked?

The Clerk read as follows:

8. To the improvement of rivers and harbors: to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;

17. To railways and canals, other than Pacific railroads: to the Committee on Railways and Canals.

Mr. OATES. The bill was introduced, as has been stated, by the gentleman from Georgia [Mr. TURNER] at the first session of the Forty-seventh Congress and referred to the Committee on Railways and Canals. Although the title differed somewhat the substance is the same.

Mr. HENDERSON, of Illinois. Will the gentleman yield to me for a moment?

Mr. OATES. For what purpose?

Mr. HENDERSON, of Illinois. To read further from the remarks of the chairman on the occasion to which I have referred.

Mr. OATES. Not at present. I merely asked that the decision of the chairman be read and the ground upon which he based the decision, and I will not yield now for any further reading.

Not only was the bill referred to the Committee on Railways and Canals, but that committee reported that bill, report No. 339, which is now upon the Calendar.

It is important, sir, that we shall maintain the distinction in regard to the jurisdiction between these committees. The jurisdiction attaching in this matter, having by an order of the House been properly made under the rule, obtains; and under the rule the jurisdiction of that Committee on Railways and Canals still continues over the subject-matter. Unless, therefore, there was a reference, mark you, under that rule of this House, or by a vote of the House, of this matter, thereby conferring jurisdiction upon the Committee on Rivers and Harbors, I submit that that committee has not jurisdiction.

The gentleman from Illinois contends that petitions were referred to that committee touching this canal. Well, sir, if petitions, which the Chair knows under the rule are placed merely in the petition-box and their reference is a mere clerical matter under the rule, happen to be sent to the Committee on Rivers and Harbors, all that can be said is that it was an improper reference, and in the absence of a vote of the House thus directing, jurisdiction would not be thereby conferred upon the Committee on Rivers and Harbors.

Now I will yield to the gentleman from Illinois to have the further remarks of the chairman at the last session, to which he referred, read.

Mr. HENDERSON, of Illinois. On page 5015 it will be found——

Mr. OATES. Let it be read from the desk.

Mr. HENDERSON, of Illinois. I ask the Clerk to read what is marked.

The Clerk read as follows:

The CHAIRMAN. The Chair meant simply this: That if points of order had been reserved upon this bill at the time it was committed to this Committee of the Whole—in other words, if it had been put in the custody of the Committee of the Whole House on the state of the Union with points of order reserved—then the most that could be done, and whether this could be properly done or not the Chair doubts, would be to report this particular point of order back for decision by the House. But the Chair is advised that no such reservation of points of order was made; and the Chair, while he would be quite willing to have the opinion of the Speaker of the House on the question, is confronted with the discharge of a plain duty—the duty of deciding the question—and can not rightfully shift this responsibility which the rules place upon him.

Mr. OATES. Now, that is perfectly consistent with the portion of the decision of the chairman during the last session which I had read a short time ago.

I have but a word further to add, and that by way of repetition. I say that the jurisdiction of the subject-matter here involved having been placed in the hands of another committee of this House, under the rules of the House jurisdiction of it can not attach in the hands of the Committee on Rivers and Harbors by the mere placing of the petition or petitions in the box and their reference under the rules of the House, which is evidently an erroneous reference, because those petitions do not belong to the Committee on Rivers and Harbors. If this is a subject touching a canal, it belongs to the Committee on Railways and Canals; and unless a petition or a bill covering this matter was referred by a vote of this House to the Committee on Rivers and Harbors, or such reference made by the Speaker of the House in open House, I submit that it has no jurisdiction. It can not in the nature of things have jurisdiction by a reference through the petition-box because at the instance of some person interested perhaps in the measure there be indorsed upon the petition a request that it should go to that committee. Such a reference could not give jurisdiction.

Mr. MURPHY. Mr. Chairman, being somewhat interested in this enterprise I hope I will be excused if I state narratively and succinctly what has been done, I having been the author of the action.

I do not believe it is necessary for me to say to this House as a humble representative of my people that whatever action I may have taken, whether regular or irregular, was taken in accordance with their wish and as they believe in the interest of the commerce of the Northwest, which is much interested in this great improvement. It is true, as stated, that I introduced the bill and referred it to the Committee on Railways and Canals. Why did I do so? Is it because, as stated by some gentlemen on this floor, that I supposed there was no other remedy? I did it believing that it was the best; simply because I thought we could get a larger appropriation for the construction of the Hennepin Canal by a report from that committee than the Committee on Rivers and Harbors; but what are the facts? While I introduced that bill in December a year ago, and was pleased to note that it was reported in January following, and found a place upon the Calendar christened No. 20, I am sorry to say that its position to-day is the same upon the Calendar that it was on the 20th day of last January a year ago. Now, then, what next?

When I learned last June that there was no possibility of getting independent action I then went before the Committee on Rivers and Harbors, and they saw proper to give it consideration and took jurisdiction, as it was decided by this House in its last session that it might do, and they incorporated it in the river and harbor bill. It was stricken out. I will not occupy the time of the House by reciting the action of the committee or how it was taken out of the river and harbor bill, because it is before you on the record and you can read and perhaps more fairly understand the question from that reading than from any statement that I could give from memory. But what I do desire to say is this, that notwithstanding this House decided at the last session that the point of order was not well taken, the position then was stronger on the part of the opponents of the measure than they can make now. And why? Since that time memorials and petitions from various cities have been referred to the Committee on Rivers and Harbors, and that reference, I am proud to say, was made by myself.

The CHAIRMAN. The Chair desires to ask the gentleman from Iowa whether those references were through the petition-box.

Mr. MURPHY. Those references were through the petition-box, and for the reason that that course was required by the rule of the House. I had to take the rule of the House to guide my action; I knew of no other.

Why did I refer those petitions to that committee if it was not for the purpose of consideration? And did I not act as required by the rule prescribed by this House? If I acted in any other way, I do not know it. If I knew of any other way in which I should have acted, I would have so acted. If I am wrong, then the rule is wrong and not my action.

I believe I might rest my case entirely upon that; but I want to say something further to the Chair. I have here a list of some eight canals: the Louisville and Pittsburgh Canal, the Des Moines Rapids Canal, the construction of the canal around the Cascades, the Green Bay and Mississippi Canal, the Saint Mary's Canal, the Saint Clair Flats Canal, the Ship Canal to the Chesapeake Bay, and the Tennessee Muscle Shoals and Chattanooga Canal. Now, will this House say that these are not just as much canals as the Hennepin or the Mississippi River Canals? Here are eight canals which have been considered by this committee and for which appropriations have been made. If the committee had no authority to recommend those appropriations why did they do it? This bill already contains three or four appropriations for canals. Are you going to make an exception of the Hennepin? If you do, on what ground?

Again I say, if I understand the object and purposes of the Committee on Rivers and Harbors since its organization it is in the interest of all kinds of internal improvements so that commerce may be aided and assisted. Why, sir, I can remember well, because I learned it when I was a boy in the history of my country, that the strictest constructionists under Jefferson and Jackson improved the highways of the Alleghanies in the interest of internal improvements, and the action was had by the Committee on Rivers and Harbors; and it does not make any difference whether it is Hell Gate in New York so that the New Yorkers can have a free access for escape, or whether it is opening up the canal in the West so that the State of New York can have an opportunity of enjoying what we produce. If it is an improvement in the interest of commerce it is entitled to legitimate consideration at the hands of this committee.

I do not believe, Mr. Chairman, it is necessary for me to say anything further, except to recall your attention to this one fact, and I state it in all plainness, for I believe it is the fact that will decide this question: Why do we refer those petitions to that committee if it be not for consideration? What is the result of that consideration? This report. Why was that order made? What are these petitions for? If they were to be referred to some other committee, why did we not say so? But having referred them to that committee, that committee was bound to consider them, and this report is the result of their consideration and action.

Mr. TURNER, of Kentucky, rose.

The CHAIRMAN. The Chair promised to hear the gentleman from Indiana [Mr. HOLMAN] for a minute. The Chair will afterward recognize the gentleman from Kentucky [Mr. TURNER].

Mr. HOLMAN. I desire to say but a word on the point of order. I desire to confine myself simply to the point of order and to avoid any consideration whatever of the merits of the proposition. It is very clearly of the highest moment to a proper administration of the business of the House that more careful observance should be had of the lines of jurisdiction established between the various committees.

It is hardly necessary for me to say that a reference of a subject-matter to a committee by the House, notwithstanding it may not be the appropriate committee under the rule, does confer jurisdiction upon it. That has always been held. But it has never been held that a reference under the rule of a petition through the petition-box conferred such jurisdiction. That act being purely clerical, it has never been held, and can not be held, that it confers of itself jurisdiction.

Under the rules the subject-matter of this paragraph belongs, of course, to the Committee on Railroads and Canals. It does not belong to the Committee on Rivers and Harbors. And I submit, Mr. Chairman, the only possible question that can arise is whether or not this subject has been referred to that committee in such form as under the rules of the House would confer jurisdiction. If it has not, that committee certainly has not jurisdiction of the subject-matter. And it is certainly of the highest importance that the Chair in ruling upon questions of this character should bear in mind, as I have no doubt the Chair will bear in mind,

the importance of preserving the jurisdiction of the respective committees, to the end that there may be no confusion resulting from the disregard of the rule on the one side and no conflict of jurisdiction on the other, and that the House may take it for granted that a subject coming from a committee to the House comes through the recognized and proper channel.

Mr. TURNER, of Kentucky. Mr. Chairman, at the last session of Congress this identical question of order was presented. The question of order was made upon a similar section or provision in the river and harbor bill; and upon that occasion I addressed some remarks to the Chair on this question of order embracing an important decision, which I will send to the Clerk and ask him to read.

The Clerk read as follows:

Mr. TURNER, of Kentucky. I do not wish to trespass on the time of the committee, the question of order having already been elaborately discussed. During the general debate on this bill on Monday last I invited the attention of the committee to the clause authorizing the construction of this Hennepin Canal, and attempted to show that it was improperly in this bill, and that at the proper time I would move to strike it out, and would offer additional reasons to those that I then gave to this committee why this should be done. Now, I simply desire to read to the Chair a decision embracing a similar proposition which was made by the Speaker of the House in 1850, upon which an appeal was taken and the decision sustained by the House. In the first place I assert that the doctrine is laid down in the Digest of the Rules of this House that it is not competent for any committee of the House to report a bill or resolution where the subject-matter embraced has not been referred to the committee by the order of the House or by the rules of the House.

I will now read the decision to which I have referred. It is to be found in the Journal of 1850, page 590, and is as follows:

"Mr. Andrew Johnson, from the Committee on Public Expenditures, reported a bill, which was read for information, by its title, as follows: 'A bill to provide a homestead of one hundred and sixty acres of the public domain for every man who is the head of a family and a citizen of the United States, or any widow who is the mother of a minor child or children, who may become permanent occupants and cultivators of the soil.'

"Mr. Vinton objected to the reception of the bill on the ground that the subject-matter of the bill had not been referred to the committee which had reported it by the House, either by resolution or by the rules or otherwise.

"The Speaker sustained the objections raised by Mr. Vinton, and decided that the said bill was not in order from the Committee on Public Expenditures.

"From this decision of the Chair Mr. Andrew Johnson appealed.

"The question was stated: Shall the decision of the Chair stand as the judgment of the House?

"It was decided in the affirmative.

"So the bill was not received."

This is a decision of a similar question to the one now under consideration, and is, I think, conclusive.

It has been shown to the Chair that the rules give no jurisdiction to the Committee on Rivers and Harbors over this subject. Its jurisdiction is over the natural water ways and harbors. The jurisdiction over canals is expressly given to a different committee, the Committee on Railways and Canals. There is no concurrent jurisdiction. It is separate and distinct, and is exclusively given to that committee. This Committee on Rivers and Harbors has reported this bill, embracing this canal proposition, which has never been referred to them by the order of the House, nor have they jurisdiction under the rules; and if there ever was a palpable violation of the rules of the House it is embraced in this proposition. For the Committee on Railways and Canals have already acted on this matter in pursuance of their jurisdiction and under the express order of the House referring the bill to them. They have examined the Hennepin Canal bill and reported it favorably, although I believe their decision was wrong and that the bill ought not to pass, and I voted against it on that committee.

That bill is on the Calendar of the House, and stands there awaiting the consideration of the House. But though it stands there for consideration the gentlemen favoring the measure are not willing to have it considered on its own merits, but have gotten it into this bill in violation of the rules. And we are forced to resort to a question of order to strike it out, so that this bill shall not be encumbered by a bill now pending on the Calendar. If this measure shall be permitted to remain in the river and harbor bill I think it will be one of the most dangerous precedents I have ever known. I hope the Chair will rule it out.

Mr. TURNER, of Kentucky. Mr. Chairman, the question now presented is identically the same, and I do not deem it necessary to add anything to the argument which I then made and which has just been read by the Clerk, as the Chair is familiar with all the arguments that were made on this question of order at the last session. If I recollect right the Chair itself participated in discussing this very question, and is, of course, familiar with the arguments that were submitted. The only additional remark that I will make is this: My friend [Mr. HENDERSON, of Illinois] is mistaken when he undertakes to state the grounds of the decision of the Chair at the last session of Congress. When that bill was originally reported from the Committee on Rivers and Harbors all questions of order were reserved. The bill was then recommitted and when it was reported a second time there was a failure to reserve the points of order, and it was upon that ground that the Chair decided that it had no right to rule the matter out in regard to the construction of the Hennepin Canal upon a question of order.

The ground of the decision was that when a bill was reported a second time from the committee there must be a reservation of points of order made. There had been a failure to reserve the points of order upon the second report or substitute. Upon the point of order now made the right of the Chair to decide the point of order is different, because the questions of order were reserved the first time, and then also when the bill was recommitted and when it was reported back the points of order were reserved by myself and several others, as the Journal will show. Owing to that fact, the Chair is not now confined to the point which controlled the Chair when the question was up at the last session. This House has exercised its jurisdiction upon this subject-matter. It referred the bill in regard to the construction of the Hennepin Canal to the Committee on Railways and Canals. They exercised their jurisdiction, considered the question, and reported the bill back to the House at the last session, and the bill is now upon the Calendar awaiting its consideration when reached under the rules.

Mr. Chairman, the Committee on Rivers and Harbors had no jurisdiction over the question at all. They have no jurisdiction whatever over canals or artificial water ways. Their jurisdiction is confined under the rules to the improvement of rivers and harbors. This bill ought not to have been encumbered by the provision for the construction of this canal. This work will involve the expenditure of perhaps forty millions or more. I have heard it variously estimated. If this project has merit in it let it rest on its own merits when the bill for the construction of the Hennepin Canal on the Calendar is reached. It was stricken out of the river and harbor bill at the last session by a vote of this House, and it ought not to have been put in this bill to be passed on the merits of other provisions in the river and harbor bill which are right and proper. I hope the Chair will rule it out on the point of order, and if not, I hope it will be again stricken out by the committee.

Mr. DAVIS, of Illinois. It is well known, Mr. Chairman, that the Committee on Rivers and Harbors was created by this Congress; the Forty-eighth Congress created that new committee. Prior to its creation the duties which now devolve upon the Committee on Rivers and Harbors were performed by the Committee on Commerce. The argument made here that jurisdiction could be conferred by the reference of a bill from the Chair, or from the Clerk's desk, and not from the petition-box, I regard as untenable, because the rules of the House direct that all bills of this character shall be delivered to the Clerk like petitions and memorials and thence referred. It is quite a frequent thing for a bill to be wrongly referred even from the Clerk's desk—referred to a committee not having jurisdiction of it.

Now, to return to the point of the jurisdiction of the Committee on Rivers and Harbors, I claim that that committee has the same rights and duties pertaining to the care of rivers and harbors and their approaches that originally belonged to the Committee on Commerce. It is well known to this House that the Committee on Commerce have reported all the bills for the creation of canals, the purchase of canals, the investment of Government bonds in canals, making the canals free, and determining the expense and appropriating the money to keep them in repair and carry them on after they have been acquired by the Government. That was so as to the Louisville Canal and all the others, and there is one case to which I ask special attention, because it bears directly upon this point. It came up in the Forty-sixth Congress. I read from the Statutes at Large, volume 21, page 189, where I find in relation to the improvement of the Saint Mary's River and the Saint Mary's Falls Canal the following:

And the Secretary of War is hereby authorized to accept on behalf of the United States from the State of Michigan the Saint Mary Canal and the public works thereon, provided such transfer be so made as to leave the United States free from any and all debts, claims, or liabilities of any character whatsoever. And said canal, after said transfer, shall be free for public use: *And provided further*, That after such transfer the Secretary of War be, and hereby is, authorized to draw from time to time his warrant on the Secretary of the Treasury to pay the actual expenses of operating and keeping said canal in repair.

There, Mr. Chairman, is a direct precedent for the recognition by this House of the right of the Committee on Commerce to report a bill of this character, and I claim that the authority which at that time belonged to the Committee on Commerce is to-day vested in the Committee on Rivers and Harbors.

I believe they have the same authority in this respect that the Committee on Commerce had at that time. The precedents are all in that direction, and I know of no more appropriate committee to which a question of this kind could be referred than the Committee on Rivers and Harbors, because the work in question is not merely a canal, but is also part and parcel of the connection between the great Mississippi system and the lakes, and therefore properly belongs to that committee.

The other point raised by the gentleman from Georgia, that another bill containing this provision is on the Calendar or in another committee, does not, I believe, hold good, for the reason that, if I am correct, the ruling of the Chair has been that to exclude a proposition under this rule it is necessary that the bill pending should be identical, and not merely similar in substance. This is all I have to say.

Mr. BLAND obtained the floor.

The CHAIRMAN. Before the gentleman from Missouri [Mr. BLAND] proceeds, the Chair desires to state that gentlemen of the committee are anxious to reach a conclusion in this argument. The Chair has indulged members thus far in this discussion because he desired to hear all the considerations *pro* and *con* that could be presented. But it is fair to state that the Chair would not think it proper, unless the Committee of the Whole should force him to do so, to deliver an opinion upon this point this evening. There are other points of order to be raised. The Chair would like to have the debate on this point closed early, so that the other points may be presented and considered, and that the Committee of the Whole may go into the general debate to-day, the Chair being informed that such is the desire of members generally. The gentleman from Missouri will now proceed.

Mr. BLAND. Mr. Chairman, I think one of the main objects of our rules concerning appropriation bills is that no committee shall report any measure or provide an appropriation for carrying it out unless that committee has specific and unquestioned jurisdiction of the subject-

matter. I desire to call the attention of the Chair to the first clause of Rule II, which reads as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows.

In the enumeration which follows is this paragraph:

To the improvement of rivers and harbors—to the Committee on Rivers and Harbors.

The Chair will notice that the requirement of the rules in regard to the reference of propositions for their appropriate committees is specific, and it is provided expressly that subjects relating "to the improvement of rivers and harbors" are to be referred to the Committee on Rivers and Harbors. But there is no provision that this committee shall have jurisdiction of any proposition affecting railways and canals. On the contrary, the jurisdiction of such subjects is expressly given to another committee, for subdivision 17 of Rule XI embraces this provision:

To railways and canals other than Pacific railroads—to the Committee on Railways and Canals.

Mr. Chairman, my point is that when in this case the petition went into the petition-box and was referred to the Committee on Rivers and Harbors it was in violation of the rules, not in pursuance of the rules. The rules provide that particular propositions shall be referred to specific committees; and when by placing a petition in that box a member sends a subject to a committee not having jurisdiction of that matter, it is a violation of the rules of the House. This petition did not go to the Committee on Rivers and Harbors in pursuance of the rules. The rules provide where that petition should have gone; and if it has gone to any other committee than that specified in the rules, it has gone there in contravention of the rules.

Mr. OATES. The gentleman will permit me to suggest that if such a practice were tolerated, if the committees could acquire jurisdiction in that way, infinite difficulty and confusion would arise.

Mr. BLAND. The gentleman from Alabama very properly suggests that if subjects can be referred to an inappropriate committee in this surreptitious manner—meaning no offense whatever by that language, but using it only to describe a supposed proceeding—if this can be tolerated by the House, in what confusion should we be thrown! Committees having no jurisdiction under the rules of a particular proposition could in this stealthy way acquire jurisdiction under a pretense of conforming to the rules here. Of course I impute nothing wrong.

Mr. NEECE. Will the gentleman allow me a question?

Mr. BLAND. I will yield for a question only.

Mr. NEECE. Supposing the petition had been referred by the House directly to this committee, would that have given the committee jurisdiction?

Mr. BLAND. Had the attention of the House been called to this petition, had it gone to that committee by a vote of the House, that would have been the action of the House. But when a single member puts a petition into the petition-box and sends it to an inappropriate committee, it is not the action of the House, but is in contravention of the rules which the House has provided for its government.

Mr. MILLS. Does my friend hold that it is competent for the Committee on Rivers and Harbors to report in their bill a proposition for the improvement of the Tennessee River by cutting a canal around Muscle Shoals?

Mr. BLAND. Any proposition that looks mainly to the improvement of a river presents a different question, the consideration of which is not necessary in this discussion.

I started out with the broad proposition, that according to the spirit of our rule no appropriation committee, unless it has specific jurisdiction, should be permitted to report a measure or provide appropriations to carry it out. These rivers are subject to the jurisdiction of the Committee on Rivers and Harbors by the rules of the House; but a proposition that the Committee on Rivers and Harbors shall assume jurisdiction of a measure for building a canal, a matter belonging properly to the Committee on Railways and Canals, presents a different question. The naked question is whether the Committee on Rivers and Harbors has jurisdiction over railways and canals. This committee might just as well have reported in this bill a provision for constructing a railroad as for constructing a canal; for both propositions by our rules go properly to the same committee.

The rivers and harbors of this country are specifically given to this committee. We have rivers and harbors enough to consume our revenues and empty the Treasury if we improve them all without entering upon these schemes of building canals.

The Chair having admonished us that he did not desire a great deal of time taken up or consumed in this discussion, I make the point that that petition has not gone to the Committee on Rivers and Harbors in pursuance of the rules of the House, but in violation of the rules of the House and the rights of the House over it.

Mr. NEECE. Mr. Chairman, we are proceeding in Committee of the Whole, and this committee, if I understand it, has no more power than other committees of this House. I deny that this committee has power to pass upon the jurisdiction of other committees. I deny we have the right to sit in judgment over the jurisdiction of the Committee on Rivers and Harbors. I maintain that the Committee on Rivers and Harbors have jurisdiction of this question, and that original jurisdiction by the action of the House was given to that committee.

It was conceded here that petitions have been referred through the petition-box to this Committee on Rivers and Harbors. It is conceded here in the argument that if this House had referred such petitions to that committee it would have jurisdiction. If that be true, then the committee acquired jurisdiction, because when a petition was placed in the petition-box and referred to that committee a record was made of that fact, and that record was not approved until the next day, when the attention of every member of the House was called to that record which showed the disposition of such petition; and when that record stands approved by action of the House it is too late in the Committee of the Whole or in the House to say the Committee on Rivers and Harbors has no jurisdiction of the question.

Therefore I claim, Mr. Chairman, placing the petitions in the petition-box is in obedience to the rule of the House, and when such a thing is done a record is made of the fact, and that when that record has been approved it is too late to say here in the Committee of the Whole House on the state of the Union that that action is not binding upon it as well as upon the House.

The CHAIRMAN. The Chair will again state, at the request of the chairman of the Committee on Rivers and Harbors and of the gentleman in charge of the Post-Office appropriation bill, time should be used sparingly in this debate.

Mr. BLANCHARD. Mr. Chairman, there is one phase of this question which has not yet been presented in the discussion on this point of order, and I have risen for the purpose of presenting that phase of the question. This is not the first time nor the second time that a proposition looking to the digging of a canal to connect the great Mississippi and the lakes has been presented in a river and harbor bill. During the first session of the Forty-seventh Congress, when the Committee on Commerce had charge of the preparation and presentation of a bill for the improvement of rivers and harbors, and upon which committee was my distinguished friend from Minnesota [Mr. WASHBURN] and my distinguished friend from Michigan [Mr. HORR], that committee presented the first proposition, so far as I am informed, looking to the inauguration of the enterprise of the construction of this canal.

In the Forty-seventh Congress, on the bill reported by the Committee on Commerce—in other words, the river and harbor bill of that year—when the distinguished gentleman from Georgia [Mr. TURNER], who made this point of order, was a member of Congress, and the gentleman from Kentucky [Mr. TURNER], who spoke on that side of the question, was also a member, and the gentleman from Indiana [Mr. HOLMAN], who also spoke on that side, was likewise a member, not one of them rose in his seat to make the point of order on the proposition embodied in that bill in relation to the initiation of this enterprise. I will send up to the Clerk's desk, for the purpose of being read, what was embraced in the bill of that year on this subject, without a single point of order being raised, and which became a part of the law of that session.

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water-line, and not less than seven feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys; and the cost of construction, the annual cost of maintenance, and economy of use of said canal, when completed, shall be estimated and accompany the said surveys; and the Secretary of War shall cause to be made by skillful engineers of the Army a survey of the Illinois and Michigan Canal connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and the construction of the canal between Hennepin and the Mississippi River and the right of way therefor; and for the purposes of this paragraph the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated: *Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement.

Mr. BLANCHARD. Gentlemen around me say that it is no argument against the point of order now raised to cite the fact that in the Forty-seventh Congress a similar proposition was embodied in the bill of that year. I say, sir, that in that Congress, in the bill which was reported for the improvement of rivers and harbors, the committee charged with the preparation of that bill saw fit to embody in it that provision which the Clerk has just read. Since that was done, and since it passed both Houses without any point of order being raised, then I submit that the Committee on Rivers and Harbors of the present Congress, when they saw fit to follow that example, are hardly amenable to the criticism passed upon them by my friend from Georgia.

Mr. TURNER, of Georgia. The gentleman from Louisiana, I hope, will not assume that I made any criticism on his committee, as I meant no such thing. As to the provision of the statute passed by the Forty-seventh Congress, to which the gentleman refers, it may afford justification for the course his committee has pursued in supporting this proposition. But I submit whether or not that is proper to a discussion of the point of order when no point of order was made on that proposition to which he refers.

Mr. BLANCHARD. I cited that not so much in the way of an argument against the point of order made by my friend from Georgia, but in order to let the House know that the same question was presented to the House on two occasions before this. In the bill of the last session of this Congress relating to rivers and harbors the same proposition was embodied, and the point of order was then made as it is made now, and it was not ruled out on that occasion on the point of order. But before that, I submit that in a similar bill this House had, in part, committed itself to the proposition that a measure of this sort could be embodied in a river and harbor bill, because a clause relating to the initiation of this measure had passed a former Congress without objection or criticism.

Mr. SPRINGER addressed the Chair.

The CHAIRMAN. The Chair will state that the Chair agreed to hear the gentleman from Illinois on the left for one minute, and will then conclude debate upon this point.

Mr. DAVIS, of Illinois. One word, Mr. Chairman, as to the question of jurisdiction of this committee. I desire to say that the estimates, the report of the engineers, come from the Secretary of War and are submitted to this House. They were appropriately referred to the Committee on Rivers and Harbors. The House had jurisdiction of the question of reference, and could have changed that reference had it so desired, or it could have discharged the committee from the consideration of that matter after it was so referred. But failing to do so, then this proposition comes before the House by a direct order of the House on this subject and in conformity with the rules of the House——

Mr. SPRINGER. Before the Chair delivers an opinion I desire to call his attention to the other clause of Rule XXII I refer to, which provides that where there has been an improper reference of a petition it is the duty of the committee to report it back for proper reference through the petition-box. There is no such reference here. Therefore, the reference to the committee must stand as the action of the House under that clause of the rule.

The CHAIRMAN. The Chair will state that as this is a very important question, and as no progress will be made in the bill by delivering an opinion now upon the point of order, the Chair thinks best not to decide the question at this time, both because the Chair would like to place his views in proper shape and also because it would be an unnecessary consumption of time. The Chair would ask, therefore, if there are any other points of order to be raised on this bill? The Chair was informed by some gentleman, Mr. O'NEILL, of Pennsylvania, that he had a point of order on the bill. Does the gentleman from Pennsylvania desire to make the point of order on this part of the bill?

Mr. O'NEILL, of Pennsylvania. I want to raise a point of order on the sixth section of the bill.

Mr. WILLIS. I will say to my friend from Pennsylvania that that will be in order when we reach that part of the bill.

The CHAIRMAN. The gentleman from Pennsylvania will observe that we have not yet reached that section, being now in consideration of the first paragraph. The sixth section has not yet been reached.

If there be no further points of order the general debate will begin.

The general debate begins at twenty-one minutes past 2 o'clock, and the Chair recognizes the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. HISCOCK. Do I understand that this general debate is to begin now? I think there was a distinct understanding that there should be debate under the five-minute rule, and that gentlemen should occupy the time when certain portions of the bill were read which they desired to discuss.

The CHAIRMAN. The Chair stated that there would be general debate, but the speeches would be limited to five minutes, and the first of them will begin now.

Mr. HISCOCK. Do I understand that we are compelled to occupy our time before questions are reached which we desire to discuss?

The CHAIRMAN. The Chair endeavored in various ways to get an understanding on this point, but the committee refused to have the bill reread. We are in the condition of allowing gentlemen to go on in this way because no other way was allowed. The bill will not be read any more.

Mr. NELSON. I would inquire when the Chair will allow amendments to be offered?

The CHAIRMAN. When the debate is ended, the hour and a half which has been allowed.

The gentleman from Arkansas is recognized.

Mr. BRECKINRIDGE. I yield to the gentleman from Kentucky for a motion.

Mr. WILLIS. The gentleman from Arkansas yields to me to make a motion that the committee do now rise for the purpose of permitting the Committee on Appropriations to go on with the Post-Office appropriation bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor appropriation bill had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move to reconsider the vote by which an order was entered that the consideration of the Post-Office bill should be resumed after the reading of the Journal to-day.

The motion to reconsider was agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Illinois, which is that the consideration of the Post-Office bill shall be resumed immediately after the reading of the Journal to-day.

Mr. SPRINGER. That requires unanimous consent.

The SPEAKER *pro tempore*. The Chair thinks not. The motion to reconsider has been agreed to, and the question recurs on the original motion.

Mr. HOLMAN. I suggest that the gentleman can withdraw his motion.

Mr. TOWNSHEND. I withdraw the motion.

The SPEAKER *pro tempore*. The gentleman from Illinois withdraws the motion.

Mr. TOWNSHEND. I now call up for consideration the Post-Office appropriation bill, the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The SPEAKER *pro tempore*. The Committee of the Whole House on the state of the Union have reported the Post-Office appropriation bill. It comes up as unfinished business. The previous question has been ordered on the bill, on the amendments reported by the Committee of the Whole House on the state of the Union, and also on the amendment submitted by the gentleman from Indiana [Mr. HOLMAN].

The Clerk will report the amendments in the order in which they were reported from the Committee of the Whole House on the state of the Union.

The Clerk read the first amendment reported from the Committee of the Whole House on the state of the Union, as follows:

On line 28, page 2, strike out "$5,100,000" and insert "$5,300,000;" so that it will read:

"For compensation to clerks in post-offices, $5,300,000."

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

After line 28, page 2, insert the following:

"And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided, always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work."

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read the next amendment reported from the Committee of the Whole House on the state of the Union, as follows:

In lines 30 and 31, strike out "$4,100,000" and insert "$4,535,000;" so that it will read:

"For payment of letter-carriers and the incidental expenses of the free-delivery system, $4,535,000."

Mr. TOWNSHEND. I call for a vote upon that amendment. There is an increase of——

Mr. HORR. I object to debate.

Mr. TOWNSHEND. I simply want to state the fact.

The SPEAKER *pro tempore*. The previous question is operating, and debate is not in order.

Mr. HORR. What is the question?

Mr. TOWNSHEND. The question is on increasing the appropriation——

The SPEAKER *pro tempore*. Debate is not in order. The Chair will state the question. The question is on agreeing to the amendment, which the Clerk will again report.

The amendment was again read.

The question being taken on the amendment, there were—ayes 91, noes 76.

Mr. TOWNSHEND. In order to save time, I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 47.

Mr. COX, of New York. Count the other side.

The negative vote being counted, there were noes 107—the affirmative being more than one-fifth of the whole vote.

Mr. HORR. I call for tellers on the question of ordering the yeas and nays. I make the demand for the purpose of saving time.

Tellers were not ordered, only 7 members voting therefor.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 96, not voting 76; as follows:

YEAS—152.

Atkinson,	Fosan,	McAdoo,	Slocum,
Bagley,	Gibson,	McCold,	Smalls,
Beach,	Glascock,	McComas,	Smith, A. Herr
Belford,	Greenleaf,	McCormick,	Smith, H. Y.
Bisbee,	Guenther,	Maybury,	Spooner,
Boutelle,	Hanback,	Millard,	Steele,
Bratton,	Hancock,	Milliken,	Stephenson,
Breitung,	Hardeman,	Mitchell,	Stevens,
Brewer, J. H.	Harmer,	Money,	Stewart, Charles
Broadhead,	Hart,	Morgan,	Stewart, J. W.
Brown, W. W.	Hatch, H. H.	Morse,	Stone,
Buckner,	Haynes,	Muller,	Strait,
Burleigh,	Hemphill,	Murray,	Struble,
Caldwell,	Hewitt, A. S.	Mutchler,	Taylor, J. D.
Campbell, J. M.	Hill,	Nelson,	Thomas,
Cassidy,	Hiscock,	Nicholls,	Tillman,
Clardy,	Hitt,	Nutting,	Van Alstyne,
Collins,	Hoblitzell,	O'Hara,	Vance,
Converse,	Holmes,	O'Neill, Charles	Van Eaton,
Cox, S. S.	Hopkins,	O'Neill, J. J.	Wadsworth,
Culbertson, W. W.	Horr,	Paige,	Wait,
Cullen,	Houk,	Parker,	Wakefield,
Curtin,	Houseman,	Payne,	Wallace,
Cutcheon,	Hunt,	Perkins,	Ward,
Dargan,	James,	Peters,	Washburn,
Davidson,	Jeffords,	Pettibone,	Wellborn,
Davis, G. R.	Keen,	Poland,	Wemple,
Davis, R. T.	Keifer,	Potter,	White, J. D.
Dibble,	Kelley	Price,	White, Milo
Dingley,	Ketcham,	Pusey,	Whiting,
Dixon,	Lawrence,	Ranney,	Willis,
Dunnheimer,	Le Fevre,	Reed, T. B	Wilson, James
Elliott,	Lewis,	Rice,	Wilson, W. L.
Ellis,	Libbey,	Rogers, J. H.	Wise, G. D.
Ellwood,	Long,	Rosecrans,	Wolford,
Everhart,	Lore,	Rowell,	Worthington,
Fiedler,	Lovering,	Russell,	York,
Finerty,	Lyman,	Skinner, C. R.	Young.

NAYS—96.

Aiken,	Cox, W. R.	Jones, J. H.	Seymour,
Alexander,	Crisp,	Jones, J. T.	Shiveley,
Arnot,	Culberson, D. B.	Lanham,	Singleton,
Ballentine,	Davis, L. H.	Lowry,	Skinner, T. G.
Barbour,	Deuster,	McMillin,	Snyder,
Barksdale,	Dibrell,	Matson,	Spriggs,
Bayne,	Dockery,	Miller, J. F.	Springer,
Bennett,	Dunn,	Mills,	Sumner, D. H.
Blackburn,	Eldredge,	Moulton,	Swope,
Blanchard,	English,	Muldrow,	Taylor, J. M.
Bland,	Ermentrout,	Neece,	Thompson,
Blount,	Follett,	O'Ferrall,	Townshend,
Boyle,	Forney,	Patton,	Tucker,
Browne, T. M.	Fyan,	Peel,	Tully,
Buchanan,	Garrison,	Pierce,	Turner, H. G.
Burnes,	Geddes,	Post,	Turner, Oscar
Cabell,	Green,	Pryor,	Warner, Richard
Campbell, J. E.	Halsell,	Randall,	Weaver,
Candler,	Hammond,	Reagan,	Wilkins,
Carleton,	Hatch, W. H.	Reid, J. W.	Williams,
Clay,	Henley,	Reese,	Winans, E. B.
Clements,	Hewitt, G. W.	Riggs,	Winans, John
Connolly,	Holman,	Robertson,	Wood,
Cosgrove,	Jones, B. W.	Seney,	Yaple.

NOT VOTING—76.

Adams, G. E.	Dowd,	Hutchins,	Ray, G. W.
Adams, J. J.	Dunham,	Johnson,	Ray, Ossian
Anderson,	Eaton,	Jones, J. K.	Robinson, J. S.
Barr,	Evans,	Jordan,	Robinson, W. E.
Belmont,	Ferrell,	Kellogg,	Rockwell,
Bingham,	Findlay,	King,	Rogers, W. F.
Bowen,	Funston,	Kleiner,	Ryan,
Brainerd,	George,	Lacey,	Shaw,
Brewer, F. B.	Goff,	Laird,	Stockslager,
Brumm,	Graves,	Lamb,	Storm,
Budd,	Hardy,	Miller, S. H.	Sumner, C. A.
Campbell, Felix	Henderson, D. B.	Morrill,	Talbott,
Cannon,	Henderson, T. J.	Morrison,	Taylor, E. B.
Chalmers,	Hepburn,	Murphy,	Throckmorton,
Cobb,	Herbert,	Oates,	Valentine,
Cook,	Holton,	Ochiltree,	Warner, A. J.
Covington,	Hooper,	Payson,	Weller,
Craig,	Howey,	Phelps,	Wise, J. S.
Curtin,	Hurd,	Rankin,	Woodward.

So the amendment was agreed to.

During the roll-call the following proceedings occurred:

Mr. HORR (interrupting the roll-call). Mr. Speaker, several gentlemen have said to me that they do not understand the amendment that is being voted upon. I wish the Chair would have it reported. [Cries of "Regular order!"]

The SPEAKER *pro tempore* (Mr. HEWITT, of New York). The House will be in order, so that the Clerk may hear the responses of gentlemen. The Clerk will proceed with the roll-call.

After the completion of the roll-call,

On motion of Mr. COX, of New York, by unanimous consent, the reading of the names of members voting was dispensed with.

Mr. HEWITT, of Alabama. I desire to announce that my colleague [Mr. HERBERT] is absent on account of sickness in his family.

The following additional pairs were announced:

Mr. HURD with Mr. BREWER, of New York, for this day.

Mr. TALBOTT with Mr. ADAMS, of Illinois, for this day.

Mr. WOODWARD with Mr. HOWEY, for this day.

Mr. RAY, of New Hampshire, with Mr. OATES, on the Post-Office appropriation bill and all amendments thereto.

Mr. HENDERSON, of Illinois, with Mr. SUMNER, of California, for this day.

The result of the vote was then announced as above stated.

Mr. HORR moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

In lines 45 and 46, strike out the words "but no lease shall be made," and after the word "term," in line 46, insert the word "not;" so that it will read "to be paid quarterly for a term not exceeding five years."

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

In lines 61 and 62, strike out "$15,265,009" and insert "$14,010,008."

Mr. HORR. There is no objection to that.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

After line 66, insert "for railway post-office car service, $1,765,026."

Mr. HORR. There is no objection to that.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

After line 153 insert:

"For necessary and special facilities on trunk lines, $256,764."

Mr. REAGAN. What does that mean?

Mr. HORR. The fast mail.

Mr. REAGAN. I want to know about it.

Mr. HORR. You are right.

The SPEAKER *pro tempore* (Mr. BLACKBURN). The question is on agreeing to the amendment.

The House divided; and there were—ayes 122, noes 43.

So the amendment was agreed to.

Mr. NICHOLLS moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

In line 164, strike out "$700,000" and insert "$900,000;" so that it will read "for inland transportation by star-routes, $5,900,000."

Mr. HORR. There is no objection to that.

A division was called for.

The House divided; and there were—ayes 121, noes 51.

Mr. TOWNSHEND. Mr. Speaker, on this star-route proposition I call for the yeas and nays.

Several MEMBERS. No! No!

The question was taken on ordering the yeas and nays; and there were—ayes 35, noes 127—a sufficient number; and the yeas and nays were ordered.

The question was taken on the amendment; and there were—yeas 154, noes 94, not voting 76; as follows:

YEAS—154.

Aiken,	Cutcheon,	Hoblitzell,	Money,
Atkinson,	Dargan,	Holmes,	Morgan,
Bagley,	Davidson,	Hopkins,	Moulton,
Ballentine,	Davis, G. R.	Horr,	Muldrow,
Barbour,	Dibble,	Houk,	Muller,
Beach,	Dingley,	Howey,	Neece,
Bingham,	Dixon,	Hunt,	Nelson,
Bisbee,	Dunn,	James,	Nicholls,
Blanchard,	Ellis,	Jeffords,	Nutting,
Bland,	Ellwood,	Jones, J. T.	Ochiltree,
Boutelle,	Evans,	Keen,	O'Hara,
Bratton,	Finerty,	Keifer,	O'Neill, Charles
Breitung,	Forney,	Kelley,	O'Neill, J. J.
Brewer, F. B.	Funston,	Ketcham,	Paige,
Brewer, J. H.	Garrison,	Lanham,	Parker,
Burleigh,	George,	Lewis,	Payne,
Cabell,	Gibson,	Libbey,	Peel,
Caldwell,	Green,	Long,	Perkins,
Campbell, J. M.	Greenleaf,	Lore,	Peters,
Cassidy,	Guenther,	Lovering,	Pettibone,
Clardy,	Hanback,	Lyman,	Poland,
Collins,	Harmer,	McCold,	Potter,
Converse,	Hatch, H. H.	McComas,	Pryor,
Cox, S. S.	Haynes,	McCormick,	Pusey,
Cox, W. R.	Hemphill,	Maybury,	Reed, T. B.
Culberson, D. B.	Hill,	Millard,	Reid, J. W.
Culberson, W. W.	Hiscock,	Miller, J. F.	Reese,
Cullen,	Hitt,	Mitchell,	Rice,

Rogers, J. H.	Smith, H. Y.	Tillman,	Wemple,
Rosecrans,	Snyder,	Tucker,	White, J. D.
Rowell,	Spooner,	Turner, H. G.	White, Milo
Russell,	Steele,	Vance,	Whiting,
Ryan,	Stephenson,	Van Eaton,	Wilkins,
Singleton,	Stevens,	Wadsworth,	Wilson, James
Skinner, C. R.	Stewart, J. W.	Wait,	Wilson, W. L.
Skinner, T. G.	Strait,	Wakefield,	York,
Slocum,	Struble,	Wallace,	Young.
Smalls,	Taylor, J. D.	Washburn,	
Smith, A. Herr	Thomas,	Wellborn,	

NAYS—94.

Alexander,	Dibrell,	Le Fevre,	Stewart, Charles
Anderson,	Dockery,	Lowry,	Sumner, D. H.
Arnot,	Dorsheimer,	McAdoo,	Swope,
Barksdale,	Eaton,	McMillin,	Taylor, J. M.
Bayne,	Eldredge,	Matson,	Thompson,
Bennett,	Elliott,	Mills,	Townshend,
Blackburn,	English,	Murphy,	Tully,
Blount,	Ermentrout,	Murray,	Turner, Oscar
Boyle,	Everhart,	Mutchler,	Van Alstyne,
Breckinridge,	Fiedler,	O'Ferrall,	Ward,
Broadhead,	Follett,	Patton,	Warner, A. J.
Brown, W. W.	Foran,	Pierce,	Warner, Richard
Browne, T. M.	Fyan,	Post,	Weaver,
Buchanan,	Geddes,	Price,	Williams,
Buckner,	Glascock,	Randall,	Willis,
Burnes,	Halsell,	Ranney,	Winans, E. B.
Candler,	Hammond,	Reagan,	Winans, John
Carleton,	Hardeman,	Riggs,	Wise, G. D.
Clay,	Hatch, W. H.	Robertson,	Wolford,
Connolly,	Hewitt, G. W.	Seney,	Wood,
Cosgrove,	Holman,	Seymour,	Worthington,
Crisp,	Houseman,	Shively,	Yaple.
Davis, L. H.	Jones, B. W.	Spriggs,	
Deuster,	Jones, J. H.	Springer,	

NOT VOTING—76.

Adams, G. E.	Davis, R. T.	Hutchins,	Rankin,
Adams, J. J.	Dowd,	Johnson,	Ray, G. W.
Barr,	Dunham,	Jones, J. K.	Ray, Ossian
Belford,	Ferrell,	Jordan,	Robinson, J. S.
Belmont,	Findlay,	Kellogg,	Robinson, W. E.
Bowen,	Goff,	King,	Rockwell,
Brainerd,	Graves,	Kleiner,	Rogers, W. F.
Brumm,	Hancock,	Lacey,	Shaw,
Budd,	Hardy,	Laird,	Stockslager,
Campbell, Felix	Hart,	Lamb,	Stone,
Campbell, J. E.	Henderson, D. B.	Lawrence,	Storm,
Cannon,	Henderson, T. J.	Miller, S. H.	Sumner, C. A.
Chalmers,	Henley,	Milliken,	Talbott,
Clements,	Hepburn,	Morrill,	Taylor, E. B.
Cobb,	Herbert,	Morrison,	Throckmorton,
Cook,	Hewitt, A. S.	Morse,	Valentine,
Covington,	Holton,	Oates,	Weller,
Craig,	Hooper,	Payson,	Wise, J. S.
Curtin,	Hurd,	Phelps,	Woodward.

So the amendment was agreed to.

Mr. HORR moved to reconsider the vote by which the amendment was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

On motion of Mr. HORR, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. WOODWARD with Mr. HART, for this day.

ENROLLED BILL SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 6816) for the relief of Nathan J. Sharp.

LEAVE OF ABSENCE.

Mr. BREWER, of New York, by unanimous consent, was granted leave of absence for one week, from Monday, the 16th instant, on account of important business.

Mr. FINDLAY, by unanimous consent, was granted leave of absence until Wednesday next, on account of important business.

LEAVE TO PRINT.

Mr. HOLMAN, by unanimous consent, obtained leave to print in the RECORD additional remarks on the compensation for transporting the foreign mails.

Mr. McCORMICK, by unanimous consent, obtained leave to print in the RECORD some remarks on the subject of pensions.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. I move that at 10 o'clock to-night the House take a recess until 10 o'clock a. m. on Monday next, with the understanding that I will move to adjourn at or before 12 o'clock on Monday.

The SPEAKER *pro tempore*. The Chair will call the attention of the House to the fact that under a resolution reported from the Committee on Rules and adopted by the House the regular hour of meeting on and after Monday will be 11 o'clock. The gentleman from Kentucky [Mr. WILLIS] now moves that at 10 o'clock to-night the House take a recess until 10 a. m. on Monday next.

Mr. KELLEY. I would like it understood that the gentleman [Mr. WILLIS] will move to adjourn at 11 o'clock on Monday.

The SPEAKER *pro tempore*. The Chair thinks that is understood.

Mr. WARNER, of Ohio. Mr. Speaker, does this motion mean that we shall continue in session from now until 10 o'clock?

The SPEAKER *pro tempore*. It does not. It means that when the House takes a recess to-night it shall be at 10 o'clock, and shall be until 10 o'clock a. m. on Monday, with the understanding that before 11 o'clock on Monday the gentleman from Kentucky [Mr. WILLIS] shall move to adjourn.

Mr. WILLIS. Mr. Speaker, I will state that I have consulted with the gentleman in charge of the legislative bill, and he does not desire to go on beyond 10 o'clock.

Mr. SLOCUM. I wish to call the attention of the House to the fact that next Monday will be the last day when committees can be called upon for reports.

Mr. TOWNSHEND. The House will adjourn so as to save that hour.

Mr. SLOCUM. I give notice that I desire to call up on Monday next the bill to retire General Grant.

The SPEAKER *pro tempore*. Debate is not in order. All in favor of the motion of the gentleman from Kentucky [Mr. WILLIS] will say ay; those opposed no. [After a pause.] The noes seem to have it.

Mr. WILLIS. I will not press the motion.

So the motion was not agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

In line 165, strike out "482,300" and insert "682,300;" so that the clause will read:

"For railway post-office clerks, $4,682,300."

Mr. TOWNSHEND. I am not in favor of this proposition; but I will not consume time by calling for a separate vote upon it.

The SPEAKER *pro tempore*. If there be no objection this amendment will be considered as agreed to. The Chair hears no objection. The gentleman from Illinois moves to reconsider the vote just taken, and also moves that the motion to reconsider be laid on the table. In the absence of objection the latter motion will be considered as agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

After the word "thereof," in line 192, insert:

And drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carriers is not established.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

On page 9, after the word "thereof," in line 192, strike out all that follows down to and including line 202, and in lieu thereof insert:

"That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof and from the office of publication to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound, or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces, or fractional part thereof, to be prepaid by ordinary stamps affixed thereto, and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

"That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities, by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may reject any and all the bids of private parties and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if in his judgment it shall be for the best interests of the Government to do so.

Mr. TOWNSHEND. There is no objection to that.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Chair will state that the amendments reported by the Committee of the Whole House on the state of the Union, having thus far been reported and disposed of in the order of their submission in the bill, the amendment offered by the gentleman from Indiana [Mr. HOLMAN] has now been reached.

Mr. HORR. Before that question comes up the amendment adopted in Committee of the Whole striking out the provision in reference to the payment of American vessels for carrying the mails should be voted upon. If this amendment be not adopted the amendment of the gentleman from Indiana is not pertinent.

The SPEAKER *pro tempore*. The Chair only desires to ascertain whether the House desires to vote upon all the amendments reported from the Committee of the Whole before voting upon the amendment of the gentleman from Indiana.

Mr. HOLMAN. I think, Mr. Speaker, that the amendments to the bill should be considered in their regular order.

The SPEAKER *pro tempore*. The Clerk has reached in regular order the amendment offered by the gentleman from Indiana.

Mr. HORR. Oh, no; I beg pardon of the Chair.

Mr. ELLIS. Ought not the amendments to be voted on in the order of their adoption? The amendment of the gentleman from Indiana was simply read and considered as pending.

The SPEAKER *pro tempore*. The amendments reported from the Committee of the Whole House on the state of the Union are entitled to precedence of consideration; and the amendment offered by the gentleman from Indiana, although it has been reached in its regular order in the bill, can not be voted upon, in the absence of unanimous consent, until the amendments of the Committee of the Whole have been disposed of.

Mr. ELLIS. I object.

The SPEAKER *pro tempore*. The Clerk will pass for the present the amendment offered by the gentleman from Indiana, and proceed to read the remaining amendments reported as adopted by the Committee of the Whole House on the state of the Union.

Mr. HORR. I think the amendment of the gentleman from Indiana should be voted on directly after the vote upon striking out the provision in reference to the payment of American vessels for carrying the mails.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

Mr. HORR. Nobody can object to that.

Mr. HOLMAN. I think the votes should be taken in regular order.

The SPEAKER *pro tempore*. The Clerk will read the next amendment reported from the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

Strike out lines 228 to 243, as follows:

"For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $600,000 of the net revenues of the Post-Office Department of the United States on mail matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips."

Mr. HORR. In order to save time I call for the yeas and nays on this proposition; and I hope the Chair will state it again to the House.

Many MEMBERS. Let us have the yeas and nays.

The SPEAKER *pro tempore*. The Committee of the Whole House on the state of the Union has reported to the House an amendment striking out the clause just read. The question is upon agreeing to the amendment striking out this clause. On this question the gentleman from Michigan calls for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 131, nays 112, not voting 81; as follows:

YEAS—131.

Aiken,	Davis, L. H.	Lowry,	Skinner, T. G.
Alexander,	Deuster,	McAdoo,	Smith, H. Y.
Anderson,	Dibrell,	McMillin,	Snyder,
Ballentine,	Dockery,	Matson,	Spriggs,
Barksdale,	Dunn,	Maybury,	Stewart, Charles
Bayne,	Eaton,	Miller, J. F.	Stockslager,
Beach,	Eldredge,	Mills,	Sumner, D. H.
Bennett,	Elliott,	Moulton,	Swope,
Blackburn,	English,	Muldrow,	Taylor, J. M.
Bland,	Ermentrout,	Murray,	Thompson,
Blount,	Fiedler,	Neece,	Townshend,
Boyle,	Foran,	Nicholls,	Tully,
Brainerd,	Forney,	Ochiltree,	Turner, H. G.
Bratton,	Fyan,	O'Ferrall,	Turner, Oscar
Brown, W. W.	Geddes,	Paige,	Van Alstyne,
Browne, T. M.	Gibson,	Peel,	Van Eaton,
Buchanan,	Graves,	Peters,	Ward,
Burnes,	Green,	Pierce,	Warner, A. J.
Cabell,	Guenther,	Post,	Warner, Richard
Caldwell,	Halsell,	Pryor,	Wellborn,
Campbell, J. E.	Hammond,	Pusey,	Wilkins,
Candler,	Hardeman,	Randall,	Willis,
Cannon,	Hatch, W. H.	Reagan,	Wilson, James
Carleton,	Hemphill,	Reese,	Wilson, W. L.
Clay,	Hewitt, G. W.	Riggs,	Winans, E. B.
Clements,	Holman,	Robertson,	Winans, John
Connolly,	Hopkins,	Rogers, J. H.	Wise, G. D.
Cosgrove,	Jones, B. W.	Rowell,	Wolford,
Covington,	Jones, J. H.	Ryan,	Wood,
Cox, W. R.	Jones, J. K.	Seney,	Worthington,
Crisp,	Jones, J. T.	Seymour,	Yaple,
Culberson, D. B.	Lanham,	Shively,	York.
Davidson,	Le Fevre,	Singleton,	

NAYS—112.

Bagley,	Breitung,	Burleigh,	Culbertson, W. W.
Barbour,	Brewer, F. B.	Campbell, J. M.	Cullen,
Belford,	Brewer, J. H.	Candler,	Cutcheon,
Bingham,	Broadhead,	Clardy,	Dargan,
Bisbee,	Buckner,	Collins,	Davis, G. R.
Boutelle,	Budd,	Cox, S. S.	Davis, R. T.
Dingley,	Houk,	Morgan,	Smalls,
Dixon,	Houseman,	Morse,	Spooner,
Dorsheimer,	Howey,	Muller,	Steele,
Ellis,	Hunt,	Murphy,	Stephenson,
Ellwood,	James,	Nelson,	Stevens,
Everhart,	Jeffords,	Nutting,	Stewart, J. W.
Finerty,	Kean,	O'Hara,	Stone,
Follett,	Keifer,	O'Neill, Charles	Strait,
Funston,	Kelley,	O'Neill, J. J.	Struble,
Garrison,	Ketcham,	Parker,	Taylor, J. D.
George,	King,	Payne,	Thomas,
Glascock,	Lawrence,	Perkins,	Tillman,
Greenleaf,	Libbey,	Pettibone,	Vance,
Hanback,	Long,	Poland,	Wadsworth,
Harmer,	Lore,	Price,	Wakefield,
Hatch, H. H.	Lovering,	Ranney,	Wallace,
Haynes,	Lyman,	Reed, T. B.	Washburn,
Hill,	McCoid,	Reid, J. W.	Weaver,
Hiscock,	McCormick,	Rosecrans,	Wemple,
Hitt,	Millard,	Russell,	White, J. D.
Holmes,	Milliken,	Skinner, C. R.	White, Milo
Horr,	Money,	Slocum,	Whiting.

NOT VOTING—81.

Adams, G. E.	Ferrell,	Lacey,	Rockwell,
Adams, J. J.	Findlay,	Laird,	Rogers, W. F.
Arnot,	Goff,	Lamb,	Shaw,
Atkinson,	Hancock,	Lewis,	Smith, A. Herr
Barr,	Hardy,	McComas,	Springer,
Belmont,	Hart,	Miller, S. H.	Storm,
Blanchard,	Henderson, D. B.	Mitchell,	Sumner, C. A.
Bowen,	Henderson, T. J.	Morrill,	Talbott,
Breckinridge,	Henley,	Morrison,	Taylor, E. B.
Brumm,	Hepburn,	Mutchler,	Throckmorton,
Campbell, Felix	Herbert,	Oates,	Tucker,
Chalmers,	Hewitt, A. S.	Patton,	Valentine,
Cobb,	Hoblitzell,	Payson,	Wait,
Converse,	Holton,	Phelps,	Weller,
Cook,	Hooper,	Potter,	Williams,
Craig,	Hurd,	Rankin,	Wise, J. S.
Curtin,	Hutchins,	Ray, G. W.	Woodward,
Dibble,	Johnson,	Ray, Ossian	Young.
Dowd,	Jordan,	Rice,	
Dunham,	Kellogg,	Robinson, J. S.	
Evans,	Kleiner,	Robinson, W. E.	

So the amendment was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. HEWITT, of New York, with Mr. SPRINGER, on this vote. If Mr. HEWITT were present, he would vote no and Mr. SPRINGER would vote ay.

Mr. JOHNSON with Mr. DIBBLE, for the rest of the day.

Mr. WILLIAMS with Mr. RICE.

Mr. BRECKINRIDGE with Mr. POTTER. Mr. POTTER, if present, would vote no and Mr. BRECKINRIDGE would vote ay.

Mr. CONVERSE with Mr. GOFF, for the rest of the day.

Mr. TUCKER with Mr. VALENTINE, on this vote.

Mr. HOBLITZELL with Mr. BREWER, of New York, for the rest of the day.

Mr. YOUNG with Mr. MORRILL, for this day.

Mr. FINDLAY with Mr. ATKINSON, for this day.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question next recurs on the amendment moved by the gentleman from Indiana [Mr. HOLMAN]. Is there objection to giving unanimous consent for its consideration?

There was no objection, and it was so ordered.

Mr. HOLMAN's amendment was read, as follows:

Strike out the following:

For transportation of mails on foreign steamships, and for foreign administration, for intermediary territorial and sea transit of foreign mails, $370,000.

And in lieu thereof insert:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000

Mr. DINGLEY. I should like to ask the gentleman who offered this amendment whether it covers $370,000 for transportation by foreign vessels and $55,000 by American vessels?

Mr. HOLMAN. It is far better in the other form, for this money is under control of the Post-Office Department.

Mr. DINGLEY. American vessels will only get $55,000.

Mr. ELLIS. The gentleman from Maine is correct—American vessels will get only $55,000, while foreign vessels will get four times as much.

Mr. RANDALL. Debate is not in order.

The SPEAKER *pro tempore*. This only proceeds by unanimous consent. [Cries of "Regular order!"]

The amendment was agreed to.

The question next recurred on the following amendment of the Committee of the Whole House on the state of the Union:

Insert the following:

"SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin boards in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance; and provided also that no cost or charge to the Government shall be incurred in consequence of such instructions."

The amendment was agreed to

Mr. HOLMAN moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN demanded the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. Under the rule the yeas and nays will be taken on the passage of the bill.

The question was taken; and it was decided in the affirmative—yeas 246, nays 1, not voting, 77; as follows:

YEAS—246.

Aiken,	Dixon,	Lawrence,	Seymour,
Alexander,	Dockery,	Le Fevre,	Shively,
Anderson,	Dorsheimer,	Lewis,	Singleton,
Bagley,	Dunn,	Long,	Skinner, C. R.
Ballentine,	Eaton,	Lovering,	Skinner, T. G.
Barbour,	Eldredge,	Lowry,	Slocum,
Barksdale,	Elliott,	Lyman,	Smalls,
Barr,	Eliwood,	McAdoo,	Smith, H. Y.
Bayne,	English,	McCoid,	Snyder,
Beach,	Ermentrout,	McComas,	Spooner,
Bennett,	Evans,	McCormick,	Spriggs,
Bingham,	Everhart,	McMillin,	Springer,
Bisbee,	Fiedler,	Matson,	Steele,
Blackburn,	Finerty,	Maybury,	Stephenson,
Blanchard,	Follett,	Millard,	Stevens,
Bland,	Foran,	Miller, J. F.	Stewart, Charles
Blount,	Forney,	Milliken,	Stewart, J. W.
Boutelle,	Funston,	Mills,	Stockslager,
Boyle,	Fyan,	Mitchell,	Stone,
Bratton,	Garrison,	Money,	Strait,
Breckinridge,	Geddes,	Morse,	Struble,
Breitung,	George,	Moulton,	Sumner, D. H.
Brewer, F. B.	Gibson,	Muldrow,	Swope,
Brewer, J. H.	Glascock,	Muller,	Taylor, J. D.
Broadhead,	Graves,	Murphy,	Taylor, J. M.
Brown, W. W.	Green,	Murray,	Thomas,
Browne, T. M.	Greenleaf,	Neece,	Thompson,
Buchanan,	Guenther,	Nelson,	Tillman,
Buckner,	Halsell,	Nicholls,	Townshend,
Budd,	Hammond,	Nutting,	Tully,
Burleigh,	Hanback,	Oates,	Turner, H. G.
Burnes,	Hardeman,	Ochiltree,	Turner, Oscar
Cabell,	Harmer,	O'Ferrall,	Van Alstyne,
Caldwell,	Hatch, H. H.	O'Hara,	Vance,
Campbell, J. E.	Hatch, W. H.	O'Neill, Charles	Van Eaton,
Campbell, J. M.	Haynes,	O'Neill, J. J.	Wadsworth,
Candler,	Hemphill,	Paige,	Wakefield,
Cannon,	Henderson, T. J.	Patton,	Wallace,
Carleton,	Henley,	Payne,	Ward,
Cassidy,	Hewitt, G. W.	Peel,	Warner, A. J.
Clardy,	Hill,	Perkins,	Warner, Richard
Clay,	Hiscock,	Peters,	Washburn,
Clements,	Hitt,	Pettibone,	Weaver,
Collins,	Holman,	Pierce,	Wellborn,
Connolly,	Holmes,	Poland,	Wemple,
Cosgrove,	Hopkins,	Price,	White, J. D.
Covington,	Horr,	Pryor,	White, Milo
Cox, S. S.	Houk,	Pusey,	Whiting,
Cox, W. R.	Houseman,	Randall,	Wilkins,
Crisp,	Howey,	Ranney,	Willis,
Culberson, D. B.	Hunt,	Ray, Ossian	Wilson, James
Culbertson, W. W.	James,	Reagan,	Wilson, W. L.
Curtin,	Jefferds,	Reed, T. B.	Winans, E. B.
Cutcheon,	Jones, B. W.	Reid, J. W.	Winans, John
Dargan,	Jones, J. H.	Reese,	Wise, G. D.
Davidson,	Jones, J. K.	Riggs,	Wolford,
Davis, G. R.	Jones, J. T.	Robertson,	Wood,
Davis, L. H.	Kean,	Rogers, J. H.	Worthington,
Davis, R. T.	Keifer,	Rowell,	Yaple,
Deuster,	Ketcham,	Russell,	York.
Dingley,	King,	Ryan,	
Dibrell,	Lanham,	Seney,	

NAYS—1.

Ellis.

NOT VOTING—77.

Adams, G. E.	Findlay,	Laird,	Rogers, W. F.
Adams, J. J.	Goff,	Lamb,	Rosecrans,
Arnot,	Hancock,	Libbey,	Shaw,
Atkinson,	Hardy,	Lore,	Smith, A. Herr
Belford,	Hart,	Miller, S. H.	Storm,
Belmont,	Henderson, D. B.	Morgan,	Sumner, C. A.
Bowen,	Hepburn,	Morrill,	Talbott,
Brainerd,	Herbert,	Morrison,	Taylor, E. B.
Brumm,	Hewitt, A. S.	Mutchler,	Throckmorton,
Campbell, Felix	Hoblitzell,	Parker,	Tucker,
Chalmers,	Holton,	Payson,	Valentine,
Cobb,	Hooper,	Phelps,	Wait,
Converse,	Hurd,	Post,	Weller,
Cook,	Hutchins,	Potter,	Williams,
Craig,	Johnson,	Rankin,	Wise, J. S.
Cullen,	Jordan,	Ray, G. W.	Woodward,
Dibble,	Kelley,	Rice,	Young.
Dowd,	Kellogg,	Robinson, J. S.	
Dunham,	Kleiner,	Robinson, W. E.	
Ferrell,	Lacey,	Rockwell,	

So the bill was passed.

On motion of Mr. KEAN, by unanimous consent, the reading of the names was dispensed with.

Mr. CULLEN. Mr. Speaker, I ask leave to record my vote upon this bill.

The SPEAKER *pro tempore*. Was the gentleman in the Hall?

Mr. CULLEN. I had been called out temporarily before my name was called.

The SPEAKER *pro tempore*. The Chair is unable to entertain a request for unanimous request.

The announcement of the vote was then made as above recorded.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPRIGGS, for one week, on account of important business.

To Mr. COX, of New York, for one week.

To Mr. HARDEMAN, on account of indisposition, from night sessions of the House.

ALLEGED FRAUDS IN OFFICIAL ENVELOPES.

Mr. BINGHAM. Mr. Speaker, I ask consent to submit a resolution of inquiry for reference.

The resolution was read, as follows:

Whereas sundry newspapers in the country published notices during the summer of 1884 concerning alleged great frauds in the supply of official envelopes to the Post-Office Department, whereby many thousands of dollars were lost to the Government:

Resolved, That the Postmaster-General be, and is hereby, requested to communicate to the Committee on the Post-Office and Post-Roads all the facts, with papers or copies thereof, connected with the annulment in August, 1884, of the contract with P. P. Kellogg & Co., of Springfield, Mass., for the supply of official envelopes for the fiscal year ending June 30, 1885; also how the cost of envelopes under the said contract compared with the cost of the same in the contract subsequently made; also whether envelopes inferior to contract requirements were furnished under any other contract than the said one of P. P. Kellogg & Co.; also whether any officer or employé of the Government was at fault in connection with the supply of any such inferior envelopes; and also what action has been taken by the Postmaster-General to protect the interests of the Government in connection with the supply of such inferior envelopes.

The resolution was referred to the Committee on the Post-Office and Post-Roads.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same, namely:

A bill (S. 150) granting a pension to Sarah Denny Ripley;

A bill (S. 1546) granting a pension to Orin R. McDaniel;

A bill (S. 2034) to remove the political disabilities of Albert Iverson;

A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia;

A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;

A bill (S. 2398) granting a pension to Cyrus Reeser;

A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond; and

A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett.

CHAUNCEY G. DARRAH.

Mr. MORRILL, by unanimous consent, introduced a bill (H. R. 8187) granting a pension to Chauncey G. Darrah; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN COUGHLIN.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. 8188) for the relief of Martin Coughlin, Company A, Thirty-fifth Indiana Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RIGHT OF WAY THROUGH MAIL STREET, NEW YORK.

Mr. HISCOCK (by request), by unanimous consent, introduced a joint resolution (H. Res. 328) granting the right of way through Mail street, in the city of New York, to the Bleecker Street and Fulton Ferry Railroad Company; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Some time subsequently,

The SPEAKER *pro tempore* said: The Chair asks the attention of the gentleman from New York [Mr. HISCOCK] with regard to the reference which was made of a bill introduced by him a few moments ago. It seems the bill should be referred to the Committee on Public Buildings and Grounds.

Mr. HISCOCK. I stated that I introduced the bill by request. As it involves land near a post-office, I thought it had better go to the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. The Chair has no preference.

Mr. HISCOCK. I would prefer to have the bill go the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. If there be no objection the reference already made will stand.

There was no objection.

ORDER OF BUSINESS.

Mr. WILLIS. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

In this connection I wish to state that I have consulted with members of the Appropriations Committee on both sides of the House, and acting upon their suggestion I make this motion that the House resolve itself into Committee of the Whole House, my object being to call up the river and harbor appropriation bill.

Mr. REED, of Maine. Is it understood that the Committee on Appropriations are not ready with any general appropriation bill?

Mr. WHITE, of Kentucky. Pending the motion of my colleague from Kentucky, I move that when the House resolves itself into Committee of the Whole and resumes consideration of the river and harbor bill, it shall be in order to have all the amendments read which may be offered; and that each person offering an amendment shall be allowed five minutes—or three minutes I will say—to explain each one of his amendments.

The SPEAKER *pro tempore*. The Chair hardly thinks the motion of the gentleman from Kentucky is in order.

Mr. WILLIS. I would not object to that.

The SPEAKER *pro tempore*. The House has made an order as to the debate that shall be allowed in Committee of the Whole House on the state of the Union, and the chairman of that committee would have the discretion as to the matter of recognition.

Mr. WHITE, of Kentucky. I ask unanimous consent. I believe it will facilitate business.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky [Mr. WHITE]?

There was no objection.

Mr. WILLIS. It is understood that it will be legitimate debate and discussion.

Mr. REED, of Maine. Does the gentleman from Kentucky [Mr. WILLIS] assure the House that the Committee on Appropriations have no regular appropriation bills to take up? I understood the gentleman from Kentucky to intimate that such was the case. I wish to know if that is the statement he makes in presence of members of the Committee on Appropriations?

Mr. WILLIS. I made my statement and stand by it. I stated that I had consulted with members of the Committee on Appropriations on both sides of the House, and acting on their suggestion I made this motion.

Mr. REED, of Maine. I think we had better go on with the regular appropriation bills reported by the Committee on Appropriations. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS], that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. Since the last sitting of the committee the House has directed that when amendments shall hereafter be offered each gentleman offering the same shall be entitled to three minutes to explain it. That the Chair understands to be in addition to the hour and a half already allotted for debate.

Mr. BLANCHARD. That was not my understanding. I should have objected if I had understood that.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor for five minutes.

Mr. BRECKINRIDGE. Mr. Chairman, I wish to call the attention of the House to one or two propositions with reference to the Mississippi River Commission that have been advanced by the gentleman from New York [Mr. HISCOCK], who I see is in his place. That gentleman states that the commission has not departed from the original plans accepted by Congress and the country for the improvement of the river; and in addition he states that Captain Eads, foreseeing the failure of his own plan, got off of the commission. That in substance, as I understand, is what is laid down by the gentleman from New York.

Now, as stating the original plan of the Mississippi River Commission, I will ask the Clerk to read a few lines which I have marked, underlined in ink, from the first report of the Mississippi River Commission setting forth exactly what their plan was. It is on pages 16 and 17 of their first report.

The Clerk read as follows:

It has been observed in the Mississippi River, and is indeed true of all silt-bearing streams flowing through alluvial deposits, that the more nearly the high-river width, or width between the banks, approaches to uniformity the more nearly uniform will be the channel-depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends. * * * Uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by a corresponding deposit of silt at the deep places, and consequently greater uniformity of depth.

Uniform depth joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no violent eddies and cross-currents, and no great and sudden fluctuations in the silt-transporting power of the current. There will therefore be less erosion from oblique currents and eddies, and no formations of shoals and bars produced by silt taken up from one part of the channel and dropped in another.

* * * * *

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars, * * * and to build up new banks and develop new shore lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

* * * * * *

This improvement can be accomplished below Cairo by contracting the low-water channel way to an approximately uniform width of about 3,000 feet * * * by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

Experience, as well in this country as in Europe, justifies the belief that the requisite correction and equalization of the transverse profile of the stream, by developing new shore lines and building up new banks, may be made chiefly through the instrumentalities of light, flexible, and comparatively inexpensive constructions of poles and brush and materials of like character. These constructions will commonly be open or permeable to such a degree that they will sufficiently check the current to induce a deposit of silt in selected localities.

Mr. BRECKINRIDGE. I now ask the Clerk to read what I have marked on page 2775 of the second report of the Mississippi River Commission, the parts inclosed in brackets. This is a restatement of the same propositions in the report that Mr. Eads submitted at that time.

The Clerk read as follows:

The plan of improvement recommended by the commission differs from any other previously proposed for the correction of the channel, in the fact that it looks to a rectification of the high-water channel by the ultimate narrowing of these wide places as the only method by which a deep and uniform low-water channel can be permanently secured.

The wide places in the high-water channel create alternations of current velocity and steeper slopes to overcome the excessive frictional resistance. These cause the water to be highly charged with sediment at one part of its journey to the sea and much less highly charged at others. This creates scouring and depositing in the bed and material changes in the channel by the caving away of its banks. By reducing these wide places to a width approximately the same as that of the narrow parts of the river the friction is reduced, a lower slope and more uniform depth will be obtained, and the velocity of current will not be subject to its present changes. A uniform charge of sediment will result from uniformity of current velocity, and the caving of the banks will then be practically arrested, for the reason that when the water has the full charge of sediment due to its velocity it can carry no more, and can not, therefore, scour the channel more deeply, by which the undermining of the banks is effected.

Permanence of channel will not therefore be secured until these excessive widths are reduced. A less depth at low water than twenty feet will not insure stability of channel, for the reason that a less depth will result from only a partial reduction of the wide places. Permanence of channel will be attained only in proportion as uniformity of width of the high-water channel is attained, and when this is secured the depth at low water may be considerably more than twenty feet, but it will certainly not be less. The sooner these wide places are corrected the less will the improvement of the river cost.

* * * * * *

There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel-depth of twenty feet during the low-water seasons can be permanently secured throughout its entire course.

Mr. BRECKINRIDGE. Now, nothing is plainer than that. The doctrine and practice is laid down that the initial step is to contract, by silt-arresting works, the excessive widths where the bars exist, and a bar and a cross-over bar exists above every caving bend, and it is also stated that when you do that then the caving of banks in the bends will be "practically arrested." That is distinctly stated, and has so been read. The bank-caving in the bends will be practically arrested, because you have removed the cause.

Mr. HORR. You mean the erosion of the banks.

Mr. BRECKINRIDGE. I mean the caving of the banks, which you call erosion of the banks. Now, that doctrine is perfectly plain. They always held that there would be of course some revetting to do, but the revetting that would have to be done would only be an incident to the work to follow after contraction, which contraction having "practically arrested" it by removing the cause, would make the incidental revetting limited in extent, limited in difficulty, and hence entirely practicable. I wish now to call the attention of the House——

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The gentleman from New York [Mr. HISCOCK] has the floor.

Mr. BRECKINRIDGE. Give me two minutes.

The CHAIRMAN. The Chair can not give the gentleman more than five minutes.

Mr. BLANCHARD. I will yield two minutes to the gentleman from Arkansas [Mr. BRECKINRIDGE].

The CHAIRMAN. The Chair will charge the gentleman from Louisiana [Mr. BLANCHARD] with the time.

Mr. BLANCHARD. Very well.

Mr. BRECKINRIDGE. I thank my friend. Now, Mr. Chairman, I have not had read those passages which relate to the closure of outlets, and especially to the Atchafalaya, which was recommended in the first report. In the second report the commission shrank from the full application of the doctrines laid down in the first, and Captain Eads made that part of the report of which I have had a portion read. Thereupon he told them that they would never accomplish anything in the manner in which they were proceeding, and that if they would not stick up to the doctrine laid down in the first report he would resign, and he did resign; and in the very next report the commission laid down this doctrine and departure in regard to revetment, &c. Speaking of revetting the bends, it says "it antedates logically the retrenchment, which is to deepen the water at the bars." That is a complete reversion of the original doctrine laid down in the reports from which I have had extracts read. The commission state also in that report that the principal item of expenditure will be revetment, which before was to be only an incident in the expenditures.

Now I have not time to have read here what is stated in the last report or to recite the practices that have obtained, but gentlemen can read that report for themselves, and in it they will see that a systematic course of revetment in the bends is advised to be undertaken from Cairo down, which is a complete reversion of the original plan. And much of just this work, with failure, has been done. Hence our proviso—which was not an idle thing, which was not without cause, which was not simply to elevate one man or to degrade another, which was not adopted without ample and mature conference—that Captain Eads should be put in charge of the work. That proviso has been now amended so as to simply instruct the commission that it shall return to the original plan. If, as some say, there has been no departure, then no harm is done. If they have departed, then we need to act, and I assure you there is grave need, and the greatest work in the world is being sadly imperiled. As to Captain Eads, we did not wish to pay a tribute to a particular man, but we sought to obtain the ascendency of the original policy that Congress has indorsed and that the country has confidence in, and which he represents. When the gentleman from New York [Mr. HISCOCK] charges that Captain Eads left the commission like a rat leaving a sinking ship, he seems to forget that that gentleman, if he is in his reason, would not be willing to come back and assume the entire responsibility of the work if he were without confidence in the plan.

That is a plain statement, and gentlemen can revert to the text and inform themselves more fully. Nothing can drive us from a candid treatment of this question. We have no small or mean purposes to serve. No false constructions on the part of gentlemen who are the known and pronounced enemies of the river and of Western interests can keep the American people from adhering to their approved plan and purpose of improving this grand river, which carries our commerce from the British line to the Mexican Gulf, which binds together with its tributaries, that stretch on either side as far as from here to Liverpool, the heart and body of our country, which is our richest gift, and which constitutes God's best guarantee of liberty and union to the American people. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is entitled to the floor. The Chair would suggest that ten minutes be now used on that side of the House.

Mr. HISCOCK. Mr. Chairman, in the five minutes that I have for the discussion of this question I certainly can not go very much into detail of the facts upon which I rely to establish the proposition that Captain Eads indorsed the work of the commission up to the winter of 1883–'84. I have before me the report of the Mississippi River Commission for the year 1881, to which I find appended this language:

The report is concurred in by me, with the exception of that part of it which relates to the improvement by means of reservoirs. I have not sufficiently investigated this subject to justify an opinion upon it.

That is signed by Captain Eads.

I then take the report of the subsequent year, which, I think, is perhaps the last one in which Captain Eads united. He says:

The commission in its report, speaking of the improvement now being carried on by the War Department between the mouths of the Missouri and Ohio Rivers, a distance of about two hundred miles, says: "The success of Captain Ernst thus far justifies, in our opinion, the methods that he has employed, and we are of the opinion that it should be pushed toward completion under liberal appropriations."

As to that language used by the commission Captain Eads says:

I can not join with the commission in this indorsement and recommend action, for the reason that the plans now being executed by Captain Ernst have never been submitted to me for examination.

Now, Mr. Chairman, passing by those two reports, which are the last ones upon which I can lay my hands at this time, I come to the evidence given by Captain Eads before the special committee of the House appointed to investigate this subject in the Forty-seventh Congress. He was examined before that committee in January, 1883. The question was put to him:

Q. Passing from the consideration of the jetties to the general work of the improvement of the Mississippi River from Cairo to the head of the passes, does the committee understand that you approve of the plans and works of the Mississippi River Commission?

A. I approve of the general plan adopted by it.

That was his sworn testimony in January, 1883. Going a little further he says:

When my minority report was written, nearly a year ago, there were differences of opinion as to the importance of closing the gaps in them—

Speaking of certain gaps which were discussed—

When my minority report was written, nearly a year ago, there was some difference of opinion as to the importance of closing the gaps in them, but I believe all that I have named were convinced that the retention of the flood waters within the levees would accelerate the progress of channel development. I think my views and those of General Gilmore (the president) and Major Suter have, on the levee question, been in full accord from the first day the commission met. I have, however, never advocated raising them, but simply closing the gaps in them.

Somewhat further on in his testimony he says:

If you raise the flood-line (or slope) say five feet at Red River, you will have just that much less slope in the river above. I think there is no problem before the Mississippi River Commission, or before the country, or before Congress, connected with the Mississippi River, that is more important than the closure of Bayou Atchatalaya, for its discharge is rapidly increasing and will continue to increase, and, if it be not promptly checked, the whole Mississippi River will go out through it. I speak with all the earnestness I can command on this matter.

Nowhere does he say that the commission has dissented from him in his conclusions.

Again I read from the testimony of this distinguished engineer:

Q. Then there is no doubt that the water above the natural channel at the time of flood, without regard to levees, moves with a greater velocity than when the water is just even with the banks?

A. I think it would move with greater velocity, of course.

Q. And so would have a scouring force greater on the bottom of the river, would it not?

A. It would have a greater scouring force.

Q. And wouldn't that be sufficient, without building up levees, for the improvement of navigation?

A. It would be impossible in that condition of things to have permanence in the channel. So long as the wide places exist it would be eternally caving its banks and creating new shoals at new places. My views upon the levee question are easily stated and I think they can be readily understood. I do not pretend to say that the improvement of the river for navigation alone and independently of any protection of the banks against overflow can not be accomplished ultimately without the maintenance of the levees. I will say even more, namely, that if there were no levees to-day in existence below Cairo I would not recommend the building of them as a part of the system of improvement adopted, because to rebuild the 2,000 miles of them as they now exist to their present height would cost from sixty to seventy million dollars. But as they are already built, and three or four millions will close the gaps in them, and thus give us a much greater scouring force to deepen the channel through our works, and will maintain and deepen other parts of the river that would become troublesome to navigation if the crevasses are left open, and which are not yet under treatment, I feel fully warranted in urging with the greatest earnestness the closure of the gaps in them and their maintenance in good condition during the progress of the improvement of the channel. I urge this as a measure of economy, and a very important, one. I feel perfectly sure that the cost of the channel improvement will be three or four fold greater than the cost of this levee work, if the levees are allowed to remain in bad repair or such condition as they were in a year ago. In this condition the effect of the crevasses is to increase the shoals in the channel and make many miles of channel works necessary that would not otherwise be needed, and this in portions of the river now needing no such treatment. As the places now under treatment are deepened the flood-line will fall, and in a few years the maintenance of the levees will be unnecessary above Red River. Below there some of small height will probably be needed even after the improvement is completed, but the maintenance of them, if Atchafalaya be closed, will be very inexpensive. I have no personal interest to serve in this matter. I have no lands to protect with these levees, and have no more interest in the restoration and maintenance of them than that of any one member of this committee. I have my reputation as an engineer at stake in expressing these views, and will be glad to have it judged of in the future by the results which will follow a rejection or acceptance of them. I do not advocate the raising of the levees to a greater height than they were at the close of the war.

Again:

Q. Would it not be a better thing to put down works at one place—say, for for instance, at Plum Point reach—and perfect the works there according to the plans of the commission, and then wait through a season of flood and test the efficacy of this work?

A. If there were any doubt as to the absolute result of such works there might be some wisdom in doing that; but they are so thoroughly verified by observations and by scientific deductions from well-established laws, that they are just as certain of producing their results as it is certain that if you stand a pole out in the park and the sun shines upon it it will cast a shadow.

Q. You do not anticipate any failure in the matter?

A. Not at all. I think it would be very unwise to suspend work at any of these points where it has been commenced. It would result in great loss. It would cause a decay of plant, a disorganizing of the force employed at each, and many other expensive things.

Q. If the work on a given reach should turn out to be a failure, the plant would probably drift into decay, and there would be no need for preserving it for another day?

A. There is no probability of its turning out a failure to justify such a suspension.

Q. Your commission are not unanimous in regard to their opinion as to the absolute perfection of their theory?

A. They are, with the exception of General Comstock, and I don't know that he goes so far as to condemn the work. In the first report he dissented because he thought there were certain principles laid down in the report which he did not think had been sufficiently demonstrated to be recognized as established facts; but I think that General Comstock has not had that experience in the construction of works of this sort that some other members of the commission have had.

Q. He does not agree with some of you in regard to the efficacy and importance of the levees in connection with the low-water navigation?

A. No, sir; he does not think they are an essential factor in the improvement of the navigation.

[Here the hammer fell].

Mr. HISCOCK. I would like about two minutes more.

Mr. SKINNER, of New York. I will give my colleague two minutes more.

Mr. HISCOCK. Mr. Chairman, you may go through the reports of this Mississippi River Commission, you may carefully read the testimony taken before this special committee to which I have referred, and in every line of the report, in every line of the testimony, Captain Eads shows himself to be in full accord with the majority of the Mississippi River Commission; and the only question upon which he differs with them in the slightest degree is this question of the closure of the gaps and the extent to which the levees should be built.

MESSAGE FROM THE SENATE.

The Committee of the Whole rose informally, and Mr. BAGLEY took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 3258) to

authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HART. Mr. Chairman, the other day when this bill was under consideration in the Committee of the Whole we had gone as far in reading the paragraphs as that which relates to the proposed improvement of the Galveston Harbor. A proposition to amend had been made by the gentleman from Illinois, and an intimation had also come from the Committee on Rivers and Harbors itself that it would propose some amendments to the measure. I desire now to occupy the time that is allotted to me in speaking more particularly of that special improvement.

Two propositions are pretty clearly established in the history of this country. One of these is that Congress has the constitutional power to legislate in favor of internal improvements; and the other is that a judicious system of improvement of rivers and harbors is demanded by sound public policy.

The only question, therefore, which can arise to-day under this bill is as to the propriety or advisability of any particular measure or measures that may be presented to our attention. The Committee on Rivers and Harbors have had this whole subject under advisement for many months. They have deliberated upon it. They have presented to us a bill which, I say in all kindness, is in some respects most "fearfully and wonderfully made." It contains some measures of vast national importance and great public necessity—measures which ought to be adopted; and it contains other measures of doubtful propriety and which, as I believe, involve the wasteful and useless expenditure of millions of the public money. Belonging to this latter class is the proposed improvement at Galveston. It has been stated on this floor, and is admitted to be true, that the Government of the United States has already expended over $1,600,000 in and about that harbor; and it has actually succeeded in increasing the depth of the water in the channel three inches. That is at a cost of about $533,000 an inch, or at the rate of $6,400,000 a foot.

Every dollar of this money expended there has been thrown away. And it is now proposed that all that has been done, all the work that has been established there, shall be torn out, destroyed, and removed, and some other plan adopted. What that plan is is known only to the gentleman who is sought to be made the chief engineer of this work.

We are asked to-day, without any report from engineers, without any report from commissions or officers of the Government, without any estimate of cost, without any assurance of success, without any plans or specifications, without any facts upon which we can form an intelligent judgment, to spend $750,000 the first year and untold millions in years to come. And then, sir, when we have sunk these millions in the quicksands of Galveston Harbor, the improvement in all human probability will be as the former ones have been, a complete and absolute failure.

Is there a business man on the face of the earth who would entertain such a proposition for a single moment?

Only two things are certain. One is that an immense sum of money is to be expended and the other is that a profitable business situation is to be given to the supervising engineer. All else is speculative, vague, and uncertain.

We are required to walk entirely "by faith and not by sight"—a very good doctrine in matters of religion, where we are in the hands of the Great Master Builder, who made and fashioned the water ways of the world, but a very poor one when our reliance is to be placed upon the solitary judgment of a man who is interested in obtaining employment at the hands of Congress.

It is proposed by the bill as presented to the House that the entire Engineer Corps of the country shall be ignored, and that the Secretary of War shall employ James B. Eads to furnish plans and specifications and supervise and manage the work. He is to have autocratic and unlimited control of the project; he is to be accountable to nobody and subject to no authority. Neither is there any limitation as to time or expenditure of money. For his services he is to receive a salary of $5,000 a year and a contingent fee of $3,000 for every additional foot of channel-depth. He is not required to give his entire time to the work, for in another part of the bill the committee provide that he is to have a salary of $3,500 per year as engineer of the Mississippi River Commission. Thus his annual salary will be $8,500, with a bonus of not less than $54,000. How long this employment is to last nobody knows. In the language of the old song—

It may be for years, and it may be forever.

This, sir, is the project which we are called upon to indorse. It is nothing more or less than a bargain which is sought to be incorporated into a statute.

I have entire confidence in the integrity and sincerity of the members of the Committee on Rivers and Harbors. They have done that which they believed to be for the public good. I do, however, question most seriously the soundness of their judgment and the wisdom of their action in this matter. Captain Eads is an eminent and skillful engineer; but I submit the question to the House whether it is safe to place in his hands or in the hands of any other man such unlimited control over the public purse and over the internal improvements of the country.

The project to which I have here referred is the one contained in the original bill, and we are justified in regarding it as the crystallized and deliberate judgment of the Committee on Rivers and Harbors. A few days of discussion, however, has clearly demonstrated that the plan first submitted can not receive the indorsement of the House or the country. They have therefore intimated to us their intention to move an amendment in which they apparently eliminate the Eads project from the bill. I hope they will do this. But in my judgment the proposed amendment does not go far enough and is not sufficiently specific. In a later section of the bill it is provided that there shall be appointed what is denominated a "harbor board," to be composed of seven persons. Two of these are to be taken from the Engineer Corps of the Army, one from the Coast Survey, and four from civil life. In defining the duties of this board the bill declares that they shall examine and report upon what is known as the jetty system. Their labors are confined mainly to this particular plan of river and harbor improvement.

The Engineer Corps is pointedly condemned by being placed in the minority on the harbor board; and the jetty system, of which James B. Eads is the especial champion, is brought to the front. Now, the committee in the amendment which they propose declare that this harbor board, so constituted and with such special instructions, shall take charge of the Galveston enterprise. Here is abundant room to inaugurate precisely the plan contained in the original project for the improvement of this harbor. I shall therefore at the proper time offer an amendment to change the character of the harbor board and extend the scope of its investigations beyond the mere examination of the jetty system. I believe that a majority of this board should be composed of men belonging to the Engineer Corps of the Army. And I am further of opinion that in determining the matter of establishing a harbor on the Gulf within the State of Texas they should not be confined to the city of Galveston alone.

In the remarks that I have made I would not be understood as being opposed to the establishment of a first-class harbor at Galveston or some other place on the southern coast of Texas. The growing prosperity of that State, the marvelous increase of its productions, demand an outlet, and it is in the interest of trade and commerce that one should be constructed. If in consequence of quicksands and currents or other peculiarities of the coast it is found impracticable to build such a harbor at Galveston as the business of that region requires, then let one be established at some more eligible point. My objection is to the method which this bill proposes to adopt, and not to the project of a harbor. Offer us a feasible and practicable measure, one which gives assurance of success, and I am willing to vote whatever sum is needed for the completion of the work.

I am in favor of river and harbor improvements. There is no more important or necessary legislation. Neither is there any class of legislation which is more liable to abuse or corruption. Let an effort be made to reconcile the differences in regard to this measure. Let us place upon it such amendments as will make it acceptable to the House and the country. The people will sustain us in passing a wise and just measure and they will not be disposed to complain at the cost, provided they know that the money will be wisely and honestly expended in making permanent and valuable improvements.

Something has been said during the debate as to its being a sectional controversy. Certainly no man here should allow himself to be influenced in the slightest degree by any such consideration. I hope the word "sectionalism," especially in the sense in which it is so often used, may become obsolete. A few years ago sectional lines and divisions were sharply drawn and were marked by the blood of our people shed in civil war. That internecine strife is over. We are becoming united now, and the bonds of union are growing stronger. Education, commerce, and business are the great promoters of union and harmony. The glory of one State is the glory of all; the prosperity of one section is the prosperity of all. I rejoice in the growth of the "Lone Star" State and in the prosperity and wealth of her people. Texas and Maine, New York and California, Oregon and Florida, are all parts of the same Republic. The Atlantic, the Pacific, the lakes, the Gulf, and the rivers that lie within the circuit of these waters are all parts of one great system of commercial interchange and communication, and each belongs to the other. The question to be asked is, not where a proposed improvement is to be made, or in what State or on what coast; but is it needed by the business of the country; is it practicable and is the method proposed for the construction of the work founded upon sound business principles? If these three interrogatories are answered in the affirmative, then the measure should receive the sanction of Congress.

There are other propositions contained in this bill of which I would like to speak, but time will not permit. A large sum is appropriated for the Mississippi River.

The gentleman from Arkansas [Mr. BRECKINRIDGE], in his speech a few days ago, made a startling statement. I quote the following paragraph:

I look upon that river as a national question. The people of this country have got to a point where commerce demands outlets, and all these bars and all these barriers which clog up the energy and enterprise of our country have got to be removed, and to remove them we may well expect to make expenditures commensurate with the difficulties involved, as other nations have been forced to do under like circumstances. And I need only call attention to the fact that France the first year after the Franco-Prussian war appropriated $1,000,000,000 on works of this kind, $100,000,000 to be spent each year for ten years. While we can not go to that great length at once, yet we need not hope to overcome the great natural barriers at much less cost than other nations have to pay under similar circumstances. We have reached the time for a turn, and the battle is joined right here, now.

Is it true that the advocates of the Mississippi River improvement are embarking in an enterprise which they know or have reason to believe will cost the Government hundreds of millions of dollars? Is this where they intend the surplus money of the Treasury shall go? Under these circumstances it is but the dictate of common prudence to inquire carefully into the schemes which are from time to time presented. If you propose an improvement by which you seek to control the waters and currents of that mighty stream, let us have some intelligent understanding of the plan to be adopted and the amount to be expended. All projects heretofore have proved abortive. Efforts have been made to deepen the channel and protect the banks, with how little success is well known to the world.

You build a dike or drive a row of piles this year, and think you have accomplished something for the protection of adjacent lands or the navigation of the river. But a flood comes and the work of a year and the expenditure of millions is carried off in an hour; your dikes, piles, and mattresses are undermined and swept away in the eddying and surging waters. You can not change the character of the soil through which the river flows. You can not prevent the coming of the floods. They are in the hands of a mightier power than that of man. Nothing less than a solid wall of stone a thousand miles in length will govern this great water course. Are you ready for such a measure and such an expenditure as this? That something can be done by dredging and removing snags is doubtless true. Do it. That is a proper and legitimate use of the public money. As to the other plans, however, let us be slow to act, unless we are sure of more satisfactory results than have yet been attained.

I have not attempted to enter into a thorough discussion of the different measures contained in this bill for the improvement of rivers and harbors. It may be laid down as a general proposition that any water way, whether large or small, which at a reasonable cost can be improved so as to benefit the trade and commerce of the country should receive attention; and, on the other hand, all impracticable schemes, and all schemes which savor of jobbery should be condemned and repudiated.

Reference has been made during the debate to the fact that there is a large surplus of money in the Treasury, and, therefore, we can afford to make all the proposed improvements. This is a poor argument. It is probably true that the nation is to-day better able to enter upon a general system of public works than ever before. But that is no excuse for extravagance or recklessness. The Government has all the money required for necessary and legitimate undertakings, but not a dollar more. It is important that economy should be exercised in all branches of the public service.

There are legitimate demands for the money in the Treasury without wasting any portion of it in building dikes that will be swept away by the first flood, or walls or embankments that are buried out of sight within a month after they have been constructed. Pension the soldiers of the Union Army and the widows and orphans of those who are dead; build a navy which shall be sufficient to cope with the other powers of the earth; strengthen your coast defenses; enlarge your merchant marine; establish a national system of education; pay the public debt. All these are objects of supreme importance. They affect the general welfare and prosperity of the people. So long as these exist no time need be spent in trying to discover new methods of exhausting the national revenues.

Mr. WILLIS. I move by unanimous consent, Mr. Chairman, that all gentlemen who desire to may have leave to print in the RECORD remarks on the river and harbor bill.

There was no objection, and it was ordered accordingly.

Mr. OCHILTREE. Mr. Chairman, I believe it was a writer on natural history who, jealous of the distinguished career of Buffon, the great naturalist, said, among other things, that "A crab was a red fish that ran backward," and was answered by Buffon that, with a difference of three things which he stated, the definition was correct; that in the first place a crab was not a fish, in the second place it was not red, and in the third place it did not go backward. [Laughter.] With these exceptions the description was very good. And so it is in reference to what has been stated by the gentleman from Ohio [Mr. HART]. He has predicated his whole argument in opposition to the Galveston appropriation upon the ground that the harbor is filled with quicksand. Now, we have no less eminent authority than the Chief of Engineers of the United States Army that rubble will stand there, and that it is not a quicksand; and therefore the strictures of the gentleman from Ohio go for nothing, as well as those of other gentlemen who have preceded him in the same line, and who, with all due deference, utterly misconceive the true situation of affairs in regard to that work.

As it has been intimated by the distinguished chairman of the Committee on Rivers and Harbors he has been instructed by that committee to strike out the whole of the section and to eliminate the so-called Eads proposition for the improvement of Galveston Harbor from this bill, I do not feel called upon to defend that particular portion at this time. But, sir, it will be well remembered that during the consideration of the river and harbor bill in the first session of the Forty-eighth Congress there was recommended an appropriation of $250,000 for the improvement of Galveston Harbor under the direction of the Government engineer then in charge at that point. I at that time made a motion to strike out the item, for the reason that I believed the plans of the Engineer Department for that particular harbor, if adhered to, would result in no adequate relief, and that the system would simply resolve itself into an annual frittering away of the public money without any benefit to the public good. I insisted that the methods to be employed for the work at that harbor demanded the application of the highest engineering talent and skill, which did not seem to be possessed, or at least not employed, under the Government system of improvement there. I could not, therefore, conscientiously consent to the expenditure of another appropriation on a plan that neither the people of Galveston nor myself, speaking for them, believed was feasible.

The people of Galveston are not clamoring here, Mr. Chairman, in the interest of any job or syndicate, as has been frequently insinuated both in speech and print since this question has been agitated—all they ask is justice. The best evidence of this is the fact that upon the failure of the river and harbor bill in a former Congress, so well were they disposed to allow the Government engineer at that time in charge to proceed with the work under his plan that the city of Galveston itself advanced $100,000 for that purpose. It was only after giving every opportunity for carrying out the promise he made at that time that they were thoroughly convinced of the utter futility of further reliance upon the Government method. It was then that we turned to the plan proposed.

I can not allow this occasion to go by without making this statement to the House explanatory of my action in regard to this appropriation.

Sir, I may be pardoned for the assertion that there has been almost a total misconception of that action, occasioned perhaps by the fact that under the iron-bound rules of this body I have been unable to explain on the floor the real conditions incident to this most important item; for, sir, the anomalous situation is presented here of a debate continuing over a period of almost an entire week, involving the dearest and most vital interests of a great commercial community, and the immediate representative thereof has been debarred the opportunity of explaining and defending these interests because of the procrustean and tyrannical rules in force here to-day. I appealed in vain to the courtesy of the distinguished chairman of the Committee of the Whole House. I importuned the chairman of the Committee on Rivers and Harbors, I begged individual members of that committee to give me a portion of their time, but, as is well known, under the operation of the previous question, even those members of the committee who had been kind enough to spare me a few minutes were themselves cut off from participation in the debate; therefore I was compelled to accept the courtesy of the House and have my views incorporated in the RECORD.

Sir, we have waited for relief during ten long years in that important city which is seventh in exports and imports in the country, as I have shown in the official tables submitted in my speech to this House on Tuesday, February 3d, instant. Those gentlemen who have seen fit to sneer at the situation and capabilities of that city ought to look well into the exact figures before making assertions that can not be substantiated. The gentleman from Rhode Island [Mr. SPOONER] went so far a few days ago as to make the statement, when I interrupted him, that the exports of Galveston amounted only to a little over $400,000.

Mr. SPOONER rose.

Mr. OCHILTREE. I will read exactly what is printed in the RECORD:

Mr. OCHILTREE. Will the gentleman from Rhode Island allow me to interrupt him?

Mr. SPOONER. Yes, sir.

Mr. OCHILTREE. Do you claim the exports from all the customs districts in Texas amount to only the sum you have named?

Mr. SPOONER. I speak now of the exports of cattle, sheep, and swine only, which represent the great industry of Texas.

Gentlemen who get up here and use not only their own time but that of three or four other members upon this floor should be a little more exact when they come to the question of facts. My friend from Rhode Island was specially incorrect, although from the great array of figures pervading his speech one would imagine he was a perfect Gradgrind. He seems to forget entirely that Texas is the largest cotton-producing State in the country, and that the exports of cotton from Galveston amounted to over $25,000,000 in the very year of which he speaks, where he says that the main exports from Galveston are cattle, sheep, and swine.

Gentlemen say if all this money (aggregating nearly one and a half million dollars) has been expended at Galveston and no appreciable improvement is apparent, why not abandon work there altogether and commence operations elsewhere? Why, Mr. Chairman, the history of

almost all the great commercial cities of the world is a constant battle against nature as evidenced by ancient Venice, the proud mistress of the seas, rising like Venus from its very depths; by the mighty marts of trade, like Antwerp and Amsterdam, that sprang up from the lowlands of the Netherlands. Look at London and Glasgow and Liverpool and Havre and Cherbourg. Do you know that upon the latter work over $100,000,000 have been expended and $15,000,000 of that at one time, the sum total almost equal to the whole expenditures of this country since its foundation upon all its river and harbor works? Why, sir, poor, puny little Portugal is preparing now to expend $17,000,000 upon the harbor of Lisbon, having already issued proposals for a stone quay six miles in length from the railway station on the river Tagus to the tower of Belem. As was well said lately by that able paper, the Marine Journal of New York:

The House debate upon the river and harbor bill has elicited more practical knowledge and information upon the condition and requirements of our ports than any similar discussion for several years. If the speeches of the several Representatives during the past month could be printed in full in the press of the country, they would have a wholesome effect upon public opinion, which voice is, ignorantly, against extended river and harbor appropriations. The public know very little about the actual necessity of improving our water highways. The appropriation of ten to fifteen millions of dollars in one lump for that purpose seems to many an awful waste of money. The people, of course, confide in the daily press, which, much to its shame, often mislends in its harsh criticisms upon the motives of the committee in charge of the bill.

* * * * * * *

Americans who go abroad and observe the magnitude of the river and harbor improvements of Europe must feel mortified at the insignificance of the hydraulic engineering achievements of their own country. In almost every other respect the United States heads its sister nations in enterprise. Before there is anything done the people of the United States must wake up to the importance of its rivers and harbors and encourage Congress to appropriate means to perfect them commensurate with the pressing necessities of commerce.

And here we are found haggling over a few hundred thousand dollars, when its expenditure would open to the commerce of the world a territory larger than a half dozen European States; and we allow the valuable, the inestimable services of the only really great hydraulic engineer we have yet produced in this country to be controlled by the governments of Great Britain, Mexico, and of the Brazils, all of whom are anxious to shower wealth and decorations upon him for his wonderful achievements.

Mr. Chairman, I will not conclude without again repelling the many imputations that have assailed this measure. Sir, we come here in good faith and reiterate that the plans for improving Galveston Harbor are radically defective; that under that plan, though pursued for nearly ten years and with an expenditure of over one and a half million dollars, nothing tangible or definite has been accomplished. We show you that such was the anxiety of the people for an honest solution of the experiment as conducted by the engineer in charge that when the Government appropriations failed and the aforesaid engineer guaranteed that he would give eighteen feet of water if he had $100,000 more to expend, the public-spirited little city voted that sum and gave it to him with a "Godspeed" on his mission. That after this home expenditure and "nothing to show for it," then, and not until then, did we determine that we would turn in a different direction for relief.

Thus it was, sir, that our eyes were directed to Captain Eads. We had seen the wonderful creation of his prolific brain reared in solemn grandeur over the rapid and tawny torrent of the great Father of Waters at Saint Louis. We had seen him unloose the mighty and restless waves of that great inland sea and scour out a channel deep and wide into the ocean where only failure and disaster were predicted by the same critics who decry him to-day. We see the Great Eastern, the "monarch of the sea," ploughing her proud way to the Crescent City—yea, even through the outlet that these same envious critics said would only be a "stagnant ditch" if the plan of Eads was adopted. So all our hopes were centered upon securing his valuable services to open our harbor to the commerce of the world. After earnest solicitation on our part he made propositions that we felt assured would procure the desired result; those propositions were incorporated in a section of this bill. We hoped that it would meet with the approbation of this House.

There has been such an uncalled-for, such a bitter, such an unjust opposition developed that we have most reluctantly concluded to strike out that section and insert another that I think will meet with the wishes of all concerned. I beg to say now, once and forever, that any assertion to the effect that other than proper motives have been used in the efforts to secure this legislation are entirely without foundation—unjust and untrue. Even the ordinary methods pursued by delegations visiting the capital to urge important legislation have been wanting; the committee from Galveston, composed of leading business men of that city, have spent several weeks here, and their whole conduct has been characterized by a Spartan simplicity of manner and living.

I do not believe, sir, that they have ever expended a single dollar to even indirectly forward the important matter in which they were so deeply interested, and have invariably turned a deaf ear to the threats or appeals of the "lobby wolves" who usually fatten and thrive upon the pecuniary offal of enterprises not so good or meritorious as this.

Mr. BEACH. I addressed the House, Mr. Chairman, on the river and harbor appropriation bill at the last session of Congress so fully, and on a bill substantially similar to this, that whatever I may say now would only be a repetition of what I then said. But in view of the action taken by the State I have the honor in part to represent on this floor, I feel called upon to say just a few words in justification of the vote which I shall cast upon the passage of this bill, and particularly on the provision which looks to the appropriation of $300,000 with which to begin the construction of the Hennepin Canal.

The State of New York has, as I understand, declared by its Legislature, by an almost unanimous vote, in favor of the Hennepin Canal project, and has requested the members of Congress from that State to support the project and vote an appropriation in this pending bill. I regret, sir, exceedingly that I can not comply with that request. I have very strong convictions as to what my duties are in this matter, and without stopping to explain them, I may say that they point in a direction quite the contrary to that recommended by the Legislature of my State.

Mr. Chairman, I have never yet voted for a river and harbor appropriation bill and never shall until some different plan for the construction of these bills has been provided. This system of making one hand wash the other—the system upon which all the river and harbor bills are constructed—is, in my judgment, a most vicious one and one that I fear we shall never get rid of until we amend the Constitution in accordance with a resolution I introduced at the last session of Congress, giving the President of the United States the power to veto one or more objectionable items in an appropriation bill.

But, sir, I have risen to give the reasons why I can not support the Hennepin Canal project. In the first place there is no warrant in the Constitution for it; and in the second place if there was it would, in my judgment, be the height of folly for the General Government to undertake its construction.

The time has come, sir, when we should divest ourselves of our prejudices and those old stage-coach notions and look upon facts as they are. Any one who will give a fair and impartial investigation to this canal question must come to but one conclusion, and that is that canals are a failure. I showed that in my speech at the last session of Congress, and I gave the reasons why.

Now, what are the facts? There have been about 2,000 miles of canals built in this country in the construction of which there has been expended over $45,000,000, and they have practically been all abandoned. The New England States have abandoned all their canals. The State of New York has abandoned her lateral canals, which cost over $10,000,000. Pennsylvania has abandoned canals which cost over $12,000,000, Ohio has abandoned canals which cost over $3,000,000, and Indiana has abandoned works of this character which cost that State over $6,000,000. Among the canals that have not been abandoned none are a source of profit. They are but dead property, and the States which are interested in them are now trying to shove them off upon the General Government.

The State of Illinois is here with her little bill trying to make a present to the General Government of her Michigan and Illinois Canal, and my own State of New York, I hear, sir, is anxious to dispose of the Erie Canal in some manner. All of these point unerringly to the same conclusion, and that is that the day of canals has gone by. The battle between water ways and railroads has been going on for the last twenty-five years, and the water ways have been driven slowly but surely to the wall. In less than twenty years I venture to say there will not be a single canal in this country in operation.

Mr. BURLEIGH. May I ask the gentleman a question?

Mr. BEACH. I can not yield now, as I have but a few moments. Railroads with improved grades, cheaper construction, and greater economy in operation will drive the water ways out of existence. I might elaborate this point if I had time. I will say, however, before resuming my seat, in anticipation of a charge which is commonly brought against all of those who speak unfriendly of the canals, that I am by no means what is commonly called a "railroad man." I am opposed to the method by which railroads are constructed, and I am opposed to the methods by which they are operated. I have never given a vote on the floor of this House but what will show that where there is a conflict between the railroads and the people I have been always on the side of the people.

What I contend for, sir, is that if you stop the wrongs which spring from the construction companies, from the consolidation agreements; if you stop the watering of stock, stop the $50,000 salaries paid railroad officials, stop all the frauds and cheating which are practiced by the railroad magnates, and let a railroad be built and operated the same as would be the case if conducted by a private individual, then I claim that the railroads can and will carry cheaper than the canals. And this is what we are coming to. In confirmation of the views I entertain on this subject I might point to the Delaware and Hudson Canal Company in my own State, which is a private corporation operating a canal between the coal-fields of Pennsylvania and the Hudson River at Rondout. This canal has been operated for a number of years at a profit; but its owners are now about to lay the rails on the bed of the canal for the simple reason that they can carry coal cheaper by railroad than they can by the canal. If view expressly of these facts and others that I might cite if I had time, it would, in my opinion, be the height of folly for the Government to undertake the construction of any more canals; and for these reasons, sir, I shall vote against this proposition.

[Here the hammer fell.]

Mr. GUENTHER. Mr. Chairman, the river and harbor bill now under discussion fails to make any appropriation for the Fox and Wisconsin Rivers improvement. Inasmuch as for several years no money has been expended on the Wisconsin River anyway, and being convinced that even if an appropriation were made for the improvement of the Fox and Wisconsin Rivers no part of it would be expended on the Wisconsin River, I shall not endeavor to have this clause stricken out, believing that in the end it will be for the best, as the result will be to demonstrate that the improvement of the Fox and Wisconsin Rivers as a through route of transportation between the Upper Wisconsin and the great lakes is not only entirely feasible, but that the benefits which will arise by its completion to the whole Northwest will be such as to more than justify the expenditure of money it will require. I wish, however, to give notice now to this House that at the proper time I shall move to appropriate a sum of money for the improvement of the Fox River independently, without reference to a through route in connection with the Wisconsin River.

The gentleman from Texas, the father of the interstate commerce bill, said in his remarks the other day that this through route would never be completed. I admit that if Congress will not make sufficient appropriations, enough to at least give reasonable assurance that the work will be completed in our time and generation, the prophecy of my friend from Texas will prove true.

I wish to call the attention of this House to the opinion of a very respectable and well-informed body of gentlemen, of whom it can not be said that they favor this improvement not because they believe in the public importance of this work, but because they are only anxious for the expenditure of the appropriation. The improvement is in Wisconsin. The gentlemen I refer to live in Minnesota.

The opinions are embodied in the following letters:

[Office of Saint Paul Chamber of Commerce. John B. Sanborn, president; E. A. McNeal, secretary.]

SAINT PAUL, MINN., *November* 13, 1883.

DEAR SIR: In answer to your inquiry of 19th ultimo, I am directed by this chamber to reply as follows:

That, taken in connection with the improvement of the Mississippi River from Prairie du Chien to the head of navigation, which is of the first importance—a through line of water communication—of the proposed depth, four or five feet, from the Mississippi River to the lakes, via the Fox and Wisconsin Rivers, would be of incalculable benefit to the Northwest—so great and general that the expenditure of $5,000,000 to secure it in practical and permanent shape would be a wise investment.

It is clearly the duty of the Government to render these great natural waterways as useful to the public as possible not only directly in the transportation of freight, but also indirectly as regulators of rates, thus protecting against private or corporate combinations and monopoly.

In answer to your direct inquiries I am instructed to reply.

1. As to the effect likely to be exerted on this proposed route by existing centers of trade and capital on the western shores of the lakes.

I may properly add that I called the attention of the chairman of the committee to the fact that your communication seemed to call for a somewhat more extended review of the reasons which influenced the findings and report of the committee, and hoped these would be given somewhat more fully; but it appears, from verbal reports of the committee, that they hardly felt it to be wise on their part to discuss the question at length; and I must be content on behalf of the board to respond to your letter by simply communicating to you the expression embraced in the report.

I am, general, very respectfully, your obedient servant,

CHARLES RANDOLPH,
Secretary.

Bvt. Maj. Gen. JOHN NEWTON,
President Board of Engineers, &c.

REPORT OF MERCANTILE COMMITTEE.

[Office of Saint Paul Chamber of Commerce. John B. Sanborn, president; E. A. McNeal, secretary.]

SAINT PAUL, MINN., *November* 12, 1883.

GENTLEMEN: Your committee, to whom was referred the communication of General John Newton, of the Board of Engineers, United States Army, relative to further improvement of the Fox and Wisconsin Rivers, to secure water communication between the Mississippi River and the lakes, would respectfully report:

That the Northwest is pre-eminently interested in cheap transportation, and thus in the establishment of lines of water communication with Eastern ports and markets, water competition, especially if under Government control, securing at all times even and favorable rates of transportation and protecting against combination and monopoly.

The history of the Fox and Wisconsin improvement is well known to this chamber. As far back as 1773 the route westward for freight and travel was by these rivers, so nearly connected at the Portage as to be naturally preferable to any other.

From the first survey, in 1817, by Major Long, to the last, just completed, all competent engineers have agreed that the route is an excellent one and the plans of improvement entirely practicable. In 1846 the State of Wisconsin received Government grant of land in aid of this improvement, and soon after entered upon the work, surrendering it, however, to the General Government in 1871, on payment by the Government of $145,000 expended in addition to the value of the land grant. Since then the work has been conducted by the Government on the plan of improving the natural channel of the Wisconsin River by wing-dams and dikes, the Fox River by dams and locks, to secure slack water navigation.

General G. K. Warren, about 1867, recommended that a canal be built along the Wisconsin River, from the Mississippi to the Fox River, in preference to any attempt to improve that wide and shallow stream. The final decision in this matter of canal or river must rest with very able and competent engineers who have the work in charge. From Saint Paul this route has about 380 miles of Mississippi River navigation: 112 miles on the Wisconsin, 7 miles of canal at the Portage, and 146 miles on the Fox River. Its plans contemplate 27 locks, 165 feet long, 6 feet deep, and 35 feet wide, covering a fall of some 200 feet. If the Mississippi River improvement, which is of primary importance, is carried out and 5 feet depth of water secured, a tug, properly constructed, can take at Saint Paul three barges, carrying 1,000 tons, in tow and deliver them safely on the lake at Green Bay. The canal and 54 miles of improvement on the Wisconsin were completed in 1879 (see report of Col. D. C. Houston, engineer in charge), and $2,161,000 have been expended in the work. It is now estimated that $3,000,000 more are required to complete it. Will it pay to expend this large amount upon it? Your committee firmly believe that it will, and that the benefits to the Northwest, direct and indirect, of such water way, under Government control, will be incalculable.

It should be a free highway for commerce, and thus forever a guarantee of cheap transportation, and of protection against monopoly and extortion. The great hindrance to this work for many years has been the opposition of parties interested in railroad lines, and very naturally inclined to delay and disparage so formidable a competitor. "They will not willingly permit in the Northwest the creation of a second Erie Canal."

Grain is now being carried by lake, canal, and river 1,422 miles—from Chicago, Ill., to New York—for $2.62 per ton, or less than 8 cents per bushel. By the Wisconsin and Fox River route, when completed, the rate from Upper Mississippi River points to the lakes should be less than by any existing route. It is not expected that this route would take out all the produce of the Northwest or bring in all its merchandise from the East, but it would surely modify and control rates of transportation between the Mississippi River and the lakes. Mr. Murphy, of New York, in his argument for the abolition of tolls upon the Erie Canal, said of it: "It is the great regulator of the cost of transportation, and it would be sound policy and wisdom for the State to maintain this great water way in a condition of the highest efficiency though not a ton of merchandise was carried upon it." Governor Horatio Seymour said of it: "If it did not carry a pound of freight, it would be wise to keep it ready for use to defeat unjust and hurtful charges." If, as has been asserted, "the chief element in the prosperity of any State or nation is the economy of transportation of persons and property," we can not hesitate to urge upon Government the immediate and permanent improvement of the greatest water way of this continent, the Mississippi River, especially that long-neglected portion of it from the Des Moines Rapids to the head of navigation, and, in connection with this, as part of the great plan of general improvement, the early completion of the natural and most available water way from the Mississippi River to the lakes, via the Fox and Wisconsin Rivers.

It would, however, be as great folly to complete this water way and neglect the improvement of the Upper Mississippi as to build an expensive bridge and neglect its approaches. When, however, the Mississippi River has had the attention it rightly demands, then let this most desirable and important connection between it and the lakes be promptly secured.

Your committee desire to express their thanks to General Sanborn, Governor Marshall, and Mr. Russell Blakely for valuable aid and interesting communications to the committee, from which they have drawn most freely.

These communications are submitted with this report for the use and information of the chamber.

Respectfully,

DANIEL R. NOYES,
Chairman, for the Committee.

To the BOARD OF DIRECTORS OF THE
SAINT PAUL CHAMBER OF COMMERCE.

I will also call attention to some extracts from a letter of B. J. Stevens, of Madison, on this subject:

* * * The cost of this route in comparison with other routes connecting the Mississippi with the Atlantic seacoast is given in this letter as the same appears in reports made by the Bureau of Engineers to Congress.

The estimated amount required to complete the improvement of the Fox and Wisconsin route is less than one-seventh of the estimated amount required to complete the Illinois route (the Illinois Canal, Illinois River, and the Hennepin Canal included), and less than one-tenth of the estimated cost of the James River and Kanawha route. The present census shows that the center of the wheat and corn districts lies west of the Mississippi River and opposite the mouth of the Wisconsin River, making this the most direct and important of these routes.

Nothing can be said favorable to any of the proposed water routes which may not be said with equal or greater truth of this route. A northern mouth to the Mississippi is more important than a southern one, not that it will transport greater amounts of freight than will go by the southern route, but its effect, indirectly, in reducing railroad rates will be greater. The great bulk of transportation is done by the railroads on eastern and western lines, all of which come in direct competition with the northern route, and in a lesser degree and less direct way with the southern route.

I know that for many years this improvement has been the target for many cheap witticisms and flat jokes. Men, from motives which I do not care now to criticise for want of time, have modestly assumed to know more about the engineering art and science than those who have made engineering a life study, while these modest gentlemen probably never spent an hour in their lives studying that science. I base my opinion on that of distinguished engineers, that the improvement is entirely feasible and its cost justified by the advantages the whole country would derive therefrom. Now as to the Fox River, its importance to navigation and commerce, I wish to refer this House to a report by the board of engineers to the Chief of Engineers, dated September 17, 1884. I will only read what refers to the Fox River:

With reference to the navigation of the Fox and the requirements thereof, the board have to report that at present there is three feet available depth of navigation in the Upper Fox, from Portage to Princeton, four feet from Princeton to Oshkosh, four and a half feet at Menasha, and five feet thence to Green Bay. At present there is one regular boat between Portage and Berlin, three from Berlin to Oshkosh, and seven from Oshkosh to various points on the Fox and tributaries. Besides the regular boats a number of tugs and transient boats navigate the lower river and Lake Winnebago. Below Berlin the freight business is already large, and will greatly increase as soon as continuous navigation can be assured. Even in its present uncertain condition the Fox River is of great value in regulating freight rates by rail to all points reached by it, and it is the opinion of the board that the navigation is worthy of maintenance and improvement. The freights carried consist mainly of coal, salt, lumber, stone, lime, and other building material and manufactured articles. The continual failure of the old structures necessitate frequent suspensions of navigation for repairs, and the resulting uncertainty in the minds of those desiring to put boats in the Fox River trade has acted to retard the development of river traffic, which can only be remedied by a completion of the improvement in a permanent manner.

After considering the present and the probable amount of commerce of the river the following recommendations are respectfully made:

First. That from Portage to Montello a depth of four feet of water at low water be maintained, and that the old wooden locks, four in number, be thoroughly repaired and preserved for the present.

Second. That the channel between Montello and Lake Winnebago be deepened by dredging to six feet and widened to one hundred feet.

Third. That the channel of the Lower Fox be deepened by dredging and rock excavation to six feet throughout, and that the old wooden lift-locks, eight in number, be replaced as rapidly as practicable by permanent works of stone. Also that the old timber lock at Little Chute be repaired and used as a guard lock.

It is the opinion of the board that, on account of the faulty construction of the old locks, they can not be economically repaired and maintained when of considerable lift, and that the navigation of the Lower Fox is of sufficient value and importance to justify the construction of permanent works, without reference to the project for a through route of transportation from the Mississippi River to the great lakes.

A plan and sections of the proposed dam and sluiceway at Menasha, and a map of Neenah channel, showing limits of proposed dredging, are herewith respectfully submitted.

O. M. POE,
Lieutenant-Colonel of Engineers.
WILLIAM E. MERRILL,
Lieutenant-Colonel of Engineers.
J. W. BARLOW,
Lieutenant-Colonel of Engineers.
W. L. MARSHALL,
Captain of Engineers.

Lieut. Col. D. C. Houston, Corps of Engineers, in a letter dated October 16, 1883, to the board of engineers, says (page 1928):

Appended (E1) is a list of the works on the Fox, showing their condition and the estimated cost of maintaining and operating them for the existing navigation.

I estimate the cost of putting the locks, &c., in good working order, including such dredging as is necessary, as follows:

Lower Fox	$120,000
Upper Fox	40,000

Annual cost thereafter of operating and maintenance:

Lower Fox	$25,000
Upper Fox	20,000

The navigation of the Fox is of great value to the people along the river, not only directly as affording a cheap and convenient transportation, but indirectly by reducing freights on the railroads which run parallel to the river. The rapid increase of the industries on the river will enhance the importance of this navigation. The navigation of the Fox above Berlin has not been as large as below, for the reason, principally, that the improvement of the channel has not been carried sufficiently far to give a deep navigation.

This is a matter of dredging, and as the Government owns a number of dredges the channel can soon be improved at a moderate cost. Extensive quarries of granite, an article in great demand in this section, are being opened on this section of the river, and these will depend on the river for an outlet.

The present and prospective interests are, it is believed, sufficient to warrant the maintenance of the existing works on the Fox River, including Portage Canal and such dredging in the channel as may be necessary for the boats navigating the river, independent of the question of through navigation. Moreover, these works will constitute an essential part of a through water route to the Mississippi in the future, either by improving the channel of the Wisconsin River or by a canal through its valley.

Further on, on page 1937, he gives a statement of the value of articles manufactured annually in the Lower Fox River Valley, which statement I will print with my remarks, showing a total of $20,870,553. The population of the counties bordering on Fox River, according to the census of 1880, was 231,646. These figures, I think, will be sufficient to convince this House that an appropriation should be made for the Fox River, and I trust to its sense of justice that my amendment, which I will offer at the proper time, will prevail.

As I said before, for the last three years no part of the money appropriated for the Fox and Wisconsin Rivers has been expended on the Wisconsin River, but all on the Fox. The last river and harbor bill appropriated $160,000. The bill before appropriated $200,000. Not a cent of these sums was expended on the Wisconsin River, so that they were virtually appropriations for the Fox River only.

The table referred to by Mr. GUENTHER is as follows:

E 3.

Value of articles manufactured annually in the Lower Fox River Valley.

Names of articles.	Where manufactured.									Total.
	Oshkosh.	Neenah.	Menasha.	App	Little Chute.	Kaukauna.	Wrightstown.	De Pere	Green Bay.	
Paper and pulp		$500,000	$275,000	$2,394,000		$700,000				$3,869,000
Flour, meal, and feed	$308,046	2,300,000	1,000,000	688,000	$90,000	25,000	$7,000	$390,000	$450,000	5,453,046
Lumber	1,308,574		110,000				15,000	228,000	600,000	2,261,574
Castings and machinery	125,585	45,000	40,000	100,000					115,000	425,585
Carriages, wagons, and sleighs	384,870	10,000	250,000							644,870
Bacon, lard, salt pork, &c	347,976									347,976
Matches	616,165									616,165
Sash, doors, and blinds	946,000	40,000	50,000	100,000		100,000		35,000	150,000	1,421,000
Trunks	87,500								6,000	93,500
Steam-boilers	42,500								20,000	62,500
Tin and sheet-iron work	57,875									57,875
Corsets	62,500									62,500
Furniture and upholstery	65,550		385,000							450,550
Leather	82,061	100,000	20,000	100,000						302,061
Cigars	60,231			70,000						130,231
Harness and saddles	28,000									28,000
Cooperage, including staves and wooden ware	20,344	40,000	500,000	65,000		70,000	63,000	200,500	100,000	1,058,844
Lime	33,475	25,000	25,000	50,000						133,475
Soap and candles	18,750									18,750
Boots and shoes	26,606			125,000						151,606
Agricultural implements	5,769		40,000	100,000				50,000		195,769
Pumps	3,775			1,000				8,100		12,875
Brooms	3,125									3,125
Pig-iron				250,000				710,000	250,000	1,210,000
Hubs and spokes				65,000		35,000				100,000
Bricks		40,000		200,000				50,000		290,000
Linen goods				100,000						100,000
Excelsior packing			45,000	15,000						60,000
Broom handles			60,000							60,000
Woolen goods			150,000	210,000						360,000
Beer		5,000	100,000	45,000			3,000		225,000	378,000
Plows		20,000	20,000							40,000
Stoves		175,000								175,000
Butter and cheese							31,676			31,676
Toy wagons, &c				35,000						35,000
Horseshoe nails				50,000						50,000
Wrought-iron forgings								130,000		130,000
Total	4,680,277	3,500,000	3,070,000	4,763,000	90,000	930,000	119,676	1,801,600	1,916,000	20,870,553

APPLETON, WIS., *August* 7, 1883.

C. A. FULLER, *Assistant Engineer.*

E 4.

Population of cities and towns on Fox River, Wisconsin, 1880.

Green Bay	7,497	
Fort Howard	3,083	
		10,580
De Pere		4,000
Wrightstown		500
Kaukauna		1,000
Appleton		8,005
Neenah	4,200	
Menasha	4,200	
		8,400
Oshkosh		15,748
Fond du Lac		13,064
Omro		500
Berlin		3,400
Montello		1,040
Portage		4,846
Total		70,613

E 5.

Population of counties bordering on Fox River, Wisconsin, 1880.

Brown County	33,897
Outagamie County	28,646
Calumet County	15,900
Winnebago County	42,562
Fond du Lac County	46,635
Waubara County	12,655
Green Lake County	14,438
Marquette County	8,885
Columbia County	28,028
Total	231,646

Mr. CLARDY. I regret, Mr. Chairman, that I have not time to reply to some remarks submitted by the gentleman from Arkansas [Mr. BRECKINRIDGE] in relation to the change of plans on the part of the Mississippi River Commission. I think it is a matter of regret that the friends of that improvement have been the first to show a disposition of unfriendliness to it. I know that the Committee on Rivers and Harbors is composed of gentlemen who recognize the commercial necessity of so improving the Mississippi River that the commerce of the greatest agricultural country in the world may be borne unvexed and almost untaxed to the sea. And I think if we would look to the expression of the opinions of gentlemen who understand that improvement, who know its history, we would content ourselves with the only plans that have ever been presented for the systematic improvement of that river.

The convention which met in the city of Washington in the month of February last year gave expression to the judgment of the 30,000,000 people in the Mississippi Valley in declaring that the work of the commission had passed beyond the region of experiment and fully justified the expenditures made and the plans adopted for the improvement of that river. And, for one, I propose to regard that utterance as binding upon me.

Mr. BRECKINRIDGE. Does the gentleman not know the executive committee at its last meeting in this city indorsed the action of our committee in this regard?

Mr. CLARDY. I do not know it.

Mr. BRECKINRIDGE. That is a fact.

Mr. CLARDY. I do not know what, if any, action was taken by the executive committee. I say this: If there has been any change of plan on the part of the commission that change is not made manifest by the report annually submitted to the Secretary of War by that commission. I have examined the reports made since I listened to the remarks of my friend from Arkansas, and I have become convinced that there are no essential changes made; and for one, I repeat, I propose to content myself with the plans that have met the approval of the people who are interested in the transportation of the products of the great West to the sea.

But, Mr. Chairman, I have not time to discuss that question. I want to call the attention of the committee to the appropriations proposed to be made by the Committee on Rivers and Harbors for the improvement of the river between the mouths of the Ohio and the Illinois, a distance of two hundred and twenty-nine miles. In the report submitted by the engineer in charge of this work to the Forty-sixth Congress it was stated that if there was an increase of appropriation it would require a century to complete that work and that it would cost the Government $30,000,000. The committee of that Congress were impressed with the force of the argument presented by the engineer, and reported, and Congress passed, an appropriation of $600,000, besides providing for improvements at intermediate points. That appropriation was made by three distinct Congresses. In the last Congress the appropriation was reduced.

[Here the hammer fell.]

Mr. CLARDY. I understand three minutes will be allowed in which to discuss an amendment.

The CHAIRMAN. That will be after the hour and a half's debate is concluded.

Mr. SKINNER, of New York. I believe I have four minutes remaining?

The CHAIRMAN. Yes, sir.

Mr. SKINNER, of New York. I yield one minute to my colleague, Mr. BURLEIGH, and then I will yield the three remaining minutes to my colleague, Mr. HISCOCK.

Mr. BURLEIGH. I simply wish to have read a joint resolution of the Legislature of the State of New York.

The Clerk read as follows:

STATE OF NEW YORK, IN THE SENATE,
Albany, January 29, 1885.

Resolved (if the assembly concur), That our Senators and Representatives in Congress be respectfully requested to urge the passage of the appropriation of $300,000 to aid in the construction of the Michigan and Mississippi (Hennepin) Canal in the river and harbor bill now before Congress.

STATE OF NEW YORK, IN SENATE,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the senate.

JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK, IN ASSEMBLY,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the assembly.

C. A. CHICKERING,
Clerk.

Mr. BURLEIGH. In answer to my colleague from New York [Mr. BEACH] I wish to state the people of New York will not give up the water ways, for the simple reason that they are the only system of transportation——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HISCOCK. I will yield another minute to my colleague [Mr. BURLEIGH]. How much time have I left?

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] has no time remaining.

Mr. HISCOCK. I beg the Chair's pardon. Four minutes were allowed to me by my colleague [Mr. SKINNER].

Mr. SKINNER, of New York. I yielded one minute to my colleague, Mr. BURLEIGH, and three minutes to my colleague, Mr. HISCOCK.

The CHAIRMAN. The Chair did not understand that was the arrangement.

Mr. HISCOCK. I will give one minute more to my colleague [Mr. BURLEIGH].

Mr. BURLEIGH. As I was remarking, the people of New York will not give up the water ways, for the simple reason that they are the only system of transportation that does not discriminate against the people of that State. The great water ways that unite the West with the Hudson River and Lake Champlain with the Hudson River transported last year 6,000,000 tons of freight.

I am in favor of the improvement of the rivers and harbors of this country. It is the only chance that the people have for protection against extortion. The gentleman from Maine [Mr. REED] has talked about the enormity of this bill and the immense appropriation that it makes.

Sir, another distinguished gentleman from Maine, in his campaign speeches last year, stated that the wealth of this country was fifty-five billions. This bill appropriates $12,000,000 for the rivers and harbors. What does that amount to? It is no more than spending $2. Twelve millions compared to fifty-five billions is as $2 to $10,000, or the price of half a thousand of Maine shingles [laughter] for the improvement of a ten-thousand-dollar farm. I say that the people of this country are in favor of appropriations for the improvement of their rivers and harbors.

Mr. HISCOCK. Mr. Chairman, returning for a moment to the discussion of Captain Eads's position and attitude in reference to the Mississippi River Commission, I desire to state that in reference to the levee system it is true that the commission has not progressed with the work as rapidly as Captain Eads recommended that it should. It is equally true with reference to the rectification of the mouths of the Red River and the Atchafalaya that the commission has not proceeded as Captain Eads desired; and it is equally true, and gentlemen on all sides agree, that the rectification of the mouths of those two rivers is inconsequential to the navigation of the Mississippi River.

It is also equally true that Captain Eads has stated in his testimony that the improvement of the navigation of the Mississippi could be accomplished without having recourse to the levee system, but that that system would incidentally aid it; and that in his judgment the desired result could be much sooner accomplished by having recourse to that system. And I believe that if gentlemen will go through with the different reports upon this subject, those in which Captain Eads has united and those from which he has dissented, and will go through all his testimony on this subject, they will find that up to the winter of 1883 Captain Eads was in accord with the Mississippi River Commission.

Now, I do not desire to reflect, and it has not been my intention to reflect, upon the motives of Captain Eads, but I could not refrain from calling attention to the fact that so soon after he resigned from the commission gentlemen interested in the improvement of the Mississippi River joined in an outcry against the management of the commission, and with that outcry comes to us evidence that the revetment system at least has been a failure, nearly if not quite 25 per cent. of the original cost of the work having been expended in its repair.

Mr. JOSEPH D. TAYLOR addressed the committee. [See Appendix.]

Mr. BLANCHARD obtained the floor and yielded to Mr. CUTCHEON.

Mr. CUTCHEON. Mr. Chairman, I believe in river and harbor improvements. I believe in their constitutionality. I believe in their sound national policy. I believe in their utility to commerce. I believe not only in the improvement of the great national water ways which have been spoken of by the gentleman who has just taken his seat, but I believe in the improvement of the smaller streams. I believe that the money which has been expended in the improvement of the smaller streams has returned a better equivalent in the advancement of the commerce of this nation than the millions which have been spent upon the great national water ways. I believe that for every dollar this nation has put into the development of the smaller rivers and harbors, especially on the great lakes and their connecting water, $10 have come back in wealth to this nation. And it will be a sorry time for this country when we throw our millions into the improvement of the great water ways like the Mississippi, and the construction of such doubtful schemes as the Galveston Harbor improvement, while we leave unimproved the smaller water ways, which are the feeders of commerce.

Mr. Chairman, you can not have a great river unless you have springs and fountains and rivulets at the head. So you can not have a great volume of commerce until you have established the springs and fountain-heads of commerce. These small rivers, these small harbors are the fountain-heads and feeders of commerce, contributing to the great volume that makes our commerce magnificent. More than that, Mr. Chairman, the improvement of these small rivers and harbors has been the instrumentality which has created the tremendous growth of our commerce in the past twenty-five years.

I claim for that political organization to which I belong the honor of

originating, or at least carrying forward, this great policy; and I trust we have not to-day reached a time when gentlemen on this side of the House are going back upon that system which more than any other has developed the commerce of the United States since the Republican party came into power.

When the proper time comes I shall have something to say in regard to certain amendments which I shall offer, relating more particularly to the district I represent. But just at this moment I desired to say this much in behalf of the smaller water ways and harbors which are the fountains and springs that make up the only commerce that flows down your great water ways, whether through the Mississippi to the Gulf, or along that more magnificent water way the great chain of lakes that lands from the western end of Lake Superior to the Atlantic Ocean, and compared with which your Mississippi River is but a rivulet. [Applause.]

Mr. FORAN. Mr. Chairman, I have an amendment which I would like to have read. Will the reading come out of my time?

The CHAIRMAN. The reading must come out of the gentleman's five minutes.

Mr. FORAN. If my amendment be read now, will it be considered as pending?

The CHAIRMAN. It is not in order to offer amendments now; they can merely be read by way of notice.

Mr. FORAN. I ask the Clerk to read my amendment.

The Clerk read as follows:

Add after the word "dollars," in line 314, the following:

"*Provided*, That said amount shall be expended in the construction of a section of breakwater, of the same size and character of the present lake arm of said Cleveland harbor of refuge, to begin at a point three hundred and fifty feet north thirty degrees east from the northeast corner of the east end of the lake-arm, and extending 4,000 feet in a direction east nine degrees north, or as near that direction as future soundings may decide: *Provided further*, That the $100,000 appropriated for continuing improvement of said Cleveland Harbor by act of Congress approved July 5, 1884, and entitled 'An act making appropriations for the construction, preservation, and repair of certain public works on rivers and harbors, and for other purposes,' is hereby made available for the construction of said section of breakwater as aforesaid."

Mr. FORAN. Mr. Chairman, this amendment, which I shall submit at the proper time, does not enlarge at all the appropriation for this harbor. It contemplates simply a change of the original plan at the suggestion of the Board of Trade of Cleveland and the merchants and citizens of that city. This change is approved by the local engineer, approved by the board of engineers constituted at Cleveland last November, approved by the Chief of Engineers, and approved by the Secretary of War. The report on this subject did not come here in time to be acted upon by the Committee on Rivers and Harbors. I trust, however, that committee has no objection to this proposition; and if so, I have no desire to occupy further time. I will ask the chairman of the committee [Mr. WILLIS] whether there is any objection to this amendment being made at the proper time. I repeat, it does not enlarge the appropriation, but simply proposes a change of plan.

Mr. WILLIS. So far as I am personally concerned I see no objection to the gentleman's amendment. I can not, however, speak for the committee, because the question has not been before the committee. So far as I know the amendment is all right.

The CHAIRMAN. The amendment is not yet pending.

Mr. HENDERSON, of Illinois. Mr. Chairman, I have not participated in the discussion of this bill. I have sat here very patiently for a good many days, and have heard criticisms upon the river and harbor bill made by members, as I have no doubt in the discharge of what they believed to be their duty, some just and some perhaps unjust, without any reply on my part. I would have been glad to have said something in reply, and to have had the opportunity to speak at some length upon some of the provisions of this bill; but the opportunity was not afforded me.

This bill has been characterized by some gentlemen of the committee as most outrageous in its character. That this bill and every other river and harbor bill may be subject to some criticism and objection I do not doubt. The fact is that it is extremely difficult to avoid inequalities in the preparation of river and harbor bills, let the committee, charged with their preparation, do the very best they can. But I will say to gentlemen of the committee that when you talk about this river and harbor bill being so outrageous in its character, there are but few items in it that were not in the river and harbor bill of last year. And while that is so, it will be remembered, I think, that that bill was the most generally commended of any river and harbor bill that has passed Congress since I have been a member.

I believe in river and harbor improvements. I believe in giving increased facilities to the commerce of the country. I believe there is no money which goes out of the Treasury so much in the interest of the people as that which goes out to improve the rivers and harbors of the country and to give increased facilities for the transportation of our immense commerce, and which is so rapidly increasing and growing.

But I wish to say a few words in reply to what my friend from New York [Mr. BURCH] has said. He says that canals have gone out of use; that New York has abandoned her lateral canals, and that Pennsylvania and Ohio have abandoned their canals. Pennsylvania sold one of her canals for $12,000,000 to the great railroad corporation of that State, and the railways would give more than twice $12,000,000 for the Erie Canal if they could purchase it or compel its disuse.

I hold here an official report of the Chief of the Bureau of Statistics, showing for every year from 1868 down to 1884 the difference in the cost of carrying a bushel of wheat from Chicago to New York city by lake and canal, by lake and rail, and by all rail.

The figures are as follows:

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1857 *to September* 1, 1884, *inclusive.*

Calendar years.	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1857	26.03	.....	.....
1858	17.03	.....	.....
1859	18.33	.....	.....
1860	25.56	.....	.....
1861	27.05	.....	.....
1862	27.08	.....	.....
1863	23.65	.....	.....
1864	29.11	.....	.....
1865	28.37	.....	.....
1866	31.36	.....	.....
1867	24.11	.....	.....
1868	24.54	29.0	42.0
1869	22.12	25.0	35.1
1870	17.10	22.0	33.3
1871	20.24	25.0	31.0
1872	24.50	28.0	33.5
1873	19.19	26.9	33.2
1874	14.10	16.9	28.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.7
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884, January 1 to September 1	6.69	9.75	13.0

* Including Buffalo transfer charges and tolls.

That table, Mr. Chairman, shows how much the people of the West and the Northwest who send their wheat to New York, to Boston, and other localities, as well as the people who have purchased it, have been benefited by the Erie Canal. It is the cheap transportation by lake and canal which has enabled us to export so largely the wheat and other products of the West and Northwest, and which has helped to give us the balance of trade in our favor for a few years past.

I do not believe in canals everywhere. I believe canals may be properly abandoned where they are not in the lines of commerce and do not connect great systems of navigation. But make this canal and connect the Upper Mississippi with the lakes, and you put New York in direct connection with Saint Paul by a continuous line of water transportation, and if that is not in the interest of the people of the West and Northwest who have been demanding and who will continue to demand at the hands of Congress this improvement, I do not know what could be done in their interest.

I tell you, Mr. Chairman, it is to the interest of our people East and West to have this connection. They have demanded it, and they will continue to demand it. We pay into the Treasury from the collection district in which I live alone more in six months than would build this canal. We do not drink the whisky, but we produce the grain from which it is made, and we should have cheap transportation to enable us to reach the markets of our own country and of the world. While you appropriate millions from the Treasury to improve rivers of less importance in my judgment to commerce and to the country than is this great work, I wish you to do justice to the people of the West and Northwest and give them this improvement which they have so long demanded.

It is said, Mr. Chairman, that this canal is in Illinois; that it is a local and not a national work. A very good answer was made to this by Abraham Lincoln many years since, when a member of the Thirtieth Congress.

In a speech made in the House of Representatives on the 20th day of June, 1848, speaking in favor of internal improvements and against an internal-improvement veto just submitted by President Polk, Mr. Lincoln said:

Nothing is so local as not to be of some general benefit. Take for instance the Illinois and Michigan Canal. Considered apart from its effects it is perfectly local. Every inch of it is within the State of Illinois. That canal was first opened for business last April. In a very few days we were all gratified to learn, among other things, that sugar had been carried from New Orleans through the canal to Buffalo, in New York. This sugar took this route doubtless because it was cheaper than the old route. Supposing the benefit of the reduction of the cost of carriage to be shared between seller and buyer, the result is that the New Orleans merchant sold his sugar a little dearer and the people of Buffalo sweetened their coffee a little cheaper than before—a benefit resulting from the canal, not to Illinois, where the canal is, but to Louisiana and New York, where it is not. * * * This instance clearly shows that the benefits of an improvement are by no means confined to the particular locality of the improvement itself.

Mr. WILLIS. How much time for general debate remains?

The CHAIRMAN. Twenty minutes in opposition to the bill.

Mr. WILLIS. I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole on the state of the Union having had under consideration the river and harbor appropriation bill had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EZRA B. TAYLOR, indefinitely, on account of important business.

To Mr. HART, for the remainder of this day, on account of sickness.

MRS. F. M. NORTON.

Mr. CANNON, by unanimous consent, introduced a bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL J. BINGHAM.

Mr. YAPLE, by unanimous consent, introduced a bill (H. R. 8190) granting a pension to Daniel J. Bingham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BRIGGS.

Mr. YAPLE, by unanimous consent, also introduced a bill (H. R. 8191) granting a pension to George W. Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILKIN BRIGGS.

Mr. YAPLE, by unanimous consent, also introduced a bill (H. R. 8192) granting a pension to Wilkin Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE MANUS.

Mr. NEECE, by unanimous consent, introduced a bill (H. R. 8193) for the relief of Jesse Manus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TELESCOPE FOR CARTHAGE COLLEGE, ILLINOIS.

Mr. NEECE, by unanimous consent, also introduced a joint resolution (H. Res. 329) to donate one telescope, not in use, to Carthage College, Carthage, Ill., for scientific and educational purposes; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, by the order of the House a recess was to be taken from the time of the close of this evening's session until 8 o'clock to-night, at which time the House shall reassemble and continue in session until 10 o'clock, for the consideration of the legislative appropriation bill, and then take a further recess until Monday morning at 10. It is said to be very inclement out of doors, and I therefore ask unanimous consent to supersede the former order, and that the House continue in session until 8 o'clock for the consideration in Committee of the Whole of the legislative appropriation bill and then take a recess from 8 o'clock until 10 o'clock on Monday.

Mr. BROWN, of Pennsylvania, and others. Why not say until 7 o'clock this evening?

Mr. HOLMAN. I think we ought to have two hours for the consideration of the bill to-night.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana. The Chair hears none.

Mr. REED, of Maine. The understanding is that before 11 o'clock Monday the House is to adjourn so as to save the Monday session?

The SPEAKER *pro tempore*. That was the understanding.

The Chair understands that the recess is to be taken by unanimous consent at 8 o'clock this evening until 10 o'clock Monday morning, but before the hour of 11 o'clock the House is to adjourn in order that Monday's session may not be lost.

Mr. MILLS. If that requires unanimous consent I object.

The SPEAKER *pro tempore*. The Chair will state that the House has ordered that on and after Monday next 11 o'clock instead of 12 o'clock shall be the hour of daily meeting.

Mr. MILLS. I ask if that arrangement which the Chair has suggested requires unanimous consent?

The SPEAKER *pro tempore*. The Chair understands that unanimous consent was given to the arrangement.

Mr. MILLS. It was agreed by unanimous consent to take a recess from 6 o'clock this evening until 8 o'clock to consider the legislative bill, but not to take a further recess until 10 o'clock on Monday, with the understanding that an adjournment should be had before 11.

The SPEAKER *pro tempore*. The gentleman from Texas is correct. The gentleman from Indiana now asks unanimous consent that the House continue in session until 8 o'clock this evening, and that a recess be taken from that time until 10 o'clock on Monday, with unanimous consent that before 11 o'clock the House shall adjourn.

Mr. MILLS. I object to that unanimous agreement.

Mr. REED, of Maine. That part of the proposition was an understanding already entered into during the course of the day.

Mr. MILLS. I think not.

Mr. REED, of Maine. I assure the gentleman that that was my understanding.

Mr. MILLS. It was agreed that we should have a recess from 10 o'clock to-night to 10 o'clock Monday morning, and nothing more.

Mr. HAMMOND. The gentleman from Kentucky stated that if that was done he would move to adjourn prior to 11 o'clock.

Mr. WILLIS. The gentleman from Texas is correct. I did make a motion that the House take a recess from 10 o'clock to-night until 10 o'clock on Monday morning, with the understanding that I should move an adjournment at five minutes to 11 o'clock; but that failed and the request was withdrawn. This now comes up as a new proposition, my motion having been withdrawn.

The SPEAKER *pro tempore*. Then the gentleman from Indiana will please state his motion again, and the Chair will submit it to the House for consent.

Mr. HOLMAN. My motion is that by unanimous consent the order now pending shall be superseded and that the House shall continue in session until 8 o'clock, and that a recess shall be taken from 8 o'clock to-night until 10 o'clock on Monday.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. PERKINS. There will be no objection with the understanding that the House at five minutes before 11 adjourn.

Mr. HOLMAN. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. MILLS. Does that require unanimous consent?

The SPEAKER *pro tempore*. It does.

Mr. MILLS. Then I object.

Mr. BROWNE, of Indiana. Regular order.

Mr. O'NEILL, of Pennsylvania. I move that the House adjourn.

Mr. HOLMAN. I hope the House will not adjourn. We can devote two hours now to the legislative bill.

Mr. LONG and others demanded the regular order.

Mr. REED, of Maine. I think we ought to give two hours to the appropriation bill this evening.

Mr. O'NEILL, of Pennsylvania. I withdraw the motion.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. As I understand this is Friday's session, ought not a motion be adopted that when the House adjourns to-day it be to meet on Monday?

The SPEAKER *pro tempore*. The Chair thinks that whenever the motion to adjourn is carried, under the order of the House it will be to meet on Monday at 11 o'clock, unless some other time shall be fixed.

Mr. HOLMAN. I then ask unanimous consent that the House remain in session now until 8 o'clock.

Mr. MILLS. I have no objection to taking a recess from 8 o'clock to-night until 10 o'clock on Monday morning, but I stop my consent at that point.

The SPEAKER *pro tempore*. Objection has been made to that.

Mr. BAYNE. I think not.

The SPEAKER *pro tempore*. Then the Chair is mistaken. The Chair thought the gentleman from Kansas [Mr. PERKINS] objected to that unless coupled with an understanding that the House on Monday would adjourn five minutes before 11 o'clock.

Mr. PERKINS. I did.

The SPEAKER *pro tempore*. Then the Chair was correct in his recollection.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. Can we not go on with the business until 8 o'clock and then settle this matter as to what shall be done on Monday?

The SPEAKER *pro tempore*. That is in the power of the House.

Mr. HOLMAN. That is the request I made.

The SPEAKER *pro tempore*. Then the gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union, intimating that his intention is to proceed with the consideration of the legislative appropriation bill.

Mr. HOLMAN. I make that motion.

Mr. KEIFER. I ask what is proposed by the gentleman from Indiana; whether he intends to go on and have the legislative bill debated to-night?

Mr. HOLMAN. I propose the committee shall dispense with the first reading of the bill and proceed to its consideration by paragraphs at once.

Mr. KEIFER. The gentleman does not propose then to have the Clerk read that long bill before it is considered by paragraphs?

Mr. HOLMAN. No, sir.

The motion of Mr. HOLMAN was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HOLMAN. I ask that by unanimous consent the first reading of the bill be dispensed with, and also that general debate be considered as closed, and that the bill be now read by paragraphs for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk proceeded to read the bill and read the following paragraph under the head "House of Representatives:"

Office of the Speaker: For private secretary to the Speaker, $1,800; clerk to the Speaker, $1,600; clerk to the Speaker's table, $1,400; in all, $4,800.

Mr. ROGERS, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 191, strike out "$1,400" and insert "$1,800;" so that it will read "clerk to the Speaker's table, $1,800."

Mr. ROGERS, of Arkansas. I want to call attention to the duties that are imposed upon this officer of the House.

Mr. HOLMAN. What is the amendment?

The CHAIRMAN. The amendment will be again read.

The amendment was again read.

Mr. HOLMAN. I raise the point of order.

Mr. ROGERS, of Arkansas. I wish to say, Mr. Chairman——

Mr. RANDALL. I desire to say about this bill that if the gentleman from Indiana is going to make a point of order and then allow debate, it wastes so much time I insist on the point of order being settled before we enter on debate.

The CHAIRMAN. The gentleman from Arkansas will be heard on the point of order.

Mr. ROGERS, of Arkansas. I think the question is not whether I will be heard on the point of order. I had already been debating before the point of order was made. I insist I have the right to go on.

Mr. HOLMAN. I think not.

Mr. ROGERS, of Arkansas. I began to debate and had finished a sentence before the gentleman from Indiana made an inquiry as to the nature of the amendment.

Mr. HOLMAN. I rose before the gentleman proceeded to speak.

Mr. ROGERS, of Arkansas. I insist on my right. I had completed a sentence, as the notes of the reporter will show.

Mr. HOLMAN. Had the amendment been read.

Mr. ROGERS, of Arkansas. It had.

Mr. HOLMAN. I rose instantly, as soon as I understood the proposition was pending.

The CHAIRMAN. The gentleman from Arkansas offered the amendment and proceeded, if the Chair remembers correctly, to make about this statement: "I will call attention to the duties of this officer," and was proceeding further when the gentleman from Indiana made a point of order.

Mr. BUDD. The gentleman from Indiana rose while the gentleman from Arkansas was speaking, and asked what was the amendment proposed.

Mr. RANDALL. Advantage has never been taken when a gentleman rises to make a point of order.

The CHAIRMAN. These things are done so quickly that the Chair is not disposed to cut off the gentleman from Indiana from making the point of order. As the gentleman from Arkansas was proceeding to make a statement he was interrupted by the gentleman from Indiana at such time as the Chair thinks requires him to hold the point of order was made in time.

Mr. HOLMAN. I desire to say this: there has been a good deal said in regard to this matter——

Mr. RANDALL. I object to debate until the point of order is disposed of.

The CHAIRMAN. Nothing is in order in this discussion except on the point of order.

Mr. RANDALL. I want that when points of order are made they shall be decided before debate is entered upon.

Mr. HOLMAN. The gentleman himself is occupying more time——

Mr. RANDALL. I am saving time by insisting at the outset of the consideration of this bill that this rule shall be observed.

Mr. HOLMAN. I will not press the point of order if the gentleman from Arkansas will agree that the salary shall be $1,600.

Mr. BUDD. Make it $1,650.

Mr. ROGERS, of Arkansas. I will accept the suggestion of the gentleman from Indiana.

The CHAIRMAN. The Clerk will read the amendment as proposed to be modified.

The Clerk read as follows:

Strike out $1,400 and insert $1,600.

Mr. BUDD. Say $1,650.

Mr. HOLMAN. I did not say that.

Mr. ROGERS, of Arkansas. I accept the suggestion of the gentleman from Indiana, and will make it read $1,600.

Mr. KEIFER. I am satisfied with that proposition, if the other could not be accepted. But I want to suggest that the proposition be so amended as to apply to the present year, so that the present occupant of this position, the clerk now at the Speaker's table, may have the benefit of it.

Mr. ROGERS, of Arkansas. I would be very glad to do so if the gentleman from Indiana [Mr. HOLMAN] will accept it.

Mr. HOLMAN. I have no objection to that.

The CHAIRMAN. If there is no objection the amendment will be made.

Mr. KEIFER. The appropriation to apply to the present fiscal year and to be immediately available.

Mr. HOLMAN. I am willing to make it one thousand six hundred, and to apply to the present occupant of the office.

Mr. KEIFER. But I want it to apply to the present year.

Mr. HOLMAN. Oh, we can not do that.

Mr. KEIFER. Oh, yes. There is no use in it if you do not.

The CHAIRMAN. That can be only by unanimous consent, and as objection is made the question is on the motion of the gentleman from Arkansas [Mr. ROGERS]. The Clerk will read the proposed amendment.

The Clerk read as follows:

In line 191, strike out "four" and insert "six."

The amendment was agreed to.

Mr. KEIFER. Now I move that it be amended so as to make the appropriation applicable to the present year and to be immediately available.

Mr. HOLMAN. I can not consent to that.

Mr. KEIFER. It makes a difference of $200 to the present occupant of the office, and if it goes into effect only on the 1st of July next it will not affect him at all and the amendment will be of no value.

Mr. HOLMAN. Do I understand that the gentleman from Ohio [Mr. KEIFER] wants to make it cover the entire fiscal year?

Mr. KEIFER. Yes; I want it to apply to this fiscal year.

A MEMBER. It is only $200.

Several MEMBERS. Let him have it.

The amendment was agreed to.

Mr. KEIFER. I move to further amend by adding "the same to take effect from the beginning of the present fiscal year.

The amendment was agreed to.

The Clerk continued the reading of the bill.

Mr. CANNON. I think that upon both sides of the House and on both sides of the Committee on Appropriations we are thoroughly agreed touching this bill down to and including line 323—at least that far.

Mr. RANDALL. Down to line 378.

Mr. CANNON. Yes. That includes the appropriations for the House of Representatives. I suggest, therefore, that by unanimous consent we consider the bill read down to that point.

Mr. HOLMAN. The bill had better be read.

The CHAIRMAN. The suggestion of the gentleman from Illinois [Mr. CANNON] can be adopted only by unanimous consent.

Mr. WARNER, of Ohio. Let us have the bill read.

The Clerk read the following paragraph:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500, and for hire of horses and wagons for the use of the Clerk's office, $600; for chief clerk, journal clerk, two reading clerks, and tally clerk, at $3,000 each, and for the journal clerk (H. H. Smith) for preparing Digest of the Rules, $1,000 per annum; for printing and bill clerk, $2,500; for disbursing clerk, file clerk, and enrolling clerk, at $2,250 each; for assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, superintendent of document-room, index clerk, and librarian, at $2,000 each; for distributing clerk and stationery clerk, $1,800 each; for document clerk, upholsterer, and locksmith, and two assistant librarians, at $1,440 each; one page, $720; one assistant journal clerk, at $6 per day during the session, $1,272; one assistant index clerk, during the session and three months after its close, at $6 per day, $1,824; one book-keeper and four clerks, $1,600 each; the person preparing the general index to the Journals of Congress, under resolution of June 18, 1878, $2,500; assistant to person preparing the general index to Journals of Congress, under resolution of May 22, 1882, $2,000; two messengers in the House library, at $1,314 each; one laborer in the bath-room, $720; four laborers, at $720 each; one telegraph operator, $900; one chief engineer, $1,700; two assistant engineers, $1,200 each; two conductors of elevator, at $1,100 each; one laborer, $820; five firemen, at $900 each; one electrician, $1,150; one laborer, $800; services in cleaning Statuary Hall and watching statuary therein, $720; in all, $91,444.

Mr. WOOD. Mr. Chairman, I offer an amendment which I ask to have read.

The Clerk read as follows:

Amend line 211 by striking out "one thousand four hundred and forty" and inserting "one thousand eight hundred."

Mr. RANDALL. I raise the point of order upon that amendment that it changes existing law and does not retrench expenditures.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. RANDALL. No. I want it decided.

The CHAIRMAN. Does the gentleman from Indiana [Mr. WOOD] desire to be heard on the point of order which is made by the gentleman from Pennsylvania [Mr. RANDALL]?

Mr. WOOD. I withdraw the amendment for the present.

The Clerk read the following paragraph:

Office of Doorkeeper: For Doorkeeper, $3,000; and for hire of horses, $500; assistant doorkeeper, $2,000; second assistant doorkeeper (George A. Bacon), to be employed in the document-room, $2,000; clerk for Doorkeeper, $1,200; janitor, $1,200; superintendent of the folding-room, $2,000; three clerks in the folding-room, one at $1,800 and two at $1,200 each; superintendent of the document-room, $2,000; chief assistant in the document-room, at $2,000; document file-clerk, $1,400; assistant document file-clerk, under resolution of December 19, 1881, $1,314; fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at $1,200 each, and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House; nine messengers, including messenger to the reporters' gallery, at $1,200 each; nine messengers, at $1,000 each; seven laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum; one laborer, at $600; for the two laborers now in charge of water-closet, at $720 each; six laborers in charge of cleaning the Hall of the House, known as "cloak-room men," at $30 per month during the session; for the two "cloak-room men" now longest in the service of the House, from March 4, 1885, to June 30, 1886, at $50 per month each; and for one female attendant in ladies' retiring-room, $600; two messengers during the session, at the rate of $900 per annum each; for one employé (John T. Chancey), $1,500; one department messenger (C. W. Coombs), $2,000; for labor in folding books, speeches, and pamphlets, one foreman, $1,500; one messenger, $1,200; one folder in the sealing-room, $1,200; one page, $500; one laborer, $400; ten folders at $900 each; five folders at $840 each; three folders during the session, at the rate of $800 per annum each; and fifteen folders at $720 each; and for thirty-four pages during the session, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each; in all $127,657.45.

Mr. COX, of North Carolina. Mr. Chairman, I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out in line 300 the word "subject" and all thereafter in line 300 and line 301 down to the word "nine" and in lieu thereof insert the word "diminished." Also amend line 299 by inserting the words "the number of," between the word "hereafter" and the word "messengers;" so that it shall read, "the number of messengers on the soldiers' roll shall not be diminished."

Mr. KEIFER. I must make the point of order on that.

Mr. CANNON. Let us see how it reads first. There would be time enough to make the point of order after it is read.

Mr. KEIFER. But I do not want any doubt about the point of order. The object of the amendment is to change existing law.

The CHAIRMAN. The Clerk will read the text as it would stand if this amendment were adopted.

The Clerk read as follows:

It is proposed to strike out from lines 299, 300, and 301 the words "and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House" and to make the provision read, "the number of messengers on the soldiers' roll shall not be diminished."

Mr. KEIFER. I make the point of order against the amendment that it changes existing law and does not retrench expenditures. The provision in the bill is in accordance with the existing law. It is in the bill for the present fiscal year, and I think has been the law for a number of years in succession.

Mr. HOLMAN. No; it was inserted last session for the first time, and it is in the appropriation law of the present year.

Mr. KEIFER. It is in the present law, and now it is proposed to strike this provision out for the purpose of enabling the Doorkeeper to remove messengers who are on the soldiers' roll.

Mr. HOLMAN. I thought on the hasty reading the purpose was exactly the reverse of that.

Mr. KEIFER. It would give the Doorkeeper power to remove them, and I make the point of order that it changes existing law and does not retrench expenditures.

Mr. HOLMAN. I hope my friend from North Carolina [Mr. COX] will withdraw the amendment.

Mr. KEIFER. The proposition is to change the law so that the Doorkeeper may remove these men that are on the soldiers' roll, without cause or without stating any cause, and without the consent of the House, and put in whomsoever he pleases. At the same time the amendment provides that the number of messengers on the soldiers' roll shall not be diminished; so that it does not save any money. Therefore I make the point that it changes existing law and does not retrench expenditures.

Mr. HOLMAN. Very clearly it changes existing law.

Mr. COX, of North Carolina. The gentleman [Mr. KEIFER] entirely misapprehends my purpose. The Democratic party has always taken care of the maimed soldiers of the country, and I hope that it always will do so. My only purpose is that if any of these men are found to be inefficient, the Doorkeeper, who is responsible to this House for the conduct of his office, might be at liberty to remove them without being trammeled as he is at present, and without the necessity of coming into the House and having a wrangle over the matter. The amendment has no other purpose. It provides that the number on the soldiers' roll shall not be diminished.

Mr. HOLMAN. The proposition clearly changes the present law. That proposition was put in the law last year for the first time, but it is now the law.

Mr. KEIFER. The amendment changes the law and does not reduce expenses.

Mr. O'NEILL, of Missouri. I renew the amendment. I desire to be heard on that subject.

Mr. KEIFER. Well, I renew the point of order.

Mr. O'NEILL, of Missouri. It occurs to me, Mr. Chairman, that it is a very extraordinary state of affairs when a committee can inject into the body of an appropriation bill a provision of this kind intended to perpetuate a certain number of individuals in office without a law to that effect.

Mr. KEIFER. I make the point that it is not debatable as to the merits of the proposition. The point of order is pending, and I have said all I desire to say on that.

Mr. O'NEILL, of Missouri. Well, I am going to speak on this question; that is all there is about it.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. O'NEILL, of Missouri. Well, my dear chairman [laughter], you can not reach a point of order until you first lay down the basis on which you are speaking. I propose in the first place to state that when your Committee on Appropriations for the first time last year injected a provision of this kind into your appropriation bill that does not make it a continuing enactment, and we have a perfect right to strike out of a subsequent appropriation bill an impertinent interpolation of that kind. Now, I think my friend from Ohio will see that that relates to the question.

I have no objection to having these positions continually held by soldiers; but why you should pick out a favored few and allow others of your soldiers to stalk the streets and starve is something I can not comprehend, especially in view of what I understand to be the fact, that many of the men now in these positions are enjoying handsome bounties at the hands of the Government in the form of pensions. Now there should be a certain amount of sense even in "buncombe." [Laughter.]

Mr. KEIFER. We are going to take care of fourteen of them at any rate.

Mr. O'NEILL, of Missouri. But why insist that the positions shall be held by these particular men and pass by others equally deserving? No man will go further than I will in the direction of caring for the soldiers of the Union; but why should you continue this provision and compel in every instance the reporting of each change to the House, to have a wrangle over it here, giving you gentlemen a text on which to parade again and again your stereotyped speeches which have been doing service for so long—those "one-armed" and "one-legged" speeches that have done duty until they have grown gray-headed. [Laughter.] There is no sense in that. This provision had no business in the last appropriation bill, and there is no reason why we should be compelled to allow it to remain in this.

Mr. GIBSON obtained the floor.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia [Mr. GIBSON] on the point of order.

Mr. KEIFER. On the point of order, not on the merits.

Mr. GIBSON. I do not desire to speak to the House in bad faith——

The CHAIRMAN. The Chair suggests to the gentleman from West Virginia that no remarks except upon the point of order are in order at this time. The Chair is ready to rule upon the question.

Mr. GIBSON. Well, I want to say this upon the point of order in addition to what the gentleman from Missouri [Mr. O'NEILL] has said, that a mere clause included in an appropriation bill at the last session providing that certain men should not be turned out of office is not to be construed as a continuing law. If it were so, then whenever your Appropriations Committee chooses by a provision of this kind to undertake to keep a man in office it makes a perpetuity of that office. I do not think that is the intention of this House. I undertake to say there are thousands of Democrats who lost their arms or legs in the war who were as good soldiers and as true men as any men of the other party.

Mr. BROWNE, of Indiana. The gentleman is not speaking on the point of order.

Mr. GIBSON. Well, Mr. Chairman——

Mr. BROWNE, of Indiana. I will make this suggestion to the gentleman from West Virginia, that this amendment can not pass without a quorum.

Mr. GIBSON. If the gentleman raises that point, I am done.

Mr. KEIFER. Mr. Chairman, some years ago when we were in Committee of the Whole and the present permanent Speaker of this House was in the chair, I myself argued that a mere provision in a current law which applied to appropriations was not such existing law as would furnish a guide in determining points of order like this. But after a very full consideration of the subject the then presiding officer held that such a law applicable only to the current year was existing law in such a sense as to furnish a guide in determining whether a particular provision was or was not a change in existing law. And ever since that time up to the present session such has been the ruling.

Mr. RANDALL. The point has been so decided this session.

The CHAIRMAN. The Chair is ready to rule on the point of order. Clause 3 of Rule XXI is so familiar to members of the House that the Chair does not deem it necessary to have it read.

Mr. O'NEILL, of Missouri. I would like to have it read.

The CHAIRMAN. At the request of the gentleman from Missouri the Clerk will read the provision of the rule.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The CHAIRMAN. The Clerk will also read a portion of the appropriation act of last year, which is the law to-day.

The Clerk read as follows:

For fourteen messengers on the soldiers'-roll, under the control of the Doorkeeper, and not subject to removal except for cause, reported to and approved by the House, at $1,200 each.

The CHAIRMAN. It will be observed that the language of the present law is identical with that of this bill. The Chair thinks existing law would be changed by the amendment proposed, and that there would be no retrenchment of expenditure thereby. The Chair is of opinion that the provisions of a law enacted, making appropriation and now in force, are in contemplation of the rule "existing law." The Chair, therefore, sustains the point of order.

Mr. GIBSON. I move to strike out the following words:

Fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at $1,200 each, and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House.

Now, it has been pretty well understood as a part of the policy of the legislation of this country that we should create no preferred office-holding class. It has been pretty well understood that no administration either deriving its powers from its seat in the White House or from its powers in its seat in any similar capacity has the right to put into power any set of men who shall rule and regulate this country. Under this law here, and under a series of laws which have been passed before this one, a certain set of men have been put into office in this body.

By the law they are to be cut off from all the rules and regulations governing all other office-holders, and we are to be told they are to be a perpetual class of office-holders in this country forsooth because they were soldiers and got their position here by being members of a political party. There are, sir, a hundred thousand soldiers in this country equally as meritorious who are to-day denied the smallest pittance of office-holding for a solitary year while these men hold office for life.

Are we to be told there are no Democrats who were true soldiers of the Union during the rebellion? Are we to be told there were no men belonging to the incoming administration who were true to the flag of the country, and who lost arms and legs in its defense? I have no doubt the gentleman does like it as it is.

Mr. BROWNE, of Indiana. The gentleman is not mistaken in that.

Mr. GIBSON. I would not be mistaken if the gentleman would like to fasten his friends on the incoming administration and to load it down.

Mr. BROWNE, of Indiana. The gentleman is mistaken about that. It is the last cruelty I would inflict on any member of my party. [Laughter.]

Mr. GIBSON. The gentleman possesses some mercy, a quality I did not attribute to him. I wish to say this: that there is no reason why the incoming administration either in this House or out of it should not be allowed to appoint those office-holders who are best qualified to carry on the business of the country. Are you to suppose that the Sergeant-at-Arms would not appoint soldiers as well as those who are now here?

But why is it they should be made a perpetual office-holding class. I believe, sir, that any man from the North or any man in the Army from the North would do what is just. I remember, sir, with pleasure, I repeat it daily, I have taught my children to learn it, that from the soldiers of the North who carried their flag and their bayonet the people of this country, it matters not in what section they may be, have nothing to fear. They were just and brave in war and they were generous when it was over. I am now protesting only against politicians handicapping these soldiers by their action.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I regret very much the course that this discussion has taken. My friend should remember that if there is anything wrong about this soldiers' roll, from its beginning to the present time, the Democratic side of the House is responsible for it. It is our measure from the beginning.

In 1867, in pursuance of a resolution offered from this side of the House, introduced by myself, that roll was organized, but its members were only employed during the session. When the Democratic party came into power in this House, in the Forty-fourth Congress, and had control of this appropriation bill, it was made a permanent roll by a provision on the legislative, executive, and judicial appropriation, and permanent salaries at the rate of $1,200 per year were affixed. I then had charge of that bill. During the last session of Congress, out of abundant prudence, the language of this section was placed upon it, providing against removal except for cause reported to and approved by the House. So, sir, the whole legislation creating and giving permanency to this roll rests upon the Democratic side of this House.

Mr. COX, of North Carolina. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. COX, of North Carolina. I wish to ask the gentleman whether the preceding Doorkeeper, a Republican official, did not remove some of these soldiers.

Mr. HOLMAN. I am not able to state; but for the express purpose of preventing that from being done by any party in the future this language was incorporated in the bill of last session and in the pending bill.

Mr. GIBSON. Let me ask the gentleman from Indiana if the Sergeant-at-Arms of the Senate did not remove every solitary man in the employment of that body under his control who was a Democrat?

Mr. HOLMAN. That may be true, and if so it makes me the more anxious that this provision should stand as it is in the bill. There may be and undoubtedly are great numbers of Union soldiers all over the country who suffered as much in the cause of their country as the fourteen men on this soldiers' roll. But these men on this roll have suffered as greatly at least as their comrades; each of them has lost at least an arm or a leg in the service of their country. They are maimed and disabled soldiers; disabled beyond recovery. They have been placed on this roll and have performed faithful service. While there undoubtedly are many others equally meritorious, yet all can not be thus provided for, and the merit of these and their services and sacrifices in the cause of their country no man can call in question. It is a roll of honor.

I will not consent by any vote of mine that a measure that recognizes the just claims of these disabled soldiers on the gratitude of their country—a measure for which this side of the House has been responsible for all these years—shall be stricken down, or even modified, in the House of its friends. No man on that roll, I do not care what his politics may be, whether Democratic or Republican, shall be removed from it with my consent so long as he shall faithfully discharge the duties to which he has been assigned. This soldiers' roll is our measure, and for one I will stand by it against all comers.

Mr. HILL. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. HILL. I understood the gentleman from Indiana, in response to the question of the gentleman from West Virginia when he asked if the Republican Sergeant-at-Arms of the Senate did not discharge the Democratic employés and put Republicans in their places, to answer yes?

Mr. HOLMAN. I said "Yes; it might be true."

Mr. GIBSON. It is true.

Mr. HILL. And if it was true is that the reason why we should keep Republicans upon the roll of the House employés? I want the gentleman to say whether he thinks because a Republican office-holder has seen fit to discharge Democrats that a Democratic office-holder shall on that account retain Republicans. Is that what the gentleman means by his answer to the gentleman from West Virginia?

Mr. GIBSON. That is the logic of it.

Mr. HOLMAN. If I understand the gentleman from Ohio he complains that because some public officer has been unmindful of fair dealing, intolerant and proscriptive, therefore an officer of this House should be indifferent to the just claims of maimed soldiers who are now in the employment of the House. I have only this to say, that the proscriptive intolerance of no officer of the Government could justify this House in permitting any inconsiderate action to work to the prejudice of these disabled soldiers now in its employment so long as their duties are faithfully performed. This House will fulfill its whole duty to these crippled veterans uninfluenced by partisan considerations.

Mr. CANNON. Mr. Chairman, I only desire to submit a word or two. My recollection is, on a slight examination of this subject some years ago touching this soldiers' roll, that the gentleman from Indiana is correct in his statement, and that as early as 1867 this roll, or what is known as the "soldiers' roll," was constituted. Upon the roll were placed Union soldiers in the main armless, or at least having lost one or both arms, or one or both legs, and of both parties, and they so remained of both parties until the time that the Democratic party came into power in this House in 1874. Shortly after that time, either in that or the next Congress, under a Democratic House, there were some of these men removed from the soldiers' roll—I mean of the men who had lost an arm or a leg. When the Republican party came into power in the last Congress these men were restored to the roll, and the roll as now constituted, as I am informed and I think I am reliably informed, includes of the fourteen men belonging to both political parties, conscientious, prompt, and efficient officers. So you may say that this roll, with the slight exception I speak of under the Democratic rule, has remained substantially as it was constituted in 1867.

Now, then, it is true that this provision was put into the bill upon the motion of the gentleman from Indiana [Mr. HOLMAN], I grant you to the effect that these men should not be removed except for cause, reported to this House and approved by the House. That was the proposition the gentleman from North Carolina moved to strike out, but withdrew the amendment, and failing in that, a point of order being

sustained, the gentleman from West Virginia now proposes to abolish the soldiers' roll altogether.

Mr. GIBSON. Will the gentleman allow me to interrupt him for a moment?

Mr. CANNON. Let me get through with this sentence and then I will. Now, I can well understand why it was that the gentleman from Indiana [Mr. HOLMAN] felt it was necessary with his feeling about it to put this clause in the law for the current year that these men should not be removed except for cause reported to the House. He no doubt had a lively recollection of what had occurred heretofore in a Democratic Congress. I was perfectly willing this should go in, and now being in and being necessary I desire it may stay and I propose to vote that it shall stay.

Mr. HOLMAN. Will my friend allow me?

Mr. CANNON. Yes, sir.

Mr. HOLMAN. Did I not while this House was a Republican body seek to incorporate this same provision on this bill?

Mr. CANNON. Yes, sir; the gentleman did. And I remember at that time I objected, saying the Republican party did not need such a provision, because it had always protected these men on the roll. But now, I grant you, the provision is needed; and being needed, I propose for one to vote for it.

Mr. HILL. I want to ask the gentleman from Illinois one question.

Mr. CANNON. Certainly.

Mr. HILL. I ask him if the Democratic Doorkeeper discharged Republican soldiers whether he did not appoint in their place Democrats who had served equally well in the Army?

Mr. CANNON. I am not going into the discussion of that question——

Mr. HILL. But I want to go into it. I want to know if any man was discharged by the Democratic Doorkeeper who was a Republican soldier unless a Democratic soldier was appointed in his place.

Mr. REED, of Maine. I will answer the gentleman.

Mr. CANNON. Let me answer the question, as the gentleman from Ohio has put it in my time. Let me answer the gentleman by saying that two Doorkeepers of a Democratic House so conducted themselves touching those and other matters that their party, being in a strong majority, could not uphold and support them, and they were turned out.

Mr. HILL. Not for that, however. The gentleman will be candid enough to say it was not for that reason at all. And I will remind the gentleman Babcock was put out, too, and Belknap.

Mr. BROWNE, of Indiana. I came here to-night hoping we might proceed with the reading of this appropriation bill. Now, the gentlemen who offer this amendment are conscious of the fact that it can not possibly be adopted to-night. We might just as well stop here and settle that question once for all.

Mr. HOLMAN. Let us vote.

Mr. GIBSON. I desire to say to the House that, having examined the provisions of the bill, I propose a modification of the amendment, so as to commence at the word "shall," in line 300, the portion which I propose to strike out. Now, Mr. Chairman, I do not know how other gentlemen may feel about this subject. I think——

Mr. KEIFER. We must have this modification reported, so that we can understand exactly what the point is.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment as modified.

Mr. KEIFER. Let us understand what is to be stricken out.

The Clerk read as follows:

Strike out, after the word "roll," in line 300, the following:
"Shall not be subject to removal except for cause reported to and approved by the House."

Mr. KEIFER. I make the point of order against that.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] makes the point of order.

Mr. O'NEILL, of Missouri. I want to ask a question.

The CHAIRMAN. The point of order having been made, the gentleman from West Virginia will address himself to the point of order.

Mr. BROWNE, of Indiana. I call for the regular order. Let there be a decision on the point of order.

The CHAIRMAN. The Chair is of opinion the amendment proposed by the gentleman from West Virginia would change existing law and that it does not retrench expenditure.

Mr. GIBSON. Will the Chair please to hear me on that subject?

Mr. BROWN, of Pennsylvania. That is the same amendment, practically, that was ruled out before.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia.

Mr. GIBSON. My purpose is to strike out not what is a law in a constitutional sense, nor what is considered a law in any legal sense. This is a mere proviso attached to a certain bill and attached to the compensation of certain officers.

Now, a law must be general. One of the first requisites of a law is that it shall be general. It is not a law in any proper sense of the word that any set of people shall remain in office, and I submit the Chair is stretching the idea of a law beyond any construction ever given to it by any commentator on the subject if he says this is a law. It is not general in its provisions; it does not apply to any other set of officers.

The CHAIRMAN. The Chair asks the gentleman from West Virginia if his amendment is to begin with the word "shall" after the word "roll?"

Mr. GIBSON. Yes, sir.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. GIBSON. I want to say that is not a law, because it is not general in its application; and there can be no law that is not general in its application. The very hornbooks of the law lay that down, and every man who ever studied law, commencing with Blackstone, will know that no provision which is not general in its application can be considered a law.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. GIBSON. Yes, sir.

Mr. BROWNE, of Indiana. Then it would not be competent, I presume, for the Congress of the United States to pass a special act at all?

Mr. GIBSON. Yes, sir.

Mr. BROWNE, of Indiana. A special pension bill, for instance?

Mr. GIBSON. Ah, yes, it would; but you could not put that special pension bill up against general legislation and say it was "existing law."

Mr. KEIFER. It would be existing law for that case.

Mr. GIBSON. I know it would be existing law for that case, but this is for general legislation; and now we undertake to bring in a special bill for a special purpose, and upon it to defeat general legislation. I have no desire to prolong discussion upon this subject, but I submit that the amendment is not obnoxious to the point of order.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The Chair had the Clerk read a few minutes ago, when the point was made on this paragraph, the present law. The language of the law is identical with the language of this paragraph of the bill under consideration. Therefore, to strike out the lines indicated by the gentleman from West Virginia [Mr. GIBSON] would be to change existing law, would not retrench expenditures, and therefore it is obnoxious to the rule.

Mr. HOLMAN. Mr. Chairman, although this may not be regarded as a very important matter, I desire to say a single additional word. My friend from West Virginia [Mr. GIBSON] I hope will remember, and I have no doubt he does, that the two Congressional caucuses which organized this present Congress and the last, the first Republican and the last Democratic, both unanimously voted, or at least the Democratic caucus did, that the men on this soldier's roll should not be removed.

Mr. COX, of North Carolina. I remember that, and I propose to take care of them.

Mr. GIBSON. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] desires to bring party politics into this matter, let us have a vote of the House on it.

The CHAIRMAN. The point of order is sustained.

The Clerk read the following paragraph:

CIVIL-SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one stenographer, $1,600; one clerk of class 1, and one messenger, $840; in all, $19,140.

Mr. CANNON. Mr. Chairman, I would be glad if the gentleman from Indiana [Mr. HOLMAN] would agree to pass over temporarily this portion of the bill, beginning with line 451, down to and including line 464. I am under the impression that the gentleman from Massachusetts, Mr. LYMAN, who is absent at this time, desires to offer some amendments, and I think we shall save time by passing these provisions over for the present.

Mr. RANDALL. Why is the gentleman from Massachusetts not here?

Mr. CANNON. The gentleman from Pennsylvania [Mr. RANDALL] will recollect that this session extending to 8 o'clock was not expected until late this afternoon.

Mr. RANDALL. The gentleman is right.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to pass over the lines indicated by him, to be returned to later on. Is there objection?

Mr. HOLMAN. I did not hear the suggestion of the gentleman from Illinois.

Mr. CANNON. I ask unanimous consent to pass over the items relating to the Civil Service Commission, because I am under the impression that the gentleman from Massachusetts, Mr. LYMAN, desires to offer some amendments, and I think we shall save time by passing these provisions now and returning to them after we finish the bill.

Mr. KEIFER. They can be returned to at any time.

Mr. HOLMAN. I have no objection.

The CHAIRMAN. No objection being made, it is so ordered.

The Clerk read the following paragraph:

That the President of the United States be, and he is hereby, authorized and directed to discontinue the appointment and services of officers at ports of entry

in all cases where for two successive years last past the revenues collected at such ports are less than the salary and expenses of the officers employed in the duties thereof: *Provided, however*, That the President may appoint a deputy collector at any such port in his discretion, who shall perform all the duties pertaining to such port, such deputies to receive only the fees collected thereat as compensation for their services; but if at any such port such fees collected in any one year shall exceed $1,500, such excess shall be paid into the Treasury of the United States.

That the customs-collection district of Duluth, Minn., shall comprise all the waters and shores of Lake Superior, and the rivers connected therewith, in the State of Minnesota, and the harbor and city of Superior, with the bays of Saint Louis and Superior, and the rivers connected therewith, within the State of Wisconsin, in which district Duluth shall be the port of entry; and there shall be a collector who shall reside at Duluth, and a deputy collector who shall reside at Superior.

Mr. DINGLEY. Mr. Chairman, I desire to ask the gentleman from Indiana [Mr. HOLMAN] if it would not be as well to pass over this paragraph at present and return to it later? It evidently needs considerable amendment before it shall be adopted by the committee.

Mr. HOLMAN. I have some amendments that I propose to offer to this paragraph, and I think myself that it would be as well to adopt the suggestion of the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I will move to strike out the last word for the purpose of making a remark, unless the gentleman from Indiana [Mr. HOLMAN] will consent to pass the paragraph for the present.

Mr. HOLMAN. I have no objection. The understanding is that the whole paragraph, beginning with line 695 down to and including line 716, is passed over.

The CHAIRMAN. If there is no objection, it will be so ordered.

The Clerk read as follows:

Bureau of Navigation: For Commissioner of Navigation, $3,600; two clerks of class 4; additional to one clerk acting as deputy commissioner, $200; one clerk of class 3; four clerks of class 2; three clerks of class 1; one clerk, $1,000; ten clerks, at $900 each; one assistant messenger; and one laborer; in all, $29,580.

Mr. DINGLEY. I move to amend by striking out $3,600 and inserting $4,000, as the salary of the Commissioner of Navigation. I make the motion for this reason, that——

Mr. RANDALL. I reserve a point of order on the amendment.

Mr. DINGLEY. It is not subject to a point of order.

Mr. HOLMAN. In view of the gentleman's motion I reserve a point of order on the portion of the paragraph immediately following the place where this amendment comes in. It is liable to a point of order on the ground of changing existing law and increasing expenditures, and I reserve a point of order.

Mr. KEIFER. Let us understand this matter.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] reserves a point of order on the amendment of the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, the act creating this bureau was passed at the last session of Congress and provided that the salary of the Commissioner of Navigation should be $4,000. Upon the unanimous report of a committee and by a two-thirds vote of both Houses this salary was fixed; and we ought not now in an appropriation bill to make this proposed reduction.

Mr. HOLMAN. Mr. Chairman, the office of Commissioner of Navigation was created at the last session of Congress, and, as is ordinarily the case in legislating upon a distinctive branch of the public service, the salary of this officer was made disproportionate to other salaries. The salaries of all the auditors, including the Sixth Auditor, who has charge of one of the most important of all our bureaus—and it can not be claimed that the duties of this Commissioner of Navigation are of a higher grade—the salaries of officers of this class are fixed at $3,600. It was thought proper that this salary should be made to correspond with the salaries of other officers of corresponding or higher grade.

Besides, it was deemed desirable to have a deputy commissioner, and for this purpose to make an increase of $200, which we have done. As we have thus increased this one salary, the services of the officer being considered very valuable, and that provision being subject to a point of order, I trust my friend from Maine will at once see the impropriety of giving the salary of the head of this new bureau so great a preponderance over that of offices that have existed for many years. The effect of such disparity in pay is, as my friend must see, to create discontent in the public service. Here are at least six officers of the Government—I could mention a great many more, forty of them, officers of the same class as this—whose salaries are so much less that it naturally creates dissatisfaction.

Mr. RANDALL. I withdraw my point of order.

Mr. HOLMAN. I reserve my point of order until the vote is taken on this amendment.

Mr. CANNON. I must say that the cutting down of the salary of the chief officer of this bureau to the extent of $400 and increasing by $200 that of the deputy did not very greatly distress me. It may be that the salary of the Commissioner of Navigation should be $4,000. But I doubt whether there is as much reason for giving that salary to this officer as for giving it to the Sixth Auditor; and these auditors, as the gentleman from Indiana has well said, get but $3,600 each.

Mr. DINGLEY. This subject was carefully investigated at the last session by the shipping committee who reported to the House the act by which this office was created. After considering the subject, taking in view especially the character of the duties to be performed—administrative, not clerical like those of an auditor—the committee were unanimously of opinion that this salary ought to be fixed at $4,000, and Congress by a more than two-thirds vote adopted the recommendation of that committee. In view of this action at the last session, it seems to me hardly proper that upon an appropriation bill we should now make this change in existing law by reducing the salary to $3,600.

If the House after thorough consideration of the matter should see fit to change the law on this subject that would be a different question; but I submit that the Committee on Appropriations, in view of the fact that this salary is fixed by law, had better consent that the amendment be adopted and not undertake on a bill of this nature to make a reduction. The officer entered upon his duties with the understanding that the salary should be $4,000. It was the understanding of the whole Shipping Committee that there should be appointed to and continued in this position a man worthy of this salary—an administrative officer of high character and attainments—not a person competent merely to perform clerical duties. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. DINGLEY, there were—ayes 5, noes 22.

Mr. DINGLEY. I make the point that no quorum has voted.

Mr. KEIFER and Mr. HOLMAN (to Mr. DINGLEY). Do not do that.

Mr. DINGLEY. I am perfectly willing this paragraph should be passed over and considered hereafter by the House, but I do not feel willing this salary should be reduced in this manner.

Mr. RANDALL. The Committee on Appropriations has only equalized this salary with that of other officers performing duties of corresponding grade.

Mr. DINGLEY. The Shipping Committee and the two Houses at the last session thought that this salary was not too high.

The CHAIRMAN. The gentleman from Maine makes the point that no quorum has voted.

Mr. CANNON. I ask by unanimous consent that this item be passed over for the present.

Mr. HOLMAN. I think that ought to be done.

Mr. KEIFER. The gentleman had better not object, as we can not go on if objection be made when there is no quorum present in the Hall.

The CHAIRMAN. The Chair appoints as tellers Mr. HOLMAN and Mr. DINGLEY.

Mr. BROWNE, of Indiana. I move that the committee rise.

The committee divided; and there were—ayes 6, noes 22.

So the motion was disagreed to.

The CHAIRMAN. The tellers will take their places.

Mr. WARNER, of Ohio. It is perfectly apparent that there is no quorum present.

Mr. HOLMAN. When this bill is reported to the House I am perfectly willing that the gentleman from Maine shall have the floor to move to increase this salary, with the understanding in that event the others are to be put at what they are now.

Mr. DINGLEY. If I do that I wish to reserve the right of debate.

Mr. RANDALL. For how much?

Mr. DINGLEY. Ten minutes for myself.

Mr. HOLMAN. Very well; I do not object to that.

The CHAIRMAN. The gentleman from Indiana will state the point of order which he reserves on the balance of the section.

Mr. HOLMAN. I make it now.

Mr. KEIFER. I am willing it should be passed over to be considered in Committee of the Whole, but I am not willing it should be passed over to be brought up after the bill has been reported from the Committee of the Whole House on the state of the Union back to the House.

Mr. DINGLEY. It is perfectly satisfactory to me to have the question decided in the Committee of the Whole House on the state of the Union.

The CHAIRMAN. As objection is made, the tellers will take their places.

Mr. HOLMAN. I hope the gentleman from Ohio will not object. We propose to get through with this bill to-night.

Mr. KEIFER. You will have the yeas and nays in the House.

Mr. HOLMAN. It will not occupy much time in the House.

Mr. DINGLEY. This question will not occupy more than ten or fifteen minutes in the committee.

Mr. HOLMAN. We expect to get the bill through to-night.

Mr. KEIFER. You can not when no quorum is present and objection is made.

Mr. HOLMAN. The same thing will occur on Monday.

The CHAIRMAN. There is objection to the motion of the gentleman from Maine. The tellers, Mr. HOLMAN and Mr. DINGLEY, will resume their places.

Mr. HOLMAN. I say I will have to consent to anything, as I am told I am at their mercy.

The CHAIRMAN. Is there objection to the section just read being passed over for the present, all points of order being reserved?

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Office of the Director: For Director, $4,500; examiner, $2,200; computer, $2,200; assayer, $2,200; adjuster of accounts, $2,000; two clerks of class 3; two clerks of class 2, one of whom shall be a stenographer; two clerks of class 1; one translator, $1,200; two clerks, at $1,000 each; one messenger; two copyists; assistant in laboratory, $1,000; one helper, at $500; in all, $28,940.

Mr. WARNER, of Ohio. Is not that the Director of the Mint?

Mr. HOLMAN. Yes.

Mr. WARNER, of Ohio. Should not that be stated. Is not that the proper designation of the officer, "Director of the Mint?"

Mr. HOLMAN. It has not been usual to insert it, but if the gentleman prefers it I do not know that I will object.

Mr. WARNER, of Ohio. I suggest that the words "of the Mint" be inserted after the word "Director."

Mr. HOLMAN. This is the usual form, and it comes under the regular heading.

Mr. KEIFER. What heading?

Mr. WARNER, of Ohio. The legal designation of that officer is "Director of the Mint," and made so by the law.

Mr. HOLMAN. My friend will find these abbreviations all the way through. If you put it in you should say "Director of mints."

Mr. WARNER, of Ohio. I am sure the title is "Director of the Mint."

Mr. RANDALL. You had better look at it and see what the title is.

The CHAIRMAN. The gentleman from Ohio moves to insert the words "of the Mint" after the word "Director." [Putting the question.] The noes seem to have it.

Mr. WARNER, of Ohio. I have no feeling about it except that the proper designation of this office should be given.

The question was again put, and decided affirmatively.

So the amendment was agreed to.

The Clerk read as follows:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; four heads of division, at $2,250 each; one superintendent of stamp-vault, $2,000; one stenographer, $1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at $1,000 each; sixty-six clerks, at $900 each, and hereafter no vacancies shall be filled in the grade of clerks at $900 each in this bureau until the number is reduced to fifty; two messengers; fourteen assistant messengers; and thirteen laborers; in all, $280,640.

Mr. WHITE, of Kentucky. I move to strike out that entire paragraph.

The CHAIRMAN. The gentleman is recognized to debate the proposition.

Mr. WHITE, of Kentucky. How much time have I?

The CHAIRMAN. The gentleman has five minutes.

Mr. WHITE, of Kentucky. My objection in the first place, Mr. Chairman, is to the expenditure annually of $5,000,000 to keep up the office of Commissioner of Internal Revenue. But my objection applies not only to the money which is taken out of the Treasury, but to the demoralizing influence which is felt throughout the length and breadth of the land. As a means of raising revenue at the close of the war it might have been a necessity, but to-day when we see the political machinery, when we see the corrupting influence of this Bureau of Internal Revenue, when we see the arrests which are being made throughout the country, nominally for the purpose of collecting internal revenue, but really to protect a monopoly which has the control of this revenue, it becomes a serious question whether we should continue it or abolish it. I say the $5,000,000 of money to be spent annually to keep up this bureau is of the smallest consideration compared with the evil consequences which follow.

When we think of the number of men being arrested in at least a dozen States of this Union for the most trivial offenses, offenses which are technically violations of the internal-revenue laws, and see these poor people dragged one hundred miles from their homes in consequence, and fined and punished also by imprisonment, the question naturally arises in the minds of the American people what is it all for?

But we have seen within the last few weeks a Secretary of the Treasury put into the Treasury through influences, and that Secretary of the Treasury daring to make a regulation, in violation of the law, in violation of the act of Congress, and in the face of a positive refusal of the Forty-seventh Congress at both sessions, as well as a refusal of this Congress in its first session, to extend the bonded period for millions of gallons which under this oppression is crushing out of existence the small manufacturers of whisky. We have seen this dragging of poor people hundreds of miles into the Federal courts, pretending that they must be protected because, forsooth, they were paying revenue. We have seen them come into Congress in the first instance asking sixty days' extension of time, electing members of Congress and members of the United States Senate friendly to their extension, and then come into Congress again and asking one year's extension of time.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. KEIFER rose.

Mr. NELSON. I move that the committee do now rise.

Mr. KEIFER. I wish to suggest to the gentleman in charge of the bill that it is now time that the committee should rise and an adjournment be had, in accordance with the agreement.

Mr. HOLMAN. I hope that by unanimous consent we will be permitted to continue for an hour longer.

Mr. KEIFER. I can not consent to that, because many members have gone away, in view of the agreement already made, who desire to submit propositions to certain parts of the bill. It was understood by unanimous consent that we should adjourn at 8 o'clock, and it would not be fair to those persons who agreed to that to extend this time in their absence.

Mr. HOLMAN. An hour longer would finish the reading of this bill.

Mr. BROWN, of Pennsylvania. I object. It is unfair to the persons here, as well as to those who are not here.

Mr. HOLMAN. If the committee will remain an hour longer I will consent that after the bill is completed those gentlemen who desire to offer amendments to preceding portions of the bill may have the privilege of going back for that purpose if they desire.

Mr. KEIFER. I think that could not be done under the agreement.

Mr. WHITE, of Kentucky. What is the proposition?

Mr. HOLMAN. That those gentlemen who desire hereafter to offer amendments may have the opportunity of doing so by going back in the bill after it is completed.

Mr. BROWN, of Pennsylvania. I do not think we ought to consent to that.

Mr. HOLMAN. Well, say one-half hour longer. That will enable us to dispose of the greater part of the bill.

Mr. BROWN, of Pennsylvania. I shall object to any extension of time.

Mr. HOLMAN. I want to say that gentlemen seem hardly to appreciate the importance of the prompt consideration of this bill. There are naturally some changes in the bill, and it is important that it should soon be sent to the Senate. It is a bill, notwithstanding the speed with which we are getting through with it, which contains many changes which must be considered. The Senate will necessarily occupy considerable time in its consideration and incorporate many additional amendments. The enrollment of the bill will take a long time. The committee of conference will have so many matters to consider that it ought certainly to get to the Senate at the earliest possible moment.

Mr. REED, of Maine. I think, in view of the fact that the gentleman from Indiana has awakened to the urgency of the occasion, we ought not to go to sleep upon it.

Mr. HOLMAN. The bill will not take very much longer to conclude the reading of it.

Mr. BROWN, of Pennsylvania. I think we should have some mercy upon the clerks as well as upon ourselves.

Mr. HOLMAN. I will take the place of one of the clerks and read myself if it be necessary. [Laughter.]

Mr. BROWN, of Pennsylvania. I shall object to the reader.

Mr. HOLMAN. I understand the clerks prefer to go on now with the reading.

Mr. BROWN, of Pennsylvania. I want to hear the reading of this bill myself. I have staid here all day and have not been out of the House a moment. I simply propose to object to any extension of time to-night.

Mr. HOLMAN. We are, of course, at the mercy of my friend from Pennsylvania.

Mr. BROWN, of Pennsylvania. The arrangement was distinctly made that we were to adjourn at 8 o'clock.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] desires unanimous consent to print some remarks upon this bill.

There was no objection.

Mr. KEIFER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BRECKINRIDGE having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration the legislative, executive, and judicial appropriation bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now take a recess until 10 o'clock on Monday next.

The motion was agreed to; and accordingly (at 8 o'clock p. m.) the House took a recess until 10 o'clock on Monday.

AFTER RECESS.

The recess having expired, the House, at 10 o'clock a. m. (Monday, February 16), reassembled.

ORDER OF BUSINESS.

Mr. NICHOLLS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1915) to remove the political disabilities of J. D. Johnson.

The SPEAKER *pro tempore*. That motion is not in order. The hour set apart for motions to take up for consideration bills or resolutions on any of the Calendars of the House or on the Speaker's table has not yet been reached. The gentleman can only ask unanimous consent for the reference of a bill or resolution to a committee or to dispose of Sen-

ate amendments to House bills. Does the gentleman from Arkansas [Mr. BRECKINRIDGE] claim the floor?

Mr. O'NEILL, of Pennsylvania. Would it be in order now to ask for the reading of the rule?

The SPEAKER *pro tempore*. The Chair will direct the Clerk to read that portion of the special rule which refers to requests for unanimous consent.

Mr. HOLMAN addressed the Chair.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Pennsylvania, and directs the Clerk to read the last clause of the special rule.

The Clerk read as follows:

Provided, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. I had supposed the Committee on Rivers and Harbors were to proceed with the consideration of their bill this morning; but if that is not the purpose I will move that the House go into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, my object being to resume the consideration of the legislative appropriation bill.

Mr. BROWNE, of Indiana. Before that motion is put I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. When it was unanimously agreed that the House should take a recess until 10 o'clock this morning, was it also agreed that an adjournment should be had before 11 o'clock?

The SPEAKER *pro tempore*. The Chair is advised that the gentleman from Texas [Mr. MILLS] entered an objection to the agreement that there should be an adjournment before 11 o'clock. The Chair will ask the gentleman from Indiana [Mr. HOLMAN] whether he intends to have it understood that there shall be an adjournment before 11 o'clock?

Mr. HOLMAN. I have no purpose myself in regard to that.

Mr. BROWNE, of Indiana. I hope we may have that understanding.

Mr. HOLMAN. I have no objection to that being the understanding.

Mr. BROWNE, of Indiana. Unless such an agreement can be made now I suspect no business can be done this morning, although I should regret exceedingly to interpose any kind of obstacle to the transaction of the business of the House. Why should that agreement not be made now by unanimous consent?

Mr. HOLMAN. I think we should have a morning hour to-day.

Mr. BUCKNER. As I understand it, the question is whether or not there was an agreement on the part of the House that there should be an adjournment to-day before 11 o'clock.

Mr. HARDEMAN. My recollection is that when the recess until this morning was suggested the gentleman from New York [Mr. SLOCUM] objected, unless there should be an adjournment.

The SPEAKER *pro tempore*. The Clerk will read from the RECORD exactly what took place.

The Clerk read as follows:

The SPEAKER *pro tempore*. The gentleman from Indiana will please state his motion again, and the Chair will submit it to the House for consent.

Mr. HOLMAN. My motion is that by unanimous consent the order now pending shall be superseded, and that the House shall continue in session until 8 o'clock, and that a recess shall be taken from 8 o'clock to-night until 10 o'clock on Monday.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. PERKINS. There will be no objection with the understanding that the House at five minutes before 11 adjourn.

Mr. HOLMAN. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. MILLS. Does that require unanimous consent?

The SPEAKER *pro tempore*. It does.

Mr. MILLS. Then I object.

Mr. BROWNE, of Indiana. Regular order.

Mr. O'NEILL, of Pennsylvania. I move that the House adjourn.

Mr. HOLMAN. I hope the House will not adjourn. We can devote two hours now to the legislative bill.

Mr. LONG and others demanded the regular order.

Mr. REED, of Maine. I think we ought to give two hours to the appropriation bill this evening.

Mr. O'NEILL, of Pennsylvania. I withdraw the motion.

Mr. BROWNE, of Indiana. I ask now that it shall be unanimously agreed that the House shall adjourn before 11 o'clock. Unless that shall be agreed to I shall feel bound to call for a vote on the motion that the House shall resolve itself into Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I have no objection to that agreement being made.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] moves that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills; and pending that, he asks that it shall be agreed that at five minutes before 11 o'clock the committee shall rise and the House shall adjourn. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HOLMAN was agreed to.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. BLOUNT] will please take the chair in the absence of the gentleman from Tennessee [Mr. MCMILLIN], who was presiding in Committee of the Whole House on the state of the Union during the consideration of the legislative bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair, and resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The Clerk commenced to read the paragraph headed "Collecting internal revenue," on line 1080.

Mr. ERMENTROUT. I desire to ask unanimous consent to go back to page 11, in order that I may offer an amendment at line 243.

Mr. MILLS. I suggest to the gentleman from Pennsylvania [Mr. ERMENTROUT] to wait until we get through with the bill and then go back.

Mr. THOMPSON. It is a good time when we have reached the internal-revenue business to dispose of it. Let the Clerk read.

Mr. HOLMAN. I do not desire that we shall go back at this time to a former part of the bill.

The CHAIRMAN. Is it agreed that when the reading of the bill is completed the gentleman from Pennsylvania [Mr. ERMENTROUT] shall have leave to go back to offer an amendment on page 11?

Mr. HOLMAN. There is no such agreement at this time.

Mr. MILLS. Let the Clerk read on.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] objects to an agreement at this time.

Mr. HOLMAN. No, Mr. Chairman; I simply say that there is no general agreement to go back at this time, but I have no objection to going back at the proper time.

The CHAIRMAN. The Clerk will read.

The Clerk read the following paragraph:

Office of Publication of Records of the Rebellion: For two clerks of class 4; two clerks of class 3; one clerk of class 2; three clerks of class 1; five copyists, at $900 each; one foreman of printing, at $1,600; one pressman, $1,200; five compositors, at $1,000 each; two copy-holders at $900 each; two assistant messengers; two watchmen; and one laborer, at $600; in all, $29,380.

Mr. HOLMAN. I desire to amend this paragraph by inserting, in line 1692, after the word "For," the words, "one agent, $2,000;" and by striking out of line 1700 the words "twenty-nine" and inserting "thirty-one."

That will simply restore the law to its present condition.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I now ask unanimous consent that when the bill shall have been read through we may be permitted to go back for the purpose of making a few corrections.

The CHAIRMAN. If there be no objection, it will be so ordered. The Chair hears none.

The Clerk read the following paragraph:

General Land Office: For the Commissioner of the General Land Office, $4,000; one assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, $3,000; chief clerk, $2,250; two law clerks, at $2,000 each; recorder, $2,000; three inspectors of surveyors-general and district land-offices, to be appointed by the Secretary of the Interior, at $2,000 each; three principal clerks, at $1,800 each; forty clerks of class 4; fifty-six clerks of class 3; sixty-seven clerks of class 2; seventy-three clerks of class 1; fifty-one clerks, at $1,000 each; and fifty-eight copyists, at $900 each; eight assistant messengers; twelve laborers; and six packers, at $720 each; in all, $490,850.

Mr. HEWITT, of Alabama. I move to strike out the last word of this paragraph, and I wish to ask the gentleman [Mr. HOLMAN] who has charge of this bill a question: Why do you make a difference of a thousand dollars between the salary of the Commissioner of the General Land Office and the salary of the Commissioner of Pensions?

Mr. HOLMAN. That is simply one of the irregularities that occurred in the last session. The one salary was run up out of proportion; that is all. It was inevitable—that is to say, both Houses agreed to it.

Mr. HEWITT, of Alabama. There was no reason why it should be done?

Mr. HOLMAN. No, sir. On the contrary, there was very good reason why it should not be done; but Congress did it.

Mr. HEWITT, of Alabama. I withdraw the *pro forma* amendment.

The Clerk read the following paragraph:

That a committee consisting of five members-elect of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives, shall, during the recess of Congress, inquire into and investigate the expenditure of appropriations for Indian schools and the education of Indians, the established system of such schools or education, and whether any changes should be made therein. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee have power to visit the places where appropriations mentioned herein are expended, and in doing so they are hereby authorized to use Government conveyances and means of transportation. Said committee shall have power to send for persons and papers and to appoint a clerk, and may report by bill or otherwise to the Forty-ninth Congress. The expense of said committee, and of witnesses that may be summoned before it, shall be paid out of any money in the Treasury not otherwise appropriated, on the draft of the chairman of said committee, in sums not exceeding $1,000 at any one time.

Mr. HEWITT, of Alabama. Mr. Chairman, I make the point of order upon that paragraph that it changes existing law and does not retrench expenditures.

Mr. HOLMAN. Mr. Chairman, this is unquestionably new legislation, but under the present condition of the Indian service several million dollars are being expended annually for these Indian schools. There never has been a thorough investigation by Congress of the condition of those schools, their locations, the necessity for them, or the mode of their management, and it has been deemed exceedingly desirable to inquire carefully into that subject with a view to legislation by the next Congress. Therefore, while this provision is new legislation, and involves an expenditure of $5,000, I still think that upon reflection my friend from Alabama [Mr. HEWITT] will see the propriety of our trying to obtain some reliable data upon which to predicate legislation upon this subject at the next session.

Mr. HEWITT, of Alabama. I am perfectly willing to withdraw the point of order so far as regards visiting the Indian schools. I am willing that the paragraph shall be amended by striking out the provision with reference to the National Park.

Mr. HOLMAN. Mr. Chairman, I desire to say a word to the gentleman from Alabama [Mr. HEWITT]. The gentleman will remember that, so far as the House is concerned, we have had no inquiry into the condition of that park or the necessity for it—I do not mean the necessity for it, because the maintenance of the park is now an established policy, but I mean as to the requirements of its management. We have already, at the present session, changed the boundaries of the park, and we are appropriating this year a very considerable sum of money for its improvement. Therefore, while it might not be desirable to appoint a committee on the part of the House, or a joint committee, especially for this purpose, it seems to me that it may be well, inasmuch as the committee which visits the Indian schools can very readily perform this additional duty, to have the proposed investigation made, and I think that if the provision as to the inquiry into the state of the Indian schools is allowed to stand the other had better stand also. I trust, therefore, in view of the large expenditure that is now being made upon the park, that the gentleman from Alabama [Mr. HEWITT] will withdraw his objection to the amendment.

Mr. HEWITT, of Alabama. Mr. Chairman, as the gentleman from Indiana [Mr. HOLMAN] and other members of the committee seem to think it important to provide for this investigation, and seem to believe that it will do good, I withdraw the point of order.

The Clerk read the following paragraph:

Pension Office: For compensation of the Commissioner of Pensions, $5,000; first deputy commissioner, $3,600; second deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; two qualified surgeons, who shall be experts in their profession, at $2,000 each; eighteen medical examiners, who shall be surgeons of education, skill, and experience in their profession, at $1,800 each; twelve chiefs of division, at $2,000 each; law clerk, $2,000; forty-five principal examiners for review board, at $2,000 each; twenty-four assistant chiefs of division, at $1,800 each; seventy-five clerks of class 4; one hundred clerks of class 3; four hundred clerks of class 2; four hundred clerks of class 1; two hundred and twenty clerks, at $1,000 each; one superintendent of buildings, $1,400; two engineers, at $1,200 each; one hundred and thirty copyists; twenty messengers; twenty messenger-boys, at $400 each; twenty-five watchmen, and twenty-five laborers; five charwomen, at $400 each; in all, $1,954,650.

Mr. HEWITT, of Alabama. I move to strike out in line 2061 the word "five"——

Mr. BROWNE, of Indiana. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. The time has about expired that was to be devoted to this business this morning, and when the committee is to rise according to the agreement.

Mr. HOLMAN. I hope my colleague [Mr. BROWNE] will allow this paragraph to be finished.

Mr. BROWNE, of Indiana. If there is to be no advantage taken on the question of time I have no objection.

Mr. HOLMAN. Oh, no; it is understood that the committee will rise.

The CHAIRMAN. Does the gentleman from Indiana [Mr. BROWNE] withdraw his point of order?

Mr. BROWNE, of Indiana. If it is understood unanimously that the committee will rise before 11 o'clock I have no objection to finishing this paragraph.

The CHAIRMAN. It will be so ordered if there is no objection. The Chair hears no objection. The gentleman from Alabama will proceed with his amendment.

Mr. HEWITT, of Alabama. In line 2061, I move to strike out "five" and insert "four."

The CHAIRMAN. The Clerk will report the amendment just offered by the gentleman from Alabama [Mr. HEWITT].

The Clerk proceeded to read the amendment as above stated.

Mr. HOLMAN. Mr. Chairman, I now move, according to the agreement, that the committee rise.

The CHAIRMAN. As many as are in favor of the motion of the gentleman from Indiana [Mr. HOLMAN] will say ay. [After a pause.] The ayes seem to have it.

Several MEMBERS. "A division."

The CHAIRMAN. A division is called for.

Mr. BROWNE, of Indiana. Mr. Chairman, I submit that the committee must rise under the order of the House without a vote.

Mr. ELLIS. I would like to have that order read.

The CHAIRMAN. As many as are in favor of the motion of the gentleman from Indiana [Mr. HOLMAN] will rise and be counted.

Mr. HAMMOND (during the vote). I rise to a point of order. Before the present occupant of the chair came in unanimous consent was given that at five minutes before 11 o'clock the committee should rise.

Mr. BROWNE, of Indiana. The committee should now rise, in accordance with the order of the House.

The CHAIRMAN (Mr. MCMILLIN). The present occupant of the chair has no knowledge of the matter referred to; but if the statement of the gentleman from Georgia be correct the point of order is well taken.

Mr. ELLIS. Let the order be read.

The CHAIRMAN. The Clerk will read the order of the House.

Mr. KEIFER. The vote now being taken will settle the question.

The Clerk read as follows:

Mr. HOLMAN moved to go into Committee of the Whole on the state of the Union to consider general appropriation bills, pending which,

On motion of Mr. HOLMAN, by unanimous consent it was ordered that said committee rise at five minutes to 11 o'clock, and that the House shall then adjourn.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken; and the hour having arrived for the committee to rise, the House will resume its session.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. BLACKBURN] having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. BROWNE, of Indiana. Mr. Speaker, by order of the House as I understand, and I make the question of order——

The SPEAKER *pro tempore*. The gentleman from Indiana moves that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 58 minutes a. m., Monday, February 16) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of the Legislature of Pennsylvania, in favor of such bills as will reimburse that State for interest paid on moneys expended during the late war—to the Committee on Claims.

By Mr. BELMONT: Four petitions of citizens of Long Island and New York, N. Y., asking legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania, asking that the States may be reimbursed for all sums by them expended in defense of the United States—to the same committee.

By Mr. BLANCHARD: Papers relating to the claim of Clara H. Flower, of Rapides Parish, La.—to the Committee on War Claims.

By Mr. BRAINERD: Joint resolution of the Legislature of Pennsylvania (approved by the governor), requesting the representatives in Congress from Pennsylvania to secure the passage of House bill 2463—to the Committee on Claims.

By Mr. BRENTS: Memorial from the city council of Olympia, Wash., asking an appropriation for improving the harbor of that city—to the Committee on Rivers and Harbors.

Also, memorial of citizens of East Washington Territory and Oregon, asking an appropriation for the improvement of the Columbia River—to the same committee.

By Mr. W. W. BROWN: Resolution of the Legislature of Pennsylvania, requesting Senators and Members of Congress from that State to support the bill restoring direct tax to the several States entitled thereto, as provided by Senate bill 2000—to the Committee on Claims.

By Mr. COLLINS: Petition of Pratt & Co. and 28 other firms and business houses of Buffalo, N. Y., in favor of the passage of the bill to establish a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. G. R. DAVIS: Petition of George Scoville, of Chicago, Ill., recommended by circuit and district judges of the United States and judges of the several courts of Illinois, for compensation in making defense in the Guiteau trial—to the Committee on Appropriations.

By Mr. EVANS: Resolutions of the Legislature of Pennsylvania, in favor of such bills as will reimburse that State for interest paid on moneys expended during the late war—to the Committee on Claims.

By Mr. FIEDLER: Petition of William W. Broadhead, J. N. McCracken, Horace Carter, and about 200 others, citizens of New Jersey, requesting legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. FOLLETT: Petition of citizens of Cincinnati, Ohio, for the passage of a law to suppress Mormonism—to the same committee.

By Mr. FORNEY: Papers relating to the claims of Rhoda Ewing and of James Pinkston, of Cherokee County, Alabama—to the Committee on War Claims.

By Mr. GARRISON (by request): Petition for a monument to Richard Henry Lee, of Virginia—to the Committee on the Library.

Also, petition of Mrs. Elise Marsteller, of Prince William County, Virginia, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition for an appropriation of $25,000, for a light-house on Old Plantation Shoals, Northampton County, Virginia—to the Committee on Appropriations.

By Mr. GIBSON: Petition of John Waldron, of Huntington, W. Va., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GUENTHER: Joint resolution of the Legislature of the State of Wisconsin, in relation to increasing the pension of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

Also, petition of John Roes Post, No. 113, Grand Army of the Republic, of Monticello, Wis., praying for the purchase of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HOLMES: Petition from James C. Taylor Post, No. 165, Grand Army of the Republic, of Algona, Iowa, praying Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the same committee.

By Mr. HOPKINS: Resolution of the Legislature of the State of Pennsylvania, in favor of the passage of a bill to reimburse certain States for moneys advanced to the United States and interest thereon—to the Committee on Claims.

By Mr. HOUSEMAN: Petition from C. J. Bassett Post, No. 56, Grand Army of the Republic, of Allegan, Mich., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. JEFFORDS: Petition of Thomas L. Humphreys and L. C. Hors, asking that their claims may be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAWRENCE: Petition of Rev. W. G. Stewart and others, citizens of Rochester and Freedom, Pa., praying for early additional legislation against the evil of Mormonism—to the Committee on the Judiciary.

By Mr. McCOMAS: Petitions of Thomas Trundle and Thomas R. Mitchell, of the State of Maryland, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. McMILLIN: Petition of John Chapman, asking compensation for work and labor performed for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANZANARES: Twelve petitions of citizens of the Territory of New Mexico, for a session of the Legislature—to the Committee on Territories.

By Mr. MATSON: Petition of P. C. McIntosh and 22 others, citizens of Owen County, Indiana, for repeal of all laws limiting the arrears of pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MILLARD: Remonstrance of citizens of New York against the passage of the so-called "freedom of worship" bill—to the Committee on the Judiciary.

Also, petition of citizens of Binghamton, N. Y., asking legislation for the suppression of Mormonism—to the same committee.

By Mr. J. J. O'NEILL: Petition of exhibitors at the World's Exposition at New Orleans for additional aid from the Government—to the Committee on Appropriations.

By Mr. ROSECRANS: Petition of A. W. Hicks, praying for payment of amount due him for services and now unpaid—to the Committee on Claims.

By Mr. PATTON: Petition of 25 citizens of Brady's Bend, Pa., asking for the appropriation of $268,000 for the improvement of the Alleghany River and tributaries—to the Committee on Rivers and Harbors.

Also, petition of 105 citizens of Brookville, Pa., praying for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. PETTIBONE: Petition of G. W. Margraves, administrator of Abealom Robinson, deceased, of Claiborne County, Tennessee, asking reference of claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. OSSIAN RAY: Petition from John Sedgwick Post, No. 4, Grand Army of the Republic, of Keene, N. H., praying Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. SEYMOUR: Petition of Rev. R. P. H. Vail, of Stamford, Conn., and others, for action upon the Mormon question—to the Committee on the Judiciary.

By Mr. C. R. SKINNER: Petition of A. F. Barker and 26 others, of Clayton, N. Y., asking that the United States shall acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior, and make the same free of tolls—to the Committee on Rivers and Harbors.

Also, of R. G. Keyes and 36 others, of Watertown, N. Y., on the Mormon question—to the Committee on the Judiciary.

By Mr. A. HERR SMITH: Concurrent resolutions of the Legislature of Pennsylvania, asking Congress to reimburse the State for interest paid on money borrowed for the United States Government in 1861 and 1862—to the Committee on Claims.

Also, petition of 48 citizens of Lancaster County, Pennsylvania, remonstrating against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. H. Y. SMITH: Papers relating to the petition of Mary J. Dickson, for pension—to the Committee on Invalid Pensions.

By Mr. STEVENS: Petition of citizens of Attica, N. Y., asking action by Congress upon the so-called Mormon question—to the Committee on the Judiciary.

By Mr. STEPHENSON: Joint resolution of the Legislature of Wisconsin, asking Congress to pass the bill to increase the pensions of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

By Mr. C. A. SUMNER: Concurrent resolution of the Legislature of California, urging Congress to make an appropriation for a Signal Service station on Mount Tamalpais, near the Bay of San Francisco, in said State—to the Committee on Appropriations.

By Mr. VANCE: Petition of David Bradley and others, for aid to the Cotton Centennial Exposition—to the Committee on Appropriations.

By Mr. WADSWORTH: Petition of citizens of New York, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WARD: Petition of Johanna Schilling, praying for increase of widows' pensions—to the Committee on Pensions.

By Mr. WASHBURN: Petition of citizens and clergymen of Minneapolis, Minn., relative to the Mormon question—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of Jacob Glasanar, of Mazeppa, Wabash County, Minnesota, for a pension—to the Committee on Pensions.

By Mr. WOODWARD: Joint resolution of the Legislature of Wisconsin, asking Congress to pass the bill to increase the pensions of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

Also, petition from George H. Bell Post, No. 53, Grand Army of the Republic, Department of Wisconsin, urging purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of citizens of Ada, of Haddain, of Frankfort, and of Albion, Iowa.

By Mr. BEACH: Of citizens of Fremont Centre, of Summitville, of Haverstraw, and of Grahamsville, N. Y.

By Mr. BLAND: Of citizens of Dent, of Miller, and of Osage Counties, Missouri.

By Mr. BOUTELLE: Of A. L. Harman and others, citizens of Machiasport, Me.

By Mr. F. B. BREWER: Of citizens of Humphrey, Cattaraugus County, and of Ripley, N. Y.

By Mr. BURNES: Of numerous citizens of Buchanan County, of Saint Joseph, of Oregon, Holt County, and of Andrew County, Missouri.

By Mr. J. M. CAMPBELL: Of citizens of Saxton, Pa.

By Mr. CARLETON: Of W. H. Smith, S. B. Brown, and about 100 others, of Saint Clair; of John Allmard, Emanuel Mandel, and about 100 others, of Mount Clemens; of W. H. Pace, Albert Dove, and about 60 others, of Thornton; and of Charles Conat, A. M. Hodges, and about 100 others, of Memphis, Mich.

By Mr. CLEMENTS: Of citizens of Cherokee and Pickens Counties, Georgia.

By Mr. CONNOLLY: Of B. Wright and 45 others, citizens of Lackawanna County, and of C. D. Sanderson and 126 others, citizens of Dickson City, Lackawanna County, Pennsylvania.

By Mr. W. W. CULBERTSON: Of 250 citizens of Upper Tygart, Ky.; of 147 citizens of Pine Springs, Ky.

By Mr. CURTIN: Of citizens of Fleming, Centre County, and of Jefferson Line, Clearfield County, Pennsylvania.

By Mr. CUTCHEON: Of citizens of Oceana County, of Branch, Mason County, of Boyle, of Manton, of Free Soil, of Kalkaska County, and of Mason County, Michigan.

By Mr. DOCKERY: Of citizens of Mercer County, Missouri.

By Mr. GREEN: Of 65 citizens of Wilmington, N. C.

By Mr. GREENLEAF: Of C. R. Parsons, H. Brown, S. C. McGlocklin, and others, of Rochester, N. Y., and of O. D. Johnson, Nathan J. Austin, A. W. Wilbur, and others, of Brockport, N. Y.

Also, of Albert A. Tappen, John Quigley, David Sterns, and other citizens of Churchville, N. Y.

By Mr. GUENTHER: Of citizens of Omro, of Appleton, of Menasha, of Neenah, of Pilot Knob, and of Arlington, Wis.

By Mr. HALSELL: Of Wiley Griggan, B. B. Hawkins, J. W. Church, and others, citizens of Monroe, Warren, and Mecklenburg Counties, Kentucky.

By Mr. HANBACK: Of Henry Underwood and 40 others, of Pleasant Plains; of T. B. Dicker and 40 others, from Mankato; of John T. Burnes and 20 others, of Golden Belt; of Daniel Boughman and 50 others, of Shibboleth; of William McKinney and 50 others, of Lenora; of John Ruby and 20 others, of Siate; of O. F. Smith and 150 others, of Osborne, and of W. H. H. Reynolds and 20 others, of Custer and Stewart, Kans.

By Mr. D. B. HENDERSON: Of J. C. Adams and 134 others, citizens of La Porte City, Black Hawk County; of E. Johnson and 88 others, citizens of Shell Rock, Butler County, and of Z. T. Shaw and 9 others, citizens of Clarksville, Butler County, Iowa.

By Mr. T. J. HENDERSON: Of citizens of Dixon, Lee County, and of Princeton, Bureau County, Illinois.

By Mr. HILL: Of J. J. Whitacre and 29 others, of Wood County; of J. A. Gleason and 10 others, of Van Wert County; of Samuel Shisler and 20 others, of Oakwood; of J. F. Wilson and 136 others, of Van Wert County; of Henry Schmick and 100 others, citizens of Defiance County; of James P. Watson and 84 others, of Henry County; of William Shever and 205 others, of Holgate, Henry County; and of Alex. McConkey and 60 others, citizens of Farmer, Ohio.

By Mr. HOLMES: Of J. F. White and 79 others, citizens and ex-soldiers of South English, Keokuk County; of J. H. Ford and 75 others, citizens of Livermore; and of Eugene Coates and 63 others, ex-soldiers and citizens of Radcliffe, Iowa.

By Mr. HOUSEMAN: Of Abraham Wood and others, of Alto, Kent County, Michigan; of L. C. Gaver and 67 others, of Minneapolis, Minn.; of W. S. Pardee and 44 others, citizens of Allegan; of John Pennington and 44 others, citizens of Ionia County; of Miles Parks and 64 others, citizens of Smyrna, and of J. E. Weber and 64 others, citizens of Coopersville, Mich.

By Mr. JOHNSON: Of L. S. H. Higley and others, of Pottersville; of John C. Shaw and others, of Olmsteadville; of C. M. Peas and others, of Crown Point Centre, and of Harvey Robbins and others, of Horican, N. Y.

By Mr. KEIFER: Of D. F. McKinnon and 39 others, of Logansville, Ohio.

Also, of Henry C. Laybourn and 41 others, of Lagonda, Clarke County, Ohio.

By Mr. KLEINER: Of ex-soldiers of Folsomville, Ind.

By Mr. McCOID: Of citizens of Louisa, of Jefferson, and of Lee Counties, Iowa.

By Mr. McCORMICK: Of 267 citizens of Jackson County, Ohio.

Also, of 65 citizens of Gallia County; of 81 citizens of Hocking County, of 73 citizens of Scioto County, and of 137 citizens of Gallia County, Ohio.

By Mr. MANZANARES: Of citizens of Deming, Albuquerque, and of Santa Fé, N. Mex.

By Mr. MATSON: Of David Steers and 61 others, citizens of Hendricks County; of H. Axom and 62 others, citizens of Brown County, and of James T. Knowland and 59 others, citizens of Bartholomew County, Indiana.

By Mr. MILLIKEN: Of citizens of Winthrop, of Norway, of Livermore, and of Monmouth, Me.

By Mr. MORGAN: Of 150 citizens of Nevada, of J. W. Gardner and 30 others, citizens of Osceola, and of citizens of Rich Hill, Mo.

By Mr. MORRILL: Of J. G. Doane and 143 others, of Leavenworth; of William Folger and 333 others, of Sabetha; of A. A. Holmes and 229 others, of Hiawatha; of M. A. Quigley and 24 others, of Robinson; of H. Hilbert and 40 others, of Corning, and of H. P. Woodward and 62 others, of Wamego, Kans.

By Mr. MORSE: Of 32 citizens of Boston, of citizens of Cochitnate, Middlesex County, and of Hudson, Middlesex County, Massachusetts.

By Mr. MOULTON: Of 100 citizens of Irving, and of 200 citizens of Bethany, Ill.

By Mr. MURPHY: Of J. B. Morgan and 99 others, of Davenport; of William Paul and 30 others, of Onslow, and of John W. Weaver and 80 others, of Wilton, Iowa.

By Mr. NEECE: Of citizens of Mercer, of Hancock, and of Rock Island Counties, Illinois.

By Mr. NELSON: Of citizens of Mille Lac, of Otter Tail, of Crow Wing, and of Stearns Counties, Minnesota.

By Mr. PAIGE: Of Robert S. Jackson and others, of Pleasant Home, Wayne County, Ohio.

By Mr. PATTON: Of 23 citizens of Worthington, of 103 citizens of Cookport, of 42 citizens of Goheenville, of 63 citizens of Blanket Hill, of 17 citizens of Putneyville, of 8 citizens of Manorville, Armstrong County; of 63 citizens of Reedsburg, of 63 citizens of Brookville, of 90 citizens of Fairmount City, Clarion County, and of 68 citizens of Indiana County, Pennsylvania.

By Mr. PETERS: Of J. S. Richardson and 18 others, ex-soldiers of Rush, of J. K. Baird and 60 ex-soldiers of Ness, of 173 ex-soldiers, of 71 ex-soldiers, and of 119 ex-soldiers of Harvey County; and of citizens of Edwards Counties, Kansas.

By Mr. POLAND: Of C. A. Kittridge and others, of Walden; of R. E. Edsin and 91 others, of Andover; of John A. Wheeler and others, of Irasburg, and of David H. Hudson and others, of East Haven, Vt.

By Mr. PRICE: Of William M. Shepard and 103 others, of El Paso; of J. B. Towers and others, of Saint Croix Falls; of Clark W. Brown and 25 others, of Ellsworth; of James Cameron and 56 others, of Clark County, and of James T. Austin and 59 others, of Melrose, Wis.

By Mr. PUSEY: Of citizens of Crawford, of Mills, and of Montgomery Counties, Iowa.

By Mr. G. W. RAY: Of citizens of South New Berlin, and of Cannonsville, Delaware County, N. Y.

By Mr. RIGGS: Of Richard Arnold and 122 others, of Ashland, Ill.

By Mr. RYAN: Of citizens of Cowley, of McPherson, of Barton, of Chautauqua, of Shawnee, of Sumner, of Osage, of Pawnee, of Reno, of Rice, of Butler, and of Wabaunsee Counties, Kansas.

By Mr. C. R. SKINNER: Of 71 citizens of Dolgeville; of James W. W. Thompson and 50 others, citizens of Clayton, and of James W. Van Slyke and 50 others, citizens of Antwerp, N. Y.

By Mr. H. Y. SMITH: Of 30 citizens, of Dallas Centre, Dallas County, Iowa.

Also, of 77 citizens of Swan, Marion County, and of 54 citizens of Newbern, Marion County, Iowa.

By Mr. SPRINGER: Of citizens of Minier, Tazewell; of Edinburg, Christian, and of Stonington, Christian Counties, Illinois.

By Mr. STEELE: Of C. Harlan and 107 others, of Geneva, and of Jacob Young and 114 others, of Warren, Ind.

By Mr. STOCKSLAGER: Of James M. Duffin and 260 others, citizens of West Fork, Crawford County; of James L. Miller and 49 others, citizens of Galena, Floyd County; of W. J. Hardy and 53 others, citizens of Lexington, Scott County, and of John Jackson and 162 others, citizens of New Albany, Ind.

By Mr. STRAIT: Of Peter H. Gunn and 32 others, citizens of Benson, Swift County; of Jacob Ballyett and 45 others, citizens of Millersburg, Rice County; of Allen W. Clark and 18 others, citizens of Darrel, Meeker County; of F. P. Twitchell and 44 others, citizens of Appleton; of Frank Akers and 54 others, citizens of Watertown, and of D. P. R. Strang and 43 others, citizens of New London, Minn.

By Mr. STRUBLE: Of J. C. Rutheroff and 15 others, citizens of Woodbury County; of A. Laughlin and 66 others, citizens of Woodbury County; of D. W. Wood and 6 others, citizens of Plymouth County; of G. W. Johnson and 118 others, citizens of Sac County; of D. C. Chapman and 87 others, citizens of O'Brien County, and of J. C. Coleman and 28 others, citizens of Dickinson County, Iowa.

By Mr. E. B. TAYLOR: Of citizens of Chardon, of Hiram, of Garrettsville, and of Fullerton, Ohio.

By Mr. THOMAS: Of 68 citizens of Massac, of 27 citizens of Williamson County, of 80 citizens of Randolph, and of 63 citizens of Alexander Counties, Illinois.

By Mr. TOWNSHEND: Of 541 citizens of the nineteenth Congressional district of Illinois.

By Mr. WAIT: Of citizens of Putnam, of Danielsonville, and of Willimantic, Conn.

By Mr. WAKEFIELD: Of 44 citizens of Nobles County; of 20 citizens of Lyon County; of 79 citizens of Murray County; of 123 citizens of Nobles County, and of 28 citizens of Waseca County, Minnesota.

By Mr. A. J. WARNER: Of B. F. Stover and others, citizens and ex-soldiers of McConnellsville; of Theo. F. Davis and 63 others, citizens of Marietta; of John Wight and others, citizens of Athens, and of Samuel M. Graham and others, ex-soldiers, of Bloomington, Monroe County, Ohio.

By Mr. WEAVER: Of H. W. Gilbert and 127 others, citizens of Weeping Water, and of W. S. Allen and 69 others, citizens of Dawson, Nebr.

By Mr. MILO WHITE: Of 125 citizens of Chatfield, of Brownsdale, of Hokah, of Genoa, and of Mantorville, Minn.

By Mr. E. B. WINANS: Of James M. Logan, James W. Tobin, and 45 others, citizens and soldiers of Brighton; of Laban Sherd and 30 others, of Onondaga; of Frederick A. Stowe and 70 others, citizens of Fowler, and of Harvey Peak and 70 others, citizens of Davisburg, Mich.

By Mr. WOODWARD: Of 207 citizens of La Crosse, Sauk, Juneau, Monroe, and Richland Counties, Wisconsin.

By Mr. WORTHINGTON. Of Cyrus Johnson and 196 others, of Peoria County, and of C. E. Jordan and others, of Castleton, Ill.

By Mr. YAPLE: Of David Page and 43 others, citizens of Sturgis; of George Moak and 63 others, citizens of White Pigeon, and of George McGaffey and 39 others, citizens of Union, Mich.

SENATE.

SATURDAY, *February* 14, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Dakota, praying for the passage of the Mexican war pension bill; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of Emma M. Cahill, of Georgetown, D. C., praying compensation for damages to her property caused by public works in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL. I present a resolution of the Legislature of Pennsylvania, reciting that—

Whereas the act of Congress of July 27, 1861, and the joint declaratory resolution of March 3, 1862, provided for the reimbursement of the States for all sums by them expended in defense of the United States.

And favoring the passage of a bill authorizing the settlement of the claims of States under such laws. I do not know to what committee this resolution should be referred.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Pennsylvania that the paper he has presented is only a print, a copy. If there be no objection, the paper will be received.

Mr. MITCHELL. It was forwarded to me from the governor's office, and I suppose that it was printed there.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and referred to the Committee on Military Affairs.

Mr. PENDLETON presented petitions of the Journal and Messenger, of Cincinnati, Ohio; the Republican, of Findlay, Ohio, and the Manchester (Ohio) Signal, praying for the reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John G. Thompson, late Sergeant-at-Arms of the House of Representatives, praying an appropriation for the payment of a judgment rendered against him in the supreme court of the District of Columbia; which was referred to the Committee on Claims.

Mr. PENDLETON. I present the petition of Patrick E. Murphy, the publisher of a paper called the Little Crusader, in Columbus, Ohio, praying that Sunday-school publications be transmitted free through the mail, or if not that they be carried through the mails at a reduced rate. I move that it be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SAWYER presented a joint resolution of the Legislature of Wisconsin; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Joint resolution in relation to increasing the pensions of one-armed and one-legged Union soldiers.

Whereas there is now pending before Congress H. R. No. 7168, a bill relating to the increase of pensions to one-armed and one-legged Union soldiers: Therefore,

Resolved by the senate (the assembly concurring), That our Senators and Representatives in Congress are hereby requested to use their utmost influence in aiding the passage of said bill.

Further resolved, That his excellency the governor be, and is hereby, requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

SAM. S. FIFIELD,
President of the Senate.
HIRAM. O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 9th day of February, in the year of our Lord 1885.

[SEAL.] ERNST G. TIMME,
Secretary of State.

Mr. MAHONE presented a petition of citizens of Richmond, Va., in favor of the passage of the contract-labor bill now pending in the Senate; which was ordered to lie on the table.

Mr. CALL presented the petition of T. D. Keleher, formerly an employé of the Senate, praying pay for services performed by him as messenger from December 5, 1881, to March 1, 1882; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORTS OF COMMITTEES.

Mr. HALE. By direction of the Committee on Appropriations, I report back with sundry amendments the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HALE. I wish to say in presenting the report that this is the last appropriation bill sent by the House of Representatives to this body and by this body referred to the Committee on Appropriations. The docket of the committee is now clear, and it awaits business from the House of Representatives.

Mr. MILLER, of California. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy, to report it without amendment; and I ask for its present consideration.

Mr. INGALLS. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. I beg at this time to report a concurrent resolution from the Committee on Printing, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution from the Committee on Printing will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HAWLEY. I will put upon record a statement of the cost. The resolution looks formidable, but it only provides for printing the usual annual report of the Academy of Sciences which the Government requires to be made, and the total cost of all these numbers will be but $1,663.

The resolution was agreed to.

RAILWAY MAIL SERVICE.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the letter from the Postmaster-General dated January 20, 1885, and the accompanying documentary history of the railway mail service from its origin to the present time, be printed.

BILLS INTRODUCED.

Mr. GARLAND. At the request of the Senator from Indiana [Mr. VOORHEES], who is detained from the Senate to-day, I ask leave to introduce a bill.

The bill (S. 2640) for the relief of the Greensburg Limestone Company, W. W. Lowe & Co., and John L. Scanlon, was read twice by its title, and referred to the Committee on Claims.

Mr. PENDLETON introduced a bill (S. 2641) to authorize the several district courts to fill vacancies in the office of register in bankruptcy; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a joint resolution (S. R. 124) to provide for printing the annual reports of the United States Fish Commission; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLAIR introduced a bill (S. 2642) granting lands to aid in the establishment of an endowment for savings, to promote thrift, and to assist the people to preserve themselves from sinking into, or remaining in, the dangerous and degraded hand-to-mouth condition of absolute and direct dependence upon current wages; which was read twice by its title.

Mr. BLAIR. I introduce the bill by request, without having perused it. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. WILSON submitted an amendment intended to be proposed by him to the river and harbor bill; which, with the accompanying letter from the Secretary of War, was referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE submitted two amendments intended to be proposed by him to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSIDERATION OF HOUSE BILLS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the notice and the resolution offered by the Senator from Tennessee [Mr. HARRIS] yesterday. The notice and the resolution will be read.

The Chief Clerk read as follows:

I give notice that on to-morrow I will move to suspend during the remainder of the present session of the Senate that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock;" and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

Resolved, That that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock" be suspended during the remainder of the present session of the Senate; and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. ALLISON. I move to amend the resolution by adding the words of which I gave notice yesterday.

The PRESIDENT *pro tempore*. The Senator from Iowa proposes an amendment, which will be read.

The CHIEF CLERK. Add to the resolution:

Provided, That the pending order, Senate bill No. 1886, shall not be interfered with.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

SAINT MARY'S FALLS CANAL LOCK.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any estimates have been made for a new lock at the Saint Mary's Falls Canal, in the State of Michigan, in accordance with the recommendation of Col. O. M. Poe, referred to in the letter of the War Department, contained in House Executive Document No. 102, Forty-eighth Congress, second session, and, if so, to forward the same to the Senate. And if no such estimates have been made the Secretary of War is hereby directed to prepare and send to the Senate, with as little delay as possible, an approximate estimate of the cost of said new lock.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8090) granting a pension to Albert Harper;
A bill (H. R. 8136) for the relief of Addison M. Copen;
A bill (H. R. 6782) granting a pension to Susan Woolley;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7612) granting a pension to Nicholas Witham;
A bill (H. R. 8082) granting a pension to Lina J. Stearns;
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 7810) granting a pension to Rosanna Riley;
A bill (H. R. 2068) granting a pension to James H. Reid;
A bill (H. R. 7718) restoring John P. Snyder to the pension-roll;
A bill (H. R. 7077) to remove the disabilities of John K. Mitchell, of Virginia;
A bill (H. R. 7078) to remove the disabilities of John L. Cowardin;
A bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina; and
A bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

The message also announced that the House had passed the following bills:

A bill (S. 1546) granting a pension to Orin R. McDaniel;
A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;
A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;
A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;
A bill (S. 2398) granting a pension to Cyrus Reeser;
A bill (S. 150) granting a pension to Sarah Denny Ripley;
A bill (S. 2034) to remove the political disabilities of Alfred Iverson; and
A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 2549) granting a pension to Isabella Higgins;
A bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and
A bill (S. 1571) granting a pension to James McCallen.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6816) for the relief of Nathan J. Sharp.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts, and United States post-office, internal-revenue office, and other Government offices at Erie, Pa.," and making an additional appropriation therefor; and it was thereupon signed by the President *pro tempore*.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII, commencing with Order of Business 396, being Senate bill 1886.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Alabama [Mr. MORGAN] to indefinitely postpone the bill. The Senator from New York [Mr. LAPHAM] is entitled to the floor.

Mr. LAPHAM. Mr. President, when I was taken off the floor by the expiration of the morning hour yesterday, I had referred to the early history of the grant of lands in Iowa and the confirmation by the resolution of 1861 and the act of 1862 of the title of the purchasers from the Des Moines River Navigation Company who had become the grantees from the State. I had also shown that the great mass of the settlers, claimed to be occupying these lands under the homestead and pre-emption laws of the Government, entered into their occupancy after the passage of both the acts of confirmation. There are a very few settlers, I am informed, who entered into the occupancy of the land after the grant of 1846 and after the lands had been certified to the State of Iowa by the officers of the Government but before the passage of the confirmatory resolution of 1861 and the act of 1862. I shall have occasion before I conclude to call the attention of the Senate to the case of one of the very earliest of these settlers and to show the condition of his title as against the grantees of the Des Moines River Navigation Company.

I was considering yesterday at the close of what I said the question of the condition of these lands in the possession of settlers in the Des Moines Valley. They are by no manner of means the thrifty and enterprising population so eloquently described by the honorable Senator from Iowa. They cultivate their farms very indifferently. The purchasers under the river grant have been paying the taxes since 1861; the settlers pay no taxes. When General Martindale, whose case I mentioned yesterday, went to one of the occupants of a portion of the land which had been conveyed to him, he entered into a contract with him for the sale of the lot at a reasonable price. The occupant then said to General Martindale: "I have no means with which to cultivate this land, and I want you to make me a loan of $150 to enable me to get a team and needed farming implements." The General very kindly and liberally made him the loan of $150 and entered into a contract with him for the purchase of the property. In less than three years that man joined the settlers' union, as it is called, the organization to which I shall refer by and by, and he has never refunded the money or paid a farthing upon his contract, and remains in possession to this day. He has repudiated his obligations. That, under the inspiration of this organization, is the character mainly of the occupants of those lands in that part of the State.

Now, Mr. President, it is as pertinent here perhaps as at any other stage of my remarks to ask a question and to answer it: Who are asking for this legislation at the hands of Congress? Who has petitioned for the passage of this bill or any similar bill? I am unable to find upon the files of the Senate any memorials in its favor; I am unable to find that any considerable number of the citizens of Iowa have ever asked for the passage of this bill. I do find, however, that one citizen of Iowa whose title has been tried in the Supreme Court, and held by that court to be invalid and ineffectual against the right of the purchaser under the Des Moines River grant, has sent his memorial here, and it is the only one of which I have heard. In that memorial addressed to this body he uses this language:

I believe you, knowing, as you do, this to be one of the most wicked, infernal steals ever accomplished by men calling themselves honorable and honest, yet in crime far in excess of the petty thief now in prison, where they lodged myself for attempting to defend my property, solemnly guaranteed to me by the rightful authority of our Government, and the greatest and most conspicuous criminal in the whole transaction is your present chairman, D. Davis, whose throne is darkness, whose crime is death, and whose home is hell; who,

after committing the crime of corruption and robbery of the citizens' rights on the bench, he resigns in face of threats of impeachment, and worms himself into the Senate, where he is awarded the chair for his corruption. Can you look up at the monster of iniquity in the chair of the Senate with a clear conscience? When the head is a mass of corruption, the whole body is affected.

This is a sample of the spirit which pervades the minds of these settlers upon the Des Moines River lands, and it is the only instance I have been able to find of any request or memorial in behalf of this legislation. On the contrary, I have looked into the papers and I find that the remonstrances against this legislation are very earnest and very numerous. I desire to call the attention of the Senate briefly to the memorials which were presented in the Senate by my predecessor, Senator Conkling, and by the honorable Senator Kernan, in January, 1879, which, on the 13th of March, 1882, I asked to have taken from the files of the Senate and referred to the committee having this bill in charge. That was done.

The signers of these memorials state that they own, or represent owners to whom they have sold with warranty of title, over three-fourths of the 213,000 acres of land which the State of Iowa sold and conveyed to the Des Moines Navigation Company in 1858, and which Congress granted and confirmed to them by joint resolution of March 2, 1861; that their titles are good, and this the United States Supreme Court has repeatedly decided; that they have paid full value for said lands, and large sums for State and county taxes from 1861 to date; that the United States has no title or interest in said lands, legal or equitable, and this has been repeatedly decided by the United States Supreme Court.

They allege that the proposed legislation would unsettle titles, and not quiet them; would violate the right of private property, and make unjust discriminations against the memorialists as non-residents of Iowa, and in favor of residents of that State. They, therefore, petition that the proposed legislation be so amended, if it is to be considered at all, that their titles shall be specially and distinctly excepted from the operation of the bill.

This remonstrance is signed by a large number of people residing in the State of New York, the central portion of the State, by citizens of Minneapolis in Minnesota, by citizens of Boston, by citizens of Michigan, and it is stated that there are other owners of these lands than those who have signed this remonstrance, living in Massachusetts, in Ohio, and in Michigan. Here is a memorial or remonstrance largely signed, and, as I have said, assigning the reasons why this legislation should not be granted. I have numerous memorials which I myself have presented and which my colleague has presented to the Senate against the passage of this bill, and now I come to the consideration of a protest to the terms of which I earnestly and respectfully invite the attention of every member of this body.

The remonstrance was presented by the honorable Senator from Iowa [Mr. ALLISON] on the 15th of February, 1884. It is signed by one hundred and four settlers and owners of the Des Moines River lands in the State of Iowa, and I repeat I beg to invite the attentive consideration of the members of the Senate to the statements which they make:

The undersigned respectfully state that they are residents upon and owners of land in the State of Iowa which are their "homesteads" under the laws of Iowa, and which are either a part of the "river grant," or else are parts of an even section within its limits.

That the lands of the undersigned, which are part of the "river grant," were conveyed by the State of Iowa in 1858 to the Des Moines Navigation Company, that the grantees thereof have paid full value for the same, and the taxes thereon for many years, and their title to the same is good and has been established by repeated decisions of the Supreme Court of the United States, all of which have been reaffirmed by said court in the month of November last.

We respectfully protest against the passage of any act of Congress directing that any of the undersigned, who are such grantees, shall be sued by and in the name of the United States for the purpose of clouding or destroying said title, as an act of oppression, interfering with the rights of property guaranteed by the Constitution of the United States.

We respectfully protest against the passage by the Senate of Senate bill 559, entitled "An act to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

And we respectfully state that the property of the undersigned and all the property within the limits of said "river grant," both odd and even sections, has been greatly injured by the repeated agitation in Congress of the title to the land in the said "river grant;" that such agitation prevents the investment in and improvement of such lands by thrifty and industrious farmers, and that the proposed law, if passed, would act as a blight upon the whole district within five miles of the Des Moines River.

Mr. President, this is the state of the case so far as we have any expression sent here designed to influence the action of Congress, and it ought, it seems to me, to invite the careful attention of Senators to the consideration of this bill before they entertain the idea of its passage into a law.

I submit with great confidence to the Senate that Congress has no constitutional power over the lands to which this bill relates—I mean to that portion of the lands which were embraced in the grant to the Des Moines River Navigation Company. If they can be excepted from the operation of this bill, that is all I ask. The owners of these lands have done no wrong to settlers of the United States, and they ought not to be sued by the Government of the United States. If the United States has any right of action or any cause of action it can maintain it without the aid of this bill. The remedy of the Government is perfect if the Government has a claim; and if, as I say, and as the Supreme Court has repeatedly decided, the Government is divested of all its title, Congress can not confer upon the Government any right in respect to it. That doctrine has been so repeatedly decided that it would be useless to refer to the authorities sustaining it. Indeed, the honorable Senator from Iowa [Mr. WILSON] conceded that so far as there were vested rights this bill could not be allowed to interfere with them, and when he made that concession he conceded away the entire case so far as concerns the title of those whom I represent.

If the settlers have any ground of complaint it is against the United States whose officers at one time encouraged them to go upon these lands when in fact they had become private property. If the United States will indemnify these settlers, the owners of these lands have no objection to that. I have no objection to that. I stated yesterday that Congress authorized an investigation in 1873 for the express purpose of making provision for the payment to these occupants of all the damages to which they had been subjected or to allow them substituted lands in the place of those which they were unlawfully occupying. It was contemplated at that time to ask of Congress that Congress should give relief to these individuals, and that relief would unquestionably have been obtained if the remedy had been pursued; but in an evil hour these settlers were induced to enter into a combination for the purpose of resisting the claims of the non-resident owners of these lands and to abandon all effort on their part to obtain relief at the hands of Congress. If anybody has a right to complain in respect to these lands, it is those who in good faith purchased them of the grantees of the State of Iowa, acquired the legal title, and have been disturbed and hindered in their assertion of their rights more or less from that day to the present.

Those who ask this bill in the name of the settlers know and long have known that these lands were private property. They knew when they settled upon them that they were private property and they have no right or title to them by reason of their settlement. The only object and effect of this bill is to enable them to keep unlawful possession of these lands against the rightful owners, to take the avails of the crops, and to expend those avails in payment of the agents and designing men who are instigating them to the acts of violence to which I shall presently refer.

Before doing that, however, it is proper that I should call the attention of the Senate to the bill itself and to its provisions. First, the bill provides that it is believed to be the true intent and meaning of the act of Congress approved March 3, 1871, entitled "An act confirming titles to certain lands," to ratify and confirm the adjustment and settlement of 1866 therein referred to, and the titles of the lands claimed, allowed, set apart, and received thereby and thereunder as a full, complete, and final adjustment and satisfaction of all right and claim of the State of Iowa and its grantees under the joint resolution of Congress passed March 2, 1861, entitled "A joint resolution to quiet title to lands in the State of Iowa," and the act of Congress approved July 12, 1862, entitled "An act confirming a land claim of the State of Iowa, and for other purposes." I believe that myself, but then the section provides that all lands—

For which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States.

Why are they public lands? The purchasers who own them were not parties to the arrangement and are in no manner bound by it.

We have nothing to do with that question. A portion of the persons who were thus provided for accepted the indemnity, but those who are now there and struggling against the true owners refused to accept the substituted lands which were at one time provided, and all these settlers could have availed themselves of that remedy if they had been properly advised. Now comes a qualification to this recital to which there can be no objection, except it is limited to cases where there is no contest and settles nothing. It is the first proviso, as follows:

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid.

That decides nothing whatever. That leaves every controversy between these settlers and the owners of the fee of the land open and undisturbed. But then comes a further proviso:

Provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding one hundred and sixty acres, are hereby confirmed and made valid in them, their heirs or their proper assigns; and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent.

In other words, this bill, if passed, provides that where a purchaser from the State of Iowa is the owner of a quarter-section of land, and a settler is in possession of it under claim that he entered under the homestead or pre-emption laws prior to January 1, 1880, that title is to be confirmed to the settler and he is to be entitled to a patent, directly in the face of every decision which the courts of Iowa and the Supreme Court of the United States have made upon this subject. Then this bill provides that the Attorney-General within sixty days after the passage of this act shall commence a suit or suits either in law or equity for the purpose of asserting the title to these lands.

Now let us consider what this remedy would be if this bill should

pass. There will have to be just as many actions brought as there are several occupants. No two settlers can be united in an action, for the declaration would be demurrable. There will have to be just as many actions, I repeat, as would have to be brought now to settle these questions. Every man in possession of these lands now may bring an action to determine the question between him and the owners of the fee. The Attorney-General could do nothing more if this bill were passed. What is it then? It is a bill to authorize the United States at the expense of the public Treasury to go into the courts of the United States and try a question of private title. It is nothing more, it is nothing less; it is just that; and that is the obnoxious feature of this measure. So far from being a bill as indicated in the title to quiet the title of settlers on the Des Moines lands of Iowa, it is a bill to perpetuate controversy in regard to those lands.

The Supreme Court of the United States in every possible form has decided this question. There are ten decisions of that court. There are a number of decisions of the courts of Iowa to the same effect. Every possible legal question which can arise in this case has been already decided, and the question of title is as quiet as the law can possibly make it. The question of title is entirely quiet except as against a class of men who are there now resisting the process of law. It is only a few years since that one of them was fined by a court of Iowa $500 for contempt in resisting its process, and yet the fine was paid by the settlers' union, and in less than thirty days he was back in possession of the land again and is there to this day.

These settlers occupy very much the same position that the anti-renters in the State of New York occupied more than a quarter of a century ago. They undertook to resist the lawful title to the lands of which they were in possession. They gained for a time a strong hold upon the local popular sentiment. They elected judges, and the judges became corrupt; they elected sheriffs, and the sheriffs became venal; they carried the local elections, and the system ran riot for a time, until by its own weight it fell to the ground and the lawful titles prevailed, and we have had peace in the State ever since. Just so it will be in the State of Iowa if the disturbing element of this bill is not thrust in there. These contestants of the true title are now, to use a familiar phrase, on "their last legs." They have nothing on which to hang a hope unless they can gain something in the shape of this bill under which they may attempt another delusive and obviously fruitless litigation in respect to this property.

Why, Mr. President, the declaration in the first section of this bill, "That all the lands * * * for which indemnity lands were selected and received by the State of Iowa as provided in the act of 1862 are, and are hereby declared to be, public lands of the United States," is a *brutum fulmen*. If Congress has parted with the title to these lands, our declaration that they are public lands will be of no avail. It reminds me of the colloquy between a father and his son of which I once heard. He asked the boy, "John, suppose I call that calf's tail a leg, how many legs would the calf have?" "Why, five," said the boy. "Oh, no, my son, you are greatly mistaken." "Why yes, father; he has four legs now, and if we call the tail a leg, that will make five, won't it?" "No, my boy; don't you understand that calling the calf's tail a leg don't make it a leg?" So, Mr. President in this bill, calling these lands public lands can not make them public lands. The Government's title has been fully divested by three several and solemn acts of Congress, or two acts of Congress and one joint resolution. The Supreme Court of the United States, in numerous cases, has decided that there is a perfect title in these purchasers. Now what avail is it to declare that they are nevertheless public lands? Whoever drew this bill must have been a very poor lawyer, or else a designing trickster.

This is not the case of the forfeiture of a grant like the bills for the forfeiture of railroad lands. There is no phase of that kind in it. This is not a recalling by the Government of title which has been divested upon some condition which has failed. That is not a feature of this bill. This is a bill, leaving everything as it now is as to the legal title, which proposes simply to declare that a portion of these lands are public lands. So the sop that is thrown out in the bill declaring that the undisputed titles of those who have purchased under the grant of the State of Iowa are hereby confirmed is delusive. We do not ask Congress to confirm our grants; the Supreme Court has confirmed our grants. It was a judicial question between us and these settlers who held the legal title. It is not a legislative question; it is not a question which belonged to the Committee on Public Lands. It is a question which belonged to the Judiciary Committee of this body, to whom it was committed in the Forty-sixth Congress, and who unanimously decided that no such relief as is proposed by this bill could be obtained, and who recommended the indefinite postponement of the consideration of this bill. We do not ask Congress to pass a law confirming our title; we have got a better title than Congress can give now, because Congress has by legislative power divested the United States of all title to these lands, and we having purchased them, our title is better than any which Congress can give, and would not be aided by any declaration of Congress.

So the declaration of this bill that the lands for which indemnity was received by the State of Iowa are public lands, although a matter with which we have nothing to do, really is a delusive and utterly ineffectual declaration. We were not parties to that arrangement. In the case of Baker *vs.* Williams, 17 Wall., 144, Mr. Harvey, who was the agent of the State, testified that neither the Navigation Company nor any of its grantees were notified of or took any part whatever in said adjustment. So far as the lands for which indemnity was provided are owned by purchasers, this declaration is false and misleading. It was not for them the indemnity was offered, but for the settlers who had acquired no title.

Why, Mr. President, I repeat the question, at this distance of time, should the authority of the Government of the United States and the proceeds of the Treasury of the United States be thrust into this contest against these purchasers for value from the State of Iowa? Why should they be subjected to this unequal contest? The bill concedes that the Government could maintain no action, because it provides that the claims of settlers shall be united in a suit by the Attorney-General for the purpose of determining the question. In other words, the settler to whom the court is now open, the settler who can now go into court and try the question in all its aspects, is to have as a sort of annex to him the Attorney-General and the Treasury of the United States. They will walk into court arm in arm with the money-bags of the Treasury in their hands and attempt to overawe honest purchasers and owners and to subject them to an unequal contest. They will point to this false recital that those are public lands as their foothold in the controversy.

Now, who is in favor of giving this advantage to these persons who went upon the land, as I have already shown, after the title had passed to us and who can not be considered *bona fide* settlers? Certainly these settlers should not receive encouragement in the way of the facilities for litigation which are proposed by this bill. They should not for the reason, as I have said, that they went into possession knowing that the title had passed from the Government. They know also, if they know anything and are correctly advised, and I shall soon show that they have been correctly advised, that the only result of this bill will be to keep up a state of lawlessness and disorder in the counties in which these lands lie. If they can continue to reap the fruits of these lands and pay no taxes, they can afford to protract the litigation for an indefinite period of time, especially if the main burden of the expenses is borne by the Treasury of the United States; and that is the only effect of this bill.

The joint resolution of March 2, 1861, is very brief and in these words:

Joint resolution to quiet title to lands in the State of Iowa.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

This is not a release for the benefit of *bona fide* settlers, as this report falsely states. It is a release for the purpose of protecting the *bona fide* purchasers from the State. It is not confined to those who are settlers, and the Supreme Court in all these cases has held that this release by this joint resolution removes all cloud upon the title in the hands of these purchasers and vests in them a perfect title to all these lands. It is a legislative grant, it vests title in these purchasers, and is complete in its terms; it divests the United States of all title. Those who are *bona fide* purchasers from the State of the lands are shown by the records of the State of Iowa. They are shown by the report of the governor to the General Land Office in 1862. It appeared by that report of Governor Lowe that all the lands improperly certified had been sold and conveyed to purchasers, namely: 57,919.23 acres to individuals and 213,492.79 acres to the Des Moines River Navigation Company. I have that portion of Governor Lowe's report here. That report is printed in full in the record in the Supreme Court of the case of Riley *vs.* Wells, one of the cases in which this question of title was determined.

In the case of John Stryker (of my State, who was one of these purchasers) *vs.* Polk County (22 Iowa Reports, 131), at the April term in 1867, the supreme court of Iowa decided this:

That Congress, in 1861, made not a new grant, but for the purpose of giving effect to and carrying out the construction placed upon the original act relinquished to the State, for the use of *bona fide* purchasers, all the interest which the United States still retained. * * * Plaintiff held under a deed from the State; the State claimed under the original grant, the lists being duly certified; he was a *bona fide* purchaser, and the title still retained by the United States was relinquished to the State for his use.

That is what the court of Iowa decided, in exact accordance with the decision of the Supreme Court of the United States. In 1871 the State of Iowa decided the case of Bellows *vs.* Todd, 34 Iowa Reports, page 18. Bellows claimed the land in contest, under Edwin C. and Electus B. Litchfield, who derived title through the Des Moines Navigation and Railroad Company. Todd claimed to have settled on the land in April, 1860, and he made a pre-emption entry 23d April, 1860, which he afterwards changed to a homestead entry, March 14, 1863, after this joint resolution of Congress. The judgment in the Iowa court in that case was in favor of Todd as a pre-emptor. At the trial among other things the plaintiff requested the court to instruct the jury as follows:

If the jury find from the evidence that the land in controversy was certified to the State of Iowa in 1853, under the act of August 8, 1846, and that the same had been conveyed by the State of Iowa to the Des Moines Navigation and Rail-

road Company, and by said company to plaintiff's grantors, and by them to the plaintiff in this action, then the plaintiff is entitled to recover.

If the jury find from the evidence that the lands were certified to the State of Iowa by the Secretary of the Interior under the act of August 8, 1846, then that certification was a reservation of the lands contained in such lists, and the same could not be entered under the pre-emption or homestead acts by the defendants.

The Iowa court declined to give these instructions. The case coming afterwards to the supreme court of the State, it held on appeal that the instructions prayed for ought to have been given, and the judgment below was reversed. This is a direct authority upon this question of title as between a homestead or pre-emption claimant and the purchaser under the Des Moines River grant. It was a prominent case decided in 1871.

The proposed bill declares valid all entries made up to January, 1880, nine years after this decision of the Iowa court.

The Secretary of the Interior, in December, 1868, and in February, 1869, in four cases decided that the title of the United States was by the joint resolution relinquished to the State, and therefore rejected the claims of pre-emption settlers, and none of the persons now in possession are clothed with any title from the Government; they have not received patents, and they can not obtain them in the present state of the law. They are mere squatters, without any semblance of right when the fact is found that they entered into possession after the title of the Government had been divested.

The case of Riley *vs.* Wells was a pre-emption case, Riley claiming under the pre-emption law a quarter-section. Wells held a title under the Des Moines River Navigation and Railroad Company. That case came to the Supreme Court of the United States. The case is not reported, and his honor Justice Nelson delivering the opinion, said:

'It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry, on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements and to make the entry under the pre-emption laws were acts in violation of law and void, as was also the issuing of the patent.

There is the case of the earliest settlement, with one exception, upon all these lands absolutely held by the Supreme Court to be of no avail whatever to the settler, although he had been allowed by the Land Department to prove up his claim and make in form a proper entry. Then we come to the case of George Crilly, which is a conclusive case upon this question. Crilly entered upon those lands in the year 1855. The majority report states his case, and shows that he was allowed by the proper officer of the Government to prove his claim and to take a patent for it. It is referred to in the report. My eye does not fall at this moment upon the statement in the report of the Commissioner of the Land Office which refers to Crilly's case, but he treated it as an exceptional case, and he allowed Crilly to prove up his claim and take a patent.

Mr. ALLISON. It is found on pages 13 and 14 of the report.

Mr. LAPHAM. Crilly claimed the southeast quarter of section 29, in township 89, in Iowa, under the pre-emption law. He got his patent in 1862, after the passage of the joint resolution. The tract containing this section had been sold by the navigation company to R. S. Burrows, of Albion, in the State of New York, who was a large purchaser of these lands. He filed a bill to set aside the patent of Crilly, thus presenting directly the issue whether there was any remaining power in the Government to grant patents to these lands.

In deciding the case at the December term, in 1872, Justice Davis said:

We have already decided that the Des Moines River lands were reserved from sale, and this reservation continued until Congress, by the joint resolution of 1861, released to the State, for the use of its grantees, the legal title still in the General Government, without any saving clause in behalf of settlers or those who might claim under the pre-emption laws of the United States.

They decided that the claim of Crilly, under a patent actually issued by the Government upon the settlement made in the year 1855, is absolutely void and can not prevail against the title of the purchaser under the river grant.

The grant to certain railroads in 1856 expressly excepted lands in the occupancy of settlers under the homestead laws. There was no such exception in the joint resolution of 1861.

In a case against Mr. Martindale, reported in 17 Wallace, there is an entire review of the legislation of Congress upon this subject, and Judge Miller, delivering the opinion in that case, concludes his opinion in this way:

This legislative history of the title of the State of Iowa, and of those to whom she had conveyed the lands certified to her by the Secretary of the Interior as part of the grant of 1846, including among her grantees the Des Moines Navigation and Railroad Company, needs no gloss or criticism to show that the title of the State and her grantees is perfect, unless impaired or defeated by some other and extrinsic matter which would have that effect.

By prior decisions he held that it had been settled—

That by the joint resolution of 1861 the title erroneously certified to the State, under the act of 1846, was validated and made good. * * * And we therefore reaffirm * * * that by the joint resolution of 1861 and the act of July 12, 1862, the State of Iowa did receive the title for the use of those to whom she had sold them as part of that grant (August 8, 1846), and for such other purposes as had become proper under that grant.

This is the state of the title as determined by the Supreme Court. This is the state of the title as determined by the report of the Judiciary Committee of this body made four years ago.

In this connection and as bearing on this point I now ask, as was suggested by the honorable Senator from Alabama in the opening of my remarks, that the views of the minority of the Committee on Public Lands, which truly and faithfully and fairly present the questions which arise on the bill, may at this time be read.

Mr. ALLISON. May I ask if the Senator from New York desires that the report should be read as part of his remarks?

Mr. LAPHAM. Yes, sir; the views of the minority, not the report proper.

Mr. ALLISON. I refer to the views of the minority.

Mr. LAPHAM. Except that the minority incorporated in their views the report of the Judiciary Committee made in the Forty-sixth Congress. That has been stated by the Senator from Alabama and by the Senator from Arkansas, and I do not ask to have that reread, but I ask to have it incorporated in printing the views of the minority as part of it.

Mr. ALLISON. Why would it not suit the convenience of the Senator to have it all printed in the RECORD?

Mr. LAPHAM. For the simple reason that the Senate I assume have not heard or listened to the view of the minority in regard to this case. They are appropriate at this time, in view of what I have stated as to the state of the law and the facts, to show that the views presented by the minority exactly fit this case and are conclusive against the passage of the bill. I hope the Senators present will attend to the statement of the views of the minority in regard to this question. They are much better than anything I could say upon the subject.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from New York asks that the views of the minority may be read by the Chief Clerk as a part of his remarks.

Mr. COCKRELL. Have they not been read once?

Mr. LAPHAM. No, sir; we did not get within two or three pages of them.

The PRESIDING OFFICER. The Chair hears no objection, and the views of the minority will be read.

Mr. ALLISON. Does it require unanimous consent?

The PRESIDING OFFICER. It requires unanimous consent to have them read by the Chief Clerk. The Senator can read them himself under the rule.

Mr. ALLISON. I do not object to having them read at the desk; I would relieve the Senator from New York as much as possible, as I know he is impaired by a cold, but I suggest to the Senator from New York that this matter might as well go into the RECORD without being read now. I think it would be more attentively considered in that form.

Mr. LAPHAM. I myself suggested that that portion of it which constitutes the report of the Judiciary Committee shall go in without being read, but the rest of it I wish to have read, or I shall read it myself, if any point is made.

Mr. ALLISON. I make no point. I hope the clerks will take note of the fact that the Senator from New York desires judicious omissions to be made.

The PRESIDING OFFICER. The clerks have observed the remarks of the Senator from New York and will be governed accordingly.

Mr. LAPHAM. I wish to have the report of the Judiciary Committee printed as part of the views of the minority, but it need not be read.

The PRESIDING OFFICER. The Chair so understands it, and the clerks so understand it.

The Chief Clerk read the views of the minority as indicated.

The views of the minority are as follows:

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on Public Lands, are of opinion that Congress has no jurisdiction over the lands described in the bill, for the reason that the title thereto has vested perfectly, and beyond the control of Congress, in the grantees who hold under the State of Iowa. We are of opinion that such title has been conclusively sustained both by the judgments of the courts of Iowa and of the Supreme Court of the United States, and that all further efforts to change these results by Congressional action are misleading to the persons interested, are calculated to excite false hopes among them, and to foster a state of feeling that has already induced them to resist the authority of the laws to a dangerous extent.

Many times this matter has been carefully considered by Congress and the courts. In 1861 the difficulty of the situation was so obvious that Congress sought to settle it, or else to escape from it, by making a final relinquishment of the lands in the Des Moines River grant to the State of Iowa, so that it might dispose of them in a just and equitable way. Acting upon that authority, the State disposed of the lands, and all the courts have held that titles acquired under this authority were perfect. If this action did not divest Congress of all power to affect the title to those lands by further legislation, then it seems impossible that Congress can ever so far dispose of the public domain as to vest a perfect title in a grantee or purchaser.

The history of this vexed question was carefully presented to the Senate in the report of the Committee on the Judiciary, made on the 21st February, 1881 (Report No. 890, Forty-sixth Congress, third session). No facts have been brought to the attention of the Committee on Public Lands which in any way change the findings of the Committee on the Judiciary.

Some intimations have been made that the cases, or some of them, decided in the Supreme Court of the United States, which state the law as it affects the titles to these lands, were in fact agreed cases in which some facts that might have influenced the decision were not put into the records. What those supposed facts

were has not been pointed out to the committee. This objection seems to be met by Baker *vs.* Williams, 15 Wall., 151. The cases cited in the report of the Committee on the Judiciary are based on the legislative history of this land grant, except as to the persons or lands that were, on the 21 March, 1861, included in the words found in the joint resolution of Congress of that date, namely, "which is now held by *bona fide* purchasers under the State of Iowa." No case could have been decided by any court upon the effect of this statute unless one of the parties had claimed under the description found in the words quoted. So that the meaning of this statute was necessarily discussed and settled in each of those cases. (See Des Moines Co. *vs.* Burr, 5 Wall., 669; Wolcott *vs.* Des Moines Co., 5 Wall., 681; Williams *vs.* Baker *et al.*, and Cedar Rapids R. R. Co. *vs.* Des Moines Co., 17 Wall., 144; Crilly *vs.* Burroughs, referred to, 17 Wall., 167; Homestead Co. *vs.* Valley R. R. Co., 17 Wall., 153; Dubuque and Sioux City R. R. *vs.* Des Moines Valley R. R., Ballard *vs.* Des Moines and Ft. Dodge R. R. Co., Northwestern Reports, volume 17, page 609.)

The report of the Committee on the Judiciary is as follows:

"[Senate Report No. 890, Forty-sixth Congress, third session.]

"Mr. GARLAND, from the Committee on the Judiciary, submitted the following report to accompany bill H. R. 1067:

"On the 8th of August, 1846, Congress granted certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River. The grant was of 'one equal moiety, in alternate sections, of the public lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated), in a strip five miles in width, on each side of said river, to be selected within said Territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.'

"Soon afterward a question arose as to the extent of the grant; whether it extended simply to the Raccoon Fork, or to the northern limit of the State, or to the source of the river in Minnesota. This doubt arose from the purpose of the grant, as it was stated in the body of the act, which was 'to improve the navigation of the river from its mouth to the Raccoon Fork.' Mr. Walker, then Secretary of the Treasury, as early as March 2, 1849, held that the grant extended on both sides of the river, from its source to its mouth, and following this decision the Commissioner of the General Land Office, by letter to the register and receiver of the land office at Iowa City, directed them to withhold from sale all lands situated in the odd-numbered sections within five miles on each side of the river above the Raccoon Fork.

"This construction was sustained by Mr. Johnson, the Attorney-General.

"Mr. Ewing, the Secretary of the Interior, reversed the decision of the Treasury Department, in a letter addressed to the Commissioner of the General Land Office, dated April 9, 1849, and held that the grant without an explanatory act of Congress terminated at the fork.

"His successor, Mr. Stuart, held a different opinion, and, in a letter to the Commissioner, dated October 29, 1851, said he was willing to recognize the claim of the State and to approve the selections made without prejudice to the rights, if any there were, of other parties, thus leaving the question as to the proper construction of the grant entirely open to the judiciary.

"Attorney-General Crittenden, to whom Secretary Stuart had referred the question, for his opinion, decided, on June 30, 1851, that the grant did not include the land above Raccoon Fork.

"Under the ruling of Mr. Stuart, the lands north of the fork for a distance of eighty miles were certified as inuring to Iowa, under the act of August 8, 1846. Within this belt are contained all the lands in controversy."

There were still further rulings.

"Thus, on the 25th of March, 1856, the Commissioner held that the grant did not extend above the fork, and in this he was sustained by Mr. McClelland, the Secretary of the Interior, who was also sustained in his opinion by Mr. Cushing, the Attorney-General. There were other rulings and complications not necessary to be stated. The question finally came before the Supreme Court of the United States in what is known as the Litchfield case (23 Howard, 66), and at the December term, 1859-'60, it was held that the grant was limited to the Raccoon Fork, and did not extend above it. But in consequence of the acts of Congress of 2d March, 1861, and July 12, 1862, the same court afterward held, in the Wolcott case, decided at the December term, 1866, that the grant extended to the north boundary of the State, and inured to the benefit of the grantees of the State, notwithstanding the act of May 15, 1856, which attempted to divert a portion of those lands to the benefit of certain railroad companies.

"This is but a partial recital of the legislation of Congress and the rulings of the Supreme Court, but is sufficient for the present.

"Many persons having settled upon the lands claimed at the time to be part of the public domain, and not included in the grant of August 8, 1846, but which were subsequently adjudged to belong to the Des Moines Navigation and Railroad Company, as grantees of the State of Iowa, and being liable by the decisions of the courts to be turned out of possession of their homes unless they could come to some terms with this corporation, an act of Congress was passed March 3, 1873, authorizing the President to appoint three commissioners to ascertain the number of acres and the value thereof, exclusive of improvements, of all the lands lying north of the fork as were held by said corporation or persons claiming title under it adversely to persons holding said lands either by entry or under the pre-emption or homestead laws, and on what terms the adverse holders thereof would relinquish the same to the United States.

"A commission was accordingly appointed by the President, who made their report to Congress. (See Executive Document No. 25, Forty-third Congress.)

"All of these lands were entered as part of the public domain under the pre-emption and homestead laws, the greater number under the former. When they settled upon these lands does not appear; but the dates of filing their applications for entries are given.

"The earliest date of filing is 1862, and the latest in November, 1868. In a portion of the cases patents have issued. As to the lands taken under the pre-emption laws, the settlers have paid the United States $1.25 per acre, in a few cases, $2.50; for those taken under the homestead laws they have paid the fees and commissions only, varying from $7 to $18 a tract, according to the number of acres entered.

"The general law is, and has been since January 12, 1825, that when any tract of land has been sold erroneously by the United States, so that from any cause the sale can not be confirmed, the Secretary of the Interior shall repay to the purchaser, his heirs or legal representatives or assignees, the same amount of money he has paid, without interest. (4 Statutes at Large, page 80.)

"It appears in this case that all the lands in question were withdrawn from market by the Secretary of the Interior, and on October 30, 1851, he approved the selections made by the State north of the Raccoon Fork as inuring to her under the grant made by the act of August 8, 1846. The amount thus certified to the State was 271,572 acres."

Under and pursuant to the contract made by the State with the Des Moines Navigation and Railroad Company on 9th of June, 1854, the State of Iowa conveyed to this company in 1858 all the lands granted to the State by the act of 1846, a belt eighty miles long above the fork, except 25,488.57, which had been sold by the United States at the Iowa City land office in 1848, as to which latter lands there has never been any question of title.

By repeated decisions of the Supreme Court of the United States all the lands thus certified to Iowa inured to the benefit of this company under the acts of Congress above quoted, of March 2, 1861, and July 12, 1862. This court decided, May 13, 1867, in the Wolcott case (5 Wallace, 681), that the reservation made by the Secretary of the Interior in October, 1851, was made under competent authority vested in the Department. It results that the settlers could found no valid claims upon the land by settlement and cultivation after that withdrawal was made.

The Wolcott decision seems to have been misunderstood by the Secretary of the Interior. He treated the lands in question as restored by force of that decision to the public domain and subject to the pre-emption and homestead laws, and hence the Commissioner of the General Land Office, by an order made May 20, 1868, opened the lands to entry under the pre-emption and homestead laws. In point of fact they belonged to the Des Moines Navigation and Railroad Company, under the contract and conveyance above specified.

Under such circumstances we hold that no legal or equitable title can be set up by the settlers; they were bound to know as a matter of law that the certification of the list by the Secretary was a valid act, and the lands were no longer liable to entry.

As to the lands entered subsequently to the letter of Mr. Browning of May 9, 1868, and the order of the Commissioner, it appears that the company immediately took steps to enjoin the officers of the local land offices from allowing entries to be made, and accordingly injunctions were issued by the United States circuit court for the district of Iowa. These injunctions the registers and receivers of the land offices at Fort Dodge and Des Moines were ordered by the Commissioner to disregard.

This conflict of opinions resulted in a suit and called for another decision of the Supreme Court at the December term, 1869 (Hannah Riley *vs.* William B. Welles), when it was definitely ruled that the settlers entered upon these lands without right, and their possession was continued without right, and that the permission of the register to prove up the possession and improvements, and to make the entries under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of patents.

The court says in this case as follows:

"In the present case the defendant claims title under, and in pursuance of, the pre-emption act of September 4, 1841.

"Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

"It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts, we held, confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of the patent.

"'The reason for this withdrawal of the lands from public sale or private entry are stated at large in the opinion of the case of Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.'

"Since the acts of 1861 and 1862 were passed by Congress the rulings of the Supreme Court have been uniform that all the lands embraced in this controversy belonged to the Des Moines Navigation and Railroad Company.

"Notwithstanding the opening of the land offices in 1868, by the direction of the Secretary, to the entry of these lands as Government lands, it seems to the committee that the settlers were put upon their guard, not only by the decision of the Wolcott case, but the injunctions granted by the circuit court, that there was a question as to their rights to enter the lands. They chose to take the risk, and the ultimate decision proves they acquired no title. From the very start there was a cloud of doubt. They can not, in the face of these facts, be regarded as innocent purchasers. The intrinsic value of the lands at the time when they made their filings and entries was probably nearly as great as now, aside from the improvements. But the committee understand the fact to be that the lands in controversy were all settled upon while the order was in force withdrawing them from sale, although many applications for entering at the land office appear to have been made since.

"The more recent decisions (Wolsey *vs.* Chapman, 101 U. S. R., 755, and Litchfield *vs.* County of Webber, *ibid.*, 773) approve the earlier cases on this subject already cited, and from them all it is clearly to be gathered that this matter has passed beyond the reach of Congress, and whatever rights the settlers seek to show or may wish to establish, they are not within any remedial legislation of Congress; they can not be affected by any act of Congress; in fact, it is a subject over which Congress has no jurisdiction; and the committee ask to be discharged from the further consideration of the bill, and recommend it be indefinitely postponed."

That the grantees of the State of Iowa are in fact "*bona fide* purchasers" for full consideration, actually paid in money expended upon the improvement of the river on the contract by the Navigation Company, is proved by the official certificate of Governor Lowe to President Buchanan, in the words and figures following, namely:

"EXECUTIVE CHAMBER, IOWA, *Des Moines, April 28, 1856.*

"I, Ralph P. Lowe, governor of the State of Iowa, as required by act of Congress, approved August 8, 1846, 'granting certain lands of the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory,' do hereby certify that there has been expended from time to time, prior to the date hereof, on the improvement of said river, as the work has progressed; and the money has been required under certain contracts made by the State of Iowa with the Des Moines Navigation and Railroad Company, the sum of $332,644.04, and in consideration of said expenditures on said improvement, and in pursuance of the provisions of the act of Congress approved as aforesaid, there will be conveyed to said Des Moines Navigation and Railroad Company 266,107.23 acres of the lands belonging to said grant, and which have been certified and approved to the State of Iowa under said act, for the prosecution of the improvement of said river Des Moines.

"In testimony whereof I, Ralph P. Lowe, governor of the State of Iowa, have caused the great seal of the State of Iowa to be hereunto affixed, together with my signature.

"[SEAL.] RALPH P. LOWE.

"By the governor:

"ELIJAH SELLS, *Secretary of State.*

"To his excellency JAMES BUCHANAN,

"*President of the United States.*"

The point that they are *bona fide* purchasers is also considered and distinctly decided by the United States Supreme Court in the case of Wolsey and the State of Iowa *vs.* Chapman. (101 U. S. Rep., 755.) Also in the Iowa supreme court in the case of Stryker *vs.* Polk County. (23 Iowa Rep., 181.)

This bill, as amended by the committee, changes a "belief" expressed in the bill, as it was referred to the committee, into an assertion as to the "true intent and meaning" of three statutes, namely, March 2, 1861, 12 Stat., page 251; July 12, 1862, 12 Stat., page 543; and March 3, 1871, 16 Stat., and upon that judicial opinion, now for the first time to be expressed by Congress, it declares certain lands "to be public lands of the United States," and proceeds to give them to certain persons who reside upon or claim homesteads upon them.

These are the identical lands which the United States, by joint resolution of Congress in 1861, "relinquished to the State of Iowa." This relinquishment applied to land "which is now (March 2, 1861) held by *bona fide* purchasers under the State of Iowa."

Congress can not, either by direct legislation or by the interpretation it may now place on its former enactments, reclaim this land without taking the property of citizens without due process of law.

After the law has been thus declared in the bill, and the rights of the owners of these lands have been thus summarily disposed of by its provisions, the Attorney-General is required to go into the courts, whether State or Federal the bill does not indicate, and take proceedings in the name of the United States, in which suits private claimants may be joined with the United States "to assert and protect the title of the United States to said lands and remove all clouds from its title thereto." If the first section of the act is valid, there can be no clouds on the title to be removed, unless the courts shall find that the words "ratified, confirmed, and made valid," when applied to a grant of lands, or the confirmation of the title, are not sufficient even to remove a cloud from the title.

It is made the duty of the courts in this bill to "protect the title of the United States to said lands." If the United States has title to the lands that may be protected after this bill is enacted into a law, the persons to whom they are "ratified, confirmed, and made valid" have no such title. To give this power to the courts over these lands is to defeat the very titles and claims which the first section "ratifies, confirms, and makes valid."

If the title of these lands is restored to the United States by this bill it carries with it the possession by act of law. It becomes, in every sense, "public lands of the United States," as the bill declares. It is not necessary that Congress should confer the power upon the courts to protect the public lands of the United States. That is the duty of the President. No courts are named in the bill that are to have this new and extraordinary jurisdiction, but, assuming that they can only be the circuit and district courts of the United States, the bill includes any such courts wherever found. The provision allowing private claimants of the land to join the suit with the United States is limited by the Constitution to those persons who reside in the different States, so that only a few persons could take advantage of the act.

The number of suits that may be brought under the provisions of this bill is only measured by the number of claimants to the lands. A broad field of litigation is thus opened, and the Government, with all power and prestige, would go into court alone, or in company with all the claimants mentioned in this act, and would defray all the expenses of the many suits to assist them in the assertion and protection of the titles conferred upon them by this act.

In any case such a course would necessarily be unfair and unjust toward mere private persons of limited means, but in this case it would array the power of the United States to destroy titles acquired in good faith and paid for in full to the State of Iowa, confirmed by the joint resolution of Congress relinquishing the lands to *bona fide* purchasers and afterward upheld and confirmed in the courts.

Congress had better appropriate any amount of money to compensate the claimants of these lands for the losses they have sustained through the mistaken or imprevident procedure of its land officers, than to attempt to avoid such a debt of justice by taking the lands from one *bona fide* purchaser to give it to another *bona fide* pre-emptor or homestead claimant.

This strife will continue as long as Congress shall give it encouragement by efforts to remedy the troubles about these lands by transferring titles from one man to another. Such efforts are misleading because they must result in disappointment. It is better, in the opinion of the undersigned, that Congress should at once assume the duty and burden of making just compensation for losses that have been sustained by those who bought these lands from the United States, under the mistaken belief of the land officers that they were open to settlement and disposal as part of the public domain, and have lost the benefits of their purchases.

JNO. T. MORGAN.
J. N. DOLPH.
R. L. GIBSON.
J. D. WALKER.

Mr. LAPHAM. I submit with perfect confidence that there can be no answer to the view of the case thus directly and succinctly presented in the views of the minority. They are more charitable even than the facts of the case would justify, because they arrive at this conclusion, assuming that there are *bona fide* pre-emptors or homestead claimants to the property. That is not the fact, as I have shown. They have no patents to the land; they have never been able to obtain any. The two who have obtained patents have tried their titles in the Supreme Court, and in both cases they have been beaten. Those men, I repeat, are mere squatters. It is a misnomer to call them persons under homestead or pre-emption entries in good faith. Such is not the fact.

If the settlers had availed themselves of the provisions of the act passed by Congress in 1873 and the investigation made by Messrs. Chubb, Aldrich, and Robinson and had accepted the provision thus made by the Government, their claims would all have been satisfied long before this time. Instead of that they renewed their demands for the recovery of the lands themselves and would have nothing else. In the case of Litchfield *vs.* Webster County, 101 United States Reports, referred to by the honorable Senator from Arkansas, the court says:

By the joint resolution (March 2, 1861) Congress relinquished all title; the United States then retained to the lands which had before that time been certified by the Department of the Interior as part of the river grant, and which were held by *bona fide* purchasers under the State. No further conveyance was necessary to complete the transfer, and the description was sufficient to identify the property. The title thus relinquished inured at once to the benefit of the purchasers for whose use the relinquishment was made. All the lands involved in this suit had been certified, and Litchfield, or those under whom he claims, were *bona fide* purchasers from the State.

The first effort made by these claimants was to procure a repeal of the joint resolution of March, 1861, and the act of 1862. They failed to accomplish anything in that direction. Decisions of the Supreme Court continued to be made from time to time reaffirming the title, until at last the settlers, without any memorials, as I have shown, in their behalf, come into Congress and ask the extraordinary relief proposed by the bill.

I have shown how one hundred and four settlers on these lands view this proposition, and I now desire to call attention briefly to the advice given to the settlers by citizens of Iowa who were familiar with all the questions, and whose opinions were asked in reference to it. Letters were addressed to Hon. George G. Wright, formerly a Senator from that State in this body, Hon. C. C. Carpenter, formerly the governor of the State, and to the Second Comptroller of the United States Treasury, Hon. Galusha Parsons, formerly of Fort Dodge, Iowa, and now a resident of Des Moines. Each of them was asked to give his opinion as to the merits of this movement for the settlers and whether they could obtain any Congressional relief. Those men were all friends of the settlers. Ex-Senator Wright is a distinguished citizen of the State. His letter was written while a Senator here and as their friend. Governor Carpenter and Mr. Parsons occupied the same position. My object in referring to this is to show to the Senate the state of public sentiment on the part of right-minded men in the State of Iowa in regard to this case. Mr. Wright says:

I can not imagine how the repeal of the resolution of March 2, 1861, or of the act of July 12, 1862, could possibly leave the title of the river lands in the settlers. I have thought of this matter not a little, and can not see how, in view of the decisions of the Supreme Court, the action of the Department and of our State authorities, the repeal of these laws could by possibility affect the vested rights of those claiming these lands. I wish it could be done, but to wish a thing to be so and to have it according to your wishes are quite different things.

But, in my judgment, every dollar paid by these settlers to those who put themselves forward as their special friends to lobby and take care of their interests is so much money thrown away. Every member in the House and in the Senate from Iowa is as anxious to do all that can be done for these men as any outsider can be. Of course, we are anxious to have the assistance of all, and will gladly accept the co-operation of these settlers and their friends, wherever found, but I can not but think that every dollar paid by them to agents or those who profess ability to circumvent the decision of the Supreme Court, is but another dollar given without benefit or profit. In this I speak, as I trust, in the interests of the settlers; certainly with no wish to forestall or interfere with any plans which they may esteem to their benefit and interests.

In great haste and with kind regards, I am,

Your friend,

GEO. G. WRIGHT.

It is a long letter and I shall not read the whole of it. I will only add the conclusion. Governor Carpenter in his letter says:

I have your letter of the 26th ultimo—

This was in 1876—

and in reply will say that I fear the river-land settlers will reap no benefit from the measures proposed by Mr. Hodnett. I know nothing of him personally, but presume that he believes the cause he proposes will right the wrongs of those who become his clients. And he no doubt reasons that the same power which passed the joint resolution of 1861 and the act of July 12, 1862, can repeal them. If they were mere ordinary laws, this position could not be denied; but, in my judgment, statutes under which titles have vested, as in this case, are beyond the control of the law-making power. * * * There are many precedents, however, for indemnifying settlers who have been misled by intricate legal questions, which, as in the river-land question, even involved the skillful officers of the Land Department in numerous blunders and contradictions.

To a bill providing for relief to these settlers there should be no objection on the part of anybody. I, as a representative of these purchasers, would gladly support such a measure as that. The State of Iowa recommended such a measure by a joint resolution which was sent here after the time I am now referring to. But the settlers, under the advice of designing men, were unwilling to accede to the proposition. Mr. Parsons in his letter says:

It is unaccountable how anybody can be made to believe that the repeal of a law making a grant will divest the rights of the grantees. It might as well be supposed that the burning up of a deed would operate as a conveyance of the land embraced in it. It is the shallowest of all conceivable impostures. It has been decided times too often to refer to that it is competent for Congress to grant the public lands by legislative act, without the aid of the executive department, and that the effect of such an act is to vest a title, as lawyers call it, *in præsenti*, without patent. It is just as useless and senseless to talk against this as it would be to maintain that by a Congressional repeal of the act admitting the State of Iowa into the Union, all of the land granted to the State for school or any other purposes would revert to the General Government. After a grant is made and title vested under it, it is no longer subject to legislative control. It has become a matter of judicial conveyance, and the courts have the power (and no power beyond that) simply to construe the grant.

To maintain the contrary shows either a total want of acquaintance with the most elementary of legal principles, or that the party is simply imposing upon his hearers. A great deal has been said about the advice that has been given by lawyers and others to the settlers upon these lands, very much of which is pure misrepresentation. I know of no reputable lawyer who has ever advised them that there has been at any time since what is known as the Wolcott decision any hope for them, so far as the title to the land is concerned, except through a reconsideration by the Supreme Court of the principles of that decision. I tried in the Riley case to procure such reconsideration. It was submitted upon my part upon a very elaborate printed argument, in which every question that has since been made by anybody was fully discussed. Every item of evidence that has since been given in any case as to the general title to these lands is found in the printed record in that case. I had hopes—but never very strong—that the Supreme Court, in view of the great magnitude of the interests involved, and the extreme hardship of the lot of those who had purchased and improved these lands and made homes upon them, would reconsider that decision.

I urged this, as my argument shows, if not ably, certainly very earnestly, but the court declined to re-examine the principles of that decision, which is certainly an end of all controversy as to the title to the lands, if it is possible for the highest judicial tribunal in the country to end it. I regret exceedingly that the settlers upon these lands, for whom I have done a great deal and have tried to do more, are flattering themselves with the hope which is doomed to certain disappointment. They are throwing away their contributions, not in a doubtful case, but in one which is absolutely certain, in which the decision is already against them, and which nothing that they or Congress can do will ever change.

FOREIGN-LABOR CONTRACTS.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. DAWES. I ask that the bill may be informally laid aside, that we may take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside and that the Senate proceed to the consideration of the Indian appropriation bill. Is there objection? The Chair hears none, and it is so ordered. Before proceeding with the Indian appropriation bill, the Chair asks to be allowed to lay before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," was read twice by its title.

The PRESIDENT *pro tempore*. The bill should be referred to the Committee on Railroads, the Chair thinks. The Chair has not read the body of the bill, but according to his observation it does not touch the question of the settlement that the Committee on the Judiciary has had under consideration.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7077) to remove the disabilities of John K. Mitchell, of Virginia;

A bill (H. R. 7078) to remove the disabilities of John L. Cowardin; and

A bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 8090) granting a pension to Albert Harper;
A bill (H. R. 8136) for the relief of Addison M. Copen;
A bill (H. R. 6782) granting a pension to Susan Woolley;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7612) granting a pension to Nicholas Witham;
A bill (H. R. 8082) granting a pension to Lina J. Stearns;
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 7810) granting a pension to Rosanna Riley;
A bill (H. R. 2068) granting a pension to James H. Reid; and
A bill (H. R. 7718) restoring John P. Snyder to the pension-roll.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. DAWES. I ask that the formal reading of the bill may be dispensed with, and that the bill be read for the consideration of the committee amendments in their order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendments recommended by the Committee on Appropriations be considered as the reading of the bill proceeds. Is there objection? The Chair hears none.

The PRESIDENT *pro tempore*. The reading of the bill will now proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, after line 118, to insert:

To enable the Secretary of the Interior to employ some suitable person to take charge of the Indians on Tongue River, at a compensation not exceeding this sum, $1,500.

The amendment was agreed to.

The next amendment was, in line 125, to reduce the appropriation "for the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior," from $25,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 125, after the word "dollars," to strike out the following words:

But no person employed by the United States and paid for any other service shall be paid for interpreting.

The amendment was agreed to.

The next amendment was, in line 136, after the words "incidental expenses," to strike out the words "of inspection and investigation;" so as to read:

Necessary traveling expenses of one Indian school superintendent, including incidental expenses, $1,500.

The amendment was agreed to.

The next amendment was, in line 139, to increase the appropriation "for buildings and repair of buildings at agencies, and repairs of the same," from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 141 to line 148, inclusive:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and traveling and incidental expenses of five special agents, at $3 per day when actually employed, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employés, and for pay of five special agents at $2,000 per annum each, $40,000.

And to insert in lieu thereof:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and traveling and incidental expenses of special agents, and for pay of employés not otherwise provided for, and for pay of the five special agents, at $2,000 per annum each, $40,000: *Provided*, That special agents shall be allowed $3 per diem for traveling and incidental expenses while traveling or actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

The amendment was agreed to.

The next amendment was, in the appropriations for "fulfilling treaties with Indian tribes—Apaches, Kiowas, and Comanches," in line 174, to increase the appropriation "for pay of carpenter, farmer, blacksmith, miller, and engineer" from $4,500 to $5,200.

The amendment was agreed to.

The next amendment was, in line 177, to increase the total amount of the appropriations for fulfilling treaties with the Apaches, Kiowas, and Comanches from $49,000 to $49,700.

The amendment was agreed to.

The next amendment was to strike out from line 179 to 223, inclusive, as follows:

The Secretary of the Interior is hereby directed to pay, out of the treaty funds herein appropriated for the Kiowas and Comanches, 15 per cent. to each of the following-named persons upon their respective claims herein described, and in part payment thereof, to wit:
To N. S. Wood, $1,285.
To William Beddo, $18,600.
To L. W. Vaughan, $247.
To R. Vaughan, $995.
To J. H. Baker, $110.
To J. G. Halsell, $19,625.
To James Martin & Brothers, $1,950.
To E. C. Fuller, $800.
To John Hensley, $2,350.
To William M. Hardin, $1,385.
To A. J. Henson, $1,250.
To C. W. Cooper, $2,250.
To Henry A. Whaley, $1,500.
To Daniel E. Moore, $3,000.
To James P. Lindsey, $2,625.
To F. C. Bulkley, $7,500.
To the legal representatives of John S. Chisum, $20,000.
To J. M. Walde, $2,250.
To William Midkiff, $2,600.
To Overton Love, $7,350.
To Mary Stick, administratrix of Wyatt Gilchrist, $300; the same being claims for damages caused by depredations by said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaties with the "Cheyennes and Arapahoes," in line 229, to increase the appropriation "for purchase of clothing," under the tenth article of the treaty of October 28, 1867, from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, in line 235, to increase the total amount of the appropriations for fulfilling treaties with the "Cheyennes and Arapahoes," from $36,500 to $38,500.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 237 to line 244, inclusive:

The Secretary of the Interior is hereby directed to pay to C. and F. Huning $13,897.02, and to Fielding Burns $1,000, out of any funds belonging to the Kiowas and the Cheyenne Indians of Indian Territory; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the appropriation for fulfilling treaties with the "Chippewas, Pillagers, and Lake Winnebagoshish bands," to strike out the following clause from line 295 to line 301:

The Secretary of the Interior is hereby directed to pay, out of the treaty fund herein appropriated for the Pillager band of Chippewa Indians of Minnesota, to the estate of John Cook, $1,500; the same being a claim for damage caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 302 to line 308, inclusive:

The Secretary of the Interior is hereby directed to pay to the Mille Lac Improvement Company $800, out of any funds belonging to the Mille Lac band of Chip-

pown Indians; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, after line 360, to insert:

COLUMBIAS AND COLVILLES.

For annuity for Chief Moses, as per agreement of July 7, 1883, ratified by act approved July 4, 1884, $1,000;

For annuity for Chief Tonacke, as per same agreement, ratified by act of July 4, 1884, $100;

For employés, as provided in said agreement ratified by act of July 4, 1884, $6,000; in all, $7,100.

To enable the Secretary of the Interior to reimburse Capt. F. D. Baldwin for expenses incurred in the settlement of the disputes and the negotiation of the agreement of July 7, 1883, with the Columbias and Colvilles, $444.70, to be immediately available.

The amendment was agreed to.

Mr. DAWES. On line 366 the name is not printed right. It should be "Tonacket." There should be a "t" after the "e."

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection, the "t" will be added.

Mr. PLUMB. In my bill the "t" is printed. I think there should be an "s" instead of a "t" at the end.

Mr. DAWES. I can not answer the Senator, because a letter from the Secretary has it as it is here; but I am inclined to think that in the statute which created the agreement it is spelled the other way. I will look it up and ask that it be amended if there is a necessity for a correction.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for fulfilling treaties with the "Creeks," to strike out lines 401 and 402, as follows:

For assistance in agricultural operations, $2,000.

The amendment was agreed to.

The next amendment was, in line 434, to reduce the total amount of appropriations for fulfilling treaties with the "Creeks" from $112,973.30 to $110,973.30.

The amendment was agreed to.

The next amendment was, in line 437, after the words "pay to the," to strike out "treasury" and insert "treasurer;" so as to read:

That the Secretary of the Treasury of the United States pay to the treasurer of that part of the Cherokees known and denominated "Old Settlers or Western Cherokees" the sum of $660.80, &c.

The amendment was agreed to.

Mr. DAWES. In line 439, at the last moment I am informed that there must be an amendment; instead of $660.80 the sum should be $449.30.

The PRESIDING OFFICER. If there be no objection the amendment will be noted.

Mr. DAWES. And on the four hundred and fortieth line "the 12th day of June" should be "the 30th day of September."

The PRESIDING OFFICER. These amendments will be considered agreed to if there be no objection.

Mr. DAWES. The year should be "1851" instead of "1838."

The PRESIDING OFFICER. The amendments will now be read, so that the Senator may see that they are noted correctly.

The amendments were read.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaties with the Iowas, in line 488, to strike out "1884" and insert "1885;" so as to read:

IOWAS.

For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1885, at 5 per cent. per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, $2,875.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the "Kansas Indians," to strike out the following clause, from line 498 to line 529, inclusive:

That the Secretary of the Interior be, and he is hereby, authorized and directed to apply the net proceeds arising from the sales of Kansas Indian lands, in the State of Kansas, now in the Treasury, and such as shall from time to time be in the Treasury, to the credit of the Kansas tribe of Indians, to the payment of all the present indebtedness of said tribe, principal and interest, represented by the certificates issued in the years 1863 and 1863, and known as Kaw or Kansas Indian scrip; said payment to be made as follows: He shall, ninety days after the approval of this act, apply $87,386.80, being the net proceeds on hand March 27, 1884, together with such sum as may have accrued since said date, in pro rata payment, principal and interest, of all such scrip certificates aforesaid as shall be filed in the Department of the Interior on or before the said ninetieth day after the approval of this act, and of the genuineness of which he shall be satisfied; and thereafter whenever the proceeds, after the deduction of the expenses of the sale of said lands, shall equal the sum of $10,000, the Secretary of the Interior shall pay said sum, together with any excess thereof, upon such certificates as aforesaid as shall be on file at the Department of the Interior on the date of such payment and for thirty days thereto preceding, and shall continue so to pay until the indebtedness of said tribe represented by said scrip certificates, with the interest thereon, shall be fully liquidated, or until the entire net proceeds of the sale of said lands that are now on hand or that may hereafter be acquired shall be exhausted: *Provided*, That not exceeding 5 per cent. interest per annum shall be allowed on any of such scrip.

Mr. PLUMB. I do not rise to oppose the adoption of the amendment, but I wish to call the attention of the Senate to the fact that in 1882, as I find by looking at the deficiency bill of that year, passed on the 5th day of August, a portion of these claims was provided for, precisely the same character of claims, and with the same and no other evidence of validity than those provided for in this clause. The only difference is that the claims the payment of which was provided for in 1882 were represented by scrip certificates "belonging to any person or persons who actually performed labor in the construction of the works for which they were issued."

I have no interest of any kind or description as representing any one who owns any of these certificates, although the work was done in the State of Kansas; but the fact is that the contractor received these certificates from the Government; they were negotiable, and he transferred them for value to parties in the Eastern States who now hold them, and they are practically an obligation against the Government. They were issued by a former Secretary of the Interior, Mr. Jacob Thompson, and specified the treaty under which they were issued, and in every respect are regular on their face and were issued for value, and were transferred for value.

I simply want to call the attention of the Senate to the fact that heretofore we have acted in a manner that substantially accredited these certificates as an outstanding obligation against the Government, and that now we are proposing to go back of them.

Mr. DAWES. It is due to the committee that I should state the reason for their action. The committee examined pretty thoroughly into the justice of this proposition, and I think I speak the opinion of the committee when I say that they all agreed that this should be done, that it was quite time that the United States paid this scrip which had been put upon the market, although not in the name of the United States, yet by the Secretary of the Interior himself, under the provisions of a treaty with the Indians. There was some little irregularity about the issue of some of it. It was issued between the time when the treaty was agreed upon and the time when it was actually ratified here, but there was no question about the honesty of the papers.

There were before the Committee on Indian Affairs, and I think before this committee also, letters from the Secretary of the Interior at the time these certificates were put upon the market, saying to those who proposed to buy them that they were valid. Although the United States technically is not liable, and although there is no proposition to take the money out of the Treasury, but to take it in accordance with a treaty obligation out of funds arising from the sale of lands, yet it is a private claim in an Indian appropriation bill; and that is what controlled the committee. There are a great many such cases, the Senate will observe, in this bill, all of which the Senate Committee on Appropriations propose to strike out, and therefore this had to go with the rest.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Northern Cheyennes and Arapahoes," to strike out the following clause, from line 615 to line 622, inclusive:

The Secretary of the Interior is hereby directed to pay to Dennis Sheedy the sum of $4,658, and to B. J. Everett $3,550, for the Northern Cheyenne Indians, to be carried to the surplus fund; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaties with the "Omahas," to strike out the following provisos, from line 637 to line 665, inclusive:

Provided, That the Secretary of the Interior may, in his discretion, and with the consent of the Indians, extend the time of payment for land as fixed by section 2 of said act so that one-third of the purchase-money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first installment, to be paid when entry is made; and the second installment of one-third shall become due and payable in one year, and the remaining one-third in two years from date of first payment, with interest as provided in said act; and in case of default in either of said payments, or the interest thereon, the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased, and any payment or payments he may have made: *Provided further*, That also, with the consent of the Indians, the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the northeast quarter of the northeast quarter of section 27 and the west half of the northwest quarter of section 26, in township 25, range 6 east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring-mill thereon.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts who has charge of this bill whether the action of the committee in striking out this language is because it is considered that this is an act of injustice or unfairness to these Indians, and to ask him further whether, in his opinion, with the safeguards thrown about this matter as to inspection and payment for these lands, it is not proper legislation. Does it not commend itself to the Committee on Appropriations?

Mr. DAWES. This matter has been before the Committee on Indian Affairs, and the committee authorized the reporting of a bill containing substantially this provision; but it is independent legislation, which has no more business in an appropriation bill than it has in the Declaration of Independence, so far as being germane is concerned, or as far as the rules of the Senate go, which, like those of the Medes and Persians, are not to be changed. The Committee on Appropriations acted in obedience to the edict—I believe that would be a proper word, but I will say the order of the Senate, which the committee felt bound to obey—that there should hereafter be, with the consent of the Senate, no more legislation in appropriation bills. The Senate will observe how implicitly the committee have in this respect observed the rules of the Senate, and have stripped this bill entirely of anything that looks like legislation.

Mr. INGALLS. Will the Senator permit me right there to ask him if the Senate did not on the pension appropriation bill, by an affirmative vote, place general legislation?

Mr. DAWES. I was not present when the Senate considered the pension bill, and as the Senator from Kansas participated in whatever error or aberration the Senate indulged in at that time, I think the Senator only calls it to my attention on the idea that if we have committed one sin, it is easier to repeat it. That I admit. I admit the force of the suggestion of the Senator, and I admit that the Senate can reverse its decision at any time if it disregards consistency, and if it disregards the principles upon which the rule was established, but the Senate Committee on Appropriations could not do that, and that is the reason why this clause is stricken out.

Mr. MANDERSON. This proviso has so far commended itself, as I understand, to the Committee on Indian Affairs that if it was in the form of a separate bill it would meet the approbation of the committee. I differ somewhat with the Senator from Massachusetts in charge of this bill. It seems to me that this is a subject-matter that is germane to the bill, and can hardly be considered as general legislation upon an appropriation bill. It is a simple matter of fairness to those who have purchased these lands, and the matter of extension of time of payment as provided herein being within the discretion of the Secretary of the Interior, and being necessarily with the consent of the Indians, I think this proviso should be retained. I feel at least like testing the sense of the Senate and asking that this proviso be retained.

Mr. DAWES. Perhaps it is as well for the Senate to determine now whether this bill shall go back to the form in which it came to us. The measure contained in this proviso has some merit in it, but the Senator says he differs with me upon the question whether it is germane and proper in this bill. The object of the bill is to make "appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes." The object of it is indicated in the title. Two years ago we enacted a law under which these lands were sold after an appraisal. They were sold at a very high price and the Indians are entitled to the benefit of that price. They were sold at such a price that the purchasers now find it very hard, after the expenses incurred in making a settlement, to make their first payment at the time agreed upon. The law requires that they shall make it on a certain date. It is proposed in this measure to extend that time. That is of course independent legislation, having nothing whatever to do with the current expenses of the Indian Department, or with the fulfillment of treaties. It is a very proper measure to be considered by the Committees on Indian Affairs of the two Houses, and the committees of the two Houses have considered it. So far as the committee of this body is concerned it has done its duty; it presented the measure of the Senate in the form of a bill.

But to undertake to make the Indian appropriation bill an omnibus bill like a great hay-rick into which is to be piled everything that can be gathered up that has any reference to Indians whatever is to change entirely its character, is to change entirely the duties of the Committee on Appropriations, and is to change entirely the opportunity of the Senate to consider the propriety of these measures in the last ten days of the session.

Mr. VAN WYCK. I understand from the inquiry propounded by the Senator from Kansas to the Senator from Massachusetts that the rule is not inexorable—that the committee themselves sometimes feel at liberty to deviate from it. I refer to the rule that no legislation shall appear on an appropriation bill. Attention has been called to the case of the pension appropriation bill. The provision relating to the lands of the Omahas in Nebraska, referred to by my colleague, and the provision on the next page applying to the Otoes, are not of such a character as my friend would suggest to make an omnibus bill of the Indian appropriation bill.

Mr. DAWES. Not those provisions.

Mr. VAN WYCK. These provisions are entirely legitimate; each is a matter in regard to the Indians of the particular tribe, to which the proper committee had given attention and made provision for in this appropriation bill.

Mr. DAWES. I will call my friend's attention to the difference. What the committee have done pertains to the Indians. What the provision that we propose to strike out has reference to is white settlers upon lands which the Indians sold to them.

Mr. VAN WYCK. But the money to be paid by the white settlers goes to the Indians, and therefore it affects the Indians.

Mr. DAWES. And the Indians are content to let it be just as it is.

Mr. VAN WYCK. It affects the Indians. Their acquiescence is required by this provision, so that it is a matter affecting the Indians.

These lands belonging to the Omaha and Otoe Indians were sold by these tribes at unusually large prices. That is conceded. The equity and merit of the case are conceded by the Senator. Now at this particular juncture of affairs it is impossible for the parties to make the payment as the law originally required. The Secretary of the Interior has no authority in regard to it. This matter has been called to his attention and he is not authorized to act.

Mr. DAWES. I will state to the Senator that while the Secretary of the Interior has no authority to make a binding contract of extension, he is not called upon to enforce immediately the obligation, any more than a man holding a mortgage upon another man's real estate is obliged the moment the payment becomes due to enforce his mortgage. Therefore I assume, among other things, that if there is good security for the Indians, being upon interest, the security will be just as good a year hence, and that any fair administration of the Indian Department will furnish to those people the extension which they want us to make obligatory by law.

Mr. VAN WYCK. That is all true. The difference is that the Secretary of the Interior really has no power, as I was suggesting. He would not act affirmatively probably. As to what other combinations might arise by other parties outside of the Indian tribe and outside the persons who have purchased the lands, of course we can have no guarantee.

If the rule be not inexorable in regard to placing legislation on an appropriation bill, and if each appropriation stands on its own particular merit, then I apprehend there is so much merit in this provision that the committee ought to have felt warranted in making this exception, as they sometimes do. As I was stating, the Indians have been benefited by the sale of these lands, particularly the Otoes, whose lands were sold at auction at a much greater rate than that at which the purchasers could have bought land equally as good in that section of the State. So the Indians were benefited by the exceptionally high price of their lands. By reason of the depressed situation of affairs afterward coming upon those people it became impossible for them to make the payment, and as the Indians do not receive the money to make investments themselves, but the Government does that for them, and as there is abundant security and the interest is at a fair rate, there would seem to be no reason why the Committee on Indian Affairs should not assent to this proposition, as I know they feel like protecting the interests of the Indians.

It is true the Committee on Indian Affairs of this body have passed affirmatively and favorably upon the bill introduced for that purpose, and possibly the Committee on Indian Affairs of the House may have done so; but here is a provision, plain, simple in its enactment, of acknowledged merit and propriety, approved by the proper committees probably of both Houses, and which would pass without an opposing vote, perhaps without a suggestion of any opposition.

Mr. MANDERSON. I suggest to my colleague that not only has it that strength, but also that this action is recommended by the Indian Department, by the Secretary of the Interior.

Mr. VAN WYCK. Yes, sir; it is recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior. The only difficulty now is that the rules of both Houses are so admirably drawn and so admirably interpreted that a measure which would require no consideration comparatively at the hands of either body can not be allowed to be passed.

Mr. COCKRELL. Will the Senator from Nebraska permit me to make a suggestion?

Mr. VAN WYCK. Certainly.

Mr. COCKRELL. I think the Senator from Nebraska seems to be laboring under a wrong impression about the authority of the Committee on Appropriations. I hope we can understand distinctly what right and power that committee has exercised. We have a rule of the Senate which has been interpreted by the presiding officer to mean that no legislation can be ingrafted upon an appropriation bill, that it is not in order, nor can any amendment to general legislation placed upon such a bill by the House be in order in the Senate. We brought before the Senate only a day or two ago that very proposition, and the Senate upon an appeal from the decision of the Chair sustained the interpretation given to that rule by the Chair; and then it turned right around and voted by a yea-and-nay vote to put legislation upon an appropriation bill. The Senate did that.

The Committee on Appropriations, in deference to the standing rule of the Senate and the decision of the Senate as to its interpretation by the presiding officer, has simply recommended the striking out of all the general legislation upon the pending appropriation bill. It is in the power of the Senate to non-concur in the amendments proposed by the Committee on Appropriations. That would bring the question up directly. There are several amendments of the Committee on Appropriations that I am in favor of non-concurring in. If the Senator will simply make the point that this legislation ought to be enacted and is of such a character that it will justify the Senate in setting aside the rule as it did the other day, I believe at the instance of the senior Senator from Kansas, and voting in a general legislative provision, then the whole matter is before the Senate.

The Committee on Appropriations has had nothing to do with it. It is a rule of the Senate entirely, and it is in the power of the Senate now to say that it is proper the provision should be inserted, just as it said the other day that a legislative provision should go on an appropriation bill. The Senate Committee on Appropriations did not decide upon the question of the propriety or impropriety of the legislation which it has proposed to strike out. It so proposed simply in obedience to the rule, leaving it to the Senate to say whether the recommendation of the committee should be concurred in. The Senator can make the point and have a vote taken as to whether this provision shall be stricken out, and that will bring the whole question before the Senate. The Senate has heretofore trampled upon the decision of the presiding officer and the rule of the Senate, and can do it again.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that the pending question before the Senate is, Shall the amendment, striking out the provision, be agreed to? That is the exact question.

Mr. COCKRELL. I understand, but I was simply fearing that the Senator from Nebraska was throwing the whole responsibility of its going out upon the Committee on Appropriations when it is upon the Senate. We simply recommended that it be stricken out, in obedience to the rule and the decision of the Senate, and now let the Senate determine the question. The Senate has to confirm all the recommendations of the committee before they become effective. We have simply made that recommendation in obedience to the rule of the Senate and the interpretation of that rule by the presiding officer, and the confirmation of that interpretation by the Senate itself. I want to see the Senate say why in a number of instances it violates the rule, the interpretation of the rule by the presiding officer, and its own decision sustaining that interpretation.

Mr. VAN WYCK. I was endeavoring just at that moment to show—I thank the Senator, however, for his suggestions, because they were in the line of my own idea—the necessity of overriding the action of the Appropriations Committee. I am very glad to know that the Appropriations Committee, cheerfully, of course, defer on such matters to the action of the Senate. Where there is so meritorious a proposition as this, one so germane to the bill, and it is the only mode and manner in which redress can be accomplished, both protecting the Indian and doing justice to the white man, we should not let a technicality stand in the way. This proposition is plainly equitable; it received no opposition in the committee of either House; it has the recommendation of the Indian Department; and yet here in Congress the rules to which my friend has referred, and their construction, are such that this measure can not possibly receive attention and pass into a law. Thus injustice is done to a large class of citizens.

It is on that ground that I desire, and my colleague desires, that the striking out of the provision as to the lands sold for the Omaha Indians and for the Otoes shall not be concurred in as recommended by the Committee on Appropriations.

Mr. MILLER, of California. I know nothing about the merits of this particular clause which the Senator from Nebraska desires to have remain in the bill; but the action of the committee on this clause brings up the whole question of what the Senate is to do in respect of what is termed general legislation in this Indian appropriation bill. There are a great many clauses in this bill which are called general legislation; but they ought to be passed. There are many claims here which are stricken out by the committee, which are just claims, have been adjudicated by the Interior Department, by the Indian Bureau of the Government, and found to be honest and just, and due to the parties claiming them. I do not see how the Committee on Appropriations could have done otherwise than they have done under the rules of the Senate; but I do think that it would be proper for the Senate to confirm their action in these matters. I do not know how a party who has a valid claim, such as is provided for in this bill, is ever going to get his money unless he gets it upon an Indian appropriation bill.

Mr. CAMERON, of Wisconsin. Why can he not have a bill introduced for his benefit in one House or the other and let it go through regularly as other bills do?

Mr. MILLER, of California. The trouble is that you have a multiplicity of bills and they never get through. The practice of the Senate has been to allow claims of this sort to be paid under an enactment in an Indian appropriation bill. The Senate did so at the last session. There were then about thirty claims similar to these.

Mr. CAMERON, of Wisconsin. There are probably 5,000 similar claims filed in the Indian Department; and why should these twenty or thirty be selected out from that 5,000 and given the preference which the House appears to have given them by placing them on this bill, simply because these claimants had some particular friends who urged their cases? They are no better than the 10,000 other claims that are pending in the Indian Department.

Mr. MILLER, of California. I do not know about that; I do not know how the Senator knows.

Mr. CAMERON, of Wisconsin. I know it from having examined them.

Mr. MILLER, of California. Have you examined 10,000 claims?

Mr. CAMERON, of Wisconsin. Perhaps the number is a little exaggerated; but I have examined hundreds of them.

Mr. MILLER, of California. I have no doubt it is exaggerated. Nobody has examined all these claims except the Interior Department, and perhaps no claim has found a place in the appropriation bill which has not been gone over very thoroughly and investigated very completely in every phase of it, and where the decision of the Department has not been that a certain amount has been found to be due and should be paid. In the case of the 10,000 claims that the Senator speaks of, they perhaps never have been so thoroughly investigated and adjudicated as these have been. I hope that where there is no question about the justice of a claim it will be allowed to remain on the appropriation bill. It has been the custom of Congress heretofore to do it, and, as I remarked, the Senate committee itself at the last session put on an appropriation bill a large number of these claims and they were adopted by the House. It is unfair to those whose claims have now been put on this bill to have them stricken out merely on a point of order or because there is a rule of the Senate against general legislation. You are breaking that rule constantly. There is no appropriation bill that comes up for the consideration of the Senate where that rule is not violated.

Mr. CAMERON, of Wisconsin. We keep as close to it as possible.

Mr. MILLER, of California. If you make one exception there is no reason why advantage should be given to the person in whose favor that exception is made over all others. It is unjust and wrong to do it.

Mr. CAMERON, of Wisconsin. It is equally unjust and wrong that these claimants should have their claims placed on an appropriation bill when there are other claimants equally meritorious and whose claims have been passed upon in the same way by the Secretary of the Interior who are kept off.

Mr. McMILLAN. And favorably reported by the Senate committee in some instances, and with favorable reports in the House in others.

Mr. HOAR. The precedent of putting this on an appropriation bill is not simply a preference of one over another, but it tends to the result that all the other claims are not considered at all. If this were right to other claimants of their own class, then everybody who had any special interest in claims of this kind would have them taken up and considered together. Now the Committee on Appropriations in the House have an advantage, and everybody else is left out.

Mr. MILLER, of California. There may be some force in that suggestion; but now I happen to know of one claim in this bill for depredations committed in 1861, and the claimant has been at work ever since attempting to get justice, to get his claim through. It was a claim for $30,000. The Department cut it down to $6,000, and now our committee has stricken it out of this bill. I do not know how this man is ever to get his money that everybody concedes is due to him.

Mr. ALLISON. When was that?

Mr. MILLER, of California. In 1861 the depredations were committed, and by this course of action by the Senate and the House in respect to these matters the money due this man has been kept from him and he has not had it. He has not been able to get an item through in an appropriation bill, or in any other way secure the payment of the money. This is unjust; it is wrong. There is no decent and respectable government that can afford to deal in that way with its citizens. We must get at this in some way or other. If we can not do it on an appropriation bill there must be some other method invented.

Mr. ALLISON. We provide for an examination of all these claims.

Mr. MILLER, of California. Yes; but that is nothing more than the re-enactment of the present law. Section 445 of the Revised Statutes requires an examination just as the committee propose here. There is nothing in that. There are reports in the Senate now that I can exhibit to the Senator showing that these claims have been examined and allowed. That is a mere makeshift to put off, to give an excuse for not paying these claimants as the Government ought to pay them. I insist that if these claims are stricken out on the ground that they are general legislation every line of general legislation in the appropriation bill should be stricken out. The committee have put in general legislation in this bill.

Mr. DAWES. Where?

Mr. MILLER, of California. All through it. I shall be able to show it when the details come up, but I do not think the Senate ought to strike out these items when there is no dispute about their justice and correctness. There is no reason for it.

Mr. CAMERON, of Wisconsin. The trouble is right here: these claims get into this general appropriation bill through some sort of favoritism.

Mr. MILLER, of California. I do not know that.

Mr. CAMERON, of Wisconsin. I do know it.

Mr. MILLER, of California. You know more about it than I do; but I do not know that we can jump at the conclusion that it is favoritism. Because there may be twenty claims in this bill and twenty in the bill of last session, I do not see that it follows necessarily that their insertion was due to favoritism. It may be due to vigilance on the part of the claimants. It is certainly no favoritism to pay a man what is due him from the Government.

Mr. MANDERSON. It is admitted by all who have spoken on this question that this is proper legislation. Whether it be general legislation or whether it be legislation germane to this bill, it is conceded that it provides for a righteous act. Now, it seems to me that being such it is proper to place it upon this bill. It can never be wrong to do right; it can not be unjust to do an act of justice.

It is suggested that there is a rule of the Senate that prevents that which we seek to accomplish. The Senate seems to be the victim of its own rule. I submit that although the rule may bind the Committee on Appropriations, it may or may not bind the Senate, and that it may either by direct repeal or change or by indirect action avoid the rule, as it has done it in repeated instances. A few days ago in the pension appropriation bill we are told that general legislation admitted to be fair, right, and just was placed upon that appropriation bill. Now, I submit to the Senate that as this is fair and just the Senate should in this instance follow the latest precedent, and even if it violates the rule do this act of fairness and justice to these parties.

As to the different claimants who are to be relieved by this bill if it shall pass as it came to the Senate, I have simply a word to say in response to the suggestion of the Senator from Wisconsin. He says as we can not pay all of these claims, let us pay none. I do not think the Senate would desire to place itself in that position. If there are 5,000 claimants who have just claims against the Indian Bureau or against the different tribes of Indians, let us pay them as we can. If we can not pay them all at one time, pay a few at this session of Congress and take up the other claims at sessions hereafter.

I hope the Senate will refuse to strike out this proviso as recommended by the committee.

Mr. PLUMB. I shall detain the Senate but a moment in stating the theory on which I gave my consent, not only to striking out the legislation which is now under consideration, but also the claims alluded to by the Senator from California.

There is a rule of the Senate that no legislation shall appear upon appropriation bills, and that has been properly construed to mean that the Senate can not amend the House legislation sent to us on such bills, about which we have had abundant discussion recently. The Committee on Appropriations in this condition of things can not exercise their own discretion as to amendments. There is legislation on this bill that the committee would have gladly had remain there with certain amendments which they would have suggested if it had not been for the rule, and therefore that legislation must necessarily go out.

There is other legislation that they did not care to amend; and at the same time there is legislation which the committee itself desired to put on to the bill and legislation which other members of the Senate wanted put on the bill; but if the door were opened by leaving on the House legislation we not only left ourselves in the helpless condition of being required to do precisely what the House sent us without any amendment, but we were constantly confronted with the desire of members of the Senate that legislation in which they were interested should be put on the bill also.

I beg Senators to observe that this is not a very comfortable position to be put in on the part of the committee, to be confronted with legislation sent over from the House which can not be touched, and to be at the same time confronted with legislation which is sought to be put on in the Senate, and by the rule of the Senate also, which provides that there shall be no legislation and no amendment to the House legislation. So the committee said that in view not only of these facts, but of the recent construction of the rule, and of the manifest disposition of the Senate not to be put in the attitude at this late hour of the session of taking from the House legislation which might prove on further examination to be unwise, they would simply strike it all out. When it came to claims, we were confronted by this condition of things, that a cursory examination of the claims put on the bill by the House showed that one of them—it is not necessary to specify it—had been improvidently put on. That is to say, here are claims that in a number of cases were not fully supported by testimony as to amounts at least, and some cases where the amounts were larger than the damages even alleged to have been incurred by the depredations complained of. That made it absolutely necessary, in order that the committee should discharge its duty to the Senate and to itself, that the testimony in every single one of these claims must be carefully and thoroughly examined. How, otherwise, could the committee discharge its duty to the Senate? Were we to take this simply because the House had sent it to us, and especially when a cursory examination of one of the claims disclosed that fact that so glaring an error as the insertion of a wrong amount had occurred.

Then if we were to enter upon the investigation of these claims with the view of letting them remain in the bill and reporting to the Senate that they should remain in the bill with such amendments as to amounts as the testimony might disclose to be proper, we were bound to take up the claims presented by members of the Senate, of which there were a large number before the committee, aggregating some hundreds of thousands of dollars, and give to them similar investigation; and they were accumulating, they were constantly coming in; and the committee could not, if it had been so minded, have given even a cursory examination to these claims inside of a week or ten days. It would have delayed the consideration of this bill until the last days of this session; it might have made necessary an extra session of Congress; and the committee could not, in fairness either to the members of the Senate or in fairness to the public interests, take up items which came from the House without investigation and put those in unless we were ready to do substantially the same thing for amendments proposed by members of the Senate.

We all of us know that in a large number of cases the examination from the very nature of things has only been perfunctory. The statute cited by the Senator from California does contemplate an investigation by the Commissioner of Indian Affairs and requires him to transmit his findings to the Speaker of the House of Representatives; but that business is done in connection with a multitude of other business, he having no special fund given to him for the purpose of instituting independent investigations. He can only take such testimony as comes to him, or as is available through the ordinary channels of conducting business in that Department; and necessarily these investigations lack a great deal of giving to the decisions arrived at that verity which ought to exist when money is to be appropriated as a matter of course; and we felt that to enter upon this question now would impose a responsibility of investigation on us, or if not of an investigation then of accepting without investigation and asking the Senate to allow a class of claims among which (whatever might be the merits of others) there was strong reason to believe that there were many of doubtful validity in whole or in part.

The Senator from California speaks with proper indignation of the fact, as he alleges it to be, that a constituent of his has a claim against the General Government for damages by depredations committed by Indians in 1861. That is a long time to wait. I am not in a position to apportion the responsibility, how much to the Government and how much to the claimant himself for not having pressed his claim; but admit that it is all against the Government, and that the Government itself is liable wholly and solely for the delay, it is a hard case; but there are hundreds and thousands of others equally hard; and should it not admonish us all that instead of trying the doubtful chance of getting a claim by some means upon an appropriation bill, where in the very nature of things it can not be investigated as it ought to be, there should be some measure adopted which would take all these claims up and put them in a category where they would go on one bill, or in some way be provided for by appropriations just as certainly as an appropriation is made to carry on the expenses of the Government?

I have been told further that there were some of the claims on this bill which had been reported adversely by the Committee on Indian Affairs of the Senate; and I see before me a member of that committee, and I will ask him the question whether such is or is not the case?

Mr. JACKSON. If the Senator will permit me, I will say that I think nearly every one of the claims stricken out of this bill was reported adversely by the Committee on Claims at the last session of Congress. Nearly every single one I think was reported adversely.

Mr. HALE. Does the Senator mean the items the House put on?

Mr. JACKSON. Yes; very nearly every one of these. I speak of the depredation claims. Nearly every one of these claims for depredations was reported adversely by the Committee on Claims at the last session of Congress. I have run over the list hurriedly, and I think nearly every one has been so reported.

Mr. MILLER, of California. Here is a report from the Secretary of the Interior, Executive Document No. 23, first session Forty-eighth Congress, made December 14, 1883, in which he gives a list of sixty-two claims showing the amounts.

Mr. PLUMB. That enforces what I have said about the improvidence of inserting measures of this kind or claims of this character on an appropriation bill; where they have not undergone such scrutiny no careful person can say whether more or less may not be necessary.

Mr. MANDERSON. I should like to suggest to the Senator from Kansas that I do not understand that the claims rejected by the Committee on Claims, referred to by the Senator from Tennessee, had been rejected because they were considered as fraudulent or wrong, but rather because the attitude of the Senate Committee on Claims has been that no claim resulting from Indian depredations shall be paid by Congress.

Mr. PLUMB. I do not care to go into that. The committee of course can state here the *rationale* of its own action, but I was going to say that a cursory examination of one of these claims disclosed the fact that the acting Commissioner of Indian Affairs had reported it for a certain sum, and that the Committee on Indian Affairs of the House had taken up the same testimony precisely and reduced the amount nearly 50 per cent. I only speak of that to show that this examination in the Interior Department is necessarily of the most superficial character, and that it will be a most dangerous precedent if any general allowance of these claims upon that investigation shall be entered upon by the Senate or by either branch of Congress.

While I say that, I am as earnest as any one can be in favor of the Government adopting a rule which shall result in the payment of what I regard as justly an obligation against the Government as any other one which it is called upon to respond to. There are millions of dollars, I believe, certainly many hundreds of thousands of dollars, which the Government of the United States owes to claimants all over the country. I have no doubt the case of which the Senator from California speaks is

one, to a certain extent at all events; possibly there may be some doubt about the amount; but in all these cases there ought to be a tribunal provided for the ascertainment of the amount due. I introduced a bill years ago, and have reintroduced it, to have an auditing of these claims in order that they might come before Congress not as objects of suspicion, but upon their true footing as genuine existing liabilities against the Government, and having had all the scrutiny that they ought to have preceding their allowance. The Committee on Appropriations, for the purpose of bringing about this result, seized upon an amendment offered to the bill in the House and so reframed it as they believe will result in establishing the validity or invalidity of these claims in such a way that they will not be subject to objection any longer.

Mr. DAWES. Unfortunately two distinct subjects-matter in this bill have been involved in this debate; the first is whether the Senate will go back upon itself in the matter of independent legislation in an appropriation bill; and the next is whether it will turn an appropriation bill into a bill for the payment of private claims. The debate has mixed together those two questions. I have very little to say in reference to them, but what I shall say first is in reference to the question whether this body shall now introduce independent legislation into the bill, and thereupon tie our hands so that we shall take what comes to us without permission to amend or improve it.

The Senator from Missouri [Mr. COCKRELL] frankly stated his position. There is legislation in the bill which the Senator from Missouri desires to retain, and therefore this innocent and, as I shall show in a moment, entirely unnecessary, independent legislation is put forth to clear the way for more important legislation in the latter part of the bill. I say frankly that there is legislation in the latter part of the bill which to my mind is of the utmost importance and which I have tried to get upon the statute-book for years; but unfortunately there has accidentally crept into it provisions which are unconstitutional and which are in palpable violation of a treaty. Under the rule of the Senate I can not get them out. I can not take the provision as it comes from the House, because it is nullified by a clause which has crept in which is palpably unconstitutional. Much as I desire that legislation, I am bound to stand by the rule of the Senate if it takes it all out, and to stand by the decision of the Committee on Appropriations, following the ruling of the Chair upon the construction of the rules, from which an appeal was taken, and by a large vote the Chair was sustained.

It is true that our friend from Kansas [Mr. INGALLS] put forward a very meritorious clause, just as this little innocent clause in reference to the Omahas is put forward, and carried it through, and we can not now call the Senate back to its rule without having that brought up to govern us. If the proposition of the Senator from Nebraska is carried it sweeps away all attempt to keep the bill according to the rules and brings into it legislation which every Senator will say has features in it that the Constitution prohibits, and yet we can not amend it.

As to the legislation involved in the present amendment, I have only to say that it is in and of itself meritorious. It is unnecessary for this reason: The Secretary of the Interior has already stated that these securities are good. He is not obliged to enforce them under a year. These men will obtain without legislation under a fair administration just what they will obtain if they get the measure through. Therefore, although I am in favor of the provision, I do not see any harm to come to these settlers by striking it out. On the other hand, I see great harm to come if it is crowded into the bill and made a precedent.

Now, I wish to say one thing about the private claims that are in this bill. They are what are called depredation claims. They are claims which citizens have made upon Indian tribes, charging that they have destroyed the property of citizens. We passed a law in 1872 providing that wherever we had a treaty obligation with Indians and held their funds, where the Indians had stipulated that they would refund and pay citizens for depredations upon their making application for redress, we would through the Secretary of the Interior examine and ascertain the amount and take it out of their funds. There was a condition in all the treaties that this should be done only when the Indians refused to deliver up for punishment those who committed the depredations. Under that provision there have been filed in the Interior Department thousands of claims against Indians. I have before me a letter of the Secretary of the Interior of date April 9, 1884, in which is one list of 3,143 of these claims and another list of four hundred and odd claims, amounting to about $2,000,000. There are two or three other letters containing other lists, and there are back of them in the Interior Department as many more that have never been brought here, amounting, as the Secretary told us, to between eight and nine million dollars. The basis upon which these claims are made and upon which they have received from time to time approval in the Indian Department is nothing more nor less than affidavits that the claimants have picked up wherever they could and sent on with their claims. The Secretary told us that the rule was to allow no claim that did not have at least two affidavits along with it—a rule promulgated to the entire country that whoever can find in its length and breadth two men to make an affidavit that will go with his claim, his claim shall be allowed.

The money to pay these claims is to be taken out of the funds which we have of the Indians. Many of them are against the Kiowas, and Comanches, and Wichitas. All the fund they have in the world from which to respond is $25,000 a year for twelve years; and yet more than $5,000,000 of claims are now laid away in the Interior Department, of which some dozen or fifteen had friends enough in the House of Representatives to bring them into this bill and upon which the House proposes to pay 15 per cent. You get a dozen or fifteen of those claims through and you swallow up all the funds that there are of the Indians, and then cast the claims of the others upon the Treasury of the United States. Among them all, with one single exception so far as I have examined them, there is not the pretense of any evidence that the Indians have refused to deliver up those who were guilty of the depredation, which is in all the treaties made a condition precedent to making a claim upon their funds. That seems to have been largely overlooked in all these cases.

Instead of committing the United States to the payment of particular claims by paying 15 per cent. upon them and letting all this vast amount remain back waiting for that provision to go through, the Committee on Appropriations have proposed, on page 47 of the bill, this amendment, which I beg leave to read:

For the investigation of certain Indian depredation claims, $10,000; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid.

Mr. MANDERSON. I should like to ask the Senator a question.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. DAWES. Certainly.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts whether in his opinion the paragraph he has just read, constituting to a certain extent a tribunal for the investigation of these claims and providing for a finding on them, is not in the nature of general legislation upon an appropriation bill.

Mr. DAWES. My answer to that is this: The tribunal is created by law already. The duty of the Secretary of the Interior in this respect is prescribed by law, and he is only directed to expend $10,000, which we appropriate, in the manner in which we direct. We ask him to do nothing else, but in carrying out existing law we give him $10,000 to expend in a particular way.

Mr. MILLER, of California. I should like to ask the Senator from Massachusetts if the provision he has read is anything more than a mere amendment to section 445 of the Revised Statutes. Under that section the Secretary of the Interior has been making from year to year precisely such reports as are prescribed in the clause which the Senator has read, except that by the amendment there are a few additions, a few other things that he is to report. One is in what treaty the obligation is contained to pay the money.

Mr. DAWES. Then the Senator differs from the Senator from Nebraska, for he says it is just like what is in the statute.

Mr. MILLER, of California. I say it is general legislation, because it is an amendment to an existing law. It is just like what is in the statute with something more added to it.

Mr. DAWES. "Sufficient for the day is the evil thereof." It will be time enough to jump the stile when we get to it.

Mr. MILLER, of California. We shall get to it surely.

Mr. DAWES. This is what is proposed by the committee instead of embarking upon the boundless and bottomless sea that is suggested by the provisions which we proposed to strike out. What is the Government going to do when a dozen of these claims shall have been by this process passed, and all the funds of the Indians taken to pay them? Then we have got to support the Indians, and we have got to pay out of the Treasury the rest of the claims.

The Secretary of the Interior is required to pass upon these claims. He has passed upon them in the past in the manner which I have suggested. He has not had the money to send anybody into the Territories where it has been alleged that these depredations have been made. He has the power under the statute, but he has not had the money; he has had no men that he could pay for that purpose. Therefore, whenever a man sent his claim up here or referred it to the agent of the tribe, when the agent of the tribe got the affidavits furnished by the claimant and sent them up here, without any hearing or cross-examination whatever, the Secretary of the Interior has written "approved;" and the claims come to Congress, 3,100 of them in a single letter, amounting to more than a million and a half dollars, and a dozen of them were put upon a single page in this bill by the other branch with a stipulation that only 15 per cent. should be paid. Fifteen per cent. of them would take twice as much as the very Indians upon whom they are charged

have got in the Treasury; and we are called upon in this bill, independent of that, to appropriate some $25,000 to support and feed these very Indians.

I submit that the safest way is the one proposed by the Committee on Appropriations, and that any other way is unsafe, unfair to other claimants, invidious, unjust, and groundless discrimination in favor of these claims. So as to this and as to all other provisions, the safest way is to follow what the Committee on Appropriations has been obliged to follow, the rule of the Senate.

Mr. VAN WYCK. I wish to say just a word more in regard to this matter. I regret very much that the discussion has drifted so widely from the proposition upon which the vote is to be taken, and I trust there will be no confusion or prejudice by reason of suggestions which have been made against the depredation claims. My friend from Massachusetts makes an earnest appeal to the Senate that they shall refuse absolutely to allow what he chooses to call, and probably it may be so, legislation upon an appropriation bill. He does not feel it safe that the Senate should be trusted or that the committee should be trusted to properly discriminate as to those matters which may be of dispute, as these claims may be, or as to those claims which are without any question. The Senator says that legislation from the House must be accepted as an entirety; that we have no power to strike out or add thereto. Do I understand him correctly?

Mr. DAWES. Under our rules.

Mr. VAN WYCK. Under our rules—not the rules of the House, but under the rules of the Senate.

Mr. DAWES. We do not propose to strike out under the rules of the House; we propose to strike out under our rules.

Mr. VAN WYCK. But would it not be just a little sensible to make our rules in conformity, so that some legislation may be had and some relief granted, as it ought to be? Would not that be a sensible thing to do, rather than to stand stubbornly and refuse to permit the proposed enactment?

Mr. DAWES. But you can not make any amendment to the rules in an appropriation bill.

Mr. VAN WYCK. Precisely; but you wage a war over this thing session after session. We grapple with this matter session after session and relief is denied, justice is refused because there is an antagonism of rules and practice between the two bodies when they are supposed to be bodies working for a result.

Mr. HAWLEY. The Senator from Massachusetts does not do it.

Mr. VAN WYCK. No; but the body does it, the Senate does it, or at least the committee of which he is a member. There would seem to be no necessity for refusing any discrimination, for making this an iron rule, as the Senator desires it to be, and yet by the action of his own committee he discards the idea, as in the pension bill, that it shall be so because his own committee, as I understand, deviated there from this rule of the Senate. The committee have certainly found some way of striking out and adding the clause which the Senator read in regard to Indian depredation claims where a tribunal is proposed to be established to examine and to investigate. The House made one proposition in regard to that matter. The committee have stricken that out and added that which the Senator read; so that even under the rules of the Senate the committee have found authority to strike out some new legislation and add other new legislation in its place.

That is what has been done by the committee, and yet the Senator appeals to the Senate to vote in obedience to a rule which in the pension appropriation bill was violated, and which the committee have violated in the very bill now before us.

My friend says this is not legislation. It is as much legislation as is what is proposed in the case of the lands sold for the Omaha and Otoe Indians, to extend the time of payment one year. The provision introduced by the committee authorizes the Secretary of the Interior to do certain things. It gives him authority that he may examine witnesses, that he may cause them to testify, that he make his report. That you do in this bill. You give him authority which he does not now by law possess. Will not the Senator from Massachusetts admit that by that amendment he proposes to give the Secretary of the Interior authority which he does not now possess?

Mr. ALLISON. It is under a section of the Revised Statutes.

Mr. DAWES. I did not hear the inquiry.

Mr. VAN WYCK. Let me repeat. By the clause which the Senator read in regard to Indian depredation claims, he proposes to give the Secretary of the Interior authority which he does not now possess.

Mr. DAWES. He has the authority by statute.

Mr. VAN WYCK. I say by the amendment proposed to this bill you give him authority to do things which he is not now authorized to do. You provide how he shall do them. All that is proposed in regard to the Otoe and Omaha Indians is to give the Secretary of the Interior a discretionary power to extend the time of payment for their lands, just as you clothe him with the power and give him the authority to examine witnesses and make reports to this body. That is all that is asked in this case.

I trust the Senate will separate the proposition in regard to the Omaha and Otoe Indians from the depredation claims, and that the former will not be prejudiced, because in that case, as the Senator admits, there is no question as to its merit, no question as to its equity if it could be reached for action in this body and in the other House.

But the Senator says that the settlers are safe in any event. True, I do not believe the Secretary of the Interior would immediately disturb them, but my friend can not be responsible for what may be the opinion of the next Secretary of the Interior who may come in power. There is the difficulty in regard to this matter; and it is due to the men who ought to have this protection that they shall be placed in a position where they will not be harried and tortured for a year to come, not knowing when the Department in Washington may jump down upon them or when other persons may urge and instigate the Department to do it. I submit that it is due to those people that they should have this measure of justice given to them, and it is not such a violation of the rules of this body as should exclude it from the present bill. There is no question as to its propriety and as to its justice, and the rule is not such a one as ought to prevent this body from doing the only thing that can be done to reach the matter proposed. Independent legislation is out of the question at this session; and I was in hopes that my friend would see that it was so eminently just that no question ought to be raised in the committee or in the Senate to its consideration.

Mr. COKE. I think, Mr. President, that a proper measure of justice to the claimants who have suffered from Indian depredations would suggest to the committee and to the Senate that the claims which have been investigated under acts of Congress prescribing the mode and manner of their investigation, which are on file in the Interior Department, and have been reported to Congress by the Secretary of the Interior, approved by him as just and honest claims, should be embraced in this bill, and appropriations made to pay them. The committee propose by their amendment that they shall be reinvestigated. Why reinvestigate claims which have already been fully investigated? We must presume that they have been fully investigated, because the Secretary of the Interior, the Commissioner of Indian Affairs, the agents and superintendents over the Indians, all had authority to make the investigations, to summon witnesses and take depositions, and upon their investigation, presumably correctly made, the Secretary of the Interior has reported a large number of these claims, belonging chiefly in Kansas, Colorado, and Texas, as just and approved by him.

The committee now propose to reinvestigate those claims after a lapse of from fifteen to twenty years, when all the testimony has gone, possibly when the facts upon which the claims are founded are necessarily obscured from loss of testimony and death of witnesses. There is no justice in such a course.

The people of the frontier States knew that they had no recourse against the Indians, except what Congress gave them, and Congress in the acts to which I have referred prescribed certain methods which they have pursued. They submitted themselves fully to the jurisdiction prescribed; and now, after their claims have been approved by the tribunal appointed by Congress, their witnesses dead or scattered, they are to be called upon to again come forward and resubstantiate the same claims already adjudicated and on file in the Department and reported approved to Congress.

Mr. DAWES. The Senator does not quite comprehend the force of the provision which the committee suggests. Where the Secretary of the Interior is satisfied that the full facts of the case are presented he is not required to reopen any case unless his own judgment suggests it. He is not authorized or required by the provision to reverse any previous judgment, but he is required by it, if he deems the investigation to have been insufficient so that he can determine, to pursue such further investigation as he shall deem just, and then report it all here so that we may see what it is.

Mr. COKE. After a lapse of from fifteen to twenty years the Secretary of the Interior who now holds that office is to review the action of his predecessor before whom all the facts in their freshness were proved. That is the meaning of the amendment.

Mr. MILLER, of California. If the Senator from Texas will allow me, I will read the statute which requires the Secretary of the Interior to make investigation.

Mr. COKE. Certainly. Having been frequently referred to in the debate, I supposed the statutes had been read.

Mr. MILLER, of California. It is section 466 of the Revised Statutes, and reads as follows:

SEC. 466. The Secretary of the Interior shall prepare and cause to be published such regulations as he may deem proper, prescribing the manner of presenting claims arising under laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the regulations prepared by him; and no payment on account of any such claims shall be made without a specific appropriation therefor by Congress.

Mr. INGALLS. What is the date of that?

Mr. MILLER, of California. May 29, 1872. Section 445 of the Revised Statutes, which was also passed in 1872, reads as follows:

SEC. 445. The Secretary of the Interior shall make annual reports to Congress, as follows:

First. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

Second. A report showing the quantity and kind of the copies of public journals, books, and documents which have been received by him for distribution on behalf of the Government, and showing also the time when, the place where, and the person to whom, any of the same have been distributed and delivered during the preceding year.

The Secretary of the Interior has been making these reports. I have one in my hand, the last one he made.

Mr. COKE. I understand that. I will read in addition section 2157, which provides that—

The superintendents, agents, and subagents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

The three preceding sections referred to are 2154, 2155, and 2156, on this subject. Now the committee proposes that the action of the Secretaries of the Interior, with all the testimony and all the facts fresh before them, shall after the lapse of fifteen or twenty years be reviewed when all the testimony is presumably or nearly all of it gone, scattered, and destroyed. I say that is unjust.

I know something about these claims for Indian depredations. I know that the frontier of Texas was at one time driven back seventy-five miles by hostile Indians from the Fort Sill reservation, where they were under the care and control and management and protection of the Government of the United States. The people of Texas dared not go upon that reservation to retaliate. They could have gone there and wiped out the Indians, but the United States Government protected them. Whenever a full moon shone at night they came down upon Texas, drove off cattle and horses, burned houses and killed and scalped men, and carried women and children into captivity. I know that this was the case for five years, and Mr. Francis A. Walker, who was Commissioner of Indian Affairs, in his book upon the Indian problem, speaking of the improvement of the Indians, of their methods, and of their beginning to acquire property, said of the Comanches and Kiowas that they have some 16,000 head of horses and mules, stolen chiefly from Texas. That is a statement in the History of the Indian Problem, by Mr. Francis A. Walker.

I have no doubt that the same experience was realized by all the other frontier States. I have personal knowledge of the fact that until the State of Texas organized a battalion of State troops and sent them to the frontier and protected the settlers against the Indians, the frontier was almost abandoned. I know hundreds and hundreds of men in Texas who had thousands of head of cattle and hundreds of head of horses, who lost every dollar's worth of property they had by the depredations of those Indians. Yet the Senator from Massachusetts would cast an imputation upon the justice of these claims, examined and approved as they have been.

Not one claim in twenty has been filed that could have been filed in the Interior Department from Texas. It is too late to file them now; the parties can not comply with the law; they are excluded. Those which are filed represent a very small proportion of the claims which ought to have been filed by people who lost nearly everything they had by the depredations of Indians. The requirements of the law were so onerous and the people were so hopeless of recovering any of their losses that but few of them ever attempted it. The principal difficulty was to identify the Indians or the tribe to which they belonged, without which the law promised no relief, and which could rarely be done.

Mr. President, I believe that these claims which have been reported to the Interior Department and which have been investigated and have been approved by the tribunal appointed by the Government of the United States are just claims and ought to be paid. I believe the committee should take every one of these claims and put them on this appropriation bill. The Government of the United States is as justly and honestly bound to see those claims paid as it is to see any bond it has ever issued paid. The Indians are the wards of the Government. There has been no time when the people could not have protected themselves had they been permitted to do it, and failing to restrain them the Government made itself responsible for the depredations of the Indians. This responsibility has many times been recognized by the Government, as I propose on another occasion to show.

As the Senate Committee on Appropriations determined that they would not appropriate the money now to pay these claims, that they would not put these claims thus approved and reported upon this bill, then I believe the next best thing for them to do was, as the committee has done, require a full report of all these claims to be made to Congress at the next session, and when this report comes in and we see what they all amount to I shall favor, and I believe that the honor of the Government will require, that Congress shall take steps to liquidate them at once. I do not see why those who have honest claims for Indian depredations should be sneered at. They are the pioneers of the country. They have gone westward until we have no frontier left, blazing the way for settlement and civilization.

Mr. DAWES. If it will not interrupt the Senator too much, I should like to call his attention to this view of the subject: The committee have not said anything against the claims themselves. They have not said that any one of these claimants has not suffered from an unjustifiable depredation on his property. The Senator is aware that it is pretty difficult to ascertain the just amount due for that kind of depredation; but one point I want the Senator to consider. I want to know if he holds "first come, first served" in this matter.

Mr. COKE. I answer the Senator from Massachusetts in this way, that if all the reported and approved claims could not be put on the bill, I believe the next best thing to do was what the committee has done.

Mr. DAWES. Exactly.

Mr. COKE. I believe they ought all to have gone on the bill.

Mr. DAWES. Now, I want to call the Senator's attention to a report of the Secretary made January 9, 1875, of four hundred and fifty claims, amounting to $4,700,179.30, reported in 1875. The three thousand that I called attention to have all occurred since. Another question I should like to have him answer——

Mr. COKE. What question is it that the Senator propounded to me last?

Mr. DAWES. The question is if he holds to "first come, first served?" If so, then I think these that were reported in 1875——

Mr. COKE. I think they all ought to be served together in the same bill.

Mr. DAWES. I think they all ought to be served alike.

Mr. COKE. But if the committee would not do that in this bill, I think it best to adopt the amendment the committee has reported, so that we can have them all before us at the next session of Congress.

Mr. DAWES. I agree with the Senator, and if that is the Senator's argument he is on my side. But I wanted to call his attention to another difficulty which the committee did not see how they could get around, and that was this: The moment the funds were exhausted that the Indians had in the Treasury, what were we to do then? They would be exhausted by the first dozen of these claims, and what are we going to do with the rest?

Mr. COKE. I would pay the last dollar of them out of the Treasury of the United States after exhausting what the Indians have, because, as the testimony taken by the Secretary of the Interior and the Indian agents conclusively proves, these people have lost these amounts by the action of the Indians who were and are under the control and guardianship and protection of the Government of the United States, and I do hold that the circumstances are such as makes it the bounden and honorable duty of the Government of the United States to see these people reimbursed their losses. The Government has repeatedly, as I can show, recognized this liability, and paid millions of dollars in satisfaction of claims for Indian depredations.

These claims have been standing here a long time, ten or fifteen years, and many of them twenty years. There is no interest accruing, for the Government never pays interest. The claims are just and have been adjudicated to be just. I do not believe that technical objection ought to be made to them. The class of people to whom they are due are meritorious people; they are the people who have extended our conquest over the wilderness until the frontier no longer exists and the country is settled behind them. They are entitled to consideration from the Government; certainly to justice.

Mr. MANDERSON. Mr. President, I certainly quite agree with the suggestions made by the Senator from Texas in regard to the duty of the Government to pay those who have suffered loss on the frontier of the country by reason of Indian depredations, and I wish to supplement his suggestion as to the claims mentioned in this bill, in that part of the bill which has already been stricken out by the action of the committee, by reading from a report of the Committee on Claims. It was stated by the Senator from Tennessee [Mr. JACKSON] that the claims presented in this bill had been reported adversely by the committee. That statement is truthful; but it does not tell all the truth. The inference might follow that these claims were rejected because of lack of merit, for fraud, or because the parties had not suffered the losses they pretended to have suffered; but that is not the finding of the committee. The Committee on Claims, following the action of the Interior Department, reports as to these claims, and I read from the report:

The claimants are all citizens of Texas, generally engaged in agriculture or stock-raising, quietly and peaceably pursuing their avocations, having nothing to do with trade or traffic with the Indians, and in no way connected with any disturbance between whites and Indians there or elsewhere. They were all citizens of the State of Texas, and while engaged in peaceful pursuits were set upon by bands of Indians (who were supposed to be under the restraint and control of the Government, on their reservations), their stock stampeded and driven off, and other property destroyed or carried away, and in many cases their herders killed or wounded. They have, as the evidence shows, at all times refrained from any violation of law by taking the remedy into their own hands and giving blow for blow, but have, in compliance with the laws which Congress has from time to time passed for their protection and indemnity, made out their claims, supported them by ample proof, both as to quantity and value, and have presented them to the officers designated by the Government to examine into their justness and the truthfulness of their statements; and those officers, after having sent the claims to the agents of the different tribes to be presented to the Indians for their statements in regard to them, and after hearing the reports of those agents and making a careful examination of the proofs offered by the claimants, have allowed them the various sums for payment of which the claimants now ask an appropriation by Congress."

So that these claims have not been allowed by the Department of the Interior upon mere *ex parte* affidavits, but upon full investigation and with a chance to the Indians themselves, through their agents, to be heard.

They are taken up in this report, and although the committee recognizes their merit and the obligation upon the Government to pay this class of claims, it does report adversely to them, as suggested by the Senator from Tennessee, in this language:

As stated in your committee's report upon the claim of Overton and Love, there are a large number of these claims, equally meritorious, on file in the office of the Commissioner of Indian Affairs. No good reason can be given for paying the claims under consideration without paying them all. This committee can not recommend the passage of such claims until Congress adopts some general policy of dealing with all these claims.

I admit that the suggestion of the committee is a wise one. All of these claims should be dealt with, but year after year rolls by and they are not paid. In my own State I know of existing claims, as valid and as meritorious as those that are stated in this report, that are nearly a quarter of a century old, for depredations committed by Indians upon frontiersmen who were invited by the Government to go upon Government land, and these men driven from their lands, their homes destroyed, and in frequent instances members of their families killed or treated worse by Indian depredators, remain with their serious losses yet unpaid.

I submit, Mr. President, that it is a crying shame that these claims have not been paid. If we can not pay them as a whole let us pay a part of them. It is but common justice that is asked. But I regret that the inoffensive provision on page 27 of this bill that I desire to retain in it should have been hampered by a discussion with reference to the claims. It is suggested by the Senator from Massachusetts that the committee is pursuing a proper course in making the recommendation that it does upon page 47 of the bill. If there is anything that I have had occasion to admire since I have had the honor of being a member of this body, it is the uniform consistency of the chairman of the Committee on Indian Affairs, the Senator from Massachusetts [Mr. DAWES]; but it does seem to me that he is guilty of rather gross inconsistency when he seeks to strike out the proviso on page 27 of the bill on the ground that it is general legislation coming from the House and placed upon an appropriation bill, and at the same time takes the provision on page 47 that is submitted by the House and changes its character.

Now let us look for a moment at the provision as it comes from the House. It is under the head of "Ute Indians" or "Utes;" but I submit that it does not apply to the Utes any more than it does to any other of the Indian tribes. It is a proposition in this bill which is entitled to provide "appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes." Upon it is this general provision by the House to give to the Secretary of the Interior the power to prepare "a complete and accurate list of all approved and pending claims of citizens on account of depredations of Indians, chargeable against any treaty funds of Indians." The Senator from Massachusetts may suggest that this is properly within this bill because it is proposed to pay the claims thus reported.

Mr. DAWES. It is not necessary for me to aid the Senator in showing my inconsistency, but I can tell him how he can do it better than this, and that would be not by taking this bill, but by showing what there is in this provision that is in conflict with existing law.

Mr. MANDERSON. I submit that it does add to existing law. The provision as it comes from the House provides for the payment of that which may be found due from the treaty funds of the Indians, and I submit that the Committee on Appropriations in reporting this new section under the head of "Indian depredation claims" permits these depredations to be paid not only from the treaty funds, but from any other obligations of the Government to the Indians or any Indian funds in the Treasury.

Mr. DAWES. My inconsistency does not lie in the provision in the bill, but lies in the conflict of this amendment with the existing law, not the existing bill.

Mr. MANDERSON. The Senator from Massachusetts agrees with me as to the result; that is his inconsistency. I do not see that we need quarrel over the paths by which we arrive at the same result.

Mr. DAWES. I was afraid the Senator would fail, and therefore I suggested to him that the better way to show my inconsistency was to take the law in one hand and the amendment in the other, and not take the bill in one hand and the amendment in the other.

Mr. MANDERSON. I appreciate the kindness shown by the Senator from Massachusetts, and will try not to fail in showing the inconsistencies complained of, and will succeed in showing that this proviso to which I am referring and which he says is a most righteous provision in law should be retained in this appropriation bill. I do not wish to be understood as taking issue with the Senator from Massachusetts upon the wisdom of the provision that is reported by the Committee on Appropriations, on page 47, as to constituting a tribunal, or, if you please, extending the power of a tribunal already existing, for the examination and determination of these claims; although I am clearly of the opinion that this is as much general legislation as that which is provided on page 27 in the form of a proviso. I am for retaining it.

In other words, Mr. President, while I am willing to see this Senate rule, that seems to be a stumbling-block in our road, maintained for certain purposes, for other purposes most just and right in their relations and results I am in favor of stretching the rule somewhat. The Senate seems to be of that opinion also; for, as has been repeatedly suggested, appropriation bills come here not only at this session, but at former sessions of the Senate, and notwithstanding the rule, proper and just provisions, constituting general legislation, have been passed upon such appropriation bills. I hope the Senate will not confound the question now before it with the matter of the allowance of Indian claims or the matter of constituting a tribunal for the trial of claims for Indian depredations.

All that is sought by this provision is to extend the time of payment under the control of the Interior Department and by the consent of the Indians for the back payments upon the lands of the Omaha Indians that have been sold heretofore. The committee agree, the chairman of the Committee on Indian Affairs admits, that this is a righteous and proper provision, and I hope the Senate will retain it.

Mr. MAXEY. Mr. President, the general plan for efficient and prompt settlement of outstanding claims proposed by the Committee on Appropriations I think is wise; but I submit to that committee and to the Senate whether there is any reason why, because they propose to adopt that plan, the claims which have been allowed by the House and which come to us as approved claims shall be stricken out of the bill. In other words, the law has always favored the vigilant. If gentlemen who have claims have gone to the labor and the expense of gathering up their testimony, of laying it before the Secretary of the Interior, of having their claims examined and approved and recommended to Congress and Congress in its wisdom allows those claims and the bill comes to us with those claims thus allowed, I ask if there is any reason or propriety in striking out all the claims allowed, as found on pages 8, 9, 10, &c., of the bill which comes to us from the House, simply because a provision is made by the Appropriations Committee for a general settlement of all such claims? If the claims which are allowed are just in themselves, and the Senator in charge of this bill does not gainsay that proposition; if they are right why should they be struck out in order to take their place under the general plan of settlement when they have already been examined and approved and allowed by the proper committee of the House as just and proper claims? I can, therefore, see no reason why these claims shall be stricken out, nor do I see any conflict between the claims which are allowed by the House standing as a part of this bill and the proviso which is put in by the Appropriations Committee of the Senate in respect to those claims which are not as yet allowed or have not been sent up by the Secretary of the Interior.

Mr. President, it is to the interest of the Republic that there be an end of litigation, and if these men have had claims litigated and passed upon and they have been allowed by the House, why should they be stricken out of the bill by the Senate? It is not pretended that they are not just claims. If there was a shadow of suspicion cast on the claims there would be some reason in that, but there is none. They are admitted to be just, they are admitted to be right, but they are simply stricken out because they may conflict with the plan proposed for future settlements. These claims having been already settled, why should they be relegated to the future to be settled then? I can not see any reason for that. It does not seem to me to be a fair proposition.

I happen to know the fact that the Congress of the United States has already allowed many claims of this class by special bill. The Senate passed one on my own motion where Big Tree and other Indians took a train of wagons which were loaded down with supplies for the United States Army under a contract with the Quartermaster-General. The train was attacked, the teamsters were killed, one of them tied to the wheel of a wagon and the wagon destroyed. That on presentation was allowed by an act of Congress. So there has been all along claim after claim that has been allowed.

The men who own the claims provided for in the bill prosecuted them to a final settlement so far as the House is concerned, and the Senate committee gives no reason why they should be stricken out; on the contrary admits that they are just and proper. The provision made by the Senate Appropriations Committee as to claims not yet allowed and approved may be left in full force, and it would be equally effective if these claims were not stricken out. I think the Senate should nonconcur in the action of the committee in striking out the claims already allowed.

Mr. MILLER, of California. The Senator from Massachusetts, as I understood him, threw out a sort of challenge to the Senator from Nebraska to show inconsistency in striking out the matter on page 27, which the Senator from Nebraska contends ought to be left in the bill, and putting in the matter contained on page 47. The Senator from Massachusetts seems to be under the impression that there is no new legislation in the clause which the committee propose to insert on page 47, that it does not differ at all from the existing law. It does, I think, differ from the existing law in two or three particulars. One is that it requires a reinvestigation of certain Indian claims. That is new. In making his report he is required to report many things here which he is not required now by law to report.

Mr. DAWES. There is a standing law that requires him to report to us anything that we ask him to.

Mr. MILLER, of California. But you have not asked him to report the things which you require him to report in this amendment.

Mr. DAWES. Even the Senate, without a law, could require him to do it.

Mr. MILLER, of California. The existing law requires him to report certain things, but you have added in this provision that he shall report not only his determination upon each claim, but the name and residence of the witnesses, and report the testimony of each.

Mr. DAWES. Suppose that was not in the bill, and I should get up and offer a resolution in the Senate directing the Secretary of the Interior to report the names and residences of the witnesses in these claims?

Mr. MILLER, of California. You can do that by resolution, but you can not get it on an appropriation bill under the rule that we are struggling under here.

Mr. DAWES. I have the authority for requiring him to do so, in the law that created his Department.

Mr. INGALLS (to Mr. MILLER, of California). Raise the point of order on it.

Mr. MILLER, of California. I do not want to raise the point of order on that amendment, because I think it is a good provision, but it is no better than other provisions in this bill which are new matter. It is new legislation. There is not so good reason for putting this in as there is for retaining the provision the Senators from Nebraska desire to have retained. There is the inconsistency of the Committee on Appropriations or of the chairman of the Committee on Indian Affairs. He wants to strike out something which he calls new legislation which he does not like, and which the Senators from Nebraska do like, and he wants to put something in which is new legislation which he himself does like, and perhaps which we shall all agree to. That is the state of the case precisely.

Mr. DAWES. You do not do me justice. I like this provision.

Mr. MILLER, of California. The question here ought to be whether the legislation is just and proper.

Mr. MANDERSON. The statement of the Senator from Massachusetts is that he likes this provision and that we all like it. The difficulty is he will not take it.

Mr. MILLER, of California. Let us keep it in. If it is good and just legislation, let not a technical rule of this body stand between the citizen and justice. Let us do right, whether the rules permit it or forbid it.

Now in respect to the depredation claims, the Senator from Massachusetts seems to argue that because we can not pay all these claims now, whether they have been adjudicated or not, we must not pay any, and then he reads off a list of 2,100 claims and complains that the list has grown so large. He objects to it on account of its magnitude. When will there ever be an end to this thing? If you never pay these claims the number will increase constantly from year to year. It is no argument to say that because by the delay of the Government the number of claims has reached an enormous magnitude no claims shall be paid. There is no sense in an argument of that sort.

Mr. DAWES. The Senator forgets that we have declared by law that we will not pay these claims out of the Treasury. We are only to pay them out of certain funds. If the funds are not there, how are we to pay them?

Mr. MILLER, of California. In the great majority of the claims included in this bill there are funds in the hands of the Government belonging to the Indians or which are to be paid to the Indians, out of which the depredation claims can be paid. If there are any cases where there are no such funds, then let the committee discriminate between such claims and strike them out for that reason, if that is proper. But when there are funds out of which they can be paid, the claims having been adjudicated and being just, there is no reason why they should not be paid and no reason why they should not be appropriated for in an appropriation bill.

Mr. MANDERSON. If the Senator from California will allow me, I desire to call his attention to the difference in the language of the section proposed by the Committee on Appropriations and that which is stricken out as it came from the House. In the one the funds from which these depredation claims are to be paid are simply treaty funds in the hands of the Government, but the language of the proposed change is that the Secretary of the Interior shall report also "what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid." I submit that if there are funds in the hands of the Treasury officers derived from the sale of Indian lands, that is an obligation from which these depredations could be paid.

Mr. MILLER, of California. Unquestionably.

Mr. DAWES. The Senator from Nebraska forgets that in 1874 we passed a law that there should be no more treaties, but that hereafter when we dealt with the Indians it should be by a statute and not by a treaty, thus making an agreement ratified by both Houses of Congress, and that is why we change the phraseology. The Senator shows a difference between the committee amendment and the original text of the bill. The merit of the amendment does not lie in the fact that it is just like the matter to be stricken out; the merit, if anything, is that it is different.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts one question. Suppose there were funds in the hands of the Government derived from the sale of lands belonging to the Indians, would the obligation on the part of the Government to pay over that money to the Indian tribe be one out of which the Government could pay these depredation claims under this proposed change?

Mr. DAWES. I answer the Senator by saying that I could tell better if he would let that amendment be adopted, and we get a report from the Secretary of the Interior upon the subject.

Mr. MILLER, of California. What I object to is this practice of the Government of the United States, which is unbecoming a great government, interposing technical objections to shilly-shally around and put off payment in the manner of a bankrupt debtor or a man who is not disposed to pay his debts. That is the position in which the Committee on Appropriations to-day are putting the Government of the United States in relation to the citizens who hold these claims. That there is an obligation to pay these claims out of the funds held in trust by the Government belonging to the Indians, there can be no doubt; but the Committee on Appropriations or the chairman of the Committee on Indian Affairs who has charge of this bill seems to desire to put off the payment continually. It is so year after year. This process has been going on for a great many years, and when we are confronted by the condition of things, then we invent some new scheme, some new plan by which these claims shall be put off; we have not got the report we want, or there is something lacking, and a man who has vigilantly prosecuted his claim and has had it adjudicated, and the amount found due shall not be paid because somebody who has not used the time diligently and whose claim has not been adjudicated is not paid, and that furnishes a reason why the man who has a just claim which has been adjudicated shall not be paid. That seems to me a strange position to take. I can not see why when a claim is adjudicated and found to be due this great Government should desire to put off the day of payment, and to bring up technical and other objections to avoid the payment.

Mr. MAXEY. I wish to suggest to the Senator from California, in the line of his own argument, that each one of these claims stands on its own merits; and if a claim has been properly examined and approved and comes here it would be unjust not to pay it, because the applicant is lying out of the use of his money and it is no fault of his that other men have not got their claims up. You are charging him with the fault or negligence of other people.

Mr. MILLER, of California. That is very true. The Senator from Texas has made a very clear statement of the case. I am in favor of retaining the provision which the Senator from Nebraska desires shall be retained on page 27, because I believe it is right. I am in favor of retaining in this bill every claim which has been adjudicated and upon which there is no dispute, because I believe that is right. I am in favor of the provision which the Committee on Appropriations have put in with regard to the investigation of Indian claims, because I believe that is right; but it is new legislation, a part of it at least, just as much as the matter on page 27 is new and general legislation.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to ask a question? The Senator says that he is in favor of paying all the claims for Indian depredations in this bill——

Mr. MILLER, of California. All that are just.

Mr. CAMERON, of Wisconsin. If they have been adjudicated by the Interior Department. I ask if he is in favor of including in this bill all other claims for Indian depredations which have been adjudicated by the Interior Department?

Mr. MILLER, of California. If there are funds out of which they can be paid, existing treaty funds or any other funds belonging to the Indians that the Government holds in trust.

Mr. CAMERON, of Wisconsin. Practically it does not make much difference whether we pay them out of treaty funds, as the Senator calls them, belonging to the Indians, or out of the general fund of the United States, because if they are paid out of the treaty funds those funds will be exhausted, and after they are exhausted the Indians will have to be supported out of the general fund belonging to the Government.

Mr. MILLER, of California. I will go further and say that I am in favor of paying all just and adjudicated claims of this class out of the Treasury. I believe it is incumbent on the Government to do it. The law was once that the Government was required to pay such claims. It was afterward amended so that the payment should be made out of funds belonging to the Indians. To refuse to pay these claims, to allow the Indians to commit depredations without their being required to pay or the Government being required to pay the resulting damages to property, is only to encourage Indian depredations and to continue the practice. If a white citizen of the United States commits a depredation on the Indians he must pay double the amount of the damage sustained by the Indians. I want to see Indian depredations stopped, and I do not know any better way than to require payment. The Government is bound to furnish protection to its citizens. I do not want the citizen to be paid more than he has actually suffered. I want the claim to be just; I want it investigated thoroughly and completely and adjudicated in every phase of it before payment is made. I contend in these cases, or in some of them that I have personal knowledge

of at any rate, there has been such an investigation and such an adjudication, and there remains no doubt about the *bona fides* or justice of the claims.

Mr. CAMERON, of Wisconsin. I will ask the Senator the question whether or not he is of the opinion that the Government of the United States is under obligation, legal or equitable or moral, to pay the damages that result to citizens of the United States from Indian depredations, whether there is any treaty stipulation or not?

Mr. MILLER, of California. In certain cases perhaps not, but in the majority of cases yes. The citizen settles upon Government land under our existing land laws.

Mr. CAMERON, of Wisconsin. But he goes there at his own risk. The Government does not agree to protect him against foreign foes, as the Indians are recognized to be.

Mr. MILLER, of California. The Government is under an obligation as it represents the citizen himself or the citizens in the aggregate to protect them, and it takes upon itself the duty of protection. Then the Government is bound to protect them or pay them if they are damaged by Indian depredations.

Mr. CAMERON, of Wisconsin. In the case of a foreign war, as with Great Britain for instance, the Government in one sense agrees to protect its citizens; but a British army might invade the State of New York or the State of Michigan and kill citizens of those States and destroy their property, and this Government would not be liable for that damage. It certainly does not agree to indemnify them.

Mr. MILLER, of California. Does the Government in such a case prevent the citizens of the United States from shooting the English?

Mr. CAMERON, of Wisconsin. Neither do they prevent the citizen from shooting the Indian who attacks him.

Mr. MILLER, of California. When he shoots him at the time of the attack; but it refuses the right of reprisal. It will not permit him to pursue the Indian on the reservation; he can not make a counter-attack on the Indian; he must stand and receive the attacks of the Indians and suffer all their depredations without resenting or making any counter-attack upon them.

Mr. CAMERON, of Wisconsin. I would put this case to the Senator from California: If a band of Mexican marauders cross the boundary between Texas and Mexico, kill citizens of Texas and destroy their property, our people can not pursue them upon Mexican soil; they can pursue them to the border, but there they must stop.

Mr. MILLER, of California. It is the duty of our Government to make the Mexican Government pay for that depredation; and if it refuses to pay and will not pay, it is the duty of the United States to make war upon Mexico to compel payment.

Mr. CAMERON, of Wisconsin. Our Government has not done either.

Mr. MILLER, of California. I do not regard the Indians as foreign nations.

Mr. CAMERON, of Wisconsin. We make treaties with them.

Mr. MILLER, of California. We have stopped that.

Mr. CAMERON, of Wisconsin. Prior to 1874 we did.

Mr. MILLER, of California. Yes; but at the same time they were declared wards of the nation, a part of the nation. It was an anomalous condition they were in; but now the Indians are not separate and distinct and foreign nations from the Government of the United States. They are under the jurisdiction and control and power of the Government of the United States. The case is very different from that which the Senator has put.

I do not wish to prolong this debate. I hope the Senate will not do an injustice, merely in order to follow a technical rule of the body or a decision of the Chair.

Mr. DAWES. Mr. President, I have but a word to say. No one objects to the provision which we have proposed to insert in reference to the depredation claims. The only objection is that gentlemen do not want to have it applied to those claims that are already in the bill. There are two or three of those in the bill that we have knowledge of that we think are just, and among them the one that the Senator himself champions; but the body of them we have looked at so far as to be of opinion that the amount that has been claimed is swollen naturally enough by a claimant to put the highest possible value upon his property, or to count the number of his horses or the like in a way that when you come to examine it afterward you will find it must be cut down. Almost all these cases are so. One or two of those that have come up are for an amount even larger than that allowed at the Interior Department.

We were urged to look into the manner in which they were allowed, and it seemed to us that as to such claims, claims a small percentage of which, if allowed, would exhaust all the Indian funds and throw the balance upon the Treasury, we ought to contrive some way to give a new Secretary of the Interior, when he comes to take the responsibility upon him, the authority and the means by which he can reexamine every one that he is willing to make himself responsible for.

Is it not better for these claims to all take the same course rather than to allow all there are in this bill and carry claims which we are satisfied are too large in order to get through it this time two or three that their friends are satisfied are not too large? Let them be postponed to the next session of Congress, and then we shall have, I have no doubt, from a new Secretary of the Interior, with these means put in his hands, an intelligent report such as will justify our action.

I believe that these claims ought to be disposed of. It is a reproach to the Government that there lie in the Interior Department seven or eight million dollars nominally of claims where the owners of them who have suffered feel as if they were right, and yet they are so large and the funds to meet them so small that we shrink from disposing of them. We ought to make an end of them, but we ought to make a fair one and a just one, and if there is not fund enough for them all, they should be marshaled, and then we should determine the other great question behind, whether the Treasury should respond for the balance, and not take out the few of them that have no other claim to preference than the fact that they have ardent friends who pick them out from the great crowd.

The committee say "we will not condemn any of these claims;" we have not uttered a word in condemnation of a claim, but we say that if the claims are of such a character as is stated here as to a few, if they are as our friends say just and proper, we should embrace them all in some proper provision. I submit that, so far as that branch of this debate is concerned, it is not wise to make an exception of a few. A crowd of claims back of these, tempted by these, lie in the committee-room in the form of amendments proposed here involving a million of dollars or more. After saying to those claimants provided for in those amendments, "We will not consider you at all," we can not stand upon that if these already in the bill are allowed, but we must move to recommit our bill and turn ourselves into a committee on claims and examine those claims also. We said to those who presented the amendments, "This is the way we propose to treat you, and to treat these that have come up." I submit that never was a fairer proposition made, which is undone entirely if you select out a few of them and pay them, and turn the others over.

Mr. MAXEY. I have not been able to see that the argument used by the Senator from Massachusetts is sound as against the universal doctrine of law. The law looks at individuals. If I go into court and have my case thoroughly well prepared and am ready for trial, have done that at my own expense and by my own diligence, why should I be postponed because somebody else has not got his case ready for trial? There is no justice, there is no reason for that; and it is in direct violation of a well-settled maxim of the law that it favors the vigilant.

The gentlemen whose claims are allowed in the bill are conceded by the Senator from Massachusetts to have just claims. He makes no pretense that the claims which are found in the bill are not good claims, but he says that some others have not got their claims there also. Is that a reason? Because I have prepared my claim, because I have used the diligence necessary to comply with the law entirely, and my claim has been examined by the Interior Department, when I have gotten the testimony and have presented it in such a way that the Department felt impelled to approve that claim and it goes to the House and it is there allowed and placed upon the bill, am I then, because other men have not come in, to be stricken out? It seems to me that would be a violation of every principle of justice.

The Senator from Wisconsin asked this question: Would you favor the allowance of other claims which have been examined and investigated by the Interior Department and found to be correct and reported to Congress for allowance? I have not the slightest hesitation in saying to the Senator from Wisconsin that, so far as I am concerned, I do not care how many claims come up, if they are just, if they are honest, if they have been established in the mode and manner prescribed by the laws of our land, I would vote for them, because I believe it would be right to pay them.

Mr. CAMERON, of Wisconsin. Will the Senator from Texas permit me to ask a question?

Mr. MAXEY. Certainly.

Mr. CAMERON, of Wisconsin. It is stated by the Senator from Massachusetts who has charge of this bill that the amount of the claims for depredations which have been examined and passed upon favorably by the Interior Department and now on file in that Department amount to about $8,000,000. Would the Senator from Texas be in favor of paying under this Indian appropriation bill all those claims?

Mr. MAXEY. I will reply to the Senator from Wisconsin as best I can, and I think to my satisfaction, whether to his or not. The raids perpetrated a few years ago—much more so than now—by the wild Indians on the frontier people, in which women and children were murdered, others carried into captivity, the cabin of the frontiersman burned over his head, his cattle driven off, his horses stolen, I do not regard as injuries committed during an open war between two nations. It is not that kind of a case. We have said that these Indian disturbances were not wars, that Indians were not to be regarded as belligerents. They are wards of the nation. The Government of the United States has assumed to take care of them and to protect the frontier against them by placing them on reservations and under the control of the military; and they have thus invited people to go on the frontier, risk their lives, and risk their property.

The Government has invited them to do that and has placed agents over the Indians; but for all that they break out and they carry with them the torch; they burn, pillage, rob, destroy, murder, and carry into

captivity; and when these unfortunate people come to Congress and ask for relief, because every man has not been prepared to bring forward his claim in the mode and manner which is required, all others who have done so are to be relegated to some commission hereafter to be appointed to regulate these things. Sir, that is not just. Let "every tub stand upon its own bottom." If a man has an honest claim let it be brought forward, and if the claims amount to $8,000,000, as the Senator from Wisconsin says, if they are just claims for depredatians committed by these wards of the nation upon the defenseless frontier people in the destruction and robbery of their property, this Government, as an upright and honorable and honest gentleman would do, ought to pay the last dollar of it if the Indians have not enough money of their own to pay that debt. I assume in the broadest form the position that it would be just and right and fair to do it.

I say further, that if the Committee on Appropriations had put every valid claim, which they themselves regard as valid and upright, on this bill as an amendment, I should have voted for that, and if, when it goes back to the House, the House should amend the amendments of the Senate and put on others, I would say that was right. In other words, the amount involved has nothing to do with the honesty of the debt. If the Government honestly owes it, it makes no difference whether it takes $8,000,000 or $8. The amount has nothing to do with the justice or the honesty of it. The principle of the thing is that the Government of the United States has assumed that out of the annuities, out of the moneys which go to these tribes, shall be paid all depredations which they perpetrate upon the property of the people, and these claims have been established as coming within the purview of that law; therefore they should not be stricken out.

While I shall support the provision suggested by the committee for future adjudication and settlement, I can not for the life of me see why you want to readjudicate a thing that is already adjudicated. There ought to be an end to controversy, there ought to be an end to litigation; the claims named in the bill need no adjudication, because they have already been adjudicated. They need no examination or investigation or auditing. All that has already been done. Then why should these poor people out there on the frontier lie out of the use of their money, obtaining no interest, because others who happened to be less vigilant have not prepared their cases.

Mr. President, the Appropriations Committee, in my humble judgment, ought not to have stricken the claims out. While I concur with them in their effort to make a provision for the future, so far as these claims are concerned, they ought not to have stricken them out, and there is no inconsistency in leaving them on the bill and then making a provision such as they have wisely made for the futufe. I shall vote with them for that provision, and vote against them so far as striking out claims is concerned.

Mr. JACKSON. I wish to call the attention of the Senate very briefly to the fact that this proposed legislation as it comes from the House to the Senate, and which the Senate Committee on Appropriations propose to strike out, ought to be stricken out because it is in direct conflict with the act of July 15, 1870, which provides as follows:

That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof.

That is the present law.

Mr. DAWES. And these very Indians have no funds in the Treasury.

Mr. JACKSON. None at all. The whole subject is involved in some confusion by reason of not examining these statutes in connection. The act of 1872 directed the Secretary of the Interior to examine claims that arose under existing law or under a treaty obligation. The Department has examined and adjudicated upon an immense amount of claims which there are no existing laws to cover, and no treaty obligations that cover them.

The first legislation upon this subject was in 1802. That made direct provision as to how depredations should be compensated for after demand had been made upon the Indian tribe of which the party committing the depredation was a member, and that act of 1802 directed that the payments for such depredations should be made out of the annuity that was coming to the tribe. That continued in force until 1834. In 1834 the law was changed so as to allow the payment to be made out of any funds in the Treasury, and repealing that provision of the act of 1802 which required that it should be paid out of the annuities. That act of 1834 continued in force until 1859, when that feature of it was repealed which required the payment out of the Treasury, so that there is no law existing on our statute-books now that makes the Government liable for these depredations, and the provision that compensation should be taken out of the Indian annuities has been repealed by the act of 1870.

The real purpose of the act of 1872 was to ascertain these claims and see if there were any treaty obligations under which they could be paid, but every one of the private cases in this bill was introduced into Congress and asked for appropriations out of the Treasury to pay these depredations; and hence the Committee on Claims reported against them. We have to pass on the question whether this Government will be responsible for all Indian depredations, without regard to treaty obligations. If we assume that obligation we shall have to meet from eight to ten million dollars on claims now pending in the Department.

Mr. MILLER, of California. The act of 1872 required the Secretary of the Interior to investigate depredation claims and find the amount due, the date when the depredation occurred, and all the particulars about them. Now, I ask the Senator what was the object of that if they could not be paid? I understand the Senator to say that there was no existing law requiring them to be paid.

Mr. JACKSON. The language of that act is that the Secretary of the Interior should investigate claims that arise under existing law or under treaty obligation. He was confined to that class of claims and was to report them to Congress, and they were not to be paid except by a specific appropriation by Congress.

Mr. MILLER, of California. But the Senator says there is no existing law under which they can be paid and there is no treaty stipulation which requires their payment. Then what was the object of the act of 1872?

Mr. JACKSON. I can not explain that. There stands the legislation just as I have stated it. It is all the legislation on the subject.

Mr. COCKRELL. Mr. President, I think that the amendments proposed by the committee are in the interest and for the benefit of the claimants, and I think the friends of these claimants for Indian depredations are standing in their own light when they are opposing the legislation which has been proposed. It is not a question, as my good friend from Texas states, of diligence in law. Here is one claim, on page 26, line 615, of Dennis Sheedy, allowing him a certain amount for a certain Indian depredation, and here is an amendment that I offered myself for constituents of mine, constituents of the Senator from Kansas, and constituents, I believe, of the Senator from Texas, too, in which I proposed to pay a number of gentlemen their claims, and their claims are precisely alike with that of Dennis Sheedy. The depredations were committed at the same time, by the same Indians, and they have been reported just alike. The committee rejected this amendment.

We rejected all amendments, because we had before us reports beginning back in 1871 or 1872, or probably earlier, from the Interior Department. Every year there is a report of Indian depredation claims. Recently there have been half a dozen reports made each session of Congress, or three or four at least. There have been three made at this session. These reports of Indian depredations do not confine the claims to depredations committed by Indians with whom we have treaty stipulations and whose money we can take to pay these claims, but they include all manner of Indian depredations.

It is impossible to have an investigation of all these claims before the Committee on Appropriations. If the Senator from Texas and the Senator from California were on that committee and were called upon to pass on these claims, neither of those Senators would be willing to accept these reports and allow the exact amount that might have been reported by some Indian agent, supported by one or two *ex parte* affidavits filed in the Department.

It is a matter of absolute necessity that we shall sift these claims, that we shall ascertain those that are properly chargeable against the nations and tribes that have annuities and with whom we have treaty stipulations and whose money we have, so that we can pay the claims. Now, I am for making these Indians pay every solitary dollar due for the actual depredations committed by them, whenever they have any money or whenever they have any lands out of which they can be paid. I want to hold them responsible to the fullest extent of the law; but I only want to pay what is actually due, the real value of the property destroyed or the real injury done to it, and not mere imaginative damages that may have resulted, and which should never be allowed in any court of justice. Therefore we put in the amendment, under the head of "Indian depredation claims," at page 47, requiring a thorough investigation of this whole matter. We appropriate $10,000 for it. The Secretary can take this money and he can have a thorough investigation made; he can report to us all the facts; he can show us the evidence upon which these claims are allowed, and the treaties and the funds. Then we can go to work and settle the cases intelligently and honestly and fairly; but we can not do it until we have that information, and it is idle to undertake to do it. We are simply making fish of one and flesh of another. We are making a favorite of one, and we are doing great injustice and wrong to hundreds of others.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the Committee on Appropriations to strike out from line 637 to line 665.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Otoes and Missourias," to strike out the following clause, from line 686 to 698, inclusive:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. VAN WYCK. This is one of the provisions to which I called the attention of the Senate. It is similar to the one in regard to the Omahas authorizing the extension of the time of payment in the discretion of the Secretary of the Interior. There was evidently a misapprehension in the minds of Senators as to the vote upon the retention of the other clause. I desire some understanding as to this and the previous amendment on page 27. There was a misunderstanding among Senators. This proposition is precisely similar to that.

The PRESIDENT *pro tempore*. The question is on striking out the clause which has been read.

Mr. VAN WYCK. I either desire now to have a yea-and-nay vote or to have it in the Senate.

The PRESIDENT *pro tempore*. Does the Senator demand the yeas and nays?

Mr. VAN WYCK. Not now.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Pottawatomies," to strike out from line 776 to line 783, inclusive, as follows:

For this amount, to be paid to certain Pottawatomie Indians, their heirs or legal representatives, being the sum found due for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of above treaty, $48,332.80, payments only to be made to such as sustained actual damage, their heirs or representatives.

The amendment was agreed to.

The next amendment was, in line 783, to reduce the total amount of the appropriation for fulfilling treaties with the "Pottawatomies" from $68,980.45 to $20,647.65.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 786 to line 807, inclusive:

That the claim of the Pottawatomie Nation of Indians on account of unfulfilled treaty stipulations and for the difference between coin and the value of the currency paid to said Indians in the years 1863, 1864, 1865, 1866, and 1867, by virtue of the treaty of 1868, be, and the same is hereby, referred to the Court of Claims for adjudication; and said case shall have preference and be tried without delay by said court, which shall determine and adjudicate what sums of money are due said Pottawatomie Nation of Indians, and the amount proportionately due each band of said Pottawatomie Nation on any account arising from existing treaties, and whether interest is due, and at what rate, upon said sums, with right of appeal to the Supreme Court, which, in case of an appeal, shall advance said case upon its docket and try the same without delay. But any decision awarding said Indians any sum on account of the difference between gold and currency shall not be held as precedent thereafter for the regulation or decision of any controversy between the Government of the United States and any parties whatsoever.

And in lieu thereof to insert:

For this amount to be paid to the Pottawatomie Indians, or expended for their benefit, under the direction of the Secretary of the Interior, being the difference between the amount paid to said Indians in currency, in the years 1863, 1864, 1865, 1866, and 1867, and the sum due in coin, under their treaties of 1818 and 1829, as required to be ascertained by article 9 of their treaty proclaimed August 7, 1868, $49,382.80.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the "Quapaws," in line 829, after the word "blacksmith," to strike out "and assistants;" in line 831, before the word "hundred," to strike out "eight" and insert "five;" and in the same line, after the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For blacksmith, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the Shoshones and Bannocks, to strike out the following clause, from line 958 to line 964, inclusive:

For the payment by the Secretary of the Interior to J. M. Hogan, of Stockton, Cal., the sum of $6,600, out of the funds herein appropriated for the Shoshone Indians; the same being a claim for damages caused by depredations of said Indians, and examined and approved, allowed and reported to Congress by the Department of the Interior, $6,600.

Mr. MILLER, of California. That is the case which I spoke of a while ago in the debate. The depredation was committed in 1861. The claim has been adjudicated and found due, not only as to the circumstances of the whole case but as to the amount. It is a claim which ought to have been paid long ago, and it ought to be paid now as it has not been paid heretofore. If the Senator from Massachusetts will consent to let the item stand I shall be very much obliged to him.

Mr. DAWES. I should be very glad to do that, because I know something about the claim, but there is one difficulty about it independent of the fact that to leave it here is treating it differently from the others. It was a depredation made before we had any treaty with those Indians, and they never stipulated to pay for any of the depredations committed before that time. Then all we have in our hands now is the annuity. We are under an obligation to pay the annuity which is appropriated here. If we should take the amount out of the annuity we must take out of the Treasury just as much to keep the Indians alive.

I wish this claim might go with the rest, and the Secretary of the Interior will then report what there is in treaties or other obligations on the part of the Indians by which we can pay this or any other such claim. I will not say a word against the merits of the claim. I happen to know more about this than any other of the claims, but I can not ask the Senate to take it up when they have decided that they would not take up the others.

Mr. MILLER, of California. I shall ask for the yeas and nays on the amendment. If it is desirable to wait until we get the bill in the Senate, I will reserve it until that time and take a vote on it then.

Mr. CAMERON, of Wisconsin, and others. The Senator had better do that.

Mr. DAWES. Take the vote then, when the others will come up.

Mr. MILLER, of California. I shall then reserve the question until the bill is reported to the Senate.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Sioux of different tribes, including Santee Sioux of Nebraska," in line 997, before the word "thousand," to strike out "thirty-eight" and insert "thirty;" so as to make the clause read:

For sixteenth of thirty installments, to purchase clothing for males over 14 years of age, for flannel, hose, and calico, and domestics required for females over 12 years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, $130,600.

The amendment was agreed to.

The next amendment was, in line 1013, to increase the appropriation "for pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota" from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 1021, before the word "thousand," to strike out "twenty-five" and insert "seventy-five;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed wherever practicable.

So as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,275,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat trasportation; and in this service Indians shall be employed wherever practicable.

The amendment was agreed to.

The next amendment was, in line 1028, to increase the total amount of the appropriations for fulfilling treaties with the "Sioux of different tribes, including Santee Sioux of Nebraska," from $1,590,300 to $1,627,300.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 1041 to line 1048, inclusive:

The Secretary of the Interior is hereby directed to pay, out of the moneys herein appropriated for the Sioux Indians, to Abner Lowry, sr., $2,808.60, to John McCall $70, and to Mrs. John Bohl $25; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1049 to line 1054, inclusive:

The Secretary of the Interior is hereby directed to pay, out of the moneys herein appropriated for the Sioux Indians, to George Storrs $840; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the "Sioux, Yankton tribe," in line 1060, after the words "civilization of," to insert "and purchase of stock for;" so as to read:

For subsistence and civilization of and purchase of stock for two thousand Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," $40,000; in all, $65,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 1114 to line 1131, inclusive:

The Secretary of the Interior shall cause a complete and accurate list of all approved and pending claims of citizens on account of depredations of Indians, chargeable against any treaty funds of Indians, to be made and presented to Congress on or before the first Monday of December, 1885. Said list shall contain the name and address of the claimant, the date of the depredation, the date of examination and approval, by what Indians committed, what funds remain to said Indians out of any treaty stipulation, and reference to the claim of the particular treaty by which the Indians agreed to pay for depredations by them committed; and said Secretary of the Interior shall also report such suggestions looking to the payment of said claims as may seem wise to him, and whether in his judgment a pro rata allowance out of the respective Indian treaty funds to be applied to the payment of said claims can be made, and, if so, to what extent and in what cases.

The amendment was agreed to.

The next amendment was, after line 1131, to insert:

INDIAN DEPREDATION CLAIMS.

For the investigation of certain Indian depredation claims, $10,000; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid.

The amendment was agreed to.

The next amendment was in the appropriations for "miscellaneous supports," before the word "thousand," in line 1165, to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

MISCELLANEOUS SUPPORTS.

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation, $375,000.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read the following clause:

For subsistence and civilization of the Assinaboines in Montana, including pay of employés, $30,000.

Mr. VEST. I suppose it is too late to change that appropriation, and I am to be blamed for not having submitted an amendment. I know something personally about the condition of those Indians. I regret that the appropriation is as small as it is. I understand that the estimate is fifty-odd thousand dollars over and above this amount, and I see that this includes the payment of employés.

Mr. DAWES rose.

Mr. VEST. I wish to make a statement to the Senate in regard to this matter, if the Senator from Massachusetts will permit me.

Summer before last I visited this tribe of Indians and held a council with them at Fort Assinaboine. At that time there were about 1,100 persons—men, women, and children—in the tribe. Fort Assinaboine is on the edge of the British possessions, and is the most northern of our line of forts. I was there in September. It is the bleakest, most inhospitable country and climate that I have ever seen. Agriculture is simply impossible. The summer season there (they call it summer; I call it very fair winter weather) lasts about one month. They raise a few potatoes, a very few stunted vegetables, and that is all.

The Assinaboines, a portion of the Gros Ventres, the Blackfeet, Bloods, and Piegans, all subsist upon the buffalo. If I had a map accessible I could show the Senate what is called the buffalo country, extending through a portion of Northern Montana into the Canadian territory, over one hundred and forty-nine miles of which I traveled in an ambulance with a military escort, from Fort Assinaboine to Maple River on the Canadian Pacific, and I state here now that I did not see in those one hundred and forty-nine miles one living thing. There were the bones of the buffalo, the wallows of the buffalo, a leaden sky, and a moaning wind, and those Indians are expected to subsist upon that, together with the meager rations that the United States Government gives to them.

In the council that I held with them one of the chiefs, White Calf, rose in the council and said to me through the interpreter that one of his children (for they call the members of the tribe their children) was then dying from starvation. Mr. President, it was the truth. I saw that poor emaciated creature dying for the want of food in sight of the United States flag. I am no sentimentalist; I am a Western man; but this is the truth. It is a shame to this Government, to the civilization and the Christianity of this age. I went to the agent, who lived thirty miles from there. He had no food. I then appealed to the military officer in command, and he issued rations.

I hurried back as soon as I could get to the railroad, for that was my last council. I made my way to Washington city; I went to the Secretary of the Interior and the Commissioner of Indian Affairs, and appealed to them for relief for those Indians. That was in September. Said I, "The winter is coming on; that whole tribe will be exterminated; they will die for want of food." Mr. Price, the Commissioner of Indian Affairs, said, "I have no funds out of which to give those people anything; my rations will be exhausted in the course of six weeks." Said I, "Mr. Commissioner, exhaust them. Congress will meet inside of a month, and I pledge myself as a Senator of the United States that the Senate, and I believe the House, will make ample appropriations immediately upon the meeting of Congress." The rations were doubled, and notwithstanding that, the commandant of the post informed me, for he is now here upon the Swaim court-martial, that with all he could do during the winter, taking the rations of the soldiers, who, to their honor and humanity, gave them up voluntarily to those poor Indians, from three hundred to five hundred of them died right there upon our territory in a land bursting with plenty.

It is a shame, an outrage, sir. And now I see that those creatures are given $30,000. I wanted to move to make the amount $50,000, and to increase the succeeding appropriation $20,000.

Mr. CAMERON, of Wisconsin, Mr. FRYE, and others. Move it.

The PRESIDENT *pro tempore*. The Chair will entertain the motion by unanimous consent.

Mr. VEST. I make a motion to increase the appropriation $20,000. I suppose unanimous consent will be required.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to move, as in order, to increase the appropriation in line 1177 from $30,000 to $50,000. Is there objection? The Chair hears none. The proposed amendment will be read.

The SECRETARY. In line 1177, after the word "employés," it is proposed to strike out "thirty" and insert "fifty;" so as to read:

For subsistence and civilization of the Assinaboines in Montana, including pay of employés, $50,000.

Mr. DAWES. I shall make a statement and then leave the matter to the Senate.

Mr. HAWLEY. If the Senator will allow me, I wish to call the attention of the Senator from Missouri to another point of the same question, or perhaps the same point the Senator from Missouri has referred to. Was it the Blackfeet Indians alone that he spoke of, or was he speaking of four or five tribes?

Mr. VEST. I spoke of the Assinaboines.

Mr. HAWLEY. I understood, but I may have been misinformed, that there is a somewhat similar condition of affairs among the Blackfeet Indians.

Mr. VEST. They are all together; the Assinaboines, the Blackfeet, the Bloods, and the Piegans live together and have the same reservation, and they were all starving when I was there.

Mr. HAWLEY. Now, if the Senator from Massachusetts can give some correct historical statement in regard to those Indians and some assurance of the future I should be glad to hear him. I am very glad to see that on another page of the bill, page 54, there is a contingent fund provided for. I wish it were larger.

Mr. VEST. Yes; it ought to be doubled.

Mr. DAWES. If the Senator from Missouri would reserve his amendment for that point, perhaps it would be wiser. The Senator proposes to raise the amount of appropriation as to the Assinaboines from $30,000 to $50,000. The Department has only estimated for the Assinaboines $35,000. The appropriations for the present year for all of the Indians of Montana, embracing these Indians, are $52,000 less than the estimates. That includes the Assinaboines, the Blackfeets, the Bloods, the Piegans, and the Crows. It was the year before last that the Senator was there. I was also in the neighborhood, although I did not see those Indians that he has spoken of.

When the attention of the Department last year was called to the distressed condition of those Indians—the Assinaboines, the Blackfeet, the Bloods, and the Piegans—they ordered all the rations which were provided for for the year ending next July to be expended before the last of March of this year, which was deemed by those on the ground to be sufficient to supply their wants up to March of this year, so that they would not be starving. Then there was appropriated $50,000 for an emergency deficiency in January of this year, the purpose of which was to take the place of those supplies from March through to July which were anticipated by the order of the Department. The Department now believes, according to all its information from those Indians, that with this fifty thousand dollars' worth they will get through by March enough to supply their wants till July. Whether the Department is correctly informed I do not know; but having anticipated in the manner I have said an expenditure to March, and then supplying that by the $50,000 emergency appropriation which was made in January, the Department believes they have met the exigency so far as food is concerned.

The difficulty with these Indians is twofold. The first is that described by the Senator from Missouri, that their game is gone; and another is that they are lodged in the mountains of that cold region of country and their habits are such that it is next to impossible to make them look for any support except from the chase. They know no other way to get their living but from the chase, and they stay in the mountains while there is food at the agency, and hunt and hunt and starve and die, although there is food within reach of them.

Notwithstanding what I have said in relation to the efforts and appropriations made on the part of the Department and of Congress to meet their distress, there is a lamentable condition of things among some of them which is perfectly heart-rending. Whether it could be remedied by more food or not is a question. I have received to-day, since this bill came up, a letter to a friend from the agent of the Blackfeet Indians, accompanied by the death-roll of the Blackfeet, a part of these Indians, kept as they keep it. I have it here before me [exhibiting], the death-roll for nine months ending in January, kept as they keep it, by notches upon sticks. Here are the identical sticks kept by the chiefs of the bands. Every notch indicates a death in the tribe. I

have a letter of the agent in my pocket in which they are all reckoned up. I will read it. It is dated the 4th of February:

DEAR SIR: By this mail I send you a number of sticks in which are cut notches representing the number of deaths in various bands of the Indians at this agency. These sticks were prepared by the leaders of the bands, and they state that infants who had not reached the period at which children notice the objects about them are not included in the count. The period covered is from early fall, 1883, to the summer of 1884. The following is the list—

Making a total in that time of 482 out of a tribe of Indians that numbered from 1,800 to 2,200. About one-fourth of the whole tribe have fallen in that time from some cause or other, depleted partly, perhaps, by the want of food, partly by the weakness that the climate has brought upon them, and from various sources. This is the condition of things at the Blackfeet agency. It demands, it seems to me, a very thorough investigation on the part of the Indian Department.

I ought to say in this connection that the Senate passed a few days ago a bill which, if it gets through the House, will place all these Indians upon new reservations marked out upon a vast region of country believed by those who have personally examined the ground to be the best part of the whole country on the rivers, and the most valuable land. The Indians desire to go upon that land, and give a release of all their claim and right to the rest of the land. In that bill it is provided that for a certain number of years—I think thirty—the United States stipulates to pay $75,000 a year to each of the three tribes of Indians constituting this agency. I think, if that bill should get through the House, those Indians will be in a better condition than they have been since the game has fled from the country and they have been upon that reservation.

I am unable to tell the Senate what is the real cause of the horrible and awful mortality among those Indians. I know the Department is of opinion that it has furnished all the appropriation, including the $50,000 which Congress appropriated in January, that is necessary, but the mortality has arisen from past suffering and past neglect.

I think, if the Senator will reserve his amendment and increase what we have created in the bill called an emergency fund, it will meet whatever in the future may appear to the Department to be necessary.

Mr. VEST. I will withdraw the amendment then.

Mr. PLUMB. Before the amendment is withdrawn I wish to call the attention of the Senate to some statistics in regard to these tribes of Indians as I find them stated in the report of the Commissioner of Indian Affairs, and to make some comments on them.

According to the last report of the Commissioner of Indian Affairs, that for the fiscal year ending June 30, 1884, there are a thousand of these Assinaboine Indians at the Fort Belknap agency and 1,150 of the Gros Ventres. According to the statistics furnished by the agent the number of deaths during the last fiscal year was twenty-six. The agent also reports in regard to the employment of the Indians, and the results of their labor and so on, that there were 250 acres cultivated by the tribes at that agency, that there were 300 acres under fence, that there were 300 bushels of corn raised, 250 bushels of oats and barley, 15 bushels of beans, 725 bushels of vegetables, 25 tons of hay cut, and so on, and that the tribes had 1,200 horses. I find by reading the report of the agent, found on page 114 of the report of the Commissioner of Indian Affairs, that "the number of Indians," quoting now from the report, "remains substantially the same as at the date of my last report, with probably a small increase of births over deaths;" so that if any one is indulging in the hope that we shall be getting rid of these Indians, and therefore of the necessity of appropriating for them, he will have to consult some other authority than that which I hold in my hand. He says the morals of the people are not very good.

'In sanitary matters the agency physician reports the average number of Indians entitled to treatment at 1,850, the number that have in some manner been treated as 995; of this number 14 have died, 12 of which died from chronic incurable diseases.

So that the lump number of persons who have died on account of lack of food was very small.

Both tribes suffer severely from venereal diseases contracted some years ago, and now appearing as a constitutional disease, affecting the lungs and throat especially, and this is and will continue to be the cause of a large majority of the deaths among this people. The general health of these Indians is good, and improves from year to year, and in time I believe this people will outgrow their present tainted condition and become a fairly healthy race.

Mr. VEST. For what year is that?

Mr. PLUMB. That is for the fiscal year ending last June. The agent further says:

The supplies furnished them the past year were not sufficient for their needs, and but for the additional amount furnished later in the year much suffering would have most certainly ensued; and as the appropriation for the current year is, I suppose, about the same, it is apparent that the same state of things will exist as came to pass last year.

* * * * * * *

I am happily able to say that none of my Indians have starved to death, but it has been only by the most rigid economy—

Which of course ought to be an offense to an Indian agent, I think—

and by keeping them on short rations that such a calamity has been averted.

In another paragraph of the report the agent states as follows:

But, fortunately, by their labors they have produced sufficient to supply their immediate wants; as far as potatoes, corn, turnips, &c., are concerned, they will have plenty.

That was, a few years ago, considered a pretty fair bill of fare for a white man.

The Indians have worked diligently and well on their farms, these that have them, and the result is a fine crop. But unfortunately many of them have no farms, and hence no crop. And while upon this subject I wish to reiterate former statements in regard to the breaking of land. My Indians could just as well have tilled 600 to 800 acres of land as well as the 300 acres they have cultivated. The white employés have broken every spring all they could, but it was but a tithe of what was needed. It would seem to be a wise scheme to break up for them all the land they can till, as that is directly in the line of our efforts toward making them self-supporting.

On the whole, a careful survey of the field indicates rapid advancement in certain directions, more clearly in respect to agriculture, and I assert that in a few years, with such assistance as the Government should most certainly afford them, these Indians will become largely self-sustaining.

That would not seem to indicate that the condition of things up there had been very serious. Of course I am not questioning in the slightest degree the statement made by the Senator from Missouri as to that which passed under his observation; but I have had some little experience on the frontier, and I know that Indians sometimes lie, and it might be possible that there should be circumstances which would induce some Indians to say they had been at the point of starvation, and yet the statement might not be quite true. I would not accept a statement of that kind as being necessarily the exact truth unless I were able to verify it from some other source.

But I was going to say specially that if that reservation is of the kind which the Senator from Missouri estimates it to be, and if the outlook there is of that hopeless character he represents, we ought not to be appropriating money simply to keep those people in that inhospitable climate and on that barren soil and in that condition where under no possible circumstances can they ever be otherwise than beggars, but instead of appropriating for emergencies and for food, which is only charity at the best, we ought to be making appropriations that would take them somewhere else and put them under conditions in which they may within some reasonable time become self-supporting. We are doing the vain thing, the idle thing, the wicked thing, because it is wicked to collect money from the people of the United States year after year to pay to Indians or anybody else whom we keep in a condition where they never can become self-supporting and must be always objects of charity notwithstanding the fact that they are physically able under proper circumstances to labor sufficiently to support themselves.

I think the attention of the Senate ought to be directed to this matter, not for the purpose of specially enlarging this appropriation, but of seeing in this case, upon which we have this information, if we can not do something at once to avoid the necessity of an indefinite continuation of these appropriations, and, what is more, of constantly being reproached everywhere for lack of humanity which comes by reason of our lack of appropriations to keep these people in that locality where they can never be of any service to themselves.

I shall now read from the report of the agent of these Indians for the preceding year.

Mr. HAWLEY. Will the Senator kindly distinguish between these different tribes? He has been talking about the Assinaboines and I am at this moment reading a letter from the agent of the Blackfeet.

Mr. PLUMB. I was addressing myself to the amendment offered by the Senator from Missouri.

Mr. VEST. If the Senator will permit me, when I was at the agency of the Assinaboines, the Gros Ventres, the Bloods, the Piegans, the Blackfeet, and the Assinaboines were all upon that reservation. These Indians pass backward and forward from the British possessions into Montana. The buffalo country extends from Fort Assinaboine up to Maple Creek, on what is now the Canadian Pacific, and that was their hunting-ground. These tribes have intermarried and have lived together. It is impossible for anybody to say that starvation existed only in one tribe.

Mr. BLAIR. May I ask the Senator a question? He spoke of the number of those whom he found there as being eleven hundred. Does that include all of these tribes?

Mr. VEST. Oh, no, sir. It is impossible to obtain any accurate information about the number of Indians in these tribes. As far as I could ascertain from the chiefs and from the agents, there were about eleven hundred Assinaboines and a thousand of the Gros Ventres, though I see the agents state——

Mr. BLAIR. Of what tribe were those who died from want?

Mr. VEST. They were Blackfeet, Assinaboines, and Piegans.

Mr. BLAIR. Not all of a single tribe?

Mr. VEST. Not of a single tribe; but they all live together.

Mr. DAWES. The communication which I read was from the Blackfeet agency only, and is of recent date, February 4. I read a letter from the agent himself. The Blackfeet agency is distinct from that which includes the Assinaboines, which is at Fort Belknap.

Mr. VEST. But the Piegans and Blackfeet are at Fort Shaw. What I stated in regard to the condition of these Indians last winter I ascertained from the commanding officer at Fort Shaw.

Mr. DAWES. I want to add, as I ought in regard to the appropriations of this year, that they are $17,000 larger than the appropriations last year, including the $50,000 deficiency. So the Department is determined to meet the case. If it fails it will be from lack of information.

Mr. PLUMB. I find by looking at the report of the Commissioner for the year 1883 that the number of Assinaboine Indians at Fort Belknap agency that year was 750, 250 less than now, and the number of Gros Ventres there was 950, 250 less than there are at this time. From that I do not mean to assume at all that the tribe has increased. I have no doubt the Senator from Missouri has furnished the explanation somewhat of the condition of things that existed at Fort Belknap agency at the time he was there.

These Indians go backward and forward, first to one agency and then the other; being affiliated by blood and marriage, they naturally regard themselves as of the same family, and wherever they happen to be they take whatever rations are available; and if it should happen that all the Indians at one agency should go to the other suddenly, they might exhaust the rations there. I suppose the only way to even that up would be to have the Indians who had thus been cleaned out go to the other agency and employ the same tactics there for the purpose of recouping what they had lost.

That is a difficulty which it will be almost impossible to provide against wholly. There ought to be a totality among all the agencies enough to supply them, and I think not a very great abundance for the purpose of encouraging them to refrain from agriculture, unless it be literally true that agriculture is there impossible. If it is, then they ought to be taken to some more hospitable clime. Every day we keep them there is not only an expense which is unnecessary, because it takes more to transport supplies to that locality than it does to some nearer point where they should be located, but we are losing the chance also of doing anything for them in the way of making them self-supporting.

I want to say now, repeating what I have said heretofore at some length and which I thought I never would say again, that I do not think the chief end of an Indian ought to be to live off the Government, and I do not think the chief end of the Government ought to be to encourage the Indian with the belief that he can always live off the Government, nor to permit him always to live off the Government. I believe that under a proper system of management nine-tenths of the Indians of the United States at least—men, women, and children—could become self-supporting. Their wants are simple, or at least they were originally. We have cultivated them somewhat by giving them extravagant articles of food, &c., and we have shielded them because they have come to believe to a very large extent that the Government was rich enough and big enough, not to give them a farm but to enable them to live without a farm or without doing anything. That grows, like other vices, by what it feeds upon; and this constant giving without stint, and the understanding that always whenever there is a lack the Government is ready to make it up, and that therefore individual effort can be remitted or abandoned entirely, has produced, I think, largely that condition of things which we find now existing.

I do not propose to attack it now by means of this appropriation bill, but I want to say that what the Senator from Missouri said ought to be a warning that we are proceeding in the wrong direction, that we are schooling children in things which can never be of any use to them, and that we are keeping people in enforced idleness at places where they can never do better than they are doing now, and thus laying the foundation for the continuation of this charity until the end of time. While I may not seem very soft-hearted, I believe I have never failed to respond to demands for more food when it was said somebody was starving, and I have voted for all these emergency bills, and they have been numerous; but it is improper that we permit that condition of things to exist which will confront us with these emergencies and with these appeals which we can not disregard, and yet in that way we produce this condition of things. We are doing a great wrong, not only to these Indians but to the people of the United States, whom we tax for their support.

Mr. DAWES. I move that the Senate adjourn.

Mr. BLAIR. Will the Senator not allow the regular order to be laid before the Senate?

Mr. DAWES. Certainly.

Mr. VEST. I rise to a parliamentary inquiry. I said that I withdrew the amendment. Did the Chair declare the amendment withdrawn?

The PRESIDENT *pro tempore*. The Chair did not hear the Senator.

Mr. VEST. I moved the amendment with the consent of the Senate, and I wish it to remain that I may see what is best to be done.

The PRESIDENT *pro tempore*. The bill stands on the matter of asking unanimous consent to offer this amendment for consideration. That will be the pending question when the bill is again resumed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, this day, approved and signed the act (S. 235) to provide for the erection of a public building in the city of Augusta, Me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 150) granting a pension to Sarah Denny Ripley;
A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;
A bill (S. 1546) granting a pension to Orin R. McDaniel;
A bill (S. 2034) to remove the political disabilities of Alfred Iverson;
A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia;
A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;
A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;
A bill (S. 2398) granting a pension to Cyrus Reeser; and
A bill (H. R. 6816) for the relief of Nathan J. Sharp.

SAINT CROIX RIVER BRIDGE.

Mr. CONGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 8, 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 9, 11, 12, 13; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the amendment; and the Senate agree to the same.

O. D. CONGER,
S. J. R. McMILLAN,
G. G. VEST,
Managers on the part of the Senate.
W. D. WASHBURN,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.

The report was concurred in.

EUGENE O'SULLIVAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry, which was, in lines 7 and 8, to strike out the words "$18 per month" and insert "pension allowed in cases of amputation of the leg above the knee."

Mr. INGALLS. I introduced that bill, and will take the liberty of moving that the Senate concur in the amendment made by the House.

The motion was agreed to.

JAMES M'CALLEN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1571) granting a pension to James McCallen, which was, in line 3, to strike out all after the word "laws" down to and including the word "pension," in line 4; and in line 6, strike out all after the word "Infantry" down to and including the word "pension," in line 8.

Mr. WILSON. I move concurrence in the amendment.

The motion was agreed to.

ISABELLA HIGGINS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2549) granting a pension to Isabella Higgins, which was, in lines 2 and 3, to strike out the words "subject to the provisions and limitations of the pension laws" and insert "at the rate of $20 per month."

Mr. WILSON. I move concurrence in the amendment.

The motion was agreed to.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. DOLPH and Mr. GEORGE submitted amendments intended to be proposed by them, respectively, to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

FOREIGN-LABOR CONTRACTS.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has called for the regular order. The unfinished business will be laid before the Senate, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. BECK. The Senator from Massachusetts, I believe, indicated his willingness to withdraw his motion to adjourn so that I may move for an executive session of a few minutes. I do not want a long one.

The PRESIDENT *pro tempore*. The motion to adjourn was withdrawn, and the Chair laid before the Senate messages from the House. The Senator from Kentucky is now recognized.

Mr. BECK. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Does the interposition now of a motion to go into executive session again make it necessary that I should call for the regular order?

The PRESIDENT *pro tempore*. It does not.

Mr. BLAIR. Is there no point of order?

The PRESIDENT *pro tempore*. The bill the Senator has in charge is before the Senate for action at this moment; but the Senator from Kentucky moves that the Senate proceed to the consideration of executive business. The question is on that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned.

SENATE.

MONDAY, *February* 16, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

Mr. HAWLEY presented the credentials of Orville H. Platt, chosen by the Legislature of Connecticut a Senator from that State for the term beginning March 4, 1885, which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting resolutions of the New York Chamber of Commerce, urging the establishment in the principal seaports of the United States of stations for the determination of the errors of compasses in iron and steel ships, with report of Commodore J. G. Walker, Chief of Bureau Navigation, thereon, and recommending an appropriation therefor. If there be no objection, the letter of the Secretary, with the report of Commodore Walker, will be printed, and they, with the accompanying memorial, will be referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Arizona Territory, praying that certain coal fields within the White Mountain Indian reservation, in that Territory, be segregated from the reservation, and that the rights thereto of the discoverers thereof be respected; which was referred to the Committee on Indian Affairs.

Mr. PALMER. I present a joint resolution of the Legislature of Michigan, relative to the importation of laborers under foreign contracts. I ask that it be laid on the table.

The PRESIDENT *pro tempore*. The Chair will state to the Senator that the paper sent to the desk does not appear to be an original joint resolution of the Legislature of Michigan, but only what appears to be a copy. The paper will be laid on the table. The Chair only inquired with reference to its being read, the rule being to read original joint resolutions of Legislatures of the States. This does not appear to be an original paper. It will be received, however, if there be no objection, and laid on the table.

Mr. PALMER presented a concurrent resolution of the senate and house of representatives of the State of Michigan; which was read, and referred to the Committee on Commerce, as follows:

Preamble and concurrent resolution adopted by the senate and house of representatives of the State of Michigan.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal, and also to inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War did designate Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity to said resolution; and

Whereas the honorable Secretary of War did report on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same, and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest and most serious disasters have occurred: Therefore,

Be it resolved by the senate of the State of Michigan (the house concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring, upon fair and reasonable terms, title to and ownership of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship Canal and Railway Company, connecting the waters of Keweenaw Bay through Portage River, Portage Lake, and the Portage Lake and Lake Superior Ship Canal and Railway Company with the waters of Lake Superior, for the purpose of making them free to the commerce of the lakes, and securing a commodious harbor of refuge for that commerce at a point on Lake Superior most dangerous to it.

Resolved, That the secretary of the senate be, and he is hereby, instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

ARCHIBALD BUTLER,
President of the Senate.
LEWIS M. MILLER,
Secretary of the Senate.
NEWCOMB CLARK,
Speaker of the House of Representatives.
D. E. CROSSMAN,
Clerk of the House of Representatives.

LANSING, *January* 29, 1885.

Mr. PALMER presented a resolution of the Detroit (Mich.) Board of Trade, favoring the purchase by the United States of certain water ways connecting Keweenaw Bay with Lake Superior; which was referred to the Committee on Commerce.

Mr. INGALLS. I present a petition, numerously signed by members of the Legislature of the State of Kansas and many other citizens of that State, praying for an appropriation of $100,000 for the construction of a wagon-road from Caldwell, Kans., through the Indian Territory, to Wichita Falls, in Texas. The petitioners represent that that country is now under the control of the Government of the United States, and a road would be of great importance to the military establishment, the Indian agencies in the Indian Territory, to traders, and to the transit of the mails. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PENDLETON. I present a memorial from publishing houses that represent themselves to be all of those in the city of Springfield, in the State of Ohio, protesting against the passage of a clause in the Post-Office appropriation bill that distinguishes between newspapers of certain classes—I suppose those which are sent to regular subscribers and those which are sent to persons whom the publisher may select or as sample copies. I move the reference of the memorial to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. PENDLETON presented memorials of the Cortland Gazette, of Cortland Ohio; the Lebanon Daily Star, of Lebanon, Ohio; the Coshocton Wochenblatt, of Coshocton, Ohio; of the Bee and Times, of Ripley, Ohio; and the Ohio Democrat, of New Philadelphia, praying for the reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB. I present a petition of sundry citizens of the State of Kansas, praying for the establishment of a wagon-road in the Indian Territory, which I ask may be referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. HARRIS in the chair). It will be so referred.

Mr. PLUMB. On the suggestion of my colleague [Mr. INGALLS], I ask that the reference of the petition be changed to the Committee on Appropriations.

Mr. DAWES. I inquire of the Senator why the question of a wagon-road through the Indian Territory should be referred to the Committee on Military Affairs?

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas to desire the change of reference of the petition?

Mr. PLUMB. If I had time to read the very lucid explanation that is stated in the petition I think I could satisfy the Senator from Massachusetts, although as I know he is very hard to satisfy usually. I think even his critical judgment would be satisfied if I should read that statement. It relates to a road for the transportation of military supplies from station to station in that section of the country.

Mr. DAWES. Who petitions for it?

Mr. PLUMB. There are various persons who subscribe their names to the petition.

Mr. DAWES. Is it the military authorities who are so anxious to have a military road or is it citizens?

Mr. PLUMB. There is no way I can conceive of to satisfy the Senator from Massachusetts except to put him in personal possession of the petition, and I shall request the clerks to do so.

The PRESIDING OFFICER. Does the Senator from Kansas ask that the petition shall be referred to the Committee on Military Affairs or the Committee on Appropriations?

Mr. PLUMB. The Committee on Appropriations.

The PRESIDING OFFICER. That reference will be made if there be no objection.

Mr. PLUMB presented a resolution of the senate of Kansas, favoring the passage of the bill increasing the pensions of widows of deceased soldiers; which was referred to the Committee on Pensions.

He also presented a resolution of the senate of Kansas, favoring an appropriation for the improvement of the military road from Caldwell, Kans., across the Indian Territory to Wichita Falls, in the State of Texas; which was referred to the Committee on Appropriations.

He also presented a petition of honorably discharged officers, soldiers, and sailors, who served in the United States Army and Navy during the late war, praying that they be given a land-warrant for one hundred

and sixty acres of land each; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented a petition of E. S. Jaffrey & Co., Tiffany & Co., Robert Davis & Co., Bates, Reed & Cooley, and 150 other importers of the city of New York, praying for the passage of the House bill to allow certain oaths to be administered by notaries public; which was referred to the Committee on the Judiciary.

He also presented the petition of William M. Thomson and 28 other citizens of Alexandria Bay, N. Y., praying that the United States acquire title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west and make said canals free of tolls to the public; which was referred to the Committee on Commerce.

Mr. MILLER, of California. I present a concurrent resolution of the Legislature of California, relative to a signal-service station on Tamalpais Mountain, which I ask may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from California asks leave at this time to present a copy of a concurrent resolution of the Legislature of California. It will be received, and referred to the Committee on Appropriations.

Mr. BLAIR. I present the memorial of John C. Welch, making a proposition to sell to the United States an abstract or calendar of the census which he has prepared. I have taken the liberty to make this indorsement after an examination of it.

This calendar is a remarkable condensation and bird's-eye statement or exhibition of the essential facts ascertained by the Tenth Census. It is very convenient for reference, and I can not conceive of any method by which, for so little money, so much valuable information can be distributed among the people.

Signed by myself. I move that this be referred to the Committee on Appropriations, with which committee is to be found some matter bearing upon the question.

The motion was agreed to.

Mr. HAMPTON presented a petition of citizens of Georgetown County, South Carolina, praying for the establishment of signal stations in that county; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa, to report it favorably and without amendment. As it will take perhaps less time now than at any time hereafter, at the request of the Senators from Iowa I ask for the immediate consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill be now considered. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories, and have instructed me to report it adversely. I have no objection to the bill going on the Calendar, as some Senators desire it to be placed there.

Mr. HOAR. I should like to say in regard to that bill one word. While I think that in some of the Territories—I believe that is the general opinion of all Senators who have examined the question—there is a very great and crying necessity for some relief, especially in the Territory of Washington and also to some extent in Dakota, I am not aware whether all the Territories are so situated as to require the general relief provided by the bill, and I believe there is a special bill now pending to cover the Territories of Washington and Dakota.

The PRESIDENT *pro tempore*. It was passed at the last session.

Mr. HOAR. It was passed by the Senate?

The PRESIDENT *pro tempore*. It was passed by both Houses.

Mr. HOAR. Very well, then.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar at the request of the Senator from Arkansas.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. LAPHAM, from the Committee on Fisheries, reported the following concurrent resolution; which was refered to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 2643) to relinquish to the city of Denver title to certain lots of land for the purposes of a public library; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a joint resolution (S. R. 125) to provide for the expenses of the inauguration ceremonies on the 4th day of March, 1885; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. FRYE introduced a bill (S. 2644) in relation to evidence to quiet titles; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO A BILL.

Mr. SEWELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate for the printing of the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance.

The message also announced that the House had passed a bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII, the pending bill being Order of Business 396, the title of which will be reported.

The CHIEF CLERK. "A bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes."

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. The question is, Shall the bill be indefinitely postponed? on which the Senator from New York [Mr. LAPHAM] is entitled to the floor.

Mr. SHERMAN. With the leave of the Senator from New York I desire to make a motion; but before doing so I wish to state the reason why I make the motion.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New York yield to the Senator from Ohio for the purpose indicated by the latter Senator?

Mr. LAPHAM. Yes, sir.

Mr. SHERMAN. It is perfectly manifest that in the present state of the public business a long discussion upon such a proposition as that now pending before the Senate, the Des Moines River bill, however meritorious it may be and whatever considerations may be urged in its favor, stands in the way of all the morning business, all the appropriation bills, and all the business which is to come before this Congress and must be acted upon. In view of that fact, and also in view of the further fact that it is a Senate bill and must go the House, and we know as practical legislators that our action upon it even if it should be ever so favorable will not dispose of the bill and will not accomplish the desire of the Senators from Iowa, and in order that it may not stand in the way of appropriation bills which ought to be taken up this morning and proceeded with, I move to lay the bill on the table.

Mr. ALLISON. I hope the Senator will withdraw that motion for one moment, in order that I may say that this is as important public business as there is before the Senate, and I hope the motion will not prevail.

Mr. SHERMAN. I hope it will be decided.

Mr. PLUMB. I ask the Senator from Ohio to withdraw the motion until I may say one word.

Mr. SHERMAN. Certainly; I withdraw it.

Mr. PLUMB. To vote——

The PRESIDING OFFICER. The Senator from Kansas will suspend. Does the Senator from Ohio move at this time to lay the bill on the table or does he simply give notice of his intention to do so at a later hour?

Mr. SHERMAN. I did move it, but I withdraw it for a moment to hear the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Ohio withdraws the motion. The Senator from Kansas.

Mr. PLUMB. I wish to say that it will take no longer to vote upon the passage of the bill, or upon the motion to indefinitely postpone it, which is not a dilatory motion, but is one going to the merits of the case, than it will take to vote on the motion of the Senator from Ohio. The only thing that can be said in favor of one proceeding as against the other is that a motion to lie on the table not being debatable, the Senator from New York will be prevented from concluding his very interesting remarks on this subject. The Senator from Ohio may possibly have that result in mind; but it does seem to me that the bill ought to be voted upon on its merits one way or the other. If the Senate shall vote to lay the bill on the table in this way, we shall be confronted

with the necessity next year just as actively as now of doing something about it, and shall be pressed to take some action which shall disclose the view of the Senate upon the merits of the controversy. If, however, this bill shall be voted down, the Senate will thereby solemnly record its judgment that the relief sought by the bill is not proper relief to be granted by Congress, and then of course these people will seek relief somewhere else, or at all events they will not be here probably as they have been for many years, year after year and session after session since I have been here, for the purpose of getting what they believe to be their due, to wit, the right to have the case decided in the courts of the United States. It seems to me, therefore, that we ought not to lay the bill on the table and have the matter go off at this time upon a dilatory motion which decides nothing.

Mr. SHERMAN. I renew my motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the bill do lie on the table.

Mr. LAPHAM. I ask the Senator from Ohio to allow me to make one suggestion.

Mr. SHERMAN. My object was to cut off debate, but I can not refuse the Senator from New York under the circumstances.

The PRESIDING OFFICER. The Senator from Ohio withdraws the motion?

Mr. SHERMAN. Yes, sir; for a moment.

Mr. LAPHAM. The Senator from Kansas says that the bill should be considered and the Senate should decide if it is proper legislation in order to satisfy those settlers. Precisely that was done four years ago by the unanimous report of the Judiciary Committee of this body, and there is not a single fact now existing that was not known to the Senate at that time.

Mr. SHERMAN. I now renew my motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the bill do lie on the table.

Mr. ALLISON. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). Upon this question I am paired with my colleague [Mr. VOORHEES].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I was paired on this bill with the Senator from Maryland [Mr. GROOME]. I, however, had authority to transfer my pair. I have transferred it to the Senator from Colorado [Mr. BOWEN]. If the Senator from Colorado were present, he would vote against laying the bill on the table and the Senator from Maryland would vote in favor of laying it on the table.

Mr. FRYE. I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detaincd from the Senate by sickness in his family.

The result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Beck,	Jackson,	Miller of N. Y.,	Vance,
Edmunds,	Jonas,	Morgan,	Vest,
Garland,	Lamar,	Pike,	
Hampton,	Lapham,	Sherman,	
Harris,	McMillan,	Slater,	

NAYS—23.

Allison,	Dawes,	Ingalls,	Pendleton,
Blair,	George,	Jones of Nevada,	Plumb,
Call,	Hale,	Manderson,	Sewell,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Van Wyck,
Coke,	Hill,	Morrill,	Wilson.
Cullom,	Hoar,	Palmer,	

ABSENT—36.

Aldrich,	Colquitt,	Harrison,	Pugh,
Bayard,	Conger,	Jones of Florida,	Ransom,
Bowen,	Dolph,	Kenna,	Riddleberger,
Brown,	Fair,	Logan,	Sabin,
Butler,	Farley,	McPherson,	Saulsbury,
Camden,	Frye,	Mahone,	Sawyer,
Cameron of Pa.,	Gibson,	Maxey,	Voorhees,
Chace,	Gorman,	Mitchell,	Walker,
Cockrell,	Groome,	Platt,	Williams.

So the motion to lay the bill on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to indefinitely postpone the bill, on which the Senator from New York is entitled to the floor.

Mr. DAWES. I ask that the bill may be informally laid aside that we may take up the Indian appropriation bill.

Mr. SHERMAN. Before that is done, I ask if the Des Moines bill will come up again in the morning hour to-morrow, and so whenever the morning hour recurs.

The PRESIDENT *pro tempore*. That is the order of the Senate.

Mr. SHERMAN. Then no business can be done in the Senate except the appropriation bills and the Des Moines River bill.

Mr. ALLISON. Until the bill is disposed of.

Mr. SHERMAN. Until the bill is disposed of. If that is the case we may as well give up, because we might as well disappear and take it leisurely for the remainder of the session. I do not think it is fair play in legislation. I desire to make that statement now.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] has the floor with the permission of the Senator from New York, the Chair understands.

Mr. DAWES. I ask leave, with the permission of the Senator from New York, to have the Des Moines bill laid aside informally that we may take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to the consideration of House bill 7970, the title of which will be reported.

The CHIEF CLERK. "A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes."

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLUMB. Is the bill now before the Senate?

The PRESIDENT *pro tempore*. It is not; the Chair is calling for objection. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. PLUMB. I ask the Senator from Massachusetts who has charge of the Indian appropriation bill to yield to me until I present the conference report on the District of Columbia appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas is entitled to present a conference report when he gets the floor as a matter of right.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8089) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 21.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 10, 23, 36, 37, 38, 39, 42, 43, 47, and 50, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Substitute for the matter stricken out by said Senate amendment the following: "including compensation not exceeding $600 for additional labor or services;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out after the word "hospital," in the amended paragraph, the words "of the," and insert in lieu thereof the words "association of Washington;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ninety-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And held in the manner provided in this act for the police fund;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out on page 17, in lines 6 and 7 of the bill, the following words: "accident while in actual performance of duty or by service" and insert in lieu thereof the following: "injury received or disease contracted in line of duty, or having served;" and strike out in line 10, same page, the word "accident" and insert in lieu thereof the words "injury or disease;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: "In lieu of the sum proposed insert "$554,930;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000;" and the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

Mr. INGALLS. I ask my colleague to let the report lie on the table for the present. I should like to examine one of those amendments.

Mr. PLUMB. Very well.

The PRESIDENT *pro tempore*. If there be no objection, the report of the committee of conference will be laid on the table and taken up later.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2246) to pre-

vide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. H. FORNEY of Alabama, Mr. R. W. TOWNSHEND of Illinois, and Mr. J. WARREN KEIFER of Ohio managers at the conference on its part.

The message further announced that the House insisted upon its amendments to the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LUKE PRYOR of Alabama, Mr. W. D. HILL of Ohio, and Mr. J. WARREN KEIFER of Ohio managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1385) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and it was thereupon signed by the President *pro tempore*.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is, Will the Senate grant unanimous consent to the request of the Senator from Missouri [Mr. VEST] to amend the bill on page 49, line 1177, by striking out "thirty" and inserting "fifty" before the word "thousand," so as to read:

For subsistence and civilization of the Assinaboines in Montana, including pay of employés, $50,000.

Is there objection to the amendment offered on Saturday last by the Senator from Missouri? The Chair hears no objection.

Mr. DAWES. I inquire of the Senator from Missouri if he has examined the matter sufficiently so that he will not consent to have his amendment proposed in the place suggested on Saturday? The Senator on Saturday inquired for a map showing that region. I will send him a map.

Mr. VEST. I have the map now.

I wish to say a very few words in reply to the junior Senator from Kansas [Mr. PLUMB], and then I propose to withdraw the amendment, and to move to double what may be called the contingent fund when we reach that part of the bill. Without entering into any elaborate discussion on the Indian question, I wish to refer briefly to the report of the agent of the Assinaboines and Gros Ventres, which was read late Saturday afternoon by the Senator from Kansas.

As a matter of course the report is not conclusive, as the Indian agent makes his report to show the best condition of affairs possible upon his reservation; but I know personally that the report is incorrect. The statement that the Assinaboines and Gros Ventres are engaged to any extent in agricultural pursuits is not true. I know that it is not true from my own personal observation. They are raising no crops. I did not see one single acre in cultivation in that whole reservation, and the two hundred and fifty bushels of corn, the immense crop which the agent says was raised there, was raised upon the Government farm, not by the Indians. Recollect that the two hundred and fifty bushels of corn, according to the agent, is the entire crop for the consumption of nearly 4,000 Indians, and you can imagine the amount of distress that will exist in the reservation after that immense harvest has been taken away. I undertake to say, and my colleagues upon the Committee on Indian Affairs will justify the statement, that in traveling two hundred miles, from Fort Shaw up to Fort Assinaboine, by ambulance we saw not one solitary acre in cultivation. The Indians are huddled around the forts; they live on rations from the Government; the game is entirely gone, and unless they are fed by the Government as a matter of course they must die literally from starvation.

Since the debate on Saturday I have refreshed my memory in regard to it by reading the report which was made by the committee on our return. Referring to the Blackfeet and Piegans, who were at the agency sixty-five miles north of Fort Shaw, and which agency was visited by us immediately before going to Fort Assinaboine, the committee says:

The tribes upon it are the Blackfeet, Piegans, Gros Ventres, Bloods, and River Crows, numbering in all 1,892. They are in a wretched condition, and their future almost hopeless. The game is fast disappearing, especially the buffalo, and the Indians dependent on rations issued by the Government. Mr. Young, the agent, has about one hundred and seventy-five head of cattle in his herd, and issues rations of beef every Saturday, but the Indians are so nearly famished when the meat is given them that they eat it up in two days, and then starve until the next issue. We were there on ration day (Saturday), and it was pitiable to see the eagerness in the hungry eyes of the waiting crowd as the beef was being distributed. Heretofore the beef has been issued once a week, the amount on hand at each agency being divided into fifty-two equal parts. The Commissioner of Indian Affairs, upon being informed of the deplorable condition of the Indians and the imminent danger of their starving during the coming winter, has humanely ordered the agents in Northern Montana to increase the amount of rations until May 1, so as to prevent suffering among the Indians, relying upon Congress to make adequate appropriations during this session for the Indian Bureau. That this will be done we can not for a moment doubt, as humanity and justice alike demand such action.

I read from the message of the governor of Montana, who says that notwithstanding the temporary relief afforded the northern Indians by an increase of supplies to the amount of half a ration daily to last them until March 1, "their condition from exposure, destitution, and starvation experienced during the past two years is utterly astounding and deplorable, and I have great fears that many will die through the coming winter." The simple fact remains to be stated now in the Congress of the United States that over four hundred of those people did die from starvation.

Again I might read the report of the committee in regard to the Assinaboines and Gros Ventres, which is to the same effect. The buffalo have disappeared. It is useless for gentlemen to say, "Let those Indians go to work." You might as well say to a child in the cradle, "Go to work." They have never had an agricultural implement in their hand; they have never engaged in any other pursuit but the chase, and to take a people after centuries of barbarism and hurl them into the terrible struggle with civilization and tell them to work or die is simply to say die.

The problem is on our hands. I am no sentimentalist; far from it. I went to those Indian reservations with the opinion—I confess it; it was the result probably of defective education—that the best Indian was a dead Indian. I came away with the impression, which I state here to-day, that the great wrongs which have been inflicted upon this continent and upon those people in their condition to-day are a stain upon our management of the Indians. I do not want to exhaust the patience of the Senate by saying what ought to be done. In my judgment they ought to be taken away from that inhospitable climate and put farther south, with farmers placed among them, and gradually led to become self-supporting; but it it will take years and years to solve this problem. In the mean time the only thing for us to do, as a humane Christian people, to say no more of it, is to feed them, and to see that they do not starve under our flag and at our own door.

As I said to a Christian minister in this city not long ago, who came to me and asked that I should attend a meeting for the advancement of foreign missions, "My dear sir, you have at your own door hundreds of heathen who never heard of the name of Christ, who have no idea of the Deity, who have never had a missionary among them, and those people have been robbed by us and by our fathers for a whole century. We owe them something. I am not aware that we have robbed the heathen in the middle of Asia and Africa, and I prefer to attend to the heathen at our own doors." In the first place let us feed them, and then let us Christianize them, because, be it reverently said, no starving human being was ever yet brought to a realizing sense of the Christian religion.

When we reach the proper part of the bill I shall move to double what may be called the contingent fund, so that the Commissioner of Indian Affairs may not be in the condition in which I found him on my return from Montana, when he said that he had no money in his hands to give to those people; that Congress had left him without any contingent fund at all. I propose to put into his hands $50,000, so that if a severe winter like the one now upon us should come upon those Indians he may double or treble the rations if necessary; and that, in my judgment, is the appropriate way to reach the case.

Mr. PLUMB. Mr. President, I have no design of opposing the appropriation of any sum of money which may be proposed here for this or for any other purpose connected with this subject at present. The easiest way to get rid of our responsibility is to give some money out of the Treasury where we are popularly supposed to have a great deal more than we ought to have, and I am not surprised in view of what has been said about this question that the American people come to us for money for personal purposes and purposes of a more trivial character on the assumption that we have so much there that we do not know what to do with it.

I have no doubt that the Indians at this agency eat up their supplies in a few days. The Senator from Missouri read that paragraph from the agent's report with a good deal of unction, as though that was something that was singular. Mr. President, I venture to say that in nine out of ten of all the agencies of the United States precisely that thing occurs, and would inevitably occur even if we gave them ten times more than we do now. Such a thing as providence an Indian knows nothing about. That statement proves nothing. There is no Indian who ever lived—I refer to an Indian in a comparative state of barbarism—that would not, if he had nothing to do but eat his rations, as none of them have anything else to do, eat up his rations in one-third of the time that

they would ordinarily be eaten up by a white person, no matter how ample they are; and if they were doubled or trebled or quadrupled, the result would be precisely the same.

I agree with the Senator from Missouri that we have acted badly with these Indians and with all the Indians, except that I do not think our action has been bad in the respect that he does especially; but I think the special crime we have committed against the Indians is that we have not prepared them for the inevitable, and that we have not taught them or constrained them to labor in order that they may live.

I do not subscribe at all to the Senator's statement that these people are like children in reference to the question of manual labor or being not in a condition to earn their living by manual labor. The Senator's ancestors and mine two centuries ago perhaps were as much barbarians as these people are, and yet they had no beneficent government to support them; but they delved and fished and hunted and did various things of that kind necessary to enable them to live, and did live, and out of that labor they have evolved and there has come the condition of things we see now in our civilization. But we have made the mistake of taking the Indians accustomed to the ways of barbarism and giving them the luxuries of civilized life.

In that same report from which the Senator read is a statement that stoves have been issued to these Indians, and he says that they are so enamored of stoves that they bring them into small quarters and gather around them, and have the stoves at such a heat as would make a white man sick. If we could have an administration of Indian affairs which would refrain from giving stoves to people who have no more use for a stove than a wagon has for five wheels, and would give them something they could use in the cultivation of the soil, and instruct them in the use of agricultural implements which the Senator says they never had in their hands, they would not be a charge on the people of the United States to-day, and not only a charge, but one which is bound to continue according to the present condition of things as long as they live. There has not been the first effective step taken to enable these people to be in any reasonable sense self-supporting; but as fast as these emergencies occur and the complaint comes about we absolve ourselves of all responsibility by running our hands into the Treasury of the United States and taking out the money necessary to meet the existing emergency and then let things go just as they were before.

I think that so far as the appropriation of money is concerned the United States have appropriated money enough and more than money enough to do everything that they ought to have done for these people. They have done it unwisely and will continue to do so until we in some way have a radical change of our whole system. Think of a people who are perishing for bread, think of a people who are starving under the eyes of civilized people, put it just as strong as the Senator from Missouri wishes, and yet we are appropriating thousands of dollars to educate a lot of children in order that they may starve more in accordance with civilization! If instead of that we had given them food, the money that has gone to supply them with schools would have kept breath in their bodies at least, although I would hesitate to subscribe to the statement made by the Senator from Missouri (and he makes it on his own personal knowledge) that four hundred of them or any other number of them have actually starved to death.

Mr. VEST. There is no doubt of it.

Mr. PLUMB. The Senator says there is no doubt of it, and of course that takes the subject out of controversy; but, as I said, I would hesitate a long time before believing in such a statement, although I have no doubt they are driven to straits on account of their improvidence. They have never had inculcated any idea of economy in anything, and they eat up in two or three days the food that was intended for a week, and they go backward and forward to different agencies, and sometimes the number of people at an agency is too great for the food, the number of Indians being beyond the usual number.

In addition to that we take a people who have heretofore lived upon meat alone and we give them coffee and tea and sugar and a dozen different articles of food going to make up substantially an army ration. Of course these things do not sustain life as hardy articles of food do. We do not give them corn-meal. Corn-meal is almost unknown in the Indian establishment, but we give them the best flour we can buy. So we have cultivated in these men a desire for something which is not a part of their lot necessary or in any way essential, and which makes the job of feeding them a great deal more expensive and does them no corresponding good.

But, as I said, like anybody else I can discharge my responsibility by voting money. It is what we are doing in that cowardly way which is evidenced by our unwillingness to take this problem as we ought, reorganize the Indian service, and apply to this business the rules of common sense; but it is money, money, and everything apparently is more money all the time and without any regard to what will come of it or what result is to be obtained. These Indians are poor to-day, and to-morrow will be poorer, and next year will be poorer; for every year the cry will come up give, give, give; the money we collect from the people of the United States is used to keep these people who are not only in poverty but in idleness and vice.

Mr. VEST. If there is one subject that I am more reluctant to speak upon than another, it is the Indian question. The view I have to express does not chime in or coincide with the popular sentiment of the West. The man who thinks the Indians ought not to be permitted to starve is considered a sentimentalist, as actuated by mere philanthropy, a lecturing statesman. I speak very earnestly because I feel very earnestly on this question. I know, without reflecting on the Senator from Kansas, that his statements are incorrect. I know the Government has not issued enough rations to feed these people.

Mr. PLUMB. I want right here and now to enter a disclaimer so far as the people of the West whom I represent are concerned having that feeling toward the Indians. The Senator from Missouri may speak of Missouri, but let him not speak generally of the West in that matter.

Mr. VEST. I have not attacked the philanthropic character of the State of Kansas. God forbid that I should do that; but I am not speaking so much for the people of Missouri, because they care very little about this question; but I do assert as a fact that in the Territories where these reservations are, and where the Indians are, there is a feeling that they are a burden and a nuisance, and that they ought to be got rid of. I heard nothing else in all my tour throughout the West than "Get rid of the Indians; drive them away;" and whenever anything was said about giving them more rations, "Cut off their rations; let them work or die." I repeat here deliberately, you might as well say to the baby in the cradle, "Work or die," as to say that to Blackfeet, Assinaboines, Bloods, Piegans, and Gros Ventres, who lived for years on the chase; Indians who lived on the buffalo until white men came in through greed and avarice and destroyed the buffalo.

I saw myself several years ago in going to Colorado hundreds and hundreds of buffalo hides piled up at the depots for shipment to the East, and it was found out when brought here that they were absolutely useless. One of the buffalo hunters like Buffalo Bill would go on the prairies with a splendid horse and repeating gun and shoot down three hundred or four hundred buffaloes in a day, and his skilled mates would come in and pick up the hides and send them East, and they were found to be absolutely worthless. But the buffalo has disappeared. Summer before last there were 15,000 buffalo out of the immense herd that once roamed over the vast prairies of the West. The result is that these people are left without food. Take a blanket Indian who never had a plow in his hands, or hoe, or a spade, and tell him to dig. I repeat, you might as well tell a baby in the cradle to do it. And yet these people are anxious to know how to work. I did not find one of the chiefs who did not say to me, "Teach my people to work; give us a chance;" and upon the Flathead reservation to-day there are found Indians at work, and all this has been the result of what has been done by the Jesuits. I am a Protestant, but I am here to speak the truth. The Jesuits have done more for the Indians on this continent than every other agency put together. They have understood the Indian character, been at work for long years, and the only ray of hope, the only gleam of light I saw in all my trip among the tribes that I visited came from the Jesuits.

But I now want to come to a fact. I am making no issue with the Senator from Kansas; I do not know but that we agree largely as to the Indian schools; but I want to come to the subject of rations. When I was at Fort Assinaboine the head chief of the Gros Ventres made this statement:

One of my children will probably die to-day of starvation.

The agent, Mr. W. L. Lincoln, was there, the very gentleman from whose report the Senator from Kansas read on Saturday; and I asked him the amount of rations on the ground, and whether this terrible statement was true. Here is the reply to it:

Mr. W. L. Lincoln, United States Indian agent, Fort Belknap agency—

Thirty miles off—

made the following statement:

"I wish to state that Congress has appropriated—

I ask the attention of my friend from Kansas, who is a humane man, a just man, to this statement. He ridicules the idea of an Indian having a stove. It is the most essential article that I found in September in that climate, and I venture to assert that if my friend from Kansas was to-day in a temperature fifty degrees below zero he would say, "Give me a stove," and he would hover over it and stay with it and keep around it until the last syllable of recorded time.

Mr. PLUMB. We did not take stoves away from these people. We took the buffalo from them.

Mr. VEST. But I want to say that these people were left without sufficient food during that terrible year. The summer lasts in that climate six weeks, and that is fair winter weather. I was there in September wearing an immense overcoat and hugging the fire at every opportunity, and they call that summer weather. What must it be now with the thermometer from forty to sixty degrees below zero? And then talk about an Indian not wanting a stove! You might take the most unadulterated Saxon that was ever brought into this country, and I think he would want a stove. What must be the condition of that people, with nothing but a few ragged blankets, with no clothes to talk about, and yet with no rations of beef issued to them, and the

buffalo gone, not a coyote to be had for game? Here is Mr. Lincoln's account of the rations; I take it this is pretty authentic:

I wish to state that Congress has appropriated only sufficient money to pay for the following subsistence:—

For these whole tribes of Gros Ventres and Assinaboines, amounting together to 2,400 people—

150,000 pounds of flour and 25,000 pounds wheat—this will be equal to thirty weeks' rations; 180,000 pounds of beef (in gross)—

That is on foot—

it takes 30,000 pounds each week in the winter months when feeding beef—this would be just six weeks' rations—

Just six weeks' rations of beef for a winter of seven months, with the thermometer always down to about zero, and a large portion of the time thirty, or thirty-five, or forty degrees below it. What would be the condition of any human being under such circumstances? It is no wonder that the governor of Montana sent message after message to the Commissioner of Indian Affairs that these Indians were dying. It is no wonder that the commanding officer at Fort Shaw, who is now in this city and with whom I conversed two days ago, said to me that he took his own headquarter wagons and his own rations and took them up to the Blackfeets and Piegans when starving to death; and notwithstanding all this four hundred and more died from exposure and starvation. Six weeks' beef rations!—

about 5,000 pounds of bacon, which they would eat up in four weeks. About 6,000 pounds coffee have been furnished. I have always carried some over, not deeming it necessary to be issued. Heretofore there has been plenty of game, and I have forced the Indians to subsist during the summer by hunting, except in the cases of the old and infirm. By this course I have always had enough to enable them to come through the winter in good shape; as to coffee, sugar, and tobacco, the issue of these has been prohibited by the Secretary of the Interior, except work enough has been performed to pay for it.

That is the work done upon the Government farm; there is where the two hundred and fifty bushels of corn were raised and the three hundred or four hundred bushels of wheat, but there is not a farm in that reservation, except one under the shadow of Fort Belknap, and that is under the control of white men; and when an Indian will go and do two or three days' work there, he will get half a pound of coffee, or two pounds of sugar, or something like that; and those are the rations, sugar and coffee, to which my friend from Kansas has alluded in his address. But this agent goes on and says his rations are insufficient, but he was doing his best to carry these Indians through the winter without starvation. I make no accusation against Mr. Lincoln; I suppose he has attempted to do the best he could with the instrumentalities in his hands; and I repeat I am not here in the interest of any sentimentality; I am here simply discharging my duty to a people without representation upon this floor, and speaking alone as I understand the dictates of humanity to suggest.

Mr. HAWLEY. In a certain sense I can agree with both the Senators who have spoken, the Senator from Missouri and the Senator from Kansas. I have no question whatever of the suffering and death among these people during this last winter. My information is such that I absolutely believe it in addition to that the Senator from Missouri has laid before the Senate. I agree also with the Senator from Kansas that we ought to arrive at some permanent solution of this question to maintain these Indians otherwise than by doling out pittances from the Government every year. I believe that can be done, and is in the way of being done. But the Senator from Missouri is right again in saying that these Indians are going through a certain transition state. The buffalo, on which they have been accustomed to rely are passing out of existence. There are not enough left of them to be an essential element in providing for the use of these Indian tribes. I am informed also, by an authority which I have no doubt is correct, the authority, if the Senator from Kansas please, of one of the sentimentalists, but a Yankee of sound head and good sense, who has been over that ground himself and looked at it carefully, and he is the man who says:

Is it not time that we should make a wise and persistent effort not to perpetuate but to solve the Indian problem?

Precisely in the line of the remarks of the Senator from Kansas.

These people have abundant means to pay all the expense of their civilization, if it were not suffered to lie unused, a temptation to the white man's greed—

He says also, precisely in the line of the remarks of the Senator from Kansas—

So long as we furnish the means and almost necessitate the conditions of a shiftless life, it will be continued. If, on the other hand, we would but furnish the conditions and lay upon these people the necessity of a better life and teach them how to attain it, we would at least test the question whether or not they are capable of it.

But just between is this present condition of affairs. It is of very little use to argue, as our friend from Kansas does, that these people ought to starve in a different way; the question is whether they ought to starve in the present way or not. We may next year or by the second year get them so that they can live on these lands. This present year they can not do it; this present winter they have not been doing it. By piecing out the appropriations for them from the remnants of other appropriations, by, I believe, a bill giving an extra appropriation here, they will possibly get through the present winter; but the bill now before us concerns the year 1885–'86. The appropriation for all the Montana Indians in their various classifications is $54,500 less than the estimate of the Indian Department. It is $3,000 more than the amount given by Congress for the current year, to be sure, but that amount given for the current year was increased about $10,000, which under the provisions of the last bill was diverted from other points and given to them. It is $7,000 less than those Indians received this year, including the extra donation that was given to them. I submit that it will not be enough.

I want to enter upon the course pointed out by my friend from Kansas, but for the present I want to save them from starvation. What sort of a country do they live in? I accept the testimony of the Senator from Missouri in regard to a portion of it as true without any doubt whatever, for he has been over it and it concurs with the testimony of others. But if I understand aright—the chairman of the Committee on Indian Affairs can inform me—a bill is pending, which has passed the Senate, perhaps, which somewhat shifts the location of these tribes, the Assinaboines included, and will put them upon lands where they can live.

As to the agency for the squads referred to in line 1178, immediately following the paragraph this gentleman is speaking of, the Blackfeet, Bloods, and Piegans, that land raises excellent potatoes, excellent oats, and excellent barley. As I understand from the reports read here there is some wheat, but that is not considered good. The land is good for potatoes, for barley, and for oats, and is an excellent grazing country, and that shows a door wide open through which these bands of Indians can be led to a comparative degree of civilization, at any rate led to a condition in which they can support themselves. They go naturally from the buffalo hunt to herding, as we have seen exemplified in the case of various tribes and squads of tribes.

I agree with the Senator from Missouri in insisting that we must not let them die this year or next; and I agree entirely with the Senator from Kansas that we must just as soon as possible divert them from the old buffalo chase—indeed they are diverted from it, for there are no buffaloes—over to the herding to which they naturally adapt themselves, and I believe they can be made within three years self-supporting substantially; but at the same time I concur with anybody's request for an addition to that appropriation, and I will vote with anybody to increase the discretionary amount provided for on a subsequent page of the bill.

Mr. PLUMB. I expressly stated that I was not opposing the appropriation of this extra amount proposed by the Senator from Missouri. The cheapest way to rid ourselves of responsibility is to give money, because the money is in the Treasury and will come forth on our demand. But I was saying that this was only another step in continuation of that policy which has brought so little result and against which I was protesting, not against the particular appropriation. I never have opposed any appropriation to give food wherever it was supposed to be necessary, but I have said, and I say now, that only that necessity which has compelled the white race, the Anglo-Saxon race if you please, to put forth the exertion which has brought about the condition of things by which it is surrounded and which has accompanied its march, can ever do anything for the Indian; that unless you do bring upon him the necessity of labor he never will labor.

You of course have got to teach him, but after all his teaching has got to be the result of his necessity, and I do not think it is wise, notwithstanding what the Senator from Missouri says, to take an Indian and simply because we have robbed him, as he said, of his food that we should turn around and give him stoves, and thereby bring him into a condition of things in which other necessities arise which before he had been free from. I think that was a useless expenditure of money. He could live out of doors just as well as he ever could. I am not objecting to that particularly, but I refer to it to show that the money we do appropriate is not used as it ought to be used.

The Secretary says they only had six weeks' provisions provided for them. It is not because we had not appropriated the money. There is $110,000 in this bill for food—that is, which must be used for food, the whole of it—and an army ration, according to the estimate of the Commissary-General, costs for all the purposes connected with it, including shelter and care and wastage in transportation and all that, only 20 cents. Practically it is only about 17 cents.

Mr. HAWLEY. It would cost more than that by the time it got to Montana. It can be purchased about Leavenworth for 14 or 16 cents.

Mr. PLUMB. There is besides the expense of storehouses, the expense of clerks, &c., but including everything of that kind 20 cents, or perhaps 15 cents, or 12 cents, will take a good wholesome ration to these Indians from any quarter of the United States, all they can eat of good and wholesome food; but I do not think we are under any obligation to support these people as we do our own employés, to give to them the rations we give to the Army. I do not think we are under obligation to do that, and there is where I draw the line. I say give them plenty of wholesome food, but do not give them the luxuries of life as they have been getting, I do not care whether little or much.

Mr. VEST. Will the Senator from Kansas tell me what was the appropriation for the last fiscal year for the Gros Ventres and Assinaboines?

Mr. PLUMB. For the Blackfeet?

Mr. VEST. I do not mean the Blackfeet and Piegans. They are at Fort Shaw.

Mr. PLUMB. I think we gave them last year $25,000.

Mr. VEST. The Assinaboines and Gros Ventres?

Mr. PLUMB. Yes.

Mr. VEST. I call the honorable Senator's attention to the fact that the agent——

Mr. DAWES. The appropriation for the Assinaboines was $25,000 and the Gros Ventres $23,000.

Mr. PLUMB. That was $48,000.

Mr. DAWES. Then in addition to that was the $50,000 which was spread over the whole. How much the Assinaboines had of that, and how much the Gros Ventres, does not appear.

Mr. VEST. This agent estimated when I was there that he could not get along for the next fiscal year with less than $50,000. That is exclusive of the pay of employés and improvement of the buildings on the reservation.

Mr. PLUMB. As I said, the difference is not in regard to the amount to be appropriated this year; but I wished simply to enter my protest against the method of expending this money. I do not speak of that by way of complaining of any one who has administered it; it is part of the vice of the system that the administration is transitory. No Secretary of the Interior going in for a possible four years only of service feels like taking a system of this kind, which has been indurated by years and years of existence, and tearing it up by the roots and substituting something in place of it. It would take a man not only with great courage but one certainly backed by the President of the United States and by Congress to do it. We must have the co-operation of all the branches of the Government in a reform of policy in order to make it effective, but some way ought to be devised whereby somebody will correct this service, and be certain of being retained in office until he has accomplished something, and not be liable to be swept out by the breath of political favor or otherwise while only a part of his work is done.

Mr. DAWES. Mr. President, I differ with the Senator from Connecticut in this matter. I think both the Senator from Missouri and the Senator from Kansas have been unjust, not intentionally, of course, in the statements which they have made, unjust to the point to which they have expressed themselves. The Senator from Missouri is giving the impression to the Senate from what he saw in 1883 that the present condition of the Indians in that Territory is one of starving and suffering and perishing. The description which the Senator gave of the lack of provision in 1883 was what grew out of the appropriation bill which passed in 1882, and the moment it came to the knowledge of the Department that the sudden disappearance of game in that quarter had brought that condition of things upon those Indians it did what was in its power to relieve them; it fell far short of the necessity of the case, and great suffering ensued. Then came the appropriation bill of 1883, under which these Indians lived till July, 1884, last year; and when it came to the knowledge of the Department that in the winter of 1883-'84 they were likely to starve if the whole provision was divided into fifty-two parts and only one-fifty-second part delivered each week, the order went to the agent to take the whole of it and distribute it by the last of March. Then Congress upon the meeting of the two Houses immediately after the holidays passed a bill appropriating $50,000 to provide for the interval from that time to the 1st of July, when this bill is to take effect.

Now, sir, so far as I know, so far as the information has reached the Department, this exigency has been met, and the Indians now are provided, as far as food is concerned, with sufficient, so that their suffering in that respect is comparatively small. The Government is not in my opinion open to criticism in this respect. It was not the Interior Department that proposed the cutting down of the appropriation in 1882 and 1883, nor was it this body. If a committee of conference was forced to meet half way a disposition to cut down all the appropriations for the Indians, that committee from this body was compelled to do it in order to get anything for the Indians.

To my certain knowledge they resisted the reduction. In the Committee on Appropriations of the Senate they sought to put up the appropriation to the highest point, and in committee of conference they held to that to their utmost ability. When the Interior Department found that that was not enough, dealing with Indians four thousand miles it may be from here, in the inclemency of midwinter shut out from us by snows and by the blocking up of all avenues of communication, they met it as best they could, and they have now in my opinion done as well as they could be called upon to do to meet that phase of this question. So while it may be true, and I do not controvert it, that the condition of things in 1883 was lamentable, and should have brought reproach upon those who insisted upon cutting down the appropriations then, to-day the Department in my opinion meets its duty in that respect. Something else is wanting and more than food for these Indians at this time. There is where I think the Senator from Missouri does injustice to this case. The Senator from Kansas also does injustice to the case in saying that the policy now pursued does not tend to bring about the very result which he says ought to be brought about, that of making the Indian self-reliant and self-supporting.

Sir, the very policy sought to be pursued by the Department, and in which Congress is called upon to sustain the Department, and comes limping and halting after with a scanty and hesitating and grudging support, is the policy that tends to make him self-reliant and self-supporting. I believe that the bureau in its present disposition, if left alone and if white men now would take their hands off from the Indian and the Indian's possessions, would make the Indian to-day well-nigh self-supporting. The Department has to contend not only with the savage Indian's proclivities, habits, and tendencies, but it has more to contend with the white man upon its track and upon its back, and everywhere wherever an Indian reservation is found in which the Indian has been taught and has learned how to support himself upon the soil and to make his reservation productive, like Naboth's vineyard, the white man is after it.

The Senator from Kansas says the Indian has done nothing toward supporting himself. Sir, take the Northern Cheyennes who burst away from the bonds put upon them down in the Indian Territory, wild Indians who went up through Western Kansas committing outrages and depredations and fled thence to Tongue River, seven hundred of them, and of their own accord and in their own way and by their own impulses set themselves up and started themselves without the care of the white man, and when they were found there cultivating the land and supporting themselves without help, white men set upon them and came here and demanded that country to be taken away from them. The cowboy goes there and tries experiments seeing how near he can come to the head of an Indian with a minie-ball and not touch it; and when the Indian in retaliation goes and burns down the habitation of this cowboy he comes here and makes complaint in the form of depredation, and the very case I have cited goes into the number of depredation claims that were here on Saturday, where without the slightest provocation the cowboy, because the Tongue River Indians were in his way taking care of themselves upon the public land, shoots them in broad daylight, and when the Indian goes and retaliates upon that cowboy, the cowboy's loss goes to swell the depredation claims!

Take the Navajo Indians, wild Indians ten years ago, now rich, supporting themselves, with millions of sheep and goats and horses, and with productions of blankets and other matters that they sell in the market, rich and self-supporting as they are because the white man has let them alone. Take the wild Indians that General Crook brought in from Mexico two years ago. They have of their own accord, because the white man has been kept off from them by the Army, turned to habits of industry, and General Crook reports that they are taking care of themselves. Take the Indians at the Pine Ridge agency in Dakota, five years ago among the wildest of all the Indians, now well-nigh self-supporting Indians under the wise administration of an agent who has gone there for the purpose of developing in the Indian capacity and reliance.

Sir, take all of a million and more of dollars in this bill devoted to the education of the Indians; take what is proposed, what has been done these last few years, and at the same time take the hand of the white man off from the Indians, and they will work out the problem of self-support themselves. They will not be indebted to the schools; they will be indebted more to the inspiration of their own instincts and their own opportunities, and they will show us that they are capable of doing what we have vainly tried in our slipshod halting way to do these many years with one hand while with the other hand we have been stripping the Indian of his possessions and blocking up his opportunities.

Why, let me tell you, Mr. President, of a single reservation of 102,000 acres set up in 1873. Ninety-five thousand acres of that reservation are to-day, and have been for the last twelve years, in absolute, exclusive possession of half a dozen white men who are herding 50,000 sheep upon it, and the residue of that reservation—7,000 acres—is all that is left for the Indians themselves, whose agent is compelled to purchase beef for their support of the very men who possess and occupy the reservation itself, and which beef is fattened upon the reservation. Take them off and the Indians of that reservation will not only support themselves, but the testimony of their own agent and of those around there is that they could herd 5,000 head of cattle, 1,000 head of which would support them, and 4,000 head of cattle every year would be a source of revenue.

A single reservation capable of maintaining all the Indians in the State of California is appropriated by white men, with knowledge brought home to the Indian Department and to this Congress of the fact that five or six white men, without title or color of title, are occupying it without paying one penny's rent or tax or other compensation for this vast territory of land. And yet the Senator from Kansas complains that the Indian is a constant charge upon us.

Why, sir, let the Indian alone, cease to rob him, cease to march down upon his territory with an army strong with banners defying the President of the United States and the laws of the United States; see to it that they withdraw within your own borders and upon your own heritage, if you have any, and let the Indian have his; and if you can not afford to educate his children in schools let him educate them himself, as he will, as the Senator from Vermont [Mr. EDMUNDS] suggests, on the land that belongs to him. Cease to steal from him, cease to rob

him, cease to murder him and his children, and let him alone. If you can not help him after you have gathered in all that is rich and valuable of his heritage to yourselves; if you can not afford to educate the children of only 250,000 whose possessions you have and whose revenues you have appropriated, at least cease to plunder and destroy him, and let him, if you will not help him, work out this problem himself.

Mr. HAWLEY. Mr. President, just a word. I agree with the general remarks of my friend from Massachusetts, but I wish to come down to some details. I understand that the appropriation for these people for this current year ending June 30, 1885, was lamentably insufficient. That is correct, I believe.

Mr. DAWES. It was until we added $50,000.

Mr. HAWLEY. I understand the regular appropriation was lamentably deficient. It was supplemented by a hasty deficiency appropriation made here in January. If that gets to them by the 1st of April they can live through until the next appropriation. I understand I am correct so far. Now, does the appropriation for the next fiscal year ending June 30, 1886, amount to the sum of those two appropriations?

Mr. DAWES. It not only amounts to the sum of those two appropriations, but is $17,000 larger; and I want to say in that connection, which I ought to have said before, that the colored part of the map before me [exhibiting], bordering upon the British Possessions, is the vast domain over which they roam in the mountains and in the valleys, and the bill which we passed last week gathers all these Indians into three reservations—one here, one in the center, and one at the end [indicating]. Those are in the valleys and the best part of the land, and if the Indians are brought in there they will have the opportunity, if the white man will let them alone—and that is about all they want now—of doing all that can be done toward self-support in that region of country. They can not be induced to go down where the Crows are at the bottom of this map where it is warmer. They prefer to live up there. It is not the policy of the Government now, whatever it may have been in the past, to drive the Indian at the point of the bayonet from place to place, but to consult his instincts and his love of home and his love of the place where the bones of his fathers rest, and, it being originally the land that belonged to him, to let him stay there if possible; and with that disposition, after two years of examination and postponement of the bill of last year because it did not quite conform to what was supposed to be for the best interests of the Indian, the lines have been established according to this map, and a bill has passed the Senate, and I hope will become a law, by which they will be established there [indicating], and will have this opportunity, and will have a right, which they have never had before, on each one of these reservations to $75,000 a year for thirty years.

Mr. HAWLEY. My information does not agree with that given us by the Senator from Massachusetts. I am informed that the appropriation offered in this bill is $7,000 less than the aggregate of what has been collected for them in various ways for the current year. But I do not stop to argue about that difference. There may be some mistake in the book-keeping in some way.

As to the appropriation for the current year for these people, who are in exceptional and, we believe, temporary circumstances of distress, that appropriation is not only for feeding, but it is to a great extent for clothing them. As to its sufficiency in clothing them I give just these figures, and I have done:

The goods sent in for the present year, allowing the number of the Indians to be 2,000 (the agent says 2,200 and the Army inspector of goods says 1,800), allows, for instance, to each person as follows: 1-10 yard blue flannel, 1-20 yard red flannel, one yard brown sheeting, one-quarter yard bed ticking, one-half yard calico, 6-20 pair women's wool hose, 6-100 woolen mittens, 3-20 pair blankets, one-eighth quilt, 3-200 pair men's shoes, 1-40 boys' shoes, 3-20 men's hose, 6-100 children's hose, 9-50 youths' hose, 161-2000 hats, 1-10 flannel shirt, 1-40 boys' flannel shirt, 1-10 hickory shirt, one-half fish-hook, 6-100 fish-line, 1-40 women's shoes, 1-40 misses' shoes, 1-40 boys' suits, 1-80 boys' blouse, 1-40 boys' suit, one-half yard gingham. These are all the goods for clothing these people.

Mr. DAWES. I will state just what was done last year, what was estimated last year, and what is in this bill.

For the Assiniboines the estimate this year is $35,000. The bill appropriates $30,000. Last year there was $25,000 appropriated. For the Blackfeet, Bloods, and Piegans the estimate this year is $100,000; last year there was $50,000 appropriated, and for 1886, in the present bill, the appropriation is $80,000. As to the Crows the estimate for this year is $90,000. There was appropriated last year $65,000, and there is in this bill $80,000. For the Flatheads the estimate this year is $13,000; for 1885 there was appropriated $11,000; for 1886 $11,000 is appropriated in this bill. For the Indians at Fort Peck agency the estimate is $100,000. There was appropriated last year $80,000, and there is in this bill for 1886 $96,000. For the Gros Ventres the estimate is $35,000. Last year there was $23,000 appropriated, and in this bill $30,000 is appropriated.

The aggregate of the estimates for this year for these tribes is $373,000; the aggregate of the appropriations for last year was $254,000, and in this bill the appropriation is $321,000. Now add the deficiency to last year's appropriation, and it makes $304,000 appropriated last year to $321,000 in the present bill; a difference of $17,000 more than in last year's bill, and $52,000 less than the estimate for all the Montana Indians, including the Crows.

Mr. HAWLEY. Does the Senator count in the $304,000 the $50,000 extra?

Mr. DAWES. I add to the $254,000 the deficiency of 1885, $50,000, making it $304,000.

There is not a member of the committee which I represent on this bill who will hesitate one moment in making an appropriation that shall be ample and full for these Indians for the coming year; there is nobody at the Department but who is anxious to make full and complete provision for these Indians; but we can not meet the case with food alone. The Indian has wasted and weakened and is now unable to resist the inclemency of the weather and the attacks of disease from past treatment. He can only be taken care of by bringing him out of the mountains and down upon the valleys and about the rivers and taken care of and fed then, and if the white men who are claimants for his possessions will let him alone, by degrees he will gather strength and courage and self-reliance, and instinct will prompt him to do something toward taking care of himself.

The proposition of the Senator from Missouri as now modified to increase the emergency fund every member of the committee will be in favor of, because no matter how large a sum is placed in the hands of the President to meet exigencies they have confidence that the President will not expend it unless the needs of the Indians shall require it, and I hope he will have ample means in his hands. He will report to Congress what he has done with it, and I am quite willing to trust him and his Department with ample money; and I give him my assurance that so far as I am concerned and as the Committee on Indian Affairs of the Senate and the Committee on Appropriations are concerned, they will go as far as the furthest in upholding the hands of a new administration that shall carry out the idea of the present in making the individual Indian learn how to stand upon his feet, to walk and to talk, and to so arm him in and of himself that he can meet as well as he may on equal terms the rapacious selfish greed of the white man.

Mr. VEST. I ask leave to withdraw the amendment I offered.

The PRESIDENT *pro tempore*. The Senator has the right to withdraw it. It was only an application for unanimous consent. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1186, before the word "thousand," to strike out "twelve" and insert "ten;" so as to make the clause read:

Support of Chippewas of Lake Superior: For support and civilization of the Chippewas of Lake Superior, to be expended for agriculture and educational purposes, pay of clerk and necessary employés, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, $10,000.

The amendment was agreed to.

The next amendment was, in line 1190, before the word "thousand," to strike out "twelve" and insert "ten;" so as to make the clause read:

For support and civilization of Chippewas of Red Lake and Pembina tribe of Chippewas, and for pay of employés, $10,000.

The amendment was agreed to.

The next amendment was before the word "thousand," in line 1199, to strike out "twelve" and insert "ten;" so as to make the clause read:

Support of Chippewas on White Earth reservation: For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in the care and support of the Otter Tail, Pillager, Pembina, and Mississippi Chippewa Indians on the White Earth reservation, in Minnesota, to assist them in their agricultural operations, and for pay of physician (not to exceed $1,200) $10,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business of Saturday's sitting, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia. The pending question is on agreeing to the motion to strike out sections 3 and 4, which has been divided, so that the first question is on striking out section 3.

Mr. DAWES. I ask unanimous consent that that bill may be informally laid aside that we may continue with the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside, and that the Senate continue the Indian appropriation bill. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the

Army for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. PLUMB, and Mr. RANSOM were appointed.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out the following clause from line 1226 to 1229, inclusive:

For education and civilization of the Indians of the late central superintendency, including clothing, food, and lodging for the children attending school, $18,000.

The amendment was agreed to.

The next amendment was, in line 1253, before the word "assistance," to strike out "agriculture" and insert "agricultural;" and in line 1254, after the word "employés," to strike out "five thousand" and insert "two thousand five hundred;" so as to make the clause read:

For support and civilization of the Kansas Indians, including agricultural assistance and pay of employés, $2,500.

The amendment was agreed to.

The next amendment was, after line 1262, to insert the following clause:

For instruction, support, and civilization of the Navajo Indians, including the construction of ditches, reservoirs, and wells, the purchase of stock, pay of employés, and purchase of medicines, $25,000, to be paid from the funds now in the Treasury belonging to said Indians; and not exceeding $1,200 of this amount may be paid for a clerk.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1271, to insert:

And the Secretary of the Interior is authorized to expend of this amount a sufficient sum, which is hereby made immediately available for the purpose, for the removal of the Nez Percé Indians now in Indian Territory to some other location, if he deems it proper so to do.

So as to make the clause read:

For support and civilization of Joseph's band of Nez Percé Indians, $18,000; and the Secretary of the Interior is authorized to expend of this amount a sufficient sum, which is hereby made immediately available for the purpose, for the removal of the Nez Percé Indians now in Indian Territory to some other location, if he deems it proper so to do.

The amendment was agreed to.

The next amendment was, after line 1282, to insert the following clause:

To enable the Secretary of the Interior to assist the Seminole Indians in Florida in farming and the establishment of schools, $5,000.

The amendment was agreed to.

The next amendment was, in line 1298, to reduce the appropriation for "support and civilization of the Tonkawa Indians" from $5,000 to $3,500.

The amendment was agreed to.

The next amendment was, after line 1304, to insert the following clause:

To supply food and other necessities of life in cases of distress among the Indians not having treaty funds, arising from emergencies not foreseen or otherwise provided for, to be used at the discretion of the President, $25,000; and a report of all expenditures under this provision shall be made to Congress at its next session thereafter.

Mr. VEST. I move to strike out the word "twenty-five," in line 1308, and insert "fifty," so as to make the appropriation $50,000.

The PRESIDENT *pro tempore*. The motion is not in order except by unanimous consent.

Mr. VEST. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to move to amend this clause by striking out "twenty-five" and inserting "fifty."

Mr. VEST. It is to double the appropriation.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Missouri moving this amendment? The Chair hears none. The question is on agreeing to it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "general incidental expenses of the Indian service," after the word "agencies," in line 1319, to strike out "eight" and insert "ten;" and in line 1320, after the word "all," to strike out "twenty" and insert "twenty-two;" so as to make the clause read:

Incidental expenses of Indian service in Arizona: For general incidental expenses of the Indian service, including traveling expenses of agents, in Arizona, support and civilization of Indians at the Colorado River, Pima, and Maricopa and Moquis Pueblo agencies, $12,000, and pay of employés at same agencies, $10,000; in all, $22,000.

The amendment was agreed to.

The next amendment was, in line 1336, after the word "agencies," to strike out "eight" and insert "ten;" and in line 1337, after the word "all," to strike out "twenty-six" and insert "twenty-eight;" so as to make the clause read:

Incidental expenses of Indian service in California: For general incidental expenses of the Indian service, including traveling expenses of agents, support and civilization of Indians of the Round Valley, Hoopa Valley, Tule River, and Mission agencies, $18,000, and pay of employés at same agencies, $10,000; in all, $28,000.

The amendment was agreed to.

The next amendment was, in line 1359, to increase the appropriation "for incidental expenses of Indian service in New Mexico" from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, in line 1378, after the word "agencies," to insert "and pay of employés, including a physician, for Cœur d'Alene reservation;" and in line 1380, before the word "thousand," to strike out "fifteen" and insert "sixteen;" so as to make the clause read:

Incidental expenses of Indian service in Washington Territory: For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies, and the support and civilization of Indians at Colville and Nisqually agencies, and pay of employés, including a physician, for Cœur d'Alene reservation, $16,000.

The amendment was agreed to.

The next amendment was, in line 1383, after the word "agents," to insert "and pay of employés;" so as to make the clause read:

Incidental expenses of Indian service in Wyoming: For general incidental expenses of the Indian service, including traveling expenses of agents and pay of employés, $1,000.

The amendment was agreed to.

The next amendment was, in "miscellaneous" appropriations, in line 1388, after the word "exceeding," to strike out "seventy-five" and insert "one hundred;" and in line 1391, before the word "thousand," to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

MISCELLANEOUS.

To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding $100 each per month, to superintend and direct farming among such Indians as are making effort for self-support, $35,000.

The amendment was agreed to.

The next amendment was, in line 1393, before the word "hundred," to strike out "seven" and insert "eight;" in line 1394, before the word "officers," to strike out "seventy" and insert "ninety;" in line 1399, after the word "agencies," to strike out "seventy-five" and insert "eighty-seven;" and in line 1400, at the end of the clause, to insert the following proviso:

Provided, That the agent of the Navajo Indians may employ ten Indian policemen, at a rate of compensation not exceeding $15 per month each.

So as to make the clause read:

Pay of Indian police: For the service of not exceeding eight hundred privates, at $8 per month each, and not exceeding ninety officers, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen of non-ration agencies, $87,600: *Provided*, That the agent of the Navajo Indians may employ ten Indian policemen, at a rate of compensation not exceeding $15 per month each.

The amendment was agreed to.

The next amendment was, in line 1410, to increase the total amount of the appropriations for "telegraphing and making purchases of Indian supplies" from $35,000 to $40,000.

The amendment was agreed to.

Mr. DAWES. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 1431:

To enable the Secretary of the Interior to pay the expenses of a visit to Washington of certain Turtle Mountain Indians $500, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following clause, from line 1432 to line 1442, inclusive:

That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury to the credit of the Eastern Band of Cherokee Indians, for the purpose of paying the services and expenses of former delegates of said Eastern Band of Cherokees who have visited the city of Washington on business of the band, and to pay debts of the band: *Provided*, That no portion of said appropriation shall be paid for the debts of said band, expenses of delegates, until the Commissioner of Indian Affairs and the Secretary of the Interior have approved the same.

Mr. VANCE. I hope the Senate will not concur in this amendment. There are some debts contracted by the Eastern Band of Cherokees with all the formalities and solemnities with which they are capable of contracting, and by their council they have authorized them to be paid out of this fund, and the Commissioner of Indian Affairs has given his sanction to the justice and propriety of the claim. I hope that this clause will not be stricken out by the Senate.

Mr. DAWES. The Committee on Appropriations propose to strike out this clause for this reason: There has grown up a habit of going among the Indians and getting appointed agents or delegates to represent the

Indians here at Washington, until there is quite a crowd of them in this city representing different bands and different tribes of Indians, and they meet in council and give directions from time to time to this body and the other as is proper. They then come and ask us to take out of the funds of the Indians that we are trustee for money enough to pay them. That is not all; they employ able attorneys in the city to aid them when they have important claims before the various committees, until it has got to be a system which in the opinion of the Committee on Indian Affairs and the Committee on Appropriations it is high time to break up. Ever since I can remember (and that is not a very great while) we have had just such a proposition as this in every Indian appropriation bill. It is not always $4,000; but the poor Indians down in North Carolina get fleeced worse than almost any of them.

There were last year two or three conflicting delegations here each claiming to be the agents of these Indians, and if you will turn over to line 1455 you will see a novel way of settling the conflicting claims of antagonizing attorneys. I do not think I ever saw anything that would quite equal what there is on the one thousand four hundred and fifty-fifth line. It has reference to these poor Indians down in North Carolina:

That in hearing and determining the suit of the Eastern Band of Cherokee Indians, numbered 12626—

That is the number of the suit—

the Court of Claims is hereby authorized and directed to hear and consider the alleged claim of Belva A. Lockwood for alleged professional and other services rendered and expenses alleged to have been incurred by her in aiding the said Eastern Band of Cherokee Indians in prosecuting their rights involved in said suit, and to determine whether said Belva A. Lockwood was employed by said Indians, and, if so, what amount, if any, is justly due to her on account of such services and expenditures, and to make and enter of record in the cause an order that the amount, if any be proved to be due her, shall be paid to her out of such sum or sums as may be found and determined to be due to the said Eastern Band of Indians from any funds held by the United States in trust for the Cherokee Nation of Indians.

Belva Lockwood was a constant and assiduous prosecutor of one view of the rights of these Indians; there was a gentleman whose name I do not see here who prosecuted another view of their rights, and then there was another delegation that had a different view; and now the sum of $4,000, or so much thereof as may be necessary—I do not think that had better remain in because it is surplus, all the money will be taken—is appropriated out of any money in the Treasury to the credit of the Eastern Band of Cherokee Indians for the purpose of paying for the services and expenses of the former delegates. The Eastern Band of Cherokees have a fund in the Treasury which the United States has pledged itself to hold there for the purposes of education, and for those purposes only. That is the pledge by which the United States took it, and in the light of that just listen to this clause:

That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury to the credit of the Eastern Band of Cherokee Indians, for the purpose of paying the services and expenses of former delegates of said Eastern Band of Cherokees who have visited the city of Washington on business of the band and to pay debts of the band.

That is what this $4,000 is to be used for. How "former" they were I do not know, or how far back it would go. I venture to say that there rise up quite a number who will have the impression that they have visited Washington in former times on business of this band. I have no doubt of it from my own knowledge of the desire of Indians to come to Washington. The Indian Committee were instructed to investigate certain matters down in the Indian Territory, where it was necessary to have witnesses here this winter, and you would be amazed, Mr. President, at the anxiety and desire of Indians to visit Washington under the auspices of that committee, and they had more difficulty to keep the Indians back from Washington than they had to get them here to testify before the committee.

Now, anybody whose ignorance will permit him to set up the claim that in former times he has visited Washington on business of this band can have his share out of the fund pledged to education only. I think this clause ought to go out of the bill.

Mr. VANCE. The objection made by the Senator from Massachusetts to the clause as it came from the House I do not think is affected by his argument against the provision in a subsequent clause for paying for the services of a late distinguished candidate for the Presidency. I do not think that necessarily has anything to do with the desire that I have to retain the first clause on page 59 as it came from the House.

Mr. DAWES. I should like to ask my friend if she would not come exactly under the provisions of that clause he is advocating now? I think she has visited Washington in former times. There is no doubt of that, and I have no doubt she is perfectly satisfied that she did it on business of this band.

Mr. VANCE. I do not think she would come under this clause of which we are speaking. There is $4,000 appropriated by it, and by far the greater portion of that is claimed as the expenses of and as payment for the services of previous delegations of that band who have attended here upon business for them. The proviso in the latter part of the clause reads thus:

Provided, That no portion of said appropriation shall be paid for the debts of said band, expenses of delegates, until the Commissioner of Indian Affairs and the Secretary of the Interior have approved the same.

If it is not possible for the Secretary of the Interior and the Commissioner of Indian Affairs to protect the Government and the Indian tribe against the claims of improper or surplus or unauthorized agents, it seems to me that there is no possible way to protect them. I can not see why we should refuse to pay the delegates already appointed whose services have been rendered and whose services and whose appointments have been recognized by the council of the tribe, and whose payment has been ordered out of their own funds by the council of the tribe, for fear some delegate might impose upon the Government and get money for services that he did not render. Lest we should possibly do wrong, we are certain to do wrong if we refuse to pay the expenses that have already been justly and legally incurred.

So far as the general principle of preventing the attendance of numerous agents at the city of Washington on the pretense of doing business for the tribes is concerned, I admit the justice and propriety of what the Senator from Massachusetts has said; but it seems to me that where an expense has already been incurred and properly incurred and legally incurred, we should not do wrong by refusing to recognize that for fear of imposition upon the tribes.

Mr. DAWES. The Government is bound to expend this money for educational purposes. What right have the tribe, if they have done it, to contract with men to come here to Washington to take their pay out of the fund devoted to educational purposes, much less to pay their debts? The tribe itself is under guardianship. The United States has assumed to take care of its funds and expend those funds in what to the United States and to them at the time the fund was created seemed to be the best way, and the United States holds it for that purpose; and it is a violation of the trust to pervert it to the payment of persons whom the tribe want to have come to Washington, much less to pay their ordinary debts. Upon what claim or what ground can it be justified to take a fund set apart for educational purposes to pay the ordinary debts of that band?

Mr. VANCE. If the Senator will allow me I will tell him the ground that I understand it is placed upon. These services were rendered for the preservation of this very fund and not their ordinary debts. It was the service of their agents sent here to procure this fund and to have it set apart for them for educational purposes.

Mr. DAWES. If they had let it alone it would have been a great deal larger now than it is.

Mr. VANCE. That may be.

Mr. DAWES. They have been nibbling at it for many years and getting it to pay this man and that man, and now they propose to pay other debts with it. If the Eastern Band of Cherokees mentioned here could be only encouraged by those about them to look upon the fertile lands of North Carolina and make them to bloom and blossom like the rose they would be living like the white people of North Carolina in abundance and in luxury, and we should have nothing to do but to expend this money for the higher education of those people. But instead, they have been encouraged by white people—not white people belonging to North Carolina; I do not mean to say that, but white people out of employment, who feel an anxious desire to serve the Indians here in Washington, and who come from distant parts and ingratiate themselves with the Indians, and carry the idea that they can accomplish some great thing here in behalf of the Indian, and then go back, and through an interpreter magnify their services till the Indian has come to believe that he can accomplish nothing here unless he has some hired agent to dog the heels of those who have the charge of these matters.

It is high time, sir, that it should be discouraged, and the most efficient way to discourage it is to let them realize that if they hire anybody to come here they must pay him as other people do, and not take it out of a fund sacredly consecrated to the beneficent purpose of educating the Indians.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the paragraph which has been read from line 1432 to 1440, inclusive.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1443 to line 1448, inclusive:

The Secretary of the Interior is hereby directed to pay to Franz and Charles Huning, out of any funds belonging to the Navajo Indians, $6,000; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1449 to line 1454, inclusive:

The Secretary of the Interior is hereby directed to pay, out of any funds belonging to or that may belong to the Cherokee Indians, to George H. Pettigrew $2,000; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. WALKER. I hope the amendment proposed by the committee will not be agreed to. This is rather a peculiar claim. It is not for a depredation made by semi-barbarians, but made by intelligent men in a civilized tribe of Indians, men worth a considerable amount of property and against whom no process of law can issue. There is no court that has jurisdiction of this claim. If there was a court in which the parties

who committed this depredation, some of whom are immensely wealthy, could be sued, a judgment had, and execution issued, the Government of the United States would not be troubled.

This is for a depredation committed by intelligent persons upon a hotel erected upon a railroad right of way through the Cherokee country, a property which was worth at least the sum of $2,500.

The parties who committed the trespass were afterward indicted and convicted in the United States court for the western district of Arkansas, not for the trespass, but for stealing the materials composing the hotel several days after it was torn down. They were indicted, convicted, and punished; but that does not do the parties who put up the hotel any good. If the guilty persons could be sued the money could be made from them. If the money should be taken from the fund belonging to the Cherokee people they would have the right to go upon those parties, who are amply able to satisfy the claim. I hope the clause will be permitted to remain in the bill. It is a peculiar case.

Mr. DAWES. I do not care to debate with the Senator from Arkansas the merits of the case. The ground upon which the committee recommends the striking out of the clause was set forth in the debate on Saturday, which led them to strike out all claims for depredations, not on their merits but for lack of information as to the merits. This case has been before the Committee on Indian Affairs. I do not know but that the Senator so stated. I was engaged and did not fully hear the Senator's remarks.

Mr. WALKER. It has been before that committee.

Mr. DAWES. There has been a good deal of trouble about this case and a pretty narrow squeak, if I may use that unsenatorial word, but it was not on that ground that the committee proposed to strike it out. They propose to treat all these depredation claims alike, and under the provision which has been adopted to have them brought before Congress in a different way at the next session, and I would hardly think it fair to single this one out and adopt it.

Mr. WALKER. This is different somewhat from the ordinary claims presented here. It is not, as I remarked, a claim against Indians who are not intelligent; it is a claim against the Cherokee people, who claim to be as much civilized as the people of any of the States. They have their lawyers, their schools, their property, their public affairs, and they are intelligent; but among those intelligent Indians this infamous outrage upon the property of a white man was encouraged to be perpetrated, and the parties were protected by the authorities of the nation just so far as they could protect them.

The case stands differently from the other claims in the bill. If the party could go into the courts I should not stand here and argue that the claim should be paid, but I say that in this case there should be an exception. It does not stand like a case against the Cheyennes or Arapahoes or other wild bands of Indians.

I hope the Senate will vote down the amendment proposed by the committee.

Mr. ALLISON. I remember something of this claim last year. I believe it was on the Indian appropriation bill last year as it came from the House, and the delegates of the Cherokees appeared before the committee and claimed that the gentleman here named did not own the property, and they protested against the claim being paid. I think the Senator from Arkansas had better let this go with the other claims to be investigated hereafter, and if this gentleman has a proper claim and owned the property I think there will be no trouble in his getting the money.

Mr. WALKER. There is no question in regard to the title of the party. There is no proof to the contrary.

Mr. ALLISON. I am only speaking of what the delegates said of the proof stated to the committee last year.

Mr. WALKER. I can imagine that the delegates would say almost anything against a claim of this character; it is their custom to do so.

Mr. MAXEY. It seems to me there is great force in the position taken by the Senator from Arkansas [Mr. WALKER]. Here this man evidently has a right. At all events we are bound to assume that he has a right, because the claim has been examined and approved by the Commissioner of Indian Affairs. Under the universal doctrine that everything done by an officer intrusted with the performance of a duty is presumed to have been done rightly and properly, that would make it a good claim. Notwithstanding what may have been said outside by somebody else, the presumption of law is, when the Commissioner of Indian Affairs has examined and approved the claim, that the claim is good, and it stands as good until overturned by better evidence.

It is clear that we can not carry those people into any court that I know anything about. If there be no remedy at law and these violators of the law were protected in their depredations on private citizens by the authorities, as stated by the Senator from Arkansas, then I say it is but right and proper that this claim should be allowed and charged to the Cherokee fund. That is the way it strikes me.

Mr. DAWES. The Senator from Texas on Saturday urged upon the Senate that they should take several claims that have already been stricken out and pass those in the bill, but finally acquiesced in the action of the Senate in striking them out for the purpose of bringing them before Congress in another shape. I should like to ask the Senator——

Mr. MAXEY. If the Senator will pardon me one moment I can explain, as I think, the difference. I did concur precisely in the course pursued, and why? Because the claims as to the others were for depredations committed by wild Indians who were under the entire and exclusive police power and control of the United States Government, and they had been placed on reservations and guarded in those reservations. I hold that in cases like that, if men break over and destroy the property of the people, the Government of the United States would be as responsible, provided the Indians had not the funds themselves, as where the people of Allegheny County, in Pennsylvania, who were intrusted with the police power were held responsible for the destruction of a vast amount of property a few years ago belonging to railroad companies. I put it on the same ground. But that does not apply here. This is a different case. This is the case of a civilized tribe, which has the entire control under our intercourse law of all their matters as between themselves. They have their courts and they attend to all their affairs. There is a certain class of cases of crimes committed against the white men or by white men that may be brought in the Federal courts at Fort Smith, but this is a civil case; it would be a civil action for damages if the party had any court to go to.

The courts there can not try it because a white man is one of the parties and the Indian courts have no jurisdiction in a case of that kind. The Government has never intrusted a case *ex contractu* or *ex delicto* to the Federal courts under such circumstances. If we believe the Commissioner of Indian Affairs, who examined and approved the claim, as the bill says he did, we must I think presume that that must be true; for I never heard of setting aside on the mere outside statement of anybody the solemn official declaration of an officer under oath in respect to a matter intrusted to him.

So I take it this claim has been examined and approved by the Commissioner of Indian Affairs and is therefore a good claim, and it is unlike the case of the Indians who are corralled on reservations. It is a case in a civilized tribe; and it seems to me that when the right exists the remedy ought to be somewhere. I apprehend the Senator from Arkansas states the case from knowledge, as he lives right close by. If the depredators were protected by the Indian tribe, the Cherokee Nation, they should be held responsible for the wrong perpetrated by their own people and upheld by their own authorities.

Mr. DAWES. The object of the amendment adopted Saturday was to more thoroughly examine the cases that are on file in the Interior Department on the ground that the Secretary of the Interior had not been furnished heretofore with the means of a thorough examination. He had no fund to expend in that behalf; he was not able to send anybody upon the ground; he was not able to examine a single witness; he was not able to probe or investigate or in any manner sift the evidence which a claimant sent to him. It came to the knowledge of the committee through the Department itself that although he had approved of these claims from time to time he was not satisfied with his own approval; he became convinced that as to the great majority of these cases they demanded a more thorough sifting and reconsideration.

Now, this is one of those cases. As the Senator from Iowa has said, a delegation of the Cherokees appeared before the committee and maintained stoutly that this man had not any title.

Mr. MAXEY. I should like to ask the Senator, for I did not quite understand the idea that he designed to convey, if the Commissioner of Indian Affairs in this case says that he is not satisfied with the ruling of the Department?

Mr. DAWES. No, not in this particular case; I am speaking of the claims as a whole. He sent up here, as I read on Saturday, a list numbering 3,100. The great majority had written across the back "approved," and yet about them the Commissioner and the Secretary would make precisely the same statement I have made to-day. This particular one failed to get through the Committee on Indian Affairs once on the ground of doubt whether the man had any title. I have omitted to say a word on the merits of the claim, because I thought that the proper ground to stand upon was to say that all of these cases had better go back and go through with that same process.

Mr. WALKER. Will the Senator allow me to ask him a question? Was there any proof contrary to the title of the Pettigrew claim before the committee, or has the Senator seen any proof whatever against his title, or was it merely the suggestion of the Indian delegation?

Mr. DAWES. I should say that the evidence on the one side was about of the same character as the evidence on the other, and that if I were a juror I should be obliged to follow the burden of proof in the matter. If either side had a burden of proof to make out I should rather think he had lost his case.

Mr. WALKER. Was there not sworn testimony on behalf of the claimant?

Mr. DAWES. Yes; it was sworn testimony, I know.

Mr. WALKER. And there was merely a suggestion on the other side and no sworn statement.

Mr. DAWES. There were delegates from the Indian Territory here very anxious to be sworn. Without condemning the claim at all, I sub-

mit to the Senate that this case should not be singled out, that it should go with the rest; and if the Secretary of the Interior should be satisfied with the proof in his Department as to this case it will come here stronger next session than it ever came, I assure the Senator. If, on the other hand, the Secretary feels that he ought to reinvestigate it and then reapproves it, there can not be any ground for opposition to it.

Mr. WALKER. Will the Senator allow me to say that the Federal court for the western district of Arkansas passed upon the question and the parties were indicted and convicted for stealing the property of the claimant and this whole matter came up. I think that should be satisfactory, the case having been passed upon by a court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the clause which has been read. [Putting the question.] The ayes appear to have it.

Mr. WALKER. I call for the yeas and nays. ["No!" "No!"]

The yeas and nays were ordered.

Mr. WALKER. I ask leave to withdraw the call.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks leave to withdraw the call for the yeas and nays. If there be no objection the call will be withdrawn. The ayes have it, and the clause is stricken out.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out the clause from line 1455 to line 1471, inclusive, as follows:

That in hearing and determining the suit of the Eastern Band of Cherokee Indians, numbered 13626, the Court of Claims is hereby authorized and directed to hear and consider the alleged claim of Belva A. Lockwood for alleged professional and other services rendered and expenses alleged to have been incurred by her in aiding the said Eastern Band of Cherokee Indians in prosecuting their rights involved in said suit, and to determine whether said Belva A. Lockwood was employed by said Indians; and, if so, what amount, if any, is justly due to her on account of such services and expenditures, and to make and enter of record in the cause an order that the amount, if any be proved to be due her, shall be paid to her out of such sum or sums as may be found and determined to be due to the said Eastern Band of Indians from any funds held by the United States in trust for the Cherokee Nation of Indians.

The amendment was agreed to.

The next amendment was, in the appropriations "for support of schools," in line 1475, before the word "thousand," to strike out "ten" and insert "thirty-five;" in the same line, after the word "dollars," to strike out "and of this amount not exceeding $10,000 shall be used for the establishment of a boarding-school at or near the center of the Pottawatomie reservation, in the Indian Territory;" in line 1480, after the word "dollars," to insert "to be immediately available;" and in line 1482, after the word "all," to strike out "five hundred and seventy-five" and insert "six hundred;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $355,000; for construction and repair of school buildings, $60,000, to be immediately available; and for purchase of horses, cattle, and sheep, goats, and swine for schools, $25,000; in all $600,000.

The PRESIDENT *pro tempore*. The Chair will suggest that in line 1461, after the word "swine," there should be a comma and the word "and."

Mr. DAWES. I hope that correction will be made.

The PRESIDENT *pro tempore*. If there be no objection, that correction will be made. The question is on agreeing to the amendment as modified.

Mr. VEST. I wish to make an inquiry of the Senator having charge of the bill. How much of this $600,000 is to go to the day schools and how much to the boarding-schools?

Mr. DAWES. I am unable to answer that question exactly; but it is to be distributed. The Interior Department maintains day schools on all the reservations where the conditions are such as to justify them and where the treaties are such as to require them to the extent of the appropriation. There are treaty stipulations which are very far from being fulfilled in reference to day schools; for instance, on the Sioux reservation, where we took all the lands the Sioux had some fourteen years ago and in exchange gave them a vast rich territory in Dakota, and covenanted to maintain a day school for every thirty scholars on the whole of that reservation. There are others like it; so that there are unfulfilled obligations of treaties. If a treaty is a debt, if having covenanted with a people to pay them a sum of money or to do a particular act creates a debt or obligation, we are debtors to these Indians to-day to the amount of between three and four million dollars for unfulfilled obligations in relation to schools, nearly all of which are day schools.

There are those who think that the day school is not a wise expenditure of money. There are those who think that the day school is the best, and that the boarding-school is not a wise expenditure of money. There are those who think that industrial schools at a distance from the reservations are an unwise expenditure of money, and there are those who think they are the wisest of all expenditures. There is a good deal of difference of opinion. In some places a day school is a waste of money. I do not think a day school, except perhaps under that rigid system that one particular religious denomination is able to maintain in its schools, would be a wise thing among those northern Indians.

I heartily agree with what the Senator from Missouri [Mr. VEST] said not long since in relation to the efficiency and the usefulness of the schools maintained by a certain religious denomination. They are not the ordinary day schools. But in other parts of the Indian country, speaking in the general term, there is no school so useful as the day school. There have been improvements introduced within the last two or three years since Congress wisely made a superintendent of Indian schools, who has them in charge and systematizes the whole thing, and who brings to his work great enthusiasm as well as wisdom and discretion. They have sought to introduce into each day school some particular attraction that will bring the Indian scholars there and induce them to come to these schools. I think that they are a very wise feature of Indian education; while at the same time I would not differ much with the Senator from Missouri when he gets up to tell us about an Indian day school he saw in Northern Montana. I hope he will excuse me for anticipating what he is going to say, for I have had experience very much like his, but I would not have him make war upon the system because of its defects.

Mr. VEST. I only regret that the bill does not show in this appropriation how much of this money is to go to the day schools and how much to the boarding-school. I have had personal experience about the matter, but I suppose I was very unfortunate in that respect, as I did not see a day school where the money was not actually thrown away. You may as well pitch it into the middle of the Pacific Ocean; it does no earthly good. There will be five hundred in attendance on ration day and fifty the rest of the time. We can not educate Indians in that way. If I were able to discriminate here I should certainly vote a definite appropriation to the boarding-schools, but the bill is so framed that no distinction can be shown; and I suppose it will have to go as it is. I only wanted to express my opinion about it.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1488, before the word "hundred," to strike out "six" and insert "eight;" so as to make the proviso read:

Provided, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed $10,000; and the entire cost of any day school building to be so built shall not exceed $800.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1488, to insert the following proviso:

And provided further, That the school year of each pupil in the Indian schools herein appropriated for shall be held to include all usual and necessary vacations.

The amendment was agreed to.

The next amendment was, after the words "Arkansas City," in line 1494, to strike out "twenty-six thousand five hundred" and insert "thirty thousand six hundred and twenty-five;" after the word "all," in line 1502, to strike out "thirty thousand" and insert "thirty-four thousand one hundred and twenty-five;" and in line 1504, after the word "dollars," to insert "and pupils from any Indian tribe, other than the five civilized tribes of the Indian Territory, may be admitted to this school;" so as to make the clause read:

For support of the industrial school near Arkansas City, $30,625; and said sum shall be disbursed upon the basis of an allowance of $175 for the support and education of each pupil; for purchase of material and erection of shops, barns, and other necessary outbuildings, and for repairs of same, $2,000; pay of superintendent of said school, $1,500; in all, $34,125; and pupils from any Indian tribe, other than the five civilized tribes of the Indian Territory, may be admitted to this school.

The amendment was agreed to.

The next amendment was, in line 1509, after the word "school," to strike out "seventy-five" and insert "eighty;" and after the word "all," in line 1518, to strike out "seventy-six" and insert "eighty-one;" so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., and for transportation of Indian pupils to and from said school, $80,000; and said sum shall be disbursed upon the basis of an allowance not exceeding $175, exclusive of transportation, for the support and education of each pupil actually maintained in and supported and educated at said school, but actual cost of transportation and other expenses of such pupils as are sent out of said school among farmers for support and education may be disbursed from said funds; for annual allowance to Capt. R. H. Pratt, in charge of said Indian industrial school, $1,000; in all, $81,000.

The amendment was agreed to.

The next amendment was, in line 1520, after the word "hundred," to insert "and fifty;" in line 1522, after the word "hundred," to insert "and fifty;" and in the same line, after the word "each," to strike out "ten thousand" and insert "twenty-two thousand five hundred;" so as to make the clause read:

For support of one hundred and fifty Indian pupils at the Saint Ignatius mission school, Montana, at $150 each, $22,500.

The amendment was agreed to.

The next amendment was, in line 1524, to strike out "for support of Indian industrial school at Forest Grove, Oreg.," and insert "for support of the Forest Grove Indian industrial school at Forest Grove, or such other place in Oregon as the same may hereafter be located;" after the word "dollars," in line 1532, to insert "heating apparatus, fixtures, and furniture for school buildings, $10,000;" and in line 1534, after the word "all," to strike out "forty-one" and insert "fifty-one;" so as to make the clause read:

For support of the Forest Grove Indian industrial school at Forest Grove, or such other place in Oregon as the same may hereafter be located: Two hundred Indian pupils, at $175 per annum each, $35,000; pay of superintendent, $1,500; completion of school-building and necessary outbuildings, and repairs and fencing, $5,000; heating apparatus, fixtures, and furniture for school buildings, $10,000; in all, $51,500.

The amendment was agreed to.

The next amendment was, in line 1539, after the word "dollars," to insert "of which $1,500 shall be immediately available to pay indebtedness for 1885;" so as to read:

For support of one hundred and fifty Indian pupils, at $175 per annum each, at the industrial school for Indians at Genoa, Nebr., $26,250, of which $1,500 shall be immediately available to pay indebtedness for 1885; pay of superintendent, $1,500; purchase of material and erection of necessary outbuildings, and necessary repairs, $2,000; in all, $29,750.

The amendment was agreed to.

The next amendment was, in line 1545, after the word "and," to strike out "children" and insert "pupils;" so as to read:

And pupils from any Indian tribe, except the five civilized tribes in the Indian Territory, may be admitted to this school.

The amendment was agreed to.

The next amendment was, after the word "school," in line 1548, to insert:

And the limitation imposed upon the appropriation for this school for the fiscal year 1885 in the act approved July 4, 1884, is hereby repealed.

The amendment was agreed to.

The next amendment was, in line 1553, after "Virginia," to strike out "twenty thousand and forty" and insert "twenty-one thousand;" and in line 1554, after the word "dollars," to insert "transportation of pupils to and from said school, $3,000; in all, $24,000;" so as to make the clause read:

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Va., $21,000; transportation of pupils to and from said school, $3,000; in all, $24,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1557 to line 1560, inclusive, as follows:

For the purpose of establishing an industrial school for the education of Indian youths, and the erection of the necessary buildings, at Santa Fé, N. Mex., $25,000.

Mr. BLAIR. Mr. President, I am opposed to the adoption of the amendment. This is a proposed appropriation of $25,000 to assist in the establishment of an Indian industrial school at Santa Fé, N. Mex., the capital of the Territory. There are in the Territory of New Mexico about 40,000 Indians, I am told. In the vicinity of Santa Fé and northerly there are about 20,000, I think. There is already established an Indian school at Albuquerque, some eighty miles southerly, which is in a flourishing condition, having not far from two hundred pupils. It is a good school; it is answering the purpose for which it was established. There are about 20,000 Indians in that portion of the Territory, and the school is supplied almost wholly, as I am informed, from those 20,000 Indians.

There is a great necessity for the establishment of a school at Santa Fé. Santa Fé, as all Senators are undoubtedly aware, is the educational center of the Territory. It is an old place. The Catholic Church has been established there for some hundreds of years, and it has exerted a most excellent educational and other good effect upon the Indians and the people of the Territory. But there is at the present time in Santa Fé, as I understand, no Indian industrial school, and I think no Indian school whatever; at least there is none that to any considerable extent supplies the great necessity that exists for such an institution. The city has about 8,000 inhabitants. About 1,500 of those inhabitants are Americans proper, and most of the rest are Indians or of Indian descent. The town is as well situated as any place in the Territory, or as any place anywhere possibly could be, for the purpose for which this appropriation is designed.

Four or five years since a gentleman who for a time resided in my own State, Professor Ladd, who had charge as principal of our normal school which was located in the town where I then resided, and who is in every way a most competent and able Christian, and is an active, vigorous gentleman in whatever he undertakes, moved with his family to New Mexico and devoted himself there to the cause of education. He located at Santa Fé. He has built up a strong institution, the university of the Territory, the only chartered and, in fact, the only university or institution of any kind answering collegiate purposes there. It has become quite flourishing. He is an enthusiast in his work and has become greatly interested in the Indians and their education. He has already, by means of contributions from benevolent individuals in different parts of the country, raised nearly $25,000, and that is devoted to the establishment of this proposed industrial Indian school. Nearly $25,000 have thus been raised by his personal exertions and contributed by the benevolent of the country. The citizens of Santa Fé have given one hundred acres of land, consecrated to this purpose, valued at something like $12,000. It is situated a little out of the city, in a very convenient and proper location.

Professor Ladd has already established an Indian school in connection with the university, where, by a contract with the Indian Department now existing, there are some fifty Indian pupils being educated. The contract runs for the term of six months and compensation is given to him for the education of the Indian children at the rate of $120 per annum each. I notice all through the bill that the ordinary compensation is $175 per pupil. In one instance it is $150, and I think in one instance, I am not quite sure that I am accurate, it is more than $175, perhaps $200 per pupil; but $175 seems to be about the average compensation. This gentleman is educating these children at that point by contract with the Indian Department for $120 apiece. He needs assistance in the enlargement of the capacity of the school, and he asks for this appropriation of $25,000, which, as Senators will see, is really very trifling as compared with other appropriations which are made in the bill, and as compared with appropriations made for the purpose of education. It is a very liberal bill in that regard.

It does seem to me as though this $25,000 which were placed in the bill by the House—and we do not ordinarily look there for instruction or encouragement or stimulus in the direction of educational efforts, at least this body does not—it does seem to me, I say, as though this small appropriation of $25,000 ought to be given. The 20,000 Indian population has no other school whatever. There is but one such school in the Territory for the whole 40,000 Indians, and at that school, as I stated before, there are only about two hundred pupils. The others, the fifty I have spoken of, are being educated or are to be educated the remainder of the six months at the institution founded by this gentleman. When the appropriation which he has relied upon shall be given, if it shall be given by Congress, and the new buildings erected upon the one hundred acres, the land given by the citizens, he proposes to convert the location now occupied for this purpose, where the fifty are to be educated, into a like institution for the education of Indian girls, so that if this appropriation is given there will be an institution upon the five and a half acres and also another and a larger permanent institution upon the one hundred acres.

I hope the committee will not insist upon the amendment, and that they will give us this trivial sum and let this really great enterprise go on. There is no Territory, there is no portion of the whole United States, that needs educational influences to the extent that the Territory of New Mexico does. The illiteracy in New Mexico—that is, the proportion of those over 10 years of age who can not read and write—is 40 per cent. of the whole population. It is also very largely an Indian population, as we know, and it is a very difficult population to reach. With, as I understand, only one school in that whole Territory for the benefit of the Indian population, it seems almost trifling with our obligations to those people not to give them another school.

Mr. VEST. I sincerely hope that the amendment of the committee striking out the appropriation will not be agreed to. What I say is always in general accord with the committee, for this is a very liberal bill, and has my entire approbation with one or two exceptions.

There are, as I happen to know, some twenty pueblos, as they are called, in New Mexico, with a population of between 12,000 and 20,000 Indians. As the Senator from New Hampshire has said—and he has not overdrawn the picture—extraordinary exertions have been made for the education of those Indians, and the enterprise is succeeding very rapidly. It has one feature which commends itself especially to my approbation, and that is it is now proposed to add to the male school the education of females. If there is any one fact well established—absolutely—it is that where you educate an Indian boy and send him back to his tribe he lapses into barbarism; he can not resist the pressure of ridicule, which with the Indians is the most potent weapon in the world, and then he out-Herods Herod and becomes the most barbarous Indian in the whole tribe.

The Jesuits solved this question. They started with a female school at Saint Ignatius, Montana; they educated the girls, taught them how to sew, how to keep house; taught them music, reading, writing, and arithmetic. An Indian girl would go back and marry a full-blood Indian, or a half-breed, who is generally worse than a full-blood, and in three months, under the ridicule of the tribe, that educated Indian girl would become the worst of the tribe. She would have to show by unusual barbarism that she was not imitating the white people. The Jesuits after years of experiment found out that they must establish a male school in connection with the female school, and now they have, or had when I was there summer before last, fifty boys and fifty girls in that school. They have five sisters and five brothers educating the girls and boys, and when the Indians graduate they marry, and then the Jesuits, with the assistance of the Indian agent, build up a little house, break up some land, and that couple becomes a nucleus of civilization and Christianity for the neighborhood. So you may go now, to the Flathead reservation. The Jesuits first went there from Saint Louis in 1850 at the request of the Indians, and to-day you will find log houses and school-houses built by the Indians. The North Pacific Railroad goes through, and you would think in looking from the windows of a car that the train was running through a white settlement if you did not see the Indians upon each side of you. This is the result of a wise and judicious adaptation of the instrumentalities of Indian education and Indian nature to Indian circumstances.

Twenty-five thousand dollars! What does it amount to in this great experiment of trying to save those people, if possible, from absolute annihilation? I know my friend from Massachusetts will not stand upon this paltry amount of money when individuals have gone there and when the people of Santa Fé are putting in $12,000 toward building the school, and there are between 12,000 and 20,000 human beings whose destiny depends upon it.

I sincerely hope there will not be a vote in the Senate against retaining the appropriation. Let us put it back; I only wish it was $50,000 instead of $25,000.

Mr. MILLER, of California. I wish to join in the appeal which is made to the Senator in charge of the bill to permit this item to stand. I can not add anything to what has been said, because the whole case has been presented, but everybody who knows anything about Indian affairs knows that the industrial schools are doing more good than any other agency. They are doing more to elevate the Indian, to civilize him, than any other means that are employed. The great difficulty is to prevent the Indians under our Indian system from becoming roving vagabonds. These schools, in the manner in which the Senator from Missouri has described, have exerted a most powerful influence to prevent vagabondage and to fix them in homes, giving them a taste for agriculture and for civilization. We can not expend the public money any better than in the mode prescribed in the bill for these industrial schools. That is my opinion about it, and I think it is the opinion of every one who has investigated the subject.

I hope that the amendment will not be adopted.

Mr. DAWES. It is highly gratifying to hear from Senators the commendations of the subject of Indian education to those who have been early in the field and constantly fighting for it. It is especially gratifying to hear Senators express their gratification at the result and their conviction of the wisdom of the policy.

All that has been said meets my hearty concurrence, and it may seem a little ungracious that I should advocate the adoption of the amendment striking out this $25,000 for the erection of a school at Santa Fé. As to the benefit of industrial schools and as to the wisdom of the education of the sexes, advocated by the Senator from Missouri, there can be no doubt. The Senator first saw it, and I fear that he only saw it, among the schools of the Jesuits of Northern Montana. I only wish the Senator would go about among the industrial schools which have been established by the United States, and at which large sums of money are expended every year and are appropriated in this bill.

There he would see the two sexes educated together in precisely the way that has commended itself to him, and he would see something further. If he would go to Carlisle or Hampton, if not to any other of the industrial schools, he would see young married couples brought there and taught to set themselves up in housekeeping and to make for themselves a habitation, to furnish it, and to keep it under instruction—taught how to live like civilized people, and ready, after they have got the other education, to carry along with it this.

One of the most beneficent features of the education of the Indians is the bringing of young married couples there and teaching them, and at the same time taking the male and female pupils who go out belonging to the same tribe and seeing that they are either married before they go back to their tribes or that they form such marriage relations as will prevent their falling back in the manner the Senator expresses apprehension for.

I wish the Senator would extend his observations and not concentrate them. I think he would be a hearty supporter of the whole system as it is now, under the benefit of the experience of such great teachers of the Indians as Captain Pratt and General Armstrong, and under such wise supervision as the superintendent of Indian education, Mr. Haworth, exerts over the whole system. He would see that it is becoming more and more practical, and he would see that safeguards of the future of the educated Indian are being thrown around him, and avenues are being opened in which he or she can maintain himself and herself.

The problem, to my mind, is almost solved. I see in the new administration just breaking in upon us here the light of a realization of the hopes and expectations of those people, because I expect that the new administration not only will carry on this policy, but will enlarge upon it and improve upon it, and will have the credit itself of accomplishing what those people have been laboring for many years to accomplish; for that administration in which a thing is accomplished will always have all the credit of it.

Now, why do we propose to strike out this appropriation for New Mexico? It was not estimated for. The Department in making their estimates for educational purposes looked the ground all over, and calculating upon how far they could induce Congress to make appropriations for this purpose, calculated where they would do the most good. There was an effort to get one of these schools in Montana by the Great Falls of the Missouri, where ultimately there will be a great town. There is a fund belonging to the Utes in the Treasury—$90,000 a year. We have obligated ourselves to pay them, and the President of the United States is at liberty to use it just as he pleases. It is proposed to take $15,000 of that $90,000 from the Utes and put an industrial school down close by their reservation in Colorado and not put one in Montana.

There is a school of very large proportions at Albuquerque, only eighty miles from Santa Fé by railroad. The railroad runs between the two towns, which are eighty miles apart. That school has now two hundred scholars; it has a capacity for five hundred. It is proposed to enlarge that, to erect a new one between that and the school in Colorado, and then by increased appropriations to enlarge the facilities of all the schools. That was as far as the Department felt that they could ask Congress to go, because that was as far as they could assure Congress that they would make every dollar count.

There were some reasons presented before the committee by those responsible for the expenditure of this money why it was not wise to put a school, certainly at present, at Santa Fé, besides its proximity to Albuquerque. Albuquerque can take all the children who can be gathered as well from New Mexico as from Arizona for two or three years to come.

There is another reason. There is a Catholic school at Santa Fé, where quite a large number of Indian pupils of both sexes are educated; a school of remarkable progress and promise. It is conducted on a different plan from what it is possible for us to establish a school there. If the United States establishes a school there its pupils must be mingling with all the people there. They can not be kept from contact with the people of Santa Fé as the Catholic school is; and that is one reason why the Catholic school is so flourishing. According to their system the pupils are kept from contact with the people of Santa Fé.

I do not care to say anything disparaging of the people of Santa Fé. I shall content myself by being the organ of the committee in this regard and communicating to the Senate the reasons which induced the committee, and those were reasons coming to the committee from those responsible for the expenditure of this money, that Santa Fé was not a good place for the establishment of the school, in addition to the fact that there is one so near it and that we propose to put another one on the Ute reservation where we can utilize $20,000 that will be otherwise distributed per capita, and decline to put one in Montana.

I was greatly impressed by the fidelity and conscientious labor of the gentleman to whom allusion has been made. I have had frequent talks with him as well as with a gentleman who represented himself to be the bishop of New Mexico, all in the interest of a school at Santa Fé. If it is an improper place for a school, as has been represented to the committee, I think at least it might as well be postponed. I will say that this is the first time I ever have been found opposing any appropriation for the erection of a school for Indians.

Mr. VEST. Before the Senator from Massachusetts takes his seat I wish to call his attention to the fact that the Commissioner of Indian Affairs wrote a letter to the chairman of the Committee on Indian Affairs of the House recommending the establishment of this very school. I simply call attention to that fact to show that there is nothing in the appropriation as it came from the House which is at all antagonistic to the views of the Interior Department or of the Indian Bureau. They think the school ought to be established.

Mr. DAWES. It is true that the Commissioner of Indian Affairs did at one time advocate the establishment of the school, and I have nothing to show that he does not do so at this time. I do not know but that he does. I have no reason to doubt it; but the Secretary of the Interior appeared before the committee and gave his views in reference to the wisdom of erecting the school, as did the superintendent of Indian schools and others. I represent the committee in what I have said.

Mr. BLAIR. I admit that I had hoped the Senator from Massachusetts would represent himself, his own impulses, in reference to this matter, and that he would not have said anything whatever against the effort to disagree to the amendment. I think I am representing the matter correctly when I say that if he and the committee have proceeded in their action in striking out the appropriation upon the ground he has stated they are misinformed and that they misapprehend the situation.

The substantial objection, the only objection really that the Senator has suggested, as it seems to my mind, is that Santa Fé is not a fit place, and that for some reason it is not a proper location; that there is something about the quality of the city and its inhabitants which would be likely to result in a deterioration of the Indian if he is brought in contact with them. The truth about that is (and I have taken some little pains to reinform myself since I learned that that suggestion had been made about Santa Fé), that it is quite the equal of any New England city of the same population in the matter of morality. I am told that it is a city of as large religious facilities, that the average of moral status is as high as in the white cities of the North or of the South, and that so far as drinking saloons and other places of an objectionable character are concerned, there are no more of them there than are averaged in cities of like population in other portions of the country, and that it is an act of defamation to stigmatize the city of Santa Fé as inferior to other cities of the country in that regard.

Santa Fé has a population of some 8,000 at the present time. Albuquerque, eighty miles distant southerly, with its surrounding population of nearly 20,000 Indians, and having all facilities for the education of two hundred Indians, or at least educating that number now, is a still larger city and has no better moral status whatever. I do not

undertake to say that it is inferior, for I know nothing of the kind, but I presume that both cities are of such a character that it will not hurt the Indians to associate with the people there. Upon this very point I hold in my hand the statement of the governor of the Territory, Mr. Sheldon, known to most Senators present, I have no doubt. He makes a formal recommendation for the establishment of an Indian industrial school at Santa Fé. He says:

There can be no better place at which to establish an Indian school than Santa Fé. It is celebrated for its agreeable and healthy climate, and it is convenient to all the pueblos in the Territory, and the Navajoes, and Mescalero and Jicarilla Apaches.

I recommend that the necessary appropriations be made and that other steps be taken to establish the school in accordance with the views expressed in the within letter.

L. A. SHELDON,
Governor of New Mexico.

I might almost say that members of the Appropriations Committee, in fact some I know, have heartily agreed in this recommendation of the governor indorsing this specific recommendation for the establishment of the school.

Now, as to whether there is need of such a school, can it be possible to raise that question when with 40,000 Indians in that Territory there is now existing but a single school, the one in Albuquerque. What if they have facilities; they can be enlarged by the expenditure of more money, and certainly as much as it is proposed to appropriate will be required to assist in the establishment of the school at Santa Fé. What if the school could be enlarged so as to accommodate five hundred; suppose you had accommodations for the education of five hundred Indian children; what is that among so many? You must work the old miracle again if these accommodations are to answer for a population of 40,000.

We have nobody to rely upon but ourselves and the benevolence of the country for the original stimulus or motive for education, the disposition to be educated. That has got to be created in this class of people. The very germ of civilization and improvement has to be planted. It is by no manner of means as it is with a community that has learned the value of education when once it has come to taste the heavenly gift and take care of itself. But we are responsible for the missionary effort among these people to give them the inclination to be educated, for they know nothing as to the benefits of education.

I hope that the school at Albuquerque will be enlarged, and that it will be furnished with accommodations not for five hundred but for a thousand children, if necessary. Why not also establish a school at this other point, eighty miles distant, at the political, the educational, the religious center of the Territory? It is a point which for two hundred years at least has been that way, where the white and Indian populations have come generally in contact, for it has been the center of the Territory all these years. Before the white man was known Santa Fé was the point of rendezvous for the Indians in that part of the continent. When others have furnished 50 per cent. of all that is required, when benevolent private individuals have contributed so much, why not give this little paltry contribution of $25,000, which can certainly go there as well as anywhere else on the continent? It will be in the way of nobody. While enlarging the contribution for other schools in other portions $100,000, as the bill came from the House, I do not know why this particular appropriation, which has been hit in the head by some sidelong and I believe malicious movement in some other direction, God knows where this blow came from, I do not see, this little contribution, sanctioned by the House, recommended by the Commissioner of Indian Affairs, recommended by the governor of the Territory, and indorsed by other strong recommendations, is to be stricken out. Everywhere else the committee has increased the appropriations.

The committee talk about the application for the establishment of another school in Montana, and the manager of the bill certainly left the impression on my mind that they had done nothing in response; but what do we find in the bill?

For support of one hundred Indian pupils at the Saint Ignatius mission school, Montana, at $100 each, $10,000.

That is the bill as it comes from the House with reference to Montana, and our committee add an amendment making the number of pupils one hundred and fifty instead of one hundred, and they add to the compensation for the education of those children $50 each, making it cost the Government $150 apiece to educate these children, instead of $100 each as the bill stood, and they increase the total appropriation for the Montana school $12,500, merely for the running expenses of the school already there. That is all right. Montana ought to have more, I doubt not. So I might go through the bill. Here is another increase of $10,000 at one point, $5,000, $4,000, $4,000 again, $25,000 in one place, $15,000 in another, all to aid the cause of education. I see an increase of about $100,000 in the bill as it came from the House.

I hope that the committee adding to its already high reputation as a liberal committee, especially in the direction of education, will not insist upon striking out this little paltry contribution for the establishment of a new and a very important school.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected; there being on a division—ayes 22, noes 25.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 1560, to insert:

For the purpose of erecting a dormitory and such other buildings as may be necessary for the Indian school at Albuquerque, N. Mex., $10,000.

Mr. DAWES. I offer an amendment to the amendment, to add after the word "dollars," at the end of line 1563, the words:

Of which sum $2,200 shall be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 1563, to insert:

To enable the Secretary of the Interior to erect buildings for a school for the Indians near Grand Junction, Colo., $15,000, to be paid from any money due the confederated bands of Ute Indians; and in addition thereto he is authorized to use the sum of $8,000 out of any money available for that purpose heretofore appropriated: *Provided*, That before such school shall be established there shall be donated to the Government for the purpose of said school not less than one hundred and sixty acres of land, together with a sufficient amount of water for the cultivation thereof, on which land the said school buildings shall be erected; to be immediately available.

The amendment was agreed to.

The next amendment was, in line 1613, before the word "Indian," to strike out "five hundred;" and in line 1616, after the word "States," to strike out "or Territories;" so as to make the clause read:

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States of the United States, at a rate not to exceed $167 for each pupil, $83,500. And wherever the word "children" or "child" occurs in that part of the act making appropriations for the Indian service for the fiscal year 1885, approved July 4, 1884, under the heading "Support of schools," it shall be construed to include all Indians of whatever age that may have been or are pupils in any of the institutions therein provided for.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 1634, to strike out "twenty-five" and insert "twenty-eight;" in the same line, after the the word "dollars," to insert "of which amount $3,000 shall be immediately available;" so as to read:

For transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for the labor, $28,000; of which amount $3,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, after the word "available," in line 1635, to strike out "*Provided*, That the Secretary of the Interior be authorized and directed to report to" and insert "The Secretary of the Interior is hereby authorized and directed to report to;" in line 1641, after the word "amount," to insert "if any;" and in line 1642, after the word "money," to insert "alleged to have been;" so as to read:

The Secretary of the Interior is hereby authorized and directed to report to Congress, on or before December 6, 1885, the amount, if any, due the Miami Indians of Indiana and Kansas for money alleged to have been improperly taken from moneys due to said Indians and paid to other Indians, in violation of the treaties of 1854 and 1858, including attorney's fees necessarily paid by said Indians.

The amendment was agreed to.

The next amendment was, to strike out section 8, as follows:

SEC. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition or munitions of war, shall, upon conviction thereof, be fined not less than $100 nor more than $1,000, and be imprisoned not less than six months nor more than two years: *Provided*, That this provision shall not apply to the five civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best, to preserve peace and prevent depredations. All arms thus taken shall be received by the Secretary of War, who shall report all arms received by him, from what tribe taken, and the just value of said arms; and Congress shall appropriate the requisite funds to pay for all arms taken, and said sum shall be paid to said tribe, and, as near as may be, to the original owners of said arms, or their heirs.

Mr. DAWES. In the matter of the eighth section I wanted to try unanimous consent to improve it a little before the question of striking out is submitted. I ask unanimous consent to go back to that.

The PRESIDENT *pro tempore*. It is section 8 that is now under consideration.

Mr. DAWES. Then I am in order. Pending the question of striking out section 8 I desire to move an amendment of it in the fifth line. I move to strike out the words "less than six months nor," so that it shall read "and be imprisoned not more than two years," striking out the minimum.

Mr. VEST. I should like to inquire of the chairman if he proposes to strike out the whole of it what is the use of amending it?

Mr. DAWES. I can not, of course, tell whether the Senate will strike it out or not, and I thought possibly it would be so improved that the Senate might leave it in.

Mr. VEST. It seems to me if the Senate adheres to its action heretofore on the subject of general legislation in appropriation bills it must rule this out.

Mr. DAWES. I have no doubt about its being independent legislation, and if the Senate adheres to its rule it will go out; but how can

I beforehand say that the Senate will adhere to its rule? I should like to perfect it before the question is put on striking out.

Mr. VEST. I have no objection.

Mr. DAWES. Of course I can not under the ruling do it except by unanimous consent. The purpose is to strike out the minimum of imprisonment. I think there ought to be a maximum, but there ought to be no minimum.

Mr. VEST. That is right.

Mr. DAWES. I think there may be cases where a violation of the provision ought not to be punished absolutely by imprisonment of "not less than six months." The maximum gives any judge of fair discretion an opportunity to punish as he sees fit. If the section is to be stricken out of course there is no occasion to amend it.

There are several sections here, the Senate will observe, that the committee have been compelled to recommend should be stricken out. There are provisions in some of them that are exceedingly useful and wise as legislation, but every one of them needs some amendment; some provisions, most important in my opinion, have crept into them unintentionally which are palpably unconstitutional and will have to come out if the sections remain. If the whole goes out, then we have nothing further to say; but the necessity that the House felt for this led the House, I have no doubt, to do what its own judgment thought was unwise in putting it on an appropriation bill.

Mr. VEST. Before passing to another section I should like to ask the Senator from Massachusetts a question in regard to section 3, which we have already passed. That section provides:

> That no purchase of supplies for which appropriations are herein made exceeding in the aggregate $500 in value at any one time shall be made without first giving at least three weeks' public notice by advertisement.

I have not had time to turn to the Revised Statutes, but my recollection is that there is a general provision as to the advertisement that shall be made of these purchases. If there is a provision of the general statutes that covers the sort of advertisement here referred to, why insert this specification?

Mr. DAWES. There is a provision of the statutes, but this is always repeated in an Indian appropriation bill.

Mr. VEST. I noticed it in another appropriation bill which we passed last year. It always seemed to me that it ought to be "advertised as now required by law."

Mr. DAWES. I am inclined to think, though I have not looked at the Revised Statutes, that this is substantially what is required by law; but it comes down in each appropriation bill, and it is thought wise to repeat it so that it shall be before the eyes of every agent.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to perfect section 8, recommended to be stricken out, by striking therefrom, in line 5, the words "not less than six months." The question is on agreeing to that motion.

Mr. DAWES. Leaving in the "not" and striking out "nor;" so as to read "not more than two years."

The PRESIDENT *pro tempore*. The Senator moves to strike out "less than six months nor." The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee striking out the section.

Mr. DAWES. In the fourth line the language is "not less than one hundred nor more than one thousand." I move to strike out "less than one hundred nor."

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves, in line 4, to strike out "less than one hundred nor."

The motion was agreed to.

Mr. DAWES. After the word "depredations," in line 13, I move to strike out all the remainder of the section and insert in lieu:

> All arms thus taken shall be appraised at their value when taken, and the amount thereof paid to each Indian from whom taken, and a sufficient sum for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said arms shall be sold and the proceeds covered into the Treasury, and report shall be made to Congress of the proceedings hereunder.

The PRESIDENT *pro tempore*. Under the former ruling of the Chair, approved by the Senate on appeal, the Chair holds that the amendment is not in order.

Mr. DAWES. I ask unanimous consent. I knew it was out of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to offer an amendment.

Mr. DAWES. Before unanimous consent is asked, I will state the condition of things that has prompted this legislation. There are Indians, especially the Cheyennes and Arapahoes, who are wild Indians, down in the Indian Territory, about 6,000 of them, who are armed with the very best of arms, better than the United States manufactures, for they have gone into the States and purchased the very best of arms. Each head of a family among them is receiving under what is called a lease of their lands about $14 once in six months, which enables them to purchase all the ammunition they want. They are insubordinate in the extreme. They command the situation. They not only kill their own cattle, but anybody else's, especially those of the contractor, and whenever they want anything of the agent and he is unwilling to comply, as the agent told me in my committee-room—on one occasion one of them demanded of him a beef to be delivered immediately, and not wait for the day of issue, and he declined to do it, and the Indian drew upon him his rifle and repeated the demand. The only way the agent could save his life was to then and there, under the rifle, draw his order for the beef, and the Indian took the order and went away, and the agent sent the Indian police after him to arrest him. By the time the Indian police overtook him he had sufficient friends around him to defy the police, and they withdrew. Thereupon the agent sent to Fort Reno for what force they had, which was about fifty strong, and they followed these men up and by the time they overtook them the friends of this Indian, armed with Winchester rifles, had gathered around him and deliberately and coolly told the soldiers that they did not care to have any trouble with them, but they would advise them to retire to Fort Reno, and discretion led them back to Fort Reno. That is but one instance.

They do as they please. They are armed, and I say it is necessary for the peace of the Indians in that Territory and for the proper management of that reservation that they be disarmed.

Mr. MILLER, of California. I should like to ask the Senator if these Indians are so warlike and troublesome and so much better armed than soldiers of the United States, how are we going to disarm them? How is it going to be done?

Mr. DAWES. There is a difference between the power of the United States in whole and in part. There were but fifty soldiers at Fort Reno, and there are certainly seventy-five or one hundred in the whole Army. I think the United States have power to disarm them, but this provision as it stands proposes to disarm them without making them compensation. The amendment proposes that when an Indian is disarmed the value of his weapon shall be paid him then and there, so that he will understand that we are not to deprive him of his property without paying him for it. There have been many instances where Indians have been disarmed and been promised recompense. At one time up in the Sioux country it was found necessary to take from the Indians their ponies, and in Northern Dakota the ponies of one band of Indians were all taken from them, under a promise that they should be driven to Saint Paul and sold and the proceeds brought back and distributed among the Indians from whom the ponies were taken. But the inclemency of the weather between Dakota and Saint Paul, as well as the laudable desire of white people to improve their stock of ponies, and the failure to sell them out when they got to Saint Paul, led to the result that the Indians never got a penny for their ponies. And these Indians down in the Indian Territory never will get a penny for their rifles unless they are paid for when they are taken away. The object of the amendment is to provide money to those who take the rifles to pay the Indian on the spot. The previous provisions of this independent legislation provide for a severe punishment to any one who shall sell them another rifle. If this is to stay in the bill it ought to be amended in that way. It will not hurt it any to amend it in this way if you strike it out afterward.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to amend the section as has been proposed. Is there objection? The Chair hears no objection, and the amendment is received. The question is on the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Appropriations, to strike out the section as amended.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out section 9, as follows:

> SEC. 9. That section 2139 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows:
>
> "SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any spirituous liquors, beer, wine, or any intoxicating beverage to any Indian under the charge of Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000; but it shall be a sufficient defense to any charge of introducing or attempting to introduce spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department; but no part of this section or of section 2140 of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler, or storekeeper, attache, or employé of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsoever to any Indian."

Mr. DAWES. I do not know that there is any use of asking unanimous consent to amend that, but in the eleventh and twelfth lines the minimum penalty should be stricken out.

Mr. HARRISON. I hope the Senator from Massachusetts will not ask to have the minimum penalty stricken out. If he thinks it is too severe, let him ask to reduce it; but I think if you intend to correct these abuses by prosecutions on the frontier you want to have some substantial minimum penalty. If you left it without any minimum penalty, the actual penalty would probably be twenty-four hours or $5, or something of that kind.

Mr. DAWES. Of course if the Senator differs with me it will be impossible for me to get the amendment in, and I withdraw it.

Mr. HARRISON. No, sir; I rose simply to suggest a better amendment than the one the Senator from Massachusetts suggested. I am not making an objection.

Mr. MILLER, of California. This section ought not to be stricken out. It ought to stand if we can possibly leave it in under our rules.

Mr. ALLISON. We can not.

Mr. MILLER, of California. We can do it by unanimous consent. It is certainly a very valuable provision of law and ought to stand. The Indian wars and Indian troubles come about by the sale of liquor in the Indian country. This is amendatory of the existing law.

Mr. VEST. The Senator from California will permit me to suggest that the section we have just stricken out is much more important.

Mr. MILLER, of California. I do not think it is.

Mr. VEST. Section 8, as amended, that gives the President the right to disarm Indians when they become dangerous, is one of the most important provisions that could be put in this bill. I suppose, without undertaking to ascertain the motives of any individual Senator, it was stricken out because it was general legislation. There can be no earthly objection to section 8 after the amendments made by the Senator having charge of the bill.

Mr. MILLER, of California. I do not think it was stricken out only on that account.

Mr. VEST. If we are now to adopt section 9, let us reconsider and go back and adopt section 8. I have no objection to either one of them. I think they are both important.

Mr. DAWES. I think they all ought to go out.

Mr. MILLER, of California. I think they all ought to stay in.

Mr. HARRISON. I hope the Senator from Massachusetts will amend it so that if it goes out it will go out in good shape.

Mr. DAWES. I did suppose, until the law was declared otherwise, that if it went out the conference committee would have jurisdiction of the shape of it. If I am mistaken as to that, I should like to get this amendment in.

Mr. BLAIR. If this is not touched, I suppose it may be passed and become a law. Here is one other quite important modification of existing law in this section as it comes to us from the House. It has come to be the case that among the Indians probably more injury is done by the use of the milder forms of intoxicants than by ardent spirits and wine, which are the forms of intoxicating liquors that are now prohibited in the existing law. The object of this section is to prohibit the introduction of ale and other forms of intoxicating liquor which have not been usually understood to be prohibited in the Indian country. That is one very important modification. The other is to fix a minimum punishment, so that the penalty when there is a violation of the law shall amount to something. As Senators have said, this section if it can become a law will be very beneficial legislation. We all know how it is that a civilized race destroys a barbarous or savage race more by intoxicating drinks than by all other forms of destruction combined. I was reading only the other day that from my own section of the country, New England, they are now transporting to the coast of Africa enormous quantities of intoxicating liquors, which are being introduced to the natives in large quantities, and in a single instance one tribe on one occasion, from liquor that went from New England to the coast of Africa, had a general drunken brawl, in which over two hundred of the tribe lost their lives. That is the sort of missionary effort which we under our commercial relations are exerting in Africa.

Mr. COCKRELL. Will the Senator yield to a question?

Mr. BLAIR. Certainly.

Mr. COCKRELL. Did I understand him to say that the good people of New England had been manufacturing distilled spirits and sending them to benighted Africa to the demoralization of the people down there in Africa?

Mr. BLAIR. If I did say so, what of it?

Mr. COCKRELL. I simply wanted to understand what the fact was.

Mr. BLAIR. Did I communicate to the Senator any information?

Mr. COCKRELL. I wanted to know whether the spirits were manufactured in New England and sent down to Africa to demoralize the people there.

Mr. BLAIR. If the Senator will come up to New England he can satisfy himself. I think that he would get all he wanted in that direction as well as in schools, and it may possibly have as great attractions to him there as would any portion of the civilized globe. [Laughter.] I do not know whether I am under obligation to say that this is done by the good people of New England, but I have no doubt that they feel good in consequence of this manufacture frequently, and they pass for as good people as the majority of us. I am not one of those who hold that a man who happens to be engaged in a legalized business in this country is necessarily a wretch because that business, authorized and sanctioned by law, happens to be pernicious in its general effect upon the community.

Mr. VEST. I have no sort of prospective object in view; but I wish to inquire whether the Senator includes Maine within the territory of New England.

Mr. BLAIR. I do not know so much in regard to Maine. I can not say in reference to Maine. I have not been there very much, but I never saw much intoxicating liquor in that State. The prohibitory law, I take this occasion to say for the benefit of my friends on the left and the universe generally, does prohibit in the State of Maine; and in the State of Maine to-day, as compared with what was consumed before the enactment and enforcement of that law, in my belief, based upon careful inquiry, it does not consume per capita one gallon of intoxicating liquor where formerly it did ten.

But to get back to the point with reference to this proposed legislation, I took occasion to simply utter a truism in reminding the Senate that it is by means of alcohol in its various forms, and perhaps specially in its milder forms, that civilized peoples now extirpate those who are inferior to them, and the milder form of intoxicants are destroying more Indians to-day, and destroying more Americans probably too, than those which are properly classed under the term "ardent spirits," by which name the more powerful liquors are recognized. I happened to speak of this illustration drawn from my own section of the country, because I have no disposition to indulge myself in any special glorification over New England. She has her faults, but with all her faults we all love her still. I mentioned this fact, and I have thought seriously of bringing it to the attention of the Senate by a formal resolution to be referred to the Committee on Foreign Relations; for it seems to me that it is a crime against the reputation of our country, it is a crime against civilization, and an audacious insult to the Heaven which has given us the blessings we enjoy in this country more than are enjoyed elsewhere on earth, that we are to-day, while opening amicable relations with the inhabitants of the Congo Valley, looking out prospectively to a profitable communication with 200,000,000 of people who inhabit that dark continent, as it is properly now called—I think it is a great crime that our people are sending the seeds of death there more rapidly than we are those of life and civilization.

I beg pardon for this diversion, Mr. President, and would recall the attention of the Senate to the important modifications of the present law which are contained in this legislation as it comes to us from the House. One is its prohibition of what is getting to be the chief evil—that is, the introduction of beer and the milder forms of intoxicants among the Indians; and the other is a minimum of imprisonment and also of pecuniary penalty, so that when there is a prosecution the law may have that sanction which may make it effectual as against subsequent wrongdoers.

As the present statute is, the fine is required to be not exceeding $300, but it may be 5 cents, and the result is that the fine amounts to nothing. The imprisonment may be not exceeding two years; the result is that the imprisonment comes to nothing, and thus there is no actual penalty whatever against the introduction of intoxicating liquors among the Indians. It is very little use for us to put the million dollars we are appropriating by this very bill into the education and general improvement of the Indians when with the other hand, by our failure to enact efficient legislation and enforce it, we give the devil and his imps a much greater power for evil than we give to the opposing forces for good.

Mr. ALLISON. Mr. President, this debate discloses the fact that probably there should be some additional legislation upon this subject. It also discloses the fact, I think, that it is impossible for us to consider proper legislation in this bill. We have a Judiciary Committee, which can correct the evils spoken of by the Senator from New Hampshire if there be evils in the administration of justice in the Territories.

Mr. HARRISON. Does the Senator understand the question of temperance to be one that is within the purview of the Judiciary Committee?

Mr. ALLISON. I understand the Senator from New Hampshire to state that one defect of the existing law is in its administration, that the courts there do not administer the law in the spirit in which it was enacted, and if so, probably some further provision should be made. The Committee on Indian Affairs probably can also take cognizance of the information furnished us by the Senator from New Hampshire that now recently new modes of introducing intoxicants are adopted. But it is manifestly impossible to consider such a question upon an appropriation bill. We have had these committees in session for nearly two years, and this matter has just suddenly come before the Senate. It seems to me if this law is administered now with reasonable spirit and effect it will be so administered for nine months until new committees shall have an opportunity or the regular committees of the body can have an opportunity at this session to correct these evils. I hope the section will be stricken out.

Mr. MAXEY. Section 9 of this bill appears to be simply an amendment of section 2139 of the Revised Statutes, and is in the direct line of that section of the Revised Statutes, and makes the introduction of spirituous, vinous, or malt liquor into the Indian country more restrictive than by that section. While the use of ardent spirits, wine, and malt liquors among the Caucasian race is an evil, with Indians it is certain destruction. I speak from personal knowledge for twenty-five years. No curse has ever been inflicted on any people on earth greater than the curse of intoxicating drinks upon the Indian race.

The section proposed is plain. It does prevent in any shape, form, or manner the introduction of spirituous liquors, vinous liquors, or malt liquors. It is exclusive in its character, but for wise purposes it reserves to the Secretary of War the right under proper authority to

permit it for certain purposes. That would give him the right to allow it for medical purposes. But it seems to me that no measures could be adopted which would be of greater service to the Indians than such as would absolutely and effectively prohibit the introduction in any shape, form, or manner of any character of intoxicating drinks. For one, therefore, I do not appreciate the reasons for striking out the section.

The Senator from Iowa says it is legislation on an appropriation bill. Well, on that point it is just as manifest as a thing can be that when legislation comes here which the Senate approve, they leave it on the bill. When legislation comes here that they do not approve, we raise the point that it is legislation on an appropriation bill. Now, for one, I assert that the House had a perfect right to send the bill in such mode as they saw proper, and we have the proper right under our Constitution to amend any bill that comes to us; and although I have always opposed legislation on appropriation bills, yet in this matter I am so earnestly in favor of prohibiting in every conceivable shape the introduction of liquors among the Indians that I favor this section, and I know what I am talking about.

Mr. DAWES. Mr. President, that is not any rule which permits us to do what we want to do, and prohibits us from doing what we do not want to do. That is no rule which precludes——

Mr. MAXEY. I did not say that was the rule, but the practice.

Mr. DAWES. That is no rule which makes not in order that which we do not want to have in a bill, and makes that in order which we do like; and therefore the practice which the Senator from California and the Senator from Texas urge upon us is the practice of abolishing rules. We might as well go along with one rule, just as I knew one learned parliamentarian, who was about to publish a book on parliamentary law, say that it was the shortest book that ever was published on that subject; it would have just one sentence in it, and that was, "Never put a fool in the chair; put somebody in the chair who knows his duty, and then he would rule in order just what ought to be in order, and rule out of order just what ought not to be in order." A rule which says that independent legislation which I like is in order and that which I do not like is out of order, is no rule at all.

I want to call the attention of the Senate to a particular part of this very section which the Senate says it will not amend; it will swallow the whole or not at all. If any person "introduces"—beginning at line 9—"or attempts to introduce any spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000."

If an apothecary carries any alcohol into the Indian country, puts it into bottles by which to make spirits of camphor or to bathe a broken limb, or if an Indian agent or a man lawfully there carries in for his own purpose, for his own use, not for the purpose of giving it away to an Indian or anybody else, any liquor, he is bound to go to the penitentiary.

Mr. MILLER, of California. Not if he gets an order from the War Department.

Mr. DAWES. The soldiers are those who do that.

Mr. MILLER, of California. Anybody can get an order from the War Department.

Mr. DAWES. What has the War Department to do with the administration of Indian affairs in the Indian Territory except so far as a soldier is concerned? Now, to put such a provision as that upon the statute-book is to nullify the whole thing. Insisting upon a minimum in every such case as that, of imprisonment not less than six months, is not the way according to my opinion to promote the cause of temperance.

Mr. MILLER, of California. I think the Senator is mistaken about this being confined to soldiers. There is nothing said about soldiers in this section.

Mr. DAWES. Does the Senator understand that a private citizen sent to the Indian Territory, or going down there on business, would go to the War Department?

Mr. MILLER, of California. I do understand exactly that.

Mr. DAWES. I understand that there is another provision of law to which that refers, that permits officers and soldiers of the Army to obtain from the War Department, when they are sent down there, permission to take spirituous liquors.

Mr. MILLER, of California. Under this section any person can take liquor into the Territory if he gets a permit from the War Department.

Mr. DAWES. The War Department is not authorized by existing law to give to anybody but officers or soldiers a permit, and the object of that reference to the permit is to leave untouched the authority in the existing law in reference to it.

Mr. BLAIR. Will the Senator from Massachusetts allow me to make a statement here? He is under a misapprehension as to the existing law. The section is just like the existing law in the particular that is now being discussed. It only differs in the penalty. The law as it now stands, after making the prohibition of the introduction of ardent spirits and wines, is:

But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

The existing law with reference to the jurisdiction of the War Department is not changed at all. There are no changes from the existing law except as to different kinds of liquors or intoxicants being included, and as to the extent of the penalty. The minimum is fixed and increased of the pecuniary penalty and the penalty of imprisonment, so that the law will amount to something; and then beer and other malt liquors are prohibited, whereas hitherto they have not been.

Mr. DAWES. If the Senator understands that the War Department undertakes to deal with anybody but officers of the Army and the soldiers down there, he understands it differently from what I do, and if he proposes to extend the jurisdiction of the War Department over civilians by that construction, or if it has that construction, and then any one who fails to get permission of the War Department here in Washington is bound to go to the penitentiary whatever his motive may have been in having liquor in his apothecary's shop or elsewhere, it is not a provision which, in my opinion, ought to stand. When there was no minimum of punishment every man was perfectly safe who did the act innocently. This section undertakes to make a law that punishes those with innocent intentions precisely like those who have guilty purposes; and that is my objection to it.

With a single amendment and in a separate bill this provision would get my vote; but the Committee on Appropriations have felt called upon to apply the same rule to provisions in this bill which met their approbation that they have applied to provisions in the bill that they disapproved of, because that is what they understand is the use of a rule. I hope, therefore, that having stricken out excellent provisions because the rule requires us to do so, we shall not falter when we come to this.

Mr. BLAIR. I do not wish to prolong this debate, but the Senator from Massachusetts, after arguing that this was a severe and an improper provision, that an innocent man must be imprisoned six months and must pay at least $50 fine, and so opposing it upon its merits, sits down with saying that if it were in a separate bill he would vote for it. He falls back upon his old objection that this is new legislation and therefore in order to be consistent with ourselves we should strike it out. I have the existing law before me, and the existing law in the regard that the Senator speaks of, so far as regards the action of the War Department and its jurisdiction, is not changed but is almost precisely what it was before. The only changes are those which I have pointed out.

In reference to the matter of being consistent with ourselves, I tried with a great deal of care to be consistent with myself, and I followed the leaders of the Senate, and I found I was voting both ways by following the leaders of the Senate in this matter, and I made up my mind that while I would not vote in violation of the rule of the Senate to amend by either adding to or striking out new legislation which came from the House, yet when a provision coming from the House of new legislation satisfied my mind that it was good legislation and ought to be adopted, I would vote for it as it came from the House. When the Senate changes its rule so that we can, without violating our own rules and stultifying ourselves, vote for some legislation, I shall be glad to do that, but until then I shall be inclined to support a section like this, which as a whole seems to me to be a good thing. I have heard nobody objecting seriously against the merits of this legislation so far as its being likely to do good is concerned. It is temperance legislation sent to us by the House of Representatives, and I must say that I do not feel complimented, as a member of the Republican party that claims to be the temperance party of this country, by finding this provision so strenuously opposed wholly from our own side of the House.

Mr. DAWES. The Senator is quite mistaken in saying that I would take it just as it is if it were in a separate bill. I think that it should be amended. I think it should be improved. I hope it will be stricken out and go to a committee of conference with the rest of the independent legislation, and then be put in shape.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the committee that this section be stricken out.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out section 10, as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. PLUMB. I hope that provision will not be stricken out.

Mr. BLAIR. It is new legislation.

Mr. PLUMB. The Senator from New Hampshire says in an undertone it is new legislation.

Mr. BLAIR. I only meant to ask whether, if it is new legislation, it should be stricken out.

Mr. PLUMB. The Senate can keep it in if it thinks proper. It is perhaps legislation in its present shape, but it is very important legislation, and I think of sufficient importance, in view of the occurrences of the past few weeks which have come to the notice of the Senate as well as the country, to warrant the Senate in making an exception to its rule to strike out all general legislation put on appropriation bills by the House, and retain this.

We have had the spectacle recently presented of the Army of the United States being used for the purpose of expelling people from a tract of land ceded to the United States Government for a particular purpose, according to the view of the Executive, but which tract of land is never to be used, as we all know, for that purpose, whatever that may have been. It is to-day the objective point of many thousands of people who are seeking to make homes on the public domain pursuant to the invitation which has been always extended and universally accepted to the landless people of the United States to seek for themselves homes on the public lands. If something is not done to relieve the situation from the strain as it now exists that operation will have to be repeated; the succeeding President will have to stand by while those lands are settled, because it is not going to be a great while, if it is even so much as a few weeks, when other expeditions to that locality will be undertaken for the purpose of making homes there, and once located there, and that news communicated to the great body of the American people, the number to go will be found to be in the thousands if not the tens of thousands.

Inasmuch as we now know that the Government of the United States will never locate friendly Indians on these lands, and as we know that the purpose, if it ever existed, to locate the freedmen upon them has been abandoned, it is the part of wisdom that we shall do that which remains to be done as a necessary prerequisite to the settlement of these lands; and, as I have had occasion to say before, if we do not do it voluntarily the time will come when we shall be, to some extent, under compulsion to do it. It is not only a thing that is proper to be done in itself, but it is one of those things which ought to be done in time, and there is no reason in the world why this session of Congress should be allowed to go by without at least a preliminary step being taken looking to the opening of these lands to settlement.

While I do not care to enlarge upon this subject, I appeal to the Senate to take notice of the condition of things now existing, and to consent that this much at least may be done. I think far more ought to be done. I think it is in the power of Congress, and not only in its power but the exercise of the power would be wise, to open the lands without any convention with the Indians, and if they are damaged thereby we can pay them just as we pay other persons whose property we take if they have any property rights in the land at all. But if we are not to do that, as now seems probable, certainly we ought to do this thing and do it in this way, because in this way apparently lies the only hope of anything being done.

I think this constitutes an emergency, such a one as would appeal to the fairness, justice, and propriety of every Senator that this provision should remain in the bill, in order that the President of the United States may undertake such negotiations as that what appears now to be a burden on these lands, hindering their occupancy, something which must be removed before they can be subject to settlement, shall be attended to at least before another assembling of Congress, in order that legislation may then be adopted without any controversy whatever with the Indians.

As I said before, I think myself this preliminary step is not necessary, but the judgment of the Senate has apparently been otherwise expressed. It is the judgment of the present President of the United States, whatever may be that of his successor, that legislation is necessary, and the least that Congress can do is to inaugurate measures to remove this burden of Indian title, whatever it may be, in order that the appropriate legislation may go forward to have these lands settled.

Mr. BECK. In obedience to the rule of the Senate I have, as a member of the Committee on Appropriations, voted on all the bills up to this time to strike out all new legislation, because we were unable to amend it if it was not satisfactory, and because it is not only my own judgment but I think the wish of the Senate that appropriation bills should be divested of legislation as much as possible. I have been voting in the Senate with the committee to keep it out; first voting in the committee to strike it out because I regarded that as our instruction, and then in the Senate to keep it out. Can we insert this now after striking out section 8, which, as amended, I think, is absolutely right, and ought to be inserted in the laws, and perhaps section 9 may not have any objectionable features in it; and this may have some features that we should like to see amended; but if we now insert this after striking out the others our conferees are met at once with the statement, "You are not objecting to legislation; you are only objecting to what you do not like, and you are inserting what you please." And when in addition to that argument the House conferees show us that the legislation we have stricken out is equally as good as that we have inserted, I see no ground on which the Senate conferees can stand or on which the Senate can stand, and in the closing days of a short session it seems to me if we expect to get our bills through at all we must divest them even of good legislation and take the chance for it hereafter.

I hope the committee having charge of these matters, the Committee on Indian Affairs, of which the Senator from Massachusetts is chairman, may at the long session next year have time to put many of these things in order, and doubtless they will if they can.

Mr. DAWES. I have advocated this very measure as an independent measure within a few weeks, so that my own position in reference to it is perfectly understood. I have been called upon by the rule of the Senate, and by the judgment of the Committee on Appropriations, in which I acquiesced, to advocate the striking out from this bill of mere measures which independently met my approval than those I disapproved, but I have stood by the committee for the reason that I think it wise in the end that the good should go out as well as the bad. This proposition, if it were in an independent bill, it seems to me, would be wise, but I think that the President can do all this himself without any legislation, if when he comes to look the ground all over and assume the responsibilities of his position, he shall deem it wise, unembarrassed by legislation and subject only to his own conviction of duty. I see nothing in the way of his doing what is required here.

I have further to say that the Committee on Indian Affairs has been already instructed by the Senate, and is now in the execution of the duty imposed upon it, of investigating this very matter. They have gone so far, it may not be improper for me to say, to satisfy themselves that they ought to ask the Senate to permit them to devote some time in the vacation to the examination of all these matters in the Indian Territory, which I hope at some early day to ask the Senate to authorize that committee to do. I think, therefore, for very many reasons, as well as the fact that it is independent legislation, it ought to go out.

Mr. VEST. I am very reluctant to come to the conclusion that the Senate proposes to place itself in the position of sacrificing any measure of legislation, no matter what may be the emergency or what the necessity for its enactment, at the altar of a rule that no new legislation or general legislation shall be placed upon an appropriation bill. I do not believe the Senate intends to announce any such principle. I do not think that the Senator can get his own logical assent to any such proposition. There may be emergencies in which every rule of the Senate must give way. There may be necessities in which rules would be like withes of straw. What are these rules for? They are to facilitate the transaction of public business, but they are mere instrumentalities, they are mere helps. We are here to enact laws for the welfare of the people of the United States. And to say that this procrustean rule that no new legislation shall go upon any general appropriation bill shall stand here without exception is, with due deference to my distinguished colleagues, a monstrosity. I accede to no such proposition.

Mr. President, it does not affect the logical status of this question for me to express an opinion about this rule or its construction. For myself, I do not agree to the construction that has been put on this rule, or to the rule as construed, to speak more properly. I believe that legislation germane to the subject-matter of an appropriation bill should be admitted; if not germane, it should be excluded, and that, I believe, is the legitimate and fair construction of the rule adopted.

The Senator from Massachusetts has given to me the very best reason in the world why this section should not be stricken out of this bill. The Senator tells us that this very question is now under consideration by the Committee on Indian Affairs and that they propose to investigate it during the coming summer. Why, sir, the emergency will be upon us in the coming month of March. It is no secret, it is openly advertised in Missouri and Kansas and all the States adjoining the Indian Territory, that a raid is now being organized much more formidable than any that has ever heretofore existed, to go into this territory on the 4th of March, and this man Couch to-day has handbills stuck all over the Western States calling for volunteers. And I suppose the Senator from Kansas can substantiate what I say now: not a mail comes to me or my colleague that is not loaded down with letters inquiring, "When can we go into Oklahoma? When can we get a homestead?" And the other day I received a two-dollar bill from a gentleman who said that he wanted me to take that $2 and institute proceedings to give him a homestead in Oklahoma. He was a new-comer in Missouri, a foreigner, and was not an old citizen.

It is not a very comfortable or agreeable aspect of this matter that United States troops shall come in conflict with citizens of the United States anywhere under the dominion of our flag. The last raid that was made upon the territory came to an end, not by force, but from starvation. General Hatch was enabled to throw a cordon of troops around the men under the leadership of Couch, and cut off their provisions and drive them out of the territory in that sort of fashion; but just as certainly as they had been furnished with supplies, as they were thoroughly armed and equipped otherwise, they would have resisted the troops of the United States, and we should have had upon us the terrible spectacle of the forces of the regular Army in armed conflict with citizens for the possession of that territory.

Let us make no mistake about this matter. I am no alarmist. My State is no more interested in this question than other adjoining States; but do not let us make a mistake about it. The men who are going into that territory are the men of the West, used to arms, used to soldiers, unappalled by soldiers in uniform, and they believe they are right, and they believe that a court of the United States has decided that they are right. The letters that come to me are all filled with one burden: Why is it that a rich man can go into that territory and take up millions of acres of the public domain without the consent and approval of the Government, and a poor man can not go there and obtain a home for himself and his family? No Senator here will underrate the position; no Senator will fail to understand the danger when this

thing is put before ignorant men in a fashion which they can not resist and which they choose to believe; and just as certainly as Congress does not touch this question and leaves it where it is now, there will be a conflict between the United States troops and these people in the coming spring. When they go there next they will go prepared to stay, and they will carry food for themselves and their horses.

Mr. DAWES. I should like to ask my friend if he thinks they will stop the moment they read this paragraph?

Mr. VEST. I believe in now doing all we can to stop them. I believe if the Congress of the United States would now adopt this provision as it comes from the House it would go very far to disabusing the opinion of these people that a Democratic administration intends to sustain them. This man Couch is now proclaiming that as soon as Cleveland is inaugurated the troops will not be permitted to resist them. I believe that is false. I am prepared as a Democrat myself to sustain Mr. Cleveland in the course pursued by the present administration, which was in strict consonance with the law, and I have written to these people that if they went there they went in violation of the law; that they were trespassers and lawbreakers. But the men who are now organizing this expedition, and who are determined to seize that territory at all hazards, are using the alleged fact that Mr. Cleveland will support and sustain them if they go in there with arms in their hands and take possession of this soil in defiance of law.

Now, let Congress pass this law, and it says to these people, "You need not expect support from the Government unless you do abide by the law." Let them see that Congress is doing all in its power to remove this Indian title, and I solemnly declare here to-day, Mr. President, whatever may be the subsequent history of this whole business, that now in this provision which is proposed to be stricken out under this procrustean rule in regard to general legislation is the whole avenue to peace and honor on the part of the United States, both to its own people and to the Indians within that territory.

Mr. BECK. Mr. President, there has been a struggle for a long time, and it will continue to grow, against the Committee on Appropriations of this body having control of this class of measures. The District of Columbia Committee came very near taking charge of the District of Columbia appropriation bill some time ago. I suppose the Committee on Indian Affairs, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Post-Offices and Post-Roads, and every other committee will at once and with great propriety contend, if legislation is to be encouraged as suggested by the Senator from Missouri pertinent to any subject in an appropriation bill, that those are matters which they are especially intrusted with, and therefore the respective appropriation bills ought to go to the various committees on their subjects-matter, so that not only the proper amounts to carry on the Departments under the existing law shall be considered, but the modifications of that law passed upon by those committees. Then those committees, of course, would be selected in this wise: The Secretary of the Navy would select his friends to represent him on the Naval Committee; the Secretary of War would select his friends to represent him on the Military Committee, and the Postmaster-General his friends to represent him on the Post-Office Committee. Whenever you bring new legislation into appropriation bills and the Appropriations Committee is dissolved, as it will be by the clamor of the other committees to pass upon that character of legislation, and the special friends of each Department are put on those committees, the expenditures of this Government will not be as economical as they are now.

If the changes are needed as badly as the Senator from Missouri suggests they are, I suppose there are members of the Committee on Indian Affairs—and the Senator from Missouri himself, I believe, is a member of it—who ought to introduce bills and have them passed by both Houses so as to relieve us of the difficulty.

Mr. VEST. The Senator will permit me to say with all deference to him that that is exactly the proposition I have made. I offered a resolution incorporating the very provision that is in this section and it was resisted in the Senate, and according to the usual custom of this body sent to the Committee on Indian Affairs; and now the chairman of the Committee on Indian Affairs here in the Senate says that that committee proposes to do nothing with it this session, but to examine it during the coming vacation. There is no earthly chance of any legislation on this subject except in this bill, and that is the reason I say it ought not to be struck out in deference to this procrustean rule as to new legislation.

Mr. BECK. The rules of the Senate forbid legislation on appropriation bills. Whether they are proper rules or not they were agreed to by us all, and so long as they are the rules we are obliged to maintain them; and if we break them down, as I said a while ago, on points where we may see something that we want to insert badly, we have no chance to resist the House in inserting what it wants that we oppose. I do not know, I have no means of knowing, how urgent this Oklahoma matter is. The Committee on Indian Affairs, the gentlemen who have been consulted, perhaps have the means of knowing, but the Committee on Appropriations had not. We are not constituted in such a way that we can have the information necessary to enable us to tell all about such things, and that shows the impropriety of having such matters on a bill making appropriations to carry on the Indian service for the next fiscal year, for that is all this bill is for.

This section is not to carry on the Indian service for the next fiscal year. It is to take possession of an organized territory by the United States for the benefit of the people of the United States outside of the Indians altogether, and outside of any provision connected with the Indians or their support for the next fiscal year. If men from Missouri or Kansas or Kentucky or anywhere else band themselves together and undertake to violate the law, I hope the incoming Executive, as the present one will doubtless do, as Commander-in-Chief of the Army of the United States, will find force enough to have the law obeyed. I hope there will be good sense enough to sustain any administration in maintaining the law that Congress sees fit to make.

I have no doubt there are bold men, no doubt there are bad men, who will organize again to violate the law. They might just as well take the land of the Cherokees, the Choctaws, and the Creeks, and say those Indians are in the way of civilization, as to go and take this territory of Oklahoma by violence. They might as well seize any other property of the United States or drive off any Indian tribe that was in their way and say they were a law unto themselves, as to undertake to take this land now. I do not believe that any respectable body of men are going to organize themselves for any such purpose if we give them to understand that the laws must be obeyed. I have no trouble on that point, but I have great trouble whenever we break down this rule of having any fair consideration of matters of appropriation.

Mr. CALL. I wish simply to say that, as a member of the Committee on Appropriations, I do not base my action upon the ground of abiding by the rule of the Senate. I believe that general legislation coming from the House is at times a necessity, and I shall have no hesitation whatever in voting to stand by and approve that legislation; but it is impossible for us to have a practical understanding of this measure without a prolonged discussion of it, and as in the Committee on Appropriations, for myself speaking, it was impossible to decide upon a measure of this great importance without a degree of consideration which it was impossible to give it, I voted to strike out the section. It is impossible now to give this subject the mature consideration which it requires in order to give it in the shape of a law to the country, and for that reason I shall vote for the striking out of the section.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on the amendment of the Committee on Appropriations to strike out the section.

The question being put a division was called for, and the ayes were 24.

Mr. PLUMB and Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER], or I should vote "nay."

The roll was concluded and the result announced—yeas 35, nays 20; as follows:

YEAS—35.

Allison,	Dawes,	Hawley,	Mitchell,
Beck,	Dolph,	Hoar,	Morgan,
Blair,	Edmunds,	Ingalls,	Pendleton,
Brown,	Frye,	Jones of Nevada,	Pike,
Butler,	Garland,	Lapham,	Platt,
Call,	Groome,	McMillan,	Ransom,
Camden,	Hale,	Mahone,	Saulsbury,
Cameron of Wis.,	Hampton,	Maxey,	Wilson.
Conger,	Harrison,	Miller of N. Y.,	

NAYS—20.

Cockrell,	Hill,	Manderson,	Sewell,
Coke,	Jackson,	Miller of Cal.,	Slater,
Colquitt,	Jonas,	Palmer,	Vance,
George,	Lamar,	Plumb,	Van Wyck,
Gibson,	McPherson,	Sawyer,	Vest.

ABSENT—21.

Aldrich,	Fair,	Logan,	Voorhees,
Bayard,	Farley,	Morrill,	Walker,
Bowen	Gorman,	Pugh,	Williams.
Cameron of Pa.,	Harris,	Riddleberger,	
Chace,	Jones of Florida,	Sabin,	
Cullom,	Kenna,	Sherman,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 11, as follows:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do; and in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation: *Provided further*, This act shall not be so construed as to confer jurisdiction upon either the State or Federal courts to execute the laws of any of the

five civilized tribes in the Indian country: *Provided further*, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes and white people of the Indian Territory in cases of debt on contract or torts committed upon the personal property of any person either in or out of said Indian Territory.

The amendment was agreed to.

Mr. MANDERSON. I offer an amendment to the bill to come at the end of line 1106:

That the sum of $5,450, or so much thereof as may be necessary, be, and the same hereby is, set apart, out of any money in the Treasury to the credit of the Winnebago tribe of Indians, out of which the Secretary of the Interior is authorized and directed to cause to be paid to such individual members of the Omaha tribe of Indians, or their heirs, as shall submit proof to his satisfaction, the sum of $30 per head for each and every horse stolen from said individual members of said Omaha tribe of Indians by said Winnebago tribe of Indians, or individual members thereof, since the year 1871, unless the said depredations shall have in some way been settled or compromised by and between the said tribes or the said horses returned to the parties from whom they were stolen; and to Edward Farley the sum of $260 for expenses and services rendered in the recovery of ponies stolen by said Winnebagoes from the Omahas, and by them sold to white persons; such payment being in accord with the recommendation of the Secretary of the Interior, transmitted by the President January 25, 1885, Senate Executive Document No. 46.

Mr. DAWES. I object to that as out of order.

Mr. MANDERSON. I would say to the Senator that——

The PRESIDING OFFICER. The Senator from Massachusetts raises the question of order, as the Chair understands. Will the Senator state his question of order?

Mr. MANDERSON. I would say to the Senator from Massachusetts, "Strike, but hear."

The PRESIDING OFFICER. Does the Senator from Massachusetts reserve his question of order?

Mr. MANDERSON. This amendment is presented by me at the request of the Omaha band of Indians, who by this means ask justice at the hands of the Committee on Indian Affairs and the Appropriation Committee of the Senate.

I have been in hopes, as I have watched the debate on this bill, that while it might be that a white man had no rights which this rule of the Senate is bound to respect, perhaps an Indian had. This theft of horses by the Winnebago tribe of Indians from the Omahas was of such a character that it startled even the Interior Department and caused it to adopt action. It recommends this legislation. Legislation is asked by the Omaha band of Indians. I understand that it meets the approval of the Committee on Indian Affairs, and I ask that for this righteous result the rule may be stretched sufficiently to do good to the Indians of the country.

Mr. DAWES. I renew the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is not in order.

Mr. PLUMB. I now move to insert what I send to the Secretary's desk, to be added to what I find in line 4 of section 10, down to and including the word "sixty-six," in line 8, as stricken out of the bill.

The CHIEF CLERK. It is proposed to insert as a new section:

SEC. —. For the purpose of enabling the President to make certain negotiations with the Creek, Seminole, and Cherokee Indians, $5,000; and the President may in pursuance of this appropriation negotiate for the complete cession to the United States for the purposes of settlement of lands not needed by said tribes, and especially including lands ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866, his action hereunder to be reported to Congress.

Mr. DAWES. I raise the point of order on that.

The PRESIDING OFFICER. The Senator from Massachusetts objects that the amendment is not in order.

Mr. PLUMB. Will the Senator from Massachusetts please state what his point of order is?

Mr. DAWES. The point of order is that the amendment is not in order. It is not in order because it is independent legislation, and it is not in order because it does not come from a regular committee.

Mr. PLUMB. I think it is not legislation under the ruling of the Chair as heretofore pronounced. This is an appropriation of money to authorize the President to do a particular thing, and it is not general, because it expires with the term for which the appropriations are made by the bill. I do not think it is responsible to the point of order. It is possible the Senate may vote it down as before on its merits, but at the same time it is, I think, a provision that ought to go on the bill, and believing it not to be obnoxious to the point of order I have no hesitation in moving it.

The PRESIDING OFFICER. The Chair is of opinion that the amendment proposes to give to the Executive a new authority by law, and therefore it is general legislation and is not in order.

Mr. BECK. I had an amendment suggested to the Senator who has charge of the bill, to come in after line 483, relative to a commission to the Crow reservation, but I suppose it would be subject to the same point of order as the one just made. The amendment was handed to me by the Delegate from Montana. It is to come in as a proviso after line 483, and is as follows:

Provided, That three Senators and three members-elect of the House of Representatives, who shall be selected by the President of the Senate and the Speaker of the House of Representatives, respectively, shall constitute a commission to visit the reservation of the Crow Indians, who shall confer with said tribe in regard to the sale of such portion of their reservation as may be unnecessary for the use of the tribe, and who shall inquire into other matters relating to the Indians, and such commission shall submit any agreement or proposition, together with their recommendations, to the next session of Congress.

Mr. DAWES. I shall be obliged to raise the point of order, but I will state to the Senator what I stated to the Delegate from Montana, and which seemed to meet his acquiescence, that that matter is now, by vote of the Senate, charged upon the Committee on Indian Affairs, and they are in the process of investigating that very question, and they propose in a few days to ask the Senate to permit them to continue that investigation during the vacation.

Mr. BECK. That is all that the Delegate from Montana desires, but I understood the Senator from Massachusetts to say that he wished to act on it hereafter. I did not know it was now going on.

Mr. DAWES. I propose to ask authority for the Committee on Indian Affairs to continue the investigation they are now making. It would be desirable if it could be a joint committee; and if the other branch should be induced to appoint a subcommittee of the Committee on Indian Affairs to join, I think it would be a great benefit.

Mr. BECK. Perhaps the amendment had better be withdrawn.

The PRESIDING OFFICER. The Senator from Kentucky withdraws the amendment.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. MILLER, of California. I desire to reserve for a separate vote the amendment on page 40, of which I gave notice on Saturday.

The PRESIDING OFFICER. That amendment will be separately voted on. Will the Senate concur in the amendments adopted as in Committee of the Whole, with the exception of the amendment reserved?

The amendments were concurred in.

The PRESIDING OFFICER. The Secretary will report the amendment on which a separate vote is to be taken.

The SECRETARY. After line 957 the Senate as in Committee of the Whole struck out the following clause:

For the payment by the Secretary of the Interior to J. M. Hogan, of Stockton, Cal., the sum of $6,600, out of the funds herein appropriated for the Shoshone Indians; the same being a claim for damages caused by depredations of said Indians, and examined and approved, allowed and reported to Congress by the Department of the Interior, $6,600.

Mr. MILLER, of California. I wish to make a brief statement about the amendment. This is a claim which arose for depredations committed in 1861 by Shoshones. It has been adjudicated and found that there is this amount due. The party was wounded at the time. He has been a cripple ever since. He is a poor man, and he ought to have his money. I desire to call attention to the amendment because it presents a very interesting and peculiar case.

I suppose that after all the other items have been voted out this will be voted out also; but I wish to emphasize the fact that it is the duty of Congress to devise some measure by which these numerous claims for Indian depredations may be settled and adjusted and those which are found to be just and proper may be paid. I should be glad if the Senate would vote against the recommendation of the committee, and I ask them to do so in this case, as it forms an exception to all the other cases in the bill.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole striking out the clause which has been read.

The amendment was concurred in.

Mr. MANDERSON. I understand that the Senate has concurred in the amendment adopted by the Committee of the Whole. When the Senate was in Committee of the Whole it was understood that there should be a yea-and-nay vote taken in the Senate upon the amendments proposed by the committee on pages 27 and 29 striking out certain words.

The PRESIDING OFFICER. There was no such request made when the question was put on concurring in the amendments, but if there be no objection the Chair will now submit those amendments separately to the Senate.

Mr. ALLISON and others. No objection.

The PRESIDING OFFICER. There being no objection, those amendments will be treated as having been reserved. Does the Senator from Nebraska desire a separate vote on each or does he desire that they shall be treated as one question?

Mr. MANDERSON. Both may as well be taken as one question. They present the same question substantially.

The PRESIDING OFFICER. If there be no objection the question will be stated on striking out the two paragraphs mentioned, on which the Senator from Nebraska asks for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. After line 637 the Senate, as in Committee of the Whole, struck out the following paragraph:

Provided, That the Secretary of the Interior may, in his discretion, and with the consent of the Indians, extend the time of payment for land as fixed by section 2 of said act so that one-third of the purchase-money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first

installment, to be paid when entry is made; and the second installment of one-third shall become due and payable in one year, and the remaining one-third in two years from date of first payment, with interest as provided in said act; and in case of default in either of said payments, or the interest thereon, the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased, and any payment or payments he may have made: *Provided further*, That also, with the consent of the Indians, the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the north-east quarter of the northeast quarter of section 27 and the west half of the north-west quarter of section 26, in township 25, range 6 east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring-mill thereon.

After line 685 the Senate, as in Committee of the Whole, struck out the following paragraph:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. MANDERSON. I merely desire to say that the extension of the time of payment for the lands of the Omaha and Otoe Indians in Nebraska provided for in these two paragraphs of the bill is a simple act of justice. It is recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, and it has met with the approval of both the Committees on Indian Affairs of the Senate and the House, and it seems the clauses should be retained in the bill.

Mr. DAWES. Why should they be retained in the bill any more than the rest of the independent legislation?

The PRESIDING OFFICER. The Secretary will call the roll on concurring in the amendments made as in Committee of the Whole striking out the paragraphs which have been read.

The Secretary called the roll.

Mr. CAMDEN. I desire to announce the pair of my colleague [Mr. KENNA], who is detained from the Senate on account of illness, with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 45, nays 6; as follows:

YEAS—45.

Allison,	Edmunds,	Jonas,	Platt,
Beck,	Frye,	Lamar,	Ransom,
Blair,	Garland,	Lapham,	Saulsbury
Brown,	Gibson,	McMillan,	Sawyer,
Butler,	Groome,	McPherson,	Sewell,
Call,	Hale,	Maxey,	Slater,
Camden,	Hampton,	Mitchell,	Vance,
Cameron of Wis.,	Harrison,	Morgan,	Williams,
Cockrell,	Hawley,	Morrill,	Wilson.
Colquitt,	Hoar,	Palmer,	
Davis,	Ingalls,	Pendleton,	
Dolph,	Jackson,	Pike,	

NAYS—6.

Coke,	Miller of Cal.,	Van Wyck,	Vest.
Manderson,	Miller of N. Y.,		

ABSENT—25.

Aldrich,	Fair,	Jones of Nevada,	Sabin,
Bayard,	Farley,	Kenna,	Sherman,
Bowen,	George,	Logan,	Voorhees,
Cameron of Pa.,	Gorman,	Mahone,	Walker.
Chace,	Harris,	Plumb,	
Conger,	Hill,	Pugh,	
Cullom,	Jones of Florida,	Riddleberger,	

So the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

HOUSE BILLS REFERRED.

Mr. BLAIR and Mr. HALE addressed the Chair.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate two bills from the House of Representatives for reference.

The bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred——

Mr. McMILLAN. To the Committee on Commerce.

Mr. ALLISON. To the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair is not quite sure.

Mr. McMILLAN. I think that subject has been in charge of the Committee on Commerce. The original act was reported from that committee, and it has had charge of all the bills proposing to amend that act.

Mr. HOAR. I should like to know whether the Committee on Commerce will not have all its time taken up during the remainder of the session by the river and harbor bill.

Mr. ALLISON. I will state that usually such bills have gone to the Committee on Finance. This is a bill relating to bonded goods.

Mr. McMILLAN. The Committee on Commerce reported what is now the original act on the subject.

Mr. MORRILL. I wish to say that bills in relation to bonded goods have invariably gone to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Minnesota [Mr. McMILLAN] that the bill be referred to the Committee on Commerce.

The motion was agreed to.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. Regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the business that was informally laid aside, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia. The bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the motion to strike out sections 3 and 4, which motion has been divided, so that the first part of the motion will be on striking out section 3.

Mr. HALE. I ask that the bill be laid aside informally so that the Senate may take up the agricultural appropriation bill. That bill will take but a short time.

Mr. PLUMB. I think the Senator from Maine had better let the agricultural appropriation bill go over until to-morrow. There will be some remarks made on it which will possibly extend its consideration beyond the period that the Senate will care to stay here to-day.

Mr. HALE. Does the Senator from Kansas, who is a member of the subcommittee on the bill, desire that the bill should go over until to-morrow? If so, I shall not ask for its consideration to-day.

Mr. PLUMB. I do not specially desire it for my own convenience, but I think it would be more to the convenience of members of the Senate, who will not care to stay here more than three-quarters of an hour or an hour longer to-day.

Mr. HALE. I withdraw my request.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves——

Mr. SAWYER. I ask the Senator from Massachusetts to allow me to make a report from the Committee on Post-Offices and Post-Roads.

Mr. HOAR. With the leave of the Chair I will withdraw the motion in order that my friend from Wisconsin may make a report from the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. SAWYER. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the amendment intended to be proposed to the Post-Office appropriation bill, submitted by the Senator from Maine [Mr. FRYE] on the 14th instant, providing an appropriation for transporting the mails of the United States for the next fiscal year between any of the ports of the United States and any foreign port, or between the ports of the Atlantic and ports of the Pacific through any foreign territory, &c., to report it favorably, and I move that the committee be discharged from its further consideration and that it be referred to the Committee on Appropriations.

Mr. SAULSBURY. As a member of the Committee on Post-Offices and Post-Roads I desire to state that the report does not meet my concurrence.

The PRESIDENT *pro tempore*. The committee will be discharged, and the amendment will be referred to the Committee on Appropriations and printed, if there be no objection.

Mr. McPHERSON, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; which was ordered to lie on the table and be printed.

ORDER OF BUSINESS.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. Will the Senator from Massachusetts withhold that motion for a few moments, in order that I may ask unanimous consent that the Senate shall pass a bill seeking to accomplish a matter which the House endeavored to accomplish by a clause in the Indian appropriation bill, and which was stricken out here? It is only a question that will take no longer than the reading of the bill. It comes unanimously from the Committee on Indian Affairs.

Mr. HOAR. I will allow the bill to be read for information, and then, if there be unanimous consent for the passage of the bill, I shall yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from Massachusetts withdraws the motion, and the Senator from Nebraska asks unanimous consent to introduce at this time a bill. Is there objection?

Mr. BLAIR. I object. The bill is to be introduced for discussion and action, and I object to anything that will tend to displace the regular order.

Mr. HOAR. I rise to a parliamentary question. I understood the Senator from Nebraska to ask unanimous consent for the passage of a bill on the Calendar.

The PRESIDENT *pro tempore*. The Chair did not so understand it. The Senator from Nebraska asks unanimous consent to introduce a bill for present consideration.

Mr. DAWES. There is such a bill before the Committee on Indian Affairs. I suggest to the Senator from Nebraska to move to discharge the committee and put that bill on its passage.

Mr. BLAIR. I object. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made.

CREDENTIALS.

Mr. HOAR. I renew my motion to proceed to the consideration of executive business.

Mr. BOWEN. I rise to a question of privilege. I wish to present the credentials of H. M. Teller, Senator-elect from the State of Colorado.

The PRESIDENT *pro tempore*. That is a question which the Senator from Colorado has a right to present.

Mr. BOWEN presented the credentials of Henry M. Teller, chosen by the Legislature of Colorado a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE SESSION.

Mr. HOAR. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-three minutes spent in executive session the doors were reopened, and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 16, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of the legislative day of Friday last was read and approved.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES.

The SPEAKER *pro tempore* laid before the House the following concurrent resolution from the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

COMMISSIONS OF ASSISTANT ARMY SURGEONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting petitions of assistant surgeons of the Army for legislation relative to issuance of commissions bearing their military rank; which was referred to the Committee on Military Affairs, and ordered to be printed.

WATER-POWER POOL, ROCK ISLAND, ILLS.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a communication from Col. D. W. Flagler, Ordnance Corps, recommending a reappropriation of unexpended balance for completion of water-power pool at Rock Island arsenal, Illinois; which was referred to the Committee on Appropriations, and ordered to be printed.

CATTLE TRAFFIC.

Mr. REAGAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be requested to transmit to this House such information as he may be able to communicate at an early day in regard to the range and ranch cattle traffic of the Western, Northwestern, and Southwestern States and Territories, with special reference to the bearing of that traffic upon the internal and foreign commerce of the United States.

ARMY APPROPRIATION BILL.

Mr. FORNEY. The Committee on Appropriations, to whom was referred with amendments of the Senate the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, have directed me to report back the same and to move that the House non-concur in the amendments of the Senate and ask a conference with that body.

The motion was agreed to; and the SPEAKER *pro tempore* announced the appointment of Mr. FORNEY, Mr. TOWNSHEND, and Mr. KEIFER as conferees on the part of the House.

YELLOWSTONE PARK.

Mr. HILL. I rise to a privileged question. I move that the House insist on its amendments to the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to; and the SPEAKER *pro tempore* announced the appointment of Mr. PRYOR, Mr. HILL, and Mr. KEIFER as conferees on the part of the House.

COMMITTEE STENOGRAPHER.

Mr. COVINGTON, from the Committee on Accounts, reported back favorably the following resolution:

The Clerk read as follows:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the services of stenographer to the Committee on Expenditures in the Interior Department, in addition to the amount heretofore allowed said committee for payment of expenses of investigation of Hot Springs matters, as directed by resolution of the House; said payment to said stenographer to be upon vouchers approved by the chairman of said committee and by the chairman of the Committee on Accounts.

The resolution was adopted.

Mr. COVINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several MEMBERS. Let us have the regular order.

The SPEAKER *pro tempore*. The hour under the special rule begins at sixteen minutes to 12 o'clock.

Mr. HERBERT. This being Monday, is not the first business in order the call of States and Territories for motions to suspend the rules?

The SPEAKER *pro tempore*. As the Chair interprets the new rule the first hour after the reading of the Journal, subject only to privileged motions and privileged reports, is for the recognition of members to call up bills for present consideration in cases where there are less than ten objections. The morning hour for the call of States and Territories for the introduction of bills and joint resolutions, including resolutions of inquiry, will come immediately afterward.

PUBLIC BUILDING, ABERDEEN, MISS.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is the unfinished business coming over from Friday last. The gentleman from Mississippi [Mr. MULDROW] called up for consideration the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes.

The bill and report having been read, the debate for the bill has been exhausted, and there are remaining three minutes in opposition to the bill, and the gentleman from Michigan [Mr. HORR] is entitled to the floor.

Mr. HORR. I have said all I care to.

Mr. HOLMAN. Is the bill up for present consideration?

The SPEAKER *pro tempore*. It is not yet before the House.

Mr. HOLMAN. I would like to know whether the gentleman from Mississippi is willing to incorporate the amendment adopted in other cases, that a site is to be purchased before the plan is adopted and that the appropriation made by the bill shall include the purchase of the site and the completion of the building and the approaches thereto?

Mr. WARNER, of Ohio. I propose to reduce the appropriation from $75,000 to $50,000.

The SPEAKER *pro tempore*. The bill is not yet before the House. Is there objection to the present consideration of the bill?

The objection was not sustained, and the bill was brought before the House for present consideration.

The SPEAKER *pro tempore*. The pending question is on the amendment of the committee to strike out $100,000 and insert $75,000.

Mr. HOLMAN. I move to amend the amendment of the committee by reducing the amount to $50,000.

Mr. MULDROW. Mr. Speaker, I hope that will not be done. The gentleman has an amendment which proposes absolutely to confine the appropriation for the purchase of the site and completion of the building to $75,000. I hope it will not be reduced any further.

Mr. HOLMAN's amendment to the amendment was rejected.

The amendment of the committee was then agreed to.

Mr. HOLMAN. I move to insert, after the words "seventy-five thousand dollars," the following:

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $75,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. MULDROW. Do I understand the gentleman to mean that no more than $75,000 shall be expended for the purchase of the site and the completion of the building?

Mr. HOLMAN. Yes, and the approaches thereto.

The amendment was agreed to.

Mr. WELLER. I submit the following amendment:

Provided, however, That this appropriation shall be made and paid only in standard silver dollars.

[Laughter.]

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. WELLER. Division.

The House divided; and there were—ayes 6, noes 114.

Mr. WELLER. No quorum has voted.

Mr. SKINNER, of New York. I rise to a question of privilege. The gentleman from Iowa has no right to be here, for he has had leave of absence for the rest of the session. [Laughter.]

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Mississippi, Mr. MULDROW, and the gentleman from Iowa, Mr. WELLER.

The House again divided; and the tellers reported there were—ayes 16, noes 159.

So the amendment was rejected.

Mr. MULDROW demanded the previous question on the passage of the bill.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MULDROW moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. BROWNE, of Indiana. I call up for present consideration the bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported from the Committee on Ways and Means with amendments.

The bill and amendments were read, as follows:

Be it enacted, &c., That section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same is hereby, amended so that it shall read as follows, namely:

"SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies on passenger trains, in safes, 'pouches,' and trunks, which shall be of such size, character, and description and secured in such manner as shall be from time to time prescribed by the Secretary; and in cases where merchandise shall be imported in boxes or packages too large to be included within the safes, trunks, or 'pouches,' so described, such merchandise may be transported under the provisions of this act by such express companies 'corded and sealed,' in such manner as shall from time to time be prescribed by the Secretary of the Treasury; 'and passengers' baggage and effects arriving at any port in the United States may also be transported by express companies under the provisions of this act to any interior port of entry in such manner and under such rules and regulations as the Secretary of the Treasury may prescribe;' and merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles commonly transported upon platform or flat cars may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad scales may be used for such purpose; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively. Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, 'or where the route is bonded for both land and water carriage,' or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed farther, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise."

Amendments of the committee:

In line 18 strike out the word "described" and insert in lieu thereof "prescribed."

In line 23 strike out "port in the United States" and insert in lieu thereof "of the ports specified in section 1 of this act."

In line 26 strike out the words "interior port of entry" of the ports specified "in the seventh section thereof."

Mr. BROWNE, of Indiana. Mr. Speaker, if I can have the attention of the House for two minutes I can explain all there is of this bill. It is an amendment to the statute already in existence relating to the transportation of dutiable goods. By section 5 of that act it was provided that goods and baggage might be transported by express companies from seaboard ports to interior ports of entry in safes and trunks only.

Now, the first amendment proposed by the pending bill is to include the word "pouches" between the words "safes" and "trunks;" that and nothing more.

Secondly, it provides that where trunks and safes are not sufficiently large to accommodate the packages for shipment, such goods may be transported in packages sealed and corded according to the instructions of the Secretary of the Treasury.

These are the only two amendments, the first of the two being to insert the word "pouches" in addition to safes and trunks, and the second providing that where a package is so large that it may not be put into safes and trunks it may be sent sealed and corded.

As I understand the law now it requires express companies in transporting dutiable goods from seaboard ports to the interior to assign one entire car to such goods. Even if there be but one single package it must be transported in a car to itself. The consequence of this provision is that the transportation in this way, where there is but a single package, is so costly that persons can not afford to send goods in that manner. Now, under this bill these packages may be sealed and corded and transported in a car with other goods; and it is for the convenience of the public, especially of travelers on the continent, who come to the port of New York and desire to go to Saint Louis, Cincinnati, Indianapolis, or some other interior port, that this bill was framed. If this provision is adopted they can send their baggage right on through, sealed and corded, or else in trunks, pouches, or safes, as the case may be, from New York to their place of destination without having them there opened, and pay the duties.

Mr. SPRINGER. Let me interrupt the gentleman to ask if this has been considered by the Committee on Ways and Means.

Mr. BROWNE, of Indiana. I was going to remark that this bill has been approved by the Secretary of the Treasury and has the unanimous indorsement of the Committee on Ways and Means. I would have had the report read, but I thought perhaps I could make a statement that would be briefer than the report and possibly equally satisfactory to the House.

Mr. SPRINGER. I see no objection, if the object of the bill is only that stated by the gentleman from Indiana.

Mr. HORR. Where are the duties to be paid?

Mr. BROWNE, of Indiana. The duties will be paid at the port of destination.

Mr. DINGLEY. I did not understand exactly what the gentleman from Indiana said. I wish to ask, therefore, if I understood him to say that this had been submitted to the Treasury Department?

Mr. BROWNE, of Indiana. Yes, sir; and the Treasury Department suggested one or two verbal amendments which will be read by the Clerk.

The bill is drawn in conformity with the suggestion of the Department.

Mr. SPRINGER. Let the bill be read again.

Mr. BROWNE, of Indiana. I wish to state further before that is done that this bill levies no tax, imposes no duty, makes no change in any revenue law. It is simply intended for the general convenience of the traveling public, and it involves no expense whatever.

Mr. Cox, of New York, rose.

The SPEAKER *pro tempore* (Mr. MILLS in the chair). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Did the gentleman from New York desire to object?

Mr. COX, of New York. I did not rise for that purpose. I only rose to say that the report is here, signed by Mr. Charles E. Coon, Acting Secretary of the Treasury, recommending the adoption of the bill.

The SPEAKER *pro tempore*. The Chair desired to know if the gentleman rose to object?

Mr. COX, of New York. I did not, but thought perhaps the Chair might be a little patient.

The SPEAKER *pro tempore*. The Chair is not at all impatient, but was trying to find out the position of the bill before the House.

Mr. DINGLEY. I understand that there are several amendments. Let them be reported.

The SPEAKER *pro tempore*. The Clerk will report the amendments.

The Clerk read as follows:

In lines 23 and 24, strike out the words "port in the United States" and insert "of the ports specified in section 1 of this act;" so that it will read:

"Passengers' baggage and effects arriving at any of the ports specified in section 1 of this act," &c.

Also, in lines 26 and 27, strike out "interior port of entry" and insert "of the ports specified in the seventh section thereof."

Mr. DINGLEY. There is also an amendment preceding these, I believe, in the eighteenth line.

The Clerk read as follows:

In line 18, strike out the word "described" and insert "prescribed."

The SPEAKER *pro tempore*. Is it the wish of the House to consider all of the amendments together, or one at a time? If there be no separate vote demanded the vote will be taken on the amendments in gross.

The amendments recommended by the committee were agreed to.

Mr. DINGLEY moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GEORGE. I submit an additional amendment.

The Clerk read as follows:

Amend by adding the following as an additional section:

"That the privileges of the first section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to the port of Portland, in Oregon, and that the privileges of the first and seventh sections of said act be, and the same are hereby, extended to the port of Port Townsend, in Washington Territory; said privileges in each case to be exercised on the same terms and conditions applicable to other ports, as provided in the act of which this is amendatory."

Mr. HOLMAN. I reserve the point of order upon that amendment.

Mr. WEAVER. I offer the following as an additional amendment to the amendment.

Mr. SPRINGER. I object to this amendment of the gentleman from Oregon.

The SPEAKER *pro tempore*. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

In line 7 of the amendment add the letter "s" to the word "port" and insert "Omaha, Nebr.," between the words "ports" and "of."

Mr. SPRINGER. I desire to reserve the point of order until I can understand whether this has been agreed to by the Committee on Ways and Means.

Mr. BROWNE, of Indiana. One has been, and the other by the Committee on Commerce. I will state to the gentleman from Illinois that these amendments were submitted to me. They do no more than this: to add two or three additional ports of delivery to those mentioned in the second section of the act.

Mr. GEORGE. Both of these amendments have been recommended by the Treasury Department to this House.

Mr. BROWNE, of Indiana. That is all there is in it.

Mr. SPRINGER. Then I make no objection.

The amendment to the amendment was agreed to.

The SPEAKER *pro tempore* (Mr. MILLS). The question recurs on the adoption of the amendment of the gentleman from Oregon [Mr. GEORGE] as amended.

The amendment as amended was adopted.

Mr. BRENTS. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following to the amendment as amended which has just been adopted:

"And that each of the cities of Tacoma and Seattle, in said Washington Territory, be, and it is hereby, made a port of delivery; and a deputy collector of customs shall be stationed at each of them, who shall receive such compensation, not exceeding the sum of $1,200 per annum, as the Secretary of the Treasury shall prescribe."

Mr. SPRINGER. I make the point of order on that amendment. It is not germane; it increases the expenditure; it does not pertain to this bill. It makes a new port, with all the necessary officers pertaining thereto.

Mr. BROWNE, of Indiana. I had risen and was trying to get the attention of the Chair that I might make that point of order.

Mr. BRENTS. Does the gentleman from Illinois make the point of order that the amendment increases expenditure?

The SPEAKER *pro tempore* (Mr. MILLS). The point of order is made that the amendment is not germane to the pending bill, and that point of order the Chair sustains.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWNE, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT H. EMERY.

Mr. SEYMOUR. I call up from the Speaker's table for present consideration the bill (S. 399) for the relief of Albert H. Emery.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Emery, of Stamford, Conn., in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of said machine, the sum of $200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. McMILLIN. How does this bill come before the House?

The SPEAKER *pro tempore*. It is called up under the special rule by the gentleman from Connecticut [Mr. SEYMOUR]. The gentleman from Connecticut is entitled to five minutes in support of the bill.

Mr. SEYMOUR. At the last session of this Congress I introduced a bill into the House precisely identical in all its provisions with this Senate bill. That bill was referred to the Committee on Claims, and that committee after having considered it recommended an amendment reducing the amount from $200,000 to $100,000.

Now, I am familiar, Mr. Speaker, with all the facts and details of this case, and I firmly believe that the sum of $200,000 contained in the original bill and passed by the Senate is not one penny more than this Government ought to pay Mr. Emery for the time he spent in making this machine, which has redounded, perhaps, more than any other machine to the credit of the ingenuity of this country. At the same time I promise if the bill is allowed to be considered, as I trust it will be, that I will offer an amendment reducing the sum named in the Senate bill from $200,000 to $100,000, so as to make it conform to the report of our own committee.

Of course there is no time in the five minutes allowed for debate to go at all into the facts and circumstances connected with the creation of this machine, or into the arguments in favor of paying this money. The committee's report is full and conclusive upon the subject.

Mr. HISCOCK. Will the gentleman permit me to ask him a question?

Mr. SEYMOUR. Yes, sir.

Mr. HISCOCK. Is it not true that the Government has also passed a law authorizing private work to be done on this machine, so that this man is precluded from getting the benefit of the use of his invention by private parties?

Mr. SEYMOUR. Certainly; that is the fact—not perhaps to the full extent indicated; but private parties are authorized to obtain tests on the machine.

Mr. BLOUNT. I wish to ask the gentleman from Connecticut whether that is not what was desired by this claimant himself? I have always understood that was done at his request.

Mr. SEYMOUR. I do not know about that.

As I have said, there is no time to go into the argument upon this subject. But one thing I want to have the House understand. This claim has been reported upon by no fewer than six committees of Congress, every one of which reported a larger sum than the $100,000 that I am to move as an amendment to this bill. In the Forty-sixth Congress the Committee of the House reported in favor of $200,000, and in the Forty-seventh Congress the House committee reported in favor of $200,000 and the Senate committee in favor of $225,000. In the present Congress the Senate has passed this bill appropriating $200,000, and our own committee is in favor of $100,000. I am to propose an amendment to the Senate bill making it conform to the sum of $100,000 recommended by the House committee. This matter has not only been considered by committees of Congress, but it has been considered by a commission——

The SPEAKER *pro tempore*. The time of the gentleman from Connecticut has expired.

Mr. McMILLIN. As this subject-matter was before the Committee on Claims, of which I am a member, it is not improper that I should make a statement concerning it. I will state at the beginning that I do not think the bill ought to pass.

A majority, however, of that committee, but only a majority, recommended the payment of, I believe, $100,000. It is true that the Senate reported a bill, the one now under consideration, giving this gentleman $200,000. The subject-matter came before our committee. I did not believe that the $200,000 ought to be paid or that the $100,000 ought to be paid, and I will state briefly the reasons. What are the facts concerning this matter? The Government authorized the construction of a testing-machine and appropriated $25,000 for that purpose. Mr. Emery undertook the construction; he went on with the work, and the $25,000 was paid—not only the $25,000, but a large amount in addition to the sum named in the original contract—I do not now remember the exact sum.

Mr. PRICE. Six thousand five hundred.

Mr. McMILLIN. And as the gentleman from South Carolina [Mr. TILLMAN] suggests, the patents were perfected at the Government expense. The patents were also sold to other parties, and when our committee asked Mr. Emery if he would undertake, upon the payment of $100,000, as suggested by the gentleman from Connecticut [Mr. SEYMOUR], to turn over to the Government the patents which he says he ought to have pay for, he said he would not. That is the status. Now, what does this House do if it pays this $200,000? If it pays that amount it will have paid Mr. Emery, clear of the expense of construction, more than six times the amount of the original contract.

Mr. SEYMOUR. May I ask the gentleman a question?

Mr. McMILLIN. In one moment. If the bill now under consideration shall pass, Mr. Emery will be paid clear of all expense of construction the amount of the original contract several times over, and one question for the House to determine is whether it is willing to pay, as profit on a contract a sum larger than the original amount contracted

for. This matter having been considered before my committee, I thought it due to the House that thus much I should state. Now I will hear the question of the gentleman from Connecticut [Mr. SEYMOUR].

Mr. SEYMOUR. I wish to ask the gentleman from Tennessee [Mr. MCMILLIN] if it is not a fact that Mr. Emery is now over $50,000 out of pocket?

Mr. MCMILLIN. There were computed in making up the amount that he was out of pocket even the pencils and all the implements used in making the designs for the patents. I believe it was so stated by the gentleman from Wisconsin [Mr. PRICE]. How much the amount would be if all those items were to be computed I do not know. I have stated the facts as I understand them, and it is for the House to determine what they will do with the subject-matter. I do not think $200,000 ought to be paid.

Mr. MORSE. He does not ask that.

Mr. MCMILLIN. I do not think the $100,000 ought to be paid, but it is for the House to determine.

Mr. OATES. Mr. Chairman, I was on the committee in the Forty-seventh Congress that examined this question, and I can state with a great deal of certainty that the Government is under no legal obligation whatever to this gentleman, so that if it gives him anything it will be given as a matter of grace. I wish to say further, in reply to the gentleman from Connecticut [Mr. SEYMOUR], that, while that committee did report in favor of allowing $200,000, it was not a unanimous report; the committee was divided.

The CHAIRMAN. The time for debate has expired. Does any gentleman object to the present consideration of this bill? [After a pause.] Seventeen gentlemen have risen; more than a sufficient number, and the bill is not before the House.

PUBLIC BUILDING, NEW BEDFORD, MASS.

Mr. DAVIS, of Massachusetts. I call up the bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, in the State of Massachusetts.

The bill was read, as follows:

Be it enacted, &c., That the sum of $20,000 be, and the same is hereby, appropriated for the purchase of land adjoining the lot now occupied by the public building in the city of New Bedford, State of Massachusetts, and used as a custom-house and post-office.

Mr. DAVIS, of Massachusetts. Mr. Chairman, this bill provides for the purchase of land adjacent to the present post-office in the city of New Bedford in order that that building may be extended, it being at present too small to accommodate the public business. It was erected more than fifty years ago, when New Bedford was a city of 9,000 inhabitants; while to-day that city has 30,000 inhabitants, and has long been the center of large business interests. In 1882, $42,000 was collected there in customs duties; one hundred and forty clearances were made from the port; two hundred and fifty vessels are owned there, aggregating 53,700 tons, and more than 3,000 seamen are employed. The city of New Bedford has been for two generations the chief center of the whale-fisheries interest, and even now, in the comparative decline of that industry, a million and a half dollars is there derived from it annually. The people of New Bedford have largely turned their attention from commerce and the fisheries, and to-day that city is rapidly assuming the position of the third manufacturing city in Massachusetts, and such is the character of that community and the variety and importance of its interests, that a very large post-office business is done. Something like 2,000,000 pieces of mail matter are handled annually; there is a post-office revenue of $20,000; forty-six mails arrive daily; there are nineteen persons employed in handling those mails, and all this business is done within a space of 48 by 18 feet, which, as gentlemen will see, is altogether inadequate.

I will state further that a committee of this House has twice reported favorably upon this bill; the bill has been twice reported upon favorably by the Treasury Department and by the Post-Office Department, and also has twice passed the Senate.

A MEMBER. What is the amount appropriated?

Mr. DAVIS, of Massachusetts. $20,000.

Mr. WELLER. I desire, if I may, to ask the gentleman a question: Does he object to having this appropriation made payable in standard silver dollars? [Laughter.]

Mr. DAVIS, of Massachusetts. Any form of appropriation that will accomplish the purpose will be satisfactory to me.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none, and the bill is before the House.

Mr. WELLER. I offer the following amendment:

Add to the bill the words:

"*Provided, however*, That this appropriation shall be made and paid only in standard silver dollars."

I desire to inquire whether the gentleman from Massachusetts [Mr. DAVIS] will, so far as he is concerned, accept this amendment?

Mr. DAVIS, of Massachusetts. I have no power to accept the amendment.

The question being taken on agreeing to the amendment, there were—ayes 11, noes 153.

So the amendment was not agreed to.

The question being taken on ordering the bill to a third reading, there were 134 in the affirmative 1 in the negative.

Mr. WELLER. No quorum.

The CHAIRMAN. If the gentleman insists upon the point that no quorum has voted the Chair must appoint tellers.

Mr. WELLER. I rise to a parliamentary inquiry. Will it be proper under the rules of the House for me at this time to move that the House do now adjourn?

The SPEAKER *pro tempore*. That motion would be in order.

Mr. WELLER. I move that the House adjourn; and pending that I move that it adjourn for fifteen minutes. [Laughter.]

The SPEAKER *pro tempore*. That motion is not in order.

Mr. OATES. I make the point of order that the gentleman is not addressing the Chair from his own seat.

The SPEAKER *pro tempore*. The present rules permit a member to speak from any place on the floor or from the Clerk's desk.

Mr. WELLER. I move that the House do now adjourn.

The SPEAKER *pro tempore* (having taken the affirmative vote on the motion to adjourn). One gentleman has risen. The "ay" will be seated, and the noes will rise. [Laughter.]

The negative vote having been taken, the result was announced—1 in the affirmative, 143 in the negative.

So the motion to adjourn was not agreed to.

The bill was then ordered to a third reading, was accordingly read the third time, and passed.

Mr. DAVIS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOSES F. CARLETON.

Mr. YAPLE. I call up the bill (H. R. 6089) for the relief of Moses F. Carleton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Moses F. Carleton, late of Company I, Fourth Michigan Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from October 24, 1865, until June 12, 1866, deducting therefrom the pay he received as sergeant of infantry.

Mr. YAPLE. I ask that the report of the Committee on War Claims upon this bill be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4792) for the relief of Moses F. Carleton, submit the following report:

The facts out of which this bill for relief arises will be found stated in House Report No. 821 of the Committee on War Claims, first session Forty-fourth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report herewith a substitute for the bill, and recommend its passage.

"(House Report No. 821, Forty-fourth Congress, first session.)

"The Committee on War Claims, to whom was referred the bill (H. R. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, report:

"This is an application for pay of second lieutenant from October 20, 1865, to June 12, 1866, of Moses F. Carleton, who enlisted as private in Company I, Thirtieth Regiment Michigan Volunteer Infantry, 26th September, 1864, and the regiment was consolidated, and Company I was transferred shortly after to the Fourth Michigan Infantry, and he was made a sergeant in Company I, Fourth Regiment Michigan Volunteers. He received a commission of second lieutenant October 24, 1865, said company having but one commissioned officer, viz, a first lieutenant, who received a commission of captain of same date. He was assigned to duty under the commission as second lieutenant in Company I, Fourth Regiment Michigan Volunteers.

"The evidence of First Lieut. and Adjt. William F. Bradley, Fourth Regiment Michigan Volunteers, goes to show that Moses F. Carleton was commissioned a second lieutenant of said regiment, and performed the duties of one from October 24, 1865, until the discharge of the regiment.

"The evidence of William Black, first lieutenant of Company I, Fourth Regiment Michigan Volunteers, shows that said Carleton was promoted to a second lieutenancy, and that he performed the duties of same. The evidence of the colonel, J. W. Hall, Fourth Michigan Volunteers, goes to show that he received a commission of second lieutenant; that he was assigned to duty under said commission, and that he did well and faithfully perform said duty from October 22, 1865, to the discharge of the regiment. The evidence of S. S. Parker, major of Fourth Regiment Michigan Volunteers, goes to show the same facts.

"Your committee, therefore, agree that the claimant should be paid from the 24th day of October, 1865, until June 12, 1866, less his pay as sergeant of said company, and therefore recommend the passage of the bill as committed."

Mr. YAPLE. How much time have I remaining?

The SPEAKER *pro tempore*. Two minutes.

Mr. YAPLE. I yield to the gentleman from Ohio [Mr. GEDDES], who presented this report.

Mr. GEDDES. Mr. Speaker, the statements of the report just read disclose the merits of this claim. It was reported by the Committee on War Claims before the general bill in relation to this subject was considered and passed by the House. This case does not come within the general law, but is clearly meritorious, and was so considered by the committee. I think the bill ought to be passed.

The SPEAKER *pro tempore*. The hour for business under this order has expired.

Mr. GEORGE D. WISE. How much time remains for debate on this bill?

The SPEAKER *pro tempore*. One minute of the time in favor of the bill and five minutes in opposition.

Mr. GEORGE D. WISE. I rise to a parliamentary inquiry. Shall I be recognized upon this bill to-morrow?

The SPEAKER *pro tempore*. If the gentleman desires to oppose the bill the Chair will recognize him as entitled to control the time in opposition, after the one minute remaining for debate in favor of the bill shall have expired.

Mr. GEDDES. I reserve that one minute.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER *pro tempore*. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are in order; also resolutions of inquiry addressed to the heads of Departments for reference to the appropriate committees, and propositions for amendment of the rules for reference to the Committee on Rules.

VACATION OF PATENTS.

Mr. HERBERT introduced a bill (H. R. 8194) to provide a mode of vacating patents in certain cases; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

THOMPSON H. COKER.

Mr. HERBERT also introduced a bill (H. R. 8195) for the relief of Thompson H. Coker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE IN MICHIGAN CITY, IND.

Mr. SHIVELY introduced a bill (H. R. 8196) to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES F. M'MICHAEL.

Mr. SHIVELY also introduced a bill (H. R. 8197) granting a pension to James F. McMichael; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. SHOEMAKER.

Mr. MATSON introduced a bill (H. R. 8198) granting a pension to William H. Shoemaker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISAAC R. KEMP.

Mr. ENGLISH introduced a bill (H. R. 8199) granting a pension to Isaac R. Kemp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. WHITE.

Mr. ENGLISH also introduced a bill (H. R. 8200) granting a pension to Thomas J. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. TULGE.

Mr. ENGLISH also introduced a bill (H. R. 8201) granting a pension to John B. Tulge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LOCKRIDGE.

Mr. ENGLISH also introduced a bill (H. R. 8202) granting a pension to John Lockridge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH E. DENBOW.

Mr. WILSON, of Iowa, introduced a bill (H. R. 8203) for the relief of Mrs. Sarah E. Denbow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY ROAD THROUGH INDIAN TERRITORY.

Mr. ANDERSON presented concurrent resolution of the State of Kansas, asking for improvement of military road through the Indian Territory, from Caldwell, Kans., to Wichita, Tex.; which was referred to the Committee on Appropriations, and ordered to be printed.

INCREASE OF WIDOWS' PENSIONS.

Mr. ANDERSON also presented resolution of the Legislature of Kansas, petitioning for the increase of pensions of widows of deceased soldiers to $12 per month; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

Mr. PETERS. I rose to submit the same resolution.

WHITE MOUNTAIN INDIAN RESERVATION.

Mr. BLACKBURN presented memorial in reference to the White Mountain Indian reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MEXICAN WAR PENSION BILL.

Mr. BLACKBURN also presented memorial of the Legislative Assembly of Dakota for the passage of the Mexican war pension bill; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

CECILIA C. M'KENNA.

Mr. HOBLITZELL introduced a bill (H. R. 8204) granting a pension to Cecilia C. McKenna; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESCUE OF CREW OF STEAM-BARGE H. C. AKELY.

Mr. HOUSEMAN introduced a joint resolution (H. Res. 330) providing for an investigation by the chief of the Life-Saving Service of the United States relative to the rescue of the crew of the steam-barge H. C. Akely, foundered in Lake Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES W. CARR.

Mr. YAPLE introduced a bill (H. R. 8205) granting a pension to Charles W. Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CANALS IN MINNESOTA.

Mr. WASHBURN presented resolutions of the Legislature of the State of Minnesota, urging the Senators and Representatives in Congress from that State to procure legislation to acquire title by the United States to certain canals in the State of Minnesota.

The SPEAKER *pro tempore*. The resolutions will be referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. WASHBURN. I move their reference to the Committee on Rivers and Harbors.

Mr. HAMMOND. Can a proposition relative to canals be referred to any committee other than the Committee on Railways and Canals except by a suspension of the rules?

The SPEAKER *pro tempore*. It is competent for the majority of the House to make any reference it sees proper and to any committee.

Mr. WASHBURN'S motion was agreed to; and the resolutions were referred to the Committee on Rivers and Harbors, and ordered to be printed.

FRAUDULENT MUTILATION OF PAPER CIRCULATION.

Mr. BUCKNER introduced a bill (H. R. 8206) to prevent the fraudulent mutilation of the paper circulation in the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JEREMIAH BUFFINGTON.

Mr. WEAVER introduced a bill (H. R. 8207) granting a pension to Jeremiah Buffington; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SAINT JO AND DENVER RAILROAD LANDS.

Mr. WEAVER also submitted a memorial and joint resolution of the Legislature of the State of Nebraska, asking for the passage of the bill for the relief of the settlers on the Saint Jo and Denver Railroad lands; which were referred to the Committee on Public Lands.

TRUSSES FOR DISABLED SOLDIERS AND SAILORS.

Mr. VALENTINE introduced a bill (H. R. 8208) to amend sections 1176, 1177, and 1178 of an act to supply trusses to disabled soldiers and sailors; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM DERMODY.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 8209) granting a pension to William Dermody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN H. MYERS.

Mr. HOWEY introduced a bill (H. R. 8210) for the relief of Stephen H. Myers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VOLUNTEER SOLDIERS, LATE WAR.

Mr. ROBINSON, of New York, introduced a bill (H. R. 8211) for the relief of the volunteer soldiers of the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEPTIMIA R. MEIKLEHAM.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 8212) for the relief of Septimia R. Meikleham; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EFFICIENCY OF THE STAFF, UNITED STATES ARMY.

Mr. SLOCUM introduced a bill (H. R. 8213) to promote the efficiency of the staff of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELIZA J. M'CONNELL.

Mr. EVERHART (by request) introduced a bill (H. R. 8214) granting a pension to Mrs. Eliza J. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONEYS ADVANCED UNITED STATES.

Mr. EVERHART also submitted resolutions of the State of Pennsylvania, urging the payment of interest on moneys advanced the United States in defense of the same; which were referred to the Committee on War Claims.

ALBERT SCHAEFFER.

Mr. ERMENTROUT introduced a bill (H. R. 8215) increasing the pension of Albert Schaeffer, private Company C, Fourth Regiment Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTEREST ON MONEYS EXPENDED IN DEFENSE OF UNITED STATES.

Mr. ERMENTROUT also submitted a memorial of the Legislature of the State of Pennsylvania, for the payment of interest on moneys expended in the defense of the United States; which was referred to the Committee on War Claims.

ST. JOHNS'S CHURCH, GEORGETOWN, D. C.

Mr. WILSON, of West Virginia (by request), introduced a bill (H. R. 8216) for the relief of the trustees of St. John's church, Georgetown, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EAST WASHINGTON COLORED M. E. CHURCH.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8217) for the relief of the trustees, pastor, and congregation of the East Washington Colored Methodist Episcopal church; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. M'CHESNEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8218) for the relief of John H. McChesney, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH KING.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8219) for the relief of Sarah King, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAMAGES CAUSED BY PUBLIC IMPROVEMENTS.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8220) to provide for the adjudication and settlement of claims for damages caused by public improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. M'CHESNEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8221) for the relief of John H. McChesney as administrator of the estate of Robert McChesney, late of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. R. RILEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8222) for the relief of W. R. Riley, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. YOST.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8223) for the relief of J. C. Yost as administrator of the estate of the late Benedict Yost; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ACCOUNTS IN INDIAN SERVICE.

Mr. OURY introduced a bill (H. R. 8224) to authorize the adjustment of certain accounts arising in the Indian service; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories for the introduction of bills and joint resolutions has been completed. Without objection the Chair will now permit the introduction of bills by gentlemen who were not in their seats when their States were called.

There was no objection.

LIABILITY OF VESSEL-OWNERS.

Mr. DUNN (by request) introduced a bill (H. R. 8225) to amend and re-enact section 4289 of the Revised Statutes, relative to the limitation of the liability of owners of vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT PLANTATION INLET.

Mr. O'NEILL, of Pennsylvania (by request), introduced a bill (H. R. 8226) to provide for a light-house at Plantation Inlet; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN FINNERER.

Mr. HOLMAN introduced a bill (H. R. 8227) granting a pension to John Finnerer, of Decatur County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEAD SETTLEMENT IN INDIAN TERRITORY.

Mr. RYAN introduced a bill (H. R. 8228) to open to homestead settlement certain portions of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES DYE.

Mr. RYAN also introduced a bill (H. R. 8229) to grant a pension to James Dye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE WAR WITH MEXICO, 1846-1848.

Mr. TOWNSHEND (by request) introduced a joint resolution (H. Res. 331) expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the armies of the United States has been sustained by the regular and volunteer officers of the Army and naval forces of the United States employed in the prosecution of the war with Mexico in 1846, 1847, and 1848; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPORTS ON ALASKA.

Mr. TOWNSHEND also submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Chief Signal Officer of the United States Army is hereby directed to furnish the House of Representatives with a copy of the reports made by Private L. M. Turner and Private E. W. Nelson to the Chief Signal Officer of the United States Army (April 23, 1882) upon the natural history, geology, ethnology, and climatology of Alaska.

ANNA M. MIXSON.

Mr. LIBBEY introduced a bill (H. R. 8230) for the relief of Anna M. Mixson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANNIE POTTINGER.

Mr. CARLETON introduced a bill (H. R. 8231) granting a pension to Annie Pottinger, widow of James Pottinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH DEEGAN.

Mr. CARLETON also introduced a bill (H. R. 8232) granting a pension to Elizabeth Deegan, widow of Dennis Deegan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES SPENCER.

Mr. KLEINER introduced a bill (H. R. 8233) for the relief of Charles Spencer, of Evansville, Ind., for property destroyed by the Federal Army during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES MURPHY.

Mr. HENLEY introduced a bill (H. R. 8234) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI AT MEMPHIS.

Mr. DUNN. I ask unanimous consent to take from the Speaker's table the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., with amendments by the Senate, my object being to move a concurrence in the Senate amendments. Where the words "district court" occur the Senate have substituted "circuit court."

The amendments of the Senate were read, as follows:

On page 3, line 2, strike out "district" and insert "circuit."
On page 5, lines 9 and 10, strike out "at the time of the erection of said bridge."
On page 5, line 23, strike out the word "district" and insert "circuit."
On page 6, line 1, strike out the words "of the."

The SPEAKER *pro tempore*. Is there objection to the motion of the gentleman from Arkansas?

Mr. BAYNE. I would like to ask the gentleman from Arkansas one question. Does this make provision for the Secretary of War approving the plans?

Mr. DUNN. The bill itself was prepared under his supervision, and it contains all the usual provisions.

The SPEAKER *pro tempore*. The Chair hears no objection, and the motion of the gentleman from Arkansas [Mr. DUNN] to concur in the Senate amendments is agreed to.

Mr. DUNN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

FERDINAND PLOCHER.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. 8235) for the relief of Ferdinand Plocher; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. Now, Mr. Speaker, I make the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The SPEAKER *pro tempore*. The Chair will state that that motion is not in order except under the call of committees, when under instructions from a committee a motion may be made to suspend the rules.

Mr. HOLMAN. Is not a motion to go into Committee of the Whole in order?

The SPEAKER *pro tempore*. This is not the day for individuals to make motions to suspend the rules; such a motion must come from a committee. [Cries of "Regular order!" "Regular order!"] The regular order is called for. The regular order is the call of committees.

Mr. HOLMAN. Mr. Speaker, the question of consideration can be raised, I suppose?

The SPEAKER *pro tempore*. The gentleman can not raise any question of consideration on a motion to suspend the rules of the House.

Mr. HOLMAN. I ask unanimous consent that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of finishing the legislative appropriation bill.

Mr. SLOCUM and others. I object.

The SPEAKER *pro tempore*. Objection is made. The regular order is the call of committees under the rule for motions to suspend the rules and for the consideration of bills, and the call rests with the Committee on Military Affairs.

Mr. SLOCUM. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SLOCUM] is recognized, but with the consent of the House, before the gentleman proceeds the Chair will submit certain executive communications.

CIVIL GOVERNMENT IN ALASKA.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations for the service of the civil government in the Territory of Alaska; which was referred to the Committee on Appropriations, and ordered to be printed.

FIRE-PROOF BUILDING, PENSION BUREAU.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of an appropriation for the completion of the fire-proof building for the Pension Bureau; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 1365) granting an increase of pension to Eugene O. Sullivan, late sergeant of Company K, Eighteenth Missouri Volunteer Infantry.

RETIREMENT OF GENERAL GRANT.

Mr. SLOCUM. Mr. Speaker, I am instructed by the Committee on Military Affairs to move to suspend the rules and to take from the Speaker's table and put upon its passage the bill (S. 2169) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired-list of the Army.

The bill was read, as follows:

Be it enacted, &c., That in recognition of the eminent public services of Ulysses S. Grant, late General of the Army, the President be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint him a general on the retired-list of the Army, with the rank and full pay of General of the Army.

Mr. HORR. I demand a second on that bill.

Mr. ROSECRANS. I demand a second.

Mr. BAYNE. I ask unanimous consent that a second be ordered.

Mr. SPRINGER, Mr. STOCKSLAGER, and Mr. MCMILLIN objected.

Mr. BAYNE. I ask that a second be ordered by unanimous consent.

Mr. SPRINGER. I object, and call for tellers.

Mr. HORR. Would it be in order for me to ask the gentleman from New York [Mr. SLOCUM] a question? [Calls of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will ask the gentleman from New York, Mr. SLOCUM, and the gentleman from Michigan, Mr. HORR, to take their position in front of the Clerk's desk and act as tellers.

The House divided; and the tellers reported—ayes 110, noes 72.

The SPEAKER *pro tempore*. The tellers report 110 gentlemen voting in the affirmative and 72 in the negative; so a second is ordered. Under the rule thirty minutes is allowed for debate—fifteen minutes on either side.

Mr. SPRINGER. Does the Chair recognize the right of the gentleman from Michigan [Mr. HORR] to control the time in opposition to the bill?

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] rose to demand a second and was recognized by the Chair, and, in the judgment of the Chair, having been recognized, he would be entitled to control the fifteen minutes on that side. The Chair recognizes the gentleman from New York [Mr. SLOCUM].

Mr. SLOCUM. Mr. Speaker, this bill proposes to place General Grant in the same position that he would have occupied had he not, in accordance with the will of the people of this country, accepted the office of its Chief Magistrate. In form and language this bill is precisely like all bills that have been passed by Congress for purposes of this kind.

Mr. SPRINGER. Like the Fitz-John Porter bill?

Mr. SLOCUM. It is like all bills that have been passed for the retirement of officers since the foundation of this Government.

Mr. HORR. There was one passed on Saturday that is not in this form.

Mr. COX, of New York. I trust my colleague [Mr. SLOCUM] will be permitted to go on without interruption.

Mr. SLOCUM (to Mr. HORR). You will have your time by and by.

Mr. Speaker, it has often been said that much has been done for General Grant. But the Government of the United States has done nothing for him beyond paying him the salaries to which he was entitled by law. It is true that patriotic citizens have been liberal to him, but the Government has only paid him lawful dues. It has been the custom of the English Government from time immemorial to honor with high offices, to enrich with large emoluments, her great military and naval heroes. Wellington, Marlborough, and Nelson each individually received from the English Government more in money, in palaces, in pensions than has been given to General Grant by our Government and by all our citizens combined.

I would not, and I do not, commend to our country the example set by England in this respect, but I do think that when a man has performed for his country the services that General Grant has performed it is right and proper that in his old age he should not be left to grapple with poverty. I would to-day gladly vote for a bill providing properly from the public Treasury for every man who has ever held the office of Chief Magistrate of this country.

The characters of Marlborough and Nelson were both open to hostile criticism, yet the people of England gladly forgot all their errors, and delighted to honor them for the glory and renown they had shed upon the history of England. General Grant has not been free from mistakes in his career either as a soldier or a civilian; but in a few years his late campaign in Wall street will be forgotten; every error of his will be consigned to oblivion, as it should be, and the campaigns that Grant made from that day at Donelson, when he sent the tidings which revived the hopes of the North, to that other day when from Appomattox he sent the news which carried joy to every Northern heart—these are the campaigns which will be remembered—all else will be forgotten. All the good that he has done will be held in grateful recollection; all his mistakes will be, as they ought to be, forgotten. These campaigns of Grant will live in history, and will compare favorably with the most brilliant and the grandest achievements of England's noblest military heroes.

The successful close of the war under General Grant made him the idol of the people of the North. His generous and noble treatment of Lee and the gallant men who fought under him, his subsequent lenient treatment of the Southern people, his insisting upon carrying out all the terms that he had granted to General Lee and his soldiers, won for him the hearts of the Southern people. I believe that it is to-day the wish of the people South as well as North that General Grant, now afflicted as he is by illness, now in his old age—I believe it is the will of the great mass of the people throughout this country that the Government should take care of him and provide for him liberally. The honor of our Government is at stake. I trust this bill will pass the House with the same unanimity with which it passed the Senate.

I know there are many gentlemen here who want to speak on this question, and as the time is limited I reserve the residue of my time. How much have I left?

The SPEAKER *pro tempore* (Mr. ELLIS). Nine minutes and a half.

Mr. HORR. Mr. Speaker, I desire to occupy but five minutes on this question, because I wish to yield to other gentlemen. I asked for a second on this motion not for the purpose of opposing the proposition to put General Grant on the retired-list of the Army with his full rank. I would walk on my knees to-day all over this city through the snow to accomplish that one purpose. I called for a second on this bill that I might state to the House what I believe to be true, and that is that this bill is reported by the committee well knowing that it will prevent General Grant from being put on that list.

Mr. MORGAN. It was drawn by Senator EDMUNDS.

Mr. HORR. There now lies on our table another bill drawn by Senator EDMUNDS, when that Senator learned that this bill was open to objections conscientiously held by the President which might prevent him from signing it. This latter bill, drawn to obviate that difficulty, was passed by the Senate and sent to this House, was before the committee now reporting this bill, and they purposely refused to substitute that in place of this measure, and reported this bill, which they must have known was liable to prevent General Grant from being put on the retired-list.

Mr. MORGAN. I wish to say that the Committee on Military Affairs had reported in favor of this bill before the second bill was received from the Senate.

Mr. HORR. The gentleman will not deny that the last bill of Senator EDMUNDS was before that committee, and an attempt was made in that committee to substitute that bill for this one upon the very ground that the position of the President, conscientiously taken in the Fitz-John Porter case, might prevent him from signing this bill, and therefore prevent it from ever becoming a law. But that committee knowing and fully understanding this difficulty refused to make the change. Ay, that is not all.

Mr. SLOCUM. One word. [Cries of "Regular order!" on the Republican side.]

Mr. MILLER, of Pennsylvania. Do not interrupt him; he has only five minutes.

Mr. SLOCUM. I think the gentleman from Michigan believes what he is saying.

Mr. HORR. I know I do.

Mr. SLOCUM. There is not a word of truth, however, in what he has said. [Cries of "Regular order!" from the Republican side.]

Mr. MILLER, of Pennsylvania. The gentleman from Michigan ought to be permitted to proceed.

Mr. HORR. I have only a moment, but I am in earnest about this matter.

Mr. SLOCUM. What you are saying is utterly untrue.

Mr. HORR. I say to the gentleman it is only too true. Mr. Speaker, I have spent twenty-two years of my life standing by General Grant and his character when he has been vilified by men in this nation as no other man ever was who breathed the breath of life in the United States. And now I say you attempt to force us here into a false position, to force us to vote for a bill purposely—I say it advisedly—purposely brought in here to put the Executive of the nation, as one of the gentlemen of the committee said, into a tight place, knowing that his decision conscientiously made in another case might perhaps prevent him from signing this bill. Now then, gentlemen, if you will substitute the Edmunds bill, which is not open to this objection, we will vote for it unanimously on this side of the House; and if you want to place General Grant on the retired-list give us a bill which you yourselves know can and will be signed with great pleasure, but do not try to cast stones before this people when we are demanding bread. [Applause on the Republican side.] This bill is presented here not in the interest of General Grant, but simply to spite some one else. To that I most solemnly object.

Mr. SLOCUM. Have you got through?

Mr. HORR. If you want to ask a question, go on.

Mr. SLOCUM. No, I do not want to ask a question.

The SPEAKER *pro tempore* (Mr. ELLIS in the chair). Does the gentleman from Michigan yield?

Mr. HORR. I will yield two minutes of my time to the gentleman from Illinois [Mr. THOMAS]. The balance of my time I reserve.

Mr. SLOCUM. I shall reserve my time until the other side have concluded what they wish to say. I wish first to hear some more debate of that kind we have just listened to from the gentleman from Michigan before making my reply.

Mr. HORR. I reserve the balance of my time until I can hear from gentlemen on the other side.

Mr. SLOCUM. You can not reserve your time; you must either occupy it or be cut off.

The SPEAKER *pro tempore*. The gentleman from Michigan yields for two minutes to the gentleman from Illinois. [Cries of "Go on!"] Public business will not be resumed until order is restored in the House.

A MEMBER. Who has the floor?

The SPEAKER *pro tempore*. The gentleman from Michigan has the floor, and has yielded two minutes of his time to the gentleman from Illinois.

Mr. MILLER, of Pennsylvania. Let him go on.

The SPEAKER *pro tempore*. The gentleman will be recognized as soon as order is restored.

Mr. THOMAS. Mr. Speaker, I am opposed to this bill in its present shape and expect to vote against it on that account. The reasons given by the gentleman from Michigan are so satisfactory a statement of the reasons I had in mind that I would have been content to let the matter go without making any objection were it not for the fact that my people, Democrats and Republicans, without exception, are in favor of putting General Grant on the retired-list.

Mr. MILLER, of Pennsylvania. You mean some bill?

Mr. THOMAS. Yes; in favor of putting General Grant on the retired-list. And my people, as well Democrats as Republicans, believe that this bill is a trap brought forward for the purpose of catching not only Republican votes on this floor, but of putting the President of the United States, as the gentleman from Michigan has stated it, in "a tight place." The President of the United States, being a conscientious man, can not sign this bill in its present shape, and the Democratic party in this House and out of it know that fact.

Mr. MORSE. He can let it become a law without signing it.

Mr. THOMAS. They know to pass this bill is to absolutely prevent putting General Grant on the retired-list. I am in favor of the last bill passed by the Senate, the one drawn by Senator EDMUNDS, and which was passed almost unanimously by that body, and if it had been presented instead of this one I would have gladly voted for it. I will cast my vote any day not only to pension him but to put General Grant on the retired-list. I fully appreciate his grand services to his country and to the civilization of the age in which he lived. No man will go further than I will to help him in this day of his distress and old age; but I will not allow myself to be put in a position where, while appearing to be his enemy, I am really his friend, nor will I agree that Democrats on the other side of the House shall appear as his friends when they are in fact his deadly enemies.

[Here the hammer fell.]

Mr. HORR. I yield now seven minutes, to be disposed of as he pleases, to the gentleman from California [Mr. ROSECRANS], and I reserve one minute in order that I may have a word to say after the other side has concluded if I shall find it necessary to occupy any additional time.

Mr. WEMPLE. I object to the gentleman reserving his time.

Mr. ROSECRANS. Mr. Speaker, I thank the gentleman from Michigan for his courtesy. It has been already stated that the object of this bill is to put the President of the United States "in a hole." It is my duty to say that in reality the bill is a plain proposition to reward General Grant for his distinguished military services, and it is my duty to say that I can not vote for that bill.

It is not my intention, sir, to recount any of the historical reasons why I think that military reputation has been exaggerated and misrepresented under the exigencies of party interest and power; and can only suggest that when true history comes to be written, it will be pared down to very different dimensions. I do not propose to go into that subject, sir, although I am one of the four living Army commanders contemporary with him, and would feel quite qualified to express opinions of my own on that subject.

But, Mr. Speaker, this House by the passage of this bill is called upon by solemn act to renew and reaffirm all the exaggerations and misstatements of fact which have been popularly impressed on the public mind under the circumstances to which I have alluded. It was the interest of a great political party of this country to make the services of General Grant appear as large and important as possible, for he was their servant and tool to secure power. He himself kept an aid-de-camp in his back office and there prepared the first two volumes of Badeau's Life of Grant, upon which the students of history have put the stamp of unworthiness to be trusted.

But we are told that General Grant is now poor and the public has been told from the same source that General ROSECRANS will not vote for General Grant's bill because of personal ill-will. I do not think, sir, that my colleagues on this floor will believe that I am capable of descending to the depths of being guided in a public duty by any motive of personal dislike; and if there be any gentlemen on this floor who entertain the idea that it is possible, I simply enter my solemn protest, and say that under no consideration would private dislike prevent me from doing this or any other act that my public duty prompted. [Applause on the Democratic side.] I would not oppose the passage of this bill on account of any of these things to which I have alluded, nor would I oppose it on account of those other things to which I have not yet alluded, namely, statements made officially by General Grant that were false, and which he knew to be false at the time he made them and which I have shown in my official reports to be false. I say these things do not enter into my reasons at all. But if we take things as they stand now it has been said over and over again that General Grant is in a state of distress, that there is nothing between him and the poor-house except the income on $250,000 a year, and this statement has been carefully circulated among members of both Houses and the public, and, I say it upon my own responsibility, from his family, that even that amount, the $250,000, was lost or substantially lost. That is not the truth.

There is another critical circumstance to which I wish to call the attention of gentlemen on this floor. Congress by a solemn act like this is asked to arrest—what? Why, the progress of public opinion in the investigation into that great confidence mill of Grant & Ward. If gentlemen on this floor can afford to put a cover over that investigation, or can afford to put a ligature around that investigation by such a solemn and significant act as the bill proposes for the purpose of deceiving the public by it, I can not afford to do it. I can not afford by my action on this floor to say to the people of this country that a business which has been so conducted as to rob poor people of many millions of dollars, and which if done on a small scale would have sent its managers to prison, shall be considered as unimportant when the principal manager has allowed a great name to be used as the instrument of the robbery.

The SPEAKER *pro tempore* (Mr. ELLIS in the chair). The time of the gentleman has expired.

Mr. ROSECRANS. I yield one minute——

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SPRINGER. May I ask how much time was originally accorded the gentleman from California?

The SPEAKER *pro tempore*. The Chair understands seven minutes.

Mr. SPRINGER. Then I ask leave to state that there must be an error in the record of the time kept at the Speaker's table; because I was keeping the time myself, and the gentleman from California has not occupied more that five minutes.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk at the table that the gentleman has exhausted the time yielded to him.

Mr. HORR. I would like to reserve my time if the gentleman from New York does not object.

Mr. SLOCUM. I do most seriously object.

Mr. SPRINGER. Do I understand the Speaker to say that the gentleman from California has exhausted his time?

The SPEAKER *pro tempore*. The Chair is informed by the time-keeper at the desk that six and one-half minutes have been occupied by the gentleman from California, which the Chair understood was the time yielded by the gentleman from Michigan.

Mr. SPRINGER. The gentleman from Michigan yielded seven minutes, as I understand.

The SPEAKER *pro tempore*. The Chair so thought.

Mr. SPRINGER. And I held my watch in my hand and am satisfied there is a mistake.

The SPEAKER *pro tempore*. The Chair can only take the statement furnished to him by the time-keeper at the desk.

The gentleman from Michigan has one and a half minutes of his time remaining.

Mr. HORR. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HORR. Being myself the demander of a second, have I not the right to reserve one and a half minutes of my time to close debate?

The SPEAKER *pro tempore*. The Chair will state that the gentleman who holds the affirmative of a proposition is entitled by the practice of the House and by parliamentary law to close debate.

Mr. CANNON. Will the Chair allow me a word on the question of order? I suggest that this does not come under that rule, for the reason that there are only fifteen minutes of discussion allowed to a side. Now the gentleman having the affirmative is first entitled to be heard; otherwise there will be no debate. The gentleman who supports the bill took the floor and was heard and reserved the remainder of his time. Now, then, I take it that the negative has the same right; and if they both see proper they can both stop now.

Mr. COX, of New York. The gentleman who holds the affirmative always has the right to close debate.

Mr. CANNON. I will undertake to say——

The SPEAKER *pro tempore*. Does the gentleman from Illinois rise to a question of order?

Mr. CANNON. Yes, sir; I want to make this parliamentary inquiry——

Mr. BLOUNT. I rise to a question of order.

The SPEAKER *pro tempore*. One question of order is already pending. After that is disposed of the Chair will hear the gentleman from Georgia [Mr. BLOUNT].

Mr. CANNON. I want to make this suggestion, that the fifteen minutes cannot be split up——

Mr. TURNER, of Kentucky. I rise to a question of order. There is so much disorder in the Hall that I can not hear the point of order stated.

The SPEAKER *pro tempore*. The point of order of the gentleman from Kentucky is well taken. The gentleman from Illinois [Mr. CANNON] will suspend till order is restored. The Chair requests gentlemen to be seated.

Mr. HORR. I desire to have order.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] will suspend till order is restored. [After a pause.] Does the gentleman from Illinois desire to be heard further on the point of order?

Mr. CANNON. I do not know that I desire to say anything further except this: Under what rule can a gentleman split up those fifteen minutes? How should it be divided? If a gentleman reserves a portion of his time and objection is not made, well and good. But if the gentleman from New York [Mr. SLOCUM] can do that, the gentleman from Michigan [Mr. HORR] can do it also under the same general rule. And if both gentlemen reserve their time and refuse to talk, then we are ready for a vote.

Mr. SLOCUM. Does the gentleman claim that the negative has the right to close debate?

The SPEAKER *pro tempore* (Mr. ELLIS). The point of the gentleman from Illinois [Mr. CANNON] is not well taken. It has been the uniform practice of the House ever since the adoption of the rule under which the House is now proceeding that gentlemen holding the affirmative or the negative should divide their time as they saw fit. But that does not militate against the force of the rule and of the parliamentary law which prevails in this House that he who holds the affirmative of a proposition has the right to open and close debate.

Mr. OATES. I desire to make a request for unanimous consent. As it is evident that not one-tenth of the gentlemen who desire to make remarks on this bill can be heard I move that general leave be given to print.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Alabama [Mr. OATES] who asks unanimous consent that gentlemen who so desire shall be permitted to have printed remarks on this bill in the RECORD.

Mr. BOUTELLE. I object unless an opportunity be afforded for debate on the question in the House.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] will proceed.

Mr. HORR. In justice to myself I must state that I yielded to the gentleman from California [Mr. ROSECRANS] not because he was in accord or sympathy with me on this bill in any manner, but because I was compelled to, that I might keep my promise made the Speaker to give the other side of the House a fair portion of the time, as they desired to oppose the bill on different grounds; and I did it to keep the contract I had made, and not as a matter of choice.

Now, Mr. Speaker, in the minute and a half which I have I want to call the attention of the gentleman who has this bill in charge to this fact, that on the third day of this present month of February the President of the United States sent to this House a message in which he asked the House to act upon a measure which shall place General Grant upon the retired-list of the Army. He closes that message by saying—

> That Congress by taking such action will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill 2330—

Not this bill; mark his words—

> which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discrimination to nominate General Grant as general upon the retired-list.

Here we have clearly pointed out the kind of a measure he can honestly approve.

[Here the hammer fell.]

Mr. HORR. Why, sir, I have not had a minute and a half.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from New York [Mr. SLOCUM] is recognized.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. According to the way in which I have kept the time, and in which it has been kept by other gentlemen about me, there are two minutes yet remaining of the time for opposing this bill. There was a mistake evidently made by the clerk at the Speaker's table who informed the Chair as to the time occupied by the gentleman from California [Mr. ROSECRANS]. I was keeping the time myself, and know that that gentleman occupied but five minutes.

The SPEAKER *pro tempore*. The officer of the House who has charge of the duty of keeping the time says it is as was stated by the Chair. But inasmuch as there is a doubt about it the Chair will submit the request for unanimous consent that two minutes more be occupied by the opponents of the bill.

Mr. MILLS. I object.

Mr. KEIFER. Let it be two minutes on each side.

Mr. MILLS. I object. The statement of the Chair should be final.

Mr. SPRINGER. I assert of my own knowledge that two minutes remain of the time in opposition to the bill.

Mr. MILLS. The rules have settled the authority of the Speaker, and not of gentlemen on the floor, to decide that question.

The SPEAKER *pro tempore*. The Chair is compelled to decide on official information furnished to the Chair that the full time allotted was occupied by the opponents of the bill.

Mr. SPRINGER. Then the Chair is misinformed. That is all I can say. The opponents of this bill have not had a fair opportunity.

Mr. SLOCUM. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SLOCUM] has seven minutes and a half.

Mr. SLOCUM. Mr. Speaker, the only time that I will occupy will be to correct the gentleman from Michigan [Mr. HORR]. He tells the House that for the last twenty years he has been very near to General Grant——

Mr. HORR. I did not.

Mr. SLOCUM. Well, Mr. Speaker, there have been times when I, too, have been pretty near the general, perhaps as near as the gentleman from Michigan [Mr. HORR]. [Laughter and applause.] The gentleman is opposed to this bill and he states a reason, but I think the reason of the gentleman's opposition to this bill is that General Grant attempted to do justice to General Porter. [Applause on the Democratic side.] That is the secret of the opposition of the gentleman from Michigan. He says that this bill, if passed, will be returned with the

veto of the President. He forgets that the same vote which will pass it through this House will pass it over the President's veto, if necessary, and that if he is sincere he should seek to pass it now. Why not pass the bill here to-day, and if it is vetoed to pass it again over the veto? [Applause on the Democratic side.] The same votes that will put it through to-day will put it through over the veto.

Mr. HORR. Will the gentleman yield to me a moment?

Several MEMBERS. Do not yield.

Mr. SLOCUM. What is the status here? Since our Government was founded there has been a uniform method of passing these bills from which there has been no deviation. They have been all alike. A bill is now presented here for the benefit of an ex-Republican President, and a Republican President now in office threatens to veto it unless a Democratic House complies with his ideas about the framing of the bill. That is a fine position for the Republican "friends" of General Grant to occupy here!

Mr. COX, of New York. The President names the very bill that we are to pass.

Mr. SLOCUM. Yes; he mentions the number of the bill that he wishes this House to pass.

A MEMBER. He dictates to the House.

Mr. SLOCUM. Suppose he should veto this bill, what would happen? In three weeks' time the House at the other end of the Avenue will be occupied by a different man—by a gentleman who will not stickle so for his prerogatives as to threaten the House of Representatives with a veto message. [Applause on the Democratic side.]

I want to correct the statement of the gentleman from Michigan [Mr. HORR] in another respect. What he said on this floor was untrue from beginning to end. I do not think he supposed so, because I think he is a truthful and honorable gentleman, but the fact is that the bill now before the House was acted upon by the committee before the second bill was presented.

Mr. HORR. Was it not reacted upon? I simply want to know the facts.

Mr. SLOCUM. Mr. Speaker, I have now in my drawer in the committee-room a letter from the gentleman who presented both these bills, in which he alludes to the presentation of the second one, and to the fact of his not having observed the action of the Committee on Military Affairs at the time the second bill was presented. Your history [addressing Mr. HORR] is wrong from beginning to end.

Mr. HORR. Did not the committee react on this bill?

Mr. SLOCUM. Suppose it did. Is a Democratic House to come and bow down before you, and ask you what you will have it do, or is it to go to the President and bow down to him and ask what he wants it to do? [Laughter and applause on the Democratic side.] If you really want to relieve General Grant, and are honest and fair, you have a chance to do it now; and if you do not do it, it will be simply because you are prejudiced against him because of his action in favor of doing justice to General Porter. [Applause on the Democratic side.]

Mr. ROSECRANS. Will my colleague, the gentleman from New York [Mr. SLOCUM], yield to me a moment?

Mr. SLOCUM. I am going to yield to the friends of the measure. [Cries of "Regular order!" "Regular order!"]

Mr. ROSECRANS. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from California is out of order.

Mr. ROSECRANS. He is usually out of order, but I want to correct the gentleman——

The SPEAKER *pro tempore*. The gentleman from California is out of order.

Mr. SLOCUM. I yield one minute to my colleague, the gentleman from New York [Mr. COX].

Mr. COX, of New York. When my friend from California [Mr. ROSECRANS] was fighting the Union fight in West Virginia I happened to be a member of this House from Ohio, and, along with Mr. Washburne, of Illinois, I gave my aid in every vote of money and men to sustain Ulysses S. Grant. I have seen many things connected with his career as a civilian since that time which I have reprobated on this floor; but, sir, Ulysses S. Grant has passed into history.

[Here the hammer fell.]

Mr. COX, of New York. I ask leave to extend my remarks.

Mr. CAMPBELL, of Pennsylvania, and others objected.

Mr. SLOCUM. I yield now to the gentleman from Pennsylvania.

Mr. RANDALL. Mr. Speaker, I favor the proposition to place General Grant upon the retired-list of the Army because I believe it to be a right procedure. Whether the method now proposed is the most expeditious mode of accomplishing the result I am not going to inquire; but if this proceeding fails, then I shall be ready to resort to some other to accomplish the end in view. [Applause.] But I want to say to General Grant's friends on this floor that if they divide on this question they are sure to be overcome, and they will not be free from blame if, in order to secure the consistency of President Arthur, they shall thereby put the knife to General Grant. Hence I invoke every member on this floor who favors the object in view to vote for this bill, and, this failing, to join with me in voting for some other measure which will accomplish the result. [Applause.]

Mr. SLOCUM. I yield the residue of my time to the gentleman from Pennsylvania [Mr. BAYNE].

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] is entitled to two minutes.

Mr. BAYNE. Mr. Speaker, in two minutes I can say but little. Against this bill are arrayed, first, the prejudices of most of the men whom General Grant conquered; I am sorry to see it. Against this bill are arrayed, secondly, the personal dislikes felt by a few individuals; I am sorry to see it. Against this bill are arrayed, thirdly, the political resentments of Republicans because General Grant's name is in the body of the bill and because the President vetoed a similar bill. I am sorry to see it; for no such motives should influence any man occupying the responsible position of a member of the House of Representatives; and in yielding to such motives he can not by any possibility excuse himself.

I believe implicitly in the power of the American Congress to pass this bill and to name the man to be benefited. [Applause.] It simply authorizes the President, with the approval of the Senate, to appoint General Grant to an office, if the President, in the exercise of his discretion, sees fit to do so. It is not mandatory. It does not say to the President, "Thou shalt," but only says to him, "You may, if in your judgment you believe it to be proper and right to do so."

The bill is in accordance with the practice under the Constitution from the foundation of the Government; and the very President who now occupies the executive chair has signed three bills containing provisions precisely similar to those in this bill.

I can see no justification under heaven for denying to General Grant, who was the great benefactor of his country and almost the saviour, this little boon. When any man interposes his prejudices or resentments or personal feelings against this most righteous act he does that which will not commend itself either to his own conscience or to the approval of the people of the United States.

The SPEAKER *pro tempore*. The time allowed for debate on this question has expired.

Mr. HORR. I rise to a personal explanation, and I do not think any one will object. I find I was misunderstood in reference to the division of time; and some members think I said something which compromised the gentleman occupying the chair regularly as Speaker *pro tempore*. If you will let me state just what occurred, that gentleman now being in the chair, I will say that when I asked to be recognized——[Cries of "Regular order!"]

Mr. SLOCUM. No more debate is in order.

Mr. HORR. I will not say a word on the bill.

Mr. TUCKER. I hope the gentleman will be allowed to go on.

Mr. HORR. I am not going to say a word on this bill. [Cries of "Regular order!"]

Mr. TUCKER. If the gentleman wants to explain his remarks I hope he will be allowed to do so.

Mr. HORR. I think I have the right——

The SPEAKER *pro tempore*. The Chair rules that the gentleman is entitled to be heard if he claims the floor on a question of privilege.

Mr. HORR. I am not going to meddle with the question before the House.

Mr. COBB. The gentleman did not rise to a question of privilege.

Mr. HORR. I think that was my statement.

The SPEAKER *pro tempore*. The Chair understood the gentleman to say that he rose to a question of personal privilege. [Cries of "Regular order!"] Who is it that objects to allowing a gentleman to rise to a question of personal privilege?

Mr. COBB. That is not what the gentleman stated.

The SPEAKER *pro tempore*. The Chair so understood.

Mr. COBB. He said that he rose to a personal explanation and did not think the House would object. If he rises to a question of privilege, that is another matter.

The SPEAKER *pro tempore*. The Chair will hear to what point the gentleman from Michigan desires to address himself.

Mr. HORR. What I sought was to make an explanation of a remark which I learned I have been understood as making. Some members thought I intimated I was compelled to divide my time in a certain way in order to get the recognition of the Chair.

Mr. COBB. I ask whether this is a question of personal privilege?

The SPEAKER *pro tempore*. The gentleman states that it is a question of personal privilege.

Mr. HORR. It is. I am not in the habit of occupying the time of the House frivolously.

Mr. COBB. You take up more time than I do.

The SPEAKER *pro tempore*. The gentleman will proceed to state his question of privilege.

Mr. HORR. What I should have said and supposed I did say was this—that when I asked the present occupant of the Chair to recognize me to call for a second on this question I stated to him frankly that I opposed the bill on an entirely different ground from many other gentlemen on the floor. He said I will recognize you, trusting to you to be fair and let both wings be represented, and I stated to him that I would do that. I did do it, and that is the only reason why the gentleman from California received a portion of my time.

The SPEAKER *pro tempore* (Mr. BLACKBURN in the chair). The gentleman's statement is altogether accurate.

Mr. SLOCUM. I demand the yeas and nays.

The SPEAKER *pro tempore*. The time for debate having expired, the gentleman from New York demands the yeas and nays on the motion to suspend the rules and pass the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 158, nays 103, not voting 63; as follows:

YEAS—158.

Anderson,	Evans,	Libbey,	Russell,
Arnot,	Everhart,	Long,	Ryan,
Atkinson,	Fiedler,	Lovering,	Seney,
Bagley,	Finerty,	Lyman,	Seymour,
Bayne,	Follett,	McAdoo,	Skinner, C. R.
Beach,	Funston,	McCold,	Slocum,
Belford,	Fyan,	McComas,	Smalls,
Bingham,	Garrison,	McCormick,	Smith, A. Herr
Boutelle,	George,	Maybury,	Smith, H. Y.
Brainerd,	Glascock,	Millard,	Snyder,
Bratton,	Goff,	Miller, S. H.	Spooner,
Breckinridge,	Graves,	Milliken,	Steele,
Breitung,	Greenleaf,	Mitchell,	Stephenson,
Brewer, J. H.	Guenther,	Morgan,	Stevens,
Broadhead,	Hancock,	Morrill,	Stewart, J. W.
Brown, W. W.	Hardy,	Morse,	Stone,
Browne, T. M.	Harmer,	Murphy,	Struble,
Budd,	Hart,	Nelson,	Sumner, C. A.
Burleigh,	Hatch, H. H.	Nicholls,	Sumner, D. H.
Campbell, Felix	Haynes,	Nutting,	Talbott,
Campbell, J. E.	Henderson, T. J.	O'Hara,	Taylor, J. D.
Cannon,	Henley,	O'Neill, Charles	Thompson,
Cassidy,	Hitt,	O'Neill, J. J.	Tillman,
Clardy,	Hoblitzell,	Paige,	Tully,
Collins,	Holmes,	Parker,	Valentine,
Cox, S. S.	Houseman,	Payne,	Wadsworth,
Culbertson, W. W.	Howey,	Payson,	Wait,
Cullen,	Hunt,	Peters,	Wakefield,
Curtin,	James,	Pettibone,	Washburn,
Dargan,	Jeffords,	Phelps,	Weaver,
Davis, G. R.	Jones, B. W.	Poland,	White, Milo
Davis, R. T.	Kean,	Potter,	Whiting,
Deuster,	Keifer,	Pusey,	Wilkins,
Dibrell,	Kelley,	Randall,	Willis,
Dingley,	Ketcham,	Rainey,	Wilson, James
Dixon,	King,	Ray, G. W.	Wilson, W. L.
Dorsheimer,	Kleiner,	Ray, Ossian	Winans, John
Elliott,	Lacey,	Rice,	Worthington,
Ellis,	Lawrence,	Robinson, W. E.	
Ellwood,	Lewis,	Rowell,	

NAYS—103.

Aiken,	Davis, L. H.	Lowry,	Springer,
Alexander,	Dibble,	McMillin,	Stewart, Charles
Ballentine,	Dockery,	Matson,	Stockslager,
Barbour,	Dowd,	Miller, J. F.	Swope,
Barksdale,	Dunn,	Mills,	Taylor, J. M.
Bennett,	Eaton,	Money,	Thomas,
Blackburn,	Eldredge,	Moulton,	Tucker,
Blanchard,	Ermentrout,	Muldrow,	Turner, H. G.
Bland,	Forney,	Murray,	Turner, Oscar
Blount,	Geddes,	Mutchler,	Van Alstyne,
Buchanan,	Gibson,	Neece,	Vance,
Buckner,	Green,	Oates,	Wallace,
Burnes,	Halsell,	O'Ferrall,	Ward,
Cabell,	Hammond,	Peel,	Warner, A. J.
Caldwell,	Hanback,	Pierce,	Warner, Richard
Carleton,	Hatch, W. H.	Price,	Wellborn,
Clay,	Hemphill,	Pryor,	Weller,
Clements,	Herbert,	Reagan,	Williams,
Cobb,	Hewitt, G. W.	Reid, J. W.	Winans, E. B.
Connolly,	Hill,	Reese,	Wise, G. D.
Converse,	Holman,	Riggs,	Wolford,
Cosgrove,	Jones, J. H.	Rogers, J. H.	Wood,
Covington,	Jones, J. K.	Rosecrans,	Woodward,
Cox, W. R.	Jones, J. T.	Shively,	Yaple,
Crisp,	Lanham,	Singleton,	York.
Davidson,	Le Fevre,	Skinner, T. G.	

NOT VOTING—63.

Adams, G. E.	Dunham,	Hutchins,	Robinson, J. S.
Adams, J. J.	English,	Johnson,	Rockwell,
Barr,	Ferrell,	Jordan,	Rogers, W. F.
Belmont,	Findlay,	Kellogg,	Shaw,
Bisbee,	Foran,	Laird,	Spriggs,
Bowen,	Hardeman,	Lamb,	Storm,
Boyle,	Henderson, D. B.	Lore,	Strait,
Brewer, F. B.	Hepburn,	Morrison,	Taylor, E. B.
Brumm,	Hewitt, A. S.	Muller,	Throckmorton,
Campbell, J. M.	Hiscock,	Ochiltree,	Townshend,
Candler,	Holton,	Patton,	Van Eaton,
Chalmers,	Hooper,	Perkins,	Wemple,
Cook,	Hopkins,	Post,	White, J. D.
Craig,	Horr,	Rankin,	Wise, J. S.
Culberson, D. B.	Houk,	Reed, T. B.	Young.
Cutcheon,	Hurd,	Robertson,	

So (two-thirds not having voted in the affirmative) the rules were not suspended and the bill was not passed.

During the roll-call,

Mr. O'NEILL, of Missouri, moved to dispense with the reading of the names.

Objections were made.

The following pairs were announced from the Clerk's desk:

Until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. LAMB with Mr. KETCHAM.

Mr. POST with Mr. HOUK.

On this vote:

Mr. HOPKINS with Mr. PATTON.

Mr. FINDLAY with Mr. JOHNSON.

For this day:

Mr. FORAN with Mr. CHALMERS.

Mr. YOUNG with Mr. BARR.

Mr. STORM with Mr. OCHILTREE.

Mr. FERRELL with Mr. BOWEN.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR. If present, Mr. THROCKMORTON would vote in the negative.

Mr. MULLER with Mr. BREWER, of New York.

Mr. HEWITT, of New York, with Mr. HENDERSON, of Iowa.

Mr. TOWNSHEND with Mr. ROCKWELL.

Mr. ADAMS, of New York, with Mr. CRAIG.

Mr. BELMONT with Mr. HOOPER.

Mr. JORDAN with Mr. DUNHAM.

Mr. ROBERTSON, of Kentucky, with Mr. ADAMS, of Illinois. If present, Mr. ROBERTSON would vote in the negative.

Mr. STRAIT with Mr. VAN EATON.

Mr. CULBERSON, of Texas, with Mr. REED, of Maine.

The vote was then announced as above stated.

Mr. BARKSDALE. I ask that by unanimous consent members be permitted to print speeches on this subject which they did not have the opportunity to deliver.

Mr. BROWNE, of Indiana. I object.

Mr. COX, of New York. I rise to a question of privilege. I understood from the Speaker at the time I made my remarks I was authorized to print some remarks in addition. [Cries of "No!"]

Mr. CLAY. No; that was objected to.

Mr. COX, of New York. I do not care enough about it, and I withdraw any remarks I made on that subject.

EVENING SESSIONS FOR COMMITTEE ON NAVAL AFFAIRS.

Mr. TALBOTT. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the desk. I do this at the instance of the Committee on Naval Affairs of this House.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That on Wednesday, February 18, and Wednesday, February 25, the House take a recess at 5 o'clock p. m. until 8 o'clock p. m., and that the session of each of said evenings until adjournment shall be devoted to the consideration of bills or resolutions reported from the Committee on Naval Affairs, and bills and resolutions upon the Speaker's table over which the Committee on Naval Affairs may have jurisdiction, except Senate bill 666, or other bills authorizing the construction of steel cruisers, unless said evenings are claimed by the Committee on Appropriations for the consideration of general appropriation bills.

Mr. HENLEY. I object.

The SPEAKER *pro tempore*. Objections are not in order.

Mr. HENLEY. I propose to antagonize the motion, and therefore demand a second.

Mr. TALBOTT. I ask that a second may be considered as ordered by unanimous consent.

There being no objection a second was ordered.

The SPEAKER *pro tempore*. Under the rule thirty minutes are allowed for debate, of which the gentleman from Indiana will control fifteen minutes and the gentleman from California the remainder.

Mr. TALBOTT. The committee does not want any time to discuss the motion unless some gentleman shall occupy the time in opposition, when we wish to be heard.

Mr. HENLEY. I want to submit some remarks to the House upon the subject.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from California.

Mr. TALBOTT. We will reserve our time.

Mr. HENLEY. I should have no objection to the adoption of that resolution if it included an exception in favor of business from the Public Lands Committee. But there are some very important bills now before the House upon the Speaker's table involving the restoration to the public domain of millions of acres of land, and I think if the desires of the people throughout the United States were consulted they would place that character of legislation——

Mr. BROWNE, of Indiana. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. It does not seem as if there are seats enough provided for the members of this House. I ask that the public business be suspended until gentlemen are provided with seats.

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that gentlemen take their seats.

Mr. HENLEY. I dislike exceedingly to antagonize anything that contemplates a rehabilitation or building up of our Navy; but I was proceeding to say at the time I was interrupted that I believed if the question were submitted to the people of the United States, and we are presumably representing their wishes, I believe they would say that the restoration and opening up for settlement of these public lands and the

forfeiture of railroad land grants would be paramount to all other considerations.

Now, if the gentleman will amend his rule so as to give the Committee on the Public Lands an equal show with the Committee on Naval Affairs, for myself I would interpose no objection; but as it is I submit these considerations as reasons why the rules should not be adopted, and reserve the remainder of my time.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a moment?

Mr. HENLEY. I have promised to yield to the gentleman from Kentucky [Mr. WILLIS] for two minutes.

Mr. WILLIS. Mr. Speaker, ordinarily I do not oppose these requests for the consideration of any character of public business; but in the present condition of our Calendar, with four or five appropriation bills pending, with the river and harbor bill before the House for its action, unless the gentleman shall except that from the operation of this provision, in my judgment it jeopardizes the passage of the river and harbor bill, and I ask him, therefore, to except that from his resolution.

Mr. STOCKSLAGER. And all other special orders.

Mr. WILLIS. If that exception is made, I shall support cordially the proposition; but unless it is done, I think the available time necessary to pass the appropriation bills, and in that I include, first of all, the river and harbor appropriation bill, will be taken up with proceedings brought up by this committee.

Mr. BROWNE, of Indiana. If the gentleman from Kentucky will yield to me the remainder of his time I shall like to say a single word.

Mr. WILLIS. Very well.

Mr. BROWNE, of Indiana. I am opposed to taking up any new business whatever until we finish the consideration of the appropriation bills. I do not think the House ought to go into any new business, as we have quite enough before us now.

Mr. HENLEY. That is right. I yield one minute to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I desire simply to call the attention of the House to the fact that the resolution provides that the House shall take a recess on each day fixed in the resolution at 5 o'clock. We spent three hours of good work after 5 o'clock on the last day's session of this House.

Mr. HENLEY. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has eleven minutes remaining.

Mr. HENLEY. I will yield one minute to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Unless the gentleman from Maryland will except the Mexican pension bill, I shall certainly oppose his motion. [Laughter.] It is my desire to procure final action upon that pension bill before this Congress adjourns, and I shall not agree to allow that bill to be put aside by any other business whatever if I can help it.

Mr. TALBOTT. Has not some other gentleman some bill that he wants excepted, the Library bill for instance?

Mr. HENLEY. I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I only want to say I can not vote for this resolution at this time of the session; for this among other reasons, that it excepts the only measure of great public importance that I know of that should come from that committee, namely, the consideration of the bill for the construction of steel cruisers. I apprehend if this order should be made it may have awkward results and will greatly jeopardize some other special orders and business of public importance. I hope the resolution will be voted down.

Mr. HENLEY. I yield two minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. I have favored the special orders that have been sought by the committees seeking this privilege heretofore, and if the resolution were qualified I should favor the resolution in this instance also. I should be willing to attend any session of the House for any length of time for the benefit of the Committee on Naval Affairs. But there are two measures still undisposed of in addition to the appropriation bills excepted by this resolution, which I think are of paramount importance and which should not be permitted to be set aside by any special order. I refer to the reports made from the Committee on the Public Lands and to the report from the River and Harbor Committee. Until those reports are disposed of I think this House ought to be slow to make any special order that may by any possibility supersede them.

I regret to have to oppose the resolution; but in its present form and while it does antagonize the forfeiture and the just forfeiture of public lands and imperils the passage of the river and harbor bill, I shall oppose it and vote against it.

A MEMBER. Those are privileged matters.

Mr. MCMILLIN. Not under this resolution. If they were I should have no objection to voting for it, but this resolution sets their privilege aside.

Mr HENLEY. I yield one minute to the gentleman from North Carolina [Mr. O'HARA].

Mr. O'HARA. I regret very much I am compelled to oppose this resolution. But in addition to the appropriation bills and the river and harbor bill of which I am in favor, there is another bill of a great deal of importance, I might say of vital importance, to the country that should be acted upon this session and which will be excluded from consideration by the resolution now offered if it should be adopted. I mean the education bill. Until action is taken upon that bill I shall oppose not only this special order but all others that may be asked for.

Mr. HENLEY. I reserve the remainder of my time.

Mr. TALBOTT. I yield five minutes of my time to the chairman of the Committee on Naval Affairs, the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, this resolution has been ordered by the committee of which I happen to be chairman, and has been pressed here, in one form or other, for several weeks and months. It has not been passed. Resolutions of similar import for other committees, of no more dignity or importance to the House, have been adopted. We have made every proper exception in this resolution, but gentlemen oppose it because forsooth the educational bill is not excepted, or because the land-grant forfeiture bills are not excepted, or because somebody else's bill has not been excepted.

I desire to say, sir, on the two hundred bills sent to the Committee on Naval Affairs in this House for careful inspection there have been reports made, and we have modestly and kindly pressed them on the attention of Congress. If this House does not choose to consider matters of a naval character, the fault does not lie with that committee but with the House itself.

It is unfair to place men in charge of important interests and then by some hocus-pocus or by some rule ruling thereon cut them off from any consummation of the work in which they have been engaged.

No man wants to serve in this Congress unless he sees some sort of result from his labors. After some nine or ten months of constant labor on this committee we have had but one day of a hearing in this House.

We do not propose to intrench on the duties of other committees. Although I believe it is the duty of the Naval Affairs Committee to consider the question of our naval marine, we have not had an opportunity even to present one proposition in respect to it, and this resolution is only possible because that is excepted.

If the House chooses to vote this down, very well. As the chairman of that committee I have done my duty in all persistency in bringing matters before this House. There are matters now on the Speaker's table, and matters which have been reported from our committee connected with our Arctic expedition, with the Alert, with the proper disposition of things in the Navy, which are indispensable to be passed, and yet we can not get unanimous consent; we can not be heard by the Speaker under our rules; we can not move to suspend the rule by a two-thirds vote, and all we can do is during the last six days of the session to move to suspend the rules and pass some of our measures. We are discriminated against. I protest against it. If the House shall vote us down they may do so, but the responsibility is not on that committee which has been diligent in season and out of season to do the work delegated to us by the House.

Mr. TALBOTT. I yield two minutes to my colleague on the committee, the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, I think that when the House reflects upon the time that has been given to other committees of no greater importance or dignity than the Committee on Naval Affairs this resolution will pass. It is conceded that we shall not try on the occasion selected to pass any bills looking to the construction of the Navy, the building of ships, but that we will deal alone with the *personnel* of the service. Now it is of the utmost importance—and I want to impress that upon the minds of members of the House—that this great mass of bills relating to the *personnel* of the Government and the efficiency of the service shall have consideration from Congress at this time. There are on the Calendars carefully made reports with relation to the official conduct of persons in the Navy, with relation to the reinstatement of cadets, with relation to almost everything that concerns the efficiency of the service—a great public service equal to the Army or the Post-Office, or any other branch of the Government—and I think it is but right that this House should give two evenings before it adjourns to the consideration of this business, the preparation of which has cost the members of the Committee on Naval Affairs weeks of labor. I have no hesitation in saying that no committee of this House has labored more faithfully, more zealously, and, although I am a member of the committee, I will say, more intelligently or more honestly, in investigating the matters assigned to it than the Committee on Naval Affairs. Is it right, sir, that all the labor of the members of that committee shall be wasted simply because this House will not give a single evening to considering the bills reported by the committee?

[Here the hammer fell.]

Mr. TALBOTT. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has sixteen minutes remaining.

Mr. TALBOTT. I yield to my colleague on the committee, the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, the chairman of the Committee on Naval Affairs has very forcibly stated the injustice of which members

of that committee have a right to complain because of the condition in which they find themselves in respect of the public business committed to their care. I, Mr. Speaker, have had lying upon my desk for weeks two measures of public importance unanimously approved by the Committee on Naval Affairs—one of them involving a measure recommended to this House by the President of the United States in a special message; another involving the extension to the enlisted men and marines of the naval service of those beneficent provisions of law which have been heretofore extended to the military branch of the service, and the further extension of which is demanded by every consideration of justice and equity; yet day after day this House has adjourned and no possible opportunity has been afforded to members of our committee to discharge the duties which have been imposed upon them by their colleagues upon this floor. Neither under the morning hour, nor by unanimous consent, nor by suspension of the rules, has it been possible for me as one member of that committee to discharge the duties with which I have been intrusted. Member after member has come to me day after day inquiring, complaining, protesting; yet still we are in the position of being unable to secure any action whatever by the House. I appeal to the House to give to this committee, which certainly ought to be regarded and recognized as one of the important committees of the House, an opportunity of attending to the transaction of the public business intrusted to it.

Mr. TALBOTT. Mr. Speaker, I had no idea when I offered this resolution of how much business could be transacted in the course of two evenings. I find now that the Committee on Rivers and Harbors believe that they could pass their bill in one of the evenings which the Committee on Naval Affairs seeks to occupy; I find that the Committee on Education and Labor believe that they could pass their bill on that evening, and the only thing I am surprised at is that the gentleman from Mississippi [Mr. SINGLETON] did not tell us that if he could have that evening he could pass his Library bill. Mr. Speaker, although the Committee on Naval Affairs is one of the most important committees of the House, having charge of the legislation affecting a very important branch of the Government service, yet, under the rules of this House, we have found no possible way of getting our "day in court." If I ask for unanimous consent, somebody—no matter who—objects under the rule. I have carried this resolution and waited and waited for this day to be reached and for this committee to be called. I have waited so long that the resolution is almost worn out in my pocket [laughter], and this is the first time that I have had a chance to ask the House to give us a day or an evening for the consideration of business reported from the Committee on Naval Affairs.

We have a number of bills which have been passed by the Senate and are on the Speaker's table. We have a number of bills which were referred to our committee and have been reported back. We have a bill distributing prize-money, and we have a bill giving marines or seamen in the naval service charged with desertion an opportunity to remove the charge upon proper proof; we have a number of bills of great importance to the country; we have a bill which provides what is to be done with the Alert—for Congress has to pass upon that. We have also a bill upon the Calendar transferring vessels now in the Navy to the Treasury Department—the revenue marine. None of those measures, all of which are necessary measures and ought to be passed, can be reached unless this resolution be adopted. The Committee on Appropriations can, if they choose, antagonize these measures on either of these two evenings, or on both. The most important thing for this House to do is, of course, to pass the appropriation bills. That is what the country expects and what the people have a right to expect; but I think when we yield to the Committee on Appropriations that is as much as we ought to be required to do.

Mr. HENLEY. Mr. Speaker, the gentleman says he does not desire to retard the progress of the appropriation bills; but the trouble is that this proposition which he asks the House to adopt would do that very thing, because, as the gentleman from Georgia has very aptly said, it would compel a recess of the House on the evenings designated at 5 o'clock, appropriation bills or no appropriation bills. I oppose this proposition because I believe it means the possibility of all the disaster, turmoil, and distraction of an extra session.

Another thing, Mr. Speaker, it antagonizes the river and harbor bill; and I believe, if the sense of the people of this country should be taken, it would be found that the advancement of the commercial prosperity of this land, the security and preservation of human life sought in this river and harbor bill, are held in their estimation paramount to the consideration of the matters insisted upon by the Naval Committee or anything that can be done in that direction at this stage of the present session.

The chairman of the Committee on Naval Affairs has alluded to the fact that he has had no opportunity to press the consideration of the bills coming from his committee. Well, this House and the country will acquit him of any want of endeavor and persistency and determination on his part to secure the consideration of those measures. This House cheerfully accepts the responsibility of that matter, and he has none at all on his shoulders; unquestionably he has done his duty, as he always does, and his whole duty.

Mr. Speaker, the necessity becomes more and more apparent every day and hour that we live for the legislation embraced in the land-grant-forfeiture bills, which are antagonized by this proposed order. We see the other end of the Capitol—the Senate of the United States—gradually filling up with railroad magnates and their creatures. We see that the State of California has recently elected Leland Stanford to the Senate, distinguished for his violation of law and defiant disregard of the will of the people, and his great wealth taken from their pockets. We see elected from the State of New York Mr. Evarts, a man who has been conspicuous in and whose fame rests mainly on his defense of the pretended rights of railroad corporations and of corporate domination. We also see that another gentleman who has grown somewhat famous in the West in the same line has been returned to the Senate from Wisconsin. All these things go to show that the time has come when the friends of the people, when those who desire that these vast quantities of public lands that have fallen into the grasp of these corporations shall be restored to the public domain for the benefit of actual settlers, should act unitedly; and if we have any time at this session outside of that required by the appropriation bills that are actually necessary to carry on the Government, I am in favor of dedicating that time to the restoration of these lands to the people.

Mr. HOLMAN. That is right.

Mr. HENLEY. I yield to the gentleman from Arkansas [Mr. ROGERS].

The SPEAKER *pro tempore*. The gentleman from Arkansas has one minute and a half.

Mr. ROGERS, of Arkansas. Mr. Speaker, in the confusion I failed to hear the reading of this resolution. I ask that it be read again.

The SPEAKER *pro tempore*. If read again it must come out of the gentleman's time.

Mr. ROGERS, of Arkansas. I am aware of that. I hope the Clerk will read rapidly.

The Clerk proceeded to read the resolution again:

Mr. ROGERS, of Arkansas (interrupting the reading). Mr. Speaker, I have heard enough of this resolution to convince me that I ought to vote against it; and as gentlemen seem to have selected this occasion for the purpose of pronouncing funeral orations over the dead measures of dying committees, I wish to say that the Committee on the Post-Office and Post-Roads, of which I am a member, has never had an hour of the time of this House from the beginning of the Forty-eighth Congress down to the present time. I do not know how many more committees of the House are in the same situation.

Mr. TALBOTT. That is not the fault of the Naval Committee.

Mr. ROGERS, of Arkansas. As a parting shot I want to say that at the next session of Congress I hope we shall have some revision of these rules, so as to give us some opportunity at some time to discharge our public duties in a manner creditable to ourselves and in a measure at least acceptable to the country. We shall never do it while working under this cleverly devised batch of obstructions that we improperly denominate a system of rules. [Applause.]

Mr. TALBOTT. I yield the residue of my time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. Speaker, the statement of the gentleman from Arkansas [Mr. ROGERS] that his committee has not had opportunity to present its business to the consideration of the House is no argument why one at least of the important committees of this House should not be heard. I mean no disrespect to the gentleman from California [Mr. HENLEY] or to the measures which he advocates when I say that he probably magnifies their importance, at least in the estimation of members of this House. The reason he has given why this resolution should not pass applies equally to every motion made here, to every proposition brought up for the consideration of the House, because it consumes time, and the consumption of time jeopardizes the passage of other measures.

We have had important matters before the Naval Committee; matters in which the entire country is deeply interested; matters in which every Congressional district and every member of this House is concerned; matters affecting the Naval Academy; matters affecting the Naval Observatory. They have been duly considered in committee, and we should have at least a few hours of this session to present them to the House.

The SPEAKER *pro tempore*. The time for debate on the motion to suspend the rules has expired.

The question being taken on the motion of Mr. TALBOTT to suspend the rules and adopt the resolution, it was not agreed to; there being—ayes 54, noes 73.

The SPEAKER *pro tempore* (Mr. SPRINGER). The next committee entitled to submit a motion to suspend the rules is the Committee on the Post-Office and Post-Roads.

LETTING OF MAIL CONTRACTS.

Mr. MONEY. By instruction of the Committee on the Post-Office and Post-Roads, I move to suspend the rules so as to take from the House Calendar and pass the bill (H. R. 6407) to regulate the letting of mail contracts.

The bill was read, as follows:

Be it enacted, &c., That every proposal for carrying the mail, made under a general or miscellaneous advertisement, shall be accompanied by the bond of

the bidder in a sum to be designated by the Postmaster-General in the advertisement of each route, and in a form to be prescribed by the Postmaster-General, with sureties approved by a postmaster at a post-office upon or contiguous to the route to which the proposal relates, to which bond a condition shall be annexed that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted. And if any bidder or surety shall knowingly and willfully swear falsely to any statement that the Postmaster-General may require under the provisions of this section, he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury.

SEC. 2. That whenever, from any cause, no proposal is received for the performance of mail service on any route that has been advertised at any general or miscellaneous letting, or whenever the lowest proposal received is considered too high, the Postmaster-General may informally readvertise the service, for not less than ten days, at the terminal points upon the route, and at such other points as he may deem proper; and the contract made under such advertisement shall run, as nearly as possible, from the beginning to the end of the regular contract term; and during the time that may necessarily be lost by reason of a failure to receive a proposal or make an award, the Postmaster-General may employ temporary service upon the conditions imposed by law therefor.

SEC. 3. That in awarding contracts for mail service the Postmaster-General shall not be bound to consider the proposal of any person who has imposed, or aided in the imposition, upon the United States of an insufficient bond upon any proposal or contract for carrying the mail, or who has made any false statement to any postmaster or other official in the postal service to secure a certificate to the sufficiency of the sureties upon any such proposal or contract, or who has made or filed, or aided in the making or filing, of any false statement in relation to any post-road, or mail service thereon, with the intent thereby to defraud or otherwise cause loss to the United States.

SEC. 4. That the first part of section 2 of an act to regulate the advertising of mail letings, and for other purposes, approved May 17, 1878, be so amended as to read as follows:

"Hereafter no subletting or transfer of any mail contract shall be permitted unless the annual compensation under the contract for the service shall exceed $700, and in no case without the consent in writing of the Postmaster-General."

SEC. 5. That section 1 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes," be, and it is hereby, amended by striking out, in lines 28 and 29, the words "and upon a bulletin-board in a public place in the Post-Office Department building at Washington, in the District of Columbia." And sections 3945, 3946, and 3953 of the Revised Statutes, and subsections 245 and 246 of section 12 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and subsections 246 of an act approved August 11, 1876, entitled "An act to amend subsections 245 and 251 of section 12 of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other puposes,' approved June the 23d, 1874, and for other purposes, and section 3961 of the Revised Statutes," approved August 11, 1876, be, and the same are hereby, repealed.

Mr. VALENTINE. I demand a second.

Mr. MONEY. I have no objection to that, and I hope a second will be granted by unanimous consent.

Mr. VALENTINE. I only want time for explanation of the provisions of the bill.

The SPEAKER *pro tempore*. The Chair hears no objection, and there is a second to the motion to suspend the rules. The rules allow fifteen minutes' debate on either side.

Mr. MONEY. I ask the attention of the gentleman from Nebraska for a moment. Is it his intention to debate the bill?

Mr. VALENTINE. Not especially. I can not support the bill as reported from the committee. I find objection to the first section. Let the gentleman take his time if he is going to make any remarks on the bill.

Mr. MONEY. I have no desire to debate the measure unless gentlemen have something to urge against its adoption.

Mr. VALENTINE. Explain it.

Mr. MONEY. Very well, then; I will explain briefly to the House that the purpose of the bill is to shut off all speculative bidding on star routes, or ring bids. It is to obviate hereafter any possibility of that maladministration of the contract office of the Post-Office Department which fostered and encouraged those star-route frauds which were the subject of investigation by two or three committees of this House. In my opinion and in the opinion of the committee it will have that effect. It will throw, in other words, the carriage of mails on star routes into the hands of the people who live contiguous to those routes. It will put it into the hands of the local contractors and take it out of the hands of this great organization which exists only at Washington, and puts in bids for every State and Territory in this Union, at prices sometimes below the market, and then sublets to subcontractors all over the country. The result is, we have as cheap carriage as under any system, but it is inferior and unsatisfactory to the Department and the people. That is the object of the bill, and I will reserve the remainder of my time until I can hear what gentlemen have to say in opposition.

Mr. VALENTINE. I am in sympathy with the line of thought suggested by the gentleman from Mississippi. If it is possible under this or any other law we may enact to take from the great star-route ring the power of gathering all these small routes in the country into their hands, then I will support the bill. I am in favor of that if that would be the result of it, but I believe if this bill becomes a law that in the sparsely settled portions of the West it would deprive the citizens of their mail facilities. I specially refer to this provision of the bill which says that every proposal for carrying the mail made under a general or miscellaneous advertisement shall be accompanied by the bond of the bidder in a sum to be designated by the Postmaster-General in the advertisement of each route, and in a form to be prescribed by the Postmaster-General, with sureties approved by a postmaster at a post-office upon or contiguous to the route to which the proposal relates, to which bond a condition shall be annexed that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void; otherwise to be in full force and obligation in law.

That would only permit men living on the route or contiguous thereto to enter into competition in bidding. I assure you, in my own State, where this system is largely in vogue yet, there are no men who would be able to carry on the larger routes, for the reason they could not give the security. They are not able to take the responsibility of carrying on those large routes, and I believe the result would be to break down the carriage of the service we have now in the West. So believing, I think the bill ought not to be passed without amendment. For instance, a man in the eastern part of my State would not be able to get a contract in the western part of the State, forsooth, because the postmaster on the western route would not be sufficiently acquainted with him to approve his bond. In a State five hundred miles across a man in one part can not know well enough those in the other parts to give approval to their bonds.

Now, I am in favor of any plan which may be devised to take from the Washington ring the power of gathering up all these routes, but I do not wish to have our people deprived of the chance of receiving their mails as they now do.

Mr. ROGERS, of Arkansas. What is the reason that solvency of sureties may not be made to appear to the postmaster along the route as well as you can make the fact in Arkansas appear in New York?

Mr. VALENTINE. Why is it the committee select a postmaster away out on the route instead of the Postmaster-General?

Mr. ROGERS, of Arkansas. Simply to break up the star-route ring that has existed here and controlled these matters.

Mr. VALENTINE. If I thought this bill would accomplish that purpose, and that it would not in any way change for the worse the system we have of carrying the mails, I would be glad to assist in carrying it through; but as I am now advised it will not have that effect.

A MEMBER. And it will increase the cost.

Mr. VALENTINE. I do not care whether it increases the cost or not, as I believe the people of the United States, whether they live in the prairies or in the cities, should have all the mail facilities this Congress can furnish them with. If I were sure it could increase the efficiency of the service I would vote for it, but I am unwilling to deprive the people of the West of any postal facilities they now possess.

Mr. HORR. I would like to know to what extent the gentleman assumes that this would increase the cost of the public service.

Mr. MONEY. I will allude to that in the course of my remarks.

Mr. VALENTINE. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I doubt very much whether this bill should be passed, if passed at all, with only fifteen minutes' debate on each side. To me it is a very important bill; that was my impression on hearing it read for the first time from the desk; and it is a bill that should not, in my judgment, pass without sufficient information as to exactly what it does. It is impossible in the short time allowed for its consideration to judge properly of its effects. I do not believe it is possible for anybody to form an intelligent opinion unless he be on the committee which presented it. There is not time for the House to understand it in the limit of the half hour allowed for discussion.

Now, I grant you one thing, that in the past great outrages have been committed in this branch of the service.

Mr. TILLMAN. And they are committed now, I will say, if the gentleman is not aware of the fact.

Mr. CANNON. The gentleman says they are committed now; but to a great extent the cure for these outrages is in the administration of the Department. We have seen within the last few years this service established upon over 10,000 routes, and by correct administration cut down from an actual expenditure of about $8,000,000 to a little over $5,000,000 per annum; and while I think it might be well enough to require these star-route bidders to provide not only proper sureties, but the approval of their bonds in the State, or the section, if you please, where the route is to be let, yet I am inclined to think that if you require them in every case on each one of these 10,000 routes throughout the country to comply with such a requirement, and demand that a postmaster on each particular route shall approve the bonds, you destroy competition and necessarily double up the cost of the service to the Government.

Now, sir, I do not want to legislate for the benefit of any contractor or contractors, but in seeking to break upone ring I am opposed to doing it in such a manner as to incur the possibility of creating a dozen others. Therefore I would be glad if the gentleman in charge of this proposition would amend his motion so as to set the bill down for consideration some evening when it can be considered in the House and fully discussed, intelligently discussed, and understood by the House before we are called upon to vote on it. In its present shape I can not vote for it, although I would be glad to do so when I understand its provisions, if it commends itself to my judgment, when I have had that opportunity.

Mr. VALENTINE. I reserve the remainder of my time.

Mr. MONEY. I believe I have the right to close this discussion, and will reserve my time.

Mr. VALENTINE. Then we had better come to a vote at once.

I would like to say to the gentleman that I think it is but fair that he should give some reason for the passage of this bill before objection is asked against it. It may be that he can sufficiently explain the clause to which I object. I have no desire to consume any of the time of the House unnecessarily, nor have I any desire in this matter except to increase the efficiency of this branch of the service. In my present view of the case I think it would be a public injury to my people and would eventually break down the service in that State to adopt this bill.

Mr. MONEY. I am perfectly willing if the gentleman wants information to give it.

Mr. VALENTINE. I should be very glad to hear from the gentleman before proceeding myself.

Mr. MONEY. This bill was prepared at the Post-Office Department, and they are presumed to know the wants of the service. They are not presumed to be willing to strike down the service in any of its branches. This has had the careful consideration and comes here with the unanimous approval of the Post-Office Committee.

I say to my friend from Nebraska that it is a measure which would not impair the efficiency of the service, but on the contrary it will promote it. The only object that it has in view is to promote the efficiency of the service, and to strike down this speculative bidding under which great frauds have arisen and flourished in the past.

Mr. CANNON. Does not my friend think that it would materially increase the cost of the service?

Mr. MONEY. I do think so. I desire to deal perfectly fairly, openly, and frankly with the House. My own impression is that it will increase the cost. There is, however, a conflict of opinion in the Department upon the subject; but the committee believe that it will increase the cost perhaps as much as 5 per cent.

Mr. VALENTINE. And do a good deal more than that percentage of injury to it.

Mr. MONEY. But on the other hand the committee believe that it will best promote the efficiency of the service and its interests, as well as the honesty of the administration of the service. We propose to take away the temptation to defraud the Government and the opportunity for doing so. We propose while giving every needed star-route facility to every community in all parts of the country to throw every possible safeguard around it to secure its honest administration.

Why, sir, the practice that prevails here is one that I am satisfied a little reflection will induce any man to admit ought to be broken up. Take a thousand routes in any portion of this Union, and if the bidder on those routes can secure the approval of the postmaster in some little village like Falls Church, or Rockville, or any other place in the neighborhood of Washington, on the bonds, if one man comes in and swears he is worth $10,000 he is approved by the postmaster, and he becomes the surety on bids involving one hundred thousand or a million of dollars.

The whole object of this bill is to promote the efficiency of the service; and I grant the gentleman, if he desires it, it will be at an increased cost. But if it is, it brings a benefit to the people more than commensurate with that increase of cost.

Mr. HORR. I wish to ask the gentleman: Do they not now have to deposit a check?

Mr. MONEY. They do have to deposit a check, and that is one of the things which prevent the people in the rural districts from bidding. The people who know every inch of the country, the character of the routes, the cost of forage, the value of labor, of horses, &c., want to bid; but they have not got a national bank convenient to them; they have not the money in their pockets to get checks here to compete with the gentlemen who have millions of dollars and can get their checks without inconvenience to themselves.

Mr. BAYNE. I wish to ask the gentleman from Mississippi a question. Does this bill preclude the doubling up of contractors in support of each other?

Mr. MONEY. I do not quite understand the gentleman.

Mr. BAYNE. Does it shut out mail contractors from supporting each other and intermingling their bids?

Mr. MONEY. It prevents the ring bidding so far as it is possible for that to be done. It is designed to put the service in the hands of the people who are on the routes, who understand the service and are willing to give good service.

The result of the present system is that a great many of these routes are taken every year and sublet at a loss; but on the average the contractors make their profits. But when the routes are taken at a loss it means inefficient and poor service; it means a derangement of the whole service; it means a delay in the Sixth Auditor's Office in the settlement of the accounts; it means deductions and subsequent releases on that account. This not only simplifies but it vastly increases the efficiency of the service; and it does so, as I admit, at a slight increase of cost.

Mr. KEIFER. Will the gentleman allow me to ask, in the spirit of getting to understand the bill in the short time we have for its consideration——

Mr. MONEY. I am sorry we have not more.

Mr. KEIFER. I sympathize with the gentleman as to that, and want to know if this bill—for I had not an opportunity of listening to its being read—will prevent a contractor from taking contracts on these star routes at various places over the country and subletting them to other parties.

Mr. MONEY. It will not prevent any man in the United States from bidding on any route, but compels him to bring his sureties from that route.

Mr. KEIFER. Does it forbid subletting to the local parties?

Mr. ROGERS, of Arkansas. Under $700 it does.

Mr. MONEY. Under $700 they can not sublet at all.

Mr. KEIFER. And if they bid for a contract and it is awarded, they must by their own teams and transportation carry it themselves?

Mr. MONEY. Yes, sir. I should be glad to speak for an hour in explanation and advocacy of this measure, but I promised to yield to my colleague on the committee, the gentleman from New York [Mr. SKINNER], for two minutes.

Mr. SKINNER, of New York. I desire to indorse every word which the chairman of the Committee on the Post-Office and Post-Roads has said in support of this bill. I think the objection made to it by the gentleman from Nebraska [Mr. VALENTINE] is not good, because I believe it is true that the character of the sureties can be better known within the bounds of one State than the character of sureties throughout the Union can be known at the Department.

My reasons for supporting this bill are that it gives infinitely a better service, and what is the best is the cheapest. It should be passed for another reason: it makes impossible the disgraceful frauds which have disgraced the present plan. It opens the service to parties nearer by, where the service is to be performed, and where it can best be judged. It is recommended by the best judgment of the officers of the Department, who, it seems to me, are the best judges of what the service needs. It has received the patient and careful attention of the Committee on the Post-Office and Post-Roads in connection with the authorities of the Post-Office Department; and I believe it will be to the credit of this Congress to put this good legislation upon the statute-book.

Mr. MONEY. I yield two minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I am heartily in favor of this legislation for three among other reasons:

First. I believe that the contracts for carrying the mails of the United States should be given to those men who live near the routes, who are acquainted with the wants of the localities, and who will give their personal attention to the business. I do not believe that the giving of contracts to professional bidders living hundreds of miles distant from the point where the service is to be performed does result in benefit to the service.

Secondly. I know, from experience in my own district, that the correction of irregularities in the carrying of the mails, where the letting has been given to a professional bidder, is always delayed because of the distance that the contractor lives from the locality interested.

Thirdly. I believe that the contractors who carry the mails themselves should not be permitted to sublet to other parties, because when professional contractors sublet to other parties they always desire to make a profit, and in doing that necessarily secure the service of men who have inadequate equipments for the purpose, and who therefore always, or usually, provide inefficient service.

I think, therefore, that this bill is in the interest of a true economy and an improved and more efficient service, and I am heartily in favor of it.

Mr. MONEY. I reserve the balance of my time.

Mr. VALENTINE. Mr. Speaker, how much time is there remaining?

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. VALENTINE] has six minutes remaining.

Mr. VALENTINE. Mr. Speaker, I can agree with almost everything that has been said by the gentlemen who advocate this bill except that it is a good measure. [Laughter.] I would like to see a law enacted to carry out just what they desire, but I do not believe that this bill would have that effect. I ask any of these gentlemen to look at any route in his own State at least fifty miles in length and he will find that the contractor is not required to live in the State; he may live in Washington. All that is required is that the bonds of the sureties shall be approved by a postmaster who lives contiguous to the route. Now, if any gentleman in whose district there are star routes will just

think for a moment I am satisfied that he will agree with me that in every case of a route there or in any other part of the country the bidders in Washington can carry their bonds out there to some postmaster along the route and get them approved. The fact is, this legislation only gives more power to the men that you are trying to strike down and makes the case worse than it is at present, and I wish to say to the House that if this legislation be adopted the increase in the cost of the star-route service will be not 5 per cent. but 50 per cent. That is my prediction, and when you are called upon two years hence to vote an appropriation for the star-route service remember what I have said about it here to-day, that instead of the cost being increased 5 per cent. it will be increased probably 50 per cent.

Mr. HORR. Oh, no.

Mr. PAYSON. Why do you say that?

Mr. VALENTINE. I believe it.

Mr. PAYSON. Why?

Mr. VALENTINE. Because the legislation will force out the best men from the service and give it to people who will charge more than they do now.

Mr. JONES, of Texas. How can it cost 50 per cent. more? If you will read further you will see that the Postmaster-General may reject any bid if he thinks it unreasonable and can readvertise the route.

Mr. VALENTINE. I will say to my friend from Texas that a short time ago it came under my observation that a gentleman living in his State, and for aught I know in his district, bid upon a star route in that State, and he being the lowest bidder, the contract was awarded to him; but when he came to put on his service he found that he could not carry the mails for the amount of his bid, so the route was left without service, the next bidder upon the list refusing to take it, and the Department had to do as you say they can do under this bill—readvertise. They did readvertise that service, and it stands readvertised to-day; and the mail is most irregularly carried. That is the condition of affairs in my friend's State, and it is in my own State, and all over the West. Now if you enact this law you will find that it will strike down the best service in all the sparsely settled portions of the country, besides increasing the cost of the whole star-route service. Under a correct administration (if that is the proper phrase) of the affairs of the office of the Second Assistant Postmaster-General the appropriations for this star-route service have been reduced from a little over $8,000,000 to a little over $5,000,000; but if you pass this law, remember what I say now, that instead of five millions, your appropriations for this purpose two years from now will be at least seven millions and a half.

Mr. JONES, of Texas. My friend, let me correct you. It is the opinion of the Post-Office Department that if the subcontractors could get the pay that the contractors now get from the Government there would be no such failures as there are at present.

Mr. VALENTINE. That is often so. I have myself spoken here more than once upon the subject of diamond-pin gentlemen who live in this city and defraud our people in the West, and I am most anxious to have legislation which will put an end to that evil.

Mr. SKINNER, of New York. This bill will help to do it.

Mr. VALENTINE. I am sure that this bill, if it shall become a law, will not only fail to accomplish that result, but will strike down the most valuable and efficient portion of the service in my State and in all that part of the country.

[Here the hammer fell.]

Mr. MONEY. I now yield three minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I regret that there is not more time for the discussion of this bill, although its provisions are simple and easily understood. In my own section, which, I take it, illustrates the condition of things in many other sections of the country if not in the entire region where the star-route service prevails, there is an abandonment of the service in various routes. The contractor sublets to this or that person at a rate which turns out to be unremunerative, and the subcontractor abandons the route. Then comes a complaint, and then a letter to the contractor, and the service is put on again until another man experiments with it and abandons it in the same way. That is quite a common result in the star-route service in my own section of the country, and the gentleman from South Carolina [Mr. TILLMAN] says it is the same in his State, and my information from other gentlemen representing districts in which this star-route service exists is to the same general effect.

Now, sir, I have come to the conclusion that the parties here in Washington whose entire time is devoted to this star-route mail business conduct it in this way: They get together and take a block of, say, five hundred contracts; they know nothing about the routes, but they bid upon them at a certain rate, with the idea that, on the whole, in the final summing up, they will make a profit, and I presume they generally do. The result is, that where the route is remunerative the contractor sublets it to some one at a rate at which, perhaps, the service can be performed at a profit; but on another route, where the contract does not pay, it is sublet perhaps to some ignorant person, who undertakes to do the work and fails, so that the result is the embarrassment to which I have referred.

Now, where these routes have practically been let too low, as every person acquainted with the facts knows—have been let at rates for which the service can not be properly performed—can there be objection to increasing the cost of the service in the reasonable way now proposed?

My attention has been called to these very difficulties by the Post-Office Department, which has had a great deal of trouble in this way, the time of its employés being constantly taken up in efforts to enforce the service. After long consideration officers of that Department have informed me that the only way which has occurred to them of meeting the difficulty is by such a provision as is contained in this bill, requiring the sureties to be approved by the postmaster at a post-office upon or contiguous to the route to which the proposals relate.

[Here the hammer fell.]

The SPEAKER *pro tempore*. One minute remains of the time in opposition to the bill and two minutes of the time in its favor. [A pause.] No gentleman rises to claim the time in opposition.

Mr. MONEY. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Mississippi is recognized to speak in favor of the bill for two minutes.

Mr. MONEY. Mr. Speaker, I desire to correct the apprehension entertained by my friend from Nebraska [Mr. VALENTINE] that this bill, if passed, may in its operation break up some of the star routes. I beg to assure him it is impossible that under this bill or any other the star service should be stopped on a single route. The only question is whether we shall make that service more efficient. Under this bill it certainly will be made more efficient, more honest, more satisfactory to the people and to the Department; and while I admit that the cost may be about 5 per cent. additional for a year or two, yet in a very short time, before the next regular contracts are let, the whole thing will in my opinion correct itself, and the service will be as cheap as it ever was.

What we desire most of all is to have a good service, a service with which the people will be satisfied. There are now pending in various parts of the country lawsuits brought by subcontractors who have not been paid. Great "rings" are systematically organized to contract for this service throughout the whole country; and it is frequently the case—I will not say how often—that upon the last quarter these contractors entirely fail to pay their subcontractors.

In my opinion there has not been presented to this House for a long time a measure better calculated to correct abuses in the public service and promote its efficiency than that which I now ask the House to pass.

The SPEAKER *pro tempore*. The time allowed for debate on this motion has expired.

The question being taken on the motion of Mr. MONEY to suspend the rules and pass the bill, it was determined in the affirmative—two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 8130) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. PLUMB, and Mr. RANSOM.

The message also announced that the Senate had concurred in the amendments of the House to bills of the following titles:

A bill (S. 1571) granting a pension to James McCallen; and

A bill (S. 2549) granting a pension to Isabella Higgins.

BUSINESS OF COMMITTEE ON INDIAN AFFAIRS.

The SPEAKER *pro tempore*. The next committee entitled to recognition under this call is the Committee on Indian Affairs.

Mr. WELLBORN. By direction of the Committee on Indian Affairs, I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That on Tuesday, the 24th instant, the House take a recess at 6 p. m. until 8 p. m.; the evening session of said day to be devoted to such business as the Committee on Indian Affairs may designate; this order not to interfere with revenue or general appropriation bills.

Mr. HOLMAN. I ask that the resolution be modified by adding "or bills affecting the public lands."

The SPEAKER *pro tempore*. That modification can be made by unanimous consent. The Chair hears no objection.

The question having been taken on the motion of Mr. WELLBORN,

The SPEAKER *pro tempore* said: On this question the ayes are 69, the noes 36. Two-thirds not having voted in the affirmative, the resolution is not agreed to. The next committee under this call is the Committee on Territories.

Mr. PERKINS. If it is not too late, I desire to call for tellers upon agreeing to the resolution in regard to business of the Committee on Indian Affairs.

The SPEAKER *pro tempore*. The Chair thinks it is too late, another committee having been called.

Mr. PERKINS. I ask unanimous consent that the vote be taken by tellers on that question.

Several members objected.

The SPEAKER *pro tempore*. Objection is made. If the Committee on Territories has no business to present, the next committee on this call is the Committee on Railways and Canals.

Mr. DAVIDSON. I was instructed by the Committee on Railways and Canals to submit a proposition for an evening session for the consideration of bills reported from our committee; but the fate of similar resolutions from other committees has satisfied me that it would be useless for me to do so; and therefore I will not unnecessarily consume the time of the House.

ARMY MEDICAL MUSEUM BUILDING.

Mr. STOCKSLAGER. I move to suspend the rules and pass the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army, with the amendments reported from the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, &c., That a brick and metal fire-proof building, to be used for the safe-keeping of the records, library, and museum of the Surgeon-General's Office of the United States Army, is hereby authorized to be constructed upon the Government reservation in the city of Washington, in the vicinity of the National Museum and the Smithsonian Institution, on a site to be selected by a commission composed of the architect of the Capitol, the secretary of the Smithsonian Institution, and the officer in charge of the State, War, and Navy Department building, and in accordance with plans and specifications submitted by the Surgeon-General of the Army and approved by said commission, the cost of the building, when completed, not to exceed the sum of $200,000; the building to be erected and the money expended under the direction and superintendence of the officer in charge of the State, War, and Navy Department building.

The amendments of the committee were read, as follows:

In section 1, line 9, after the word "the," insert the words "Secretary of War, the;" and in line 10, after the word "Capitol," insert the word "and;" also, in lines 11 and 12, strike out the words "and the officer in charge of the State, War, and Navy Department building;" also, in lines 18 and 19, strike out "officer in charge of the State, War, and Navy Department building" and insert "Secretary of War."

Also insert the following new section:

SEC. 2. That the sum of $200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the commencement and completion of said building.

Several MEMBERS. Read the report.

The report was read, as follows:

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army, submit the following report:

The building now used by the Medical Department for a library and museum, situated on Tenth street, between E and F streets northwest, is not only too small to contain the records of the library and museum, but is unsubstantial and exposed to destruction by fire. The records are very valuable, and if destroyed many of them could not be replaced.

The late Surg. Gen. J. K. Barnes, in a letter to the Secretary of War, December 7, 1881, made the following statement:

"It is difficult to form an estimate of the value of the Government property collected in this building. The money value of the portion of it which could be replaced by money can not be less than $250,000; but much of it could never be replaced, either by time or money. Thus, there are filed in the record and pension divisions over 16,000 bound volumes of hospital records, together with a great quantity of papers embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value these records are daily searched for evidence needed in the settlement of large numbers of pension and other claims, to the protection of the Government against attempted frauds as well as to the advantage of honest claimants; should they unfortunately be destroyed, these records could not be replaced.

"The collections of books and specimens constituting the Army Medical Museum and Library are also of national importance. The library now contains about 51,500 volumes and 87,000 pamphlets relating to medicine, surgery, and allied topics. A considerable part of them were gifts or were obtained by exchange, or purchased in Europe under peculiarly favorable circumstances; so that if destroyed this collection could not probably be replaced except at a great advance on its actual cost. The collections of the Army Medical Museum consist of 22,000 specimens, and are unique in the completeness with which both military surgery and the diseases of armies are illustrated. Their destruction would be an irreparable loss, not only to the United States, but to the world."

The collections of books and specimens, which has been largely increased since the above was written, is of great interest to the members of the medical profession, and medical societies from nearly every State in the Union have called the attention of Congress, by petitions and memorials, to the necessity of providing a building where these records would be secure.

In view of these facts, your committee recommend the adoption of the accompanying bill as amended.

Mr. THOMPSON, of Kentucky. I ask for a second on the motion to suspend the rules.

Mr. STOCKSLAGER. I ask that by unanimous consent the second be considered as having been ordered.

Mr. HEWITT, of Alabama. The time of the reading of the report ought to be taken out of the half hour allowed for debate.

The SPEAKER *pro tempore*. Four minutes were occupied by the reading of the report, which will be taken out of the time allowed in advocacy of the bill.

Mr. STOCKSLAGER. I did not call for the reading of the report.

The SPEAKER *pro tempore*. The Chair thought it was called for by the gentleman from Indiana.

Mr. STOCKSLAGER. No; the report was read at the request of other gentlemen upon the floor. I did not care anything about it.

The SPEAKER *pro tempore*. The gentleman from Indiana is recognized and will proceed.

Mr. THOMPSON, of Kentucky. What has become of the question of seconding the motion to suspend the rules?

The SPEAKER *pro tempore*. Does the gentleman object to the second being ordered by unanimous consent?

Mr. REAGAN. I do.

The SPEAKER *pro tempore*. The Chair appoints Mr. STOCKSLAGER and Mr. THOMPSON as tellers.

The question is on seconding the motion to suspend the rules.

The House divided; and there were—ayes 127, noes 17.

Mr. BLAND. No quorum. I move that the House do now adjourn.

The House divided; and there were—ayes 31, noes 115.

So the House refused to adjourn.

Mr. SPRINGER. I hope the point will be withdrawn about a quorum not having voted, so we may get through with this measure and take up another.

The SPEAKER *pro tempore*. Does the gentleman from Missouri insist on his point of no quorum?

Mr. BLAND. I withdraw it.

The SPEAKER *pro tempore*. So there is a second of the motion to suspend the rules. Does the gentleman from Indiana wish to be heard?

Mr. STOCKSLAGER. Not unless some one wishes to say something on the other side.

Mr. THOMPSON, of Kentucky. I do.

Mr. STOCKSLAGER. I would gladly answer any question which may be propounded to me.

Mr. THOMPSON. Then I wish to ask the gentleman why this has been separated from the general library bill, and why it is they seek to put up a separate building for a library relating to the Medical Museum? Why is it that the volumes he speaks of can not be taken care of in that general library bill now pending before Congress? Are we to establish a separate library for each Department of the Government, or are we to establish one general library in which all these books can be taken care of?

Mr. STOCKSLAGER. It will be a sufficient answer to my friend, so far as I am concerned as chairman of the Committee on Public Buildings and Grounds, to say that the general library bill comes from a different committee, and we have nothing to do with it. And as an additional answer, I would say that there is no such similarity between this museum of anatomical and other specimens and this library as would make it proper to put it in either of the plans suggested by my friend.

Mr. SPRINGER. This concerns the pension records.

Mr. HOLMAN. There is no connection whatever between the two.

Mr. STOCKSLAGER. A large part of these are hospital records—the records of hospitals during the war—some 20,000 volumes.

Mr. SPRINGER. In manuscript.

Mr. STOCKSLAGER. Yes, sir; in manuscript. Then there is a medical museum the most complete in the world, the result of a great war, and which is now kept in the old Ford theatre building, a building totally inadequate to its safe-keeping, a mere tinder-box, surrounded by wooden buildings and liable to be destroyed by fire at any time.

I visited it a short time ago in company with the Surgeon-General, and found the building in an absolutely dangerous condition. The building was originally put up under contract in ninety days, and was very badly constructed. The east wall is more than twelve inches out of plumb. The southwest corner of the building has given away until there is a great crack in the wall, and the officers in charge have been prohibited from putting heavy articles in the upper story for fear of pressing out the west wall. It is indeed in a tumble-down condition.

Mr. THOMPSON. Are not the hospital records which the gentleman speaks of a part of the pension files, and can they not be cared for in the new pension building?

Mr. STOCKSLAGER. I suppose that could be done if the office of the Surgeon-General of the Army were under the Pension Bureau and there was room for them, but instead of that he is an officer of the Army and attached to the War Department.

Mr. HUNT. This surgical and medical museum and the vast collection of medical and surgical books are very precious to science in this country.

Mr. STOCKSLAGER. They are of the greatest value, and if lost could not be replaced. Surgeon-General Barnes, referring to their value, says:

It is difficult to form an estimate of the value of the Government property collected in this building. The money value of the portion of it which could be replaced by money can not be less than $250,000; but much of it could never be replaced, either by time or money. Thus, there are filed in the record and pension division over 16,000 bound volumes of hospital records, together with a great quantity of papers embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value these records are daily searched for evidence needed in the settlement of large numbers of pension and other claims, to the protection of the Government against attempted frauds as well as to the advantage of honest claimants; should they unfortunately be destroyed, these records could not be replaced.

The same might be said of the specimens, which are the result of a great war, such as we all hope we may never again have.

Mr. WARNER, of Ohio. May I ask the gentleman a question?

Mr. STOCKSLAGER. Certainly.

Mr. WARNER, of Ohio. I understand that this building is not only for the storage of the records of this medical museum, but also for the museum itself, its anatomical specimens, books, instruments, &c.?

Mr. STOCKSLAGER. Yes, sir; all of them. There is in the present building a vast collection of anatomical and other specimens, and they are of immense value and importance. There are petitions from the medical profession all over the country petitioning Congress to preserve these records and specimens. They come from every State and important city in the Union. I have before me a list of them, which I will ask permission to print with my remarks in the RECORD.

ARMY MEDICAL MUSEUM.

Petitions for passage of bill from—

Alabama: State Medical Association, 192.
Illinois: Physicians and surgeons of Chicago, 307.
Indiana: Physicians of Indianapolis, 664.
Maryland: Physicians and surgeons of, 410.
Massachusetts: Physicians of Boston, 633.
New Hampshire: Central Medical Society, 1151; Centre District Medical Society, 22.
New Jersey: Citizens of, 1322; Hudson County Medical Society, 307; physicians and surgeons of, 307; physicians and surgeons of, 1472.
New York: Kings County Medical Society, 1068; physicians and surgeons of, 34.
Pennsylvania: Northampton County Medical Society, 22; Chester County Medical Society, 411; Philadelphia County Medical Society, 905; physicians and surgeons of, 23; physicians and surgeons of, 1471.
South Carolina: Charleston Medical College, 488.
Rhode Island: Citizens of, 1648.
Virginia: Citizens of, 69; citizens of, 162.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, a committee appointed by the American Medical Association for that purpose, respectfully invite the attention of your honorable bodies to the urgent need of prompt action to secure the preservation and full benefits of the Army Medical Museum and Library at Washington.

These collections, already the largest and most valuable of their kind in the world, are of the greatest importance, not only to the physicians of this country, but to all whose welfare and lives depend upon medical skill; and hence, what we ask is emphatically for the general good. The medical profession of this country for whom we speak desire the following:

I. That the necessary authority, with a sufficient appropriation for the purpose, be at once granted by Congress for the erection of a fire-proof building of ample dimensions to contain the present museum and library and to permit of their large increase.

II. That the library and museum be kept together under the present excellent management.

III. That the annual appropriation for the library be increased to $10,000, in order that the physicians of the country may be sure of finding in it every new medical work, in every language, as soon as it appears.

IV. That independent of this appropriation for the library, not less than $5,000 per annum be granted for the care and improvement of the museum.

V. That the necessary authority be given for the completion of the index catalogue of the library, a part of which has been already published, and that the Public Printer be authorized and directed to print a sufficient number of copies of all or any volumes of this work needed to supply the wants of those who desire to purchase.

We append to this memorial copies of the action of the American Medical Association on this matter, with other documents, setting forth in detail the reasons for this request.

All of which is respectfully submitted.

AUSTIN FLINT, M. D.,
Of New York, N. Y.,
President of the American Medical Association, Chairman.
S. D. GROSS, M. D., LL. D.,
Of Philadelphia, Pa.
D. W. YANDELL, M. D.,
of Louisville, Ky.
T. G. RICHARDSON, M. D.,
Of New Orleans, La.
H. F. CAMPBELL, M. D.,
Of Augusta, Ga.

The erection of this building is recommended by the President of the United States in his message.

I desire also to lay before the House a letter from Dr. Murray, the present Surgeon-General, which is as follows:

WASHINGTON, D. C., *December* 28, 1883.

MY DEAR SIR: I have the honor to forward to you, as chairman of the House Committee on Public Buildings and Grounds, the inclosed printed document relative to a proposed new fire-proof building for the Army Medical Museum and Library of the Surgeon-General's Office.

The imperative need of such a building is thoroughly set forth in the pamphlet which I respectfully ask that you will read and give the subject your personal care and attention, believing that you will be convinced of the pressing necessity of placing in security these collections, probably the most valuable of the kind in the world.

I may also state that the proposed building will furnish room for the accommodation of the records and clerks of the pension division of the office and will thereby relieve the Government of considerable expense for rental.

It will afford me much pleasure to give you any additional information you may require on the subject which may be in my power.

I am, very respectfully, your obedient servant,

R. MURRAY,
Surgeon-General United States Army.

Hon. S. M. STOCKSLAGER,
House of Representatives.

Mr. VAN ALSTYNE. And is petitioned for by resolutions passed by the medical colleges, State associations, and county societies throughout the country.

Mr. HOPKINS. Will my colleague on the committee allow me a moment to have read in this connection a short extract from an eminent British authority as to the importance and value of this collection?

Mr. STOCKSLAGER. I have no objection.

The SPEAKER *pro tempore*. In whose time is it to be read?

Mr. HEWITT, of Alabama. It must be in the time of the gentleman from Kentucky, I presume, as he still holds the floor.

Mr. STOCKSLAGER. How much time is there remaining?

The SPEAKER *pro tempore*. Eleven minutes on either side.

Mr. THOMPSON. That is fully as much as I expect to use, I will say to the Speaker.

The SPEAKER *pro tempore*. The Clerk will read the extract to which the gentleman refers.

The Clerk read as follows:

I do not think that any other point to which I might call attention would justify me in repeating an account of details which would present but slight variation; and the only other incident of which I may speak was my visit to Washington, where I had the privilege, with the help of the Surgeon-General of the United States Army, of seing *one of the most wonderful medical institutions in the world*. Of course I allude to that immense library, formed but always forming, at Washington, and one of the results of which comes before us in that colossal catalogue, which is one of the best proofs of the advancing civilization of the great Republic. You are all familiar enough with the Index Medicus, the work of Dr. Billings and his assistants, and any one familiar with the business of cataloguing must know what labor that represents; but if you could see the library itself, your impressions of the undertaking would be immensely increased. The building in which it is situated is the old theatre, hallowed by the occurrence in it of one of the most dramatic incidents of modern times—the assassination of Abraham Lincoln. [From American Notes, by Lawson Tait, F. R. C. S., chairman of the clinical section, read before the Birmingham Medical Society, October 31, 1880.]

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kentucky to have this read in his time.

Mr. HOPKINS. In the time of the gentleman from Indiana.

Mr. THOMPSON. If I understand correctly the gentleman from Indiana yielded to his colleague to have it read, and it must be taken out of his time.

The SPEAKER *pro tempore*. But the Chair had recognized the gentleman from Kentucky, who is on the floor.

Mr. STOCKSLAGER. I have no objection to its coming out of my time.

The SPEAKER *pro tempore*. It will then be deducted from the time of the gentleman from Indiana.

Mr. STOCKSLAGER. May I ask the Chair how much time I have remaining?

The SPEAKER *pro tempore*. The gentleman has eight minutes of his time remaining.

Mr. STOCKSLAGER. I will reserve that.

Mr. THOMPSON. I yield now five minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I confess I have the gravest doubts as to the propriety of this project. I think it will end in a national library of medicine, a national collection of medical specimens, and finally in a national college of medicine here at the capital. It seems to me that if we are to do this we may just as well enter upon any other and all other branches of science, and erect buildings for them, and establish libraries and gather specimens for them as national matters.

Now we have the finest medical colleges in our States perhaps in the world. There is one at Philadelphia, near where the Declaration of Independence was made and promulgated, and I have no doubt they will be glad to take and preserve all these specimens where they will be open to the inspection of medical scientists and students for all time to come. Our own library which we are to build up I trust at no remote day, our national Library, would be made all the richer by providing proper space in which these books may be placed. That disposition of them will save to the nation not only this $200,000, but will prevent establishing a precedent the end of which I do not think any man can foresee.

It will do more than that, sir; this library and museum will end at last in a staff of officers to take care of it and at the national expense, and an annual appropriation will be demanded to support and continue it forever. I am one of those who believe the whole subject of education, except as to the local education of the people of this District, belongs to and will be best guarded, forwarded, and perfected to its great end by the States through their rivalry and competition in the pursuit of knowledge and science; but I do not see that the General Government should enter upon that field. I do not believe that we are to gain by preserving the relics and bones or wounds caused by the war at any one place in our capital. I wish they were all buried and covered all over with green grass and hidden from sight forever.

Mr. THOMPSON. I yield five minutes to the gentleman from New York [Mr. NUTTING].

The SPEAKER *pro tempore*. That will leave the gentleman from Kentucky just one minute. The gentleman has now six minutes of his time remaining.

Mr. THOMPSON. Then I will yield the gentleman half of that time, or three minutes.

Mr. NUTTING. I desire to say I am not favorable to the passage of this bill under the circumstances. This Congress, through one of the committees of the House, and through the Senate, the co-ordinate branch of Congress, is asked to pass a bill which would erect a library building that would be all that is necessary for the books that are now sought

to be preserved by the building contemplated in this bill. One-fifteenth of the money sought to erect the library building by the bill now on our Calendar is asked to be appropriated for this building.

If you are going to appropriate money for libraries all over the city for each separate class, you are commencing, in my opinion, at the wrong end. If you will erect the library building, for which a bill has passed through the Senate, it will give capacity for all of the books now sought to be preserved. If there is any danger from conflagration as far as the specimens now preserved in alcohol are concerned, that is an argument against the building you propose to erect.

The building which is sought to be erected by the bill which has passed the Senate for a library will be sufficient for all the books in this library and will be for the next fifty years.

We have a Library of Congress which now contains more than 500,000 volumes and is of immense value. Although only $3,000,000 are asked for the building for that library, it has been impossible for us to get up the bill in this House or to get consideration for it. If you want to erect a building for each separate individual library or each separate individual subject, then you will never erect such a library building as this Government ought to erect. The Library which the United States has under this roof at this time is in danger of being destroyed at any time. It is a shame and disgrace to this Government that it should have such a mass of books of such value and of such a representative character as far as the Government is concerned and yet do nothing toward their preservation.

I say if this bill is passed it is a direct blow at a library building such as this Government ought to build. If you authorize the construction of this building for the purposes of this act, then in a little time you will have another little library seeking to be accommodated with a separate building somewhere else, and so on, till you have separate buildings for a number of little libraries, whereas you ought to have one grand building, which should contain all the books of the Government, and should be a representative building that would be an object of pride to our whole nation.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. THOMPSON] has three minutes of his time remaining.

Mr. THOMPSON. The only reason I have for opposing this bill grows out of the fact that I see no necessity for it, and that I have heard no sufficient reason assigned for it by any of the gentlemen who advocate this measure.

The only reason given us for putting up this building is that there are belonging to the Surgeon-General's Department 52,000 volumes of important records, hospital records, &c. Now, these records, if they belong to the Surgeon-General's Office, do not properly belong to any library, but constitute part of the records of the War Department, of which the Surgeon-General's Office is merely one branch. And we are not told, nor has any gentleman undertaken to say, that the new War, State, and Navy Department building, when completed, will not furnish ample resources for the accommodation of the records we have.

Mr. STOCKSLAGER. With the gentleman's permission I will state——

Mr. THOMPSON. I have but three minutes, and have not time to yield.

Furthermore, we have now in process of construction in this city what is known as the new Pension building, which covers acres of ground; and we are not told why these records which relate indirectly to the Pension Office can not be well taken care of in that enormous building which we are now constructing.

As far as the Medical Museum is concerned, I think we have ample means of accommodating everything which relates to that museum in the Smithsonian Institution.

We have further pending before this House a bill which has passed the Senate to construct a library building which will hold all the books the Government has. It seems to me one building is enough. We should deal with this matter not in detail for each separate Department of the Government, but we should deal with it as a single question, and construct one building sufficient to hold all the libraries and museums we need. Therefore I am opposed to the expenditure of this sum of money, because I believe it absolutely unnecessary.

The SPEAKER *pro tempore*. The time allowed in opposition to the bill has expired.

Mr. STOCKSLAGER. I yield two minutes to the gentleman from Massachusetts [Mr. LYMAN].

Mr. LYMAN. Medicine and surgery have done something to cure disease and to lengthen human life. They have done more to lessen suffering. They have done most of all to prevent disease. Most of the progress in these arts has been made during the last half century, and the next fifty years promise a great advance. All over the civilized world there are great establishments where men of talent devote their lives to the study of disease. These men have grappled with the general plagues that decimate our race—consumption, small-pox, diphtheria, cholera, and the typhoid, scarlet, and yellow fevers. They seek to know their intimate nature and to provide prevention and cure. There is no subject more baffling, and yet it is yielding to study. Already they have rendered it highly probable that these plagues are caused by the fertilization of microscopic germs within the body; so that these diseases are a death-struggle between man and a parasitic fungus. But already we discern a hope that these germs may be used for inoculation and may protect us from such diseases, just as vaccination protects against small-pox.

These profound studies, so essential to the welfare of our people, are carried on under the fostering care of our National Medical Museum, whose library, now the first in the world, and whose not less admirable collection of military pathology are placed at the disposal of all investigators. If our Fish Commission, Signal Service, and our national surveys are worth preserving, then has the Medical Museum a double claim on our fostering care.

Mr. STOCKSLAGER. I now yield to my colleague, the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, it seems to me proper that this building should be erected. I think the purpose in view in erecting this building has no connection whatever with the public Library. It seems to me that the collection made by the Medical Corps of the Army is a valuable one and worthy of special consideration. I am so assured by gentlemen who are familiar with the subject, and I think that this collection ought to be preserved. The building that it is in now is said not to be safe. We are assured that the collection is exposed to peril of destruction by fire. It is known that when the State, War, and Navy Department building is completed the entire space will be required by other branches of the service. We are assured that it will be impossible to set apart in that building any space for the Medical Museum. A new building seems indispensable; therefore it seems to me that under all the circumstances it is better that a building of sufficient dimensions, safe from fire, should be erected for the preservation of this valuable collection. I have entertained that view during the present session; I had, indeed, reached this conclusion during the last session.

I am not inclined to favor the appropriation of unreasonable or extravagant sums of money for the erection of public buildings, and I have been influenced in favor of this measure not only by the apparent necessity for it and the generally expressed wish of the medical fraternity throughout the entire country that this collection be secured against peril, but also by the fact that the amount proposed to be expended and the manner of its expenditure indicate that the object is to secure a proper and useful building for a necessary and important public purpose, and not the mere expenditure of public money for purposes of expenditure and embellishment without reference to public interest or necessity. For these reasons, sir, I cheerfully support this measure and hope the bill will pass.

[Here the hammer fell.]

Mr. STOCKSLAGER. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. FOLLETT].

Mr. FOLLETT. Mr. Speaker, the most magnificent medical museum and library in the world belongs to the Medical Department of our Army, and is to-day exposed in a building where no private individual owning such a library would permit it to remain for twenty-four hours. It has accumulated through the efforts of the medical fraternity of the United States and has cost the Government comparatively nothing.

In the museum department there are illustrations of the effects of gunshot wounds and injuries received in battle such as medical students and the medical profession can have access to in no other way. That museum and library should be kept by itself, and should be kept in a building where it would not be exposed to danger by reason of its surroundings. To the medical faternity of the United States it has been for years, and is now, an object of special solicitude that this property should be put in such a position as not to be constantly exposed to the danger of being lost or destroyed. The building in which it is now located has already begun to tumble to the ground. The rear wall is more than twelve inches out of plumb, and, as I said before, no private individual would think of leaving such property in such a building for any length of time.

[Here the hammer fell.]

Mr. STOCKSLAGER. I now yield two minutes to the gentleman from New York.

The SPEAKER *pro tempore*. That exhausts the gentleman's time.

Mr. STOCKSLAGER. I thought I had another minute remaining to yield to the gentleman from Massachusetts [Mr. LONG].

Mr. SLOCUM. Mr. Speaker, my attention was directed to the importance of this proposed building by a visit to the building where these manuscripts and books and specimens are now kept; and I do not believe there is a gentleman on this floor who would hesitate to vote for this bill after going there and seeing for himself the value of the contents of that building and the danger to which they are now exposed. No army has had a more intelligent body of medical gentleman connected with it than had our Army during the late war. The history of every case has been most carefully preserved, accompanied with specimens of the wounds inflicted, &c. These valuable and scientific records are now in danger. Should the building in which they are preserved be destroyed to-night there is no amount of money that could replace the records stored there, for they are invaluable. I believe that if this question were left to the decision of the brightest and most

intelligent medical gentlemen of this country, there would be a unanimous vote in favor of the proposition.

Mr. LONG. My colleague [Mr. LYMAN] has treated this question from a scientific view, as he is amply qualified to do. Had he been allowed time to proceed further, as I wish he had, I am sure he would have treated it also from the practical side. We are constantly told that we ought to look at these matters as men look at their own private affairs, that we ought to deal with the interests of the Government as we would with our own. Now, what would be the course of any sensible man situated as the Government is with regard to this property? If a man of ample means had a most valuable library, if the building containing that library were tumbling down and the library exposed to danger of destruction, he would certainly prepare a new building. He would not move that library upon his neighbor's property, as the gentleman from New York suggests that the Government might carry this library to Philadelphia; nor if he were building a new stable, would he transfer the library there, as the gentleman from Kentucky has suggested this collection of the Government should be carried to the Pension building.

The SPEAKER *pro tempore*. The time allowed for debate on this motion is exhausted.

The question being taken on the motion of Mr. STOCKSLAGER to suspend the rules and pass the bill as amended, it was agreed to; there being—ayes 131, noes 23 (two-thirds voting in the affirmative).

Mr. STOCKSLAGER. I ask unanimous consent that the title of the bill just passed be amended so as to read: "A bill providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army."

There being no objection, the title of the bill was amended accordingly.

SALES FOR TAXES IN DISTRICT OF COLUMBIA.

Mr. FOLLETT, by unanimous consent, introduced a bill (H. R. 8236) relating to sales for taxes in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY J. DICKSON.

Mr. SMITH, of Iowa, by unanimous consent, introduced a bill (H. R. 8237) granting a pension to Mary J. Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES ARSENAL AT INDIANAPOLIS.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 8238) to authorize the donation of the United States arsenal building and grounds located at Indianapolis, Ind., to the State of Indiana, to be used as a State university; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GRADUATES OF MILITARY ACADEMY.

Mr. SLOCUM, by unanimous consent, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8165) authorizing the attachment to the Army, as additional lieutenants, of graduates of the Military Academy in cases where no vacancy exists; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ASSISTANT CHIEF SIGNAL OFFICER.

Mr. SLOCUM, by unanimous consent, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 7817) to create the office of assistant chief signal officer, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. BLAND. I move that the House now adjourn.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 2549) granting a pension to Isabella Higgins;

A bill (S. 1571) granting a pension to James McCallen; and

A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

COMMITTEE APPOINTMENT.

The SPEAKER *pro tempore* announced the appointment of Mr. NUTTING as a member of the Committee on Coinage, Weights, and Measures, to fill the vacancy occasioned by the resignation of Mr. CHACE.

LEAVE OF ABSENCE.

Mr. HATCH, of Missouri, by unanimous consent, obtained leave of absence for the remainder of to-day's session on account of sickness.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Missouri [Mr. BLAND] that the House adjourn.

Mr. BLAND. I yield a moment to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I ask unanimous consent that the House now take a recess until half past 7 o'clock this evening for the consideration of the legislative appropriation bill only in Committee of the Whole.

Mr. KEIFER. I understand that the Committee on Appropriations will have a meeting to-night.

Mr. HOLMAN. I think it will only require half an hour to complete the consideration of this bill in Committee of the Whole.

Several MEMBERS. Go on with it now.

Mr. HOLMAN. Well, I will withdraw my former request and will ask the House to go into Committee of the Whole now for the consideration of the legislative appropriation bill.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that the House now resolve itself into the Committee of the Whole on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. O'HARA. I object.

Mr. HOLMAN. I ask the House to take a recess now until half past 7 this evening, for the purpose of proceeding with the further consideration of the legislative, executive, and judicial appropriation bill.

Mr. O'HARA. I object.

Mr. BROWNE, of Indiana. Is it not competent for the House on motion, by a majority vote, to take a recess until half past 7 o'clock this evening?

Mr. HOLMAN. It would still be suspension day.

The SPEAKER *pro tempore*. It would be, but it would be still suspension day at the request of committees. The Chair would have to continue the call of committees for that purpose.

Mr. WILLIS. I think the House will allow a statement from the committee.

Mr. BLAND. I move the House adjourn.

The House divided; and there were—ayes 125, noes 39.

Mr. HOLMAN. Before the announcement is made I hope the gentleman from North Carolina will withdraw his objection to the House taking a recess until half past 7 o'clock this evening. [Cries of "Regular order!"]

Mr. WILLIS. I ask unanimous consent to make a brief statement. [Cries of "Regular order!"]

Mr. SPRINGER. I demand tellers on the motion to adjourn.

Tellers were refused. So the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until 11 o'clock to-morrow morning.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petitions of Daniel T. Wood, Tabitha Garnett, and Lucy A. M. Jones, for compensation for property taken by the United States Army during the late rebellion—to the Committee on War Claims.

Also, papers relating to the claims of Daniel T. Wood, of Frederick County; Tabitha Garnett, of Culpeper County, and Lucy A. M. Jones, of Rappahannock County, Virginia—to the same committee.

By Mr. BINGHAM: Petition for reduction of postage on first-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRAINERD: Petition of citizens of Warren County, Pennsylvania, praying for early action of Congress on the Mormon question—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE: Papers relating to the claim of Lucinda Allen, of Jefferson County, Arkansas—to the Committee on War Claims.

By Mr. BRENTS: Petition of the Board of Trade of Whatcom, Wash., asking that that city be made a port of entry—to the Committee on Commerce.

Also, petition of R. F. Hunter, asking that Committee on Public Buildings and Grounds may give consideration to means of protection against fire in public buildings—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Petition of Miss Sallie Burch, administratrix of Anderson Burch, deceased, Humphreys County, Tennessee, asking reference of claim to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. CLEMENTS: Papers relating to the claim of Luther Walters, of Floyd County, Georgia—to the same committee.

Also, petition of Luther Walters, of Floyd County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. ERMENTROUT: Memorial of David Bradley and others, for additional appropriation for the World's Industrial and Cotton Centennial Exposition at New Orleans—to the Committee on Appropriations.

By Mr. GEDDES: Memorial of Arthur W. Sweeney, of Washington, D. C., for relief—to the Committee on Claims.

By Mr. GREENLEAF: Petition of William Alling, Mrs. John W. Goss, Mrs. H. F. Smith, and others, of Rochester, N. Y., calling attention to the so-called Mormon question—to the Committee on the Judiciary.

By Mr. HAMMOND (by request): Petition of W. F. Wright, Burton Smith, and others, for increase of salaries of United States judges—to the Committee on Expenditures in the Department of Justice.

By Mr. HOLMAN: Petition of Samuel A. Bonner and many others, citizens of Decatur County, Indiana, in favor of granting a pension to John and Elizabeth Finnern, of Rush County, to accompany bill—to the Committee on Invalid Pensions.

Also, papers and evidence in the claim of Lewis P. Noble, of Indiana, before the House Committee on War Claims—to the Committee on War Claims.

By Mr. B. W. JONES: Resolution of the Legislature of Wisconsin, recommending passage of House bill 7168—to the Committee on Invalid Pensions.

By Mr. J. K. JONES: Petition of G. W. Hughes, of Dallas, Ark., for relief—to the Committee on War Claims.

By Mr. KELLEY: Memorial of the Pennsylvania Woman's Suffrage Association, asking that the Constitution be amended so that the power of suffrage may be exercised by all citizens of the United States irrespective of sex—to the Committee on the Judiciary.

Also, petition of 50 citizens of Fox Chase, Philadelphia, Pa., asking early action on the Mormon question—to the same committee.

By Mr. LAWRENCE: Petition of citizens of Beaver County, Pennsylvania, praying for legislation to suppress and exterminate the great evil of Mormonism in the United States—to the same committee.

By Mr. LE FEVRE: Petition of C. F. Demler and 31 others, citizens of Sidney, Ohio, asking early action upon the so-called Mormon question—to the same committee.

By Mr. LIBBEY: Papers relating to the claim of Mrs. Anna M. Mixson—to the Committee on War Claims.

By Mr. LORE: Petition of E. T. Taylor and 25 others, citizens of Delaware, for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. MATSON: Petition of Patrick Murphy and 19 other maimed soldiers, asking the passage of House bill 7168, giving additional pension to soldiers who have lost an arm or leg—to the Committee on Invalid Pensions.

Also, petition of George W. Cooper and 29 others, citizens of Bartholomew County, Indiana, asking that a pension be given by special act to William H. Shoemaker—to the Committee on Pensions.

By Mr. MILLER: Petition of citizens of Crawford County and of Butler County, Pennsylvania, in favor of the passage of such legislation as will check the increase of Mormonism—to the Committee on the Judiciary.

By Mr. MORRILL: Papers relating to the claim of William S. Thatcher, of Cass County, Nebraska—to the Committee on War Claims.

Also, memorial of the Legislature of Kansas, asking an appropriation to improve military road from Caldwell to Forts Reno and Sill—to the Committee on Appropriations.

Also, memorial of the Legislature of Kansas, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. J. J. O'NEILL: Petition of citizens of Saint Louis County, Missouri, asking national aid to education—to the Committee on Education.

By Mr. OURY: Petition of James M. Barney, E. N. Fish & Co., W. B. Hugus, and William B. Hooper & Co., asking reference of their claims to the Court of Claims under the Bowman act—to the Committee on Indian Affairs.

By Mr. ROSECRANS: Petition of Marie Drahms, widow of Wallace M. Moore, late Company H, One hundred and fifth Illinois Volunteer Infantry, and other papers, relating to her claim for arrears of pension—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Papers relating to the claim of Ferdinand Plocher for reissue of lost pension check—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. D. TAYLOR: Petition of T. R. Brennen and 73 others, ex-soldiers of Marietta, Washington County, Ohio, asking for the passage of a law giving to all honorably discharged soldiers, their widows and minor children, a land-warrant for one hundred and sixty acres of land—to the same committee.

Also, petition of Rush C. Faris and 40 others, citizens of Bellaire, Ohio, asking for legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Petition of Mrs. W. H. Feavey and many other ladies of Albany, N. Y., invoking the early attention of Congress to the Mormon question—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr ARNOT: Of 262 ex-Union soldiers and other citizens of the State of New York.

By Mr. J. M. CAMPBELL: Of members of Reuben Ferner Post, Grand Army of the Republic, of Stoyestown, Pa.

By Mr. W. W. CULBERTSON: Of 126 voters of Catlettsburg, Ky.

By Mr. DINGLEY: Of J. W. Butterfield and others, of Phillips, Me.

By Mr. KEIFER: Of J. C. Shaw and 25 others, of Pickaway County, Ohio.

By Mr. LACEY: Of John Perryman and 49 others, of Battle Creek, Mich.

By Mr. MILLER: Of citizens of Butler County and of Linesville, Pa.

By Mr. SEYMOUR: Of S. H. Marks and others, of Sharon; of Warren Sheldon and others, of South Norwalk; and of William H. Mead and others, of Round Hill, Conn.

By Mr. H. Y. SMITH: Of 69 citizens of Stuart, Guthrie County, Iowa.

By Mr. J. D. TAYLOR: Of C. F. Camp and 70 others, citizens of Guernsey County; of John W. Cusick, of Tiltonsville, and 95 others, citizens of Jefferson County; of C. L. Leighton, of Toronto; and of Rev. Hugh Forsythe and 60 others, citizens of Guernsey County, Ohio.

SENATE.

TUESDAY, *February* 17, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The President *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect to extend the limit of cost of the public building at Lynchburg, Va.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in compliance with a resolution of the 5th instant, a report on the subject of the adjustment of postmasters' salaries and the additional temporary clerical force asked therefor; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin. I present a resolution adopted by the State Grange of Wisconsin at its last annual meeting, favoring such amendment of the patent law that the royalty shall be paid by the manufacturer, who alone shall be held liable for infringement of patents. I move that the resolution be ruferred to the Committee on Patents.

The motion was agreed to.

Mr. PENDLETON presented petitions of the Daily and Weekly Jeffersonian, of Findlay, Ohio, and the Cincinnati Commercial-Gazette, of Cincinnati, Ohio, praying for a reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of New York, presented a petition of importers of the city of New York, praying for the passage of the House bill to allow certain oaths to be administered by notaries public; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Camden, N. Y., praying the passage of certain bills regarding the Mormon question, so called; which was ordered to lie on the table.

Mr. BLAIR. I desire to present, though I am not quite sure that it is properly a petition, the request of William Godwin Moody asking to withdraw a petition filed several years ago, numerously signed, praying for the establishment of a labor bureau, and which is now upon the files of the Senate. He desires leave to withdraw the original petition, leaving a copy thereof on the files of the Senate. It is a letter in the nature of a petition making that request.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that Mr. William Godwin Moody have leave to withdraw a petition on the subject of a labor bureau, the nature of which has been stated by the Senator from New Hampshire, leaving a copy with the Secretary. If there be no objection that order will be entered.

Mr. BLAIR. The memorial asked to be withdrawn is signed by numerous distinguished persons, and Mr. Moody desires to preserve it.

Mr. HOAR. I present a petition of the Pennsylvania Woman Suffrage Association, by Mary Grew, its president, and Annie Shoemaker, its secretary, praying that the Constitution be so amended that the right of suffrage be secured to all American citizens without distinction of sex. A joint resolution on the subject having been reported from the Committee on Woman Suffrage, I move that the petition be laid on the table.

The motion was agreed to.

Mr. HAWLEY presented a petition of citizens of Morton County, Dakota, praying for a reduction in the price of public lands within the limits of railroad land grants; which was referred to the Committee on Public Lands.

Mr. FAIR presented a joint resolution of the Legislature of Nevada, favoring the establishment of a semi-weekly mail from Wells to Clover

Valley, in Elko County, Nevada; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint resolution of the Legislature of Nevada, favoring the passage of the so-called Slocum military bill in regard to the militia of the several States, &c.; which was referred to the Committee on Military Affairs.

He also presented a resolution of the senate of Nevada, favoring the cession by the General Government to the State of Nevada of all the unsold lands within that State; which was referred to the Committee on Public Lands.

Mr. PLUMB presented a resolution of the house of representatives of Kansas, favoring the passage of a bill for the adjustment of disputed land titles between railroad corporations and settlers in the State of Kansas; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. MANEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2202) granting a pension to Alice Warfield;
A bill (H. R. 4825) for the relief of Rosina Heinman;
A bill (H. R. 5172) granting a pension to Mary L. Wells;
A bill (H. R. 3834) granting an increase of pension to Charles D. Kunkle;
A bill (H. R. 4282) granting a pension to Richard G. Sharp; and
A bill (H. R. 5176) for the relief of James I. Dail.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3236) for the relief of Ernest H. Wardwell, to report it favorably, without amendments.

Mr. COCKRELL. I desire to give notice that that is not a unanimous report of the committee. I am opposed to it for one.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1703) granting a pension to Robert Lisle; and
A bill (H. R. 2480) granting a pension to Margaret Kearns.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 89) for the relief of Mrs. Eliza E Hebert, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army, to report adversely thereon. I also submit the views of the minority favoring the passage of the bill, and ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed, if there be no objection, and the bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4247) granting a pension to Anna Maria Ressler;
A bill (H. R. 6826) granting a pension to Rebecca Kupp;
A bill (H. R. 4348) granting a pension to Cordelia Gale;
A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry; and
A bill (H. R. 6205) granting a pension to Catharine S. Edmondson.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5387) granting a pension to Amos Stroth, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 2521) for the relief of Mrs. Antonia B. Lynch, widow of Capt. Dominick Lynch, United States Navy, deceased, to report it adversely; and I move the indefinite postponement of the bill.

Mr. SEWELL. I ask that the bill be placed on the Calendar.

Mr. MITCHELL. Perhaps the Senator will not ask that when he understands that the case is still pending in the Pension Office, never having been acted upon there.

Mr. SEWELL. If the Senator from Pennsylvania has no objection, I should like to have the bill placed on the Calendar. I want to inquire into it.

Mr. MITCHELL. I have no objection, if the Senator so desires.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption, reported it without amendment.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3681) granting a pension to William L. Sloan; and
A bill (H. R. 7302) granting a pension to Elizabeth Smith.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1957) granting a pension to Henry W. Edens;
A bill (S. 2538) granting a pension to George T. Lloyd, late of Company I, Fortieth Massachusetts Volunteers; and
A bill (S. 1855) granting a pension to John F. Hickey.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley, reported it with an amendment, and submitted a report thereon.

Mr. CULLOM. I am instructed by the Committee on Pensions to report adversely on the bill (H. R. 1940) granting a pension to Capt. Israel Stough, as Congress has heretofore passed a bill for his relief. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. SEWELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 445) to empower the Secretary of War to permit the establishment under certain conditions of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith, to report it without amendment. I shall take occasion to file the views of the committee at a subsequent period.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and leave will be granted to file the report hereafter, if there be no objection.

Mr. SEWELL. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2267) for the relief of Capt. W. J. Lyster, to report it adversely. I will state in this connection that a general bill has been reported covering this case. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. BLAIR. By direction of the Committee on Pensions, to whom was referred the bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury, I report it adversely, and recommend its indefinite postponement. Also, accompanying the report, I present the views of the minority favoring the passage of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and if there be no objection the views of the minority will be received and printed.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3467) granting a pension to H. D. Prior;
A bill (S. 2527) granting a pension to Robert Sheridan;
A bill (H. R. 6235) granting a pension to Eliza J. Norris; and
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 6029) for the relief of Jeremiah McCarty, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (S. 2279) granting a pension to Lewis L. Canady; and
A bill (H. R. 7175) granting a pension to James O. McKenna.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2273) granting a pension to George W. Margrove; and
A bill (S. 2210) granting a pension to Elizabeth Barker.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 446) for the relief of H. A. Myers, reported it without amendment, and submitted a report thereon.

COMMITTEE ON MILITARY AFFAIRS.

Mr. HARRISON. I am instructed by the Committee on Military Affairs to ask leave of the Senate for that committee to sit during the sessions of the Senate to consider pending business.

The PRESIDENT *pro tempore*. The Senator from Indiana asks on

behalf of the Committee on Military Affairs that it have leave to sit for the remainder of this session during the sittings of the Senate. If there be no objection that order will be entered.

PETER COLLIER.

Mr. VOORHEES, from the Committee on Finance, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate, That the claim of Professor Peter Collier, for services rendered to the Government of the United States as a chemist in certain cases involving questions in regard to artificial coloring of imported sugar, be, and the same is hereby, referred to the Court of Claims, together with all the papers, proofs, and documents appertaining thereto, for adjudication and determination according to the value, if any, of his said services.

LIEUTENANT STONEY'S REPORT ON ALASKA.

Mr. MANDERSON. I am instructed by the Committee on Printing to report favorably the concurrent resolution authorizing the printing of the report of Lieut. George M. Stoney, United States Navy, of his explorations in Northern Alaska; and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,500 copies of the report of Lieut. George M. Stoney, United States Navy, of his recent explorations in Northern Alaska, with the accompanying charts, 1,500 copies for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Navy Department.

Mr. MANDERSON. The publication of this report was recommended by the Committee on Territories, and the cost of the entire edition will be quite small.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department United States Army; and
A bill (H. R. 6407) to regulate the letting of mail contracts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1571) granting a pension to James McCallen;
A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; and
A bill (S. 2549) granting a pension to Isabella Higgins.

ORDER OF BUSINESS.

Mr. KENNA. I ask unanimous consent to take from the Calendar the bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to call up for present consideration the bill named by him. Is there objection?

Mr. CONGER. Will the Senator allow me to introduce a bill?

The PRESIDENT *pro tempore*. Reports of committees are still in order. Is there objection to the request of the Senator from West Virginia?

Mr. INGALLS. Is the morning business concluded?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 2645) to amend and re-enact section 4289 of the Revised Statutes, relative to the limitation of the liability of the owners of vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2646) granting a pension to Cecelia C. McKenna; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2647) for the relief of Thomas Thatcher; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York (by request), introduced a joint resolution (S. R. 126) granting the right of way through Mail street, in New York city, to the Bleecker Street and Fulton Ferry Railroad Company; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. CULLOM. I present two amendments intended to be proposed to the bill (S. 2632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. Accompanying one of the amendments I present a petition of 1,500 citizens of Chicago, Ill., praying for the construction of a ship-canal from Calumet River to Lake Calumet, in Illinois. I move that the amendments be printed, and, together with the petition, be referred to the Committee on Commerce.

The motion was agreed to.

KANAWHA RIVER BRIDGES.

Mr. KENNA. I now ask to take up Senate bill 2621.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that the Senate now proceed to the consideration of the bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WEHRLE, WERK & SON.

Mr. ALLISON. Regular order.

Mr. SHERMAN. I hope the Senator from Iowa will allow me to call up a short bill reported from the Committee on Finance.

Mr. ALLISON. If it does not lead to debate I shall not object to it.

Mr. SHERMAN. If it leads to debate I shall not press it. I move that the Senate proceed to the consideration of the bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

Mr. FRYE. Let the bill be read.

Mr. ALLISON. I do not object to it if it will take no time.

Mr. SHERMAN. I think there will be no objection to it.

Mr. ALLISON. I hope not.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill will be read for information.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to abate internal-revenue taxes to the amount of $461.87 illegally assessed against Wehrle, Werk & Son in the year 1876, for spirits distilled in the year 1875.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of the bill.

Mr. ALLISON. No; the Senator from Ohio asks for unanimous consent.

The PRESIDING OFFICER. The Chair understood that he moved to take up the bill.

Mr. SHERMAN. I do not think there will be any objection to the bill. It was unanimously reported from the Committee on Finance.

Mr. ALLISON. I do not desire to have the pending order displaced by a bill taken up on motion.

Mr. SHERMAN. I do not desire to do that. I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the consideration of the bill.

Mr. ALLISON. I do not object if it will not lead to debate.

The PRESIDING OFFICER. No objection being made, the bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VENEZUELAN AWARDS.

The PRESIDING OFFICER. The Chair lays before the Senate the regular order.

Mr. LAPHAM. I move to take up at this time the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela in respect to the awards of the mixed commission to the President.

Mr. ALLISON. I call for the regular order.

Mr. LAPHAM. I suppose my motion is in order.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from New York is in order.

Mr. LAPHAM. This is an important matter. It is the unanimous report of the committee——

Mr. ALLISON. No debate is in order.

The PRESIDING OFFICER. No debate is in order on the motion. The Senator from New York moves to take up the joint resolution indicated by him.

The motion was not agreed to.

DES MOINES RIVER LANDS.

The PRESIDING OFFICER. The regular order, being the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, is before the Senate as in Committee of the Whole. The pending question is on the motion to indefinitely postpone the bill, made by the Senator from Alabama [Mr. MORGAN]. Is the Senate ready for the question? Senators in favor of the motion will say "ay." Those opposed will say "no." The "noes" appear to have it. The "noes" have it.

Mr. LAPHAM. I have the floor upon that motion, Mr. President.

The PRESIDING OFFICER. The Chair waited some time and heard no one address the Chair.

Mr. LAPHAM. I was under a misapprehension as to the question. I have not concluded the remarks I have been making.

Mr. FRYE. Is the motion to indefinitely postpone disposed of?

The PRESIDING OFFICER. The Chair understands that in such matters it is usual to extend a good deal of indulgence. The Senator from New York claims that he had the floor. The present occupant of the chair did not notice it. If there be no objection, the Chair will treat the motion as not having been voted on, and give the Senator from New York the floor. There is no objection. The motion to indefinitely postpone is still before the Senate, and the Senator from New York has the floor.

Mr. CONGER. When the bill was last before the Senate the Senator from New York had the floor until the time when he was stopped under the rules, and he had it this morning, and I do not know at what time the motion to indefinitely postpone could have been made without taking him from the floor.

The PRESIDING OFFICER. The Chair did not know that the Senator from New York was claiming the floor. The pending question on the bill was the motion of the Senator from Alabama to indefinitely postpone. Waiting a few seconds, the Chair put that question. Then the Senator from New York said that he claimed the floor all the while, and by unanimous consent the vote to indefinitely postpone the bill is treated as a nullity. The question is still before the Senate, and the Senator from New York has the floor.

Mr. LAPHAM. Mr. President, when I was taken from the floor at the expiration of the morning hour on Saturday last, I was engaged in presenting to the Senate the reason assigned by Mr. Parsons, of Iowa, why this legislation should not be allowed. For the purpose of continuing what he has said on this subject, I will read the rest of his communication. He says:

I know of no reputable lawyer who has ever advised them—

That is the settlers—

that there has been at any time since what is known as the Wolcott decision any hope for them so far as the title to the land is concerned, except through a reconsideration by the Supreme Court of the principles of that decision. I tried in the Reilly case to procure such reconsideration. It was submitted upon my part upon a very elaborate printed argument, in which every question that has since been made by anybody was fully discussed.

Every item of evidence that has since been given in any case as to the general title to these lands is found in the printed record in that case. I had hopes—but never very strong—that the Supreme Court, in view of the great magnitude of the interests involved, and the extreme hardship of the lot of those who had purchased and improved these lands and made homes upon them, would reconsider that decision. I urged this, as my argument shows, if not shy certainly very earnestly, but the court declined to re-examine the principles of that decision, which is certainly an end of all controversy as to the title to the lands if it is possible for the highest judicial tribunal of the country to end it. I regret exceedingly that the settlers upon these lands, for whom I have done a great deal, and have tried to do more, are flattering themselves with a hope which is doomed to certain disappointment. They are throwing away their contributions not on a doubtful case, but in one which is absolutely certain, in which the decision is already against them, and in which nothing that they or Congress can do can ever change.

The relief that they can get is to be had under the occupying claimants law, unless Congress (which in my judgment is, and always has been, extremely improbable) shall make a grant of lands or money for their indemnity. The former—

That is the grant of lands—

at one time might have been obtained; that is while the lands in the northwestern part of the State were unappropriated. While in the Legislature I procured the passage of a joint resolution asking Congress to make a grant of lands for their indemnity.

And here I beg to call attention to that joint resolution and see what proposition it was. The joint resolution passed by the Legislature of Iowa was in these words:

Joint resolution asking a grant to indemnify settlers upon the Des Moines River lands.

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure from Congress a grant of lands to the State of Iowa, to be used by said State to indemnify such persons as have purchased of the United States or pre-empted any of the odd sections lying along the Des Moines River, and whose titles have since been held invalid on account of the grants by Congress to the State of Iowa, of August 8, 1846, and the acts in extension thereof.

Resolved, That the secretary of state be directed to send a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved April 12, 1870.

Mr. Parsons continues:

I thought it was useless to ask for money. I still think so. I prepared and procured the passage of an act providing for the distribution of a grant in case one should be made (Laws of 1870, p. 107). I also introduced and procured the passage of an act bringing them within the occupying claimants law.

To that law presently I shall have occasion to refer.

I wish you would read these acts. At that time there was enough unappropriated land in the northwestern part of the State to have fully indemnified every one of these settlers. When I went home I found—

I ask the attention of the Senate to this.

When I went home I found that certain persons had told them—

The settlers—

that all of these things were a cheat, a piece of demagogism, if not an effort to get them off the lands. A feeling of opposition to accepting the grant was in this way got up, and, of course, it was wholly useless to make an effort to procure one. I think at that time had an effort been made Congress would have made the grant, and there is just as little doubt the river company and its grantees would gladly have taken the lands in exchange for those occupied by the settlers, and the whole matter would have been ended years ago. But as a cry was got up against the plan (the only feasible one in my judgment that has ever been proposed) nothing was done, and at the next session of Congress the lands which my bill contemplated were granted to the Des Moines Valley Railroad by an act confirming what is known as the Harvey settlement.

These settlers never have had, and never will have, a better friend than I have been to them. I have considered their fortune a very hard one, with many of them extremely so, but all intelligent men know that the powers of Congress are not without limits, and most intelligent men know that private rights judicially established are outside of those limits with entire indifference to the question whether the party in whose favor the decision is made is entitled to our praises or should receive our curses. Courts as well as juries will deal liberally with these men under the occupying claimants law. Whatever is promised them beyond that in my judgment is the promise of a demagogue and an impostor.

Truly yours,

GALUSHA PARSONS.

Mr. President, I have shown by these communications that when Mr. Wright was a member of this body and an appeal was made to him to aid in this scheme, he flatly refused to do it, on the ground that it could by no possibility result in any advantage to these settlers upon the Des Moines lands. I have shown that Governor Carpenter took the same ground and discouraged any effort of this kind, and I have shown that Mr. Parsons, in the letter I have just read, occupied the same position.

They have in Iowa what is known as an occupying claimants law, to which Mr. Parsons refers in this letter. That law, which was first enacted in 1866, provides this:

Where an occupant of land has the color of title thereto, and in good faith has made any valuable improvements thereon, and is afterward, in the proper action, found not to be the rightful owner thereof, no execution shall issue to put the plaintiff in possession of the property, after the filing of the petition hereinafter mentioned, until the provisions of this chapter have been complied with.

That law provides that the unsuccessful defendant may present his petition to the court and have a jury impaneled to try the question of the value of the improvements, and that, unless paid forthwith by the owner, he may enter judgment for the amount found by the jury, and that judgment is a lien upon the land and the land may be sold to satisfy it. By a subsequent act of the Legislature of Iowa, procured by Mr. Parsons himself, the provisions of this law are applied to all the occupants of the Des Moines River lands. So that every one of these settlers now has a right, in case judgment is found against him upon the question of title, to go into the courts of Iowa and have the value of the improvements decided and to take that out of the land, unless the owner of the fee pays it. This, Mr. Parsons says in his letter, is the only remaining resource of the settlers now to get compensation.

Instead of taking this advice of Mr. Parsons and of Senator Wright and of Governor Carpenter, what did these settlers do? They formed what is called the settlers' union, a combination to resist the assertion of the title of the true owners of this property. I wish I had time to refer to the multitude of evidence I have in my possession as to the character of this organization, as to its aims, as to its acts, as to its purposes, but I have not time to do it. I can only refer briefly to one communication made by a responsible man, on the 21st of December, 1883, to Mr. C. D. Culver, one of the owners of the Des Moines River lands, and one of the remonstrants to whom I referred on Saturday. He says:

Under the influence of these men and their incendiary doctrines they have resisted sheriffs and United States marshals repeatedly; over and over again threatened to kill owners if they could catch them on their grounds; intimidated and mobbed agents asking for money due on contracts; assaulted and driven off buyers who would not join their "settlers' union," and would pay the rightful owners; prevented others by their violent threats from completing purchases, and driven off others who had bought or rented by cutting their wire fences, cutting up or trampling down their corn or other growing crops, maiming their cattle, and even resorting to burning their buildings.

This is the character of the men in whose behalf this extraordinary legislation is invoked. I said on Saturday that they were as bad as the anti-renters of New York. I am satisfied they are worse than the anti-renters of New York. They have less excuse than those men had in the piratical course which they are pursuing.

So that—

This letter continues—

this settlers' union has been a curse to at least five counties, retarding and even killing improvements, accustoming the people to ideas of lawlessness and violence, destroying what civilization they had, and reducing them to semi-barbarism. Industry, thrift, and law-abiding lives are not their favorite means or methods.

The union is a perfect blight upon their lives, for, instead of encouraging them to labor and earn a home for themselves, it promises them each a farm on these river lands by act of Congress; meanwhile they are encouraged to take and keep possession, if necessary, by violence. The consequence is that the courts are filled with litigation; suits are multiplied, and these lands are actually swarming with defying squatters and repudiating contractors, many of them living from hand to mouth under the sense of insecurity, and not even paying the taxes on the lands—a thriftless and most undesirable kind of population for any community. Whereas, if the instigators of these troubles were sent about their business by Congress, and their fraudulent bill once and for all thrown out, every acre of these lands would speedily be occupied by a quiet, industrious, and thrifty population, satisfied with their title, and rapidly assuming the usually elevated characteristics of prosperous farming communities.

This letter goes on to say that it is impossible in behalf of one of the owners of this title according to the decision of the Supreme Court to execute process and give possession. He cites a case:

On one of these a squatter settled, although the land officer at Fort Dodge expressly warned him that it was a part of the river grant.

After some years and much temporizing with him, we required him to purchase or lease it, and finally brought a suit of ejectment against him. He employed one of the best lawyers in the State to defend him, and put us to several hundred dollars of expense. But after long delay judgment was rendered in favor of our claim of title. Then he offered to purchase at a fair but moderate price, but without costs! and all on credit or deferred installments, pleading poverty, and we agreed to that. When the first, and again the second annual payments came due he still plead for indulgence, and we gave it. Finally, after repeated broken promises and delays, we threatened another suit, and then he joined the settlers' union and dodged us. But never, during all these years, has he paid a dollar of taxes.

Of course we brought our ejectment again, and though he was defended again by the same excellent lawyer, we have at length got our judgment against him again at a heavy cost; but he is still there; defying us still, and intimidating through this settlers' union whoever would rent or buy of us.

* * * * * * *

In short it is a perfect reign of terror and lawlessness, and the law is practically powerless; so the lawless man remains there safe and defiant, expecting every winter that Congress will vote him his farm, being so assured by Clarke, Dawley, and Hedbeck, while he contributes his $10 or $20 per year; and this is a fair sample of over two hundred cases that I could name from positive knowledge.

I stated that General Martindale went upon this property and found one of these settlers in possession of one of his lots. He entered into a contract with him to sell it to him. He loaned him $150 (I repeat the statement made last week) to enable him to purchase a team and farming utensils; and then the settler joined this settlers' union and turned around and defied him, and has never paid him a farthing and never paid any taxes. Here is a letter addressed by the agent of General Martindale to Colonel Martindale, since the death of the General, dated January 23, 1884:

LEHIGH, *January* 23, 1884.

MR. MARTINDALE:

DEAR SIR: I have seen the marshal, and he says he must have the money to hire help to put Intermile off. There is a great deal of talk about the land, and it is bound to be a test case. There are lots of men who say if I get the land they will buy land. I think it would be a good plan for you to come and see the marshal. * * * The settlers are talking lead. When I get home from Des Moines the word was out that I had bought the land, and my house and the contents were all in ashes. My wife was gone to Dugan's, and everything was burned. The house was set on fire in five different places.

* * * * * * *

Yours, truly.

This is the conduct of a man who had entered into solemn contract recognizing the title of the purchasers under the Des Moines grant, and he is prompted to do it by the settlers' union. Now a word to Senators as to the combination formed and known as the settlers' union. I have here a copy of the obligation which each member of this settlers' union has entered into, which is found in one or more of the reports of the Supreme Court in the cases which have already been decided. It is in these words:

FORT DODGE, IOWA, ——, 187-.

Sixty days after the resumption of the so-called river lands—

Mark the language—

Sixty days after the resumption of the so-called river lands, by act of Congress, as Government land, by which acts, as a *bona fide* settler, I may perfect my title under Government to the following lands, to wit:

The —— of section No. ——, township No. —— north, of range No. —— west, 5th P. M., Iowa.

I promise to pay to treasurer of settlers' union, or bearer, the sum of $——, being at the rate of $1 per acre on said tract so confirmed by Congress in me by means of resumption of the so-called Des Moines Navigation and Railroad lands. Said sum so owing by me shall be and become and remain a mortgage lien on said piece or parcel of land claimed by me until said note is paid. Also, said note is, and shall be, a special lien on any compensation or indemnity that may be granted by Congress and accepted by settlers' union or myself in lieu of said land, and be paid as soon as such compensation or indemnity is set apart for such purpose by such act, and retained out of such moneys by the settlers' union for payment of this note.

But in case the settlers' union fails to secure title as above, or compensation or indemnity, then this note is null and void.

These notes are all acknowledged before a proper officer, and the members of the settlers' union, each one of them, have entered into this obligation, and they expect, as the letter of Mr. Parsons shows, and the letter of Mr. Culver shows us, they are to get these lands by paying simply a dollar an acre. They have never paid anything to the Government. They had a right to a refund of all they paid the Government, and a large portion of them, as shown by the report of the Judiciary Committee and a letter I have from the Interior Department, accepted the return of the money, so that they are in possession of these lands, having occupied them for a period of over twenty years, without ever paying taxes or paying any sum whatever.

Mr. President, I desire to ask the advocates of this bill that they will tell the Senate what new fact there is now that was not before the Supreme Court in the cases which have been decided. I challenge the statement of any fact whatever but what is already before the courts. There are none. Mr. Parsons in his letter so states. I so state from a careful examination of the records of the Supreme Court. There are no new facts. The decisions of the Supreme Court, especially the later decisions, embrace every fact upon which by possibility any question as to this title can be said to depend. But, say the majority of Committee on Public Lands in their report, there has never been an action in which the United States was a party. Has that anything to do with the question? The grantees of the United States have been parties. The United States granted these lands, and these actions are actions in which the grantees of the Government have been parties.

I have always supposed that judgments had operated upon privies by blood and privies in estate; and it is a singular doctrine to advance here for the Government to say, "True my grantee has succeeded in establishing his title to this property; now I will lay my hand upon it and see if I can not do better than my grantee has done." I should like to know what kind of morals is involved in such a proposition as that. I should like to know the attitude of the Government of the United States in saying as they are now asked to say, "True there to whom we conveyed these land have established their title, but now we will intervene and see if we can not do something better than our grantees have done." Why, Mr. President, on the face of the proposition it is one so monstrous that it seems to me no fair-minded man can contemplate it for a moment with composure.

No head of a Department has ever recommended this legislation. The Attorney-General has never been asked to recommend or approve this legislation. There are no petitioners here in favor of this. The former occupants of seats on this floor and of the gubernatorial chair of the State of Iowa have remonstrated against it. One hundred and four settlers in that very region have remonstrated against it, and yet the Senate is asked in the morning hour to take up this important measure to the exclusion of all other business and pass this monstrous proposed law.

Why should a bill of this magnitude and of this importance be considered in the morning hour? At no period of time since I have had the honor of a seat here has the Senate consented to consider such a bill. It is a bill which ought not to be debated in the manner in which I have been compelled to debate it by piecemeal, by fractions, a quarter of an hour one morning, an hour another, and then again another installment on another morning. It is a bill which should be considered by continuous discussion. The importance of it demands it, and it is an anomaly to take up such a bill as this and consider it in the morning hour, and I trust when the time comes for a vote the motion of the honorable Senator from Alabama will prevail, as it should prevail. If it should not, then what is to follow? There are a large number of amendments to this bill which it will be necessary to propose and which necessarily will involve more or less of discussion. I desire to call attention to some of those amendments, to the end that the Senate may see what they are and what is before us if we pursue the investigation of this subject.

When this bill was before the Senate in 1879 and referred to the Committee on Public Lands, Senator McDonald, of Indiana, who was the chairman of that committee, gave notice that if the bill should be reported favorably and taken up for consideration he would move to add to the second section authorizing the Attorney-General to bring suits the following amendment:

Provided, That nothing in this act contained shall have the effect of invalidating or disturbing the titles of any *bona fide* purchasers from the State of Iowa, or its grantees, prior to March 2, A. D. 1861; but such titles are hereby ratified and confirmed.

That was the view taken by a distinguished member of this body as to a necessary amendment to this legislation in case the legislation should be adopted. There are, I am informed, lands to which this would relate other than those granted by the Des Moines River Navigation Company to these purchasers; but if this bill is to be pursued, that exception is one necessary for the consideration of the Senate before final action upon the measure.

Mr. President, there are two or three amendments which I shall necessarily be compelled to offer. One is to strike out of the first section of the bill the proviso declaring that the lands which are owned by those whom I now represent are public lands. I have shown the folly of such a declaration. It is misleading; it may, if this bill should become a law, be deceiving and a fallacy in the administration of the law, and therefore it should under no circumstances be allowed to remain in the bill. There is no occasion for its remaining there. It does not add at all to the authority of the Government, while it may very seriously embarrass the rights of these owners of the fee.

Then I give notice of another amendment which I shall press upon the consideration of the Senate, and which I think every Senator will see is one that ought to be made. If the Treasury of the United States is to be invoked in aid of this litigation and we succeed, we can not recover any costs of the Government. The United States is not liable for costs. This bill makes no provision that the Government shall pay costs, and therefore I shall ask that the Senate consider an amendment like this:

Before the commencement of any action, as provided in section 2 of the act, by the Attorney-General, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds, to be approved by the court or a judge thereof as to the form and penalty of the same, conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff should fail to recover therein.

Without some such provision as this in the bill, the attorney of the Government, that in no event would be liable to pay costs, is permitted to take the Treasury of the United States into its hands and go into a career of litigation against the man whom the courts have so often decided are the owners in fee of this property.

Mr. President, I might continue this discussion on the facts of this case at much greater length if I were disposed to do so, but I have no

desire whatever to consume the time of the Senate unnecessarily. I have endeavored to confine myself in this discussion to a fair statement of the facts upon which I think this question depends and call the attention of the Senate to the legal principles which I think are involved.

I have already said that in asking for the reading of the majority report in this case, though I was accused of a desire to consume time and to prevent action on this bill, I had no such purpose. I wanted the Senate to see and to hear the character of the report which the majority had submitted in favor of this measure. So far from being a report calculated to develop the real questions here involved as I have shown them to be, it is a report the whole object and purpose of which was to obscure and keep out of view the real questions in the case. It is a mere recital of historical facts without calling the attention of the Senate at all to the real propositions which are involved. Therefore the reading of it I thought necessary to a fair understanding of the proposition.

Mr. President, I have shown that by virtue of the several acts of Congress and the decisions of the courts of Iowa, and the decisions of the Supreme Court of the United States, all the lands purchased by those whom I represent passed by a valid title and the title of the United States was completely divested thereby. I have shown that every question now under consideration was before the courts when those decisions were made, and there are no new facts to form a basis for this legislation. I have shown that any attempt on the part of Congress to designate these lands or any portion of them as public lands would be an idle ceremony and constitute a disgraceful act of legislation. I have shown that a proposal to authorize the United States, having no shadow of right to any of these lands, to institute suits against the lawful owners at the expense of the Federal Treasury, if carried out would be an act of usurpation and a violation of the constitutional provisions for the protection of private property. I have shown that the settlers on these lands were at one time offered the opportunity to take substituted lands in lieu of the tracts they had severally occupied, and that, listening to bad advice or following their own evil inclinations, they spurned the offer.

I have shown that under the laws of Iowa they are entitled to the value of their improvements and can sell the land to obtain payment therefor, and they get the use of the land they have enjoyed for so many years without even having paid taxes thereon.

My appeal to the Senate is not to embark upon a scheme of folly and impropriety such as this bill proposes, not to spurn by our votes the unanimous decision of our Judiciary Committee made only four years since upon precisely the same state of law and the facts now existing, except that the Supreme Court has made two important confirmatory decisions since that report was made.

Mr. President, "good faith is a jewel," whether it be observed by individuals or by governments, and the highest obligations of good faith demand that the United States shall not lay its heavy hand upon the rights of these purchasers who were invited to make their investments by the solemn acts of the Government, which its highest tribunal has so repeatedly held divested it of all interest in or control of this property except on the conditions and for the purposes provided in the Constitution of the United States.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the bill indefinitely.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. HARRISON (after having voted in the negative). I am paired with my colleague [Mr. VOORHEES] on this question. I therefore withdraw my vote.

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Butler,	Gibson,	Lapham,	Pendleton,
Camden,	Groome,	McMillan,	Pike,
Cockrell,	Hampton,	McPherson,	Pugh,
Colquitt,	Harris,	Mahone,	Saulsbury,
Edmunds,	Hoar,	Maxey,	Sherman,
Fair,	Jackson,	Miller of N. Y.,	Veet.
Garland,	Jonas,	Morgan,	

NAYS—28.

Aldrich,	Conger,	Jones of Nevada,	Plumb,
Allison,	Cullom,	Manderson,	Sawyer,
Beck,	Dawes,	Miller of Cal.,	Sewell,
Blair,	Frye,	Mitchell,	Slater,
Call,	George,	Morrill,	Van Wyck,
Cameron of Wis.,	Hale,	Palmer,	Williams,
Coke,	Hill,	Platt,	Wilson.

ABSENT—21.

Bayard,	Farley,	Kenna,	Vance,
Bowen,	Gorman,	Lamar,	Voorhees,
Brown,	Harrison,	Logan,	Walker.
Cameron of Pa.,	Hawley,	Ransom,	
Chace,	Ingalls,	Riddleberger,	
Dolph,	Jones of Florida,	Sabin,	

So the motion was not agreed to.

Mr. LAPHAM. I do not know whether any motion in reference to the preamble is in order at this time; but I suppose not.

The PRESIDING OFFICER. It is not in order as the Chair understands.

Mr. LAPHAM. Until after action on the bill.

The PRESIDING OFFICER. So the Chair understands.

Mr. LAPHAM. Then I move to strike out the first proviso in the bill, beginning in line 10 of section 1, as follows:

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid.

Mr. PLUMB. I see no objection to that motion. It strikes out the provision for the title of those whom the Senator is interested in. If he wants that to go out, I have no objection.

Mr. LAPHAM. Let it go out. I have said that I do not want a declaration by Congress in our favor. I would rather have the judgment of the Supreme Court.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. LAPHAM. Now, I move to strike out the next proviso, beginning in line 14 of section 1; as follows:

Provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding one hundred and sixty acres, are hereby confirmed and made valid in them, their heirs or their proper assigns; and upon due proof thereof, and payment of the usual price or fee, where the same has not been paid, shall be carried to patent.

The Senate will see that that is a declaration in this bill, as far as a law can make a declaration, that the title of these settlers shall be preferred to that of the purchasers whom I represent and whose title has been held valid by the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. MORGAN. If that provision of the bill which the Senator from New York proposes to strike out remains, it will hardly be worth while to retain any other provision in it relating to a litigation about these titles in the courts. The Senate will have expressed in the most emphatic way possible their affirmation of the title of these parties to the land. If the title belongs to the Government of the United States and we convey it in such words as are in the bill that the Senator proposes to strike out, that closes the matter. There is nothing remaining for us to do. We need not stultify ourselves after that by going on having that title carried into a court to ascertain whether it is a good one or not. We declare that it is a title and we convey it to certain persons; we confirm it in the most solemn way. If that provision remains in the bill, let it stay there, and let the Senate then discard the rest of the bill which proposes to take that subject into court for litigation. What is the use of it?

I think that we are not acting with wisdom in this matter. Here is a subject in litigation between private claimants for this land, and the Senate of the United States comes in and makes a judicial declaration of the title and confers it upon certain persons. It has always seemed to me that that is a transgression of the provision of the Constitution of the United States, unless the title is in the Government. If we have got it, of course we can convey it; but to grant a conveyance and then go on in the next section and impeach it by saying we have not got it and will go into court to ascertain whether we have got it or not, puts the Senate in a category that I do not think is becoming.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

Mr. LAPHAM. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. LAPHAM. Before the vote is taken I desire to say one word. It is obvious that if this proviso is to remain in the bill, covering every settler upon these lands prior to the 1st of January, 1880, after all these decisions of the Supreme Court, the second section of the bill is utterly useless, and the Government is to be put in the position by this legislation of taking authority to go into the courts and prosecute claims which it has in a prior portion of the same law declared are absolutely valid in the occupants of the land, and it is the duty of the Government to issue a patent.

I trust the Senate will not sanction any such legislation as that. If this proviso is to remain in the bill the second section ought to be stricken out. There can be no occasion for it; it would be a useless ceremony.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired on all questions relating to this bill with my colleague [Mr. VOORHEES].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call having been concluded, the result was announced—yeas 14, nays 31; as follows:

YEAS—14.

Blair,	Jones of Nevada,	Miller of N. Y.,	Sewell,
Groome,	Lapham,	Morgan,	Sherman.
Jackson,	McMillan,	Pendleton,	
Jonas,	McPherson,	Pike,	

NAYS—31.

Aldrich,	Conger,	Harris,	Plumb,
Allison,	Dawes,	Ingalls,	Saulsbury,
Beck,	Edmunds,	Manderson,	Sawyer,
Call,	Fair,	Maxey,	Slater,
Camden,	Garland,	Mitchell,	Van Wyck,
Cameron of Wis.,	Gibson,	Morrill,	Williams,
Cockrell,	Hale,	Palmer,	Wilson.
Coke,	Hampton,	Platt,	

ABSENT—31.

Bayard,	Dolph,	Hoar,	Ransom,
Bowen,	Farley,	Jones of Florida,	Riddleberger,
Brown,	Frye,	Kenna,	Sabin,
Butler,	George,	Lamar,	Vance,
Cameron of Pa.,	Gorman,	Logan,	Vest,
Chace,	Harrison,	Mahone,	Voorhees,
Colquitt,	Hawley,	Miller of Cal.,	Walker.
Cullom,	Hill,	Pugh,	

So the amendment was rejected.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the regular order, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. HALE. I am very desirous of having the Senate take up and pass during the day the agricultural appropriation bill. I know how anxious the Senator from New Hampshire is that this bill which has hung so long in the Senate should be disposed of, and if he thinks that by taking an hour or so he will be able to bring the matter to a head, I shall agree not to push the appropriation bill. I want to get through with it during the day, however.

Mr. BLAIR. In response to what the Senator from Maine says, I will try. That is all I can do. I hope we shall proceed with the bill.

Mr. HALE. I give the Senator notice that during the afternoon, some time before an executive session, I shall seek to call up the agricultural appropriation bill and have it passed.

Mr. BLAIR. I hope if this bill should not even then be quite disposed of, as I think it will be, the Senator meanwhile will reconsider his present resolution and let us go on and finish this bill.

Mr. HALE. I will try to get up the appropriation bill during the day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. JOHN ELLIS of Louisiana, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. THOMAS RYAN of Kansas managers at the conference on its part.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I desire to call up the report of the conference committee which I submitted yesterday on the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes. The report is now on the table.

The PRESIDING OFFICER. The Senator from Kansas calls up the conference report on the District of Columbia appropriation bill. The report was made yesterday, the Chair understands. The question is on concurring in the report.

Mr. PLUMB. If any one desires, I can make a detailed statement of the points of difference which have been adjusted by reason of the conference. If not, I shall not take up the time of the Senate in doing so.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

WINNEBAGO INDIAN RESERVATION.

Mr. CAMERON, of Wisconsin. I ask the Senator from New Hampshire who has charge of the pending bill to give way for a few minutes in order that the bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes, may be taken up. I will state that the bill was drawn in the Interior Department, it was recommended by the Secretary of the Interior and by the Commissioner of Indian Affairs; it is favorably reported by the Committee on Indian Affairs of this body and is concurred in by the Indians and the friends of the Indians who represent them here, and also by all the members of the House of Representatives from Nebraska, in which State the reservation is situated. There will be no objection to the bill, I am satisfied, from any Senator, and it will lead to no debate.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent to have the bill indicated by him taken up.

Mr. BLAIR. I do not understand that to be the request. It is that the pending order may be informally laid aside.

Mr. CAMERON, of Wisconsin. That is the same thing.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the pending order be informally laid aside for the purpose of considering the bill indicated.

Mr. BLAIR. I shall not object providing it does not lead to discussion; but if it does, I must reserve the right to call for the regular order.

Mr. CAMERON, of Wisconsin. Very well.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Wisconsin.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 7, after the word "Indians," to insert "situate;" so as to read:

That with the consent of the Winnebago tribe of Indians in Nebraska, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, all that portion of the reservation of said tribe of Indians situate in the State of Nebraska.

The amendment was agreed to.

The next amendment was, in section 2, line 15, after the word "in," to strike out "such" and insert "each;" so as to read:

That after the survey and appraisement of said lands the Secretary of the Interior shall be, and he hereby is, authorized to issue proclamation to the effect that unallotted lands at the date of the passage of this act are open for settlement, under such rules and regulations as he may prescribe. That at any time within not less than six months nor more than one year after the date of settlement under such proclamation each *bona fide* settler occupying any portion of said land, and having made valuable improvements thereon, or the heirs as law of such settler, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase, for cash, through the United States land office of the district in which said land is situated, the lands so occupied and improved by him, not to exceed one hundred and sixty acres in each case, &c.

The amendment was agreed to.

The next amendment was, in section 3, line 5, after the word "of," to strike out "said" and insert "the Winnebago;" and in the same line, after the word "Indians," to insert "entitled to the same under existing laws;" so as to make the section read:

That the proceeds of such sale, after paying all expenses incident and necessary for carrying out the provisions of this act, including such clerk-hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of the Winnebago Indians entitled to the same under existing laws, in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the directions of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 7, line 3, after the word "Indians," to insert "residing in the State of Nebraska;" in line 5, after the word "the," to insert "said;" and in the same line, after the word "State," to strike out "of Nebraska;" so as to make the section read:

That upon the completement of said allotments, and the issuing the patents therefor, each and every member of said tribes of Indians residing in the State of Nebraska shall have the benefit of and be subject to the laws, both civil and criminal, of the said State.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. In section 1, line 18, after the word "Indians," I move to insert "in Nebraska;" so as to read:

One of whom shall be selected by the Winnebago tribe of Indians in Nebraska.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. In section 5, line 1, after the word "Indians," I move to insert the words "in Nebraska;" so as to read:

That, with the consent of said Indians in Nebraska as aforesaid, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read: "A bill to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.; and

A bill (H. R. 6089) for the relief of Moses F. Carleton.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, yesterday, approved and signed the act (S. 1705) to provide for the issue of duplicate checks.

FOREIGN-LABOR CONTRACTS.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The regular order is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDING OFFICER. The pending question is upon the motion to strike out sections 3 and 4 of the bill. The motion has been divided. The pending question therefore is on the motion to strike out section 3.

Mr. BECK. I rise to make an inquiry; I do not know whether it is a parliamentary one or not; and that is, What has become of the trade-dollar bill? I think it has lost its place in some way unknown to me. It was reported, and argued, and dropped. I supposed it was the unfinished business. I have never been able to understand why it is not.

Mr. SHERMAN. The chairman of the Committee on Finance is not present. As I have the floor when that bill is again taken up——

Mr. BECK. Of that I am aware.

Mr. SHERMAN. The Senator from Vermont said to me this morning that he expected to call it up after this bill is over. It is still a special order, but it has been displaced by the pending bill.

The PRESIDING OFFICER. The Chair is informed by the clerks that the bill is displaced as a special order and has gone to its regular place on the Calendar.

Mr. SHERMAN. The Senator from Vermont will move to take it up.

Mr. BECK. It has lost its place?

The PRESIDING OFFICER. It has lost its place as a special order, and has gone to its regular place on the Calendar.

Mr. BECK. By consent of the Committee on Finance, or how?

Mr. FRYE. Under a rule of the Senate.

Mr. ALLISON. It had no special place.

Mr. SHERMAN. Under a new construction of the old rule, which reversed the rule in my judgment.

Mr. BECK. The only remark I care to make is that the bill came from the House last April. A good many reflections were made on the Committee on Finance for not reporting it before the close of the last session. We endeavored to report it early at this session. It was held back for a long time and then reported. It was taken up by consent, and has been allowed to lose its place. If we are going to kill it, say so; but let it not be done by indirection. That is all I care to say.

The PRESIDING OFFICER. The question recurs on the motion to strike out section 3 of the pending bill.

Mr. MILLER, of New York. Mr. President, I was necessarily absent from the Senate several days ago when the bill was under discussion. I do not intend to detain the Senate at any length at the present time.

I desire to say that I am in full sympathy with the object of the bill, which is the prevention of the bringing into this country of foreigners under contract to compete in the labor market of the United States. Looking over the debate had upon this question the other day, I find that it was participated in by Senators on the other side of the Chamber who, two sessions ago, when we were discussing the tariff questions, and when the Senators upon this side were in favor of a protective tariff and legislating in that direction, met us with the taunting question whether we were in favor of protection to labor, charging that we were only in favor of protection to the manufacturers, the property-owners of the country, but that we proposed to leave and did leave the labor market of the country entirely open to foreign competition. I supposed from the questions then put to us, from the arguments they then made, that if a bill of this kind should come before the Senate they would be the first in its defense, and in advocacy of such a measure. I regret to find, however, that such is not the case; that several of the gentlemen who put that question to us at that time have now by their speeches placed themselves in opposition to this proposition, and have made extensive arguments here against it.

I believe that the system of bringing into this country labor under contract is entirely vicious. While the United States Government opens its doors to all voluntary immigration, it should most unequivocally close its doors against all involuntary immigration, or against any immigration which comes in here under contracts to labor for a period of years. Such immigration, such labor, is to all intents and purposes slave labor, and it can under no circumstances do anything else than degrade and debase free American labor.

You will remember, Mr. President, that during the colonial times much of this kind of labor came into some of the colonies, particularly into Pennsylvania, and under the laws which then prevailed there was absolutely white slavery in this country. Large numbers of white emigrants were brought here under contract for a term of years, and the owners of their labor were able to sell that labor and pass it from hand to hand.

I wish to say as a manufacturer myself that the manufacturers of this country do not desire to have this kind of labor brought into the country, that so far as my knowledge goes one and all are opposed to it. If skilled labor, manufacturing labor, desires to come to this country, let it come intelligently and voluntarily, and when it is here it will then be upon an equality and a par with American labor. Those laborers can make, as all free men can make, their own contracts. They may go and come as they please. But we have seen within the past few years, and see at the present time, when large numbers of American laborers are being thrown out of the market, that organizations and companies have been formed in this country which have brought in large numbers of ignorant and degraded foreigners to work in our mines and upon our railroads. It is in these two industries chiefly that the contract labor brought in from Europe is to-day employed. In the mines of Pennsylvania, and in some other portions of the country, this labor has been introduced, and it has brought with it crime and misery. It has driven out of employment large numbers of free American citizens, voters like ourselves, who have their rights as American citizens. They have been driven from their employment by the bringing in of cheap foreign labor under contract.

Large numbers of these contract laborers have been brought from Hungary. Still larger numbers have come from Italy. There has been and still exists, I believe, in the city of New York a regular organization, a regular company I may say, of Italians who have brought into New York within the past few years many thousands of Italian laborers, and they have been put upon our railroads and public works under contract, and always at prices ranging from 50 to 75 per cent. only of the ordinary wages paid to American citizens in the same localities where this labor has been employed.

Large amounts of this labor have been employed in my own State. I now particularly recall the conditions under what is known as the West Shore Railroad was built. The great majority of all the labor used upon that road for three or four years was Italian contract labor. The men came in gangs. They were not able to speak our language. The contracts were made with their masters or foreman, who staid with them and controlled them upon the works. They lived in rude huts or in dilapidated barns and houses which were found along the road. I will not here go into any description of the squalor and filth which was found in those habitations, or the manner in which they lived. Even at the reduced wages of not more than from 50 to 75 per cent. of ordinary wages, they expended upon their living, on an average, not more than 25 cents a day, and yet each laborer accumulated a sum ranging from $400 to $800. They have gone back to sunny Italy, there to enjoy the little competence which they obtained here, thus taking away from this country our money and at the same time depriving American citizens of labor. Of the fifty-odd million dollars which was put into the construction of the West Shore Railroad a very large portion has been carried out of the country by Italians, and is to-day in Italy. If this labor had not been brought here under contract it would not have come at all. The average Italian laborer who is brought here under contract has not sufficient intelligence or education to enable him to come to this country for himself and to make contracts or find labor for himself. It was done in all cases by an organized company, which sent their agents to Italy, there collected together the labor of that country, brought it here, and, by making favorable contracts, made large profits for themselves.

I believe this whole thing to be vicious. The result has been that in my part of the country where this road has been built the better portion of the Italian labor has gone back to Italy, but it left all through our counties the paupers and the criminals who came with it. They have filled our almshouses and our jails; and in my own county I think, at the present time, one or two of them are under indictment for murder, or at least they were. Very much of crime and of misery and of pauperism was brought with them, and everywhere they threw American labor out of employment, for Americans would not work at the wages which the Italians were willing to take.

The bill gives us a perfect remedy for that condition of things. It says that there shall no longer be white slavery in this country, and that the labor of our country shall be open only to the competition of free men, each one acting for himself and not controlled by any company or any master.

If such action as this is not had, I believe that there will be great labor troubles in this country. Statistics gathered by some of the great commercial houses, by the Bradstreets, shows that a very large percentage of all the labor of America is unemployed to-day; that manufacturing establishments are stopping; that the building of railroads is being discontinued; that mines are being closed; and certainly under such circumstances, when the market is overstocked, we ought to see to it that the labor of our own citizens is not interfered with in the manner which I have described.

If sections 3 and 4 are to be stricken out, the bill may as well be beaten at once; for there is nothing left of it. Section 3 prescribes penalties for persons and companies or corporations who shall engage in bringing out this labor, in making the contracts and inducing these men to come among us. If that section is stricken out, then you can punish no one, for certainly you are not to punish the poor, ignorant, and deluded laborer who may be induced to come here.

Section 4 furnishes the penalty for the master of any vessel who shall knowingly bring within the United States on a vessel any of the persons described in the bill. I see no objection to that, and I do not believe that any of the great steamship companies bringing immigrants to our country can be opposed to that section, for the word "knowingly," which is in the section, will protect them in all their rights, and if they bring such persons into our ports knowingly they ought to be punished.

We have had upon our statute-book for many years laws forbidding the importation of paupers as immigrants, but we all know how difficult it is to prevent it. Year after year in the port of New York attempts are made to exclude such persons. A short time ago, after some of them had been brought over, the court held that the steamship company could not be compelled to return them to Europe, because they had been allowed to land; and now the commissioners of emigration are compelled to go aboard every emigrant ship coming into port and make a full examination in regard to the character of the passengers before any of them are permitted to land, for, under that decision, if any of them should be landed they would not fall under the statute and they could not be returned. Thus it is that now the steamship companies are compelled to submit to this examination before the immigrants are permitted to land.

Even with all the strictness with which this old law is attempted to be enforced to-day, the fact is that scattered all throughout the length and breadth of the land we find that thousands upon tens of thousands of paupers were only a few years or a few months ago landed upon our shores. They were paupers to all intents and purposes when they landed. They should not have been permitted to come here.

For years it has been an open and well-known fact that the European governments have been attempting to send to this country, to dump upon our shores, their criminals and paupers. The time is rapidly approaching when the Congress of the United States will find it necessary to pass much more rigorous and strenuous measures against the importation of such people than we have now upon our statute-books. We shall be compelled for our own safety to know thoroughly in regard to the character of all persons who come upon our shores intending to make this country their home. We shall find it necessary to inquire in regard to their ability for self-support; we shall find it necessary to inquire in regard to their previous character, and whether they have ever been criminals or not.

I believe, I say, that this legislation will be demanded, I believe it is demanded now, in all justice to our own people; for go where you will throughout the Northern States you find that a large percentage of all the paupers in our almshouses and a still larger percentage of all the criminals in our State prisons and penitentiaries were only a few years ago subjects of some European monarchy, and in many cases, if you will follow their history, you will find that they were paupers and criminals when they came here.

The United States stands ready to receive at all times all good persons who may come to us from Europe, who may come here able to support themselves, able to maintain themselves, and who are to become good citizens and add something to the prosperity of our country. But I submit that we can no longer afford to leave our ports open to the pauper and criminal classes of Europe; neither can we afford to leave our ports open to contract labor brought in here to be used in our mines and upon our railroads and other public works as I have described.

It seems to me that there ought to be no division upon this question, and I am surprised that any Senator should have opposed this principle upon this floor, for we are here I hold to legislate first for our own people, and particularly are we called upon to legislate in the interests of the labor of this country. Capital, wealth, and education are usually able to take care of themselves under any form of government.

I trust that sections 3 and 4 will not be stricken out unless more stringent penalties are to be moved as a substitute for them.

In regard to section 4, I may say that yesterday I was called upon by an agent of one of the principal foreign lines of steamship companies which bring emigrants into our country. He had supposed that there was something in that section which would work a great hardship to the line which he represented. I took the bill and read the section to him, and he expressed his perfect satisfaction with it. He had understood that the word "knowingly" was not in it, and under such circumstances he said it would be likely to bring great hardship to the steamship companies. But section 4, as it is now drawn, I submit will work hardship to no honest steamship company.

The steamship companies will, undoubtedly, find it necessary hereafter, if this measure shall be passed and placed upon our statute-books, to require the emigrants taking passage by their lines to subscribe to a statement that they do not go out under a contract to perform labor in the United States. They will undoubtedly make such a regulation, and require all persons taking passage by their lines to subscribe to such a statement, and when they have done that they will have done their full duty. If it shall then prove that they have taken on board men who are under contract to perform service in the United States, the steamship company will not be punishable under this proposed law, but only those individuals or corporations who have been active in inducing such immigration.

I believe the bill is just in all its provisions. I hope that it will not be amended to any great extent, that it will pass the Senate, and that it may be returned to the other House for concurrence in such amendments as we have made, and that it may speedily become a law of the United States.

Mr. VEST obtained the floor.

Mr. MORGAN. I ask the Senator from Missouri to allow me a moment. I should like to know if the Senator from New York will point out the section of the Constitution under which he thinks this measure could be maintained. Under what power of Congress is it?

Mr. MILLER, of New York. I do not care to go into a discussion as to the constitutionality of this or any other measure. If it is not constitutional, and it should become a law——

Mr. DAWES. I suggest the general-welfare clause.

Mr. MILLER, of New York. My friend from Massachusetts suggests the general-welfare clause, and as that has been used somewhat on the other side within the last few months, perhaps that might be a sufficient answer. I might ask the Senator from Alabama also to give me that section of the Constitution under which he thinks this class of legislation is prohibited. But that is neither here nor there. In the passage of laws here, where there is not a direct provision of the Constitution forbidding the action proposed, making it absolutely plain, I shall always govern my action by what I believe to be the best interests of our people, leaving the Supreme Court to decide if there shall ever be any question as to the constitutionality of any of the acts that we may pass. Believing that the best interests of all our people demand this legislation, I am unequivocally for it, and I have not troubled myself about the constitutionality question at all.

Mr. MORGAN. I thought that perhaps the Senator from New York put this proposed legislation upon the power of Congress to regulate commerce between this country and foreign countries. I did not know. In dealing with the question, of course I should like to know, as I am not satisfied that the bill ought to pass, whether in passing it we are laying down any rule that would be very inconvenient hereafter.

Mr. MILLER, of New York. If the Senator from Missouri will pardon me just a moment, I will ask is not this legislation precisely on all fours with the legislation which we now have upon the statute-book which prevents paupers or people who have been criminals in other countries from coming into our ports?

Mr. MORGAN. That may be, Mr. President.

Mr. MILLER, of New York. That has been upon our statute-book for a long time, and I am not sure that it ever has been passed upon by the Supreme Court; but certainly the inspection laws of the State of New York in inspecting immigrants and in levying inspection duties upon them have been sustained. I know that the head-money tax of New York was not sustained by the court, and that the United States Government did step in and pass a statute imposing a head-money tax. If Congress can impose a head-money tax of 50 cents upon each immigrant that comes in, it can of course impose one of $1,000 or $5,000, or $10,000 if it sees fit, and could in that way exclude the immigration. In the laws forbidding the importation or the coming in of paupers, of course the word "pauper" means simply a person who has no visible means of support, who has no property, no money. Such a contract laborer would certainly be excluded as a pauper. That has been on our statute-book for many years, and I think has never been questioned. It seems to me this legislation is directly in that line.

Mr. MORGAN. I do not wish to occupy the time of the Senate, as the Senator from Missouri desires to take the floor, but I beg indulgence to say that I have no doubt about the power of the Government of the United States, or of any State indeed, to exclude the immigration to this country of persons who are diseased, or persons who are paupers, or persons who are criminals, upon the general power of self-preservation or self-defense that any government is obliged to possess. I was only anxious to know, inasmuch as the Senator referred to the subject of a tariff, whether he thought the exercise of the taxing power was included in the bill, or whether the power to regulate commerce was included in it, whether he really thinks that this is a prohibitory tariff upon the incoming of foreign population under contract to labor in this country.

I was at a loss to know from the Senator's argument upon the subject of the attitude of certain persons on this side of the Chamber on the

tariff question, whether he thought that we are now enacting a tariff law or something that is to be justified under our power to enact tariff legislation. I think that if it goes upon the idea of regulating commerce (inasmuch as that power seems to be equally in the authority of Congress) between foreign countries and the States and the Indian tribes, after a while we should in extending it get to preventing the negroes of the South from coming up among the people of the North and competing for labor on the railroads and other places where they might seek an opportunity to find employment.

I do not want to prevent that; I do not want to establish a precedent here by which that can be done, for I want those people to have free access to all parts of the United States to labor in competition with any white man anywhere. That is my view of it, and I should dislike very much to lay down a doctrine in this bill which might induce some person at some time or other to undertake to cut off the negroes from the right to emigrate to the North. I want them to go there if they wish to go.

Mr. MILLER, of New York. Mr. President——

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Missouri has been recognized. Does he yield?

Mr. VEST. Yes, sir.

Mr. MILLER, of New York. I am glad to notice that the Senator from Alabama is taking much greater interest in the labor of his own part of the country and that of the United States than he seemed to do some two years ago in discussing the tariff issue—I think my memory serves me correctly—when the Senator stated substantially upon this floor in speaking of the tariff question that he did not want a high tariff which might lead to a high rate of wages, for he did not think it would be profitable to his own State; that if great manufacturing establishments were built up at Birmingham, and other places and labor was paid high wages as it was in the North, it would necessarily affect the labor market of Alabama upon the plantations, and those working upon the plantations would be drawn away from them by the inducements of higher wages paid in great manufacturing establishments, and that might result in destroying the planting interest of Alabama. That I think was substantially the statement of the Senator at that time. I do not intend to do him any injustice, and I hope I do not, but I think I give substantially the idea which he presented at that time.

Now the Senator is very much alarmed, fearing that if the bill should pass, preventing contract labor coming from abroad, the North will undertake to protect itself against the free colored labor of the South. I think the Senator is very much mistaken in that. If it comes freely from the South of its own accord to the North it will undoubtedly be welcomed and will receive such rate of wages as is commensurate with its value.

I think the Senator may give himself no concern in regard to the labor interest of the North, or any interest in the North, ever attempting any such legislation as he suggests; and really I do not think that the Senator was in earnest in making any such suggestion as he did make.

Mr. MORGAN. If the Senator from Missouri will indulge me one moment more, I mentioned the other day in the argument I made before the Senate on this bill that I had been waited upon by a committee of laboring men of this District, and I asked them what would be the effect upon their affairs here of introducing the negroes of the South. They are not a very much better class of people than those described by the Senator from New York, a great many of them. Some of them are very much better, but a great many of them are not better. Well, they said they did not object to them; they said, "The negro speaks our own language, and when we wanted to get on a strike we could manage them, we could control them; so we do not object to their coming in."

The Senator has furnished me an opportunity of which I shall not avail myself at this moment of correcting a second-hand account that he has got from some newspapers—a very unjust one to me—about my attitude upon the labor question in my own State.

Mr. MILLER, of New York. The Senator will pardon me a moment. The statement I made was furnished by my own recollection of what I heard the Senator from Alabama state in one of his speeches on the floor of the Senate in the discussion of what is known as the tariff bill of 1883. I think my memory is substantially correct. It was not upon any hearsay or any newspaper account that I spoke.

Mr. MORGAN. I shall refer to the RECORD at the proper time for the purpose of defending myself against what is a very unjust statement of any remarks that I made or any attitude that I assumed upon that question here. I did ask in the course of the tariff debate, having two classes of people in my State to take care of, one the planters and the other the manufacturers, of what advantage it would be to the people at large if the manufacturers were encouraged by a high protective tariff levied upon the labor and earnings of the people and should thereby raise the wages of that labor to such a degree that the planters could not afford to carry on their business. I put that question again, and the people of the State of Alabama put it to me day by day. They want to know of what advantage it is to the people at large in that State to tax the planting interests very heavily for the purpose of building up a special industry which has no other effect, so far as they are concerned, than to raise the price of wages.

It does not compensate the laborer any more than the existing state of employment and the existing rate of wages. It merely produces a money demand for labor instead of a demand upon the plantations, which, when you come to count it up at the end of the year, is very much more favorable to the laborer upon the plantations than it is to the laborer at the iron-works or at any other place in that State. You may take a negro—I refer to that class of people because they constitute a large proportion of the labor in my State—and give him a dollar or a dollar and a half a day at the iron-works. Take him from his home, let him rent his shanty or place of living, buy his clothes and his food, and work the hours that are required at the different iron establishments in my State, and then compare what that man earns in a year with what the actual advantage of his earnings upon a plantation are, and the plantation service is very much more valuable to him than the other; but the temptation of a dollar or a dollar and a half in money per day is so great that those men are frequently drawn away from the plantations by this temptation and induced to give up good homes and good situations for the illusory opportunity of working in the iron establishments.

So I argued then, and I argue now that, so far as the specific price of labor is concerned, whether that is to be 50 cents a day on a plantation or whether it is to be a dollar at an iron-works, if you choose to make that difference, and there is not quite that difference between them, the advantage of the man's living, his prosperity, his morals, his Christianity, his peace, and his comfort, and the welfare of his family are decidedly promoted by his receiving a lower rate of wages upon the farm than by receiving a higher rate at the iron-works or at the lumbering-mills. It was in that light, and only in that light, that I was discussing this question, not having a desire to keep down wages by the repressive influence of law or by any other influence, but not wishing that any portion of the people of my State should be deceived by flattering arguments into the belief that, by the encouragement of any one particular line of industry by high protective duties levied on the rest of the community, the State at large or the people thereof were benefited either in their prosperity or their happiness. That is the attitude I took, and I can look up the RECORD and show that I said nothing contrary to that.

Mr. VEST. Mr. President, I expect to vote for this bill; but there are several provisions in it to which I shall give a reluctant assent. I think the bill is immature and crude, but I shall vote for it on account of the salient principle which it announces, hoping that time and experience may perfect this legislation hereafter. If I understand the principle enunciated in this bill and attempted to be enforced, it is the prohibition of contract immigration to this country, what is termed upon the Pacific coast the cooly principle, a principle the results of which on the Atlantic seaboard and in the Western States are significantly shown by the immigration to this country of the paupers, the abandoned, dangerous, and criminal classes of foreign countries who are unable to pay their own transportation and who become the instruments of greed and avarice on the part of speculators and corporations.

I have no doubt as to the constitutional power of Congress to enact this legislation. The Supreme Court of the United States has declared in two cases that the power to preserve its own life gives this Government the authority to exclude the diseased and criminal and pauper classes from our country, and authority is found under the commerce clause of the Constitution, without reference to that Sancho Panza constitutional blanket known as "the general-welfare clause," in which I have no confidence and upon which I place no reliance.

Mr. President, the men who formed this Government based it upon two great distinctive principles: one, local self-government; and the other their appeal under unparalleled difficulties and dangers to the sentiment of the civilized world in favor of personal liberty and political freedom. Our fathers invited to this country every *bona fide* immigrant who came here to take his part in the responsiblity and the danger which attended the problem of self-government in this western hemisphere. To the warm-hearted and intelligent Celt, to the industrious and economical German, to the self-reliant Scandinavian, let the doors of the Republic be thrown wide open. The party to which I belong has always held this doctrine and has always practically enforced it; but it should not be prostituted to the greed and avarice of men who seek to strike at the very life of the Republic by introducing the dangerous and pauper classes from abroad into our population.

The Senator from New York has eloquently portrayed the practical results of this abuse within the great State which he represents upon this floor. Who introduced this system of contract pauper labor into the legislation of the United States? The Senator from Ohio [Mr. SHERMAN] denounced it upon this floor but the other day, yet the Senator from Ohio is the father of the bill that inaugurated contract immigration into the United States. In 1864, upon July 4, the natal day of Independence, I find that a bill became a law, of which the Senator from Ohio was the father, which he reported to the Senate, and which he advocated, the second section of which reads as follows—it is "an act to establish the office of commissioner of immigration:"

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor, for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

There is the germ of the cooly or contract-labor system now carried on, and that bill, introduced by the Senator from Ohio, reported by him from a conference committee, advocated by him upon the floor of the Senate, and passed by a Republican Congress, is now upon the statute-book, and it is the father of this whole system which the Senators from New York and Ohio denounce to-day.

Mr. President, I thank the senior Senator from Kansas [Mr. INGALLS], who, with characteristic eloquence and courage, portrayed the other day the appalling condition of this country under this legislation and other legislation of the Republican party. That Senator, in words whose eloquence I shall not undertake to emulate, said:

Sir, there are 500,000 wage-workers, willing to labor, out of employment at this particular instant of time in the United States. With their dependent women and children, not less than 3,000,000 people in all are to-day, amid the extraordinary rigors of an unusually inclement winter, suffering for the necessaries of life. They need shelter. They are in want of the clothing that might be manufactured from the surplus production of our factories now stored in warehouses and waiting for a purchaser. They are in need of the corn that is this afternoon being burned for fuel on the plains of Nebraska, and the wheat that is being fed to hogs in the valleys of Kansas. The gravity of the situation can not be exaggerated. It is an alarming paradox. In the midst of copious abundance there is haggard wretchedness and starvation. With all the elements of prosperity around us there is unprecedented depression and adversity.

If I were to venture to supplement this appalling picture, I should allude but in passing to the columns of the press to-day, which state that 75,000 laborers are now out of employment, hopeless, upon the streets of New York; and this after twenty-four years of a high protective tariff; this under the war or Morrill tariff, under which we have had a hot-house system augmenting the products of the country to the highest extent under the plea of protecting the laborers of the land. If we have heard anything on this subject in the press, from the rhetoric and logic of the Republican party for a quarter of a century, it has been that a high protective tariff would increase the wages of the laboring classes of the United States, would give them happy homes, and remove them from the squalor and wretchedness of the pauper labor of Europe; but after twenty-four years of that system this is the picture drawn by one of their most eloquent advocates, portrayed in words that simply fit the facts, and I thank the senior Senator from Kansas for the courage which evoked his utterance, and I point the laboring men of the United States to the results of the high protective tariff, to the fact that now additional legislation is being demanded in order to remove them from competition with the pauper labor of Europe poured upon our shores.

Mr. PLATT. Mr. President, I shall make no apology for taking the time of the Senate for a few moments in the discussion of this bill. I have seen criticisms in the public press upon the Senate because it voted to consider this bill rather than some other bills the passage of which was supposed to be important to the welfare of the country; but to my mind there is no bill pending before Congress, there has been no bill pending before Congress during its present term of any greater or I may say equal importance with this bill; and so far as any responsibility is to be taken for displacing other measures and bringing this bill to the consideration of the Senate, I am very willing and very glad to accept my share of that responsibility.

This bill has been here since last June. It has been for one reason or another, largely because of our rules, debarred from a hearing until this time; and now in the closing hours of the session I am pained to observe that Senators whom I believe to be in favor of the principle of this bill seem to overlook that principle and to be directing their attention to what appear to be some crudities and informalities which appear in the bill. I agree that this bill is crude, that it has not been drawn with proper care. I think it illustrates the folly of a class of men who suppose that bills can be better prepared for the consideration of Congress and passage by Congress by those who are not familiar with legal phraseology and with the legal profession.

But if I were to criticise this bill I would criticise it because I think it is not properly drawn to effectuate the object and purpose which those who desire the passage of the bill, and which I desire, have in mind. I do not believe that these sections which have been criticised, that the phraseology which has been criticised is likely to work any considerable hardship or injustice. I think the bill, if it fails in effecting a wise and salutary object, will fail because it is not properly drawn to effectuate the purposes of those who believe in the principle of the bill. I said that I regarded this as an extremely important bill. I think there is no question to-day so serious before the American people as the condition and character of its wage-workers, both present and prospective, and I propose for a few moments to express my views upon that subject.

It is said that a republic rests upon the virtue and intelligence of its citizens, and that is true; but there must be another element taken into consideration. The element of the prosperity of its citizens and all classes of its citizens must be regarded, and that system of public economy which does not consider first of all the condition and the character of all classes of the citizens of a country is fatally defective, and that statesmanship is unwise which refuses to regard and consider the condition and character of every class of the citizens of a republic.

A majority of the citizens of this Republic are wage workers. Possibly the statistics of the census do not quite bear me out in that statement. I think, although I have not the statistics at hand, that the number of those engaged in gainful occupations, as they are called, is stated at 47 per cent. of the entire population, but there are many other persons to be added to that list who do not come within the census classification. So I think I am correct in my statement that more than one-half of the citizens of this Republic are engaged to-day in earning wages.

They are the majority of the voters of this land, laborers, men who earn their bread by the sweat of their brow. The most important problem presented to the American people to-day is what shall be the condition, what the character of that class of its citizens. Other government based upon other principles, monarchical governments, arbitrary governments, governments of the strong hand, may live and prosper and thrive to a certain extent, although the character, the social, the mental, and the moral condition of its laboring classes may be neglected, and may not be deemed proper subjects for legislation. But in a republic I believe, and I state as the result of mature thought, that it is impossible for the system of government long to survive unless there be passed such laws, unless there be adopted such policies as tend to elevate, to dignify, and to ennoble all its laboring classes. In this Government the working man votes, and hungry men do not vote intelligently. Men who can only receive as the result of their toil just enough to keep from starvation and the poor-house, are not patriotic, or if they are will not long be patriotic to the extent of being willing to fight for and defend the institutions of their government.

It becomes, then, the duty of all men who have to do with the legislation of the country to see, first of all, that such policies are adopted and such laws enacted as will tend to elevate the laboring citizens of the country. I said, therefore, that you must add to virtue and intelligence the prosperity of the citizen, if you expect the Republic to endure; and prosperity of the citizen means fair, remunerative wages for his labor. The tendency in a country which seeks to lower the standard of wages below fair remuneration is wrong and vicious and destructive of republican institutions. We owe our marvelous growth in this country more to the character of the men who have worked with their hands from the foundation of the Government to this time than to any other one cause. It has been so heretofore in this Government that the man who would honestly work could receive fair compensation for his work, by which I mean enough so that he could do something more than keep himself alive and keep his family alive, and avoid the poor-house.

Up to this time those who have been willing to labor in this country under our system of free labor have been able to obtain wages enough so that they could comfortably clothe themselves and families; so that they could properly educate their children; so that by thrift and prudence, by frugality, or self-denial if you please, they could lay aside a little something, establish for themselves a little competency, secure a little home; attach themselves to the soil, and thus become conservative, patriotic citizens of the country. Anything that tends to change that system in the United States presents an appalling danger, and a danger, I think, more appalling than we now understand.

There is another condition of labor which must be observed. Labor in this country, in a republic, must be free. The laborer must have no master but himself in the sense that he is not free and independent. It was the bondage of labor in the system of slavery which wrought so much of disaster to the section of country within which it prevailed; that retarded development, that kept back that country; and those sections of the country in which free labor prevailed, where workingmen were their own masters, were enabled to advance more rapidly in the march of civilization and prosperity than that section of the country where the system of slave labor prevailed. And we shall have but half won the fight against slave labor and in favor of free labor in this country if we do not so legislate as to continue a state of things in this country where labor shall be free and independent, and where it shall receive fair, even generous, compensation.

It is quite a mistake to suppose that a nation in which labor receives an incompetent reward can be really or permanently prosperous. I know in these days there seems to prevail a theory that that nation is to be strongest upon the face of the globe where the rate of wages for labor is least. The idea seems to be that that nation will be strongest which can manufacture its goods cheapest, and that involves the least rate of wages.

It seems to be taken for granted that such a nation can obtain in some way what are called the markets of the world, and thus surpass other nations in strength and prosperity and power. I believe it to be a great mistake. I believe that the nation which seeks only the expansion of its trade by cheapness of production is on the road to weakness and decay and dissolution. I would not degrade the labor of this country by 10 per cent. to secure all the markets of the world, as they

are called. I prefer to give up trade if thereby we may educate and ennoble and dignify labor and make laborers more honorable in this country.

I do not propose to give this discussion a partisan turn. It is above politics. I do not propose to be drawn into any discussion of the tariff, but I want to say just this: I do not want to see this country engage with other countries in a scramble and strife as to which can obtain most of the markets of the world by lessening the wages of the men who produce goods. Cheapening production should be avoided if we must cheapen men in order to secure it.

Now, we all agree to this. It is said that laboring men are out of employment in this country. They are out of employment in all lands, no more so here than they are in other countries. I will not stop to discuss the causes which have limited the field of labor and thrown persons out of employment. The papers to-day tell us of three thousand men in the streets of London hungry and besieging the office of the prime minister demanding work. It is not in this country alone that people are out of employment.

We all recognise the fact that a condition of things where there is no labor for men who live by labor is a condition which weakens and endangers a government, whether it be a monarchy or a republic; and we must also understand that when labor does not obtain a fair reward a condition of things exists whereby government is as truly weakened and endangered. The difference is only in degree. It is the same danger and the results will be in the same direction.

We must have intelligent laborers in this country. The foundation of our whole governmental and social fabric is the intelligence of the man who works; and the majority of our men work. I have no patience with that philosophy or that statesmanship which does not regard the worker as the equal of the man of leisure. I have no patience with that kind of legislation which does not seek to ennoble the worker in this country.

I bear a great deal said about this Senate being in some way committed to the corporations of the country and the wealth of the country, said unjustly as I believe; but it having been said, I want to take this opportunity, standing here in my place in the Senate, to say that my life has been a life of work, hard, unremitting work, and that fortune has never dealt lavishly or generously with me; and I am glad of the opportunity, therefore, to stand here and declare the dignity of labor and to plead for the equal rights of the honest toilers of the land.

I would be just to capital as I would be just to labor, though I have never been fortunate in the acquirement of wealth. I feel no antagonism to it. The wealth which re-enforces labor is as necessary to the country as labor itself, but my whole life experience leads me to sympathise with that portion of our citizens who are compelled to earn their living.

I do not believe that these criticisms upon the Senate are just. I believe that the Senate of the United States is as ready to recognize the rights of laboring men as the rights of the rich who employ labor. I do not believe that there is any danger that at the hands of the Senate of the United States men are to become lordly if not titled in this country, or that the workingmen are to be reduced to the condition of a peasantry.

Mr. President, these thoughts have been running in my mind as this discussion has proceeded, and I felt that they were thoughts which were worth submitting to the consideration of the Senate.

Now, what is this bill? It is a bill which proposes to declare, as I understand, two things, and therefore I am in favor of it: First, that the policy of this Government is to protect its laboring men, its workers, to protect them to the extent that they shall be elevated rather than degraded, that they shall be educated rather than made ignorant, that they shall be honored rather than despised; and second, I understand the principle of this bill to be that labor in this country belongs of right to the laborers who are now resident here, and to such other laborers as shall voluntarily come here to join those resident here in the performance of that labor, and I have no hesitation in saying that a practice which contradicts and violates these principles is a crime against the Republic, a crime against its social order, and a crime against its system of government.

It is impossible to bring foreign laborers here under contract without assailing all these principles which I have been enunciating. I am opposed to importing laborers as we import horses and cattle. I am opposed to what may be called involuntary immigration into this country. I am not opposed to voluntary immigration. I regard voluntary immigration as one of the chief sources of our strength, as a factor which has developed and is further to develop the grandest civilization that this continent or the world has ever known, and to make our own the most prosperous, the most powerful, and the most beneficent of all the nations of the earth. I believe that the admixture with our native races of those who come here imbued with the principles of this Government, seeking to better their condition, honestly desiring to work in this land of freedom, tends to build us up as a people and to ennoble the whole of our citizens.

I have never been in favor of involuntary immigration. I voted against the Chinese bill, not because I was in favor of Chinamen being brought here under contract for labor, but simply because I thought there were in that bill sections and clauses which prohibited voluntary immigration into this country, which shut out the man who desired of his own accord, of his own free will, to come here and become a part of us; because men were shut out from this country by that bill, as I understood it, simply on account of their being laborers who wanted to labor in this country. I will go as far as any other man to prohibit bringing contract labor here, whether it be Chinese, or Italian, or Hungarian, or English, or French, or Irish.

It is that principle which I contend against, and in so doing I recognize and uphold the right of any human being on this globe who himself, of his own motive, of his own desire, his own free will, wishes to come here and become part of us, and honestly partake of the benefits of labor in this country, to come without hindrance or restriction. My doctrine is that no importation of laborers to lower the rate of American wages should be permitted, and no voluntary immigration of honest laborers should be prevented.

So, Mr. President, I shall vote for this bill. I believe that the whole tendency of the system which it seeks to cut up by the roots and to destroy is vicious, is degrading, is destructive to our Government. The Senator from New York has depicted the condition of the men who are thus brought here. He has depicted the way in which they live, their social relations. They are in no sense, under such circumstances, the peers of the American laborer, and they do not intend to become the peers of the American laborer. They are in no sense under such circumstances fit to partake of the responsibilities of our Government as the American laborer must partake of those responsibilities. They are in no sense under such circumstances calculated to become the defenders of our Government in the hour of its trial. They do not come here under circumstances, they do not live here under conditions which can make them intelligent, patriotic, voting citizens of this country, and I want no other immigration into this land. I welcome to it all that will come under conditions which will enable them to become such citizen-voters of this Republic. Mr. President, I trust that none of these amendments will prevail. I do not believe that any of the provisions of the bill will work hardship or do any substantial harm, but I do believe that we shall do infinite harm if we fail now, this subject having come to the consideration of the Senate, to put on record our adherence to the principles which I believe are contained in this bill and give them here in the American Republic the sanction of law.

Mr. MORRILL. Mr. President, it is not my habit to discuss the question of the tariff when it is not before the Senate. The Senator from Missouri with his wonderful facility and felicity has seen fit to bring in that subject on the present occasion. I wish to say a word or two, and to advise him that whenever that subject comes up properly for our consideration he had better be prepared to take some blows as well as to give them.

It may be that some of the distress which now prevails throughout the country in our various workshops has arisen from an apprehension that some protection hitherto given is to be withdrawn by the coming administration. It may be observed also that in the winter season there are always in this country as well as in others a large number thrown out of employment, and the present winter has not been an exception. It is also true as observed by the Senator from Connecticut that this depression in the industries of our country is not singular here; it prevails throughout the entire world at the present time, as much and probably more in England and Germany and France than in the United States.

But the Senator from Missouri would unquestionably pursue a policy that would throw a large number of the wage-receiving men of our country perhaps into Nebraska to raise corn merely for fuel. That is not the policy that I should advocate. But as the Senator refers to the long time in which protection has had sway in this country, and yet has failed to produce the effects of prosperity throughout the entire land, I desire to call his attention to a message sent here by a Democratic President in 1857, that he may see whether the conditions now are any different from those described by a Democratic President after a long season of the domination of that party in this country. I read from the first annual message of President Buchanan of December 8, 1857:

> The earth has yielded her fruits abundantly, and has bountifully rewarded the toil of the husbandman. Our great staples have commanded high prices, and, up till within a brief period, our manufacturing, mineral, and mechanical occupations have largely partaken of the general prosperity. We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country, in its monetary interests, is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

I ask the Senator from Missouri to look on that picture as well as the one that he has presented.

Mr. PLUMB. I observe that this bill has been amended in some particulars, so that I presume it is in order to still further amend it, although I should have been willing to vote for it as it came from the House, not because I thought it embodied in every respect the best form of language to accommodate the idea, but because it seemed to make more certain the probability that it would become a law. The motion to strike out the third section, I suppose, will be postponed to a motion

to perfect it. I want to suggest to the Senator from New Hampshire having the bill in charge whether that section might not be improved in line 3 by inserting the word "knowingly." He will observe that the word "assisting" occurs in line 3, and that that applies to the migration or importation of any alien or aliens under contract; and therefore the person who assists in bringing such persons into this country might be liable to the penalties provided in that section, whether he did it knowingly or not.

Mr. BLAIR. I think the suggestion is without objection. I should be very glad to have the word inserted.

Mr. PLUMB. I propose to amend by inserting before the word "assisting," in line 3 of section 3, the word "knowingly." That would not apply of course to the word "soliciting," because solicitation must necessarily be with knowledge, but the word "assisting," as applicable to the importation of aliens or foreigners to perform labor or service, is without any qualification whatever. I think that ought to be amended, and I make the suggestion, because a number of amendments have been made and because I want to have this bill as perfect as we can well make it, for if it should happen that we should pass a bill which should, by reason of its crude provisions, encounter obstacles in its enforcement, it would probably not be enforced or might lead to such amendments to it hereafter as would in some way destroy the purpose which is in view.

I wish while on my feet to call the attention of the Senator having charge of this bill also to that provision of section 5, commencing in line 7, which declares:

> Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States.

I think I see the idea that the person who drew this bill had in mind, but at the same time the provision is very broad, and is not only liable to defeat itself but to defeat the object of the entire bill as I understand, because if a person can be imported under contract to do something which is not now done in the United States, being once imported he may be used for an entirely different purpose, and that may be in view at the time the contract is made. If this bill is intended to strike thoroughly and finally at the evil of contract labor, it seems to me that it should forbid it entirely, that there should not be a loophole of this kind.

Mr. DAWES. I should like to inquire of the Senator if his hostility is to anybody contracting in this country his labor upon specified terms, or is his hostility against a contract abroad that binds him here?

Mr. PLUMB. My hostility is to any contract whatever whereby any person comes to this country moved by an impulse set in motion by somebody else, and not on account of his own disposition.

Mr. DAWES. What does the Senator mean by that? Any contract that a man may make abroad to come to this country and perform labor upon terms fixed abroad, without his having anybody in this country to determine the terms with him here, or does the Senator propose to say that no free man in this country shall make any contract, express or implied, about his labor in this country, that whatever he does shall be thrown upon the common-law measure of a *quantum meruit?*

Mr. PLUMB. I do not exactly understand what the Senator from Massachusetts is driving at; but I wish to say this——

Mr. DAWES. I can tell the Senator.

Mr. PLUMB. I wish to say this: My object is to prevent the importation of labor coming to this country of men having been induced by a contract made abroad—that is to say, a person desiring to procure labor from the other side of the water enters into a contract with a man on the other side to come here for the performance of that labor on this side. In other words, I propose to distinguish between that immigration born of the expectation of bettering his condition in the individual mind and that which is incited by a contract or a proposition upon the part of some one on this side who seeks to avail himself of that labor in order, as he believes, to obtain that labor at a cheaper price than he could get it at the hand of the laborer already here.

My remarks are addressed to the provision of section 5 which I have read. Suppose some person desiring or pretending to desire to establish a new industry in the United States goes abroad and contracts with persons to come over here to perform labor in that industry which they can not perform, perhaps in regard to an industry which does not exist, but for which the purpose of contract he assumes to exist, or that it will exist. Those persons thus brought here under that contract come within, I think, the fair inhibition of this bill—that is, they contravene the idea which is at the foundation of it. In other words, it is the solicitation, it is the inducement that is held out. It is the distinction that necessarily exists in this case between persons who come of their own motion seeking to benefit their own individual condition, and those who have hopes incited in them by persons who seek to get them here for their own purposes. I think the idea of this bill is therefore largely if not wholly undermined by this provision. I would not only make all contracts of that kind absolutely void, but I would bring them within the provisions of this bill.

As I said before, I should have been willing to vote for the bill as it came from the House in order to make more sure that it might be enacted, but since it has been amended and must go back to the House, this provision ought either to be stricken out entirely or more fully guarded.

Of course, this is but the first step. We are on the threshold of not only legislation, but of the formation of public opinion perhaps preceding such legislation in regard to the very intimate relations between labor and capital; and it is proper, I think, that in the beginning of this controversy, and as the first step toward the settlement of the question, we should inhibit the importation of labor under contracts, in order that this question may not constantly be disturbed by the introduction of large numbers of people from the other side of the water, whether at one price or another, which shall introduce new and disturbing elements in the settlement of this question and consequently postpone its settlement just that much longer.

For these reasons I am in favor of the bill; but inasmuch as the bill has been amended, as I have said, it seems to me that the Senate ought now to so further amend it as to better carry out the idea which is evidently at the bottom of this proposed legislation. I therefore suggest to the Senator who has the bill in charge whether or not an amendment of that provision would not be judicious. For myself I would be willing to strike it out entirely. I can not conceive of any good to come from it at all. I can perceive only evil, and, as it seems to me, under that clause the entire purpose of the bill may be avoided and set at naught.

Mr. DAWES. Mr. President, I did not intend to ask the indulgence of the Senate upon this bill. I only desire to state as briefly as I can the reasons which induce me to support it.

I support the bill upon the ground that it is legislation intended, as far as its scope will reach, to break down the shackles that are put upon labor. I support it as a part of a great work in which I have been engaged here for the last twenty-five years, assuming different forms and directed in different ways to the same purpose; and that is that all labor in this country shall be absolutely free; that so long as the laborer shall conform to the laws of the land he shall be absolutely free to determine for himself what shall be the kind and the nature of his employment and what shall be the terms and measure of his compensation.

In whatever field, in whatever way, and by whatever means the domain of free labor in this country shall be invaded, there, so far as I am able, I will make my humble endeavor to thwart the purpose and to break down the shackles and strike off the fetters from the limbs of labor; and so far as this bill shall contribute to the end that the free laborer when he steps upon the shores of this land shall be like the man who breathes the air of England, a free man, to determine for himself under the laws of this land into what fields of labor he will essay to work out the problem of his life, and upon what terms he will devote his life and labor, I will support it, and upon no other principle whatever.

I have never been afraid of the competition of any man who may come here from any of the nations of the earth to try his hand with the free educated labor of this country in the paths of industry opened here. I have never feared the result of his competition, and I shall never myself knowingly vote for a bill that will put one above another of those who labor for a living in this country because of his complexion or previous condition or place of birth or clime; and therefore it is, sir, because there has come to be a new phase of slave labor in this country, that we are called upon to devise new means and enact new penalties and to make new efforts to strip it again. I regret to see opposition to any such measure as this arise from any quarter, much more do I regret to see it from any section of this country.

Sir, labor must be free here, and the laborer here must have all the opportunities for labor that this country and its exigencies and its demands and its broadening enterprises shall afford him. Because at this moment there are more laborers in this country than at this moment can find profitable and remunerative employment, I will not take away from them any part of the labor that is to be performed for this country and turn it over to laborers outside of its boundaries, under the pretense that that will benefit laborers in this country; nor will I say to any laborer who comes here free to determine for himself, according to the measure of his intelligence and capacity, what part of the labor that is to be performed for this nation he will take it upon himself to perform, "I will exclude you from your share," for any reason of apprehension that he will compete with the laborer who is born upon our soil or has lived here educated up to its necessities and its requirements, for I hold that the laborer will make his own level in a free country and work his own way and make his own fortune and character in spite of your laws.

But, Mr. President, a man who before he comes here and knows the opportunities, and the facilities, and the protection of law that a laborer here can have in that effort, binds himself to conform to any condition of servitude in this country, I do not care what its character or under what name it shall go, is not a free laborer. He is but very little removed from the condition of those over whose bodies we might at any time in the history of this country have asserted a right of control. He who sells his effort sells his life. He who ties his hands, winds about the muscles of his body the chains of a contract made abroad, is a slave, and it is against slavery that this bill is aimed.

But, sir, the Senator from Kansas [Mr. PLUMB] thinks there is danger that we shall injure labor in this country if we be permitted to go abroad and get skilled labor to come here and introduce here new industries, to the pursuit of which we are not yet educated. To my mind hardly anything can contribute more to furnishing employment for labor in this country than that very process. If all the avenues of industry are now crowded, and if all the pursuits of known industries in this country are now full and the products of industries more than supply our demands, it is only by introducing new industries, it is much by introducing new industries at least, that we can relieve labor by giving it new employments not now known, and no more healthy provision of this bill exists than the very suggestions in it of encouraging enterprise and capital in this country in the idea of setting up here as many as possible of the thousand industries of the world not yet introduced into this new country with which we are unfamiliar and for the performance of which we have now no skilled labor. Any one of these industries not only furnishes employment for those who come here under such encouragement as is contemplated by this bill, but it furnishes at the same time in proportion to its value and the amount of capital and labor necessary to carry it on employment for ourselves, manifold multiplied always by our demand for the consumption of the product and by the demand for the production to compete in new markets.

Sir, those are the best friends of the laborer in this country who make it a study to find something new for him to do, some new enterprise for him to engage in, some new industry not yet fully employed in this country into which he can embark and in which he can employ his energies and his soul. I look, sir, for relief to the labor of this country, not to inhibition of immigration into the United States. I hope we shall never less than now make it the home of the poor man, and make it an attraction to him. I hope the tide of immigration will never reverse itself and turn from these shores to European and Asiatic shores in the idea that there are better homes, better opportunities, better society, and better hopes and aspirations in the old effete condition of other parts of this broad world than in this new, growing country of ours. It is because of the established truth, the conviction, all over the world that here are better homes, better opportunities for work and labor, and better rewards for it than anywhere else, that here more than anywhere else concentrate all these streams of immigration. Sir, I hope that never will be less in my day, and I hope in order to meet the exigencies and necessities thus imposed upon us we shall turn rather to developing new opportunities and bringing here new industries described in this bill, and in the very section which has called down the criticism of the Senator from Kansas; and that we shall be ourselves that nation of all others in which every honest and honorable way of rewarding industry known to the laboring world shall find its best and richest and highest reward.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Kansas [Mr. PLUMB] suggested but did not actually propose an amendment.

Mr. PLUMB. I move to amend section 3 by inserting after the word "by," in line 3, the word "knowingly."

Mr. FRYE. There is an amendment pending now.

The PRESIDING OFFICER. There is an amendment pending, but the Senator from Kansas claims the right to amend the text before the question is taken on striking out.

Mr. FRYE. Of section 3?

The PRESIDING OFFICER. Of section 3.

Mr. FRYE. Undoubtedly that is in order.

The PRESIDING OFFICER. The Senator from Kansas proposes to insert the word "knowingly," in line 3 of section 3, after the word "by."

Mr. SHERMAN. Mr. President, I understand that during my absence momentarily from the Senate Chamber the Senator from Missouri [Mr. VEST] called attention to the act to encourage immigration passed on the 4th of July, 1864. That act was in its nature a temporary act, intended to meet a condition of affairs in which we were then engaged. The Senator from Missouri ought to have remembered that at the date of the passage of that act this country of ours was making the most memorable struggle in history, in a civil war. We were then engaged with all the power that we could command, with all the resources that could be called from our own or from foreign lands to put down the most formidable rebellion in history. At the time that law was passed the Senator from Missouri did not know the motives that influenced Congress to pass such legislation; he was doing all he could to break up the Government; and this was one of the means selected by us, one of the methods designed and framed for the occasion to meet the emergency, a bill that was passed by the unanimous vote of both Houses of Congress.

The bill originated in the Senate, and contained a few provisions to encourage immigration. It was amended in the House by a substitute which contained the second section of the bill; and as the second section of the bill did tend greatly to strengthen our country in that memorable war, the Senate agreed to the amendment in a committee of conference; and it became for the time being ingrafted on the law of the land. What was that provision? A temporary provision designed for war, at a time when millions of men were under arms. Nearly all the laboring men of our country were engaged in fighting enemies, and our industries languished. At the same time there was a demand in this country for all kinds of products. We therefore did pass that law to encourage immigration, and among the provisions of it was the second section, which the Senator from Missouri thinks was the fountain-head of all the evils which have overtaken our country since—a law that lasted three or four years. And here is the section to which he referred, passed during the war:

> That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor, for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated or on property otherwise acquired, until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States or creating in any way the relation of slavery or servitude.

The next section provides:

> *And be it further enacted*, That no emigrant to the United States who shall arrive after the passage of this act shall be compulsively enrolled for military service during the existing insurrection, unless such emigrant shall voluntarily renounce under his oath of allegiance to the country of his birth and declare his intention to become a citizen of the United States.

It is well known that during the civil war immigration to this country largely ceased, fell off to a very small number, and we therefore lost the benefit of the laboring men who naturally came in the course of immigration by the civil war, and the labor of those men became vital and necessary to us in July, 1864, when we were engaged in such a momentous struggle; and therefore we did invite those people to come here, and we did say that if they came here under contract by which the money for their passage should be advanced, that money should be paid back by the laborer within twelve months after that time. It was a wise provision under the circumstances; but mark it soon after the war ceased, when we had no longer enemies to fight, the whole of this act was repealed. It is not to be found in the Revised Statutes. It was one of those measures demanded by the war and the exigencies of the times. It was right, and I have no doubt that under it many an immigrant was encouraged to come to this country.

Immigration had been deterred in a great measure for fear that when they came over and landed on our shores the men would be drafted into the military service; but when they were assured by the terms of this law that they were to be protected from enforced military service, that unless they chose to put themselves voluntarily in a condition to be enrolled and enlisted they were in no danger of being called into the military service, they came. Under the operation of that law a commissioner of immigration was appointed and was in active duty for some time, and induced laboring men to come to this country to aid us in one way to supply the place of the laboring men who had gone into the field.

That bill was voted for by every Democratic member of either House of Congress. The record shows that there was no question about its provisions. It was like the enrollment or conscription act and all those great measures which were adopted in the exigencies of war, and this was one of the minor measures of that great occasion. After the war was over the law was repealed, disappeared, and long before the revision of the statutes there was no such law upon the statute-book.

Before arraigning me here personally for being inconsistent in supporting this bill, the Senator from Missouri ought to have recalled the circumstances that surrounded us at that time; he ought to have recalled the history of this legislation, the motives for it, the reasons for it; and I have no doubt that in the Southern confederacy they adopted similar measures, or probably much more enforcive measures, to encourage immigration into the Southern States. It was an act of war designed to strengthen and invigorate the armies of the Union. But after the war was over the law disappeared. Here I may say that all the measures intended to protect laboring men in this country emanated from the Republican party.

It is the policy of the Republican party to develop and build up the laboring men of our country; it is the policy of the Republican party to diversify our industries, to make us independent of all foreign nations, to manufacture here everything that is necessary for human life; and no law can be shown passed by a Republican Congress intended to prevent free and voluntary immigration. This law did not do it. This law intended to encourage the free immigration that was necessary then to strengthen our armies and enable us to manufacture the vast supplies needed for the support of our troops. All the policy adopted by the Republican party has been with an eye single to the development of our laborers, to their protection, to their support, to their encouragement and building them up, to giving them fair wages and honest pay for honest labor.

I will vote for this bill, not that it is framed with the precision that I think it ought to have been by a committee of lawyers limiting it to words meet for the occasion. I will vote for this bill because it was sent to us from the House of Representatives, I believe, without division of party, in a House composed of two-thirds Democrats—sent to us to defeat a class of contracts that have sprung up in the last eight or ten years.

Until after the close of the war the immigration to this country was a healthy European immigration. Since that time it has become the policy of Congress to prevent the immigration from Asiatic and other countries of races not akin to our own. I have nothing to say about that. Perhaps in passing those laws we went beyond the ordinary bounds of the old policy of the Government, but that is now the policy. But this bill does nothing to protect our laboring men from the importation of free immigration, of men who come here as individual citizens to mingle their blood with ours, and to contribute with us in building up a great, free country, but men who are not free, who are slaves. I read this morning in one of the Philadelphia papers a statement of the condition of 2,000 of these people now in the city of Philadelphia. It is abhorrent to all the notions of an American free laborer that men are bought and sold, who can not understand our language, who do not expect to remain here, who do not mingle with us, who do not share with us, yet are brought here in masses under contracts with corporations to drive out of their fields the honest laboring men of the country. That is the thing we are to deal with.

Now, sir, that a bill which has been passed by the House of Representatives, composed of two-thirds Democrats, should be made the occasion of an arraignment of the Republican party, it seems to me passes beyond the ordinary bounds of debate. This bill does contain good features, and I desire to see them preserved; let any that are bad be stricken out.

If the Senator from Missouri will hold me responsible for legislation that he disapproves, I hope he will look at the date of that legislation and see whether it was framed to meet his efforts on the other side to overthrow this Government, and whether we were not justified, under the circumstances, in passing that law and laws much more severe in their character for that purpose, and, when the object has been accomplished, to repeal the law as unnecessary in a time of peace to encourage the ordinary immigration that flows into our country, and has been a fruitful source of our wealth and thrift and unexampled progress in the race of nations.

Mr. VEST. Mr. President, to the latter part of the speech of the Senator from Ohio, in which he makes personal allusion to me and to my course during the war, I have simply to say that whatever may be his opinion as to the position I then occupied I have no apology to make to the Senator from Ohio. That has nothing whatever to do with this discussion legitimately.

Mr. President, I know very well and I knew when I quoted this statute that it was enacted about the close of the war in 1864, and I read the date in my argument this morning, and I read it to show that the principle of contract immigration had been adopted by the Republican party. The Senator in his argument here a few days since denounced the principle and said he proposed to support the bill now before the Senate because he condemned *in toto* the principle of contract immigration to this country. Now, the Senator changes his position and says that that principle was applied by the Republican party under the emergencies and contingencies of a great civil war. In other words, he adopts the principle when he states that the emergency justified it. I said, and I repeat it now, that that principle was ingrafted on the legislation of the United States Government first in 1864.

Now the Senator says it was temporary. Mr. President, if temporary why was it not repealed at the close of the war? It was upon the statute-book unrepealed until 1874. It has not been expressly repealed; it is now held to be repealed by implication because not found in the Revised Statutes; but from 1864 to 1874 it was the law of the land, and during all this time the Senator from Ohio and the leaders of the Republican party were proclaiming to the working people of this country that they were their peculiar guardians and champions, and they proclaimed upon every stump and in every paper "We are the guardians of the poor men and the laboring classes of the United States against the pauper and vicious labor of Europe," when their own law was in existence all these years inviting people to make contracts with the paupers of Europe, and a lien given on their homesteads in order to pay the cost of their transportation to this country.

I said nothing in regard to the reason of this legislation. It is not pertinent to this debate because the principle was announced, and now it is only a question according to the present position of the Senator from Ohio whether the emergency justified it or not, and that is the whole of it, and that is all I propose to say on that.

Mr. SHERMAN. Mr. President, just a word. I have not had time to look up the repeal of this law, but I have no doubt it was repealed long before 1874. The Senator is mistaken, but I am not prepared to give him the date, because I have not had time to look it up. My attention is just called to it. My impression is that this law remained only two or three years in force and was dropped out, probably repealed in an appropriation bill, or at any rate there were no appropriations made after, I think, 1866, or somewhere along there, for the Commissioner of Immigration and the officers created under the law.

Because we resorted to measures of this kind justifiable in war it is not therefore to be inferred that we approve them as measures of peace. We have repealed the whole class of war legislation one act after another, in many cases by mere implication. If the Senator had said that this was passed during the war and merely for an exigency, as now turns out to be the fact, I should not have thought it necessary even to reply. We did many things during the war that we would not do now. There were many things that we deemed to be constitutional then which I would not regard to be constitutional in time of peace. War makes its laws and war compels congresses and others to make their laws conform to the necessities of war. We did so in this case, and the provision we enacted was a proper one under all the circumstances, and justifiable. It was not at all harsh. It was to encourage immigration, not to discourage it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the third section.

Mr. CALL. Mr. President, I shall vote for this bill, but I wish to express my entire dissent from many of the arguments upon which it is advocated.

I think the bill will fail to have any effect upon the laboring people of this country, that it is impossible that it should be of any service to them. I base my support of the bill entirely upon the fact that it is demanded universally by the laboring people of this country. But to say that because the laborer contracts abroad to give some portion of his earnings when he comes here, that is a crime; to affirm that there is any great economic benefit to the people of this country in prohibiting the small number of persons, whether good or bad, who are imported here under contracts, and preventing the competition on the part of that small number of people with the great body of laborers in this country, is in my opinion an unworthy proposition on which to base a great public policy.

To suppose that we are to help the laborers of this country by permitting the whole body of voluntary immigration not under contract to come here and enter into competition with their labor, and that we shall benefit them by preventing a small portion coming here under contract to labor, does not appear to me to be reasonable. Why, sir, a man is not a bad man because he contracts to labor after he gets here to pay for being brought here, nor is the public significance of the fact; because of the small number of people, of any consequence. It is not the fact that they come here under contract that makes them unworthy of American citizenship. There is nothing servile in a man's contracting to labor, neither in Europe nor in America. It seems strange that we should have such ideas as striking the shackles off of American labor by prohibiting a few men from coming here under contracts to labor.

I am prepared to go a great deal further than this for the protection of the laboring people of this country. Certainly all public policies, whether they are for protection or free trade, are advocated upon the theory, whether right or wrong, that they are for the benefit of the laboring people of the country, that they are to advance their wages and increase their proportion of the results of capital and labor or production. If we never have another laborer from abroad coming into this country, we shall have poorly paid labor unless there shall be some arrangement made by which the proportion which the laborer, the wage-worker, is to get of production shall be larger than it is under unrestrained competition. The difficult problem is to adjust these relations that the laborer shall be paid a reasonable proportion of the results of his labor, whether by State action or national public policies. Anything that falls short of this, in my opinion, is utterly futile and utterly unreasonable.

I shall support the bill not because it strikes any shackles from labor, not because it prevents the competition of a few contract laborers brought into this country, which is going to be of any benefit, but simply because it is demanded by the voice of the laboring people of this country. And I do so with the conviction that the bill will be of no benefit to them.

Mr. BLAIR. I hope that the amendment perfecting section 3 which has been moved by the Senator from Kansas will be adopted. That should be done of course before the question is taken on striking out the section itself. That amendment is the insertion of the word "knowingly" between the words "by" and "assisting" in the third line.

Mr. FRYE. Nobody objects to that amendment.

Mr. BLAIR. But there was a question as to its being in order. I hope the vote will be taken.

The PRESIDING OFFICER. There is no question that it is in order.

Mr. BLAIR. Before the question is taken on this section, I wish to say that I consider it as a vote involving the fate of the bill. There is very little use in passing the bill if this section is stricken out. If this is stricken out, the fourth section ought to be; and if the third and fourth sections are taken out of the bill, there is no bill left. There is simply a prohibition of a practice now existing, but no penalty is provided in case of the violation of the law, and therefore the bill might as well be defeated, and had better be defeated by a direct vote than by this indirection.

Now, as I am on my feet, I wish to place in possession of the Senate the substance of an open letter which has been addressed to myself since the debate of the other day, and which has appeared in one of the journals of this city, and the information contained in which is of an

important character and bears upon the question of the existence of an evil that should be removed by legislation. The immigrants who have been brought here under contract are chiefly from Hungary and countries in that immediate vicinity and from Italy. This letter relates to the question of the immigration from Italy and the abuses that arise under it. It is addressed to myself as chairman of the Committee on Education and Labor:

Hon. H. W. BLAIR:

DEAR SIR: Signor Celso Cesar Moreno, one of the noble workers in the cause of humanity, appeared before the Federation of Labor Tuesday evening and made a complete exposé of the nefarious trade in men, women, and children from sunny Italy by the padrones in New York, Boston, Philadelphia, Elizabethtown, Chicago, Washington, and other cities in the United States.

Signor Moreno stated that his protests and labors in behalf of his countrymen were of no "mushroom" growth, as he had in 1874 entered his protests against this accursed system in the American Congress through Hon. Charles Sumner and General Negley, and bills were then offered, and passed by the Senate and House of Representatives June 23, 1874, and known as the Moreno bills.

The infamous padroni (slave-holders), if unaided by other low Italians, would not have carried on their nefarious traffic so long and so extensively. They are aided by persons who, with them, grow lazy, rich, and fat upon the blood and sweat of the poor, unfortunate, and deceived Italian slaves. This traffic in human beings began in 1867, when the consul-general for Italy, Signor Ferdinand Duluca, came to this country, and from that time until very lately the Italian consulate in New York has been the headquarters of the padroni and their accomplices.

The padroni have "friends" everywhere in the United States—in cities, towns, villages, and rural districts.

The writer then goes on and gives the names of sundry individuals in this country who are associated in this work. I omit them because I do not care in this way to make them unpleasantly conspicuous. He then goes on to say:

Altogether there are in the United States nearly 80,000 slaves of both sexes and all ages.

The padrones, or slave-holders, subject them to the most abject slavery; they are not allowed to converse with their fellow-countrymen or strangers, and are kept in total ignorance as to the rates of wages current in the United States. These victims of greed and avarice get one-third of their wages and the other two-thirds go to the padrones. They are under constant fear for their lives, and cases are known where the stiletto has been used to frighten them into submission.

The only Italian paper they read is published by "Friend" de Casali, in New York city, which asserts, day by day, that if they do not fulfill their contracts they will be sent to jail.

The workingmen of America will find in the Italian a dangerous competitor under the ownership of the padrones; but if allowed to come here as freemen, they will become co-operators with our laborers and mechanics. The people of America, he says, have no idea as to the extent of this slave-trade, and proper steps should be taken at once by our law-makers to suppress this traffic in human flesh and blood.

The Federation of Labor some time since exposed Dr. Verdi; he is the "friend" of the padroni in the city of Washington.

These worse than slaves can be found at work on the Government reservoir. Contractor Petersen will probably answer all questions if brought before the Senate committee. Thirty thousand are owned in New York and 15,000 in Chicago—and yet slavery was abolished in the United States, the land of the free (?).

This scandalous business of enslaving men, women, and children is an outrage on humanity and a burning shame for America and Italy, and the sooner this camorra (ring) of malefactors is driven from our shores the better.

Let the "Old Liberty Bell" toll long and loud until this iniquitous system is abolished.

Honorable Senators, take up and pass H. R. 2360. The evidence is all in; the verdict has been given—the contract system must go!

Very respectfully,

W. S. WAUDBY.

WASHINGTON, D. C., *February 3.*

I have also a letter addressed by this same Italian, who seems to be a gentleman of character and ability, with whom I have conversed myself on the subject, addressed last July to the King of Italy. It is a letter which may be very useful to the country, and therefore I take the liberty of spreading it on the record:

[The Craftsman, Saturday, February 14, 1885.]

THE ITALIAN SLAVE TRADE—THE INFAMOUS PADRONI AND THEIR SHAMELESS ACCOMPLICES.

Only the evil of the Italian slave trade has been exposed by the press, but never the shameless evil-doers—the accomplices—who are all of the lowest class of Italians in America. Some are fugitive birds from the Italian penitentiary, and some others have run away from Italy to escape penitentiary punishment, and most of them are in New York, Philadelphia, Chicago, Boston, and Washington, as editors of Italian newspapers, as *sensali* and notaries public, as night watchmen in a museum, as small hotel-keepers and bankers, as barbers, druggists, barkeepers, quack and homeopathic doctors, painters, interpreters, teachers, and even self-styled counts and generals; as professors, opticians, cooks, dancing-masters, musicians, waiters, clarionet players at Niblo's, &c.; but all these professions and trades are only for delusion.

The reality is that all this *canaille* (rabble) get lazy, rich, and fat, and dress like gentlemen upon the sweat and blood of the poor Italian slave laborers of both sexes. The oldest of this gang of malefactors and accomplices has his lair in Elizabethtown, N. J. The Craftsman began the exposure of this scandalous evil and the evil-doers in its issue of February 7, and will continue the warfare until the imported-contract-labor bill becomes a law. Following is the letter of Signor Moreno to the King of Italy on this terrible trade:

WASHINGTON, D. C., *July* 3, 1884.

YOUR MAJESTY: Thousands and tens of thousands of deceived and unhappy Italian peasants of both sexes and of all ages are now in the cities, towns, and rural districts of the United States in the utmost squalor, misery, and degradation, under the control of heartless padroni and shameless connivers. The condition of these peasants is worse than that of the late negro slaves in the Southern States.

Your Majesty, the abject and deplorable situation of so many thousand Italians to-day in such inferiority (not through their own fault) to all nationalities in this vast, rich, and free country is a foul stain and a terrible and undeserved stigma upon the prestige of the Italian name on this side of the Atlantic.

I always remember the courteous reception which Your Majesty accorded me on my arrival in Italy in the month of March, 1881, at the Quirinal Palace. I take the liberty to send direct to Your Majesty and to Her Majesty the Queen several American newspapers, in which are portrayed all the wrongs and sufferings which torment thousands and tens of thousands of my unfortunate countrymen, and the malefactors who inflict these wrongs:

The New York Herald of June 22, 1884.
The New York Staats-Zeitung of June 30, 1884.
The New York Star of July 1, 1884.
The Il Progresso Italo-Americano of July 1, 1884.
The inclosed are articles taken from the patriotic Italian journal, Roma, which is published in New York.

Your Majesty, the weakness and lack of influence of Italy have not their source in the patriotism and resources of the Italian nation, or in the ministry of war, nor that of marine; but arise from the maladroit, little patriotic, and unauthoritative ministers and consuls in foreign countries, and from the Consulto, where the ignorant bureaucracy rules supreme, and drags the timid and incapable ministers into the deep vortex of blunders.

A good name for a nation is a universal majesty, but the ministers and consuls of Italy abroad contribute much to the contrary, and it will never be through their ability if the Italian name will become a title of consideration in the world at large.

The Moreno bill, which was discussed and approved in June, 1874, by the American Congress—Senate and House of Representatives—has abolished forever the nefarious traffic in little Italian slaves in the United States; now have arrived the turn and the duty of the Italian Government to abolish the traffic in adults, and the sooner this dealing in white slaves will be prohibited, namely, emigration under contract from Italy to America, the better it will be, and in this way will be washed away a foul stain from the Italian name, a long story of grief and tears will be brought to an end, a story of demoralization, of shame, and of crime, which are an outrage upon humanity and an insult to this age of progress and liberty, and the cause of all these wrongs will forever be abolished, which our enemies keep in their hands like a weapon to assail and disgrace us.

Your Majesty's most respectful and obedient servant,

CELSO CÆSAR MORENO.

To His Majesty HUMBERT I, *King of Italy.*

Mr. LAPHAM. The object of this bill, as its title imports, is to prevent the evil of importing laborers here in groups, in colonies, in shiploads. It is to prevent the practice of bringing classes of laborers here under contract to perform service, and I am in full sympathy with that; and if this bill reached no further than that, I should be in favor of it without changing a letter; but I beg to call the attention of the Senator in charge of the bill to its provisions, reading the first section in the singular number, so that he may see exactly the import of the bill:

That from and after the passage of this act it shall be unlawful for any person, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or foreigner into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, to perform service or labor made previous to the importation or migration of such alien or foreigner, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

There are thousands of individuals in the United States, naturalized citizens and persons not naturalized, who have immigrated here who are saving annually from their scanty wages the means with which to send over to their acquaintances abroad the facilities for coming to this country, thousands upon thousands of them who are actually denying themselves the comforts of life in order to aid their acquaintances at home to come here to this land of the free and make it their residence; and this section as it is now drawn would strike at every such case.

Mr. BLAIR. Will the Senator allow me a moment?

Mr. LAPHAM. Certainly.

Mr. BLAIR. The fifth section removes all the objection.

Mr. LAPHAM. I beg the Senator's pardon. That is precisely what I am going to call attention to. It does not touch the case at all. If it did I should not have raised this question. The proviso in the fifth section is this:

Provided, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate.

That is the limitation. It does not include at all the large and numerous class of cases to which I have referred; and unless the Senator in charge of the bill will make this last proviso of the fifth section broad enough to cover all the cases to which I have referred, I can not support the bill. I am in sympathy with its object; but to leave it as it is now and subject every servant girl and every hired man who has come here from the Old World to a penalty of a thousand dollars for sending the money to help a poor acquaintance to come here and to permit that acquaintance to turn common informer and get one-half of the thousand dollars, is a kind of legislation that I can not sanction.

Mr. HARRISON. Will the Senator from New York allow me a word?

Mr. LAPHAM. Certainly.

Mr. HARRISON. The Senator seems to overlook the limitation in the section that there must be coupled with the aid or encouragement a contract to labor. The bill does not prohibit such cases as he has described, unless the person who is aided by his friend in this country to come to our shores is required by that friend to enter into a contract to labor for him or for some one else under his direction, with a view of returning the money advanced. It does not at all prohibit, as I understand it, any person who is interested in a friend abroad, even if that person is not within the exception of the fifth section, not a member of his family, from extending aid to any one to come to this country, provided only he does not bind the friend to whom he thus extends his aid by some contract to labor after he arrives in this country.

Mr. LAPHAM. The answer to that is very obvious. In all these cases, in every case with probably scarcely an exception, the person who

is thus aided to come here pledges himself or herself in advance to refund this money out of his or her first earnings.

Mr. HARRISON. That is not prohibited by the bill.

Mr. LAPHAM. Most certainly it is.

Mr. HARRISON. Not at all.

Mr. LAPHAM. It is prohibited by the very letter of this section. Let us read it:

That from and after the passage of this act it shall be unlawful for any person to prepay the transportation or in any way assist or encourage the importation or migration of any alien or foreigner into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, to perform service or labor.

They are all under that contract; and there is no difficulty in avoiding this by making the proviso at the end of the fifth section broad enough to include all this class of cases, and I only call attention to it for the purpose of having that proviso amended.

This is a penal statute, Mr. President, and great care should be observed in its enactment. It will not do to have its provisions so that by the construction of it it may strike at innocent persons, and it is so easy to avoid it by enlarging the proviso at the end of the fifth section that I have chosen to call attention to it.

Mr. HARRISON. Mr. President, I still think the Senator from New York misconceives entirely the scope and effect of the language which he has read. I affirm again that there is nothing in this section to prevent any person in this country interested in any friend abroad from loaning to that friend the means to pay his passage to the United States. It does not take hold of him unless with that loan (which may be secured in any way, except that under the bill it may not be secured by a contract of labor) there is a contract to labor. The man may give his note, and promise to pay it in money; he may get the money in any honest way and pay the debt after he comes to this country. The Senator says it is implied that he can not get it in any way except by working for somebody; but this provision was intended to prohibit a contract for labor between the person furnishing the money and the person to be brought to this country. It was not intended in that case to tie the hands of a man who gives his note to a friend in order to raise his passage-money, from working for somebody else in order to get the money to return it. It has no such effect; and if the section is modified as the Senator desires it to be, it simply opens a way by which the bill itself and its beneficial provisions can be entirely avoided.

If I understand the evil sought to be guarded against by this bill, it is that men living in foreign countries where the rate of wages and the condition of labor is so different from what it is in this country shall not there under the strain that is upon them make a contract, which of course is governed by rates of wages there that put them in the power of the person furnishing the money when they come to this country and have a tendency to import the rates of foreign labor and establish them here. I see nothing to prevent any person who is benevolently disposed, who has no personal interest in an individual, from aiding any one to come here, provided only he does not attempt to secure the money which he advances by a mortgage on that man's labor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the third section, to insert the word "knowingly" after the word "by" in line 3.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the motion to strike out section 3.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. RANSOM. I wish to state that my colleague [Mr. VANCE] has been called temporarily from the Senate to attend to some very urgent business.

The result was announced—yeas 12, nays 40; as follows:

YEAS—12.

Butler,	Garland,	Harris,	Saulsbury,
Coke,	Groome,	Maxey,	Slater,
Colquitt,	Hampton,	Morgan,	Williams.

NAYS—40.

Aldrich,	Fair,	Lapham,	Platt,
Blair,	Frye,	McMillan,	Plumb,
Brown,	George,	McPherson,	Pugh,
Call,	Gibson,	Mahone,	Ransom,
Camden,	Harrison,	Manderson,	Sawyer,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Cullom,	Ingalls,	Morrill,	VanWyck,
Dawes,	Jackson,	Palmer,	Vest,
Edmunds,	Jones of Nevada,	Pike,	Wilson.

ABSENT—24.

Allison,	Cockrell,	Jonas,	Pendleton,
Bayard,	Dolph,	Jones of Florida,	Riddleberger,
Beck,	Farley,	Kenna,	Sabin,
Bowen,	Gorman,	Lamar,	Vance,
Cameron of Pa.,	Hale,	Logan,	Voorhees,
Chace,	Hawley,	Miller of Cal.,	Walker.

So the motion was rejected.

The PRESIDING OFFICER. The question recurs on the motion to strike out section 4 of the bill.

The motion was rejected.

Mr. LAPHAM. In section 5, line 18, after the word "relative," I move to insert the words "or friend;" and at the end of line 19, after the word "States," to insert the words "for the purpose of settlement here;" so as to read:

Provided, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or friend, to migrate from any foreign country to the United States for the purpose of settlement here.

That will relieve the provision to a great extent from the criticism which I made on the first section.

Mr. BLAIR. Say "personal friend."

Mr. LAPHAM. I wish to make it apply to any individual who chooses to send money to a native of his own country to help him come here for the purpose of settlement.

Mr. BLAIR. When the Senator uses the word "friend" he means "personal friend."

Mr. LAPHAM. Of course I do.

Mr. BLAIR. Then put in the word "personal."

Mr. LAPHAM. Very well; I will say "personal friend." I supposed that was implied.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The SECRETARY. In section 5, line 18, after the word "relative," insert "or personal friend;" and at the end of the section add the words "for the purpose of settlement here."

The PRESIDING OFFICER. The question will be first put on inserting the words "or personal friend."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the second amendment, proposed by the Senator from New York, to insert at the end of section 5 the words "for the purpose of settlement here."

The amendment was agreed to.

Mr. CALL. In section 3, line 3, after the word "by," I move to strike out the words "assisting, encouraging, or soliciting or," and to insert "the;" so as to read:

That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same by the importation of any alien, or aliens, &c.

I will state——

The PRESIDING OFFICER. The Chair will take the advice of the Senate; but the present occupant of the chair is of the opinion that that amendment is not in order now. The Senate has refused to strike out section 3, thus virtually adopting it. The amendment, however, may be offered in the Senate after the bill shall have been reported to the Senate.

Mr. CALL. I withdraw the amendment if it is not in order now to amend the section.

Mr. SAULSBURY. In section 5, line 16, before the word "Provided," I move to insert the words "nor laborers in agricultural pursuits;" so as to read:

Nor to persons employed strictly as personal or domestic servants, nor laborers in agricultural pursuits.

Mr. BUTLER. I call the attention of the Senator from Delaware to the amendment proposed by the Senator from Texas [Mr. COKE], which possibly meets the case more fully.

Mr. SAULSBURY. That amendment has not been incorporated in the bill.

Mr. BUTLER. It has not been reached yet. Notice has been given that it would be proposed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware.

Mr. SAULSBURY. Mr. President, I desire to say that the bill doubtless has been inspired by a purpose to correct what has been acknowledged to be an evil in this country, caused by the action of corporations who employ large numbers of laborers. Railroad companies and large manufacturers have, in order to obtain the service of persons in their employ at reduced rates, made contracts with persons abroad to come to this country to labor in their employ. That is an evil, and is acknowledged to exist in this country; and I suppose that the bill was inspired by the idea of correcting that evil; but the bill illustrates the tendency of the human mind to go to extremes. In order to correct an admitted evil, we are adopting a measure which is very sweeping in its character.

Under the operations of this bill no man can aid the immigration to this country of a person from a foreign country to labor, with the understanding that he is to remunerate him for the advance which he has made, in any pursuit whatever. It so happens that in many agricultural sections of this country there is a scarcity of labor at times. There is a great disinclination on the part of a great many people in this country to work on farms. As soon as the sons of farmers come to manhood they are inclined to seek some other employment. Thus in many sections of the country agricultural pursuits labor under a great disadvantage from the scarcity of laborers necessary to their employment.

At this very time there is in my State an association of farmers, I believe commissioners, appointed for the purpose of trying to secure help

upon the farms. A farmer needs a man to labor in his service, and some person will say, "I will get you a man from abroad if you will pay for his transportation here." He is to be brought here not to work in mines, not to work upon railroads, not to work in large factories, but to labor on the farm. A farmer makes the advance in order that some man may come and help him perform manual labor upon his farm; and yet this bill would prohibit him from doing that. There is no harm in doing that; it is bringing an industrious class of people here.

I admit there is an evil where large importations of foreign labor are made for the purpose of reducing the wages of employés and where the contracts for labor are made abroad. That is an evil which I would help to correct, but we are too sweeping in all these provisions.

I desire that the amendment which I have offered, excepting agricultural laborers, may prevail, because, living in an agricultural community, I know the fact myself that there is often a necessity for agricultural labor which is not to be commanded, and no harm can result from the provision. I hope the amendment which I have suggested will commend itself to the favorable consideration of the Senate, as I am sure it will prove beneficial in many agricultural sections of the country.

Mr. COKE. Two days ago I gave notice of an amendment similar to the one that has just been proposed by the Senator from Delaware. It has been printed and laid on the desks of Senators, and comes in at the end of section 5. It reads thus:

And provided further, That labor to be employed in agriculture and stock-raising shall not be included in the prohibitions and penalties of this act.

Mr. SAULSBURY. I was not aware until just now that the Senator from Texas had proposed such an amendment. I will withdraw my amendment in order that he may offer his.

Mr. COKE. I am entirely satisfied with the Senator's amendment as far as it goes, but I think perhaps mine is a little broader.

Mr. SAULSBURY. My amendment is confined simply to agricultural laborers.

Mr. COKE. Then I will offer my amendment, the Senator from Delaware withdrawing his.

The PRESIDENT *pro tempore*. Does the Senator from Delaware withdraw his amendment?

Mr. SAULSBURY. Yes, sir; I withdraw it to enable the Senator from Texas to offer his amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The amendment of the Senator from Texas will be reported.

The CHIEF CLERK. It is proposed to add to section 5 the following additional proviso:

And provided further, That labor to be employed in agriculture and stock-raising shall not be included in the prohibitions and penalties of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. COKE. One word, Mr. President, as to this amendment.

As I understand the bill, it is directed in its effects especially to the Northern and Eastern States, which are said to be overstocked with labor, whereas in the country from which I come, and the same may be said generally of the country west of the Mississippi River, there is a great scarcity of labor. The bill without the proviso that I have offered as an amendment will prohibit the importation of labor, which means people who become honest traders and land-owners, as well into the South and West and Northwest, where labor is needed and scarce, as in the North and East, where it is not needed. I therefore ask that this exception may be made in favor of labor needed in agricultural and stock-raising pursuits.

It is very well known that the owners of large bodies of land in the South and West frequently go to foreign countries and bring in people who desire to engage in agriculture, and settle them on their lands, making contracts with them under which they acquire homesteads of their own on the lands. This practice could not be pursued under this bill.

It is a fact also well known, I presume, to my colleague as it is to myself that when we make very large crops of cotton in the State of Texas, as we frequently do, the laborers who make the crops are unable to gather them, and many of our people go over into Mexico and gather up large numbers of laborers and bring them into Texas, where they pick and save the cotton. That would be prohibited under this bill.

In short, Mr. President, the great agricultural areas of this country are not overstocked with labor, and the theory of this bill as applied to them is a false one. If you will go upon the farms of the South and Southwest and West you will find that there is a great scarcity of labor. The labor problem is the one most difficult of solution there. Go, for instance, to my State, and you will find vast areas of rich land, much of it under fence, much of it broken, that is not in cultivation because there is no labor there to cultivate it. Especially is it the case that we have an insufficiency of labor for gathering our cotton crops. With the aid of machinery we can cultivate large areas of land in cotton which can not be gathered by the labor which makes it, because the cotton must be picked with the fingers, and in order to save it we must have human labor; there has been no machinery invented by which it can be saved.

While I have no doubt that the bill corrects a great evil in the northern and eastern portions of this country, it will be productive, as the Senator from Delaware has well said, of a very great hardship upon other sections of the country. We in the South and West want labor; we need men, women, and children to labor in our fields, to take homesteads upon our lands, and to grow up and constitute a part of the landholding citizenship of the country, as the people who go there do. We do not desire to see any of the avenues of immigration closed. We are not overstocked. If you are overstocked in the East and North, take care of yourselves, but do not create obstructions to that which is absolutely necessary to our prosperity.

We can not cultivate our country, we can not gather our crops, we can not develop as we ought and as we desire to do without human labor, and a great many of our laboring people and our best citizens came from Europe, and immigration from that quarter still flows in daily with increasing volume.

In Texas there are entire counties populated with Germans and Bohemians. We have whole sections of country populated with immigration of that class, and they are our very best immigrants. They produce more, they add more to the wealth of the country than any other people who come there. This bill will be a prohibition in a great measure upon many of the methods through which those people come to our country, and it will be a prohibition upon the same methods in the Northwest. The Germans come to Texas and get land; they go to work on it and make a little money. They send it back to Germany to pay the way of others of their countrymen out. They get more land than they need themselves, and they will send on to the fatherland and bring out a family and put them on the other end of the tract, and in a little while that land will be improved and that family will take it and pay a good price for it. That is the process through which our country is being settled. This bill will be a great obstruction to the settlement and improvement of the country in that way.

Gentlemen who desire to put a stop to contract immigration of mining and manufacturing people can do that in the bill without interfering with the class of agricultural immigration which we desire to see fostered and encouraged by the adoption of this amendment. The Southern and Western country under this amendment will be left free as it is now to acquire the population we desire, which our rich lands invite—lands which if cultivated by an intelligent population will add vastly to the general wealth. If my amendment is adopted we will be left free; the Southwest and the Northwest will be left free to acquire population as we do now, while the evils which Senators from the East and North complain of will be remedied.

Mr. HARRISON. I wish to ask the Senator from Texas a question. Does he desire that the bill shall be so left as that farmers and stock-raisers in Texas may go or send to Italy or Germany, or to any other foreign country, to make contracts with people there upon the advance of their passage-money to work for them at certain rates of wages in Texas?

Mr. COKE. No, sir; I do not.

Mr. HARRISON. Then if the Senator from Texas does not wish to accomplish that, his agricultural labor is left perfectly free under the bill as it stands. If his amendment should be adopted it would be lawful for the farmers and the stock-raisers in Texas to send an agent abroad and make a contract there at European rates of wages, and bring the men here under bondage to perform those contracts.

Mr. COKE. I simply desire that our people should be let alone in this regard, because they need no legislation. There has never been any complaint there by immigrants; they all do well who come there. There is no law there under which the specific performance of a contract for labor can be enforced. When they get to Texas they are free in this regard to comply with their contracts or not comply with them, as they choose, if they have made any. An immigrant can not land upon that soil and breathe that atmosphere without feeling that he is a free man. The servile labor Senators speak of in the North and East does not and can not exist there. Homesteads are too easily acquired for that. There is too much competition among land-owners, anxious either to rent or sell. The man with labor in his muscles is more independent there than in any other country under the sun.

I simply desire our people to be let alone, not interferred with, not obstructed by legislation which is totally inapplicable to their condition. This legislation may be needed in the North and East. I am willing to give gentlemen in the North and East such remedies as they think are needed in their country; but I ask them to listen to me when I say to them that we need nothing of the sort in the country that I have the honor in part to represent.

I hope that the amendment that I have offered will be adopted.

Mr. MILLER, of New York. I ask to have the pending amendment read again.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Texas [Mr. COKE] will be read.

The CHIEF CLERK. It is proposed to add to section 5 the following additional proviso:

And provided further, That labor to be employed in agriculture and stock-raising shall not be included in the prohibitions and penalties of this act.

Mr. MILLER, of New York. I trust that the amendment will not prevail. It will be readily seen that if the amendment should be added to the bill, under the guise of agricultural laborers or stock-

breeders, all the labor of Europe could be brought in, and thus the provisions of the bill would be entirely invalidated. I believe the bill should apply to agricultural labor as well as to any other.

For one, I am opposed to the whole system of large farms in the West and in the Southwest. I believe the best interests of this Government require the division of the land among the actual settlers and tillers of the soil, and the great farms which have grown up in Texas, in California, and in many of our Western Territories are opposed to our institutions; they are dangerous in every respect.

Our legislation, in regard to the importation of Chinese labor, I believe is to do very much toward breaking up the immense land holdings in the State of California. It is only by cheap contract labor that any man or corporation can afford to hold the great farms which are cultivated in California and in the Northwest. That can only be done by cheap labor; and when cheap labor is not to be had those immense holdings of land must be broken up and must be sold to actual settlers.

Any one who will look at the history of the State of California for the past ten or fifteen years will discover that it has grown very little in population. The reason is that nearly all of the available land in the State of California has come into the hands of a very few individuals. It is held by single individuals to the amount of hundreds of thousands of acres, and they have been only able to hold that land and make it profitable by employing cheap Chinese contract labor. When the labor of California shall have come to the same rate that is paid in the East, the capitalists now holding those vast areas of land will be compelled to distribute them, and when that shall be done the State of California will take on a new growth and energy. For the past five years immigration has been passing from the East through the State of California and going up to Oregon and Washington Territory, and why? Not because the lands are better and more desirable, but because nearly the whole land of California to-day is in the hands of a few great land monopolists. This is true to a large extent in Texas and in many of the Western Territories. It is true also that great capitalists in England have come over here and have organized great cattle companies, which have seized upon vast amounts of our Western Territories, and they are able to maintain their business and to make it profitable, and they will be able in the future only to go on with it in case they can have cheap labor.

My friend from Texas desires to have them left free to import this labor under contract if they see fit. I want to stop it here and now, and I should be glad if we could devise any means which would compel the great landholders of the West to break up their great farms and holdings and sell them out to individual citizens in amounts of one hundred and sixty acres. Undoubtedly they have now secured a legal title to their lands, and that can not be done so long as they shall find it profitable to hold them and farm them in these large amounts. If we prevent them from importing contract labor, as we have prevented the people holding the land in California from importing cheap Chinese labor, we shall within a few years compel the division of those great farms and great holdings in the West. I believe that to be for the best interests of the country.

When there comes a time of depression upon labor in the East, as there is to-day, the Eastern mechanic and laborer ought to find an abundance of public land in the West upon which he can settle under the homestead act; but it is a fact well known to the Senate and the country that nearly all the available and desirable public lands have been seized under one form of law or another until to-day nearly all the public lands which have been surveyed are covered over by pre-emption claims, or by desert-land-act claims, or by tree-culture claims, and there is little or nothing left for the actual, *bona fide* settler from the East who would go out and take up the public lands.

If this bill will do anything to break up that system of farming let us have it and make it as stringent as possible. Let us see if we can get rid of the great foreign corporations which are holding to-day more than 20,000,000 acres of our lands in the Western Territories.

I hope the amendment may not prevail, for if it does I feel that there is nothing left of the bill.

Mr. MAXEY. Mr. President, I have very little to say in addition to what was said by my colleague [Mr. COKE], but I desire to call the attention of the Senate to what appears to me to be a very important consideration.

There can be no question, I take it, from what I hear from gentlemen much better qualified to speak than myself, that in the North and East there is a superabundance of labor which can not find employment; that there are, according to what we have heard here, several hundred thousand laborers out of employment. In that condition a proposition is made to prohibit the importation of labor from abroad under contract. The reason for that is entirely apparent to me; but if the bill passes, according to the first section it applies to every character of labor and to every section of the country.

Take the country west of the Mississippi River. There is a scarcity of labor there; there is nothing like so much as we need, and the character of labor needed there is agricultural labor. The bill prevents making a foreign contract for any character of labor whatever. Now, let us see the practical operation of that. Take my State. We began there fifty years ago, and we offered a head right of 4,605 acres of land to the head of every family who would come into Texas and settle. Under that provision we received a large number of settlers from the old States of the Union, Texas not then being in the Union, and a large number from Europe. As our land gave out we reduced the amount from 4,605 acres to the head of a family to 1,280 acres, and then to 640 acres, and then to 320 acres, until now we have no public land left.

But what has been the effect of that policy? Fifty years ago we had in Texas but 53,000 people; in 1870 we had a little over 800,000, and in 1880 we had a population of 1,593,000. In other words, notwithstanding what the Senator from New York has said, we nearly doubled our population in the decade between 1870 and 1880, and we largely increased that population by the inducement—you may call it by any name you will—which we gave to people to come into our State and settle by offering them a homestead for themselves and their families; and, under the laws of Texas, that homestead, once secured, is free from debt of any kind, character, or description. Under our homestead laws, however profligate the husband may be, the wife and her children are secured in their home; it can not be touched by forced sale, levy, or execution.

As I said, a large portion of the population coming to Texas came by inducement of the land which was offered to them. In the very county to which my colleague refers, where there was a very large Bohemian settlement, those people came largely to get the land which they got by coming, and until a year or two ago, under the census of 1880, it was the finest cotton-producing and the first cotton-producing county in the State of Texas. To-day the county in which I live is the first, but that was the first cotton-producing county in the State of Texas. Under the census of 1880 that county produced twenty-four thousand two hundred and odd bales; while the county of Lamar, in which I live, produced twenty-four thousand six hundred and odd bales.

I say what we need in Texas is population. On the same ratio of population of the State of Massachusetts, which under the census of 1880 was one hundred and eighty-six to the square mile, the State of Texas is capable of sustaining a population of 50,030,000 people. You may make the calculation. Take the 7,800 square miles of land in the State of Massachusetts and the 274,356 square miles in the State of Texas, and multiply the amount in Texas by 186, and you will find that the State of Texas is capable of sustaining a population of 50,030,000 people upon the same ratio as the State of Massachusetts; and we are a better population-bearing people than they are, because our entire area of land is susceptible of cultivation. Besides that, we have water-power enough in Western Texas to turn the machinery of the entire world to-day.

So what we need is population. The strength of a nation is not in great wealthy nabobs; it is not in the few who have grasped the wealth of the many, but it is in a strong, freedom-loving people.

I have always thought that in matters of this kind the people in a country know better what is good for them than people at a distance know. I concede that proposition; and I say to the overburdened States of the North and East, having more labor than they can employ, take such measures within the limits of the Constitution as to you may seem best, and I shall not stand in your way; but when you come to that great country west of the Mississippi River, all of which needs population, an agricultural population, needs labor because labor is the great need of that country, we understand how to deal with the problem better than you do.

Therefore I can not see why the Senator from New York, who knows nothing whatever about the situation out there personally, should step in to interfere with a just and fair proposition made concerning a section of country which in no wise affects him. I do not consider that it is my duty to interfere in this bill so far as the North and East are concerned; they understand their interests better than I do; but I do think that I understand the interests of the country where I live better than they do, and I know that we do not need any legislation in respect to the introduction of labor in that State, either to aid it or to prohibit it.

The United States Government has been for years holding out an inducement for foreigners to come to this country to settle. When a foreigner arrives at Castle Garden and takes his way to the Northwest and makes his homestead claim, he has only to file his declaration of intention to become a citizen, and that instant he has the same right of homestead that the native-born American citizen has. Your Government has been inducing foreigners to come into this country under your homestead law. We have in Texas done that, and we have done it by wholesale, and, as I said, it is one of the greatest things we ever did do.

Take the Rio Grande district, which was so ably represented in the other House a few years ago by a foreigner, an educated man, a man of brain, a man of the highest order of talent, a graduate of the University of Giessen, in Germany, the late Hon. Gustave Schleicher, now dead. He represented that district, and was one of the ablest representatives we ever had from Texas. A large portion of that district is composed of Germans, and we have no better population than that, and the larger portion of it came in there under colony contracts, settled under colony contracts, and thereby they got land for coming to settle. That was an inducement for them to come.

How are you going to stop this thing? You propose here by your section to fine in the sum of a thousand dollars any person or corporation that makes a foreign-labor contract. That can not be done unless the corporation is within the jurisdiction of the United States. Do you not know that the people who will make these contracts will do so through European corporations, and you will never reach them? It will be a European corporation that will make the contract with those people, not an American corporation, and you will never reach them. You can not reach them because your laws do not reach them.

The whole measure, in my judgment, is not well considered; but notwithstanding that, so far as that part of the bill is concerned which reaches, as undoubtedly every one knows the purpose is to reach, the manufacturing, overburdened labor—the point is to protect that—so far as that branch of it is concerned I do not propose to interfere, but when you come to our part of it, the agricultural part, I beg that you will extend to us the same privilege that we cordially extend to you.

Mr. BLAIR. I am sure that I am the last person in the world who would do anything knowingly to interfere with the growth and development and magnificent future of the great State of Texas or any other State or portion of this country. Yet I sometimes think that our friends who have in the course of their experience at some portion of their lives entertained a less stringent and vigorous purpose than we have in the northern part of the country to preserve the integrity of this great nation, its continental proportions, lose sight of the fact that we are after all one. Not intentionally, to be sure, but nevertheless we often hear from them in regard to their country as though they lived in some other portion of the United States, or in some other country from that which I inhabit. This ought not so to be, and I think every citizen of the United States in Congress at the present time should decide upon his duty as a public official, as a member of the House or of the Senate, with reference to the general interests of the country at large.

In acting upon this principle, if I thought that the bill which is now before the Senate was likely to seriously injure the interests of Texas, I should be willing to see, I should be glad to see, I should insist upon seeing, this amendment made. I can not, however, believe that to be the case. If there does exist in the State of Texas a practice such as is prohibited by the bill, if Texas is being populated under the contract system, under the cooly system, under precisely the same practice which we prohibited with reference to the Chinese, and which we undertake to prohibit with reference to other races and other classes of people by means of this proposed legislation, then the sooner that practice is broken up the better for Texas, and the better for the whole country, because it is conceded to be in its essence slavery, tending in that direction, and it ought to be removed.

The bill does not undertake to interfere with any of those State inducements, those which are held out to the world under our national or under State law to induce immigration. It does not undertake to interfere with any of those broad and general inducements which are common alike to national and to State legislation, and it is to that sort of inducement, as I understand the Senator, that the increase of our population and our agricultural development is mainly to be attributed.

Mr. MAXEY. Will the Senator from New Hampshire allow me to interrupt him?

Mr. BLAIR. Certainly.

Mr. MAXEY. I am satisfied from my knowledge of the Senator from New Hampshire that he would not wish to pervert or misrepresent anything that my colleague or myself may have said. I never said a word in regard to the contract system or the cooly system. I said that we held out land inducements, and by those land inducements our State had been largely settled up, the same as was done by the United States. To that extent I said it, and no further.

Mr. BLAIR. I did not understand the Senator to say that the contract system, which the bill prohibits, had been practiced in the State of Texas.

Mr. MAXEY. I think the Senator will find on looking at his remarks when published that that is about the idea his language conveyed.

Mr. BLAIR. I understood the Senator from Texas to say that the population of that great State had been increased, that its prosperity had been greatly promoted by the inducements in the way of land chiefly, which had been held out to immigrants from abroad.

Mr. MAXEY. Certainly; I said that.

Mr. BLAIR. Now, that is by public act; that is by public law. That is in the State of Texas precisely what the United States has done by its homestead law; and it is no such practice as that, no such thought or idea as that, which is prohibited by this proposed legislation. Therefore it follows that the contract system not having been introduced into Texas, not having been made use of as a means of her development, she has really no interest whatever in this proposed legislation. She can not complain that this provision injures her, because she never has received an immigrant, she never has received a dollar's worth of development by reason of the existing practice which the bill undertakes to prohibit.

Then why should our friends from Texas oppose this legislation since it has no effect whatever upon their interests? On the other hand, as I was saying, if the practice does exist, the remarks of the Senator from New York are certainly pertinent. I am not at liberty by the necessities of the session to pursue the subject any farther than did he, nor would it be necessary, for what he said was sufficiently elaborate and covered the whole subject with reference to the foreign ownership of vast tracts of land in this country, in the Territories, and in the newer States especially, which are and can only be kept profitable by means of cheap labor, and that must be contract labor, labor of the precise kind which the bill is designed to prohibit the introduction of. Any one will see that if the amendment suggested by the Senator from Texas [Mr. COKE], which proposes to forbid the extension of the provisions of this legislation to labor employed in agriculture and stock-raising, is adopted, then the evil will continue; we shall not have stopped it at all, because it is perfectly easy to introduce all the labor which we are trying to prohibit as agricultural labor or as labor to be employed in stock-raising, and once within our country, as the agricultural interests embrace some thirty millions of our people——

Mr. COKE. Will the Senator allow me to interrupt him for a moment?

Mr. BLAIR. Certainly.

Mr. COKE. Would it not be easy, under another portion of the proviso, not objected to by the Senator, which allows the introduction of experts from foreign countries, to make it a cover for the introduction of labor not experts as much as the amendment I propose would allow that to be done?

Mr. BLAIR. That is an objection to the bill which was raised by the Senator from Kansas when that section was reached, or it was put in the shape of a formal amendment. I propose to say a word in regard to it. That is a provision for the introduction of skilled labor for the establishment of new industries. It does open the way to a possible evasion of the law, it is very true; but it ought not to be urged by the opponents of the bill as an objection to it that it is less restrictive than it might be made. That the bill is more as they desire it to be ought not to be a reason for their objecting to it.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. Certainly.

Mr. MAXEY. I want to call the attention of the Senator from New Hampshire to the fact that we are all very apt to take care of our own interests. The Senator from New Hampshire, I understand, is perfectly willing to admit into New England what he calls expert or skilled labor from abroad. Why? Because they have not got enough of it. Yet he would refuse to let us bring in agricultural labor when we tell him that we have not got enough of that kind of labor. I can not see any consistency in such a course.

Mr. BLAIR. That provision is put in the bill in order that by means of export labor new industries may be established in the State of Texas. There is now no manufacturing of importance done in the State of Texas. There is practically only the necessary amount of skilled labor in the country to maintain the industries already established. In Texas the iron industry would be a new industry; the glass industry would be a new industry; cotton manufacture and woolen manufacture are in Texas new industries; and does the Senator complain of a provision in the bill which will enable those industries, new to the State of Texas, to be established there, and enable Texas also to secure the necessary skilled labor from across the water? For it will be difficult to get that skilled labor at the North or where those manufactories and industries are already established, because skilled labor is, of course, the rarest of any kind of labor.

Mr. MAXEY. Will the Senator allow me to answer that question?

Mr. BLAIR. Certainly; but I thought I was raising a question.

Mr. MAXEY. I say what we want to do is to develop the immense agricultural country that we have there, which I have stated to the Senator could maintain a population of 50,030,000 upon the same ratio as Massachusetts. We are doubling it every ten years, and we shall turn into the next century with the largest population of any State in the American Union. When we accumulate money there not needed for developing our agricultural resources it will be put into manufactories there, with that water-power which, as I said, is the best in the world and is capable of turning the machinery of all the world. But you come in with this provision and say you will not let us develop the country in order to do that.

Mr. BLAIR. The Senator says the contract system which we are prohibiting now has never been worked in the State of Texas, and yet the development of the State of Texas has gone on in the manner he describes; so that the argument is irrelevant so far as Texas is concerned, to judge from the representation of the Senator from that State.

Mr. MAXEY. We simply want the laws as they are.

Mr. BLAIR. But the laws as they are and as they have been in this regard have not affected Texas otherwise unfavorably, and the evil which the Senate is undertaking to prohibit does not exist in Texas. She may go on, she may grow and develop as she has done hitherto, she may multiply her resources, and if she needs more labor, if she needs a further inducement by contract for the immigration of labor

within her borders, she has all the enormous mass of surplus labor such as we are objecting to in the North. Let her exercise her skill, let her make her contracts with the surplus of labor in the Central and Northern States. She has that right, she has that power. It seems to me that until she has exhausted the 500,000 idle laborers in other portions of our own country by what would be a legal process and which we do not undertake to interfere with and do not prohibit by the bill, certainly she ought not to complain that we undertake legislation, and that stringent legislation, which is necessary to remedy the evil where it does exist in other portions of our own country.

If this amendment should be adopted, thus opening the way to the introduction of thousands and hundreds of thousands it may be of laborers from abroad under the guise of being agricultural laborers, the bill will be evaded; it will be the idlest chaff in the world to enact it into legislation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

Mr. COKE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call was concluded.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Delaware [Mr. BAYARD]. I do not know how he would vote, but from the indication I prefer to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. MITCHELL. My colleague [Mr. CAMERON, of Pennsylvania] is absent sick, and is paired with the Senator from California [Mr. FARLEY]. If my colleague were here he would vote "nay," I have no doubt.

The result was announced—yeas 14, nays 37; as follows:

YEAS—14.

Butler,	Colquitt,	Hawley,	Saulsbury,
Call,	Garland,	Maxey,	Williams,
Cockrell,	Hampton,	Morgan,	
Coke,	Harris,	Pendleton,	

NAYS—37.

Aldrich,	Hale,	Manderson,	Sawyer,
Blair,	Harrison,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Sherman,
Conger,	Hoar,	Mitchell,	Slater,
Cullom,	Ingalls,	Morrill,	Van Wyck,
Dawes,	Jackson,	Palmer,	Vest,
Dolph,	Jones of Nevada,	Pike,	Wilson.
Edmunds,	Lapham,	Platt,	
Frye,	McMillan,	Plumb,	
George,	Mahone,	Pugh,	

ABSENT—25.

Allison,	Chace,	Jones of Florida,	Sabin,
Bayard,	Fair,	Kenna,	Vance,
Beck,	Farley,	Lamar,	Voorhees,
Bowen,	Gibson,	Logan,	Walker.
Brown,	Gorman,	McPherson,	
Camden,	Groome,	Ransom,	
Cameron of Pa.,	Jonas,	Riddleberger,	

So the amendment was rejected.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereto.

Mr. DAWES. I move that the Senate insist upon its amendments and accede to the request of the House for a committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. RANSOM were appointed.

REPORT OF SOUTH AMERICAN COMMISSIONERS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit, as desired by the act of Congress approved July 7, 1884, a letter from the Secretary of State with accompanying report from the Central and South American commissioners.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 13, 1885.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

Referring to my message of the 12th instant, concerning the report of the Central and South American commissioners, I have the honor to inform the Senate that the report therein stated as accompanying the message was transmitted with a like message to the House of Representatives.

A note of explanation to this effect was inadvertently omitted from the former message.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 17, 1885.*

PETER LENNON.

Mr. CONGER. I ask unanimous consent to reconsider the vote by which the bill (H. R. 796) to increase the pension of Peter Lennon was postponed indefinitely, and that the bill may be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the vote of the Senate indefinitely postponing the bill indicated by him, taken in June last, be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. CONGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. INGALLS, from the Committee on the Judiciary, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.; and

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department United States Army.

The bill (H. R. 6407) to regulate the letting of mail contracts was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6089) for the relief of Moses F. Carleton was read twice by its title.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill will be referred to the Committee on Military Affairs.

Mr. CONGER. The bill should go to the Committee on Claims from what I know of the character of the case. It should be referred to the Committee on Claims here.

The PRESIDING OFFICER. It is a bill giving certain pay and allowance to a second lieutenant of infantry. It should go to the Committee on Military Affairs. It is so referred.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. COCKRELL. I should like to suggest to the Senator in charge of the bill a mere verbal amendment in section 2.

Section 2 reads:

That all contracts or agreements, expressed or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service of any kind, &c.

The word "and" where it first occurs in line 4 should be stricken out, so as to read:

Persons, company, partnership, or corporation doing business within the United States, &c.

Mr. BLAIR. That word ought to be stricken out.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. MORGAN. I move to add as an additional section to the bill:

SEC.—. This act shall not apply to any agent of a State acting under the authority of law who shall induce immigration to such State from any country in Europe, or from Great Britain, Canada, Mexico, or any Central or South American state; nor shall it apply to any person who in good faith shall assist persons or families to come from any of those countries for the purpose of permanent settlement in any State or Territory of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. MORGAN. Mr. President, the amendment may not be opposed to what is intended to be the spirit of the bill; but there is some language in the bill that causes me to feel that it may be necessary in order to preserve the rights of the States, and also the rights of those persons who may seek to bring in permanent immigration. I notice in the first section of the bill the following language:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, &c.

Similar language also is employed in the third section, which is the punitive section, and reads:

That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens,

foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, &c.

Many of the States have had their agencies abroad for the purpose of getting immigration, and, as was remarked by the Senators from Texas who discussed the matter relating to their own particular locality, inducements of various kinds have been held out to those immigrants to settle up the country. The purpose was to get a permanent population, to get immigration; but the means used to secure that end I think would be means that are denounced in the bill; they are means that are calculated to give some assurance to emigrants before they come here that they will receive employment, that they will receive homesteads, that they will be well treated, &c.

I know that in the State of Alabama organizations have been engaged in inducing immigrants from foreign countries with very great success, and they have offered inducements in the way of homesteads and also in the way of advances upon crops to be made, provisions and farming implements, tools and the like, for the purpose of getting those persons to come in and occupy waste and unproductive lands.

The State of Alabama has an area of 50,000 square miles, and I suppose that very little more than one-half of it is actually occupied in agricultural industry or in any other. We have a great deal of what is called now waste land in that State, timbered land, and lands in the hilly country, not mountainous, but hilly country, that are not fertile as compared with other broad valleys and savannas, where the lands are very rich. The consequence has been that our population has gathered chiefly upon the streams and in the alluvial valleys of that State, and the hills have been heretofore somewhat neglected, though they are very excellent lands.

In later years, and particularly since the black population have congregated in the lowlands and in the richer parts of the State, the white immigration to Alabama has gone chiefly to the hilly lands. The truth is that that is one of the main elements in the development of that surprising growth, the city of Birmingham, which has sprung up there of late, and other large towns which are going into a rapid state of growth.

The State of Alabama has only been deprived of the opportunity of increasing this immigration by the fact that we had debts to pay, and that our system of taxation was as we thought comparatively heavy. Otherwise that State would have resorted to a regular system for the introduction of immigration, particularly German immigration, from foreign countries.

Many years ago, before the late war, a railroad company was chartered to run a line south and north, that is now called the South and North Road, from Decatur, Ala., to Montgomery. The Congress of the United States made a large donation of lands to that railroad corporation on what is called the Sand Mountain. That is an elevated country of about seven hundred feet elevation, on an average, above the level of the sea. At the same time it is a plain at the top of this elevation, a sort of mesa. It is a hundred miles across perhaps, in one direction, and fifty or sixty miles in the other; and that great mesa or elevation contains the mineral or coal lands of that country, and beside very valuable timber. But nearly all the lands in that portion of the State are adapted to agriculture, particularly to the cultivation of cotton and corn and fruits by white labor. The soil is light and friable and easy to manage.

This railway company, for the purpose of inducing immigration there, made a contract with a gentleman by the name of Cullman, who was a German of wealth and of distinguished family. He engaged that if they would sell the lands to immigrants, as he brought them over, at a minimum price, and would also furnish to that colony transportation at reduced rates for a series of years, he would undertake to settle that country.

Before that time the population was about five or six to the square mile in what is called the Sand Mountain region, a very scattered population, living upon the wild productions of the earth mainly. The men who settled out in that region supported themselves chiefly by the chase. In 1872 Mr. Cullman commenced his operations in that colony, on the railway company carrying into effect this contract, which has not yet expired, but which this bill will destroy. In 1876 I was invited to the town of Cullman to make an address to the people of that colony, and I met 3,000 Germans there and made my address to them. They had built their town, a considerable town; they had churches and schoolhouses; of course they had breweries and lager-beer saloons. They had vineyards around the town and steam tanneries, steam furniture factories, and various little manufactories of that kind, and the country around was considerably settled up.

That was in four years after the colony was first planted at Cullman. That colony has gone on to increase until now it is a county organized under the State and called by that name, the county of Cullman. It pays quite a revenue to the State of Alabama now—some $15,000 a year to the State treasury, and more than that for county purposes. The annual taxation for local purposes in that country must be at least $30,000 a year. The population is thrifty. Mr. Cullman is still going on to bring immigrants there upon the contract which he made with the railroad company, and there is not a more respectable or thrifty community in the State of Alabama than that. I have always pointed to it with pride as an evidence of the fact that we had within us the elements of prosperity and a disposition to encourage the migration of people into our State.

Now I desire to protect that colony and the contracts made for its settlement. I desire also to protect similar arrangements that are made in the State of Alabama, particularly in Lauderdale County, on a very valuable tract of land there of which General Jackson was once the owner and upon which there is assembling now quite a large colony of Germans, and indeed throughout the whole valley of the Tennessee River in North Alabama there is growing up a strong German population.

Those people make arrangements with each other. They send back to the Fatherland and there they make contracts for laborers and families to come over. They agree that they will supply them for a certain time with provisions and with farming implements. They of course are entitled to take from the railway company under Mr. Cullman's contract a certain proportion of land, for which they are to pay in installments that are postponed.

I do not wish to chill or break down an industry in my State of which I am so justly proud as I am of that; and yet this bill can not fail to do it, and no man can point out how it can fail to destroy all similar enterprises in Alabama.

I should like to know by what right the Congress of the United States undertakes to say to a State of this Federal Union, "You shall not bring over population into your State, honest immigration, for permanent settlement," unless it may be persons who are diseased and therefore not fit to come to any community, or criminals. But suppose the State of Alabama wants to import paupers into her borders; suppose her resources are sufficient to justify her in saying to the pauper communities of foreign countries, "Come here and we can furnish you a home, and instead of your remaining paupers during the remainder of your lives you can get to be thrifty people." I want to know what Senator can lay his hand upon the power that is given to him under the Constitution of the United States to say to the State of Alabama, "You shall not do it; although you may legalize such contracts and out of your treasury pay a bonus to have people come into your midst, we can prohibit you from having it done."

But suppose you have the power; we are now more than a hundred years old, and our States have grown with great rapidity. There are millions and millions of people in this country at this day whose forefathers were brought here under contract in some form or other. Senators have alluded in debate here to the fact that men were brought from abroad who were unable to pay their passage-money across the ocean, and were put up upon the block and sold in order to pay the passage-money; and those men were the founders of excellent families in the United States at this time.

Why is it that we should reverse the great policy which has brought about such useful results throughout the length and breadth of this whole country, and why should we lay our hands upon the States of this Union and say to them, "You shall not import labor here; you shall not have your agencies to go abroad; you shall not offer to any person an inducement to come to your States; you shall remain in your present state of barrenness and nakedness until you have grown population upon your own lands to occupy the whole country and fill it up?" Why shall we reverse that? Shall we do it for the mere sake of gratifying any set of men in the United States who feel that in the particular locality where they live there is an overcrowded state of labor?

The Senator from Texas [Mr. COKE] has reminded the Senate that in his part of the United States, and it is equally so in the part that I have the honor to represent here, there is a great want of labor and population in some departments of business. Your men who are going to the South now to cut down the pineries there for the purpose of manufacturing them into lumber, and who are making a great deal of money out of it, and I trust will make a great deal of money, are eager for labor. They are anxious to transfer their industries from some worn-out or exhausted fields in the North and the Northwest to go to the South, and they are anxious for labor. I do not feel disposed to repress the desire of those men to go there and make money and build up that State, yet this bill does it.

What is the pretext now that has been urged for the bill? Let us look at it in the light of honest truth. It is that some Hungarians and Italians have been brought here by railway and coal-mining companies and perhaps by a few of the rougher manufacturing companies in large numbers under contracts of hire; that they come, and they are a filthy, dirty set; they remain but a short time until they work out their contract, and then they take their money, as the Chinese used to do, and they go back home. Instead of coming right to the question that we met in the case of the Chinese and saying to the Hungarian Government and to the Italian Government, "Your lazzaroni and your paupers and your criminals are being collected and sent to this country under labor contracts, under a sort of boss or cooly system; we object and protest against it, and we are going to legislate them out of this country," the President of the United States will recommend, or if he does not some Senator will recommend by a bill he introduces, that Hungarians and Italians shall be excluded from the United States for

the reason that I state, that after having tried them experimentally we find that they are an unfit class of people to come into this land. Senators in their eagerness to gratify a supposed desire on the part of certain influential people or societies to control the labor market of this country, instead of confining the application of their law to the evil which they mention, spread it over all foreign immigration, and old Scotland, Wales, England, Germany, and France, that have furnished us millions of our most enlightened and excellent people, are put under the ban by this legislation along with Italy and Hungary. We find in the evil which came in from Italy and from Austria a pretext for attacking all the foreign immigration to this country and putting every bit of it on the same footing with the cooly system.

That is all that is complained of here. Why not bring in your bill to attack the very people you complain of? Why spread it all over foreign countries when you admit that the evil exists only in certain localities and in reference to certain people?

I beg to remind Senators that while they are insulting the Irish people, and the English, and the Scotch, and the Welsh, and the Germans, and the French, by this measure, they need not lock themselves up in the security that they may feel that they are pandering to a sentiment which will support them for offices hereafter. No, sir, the reaction will come from those great masses of population, and they will make the Senate of the United States feel their weight when they come to resent this insult to great states and communities and races of men, because the Senate has not got the courage to pick out the people that it wants to attack.

Mr. President, I appreciate the peril that I put myself in by daring to attack anything at all that appears to have the sanction of the great masses of certain classes of people who are organized in societies in this country; but I appeal to their honor and to their sense of justice. When they come to realize that Senators are here willing to serve them at the expense of justice and reason, they will turn to me with a welcome hand as they turn their back coldly upon those who are afraid to do what they know is right.

There is but one way to manage a matter of this kind, and that is to find where the evil is, and to strike at that, get through with the business, and then let it alone. It is quite a disagreeable thing to do under any circumstances; but when it is admitted on all hands that we are not suffering from Ireland, or England, or Wales, or Scotland, or Germany, or France, but that we are suffering only from Hungary and Italy, let us reduce our attack to the point from whence the injury comes, and not include all classes of people abroad on that account.

It has been argued in the course of the debate upon this measure that Chicago and New York, perhaps other large cities in the American Union, were being endangered, at least very much agitated, by the communistic expressions of certain societies found in their neighborhoods, and because certain communists, like Herr Most and Justus Schwab and O'Donovan Rossa and the like, have organized their secret societies in hostility to the whole human family, and have perpetrated wrongs and given advice and encouragement to the perpetrators of wrongs and injustice, murder and arson, in a way to shock the sensibilities of any man in the world, and every man in the world—because they have done that an argument is adduced why the bill should become a law.

The Congress of the United States proposes to punish all the great nations of Europe and disgrace those people by its solemn declaration because they have sent to us in one way and another a Herr Most and a Justus Schwab and an O'Donovan Rossa and the like. The injustice of that is simply inexpressible. Are those the honest workingmen of foreign countries who come here thus to plot treason against human life, against women and children, to plot assassination and arson? Are they the men who come here to toil and to labor? No, sir; when you denounce the importation of laborers under contracts from foreign countries, you do not touch Herr Most or Justus Schwab or O'Donovan Rossa. The utmost of their labors is in setting up the beer upon the counters of their saloons, editing newspapers, and preaching all manner of outrageous encouragement to vice and crime in the country. That is the extent of their labor.

A bill is brought in here and we are informed in the argument that in order to reach malefactors like these you strike at the whole honest, industrious laboring classes of foreign countries. That is your bill, and that is the way you do it. You insult labor by associating it with those malefactors, by identifying it with them, and saying that it is necessary, in order to keep such men as those out of the country, to prevent honest, industrious laborers from coming here.

I have not any doubt that the bill will pass; it will rush through this House as it did through another. It is admitted to be an ill-begotten and a misshaped thing. The framers of the bill when speaking on the floor, some of the ablest lawyers in the Senate, have said that it was a crude, unsatisfactory bill; and yet the Senate is going to pass a crude and an unsatisfactory bill. What pressure is there upon us, either of time or opportunity, or from outside through political influence, or otherwise, to cause us to dash to a conclusion in this case and to pass a confessedly crude, ill-shaped, unsatisfactory bill?

Why can not the Senate take time to pass a decent bill upon this question, not one denounced out of the mouths of its own friends and apologized for as one that is laboring under such an immense pressure of public demand as that the Senate can not wait to put it into shape? The country will inquire of us about our haste in this matter. They will want to know why it is that we did not have time to prepare a better bill, but prepared one in such a form as that its own friends could not refrain from denouncing it as a crude and an ill-shaped measure.

These States will want to know of us, if we vote down this amendment, why it is that we deny to them the power to conduct their own municipal affairs. What is it that most concerns the States of the American Union at this time after many of their most majestic powers have been trampled to earth and their real sovereignty has been rebuked until it is ashamed to show itself in the councils of the country, and Senators are almost afraid to avow that they are from States, or that they represent sovereignties? What power is it that most deeply concerns the States now in the condition almost of orphanage in respect of their former inheritance of glory and power from our ancestors? The municipal power. Go to the Supreme Court of the United States, and once in a while you will find an opinion coming from that august body in which they declare that States have a right to exercise certain municipal powers.

What are among the municipal powers of a State of this Union? One is to judge of the people that shall come into it; and unless there is some great and pervading national view of the question that excludes a people from coming here, you can not prevent them from going to any particular State of this Union, nor can you prevent the States of this Union from inviting them into their midst.

The State of Alabama, if she has the money, can vote lawfully and properly $100 per capita to every immigrant that shall come to her borders from the State of New York; she has a perfect right to induce them to come there. That right you are going to take away from her in this bill. I propose now that this law shall not apply to an agent of the State, authorized by law, acting under the law of the State, who shall make contracts for the importation of labor, and in connection with those contracts shall offer inducements such, for instance, as to say, "If you come to the State of Alabama we will see that your family is supported for a year after the time that you get there in order that you may get a chance to live, get acquainted with the people, and get used to the laws of the country and to its climate."

I propose that we shall not interfere with a State when she is honestly engaged in getting a migration of people into her borders in that way; and I propose also that where societies or individuals desire to import people for permanent settlement in the country, they may connect with their propositions to this effect the reward to be held out to the immigrant, saying to him, or to her, or to the family, "Come to my colony," as Cullman has said to the colonists who settled in that county in Alabama, "Come to my colony that I have prepared for you, and you shall have your land for good, and you shall have your expenses advanced to you or paid to you; you shall have provisions for a certain length of time; you shall have animals to plow with and tools for the cultivation of the soil." Is there any reason why we should cut off these privileges or these benefits? My amendment provides that where the immigrant is coming in good faith for permanent settlement this law shall not apply to him.

Without saying more, I ask the Senate to vote on it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. HAWLEY. Mr. President, can the amendment be divided?

Mr. MILLER, of California. Certainly.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is capable of division after the word "States." Does the Senator desire that it be divided?

Mr. HAWLEY. I ask that it be divided.

The PRESIDENT *pro tempore*. The question will be first put on the first branch of the amendment, which will be read.

The Chief Clerk read as follows:

This act shall not apply to any agent of a State, acting under the authority of law, who shall induce immigration to such State from any country in Europe, or from Great Britain, Canada, Mexico, or any Central or South American state.

The PRESIDENT *pro tempore*. The question is on agreeing to this branch of the amendment.

Mr. BLAIR. I should like to inquire of the Senators who support this amendment if the State agents they speak of bring immigration to this country under contract to labor? If there are no such contracts made by the agents of States, what is the use of making this addition? It may be a troublesome addition to the bill, for under the guise of the action of agents of States these same contracts may be entered into and the evil perpetuated.

Mr. WILLIAMS. I will say to the Senator from New Hampshire that in my own State we have colonies of foreigners, and they all come under contract. We have in a dozen counties of our State most flourishing colonies established and brought here by State agents.

Mr. BLAIR. For whom do they work when they get here?

Mr. WILLIAMS. They organize in Europe; somebody in Europe contracts with them; they buy immense bodies of land, as they have done in my State already. There are several large settlements of Swiss.

some of Sweden, some of Norwegians. Men make contracts with the immigrants and pay their expenses out, saying, "You shall have so much land and you shall work and out of your wages pay the money advanced to you."

Mr. BLAIR. Are the parties who enter into these contracts abroad agents of the State itself?

Mr. WILLIAMS. No, sir; the parties are usually foreigners.

Mr. BLAIR. Then they are not covered by that amendment.

Mr. WILLIAMS. But the inducements are held out by the agents of the States, and they are brought to particular localities according to the price of land and the price of labor, as described to them. They come in under these inducements. They have already a dozen colonies established in Kentucky which have been making the land blossom like the rose.

Mr. MORGAN. There is the colony of Rugby, in Tennessee, another very important colony of that description.

The PRESIDENT *pro tempore*. The question is on agreeing to the first branch of the amendment.

Mr. GEORGE. I dislike very much to engage in the discussion of the bill at this late hour. I have been very much in favor of the bill all along, and I hoped I might be allowed to cast a silent vote upon its passage; but the proposition made by the Senator from Alabama so misconceives, as I understand, the objects and aims of this bill, that I feel I should not do justice to myself and the vote I shall cast here if I did not say something upon this subject. The divided proposition now before the Senate is to exempt from the operation of this bill the acts of State agents in introducing and inducing——

Mr. RANSOM. I ask——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield?

Mr. GEORGE. Certainly.

Mr. RANSOM. I ask if it would be more agreeable to my friend from Mississippi to speak to-morrow? If so, with his consent I will move an adjournment.

Mr. GEORGE. I do not desire to occupy the attention of the Senate long. Of course I do not want to keep the Senate here when it wants to adjourn.

Mr. RANSOM. It is altogether at the pleasure of the Senator himself.

Mr. GEORGE. I have not a great deal to say. ["Go on!"] I will go on, Mr. President.

I mean to say that there is not a single provision in the bill which authorises the amendment, or that portion of the amendment offered by the Senator from Alabama—which authorizes it to be offered as an exception to the provisions of the bill. There is nothing in the bill which prohibits a State from having its agency in Europe or in any foreign country to induce foreigners to come within its borders and settle there; there is nothing in the bill which prohibits a State from offering moneyed inducements, landed inducements to any foreigner or alien who will settle within its borders.

The argument of the Senator from Alabama upon that branch of his proposition was a mere attack upon a man of straw. He conjured up in his fruitful imagination a difficulty which does not exist in the bill, and then struck it down. There is no attack upon State sovereignty; there is no attack upon any action which any State in this Union may see proper to take for the purpose of enlarging or increasing her population.

The whole scope of this bill is directed not against inducements held out by States to increase their population, not against inducements held out by individuals or corporations in States for the purpose of increasing the population of those States. The whole point of the bill is this, and there is not a single provision in it which looks beyond this, and that is, you shall not introduce people into this country under a contract previously made to serve somebody after they get here.

Mr. MORGAN. The bill does not say so.

Mr. GEORGE. That is the meaning of the bill, and there is not a provision in it which goes beyond it. It is simply a provision against introducing servile labor here.

Mr. MORGAN. If the Senator will indulge me a moment——

Mr. GEORGE. I will.

Mr. MORGAN. I will say to him that my construction of the language of this bill is just as candid as his. I am not as good a lawyer as he, I never was on any bench or anything like that, but I believe that there is not a lawyer in the Senate who will take this bill down deliberately and study it over and will not say that there is no provision in it that the labor shall be for the person making the employment. It is not in it; and if we have got to amend it so that it has to go back to the House, why not make the bill so that it shall be clearly intelligible?

Mr. GEORGE. That is a very immaterial difficulty. I do not know whether I said that the party was to be under contract to work for the particular party contracting with him, but it makes no real difference, so far as the evil is concerned, which this bill is intended to remedy, whether the contract be to work for the party making the contract with the foreigner, or whether it be to work for somebody else. In either view it is equally servile labor.

Mr. MORGAN. Now will the Senator indulge me again?

Mr. GEORGE. Yes, sir.

Mr. MORGAN. Does not the Constitution of the United States expressly prohibit any importation of servile labor into this country or any servitude of any man at all? The Senator does not want to assist the Constitution of the United States by a bill.

Mr. GEORGE. I do not know that there is any provision in the Constitution of the United States upon the introduction of any sort of labor into this country. There is a provision in the Constitution of the United States which prohibits slavery within the limits of the Union, and it is the object of this bill to prevent a species of slavery, not exactly legal slavery.

Mr. WILLIAMS. Will the Senator allow me a moment to ask him the definition of "slavery;" whether he considers labor performed under a voluntary contract to be servile labor? If he does there is no man who works in this whole Union who is not a slave. Everybody works in pursuance of a contract.

Mr. GEORGE. The difference between servile labor or slave labor and labor performed under a contract made with an ignorant foreigner, unacquainted with our language, unacquainted with the price of labor here, is very little in its practical effect. It is very true that this ignorant foreigner can not be held by any law to a specific performance of his contract; but being ignorant of our laws, being ignorant of our language, having made a contract to serve here at a price or for wages largely less than is paid our own laborers, he serves out his contract without knowing what his rights are, and in doing that he inflicts as great an injury upon the other laborers of this country as if he was a slave.

Now, Mr. President, I want to vote for this bill with a fair understanding of what it means. I do not want to be mistaken about its meaning I think the argument of the Senator from Alabama was based upon a misconception of its meaning, and I rose simply for the purpose of contradicting that impression and that construction. I say, sir, and I challenge the Senator from Alabama to put his finger upon the clause which contradicts that, that there is no provision of this bill which prohibits the State of Alabama or any other State from introducing as many foreigners as she pleases within her limits. There is no provision in this bill which prohibits the State of Alabama or the State of Texas or any other State from giving pecuniary or landed inducements to foreigners to come and settle within her borders.

The sole provision upon that subject is to prevent the introduction of persons who are under contract to serve either the person with whom the contract was made or some other person for whom they act after they arrive here. If the bill can stand upon that, then it is right; but it must not be put down upon the idea that it does something beyond that, for it does nothing more than that; and because I think that is the true construction of this bill I shall vote against the amendment offered by the Senator from Alabama.

Mr. MORGAN. Mr. President——

Mr. RANSOM rose.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. RANSOM. If my friend from Alabama will yield to me, I move that the Senate adjourn.

Mr. BLAIR. I hope the Senator will withdraw that motion. We can finish the bill to-night; and the condition of the business——

The PRESIDENT *pro tempore*. Debate is not in order. Does the Senator from North Carolina withdraw his motion?

Mr. RANSOM. No, sir.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate do now adjourn.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 26; as follows:

YEAS—23.

Beck,	Colquitt,	Jones of Nevada,	Ransom,
Brown,	Groome,	McPherson,	Saulsbury,
Butler,	Hampton,	Maxey,	Slater,
Call,	Harris,	Miller of N. Y.,	Vest,
Cockrell,	Jackson,	Morgan,	Williams.
Coke,	Jonas,	Pendleton,	

NAYS—26.

Aldrich,	Frye,	Mahone,	Pugh,
Allison,	George,	Mitchell,	Sawyer,
Blair,	Harrison,	Morrill,	Sewell,
Cameron of Wis.,	Hawley,	Palmer,	Sherman,
Conger,	Hoar,	Pike,	Wilson.
Dolph,	Ingalls,	Platt,	
Edmunds,	McMillan,	Plumb,	

ABSENT—27.

Bayard,	Fair,	Jones of Florida,	Riddleberger,
Bowen,	Farley,	Kenna,	Sabin,
Camden,	Garland,	Lamar,	Vance,
Cameron of Pa.,	Gibson,	Lapham,	Van Wyck,
Chace,	Gorman,	Logan,	Voorhees,
Cullom,	Hale,	Manderson,	Walker.
Dawes,	Hill,	Miller of Cal.,	

So the Senate refused to adjourn.

Mr. MORGAN. I do not wish to delay the Senate by a long speech, though I have no doubt they refused to adjourn in order that they might have the benefit of my remarks.

I candidly disagree with the Senator from Mississippi [Mr. GEORGE] in his construction of this bill. Perhaps I have no just cause for the disagreement at all, but as I have it, it is for the want of power to comprehend it. A contract, whether it is express or implied, under this act, whether it is parol or special, whether it is made by a State or the agent of a State, or by any other person, is not only void, but it is made punishable by law if it is made previous to the immigration of such alien or foreigner, and he is made to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

It is not required to be a contract made with the employer abroad; not a contract to labor for somebody else or for the employer, but a contract to labor in the United States at any kind of labor or service to be performed in the United States. You can take any person or any number of persons, it makes no difference what their character may be, and prepay their passage, or make any agreement or contract with them that they will come here and remain, it may be to take out naturalization papers and vote, or to do any other thing; but if you put it into that contract that they are to labor in the United States, then the contract is not only made void by this statute, but the party who makes it is amenable to a penalty to be recovered in a *qui tam* action, I suppose it is, in some court of the United States, and a forfeiture of $1,000 to the person with whom the contract is made.

I do not wish to be hypercritical about this, but I think it is one of the duties of the Senate to make laws that are so plain in their meaning that they can not be misunderstood. The honorable Senator from Mississippi I think concedes that the amendment I have offered here, the part now under consideration at least, is a proper amendment, a proper thing to do; but he says that it is unnecessary, barely unnecessary. This bill has been descanted upon, as I have remarked before, by several Senators, and they have taken occasion to say that it was a crude bill.

The Senator from Ohio who is in front of me now said the other day that he did not attach much importance to the words, but he would like the words "special or parol" stricken out of this bill. The Senator did not see the value of those words in this bill. I myself had pointed out that there was some occasion for misunderstanding in consequence of the presence of those words in the bill. Other Senators have criticised it. The honorable Senator who occupies the chair now [Mr. PLATT], if I remember, when he took the floor this afternoon for the purpose of advocating this bill led off by saying that the bill was such a one as a body of lawyers would not have prepared, and the bill ought to have undergone the scrutiny, if I understood him aright, of the Judiciary Committee, or some committee of this body that could put it in shape.

I but participate in the common sentiment when I declare in my place in the Senate that I can not understand this bill as the Senator from Mississippi understands it. His vision about it is so much clearer than mine that I regret that I can not participate in the very lucid manner in which he understands this bill to his own satisfaction. To me it is cloudy and murky and muddy; to me it is ill-shaped, and it does not express any correct or clear idea.

It may not have been the purpose of the committee in reporting this bill to prevent a man from laboring after he got here, and yet apter words could not have been used for that very purpose, even to prevent him from laboring after he gets here, for if the contract is to perform labor or service of any kind in the United States, its Territories, or the District of Columbia, that contract subjects the party to a penalty if he prepays, or assists, or encourages the migration or importation, as the language of the bill is, of the person with whom the contract was made.

I must be pardoned under all these circumstances for venturing, presumptuously, if you please, to draw the attention of the Senate to this language and to try to correct it by the amendment which I have had the honor to introduce. I yield to the honorable Senator from Mississippi, and his superior capacity as a lawyer over me, very cheerfully; it is nothing to my discredit to do that, but——

Mr. GEORGE. I never asked it.

Mr. MORGAN. No; but, Mr. President, it strikes me that the honorable Senator in his zeal for this particular bill has lost sight of the real construction of its language. Why shall the Senate of the United States send out a lumbering affair like this into the world for the criticism of the bar of the United States? Sir, they would laugh at you when you have done it. When you try to bring your *qui tam* action based upon it, the bar with a broad smile of laughter will wonder why it was that the Senate of the United States had ever got its consent to put before the country a form of words that expresses anything in the world but the meaning attributed to it by the Senator from Mississippi.

Now I will take the other section:

That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of service or labor by any person of any kind in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

There is no stipulation that the contract shall be for the benefit of the employer. If it is for the benefit of anybody whatsoever, that contract is denounced as a contract that is void. The third section is:

That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories—

There is the act by which this law is to be violated.

Mr. BLAIR. I beg the Senator's pardon; that is not the act.

Mr. MORGAN. What is the act?

Mr. BLAIR. If the Senator will read further he will know.

Mr. MORGAN. I beg the Senator's pardon; then he has two acts.

Mr. BLAIR. Not at all. Let the Senator read on and he will see what the act is.

Mr. MORGAN—

That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners——

Mr. BLAIR. "Previous." There is still more.

Mr. MORGAN. There is more rigmarole, of course.

Mr. BLAIR. If there is, it is no reason the Senator should misconceive the bill by failing to read it.

Mr. MORGAN. I do not misconceive the bill by failing to read it. It is the reading of the bill that causes any man to misconceive what can be the meaning of it—

previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000.

Now, let us see what are the objectionable words in that third section, "the violation of the provisions of this act," the general clause. How is a man to violate them? What is to be a violation?

By assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners.

That is the whole of it. Now I have got every word out of it that means anything.

Mr. BLAIR. No, not all—"previous to becoming residents."

Mr. MORGAN. That merely designates the time at which the offense is to become complete. We are describing an offense for which there is a very heavy penalty here. The last thing that is in the description of it, but the first thing to be considered, is at what time was this offense committed? It was committed previous to the alien or foreigner becoming a resident or citizen of the United States. That is the time, "previous to becoming residents or citizens of the United States." Thus we have got the time fixed. In what manner is this violation to occur in order that the penalty may be inflicted upon the party violating the act?

By assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied.

If you assist, or encourage, or solicit the migration or importation of any alien or aliens, foreigner or foreigners, into any part of the United States to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, then you violate the act. That is to say, you must have a contract with the alien or aliens, foreigner or foreigners, that he or they will come into the United States, or some part of it, to perform service or labor of some kind under contract or agreement, express or implied, parol or special.

If I solicit by writing a letter or by sending a telegram or otherwise saying to a man abroad, "There is a chance here for you to labor and get good wages; you have nothing to do but to come here and perform the labor in the United States; there is plenty of it; I do not name the man you have got to labor with; it is not with me; it is not with any particular individual; but I inform you that there is a good labor market here, first rate, and I encourage you to immigrate yourself or become immigrated or imported into this country for the purpose of doing that work under contract, and I give you a guarantee that when you come here, if you are dissatisfied, I will pay your expenses, I am entirely willing in order that you shall have the benefit, my friend, not my kinsman, of a good labor market; that you come here and do this work, and I am even willing to make a guarantee you shall be whole and sound;" that would cover the whole act beyond question.

Do we intend to do that? Is that the way in which we intend to prevent Hungarian and Italian bandits and lazzaroni from coming into this country by putting a trammel upon all freedom of traffic in respect to the importation of labor of every kind and character? That is not the meaning, say the committee, and yet that is the meaning according to the broadest interpretation that can be put upon this act.

Sir, I am not wrong about this. If an agent of the State of Alabama

shall go abroad and say "the State of Alabama will pay your expenses, or will advance your expenses, to come into her borders and settle on her unoccupied land"—I will take the swamp lands, if you please, that are granted out and out to the State of Alabama—"if you will come here and labor upon these lands, if you will come and assist the State of Alabama in performing the duty she has got to perform of ditching and draining these lands in order to perform the duties the Government has put upon her, we will advance to you the money, and out of your wages you can pay us back," the Senator from Mississippi will say that it was not intended to prevent the State from doing that; and yet there it is in the bill, and until the bill is amended it will be in there, and all of the argumentation that can be brought to bear upon it will not get it out of the bill. There is nothing that will get it out but an amendment, and it was this very perplexity which disturbed the minds of Senators so much that almost every one who has risen to advocate the bill except the Senator from Mississippi, who seems to have great satisfaction with it, has got up and explained that the bill was crude and imperfect. It is, and I am trying to get it, as far as I am concerned, for the protection of the people that I represent here, into a certain shape which shall exclude a certain interpretation that is perfectly legitimate on the face of this bill. That is the whole object of my amendment. I know the bill is going to pass; I do not wish to delay it, but I do wish to make it so that the State of Alabama at least will not suffer a detriment in consequence of the imperfect form in which it is.

I wish to ask the Senator one more question about this. There is no punishment here except for the employer. The party employed, the party who comes here to labor in competition with our American laborers, is not punished at all for coming in violation of this act. Whenever he is landed at the wharf in Boston, or in New York, or in Philadelphia, the ship-owner or the ship-master becomes responsible in very heavy damages to be paid to the party who informs. When he gets out into the country, if he can find some man who by contract, express or implied, special or parol, in some manner or other, has given encouragement to this migration or this importation, you can get hold of him and you can punish him; and if he happens to be the agent of a State acting under State laws, it makes no difference, you can punish him also, but you can not punish the party who comes here.

You can not punish the nuisance; you can not put the nuisance on board ship and send it away. You have no law to prevent its landing here. You allow this nuisance to be landed. You allow it to scatter itself out through the community, and then you go to hunting up the man to whom by his express or implied agreement it can be imputed that he had some agency by encouragement, or advice, or persuasion, or the advancement of money, to induce this nuisance to come over here. That is the shape of the bill.

Now, sir, suppose that your labor-broker happens to reside in London and he wants to make his money out of this immigration? Suppose, like the six Chinese merchants in San Francisco, or like the boss system of introducing coolies or inferior labor in any part of the world, they make their organization and all their arrangements aboard? A man in London organizes a force of a thousand laborers, we will suppose, and he says: "Now, I have got no contract at all, but I know that they are building a railway between Baltimore and New York and they are in a great hurry to get it through to compete with the Pennsylvania Railroad;" or, "I know they are digging a railway through the Alleghany Mountains to get to a new coal-field;" or, "I know they are building a railway to connect the Southern States with Mexico, or elsewhere. Now I bind you here in London, a thousand of you, that you will go to the United States, and you will go to that railway company, and you will offer yourselves for hire; and they will give you a dollar a day, $30 a month, and find you with everything, and after you have earned your money, your families remaining in Italy or Hungary, with every inducement for you to return after you have earned your money, you will bring me back 5 per cent. or 10 per cent. of the amount you receive to pay me for the advance I make in getting you there, besides paying me back the advance I make." There is a contract made in a foreign country, the Senator says. It is a contract completed between the employer and the laborer. Is there anything in this bill that prevents its being executed in the United States? None whatever. This bill clearly abandons the question of brokerage.

Mr. GEORGE. Will the Senator from Alabama allow me to say right there that there is this in the bill which prevents it being executed in the United States, that agreement is declared by the bill to be utterly null and void and not binding on the party?

Mr. MORGAN. What does your foreign broker care about that? It is a good contract in England, a good contract in London, perfectly good between the employer and the employé, and the employer has no more risk there than he has here. If a man makes a contract in the United States that these men will come over here and work for him, he has got to take the risk of their performing the contract after they get here, of course, and the risk is no greater with the man who makes such a contract in New York than it would be if he made it in London.

Now here is a case that is totally unprovided for, and the whole door of mischief that is intended to be closed out by this bill is left wide open. I can go to London if I am so minded, or I can go to Rome in Italy, and I can make a contract for 10,000 Hungarians or 10,000 Italians, and send them here to work upon a railroad in the United States. The railroad contractors would have nothing in the world to do with it, no complicity with it at all. I can merely throw that amount of labor organized under overseers and bosses upon that railroad track for the purpose of being there employed, with as perfect certainty that they will be employed, as much as a man has that he can sell sugar at twenty pounds for a dollar when his neighbor is selling sixteen pounds for a dollar; and if this law can be thoroughly violated by a contract and an agreement and an organization made abroad, we shall get the whole evil upon us without the power of restraining or correcting it at all.

The honorable Senator from South Carolina [Mr. BUTLER] suggested to me to-day that this bill was all in the wrong direction. If we want to have a success of it the thing to do is not only to punish the employer but to punish the party who is employed; not merely to make his contract void, so that he can not enforce it, but lock him up in jail if he comes here and lands upon these shores under a contract to be performed in the United States. Then you get the man who is the real party to it. This bill, instead of doing that, opens the way to his coming here absolutely, and if the employer happens to be an American or a man who is under our jurisdiction we bribe him by giving him $500 to peach on his employer, put the money in his pocket, and go back to Europe a rich man for that country. That is the whole case, and yet this is a bill about which so much is said and about which every Senator's judgment is challenged when he presumes to make a criticism upon it.

Mr. RANSOM (at 6 o'clock p. m.) If the Senator will yield, I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. RANSOM. I move that the Senate adjourn.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. GROOME. I am paired with the Senator from New York [Mr. MILLER].

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

Beck,	Hampton,	Lamar,	Ransom,
Butler,	Harris,	McPherson,	Saulsbury,
Call,	Jackson,	Maxey,	Slater,
Coke,	Jonas,	Morgan,	Vest,
Colquitt,	Jones of Nevada,	Pendleton,	Williams.

NAYS—25.

Allison,	Edmunds,	Manderson,	Sawyer,
Blair,	Frye,	Mitchell,	Sewell,
Brown,	George,	Morrill,	Sherman,
Cameron of Wis.,	Harrison,	Palmer,	Wilson.
Conger,	Hoar,	Pike,	
Cullom,	Ingalls,	Platt,	
Dawes,	McMillan,	Pugh,	

ABSENT—31.

Aldrich,	Fair,	Hill,	Plumb,
Bayard,	Farley,	Jones of Florida,	Riddleberger,
Bowen,	Garland,	Kenna,	Sabin,
Camden,	Gibson,	Lapham,	Vance,
Cameron of Pa.,	Gorman,	Logan,	Van Wyck,
Chace,	Groome,	Mahone,	Voorhees,
Cockrell,	Hale,	Miller of Cal.,	Walker.
Dolph,	Hawley,	Miller of N. Y.,	

So the Senate refused to adjourn.

Mr. MORGAN. Mr. President, I have just one more point to make on this bill.

Mr. MAXEY. I ask the Senator to make one point which I shall suggest, if he sees it as I do. As I understand this bill the unlawfulness is not in the introduction of this labor, but in the introduction of labor under a contract of employment made abroad. Now, suppose we go to Germany or England and we hire 10,000 men to come to the United States under no contract whatever, but on an assurance that when they get here they will be employed and they are employed when they reach here; they get here lawfully; the contract is made after they get here and not in Europe. Is not that contract a lawful contract?

Mr. MORGAN. I do not think the bill denounces a contract in that form at all. The Senator from New Hampshire called my attention to the fact that this contract must be made previous to the importation or immigration of such alien or aliens, &c., to be void. If made subsequent, as a matter of course it is a good contract. It must be made previous to their importation, previous to their starting to come to the United States. Well, Mr. John Smith makes a contract and he brings a thousand of these people to this country.

The moment they are landed Mr. John Smith becomes liable to this penalty and the contract becomes void; but Mr. John Jones who stands by—there are always plenty of gentlemen of that name to illustrate anything in the way of talent and ability—Mr. John Jones stands by and he says to this same thousand people, "My contract is made with

you now subsequent to your coming here, and not before; I will take you and put you to work, just as Mr. John Smith intended to do." Mr. John Smith's contract is void because it was made before the importation; Mr. John Jones's contract is valid because it was made afterward.

That is a perfectly plain case. The Senator from New Hampshire emphasized the fact that the contract must be made before the importation in order that it shall be void. All right, they are brought here under a void contract, and the man that really wants their labor looks around Castle Garden and he says, "Here is a large number of laborers coming in; I am on the *qui vive;* I am looking out for them; here are a thousand of you; I will take you all; my contract is perfectly valid," because, as the Senator from Texas suggests, it is not the importation of laborers that is prohibited; that is not the point; but they must come under a contract made before the importation commenced. That is the only point I want to make on this bill now, and I am satisfied to let the matter alone.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama. A division having been called for, the question is on the first branch of the amendment on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. If he were here, I should vote "yea" upon this proposition and he would vote "nay."

Mr. MANDERSON (when the name of Mr. JONES, of Florida, was called). The Senator from Florida [Mr. JONES] was paired with me on this question, but the pair has been transferred to the Senator from Colorado [Mr. BOWEN].

Mr. PUGH (when his name was called). On this amendment and on the bill I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, he would vote "yea" on this amendment and I would vote "nay."

Mr. RANSOM (when his name was called). I am paired on this amendment with the Senator from California [Mr. MILLER]. I do not know how he would vote. I would vote "yea," if he were here.

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. BAYARD]. Otherwise I should vote "nay."

Mr. JACKSON. The Senator from Arkansas [Mr. GARLAND] requested me to announce his pair with the Senator from Illinois [Mr. LOGAN]. The Senator from Arkansas [Mr. GARLAND], if here, would vote for the amendment.

The result was announced—yeas 18, nays 24; as follows:

YEAS—18.

Beck,	Coke,	Jonas,	Slater,
Brown,	Colquitt,	McPherson,	Vest,
Butler,	Hampton,	Maxey,	Williams.
Call,	Harris,	Morgan,	
Cockrell,	Jackson,	Saulsbury,	

NAYS—24.

Blair,	Frye,	McMillan,	Platt,
Cameron of Wis.,	George,	Manderson,	Plumb,
Conger,	Harrison,	Mitchell,	Sawyer,
Cullom,	Hoar,	Morrill,	Sewell,
Dawes,	Ingalls,	Palmer,	Sherman,
Edmunds,	Jones of Nevada,	Pike,	Wilson.

ABSENT—34.

Aldrich,	Farley,	Kenna,	Ransom,
Allison,	Garland,	Lamar,	Riddelberger,
Bayard,	Gibson,	Lapham,	Sabin,
Bowen,	Gorman,	Logan,	Vance,
Camden,	Groome,	Mahone,	Van Wyck,
Cameron of Pa.,	Hale,	Miller of Cal.,	Voorhees.
Chace,	Hawley,	Miller of N. Y.,	Walker.
Dolph,	Hill,	Pendleton,	
Fair,	Jones of Florida,	Pugh,	

So the first branch of the amendment was rejected.

The PRESIDING OFFICER. The Secretary will call the roll upon agreeing to the remainder of the amendment proposed by the Senator from Alabama [Mr. MORGAN]. The Chair understands as of course that the yeas and nays having been ordered upon the whole amendment the order applies to the last division of the amendment upon which the vote is now to be taken.

Mr. HARRIS. What is the remainder of the amendment?

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Nor shall it apply to any person who in good faith shall assist persons or families to come from any of those countries for the purpose of permanent settlement in any State or Territory of the United States.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD].

Mr. GROOME (when Mr. GORMAN's name was called). My colleague [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. CHACE]. I am paired with the Senator from New York [Mr. MILLER].

Mr. PUGH (when his name was called). I should vote "nay" if I were not paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. RANSOM (when his name was called). I am paired with the Senator from California [Mr. MILLER]. If he were here, I should vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Beck,	Colquitt,	Lapham,	Vest,
Brown,	Hampton,	McPherson,	Williams.
Butler,	Harris,	Maxey,	
Call,	Jackson,	Morgan,	
Coke,	Jonas,	Slater,	

NAYS—23.

Blair,	George,	McMillan,	Platt,
Cameron of Wis.,	Harrison,	Manderson,	Plumb,
Conger,	Hill,	Mitchell,	Sewell,
Cullom,	Hoar,	Morrill,	Sherman,
Dawes,	Ingalls,	Palmer,	Wilson.
Edmunds,	Jones of Nevada,	Pike,	

ABSENT—36.

Aldrich,	Fair,	Jones of Florida,	Ransom,
Allison,	Farley,	Kenna,	Riddleberger,
Bayard,	Frye,	Lamar,	Sabin,
Bowen,	Garland,	Logan,	Saulsbury,
Camden,	Gibson,	Mahone,	Sawyer,
Cameron of Pa.,	Gorman,	Miller of Cal.,	Vance,
Chace,	Groome,	Miller of N. Y.,	Van Wyck,
Cockrell,	Hale,	Pendleton,	Voorhees,
Dolph,	Hawley,	Pugh,	Walker.

So the second division of the amendment was rejected.

Mr. BUTLER. I should like to inquire of the Senator from New Hampshire if it would not be just as convenient for him—I think it would be very much more convenient for the Senate—to vote to-morrow at 2 o'clock on this bill. It is very late in the evening, sir.

Mr. BLAIR. The objection I have to such an arrangement is that I have been notified by the Committee on Appropriations—I was notified by them to-day that they would interrupt us in the course of an hour or two after we began; and there will be an appropriation bill right on the back of this bill to-morrow.

Mr. BUTLER. I am satisfied that if the Senate were to agree to vote to-morrow, say at 2 o'clock, the Committee on Appropriations would not interfere with any arrangement of that sort.

Mr. BLAIR. If we can have unanimous consent to take the vote on the bill to-morrow at 2 o'clock I shall be quite willing to consent to an adjournment now.

Mr. MORRILL and others. Say 12 o'clock.

Mr. BLAIR. That would interfere with the business of the morning hour. We can not interfere with that.

Mr. HARRISON. The routine morning business will be over by 12 o'clock.

Mr. LAPHAM and others. Say 12 o'clock.

Mr. BLAIR. The bill will be in order as unfinished business at 1 o'clock, and if we can take the vote on the bill at 2 o'clock, it being understood that the hour from 1 to 2 o'clock will be given to its consideration, I should be very glad to make that arrangement, and I would request the Chair to ask unanimous consent for such an arrangement.

The PRESIDING OFFICER. The Senator from New Hampshire, at the request of the Senator from South Carolina, desires the Chair to ask if there can be unanimous consent that this bill shall be voted on to-morrow at 2 o'clock.

Mr. CONGER. Say at 12 o'clock. There will be no objection to that.

Mr. BLAIR. The bill will be the unfinished business at 1 o'clock.

Mr. CALL. I ask the Senator from New Hampshire if it is understood that the bill is to be taken up at 1 o'clock to-morrow?

The PRESIDING OFFICER. The bill will be the unfinished business at 1 o'clock to-morrow.

Mr. BLAIR. The bill will go over as unfinished business. There will be no difficulty about its right of way if the Committee on Appropriations will keep off its hands, as I understand it will.

Mr CALL. That is satisfactory to me. I have one amendment to offer.

The PRESIDING OFFICER. Is there any objection to the understanding that the vote on the bill shall be taken to-morrow at 2 o'clock? The Chair hears none.

Mr. BUTLER. I ask leave to submit an amendment to the bill.

The PRESIDING OFFICER. The proposed amendment will be printed. Does the Senator from South Carolina desire to have the amendment read?

Mr. BUTLER. I shall not insist upon its being read at this hour. I offer it as a substitute for the pending bill.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 17, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PATRICK V. DOLAN.

Mr. BREWER, of New York, from the Committee on Accounts, reported back favorably the following resolution:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Patrick V. Dolan in one of the general appropriation bills the difference between the pay as laborer and that of messenger, at the rate of $3.60 per day, from June 6, 1884, to June 30, 1885.

The resolution was adopted.

Mr. BREWER, of New Jersey, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAYNE. I rise, Mr. Speaker, to a privileged question. From what was said yesterday I inferred the rule which precludes the consideration of any business on the day for the suspension of the rules except motions to suspend the rules might possibly exclude the consideration of the appropriation bills during the last six days of the session. I understood from the gentleman from Indiana [Mr. HOLMAN], whose attention I would like to have, that a motion would not be entertained by the Chair to go into the Committee of the Whole House on the state of the Union for the consideration of appropriation bills if a recess should be taken on Monday from 5 o'clock until 8 o'clock or immediately after 5 o'clock, when the consideration of the suspension of the rules should cease, that a motion of that sort would not be entertained. If that be true, I take it a motion to go into Committee of the Whole House on the state of the Union for the consideration of appropriation bills during the last six days of the session would not be in order. I desire to know whether I am right in that or not.

The SPEAKER *pro tempore*. The Chair will state that question will properly come up in a parliamentary inquiry when the last six days of the session is reached. [Cries of "Regular order!"]

Mr. BAYNE. I rise to a privileged question. I desire to propose for reference to the Committee on Rules the following proposition:

Resolved, That clause 1 of Rule XXVIII be amended by adding thereto, "*Provided*, That it shall be in order at any time during the last six days of the session to consider general appropriation bills."

Mr. TOWNSHEND. I rise to a question of order.

Mr. BAYNE. Why, it is in the interest of the business of your own committee.

The SPEAKER *pro tempore*. It has always been held to be a privileged question to receive and refer propositions to the Committee on Rules in reference to the business of the House.

Mr. WILSON. There are plenty of precedents for it.

Mr. HOLMAN. The proposition of the gentleman from Pennsylvania is undoubtedly the rule now.

The SPEAKER *pro tempore*. The Chair thinks not. This proposition is introduced for reference to the Committee on Rules.

Mr. BAYNE. I will ask for its consideration at the present time.

The SPEAKER *pro tempore*. That is not in order.

The resolution was referred to the Committee on Rules.

Mr. TOWNSHEND. I now demand the regular order of business.

BRIDGE ACROSS THE SAINT CROIX RIVER.

Mr. WASHBURN. I rise to submit a privileged report. I am directed by the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., to submit the report which I send to the desk.

The SPEAKER *pro tempore*. The report of the committee of conference will be read.

The report was read at length.

Mr. WASHBURN. I move to concur in the report of the committee of conference.

Mr. ANDERSON. Where is the statement accompanying this report? I think the rule requires that a statement shall be made showing the effect of the various amendments agreed to by the committee of conference. I would like to hear that statement read if I am correct in my assumption that such a report is required by the rule.

The SPEAKER *pro tempore*. The gentleman is correct; the rule requires it.

Mr. ANDERSON. Then I should like to have that statement read.

The SPEAKER *pro tempore*. The Chair is informed that no statement is furnished in connection with this report.

Mr. WASHBURN. I will state in a moment the changes which are made by the adoption of these amendments.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kansas demands a submission of the statement required by the rule from the conferees.

Mr. ANDERSON. Yes, sir; and hereafter in all cases I give notice that I shall demand that statement. I do not know anything about this bill, but I propose that the conferees in all cases shall give us a statement as to the effect of the various amendments upon which they agree.

The SPEAKER *pro tempore*. The Chair will state that since no statement accompanies this report it had better be withdrawn for the present.

Mr. WASHBURN. I will withdraw the report.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

Mr. COBB. I ask unanimous consent to take up from the Speaker's table House bill 7004 with a view to non-concurring in the amendments of the Senate.

Mr. NELSON. I object.

The SPEAKER *pro tempore*. The Chair will state that the gentleman is now asking unanimous consent to take up a Senate bill and act upon amendments, which is not in order under the operation of the special rule without unanimous consent.

The gentleman from Illinois demands the regular order.

RANGE AND RANCH CATTLE TRAFFIC.

Mr. REAGAN. Mr. Speaker, I rise to submit a privileged report.

I am directed by the Committee on Commerce to report back a resolution submitted to that committee and ask its adoption.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be requested to transmit to this House such information as he may be able to communicate at an early day in regard to the range and ranch cattle traffic of the Western, Northwestern, and Southwestern States and Territories, with special reference to the bearings of that traffic upon the international and foreign commerce of the United States.

Mr. KEIFER. Is this reported by a committee?

Mr. REAGAN. Yes, sir; unanimously reported by the Committee on Commerce.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Illinois demands the regular order.

Pending that the Chair desires consent to lay before the House certain executive communications.

EMOLUMENTS OF CUSTOMS OFFICERS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, an abstract of emoluments of officers of customs service during the last fiscal year; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

GEORGIA SHOALS, CAPE COD.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board, and asking an appropriation for an examination of Georgia Shoals, Cape Cod; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS, LYNCHBURG, VA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect for an increase in the limit of cost of public building and site, Lynchburg, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

TESTS OF SHIPS' COMPASSES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, transmitting a resolution adopted by the Chamber of Commerce of New York, recommending the establishment in the principal seaports of the United States of stations for the determination of errors of compasses on iron and steel ships; which was referred to the Committee on Appropriations, and ordered to be printed.

MOSES F. CARLETON.

The SPEAKER *pro tempore*. The hour set apart for the consideration of bills, resolutions, &c., under the special rule begins at twenty-seven minutes past 11 o'clock.

The Clerk will report the unfinished business coming under this hour from the last day's session.

The Clerk read as follows:

A bill (H. R. 6089) for the relief of Moses F. Carleton.

The SPEAKER *pro tempore*. The Chair will state that one minute remains for debate in favor of and five minutes against this bill.

Mr. GEDDES. I am informed that the objections have been withdrawn, and as far as I know there will be no objection to the bill. Under the circumstances I do not desire to occupy the remaining time.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. GEORGE D. WISE. When I took the floor on yesterday to object to this bill it was under a misapprehension. Since then I have conferred with the gentleman from Michigan, who calls it up; and hope the bill will pass.

Mr. HOLMAN. Has this bill been read?

The SPEAKER *pro tempore*. The bill and report were both read on yesterday.

There being no objection to the consideration of the bill, it was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. YAPLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES BELGER.

Mr. WAIT. Mr. Speaker, I call up for present consideration the bill (H. R. 149) for the relief of Maj. James Belger.

The bill is as follows:

Be it enacted, &c., That Maj. James Belger, a retired quartermaster in the United States Army, restored to his position as major and quartermaster by the act of March 3, 1871, be considered as having been continuously in the service from the 30th day of November, 1863; and the said James Belger is hereby declared entitled to all the rights, privileges, pay, emoluments, and promotion pertaining to such continuous service, deducting from pay due him the amount he has received while employed in the civil service subsequent to said 30th day of November, 1863; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to promote him to the rank to which his continuous service entitles him.

The SPEAKER *pro tempore*. Five minutes, under the rule, are allowed for debate on either side.

Mr. WAIT. I ask that the report made by the Committe on Military Affairs be read.

The Clerk commenced the reading of the report (by Mr. ROSECRANS), which is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 149) for the relief of James Belger, submit the following report:

That Maj. James Belger, United States Army (retired), has the following record in the Army Register for 1884:

James Belger entered from State of New York in 1832; was private, corporal, sergeant, Company H, and sergeant-major Second United States Infantry, 7th November, 1832, to 15th October, 1838.

Second lieutenant, Sixth Infantry, October 15, 1838; accepted 15th October 1838.

First lieutenant February 27, 1843; captain, assistant quartermaster 18th June, 1846; accepted 26th August, 1846.

Acting major and quartermaster department 3d August, 1861.

Appointed colonel and additional aid-de-camp 3d July, 1862; accepted; out of service November 30, 1863.

Major quartermaster March 3, 1871; accepted April, 1871.

Retired 19th June, 1879; over sixty-two years of age.

2. That, being an officer of high standing for ability, integrity, and efficiency, he was placed in charge of the quartermaster's depot at Baltimore on account of its immense business of purchasing, of employing transports, and forwarding supplies and troops, one of the most important in the service. (See Affidavit A annexed.)

3. That while so employed his services were regarded as of such importance that the Government declined to allow him to accept a commission of major-general volunteers, which Governor Curtin, of Pennsylvania, desired him to accept, to command United States volunteers, Pennsylvania troops.

4. That he was also chief quartermaster of the middle department, under General R. C. Schenck, in addition to his duties as general depot quartermaster above named, and, under careful observation and criticism, performed the duties of that position so as to command General Schenck's entire confidence and approbation. (See General Schenck's letter of the 18th February, 1884, to chairman, hereto annexed, marked D.)

5. That in February, 1863, seeing in a Philadelphia newspaper its Washington correspondent's intimation that there was crookedness in the management of the quartermaster's department at Baltimore, he immediately applied to the War Department for a court of inquiry, although the newspaper in question in a subsequent issue disclaimed the statement aforenamed. (See A, annexed.)

6. That the Secretary of War sent for General Schenck to consult with him about the matter of the charges, and appeared to be strongly prejudiced against Belger, disposed to believe all the charges, and that instead of a court of inquiry a court-martial ought to be immediately ordered to try him on them.

"This (says General Schenck) I declined to do. I represented to him that such a trial could result in nothing but acquittal, and that the most thorough investigation would, in my opinion, discover not an act of corruption or serious irregularity on the part of the quartermaster, and that he would be found more sinned against than sinning. * * * I said I would rather be relieved from the command of my department than to order, against my judgment, a court-martial which I believed uncalled for and would be fruitless. I preferred, if there was to be a trial under such circumstances, it should be ordered by the Secretary himself or the President; and I remember, at the close of the conference, saying to the Secretary, 'If you do try Belger I think he will beat you.'" (See D, appended.)

In spite of the foregoing information and expressed judgment given to the Secretary, he ordered a general court-martial, composed of officers of high standing, and presided over by General E. A. Hitchcock, to try Major Belger, on a charge with thirteen specifications that, on various occasions, by doing business through certain agents, he paid more for coal and hire of vessels than the same could have been obtained for at the specified dates, by doing business through other parties; but in no specification was there the slightest intimation that Major Belger derived any pecuniary benefit from the alleged transactions.

7. The court, after a month's examination, during which the prosecution did its utmost to secure conviction, found Major Belger not guilty on each and every specification and on the charge, and honorably acquitted him. (See General Order 325, War Department, year 1863.)

8. That instead of submitting these proceedings as required by law to the President for his orders thereon, or of returning them to the court with his disapproval, the Secretary of War, without warrant of law and in defiance of justice, issued General Order, War Department, 325, 1863, dismissing Major Belger from the Army, and thus cut off his chances of prosecution and support in the service in which he had been trained and earned his living by thirty years of most honorable service, and subsequently, without calling the President's attention to any circumstances of the illegalities by which it was made, presented the place as vacant, and had the next junior officer of the Quartermaster's Department, Capt. (now Maj. Gen.) W. S. Hancock, nominated and confirmed to fill it, thus, under existing law, preventing Major Belger's restoration to his place without the action of Congress.

10. That after being thus unjustly branded before the Army and the country, this gallant officer, deprived of his professional employment, without means of supporting his family, which sometimes lacked even the necessaries of life, the major set about the closing of his vast accounts to the Government. But such was the confidence felt in his integrity, that work was so often postponed to settle those which were regarded as requiring more prompt attention, that it was two years and a half before these accounts were finally and completely closed, and the accounting officers bore honorable testimony to their exceptional thoroughness and accuracy. During all these two years and a half, and for a year and a half thereafter, Major Belger, steeped in poverty, was unable to go into any business.

11. Meanwhile always protesting that he was as guiltless as the court found him, and cut off from the Army by an outrageous exercise of arbitrary power, he found among all who knew him a general conviction of his innocence, and on the 11th of November, 1867, the President, satisfied that Major Belger's dismissal was wholly illegal, issued an executive order restoring him to duty. But a captain, W. S. Hancock, had been nominated and confirmed to the place from which he had been thus unlawfully thrust; it was held that this executive order required legislation to give it effect.

12. Accordingly, in 1871, after careful investigation, the Military Committee of the Senate unanimously instructed its chairman, Hon. Henry Wilson, to report favorably a bill restoring Major Belger to his position in the Army, with rank, pay, emoluments, rights, and privileges the same as if never dismissed, providing only that out of what would thus become due to him should be deducted what the Government had paid to him for services in civil employment between 1867 and the date of the act. This bill, modified on motion of Senators Howe and Nye, so as to restore him to his rank from the date of the act, became a law. But it is in evidence that those Senators expressed their regret for having procured the amendments offered on general principles, and as soon as made aware of the special circumstances of the case, and that Mr. Wilson advised Major Belger to take what the bill allowed, making subsequent application to Congress for the further redress he now asks, and for which this bill provides. (See A, parts annexed.)

13. Moreover, the letter of the Adjutant-General of the Army states that had Major Belger remained in the service, at the date of his restoration, in 1871, he would presumably have reached the rank of colonel in the Quartermaster's Department.

14. Besides the honorable acquittal by the court-martial, the honorable testimonials to his rectitude and efficiency by the accounting officers of the Treasury Department on the settlement of his accounts, the issuance of the executive order in 1867 for his restoration, and the unanimous report of the Senate Military Committee in 1871 that he ought to be restored to rank, pay, allowances, rights, and privileges, as if never dismissed, we have also evidence in the affidavits and statements of the Rev. Dr. Charles H. Hall, General R. C. Schenck, and of Mrs. and Major Belger that subsequently even Mr. Stanton himself became convinced of Major Belger's innocence and expressed his deep regret for the wrong he had done him and his wish to do what he could to repair it.

From these facts and considerations your committee are led to the conclusion that while no such reparation as justice commands is now practicable, this bill will give all that Major Belger asks or expects, and therefore earnestly recommends its passage.

Before the reading was concluded,

The SPEAKER *pro tempore*. The time allowed for debate in support of the bill has expired.

Mr. WELLER. I desire to be recognized in opposition, and ask the Clerk to complete the reading of the report.

Mr. STEELE. I object to that way of opposing a bill. The gentleman from Iowa desires to be recognized in opposition and asks the reading of a favorable report. That is not opposing the bill.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from Iowa having been recognized to control the time in opposition has the right to use that time as he pleases.

Mr. STEELE. I do not think it is opposition to a bill to have a favorable report read.

The SPEAKER *pro tempore*. The Chair does not think the objection is well taken.

The Clerk resumed the reading of the report.

Mr. WELLER (interrupting the reading). I desire to withdraw my demand for the reading of the report and yield my time to the gentleman from Indiana [Mr. STEELE].

The SPEAKER *pro tempore*. Three minutes of the time in opposition to the bill remain.

Mr. STEELE. I yield one minute to the gentleman from New York [Mr. SLOCUM].

Mr. WAIT. The gentleman from New York will not say anything against the bill.

Mr. STEELE. This man went out of the service and was in civil life for a long time. He was restored to the Army as a quartermaster and placed on the retired-list. This bill proposes to give him additional pay as though he had been in the service all the time. It also proposes to give him pay in addition to what he is now receiving for additional rank. Not satisfied with being restored to the Army he seeks promotion out of the regular order. I do not think the bill ought to pass.

Mr. ANDERSON. Has a previous bill been passed for the benefit of this officer?

Mr. STEELE. A previous bill was passed, and by it he was restored to the Army. Now they seek to promote him on the retired-list.

Mr. WAIT addressed the Chair.

Mr. STEELE. I do not yield to the gentleman from Connecticut. The time for debate in favor of the bill has been exhausted.

The SPEAKER *pro tempore*. The Chair sustains the point made by the gentleman from Indiana. The gentleman from Indiana is entitled to the floor.

Mr. PERKINS. I desire to ask the gentleman from Indiana a question. Does the bill propose to pay this man for the time he was not in the service?

Mr. STEELE. No, sir. But it proposes to pay him continuously,

except while he was employed in the civil service. For all the rest of the time it is proposed he shall get pay.

Mr. WAIT. And it is perfectly right.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. Is there objection to its present consideration?

Objection was made by more than the requisite number.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

CHANGE OF NAME OF BANK.

Mr. CAMPBELL, of New York. I call up for present consideration the bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the name of the Manufacturers' National Bank of New York, a corporation whose location was changed from the city of New York to the city of Brooklyn, in the State of New York, by an act of Congress approved July 27, 1868, shall be changed to the Manufacturers' National Bank of Brooklyn whenever the board of directors of the said bank shall accept the new name by resolution of said board of directors, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance shall be made within six months after the passage of this act, and that all expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of the said Manufacturers' National Bank of New York shall devolve upon and inure to the said Manufacturers' National Bank of Brooklyn whenever such change of name is effected.

SEC. 3. That nothing in this act contained shall be so construed as in any manner to release the Manufacturers' National Bank of New York from any liability, or affect any action or proceeding in law in which said bank may be or become a party or interested.

Mr. CAMPBELL, of New York. I ask for the passage of the bill.

The SPEAKER *pro tempore*. Unless some gentleman claims the time allowed for debate on one side or the other the Chair will ask for objections.

Mr. BEACH. I do not feel exactly like opposing this bill; and yet I think in the time it would take to pass it the House might take up and pass a general bill which I introduced last session for the same purpose, giving the Comptroller of the Currency the power to change the names of these national banks. We have a large number of this class of bills before us. It is special legislation, and the time taken to pass this bill would pass the one I now send up to be read.

The SPEAKER *pro tempore*. Does the gentleman ask to have the bill read in his time as part of his remarks?

Mr. BEACH. As part of my remarks in opposition to the bill called up by my colleague.

The bill sent up by Mr. BEACH was read, as follows:

A bill (H. R. 5362) authorizing the Comptroller of the Currency to change the names of national banks.

Be it enacted, &c., That the Comptroller of the Currency is hereby authorized to change the name of any national bank, upon such terms and conditions as he may prescribe for the protection of the public interests.

Mr. BEACH. Now I request my friend from New York to substitute that bill for the Senate bill and put it on its passage.

Mr. ROBERTSON. I make the point that it is not in order for the gentleman from New York to send up that bill and ask for its passage. He has not been recognized for the purpose of calling up a bill for consideration.

The SPEAKER *pro tempore*. Neither bill is yet before the House. But the gentleman from New York [Mr. BEACH] had the bill sent up read as part of his remarks.

Mr. BEACH. If the other bill comes before the House for consideration I will move to substitute this bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill called up by the gentleman from New York [Mr. CAMPBELL]?

Mr. WELLER. I object.

Further objections were made by three members.

The SPEAKER *pro tempore*. The bill is not objected to by the requisite number, and it is before the House for consideration. The question is on the third reading of the bill.

Mr. BEACH. Now, Mr. Speaker, I offer as an amendment in the nature of a substitute the bill which I have had read from the desk.

Mr. BUCKNER. The gentleman from New York [Mr. BEACH] wants to have a substitute passed. That can not be done.

The SPEAKER *pro tempore*. The Chair thinks he knows what the gentleman from New York wants. It is to offer another bill as an amendment in the nature of a substitute to a bill which is pending here for its third reading.

Mr. KEIFER. I make the point of order that it is not in order to offer an amendment which has the effect to convert a private into a public bill.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CAMPBELL, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. PETERS. I call up the bill (H. R. 2123) for the erection of a public building at Wichita, Kans.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices at the city of Wichita, State of Kansas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be invested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. PETERS. Mr. Speaker, this is a bill for the erection of a public building in the southwestern portion of the State of Kansas, in what is known as the seventh Congressional district, which has a population of about 240,000 people.

Mr. MORSE. The town or the district?

Mr. PETERS. The seventh Congressional district.

Mr. MORSE. What is the population of the town?

Mr. PETERS. The place at which the building is sought to be erected has a population of about 15,000. The United States court is held at Wichita, and in addition to the usual jurisdiction conferred that court has also criminal jurisdiction of all that portion of the Indian Territory north of the Canadian River and west of the Five Tribes; which gives it a very large and extensive additional criminal jurisdiction. There is also a land office located at Wichita. The gross receipts of the land office there for the Wichita land district were during the last year over a half million dollars. The gross receipts of the Wichita post-office during the past year were about $18,000. Unless there are objections to the bill or unless some gentleman desires to make some further inquiry in relation to it I will reserve the remainder of my time. I will, however, add that there are four railroads, and at two points on the Territorial line the roads running to this place can be reached. I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The time for debate in favor of the bill has expired.

Mr. WELLER. Mr. Speaker, I rise to oppose the bill. When the proper time comes I shall offer an amendment providing that this appropriation be made and paid in standard silver dollars. I shall do that because I want to impress upon this House at every opportunity the benefits that will come to the country by the distribution of the silver dollars that are in the Treasury to-day, annoying the Treasury officials to the extent that they are asking an appropriation of $500,000 to build more vault room. In this way the Treasury can be relieved of that annoyance so completely that not another dollar need be appropriated for vault room. Then, Mr. Speaker, there is another reason. This building is proposed to be located in a place which is in the neighborhood of the large silver-producing sections of the country. There is a demand that the silver product of that region shall be coined, and I am of the opinion that the silver product should be coined on the same basis as gold. Now, I say, let us give them a dose of their own medicine. Let us make this appropriation which is to go into that section payable in actual standard silver dollars.

There is another reason. I venture to say if you put a thousand marked silver dollars into that locality to-day, two-thirds or more of them will be found at any time within the next five years within fifty miles of the point where they were put out; so that the community will never suffer for want of present cash, which to-day is the great curse of the business men of the great Northwest, West, Southwest, and South. On the other hand, if you put the appropriation out in paper dollars, drafts, or checks of deposit, and if these are paid, as almost all appropriations are, by counter-checks upon the Treasury of the United States or other banking institutions at money centers, you will find that the money or bills, if such are used, will go into that locality and stay there for but a very short space of time, and then return to the money centers. I tell you, sir, that the great curse of the Northwest and the West, the Southwest and South as well, is that they have a small modicum of money thrown into their localities which, through the operations and manipulations of the money power, soon flows back again to the money centers, creating congestion at those points, while the extremities are paralyzed by such depletion and their productive forces in ratio destroyed, as they, the people, have no actual money with which to transact their business on anything like a cash basis, thus being compelled to resort to credit which too often can only be had at rates of interest ruinous, coupled with mortgaged securities oftimes infamous. Then there is another reason. It is true that in the great Northwest to-day we are so impoverished by reason of having no money, or at least by not having such a proper sum to do business with on a cash basis, that we are at the mercy of the money-lenders and the whole crowd of usury suckers that have been and are robbing us of more than the average productions over consumption leaving the masses to become tenants of those who employ the system; and unless something is done you will find that the people of that part of the country will rise up against the incoming administration, as they justly have done against the administration that we have had for the last fifteen years, which has proved by its policies and methods of procedure in these matters that it was not to be trusted any further with the administration of public affairs. The people are determined to have a redress of grievances, and woe betide the hindering causes to an emancipation of labor from the dominancy and tyranny of cash capital. Let us unlock the vaults of the Treasury and put its hundreds of millions into public improvements that are needed, if no other way can be provided or will be adopted, and thus bless the producing, the laboring classes, first with employment, then with pay in cash therefor, and again in this most legitimate and proper way send the life-blood of business activities to the extremities, warming them into such prosperity as they are justly entitled. I regard the standard silver dollars under existing circumstances as one of the very best dollars, because it is a slow dollar, and going into a community will stay there while the lighter dollar, more convenient for circulation, will flow back to the money centers. I say it is now time to strike a blow in favor of the old standard silver dollar—the Democratic dollar of Jefferson and of Jackson. [Applause and laughter.]

The SPEAKER *pro tempore*. The time for debate on both sides has expired.

Mr. MCMILLIN. Mr. Speaker, I simply desire to call attention to the fact that the town where it is proposed to erect this building had in 1880 a population of but 4,911.

Mr. WELLER. Mr. Speaker, I desire to offer an amendment to this bill.

The SPEAKER *pro tempore*. An amendment is not in order at this time. The question is, Shall this bill be considered?

Mr. WELLER. I object.

The SPEAKER *pro tempore*. Objection is made. As many gentlemen as object to the present consideration of this bill will rise.

Mr. WELLER. I withdraw the objection. I have no objection to the consideration of the bill.

The SPEAKER *pro tempore*. Objection is withdrawn, and if no further objection be made the bill is before the House.

Mr. WELLER. I offer the amendment which I send to the desk.

The SPEAKER *pro tempore*. The Clerk will first report the amendment of the committee.

The Clerk read as follows:

In line 11, strike out "$100,000" and insert "$50,000."

The amendment was agreed to, there being—ayes 86, noes 4.

The SPEAKER *pro tempore*. The Clerk will now read the amendment of the gentleman from Iowa [Mr. WELLER].

The Clerk read as follows:

Add to the bill the following:

"*Provided, however*, That this appropriation shall be made and paid only in standard silver dollars."

The question being taken on agreeing to the amendment, there were—ayes 41, noes 90.

Mr. WELLER. No quorum.

Tellers were ordered; and Mr. WELLER and Mr. PETERS were appointed.

Mr. WELLER. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 5—not a sufficient number.

Mr. WELLER. I ask for tellers on ordering the yeas and nays.

Tellers on the yeas and nays were not ordered, only 5 members voting in favor thereof.

The SPEAKER *pro tempore*. The question will now be taken by tellers on agreeing to the amendment of the gentleman from Iowa [Mr. WELLER].

The House again divided; and the tellers reported—ayes 21, noes 145.

So the amendment was not agreed to.

Mr. MORSE. I move to amend the bill by adding the following:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specification of said building to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $50,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

The amendment was agreed to, there being—ayes 47, noes 23.

Mr. MORSE moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. DIBRELL. I call up for present consideration the bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the customs officers, United States courts, post-office, and other Government offices, at the city of Chattanooga, in the State of Tennessee. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Tennessee shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. DIBRELL. I ask that the report be read in my time.

The report (by Mr. YOUNG) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1484) to erect a public building in the city of Chattanooga, Tenn., respectfully submit the following report:

The city of Chattanooga is a prosperous, growing, manufacturing city, situated on the south bank of the Tennessee River, which drains a territory of more than 30,000 square miles. Chattanooga is the principal distributing and shipping point of all the produce shipped down said river. It is the terminus of seven prominent railroads. The United States district and circuit courts are held regularly at that place, and the business of said courts is rapidly increasing, owing to the large commercial business done at Chattanooga. The population of the city by a recent city enumeration is near 25,000.

Chattanooga is a port of entry. The Roan Iron Company, engaged in the manufacture of steel rails, paid $150,000, in 1882, duty upon steel blooms, &c. The depression in prices the last year stopped their manufacture until the receipts were greatly reduced.

The post-office receipts for one quarter only, ending 1st January, 1884, were $8,000 and upward, and increasing so rapidly that larger postal facilities are necessary.

When the Tennessee River is opened for free navigation Chattanooga will be the principal shipping point for a large territory in several States.

As Tennessee is a large and populous State, with only four public buildings, your committee are of the unanimous opinion that a public building should be erected at Chattanooga, and therefore recommend the passage of said bill.

Mr. DIBRELL. Mr. Speaker, since that report was made the population of Chattanooga has increased until it is now nearly 30,000. Six thousand persons voted at the election there in November last. Over three hundred residences have been built there during the last year.

I hope no gentleman will object to this bill. During the operation thus far of the "ten-objection rule," only two bills of this class have been presented from the South—one appropriating $50,000, the other $75,000. This bill proposes to appropriate only $100,000 for a public building in so important a place as Chattanooga. The provision upon which the gentleman from Indiana [Mr. HOLMAN] has heretofore insisted, limiting the cost of the building with its approaches to the amount appropriated, is already in the bill. I hope no gentleman will ask to amend the bill, as an amendment would necessitate the return of the bill to the Senate.

Mr. HOLMAN. Mr. Speaker, the important feature of the amendment which has been attached to all these bills up to this time—the amendment which was adopted upon the motion of the gentleman from Massachusetts [Mr. MORSE] on the bill passed a few moments ago—is that the Secretary of the Treasury shall not approve of any plan until the site has been purchased, and then shall not approve of any plan involving a larger expenditure than the amount of the appropriation remaining after the purchase of the site.

Mr. DIBRELL. This bill contains a provision that the total expenditure for site and building complete shall not exceed the sum of $100,000.

Mr. HOLMAN. That is not a sufficient restriction. The amendment to which I have just referred operates upon the Secretary of the Treasury. I trust there will be no objection to ingrafting such an amendment upon this bill.

Mr. HEWITT, of Alabama. Ordinarily, I think the amendment suggested by the gentleman from Indiana is a correct one, but when applied to such a city as Chattanooga, that is constantly growing and which will in a few years have a population reaching 100,000 or more, I do not think it ought to be adopted unless the amount is increased. In fact, this bill ought to have been reported for $200,000, and then it would not have been out of proportion to the provision made for many other cities.

Mr. DIBRELL. The gentleman from Indiana himself said this was one of the most meritorious bills on the Calendar, and I hope he will not now insist on offering an amendment which will have the effect of sending it back to the Senate and perhaps endangering its passage altogether.

Mr. HOLMAN. I much regret the House should allow any of these bills to pass without proper limitation. I do not think the gentleman from Tennessee ought to hesitate. I think it is of the highest moment some responsible officer of the Government should see that these plans do not exceed the amount Congress appropriates.

Mr. DIBRELL. Offer your amendment, then, when the bill is up for consideration.

Mr. HOLMAN. I will offer the amendment.

Mr. WELLER. Is there further time in opposition to the bill?

The SPEAKER *pro tempore*. There is.

Mr. WELLER. How much?

The SPEAKER *pro tempore*. Two minutes remaining.

Mr. WELLER. I am not making objections to the consideration of this bill or offering these amendments to appear factious or to make the silver question appear ridiculous, as I may be regarded by some on the floor of this House as seeking to do. I certainly know the objects I have in view are eminently proper at this time and worthy of the highest consideration of statesmen and humanitarians, and I am determined that this silver question shall not sleep. I propose that the country shall be awakened to the necessity for immediate, wise, and patriotic legislation on this question. I want the old-time dollar of Jefferson and Jackson to stand to-day before the business of the country as it stood from 1792 to 1873, when by the infamous policy of the manipulators of the Republican party it was dishonored and rendered unstable, fluctuating, and cheap by restricting its free coinage, which free coinage was the rule for nearly one hundred years before 1873. I hope that the Democracy on the floor of this House, as also throughout the country outside of the money centers, will see to it that the standard silver dollar can be paid out for legitimate public improvements, and thus be put in circulation, and that the hoarding proceeding engaged in by these Republican officials is wholly void of necessity, lacking in wisdom or patriotism, and dangerous to the business interests of the country.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WELLER. I will finish my remarks by and by, on the very next occasion.

Mr. HOLMAN. I wish to offer my amendment.

The SPEAKER *pro tempore*. The bill is now before the House. Is there objection to the present consideration of the bill?

There was no objection to the bill; and it was brought before the House for present consideration.

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $100,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. I move that amendment to come in after the word "dollars," in line 12.

Mr. HEWITT, of Alabama. I move to amend the amendment by inserting $150,000 for the building, and then inserting in the amendment of the gentleman from Indiana $150,000 instead of $100,000.

Mr. DIBRELL. I demand the previous question on the bill and amendment.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. Can that be done when the Speaker recognized me to offer my amendment making this appropriation payable in standard silver dollars?

The SPEAKER *pro tempore*. The Chair did not recognize the gentleman, but expressed a willingness to recognize the gentleman; but it is nevertheless in the power of the House to exclude all further amendment by ordering the previous question.

Mr. DIBRELL. My object is this: we are so near the close of the session that I fear we will lose the bill if by amendment we send it back to the Senate.

Mr. WELLER. I wish to reply that the gentleman by demanding the previous question may endanger other bills.

Mr. STEELE. I make the point of order that the gentleman from Iowa is not in his seat.

The SPEAKER *pro tempore*. The Chair hardly thinks that rule is in force now.

Mr. WELLER. If it were, the gentleman from Indiana violates it more frequently than anybody else.

The House divided; and there were—ayes 172, noes 1.

Mr. WELLER. The gentleman from Iowa dares to stand alone.

So the previous question was ordered.

Mr. DIBRELL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question first recurs on the amendment to the amendment of the gentleman from Alabama [Mr. HEWITT].

The amendment to the amendment was disagreed to.

The question next recurred on Mr. HOLMAN's amendment.

The House divided; and there were—ayes 37, noes 97.

Mr. HOLMAN. There is no quorum, and I regard this a measure of too much importance to allow it to pass without a quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. HOLMAN and Mr. DIBRELL.

Mr. WELLER. I rise to a question of order, that the hour has expired.

The SPEAKER *pro tempore* A message was received from the Senate, and it is hardly fair the time occupied should be taken from the hour.

The House again divided; and the tellers reported—ayes 50, noes 137.

So the amendment was rejected.

Mr. DIBRELL. I demand the previous question on the passage of the bill.

The SPEAKER *pro tempore*. The previous question is still operating on the third reading and engrossment of the bill. [Cries of "Regular order!"] The hour has expired, and the bill goes over as unfinished business.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS, from the Committee on Appropriations, reported a bill (H. R. 8239) making appropriation for the naval service for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. McMILLIN. I reserve all points of order on the bill.

On motion of Mr. HUTCHINS, by unanimous consent, 500,000 extra copies of the report were ordered to be printed.

Mr. HUTCHINS. I give notice, Mr. Speaker, that I will call up this bill for consideration to-morrow morning after the morning hour.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. Mr. Speaker, I rise to submit a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ELLIS. I move that the House bill making appropriations for the service of the Indian Department for the next fiscal year, with the Senate amendments thereto, be printed. I also move that the House non-concur in the Senate amendments thereto.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1885, and for other purposes.

The SPEAKER *pro tempore*. Without objection the bill with the Senate amendments will be printed.

There was no objection, and it was so ordered.

Mr. ELLIS. I move to non-concur in the Senate amendments.

The motion was agreed to.

Mr. ELLIS moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS. I now ask a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to this bill.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore* announced the appointment of the following conferees on the part of the House: Mr. ELLIS, Mr. HOLMAN, and Mr. RYAN.

EQUAL CIRCULATION OF GOLD AND SILVER CURRENCY.

Mr. DORSHEIMER, by unanimous consent, introduced a bill (H. R. 8240) to regulate the coinage and to promote the circulation of gold and silver equally; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ROSECRANS. I insist upon the demand for the regular order.

Mr. COBB. I ask unanimous consent that the bill H. R. 7004, now on the Speaker's table, be taken up with a view to taking action on the Senate amendments.

Mr. NELSON. I object.

Mr. COBB. I trust the gentleman will not object to this.

Mr. NELSON. I must insist upon the objection.

Mr. COBB. It is a matter of great importance and ought to be acted upon promptly.

The SPEAKER *pro tempore*. The Chair understands that objection is made.

Mr. NELSON. I insist upon the objection.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

STENOGRAPHER TO COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent to introduce a resolution for reference.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the service of a stenographer to the Committee on Public Buildings and Grounds in the investigation in relation to the purchase of a site for the post-office in Brooklyn, N. Y., as directed by a resolution of the House; said payment to said stenographer to be upon vouchers approved by the chairman of said committee and by the chairman of the Committee on Accounts.

The resolution was referred to the Committee on Accounts.

MINTHORNE TOMPKINS AND OTHERS.

Mr. RUSSELL, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7401) for the relief of Minthorne Tompkins, deceased, and others, as well as House bills 1238, 3284, 3970, 3977, 5430, and 5549, for the refund of income taxes illegally assessed, &c.; which were severally referred to the Committee of the Whole House on the Private Calendar with the accompanying report, and ordered to be printed.

PORT OF ENTRY MOUNT DESERT FERRY, MAINE.

Mr. GLASCOCK, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 8146) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS H. SHAW.

Mr. ROSECRANS, from the Committee on Military Affairs, reported a bill (H. R. 8241) for the relief of Francis H. Shaw; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

ADVERSE REPORT.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 5820) to amend the military record of George Cousins; which was ordered to be laid on the table, and the accompanying report printed.

HENRY A. PAUS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 7790) for the relief of Henry A. Paus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANUFACTURE OF IMPROVED GUNS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported, as a substitute for H. R. 8041, a bill (H. R. 8242) to provide further aid and encouragement to perfecting and manufacturing the highest class of guns; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 8041) was ordered to lie on the table.

JAMES JOHNSON.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 8151) for the relief of James Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. T. AND C. T. HULETT.

Mr. FINERTY, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 6232) for the relief of J. T. and C. T. Hulett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT LEXINGTON, KY.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 593) to provide for the erection of a public building in the city of Lexington, Ky.; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

EDWIN R. KERR.

Mr. VANCE, from the Committee on Patents, reported a bill (H. R. 8243) for the relief of Edwin R. Kerr; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PILOTS WHO SERVED IN THE WAR.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7995) to establish a uniform grade of fees and rate of pension for pilots who served on the United States gunboats during the late war; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. 2397) granting an increase of pension to Laurinda C. Cummings; and

A bill (H. R. 1016) for the relief of William W. Bush.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8088) granting a pension to Frederick Gale;
A bill (H. R. 8027) for the relief of Solomon R. Benham;
A bill (H. R. 2459) for the relief of Elizabeth Aurand;
A bill (H. R. 8084) granting a pension to John G. Haentges;
A bill (H. R. 5096) for the relief of Warren S. Smith;
A bill (H. R. 2458) granting a pension to Margaret Corrigan;
A bill (H. R. 1057) granting an increase of pension to Francis Traynor;
A bill (H. R. 2460) for the relief of Catherine A. Teachout;
A bill (H. R. 5974) for the relief of Herman Krauss;
A bill (H. R. 3725) granting a pension to Eliza Ann Shaner; and
A bill (H. R. 8163) for the relief of Annie Bagley.

WILLIAM D. FARNSWORTH.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8152) for the relief of William D. Farnsworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LUCRETIA G. RIPLEY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 7858) granting a pension to John Antrim; which was laid on the table, and the accompanying report ordered to be printed.

CHANCEY G. DARRAH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8187) granting a pension to Chancey G. Darrah; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES DYE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported a bill (H. R. 8229) granting a pension to James Dye; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. LONDON.

Mr. PIERCE, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported a bill (H. R. 8244) granting a pension to John A. London; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. NANCY. R. BROWN.

Mr. BRAINERD, by unanimous consent, introduced a bill (H. R. 8245) granting a pension to Mrs. Nancy R. Brown, mother of Robert Mavor Brown; which was read a first and recond time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LYDIA M. WALKER.

Mr. BRAINERD, by unanimous consent, also introduced a bill (H. R. 8246) granting a pension to Mrs. Lydia M. Walker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. F. M. NORTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported a bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY B. LEACH.

Mr. MORRILL. I am instructed by the Committee on Invalid Pensions to report back adversely a bill (S. 2204) granting arrears of pension to Nancy B. Leach, and to move that the same be laid on the table, and that the accompanying report, and also the views of the minority, be ordered printed.

The SPEAKER *pro tempore*. No objection being made, it is so ordered.

MILES BARBER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5931) granting an increase of pension to Miles Barber; which was laid on the table, and the accompanying report ordered to be printed.

D. J. DREESEN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

back adversely the bill (H. R. 7028) granting a pension to D. J. Dreesen; which was laid on the table, and the accompanying report ordered to be printed.

JOHN H. WHITAKER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 4965) for the relief of John H. Whitaker; which was laid on the table, and the accompanying report ordered to be printed.

FREDERICK A. LEONING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 8160) granting a pension to Frederick A. Leoning; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE A. WASHBURN.

Mr. FYAN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1803) granting an increase of pension to George A. Washburn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM A. GRAHAM.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 7848) for the relief of William A. Graham; which was laid on the table, and the accompanying report ordered to be printed.

DELOS L. ROBINSON.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7596) granting an increase of pension to Delos L. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAINT MARK'S CHURCH, DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHURCH OF THE ASCENSION, DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 7935) for the relief of the Church of the Ascension of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SPIRITUOUS LIQUORS IN THE DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back favorably with an amendment the bill (H. R. 8236) relating to sales for taxes in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. BLAKE.

Mr. WHITING, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back favorably the bill (S. 1631) for the relief of John W. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. ENGLISH, from the Select Committee on the Alcoholic Liquor Traffic, reported back adversely the bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic, and moved that it be laid on the table and the committee be discharged from its further consideration.

The motion was agreed to; and the accompanying report was ordered to be printed.

MANUFACTURE, ETC., OF INTOXICATING LIQUORS IN TERRITORIES.

Mr. CARLETON, from the Select Committee on the Alcoholic Liquor Traffic, reported back adversely the bill (H. R. 2293) to regulate the manufacture and sale of intoxicating liquors in the Territories, with a provision to submit the same to the voters thereof for ratification; which was laid on the table, and the accompanying report ordered to be printed.

ENTERPRISE FIRE-INSURANCE COMPANY, CINCINNATI, OHIO.

Mr. HURD, from the Committee on Ways and Means, reported back favorably the bill (H. R. 5119) for the relief of the Enterprise Fire and Marine Insurance Company, of Cincinnati, Ohio; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SHIPLEY, SMITH & CO.

Mr. HURD, from the Committee on Ways and Means, also reported back favorably the bill (H. R. 7143) for the relief of Shipley, Smith & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M. MORRISON.

Mr. GRAVES, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 4319) for the relief of William M. Morrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOTICE TO NORTH GERMAN CONFEDERATION.

Mr. DEUSTER, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 39) as to giving notice to the North German Confederation to terminate the treaty of February 22, 1868; which was referred to the Committee of the Whole House on the House Calendar, and, with the accompanying report, ordered to be printed.

H. T. ONLEY & SON.

Mr. BLOUNT, from the Committee on Ways and Means, reported back favorably the bill (H. R. 8073) for the relief of Henry T. Onley & Son; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. HARRINGTON.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (H. R. 6486) for the relief of John R. Harrington, with an amendment; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER WEIDE.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7485) granting a pension to Alexander Weide; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDWARD KRAEMER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1873) for the relief of Edward Kraemer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3510) granting a pension to William Walters;

A bill (H. R. 6553) granting a pension to Mary C. Reiman;

A bill (H. R. 1872) granting pensions to the minor heirs of John S. Oviatt;

A bill (H. R. 1871) to increase the pension of Sophia Beeler;

A bill (H. R. 7149) for the relief of John S. Law;

A bill (H. R. 1870) granting an increase of pension to William Earnest; and

A bill (H. R. 7161) for the relief of Joseph S. Hurst.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

MOUTH OF SCIOTO RIVER, OHIO.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of the result of a survey of the mouth of the Scioto River, Ohio; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ASIATIC CHOLERA.

Mr. RIGGS. By direction of the Committee on Public Health, I ask unanimous consent that the resolution I send to the desk be printed in the RECORD and referred to the Committee on Appropriations.

The Clerk read as follows:

Whereas the late prevalence of Asiatic cholera in portions of Europe has induced a widespread and, judging from our past experience, probably a well-founded apprehension that said disease may be introduced into this country during the present year, the prevention of which is very desirable; and

Whereas it is also very desirable that the introduction of all contagious, infectious, and epidemic diseases into this country be prevented if possible, and that they be suppressed if introduced: Therefore,

Be it resolved, That in the judgment of the Committee on Public Health there should be provided in the proper annual bill an appropriation of $500,000, to be expended in the discretion of the President of the United States, through such governmental agencies as he may designate, for the purposes indicated in the foregoing preamble.

Resolved further, That in the judgment of said committee there should also be provided in the proper annual bill an appropriation of $25,000 to pay the per diem and necessary expenses of the National Board of Health for the ensuing fiscal year.

There being no objection, the resolution was referred to the Committee on Appropriations.

CRUISE OF REVENUE STEAMER CORWIN.

Mr. HAMMOND, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the House of Representatives a copy of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue-marine steamer Corwin in the Arctic Ocean, made in the year 1884, and its accompanying documents and illustrations, in the possession of the Department.

Mr. HAMMOND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Several members called for the regular order.

INTERNATIONAL GEOGRAPHICAL CONGRESS.

Mr. SMITH, of Pennsylvania. I rise to present several privileged reports from the Committee on Printing. The committee has directed me to report back favorably the concurrent resolution of the Senate, which I ask the Clerk to read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of Capt. George M. Wheeler, United States Army, on the third international geographical congress and exhibition at Venice, Italy, with the accompanying illustrations, transmitted to the Senate by the Secretary of War on the 10th of December, 1883, be printed in quarto form, and that 3,500 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the Department of War.

Mr. SMITH, of Pennsylvania. I ask the immediate consideration of this resolution.

The question being taken, the resolution was adopted, there being—ayes 32, noes 4.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROGRESS OF COAST AND GEODETIC SURVEY.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, also reported back favorably the following concurrent resolution of the Senate:

IN THE SENATE OF THE UNITED STATES, *January* 30, 1885.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

Attest:

ANSON G. McCOOK, *Secretary*.

Mr. SMITH, of Pennsylvania. Read the report.

The Clerk read as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution to print 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey for the year ending June 30, 1884, have duly considered the same and recommend a concurrence therein.

The estimated cost of printing is $4,900.

Mr. MILLS. I do not think there is any necessity for that printing. But few persons in the United States desire to have that scientific report. The people generally do not want it.

Mr. McMILLIN. I hope some reason will be stated why we should adopt this resolution.

Mr. SMITH, of Pennsylvania. It is important that the country should know the progress of the work done by the Coast and Geodetic Survey, and therefore the printing of the report has been recommended. The report states how much the printing will cost.

The House divided; and there were—ayes 55, noes 33.

So the resolution was adopted.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GUN-FOUNDRY REPORT.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, also reported back favorably the following resolution:

Resolved by the House of Representatives, That there be printed for the use of the House 1,000 additional copies of the gun-foundry report, transmitted to the Senate by the President of the United States on the 22d of December last.

The report was read, as follows:

The Committee on Printing, to whom was referred House resolution of January 9, 1885, authorizing the printing of 1,000 additional copies of the gun-foundry report, have duly considered the same, and recommend its passage.

The board was organized under act of Congress March 3, 1883, composed of six officers selected from the Army and Navy, for the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is the best adapted "for the purpose of establishing a gun-foundry board for the manufacture of heavy ordnance adapted for modern warfare." In the course of its investigation the board visited England, France, Russia, and Germany, and collected most valuable and important information. The usual number printed of the document (Executive Document No. 13) has been exhausted, and to supply the demand for additional copies the Committee on Printing recommend the printing of 1,000 extra copies. The estimated cost is $962.

Mr. MILLS. What is that report?

Mr. SMITH, of Pennsylvania. This is the report of a gun-foundry board appointed under an act of Congress a year ago, who traveled through Europe and made investigations in reference to the gun-foundries there. The report contains a great deal of valuable information, and as we went to the expense of sending these men abroad we ought to print the information which they gathered.

The House divided; and there were—ayes 47, noes 24.

So the resolution was adopted.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. SWOPE, for this day.

To Mr. HOBLITZELL, for the remainder of this day, on account of sickness.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the legislative, &c., appropriation bill.

Mr. WILLIS. How much time will that occupy?

Mr. HOLMAN. Not more than an hour, at the outside.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union on the legislative, &c., appropriation bill, Mr. McMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; and the Clerk will report the pending amendment.

The Clerk read as follows:

Page 84, line 2061, strike out "five" and insert "four;" so it will read:

"Pension Office: For compensation of the Commissioner of Pensions, $4,000."

Mr. HEWITT, of Alabama. Mr. Chairman, by examination of this bill it will be found there is a discrimination made, and I think an unjust one, in favor of the Pension Bureau as against the General Land Office. The salary of the Commissioner of the General Land Office is fixed at $4,000, and the salary of the Commissioner of Indian Affairs at the same rate, while that of the Commissioner of Pensions is proposed to be fixed at $5,000. If the Commissioner of Pensions should have $5,000, I would say unhesitatingly the Commissioner of the General Land Office also ought to have $5,000.

Mr. LEWIS. I think you are right.

Mr. HEWITT, of Alabama. If the Commissioner of the Public Land Office ought not to have more than $4,000, then I would say just as unhesitatingly the Commissioner of Pensions should not have more than $4,000.

The House has said by passing that portion of the bill which fixes the salary of the Commissioner of the General Land Office at $4,000 that amount is sufficient for that officer. If any difference be made between the salaries of these two officers in my judgment it should be in favor of the Commissioner of the General Land Office. The interests over which he presides are more general, more extensive, and of equal importance to those of the Commissioner of Pensions. The questions of law arising for the consideration and decision of the Commissioner of the General Land Office are much more difficult than those under the Pension Bureau. There are no questions of law arising in the Pension Bureau which present any difficulty whatever.

Mr. STEELE. Allow me to ask the gentleman a question.

Mr. HEWITT, of Alabama. With pleasure.

Mr. STEELE. Do you not think that the position of Commissioner of Pensions is one of the most annoying of any department of the Government?

Mr. HEWITT, of Alabama. I have no doubt the Commissioner of Pensions is annoyed considerably by members of Congress making applications for pensions for their constituents.

Mr. STEELE. Do you not think it is the duty of members to attend to the wants of their constituents?

Mr. HEWITT, of Alabama. Without designing to make any charge against members of Congress, or anybody else, it looks as though the distinction was made between the Commissioner of the General Land Office and the Commissioner of Pensions. Upon the ground that members of Congress did annoy that Commissioner by asking so many favors, I am astonished my friend from Indiana [Mr. HOLMAN] in charge of the bill, who has ever been an economist, who has ever been in favor of the reduction of salaries, has not in this bill made an effort to equalize these salaries.

I demand justice. If you are going to make the salary of the Commissioner of Pensions $5,000, then give the same salary to the Commissioner of the General Land Office.

Mr. MATSON. I wish to ask the gentleman from Alabama a question. Did he offer an amendment to increase the salary of the Commissioner of the General Land Office when that bill was before the committee?

Mr. HEWITT, of Alabama. Let me ask the gentleman from Indiana a question?

Mr. MATSON. I should prefer first to have an answer to my question.

Mr. HEWITT, of Alabama. Did the gentleman offer any such amendment?

Mr. MATSON. I did not.

Mr. HEWITT, of Alabama. Then the gentleman himself in not offering that amendment has admitted that the salary of $4,000 was sufficient for the Commissioner of the General Land Office; and if he thought that officer, being of equal importance to the other, had a sufficient salary, he says by his own action that this amendment ought to be adopted.

Mr. MATSON. Mr. Chairman, the gentleman from Alabama seems to be very much interested in the office of the Commissioner of Pensions, more so than in the office of the Commissioner of the General Land Office. He complains that the office of the Commissioner of Pensions has attached to it a salary more than it should have, because the Commissioner of the General Land Office has less. And yet he is forced to confess that when that item of the bill was passed he failed to offer an amendment to increase the salary of the Commissioner of the General Land Office, which provision I suppose is beyond remedy at present.

The only question to be decided here, then, is whether or not $5,000 compensation is too much to be paid the Commissioner of Pensions for the duties of his office.

I assert, sir, without fear of contradiction, that the office of the Commissioner of Pensions is the most laborious in the Government of the United States. There is no other one that requires so much unremitting, careful attention, nor one that requires higher integrity and ability. More money is disbursed through the Pension Office than through any other of the bureaus of the Government, and I think I may say more than through any one of the Departments of the Government. In view of these facts, I assert that $5,000 is not too much money for such responsibility.

Mr. BELFORD. Mr. Chairman, I should not say a word regarding the amendment offered by the gentleman from Alabama, as I understand it, if it were consistent with the policy adopted by this Committee on Appropriations. For that reason I desire to comment briefly upon it.

This bill appropriates a sum of money $1,000,000 less than the total estimates submitted by the Department, and it seems that even the amounts which have been incorporated into the appropriation bill are to be cut down by various amendments which are pending or are to be offered from time to time in the progress of the bill.

I said the other day that there was in the Treasury of the United States $145,000,000 of available cash. I underestimated the amount just $1,000,000; and yet year after year this Democratic House aided by Republicans continues to swell up the volume of money in the Treasury of the United States by exactions upon the poor people of the country who are trying to earn their money by serving this Government. I am not surprised at their action, because this Republic, comprising thirty-eight great States, is governed practically by two States, the State of New York and the State of Pennsylvania, who run side by side like leash-hounds in the control of the finances of this nation.

We have got a New York President to-day, and we have got a New York Secretary of the Treasury to-day. Oh, it does not do to say that he is evaporated out of the marshes or smoked from the swamps of Indiana. He was the Secretary of the Treasury in 1865 and stepped down and out of his office to establish a bank in London. From London he immigrated to this country—to New York, and from New York he has migrated into the Treasury Department and is there to-day. I want to call the attention of this House to the policy that this Secretary of the Treasury is seeking to pursue. I said, sir, that there were two States in this Union practically controlling or trying to govern the finances of this country, one being the State of Pennsylvania, the other, New York—and the South and West are simply playing the part of Israelitish asses to pack the hay nibbled by these distinguished plunderers and robbers. [Laughter.]

Now, sir, I am hurried for time, but I will get along pretty well if you will listen. I say that in 1865 the man who is now Secretary of the Treasury, and was evidently appointed by this New York influence, recommended to the Congress of the United States the retirement of the greenback currency. Let me read you a line or two from his report on this subject, and I will ask to put all the balance of it into my remarks. I mean the rest of this section. He says:

> While, therefore, the Secretary is of the opinion that the immediate repeal of the legal-tender provisions of the acts referred to would be unwise, as being likely to affect injuriously the legitimate business of the country, upon the prosperity of which depend the welfare of the people and the revenues which are necessary for the maintenance of the national credit, and unjust to the holders of the notes, he is of the opinion that not only these provisions, but the acts also, should be regarded as only temporary, and that the work of retiring the notes which have been issued under them should be commenced without delay, and carefully and persistently continued until all are retired.

That is what he announced in 1865 when he came back from that celebrated "love-feast" the Democrats and Republicans held over there in the city of Baltimore. We are told that we must retire the greenback, aromatic and fragrant as it was with all the struggles and glorious memories of the war. This distinguished Secretary of the Treasury recommended its retirement. What else did he do? I shall ask the Clerk to read the section that I have marked here. This was in 1867, the other in 1865.

[Here the hammer fell.]

Mr. HOLMAN. I hope that by unanimous consent debate on the pending paragraph and amendments thereto may be limited to five minutes.

Mr. BELFORD. I object unless I can have time to finish what I was about to say.

Mr. HOLMAN. I am willing that the gentleman shall have the five minutes if we can agree to limit the debate on this paragraph to that time.

There was no objection.

The CHAIRMAN. It is understood that by unanimous consent debate is limited to five minutes on this paragraph and amendments.

The gentleman from Colorado is recognized for that time.

Mr. BELFORD. I ask the Clerk to read that extract.

The Clerk read as follows:

> A national debt must ever be a severe strain upon republican institutions, and ours should not be subject to it one day longer than is necessary. To the perpetuation of the existing debt of the United States there are also, it may be proper to remark, serious objections growing out of the circumstances under which it was created. Although incurred in a great struggle for the preservation of the Government, and therefore especially sacred in its character, its burdens are to be shared by those to whom it is a reminder of humiliation and defeat. It is exceedingly desirable that this, with other causes of heartburnings and alienation, should be removed as rapidly as possible, and that all should disappear with the present generation, so that there may be nothing in the future to prevent that unity and good feeling between the sections which are necessary for true national prosperity.

Mr. BELFORD. Now you observe, Mr. Chairman, that in 1867 this Secretary of the Treasury said it was absolutely necessary and advisable to pay off this great national debt within this generation. And yet, as I said the other day, and as I say now, he has got one hundred and forty-six millions of available cash in the Treasury upon which we are paying 3 per cent. interest, because we are carrying the Windom bonds, and he will not pay out a cent, not one cent of it.

And here we have got a chairman of the Committee on Appropriations from the State of Pennsylvania; and he says that this money can come into the Treasury through the channels of New York, but we are going to see how it goes out through the channels of Pennsylvania; and I say it is time for the South and the West to join their shields together and tell these salt-water tyrants that they do not control the magnificent destinies of this great Republic. [Applause.]

When that report was made—I ask the chairman not to bring that gavel down too soon—when that report was made my venerable friend from Pennsylvania introduced a resolution condemning it, had it referred to the Committee on Ways and Means, and there it slept like Romeo in the tombs of the Capulets. Nothing was reported at all.

You tried last session of Congress to reform the tariff. You got beaten on that subject. Then the other side tried to cut down internal taxes. They got beaten. Here was the West shuttle-cocking one way, and the East shuttle-cocking another, and the general innocent public playing the part of the battledore to both.

Do you intend to do anything with those one hundred and forty-six millions of surplus revenue in the Treasury? Are you going to keep this high tariff up, and to diminish the per capita capital of the people by putting it in the Treasury as idle and unoccupied capital? What are you going to do with the internal revenue? We have had our trouble in the Republican party; you are going to have yours. What is Mr. Cleveland—for whom I have great respect, and I hope his administration will be a decided success—what is Mr. Cleveland going to do with the plumed knight from Pennsylvania on the theory of high protection, and the distinguished gentleman from Kentucky on the theory of tariff reform?

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I withdraw my amendment, but wish to ask the gentleman from Indiana if he has any objection to going back to increase the salary of the Commissioner of the General Land Office?

Mr. HOLMAN. I do not wish to go back in the bill.

Mr. HEWITT, of Alabama. I withdraw my amendment.

The Clerk read the following paragraph:

> For an additional force of one hundred and fifty special examiners, for one year, at a salary of $1,400 each, $210,000; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they are found to be qualified.

Mr. MATSON. I move to strike out the last word, with the view of asking the gentleman in charge of this bill whether the Committee on Appropriations have made any investigation into the work that this additional force of one hundred and fifty special examiners have been able to do since July last. My observation is that the work of the special examination division of the Pension Office is further behind now than it was on the 1st day of July last; and I ask the gentleman in charge of this bill to inform the House what investigation was made by the Committee on Appropriations to justify the continuance of one hundred and fifty special examiners for another year.

Mr. HOLMAN. Last session of Congress when this additional force of one hundred and fifty special examiners was provided for, it was believed that that additional force would be available; that the practice of special examinations in pension cases was beneficial; that it tended to develop the facts in behalf both of the claimant and the Government. And, accordingly, the Committee on Appropriations recommended an increase of the number, and also recommended an increase of their salaries.

The special examiners previously employed, to the extent of two hundred and fifty, had been paid $1,400 a year and expenses. The salary of these one hundred and fifty additional examiners was fixed at $1,600 a year. The investigation made during the present session discloses the fact that the duties have been increased. A larger number of cases have been referred to the special examiners, and a larger number of cases are now pending under examination than there were a year ago. But up to this time it is the belief of the Committee on Appropriations that this force is rendering valuable service not only to the Government but to the claimants, securing investigation such as could be more certainly relied upon, the testimony being taken upon the ground not *ex parte* but impartially, the claimant being present and the Government being represented by its special agent. And it is believed it is desirable that this whole corps of four hundred be continued for another year. On the recommendation of the present Commissioner the compensation has been reduced from $1,600 to $1,400, inasmuch as the discrimination in favor of one class as against the other was calculated to produce discontent. I think it is desirable this provision should remain as it is.

Mr. STORM. I wish to ask the gentleman a question. How many special examiners will this make?

Mr. HOLMAN. This makes the same number we had last year—four hundred.

Mr. STORM. Either the present force of examiners is insufficient, or else they do not discharge their duties.

Mr. MORSE. They never finish a case.

Mr. HOLMAN. Gentlemen must remember that the number of these cases is very large and is increasing.

Mr. STORM. I believe that in my district half the cases are tied up for want of action by the special examiner. He has had cases in his hands for over a year. I think I can safely say that half the cases in the district are in his hands waiting for his action, and the excuse that the Pension Office gives for not acting upon them is that they are in the hands of the special examiner. I repeat that either these men do not do their duty, or else the force is not sufficient.

Mr. HOLMAN. It is believed that the force is large enough to make disposition of these cases, not immediately, but gradually. My friend [Mr. STORM] should remember that only difficult cases are referred to these special examiners—cases where a thorough and impartial investigation on the ground at the place where the witnesses are to be found is important.

Mr. STORM. That is the character of nearly all these old cases.

Mr. HEWITT, of Alabama. Mr. Chairman, I thought I had the floor.

The CHAIRMAN. The gentleman's time has expired. There is no question before the committee.

Mr. HEWITT, of Alabama. I move to strike out the last word. I would like to have the attention of the gentleman who has charge of this bill [Mr. HOLMAN] for a moment. In lines 2088, '89, '90, '91, '92, and '93, you provide that the expenses of these special agents shall not exceed $3 a day.

Mr. HOLMAN. Yes, sir.

Mr. HEWITT, of Alabama. But you do not provide how the rate shall be determined—by whom it shall be determined.

Mr. HOLMAN. By the Commissioner.

Mr. HEWITT, of Alabama. The bill does not so state.

Mr. HOLMAN. That is the intention and effect of it.

Mr. HEWITT, of Alabama. Further on you provide that as to the one hundred and forty specials that the rate shall be fixed by the Secretary of the Interior. Now, why not make the same provision in both cases? If it is necessary in the one case it should be in the other.

Mr. HOLMAN. If the gentleman can suggest an amendment which will meet the case I shall not object to it.

Mr. HEWITT, of Alabama. Then I move that in line 2092, after the word "subsistence," the words "at a rate to be fixed by the Secretary of the Interior" be inserted.

Mr. HOLMAN. There is no objection to that; but does the gentleman from Alabama [Mr. HEWITT] think that that would be better than to allow the Commissioner of Pensions to fix the rate?

Mr. HEWITT, of Alabama. I think so.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. HEWITT].

The Clerk read the amendment as above stated.

Mr. HOLMAN. That is right.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Alabama [Mr. HEWITT].

Mr. STORM. I desire to call the attention of the gentleman from Indiana [Mr. HOLMAN], while this section is under consideration, to the fact that a great deal of unnecessary expense is created by the manner in which these special examiners discharge their duties. When an examiner goes to a town in a district where there are, perhaps, a dozen or twenty soldiers whose cases have been made "special" and referred to him for examination, he takes up one case and confines his attention to that, giving as a reason that that is the one he has been directed to examine, although there may be a dozen others in the same town that have been also referred to him. He investigates one case and goes away, leaving the others untouched, and then probably comes back in a month or two and investigates another case, and then goes away again, and so on; whereas he might attend to the whole of the cases in that place on one visit if the administration of the office were different.

A MEMBER. It will be different hereafter.

Mr. MORSE. If he took them all at once he would not have anything left to do.

Mr. HOLMAN. I think that what the gentleman from Pennsylvania [Mr. STORM] calls attention to is a matter of just complaint, but it is a matter of administration that you can not regulate by law—a thing which must depend upon the vigilance of the man at the head of the office.

Mr. STORM. Well, I hope that there will be a change in that respect.

Mr. HOLMAN. I hope so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HEWITT].

Mr. McADOO. I move to strike out the last word. I think there is no class of public employés who should be more carefully looked after than these special agents and special examiners and fraud detectives. And in this connection I want to call the attention of the House and the country to an abuse of the special list of fraud detectors of the Treasury Department, which is at the same time an illustration of the way in which these special examiners and fraud agents have been used for partisan purposes in other Departments of the Government. I introduced in this House a few days ago a resolution asking the Secretary of the Treasury to give the House information as to the names of the persons who were employed as special agents and detectors of fraud in the month of June, 1883, in June, 1884, on July 1, 1884, on November 1, 1884, and on February 5, 1885; and from the printed report transmitted to this House by the Secretary of the Treasury I find that on June 30, 1884, some twelve employés, under the guise of detectives of frauds on the Treasury, were added to the force already working in the Department.

In the printed remarks which accompanied the list furnished by the Secretary of the Treasury no reason is assigned for the employment of that additional force. I find further that on the 1st day of November, 1884, at a time when the country was engaged in a heated contest, eighteen names had been added to the list of so-called fraud detectors of the Treasury Department, and an examination of the list will show that a majority of them have since that time been dropped. Now, sir, does it not appear strange that at the very time when the national conventions were being held to nominate candidates for the Presidency this list of "fraud detectors" should have been so suddenly swelled, and that it should have continued to be augmented up to the 1st of November last, when we were about to elect a President of the United States? How many of these mysterious temporary detectives were on the list for pay, while their chief if not their only labors were given to secure partisan supremacy?

I think this list shows that there is great danger in allowing the heads of Departments to appoint special agents, special examiners, and fraud detectors when they can be used for political purposes. Therefore I believe it wise that in appropriations or allowances for the appointment of special examiners the incoming Democratic administration of the Government shall be free from the stain of suspicion of using these employés of the Government for partisan and not for legitimate business purposes.

The following is the list referred to:

TREASURY DEPARTMENT, February 7, 1885.

SIR: In compliance with a resolution of the House of Representatives, passed on the 3d instant, I have the honor to transmit herewith the names of the special agents (customs) of this Department, and the names of the persons specially employed to detect and prevent frauds upon the customs revenue, on the several dates named in said resolution.

The special agents are appointed under the provisions of the acts of May 12, 1870, August 15, 1876, and June 19, 1878, and are required by law to make examinations of books, papers, and accounts of collectors and other officers of the customs, and to be employed generally under the direction of the Secretary in the prevention and detection of frauds upon the customs revenue. Experience has shown that the employment of these agents is necessary to secure promptness in the transaction of business at the several ports, and to prevent frauds.

In addition to the number of special agents, authorized by the acts herein referred to, Congress authorized the Secretary of the Treasury, by act approved March 3, 1879, to expend a sum not to exceed $100,000 per annum in the prevention and detection of frauds upon the customs revenue. Under this authority persons named in the list herewith transmitted have been employed under the direction of the special agents stationed at the principal ports of entry.

The list herewith transmitted shows the changes made, and the compensation therefor, during the period covered by the resolution.

Very respectfully,

H. McCULLOCH, Secretary.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

List of special agents of the customs in the service on dates specified.

June 30, 1883.	July 1, 1883.	June 30, 1884.	July 1, 1884.	November 1, 1884.	February 5, 1885.
Martin, L. G. (supervising special agent).	Martin, L. G.	Martin, L. G.	Martin, L. G.	Martin, L. G.	Martin, L. G.
Adams, C. C.	Adams, C. C.	Adams, C. C.	Adams, C. C.	Adams, C. C.	Adams, C. C.
Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.
Bingham, N. W.	Bingham, N. W.	Bingham, N. W.	Bingham, N. W.	Bingham, N. W.	Bingham, N. W.
Brackett, C. N.	Brackett, C. N.	Brackett, C. N.	Brackett, C. N.	Brackett, C. N.	Brackett, C. N.
Barney, A. M.	Barney, A. M.	Barney, A. M.	Barney, A. M.	Barney, A. M.	Barney, A. M.
Burns, A. M.	Burns, A. M.	Burns, A. M.	Burns, A. M.	Burns, A. M.	Burns, A. M.
Bates, W. R.	Bates, W. R.	Bates, W. R.	Bates, W. R.	Bates, W. R.	Bates, W. R.
Camp, J. A.	Camp, J. A.	Whitehead, Geo. W.	Whitehead, Geo. W.	Whitehead, Geo. W.	Whitehead, Geo. W.
Camp, John N.	Camp, John N.[1]	Swift, Geo. B.	Swift, Geo. B.	Swift, Geo. B.	Swift, Geo. B.
Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.
Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.
Douglas, John	Douglas, Jno.	Douglas, Jno.	Douglas, Jno.	Douglas, Jno.	Douglas, Jno.
Davis, J. W.	Davis, J. W.	Davis, J. W.	Davis, J. W.	Davis, J. W.	Davis, J. W.
Evans, J. F.	Evans, J. F.	Evans, J. F.	Evans, J. F.	Evans, J. F.	Evans, J. F.
Gavett, W. A.	Gavett, W. A.	Gavett, W. A.	Gavett, W. A.	Gavett, W. A.[2]	Spaulding, O. L.
Gray, C. H.	Gray, C. H.	Gray, C. H.	Gray, C. H.	Gray, C. H.	Gray, C. H.
Hinds, B. H.	Hinds, B. H.	Hinds, B. H.	Hinds, B. H.	Hinds, B. H.	Hinds, B. H.
Horr, J. C.	Horr, J. C.	Horr, J. C.	Horr, J. C.	Horr, J. C.	Horr, J. C.
Howell, W. T.	Howell, W. T.	Howell, W. T.	Howell, W. T.	Howell, W. T.	Howell, W. T.
Hubbs, E.	Hubbs, E.	Hubbs, E.	Hubbs, E.	Hubbs, E.	Hubbs, E.
Kimball, R. M.	Kimball, R. M.	Kimball, R. M.	Kimball, R. M.	Kimball, R. M.	Kimball, R. M.
Nevin, D. A.	Nevin, D. A.	Nevin, D. A.	Nevin, D. A.	Nevin, D. A.	Nevin, D. A.
O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.
Schermerhorn, I. M.	Schermerhorn, I. M.	Schermerhorn, I. M.	Schermerhorn, I. M.[4]	Fox, Geo. H.	Fox, Geo. H.
Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.
Tingle, A. K.	Tingle, A. K.	Tingle, A. K.	Tingle, A. K.	Tingle, A. K.	Tingle, A. K.
Williams, W. H.	Williams, W. H.	Williams, W. H.	Williams, W. H.	Williams, W. H.	Williams, W. H.

List of persons employed in the prevention and detection of frauds upon the customs revenue on dates specified.

Bloss, O. P.	Bloss, O. P.	Bloss, O. P.	Bloss, O. P.	Bloss, O. P.	Bloss, O. P.
Chadwick, M. H.	Chadwick, M. H.	Chadwick, M. H.	Chadwick, M. H.	Chadwick M. H.	Chadwick, M. H.
Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.
Currie, J. M.	Currie, J. M.	Currie, J. M.	Currie, J. M.	Currie, J. M.	Currie, J. M.
Carusi, Thornton[5]		Cake, J. F.	Cake, J. F.	Cake, J. F.	Cake, J. F.
Cummings, J. C.	Cummings, J. C.	Cummings, J. C.	Cummings, J. C.	Cummings, J. C.	Cummings, J. C.
Eaton, H. L.	Eaton, H. L.	Eaton, H. L.	Eaton, H. L.	Eaton, H. L.	
Edwards, Joe.[6]		Cole, Seth T.	Cole, Seth T.	Cole, Seth T.	
Edmisson, L. T.	Edmisson, L. T.[8]				
Finke, O. E.	Finke, O. E.	Finke, O. E.	Finke, O. E.	Finke, O. E.[6]	
Greenwood, Thos.	Greenwood, Thos.	Greenwood, Thos.	Greenwood, Thos.	Greenwood, Thos.	Greenwood, Thos.
Gamage, John[9]	Gamage, Jno.[10]	Lipps, E. J.	Lipps, E. J.	Lipps, E. J.	Lipps, E. J.
Higdon, W. H.	Higdon, W. H.	Higdon, W. H.	Higdon, W. H.	Higdon, W. H.[6]	
Herrick, Geo. L.[6]	Herrick, Geo. L.[11]	Hussey, Wm.	Hussey, Wm.	Hussey, Wm.	Hussey, Wm.
Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.
Harrison, D. B.	Harrison, D. B.	Harrison, D. B.	Harrison, D. B.	Harrison, D. B.	Harrison, D. B.
Harris, G. R.	Harris, G. R.	Harris, G. R.	Harris, G. R.	Harris, G. R.	Harris, G. R.
Hinton, R. J.[9]					
Howland, W. P.	Howland, W. P.[12]	Ingersoll, C. P.	Ingersoll, C. P.	Ingersoll, C. P.[13]	Kimball, E. S.[14]
Harlan, Rob't.	Harlan, Rob't.	Harlan, Rob't.	Harlan, Rob't.	Harlan, Rob't[6]	Keeley, Michael[15]
Israels, Lehman	Israels, Lehman	Israels, Lehman	Israels, Lehman	Israels, Lehman[6]	
Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.
Kargé, L.	Kargé, L.	Kargé, L.	Kargé, L.	Kargé, L.	Kargé, L.
Moore, H. A.	Moore, H. A.	Moore, H. A.	Moore, H. A.	Moore, H. A.	Moore, H. A.
Morse, H. N.[5]	Hicks, Jno. A.[16]				
Moses, Jno.	Moses, Jno.	Moses, Jno.	Moses, Jno.	Moses, Jno.	Moses, Jno.
Power, J. D.	Power, J. D.[17]		Power, J. D.[18]	Power, J. D.	Power, J. D.
Pratt, R. M.[5]		Mosberger, Jean	Mosberger, Jean	Mosberger, Jean	Mosberger, Jean.
Quinn, Timothy[5]	White, D. M.	White, D. M.	White, D. M.	White, D. M.[6]	Randall, Wm.[19]
Scovel, J. M.	Scovel, J. M.	Scovel, J. M.	Scovel, J. M.	Scovel, J. M.[6]	
Stewart, M.	Stewart, M.	Stewart, M.	Stewart, M.	Stewart, M.	Stewart, M.
Spaulding, O. L.	Spaulding, O. L.[20]	O'Sullivan, T. J.	O'Sullivan, T. J.	O'Sullivan, T. J.	O'Sullivan, T. J.
Van Vechten, H.	Van Vechten, H.	Van Vechten, H.	Van Vechten, H.	Van Vechten, H.[21]	
Wasson, W. H. H.[6]		Wasson, W. H. H.[22]	Wasson, W. H. H.	Wasson, W. H. H.[6]	
Winslow, Norris	Winslow, Norris	Winslow, Norris	Winslow, Norris	Winslow, Norris	Winslow, Norris.
		Moseman, G. F.	Moseman, G. F.[23]		
		Peabody, C. E.	Peabody, C. E.	Peabody, C. E.[6]	
		Ramsey, Jno.	Ramsey, Jno.	Ramsey, Jno.[6]	Storrs, Geo.
		Swayze, S. W.	Swayze, S. W.[24]		
		Shannon, T. B.	Shannon, T. B.	Shannon, T. B.[6]	Thornton, W. H.
		Schneider, Wm.	Schneider, Wm.	Schneider, Wm.	Schneider, Wm.
		Schmid, Jno.	Schmid, Jno.	Schmid, Jno.	Schmid, Jno.
		Storrs, A. I.	Storrs, A. I.	Storrs, A. I.	Storrs, A. I.[25]
		Sperry, Eugene	Sperry, Eugene	Sperry, Eugene	Sperry, Eugene
		Wilson, Jno. W.	Wilson, Jno. W.	Wilson, Jno. W.	Wilson, Jno. W.
		Kelly, Jas. V.	Kelly, Jas. V.	Kelly, Jas. V.[6]	
			Keefe, T. H.	Keefe, T. H.	Keefe, Thos. H.
				Brady, Jno. H.	Brady, Jno. H.
				Foster, F. S.[6]	
				Malone, F. G.	Malone, F. G.
				Pratt, R. M.	Pratt, R. M.[26]
				Slack, A. M.[6]	
				Shackelford, W. R.[6]	
				Schermerhorn, I. M.[6]	
				Washington, J. I.	Washington, J. I.

[1] J. A. Camp dropped February 11, 1884; George W. Whitehead appointed February 12, 1884.
[2] J. N. Camp dropped January 20, 1884; George B. Swift appointed January 21, 1884.
[3] W. A. Gavett resigned January 20, 1885; O. L. Spaulding appointed January 21, 1885.
[4] I. M. Schermerhorn dropped October 31, 1884; George H. Fox appointed November 1, 1884.
[5] Dropped July 1, 1883, to reduce expenses.
[6] Dropped January 31, 1885, owing to depletion of appropriation.
[7] Dropped November 20, 1884.
[8] Out October 14, 1883; work completed.
[9] Dropped July 1, 1883; work completed.
[10] Re-employed for four months; out October 31, 1883, work completed.
[11] Employed fourteen days in July, work completed.
[12] Dropped January 4, 1884, to reduce expenses.
[13] Dropped December 6, 1884; services unnecessary.
[14] Employed for six months.
[15] Employed for sixty days.
[16] Employed for two months, work completed.
[17] Dropped December 6, 1883; transfered December 7, 1883.
[18] Re-employed July 1, 1884.
[19] Employed for fourteen days.
[20] Sugar commission services, ended September 15, 1883.
[21] Dropped November 15, 1884; transferred November 16, 1884.
[22] Re-employed October 5, 1883.
[23] Dropped September 30, 1884; transferred October 1, 1884.
[24] Dropped October 31, 1884; transferred November 1, 1884.
[25] Time expires 14th of February, 1885.
[26] Temporary duty.

Mr. CANNON. I would be very much gratified if the gentleman would suggest any legislation that would keep the incoming administration from appointing agents for political purposes. Otherwise his investigation and his speech will go for naught.

The CHAIRMAN. As the Chair understands the *pro forma* amendment is withdrawn.

The Clerk read as follows:

United States Patent Office: For compensation of the Commissioner of the Patent Office, $5,000; for assistant commissioner, $3,000; for chief clerk, $2,250; one law clerk, at $2,000; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner and examiner of designs, at $2,400 each; twenty-four principal examiners, at $2,400 each; twenty-eight first assistant examiners, at $1,800 each; twenty-eight second assistant examiners, at $1,600 each; thirty third assistant examiners, at $1,400 each; thirty-five fourth assistant examiners, at $1,200 each; one financial clerk, $2,000, who shall give bonds in such amount as the Secretary of the Interior may determine; one librarian, $2,000; three chiefs of division, at $2,000 each; three assistant chiefs of division, at $1,800 each; three clerks of class 4, one of whom shall act as application clerk, one machinist, $1,600; five clerks of class 3, one of whom shall be translator of languages; eighteen clerks of class 2; fifty clerks of class 1; one skilled laborer, $1,200; four skilled draughtsmen, at $1,200 each; three draughtsmen, at $1,000 each; one messenger and property clerk, $1,000; thirty-two permanent clerks, at $1,000 each; five model attendants, at $1,000 each; ten model attendants, at $900 each; seventy-five copyists, six of whom may be copyists of drawings; four copyists, at $720 each; sixty-two skilled laborers, at $720 each; forty-five laborers, at $600 each; forty laborers, at $480 each; in all, $597,170.

Mr. COSGROVE. I move to amend by striking out, in line 2110, the words "five thousand" and inserting "four thousand five hundred;" so as to make the compensation of the Commissioner of the Patent Office $4,500.

Mr. CANNON. I hope there will be no objection to this amendment.

Mr. TOWNSHEND. I hope there will be objection.

The CHAIRMAN. The question is upon agreeing to the amendment.

Mr. TOWNSHEND. I rise for the purpose of opposing this amendment. I am satisfied that if the law fixing the salary of the Commissioner of Patents at $5,000 was right—I believe it was—that compensation will be right in the future as in the past. The business of the Patent Office is constantly growing, not diminishing. The care, responsibility, and labor of the Commissioner of Patents are increasing. The gentleman from Missouri [Mr. COSGROVE] does not give any reason why the future Commissioner of Patents should not receive as much compensation as this officer has received in the past. I certainly hope this Committee of the Whole will not hastily cut down the salary of this officer.

The Patent Office is about the only one of the different branches of this Government which is self-sustaining. It has to-day to its credit in the Treasury Department a very large surplus, after paying all the expenses of the service, and after paying even the rent of a building which was erected out of the funds of the Patent Office. I certainly think if there is to be any effort at retrenchment below what is reasonable and right it should not be directed against the Patent Office. I see no reason at all why the salary of Commissioner of Patents should be reduced. Therefore I oppose the amendment.

Mr. COSGROVE. If the gentleman's argument is good, that because any bureau or Department of this Government is self-sustaining therefore the salary of its head should be increased, why did he not favor an increase of the salary of the Commissioner of Internal Revenue? The Commissioner of the General Land Office is a position as important to the Government as the Commissioner of Patents, if not more so, yet the salary of the Commissioner of the General Land Office stands at $4,000, while you propose to increase that of the Commissioner of Patents beyond what is allowed by existing law.

Mr. TOWNSHEND. I would like to answer the gentleman.

Mr. COSGROVE. Let the gentleman wait till I get through. I say this is an increase of salary over that authorized by the present law, and would have been subject to a point of order. I intended to make such a point; but the gentleman from Illinois took the floor and was recognized before I had the opportunity to do so. The provision ought to have gone out on a point of order. I see no reason why the Commissioner of Patents should have his salary increased to $5,000 while the Commissioner of the General Land Office and the Commissioner of Indian Affairs remain at $4,000. I do not understand that the work of the head of the Patent Office demands any higher order of talent or any more attention to official duties than the work in these other departments. The office of Commissioner of Internal Revenue is certainly one that requires much attention and business experience. I hope my amendment will prevail.

Mr. TOWNSHEND rose.

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph and amendments thereto terminate in two minutes. The gentleman from Illinois [Mr. TOWNSHEND] can occupy those two minutes.

The CHAIRMAN. Is there objection?

Mr. COSGROVE. I object. I will consent to three minutes, provided I can have one minute to reply to the gentlemen from Illinois.

The CHAIRMAN. Objection is made. Debate on the pending amendment is exhausted.

Mr. HOLMAN. The gentleman from Missouri consents to terminate debate in three minutes if he is allowed one minute.

Mr. TOWNSHEND. I want only two minutes.

The CHAIRMAN. Is their objection to the proposition to close debate in three minutes?

Mr. CANNON. I will consent to eight minutes. I would like to have five.

The CHAIRMAN. Is there objection?

Mr. TOWNSHEND. I object.

The CHAIRMAN. Debate on this amendment is exhausted. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. COSGROVE].

The question being taken, the amendment was not agreed to—ayes 7, noes not counted.

Mr. TOWNSHEND. I move to amend by striking out the last two words. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I hope we shall get along with the bill.

Mr. TOWNSHEND. The gentleman from Missouri [Mr. COSGROVE] is entirely mistaken in supposing that a point of order could have been raised against this provision. This is not an increase of compensation. The increase was made at the last session of Congress. Now, I want to know why the gentleman from Missouri desires to cut down the compensation of the future Commissioner of Pensions because a Democratic administration is about to begin.

Mr. COSGROVE. This increase went out on a point of order last year.

Mr. WILLIS. I rise to a point of order. I submit that gentlemen must confine themselves to the matter under debate. I hope we shall get on with this bill.

Mr. TOWNSHEND. Now again I ask the gentleman why——

Mr. HEWITT, of Alabama. I make the point of order that the gentleman from Illinois must give some reason why the last two words of the paragraph should be struck out.

Mr. TOWNSHEND, of Illinois. When gentlemen get through with their points of order I will proceed.

Now, Mr. Chairman, this provision was inserted in the bill at the last session of Congress. It is not a new provision in the bill, and therefore it is not subject to points of order.

Why gentlemen think Democratic talent should be cheaper than Republican talent I can not conceive. The Commissioner of Patents is a man who should have the qualifications of a good lawyer, and should also be a man of scientific attainments. I hold, sir, there is need for better talent and for better brains in the position of Commissioner of Patents than in the position of Commissioner of the General Land Office. My honest conviction is that the position of Commissioner of Patents is one of the most important in this country, and that the utmost care should be exercised in selecting the highest order of talent to fill it. You can not obtain an officer properly qualified on an inferior and insufficient salary. The gentleman says why do we not raise the salary of the Commissioner of Internal Revenue when the receipts of that Department are greater than those of the Patent Office.

Now is it possible gentlemen can not see the difference between the character of the receipts of the Patent Office and those of the Internal-Revenue Bureau? The receipts in the Patent Office are made up of fees paid by the inventors of the country, who take the deepest interest in that office, while those of the Internal-Revenue Bureau are made up of taxes, under the law to be collected under the Commissioner of Internal Revenue. The extent of the receipts of internal revenue is the taxation under the law, whereas the receipts of the Patent Office are made up of fees paid by inventors of the country, and to such an amount that that office is self-sustaining.

Mr. CANNON. Mr. Chairman, I wish to say a word in reply to the gentleman from Illinois.

Mr. HOLMAN. I thought that debate had been closed by unanimous consent on this paragraph.

The CHAIRMAN. No; objection was made.

Mr. HOLMAN. I move then that the committee rise for that purpose.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. CANNON. I will not detain the committee, Mr. Chairman, at any great length, but I do wish to say a word in reply to the gentleman from Illinois who has just taken his seat. Now, I am inclined to believe that the salary of the Commissioner of Patents is not too large; nor do I believe that the salaries provided in this bill are too much. Yet when I say that I must also say I was led to expect when a Democratic administration entered into office some effort would be made to fulfill some of the pledges they so clamorously made during the last campaign in the way of reduction of salaries, the largeness of which in their minds had affected them so much. [Laughter and applause.]

A MEMBER. But they have not come in yet.

Mr. CANNON. We have been hearing for years their denunciation of high salaries paid to officers of the Government, and indeed the clamors of the last campaign on the part of Democratic politicians still ring in our ears, that these men holding Government offices were paid two or three times too much.

A MEMBER. And some of them are.

Mr. CANNON. I am sure I have not offered any obstruction to any Democratic politician who wished to move a proposition for the reduction of any salary, nor am I aware, Mr. Chairman, that this side of the House has opposed itself to any such effort on the part of the other side. You gentlemen on the other side have 70 majority in this House, and I see no reason why you should not cut down these salaries one-half if you wish to do so. If you meant what you said in the last campaign you certainly should make some movement in that direction.

But I suppose I can wait for the Democratic side of the House to move, for I am quite well satisfied that the incoming administration will not be warm in the White House before the Democratic President will call the Congress of the United States together, and then, the Vice-President occupying his chair in the Senate and the Speaker presiding over this House, an opportunity will be afforded to the Democratic party to carry out that long-wished-for and fervently-prayed-for legislation for the reduction of taxes so as to divide among the people the $146,000,000 of surplus in the Treasury which, like a ghost, haunts the waking and sleeping dreams of the gentleman from Colorado [Mr. BELFORD]. [Laughter and applause.] Therefore I will not insist at this time on this salary being cut down, because I know you gentlemen want the glory to be given to your President of signing the bill that will reduce the taxes and at the same time reduce all these salaries, so that the Government may be brought back as it was when the fathers gave it to us. [Laughter and applause.]

By unanimous consent the *pro forma* amendment was withdrawn.

Mr. HOLMAN. I ask that debate on this paragraph be closed in two minutes.

There was no objection, and it was ordered accordingly.

Mr. COSGROVE. I am not going into any political discussion of the matter, because I do not wish to hurt the feelings of the gentleman from Illinois [Mr. CANNON] on the Republican side. I wish always to be generous to a fallen foe. But I wish to say one word in reply to the gentleman from Illinois [Mr. TOWNSHEND] in reference to the accuracy of my statement as to the salary of the Commissioner of Patents. I stated when this bill came into the House last year a point of order was made against the $500 increase, the salary standing at $4,500. The point of order was sustained, but when the bill went to the Senate it was put in again and afterward it was agreed to by the conference committee, and therefore became a part of the existing law. I was mistaken as to the present salary, but it was as I have stated.

Mr. TOWNSHEND. You are right.

Mr. COSGROVE. I know I am right. I say there is no reason why the salary of the Commissioner of Patents should be increased that would not apply also to the increase of the salary of the Commissioner of the General Land Office and to the salary of the Commissioner of Indian Affairs.

A MEMBER. They are much more important offices.

Mr. COSGROVE. Yes; much more important; and if there is any reason for increasing the salary of the Commissioners of Patents it will apply with more force to increasing the salary of the Commissioner of the General Land Office and the Commissioner of Indian Affairs.

The Clerk read as follows:

For photolithographing or otherwise producing copies of drawings of the weekly issues of patents, for producing copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies; said photolithographing or otherwise producing plates and copies, referred to in this and the preceding paragraph, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can there be done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, shall be authorized to make contracts therefor, $65,000.

Mr. COSGROVE. I move to strike out in line 2160 the words "in the city of Washington."

I see no reason why there should be any limitation as to where this work may be done. If it can be done cheaper in Washington than elsewhere, of course the Commissioner of Patents will have it done here. But there is no reason why such a provision should be incorporated into this bill confining it exclusively to this city, and thereby probably giving it to but one person, for, for aught I know, there may be only one here who is able to do it, and excluding all competition from all other parts of the country.

Mr. MILLS. In order to make the amendment that the gentleman contemplates it would be necessary to strike out the words:

And in the city of Washington, if it can there be done at reasonable rates.

Mr. COSGROVE. I accept the modification of the gentleman from Texas.

Mr. HOLMAN. Mr. Chairman, I have always been impressed with the belief since this provision was adopted many years ago that this work should be let out on a broader basis of competition than it is let at present, and it was sought to remove this restriction by the Committee on Appropriations in this bill. The Commissioner of Patents, however, came before the committee and the same state of facts appeared which had appeared time and time again in former years, that in the judgment of the Commissioner himself it was exceedingly important that the work should be done here if it could be done at reasonable rates, so as to be under the eye of the Commissioner, and where the proofs could be corrected and examined as the work progressed. In consequence of that the committee again reported this provision as it has stood for many years back and in conformity with the suggestions which have been made by the present Commissioner of Patents and his predecessors for years past.

Mr. COSGROVE. I would like to ask the gentleman a question. Will the gentleman be kind enough to state if the amendment proposed by me shall prevail whether there is anything in the bill that will require this work to be done elsewhere, and not under the supervision of the Commissioner of Patents? The only object is to open it to competition. It will be under his supervision wherever it may be done; and striking out the words I have suggested would be simply in the line of economy.

Mr. HOLMAN. I have only stated the conclusion of the Committee on Appropriations after a conference with the Commissioner of Patents, and the conclusions which had been reached in former years under similar circumstances. I dislike myself a feature like this very much, that does not open the widest competition, and should be perfectly content with whatever action the committee may take, as far as I am personally concerned. But, representing the Committee on Appropriations, I have stated the reasons which induced them to bring in the provision as it here stands.

Mr. CANNON. Mr. Speaker, I move to strike out the last two words.

The general proposition that all work done for the Government should be done after advertisement and let to the lowest responsible bidder without regard to where the work is done is a good proposition, and no doubt the gentleman from Missouri had this in view when he moved this amendment. Yet I undertake to say after an investigation, from the best information I can get, and I believe I have gone to the bottom of this question, that this amendment would not lead to good results in this case. Now this provision in the bill for the work to be done in Washington if it can be done at reasonable rates was placed in the law substantially as it stands in the bill in the Forty-fourth Congress, and has been there ever since.

Some years ago, when I came to make up this bill, being a member of the Committee on Appropriations of a Republican House, I gave full investigation to this matter, and found it had been discussed not only in the House, but in the Senate, and I have before me now the Senate discussion, participated in by the late Zachariah Chandler and by Senator BECK, of Kentucky, and others, from which it appears, as I have found upon examination, that this work can not be, and never had been, alone satisfactorily outside of the city of Washington, and for this reason: that it is the current issues of patents to be printed day by day and week by week as the applications are made and the patents granted.

If this work is done outside of Washington you will find difficulties would arise in sending drawings to New York, Boston, Philadelphia, or elsewhere, and back and forth for correction of proofs. Besides that, when the original papers are sent to be printed, there is no office copy left, which means trouble to the examiners and trouble and expense to the inventors. It delays patents for weeks and sometimes months. I could talk longer about this, but perhaps not to much profit; suffice it to say that the Commissioners of Patents since this work commenced have uniformly maintained that the work can not be properly done outside of Washington, and the head of the Gazette publication concurs. The present Commissioner of Patents was called before the Committee on Appropriations and very decidedly expressed the opinion that this work could not be properly done outside the city of Washington.

There is nothing to prevent all the world competing for this work, provided they will do it where it ought to be done. It would probably be wise for the Government to do the work for itself, but that would involve a plant in the Government Printing Office or in the Interior Department. I believe I would vote for that if it costs something more; but I repeat that it must be done either in the Interior Department by its own printing office or else it must be done in the city of Washington in the manner in which it has been done in the past.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. COSGROVE].

The question being taken, there were—ayes 17, noes 38.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Office of Commissioner of Railroads: For Commissioner, $4,500; bookkeeper, $2,400; railroad engineer, $2,500; one clerk of class 4; one clerk of class 3; one copyist, and one assistant messenger; in all, $14,420.

Mr. CURTIN. I wish to ask the gentleman from Indiana why the salary of this Commissioner is put at $4,500, differing from the salaries given to other Commissioners.

Mr. HOLMAN. This discrepancy arises as always will happen where there is legislation without regard to the general system of salaries. This salary was fixed at the present amount when the office was first established, and has remained so till the present time. There has not been any attempt to revise the salaries in a general way during the present short session.

Mr. CURTIN. That is not a very satisfactory explanation, but I suppose I must be content with it. I believe, however, I will move to amend so as to make the amount of salary $5,000.

Mr. HOLMAN. I make the point of order on that amendment.

The CHAIRMAN. What is the point of order made by the gentleman from Indiana?

Mr. HOLMAN. It is that it is new legislation on an appropriation bill and not in the line of economy.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. CURTIN. I know nothing about the point of order [laughter], but if the Chair will hear me I should like to speak on the merits.

The CHAIRMAN. The merits are not properly under discussion now.

Mr. HOLMAN. I think we could dispense very well with that officer altogether.

The CHAIRMAN. The gentleman from Indiana makes the point of order on that amendment that it changes existing law and does not retrench expenditures. The Chair thinks the point of order well taken.

Mr. CURTIN. I suppose I must submit to the decision of the Chair.

The Clerk read the following paragraph:

Bureau of Labor: For Commissioner of Labor, $3,000; chief clerk, $2,000; for rent of rooms for use of bureau, and for fuel, light, stationery, employés, and all other necessary expenses of said bureau, to be expended under the direction of the Secretary of the Interior and as provided by law, $20,000; in all, $25,000. And it shall be the duty of the Commissioner to report the number and salaries of employés, with the estimates for said bureau, to the first session of the next Congress.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the close of the paragraph add the following:

"That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated to enable the Commissioner of said bureau to obtain information pertaining to labor in American and foreign industries and make report of the same to Congress on the first Monday of December, 1885."

Mr. MILLS. Mr. Chairman, during the last session, as will be remembered, this Bureau of Labor was established by Congress for the purpose of getting information to lay before Congress that it might legislate intelligently whenever it should become necessary to legislate at all in reference to labor. Since that time the President has appointed one of the most capable gentlemen in the United States at the head of that bureau, a gentleman who was head of the bureau of statistics of Massachusetts for a number of years; one of those very few gentlemen that we find in the United States who is thoroughly conversant with all industrial statistics.

He has laid out a plan of work for next summer, to investigate to the bottom all these instances of industrial depression both in the United States and in Europe; and in order to do that he requires a sum additional to what is here provided. The sum which is provided in this bill is for clerk-hire, for salaries of officers, for fuel, lights, stationery, &c., and will not leave a sufficient amount to defray this expense and enable the Commissioner to make this thorough and searching investigation and report it in time for the next session of Congress.

If this bureau is to be of any practical advantage to us it must work between now and the beginning of the next session of Congress. We will then have all these questions to go into, and we want to have the benefit of this investigation. I hope my friend from Indiana [Mr. HOLMAN] will not make any objection to this amendment.

Mr. HOLMAN. I have been impressed since the gentleman from Texas has spoken of this matter with the propriety of enlarging somewhat this item of appropriation. The amount appropriated is now for general purposes $20,000; $25,000 in all. This amount of $25,000 appropriated in conformity with the law of last session covers the salary of the Commissioner, $3,000; the salary of the chief clerk, $2,000; rent of rooms for use of bureau, fuel, lights, stationery, employés, and all other necessary expenses of said bureau, to be expended under the direction of the Secretary of the Interior, and as provided by law, $20,000; in all, as I have said, $25,000; or $20,000 besides the salaries.

It seems to me that if the investigation is to be made thorough by this Commissioner into the statistics of labor here and elsewhere, the information on that subject is very desirable, now that we are discussing questions of an economic character. It seems to me a moderate increase of that appropriation would not be objectionable. It has not been before the Committee on Appropriations, so that I can not speak for that committee. I simply speak for myself; but I suggest to the gentleman from Texas, instead of making this a separate item, to increase the amount of $20,000 up to $30,000 and precede it with the following words, after the words "and all other necessary expenses of said bureau:"

And to make investigations in the systems of labor in Europe, America, and elsewhere.

And to change the amount in the paragraph from $20,000 to $30,000.

Mr. MILLS. Half a loaf is better than no bread, and I accept the gentleman's amendment and modify my amendment accordingly.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas as now modified.

Mr. COX, of New York. I desire to inquire of the Chair if there is any point of order pending. Did the gentleman from Indiana make the point of order?

The CHAIRMAN. There was no point of order made on the amendment.

Mr. CURTIN. If I did not so heartily approve of the work of the Bureau of Labor, I would make the point of order which was made on me. [Laughter.] I desire to ask the gentleman from Texas a question. Does he think $30,000 the proper amount?

Mr. MILLS. I think it is.

Mr. CURTIN. Well; do not yield to its being reduced.

Mr. MILLS. Well, I do not want to antagonize anybody and thereby defeat the appropriation.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to enable the Commissioner of said bureau to obtain information pertaining to labor in American and foreign industries, and to make investigation into the statistics of labor in Europe and elsewhere, and make report on the same to Congress on the first Monday of December, 1885.

Mr. COX, of New York. Mr. Chairman, I move to strike out the last word. I thought the gentleman from Indiana [Mr. HOLMAN] moved to add $5,000 more, so as to make the sum $30,000.

Mr. HOLMAN. This makes it $30,000.

Mr. COSGROVE. Does that come up to the amount estimated by the Commissioner?

Mr. HOLMAN. The appropriation now, with this amendment, would be $10,000 more than the estimate. All the amount contained in the estimates was in the bill already.

Mr. MILLS. But the estimates were only for the machinery of the office. The gentleman from Indiana [Mr. HOLMAN] does not mean to say that the expenses of any such investigation as this are provided for there.

Mr. HOLMAN. No.

Mr. COX, of New York. Mr. Chairman, so far as this Bureau of Labor which has just been established is concerned, there could not have been selected in the United States another man so competent to be at its head as Mr. Carroll D. Wright, of Massachusetts. Although gentlemen are of course opposed to any excessive appropriation for this purpose, we can not get too much information about labor in this country, and I am very glad that the gentleman from Indiana [Mr. HOLMAN] at last proposes to add something in the interest of the Republic. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. MILLS] as proposed to be amended by the gentleman from Indiana [Mr. HOLMAN]. The Clerk will read the amendment.

The Clerk read as follows.

In line 2216, after the word "bureau," insert the following: "and to make investigation into the statistics of labor in the United States and elsewhere, to be expended under the direction of the Secretary of the Interior and as provided by law, $30,000.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Indiana [Mr. HOLMAN]. I desire to ask the gentleman whether or not this estimate of $20,000 for the expenses of this Labor Bureau covers anything more than the estimated cost of the machinery of the bureau; whether it covers anything in the nature of an investigation into the condition of labor either in this country or in Europe?

Mr. HOLMAN. It was intended to cover not only the clerical force named in the paragraph, but, in addition to that, such other expenditures in connection with collecting statistics as might be incurred.

Mr. DINGLEY. In the United States and in Europe?

Mr. HOLMAN. Nothing was said about the place. The general scope of the law was, of course, considered in making the appropriation. The whole of this money will be expended in statistical inquiry, and the effect of this amendment will be to make the amount $30,000, instead of $20,000.

Mr. DINGLEY. Does the gentleman from Texas [Mr. MILLS] think that is enough?

Mr. MILLS. Yes; I think so.

The amendment of Mr. MILLS as amended was agreed to.

Mr. HOLMAN. Now, Mr. Chairman, to make the language of the paragraph harmonize, I move to amend by striking out, in line 2218, "twenty-five thousand" and inserting in lieu thereof "thirty thousand."

Mr. MILLS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word "Congress," in line 2221, insert "and said Bureau of Labor is hereby transferred from the Department of the Interior to the Department of the Treasury."

Mr. MILLS. Mr. Chairman, this bureau is evidently in the wrong Department of our Government. The Department of the Interior deals with the public lands, with Indian affairs, with patents, and matters of that sort, while this labor question is clearly one relating to taxation and revenue. The Bureau of Ordnance in the Army or the Bureau of Construction and Repair in the Navy would not be more out of place in the Interior Department than is this Labor Bureau. It clearly belongs to the Treasury Department, because the only way we can affect labor at all is by taxation, and therefore I say that this bureau should be under the supervision of the Secretary of the Treasury.

Mr. HOPKINS. Mr. Chairman, I desire to call the attention of the gentleman from Texas [Mr. MILLS] to the fact that by the law organizing this bureau it is placed under the Interior Department, so that the change he proposes would necessitate a change in the law.

Mr. MILLS. That is what I propose. The bureau is entirely out of place in the Interior Department.

Mr. CANNON. I am very much in sympathy with the object sought by the proposition of the gentleman from Texas, although I recollect that we have been paying $75,000 to $100,000 for gathering statistics through the Agricultural Department, as well as quite a large sum for collecting statistics by the Bureau of Statistics in the Treasury Department. Besides, as is suggested to me, similar work is carried on by the State Department, and also by the Bureau of Education. I am not sure but there might be a well-considered law enacted which would harmonize this work of collecting statistics, so that it could be done more economically and intelligently. But such a measure can not be carried through at this time. Now, I am in accord with the proposition of the gentleman to give to this Bureau of Labor increased facilities for the collection of statistics touching labor. But does the gentleman think it best to have in the Treasury Department two bureaus conducting work of this character? There is already in that Department the Bureau of Statistics, which gathers very thoroughly statistics touching our foreign and internal commerce, and incidentally touching labor. Now I am not sure it would not be better to have this work remain in the Interior Department than to have these two bureaus in the Treasury Department.

Mr. MILLS. The Bureau of Labor seeks to go into an investigation of all the causes affecting wages. Now, if Congress can do anything at all touching the wage question, it must be done by the use of the taxing power of the Government; and that is entirely foreign to the Interior Department. Now the Bureau of Statistics collects statistics from various sources; but what we require is a scientific investigation into the causes of the depression of labor, the causes affecting the rise or fall of wages; and this work demands just such an officer as is now at the head of the Bureau of Labor. I do not believe there are half a dozen others in the United States as capable of dealing with this question.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOPKINS. I move to amend the amendment by striking out the last word. Mr. Chairman, it will be remembered that when this bureau was created I favored the establishment of an independent bureau, a bureau which should not be under the control of any Department, but entirely and absolutely independent. I believed such a bureau would accomplish the best results. I fear that if this amendment be adopted there may be, as suggested by the gentleman from Illinois, confusion from having two bureaus in the same Department engaged in the collection of statistics. I think, therefore, that for the present, until the workings of this bureau shall be more fully demonstrated, at any rate until the next session of Congress, the bureau had better remain as provided by the original act unless it be now made an independent bureau.

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph and amendments thereto be closed in three minutes.

Mr. MILLS. I object.

Mr. HOLMAN. Then I ask to make the limitation five minutes.

The CHAIRMAN. Is there objection?

Mr. TILLMAN. I object.

Mr. HOLMAN. I move that the committee rise to close debate.

Mr. MILLS. To get the committee out of this difficulty, I withdraw the amendment.

Mr. TILLMAN. I object to the withdrawal. I move to amend by striking out the last word.

The CHAIRMAN. The gentleman from Indiana was recognized for the purpose of moving that the committee rise to limit debate. [The question having been put.] In the opinion of the Chair, the motion is not adopted.

Mr. CANNON. I rise to a parliamentary inquiry. I wish to suggest to the gentleman from Indiana that I think a proposition to close debate in ten minutes will be accepted.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. HOLMAN. I hope we shall close debate on this paragraph.

The CHAIRMAN. The Chair put the question and stated that in his opinion the motion was not agreed to.

Mr. HOLMAN. How much time does the gentleman from South Carolina [Mr. TILLMAN] wish?

Mr. TILLMAN. Only five minutes.

Mr. HOLMAN. Then I hope five minutes will be the limit.

The CHAIRMAN. If there be no objection the limit will be five minutes. The Chair hears none. The gentleman from South Carolina is recognised.

Mr. TILLMAN. Mr. Chairman, the motion of the gentleman from Texas [Mr. MILLS] ought not to prevail. The Treasury Department has at this time twice as much work as the head of that Department can do efficiently. The truth is the Government needs another executive department, which should be established to relieve the Secretary of the Treasury from the administration of several bureaus of which he now has charge.

I doubt very much whether any good will come of this special Labor Bureau, whether the Interior or Treasury shall administer it. At the present time the Department of State may be said to have a bureau of labor statistics as well as of commercial statistics, the materials for which have been and are still furnished by our consuls. It is well known the best official document ever issued in this country on the subject of labor was published by the State Department during the incumbency of Mr. Evarts, and, as remarked by some gentleman near me, there was considerable humbuggery even about that.

The Agricultural Department also has a labor bureau. The Treasury Department likewise has a third labor bureau. And the Interior Department has a fourth labor bureau in the census, which perhaps has furnished the most reliable statisics in regard to the kinds of labor and the prices of labor and the statistics by which the causes that influence the rise and fall of wages can be deduced and traced better than in any other publication of the Government.

Yet in addition to all these existing labor bureaus it is now proposed to organize a fifth bureau at an enormous expense.

Mr. Chairman, I will take the liberty of saying that I fear demagogy or nepotism has had something to do with this jumble and confusion of machinery to procure labor statistics and create official places for the friends of Congressmen. I for one do not desire to provide offices for men who shall fill sinecures and draw salaries without anything to do.

What we need really, perhaps, is a labor bureau that embraces all the duties performed at present by all these Departments.

If this appropriation goes through, and of course it will, since the numerous friends (so called) of the horny-handed sons of toil on this floor can not refuse it, the Government will be paying in the neighborhood of $200,000 for nothing in the world except to compensate the men who fill offices and pretend to do something when they actually do nothing of real value to either the laborers or the country. If this new bureau could consolidate and absorb the functions of all the other bureaus, it might in time do some good by fixing responsibility for accuracy of facts and aptness of methods, and preventing the production or duplication of worthless data, as is the case now; but I trust the Secretary of the Treasury will not be overburdened with the supervision of any more bureaus.

Mr. HOLMAN. I move, in line 2268, to strike out "suitable" and insert "other;" in line 2270, to strike out "thirty-seven" and insert "fifty-eight;" and in the same line to strike out "seven" and insert "one;" so it will read $58,160 instead of $37,760.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker *pro tempore* having resumed the chair, a message from the Senate, by Mr. McCOOK, its Secretary, notified the House of the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

It further announced the passage of the bill (H. R. 7496) for the relief of Wehrle, Werk & Sons.

It further announced the passage of the bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; in which concurrence was requested.

It further announced the adoption of concurrent resolution for the printing of report of Lieut. George M. Stoney, United States Navy; in which concurrence was requested.

THE LEGISLATIVE, ETC., APPROPRIATION BILL.

The committee then resumed its session.

The Clerk read as follows:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,500; stenographer, $1,800; appointment clerk, $1,800; law clerk, at $2,500; and one clerk of class 4 (in office of Assistant Attorney-General for Post-Office Department), two clerks of class 3, one clerk of class 2, three clerks of class 1, two clerks, at $1,000 each; one copyist, one messenger, one assistant messenger; in all, $31,060.

Mr. AIKEN. I move the following amendment, to come in after the word "dollars," in line 2407.

The Clerk read as follows:

For superintendent of foreign mails, $3,000; chief clerk, $2,000; and one clerk of class 4; three clerks of class 3; one clerk of class 2; one clerk of class 1; two clerks, at $1,000 each; one assistant messenger; in all, $16,920.

Mr. AIKEN. I find from reading this bill that the Foreign Mail Bureau of the Post-Office Department has been so nearly destroyed that a mere fragment of it is left. The office of the chief of the bureau, who is now in attendance upon the international postal union in Portugal by order of the Government, has been abolished, and just one-half of the clerical force of the bureau removed. This bureau was created nearly twenty years ago, and five years ago the Postmaster-General reported that its clerical force was insufficient, and the then Committee on Appropriations added the two clerks of $1,000 each as necessary.

Mr. Chairman, we are living in a progressive age, our country is daily increasing in population, we are constantly endeavoring to bring ourselves into closer and more frequent communication with foreign nations; and hence the presumption is that the labors of this bureau are constantly increasing. But the proposition in this bill is to so far reduce the clerical help as to almost destroy the bureau. The office of the chief of the bureau is abolished, and just 50 per cent. of the number of clerks transferred to another division of the Post-Office Department, and the offices of the remainder abolished; nor has any reason been assigned by any member of the Committee on Appropriations for this wholesale reduction.

I contend, sir, that unless we have something more satisfactory and convincing, some more valid reason why we should reduce the number of clerks in this branch of the service than has been yet given, that it is only right and just that this provision, which I have suggested and which is the existing law, should be adopted and the bill altered to conform to it.

Mr. ELLIS. Mr. Chairman, it was upon my motion that the committee proposed the abolition of this bureau of the Post-Office Department. I heard two gentlemen, whom I regard as the very highest authority on all postal matters in this country, say that this bureau might well be abolished and consolidated with the office of the Second Assistant Postmaster-General. One of those gentlemen is the Postmaster-General himself, and the other is the honorable gentleman from Mississippi [Mr. MONEY], chairman of the Committee on the Post-Office and Post-Roads of this House, than whom no man in the House—I had almost said in this country—is better posted in the affairs relating to that Department.

Upon a little examination of the subject myself I discovered that the duties of this office were exactly analogous with those performed by the Second Assistant Postmaster-General. The one does all the contracting for the land-service, the railroad service, the steamboat service, and the star-route service of the country, and I did not see why, having regulated the carriage of the mails to the sea, he could not go a little farther and regulate its carriage to foreign nations. Therefore it was that, in the line of economy, in order to get rid of a useless bureau, to abolish a useless office, and to consolidate and give more homogeneity to the bureau administered by the Second Assistant Postmaster-General, I made this motion, and I believe the House should sustain it and that the country will approve it.

There is nothing, Mr. Chairman, embraced within the duties of this office of superintendent of the foreign mail service that can not be as easily and perfectly transacted by the Second Assistant Postmaster-General as by maintaining a separate head for that bureau. We believe we have given the requisite force to the Department to carry on that work; it was done, as I have said, as a measure of economy and for other reasons stated, and I care nothing beyond that.

Mr. MOULTON. I move to strike out the last word.

Mr. Chairman, I am a little surprised that this change has been made, and I am especially surprised, in view of the way that it will operate if adopted. Under the law as it stood before some six of the clerks of that bureau are to be retained and are maintained by the present bill. Under the same portion of this bill, in its operation toward this bureau, four of the most efficient and important clerks connected with the bureau of foreign mails are absolutely legislated out of office.

One of these, a lady, who is legislated out of office by the operation of this bill, is one of the most accomplished linguists in any of the Departments of this Government, not excepting the State Department; and to her is looked more than to any other person connected with the Government for the correct translation of foreign letters, communications, and other papers in the modern European languages.

Now, then, I want to say to the friends on this side of the House that in the operation of this act four Democratic clerks are stricken out, absolutely legislated out, while every Republican clerk is retained by the operation of the bill.

Mr. ELLIS. What difference does that make? I do not know any difference between one or the other in the performance of a public duty. I was trying to serve the country in what I did, and he who serves his country best serves his party most. [Applause.]

Mr. MOULTON. I am informed that the Postmaster-General desires the Bureau of Foreign Mails to be preserved precisely as it is in the old law, and he states, and he should be an authority, that it would more subserve the public interests by keeping the Bureau of Foreign Mails separate and distinct, as it is to-day, than to make the change proposed by this bill. The duties performed by the Bureau of Foreign Mails are multifarious and important; the translation of foreign letters, correspondence with foreign governments, and in ten thousand ways its duties are performed by trained clerks; and the very persons who by the operation of this bill are left out are the most efficient, accomplished, and educated clerks in any Department of the Government. I insist, therefore, that the amendment proposed by my friend from South Carolina should be adopted. It does nothing more or less than to restore the old law, or rather the law as it is now, and continues it in force during the term fixed by this appropriation bill. I hope that amendment will be adopted.

The CHAIRMAN. The question is upon the amendment of the gentleman from South Carolina.

Mr. HOLMAN. Just a word before that.

It will be observed, Mr. Chairman, that the duties pertaining to this Bureau of Foreign Mails are transferred simply to the office of the Second Assistant Postmaster-General and made a division of that bureau of the Post-Office Department. I think, sir, that no injury to the service can possibly occur if this provision of the bill is adopted.

The *pro forma* amendment was withdrawn.

Mr. AIKEN. I renew the *pro forma* amendment. I submit to this committee that that is not a candid statement which has just been made by the gentleman from Indiana [Mr. HOLMAN]. He rises to tell this committee that this is simply a transfer of the foreign mail bureau to be a division in the office of the Second Assistant Postmaster-General, under whose supervision it is placed. Is that all that is done?

Mr. HOLMAN. If the gentleman applies it to the *personnel* of the force there may be a difference as to that.

Mr. AIKEN. That is all that makes it important.

Mr. HOLMAN. As regards the service it is transferred from the one bureau to the other.

Mr. AIKEN. The service is transferred from one bureau to the other, and 50 per cent. of the clerks are deprived of their offices. If the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Louisiana [Mr. ELLIS] had an eye to economy and retrenchment of expenditure in this action on their bill, I ask them this simple question: Why did they not destroy the four large well-paid clerks' offices and retain the others? They would have saved $3,000 by it.

And I assert here without fear of contradiction, what has already been well said by the gentleman from Illinois [Mr. MOULTON], that there are no more efficient, industrious, painstaking clerks in the service of the Government than those very four who are stricken from the roll by this action of the Appropriations Committee. I know they were put in as temporary clerks—two of them at least—and at the request of the Postmaster-General in 1880 they were made permanent clerks because he said the foreign mail service could not do without them. They are ladies of accomplishments, of the highest order of accomplishments, who speak and write several foreign languages. They are the clerks who are best qualified to do this work, but they are stricken from the roll and three or four others left there no better qualified, and who are representatives of the expiring administration.

I think it is taking an undue advantage of the chief of the division—although I know nothing of him personally—to destroy his office when he is abroad doing work for the Government. And I do not think that the action of the committee looks to economy or retrenchment of expenses when it retains in office four clerks receiving high salaries and destroys four clerks of equal efficiency who have the lowest salaries given under the Government for that character of service.

Mr. HOLMAN. I know nothing about the personal aspect of this matter. I do not know a single employé in that particular branch of the service so far as I am aware; and certainly no personal motive could have actuated the action of the Committee on Appropriations. That committee was simply seeking to make, if possible, this service a little more efficient by transferring it to the office of the Second Assistant Postmaster-General; and in doing so they found that they could very conveniently and properly reduce the force. I do not know whom it strikes. I think it would be very unwise for a committee of the House to take a matter of that kind into consideration. I do not know who is affected by it, and I certainly ought not to know, as a legislator, what individual person may be affected by an act of legislation.

I suggest to my friend from South Carolina [Mr. AIKEN] that, no matter how efficient clerks may be who are in the employment of the Government, if it is found their services are not required they ought not to remain in the public service.

Mr. MOULTON. But the Postmaster-General says these clerks are required.

Mr. HOLMAN. I think not.

Mr. MOULTON. I have his statement here to that effect.

Mr. HOLMAN. I hope we will now have a vote.

The question being taken on the amendment of Mr. AIKEN, there were—ayes 25, noes 34.

Mr. AIKEN. No quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from South Carolina [Mr. AIKEN] and the gentleman from Indiana [Mr. HOLMAN].

The committee again divided; and the tellers reported—ayes 56, noes 60.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

For salaries of the fifty-six district judges of the United States, $208,500.

Mr. ENGLISH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the paragraph just read, and insert in lieu thereof the following: "For salaries of the fifty-six district judges of the United States, $205,000: *Provided*, That on and after the approval of this bill the salary of the United States district judge in the State of Indiana shall be $3,000 per year."

Mr. HOLMAN. I make the point of order, but if my colleague would like to submit some observations in support of his amendment I shall reserve the point of order for the present.

Mr. ENGLISH. The object of this amendment is to increase to $5,000 the salary of the United States judge for the district of Indiana. The salary in 1867, some eighteen years ago, was fixed at $3,500. Of course the business of the court has grown very largely in these eighteen years. And beyond the natural increase resulting from the advance in the valuation of property and the increase in population in that State, the duties of the court have also been greatly increased by enactments requiring that the court should be held twice a year in the cities of Evansville, Fort Wayne, and New Albany, in addition to the sessions held regularly at Indianapolis. No provision has ever been made for the additional expense which the district judge is necessarily obliged to undergo in holding court in those cities. I have been requested by a number of our most prominent attorneys to advocate this measure, and I think it nothing more than proper and right that this increase in salary should be made. It is generally desired by the bar of Indianapolis and the State of Indiana.

Mr. HOLMAN. Mr. Chairman, I must make the point of order on that. I wish to say a single word. I sympathize with my colleague in the object of this amendment which he offers, but, while the district judge of Indiana, a gentleman of very great ability as a lawyer, one of the foremost jurists of the country, would have the benefit of this provision, I think that this method of increasing a judicial salary would be unwise, in view of the number of other gentlemen occupying similar positions as district judges whose salaries would not be affected. I think these salaries should all be adjusted at the same time upon a fair and proper basis, and for that reason I am compelled to insist upon the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] makes the point of order upon this amendment that it changes existing law and does not retrench expenditures. The Chair sustains the point of order.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. MILLS having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries.

The message further informed the House that the President had approved bills of the following titles, namely:

An act (H. R. 5670) to authorize a retired-list for privates and noncommissioned officers of the United States Army, who have served for a period of thirty years or upward;

An act (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas;

An act (H. R. 1013) for the erection of a public building at Troy, N. Y.;

An act (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.;

An act (H. R. 3527) granting a pension to George A. Marshall;
An act (H. R. 7295) granting a pension to Albert D. Simmons;
An act (H. R. 7141) granting a pension to Daniel W. Adams;
An act (H. R. 7046) granting a pension to Alonzo Cornwell;
An act (H. R. 5565) granting a pension to Theo. Ahrens;
An act (H. R. 5630) granting a pension to George W. Rugg;
An act (H. R. 5632) granting a pension to Sarah J. Bremmer;
An act (H. R. 2348) granting a pension to John D. Rickards;
An act (H. R. 2399) granting a pension to Clarissa McKee;
An act (H. R. 2453) granting a pension to Frank S. Marsh;
An act (H. R. 2692) granting a pension to Sarah Kennedy;
An act (H. R. 2908) granting a pension to James McManus;
An act (H. R. 6480) granting a pension to Margaret G. Halpine;
An act (H. R. 6461) granting a pension to Nelson Gammons;
An act (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
An act (H. R. 5960) granting a pension to George Zieffe;
An act (H. R. 5926) granting a pension to John Maloney;
An act (H. R. 5923) granting a pension to Ruth Stratton;
An act (H. R. 5812) granting a pension to Ellen A. Vance;
An act (H. R. 5776) granting a pension to Louis D. Petty;
An act (H. R. 3565) granting a pension to William Eurele;
An act (H. R. 3612) granting a pension to Hayden Reynolds;
An act (H. R. 3663) granting a pension to John T. Marshall;
An act (H. R. 3703) granting a pension to James W. Brown;
An act (H. R. 1171) granting a pension to Isabel Campbell;
An act (H. R. 1084) granting a pension to Dorothea Bothner;
An act (H. R. 499) granting a pension to Mary A. Knawber;
An act (H. R. 6594) granting a pension to Russell F. Dimmick;
An act (H. R. 6726) granting a pension to Margaret A. Maguire;
An act (H. R. 6882) granting a pension to John Otis;
An act (H. R. 6927) granting a pension to Merit M. Oakley;
An act (H. R. 6934) granting a pension to Ann J. Williams;
An act (H. R. 6956) granting a pension to Maria H. Sargent;
An act (H. R. 6997) granting a pension to Henry Davis;
An act (H. R. 4059) granting a pension to Isaac Demaranville;
An act (H. R. 4238) granting a pension to Sallie Ingham;
An act (H. R. 4248) granting a pension to William Harbeson;
An act (H. R. 4752) granting a pension to William Herring;
An act (H. R. 2920) for the relief of John Johnson;
An act (H. R. 2432) for the relief of Mrs. Jane Young;
An act (H. R. 1504) for the relief of Millia Staples;
An act (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
An act (H. R. 2140) for the relief of Hugh Dougherty;
An act (H. R. 6665) for the relief of James Stack;
An act (H. R. 4379) for the relief of Maj. W. W. Frybarger;
An act (H. R. 5500) for the relief of Benjamin F. Amos;
An act (H. R. 5004) for the relief of William B. Smith;
An act (H. R. 1256) increasing the pension of Benjamin Morgan;
An act (H. R. 760) granting an additional pension to Watson S. Bentley;
An act (H. R. 433) to increase the pension of Simpson Harris;
An act (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;
An act (H. R. 2987) restoring Rebecca Walcott to the pension-roll;
An act (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll; and
An act (H. R. 6282) to place the name of R. W. Duncan on the pension-roll.

LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

And it shall be the duty of the judges of the Court of Claims to establish, by an order of court, a list of fees to be charged in said court against all persons prosecuting causes therein, such fees to conform as near as may be to fees for like services charged in the circuit courts of the United States, and to be paid by them when the decision shall be adverse to their cause of action, and shall prescribe rules to enforce the collection thereof; and all fees so prescribed shall be for the use of the United States, and accounted for in like manner with the receipts and disbursements of other United States courts.

Mr. McCOMAS. This clause against which I have made the point of order is confessedly, I doubt not, new legislation upon an appropriation bill. I do not think it can be maintained that it is in the interest of economy. I believe it would lead to extravagance and to a great deal of crowding of public business upon the Calendars of both Houses of Congress. I make the point of order against this provision, under the third section of Rule XXI of the House, that, in the first place, it changes existing law; and in the next place it is not germane; and, thirdly, if by some strained construction it be claimed that it is germane to this section of the bill, it is still not in order, because it does not retrench expenditures by reducing the number of officers of the United States, nor does it reduce the compensation of any person paid out of the Treasury, nor does it reduce the amount of money appropriated by this bill. It does not relate to the amount of money appropriated by this bill. It does not concern the salary of any person paid out of the Treasury of the United States, nor does it profess to affect the salary or the compensation or to lessen the number of the officers or employés of the United States. Now, Mr. Chairman, it seems to me that the very statement of the language to which I make objection shows that an attempt of this kind to change the law concerning fees in the Court of Claims of the United States is entirely apart from the purpose of this bill.

The law already, in section 1085 and one other section of the Revised Statutes, provides what fees shall be paid by parties who have claims in those courts. I can not conceive how, except by a mistaken idea of economy, this provision could have been inserted in this bill. Its effect will be to drive laymen, who say that the Government honestly owes them money, away from the forum provided for the trial of their causes by the competent judges, and to make them pay tribute upon the introduction of numberless private bills upon the Calendar of this House. It is a step backward.

But, Mr. Chairman, I rose to speak to the point of order, and not upon the merits of this provision, and I insist that, because the regulation of fees in one court of the United States is proposed in these lines, this provision is new legislation, in no wise pertinent to the bill, and therefore it should go out on the point of order.

Mr. HOLMAN. Mr. Chairman, it had never occurred to me that any gentleman would object to this provision or raise any point of order upon it. It is manifestly a provision which is just to the Government and not unjust to persons who seek remedies against the Government in the Court of Claims. It simply applies in that court a principle which is applied in every other Federal court. As to the point of order, I submit that its application is controlled by the last part of the third clause of Rule XXI of the House. This is a provision in a bill reported by a committee, and therefore if it retrenches expenditures in the broad sense—if it retrenches expenditures in any way—if, in other words, it prevents the depleting of the Treasury in any way, it is in order. I have no doubt that the Chair has had occasion to notice the distinction between the two provisions in Rule XXI to which I have referred, and has observed that the last clause is much broader than the preceding one. It reads:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now the Chair will observe that it of course became necessary at the very outset to construe that to mean either the bill itself as reported by the committee or an amendment reported by a committee and proposed as an amendment to the bill. Of course it would be too narrow an interpretation of that clause of the rule to say that some other committee, for instance the Committee of Ways and Means or the Committee on the Judiciary, might report a provision which would be in order as an amendment to this bill because it would retrench expenditures in some form or other, and yet that the Committee on Appropriations itself in reporting this bill could not report the same provision. I think it has been uniformly held in interpreting the language of this last clause of the rule that it means that if the provision in question was reported by a committee all that was necessary to give it standing in the House was that it should retrench expenditures in some form, the language being, "which amendment, being germane to the subject-matter of the bill, shall retrench expenditures." This provision is germane because it belongs to an appropriation touching the Court of Claims.

Now, I concede that this is new legislation. It does not change existing law; but the enactment of a new law, so far as this rule is concerned, is precisely the same as the change of an old law. The provision, however, retrenches expenditures within the manifest spirit of the rule. The object of the rule is to prevent appropriation bills being made use of as means of depleting the Treasury. The word "retrenchment" as here used is a very broad word. To treat this word, in accordance with the spirit of the rule, as meaning preventing the depletion of the Treasury, carries out more clearly, as the Chair will perceive, the true intent than to construe the word "retrenchment" according to its ordinary sense. In other words, the spirit of the rule is that a measure of new legislation shall be in order upon a bill of this kind if it shall prevent the depletion of the Treasury.

Now, this provision manifestly provides for the payment of money into the Treasury for the purpose of meeting the expenses of this very court. Hence this is in the highest possible sense a measure for retrenchment—a measure for the protection of the Treasury. It prevents its depletion, and indeed brings money into the Treasury to meet the very expenses for which we make appropriation in this paragraph.

Now, while I admit that to put this construction upon the rule the Chair is required to look at the spirit of the rule, I submit that a court or other tribunal called upon to decide a question of construction can never avoid considering the spirit of the instrument to be interpreted rather than its mere letter. Here is a provision in favor of the Government—in favor of the Treasury—a provision which "retrenches" in the broadest sense, because it adds to the public revenues instead of diminishing them.

Mr. KEIFER. Mr. Chairman, I was unable to hear all that was said by the gentleman from Indiana [Mr. HOLMAN] in opposition to the point of order made by the gentleman from Maryland [Mr. McCOMAS], but it seems to me the question is easily determined under this rule. I invoke, as did the gentleman from Indiana, the spirit of the rule; and I am quite certain that if we look to that the point of order will be sustained. This rule in its spirit seeks to prevent any legislation upon an appropriation bill that is not germane, and that does not retrench expenditures in one of three ways—

By the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, does the gentleman from Indiana maintain that under this rule it would be competent to report in a bill of this kind a provision requiring public officers to collect fees? If so, then we might have a tariff bill or an internal-revenue bill attached to an appropriation bill, because in that way we would put money into the Treasury. It is not the intention of the rule that we should be allowed to legislate on appropriation bills so as to collect additional funds for the Government, but simply that we may legislate so as to retrench expenditures in connection with the appropriation of money.

What is the proposition of the pending paragraph? This proposition, anomalous in its character, is to require the Court of Claims to sit down and deliberately make out a fee bill, charging unsuccessful litigants just as much as they please and collecting this money, to be paid into the Treasury of the United States. I understand the gentleman from Indiana to hold that such a provision comes within the spirit of the rule providing for a retrenchment of expenditure. Such a conclusion is to my mind clearly unwarranted. The proviso of paragraph 3, Rule XXI, relates only to amendments proposed by committees, and has nothing to do with this provision. If it had, the provision is not at any rate germane and certainly does not retrench expenditures. The central idea of this rule is to prevent the Committee on Appropriations from bringing in upon appropriation bills general legislation.

The CHAIRMAN. The Chair is of the opinion that the pending provision of this bill to be in order should conform to the requirements of Rule XXI; and it being admitted that the paragraph embraces new legislation, the only question to be determined is whether it retrenches expenditures in any of the methods prescribed by the rule. The language of the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditure.

Then the rule proceeds to specify three methods, in some one of which such a proposition must reduce expenditures.

1. By the reduction of the number or salary of the officers of the United States.

The provision of the bill does not reduce the salary or number of any officers of the Government.

2. By the reduction of the compensation of any person paid out of the Treasury of the United States.

This proposition does not do that.

3. Or by the reduction of amounts of money covered by the bill.

This provision of the bill does not make any reduction of that kind. What this proposition does is to provide a fund which will go into the Treasury. But in the opinion of the Chair it is not admissible under the rule as it fails to retrench in any of the three ways clearly laid down by the rule. It can not be denied that it provides a fund which would tend to swell the Treasury; but to be in order under the rule it should retrench in one of the three modes specified. However much the Chair might be inclined to deem this provision wise legislation, the only question for the Chair to deal with is whether it comes within the rule. The Chair hardly thinks it does, and therefore sustains the point of order.

Mr. MORSE. I move to amend by inserting, after line 2630, the words:

For one copyist and stenographer, at the rate of $100 per month, $1,200.

Mr. HOLMAN. I reserve a point of order on this amendment until the gentleman from Massachusetts [Mr. MORSE] has submitted his remarks.

Mr. MORSE. Mr. Chairman, I am informed by gentlemen of the highest respectability, gentlemen practicing before the Court of Claims, that by the bill lately passed, called the French spoliation act, the business of the court will be increased to such an extent that with the present limited number of employés it will be impossible, for at least one or two years, for the court to get through properly with the business it will be called upon to discharge. I hope my friend from Indiana will make no objection to this amendment. There is no question about the necessity of this additional officer. I have no interest in the matter, except that I desire the business of that court shall be properly administered.

Mr. CURTIN. The judges and officers of the court say it is positively necessary this provision should be made.

Mr. HOLMAN. I must insist on the point of order, although I regret to do so. We should consider that all the litigation in this court is carried on at the expense of the Government; the litigants themselves pay no part of the cost.

The CHAIRMAN. The Chair is of the opinion the amendment would increase the amount appropriated by the bill and creates a new office, thereby changing existing law. The point of order is well taken, and the amendment is ruled out.

The reading of the bill was then concluded.

The CHAIRMAN. The Chair understands that certain sections of the bill were passed over informally to be returned to by consent.

Mr. HOLMAN. I desire to avail myself of the courtesy extended by the Committee of the Whole House on the state of the Union, when the bill was last under consideration, to go back with a view to make a few amendments which have been suggested. These are two or three in number, I believe. The first is on page 11, line 243. I consent that my friend from Pennsylvania [Mr. ERMENTROUT] shall offer his amendment, with the understanding that the three index clerks for indexing claims shall be fixed on the same basis at $1,600 each. I hope he will consent that the three shall stand on the same footing.

Mr. ERMENTROUT. In reply to the gentleman from Indiana, I will say that it seems to me to be severe to tie me down to any terms on that point, for the reason that there was an understanding last Saturday there should be a recess until 8 o'clock in the evening, when this bill was to be taken up, and, acting on that understanding, I was not present, the committee, by unanimous consent, having gone beyond the time.

Mr. HOLMAN. I consent my friend shall offer the amendment.

Mr. ERMENTROUT. I move, in line 243, after the word "dollars," to amend by striking out "one clerk," and substituting in lieu thereof "three clerks;" so it will read "three clerks to index private claims, at $1,600 per annum."

Mr. HOLMAN. Add the word "each" before "per annum."

Mr. ERMENTROUT. You have not got the whole of the amendment.

Mr. HEWITT, of Alabama. Does that require unanimous consent?

The CHAIRMAN. What was the condition on which amendments were to come in?

Mr. HOLMAN. Acting for myself, I consented the gentleman should be permitted to offer the amendment.

The CHAIRMAN. Then the question is on the amendment of the gentleman from Pennsylvania?

Mr. HEWITT, of Alabama. Does it require unanimous consent to offer that amendment?

The CHAIRMAN. The Chair will state to the gentleman from Alabama that this part of the bill was passed over informally to be returned to when the reading of the bill was concluded.

Mr. HOLMAN. Not this; but I trust in consequence of the gentleman's absence——

The CHAIRMAN. If the Chair is in error as to this part of the bill, then it does require unanimous consent to offer an amendment.

Mr. HOLMAN. I had unanimous consent of the committee to go back upon the bill and offer some amendments. Now I trust my friend from Pennsylvania, in view of the fact that the gentleman from Pennsylvania says he was absent on account of notice given that a recess would be taken from 5 to 8 o'clock, and when instead of taking a recess the House continued in session until 8, and then adjourned until the next day, will he allowed to offer his amendment.

Mr. HEWITT, of Alabama. But the House was in session all the time.

Mr. ERMENTROUT. I wish to say a word.

Mr. HEWITT, of Alabama. Does the public necessity demand this?

Mr. HOLMAN. All I can say is the Clerk has been importuning——

Mr. HEWITT, of Alabama. The Clerk has——

Mr. HOLMAN. Yes; the Clerk has been importuning the committee from the beginning of the session to increase the number to three, and the House has adopted a resolution requesting the Committee on Appropriations to make the number three. We thought probably the Clerk might get along with two, but he says the services of three are indispensable.

The CHAIRMAN. The Clerk will read from the CONGRESSIONAL RECORD to show the order under which the committee returns to this section.

The Clerk read as follows:

Mr. HOLMAN. I do not desire that we shall go back at this time to a former part of the bill.

The CHAIRMAN. Is it agreed that when the reading of the bill is completed the gentleman from Pennsylvania [Mr. ERMENTROUT] shall have leave to go back to offer an amendment on page 11?

Mr. HOLMAN. There is no such agreement at this time.

Mr. MILLS. Let the Clerk read on.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] objects to an agreement at this time.

Mr. HOLMAN. No, Mr. Chairman; I simply say that there is no general agreement to go back at this time, but I have no objection to going back at the proper time.

Mr. HOLMAN. I wish to make a statement.

Mr. HEWITT, of Alabama. Is there any public necessity for these additional clerks; if so, I will not object to it.

Mr. ERMENTROUT. If the gentleman will listen to me for a moment, I will convince him of that fact.

Mr. HEWITT, of Alabama. If the gentleman from Pennsylvania has investigated it and is of the opinion the public interests require it, I will not object.

Mr. ERMENTROUT. The House has acted on this matter on a former occasion. We all understand that for several Congresses there have been clerks for indexing private claims. This House passed a resolution at the last session, reported from the Committee on Accounts, authorizing the appointment of three clerks for the purpose of indexing these claims, continuing the work begun in a former Congress.

At the suggestion of the gentleman from Indiana the number of these clerks was limited to three. They have been paid heretofore out of the contingent fund of the House, but the Comptroller of the Treasury has discovered that clerks, those created under a resolution of the House, can not be paid out of the contingent fund, and so the matter was referred again to the Committee on Accounts, who reported upon the subject, and I send to the Clerk's desk a copy of the report which I ask to be read in order to show what their opinion is as to whether the public necessities do or do not require this to be done.

And further let me say the Committee on Accounts reported on this subject and requested the Committee on Appropriations to make provision for three index clerks, and when the matter was brought up in the House there was not a single dissenting voice. The resolution of the House directing the committee to continue these clerks was passed.

Mr. WARNER, of Ohio. Let me ask the gentleman from Pennsylvania if these clerks were employed under a resolution of the last House?

Mr. ERMENTROUT. Yes, sir.

Mr. WARNER, of Ohio. And this is to continue them?

Mr. ERMENTROUT. Yes, sir; to continue that work.

Mr. HEWITT, of Alabama. In consideration of the statement made by the gentleman from Pennsylvania I will withdraw my objection and agree that a vote shall be taken at once upon the amendment.

Mr. ERMENTROUT. Then I withdraw the request for the reading of the report.

The question being taken on the adoption of Mr. ERMENTROUT'S amendment, it was agreed to.

Mr. HOLMAN. Mr. Chairman, that proposition, I understand it, increases the number of clerks to three, and the word "each" is inserted after the amount of the "salary" is stated.

The CHAIRMAN. The Clerk will report the amendment as adopted.

The Clerk read as follows:

Three clerks to index private claims at $1,600 each per annum.

Mr. ERMENTROUT. I thought the understanding with the gentleman from Indiana was that $1,800 was to be the compensation?

Mr. HOLMAN. That is enough; I was not aware at the time of the state of the salaries.

Mr. CURTIN addressed the Chair.

The CHAIRMAN. The Chair will state that only certain sections of this bill were open to amendments under this permission to go back.

Mr. CURTIN. I have before me the section on page 10, to which an amendment has just been offered, and which I wish to amend further. I think the gentleman from Indiana will not object to it.

Mr. WILSON, of Iowa. I desire to offer an amendment, to carry out an order of the House, on the tenth page of the bill.

The CHAIRMAN. The gentleman from Indiana has been recognized.

Mr. HOLMAN. I hope I will be excused for the delay. I had yielded to the gentleman from Pennsylvania, who appealed to me to offer some proposition, and I was waiting for him.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania.

Mr. CURTIN. Mr. Chairman, in line 212, after the word "dollars," I propose to amend by inserting the words:

One messenger in the stationery-room, at $1,200.

I propose, also, in line 227, to reduce the number of laborers from four to three.

Mr. HOLMAN. I reserve the point of order.

Mr. CURTIN. The reason for that is very simple, but if it is to be ruled out on the point of order, the gentleman from Pennsylvania is not apt to trouble the House.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. CURTIN. I am quite sure I can appeal to the gentleman from Indiana for justice, and I claim to be perfectly willing, as a member of this House, to appeal to the gentleman from Indiana and be dominated by one man as well as by three hundred and twenty-five. I am encouraged to make this appeal for the adoption of this amendment, inasmuch as I find in this bill, on page 15, that in the office of the Postmaster there were employed nine messengers, and that number has been increased to ten; and where there were four messengers at a lower salary they were reduced to three. I understand that the beneficiary of that legislation comes from the State of Indiana. [Laughter.]

I have no objection whatever to any such arrangement, none in the least. It so occurs, however, that I procured the appointment of one man in all the scramble for appointments at the opening of this Congress, and he was appointed as a laborer. This was a young man that I brought down from the mountains of Pennsylvania, fine, scholarly, and accomplished, who was placed in the stationery department of the House, and I appeal to every gentleman who has had business there to testify to his gentlemanly conduct and to the prompt performance of his duties.

Mr. Ancona, the chief of that department, testifies to his capability, integrity, and usefulness, and the Clerk of this House supplements his recommendation. Now, instead of being a laborer, with his qualifications, I merely ask that he be made a messenger because it gives my appointee $1,200 instead of $800 a year. It gives him a position of more consequence and of more character.

I have no objection to the changes made in the messengers of the House, and do most heartily rejoice that the gentlemen in the index-room are accommodated with places, and I am extremely obliged to the gentleman from Indiana for giving my colleague from Berks County the opportunity to amend this bill, and much the more obliged as my colleague holds one of the appointments in his hands. [Laughter.]

It has been my habit in life, in business and in politics or in the practice of my profession, not to accomplish purposes by indirection or by the concealment of facts, and I therefore say that while I rejoice that that Indiana man is promoted, and that my colleague has been successful, I only ask that you give my accomplished young friend a change by raising him from the position of laborer to that of messenger, and abolish one laborer on the roll, which will cost this Government just exactly $220. [Laughter and applause.]

The CHAIRMAN. The gentleman from Indiana makes the point of order——

Mr. CURTIN. Am I ruled out? [Laughter.]

The CHAIRMAN. The Chair was just going to rule on the point of order made by the gentleman from Indiana against the amendment of the gentleman from Pennsylvania.

Mr. CURTIN. I trust the gentleman from Indiana, on the appeal I have made, will withdraw the point of order, and along with the man from Indiana and the man from Berks County, let in my young friend from the mountains. Oh, do withdraw it! You will never regret it, my friend from Indiana. You will die happier. [Great laughter.]

Mr. HOLMAN. I wish to say a single word for myself and the Committee on Appropriations. Of course when this bill is considered personal interests at once arise on all sides. Gentlemen appeal to me in connection with employés both in the House and in the Departments to permit amendments to increase salaries, to change from one grade of compensation to another, and to make transpositions like this proposed by my friend from Pennsylvania, which is very insignificant on its face

but involves a large increase of salary. Under such circumstances but one of two courses is left to the Committee on Appropriations. Either the rules of the House must be rigidly adhered to, or else gentlemen should be permitted on all hands to come in with their respective amendments. And I would like to submit to the gentleman from Pennsylvania, since he has made his very pleasant appeal, in such amiable good nature, too, whether it is wise policy to throw open this bill and let all of us submit our amendments and load it down with increased items of expenditure.

Mr. MORSE. If they are right, why not?

Mr. CURTIN. It is right to throw open to amendment this bill or any other measure before Congress if the three hundred and twenty-five men elected to legislate for this great nation of the United States are competent for their duties. If they are not competent for their duties, but must be handicapped and pinioned by rules which give a few men the control of this body, then the people should elect some other men than those who are here now. [Applause.]

Mr. HOLMAN. Does the gentleman from Pennsylvania not think it an evidence of the highest capacity on the part of members of this House to legislate that they impose very severe restraints upon themselves, and that each consents the restraint shall apply to him as to all others? It seems to me the highest evidence of wisdom in deliberative bodies not only to impose restraints on their own action but to create facilities for the enforcement of the restraints imposed.

I regret very much I have not the authority from the Committee on Appropriations to waive the point of order, but I would be derelict in my duty to that committee had I consented to do so until I had submitted this proposition to that committee. I am simply its organ; that and nothing more.

The CHAIRMAN. The gentleman from Indiana makes the point of order that the amendment offered by the gentleman from Pennsylvania [Mr. CURTIN] changes existing law and does not retrench expenditures, and is therefore obnoxious to clause 3 of Rule XXI and out of order. The Chair would ask the indulgence of the committee while he directs the Clerk to read that section of the rule.

Mr. CURTIN. It is unnecessary to have the rule read. I have never read the rules, but I have heard them often enough to know that if the point of order is insisted on I have no right to insist on my amendment.

The CHAIRMAN. The Chair is of opinion the point of order is well taken. It changes existing law and does not retrench expenditures.

Mr. CURTIN. I do not know whether to appeal to the House or to go to the Senate. I appeal from the decision of the Chair anyhow.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative.

Mr. WILSON, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 10, line 212, after the word "each," strike out the words "one page, $720," and insert in lieu thereof "two pages at $720 each."

Mr. HEWITT, of Alabama. If unanimous consent is required I object. I make the point of order that we have passed from that part of the bill.

Mr. WILSON, of Iowa. I want to be heard before the Chair gives his decision on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. WILSON, of Iowa. The other evening when I came up here for the consideration of this legislative, executive, and judicial appropriation bill there were only twenty-five or thirty of us present and we allowed the reading to go on and the bill to be more than half completed rather than raise the question of a quorum.

Mr. HEWITT, of Alabama. I withdraw my objection to go back.

Mr. WILSON, of Iowa. This amendment which I have offered is in conformity with the order of the House; and I think nobody objects to it.

Mr. HOLMAN. Let the amendment be again reported.

The amendment was again read.

Mr. WILSON, of Iowa. It is in conformity with the order of the House made this session.

The question being taken upon agreeing to the amendment, there were—ayes 30, noes 44.

So (further count not being called for) the amendment was not agreed to.

Mr. HOLMAN. I move to add in line 312, after the word "men," the words "one on each side of the hall."

The amendment was agreed to.

Mr. ELLIS. Mr. Chairman, with the consent of the gentleman from Indiana [Mr. HOLMAN], I ask the committee to recur to line 271 for the purpose of offering an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

After line 271 insert:

"To pay the six committee clerks now employed by resolution of the House the same compensation and for the same period as is provided for the payment of session clerks employed by the House, $1,080; to be immediately available."

Mr. ELLIS. Mr. Chairman, we have, as is well known, the annual clerks, session clerks employed under the law, and clerks employed by resolution. Our theory is that we pay these clerks, except the session clerks, for four months instead of three. Now this amendment is designed merely to place the clerks employed under resolution upon terms of equality with the session clerks.

Mr. KEIFER. How many of them are there?

Mr. ELLIS. There are six, and three of them, I may state, are probably the hardest worked of any in the whole category of clerks.

Mr. BLOUNT. I suggest to the gentleman that in the division of clerks into annual and session clerks the session clerks receive the smallest pay, so that his amendment proposes to give the clerks to whom it refers the smallest pay that any of the clerks receive.

The amendment was agreed to.

Mr. BRENTS. Mr. Chairman, I offer an amendment to come in at the end of line 707. I send it to the Clerk's desk to be read.

Mr. DINGLEY. Mr. Chairman, before that amendment is offered I would like to ask the gentleman from Indiana [Mr. HOLMAN] if there are not some paragraphs before that which have been reserved?

The CHAIRMAN. The Chair will state to the gentleman from Maine [Mr. DINGLEY] that this amendment applies to one of the reserved paragraphs.

Mr. DINGLEY. But I think there is pending an amendment to the paragraph itself.

The Clerk read the amendment offered by Mr. BRENTS, as follows:

At the end of line 707 insert the following:

"And each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery, and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,200 per annum, as the Secretary of the Treasury shall prescribe."

Mr. HOLMAN. Mr. Chairman, I will reserve the point of order on that amendment.

Mr. COX, of New York. I make the point of order that it is new legislation, and does not retrench expenditures.

The CHAIRMAN. The Chair will hear the gentleman from Washington Territory [Mr. BRENTS] upon the point of order.

Mr. BRENTS. Mr. Chairman, this may be new legislation, but I think it will be found, upon examination, that it does not increase expenditures.

Mr. POTTER. Does it reduce expenditures?

Mr. BRENTS. It may not reduce them, but I can modify it so that it will. If that point is made, I will modify the amendment so as to make the salary $1,199 per annum, and thus save to this impoverished Government $2 a year. These deputy collectors will take the place of the inspectors now required at those ports at a salary of $1,200 each. I am sure that the gentleman will not only withdraw any point of order he may be disposed to make, but will support the amendment because it is in the interest of economy.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read, as follows:

At the end of line 707 insert the following:

"And each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery, and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,199 per annum, as the Secretary of the Treasury shall prescribe."

Mr. BRENTS. Mr. Chairman, I wish to say in support of this amendment that the Secretary of the Treasury, under the authority given in the Revised Statutes of the United States, has designated the ports of Portland, Oregon, and Port Townsend, in Washington Territory, as ports between which and the British colonies of North America merchandise may be carried in bond. This merchandise—and there is a great amount of it—is carried by the railroads which terminate at those two cities and has to be transshipped to the ocean vessels that touch there.

In order that there may be bonded warehouses at those ports this amendment must be made, creating those cities ports of delivery, and the principal object of the amendment is to provide that the warehouses which have been erected by the merchants and shippers may be bonded, so that this merchandise, while being transshipped from the railroads to the steamers and from the steamers to the railroads, may be properly stored, and of course it is obvious that the large commerce of those cities will be greatly facilitated by such a provision of law.

The CHAIRMAN. It is upon the point of order that the chairman desires to hear the gentleman from Washington Territory.

Mr. BRENTS. The point of order has not been made against the amendment as modified, and we have now entered upon the discussion of the merits of the proposition.

The CHAIRMAN. The Chair understood the gentleman from New York [Mr. COX] to make the point of order.

Mr. BRENTS. The gentleman from New York [Mr. COX] made the point of order against the amendment in the form in which it stood originally, but he did not make the point against the amendment as I modified it, and I have been for some time discussing the proposition on its merits.

The CHAIRMAN. The gentleman [Mr. BRENTS] modified his amendment, but the Chair supposed the gentleman desired to be heard on the point of order, and the Chair thinks that the gentleman from New York [Mr. COX] had a right to presume from what occurred that the gentleman proposed to discuss the point of order.

Mr. KEIFER. The gentleman from New York [Mr. COX] does not insist upon the point.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] insist upon the point of order?

Mr. BRENTS. Mr. Chairman, I insist that the gentleman from New York [Mr. COX] can not make the point of order upon this amendment at this time. He has listened to me discussing this proposition upon its merits and has sat in his seat and made no objection, and I insist that he has waived the point of order, and it is now too late for him to renew it.

Now, I submit it is too late for any point of order to be raised, and certainly it seems to me the Chair is going very far in suggesting to the gentleman from New York that he may now make his point of order when perhaps he does not desire to do so, and at any rate has waived his right. I do not intimate, of course, that the Chair wishes to do anything unfair, but I think the gentleman from New York understands the rules of the House sufficiently to take care of himself in a matter of this kind; and, having allowed me to go on and discuss the merits of this proposition, he has waived his point of order.

The CHAIRMAN. The Chair does not think the gentleman from New York requires taking care of; and if he did the Chair would not undertake to do it. [Laughter.]

Mr. BRENTS. No; I do not think the Chair would.

The CHAIRMAN. In this connection the Chair desires to be indulged in a statement of the facts. The gentleman from Washington Territory [Mr. BRENTS] offered his amendment; the gentleman from New York made his point of order; and the Chair then requested the gentleman from Washington Territory to address himself to the point of order. The gentleman proceeded, stating that he would modify his amendment. Those are the facts; and the Chair thinks that the gentleman from Washington Territory having been called upon to speak to the point of order can not prevent the gentleman from New York from making the point if he insists upon it.

Mr. BRENTS. I insist, Mr. Chairman, that the amendment is not subject to the point of order. If the Chair overrules my point that the question of order comes too late, then I am willing to discuss the point of order with the gentleman from New York, or I am willing to submit it to the decision of the Chair without further argument.

Mr. COX, of New York. Mr. Chairman, I propose to develop all the commerce that is possible at the places in which the gentleman is is interested, and since the Committee on Appropriations does not raise any point of order upon the amendment I will withdraw my point.

Mr. BRENTS. I thought you would.

Mr. COX, of New York. My friend is on crutches, and I would not take advantage of him.

Mr. BRENTS. I thank the gentleman very much.

Mr. HOLMAN. I must reserve a point of order on this amendment.

Mr. BRENTS. It is too late.

Mr. HOLMAN. If this amendment be withheld until we come to that part of the bill, possibly I may feel justified in withholding any point of order. But I desire now to offer some amendments from the Committee on Appropriations.

The CHAIRMAN. If the gentleman from Indiana will withhold his amendments, the Chair will rule upon the point of order.

Mr. BRENTS. I understand the gentleman from Indiana simply reserves a point of order, and is willing to allow this matter to rest for the present.

Mr. HOLMAN. I suggest that the gentleman withhold his amendment for the present until we come to that part of the bill.

Mr. BRENTS. Very well; I will do so.

Mr. HOLMAN. I move to amend by striking out in line 1742 the word "six" and inserting "eight," so as to make the appropriation for the public gardener $1,800 instead of $1,600.

Mr. DINGLEY. I call the attention of the gentleman from Indiana to the fact that we are about to pass from the paragraph embracing lines 695 to 707.

Mr. HOLMAN. We will come to that in a moment. I have some amendments to offer.

Mr. DINGLEY. The gentleman proposes to return to that paragraph?

Mr. HOLMAN. Yes, sir.

The question being taken on the amendment of Mr. HOLMAN, it was agreed to.

Mr. HOLMAN. I move to amend, by striking out in line 2405, page 98, the words "two clerks at $1,000," and inserting "one clerk at $1,000, one female clerk at $900," and by changing the total of the paragraph; so as to read "$30,960." The effect of the amendment is to allow one clerk at $1,000 and one at $900, instead of two clerks at $1,000 each.

The amendment was agreed to.

Mr. KEIFER. I have a small amendment to which I hope nobody will object. It is to insert, after the words "journal clerk," in line 129, page 9, the words:

While such positions are held by the present incumbents, and no longer, $3,600 each.

Mr. HOLMAN. I must make a point of order on that amendment.

Mr. KEIFER. The gentleman will remember that this is in accordance with previous legislation in reference to our clerks here who have served a long time. The persons whom this amendment would benefit are the journal clerk (who has occupied his present position for a great many years) and the chief clerk. In the Forty-second Congress there was inserted in the legislative appropriation bill, on motion of the gentleman from Pennsylvania [Mr. RANDALL], this clause:

Chief clerk and journal clerk of the House, while such positions are held by the present incumbents, and no longer, $3,600 each.

This amendment is in precise accord with the legislation then had.

Mr. HOLMAN. This matter was before the Committee on Appropriations. I shall have to insist on the point of order.

Mr. KEIFER. Let the House vote on the question. Everybody is ready to vote for the amendment. I think the gentleman himself will vote for it. This is a plain matter, relating to two clerks who have long been in the service of the House.

The CHAIRMAN. In the opinion of the Chair the amendment changes existing law, while it does not retrench expenditures, and is therefore obnoxious to the third clause of Rule XXI.

Mr. DINGLEY. I offer the following amendment.

The Clerk read as follows:

Insert after line 917:

"That the Secretary of the Treasury be, and is hereby, requested to submit to Congress, at the opening of the next regular session, such modifications of the laws relating to commerce and navigation as will simplify and improve the same, and remove from American vessels, whether engaged in fishing or in domestic or foreign commerce, all unnecessary restrictions and burdens."

The amendment was agreed to.

Mr. DINGLEY. I now withdraw the amendment coming over from Saturday to increase the salary of Commissioner of Navigation from $3,600 to $4,000.

Mr. NEECE. I move the following amendment.

The Clerk read as follows:

In line 455, after the word "class," strike out "one" and insert "two," and then insert "one clerk, $1,000," in line 456, before the word "in;" after the word "all," in line 456, strike out "nineteen thousand one hundred and forty" and insert "twenty thousand three hundred and forty;" so that the whole clause shall read:

"For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one stenographer, $1,600; one clerk class 2, and one clerk, $1,000; one messenger, $840; in all, $20,340."

Mr. MILLS. I make the point of order that that changes the law and does not retrench expenditures.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. NEECE. I do not.

Mr. CANNON. I do.

The CHAIRMAN. The gentleman will proceed.

Mr. CANNON. The amendment is not subject to the point of order if it is only for the addition of a clerk at $1,000 and a laborer. Section 171 of the Revised Statutes, with which the Chair is familiar, provides for such number as Congress may from time to time appropriate for. So it has always been held that amendments are in order when for any of the four classes of clerks, but not for clerks above those classes. It is a mere matter of appropriation and not a matter of change of existing law so far as this amendment is concerned.

Mr. MILLS. How much does this appropriate more than the law for this year?

Mr. CANNON. Two more clerks.

Mr. MILLS. Then under the constant rulings in the committee it is not in order, as the existing law is the law for the current year. The Revised Statutes have nothing to do with it. If the existing appropriation law, expiring 30th of June next, changes the Revised Statutes, then that becomes the existing law. If this amendment changes the number of clerks or the appropriation provided in the current law for legislative expenses, then it is amenable to the point of order as changing the law and not retrenching expenses.

Mr. CANNON. I ask the Chair to refer to sections 163, 164, 165, 166, 168, and 169 of the Revised Statutes. And if the Chair will permit me, I will make a single remark, and I would be glad to have the attention of the gentleman from Indiana. Under these clauses of the Revised Statutes these clerks are provided for in all the Departments, and under the construction that has always been given to those sections under Rule XXI of the House, it has always been in order to increase salaries within the four classes. It is a mere matter of appropriation.

It is not in order to increase salaries above $1,800 because they are not provided for in those general clauses of the Revised Statutes. It is as much in order to increase under those clauses the number of clerks as to increase the appropriation for railway service provided for by general law.

Mr. MILLS. The current appropriation bill is the existing law.

Mr. HOLMAN. If I understand correctly the appropriations made in this bill are exactly those authorized by existing law. I submit any increase, therefore, is new legislation.

The CHAIRMAN. The Chair will have read the part of the present law for the civil service.

The Clerk read as follows:

For three commissioners, at $3,500 each; one chief examiner, at $3,000; one secretary, at $2,000; one stenographer, at $1,600; one clerk, at $1,200; and one messenger, at $840; in all, $19,140.

Mr. MILLS. That is the existing law.

The CHAIRMAN. The Chair is of opinion that the amendment offered would change existing law upon that subject. The provisions of law under which the Civil Service Commission is now operating fix the salaries of its officers, and the amendment proposes to increase them. The Chair thinks that it is not competent on an appropriation bill under Rule XXI, section 3, to entertain such an amendment.

Mr. CANNON. May I ask if the Chair holds that this is not a department within the meaning of the section of the Revised Statutes to which I have referred?

The CHAIRMAN. What the Chair holds is that the appropriation bill of last year fixing the salaries at what is provided in this bill is the existing law in contemplation of Rule XXI, section 3. It has been so held by every occupant of the chair without dissent, so far as the present occupant of the chair knows.

Mr. CANNON. Then permit me to ask the Chair if the same rule would not hold where you move to increase the appropriation for star-route service, or for mail service, provided you increase it over and above what the service was receiving for the current year?

The CHAIRMAN. The Chair is of opinion that it would not necessarily follow that it would be in order on this bill to increase the amount that is provided for by the law which created the Civil Service Commission, and under which it has been operating ever since its creation.

Mr. HOLMAN. There are two other amendments to which I wish to call the attention of the committee. The first is in line 702, on page 29 of the bill, which I ask to have read.

The Clerk read as follows:

After the word "shall," in line 702, insert, "execute, when required by the Secretary of the Treasury, bond in such penalty and with such security as the Secretary of the Treasury shall approve, conditioned for the faithful discharge of his duties, and shall."

Mr. HOLMAN. Now, for the purpose of perfecting my own proposition, I move to insert what I send to the desk at the end of the paragraph.

The Clerk read as follows:

After the word "States," in line 707, insert:

"And in carrying into effect the foregoing provision, the President is hereby authorized to rearrange, consolidate, and reduce the collection districts, and change the location of the port or ports of entry in any district."

Mr. MILLS. I object to that amendment. It changes existing law.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

Mr. MILLS. I make the point of order upon it that it changes existing law.

Mr. HOLMAN. Upon its face this proposition reduces expenditures by reducing the number of districts, and the Chair will perceive that under the law each district has at least one port of entry, generally but one, although in the confusion of our legislation some instances occur where more than one has been established.

Now the consolidation of the districts reduces expenditures. It reduces the number of districts to begin with, and every district of course has at least one port of entry under the law, and is provided with a clerk. It could not be a district without a port of entry, and there can not be a port of entry without a clerk and a salary. So the power to reduce, which is conferred by this amendment, necessarily retrenches expenditures, and contemplates its reduction.

Mr. MILLS. It must show affirmatively upon its face that it does retrench expenditures to be within the rule.

Mr. HOLMAN. And another word in this connection. My friend from Texas will see the importance of this, because the other provision would be imperfect without it, and that is already before the committee.

Mr. MILLS. Mr. Chairman, I object to this proposition, and I do so because of the importance of the subject with which it deals. It is too great entirely in its importance to be legislated upon in this hurried manner. It is a subject that demands careful consideration. If you confer upon the President the power to abolish or rearrange these districts the result of such a power can never be determined in advance. You do not know how it would be executed. Ports of entry may be established year after year. Others may be established, and new districts may be created instead of the old ones.

It is a subject which has been already considered by our committee. The result of this would be that at the next session of Congress there would be innumerable petitions and bills introduced here asking for a rearrangement of these districts. It ought to be left to a committee of this House to look into the subject carefully and rearrange these districts after mature consideration, and it is a power that ought not to be given into the hands of any one man. This would only complicate the matter, and enlarge the difficulties which are already complained of.

Mr. HOLMAN. Just a word further. This confers upon the President exactly the same power in regard to customs districts that he possesses now in reference to internal-revenue districts. Under that power, as all are aware, the internal-revenue districts have been reduced from one hundred and twenty-six to eighty-five, and it is proposed to confer upon him the same power over these customs districts.

My friend from Texas will see that there is already a provision in the bill which authorizes the discontinuance of ports of entry where the revenues are less than the expenses, and this is simply a provision to carry that into effect.

Mr. MILLS. That was an invasion. I want to draw the distinction between internal-revenue districts and collection of customs districts. The Internal Revenue Department has nothing, I repeat, to do but to go and collect the taxes and pay them to the Government. But your ports of entry directly affect your whole trade; it affects all the trade of our people with foreign countries.

Mr. LONG. The one is very simple; the other is very complex.

Mr. MILLS. Very complex indeed.

Mr. HOLMAN. I ask to be permitted to say a single word. This proposition is in harmony with the views of, and substantially came from, the late Secretary of the Treasury in a report made to the House under a requisition made upon him contained in one of the appropriation bills. It is substantially, almost in words, the very proposition which came down to us from the Treasury; and, according to the statement of the Secretary of the Treasury, it would reduce the expenses of that branch of the service over $1,000,000.

Mr. MILLS. The Committee on Appropriations have nothing to do with this question.

The CHAIRMAN. There is one portion of the amendment which is in this language:

And in carrying into effect the foregoing provision the President is hereby authorized to rearrange—

If it had stopped there the Chair would have no doubt the gentleman's point of order was well taken; but it proceeds—

consolidate, and reduce the collection districts, and change the location of the port or ports of entry in any district.

It changes existing law beyond all question. But if it changes existing law by reducing the number of collection districts, it seems to the Chair it must necessarily reduce expenditures.

Mr. MILLS. Not necessarily; because there may still be the same number of officers.

The CHAIRMAN. The Chair is in doubt upon the question, and will submit it to the committee. The question is, Shall the point of order made upon this amendment be sustained?

Mr. KING addressed the Chair.

The CHAIRMAN. For what purpose does the gentlemen from Louisiana rise?

Mr. KING. The committee is in such confusion that we can not hear the Chair.

The CHAIRMAN. The point of order is well taken. The committee will be in order. The question is, Shall the point of order submitted by the gentleman from Texas [Mr. MILLS] be sustained?

Mr. BAYNE. Will the Chair say what it is? We have not been able in this part of the Hall to understand what was going on.

The CHAIRMAN. The point of order is that the amendment offered by the gentleman from Indiana [Mr. HOLMAN] does not retrench expenditures; that it changes existing law, and hence is obnoxious to Rule XXI, section 3.

Mr. BROWN, of Pennsylvania. What was that amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "States," in line 707, insert:

"And in carrying into effect the foregoing provision the President is hereby authorized to rearrange, consolidate, and reduce the collection districts and change the location of the port or ports of entry in any district."

The question having been submitted to the committee, the point of order was sustained.

The CHAIRMAN. The question recurs on the first amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. BROWN, of Pennsylvania. I ask that it be again read.

The amendment was again read.

The question being taken on the amendment, it was adopted.

Mr. MILLIKEN. I move to amend by striking out the whole paragraph from line 695 to line 707, inclusive.

The amendment was not agreed to.

Mr. DINGLEY. I move to strike out the last word for the purpose of calling the attention of the gentleman from Indiana to one difficulty that will arise under the provision as it stands now in this bill. It is this:

Such deputies to receive only the fees collected thereat as compensation for their services.

Now, in every collection district there are three classes of ports: First, ports of entry; second, ports of delivery; and third, ordinary ports. The amendment of the gentleman from Indiana, as introduced here, provides simply for ports of entry, and it provides that instead of the ordinary collector being appointed at certain classes of ports of entry a deputy collector shall be appointed.

Mr. HOLMAN. With the powers of a collector.

Mr. DINGLEY. With the powers of a collector, the only effect be-

ing to reduce the salary. It would be better, if the object is to reduce the compensation, to provide distinctly for a reduction of compensation, and not to set up a class of officers known as deputy collectors who have certain powers that do not belong to deputy collectors under the law.

[Here the hammer fell.]

Mr. LONG was recognized, and yielded his time to Mr. DINGLEY.

Mr. DINGLEY. Again there is a certain class of ports where deputy collectors now act, particularly fishing ports, where all the fees received amount to only $100, $200, and in many cases not exceeding $300. Yet the duties of the deputy collector at such port are of such a character in giving licenses to fishing-vessels as to occupy the whole attention of that officer. If the compensation of that officer is limited to the fees of that port they will not in many cases exceed $100 or $200; and it will be absolutely impossible to supply officers at such ports as these.

While I am in harmony with the object the gentleman from Indiana has in this portion of the bill, it seems to me that the provisions by which he proposes to execute it may introduce inextricable confusion into our collection districts.

Mr. HOLMAN. I have but a word to say in answer to the gentleman from Maine. It is this: the fees of the collectors and deputies are very ample. As all gentlemen are aware, if the amount of fees is small the services are correspondingly small.

Mr. DINGLEY. But the gentleman will bear in mind that there are many services rendered by deputy collectors to which there are no fees attached.

Mr. HOLMAN. I know; but there are fees for almost every service rendered, and certainly if an officer of this class receives all the fees he must receive sufficient compensation. There are many of these ports which do not pay a cent into the Treasury, and where the office of collector is a mere sinecure. We pay out some hundreds of thousands of dollars a year for these offices without any services being rendered in return, and the late Secretary of the Treasury, one of the wisest and most prudent of our public men, assured Congress at the last session that this was a measure which could be safely carried out.

Mr. DINGLEY. The Secretary recommended not this, but the consolidation of the small collectorships. I withdraw the *pro forma* amendment.

Mr. LONG. I renew the amendment, Mr. Chairman, simply for the purpose of saying that it is evident, from the discussion so far, that with regard to this section we are "going it blind." We are informed that the Committee on Ways and Means have had this whole subject under consideration, and that they are satisfied they can not recommend any measure for adoption by the House at this short session. I believe it is desirable that we should strike out this whole paragraph, and I make that motion.

Mr. HOLMAN. Mr. Chairman, that motion has been made already.

Mr. LONG. No, Mr. Chairman. The motion made was to strike out from line 695 to line 702, inclusive; but my motion is to strike out the whole paragraph.

Mr. HOLMAN. Before the vote is taken I wish to say a word, and that is that this very measure was passed by the House at the last session.

Mr. LONG. But it did not become law.

Mr. HOLMAN. No; the Senate struck it out; but I trust that this side of the House will see to it that a measure which was regarded as proper and was passed by this House at the last session shall not now be abandoned.

Mr. MILLIKEN. Mr. Chairman, I move to strike out the last word. I presume the purposes of this paragraph are, as stated by the gentleman from Indiana [Mr. HOLMAN], those of retrenchment, but I feel quite assured that in no other way could he do more to effect a contrary purpose than by enacting this paragraph into law. I am as much in favor of retrenchment as he, but what does this provision do in my own State? It strikes out a cordon of custom-houses, extending from the mouth of the Kennebec River to the New Brunswick line, along a seacoast two hundred miles in length, on which there are so many harbors and inlets that, if you follow the indentations of the coast, the distance is more than a thousand miles. There is presented the grandest opportunity for smuggling that is to be found anywhere upon the whole Atlantic coast.

These custom-houses are the police officers that guard that coast, and although it may be true that some of them do not pay directly quite as much as they cost, yet I repeat what I said here at the last session, that when you abolish these collectorships you will find that the ports of Boston and New York will not pay as much into the Treasury as they do now. Why, sir, I knew $30,000 to be collected at one time right in my own city as a penalty for smuggling, and the result was that for a time it ceased; but with this provision enacted into law it will prevail more than ever. You do not abolish your police force or your police court here in Washington because the fees that they collect do not pay the cost of maintaining them, or because they are not always employed. The very fact that you have police officers here deters men from committing crime. So the very fact that you have this cordon of custom-houses all along this two hundred miles of seacoast and one hundred and fifty miles of frontier deters men from infracting your revenue laws and smuggling into this country millions of dollars' worth of goods that to-day come in regularly and pay duty. [Cries of "Vote!" "Vote!"]

The question was taken on the amendment offered by Mr. LONG; and there were—ayes 67, noes 75.

Mr. MILLIKEN and Mr. MILLS demanded tellers.

Several MEMBERS. No quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. LONG were appointed.

The committee again divided; and the tellers reported—ayes 97, noes 77.

So the amendment was agreed to.

Mr. HOLMAN. I now move that the committee rise and report the bill with the amendments to the House.

Mr. BRENTS. My amendment is still pending.

Mr. BLANCHARD. Regular order!

Mr. BRENTS. I am entitled to the floor by consent of the Committee of the Whole. A while ago my amendment was left pending.

The CHAIRMAN. The Chair has uniformly held that the gentleman in charge of the bill is entitled to recognition to control its management.

Mr. BRENTS. But my amendment is pending and undisposed of.

The CHAIRMAN. The Chair had no information to that effect.

Mr. BRENTS. Such is the fact.

The CHAIRMAN. The Chair is now informed that the gentleman withdrew his amendment.

Mr. BRENTS. No; never in the world. It was simply passed over by consent.

The CHAIRMAN. If that be so the gentleman is entitled to have his amendment considered, and the Chair will endeavor to secure such consideration.

Mr. HOLMAN. I withdraw my motion that the committee rise.

The CHAIRMAN. The gentleman from Washington Territory [Mr. BRENTS] is now recognized.

Mr. BRENTS. At the time this arrangement was entered into by consent, I had been discussing the amendment which I proposed, and had made a statement of the facts. If there is no further opposition I will not take up the time of the Committee of the Whole by debate.

Mr. HOLMAN. I hope the proposition of the gentleman will be read.

The Clerk read as follows:

After line 694 insert:

"And that each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery; and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,199 per annum, as the Secretary of the Treasury shall prescribe."

Mr. BLOUNT. I desire to raise a question of order on that amendment.

Mr. BRENTS. It is too late.

The CHAIRMAN. The gentleman from Georgia will state his point of order.

Mr. BLOUNT. The amendment changes existing law and does not reduce expenditures in either of the modes specified by the rule.

Mr. BRENTS. This amendment is not offered now; it was offered some time ago.

The CHAIRMAN. The gentleman from Washington Territory will address himself to the point of order of the gentleman from Georgia.

Mr. BRENTS. But I trust the Chair will allow me to make a point of order against the point which the gentleman from Georgia now proposes to make. I submit that his point of order comes too late. This amendment was offered some time ago; the gentleman from New York [Mr. COX] made a point of order against it; it was then modified; the discussion was entered upon. I proceeded to discuss not only the point of order but the merits of this proposition. The gentleman from New York then undertook to make another point of order. I objected on the ground that the point of order was too late. Finally the gentleman from New York withdrew and abandoned his point of order. Then the gentleman from Indiana [Mr. HOLMAN] said that he would make a point of order; and I objected. Then the matter by consent was allowed to rest until we should come to this part of the bill, the gentleman from Indiana remarking that he might not insist on the point of order. Still I did not waive the point of order that he was too late.

The CHAIRMAN. But is it not true that the gentleman from Indiana at no time withdrew the point he had made?

Mr. BRENTS. The gentleman did not make it until long after it was too late to make it—after the merits had been discussed.

Mr. BLOUNT. Before insisting on the point of order I would like to ask the gentleman whether the Treasury Department has recommended these ports of delivery?

Mr. BRENTS. Certainly it has—repeatedly.

Mr. BLOUNT. I supposed that the proposition came in without due consideration. I do not press the point of order.

Mr. SPRINGER. Why does the gentleman make the salary $1,199 instead of $1,200?

Mr. BRENTS. To obviate the point of order made a while ago that the amendment did not reduce expenditures. These deputy collectors

might under the law receive a salary of $1,200 each; but I have modified the amendment so as to save this great Government the sum of $2 a year.

Mr. SPRINGER. I think we ought to give the even $1,200. I move to amend the gentleman's amendment in that respect.

Mr. BRENTS. I accept the amendment.

Mr. SPRINGER. There is no use of stickling about a dollar or two.

The amendment of Mr. BRENTS as modified was adopted.

Mr. HOLMAN. I move that the committee now rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report back the same with sundry amendments and a recommendation that the bill pass as amended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that it insisted on its amendments to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, disagreed to by the House, agreed to the conference asked for, and had appointed Mr. DAWES, Mr. ALLISON, and Mr. PLUMB as managers of said conference on its part.

FRENCH AND AMERICAN COMMISSIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of the 9th of January, 1885, calling for certain correspondence concerning the transactions of the late French and American Commission, I transmit herewith a report of the Secretary of State of the 16th instant in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 17, 1885.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts; when the Speaker *pro tempore* signed the same.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; when the Speaker *pro tempore* signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. REAGAN, for the balance of the day, on account of sickness.

To Mr. HATCH, of Missouri, for the remainder of the day, on account of sickness.

GEORGE COUSINS.

On motion of Mr. PATTON, by unanimous consent, the bill (H. R. 5820) for the relief of George Cousins was recommitted to the Committee on Military Affairs, together with the accompanying report.

JURISDICTION OF UNITED STATES COURTS.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 8247) to define the jurisdiction of the circuit and district courts of the United States in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL CEMETERY, BAXTER SPRINGS, KANS.

Mr. PERKINS. Mr. Speaker, by unanimous consent I wish to make a statement. Some time ago various petitions asking for an appropriation to establish a national cemetery at Baxter Springs, Kans., were referred in this House, but no entry was made in the Journal of that fact. I now ask that they be received, and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

TIME FOR TAKING A RECESS.

Mr. WILLIS. I rise to make a privileged motion. I understand the gentleman from Indiana [Mr. HOLMAN] states that he expects to get through with the legislative, &c., appropriation bill by 6 o'clock this evening. I ask at that time the House take a recess until 10 o'clock to-morrow morning.

Mr. BROWN, of Pennsylvania. I shall object unless the understanding is that before 11 o'clock to-morrow the House shall adjourn.

Mr. WILLIS. There is no objection to that.

Mr. BROWN, of Pennsylvania. Very well, with that understanding I do not object.

The motion of Mr. WILLIS was then agreed to.

Mr. WILLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUPERT G. HILL.

Mr. STEELE. I rise to a question of privilege. The Committee on Military Affairs was furnished with erroneous information on the subject of the restoration of a certain man to the Army, and the committee want to withdraw that bill.

The SPEAKER *pro tempore*. What is the bill?

Mr. STEELE. It is the bill (H. R. 5714) for the relief of Rupert G. Hill.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is withdrawn by unanimous consent.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move the previous question on the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, reported from the Committee of the Whole House on the state of the Union with sundry amendments.

The previous question was ordered.

Mr. HOLMAN. I ask by unanimous consent that the amendments be agreed to, with the exception of the one reducing the number of ports of entry.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The pending question is on striking out the following:

That the President of the United States be, and he is hereby, authorized and directed to discontinue the appointment and services of officers at ports of entry in all cases where for two successive years last past the revenues collected at such ports are less than the salary and expenses of the officers employed in the duties thereof: *Provided, however*, That the President may appoint a deputy collector at any such port, in his discretion, who shall execute, when required by the Secretary of the Treasury, bond in such penalty and with such security as the Secretary of the Treasury shall approve, conditioned for the faithful discharge of his duties, and shall perform all duties pertaining to such port, such deputies to receive only the fees collected thereat as compensation for their services; but if at any such port such fees collected in any one year shall exceed $1,500, such excess shall be paid into the Treasury of the United States.

The House divided; and there were—ayes 84, noes 76.

Mr. HOLMAN. I demand the yeas and nays.

The House divided; and there were—ayes 26, noes 168.

So (one-fifth not having voted in the affirmative) the yeas and nays were not ordered.

The motion to strike out was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. Under the rules the yeas and nays will be taken on the passage of the bill.

Mr. SPRINGER. I ask unanimous consent to offer a resolution at this time with reference to an additional force required for the enrollment—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Under the rule the yeas and nays must be called upon this bill.

Mr. CANNON. Mr. Speaker, I wish to ask if we can not by unanimous consent dispense with the call of the roll.

The SPEAKER *pro tempore*. The Chair will state that the rule does not permit it.

Mr. SPRINGER. I wish to state that the clerk wants additional assistance in the enrolling-room, and this resolution that I seek to offer is to permit that increase. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Clerk will call the roll.

The question was taken upon the passage of the bill; and there were—yeas 210, nays 3, not voting 111; as follows:

YEAS—210.

Aiken,	Buchanan,	Davis, L. H.	Geddes,
Alexander,	Budd,	Deuster,	George,
Arnot,	Burleigh,	Dibble,	Glascock,
Atkinson,	Burnes,	Dibrell,	Goff,
Bagley,	Cabell,	Dingley,	Green,
Ballentine,	Caldwell,	Dixon,	Greenleaf,
Barbour,	Campbell, Felix	Dockery,	Guenther,
Barksdale,	Campbell, J. E.	Dorsheimer,	Holsell,
Barr,	Candler,	Dowd,	Hammond,
Bayne,	Cannon,	Dunn,	Hardeman,
Beach,	Carleton,	Eaton,	Hardy,
Belmont,	Clardy,	Eldredge,	Hart,
Bennett,	Clements,	Elliott,	Hatch, H. H.
Bisbee,	Collins,	Ellis,	Haynes,
Blackburn,	Connolly,	Ellwood,	Hemphill,
Blanchard,	Cosgrove,	English,	Henderson, T. J.
Bland,	Covington,	Ermentrout,	Hewitt, A. S.
Blount,	Cox, S. S.	Evans,	Hewitt, G. W.
Boutelle,	Cox, W. R.	Everhart,	Hill,
Boyle,	Crisp,	Fiedler,	Hiscock,
Brainerd,	Culbertson, W. W.	Finerty,	Hitt,
Bratton,	Cullen,	Follett,	Holman,
Breckinridge,	Cutcheon,	Forney,	Hammond,
Broadhead,	Dargan,	Funston,	Howey,
Brown, W. W.	Davidson,	Fyan,	Hunt,
Browne, T. M.	Davis, G. R.	Garrison,	Hurd,

James,	Morrill,	Rogers, J. H.	Tillman,
Jefferis,	Moulton,	Rogers, W. F.	Townshend,
Jones, J. H.	Muldrow,	Rosecrans,	Tucker,
Jones, J. T.	Murphy,	Rowell,	Turner, H. G.
Kean,	Neece,	Ryan,	Valentine,
Keifer,	Nelson,	Soney,	Van Alstyne,
Ketcham,	Nutting,	Seymour,	Vance,
Kleiner,	Oates,	Snively,	Van Eaton,
Lanham,	Ochiltree,	Skinner, C. R.	Wakefield,
Le Fevre,	O'Hara,	Skinner, T. G.	Wallace,
Lewis,	Parker,	Slocum,	Warner, Richard
Libbey,	Patton,	Smalls,	Washburn,
Long,	Pierce,	Smith, H. Y.	Weaver,
Lore,	Peel,	Spooner,	Wellborn,
Lowry,	Perkins,	Springer,	Wellborn,
Lyman,	Peters.	Steele.	Weller,
McAdoo,	Pettibone,	Stephenson,	Wemple,
McComas,	Potter,	Stevens,	White, Milo
McCormick,	Price,	Stewart, Charles	Willis,
McMillin,	Pryor,	Stockslager,	Wilson, James
Millard,	Pusey,	Strait,	Wilson, W. L.
Miller, J. F.	Ranney,	Struble,	Winans, E. B.
Miller, S. H.	Ray, G. W.	Sumner, D. H.	Wolford,
Milliken,	Reid, J. W.	Talbott,	Woodward,
Mills,	Rice,	Taylor, J. D.	Worthington,
Mitchell,	Riggs,	Taylor, J. M.	Yaple.
Money,	Robertson,	Thomas,	

NAYS—3.

Clay,	Turner, Oscar	York.

NOT VOTING—111.

Adams, G. E.	Hancock,	Matson,	Shaw,
Adams, J. J.	Harmer,	Maybury	Singleton,
Anderson,	Hatch, W. H.	Morgan,	Smith, A. Herr
Belford,	Henderson, D. B.	Morrison,	Snyder,
Bingham,	Henley,	Morse,	Spriggs,
Bowen,	Hepburn,	Muller,	Stewart, J. W.
Breitung,	Herbert,	Murray,	Stone,
Brewer, F. B.	Hoblitzell,	Mutchler,	Storm,
Brewer, J. H.	Holmes,	Nicholls,	Sumner, C. A.
Brumm,	Holton,	O'Ferrall,	Swope,
Buckner,	Hooper,	O'Neill, Charles	Taylor, E. B.
Campbell, J. M.	Hopkins,	O'Neill, J. J.	Thompson,
Cassidy,	Horr,	Paige,	Throckmorton,
Chalmers,	Houk,	Payne,	Tully,
Cobb,	Hutchins,	Payson,	Wadsworth,
Converse,	Johnson,	Phelps,	Wait,
Cook,	Jones, B. W.	Poland,	Ward,
Craig,	Jones, J. K.	Post,	Warner, A. J.
Culberson, D. B.	Jordan,	Randall,	White, J. D.
Curtin,	Kelley,	Rankin,	Whiting,
Davis, R. T.	Kellogg,	Ray, Ossian,	Wilkins,
Dunham,	King,	Reagan,	Williams,
Ferrell,	Lacey,	Reed, T. B.	Winans, John
Findlay,	Laird,	Reese,	Wise, G. D.
Foran,	Lamb,	Robinson, J. S.	Wise, J. S.
Gibson,	Lawrence,	Robinson, W. E.	Wood,
Graves,	Lovering,	Rockwell,	Young.
Hanback,	McCold,	Russell,	

So the bill was passed.

Mr. SKINNER, of New York. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.
Mr. SHAW with Mr. LAIRD.
Mr. RANKIN with Mr. KELLOGG.
Mr. LAMB with Mr. KETCHAM.
Mr. POST, of Pennsylvania, with Mr. HOUK.
Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

The following gentlemen were announced as being paired for this day:

Mr. REESE with Mr. JOHNSON.
Mr. CULBERSON, of Texas, with Mr. REED, of Maine.
Mr. O'NEILL, of Missouri, with Mr. BINGHAM.
Mr. MULLER with Mr. DUNHAM.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HERBERT with Mr. HEPBURN.
Mr. JONES, of Arkansas, with Mr. HARMER.
Mr. FERRELL with Mr. ADAMS, of Illinois.
Mr. MURRAY with Mr. ANDERSON.
Mr. NICHOLLS with Mr. ROCKWELL.
Mr. MAYBURY with Mr. LACEY.
Mr. GEORGE D. WISE with Mr. RUSSELL.
Mr. PAIGE with Mr. BREWER, of New Jersey.
Mr. THOMPSON with Mr. CRAIG.
Mr. WOOD with Mr. RAY, of New Hampshire.
Mr. BUCKNER with Mr. WAIT.
Mr. SNYDER with Mr. HANBACK.

The result of the vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7466) for the relief of Wehrle, Werk & Son.

ADDITIONAL ENROLLING CLERKS.

Mr. NEECE. I desire to submit a privileged resolution. This is a resolution, I will say, which is asked for by the Clerk of the House, asking an additional service in the enrolling-room.

The SPEAKER *pro tempore*. The Chair will state that the Clerk of the House has reported that he wants to get this legislative bill enrolled, if possible, to-night, and it is important to get the resolution which the gentleman from Illinois proposes adopted, if possible. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Clerk of the House be authorized to employ not exceeding two additional clerks, to assist the enrolling clerk for the remainder of this session, at a rate of compensation to be fixed by the Committee on Accounts, and to be paid out of the contingent fund of the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. NEECE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE JEANNETTE EXPEDITION.

Mr. BUCHANAN, by unanimous consent, from the Committee on Naval Affairs, submitted a report of an investigation directed by the House into the facts connected with the Jeannette expedition; which was ordered to be printed and laid on the table.

LEAVE TO PRINT.

Mr. MCADOO. I ask unanimous consent for permission to print in addition to my remarks delivered to-day, on the subject of the abuses of fraud detectives, so called in the Treasury Department, a letter from the Secretary of the Treasury.

There was no objection.

[The letter appears on page 1807.]

EXTENSION OF FREE-DELIVERY SYSTEM.

Mr. SKINNER, of New York (in behalf of Mr. COSGROVE), from the Committee on the Post-Office and Post-Roads, by unanimous consent, reported, as a substitute for H. R. 1070, a bill (H. R. 8248) to extend the free-delivery service; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RETIREMENT OF GENERAL GRANT.

Mr. SKINNER, of New York. Mr. Speaker, I ask unanimous consent to print a paragraph containing a resolution of the senate of the State of New York with reference to the bill for the retirement of General Grant.

There was no objection.

The resolution is as follows:

ALBANY, N. Y., *February* 10.

The senate to-day by a unanimous vote, only that Senator Robb voted nay, passed the following preamble and resolutions:

Whereas Mr. GEORGE F. EDMUNDS on January 13, 1885, introduced in the Senate of the United States a bill to authorize an additional appointment on the retired-list of the Army, which bill has passed the Senate and is now awaiting action in the House of Representatives; and

Whereas said bill is intended to create a position on the retired-list of the Army for that illustrious soldier, Ulysses S. Grant:

Resolved, That our Representatives in Congress are requested to vote for the bill and urge a measure which will place General Grant upon the retired-list.

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent that the House may now take a recess until to-morrow at 10 o'clock, instead of waiting until the hour fixed by the House during the day.

There was no objection; and accordingly (at 5 o'clock and 55 minutes p. m.) the House took a recess until to-morrow morning at 10 o'clock.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Wednesday, February 18).

DISTRICT APPROPRIATION BILL.

Mr. FOLLETT. I present a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8099) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 21.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 7, 8, 10, 22, 25, 27, 28, 29, 43, 43, 47, and 50, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Substitute for the matter stricken out by said Senate amendment the following: "including compensation not exceeding $960 for additional labor or services;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out after the word "hospital" in the amended paragraph the words "of the," and insert in lieu thereof the words "association of Washington;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ninety-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$339,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And held in the manner provided in this act for the police fund;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out on page 17, in lines 6 and 7 of the bill, the following words: "accident while in actual performance of duty or by service," and insert in lieu thereof the following: "injury received or disease contracted in line of duty, or having served;" and strike out in line 10, same page, the word "accident" and insert in lieu thereof the words "injury or disease;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: "In lieu of the sum proposed insert "$554,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000;" and the Senate agree to the same.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.
P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. FOLLETT. I ask that the reading of the statement by the managers on the part of the House be dispensed with.

There was no objection.

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8099) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1886 submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

If the action recommended by the conference committee is agreed to, the bill as it passed the House will be changed as follows:

The salary of the assistant inspector of buildings is increased from $1,000 to $1,200.

Fifteen thousand dollars is added for defraying the expenses of assessing real property in the District.

A provision is inserted that all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts.

The police force is increased five, at $900 each.

The sum for teachers in the public schools is increased from $385,000 to $390,000.

A provision is inserted that hereafter the supply of Potomac water may be extended to points in the District beyond the limits of Washington and Georgetown upon like terms and conditions as are provided by law for the supply of the same in those cities.

The amount appropriated by the bill as it passed the House was $1,707,328.46; as it passed the Senate, $1,725,643.46; as agreed upon in conference, $1,716,643.46.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

Mr. FOLLETT. I move concurrence in the report of the committee of conference.

The motion was agreed to.

Mr. FOLLETT moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I ask that when the Committee of the Whole House on the state of the Union resumes consideration of the river and harbor bill the amendments for convenience of the clerks shall be considered in the order of the paragraphs of the section under consideration to which they may be offered.

There was no objection, and it was so ordered.

GRACE F. EDES.

Mr. KEAN, by unanimous consent, introduced a bill (H. R. 8249) granting an increase of pension to Grace F. Edes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. M'GOLDRICK.

Mr. BLANCHARD, by unanimous consent, introduced a bill (H. R. 8250) for the relief of John R. McGoldrick, of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. D. BECKLEY AND L. HOWARD.

Mr. YOUNG, by unanimous consent, introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be, and he is hereby, authorized to pay out of the contingent fund of the House to R. D. Beckley and Leon Howard, for services as messengers, the difference between the pay of laborers received by them and that of messengers, from the 2d of January, 1884, to the 7th of July, 1884, and from the 1st of December, 1884, to the 4th of March, 1885, nine months and six days, at the rate of $40 per month, $735.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Chair will state that under the order of the House limiting all debate on the pending section to one hour and a half, one-half hour for the friends of the bill and an hour for its opponents, there was an endeavor to divide the time, so that ten minutes should be consumed on the one side and five minutes on the other alternately. On account of the absence of certain gentlemen, whom the Chair had agreed to recognize, their places were filled by others; and it has therefore occurred that the twenty minutes now remaining of the time for debate belong to the opponents of the bill. The gentleman from Pennsylvania [Mr. BAYNE] is recognized for five minutes.

Mr. BAYNE. I took the position as an opponent of this bill because there were at the time this arrangement was made certain provisions in the bill which I could not consent to, and I should have voted against it if those provisions had not been amended or stricken out. I know, however, from the action of the committee and from the statement made by its chairman that two of the most objectionable features in the bill will be stricken out, but there are two remaining which are seriously objectionable.

The first of these is the creation of a board to examine the jetty system at various points, to consist of seven members, four from civil life, two from the Engineer Corps, and one from the Coast and Geodetic Survey. I think that the United States Engineer Corps should preponderate on that board, and that four should come from the Engineer Corps, one from the Coast and Geodetic Survey, and two from civil life.

I am not disposed to strike down the present Engineer Corps of the Army. I believe that it is an honest and honorable service. As to its entire capability I do not know; but I believe that if we impose upon it restrictions and require at its hands a more rigorous performance of its duty in the light of the judgment of the engineers we will get a better service and we will get more valuable recommendations. I shall move to amend that provision so as to take four members of the board from the Engineer Corps, one from the Coast and Geodetic Survey as it stands in the bill, and the other two from civil life.

Another provision in this bill which is objectionable, in connection with which appropriation should not be made until a more full investigation is had and a better plan understood, is this immense appropriation for the lower Mississippi River. The $2,800,000 to be applied to that river is in my opinion thrown away, except in so far as that money should be used to take snags out of the river and to dredge bars in that river; and I think it unwise on the part of Congress to expend that vast amount of money in a way and upon a plan which is conceded to be a failure.

It was recognized to be a failure, and the proposition to make Captain Eads supervisory engineer of the Mississippi River Commission was intended, if possible, to lift that commission out of the difficulties into which it had got, the hope being that Captain Eads might devise some plan by which this money could be profitably expended. I will ask leave to print in connection with my remarks an article recently printed in the American Engineer, at Chicago, which goes into an examination of the present system of the Mississippi River Commission; and in my opinion proves, if language can prove it, that the system which they are now pursuing for the improvement of the navigation of the lower Mississippi River must inevitably fail—that it can not possibly result in the permanent improvement of that river. Yet here we are appropriating vast sums of money on the theory that this is to be a permanent improvement. I feel toward that river as any other patriotic American does—that if a large expenditure of money will secure the permanent improvement of its navigation I am willing to vote a large amount of money for that purpose, but I am unwilling to vote this large amount when I am convinced the money is being expended to no good end, or at least that the results obtained from its expenditure are nothing like equivalent to the value of the money expended. Therefore, when we come to that provision in the bill, I shall move that the amount appropriated to the Lower Mississippi River shall be very

largely reduced. I ask leave to print the article to which I have referred in connection with my remarks.

Mr. THOMAS. I object.

Mr. BAYNE. The gentleman objects——

Mr. WILLIS. General leave has been granted.

Mr. BAYNE. Very well. Then I will have this article printed, despite the gentleman's objection.

Mr. THOMAS. General leave has been given to print remarks, but not extracts from newspapers, and I object.

The CHAIRMAN. The Chair has no right to dictate or discriminate as to what shall be printed as a part of a gentleman's remarks.

Mr. POTTER. Mr. Chairman, I desire to call the attention of the committee for a few moments especially to the clause in this bill in relation to the Hennepin Canal. When this question was under consideration at the last session of Congress I made a few remarks upon the subject, and upon the most careful examination and reflection that I have been able to give to it I am confirmed in every opinion I then expressed. The proposition now is that this Government shall enter into a new and broad field of expenditure, of which no man can see the end.

In the improvement of our natural water ways, our rivers and our harbors, we have work which will absorb all that we can rightfully draw from taxation for such purposes for many years to come. Those natural water ways require and will require a large improvement at the hands of the General Government, strictly within the ends and the purposes of promoting national commerce. Shall we, then, at this time enter upon another field—a field, as I have said, of which no man can see the boundaries or the end—in building within the States new water ways or new railways? For it makes no difference as matter of constitutional power which we build; if we build either we should build the most efficient avenue for commerce, the railway. We are asked here to enter upon a work which will result, if we continue to pursue the same policy wherever such works are needed throughout the country, in taking thousands of millions of dollars from the Treasury of the National Government and will impose a taxation upon the people of this country which will break down the country. We are told that this will promote the commerce of the Northwest, that it will enable the productions of the Northwest to reach the seaboard easier than in any other way. I repeat, sir, what I said here a year ago, that the State of Illinois has the ability, has the wealth, has every motive to build this canal if it ought to be built at all, and to her mainly if not entirely will inure the benefit of the work.

If half that is said in behalf of this canal be true, it will add to the wealth of Illinois ten times its cost and to the wealth of Chicago alone many times its cost.

The State of New York, when she had but one-third the present wealth of the State of Illinois, built the great Erie Canal. She has maintained it from that time to this, and within two or three years past she has ingrafted upon her constitution a provision that she will maintain that canal by her own taxation upon her own citizens, in order that the commerce of the whole country, and the Northwest especially, may come to the seaboard and to our great cities at the lowest possible toll, the lowest possible freight.

Now, sir, if the General Government is to build this Hennepin Canal, will not the same policy require, does it not inevitably require, that we shall assume the burden of purchasing and carrying on the Erie Canal? Is it to be expected that the great State of New York, having spent nearly $50,000,000 in that great work, shall continue to assess herself from $500,000 to $1,000,000 annually for the purpose of maintaining that canal, while she is at the same time called upon to pay to the General Government her one-seventh part of the taxes, which are to be devoted to building another canal of precisely the same sort in the State of Illinois which is to be made free?

[Here the hammer fell].

Mr. HENDERSON, of Illinois. Will the gentleman allow me to ask him a single question?

The CHAIRMAN. The time of the gentleman from New York [Mr. POTTER] has expired. The Chair had promised to recognize next the gentleman from Maine [Mr. DINGLEY]; but he is not present, and any other gentleman claiming the floor in opposition to the bill will now be heard.

Mr. POTTER. Mr. Chairman, I will ask leave to print if I may not be allowed to state the provision of the constitution of Illinois relating to this point.

The CHAIRMAN. General leave to print has been granted.

Mr. WILLIS. Mr. Chairman, I understand that ten minutes remain of the time to be used in opposition to the bill. As gentlemen would probably desire to speak to a fuller committee I ask unanimous consent that they may be allowed to use that time later in the day.

Mr. REED, of Maine. I should like to use it in connection with three minutes on an amendment.

The CHAIRMAN. Unanimous consent is asked that the remaining ten minutes may be occupied by gentlemen in opposition to the bill at a later period of the day.

Mr. BLANCHARD. I shall have to object to that.

The CHAIRMAN. Objection is made.

The CHAIRMAN. The Chair desires to state that the House has ordered this morning that amendments be considered in their order in the section. There are two propositions now pending—one by the committee to strike out certain portions, beginning at line 213, and the other a proposition by the gentleman from Illinois [Mr. SPRINGER] to strike out from line 213 to line 231. These amendments—one coming from the committee, the other in opposition to the committee's amendments—would be considered first. The Chair suggests to other gentlemen intending to offer amendments that during the ten minutes' debate which will now follow they send their amendments to the Clerk, indicating the lines, that they may be arranged ready to be taken up hereafter, thus saving time and avoiding confusion when the Committee of the Whole shall proceed to consider amendments.

Mr. HOLMAN. I desire to offer an amendment.

The CHAIRMAN. The Chair has just suggested that gentlemen prepare their amendments and send them to the Clerk. Ten minutes must elapse before they can be considered.

Mr. YOUNG. Mr. Chairman, one of the grounds of complaint against this bill, and the only one I have, is that certain harbors on the Mississippi River for which appropriations have heretofore been made have been altogether left out of this bill. I believe that all of them ought to have been retained. Two of them were retained by the Committee on Rivers and Harbors; and the action of that committee in this regard was sustained by the action of the Committee of the Whole. I am aware of no reason why these two harbors which have already been favorably considered and appropriated for should have had any preference over those which have been omitted. It was correct no doubt to make the appropriation for these two; but it was equally proper that all the others should have been provided for.

I am unable to speak specifically for any of these river harbors which have been omitted except that at the city of Memphis. Of the necessity for a continuation of the work there I have some personal knowledge. In 1878 the Government undertook the work of diverting the current of the Mississippi River from the eastern bank at Memphis to the Arkansas shore. Previous to that time, from some cause which I am not able to explain, the current of the river on the Arkansas shore had changed, and was being diverted directly against the Memphis shore, and by its action against the latter at that point destroyed more than a million and a half dollars' worth of property.

The Government conceded this to be a work of so much importance that it should be cared for by national appropriations. Up to this time, if my memory serves me right, $474,000 have been expended upon that work. The engineer estimates that $75,000 will complete it. Without the expenditure of this additional $75,000 the $474,000 already expended will be a total loss, and the object for which the work was designed will entirely fail. This additional $75,000 is necessary to put in the keystone, as it were, to this work, and preserve it from absolute destruction.

Now, I submit that it would not be a wise thing to allow $474,000 of Government work to be swept away when $75,000 would save it all and preserve from destruction the largest commercial city of the Mississippi River between Saint Louis and New Orleans. For, after all, what is the commerce of the Mississippi River if you destroy all its cities? What is its navigation worth if you destroy its commerce?

It is in line with the theory and system of the Mississippi River Commission to protect the caving banks of the river. At many points where caving occurs the country bordering on the river is a wilderness, and where if a thousand acres were to tumble into the river it would not involve the loss of a thousand cents, the Mississippi River Commission is to-day expending large sums of money to protect caving banks and improve the navigation of the river.

Now, if it is important to protect caving banks where there is nothing back of the river but a wilderness, how much more important is it to protect those banks where large commercial cities are located, such as Cairo, Memphis, Vicksburg, and New Orleans. By the action of the Committee of the Whole two places—Cairo and New Orleans—have already been provided for in accordance with the recommendation of the Mississippi River Commission.

Mr. THOMAS. The gentleman will allow me one word. As this is the second time he has referred to Cairo I want to say that the appropriation at Cairo is to prevent the formation of a new channel at the foot of Dickey's Island, and it is not for the benefit of Cairo at all but for the commerce of the Mississippi River.

[Here the hammer fell.]

The CHAIRMAN. Is there any other gentleman desiring to be heard in opposition to the bill? There are five minutes left.

Mr. REED, of Maine. Mr. Chairman, I had hoped to have an opportunity to address a full House upon the subject of the Mississippi River portion of this scheme; but I have been prevented, upon a proposition which the chairman of the Committee on Rivers and Harbors was kind enough himself to offer, by the opposition of a gentleman who represents a State through which the Mississippi River runs. I leave the House to draw the inference which would be natural under these circumstances.

I desire to call the attention of the members who are here to the plain and simple fact that notwithstanding all the efforts which have been

made there has been no opportunity to discuss this Mississippi River question. And I desire to reiterate and re-enforce what has been so well said by the gentleman from Arkansas [Mr. BRECKINRIDGE], and that is this Mississippi River part of it will cost the Government of this country at least $150,000,000 of initial expenditure. And that all the facts we can get at show conclusively that is only the beginning of an annual expense the extent of which we can not find out.

Mr. BRECKINRIDGE. My friend does not wish to misstate me.

Mr. REED, of Maine. My friend will not interrupt me in the little time I have.

Mr. BRECKINRIDGE. But the gentleman is misstating my position. This is just what I am fighting against. The river would be hopeless then. But neither he nor the present commission nor any one else can commit us to that departure and blunder.

The CHAIRMAN. The gentleman from Maine declines to be interrupted.

Mr. REED, of Maine. I desire to reiterate this expenditure, enormous as it is, of $150,000,000, is only the commencement, the end of which we can not foretell. Indications point now to an annual expenditure of 25 per cent. of the revetments in order to maintain them in their places, and those revetments have been found to be necessary by men who are practically working out this so-called plan. And on no estimate can it be less than 10 per cent. of annual expenditure on these $150,000,000 of initial expenditure.

And then in addition to that comes up the plain fact that nobody on earth knows that the $150,000,000 will produce any result whatever that is worth talking about. There are thus far no indications which go to show that even this expenditure, enormous as it is, will produce any results. And if it did, how in the world is it possible for us to justify such an expenditure for the purposes that are named?

It is because of these things, which I can only just indicate, that discussion on this subject has been prevented. Why look at it! What is the object of this proposed expenditure, supposing it can be a success. The commerce of this country goes from East to West. The exports and imports of this country in New York and in the other Atlantic ports is something like 70 per cent. of the total exports and imports of this country. The exports and imports from New Orleans is 6 per cent. Six per cent. against 70 per cent. Why is that? It arises from the very nature of things. It arises from the character of commerce. Commerce has entirely changed from what it used to be years ago. Years ago a man sent his ship to the uttermost parts of the earth—his skill as a merchant depended upon the time of the arrival of his ship.

The CHAIRMAN. The gentleman's time has expired.

Mr. REED, of Maine. I will have an opportunity to resume.

The CHAIRMAN. The Chair will now state before amendments are offered under the order of the House to which each gentleman can speak three minutes, that the committee must first dispose of the amendment proposed by the chairman of the Committee on Rivers and Harbors to strike out the paragraph beginning with line 213 and ending with line 231. After the Clerk had read lines 213 to 231 the chairman [Mr. WILLIS, of Kentucky] made a proposition to strike out all from line 213 down to and including line 305. The Chair will remark that at the same time there was a motion made by the gentleman from Illinois [Mr. SPRINGER] to strike out from line 213 to line 231, inclusive. The proposition of the gentleman from Kentucky [Mr. WILLIS] is to strike out and insert, and should it carry no other amendment could be made between lines 213 and 305, inclusive. Therefore, if there be amendments to be offered between those lines they must be offered before this proposition of the gentleman from Kentucky is voted on.

Mr. THOMAS. I desire to discuss the committee amendment unless the chairman of the committee desires to take up the time himself.

The CHAIRMAN. That is not in order just now, but will be in a moment. The Chair is trying to ascertain whether amendment is to be offered between lines 213 and 305, inclusive.

Mr. THOMAS. I ask before the discussion of the amendment begins that it be read.

The CHAIRMAN. That amendment is not yet in order.

Mr. WASHBURN. Before this order is passed I ask to strike out the whole paragraph ending with line 305.

The CHAIRMAN. That has been already proposed.

Mr. WASHBURN. I understood the committee moved to strike out all between lines 213 and 231.

The CHAIRMAN. The Chair will restate the situation. The Clerk had read from line 213 to line 231, inclusive, and stopped. The chairman of the Committee on Rivers and Harbors then moved to strike out from line 213 to line 305, inclusive, and insert other matter which he sent up. Pending that the gentleman from Illinois [Mr. SPRINGER] moved to strike out from line 213 to line 231, inclusive. That was the situation when the committee rose. The Chair will state, if any amendments are to be offered they will be read first; if not, then the committee's amendment will be put.

Mr. WASHBURN. I do not understand, under that statement, that the amendment I suggest is not first in order.

The CHAIRMAN. The Chair will state that the amendment proposed by the gentleman was misunderstood. He proposes to strike out more than the gentleman from Illinois [Mr. SPRINGER] did?

Mr. WASHBURN. Yes, sir.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER, of Ohio. I desire to ask the Chair whether at this time, under the rule, all amendments that are to be proposed to this section shall be offered, or shall they be offered and disposed of in their order as the various lines of the section are reached?

The CHAIRMAN. Before the gentleman arrived the House ordered this morning that all amendments proposed to this section shall be considered in their regular order in the bill; and the Chair suggested, in committee, that gentlemen proposing to offer amendments should send them to the Clerk that the Clerk might so classify them, and that they might then be called up in their order.

Mr. WILLIS. We have but twenty minutes before this day's session terminates, and I ask that we go on with the business.

The CHAIRMAN. It is impossible not to answer these parliamentary inquiries.

Mr. TURNER, of Kentucky. Under the order of the Chair I handed three amendments to the Clerk. I wish to know whether these are to be considered as pending, or whether I will have to offer them again.

The CHAIRMAN. They will be read in their order and considered as pending after they are read.

Mr. WHITE, of Kentucky. I rise to a question of order. I rise to ask the Chair to have the two amendments the Chair said were pending relative to Galveston Harbor read for the information of the committee before offering my own, because it may be that it will not be necessary to offer the amendment I intend to suggest after hearing those that are pending.

The CHAIRMAN. The gentleman misunderstands the Chair. There are amendments preceding those that have been offered this morning which must be first voted upon. Amendments to be in order to this section must be offered and considered now, because the pending amendment is to strike out and insert, and of course would cut off other amendments if adopted.

Mr. WHITE, of Kentucky. I ask permission of the Chair to have them read.

The CHAIRMAN. Hearing no other proposed amendment between lines 213 and 305 inclusive, the Chair will direct the Clerk to read what is proposed by the committee.

The Clerk read as follows:

Strike out lines 213 down to and including line 305, and insert:

"For Galveston Harbor, $500,000; and the harbor board herein provided for is directed to proceed at once to examine, survey, and report to the Secretary of War for his approval plans, specifications, and estimates for said improvement, and when said plans, specifications, and estimates shall have been approved, said work shall be carried forward with all possible expedition."

The CHAIRMAN. Now, there are two amendments to strike out: one is the amendment of the gentleman from Illinois [Mr. SPRINGER] to strike out the paragraph beginning with line 213 down to and including line 231——

Mr. WILLIS. That, I will state to the Chair, has been withdrawn. The gentleman from Illinois withdrew his amendment as soon as the amendment proposed by the committee was announced.

The CHAIRMAN. The Chair was not informed of that fact. Then the amendment is to strike out the whole of that which is intended to be substituted by the committee amendment just read.

Mr. WASHBURN. I made a motion to strike out the entire section relating to the subject, understanding that the committee was to report a new provision.

Mr. WILLIS. They have reported it.

Mr. WASHBURN. I understand that the motion only strikes out from lines 213 to 231?

Mr. WILLIS. No, sir; it strikes out the whole of that provision.

Mr. WASHBURN. I did not so understand it, and withdraw my amendment.

Mr. WHITE, of Kentucky. I desire to offer an amendment as a substitute for the lines 213 to 231, inclusive.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. WHITE, of Kentucky. I propose to amend by inserting:

Harbor of Galveston, Tex.: To ascertain and report what further work is necessary, if any, in that locality.

I offer that in lieu of the lines I have specified. I believe I am entitled to be heard on the amendment.

The CHAIRMAN. The gentleman has three minutes if he desires to explain the amendment.

Mr. WHITE, of Kentucky. Mr. Chairman, on page 47 of this voluminous document, known as House bill 8130, from the Select Committee on Rivers and Harbors, which acted with closed doors——

Mr. REED, of Maine (from his seat). Select committee, is it?

Mr. WHITE, of Kentucky. You will find that the Secretary of War, in section 8 of the bill, is directed at his discretion "to cause examinations, or surveys, or both, and estimates of costs of improvements proper to be made at the following points," and then follow two or more pages of the bill containing the points at which these estimates

are to be made. Now we have spent more than a million and a half of dollars at Galveston Harbor, and it is not in evidence that we have gotten a half-inch more water than they had at the start. It will hardly be contended, after the statement of my friend from Galveston and other members on that side of the House that they have not gotten two inches of water—I say it will hardly be contended that we should appropriate a half-million more or seven millions more to carry water to put in this harbor, where there are fifty miles of shoal water in front. Then let us have the Secretary of War make a preliminary survey, take soundings for fifty miles out in front of the harbor, and report to the House a plan. You have Eads for your idea, and we have the War Department, the chief engineers, and we find that $2,000,000 have been expended to get two inches of water. Now, I think it is time to quit this work until there is another preliminary survey; and I ask, therefore, to strike out the lines 213 to 231, and insert in its proper place in the bill the amendment I have suggested.

Mr. THOMAS rose.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. WHITE] has expired.

Mr. THOMAS. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS. The committee having charge of this bill have proposed a substitute for this portion of it. They propose to strike out and insert. Is it in order that another substitute to strike out and insert should have precedence?

The CHAIRMAN. The other is practically a proposed amendment to the three paragraphs which the committee propose to strike out, and is therefore in order.

Mr. THOMAS. But it is offered expressly as a substitute, and it was so stated.

The CHAIRMAN. The substitute motion relates to what is included in the portion which the committee propose to strike out. The effort, therefore, is to perfect what is proposed to be stricken out.

Mr. THOMAS. I desire to know the condition of the question. The committee propose to strike out exactly the same matter that the gentleman from Kentucky proposes to strike out.

The CHAIRMAN. That is a mistake on the part of the gentleman from Illinois [Mr. THOMAS]. The gentleman from Kentucky proposes only to strike out one paragraph, whereas the committee propose to strike out three.

Mr. REAGAN. May I say a word in response to what has been stated by the gentleman from Kentucky?

The CHAIRMAN. No debate, under the instructions of the House, is in order on this amendment.

Mr. REAGAN. How is it that there can be debate on one side, and not on the other?

The CHAIRMAN. The House by unanimous consent ordered that the absolute cutting off of debate which had been previously ordered should be opened to the extent only of allowing gentlemen who offer *bona fide* amendments to be heard for three minutes in support of their amendments.

Mr. REAGAN. I only wish to say that this amendment proposes to make the very investigation which the amendment of the gentleman from Kentucky [Mr. WILLIS] proposes.

The CHAIRMAN. The reply of the gentleman from Texas is out of order except by unanimous consent.

Mr. NICHOLLS. I ask for a division of the motion to strike out and insert.

The CHAIRMAN. The motion is indivisible.

Mr. NICHOLLS. There are two distinct propositions—first to strike out and then to insert. I ask for a division.

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. WILLIS. If in the mean time we can get on with the bill a little I think it would be better.

The CHAIRMAN. The Chair will endeavor to get on with the bill as fast as possible. The Clerk will read clause 7 of Rule XVI.

The Clerk read as follows:

A motion to strike out and insert is indivisible.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. WHITE] to strike out from lines 213 to 231 inclusive, and to insert what he has read.

The amendment was not agreed to.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from Kentucky [Mr. WILLIS], the chairman of the committee.

Mr. WILLIS. Let us have a vote.

Mr. THOMAS. Objection was taken to the first proposition brought forward by the committee in reference to Galveston Harbor. The committee, after considering the objections urged, considered it would be better to have this harbor thoroughly examined and reported on, and that the plans and specifications and estimates should be submitted to the Secretary of War and approved by him before any work was done. And they have provided there shall be a fair and full investigation and report before the money is expended. That certainly ought to meet every objection that is urged. There must be a report to the Secretary of War, and the plans and specifications and estimates must be approved by him. That proposition meets the full concurrence of the committee and is believed to be fair and just, and I hope it will be adopted.

Mr. REED, of Maine. The report ought to be made to Congress.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Kentucky [Mr. WILLIS] on behalf of the Committee on Rivers and Harbors.

Mr. WASHBURN. I move to strike out all of that amendment after "$500,000."

The CHAIRMAN. All of what amendment?

Mr. WASHBURN. The amendment of the gentleman from Kentucky [Mr. WILLIS].

Mr. THOMAS. I make the point of order against that.

Mr. REED, of Maine. Does this amendment strike out the Captain Eads proposition?

Mr. WILLIS. It does.

Mr. REED, of Maine. Then it seems to me it strikes out all the brains there were in it.

Mr. WASHBURN. The amendment offered by the chairman of the committee proposes to turn all this over into the hands of a board that does not exist, and so far as I am concerned a board which I think should not exist. I do not believe that this House wants to go forward and inaugurate any more commissions or any more boards. Whatever appropriation is made for this purpose, and I am willing and shall be glad to have a liberal appropriation made for it, I believe the work should be carried on as other river and harbor improvements are carried on, under the direction of the Engineer Department of the United States. Therefore I move to strike out all of that portion of the amendment which would turn the work over into the hands of a board that does not exist.

Mr. HOLMAN. Let the amendment to the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment as it would read if the amendment of the gentleman from Minnesota [Mr. WASHBURN] should be adopted.

The Clerk read as follows:

For the improvement of Galveston Harbor, $500,000.

The question being taken, there were—ayes 38, noes 66.

Mr. WASHBURN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Minnesota, Mr. WASHBURN, and the gentleman from Kentucky, Mr. WILLIS.

Mr. VALENTINE. Mr. Chairman, I suggest that the time for adjournment has almost arrived.

Mr. WILLIS. Mr. Chairman, in pursuance of my promise made yesterday, I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the river and harbor appropriation bill and had come to no resolution thereon.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 56 minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARR: Petition of citizens of Harrisburg, Pa., asking Congress to pass the pending legislation having for its purpose the extirpation of Mormonism in the United States—to the Committee on the Judiciary.

By Mr. BELMONT: Petition of Mrs. Sarah O. Allen, in the matter of the Venezuelan awards—to the Committee on Foreign Affairs.

By Mr. BLAND: Petition of citizens of Laclede County, Missouri, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. BROADHEAD: Petition of citizens of Saint Louis, in favor of the passage of the bill relating to the Mormon question—to the Committee on the Judiciary.

By Mr. T. M. BROWNE: Petition of 103 ex-soldiers and sailors of the late war, on the subject of pensions, equalization of bounties, correction of muster-rolls, removing the charge of desertion, &c.; also suggestions on these subjects of a mass-meeting of ex-soldiers and sailors held at Union City, Ind., June 4, 1884—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CASSIDY: Joint resolution of the Legislature of the State of Nevada, praying for the passage of the Slocum militia bill—to the Committee on the Militia.

Also, joint resolution of the Legislature of the State of Nevada, requesting the General Government to cede to the State of Nevada all unsold lands in said State—to the Committee on the Public Lands.

By Mr. CALDWELL: Memorial of the National Association of Engineers for license laws for the stationary engineers of the United States similar to laws regulating marine engineers—to the Committee on Manufactures.

By Mr. FIEDLER: Petition from Board of Trade of Newark, N. J., opposing legislation for the construction of railroad bridges across Kill von Kull or Staten Island Sound, New Jersey—to the Committee on Commerce.

By Mr. GEORGE: Petition from ex-soldiers, members of the Grand Army of the Republic, of Portland, Oreg., asking Congress to purchase Miss Ransom's portrait of General Thomas—to the Committee on the Library.

By Mr. LACEY: Resolutions of the Sheep Breeders' Association of Michigan, in favor of the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. MONEY: Petition of T. J. McFarland, administrator of H. J. Byers, deceased, of Yalabusha County, Mississippi, asking reference of claim to the Court of Caims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

Also, papers relating to the claim of Henry J. Byers, of Panola County, Mississippi—to the same committee.

By Mr. NELSON: Petition of citizens of Minnesota, in regard to public lands withdrawn from settlement—to the Committee on the Public Lands.

By Mr. NICHOLLS: Petition of W. F. Taylor, agent of Solomon Taylor, of Effingham County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Solomon Taylor, of Effingham County, Georgia—to the same committee.

By Mr. PAIGE: Petition of A. K. Richey and others, of Northfield, Summit County, Ohio, on the Mormon question—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of C. T. Beverly and others, of Sennett, N. Y., asking legislation for the suppression of Mormonism—to the same committee.

By Mr. PIERCE: Petition of James E. Wood, of Gibson County, Tennessee, asking reference of claim to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. ROSECRANS: Concurrent resolution of the Legislature of California, relative to the location of a signal station on Tamalpais Mountain, near San Francisco Bay—to the Committee on Appropriations.

By Mr. ROWELL: Petition of A. W. Carlock and others, citizens of Hudson, Ill., for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. RYAN: Petition of citizens of Kansas for additional legislation for the suppression of polygamy in the Territories—to the same committee.

Also, petition of citizens of Harvey County, Kansas, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. STEVENS: Petition of 37 citizens of Holly, Orleans County, New York, praying for action by Congress on the so-called Mormon question—to the Committee on the Judiciary.

Also, petition of 23 citizens of Lockport, Niagara County, New York, asking for early legislation by Congress on the Mormon question—to the same committee.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania, requesting its Senators and Representatives in Congress to enact a law to reimburse the several States the interest paid by them on money expended in defense of the United States—to the Committee on Claims.

By Mr. VAN ALSTYNE: Petition and memorial in the claim of the heirs of William Hance for relief—to the Committee on War Claims.

By Mr. W. L. WILSON: Memorial from the trustees, pastor, and congregation of East Washington colored Methodist Episcopal church, of the District of Columbia, accompanying a bill for their relief—to the Committee on the District of Columbia.

Also, petition of James McKenzie, attorney in fact, for certain persons for their relief for damages occasioned by certain public improvements, and accompanying bill—to the same committee.

Also, petition of Emma M. Cahill, of Georgetown, D. C., for compensation for damages to her property caused by public improvements in the District of Columbia—to the same committee.

By Mr. YOUNG: Petition of Mrs. Bettie Granes, widow of John O. Granes, deceased, of Fayette County, Tennessee, asking reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BARR: Of citizens of Sunbury, of Lebanon, and of Harrisburg, Pa.

By Mr. BEACH: Of citizens of West Town and vicinity, and of Greenwood Iron Works, New York.

By Mr. J. M. CAMPBELL: Of citizens of Fossilville, Pa.

By Mr. CONVERSE: Of citizens of Taylor, of South Bloomingville, of Hope, and of Westerville, Ohio.

By Mr. COOK: Of Levi McCracken and 75 others, of Jasper County; of T. J. Dunlavy and 200 others, of Bloomfield; and of Henry Cooper and 75 others, of Peoria, Iowa.

By Mr. W. W. CULBERTSON: Of 135 voters of Peterville, and of 140 voters of Flemingsburg, Ky.

By Mr. FUNSTON: Of citizens of Williamsburg, of Coyville, of Sternerton, of Merriam, of Columbus, of Elk City, of Fredonia, of Urbana, of Cherry, and of Pittsburg, Kans.

By Mr. GEORGE: Of many citizens of Oregon.

By Mr. GUENTHER: Of citizens of Wantoma, of Hortonville, of Portage, and of Black Creek, Wis.

By Mr. H. H. HATCH: Of citizens of Popinabec, of Bay City, and of Clare County, Michigan.

By Mr. T. J. HENDERSON: Of Eugene Pinckney and others, of Dixon, Lee County, and of Joseph Myers and others, of Morrison, Whiteside County, Illinois.

By Mr. HILL: Of G. F. Miller and others, of Conway; of R. Bowerman and 102 others, of Lyons; of David Bashore and 63 others, of Paulding, and of B. E. Mills and others, of Defiance, Ohio.

By Mr. HISCOCK: Of citizens of Onondaga County, New York.

By Mr. HITT: Of 208 ex-soldiers of Pecatonica, and of 63 ex-soldiers of Savanna, Ill.

By Mr. HOUSEMAN: Of D. C. Crawford and 49 others, of Lyons, Iowa County; of Andrew Maples and 33 others, of Hamilton, Allegan County, and of Maj. R. D. Sofford and 126 others, of Grand Haven, Ottawa County, Michigan.

Also, of F. O. Daniels and 129 others, of Spring Brook, Gratiot County, Michigan.

By Mr. HOWEY: Of A. Wilken and 80 others, citizens of Montana, Warren County, and of W. L. Dietz and 195 others, citizens of Somerset County, New Jersey.

By Mr. KEIFER: Of Robert Groves and 100 others, of Sedalia, Ohio.

By Mr. LAWRENCE: Of citizens of Cannonsburg, Washington County, Pennsylvania.

By Mr. LIBBEY: Of citizens of Norfolk and of Hampton, Va.

By Mr. NEECE: Of citizens of Viola, of Warsaw, of Aledo, and of Hillsdale, Ill.

By Mr. NELSON: Of citizens of Saint Cloud, of Princeton, of Morris, and of Little Falls, Minn.

By Mr. NUTTING: Of citizens of Oswego, of Leonardville, and of Madison County, New York.

By Mr. PRICE: Of Edward R. Armstrong and 63 others, of Fairchild; of William McDonald and others, of Rice Lake; of August Homested and 48 others, of Dorchester; of John A. Sterling and 12 others, and of Edward Peabody and 50 others, of Hammond, Wis.

By Mr. PUSEY: Of citizens of Exira, of Carson, 1,000 citizens of Montgomery County, Iowa.

By Mr. RIGGS: Of W. D. Collins and 111 others, of Jersey County, Illinois; of George Robertson and 52 others, of Quincy; of R. G. Hobbs and 62 others, of Quincy; of G. W. Maberry and 131 others, of Adams County; of William D. Griggs and 130 others, of Payson, and of William Boyles and 73 others, of Fowler, Ill.

By Mr. H. Y. SMITH: Of 40 citizens of Panora, and of 62 citizens of Bussey, Marion County, Iowa.

By Mr. STOCKSLAGER: Of Robert H. Claurton and 46 others, citizens of Ewing, Jackson County; of Isaac Smith and 123 others, citizens of Freetown, and of William H. Leigh and 57 others, citizens of Crothersville, Jackson County, Indiana.

By Mr. STORM: Of citizens and soldiers of Freeland, Luzerne County; of Bloomsburg, of Fairmount Springs, and of Yostville, Pa.

By Mr. STRUBLE: Of S. K. Butler and 105 others, of Greene County; of D. L. Riley and 43 others, of Dickinson County, and of Edgar Orton and 55 others, citizens of Sioux County, Iowa.

By Mr. WAKEFIELD: Of 36 citizens of Kimbrae, of 29 citizens of Elmore, of 50 citizens of Delavan, of W. V. King and 115 others, citizens of Jackson, and of 17 citizens of Wood Lake, Minn.

By Mr. WELLER: Of J. B. Gobb and 80 others, of Nora Springs, and of J. H. Langden and others, of Fredericksburg, Iowa.

By Mr. WILKINS: Of W. H. Davidson and 104 others, citizens of Atherton, Licking County; of Isaac N. Deardoff and 94 others, citizens of Canal Dover, and of Charles W. Rydigger and 34 others, citizens of Winesburg, Ohio.

By Mr. JOHN WINANS: Of C. E. Buell and 34 others, of Lake Geneva; of David Van Wie and 10 others, of Cypress; of T. A. Perry and others, of Edgerton, and of E. J. Brooks and 64 others, of Marshall, Wis.

By Mr. YAPLE: Of Isaiah M. Harris and 155 others, citizens of Brownsville, Cass County, and of H. B. Homeaway and 27 others, citizens of Kalamazoo, Mich.

SENATE.

WEDNESDAY, *February* 18, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. MORRILL. I move that there be a call of the Senate to see if there be a quorum present.

The PRESIDENT *pro tempore*. The Chair has not yet called the Senate to order. The Chair will now call the Senate to order. The Chair will state that the rule requires that the Journal shall be read when a quorum has appeared. It is evident that a quorum has not appeared.

Mr. MORRILL. I now move that the roll be called.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that there be a call of the Senate. That order, under the rules, will be made as a matter of course, it being suggested that no quorum is present. The call will proceed.

The Secretary called the roll, and sixteen Senators answered to their names.

The PRESIDENT *pro tempore*. Sixteen Senators are present. The roll of absentees will be called.

The Secretary called the names of absent Senators.

Other Senators having entered the Chamber,

Mr. MORRILL. I move that further proceedings under the call be dispensed with.

The PRESIDENT *pro tempore*. But twenty-six Senators have as yet answered to their names. There will be no further proceedings without some motion. No motion to send for the absentees has been made.

Mr. SHERMAN. I think enough Senators are here now.

Mr. CONGER. Would the Senate be safe to go on with the reading of the Journal now?

The PRESIDENT *pro tempore*. It would not.

Mr. CONGER. It would not be safe? I do not wish to be an alarmist, but I wanted to make the inquiry.

The PRESIDENT *pro tempore*. The call has shown that no quorum is present, and the rules explicitly provide that the Journal shall be read when a quorum has appeared. A quorum has not appeared, as has been shown by the call.

Mr. HALE. I ask unanimous consent to dispense with the reading of the Journal this morning.

The PRESIDENT *pro tempore*. That request is not in order, no quorum being present.

Thirteen other Senators having entered the Chamber,

The PRESIDENT *pro tempore*. The Chair ascertains that a quorum is now present. The Journal of yesterday's proceedings will be read.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. RANSOM presented the credentials of ZEBULON B. VANCE, chosen by the Legislature of North Carolina a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to print the report of Capt. George M. Wheeler on the third international geographical congress and exhibition at Venice, Italy.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print extra copies of the report of the Superintendent of the Coast and Geodetic Survey for 1884.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2246) to provide for the purchase of additional land for the use of the public building in the city of New Bedford, State of Massachusetts;

A bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; and

A bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in connection with the recommendation of the change of the prime meridian made by the recent international meridian conference held at Washington, communications from the Superintendent of the Naval Observatory, the Superintendent of the Nautical Almanac, the various American astronomers, concerning the proposed change in the time for beginning the astronomical day; which, on motion of Mr. MILLER, of California, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a memorial of the Legislature of the State of Maine on the subject of the restoration of Ulysses S. Grant to the rank of General of the Army, on the retired-list. The memorial will be read.

The Chief Clerk read as follows:

STATE OF MAINE.

Resolves in relation to restoring Ulysses S. Grant to his rank of General of the Army, on the retired-list.

Resolved, That the illustrious services of the exalted citizen-soldier, Ulysses S. Grant, should be promptly recognized by the people of this country, and his restoration as General of the Army on the retired-list, as an act of justice, should be authorized by an act of Congress without delay.

Resolved, That our Senators and Representatives in Congress are requested to use their earnest efforts in procuring the legislation therefor recommended by the President of the United States.

Resolved, That the secretary of state furnish a copy of these resolves to each member of the Maine delegation in Congress.

IN HOUSE OF REPRESENTATIVES, *February* 12, 1885.

Read and passed finally.

CHARLES HAMLIN,
Speaker.

IN SENATE, *February* 13, 1885.

Read and passed finally.

WILLIAM D. PENNELL,
President.

FEBRUARY 16, 1885.

Approved.

FREDERICK ROBIE,
Governor.

A true copy.
Attest:

ORAMANDAL SMITH,
Secretary of State.

The PRESIDENT *pro tempore*. As the Senate has acted upon this subject, the memorial will be laid on the table.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of New Jersey; which was read, as follows:

Assembly concurrent resolution, State of New Jersey.

1. *Resolved* (*the senate concurring*), That the Congress of the United States of America be respectfully petitioned not to pass Senate bill No. 1447 and House bill No. 7165, authorizing the construction of railway draw-bridges across Staten Island Sound, from Staten Island, Richmond County, New York, to New Jersey at Elizabeth and Perth Amboy.

Such bridge or bridges would injure the navigation of the sound and many miles of New Jersey water front thereon. The New Jersey shore of the Hudson River and Staten Island Sound is the natural terminus of railroads from the West, affording ample room and opportunity for terminal yards, depots, docks, coal and grain shipments, and direct communication between railroads and ships. Several steamer lines have moved to docks on our own shores for the purpose. Immense sums of money have been expended on our shores, including large depots and docks for coal and iron between these proposed bridges. To establish these bridges, if they become a success, is to render the sound and New Jersey shores thereon useless for their natural purposes, with the intent to transfer these docks to the eastern shores of Staten Island. That such will be the result may be doubted, but that the sound will be injured if not destroyed for the use of large vessels is certain.

2. *Resolved*, That this memorial be transmitted, under the signature of the president of the senate and the speaker of the house, in duplicate to the Senate and House of Representatives of the United States.

SENATE, *February* 16, 1885.

This concurrent resolution having been read in the senate,

Resolved, That the same do pass.

By order of the senate.

AB'M V. SCHENCK,
President of the Senate.

HOUSE OF ASSEMBLY, 1885.

This concurrent resolution having been read and compared in the house of assembly,

Resolved, That the same do pass.

By order of the house of assembly.

E. A. ARMSTRONG,
Speaker of the House of Assembly.

The PRESIDENT *pro tempore*. If there be no objection, the memorial will be referred to the Committee on Commerce.

Mr. FRYE. No; the Committee on Commerce has reported the bill referred to in the memorial, and it is now on the Calendar.

The PRESIDENT *pro tempore*. Then the memorial will be laid on the table.

Mr. CONGER presented the petition of Thomas Fish and 158 other citizens of Port Huron, Mich., praying for the passage of a bill to set aside the marsh and overflowed lands of Lake Saint Clair, Michigan, known as the Saint Clair Flats, as a national preserve and shooting-ground for the people of the United States; which was referred to the Committee on Public Lands.

Mr. HALE. I present the petition of John E. Hilton, late private Company E, Eighth Maine Volunteers, praying for an increase of pension. It is addressed to me, but is otherwise in the form of a petition to the Senate.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Pensions.

Mr. HOAR presented a petition of seamen of Boston, Mass., praying for such a modification of the so-called Dingley shipping bill as will

admit of a seaman giving an allotment note to his creditors for any just debt by him owing, and incurred before engagement; which was referred to the Committee on Commerce.

Mr. FAIR presented a concurrent resolution of the Legislature of Nevada; which was read, and referred to the Committee on Finance, as follows:

Senate joint resolution relative to the direct war tax assessed to and levied upon the several States under the act of Congress approved August 5, 1861.

Whereas the Congress of the United States has now pending before it a bill to adjust the direct war tax as levied upon the several States and Territories and the District of Columbia, under the act of Congress approved August 5, 1861, the passage of which by Congress was on June 14, 1884, favorably recommended by the Secretary of the Treasury, Hon. Charles G. Folger, and in May 2, 1884, by the First Comptroller of the Treasury, Hon. William Lawrence: Therefore,

Be it resolved by the senate of the State of Nevada, the assembly concurring, That our Senators in Congress be instructed and our Representative be requested to use every proper effort within their power to have said measure now so pending enacted into a law.

Resolved, That the governor of this State be requested to forward to our Senators and Representative in Congress a copy of this resolution properly attested under seal by the secretary of state.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the annexed is a true, full, and correct copy of the original enrolled Senate joint resolution relative to the direct war tax, as the same appears of record and on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 9th day of February, A. D. 1885.

[SEAL.]

JOHN M. DORMER,
Secretary of State,
By WELLS DRURY,
Deputy.

Mr. McPHERSON. I ask the privilege of sending to the Secretary's desk a resolution of the Legislature of New Jersey, which I ask may be read.

The PRESIDENT *pro tempore*. The paper sent to the desk is not a resolution of the Legislature, but of a board of trade.

Mr. McPHERSON. I had a resolution of the Legislature before me, and I supposed that was the one I sent to the desk. I wish to have the resolution of the Legislature read, but I should like also to have read the memorial of the Board of Trade of Newark, if there is no objection.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New Jersey that the Chair received and presented this morning a resolution of the Legislature of New Jersey on the subject of a bridge across Staten Island Sound, which was read and referred.

Mr. McPHERSON. The resolution I have before me is on the same subject; and if there be no objection I should like to have the memorial which I have sent to the Chair read.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the memorial of the Board of Trade of Newark be read. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

FEBRUARY 15, 1885.

DEAR SIR: I have been requested to forward to you the following resolution adopted by the Board of Trade of the city of Newark at a meeting held on Wednesday evening the 11th instant.

Resolved, That this board of trade hereby respectfully but most earnestly petition the Congress of the United States, and request that the said Congress do not pass the several bills now pending before that honorable body authorizing the construction of one or more bridges across Staten Island Sound.

Resolved, That copies of the above be sent to each of the United States Senators from New Jersey and one to Congressman WILLIAM H. F. FIEDLER, of Newark.

I am, with respect, yours very truly,

P. T. QUINN, *Secretary.*

Hon. JOHN R. McPHERSON.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Commerce.

Mr. FRYE. It should lie on the table, if the President pleases, the bill having been reported.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. WILLIAMS presented a petition of the mayor and council of the city of Hickman, Ky., praying a specific appropriation to improve the harbor at that place; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes, reported it with an amendment.

Mr. DAWES. I am instructed by the Committee on Indian Affairs, to which were referred certain resolutions in regard to negotiations to obtain the title to portions of Indian reservations in the Indian Territory, to report a bill. I should like to have the bill read in full.

The bill (S. 2648) to enable the President to negotiate for the purchase of portions of certain Indian reservations was read the first time by its title and the second time at length, as follows:

[1] *Be it enacted, &c.*, That the President is hereby directed and empowered to ascertain, without unnecessary delay, by communication with the authorities of the Creek, Seminole, and Cherokee Nations of Indians, in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in article 2 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain," and the lands described in article 3 of the Seminole treaty of March 21, 1866 (14 Statutes, page 755), and so much of the lands described in article 16 of the treaty made between the United States and the Cherokee Nation on July 19, 1866, as has not been already purchased by the United States from said Cherokee Nation for the purpose of settling friendly Indians thereon, as provided for in said treaty, and to submit the result thereof to Congress at its next regular session.

SEC. 2. Every person who, without authority of law, enters and shall be found upon the lands described in the first section of this act, with intent to convey any such lands or reservation, or any part thereof, shall, for the first offense, upon conviction thereof, pay a fine of not more than $200, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court; and for every subsequent offense shall, upon conviction thereof, pay a fine of not more than $1,000 and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States.

Mr. HOAR, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased; and

A bill (S. 2366) for the relief of Joseph W. Parish.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 1002) for the relief of Cyprian T. Jenkins, to report it adversely. I should like to call the attention of the Senator from Florida [Mr. CALL] to the report.

This is a bill introduced by the Senator from Florida to reimburse a gentleman who was timber agent for the United States at the breaking out of the war. A certain sum was found due him for his services for one quarter and part of another, and the payment was arrested on account of the breaking out of the rebellion. Subsequently a statute was passed confiscating as enemy's property all sums due to the Government from that class of officers, and from the mail agents, and so on.

The committee thought it was not in accordance with sound public policy to report a bill for one of this class of officers leaving the others unpaid; but a general bill including all mail agents has been reported, and I think is now before the Senate, and the committee have authorized one of their members to move an amendment to that bill when it comes up, which will cover this case and other like cases of timber agents.

I move that the bill be indefinitely postponed.

Mr. CALL. I desire to ask the Senator from Massachusetts if there is any probability of the bill, which he proposes to amend by a measure for the relief of the class similar to Mr. Jenkins, coming before the Senate at this session of Congress?

Mr. HOAR. I do not know particularly; I do not remember how that bill stands; but it is much more likely to pass than the bill just reported, because this is a Senate bill.

Mr. CALL. I ask that the bill may go on the Calendar.

Mr. HOAR. I have no objection to that course.

Mr. CALL. I simply wish to say that this is the case of a man who was a Union man, and who I do not think would be obnoxious to the statute. I do not remember its provisions, but he never had any part whatever in the late civil war, and I do not see how he can come under the statute.

Mr. HOAR. I have no objection to the bill going upon the Calendar. All that class of claims against the United States were confiscated. I conceive that to be the effect of the statute of the United States, that it was a confiscation of certain debts of persons residing in those States as enemy's property, which, of course, is within the war power, and was also the usage of all nations at war until a very modern period. Though we did not confiscate all debts, we did confiscate debts due from the Government to persons dwelling in the territory of the rebellion, whether they were Union men or otherwise. If the measure to which I have referred becomes a law, this gentleman's case and all cases like his should be included within it, and I have no doubt will be.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 851) for the relief of the heirs of Mary Jane Vennie, deceased, reported it without amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6044) granting a pension to Eliza Pigeon;

A bill (H. R. 5123) granting a pension to Frederick Braunwald;

A bill (H. R. 1759) granting a pension to Robert Patterson; and

A bill (H. R. 7524) for the relief of Lavina Heth.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 5364) granting a pension to William H. Whitcomb, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Malvey, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2400) granting an increase of pension to Eliza Willson Thornburgh, to submit an adverse report thereon. I

ask that the bill be placed upon the Calendar, as a minority of the committee so desire and as many other Senators also so desire. In the report I have incorporated the facts of the brilliant and gallant services of Major Thornburgh, and perhaps it will not be necessary for the minority to file their views.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. Are there written views of the minority submitted with the bill?

Mr. VAN WYCK. I presume they will not be. I stated that in the report I have set forth the gallant and brilliant service of Major Thornburgh, which is probably all the minority may desire.

Mr. HILL, from the Committee on Public Lands, to whom was referred the bill (S. 2643) to relinquish to the city of Denver title to certain lots of land for the purposes of a public library, reported it without amendment.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, to whom was referred the bill (S. 393) for the relief of Asenath A. Phelps, administratrix of the estate of Harlow J. Phelps, deceased, to report it adversely, and to move that the claim be not allowed and that the bill be postponed indefinitely.

Mr. COCKRELL. I ask that the bill may be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

ARMY COURTS-MARTIAL.

Mr. INGALLS. The Committee on the Judiciary having been directed by resolution of the Senate to inquire and report concerning courts-martial, their appointment, and the practice and proceeding before such tribunals in time of peace, I am directed to submit a report in writing thereon, which I ask may be printed.

The PRESIDENT *pro tempore*. The Senator from Kansas, from the Committee on the Judiciary, in obedience to a resolution of the Senate, the nature of which he has described, makes a report, which will be printed and placed on file.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILSON, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PIKE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which, with the accompanying petition, was referred to the Committee on Commerce, and ordered to be printed.

Mr. JONAS and Mr. PIKE submitted amendments intended to be proposed by them, respectively, to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 2649) to set apart the unsurveyed marsh lands at the mouths of the Saint Clair River, known as the Saint Clair Flats, as a hunting and fishing preserve for the people of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VAN WYCK introduced a bill (S. 2650) making an appropriation for the improvement of the Mississippi River at or near Eastport, opposite Nebraska City; which was read twice by its title.

Mr. VAN WYCK. I move that the bill be referred to the Committee on the Improvement of the Mississippi River.

Mr. CONGER. It should go to the Committee on Commerce.

Mr. VAN WYCK. Bills of this nature have always gone to the Committee on the Improvement of the Mississippi River.

Mr. CONGER. There never have been any so referred that I know of.

Mr. VAN WYCK. One bill proposing an appropriation of $500,000 for the Mississippi River was referred to the Committee on the Improvement of the Mississippi River and was reported by that committee and passed at the last session. I move that this bill be referred to the Committee on the Improvement of the Mississippi River.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the bill be referred to the Committee on the Improvement of the Mississippi River. The question is on agreeing to that motion.

Mr. CONGER. I move to amend the motion by substituting "the Committee on Commerce."

The PRESIDENT *pro tempore*. The Chair thinks the motion to amend is not in order. Under the rules and practice of the Senate the question is to be taken on each motion to refer. If the motion to refer to the Committee on the Improvement of the Mississippi River is defeated, then it will be in order to move to refer the bill to the Committee on Commerce.

Mr. CONGER. This is a bill to appropriate money for a single harbor, not for the general improvement of any river, and unless the Senate desire that the Committee on the Improvement of the Mississippi River shall have charge of all appropriations for special harbors, they will vote against the motion to refer the bill to that committee.

Mr. VAN WYCK. With all due deference to the Senator from Michigan, I think he is mistaken about the bills which have been passed of this nature. I think he will call to recollection that at the last session of Congress a bill for a temporary need was first referred to the Committee on Commerce, and withdrawn from that committee subsequently by the action of the Senate and referred to the Committee on the Improvement of the Mississippi River, and by that committee it was reported, and on the report of that committee it was passed.

This bill does not propose to interfere with the great system of river and harbor improvement in the country, but it is at a point which needs immediate attention. Therefore it is thought best to refer it to the Committee on the Improvement of the Mississippi River, as they have more time to devote to it and are not so much engrossed with other matters. The object of the bill is to make an appropriation of $50,000 in order to save the channel of the river at the point named. We have felt that it would receive more speedy consideration at the hands of that committee; and it would not seem to be necessary that the great Committee on Commerce, which swallows up all the harbors, rivers, lakes, and oceans of the country and the continent, should insist upon receiving to itself a small measure which it evidently will not have or has not time to devote attention to.

Of course, personally, it is a matter of no moment whether the bill goes to the Committee on Commerce or to any other committee, but it would seem that this, being a very small, trifling matter, should go to a committee which never has occasion to do very much, and not to a committee in which it necessarily must be put in a pigeon-hole and there left.

I do not know the anxiety of the Senator representing the Committee on Commerce to insist upon a reference of the bill to that committee. I should like to gratify him very much indeed, and I have no special objection to the reference he suggests if we can have some sort of assurance that the bill will receive action one way or the other and be speedily reported. But I am satisfied, as I think the Senate must be, that the bill had better go to a committee which can act upon it, and not to a committee which is overburdened.

Mr. CONGER. I can not conceive it possible that anything which the Senator from Nebraska would introduce is a small and unimportant matter. I know he is not accustomed to deal with that class of things. Therefore it rises in magnitude in my estimation from the mere fact that the Senator himself has fathered the bill.

The rules require such bills to be sent to the Committee on Commerce. There is no power to send such a bill as this anywhere else. If it is of any importance to comply with the rules, or if it is of any importance to have the system of improvements under the control of a committee appointed specially for that purpose, then these little things, as well as the big things, had better be sent where they belong.

Mr. VAN WYCK. While the Senator is thinking for the next sentence will he allow me to suggest that he tell us what the Committee on the Improvement of the Mississippi River was appointed for?

Mr. CONGER. The Senator from Michigan was overburdened with the magnitude of the subject and waited to reflect; that is all; it is so very important in its bearing upon the general welfare of the country. I ask the President to have the rule in regard to this class of appropriations read.

The PRESIDENT *pro tempore*. Rule XVI provides as follows:

> All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

The Chair is under the impression, from the debates in the Senate and the practice of the Senate, that this rule will apply only to general appropriation bills for the general objects of river and harbor improvements. The Chair thinks, therefore, that the motion of the Senator from Nebraska to refer this particular local bill to the Committee on the Improvement of the Mississippi River is in order. The question is on agreeing to the motion to refer the bill to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2651) to define the status, and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers, who were killed at Lawrence, Kans., August 21, 1863, by guerrillas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CALL introduced a joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 128) to authorize the

printing of the reports of the Geological Survey; which was read twice by its title, and referred to the Committee on Printing.

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Mr. VAN WYCK introduced a joint resolution (S. R. 130) prohibiting sale of lands between Waldo and Tampa Bay, Florida, under the grant to the State of Florida to aid in the construction of a line of railroad from Amelia Island to Tampa, Fla.; which was read twice by its title, and ordered to lie on the table.

WITHDRAWAL OF PAPERS.

On motion of Mr. PLUMB, it was

Ordered, That Charles Murphy have leave to withdraw from the files of the Senate the papers in his claim for additional compensation for building the United States appraiser's store in San Francisco, Cal.

A. L. SINGLETON.

Mr. HAMPTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the widow of A. L. Singleton, deceased, late a fireman in the heating department of the United States Senate, a sum equal to three months' salary as fireman aforesaid, at the rate of $1,095 per annum, this amount to be considered as including the funeral expenses of A. L. Singleton and all other allowances.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The order of concurrent and other resolutions having been exhausted, the Chair lays before the Senate the Calendar under Rule VIII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

Mr. LAPHAM. I offer the following proviso to come in at the end of section 2:

Provided, That nothing in this act contained shall have the effect of invalidating or disturbing the title of any *bona fide* purchaser from the State of Iowa or its grantees of what are known as the Des Moines River lands prior to March 2, 1861; but such titles are hereby ratified and confirmed.

It will be seen that this proviso is precisely like the proviso stricken out in the body of the bill yesterday, except that that proviso excepted from its operation that portion of the lands of the Des Moines River grant which were in the occupation of settlers. Now if I have succeeded in showing anything, I have succeeded in showing that in the cases decided by the Supreme Court between the earliest settlers to whom patents had been issued by the Government the Supreme Court decided that the grantees under the river grant had the undoubted title, and that the settler was a trespasser and had no title whatever. Why we should except from the operation of this proviso contained in the bill that portion of the lands thus confirmed to the grantees by the resolution of the 2d of March, 1861, passes my comprehension. Every decision made by the Supreme Court is to the effect that by that resolution the title in the purchasers under the Des Moines River grant has become an absolute title and that all interest of the Government is divested thereby.

Now this proviso simply gives effect to the decisions of the Supreme Court already pronounced; and this by no means interferes with the general policy of the bill under consideration. There are under what is known as the Harvey settlement, and referred to in the bill, 298,919 acres of land which are subject to the provisions of this bill, upon which to a greater or less extent there are settlers, and upon which there may be controversies between them and purchasers from the State of Iowa. Their claims have never yet been adjudicated, their claims are not covered by the joint resolution of March 2, 1861. Those lands were not transferred until the operation of the Harvey settlement in 1866, long after the joint resolution of 1861 and the act of 1862, which confirmed the title of the settlers in the Des Moines River grant.

As I have already said, the purchasers in whose behalf I appear have no objection whatever to this litigation if the lands which have been determined to be theirs by these repeated decisions are excluded from its operation. This amendment is one which Senator McDonald, of Indiana, on the 5th of February, 1879, offered as an amendment he intended to propose to the bill entitled "A bill to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes"—precisely this bill. It was obvious to the judicial mind of Senator McDonald that the idea of interfering with the rights of these purchasers by legislation was simply folly, and that in the passage of the bill there should be a proviso exempting from its operation the lands which had been thus purchased.

These purchasers represent, as they state in their memorial, about three-fourths of 214,000 acres of land that had been ceded to the State of Iowa prior to the resolution of March, 1861. They paid for these lands from four to six dollars per acre when they purchased. They have paid the State and county taxes ever since. The lands have cost them now more than $30 per acre. The trespassers, so far as there are any, have had the use of these lands in the mean time without paying anything, and they only ask now that the hands of the United States shall be taken off this subject so far as their rights are concerned. They ask, as they say in their memorial, that this bill, which professes to be a bill to quiet the title to the Des Moines River lands, shall not be so framed as to reopen all the questions which have been decided by the Supreme Court of the United States and by the courts of the State of Iowa.

Is this an unreasonable request? Ought they not to be excepted from the operation of this bill? The honorable Senator from Iowa [Mr. WILSON] in his remarks said that so far as there were vested rights he did not propose to disturb them. Well, in the name of all that is consistent, I ask the Senator is not a vested right a right which the Supreme Court in ten consecutive cases has decided is legal and valid? If that is not a vested right, what is? Can any man stand up here in the face of these decisions and claim that the right of the purchasers from the Des Moines River Company has not become a vested right in these lands? If it is possible for the judgment of courts to determine vested rights, that has been determined.

It is whispered here that these litigations have to a greater or less extent been collusive. Ah, Mr. President, there is no foundation for such an accusation as that—collusion between Crilly who settled on these lands in 1855 and obtained a patent and who brought an action to determine the question whether he or the purchaser under the river grant had the title—talk about collusion between them! It is all idle to talk about any case of collusion.

I said yesterday, and I repeat the challenge now, there is not one advocate of this bill who can state a single fact that was not before the courts when these judicial decisions were made. Every fact bearing upon the question has been before the courts. There is nothing new here; this is a mere attempt to revive a controversy which has been judicially determined and to revive it not in the name of the claimants, but to revive it in the name of the United States and at the expense of the Treasury of the United States.

This amendment is precisely, I repeat, like the clause which I had stricken out from the bill yesterday with this exception, that that said the titles of the purchasers from the Des Moines River Company shall be confirmed except where they are disputed by the settlers upon the lands. I will read the exact language, because that was my objection to this clause in the bill. There was an implication from it adverse to our whole title:

> That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States: *Provided*, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid.

If there is any meaning to this it reverses the judgment in the case of Crilly, because that is his case exactly.

Now, I ask to have this proviso put in in the language I have sent to the Secretary's desk, that the title of the purchasers which was confirmed by the legislation of 1861, which has been held perfect by these repeated adjudications of the courts, shall be excepted from the operation of this bill, and those titles shall be confirmed and declared valid; and this amendment is simply designed to carry out that purpose, to take out of the operation of this litigation that portion of the 214,000 acres of land which were conveyed to the Des Moines River Navigation Company and which have been sold to purchasers residing in the State of New York and in New England, leaving 294,000 acres of land under the Harvey settlement, as it is called, conveyed to the State of Iowa by the Government, to the questions which arise under the provisions of this bill.

I trust, Mr. President, that this amendment, originating as it did in the mind of so discriminating a man as Senator McDonald, believed as he believed it to be an essential proviso for the protection of those whose rights had been adjudicated and settled by the law, will receive the sanction of the Senate; and as I said yesterday, much as I may view the provisions of this bill to be not in accordance with proper legislation as to any of the lands embraced in it, yet if this exception shall be made by the amendment I have now proposed, the main objection which I have to the passage of the bill will be taken away.

Mr. President, it is an exception which ought to be made. We owe it to consistency, we owe it to ourselves as a high deliberative body, that we shall not transgress the decisions of the highest judicial tribunal of the country, that we shall not set at naught the determination of the Judiciary Committee of this body four years ago that as to these lands the title is beyond any further question or dispute and should not be made the subject of litigation. That is all I ask by this amendment; that is all it accomplishes. It leaves 200,000 acres of land, or more, yet open to the operation of the clauses of this bill; but so as far as there are settlers upon that portion of the land which was conveyed by the Des Moines River Navigation Company to the purchasers I represent it takes those from the operation of the clauses of this bill. I hope,

therefore, that the Senate will see the propriety of adopting this amendment and thus taking out of this proposed litigation that class of lands the status of which and the title to which have been so often determined by the courts of Iowa and by the courts of the United States, as well as by the joint resolution of Congress of 1861 and the act of 1862.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. WILSON. Mr. President, I hope that this amendment will not be adopted. Its office and only office is to attempt to eliminate from the operation of this bill one of the most important features it contains. It is an attempt by a legislative declaration to take away from the jurisdiction of the courts, where it is the office of this bill to send the entire question, a very important portion of it; and the argument which the Senator from New York has made in support of his amendment sounds very differently to me from one which he made when the Oregon resumption bill was before the Senate. On that occasion the Senator from New York said:

Are we to decide those questions without giving the parties interested an opportunity to be heard? Suppose the Government had been authorized to enter its own courts and prosecute for a forfeiture of this grant and had commenced an action in the name of the United States, making this corporation only a party, not bringing in any of the bondholders as parties, and a judge of the United States should order final judgment without bringing in the parties really in interest and giving them an opportunity to be heard, what would be thought of such a judicial proceeding as that? Now, what are we doing—

And I may say what is he proposing to do by his amendment?—

Now, what are we doing? Who are we? We are the United States. We are a plaintiff declaring final judgment in our own favor without giving the parties interested any opportunity whatever to be heard. That is our position exactly. That is what this bill proposes to do—

And I may say that is what the Senator's amendment to this bill proposes to do—

I trust it will not be done. I trust, as I said when this bill was up before the recess, that the Senate will not recede from the position it took, when by a vote of nearly three to one it added to a prior bill now in the hands of a conference committee the precise provision which is embraced in the amendment of the honorable Senator from Alabama. We owe it to ourselves to maintain that position—

That was the sending of the question to the courts for adjudication—

It is not a question as to the number of parties interested, whether they be few or whether they be many. If but one man has an interest as a bondholder we should stop and hesitate about declaring this grant forfeited without giving him an opportunity to be heard. It is not a question of numbers. It is not a question of the magnitude of the claim. Those considerations do not weigh a feather in my judgment in determining the point of giving to all parties interested, whether they are many or whether they are few, an opportunity to be heard as to, their rights before the Government shall resume and put into the market these lands for the purpose of giving title to absolute and *bona fide* purchasers.

Now, Mr. President, the doctrine of that speech of the Senator from New York is the doctrine upon which we base this bill, and ask the Senate to enact it, that this whole question may be sent to the courts for adjudication, and not as he proposes by an amendment to this bill to eliminate one of the most important features of the whole case. His proposition is an admission itself that the titles he refers to as belonging to the parties he represents are questionable titles; that they need the operation of this amendment of his in order to be ratified and confirmed by the legislative voice of the Government. Now, what we ask is that those questionable titles shall with all others embraced within this grant go to the courts of the United States, where each man and every man with whatever interest shall have the opportunity of a judicial determination of his rights.

Mr. LAPHAM. Mr. President, the position of the honorable Senator from Iowa is an apt illustration of the stress to which the advocates of this bill are reduced when they come to say one word in its advocacy. The remarks of mine which he read were made upon a bill declaring a forfeiture of a railroad grant—a grant where the condition upon which it was made had not been performed by the railroad company, and therefore the title was about to be resumed by the United States. I had occasion to say in the course of my remarks, anticipating that something of that kind might be introduced here, that this bill is not a bill that proposes to forfeit a grant by the Government. There is no such feature in the case. This bill does not assume to act in the exercise of the power of eminent domain on the part of Congress to resume a title to land conditionally disposed of where the condition has been broken. There is no such feature in the case; and what I said in that case with reference to the provision for protecting the interest of bondholders, of lien-holders upon the land, has no application whatever here.

Sir, there is in this bill twice over a declaration by which the honorable Senator insists that these lands are public lands. Why should we declare that——

Mr. WILSON. I can answer the question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. LAPHAM. Certainly I will.

Mr. WILSON. It is a declaration of a proposition which we intend to send to the courts of the United States for determination.

Mr. LAPHAM. It will go there without any such declaration in the bill if the United States has any right. Why do they insist upon declaring that the lands which were conveyed twenty-odd years ago to purchasers for value, and which Congress has said shall be confirmed to them, are yet public lands of the United States?

Mr. WILSON. If the Senator will allow me, I might reply by asking why does the Senator ask this proposition to be enacted as a law which is embodied in his amendment if the titles he speaks of were perfect twenty years ago?

Mr. LAPHAM. If there is any objection whatever to those words I will strike them out of the amendment. I do not regard them of any importance, and I will modify the amendment by striking out the last words, that the "titles are hereby declared to be perfect in the grantees." Strike that clause out. All I want is to except these lands from the operation of this bill, which declares them to be public lands, and declares them to be so in the face of the fact that Congress in 1861 expressly divested itself of the title in these lands. That is all I am after. I do not want the declaration contained in this bill, which is applicable probably to a portion of the two hundred and ninety-odd thousand acres that went under the Harvey settlement, the declaration that they are public lands, to apply to the lands that were conveyed to those I represent under the river grant. That is all the object of my amendment. I adopted the language that they are hereby confirmed to the purchasers by following the language contained in the amendment proposed by Senator McDonald, "such titles are hereby ratified and confirmed." I will strike that out; I do not care anything about it.

As I said yesterday, and as I repeat now, there is no declaration which Congress can make which is as serviceable to the purchasers whom I represent here as the ten judgments of the Supreme Court of the United States. It is a judicial question and the judicial tribunals of the country have decided it. It is not a legislative question and the legislative tribunals of the country have no business to deal with it in any form whatever. The moment they undertake to do so, as the Senator from Alabama [Mr. MORGAN] said yesterday, they trench upon that provision of the Constitution of the United States which declares that private property shall not be taken without due process of law.

"Due process of law" means the judgment of a judicial tribunal and process in pursuance of it. The legislation of this body and of the other House is not due process of law. It will be pronounced, if this bill should ever become a law, a shameful process of law instead of due process of law, and I repeat that the honorable Senator from Iowa would never have been driven to quoting what I said on a railroad forfeiture bill if he had had any ground upon which he could place his feet and stand in security to answer the proposition that was submitted to the Senate in favor of this amendment. He yields the entire point.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Presiding Officer will lay before the Senate the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldron;

A bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.;

A bill (S. 1347) for the relief of sufferers by loss of the Government steamer J. Don Cameron;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas;

A bill (H. R. 7305) for the relief of Christopher Schaefnocker; and

A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. McPHERSON. Mr. President——

Mr. BUTLER. I ask the Senator to yield to me for a moment.

Mr. McPHERSON. Certainly.

Mr. BUTLER. I desire to offer an additional section to the amendment which I had the honor to present yesterday evening, and ask that it be read in connection with the amendment.

The PRESIDING OFFICER. The Senator from South Carolina offers an additional section to the amendment submitted by him yesterday. The amendment was not offered yesterday, the Chair is informed by the Secretary. The Senator from South Carolina now offers an amendment.

Mr. BUTLER. To the amendment I presented yesterday evening.

The PRESIDING OFFICER. The Chair is informed that the amendment was not formally presented, and therefore it is still practically in the hands of the Senator from South Carolina, and can be treated as an amendment of to-day.

Mr. BUTLER. Very well. Then I offer the amendment I send to the desk.

The CHIEF CLERK. The amendment proposes to strike out all after the enacting clause of the bill and insert in lieu of the matter stricken out:

That from and after the passage of this act it shall be unlawful for an alien or aliens, foreigner or foreigners, coming to this country under a contract or agreement to labor, to land upon the shores of the United States; and any alien or aliens, foreigner or foreigners, so landing after the passage of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $1,000 fine or twelve months' imprisonment.

SEC. 2. That any person or persons who shall contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, to labor within said limits or jurisdiction, previous to said alien or aliens, foreigner or foreigners, becoming citizens or residents of the United States, and shall bring or cause to be brought such laborers within the limits of the United States in pursuance of said contract to labor, shall de deemed guilty of a misdemeanor, and, upon conviction thereof in a court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $2,000 fine and two years' imprisonment.

SEC. 3. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

SEC. 4. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Mr. BUTLER. The addition which I have made to my amendment as printed and placed on the desks of Senators this morning is simply the fifth section of the bill, which is made the third section of the substitute I have offered.

Mr. LAPHAM. I desire to give notice that for the purpose of taking the sense of the Senate when we come to vote on this bill I will ask to take out of the third section that portion of it which gives a moiety of the recoveries to the informer. I will put it in shape before we reach the period of closing the bill, and I shall ask the consideration of the Senate upon that proposition.

I also give notice that I will move to strike out the word "singers," in the fifteenth line of section 5, in the proviso which reads:

Provided, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers.

The PRESIDING OFFICER. The first amendment proposed by the Senator from New York will necessarily have to be delayed until the bill is in the Senate, the third section having already been adopted by the Senate as in Committee of the Whole.

Mr. LAPHAM. Very well; I will prepare it.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from South Carolina [Mr. BUTLER] to strike out all after the enacting clause and insert a substitute.

Mr. McPHERSON. Mr. President, I do not intend to occupy more than a very few minutes of the time of the Senate in discussing this bill. I shall vote for the bill because of the good it promises, notwithstanding the evil which it contains. I think I am within the limits of fair criticism when I say that the bill as reported to the Senate reflects no credit upon the committee that reported it or upon the Senate, which evidently intends to pass it. I speak of it in its present form. In proof of this I will call the attention of Senators to the third section of the bill. In lines 12 and 13 we find these words:

Including any such alien or foreigner who may be a party to any such contract or agreement, who may choose to bring such suit.

The line immediately preceding confers upon any person the right to recover by suit; and here by express words you make one of the parties to the contract a witness against the other, both being guilty parties under the law. I do not know that there is any legislation standing upon the statute-book of the United States in which the same terms are employed. It is a universal principle, everywhere recognized, that a man who claims equity must do equity; he must come into court with clean hands asking redress for grievances there; but this section proposes to make one of the guilty parties a witness against the other. In effect it offers a premium for blackmail, and it gives one of the guilty parties a standing in court that he would not otherwise have except for this express provision. I do not think such a provision is necessary, because in the former act it is implied at least; even more, it is expressed that any man may appeal to the courts.

I do not believe that there is an intelligent labor organization in this country, or an intelligent laboring man in the country who will not think and see that the result of these words will be to offer a premium for blackmail; and I do not believe that any of them desire such a thing. It is unnecessary; it is uncalled for; and it is not a usual mode and method of legislation.

I am also opposed to the fourth section of the bill for many reasons. The one reason I will give here is this: I believe it is unwisdom to place that section in the bill. Nearly all the advances made to these irresponsible people is made in the way of prepayment or payment of passage-money. In no other way can the advance be properly and safely made. Now, instead of making the steamship company, as you would by eliminating this section of the bill, an ally with those who desire its enforcement you make it an enemy. The section makes the steamship company one of the guilty parties; therefore you can receive no evidence from any of them.

There are other and higher reasons that I could give why this section should be eliminated from the bill, but as the Senate has already made it a part and portion of the bill I shall say nothing about the other reasons.

The bill is intended to prevent the importation of foreign labor by contract, which means cheap labor, pauper labor, and I might add vicious labor, which when brought to this country enters into competition with our laborers here; and our own laborer in the course of time from the result of that competition becomes a tramp, seeking bread from door to door.

There are only two classes in this country who indulge in this kind of practice, the railroad corporations and the manufacturing corporations. That the bill will very greatly interfere with the agricultural interest, as a fear has been expressed by both Senators from Texas, I do not think; but as to the two classes I have named it has been the practice of both the railroad companies and the manufacturing companies to import cheap labor because they deem it profitable to do so.

For many years it has been the practice of the Government by high tariffs to protect the product of labor while at the same time it has maintained free trade in labor itself. This is the Republican party policy. In this way manufacturing enterprises have grown up to gigantic proportions; the smaller and the weaker factories have been driven to the wall, and it is not uncommon to see thousands of laborers in the employ of a single corporation or firm. Combination being more profitable than competition, the manufacturers combine together to fix the price of their product and at the same time to fix the rate of wages. In this way the manufacturer becomes the master of those he employs. A man who gives me employment which I must have or suffer, that man is my master, let me call him what I may; and while we object to the term "master," what is the use of objecting to the term when we have the thing itself? This has grown up into a system under which to-day the laboring man in this country employed by these manufacturing establishments is not given even the untrammeled right to vote. That is the condition of things which the laborers have reason to complain of more than of the importation of the foreign laborer.

A manufacturing establishment runs six months on full time, paying fair wages. At the end of that time, and without cause, in nine cases out of ten, they begin to cry "overproduction; no sales; no market for goods;" and the laboring man is given the poor privilege of working the other six months on half pay or half time or both, or he is told the factory will close up. That is the condition of things. Now will some Senator tell me how much above the pauper wages of Europe is the pay of the laborers in many of our manufacturing establishments—I mean the average that is paid during the entire year? Capital will not take the risk of new products in dull times, but labor is compelled to take it, and so it goes on from year to year, the laborer always the sufferer. If any demonstration of this evil could be found that was more forcible than another, it can be found in the case that happened in this country after the passage of the tariff bill of 1882.

We gave an increase of duty on glassware, I think of more than 10 per cent., and it was given on the plea that the labor employed in that industry was not sufficiently protected. The Congress of the United States increased the duty, and immediately after the bill was passed a demand was made by the manufacturers of glassware for a reduction of 10 per cent. in wages. This continued, and they were shut out for a long time. Not content with this, the manufacturers of glassware, when they had exhausted their own surplus product, imported glassware from abroad and paid the duty, in order that they might continue to lock out their workmen.

These are the things that the laborer should complain of. A tariff is imposed for revenue and that the American laborer may have a fair reward for his labor. I have voted for it with that idea, and I shall continue to vote for a tariff sufficient to protect the wages of American labor, and God forbid that American labor shall ever be deprived of protection; but I do say that when manufacturers combine together for the purpose of oppressing labor and labor trying to pass laws against the importation of foreign labor, it becomes us to see to it that the laborer employed in manufacturing enterprises protected by high tariffs shall receive a part of the protection accorded to the factory.

I have already spoken more than I expected; I do not wish to consume the time of the Senate, as the bill is soon to come to a vote, and the Senator from South Carolina wishes to speak to his amendment. I will not stand in his way.

Mr. GEORGE. I desire to ask the Senator from New Jersey a question before he takes his seat.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. McPHERSON. I do.

Mr. GEORGE. I understand the Senator to say that after the passage of the tariff act of 1882 increasing the duty on glassware the manufacturers of glassware reduced the wages of their laborers, and turned them out of the shops, and imported foreign manufactured goods to sell to their customers in the place of our own ware.

Mr. McPHERSON. Yes; and they did worse. First, they imported Belgians to take the place of those shut out. When that did not work, then they imported foreign goods in order to drive their former employés to the hard terms. This bill will at least keep out the Belgians, but will not reach the greater wrong.

Mr. DAWES. I will not consume the time of the Senator from South Carolina.

Mr BUTLER. I have no idea of making a speech.

Mr. DAWES. I do not take the floor to submit any views further than I submitted yesterday; but this morning I have received a petition from the gold-beaters of Massachusetts employed in that business with a request that I lay it before the Senate, which I desire to do and have it read. In connection with it they inclose to me a contract made by a Philadelphia firm in London that a man should come here and serve them for some time at a given price fixed by them in London. This seems to have been a printed blank filled in; it is so printed here that the italics indicate what is filled in to fit the case of these men. I ask that it may be read and then let the petition be read.

Mr. BUTLER. I submit we have hardly time to have those papers read.

Mr. DAWES. It will not take long to read the part printed in italics. That is all I ask for.

The PRESIDING OFFICER. Without objection the paper sent up by the Senator from Massachusetts will be read.

The Chief Clerk read as follows:

LONDON, *June* 13, 1881.

Messrs. Hastings & Co., of Philadelphia, and Mr. *James Tame* do hereby bind themselves to the following agreement:

Messrs. Hastings & Co. on their part agree to employ the said *James Tame* at gold beating for one year and to pay him the sum of not less than ten dollars ($10) for each week's work of sixty hours during that time.

The said *James Tame* on his part agrees to work for the said Hastings & Co. for the sum and time named, and he further agrees that he will not associate himself with or in any manner assist any society or combination of men to regulate the rate of wages or manner of conducting the said trade of gold-beating.

Hastings & Co. agree to pay the passage to Philadelphia, and James Tame agrees to repay it at not less than one dollar per week.

HASTINGS & CO.
JAMES TAME.

Mr. BUTLER. Now, may I ask the Senator from Massachusetts if he really and conscientiously thinks there is anything in this bill to prevent the enforcement of that contract?

Mr. DAWES. I had the impression that there was. If it does not reach such contracts as that it does not reach the only ground upon which I support it, as I stated yesterday, and that is the view taken by the gold-beaters themselves in the petition which I ask to have read.

The PRESIDING OFFICER. What disposition does the Senator desire of the petition he has sent to the desk?

Mr. DAWES. I ask that the petition be received and read without the names.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned gold-beaters of Massachusetts, suffering from the effects of cheap imported and child labor, introduced into New York and Philadelphia manufactories, to the detriment of skilled American workmen, do hereby petition your honorable body to take action, whereby said foreign and child labor will be excluded from a trade that requires a large amount of intelligence and good judgment. And unless such action is taken, the total exclusion of the intelligent American workman from our workshops is inevitable.

And we pray for an immediate passage of the foreign contract labor bill now before the Senate.

FRANK H. ADAMS and others.

Mr. BUTLER. I should like to have the attention of the Senator from New Hampshire for a moment, in order to get an explanation of some of the provisions of this bill which I confess I do not understand. I am in the same position as my friend from Alabama. It is claimed by those who favor this measure that the object is to exclude the pauper labor of foreign countries from the United States coming here under contracts made abroad. That I understand to be the object of the bill.

Mr. BLAIR. Not necessarily pauper labor.

Mr. BUTLER. Well, all contract labor. Then I should like to ask the honorable Senator why it is that section 3 provides for a forfeiture of $1,000, "which may be sued for and recovered by any person, who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same."

That is a civil action, a *qui tam* action as I understand, for the recovery of $1,000 from the party who violates the previous provisions of this bill. In section 4 provision is made—

That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

If the honorable Senator will explain to me why he discriminates against the master of a vessel in fixing the penalties of this bill, I shall be greatly obliged to him.

Mr. BLAIR. If the Senator wants an answer, I will make one. In the first place I think it quite immaterial whether there is such a discrimination or not; but there is such a discrimination in the bill as it is brought here. I do not consider it any serious objection; perhaps it is even an excellence in the bill. I can perceive a reason why it should be. The first section criticised, the third section of the bill, provides for a suit for a penalty. It is not precisely a criminal statute, as the Senator understands. The fourth section describes an offense and makes it a misdemeanor which is punishable not alone by fine as in a *qui tam* action, but also by imprisonment. The thing done in the fourth section is very different from that which is prohibited previously and is punished by the third section. It is an effort to punish a man who might not be responsible and who by reason of his irresponsibility might escape all punishment otherwise, by subjecting him to a fine; the master of a vessel by subjecting him to imprisonment as well as to a fine. The master of a vessel is not so likely to be a man of capital able to respond to a suit for damages or the collection of a fine as the employer or hirer of labor might be, and it was designed to reach him at all events.

Mr. BUTLER. May I ask the Senator another question in that connection in pursuance of a suggestion made by the Senator from Alabama? Suppose a railroad corporation or a mining corporation or a manufacturing establishment or any other body of combined capital should employ an irresponsible man, call him John Smith if you please, to go to Germany or France or England or Russia or Sweden or Norway, and John Smith brings to Castle Garden 5,000 laborers, and as soon as they land the superintendent of the railroad corporation proceeds to Castle Garden and makes a contract there with those 5,000 laborers within the jurisdiction and limits of the United States. The only redress as I understand that this bill gives is that John Smith shall forfeit $1,000, but you can not touch the railroad corporation. You bring your action against John Smith and he snaps his fingers in your face and says, "I am not worth two dollars and a half for you to collect."

Mr. BLAIR. The Senator will see that his own amendment seems planned on purpose to let the corporation escape.

Mr. BUTLER. No, sir.

Mr. BLAIR. The bill itself makes the offense the same when it is committed by any person, partnership, company, or corporation who violates the same by assisting, encouraging, or soliciting the prohibited migration, or, as in another section, in any manner whatsoever prepaying the transportation or assisting in or encouraging the importation of the prohibited parties. Now, the case which the Senator puts is that of the principal himself hiding under an irresponsible party. The railroad corporation or the mining corporation sending an agent abroad is itself really the principal, and so is reached under this statute with equal penalties, at least as an accessory, an aider, an abettor, an assister; it is punished the same and punished to the extent of a thousand dollars for each individual thus brought here and thus hired.

Mr. BUTLER. Can there be an accessory to an action, such as is provided for in the third section of this bill?

Mr. BLAIR. It may not be precisely an accessory in the strict technical definition in criminal law, because I believe there are none such in misdemeanors, for there all are principals. I speak of an aider, an assister, an abettor, an incitor, an inducer as descriptive of the thing.

Mr. BUTLER. How are we to reach them?

Mr. BLAIR. By suing the corporation if it is responsible and recovering a thousand dollars a head for each person brought here.

Mr. BUTLER. The corporation has made no contract in violation of the terms of the bill.

Mr. BLAIR. But the corporation has sent the agent abroad to make it; it is the aider, the inducer, the abettor, in fact the prime mover, and so is reached by the bill.

One more difficulty with this bill, permit me to say here, is that those who criticise its phraseology know very little of it. This is a good bill, with a few exceptions that might have been stricken out by any ordinary schoolmaster, it being not exactly grammatical all the way through, but it is a bill that reaches this evil, and it reaches it so closely, ferrets it out so well, punishes it so certainly, and extirpates it so surely, if it becomes a law, that many men are, I think, fighting it by indirection. Now, take the Senator's own amendment which he has offered. It is an amendment open to the objection which he makes to this bill.

Mr. BUTLER. I should like the Senator to point it out.

Mr. BLAIR. I will endeavor to do so when I am done answering questions that may be propounded by the Senator himself.

Mr. BUTLER. I should be very glad indeed to have it pointed out.

Mr. BLAIR. I shall be glad to point it out.

Mr. BUTLER. I wish to know wherein it is liable to the criticism the Senator makes.

Mr. BLAIR. I will take my time to do it.

Mr. BUTLER. Taking the assertion of the advocates of this bill that they are really anxious to prevent what is said to be an evil, it has occurred to me that this bill offered a premium upon its very face for its own violation. The amendment which I have drawn makes it a misdemeanor for the alien or foreigner himself to come. Not only that, but the second section provides that if any person—not a corporation, corporations are represented by persons—if any person representing a corporation makes a contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, and brings those aliens and foreigners within the limits of the United States in pursuance of that agreement, he is liable on the criminal side of the court, and he is reached in that way; but this bill as it stands reaches nobody. It is and will be found to be whenever the attempt is made to enforce it absolutely inoperative, I predict, and in its operations a sham and a pretense, for the reason I have stated; it has no penalty whatever which can reach anybody and which may not be evaded at any moment. It will be evaded, because a premium is offered in the bill itself for doing so.

It seems to me that this body of legislators before it places a bill upon the statute-book, after a solemn, deliberate discussion such as this has had, should so frame it that it shall at least be clear to some of us who are, I admit, more obtuse than the honorable Senator from New Hampshire and very far inferior to him in legal ability; but inasmuch as we have to vote upon the bill, I submit that it is quite competent that I should make the inquiry, he having charge of the measure, in order that he might explain some defects which as it appears to me exist in it.

Mr. SAULSBURY. I desire to offer an amendment, if it is in order, to the amendment of the Senator from South Carolina. Probably he will accept it if it is in order, as I presume it is.

The PRESIDING OFFICER. It is in order.

Mr. SAULSBURY. I move to amend by adding as an additional section:

SEC. —. That it shall be unlawful for any person, corporation, company, firm, or association of persons to employ, pay for, or accept the services in any business or occupation of any alien or aliens, foreigner or foreigners, who may emigrate to or come into the United States to perform service or labor without a fixed purpose of acquiring a permanent residence in and becoming citizens of the United States. Every person offending against the provisions of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall forfeit and pay a fine of $500.

I understand the professed object of this bill to be to protect American labor. There is no provision in the bill as drawn which in my opinion will operate to the protection of American labor. I understand there are a large number of the operatives in New England, and also in the pine forests of Michigan and Wisconsin, and also a large number of persons engaged in the manufacture of cigars in the Southern States, especially in Florida, and some perhaps engaged in fruit-growing in that section of the country, who come here to labor, not for the purpose of becoming permanent citizens, but simply to operate here as laborers, thus depriving American laborers of the occupations that they otherwise would be entitled to.

It is to meet that condition of affairs that I have offered this amendment. The mill-owners of New England, as I understand, employ Canadians, who come there not for the purpose of residing in New England, not for the purpose of remaining there permanently, and by giving them employment oust the laborers of New England from the factories because they can secure the Canadian laborer cheaper. I think if we are going to protect American labor we ought to adopt some measure that will have that effect. I have offered this amendment making it an offense against the law to give employment or to accept the service of any alien or foreigner who may come to this country, not for the purpose of forming a permanent residence, but simply for the purpose of operating as a laborer, who thus deprives our American laborers of the employment they otherwise would have. I have offered the amendment for that purpose. If the object and purpose of this bill really be to protect American labor, I think the amendment is more efficient for that purpose than any provision in the bill.

Mr. BUTLER. I suggest that the amendment of the Senator from Delaware would properly come in as the third section of my amendment, so as to make the third section offered by me the fourth. If the Senator will permit me I will make that suggestion.

The PRESIDING OFFICER. Does the Senator from Delaware accept the suggestion?

Mr. SAULSBURY. Yes, sir.

Mr. BUTLER. As I understand, the amendment of the Senator from Delaware names penalties different from those in my amendment. The first section of the amendment I have offered provides—

That from and after the passage of this act it shall be unlawful for any alien or aliens, foreigner or foreigners, coming to this country under a contract or agreement to labor, to land upon the shores of the United States; and any alien or aliens, foreigner or foreigners, so landing after the passage of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $1,000 fine or twelve months' imprisonment.

I ask the Senator from New Hampshire if there is any doubt, if there is any obscurity, about that provision of my amendment? In other words, I should like the Senator from New Hampshire to tell me if there would be any difficulty in a prosecuting officer, a marshal or deputy marshal, being able to enforce that provision of law. It is perfectly clear, perfectly distinct. It is claimed by those who advocate this bill that the sole object of it is to exclude what is called servile foreign labor, labor brought here under contract. If that is the object, then the officer of the law would have no difficulty whatever in laying his hand on any man who violated this provision. There is no ambiguity about it. It is distinct. It has its penalties. Its penalties can be enforced. It seems to me there can be no doubt about that.

The second section provides for one class of persons who would violate law, to wit, the aliens and foreigners. That section reads:

That any person or persons who shall contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, to labor within said limits or jurisdiction, previous to said alien or aliens, foreigner or foreigners, becoming citizens or residents of the United States, and shall bring or cause to be brought such laborers within the limits of the United States in pursuance of said contract to labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in a court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $2,000 fine and two years' imprisonment.

I should like the Senator from New Hampshire to tell me whether there is any ambiguity about that language. The honorable Senator says it appears to be framed with a view of not fixing responsibility upon corporations and upon manufacturing establishments. Unless I am very much misinformed these corporations and establishments act through agents upon whom the officer of the law would have not the slightest difficulty in laying his hand if they violate it.

So with the amendment of the honorable Senator from Delaware [Mr. SAULSBURY] which I have accepted. It provides a penalty and a punishment for a violation of this proposed law, that is to say, if the object of the bill is to prevent and exclude contract labor. As it is, in my judgment, it is absolutely inoperative and useless for any such purpose.

We have heard so much froth (and I do not say that in any disrespectful sense) about the protection of American labor that it is absolutely getting to be nauseating to me. Protect American labor out of whose pocket we annually wring $85,000,000 in violation of morals! When American labor clamors for recognition by Congress we provide a bureau of labor, as we did last year. I should like to know how many pounds of bread and meat, how much clothing, how much fuel, and how much protection from the weather that Labor Bureau is going to furnish to the American laborer. How much has it furnished? How much will it furnish? The laborers literally ask for bread and we have given them a stone, and we propose to give them another in this bill if it passes.

Mr. SAULSBURY. There is a scorpion in it.

Mr. BUTLER. My friend from Delaware suggests that there is a scorpion in the bill; I think it very likely. My objection to the bill in the shape in which it is as it came from the committee is that it pretends to do something and really and practically does nothing except to throw a sop to Cerberus, to pat the American laborer on the head by giving him a bill which amounts to nothing. Because some Knight of Labor has telegraphed or has petitioned some Senator or Member of Congress, we throw him this taffy to satisfy the clamor of the American laborer, giving him a sham when he wants something real, giving him a bill which has nothing in it, instead of putting back into his pocket the eighty-five millions annually which we take from his pocket, and in that way furnish him employment.

Eighty-five million dollars in ten years would accumulate an enormous sum of money, and yet we are told that we protect the American laborer by taking $85,000,000 annually out of his pocket, and robbing his wife and his children of the necessaries of life in so doing; and when the demand is made upon Congress for relief we come in and with a sham and pretense like this say that that satisfies the demand of the American laborer and protects him against being underbid by imported pauper labor and servile labor, as it has been termed.

If we are going to do that, let us do it. I will go as far as the Senator from New Hampshire or any other Senator in an honest effort to protect American labor from the invasion of pauper or servile labor from China, Hungary, or anywhere else, but I do not intend if I know myself to vote for a measure which will be as inoperative as a blank piece of paper. I will submit to the candid judgment of any lawyer the premium that it offers in its own provisions for a violation of the law. I submit that we have no right as legislators to do that.

Hence it is that in good faith I have presented to the Senator from New Hampshire and those who think with him a measure about which there is no ambiguity or doubt. If there is, and he will point it out, I can assure that Senator I will accept any suggestion of amendment to make the provisions more clear; but I submit that under any fair criticism by any candid lawyer, or by any candid officer of the Government,

he would not have the slightest difficulty in enforcing the provision of the amendment which I have offered as a substitute for the bill. I am frank to say, I think it has been improved by the amendment of the honorable Senator from Delaware, about which there is as little ambiguity and doubt; and if the honorable Senator from New Hampshire will go with me in the direction which he has indicated, according to the intention of the committee and those who support the bill, I will take two steps to every one that he takes toward protecting American labor against what is said to be an intrusion by the pauper labor of Europe.

Mr. BLAIR. The Senator from South Carolina will pardon me if in listening to his somewhat unaccustomed rôle of the special friend of American labor I feel reminded of the proverb that it is well to beware of the Greeks when they come bearing gifts. I have examined his amendment with a suspicion that he might not be from the very bottom of his soul the most anxious to conserve the purpose of this bill. I am very glad, for I know him to be a sincere gentleman, that he is in earnest; but it would have taken the positive assurances which he has made upon the floor of the Senate to convince me of it. As it is now, I am satisfied that he is sincere, but that he is mistaken in the character of the effort which he has made, and it is not calculated to carry out his real purpose, which is the success of this movement to prevent the introduction of contract labor into this country.

I think that this has been a somewhat unfortunate bill. In the first place it came to us from the House of Representatives, as I know and as the Senate knows, almost unanimously indorsed, without regard to party, from that end of the Capitol——

The PRESIDENT *pro tempore*. It is not in order to refer to the action of the other House.

Mr. BLAIR. I refer to it to compliment it. Is it improper to speak language complimentary of the action of the House?

The PRESIDENT *pro tempore*. That would lead to the right of other Senators to speak exactly the reverse of the action of the House of Representatives, and neither is in order.

Mr. BLAIR. That I would object to. But the bill is here. The Senator from South Carolina seems to understand that it originated with the Committee on Education and Labor of the Senate. He must understand that it comes from that committee precisely as it went to it.

Mr. BUTLER. The Senator will certainly pardon me.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I hope the Senator will not interrupt me. I have but two minutes more.

The PRESIDENT *pro tempore*. The Senator from New Hampshire declines to yield and must not be interrupted without his consent.

Mr. BUTLER. I am not asking to interrupt him without his content, if the Chair pleases. I was simply in the act of taking my seat.

Mr. BLAIR. I will yield.

The PRESIDENT *pro tempore*. The Senator from South Carolina is not in order in interrupting the Senator from New Hampshire without his consent.

Mr. BLAIR. I yield to the Senator from South Carolina.

The PRESIDENT *pro tempore*. The Senator from New Hampshire now yields to the Senator from South Carolina.

Mr. BUTLER. I am very much obliged to the Senator and much obliged to the Chair. I simply wanted to say to the Senator from New Hampshire that I did not state that the bill originated with the Committee on Education and Labor, and I did not state where it originated because I had no right under the rules of the Senate to refer to the place where it originated.

Mr. BLAIR. The RECORD will settle all this. It is unimportant anyway. I was about to say further that the bill having been subjected in the first instance to a variety of verbal criticisms which it survived, it has latterly been subjected to an indefinite number of speeches made against it by those who profess to be and are its friends, and who say to us that they will vote for it. Therefore it becomes unnecessary for me to reply to the elaborate speech of the honorable Senator from New Jersey [Mr. MCPHERSON]. I am satisfied if he gives his vote for the bill, although he has contrived to speak against it.

Mr. MCPHERSON. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I decline to yield unless I can have unanimous consent to make up the time.

Mr. RANSOM and others. Unanimous consent.

The PRESIDENT *pro tempore*. The Senator from New Hampshire declines to yield.

Mr. DAWES. I hope the Senator from New Hampshire will have unanimous consent.

Mr. BLAIR. Very well, then, I shall have no objection to hearing the Senator from New Jersey.

The PRESIDENT *pro tempore*. For what does the Senator from New Hampshire ask unanimous consent?

Mr. BLAIR. That I may have by unanimous consent all the time of which I am deprived by these interruptions.

Mr. MCPHERSON. The Senator can not have my consent unless he will refrain from misstating facts.

The PRESIDENT *pro tempore*. The Senator from New Jersey can not interrupt the Senator from New Hampshire without his consent. He declines to be interrupted.

Mr. BLAIR. I do not propose to misstate facts, and the RECORD will show whether I have done so.

The first section of the amendment of the Senator from South Carolina provides for the punishment of this poor, miserable, ignorant, creature, who, not knowing our laws, not knowing the laws of his own country, unacquainted with our language, comes here under contract. How is he to know that he is committing an offense? It is impossible that he should know that he is committing a crime, and it would be a crime against the laws of a foreign country even if he knew the nature of the act which he was committing. Is he then to be taken on his arrival in this country and subjected to a fine not exceeding $1,000, or twelve months' imprisonment? It is not imprisonment less than twelve months, but twelve months at least. An absolute provision is proposed to imprison to the extent of twelve months this poor, ignorant man who is the victim of the shysters and the capitalists who perpetrate this wrong upon him.

Then how are we to enforce our own bill? Where are we to get our power? When the man comes here and is informed of the nature of the transaction to which he has been subjected, of the slavery to which he has been committed, he becomes a witness. We even give him the privilege of suing to recover damages for the wrong which has been perpetrated upon him. If our law proposes to shut him up in prison as soon as he gets here, how are we to obtain our evidence? That provision of itself would render the measure utterly inoperative.

Take the second section of the Senator's amendment. The second section reaches a portion of what is comprised in the second and third sections of the bill itself, but it is more narrow. It does not reach the case where an American contracts with another American who makes his contract with a party abroad—the irresponsible American, the Senator spoke to me about in his supposed case a little while ago. It leaves the way open to contract with an irresponsible American and send him abroad to perpetrate this evil. There are a great many other things I could mention. It does not make the contract itself void. It does not reach the man who knowingly brings the laborer here.

The PRESIDENT *pro tempore*. The Chair begs leave to inform the Senator from New Hampshire, only as a matter of information, for there is no rule which terminates debate, that the hour of 2 o'clock has arrived.

Mr. ALLISON. I ask unanimous consent that the Senator from New Hampshire may have five minutes, or ten minutes if he desires.

Mr. BLAIR. Five minutes will be sufficient.

Mr. MORGAN. I object unless the privilege is extended all around the Senate.

The PRESIDENT *pro tempore*. Objection is made. The Senator from New Hampshire is entitled to the floor. The Chair does not enforce the understandings of the Senate.

Mr. BLAIR. I do not propose to keep the floor in violation of the understanding. I had nothing further to say, except as to the suggestions of the Senator from Delaware and a few more words in reference to the amendment of the Senator from South Carolina.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BUTLER] as modified by him on the suggestion of the Senator from Delaware [Mr. SAULSBURY].

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That from and after the passage of this act it shall be unlawful for any alien or aliens, foreigner or foreigners, coming to this country under a contract or agreement to labor, to land upon the shores of the United States; and any alien or aliens, foreigner or foreigners, so landing after the passage of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States, shall be punished by fine or imprisonment or both, at the discretion of the court, not to exceed $1,000 fine or twelve months' imprisonment.

SEC. 2. That any person or persons who shall contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, to labor within said limits or jurisdiction, previous to said alien or aliens, foreigner or foreigners, becoming citizens or residents of the United States, and shall bring or cause to be brought such laborers within the limits of the United States in pursuance of said contract to labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in a court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $2,000 fine and two years' imprisonment.

SEC. 3. That it shall be unlawful for any person, corporation, company, firm, or association of persons to employ, pay for, or accept the services in any business or occupation of any alien or aliens, foreigner or foreigners, who may emigrate to or come into the United States to perform service or labor without a fixed purpose of acquiring a permanent residence in and becoming citizens of the United States. Every person offending against the provision of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall forfeit and pay a fine of $500.

SEC. 4. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers; *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

SEC. 5. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On these questions generally I am paired with the Senator from Delaware [Mr. BAYARD]. I do not know how he would vote on the amendment, and therefore I refrain from voting.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR] on this and all other questions relative to the bill. If he were here, I should vote "yea."

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is paired upon this question with the Senator from Texas [Mr. COKE]. My colleague, if here, would vote against the pending amendment.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. I should vote "yea" if I were not paired.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. Not knowing how he would vote, I refrain from voting on this question.

Mr. RANSOM (when his name was called). I am generally paired with the senior Senator from Illinois [Mr. LOGAN]. I do not see his colleague [Mr. CULLOM] on the floor. I do not know how the senior Senator from Illinois, with whom I am paired, would vote on this question, so I shall not vote.

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired on this subject with the Senator from West Virginia [Mr. KENNA].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]; otherwise I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 14, nays 36; as follows:

YEAS—14.

Butler,	Gibson,	Morgan,	Voorhees,
Cockrell,	Hampton,	Saulsbury,	Williams.
Fair,	Harris,	Slater,	
Garland,	Maxey,	Vance,	

NAYS—36.

Aldrich,	Frye,	Jonas,	Pike,
Blair,	George,	Lapham,	Platt,
Bowen,	Gorman,	McMillan,	Pugh,
Brown,	Groome,	McPherson,	Sawyer,
Cameron of Wis.,	Harrison,	Mahone,	Sewell,
Conger,	Hawley,	Miller of N. Y.,	Sherman,
Cullom,	Hill,	Mitchell,	Van Wyck,
Dawes,	Ingalls,	Morrill,	Vest,
Edmunds,	Jackson,	Palmer,	Wilson.

ABSENT—26.

Allison,	Coke,	Jones of Nevada,	Plumb,
Bayard,	Colquitt,	Kenna,	Ransom,
Beck,	Dolph,	Lamar,	Riddleberger,
Call,	Farley,	Logan,	Sabin,
Camden,	Hale,	Manderson,	Walker.
Cameron of Pa.,	Hoar,	Miller of Cal.,	
Chace,	Jones of Florida,	Pendleton,	

So the amendment was rejected.

Mr. BLAIR. I wish to have a verbal amendment made that has escaped my attention until now. In section 2, line 4, I move to strike out the words "doing business within the United States." Those words should be stricken out in order that the bill may include corporations and partnerships abroad as well as in this country.

The amendment was agreed to.

Mr. LAPHAM. I gave notice of an amendment to strike out the words "or singers," in section 5, line 15. I think the worst form of tyranny is found in the case of the Italian children who are brought over here and who go about our streets singing, and who are whipped every night when they go home if they do not bring in a certain sum of money. I do not want to have the bill so framed that its prohibition will not apply to that class of cases.

Mr. BLAIR. The clause refers to professional singers.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New York will be reported.

The CHIEF CLERK. In section 5, line 15, it is proposed to strike out the words "or singers;" so as to read:

Nor shall the provisions of this act apply to professional actors or lecturers, nor persons employed strictly as personal or domestic servants.

The amendment was rejected.

Mr. LAPHAM. I gave notice of a motion to amend the third section so as to exclude from it the moiety provision, with a view of taking the sense of the Senate upon it. I understood the occupant of the chair at that time to say that I should have to wait until the bill came into the Senate, the Senate having refused to strike out the entire section as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole having refused to strike out section 3, it will not be in order to strike out any part of it until the bill is reported to the Senate.

Mr. LAPHAM. I shall reserve that amendment until the bill is reported to the Senate.

Mr. PLUMB. In section 5, line 14, after the word "actors," I move to insert the word "artists;" so as to read:

Nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers.

The amendment was agreed to.

Mr. MORGAN. In section 5, line 14, before the word "professional," I move to insert "artisans;" so as to read:

Nor shall the provisions of this act apply to artisans, professional actors, artists, ecturers, &c.

The amendment was rejected.

Mr. GROOME. In section 5, line 2, after the word "citizen," I move to insert the words "or subject;" so as to read:

That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LAPHAM. I now offer the amendment to section 3 which I sent to the Secretary's desk. I offer the amendment simply for the purpose of taking the sense of the Senate as to whether the provision relating to moieties shall be retained in the bill. We have in the main abolished all our laws in regard to moieties because we regard them as temptations to perjury.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. BLAIR. Just a moment. Of course that is contrary to our understanding that there was to be no further debate. I hope, unless the Senator feels that it is necessary to do that which ought to be permitted to bring out a reply, he will not discuss the amendment. He discussed it when he first suggested the amendment.

Mr. LAPHAM. I do not wish to speak out of order, of course.

Mr. BLAIR. It is not out of order.

Mr. LAPHAM. I have said in substance all I wanted to say. I should like to have the amendment adopted.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. In section 3, line 12, after the word "recovered," it is proposed to insert the words "by the United States or;" so as to read:

Shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York. [Putting the question.] The ayes appear to have it.

Mr. BLAIR. I should like the amendment to be again stated and the section read as it will be if the amendment is put in.

The PRESIDENT *pro tempore*. The amendment will be again reported. The section will be first read as it now stands, then the amendment, then the section as it would stand if amended.

The Chief Clerk read section 3 of the bill, as follows:

That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

Mr. PLATT. I rise to an inquiry as to the amendment. I understood the Senator from New York to say that he proposed an amendment which related to the moiety clause of the bill. The amendment which has been read does not seem to be such an amendment. I do not understand it.

The PRESIDENT *pro tempore*. The Chair heard the Senator from New York as the Senator from Connecticut did, but the Chair understood at the desk that the Senator from New York gave notice of two amendments, the first of which is the amendment now reported, which is to be followed by the amendment which the Chair understood him to indicate in regard to moieties.

Mr. LAPHAM. There are two amendments. The first is necessary in order to make the second of any advantage.

Mr. BLAIR. The Senator says this is necessary in order to make the next amendment of any advantage. I do not want the section rendered entirely inoperative, and hope the amendment will be rejected.

Mr. ALLISON. Let us hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 3, line 12, after the word "recovered," it is proposed to insert the words "by the United States or;" so as to read:

Which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor.

So that the section when amended will read:

SEC. 3. That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

Mr. LAPHAM. Now, if the Secretary will read the second amendment I offered, the Senate will see precisely how the section will read if the amendments are adopted.

The PRESIDENT *pro tempore*. If there be no objection the Secretary will report the amendment intended to be proposed by the Senator from New York following the one now pending.

The CHIEF CLERK. In section 3, line 16, after the word "States," strike out all down to and including the word "moiety," in line 18, as follows:

The one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety—

And insert:

The proceeds to be paid.

So as to read:

Who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit court of the United States, the proceeds to be paid into the Treasury of the United States.

The PRESIDENT *pro tempore*. The last amendment has been read for information. The pending question is on the amendment proposed by the Senator from New York which was first read.

Mr. CALL. Let the amendment be read again.

The CHIEF CLERK. In section 3, line 12, after the word "recovered," insert "by the United States or;" so as to read:

Which may be sued for and recovered by the United States or by any person who shall first bring his action therefor.

Mr. BLAIR. The Senator from New York says it is part of the next amendment.

The question being put, there were on a division—ayes 25, noes 14.

Mr. BLAIR. I think this is a vital matter, and I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. PLUMB. I am rather inclined to vote for the amendment unless some statement can be made here showing that it would in any way impair the efficiency of the bill. It seems to me on the first blush that it makes the bill better, that it multiplies the opportunities for prosecutions for a violation of the terms of the bill.

Mr. MORGAN. I insist on the rule, or else that there shall be free debate.

Mr. PLUMB. I should like to have the Senator from New Hampshire who has charge of the bill state his objection to the amendment.

Mr. ALLISON. Is debate in order?

The PRESIDENT *pro tempore*. Debate is in order. The Chair has no power to enforce the understandings of the Senate.

Mr. ALLISON. We have an understanding, however.

The PRESIDENT *pro tempore*. There is an understanding, but the Chair has no power under the rules to enforce an understanding.

Mr. BLAIR. It seems a little hard that the understanding can be enforced against the bill, and is violated whenever the bill is attacked. I am going to live up to the understanding, but I would as lief the bill should be beaten now as that this sort of thing should be continued in this way, as I know about the bill and I know where it will reach.

Mr. ALLISON. That is debate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. Not knowing how he would vote, I shall not vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES].

The roll-call was concluded.

Mr. DAWES. I wish to state that my colleague [Mr. HOAR] is paired with the Senator from Texas [Mr. COKE] upon the bill and amendments. I do not know how my colleague would vote on this amendment. Has the Senator from Texas any knowledge on that point?

Mr. COKE. I have already announced the pair, I will state to the Senator from Massachusetts.

Mr. CALL. I am requested by my colleague [Mr. JONES, of Florida] to announce his pair with the Senator from Nebraska [Mr. MANDERSON] and to state that he is detained from the Senate by illness.

The result was announced—yeas 39, nays 16; as follows:

YEAS—39.

Bayard,	Edmunds,	Hawley,	Morrill,
Brown,	Fair,	Hill,	Palmer,
Butler,	Frye,	Ingalls,	Plumb,
Call,	Garland,	Jonas,	Pugh,
Camden,	Gibson,	Kenna,	Saulsbury,
Chace,	Groome,	Lapham,	Slater,
Cockrell,	Hale,	McMillan,	Vest,
Conger,	Hampton,	Maxey,	Voorhees,
Cullom,	Harris,	Mitchell,	Williams.
Dolph,	Harrison,	Morgan,	

NAYS—16.

Allison,	George.	Miller of N. Y.,	Sawyer,
Blair,	Jackson,	Pike,	Sewell,
Cameron of Wis.,	Lamar,	Platt,	Vance,
Dawes,	McPherson,	Sabin,	Van Wyck.

ABSENT—21.

Aldrich,	Farley,	Mahone,	Sherman,
Beck,	Gorman,	Manderson,	Walker,
Bowen,	Hoar,	Miller of Cal.,	Wilson.
Cameron of Pa.,	Jones of Florida,	Pendleton,	
Coke,	Jones of Nevada,	Ransom,	
Colquitt,	Logan,	Riddleberger,	

So the amendment was agreed to.

Mr. LAPHAM. I now ask consideration of the other amendment which I have sent to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 3, line 16, after the word "States," it is proposed to strike out the words—

The one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety.

And to insert—

The proceeds to be paid.

So as to read:

Shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when Mr. HOAR's name was called). I am paired with the Senator from Massachusetts [Mr. HOAR] who is temporarily absent. Not knowing how he would vote upon this amendment, I shall refrain from voting.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 39, nays 15; as follows:

YEAS—39.

Allison,	Cullom,	Hawley,	Palmer,
Bayard,	Dolph,	Ingalls,	Pendleton,
Beck,	Frye,	Jonas,	Ransom,
Brown,	Garland,	Kenna,	Saulsbury,
Butler,	Gibson,	Lapham,	Sawyer,
Call,	Groome,	McMillan,	Slater,
Camden,	Hale,	Maxey,	Vest,
Chace,	Hampton,	Mitchell,	Voorhees,
Cockrell,	Harris,	Morgan,	Williams.
Conger,	Harrison,	Morrill,	

NAYS—15.

Blair,	Jackson,	Platt,	Sewell,
Cameron of Wis.,	Lamar,	Plumb,	Vance,
Edmunds,	McPherson,	Pugh,	Van Wyck.
George,	Miller of N. Y.,	Sabin,	

ABSENT—22.

Aldrich,	Fair,	Jones of Nevada,	Riddleberger,
Bowen,	Farley,	Logan,	Sherman,
Cameron of Pa.,	Gorman,	Mahone,	Walker,
Coke,	Hill,	Manderson,	Wilson.
Colquitt,	Hoar,	Miller of Cal.,	
Dawes,	Jones of Florida,	Pike,	

So the amendment was agreed to.

Mr. BLAIR. I move to amend section 3 as it now stands, limiting

all rights of action to the United States, but imposing no duty upon the United States to prosecute the action——

Mr. MCMILLAN. No; it does not limit it to the United States.

Mr. BLAIR. Well, practically. I move to add to section 3:

And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. MORGAN. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired on this question with the Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "nay."

Mr. RANSOM (when his name was called). I think from the vote of my friend from Illinois [Mr. CULLOM] I should probably vote against his colleague [Mr. LOGAN], if he were here. I shall not vote. I should vote "nay," if the Senator from Illinois [Mr. LOGAN] were present.

The result was announced—yeas 43, nays 15; as follows:

YEAS—43.

Aldrich,	Edmunds,	Kenna,	Platt,
Allison,	Frye,	Lamar,	Plumb,
Blair,	George,	Lapham,	Pugh,
Butler,	Gibson,	McMillan,	Sabin,
Call,	Hale,	McPherson,	Sawyer,
Camden,	Harrison,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sherman,
Chace,	Hill,	Mitchell,	Van Wyck,
Conger,	Ingalls,	Morrill,	Vest,
Cullom,	Jackson,	Palmer,	Wilson.
Dolph,	Jonas,	Pike,	

NAYS—15.

Bayard,	Garland,	Maxey,	Vance,
Beck,	Groome,	Morgan,	Voorhees,
Brown,	Hampton,	Pendleton,	Williams.
Fair,	Harris,	Saulsbury,	

ABSENT—18.

Bowen,	Dawes,	Jones of Nevada,	Riddleberger,
Cameron of Pa.,	Farley,	Logan,	Slater,
Cockrell,	Gorman,	Mahone,	Walker.
Coke,	Hoar,	Manderson,	
Colquitt,	Jones of Florida,	Ransom,	

So the amendment was agreed to.

Mr. GROOME. In section 2, line 7, the words "of any kind," after the word "person," seem to have no place. I therefore move to strike them out; so as to read:

Or having reference to the performance of service or labor by any person in the United States, its Territories, or the District of Columbia.

The amendment was agreed to.

Mr. BLAIR. I should like to have a verbal transposition made of the words "service or labor" in the sixth line of the second section, so as to read "labor or service." That would be altogether more poetic, while the other phrase savors rather of blank verse.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Hampshire, in section 2, line 6, to strike out the words "service or labor" and to insert the words "labor or service;" so as to read:

Or having reference to the performance of labor or service by any person in the United States, &c.

The amendment was agreed to.

Mr. CALL. In section 3, line 3, after the word "by," I move to strike out the words "assisting, encouraging, or soliciting the migration or" and to insert the word "the;" so as to read:

For every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same by the importation of any alien or aliens, &c.

The words I move to strike out do not describe any offense so definitely as to justify the punishment of a person by a fine of a thousand dollars. The fact as to what will constitute encouraging or soliciting migration is too indefinite for an act that imposes a penalty of a thousand dollars.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

Mr. HAWLEY. Remarks are not in order, so I simply make a motion to refer the bill to the Committee on the Judiciary with instructions to report not later than the 20th instant a bill that shall more effectually reach the ends aimed at.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the bill be referred to the Committee on the Judiciary with instructions to report not later than the 20th instant a bill effectuating the purposes provided for in the bill as amended. The question is on agreeing to the motion.

The question being put, a division was called for, and the ayes were 17.

Mr. HAWLEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAWLEY. My exact language was "that shall more effectually reach the ends aimed at."

The PRESIDENT *pro tempore*. The Senator will send to the Chair his language. The motion of the Senator from Connecticut will be read when it is reduced to writing.

The motion having been reduced to writing, the Chief Clerk read as follows:

That the bill be referred to the Committee on the Judiciary with instructions to report not later than the 20th instant a bill that shall more effectually reach the ends really aimed at.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. RANSOM (when his name was called). If the Senator from Illinois [Mr. LOGAN], with whom I am paired, were here, I should vote "yea."

The roll-call was concluded.

Mr. MANDERSON. But for my pair with the Senator from Florida [Mr. JONES] I should vote "nay."

The result was announced—yeas 15, nays 41; as follows:

YEAS—15.

Bayard,	Groome,	Hawley,	Saulsbury,
Butler,	Hale,	Maxey,	Vance,
Garland,	Hampton,	Morgan,	Williams.
Gibson,	Harris,	Pendleton,	

NAYS—41.

Aldrich,	Edmunds,	Lapham,	Sabin,
Blair,	Frye,	McMillan,	Sawyer,
Bowen,	George,	McPherson,	Sewell,
Brown,	Gorman,	Miller of Cal.,	Sherman,
Call,	Harrison,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Hill,	Mitchell,	Vest,
Chace,	Ingalls,	Morrill,	Voorhees,
Conger,	Jackson,	Palmer,	Wilson.
Cullom,	Jonas,	Platt,	
Dawes,	Jones of Nevada,	Plumb,	
Dolph,	Kenna,	Pugh,	

ABSENT—20.

Allison,	Coke,	Jones of Florida,	Pike,
Beck,	Colquitt,	Lamar,	Ransom,
Camden,	Fair,	Logan,	Riddleberger,
Cameron of Pa.,	Farley,	Mahone,	Slater,
Cockrell,	Hoar,	Manderson,	Walker.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question now is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times the question is, Shall it pass?

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired on this bill with the Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "nay."

Mr. DAWES (when Mr. HOAR's name was called). My colleague [Mr. HOAR] is paired upon this bill with the Senator from Texas [Mr. COKE]. If my colleague were here, he would vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote for the bill.

Mr. WALKER (when his name was called). I am paired generally with the Senator from Virginia [Mr. RIDDLEBERGER]. Believing that he would vote in the affirmative, as I would, I therefore vote. I vote "yea."

The roll-call was concluded.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN], but I am informed by his colleague that he would vote "yea." I vote "yea."

Mr. MITCHELL. My colleague [Mr. CAMERON, of Pennsylvania] has been absent some days on account of illness. He is paired with the Senator from California [Mr. FARLEY]. If he were present, I have no doubt my colleague would vote "yea."

The result was announced—yeas 50, nays 9; as follows:

YEAS—50.

Aldrich,	Fair,	Lamar,	Pugh,
Allison,	Frye,	Lapham,	Ransom,
Blair,	George,	McMillan,	Sabin,
Bowen,	Gibson,	McPherson,	Sawyer,
Brown,	Gorman,	Mahone,	Sewell,
Call,	Hale,	Miller of Cal.,	Sherman,
Camden,	Harris,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Harrison,	Mitchell,	Vest,
Chace,	Ingalls,	Morrill,	Voorhees,
Conger,	Jackson,	Palmer,	Walker,
Cullom,	Jonas,	Pike,	Wilson.
Dawes,	Jones of Nevada,	Platt,	
Dolph,	Kenna,	Plumb,	

NAYS—9.

Butler,	Hawley,	Morgan,	Vance,
Groome,	Maxey,	Saulsbury,	Williams.
Hampton,			

ABSENT—17.

Bayard,	Colquitt,	Hoar,	Riddleberger,
Beck,	Edmunds,	Jones of Florida,	Slater.
Cameron of Pa.,	Farley,	Logan,	
Cockrell,	Garland,	Manderson,	
Coke,	Hill,	Pendleton,	

So the bill was passed.

Mr. BLAIR. I move that the bill be printed as it has passed the Senate.

The PRESIDENT *pro tempore*. The question is on the motion to print.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7305) for the relief of Christopher Schaefnocker was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 18, 1885.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. J. J. BULLOCK.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOODWARD, for this day, on important business.

To Mr. MAYBURY, for this day, on account of sickness.

SELMA, ROME AND DALTON LAND GRANT.

Mr. OATES. Mr. Speaker, I rise to submit a privileged report from the Committee on Public Lands, and I desire to explain that I do not send a copy of any bill to be read, as is usual in such cases, for the reason that the matter to which this report relates is embodied in some half-dozen bills, and there are also other matters embraced in the bills. It is an adverse report relating to the Selma, Rome and Dalton land grant, and it covers the bills H. R. 179, 182, 292, 7686, and 188, so far as they relate to said grant.

The SPEAKER *pro tempore*. What does the gentleman desire done?

Mr. OATES. I desire that the committee be discharged from the further consideration of the matter reported upon as embraced in those bills, that the bills be laid on the table, and that the report be ordered printed.

The SPEAKER *pro tempore*. It is so ordered.

RUPERT G. HILL.

Mr. STEELE. Mr. Speaker, I stated yesterday evening that the Committee on Military Affairs, upon erroneous information, had made a favorable report in the case of Rupert G. Hill, and asked that it should be withdrawn. It should also have been stated that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that together with the report it should be recommitted to the Committee on Military Affairs. It should be shown that the bill and report were recommitted to the Committee on Military Affairs.

The SPEAKER *pro tempore*. The Chair remembers that such was the order made by the House, and the correction will be made.

UNPAID JUDGMENTS, COURT OF CLAIMS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a list of unpaid judgments rendered by the Court of Claims and recommending an appropriation for their payment; which was referred to the Committee on Appropriations, and ordered to be printed.

W. W. KER.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the First Comptroller, relating to an appropriation to pay W. W. Ker for services in the star-route cases; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN T. MALO.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Interior of an appropriation to reimburse John F. Malo for services in maintaining Indian schools; which was referred to the Committee on Appropriations, and ordered to be printed.

MOVABLE TORPEDOES.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an increased estimate from the Secretary of War of an appropriation for movable torpedoes.

WATERTOWN ARSENAL, MASSACHUSETTS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of an appropriation from the Secretary of War to perfect the sanitary condition of Watertown arsenal, Massachusetts; which was referred to the Committee on Appropriations, and ordered to be printed.

SALARIES FOR COURT OFFICERS.

The SPEAKER *pro tempore* laid before the House a letter from the Attorney-General, transmitting a letter from United States District Attorney Waddel, asking the passage of a bill providing salaries instead of fees for court officers; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF DIRECTOR OF MINT.

Mr. BLAND, by unanimous consent, submitted a concurrent resolution to print 15,000 copies of the report of the Director of the Mint on the production of the precious metals of the United States in 1884; which was referred to the Committee on Printing.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. ROGERS, of New York. I am instructed by the Committee on Printing to submit and ask the immediate consideration of the report which I send to the Clerk's desk.

The Clerk read as follows:

The Committee on Printing, to which was referred the letter of the Secretary of the Treasury transmitting the seventh number of the Statistical Abstract of the United States, having duly considered the same, recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives, That the seventh number of the Statistical Abstracts of the United States, prepared by the Chief of the Bureau of Statistics, be printed.

Mr. ROGERS, of New York. I call for the reading of the letter of the Secretary of the Treasury on this subject.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 2, 1885.

SIR: I have the honor to transmit herewith to the House of Representatives the seventh number of the Statistical Abstract of the United States, prepared under my direction by the Chief of the Bureau of Statistics.

This abstract embraces tables in regard to finance, coinage, commerce, immigration, tonnage, and navigation, the postal service, public lands, population, education, railroads, agriculture, and mining.

Very respectfully,

H. McCULLOCH, *Secretary*.

To the SPEAKER *of the House of Representatives*.

The joint resolution (H. Res. 332) to print the seventh number of the Statistical Abstract of the United States was read three times, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL REMOVAL OF UNION SOLDIERS, ETC.

Mr. MILLARD. In pursuance of the consent already given by the House, I present the views of a minority of the Committee on Reform in the Civil Service upon the bill (H. R. 7548) to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or the widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States, except for specified causes.

The SPEAKER *pro tempore*. Leave has already been given by the House for the presentation of the views of the minority on this subject, which will be ordered to be printed with the report of the committee.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour set apart by the special rule now begins at twenty-nine minutes after 11 o'clock. The Clerk will report the title of the bill coming over from yesterday as unfinished business.

The Clerk read as follows:

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL RECORD:

CONTAINING

DAKOTA AGRICULTURAL
LIBRARY
COLLEGE.

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, SECOND SESSION.

VOLUME XVI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1885.

DAKOTA AGRICULTURAL
LIBRARY
COLLEGE

VOLUME XVI, PART III.

CONGRESSIONAL RECORD AND APPENDIX,

FORTY-EIGHTH CONGRESS, SECOND SESSION.

CEMETERY SITE AT KIRWIN, KANS.

Mr. HANBACK. I desire to call up from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans.

The bill was read, as follows:

Be it enacted, &c., That the southeast quarter of the northeast quarter of section 29, township 4 south, of range 16 west of the sixth principal meridian, in the State of Kansas, now occupied by the city of Kirwin for cemetery purposes, be, and the same is hereby, donated to the said city of Kirwin for the use of a public cemetery.

The SPEAKER *pro tempore*. Does the gentleman from Kansas [Mr. HANBACK] desire to be heard in support of this bill?

Mr. HANBACK. Not at present.

The SPEAKER *pro tempore*. The gentleman reserves his time.

Mr. HOLMAN. I call for the reading of the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans., having had the same under consideration, beg leave to report as follows:

As appears from the memorial of the mayor and common council, a tract of forty acres adjacent to the town has been used for twelve years, or since the first settlement of that region, as a public burial ground, is so used to-day, and contains the remains of over two hundred persons. It is the only cemetery near the town, and has been fenced, beautified, and otherwise improved, solely for cemetery purposes; and aside from such purposes no part of said ground is used by any person, persons, or corporation.

In February, 1881, the city, finding that one John McClimont had filed a timber-culture entry upon said forty acres, bought his relinquishment thereof for the sum of $300, to him paid; his title, not having been perfected, is now in the United States, as appears from the certificates of the register and receiver of the land office.

Your committee therefore recommend that the bill donating this land to the city of Kirwin for cemetery purposes be passed.

The representations of the city are as follows:

"The undersigned, representing the people residing in and in the neighborhood of Kirwin, county of Phillips, and State of Kansas, come now and show that for over twelve years last past the SE. ¼ of the NE. ¼ sec. 29, T. 4, R. 16, has been, and is at the present time, used as a general burial ground, and that during said time there has been over two hundred persons buried on said described tract of land; that a large portion of said forty acres of land has been improved, fenced, and otherwise beautified for solely cemetery purposes; that aside from burial purposes no part of said land is used by any person, persons, or corporation.

"Your petitioners further show that on the 28th of February, 1881, the city of Kirwin, a city of the third class, duly incorporated under the laws of the State of Kansas, did, in her corporate capacity, purchase, for a valuable consideration, viz, $300, of John McClimont, a relinquishment of his timber-culture entry No. 211, which he had on said forty acres of land, as more fully appears by certificate of the city clerk of, Kirwin, and the certificate of the register and receiver of the United States land office at Kirwin, marked, respectively, A and B, and made a part of this showing.

"Your petitioners further show that the title to said forty acres of land is now vested solely in the Government of the United States, as more fully appears by certificate B, hereinbefore referred to.

"That at present there is no provision of statute by which title can inure to the many persons interested in said forty acres of land, and in view thereof your petitioners would most respectfully and earnestly pray that they be aided by a special act of Congress, granting to the city of Kirwin, and its successors in office, the said SE. ¼ of NE. ¼ of sec. 29, T. 4, R. 16 W., for burial purposes, and to be known as the "Kirwin Cemetery Grant."

"And for which your petitioners will ever pray.

"FRANK L. INGERSOLL,
"*Mayor.*

"A. STOCKMAN,
"C. S. COBB,
"C. P. BARBER,
"C. S. KNIGHT,
"*Councilmen.*

"W. E. ROWE,
"W. D. JENKINS,
"T. M. HELM,
"G. W. WHITE,
"N. T. BELFORD,
"V. S. KECKLEY,
"C. L. HARRIS,
"GEO. NOBLE,
"THOMAS FIFE,
"M. H. JOHNSON,
"H. MOULTON,
"W. T. S. MAY,
"W. H. MCBRIDE,
"*Citizens.*"

EXHIBIT A.

KIRWIN, KANS., *December* 10, 1883.

I, H. E. Campbell, city clerk of the city of Kirwin, Phillips County, Kansas, do hereby certify that, according to the records in my possession of the proceedings of the city council of the city of Kirwin, the said council did, at a regular meeting held February 28, 1881, purchase of John McClimont, agent of the heirs of —— McClimont, deceased, all their right, title, and interest to the SE. ¼ NE. ¼ sec. 29, T. 4 S., of R. 16 W., 6th P. M., to be used as a public cemetery; and on April 11, 1881, the said council ordered a city warrant for $300 to be issued to the said John McClimont as payment therefor, and received a relinquishment (as to said tract) of timber-culture entry No. 211, then in force on said tract. Since then a portion of said tract has been surveyed and platted, and is being used as the common cemetery of the community as occasion requires.

Witness my hand and seal this 10th day of December, 1883.

[SEAL.] H. E. CAMPBELL, *City Clerk.*

EXHIBIT B.

UNITED STATES LAND OFFICE, *Kirwin, Kans., December* 11, 1883.

We, John Bissell, register, and R. R. Hays, receiver, do hereby certify that the records of this office show that the E. ½ NE. ¼ sec. 29, T. 4 S., R. 16 W., is covered by declaratory statement No. 897, made by Peter M. Rominer, on January 29, 1873, alleging settlement January 25, 1873; also on the 27th day of April, 1874, John J. McClimont, jr., made timber-culture entry No. 211, said entry canceled April 15, 1878, per letter C, April 6, 1878, and on June 3, 1878, John McClimont, sr., made timber entry No. 1955 on said tract, which was canceled as to the SE. ¼ NE. ¼ said section on July 18, 1881, by Commissioner's letter C of July 12, 1881.

JOHN BISSELL, *Register.*
R. R. HAYS, *Receiver.*

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HANBACK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT SARATOGA SPRINGS, N. Y.

Mr. WEMPLE. I desire to call up from the Speaker's table the bill (S. 1725) for the erection of a public building at Saratoga Springs, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults, for the accommodation of the United States court, the post-office, and other Government offices, at Saratoga Springs, State of New York. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for said building shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of $50,000 is hereby appropriated for the purchase of a site and commencement of work.

Mr. WEMPLE. I call for the reading of the report.

The report (by Mr. WEMPLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3716) for the erection of a public building at Saratoga Springs, N. Y., having had the same under consideration, respectfully report:

That Saratoga Springs having become famous as the greatest watering place in the world has a transient population of some 50,000 during the season, or for four or five months of the year, and from the hotel registers and arrivals by the various railroads show that at least half a million people visit that place during that time. The resident population is over 12,000.

The post-office at Saratoga is a second-class office and is a distributing office. The gross receipts for the year 1883 were $28,015.65. During the summer months they distributed from this office on an average 9,600 letters per day, exclusive of packages and papers. The postmaster estimated them to be some 4,000 daily. The amount of mail matter received exceeded the amount dispatched. There were received and dispatched from this office during the year 1883 7,052 registered letters. There were money-orders issued amounting to $67,527.73, and paid amounting to $54,094.24.

The amount of rent paid for this post-office is $1,500. It is located in a wooden building and of such a dangerous character that it can not be insured for less than 2 per cent. The mails received at this office are very valuable.

At Saratoga are located manufacturing establishments; a large female seminary; two large medical institutes; and the hotels of necessity; the very largest in the country, one costing for its erection $2,500,000 and another $1,500,000. There are six large first-class hotels, twenty-five smaller hotels, and some one hundred and fifty boarding houses.

Saratoga is steadily increasing in population, business, and wealth. The Adirondack Railroad is being extended through to the Saint Lawrence River, going through the vast timber and mineral wealth of the Adirondacks and ending at Saratoga, connecting with the Delaware and Hudson Canal Company, Boston, and New York.

Although there are no stated terms of the United States courts held at Saratoga there are many special terms appointed to be held at Saratoga on account of the convenience to both the court and clients, and in consideration of the comparatively small additional expense to prepare a court-room in the upper part of the building it is recommended that it be done.

The amount judged suitable for such a building was determined upon after consultation at the office of the Supervising Architect of the Treasury.

In view of the foregoing facts your committee recommends the passage of the bill, amending the same by striking out the second section thereof.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. WEMPLE] desire to be heard?

Mr. WEMPLE. I reserve my time.

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. HOLMAN. Mr. Speaker, I think there should be inserted in this bill a provision similar to that which has been adopted with reference to most of the public buildings authorized during this session, imposing on the Secretary of the Treasury, not the Supervising Architect, the duty of seeing that the expense of constructing the building, after the site has been purchased, shall not exceed the amount of the appropriation then remaining.

Mr. VAN ALSTYNE. It is regarded as important by all the citizens of Saratoga that we should have a public building there; and I beg to assure the gentleman from Indiana [Mr. HOLMAN] that the amendment he suggests, if adopted, would hazard the passage of this bill during the present Congress.

Mr. HOLMAN. I am satisfied that such an amendment would not jeopardize the passage of the bill. I think it of the highest importance that the cost of this building should not be permitted to exceed the amount which Congress may now appropriate. That is the real peril against which we should guard. In view of the determination of the House yesterday that this provision against extravagance was not necessary in the case of the building at Chattanooga, I would hardly feel justified, so far as I am concerned, in insisting on applying the provision to other bills. But I should feel very much gratified, I should feel

that we were legislating with much greater security and safety, if the gentleman in charge of this bill would himself propose such an amendment and have it adopted. It will not imperil the final passage of the bill.

Mr. WELLER. I desire to ask the gentleman having this bill in charge whether he will, so far as he is concerned, consent that this appropriation shall be made and paid only in standard silver dollars. [Laughter.]

Mr. WEMPLE. So far as I am personally concerned I should be perfectly willing that should be done; but this bill comes from the Senate, and an amendment of such a character would virtually kill the bill.

Mr. WELLER. Oh, no; it is the easiest thing in the world for the Senate to adopt this amendment; and the gentleman having the bill in charge is entitled to have his views incorporated in it.

Mr. PAYSON. I wish to ask the gentleman from New York [Mr. WEMPLE] whether any Federal courts are held at Saratoga.

Mr. WEMPLE. No, sir.

Mr. PAYSON. Then the only object of this building is to accommodate the post-office?

Mr. WEMPLE. It is for the purpose of a post-office strictly.

Mr. BUCKNER. What does the Government pay as rent for the building now used as a post-office?

Mr. WEMPLE. The Government pays $1,500 rent for a building which does not furnish proper post-office facilities, which is not adequate for the transaction of the public business.

Mr. WELLER. Would 6 per cent. interest on the amount of appropriation now proposed exceed the rent now paid by the Government?

Mr. WEMPLE. If the Government rented a building affording proper facilities for the transaction of the public business, it would not.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. Is there objection to the present consideration of this bill?

Fifteen members rose to object.

So the bill was not considered.

CHRISTOPHER SCHAEFNOCKER.

Mr. LAWRENCE. I call up for consideration the bill (H. R. 7305) for the relief of Christopher Schaefnocker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christopher Schaefnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers, the pay and allowances of a second lieutenant from the 24th day of May, 1862, to the 4th day of August, 1862.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2610) for the relief of Christopher Schaefnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers, report as follows:

From the records of the War Department it appears Christopher Schaefnocker entered the service May 24, 1862, as a second lieutenant, Company D, One hundred and ninth Pennsylvania Volunteers, and served in that capacity until August 4, 1862; that he has not been paid for said service for the reason that the paymaster decided that his muster was not legal.

It appears from the sworn statements of the officers of the company and regiment of which the said Schaefnocker was a second lieutenant, and other reliable witnesses, that Schaefnocker did actually serve in the capacity and discharge the duties of second lieutenant from the 24th of May, 1862, to August 4, 1862.

In view of the fact that the Government justly owes the claimant the allowances of a second lieutenant, your committee report herewith a substitute for the bill and recommend its passage.

Mr. STEELE. I would like to inquire of the gentleman from Pennsylvania whether this claimant could not have been mustered under the act of June 3, 1874.

Mr. LAWRENCE. There is some difference of opinion about that act. This bill was reported favorably at the last session of Congress. The gentleman from Illinois [Mr. ROWELL] reported it from the Committee on War Claims, and I suppose there can be no objection to it. This House passed a similar bill the other day. It only involves about $60——

Mr. SPRINGER. Better give it to him than waste any more time about it in discussion.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is before the House for present consideration.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS T. STRATTON.

Mr. YOUNG. I call up for present consideration the bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran.

The bill was read, as follows:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $3,256.88, to be paid by the Secretary of the Treasury to Thomas T. Stratton, as assignee of W. D. Waldran, in full payment and satisfaction of said Waldran's claim and demand against the United States for and on account of work and labor done on the United States court-room, offices, and judges' chambers at Memphis, Tenn., under contract with and direction of J. M. Timony, United States marshal for the western judicial district of Tennessee, which claim and demand was by the said W. B. Waldran assigned and transferred to the said Thomas T. Stratton.

Mr. YOUNG. I am so hoarse this morning I can scarcely be heard, and therefore will yield to my colleague [Mr. MCMILLIN] to occupy the time.

Mr. HOLMAN. Let the report be read.

Mr. MCMILLIN. Does the gentleman from Indiana want the report read, or would he prefer to hear a statement from me?

Mr. HOLMAN. I will hear the gentleman's statement.

Mr. MCMILLIN. At the request of my colleague [Mr. YOUNG] I will make a statement concerning this claim, as it will take more than the five minutes provided by the rule to read the report.

The facts are these: The Federal court in the city of Memphis was being held in rooms inadequate to its accommodation. In fact, both of the judges holding the court certify they were unfit for occupation, opening only upon an alley, and upon the third floor, and not properly furnished. The marshal and deputy marshal came to Washington for the purpose of getting authority to provide other apartments. They had an agreement by which they could rent certain other rooms at two thousand and odd dollars a year, provided the Government should make appropriation to furnish them. The Secretary of the Interior, the marshal and deputy marshal both certify and swear, authorized the expenditure of the money. The expenditure was made. Stratton, the owner of the property, being in straitened circumstances, furnished the money. The amount authorized by the Secretary of the Interior was $3,500; the amount expended was thirty-two hundred and odd dollars, as provided for in this bill. That was in 1867.

The judge of the court certifies as follows:

The United States to W. B. Waldran, Dr.

Nov. 1. For material furnished and for work and labor done on U. S. court-room, offices, and judges' chambers, at Memphis, Tennessee, under orders of U. S. Marshal J. M. Timony, and approval of his Hon. Connally F. Trigg, United States district judge, as per itemized accounts and bills hereto attached, all of which were paid by me as the work progressed, $3,256.88.

MEMPHIS, TENN., *Nov.* 16, 1869.

Received of J. M. Timony, U. S. marshal western district of Tennessee, thirty-two hundred fifty-six and $\frac{88}{100}$ dollars in full of the above account.

W. B. WALDRAN.

I have examined the within account and accompanying affidavit of W. B. Waldran, and believing the account all right, I approve the same and recommend payment thereof.

CONNALLY F. TRIGG,
United States District Judge.

Afterward the judge was called upon to make another statement about it, and he certified as follows:

I don't see what statement other than my original approval of the account stated within is necessary to pass the account mentioned, unless it is that I had personal knowledge of the improvements and necessity of them. I now state this, and think the account ought to be paid.

The other judge made this statement:

The rooms formerly occupied by the courts and their officers were neither decent nor comfortable. The new arrangement was cordially approved by the district judge and the district attorney, and it has my entire approbation.

The reason why it was not paid when presented was that under the act of 1853 they held that authorization for more than $50 had to be made in writing. That fact seemed to be lost sight of, and it was not made in writing.

The gentleman from Alabama [Mr. OATES] knows the facts in this case.

The SPEAKER. The gentleman's time has expired.

Mr. WELLER. I take the floor and yield my time to the gentleman from Tennessee for further explanation.

Mr. MCMILLIN. I only desire further to make this statement, Mr. Speaker. When the apartments were occupied, I think for seven years, at the rental agreed upon, the verbal understanding was thereby carried out to that extent, and when the Government moved its offices and established them in better quarters in another part of the city, they carried the very property, or all of it that could be used, which this money is to pay for. The bill provides only for the payment of the original amount without interest. The committee were unanimous in thinking it should pass.

I now yield to the gentleman from Alabama [Mr. OATES], who knows all the facts.

Mr. OATES. In the Forty-seventh Congress I examined this claim, and will state to the House that after careful examination the proofs in my judgment sustained the justice of the claim, and I believe the money ought to be paid.

There was no objection.

The bill was taken up and read a first and second time, ordered to a third reading; and was accordingly read the third time, and passed.

Mr. YOUNG moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PUBLIC BUILDING, VICKSBURG, MISS.

Mr. JEFFORDS. I call up the bill (S. 173) to provide a building for the use of the United States courts, post-office, custom office, and internal-revenue office at Vicksburg, Miss.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable building, with fire-proof vaults, at Vicksburg, in the State of Mississippi, for the accommodation of the United States courts, post-office, custom office, and internal-revenue office, at a cost not exceeding $100,000, including cost of site: *Provided*, That no part of said sum shall be expended until the plans, specifications, and full estimates for said building shall have been made according to law, and a valid title to the land for the site of said building shall be vested in the United States, and the State of Mississippi shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein: *And provided further*, That the site so purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys.

Mr. JEFFORDS. I have but a few words to say. Vicksburg, Miss., is the most important city in the State commercially, and it is the most important city between Memphis and the city of New Orleans. There are railroads converging there. It has a population of 15,000 people. I ask the Representatives in this House to consider the fact that in Vicksburg, during its occupation by the Army, many private buildings were torn down and frequent fires occurred in consequence of such occupation, and the Government of the United States can not do anything better than erect a building for public uses as mentioned in the bill, thus rendering some compensation for the injuries which were inflicted and were incidental to a state of war. I appeal to members on both sides to give this building to the city of Vicksburg.

Mr. COOK. May I ask the gentleman a question?

Mr. JEFFORDS. Certainly.

Mr. COOK. I wish to ask whether there is a Federal court held there now?

Mr. JEFFORDS. There is not now, but there ought to be. It is the most important river town, and it is expected that we will have a term of the Federal court there on account of the admiralty jurisdiction, for it all comes from the city of Vicksburg, although the court is held at Jackson, some fifty miles away. We can have a term of the Federal court there, and propose to have it. I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has two minutes of his time remaining.

Mr. COOK. Mr. Speaker, I shall object to this bill. During the last twenty years we have been extending the jurisdiction of the Federal courts, and I believe the time will soon come when Congress will be required to revise and reduce the jurisdiction of the Federal courts as well as to reduce the number of places where they are to be held.

In the State of Iowa one of the greatest abuses under which we labor is this matter of the Federal courts. Nearly every railroad corporation is organized outside of the State. Every road that runs through the State of any importance is operated as a foreign corporation.

Our people are dragged from the local courts to the cities where Federal courts are held a great distance, and required to litigate in these courts instead of the local tribunals. Believing that it is time to inaugurate here as far as we can an effort to diminish the number of places where Federal courts are held and restrict their jurisdiction, I shall object to the construction of public buildings at any places in the States outside of the capitals, or at such points at which the Federal courts are already held.

Mr. HOLMAN. Will the gentleman permit me to ask him a question?

Mr. COOK. Yes, sir.

Mr. HOLMAN. Is there a term of the Federal court held now at this point?

Mr. COOK. No, sir; not as I am informed on a question I addressed to the gentleman from Mississippi; but they are trying to get one established there.

Mr. WELLER. I desire to ask the gentleman from Mississippi a question. Would you consent that this appropriation be made to be paid in standard silver dollars?

Mr. JEFFORDS. I would be glad to have it made and paid in standard silver dollars.

Mr. VAN EATON. But this is a Senate bill, and would have to go back if amended.

Mr. JEFFORDS. The only objection would be that it would necessitate the sending of the bill back to the Senate.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Eighteen members rising in opposition to the bill the House refused to consider it, and the bill went back to the Speaker's table.

ACCOUNT FOR ARMS, STATE OF SOUTH CAROLINA.

Mr. DIBBLE. Mr. Speaker I ask the consideration of Senate bill 1412, authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to adjust the account for arms between the State of South Carolina and the Government of the United States, and balance the same by so reducing the overcharge made against said State in A. D. 1869, under the act approved the 2d of April, A. D. 1808, and the several acts amendatory thereof, as that the amounts paid on said account by said State for the ten years last past be taken in full satisfaction of the same.

Mr. DIBBLE. Mr. Speaker, this bill has passed the Senate, and a bill exactly in similar terms has been favorably reported by the Military Committee of this House. A bill of similar terms passed the Senate in the Forty-sixth Congress, as well as in the Forty-seventh, and was reported favorably in the last House by the Military Committee, but failed to be reached for consideration.

This bill merely proposes that in the annual distribution of arms to the militia of the States the State of South Carolina shall be permitted to draw her share the same as her sister States. Owing to some confusion in the accounts several years ago South Carolina has not drawn her quota for fifteen years. This bill does not ask the back quota, but only that she shall get in the future her proportion the same as the other States.

I suppose there will be no objection to the bill, but I reserve the remainder of my time.

Mr. MCMILLIN. Mr. Speaker, I will state that I have examined this bill quite carefully, and in my judgment it is a proper measure, and ought to pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOSSES BY GOVERNMENT STEAMER J. DON CAMERON.

Mr. LYMAN. Mr. Speaker, I ask consent to call up for present consideration Senate bill 1347 for the relief of the sufferers by the loss of the Government steamer J. Don Cameron, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to examine into, ascertain, and determine the losses of private property of the officers, enlisted men, and laundresses of the Fifth Regiment United States Infantry by reason of the sinking of the Government steamer J. Don Cameron, in the Missouri River, on or about the 18th day of May, 1877; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the claimants the amount of their said losses, as allowed and approved under authority of this act, not to exceed the amount for baggage allowed to said officers, soldiers, and laundresses by law and the Army regulations: *Provided*, That each person claiming remuneration under this act shall furnish to the Secretary of War, or accounting officers of the Treasury, a statement, duly verified, of the value of the property by him lost, and also of the amount of insurance, if any, received thereon, which amount shall be deducted from the value of said property on settlement by the accounting officers of the Treasury: *Provided also*, That the award of the Secretary of War for such losses shall be final, and the payment thereof to the several claimants shall be held and taken as a complete relinquishment and satisfaction of all claims for damages sustained by them by reason of the sinking of said Government steamer J. Don Cameron as aforesaid.

Mr. LYMAN. This bill, I will state in brief, is to pay certain officers of the United States Army and some poor laundresses for property lost some years ago by the sinking of that United States steamer, entirely through the fault of the officers of the United States, and for which loss the United States is liable. This bill has been reported unanimously by the Senate Committee as well as the House Committee. It passed in the Senate in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and now awaits the action of the House.

Mr. MAGINNIS. It has passed the House twice.

Mr. LYMAN. Yes; it has passed the House twice. There is no question about the justice of the claim. If there is no objection I will not call for the reading of the report.

Mr. WELLER. I ask for the reading of the report.

Mr. LYMAN. The Clerk will please to read only the parts of the report which are marked and which contain the gist of it. I reserve my time.

The Clerk commenced to read the passages marked in the report.

Mr. WELLER (interrupting the reading). I understand the gentleman from Montana [Mr. MAGINNIS] is prepared to give a brief explanation of the bill; and that he may do so I withdraw the demand for the reading of the report.

Mr. MAGINNIS. The report is very long, and I think I can explain the matter very easily. These officers and soldiers were placed on an unseaworthy steamer against their protest. The steamer struck a snag and sank. Those who had insured their property went to the courts and were defeated, on the ground that the Government had placed an unlicensed pilot in charge of the boat. This bill was reported by General Bragg and passed the House. It passed the House a second time and has passed the Senate three times.

Mr. STEELE. As I understand the bill, unless the Secretary of War awards from this appropriation what these parties ask they are not to have it.

Mr. MAGINNIS. In that case they are not to have it. I think there can be no possible objection to the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF WHARF IN WILMINGTON, N. C.

Mr. GREEN. I call up the bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the United States Treasury be, and he is hereby, authorized to cause an examination to be made of the wharf in front of the custom-house and other property at the port of Wilmington, N. C., offered by E. E. Burress, president of the First National Bank of Wilmington, namely, the following real estate: One hundred and sixty-six feet front on the Cape Fear River, lying between Market and Princess streets and Water street and the river; and also the brick fire-proof two-story warehouse, together with the land on which it is situated, adjoining the custom-house on the south, the said warehouse occupying a space of thirty feet front and running east ninety-two feet; and on inquiry as to their necessity for use for the revenue-marine service and other customs purposes at that port, and if it shall be found advantageous and necessary for such purposes, to purchase the same at a reasonable price: *Provided*, That it shall not exceed $50,000, which amount shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. GREEN. The reasons for the proposed purchase are fully set forth in a letter of the late Secretary of the Treasury which I hold in my hand, and which I send to the Clerk's desk to be read.

The Clerk read as follows:

TREASURY DEPARTMENT, *February* 5, 1883.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, transmitting Senate bill No. 2386 to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C., in which you request, on behalf of the Committee of Commerce, such information or suggestions as I may deem proper touching the necessity for the purchase therein provided for, and the propriety of the passage of said bill.

In reply I have respectfully to state that the present wharf and storage facilities at Wilmington are represented as inadequate to the wants of the customs service.

The Department has been for some time hiring a wharf and storage houses for customs purposes at considerable annual cost. The storehouse for coal for revenue vessels, hired by the Department, is located more than a mile from the custom-house wharf, and is reported unfit for the purpose. The Department, however, has not been able to secure one nearer, nor any suitable structure for what is deemed a reasonable rental.

Immediately in front of the custom-house is a small wharf in which is reserved a right of wharfage for revenue-cutters and other customs purposes. This wharf is not, however, of sufficient length to accommodate the vessels of the Government which are employed at the present time, it being but ninety-nine feet long, while the revenue-cutter stationed at Wilmington is one hundred and seventy-five feet long.

To make this wharf available for the Government's use at least one hundred feet should be added to it. If this were done the Government storehouse might be located thereon, and besides the storage for coal, &c., it could be availed of for storing merchandise or heavy articles belonging to the customs service.

The Department has received several applications for increase of facilities at Wilmington, such as the possession of the property named in the bill would supply.

Should the wharf be secured it would afford landing facilities for vessels of the revenue marine and other Government vessels at that port.

The bill seems guardedly drawn, and I see no objection to its passage.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

A true copy:

E. W. CLARK,
Chief Revenue Marine Division.

The SPEAKER *pro tempore*. The time of the gentleman from North Carolina has expired. Unless some gentleman desires to occupy the time in opposition, the Chair will ask for objections. [After a pause.] Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GREEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. CROOK.

Mr. RAY, of New York. I ask to take from the Speaker's table for present consideration the bill (S. 458) for the relief of William H. Crook. I desire to say in regard to this bill, very briefly, that it has already passed the Senate without opposition.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land-patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

Mr. RAY, of New York. Mr. Speaker, from the year 1836 down to the year 1878 we paid for the performance of these services the sum of $1,500 per annum. In the year 1878 the appropriation to pay for them was omitted, and for the ensuing four years Mr. Crook performed these services, for which $1,500 had previously been paid, working nights and working out of regular office hours, and during that time he signed, examined, and countersigned many thousands of these land-patents each year.

Mr. RAY, of New Hampshire. Over 40,000.

Mr. RAY, of New York. Over 40,000 a year. The bill has passed the Senate and it was reported favorably by the House Committee on Claims without any opposition whatever. They recommend that Mr. Crook shall receive the sum of $2,000. The minority report is that he should have the sum of $4,000. There is no question of the value of these services. There is no question but that they were performed ably, promptly, and efficiently in all respects, and that this man earned the money out of office hours and in addition to his regular duties incumbent upon him by virtue of the ordinary clerkship—duties which he had to perform.

I would like to say, in addition, that last year this Congress restored the office and is now paying for the performance of this duty the sum of $1,500 per annum. Therefore it seems to me there can be no question but that this man, having performed the services for the Government and having earned the money, should receive his pay. Four thousand dollars is $500 a year less than the Government paid from 1836 to 1878, and is $500 a year less than the Government is paying today for the performance of these same services.

Mr. WELLER. I desire to ask the gentleman a question, if he will permit me.

Mr. RAY, of New York. Willingly.

Mr. WELLER. I desire to inquire if this party did not know that there was no authority of law for him to render these services with the anticipation of being paid?

Mr. RAY, of New York. The services were rendered at the request of officers of the Government—at the request of the Secretary of the Interior, Mr. Teller, under the direction of the President and upon the representation and understanding that they would be paid for.

Mr. WELLER. That is one of the points I desire to understand.

Mr. RAY, of New York. The work was done with that understanding, as the committee report.

Mr. WELLER. And these services were in addition to the regular duties of this man's position?

Mr. RAY, of New York. Yes, sir; but he performed these services at night. He performed his regular duties during the daytime, and then devoted the nights to this work.

Mr. WELLER. Does the sum of $4,000 cover the entire charge against the Government?

Mr. RAY, of New York. It does, and the amount provided for is $2,000 less.

The SPEAKER *pro tempore*. The time for debate in favor of this bill has expired.

Mr. HOLMAN. Mr. Speaker, this is a proposition to pay an employé of the Government extra compensation for extra services rendered by him. The amount is not large, but that principle is involved. I believe this gentleman was receiving a salary of $1,600 a year at the time he performed these services.

Mr. RAY, of New York. Fifteen hundred dollars was his regular salary.

Mr. HOLMAN. Heretofore the signing of these patents for the President has been done by clerks detailed for that purpose, and if I understand this claim correctly, it is based upon the ground that that duty was devolved upon the executive officer, and this clerk was detailed to perform it. I will ask the gentleman from Tennessee [Mr. MCMILLIN] if I am correct in that?

Mr. MCMILLIN. That is the way I understand the case. As the gentleman from Indiana [Mr. HOLMAN] calls upon me I will make this statement: Congress abolished the officer who had heretofore discharged this duty and required that the executive department should have the work performed by the clerical force. Thereupon the Executive devolved the duty upon this officer, and he did the work according to order, and now he comes and seeks pay for it. The committee reduced the amount that was recommended by the Senate. The Committee on Claims thought that there ought not to be a payment of $4,000, and declined to recommend it; and, if I may be permitted to make my own statement, I believe I opposed the payment of anything.

Mr. RAY, of New York. I beg the gentleman's pardon. He voted for the $2,000, as did every member of the committee.

Mr. MCMILLIN. I do not remember how that was, but I remember that I stated at the time that it was a case of the payment of two salaries to an employé of the Government.

The SPEAKER *pro tempore*. The hour under the special rule has expired and the bill goes over.

CHANGE OF REFERENCE.

The SPEAKER *pro tempore*. The Chair asks consent of the House to correct an erroneous reference. The bill (H. R. 8048) was referred

to the Committee on Invalid Pensions, when it should have been referred to the Committee on Pensions. If there is no objection it will be so referred.

MEXICAN PENSION BILL.

Mr. RAYMOND, by unanimous consent, presented a memorial of the Legislative Assembly of Dakota for the passage of the Mexican war pension bill; which was referred to the Committee on Pensions.

DIVISION OF DAKOTA.

Mr. RAYMOND, by unanimous consent, also presented a joint resolution and memorial of the Legislative Assembly of Dakota to the Congress of the United States, praying for the division of Dakota, and for the admission of the southern portion of said Territory as a State; which was referred to the Committee on Territories.

RECORDS OF THE WAR.

Mr. REED, of Maine, by unanimous consent, introduced a joint resolution (H. R. 333) directing the Public Printer to print and bind a certain additional number of copies of the first five volumes of the Official Records of the War of the Rebellion, to supply such libraries, organizations, and individuals designated as have not received the first five volumes; which was referred to the Committee on Printing, and ordered to be printed.

JOSEPH HABIG.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 8251) granting a pension to Joseph Habig; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BEYERS.

Mr. ENGLISH, by unanimous consent, also introduced a bill (H. R. 8252) granting a pension to William Beyers; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. JOHN C. DUANE.

Mr. RAY, of New Hampshire. Mr. Speaker, I ask unanimous consent to make a report from the Committee on Claims, as I was not present when the committee was called.

The SPEAKER *pro tempore*. If there be no objection, the report will be received.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back favorably the bill (H. R. 2470) for the relief of Colonel John C. Duane, Corps of Engineers, brevet-brigadier general United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

RIDER HENRY AND J. J. COUGHLIN.

Mr. DIBBLE, by unanimous consent, introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Accounts be, and are hereby, requested to provide for the payment to Rider Henry and John J. Coughlin the sum of $242.50 each for services rendered in Clerk's document-room.

COL. SAMUEL M. THOMPSON.

Mr. HEWITT, of Alabama, by unanimous consent, reported back favorably from the Committee on Pensions the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM LOCKHART.

Mr. HEWITT, of Alabama, by unanimous consent, also reported back favorably from the Committee on Pensions the bill (S. 357) granting a pension to William Lockhart; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS MATHEWS AND OTHERS.

Mr. HERBERT, by unanimous consent, reported back with amendments from the Committee on Ways and Means the bill (H. R. 7106) for the relief of Thomas Mathews and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTATE OF WILLIAM B. THAYER.

Mr. HERBERT, by unanimous consent, also reported from the Committee on Ways and Means a bill (H. R. 8253) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VENEZUELAN AWARDS.

Mr. RICE, by unanimous consent, reported from the Committee on Foreign Affairs a joint resolution (H. Res. 334) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REGISTRATION OF STEAMSHIPS.

Mr. CLARDY, by unanimous consent, reported back from the Committee on Commerce, with amendments, the bill (H. R. 6662) to authorize the registration of certain steamships as vessels of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMENDMENT OF RULES.

Mr. PAYSON. I submit a proposition to amend Rule XXIV.

Mr. NELSON. I object to the introduction of the resolution.

Mr. PAYSON. A proposition to amend the rules is privileged.

The SPEAKER *pro tempore*. Does the gentleman from Illinois present this for reference to the Committee on Rules?

Mr. PAYSON. Yes, sir.

The SPEAKER *pro tempore*. The Clerk will report it.

The Clerk read as follows:

Amend Rule XXIV by adding thereto the following clause:

"It shall be in order during the remainder of this session immediately after the expiration of the hour set apart by the special order of February 5, 1885, to move to take from the Speaker's table messages from the Senate and House bills with Senate amendments and have the same referred to the appropriate committees, to be decided by a majority vote and without debate."

Mr. HEWITT, of Alabama. I make the point that this must go to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair was about to give it that reference. It will be so referred.

M'MINNVILLE AND MANCHESTER RAILROAD.

Mr. CULBERSON, of Texas, by unanimous consent, reported back with amendments from the Committee on the Judiciary the bill (H. R. 2727) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WOONSOCKET NATIONAL BANK.

On motion of Mr. SPOONER, by unanimous consent the bill (S. 2600) for the relief of the Woonsocket National Bank, of Woonsocket, R. I., was taken from the Speaker's table, read twice, and referred to the Committee on Ways and Means.

ELECTION CONTEST—M'LEAN VS. BROADHEAD.

Mr. ELLIOTT, from the Committee on Elections, submitted a report upon the contested-election case of McLean *vs.* Broadhead, from the ninth Congressional district of Missouri.

The resolution appended to the report was read, as follows:

Resolved, That James O. Broadhead was duly elected a member of the Forty-eighth Congress from the ninth district of Missouri and is entitled to retain his seat.

The report was laid on the table and ordered to be printed.

Mr. HART. I desire to present the views of a minority of the Committee on Elections in the case of McLean *vs.* Broadhead. I ask that they be printed with the report of the committee.

The SPEAKER *pro tempore*. The Chair hears no objection, and it will be so ordered.

FREDERICK BENO.

Mr. BUDD, by unanimous consent, reported back favorably from the Committee on Invalid Pensions the bill (H. R. 2595) to grant an increase of pension to Frederick Beno; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HUGH O'NEIL.

Mr. STOCKSLAGER, by unanimous consent, reported back favorably from the Committee on Pensions the bill (S. 1183) granting a pension to Hugh O'Neil; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK HERCHER.

Mr. STOCKSLAGER, by unanimous consent, also reported back with amendments from the Committee on Pensions the bill (H. R. 8048) to increase the pension of Frederick Hercher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. WASHBURN. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 8, 10.

That the House recede from its disagreements to the amendment of the Senate numbered 2, 3, 4, 9, 11, 12, 13; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the said amendment; and the Senate agree to the same.

W. D. WASHBURN,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.
O. D. CONGER,
S. J. R. McMILLAN,
G. G. VEST,
Managers on the part of the Senate.

The SPEAKER *pro tempore*. The Clerk will now read the statement which accompanies the report under the rules of the House.

The Clerk read as follows:

Statement of conference report on H. R. 3258 "to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn."

AMENDMENTS.

1. Page 2, line 8, strike out "of such;" so that it will read: "Of the bridge and accessory works."

2. Page 2, line 8, after "works" insert "provided for in this act;" so that it will read: "Of the bridge and accessory works provided for in this act."

3. Page 3, line 9, after "and" insert "the best;" so that it will read: "At an accessible and the best navigable point."

4. Page 3, line 15, after "boats" insert: "Vessels and other water craft: *Provided, however*, That no bridge shall be built under the provisions of this act except there also be built, at the time of the erection of the piers, proper sheer-booms or other proper protections to safely guide boats, vessels, rafts, and other water craft through said draw-spans, and at the expense of the company or corporation erecting said bridge."

5. Page 4, line 7, strike out "said;" so that it will read: "Bridge or accessory works."

6. Page 4, line 9, after "war" insert: "Not, however, to be in anywise inconsistent with the provisions or conditions of this act."

7. Page 4, line 25, after "bridge" insert: "And the United States shall have the right of way for postal telegraph and telephone lines, free of charge, across said bridge."

8. Strike out section 6, which is: "That this act shall take effect and be in force from and after its passage."

9. At the end of the bill insert the following sections:

SEC. 6. That it shall be the duty of the Secretary of War to require the company or persons owning said bridge to cause such aids to the passage of said bridge authorized by the provisions of this act to be constructed, placed, and maintained at their own cost and expense, in the form of booms, dikes, piers, and other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as shall be specified in his order in that behalf; and on the failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

The report was adopted.

Mr. WASHBURN moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNAL REVENUE.

Mr. HEWITT, of New York, from the Committee of Ways and Means, reported back a bill (H. R. 8254) to amend an act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMMITTEE CLERK.

Mr. DOCKERY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That from and after the 4th of March, 1885, the clerkship of the Committee on Accounts be made an annual clerkship, with compensation at $2,000 per annum.

EVENING SESSIONS.

Mr. KING submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That on and after to-morrow (Thursday, February 19), there will be night sessions of the House of Representatives, commencing at 8 p. m. each day, for the consideration and passage of general appropriation bills.

DISTRIBUTION OF SURPLUS COPIES OF THE JOURNALS.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, reported back favorably joint resolution (H. Res. 313) providing for the distribution of surplus copies of the Journals of the two Houses of Congress; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DISTRIBUTION OF DOCUMENTS.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, also reported back favorably the following resolution.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress, and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered to be printed which have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

The SPEAKER *pro tempore*. The resolution and accompanying report will be referred to the House Calendar, and ordered to be printed.

Mr. SMITH, of Pennsylvania. I ask that the resolution be considered now.

The SPEAKER *pro tempore*. Is there objection.

Several members objected.

Mr. SPRINGER. I understand this to be a privileged resolution.

The SPEAKER *pro tempore*. It is not. It is in regard to the printing and distribution of documents.

INTERNATIONAL POLAR EXPEDITION.

Mr. BRATTON, from the Committee on Printing, reported a joint resolution (H. Res. 335).

The Clerk read as follows:

Resolved, &c., That 2,000 additional copies of Lieut. P. H. Ray's report of the international polar expedition to Point Barrow, Alaska, be printed for distribution by the Chief Signal Officer of the Army.

The resolution was adopted.

Mr. BRATTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM AGENTS AND ATTORNEYS IN PENSION CASES.

Mr. ROGERS, of Arkansas. I am instructed by the Committee on the Payment of Pensions, Bounty, and Back Pay to report back favorably the act (S. 2511) relating to claim agents and attorneys in pension cases. I ask for the reading of the bill and report, and when they have been read I shall demand the previous question on the passage of the bill.

The bill was read, as follows:

Be it enacted, &c., That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

SEC. 2. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 3. That the fee in all pension, arrears of pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, subject to revision by the Commissioner of Pensions as to the amount to be paid, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 20, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 4. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

SEC. 5. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, under such contract, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

SEC. 6. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 20th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 3 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts entered into fairly and without fraud or duress in accordance with the laws existing at the time of making such contract; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the fifth section of this act: *And provided further*, That in all cases filed after June 20, 1878, and prior to July 4, 1884, where new contracts have been entered into under the act of July 4, 1884, no deduction for attorneys' fees shall be made by any pension agent from the pension allowed, but the whole amount of said pension shall be paid directly to the claimant; and in all such cases the Commissioner of Pensions shall certify to the pension agent paying the pension the fact that a new contract has been filed in the Pension Bureau, and on account thereof no deduction shall be made.

SEC. 7. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been or may be abandoned by his attorney

from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the fifth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the fifth section of this act.

SEC. 8. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the third section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the fifth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State or Territory or the District of Columbia where the claimant resides, and shall not extend to agents or attorneys residing elsewhere; and it shall be unlawful for any agent or attorney residing in a State or Territory or the District of Columbia of which the claimant is resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

SEC. 9. That all of the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

Passed the Senate February 6, 1885.

Attest:

ANSON G. McCOOK, *Secretary.*

Mr. KEIFER. I make the point of order that notwithstanding this committee has the right under the order of the House to report at any time, it does not carry with it the right of consideration; that the bill must be referred for consideration to the Committee of the Whole House on the state of the Union if it be of that character required to be so considered.

The SPEAKER *pro tempore* (Mr. THOMPSON in the chair). The point is not well taken at this time. The right to report at any time includes the reading of the bill and report, after which the Chair will recognize the gentleman to make his point of order.

Mr. KEIFER. I understood the bill was brought here for present consideration. I am required by the rules to make my point of order before the consideration of the bill has been entered upon.

Mr. PRICE. I rise to a parliamentary inquiry whether it is in order to move a substitute for the present bill?

The SPEAKER *pro tempore*. It is not.

Mr. ROGERS, of Arkansas. I call for the reading of the report.

The Clerk read as follows:

The Committee on the Payment of Pensions, Bounty, and Back Pay, having had under consideration Senate bill 2511, beg leave to report the same with the recommendation that it pass.

The said bill is in substance the same as an amendment to the House pension appropriation bill, which passed the House at its present session. It embodies also the same principles as the amendment to the House pension appropriation bill which passed the House last session, so that the present bill or the principles embodied in it have twice met the approbation of the House of Representatives in the Forty-eighth Congress, and once in the Senate.

The only difference in this bill of any importance from the amendment to the House pension appropriation bill of the present session is this:

In the amendment to the House pension appropriation bill there was a provision absolutely abrogating all contracts for a greater sum than $10, executed and filed under the act of July 4, 1884, in cases filed under the act of June 20, 1878, under which last act the fee in all cases was fixed by law at $10.

This bill does not directly abrogate that class of contracts, but it prohibits the pension agents from paying the pension attorneys anything, directs the check when issued to be turned over to the claimant, and remits the attorney and client to settle the fee between themselves, as the law provided when the claim was filed and the work undertaken. The committee preferred its own bill, but thought this bill would correct the evils of the act of July 4, 1884, if not entirely at least substantially. It at least accomplishes two purposes: First, it saves a considerable per cent. of the force in the Pension Office—for the legitimate work of the office, which, under the act of July 4, 1884, was employed in collecting fees for pension attorneys; second, it prevents pension attorneys from exacting the execution of twenty-five-dollar contracts from clients they had agreed to serve for $10, by forbidding them from demanding or receiving any fee until the claim is allowed, and it will save to claimants hundreds of thousands, if not millions of dollars, which they would have paid out to attorneys under the act of July 4, 1884. The committee gives its sanction to this bill without dissent and without amendment rather than run any risk of permitting the act of July 4, 1884, to remain longer upon the statute-books, believing as it does that that act never would have received the sanction of Congress if it had been considered properly in either branch thereof.

The committee recommend that this bill be put upon its immediate passage and without amendment.

Mr. ROGERS, of Arkansas. I demand the previous question upon the adoption of the report.

The SPEAKER *pro tempore* (Mr. THOMPSON in the chair). The gentleman from Ohio is entitled to be heard upon his point of order.

Mr. KEIFER. I make the point of order against the consideration of this bill in the House. My point of order is that the bill should first be considered in the Committee of the Whole House on the state of the Union, and I call the attention of the Chair to these provisions of the bill.

By section 1 of the bill it will be found that it undertakes to provide—

That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

Section 2 of the bill provides—

That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions, under such regulations as the Commissioner of Pensions may prescribe.

It will be understood, and there is no dispute about it, that the agent for the payment of pensions named by the second section of the bill is the agent of the Government for the payment of pensions, and not the agent of the claimants for pensions, but is the person who pays out the money of the Government under its appropriation for pensions. By this provision it will be seen that money belonging to the Government which has been appropriated under the laws of Congress to be paid directly by these persons who are called pension agents is paid in another sense to persons who represent the claimants.

Now I call the attention of the Speaker to paragraph 3 of Rule XXIII:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, Mr. Speaker, you will note the particular language that applies to this point of order. It is that this bill contains a proposition "authorizing payments out of appropriations already made." That is out of the moneys of the United States appropriated for the purpose of paying pensions. It is a payment to be made by virtue of the provisions of section 2 out of the moneys of the United States. It does not make any difference whether that is to be charged over as against the persons to whom the pensions are allowed. That makes no difference, because this is a provision in the bill for the purpose of paying out money already appropriated; and therefore I maintain that this bill requires its first consideration in the Committee of the Whole House on the state of the Union, and I make the point of order on that ground at this time. I make this point of order because it is in accordance with the previous rulings so far as I know of the various Speakers who have presided here.

Mr. HOLMAN. Just a word on the point of order. I am very confident, Mr. Speaker, that a careful inquiry into this question will disclose the fact that the point of order is not well taken. It comes fairly within the law, and not at all within the rule to which the gentleman from Ohio refers.

The bill simply proposes, out of money already appropriated, or which shall be appropriated, when it shall become the money of the pensioners themselves, that a certain limitation shall be imposed upon the expenditures, not of the money of the United States, but of the amounts to be paid to the party securing the allowance of the pension. It is not therefore an appropriation of the money of the Federal Government, money belonging to the public Treasury, but a designation as to how money appropriated by the Government and belonging to the pension claimants shall be applied when it becomes the money of the pensioners.

I concede if an appropriation was sought to be made of money belonging to the United States, while still remaining its money, a bill proposing to appropriate that money, or diverting its appropriation, or appropriating money out of it, it being money of the United States, that it would fall clearly within the rule to which the gentleman calls attention. In that case it would be a direct application of the money of the United States for purposes not warranted under the rule, and would require its consideration, were the point of order made in the Committee of the Whole. I submit therefore that the point of order is not well taken; and that this is a limitation upon money which becomes the property of somebody else, and is not the property of the United States when the appropriation which this bill provides is made out of it.

I hope the rule will be read in this connection.

Mr. STEELE. I desire to have this dispatch read on the point of order. It is from the commander of the Grand Army of the Republic of the United States.

The SPEAKER *pro tempore*. The gentleman will send the dispatch to the desk.

The Clerk read as follows:

TOLEDO, OHIO.

Hon. GEO. W. STEELE——

Mr. ROGERS, of Arkansas. I object to the reading of that. How does it come in here?

The SPEAKER *pro tempore*. The gentleman from Indiana has a right to be heard upon the point of order.

Mr. HOLMAN. In addition to the suggestion I made a moment ago, I wish to add that this committee had unanimous consent to report at any time.

Mr. RANDALL. And the right to report at any time implies the right to consider.

The SPEAKER *pro tempore*. The Clerk will read what the gentleman from Indiana sends to the desk, on the point of order.

The Clerk read as follows:

TOLEDO, OHIO, *February* 18, 1885.

Hon. GEO. W. STEELE:

In my opinion the pension-fee bill will work an injury to soldiers and should not pass.

JNO. T. KOUNTZ.

The SPEAKER *pro tempore*. The Chair is prepared to rule on the point of order.

Mr. KEIFER. I desire to be heard in reply to the gentleman from Indiana.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. KEIFER. I desire to say in answer to the gentleman from Indiana [Mr. HOLMAN], before the Chair rules on the point of order, that we have discovered for the first time in the history of the Government, if that gentleman's construction of the bill is correct, that we have a right, after money has become the property of an individual to say how he shall spend it and to take it away from him almost by force and apply it as we please.

The gentleman from Indiana argues that this bill proposes not to use the money of the United States, while it is still the money of the United States, but after it has become the money of the pensioner to say how a portion of it shall be applied. But that is not the fact. Under the bill, if it should become a law, it will be enacted that so much of the first payment that goes to a pensioner shall be paid to the claim agent; and therefore it only reduces the amount of the money that goes on the first payment to the pensioner. The other part the Government holds and would keep, under the bill, to be applied to pay a person who represented a pensioner. It is for that reason the Government is allowed to direct it, and it is in this way that we legislate when we undertake to pay the attorney who represents the pensioner. We undertake to pay it out of the money of the United States, not out of the pensioner's money, because we would not have any such right or authority as that. I do not know the Government of the United States has in any instance undertaken, by any law, to say how a person's property should be applied and used. I think there is no instance of it.

It is an attempt to argue out of or around the rule to say we are undertaking to fix the amount that shall be paid the pension agent who represents the pensioner. It is a mere attempt to go around the rule, and is not within the spirit of it.

The law is plain and the rule is plain that where we undertake to apply money that has already been appropriated the bill shall have its first consideration in Committee of the Whole House.

Mr. SPRINGER addressed the Chair.

The SPEAKER *pro tempore* (Mr. THOMPSON). The Chair is ready to rule on the point of order.

Mr. SPRINGER. Very well.

The SPEAKER *pro tempore* (Mr. THOMPSON). The Chair holds the point of order taken by the gentleman from Ohio [Mr. KEIFER] is not good. The Chair does not think this is an appropriation of the public money or such an authorizing of payments out of appropriations of the public money already made as brings it within the rule quoted by the gentleman from Ohio [Mr. KEIFER].

Mr. HORR. I rise to a privileged question. I raise the question of consideration on this bill.

The SPEAKER *pro tempore*. The gentleman from Michigan raises the question of consideration.

Mr. SPRINGER. I submit that it is too late to raise the question of consideration. We have proceeded to consider the bill.

Mr. HORR. I beg the gentleman's pardon; we have not done so.

Mr. STEELE. I gave notice that I reserved the right to raise the question of consideration.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] raised a point of order on this bill which was reserved till the reading of the report. The point of order has been ruled against. Now, the gentleman from Michigan [Mr. HORR] raises the question of consideration against the bill.

Mr. SPRINGER. The report has been read, the point of order has been discussed and ruled upon, and the bill is now pending before the House. The time to raise the question of consideration was when the gentleman from Arkansas called up the bill.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER], in raising the point of order, went further and also raised the question of consideration. He made the point that this was not a privileged bill except for the purpose of report. The Chair ruled that it was privileged for the purpose of report, and that that made it privileged for the purpose of consideration. But any gentleman has the right, of course, at any time before consideration begins to raise the question of consideration.

Mr. HORR. No doubt of it.

The SPEAKER *pro tempore*. And the gentleman from Michigan was in time, because the report was read by unanimous consent and not as a matter of right.

Mr. ROGERS, of Arkansas. I had the floor, and demanded the reading of the report while holding the floor.

The SPEAKER *pro tempore*. The point of order was pending at the time; and the report could only be read, while the point of order was pending, by unanimous consent.

Mr. SPRINGER. What is the question now?

The SPEAKER *pro tempore*. The question is, Will the House now consider this bill?

The question being taken, there were—ayes 78, noes 67.

Mr. HORR. I call for tellers.

Mr. KEIFER. I call for the yeas and nays.

The SPEAKER *pro tempore* proceeded to put the question on ordering the yeas and nays.

Mr. CANNON. I make the point that a quorum did not vote.

The SPEAKER *pro tempore*. The House is now dividing on the question whether it will order the yeas and nays.

On the question of ordering the yeas and nays there were ayes 23—not a sufficient number.

Mr. ROGERS, of Arkansas. I now call the previous question.

Mr. HORR. I demanded tellers because there was no quorum.

The SPEAKER *pro tempore*. The gentleman has the right to a vote by tellers.

Mr. HORR. I demand them.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Arkansas, Mr. ROGERS, and the gentleman from Michigan, Mr. HORR.

Mr. HOLMAN. Tellers were called for too late.

The SPEAKER *pro tempore*. The call for tellers on the original motion is not too late; a call for tellers on the yeas and nays would be too late.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. There is some misapprehension in this part of the Chamber as to the precise question upon which we are voting, and I desire to ask the Chair to state the question.

The SPEAKER *pro tempore*. The Chair will state the question. Tellers have been ordered upon the question of consideration of this bill, and all who are in favor of considering the bill at the present time will pass between the tellers; and the Chair designates the gentleman from Michigan, Mr. HORR, and the gentleman from Arkansas, Mr. ROGERS, to act as tellers.

The House divided; and the tellers reported 110 voting in the affirmative; and 100 in the negative.

The SPEAKER *pro tempore*. The ayes have it.

Mr. ROGERS, of Arkansas. Mr. Speaker, I now demand the previous question on the passage of the bill.

Mr. HORR. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Michigan twice——

Mr. HORR. Mr. Speaker, I wish to state that the result as announced does not come within twenty votes of according with the tally which I kept, and I kept it as accurately as I could.

The SPEAKER *pro tempore*. The Chair can only take the vote as reported by the clerk at the Speaker's table.

Mr. HORR. Well, it is a mistake.

The SPEAKER *pro tempore*. In justice to the clerk, the Chair will state that it was a vote taken after such a fashion as made it difficult, if not impossible, for the clerk or for the tellers to ascertain the result accurately.

Mr. CANNON. Mr. Speaker, I rise to a point of order. If a challenge of the vote is made by one of the tellers, or by any member of the House, there is but one thing to do, namely, to take the vote over again.

The SPEAKER *pro tempore*. The Chair thinks that is but fair, as the manner in which the vote was taken was the fault of the House. The ayes were not counted at one time, nor were the noes. The Chair will ask the tellers to resume their places, that the vote may be taken again.

Mr. ROGERS, of Arkansas. Mr. Speaker, is it in order now to demand the yeas and nays?

The SPEAKER *pro tempore*. The Chair thinks it is not, because the yeas and nays have been refused.

Mr. CANNON. But you can reconsider that.

Mr. HATCH, of Missouri. I move to reconsider the vote by which the yeas and nays were refused.

The question was taken; and the motion of Mr. HATCH was agreed to.

Mr. HATCH, of Missouri. Now, Mr. Speaker, I demand the yeas and nays on the motion of the gentleman from Michigan [Mr. HORR] on the question of consideration.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The yeas and nays have been ordered, and the Chair will state the question is on proceeding to the consideration of this bill at this time.

Mr. HEWITT, of Alabama. Mr. Speaker, does this bill antagonize the river and harbor bill?

The SPEAKER *pro tempore*. The Chair hardly thinks that is a parliamentary inquiry.

Mr. RANDALL. Mr. Speaker, the pensioners of this country ought not to be left another year under the present system, which is one of extortion on the part of claim agents.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] is not in order.

Mr. HEWITT, of Alabama, and Mr. RANDALL both further addressed the Chair, but the confusion was such that they could not be heard.

Mr. BROWNE, of Indiana. Mr. Speaker, I rise to make a parliamentary inquiry, which the Chair need answer.

The SPEAKER *pro tempore*. The Chair will not recognize any gentleman until order is restored in the Hall. There is so much confusion that the Chair must direct the Sergeant-at-Arms to see that members come to order and resume their seats.

The Sergeant-at-Arms, bearing the mace, proceeded through the Hall until order was restored.

The SPEAKER *pro tempore*. The Chair will now hear the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, I simply desire to inquire whether this is a Senate bill or a House bill.

The SPEAKER *pro tempore*. The Chair does not think that that is a parliamentary inquiry. The Clerk will proceed with the call of the roll.

The question was taken; and it was decided in the negative—yeas 116, nays 136, not voting 72; as follows:

YEAS—116.

Alexander,	Dingley,	Millard,	Smith, A. Herr
Anderson,	Dockery,	Morgan,	Smith, H. Y.
Arnot,	Dorsheimer,	Moulton,	Springer,
Bagley,	Eaton,	Murray,	Stockslager,
Beach,	Elliott,	Nelson,	Stone,
Bennett,	Ellwood,	Nicholls,	Storm,
Bland,	English,	Nutting,	Strait,
Boutelle,	Ermentrout,	Paige,	Struble,
Boyle,	Everhart,	Parker,	Sumner, D. H.
Bratton,	Ferrell,	Payson,	Swope,
Broadhead,	Follett,	Perkins,	Thomas,
Brown, W. W.	Ryan,	Peters,	Tully,
Browne, T. M.	Geddes,	Pettibone,	Vance,
Burnes,	Greenleaf,	Potter,	Wadsworth,
Campbell, J. M.	Hanback,	Randall,	Wakefield,
Carleton,	Hancock,	Ray, G. W.	Wallace,
Cassidy,	Hardy,	Reid, J. W.	Ward,
Cobb,	Hatch, W. H.	Reese,	Warner, A. J.
Collins,	Haynes,	Rice,	Weaver,
Converse,	Hewitt, A. S.	Rogers, J. H.	Wemple,
Cook,	Holman,	Rogers, W. F.	White, Milo
Cosgrove,	Holmes,	Rosecrans,	Whiting,
Cox, S. S.	Hopkins,	Rowell,	Wilkins,
Cox, W. R.	James,	Seney,	Winans, E. B.
Culbertson, W. W.	Jones, J. K.	Shively,	Winans, John
Cullen,	Kleiner,	Singleton,	Wood,
Curtin,	Lovering,	Skinner, C. R.	Worthington,
Davis, R. T.	Lowry,	Slocum,	Yaple,
Deuster,	Matson,	Smalls,	York.

NAYS—136.

Atkinson,	Dibrell,	Jones, B. W.	Pusey,
Ballentine,	Dixon,	Jones, J. H.	Reagan,
Barbour,	Ellis,	Jones, J. T.	Robertson,
Barksdale,	Evans,	Keifer,	Robinson, W. E.
Barr,	Findlay,	Kelley,	Russell,
Bayne,	Finerty,	King,	Seymour,
Bisbee,	Foran,	Lacey,	Skinner, T. G.
Blackburn,	Forney,	Lanham,	Snyder,
Blanchard,	Funston,	Lawrence,	Spooner,
Blount,	Glascock,	Lewis,	Steele,
Bowen,	Goff,	Libbey,	Stephenson,
Brainerd,	Graves,	McCold,	Stephens,
Breckinridge,	Green,	McComas,	Stewart, Charles
Breitung,	Guenther,	McCormick,	Sumner, C. A.
Buchanan,	Halsell,	McMillin,	Talbott,
Buckner,	Hammond,	Miller, J. F.	Taylor, J. D.
Budd,	Hardeman,	Miller, S. H.	Taylor, J. M.
Burleigh,	Harmer,	Milliken,	Thompson,
Cabell,	Hart,	Mills,	Tillman,
Caldwell,	Hemphill,	Money,	Turner, H. G.
Campbell, Felix	Henderson, T. J.	Morrill,	Turner, Oscar
Campbell, J. E.	Henley,	Muldrow,	Valentine,
Candler,	Hewitt, G. W.	Murphy,	Van Eaton,
Cannon,	Hill,	Neece,	Wait,
Clardy,	Hiscock,	Oates,	Warner, Richard
Clements,	Hoblitzell,	Ochiltree,	Wellborn,
Covington,	Holton,	O'Neill, Charles	Weller,
Crisp,	Horr,	Patton,	White, J. D.
Culberson, D.	Houseman,	Payne,	Williams,
Dargan,	Howey,	Peel,	Willis,
Davidson,	Hunt,	Pierce,	Wilson, James
Davis, G. R.	Hurd,	Poland,	Wise, G. D.
Davis, L. H.	Jeffords,	Price,	Wolford,
Dibble,	Johnson,	Pryor,	Young.

NOT VOTING—72.

Adams, G. E.	Fiedler,	Le Fevre,	Ray, Ossian
Adams, J. J.	Garrison,	Long,	Reed, T. B.
Aiken,	George,	Lore,	Riggs,
Belford,	Gibson,	Lyman,	Robinson, J. S.
Belmont,	Hatch, H. H.	McAdoo,	Rockwell,
Bingham,	Henderson, D. B.	Maybury,	Ryan,
Brewer, F. B.	Hepburn,	Mitchell,	Shaw,
Brewer, J. H.	Herbert,	Morrison,	Spriggs,
Brumm,	Hitt,	Morse,	Stewart, J. W.
Chalmers,	Hooper,	Muller,	Taylor, E. B.
Clay,	Houk,	Mutchler,	Throckmorton,
Connolly,	Hutchins,	O'Ferrall,	Townshend,
Craig,	Jordan,	O'Hara,	Tucker,
Cutcheon,	Kean,	O'Neill, J. J.	Van Alstyne,
Dowd,	Kellogg,	Phelps,	Washburn,
Dunham,	Ketcham,	Post,	Wilson, W. L.
Dunn,	Laird,	Rankin,	Wise, J. S.
Eldredge,	Lamb,	Ranney,	Woodward.

So the House refused to proceed to the consideration of the bill.

Mr. HENDERSON, of Illinois. I ask that the reading of the names be dispensed with.

Mr. WARNER, of Ohio. I object.

The Clerk having reported the vote, the following pairs were announced:

On all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. LAMB with Mr. KETCHAM.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. SPRIGGS with Mr. O'HARA.

Mr. JORDAN with Mr. DUNHAM.

For this day:

Mr. AIKEN with Mr. RYAN.

Mr. LE FEVRE with Mr. HOOPER.

Mr. DUNN with Mr. ROCKWELL.

Mr. GIBSON with Mr. BREWER, of New Jersey.

Mr. FIEDLER with Mr. HENDERSON, of Iowa.

Mr. MAYBURY with Mr. HEPBURN.

Mr. MULLER with Mr. BREWER, of New York.

Mr. CONNOLLY with Mr. CRAIG.

Mr. HERBERT with Mr. HOUK.

On this vote:

Mr. MORSE with Mr. RAY, of New Hampshire.

Mr. CLAY with Mr. BINGHAM.

Mr. TOWNSHEND with Mr. WASHBURN.

The SPEAKER *pro tempore*. On this question the yeas are 116, the nays 136. The House refuses to proceed with the consideration of this bill. The bill will go to the House Calendar and the report be printed.

ORDER OF BUSINESS.

Mr. HUTCHINS. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, my purpose being to call up the river and harbor bill.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of taking up the naval appropriation bill.

Mr. WILLIS. I hope the gentleman will not make that motion. I think it was the understanding distinctly and plainly yesterday and to-day——

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is called for.

[Mr. WILLIS, Mr. KEIFER, Mr. HISCOCK, and Mr. HUTCHINS, amid some confusion, engaged in a brief colloquy on the order of business.]

The SPEAKER *pro tempore*. Debate is not in order. The regular order has been demanded. The reporters will not put into the RECORD anything that may have occurred since the regular order was demanded.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman in a moment for his parliamentary inquiry. The gentleman from New York [Mr. HUTCHINS] moves that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of general appropriation bills. Does the gentleman from Kentucky [Mr. WILLIS] rise to a parliamentary inquiry?

Mr. WILLIS. I can not, of course, under the rules express my surprise, and I do not [laughter]; but I rise to ask, if this motion be voted down, whether we can not go into Committee of the Whole to call up the river and harbor bill.

Mr. STORM. Nobody knows that better than the gentleman from Kentucky.

The SPEAKER *pro tempore*. The Chair would certainly say that is in the province of the House. The question is on the motion of the gentleman from New York.

Mr. KEIFER. I ask unanimous consent for a little time for debate in order to determine this matter; it will save time when we get into committee.

The SPEAKER *pro tempore*. The Chair will only say that the regular order has been demanded, and the Chair has no power to indulge debate. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

The question being taken, there were—ayes 81, noes 99.

Mr. HUTCHINS. I call for the yeas and nays.

The yeas and nays were ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

Mr. WILLIS. All points of order are reserved on that bill.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BURNES. I give notice that I will call up this bill as soon as the naval bill is disposed of.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question will now be taken by yeas and nays on the motion of the gentleman from New York [Mr.

HUTCHINS] that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

The question was taken; and it was decided in the negative—yeas 102, nays 139, not voting 83; as follows:

YEAS—102.

Alexander,	Elliott,	McAdoo,	Springer,
Anderson,	English,	McComas,	Steele,
Barr,	Ermentrout,	Matson,	Stewart, J. W.
Bayne,	Evans,	Millard,	Stockslager,
Beach,	Everhart,	Mitchell,	Storm,
Belmont,	Ferrell,	Morgan,	Struble,
Blount,	Follett,	Morrill,	Sumner, D. H.
Boutelle,	Fyan,	Moulton,	Swope,
Boyle,	Geddes,	O'Neill, Charles	Townshend,
Broadhead,	Halsell,	Parker,	Turner, H. G.
Brown, W. W.	Hardeman,	Patton,	Turner, Oscar
Browne, T. M.	Hardy,	Pierce,	Van Alstyne
Burnes,	Harmer,	Poland,	Wadsworth,
Campbell, J. M.	Hatch, W. H.	Potter,	Wait,
Campbell, J. E.	Hewitt, A. S.	Price,	Ward,
Cobb,	Hiscock,	Randall,	Warner, A. J.
Collins,	Holman,	Ranney,	Warner, Richard
Converse,	Hopkins,	Reed, T. B.	Washburn,
Cosgrove,	Howey,	Reese,	White, J. D.
Cox, W. R.	Hutchins,	Rice,	Wilkins,
Crisp,	Jones, B. W.	Riggs,	Winans, E. B.
Deuster,	Kean,	Rogers, J. H.	Winans, John
Dixon,	Lanham,	Rosecrans,	Wood,
Dockery,	Long,	Seney,	York.
Dorsheimer,	Lowry,	Smith, H. Y.	
Eldredge,	Lynam,	Spooner,	

NAYS—139.

Atkinson,	Finerty,	Lewis,	Skinner, T. G.
Bagley,	Foran,	Libbey,	Slocum,
Ballentine,	Forney,	Lore,	Smalls,
Barbour,	George,	McCold,	Smith, A. Herr
Barksdale,	Glascock,	McCormick,	Snyder,
Bennett,	Goff,	McMillin,	Stephenson,
Bisbee,	Green,	Miller, J. F.	Stevens,
Blackburn,	Greenleaf,	Miller, S. H.	Stewart, Charles
Blanchard,	Guenther,	Milliken,	Sumner, C. A.
Bland,	Hammond,	Mills,	Talbott,
Brainerd,	Hanback,	Money,	Taylor, J. D.
Bratton,	Hart,	Muldrow,	Taylor, J. M.
Breckinridge,	Hatch, H. H.	Murphy,	Thomas,
Breitung,	Hemphill,	Neece,	Thompson,
Budd,	Henderson, T. J.	Nelson,	Tillman,
Burleigh,	Henley,	Nicholls,	Tucker,
Cabell,	Hewitt, G. W.	Nutting,	Tully,
Caldwell,	Hoblitzell,	Oates,	Valentine,
Campbell, Felix	Holmes,	Ochiltree,	Vance,
Cannon,	Holton,	O'Neill, J. J.	Van Eaton,
Carleton,	Horr,	Payne,	Wakefield,
Clements,	Houseman,	Payson,	Wallace,
Cook,	Hunt,	Peel,	Weaver,
Culberson, D. B.	Hurd,	Perkins,	Wellborn,
Culbertson, W. W.	James,	Peters,	Weller,
Cullen,	Jeffords,	Phelps,	Williams,
Dargan,	Johnson,	Pryor,	Willis,
Davis, G. R.	Jones, J. H.	Pusey,	Wilson, James
Davis, L. H.	Jones, J. K.	Ray, G. W.	Wilson, W. L.
Dibble,	Jones, J. T.	Reagan,	Wise, G. D.
Dibrell,	Keifer,	Reid, J. W.	Wolford,
Dowd,	King,	Robertson,	Worthington,
Ellis,	Kleiner,	Rowell,	Yaple,
Ellwood,	Lacey,	Shively,	Young.
Findlay,	Lawrence,	Skinner, C. R.	

NOT VOTING—83.

Adams, G. E.	Curtin,	Houk,	Ray, Ossian
Adams, J. J.	Cutcheon,	Jordan,	Robinson, J. S.
Aiken,	Davidson,	Kelley,	Robinson, W. E.
Arnot,	Davis, R. T.	Kellogg,	Rockwell,
Belford,	Dingley,	Ketcham,	Rogers, W. F.
Bingham,	Dunham,	Laird,	Russell,
Bowen,	Dunn,	Lamb,	Ryan,
Brewer, F. B.	Eaton,	Le Fevre,	Seymour,
Brewer, J. H.	Fiedler,	Lovering,	Shaw,
Brumm,	Funston,	Maybury,	Singleton,
Buchanan,	Garrison,	Morrison,	Spriggs,
Buckner,	Gibson,	Morse,	Stone,
Candler,	Graves,	Muller,	Strait,
Cassidy,	Hancock,	Murray,	Taylor, E. B.
Chalmers,	Haynes,	Mutchler,	Throckmorton,
Clardy,	Henderson, D. B.	O'Ferrall,	Wemple,
Clay,	Hepburn,	O'Hara,	White, Milo
Connolly,	Herbert,	Paige,	Whiting,
Covington,	Hill,	Pettibone,	Wise, J. S.
Cox, S. S.	Hitt,	Post,	Woodward,
Craig,	Hooper,	Rankin,	

So the House refused to consider the naval appropriation bill.

During the roll-call,

Mr. WILLIS moved by unanimous consent to dispense with the reading of the names.

Mr. HUTCHINS objected.

The following additional pairs were announced from the Clerk's desk:

Mr. ROBINSON, of New York, with Mr. CUTCHEON, for to-day.

Mr. DAVIDSON with Mr. KELLEY, on this vote.

Mr. BEACH with Mr. STRAIT, for this day.

The vote was then announced as above recorded.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union. I announce it to be my purpose to call up for consideration the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. When the committee rose it was dividing on the proposition of the gentleman from Minnesota [Mr. WASHBURN], when no quorum appeared, and the tellers will resume their places.

Mr. WASHBURN. Before that, Mr. Chairman, I wish to say the chairman of the Committee on Rivers and Harbors proposes to change this harbor board in such a way as to meet my views, and therefore I will withdraw the point of no quorum.

So there may be no mistake, I desire to say that it is proposed this harbor board or commission or whatever it may be called shall be constituted of three members of the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three civilians.

Mr. WILLIS. I believe the outcome will be what the gentleman states, but we have not as yet come to any agreement. The drift, however, is in that direction.

Mr. WASHBURN. I withdraw the point of order.

Mr. WHITE, of Kentucky. I want to understand what this agreement is.

Mr. WASHBURN. I withdraw the demand for a quorum on the last vote.

Mr. WHITE, of Kentucky. But what was it all about?

The CHAIRMAN. The question was on the amendment of the gentleman from Minnesota [Mr. WASHBURN] to the amendment of the committee. Is the Chair right in that?

Mr. WASHBURN. Yes.

The CHAIRMAN. The ayes were 38 and the noes 66, so the amendment to the amendment is rejected.

Mr. WHITE, of Kentucky. I offer an amendment to strike out lines 213 to 305, inclusive, and in lieu thereof to insert what I send to the Clerk's desk to be read.

The Clerk read as follows:

The Secretary of War is hereby directed at his discretion to cause examinations or surveys, or both, and estimates of cost or improvements proper to be made at Galveston Harbor, Texas, and to ascertain and report what further work, if any, is necessary at that locality.

Mr. WHITE, of Kentucky. I have been asked whether this is not precisely the same amendment I offered before. It is not. The one I offered before was to strike out from lines 213 to 231 inclusive. In this amendment I propose to strike out from line 213 to 305 inclusive and to insert what has been read by the Clerk.

Now, Mr. Chairman, the idea is this, if I can get the ear of the committee, that during the past we have been led into this error by the member from Texas [Mr. REAGAN], late ex-postmaster-general of the confederacy, to believe that Galveston Harbor could be improved, and from time to time we have given various sums of money, which in the aggregate amounted to nearly $2,000,000. It is in testimony and undisputed that this harbor has cost the Government nearly $2,000,000, and that the result has been a great deal of property has been destroyed in Galveston and only about two inches of water have been gained in the harbor.

I think, this being the case, and inasmuch as we provide in section 9 of the bill that hundreds of thousands of dollars shall be spent to make these surveys under the direction of the Secretary of War and to report to Congress whether they should be improved—I make this point in view of the fact we are wasting nearly $2,000,000 under the leadership of the distinguished gentleman to whom I have alluded—I say it is high time we should stop and let the Secretary of War have new surveys and new reports made to Congress, and let the next Congress, which will be run in large measure by that spirit which did not control us successfully about twenty years ago—let the next House under the influences which will then control it from the White House to both wings of this Capitol—let them take the responsibility, and let not the Republican administration or this House with so many Republican members be led into the error of trying to establish a harbor where there is no water.

The CHAIRMAN. There are two amendments to strike out the same lines and insert new matter in lieu thereof. The first in order is that of the committee.

Mr. HART. I desire to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Add to the amendment of the committee:

"The United States harbor board provided for in this bill, in the discharge of their duty, shall not confine their examinations to reports on what is known as the jetty system, but shall also examine and report upon such other plans as give reasonable assurance of success in the improvements of the rivers and harbors of the country."

Mr. HART. That is not the amendment I intended to forward.

The CHAIRMAN. That is the amendment the gentleman sent to the desk.

Mr. HART. My amendment in substance is this: That the United States harbor board appointed by this bill——

The CHAIRMAN. The Chair suggests the gentleman had better correct his amendment and send it to the desk.

Mr. HART. Very well; I will forward it in writing.

Mr. WILLIS. The gentleman's amendment comes in better at section 5, and I ask him to reserve it until then. The harbor board is

constituted and its duties prescribed. I, however, only make the suggestion.

Mr. HART. I will defer offering my amendment until later in the bill.

The CHAIRMAN. The question, then, is on agreeing to the amendment of the Committee on Rivers and Harbors, proposed by the chairman of the committee.

The question was taken; and on a division there were—ayes 97, noes 1.

Mr. WHITE, of Kentucky. No quorum.

The CHAIRMAN. A quorum being demanded, the Chair will order tellers.

Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE were appointed tellers.

Mr. WHITE, of Kentucky. Mr. Chairman, there seems to be a misunderstanding about the proposition we are called to vote upon. [Cries of "Regular order!"]

The CHAIRMAN. It is whether the committee will adopt the amendment proposed by the Committee on Rivers and Harbors.

Mr. WHITE, of Kentucky. I ask that it be read.

Mr. BLANCHARD. I object. [Cries of "Regular order!"]

The CHAIRMAN. The question is on agreeing to the amendment, and the tellers will take their places.

The committee again divided; and the tellers reported—ayes 155, noes 8.

So the amendment was agreed to.

Mr. BLAND. I desire to offer an amendment after line 843.

Mr. HOLMAN. I wish to offer an amendment to the proposition which has just been adopted.

The CHAIRMAN. The gentleman will send it to the desk.

The Clerk proceeded to read the amendment.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. I offered an amendment to this paragraph which has not been voted upon.

The CHAIRMAN. As the Chair understands the rule, when a motion to strike out and insert has been adopted, another motion to strike out the same lines and insert yet something else is not in order.

The first amendment, being the amendment proposed by the committee to strike out and insert, having been adopted, in the opinion of the Chair the amendment of the gentleman from Kentucky on the left to strike out the same words and insert something else is not in order.

Mr. WHITE, of Kentucky. Do I understand the Chair to hold that when an amendment is adopted it is not in the power of the committee to adopt another which would progress a little further in the same direction?

The CHAIRMAN. It is impossible for the Chair to state what the gentleman from Kentucky understands [laughter]; but the Chair stated what the Chair understands to be the rules and practice of the House in this respect.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair.

Mr. BLAND. I make the point of order that it is too late.

The CHAIRMAN. The Chair thinks that the gentleman from Kentucky rose in time.

Mr. WHITE, of Kentucky. And on that appeal I desire to be heard.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor if he wishes to be heard on the appeal.

Mr. WHITE, of Kentucky. Mr. Chairman, I call the attention of the Chair to page 1686 of the RECORD of the proceedings of this House, and I ask to have read the agreement which was entered into in regard to the offering of amendments in the consideration of this bill. I can not turn to the page just now, but will ask the Clerk to read from the desk in the hearing of the House what took place, to the effect that any person who desired to do so might offer amendments to this section of the bill and have three minutes in which to explain them; and I contend that I have the right under this agreement to have a vote in the committee upon the amendment.

Mr. WILLIS. I hope if the gentleman contends only for a vote that the committee will allow that to be done.

Mr. WHITE, of Kentucky. I have now before me the RECORD to which I refer, and I will read myself.

Upon the motion of my colleague from Kentucky [Mr. WILLIS], that the House resolve itself into Committee of the Whole to proceed with the consideration of the river and harbor bill, the following proceedings took place:

Mr. WHITE, of Kentucky. Pending the motion of my colleague from Kentucky, I move that when the House resolve itself into Committee of the Whole and resume consideration of the river and harbor bill, it shall be in order to have all the amendments read which may be offered; and that each person offering an amendment shall be allowed five minutes—or three minutes I will say—to explain each one of his amendments.

The SPEAKER *pro tempore*. The Chair hardly thinks the motion of the gentleman from Kentucky is in order.

Mr. WILLIS. I would not object to that.

The SPEAKER *pro tempore*. The House has made an order as to the debate that shall be allowed in Committee of the Whole House on the state of the Union, and the chairman of that committee would have the discretion as to the matter of recognition.

Mr. WHITE, of Kentucky. I ask unanimous consent. I believe it will facilitate business.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky [Mr. WHITE]?

There was no objection.

Now, when the chairman took the chair to preside over the Committee of the Whole, the same gentleman who now occupies the Chair, he said:

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. Since the last sitting of the committee the House has directed that when amendments shall hereafter be offered each gentleman offering the same shall be entitled to three minutes to explain it. That the Chair understands to be in addition to the hour and a half already allotted for debate.

Now I complain that it would be perfectly ridiculous to give any person the right to offer an amendment and three minutes in which to discuss it under this agreement unless it carried with it the privilege to demand a vote in the committee. I am well aware of the fact that the committee, by some agreement with the gentleman from Wisconsin [Mr. WASHBURN], has offered a substitute in place of what the bill carries, but that substitute gives Galveston $500,000.

Mr. BLANCHARD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANCHARD. I make the point of order that the gentleman from Kentucky is not discussing the question of order raised by himself.

The CHAIRMAN. The Chair thinks the gentleman should be allowed to proceed to state his question of order.

Mr. WHITE, of Kentucky. And the point of order I make is that, notwithstanding the fact that the chairman of the committee and some members of the committee and the gentleman from Wisconsin have agreed upon a certain amendment to this bill which has been voted upon and incorporated into the bill, it is still within the power of the committee, if it chooses, to vote on my amendment, which provides that the Secretary of War shall make a preliminary investigation before expending the money which is provided in the bill. Now I hope we shall have a vote upon that amendment.

The CHAIRMAN. The gentleman from Kentucky has appealed from the decision of the Chair. The Chair has already ruled upon the question; and the pending question before the committee now is: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken on the appeal, the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. HART. Before the Clerk proceeds further——

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has sent up an amendment which is next in order.

The Clerk read the amendment proposed by Mr. HOLMAN, as follows:

Amend the amendment by adding the following:

"*Provided*, That no more of this appropriation shall be expended than is actually necessary to protect the work now done by the Government engineers, and to make the necessary surveys and maps, until the private corporations, namely, the Galveston Wharf Company, the City Land Company, and the Gulf, Colorado and Santa Fé Railroad Company shall have constructed a pile breakwater or training wall on the south side of the channel in Galveston Harbor and on the north end of their property along said channel, said work to commence at the east or lower end of the wharf company's present works, and extending across the ends of the above-mentioned properties to and connecting with the Government works at Fort Point."

Mr. HOLMAN. I am not sufficiently familiar with the subject-matter to know whether this work is indispensably necessary in the improvement of that harbor or not. I submit the proposition at the instance of a very intelligent gentleman who submitted it to me. And inasmuch as it seems that the improvement of that harbor in a large degree inures to the benefit of those three corporations, it seems eminently proper they should incur the expense of the improvement which directly and immediately benefits their property. I am told the construction of the works indicated will be necessary in connection with this improvement of Galveston Harbor, and that those works would immediately increase the value of their property.

Gentlemen can judge as well as I can whether the public money should be appropriated to improve private property without that private property contributing to the result.

Mr. REAGAN. I ask unanimous consent, because the chairman of the Committee on Rivers and Harbors said he would not object to debate in good faith, to say a word in answer to what has been submitted in favor of this invidious and improper proposed amendment.

Mr. BRECKINRIDGE. The chairman of the committee does not mean to say that any debate is necessary. There is no propriety in that amendment.

Mr. MILLS. Let us vote it down.

Mr. HISCOCK. It is impossible in this part of the Hall to hear what is transpiring.

Mr. REED, of Maine. I wish to inquire whether the amendment has been assented to by the Committee on Rivers and Harbors.

Mr. BRECKINRIDGE. By no means.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana.

The question being taken, there were—ayes 44, nays 73.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment, offered by Mr. LORE.

Amend by adding after line 305 the following:

"Improving harbor at Wilmington, Del., $25,000; which shall include the $15,000 hereinbefore in this bill appropriated for that purpose."

Mr. WILLIS. I am compelled very reluctantly to make the point of order on that amendment. We have passed that point of the bill. The appropriation for the harbor at Wilmington, Del., is made at line 170, page 8, of the bill.

Mr. LORE. I withdraw the amendment for the present.

The CHAIRMAN. The Clerk will report the next amendment, which is that offered by the gentleman from Ohio [Mr. HART].

Mr. HART. The proposition is to amend the amendment of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment adopted the following:

"And the harbor board, if they find it impracticable to construct a first-class harbor at Galveston at a reasonable cost, are hereby authorized and required to examine and report as to the practicability of constructing such a harbor at some other point on the Gulf of Mexico within the State of Texas."

Mr. REAGAN. I make the point of order that that amendment is offered too late.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. REAGAN. The amendment is offered after the committee has acted on other amendments and passed from that part of the bill.

The CHAIRMAN. The gentleman from Texas is mistaken on the question of fact. The committee has not passed from that part of the bill.

Mr. REAGAN. I understand the Clerk is reading amendments as we pass along the bill, and that he is not reading the bill by paragraphs.

The CHAIRMAN. That is true; but the gentleman from Ohio proposes to offer an amendment to come in at line 305, at the end of the paragraph for which the substitute has been adopted.

Mr. REAGAN. Can amendments be made to that paragraph all the time? I submit that we have acted on an amendment offered to a subsequent clause relating to the harbor at Wilmington.

The CHAIRMAN. The gentleman from Texas is mistaken as to the matter of fact. An amendment was proposed to the preceding clause relating to the harbor at Wilmington and was withdrawn. It was not acted upon. The question is on the amendment proposed by the gentleman from Ohio [Mr. HART].

The question being taken, there were—ayes 25, noes 73.

So (further count not being called for) the amendment was not agreed to.

Mr. REED, of Maine. I wish to inquire of the Chair whether it would be in order to move to strike out from the amendment in relation to Galveston Harbor the sum of "$500,000" and insert "$200,000."

The CHAIRMAN. The Chair thinks not. That portion of the section having been amended by striking out and inserting is not subject to amendment.

Mr. REED, of Maine. That being the decision of the Chair, I wish to say there was $200,000 or $250,000 once offered for that harbor and rejected; and now it seems to get $500,000 on precisely the same conditions.

The CHAIRMAN. Discussion is out of order.

The Clerk read from line 306 to line 310 of the bill, as follows:

Improving Sabine Pass, Texas and Louisiana: Continuing improvement, $125,000.

Improving harbor at Ashtabula, Ohio: Continuing improvement, $8,500.

Mr. WILLIS. Mr. Chairman, as I understand, it is not the reading of the bill that is now in order, but the calling up of the next amendment.

The CHAIRMAN. The gentleman is correct. The Clerk will read the next amendment.

The Clerk read the next amendment (offered by Mr. FORAN), as follows:

After the word "dollars," in line 314, insert the following:

"*Provided*, That said amount shall be expended in the construction of a section of breakwater of the same size and character of the present lake arm of said harbor of refuge, to begin at a point three hundred and fifty feet north from the northeast corner of the east end of the lake arm and extending 4,000 feet in a direction east nine degrees north, or as near that direction as future soundings may decide: *And provided further*, That the $100,000 appropriated for continuing the improvement of said Cleveland Harbor by act of Congress approved July 5, 1884, and entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' is hereby made available for the construction of said section of breakwater as aforesaid."

Mr. WILLIS. Mr. Chairman, as I understand it that amendment does not in any way increase the appropriation, but merely directs the manner of its expenditure in accordance with the plans of the engineers, and the committee see no objection to it.

The amendment was agreed to.

The Clerk read the next amendment (offered by Mr. WARNER, of Ohio), as follows:

In line 332, strike out the word "fifteen" and insert the word "thirty;" so that it will read:

"Improving ice-harbor at the mouth of Muskingum River, Ohio: Continuing improvement, $30,000."

Mr. WARNER, of Ohio. Mr. Chairman, I ask unanimous consent that that amendment be passed over for the present until I can have certain papers bearing upon the necessity for it.

The CHAIRMAN. No objection being made, the amendment will be passed over for the present.

The Clerk read the next amendment (offered by Mr. SHIVELY), as follows:

In line 345, substitute for the word "forty" the word "fifty;" so that the paragraph will read:

"Improving the harbor at Michigan City, Ind.: Continuing improvement, $50,000."

Mr. SHIVELY. Mr. Chairman, I trespass on the attention of the committee only to indicate that this amendment is entirely compatible with reasonable and discreet economy in the expenditure of the public funds. It will be observed that the United States Chief of Engineers recommends for the continued improvement of this harbor an appropriation of $200,000. The River and Harbor Committee allow but 20 per cent. of this amount. My amendment simply increases this allowance to $50,000, or 25 per cent. of the sum recommended by the War Department. Situated as this harbor is, at the southern extremity of Lake Michigan, bringing the commerce of the lake into direct connection with the Michigan Central, the Louisville and New Albany, the Wabash, Saint Louis and Pacific, and in close proximity to the Chicago and West Michigan, and the Lake Shore and Michigan Southern Railroads, and being, as official statistics demonstrate, a distributing point for and a potent factor in the commerce of Indiana, Michigan, Ohio, Kentucky, Illinois, Missouri, and Kansas, its importance can not be overestimated nor its claims disregarded.

Within the past year over 226,000,000 feet of lumber have passed over the docks at Michigan City. This represents an increase of 70,000,000 feet over two years ago, to say nothing of the proportionate or even greater increase in the amount of iron ore, pig-iron, and merchandise handled through this harbor during the same time. Now, Mr. Chairman, while it is impossible in the three minutes allowed for debate on amendments to fully state the merits of this case, I respectfully submit to the committee that this amendment is entirely justified by the report of the Chief of Engineers, entirely justified by the importance of this harbor, entirely justified by precedent, and entirely justified by that prudence and discretion which should prevail in perfecting bills of this character.

The question was taken upon the adoption of the amendment; and there were—ayes 45, noes 54.

A MEMBER. No quorum.

Tellers were ordered.

The CHAIRMAN. The tellers will take their places. The Chair designates the gentleman from Indiana, Mr. SHIVELY, and the gentleman from Kentucky, Mr. WILLIS, to act as tellers on the pending question.

Mr. BRECKINRIDGE. Will the Chair please state the question?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SHIVELY], which the Clerk again will read.

The Clerk read as follows:

In line 345, strike out the word "forty" and insert "fifty;" so that the paragraph will read:

"Improving harbor at Michigan City, Ind.: Continuing improvement, $50,000," &c.

The committee proceeded to divide again; but before the count by tellers was concluded,

Mr. SHIVELY. I do not insist on a further count.

So the amendment was not agreed to.

The CHAIRMAN. The next amendment is one submitted by the gentleman from Wisconsin [Mr. PRICE], which will be read.

The Clerk read as follows:

Amend by striking out on page 18, lines 414 to 424, both inclusive, and inserting in lieu thereof the following:

"Improving harbor at Superior Bay and Harbor, and Saint Louis Bay, Wisconsin: Continuing improvement, $30,000. And the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat, or other facilities that may be needed for dredging the harbors of Duluth and Superior. Fifteen thousand dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor and in repairing piers at natural entry, and $15,000 in dredging in said Saint Louis Bay, from deep water at Connor's Point toward deep water at Grassy Point."

Mr. PRICE. I think that after a little explanation this amendment will be adopted without any difficulty. I am informed by a gentleman near me that this expectation is exceedingly absurd; possibly it may prove so.

The recommendation of the engineers for one part of this improvement was $75,000. That recommendation was in the possession of the Committee on Rivers and Harbors; and upon it they gave $12,500. There was a supplemental report from the engineers for $70,000 additional, making $145,000 as the total recommendation of the engineers as the amount that could be judiciously expended during the coming year.

I say the committee was not in possession of the supplemental recommendation. I tried to get it to them but signally failed. The House, however, is now in possession of the fact that the amount recommended by the engineers for the work contemplated in this paragraph is $145,000.

I ask the adoption of an amendment that will give a little less than 25 per cent. of this; that is all I ask.

The appropriation proposed in the bill is less than 9 per cent. of the amount recommended by the board of engineers. The report of the committee in this respect arose partially from mistake, partially from want of correct understanding of the facts. The majority of the committee, however, do now understand this matter, and admit that the bill does not treat this subject fairly. But they say, "Go to the Senate." I reply, "Go to." [Laughter.] I say here is where I want this question understood. Here is where I expect the appropriation to be made. I merely ask to have this appropriation increased to something less than 25 per. cent. of the amount recommended by the engineers, the bill providing for only 9 per cent.

The commerce of that section is infinitely in excess of other places for which this bill appropriates 500 per cent. of the amount recommended by the engineers. I could show, if I had time, that the commerce there is worth taking care of. There are five railroads being built; two are already built; two extensive flouring mills are going up; two elevators are being built. The future of that section of the country, if it be only decently taken care of, can scarcely be foreseen or foretold. I hope that the Committee of the Whole will favorably consider this amendment. I ask nothing but what is right; I would not ask for anything else. I know that the committee did not know, and they would not know. This Committee of the Whole does know.

[Here the hammer fell.]

The question recurred on Mr. PRICE'S amendment.

The committee divided; and there were—ayes 62, noes 74.

Mr. PRICE. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. PRICE and Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 68, noes 98.

So the amendment was rejected.

Mr. PRICE. I desire to send up another amendment to this proposition, which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out, on page 18, lines 414 to 424, both inclusive, and insert in lieu thereof the following:

"Improving harbor at Superior Bay and harbor at Saint Louis Bay, Wisconsin: Continuing improvement, $28,000; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior; $14,000 of the money hereby appropriated to be expended in dredging in said Superior Bay and harbor and in repairing piers at Natural Entry, and $14,000 in dredging in said Saint Louis Bay from deep water at Coxmer's Point toward deep water at Grassy Point."

Mr. WILLIS. I reserve the point of order until the gentleman has been heard.

Mr. PRICE. I will occupy the floor for just a moment. Now, Mr. Chairman, the simple reason why this did not pass the Committee on Rivers and Harbors, and therefore the reason it is not included in this river and harbor appropriation bill, is because that committee was not acquainted with the facts which have since been communicated to Congress. The support given to the original proposition was so encouraging I have brought forward this proposition, having reduced the amount somewhat, and now take the opportunity to say to this House there is no living man who can raise a reasonable objection against the proposed amendment, unless it be simply this, that the work of the committee is so sacred it must not be infringed upon or else chaos and confusion will come again and reign in our midst.

I say to you in any court among honest men [laughter]—that is the word—I say no honest men would do as we are doing. I doubt not the intelligence and integrity of this House, but the point I make is this, that we have additional information on this subject than that which we had when this bill was drawn up. We now have a new and supplementary report before this House which was not before the Committee on Rivers and Harbors. They knew nothing of it. In the opinion of the engineer $70,000 should be appropriated for one purpose I have indicated and the committee have not given a cent for it. They have extended the provisions of the bill, for which I am indebted to the courtesy of the gentleman from Louisiana [Mr. BLANCHARD]. The estimates of the engineers for the two works is $145,000; it is really but one scheme, and the bill provides for less than 9 per cent. of the estimate. Now, will you say this bill is so sacred, even with new evidence and new communications before the committee, that no amendment is to be made to it, that it must be adopted just as it has been reported from the committee?

If there was anything in opposition to public interests embodied in the amendment, or if there is anything right that we are going to subserve by carrying the bill through without any amendments, then, of course, I would expect you to reject my amendment. But, for the reason stated, I hope the committee will agree to it.

Mr. THOMAS. Will the gentleman permit me to ask him if it is not true that the engineers report only fifteen vessels as having entered that port during the last year?

Mr. PRICE. I have not the information before me to answer the gentleman's suggestion.

Mr. THOMAS. I have it before me, and the committee had it before them when this bill was made up.

Mr. PRICE. I am not in condition to refute that statement of the gentleman, not having the papers before me.

Mr. THOMAS. I repeat that only fifteen vessels entered that port during the last year, as shown by this report, and we gave 25 per cent. of the estimates made by the engineers.

Mr. PRICE. I regret, Mr. Chairman, that I have not time to make fitting answer to that. I have now lying on my desk the last report of the engineers, showing an estimate of $75,000 for this work, and upon my desk also rests another report——

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment submitted by the gentleman from Iowa.

The question was taken.

Mr. WILLIS. If I may be permitted to make a statement I will say that there has been an additional report made by the engineers since the committee acted on this proposition, and I am willing that this amendment shall be agreed to, reserving the right to take a vote in the House upon it.

Mr. PRICE. That is entirely acceptable to me.

The CHAIRMAN. The Chair will submit the request of the gentleman from Kentucky to the committee. The gentleman asks unanimous consent that this amendment be considered as agreed to in the Committee of the Whole, subject to a vote in the House.

Mr. WELLER. I object.

The CHAIRMAN. The Chair will again submit the question to the committee.

The question was taken on agreeing to the amendment of Mr. PRICE; and on a division there were—ayes 80, noes 24.

So (no further count being demanded) the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the next amendment proposed by the gentleman from Minnesota [Mr. NELSON].

The Clerk read as follows;

Amend line 435 by striking out "$31,500" and insert in lieu thereof "$50,000."

Mr. NELSON. Mr. Chairman, I beg leave to make a few statements to the committee in reference to the importance of this harbor, and I believe they will be satisfactory as indicating the necessity for this increase.

The city of Duluth has now grown to be a great shipping point in the Northwest on the furthermost end of Lake Superior. It is the terminus of the Northern Pacific Railroad, and the Saint Paul and Duluth Railroad, and over these lines of road and through that port 15,000,000 bushels of wheat are shipped annually. This class of commerce requires for its accommodation vessels of the largest size, as large as can possibly pass through the Saint Mary's Canal. It is essential that this harbor at Duluth should be deepened to accommodate vessels drawing at least sixteen feet of water. From the local engineer's report, Mr. Wells, it appears that in many places the harbor is only thirteen, fourteen, and less feet in depth. His recommendation is that it be dredged to a uniform depth of not less than eighteen feet, so as to enable the free entrance of vessels drawing sixteen feet.

I may say further in reference to this harbor of Duluth that it is to some extent an artificial harbor. It is situated in the innermost part of Superior Bay, but the entrance to it is through a canal. This canal every spring when the ice breaks up, owing to the sandy formation of the bed and the upheaval of sand bars, is placed in such a condition as to require extra work, and the piers also require extra work, hence the Government engineer reported that a fund of $10,000 is necessary for emergencies. Take out this emergency fund of $10,000 and it will leave only $21,000 as the bill is now fixed. I trust that the committee will agree to this amendment.

[Here the hammer fell.]

The question being taken on the adoption of Mr. NELSON'S amendment, the committee divided; and there were—ayes 57, noes 40.

Mr. STORM. No quorum has voted. I demand tellers.

The CHAIRMAN. Does the gentleman from Pennsylvania demand tellers?

Mr. STORM. I have demanded tellers.

The CHAIRMAN. The Chair will appoint tellers.

Mr. STORM and Mr. NELSON were appointed tellers.

Before the announcement of the vote,

Mr. STORM withdrew the demand for a quorum.

So (no further count being demanded) the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the next amendment, submitted by the gentleman from Mississippi [Mr. VAN EATON].

The Clerk read as follows:

After line 446 insert:

"Improving harbor at Natchez, Miss.: Continuing improvement, $75,000."

Mr. WILLIS. I will suggest that this amendment is not in order until we reach the paragraph relating to the Mississippi River, and I make the point of order that it is not applicable here.

The CHAIRMAN. The Chair thinks that under the order fixed by the House it will be in order to propose an amendment at any time. The Chair suggests, however, that the gentleman from Mississippi might be willing to postpone the amendment for the present.

Mr. VAN EATON. I will let it be passed over temporarily, to be

considered when the paragraphs of the bill relating to the Mississippi River are reached.

The CHAIRMAN. The Chair would suggest, then, that the gentleman had better change the number of the line where the amendment is to come in, so that the Clerk will know when to offer it.

The Clerk will now report the next amendment submitted by the gentleman from Rhode Island [Mr. SPOONER].

The Clerk read as follows:

In line 456, amend by striking out "twenty-five" and insert in lieu thereof "fifty;" so that the paragraph will read:
"Improving Providence River and Naraganset Bay, Rhode Island: Continuing improvement, $50,000."

Mr. SPOONER. This is but a small amount of the appropriation for this improvement that was recommended by the engineers. It is to carry on a most important work. In Narraganset Bay we have a depth of thirty feet of water extending from the ocean to about five miles from the city of Providence. The change in the character of seagoing craft necessitates an increased depth and width of channel, which is provided for by the improvement now in progress.

The tonnage of that port and the number of vessels there, going to that port and sailing therefrom, and the importance of its commerce, to which I referred the other day, all justify the very reasonable request that is made for the appropriation that is provided for by this amendment.

This is not asked for the improvement of any trout stream; it is not for macadamizing any road; it is not to build anything for the advantage of private property. But, sir, it is for the benefit of an existing national commerce. I ask consideration for that which actually existing circumstances justify me in demanding consideration for; not for something that is problematical; not for something that may be, but for something that actually is. And I trust the committee will do that justice to the necessities of the work in my locality which is called for by this amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Rhode Island [Mr. SPOONER].

The question being taken, there were—ayes 45, noes 69.

Mr. SPOONER. No quorum.

The CHAIRMAN. A quorum not having voted, the gentleman from Rhode Island, Mr. SPOONER, and the gentleman from Kentucky, Mr. WILLIS, will act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 109.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment (proposed by Mr. WAIT):

In line 464 strike out "$20,000" and insert "$30,000;" so that it will read:
"Improving Thames River, Connecticut: Continuing improvement, $30,000."

Mr. WAIT. The river Thames probably in proportion to its size has more commerce than any other river in the Union. Two great lines of railroad center at Norwich: the New London, running in a northwesterly direction from Norwich through Connecticut and Massachusetts and connecting with lines of railroad in Vermont, &c., to the Canadian line; and the Norwich and Worcester, running in a northeasterly direction through Connecticut and Massachusetts, connecting with lines of railroad reaching into Maine. Those railroads concentrate there. And the raw material that goes to all the great manufacturing and mechanical establishments in the New England States passes over this river on steamboats and propellers and goes to the interior to supply those establishments.

That river is frequently lined from one end of it to the other with barges and vessels that carry coal to drive the machinery of the mechanical establishments in New England that require steam in addition to the water power. Lumber is brought from the East and taken up there, and then scattered throughout New England. Heretofore this committee has given $30,000 and $35,000 for the improvement of this river. In this bill it appropriates only $20,000. All I ask is this addition of $10,000 to carry the appropriation up to what has been given in years past. As a matter of economy, let me say, it will cost just as much to get your steam-dredges there and your boats to carry off the excavations to carry out an expenditure of $20,000 as with an expenditure of $30,000. When you get the dredges and the mud-diggers and the scows there to relieve the river, you may just as well go on and spend the additional $10,000; for all the machinery and implements are there that are necessary to protect the improvement.

I certainly trust that when all I ask is the sum which has been meted out to us in the past the House will be willing to give it to that river with its vast amount of commerce.

I want to say one word more. The products of the great manufacturing and mechanical establishments that dot the New England States, and which are to be carried to a market in the city of New York or in the South, pass over the railroads that I have named and by water communication over the river Thames to New York. With a view to carrying these products to market it is of vital importance that the navigation of this river should be improved.

The question being taken on agreeing to the amendment offered by Mr. WAIT, there were—ayes 49, noes 74.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment (offered by Mr. BOUTELLE):

Insert after line 464:
"Improving the mouth of the Narraganqus River at Millbridge, Me., $15,000."

Mr. BOUTELLE. An amendment somewhat similar was offered by me at a previous session of the committee asking an appropriation of $20,000. It was lost on the narrow margin of 81 to 84 votes. I have now reduced the amount, bringing it within the pro rata established by the Committee on Rivers and Harbors, and I desire to have a vote of the Committee of the Whole upon it.

I do not intend to debate this amendment any further. I simply wish to remind the House that it is based upon the report of the engineer made in 1880, and the only objection, so far as I know, made by the Committee on Rivers and Harbors has been that it was not embraced in the estimates presented this year. I have corresponded with the district engineer and find that a new survey is unnecessary. If a survey should be ordered the engineers would report against it, and that the present report in the Book of Estimates of 1880 is ample for this improvement. Upon that statement I trust the Committee on Rivers and Harbors will approve the insertion of this amendment for this needed improvement.

Mr. WILLIS. I must insist on the point of order that we have passed that part of the bill.

The CHAIRMAN. The gentleman from Kentucky raises the point of order.

Mr. WILLIS. I am compelled to do it in order that we may get on with the bill.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] raises the point of order that this matter has already been passed over in the bill and voted on.

Mr. BOUTELLE. I ask, as a parliamentary inquiry, is not this an entirely different amendment from the other?

The CHAIRMAN. The Chair will state that under the five-minute debate any variation of a proposition would make a different question and authorize gentlemen to be heard pro and con; but, by the direction of the House, it was ordered that we should proceed from the point at which the bill had been read by paragraphs to finish the balance of it, taking up amendments that were on the Clerk's desk in their order, each amendment to be debated for three minutes in its favor, nothing being allowed in reply. The Chair thinks that by a fair construction that meant that all behind that point should be considered as passed, and this is as if we had passed away from a paragraph and a request was made to go back to it.

Mr. BOUTELLE. But I submit, Mr. Chairman, that we have just recurred to paragraphs affecting this very same section of country.

The CHAIRMAN. The Chair is not advised of any recurrence beyond the place at which the House directed that debate should be closed.

Mr. BOUTELLE. Well, Mr. Chairman, I am not willing to take up the time of the House for $15,000.

The CHAIRMAN. The point of order is sustained, and the Clerk will read the following amendment.

The Clerk read the next amendment (offered by Mr. HISCOCK), as follows:

Strike out lines 465 and 466 and insert:
"For removing obstructions in East River and Hell Gate, New York:
"For completing excavation at Flood Rock and Frying-Pan in Hell Gate, $60,000; for grappling and removing in part the broken stone of the explosion of Flood Rock, $260,000."

Mr. HISCOCK. Mr. Chairman, I find by the engineer's report which we have here that it is estimated that $500,000 will be required for the improvements indicated in this amendment. The committee have recommended an appropriation of $20,000. I do not suppose it is necessary here for me to demonstrate by facts and figures the necessity of improving the harbor of New York, and I would like to understand from the chairman of the Committee on Rivers and Harbors why it is that with these estimates before them the committee recommended the meager appropriation of $20,000.

Mr. WILLIS. It is because last year the committee gave $360,000, the full amount that was asked, to explode that rock, and the engineer said that $20,000 in addition was all that would be needed for that work.

Mr. HISCOCK. Mr. Chairman, in reply to that I have this to say, that for the simple purpose of this explosion $20,000 is all that is needed. But, so far as the other works there are concerned, the committee have failed to make any recommendation, and the engineer in his report, which he has submitted to you, has stated that $600,000 is necessary for the removal of broken rock.

Mr. WILLIS. That follows after the other is done, and they have $371,000——

Mr. HISCOCK. It follows after the other is done, and I have before me a letter from the Chief Engineer saying that the work will be entirely suspended next October unless this appropriation is made—that the explosion will take place on the 1st day of October, or some time in

October, and that then work must cease entirely unless more money is appropriated. Now, I appeal to the chairman of the Committee on Rivers and Harbors to accept this amendment which I have offered. I have not asked more than 33⅓ per cent., which I understand to be the proportion of the estimates allowed under the general rule of the committee.

The question was taken on the amendment offered by Mr. Hiscock, and there were—ayes 67, noes 69.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read the next amendment (offered by Mr. PARKER), as follows:

Amend by inserting, after line 468, the following:
"Improving Salmon River to a 9-foot channel, between Fort Covington and the boundary line, $20,000; but this money shall not be expended until the Secretary of War shall be satisfied that the Canadian Government has provided for a like improvement of said river from the boundary line to the Saint Lawrence River.

Mr. PARKER. Mr. Chairman, in this case the report was not received and printed until after the bill was reported to the House from the Committee on Rivers and Harbors, and, therefore, the committee did not pass upon this item. The amendment is offered upon the recommendation of the engineer in charge, and I will not occupy time in discussing it, but will simply read from the report of the Secretary of War, based upon a former report of the engineers, which in part is as follows:

Extracts from communication made to the House by the Secretary of War, under date of January 26, 1885.

[From report of Lieutenant-Colonel Robert.]

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., December 31, 1884.

SIR: I have the honor to submit the following report on the survey of the Salmon River, at and below Fort Covington, N. Y., just completed, under my direction, by Assistant Engineer L. Y. Schermerhorn.

The report of the preliminary examination of this locality, made by me personally, was submitted under date of the 4th of last October.

Of the five miles of the Salmon River below Fort Covington, one mile lies in the United States and about four miles in the Dominion of Canada.

* * * * * * *

I would then recommend the following project for the improvement of the Salmon River at and below Fort Covington, N. Y.

The river should be dredged from the boundary line up to Salmon street, in Fort Covington, a distance of about 4,300 feet, to a width of about 75 feet, except at sharp bends, where it should be increased to 100 feet, and to an available depth of 9 feet at low water, ultimately to be increased to 12 feet; provided the depth of the dredging in no case exceeds that which the Chief of Engineers is satisfied is to be attained on the lower portion of the river.

[From report of Assistant Engineer L. Y. Schermerhorn.]

MATERIAL TO BE REMOVED.

The river bed consists of blue clay, both free from and mixed with stone, as shown on the profile in the accompanying map. Borings were made at frequent intervals, and in the parts of the river bed marked "blue clay" the bottom was quite soft, and the iron rods could be forced to the indicated depth with great ease. In the parts marked "clay and stone" the iron bars required heavy driving, but the resistance encountered was more due to stone than to the hardness of the clay with which the stones were associated.

ESTIMATE.

For a dredged channel about 4,300 feet in length, extending from the boundary line to a point abreast of Salmon street, in Fort Covington, seventy-five feet in width except at bends, and nine feet available depth at low water, the estimate would be as follows:

40,000 cubic yards mud, soft clay, and gravel, at 25 cents	$10,000
13,000 cubic yards clay mixed with stones, at 50 cents	6,500
Contingencies	3,500
Aggregate	20,000

CANADIAN CO-OPERATION.

It is stated by parties interested in the general improvement of the Salmon River that the Canadian Government is ready to undertake the improvement of the river within their borders if that part of the river between Fort Covington and the boundary line is to be improved by the United States.

RECENT IMPROVEMENTS.

The recently completed United States and Canadian Railroad, which extends from Fort Covington northeasterly to the boundary line, connects Fort Covington with the railroad systems of Canada and the United States by branches of the Canada Grand Trunk Railroad, one connection reaching Montreal and another Rouse's Point, N. Y. An extension of the railroad from Fort Covington westward to Norwood is in process of construction; this extension will connect the previously described railroad lines with the western connections of the Rome, Watertown and Ogdensburg Railroad.

AN OBJECT OF THE IMPROVEMENT.

With the improvement of the Salmon River it is proposed to make Fort Covington a point of distribution by rail of coal received by water transit, and also for the water shipment of iron ore from the mines of Northern New York. These demands, together with the agricultural products of a productive belt of country tributary to such water and rail facilities, will, it is thought, make Fort Covington an important receiving and distributing point, and justify the expenditure by the National Government of the amount required to make the Salmon River navigable between Fort Covington and the boundary line.

RECOMMENDATION OF THE SECRETARY OF WAR.

From the facts presented by Lieutenant-Colonel Robert of the present and prospective demands of commerce it appears that an improvement to the extent of a dredged channel seventy-five feet wide and nine feet deep at low water between Fort Covington and the boundary line, estimated to cost about $20,000, would be judicious at this time if its continuation by the Canadian Government could be assured.

This stream rises in the Adirondacks and flows into the Saint Lawrence north of the international boundary line. At present there is regular steamboat navigation with the ports upon the Saint Lawrence up to the town of Dundee, one mile below Fort Covington, where the Canada and United States Railroad crosses the Salmon River, and to which point this improvement is intended to reach.

This proposition, which has the recommendation of the engineer and is approved by the Secretary of War, is to make one mile of navigation above the boundary line so as to connect with the present and prospective navigation in the same stream below, connecting with the navigation of the Saint Lawrence and the lake. Therefore I ask that the amendment be adopted.

The amendment was not agreed to.

The next amendment (by Mr. VAN ALSTYNE) was read, as follows:

In line 470, strike out the words "twenty thousand dollars" and insert in place thereof the words "thirty-five thousand one hundred and two dollars and forty-six cents."

Mr. VAN ALSTYNE. Mr. Chairman, if this bill is to pass, it is right that this amendment should prevail. It will close out the unappropriated estimate which is required for the completion of this contemplated improvement. By reference to the report of the engineers it will be found that the unappropriated estimate is the sum named in the amendment. The report also states that this sum can profitably be expended during the next fiscal year.

Sir, I feel almost ashamed to say anything to this intelligent auditory on the subject of the Hudson River. It is no new discovery. It is named on the earliest maps of this country. It is a stream of the utmost importance with reference to commerce. It is not a meadow-brook, but a maritime river, on which the tide has its influence for one hundred and fifty-six miles.

It was stated here the other day that nearly two-thirds of the commerce of this country centers in the city of New York. If that be true, one-half of it passes up and down the valley of the Hudson, and a large proportion of it passes on the waters of the Hudson.

The proposed improvement is not problematical. It has been going on for a series of years, and actual results have shown that the improvement is calculated to accomplish the result intended—the construction of longitudinal dikes to fill in the places between the islands formed by the alluvial drift of this river.

And, sir, we do not rely exclusively upon the assistance of the Federal Government in the matter. I see before me a gentleman who has been a member of the canal board of New York, and he knows that the tonnage of the canals of our State which floats upon the waters of this river amounts on the average to 5,500,000 tons, and that is only a small proportion of the tonnage of the river. The State of New York has been appropriating year after year $30,000 for the improvement of this river over the very stretch where its improvement by the Federal Government has been going on. I hope the amendment will be accepted by the chairman of the committee.

[Here the hammer fell.]

The question being taken on agreeing to the amendment of Mr. VAN ALSTYNE, there were—ayes 53, noes 59.

Mr. VAN ALSTYNE. No quorum.

Tellers were ordered; and Mr. VAN ALSTYNE and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 54, noes 66.

Mr. VAN ALSTYNE. I will not insist further on the point that no quorum has voted.

So the amendment was not agreed to.

The next amendment (by Mr. KEAN) was read, as follows:

At line 478 insert the following:
"Continuing improvement of Raritan River, New Jersey, $60,000; of which $20,000 shall be expended in improving the South Channel."

Mr. KEAN. Mr. Chairman, in a bill which seeks to appropriate so many thousands of dollars to the improvement of the commerce and navigation of the country where commerce and navigation do not at the present time exist, due respect it seems to me should be had for the commerce that does now exist.

The commerce of the Raritan River is now over 2,000,000 tons per annum, and its money value more than $40,000. When a river has such a commerce, I think, Mr. Chairman, this committe should give a reasonable sum for its improvement.

Mr. PHELPS. I wish to say only a word in support of the suggestion made by my colleague [Mr. KEAN]. It seems to me that all amendments of this character strengthen this bill in a direction where it is weak. The criticism is made that the appropriations in this bill are very generous to rivers and harbors where commerce may be, but very niggardly and scanty to rivers and harbors where commerce is. Here is a small river requiring a small expenditure for its improvement, a river on which commerce now exists in conspicuous abundance, 20,000 vessels passing through it each year. For these vessels and for this commerce it seems to me accommodation ought to be provided, especially when so small a sum will do it, and when the provision instead of weakening will strengthen the general merits of the bill.

Mr. WILLIS. My friend will permit me to say that nine-tenths of the rivers embraced in this bill receive only 25 per cent. of the estimate of the engineers, while this river receives 33⅓ per cent.

Mr. PHELPS. In that point of view I acknowledge the appropria-

tion in the bill is just; but we should consider the amount of business which this river does in comparison with some of the others.

[Here the hammer fell.]

The question being taken on the amendment of Mr. KEAN, it was not agreed to, there being—ayes 43, noes 85.

The next amendment, also by Mr. KEAN, was read, as follows:

After line 479 insert:
"Improving South River, New Jersey: Continuing improvement, $5,000."

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on his amendment?

Mr. KEAN. I do. This improvement was provided for in a river and harbor appropriation bill some years ago; but since 1882 no appropriation has been made for it. The Government work already done will be entirely lost unless some appropriation be made at this time for it. Navigation demands it, and commerce also. I trust the chairman of the Committee on Rivers and Harbors will listen to that amendment and allow it to go into the bill.

The committee divided; and there were—ayes 39, noes 76.

Mr. KEAN. No quorum.

The Chair appointed as tellers Mr. KEAN and Mr. WILLIS.

Mr. WILLIS. I hope the gentleman from New Jersey will withdraw his point of no quorum.

Mr. KEAN. Very well. I will withdraw the point of no quorum.

So the amendment was rejected.

The next amendment (by Mr. RAY, of New York) was read, as follows:

After line 497, insert:
"And for improving the Susquehanna River in New York and Pennsylvania, $1,000,000,000, to be expended under the direction of the Secretary of War."

[Laughter and applause.]

Mr. RAY, of New York. I desire to say a word on that amendment.

Mr. WILLIS. I rise to a point of order.

Mr. RAY, of New York. I desire to say, Mr. Chairman, in support of this amendment that if adopted it will inaugurate the grandest scheme of the nineteenth century.

The CHAIRMAN. Gentlemen will resume their seats and preserve order. It is impossible to hear what is going on.

Mr. WILLIS. The point of order I make is this: I am sure my friend from New York was not here when the arrangement was made. General debate was limited to an hour and a half, and when that time had expired my friend from Kentucky in order to facilitate gentlemen desiring to make remarks in legitimate explanation of amendments they have offered asked that it might be enlarged so as to allow three minutes in each case for that purpose. I submit now to my friend from New York whether this amendment comes within the terms of that consent. If he thinks it does I will waive the point of order.

Mr. RAY, of New York. I trust the gentleman will waive his point of order. It will give me only three minutes. I certainly have not burdened the House with remarks up to this time.

Mr. WILLIS. I do not insist on the point of order.

Mr. RAY, of New York. Mr. Chairman, the Susquehanna takes its rise in the beautiful Otsego Lake, amid the vine-clad hills of Central New York, and winding in graceful curves through fertile valleys and between rugged mountains, it makes its way through the southern part of New York and the great State of Pennsylvania and pours its waters into the Chesapeake Bay. It is a grand old river, old as the continent. Its waters are pure and limpid. Its banks, from its source to its mouth, are dotted with great, busy cities and picturesque villages.

Wealth and prosperity abound along its banks, and the possibilities for the commerce that may float upon its bosom are unbounded. This amendment proposes to transform the entire five hundred miles traversed by this river into a busy mart of commerce. The modest sum proposed to be appropriated by this amendment will, judiciously expended, simply inaugurate the grandest scheme of the nineteenth century. It will give employment to thousands of men, and the housewives and children fed by the judicious expenditure of these paltry thousand millions of dollars will have reason to rise up and call this Congress blessed.

Let us do something for suffering humanity; let us employ the industrious, feed the poor, clothe the naked, and hand our names down to posterity as the most lavish of the generous; let us adopt this amendment and go out of existence surrounded by a halo of magnanimous glory; let us prove to the world that we are not stingy or penurious or behind the spirit of the age in the expenditure and distribution of other people's money. Such seems to be the object, the purpose, the general scheme of this bill. Let us then adopt every proposition that shall tend to perfect the measure.

This magnificent stream is not disfigured by sand or mud bars. The finny tribes which disport themselves in its waters are longing for the beneficent influences of an appropriation. The dairymen who dwell upon its banks pine for the music of the steamboat whistle and the commercial facilities an ever-open and unobstructed navigation will give them. The Otsego Lake is navigable for small steamboats now. A part of this river is navigable for small steamboats a portion of the year now. By the expenditure of this sum of $1,000,000,000 it may be made navigable the whole distance. [Laughter.]

At the present time, Mr. Chairman, the banks are so far apart and the bed of the stream is so near the surface that it can not be navigated the whole distance. But at all seasons of the year there is water enough in it to float small steamboats. By the expenditure of this small sum of money ($1,000,000,000) a canal can be dug in the bed of this stream and then steamboats could start from Ostego Lake, in Central New York, and course their way to the sea. [Laughter and applause.]

With a portion of this money steam-heaters can be erected with which to break the icy fetters that bind the waters for about six months of the year, and thus we shall see the tide of commerce rolling in one unceasing current, one unbroken wave (so to speak), from the icy North to the sunny South. All we want is enterprise, energy, and this appropriation. We are not extravagant in our demands. This appropriation will commence the work, and we will trust to the future for such encouragement as shall be needed to make this work a complete success, and a monument to the enterprise and bounty of this Congress!

I ask the gentleman to accept the amendment and allow us to have this great highway, this great water course through the State of Pennsylvania and the State of New York, so that steamboats from my Congressional district can go unvexed to the sea. [Renewed laughter and applause.]

[Here the hammer fell.]

The amendment was disagreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Amend lines 530 to 534, inclusive, by striking out the following and inserting, so that the paragraph as amended shall read as follows:
"Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, $50,000; of which sum $10,000 are to be expended on Tug Fork, and $10,000 are to be expended on Lavisa (*i. e.* Louisa) Fork of Big Sandy River."

The CHAIRMAN. The House will come to order, as it is impossible to hear what is going on in the confusion on the floor.

Mr. WHITE, of Kentucky. I am willing to surrender two minutes out of the three minutes allowed me for debate for the purpose of indulging this confusion, for while we have squandered half a million of dollars on Galveston Harbor the country still lives and the Senator from Illinois, Mr. LOGAN, has been elected to succeed himself. [Applause on Republican side.] Now, in regard to the amendment for the Big Sandy River and for the Lavisa River, which the Clerk has just read, I ask the attention of the committee to the fact that we have had in this Congress a bill to prevent extortion by railroads. The only way, in my opinion, in which we can prevent extortion by railroads is to improve the navigable rivers of the nation. The Big Sandy River is one of these navigable rivers, and yet the committee recommends for its improvement the paltry sum of $25,000. The engineers in their report say next year they can expend profitably $50,000 on that river.

Under the influence of the ex-postmaster-general of the Southern confederacy this House passed a bill for the purpose of preventing railroads charging too much for carriage of freight or passengers. That same gentleman proposes to allow members of Congress to ride free. The author of that bill is left at liberty when he chooses to ride on free passes. Discrimination in that direction is not the way to accomplish the purpose. The better way in my judgment would be by legislation appropriating money to improve navigable rivers like the Big Sandy and the Lavisa. Then if we have railroad lines rushing out from Grundy to Norfolk and Wilmington and to Baltimore, in that way we can cheapen transportation. It can not be done by your lap-sided interstate-commerce bill that left out the gist of the whole matter; that is, the enactment of some provision for the purpose of preventing the giving of free passes. It is to be done by liberal appropriations to improve navigable rivers like the Big Sandy.

The CHAIRMAN. The gentleman's time has expired.

The amendment was rejected.

The next amendment (by Mr. WARNER, of Ohio) was read, as follows:

Strike out the words "for this improved navigation," in line 543, and insert the words "on this river."

Mr. WILLIS. There is no objection to that amendment.

The amendment was agreed to.

Mr. BROWN, of Pennsylvania. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend line 493, page 21, after "Maryland," by inserting "and Pennsylvania." Amend line 493 by striking out "seven" and inserting "twenty-two." Amend line 494 by inserting, after the word "dollars," "seven thousand five hundred of;" and after the word "bridge," in line 497, add "and $15,000 shall be expended for improving the West Branch of said river."

Mr. WILLIS. I must make the point of order upon that amendment. We have passed that part of the bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order, that portion of the bill having been already passed over?

Mr. BROWN, of Pennsylvania. I understand that, but at the time we passed that portion of the bill there was so much confusion in the Hall that I did not hear the reading. There was a magnificent speech being made by the gentleman from New York, which attracted the attention of the committee, and the reading of the bill immediately after was not heard in this part of the Hall.

The CHAIRMAN. Does the gentleman from Kentucky insist upon the point of order?

Mr. WILLIS. I must insist upon it in the interest of the progress of this bill. I desire to complete the bill as soon as possible, and feel it my duty to insist upon the point of order.

The CHAIRMAN. The Chair must sustain the point of order, and the amendment is ruled out.

The next amendment (by Mr. YORK) was read, as follows:

After line 561, insert:
"Improving the Yadkin River, North Carolina, from the railroad bridge, near Salisbury, to Wilkesborough, $50,000, twenty-five thousand to be spent on the Wilkesborough end and twenty-five thousand on the Salisbury end."

Mr. YORK. Mr. Chairman, I hope the amendment will be adopted. The Yadkin River is a river of considerable importance in Western North Carolina. There has been quite a large amount of money spent there in the improvement of that river from first to last. It runs through a very fertile section of North Carolina, which, however, is entirely destitute of railroad facilities. It is much needed by the people of that section for the commerce of that portion of the State, and I hope it will be the pleasure of the committee to adopt the amendment.

The question was taken on the adoption of the amendment; and on a division there were—ayes 19, noes 73.

So the amendment was not adopted.

The next amendment (by Mr. O'HARA) was read, as follows:

After the word "dollars," in line 570, add: "Improving Moccasin River, North Carolina: Continuing improvement, $2,500."

Mr. O'HARA. I do not desire, Mr. Chairman, to take up the time of this committee in arguing the question of the importance of this appropriation. I will simply refer briefly to the report of the engineers, which is found on page 172. In their report they speak of it as Contentnea Creek. That report shows that during the last year over 6,600 bales of cotton were transported over that stream.

It passes through four of the largest counties of the State. It is proposed to continue the improvement so that we shall have an uninterrupted navigation on that river for seventy-five miles. The estimate made by the engineers for the next fiscal year is $10,000; and I only wish to say to the gentleman in charge of this bill that it is absolutely necessary we should have this small appropriation which I ask in this amendment for the purpose of protecting the work already done and keeping it from injury.

I hope the commiteee will not object to this amendment.

The question was taken; and on a division there were—ayes 45, noes 70.

So the amendment was not agreed to.

Mr. GREEN. I ask consent to offer an amendment at this point.

The Clerk read as follows:

After line 570, insert:
"Improving New River, North Carolina: Continuing improvement, $10,000."

Mr. GREEN. Mr. Chairman, the amendment first read is certainly worthy of adoption. The mouth of this river is one of the most important harbors of refuge for small craft on our dangerous coast. Last session $5,000 were appropriated for its improvement, as a like sum had been by the preceding Congress. If the work is to stop here these sums might as well have been thrown in New River, so far as the good effected is involved. The engineers in their estimate recommend an appropriation of $15,000 to continue the work; but it has pleased the committee to ignore its claims altogether. For what reason I can not conceive. I was told last summer by a gentleman living near there that a short time previously a steamer in a crippled condition attempted to put in that inlet in a storm, but being unable to cross the bar was compelled to put to sea again, and as a consequence was lost, with all on board. In view of these and other reasons I do most earnestly trust that the amendment may be adopted.

The question was taken; and on a division there were—ayes 32, noes 65.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The next amendment (by Mr. VAN EATON) was read, as follows:

In line 653, insert:
"Improving Horn Island Pass, Mississippi: Continuing improvement, $15,000."

Mr. VAN EATON. Mr. Chairman, this is a very important amendment for my people and for a large portion of the commerce of the Gulf. The harbor inside Horn Island is one of the most important on the coast. The trouble is the water is deeper in the harbor than in the pass, and the object is to deepen the pass between Horn Island and Petit Bois Island so vessels of deep draught can pass into the harbor and out with full loads, and thus result in a great saving to the immense lumber region of that country.

The engineer's report estimates $43,000 for this work. Five thousand dollars were appropriated last year. If this amendment is adopted the work of deepening the pass can go on; if not, the $5,000 alone will be of little use. I hope the amendment will be adopted.

The amendment was not agreed to.

The following amendment (offered by Mr. VAN EATON) was read:

After line 911, insert:
"Improving and protecting harbor at Natchez, Miss., and Vidalia, La., $125,000."

Mr. VAN EATON. I had occasion the other day to say a word in favor of substantially this amendment. And I wish to say, in opposition to some objections that were made on that day, that there is no proposition here to improve private property. The harbor between Natchez and Vidalia, which already accommodates the shipping at those two points, is as good a harbor as there is on the Mississippi River. No private property is sought to be benefited. The trouble is that a cut-off is threatened a mile or two above, and, unless it is guarded against, it will ruin the harbor at Natchez by leaving the current several miles perhaps from the present landing.

More than that, it will entirely sweep away not only the harbor but the entire town of Vidalia. The engineers have made their report. They say that this work is absolutely necessary, and I appeal to this House to say whether one of the most magnificent and useful harbors upon the river should be left liable to be destroyed in this way.

The committee say this is a landing, and that they will not vote a dollar for any landing upon the river. Why, Mr. Chairman, what benefit will it be to the river to improve the navigation if there is no place where commerce can be accommodated at these harbors? I appeal to the committee to insert this amendment.

The question being taken on the amendment offered by Mr. VAN EATON, there were—ayes 34, noes 62.

So (further count not being called for) the amendment was not agreed to.

The following amendment (offered by Mr. SINGLETON) was read:

At the end of line 658, insert:
"Continuing improvement from Carthage to Edinburg, $2,000."

Mr. SINGLETON. This is for the improvement of a section of Pearl River which penetrates my State from the Gulf of Mexico, about five hundred miles. An appropriation is made in the bill for the improvement of the navigation from Jackson down, and then for the improvement of the navigation from Jackson up to Carthage. But from that up to Edinburg, where the improvement is most needed, by some fatality, I can not understand what, the committee have left out that part of the river altogether. Although a small appropriation was made in the last river and harbor bill for that part of the river, they have failed to make any appropriation for it at this time.

I have here in my hand the report of the assistant engineer who has examined this river. He states that it is important this river should be cleaned out between Carthage and Edinburg.

There are 25,000 bales of cotton carried down that river. Through a large section of country the people have no access to market except by the Pearl River. There are two steamboats on it which now carry freight to the railroads.

I hope no member of the House will oppose this small appropriation. It is a singular thing that the Committee on Rivers and Harbors should have overlooked this portion of the river. The work is recommended not only in the report of the assistant engineer but it is indorsed by the Engineer-in-Chief. I may add that in the present condition of the roads a bale of cotton can not be hauled to market.

The question being taken on agreeing to the amendment offered by Mr. SINGLETON, there were—ayes 40, noes 73.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment, offered by Mr. WHITE, of Kentucky:

Amend line 743 by adding the following:
"And $10,000 of said $100,000 shall be expended for the improvement of Cumberland River above the mouth of Jellico, in the State of Kentucky."

Mr. WHITE, of Kentucky. The Government has entered upon the improvement of the Cumberland River above the mouth of Jellico. It has expended some money in that work and it ought to be continued. There is no belt of coal and timber land in the United States within my knowledge—after reading a number of the geological reports, I state, without any fear of successful contradiction, that there is no equal number of acres of land in the United States where there are finer virgin forests of all the hard woods known in this country, where there is more bituminous coal, where there is more coking coal, where there is more iron ore within easy access, where there is more sandstone and limestone necessary to work the iron ore than there is on the river above Jellico. The Government has already expended a few thousand dollars to improve it. I ask that this small sum be expended in the further improvement of that river.

The amendment was not agreed to.

The next amendment (offered by Mr. BROWN, of Pennsylvania) was read, as follows:

Amend by adding, after line 755, as follows:
"Improving West Branch of the Susquehanna River, $7,500."

Mr. WILLIS. I am compelled to make the point of order. We have passed that part of the bill. There was an order of the House this morning, I may say to my friend, requiring these amendments to be presented in the order in which the paragraphs are; and the paragraph relating to the Susquehanna River has been passed.

Mr. BROWN, of Pennsylvania. This is another stream entirely, and I do not know of anything in the order to which the gentleman from

Kentucky alludes that prevents the consideration of this amendment at this point. I thought at one time it would be proper—and perhaps it would be entirely proper—to offer it at the point the gentleman has suggested; but I see no reason, since it is an entirely different stream, why the amendment should not go in at this point.

The CHAIRMAN. The Chair will state that it is not in possession of such facts as will enable it to decide whether this amendment be in order or not.

Mr. BLANCHARD. On page 21, line 493, is the Susquehanna River. We are now on page 33, at line seven hundred and odd.

Mr. BROWN, of Pennsylvania. This is not the Susquehanna River.

Mr. BLANCHARD. What does your amendment relate to?

Mr. BROWN, of Pennsylvania. The West Branch of the Susquehanna River.

Mr. BLANCHARD. Then it is the Susquehanna River.

Mr. BROWN, of Pennsylvania. You can as well say the Missouri is the Mississippi.

Mr. HISCOCK. Mr. Chairman, do I understand that any order has been made that an amendment can not be offered to a section at any time after we have passed the section?

The CHAIRMAN. The Chair will inform the gentleman from New York [Mr. HISCOCK] of an order which was made in the House early this morning, and which the gentleman perhaps did not hear. The order was to the effect that the amendments to this bill should be submitted to the Committee of the Whole in the order in which they come on the bill; so that when we passed from a matter it should be as if a paragraph were passed from in the House under the regular rule.

Mr. REED, of Maine. But there may be new paragraphs inserted anywhere, may there not?

The CHAIRMAN. The Chair thinks so, but the rule of the House as put upon the committee was that these amendments coming in should be—I believe they are called in the order—*bona fide* amendments, not going back to other matters. The whole idea of the order was to cut off any retrograde movement.

Mr. HISCOCK. Mr. Chairman, do I understand that when we have reached the very end of this section we are precluded from offering amendments to it if we have commenced the reading of another section? I do not understand that any order of that kind has been entered here.

The CHAIRMAN. The Chair has stated the effect of the order as he understands it.

Mr. HISCOCK. I would like to have the order read. We are considering this bill by sections, and if we are considering it by sections——

Mr. WILLIS. We are considering it under a consent order entered this morning.

Mr. HISCOCK. I would like to have the order read.

The CHAIRMAN. The Chair is in that natural confusion which grows out of departing in this case from the regular rule; but he desires to have it understood that in endeavoring to carry out the order of the House, as the Chair understands it, matters that have been passed over can not be recurred to. Of course, when the end of the section is reached, any distinct paragraph that is offered in order may be acted upon.

Mr. BROWN, of Pennsylvania. This is a distinct paragraph, Mr. Chairman.

The CHAIRMAN. Of course the Chair is not informed as to the geography of these rivers, and does not know whether this and the Susquehanna are the same river or not.

Mr. CURTIN. The West Branch runs into the Susquehanna, but it is not the Susquehanna, and is not so called.

The CHAIRMAN. The Chair is much obliged to the gentleman for that lesson in geography. If that is true, the point of order against this amendment is not well taken, and the gentleman from Pennsylvania [Mr. BROWN] will proceed.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I have only to say that the West Branch of the Susquehanna River is the greatest lumber stream in the State of Pennsylvania, and——

Mr. BRECKINRIDGE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE. My point is that this discussion is out of order.

The CHAIRMAN. The Chair has ruled, on the statement of the gentleman from Pennsylvania [Mr. CURTIN], that this is a different river from any that has been heretofore considered, and that, therefore, the point of order is not well taken.

Mr. BRECKINRIDGE. Then the gentleman is in order?

The CHAIRMAN. That is the decision of the Chair.

Mr. HISCOCK. If I understand the Chair, if we pass from a river we can not subsequently return to that same river in making amendments to the bill.

The CHAIRMAN. That is what the Chair understands to be the effect of the rule.

Mr. WILLIS. After a river has been acted upon, it can not be again considered.

The CHAIRMAN. That is what the Chair understands to be the instruction of the House in the order which it made.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I was saying that this Western Branch of the Susquehanna is the greatest lumber stream east of the Alleghany. More lumber is floated upon it than I may say upon all the other streams in the State of Pennsylvania, and I can not understand why the Committee on Rivers and Harbors did not allow to this stream the appropriation that was asked for its improvement. I yield the balance of my time to my colleague from Pennsylvania, Governor CURTIN.

Mr. CURTIN. Mr. Chairman, the West Branch of the Susquehanna rises in the mountains and runs out into the district which I have the honor to represent. It has been properly stated by my colleague from Pennsylvania [Mr. BROWN] that it is the largest lumber stream in that State. The navigation of the river is obstructed by rapids and falls, and the object of this amendment is to clear out those obstructions so that the men who cut the lumber in the Alleghany Mountains on the various branches of the river may have a safe passage for their property down the stream to market. That is all—nothing more. This is not the Susquehanna River; it is a different river, which runs into the Susquehanna at Northumberland. The North Branch of that river, as it is called, rises in the State of New York, passes into Pennsylvania, and goes back into New York, thus looping together as with a silver thread the two great States of New York and Pennsylvania.

The CHAIRMAN. The time for debate upon this bill is exhausted.

Mr. CURTIN. Mr. Chairman, you would have heard something interesting if you had let me go on. [Laughter.]

The CHAIRMAN. The Chair asks unanimous consent that the gentleman from Pennsylvania be allowed to proceed one minute longer.

There was no objection.

Mr. CURTIN. A minute! That is a short time to some gentlemen on this floor; but it is a long time to me, for I do not often trouble this House. Sir, if we desire to clean rivers, to furnish facilities for navigation and trade, to afford the produce of the farm and the forest the means of reaching markets, this amendment is perfectly proper.

I am in favor of giving to the people of this great nation all the facilities they require for commerce and trade. Commerce in its true interpretation is the exchange of commodities; and while you appropriate money for improvements in the West and on the Mississippi and the Missouri and the Ohio, I would not deny to the people of the West Branch the means of reaching a market with the lumber of that region. I am in favor of voting any amount of money to give the people of this great nation the exchange of commodities which commerce means. [Applause.]

The question being taken on the amendment of Mr. CURTIN, there were—ayes 52, noes 54.

Mr. WELLER. I withdraw my vote.

Mr. CURTIN (to Mr. WELLER). Vote the other way.

Mr. WELLER. No; I can not vote the other way.

The CHAIRMAN. Are tellers demanded?

Mr. PARKER. I withdraw my vote in the negative.

Mr. WELLER. I change my vote back to the original status.

Mr. WILLIS. I object to this proceeding as irregular.

The CHAIRMAN. The Chair has no knowledge how either gentleman voted. Are tellers demanded?

Mr. BROWN, of Pennsylvania. I call for tellers.

Mr. WILLIS. I hope my friends from Pennsylvania will not press this amendment. This is a work which is not in the Book of Estimates at all; we have no survey.

Tellers was ordered; and Mr. BROWN, of Pennsylvania, and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 71, noes 59.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point that no quorum has voted?

Mr. BROWN, of Pennsylvania. I do not.

The CHAIRMAN. The amendment is adopted.

Mr. BRECKINRIDGE. I reserve the right to vote in the House on this question.

The CHAIRMAN. There is no necessity for any reservation.

The next amendment (by Mr. WOLFORD) was read, as follows:

In line 757, strike out "four" and insert "six;" so that the clause will read:
"Improving South Fork of the Cumberland River, Kentucky: Continuing improvement, $6,000."

Mr. WOLFORD. It generally happens in these appropriation bills for the improvement of our rivers and harbors that those who ask for large things get them. I am asking for a very small thing. I think this amendment should be adopted without any opposition. The South Fork of the Cumberland River runs through a region having some of the finest timber in the United States—large oaks, lofty poplars. Besides, there is fine cultivable land. The people there raise corn, wheat, and almost everything that would go into the commerce of the world if they had a way to get it out. But that region is almost cut off from the rest of the world because it has no navigation. Four thousand dollars was appropriated for this object last year, and it did the people there a great deal of good.

That country, too, is rich in mineral wealth. There is iron ore there—almost everything that could make the people rich. But, as I have remarked, there is no way to get it out. The Committee of the

Whole, by voting this little appropriation, will help a long-suffering people, a people who support all your appropriations.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. My colleague [Mr. WOLFORD] will allow me to say that the engineers have recommended an appropriation of $10,000 for this purpose.

The question being taken on the amendment of Mr. WOLFORD it was not agreed to, there being—ayes 44, noes 63.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Amend lines 75, 78, 79, by striking out the words "two hundred thousand" and inserting in lieu thereof the following: "nine hundred and thirty-one thousand four hundred;" so that the paragraph will read as follows:
"Improving Kentucky River, Kentucky: Continuing improvement, $931,400; of which sum $46,000 are to be used to complete the lock and movable dam at Beattyville, at junction of Three Forks of Kentucky River."

Mr. WHITE, of Kentucky. We have appropriated from the foundation of the Government till 1882 $111,000,000 for the improvement of rivers and harbors; and if this bill be passed the amount will have reached $154,000,000. Out of this entire sum Kentucky has received but $447,000.

The Chief of Engineers reports that $941,438 can be profitably expended for this work during the next year. I want to remind gentlemen from Pennsylvania and Ohio that they are interested in improving the navigation of this river. Every lock and dam you put in the Kentucky River assists in enabling Pittsburgh coal and Ohio salt to come into competition with Kentucky coal and Kentucky salt. It enables also Toledo lumber to come into competition with the abundant lumber of Kentucky.

This improvement has been started. The $931,000 which the engineers tell us can be profitably expended during the coming year is about one-third of all that will be required to complete navigation to the heart of that abundant coal and lumber region in our State.

I speak of the coking coal on the Cumberland River. And there is no part of the United States where there is such a quantity of cannel coal or of walnut or hickory and other valuable woods or of mines.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I must call for a division on this amendment. This is a most important river.

Mr. PAINE. Is there any water in the river?

Mr. WHITE, of Kentucky. Yes; there is always water there.

The committee divided; and there were—ayes 18, noes 83.

So the amendment was rejected.

Mr. COSGROVE. I move to strike out the following, in lines 758 and 759:

Improving Kentucky River, Kentucky: Continuing improvement, $200,000.

The amendment was rejected.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Insert after line 761 the following:
"Improving Licking River, Kentucky, $100,000."

Mr. WHITE, of Kentucky. After the success I have had it seems persistency, or even good looks, as represented by my friend from New Jersey [Mr. KEAN], have no effect with this obdurate committee; and when the Speaker of the House informs the little gentleman from New York, whose shadowy figure I do not see before me, that the only way to improve Licking River is to macadamize the mouth of it, I suppose I shall be defeated in this attempt to get an appropriation for the Licking River, a river which drains the whole region between the Kentucky River and the Big Sandy River. It is a vast territory, over three hundred miles long. It has a great deal of commerce. South of the Chesapeake and Ohio Railroad, any time at high water, steamboats now run. No improvement has been made in that important navigation. I suppose it will come. When Kentucky goes back to the old Whig doctrine an attempt will be made to improve the Licking River. She did it once herself before Kentucky seceded. [Laughter.] And let it be remembered that Kentucky never did secede until the war was over. [Laughter and applause on the Republican side.] One of these days the Republican party or the temperance party or some other party besides the seceded Democrats will have control of that grand old Commonwealth of Kentucky. The Whig party built the locks and dams on the Kentucky River, which, through the parsimony of the Democratic party, have been turned over to the National Government. That river some day will be improved, I trust, by the liberality of her people.

[Here the hammer fell.]

The amendment was rejected.

The next amendment (by Mr. HOLMAN) was read, as follows:

Add at the end of line 766 the following words:
"And a sum thereof not exceeding $40,000 shall be expended in arresting the formation of the bar now forming in said river below the mouth of the great Miami and opposite the city of Laurenceburg, by confining the Great Miami River at and near the point of its junction with the Ohio River to its present channel."

Mr. HOLMAN. I wish to submit a word in behalf of that proposition and hope I will have the ear of my friend from Kentucky. It is not proposed to increase the amount of the appropriation, but only to appropriate $40,000 of the amount named in the bill to confine the Miami River to its natural channel. The great floods within the last two years have overflowed the town of Lawrenceburg and reduced its people to poverty. Those floods are changing gradually the course of the Ohio River and forming an extensive bar in front of the town. Navigation in the last two years, growing out of the influences I have mentioned, has been much impaired, and I think no part of the money appropriated can be used to better advantage than in arresting the formation of that bar. I admit the effect is to save this town of 7,000 people from destruction. The amendment proposes to confine the Miami River to its natural channel, and thus prevent the formation of bars affecting navigation.

[Here the hammer fell.]

Mr. REED, of Maine. I move that the committee rise.

Mr. WILLIS. Only wait a few moments.

Mr. REED, of Maine. We are thinning out fast and soon will be without a quorum.

The CHAIRMAN. Does the gentleman insist on his motion?

Mr. REED, of Maine. No, I shall not.

The amendment was rejected.

The next amendment (by Mr. STOCKSLAGER) was read, as follows:

Add in line 770, page 32, the following:
"And authority is hereby given to any individual or corporation to strengthen, repair, or rebuild the bridge across the Louisville and Portland Canal, at Eighteenth street, in said city of Louisville, now owned by the United States, without cost to the Government, and to use the same for railroad and other purposes free of charge from the Government, provided it shall in no way interfere with the free navigation of said canal."

Mr. STOCKSLAGER. This does not propose to appropriate any money. It simply authorizes any person desiring to build a railroad bridge across the canal, for the purpose of transporting more than 4,000 car-loads of cement manufactured there annually, to do so at the expense of the parties so repairing or rebuilding the bridge for that purpose.

Mr. BLAND. I make the point of order that this is not germane to the bill.

Mr. STOCKSLAGER. The Government is not to pay for the rebuilding of the bridge.

Mr. REED, of Maine. There is another reason why this is not germane to the bill—it does not make any appropriation. [Laughter.]

Mr. STOCKSLAGER. The chairman of the Committee on Rivers and Harbors knows all about it, as it is in his own city. My people are interested in the transportation across the canal. The bridge is now an old and rickety structure.

There is an old bridge there that will not do at all for railroad purposes, and this proposes to allow parties to build a new one.

Mr. WILLIS. I will state, if the gentleman will permit me to interrupt him, that this bridge belongs to the canal and the canal belongs to the Government. This is not making an appropriation to build a bridge, but simply to authorize it to be done and not to interfere with the right of way.

Mr. STOCKSLAGER. It is simply to permit private parties to build the bridge, and there can be no objection to it.

The question being taken upon the amendment of Mr. STOCKSLAGER, it was agreed to; there being on a division—ayes 50, noes 5.

Mr. WILLIS. I will state to the committee that in a few minutes, after we pass over one other point, I will move that the committee rise.

The Clerk reported the next amendment, offered by Mr. JOSEPH D. TAYLOR, as follows:

After line 770 insert:
"Constructing ice-breakers and ice-harbor at the city of Bellaire, Belmont County, Ohio, at the point designated and recommended by the United States engineers, $15,000."

Mr. JOSEPH D. TAYLOR. I desire to occupy the floor but two minutes, and will yield one minute then to the gentleman from West Virginia [Mr. GOFF].

Mr. Chairman, the survey for an ice-harbor at Bellaire, Ohio, was made in 1881. The construction of ice-breakers at that place is strongly recommended in the volume I hold in my hand, which is the report of the Chief of Engineers, made in that year. On page 1951 will be found the reports of Engineers Merrill and Harlow, strongly favoring this work, giving reasons why it should be constructed, and showing how necessary it is to the safety of steamboats and other craft on the Ohio River.

The appropriation was not made at that time, for the reason that the Chief of Engineers recommended that some adjustment should be made in regard to riparian rights lest the owners of the adjacent land should be entitled to charge wharfage. That has been recently arranged, and satisfactorily. The owners of the adjacent land have entered a release and have agreed to make no claim for wharfage in the harbor which would be created by the ice-piers.

This work has been recommended by chambers of commerce, boards of trade, and by the people all along the Ohio River for five hundred miles, all of whom are deeply interested in the improvement of the navigation of the river. It is proposed to build ice-cribs between the piers of the Baltimore and Ohio Railroad bridge over the Ohio River at Bellaire. This will create an ice-harbor below the bridge and between

it and McMahon's Creek 1,100 feet long and 250 feet wide at the moderate expense, as shown by the engineers' report, of $15,000.

There is certainly no more desirable place on the Ohio River for a harbor than at Bellaire. It has railroad, telegraph, telephone, mail, and banking facilities. It is the coaling place of all river craft going up and down the river. It is a growing manufacturing city.

And besides, there are large numbers of people in that section of the country interested in manufacturing. It is the center of a population of at least 100,000 people, who are interested in the prosperity and growth of Bellaire and the adjacent towns of Bridgeport, Wheeling, and Martin's Ferry. Other manufacturing towns on the Ohio River are deeply interested in this improvement. It is important to the people of Pittsburgh who are engaged in the coal traffic.

The immense fleets of coal boats going to and returning from Cincinnati would be greatly benefited by this harbor. They greatly need an ice-harbor and ice-breakers at this point, which is about midway between Pittsburgh and the ice-harbor at the mouth of the Muskingum River. No gentleman who understands the importance of this work will object to the small appropriation that I ask. It would save from destruction millions of dollars' worth of property and greatly encourage the large number of owners of boats and river craft at that place and all along the Ohio River. I know of no place where such a small amount of money will accomplish so much good.

The CHAIRMAN. Does the gentleman from Ohio desire to yield any of his time? The Chair understood him to state that he wanted to yield a portion of it to the gentleman from West Virginia.

Mr. JOSEPH D. TAYLOR. I want to yield one minute of it.

The CHAIRMAN. The gentleman has already occupied two and one-quarter minutes.

Mr. JOSEPH D. TAYLOR. I yield the remainder to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. Chairman, I trust the Committee on Rivers and Harbors will not object to this amendment. This matter has been considered by the engineers especially requested to examine the subject, and they have reported uniformly in favor of the construction of this ice-harbor. The people in the entire valley of the upper Ohio River are interested in this work and ask its construction.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio.

The committee divided; and there were—ayes 50, noes 69.

Mr. JOSEPH D. TAYLOR. No quorum.

Mr. WILLIS. Pending the demand for a quorum, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. REED, of Maine. I move that the House do now adjourn.

Mr. THOMPSON. I rise to a question of the highest privilege.

The SPEAKER *pro tempore*. The gentleman from Maine moves that the House do now adjourn, pending which the gentleman from Kentucky states that he rises to a question of the highest privilege, which he will state.

Mr. THOMPSON. I rise to enter a motion to reconsider a vote taken to-day, which is a question of the highest privilege.

The SPEAKER *pro tempore*. The Chair will recognize the motion.

Mr. THOMPSON. I enter a motion to reconsider the vote by which the House refused to consider Senate bill No. 2511.

Mr. KEIFER. That would not avail anything if it was done now.

Mr. THOMPSON. I enter the motion, at any rate.

Mr. KEIFER. A motion to reconsider would not bring it up for consideration this evening.

Mr. THOMPSON. I am aware of that fact.

Mr. KEIFER. It would not bring it up for consideration.

The SPEAKER *pro tempore*. The Chair is hardly called upon to decide what would be the effect of the motion.

Mr. THOMPSON moved to reconsider the vote of the House refusing to consider Senate bill 2511, and also the vote by which it was referred to the House Calendar.

The SPEAKER *pro tempore*. The motion will be entered.

Mr. WILLIS. I move that the House take a recess until to-morrow at 10 o'clock, and will state that if this is done I will move an adjournment before 11 o'clock.

Mr. REED, of Maine. I will agree to that.

The question was taken on the motion of Mr. WILLIS; and it was agreed to.

The SPEAKER *pro tempore*. Pending the announcement of the result of the vote the Chair asks unanimous consent to submit some executive communications.

There was no objection.

EXPENSES FOR DEPUTY MARSHALS, ETC., AT ELECTIONS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, in response to a House resolution calling for information as to expenditures for supervisors and deputy marshals at elections; which was ordered to be printed and referred to the Committee on Expenditures in the Department of Justice.

Mr. DOCKERY. I ask that this communication be printed in the RECORD.

There was no objection, and it was so ordered.

TREASURY DEPARTMENT, *February* 18, 1885.

SIR: In compliance with the resolution of the House of Representatives of the 5th instant, "that the Secretary of the Treasury be directed to inform the House of Representatives what has been the total amount of expenses incurred under the law providing for the appointment of deputy marshals, chief supervisors, and supervisors of elections, and in what States the money has been expended, showing the separate amounts expended in each State, and also the accounts for such services which remain unadjusted," I have the honor to transmit herewith the information called for, prepared in the office of the First Comptroller of the Treasury.

Very respectfully,

H. McCULLOCH, *Secretary*.

The honorable SPEAKER *of the House of Representatives*.

Statement of expenses incurred under the law providing for the appointment of special deputy marshals, supervisors, and chief supervisors of elections.

Districts.	Year.	Amount.
PAYMENTS TO SPECIAL DEPUTIES.		
Alabama, southern	1876	$2,530 00
Do	1878	1,000 00
Do	1880	1,380 00
Do	1882	870 00
Do	1884	*1,445 00
California	1871	2,050 50
Do	1872	820 00
Do	1875	2,290 00
Do	1876	4,607 50
Do	1879	7,545 00
Do	1880	4,525 00
Do	1882	2,485 00
Do	1884	†6,660 00
Delaware	1880	3,350 00
Do	1882	3,515 00
Do	1884	1,980 00
Georgia, northern	1882	200 00
Do	1884	70 00
Illinois	1876	1,105 00
Do	1878	4,651 86
Do	1880	7,200 00
Do	1882	†6,210 00
Do	1884	*10,265 00
Louisiana, eastern	1872	10,300 00
Do	1874	5,700 00
Do	1876	5,680 00
Do	1878	5,000 00
Do	1880	2,110 00
Do	1882	3,800 00
Do	1884	4,420 00
Maryland	1870	2,389 12
Do	1872	1,730 00
Do	1884	2,005 00
Do	1876	8,085 00
Do	1878	4,594 10
Do	1880	10,096 75
Do	1882	2,335 00
Do	1884	7,540 00
Massachusetts	1876	1,170 00
Do	1878	2,935 00
Do	1880	2,580 00
Do	1882	2,335 00
Do	1884	*2,840 00
Missouri, eastern	1876	19,110 60
Do	1880	6,505 00
Do	1882	6,830 00
New York, northern	1872	5,545 00
Do	1874	12,285 00
Do	1876	7,915 00
Do	1878	8,655 00
Do	1880	6,570 00
Do	1882	7,690 00
Do	1884	*4,300 00
New York, southern	1872	58,515 00
Do	1874	15,150 00
Do	1876	40,480 00
Do	1878	25,300 00
Do	1880	36,105 00
Do	1881	12,250 00
Do	1882	23,820 00
Do	1884	*38,880 00
New York, eastern	1872	20,275 00
Do	1874	9,770 00
Do	1876	12,694 24
Do	1878	6,037 05
Do	1880	4,845 50
Do	1882	5,785 00
Do	1884	*7,580 00
New Jersey	1872	1,250 00
Do	1874	2,360 00
Do	1876	5,065 00
Do	1878	2,880 00
Do	1880	6,335 00
Do	1882	3,380 00
Do	1884	*8,865 00
Ohio, southern	1880	1,220 00
Do	1882	1,320 00
Do	1884	†14,587 00
Pennsylvania, eastern	1872	2,355 00
Do	1874	250 00
Do	1876	3,500 00

*Estimated. † Unadjusted.

Expenses incurred in the appointment of special deputy marshals, &c.—Continued.

Districts.	Year.	Amount.
PAYMENTS TO SPECIAL DEPUTIES—Continued.		
Pennsylvania, eastern	1878	$7,730 00
Do	1880	6,830 00
Do	1882	4,985 00
Do	1884	7,515 00
Pennsylvania, western	1874	490 00
Do	1876	650 00
Do	1878	95 00
Do	1882	150 00
Do	1884	2,175 00
South Carolina	1878	700 00
Do	1880	695 00
Do	1882	480 00
Do	1884	50 00
Tennessee, western	1880	245 00
Do	1882	250 00
Do	1884	*400 00
Texas, eastern	1874	200 00
Do	1882	140 00
Texas, western	1884	*625 00
Virginia, eastern	1874	2,640 00
Do	1876	1,785 00
Do	1878	500 00
Do	1880	350 00
Do	1882	285 00
Do	1884	*1,175 00
Total to special deputies		651,830 22
PAYMENTS TO SUPERVISORS.		
California	1871	2,575 00
Do	1872	4,010 00
Do	1875	5,195 00
Do	1876	5,220 00
Do	1879	14,370 00
Do	1880	10,435 00
Do	1882	13,850 00
Do	1884	*9,415 00
Alabama, southern	1876	500 00
Do	1878	830 00
Do	1880	455 00
Do	1882	745 00
Do	1884	*770 00
Arkansas, eastern	1884	70 00
Delaware	1880	885 00
Do	1882	510 00
Do	1884	795 00
Georgia, northern	1882	40 00
Do	1884	20 00
Georgia, southern	1884	120 00
Illinois, northern	1876	5,640 00
Do	1878	4,450 00
Do	1880	7,890 00
Do	1882	7,870 00
Do	1884	*18,660 00
Indiana	1880	395 00
Do	1884	1,500 00
Kentucky	1880	875 00
Do	1882	840 00
Do	1884	*920 00
Louisiana, eastern	1874	18 00
Do	1876	4,115 00
Do	1878	3,600 00
Do	1880	4,005 00
Do	1882	2,890 00
Do	1884	2,545 00
Maryland	1876	2,950 00
Do	1878	2,945 00
Do	1880	2,955 00
Do	1882	7,130 00
Do	1884	*3,600 00
Massachusetts	1876	660 00
Do	1878	8,460 00
Do	1880	8,540 00
Do	1882	10,100 00
Do	1884	*13,630 00
Michigan, eastern	1878	1,300 00
Do	1882	2,630 00
Do	1884	2,690 00
Missouri, eastern	1876	1,330 00
Do	1880	1,815 00
New Jersey	1872	2,865 00
Do	1874	3,280 00
Do	1876	3,414 90
Do	1878	3,050 00
Do	1880	9,865 00
Do	1882	5,370 00
Do	1884	*10,790 00
New York, northern	1872	12,520 00
Do	1874	7,345 00
Do	1876	7,120 00
Do	1878	10,505 00
Do	1880	11,920 00
Do	1882	10,650 00
Do	1884	†6,455 00
New York, southern	1872	23,945 00
Do	1874	24,660 00
Do	1876	31,780 00
Do	1878	30,125 00
Do	1879	11,335 00
Do	1880	36,000 00
Do	1881	‡11,615 00
Do	1882	33,870 00
Do	1884	*38,880 00
New York, eastern	1872	13,255 00
Do	1874	10,535 00

*Estimated. † Unadjusted. ‡Special election.

Expenses incurred in the appointment of special deputy marshals, &c.—Continued.

Districts.	Year.	Amount.
PAYMENTS TO SUPERVISORS—Continued.		
New York, eastern	1876	$11,645 00
Do	1878	10,475 00
Do	1880	14,040 00
Do	1882	10,745 00
Do	1884	*7,580 00
Ohio, southern	1878	890 00
Do	1880	1,137 00
Do	1882	1,169 00
Do	1884	*1,260 00
Pennsylvania, eastern	1872	35,065 00
Do	1874	59,790 00
Do	1876	37,400 00
Do	1878	27,080 00
Do	1880	41,340 00
Do	1882	34,820 00
Do	1884	†36,305 00
Pennsylvania, western	1876	2,250 00
Do	1878	3,075 00
Do	1880	3,160 00
Do	1882	3,800 00
Do	1884	*4,040 00
South Carolina	1878	610 00
Do	1880	1,400 10
Do	1882	770 00
Do	1884	†1,410 00
Tennessee, western	1880	100 47
Do	1882	85 00
Do	1884	90 00
Texas, eastern	1876	1,800 00
Do	1880	220 00
Do	1882	250 00
Do	1884	*470 00
Virginia, eastern	1876	1,630 00
Do	1878	620 00
Do	1880	690 00
Do	1882	695 00
Do	1884	*1,375 00
Virginia, western	1882	85 00
Do	1884	80 00
Total to supervisors		928,334 47
PAYMENTS TO CHIEF SUPERVISORS.		
Alabama, southern	1872	978 14
Do	1874	2,584 58
Do	1876	2,394 33
Do	1878	1,551 71
Do	1880	1,061 52
Do	1882	1,522 95
Alabama, northern	1882	572 00
Do	1884	182 10
Alabama, middle	1880	457 34
Do	1882	277 25
Do	1884	94 95
California	1871	835 45
Do	1872	169 60
Do	1875	244 60
Do	1876	1,584 99
Do	1878	841 40
Do	1880	7,762 95
Do	1882	3,453 98
Do	1884	5,405 52
Colorado	1882	35 25
Delaware	1880	287 65
Do	1882	136 00
Do	1884	27 60
Florida, northern	1878	75 00
Do	1880	199 95
Do	1882	159 30
Do	1884	262 20
Georgia	1872	350 35
Do	1874	634 20
Do	1876	429 85
Georgia, northern	1880	149 67
Do	1882	365 00
Do	1884	126 95
Georgia, southern	1884	143 45
Illinois, northern	1880	113 30
Do	1884	455 03
Kentucky	1878	116 00
Do	1882	21 50
Louisiana, eastern	1872	1,858 50
Do	1874	139 00
Do	1876	4,463 33
Do	1878	1,313 00
Do	1880	101 95
Do	1882	1,660 65
Do	1884	2,352 20
Louisiana, western	1884	63 48
Maryland	1874	177 60
Do	1876	977 55
Do	1878	351 03
Do	1880	2,094 70
Do	1882	1,575 77
Do	1884	776 28
Massachusetts	1872	39 50
Do	1874	157 40
Do	1876	253 20
Do	1878	1,857 04
Do	1880	2,317 80
Do	1882	4,269 46
Do	1884	†9,854 30
Mississippi, northern	1876	50 50
Do	1880	196 70

*Estimated. † Unadjusted.

Expenses incurred in the appointment of special deputy marshals, &c.—Continued.

Districts.	Year.	Amount.
PAYMENTS TO CHIEF SUPERVISORS—Continued.		
Mississippi, northern	1882	$483 10
Do	1884	405 80
Mississippi, southern	1880	75 97
Do	1882	234 11
Do	1884	189 07
Do	1876	187 40
Missouri, eastern	1872	574 90
New Jersey	1874	1,097 60
Do	1876	3,771 19
Do	1878	3,931 44
Do	1880	10,404 95
Do	1882	9,434 30
Do	1884	*9,147 85
New York, northern	1872	4,252 34
Do	1874	4,245 59
Do	1876	7,723 70
Do	1878	6,523 05
Do	1880	5,107 89
Do	1882	5,246 49
Do	1884	5,425 44
New York, southern	1872	18,555 35
Do	1873	†1,409 75
Do	1874	10,970 15
Do	1876	19,383 36
Do	1878	19,492 59
Do	1880	26,398 86
Do	1881	†6,381 14
Do	1882	21,439 92
Do	1884	25,487 24
New York, eastern	1872	1,299 90
Do	1874	11,069 95
Do	1876	12,154 22
Do	1878	10,448 28
Do	1880	10,843 95
Do	1882	12,464 07
North Carolina, eastern	1876	527 11
Do	1882	436 69
Do	1884	158 00
North Carolina, western	1876	64 73
Ohio, southern	1878	740 45
Do	1880	425 45
Do	1882	221 10
Pennsylvania, eastern	1872	1,774 73
Do	1874	2,006 61
Do	1876	3,449 40
Do	1878	1,609 30
Do	1880	1,849 75
Do	1882	2,356 70
Do	1884	1,834 18
Pennsylvania, western	1876	179 40
Do	1878	100 85
Do	1880	65 50
Do	1882	78 10
South Carolina	1876	879 14
Do	1878	579 35
Do	1880	682 10
Tennessee, western	1876	129 60
Do	1884	53 30
Texas, northern	1882	53 85
Texas, eastern	1876	249 92
Do	1880	523 21
Do	1882	384 06
Do	1884	345 10
Virginia, eastern	1876	551 05
Do	1878	450 85
Do	1880	1,503 75
Do	1882	1,166 05
Do	1884	596 95
Virginia, western	1876	206 90
Do	1880	872 90
Do	1882	342 25
Do	1884	1,048 55
Total to chief supervisors		393,752 07

* Unadjusted. † Special election.

RECAPITULATION.

Special deputies	$651,830 22
Supervisors	928,334 47
Chief supervisors	393,752 07
Total	1,973,916 76

NOTE.—Amounts marked "estimated" were advanced to marshals for disbursement, but accounts have not yet been received at this Department. In cases marked "unadjusted," accounts have recently been received but are not yet examined.

YORK HARBOR, MAINE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting report from the Chief of Engineers of a survey and examination of York Harbor, Maine; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE TO PRINT.

By unanimous consent leave was granted to Mr. HOPKINS to print in the RECORD some remarks on land grants, alien land-owners, &c.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CUTCHEON, indefinitely, from Monday last, on account of severe illness.

To Mr. DUNN, indefinitely, on account of sickness in his family.

To Mr. CONNOLLY, on account of sickness.

To Mr. GRAVES, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. COBB, by unanimous consent leave was given to withdraw papers filed with House bill No. 1931 for the relief of the Mobile and Girard Railroad Company without leaving copies.

The result of the vote on the motion of Mr. WILLIS was then announced; and accordingly (at 6 o'clock and 5 minutes p. m.) the House took a recess until 10 o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Thursday, February 19, 1885).

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent, in the interest of public business, that the hour for the opening of the session of Thursday be extended from 11 to 12 o'clock, my object being to get out of the way of the Appropriations Committee.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the session of Thursday shall begin at 12 o'clock instead of 11 o'clock. Is there objection?

Mr. HOLMAN. What is the object of that?

Mr. WILLIS. Simply to get out of the way of the Committee on Appropriations.

The SPEAKER *pro tempore*. Is there objection? The chair hears none, and it is so ordered.

FORT BRADY, MICHIGAN.

Mr. ROSECRANS, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and for the construction of suitable buildings thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent that when the House shall in Committee of the Whole House on the state of Union resume the consideration of the river and harbor appropriation bill the consideration of the item in regard to the Hennepin Canal, on which a point of order is now pending, shall be postponed until the close of the section is reached. I make that request with the consent, I believe, of all who are interested.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that, in the Committee of the Whole House on the state of the Union, when the item in the river and harbor bill in relation to the Hennepin Canal shall be reached its consideration shall be postponed until the conclusion of the pending section of the bill.

Mr. PAYSON. Would it be in order to ask an explanation as to the object of this request? It is as a friend of the Hennepin Canal that I ask it.

Mr. WILLIS. The object is to facilitate the passage of matters on which a quorum will not be demanded. There will be a quorum demanded on the item I have indicated.

Mr. PAYSON. I do not object.

Mr. HOLMAN. I think that is a matter for the Committee of the Whole to determine, and not for the House.

The SPEAKER *pro tempore*. The Chair thinks the order if made must be made by the House. The Committee of the Whole has no power to make such an order, in the judgment of the Chair.

Mr. HOLMAN. The reason I make some question as to the propriety of this proposed order is that when that matter is reached in its course it is subject to the point of order, and it seems to me the point of order should be disposed of when the paragraph is reached.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana that if there be objection in Committee of the Whole it requires the order of the House to control in a matter such as that in regard to which the gentleman from Kentucky has made this request. If there be no objection the order will be made, and the paragraph indicated by the gentleman from Kentucky will be considered at the conclusion of the first section of the bill.

There was no objection.

SURETIES OF GEORGE F. ELLIOTT.

Mr. MCMILLIN. I ask unanimous consent to take from the Speaker's table for reference to the Committee on Claims the bill (S. 535) for the relief of the sureties of George F. Elliott. I have a communication from the Secretary of the Treasury which, I think, shows it to be important to have this bill considered.

There being no objection, the bill (S. 535) for the relief of the sureties of George F. Elliott was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. HOLMAN, by unanimous consent, introduced a preamble and joint resolution (H. R. 336) relative to the French and American Claims

Commission; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GUENTHER. I ask unanimous consent that when the House in Committee of the Whole House on the state of the Union shall resume consideration of the river and harbor appropriation bill the consideration of all the amendments relative to the Fox River, Wisconsin, be postponed until after the section has been completed.

Mr. WILLIS. I have no objection to that.

Mr. THOMAS. Does the gentleman from Wisconsin propose to have these amendments considered at the close of the pending section?

Mr. GUENTHER. Yes, sir.

Mr. THOMAS. I do not want to have them carried over outside that section.

Mr. GUENTHER. That is not my purpose.

There was no objection, and it was so ordered.

Mr. O'NEILL, of Pennsylvania. I call for the regular order.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. WILLIS. I think if the committee will indulge me one minute I can make a suggestion by which this matter can be settled. I have examined the report as to this improvement. There was a question in regard to riparian rights which has now been settled. The recommendation is $15,000. If the gentleman will make the amount $7,500, to which I understand he agrees, to be taken, as he proposes, from the appropriation for the Ohio River, I think there will be no objection to his amendment thus modified.

Mr. HOLMAN. I do not think there is any necessity for taking this appropriation out of the Ohio River fund.

The CHAIRMAN. Does the gentleman from Ohio move his amendment in the shape suggested?

Mr. JOSEPH D. TAYLOR. I will consent that the amount shall be fixed at $7,500.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

After line 770 insert:

"Constructing ice-breakers and ice-harbor at the city of Bellaire, Belmont County, Ohio, at the point designated and recommended by the United States engineers, $7,500."

Mr. WILLIS. To be taken out of the Ohio River appropriation.

Mr. JOSEPH D. TAYLOR. I can not consent to that; I did not understand that to be the amendment.

The CHAIRMAN. The Chair will state that if this modification is not made by consent the tellers will have to be ordered, that being the condition of the business when the committee rose last evening.

Mr. WILLIS. As far as I am able to do so I am willing to consent to this amendment in that shape.

The CHAIRMAN. The gentleman from Ohio objects that it shall not come out of the appropriation for the Ohio River.

Mr WILLIS. What difference does it make?

Mr. JOSEPH D. TAYLOR. The only difference is that the engineers in their report recommend this amount in addition to the estimates for the Ohio River. However, I shall not object, if the gentleman insists upon it, because it is important that this work should be done.

Mr. HOLMAN. I do not think this should be taken from the Ohio River appropriation.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio as now modified.

The question was taken; and on a division there were—ayes 33, noes 4.

Mr. HOLMAN. I do not wish to break a quorum, but I do not think this ought to be taken out of the Ohio River appropriation.

Mr. WILLIS. I have no objection myself, but since the appropriations for the Ohio are most liberal in amount, I think it but right that it should be taken out of that appropriation.

Mr. HOLMAN. I do not think it is proper to make that condition. The importance of the improvement of this river justifies the objection.

Mr. THOMAS. I would like to appeal to the gentleman from Indiana not to demand the presence of a quorum this morning, in view of the fact that a very liberal estimate has been made for this river. The largest percentage, in fact, that we have given to any of the rivers has been given to the Ohio; and to increase that appropriation by the additional amount for this ice-harbor would be unjust to other streams.

Mr. HOLMAN. I think the Ohio River is entitled to greater consideration on account of the vast importance of its commerce.

The CHAIRMAN. The Chair will state that debate at this time is only proceeding by unanimous consent.

Several members demanded the regular order.

The CHAIRMAN. Does the gentleman from Indiana insist upon the presence of a quorum?

Mr. HOLMAN. I think I will be compelled to raise the question of a quorum at this time.

Mr. WASHBURN. I would ask the gentleman from Indiana if he will not consent that this matter be passed over for the present until a quorum is present, so that we may proceed with the consideration of the rest of the bill?

Mr. HOLMAN. I think it ought to be disposed of at once.

Mr. STEVENS. I would like to ask the gentleman a question if he will permit it.

Mr. WILLIS. I hope the gentleman from Indiana will not insist upon a quorum, since he knows of course the effect of it. We are trying in good faith to get this bill out of the way of the Committee on Appropriations, and certainly I hope the gentleman will not endeavor to hamper us in that effort.

Mr. HOLMAN. We should have a quorum here.

The CHAIRMAN. The Chair will then appoint tellers.

Mr. WILLIS. I ask my friend to withdraw the objection and let us proceed with the bill.

Mr. HOLMAN. Under ordinary circumstances I should not hesitate, but I regard this as an exceptional case. This river is of vast importance.

Mr. PAYSON. Would it be in order, Mr. Chairman, to move that the committee rise, with a view to moving a call of the House?

The CHAIRMAN. If the committee finds itself without a quorum, the rule requires that it shall rise and report the fact to the House.

Mr. HOLMAN. In view of the condition of the public business I will let this go, but I regard it as a very unfair discrimination.

So (no further count being demanded) the amendment of Mr. JOSEPH D. TAYLOR was agreed to.

Mr. REAGAN. Mr. Chairman, I would ask if I may now offer an amendment to line 498?

The CHAIRMAN. Not without unanimous consent.

Mr. REAGAN. I ask unanimous consent to be permitted to offer an amendment at the point indicated in the bill.

Mr. WILLIS. I hope my friend will wait until we get through with this section of the bill, and then I shall not object as far as I am concerned to his offering his amendment at the point indicated.

Mr. REAGAN. Then I will not ask unanimous consent at the present time, but will withhold the amendment.

The next amendment (submitted by Mr. MAYBURY) was read, as follows:

Amend by adding after line 772:

"To improve and further protect the superstructure of the dikes by sheet-piling on the channel-face and by dredging the channel in the line of the Saint Clair River at the point commonly known and designated as the Saint Clair Flats improvement, $66,000."

Mr. BRECKINRIDGE. In regard to that amendment I wish to state, if the gentleman will permit, that it is an item inadvertently passed over by the committee. It was not in the index, and consequently failed to be seen when preparing the bill.

The committee, I will say, had no index for some time in the preparation of this bill. I think it is a proper item to go in; but would suggest to my friend from Michigan to make the amount $50,000 instead of $66,000, which, if he consents to, I think will obviate any opposition on the part of the committee.

Mr. MAYBURY. Whatever may be the percentage of $132,000, recommended by the engineers for this work, which the committee have given for other improvements, I am willing to accept.

Mr. BRECKINRIDGE. The amount I suggest will be more than the percentage allowed ordinarily.

Mr. MAYBURY. I will agree then to that, and fix the sum at $50,000 in the amendment.

The CHAIRMAN. The Chair understands the gentleman to modify his amendment by fixing $50,000 instead of $66,000?

Mr. MAYBURY. Yes, sir.

The CHAIRMAN. Does the gentleman desire to be heard on his amendment?

Mr. MAYBURY. I desire to say but a word. I ask that this amendment shall have the same consideration here that it would have received by the Committee on Rivers and Harbors had it been before them, in view of the fact, as the gentleman from Arkansas has said, that the matter was overlooked; and I present it now in good faith for adoption.

I have nothing further to say.

The amendment was agreed to.

The Clerk read the next amendment (submitted by Mr. WASHBURN), as follows:

At the end of line 774 add the following:

"The Secretary of War is hereby directed to cause an examination and survey of the Saint Mary's Falls Canal and locks with a view to obtaining an estimate of the cost of enlarging the same, or of the construction of an additional

canal or locks to meet the increasing demands of commerce, as shown in Executive Document No. 142, House of Representatives, Forty-eighth Congress, second session."

Mr. WILLIS. Mr. Chairman, I must make the point of order on that. The surveys are not in this section at all; they are in the ninth section; therefore this amendment is not germane to this portion of the bill.

Mr. WASHBURN. Mr. Chairman, I call the attention of the gentleman from Kentucky [Mr. WILLIS] to the fact that in the very next paragraph there is a provision of this same kind. I do not believe the gentleman will object to having this provision go in here. I desire to call the attention of the committee to the most extraordinary growth and development of the commerce passing through this canal.

Mr. WILLIS. Mr. Chairman, I suggest that that amendment be passed for the present, so as to give us an opportunity to look at it.

Mr. BLANCHARD (to Mr. WASHBURN). The surveys are not in this section at all.

Mr. WASHBURN. I know; but you have a similar provision near the top of the thirty-third page.

Mr. WILLIS. That is for the improvement of the Fox and Wisconsin Rivers—not for any survey.

The CHAIRMAN. By order of the House that has been passed over until the end of the section shall have been reached. Does the gentleman from Minnesota [Mr. WASHBURN] insist upon his amendment at this time?

Mr. WASHBURN. I should very much prefer to have it considered now. I desire to call the attention of the House to the most extraordinary growth and development of the commerce that goes through this canal.

I have the report of the resident engineer at Detroit, and I called the attention of the committee to it the other day when I spoke upon this subject. In all the internal improvements that have ever been made in this country there is no parallel to the advantages and benefits derived from the improvement of these falls and the construction of this canal, and the resident engineer says that if the growth continues as it has been doing the past year, within four years the canal will have outgrown its capacity. Yet the Committee on Rivers and Harbors have made no provision whatever for that work, and it can not be completed in time even if an appropriation be made by this Congress. I am surprised that the gentleman from Kentucky [Mr. WILLIS] would object to a provision of this kind going into the bill. I desire to say further that there is no better illustration of the wisdom and propriety of river and harbor improvements than is afforded in this very case. Here this great inland——

The CHAIRMAN. The time for debate on this amendment has expired.

Mr. WILLIS. I suggest to the gentleman from Minnesota [Mr. WASHBURN] that he had better hold this back until the next section is reached, and in the mean time we will examine the matter.

A MEMBER. Regular order.

The CHAIRMAN. The Chair is not informed of the condition of this question. Does the gentleman from Minnesota [Mr. WASHBURN] insist upon his amendment now?

Mr. WASHBURN. I have stated that I should prefer that the amendment should go into this portion of the bill; but if the chairman of the committee objects of course I shall not insist.

Mr. WILLIS. I hope the gentleman will withhold it until we can have an opportunity to examine it.

Mr. WASHBURN. Then I withdraw the amendment for the present.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk proceeded to read the next amendment (submitted by Mr. PRICE), as follows:

Amend by striking out, in line 788, the words——

The CHAIRMAN. The Chair will inquire if this is not one of the amendments which was passed over until the end of the section should be reached? It includes the Fox River as well as the Wisconsin.

Mr. GUENTHER. Mr. Chairman, I only asked consent that the amendments relative to the Fox River should be passed over until after the section should have been completed.

Mr. PRICE. It has no connection with this amendment.

Mr. BLANCHARD. This is for the Chippewa River.

The CHAIRMAN. The Chair is informed that it was only the amendment proposed by the gentleman from Wisconsin [Mr. GUENTHER] that was passed over. The amendment which the Clerk was about to read is now in order.

Mr. WASHBURN. Let it be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment (submitted by Mr. PRICE), as follows:

In line 788 amend by striking out the words "thirteen thousand five hundred" and inserting the words "thirty thousand;" so that, if amended as proposed, the paragraph will read:

"Improving Chippewa River, Wisconsin: Continuing improvement, $30,000; including Yellow Banks, and the removal of the bar at or near the city of Eau Claire."

Mr. PRICE. Mr. Chairman, I think a brief history of the condition of the work to which this amendment refers will secure for the proposition the support not only of the Committee of the Whole but the Committee on Rivers and Harbors. There are two regular appropriations for the Chippewa River, one at the mouth of the jetties, the other half way up the river at the Yellow Banks. The amounts recommended by the engineers have been fairly dealt with by the Committee on Rivers and Harbors. But late last fall a very extraordinary rise occurred in the Chippewa River, and since that time there has been no survey made there by the board of engineers. By that rise in the river two or three entire blocks, with the mills thereon, were lifted right out of the city of Eau Claire and placed in the Chippewa River. Thus there has been created an impassable barrier to the navigation. The simple question now is whether that barrier is worth removing.

We have a line of steamboats plying daily on that river. True, they are small ones, capable of carrying perhaps two hundred passengers and I do not know how much freight. But the business done by these boats is necessary to the commerce of the river. At present there is no possibility of their passing this bar except at exceedingly high water. The commerce of that river in lumber alone amounts to 100,000,000 feet annually, worth $10,000,000, and it is necessary that this commerce should be enabled to pass that point unobstructed.

There was no possibility of private enterprise removing the obstruction created by the disaster of last fall. The losses to the city of Eau Claire alone amounted, according to the estimate, to over $1,000,000; and these losses were too severe a tax upon the industry of the people to enable them by individual effort to remove this obstruction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRICE. Well, I believe I have told about the whole story. I will modify my amendment by striking out "thirty" and inserting "twenty-five." I think we shall be able to get along with this reduced amount.

The CHAIRMAN (having put the question on the amendment). In the opinion of the Chair, the amendment is not agreed to.

Mr. PRICE. I ask for a division. I do not believe any of the gentlemen who have voted "no" heard the explanation I made.

The CHAIRMAN. Debate is not in order.

The committee again divided; and there were—ayes 17, noes 40.

Mr. PRICE. I call for tellers. No gentleman on the other side would vote against this proposition, if he understood it.

Tellers were ordered; and Mr. PRICE and Mr. WILLIS were appointed.

The committee proceeded to divide again; but before the count by tellers was concluded,

Mr. PRICE said: I see very clearly that the Committee of the Whole, without understanding the question, is against me. I will not make the point that no quorum has voted, and I withdraw the call for tellers.

The CHAIRMAN. The call for tellers being withdrawn, the amendment is rejected.

The next amendment (by Mr. DAVIS, of Illinois) was read, as follows:

In line 802 strike out "entire;" so that the clause will read:

"*Provided, however*, That no part of said sum shall be expended, nor of any sum heretofore appropriated, till the right of way," &c.

Mr. WILLIS. That is a verbal change merely, and there is no objection to it.

The amendment was agreed to.

The next amendment (by Mr. POTTER) was read, as follows:

Strike out all after the word "Peoria," in line 812, down to and including the words "public use," in line 842.

Mr. WILLIS. Under the order of the House this amendment in regard to the Hennepin Canal is to be passed over until we reach the close of the section.

The CHAIRMAN. According to the order of the House this amendment will be passed over until the close of the section shall have been reached.

The next amendment (by Mr. SPRINGER) was read, as follows:

After line 812 insert the following:

"Improving the Sangamon River, Illinois, $10,000."

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee to this very important and hitherto neglected highway of commerce. [Laughter.] When many of you gentlemen were in your cradles the great martyr of liberty Abraham Lincoln was navigating this stream on a flatboat, carrying the produce of that region to the Illinois River and thence to the great Mississippi. [Laughter and applause.]

Mr. Chairman, it will be found upon examination that there are in this bill appropriations for two or three hundred streams which can not be compared in magnitude to this river. Its length, according to the report of the engineers, is sixty-six and one-half miles.

Mr. MILLS. Is it a river or a rivulet?

Mr. SPRINGER. It is a river. The average width of the stream at low water—now let those who advocate the improvement of creeks listen to this—the average width of this river at low water from Petersburg to the mouth of Salt Creek is 109 feet and thence to the Illinois River 140 feet. At high water it spreads over a vast area of country.

Mr. WELLER. How deep is it at low water?

Mr. WILLIS. I ask that the rule as to time be enforced; we desire to proceed with the public business.

Mr. SPRINGER. I hope I shall not be disturbed. According to

the report of the engineers there is in this river, except when at the very lowest, sufficient water to run the smaller boats navigable in that region.

Now, if I had time to call attention to the great resources of that region, I could show that one county tributary to this river produces twice as much of the leading cereals as the whole State of Maine. The estimate for this whole improvement is $60,000, but I have asked only $10,000 with which to begin the work.

[Here the hammer fell.]

Mr. VAN EATON. I once taught school on the banks of that river, and I know that it sadly needs improving.

The CHAIRMAN (having put the question on agreeing to the amendment). In the opinion of the Chair the amendment is not agreed to.

Mr. SPRINGER. I see that this Committee of the Whole is determined not to improve the really navigable waters of the country, and I withdraw the amendment.

The next amendment (by Mr. BLAND) was read, as follows:

Add after the word "dollars," in line 846: "*Provided*, That so much of the amount herein appropriated for the Osage River shall be used for surveying the same from its mouth to Tuscumbia, Mo., and report thereon as to the cost and possibility of improving the same by movable locks and dams;" so it will read:

"Improving Osage River, Missouri: Continuing improvement by snagging, $1,500: *Provided*, That so much of the amount herein appropriated for the Osage River shall be used for surveying the same from its mouth to Tuscumbia, Mo., and report thereon as to the cost and possibility of improving the same by movable locks and dams."

Mr. BLAND. This amendment does not make any further appropriation, but simply asks that so much of that which has already been made as may be necessary shall be applied to the survey of the river to obtain information as to the cost and possible improvement of the river by movable locks and dams.

Mr. WILLIS. The amendment does not make any additional appropriation, and there is no objection to it.

The amendment was agreed to.

The next amendment (by Mr. WELLER) was read, as follows:

At the end of line 901 add as follows: "Also, of which the sum of $8,000, or so much thereof as may be necessary, shall be applied to riprap the west bank of the river at and above Guttenberg, Iowa, to prevent substantially the erosion of the bank by high-water current;" so it will read:

"Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $200,000; of which sum $8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids; also of which the sum of $8,000, or so much thereof as may be necessary, shall be applied to riprap the west bank of the river at and above Guttenberg, Iowa, to prevent substantially the erosion of the bank by high-water current."

Mr. WILLIS. I am told by the gentleman from Iowa that the gentleman from Illinois [Mr. HENDERSON] representing that stretch of the river has no objection to it. It does not increase the appropriation, but merely directs the engineer to one point.

The CHAIRMAN. If there be no objection the amendment will be considered as agreed to.

Mr. COSGROVE. Will the gentleman from Iowa accept an amendment providing this shall be paid in silver dollars?

Mr. WELLER. Most cheerfully and heartily. [Laughter.]

Mr. COSGROVE. Then I offer that amendment.

Mr. WELLER. I would like to suggest to the gentleman from Missouri that I contemplate offering an amendment to cover the whole question at the end of the bill.

Mr. COSGROVE. Very well, then I shall withdraw my amendment for the present.

Mr. WELLER's amendment was adopted.

The next amendment (by Mr. MCCOID) was read, as follows:

Insert after line 901 the following: "*Provided*, That the sum of $20,000 of the sum herein appropriated shall be applied to continue the improvement of the harbor and adjacent channel at Fort Madison, Iowa;" so it will read:

"Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $200,000; of which sum $8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids, provided that the sum of $20,000 of the sum herein appropriated shall be applied to continue the improvement of the harbor and adjacent channel at Fort Madison, Iowa."

Mr. MCCOID. I believe there is no objection to that.

Mr. WILLIS. If the gentleman will add the words: "Provided in the judgment of the Mississippi River Commission, which has charge, it shall be necessary."

Mr. MCCOID. I will accept that as a modification of my amendment.

Mr. HOLMAN. I hope the gentleman will not prejudge the action of the Mississippi River Commission.

The CHAIRMAN. Three minutes of debate are allowed in favor of the amendment, but none in opposition. The question is on the amendment of the gentleman from Iowa.

Mr. WILLIS. That amendment was modified so as to insert the words "provided in the judgment of the Mississippi River Commission such improvement be necessary."

Mr. MCCOID. The Chairman need not put that in. The work has already been done.

The CHAIRMAN. Did the gentleman accept the modification of his amendment?

Mr. MCCOID. I have no objection, as they are just finishing the work up.

The amendment as modified was agreed to.

Mr. REAGAN. I move at this point to strike out from line 902 to 907, inclusive.

The CHAIRMAN. The Clerk will read the words which it is proposed to strike out.

The Clerk read as follows:

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $35,000: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

Mr. REAGAN. The provision in the bill contemplates for the improvement of the Mississippi River reservoirs covering some 18,000 square miles in order to affect a river which drains 2,000,000 square miles. It contemplates a large expenditure of money. It may result in forming water-power for private parties and enable them more readily to float logs, but it never can affect the navigation of the Mississippi River, and I do not think it should remain in the bill.

Mr. WASHBURN. I demand a division on the motion to strike out.

The committee divided; and there were—ayes 39, noes 37.

Mr. WASHBURN. No quorum has voted.

The CHAIRMAN. Debate is out of order.

Mr. WASHBURN. It seems to me hardly fair to strike out a provision of that character.

Mr. MILLS. Have a yea-and-nay vote in the House.

Mr. WASHBURN. I propose to have a vote here.

The CHAIRMAN appointed as tellers Mr. WASHBURN and Mr. REAGAN.

Mr. WASHBURN. Mr. Chairman, I believe——

The CHAIRMAN. Debate is not in order.

Mr. WASHBURN. Can I ask for unanimous consent?

The CHAIRMAN. Is there objection to the gentleman from Minnesota being heard on the amendment?

Mr. MILLS. I object.

Mr. BRECKINRIDGE. The gentleman [Mr. REAGAN] is greatly mistaken about the purpose and effect of this.

The CHAIRMAN. The tellers will take their places.

The committee again divided; and the tellers reported—ayes 23, noes 56.

Mr. MILLS. No quorum has voted. [After a pause.] I withdraw the point of no quorum.

Mr. TURNER, of Kentucky. I renew it.

Mr. WILLIS. I ask by unanimous consent that this be passed over until the section has been concluded.

Mr. WASHBURN. I object.

The tellers resumed the count, and having completed it, reported—ayes 39, noes 125.

So the amendment was not adopted.

The Clerk reported the next amendment (offered by Mr. RIGGS):

Insert immediately at the end of line 910 the following words:

"Including also the strengthening of the Snicarte levee where it crosses the Snicarte slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie to the Chief of United States Army Engineers, dated January 26, 1885, which work of strengthening said levee shall be done according to the suggestions and estimates made by said Mackenzie as set forth in his report."

Mr. RIGGS. Mr. Chairman, I send to the Clerk's desk an amendment, to be inserted immediately after line 910, and the adoption of which I now move, and desire to submit a few remarks. I am well aware that the policy of Congress heretofore, and the policy of the Committee on Rivers and Harbors in this House, have been against the building of levees, except in so far as they may be required strictly for the improvement of river navigation.

The adoption of the amendment now under consideration will not be a departure from the policy of the committee; neither does its adoption involve any present increase of the appropriation proposed by the committee for the reach of the Mississippi from Des Moines Rapids to the mouth of the Illinois; and I hope gentlemen will bear this latter fact in mind when they vote on the amendment. And now, Mr. Chairman, I wish to make a short statement of the facts regarded as material in the fair consideration of this amendment. The levee named in the amendment was begun, if I am not mistaken, in 1872 and completed in 1875. It is situated on the east bank of the river, commencing at a point about nine miles below Quincy, in Adams County, Illinois, and extending in a southerly direction down the river about fifty-one miles, to Hamburg Bay, in Calhoun County. It was built and has been maintained entirely by private enterprise, and cost several hundred thousand dollars—according to my recollection over a half million!

In its construction the slough or outlet from the Mississippi to the Snicarte and some other sloughs were effectually closed, thus confining within the banks of the river a large volume of water which before then escaped through these side chutes. The result has been, I believe, to cut away and remove certain bars which previously existed in the river between Quincy and Hannibal, and which from time imme-

morial had been great obstructions to navigation in that part of the river. I am fully aware that there are Government engineers who deny that the closing of these side chutes has been as beneficial to navigation as I claim, but I believe it is not denied that some benefit has resulted. Maj. A. Mackenzie, engineer in charge of that reach of the river, in an official letter to the Chief of Engineers, United States Army, on the 9th of September, 1884, says:

Some benefit has resulted from the construction of the levee, the value of such benefit being the cost of such work as the Government would have undertaken for closing these side sloughs. So far as such work is concerned there is a claim against the Government which is worthy of consideration, and it would seem proper that the facts and estimates should be laid before Congress for its action.

I would, therefore, suggest a survey sufficient in detail to enable me to determine to what extent side sloughs have been closed, the condition of the levee closing such sloughs, and the probable cost to the United States of works which would be built in the interest of navigation if such levee did not exist.

The Mississippi River Commission, in its last report, laid before this House by the Secretary of War on the 6th of last month, says:

The system of improvement now being carried out between the Des Moines Rapids and the mouth of the Illinois River, which consists in closing side chutes and reducing the stream to a uniform width, will in time accomplish all the results claimed for it, and that this system is generally indorsed, and has greatly benefited commerce, is conclusively shown by the report of the select Senate committee, published in Senate Document No. 36, Forty-eighth Congress, first session.

Major Mackenzie, speaking of this matter in a report made to the Chief of Engineers on the 26th of last month, says:

It is a fact that the levee crosses certain sloughs which the Government might, in the course of time, have determined to close with properly located brush and stone dams built to a height of six feet above low water, not that the amount of water carried off by these sloughs played any very important part in the question of river improvement, but for the reason that if not closed they might possibly deepen or become wider in future.

I admit this engineer says in the same connection that the closing of side chutes by this levee has not resulted in so much good to navigation as others claim. But the closing of side chutes is an established portion of the plan for the improvement of this reach of the river. The levee in question has closed, without any expense to the Government, some important side chutes, and it is but equitable that the Government should now aid in maintaining those portions of the levee which constitute useful "closing dams." Major Mackenzie, under a provision contained in the river and harbor bill passed at the last session, has made a survey of this work and submitted a report, with estimates, in which he admits that by strengthening portions of this levee, as provided by the amendment now pending, "permanent benefit to navigation" will result. I quote his language, including that portion covering his estimates:

The cost of such work as will strengthen the above-mentioned portions of the levee so as to provide a permanent benefit to navigation depends on its nature and amount. The estimate which, in my opinion, most nearly satisfies the requirements of the Congressional inquiry is one for placing 6,278¼ cubic yards of rock, at $1.50 per yard, and 5,678¼ cubic yards of brush, at $1.25 per yard, amounting in all to $16,515.85.

These amounts are such as would have been required to close the four sloughs, heretofore referred to, in accordance with the Government methods.

I call attention to the fact that in the concluding sentence he states that the closing of the four sloughs (or chutes) contemplated by the amendment is involved in the Government plan of improving this river. Mr. Chairman, in the light of the facts which I have stated I think the amendment ought to be, and I hope it will be, adopted.

The amendment was agreed to.

The Clerk read the next amendment (offered by Mr. CLARDY), as follows:

Amend the paragraph commencing on line 914, by striking out "$400,000," in line 916, and inserting "$600,000;" and by adding after the word "stream," in line 921, the following:

"And $30,000 shall be used in continuing improvement at Cape Girardeau, Mo."

Mr. CLARDY. The amount required for the completion of the improvement between the mouths of the Illinois and Ohio is, according to the report of the engineer, Major Ernst, who is in charge of the work, in round numbers $13,000,000. In the last session of the Forty-sixth Congress the sum of $600,000 was appropriated, and in each session of the last Congress the same sum was allotted for this improvement. Last year the Committee on Rivers and Harbors proposed to reduce the amount, and the House did reduce the amount to $520,000. Now it is proposed to reduce it to the sum of $400,000 and to divert $50,000 of that amount to an improvement at Cairo.

While the committee has increased the appropriation for the Mississippi River from Cairo to the passes $1,450,000, it has seen proper to reduce the appropriation for the improvement of the river between the mouths of the Illinois and Ohio, a distance of two hundred and twenty-nine and one-half miles, $120,000 less than was appropriated in the last session, and $200,000 less than had uniformly been allotted for the improvement of this reach of the river. I have here a telegram from the engineer in charge of the work, who says that at the end of the fiscal year not a dollar of the money heretofore appropriated will remain unexpended, and that if no more than $400,000 be annually appropriated, it will require many millions more to complete the improvement than the amount of the original estimate; and that the completion of the work will be postponed to future generations. Now, some of our people are willing that future generations may share with them the glory of paying the national debt; but they are in favor of realizing some of the practical advantages of improved navigation in the Mississippi River themselves.

The smaller the annual appropriations the greater the final cost. The estimate of the engineer of the amount required for the completion of the work was based upon the supposition that Congress would make annual appropriations in accordance with the estimates submitted by him. He estimates that $1,000,000 can be judiciously expended in the ensuing fiscal year. My amendment contemplates the appropriation of $600,000, the amount that has been appropriated by former Congresses; the amount that has been appropriated for a number of years, if we except the last year. I trust that the committee will accede to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. CLARDY].

Mr. THOMAS. I desire to move an amendment to the amendment. I move to strike out "$30,000" and insert "$40,000."

I want to say to the committee that there was an appropriation of $520,000 made for the Mississippi River between the mouths of the Ohio and the Illinois Rivers in the last appropriation bill. The report of the engineer shows up to the time of the making of his report that less than $80,000 of that money had been expended. There is an appropriation of $400,000 in the bill this year, which makes $900,000 in the hands of the engineer for two hundred and thirteen miles of river. It is enough and more than can be expended during the next year, as any one knows who lives in that section of country.

Now, as to the appropriation for Cape Girardeau, that harbor needs no improvement at all. The building of the wing-dams on the opposite side of the river had the effect of costing the people on the Illinois shore within my district more than $3,000,000 by overflowing their lands and destroying their crops.

I withdraw my amendment.

Mr. WILLIS. I ask for a vote.

Mr. HATCH, of Missouri. I offer an amendment to the amendment.

The CHAIRMAN. The Chair is obliged to put the question on the amendment proposed by the gentleman from Missouri [Mr. CLARDY], unless that is withdrawn.

Mr. HATCH, of Missouri. Does the Chair state that I can not make an amendment to an amendment?

The CHAIRMAN. The Chair did not state the gentleman from Missouri could not make an amendment to the amendment; but the gentleman has made none.

Mr. HATCH, of Missouri. I addressed the Chair, and stated I rose for the purpose of offering an amendment to the amendment.

The CHAIRMAN. But it has not been offered.

Mr. HATCH, of Missouri. I move to strike out "$30,000" and insert "$35,000;" and I yield my time to the gentleman from Missouri [Mr. CLARDY].

Mr. WILLIS. I submit to the Chair that that is not in accordance with the understanding as to the time allowed for explaining amendments.

The CHAIRMAN. The Chair will regard this as a *pro forma* amendment, which was cut off by direction of the House.

Mr. CLARDY. Will the Chair permit me to make this statement: The gentleman from Illinois [Mr. THOMAS] offered an amendment to the amendment, but his subsequent action showed he did not do so in good faith.

The CHAIRMAN. The Chair did not know anything as to that until his subsequent action.

Mr. THOMAS. The statement of the gentleman from Missouri is hardly justified.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. CLARDY].

The question being taken, there were—ayes 63, noes 50.

Mr. THOMAS. No quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Illinois, Mr. THOMAS, and the gentleman from Missouri, Mr. CLARDY.

The committee again divided.

Before the tellers announced the vote,

Mr. THOMAS. I withdraw the point of order, reserving the right to take a yea-and-nay vote in the House.

The tellers reported—ayes 103, noes 51.

So the amendment was agreed to.

The Clerk read the next amendment (submitted by Mr. O'NEILL, of Missouri), as follows:

Amend line 916 by striking out the words "four hundred thousand" and inserting "one million."

Mr. WILLIS. Mr. Chairman, I ask a vote on that.

The amendment was not agreed to.

The Clerk read the next amendment (submitted by Mr. BROADHEAD), as follows:

Strike out all after the word "dollars," where it occurs in line 916, down to and including the word "stream," where it occurs in line 921.

Mr. BROADHEAD. Mr. Chairman, I offer this amendment not to increase the appropriation but to strike out this appropriation of $50,000 for the benefit of the Cairo Land Company. The gentleman from Illinois [Mr. THOMAS] is opposed to the improvement of the Mississippi River unless he can get this $50,000 for the benefit of the Cairo Land Company.

Mr. THOMAS. Mr. Chairman, I desire to say——

Mr. BROADHEAD (continuing). That improvement has not been recommended by the engineer in charge of the work on the Mississippi. On the contrary, he has reported against it, and in his last annual report his language is this:

The work done here, however valuable to the city of Cairo, has been of no permanent benefit to the navigation interest.

That is what the engineer says about it. The work that was undertaken under the last appropriation has proved a failure, and he has commenced another improvement by the use of mattresses, and that, he says in his present report, is a most difficult work.

Now, I say this appropriation is not intended for the benefit of the navigation of the Mississippi River, and this $50,000 ought to go for the benefit of those improvements which have been useful to navigation; for there is no improvement that has been made in the channels of the Mississippi that has been more beneficial to navigation than the work done between the mouth of the Illinois River and the mouth of the Ohio. On the bars there where this work has been done, where the channel was formerly only four feet deep at low water, it is now from seven and a half to nine feet. Therefore I say that work has been highly beneficial to navigation all through. There has been no recommendation in favor of this Cairo improvement. On the contrary, the report of the engineer the year before last was against the appropriation for that purpose as being of no benefit at all to navigation. Therefore I say it ought to be stricken out and this $50,000 should be used on that portion of the river where the work has proved beneficial to navigation.

The CHAIRMAN. The time for debate on this amendment is exhausted.

Mr. THOMAS. I move to amend, Mr. Chairman——

Mr. BROADHEAD. Mr. Chairman, I object to the gentleman offering a formal amendment, as he did before, and then withdrawing it.

The CHAIRMAN. The gentleman from Illinois has not offered any amendment yet.

Mr. THOMAS. I move to amend line 916 by striking out "six hundred thousand" and inserting "five hundred thousand."

Mr. COSGROVE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COSGROVE. The committee a few minutes ago inserted "six hundred thousand" in the line to which this amendment is offered. Now the gentleman from Illinois proposes to reduce that amount $100,000. I submit, sir, that that can not be done. After the Committee of the Whole have inserted "six hundred thousand" it is not now in order to move to amend by making the amount $500,000.

Mr. CLARDY. That was made six hundred thousand on the amendment which I offered. I suggest, Mr. Chairman, that that line of the bill has been passed.

The CHAIRMAN. The matter of striking out and inserting being indivisible, and the motion to strike out "four hundred thousand" and insert "six hundred thousand" having been made and agreed to, the motion of the gentleman from Illinois is out of order.

Mr. THOMAS. Then, Mr. Chairman, I move to amend by increasing the amount from six hundred thousand to seven hundred thousand.

The CHAIRMAN. After a motion to strike out and insert, the section can no longer be amended.

Mr. THOMAS. I submit that it is not in the nature of a substitute, and this section——

The CHAIRMAN. Does the gentleman from Illinois appeal from the decision of the Chair?

Mr. THOMAS. I do not want to take up time in that way, but I protest against the decision of the Chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BROADHEAD].

The question was taken; and there were—ayes 27, noes 81.

So the amendment was not agreed to.

The next amendment (by Mr. JEFFORDS) was read, as follows:

After line 921 insert the following:

"Improving the harbor of Greenville, Miss., $186,000."

Mr. JEFFORDS. Mr. Chairman, this is similar to the amendment offered by me the other day with reference to Vicksburg Harbor. I will not repeat what I said on that occasion. The appropriation I now ask is in accordance with the estimate embraced in the report of the Mississippi River Commission for the improvement and protection of this harbor. I hope that the amendment will be adopted.

The question being taken on the amendment of Mr. JEFFORDS, it was not agreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Amend by striking out lines 922 to 938 inclusive, and inserting the following: "Improving Mississippi River from the head passes to Cairo: Continuing improvement, $150,000; of which sum $75,000, or so much thereof as may be necessary, is hereby appropriated for the immediate construction of a light-draft side-wheel steamer, with dredge attached, and of sufficient power to move from place to place, also ten wing-dam barges, each one hundred feet in length, and a small light-draft boat to be used in sounding and placing the barges in position on shoal water, which machinery and portable wing-dam apparatus shall be placed under the control of a thoroughly practical river-man, which sum, together with the sums herein appropriated for the Mississippi River from the head passes to Cairo, shall be expended under the direction of the Secretary of War."

Mr. WILLIS. I ask a vote on that amendment.

The amendment was not agreed to.

The next amendment (by Mr. TURNER, of Kentucky) was read, as follows:

After the word "river," in line 926, insert the following:

"Including the preservation and improvement of harbors at Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus."

Mr. TURNER, of Kentucky. This amendment proposes no increase of the appropriation. By this bill $2,800,000 is appropriated for the improvement of the Mississippi River. All that I ask in this amendment is that the same harbors that are the termini of important railroads, and that were included in the last river and harbor bill, shall be included in this bill. The Committee on Rivers and Harbors have stricken out all the harbors except New Orleans. I want this House to put them in this bill; it is right and proper that they should be embraced in the bill. They are important points for receiving and discharging freight—important to the commerce of the country.

Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus are the important harbors between Cairo and the mouth of the Mississippi River. It is useless to improve the navigation of the Mississippi River if you permit the harbors to be destroyed on the river from which the freight is received by the boats and vessels. We ask no increase of appropriation, but merely that these harbors shall be included in this bill as they have been heretofore, for improvement and preservation, the work being subject to the judgment, approval, and control of the Mississippi River Commission or whoever may control the work, and I hope they will improve the harbors at Hickman, Columbus, and the other points.

Mr. BRECKINRIDGE. As I understand, the amendment which the gentleman proposes conforms to the bill of last session, and does not increase the amount to be appropriated. I think there will be no objection on the part of the committee to his proposition.

Mr. TURNER, of Kentucky. If there is no objection to the amendment by the Committee on Rivers and Harbors let it be adopted. They left these important harbors out, and I am glad they offer no oppposition now.

[Here the hammer fell.]

Mr. WILLIS. This amendment is the same as the provision in last year's bill.

The question being taken on the amendment of Mr. TURNER, of Kentucky, it was agreed to, there being—ayes 52, noes 10.

The next amendment (by Mr. HISCOCK) was read, as follows:

Strike out, in lines 923, 924, 925, and 926, the words, "including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River;" so that the clause will read:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River: Continuing improvement, $2,800,000," &c.

Mr. HISCOCK. Mr. Chairman, I have submitted this amendment because I want the question squarely presented to this Committee of the Whole whether it proposes to commit Congress to the building of 6-foot levees from the mouth of the Atchafalaya River to the head of the passes. The reports which have been submitted by the Mississippi River Commission agree, I believe, in this, that according to any of the plans submitted for the rectification of the mouths of these two rivers, it will be absolutely necessary for the confinement of the increased flood of the Mississippi that levees shall be built from the mouth of the Atchafalaya to the head of the passes.

Mr. BLANCHARD. That is a mistake of my friend.

Mr. HISCOCK. It is not a mistake. I am willing to appeal to the gentleman from Pennsylvania [Mr. BAYNE], who has investigated this question; I am willing to appeal to the gentleman from Illinois [Mr. THOMAS], who has also investigated it; and I believe both those gentlemen will say that these levees are a matter of necessity from the mouth of the Atchafalaya River to the head of the passes, if, according to either plan submitted, the mouths of those two rivers are rectified. There is only this difference between the plans submitted: according to one plan and one estimate it is believed that a three-foot levee will be sufficient; according to another plan which has been submitted it is believed that a six-foot levee is necessary. The only difference between the engineers who have submitted their views on this subject is whether the levees shall be three feet or six feet.

[Here the hammer fell.]

Mr. HISCOCK. If I may be pardoned a moment——

The CHAIRMAN. The time for debate on the amendment is exhausted.

Mr. HISCOCK. If the Chair will pardon me one moment——

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] asks unanimous consent to be heard longer. Is there objection?

Mr. BLANCHARD. I object, unless I can reply.

Mr. WILLIS. I must object.

Mr. HISCOCK. Mr. Chairman——

The CHAIRMAN. The Chair has no discretion in this matter.

Mr. HISCOCK. I desire to ask a question.

The CHAIRMAN. It would be the pleasure of the Chair to hear gentlemen as long as they might desire to speak, but the order of the House is that three minutes' debate shall be allowed in favor of each amendment, and that no further debate shall be had.

Mr. HISCOCK. Now, if the Chair will allow me a single question, not in the way of debate, I understood the gentleman from Kentucky [Mr. WILLIS] to say—— [Cries of "Regular order!"]

Mr. BLANCHARD. I object to the gentleman proceeding unless I can reply.

Mr. HISCOCK. Let the gentleman from Kentucky [Mr. WILLIS] take charge of your bill, and you will get along more rapidly.

Mr. BRECKINRIDGE. Let somebody take charge of the gentleman from New York [Mr. HISCOCK] and keep him in order, and we will get on more rapidly.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York.

Mr. HISCOCK. I demand a division.

The committee divided; and there were—ayes 50, noes 70.

Mr. HISCOCK. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. HISCOCK and Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 64, noes 104.

So the amendment was rejected.

The next amendment (by Mr. NEECE) was read, as follows:

Add after the word "dollars," in line 927, the following:

"Ten thousand dollars, or so much thereof as may be necessary, shall be used in closing Niota River chute, in Hancock County, Illinois, which chute is opposite the city of Fort Madison, in the State of Iowa.

Mr. WILLIS. I am compelled to make the point of order against that amendment.

Mr. NEECE. I will withdraw it so as to let it come in at the end of the section.

The next amendment (by Mr. BAYNE) was read, as follows:

In line 927, strike out "$2,000,000;" so it will read:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, $800,000."

Mr. WILLIS. If my friend will yield to me I will move that the committee rise. By unanimous consent the hour of meeting was changed from 11 o'clock until 12 o'clock, and I wish to keep the promise I made that previous to 12 o'clock I would move the committee rise, and then that the House adjourn.

Mr. BAYNE. I would rather take three minutes now with a full House than to have five minutes with only six or seven members present.

Mr. WILLIS. I will ask my friend to bear in mind the facts I have stated.

Mr. BAYNE. Mr. Chairman, if this amendment be adopted and modification be made of the provision relating to the board of engineers, this bill, in my judgment, will be bnt a reasonable, fair, and good river and harbor bill. But with the expenditure of $3,000,000 in round numbers on the Lower Mississippi River, two and a half millions of which are thrown away and wasted, this bill is objectionable in the highest degree, and neither the results of that expenditure nor the data now available will justify this vast appropriation of money.

The proposition to rectify the mouths of Atchafalaya and Red Rivers and thus to increase the height of levees will cost millions upon millions of dollars. The present wasteful system of expending money on the lower Mississippi River will result in loss to this Government of millions upon millions, and possibly hundreds of millions upon hundreds of millions of dollars.

With some knowledge of the facts I advise and admonish Congress now that this appropriation in round numbers of $3,000,000 for the lower Mississippi River is all but thrown away by the Government, except small portions of that money may be used in dredging bars and removing snags from the channel of that river; and I for one will not consent to this appropriation of such a vast and extravagant amount in this bill. I will be constrained by my sense of duty to vote against it unless the bill shall be rectified. [Cries of "Vote!"]

The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. I desire to add to my remarks the article published in the Chicago American Engineer of January 23 last. The article will bear a close and critical examination:

[The American Engineer, Chicago, January 23, 1885.]

MISSOURI AND MISSISSIPPI IMPROVEMENT.

In response to a general wish the country has undertaken the improvement of these rivers, and has committed the work into the hands of mixed commissions. Of these the Missouri River Commission is of recent creation, and has made only a preliminary report, but its constitution determines that its plans and methods shall be similar to those of the older Mississippi River Commission. It is allowable, therefore, to join the two rivers in a general discussion of the plans now proposed and the methods now employed.

There are three distinct grounds of complaint against these rivers in their natural condition, namely:

1. The navigation is obstructed by bars.
2. The bottoms are often overflowed.
3. The banks are wasted by erosion.

The commissions have elaborated plans and developed methods of work by which they promise to remove all these grounds of complaint permanently.

The works on the Mississippi have now been in progress three years, and the commission has formally claimed that certain results have been obtained; therefore it can not consistently be objected that it is too early for a criticism of the effort, especially of the general features of the plan. The commission has undertaken—

1. To bring a river varying from one-half mile to two or more miles in width to an approximate uniformity in width of about 3,500 feet.
2. To protect the banks against erosion.
3. To raise the banks high enough to keep floods in the channel and off the bottoms.
4. As a finality, to lower the river in its bed.

The means by which these objects are to be attained are, respectively, in the order stated:

1. Permeable dikes and jetties to contract the water way and recover from the river a part of its present width.
2. Grading the banks and covering the slope with mattresses or other protection against erosion.
3. Levees in greater or less proximity to the banks to restrain floods.
4. Concentrated action of currents to deepen the bed and so increase the capacity for discharge at flood, while affording a freer navigation.

To the accomplishment of these ends by the means proposed there are certain limitations which the commission has not presented, or even acknowledged the existence of, except incidentally, when an excuse for non-success has been wanted.

The agency relied on to accomplish the first and fourth objects is said to be the forces of the river itself, men's skill and resources being employed only to the extent of directing these forces. It is argued that, if the banks are held against erosion and flood waters are confined to the channel, the natural and concentrated force of the stream will deepen the channel where deepening is desired, and under the persuasive influence of certain dikes, transverse and longitudinal, matter borne by the current will be deposited in the places where width is excessive to an extent that will rapidly, (*i. e.*, within the life of very perishable structures) bring extended areas up to the level where vegetation will thrive. Such vegetation will be a supplement to and substitute for the dikes employed at lower levels, and the process of filling will go on until the reclamation is complete.

The limitations to levee building are money, men, machinery, and season; to dike building and bank protection there is, in addition, the procurement of material for construction, embracing production and transportation, both of which have already proven to be serious embarrassments, and much more serious will they prove to operations on a scale commensurate with the magnitude of the undertaking. Of all these limitations the bare mention is sufficient.

A more extended consideration must be given the limitations to the utilization of the natural resources furnished by the river, the measure of those resources, and the extent to which they can be controlled.

In proposing to bring the river to an approximately uniform width, the commission does not undertake, or even wish for, the widening of such portions as are less than the ideal standard, but limit their efforts to the reduction of width in reaches where it is now excessive. Therefore, the river is asked to contribute vast quantities of material for deposit, to convey it to a desired point and there drop it. At the same time it is demanded of the river that it refrain from erosion of its banks, and lest it may disregard this request they propose to protect the banks and to progress with this work as well as with that of contraction downstream.

The quantity of material borne by the river though great is limited. Of the quantity which passes into a wide reach but a small part will traverse the areas where deposit is desired; consequently the resources upon which draught can be made to accomplish a given fill are quite narrowly limited, and even then not all available, for the effluent water will carry away some material.

Considered merely as a matter of arithmetic the time required, if forces were constant, to accomplish reclamations would be as the areas, and the material as the cubic contents. But the actual conditions are manifold more unfavorable to success as areas increase than the geometrical ratios of area and contents.

Cubic yards of fill, average depth (much less extremes), and acreage upon which fill has occurred afford no measure of success, though imposing figures may and have been quoted as evidence of marvelous progress. Distribution is the important feature, and unless this is as it should be, rapidity of fill will be an effectual bar to final success.

There is no need to speculate concerning the manner and conditions under which accretions are formed, for the process may at any time be watched. And it must be remembered that the accretions sought are to be permanent and therefore must be solid from the original bank outward. Detached sand bars have come and gone since the beginning, and will continue to do so without bringing improvement, but the contrary. Observations show that wherever the current is gradually deflected from the bank a deposit may be expected under the angle and along the bank.

Going down-stream one will observe that at first the accretion is highest next the bank, farther down it becomes flat, afterward hollow, and finally separated from the bank by a deep pool of still water. This shows that there is a natural limit to the width of solid accretion, and, when the reason why the deposit takes this form is apprehended, experience has shown that the presence of dikes, so far from overcoming, exaggerates the tendency to leave a depression alongshore when the width between that shore and the sand-carrying current is considerable, for dikes determine a more positive arrest of velocity and deposit of the heavier particles at greater distance from the bank, and so a more decided exterior ridge.

Reference to the sketches which illustrate recent reports of operations on the Mississippi will show that the formation of detached sand bars is conspicuous, and would be much more so if transverse sections of the deposits were furnished as well as outlines. The works below Saint Louis furnish the fairest illustration, being older and further advanced than any others. Moreover, the series of sketches for several years afford opportunity for comparison. These results furnish an experimental demonstration that solid accretions from the bank out can not be obtained in the way now practiced.

The next question is: Can the results be permanent unless the accretions are solid? Practically it would seem that the Mississippi Commission thought, or at least hoped so, when they laid out the works at Plum Point and Lake Providence, for they strike out boldly from shore to midriver in some cases and so dispose their works as to build up the detached ridge, making no serious attempt to secure deposit in the alongshore channel—Osceola, Plum Point, and Baleshed, Lake Providence, for example.

Two years ago these midriver lines awakened persistent questioning in Congressional committee as to the danger of the river breaking through the line, but without eliciting satisfactory answers. Later experience has enforced the question and answered it also. In several instances the lines have been broken through, and surveys prove that deepening has occurred on the wrong side of the works with disheartening frequency, thus demonstrating the worthlessness

of the system as one intended to secure permanent improvement. The main argument upon which the plans were defended before the committee was that there was no apparent reason why works which in the first place secure a deposit should not also be effective to maintain it when obtained. Since this argument is equally good when applied to the causes producing sand bars generally, no one need be at a loss to know that it is fallacious.

Owing to differences in form of cross-section and in the direction of currents at extremes of stage, we find generally that deposits made at high stage are liable to be destroyed at low, and the converse tendency of high stages is to fill low-water channels even more decidedly. There is therefore a known good reason why the works which secure a deposit at one stage are unable to afford it protection at another, for the line of attack is from another and unforeseen direction.

The failure of the system of longitudinal extension with unguarded flank is therefore already manifest. In the works below Saint Louis persistent efforts have been made to obtain solid attachment to the bank and at the same time obtain a deposit of the full width desired. The results prove that a permanent accretion of the breadth necessary to bring the channel to a width which will secure good navigation can not be obtained at one step.

Any one of the wide places where narrowing is required is the result of a process which has run through many years. It is sheer folly to expect that the work of reclamation can be accomplished more rapidly than that of destruction, especially since the natural tendency is in the other direction.

These widenings and the caving-in bends have furnished material for bars, islands, and growth under points, and the commission's own figures show a progressive widening of the river; that is, the sum of eroded areas exceeds that of the fills. This brings into view an absolute practical limit which shuts out the possibility of success from the prosecution of the present system. For not only is unlimited time required, but the material for extended reclamations depends upon corresponding erosions; that is, the reclamation of a thousand acres from the river bed requires that more than a thousand acres be eroded not very far from the locality of reclamation.

The quantity of material brought into the delta section of the river is nearly the equivalent of the material carried out into the Gulf, as shown by the estimates based on sediment observations. This must be the case, else the bed would be gradually filled up or indefinitely enlarged. The perfected channel must discharge this quantity, no more, no less. It is, therefore, certain, first, that this quantity can not furnish an appreciable fraction of the material for reclamations; second, erosions and deposits, by the way, practically balance.

The commission lays down the principle that works for channel correction should progress down-stream; hence, as they attain linear extension, the banks being protected from erosion, the present supply of available material must rapidly diminish and with it the chances of success.

In presenting these unfavorable aspects of the plans and methods now prosecuted it must not be supposed that temporary local amelioration of channel will not be obtained; it has been and will be to some extent. But temporary benefit is not what the commission has promised, is not what is desired by the public who employ and sustain the commission, and is not worth the cost, which, when the field is extended to the whole river, not even the resources of the General Government can sustain. The situation is much as if one undertook to swim across a rapid current; at first, the progress is very promising, but soon the swimmer's strength is spent in holding his own, with exhaustion in near prospect.

Since 1880 several millions have been spent on the Mississippi between the Illinois and the Ohio and other millions below the Ohio; a large sum in the aggregate has also been spent in similar work on the Missouri. Will any one claim that there is even one mile of permanently improved river as a result? What proportion of later expenditures have been for repair and supplementary additions to the work of former years, whereby a *status quo* is barely maintained? What proportion of the works has disappeared? In the light of actual experience for how great a length can such works, as stand at all, be extended until all available resources of money and material must be expended in repairs?

These questions are pertinent and timely when the commissions are asking for additional millions to continue a worthless system.

Y.

Mr. WILLIS. I hope the committee will indulge me in saying the whole of the bill, except Hennepin and the Lower Mississippi portions, can be completed in an hour. Now, in accordance with the agreement when the hour of meeting was changed from 11 to 12, I move that the committee rise.

Mr. HISCOCK. The gentlemen will yield to me for a moment while I send up to the Clerk's desk an amendment to be read.

The Clerk read as follows:

The mouths of said rivers shall not be rectified upon any plan that, in the opinion of the Mississippi River Commission, will render it necessary to build levees upon the Mississippi from the mouth of the said Atchafalaya River down the Mississippi River.

Mr. WILLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 58 minutes a. m., February 19, 1885) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Scotchtown, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. S. S. COX: Memorial of N. McKay, of New York, as to a navy—to the Committee on Appropriations.

By Mr. EVERHART: Petition of citizens of Pennsylvania, urging the passage of a bill to check the increase of Mormonism—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of G. H. Hill and 89 others, citizens of Independence, Iowa, urging legislation on the Mormon question—to the same committee.

By Mr. KEIFER: Petition of W. E. Thomas and 95 others, of Marion, Ohio, praying for early legislation to suppress the evils of Mormonism—to the same committee.

By Mr. LAWRENCE: Petition of citizens of Cannonsburg, Washington County, Pennsylvania, for the passage of any act, now under consideration in Congress, calculated to curtail or suppress polygamy in States or any of the Territories—to the same committee.

By Mr. LOVERING: Petitions of 56 posts of the Grand Army of the Republic, and also of 600 citizens and ex-soldiers, asking for the passage of H. R. bill 6463—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of citizens of Fredonia, Pa., in favor of legislation to check the increase of Mormonism—to the Committee on the Judiciary.

By Mr. MORSE: Petition of 13 citizens of Somerville, Cambridgeport, and Belmont, Mass., praying for the passage of a bill for the relief of Laura M. Towson, widow of John Towson, late of Company E, Second New York Cavalry—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of O. B. Bartlett, James W. Taylor, O. S. McDowell, and 1,805 others, ex-soldiers and citizens of Kansas, asking for the necessary appropriation to purchase ten acres of ground adjacent to the field on which one hundred and thirty-two Union soldiers were massacred by Quantrill's guerrilla band on the 6th day of October, 1863, near Baxter Springs, Kans., and asking that the said ten acres of ground be preserved and maintained as a national cemetery, and the soldiers so massacred, with other soldiers, be buried there—to the Committee on Military Affairs.

By Mr. W. F. ROGERS: Petition of Pratt & Co. and other manufacturers, merchants, and bankers of the city of Buffalo, N. Y., for the passage of the bankrupt bill—to the Committee on the Judiciary.

By Mr. YOUNG: Papers relating to the claims of Ella M. Guy; of Thomas F. Perkins, administrator of Eliza M. Dawson, of Shelby County, Tennessee, and of Patrick G. Meath, of Memphis, Shelby County, Tennessee—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BRENTS: Of citizens of Fairview, of La Center, of Vancouver, of Tacoma, of Dayton, of Spangle, of Theon, and of Colfax, Wash.

By Mr. T. M. BROWNE: Of 116 citizens of Farmland, of 32 citizens of Saratoga, of 62 citizens of Middletown, Ind.

By Mr. W. W. BROWN: Of 72 citizens of Shunk, and of 55 citizens of Hill's Grove, Sullivan County; of 34 citizens of North Bingham, and of 110 citizens of Oswayo, Potter County, Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Wittenburg, Pa.

By Mr. W. W. CULBERTSON: Of 199 voters of Vanceburg, Ky.

By Mr. FERRELL: Of citizens of Goshen, Cape May County, New Jersey; of Leaville, of Alloway, and of Gloucester City, N. J.

By Mr. D. B. HENDERSON: Of L. Stevens and 20 others, citizens of Butler County; of H. A. Dunham and 51 others, citizens of Waterloo, and of 48 citizens of Clarksville, Butler County, Iowa.

By Mr. HOLMAN: Of Wills Johnson and 211 others, citizens of Ripley County, Indiana.

By Mr. HOLMES: Of H. C. Chapin and 49 others, citizens of Hardin County; of G. B. Smith and 44 others, citizens of Steamboat Rock; of A. M. Adams and 57 others, citizens of Humboldt County; of John Van Raden and 63 others, citizens of Hardin County, and of L. H. Trash and 63 others, citizens of Humboldt County, Iowa.

By Mr. LACEY: Of Samuel Pollock and 79 others, of Charlotte, Mich.

By Mr. SPOONER: Of Isaac Crocker and 88 others, citizens and veteran soldiers of Providence, and of George C. Lawton and 236 others, citizens and veteran soldiers of Newport, R. I.

SENATE.

THURSDAY, *February* 19, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting sundry papers regarding the leasing of lands for grazing purposes upon the Crow Indian reservation in Montana Territory, received since his report on the subject of December 30, 1884, in answer to a resolution of December 17, 1884; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the surveyor-general of New Mexico in the case of the New Mexico private land claim No. 117; which, with the letter of the Commissioner of the General Land Office, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. MITCHELL presented a petition of the Board of Trade of Erie, Pa., praying for the acquisition by the United States of the Lake Superior and Portage Lake Canals; which was referred to the Committee on Commerce.

Mr. PENDLETON. I present the petitions of sixteen publishing houses in Ohio, praying for a reduction of postage on second-class mail matter, and that a uniform rate of postage be charged on all papers sent out from the houses of publication. I move that the petitions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens in the military service of the United States resident at Fort Sill, Ind. T., praying for the construction of a wagon-road from Caldwell, Kans., via Fort Sill and other places, to Wichita Falls, Tex.; which was referred to the Committee on Appropriations.

He also presented the petition of Junction City Post, No. 132, Department of Kansas, Grand Army of the Republic, praying for the publication in Official Records of the War of the Rebellion of certain photographic illustrations; which was referred to the Committee on Military Affairs.

MARBLE BUST OF LA FAYETTE S. FOSTER.

Mr. SHERMAN. I am directed by the joint committee on the Library to report to the Senate that the committee has received a bust of the late La Fayette S. Foster, formerly a Senator from Connecticut and presiding officer of this body, presented to the Senate of the United States by his widow, accompanied with a letter, which I ask to have read.

The PRESIDENT *pro tempore*. The Senator from Ohio reports from the Committee on the Library that the committee has received a bust of the late La Fayette S. Foster, formerly President of this body, with a letter from his widow, and asks that the letter be read. If there be no objection, the letter will be read.

The Secretary read as follows:

NORWICH, CONN., *January* 15, 1885.

MY DEAR SIR: I have the honor to present to the United States Senate, as a memorial of my late husband, Hon. L. F. S. Foster, of Connecticut, who was one of its former members and presiding officers, his marble portrait-bust.

It was executed by Charles Calverly, of New York, in 1878. It will reach Wahington in a few days, where I have sent it for that purpose.

May I venture to ask its acceptance, through you, as his last remaining colleague in that honorable body, and as chairman of the Joint Committee on the Library.

Yours, very respectfully,

MRS. L. F. S. FOSTER.

Hon. JOHN SHERMAN, *United States Senator*.

Mr. SHERMAN. The committee direct me also to report resolutions, for which I ask present consideration.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate accept the marble bust of Hon. La Fayette S. Foster, deceased, formerly a Senator from Connecticut and President *pro tempore* of the Senate, presented by his widow, with thanks to the donor.

Resolved, That, until otherwise directed, the bust be placed on a suitable pedestal in the room of the Vice-President.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolutions? The Chair hears none. The question is on agreeing to them.

The resolutions were agreed to.

REPORTS OF COMMITTEES.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 2598) for the relief of Mrs. Lizzie D. Clarke, of New Orleans, reported it without amendment, and submitted a report thereon.

Mr. JACKSON. I am also instructed by the Committee on Claims, to whom was referred the bill (S. 688) for the relief of Alexander K. Shepard, to report it with amendments. Accompanying the report are the views of the minority. I ask that they be printed with the report.

The PRESIDENT *pro tempore*. If there be no objection, the views of the minority will be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2626) for the relief of William E. Blunt, reported it with amendments, and submitted a report thereon.

Mr. PLUMB, from the Committee on Appropriations, to whom was referred the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R, 6270) for the relief of John P. Peterson, reported it without amendment, and submitted a report thereon.

Mr. MAHONE, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GARLAND. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7585) for the relief of M. Gardner, to report it favorably with an amendment. I ask for the present consideration of the bill.

Mr. ALLISON. What is the bill?

Mr. GARLAND. It is a bill removing political disabilities.

Mr. ALLISON. I do not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 4, after the word "upon," to insert the word "William;" so as to read:

That all political disabilities imposed upon William M. Gardner, a citizen of the State of Georgia, by the fourteenth article of amendments to the Constitution of the United States, be, and the same are hereby, removed.

The amendment was agreed to.

Mr. CONGER. Is there a petition accompanying the bill?

Mr. GARLAND. Yes, there is a petition. The party's accounts with the United States are settled. There is nothing due the Government. Everything has been settled up.

Mr. CONGER. Let the petition be read.

The PRESIDENT *pro tempore*. The petition will be read if there be no objection.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

The undersigned, a citizen of Floyd County, Georgia, and an ex-captain in the United States Army, having served in the late civil war in the confederate army, prays to have his political disabilities removed.

W. M. GARDNER.

DECEMBER 8, 1884.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

The title was amended to read: "A bill for the relief of William M. Gardner."

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7584) for the relief of A. B. Montgomery, to report it without amendment, and I ask for its present consideration. It is a bill to remove this man's political disabilities, he being a citizen of Georgia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (S. 2623) to remove the political disabilities of Alexander W. Stark, to report it favorably and without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I suppose in all these cases there has been a personal application. I merely make the inquiry.

Mr. GARLAND. Yes, sir; the petition is with the bill, signed by the party applying for the removal of disabilities.

The PRESIDENT *pro tempore*. The Chair will state that it is the inexorable rule of the Judiciary Committee that there shall be a petition in writing of the applicant in proper form, and that his accounts at the Treasury shall be clear.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

INAUGURATION CEREMONIES.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (S. R. 125) to provide for the expenses of the inauguration ceremonies on the 4th day of March, 1885, to report it with an amendment in the nature of a substitute, so as to change the phraseology somewhat. I ask that the substitute may be read, and I should be glad to have the joint resolution considered now, as I think it will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the reading of the original joint resolution may be dispensed with, and that the amendment proposed by the Committee on Appropriations may be read. Is there objection? The Chair hears none. The amendment will be read.

The CHIEF CLERK. The Committee on Appropriations report to strike out all after the resolving clause and to insert:

That to defray the expenses incurred under the resolution of the Senate of February 12, 1885, directing a committee of three Senators to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March, 1885, the sum of $2,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of said committee. And said committee is hereby authorized to have any necessary printing done at the Government Printing Office.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read: "A joint resolution providing for the expenses of the inauguration ceremonies on the 4th day of March, 1885."

AMENDMENTS TO BILLS.

Mr. DOLPH and Mr. FRYE submitted amendments intended to be proposed by them severally to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed

Mr. DOLPH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GARLAND submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SLATER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; which was ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

The message also announced that the House had passed a joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the international Polar expedition to Point Barrow, Alaska; in which it requested the concurrence of the Senate.

COCHECO RIVER IMPROVEMENT.

Mr. PIKE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the engineer, or a copy of the same, for the current fiscal year relative to the improvement of the Cocheco River at Dover, N. H.

DISTRICT TAXES AND EXPENDITURES.

Mr. MORGAN. I rise to offer a resolution, but before doing so I wish to ask the chairman of the Committee on the District of Columbia, the Senator from Kansas [Mr. INGALLS], whether he is informed of any report having been made by the commissioners of the District of Columbia in reply to the resolution of the Senate of the 24th of June, 1884. That resolution reads as follows:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884 inclusive, in each of the four quarters of the city of Washington, in Georgetown, and in the county of Washington outside of said cities. Also, the aggregate amount expended in each of said six divisions for each of said ten years for street improvements of all kinds, including the replacement of wood, stone, and macadam pavements, new pavements, laying sidewalks, regulating, grading, and filling up streets, repairs to concrete pavements and macadam roadways, parking, for permit work, and for repairs to streets, avenues, alleys, county roads, suburban streets, &c.

Also, a statement of the taxes that have been assessed or special assessments made against each of the railroad companies in the District of Columbia, whether operated by steam or other power, for each year since 1874, and the amount of taxes collected from each of said companies for each of said years, and the amount remaining uncollected, if any, for each of said years.

Resolved further, That the commissioners of the District of Columbia be required to report to the Senate a statement of the receipts and disbursements on account of the water department, or water fund, for each year from 1878 to 1884, inclusive, stating the amount received from each separate source, and when, where, and for what purpose the money has been expended.

Mr. INGALLS. My recollection is that the commissioners of the District of Columbia responded as far as the books under their control enabled them to do so. The Senator will remember that the form of government was changed about 1874, and that previous to the date when the commissioners took possession the records had not been kept in such form as to make the information accessible. But if the Senator will suspend for a brief space I will make the inquiry and inform him, so that he can offer his resolution later in the afternoon.

Mr. MORGAN. I inquired at the office of the Secretary of the Senate and was informed that no response had been filed there to the resolution, and I suppose that none has been made. I will, however, offer the resolution, and it can go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the commissioners of the District of Columbia be directed to immediately inform the Senate of the causes that have prevented them from complying with the resolutions of the Senate adopted on the 24th of June, 1884, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department or water fund for each year from 1875 to 1884.

The PRESIDENT *pro tempore*. The resolution will be printed, and go over until to-morrow on the objection of the mover of it.

CONSIDERATION OF LAND-GRANT-FORFEITURE BILLS.

Mr. MORGAN. I desire to make an inquiry of the Chair in regard to the progress of business under the resolution introduced by the Senator from Tennessee [Mr. HARRIS]. As I remember that resolution, it relates to cases that are on the Calendar. I have not a copy of it before me.

The PRESIDENT *pro tempore*. The order adopted on the 14th of February directed that—

The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day, until all of such bills and resolutions have been considered.

Mr. MORGAN. Does the Chair construe that order as requiring those causes to be considered under Rule VIII?

The PRESIDENT *pro tempore*. The order of the Senate suspends one part of Rule VIII, quoting it, and substitutes this in its place, the Chair understands, so that bills taken up will be subject to the five-minute limitation of debate under Rule VIII, and will be subject to a motion to proceed notwithstanding a[illegible]ction. That is the impression of the Chair. Of course the Chai[illegible]ending question before it to decide. The Chair thinks that t[illegible]pretation of the rule is as he now understands it.

Mr. MORGAN. I desire to give notice that with the consent of the chairman of the Committee on Public Lands, who introduced the bill and reported it to the Senate, I shall ask the Senate to consider House bill 3933, forfeiting the land grant of the Texas Pacific Railroad Company, as soon as the hour of 1 o'clock has arrived, and I shall press that motion to-day or on any other day when the Senate shall find itself in a position to consider the question.

The PRESIDENT *pro tempore*. The Chair will state to the Senator that the Chair was notified yesterday by the Senator from Nebraska [Mr. VAN WYCK] that he intended to get the floor this morning at the earliest possible moment to make a motion to proceed to the consideration of the bill forfeiting the land grant of the Texas Pacific Railroad Company.

Mr. MORGAN. The bill is not in my charge; it was reported by the chairman of the Committee on Public Lands. Of course I do not presume to take it out of his hands, but I wish to make a statement in connection with it.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Alabama will proceed.

Mr. ALLISON. I hope the Senator will not take up the time of the morning hour, as the bill will undoubtedly come up at 1 o'clock unless——

Mr. MORGAN. The question which I wish to state involves a parliamentary inquiry, which I think ought to be disposed of at this time. It will take but a moment.

The Chair and the Senate are aware that the committee of conference on House bill 7162, forfeiting the unearned lands granted to the Atlantic and Pacific Railroad Company, made a report to this body. At the moment of making the report the Senate was otherwise occupied in very important business, and I did not insist then on the privilege that I had of having the motion as to whether the Senate would further insist upon its amendments considered. The motion was not made. At a subsequent day I called up the question and claimed that it was a question of privilege. The Chair ruled, however, that the motion for consideration not having been made at the time of making the report, the privilege was lost. That of course did not place the case on the Calendar, and therefore it would not be one of the cases coming within the rule which the Senate adopted on the motion of the Senator from Tennessee.

The PRESIDENT *pro tempore*. The Chair thinks it did place the bill on the Calendar with the report of the Senate conferees on the subject.

Mr. MORGAN. It was not so ordered.

The PRESIDENT *pro tempore*. It is on the Calendar now.

Mr. MORGAN. In that category?

The PRESIDENT *pro tempore*. Yes; it is in the category in its due order on the Calendar, No. 945½.

Mr. MORGAN. I was not aware that it had gone on the Calendar. Now, one other question in regard to that matter. In referring to the proceedings of the House of the 17th of January, 1885, I find that the conferees on the part of the House reported that bill to the House, and they asked that the House would further insist——

The PRESIDENT *pro tempore*. It is not in order to refer to any proceedings of the House of Representatives.

Mr. MORGAN. I am obliged to refer to what has been done there in order to show that the action of the House has not reached us.

The PRESIDENT *pro tempore*. The Senator can not refer to any action of the House of Representatives that has not been communicated to this body.

Mr. MORGAN. Well, I have the right then, I hope, to refer to the fact that no communication has come from the other House in respect to this bill. That is a fact which the Senate knows. Now, I leave it to the imagination of Senators how that could happen, and I merely ask Senators to refer to a public document, published by authority of Congress, in which they will find that some body of men in the United States have acted upon a bill which they assumed was before that body and which action has not yet come to the Senate. My purpose was to try to get informed myself, by the ruling of the Chair, whether that action of the other House should be waited for or whether we should proceed notwithstanding the action taken by the House.

Mr. FRYE. The Senator does not mean the House, he means that other body.

Mr. MORGAN. I mean that other body, of course; I do not mean the House of Representatives.

The PRESIDENT *pro tempore*. The Chair will state that he thinks it is competent under the principles of parliamentary law for either House of Congress to send a message to the other reminding it of some bill that appears to have been overlooked in the other House that has not been heard from. The Senator understands that allusions to or comments upon the proceedings of the other body are not in order.

Mr. MORGAN. I was not going to comment upon the proceedings in the House, but I was going to state the result that had been attained there as shown by the RECORD; that was all. But of course if I am not in order in doing that, I [illegible]rain from doing it. Still I have been very much embarrassed [illegible]eding with this matter, expecting that a communication would co[illegible]rom the House of Representatives in respect to the bill, when I knew the bill was here, however, and knew that it was subject to the jurisdiction of this body. I have not known whether it was my duty as chairman of the committee of conference to call up the bill that is before the Senate and act irrespective of anything that may have been done elsewhere, or whether it was my duty to wait until the action of the other branch of Congress had been communicated to the Senate. That is the awkward situation in which we are placed here.

Now I wish to make progress with that bill whenever I can, and my purpose in rising and making this statement was merely to get the assistance of the Chair in a proper form of parliamentary procedure to bring the question to the attention of the Senate, which of course it is my duty to do.

The PRESIDENT *pro tempore*. If the bill is in the possession of the Senate, as the Chair supposes it to be, as the report of the Senate conferees was made, then it is of course obvious that the only body that can act upon the bill is the body which has possession of it.

Mr. MORGAN. The bill is in the possession of the Senate; it has been here ever since the conference report was made.

Now I wish to say that to save the time of the Senate, which is getting to be very precious indeed, and to prevent a multiplicity of debate upon questions like this, I am willing to consider that question in connection with the Texas Pacific Railroad case, and to allow the decision upon that case to stand as an instruction to the conference committee on the part of the Senate. Of course the Senate conferees wish to do nothing that the Senate does not advise them to do and that it is not the will and pleasure of the Senate to do.

Therefore, when the bill for the Texas Pacific Railroad forfeiture comes up, I shall ask the Senate, by unanimous consent, to consider the disagreement of the two Houses on the Atlantic and Pacific Railroad case along with the other, or, if it can not be done in that way, that it may lie over until the Texas Pacific Railroad case is disposed of and immediately taken up and instructions given to the Senate conferees.

Mr. MORRILL. The President of the Senate has informed the Senator that he was notified by the Senator from Nebraska that he would bring up the Texas Pacific Railroad question, but he neglected to say also that I had notified him that I should endeavor to bring up the trade-dollar bill at the earliest possible moment. That bill was postponed for a day in consequence of the absence at the moment of the Senator from Ohio [Mr. SHERMAN] who had the floor to address the Senate upon the question. It was partly considered, and I feel it my duty to push the bill at the earliest possible moment.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that there is no question pending before the Senate. The debate proceeds by unanimous consent.

Mr. PLUMB. I ask unanimous consent to make a statement. I understood the Senator from Alabama [Mr. MORGAN] to state that at 1 o'clock he would move to take up the Texas Pacific forfeiture bill.

Mr. MORGAN. If that met the approval of the chairman of the committee in charge of it.

Mr. PLUMB. The Senator from Alabama has stated the fact that the Senate at a previous session adopted his motion against the objection of the chairman of the committee to send the forfeiture question to the courts, and that is the question pending between the two Houses, and the only one that is pending between the two Houses, on the bill mentioned by him. If that were out of the way there would be no difficulty about the passage of that bill, and I hope several others also. I only want to say that I shall support the motion of the Senator from Alabama and hope he will make it at the time named, and not permit the Senator from Vermont or any other Senator to get another measure up at that time.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.; and

A bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. At the time I was taken from the floor yesterday I was considering the extraordinary proposition of the honorable Senator from Iowa [Mr. WILSON], in which he likened this case to the case of a bill forfeiting a land grant to a railroad. When I asked why the owners of these lands who were non-residents of Iowa should be further subjected to prosecution, especially why they should be subjected to prosecutions on behalf of the Government of the United States, the honorable Senator answered me by quoting what I said in reference to the bill forfeiting a grant to one of the Oregon railroads. I accept that as an acknowledgment on the part of the advocates of this bill that it is in truth and in fact a bill to forfeit the titles of *bona fide* purchasers from the State of Iowa under the acts of Congress to which reference has been so often made. That is the theory of the bill. I say this is truly a bill to forfeit the titles of those who purchased the lands from the Des Moines River Navigation Company under the protection of acts of Congress, and it is a significant fact that when I appeal to the advocates of this bill for any authority for including these persons within the provisions of this bill, the only answer that can be made is, why, this is like the forfeiture of a railroad grant. The proposition itself is an argument in favor of the amendment we are now considering that this particular class of Iowa lands, amounting to some one hundred and seventy-odd thousand acres out of over 500,000 acres that were given to the State of Iowa, shall be excepted from the operation of this bill.

Mr. President, I desire to read for the consideration of the Senate in support of this amendment a passage or two from the minority report in the other House in the Forty-seventh Congress. I believe I have a right to refer to that:

How far the United States will aid unfortunate settlers who have been misled by the opinions of local land officers and settled upon private property supposing it to be public land may deserve the serious consideration of Congress.

But never, it is believed, has Congress done what this bill proposes—authorized suits in the name and at the expense of the United States to endeavor to reclaim the land from prior grantees and private owners of the lands in order to confer it on such mistaken settlers.

The minority are opposed to it, especially as it places the purse and power of the Government upon one side in a private controversy, regardless of title.

* * * * * * *

The minority are not in favor of this bill, because its enactment would have the appearance of providing by law for further litigation by and in support of the titles of parties who have already had the judgment of the Supreme Court upon their cases. It would actually direct new trials in cases now determined, for the names of Hannah Riley and George Crilley are found on House Executive Document No. 25, Forty-third Congress, first session, page 13, as parties to have the benefit of the proposed legislation.

I have already said that this bill in effect is to reverse the judgment of the Supreme Court of the United States against those two claimants, and permit them to institute, with the aid of the Government, a new suit for the purpose of prosecuting the successful parties in each of those suits.

We do not believe that Congress has the right to compel the holders of its title to go to the expense of further litigation, when they protest against such interference with their rights of private property, and protest against being sent again into the courts, with the purse and power of the United States against them.

The protestants claim that the enactment of any such bill will prolong, and is designed by the promoters of it to prolong, this controversy, and protect the settlers in continuing their illegal possession of the lands from which they are annually gathering the crops without paying either taxes or rent.

* * * * * * *

The suits provided for in section 2 will not be brought against citizens of Iowa, as the Iowa settlers on the lands are to have confirmation; but they are to be brought solely against the non-resident owners of the lands residing in other States.

It is respectfully submitted that Congress ought not to favor the people of one State to the detriment of citizens in other States.

Again, this measure for instituting the suits proposed by this bill has not been introduced on the recommendation of any head of any Executive Department, nor has the Attorney-General been asked his opinion in the premises.

* * * * * * *

Prior legislation and executive action conferring title to lands have been fully, repeatedly, and unanimously interrupted by the United States Supreme Court adversely to the settlers whom this bill seeks to relieve by enacting an opposite construction of the laws involved, and instructing the United States Attorney-General to unite with the settlers in attempts to enforce this new construction by instituting new suits in the name and at the expense of the United States, but for the sole benefit of litigants defeated and disappointed by the existing judicial decisions. This is, in the opinion of the minority, entirely wrong, and affords sufficient reason why the bill (H. R. 6597) ought not to pass.

Mr. President, there is wisdom and good sense in the position thus taken in this minority report of the House Committee. These owners have for a series of years been subjected to expensive litigation to determine the question of their titles. They have traveled over the whole road of judicial inquiry. They have finally succeeded in establishing their claims as valid by a multiplicity of decisions embracing every possible phase of this question. In suits with settlers on the lands, in suits with railroad companies that became subsequent grantees, in every possible form this question has been litigated in the dozen suits which have come to the Supreme Court and in various suits in the State of Iowa, and everywhere they have been triumphant. Now why should we open again the flood-gates of litigation as to them? Why should we again subject these gentlemen to a retrial of their questions of title? They have been kept out of the use of that portion of the land occupied by these settlers for twenty-odd years without the payment of a farthing of rent or the payment of any of the taxes.

Their road has been a thorny one. They have not realized the dream of the poet that—

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune.

This has been an expensive business to these owners, but yet they have prevailed and they have the solemn judgments of the tribunals of the country in their favor. All they ask is to be let alone. True, they are open yet to private prosecutions by these settlers; but that they are willing to meet. True, they are open to have the question tried in every case where it has not been already tried; they are willing to meet the case in that aspect of it; but to reverse all that has been done, to declare these lands public lands, as this bill proposes, to reopen the flood-gates of litigation and to take the Treasury of the United States into the scale against them, is a wrong so monstrous that it seems to me the idea of inflicting it ought not to be tolerated for a moment.

I hope, therefore, that the amendment now pending, which is but a modification of that clause of the bill which was stricken out on my motion, will be adopted by the Senate. As it was contained in the bill it declared the title to these lands perfect except where there were settlers on them. I was not willing to accept any such provision as that. As I have it, it excepts these titles from the operation of the bill absolutely. That was the view, I repeat, of an amendment proposed by Senator McDonald, of Indiana, when he had a seat in this body, as one essential, as one demanded by justice, as one which ought to prevail.

I have no desire to multiply words upon this particular amendment. I have said all that I need to say in support of it, and I trust the Senate will see its propriety and vote for its adoption.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate agree to the amendment proposed by the Senator from New York?

Mr. ALLISON. I hope not.

Mr. LAPHAM. That very, very brief speech from the honorable Senator from Iowa has a world of meaning in it. He hopes not.

Mr. ALLISON. I withdraw it, then.

Mr. LAPHAM. There have been extraordinary efforts made on this floor with reference to this legislation. A word is significant. I hope the amendment will prevail. I stand here as the advocate of men whose legal title has been established by Congress and by the courts in every form; and I hope it will prevail. We may as well take the yeas and nays upon this question.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 20; as follows:

YEAS—19.

Bayard,	Gibson,	Lapham,	Pike,
Blair,	Groome,	McMillan,	Saulsbury,
Camden,	Hampton,	Miller of N. Y.,	Vance,
Colquitt,	Harris,	Morgan,	Vest.
Garland,	Kenna,	Pendleton,	

NAYS—20.

Allison,	Cullom,	Ingalls,	Plumb,
Bowen,	Frye,	Miller of Cal.,	Pugh,
Call,	George,	Mitchell,	Sherman,
Cameron of Wis.,	Hale,	Morrill,	Van Wyck,
Conger,	Hill,	Platt,	Wilson.

ABSENT—37.

Aldrich,	Edmunds,	Jones of Nevada,	Sabin,
Beck,	Fair,	Lamar,	Sawyer,
Brown,	Farley,	Logan,	Sewell,
Butler,	Gorman,	McPherson,	Slater,
Cameron of Pa.,	Harrison,	Mahone,	Voorhees,
Chace,	Hawley,	Manderson,	Walker,
Cockrell,	Hoar,	Maxey,	Williams.
Coke,	Jackson,	Palmer,	
Dawes,	Jonas,	Ransom,	
Dolph,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

Mr. LAPHAM. Mr. President, I offer the following amendment as an additional section:

SEC. 3. Before the commencement of any action or actions by the Attorney-General, in pursuance of this act, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds (to be approved by the court or a judge thereof as to the form and penalty of the same) conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff shall fail to recover therein.

Mr. President, no one can fail to see that the object of this bill is to aid private settlers in the recovery of lands. No one can fail to see that as far as those private settlers have had their rights tried by the courts they have been defeated. No one can fail to see that as to these lands they are not a part of the public domain, but they are the private property of those who purchased and paid for them under the grant to the Des Moines River Navigation Company. What does this bill then propose to do? It proposes first to declare that these lands are public lands. It is, as the Senator from Iowa well said yesterday, a proposition to forfeit the title of *bona fide* purchasers and to restore the lands, which they have purchased, to the public domain.

Mr. WILSON. I ask the Senator from New York to state, if he will allow me to interrupt him, which Senator from Iowa made such a statement yesterday.

Mr. LAPHAM. The honorable Senator who is now addressing me used as the only argument against my amendment the view I took of the proposition to forfeit the Oregon railroad grant.

Mr. WILSON. If the Senator will allow me to reply I will say that I stated yesterday that if he would apply the precedent of his speech on the Oregon railroad grant to this bill it would answer my purpose entirely, because in that he advocated——

Mr. LAPHAM. I did not yield for a speech.

Mr. WILSON. He advocated the propriety of allowing each person interested, no matter how humble he might be, an opportunity to be heard in court. These settlers have not had it. That is all we ask and all the bill does.

Mr. LAPHAM. I said in that case inasmuch as the Government was going to resume the title which had been forfeited for the nonperformance of a condition subsequent, it was the right of every lienholder upon that land to have a day in court. I stand by that position still. This is not such a case as that unless, as I now claim, the effect of this bill is to forfeit an actual grant by the Government to those whose titles have been determined valid. That is the effect of this bill.

When you declare in this bill that these lands are public lands and authorize the Attorney-General in connection with the settlers to bring suits against the owners of the fee, you declare to all intents and purposes a forfeiture of their title, and in addition to that you subject them to a prosecution by the Government of the United States upon whose faith they advanced and paid their money for these lands. I submit before that shall be allowed there shall be a provision in this bill that every settler upon these lands in whose behalf the Attorney-General prosecutes, if he decides to prosecute at all, shall file security to pay the owners of these lands in case they succeed the costs and expense of the litigation.

Take the case of Hannah Ann Riley, take the case of George Crilley, each of whom has tried the question between them and the owners of these lands and been defeated. Now under this bill they with the Attorney-General may again commence action, and I need not say to the members of the Senate that there can be no costs recovered against the Government. This bill makes no provision that the United States shall be liable for costs, and we are driven to the expense of a litigation of precisely the same question we have already successfully litigated. We are driven to the expense of litigating this question at our own expense. Although successful, although we re-establish our title, although we show that these lands are our own and that there is no valid claim against them, as has been so repeatedly decided, although we establish all this, yet we are to be prosecuted by the Government without any redress for the expenses of the litigation on our part.

Mr. President, the object of this amendment is to provide as it reads that before the Attorney-General institutes an action in conjunction with a settler (and as I have said he must institute just as many actions as there are settlers), that settler for whose benefit the Government is authorized by this bill to prosecute shall give a bond in such form and with such penalties as the court or a judge of the court shall prescribe, conditioned that in the event of a failure to recover, in the event of the re-establishment of the title of these purchasers, in the event of a successful resistance to the prosecution, all the costs and expenses of the defense shall be paid to these owners. Who can object

to so fair a provision as this? Why are the advocates of this bill unwilling that there shall be at least this much protection to these purchasers?

Mr. President, I have shown over and over again that those settlers are not *bona fide* settlers. The Judiciary Committee of this body four years ago so found and reported. What is there in their case that should prompt this extraordinary legislation in their behalf? I can not understand why it is that these gentlemen, who are non-residents of the State of Iowa, should again by the authority of this Government be subjected to a renewal of this litigation at the peril of being compelled to defend the actions at their own expense although they succeed, and therefore I urge, and urge with great earnestness, and with great confidence I may say, upon the consideration of the Senate that this amendment, this poor protection to these already vexed land-owners, at least shall be furnished them by the vote of this body if this bill is to become a law.

I have said all that I think it necessary to say in support of this amendment. I commend it to the consideration of the Senate, and ask that at least they will preserve to these settlers the poor right of being reimbursed in case they succeed in the litigation, for the costs and expenses to which they will be subjected by this extraordinary bill, and upon this I ask that the yeas and nays be taken.

Mr. WILSON. Mr. President, I regret to feel called upon to say another word to the Senate concerning this bill. It has already occupied more time than it should have taken, but I do not desire to have a vote taken on this amendment without a fair understanding by the Senate of the issue this bill presents. Now let me read from the first section of the bill its purpose:

> That all the lands "improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861," for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1861, are, and are hereby declared to be, public lands of the United States.

What lands? Lands improperly certified to the State of Iowa, not lands to which the parties that the Senator from New York appears for here hold good and valid title, for they can hold no such title if these lands have been improperly certified; nor can the courts hold these lands to be public lands if they have been properly certified, for that means that they shall have been certified in pursuance of law.

What next does it provide? In section 2 it is said:

> That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands, and remove all clouds from its title thereto.

That is it. If the lands belong to the Government because they have not been properly certified, the Attorney-General is to ascertain that question by judicial proceedings and this provision of the second section, and that is all there is of it; and if in the progress of the proceeding it shall appear that the parties for whom the Senator from New York pleads to-day hold titles in pursuance of lawful certification, that will make their title doubly sure. But he says that these settlers, who for more than a quarter of a century have been making homes and rearing families on these lands alleged to have been improperly certified, shall have no opportunity for a judicial determination unless they come in and by a bond with sufficient sureties agree to make harmless the New York holders of a certain title to these lands first. Mr. President, if a remedy is to be provided at all under this bill, it goes in the name of the United States for the purpose of asserting the United States title and after that affording these settlers of more than a quarter of a century an opportunity under the laws of the United States to prove up their settlement and interest in the land; and now I am willing to submit this amendment to a vote of the Senate.

Mr. LAPHAM. Well, Mr. President, the honorable Senator has been much more unsuccessful in answering this than he was in answering the amendment that I proposed yesterday. He assumes now—and he can stand upon no other proposition—that these lands which the Supreme Court decided were improperly certified to the State of Iowa so far as they lie north of Raccoon Fork, in the State of Iowa, are still public lands, and his argument has no force unless it rests upon that proposition. Now what is the truth of this case? Iowa has always claimed until this hour that they were not public lands; Iowa has always claimed that they were properly certified to the State, and that Iowa was authorized to grant them to the Des Moines River Navigation Company under the certificates of the officers of the Land Office. They were certified to the State of Iowa as part of this grant; they were conveyed to the Des Moines River Navigation Company, and the Des Moines River Navigation Company conveyed them to those I represent.

Then what have we? We have the resolution of the 2d of March, 1861, a joint resolution of Congress, declaring that the titles to all the lands certified to the State of Iowa north of the Raccoon Fork are, notwithstanding that improper certification, made valid as far as they have become the property of *bona fide* purchasers from the State and its grantees. "Improperly" is not in this question now, sir. There was a time when it was in it. If the joint resolution of the 2d of March, 1861, had not been passed, the position of the honorable Senator would have some force in it; but in the face of that fact that Congress, notwithstanding they were improperly certified, ratified and confirmed them to these purchasers, what is there upon which this bill can stand—I mean so far as that portion of the lands held by these purchasers is concerned? I showed yesterday that there are over 300,000 acres of land within the compass of this bill which are not affected by the question that I raise. I only ask to have taken from the operation of this bill that portion of the lands which were thus conveyed and the titles to which were confirmed by the joint resolution of 1861.

The honorable Senator from Iowa is too good a lawyer and too shrewd a man to be driven to such a position as he has now advanced, that these lands are still in the condition of lands improperly certified to the State of Iowa, as a basis for this legislation. If he had any other position upon which he could possibly plant himself, he is the last man who would resort to such a subterfuge as that, for it deserves no other name than a subterfuge.

These lands were, as the Supreme Court decided, a portion of them improperly certified; but they had been sold by the State; these gentlemen had purchased them and paid for them, and the State of Iowa asked—not these purchasers—but the State of Iowa asked Congress to pass the joint resolution of 1861 confirming their title; and in every case which has been decided by the Supreme Court and by the courts of Iowa the decisions have been put upon the express ground that that joint resolution cured all defects in the titles of these purchasers; that, although the lands were improperly certified, although at the time they were certified they were not within the compass of the grant to the Territory of Iowa, yet the Territory or State having sold them, and they having gone into the hands of *bona fide* purchasers, it was the duty of Congress to confirm their title; and it was the State of Iowa as she was represented then that asked this confirmatory declaration on the part of Congress.

Now, after all this, and after all this litigation determining these questions of title, the proposition of this bill is that the whole question in regard to this title shall be reopened in favor of those who have been occupying the lands without right, so the Supreme Court has said, of trespassers, of wrongdoers, of men who combined in the way I have described, of men who plunder and threaten to kill and burn, of men who do not pay taxes, of men who do not exercise any of the rights of ownership over this property except to occupy it and take possession without giving any compensation. It is this class of men to whom the bill opens the door of litigation at the expense of the Government, and I insist that this extraordinary privilege should not be granted except upon the condition named in this amendment that every one who prosecutes shall file a bond, to be approved by the court, to pay the defendant, in case of failure, his costs and expenses.

If the honorable Senator from Iowa is right that these are public lands, if he is right in the position that they are improperly certified, and occupies that position now, why does he provide for joining the settlers in an action? Does the Government of the United States need the aid of a squatter to establish its title? The theory of this bill is that the Government has no right except what this bill confers; the theory of this bill is that the squatter is the real party and not the Government, and all I ask by this amendment is that before he prosecutes, as we can not recover costs against the Government which is authorized to bring the suit, a bond shall be filed to pay us the costs and expenses of the litigation in case we succeed.

Mr. McPHERSON. I do not rise for the purpose of discussing the pending question, but only to give notice that to-morrow morning I shall ask a vote of the Senate on postponing the further consideration of this measure and returning to the Calendar of business. There are many public measures upon the Calendar that ought to be considered. We have now only eleven days remaining of this session, and it is useless to waste time on this bill, for I consider it no better, for we certainly can not reach a decision at this session upon this bill with the many divergent views upon the question found in the Senate. It is a Senate bill, and no consideration can be given to it elsewhere, even if it passes the Senate. For six consecutive days the whole morning has been exhausted and wasted, so to speak, in the discussion of a measure which by no possibility can become a law at this session. Therefore I shall move to-morrow morning—I give notice of it now—to postpone the further consideration of this business and return to what seems to me to be the obvious duty of the Senate in considering other bills of an important public character.

Mr. LAPHAM. I will yield to the Senator to make that motion now if he desires.

Mr. McPHERSON. Very well; I move now that the further consideration of this measure be postponed indefinitely.

The PRESIDING OFFICER. The Senator from New Jersey moves the indefinite postponement of the further consideration of the bill.

The question being put, there were on a division—ayes 22, noes 19.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I only desire to say one word upon this question. The Senator from New Jersey and the Senator from New York are acting in accord. Here is a bill as much of a public nature and public character as any bill pending in the Senate, and it has been considered. I will not say, because it would be unparliamentary for me to say, that

this bill is debated day after day and day after day by reiteration of old arguments. All that we ask of the Senate is that this bill shall be voted upon in the interest of more than a thousand people who believe they have rights here and ask the privilege of going to the courts of the United States and establishing those rights. That is a poor privilege, I know, but it is a privilege that we ask this Senate to grant these men. Whether or not they be entitled to the rights they claim is a question which the courts will decide. I hope the motion now made will not be adopted.

Mr. McPHERSON. I do not know what right the Senator from Iowa has to say that the Senator from New York and the Senator from New Jersey are acting in accord. So far as the statement relates to me, I think that up to this moment I have made no motion and have said not a single word in respect to this bill.

Mr. LAPHAM. I beg to say that I have never exchanged a word with the Senator from New Jersey on the subject.

Mr. McPHERSON. I do not know really how I shall vote upon the bill, and I think that I have voted upon few if any of the amendments that have been offered to it. I have given but little attention to it. I do not know but that I shall vote for the bill. But at the same time I do submit that this discussion, going on here from day to day for six or seven days, consuming the entire morning hour to the exclusion of the proper consideration of other business at this stage of the session, is not right. If the Senator from Iowa can bring the question to a vote, I have no objection to voting upon the bill now, but those Senators can see and really must see that with the number of appropriation bills now pending, with a large Calendar of business unacted upon, a great many pension cases that ought to be passed and sent to the House of Representatives in order that that body may take action upon them before the close of the session, such measures are driven out of the consideration of the Senate practically by the discussion of a bill which under no condition of circumstances does it seem possible for us to reach a vote upon.

Mr. COCKRELL. Let us vote now.

Mr. McPHERSON. I know nothing about the merits of the bill except what I have heard here on the floor. It is not for any such reason that I am opposing it, but because no vote has yet been reached, and probably none will be for six days to come.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the bill be indefinitely postponed, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. CAMERON, of Wisconsin. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Louisiana [Mr. JONAS].

The result was announced—yeas 23, nays 34; as follows:

YEAS—23.

Bayard,	Gibson,	McPherson,	Sabin,
Camden,	Groome,	Miller of N. Y.,	Saulsbury,
Cockrell,	Hampton,	Morgan,	Sherman,
Colquitt,	Harris,	Pendleton,	Slater,
Edmunds,	Kenna,	Pike,	Vest.
Garland,	Lapham,	Pugh,	

NAYS—34.

Aldrich,	Coke,	Hill,	Plumb,
Allison,	Conger,	Hoar,	Sawyer,
Beck,	Cullom,	Ingalls,	Vance,
Blair,	Fair,	Jackson,	Van Wyck,
Bowen,	Frye,	Manderson,	Voorhees,
Brown,	George,	Maxey,	Williams,
Call,	Hale,	Miller of Cal.,	Wilson.
Cameron of Wis.,	Harrison,	Morrill,	
Chace,	Hawley,	Platt,	

ABSENT—19.

Butler,	Gorman,	Logan,	Ransom,
Cameron of Pa.,	Jonas,	McMillan,	Riddleberger,
Dawes,	Jones of Florida,	Mahone,	Sewell,
Dolph,	Jones of Nevada,	Mitchell,	Walker.
Farley,	Lamar,	Palmer,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. MORGAN. I desire to ask a question of the Senator from Iowa who sets in front of me about this bill. The bill provides that the United States and a citizen or citizens of Iowa may sue other citizens of Iowa or corporations of Iowa, in a suit that is provided for in this bill. I desire to ask the Senator from Iowa if he thinks the Constitution of the United States confers or permits Congress to confer upon any Federal court the right to unite a citizen of Iowa with the United States Government in a suit against a citizen of Iowa in respect to this land. I confess that I have looked as thoroughly as I could, and with some anxiety, to discover that there was some such authority as that, but I have not been able to find it, and I do not believe that the Constitution authorizes any such suit as that to be brought. The language of the Constitution on that subject is that the judicial power of the United States shall extend, among other things, "to controversies to which the United States shall be a party." That is a privilege given to the Government of the United States to sue, or in the event that Congress may give to any citizen the right to sue the United States it is a privilege given to the Government to be sued in its own courts. You can not bring an action in any State court against the Government of the United States, nor can you bring an action in a Federal court against the Government of the United States until some act of Congress expressly authorizes it to be done; but the Government of the United States can sue in its own courts under this provision of the Constitution and also under the provisions of the judiciary act in regard to any matter of controversy that the court would take jurisdiction of where the sum in controversy was sufficient, or perhaps in any case; but I protest that I have not been able to find any case where a lawyer has been rash enough to unite the United States and a private citizen in a suit against a citizen of the same State, or indeed in any suit. I do not understand how it is that the Government of the United States and any private citizen have a joint interest in a tract of land the title of which was in the Government and the title of which has been conceded by the Government, we will say, to a private person, or has not been conceded. I do not understand it. This bill in that respect has always been a puzzle to me. I have not been able to derive the authority through the Constitution, the laws of the United States, or the practice in the Supreme Court or elsewhere, for the joining of these parties, the Government and a private citizen, in an action.

The bill, I wish to say further, is not only entirely new, but in my judgment it involves a line of legislation that has never before been attempted. We declare the existence of title in the Government of the United States by this bill. That title is declared to exist in the Government in those cases where certificates had improvidently and improperly issued to the State of Iowa. After having made that declaration, as I remarked the other morning in discussing this bill, we then authorize the Government of the United States and a citizen to go into the Federal courts for the purpose of determining the value of that title. The Senator from Iowa says it is upon the ground that we declare that those titles are bad, that the certificates have been improperly issued. Well, we open up a question of controversy that really has been settled in ten adjudicated cases in the Supreme Court of the United States. But granting now that it is just and equitable and that we have the power to go back and open up these various controversies and set aside these judgments and decrees——

Mr. LAPHAM. Will the Senator from Alabama allow me to make a suggestion?

Mr. MORGAN. Yes.

Mr. LAPHAM. This bill does not direct that suit shall be brought even in the courts of the United States.

Mr. MORGAN. I know.

Mr. LAPHAM. The Government under this bill may go into the State courts of Iowa.

Mr. MORGAN. I take it for granted that that is the meaning of the bill, although I admit the bill is imperfect in that particular, and I think attention is called to that in the report of the minority against the bill.

But now after having declared the title to be in the United States contrary to these ten decisions of the Supreme Court of the United States, and in the very cases in which the Supreme Court have decided the question, for this bill covers the whole of them, having reversed these decisions by a decree of Congress and put the parties to litigating those rights again, the question arises can the Congress of the United States authorize a citizen of Iowa to join with the United States Government in a suit in Iowa against a citizen of Iowa for the recovery of this land. I maintain that we have no such power. The Constitution gives us no such right, for while the Government of the United States can sue in the circuit or district court of the United States in that State a citizen of Iowa, a private citizen, can not. We can not confer by any law we may enact constitutionally the right upon a private citizen of Iowa to sue another private citizen of Iowa in the district or circuit court of the United States in that State.

Mr. LAPHAM. Now I desire to ask the honorable Senator another question, and that is, can Congress authorize the Attorney-General of the United States to prosecute in the State courts?

Mr. MORGAN. Yes; I suppose Congress could authorize the Attorney-General of the United States to prosecute in the State courts. The Government of the United States can bring a suit in a State court, and therefore Congress can authorize that to be done. But we are now talking about Federal courts, for that is the object of this bill; that is the meaning of this bill, to allow suits in the Federal courts, as I understand; for surely the Congress of the United States would not reverse the decision of the Supreme Court of the United States in these ten cases and then declare that the local courts in Iowa should have jurisdiction to settle and determine the question. That would be reversing the whole order of proceedings so far as the history of Congress on this subject is concerned. But I wish to submit this question to the Senate, to the lawyers of this body, and I should be very glad to hear a more general expression of opinion upon it. I should be glad if some Senator would cite me to a case in which any lawyer had ever been rash enough to attempt to unite a private party with the Government of the United States in bringing a suit for a tract of land. I have not heard of it. It may be that I have overlooked it, but I can conceive of no reason why it should be done.

Mr. President, I disclaim all feeling or interest in this matter.

Mr. LAPHAM. I can tell why it is done. It is done in this case because the Government is weak and needs the aid of a settler to maintain its right of action.

Mr. MORGAN. I repeat that I have not the slightest feeling or concern about this matter at all, except that I have a sympathy for those people in Iowa who have been entrapped into this state of difficulty not by the decision of the courts, but by the legislation of Congress and the decisions of the Interior Department. Many of them have been entrapped into difficulties, into the expenditure of money in valuable improvements on tracts of lands there, but I have regarded this effort to relieve them through this bill as utterly hopeless. The Committee on the Judiciary took this subject into consideration more than four years ago. They bestowed upon it a great amount of labor. They brought their report in here, following another report which had preceded it, and unanimously declared that Congress had no jurisdiction of this subject.

Now, sir, it is more than the Senate dare to do, in my opinion, to deliberately overrule that decision of the Judiciary Committee without assigning upon the record sound, substantial reasons for their judgment; for after all this is the highest legislative tribunal in the United States excepting the House of Representatives, and the decisions of this body will be appealed to for years, and I hope for centuries to come, for their wisdom, for their sedateness, for their soundness upon all questions of this kind; and I really deplore that spirit of aggressive legislation in this body, which, whether moved by sympathy for suffering people or moved by any other cause whatever, leads us to undo the solemn deliberations of the judiciary of this country, and reverse the decrees of the Supreme Court in respect to private questions of title at our own will and pleasure.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Alabama will please suspend. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the next special order, being Order of Business 500, the title of which will be read.

The CHIEF CLERK. A joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power.

The PRESIDENT *pro tempore*. This resolution is before the Senate as in Committee of the Whole.

Mr. VAN WYCK. I move that the Senate now proceed to the consideration of House bill No. 3933, Calendar number 336.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of Order of Business 336, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. PLUMB. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to make a statement. Is there objection to the Senator from Kansas debating this proposition? The Chair hears none.

Mr. PLUMB. The bill which is under consideration in the morning hour, and which was reported by me from the Committee on Public Lands, has now occupied a number of days during the morning hour in its consideration, and I do not think I offend anybody when I say that there seems to be a determination that it shall run out the remainder of the session and not be brought to a vote. That, of course, is parliamentary. I do not care to say anything in the nature of reflection on anybody, but it manifestly is the opinion of the Senate that some time should be fixed when the vote can be had upon the bill, because the Senate has repeatedly ruled by decided votes not to lay it on the table and not to postpone its consideration, so that it has the right of way in the morning hour.

I designed to make a motion to continue the consideration of the bill now, but not being nimble enough to get up in time and not having vocal organs of sufficient capacity to reach the presiding officer in time, I did not get the floor to make that motion; and I do not design now to antagonize the motion which the Senator from Nebraska has made, because I had given notice that if the Senator from Alabama did not make the motion I would make it myself at this time, supposing perhaps we should go on as we have heretofore, leaving the Des Moines bill to be considered in the morning hour. But I think it is of the highest importance to the business of the Senate that the morning hour should not continue to be absorbed by this bill, and when I say that I do not mean to reflect upon the bill, because I think the bill ought to be passed. I think it is due to the Senate and due to the interests involved that the Senate shall fix some time when a vote shall be taken, or if that can not be done, that the Senate shall agree that it will sit out this bill on some day to be named. I had hoped it might be to-day, because to-day the bill is under consideration and it might go continuously on, but still I do not care about that. If the Senate is willing to fix some other day, I have no objection.

Now, so far as the measure proposed to be taken up is concerned I have nothing to say. The Senator from Nebraska [Mr. VAN WYCK] seems to have taken charge of it, and of course the bill ought to be passed. It has been waiting simply upon the convenience of the Senate in regard to the principle involved in another bill which is pending before the Senate on a report of a committee of conference and the decision of which really settles the question not only as to this bill, but as to another and perhaps still another bill which is back of it on the Calendar. I do not care to antagonize that, but I do hope the Senate will make some order in regard to the bill that was before the Senate until the morning hour expired, which will relieve the Senate from the burden of its continuation during the remaining days of this session in the morning hour to the exclusion of all other business.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. LAPHAM. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. LAPHAM. I ask unanimous consent to be allowed to say a word in response to what has fallen from the lips of the Senator from Kansas.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to be heard in reply to the Senator from Kansas. Is there objection? The Chair hears none.

Mr. LAPHAM. All I desire to say is this: When this bill was called up objection was made to its consideration. I claimed that it was a bill which should be taken up in the regular consideration of the Calendar, and one that could not properly be debated in the morning hour. I have been compelled to argue the bill piecemeal from morning to morning, whereas I should have had a right, and the Senate should have had a right, to consider this bill in a continuous session whenever it was taken up. The advocates of the bill objected to that, and insisted upon taking it up in the morning hour. They procured a vote of the Senate to that effect, probably under an apprehension on the part of the Senate that it was a short bill and would not occupy much time. Now that we have spent the morning hour for so many mornings on it, the proposition is to do just what I asked to have done in the outset, and I shall certainly resist that now.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. VAN WYCK. The bill which I have moved for consideration is a bill to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes. That bill has been twice displaced already from the Calendar of Special Orders, first by taking up the silver bill when, as many Senators stated, there was a misapprehension as to the effect of the rule. They did not suppose that voting to take up the silver bill would necessarily throw this bill back on the Calendar, which it did. Then this bill was restored again to the head of the special orders, and again it was displaced by a vote of the Senate to take up the labor-contract bill; and in connection with that I may be allowed to say that many Senators believed there was an understanding, express or implied, which they they felt binding on them to vote for the consideration of that bill first before the Texas Pacific forfeiture bill was taken up; but they desire now, I think, that this bill should finally be taken up without any further delay. I merely wished to call the attention of the Senate to this condition of the bill, and to insist that it shall now be taken up.

Mr. HALE. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Debate is not in order from the Senator from Maine.

Mr. HALE. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to debate this subject. The Chair hears no objection.

Mr. HALE. I do not wish to debate the subject; I only wish to say to the Senator from Nebraska——

The PRESIDENT *pro tempore*. That is debate. The Senator has unanimous consent.

Mr. HALE. I so understood and was going on, Mr. President. I wish to say to the Senator from Nebraska that the agricultural appropriation bill has been hanging for a few days and it ought to be passed to-day. I do not wish to antagonize his motion, but I would like to have an understanding if his bill is laid before the Senate that then I may call up the appropriation bill with his consent.

Mr. VAN WYCK. I presume that is the understanding as to appropriation bills.

Mr. HALE. So that I can get it through to-day.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska that the bill named by him shall now be considered.

The motion was agreed to.

Mr. HALE. I ask unanimous consent that the bill before the Senate be laid aside informally, and that the Senate proceed to consider the agricultural appropriation bill. It will take but a little time.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the pending order be laid aside informally, and that the Senate proceed to consider the agricultural appropriation bill. Is there objection?

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. Objection is made. The first amendment reported by the Committee on Public Lands to the pending bill will be read.

Mr. HALE. I do not desire to insist upon the Senate considering the appropriation bill now, if it is the feeling of the Senate that it is better to go on with the bill just laid before the Senate. I will not make any motion at present.

Mr. CULLOM. I do not think the forfeiture bill will take very long.

Mr. HALE. I make no motion.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska, was read twice by its title, and referred to the Committee on Printing.

TEXAS PACIFIC LAND-GRANT FORFEITURE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

The Chief Clerk read the first amendment reported by the Committee on Public Lands, which was in line 9, of section 1, to strike out the word "that."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

The next amendment was, in section 1, line 9, after the word "lands," to strike out the word "be;" in line 10 to strike out after the word "to" the words "sale and settlement" and to insert the word "disposal;" in line 11, after the word "under," to strike out the word "existing" and insert the words "the general;" and in line 12, after the words "United States," to insert the words "as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even sections within said grant;" so as to make the section read:

"That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and the whole of said lands restored to the public domain and made subject to disposal under the general laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even sections within said grant.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That in any and all cases, as to any lands embraced within the terms of the act named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land-officers have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior, and its officers, and the local land-officers in permitting such entries, selections, and purchases, in making such sales, and in issuing patents, certificates, and lists thereon, are hereby ratified and validated; and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior or the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims of any kind upon any of said lands under the general laws of the United States, in any way affected adversely by said grant, are hereby confirmed and made valid to the same extent as though said grant had never been made; and all of said lands embraced within the provisions of said acts shall be restored to the public domain, subject to the saving of rights as provided in this section, as though said grant had never been made.

And in lieu thereof insert:

SEC. 2. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments reported from the Committee on Public Lands.

Mr. MORGAN. I offer the amendment which I send to the desk to come in after the text of the bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add as new sections:

SEC. —. That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Texas to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. —. That it shall be the duty of the district attorney of the United States for the northern district of Texas, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited, arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. —. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim are necessary to do complete justice in said cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. —. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree thereon to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. MORGAN. Mr. President, in supporting the amendment which I have offered I desire to announce at the outset that I am content to vote for the bill just as it is, and that I shall vote for it even if the Senate does not adopt the amendment which I have had the honor to bring forward.

I believe that this land grant ought to be forfeited. I am quite sure that the Texas and Pacific Railroad Company has not earned one foot of the land embraced in its grant. I believe that the attempted transfer of the land grant by the Texas and Pacific Railroad Company to the Southern Pacific Railroad Company was so far in violation of the laws of the United States and the public policy declared by Congress, that it could not become a valid transfer without the express sanction of Congress. Hence I am prepared, notwithstanding the claim set up by the Southern Pacific Railroad Company to this immense land grant, to vote for a declaration of the forfeiture of these lands to the Government of the United States.

I make this announcement in the outset so that I may avoid any possible misunderstanding, or any possible misconstruction of my individual position. However unimportant that may be, it is a matter of interest to me, of course, that I should not be misunderstood. I desire to present, however, in this amendment an opportunity to the Senate to declare whether it will take these lands into the keeping of the United States Government by an absolute decree of Congress, or whether it will relegate the question of the validity and effect of our act in passing this law to the courts of the United States, there to be passed upon and decided by them within a brief period of time.

I will premise by saying in the presence of the Senate, of every lawyer and every layman in the body, and I ask attention to the remark, that it is not possible for Congress to enact any law affecting private rights of property so as to take away from the judicial tribunals of this country the ultimate right to decide upon them. In that declaration I think I shall have the concurrence of every member of the Senate. I repeat it is not possible that Congress shall pass any law affecting private rights of property which will have an absolute and determinate effect upon those rights of property so as to exclude any person from having the right to raise the question and litigate upon the validity of our action in the courts of the country.

The demarkation in the Constitution of the boundary lines between the co-ordinate departments of the United States Government is so clear and so well fixed that I think there is nobody to be found now in this free Government of ours, this constitutional country, who will assert that Congress can intervene between two private persons or between the Government of the United States and a private citizen and by an act of legislation so far conclude and foreclose a question of title to property as that litigation thereafterward about it shall be impossible. If that is so, when we revoke this land grant or when we declare it forfeited, the immense area of lands which are covered by it will become the subject of litigation. We can not prevent them from becoming the subject of litigation. We can not put up bars before any court, either of the States or of the United States, which will shut out parties in interest in this controversy from coming in and demanding of the judges that they shall hear and determine and adjudicate upon their rights of property.

If these propositions are true, then the question that I present in this amendment is simply one of policy, for the adjudication must come sooner or later. The question is whether it shall come in after years and during a series of years, and at the instance of a great number, it may be, of private litigants and in courts to be selected by themselves, or whether it shall come at once, be determined at once in a court of the United States, all in one suit, which can be taken by an appeal to the Supreme Court of the United States, which that court is required to treat as a cause of emergency and to advance on the docket, so that the litigation may be finally ended as soon as possible in view of the administration of justice.

I will suppose that we pass the bill just as it has come from the committee without adding the provision that I have the honor to offer as an amendment to it, and then let us look at the situation. I have but to refer to the fact that for five or six mornings the Senate has been

occupied in an earnest and an honest endeavor to rectify the evils which have come upon a large community in the State of Iowa, growing out of the fact that we did not provide when the controversies first arose in Iowa a court of competent jurisdiction to hear and determine and settle them. I can refer also to another case upon the Calendar, which is being pressed upon the attention of the Senate for settlement, and which for years has been lingering in this body in one form and another, what is called the Sioux City Railroad case. In consequence of the neglect of Congress to provide a tribunal for hearing and determining the controversy in that case, there has sprung up a litigation between parties, which is spreading itself from one tract of land to another throughout a large domain in the State of Iowa, and which is involving Congress and involving the courts in an infinitude of difficulties and troubles, every one of them the result of the neglect of Congress to provide at an early stage for the settlement of those difficulties by a court of the United States having competent jurisdiction and power to decide them.

Again I refer the Senate of the United States in the State of Michigan to a most laborious, intricate, and involved controversy about the Ontonagon land grants and about the transfer of a land grant from one portion of that State to another, and about the question whether the State of Michigan has been compensated by one grant for what it yielded up, or was supposed to have yielded up, under another—a question of the greatest possible difficulty, which has been argued and reargued before the Committee on Public Lands by the ablest lawyers in the United States, and who have had the opinions of Senators upon it. Yet that controversy is not ended, and every Senator here who is acquainted with the facts of those cases must know that if in the early stages of the controversy jurisdiction had been conferred upon a Federal court for the purpose of calling all parties in interest before the court, including the Government of the United States, a settlement would have been completed long ago and peace and prosperity would have ruled and reigned in a country where there is nothing now but discord and strife.

Mr. President, the Congress of the United States is responsible today for a great amount of injustice and wrong that has been done in various locations in this country from not having provided in cases of controversy for the settlement of those controversies in a court of broad, comprehensive, competent jurisdiction. I could cite to you many other cases of this kind. Some have occurred even in my State. They have occurred elsewhere. They occur continually in regard to the Spanish grants. There is a very important case now in the State of California, where parties are seeking to have Congress intervene after a great many years have elapsed, and to establish a tribunal and give jurisdiction to some of the courts for the purpose of settling those controversies that ought to have been settled long ago. An almost incalculable amount of mischief, of waste and expenditure, of heart-burning between citizens and the Government and between citizens themselves, between railroad corporations and others, is wrought throughout the country simply by our having neglected to take care of this subject in a proper manner.

When I had the honor of going upon the Committee on Public Lands and found that nine-tenths of the time of that committee, most laboriously expended, was occupied in the attempt, a vain one so far, to settle these controversies—for not one of them has yet been settled—when I found that numerous bills for the forfeiture of land grants were coming up, that almost every important railroad in the West was being attacked upon the ground that it had not complied with the act granting the lands, and that therefore they were the subjects of forfeiture, it occurred to me as a duty that I could not avoid to suggest to that honorable committee and to suggest to the Senate of the United States that in the beginning of this system of land-grant forfeitures we should adopt a plan which would cause the speedy settlement of all these questions of litigation and controversy. Hence it was, with no ambitious motive surely, but with a desire simply to perform a very plain duty to my mind, that I brought in an amendment to one of those bills.

More than that, I introduced and had referred to that committee a general bill providing that in all cases of land-grant forfeiture the circuit court of the United States in some part of the land-grant domain should take jurisdiction of these cases and proceed to decide them, calling in all the necessary and all the proper parties. When that bill went before the committee, not connected with any special land grant, a majority of the committee required me to report it back favorably. I felt of course sustained by the committee in that particular, and was very much gratified that they took that view of the subject.

But occasionally it has occurred that in respect of some of these cases the majority of the committee, say five to four, have insisted that the amendment was not appropriate in a particular case, that it was not necessary. I have always contended and believed that if it was necessary in one case it was proper in all. It might not be absolutely necessary, but still it was proper in all.

So the Senate will remember in regard to the Oregon land-grant case, where the two Senators from Oregon concurred that it was not necessary in respect of that land grant, the question arose in the Senate, and the Senate decided against the amendment, doubtless upon the ground that it was not necessary to that bill. In the case of the Atlantic and Pacific Railway Company, when the question arose here, the Senate by a very large vote, upon the call of the yeas and nays and after debate—a vote I think of some 30 or 35 to 11—decided in favor of the amendment.

So the principle of the amendment I now offer has received the sanction of the committee in the general bill; it has received the sanction of the committee on this particular bill; I believe of four out of five of the committee on this particular bill; and it has received the sanction of the vote of the Senate by the majority which I have just stated upon the Atlantic and Pacific bill. I now offer it to this bill, believing that there is not a single case in all the number that have come before the Senate or that will come before the Senate in which this amendment is more important than it is in this case.

I should very gladly have avoided the labor and responsibility of offering the amendment, for it has caused me to be attacked personally through the newspapers of the country as one who desired to obstruct the forfeiture of land grants, because I pleaded in the Senate that the Government of the United States in instituting a new system of action in regard to the land grants should so provide as that all questions which might arise out of them should be settled early after we had declared the forfeiture, and thereby save to future generations the terrible litigation which has been so expensive and so trying upon a great many communities in this country.

Now, let us consider one category here. The Texas and Pacific Railroad Company have made a transfer bodily of the entire land grant made to them to the Southern Pacific Railroad Company. Arguments were made by men like Hon. William M. Evarts, who talked upon the subject as if he were in dead earnest, and here is his brief—arguments were made by a number of the most important and influential lawyers in the United States—insisting that the Texas and Pacific Railroad Company had the absolute right under the terms of the law to transfer the grant to any purchaser, and that whether they transferred it in a body to a railroad company, or whether they transferred it to mortgagees, as they were authorized to mortgage it, or whether they transferred it by private sale to private individuals in small parcels, made no difference. They insisted that this land grant is property, and that until the Government of the United States had declared the forfeiture of it, that being the only power which can avail itself of the right of forfeiture, the right of the company to transfer the land grant was absolute and perfect. It is provided, they insist, in the act under which the land grant originated that it might be transferred to assigns as well as to mortgagees.

The PRESIDING OFFICER (Mr. HARRISON) rapped for order.

Mr. MORGAN. I am entirely aware that at this stage of a session of the Senate not very much consideration can be given to what is being said in debate, no matter how important the question is. Here is a question which, I understand, involves the title to 20,000,000 acres of land. It is not a question in which I have any personal interest or any motive in the world except that of taking the labor to try and explain it to the Senate. These men claim, whether rightfully or wrongfully, justly or unjustly, lawfully or unlawfully——

The PRESIDING OFFICER. Senators must suspend conversation on the floor. It is impossible for the Senator addressing the Chair to proceed with his remarks.

Mr. MORGAN. I shall not detain the Senate very long. I am as anxious to get through as the Senate is that I should. I am trying now to discuss all these questions in one in order to economize the time of the Senate. That is all that I am trying to do. I do not wish to take up this same question upon every forfeiture bill that arises, and here I am trying now to discuss the question of disagreement between the two House of Congress upon this matter. All that I am anxious to do is to enlighten the Senate as far as I am able upon the propositions that are before it.

It is contended, I repeat, that they have a right to this land, and that they have a right to it under the laws of the United States. It is urged ably and vehemently, and with every apparent mark of sincerity, as I have remarked, by some of the best lawyers in this country, by some of the ablest men in the country, one of whom, a distinguished man from New York, is about to take a seat in this body on the 4th of March, that the Government of the United States conferred by its act granting this land the power to this corporation to transfer it absolutely to the Southern Pacific Railroad Company; that the transfer was made for a good consideration in good faith; and that since the transfer has been made the transferee has given mortgages upon the property to other outstanding persons who are certainly innocent. That is their claim.

Mr. VAN WYCK. Do I understand the Senator to say that the company have given mortgages upon this grant of land?

Mr. MORGAN. So I am informed.

Mr. VAN WYCK. No, sir; nothing of the kind.

Mr. MORGAN. They insist that the mortgages which they gave upon their property include this grant; not that they have since the grant was transferred to them made a new mortgage, but they insist that it inures to the mortgage as part of the mortgaged property. That is what they insist.

I beg the Senate to understand that I am not stating my view of this case; I am stating the view which was insisted upon before the committee. If the Senate thinks that it is disreputable to insist upon it, let the blame rest upon men like Judge Dillon, Mr. Evarts, and others who make this demand, not upon a Senator who presents it here as a part of the argument that was made before the committee, and which he happened to think was at least worthy of consideration.

I do not set myself up as an infallible judge upon the rights of other men. I do not wish to be a judge of their rights except so far as their rights concern a duty that I must perform; and certainly I do not wish to assume the ermine while I am a Senator of the United States and to undertake to decide judicially upon questions that the Constitution has relegated to a different body of men. But that is claimed in behalf of the corporations here concerned. Suppose it should turn out that the courts of the United States sustain this claim of theirs. I presume Senators here will be wise enough to say that no court ever can sustain it; but suppose it should turn out that they do sustain it, about what time will that judgment ripen and become a matter of record? Probably ten years after to-day. Where will the suit originate in which this matter will be determined? It will originate in any court that the Southern Pacific Railroad Company choose to select. They can originate it in a common pleas court in California, in a district court in California, or in a court of equity in California. They can originate it in any court having jurisdiction of a real action or of a suit in equity in any of the Territories through which the road passes. They can institute it in the State of Texas; perhaps in the State of Louisiana.

They have their choice of States, of localities, and of courts in which to start this proceeding. They begin it. How do they begin it? In some little piepoudre collateral action between A and B about the title to a forty-acre tract of desert land, it may be, or something of that kind—an inconsequential and an inconsiderable piece of land—but the question which grafts itself upon that suit is the whole question in the case. It passes around through court after court, and after awhile it reaches the Supreme Court of the United States, after long delay and great expense and great harassment, and it is there finally decided.

In the mean time the court below pronounces a decision. I will suppose that it pronounces it in favor of the Southern Pacific Railroad Company. After having pronounced that decision the company proceeds to sell its lands, and sells them out to cattle-rangers, to farmers, to vine-growers, to villages, and to towns, until thousands and thousands of people become involved in the question. At the time they are making these sales they have got the decision of a court to back them, which, it will be remembered but a few days back in our debates, was a very important matter in regard to certain grave affairs that have taken place recently in the United States. A court in Kansas, it was said, made a decision that the lands of Oklahoma are public lands open to settlement, and thereupon an army of invasion went into that country and occupied it, demanding and claiming that they had the right, under the decision of that court, to occupy that country. Another army followed, the Army of the United States, with its loaded guns and its bayonets fixed, to drive those men out of that territory.

It has been but two or three days since Senators upon this floor in great anxiety have declared their apprehensions that when the grass springs up again in the Oklahoma country war would be started there because of a dispute between the Government of the United States and the claimants to settlement on the public lands, and that those claimants are backed by a decision of a court and that is enough for them. We understand the force of a tide of immigration, and we understand the demand which the Anglo-Saxon makes for land whenever he gets within reach of it. We have our own examples and our own history to refer to in order to refresh our recollections and to admonish us about matters of this kind.

In view of this case, suppose a court in California, in Arizona, in New Mexico, in Texas, or it may be in Louisiana, shall decide that the Southern Pacific Railway Company did have the right to buy the whole tract of land, and that they have a good title in consequence of the purchase, then your people swarm out upon these lands and buy them, and afterward when that case gets to the Supreme Court of the United States and is reversed, you will have re-enacted upon an immense scale the very controversy which has engaged the attention of the Senate for six mornings in succession, and which would engage it for six more in debate were it not entirely improper to be extended at this late hour of the session.

Suppose the decision is made against the Southern Pacific Railroad Company in the court below, your people spread themselves out into this territory and take up the lands under the laws of the United States under homestead and pre-emption entries. What then? After they have gone upon the lands the litigation is still going on; men are kept in a continual state of agitation; they have not got permanent homes and can not get them in that country, and by reason of that fact that country must necessarily suffer, for a country whose families are located upon possessions that after all are doubtful and disputable as to the right, is a country that can have no real peace and no real prosperity.

Suppose that you want to sell those public lands at private sale, or suppose you want to lease them under an act of Congress to herdsmen and shepherds, your title is embarrassed until the courts have decided. After you have passed your decree in Congress here, any man, it makes no difference what his dignity may be or how little or how much land he may claim, has the right to question the validity of it. That is one of the liberties of the American people of which we can not deprive them. They have a right to question our acts in their courts, and they do question them. Whenever our action is questioned, of course that question agitates the whole length and breadth of the domain that you are proceeding to dispose of.

Here we turn loose an immense domain amounting perhaps to twenty million acres, and because we refuse to put a limitation upon a bill which will give a court a chance to adjudicate these questions in advance and within a year from the date of the act, we leave these questions open as a cloud upon the public domain, forbidding people to go there and unsettling the titles from the moment that they go. How can you get into one of these new Territories a stable population of good and enterprising and peace-loving men when you force them to go in there under a cloud upon the title to the whole country? When you have your public domain left under the influence of the sort of legislation that we are about to enact, the men who go there are the men who rely upon the pistol and upon the bowie-knife to fight their way through, and they are not the peace-loving men who ought to be invited to go to the West everywhere for the purpose of settling up those communities and fixing a nucleus of society there that in after years shall ripen into blessings upon that community and upon the world.

The quiet, peace-loving man who resides in the East or in the South or in the Middle States, who may desire to migrate to the West for the purpose of settling near to one of these railroads to get the advantage of it, would say to himself, "I can not afford to go there and invite litigation; I can not afford to go there merely to become the toy and plaything of lawyers and judges; I prefer to seek some other country." But the fierce, unsettled, wandering man, who thinks that he can make up the time and make it the occasion of some advantage by going there with his bowie-knife and his gun, will go and locate upon a tract of land in that country; and instead of getting a good, steady, honest, and peace-loving population, you get a belligerent, unsteady, dissatisfied set of people there.

In view of the general public policy and in view of the controversies which will arise, in view of the history that we are making ourselves only too familiar with every day through these distressful controversies that come before this body, in view of the experience of the Committee on Public Lands which has sat upon these questions day after day and night after night, not during this session of Congress only but at preceding sessions, I appeal to the Senate of the United States that they will adopt and adhere to a proposition which has truth and right in it, which has repose in it for titles as well as for people.

Mr. President, I do not think that I shall be moved from my desire in this matter by any apprehension that I subject myself to criticism as being the friend of the railroads. No, sir; I am the friend of justice; I am the friend of peace and security for titles. I am the friend of the communities who settle out in that country. I am the friend of the men who go there and who, instead of going under the threat of a lawsuit, want to go under the protection of the law.

What reason is there why a court of the United States can not settle these questions? I have heard but one stated, and that is that judges are not to be trusted. That is about the only one that can be stated. The judges are not to be trusted; the judges are the creatures of the corporations; the judges are the hirelings of the corporations; the judges are under the influence of the corporations! Suggestions like these are prated around continually as arguments why they can not be trusted to administer upon these matters. Sir, you have got to trust judges after all, and the question is, What judges will you trust? I have an almost inexpressible feeling of gratification and gratitude, too, to the founders of our system of government that they did place rights of property beyond the absolute disposal of the Congress of the United States, and that they put these questions in the hands of the judiciary for final settlement.

We have got to trust the judges or else we have got to reverse the whole system of our Government. Then the question is, what judges will we trust? I have confidence in the judges of the United States courts that they will do justice, and in the Supreme Court of the United States that it will do justice. Some Senators may not have that confidence; I can not help it. In my retrospect of the history of that august tribunal I see no reason to challenge its honesty, or its integrity, or its ability, or to abate in the slightest degree by any remark that I might make the just influence which it exerts over the people and over the States of this great Union. Therefore I dismiss that argument. We must trust judges, and I prefer to trust the judges of the United States courts. We must have litigation; we shall have litigation about this case. I therefore prefer that this litigation shall come off immediately and be settled as soon as justice will admit of its being settled.

What is this amendment? It is simply providing that after this declaration of forfeiture is made, after Congress has declared all that it wants about it and all that it can declare about it, the Government of the United States in its own name, under the direction of the Attorney-General of the United States, shall through its local district attorney file a bill or bring a suit in the circuit court of the United States for the northern district of Texas, that being an organized State and one of the

States through which this line of railway runs, and that bill shall call in the claimant to this property, the Southern Pacific Railway Company, and shall call in any person else claiming the property under the act which made the grant of land to the Texas Pacific Railway Company. The amendment further provides that if there are other parties who are not necessary parties, but who are proper parties to be represented in their persons or in their property claims and interests which require to be litigated and settled, the court, as is the practice in equity courts, may call in those parties either by the direct service of process where they reside within the State, or by publication under the rules of practice where they reside out of the State, that they may come in and make themselves parties to the suit, that they may call them in, and if they are unwilling to become parties make them parties.

The amendment further provides that any person who may have an interest, or believes that he has an interest in these lands under this proposed act or under any act of Congress, may come into that court and file a petition and propound his interest; that the court shall examine it, and if it finds that the party has a sufficient interest to justify him in being brought in to have his rights adjudicated, he is made a party. In this way every human being who is in any wise connected with this title can be brought into the litigation, and that, too, at a very light expense, for the court has the right under its rules of practice and under the amendment to classify the petitioners, so that the decision in one case will be the decision in all, or in all of that class, thereby reducing the expense of the litigation, hastening the progress of the suits, and causing an early determination of the rights affected.

The amendment then proceeds further, and has what is in effect a statute of limitations in it. A person is debarred from his right to come in as a party by petition after twelve months from the date of the filing of the bill. If any appeal is taken to the Supreme Court of the United States from the final decree in the cause it must be taken within six months from the date of its rendition, and then the Supreme Court is required to advance that case on the docket so that there may be a speedy hearing and determination of it.

That may not be a perfect system, and yet it is the best one that I have been able to devise, and it is the one that the Committee on Public Lands, after due examination, have recommended in the general bill which I reported to this body as being proper machinery for the purpose of arriving at the speedy adjudication of all these questions and a settlement of the rights of every man who may have an interest in this controversy hereafter.

I have not heard the reasonableness of this plan attacked. I have heard nobody say that it was an inefficient plan. I have heard nobody say anything about it, except some surmises have been indulged that the object in offering it was to delay the forfeiture, to prevent justice, to shelter the railroads, and to keep them from surrendering up this grant which Congress declares they shall surrender.

Let me inquire what more can Congress do in regard to this case than merely to declare the forfeiture? What Senator in this body will assert that Congress can do more than declare the forfeiture? We declare that in consequence of the fact that this railroad company has not complied with the conditions of the act granting these lands, its title is forfeited to the United States Government, and we go further and dispose of it. We go further than really I think we ought to go, but still I shall vote for that feature of the bill. We go further and place it in the category of the public domain and we subject it to the land laws of the United States in respect of its future disposal.

That is all that Congress can do. What is the effect of that? What is intended to be the effect of it? It makes no difference whether we intend as the effect of that to cut off all future litigation and inquiry in respect of our right to do this thing or not; we can not do that; we have not the power to do it. The courts, as I have often remarked during this argument and heretofore, will take the subject in consideration and will adjudicate upon it. Then we go in this bill just as far as we can go; and yet we do not get the title. We can not get the title by an act of Congress. We can only take the necessary preliminary steps to get it, and the question whether we have got it is a question depending upon how the courts shall decide hereafter upon the validity and effect of our act.

I have not been very curious to inquire whether this declaration of forfeiture is a forfeiture which relates back to the date of the grant. It makes no difference as to that. We can not make it relate back, for in the law and according to justice it does not relate back, for if we were to do that we should do by *ex post facto* legislation the wrongful and unconstitutional thing of taking from a man his property without due course of law, and that we can not do. It is a question for the courts to determine whether it relates back or not, even though we should so declare; but in this case that happens to make no difference; for in the view that I take of it, and in the view of those who are opposed to the amendment, if there be such, this act of forfeiture declared by us has the effect under our law of what is termed office-found, and only that.

I have had occasion to expound this several times in the Senate. I need not have done it, because other Senators understand it as well as or better than I do; but I refer to it for the purpose of showing the status in which this property is left after we make this declaration. It is precisely in the condition of a piece of real estate in England that was granted by the Crown to a citizen upon a condition-subsequent, as it is called, a condition upon the performance or non-performance of which would depend the completion of the title in the grantee. The Crown sees cause to try the question of title with its grantee. Thereupon it institutes the prerogative writ to which I have heretofore referred, and sends the writ to a judicial officer, to a coroner. The coroner takes further judicial proceeding by summoning a jury. The old common-law jury comes in, except that the number is not limited to twelve, he may make it thirty if he wants. He hears one side of the case; he hears the case of the Crown. It is an *ex parte* investigation. He charges his jury, and his jury find a verdict.

If that verdict is in favor of the Crown it is reported to one of the courts. Then what? Thereupon, if the citizen from whom the land is taken by this *ex parte* proceeding desires to litigate with the Crown, that citizen brings his petition of right, his writ of right, or he brings his bill in equity, and the court being thus put in possession of the case looks back over the whole question, looks back over that part of it which came under the jurisdiction of the coroner, looks back into the right of the thing, as it is termed in the English law-books; and the court thereupon determines whether the Crown is entitled to the property, or whether the citizen is entitled to the property. If the citizen turns out to be entitled to the property the Crown must not only yield the property to him, but it must also yield to him damages for having interfered with his possessory right. That is English law. That is English liberty. That is the power of a citizen under the English system.

Sir, when you come to compare the boasted powers and rights of the American citizen with those of a British subject upon this topic, the American citizen does not approach him in his liberty. We have never provided in our country that any citizen of the United States might sue the Government when the Government undertook to take away from him the title to a tract of land that it had granted. We have only doled out to our citizens once in a while the poor privilege of suing for money claims in a court of claims; but when you come to address yourself to the rights that the people have as individuals against the Government of the United States in respect of this vast domain of land which extended from the States of Pennsylvania and Kentucky and Georgia all the way to the Pacific coast you can not find upon the statute-books of the United States or in its Constitution the scratch of a pen or the impress of the type to show that there has ever been granted to the people of the United States the liberties and rights in respect of that domain which belong to the British subjects under the Crown of Great Britain.

Therefore, when the Congress of the United States undertakes to take a man's land away against his complaint and his protestation, he has nothing to do but to go into some of the State courts, or if perchance he can find his way into some Federal court where he can not bring his action against the United States, he may bring his action against some other citizen, in which suit the question will arise collaterally and not directly; and in that way, working from court to court, he brings the question before the Supreme Court of the United States, and that court may decide ultimately that the Government of the United States has no title to the land. The British subject can sue the Crown immediately. He can bring his petition of right or his bill in equity and try the question of title with the Crown, whereas the American citizen, this boasted inheritor of all the glory of his ancestry and of the light of the world, must probe his way around, fight his way about the pie-poudre courts, and in a collateral way and in an inconsequential way have this immense question decided between him and the Government of the United States, and then it remains for Congress, by some act or other, to repair the wrong and the mischief which this system has done.

Now, what do I claim in this case? I claim it in behalf of a company that I believe have no legal right, that they shall still have the right to litigate, and inasmuch as I can not keep them from litigating and I know that they will do it if they choose, as they say they mean to do it, I want to draw that company into a competent court at once, and I want that suit prosecuted in the name of the United States Government, so that all controversy may be ended and that this question of title shall be settled.

Perhaps I have not framed the amendment in the best way. The committee agree with me that it is the best way that they could think of. Some Senator may be able to improve it. If he does, I shall thank him for it. But the principle of it is a very clear one to my mind; the duty of enacting it is a very clear one; and as to the public policy of putting it upon the statute-book for the purpose of having these rights considered and tried, I have no doubt.

My own experience teaches me, if I had nothing else to go to as convincing me that the public policy of this country requires that we should have these controversies settled, now that we are setting out to forfeit land grants and this is to become a fruitful subject of litigation, a very harvest of litigation sown in the land, that we should provide in a timely and proper way so that this matter may be settled early, speedily, by high courts, courts having competent jurisdiction and courts that are courts of justice, whatever other Senators may say about them.

Inasmuch as I shall support the bill just as it is, if my amendment is

voted down, I ought to be allowed to state the reason for that. It is one that I state with great modesty and unaffected diffidence, because it is right in the very teeth of the opinions of some of the greatest lawyers in the United States, and I have no reason to believe that they have made any insincere statement of their opinions. They are honorable men, and I believe that when an honorable man comes before a committee of Congress, or a court, and is questioned as to his opinion upon the law, he will make a statement of it that he thinks he can sustain, and he will not be rash enough to state something that is foolish or something that is impossible to fortify or sustain by reasoning or by precedent.

When Mr. Evarts was arguing this case before the committee I asked him the question: "Do you, sir, ask of the Congress of the United States any affirmative legislation to ratify this grant which you claim that you have bought from the Texas Pacific Railroad Company?" He said, "We do not; we think we have got a good title." There I differ with him, and there it is that I venture to state the ground of my difference as justifying the declaration which I make here that I shall vote for this bill even though the Congress of the United States intends to relegate all these questions of litigation to some unknown court and the decision to some unknown period in the future.

What is my reason for it? I will state it briefly. The Texas and Pacific Railroad Company was organized for the great leading purpose of building a railroad about the thirty-second parallel of latitude to San Diego on the Gulf of California. No road was built under that charter to San Diego or anywhere approximating it. The Texas Pacific Railroad Company never broke ground across the border of Texas for the purpose of building the line to San Diego. They did absolutely nothing. While they were building their line out through Texas to El Paso del Norte a very strenuous effort was made in the Senate of the United States and in both branches of Congress to get for them a subsidy, an indorsement of their bonds in addition to the land grant, and that effort was based upon the idea which is entirely a correct one, that the Texas and Pacific Railroad, if built out to San Diego, would be a competing line with the Southern Pacific Railroad, which was then coming from San Francisco by the way of the Mohave Desert along down toward Yuma, and from Yuma on, as was insisted, to the eastern connection.

The great purpose of Congress in granting this land, and the great purpose of those gentlemen who advocated this bounty or this indorsement (and some of the most respected of my friends advocated it), was that they should get a competing line through to connect to the Pacific coast. They were not willing that the Southern Pacific road, which was alleged to be and is in fact a real part of the Central Pacific road, after having received the bounty of the Government from Ogden westward to San Francisco, should avail itself of the money which it made, the power and influence, the capital and credit which it concentrated, to sweep on down the Pacific coast to come back toward New Orleans, making thereby a mere prolongation of the Central Pacific through the name of the Southern Pacific; because they said, "When that is done you only double their powers of monopoly instead of getting up an opposition line in that country."

So my friends here to whom I have referred warmly insisted upon the assistance of Congress to the Texas and Pacific road. It is true I did not go for that. I did not go against it. The question did not come up finally for settlement by Congress, but that makes no difference; I am trying to prove the proposition that one of the great leading thoughts in regard to the Texas and Pacific Railroad, both in respect of the land grant that we are now about to forfeit, and in respect of the donation of public credit that was sought for, was that we should have a line open to San Diego, and that we should have competition in favor of the farmers and commercial men of this country by having two lines instead of one, and having one at least under the direct control of the Government.

While this was going on the Southern Pacific Railroad Company were here by their agents, lobbyists, &c., earnestly insisting that they did not want any grant of land. They opposed our making a grant of credit to the Texas and Pacific Railroad; they did all they could to keep Congress from building up the Texas and Pacific, for the reason that they did not want any competition. They announced here and everywhere that they could build that road out of their own money, and they did build it out of their own money. They built it down to Yuma in time to earn all their land grant; they built it within the time prescribed by the act which gave them the charter and also the public lands. They earned the land grant to Yuma. Then they came on to El Paso del Norte, saying to Congress and to the country: "We do not want a land grant; we are going to build the road with our own money; and more than that, we do not want you to subsidize this other road; it is useless to do it, because before you get your subsidy passed, almost, we shall have the railroad down to El Paso del Norte;" and they did that.

After getting their road down to El Paso del Norte what do they do? They simply buy out the land grant of the Texas and Pacific, and by a doctrine which I may call *cy pres*, by the substitution of one company for another, they claim that they have performed in substance what was intended to be performed by the Texas and Pacific road and what was required by Congress of that road, and in consequence thereof they have the right equitably to the grant. But they say, "Whether we have that right or not, whether there was any equity in our favor, treat us as persons who had never any connection with it at all. Your act of Congress under which you have granted these lands is of such a character that you have put it in the power of the Texas and Pacific Railroad Company to sell the entire grant, and we are the purchasers in good faith and for a valuable consideration."

Mr. President, I confess to you that as a lawyer that has been a very hard proposition for me to wrestle with. That same proposition came up in what is called the Louisiana Backbone grant. There the Backbone Company transferred its grant out and out to the New Orleans Pacific road, and upon the very identical pretext that the Southern Pacific claims the land under the transfer of this great body of property in this case. What was the New Orleans Pacific case? I will state it very briefly. It was that a grant had been made to what is called the Backbone road on the east side of the Mississippi River from the city of New Orleans, via Baton Rouge, up to Shreveport. That road was not built; scarcely a shovelful of earth was ever lifted in its construction. The Texas and Pacific road came along toward the east, and finding that they could get into New Orleans on the west side of the river, not on the east, they bought out the whole line of road there and commenced constructing from the end of that line up toward Shreveport, practically over the very territory embraced in the Backbone land grant. They went on without any aid from Congress; they built their road; they made their connection with Shreveport on out until they connected with the whole Texas and Pacific system. Then they went to the Backbone Company and bought the grant out and out; and that grant was brought before the House of Representatives at this session. A very large majority of the committee reported against its validity, but the House of Representatives on consideration ratified the transfer and refused to forfeit the lands.

Now, sir, shall it be said by Senators on this floor that Mr. Evarts, Judge Dillon, and such men as these had no justification whatever in law or morals for the position which they have taken in regard to this matter, when the House of Representatives by a solemn vote in precisely a similar case has ratified the transfer? I can not take that ground. I must meet it in some other way; yet I do not believe that the transfer was valid. Now, why do I not believe that? The reasons, I can say, are simply satisfactory to myself. I do not know that they will be to anybody else. They are not based upon any given precedent that I can cite, for the reason that a case of the kind has never, within my knowledge, arisen, and I will state the reason.

Here was a great public trust created by this act of Congress for a great public purpose, and these lands were dedicated by Congress to the use of the people; they were taken out of the category of lands that were to be sold for the replenishing of the Treasury, and they were dedicated to the use of the people. What people? Those that then occupied the country and the generations to arise that might occupy it in the future. It is a continuing dedication, as much so as a public highway or a park in this city, or a park in the city of New York or Philadelphia, a dedication for the general use and benefaction of those who may be there to enjoy it, and it is one of those things that Congress did not have it in contemplation to take back as a dedication at all, for in the acts making these grants, instead of requiring that the lands should be returned to the Government of the United States in the event of a failure, it was merely provided that the Congress of the United States should have the power of substituting another agent for the purpose of executing the trust of the dedication. That is all. I do not think it takes much of a lawyer to see that.

I am opposed to recalling this dedication if I can get along in any other way with it, and I would be opposed to it in this bill but for the fact that communication between San Diego and El Paso del Norte has been established, and that to allow these lands to remain subject to that dedication would be a useless thing so far as the general public is concerned; and I do not want this railroad company, which has not got an honest and a fair standing before the country, to come in under the pretext of enjoying this dedication and preserve it for their private advantage instead of for the public good. That is my ground about it.

I believe that they had no right to transfer the grant without the consent of Congress. When a railroad company is selected by Congress for the purpose of receiving a grant of lands and the grant is made to the railroad company, not to the States; for, mark the difference now, when a particular railroad company comes in and receives from Congress a grant of land it must be assumed, for it is true, that Congress would not make that grant to a set of irresponsible or a set of rascally men, men of bad reputation. The dedication being for the general public use, Congress in selecting the trustees to execute this grand trust would never think of accepting a corporation until after it had canvassed the character of the men upon whom and upon whose faith and responsibility, and respectability also, it was willing to confer the execution of the trust. So it selected this Texas and Pacific Railroad Company, named the individuals who were the corporators in the act, or else required them to be named by the States and Territories through which the road was to pass.

What did Congress do there? Select a body of American citizens to execute a great trust for the building of a great highway through the

land for the benefit of a great section of the country. Can that trust thus conferred upon a particular set of men by act of Congress be transferred by them without the assent of Congress to another corporation? If that may be done, they could transfer it to men none of whom were naturalized citizens of the United States; they could transfer it to men who would prefer to lock up the road, for instance, for the purpose of driving all the burden of commerce away from our own shores across the Canadian Pacific. If you can transfer it to any corporation at all in a body you can transfer it to that corporation which controls the Canadian Pacific Railway, or you can transfer it to that corporation which controls the railway across the Isthmus of Panama. Hence I say that in the very nature of the trust, of the duties to be performed by these men, and of the grand public objects to be encompassed by this legislation, it inheres in the very quality of the act itself that this grant can not be transferred to another corporation bodily without the consent of Congress. That is a necessary condition precedent to the transfer.

That is my argument about it. That is the ground I am content to stand on about it. But I must mistrust my judgment, for I can cite no precedent, I can only argue from analogy and from my conception of the objects and purposes of this enactment against the power and right of transferring this grant bodily, as the Southern Pacific Railroad Company claims the Texas Pacific Railroad Company had the right to do; and I acknowledge that I am confronted by difficulties in the argument; I am confronted by the opinions of men whose opinions stand far above mine in the estimation of the people of this country and of this body also.

In that case can there be any reason why we should not have this question adjudicated? Shall we undertake to cut it off when we can not cut it off, to suppress it when we can not suppress it? And shall we merely postpone it because that will give a fairer field to some political upstart or adventurer who may wish to go out in the country and attitudinize as the destroyer of railroads, the David that slew Goliath with a single sling? It would be a pity to deny to any gentleman the opportunity to figure in this extraordinary attitude; at the same time I think in justice to the people of the United States we had better do with this thing what is wise and proper and allow such gentlemen to take care of themselves.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment proposed by the Senator from Alabama.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Before the question is taken upon this amendment I wish to submit briefly my views upon the bill itself and upon the amendment.

On a great question of this kind it would be difficult for the humblest member of the Senate to address the body if it was present, and under the circumstances I feel very little inclination to undertake to present such views as I have, for the reason that it is of slight consequence to talk to an absent body; and yet I do not feel that a question of this importance ought to be decided, ought to be voted upon, without giving it considerable consideration. It may be that those who are not present during the debate are already thoroughly grounded in all the important considerations which appertain to the decision that is about to be made.

The bill before the Senate proposes to forfeit about 20,000,000 acres of land granted in the year 1871 to the Texas and Pacific Railway for the purpose of assisting in the construction of a transcontinental route to connect Marshall, Tex., a town in the eastern portion of that State, with the Pacific coast, the general course of the railroad to be constructed along the line of the thirty-second parallel of latitude. The line never was constructed by the railroad company that was endowed with this grant. The portion of the line to be located in the State of Texas was constructed by that company or by those who succeeded to its ownership. The portion of the railroad, which I think to be about seven hundred miles in length, situated in the State of Texas, was endowed with a large land grant from that State, a grant, if I am not incorrectly informed, the same in quantity per mile as that which was received from the United States along that portion of the line which was to be constructed within the Territories of the United States, the Territories of New Mexico and Arizona.

The land grant in Texas coming from the State of Texas was, as we are informed, a very valuable grant. Most of the lands, as is true, I imagine, of substantially all the lands in that great State, were very valuable, valuable for agricultural purposes, and I do not know but some portion of them on account of timber, and it may be on account of other resources located upon or within the soil. But even that portion constructed in the State of Texas was not constructed for many years; was not constructed as under the terms and conditions of the original charter it was supposed the road would be constructed. Arrangements had been made by Colonel Scott and his associates for raising the necessary funds for the building of this road, mainly in London, when the panic of 1873 occurred just before the consummation of his arrangements, and the whole matter fell through.

I ought, before proceeding, to state another thing. At or about the same time that this railway obtained authority to construct its line along the thirty-second parallel through Texas and the Territories and the State of California to the Pacific coast, a charter-right from the State of California, which was recognized in this grant to the Texas and Pacific Railroad, was given to what was created as the Southern Pacific Railroad to construct a line from San Francisco to the southwest corner of the Territory of Arizona, intersecting with this proposed line, the Texas and Pacific, at Fort Yuma, in the Territory of Arizona, close to the southeasterly corner of the State of California. The conditions and limitations to regulate the construction of these two roads were substantially the same. They were to be undertaken and to be built with equal steps, so that it was contemplated that when the Southern Pacific Railroad should have reached this point of intersection, Fort Yuma, on the Colorado River, the Texas Pacific would be built westerly and would have arrived at the same point.

Thus a third system of transcontinental railway, connecting with San Diego on the Pacific and by way of the Southern Pacific with San Francisco, a line to be seven hundred miles long of itself, would go, as it was contemplated, into operation substantially together. The Southern Pacific branch, the seven hundred miles, was an exceedingly difficult and expensive road to build. It was endowed by a land grant as well as the Texas Pacific. It was built year by year, in accordance with the terms of its grant, and finally, about the year 1875 or 1876, it arrived at the proposed point of junction, Fort Yuma, having built its entire distance in accordance with the requirements of the laws under which it was chartered in the State of California, and in accordance with the conditions imposed by the General Government in the recognition which it gave to this road in the Texas Pacific grant, and I think also in the Atlantic and Pacific grant. It was constructed at a cost of nearly $35,000,000. That is my recollection in regard to the cost of that road, as I knew it at the time. I may be inaccurate, but not substantially so. When it arrived at the period which I have designated at Fort Yuma, the Texas Pacific had failed utterly in its part of the proposed arrangement. It was still 1,200 miles away at a point called Fort Worth, a little west of the point of commencement, which was Marshall, in Texas, and all this long intervening extent of road was entirely untouched.

Mr. McPHERSON. How much?

Mr. BLAIR. About 1,200 miles. So that the Southern Pacific road having built in accordance with the laws of the State of California and the laws of Congress, discharging its obligations in every particular, arrived with its investment of $35,000,000 at Fort Yuma, and of course an investment of $35,000,000 through that waste country was utterly lost, unless in some way it could find eastern connection.

Mr. McPHERSON. Will the Senator allow me right there to ask for an explanation? He speaks of a land grant having been promised or given by the State of Texas to the Texas and Pacific Railroad for that portion of the line running through the State of Texas. Fort Worth, if I understand the geography, is in Texas some distance from the line of New Mexico. Can the Senator tell me whether the State of Texas ever gave the Texas Pacific Railroad Company any lands? Did they earn them and were they surrendered over to the Texas Pacific Railroad Company?

Mr. BLAIR. I was about to approach those facts. I can not answer the question directly. I do not know whether there has ever been any actual transfer of the land grant of the State of Texas to the Texas and Pacific Railroad along the line of that portion of its road which has been constructed in that State. I have no doubt, however, that it has been done. The road was by subsequent arrangement constructed westerly to El Paso, which is on the Rio Grande, and is practically the point of intersection with the road built through the Territories, and I have no doubt that the grant has been made by Texas, as in justice and equity of course it ought to be.

Mr. VAN WYCK. Let me suggest, so that there may be no misunderstanding about the facts as to which the Senator is inquiring, that there was no grant by the United States to the Texas Pacific through the State of Texas.

Mr. BLAIR. Certainly not. The United States has no public lands in Texas.

Mr. McPHERSON. I understand that; but the State of Texas itself made a grant.

Mr. VAN WYCK. The State of Texas did make a grant and the company earned that land. The State of Texas gave it to the railroad company. The State of Texas did give the land. That is all the land the company ever earned.

Mr. MAXEY. I can state that the State of Texas grants a certain number of acres to every railroad which completes as much as one hundred miles of railroad in the State. There was a grant to the Texas Pacific Railroad by the State of Texas which owns her own lands. That company completed its road to a point eighty miles from El Paso and up to the point that it completed the road the State of Texas paid to the Texas Pacific road every acre of land promised.

Mr. McPHERSON. All they earned?

Mr. MAXEY. All they earned. They earned up to within eighty miles of El Paso and there the road stopped, and up to that point the State paid every acre promised.

Mr. BLAIR. May I ask the Senator to state to the Senate the precise geographical location?

Mr. MAXEY. The road for eighty miles between El Paso east to the Texas Pacific was built by the California Southern. That part of the road does not belong to the Texas Pacific.

Mr. BLAIR. Will the Senator be so kind as to state the geographical location of El Paso?

Mr. MAXEY. El Paso is on the Rio Grande at the extreme western boundary of the State of Texas. It is the last town on the east bank of the Rio Grande. Across the Rio Grande is Mexico.

Mr. BLAIR. One question more, because I did not find that definitely stated in such papers as I have seen. There is a distance of about ninety miles where there is a road which is used in common, a connecting link.

Mr. MAXEY. I can explain that in a moment.

Mr. BLAIR. What is the name of that other place?

Mr. MAXEY. The California Southern runs through from San Francisco to El Paso and then eighty miles east, and there it joins the Texas Pacific road. At that point the California Southern turns southeast and runs to San Antonia, Tex., whereas the Texas Pacific runs east from that point to Fort Worth and Marshall, Tex.

Mr. BLAIR. What is the name of that other point of junction?

Mr. MAXEY. I can not recall it to mind.

Mr. VAN WYCK. Sierra Blanca.

Mr. MAXEY. Sierra Blanca; that is it.

Mr. BLAIR. And that is still in the State of Texas?

Mr. MAXEY. Yes, sir. El Paso is the extreme western point in the State on the Rio Grande. Sierra Blanca, where the roads fork—the Texas Pacific running to Fort Worth and then to Marshall—is eighty miles east of El Paso, and therefore is in the State of Texas.

Mr. BLAIR. Mr. President——

Mr. McPHERSON. Will the Senator from New Hampshire yield to me a moment, because I think we all want to understand this question; but I do not wish to interfere with his argument——

Mr. BLAIR. It does not trouble me.

Mr. MAXEY. I beg the Senator's pardon for interrupting him.

Mr. BLAIR. I was very glad of the interruption, because I obtained information which I could not find in the papers.

Mr. McPHERSON. I understand the State of Texas agreed to give the Texas Pacific road, for each and every mile of its railway in the State of Texas, a certain land grant; that as to a part of the line in the State of Texas, the Texas Pacific Company forfeited it because it did not build the road within the time specified, but the Southern Pacific did build a portion of the line within the territory of the State of Texas. Now, will the Senator answer me another question? Did the State of Texas confer upon the Southern Pacific Railroad for that portion of road it built within the State of Texas the same land grant it intended to confer on the Texas Pacific?

Mr. MAXEY. I will answer that in this way: Under the general railroad law of the State every company which would build and equip twenty-five miles of railroad was entitled to a land grant of 10,240 acres per mile; then for every additional section of five miles the same allowance. The Texas Pacific, as I stated, was paid in land to the point to which it built the road, Sierra Blanca. The eighty miles west of that, between Sierra Blanca and El Paso, were built by the California Southern, and I take it, without being able to state on absolute knowledge, that the California Southern got that land under the general railroad law of the State.

Mr. McPHERSON. So that in fact they have received it.

Mr. MAXEY. I suppose so. I do not know that the State owes an acre of land to any railroad company in the world.

Mr. BLAIR. It comes then to this, that on the entire line from Marshall to San Diego and from Fort Yuma by the San Francisco branch to San Francisco, the portion actually constructed by the Texas and Pacific road has received land grants, and received land grants to the same extent that the Southern Pacific claims itself to be entitled to through the Territories.

Mr. McPHERSON. Under the general railroad law of Texas, and not by reason of any right it may have had as the successors of the Texas Pacific.

Mr. BLAIR. I am only speaking of what the Texas Pacific had a right to. I am not alluding to any land grant which comes to the Southern Pacific in the State of Texas, for it appears now that the Southern Pacific, having constructed about eighty or ninety miles of the line within the State of Texas, did receive a land grant precisely the same as the Texas Pacific itself was entitled to, as the Senator thinks, under the general law of that State.

Mr. MAXEY. I will state to the Senator, so that he may understand it, for I do not think he quite gets my idea, that the California Southern not only built those eighty miles of road, but built several hundred other miles of road around to San Antonio.

Mr. BLAIR. So I understand, by the coast.

Mr. MAXEY. But the junction of the Texas Pacific and the California Southern is eighty miles east of El Paso at a place called Sierra Blanca.

Mr. BLAIR. Precisely.

Mr. MAXEY. Without being able to state of my own personal knowledge that the California Southern got its land for building that railroad, I have no doubt on earth of the fact, for I never heard of a company that did not draw its land from the State under the general railroad law.

Mr. BLAIR. It results from all this that the Texas and Pacific corporation, for all the railroad that is actually constructed, has received land grants and land grants per mile commensurate with the amount that the Southern Pacific, which constructed a portion of this same line through the Territories of New Mexico and Arizona, claims that it is entitled to under the law.

Mr. McPHERSON. The Senator stated that the Southern Pacific Railroad Company had also received a land grant. From whom was it? From the Government, or from the State of California?

Mr. BLAIR. I stated in regard to that that the Southern Pacific Railroad as originally created and authorized to construct the line connecting San Francisco and Fort Yuma received a land grant. That line, which is now described as located entirely within the State of California, received a land grant of course within the limits of the State of California. It built its road, as I stated earlier, strictly in accordance with the law year by year, the only land-grant railroad that I know anything of that ever did do it, and it received the patents for its land grant in accordance with the discharge of its duty under the law. When it arrived about the year 1877 at Fort Yuma, the Texas Pacific was still lingering 1,200 miles away in Eastern Texas. The Southern Pacific was there with its $35,000,000 invested connecting with nothing and with nobody, running out into the wilderness, with an absolutely useless waste piece of property, and it must, of course, remain so, this amount of money sunk irretrievably, unless an eastern connection could be obtained.

I state these facts more particularly because I was at the time of the great controversy, that is so often alluded to, a member of the House of Representatives and a member of the Railroad Committee during both those Congresses, and witnessed the struggle between Scott and Huntington and their respective corporations. The failure of Colonel Scott to negotiate his bonds abroad left him without any resources whatever for the construction of the Texas and Pacific road, and he came to the Forty-third Congress, which was before I was a member at all, and proclaimed his utter inability to construct the road without further assistance from Congress. In the Forty-fourth Congress he certainly came and insisted that without a money subsidy or a guarantee of the payment of a large amount of bonds, to be issued upon the road as a security, it was utterly impossible for him to complete the road.

There was a time when public attention was considerably excited over the enormous expanse of the land grants which had been made to various railroad corporations. There had been public scandals connected with the construction of some highways, and there was no inclination then in the public mind, there was no predisposition, to say the least, in the public mind when, as I recollect, the application was here in Congress to favor this pecuniary subsidy. It was perfectly apparent to any man of discretion and sound judgment that the application for a guarantee of $40,000 per mile, which was what Colonel Scott requested in one of his bills, and in another $60,000, and later in the controversy it was reduced to a smaller amount. I say there was no likelihood in the judgment of any impartial-minded person that the subsidy could be obtained.

The Southern Pacific was located as I have stated and situated as I have stated. It appeared in Congress asking to be allowed to build easterly, insisted that it was ruin of its capital not to receive that permission. It asked no help from Congress save as usual it requested the benefit of the land grant which had been made to the Texas Pacific. Sometimes it insisted, in its anxiety for permission to build easterly and form an easterly connection, that it would build it without any subsidy even in land. All that it asked, what it pressed upon the committees most emphatically, as I remember, was the privilege of building easterly to save its capital from ruin. It was able to do it, it said, and would do it, and in justice it ought to receive the land grant; but if it could not receive the land grant it would build any way, such was the stress for the saving of its capital already invested and the establishment of its easterly connection. So the controversy proceeded.

The application on the part of the Texas and Pacific for a pecuniary subsidy, which in its largest amount was more than twice what men were building railroads for among the hills of New Hampshire at that time, naturally to any sensible man amounted to a mere application for delay, and the Southern Pacific was not in a condition to endure delay, and therefore there was a direct and very violent collision between these two great captains of industry, as the chairman of our committee, the honorable Senator LAMAR, frequently expressed it during this controversy; and finally these two men and their corporations came to an agreement that the Texas and Pacific would build westerly as far as El Paso, the Southern Pacific would build easterly as far as El Paso, and there they would form a junction, and they would thus construct the line together, divide the land grant together, and fulfill the obligations which had been contracted on the part of the Texas and Pacific to the United States, and prorate. That bill they tried to force through Congress, but they disagreed between themselves in some way, and it fell through.

The result of it all was that, under the management of Colonel Scott, with the Southern Pacific no arrangement was made, and during those two Congresses nothing was done. But meanwhile the Southern Pacific obtained under a general law the creation of two other corporations in the Territories of Arizona and New Mexico, authorized by the Legislatures of those Territories, under and through which, they furnishing the capital, as I suppose, though I do not know in regard to that, the road was built easterly under the forms of law. Thus it came to pass that they constructed their line as far as El Paso. Meanwhile Colonel Scott had died, and the management of the Texas and Pacific fell into other hands. Mr. Gould and his friends got hold of it, I believe, and they having capital, and better times approaching, they built westerly to El Paso. There the two roads formed a junction, and now are jointly operated as one continuous line.

After these failures to obtain subsidy from Congress had come to pass and it was entirely apparent that no further aid could be obtained from Congress, these corporations got together and came to an understanding that if the Southern Pacific, through these two Territorial corporations, built easterly it should receive all the benefits and privileges, including the land grant through the Territories, that the Texas and Pacific road would have been entitled to when it constructed its line according to its charter. They came to that tacit agreement between themselves, and with that tacit agreement or understanding the construction proceeded through the State of Texas westerly by the Texas Pacific under the management of Mr. Gould and his friends, and proceeded easterly from Fort Yuma by the Southern Pacific under cover of two Territorial corporations as far as El Paso, the point of junction. This tacit understanding was reduced to writing in the year 1881, and was finally and definitely and conclusively passed into the form of a legal agreement between these parties in the month of January, 1882, on the 18th day of that month.

Previous to this time there had been an injunction obtained in one of the Territorial courts on the part of the Texas and Pacific against the Southern Pacific building through the Territories. That had lain along. This understanding had arisen meanwhile, and finally, when a conclusive legal agreement was made between these corporations, as a part of the same, there was a judgment entered in court which carried that agreement by the judgment of the court into effect so far as the judgment of the court could carry it into effect. The time limited for the construction of the Texas Pacific road through to the Pacific Ocean was the 3d day of May, 1882; and thus it came to pass that by the joint effort of these two corporations, the Texas Pacific building westerly as I have stated seven hundred miles to El Paso and the Southern Pacific building in the way they did easterly, the entire line was completed in accordance with the general provisions and purposes of the law and the purposes of Congress from Eastern Texas to the Pacific Ocean—a line connecting San Diego on the original survey.

Subsequently there was an effort made to get across by a shorter line directly from Fort Yuma through to San Diego, but Colonel Scott himself I remember stated that that was an impracticable thing to do and they would be obliged to build over the line of the Southern Pacific northerly toward San Francisco, and then diverging southwesterly complete their line to San Diego. That was a point of controversy, the Southern Pacific resisting their right to go over their line and duplicate the road from Fort Yuma northwesterly one hundred and sixty miles as I think the distance was. But, however, during the period of time within which the road might be completed, it was completed from Eastern Texas through that State and through the Territories into the State of California and so down to San Diego.

Mr. MORGAN. I suppose the Senator is aware that that road from Colton was not built by either the Texas Pacific or the Southern Pacific. It was built by a separate company.

Mr. BLAIR. But leased and operated and controlled by the Southern Pacific.

Mr. MORGAN. It is now the property of the Atlantic and Pacific road under a purchase from a Boston company.

Mr. BLAIR. I do not know how that may be. Very likely that is so. The road is completed and it is in running order, and by running arrangements the cars are making their way to the Pacific Ocean, and that within the period limited by law, over the entire line from Marshall, Tex., to San Diego and to San Francisco.

It is true that the Southern Pacific came to Congress and offered, if it might receive the sanction and approval of Congress, if it might be chartered through the Territories, if the right of the Texas Pacific to build westerly beyond the line of Texas should be taken from it and conferred on the Southern Pacific, to build that line, sometimes without land grant at all, frequently pressed its claims to be permitted to build through the Territories and to receive the land grant, but as a matter of fact nothing whatever was done by Congress and no arrangement was made; and all this that I now speak of, the construction of the road under color of the creation of Territorial corporations and by tacit agreement between the two greater corporations, the Southern Pacific and Texas Pacific, was done without any action whatever on the part of Congress.

The Southern Pacific actually built the road from El Paso westerly precisely the same and complied with the laws just as much as did the Texas Pacific westerly through the State of Texas to El Paso, for which it received by the action of the State of Texas its land grant; and now the Southern Pacific comes to the executive department of the Government and claims that by virtue of the assignment made by the Texas and Pacific of its land grant along that portion of the line actually constructed by the Southern Pacific, it is entitled as the assignee of the Texas Pacific to the land grant. I am not here to say whether that is a just claim or an unjust claim; but I am here to say, because I believe it is justice to say it, that I do not join in the general denunciation of the action, the purposes, and the things really done by the Southern Pacific corporation with reference to the construction of this road.

It found itself, after having complied with the law strictly, with $35,000,000 invested in a way that was likely to be utterly destroyed. It sought of the Government of its country the privilege of building across its Territories easterly in order to accomplish the great public good for the performance of which the Texas and Pacific had been chartered and which it had failed to perform, and admitted its inability to perform. It asked the privilege of building on precisely the same conditions easterly that the Texas and Pacific had been authorized to build westerly and had failed, and admitted that it was impossible to do otherwise than fail without a subsidy which was sufficient to more than twice build every line of the road along which it asked for the subsidy, for roads were then being built in my State at that lower rate. I sent and got the certificates of the men who were constructing a road for less than $25,000 a mile, some $22,500 a mile, in our hard country. Here was a company asking for a subsidy from Congress in addition to its land grant, before it would undertake the construction of the road, of $40,000 a mile in one bill and as I recollect $60,000 in another bill, insisting that it could not construct the road across the Territories without it.

Under these circumstances the Southern Pacific did just what any business man would have done, just what it was its duty to do. It pressed for the opportunity to construct itself the road to form its easterly connections; and finally, no action being taken by Congress, it proceeded to this thing which was indispensable to the prolongation of its rights, to build its road, and built it under color of the law by means of the Territorial corporations to which I have alluded. Within the time limited in the original Texas Pacific grant, by these arrangements and understandings between these two corporations, the highway came to be constructed from Marshall, Tex., to San Diego and San Francisco; and the understanding as to the assignment of the land grant was arrived at years before the completion of the road, and it was formally carried into execution and the articles of agreement delivered and sanctioned by the decree of a court within the time limited for the construction of these roads.

I am aware that there is public clamor, and that we are reminded of various things which may not have been right, and are pointed to things which were not right, yet which are utterly irrelevant to the question now before the Senate of the United States, and which never could be urged and ought not to be urged before a jury sitting to try the great rights of property that exist between these parties; but although we are constantly reminded of these things which are entirely aside from the merits of this case, there is great color of justice, to say the least, in the claim of the Southern Pacific Railroad that it is entitled to hold this land grant. The report of the minority of this committee, drawn by my friend who has just addressed the Senate, and signed by myself with two other members, without its being read by myself, taken on the statement of my friend that it was practically a report in favor of his court amendment, contains at the commencement of it a statement of certain facts with reference to the Southern Pacific Railroad Company from which I take this opportunity absolutely and emphatically to dissent.

I do not believe that there is any lack of equity in the claim of the Southern Pacific Railroad to this land grant. Whether it has a right to it in law I do not know, and I am not in favor of giving this land grant in the present condition of our public lands to that corporation unless it can hold it in law; but if that corporation has the right to the land in law, I believe that its claims are re-enforced by the real equity of the case.

Mr. President, I am not here to argue the legal question. This debate has come on quite unexpectedly to me. I thought it would be later in the session. I proposed to look over the authorities somewhat, and I can now only speak from my general recollection of the law, but I understand that this grant having been made to the Texas Pacific, and its successors, and assigns, and being a grant *in præsenti*, did give to the Texas and Pacific Railroad Company a right to assign the lands along such portion of the line as any other party might construct the road in such way that that party might hold those lands, provided that that party complied substantially with the conditions-subsequent contained in the grant. That these parties have complied substantially with the conditions-subsequent may be a question of fact. I do not know enough about the particulars of the case to say how that is. I do say, however, that it is one of those important questions of fact that should be judicially investigated. I say that it is one of those important questions of fact which the Senate should ascertain by a careful trial, by

summoning and examining witnesses, finding that fact with as much formality as would a court in any case, if the Senate is to act as a forfeiting body and by a legislative forfeiture undertake to settle this entire transaction.

This is patent upon a general view of the subject that in all great essential particulars the Southern Pacific has constructed this road in accordance with the provisions of the law as it was contained in the charter of the Texas and Pacific, that in all essential particulars there has been a compliance with the grant. I know it is said that the Southern Pacific and Texas Pacific do not now constitute what the original act proposed or contemplated, a great competing line with any other through line of railroad that has been constructed. That is a question of fact which is by no means clear. What other through great competing line is there? All the evidence before the committee was to the effect that if any other corporation owned the Southern Pacific Railroad Company it was the Central Pacific, that the capital came by and through and from the Central Pacific and that portion of the Southern Pacific which is within the State of California.

Is the Central Pacific any great through competing line; for it is a through competing line that is spoken of in the act, and consolidation with which is prohibited, and not any line which is partly across the continent and not a through competing line? There was then no other competing line in existence unless it was the Central and the Union Pacific, which were well known then and are now known to be in hostility with each other, although having running arrangements yet still two hostile corporations. The Southern Pacific is really owned by the Central Pacific if it is owned by any other corporation than itself, and to-day the interests of the Central Pacific are more located along the line of the Southern Pacific, if it is all one corporation, than in that portion of its line which connects San Francisco with the Union Pacific.

It has now its connections from San Francisco southeasterly to Fort Yuma seven hundred miles, then through the Territories five hundred and fifty miles, and from there to New Orleans, and then on by through connection to the Chesapeake and Ohio, and more southerly still along the Gulf coast, I think, debouching very near the port of Brunswick. So the real interests of the Southern Pacific or the Central Pacific, which owns the whole, now are located in and along this line of road, and there is no consolidation with any competing through line even upon that state of facts; but what the real state of affairs may be I do not know; it never has been investigated. The fact has never been found for or against the Southern Pacific; but it is a fact that ought to be investigated and ought to be found, for it is of the very gist and essence of the whole controversy, before we undertake to take this land away and put it into the public lands and open it for sale and settlement under the ordinary laws regulating the settlement and sale of the public lands, leading thus the way to indefinite confusion, lawsuits, and litigation in the future.

As I said, Mr. President, I am not sufficiently acquainted with all the details of these matters of fact which are essential to be known and to be determined before there is the final and fatal action with reference to this land grant which is contemplated by the bill. I understand this to be the law, that the assignee of the grantee of an estate upon condition subsequent has only to substantially comply with the conditions in order to be entitled to the benefit of the estate. In fact, the original grantee himself has only to comply substantially. Estates made dependent on conditions subsequent are not favored in law. The estate itself is transmitted at the time of the original grant. New interests are likely to arise; improvements may be made in the estate; the man receiving it hopes and expects to comply with the condition subsequent, and he may make his homestead, he may improve it largely, he may invest large masses of money, so that the courts will not hold him to any but a substantial, not a literal, compliance with the condition subsequent. The manifest justice of this rule of law is apparent to everybody. It has been the rule of law from the beginning; for a thousand years it has been the rule of the law in reference to conditions subsequent, and in these latter days the rule has been even still further relaxed until now a condition subsequent can hardly be maintained by any court in Christendom.

This is true with reference to the construction of this railroad. It was not likely to be built at all but for the action of the Southern Pacific road. It was by the action of the Southern Pacific road constructed within the time limited by law. The Indian question which was costing us millions annually in those two Territories was thus settled, and the expenses of the War Department alone during the existence of this railroad have been reduced in a larger amount than the entire value of this land grant.

Here were these 15,000,000 acres—I believe they put it at 15,000,000 instead of 20,000,000 acres—which were utterly worthless until this road was constructed. By the terms of the law, this road having been constructed, the United States is enabled to open to settlement those two great Territories, and along the line of the road it has now its public lands valued at two dollars and a half an acre, which, prior to that time, were not worth a cent an acre—utterly uninhabitable. The Indian question has been settled. The public lands that in the grant were reserved still belong to the United States, and have been made very valuable, if lands of that kind can be valuable at all. The corporation has done this. It has built the road. Now when it comes here with these formal assignments made within the time limited by law, made as I believe under the rules of the law in such a way as to carry the rights of property possessed by the Texas and Pacific to the Southern Pacific, I think it exceedingly foolhardy, to say the least, for Congress to proceed to a legislative forfeiture without asking any questions, without ascertaining any of the real facts that are in the case, and placing this land grant, after having received the benefits of the construction of the road, back in the domain of the public lands to be sold to settlers under the ordinary rules and regulations that appertain to the same. It is very unjust, it seems to me, not alone to the railroad that wants to litigate but it is very unjust to the settler who is to go to occupy these lands. That territory of course is to be occupied largely by homesteaders in the future. Though very much of it is sandy desert, still there are sections of it I am told which are valuable, and where people will locate, where towns and villages will spring up as soon as this matter is decided so that titles can be obtained without danger of litigation. It is a very important thing to do. Saying nothing further in regard to this railroad corporation, if we really want to do that thing which is beneficial to the people of the United States and to the settlers who will go on these lands, we ought certainly to adopt the amendment which is proposed by the Senator from Alabama opening a way to an immediate, practical, and conclusive settlement of this question as to the title.

While I am opposed to the forfeitures of the Atlantic and Pacific and the Northern Pacific Railroad grants because they are still constructing their highways, making efforts in good faith to complete them and have already very nearly completed them, and are only waiting to be let alone by Congress to raise the funds to actually complete them—while I am opposed to those forfeitures because I believe that the conditions are likely soon to be carried out and the country at large to receive the benefit of those great transcontinental lines completed and in full operation, yet here in regard to this particular case, the road being completed and nothing remaining but the proper judicial inquiries, I am in favor of the grant being forfeited, subject to the action of the courts. And if this amendment can be attached so that the question can be early and finally and conclusively decided, I shall be very glad to support the bill; but unless these parties, who I think have equities, and who, I am inclined to believe, have the law on their side, can have the opportunity to have their litigation settled in the same way that every other citizen of the United States and every other corporation in the United States is entitled to settle its litigation, I shall feel impelled to vote, without any regard to consequences, against this bill.

EXECUTIVE COMMUNICATIONS.

Mr. ALLISON. I ask leave at this time to present a conference report.

The PRESIDENT *pro tempore*. Will the Senator from Iowa suspend for a moment?

The Chair asks leave to lay before the Senate a letter from the Secretary of the Interior, transmitting further information relating to the leasing of lands on the Crow Indian reservation in Montana Territory. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1885.

SIR: Referring to my letter of the 17th instant, submitting certain papers relating to the leasing of lands on the Crow Indian reservation in Montana Territory, I have the honor to present herewith a copy of a letter from Agent Armstrong on the subject, dated February 10, 1885, also a report from the Commissioner of Indian Affairs, of January 27, 1885, submitting a proposition made by John T. Murphy to lease lands on said reservation.

I respectfully request that these papers be attached to and printed with the documents sent with my said report of the 17th instant.

Very respectfully,

H. M. TELLER, *Secretary*.

The PRESIDENT *pro tempore of the United States Senate*.

The PRESIDENT *pro tempore*. The letter will be referred to the Committee on Indian Affairs and ordered to be printed with the accompanying papers.

Mr. HARRISON. I notice the request of the Secretary that these papers be printed with another document which has been previously transmitted. If that document has not already been printed, I suggest that the order for printing be in the line of the request of the Secretary.

The PRESIDENT *pro tempore*. If it has not been printed, this will be printed with it as a matter of course. If it has, it would derange matters and make a good deal of additional expense to print this with that.

Mr. INGALLS. The other report came in this morning.

The PRESIDENT *pro tempore*. Then the papers will be printed together as a matter of course.

Mr. HARRISON. Very well.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the Secretary of the Treasury, informing the Senate of the settlement *pro tanto* of certain claims of the State of Massachusetts for war expenses, and recommending an appropriation. The letter will read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *February* 19, 1885.

SIR: At the request of Hons. H. L. DAWES and G. F. HOAR, United States Senate, I have the honor to transmit herewith for the consideration of Congress the report of the allowance by the accounting officers of the Treasury of the tenth installment of the war claim of the State of Massachusetts in the sum of $30,770.39, which has been placed to the credit of the State to await an appropriation for its payment.

Very respectfully,

H. MCCULLOCH, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

The letter was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7585) for the relief of M. Gardner.

The message also announced that the House had passed the bill (S. 1031) for the relief of W. C. Marsh.

The message further announced that the House had passed the concurrent resolution of the Senate to print additional copies of the report of the Senate Committee on Education and Labor on the relations between labor and capital, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y., in which it requested the concurrence of the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I ask now to present to the Senate the report of the committee of conference on the consular and diplomatic bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 20, 22, 23, 24, 43, 48, 51, 52, 62, 63, and 64.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 49, 50, 53, 54, 55, 56, 57, 58, 60, 61, and 65, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For salary of envoy extraordinary and minister plenipotentiary to Turkey, $10,000.

"For salary of envoy extraordinary and minister plenipotentiary to the United States of Colombia, $7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$319,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,880;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

Mr. ALLISON. I ask the Secretary to read about amendment No. 44 again.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

The PRESIDENT *pro tempore.* That, the Chair thinks, simply amounts to the Senate receding from its amendment.

Mr. ALLISON. That was why I asked the Secretary to read the clause again. I think it does not amount to that, if the Chair will allow me. The House recedes from its disagreement to the Senate amendment, with an amendment which restores the word struck out. If there is any doubt about that——

The PRESIDENT *pro tempore.* The Chair thinks it will bear that construction. If the conference report is agreed to in both Houses the bill will undoubtedly be enrolled in that way.

Mr. ALLISON. The House recedes from its disagreement to the amendment of the Senate and agrees to the amendment retaining in the bill the word "Shanghai."

The Chief Clerk continued and concluded the reading of the report, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*And provided further*, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $25,000; and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

JAS. N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.

The PRESIDENT *pro tempore.* The question is, Will the Senate agree to the report of the committee of conference?

Mr. PLUMB. I should like to ask the Senator from Iowa who has the bill in charge what became of the amendment inserted by the Senate giving to the President a discretionary fund to be used for the advancement of the commerce of the United States.

Mr. ALLISON. That provision is retained in the bill, I will say to the Senator from Kansas, but the amount is reduced from $50,000 to $25,000.

Mr. PLUMB. I should like to ask what became of the amendment inserted by the Senate changing the classification of the consul at Jerusalem.

Mr. ALLISON. The Senate provision is retained, leaving that consul at $2,000.

The PRESIDENT *pro tempore.* Will the Senate agree to the report of the conference?

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 17th instant, approved and signed the following acts:

An act (S. 594) for the relief of the estate of Chester Ashley;

An act (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy;

An act (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor;

An act (S. 2034) to remove the political disabilities of Alfred Iverson; and

An act (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia.

The message also announced that the bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel United States Army, having been presented to the President February 5, 1885, and not having been returned by him to the House of Congress in which it originated within the ten days required by the Constitution, had become a law without his approval.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MAHONE. I ask leave to make a report at this time.

The PRESIDING OFFICER (Mr. FRYE in the chair). Is there objection? The Chair hears none.

Mr. MAHONE, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILSON. I ask leave to submit a report from the Committee on Post-Offices and Post-Roads for the purpose of reference.

Unanimous consent was granted.

Mr. WILSON. I report back from the Committee on Post-Offices and Post-Roads a letter from the Postmaster-General transmitting a report on the subject of the adjustment of postmasters' salaries and the additional temporary clerical force asked therefor; and also an amendment relating to the subject of the letter. I ask that the amendment be printed and that it be referred, with the accompanying communication, to the Committee on Appropriations.

Mr. SHERMAN. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 26 of the Post-Office appropriation bill it is proposed to insert:

To pay accounts in cases of salaries of postmasters and late postmasters, which have been readjusted and allowed under the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters, in accordance with the provision of section 8 of the act of June 12, 1866, $133,267.43.

To pay accounts that may be found under said act between the 14th day of February, 1885, and the 30th of June, 1885, to be due, $255,436; and to pay accounts that may be found, during the fiscal year ending June 30, 1886, to be due, $328,000. And the Postmaster-General is hereby directed to immediately employ ten temporary clerks, at a rate of compensation not to exceed $1,200 per annum, for the work of adjusting salaries of postmasters under said act until such adjustments shall be completed; and a sufficient sum therefor is hereby appropriated.

The PRESIDING OFFICER. The amendment will be printed, and, with the accompanying letter, referred to the Committee on Appropriations.

TEXAS PACIFIC LAND-GRANT FORFEITURE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. LAPHAM. I have no desire to occupy any great length of time in the discussion of the questions which arise upon this bill. I find that the original act of Congress passed on the 3d day of March, 1871, after creating the Texas Pacific Railroad Company and naming the corporators, in the ninth section provides—

That for the purpose of aiding in the construction of the railroad and telegraph line herein provided for, there is hereby granted to the said Texas Pacific Railroad Company, its successors and assigns, every alternate section of public lands, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as such line may be adopted by said company, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad in California, where the same shall not have been sold, reserved, or otherwise disposed of by the United States.

Here is, therefore, an express grant by act of Congress to the Texas Pacific Railroad Company, its successors and assigns. There is in this act no clause of forfeiture, no reserved power whatever. It is not like the case of the Northern Pacific Railroad, or the Oregon Railroad, or the Atlantic and Pacific Railroad, where that power was expressly reserved, but it is an unconditional grant. This was passed on the 3d of March, 1871, and the corporation named in the act was the Texas Pacific Railroad Company. On the 2d of May, 1872, a little over a year after, Congress passed another act, in which they changed the name of the road from the Texas Pacific Railroad Company to the Texas and Pacific Railway Company, and vested in the company by its new name all the rights, privileges, and franchises theretofore conferred on the Texas Pacific Railroad Company.

It is plain as any proposition can be that these two grants contemplated the building of a railway from Marshall, in the State of Texas, to San Diego, in the State of California, for governmental purposes. Taking these two acts together, the object of the incorporation was to secure, I repeat, for governmental purposes, because special privileges are given to the Government, the construction of a Southern transcontinental railway, by whatever name you choose to call it. There is now such a road. It is called the Southern Pacific Railroad. The Southern Pacific Railroad Company built a portion of the line. The Southern Pacific Railroad Company, by an arrangement with the Texas and Pacific Railway Company, claims to have become the purchaser or assignee of that company of the lands in question. In the act changing the name from the Texas Pacific to the Texas and Pacific, Congress inserted in the fifth section this clause:

That the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act, and construct not less than ten miles before the expiration of the second year, and, after the second year, not less that twenty-five miles per annum in continuous line thereafter between San Diego and the Colorado River, until the junction is formed with the line from the east at the latter point or east thereof.

That is the line from Marshall, in Texas. Now Congress provides:

And upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

That is the power that Congress reserved and the only power in all this legislation. This railway company has performed that act, and the Government is to have the benefit of that road and can not be deprived of it. The line is continuous between these two termini, and the Southern Pacific Railroad Company claims that by purchase from the Texas Pacific it has become the assignee or successor to this title.

These lands to a greater or less extent have been mortgaged, and bondholders or lienholders have claims upon them. The case, so far as the equities of others than the original grantees are concerned——

Mr. VAN WYCK. Will the Senator right there allow me to correct him? The lands that are now sought to be forfeited were never mortgaged by any railroad company.

Mr. LAPHAM. There is the difference between the Senator and me.

Mr. VAN WYCK. Between the Senator and the facts.

Mr. LAPHAM. The honorable Senator from Alabama stated this morning that as he understood it they were under mortgage.

Mr. MORGAN. It is contended by the Southern Pacific Railroad Company, or its counsel, that the mortgages which they have given on their road to their bondholders included these lands.

Mr. LAPHAM. I so understand; that position is taken and the holders of the bonds which have been issued claim that they have a lien upon these lands.

Mr. VAN WYCK. May I state that while the committees of both Houses were open to everybody pretending to claim under a railroad company when a forfeiture was endeavored to be enforced, no attorney, no bondholder came before the committee of either House with a pretense that there was any sort of mortgage upon these lands now in controversy.

Mr. LAPHAM. For the obvious reason that the House committee or the Senate committee could not try any such questions if they had come before them.

Mr. VAN WYCK. I do not understand the Senator.

Mr. LAPHAM. I say for a very good reason, that neither the House committee nor the Senate committee could try or determine any such questions if they had come before them.

Mr. VAN WYCK. I state that the fact does not exist that there is any mortgage on these lands in controversy.

Mr. LAPHAM. So I understand the Senator to say; but other Senators, members of the same committee, claim the opposite. I know that Mr. Evarts, who is within a few days to take the seat which I have so poorly filled, with honor I trust to himself and to the Senate, claims that in his argument.

Mr. VAN WYCK. The Senator will allow me a word?

Mr. LAPHAM. Certainly.

Mr. VAN WYCK. This is the second time that allusion has been made to the prospective Senator from New York. I would ask my friend from New York if Mr. Evarts made that statement or expressed that opinion in an official capacity, or did he do it as the attorney and counselor of this company?

Mr. LAPHAM. He did act undoubtedly as attorney and counselor, but he is an honorable attorney and counselor, and is the last man in the world who would take a position that he knew was untenable. He is the last man in the world to say that these lands were covered by a mortgage when he knew they were not.

Mr. VAN WYCK. The Senator will allow me to say again that the brief of William M. Evarts, submitted to the committee and printed, made no such pretense and no such allegation.

Mr. LAPHAM. I can not say as to that. I was not a member of the committee, and did not hear his argument. I am only stating what I am informed about it.

Mr. VAN WYCK. His argument was printed.

Mr. LAPHAM. Here is, therefore, the Southern Pacific Railroad Company claiming title to these lands; here are, therefore, a large list of bondholders who are claiming that they have liens upon these lands; and the proposition is now made under a law containing no clause of forfeiture whatever, but providing that in case the company failed the Government should have the right to complete this road, to forfeit these lands and make them a part of the public domain.

Suppose this bill passes without any condition and these lands are opened to public settlement and a thousand individuals go upon them and obtain patents from the Government; no lawyer can fail to see that every one of those settlers will be open to precisely the question which this amendment proposes shall be determined in advance. Every man who takes a patent from the Government under this bill would be liable to a suit between himself and the Southern Pacific Railroad Company, or between himself and the lien-holders, the mortgagees, or the trustees that are named in the mortgages, and they could not escape it; and what is the result? The result is that the title to these lands is to go into an endless field of controversy.

Mr. ALLISON. As illustrated by the Des Moines lands.

Mr. LAPHAM. I will take care of the Des Moines lands, I advise my friend; they occupy a very different position from these; but my honorable friend from Iowa, with his colleague, concedes that that bill is like a railroad forfeiture, or else they can not maintain themselves here.

Now, I repeat, every purchaser from the Government, if we declare this forfeiture, who goes on and takes a settlement of these lands, a pre-emption or homestead right, and pays his money and goes into occupancy, has got to have this litigation on his hands.

The amendment proposed by the honorable Senator from Alabama provides for the settlement of all these questions before the lands are opened to the public. It is an amendment in aid of peace, to discourage litigation, to prevent a multiplicity of actions, and it is such an amendment as the Senate placed upon the bill to forfeit the land grant of the Atlantic and Pacific Railroad Company by a vote of nearly two to one.

Sir, there are stronger reasons in this case for attaching that provision to this bill than there were in the case of the Atlantic and Pacific Company. There were only the rights of lien-holders involved. Here is the right of an assignee under a solemn grant that paid money for these lands, which is to be determined, and there are the additional rights of the lien-holders supplemented to those of the assignee. I trust, therefore, that the amendment proposed by the Senator from Alabama will be annexed to this legislation, to the end that all doubt about this title may be cleared away, that all obstacles in the way of the settlement of these lands and the giving of complete titles by the Government may be cleared away before they are opened for settlement.

Now, Mr. President, in its legitimate sense I have no objection to being classed as the friend of railroad companies. That term has no terrors for me. I would be a friend of a railroad company to the extent of its legal and just rights, as I would of the claim of an individual. This clamor against the railroad corporations of the country is one in which I have no disposition to indulge; and that is the offspring of the zeal which lies behind those who are pushing this bill to completion. In no enterprise in which the people of the United States have ever engaged has there been so much capital sacrificed, so many investments unproductive, as in the building of railroads in the United States; and yet they are not like a manufacturing company or a mercantile company, that when they fail leave nothing behind. The men who have

invested their money in the building of railroads, although utterly unproductive, have done what? They have built a road; the Government has the benefit of that road. This Southern Pacific Railroad is built, and there it will remain forever.

There is no class of investments in this country so unprofitable at this very hour, in proportion to the amount invested, as the moneys which have been invested in the building of railroads. There is scarcely one of these roads which to-day is receiving an income which is a paying investment on its capital. I know the honorable Senator from Nebraska will talk about watered stock and all this, that, and the other thing in answer to this; but I speak of the great mass of roads that have no element of that kind in them. I speak from personal experience. I invested in the building of a railroad from the village where I reside to Niagara Falls in 1852. I paid my money and I gave two years of professional services, and I lost it all, and yet there the road is and it is just as valuable to the public as though my investment had proved a 10 or 15 per cent. investment. The community through which it runs have the road, and it is the fruit of my expenditure and of the expenditures of those who joined with me.

Just so in this case. Here is a road from Marshall, in Texas, to the Pacific Ocean upon the precise route designated in these acts of Congress. I care not by what name it is called, it is there, the country has it, and we have a Southern Pacific, a Central Pacific, and a Northern Pacific—three great transcontinental lines. Now, before we open the lands, which were granted to this company in the outset as the inducement to this enterprise, to public settlement, and inveigle the citizens of the Government into their settlement and paying their money, let us settle all questions which remain in regard to the title. That is all I ask. That is what this amendment proposes to have done.

Mr. SLATER. Mr. President, I do not propose to discuss the details of this measure, or to any extent the amendment that has been offered. I certainly should not object to the amendment very seriously or earnestly if I did not believe that, from the situation of the business of Congress at this particular juncture of time, if it be attached to the bill it must necessarily cause the defeat of the forfeiture. There is one objection in my mind, however, to the proposed amendment that seems to be worthy of attention.

It has been stated that the amendment is in analogy to what is known under the common-law doctrine in Great Britain as the petition of right, that where the government has an interest as against its subjects it allows the petition of right in favor of those against whom a forfeiture was declared. But a marked difference must be noticed in the remedy offered in this case. Instead of giving to those who hold interests or who claim to be interested in the lands forfeited the right to enter a court and exhibit that claim and ask a judgment upon the claim, the effect of this provision is to put the Government of the United States to hunting up, to going out and searching for people who claim to have some interest in these lands. True, the main provision is directed at the parties who are said to be the grantees or those interested under them.

It may be a very difficult matter for the Attorney-General or his subordinates to learn who these parties are. They may have great difficulty in finding, when they start in their action, against whom the process shall run. It would be much more agreeable to me if the provision was reversed, and it allowed the right to those whose lands are forfeited within some specified period of time to enter the proper court and set forth their claims and prosecute them to a final determination.

But the main objection that I have to the putting of this amendment upon the bill is, as I have said, that from the posture of business at this particular juncture all must be observant of the fact that it will necessarily lead to the defeat of the measure. That being so, I am disinclined to favor its being placed upon the bill.

Besides, sir, I am well satisfied in my own mind that the phantom which is conjured up in favor of this measure is largely without substantial foundation. I do not believe that if this forfeiture is made with the provisions of the amendment attached, this company will enter the courts of the United States to litigate; nor do I believe that if they shall do so it will lead to the unlimited litigation that is prophesied. It seems to me that the provisions of this bill are so plain, the forfeiture is so well established and so clear that no question can be practically raised on the forfeiture clause of the bill. I am aware that under section 9 of the original grant it is said that all right that was reserved to the United States in the original granting act was the right, in case the company failed to complete the road within the time specified, to designate some other company to construct it. But I think that it is not a correct conclusion. I do not think that is a correct interpretation of section 9 of the act, which I will read:

SEC. 9. *And be it further enacted*, That the United States make the several conditional grants herein, and that the said Atlantic and Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

The first point I make upon that is that the leading purpose of this section was that should this road not be commenced within the two years prescribed in another section and prosecuted in the manner and within the time and to the effect that other provisions of the bill prescribed, the Government might enter and prescribe some other method for the prosecution of the road. I can not conceive that in the case like the present, where the time has completely and fully elapsed, where another corporation has built upon the line of the road, the Government can be held to be in the position that it must build a parallel line or leave these parties with the lands granted, because that is precisely the absurdity of the position if the interpretation given by the advocates of the amendment is correct. In order to see the force of this let us read section 8, which states the condition to which section 9 is said to be a subsequent and additional condition.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Atlantic and Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the main line of the whole road by the 4th day of July, A. D. 1878.

The road was not constructed. The Government of the United States did not intervene within the time during which the grant was to run. Six years and more have elapsed since the time expired; another company has built upon the line of the road, and the argument is that if we declare a forfeiture now these parties may say to us that the only right we have reserved to the United States was to offer to some other company the chance to build a parallel line to the road already built; or, in other words, to require the Government of the United States to do an absurd and useless thing. Such a construction seems to me not one that was contemplated at the time the law was passed.

Besides, sir, the resulting forfeiture would be to the United States, and the United States, after a complete failure of compliance with the conditions-subsequent, would have the right to say whether they would give this grant to another corporation or to proceed in some other method to the completion of the road or take the lands to themselves; and there having been in the mean time another road built upon the line by another company, that fact would seem to me to be conclusive of the proposition.

Another point is made by the Senator from Alabama, one that strongly fortifies me in the conclusion that we can not make any mistake in declaring the forfeiture. He admits that under grants of this character the grantee can not without the consent of the grantor transfer the grant. The Texas Pacific could not transfer to another corporation or company this land grant without the consent of the Government of the United States. It seems to me that the Senator stated that proposition so strongly, and it was so well fortified by the reasons he gave, that we need apprehend no danger from the course we are taking.

Perhaps it might be well under other circumstances and in other times, when it would not be likely to defeat all that has been done and not be likely to defeat a measure so important in its results, to attach this amendment to the bill; but under the present circumstances, when every Senator will recognize the fact that by placing this amendment upon the bill we shall send it to certain defeat, it seems to me that we ought not to support the amendment, and therefore I shall vote against it.

Mr. MORGAN. I should like to say in reply to the remarks of the Senator from Oregon that what we ought to do about this bill or any other is to do what is right. If the Senate thinks this is a proper thing to be done I do not know why if we amend the bill in the Senate it should send it to certain defeat. I can not understand why it should be so, unless we assume that the other House does not intend to take any different view than merely the bill it has sent over to us. That bill does not meet the demands of justice in full, and it ought to be amended! It ought to be amended for the sake of the Government and people of the United States, as well as those who are claiming an adverse right or interest in this property.

It has been suggested that the Senator from Oregon would have thought better of the amendment if it had permitted a number of persons, whoever they may be, to come in and assert their suit against the United States Government in the courts that they might select. Now, I would not be willing to expose the Government of the United States to a large number of suits under any acts of Congress that we might pass in a matter of this kind, when, by bringing a bill to quiet title, remove doubts from the title, as every lawyer must know, we can settle every controversy that arises out of this case in one suit.

I looked over that ground, and of course the idea struck me at first that the proper thing to do in order to make the analogy complete between this amendment and the petition of right would be to allow the citizen to bring suit against the Government of the United States; but then I thought of how much worry, how much expense it might be, and my mind recurred to what I conceive to be a much better system, that of the equity practice, the equity practice as it obtains in England as well as in the courts of the United States—that is, filing a bill on the part of the Government of the United States, which has declared that it has a right to these lands for the purpose of removing every cloud upon the title.

If I am in possession of a tract of land and my neighbors set up title to it, which I conceive to be entirely without value, I have a right to go into a court of equity and file a bill to remove the cloud. Why?

Because I can not enjoy the full benefit of my property until I have the cloud off the title. I can not sell it for its value; I am threatened with lawsuits; I am kept uneasy about it. The Government of the United States can not dispose of these lands to *bona fide* settlers until this litigation is over with the security it would give after it is over. Suppose we sell these lands now with this right of litigation hanging upon them—and nobody can deny that there is a right of litigation. We can not prevent that, do what we may.

In selling these lands under such circumstances we only embarrass the purchaser, and after a number of years, after we have offered these lands for sale, these very men will be coming back to us with demands for reclamation. They will say, "Congress has declared that these lands belonged to the Government, declared it in the most emphatic way. We went on and bought the lands and made improvements upon them in consequence of this forcible and powerful declaration on the part of Congress. We now find that the courts have set aside that title, that the transfer of this property had been made to this other company, it no longer remained the property of the Texas and Pacific corporation, and therefore could not be forfeited as the property of that company; another company had become the owner of it."

After it has gone on for a number of years these holders of the lands bought from the Government of the United States subject to this forfeiture will be back here for the purpose of making reclamation against the Treasury of the United States, saying that Congress has deceived them into the belief that they had title. If we can devise a means—and the Senator from Oregon I think can not answer the amendment upon that question—if we can devise a means by which we can quiet the title and remove the cloud, we ought to do it in advance of disposing of the lands, as a necessary precautionary measure as well for the protection of the persons who go upon the land as for the protection of the Government of the United States against subsequent reclamations for damages.

I suppose it will not be earnestly insisted upon here that the bill that I propose in this amendment will not have the effect to quiet the title to this property. Nothing is more common than for a person to file a bill in equity saying that A B, C D, and E F, and other persons claiming under them unknown to your orator, set up claims against this tract of land and embarrass the title; I aver that these claims are not valid; I aver that they are set up merely for a pretense of embarrassing and throwing a cloud upon my title. They will not sue me; they will not come into court and try the question of title; and I wish this court would call them in and decree in the premises, compel them to come into court and set up their titles and see what they are, and let us have it determined whether my title is good or not, and whether these claimed incumbrances are upon my title. There is nothing more common in equity practice than that, and that is precisely the measure that is presented in this amendment.

It will not do for us to say that it is better to allow a number of suitors to go upon private account into any court they may see proper to select, State or Federal, and sue the Government of the United States in a number of cases. That is not justice to the Government. We can not afford to do that. We had better let it go as it is.

Mr. LAPHAM. Will the honorable Senator allow me to suggest that we have in the State of New York such an act entitled "An act for the purpose of settling conflicting claims to real estate," providing for this very thing.

Mr. MORGAN. In Alabama we have an act providing that you can settle by an interpleader the title to personal property, but in Alabama we rely upon the old common-law remedy of a bill in equity for the purpose of clearing the clouds from the title to real estate. It is a very common mode which every lawyer I have no doubt has found convenient in his own practice. Perhaps there is not a lawyer in the Senate who has not at some time during his professional career filed a bill for the purpose of clearing up the title to a tract of land against incumbrances that are set up against it. I thought that was the best thing we could resort to for bringing quiet and peace upon this question and do it speedily and almost summarily, for such a bill is almost a summary proceeding. It has a statute of limitations of a year in it.

The Senator from Oregon asks if it is to be expected that the Attorney-General will go out and hunt up everybody who may have a possible claim to this property, and if he fails to find him the action shall fail as to him. Mr. President, you file your bill against the whole domain and against everybody on that domain. It is an action almost in the nature of an action *in rem*, by which you claim the title to a certain tract of land and you summon in the corporations and persons claiming title to it, and there can be no one unless it is the corporation or some person claiming under the corporation. When I call in a man for the purpose of controverting with him a cloud that is set up on my title, I need not call in every lessee or subtenant he may have put on the land, or every party to whom he may have made a conveyance of a legal or equitable interest therein. I can call in the man who claims the great body of the grant, and through him, if I were to name nobody else, I can call in those who are interested in that very title.

Now, what title do we attack here? It is one title in its origin though it may be ramified or diversified into a great many branches. What is it? A title arising in favor of this corporation under the land grant and under the assignment. When we attack that and we find out through the agency of a court of equity that that assignment was invalid, and that fact is established, the law of privity comes in and those who have privity of estate with the person who holds the land are bound by the decision. I do not suppose it is worth my while here to descant upon law that everybody understands as well as he does the laws affecting privity of title, and the results of a decree upon a title as to those persons who are in privity with the title although they may not be parties to the record itself.

But this amendment goes still further. It authorizes the Federal court by an act of Congress, which I suppose will not be disputed as to its authority, to proceed and call in those persons who are not necessary parties, but may be proper parties; and it goes further than that and it authorizes those persons who may have titles that the Government of the United States may know nothing about, to come in by petition and make themselves parties defendant to the suit, thereby receiving all the benefits and advantages of any decree that may be made for them and all the disadvantages of any decree made against them.

In that respect it is like a creditor's bill. Where you file a bill in the name of one creditor for marshaling the assets of an insolvent or bankrupt debtor, you file it for the benefit of all. The court makes publication, saying, "Here is a bill, and the creditors of this insolvent person can come into court within a certain time and file their demands for these assets going to be administered and settled up." The court takes hold of the estate and it converts it into money so that it can be distributed. Then those creditors who by reason of their laches, or, if you please, because they do not know of the pendency of the suit, remain outside and take no interest in the litigation, are cut off by the decree of the court absolutely. That fund is taken and administered for the benefit of those who come in under the order or decree of the court and set up their claim.

This feature is proposed to be put in by statute. It may be that you can not find in a bill to quiet titles in the equity system of Great Britain precisely a case like that which is met by this proposed statute, but when you put it into this measure you give a remedy, you enact a statute of limitations, or what is equivalent to it, and those who do not come in for the purpose of having their titles settled of course are barred. Now, have we power to do that? We have just as much power to do that as we have to say that a claim against the Government of the United States which we recognize to be honest shall be presented within one year from the date of this act, otherwise it shall be forever barred.

So I think that the objections which are made by the Senator from Oregon are not substantial. I took great pains in trying to study out the proper method of the application of this proceeding. Perhaps it is not right, but I confess that the argument of the Senator from Oregon does not shake my faith in it, for it is easy to be answered. It is easy to show that while the bill proposed does not accomplish everything, it is a far more economical and speedy procedure than would result if we were to say that every claimant of this land of every kind and character might come into any State court that he saw proper to select, or into a Federal court, and have this question litigated.

I wish to say one word more. I remarked a while ago that I reported back from the Committee on Public Lands, under their instruction, a general bill, which is now on the Calendar, covering precisely the same ground as this amendment, so that the committee gave their sanction as I understand to the principles of the amendment. The subject has been very much discussed and talked over privately as well as in committee. I have accepted, and I am willing now to accept, any modification to the amendment that any Senator can show a substantial reason for trying to introduce into it, for I want to get nothing more nor less than a proceeding which will quiet down these questions immediately and before we commence to dispose of this land.

I do not want to have the people of the United States coming back and complaining of Congress and saying, "You declared that these lands belong to you, and the courts of the country have overturned your decision. You declared that they belong to the Texas and Pacific Railroad Company, and therefore you forfeit them as property granted to that company, and it turns out that there was an assignment made of the whole body of the grant, and that assignment which you declared to be inoperative and void and not in the way of our title is upheld by the courts as being a valid title, and under such conditions we claim from the Congress of the United States the damages into which we have been unwittingly betrayed by your hasty and ill-considered legislation."

Mr. President, it is far better that we should wait a year even. I do not ask for delay, and I do not believe it will come, but if it should come it is better that we should wait a year and get this matter straight before we launch out on this new field than to go hastily to work about it. This land is not going to run away; these titles are not going to become any more complete. There will be no loss of property to the United States Government. We are not in need of the money that comes from this land, and, more than that, we do not expect to get a stiver out of it, for in the bill itself we open it entirely to homestead and pre-emption entry. We are merely providing for a certain class of citizens as against another class of citizens who claim adverse interests

in this land. There can not be any necessity for that sort of haste about it which would betray us into inconsiderate or unwise legislation.

So I think we had better put the amendment on the bill. The House of Representatives have not considered this matter in a light to shut out the hope that they will concur with the Senate on this amendment. They have merely insisted further upon their disagreement, and they have invited a further conference and appointed conferees. It is true that has been done irregularly, because the bill was not before the House, but I assume that the House, as is the ordinary practice, would disagree to the amendments on this bill in order to throw it into a committee of conference. That is the way in which our legislation takes place between these bodies now. There is actually no final legislation where there is a disagreement between the two Houses on any important or contested bill, except through a conference committee. That will be the effect of it.

Mr. President, I wish to protest about one thing. I have not any pride of opinion about the amendment or about anything connected with it. If I know my own heart I would very gladly have escaped all responsibility for it or all connection with it of any kind. It is not a subject that I sought after, but when a matter has been presented in the way that it has, and I find that according to my earnest conviction it is the sound and wise policy for us to observe, it seems to me that the Senate ought to take it into consideration and ought to provide so that there shall be no difficulties about this legislation hereafter.

It ought to be remembered that we are now entering for the first time upon a great system of land-grant forfeiture, and in doing that we ought to measure the ground over which we step with carefulness and see that while we are trying to do justice to the Government and trying to reclaim lands that have not been earned by these railroads and that are justly liable to forfeiture, we do not transgress the bounds of our jurisdiction, and that we provide what ought always to be provided in such cases, a convenient and secure and speedy remedy for any person who may have an interest in the subject in controversy.

Mr. VAN WYCK. Mr. President, I should not detain the Senate with any remarks upon this question except for the statement of the Senator from New York [Mr. LAPHAM] denying the right of Congress, as I understood him, to declare a forfeiture of these lands. There can be no question I take it upon that proposition, and while I do not desire to dwell upon that point it has suggested a few other thoughts in connection with this matter which it might be well to present to the consideration of the Senate.

Mr. LAPHAM. Will the Senator allow me to correct him?

Mr. VAN WYCK. Certainly.

Mr. LAPHAM. I did not advance the position that Congress has no power to forfeit these lands. I stated that the act granting the lands contained no clause authorizing the forfeiture. Upon the question of the power of Congress, I did not advance an opinion.

Mr. VAN WYCK. I supposed the Senator meant that, otherwise there would seem to be no force in his suggestion.

Mr. LAPHAM. Oh, yes, there is.

Mr. VAN WYCK. I supposed it to be the intention by that suggestion to infer that Congress had no power.

Mr. LAPHAM. I suggested that if the Government was exercising here a doubtful right, a right by implication, it should tread more cautiously than it would in a case where an affirmative right was reserved to Congress to do the act.

Mr. VAN WYCK. The Senator I think is so good a lawyer that he evidently did not desire to throw himself upon that position, because he is aware of the doctrine so often declared, that where the condition of a grant is expressed there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it. So in fact there was nothing in the point, and as I understand the Senator did not intend to make the point, that settles that branch of the case, that Congress has the power and the right to do this thing.

Mr. SHERMAN. What is the condition in the grant?

Mr. VAN WYCK. If the Senator from New York has the book will he please read the condition in the grant? I have not the book before me. He had it a moment ago.

Mr. LAPHAM. I sent the book back. It provides simply that in the case of a failure by a specified time to complete this road from the east to San Diego, the Government shall have the right to go on and construct it.

Mr. VAN WYCK. There was no occasion, however, for the Government to do that in this case. In this case the Government was relieved of that provision.

Mr. LAPHAM. The Southern Pacific have done it.

Mr. VAN WYCK. Precisely; and the Southern Pacific came here and they besieged Congress not to give the aid. The Southern Pacific came here and stood as an ally of the Government and emphatically said, "Withhold this aid and we will construct the road."

Mr. HOAR. May I call the attention of the Senator from Nebraska back one moment to the question which was asked by the Senator from Ohio [Mr. SHERMAN], I do not know whether publicly or not? What I wish to know is whether there is an express condition in the grant. If I understand the Senator from Nebraska, he says that there is an express condition in the grant, that it was a grant upon condition, and he finds the condition in the words that after the grant to the company, its successors and assigns—I suppose in the usual terms—the act goes on to say that if the company fail to build a road, as therein specified, the United States may then proceed to do what they shall deem necessary to complete the road. I ask the Senator if that is the clause which he construes as the express condition, or if there be other words?

Mr. VAN WYCK. There is a condition in the act as to how the road should be built, how much should be built one year and how much the next. There are express conditions as to the mode and manner in which the work should be done.

Mr. HOAR. Will the Senator answer my question? My attention was called to the subject within three minutes, when I looked at Mr. Evarts's brief and got this idea from that. Perhaps it is a dereliction of duty that I have not investigated it earlier. I understand that the Senator finds the words which make a condition in the law in the language saying that if the road is not built Congress may do what it sees fit to secure the completion of the road, and in the further language which gives direction in what mode the road shall be constructed. Is there any other language or condition except that?

Mr. VAN WYCK. I will read the act.

Mr. HOAR. Will the Senator read all the language which he considers to make a condition of law?

Mr. VAN WYCK. I will read it. The act of May 2, 1872, provides:

> That the said Texas and Pacific Railway Company shall commence the construction of its road at or near Marshall, Tex., and proceed with its construction, under the original act of this supplement, or in pursuance of the authority derived from any consolidation as aforesaid, westerly from a point near Marshall, and towards San Diego, in the State of California, on the line authorized by the original act, and so prosecute the same as to have at least one hundred consecutive miles of railroad from said point complete and in running order within two years after the passage of this act; and so continue to construct, each year thereafter, a sufficient number of miles, not less than one hundred, to secure the completion of the whole line, from the aforesaid point on the eastern boundary of the State of Texas to the Bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and said road from Marshall, Tex., throughout the length thereof, shall be of uniform gauge: *Provided, however*, That the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act—

That they never have done—

> and construct not less than ten miles before the expiration of the second year, and, after the second year, not less than twenty-five miles per annum in continuous lines thereafter between San Diego and the Colorado River, until the junction is formed with the line from the east at the latter point or east thereof; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion; and it shall also be lawful for said company to commence and prosecute the construction of its line from any other point or points on its line; but nothing in this act contained shall be so construed as to authorize the grant of any additional lands or subsidy, of any nature or kind whatsoever, on the part of the Government of the United States.

Mr. HOAR. Is that anything more than an ordinary enactment in the law, or is it made a condition of the grant?

Mr. VAN WYCK. I should suppose that the Senator from Massachusetts was so good a lawyer——

Mr. HOAR. If the Senator will pardon me, the Senator from Massachusetts is not a very good lawyer, and he has not examined this question. I did not know what the question was until five minutes ago. I am putting the interrogatory, not as antagonizing the Senator's argument but simply for light.

Mr. VAN WYCK. I should wonder what it would be called if it is not a condition. What would the Senator think it could be named in legal phraseology? It requires certain acts to be done, expressly designating what they are and the manner in which they are to be done. Would the Senator consider it anything else except a condition?

It would seem that there could be no sort of question about this matter. The act certainly did not intend to give to the company this land unless they obeyed the law and did what it contemplated, because it says that in case the company does not do it then the land belongs to us to complete the road if we choose.

There is no pretense of any claim on behalf of the Texas and Pacific Railroad Company. They never built a mile of the road. They never conveyed an acre of this land; they never gave a mortgage for a dollar of value upon it; and the question stands here naked and bold as between the Government of the United States and the Texas and Pacific Railroad Company.

That company came and besieged Congress. They undertook to tell Congress and the American people that this land grant could not build the road. They came and asked that Congress should subsidize them besides by guaranteeing interest upon their bonds. While they were negotiating still more with Congress a new factor enters, and that is the Central Pacific Railroad Company, organized for this purpose as the Southern Pacific, but the same company. When the Texas Pacific Company came to Congress and asked that their bonds should be guaranteed, the Southern Pacific Railroad Company interposed and came to Congress and said, "Withhold your aid; refuse to guarantee the interest on those bonds; offer no subsidy to this railroad company; stay where you are, and we will build the road ourselves without subsidies or without lands." That is what they said.

Now, what is proposed just at this juncture? It is proposed that by some sort of ingenuity in the construction of language or the meaning of a phrase we shall donate these 20,000,000 acres to a corporation

which never earned them, because they did not earn this grant. They constructed the road in defiance of the grant. All they asked was that they should have the privilege to build the road without money and without price. That was the attitude. It can not be denied that they never had any assignment from the Texas Pacific Railroad Company until the road was all constructed to the Texas line. After the Central Pacific Railroad Company had fought their way in Congress, and fought their way by building their road to the west line of Texas, then for the first time was it that those two great railroad builders, Jay Gould and Huntington, united forces.

Mr. BLAIR. I trust if the Senator is narrating history he will be willing that it shall be correct.

Mr. VAN WYCK. Most certainly.

Mr. BLAIR. Does not the Senator remember that the committee was informed that it was the understanding between these parties thus constructing toward each other that each should have the land grant opposite what it built?

Mr. VAN WYCK. Oh, no.

Mr. BLAIR. Oh, well, the thing was consummated some six or eight months before the expiration of the time, and the articles delivered.

Mr. VAN WYCK. No, sir. Here is Mr. Huntington's history; I have not the time to read it in full. It is the most wonderful piece of history in our country. You remember Mr. Huntington's letters. In these letters he shows distinctly, as we know, that he was antagonizing the Texas Pacific. In those letters he expressly stated that they stood ready to build the road without subsidies in money or grants of land. All they asked, he said, of the Government was that they should be allowed to do that; and it was not until after the road was constructed to the west line of Texas, after the road was completed without the Texas Pacific grant, its dead land grant to the Southern Pacific, because at that time they had united, that the heads, the operators of the two lines——

Mr. BLAIR. If the Senator will permit me, I allege it as a fact that it was certified before the committee, and it is historically true, that these two great agencies built one the seven hundred miles and the other the five hundred miles toward each other with the understanding that they were to be united and to prorate, Does the Senator believe that the Texas Pacific would have built seven hundred miles westward to connect with nothing? There was the Southern Pacific building from the west eastwardly. Could it have been otherwise than that there was an understanding that they were to unite, as they subsequently did, and carry into effect their understanding as they did in writing, under instruments delivered and sealed and sanctioned by the judgment of a court?

Mr. VAN WYCK. Huntington and the Central Pacific were fighting their way through to the Atlantic Ocean in defiance of the claims of the Texas Pacific, and boldly claiming that they were prepared to build the road and would build it without any aid in subsidies or land from the General Government.

Mr. BLAIR. That is all very true. They asked in return that the Government would give them a charter through, that the Government would put an end to the claims of the Texas Pacific over those Territories through which they were obliged to lay their line in order that they might save their millions invested in the seven hundred miles from San Francisco to Fort Yuma. The Government took no action but left the law precisely as it was; and these two great corporations, under an agreement to prorate and to divide the land grant and the privileges and perform the duties that the Texas Pacific had undertaken in its charter with the General Government, constructed their line, and in accordance with that understanding the assignment was made from the Texas and Pacific of the land grant along and contiguous to that portion of the line constructed by the Southern Pacific, which the Southern Pacific now undertakes to hold, and which the Attorney-General of the United States in at least three instances of like character has held to be a valid assignment.

Mr. VAN WYCK. I think one of the provisions of the act incorporating the Texas Pacific Company was that it should not consolidate with a competing line. Am I not correct?

Mr. BLAIR. That provision, though not put in the way the Senator quotes it, was that they should not consolidate with any through competing line. In the short remarks which I submitted to the Senate I showed how the consolidation, even if it were with the Central Pacific, is not a consolidation with a through competing line. The only possible through competing line would have been the Atlantic and Pacific, which is not constructed to this day. The other line, the four hundred miles, under no circumstances would be a through competing line.

Mr. SHERMAN. I wish to know one fact, and it is the turning point in this whole case. Is it true that the Southern Pacific road, before any assignment was made to it, built its line of railroad through to the Texas border?

Mr. VAN WYCK. It did.

Mr. SHERMAN. At that time the Texas Pacific was a subsisting corporation, and it had not yet reached the Texas border and had not earned a single acre of land under the terms of the grant?

Mr. VAN WYCK. Not an acre.

Mr. SHERMAN. They did not even lift a shovel or spade?

Mr. VAN WYCK. No; not an acre did they earn.

Mr. SHERMAN. At that time were the two companies engaged in hostility with each other in seeking to get a law through Congress on the subject of their grants?

Mr. VAN WYCK. The Texas Pacific, which had this grant, was seeking at that time to have additional assistance by a guarantee of the interest upon its bonds. The Southern Pacific came here, and, as I shall show from Mr. Huntington's own letters, with the expenditure of a large amount of money, asked Congress to stop, showing that there was no necessity to guarantee those bonds or to grant a subsidy, and that there was no necessity to give them any lands; that they were ready to build the road through to the Texas boundary without any aid.

Mr. BLAIR. Will the Senator from Nebraska permit me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. BLAIR. The state of facts which the Senator describes existed in two Congresses. The Southern Pacific having made its investment and seeing that the action of the Texas Pacific, then twelve hundred miles away, depended upon its obtaining its $40,000 per mile from the General Government (which was substantially nothing but an application for still greater delay), and that its capital was rotting meanwhile, opposed that by saying that it was ready to build for the land grant if the Government would take away the rights of the Texas Pacific within those Territories. It then said it was ready to build without any land grant even, if the Government would charter it through those Territories, and the Government declined to do that.

What then? The Texas Pacific was still in Eastern Texas. There was no prospect of any Government sanction under which the Southern Pacific could build easterly through the Territories, and the controversy in Congress having ceased, and the Texas Pacific having fallen under new management, the Gould management, Scott and his friends having disappeared, these great capitalists came together in agreement and the road was constructed subsequent to the controversy in Congress, through the Territories easterly by the one, through Texas westerly by the other, with an understanding, which had been put in form earlier still, that they should thus build and thus prorate, an understanding carried out in that way, and the construction taking place after the efforts at legislation in the Forty-fourth and Forty-fifth Congresses.

So it is not true as a matter of fact, as stated by the Senator from Ohio, that the construction went on while the Southern Pacific was demanding legislation from Congres authorizing it to build through those Territories. But when Congress had failed to legislate, when the subsidy was defeated, in the public interest as every man must believe, then these great agencies constructed the road about equally in length toward each other, and united with an understanding that the land grant was to be divided, that the land grant in the Territories was to be given to the party which built through the Territories. That understanding was formally reduced to writing and carried into effect, and the instruments delivered and the judgment of a court had thereon prior to the expiration of the ten years within which it was originally agreed in the Texas and Pacific charter that the whole line should be constructed. That is the truth about it.

Under such a grant as that, under such an assignment as that, in the instance of the Backbone Railroad and in two other instances, if I recollect aright, held valid by the Attorney-General of the United States, the Southern Pacific Railroad claims a right to be heard in court. The amendment simply gives the company a right to try that question in the courts and have it judicially decided and not foreclosed in a way that we would hardly exercise toward the humblest individual in the land.

Mr. McPHERSON. Will the Senator from Nebraska give me a little light on the question? The Southern Pacific Railroad, if I understand it aright, was first chartered by the State of California, and its line was built until it reached the Territories of the United States. As to the Territories and the public lands belonging to the United States, what did the Southern Pacific Railroad ever ask of Congress? Did they ask for a right of way over the Territories?

Mr. VAN WYCK. They obtained that by legislation from the Territories.

Mr. BLAIR. After the attempt to get legislation from Congress had ceased, had failed.

Mr. WILLIAMS. Congress granted lands in California to the Southern Pacific.

Mr. McPHERSON. Has the Southern Pacific Railroad ever asked for any assistance either in the shape of land grants or subsidy bonds, or anything of that kind from Congress?

Mr. VAN WYCK. It not only did not ask for it, but insisted that such aid should not be granted it.

Mr. McPHERSON. That aid should not be granted to the rival line?

Mr. VAN WYCK. That it should not be granted to any company.

Mr. McPHERSON. To the Texas Pacific?

Mr. VAN WYCK. Yes, sir; or granted to any company. They stood

there and said they would build the road without either lands or subsidies.

Mr. SHERMAN. Did the Texas Pacific actually build a part of the line?

Mr. VAN WYCK. Not a mile.

Mr. BLAIR. The other road claims it as assignee of the Texas Pacific.

Mr. SHERMAN. I will ask my friend the date of the assignment.

Mr. VAN WYCK. The date of the assignment was after the completion of the road.

Mr. SHERMAN. Then at the time of the assignment the Texas Pacific had not earned a single acre of land within the Government lands?

Mr. VAN WYCK. It had not earned an acre of public land. The road was finished before the agreement was made in 1881, to which my friend from New Hampshire referred. The Southern Pacific was in hostility to the Texas Pacific; they had been in litigation, and were up to the time they made this contract in 1881, after the Central Pacific had built to the west line of the State of Texas. Those are the facts. Mr. Huntington, in 1878, wrote:

If it were once understood that no subsidies would hereafter be granted by Congress, the incomplete gap (between Fort Worth, the western terminus of the Texas Pacific then, and Yuma) would be filled within five years by private capital alone, without asking or committing in any way the national revenues to the work.

Before the Senate committee, in 1878, he said:

We are ready to construct right along, and willing to provide an outlet to the East for ourselves without cost to the Government.

Who would suppose for a moment that they would have the impudence in the face of this declaration to come now and endeavor to steal 20,000,000 acres of the public domain? Again, in 1878, when Mr. Huntington asked the Government to take its hands off and let there be a free race without cost to anybody, he said:

The question before you is whether you will give the Texas Pacific a guarantee of nearly 40,000,000 of bonds for building a road, two hundred miles of which is useless, and six hundred miles of which we offer to build without aid.

Look at that. Mr. Huntington says "which we offer to build without aid." He comes before a committee of this body in 1878 and begs the Government to stop; he says: "We will do it, and we will do it without aid, without the cost of a dollar to the Government." It is remarkable that these men should have the impudence to come here now. Is it not still more remarkable that Senators should be found here advocating their proposition, infamous as it is?

That is not all. Here is a letter from ex-Senator Gordon explanatory of his course in supporting the Southern Pacific plan of opposing Scott:

Mr. Scott was asking a guarantee on about fifty millions of bonds. Mr. Huntington, on the other hand, was asking nothing of Congress either by way of indorsement of his bonds or as subsidy in lands. He asked only to be let alone and allowed to build the road on the same general line, and was actually constructing it without any Government aid. * * * I opposed the Scott bill and favored the Huntington plan. He declared he could and would build the road without a dollar of Government aid or subsidy. He did it. He declared he would make the eastern terminus of his lines southern ports and only southern ports. He has done it.

There are the facts. Here was the Texas Pacific organized with this enormous land grant. The act provided that they should not sell out to a competing line. The object of that legislation was that there should be competition from the Atlantic to the Pacific. The act expressly restricted these parties and declared that they should under no circumstances do it. Yet by the contract, to which my friend the Senator from New Hampshire refers, made in November, 1881, after the construction of this road the Texas Pacific actually contracts and agrees that under no circumstances will it build the western portion of the road.

Congress said in the act incorporating the Texas Pacific, giving them this empire of land, that they should not under any circumstances convey their interest to a competing road, and yet in the very contract to which my friend refers, made in November, 1881, after the completion of the road, the Texas Pacific guarantee and bind themselves that under no circumstances will they build west from the connecting point which they made with the Southern Pacific. Here it is:

'In consideration for the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco, as well as San Diego, equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned, in Texas, Arkansas, and Missouri.

Mr. HOAR. Is that the first agreement between these roads?

Mr. VAN WYCK. Yes, sir; the first, made in November, 1881, after the completion of the road. Then they make their pool. They say:

Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angeles, and San Francisco.

Mr. BLAIR. Will the Senator permit me to state to him one fact, which he can ascertain from the records of Congress? Either in the Forty-fourth or Forty-fifth Congress there was a bill introduced behind which were Scott and Huntington, both proposing to prorate, which bill was to carry out the provisions of the Texas Pacific charter. As far back as that, and after legislation failed in those Congresses, these parties, by a mutual understanding that they made, met and then carried their agreement into writing, and it was signed, sealed, and delivered; but the understanding under which they were acting and investing their money was precisely as binding in law as though it had been reduced to writing and delivered beforehand. It was just exactly as if I agree verbally with a man that he shall convey to me his real estate and I pay him for it, and the agreement is partially executed, a court of equity will compel the passing of the title by the execution and delivery of a deed.

Mr. VAN WYCK. I repeat, I think without the fear of contradiction, that these parties antagonized each other here in Washington, and by and by I shall show what Mr. Huntington says it cost to get some things done here in Washington. I shall show his estimation of this matter. He and his friends were antagonizing the Texas Pacific here session after session, and it continued in the courts, suit after suit, which resulted after the coustruction of that road in the making of the contract in November, 1881, to which I have just referred.

That was the attitude in which the very object sought by Congress in giving a land grant was defeated. It was defeated by the active support and by the contract of the Texas Pacific itself, the company to which the land was granted. Though the act denied them the power in any event to make any connection with competing roads, they actually sell or undertake to sell or convey; and they actually bind themselves so that the people shall be denied the privilege of a competing line.

I have read these extracts from Mr. Huntington, detailing the history of the transaction, and I think partially detailed, until November, 1881, when an agreement was made between Mr. Huntington and Mr. Gould. Mr. Gould, it seems, had become the possessor of the property of Scott, and therefore he and Mr. Huntington were in an attitude to contract. Mr. Huntington had fought his way through and made the connection with the western line of Texas. Then it was, as I say, that they made this agreement preventing any competition, making the road an absolute monopoly; and after that they seek to resurrect this dead grant and divide it between themselves. There is the position.

We are not embarrassed here by the considerations which sometimes arise in these grants because there have been no sales. Not a mile of the road was built by the company entitled to the land contiguous to the line in any part of this large domain. Not an acre of this land was ever sold by the railroad company. Not an acre of the land was ever mortgaged by the railroad company. There are no considerations to go to the court which my friend from Alabama suggests, because the question of forfeiture is pure, simple, naked. There are no embarrassing questions. The question is merely between this Government and the railway corporation; and I desire the Senate to bear in mind that never an acre of the land was sold and never an acre of it mortgaged, and the Texas Pacific never built a mile of its road.

Mr. MORGAN. Will the Senator allow me to ask him for the sources of his information which he states with so much confidence? How does he know those facts?

Mr. VAN WYCK. I know from examination before the committee of the Senate for years that it never has been claimed in all the long delay; it never was pretended, as I understood, that they had built a mile of the road or had mortgaged an acre of the land.

Mr. MORGAN. I must be permitted to state my understanding of the matter. The Southern Pacific Railroad had made heavy mortgages to secure its debts, and it contended of course that the transfer of this property from the Texas Pacific Company carried it into this corporation, and being a part of its property that the mortgages included that; that it went to the mortgagees.

Mr. HARRISON. If the Senator from Alabama will allow me I will state that the land could only be embraced in that mortgage under the operation of the after-acquired property clause.

Mr. MORGAN. That is the idea.

Mr. HARRISON. Does the Senator think that a grant of land like this for public use, in the operation of a railroad, would be covered by such a clause in a railroad mortgage? I do not think it would.

Mr. MORGAN. I am not stating what is right about it or what is the law of it; I am stating what they claim; that is all. I do not admit that the transfer was valid. I shall vote for the bill just as it is, whether the amendment goes on or not. At the same time I think it is right to adopt the amendment.

Mr. VAN WYCK. Mr. Huntington himself, who, I suppose, is good authority in this matter—and we have a good deal of that—was representing with a great deal of shrewdness the Central Pacific, then the Southern Pacific, and Mr. Huntington writes, November 28, 1874 (without reading the former part of his letter):

Storr says it will make Scott very mad, and he thought it best not to send it, and may be he is right; but if Scott kicks at it, I propose to say to Congress, "We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare give him aid to do what we offered to do without."

Mr. Huntington was speaking for the corporation that is here to-day, I say to my friend from Alabama; and he says distinctly that—

"We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare give him aid to do what we offered to do without." My only fear then would be the cry that the C. P. and the S. P.—

Central Pacific and Southern Pacific—

was all one and would be a vast monopoly, &c., and that is what we must guard against, and that is one reason why you should be in Washington.

Here are these organizations, represented in the person of Mr. Huntington. That is what he says on that branch of the case. The line was built without any pretense of aid, built in opposition to the road which had Government aid. He says away back in 1875—

If we had a franchise to build a road or two roads through Arizona (we controlling)—

Now mark. I ask my friend from Ohio to give me his attention right here—

If we had a franchise to build a road or two roads through Arizona (we controlling, but having it in the name of another party), then have some party in Washington to make a local fight and asking for the guarantee of the bonds by the United States, and, if that could not be obtained, offering to build the road without any aid— * * *

Which they did—

offering to build the road without any aid, it could be used against Scott in such a way that I do not believe any politician would dare vote for it. Can not you have Safford call the Legislature together and grant such charters as we want at a cost, say, of $25,000?

Here is another letter from Huntington:

NEW YORK, *November* 13, 1875.

FRIEND COLTON: Your dispatch that you had sent $200,000 gold is received. Dr. Gwin left for the South yesterday. I think he can do us considerable good if he sticks for hard money and anti-subsidy schemes, but if it was understood by the public that he was here in our interest it would no doubt hurt us. When he left I told him he must not write to me, but when he wanted I should know his whereabouts, &c., to write to R. T. Colburn, of Elizabeth, N. J. I have had several interviews with the Houston and Texas Central Railroad people.

* * * * * * *

There will be no Government aid granted this session, and if we can get the H. and T. Central to stand in with us and offer to build a line through, we build to El Paso from the west and they from the east, I think Scott's fish will be cooked. Budd is doing good work in the Gulf States.

* * * * * * *

I was told a few days ago that Scott said he would make us let go of his Texas Pacific—

There was decided enmity between Scott, who was controlling the Texas Pacific, and Huntington, who did not want to control it—

I was told a few days ago that Scott said he would make us let go of his Texas Pacific. The South are getting very much in earnest in their opposition to Scott's project.

* * * * * * *

I shall do what I can, but you had better make your calculations to build the road east of the Colorado River on what you can get out of the Territories and the road itself. If you expect to get anything in Arizona and New Mexico I would suggest that you do not do as we did in Utah, wait until the enemy was in possession.

REPORT ON LABOR AND CAPITAL.

The PRESIDENT *pro tempore*. Will the Senator from Nebraska suspend for a moment? The Chair will lay before the Senate a concurrent resolution which has been returned from the House of Representatives with amendments. The resolution with the amendments will be read.

The Chief Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 4, 1884.

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony, be printed; and that 25,000 additional copies be printed, of which 8,000 shall be for the use of the Senate, 16,000 for the use of the House of Representatives, and 1,000 copies for the use of the Senate Committee on Education and Labor.

IN THE HOUSE OF REPRESENTATIVES, *February* 19, 1885.

Resolved, That the House concur in the foregoing resolution of the Senate with the following amendments:

In line 6 of the resolution strike out the word "eight" and insert the word "six."

In line 7 of the resolution strike out the word "sixteen" and insert the word "thirteen."

In line 8 of the resolution strike out the words "and one" and insert the word "five;" and strike out the word "copies" in same line.

In line 9 of the resolution strike out the words "Senate Committee on Education and Labor" and insert "Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor."

The PRESIDENT *pro tempore*. If no objection be made, the resolution and amendments will be referred to the Committee on Printing.

Mr. BLAIR. I do not know that there is any necessity for that. Perhaps the amendments may as well be concurred in now.

The PRESIDENT *pro tempore*. The Chair understood some members of the Committee on Printing desired that the matter be considered by them.

Mr. BLAIR. Very well.

The resolution and amendments were referred to the Committee on Printing.

Mr. BLAIR. I would like to say in connection with that matter that it has been delayed now a year or a year and a half. I hope it may be speedily acted on by the Committee on Printing.

AGREEMENT WITH INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed, excepting the maps:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior submitting, with accompanying papers, a draught of a bill, "To accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriation for carrying out the same."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 19, 1885.

SUBMARINE CABLES.

The PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report of the Secretary of State of the 19th instant, recommending the enactment of a law for the protection of submarine cables in pursuance of our treaty obligations under the international convention in relation to the subject, signed at Paris on the 14th day of March, 1884. I commend the matter to the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 19, 1885.

GEORGE W. MARGROVE.

Mr. PLUMB. I ask unanimous consent that the vote by which the bill (S. 2273) granting a pension to George W. Margrove was indefinitely postponed may be reconsidered, and the bill placed on the Calendar. The action was taken on the 17th day of February.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill (S. 2273) granting a pension to George W. Margrove be reconsidered, and the bill with the adverse report of the committee placed on the Calendar. That order will be entered if there be no objection.

JOHN F. HICKEY.

Mr. PLUMB. I also make the same motion with regard to the bill (S. 1855) granting a pension to John F. Hickey, reported on the same day. I ask that it may take the same direction.

The PRESIDENT *pro tempore*. The Senator from Kansas also asks unanimous consent that the vote on the bill (S. 1855) granting a pension to John F. Hickey be reconsidered, and that the bill with the adverse report be placed on the Calendar. If there be no objection that order will be entered.

AMENDMENT TO A BILL.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TEXAS PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. LAPHAM. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to that motion?

Mr. VAN WYCK. No, sir; I have only a few more words to say.

The PRESIDENT *pro tempore*. The Senator from Nebraska declines to yield to the motion of the Senator from New York. The Senator from Nebraska is entitled to the floor.

Mr. VAN WYCK. I was in hopes we could conclude this bill. I had not intended to say anything upon it, except for the remarks made by the Senator from New York, and I beg pardon of the Senate for having made so much talk. I did not desire to discuss matters familiar to every member of the Senate. There is one thing, and only one thing, further I wish to refer to.

The company to which this grant was made never built the road. A hostile, opposing, antagonizing company did build it. They built it in defiance of the company to whom the grant was made, protesting throughout that they would build this road without any aid from the Government. These companies were in collision, one forcing itself through without Government aid and protesting that it did not want it, and the other seeking additional aid from the Government for the purpose of building it. That is all the fact necessary to be taken into the consideration of this case, and I ask pardon of the Senate for having said so much.

Mr. HARRISON. I should like to inquire of the Senator from Nebraska or the chairman of the Committee on Public Lands, or both, whether from the investigation they have given to this case they are of opinion that the right of the United States or of its grantees to this land whose forfeiture is declared will be contested in the courts by this railroad company.

Mr. VAN WYCK. Am I asked whether they have threatened to do this thing?

Mr. HARRISON. Whether they are likely to contest the right of the United States or of its grantees to this land in the courts?

Mr. VAN WYCK. I do not know as to that point.

Mr. HARRISON. Does not the Senator think they will?

Mr. VAN WYCK. They have threatened it as a matter of course. They have not only threatened it, but they have actually defied the committee and said, "No matter what you do we will go into the courts

in any event." They wanted to convey the impression that they were not afraid of our action.

Mr. HARRISON. I asked that question for this reason: I have no trouble at all in voting for this declaration of forfeiture; I think upon the facts of the case as I understand them we clearly ought to make that declaration and make it now. If the claim of the railroad companies was so slightly held by them that they were likely to acquiesce in this declaration without litigation, then I should deem the amendment proposed by the Senator from Alabama to be unnecessary, as in the Oregon case; but if, as seems to be the opinion all around, there is to be litigation over this title after the declaration of forfeiture, I am clearly of the opinion that the United States ought to take the burden of that litigation, that it should choose the forum where that litigation should be prosecuted, and that it should prosecute it by its own officers in a suit that will involve the whole question.

I am not willing for one to make this land subject to disposal at the land offices of the United States and to allow some man to purchase one hundred and sixty acres and then let the railroad company fight out this question with him. He is not an equal antagonist in such an encounter. I want some provision that will re-enforce him in that contest with the power of the United States. I want to avoid that which has been charged to be the case in the Des Moines land-grant controversy.

It has been said there that suits in which the titles of the settlers was involved were collusive suits; I do not know with what truth, but I do know that there is danger in these cases that these suits may be collusive between the railroad company and some humble settler who has but a small tract of land to defend; and if there is in all these cases such a serious claim made by the railroad company that the controversy must be settled in the courts, then I take it it must be clear that the United States should take the burden of that controversy upon itself, and should prosecute it promptly and vigorously to a determination.

For one, I do not like to put the General Government in the attitude of peddling out lawsuits to its citizens. I do not like to put the General Government in the attitude of conveying a clouded title and leaving its grantee to fight it out at his own expense, particularly when the Government gives him a conveyance that has no warrant in it upon which he could recoup damages, leaves him simply to the grace of Congress to recover the money he has paid into the Treasury of the United States.

I think, therefore, that in all these cases where there are serious controversies and where there must be litigation the United States should take it upon its own shoulders and press it to a speedy determination. I think it is in the interest of settlers. It seems to me a cruel thing to do to declare these lands open to public entry and to invite our people to go and settle upon them, and then to leave them to make their own title good if they can in a controversy with one of these powerful railroad companies, possibly to have it settled against them by the courts—I hope not—but possibly to have that result, and then to leave them in the distressed condition in which we find our people in two or three other cases. Therefore, upon the statement of the committee that there is likely to be litigation over this controversy, I shall support the amendment of the Senator from Alabama, which provides for settling the controversy before we sell the land.

Mr. SHERMAN. Mr. President, the Senator from Indiana has touched the gist of this whole controversy. I have put myself in regard to this railroad legislation in apparently an inconsistent attitude. I have said nothing about it, but I will state now the reasons of my varying votes.

On the Atlantic and Pacific bill I voted for the proposition of the Senator from Alabama requiring a suit to be brought, for the reasons stated by the Senator from Indiana. On the bill relating to the Oregon grant I voted against that proposition. The reason was that in the Atlantic and Pacific Railroad case it was manifest that there were contending parties, each claiming at least a *prima facie* right to the lands, and that for the reasons stated by the Senator from Indiana we ought not to turn those controversies over to be litigated by pre-emptors and homesteaders.

But in the Oregon case I thought there was no ground whatever for dispute, that any railroad or any person claiming under a railroad grant under the circumstances in that case would have no kind of ground, no kind of showing for a contest with a pre-emptor or homesteader or a purchaser from the United States; and therefore I thought that to invite or require this litigation was simply seeming to do a useless thing.

When this question first came up I believed that the Texas Pacific case was a much clearer case than even the Oregon case. It always seemed so to me. The absurdity of the position here is this: The Texas Pacific Railroad Company never earned one acre of this land; it never stuck a spade in the Government land west of Texas; it earned its land from the State of Texas, but never earned a single acre from the Government of the United States. It had insisted, on the other hand, that it could not build a railroad through New Mexico except by a subsidy and demanded that subsidy, and then a rival line, wishing to get a large portion of this important tract, ran its road through to the Texas line without aid and renouncing all aid, refusing all aid, and completed the road.

Then these two railroad corporations meet together and the Texas Pacific sells out to the Southern Pacific what it had never earned, and the Southern Pacific buys from the Texas Pacific what the Texas Pacific never owned. This seemed to me a parody on justice, so that I thought no court or tribunal under heaven would sustain any pretense of a right to sell what did not exist and to buy what did not exist; and therefore I thought we could safely declare this forfeited without conditions. At the same time, I have no objection to voting for the amendment of the Senator from Alabama, except that I fear that in the present condition of the public business, looking at it as a practical legislator, we shall probably defeat this bill, while we might accomplish the object he desires by passing a general bill, either at this or the next session of Congress.

I think in the mean time this bill ought to be so amended that the land shall not be open for pre-emption entry or for disposal of any land until a reasonable time has elapsed, say a year or two, within which the proper legislation may be had. I think a suit ought to be brought in the nature of a bill to quiet title as against these two rival railroad companies, now connecting railroad companies, in order to settle forever their rights under the various acts passed by Congress in regard to the Texas Pacific Railroad.

The only objection I have to voting for the amendment of the Senator from Alabama is not that it is not wise, because I think it is wise, but it may at this time defeat the passage of any bill on the subject; and I do believe the public interest and the comfort of the people in that region of country demand that the declaration of forfeiture should be made, and that proper legislation to settle titles should follow hereafter; but the bill should be amended in that one particular, withholding the lands from pre-emption and homestead entry until such time has elapsed that a provision may be made for contesting the various rights of the parties litigant.

Mr. DOLPH. I do not wish to make a speech, but after the very conclusive remarks of the Senator from Ohio [Mr. SHERMAN] and the Senator from Indiana [Mr. HARRISON] I ask that the views expressed by me in the report from the Committee on Public Lands may be read. They are very brief.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the paper referred to by the Senator from Oregon will be read.

Mr. DOLPH. I present this as an explanation of the vote I intend to cast on this question.

The Chief Clerk read as follows:

I concur in the main with the views of the minority.

I do not believe that a Congressional declaration of forfeiture of a land grant is conclusive upon the company to which the grant was made or upon its grantees of the whole or any portion of the grant, either as to the extent of the forfeiture, or as to the existence of the facts necessary to authorize the forfeiture. I am of the opinion that those questions, notwithstanding a Congressional declaration of forfeiture, may be litigated and determined by the courts in all cases in which the title to any of the lands covered by the grant comes in question, and that as a matter of policy all such questions should be judicially determined as speedily as possible after a declaration of forfeiture of a grant and before the land is offered for sale by the United States.

I therefore favor the amendment accompanying the minority report.

J. N. DOLPH.

Mr. EDMUNDS. I merely wish to say in connection with what has been said by the Senator from Indiana and the Senator from Ohio, that several years ago, and I think when Judge Thurman was the chairman of the Committee on the Judiciary, or about that time certainly, the matters of these forfeitures were referred to the Committee on the Judiciary, and that committee reported to the Senate a measure which provided in one bill for the forfeiture of every unearned grant everywhere, and provided, as has been suggested by the Senator from Indiana and the Senator from Ohio, that it should be the duty of the Attorney-General forthwith to institute suits to declare those forfeitures so as to protect from all future litigation the title of the settlers who should come in under the United States.

It did not at that time comport with the pleasure or convenience of the Senate, with its great press of business, to consider that bill. I am very sorry that it was not done, because all these questions would long since have been disposed of and endless difficulty, like that in the Des Moines matter, would have been avoided by a settlement once and for all without grinding the poor settler to death by having to fight these great corporations.

That is all I wish to say, sir.

THE PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. PLATT. I think the yeas and nays have been ordered on the amendment.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. VEST (when the name of Mr. JONAS was called). The Senator from Louisiana [Mr. JONAS] is detained from the Senate by illness. He is paired with the Senator from Wisconsin [Mr. CAMERON].

Mr. CAMERON, of Wisconsin. I am paired with the Senator from Louisiana [Mr. JONAS]. It did not occur to me when I voted in the affirmative, and I ask leave to withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn.

Mr. CALL (when the name of Mr. JONES, of Florida, was called). My colleague [Mr. JONES] is detained at home by illness. He is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES], but understanding that he would vote against this amendment I feel privileged to vote. I vote "nay."

Mr. CONGER (when Mr. PALMER's name was called). My colleague [Mr. PALMER] is necessarily absent this afternoon, and is paired with the Senator from North Carolina [Mr. VANCE].

Mr. RANSOM (when his name was called). I am paired with the Senior Senator from Illinois [Mr. LOGAN] generally. His colleague [Mr. CULLOM] does not know how the senior Senator from Illinois would vote on this amendment, and therefore I shall not vote on it. If he were here, I should vote "yea."

Mr. RANSOM (when Mr. VANCE's name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. My colleague, if here, would vote "nay."

Mr. WALKER (when his name was called). My colleagne [Mr. GARLAND] is paired with the Senator from Kentucky [Mr. WILLIAMS]. If present, my colleague would vote "nay" and the Senator from Kentucky would vote "yea." I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]; otherwise I should vote "nay."

Mr. WILLIAMS (when his name was called). I am paired on this question.

The roll-call having been concluded, the result was announced—yeas 24, nays 31; as follows:

YEAS—24.

Allison,	Dolph,	Harrison,	Mitchell,
Blair,	Edmunds,	Hawley,	Morgan,
Bowen,	Fair,	Ingalls,	Morrill,
Brown,	Groome,	Jones of Nevada,	Pike,
Chace,	Hale,	Lapham,	Platt,
Conger,	Harris,	Miller of Cal.,	Sawyer,

NAYS—31.

Aldrich,	George,	McPherson,	Saulsbury,
Bayard,	Gibson,	Mahone,	Sewell,
Beck,	Gorman,	Manderson,	Sherman,
Call,	Hampton,	Maxey,	Slater,
Cockrell,	Hill,	Miller of N. Y.,	Van Wyck,
Coke,	Hoar,	Pendleton,	Vest,
Cullom,	Jackson,	Pugh,	Wilson.
Frye,	McMillan,	Sabin,	

ABSENT—21.

Butler,	Farley,	Logan,	Voorhees,
Camden,	Garland,	Palmer,	Walker,
Cameron of Pa.,	Jonas,	Plumb,	Williams.
Cameron of Wis.,	Jones of Florida,	Ransom,	
Colquitt,	Kenna,	Riddleberger,	
Dawes,	Lamar,	Vance,	

So the amendment was rejected.

Mr. SHERMAN. I submit to the judgment of the Senate an amendment to make this bill conform to the suggestion I made; that is, that the lands shall be withheld from entry, say, for a period of two years. I suppose they are made subject to entry under the general laws of the United States. I move to insert these words:

But not subject to be disposed of under the general laws of the United States until after the expiration of two years from the passage of this act.

I merely submit the amendment to members of the Committee on Public Lands, as it would make the bill conform practically to the suggestion I have made, allowing two years to provide the proper legislation.

The PRESIDING OFFICER. Does the Senator offer the amendment he suggests?

Mr. SHERMAN. I do.

The PRESIDING OFFICER. The amendment will be read. Will the Senator repeat it so that it may be taken down?

Mr. SHERMAN. I will offer it in this form:

And for two years from the passage of this act be made subject to disposal under the general land laws of the United States.

The CHIEF CLERK. In line 10 of section 1, after the words "domain and" and before the word "made," it is proposed to insert "after two years be;" so as to read:

And the whole of said lands restored to the public domain, and after two years be made subject to disposal under the general laws of the United States, as though said grant had never been made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. SHERMAN. The word "disposal" would include a homestead entry, would it not?

Mr. INGALLS. I should like very much, in pursuance of the sentiment of Congress and I believe of the people on this subject, to confine these lands to homestead entry.

Mr. SHERMAN. I am perfectly willing.

Mr. INGALLS. We have, I believe, voted such a provision on the bill to repeal the pre-emption and timber-culture acts; but that bill has not become a law; probably it may become a law before the close of the session. If this land is to be restored to the public domain, I suggest that it be held for entry under the homestead law.

Mr. SHERMAN. I have no objection to inserting that.

Mr. DAWES. All the lands that have been restored to the public domain from the Indian reservations for several years past have been expressly confined to the homestead law.

Mr. SHERMAN. I will adopt the suggestion if it is agreeable. I will say "disposal under the homestead laws, and not otherwise."

The PRESIDING OFFICER. The amendment will be read as modified.

Mr. SHERMAN. It is another amendment.

The CHIEF CLERK. In line 11, after the word "disposal," it is proposed to insert "under the homestead laws, and not otherwise."

Mr. SHERMAN. Strike out "under the general laws of the United States."

Mr. BECK. Without the amendment the lands will be open to homestead entry at once. As I catch it the amendment only provides for a postponement of two years. Under the general laws the lands would be subject to entry by pre-emption. The pre-emption law is not repealed yet. The meaning of the amendment, therefore, would be to leave the lands open to controversy for two years. That is the practical effect of it; it can be of no other use, so far as I observe.

I thought in 1878, when the Thurman bill was passed, we were taking some control of the management of these railroads. From that day to this we have taken none. The House bill sent to us to do it now is evidently going to fail by a counter proposition. The Reagan bill attempted to do something so as to take the control in another direction. That has evidently failed by a counter proposition. A number of other matters have been up, and they have all been fought because nothing will be done. That is all that the railroads desire.

Now I propose to vote to do something. I propose to vote even against good amendments if in my judgment they will tend to accomplish nothing. I would rather allow some imperfect legislation to pass, trusting to what may be done hereafter, than to have bills at this late hour of the session fail between the two Houses with nothing done; therefore I will vote against this amendment and other amendments that I might think useful, because I prefer doing something rather than to have a series of efforts all of which will prove futile.

Mr. MORGAN. The purpose of the Senator from Kentucky is to draw a distinction between the action of the House and the action of the Senate on these bills. I voted against the Reagan bill along with a good many Democrats and then voted against the Senate bill along with several Democrats, and I voted in the exercise of my duties as I supposed them to be. I advocated the amendment which has just been voted down. The Senate voted it on the Atlantic and Pacific bill, and some of the Senators who vote against it now not only voted for it but spoke for it then, which induced me to suppose, of course, that they were acting in good faith candidly and that they meant what they said, both by their speeches and by their votes.

Now, sir, in this matter I have been acting somewhat with gentlemen on the other side of the Chamber and somewhat with gentlemen on this side of the Chamber; and the effort of the Senator from Kentucky to impeach the Democracy of those gentlemen who have taken this course on the Reagan bill and on this bill will not at all deter me from taking such course as my private judgment dictates. I was in the Democratic party before the Senator from Kentucky enjoyed the privileges of citizenship in this country. I have been a true and a faithful Democrat, and it does not rest with him to impeach my Democracy by such flings as that.

I shall be a supporter of the incoming administration upon principle, if it is an administration of principle, as long as the Senator from Kentucky will stand up to his creed and to mine, and I do not enjoy these declarations which are made at the expense of his party associates. They are not kind, and they are not just, and there I leave them.

Mr. BECK. Mr. President, I have only this remark to make, that I made no allusion to the Senator from Alabama or to any other Senator. He was not in my mind. He is not quite as important in my estimation in regard to this question as he may suppose I think he is. The Senator from Ohio had moved an amendment which I thought might delay for two years the settlement of this question, and I thought it would delay and perhaps defeat the passage of the bill if we amended it in that or any other regard, no matter how good the amendment might be, and I desired to see something done.

I did not happen to be born in this country, but I was not consulted about that. I have been a citizen of the United States since 1838. That was a good while ago, and the Senator may have been a very important public man at that day, but I doubt whether he was. I have endeavored to perform my duty as a private citizen and as a public man to the best of my ability since that time, and if he thinks it either adds to his dignity or that it diminishes from my standing to make the suggestion that I was born in Scotland instead of here, he is welcome to all the honor he thinks he has made out of that fling at the place of my nativity. Many good men have been born where I was born, and very many men who were born here trace their descent with pride back to the ancestry from whom I trace mine.

I might say more but I will not. However, I desire the United

States to take some control of these matters before this Congress closes. I regard the suggestion as to my birthplace as unworthy of the Senator, unworthy of the Senate, and unworthy of reply.

Mr. MORGAN. Mr. President, I made no reference to the Senator's nativity; I made reference only to the length of time the Senator had been in the Democratic party and the length of time that I have been in it, and while my services to that party have not been so conspicuous as those of the Senator from Kentucky, they have been quite as honest and quite as dutiful. No Scotchman who is worthy of the name will take to himself as a personal allusion a matter that was not intended in that sense.

I revere that character more than the Senator from Kentucky does. I would not have pretended to rise on the floor of the Senate and interpose my nativity, which was not alluded to by a Senator, as a plea to shelter me from the results of an attack which he did make upon the Democrats upon this side of the Chamber who have not assisted in the passage of the Reagan bill and in the passage of this bill in the form in which it came from the House of Representatives. There can be no doubt about the object of the allusion. I do not understand the Senator even to deny it, except to say that he did not have in the range of his vision a subject so entirely microscopic as myself.

Mr. President, when a Senator is in command of such heavy artillery as the Senator from Kentucky, he ought to beware how he fires off; he may wound some very insignificant people unwittingly; he may hurt a man's feeling without intending to do it. He ought to have more consideration for men on this floor who at least are entitled to as much personal respect as he is.

He speaks about my remarks being unworthy of the Senate and unworthy of my position here. Sir, I do not indulge in remarks that are unworthy of myself or of the Senate. I might follow that example which I have oftentimes heard laid down by the Senator from Kentucky and indulge myself in such things, but I do not think it is respectful.

I have advocated this bill in the form that it is from the very best of considerations. I announced when I started out that I would vote for the bill as reported by the committee; I would even vote for it as it came from the House; but I believe it could be bettered very much indeed by having this subject carried into the courts before we commence to dispose of these public lands; that thereby we should save the people of this country very large expense. I was encouraged to hold that opinion by the fact that Senators who now vote against this amendment voted for it and spoke for it. In my innocency I supposed that they meant what they said; but it seems to me now when there is a chance to give a political turn to this matter we are disposed to withdraw from our convictions and our conclusions solemnly expressed on this floor and to take the political turn.

Mr. President, I am not a retail dealer in small politics. What little reputation I may enjoy and the position that I enjoy is not in the slightest degree attributable to the fact that I have taken up with currents of popular sentiment for the mere sake of getting myself forward before the people. I have tried as well as I knew how to discharge my duty faithfully as a Senator to the Constitution and the country and everybody in it, the rich and the poor, the high and the low; and when I have left this body I shall have left it I think with a perfectly clear conscience upon this point. That is my whole ambition. I desire neither place nor preferment, but while I keep a seat on this floor Senators must not suppose that, insignificant as I may be, unworthy of public notice as I may be, they can trample upon me without finding resentment and retaliation.

The Senator from Kentucky meant his remarks at somebody. He meant them at those men who he conceived were preventing the passage of bills that he thought were demanded by popular clamor. He admits that he would vote for a bill imperfect in itself in order to get certain legislation on the statute-book. I will never make that admission. I consider that, if you will allow me, unworthy of a Senator, to say that he will vote for a bill that he thinks imperfect in order to get it upon the statute-book. That shows the simple partisan; that shows the man who desires to carry out a purpose of his own or of his party at the expense of justice and at the expense of right legislation. I do not belong in that category, nor will I ever be found in it. The Senator can take that position and enjoy it if he wishes.

Mr. BECK. Mr. President, one word only, and that merely because of the last suggestion made by the Senator from Alabama. I did not say anything that indicated that I was desirous to enforce the Thurman bill, the Reagan bill, or this bill, or any other bill because of public clamor or in obedience to the demands of party; nor did I attempt to reflect on any Senator who differed with me. I desired to state my own position and the reasons why I am endeavoring to accomplish something, even though it might not be as perfect as I should like to have it and as I would desire to make it if time and circumstances allowed; and believing that if we proposed to do anything within ten or twelve days of the close of this Congress, with the vast mass of business pending between the two Houses, the fewer amendments put upon a bill that had merit in it was the best chance to accomplish some result.

The RECORD will show, and I am willing to stand on the RECORD, that no intimation or allusion of mine called forth any criticism from any gentleman who differed with me, no matter whether he was a Republican or a Democrat; and I am not to be told here that if the Senator was not alluded to somebody else was or some one of my party associates was, in order to have it understood that I was reflecting upon him. However unworthy he may think it may be in me to vote in the way I have stated I will continue to do so, because of my desire to accomplish something in the direction which a majority of the Senate, I think, desire to take. That is all I care to say.

I have never had a wrangle in my sixteen years of service in Congress that I now recall with anybody on this floor or anywhere else in regard to my public duties, and I have never given just cause of offense to any one that did not seek an opportunity to bring it on himself because of some assumption that was not to be drawn from anything that I had said.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. CONGER. I was about to move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Will the Senator from Michigan allow me a moment? I merely want to call attention to the fact that the Senate have adopted a number of amendments which the Committee on Public Lands have recommended to this bill, so that when it goes back to the House it must be the subject of consideration there. That is all I desire to say.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. I appeal to the Senator. It will take but a few moments to finish the bill.

Mr. CONGER. I withdraw the motion.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. INGALLS. Has it not been modified since first suggested by the Senator from Ohio? If so we had better hear it read once more.

Mr. SHERMAN. It had better be read.

The PRESIDING OFFICER. The first amendment of the Senator from Ohio will be reported.

Mr. SHERMAN. It is all one amendment.

The PRESIDING OFFICER. The Chair understands there were separate amendments to different parts of the bill; but for the information of the Senate the Secretary will report both amendments in their connection.

The CHIEF CLERK. In line 10, after the word "domain," it is proposed to insert a semicolon; after the following word "and" to insert the words "after two years be;" in line 11 to strike out the word "general" and insert "homestead;" and in line 12, after the word "States" to insert "and not otherwise;" so as to read:

Be, and they are hereby, declared forfeited, and the whole of said lands restored to the public domain; and after two years be then subject to disposal under the homestead laws of the United States, and not otherwise, as though the said grant had never been made.

Mr. INGALLS. After two years from the passage of the act?

Mr. SHERMAN. Yes.

The PRESIDING OFFICER. If there be no objection the Chair will put the question on the adoption of both these amendments at the same time.

Mr. INGALLS. The words "passage of the act" are not there.

Mr. SHERMAN. That is what it means.

Mr. MILLER, of California. I desire to call the attention of the Senator from Ohio to one fact.

Mr. DAWES. I should like to understand this amendment.

The PRESIDING OFFICER. The Senator from California is entitled to the floor.

Mr. SHERMAN. If the Secretary will now read it again, just as it stands, it will speak for itself.

The PRESIDING OFFICER. The Senator from California was upon the floor.

Mr. MILLER, of California. I will yield the floor to hear the amendment read.

The PRESIDING OFFICER. The amendment will again be read.

The CHIEF CLERK. The proposed amendment is, in line 10, after the word "domain," to insert a semicolon; after the next word "and" to insert "after two years be;" in line 11 to strike out "general" and insert "homestead;" and after the word "States," in line 12, to insert "and not otherwise;" so as to read:

And the whole of said lands restored to the public domain; and after two years be made subject to disposal under the homestead laws of the United States, and not otherwise, as though said grant had never been made.

Mr. SHERMAN. To satisfy the suggestion of the Senator from Kansas I will move to insert "after two years from the passage of this act."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. INGALLS. If the Senator will permit me, that leaves the land up to the period of two years subject to disposal either by homestead or pre-emption or otherwise.

Mr. SHERMAN. I think not.

Mr. INGALLS. Certainly it does.

Mr. ALLISON. Then strike out the semicolon.

The PRESIDING OFFICER. The Senator from Ohio proposes to modify his amendment.

Mr. SHERMAN. By inserting the words "from the passage of this act."

Mr. ALLISON. I ask the Senator from Ohio what he means by inserting a semicolon at that particular point?

Mr. SHERMAN. I think grammar rather requires it. I am not particular about it.

Mr. ALLISON. It seems to me if that is done it may be subject to the suggestion made by the Senator from Kansas.

Mr. SHERMAN. I certainly wish to avoid that, and if the Senator will suggest any language that occurs to him——

Mr. ALLISON. I think striking out the semicolon will do.

Mr. SHERMAN. Very well; I will strike out the semicolon, and I would even strike out a period.

Mr. CAMERON, of Wisconsin. I inquire of the Senator from Ohio, or any other Senator who knows, if any machinery is provided in the bill for settling the title during the two years?

Mr. SHERMAN. Oh, no; none whatever. But a bill is now pending lying on our tables to provide for this in all cases, a general law that has been reported from the Judiciary Committee, and ought to pass.

I have no objection to the amendment of the Senator from Alabama, except that it will tend to defeat this bill at this time, but I have no doubt within two years ample provision will be made for commencing suits in the proper courts to quiet the title against these corporations by the United States. I am in favor of such proceeding. My only object now is to prevent the hurry and scurry of homesteaders, &c., on the public lands before these provisions can be made. That is all I desire by the amendment. If there is any trouble about it, I shall withdraw the amendment, if Senators think there is any difficulty.

Mr. CAMERON, of Wisconsin. I am not aware that there is any. I only desired to know if the bill itself provided machinery for settling the title within the two years. It seems it does not.

Mr. MILLER, of California. I would suggest to the Senator from Ohio that the lands embraced in this bill are not, as a general thing, fit for homesteads, probably not one-tenth of them. There are mineral lands along the line of this road embraced within this grant.

Mr. SHERMAN. They are not subject to entry.

Mr. MILLER, of California. They are not subject to entry now except under the laws relating to mineral lands. There is a general mineral-land law providing the manner in which mineral lands may be acquired. If you confine the disposition of these lands to homesteaders entirely, as the amendment does, the mineral lands can not be disposed of, because nobody will take up a homestead for the purpose of working mineral lands. It seems to me the limit of time, two years, is well enough in order to have the titles settled, but it had better be left so that after the expiration of the two years the lands may be disposed of under the existing land laws of the United States. I doubt whether the Congress of the United States will ever pass a bill to change the laws relating to mineral lands. All these lands are good for is pasturage and for the minerals which may be found in them. But if you pass a law now that these lands shall not be open to disposition except for homesteads it repeals by implication all the other land laws, all the laws relating to mineral lands, and all the laws heretofore enacted in reference to that matter.

Mr. WILSON. The mineral lands are not embraced in the grant; they were excepted.

Mr. MILLER, of California. But this is a subsequent law.

Mr. SHERMAN. This only restores the lands granted; and if mineral lands were not granted they are not forfeited and are not covered by the provision.

Mr. MILLER, of California. Then the objection may not be tenable as to mineral lands, but the great objection is that these lands are pasture lands, and there will be no homesteads taken up there. There is not one-twentieth part of the lands embraced in the grant that are fit for homesteads. I call attention to that fact so that Senators may know what they are doing.

Mr. MAXEY. I suggested privately to the Senator from Ohio the same point that is made by the Senator from California. I think but very few homesteaders will be benefited by the amendment, and it might interfere very materially with the mineral lands. The lands along the line of this road, where valuable, are valuable for grazing purposes in New Mexico and for mineral purposes in New Mexico and Arizona. The homesteads are in the valleys, and they have been taken up probably one hundred years or some over one hundred and fifty years on the Rio Grande and in the valleys, and I do not think there are any lands covered by this grant that will probably be valuable for homesteads. The grazing and mineral lands are valuable for those purposes.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. LAPHAM. I suggest as an amendment to the proposition of the Senator from Ohio to add at the end of line 12 the following:

But none of such lands shall be offered for sale or entry until two years after the passage of this act.

The PRESIDING OFFICER. The Chair would state to the Senator from New York that the amendments suggested by the Senator from Ohio are three in number.

Mr. LAPHAM. I know they are, but they have been treated as one, and the question was put on them as one at one time.

The PRESIDING OFFICER. The Chair at one time said if there be no objection the Chair would put the question on the various amendments at the same time, but no such agreement has been arrived at as yet.

Mr. LAPHAM. I ask the Senator from Ohio if he will not accept this in lieu of his proposition?

Mr. SHERMAN. I have been trying to find something to which everybody agrees. The Senator's proposition may be subject to the objection that it makes no provision sufficient for homesteaders. I wish to preserve these lands entirely for homesteads, but the Senator from California objects that that prevents entries on mineral lands. The answer to that is that the mineral lands were reserved from the grant to the Texas Pacific Railroad. Consequently when the lands granted are reclaimed to the United States there are no mineral lands in the reclamation.

Now the Senator from Texas wishes to make some provision for grazing lands. How are grazing lands purchased now except under the pre-emption or homestead law? I do not know of any way. It seems to me that unless some Senator can make some proposition that will be free from difficulty I would rather stand by my amendment. I do not care whether it is voted down or voted up.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. BUTLER. It is getting very late in the evening, and I will move an adjournment.

Several SENATORS. Let us finish the bill.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. CONGER. I hope the Senator will allow us to have an executive session. There are some nominations that ought to be referred.

Mr. BUTLER. I withdraw the motion if the Senator from Michigan will make the motion to go into executive session.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. BUTLER (at 6 o'clock and ten minutes p. m.). I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

The amendment was rejected.

The PRESIDING OFFICER. The question is on the next amendment proposed by the Senator from Ohio.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the next and last amendment proposed by the Senator from Ohio.

The amendment was rejected.

Mr. LAPHAM. I now offer the following amendment: At the end of line 12, section 1, I move to insert:

But none of such lands shall be offered for sale or entry until two years after the passage of this act.

It is suggested in some quarters that this does not cover the case of homesteads. It covers all kinds of entry that the law authorises; and if we restrict entries to homesteads only it applies to homesteads. If the laws remain in force as they now are it will apply to the laws as they now are. It will leave everything according to the state of the law two years from this time.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Will the Senate concur in the amendments made as in Committee of the Whole? The question will be put on the amendments in gross if no separate vote is required.

The amendments were concurred in.

Mr. LAPHAM. Now, Mr. President, I renew the amendment I offered in Committee of the Whole.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. At the end of line 12, section 1, it is proposed to insert:

But none of such lands shall be offered for sale or entry until two years after the passage of this act.

Mr. LAPHAM. I trust that amendment will prevail, to the end that an opportunity may be given for proper legislation to determine these questions in contest according to the suggestion of the Senator from Ohio.

The question being put, it was declared that the noes appeared to prevail.

Mr. LAPHAM. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I should like to ask the Senator from New York what good this amendment will do unless the means are provided for settling the question of this forfeiture during the two years? Will it not only as it now stands postpone every question for two years and leave us just where we are at this present moment?

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS].

The roll-call having been concluded, the result was announced—yeas 12, nays 41; as follows:

YEAS—12.

Blair,	Hoar,	Mahone,	Pike,
Brown,	Jones of Nevada,	Miller of Cal.,	Sawyer,
Dolph,	Lapham,	Mitchell,	Sherman.

NAYS—41.

Aldrich,	Cullom,	Hawley,	Sabin,
Allison,	Dawes,	Hill,	Saulsbury,
Bayard,	Edmunds,	Ingalls,	Sewell,
Beck,	Fair,	Jackson,	Slater,
Bowen,	George,	Manderson,	Van Wyck,
Butler,	Gorman,	Maxey,	Vest,
Call,	Groome,	Morgan,	Williams,
Chace,	Hale,	Pendleton,	Wilson.
Cockrell,	Hampton,	Platt,	
Coke,	Harris,	Pugh,	
Conger,	Harrison,	Ransom,	

ABSENT—23.

Camden,	Garland,	Logan,	Plumb,
Cameron of Pa.,	Gibson,	McMillan,	Riddleberger,
Cameron of Wis.,	Jonas,	McPherson,	Vance,
Colquitt,	Jones of Florida,	Miller of N. Y.,	Voorhees,
Farley,	Kenna,	Morrill,	Walker.
Frye,	Lamar,	Palmer,	

So the amendment was rejected.

Mr. MORGAN. I think some of the Senators who voted against the amendment I offered in committee voted against it because they supposed the bill was being acted upon as it came from the House. There are scarcely ten lines of this bill remaining as it came from the House. We struck out one entire section and amended and added to a considerable part of other sections.

Mr. BLAIR. It is impossible to hear what is going on in the Chamber.

The PRESIDENT *pro tempore*. The Senator from Alabama will please suspend. The Senate will be in order. Senators will please cease conversation.

Mr. MORGAN. Believing that there are Senators on this floor who really approve of the principle of the amendment and acknowledge that it is properly applicable to this case, I will offer it again in the Senate. I now offer the amendment.

The PRESIDENT *pro tempore*. The Senator from Alabama proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert as additional sections the following:

SEC. —. That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Texas to hear and determine all questions and controversies concerning the rights and equities in said forfeited land that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. —. That it shall be the duty of the district attorney of the United States for the northern district of Texas, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited, arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. —. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly veritled by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim are necessary to do complete justice in said cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. —. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree thereon to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. MORGAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired for the day with the Senator from Louisiana [Mr. JONAS]. If I were at liberty to vote, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired on this amendment with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "yea."

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER], or I should vote "nay."

Mr. WILLIAMS (when his name was called). I am paired on this question.

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. If here, my colleague would vote "nay."

The result was announced—yeas 26, nays 28; as follows:

YEAS 26.

Allison,	Dawes,	Harrison,	Mitchell,
Blair,	Dolph,	Hawley,	Morgan,
Bowen,	Edmunds,	Hoar,	Pike,
Brown,	Fair,	Ingalls,	Platt,
Butler,	Groome,	Jones of Nevada,	Sawyer.
Chace,	Hale,	Lapham,	
Conger,	Harris,	Miller of Cal.	

NAYS 28.

Aldrich,	George,	Mahone,	Saulsbury,
Bayard,	Gorman,	Manderson,	Sewell,
Beck,	Hampton,	Maxey,	Sherman,
Call,	Hill,	Miller of N. Y.,	Slater,
Cockrell,	Jackson,	Pendleton,	Van Wyck,
Coke,	McMillan,	Pugh,	Vest,
Cullom,	McPherson,	Sabin,	Wilson.

ABSENT 22.

Camden,	Garland,	Logan,	Vance,
Cameron of Pa.	Gibson,	Morrill,	Voorhees,
Cameron of Wis.	Jonas,	Palmer,	Walker,
Colquitt,	Jones of Florida,	Plumb,	Williams.
Farley,	Kenna,	Ransom,	
Frye,	Lamar,	Riddleberger,	

So the amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CONGER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VEST (when Mr. JONAS'S name was called). The Senator from Louisiana [Mr. JONAS] is detained from the Senate by sickness, as I have before stated, and is paired with the Senator from Wisconsin [Mr. CAMERON].

Mr. CALL (when the name of Mr. JONES, of Florida, was called). My colleague [Mr. JONES] is paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, my colleague would vote "yea."

Mr. JACKSON (when Mr. KENNA'S name was called). The Senator from West Virginia [Mr. KENNA] is detained by serious sickness. He would vote for the bill if he were present.

Mr. RANSOM (when his name was called). I have a general pair, as stated, with the Senator from Illinois [Mr. LOGAN]. His colleague [Mr. CULLOM] assures me that he would vote the same way that I should vote if he were here. So I vote "yea."

Mr. SABIN (when his name was called). I have a pair with the Senator from West Virginia [Mr. KENNA]. I am informed that if present he would vote "yea," and therefore I vote "yea."

Mr. WALKER (when his name was called). I am paired generally with the Senator from Virginia [Mr. RIDDLEBERGER]; but believing that he would vote in the affirmative, I vote "yea."

Mr. WILLIAMS (when his name was called). I was paired on a single amendment only and not upon the bill. I vote "yea."

The roll-call was concluded.

Mr. RANSOM. I desire to state that my colleague [Mr. VANCE] is absent and paired. If he were here, he would vote "yea."

Mr. CONGER. I desire to say that my colleague [Mr. PALMER] is absent, paired with the Senator from North Carolina [Mr. VANCE]. If he were present, my colleague would vote "yea."

Mr. CAMERON, of Wisconsin. I am paired, as I have stated, with the Senator from Louisiana [Mr. JONAS]; but I am informed he would vote for the bill if present, so I vote "yea," as I am in favor of the bill.

The result was announced—yeas 56, nays 2; as follows:

YEAS—56.

Aldrich,	Dolph,	Jones of Nevada,	Plumb,
Allison,	Edmunds,	Lamar,	Pugh,
Bayard,	George,	McMillan,	Ransom,
Beck,	Gorman,	McPherson,	Sabin,
Brown,	Groome,	Mahone,	Saulsbury,
Butler,	Hale,	Manderson,	Sawyer,
Call,	Hampton,	Maxey,	Sewell,
Cameron of Wis.,	Harris,	Miller of Cal.,	Sherman,
Chace,	Harrison,	Miller of N. Y.,	Slater,
Cockrell,	Hawley,	Mitchell,	Van Wyck,
Coke,	Hill,	Morgan,	Vest,
Conger,	Hoar,	Pendleton,	Walker,
Cullom,	Ingalls,	Pike,	Williams,
Dawes,	Jackson,	Platt,	Wilson.

NAYS—2.

Blair, Bowen

ABSENT—18.

Camden,	Frye,	Kenna,	Riddleberger,
Cameron of Pa.,	Garland,	Lapham,	Vance,
Colquitt,	Gibson,	Logan,	Voorhees.
Fair,	Jonas,	Morrill,	
Farley,	Jones of Florida.	Palmer,	

So the bill was passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order, being Order of Business 872, the title of which will be read.

The CHIEF CLERK. "A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico."

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business 1091, being the funding bill, so called.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Senators will resume their seats and be in order.

Mr. HOAR. I do not propose to go on with the bill to-night.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the order of business he has named. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 6771) to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act."

Mr. WILLIAMS. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 19, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.; when the Speaker *pro tempore* signed the same.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes; when the Speaker *pro tempore* signed the same.

ACCOUNTS OF UNITED STATES COURTS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Attorney-General, asking an appropriation for expense of transcribing records and making tabular statements of accounts in the United States courts; which was referred to the Committee on Appropriations, and ordered to be printed.

GRANT & CO.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, with inclosures, relative to the propriety of an appropriation to pay interest on the judgment of the Court of Claims in favor of Grant & Co., confirmed by the Supreme Court; which was referred to the Committee on Appropriations, and ordered to be printed.

OPINIONS OF ATTORNEYS-GENERAL.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Attorney-General, asking an appropriation for editing and publishing opinions of attorneys-general; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF GREELY EXPEDITION.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Navy, transmitting a statement of expenditures or accounts of the expedition for the relief of Lieutenant Greely and party; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. SUMNER, of California, by unanimous consent, was granted leave of absence for to-day, on account of sickness.

DEPUTY MARSHALS AND SUPERVISORS OF ELECTION.

Mr. VAN ALSTYNE. I ask to make a privileged motion, or, if not privileged, I ask the request embodied in the motion made be granted. Yesterday the Treasury Department sent a communication to the House in response to a resolution of inquiry introduced on the 6th instant calling for information touching the amount of money paid out for deputy marshals and supervisors of election for some years past.

Since this communication was sent up the Department has discovered that one of the entries was erroneously made. It is important that the truth should be stated and the correct entry inserted. The request is, therefore, that this paper be withdrawn for the present, corrections made, and the footings of the columns containing the corrected entry changed to harmonize with the statement as amended.

The SPEAKER *pro tempore*. Without objection the order will be made.

There was no objection, and it was ordered accordingly.

VENEZUELAN AWARD.

Mr. RICE. Mr. Speaker, in presenting the report of the Committee of Foreign Affairs in regard to the Venezuelan awards on yesterday, I omitted to state that the gentleman from North Carolina [Mr. COX] desired to file a minority report, which I now ask that he have the privilege of submitting.

There was no objection, and the views of the minority were ordered to be printed with the report of the committee.

DISTRIBUTION OF DOCUMENTS.

Mr. STORM. Mr. Speaker, I ask to introduce a resolution for present consideration.

The SPEAKER *pro tempore*. Is it a privileged resolution?

Mr. STORM. I believe it to be a privileged resolution. It is one in relation to the distribution of some documents. But I ask unanimous consent for its present consideration.

The SPEAKER *pro tempore*. The Chair could not recognize the gentleman to ask unanimous consent.

Mr. STORM. Prior to the commencement of the hour rule can not such requests be entertained?

The SPEAKER *pro tempore*. The rule says distinctly that the Chair shall not at any time entertain a request for unanimous consent, unless it be a request for reference or to dispose of amendments of the Senate to House bills.

Mr. STORM. As I have said, I think this resolution, however, is privileged.

The SPEAKER *pro tempore*. It will be read for information.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress, and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered to be printed which have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

The SPEAKER *pro tempore*. This resolution was submitted on yesterday by the gentleman from Pennsylvania, and ruled by the Chair to be not in order as a privileged matter.

The Chair sees no reason whatever for changing its opinion in that regard.

Mr. KEIFER. It has been held to be privileged in prior Congresses.

The SPEAKER *pro tempore*. If the gentleman from Ohio desires to be heard in opposition to the ruling of the Chair, the Chair will recognize him for that purpose.

Mr. KEIFER. I wish to state that in the Forty-fifth Congress, I think, on a similar resolution it was held to be privileged.

Mr. STORM. I will withdraw it under the ruling of the Chair, with the understanding that I may be recognized to submit it after the hour.

The SPEAKER *pro tempore*. The Chair has not the privilege to recognize the gentleman to ask unanimous consent at any time under the operation of this rule.

Mr. KEIFER. We ought to have an opportunity to be heard on this question before it is disposed of.

The SPEAKER *pro tempore*. The Chair has intimated its readiness to hear the gentleman from Ohio.

Mr. KEIFER. A resolution of a similar character was offered in the Forty-fifth Congress, as the Chair will doubtless remember, by Mr. Garfield, and another resolution of like substance was presented about the close of the Forty-sixth Congress. It was held then, and has since been held, that such a resolution is a privileged matter, because it relates to the convenience of the present members of the House. These resolutions have been entertained as privileged matters because of the fact that they concern the convenience of the members personally and in the aggregate, and I think the precedents can be found showing uniformly the rulings in this respect. And it looks reasonable, too, in view of analogous questions which come up from time to time. Besides that, I do not think there will be any objection to the consideration of a resolution of this character.

The SPEAKER *pro tempore*. The Chair does not see that this has any reference to the convenience of the members; and feels compelled to hold that it does not present a privileged question.

Mr. BLAND. Regular order.

ORDER OF BUSINESS.

Mr. LAMB. I rise to submit what I understand to be a privileged report.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

House joint resolution 315 relative to certain papers in the State Department, by error——

The SPEAKER *pro tempore*. What is this resolution?

Mr. LAMB. It is in regard to some papers placed there by error, and we ask to withdraw them.

The SPEAKER *pro tempore*. The Chair does not think it is a privileged report.

Mr. LAMB. Then I withdraw it.

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. BENNETT. I rise to a privileged question. I send up, Mr. Speaker, a report from the Committee on Elections in the case of Frederick vs. Wilson.

The SPEAKER *pro tempore*. The Clerk will report the resolutions appended.

The Clerk read as follows:

Resolved, That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That Benjamin T. Frederick was duly elected as a Representative in Congress from the fifth district of Iowa, and is entitled to be sworn in as a member of this House.

The SPEAKER *pro tempore*. The report will be printed and laid over.

Mr. BENNETT. I give notice that I shall call it up for consideration at an early day.

Mr. VALENTINE. I ask leave that the minority of the committee be permitted to file a minority report.

There was no objection, and it was ordered accordingly.

SENATE REPORT ON LABOR, ETC.

Mr. ROGERS, of New York. Mr. Speaker, I am instructed by the Committee on Printing to make the report which I send to the desk:

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 4, 1884.

Resolved, That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony, be printed, and that 25,000 additional copies be printed, of which 8,000 shall be for the use of the Senate, 16,000 for the use of the House of Representatives, and 1,000 for the use of the Senate Committee on Education and Labor.

The Committee on Printing, to whom was referred the Senate concurrent resolution, recommend the adoption of the following as a substitute:

"*Resolved by the Senate (the House of Representatives concurring)*, That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying documents, be printed, and that 25,000 additional copies, unbound, be printed, of which 6,000 shall be for the use of the Senate, 13,000 for the use of the House, 5,000 for the use of the Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor."

With these amendments, which pertain to the distribution of the documents and which greatly reduces the cost in binding, the committee recommend the adoption of the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. EATON. I desire to present a report from the Committee on Foreign Affairs.

The SPEAKER *pro tempore*. Is it a privileged report?

Mr. EATON. I think it is.

The SPEAKER *pro tempore* (having looked at the report sent up). The Chair does not think the report furnished by the gentleman from Connecticut is privileged.

Mr. EATON. It is the result of a resolution of inquiry directed to the President of the United States.

The SPEAKER *pro tempore*. The Chair does not hear the gentleman from Connecticut.

Mr. WILLIS. I understand the gentleman from Connecticut to say that this is a resolution of inquiry which was referred to the Committee on Foreign Affairs.

Mr. EATON. It is the result of a resolution of inquiry.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read as follows:

The Committee on Foreign Affairs, to which was referred the message of the President of the United States, with the correspondence on file in the Department of State relative to the claim of William J. Hale against the Argentine Republic, report——

The SPEAKER *pro tempore*. The Chair does not regard this as a resolution of inquiry. It has reference to a private claim, and is not a privileged report.

Mr. EATON. The resolution of inquiry was addressed by the Committee on Foreign Affairs through the direction of the House to the President of the United States, and I supposed there could be no doubt but the action of the committee under those circumstances could be reported as a privileged matter.

The SPEAKER *pro tempore*. The Chair understands a resolution of inquiry was passed by the House; but this is evidently not a resolution of inquiry.

Several members called for the regular order.

The SPEAKER *pro tempore*. The hour set apart by the special rule for the calling up of bills, resolutions, &c., will begin at 12.37 p. m. The Clerk will report the business coming over from the last hour.

WILLIAM H. CROOK.

The Clerk read as follows:

A bill (S. 458) for the relief of William H. Crook.

The SPEAKER *pro tempore*. On this bill two minutes are left of the time allowed in opposition.

Mr. HEWITT, of Alabama. I ask for the reading of the bill. I do not know what it is.

The SPEAKER *pro tempore*. The bill was read on yesterday. If there be no objection it will be again read.

The bill was again read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. STORM. I object.

Further objections being called for, twelve members rose—more than the requisite number.

SETTLERS IN NEBRASKA AND KANSAS.

Mr. LAIRD. I call up from the House Calendar for present consideration the bill (H. R. 1737) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, reported by the Committee on the Public Lands with amendments.

The bill was read, as follows:

Be it enacted, &c., That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been or may hereafter be rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such a decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid.

The amendments reported by the Committee on the Public Lands were read, as follows:

On line 31, page 2, after the words "basis of," insert "what he shall have paid, not exceeding."

Add at the end of the bill the following:

"*Provided further*, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him, without litigation, such Secretary shall pay to such person such sum as he has so paid, not exceeding $3.50 per acre, taking his release therefor as hereinbefore provided."

Mr. OATES. I make the point of order that that bill must have its first consideration in Committee of the Whole House. It makes an appropriation of $250,000.

The SPEAKER *pro tempore*. The Chair will state that the point of order does not hold as against bills called up under the special rule.

Mr. LAIRD addressed the House. [See Appendix.]

Mr. COX, of New York. If the report in this case had been read I am satisfied there would have been no exception taken to the passage of the bill. There are about two hundred families interested in this, as I understand.

Mr. LAIRD. Three hundred settlers.

Mr. COX, of New York. These people got patents from the Government, and yet got no title, because the Supreme Court decided they were ousted. It is an awful swindle on these people by the Government unless we provide a remedy.

They went into the wilderness, improved these lands, brought them to a high state of cultivation, and unless we interpose they are to be turned off under a decision of the Supreme Court and be without remedy. Surely we should give a remedy. It is equitable in the highest sense. Every man who cares about the Government having a character for honesty should vote for the bill. It only asks relief for such persons

and their grantees, heirs, and devisees or assigns as under the homestead, pre-emption, or other laws have settled on these lands.

I hope since our friend from Nebraska [Mr. LAIRD] has come out under such adverse circumstances [alluding to a severe injury received by Mr. LAIRD in a recent accident] we will give him a fair hearing.

[Here the hammer fell.]

Mr. PAYSON. Mr. Speaker, if I may have attention I think I can explain this matter in two minutes so that the House may understand the case with a little more exactness.

This grant was made in 1866. Nothing was done with reference to it by the railroad company until 1870. The grant was of alternate sections of land for ten miles on each side of the railroad to be located. The railroad company filed its map of the definite location of its line on the 25th of March, 1870, in the Interior Department here in Washington. No notice was given of that filing to the people in the West until the 13th of April of the same year, and between those dates—the 25th of March when the map was filed and the 13th of April—some two or three hundred settlers went in there and made entries of these lands at the local land office.

The question was then presented whether the settlers took title to the lands by going upon them before they had notice, or whether the railroad company took the title from the time its map was filed here in the Interior Department. When the question was presented to the Interior Department the Land Office decided that the settlers were entitled to the lands and entitled to hold them. Accordingly the settlers, some three hundred of them, went on and made their improvements in good faith, and the matter remained in that condition until 1880, when a grantee of the railroad company brought suit, claiming that the railroad company took title from the date of the filing of the map. The case is that of Van Wyck *vs.* Knevals, reported in 16 Otto, and the Supreme Court decided that the railroad company took title by and from the filing of its map, without regard to notice.

Now, this bill simply proposes to make good to the two or three hundred settlers who settled upon these lands in good faith the amount of money that they had to pay to buy in the railroad title, not exceeding $3.50 per acre—an act of justice that commends itself to every honest man. [Applause.]

Mr. HOLMAN obtained the floor, but yielded to Mr. OATES.

Mr. OATES. Mr. Speaker, the facts of this case have been succinctly stated by the gentleman from Illinois [Mr. PAYSON]. Within the nineteen days between the two dates he has mentioned some three hundred entries were made of these lands. This is simply a case where a grant had been made to a railroad company, and these settlers went in and made entries and located upon the lands. Subsequently the grantee company brought suit against these parties for the lands, and they were forced to enter into a compromise, and they paid, some of them, $3.50 an acre, and others that have not been sued are given the opportunity of paying $3.50 an acre to compromise, and it is proposed by this bill to make that money good to these settlers. In other words, this bill puts the Government of the United States in the position of an insurer of its title.

Mr. SPRINGER. It ought to be in that position.

Mr. OATES (continuing). A thing which it has never been. All purchasers have been purchasers under the maxim *caveat emptor*, and have been required to look to their titles. Now I think that as a matter of equity and justice the Government ought not to retain the money which it received from these settlers for these lands, but ought to refund that money.

Mr. PAYSON. Will the gentleman yield for a question?

Mr. OATES. Yes, sir.

Mr. PAYSON. Does the gentleman from Alabama [Mr. OATES] think it is justice to pay back to a settler a dollar and a quarter an acre for his land, when he has made improvements upon it worth perhaps two or three thousand dollars, especially when the Interior Department has affirmed the validity of his title for fifteen years?

Mr. OATES. I understand the case perfectly well; but I think that is all the Government can afford to do. If you commit the Government to the position of being an insurer of its title it will have enough to do at every session to make good titles that have failed.

Mr. SPRINGER. If the Government should not do it I should like to know who should.

Mr. OATES. It is a dangerous precedent. I know that it is a hard case for these settlers, and I would have the Government refund every cent of the money it has received from them for these lands; but further than that it can not safely go.

Mr. HOLMAN. Mr. Speaker, in view of the facts now being developed, it is quite clear that this bill opens up as important a question as any we shall have to deal with for years to come—questions growing out of the grants of land made to corporations. If this measure stood alone, I should feel no hesitancy or anxiety about it; granting relief to those victims of corporate power and rapacity would not of itself involve any important results; but it does not stand alone. Cases of the same kind in every section of the land-grant region are coming to light. A corresponding transaction to that named in the bill occurred in the Des Moines Valley several years ago, and from time down to the present time instances of similar injustice to *bona fide* settlers of the same character have been coming to light and demanding the attention of Congress. The Government has issued patents for lands which in innumerable instances were claimed to be within the limits of a railroad land grant, and with strange uniformity the claim of the corporation has been sustained, and the settler with a patent from the United States for his homestead has been turned out of possession. The adjustment of the countless conflicts arising constantly between the settlers on the public lands and the railroad companies to which land grants have been made by Congress is pressing upon Congress for attention as well as the adoption of a proper measure of relief for instances of injustice already consummated in the interest of these corporations.

Some years ago George Crilley, of Iowa, came here asking Congress to do justice to himself and other settlers in the Des Moines Valley of that State. The old gentleman, with a patent for his land from the United States, land which he had enriched by years of labor, had, with many others, been turned out of house and home under wrongful acts of Congress for the benefit of a railroad corporation. He waited and waited until, overwhelmed with despair and a sense of the monstrous injustice done him, his mind gave way and he left here with reason dethroned—a victim of the remorseless cupidity of a railroad corporation and the injustice of this Government.

There are many cases of this general character growing out of our railroad land grants, and it is difficult to say just what the Government should do about them. A serious question is forced upon us. That the Government should refund the money received for the lands must be manifest to every gentleman; but beyond that many difficulties arise. Homestead settlers made no payment, yet relying on the good faith of the Government have made valuable improvements on their lands. I had hoped that a general bill covering all cases of this class would have been reported and properly considered at this session of Congress, and it is unfortunate that that has not been done. The Government should at least do some measure of justice to the actual settler. I feel for one great hesitation in legislating on this subject. I think there should at least be a limitation confining the provisions of this bill to *bona fide* settlers. Speculators in the public lands stand on a different ground. And to that end I offer an amendment, which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The bill is not before the House; so that the gentleman's amendment is not now in order.

Mr. SPRINGER. Let it be read for information.

The SPEAKER *pro tempore*. The Chair, before asking for objections, requests that the House come to order.

Mr. HOLMAN. I ask unanimous consent that before objections are asked for an amendment which I have drawn may be read so as to ascertain whether it is acceptable or not to the gentleman having this bill in charge.

Mr. PAYSON. I hope that may be done.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that a proposed amendment may be read for information. Is there objection? The Chair hears none.

The Clerk read as follows:

Provided further, That the provisions of this act shall only extend to actual and *bona fide* settlers on the lands above specified, and who settled on such lands prior to the said decision of the Supreme Court touching the title to said land; and shall only entitle such settlers to the compensation above provided for to the extent of the land so actually settled upon, not exceeding, however, one hundred and sixty acres.

Mr. LAIRD. In the present temper of the House I am willing to accept that amendment.

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. LAIRD] indicates his willingness to accept the amendment proposed by the gentleman from Indiana. Is there objection to the present consideration of the bill?

Sixteen members rose to object.

So the bill was not considered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 7584) for the relief of A. B. Montgomery.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

A bill (H. R. 7585) for the relief of M. Gardner.

The message further announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 125) to provide for the expenses of the inauguration ceremonies on the 4th day of March, 1885;

A bill (H. R. 2623) to remove the political disabilities of Alexander W. Stark; and

A bill (S. 2592) to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes.

THOMAS THACHER.

Mr. POTTER. I desire to call up for present consideration the bill (H. R. 2483) for the relief of Thomas Thacher. This bill proposes the cancellation of several judgments of forfeiture obtained against a quantity of distilled spirits for alleged violation of the internal-revenue laws. The passage of the bill has been unanimously recommended by two successive Committees on Claims of this House and by various Government officers, including the Secretary of the Treasury.

Mr. MILLS. Let the bill be read before the debate proceeds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be canceled and discharged of record a certain judgment entered on the 20th day of October, 1877, in the United States district court for the southern district of New York, in an action entitled "The United States of America *vs.* One hundred and two Barrels of Distilled Spirits seized at No. 72 Courtland street;" and also a certain judgment entered in said court on the 17th day of January, 1882, in an action entitled "The United States of America *vs.* Eighteen Packages containing Spirits seized at 174 Duane street;" and also a certain judgment entered in said court on the 17th day of January, 1882, in an action entitled "The United States of America *vs.* Ten Barrels of Distilled Spirits seized at 12 Beaver street;" and also a certain judgment entered in said court on the 17th day of January, 1882, in an action entitled "The United States of America *vs.* Thirty-six Barrels of Distilled Spirits seized, twelve at 51 Beaver street, ten at 62 New street, and fourteen at 50 Broadway," as well as the stipulations filed in connection with said judgments, signed by Thomas Thacher, upon the payment by said Thacher of all costs taxed or taxable in favor of the United States in said actions.

Mr. POTTER. I will say only a word or two in explanation of this matter, and then yield my time to the gentleman from Alabama [Mr. OATES], who, as a member of the Committee on Claims, has had knowledge of this case.

Mr. WELLER. Is it proper at this time, Mr. Speaker, to call for the reading of the report?

The SPEAKER *pro tempore*. The gentleman has no right to call for the reading in the five minutes allowed to the gentleman from New York unless that gentleman consents.

Mr. POTTER. Judge Blatchford, who conducted the trial upon which these judgments of forfeiture were rendered, has certified, as stated in the report, that there was no evidence the claimant had knowledge of the fraud. The district attorney who had charge of the case on the part of the United States reported to the Secretary of the Treasury that he was satisfied there was no knowledge or complicity on the part of Thacher in any fraud. The Commissioner of Internal Revenue stated that "Mr. Thacher, in purchasing the spirits in question, observed the ordinary care of the trade, and was innocent of fraud in the matter." He also states that in his opinion the interests of the Government will not suffer by relieving Thacher from the payment of these judgments, and recommends that the relief be granted. The Acting Secretary of the Treasury, in a communication dated February 14, 1883, recommends the relief now proposed.

I yield the remainder of my time to the gentleman from Alabama [Mr. OATES].

Mr. OATES. My knowledge of the circumstances of this case arises out of my membership of the Committee on Claims in the Forty-seventh Congress. Thacher, who was in the commission business, obtained from Saint Louis one hundred and thirty-six barrels of spirits, which were seized by the Government. It turned out that a fraud had been perpetrated by a prior owner, who made a false return upon "Form 122." In the trial of the case, Judge Blatchford held that although Thacher was an innocent purchaser, the forfeiture could not for that reason be avoided under section 3451 of the Revised Statutes, the concluding language of which is "that the property to which such false or fraudulent return relates shall be forfeited." Under this statute the innocence of Thacher could not prevent a judgment of forfeiture.

The evidence is abundant that Thacher had no connection with the fraud, knew nothing of it, was an innocent party. But owing to the peculiar phraseology of the statute and the construction it had received in the case of Henderson's distilled spirits (14 Wallace, 44), the plea that Thacher was an innocent purchaser was not available. Hence four judgments were rendered against him, aggregating $6,714.

The object of the present bill is simply the cancellation of these judgments. The bill does not take a dollar out of the Treasury, but merely cancels these judgments, leaving this innocent man to pay $1,000 of costs, from which Congress can not relieve him. He ought by all means to be relieved from these judgments, which were rendered against an innocent man. The relief which this bill proposes to grant is recommended by the district attorney, Mr. Bliss, by the Commissioner of Internal Revenue, and by the Treasury Department.

The SPEAKER *pro tempore*. The time for debate in favor of this bill has expired.

Mr. WELLER. I desire to have the report read.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2483) for the relief of Thomas Thacher, having considered the same, respectfully present the following report:

The history of this case is as follows:

This bill authorizes the Secretary of the Treasury to have canceled and discharged of record a judgment of forfeiture entered in the United States district court for the southern district of New York, October 20, 1877, against one hundred and two barrels of distilled spirits, seized at No. 72 Courtland street, New York; a judgment entered in said court January 17, 1882, against eighteen packages of spirits, seized at No. 175 Duane street; also a judgment entered in said court January 17, 1882, against ten barrels of distilled spirits, seized at No. 12 Beaver street; and also a judgment entered in said court January 17, 1882, against thirty-six barrels of distilled spirits, seized, twelve at No. 51 Beaver street, ten at No. 62 New street, and fourteen at No. 50 Broadway, and to discharge also the stipulations filed in connection with said judgments, signed by Thomas Thacher, upon the payment by him of all costs, taxed or taxable, in favor of the United States in said actions.

These spirits, one hundred and sixty-six barrels in all, were seized in May, 1875. They were shipped from Saint Louis to Thomas Thacher, a commission merchant in New York, who advanced to the shippers nearly the amount of their value, and made subsequent payments for expenses, &c., beyond the value of the same. The property was bonded at a valuation of $6,714.85. At the time of the seizure the one hundred and two barrels were in Thacher's possession, the remainder were in the possession of different parties, to whom he had made sales, and to whom, after the seizure, he had to make good the amount of the purchase-money.

The principal portion, if not all, of these goods were consigned to Thacher by one Bensberg, a rectifier, of Saint Louis, who was reported to be "one of the most daring and unprincipled operators in crooked spirits" in Saint Louis.

The evidence in the case of the One-hundred-and-two-barrel lot showed that the spirits were marked and stamped in the manner required by the internal-revenue laws to indicate that the tax had been paid, but the rectifier had, in order to procure stamps for rectified spirits, made a false return on Form 122 to the collector, that he had emptied these spirits for rectification.

It was a common practice in connection with the whisky frauds in the West for the rectifier to procure rectifiers' stamps in this manner, for the purpose of stamping illicit spirits. Judge Blatchford held that the false Form 122 forfeited the spirits under section 3451 Revised Statutes.

An application was made to the Secretary of the Treasury for remission of the forfeiture of this one-hundred-and-two-barrel lot. The judge, in the statement there of facts accompanying the petition, said that there was no evidence that the claimant had knowledge of said fraudulent document.

The application for remission was rejected by the Secretary of the Treasury, and a warrant of non-remission was issued October 5, 1877.

The judgment in the district court, in the case of the One-hundred-and-two-barrel lot, was affirmed by the circuit court and afterward by the United States Supreme Court (13 Otto, 679).

The One-hundred-and-two-barrel case was made a test case, and after the failure to obtain remission in that case, and the decision of the Supreme Court, judgment was taken in the other cases under the same state of facts.

The amount of judgments recovered in all the cases was as follows:

In the one hundred and two barrel case, $3,890.56 and $250 as costs; in the ten barrel case, $483.37 and $250 as costs; in the eighteen barrel case, $884.73 and $250 as costs; in the thirty-six barrel case, $1,456.19 and $250 as costs; total, $6,714.85.

It was decided by the Supreme Court, in the case of Henderson's distilled spirits (14 Wall., 44), that the fact that the claimant was an innocent purchaser without notice of the wrongful acts of the antecedent owner constituted no defense to the claim for forfeiture. Henderson was an innocent and *bona fide* purchaser of spirits in a bonded warehouse, which he removed and paid tax upon without knowledge of any fraud. Congress afterward afforded him relief (act of February 17, 1879). That case differed from the present one in some respects, and your committee do not consider that act as constituting a precedent which should necessarily be followed in this instance.

The question in the present case is, whether the claimant Thacher is entitled, as a matter of equity, to be relieved from these judgments.

George Bliss, esq., the then United States attorney, in a letter dated August 14, 1876, on file in the office of the Secretary of the Treasury with the claim for remission, reported that he was satisfied that there was no knowledge or complicity on the part of Thacher concerning Bensberg's "crooked" business.

M. B. Blake, collector internal revenue, second New York district, reported that he had known Mr. Thacher as doing business with his office for a long series of years, and had considered him a particularly conscientious man, and did not think it possible that he could have had knowledge of any fraud at the West in connection with these spirits.

Your committee consider this case a hard one. Mr. Thacher has been put to a good deal of expense; and to pay these judgments would be a severe penalty upon a man himself innocent of any violation of law.

The Commissioner of Internal Revenue did not feel inclined to recommend a compromise of the judgment while the case was pending in the Supreme Court, a construction of the statute under which the seizure was made being deemed of importance.

But considering the severity of the statute under which the forfeiture was made, and the fact that Mr. Thacher, in purchasing the spirits in question, observed the ordinary care of the trade and was innocent of fraud in the matter, the Commissioner is now of the opinion that the interests of the Government will not suffer by relieving him from the payment of these judgments, and recommends that the relief be granted.

The Acting Secretary of the Treasury, in a communication dated February, 14, 1883, addressed to one of your committee, recommends the relief of Mr. Thacher.

In view of the facts of the case and the approval of the proper officers of the Treasury, your committee report the bill back to the House with the recommendation that it do pass.

Mr. WELLER. I wish to call attention to the fact that this man Thacher took the consignment of this whisky from "one of the most daring and unprincipled operators in crooked spirits" in Saint Louis, showing by this report the fact must have been publicly known. And now he comes here and asks this court of last resort to strike a blow in the face of the other courts, in which he had all the remedy he was entitled to. He had all the time, all the opportunity, in these courts of law, and might have gone into a court of equity if he had seen fit; but he failed to do that. After the Government, at a great expense, has secured this judgment, and he can not find any relief in the courts, the proper place to try this question, he comes to this court of last resort and seeks to have this judgment swept away and the Treasury depleted to this extent. I hope there will not be ten objections, but a hundred, to this bill, as there ought to be.

Mr. ANDERSON and Mr. WELLER objected.

The SPEAKER *pro tempore*. Those in favor of supporting the objection to this bill will rise.

More than fourteen members rose.

The SPEAKER *pro tempore*. The bill is not before the House.

DREGAS DEL LLANO DE LAS AGUAGES TRACT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the

House a letter from the Secretary of the Interior, transmitting a report from the surveyor-general of New Mexico in the case of New Mexico private land claim No. 117, known as the Dregas del Llano de las Aguages tract; which was referred to the Committee on Private Land Claims.

ORDER OF BUSINESS.

Mr. DAVIDSON. I call up for present consideration the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be and he is hereby, authorized and directed to purchase, at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary, and cause to be erected thereon a suitable brick or stone building for the use and accommodation of the United States district and circuit courts, custom-house, post-office, and other Government offices in that city, at a cost not exceeding $100,000, including the purchase of land; and the building hereby authorized shall be so erected as to afford an open space of not less than fifty feet between it and any other building; and the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein mentioned: *Provided*, That no money appropriated for said building and lands shall be available until a valid title to the site selected is vested in the United States, nor until the State of Florida shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment of the committee was read, as follows:

Strike out, after the word "directed," the following: "to purchase at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary" and in lieu thereof insert the following: "to select, of the lands owned by the United States in the city of Key West, Fla., a suitable building site."

Strike out also, after the word "dollars," the words "including the purchase of land."

Mr. DAVIDSON. Mr. Chairman, this bill proposes to make an appropriation for the erection of a Government building at Key West, Fla., the southernmost city of the Union. There is not, in my opinion, on the Calendar of this House a bill providing for the erection of a public building, nor has one been passed, more meritorious than this one. The necessities of the public business transacted at Key West, the security and preservation of the public records, the importance of the city, all demand that this appropriation should be made. The Government owns no suitable custom-house there, no revenue office, no post-office, no court-house, and yet the customs collection in the city of Key West for the fiscal year ending June 30, 1884, was $320,457.02; revenue collection between $135,000 and $150,000; and the post-office receipts, even with the limited mail facilities of the city, were nearly $5,000.

In the Forty-fifth Congress a bill providing for the erection of a public building there was favorably considered by the Committee on Public Buildings and Grounds, but for want of time it was not reported. In the Forty-sixth Congress a similar bill was considered and reported, but was not reached on the Calendar. In the Forty-seventh Congress the Senate passed a similar bill. This now is a Senate bill reported by the Committee on Public Buildings and Grounds of this House, and I deem it unnecessary to consume the time of the House in saying more in reference to it. Not only a court-house is needed, but a post-office, revenue office, and custom-house.

I can tell this House from personal knowledge that the buildings in which the public offices there are kept are altogether unsuitable and inadequate. The post-office is a very ordinary frame building of one story; in fact, I may say it is but a shanty, and is a reflection on the dignity and character of our country. I hope there will be no objection to the bill, which has been considered and reported favorably so many times.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. I ask for the reading of the report.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., beg leave to report:

The city of Key West is the largest city in the State of Florida, and a large foreign trade is carried on, particularly with the West Indies. That it is the seat of a United States court, which is held in a rented building without proper accommodations; and that the post-office accommodations are insufficient.

The matter of a public building at Key West has been urged in Congress as far back as the Forty-sixth Congress, and was then favorably reported, with a limit of $125,000 as to cost. The necessities of the public business make the demand still more urgent now. The present bill limits the cost to $100,000.

The Government owns a site suitable for the location of the building; and in view of this fact the committee recommend the passage of Senate bill 229, with amendments as follows:

Strike out, after the word "directed," the following: "to purchase at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary," and in lieu thereof insert the following: "to select, of the lands owned by the United States in the city of Key West, Fla., a suitable building site."

Strike out also, after the word "dollars," the words "including the purchase of land."

Mr. WHITE, of Kentucky. What is the population of Key West?

Mr. DAVIDSON. Between 15,000 and 16,000.

There was no objection, and the bill was brought before the House for present consideration.

The amendments of the committee were adopted.

Mr. DAVIDSON. I move, in line 10 of the bill, to strike out "fifty," between the words "than" and "feet," and insert "forty."

Mr. STOCKSLAGER. That is right.

The amendment was agreed to.

Mr. HOLMAN. Permit me to say a word in this connection. I regret very much that my friend from Florida has not seen proper to introduce here the provision, which I have heretofore suggested in connection with these bills, touching the duty of the Secretary of the Treasury with reference to the approval of the plans, and limiting the cost to the amount appropriated for the purchase of the site and the erection of the building. After the former action of the House upon similar questions I do not feel justifiable in again insisting upon a vote, but express my regret that it has not been incorporated, since it is the only security we have that the appropriation will not be exceeded.

Mr. WHITE, of Kentucky. Let me ask the gentleman from Florida if he will not be willing to put the amount at $50,000?

Mr. DAVIDSON. The difficulty would be that it would send the bill back to the Senate again, and might jeopardize its passage.

The bill as amended was read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. DAVIDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, AUBURN, N. Y.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.

The bill is as follows:

Be it enacted &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Auburn, in the State of New York, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office and United States courts, and for other Government uses. The site, and the buildings thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of New York shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. PAYNE. If I can have the attention of the House for the five minutes I do not think there will be any objection to this bill. The city of Auburn has a population of over 25,000 people. The United States courts are held there, and it is the geographical center of the northern district of New York. We ask the construction of a court-house and post-office building for the use of the Government of the United States at that place. In the Forty-fourth Congress a bill was introduced having in view this object, and the Committee on Public Buildings and Grounds, after an investigation of the matter, recommended the construction of a building to cost $250,000. This bill asks only $150,000. At that time the chairman of the committee, the gentleman from Indiana [Mr. HOLMAN], addressed a letter to the Secretary of the Treasury in regard to the necessity of a building at Auburn, and received in response a letter which I send to the desk and ask to have read. This is founded upon a report made by the Supervising Architect of the Treasury upon a personal examination and inspection of the locality.

The Clerk read as follows:

TREASURY DEPARTMENT, *Washington, D. C., May* 8, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th ultimo, inclosing copy of House bill 2430, Forty-fourth Congress, first session, providing for the erection of a court-house and post-office at Auburn, N. Y., and requesting the views of this Department as to the propriety of the passage of the same.

In reply, I inclose herewith a copy of a report made by the Supervising Architect, to the effect that under date of March 3, 1875, an appropriation of $4,000 was made to cover the expenditures for preparing plans and specifications for a building to accommodate the public officers in the city of Auburn, and that accordingly he visited that city and found that the post-office and United States courts were located in buildings totally unsuitable and insufficient to afford the necessary accommodations, and that plans have been made for a suitable building, the cost thereof not to exceed the sum of $250,000, including the expense of site.

In consideration of the seeming necessity for the erection of a suitable building at the city of Auburn, I am induced in this instance to depart from the policy which has governed the Department in such matters during the past two years, and to recommend that an appropriation of $50,000 be made for the commencement of such a building.

I am, very respectfully,

B. H. BRISTOW, *Secretary*.

Hon. WILLIAM S. HOLMAN,
Chairman Committee Public Buildings and Grounds.

Mr. PAYNE. I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has one minute remaining. Unless some gentleman desires to be heard, in the five minutes remaining in opposition to this bill, the Chair will ask for objection.

Mr. COOK. I would like to ask the gentleman from New York in what parts of the northern district of New York the Federal courts are now held?

Mr. PAYNE. At Buffalo, which is about one hundred and fifty miles west, and at Albany, one hundred and fifty east; and there is also a circuit court at Utica and one at Rochester, in the northern district.

Mr. WELLER. How far are these places, Utica and Rochester, from the point where this building is proposed to be constructed?

Mr. PAYNE. Rochester is some eighty miles, and Utica perhaps a little farther. This is the geographical center of the district, as I have said.

Mr. PERKINS. And the courts have been established there, as I understand, already.

Mr. PAYNE. Yes, sir; since 1814.

Mr. WARNER, of Ohio. Do I understand that a United States court is held there now?

Mr. PAYNE. Yes, sir; and has been since 1814.

Mr. McMILLIN. What is the population?

Mr. PAYNE. There are 25,000 people now, and it is rapidly growing in population.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PAYNE. I ask permission to insert an amendment, in line 15, by striking out the word "fifty" and inserting "forty," between the words "least" and "feet;" so that it will read "at least forty feet."

I demand the previous question upon the amendment and on the passage of the bill.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. C. MARSH.

Mr. TAYLOR, of Tennessee. I ask to take up for present consideration the bill (S. 1031) for the relief of W. C. Marsh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury of the United States be authorized and directed to pay to W. C. Marsh, of Tennessee, $2,054, the same being the amount taken from him on or about the 10th day of February, 1863, by the officers commanding the gunboat New Era, and turned into the Treasury of the United States.

Mr. TAYLOR, of Tennessee. This bill passed the Senate and has been favorably reported by the Committee on Claims of this House. I ask that the report be read.

The Clerk commenced the reading of the Senate report (by Mr. DOLPH), which is as follows:

The Committee on Claims, to which was referred the bill (S. 1031) for the relief of W. C. Marsh, respectfully reports:

That the said claimant, William C. Marsh, who was at the time a citizen of the United States and a resident of the county of Tipton, in the State of Tennessee, on or about the month of January, 1863, obtained permission from the military authorities at Memphis, Tenn., to ship a quantity of cotton to Saint Louis, in the State of Missouri, and that in accordance with such permission he shipped his cotton—about eighteen bales—to Saint Louis, and sold it for $1,500 in United States currency, which he converted into $2,228 in gold coin, and then took passage on a regular steam transport plying between the cities of Saint Louis and Memphis, and started on his return, via Memphis, to his home in Tipton County; that when said steamer had reached a point at or near Island No. 10, in the Mississippi River, which was on or about the 10th day of February, 1863, the Federal forces upon the United States gunboat New Era seized said transport and took charge of her and the passengers on board, and seized and took from the said claimant the sum of $2,054 in gold coin, which was taken to the city of Cairo, where the same was duly libelled by the district attorney of the southern district of the State of Illinois in the district court of said district as forfeited to the United States, for the reason that the same at the time of the seizure was being transported from a portion of the United States, to wit, the State of Missouri, to another portion of the United States, to wit, the State of Tennessee, contrary to the act of July 13, 1861, which libel was filed June 2, 1863; and afterwards the said claimant appeared and filed a bond and stipulation in the said court, and the said gold coin was delivered to him; that afterwards and on the 23d day of January, 1864, the cause coming on to be heard in the said court, the said claimant appeared, by his proctor, J. O. Broadhead, esq., and confessed the allegations of the libel to be true, and it was thereupon ordered, adjudged, and decreed by the court that the libellant (the United States) have and recover from the said claimant the sum of $2,054, the amount of his bond and stipulation filed in said cause, and that execution issue against the said claimant and Jacob Burns, his surety, therefor. On the same day the claimant filed in said court a petition praying for the remission of the forfeiture of said gold coin, and the district attorney having consented that the same might be heard, the court proceeded to hear the proofs in support of said petition, and ordered that the execution of the decree of forfeiture should be stayed until the action of the Secretary of the Treasury in the premises, and proceeded to hear the evidence, and made the following findings of fact:

First. That the claimant, William C. Marsh, is an illiterate man, unable to read or write, and that he is a poor and honest laboring man.

Second. That said Marsh is no trader or speculator, and his business is that of a farmer, and that he rents the lands cultivated by him.

Third. That the $2,054 gold coin found on the person of said claimant Marsh was his own property, no other person having any interest in it, it being the proceeds of certain cotton raised and sold by him.

Fourth. That said claimant Marsh was carrying said gold coin home with him for the use of himself and family in good faith, without any intention of fraud, he being ignorant of any law, order, or regulation forbidding the carrying of coin into said State of Tennessee.

Fifth. That said claimant Marsh is and ever has been loyal to the Government of the United States, and that while Tipton County, Tennessee, the home of said claimant, was under rebel rule, he persistently and continuously avoided giving them any aid or comfort, or in any way recognizing their authority.

Sixth. No proof was taken in support of the libel or against the petition of the owner.

S. H. TREAT, *District Judge*.

The petition and findings having been presented to the Secretary of the Treasury, the Acting Secretary of the Treasury, on April 20, 1864, addressed the following communication to the Solicitor of the Treasury:

TREASURY DEPARTMENT, *April* 30, 1864.

SIR: Application has been made by William C. Marsh, of Tipton County, Tennessee, for the remission of a forfeiture of $2,054 in gold coin, seized at Island No. 10, in the Mississippi River, and libeled in the United States district court for the southern district of Illinois, for violation of an act of Congress approved July 13, 1861.

After a careful review of the summary examination had before the judge of said court, I see no sufficient reason to grant the prayer of the petitioner. You will accordingly please instruct the United States district attorney for said district that the application for the remission of the forfeiture in said case has been denied.

Respectfully,

GEORGE HARRINGTON,
Acting Secretary of the Treasury.

EDWARD JORDAN, Esq.,
Solicitor of the Treasury.

While the facts found by the district judge upon the summary hearing of the petition for a remission of the forfeiture would seem to have justified the Secretary of the Treasury in granting the prayer of the petitioner, there may have been circumstances which are unknown to your committee which render a strict enforcement of the act of July 13, 1861, necessary. Your committee is of the opinion that the claimant is equitably entitled to relief, and recommends that the bill be amended by striking out the words "in gold coin," in line 5 of the bill, and that the bill as amended do pass.

Before the Clerk had completed the reading of the report,

The SPEAKER *pro tempore*. The five minutes allowed in favor of the bill have expired.

Mr. HOLMAN. I hope the balance of the report will be read.

Mr. WELLER. I desire that the remainder of the report shall be read.

The SPEAKER *pro tempore*. In the time against the bill?

Mr. WELLER. Yes, sir; although I favor the bill.

The Clerk resumed the reading of the report.

Mr. WELLER (interrupting). So far as I am concerned I have heard enough.

Mr. HOLMAN. Let the reading continue. The five minutes have not expired.

The SPEAKER *pro tempore*. Three minutes are still left of the five.

The Clerk resumed the reading of the report.

Mr. HOLMAN (interrupting). For myself I do not ask for further reading.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TAYLOR, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPOONER. I rise to call up a bill for consideration.

The SPEAKER *pro tempore*. The gentleman from Rhode Island [Mr. SPOONER] is recognized. The hour provided by the special rule has expired.

WIDOW OF FRANK W. LYNN.

Mr. ERMENTROUT. I present a privileged report from the Committee on Accounts. The Committee on Accounts, to whom was referred the resolution which I send to the desk, report it back with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the widow of Frank W. Lynn, late an employé of this House, a sum equal to his salary for six months and also the necessary funeral expenses, not to exceed $250.

The resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTS IN WASHINGTON TERRITORY.

Mr. BRENTS, by unanimous consent, introduced a joint resolution (H. Res. 337) authorizing the Secretary of the Treasury to establish a subport of entry and a port of call at Port Angeles, Wash.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RAILROAD LAND GRANTS IN KANSAS.

Mr. ANDERSON, by unanimous consent, presented a resolution of the Legislature of Kansas, urging the passage of the bill to adjust the grants of lands to certain railroads doing business in the State of Kansas; which was referred to the Committee on the Public Lands.

Mr. ANDERSON. I ask that these resolutions be printed in the RECORD. They are very short.

There was no objection, and it was so ordered.

The resolutions are as follows:

House concurrent resolution No. 10.

Whereas the title to a vast amount of land in the different counties of this State is held in dispute between railroad corporations and settlers; and

Whereas such disputed title has caused many vexatious lawsuits, feuds, bloodshed, and loss, greatly to the detriment of the prosperity and settlement of the counties so situated; and

Whereas a bill is now before the Congress of the United States, which, if passed, it is believed would greatly aid in adjusting these land titles: Therefore,

First, *Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein)*, That our Senators be instructed and our Representatives be requested to use their best efforts to secure at the earliest day possible the enactment of such a law as will afford the relief sought.

Second, *Resolved*, That the secretary of state be directed to forward copies of these resolutions, properly verified, to each of our Senators and Members of Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal

Done at Topeka this 12th day of February, A. D. 1885.

[SEAL.] E. B. ALLEN, *Secretary of State*.

FRENCH SPOLIATION CLAIMS.

Mr. BRATTON. A few days ago a resolution which I reported from the Committee on Printing was committed to the Committee of the Whole House on the state of the Union. It is a Senate resolution, authorizing the printing of 3,000 copies of the list of claimants on account of French spoliations. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the report, and that it be recommitted to the Committee on Printing.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. WILLIS. I move to dispense with the morning hour, and beg to state that at a certain time agreed upon with the Committee on Appropriations I shall yield the floor to them. Upon that understanding, and with that agreement, I move to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

REPORTS OF UNITED STATES GEOLOGICAL SURVEY.

Mr. SPRINGER, by unanimous consent, introduced a joint resolution (H. Res. 338) providing for the printing of additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. SPRINGER, by unanimous consent, also introduced a joint resolution (H. Res. 339) providing for printing additional copies of the sixth and seventh annual reports of the Director of the Bureau of Ethnology; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MONOGRAPH II OF UNITED STATES GEOLOGICAL SURVEY.

Mr. SPRINGER, by unanimous consent, also introduced a joint resolution (H. Res. 340) providing for printing the usual number of Monograph II, of United States Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM M. GARDNER.

Mr. TUCKER. I ask unanimous consent to take from the Speaker's table the bill (H. R. 7585) for the relief of M. Gardner, with amendments by the Senate, for the purpose of moving concurrence in the Senate amendments.

The SPEAKER *pro tempore*. This is a political disability bill. The gentleman from Virginia [Mr. TUCKER] desires to move concurrence in the Senate amendments.

There was no objection.

The amendments of the Senate were read, as follows:

In lines 2 and 3 strike out "M. Gardner" and insert "William M. Gardner." Amend the title so as to read, "An act for the relief of William M. Gardner."

The amendments of the Senate were concurred in.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Pennsylvania [Mr. BAYNE], which the Clerk will again report.

The Clerk read as follows:

In line 927 strike out "$2,800,000" and insert "$800,000," so that it will read: "Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, $800,000; which sum," &c.

The question being taken on agreeing to the amendment, there were—ayes 25, noes 73.

Mr. BAYNE. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. BAYNE, and the gentleman from Kentucky, Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 40, noes 114.

Mr. BAYNE. Mr. Chairman, I will not insist upon the point of order.

The CHAIRMAN. The point as to no quorum being withdrawn, the amendment is not adopted.

The Clerk read the next amendment (offered by Mr. HISCOCK), as follows:

In line 926 insert the following:

"But the mouths of said rivers shall not be rectified upon any plan that in the opinion of the Mississippi River Commission will render it necessary to build levees on the Mississippi from the said Atchafalaya River down the Mississippi River."

Mr. HISCOCK. Mr. Chairman, when I offered the amendment a moment since to strike out the lines in this bill providing for the rectification of the mouths of the Red River and the Atchafalaya, and made the assertion that those lines committed the Government to the building and the perpetual support and maintenance of levees from the mouth of Red River down, I was told by some friend of this measure that I was mistaken. To meet that allegation I have offered this amendment, providing that the mouths of those rivers shall not be rectified upon any plan which involves the building of such levees. Everybody knows that for the requirements of navigation there is no need of levees from the mouths of those rivers down; there is plenty of water there; the navigation is perfect; and I have offered this amendment to meet the assertion which was made here on the other side of the House by some friend of this scheme that my statement that it would be necessary to build and maintain such levees was not true.

I now say to members of this committee more than that; I say that this provision in the bill commits the Government for all time to paying the damages that may be sustained from the chance breaking of those levees or from overflow. It commits the Government to the maintenance of the levees at its own cost and expense, and obligates it for all time to preserve the owners of these alluvial lands from the discharge of water upon their lands on account of the closing of the mouth of one of these rivers and the opening of the other. I do not believe that this committee or that Congress is prepared to commit itself to any such policy, but I shall have done my duty in reference to this matter when I have so distinctly brought the question into this committee that every member can understand precisely the point upon which he is voting and the effect of the adoption of this clause of the bill without amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRECKINRIDGE. That is more stuff, as this House well knows.

Mr. ELLIS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ELLIS. I rise to offer a substitute for the amendment just proposed by the gentleman from New York [Mr. HISCOCK], and I send it to the Clerk's desk to be read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment (offered by Mr. ELLIS as a substitute for the amendment offered by Mr. HISCOCK), as follows:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission are authorized to repair and build levees, if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

Mr. ELLIS. Mr. Chairman, after years of consideration we adopted a plan for the improvement of the Mississippi River. That plan has succeeded, and the proofs of it are now visible on the river wherever that plan has been adhered to. A portion of the plan has failed, while another essential portion of it has been neglected. This bill brings back the commission, and restricts them to the original plan with perfect fidelity. Now, sir, having chosen the plan, having chosen the agents to carry out that plan, why should we seek to fetter their brains? Why should we seek to darken counsel by words without knowledge? Why should we seek to fetter the judgment of the men who are in charge of this work, having restricted them to the plan which has succeeded, and which will succeed when adhered to? This provision contains the same language that was used heretofore, and it absolutely prevents the throwing of a single spadeful of dirt for private purposes, for the protection of private property, for the protection of lands from overflow. That is absolutely prohibited; but if they find it necessary for the purpose of deepening the channel of the river and affording ease and facility to the vast commerce that floats upon its bosom—if these purposes can be subserved by making higher banks, the commission are at liberty to do so. The amendment, I am sure, must commend itself to the judgment of this House, and I trust it will be adopted. [Cries of "Vote!" "Vote!"]

Mr. HISCOCK. I move to strike out the last proviso in the substitute just offered by the gentleman from Louisiana [Mr. ELLIS], and I desire to say that the objection which I make to this clause in the bill without my amendment is that the clause itself commits this Government to the building of these levees. The Government would be legally obliged to build them. The moment it turns this immense volume of water into the Mississippi it assumes the liability of protecting the owners of the lands against overflow. That is the purpose of it. It does not depend upon affirmative legislation, but, on the contrary, the Government practically says to the people: We have increased the flood in the Mississippi River and we assume the liability of protecting you from the incursions of that flood.

This scheme is concealed—I do not say it offensively—this scheme is concealed in the simple words of this clause, and therefore I say that no language that can be offered here limiting it will correct the evil if you undertake to rectify the mouths of these rivers in accordance with the plans which have been submitted by the Mississippi River Commission.

The effect of it is to threaten the people upon the line of that river below that point with destruction of houses, villages, and farms by flood; and the Government is compelled to step in and build these levees to protect those people against its own act. Ay, more than that, when damages have been sustained in this way the Government is bound in equity and honor to make compensation to the owners of those alluvial lands for that damage.

Mr. WARNER, of Ohio. I desire to offer an amendment.

Mr. WILLIS. I do not appeal to the rules of this House but to the good faith of members. It was expressly understood that only amendments intended to be substantial and only speeches in support of such amendments were to be allowed in this extended time. I do respectfully appeal to gentlemen on this floor not to violate their agreement.

Mr. WARNER, of Ohio. I have not occupied a minute on this bill.

The CHAIRMAN. The Chair will state that no further amendment is in order until the pending amendment is voted upon.

Mr. ELLIS. If the House will allow me one minute I will dissipate the fears expressed by the gentleman from New York.

Mr. WILLIS. I must object to any extension of the debate.

Mr. HOLMAN. I call for the reading of the substitute and the proposed amendment.

The substitute and amendment were read.

Mr. HISCOCK. I do not care to press the amendment to strike out the last proviso. I withdraw it so as to let the question come squarely on the substitute.

The CHAIRMAN (having put the question on agreeing to the substitute). In the opinion of the Chair the substitute is adopted.

Mr. HISCOCK. I call for a division.

Mr. WILLIS. In order to save time I ask that tellers be ordered at once.

There being no objection, tellers were ordered; and Mr. WILLIS and Mr. HISCOCK were appointed.

The House again divided; and the tellers reported—ayes 101, noes 63.

So the substitute was adopted.

Mr. WARNER, of Ohio. I now ask to have read the amendment which I send to the desk.

The Clerk read as follows:

Add to the substitute just adopted the following:
"*Provided*, That no existing outlets through which the flood waters are carried off shall be closed."

Mr. WARNER, of Ohio. Mr. Chairman, it will be admitted, I think, that the improvement of the navigation of the Mississippi River is one thing and taking care of the flood waters is a very different thing. I am in favor of the improvement of the navigation of the Mississippi River, and I doubt not that jetties and revetments are valuable in the improvement of navigation; but I do not believe it is within the power of man to confine the flood waters of that gigantic river and keep them within artificial embankments.

There was a time, and that within comparatively recent geological time, when the Gulf of Mexico was where New Orleans now is. At that time the surface of the Mississippi River must have been some sixteen feet lower than it is now all the way up to the first falls, and the bed of the river was then much lower than it is now. Extend the mouth of the river into the Gulf; build walls to hold the flood waters, and the waters will continue to rise and its bottom to follow it up, and you may go on indefinitely without being able to confine within your artificial embankments the floods that will occasionally come. For this reason I am opposed to appropriations for the building of levees to confine the flood waters. If I believed the plan would be a success I should not object to appropriations for it; but I do not believe in the plan, and I do not believe that engineers agree at all upon such a plan. I believe in more outlet room for flood waters.

[Here the hammer fell.]

The question being taken on the amendment of Mr. WARNER, of Ohio, it was not agreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

In lines 923, 924, and 925 strike out the words "including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River."

Mr. WHITE, of Kentucky. As will be seen, Mr. Chairman, the proposition of the committee is to rectify the banks of the Red and the Atchafalaya Rivers. It is intended to carry out the Eads plan of closing up the outlet from the Red River into Grand Lake through the Atchafalaya. Now, it is a well-known fact that when the floods come the Mississippi River extends at least seventy-five miles wide. To talk about closing up the outlet of the Atchafalaya means to build up a levee all along the southern bank of the Red River. Is there any man from Louisiana who will deny that?

Mr. BLANCHARD. I do deny it.

Mr. LEWIS. I deny it.

Mr. WHITE, of Kentucky. Now let me read to these gentlemen. On April 5, 1882, General Humphreys was before the Committee on Commerce, and I desire to read from his testimony taken at that time:

Mr. REAGAN. In determining, as you did, the necessity of extending the levees from the mouth of the Ohio to the mouth of the Mississippi, did you consider whether it was practicable or possible to retain the floods of the Mississippi River within those levees?

General HUMPHREYS. Yes; that was the question. The object of constructing levees and raising them to certain heights was to confine the river within them, otherwise it would be a useless expenditure of money. The great object of making these measurements was to determine the question how high the river would rise if all the water were kept within its channel, and the observations were made because no one had any means of answering that question before.

Mr. HORR. And did you conclude that it could be done?

General HUMPHREYS. Yes, sir.

Mr. REAGAN. Did you contemplate the construction of a line of levees immediately on the banks of the river or at some distance back from them?

General HUMPHREYS. Wherever it was practicable it would be preferable to place levees some distance back from the river, leaving the local proprietors to establish the levees outside.

* * * * * * *

Mr. REAGAN. In providing on your plan for retaining the water of the river within its channel by levees, did you contemplate putting reverse levees along the affluents of the Mississippi within the alluvial bed or did you propose to leave those open?

General HUMPHREYS. The affluents must be leveed also. We contemplated that, though, if I remember aright, we did not include it in our estimates.

Mr. WHITE. You understand that the Red River is disposed to run into the Atchafalaya now?

Mr. HUMPHREYS. Yes; at times it discharges entirely through the Atchafalaya.

Mr. WHITE. Now, it has been stated that if we levee the Mississippi we shall have to levee also the Red River and the other affluents for some considerable distance back.

General HUMPHREYS. That would be for the protection of the country along those rivers.

Mr. WHITE. Would that necessitate the raising of the levees on the Mississippi? Or would it be better to lead the surplus water there off by another channel, say down the Atchafalaya, and levee that also—that is, would it be better to have a parallel river with low levees, and the Mississippi itself with low levees, or to have all the water concentrated in one river with high levees?

General HUMPHREYS. I should not think for a moment of closing the Atchafalaya or any of those natural bayous. How much that surplus water of the Red River is I don't know, nor how much the banks would have to be raised by levees.

[Here the hammer fell.]

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

The next amendment (by Mr. HEPBURN) was read, as follows:

After the word "river," in line 926, insert: "*Provided*, That no work shall be done at this point that will make the improvement or increase of levees necessary on the banks of the Mississippi River."

Mr. HEPBURN. Mr. Chairman, there are three plans which have been submitted for the rectification of the mouth of the Red River. One involves an expenditure of $10,511,000; the other involves an expenditure of $8,061,000. The plan favored by the commission involves an expenditure of $4,800,000. By this rectification of the mouth of Red River from throwing its floods into the Mississippi River is involved an expenditure in levees to make secure the present levees below Red River, assumed as in previous cases at two feet mean rise, of $2,872,000. To provide for the increased discharge below Red River consequent upon the execution of this plan would require the additional raising of grade, which, assumed as in a preceding case at one foot increase to mean height, would cost $1,907,000. There are more than $4,000,000 made necessary in building levees alone from this mode, compelling the waters which now flow through the Atchafalaya into the Mississippi.

Now, there is certainly a reason for this. As it is, certain lands contiguous to the Atchafalaya are flooded because of this discharge, and they are owned by somebody and that somebody desires their protection, through the diversion of the waters which at times flood them, at the expense of the Government of more than $4,000,000.

[Here the hammer fell.]

Mr. BLANCHARD. The commission has adopted no such report.

Mr. HEPBURN demanded a division.

The committee divided; and there were—ayes 33, noes 81.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. HEPBURN and Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 15, noes 116.

So the amendment was disagreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Strike out the following:
"And for keeping open a navigable channel through the mouth of Red River into the Mississippi River."

Mr. WHITE, of Kentucky. I want to call the attention of the committee to the fact that the effect of striking out these lines is to strike out the idea contained in this bill, that you must close up the outlet at the head of the Atchafalaya. The committee goes upon the idea that because Mr. Eads made a success at the mouth of the Mississippi River he can do anything he pleases with the Mississippi River. Now, Mr. Eads never discovered that jetties would be a benefit to the mouth of the Mississippi River. I read from the same document I read from a while ago, where General Humphreys testified before the Committee on Commerce in 1882 as follows:

I was the first person to demonstrate that the use of the jetties would deepen the river at its mouth, because I was the first person to get the facts by measurements.

That same gentleman who told us that jetties would be a success and who urged their use and said they could be built at the mouth of the Mississippi River, that same gentleman, Mr. Chairman, utterly opposed the idea that the Atchafalaya should be stopped up. Furthermore, he contended that if you began to close up all such outlets as the Atchafalaya you would have to raise all the levees along the banks of all the affluents emptying into the Mississippi River from Cairo down, and if you began on that system it would cost hundreds of millions of money. Why, sir, $150,000,000 is not an approximation to the cost of leveeing thousand of miles. Both banks of the rivers must be leveed as a consequence of the adoption of any such theory.

Mr. DUNN. How much money?

Mr. WHITE, of Kentucky. Hundreds and hundreds of millions of dollars. You propose covertly in this bill to have Mr. Eads saddled upon this Government by undertaking to carry out any such theory of tickling the flanks of the Mississipppi River, tickling the flanks of the banks of its affluents, tickling their flanks by building higher levees on both sides, thus incurring an expense, as I have already said, of hundreds of millions of dollars.

[Here the hammer fell.]

The committee divided; and there were—ayes 12, noes 89.

Mr. WHITE, of Kentucky. No quorum.

Mr. WILLIS. I hope that point of order will not be made.

The CHAIRMAN. The Chair can not avoid it. The point of order is made.

Mr. WILLIS. I appeal to the good faith of this House whether that ought to be done.

The CHAIRMAN. The Chair knows of no way to stop it.

Mr. BRECKINRIDGE and Mr. WHITE, of Kentucky, were appointed as tellers.

The committee again divided; and the tellers reported—ayes 24, noes 141.

So the amendment was rejected.

The next amendment (by Mr. BOUTELLE) was read, as follows:

Amend by striking out from the word "including," in line 923, down to the word "river," in line 926, as follows:
"Including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River."

Mr. WILLIS. That has been voted on.

Mr. BLANCHARD. Voted on three times.

Mr. BOUTELLE. It is a curious coincidence the amendments should be identical.

The CHAIRMAN. The gentleman will proceed.

Mr. BLANCHARD. The point of order has been made on this amendment that it has already been voted on.

Mr. WILLIS. It has been voted on within the last twenty minutes.

The CHAIRMAN. So far as the Chair knows nothing has been done except adding after the word "river" the amendment proposed by the gentleman from Kentucky [Mr. TURNER] and another addition to that proposition by the gentleman from Louisiana [Mr. ELLIS], and therefore as at present advised the Chair would not rule the amendment out.

Mr. WILLIS. The amendment of the gentleman from Iowa [Mr. HEPBURN], as well as other amendments, covered this same point.

The CHAIRMAN. They were amendments which were voted down.

Mr. WILLIS. I ask for a ruling whether the amendment is in order.

The CHAIRMAN. As at present informed the Chair holds it to be in order.

Mr. WASHBURN. If this amendment had been presented would it now be in order?

The CHAIRMAN. It would not.

Mr. WASHBURN. It is precisely the same as offered by the gentleman from New York [Mr. HISCOCK].

Mr. BOUTELLE. The Chair has ruled my amendment to be in order.

Mr. WASHBURN. It is precisely the same amendment offered by the gentleman from New York [Mr. HISCOCK], and voted down.

Mr. BLANCHARD. That is correct.

The CHAIRMAN. If that be true, that the amendment is precisely the same, the Chair would sustain the point of order, and rule the amendment out.

Mr. BOUTELLE. I understood the Chair to rule that my amendment was in order.

The CHAIRMAN. The Chair ruled if it were not like amendments already offered it would be received; but that if it were precisely the same as amendments already voted down it would not be in order.

Mr. BOUTELLE. I do not know of anything a man on the floor can do but to submit.

The CHAIRMAN. Submit then, and the Clerk will read the next amendment.

Mr. BOUTELLE. I should not think of appealing from the decision of the Chair.

The next amendment (by Mr. HEPBURN) was read, as follows:

After the word "river," in line 926, insert:
"*Provided*, That no part of the sums herein appropriated shall be expended in the erection or repair of levees situated on lands not owned by the United States."

Mr. WILLIS. I make the point of order that that amendment has been already voted upon.

Mr. BRECKINRIDGE. That whole question has been voted upon by the committee and disposed of.

Mr. WILLIS. And the substitute of the gentleman from Louisiana [Mr. ELLIS] was adopted by the committee.

Mr. HEPBURN. I have not been able to hear the point of order the gentleman makes.

Mr. WILLIS. The point of order is that this whole subject has been already disposed of.

Mr. HEPBURN. I think if the gentleman will compare the language of this amendment with what has been voted upon heretofore he will find that they are not identical in any respect.

Mr. WILLIS. I think the gentleman is mistaken; my recollection is certainly that way.

The CHAIRMAN. The Chair does not recollect any case where a question pertaining to the levees on lands belonging to private individuals has been considered.

Mr. BRECKINRIDGE. All lands on which the levees are constructed belong to private individuals.

Mr. WILLIS. It is well understood that they are lands belonging to individuals on the banks of that river, and that question having been already raised and voted upon covers this point.

Mr. BRECKINRIDGE. It is impossible to find a square inch of land down there that does not belong to some individual. This whole question has been disposed of already.

The CHAIRMAN. The Clerk will read a paragraph from the Digest in regard to this subject.

The Clerk read as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order; for were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress instead of subserving the legislative will.

The CHAIRMAN. The Chair thinks, therefore, that this amendment is in order.

Mr. HEPBURN. Mr. Speaker, there is, in my judgment, a strong reason why Congress should not authorize the construction of levees upon the property of private individuals that has not yet been discussed in connection with this bill. The Mississippi River Commission, year after year, has asked for legislation at the hands of Congress by which they could condemn property upon which erections of this character may be necessary in their judgment or where it shall be found necessary to get material for the improvement. They say that extravagant prices are asked for such things.

Mr. DUNN. Was not that incorporated in the last river and harbor bill?

Mr. HEPBURN. I take it not, because the same demand for legislation is urged in the last report of the commission. They call attention to their frequent requests on this subject. They call attention to the exorbitant sums demanded of them for brush, poles, and piling, which they find necessary to use in connection with their work. They say that they are at the mercy of cormorants all along the river; even the very men I take it upon whose lands the levees are to be built and for whose benefit they are undertaken they say require exorbitant pay for such items. When it comes to the appropriation of a part of their lands or property they make these excessive demands, and, as the commission say, we are completely at their mercy.

It seems to me that until gentlemen on that side of the House are willing to forget some of their notions about strict construction, and are willing to give the Congress of the United States the power to exercise the right of eminent domain in matters of this kind, they come here with very poor grace asking that these extraordinary appropriations for the benefit of private individuals should be made out of the Treasury.

[Here the hammer fell.]

The question being taken on the adoption of Mr. HEPBURN's amendment, there were on a division—ayes 36, noes 86.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HEPBURN and Mr. BRECKINRIDGE were appointed tellers.

The committee again divided; and the tellers reported—ayes 48, noes 117.

So the amendment was not agreed to.

The Clerk read the next amendment (submitted by Mr. BOUTELLE), as follows:

Strike out the entire paragraph commencing with line 922 and ending with line 938.

Mr. BOUTELLE. Mr. Chairman, if the gentleman in charge of this bill had not manifested so eager a desire to impede the expression of individual criticisms in regard to it I think some time might have been saved with respect to the very few remarks I desire to offer.

My principal object in rising is to ask a question of the gentleman from Arkansas [Mr. BRECKINRIDGE], a member of the committee, who spoke on this bill when it was first reported to the House. I desire to ask that gentleman whether this improvement of the Mississippi River, for which this $2,800,000 is proposed, is a continuation of that system of work advised by the Mississippi River Commission to which he referred the other day as likely to cost $150,000,000, and which he denounces as a conspicuous failure, and to which he referred in the following language:

Mr. BRECKINRIDGE. Let me answer the gentleman.

Mr. BOUTELLE. Allow me first to quote the language on which I desire to base my inquiry. The gentleman from Arkansas said—

They—

The commission—

have now a plan of operations sketched out to spend, as stated, $150,000,000. The calculation is a very plain one, and there is not in any of their work a guarantee that it will last twelve months.

Mr. BRECKINRIDGE. I was emphatic in condemning the departures of the commission from the plan originally adopted for the improvement of that river. And therefore we propose to introduce into this bill instructions that the commission shall adhere to the plan of improvement that were set forth in the first report of the commission.

Mr. BOUTELLE. But I beg to state to the gentleman from Arkansas he now tells us something he proposes to introduce——

Mr. BRECKINRIDGE. I do not propose to permit this commission to go on and spend the money in the line of their departures from the original plan.

Mr. BOUTELLE. I am endeavoring to discuss this bill as it is laid on our desks and presented to the House. And I find the gentleman from Arkansas made this statement——

Mr. BRECKINRIDGE. If you will read the bill it will answer you fully. Its present provisions are more stringent than we propose now, and we only relax this much under protest.

Mr. BOUTELLE. The gentleman made this statement:

They can not point us to any experiments in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Mr. BRECKINRIDGE. And that is all perfectly true.

The CHAIRMAN. Debate on this amendment is exhausted.

The question being taken on Mr. BOUTELLE'S amendment, it was not agreed to.

The Clerk read the following amendment, offered by Mr. WHITE, of Kentucky:

Strike out lines 926 to 938 and insert as follows:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, $155,000; of which sum $80,000, or so much thereof as may be necessary, shall be used for the construction of a light-draught side-wheel steamer with dredge attached, and of sufficient power to move from place to place; also, ten wing-dam barges, each one hundred feet in length, enough to make a dam 1,000 feet in length; also, a small light-draught boat to be used in sounding and placing the barges in position on shoal water, and placing the whole under the control of a thoroughly practical river pilot. The said sums appropriated to be expended under the direction of the Secretary of War."

Mr. WILLIS. I make the point of order that that identical amendment was voted on this morning.

Mr. WHITE, of Kentucky. I am glad my colleague has made the point of order. I desire to be heard on it.

Mr. WILLIS. My only desire is in good faith to go on with this bill, and I must make the point of order on this amendment already voted on this morning.

Mr. WHITE, of Kentucky. I do not see where the good faith comes in, when an hour was taken this morning contrary to the agreement of last night.

Mr. WILLIS. I ask for a ruling.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky on the left [Mr. WHITE] as to whether this amendment was offered before.

Mr. WHITE, of Kentucky. I desire to state I had a motion pending last night——

Mr. WILLIS. I withdraw the point of order.

Mr. WHITE, of Kentucky. I thought the gentleman would withdraw the point of order when I stated the facts as they occurred.

Mr. Chairman, I desire to call the attention of the committee to the fact that if this amendment should be adopted we will, in all probability, accomplish for the navigation of the Mississippi River with the small sum of $155,000 what is proposed, even if we still had Mr. Eads in the bill. Here is a communication from a practical river-man, which I shall insert under the general leave, a letter from Mr. T. L. Lee, formerly of Paducah, Ky., now of Memphis, Tenn., and a practical river-man, stating that with this small amount of machinery and with the small sum of $150,000 he can prevent the widening of the river, and can keep a navigable channel through the whole year round. And we can save the millions of money which we have been sinking under your commission plan.

Why, sir, think of it. The repairs last year cost two millions of dollars; the repairs the year before cost two millions of dollars. What has your commission done for the Mississippi River? And the end is not yet. We propose, if we follow this committee, if we follow your commission, if we follow Mr. Eads in any of these propositions—we propose to take millions of money; we——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WHITE, of Kentucky. This is the cheapest way to improve the navigation of the Mississippi River.

The letter of Mr. T. L. Lee, referred to by Mr. WHITE, of Kentucky, is as follows:

DEAR SIR: As the matter of improvement of the different rivers, and especially the Ohio and Mississippi, will be under consideration under different plans, I ask your aid in getting before the proper committee of Congress a plan of my own conception. It bears no indorsement from any river improvement commission or convention. I tried to reach Congress through the aid of the river improvement convention which met at Saint Louis in 1880, but I suppose the plan was too cheap, and found a burial (like most economical ones have) at the hands of the committee to whom it was referred. I now ask that the plan be considered on its own merits, without the aid of either council, convention, or commission, believing that your honorable body are fully competent to determine whether there is any merit in it or not. You will have enough convention and commission business to dispose of anyhow. As you are aware, the difficulty of navigation on the Ohio and Mississippi Rivers during low water is due to a great extent to the formation of sand bars; and to the removal of such obstructions is what I desire to call your attention. The plan heretofore adopted has been to construct permanent and costly dams or dikes. These I consider failures to a great extent, as the cutting or wash occasioned by such structures is too great, and removes the difficulty from the point intended only to re-establish it again below and near the point of removal.

Dams and dikes are no doubt excellent improvements where shoals occur on firm bottoms, such as gravel, rock, &c. (such as the improvement now being made in the lower Ohio, at what is known as the Grand Chain, the object being to prevent the main channel flowing among rocks where steamers can not go); but where sand formations are the only trouble, temporary means can be adopted that will accomplish the work, and at a very small cost compared with the present system, and leave no dangerous obstruction when the river is high, such as dams and dikes frequently prove.

The plan offered for your consideration is this, namely:

Instead of building permanent dams use portable ones, constructed by means of barges, with gates attached, on the plan as shown by accompanying drawings, by which during low water a dam several hundred feet in length can be fixed at any given point in a few hours in any shape or angle that may be desired, and when a sufficient depth of channel has been obtained at one point, the dams can be taken up and removed to the next point requiring work; being once removed, the cause may never occur again (such has been demonstrated in many instances by the peculiar breaks and fickleness of sand obstructions).

In connection with the portable wing-dam I would recommend the use of a dredging-machine on the plan herewith submitted and shown by drawings, or something similar. If the use of the cylinder dredge should prove not desirable for the work, the use of water jets from large pumps (such as are used for washing the banks by the Mississippi River Commission) can be substituted and applied in place of same. I am confident both will prove a success. After establishing a temporary dam at the proper angle on a bar, say from one to two thousand feet in length, and putting the dredge at work at foot of dam (that being the channel point), but a few hours' work would be required to get a good depth of channel, and then the whole apparatus could be removed to another field of operation. I have no doubt that many dams have been built which need never have been if this plan had been in use. A sand bar once removed may never occur again in the same place and shape, a fact well known to every practical river-man. Nature sometimes does the work herself, and many places that were the worst years ago are now no trouble, although no artificial means have been used.

Being somewhat conversant with the cost of building boats and machinery, I give it as my opinion that an outlay of $150,000 by the Government will be sufficient to make a thorough and practical test of the plan. Should it fail (of which I have no fears), all the appliances used could be used under the present system of work, except the dredge and gates on barges, which might be removed if not serviceable. The whole cost to the Government (as a loss) would not exceed 25 per cent. of the outlay.

As an experiment, I would suggest the construction of a light-draught side-wheel steamer, with dredge attached, and of sufficient power to move from place to place, ten wing-dam barges, each one hundred feet in length, enough to make a dam one thousand feet in length, and a small light-draught boat to be used in sounding and placing the barges in position on shoal water, and place the whole under the control of a thoroughly practical river-man.

It is well known to you, and to every one else who has paid any attention to such matters, that in many instances the obstructions to navigation caused by sand are not generally of great length; sometimes less than one hundred feet, known as reefs. Start the sand to washing in such places and it goes very rapidly. You will observe that by my plan you have the natural current, the force of the wheels of the steamer and dredge, all working in the proper direction. I think it would be a good idea to try both kinds of dredging, cylinder and water jets.

I have seen the boats constructed by the Mississippi River Commission to wash the banks, and think a similar plan, with the use of my lever frame (used on the cylinder dredge) to keep the nozzles fixed on the bottom as the boat moved over the sand, would induce very rapid washing and accomplish much toward obtaining a uniform depth of water.

I believe on investigation it will be found but little has been accomplished to improve navigation between Louisville, Cairo, Saint Louis, and New Orleans during the last twenty-five years, except by removal of snags and establishing lights, both of which are a great benefit to commerce. I have my doubts of the success of any of the present great schemes for improvement of the Mississippi River, either by jetties or otherwise. If we attempt too much we may fail to do what is necessary, and by grasping at giant schemes lose what good might result from moderate and practical ones. Let us keep up our snagboat and lighthouse system in the most perfect manner—build dams or dikes where we have firm bottoms, and use portable means where sand is the trouble, and we will find the rivers ample to carry all we may produce, and not spend millions of dollars in trying to work up impossibilities.

I have submitted my plan to some very practical river-men, and have never had one to condemn it, and I might have procured a long list of petitioners indorsing it, but I claim the plan is so plain and the expense so little to try it (in comparison with other schemes), that petitions, conventions, and commissions

are not needed. I therefore submit it on its face value, trusting you and your associates in Congress may deem it worthy of a trial.

Yours, respectfully,

T. L. LEE.

PADUCAH, KY., *November* 21, 1881.

The following is a communication from the War Department, with inclosure, in answer to a letter addressed to the Department by Mr. WHITE, of Kentucky:

WAR DEPARTMENT, *Washington City, April* 13, 1882.

SIR: I have the honor to acknowledge the receipt of your letter dated the 14th ultimo, inviting the attention of the Department to a communication inclosed by you, containing the views of Mr. T. L. Lee, of Paducah, Ky., in regard to the improvement of the Ohio and Mississippi Rivers.

In reply to your request, that if the Department finds in the suggestions of Mr. Lee anything worth recommending you may be informed, I beg to invite your attention to the inclosed report of the 12th instant, from the Chief of Engineers, and the accompanying copy of a report from Maj. W. E. Merrill, Corps of Engineers, in charge of the improvement of the Ohio River, from which it will be seen that in the use of movable dikes or wing-dams Mr. Lee has been anticipated both in this country and abroad.

Very respectfully,

JOHN TWEEDALE,
Acting Chief Clerk.
(For the Secretary of War, in his absence).

Hon. J. D. WHITE,
Of Committee on Commerce, House of Representatives.

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, April 5, 1882.

GENERAL: I have the honor to return herewith the letter of Hon. J. D. WHITE, member of Congress, to the honorable Secretary of War, regarding the plan of Mr. T. L. Lee for improving the Ohio and Mississippi Rivers, referred to me by indorsement dated March 20, 1882, and to make the following report:

The use of movable apparatus for the removal of shoals is very ancient. There are doubtless many cases of such use of which I have no record, but the following allusions to be found in some of my books and reports. The earliest mention that I have discovered is in a work entitled Des Travaux du Fleuve du Rhin, by A. J. Ch. Defontaine (Paris, 1833). On page 37 a certain apparatus of this character is described and the results obtained by using it are given, but there are no drawings of the device itself. These, however, may be found on plate 68 of Cous de Constructions of Sganzin and Reibell (Paris, 1839-1841).

On plate 4 of the Cours de Construction of M. Minard (Paris, 1841) there is shown, besides the above-mentioned apparatus, another, somewhat similar, that was used on the Garonne.

In the Navigation Intérieure of De Lagrené (Paris, 1871), volume 2, page 174, mention is made of a number of similar devices as having been used on the canal of La Somme, on the Burgundy Canal, on the maritime canal of Abbeville, and in the sewers of Paris.

It should be stated, however, that all of the above are small affairs that are not applicable to rivers of any size, and their use differs from that of movable dikes in that they wholly obstruct the channel, and the water is forced to pass with increased velocity under them, while movable dikes only cause a partial obstruction of the stream, and the volume of the river passes alongside. The underlying principle, however, is essentially the same.

In 1874 Mr. Julius Rapp, assistant city engineer of Saint Louis, requested my opinion of a movable dike or "patented portable wing-dam," invented by Messrs. Emerson and Doyle of that city, which had done good service in deepening a bar at the upper end of the city wharf. The patentees wished to have their apparatus tried in Government work on the Ohio. In my reply I objected to the apparatus on the ground of the expense attending its use on a large scale, and the great number of such dikes that would be required if applied to all of the bars of the lower Ohio.

The only case that has come to my knowledge of the actual and regular use of movable dikes is in Russia, on the Volga. I inclose herewith an account of these dikes, being an extract from a letter to me from Mr. P. Michailoff, Russian Government engineer, whose acquaintance I made in this city in 1876, he having visited our Centennial Exposition. I have taken the liberty of making a few verbal changes in the wording of this letter in order to make it read more smoothly, but no change has been made in its meaning. Two tracings accompany Mr. Michailoff's letter, of which copies are inclosed. The titles and dimensions on the originals are in Russian, but the former were kindly translated for me by Lieut. F. V. Greene, Corps of Engineers, and the latter were readily transformed, as the base of the Russian system of measures is the English foot.

It will be observed that according to Michailoff the use of movable dikes has sprung from the failure of fixed ones, and has apparently been a last resort. It is not claimed that they are cheaper, and in view of the fact that all the parts are made of perishable material, it seems clear that they must be considerably more expensive.

In examining tracing No. 1, it will be observed that the diking is held in place by an inclined spar in rear and by chains in front. I know nothing of the amount of drift that annually comes down the Volga, but as the whole of European Russia is a vast plain, usually destitute of trees, I should infer that no annoyance was experienced on that account; in which opinion I am confirmed by the number of floating lights that are shown on figure 1 of tracing No. 2. There are such lights on the Ohio, but it is with great difficulty that they are maintained. The Russian system seems to be as simple and as little likely to be deranged as any that could be devised, but I am afraid that it would be impracticable to apply it on the Ohio on account of the snags and drift that would inevitably catch on the chains and on the back spar.

Another point in favor of Russian rivers is the unusual steadiness of the flow of water. Janicki says (Non-Tidal Rivers, page 29):

"A second characteristic feature distinguishes Russian rivers from the other rivers of Europe: they overflow their banks more rarely and at periodically fixed times. Most of them have only a single spring flood; during summer, autumn, and winter rises are usually rare and always small.

* * * * * * *

"After the spring floods in Russia the rivers fall to their low-water stage in May or June, and they ordinarily remain there with some slight oscillations until the breaking up of the ice in the following spring."

It is evident that a river that changes its level often during the low-water period is not well adapted to the use of movable apparatus of any kind, as the necessary changes in adjustment and the occasional removal of the whole apparatus would be annoying and expensive; it is also clear that the Volga is better adapted to the use of such affairs than the Ohio.

The extract from Michailoff's letter is apparently in favor of the use of these dikes. The only other Russian opinion on them that I have is that of Janicki, which may be found in Non-Tidal Rivers, pages 11 and 12. It will be observed that he refers to the same movable dikes of Yannkowski that are shown in tracing No. 1:

"To make this review complete I have yet to mention two or three secondary processes, whose action is only auxiliary and temporary, such as dredging, movable apparatus for contracting channels, the reticulated dikes of Engineer Yannkowski, &c."

* * * * * * *

"In regard to temporary contrivances of various names and kinds, trellis-work, basket-work, temporary movable gates, &c., designed to momentarily contract the channels of rivers, when they are properly and reasonably applied to removing bars, they can in certain places give incontestable results; but these results are generally so small, so insignificant, and dependent on so many surrounding circumstances that, in my opinion, no serious importance ought to be given to any of these methods. They can only be employed when the water has nearly reached its lowest stage, and when the bars are therefore exposed, and have already become troublesome to navigation. It only requires a slight rise, a storm, some carelessness in placing the apparatus, a shock, or perhaps a little too hard a knock from a boat or a raft, to disarrange them, and thus destroy the additional depth thus obtained over the bar by the aforesaid contrivances.

"Rivers, besides, have more than one bar in their course, and navigation will always find in one place or another more than one troublesome point, and consequently a gain of a few inches in depth at a small number of bars, and at comparatively great cost, does not in reality constitute a complete remedy for the evil. Such machines, however, have a moral effect, if I may be allowed the term. Boat-owners who have to suffer from low water on the bars complain less if they see that something is being done to relieve them. I know not how better to compare these means of temporary contraction than to the anodynes which a physician prescribes in order to quiet his patient until he can make a diagnosis of the disease and begin a really efficacious treatment."

It is evident, therefore, that even in Russia opinions are divided as to the advantages of movable dikes.

Figure 1 of tracing No. 2 shows that at the bar on the Volga, which is there shown, the dike had to be 4,600 feet, or seven-eighths of a mile, long; while Michailoff's letter shows that on the portion of the river where this method of improvement is adopted there are in use eighteen miles of diking five steamboats, three dredges—which is a very expensive outfit.

My conclusion from the above is that it would be advisable for the Government to procure, through its diplomatic agents, the fullest possible information as to the utility and cost of movable dikes as applied to the Volga, and that it is unadvisable for the United States to make expensive experiments in a field that has already been worked by other nations when the results of their expenditures may be learned for the asking. After we know the results of experience in Russia we can decide for ourselves on the expediency of adopting the same system in this country.

It is evident from this investigation that in the use of movable dikes or wing-dams Mr. Lee has been anticipated both in this country and abroad; his special device may be new, but as no drawings accompanied the papers I have no means of forming an opinion on this point.

Respectfully submitted.

WILLIAM E. MERRILL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers.

MINISTRY OF PUBLIC WORKS, *St. Petersburg, June* 1, 1880.

DEAR SIR: A year ago I received your letter, stating your wish to have some information concerning the dikes and dams on the Volga; but since that time I have been quite ill and therefore unable to give you the desired information.

For twenty years there have been no fixed dikes constructed on the Volga. The reason for this was the failure of the fixed dikes constructed in the upper Volga from Tver to Rybinsk. Instead of fixed dikes the channel of the Volga has been regulated by floating movable dikes.

The most considerable obstructions to navigation are encountered between Rybinsk and the mouth of the river Kama. The works were designed to give, in the lowest stage of the river, a channel depth of 3 feet 9 inches from Rybinsk to the mouth of the Oka, and of 5 feet 3 inches from the mouth of the Oka to the mouth of the Kama.

This was attained by the use of floating rafts with movable dikes, the construction of which is shown on the inclosed tracing No. 1. The dikes are disposed in lines parallel to the channel, as is shown in figure 1 of tracing No. 2, and their effect is indicated in figure 2 of the same tracing.

Many shoals have entirely disappeared from the effect of these movable dikes.

The annual expense of maintaining these dikes, including necessary repairs and removals, is about 15 per cent. of their first cost.

The engineers in charge of these works have at their disposal eighteen miles of the dikes, together with five steamboats and three dredges, and with these they are able to maintain the indicated depth of channel in the Volga from Rybinsk to the mouth of the Kama. * * *

I remain, yours, very truly,

P. MICHAILOFF,
Government Engineer.

Col. WILLIAM E. MERRILL,
United States Engineers, Cincinnati Ohio.

[The following, showing the opinion of General A. A. Humphreys, Chief of Engineers until 1879, is also printed by Mr. WHITE, of Kentucky, in connection with his remarks under the general leave to print:

An outlet is intended for a waste-weir in floods only, and is not designed to discharge any water when the river has returned within its banks. Its opponents have claimed that a high-water outlet so permanently built as to remain always unchanged, and which merely discharged sufficient water during flood as to keep the river within its banks, would raise the bed of the river below, and instead of lowering the floods below would raise them. And this they said it would do, because a river always carries an amount of sediment exactly proportioned to the velocity of its current, and if the velocity of that current was reduced sediment would be dropped and a shoal at once be formed.

But, as I have already explained, all the facts ascertained on the Mississippi River disprove this dogma. Indeed, if it was true, and if it was true that the river bed just below the Bonnet Carré crevasse shoaled up thirty feet in 1850 because of that crevasse, then the river bed at New Orleans ought to have filled up completely to the top of its banks long ago, since it is determined beyond question by the investigations of General Abbot and myself that the river there in its low stages and least currents often has more sediment in its water than at very much higher stages and swifter currents.

Mr. WASHBURN. But I understood you to say that the Bonnet Carré crevasse did not shoal the main river below the crevasse.

General HUMPHREYS. That is what I said.

Mr. WASHBURN. And I understand you now in answer to Mr. Townsend to give an opposite opinion as to the effect of an outlet.

General HUMPHREYS. No, sir; you are mistaken. It is the mouth of the river that I am talking about now, two hundred miles from the Bonnet Carré crevasse, and what will take place there, at the mouth, when the outlet becomes the river.

Mr. WASHBURN. I thought the point you were discussing was the effect that a crevasse would have upon the main channel below.

General HUMPHREYS. That was the point, but the question now is the final result of a great outlet.

Mr. WASHBURN. But I understood you to say that the Bonnet Carré crevasse did not cause any change in the channel below.

General HUMPHREYS. Yes; it did not cause any change at that point or elsewhere in the channel.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. WHITE].

The committee divided; and there were—ayes 2, noes 92.

Mr. WHITE, of Kentucky. I make the point that a quorum has not voted. A provision that carries so many millions of dollars to destruction should be considered by a quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Kentucky [Mr. WHITE].

Mr. WILLIS. It was agreed with the Committee on Appropriations we should occupy a certain time. That time has now expired; and in pursuance of the agreement I move the committee do now rise.

The motion was agreed to; and the committee accordingly rose.

The SPEAKER (Hon. J. G. CARLISLE) here assumed the chair after an absence of two weeks on account of sickness. His appearance in the chair was the signal for loud and prolonged bursts of applause from members throughout the whole House.

Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

CHANGE OF REFERENCE.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the reference of the bill (H. R. 8015) for the relief of Edward G. Pendleton be changed, and that it be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The SPEAKER. In the absence of objection it will be so ordered.

ORDER OF BUSINESS.

Mr. HUTCHINS. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the naval appropriation bill.

Mr. WILLIS. Pending that, Mr. Speaker, I rise to a privileged motion.

The SPEAKER. The gentleman from New York [Mr. HUTCHINS] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill. Pending that the gentleman from Kentucky [Mr. WILLIS] rises to a privileged question, which he will state.

Mr. WILLIS. I move that at 6 o'clock p. m. to-day the House take a recess until 10 a. m. to-morrow.

Mr. VALENTINE. Mr. Speaker, before that motion is put I desire to ask the gentleman from Kentucky [Mr. WILLIS] if he will consent that before 11 o'clock to-morrow the committee shall rise in order that the House may adjourn.

Mr. WILLIS. Yes, sir.

Mr. BROWN, of Pennsylvania. Mr. Speaker, with the understanding that there is to be an adjournment before 11 o'clock to-morrow I have no objection to the motion of the gentleman from Kentucky [Mr. WILLIS].

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] has so stated.

The motion of Mr. WILLIS was agreed to.

Mr. WILLIS moved to reconsider the vote by which that motion was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7585) for the relief of William M. Gardner;

A bill (H. R. 7584) for the relief of A. P. Montgomery; and

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. HUTCHINS], that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill.

Mr. KEIFER. Mr. Speaker, before that motion is put I desire to make a suggestion in relation to the discussion that is to take place on this bill. I wish to suggest that when the House resolve itself into Committee of the Whole on the state of the Union we go on with the reading of the bill—not the first part of it, the reading of which may be dispensed with—that we go on with the reading of the bill until we come to that part relating to the increase of the Navy, and have the general debate at that time. I think that plan will facilitate the dispatch of business this evening.

Mr. RANDALL. Mr. Speaker, there is no reason that I am aware of why we should depart from the usual course with reference to this bill. There is no disposition on the part of the committee to abridge debate beyond the necessities of the session.

Mr. KEIFER. Mr. Speaker, in answer to the gentleman from Pennsylvania [Mr. RANDALL], let me remark that I am not saying anything about abridging debate or extending it because, so far as I know (speaking for myself and some others on this side of the House) we do not desire to prolong debate. I am speaking of an understanding as to the part of the bill upon which the general debate shall take place, and I have suggested that we go on and read the bill up to that point, and we will try to get through the general debate as rapidly as possible.

Mr. RANDALL. Mr. Speaker, I think general debate had better begin at once.

The SPEAKER. There seems to be objection to the suggestion of the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I am sorry for it.

Mr. THOMAS. Mr. Speaker, I desire to reserve the point of order on this bill.

The SPEAKER. The point of order has been reserved. The question is on the motion of the gentleman from New York [Mr. HUTCHINS].

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair), and proceeded to consider the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HUTCHINS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. In the absence of objection it will be so ordered.

Mr. HUTCHINS. Mr. Chairman, I will not detain the committee at this stage of the discussion by any extended remarks, but I will ask for the reading of the report; first stating to the House that the report is full in detail and gives a better explanation of the bill and its provisions than I could give if I should talk for an hour. I now ask that the report be read.

The Clerk read as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the naval service for the fiscal year ending June 30, 1886, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on pages 103 to 116 of the Book of Estimates, and aggregate $30,555,899.50, not including $98,111, which is payable from the naval pension fund, of which sum there is specifically recommended in the accompanying bill $13,515,837.95, together with $60,067 for the naval asylum, which is payable from the naval pension fund, being $1,464,643.54 less than the appropriations for like purposes for the current fiscal year.

The bill also, by section 2 thereof, makes an indefinite appropriation for the increase of the Navy.

Following is a table showing in detail the estimates for 1886, amounts recommended for 1886, appropriations for 1885, and expenditures for 1884.

Naval establishment.	Estimates, 1886.	Recommended, 1886.	Appropriations, 1885.	Expenditures, 1884.
Pay of the Navy and miscellaneous	$7,305,780 00	$7,315,780 00	$7,292,605 00	$7,266,351 85
Contingent of the Navy	100,000 00	20,000 00	20,000 00	113,804 92
Increase of the Navy	15,071,572 62	(*)	2,205,100 00	1,879,266 75
Navigation and supplies, Bureau of Navigation	130,000 00	87,500 00	87,500 00	103,064 80
Civil establishment, Bureau of Navigation	6,000 00	5,000 00	5,000 00	4,954 54
Contingent, Bureau of Navigation	5,000 00	4,000 00	3,500 00	4,306 93
Ocean surveys, Bureau of Navigation	20,000 00	.....	.....	7,106 91
Survey of west coast of Mexico, Bureau of Navigation	10,000 00	.....	.....	2,280 80
Compass-testing house, Bureau of Navigation	7,000 00	.....	7,000 00	.....
Publication of professional papers, Bureau of Navigation	12,000 00	.....	.....	.....
Naval-war college, Bureau of Navigation	18,000 00	.....	.....	.....
Ordnance and ordnance stores, Bureau of Ordnance	856,715 00	205,000 00	125,000 00	171,702 74
Civil establishment, Bureau of Ordnance	11,217 25	5,000 00	5,000 00	4,990 67
Contingent, Bureau of Ordnance	5,000 00	3,000 00	3,000 00	3,862 39
Repairs, Bureau of Ordnance	16,000 00	15,000 00	15,000 00	17,499 79
Torpedo Corps, Bureau of Ordnance	115,000 00	60,000 00	50,000 00	77,919 34
Equipment and recruiting, Bureau of Equipment and Recruiting	895,000 00	800,000 00	750,000 00	802,703 14

* By section 2 of the bill an indefinite sum is appropriated for increase of the Navy.

Table showing in detail the estimates for 1886, *&c.*—Continued.

Naval establishment.	Estimates, 1886.	Recommended, 1886.	Appropriations, 1885.	Expenditures, 1884.
Civil establishment, Bureau of Equipment and Recruiting	$18,251 75	$9,000 00	$9,000 00	$8,837 05
Contingent, Bureau of Equipment and Recruiting	20,000 00	15,000 00	10,000 00	17,849 07
Transportation and recruiting, Bureau of Equipment and Recruiting	35,000 00	30,000 00	25,000 00	36,508 05
Maintenance of yards and docks, Bureau of Yards and Docks	425,280 00	200,000 00	200,000 00	203,470 55
Civil establishment, Bureau of Yards and Docks	45,929 75	24,000 00	24,000 00	23,979 42
Contingent, Bureau of Yards and Docks	25,000 00	20,000 00	15,000 00	19,115 71
Medical department and civil establishment, Bureau of Medicine and Surgery	60,000 00	60,000 00	60,000 00	51,173 91
Contingent, Bureau of Medicine and Surgery	25,000 00	25,000 00	25,000 00	16,188 21
Repairs, Bureau of Medicine and Surgery	20,000 00	10,000 00	10,000 00	18,595 54
Naval-hospital fund, Bureau of Medicine and Surgery	30,000 00	30,000 00	30,000 00	29,868 04
Provisions for the Navy, Bureau of Provisions and Clothing	1,275,840 62	1,085,000 00	1,100,000 00	1,057,202 77
Civil establishment, Bureau of Provisions and Clothing	12,411 50	6,000 00	6,000 00	5,979 94
Contingent, Bureau of Provisions and Clothing	60,000 00	50,000 00	35,000 00	30,803 40
Construction and repair, Bureau of Construction and Repair	1,750,000 00	1,400,000 00	1,000,000 00	1,353,303 46
Civil establishment, Bureau of Construction and Repair	32,858 75	20,000 00	20,000 00	17,022 36
Steam-machinery, Bureau of Steam-Engineering	1,000,000 00	950,000 00	*780,000 00	1,063,744 19
Civil establishment, Bureau of Steam-Engineering	17,317 25	10,000 00	10,000 00	†9,025 56
Contingent, Bureau of Steam-Engineering	1,000 00	1,000 00	1,000 00	505 75
Pay of Naval Academy	102,525 45	98,829 45	98,856 09	97,789 95
Repairs and improvements, Naval Academy	21,000 00	21,000 00	21,000 00	21,000 00
Heating and lighting, Naval Academy	17,000 00	17,000 00	17,000 00	17,000 00
Contingent, Naval Academy	45,500 00	44,400 00	44,400 00	44,391 75
Pay of Marine Corps	670,842 00	649,642 00	650,075 00	633,734 15
Provisions, clothing, miscellaneous, and contingent, Marine Corps	264,848 56	219,686 50	220,436 50	215,187 20
Total naval establishment	30,555,899 50	13,575,837 95	14,980,472 59	†15,409,108 12
Naval asylum, Philadelphia, Pa., Bureau of Yards and Docks‡	98,111 00	60,067 00	59,813 00	59,813 00

* Also $140,000 reappropriated from unexpended balance for the monitors.

† In addition to the expenditures for 1884 on account of the enumerated items estimated for 1886, there was expended from the appropriation of "General Account of Advances" during 1884 an excess of expenditures over adjustments of $588,604.56, which, when the accounts are adjusted, will be added to the various appropriations for which payments were made.

‡ Payable from naval pension fund.

New legislation of a general character is contained in the bill, as follows:

"SEC. 2. The President of the United States is hereby authorized to select and appoint a board to consist of three civilians, who shall be skilled in naval architecture and engineering, and three naval officers, one of whom shall be of the line of the Navy above the rank of captain, one a naval constructor, and the third a naval engineer, with the Secretary of the Navy as the seventh member and president of said board.

"Said board shall meet in Washington within thirty days subsequent to their appointment, and, after organization, prepare and cause to be printed and sent to all ex-Secretaries of the Navy, all officers, and retired officers of the line and staff of the Navy, to prominent ship-builders, marine and naval architects, engineers, and others interested in such matters, a circular asking for such suggestions, advice, and information, as they may see fit to offer, within such time as the board may fix, in relation to the types of war vessels necessary for an adequate naval establishment for the United States.

"The board shall, on receipt of replies to such circulars, consider the subject and determine the general classes and character of the vessels to be constructed, and, on approval by the President, shall cause extensive notice to be given calling on marine architects, engineers, inventors, and others skilled in the art of designing and building ships of war for competitive designs for such types of vessels as in the opinion of the board should be first constructed; the designs to consist of exact display and working plans, drawings, specifications, and estimates, accompanied by suitable builder's models, to be presented within a certain day.

"The board shall fairly and equitably consider and determine the relative merits of the various designs and exhibits so presented for competition, and shall make awards for the same for each of the classes of vessels, not exceeding four, that may be deemed worthy of adoption for the service. For the best of each class accepted by the board the award shall be $10,000, and for the second best $5,000.

"The board shall complete its work and report to the President on or before the 1st day of December, 1885, all plans it may deem worthy of notice, and full information of all its acts and awards, for transmission to Congress with such recommendations as he may deem advisable; and said board shall also consider whether the five unfinished monitors are suffering from their present incomplete condition, and whether they should be completed and armed, and shall embrace their conclusions and recommendations thereon in their report on said classes of vessels to the President, for transmission to Congress.

"One vessel of each class recommended by the board to be first built, if the recommendation be approved by the President, shall be built of American material and in the United States, by contract by the Secretary of the Navy with the lowest responsible bidder, to be awarded after due advertisement inviting proposals therefor; and such contractor shall execute bond in such penalty and with such security as the Secretary of the Navy shall fix and approve for the faithful execution of the contract. The material used in the construction of said vessels shall be subjected to such tests as the Secretary of the Navy may prescribe, and said vessels shall be built under his supervision.

"The board shall have authority to employ such experts, draughtsmen, and clerical assistance as it may deem necessary. The pay of the civilian members of the board shall be $10 per day and actual traveling expenses; and the pay of its employés shall be such as is fixed by law in the Navy Department for like services. The necessary money to pay the expenses of the board and its awards, and for the building of the vessels as herein provided for, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid, under the directions of the President of the United States, by a naval pay-officer to be detailed therefor by the Secretary of the Navy.

"The provisions of this section shall take effect immediately after the passage of this act.

* * * * * * *

"SEC. 3. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer; *Provided further*, That the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps, or commander in the Navy who has been retired by reason of wounds received in service, or to any retired officer of the Army, Navy, or Marine Corps designated by law to perform civilian duty."

Appropriations for, and balances on account of, pay of the Navy, July 1, 1876, *to January* 1, 1885.

Year.	Balances consolidated under act of June 20, 1874 (18 Stat., 110).	Balances July 1, each year.	Appropriations each fiscal year.	Amount available (total balances and appropriations).	Balances June 30, each year.	Liabilities at end of each period, estimated.
1871	$523 99	.....	.....	.....	.....	.....
1872	590 72	.....	.....	.....	.....	.....
1873	71 03	.....	.....	.....	.....	.....
1874	144 06	.....	.....	.....	.....	.....
1875	1,294 90	.....	.....	.....	.....	.....
1876	55,471 56	.....	.....	.....	$58,086 26	.....
Total	58,086 26	.....	.....	.....	58,086 26	.....
Fiscal year—						
1877	.....	$58,086 26	$6,750,000 00	$6,808,086 26	13,424 98	.....
1878	.....	13,424 98	7,365,592 12	7,379,017 10	599,788 19	.....
1879	.....	599,788 19	6,868,275 00	7,468,063 19	209,819 70	.....
1880	.....	209,819 70	6,766,275 00	6,976,094 70	1,397,400 78	$900,000
1881	.....	1,397,400 78	6,965,075 62	8,362,476 40	1,747,521 73	1,000,000
1882	.....	1,747,521 73	7,078,650 00	8,826,171 73	1,629,067 73	1,000,000
1883	.....	1,629,067 73	7,236,980 00	8,866,047 73	2,051,072 59	1,200,000
1884	.....	2,051,072 59	7,135,980 00	9,185,052 59	2,182,550 73	1,350,000
First half 1885	.....	2,182,550 73	3,566,990 00	5,749,540 73	*2,917,081 36	2,200,000

* December 31.

NAVY DEPARTMENT, *Washington, January* 23, 1885.

SIR: I have the honor to transmit herewith, for your information, a statement showing the number of officers of the Navy, in certain grades, allowed by the act of Congress of August 5, 1882, the number on the list at present, and the number yet to be reduced.

The several grades omitted from this statement were not affected by the operations of the act above referred to.

Very respectfully, your obedient servant,

WM. E. CHANDLER,
Secretary of the Navy.

HON. SAMUEL J. RANDALL, *House of Representatives.*

[Navy Department, Washington, January 19, 1885. Ensigns on this list have been omitted. Number allowed by law, seventy-five. Act of June 26, 1884, consolidated two grades. The number of senior ensigns, were that grade still extant, would be eighty-two.]

	Allowed under act August 5, 1882.	On list at present.	Yet to be reduced.
Rear-admirals	6	6	0
Commodores	10	17	7
Captains	45	45	0
Commanders	85	85	0
Lieutenant-commanders	74	74	0
Lieutenants	250	256	6
Lieutenants, junior grade	75	81	6
Chief engineers	70	70	0
Passed assistant engineers	60	87	27
Assistant engineers	40	75	35
Pay-directors	13	13	0
Pay-inspectors	13	13	0
Paymasters	40	48	8
Passed assistant paymasters	20	27	7
Assistant paymasters	10	19	9

Mr. LONG (interrupting the reading). I presume it is not necessary for the Clerk to read that portion of the report which merely recites provisions contained in the bill, as they will be read when we come to consider them.

Mr. HUTCHINS. I will not ask for the further reading of the report, as I presume every gentleman has a copy of it before him.

Mr. KEIFER. Having had some consultation with gentlemen on the other side, I desire to renew my proposition that by unanimous consent we now proceed to the consideration of the bill under the five-minute rule, dispensing with general debate upon the bill in general, but that when we come to the part of the bill relating to the increase of the Navy we then have discussion on that proposition in the nature of general debate for two hours on each side.

Mr. HUTCHINS. I presume the gentleman refers to section 2.

Mr. KEIFER. I employed that general expression to indicate section 2 of the bill.

Mr. HUTCHINS. For my part I have no objection to that arrangement, this side of the House taking such portion of the two hours as may be deemed proper, and two hours being allowed to the other side.

The CHAIRMAN. The proposition of the gentleman from Ohio is that this bill be now read by paragraphs under the five-minute rule until section 2 is reached, and upon that section general debate be had for two hours on each side. Is there objection? The Chair hears none.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. BAGLEY took the chair as Speaker *pro tempore*.

Several messages from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, Mr. WELLBORN in the chair.

The Clerk read as follows:

For the completion and test of two breech-loading rifle cannon of the larger calibers now in course of construction for the Navy, with carriages and ammunition for both, $80,000: *Provided*, That the test shall be conducted as follows: With battering charges for two hours, and under the most rapid continuous rate of firing, as near as may be like the conditions of a hotly-contested battle; then with the service charge not less than five hours. Permission, with ample notice to be present, shall be given to all persons who indicate a desire to examine the preliminary preparation and witness the firing. Expenditures of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated. And all the facts and incidents of the test shall be reported to Congress by the Chief of the Bureau of Ordnance as soon thereafter as possible.

Mr. HUTCHINS. I am instructed by the Committee on Appropriations to submit the following amendment:

After the paragraph just read insert the following: For completing a 6-inch wire-wound gun, $4,000.

The amendment was agreed to.

Mr. CURTIN: I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

For testing American armor made of American material, $25,000.

Mr. HUTCHINS. I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CURTIN] is entitled to the floor.

Mr. HUTCHINS. I withdraw the point of order.

Mr. CURTIN. Mr. Chairman, I propose this amendment with the expectation that it will be accepted as proper by this House. I do not know of any line of discovery or any practical results depending upon the ingenuity of man in which the American people are not equal to those of any part of the world. We propose to build a navy; and I sincerely trust that the incoming administration will be committed to the propriety of such protection to this great country. But I propose we shall build that navy here, and build it of material manufactured in the United States.

We have been buying our armor-plate abroad at immense cost. We make to-day a better steel than is manufactured in any part of the world. If you will call at the Ordnance Department the officers will tell you this is the fact. And we can make it cheaper than it is made abroad.

If we are to build a navy of iron-clad ships, and make them all at home, we make our navy popular. And if war, with its calamities, should ever come upon this country, we shall demonstrate to the world that we are equally prepared for defensive or offensive warfare.

Mr. Chairman, the American people have never failed to assert their ingenuity and energy and power or their valor upon land and sea. In 1812–'13 they improvised a navy with which they fought upon the high seas. Our history is illustrated for all time by the heroic conduct of the officers and sailors of that Navy; and when the Army surrendered in Canada and the Capitol of this country was burned, the Navy fought this nation into consequence.

Why, Mr. Chairman, we commenced the late war with muskets loaded at the muzzle by ramrods—many of them flint-locks. We introduced as the first step in progress the Springfield rifle and the Snyder rifle; and at last we gave to the world the Winchester rifle. The guns we thus introduced were adopted by the other nations of the world. Following our example, Germany, in 1866, in her great war with Austria, succeeded by the superiority of her arms; and in the late war between Russia and Turkey, where the Russians failed to take the Turkish forts, the Turks resisted the assaults with American guns.

Mr. Chairman, in three hours down here in Hampton Roads we revolutionized naval warfare for all the world. The Merrimac and the Monitor taught all the nations that they could only engage in warfare upon the sea with iron-clad ships. But we stopped there. Foreign nations improved on the examples we set them.

[Here the hammer fell.]

Mr. ELLIS obtained the floor, and said: I yield to the gentleman from Pennsylvania.

Mr. CURTIN. Foreign nations improved on what was developed from the brain of the American people, until at last they have navies, while we have no Navy that can contend with them on the high seas or in domestic defense. There is no man in this enlightened presence who, if he has read the condition of things abroad, the unrest in Europe, the coalitions there forming, does not fear (if he is not convinced) that there is a war impending which may shake the commerce, trade, and civilization of all the world.

If such a calamity should fall on humanity this great nation should be prepared to take her part, if in the providence of God she should be thrown into any such contest, and we should be prepared for it.

Mr. Chairman, when in the history of this wonderful people has there ever been a discovery or improvement in machinery, in art or science, in the world where if you invite capital and enterprise and ingenuity the American mind is not equal to it. I, sir, am in favor of building a navy that will be formidable in war, respected in time of peace, and equal in its character and force to the dignity and power of this great people. I offer that amendment that we shall satisfy the world if we do build a navy we will do it here with American capital American ingenuity, and American material. [Applause.]

Mr. TALBOTT. Did the gentleman have in view the deflective armor invented by Mr. Clark?

Mr. CURTIN. No matter what kind; my amendment includes that as well as all others.

Mr. KEIFER. I move to strike out the last word. I do not desire, Mr. Chairman, to prolong the debate on this subject. I wish to say, if this bill as a whole should be adopted and become law, it is highly important the amendment of the distinguished gentleman from Pennsylvania should prevail. Now, later on I hope to be able to give the reasons why I am not in favor of certain portions of the bill which provide for the construction of certain vessels for the United States Navy out of American material and in the United States, yet I wish now to say I am in favor of the construction of a navy for the United States, one which will be ample and a needful one, that will meet the requirements of the country, and I am in favor of that Navy being constructed of American material and in the United States.

Mr. CURTIN'S amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message was received from the Senate, by Mr. MCCOOK, its Secretary, announcing the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session; and the Clerk proceeded with the reading of the bill.

The Clerk read as follows:

For the completion of the New York, $400,000.

Mr. CANNON. I make the point of order on that paragraph, and I rest it upon two grounds: First, that it is new legislation; and in the second place, that it does not retrench expenditure, but rather involves expenditure. I am informed by a member of the Committee on Naval Affairs that the construction of this vessel never was authorized by law, that it has been in New York from 1865 to the present time. How that may be I do not know, except that such is my information.

Mr. RANDALL. If the gentleman wishes to discuss the measure I have no objection, provided we can be allowed to be heard in reply.

Mr. CANNON. I will not discuss the paragraph, but confine myself to the point of order.

Mr. RANDALL. If this is subject to the point of order it goes out, and we can not be heard in reply to the gentleman if he makes any remarks on the merits of the case.

Mr. CANNON. Precisely.

Mr. RANDALL. I only ask if the gentleman discusses the merits on his point of order that there may be an opportunity to answer him.

Mr. CANNON. I am not discussing the merits at all.

Mr. RANDALL. I thought you were.

Mr. CANNON. I was stating my point of order and shall confine myself strictly to it.

Now, I find by referring to Executive Document No. 48, first session Forty-eighth Congress, that the original cost of the New York was $581,000. When I turned to the law making appropriations for six months of the current year I find a provision in the following language. I have not the law before me, but I read from the current bill, which is a copy of the law:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

That has been the law precisely for three years past and is again enacted for the current year. It is existing law, namely, that no money shall be expended for repairs of any wooden ship where the estimated cost of the repairs exceed 20 per cent. of the present value of the ship. It is 30 in the bill but 20 in the law. They propose to enlarge the limit and change the law in that respect. The original cost was half a million dollars, and it is proposed to spend $400,000 more, they say, for completion. That means for reconstruction, of course. I think it is new legislation, changes the law, and is subject to the third clause of Rule XXI.

Mr. RANDALL. If I understand correctly the point of order the gentleman raises against the paragraph in relation to the completion of the New York is that the bill appropriates $400,000 not in accordance with law.

Now, Mr. Chairman, there has already under appropriations been expended on that vessel $200,000, and it is therefore a public work in progress of construction. The clause of Rule XXI on which the gentleman relies is as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

There has been a law by which $200,000 has been expended on this very vessel, and this paragraph proposes to appropriate $400,000, in compliance with the suggestion of the Chief of the Bureau, to complete the vessel.

The CHAIRMAN. The gentleman from Illinois claims this is an old ship upon which $500,000 has already been expended.

Mr. RANDALL. Not $500,000, but $200,000.

Mr. CANNON. It is $500,000 in the document I have here.

Mr. RANDALL. It is not an old ship at all.

The CHAIRMAN. The gentleman from Illinois claims this to be an old ship, and that there is now existing a law preventing repairs on any wooden vessel when the estimated cost of the repairs exceed 20 per cent. of its value.

Mr. RANDALL. That means repairs on a vessel that has been in commission. This applies to an incompleted vessel, a vessel that has never been in commission, and is still on the stocks in an unfinished state.

The CHAIRMAN. The Chair will ask the gentleman with reference to this point of order whether this vessel has been completed or not?

Mr. RANDALL. I have just stated that it has not been completed. There has been expended upon it some $200,000, but it is yet on the stocks, and this appropriation provided in the bill is to complete it in conformity with the recommendation of the Bureau of Construction.

Mr. LONG. This appropriation is simply for the completion of the ship which has never been completed, and not for its repair.

Mr. THOMAS. The point, to put it briefly, is simply this: This ship has never been authorized by law; its construction has never been authorized. Therefore the beginning of the ship by the Navy Department without authority of law will not save it against the point of order, which prohibits the expenditure of money on objects not expressly authorized by law.

Now this provision is obnoxious to the third clause of the twenty-first rule in this, that it is an attempt made here for the completion of a vessel begun without authority and which never has been authorized by law. That is the point.

Mr. RANDALL. In response to the gentleman from Illinois, I will say that we have a right to conclude that this vessel was commenced in accordance with law; and the onus is on the gentleman himself to show that it was not so authorized.

Mr. THOMAS. I defy the gentleman to show where it was ever authorized by any law.

Mr. RANDALL. It was commenced under an appropriation made in 1865; and in addition there is as much authority of law for its commencement as there is for either or any of the monitors, as far as I am informed.

Mr. CANNON. I now send to the desk for the examination of the Chair the executive document of which I spoke a short time ago and from which I quoted.

I want to say in reply to the gentleman from Pennsylvania that I do not think this appropriation can be sustained under the clause of Rule XXI which has been referred to by him. I will read it:

No appropriations shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, sir, this is not a public work in progress; on the contrary, the appropriation under which the expenditure has been made was made and expended twenty years ago, and there the ship, I am informed, has lain from that day until the present. I grant you if the appropriation had been made last year and the work had been in progress from year to year it would have been a continuing work, and the point of order might be saved under that clause of the rule. So much for that; I mean unless it were affected by the provision of law in reference to the 20 per cent. expenditure to which I have before called the attention of the Chair, and of which the Chair will take notice in ruling upon the point of order.

Now, in reply to the gentleman, my colleague from Illinois [Mr. THOMAS] has stated that the construction of this ship never was authorized by law. I do not know how that is. If it was authorized by law, then I call on gentlemen to furnish that authority.

Mr. COX, of New York. It was done six years ago.

Mr. TALBOTT. The presumption is that it has been authorized by law; but the burden of proof rests on you.

Mr. CANNON. I do not yield now; but if the gentleman can furnish the authority of law under which this construction was begun I will yield for an answer.

Mr. COX, of New York. And I tell the gentleman that six years ago it was authorized.

Mr. CANNON. Give me the authority.

Mr. COX, of New York. I could look it up——

Mr. THOMAS (interrupting). Why it was begun in 1865, twenty years ago.

Mr. COX, of New York. Yes; but there was an appropriation made for it six years ago.

Mr. CANNON. Six years ago; well, that is exceeding lean. Now, I say it is well fixed, it has been driven home here by points of order by the gentleman from Pennsylvania himself time and again until it has become a part and parcel of the existing law of this country, that no ship can be constructed lawfully until there is authority of law for it.

Mr. TALBOTT. Will you yield for a question?

Mr. CANNON. Not now.

Now, if I moved an amendment here to build a new ship, costing $4,000,000, and appropriating the money, the gentleman could rise in his place, as I have seen him do time and again, and make the point of order that there is no law authorizing the construction, and that it would not be in order, because it was new legislation on the bill increasing expenditures. If it be true that there is no law for the construction of this ship, and money was appropriated for the resumption of the work upon it in the absence of a general law, when that money first appropriated was expended that was the end of it; and until the general law is passed further appropriations would not be in order.

Mr. TALBOTT. I desire to give one precedent to the gentleman from Illinois. The Puritan was authorized to be built by a Secretary of the Navy at the expiration of his term, and the contract entered into therefor; and there never was a word of law or authority given by any Congress or by anybody except that contract and the ratification of the contract from time to time by the appropriations made by Congress.

Mr. THOMAS. And it has been denounced from one end of the country to the other as unlawful.

Mr. TALBOTT. It never was denounced on that side of the House.

Mr. THOMAS. I denounced it.

Mr. CANNON. I suggest that we are discussing a question of law and not politics.

Mr. RANDALL. I submit that the paragraph is in order under the the exception stated in the rule:

Unless in continuation of appropriations for such public works and objects as are already in progress.

Mr. LONG. I do not care for this matter with reference to the completion of the New York. But if the view taken by the gentleman from Illinois is correct, then that portion of the bill which relates to an increase of the Navy is also subject to the point of order.

I therefore desire to call the attention of the Chair to the fundamental law on this subject. There is existing law for the construction of new vessels. Section 417 of the Revised Statutes reads as follows, and I call the attention of the Chair to that section:

The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials and the construction, armament, equipment, and employment of vessels of war as well as all other matters connected with the naval establishment.

There exists to-day a law by which under that sanction the President can order the Secretary of the Navy to construct, arm, equip, and employ vessels; and an appropriation to meet the expense of such construction is an appropriation to carry out an object contemplated by existing law.

Mr. HISCOCK. I would like to inquire of the gentleman from Massachusetts [Mr. LONG], before he takes his seat, if the Secretary of the Navy, unless it is under express law, with the money already appropriated to carry on the work, notwithstanding he should have any number of those orders from the Executive, if he should make a contract involving the Government in a dollar's expense, would not be liable to impeachment?

Mr. LONG. I refer the gentleman to the statute, which says the Secretary shall execute these orders.

Mr. HISCOCK. Oh! the gentleman has read one statute, which has been supplemented by the statute to which I call his attention, and under which the moment the Secretary makes such contracts and involves the Government in a dollar of expense he is liable to impeachment. I appeal to my friends on the other side of the House to verify my statement.

Mr. RANDALL. Will the gentleman from New York indicate the date of the law to which he refers?

Mr. HISCOCK. I refer to those general laws which forbid any Department to make a contract to involve the Government in any way beyond the appropriations already made. I apprehend my declaration upon this point will not be questioned by the distinguished chairman of the Committee on Appropriations.

Mr. DINGLEY. I desire to say one word upon the point of order. It seems to me it is not important in the discussion and decision of this point of order whether or no there exists to-day authority of law for the construction of this vessel; because under paragraph 3, Rule XXI, this exact instance is provided for. The rule says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

If it stopped there the suggestion of my friend from Illinois would be correct; but it proceeds—although there may not be authority of law—yet—.

unless in continuation of appropriations for such public works and objects as are already in progress.

A paragraph or amendment with that object in view is in order. If this is a public work in progress, assuming that there was authority for it to have been entered upon and it is not completed, then a provision may be reported in an appropriation bill for the completion of it.

Mr. KEIFER. Will the gentleman from Maine tell us when this vessel has been in progress—how many years ago?

Mr. DINGLEY. It makes no difference. If it is an incomplete work it is in progress until its completion.

Mr. CANNON. The rule does not say "which has been in progress," but it says "in progress"—*in præsenti*.

Mr. DINGLEY. The work has been going on. Though there may have been no work during the last week or during the last year, yet if it is incomplete the work is in progress.

Mr. KEIFER. Although suspended?

The CHAIRMAN. The Chair is ready to rule on the point of order. Clause 3, Rule XXI, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Unquestionably the general rule is that no appropriation is in order on a general appropriation bill unless the appropriation be authorized by previously existing law. That is the general rule. But to that general rule there is an express exception:

Unless in continuation of appropriations for such public works and objects as are already in progress.

That is to say, if the work be a public work and it is already in progress, then there need not be any previous legislative authority for the work.

Now, the Chair must believe that the construction of this ship is a public work. The Chair also believes that it is in progress. The mere fact that this vessel begun in 1865 is confessedly still incompleted, the Chair thinks, so far as this rule is concerned, does not show that that work is not now in progress. The fact that the actual construction is temporarily interrupted for want of appropriation or some other reason does not interfere with the idea that the work is in progress. The Chair therefore overrules the point of order.

Mr. HISCOCK. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk to be read.

Mr. KEIFER. I move to strike out the whole provision relating to the appropriation for the completion of the New York.

Mr. HISCOCK. The motion of the gentleman from Ohio [Mr. KEIFER], I apprehend, will be in order first; so I withhold mine for the present.

Mr. KEIFER. Mr. Chairman, I suppose the gentleman from New York [Mr. HISCOCK] desired to offer his amendment to perfect the text of the bill.

The CHAIRMAN. If that is the nature of the amendment it will be first in order, and the Clerk will read it.

The Clerk read as follows:

Add to the paragraph the following proviso:

"*Provided*, That such completion shall be upon plans and specifications to be prepared by the Navy Department, and by contract by the Secretary of the Navy let to the lowest responsible bidder."

Mr. HISCOCK. Mr. Chairman, I hope there will be no opposition to this amendment. I am sure there is no intention on the part of the Committee on Appropriations to open up work in these navy-yards. We have so long recognized the propriety of doing our work of this kind by contract that I suppose there will be no opposition made to a proviso of this kind.

Mr. BLOUNT. Is not this vessel already in course of construction in a navy-yard?

Mr. HISCOCK. Oh, yes; it is over there in the stocks, I suppose; but I will make this further reply to the gentleman's question: Nothing has been done upon this ship, not a dollar has been expended upon her for a period of nineteen years. I desire to say further, Mr. Chairman, that the Book of Estimates does not show that her completion is recommended by the Secretary of the Navy. Year after year the estimates have come in here and have been submitted to this House without containing any such recommendation. The gentleman from Georgia [Mr. BLOUNT] has passed upon that submission time and time again.

No committee has ever reported in favor of this work. Now I ask that the Committee on Appropriations shall accept this amendment which I have offered, and if we are to complete this old ship at all, do not let it be done so as to have the appearance of being designed to furnish work for somebody or give employment to a new force in the Brooklyn navy-yard. I am sure that nothing of that kind is intended by my distinguished colleague from New York [Mr. HUTCHINS], and therefore I trust that he will accept this amendment providing that this work shall be done in the usual way.

Mr. BEACH. Let us do it in the old way.

Mr. HUTCHINS. I call for the reading of the gentleman's amendment.

The Clerk read as follows:

Provided, That such completion shall be upon plans and specifications to be prepared by the Navy Department, and by contract by the Secretary of the Navy let to the lowest responsible bidder.

Mr. HUTCHINS. The gentleman [Mr. HISCOCK] must be aware of the fact that this ship is about half completed, and has been so far built by the Government. The Chief of the Bureau of Construction and Repair, who certainly could not have had in contemplation that we on this side, or any one, had any intention of employing any particular set of men to do the work, has recommended that it shall be done, and I ask for the reading of an extract from his report upon that subject, which I send to the Clerk's desk.

The Clerk read as follows:

The bureau strongly recommends the completion of the frigate New York at the Brooklyn navy-yard. This vessel has been on the stocks in one of the shiphouses since 1865, and from the fact that she was in frame before work was suspended on her and was neither sealed nor planked, the air has freely circulated through her timbers, and to-day they are as hard as bone and probably in better condition than any frame timbers ever put in a ship. If completed with materials that have been preserved by the Thilmany process for preserving ship-timbers she would make a useful and most efficient ship of her class for twenty years. Although designed in 1865, she is an exceedingly fine model, and if finished will give us a first-class flagship. She can carry a battery as heavy and equally as well arranged for head and stern fire as the new cruiser Chicago has. Her length on the main load-line is 315 feet; extreme breadth of beam 47 feet; depth from lower edge of rabbet of keel to lower port-sill on gun-deck 25 feet 11 inches. She is designed to have a ship's rig, having 24,000 square feet of sail surface in her ten principal sails. Her displacement, at a draught of 18 feet 9 inches forward and 21 feet 5 inches aft, would be equal to 4,327 tons. Her lowest port-sill on the gun-deck would be 8 feet above water. The plans for finishing this vessel are in such a condition that they could be completed in a very short time, and the work on her, if authorized, could be pushed to completion and the vessel put afloat within six months from the time it is resumed.

Mr. HUTCHINS. The committee will perceive that here is a recommendation by the Bureau of Construction and Repair that this vessel be completed. The completion of the vessel is also recommended by the Secretary of the Navy in his estimates. The plans have all been made; the ship is partly constructed under such plans; and this officer tells us in this report that the material has been thoroughly preserved, and that at an expense of $400,000 a ship of war can be completed equal in efficiency to either the Boston or the Chicago, which are now in course of construction. I believe that in pursuance of the provision of the clause of the bill which has just been read by the Clerk thirty-eight vessels have been stricken from the list of the Navy within the last year, and within two years but very few will remain in commission. Now, for $400,000 we can finish a partly completed vessel which will be as efficient for all purposes of the future as any of the other ships which are under construction and for which the gentleman is so willing to vote an appropriation.

Mr. HISCOCK. Mr. Chairman, I may be pardoned a word in reply. Certainly some gentlemen upon the other side of the House have co-operated with us in closing these navy-yards, or in limiting them to repair work, and for that reason I thought they approved of our policy.

Mr. HUTCHINS. This Brookly navy-yard is not one of that class, as the gentleman knows.

Mr. HISCOCK. Oh, well, the policy in reference to even the Brooklyn navy-yard has been that no new work should be done there.

This is substantially new work; and I say to my friends on the other side that they do not want to drop into that custom or policy which, when the Democratic party went out of power, had brought upon it disgrace and stigma. You remember well all these scandals with reference to the Brooklyn navy-yard and the other navy-yards. The contract system is the better system. Let us have it. Do not now, upon the coming in of a new Democratic administration, reinaugurate this policy which we all attempted to stamp out of existence, of filling the navy-yards with voters, with "strikers," with men to carry caucuses and conventions or to take possession of the polls.

Mr. HUTCHINS. The gentleman is talking to me in an unknown tongue. I do not know what he means.

Mr. COX, of New York. The language of the gentleman is not unknown to me. I have known it for many years. Since the Republican party has been in power such language as "strikers," &c., has become quite familiar. Never has that navy-yard opposite New York been used except for Republican "strikers." For twenty-odd years the gentleman's party has had the benefit of that kind of "striking."

I do not rise to answer what he has said, but to say that this vessel, the New York, is under way and should be finished. The work should not be finished by contract, but should be done in the navy-yard by honest labor day by day, under honest Democratic auspices, and not under the scoundrelism that has prevailed during the last twenty-five years. I think that is enough to say—a good climax. [Laughter.]

Mr. RANDALL. I had hoped that no feeling of partisanship would be aroused in regard to this matter. I wish to say it is not practicable to execute this work in the manner proposed in the amendment of the gentleman from New York [Mr. HISCOCK]. This vessel is now in a navy-yard; and to put out by contract the work of finishing her would bring into the yard private persons to do this work, and it would also interfere with the use of the material necessary to complete the vessel and which the Government has on hand. I have never known an instance where any vessel in the Navy has been partly built in a navy-yard under the direction of the respective bureaus and partly built under contract.

The question being taken on the amendment of Mr. HISCOCK, it was not agreed to.

Mr. CANNON. Mr. Chairman, a policy was agreed upon on this subject and written in the law by the last Congress, by the aid of a portion of the gentlemen on the other side and by the almost unanimous action of this side, a policy which originated with the Committee on Naval Affairs under the lead of a most competent gentleman then a Representative from Massachusetts, Mr. Harris. A step, and a long step, was taken toward doing away with these old expensive wooden ships. The reconstruction and repair of these ships was limited to 30 per cent. of their value, and later to 20 per cent., which is now the law, assented to and continued at this session for the remainder of this fiscal year by this House co-operating with the Senate.

Now the Government has about thirty wooden ships afloat. There is not one of these upon which you can make repairs to the extent of $100,000, notwithstanding they are afloat, because it runs counter to the policy we have entered upon. Yet we find the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from New York [Mr. HUTCHINS] coming in and seeking upon this bill to complete a ship which has stood in the yard for nearly twenty years, and to expend upon it $400,000.

Why, gentlemen, if your policy is to be wooden ships, not steel ships, you had better repeal this 20 per cent. law and repair many of these thirty wooden ships—half a dozen of which will go out of commission in the next year—as you can do for less money than you will spend in the manner here proposed; and you will have almost equally good ships as the New York when completed.

The gentleman from New York quotes the recommendation of the Chief of the Bureau of Construction and Repair that this ship, the New York, be completed. He did not find any recommendation of the Secretary of the Navy or the President of the United States. He did not find any estimate or recommendation to Congress. The matter is without recommendation.

Mr. RANDALL. I desire to say that I have in my hand the estimates of the Secretary of the Navy, and among them is an estimate of $400,000 for this work.

Mr. CANNON. Oh, yes; a formal transmission of the bureau report; a mere submission without recommendation.

Mr. RANDALL. It is like all the other transmissions.

Mr. CANNON. A formal transmission of the bureau report, which all gentlemen on the Committee on Appropriations understand.

[Here the hammer fell.]

Mr. KEIFER obtained the floor, and said: I yield my time to the gentleman from Illinois [Mr. CANNON].

Mr. RANDALL. I submit that these estimates have had the approval of the Secretary of the Navy.

Mr. CANNON. Now, then, we find gentlemen have suddenly fallen in love with the recommendation of the chief of this bureau. Why, gentlemen, there are other ships of another type which have stood unfinished for almost ten years. You have had to investigate them—five different boards of trained experts of the Navy. Four of those boards have been almost unanimous in recommending their completion. If you will turn over to the next page you will find this very same naval officer you are now following in this matter made the following recommendation:

I can not too strongly urge the completion of these vessels [the monitors] in all respects at an early day, as they will afford us as good vessels of their class as are owned by any nation, and I am of opinion the best type of coast and harbor defense vessels in existence to-day.

Although supplemented by four boards, yet you are silent touching that recommendation.

I wish to state to this committee that the New York is an old type of vessel. It stood for nineteen years without any work being done on it.

Mr. HUTCHINS. Let me ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. If I can get a little more time, yes.

Mr. HUTCHINS. Did not the gentleman advocate and vote them an appropriation for the completion of the Mohican on the Pacific coast which has been completed during the current year under an appropriation made last year?

Mr. CANNON. I do not recollect whether I did or not. If I did it was not a specific vote for that ship, but a vote for that ship with other propositions standing with it.

Mr. HUTCHINS. Then I will ask the gentleman whether he did not advocate and vote for an appropriation for the completion of the Mohican on the Pacific coast, which vessel has been completed during the current year by that appropriation made last year?

Mr. CANNON. I say to the gentleman from New York that this appropriation is not to stand or fall by my consistency or want of it, but it is to stand or fall upon its own merits.

Now, Mr. Chairman, this is an old type of ship, and when finished it will be an old-fashioned cruiser of some 4,000 tons. It does not have a compound engine. It will be altogether an old-fashioned type of vessel, costing $400,000 in addition to what has already been expended upon it. It will be another old tub when completed, and this is the commencement of the naval policy of the Democratic party. This is what is offered to us just as that party is coming into power, the beginning of a policy looking toward the waste of money and the production of vessels not useful. In other words, it is an advancement backward—a retrograde movement; and I hope this Committee of the Whole will not support it and authorize the completion of this old-fashioned vessel.

Mr. TALBOTT. I call the attention of the gentleman to the fact that in the Forty-seventh Congress Mr. Harris, from the Committee on Naval Affairs, reported a list of vessels of the then Navy of the United States, and among others is the New York, of twenty-five guns and 4,000 tons, on the stocks at New York and recommended as worthy of being finished. That was the report made by the chairman of the Committee on Naval Affairs in the Forty-seventh Congress, the same committee which reported to this House the law requiring the sale of vessels when the cost of repairs would exceed 20 per cent. of their value. It is the same committee which reported the bill for steel cruisers. This report was made after careful investigation by a committee organized when the Republicans had control of the House. That committee reported that vessel was on the stocks in New York and was worthy of being completed.

Mr. CANNON. It has been worthy of being completed for nineteen years then, and will my friend inform me why his party did not appropriate for that purpose from 1874 to 1880, when it was in power here?

Mr. TALBOTT. I will ask you why your party did not complete it from 1865 to 1884?

Mr. CANNON. Because they did not think it was worthy of completion. In conclusion I will say to gentlemen on the other side of the House you can not relieve yourselves by alleged shortcomings of the

Republicans in the past; you now are in power, and you must stand or fall in this and all other matters upon the merits; you can not command the confidence of the country by taking up and completing work that was abandoned by the Republican party twenty years ago because it was not worthy of completion.

Mr. TALBOTT. In the report of the chairman of the Committee on Naval Affairs in the Forty-seventh Congress, a Republican committee, in a House controlled by a Republican majority, it was considered to be worthy of completion.

Mr. THOMAS. But the House did not indorse that report.

Mr. TALBOTT. Whether it did or not it made that report.

Mr. HEWITT, of New York. Mr. Chairman, I did not intend to take any part in the discussion of this bill, but the proposition that this great country shall at this stage of naval development undertake to build or finish the building of a wooden ship seems to me as preposterous as it is ridiculous. There is not the smallest nation in the world, not even one of the South American republics, which to-day would spend a dollar on a wooden ship; that would not if it could expend millions in procuring first-class steel cruisers. All Europe to-day is busy reconstructing navies on modern principles, and yet here into this House comes coolly a proposition to build a wooden ship, when we have thirty of them for which we have no use and as to which it would be a blessing if they were sunk by coal-barges to the bottom of the sea.

It is proposed to put old machinery in this useless hull when done. Does the gentleman know that old machinery consumes from three to four pounds of coal per horse-power, while modern machinery has reduced the consumption to one pound and a half of coal? Why, the extra cost of running that ship for coal alone would be four or five times the amount of the interest on the cost of a good steel cruiser.

The whole thing is absurd. It seems to me to be an insult to the intelligence of this people, as it must be to the intelligence of naval authorities, wherever the proposition is presented. I do not know what is behind this proposition, but I know that we might better throw this money into the ocean than to float such a vessel in this age upon its broad bosom.

Mr. KEIFER. I am much obliged to the distinguished gentleman from New York for coming over to this side of the House and making such a good speech in support of my motion to strike out this clause. I wish to say at one time it was my impression it would be wise to complete this vessel; that I was then entirely misinformed or had statements made to me which were inaccurate in respect to the uses to which this vessel could be put.

The vessel if completed, if rigged, with all of her machinery in place, with her guns and munitions on board, and manned with her full quota of troops, would not be worth one copper to the United States in time of war.

Mr. HISCOCK. Allow me to interrupt the gentleman from Ohio by adding, nor in time of peace either. [Laughter.]

Mr. KEIFER. The suggestion is very pertinent. It could not go upon the high seas, it would be of no service as a war vessel, and I did not know but that possibly the idea was that we might point to it as it went into New York Harbor or Brooklyn under full sail as a type of days gone by.

Mr. HEWITT, of New York (interrupting). As an example to be avoided. [Laughter.]

Mr. KEIFER (continuing). As a relic of a past age; and, as my friend from New York has well suggested, possibly an example for us to avoid in the future. In this way, as an example, we might possibly get something out of it; but in time of war it would be useless to us; we would not require it for any conceivable purpose, and the money expended upon it would be thrown away.

It could not be sent upon the high seas for the purpose of meeting armed vessels of war of a foreign nation, because there is not a vessel of war of any foreign nation on earth that could not sweep it from the seas; nor could it be of use for the purpose of harbor defense, because it would be helpless, useless.

Mr. BROWNE, of Indiana (from his seat). Worthless.

Mr. KEIFER. Of no possible service to the Government, and I think a national disgrace.

Now, let me say, in justice to past Congresses of the United States and the distinguished men who have presided over the Navy Department for the last nineteen years at least, that they have not proposed the completion of this vessel. It is true, as the report which was read at the suggestion of the gentleman from New York in charge of the bill [Mr. HUTCHINS] shows, that not being boarded up the air has swept through its timbers for the past twenty years, drying and seasoning them until now with the help of some new iron material and some preservatives for the old material they would do for a ship.

Mr. BOUTELLE (from his seat). The suggestion is that the present timbers are thoroughly seasoned, and therefore in better condition.

Mr. KEIFER. There is a question about that; and as I understand it, it will be necessary to put some modern material in to help to preserve them so that they may be used for the purposes of ship-building. At all events, if new material should be put in with this old material it would not be in harmony with it for ship construction.

Now, Mr. Chairman, I am told that this vessel when fully equipped, with all of her machinery and stores on board, is calculated to make in these modern times a speed not exceeding ten knots an hour upon the sea. It could be run down by everything in the shape of a vessel. It could run away from nothing and could catch nothing upon the sea, and it would be in that sense therefore without any possible value.

I was surprised a little to see our friends upon the other side of the House so urgent for this appropriation, and I took pains to look at the six-months' naval appropriation bill, I mean the bill for the first six months of the current fiscal year, and found nothing in that on the subject of the finishing of these wooden vessels.

Mr. RANDALL. Let me interrupt the gentleman to state that in response to the recommendation of the Department two vessels were recommended for completion, and money was appropriated for the purpose sufficient to build the Mohican.

Mr. KEIFER. But there has not been a copper appropriated to finish the New York.

Mr. RANDALL. I did not say there had been, but there was to finish the Mohican.

Mr. KEIFER. Fifty thousand dollars was put in the appropriation bill I believe for the purpose the gentleman specifies.

[Here the hammer fell.]

Mr. DINGLEY. Mr. Chairman, it seems to me that this is a practical question, which this committee should look at in that point of view. Here we have at the navy-yard at Brooklyn a frame and other timbers of live-oak for a vessel whose construction was inaugurated nineteen years ago. It has stood there to this day under a roof, carefully protected from the weather, and to-day every timber in that vessel is thoroughly seasoned, and is worth more for purposes of ship construction to-day, double as much, as it was nineteen years ago. Now, in my opinion, when we have a vessel half constructed of this character, notwithstanding it is of wood, in view of the fact that in all the navies of the world there are wooden vessels that may be used and are used for purposes of transportation, for school-ships and training-ships, and for a hundred uses neither offensive nor defensive, but which pertain to the navy, it would be the height of unwisdom to throw this vessel away and not appropriate something to complete it for the many uses to which it may be put.

Bear in mind that it is not an old vessel in the sense that decay has come upon it; not in the sense that it is a bad model, for it is as good a model of vessel as can be constructed to-day, and for the purpose for which such a vessel may be used. It seems to me that it would be wise to complete it in every sense, not so much for defense or offense, but for the thousand uses to which we can put the vessel. I contend that it should be looked at as a practical question, a question whether or not, if we have a frame of live-oak thoroughly seasoned and partly completed, it should not be finished for such uses as it may be applied to.

Mr HORR. May I ask the gentleman how long it will continue to grow better?

Mr. DINGLEY. As long as it is under cover and protected from the weather.

Mr. HORR. Then let us wait until it gets to the highest pitch of excellence.

Mr. DINGLEY. It has become thoroughly seasoned. And every man acquainted with the subject understands that live-oak thoroughly seasoned under cover is of infinitely more value than any other timber not so seasoned.

Mr. HORR. You say the vessel is half built?

Mr. DINGLEY. I say partly built.

Mr. HORR. That is better.

Mr. DINGLEY. I do not know precisely to what extent it has been.

Mr. THOMAS. Is it possible at this day and age of the world we are going back twenty years to seek models for constructing naval vessels of war? Have the twenty years that have elapsed since 1865 brought no lessons of wisdom to this Congress and this country? Are we to take up the ribs of this old partly-constructed vessel, through which the winds of twenty years have howled, with all its imperfections of model and of arrangement, and to go on now and build it for a modern vessel of war? The machinery was completed seventeen years ago. All the improvements of those seventeen years are taken no note of and can not be used in the completion of this boat, which can be used successfully neither in peace nor in war.

The smallest schooner that floats either upon fresh or salt water can ram this vessel and destroy it in one minute. The smallest gun carried by any vessel of war in any navy of the world could sink her in an hour. And are we going on now to rebuild this vessel, and are the Monitor, the Puritan, the Terror, the Amphitrite, the Monadnock, and the Miantonomoh, vessels of modern construction, provided with all the appointments of naval warfare, vessels built of iron and ready to be used as soon as completed—are they to be left out? Are they not to be finished while this old wooden vessel, the frame of which forsooth is built of live-oak, is to be completed? Are we to have another case of the Lancaster rebuilt at an expense of $1,600,000 and then get a vessel that can go only nine knots an hour, and that can be caught by any first-class three-masted schooner engaged in the coasting trade of this country?

I want to call the attention of the House and the country to the fact that with all the fault found with Republican administration and the last Republican Congress, that Congress was the first to come up and meet the emergency of the time and construct the three new cruisers of steel according to modern plans, and the dispatch boat, which will be a credit, and the greatest credit, that our Navy is entitled to.

The Republican party is entitled to that credit. They authorized the construction of these vessels. We left behind us the prejudices and the methods of other years and came up to a higher plane, to new designs, new machinery, new armament, new armor, and proposed to erect a navy that would be commensurate with the needs of this country and be an honor to the nation.

[Here the hammer fell.]

Mr. COX, of New York. No gentleman in this House has had more experience connected with our naval affairs, in a modest, quiet way on committees, than my friend from Illinois [Mr. THOMAS]; but he must not forget that some wooden ships are indispensable. Wooden ships are sometimes useful. Wooden ships are sometimes beneficial. It was a wooden ship that ran down the Tallapoosa. [Laughter].

Mr. THOMAS. Very good; and the Tallapoosa was a new vessel, just two years old, too.

Mr. COX, of New York. Made by the Republican party—one of their jobs.

Mr. THOMAS. And an almighty bad job at that. [Laughter].

Mr. COX, of New York. But what I want to say is pertinent to this proposition. I do not care whether it is made by a Republican or Democratic administration, but there are some wooden vessels yet to be used in our Navy, as the gentleman from Maine [Mr. DINGLEY] well said. Some are to be school-ships; some are to have other functions on the sea; some are to have romances, beyond all experience, in the future. I am not one of those who believe in making wooden ships hereafter.

I believe in the steel ships and guns, and the steam and the electricities and all the forces to be harnessed hereafter, connected with our Navy, with the chemistry and explosives and what not that speak of progress.

A MEMBER. You ought to be on the other side.

Mr. COX, of New York. I am not on the other side because I am a progressive man. I believe, however, when we have here a vessel built on a perfect model, but a model which is a mere shell or hull to be filled up hereafter with enginery, such as we will have, of an improved pattern——

Mr. THOMAS. I would like to inquire if the gentleman from New York knows that the engines for this vessel have been built already for seventeen years?

Mr. HISCOCK. In other words, there is no "steel" in this.

Mr. COX, of New York. If there was any "steal" in this my friend from New York would be more anxious about it; he is always very square. T. D. Wilson, chief of the bureau, makes the report which was read by my colleague from New York. What does he say?

This vessel has been on the stocks in one of the ship-houses since 1865; and from the fact that she was in frame before work was suspended on her and was neither ceiled nor planked, the air has freely circulated through her timbers, and to-day they are as hard as bone, and probably in better condition than any framed timbers ever put in a ship.

That is the hull; that is the shell; put in your timbers. But gentlemen say: "The Democrats are coming into power, and we do not want them to have work on this ship in the Brooklyn navy-yard." That is the wrinkle of my friend from New York over there [Mr. HISCOCK]. [Laughter.] I know him; he is a cunning old politician; he looks at me and smiles, but he knows he means simply this: that no Democrat shall have an opportunity to work in that Brooklyn navy-yard in the construction of any ships hereafter, because, forsooth, this ship has been so long on the stocks worm-eaten by Republican rascality. [Laughter.]

Mr. BOUTELLE. Do I understand my distinguished friend from New York to say that this ship's timbers are worm-eaten? [Laughter.]

Mr. COX, of New York. No; I said the system there has been a general system of worm-eating all through. [Renewed laughter.]

Mr. MCADOO. Mr. Chairman, since our friends on the other side by the voice of the people and the will of Providence have found themselves in the minority they have begun to facetiously criticise this side of the House for proposing to complete the New York. I want to ask them why it is that this vessel was not completed long since, and I tell them that there will be grave suspicion in people's minds that the reason she was not completed before is that she was not a vessel contracted for in the yard of John Roach or some other favorite contractor. The gentlemen on the other side have repeatedly advocated the expenditure of three millions and a half of dollars to complete the monitors, yet I say that this ship, the New York, with her well-seasoned timbers, if armed with good guns, will be superior to any of the monitors in the yard of John Roach or elsewhere, completed or otherwise. [Cries of "Oh!" "Oh!" on the Republican side.]

Mr. MCADOO. I want to read for the information of gentlemen on the other side—not the opinion of a partisan journal, but the opinion of a scientific publication, the Army and Navy Journal—about these monitors upon which our friends propose to spend three millions and a half.

Mr. KEIFER. Does the gentleman call the Army and Navy Journal a scientific journal?

Mr. MCADOO. It is a professional journal, written by experts and read by scientific men.

Mr. HISCOCK. My friend from New Jersey should bear in mind that this bill contemplates the completion of those monitors by a Democratic administration, and he certainly does not want to make a record against that policy.

Mr. MCADOO. I ask to have this extract read.

The Clerk read as follows:

As we recently had occasion to show, the thickest side of armor of these vessels will be but seven inches, and it will be applied only to the center of the vessel. The five inches of armor at the ends will be mere pasteboards to the heavy shot fired from a first-class foreign ironclad, and a single well-directed shot fired from the 80-ton iron gun would partially destroy and render the turret of the Miantonomoh wholly useless; while a shot planted on the side armor would sink her. As it is admitted here that the monitors can not resist the heavy broadside ironclads they must meet, why waste further money in the completion of vessels which will serve neither for cruisers nor harbor defense? It matters not what the English ironclads cost; they are in existence, and a couple of them could sweep away the whole of the proposed monitor fleet.

Now, Mr. Chairman, I return to the charge which I made when I began my remarks, and I say again that if this vessel, begun twenty years ago, had been under the care of the favorite contractors who have battened and fattened on the national Treasury, under Republican administrations, a milllion of dollars, if asked for, would have been gladly voted by the party then in power in this House to complete her. I repeat, too, what I said a while ago, that this vessel when completed will be superior to any of the monitors, and if she were armed with good guns I would much rather (although I am not a professional man in the military sense) take my chances on board of the well-seasoned, easily maneuvered, quick-sailing New York, than on board the Miantonomoh or any other monitor in the service.

Mr. BOUTELLE. Will my colleague on the Naval Committee yield for a question?

Mr. MCADOO. Certainly.

Mr. BOUTELLE. Do I understand you to hold that there is anything in connection with the model of a monitor which prevents her from carrying as much defensive armor as a broadside ironclad?

Mr. MCADOO. I do not know. I only state how our monitors are clad.

Mr. BOUTELLE. But I want a specific answer to my question: Do I understand you to hold that there is anything about the monitor class of vessels which prevents them carrying as heavy armor as the broadside ironclads?

Mr. MCADOO. No. All I say is that they are steel-clad, as everybody knows—steel-clad in more ways than one.

Mr. BOUTELLE. Is it not true, on the contrary, that, on account of the low free-board, a vessel of the same displacement, built on the monitor plan, can carry infinitely more armor than a broadside ironclad?

Mr. MCADOO. Mr. Chairman, all I have to say in reply to my nautical, scientific, and elaborate friend from Maine [Mr. BOUTELLE] is, that these monitors have seven inches of armor in the center and five inches at the ends; and I say that if this journal from which I have read an extract be correct, that armor would be unable to stand one single, well-directed shot from an 80-ton gun.

Mr. BOUTELLE. Mr. Chairman, I do not wish to press my friend, but I affirm here a very confident belief that a vessel of a certain displacement whose hull is only three feet above the water, and which needs to be armored only for a surface of two or three feet above water, can certainly carry much more defensive armor than a wall-sided vessel with a high free-board.

Mr. MCADOO. Mr. Chairman, I am not up before the civil-service examiners for a position as a naval engineer [laughter], but I say that these monitors are not worth as much as this New York will be when completed.

Mr. BOUTELLE. Mr. Chairman, I was addressing my remarks to the Scientific Journal from which the gentleman [Mr. MCADOO] has quoted.

Mr. HEWITT, of New York. Mr. Chairman, I hold in my hand the latest list which has been published (and it comes down to within one month of the present time) of the ironclads, which are regarded as obsolete by the great powers. They are eighty-five in number—nearly all of them constructed since 1865. Twenty-one of them belong to Great Britain, twenty to France, nine to Italy, and twenty-seven to Russia. Of the twenty-one belonging to Great Britain fourteen are plated with iron, and are of greater tonnage and more horse-power than the ship which this bill proposes to finish. Let me quote one or two instances. Here is the Northumberland, belonging to Great Britain, built of iron, displacement 10,780 tons, mean draught twenty-eight feet, with twenty-seven heavy guns and eighteen light guns, carrying seven hundred and forty-four men, and having a horse-power of 6,560 and a speed of 14.1 knots. Then follow thirteen others, including the Agincourt, the Minotaur, the Achilles, the Warrior, the Black Prince—all of them larger and better ships and with a higher rate of speed than this one of ours, and ironclads at that. These are vessels which Great Britain has determined to discard. Then here are twenty ships belonging to France,

the list beginning with the Héroïne of 5,387 tons. Then follow the Revanche and Savoie of 5,819 tons each, and the Surveillante of 5,758 tons. So I might run through the list, every one of these being a better and faster ship than the one we propose to waste our money upon if we enact this bill.

Italy, which we look upon as a second-rate power, is going to discard nine ships—first the broadside ship Roma, built of wood, displacement 5,700 tons, mean draught 24½ feet, armor 4½ and 4½ inches, with twenty-two heavy guns and twelve light guns, speed thirteen knots, coal capacity five hundred and fifty-eight tons, steam cruising power at ten knots 3,000 miles. This ship upon which we propose to spend our money could not carry coal enough to steam 1,500 miles. Yet here is Italy about to discard this vessel the Roma; and I have no doubt she would gladly sell it to us for one-half what we propose to spend upon the completion of this ship.

Russia is about to discard twenty-seven ships, beginning with two wooden ships, the Sevastopli, 6,275 tons, and the Petropanlovsk, 6,040 tons.

I will not take up time in enlarging upon this subject further, but the proposition here is that at this day this country, which has been complaining that it had no navy, which has declared in the platforms of both parties that it intends to have a navy, shall, upon a proposition from a Democratic committee, spend money in completing an old ship which can float, I have no doubt, but which, if struck with one of the guns of one of these discarded ships, would go straight to the bottom. [Applause.]

Mr. TALBOTT. Are not all these vessels which are being discarded armored vessels?

Mr. HEWITT, of New York. Not all of them, but nearly every one of them.

Mr. TALBOTT. This is not to be an armored vessel.

Mr. HEWITT, of New York. Certainly not: and that is an additional reason why it should not be built. There is not a nation in the world to-day that would think of building an unarmored ship except as a fast cruiser, or "commerce-destroyer," as it is called; yet it is proposed to build an unarmored ship that could not get away from any one of these armored ships which other nations are discarding as too slow. If we build unarmored ships they should be the fastest ships afloat, or they are failures.

[Here the hammer fell.]

Mr. HUTCHINS. Mr. Chairman, I agree with what the gentleman from New York [Mr. HEWITT] has said. He knows perfectly well that it is not our intention to proceed with the policy of building wooden ships. Every word that he has uttered, however, would apply to the proposition to expend 30 per cent. of the value of wooden vessels in repairing them. Will the gentleman tell me whether we have to-day a single vessel afloat that is seaworthy?

Mr. HEWITT, of New York. I think not; and we do not want any more of such vessels.

Mr. HUTCHINS. Then should we not take measures to have one good vessel; and when we have a report from the proper Department saying that for a comparatively small sum of money we may have a vessel good for some purposes, why not complete it?

Mr. Chairman, we must take things as they are. The gentleman knows perfectly well that England to-day, notwithstanding all her discarded vessels, has an effective tonnage of 345,000 tons; France has 209,000 tons, and Russia comes next with 119,000 tons. The United States has but 22,000 tons; and are we to sit still and refuse to appropriate a small sum to complete one good vessel?

We do not desire to cut off supplies for repairs of wooden vessels because they are comparatively worthless. His argument is hardly fair. I would not expend any money to construct a new wooden vessel, but until we have steel cruisers, until we have armored battleships, until we have something in the shape of a navy which will stand by the side of other navies of the world, I am willing to appropriate a small sum to complete this ship.

Mr. HEWITT, of New York. Allow me to read to you at that point: "The admiralty count upon the wooden hulls of twenty-three French ironclads as a source of future weakness."

Mr. HUTCHINS. Undoubtedly, and we would discard them under similar circumstances.

Mr. HEWITT, of New York. Why then build up weakness? Let us build up strength.

Mr. HUTCHINS. This is, I am aware, a temporary expedient until we can have time to build war ships which we hope will be the pride of the nation.

I will yield now for one minute to my colleague [Mr. COX].

Mr. COX, of New York. I want to answer my colleague in one word, and that is this: When he reads from these old statistics with which we are all familiar——

Mr. HEWITT, of New York. This is new; I got it by mail.

Mr. COX, of New York. I got it fresh the other day by mail. It is old now. He simply fails to recognize the fact that the projectiles of the world, the power of explosion, the chemistry of which he is a recognized element, can drive through any ironclad possible, and therefore people are discarding ironclads because the projectiles, the force of powder or something else, is greater than ironclads. In other words, there is more force in powder and ball and projectile than in the defensive operations of our Government. Therefore they are disposing of their old ironclads. Offensive war is bigger than defensive, and everybody knows it. No one knows it so well as my friend who is engaged in steel and iron manufacture.

Mr. HEWITT, of New York. Does not my colleague know every ship abroad has heavy iron clad on it now?

Mr. COX, of New York. Because we have artillery, because we have cavalry, shall we discard infantry? Because we have ironclads or torpedoes, shall we give up wooden ships altogether?

Mr. HEWITT, of New York. Yes.

Mr. COX, of New York. No, sir.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. The Committee on Appropriations is not a Democratic committee, as has been pushed into this debate by the suggestion of the gentleman from New York [Mr. HEWITT]. We realize that a new navy, a more powerful navy, is required, and we also realize that these vessels which are now unfinished and can be made useful should be completed. We commenced that last year by making an appropriation to finish the Mohican. We realize it and recognize it to-day in recommending that the New York shall be completed.

But while as a fighting navy and cruising navy we realize that steel cruisers and heavy-armed vessels are essential to the fighting necessities of war, at the same time we know that this vessel can be made of great service in the Navy, as has been recommended for two years at least by the Secretary of the Navy. Why, you might as well say you would make an army entirely of infantry, and forget cavalry and artillery altogether.

The whole tenor of this bill goes to recognize, if it had been proper so to state it, the requirements of political platforms. We also know this vessel, as stated by the experts of the Government, can be made useful and can be finished with due economy to the Government.

Mr. HORR. Did I understand the gentleman to say that the Secretaty of the Navy recommended this?

Mr. RANDALL. I say so unqualifiedly.

Mr. HISCOCK. Will the gentleman read where the Secretary recommends it?

Mr. RANDALL. I have the recommendation here.

Mr. HISCOCK. Have one read.

Mr. RANDALL. It is expressed in his report last year and in this, where he estimates for the New York $400,000.

Mr. HISCOCK. Have that part read.

Mr. RANDALL. I will have it read with pleasure.

Mr. HEWITT, of New York. I would like to ask my friend from Pennsylvania when the present Secretary of the Navy became an authority for this side of the House?

Mr. RANDALL. I would as soon trust him in authority as you.

Mr. HEWITT, of New York. That is a personal remark which the gentleman's own answer will explain.

Mr. KEIFER. I am willing to yield to allow that to be read.

The CHAIRMAN. The Clerk will read what the gentleman from Pennsylvania forwards to the desk.

The Clerk read as follows:

Executive Document, No. 1, part 3, Forty-eighth Congress, first session, page 31.
Increase of Navy: Completing hulls of the New York and Mohican, $400,000.
Annual report of the Secretary of the Navy for the year 1884, page 40.
For completion of the New York, $500,000.

Mr. RANDALL. These are the reports of the Secretary of the Navy for the two years to which I have referred.

Mr. HISCOCK. I desire to call the attention of the gentleman from Pennsylvania to the fact that this is precisely what we find in the Book of Estimates, a submission simply under the law and nothing else.

Mr. RANDALL. I take it for granted that the Secretary of the Navy would not put anything in his report that did not meet his approval.

Mr. HISCOCK. We need not have any confusion or misunderstanding about this matter, because the gentleman knows that many items are submitted under the law that are not recommended.

Mr. RANDALL. The gentleman from New York knows that they are recommended. The Secretary submits matters when there is a doubt whether there is law authorizing the expenditure of the money; and I have caused to be read now from his annual reports the amounts that he has estimated for the completion of these vessels.

Mr. KEIFER. I hope this will not be taken out of my time.

I will say to the distinguished chairman of the Committee on Appropriations that 9 to 6, composing the Committee on Appropriations, may not make that committee entirely Democratic, although they are all very distinguished gentlemen, but it gives a very good majority.

Mr. REED, of Maine (from his seat). It creates quite a suspicion, however. [Laughter].

Mr. KEIFER. Yes, quite a suspicion. Now, these estimates that have been read the gentleman from Pennsylvana claims to afford evidence of a recommendation on the part of the present Secretary of the Navy, or rather he claims that they are entitled to the force of a recommendation on his part, for the completion of the ship New York. That, I claim, is an entire misapprehension.

I happen to know that the present Secretary of the Navy regards the

completion of this vessel as entirely unnecessary in every sense of the word; and that all that is spent on it is worse than thrown away, because it embarks us not in the direction of progress, but rather as indicating a retreating from the little advance position that this nation has taken in the matter of building a navy. It is unfair to the Secretary of the Navy to treat these estimates which he is required by law to make to Congress as committing him to a recommendation that such works shall be carried on; and I want to say that the Committee on Appropriations, not speaking of anything that takes place within its doors, and the House of Representatives, of which I may speak, have not been bound by anybody's recommendations on the subject of paying claims or completing other public works. Why then do they stand up for this?

Now, Mr. Chairman, the most specious, artistic, cunning—if I might use the word and not violate parliamentary usage—argument that is made in favor of completing the New York in the Brooklyn navy-yard comes from the gentleman from Maine [Mr. DINGLEY] and another gentleman from New York [Mr. COX]. They say they would finish this vessel in order that it might be used in case of necessity for a school-ship. A great war vessel as we pretend, if it be finished at a cost of $400,000, which would be more than enough to build a good cruiser, to build a good vessel of war, is to be finished solely because they think it might happen that at some place on the coast of this country we might need a school-ship! We have thirty wooden vessels now, and almost every one of them would do for a school-ship and nothing else. They are fit for nothing else in time of war. Some of them may be used for going on surveying excursions, and there are plenty for that purpose.

My friend from New York [Mr. COX], formerly of Ohio, talked lightly about the Tallapoosa being sunk by a common schooner, and he might have added that it was sunk without any purpose on the part of the schooner to sink it at all. [Laughter.] It was sunk on the coast. This ship, the Tallapoosa, was just about as good as any of these vessels. It was not built only two years ago, but it was rebuilt, as we practically propose to rebuild the New York. That vessel has had twenty years of rest before being used at all, and now you propose to finish it; and it is very remarkable that all at once it becomes extremely necessary to spend $400,000 to finish the ship that everybody well versed in all these naval matters says will be thoroughly valueless as a war ship, and nobody claims that it would be of any value in time of peace unless we wanted to keep school. [Laughter.]

Mr. DORSHEIMER. Mr. Chairman, I have listened to this debate with great interest and I find myself entirely in agreement with the Committee on Appropriations, and think that this item should be approved and the vessel finished. My colleague [Mr. HEWITT] seemed to argue as if only such war ships should be built as were built upon the idea that the enemy's shot could be kept out of the vessel.

I wish to call it to the attention of the House that our own advisory board has not up to the present time advised the construction of one single new ship upon that theory. The four vessels now in course of construction and the vessels which the Secretary of the Navy this year recommended to be built are all cruisers, unarmored vessels of entirely light construction, and penetrable by the ordinary shot fired from the ordinary guns of foreign ships of war. Those vessels are designed upon the theory upon which all naval vessels have been built in the past and by which the naval distinction of the different countries of the world has been won.

Lord Nelson never commanded a ship built upon the theory of keeping the shot of the enemy out; neither did Decatur nor Bainbridge nor Perry ever command such a vessel. But come down to our own times. The most distinguished American naval officer of our generation, with ironclads in his fleet, did not go on board an ironclad when he entered the harbor of Mobile. He stood upon the deck or climbed into the rigging of a wooden vessel.

Now it is by no manner of means a determined thing as to whether it is the true policy to build heavy armored vessels or not. My colleague [Mr. COX] was entirely correct in his statement that there were evident signs that foreign powers were beginning to doubt the policy of building these heavily armored vessels; for in the contest between the target and the gun which has been going on in foreign countries for almost thirty years the gun has come out the victor; so that targets to resist modern guns can not be built and flotation obtained.

I believe that the future naval battles will be fought in vessels as penetrable to shot as any of the vessels commanded by the great naval captains in the beginning of this century, and that our country will find its safety not in the thickness of defensive armor, but, as it has hitherto done, in the fiery hearts of those who man its ships. [Applause.]

If the choice is to be between a penetrable steel vessel and a penetrable wooden vessel, then it is clear enough that the difference between them can not be a very great one, and that there are manifest uses to which wooden ships may still beneficially be put. I here state, and call the attention of my colleague [Mr. HEWITT] to my statement, that there is not now one European power which is not to-day building wooden vessels for its naval service.

[Here the hammer fell.]

Mr. HEWITT, of New York. Will my colleague give me the authority for that statement?

Mr. DORSHEIMER. I will. I will send it to my colleague.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio [Mr. KEIFER].

The question being taken, there were—ayes 22, noes 62.

So (further count not being called for) the amendment was not agreed to.

The Clerk read to the conclusion of the paragraphs appropriating for the Naval Academy.

Mr. FINDLAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 415 insert the following:

"Allowance for reduction of wages under the eight-hour law such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics heretofore or at present employed by or on behalf of the Government at the Naval Academy at Annapolis, Md., between the 19th day of May, 1869, the date of the proclamation of the President concerning the pay of laborers, workmen, and mechanics under the eight-hour law, and the date of the passage and approval of this act, to settle and pay for the same without reduction on account of the reduction of the hours of labor, as contemplated by the spirit of the act of Congress approved June 25, 1868, commonly known as the eight-hour law. And the money hereby appropriated and necessary to pay such claims shall be made immediately available and be disbursed by the Navy paymaster at said Naval Academy under the direction and supervision of the superintendent thereof.

Mr. HUTCHINS. I make the point of order on that amendment. I suggest to the gentleman from Maryland that he let it lie over until to-morrow and I will examine it.

Mr. RANDALL. I suggest that it shall be agreed we may go back to this amendment.

The CHAIRMAN. Is there objection to passing over the amendment for the present?

Mr. HEWITT, of Alabama. If the point of order is made on it I think it might be as well to have it decided at once.

Mr. HUTCHINS. I hope the gentleman from Alabama will not take the management of the bill out of my hands.

The CHAIRMAN. Is there objection to postponing the decision on this point of order until to-morrow? The Chair hears none.

Mr. RANDALL. The point of order is reserved.

The CHAIRMAN. The Chair so understands.

Mr. COX, of New York. I ask unanimous consent to have printed in the RECORD a communication I have received relative to this subject.

There was no objection.

The letter is as follows:

STATE OF MARYLAND, COURT OF APPEALS,
Annapolis, February 10, 1885.

Hon. S. S. COX,
House of Representatives, Washington, D. C.:

MY DEAR SIR: I duly received your kind reply of December 18, 1884, to my letter of the 17th of the same month, in reference to the proposed relief measure for the Naval Academy employés residing in this city. Your generous offer to aid the measure, as placed in the hands of Mr. FINDLAY, was met by a due manifestation of appreciation by this worthy class of our people.

Inasmuch, however, as the present session is nearing its close, they are fearful that no relief can come to them through the bill recently introduced by Mr. FINDLAY in their behalf, unless it can be secured by way of an amendment to one of the three appropriation bills yet to be reported, namely: the general naval, sundry civil, or deficiency bills. In view thereof, I have prepared and forwarded to Mr. FINDLAY a draught of an amendment, embracing the substance of his bill (No. 7907), and which, if it can by any possibility of a chance be incorporated in either of said appropriation bills, would secure the attainment of the purposes desired.

I herewith inclose you a copy of said proposed amendment, which is almost a literal transcript—*mutatis mutandis*—of the provision contained in the act of 1872, and as now codified as section 3699 of the United States Revised Statutes. By reference to the latter, if time will permit, you will see that these very employés (among others) were paid for all the time employed at the academy in excess of eight hours from the date of the passage and approval of the eight-hour law up to and including the date of the President's proclamation, to wit, May 19, 1869, since which date they have received no compensation for the extra hours so employed, the eight-hour law here having been practically ignored by the Navy Department, and per consequence at the Naval Academy.

So familiar are you with all the minutiæ pertaining to matters of national legislation, it would appear unseemly in me, if not quasi-egotistic, were I to attempt to proffer the least suggestion in regard to the best mode of securing favorable consideration and action in the premises; nevertheless, you, I am sure, will not take it amiss if in my zeal for these worthy people I should earnestly request that you will, should you find it convenient to spare sufficient time from the multiplicity of public and local matters which so heavily and necessarily tax your patience, in conjunction with Mr. FINDLAY or otherwise, bring to bear upon the Committee on Appropriations your kind and generous influence whereby the consent of its members may be obtained, in committee, to permit the incorporation of the inclosed proposed amendment in either one of the three appropriation bills hereinbefore mentioned. You will perceive that the proposed amendment is local in its character, and was drafted in that wise in view of a knowledge of the fact that our friend SAMUEL J. RANDALL seems strongly inclined to oppose large appropriations and exhibits rather a sensitive, if not niggardly, disposition toward disturbing the quiet of what has been commonly denominated the "Treasury's unnecessary surplus." Indeed, it would seem that this surplus is by no means unnecessary, for the mere exhibition of the just claims of these employés would be a sufficient answer to the contrary. By way of parenthesis let me remark that to the eyes of many, at least to those outside of the Halls of our national Legislature, it would seem to appear that were the Government to employ a part, at least, of its present surplus money in liquidating its just obligations toward its own citizen-creditors, the long-heard-of lamentations against the $100,000,000 surplus revenue would soon be stifled and appeased.

I can but hope, my dear sir, that the merits of this measure may receive the hearty approval on the part of every member of Congress who pretends to entertain a due and appreciative regard for honest labor, and that, too, in this instance when the Government itself has already reaped the benefit of the daily toil of these laboring people.

Hoping and believing that you will do what lies in your power to do in the premises, I can but assure you that there will ascend from hearts who know how to appreciate a kindly act done in their behalf as holy incense to a higher sphere, heartfelt invocations on the part of these good people and their families.

Mr. HEWITT, of New York. I move to strike out the last word.

It is not often that I take notice of any personal remarks in debate having reference to myself. The gentleman from Pennsylvania, the chairman of the Committee on Appropriations, has chosen to visit me with that heavy club which sometimes he uses to demolish those who have the misfortune to differ with him. At the last session of Congress I happened to be on the same side with that gentleman with regard to monitors and the Secretary of the Navy differed with him. I ask the Clerk now to read the remarks of the gentleman from Pennsylvania [Mr. RANDALL] made then as far as I have marked. And that is all I shall care to say on the subject of the opinion which the gentleman from Pennsylvania now entertains of the Secretary of the Navy and of my humble self.

The Clerk read as follows:

Mr. CALKINS. Who is the author of that?

Mr. RANDALL. Mr. Isherwood, formerly Engineer-in-Chief of the Navy. I might rest the action which we recommend to adhere and not yield to the incorporation of these amounts in the appropriation bill upon the opinion of these two accepted authorities, one now in office and the other formerly at the head of the Engineer Corps of the United States Navy. But I am willing to go further and say if it were necessary that there are not thrown around these propositions those safeguards for the expenditure of the money which circumstances known to the country demand in reference to a Department which is now being investigated.

The next question is as to the monitors. That is a subject which was duly considered in the last Congress, and the Committee on Appropriations of that body did not recommend to the House of Representatives any further appropriation of money in that connection, nor did the House in the passage of the original bill incorporate a dollar for that purpose. The bill went to the Senate, and there the amount was incorporated, and in a sort of coercive way, if I may be allowed in a parliamentary sense to use such a term, the House was compelled to yield. I want to have read in that connection, that it may be still further impressed upon the minds of the House, the language uttered upon this floor by a gentleman here in debate, whose experience as a business man and as a manufacturer in all the forms of iron and steel which enter into the construction of such vessels is large, and whose capacity to judge of such subjects is unquestioned. I ask the Clerk to read from the RECORD what was said on the floor a few weeks ago upon this point. This is a part of the language of the gentleman from New York [Mr. HEWITT].

The Clerk read as follows:

"There are other questions behind this on which I am in full accord with the Appropriations Committee. I believe the monitors are a total failure. I believe every dollar spent on them is wasted, and I shall never vote, as I never have voted, a single dollar in behalf of the monitors.

"I also believe we ought not to build any new cruisers until we know whether those now under way are good for something or not. But we can not tell whether they are good or not until we put guns on them and float them and try what they can do in the open ocean."

Mr. RANDALL. Mr. Chairman, I think that I have said nothing to-day inconsistent with my expressions then, so far as Mr. Chandler was concerned. I have only made the group a little larger in some particulars. I never want to be personally offensive, but the gentleman from New York [Mr. HEWITT] provoked what I said by characterizing the Committee on Appropriations as a Democratic committee——

Mr. REED, of Maine. That was provocation enough. [Laughter on the Republican side.]

Mr. RANDALL (continuing). And then subsequently saying, in substance, that that Democratic committee was following the lead of Mr. Chandler.

Mr. HEWITT, of New York. Mr. Chairman, I beg leave to say that I uttered nothing of the sort. The RECORD will show what was said. I merely now put in a contradiction, and say that I uttered nothing of the kind.

Mr. RANDALL. Well, I so understood it, hearing as well as I can hear, and gentlemen around me also understood that there was an implication in the language of the gentleman from New York [Mr. HEWITT] which was not respectful to the Committee on Appropriations.

Mr. HEWITT, of New York. I have the most immense respect for the Committee on Appropriations. I have been on that committee myself.

Mr. RANDALL. Well, whether that is mutual or not is another matter. But there is one thing certain, that as long as I am at the head of that committee, whenever it is assailed, either by innuendo or in a more courageous manner, I will strike back as hard as I know how.

Mr. HEWITT, of New York. Mr. Chairman, I believe that I never attempt anything by innuendo on this floor. I believe that is not my reputation. The question that I asked was, since when did it happen that the Secretary of the Navy had become an authority upon this side of the House?

Mr. RANDALL. Mr. Chairman, if that was not a reflection on the Committee on Appropriations, I do not know what it means.

Mr. HEWITT, of New York. And if that be a reflection upon the gentleman from Pennsylvania [Mr. RANDALL], it must be because the "shoe fits."

Mr. RANDALL. Oh, well, Mr. Chairman, I am not going to take any offense at that.

Mr. HEWITT, of New York. I should suppose not. The offense has been taken.

Mr. RANDALL. I never take what does not belong to me, and therefore I am not going to be offended by such a remark as that; but I do say again that whenever the gentleman will speak as a man should speak, with clean-cut language, and not by inference or insinuation, I will try to answer him in a like manner.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk resumed and read to the end of section 1 of the bill.

Mr. THOMAS. Mr. Chairman——

Mr. HUTCHINS. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. THOMAS. I rise to make the point of order against section 2 of this bill.

Mr. KEIFER. That point can not be made until the section is read. General debate comes in upon this section at this time.

Mr. THOMAS. Then I shall ask that the point of order be reserved.

Mr. KEIFER. It is reserved.

Mr. RANDALL. Mr. Chairman, I wish that the gentleman from Illinois shall be recognized at the proper time to make the point of order against the second section.

Mr. KEIFER. The gentleman from Pennsylvania [Mr. RANDALL] will agree that the right time to make the point is when the section is read.

Mr. RANDALL. After the general debate on the first section the second section can be read.

Mr. THOMAS. All I ask is that the point shall be reserved.

The CHAIRMAN. The Chair understands that the point of order is pending. The gentleman from New York [Mr. HUTCHINS] moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

HOUR OF MEETING.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that the hour of meeting to-morrow (Friday) be 12 o'clock instead of 11.

Mr. BROWN, of Pennsylvania. If we can have an understanding that we shall adjourn before 12, I have no objection to the change of hour.

Mr. WILLIS. That is the understanding, that the morning hour shall not be cut out.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that the hour of meeting to-morrow be 12 o'clock instead of 11. [After a pause.] In the absence of objection it is so ordered.

Mr. WOLFORD. Mr. Speaker, to-morrow night is pension night, and I ask unanimous consent that the hours for the evening session be changed so that we may meet at 7 and adjourn at 9 o'clock.

The SPEAKER *pro tempore*. The Chair has been requested by the chairman of the Committee on Invalid Pensions to state to the House that he does not believe that the work that that committee will have on hand for to-morrow evening's session can be accomplished in any limited time.

Mr. CANNON. Then I object.

LEAVE TO WITHDRAW PAPERS.

Mr. MORSE, by unanimous consent, was granted leave to withdraw the papers in the case of the executrix of Daniel Carroll, deceased.

LEAVE TO PRINT.

Mr. LAIRD, by unanimous consent, was granted leave to extend his remarks on the subject of the bill presented by him to-day under the special rule.

THE CONGO CONFERENCE.

The SPEAKER *pro tempore* laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to a resolution of the House of Representatives of the 5th instant requesting copies of all the communications which have been received respecting the Congo conference, and especially copies of the text of the commissions or powers sent by this Government to each of the three American plenipotentiaries or agents, a report of the Secretary of State.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 19, 1885.

PROTECTION OF SUBMARINE CABLES.

The SPEAKER *pro tempore* also laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, of the 19th instant, recommending the enactment of a law for the protection of submarine cables, in pursuance of our treaty obligations under the international convention in relation to the subject, signed at Paris on the 14th day of March, 1884, and commend the matter to the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 19, 1885.

FRENCH-AMERICAN CLAIMS COMMISSION.

The SPEAKER *pro tempore* also laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed

To the House of Representatives:

With reference to my communication of the 27th ultimo, transmitting to the House of Representatives a preliminary report of the Secretary of State, dated the 26th of January, 1885, in response to the resolution of the House of the 9th of January, 1885, calling for copies of the accounts and vouchers of the disbursing officers of the French-American Claims Commission and containing other information in relation to the transactions of said commission, I now transmit herewith a further report on the subject by the Secretary of State, dated the 17th instant, which is accompanied by the desired copies of the accounts and vouchers in question.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 19, 1885.

YACAMA INDIAN RESERVATION.

The SPEAKER *pro tempore* also laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "to accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yacama reservation in the Territory of Washington for the extinguishment of their title to so much of the said reservation as is required for the use of the Northern Pacific Railroad and to make the necessary appropriation for carrying out the same."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 19, 1885.

DEDICATION OF WASHINGTON MONUMENT.

The SPEAKER *pro tempore*. The Chair desires to call the attention of the House to the fact that, by the arrangements made by the committee having in charge the ceremonies of Saturday next, the desks will have to be removed from the Hall of the House to-morrow night.

Mr. McADOO. Mr. Speaker, I would ask by whose authority that is to be done?

The SPEAKER *pro tempore*. The Chair would state that by the provisions of the concurrent resolution of the two Houses of Congress the committee has entire charge of the arrangements for the ceremonies.

Mr. McADOO. I ask unanimous consent that that part of the arrangements be set aside. I do not think it is desirable to have our desks removed.

The SPEAKER *pro tempore*. The Chair scarcely thinks that the House by unanimous consent can vacate a concurrent resolution.

Mr. BLAND. Did that resolution authorize the seats to be removed from the Hall of the House?

The SPEAKER *pro tempore*. The hour of 6 o'clock having arrived, the House stands in recess until to-morrow at 10 a. m.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Friday, February 20), Mr. BLACKBURN in the chair as Speaker *pro tempore*.

LEAVE OF ABSENCE.

Mr. HURD, by unanimous consent, obtained leave of absence for ten days, on account of important business.

EXPLORATIONS IN NORTHERN ALASKA.

The SPEAKER *pro tempore* laid before the House the following concurrent resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,500 copies of the report of Lieut. George M. Stoney, United States Navy, of his recent explorations in Northern Alaska, with the accompanying charts; 1,500 copies for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Navy Department.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I would be glad if the House would by unanimous consent agree upon some limit as to the debate on the pending paragraph of the river and harbor appropriation bill.

Mr. REED, of Maine. I do not think that ought to be done.

Mr. WILLIS. I would be glad if some arrangement could be made.

Mr. REED, of Maine. I think, Mr. Speaker, the situation of things is such that the gentleman from Kentucky ought not to ask that. We have met here—fifteen or twenty members—this morning. Consent was granted last night, contrary to an understanding which existed while a majority of members were here, extending the present sitting of the House for an hour. I think under all these circumstances we ought not to have any such limitation of debate as is suggested. I believe we ought to go right on.

Mr. O'NEILL, of Pennsylvania. I hope we shall adopt any limitation that may be possible on this bill so as soon to get it out of the way in some manner. I think the gentlemen who have met here this morning came here to go on with the consideration of this bill——

Mr. REED, of Maine. I have not a doubt of it.

Mr. O'NEILL, of Pennsylvania. And I think we had better do what we can in that direction. I hope the objection will be withdrawn and that we shall go on until we reach some point where there is objection.

Mr. REED, of Maine. I do not think that it is fair to members who are absent.

Mr. WILLIS. I have made this suggestion in good faith. The House is aware of the fact that the time for debate on this section was limited to one hour and a half, and afterward, upon the suggestion of some of the recognized opponents of the bill who stated that it would facilitate the passage of the measure, the time was enlarged to allow three minutes' debate on every *bona fide* amendment. The enlargement of the time was made in good faith on this side and for the purpose of facilitating the passage of the bill, with the implied understanding certainly, if not the express understanding, that all that was wanted was a vote upon these propositions with a brief time to explain them. We have consumed several hours under this extended time; and I submit that as a matter of good faith we ought now to fix some limit to debate on this paragraph, which has already been discussed two hours; that we ought to agree on some reasonable time within which the discussion shall be concluded.

Mr. REED, of Maine. I say again to the gentleman from Kentucky [Mr. WILLIS] that last night the present sitting of the House was extended beyond what was agreed upon when a full House was present. There was not a quorum present last night when the change was made. I was present, but did not object, because I had no objection whatever to this bill going on under full and free discussion; and I have none now. My impression is that the gentleman will accomplish most if he allows the debate to go right on.

Mr. WILLIS. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union.

RIVER AND HARBOR APPROPRIATION BILL.

The motion of Mr. WILLIS was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. When the Committee of the Whole rose yesterday tellers had been ordered on a motion of the gentleman from Kentucky [Mr. WHITE] to strike out what is known as the Mississippi River paragraph. The gentleman from Arkansas, Mr. BRECKINRIDGE, and the gentleman from Kentucky, Mr. WHITE, had been asked to act as tellers. The gentleman from Kentucky being now absent, the gentleman from Pennsylvania, Mr. BROWN, will please act as one of the tellers. The tellers will take their places.

The committee divided; and the tellers reported—ayes 4, noes 19.

The CHAIRMAN. No quorum has voted.

Mr. MILLS. No point is made.

Mr. BRECKINRIDGE. No one is insisting on a quorum.

The CHAIRMAN. No quorum being insisted upon, the amendment is rejected.

The next amendment (by Mr. HEPBURN) was read, as follows:

Strike out lines 922 to 938 inclusive and insert the following:

"For the continuation of the improvement of the Mississippi River, $1,000,000, to be expended in the completion of the Plumb Point and Lake Providence reaches."

Mr. WILLIS. I ask a vote on that amendment.

Mr. REED, of Maine. Mr. Chairman, the strongest ground, the real ground, of opposition on the part of those who are opposed to this bill is the continuance of this Mississippi scheme—a scheme which is objectionable in every point of view. It is objectionable on the ground that it is an expenditure of a large sum of money, which expenditure, by the declarations of the committee itself, has been shown to be useless—a waste of the public money. It is objectionable upon another ground, that the ports and harbors of this country which really need improvement are to-day being robbed of proper appropriations for the sake of this ill-judged expenditure.

Mr. BLANCHARD. Will the gentleman name one?

Mr. REED, of Maine. And it will be noticed that not a single word has been said in defense of this scheme. Not a single argument which has been presented by the gentleman from Arkansas has been met by the so-called friends of this appropriation. They have remained under the very scathing denunciation which he has given to this scheme. Now, he himself has not rectified it by proposing that the committee should stand by the original plan.

Mr. BRECKINRIDGE. How can the gentleman state that when it is in plain contradiction of the facts which appear before us?

Mr. REED, of Maine. What is the contradiction?

Mr. BRECKINRIDGE. We denounce the departure from the original plan.

Mr. REED, of Maine. The gentleman can not take all my time.

Now, Mr. Chairman, I say it is not remedied by the change which the gentleman from Arkansas desires to make.

Mr. BRECKINRIDGE rose.

Mr. REED, of Maine. It is known that the commission are carrying out the very plan on which they started——

Mr. BRECKINRIDGE. The gentleman can not assert that.

Mr. REED, of Maine. With only such additions as their experience has justified, and those additions seem to be, even according to the suggestion of gentlemen on the other side, in the very line of this appropriation. That is, they involve more expenditure, and that is what the whole thing seems to be.

Mr. BRECKINRIDGE. We can not expect any appreciation from the gentleman from Maine and the railroads, which want only the commerce that seeks to go down to the Gulf.

Mr. REED, of Maine. That is part and parcel of the glamour which is intended to be thrown over this question. This is no contest between railroads—it is a question between some gentlemen and the Treasury of the United States.

[Here the hammer fell.]

Mr. BRECKINRIDGE. That is all we expect from the gentleman from Maine.

The CHAIRMAN. The question before the committee is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

Mr. REED, of Maine. Let it be reported again.

Mr. BLANCHARD. I object to that.

Mr. BRECKINRIDGE. No; let it be read again.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

Mr. REED, of Maine. I ask for a division.

The committee divided; and there were—ayes 8, noes 33.

The CHAIRMAN. So the amendment does not prevail.

Mr. REED, of Maine. I raise the point of no quorum.

Mr. WILLIS. It comes too late.

Mr. REED, of Maine. I wish simply to say to the gentleman from Kentucky that I had an amendment which I proposed to offer but in some way has been lost from my seat. I simply desire time to prepare another amendment.

Mr. WILLIS. The last time the gentleman from Maine spoke it was against the order of the House, but we made no objection. Although he was not the gentleman offering the amendment we allowed him to speak upon it.

Mr. REED, of Maine. All I wish to do is to offer the amendment which I had already in my seat.

The CHAIRMAN. As the Chair understands the gentleman from Maine he desires time to prepare an amendment agreeing to withdraw his demand for a quorum.

Mr. REED, of Maine. I only made the point for that reason.

The CHAIRMAN. The amendment, then, of the gentleman from Iowa is rejected, and the Chair hears no objection to the request of the gentleman from Maine. The gentleman from Maine will send up his amendment.

Mr. BRECKINRIDGE. The Clerk has other amendments to read, which can be done while the gentleman is preparing his amendment.

The next amendment (by Mr. WASHBURN) was read, as follows:

Strike out in line 928, commencing with "together," to "Ohio River," in line 929, inclusive, as follows: "Together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River."

Mr. WILLIS. If the gentleman will allow me half a minute I will say that simply takes out the upper part of the river from the charge of the Mississippi River Commission.

Mr. WASHBURN. If the gentleman will allow me to state the effect of my own amendment——

Mr. WILLIS. I was going to say so far as I knew there was no objection to it.

Mr. WASHBURN. The gentleman is wholly mistaken. The effect of it is to retain the portion of the river between the Des Moines Rapids and the Illinois River under the management of the Engineer Department, and restore the part from the Illinois River to the Ohio River to the commission. All this work has been done under the control of the Engineer Department, and has been entirely successful and entirely satisfactory to the people interested.

Mr. THOMAS. I object.

The CHAIRMAN. The Chair will remark that the private colloquy going on between gentlemen cannot be heard by the reporter.

Mr. BLANCHARD. We can not accept that.

Mr. WASHBURN'S amendment was rejected.

Mr. WASHBURN. I move another amendment.

The CHAIRMAN. The amendment of the gentleman from Maine is now at the Clerk's desk.

Mr. REED, of Maine. Let the gentleman go on and finish up the matter while it is fresh before the House.

Mr. WASHBURN. No; I will withhold my amendment.

Mr. REED, of Maine. I offer the following amendment.

The Clerk read as follows:

Strike out lines 922 to 938, as follows:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, $2,800,000; which sum, together with the sums herein appropriated for the Mississipi River from Des Moines Rapids to the mouth of the Ohio River, shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position."

And in lieu thereof insert the following:

"Preserving improvements on the Mississippi River, $600,000; for preserving the improvements made by the commission in the Mississippi River, which commission shall report to the next Congress the results of the improvements already made."

Mr. REED, of Maine. I believe that amendment contains the true treatment this subject ought to receive. I believe the plans which have been presented to the House already show conclusively that this expenditure is not justifiable, except after the completion of the experiment which has already been entered into.

In reply to some observations which I made a moment ago, the gentleman from Arkansas [Mr. BRECKINRIDGE] indulged in some remarks with regard to railroads. Now, I call the attention of the House to the fact that such expressions are used simply to create prejudice, and not for the furtherance of argument upon this question. I admit the right and propriety of the Congress of the United States making appropriations to facilitate the transportation of goods by water and thereby exercising a control over the rates which railroads may charge. But like every other business proposition the details of such an arrangement ought to be upon business principles; in other words, if you propose to curb the railroads and bring them within the controlling power of the water ways, it is your duty to do it by an expenditure which will produce that result. But there never has been a time when the Mississippi River would not hold all the commerce that could be put upon it. There never has been a time when this expenditure was necessary even if it would produce the results which are claimed for it by its friends.

But when it has been proved here by the admissions of the committee, by the statements of facts and by the reports of the officers of the Government, that the scheme as attempted is a failure, that it has given every indication of being a failure, I say to continue this under the pretense of regulating railroads is to palter with sound business sense. The commerce of the Mississippi River to-day will demonstrate the truth of what I have said.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I move to strike out the last word.

Mr. WILLIS. I object to that.

Mr. BRECKINRIDGE. I wish to say just a word in reply.

Mr. WILLIS. I must insist upon a strict enforcement of the rule.

Mr. REED, of Maine. The gentleman from Arkansas does not understand me as objecting. I earnestly second his effort for a full and open discussion of this matter.

Mr. BLANCHARD. Yes; to kill the bill if you can.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine, which has just been read.

The amendment was not agreed to.

Mr. REED, of Maine. I know by experience the thing is too consolidated to hope anything from a division.

The next amendment (by Mr. WASHBURN) was read, as follows:

Strike out "Des Moines Rapids," in line 929, and insert "mouth of the Illinois River."

The question was taken; and on a division there were—ayes 13, noes 10.

So the amendment was agreed to.

The next amendment (by Mr. HEPBURN) was read, as follows:

Insert, after line 927, the following:

"*Provided*, That the sum last named shall be expended for no other purpose than to complete the work on the Plum Point and Lake Providence reaches."

Mr. THOMAS. I make the point of order upon this amendment that the same subject has been voted down this morning.

The CHAIRMAN. The gentleman from Illinois makes the point of order that this is the substance of what has been already considered and disposed of. Is it conceded to be the same amendment which has been acted upon?

Mr. HEPBURN. It is not so conceded by me.

Mr. THOMAS. It is a fact, however, whether the gentleman concedes it or not. I feel satisfied that this amendment has been voted upon already.

The CHAIRMAN. The record of the proceedings of yesterday will decide it.

Mr. HOLMAN. The other proposition, I think, was to reduce the amount.

The CHAIRMAN. The Chair will deem that it has not been acted upon unless the gentleman will furnish the amendment to which he refers.

Mr. THOMAS. I have not a copy of it before me, but I am satisfied an investigation will show that it is substantially the same.

The CHAIRMAN. The Chair will cause the amendment heretofore acted upon, and which the Chair presumes the gentleman from Illinois refers to, to be read.

The Clerk read as follows:

Strike out line 922 to 938, inclusive, and insert:

"For the continuation of the improvements of the Mississippi River, $100,000, to be expended in the completion of the Plum Point and Lake Providence reaches."

The CHAIRMAN. It is evident to the Chair that the two amendments are not identical.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the committee to the statements which have been made in every report furnished by the Mississippi River Commission, as well as by gentlemen on this floor, to the effect that the improvements now being made on the Mississippi River are entirely in the nature of experiments. No gentleman has yet claimed that these improvements will be successful. Every one who has spoken upon the subject and ventured an opinion, has either said that they were experimental, or, like the gentleman from Arkansas, has said that they were absolutely worthless.

Mr. BRECKINRIDGE. How can the gentleman claim that, when we are simply seeking in the preparation of this bill to stop that which is only experimental and stick to that which is not experimental?

Mr. HEPBURN. I do not yield for an interruption. I know what the language of the gentleman was.

Mr. BRECKINRIDGE. But the gentleman mistakes my language. We have asked to be relieved of the incubus that rests upon the work.

Mr. HEPBURN. I am aware of no change which is made by the bill imposing any new duties upon the commission as far as this work is concerned.

Mr. BRECKINRIDGE. The bill does not recommend an expenditure of a dollar for experimental purposes. The design is to prevent new methods of procedure.

Mr. HEPBURN. They are simply acting upon the plan, in my judgment, as originally proposed.

Mr. BRECKINRIDGE. Ah! in your judgment.

Mr. HEPBURN. Now, the first plan ever proposed provided for this work of revetments, the work of spur-dikes, the work of artificial embankments in midriver, and the commission have done no other work, except upon these three classes of improvements, excepting on the levees.

Mr. KING. Will the gentleman from Iowa permit me to ask him a question?

Mr. HEPBURN. I have not time to answer questions in three minutes.

Mr. KING. I wish to ask just one question.

Mr. HEPBURN. I prefer not to be interrupted.

Mr. KING. I only want to make a correction.

Mr. HEPBURN. I do not want to be corrected. I am satisfied with my own knowledge of the subject.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. HEPBURN] has expired.

Mr. HEPBURN. I hope the Chair will remember that I have been interrupted without my consent.

A MEMBER. Let him have two minutes more.

The CHAIRMAN. The Chair will ask if it is the pleasure to extend the time of the gentleman from Iowa for two minutes?

Mr. KING. Give him five minutes.

The CHAIRMAN. Is there objection to extending the time for two minutes?

Mr. DUNN. I object. Only half a minute was occupied by interruptions.

Mr. REED, of Maine. The gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Louisiana [Mr. KING] seem desirous to discuss this question. I ask unanimous consent be given to allow those gentlemen to be heard.

Objection was made.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

The question being taken, there were—ayes 21, noes 37.

Mr. HEPBURN. I make the point that a quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Kentucky, Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 55, noes 109.

So the amendment was not agreed to.

The Clerk read the next amendment (offered by Mr. WHITE, of Kentucky), as follows:

Amend by striking out lines 922 to 944 inclusive.

Mr. WHITE, of Kentucky. I desire to submit to the Chair a question of order. My amendment is not intended to cut off amendments offered to what has been read. It goes a few lines further than the Clerk has read. The point of order I wish to make is that if I should fail to carry this amendment——

The CHAIRMAN. The committee will come to order; the Chair is unable to hear the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I was stating, Mr. Chairman, that, if I understand correctly, the Clerk has read as far down as line 938.

The CHAIRMAN. The whole section has been read.

Mr. WHITE, of Kentucky. I mean in the second reading.

The CHAIRMAN. The whole section has been read, and the bill is not being reread.

Mr. WHITE, of Kentucky. The point of order I wish to raise is this, that in case this amendment, which goes to line 944, shall fail, would it then be in order to move to amend any portion of the paragraph ending with line 938?

The CHAIRMAN. It would.

Mr. WHITE, of Kentucky. Then I desire to address myself for the three minutes to the amendment which has been read by the Clerk. I propose to strike out from line 922 down to and including line 944, taking out the whole provision with regard to the Mississippi River Commission and the examination and surveys at the South Pass and the survey of the Mississippi River from the head of the passes to its headwaters. There are $75,000 in the bill for continuing the survey from the head of the passes to the headwaters of the Mississippi River. There is no necessity for that; and we had better strike out this whole business and let us have a further expression of public opinion on what has been done.

Mr. BUDD. What is the gentleman's amendment?

Mr. WHITE, of Kentucky. To strike out all from line 922 to line 944, inclusive.

Mr. BUDD. That includes all of the three paragraphs?

Mr. WHITE, of Kentucky. It does.

Mr. BUDD. All right. Let all friends of the bill vote "ay," and thus save it.

Mr. WILLIS. I have no objection to that.

The amendment was adopted.

Mr. WILLIS. I ask for the reading of the next amendment.

The next amendment (offered by Mr. WASHBURN) was read, as follows:

Amend by inserting, at the end of line 950, the following:

"For the completion of the test of the flume invented by M. J. Adams for the improvement of the navigable channel of the Mississippi River between Saint Paul and Des Moines Rapids, provided for by act of Congress approved March 3, 1879, under the supervision and direction of the said M. J. Adams, $20,000."

Mr. THOMAS. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. THOMAS. That it is new legislation, not authorized by law.

Mr. WASHBURN. I do not think it is new legislation.

The CHAIRMAN. That is not material. This is not a general appropriation bill, and the point of order is overruled.

Mr. WASHBURN. I simply desire to say that an appropriation was made by Congress heretofore to make a test of this, and the matter was very fully considered in Congress when the gentleman from Texas [Mr. REAGAN] was chairman of the committee. He has already investigated the matter very fully, and I yield him one minute to be heard.

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] does not appear to be in his seat.

Mr. WILLIS. I ask for a vote. In the judgment of the committee the test has not proved satisfactory.

The question being taken, the amendment was not agreed to.

The next amendment (offered by Mr. NICHOLLS) was read, as follows:

After line 953 insert the following:

"For building and equipping a dredge-boat, and operating said boat for one year in the improvement of the rivers and harbors in the States of Florida, Georgia, and South Carolina, $100,000."

Mr. BRECKINRIDGE. I desire to say a word about that amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. NICHOLLS] is entitled to the floor.

Mr. BRECKINRIDGE. The gentleman from Georgia yields to me.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. There are certainly two amendments to the preceding paragraphs which have not been voted on.

The CHAIRMAN. The Chair will state that the whole of the paragraph for the improvement of the Mississippi River commencing in line 922 and the two succeeding paragraphs have been stricken out without the attention of the Chair being called to any amendments pending. The paragraphs have been stricken out and it is now too late to raise the question of order.

Mr. NICHOLLS. I yield to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. For several years General Gillmore has urged that increased facilities be given him for necessary dredging of Charleston and several other harbors. The present dredging plant of the Government is worn out and utterly useless, and it is absolutely necessary for the commercial wants of Charleston, Wilmington, and Savannah that at least one first-class dredge-boat be supplied for use there. I think this is a most meritorious amendment, and I know of no objection to it that has come from any member of the committee who has given the matter any consideration. The chairman and I have conferred about it and we think it ought to prevail.

Mr. BLANCHARD. Mr. Chairman, I also think that amendment ought to prevail. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from Georgia [Mr. NICHOLLS] desire to be heard upon the amendment?

Mr. NICHOLLS. No, sir; I desire a vote.

The amendment was agreed to.

The Clerk read the next amendment (offered by Mr. BUDD), as follows:

After line 953 insert:

"For operating Government dredge-boat on the rivers emptying into the Suisun and San Pueblo Bays, California, $15,000; the same to be taken from the money now on hand to the credit of the fund for the Sacramento and Feather Rivers."

Mr. BUDD. Mr. Chairman, I desire to call the attention of the committee to this amendment, which I understand is acceptable to them. It does not increase the appropriation at all. Last year, under an appropriation made by Congress, the dredge-boat was built, and this amendment simply makes available for operating that dredge-boat certain funds already on hand to the credit of the rivers named.

Mr. WILLIS. I will ask the gentleman from California [Mr. BUDD] whether this increases the appropriation?

Mr. BUDD. Not one cent.

Mr. WILLIS. That is my understanding. I understand that the Government has built the dredge-boat, and that this amendment simply provides for running it, out of money already appropriated for those rivers.

Mr. BUDD. Yes; out of the money already appropriated.

The amendment was agreed to.

The Clerk read the next amendment (by Mr. COOK), as follows:

Strike out all of line 954, after the word "from," and all of line 955.

Mr. COOK. This amendment proposes to strike out all the appropriation for the improvement of the Missouri River below Sioux City. For years past every Congress, I believe, has appropriated money for the improvement of the navigation of the Missouri, and yet I hear of no commerce upon it. The bed of the river is but a body of quicksands. You can not tell to-day where the current will be to-morrow. The sides of the river are so unstable that miles of the shore upon the Iowa, Nebraska, and Kansas side are, from year to year, washed into the river, and it is simply an impossibility ever to make the Missouri navigable to any considerable extent. I have inquired of members from Missouri——

Mr. COSGROVE. I would like to answer the gentleman on that point right now.

Mr. COOK. And of members from Iowa, who live upon the banks of the river, and they say that it is practically of no commercial use, nor has it been for years, especially from Council Bluffs to the mouth. Whatever traffic there is upon the Missouri is above Sioux City up to Fort Benton. I do not believe there are five boats passing between Sioux City and Kansas City during the whole year.

Mr. COSGROVE. That shows how little the gentleman knows about the facts.

Mr. COOK. I think the only effect of this provision in the bill is simply to throw $350,000 into the Missouri River. The gentleman from Kansas now tells me that during the whole of the past year the draw in the bridge at Atchison has been open but eight times for boats either way.

The gentleman from Missouri is a little excited, but what I assert is a matter of public notoriety. I have frequently been along the river between Kansas City and Sioux City and at every important place, and never have I seen a boat of any kind on the river or tied up at its banks. It seems to me that this is no more nor less than throwing $250,000 into a river of a little water and much quicksand.

The Clerk read the next amendment (offered by Mr. PUSEY), as follows:

After the word "dollar," in line 955, insert:

"Ten thousand dollars of which, or so much thereof as may be required, for survey and improvement of the Missouri River at the mouth of the Nishnebotny River."

Mr. COSGROVE. Mr. Chairman, is that amendment subject to the point of order?

Mr. PUSEY. Mr. Chairman, this amendment does not increase the appropriation. One of the worst bends in the Missouri River from Saint Joseph to Sioux City is at the mouth of the Nishnebotny (which is a partially navigable stream), and this amendment is simply mandatory upon the commission to spend the amount of money named in removing snags and obstructions at the mouth of that river. The amendment does not increase the appropriation at all, and I believe it is acceptable to the committee.

Mr. WILLIS. The committee has placed this river under the Missouri River Commission. That commission is either competent or incompetent. If incompetent, it ought to be abolished; if competent, it ought to be permitted to pass on this point.

Mr. PUSEY. I think it is entirely within the power of Congress to direct what this commission shall do.

Mr. WILLIS. We refused to do this on the lower Mississippi in regard to Natchez and Memphis.

The CHAIRMAN. The gentleman from Iowa [Mr. PUSEY] is entitled the floor.

Mr. PUSEY. A similar appropriation of $5,000 was ingrafted on the bill of last year. But the commission passed over this improvement—did nothing for it. This proposition simply requires the commission to make a survey; it does not increase the appropriation. I hope the House will adopt the amendment.

The question being taken on the amendment of Mr. PUSEY, it was agreed to.

Mr. HEPBURN. I have sent to the desk an amendment.

The CHAIRMAN. Where does the gentleman desire the amendment to come in?

Mr. HEPBURN. After the line last read.

The CHAIRMAN. The whole section has been read.

The Clerk read as follows:

After line 953 insert:

"For the improvement of the Mississippi River the sum of $2,000,000: *Provided*, That not more than $1,000,000 of this sum shall be expended on said river south of Cairo, and that sum shall be expended on Plum Point and Lake Providence reaches."

Mr. WILLIS. I am compelled to make a point of order on that amendment. The paragraph to which it relates has been passed.

Mr. HEPBURN. No, sir; I am asking that this be added to the paragraph last read.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] will remember that yesterday, in trying to arrive at a rule for the solution of the anomalous condition of things, the Chair held that when a paragraph relating to a particular river had been once passed there should be no recurrence to the subject of that river. That ruling was enforced more than once during the last sitting of the committee; and it was only relaxed in the case of the gentleman from Pennsylvania [Mr. CURTIN], who stated that the West Fork of a particular river was known as a distinct stream. The point of order now raised by the gentleman from Kentucky [Mr. WILLIS] is sustained.

The next amendment (by Mr. COSGROVE) was read, as follows:

Strike out, in line 955, the words "three hundred and fifty" and insert "five hundred;" so that it will read when amended: "Improvement of the Missouri River from its mouth to Sioux City, $500,000;" &c.

Mr. COSGROVE. Mr. Chairman, this amendment would only give one-half of the amount which Major Suter of the commission says is requisite and can be judiciously expended between the points named.

In this connection I wish to say a word or two in reply to the gentleman from Iowa who offered an amendment to strike out this entire appropriation. With his usual inaccuracy as to facts he stated, as I recollect, that there were not more than three or four boats plying between Saint Louis and a point named by him. I want to state to the gentleman that there are one or two lines of packets plying daily on that river and making trips from Saint Louis to Kansas City two or three times per week. But few points along that river are touched by railroad, so that the commerce has necessarily to be done largely by boats; at every railroad point on the river—that is, those points touched by railroads—there are at least one or more boats. At the city where I reside boats are constantly plying during navigable season upon this river. This river passes through one of the most fertile portions of the country——

Mr. COOK rose.

Mr. COSGROVE. I decline to yield. The gentleman did not honor me by yielding when I asked him to. I think the gentleman was talking about something he knew nothing about, and probably acting under a misapprehension of the facts furnished to him by one not acquainted with the true state of the case.

I therefore hope this amendment will be adopted. If you are going to spend any money, it is right to spend enough to give the commission an opportunity to do something. It is useless to give them a few dollars—not half enough to accomplish any substantial good in aid of the commerce of that river.

The question being taken on the amendment of Mr. COSGROVE, it was not agreed to; there being—ayes 20, noes 38.

The next amendment (by Mr. ANDERSON) was read, as follows:

In line 955, strike out "$350,000" and insert "$1,000,000."

Mr. WILLIS. I ask a vote on that amendment.

The amendment was not agreed to.

Mr. WHITE, of Kentucky. I move to strike out, in line 955, the words "three hundred and."

Mr. Chairman, it will be discovered that the money appropriated for the Missouri River is to be spent in accordance with the estimates, specifications, plans, and recommendations of the Missouri River Commission. That commission is but a branch of the Mississippi River Commission. The plans, specifications, &c., for work on the Missouri River are made by a separate department of the Mississippi River Commission, known as the Missouri River Commission.

Now, in the report of the Mississippi River Commission for 1883 we are told, on page 22—

Within the past year some serious inconvenience has been suffered from exorbitant demands made by land-owners for brush and piles. These materials are in most cases worth little or nothing to the owners, and are unsalable to any buyer except the Government at any price; but at the prices some of the owners ask for them they would make a large item of cost.

It strikes me this thing of tickling the flank of the Missouri River is about as objectionable as tickling the flanks of the Mississippi River, when we know the Missouri River Commission is but a subsidiary branch

of the great Mississippi Commission. Although separated by law, they have the same idea about things. One idea seems to have taken control of the entire Democratic party, and that is to put their hands into the Treasury as deep as possible and draw out as many millions as they can. Therefore, if you are going to strike out the Mississippi River Commission, in good faith you ought to strike out the Missouri River Commission, because they are born of the same spirit of this Democratic party, who will stand for years on the principle that they can not appropriate money because the Constitution forbids them to do so when it is to be devoted to any other section of the country, but when it comes to be devoted to their own section then they are for it, if it only takes enough millions out of the Treasury for their purposes.

[Here the hammer fell.]

The amendment was rejected.

The next amendment (by Mr. FUNSTON) was read, as follows:

In line 955, after the word "dollars," insert:

"Ten thousand dollars of which shall be expended in the improvement of the harbor at Wyandotte, Kans."

Mr. FUNSTON. Now, Mr. Chairman, I do not offer this amendment merely for the purpose of getting what is called my share in this pot, but I do it because of a public necessity, which ought to be satisfied. It is an appropriation which properly belongs to this locality, because every other town of any importance along the Missouri River has received an appropriation for the improvement of its harbor. I hold in my hand the report of the Mississippi River Commission, showing the history of all the appropriations along that river, but the few minutes which are allowed to me under the rules will not permit me to go into any detail, and therefore I will say in general that by this Missouri River Commission report it is shown $2,000,000 have been appropriated for the Missouri River, and that almost every town of any importance along that river has received its share for the improvement of its harbor. Here are specified the amounts for Saint Joseph, for Kansas City, for Atchison, and other towns along the Missouri River, which have been devoted to the improvement of their harbors, each place receiving from $10,000 to $50,000, until as I have said $2,000,000 have been appropriated and expended in that way. Now, on the bank of this same river stands a city in the State of Kansas, with a population to-day of from 10,000 to 11,000, with a densely populated surrounding country, in which are the largest pork-packing establishments west of the Missouri River, and the most extensive machine-shops in the State, and which so far has never received one dollar for the improvement of its harbor.

I ask this appropriation provided in the amendment which I have moved in the interest of public improvement. It is due to the people of my country that they should have facilities of navigating the stream that goes by their doors, which they are not now able to do because of washes and deposits at and near the banks of the river. I say it is due to this locality that here at this time and in this bill we should have the small appropriation I have asked for to be applied to the improvement of the harbor of that city of Wyandotte.

Mr. DAVIS, of Illinois. Does it increase the appropriation?

Mr. FUNSTON. Not one cent.

[Here the hammer fell.]

The committee divided; and there were—ayes 50, noes 71.

So the amendment was rejected.

The next amendment (by Mr. ANDERSON) was read, as follows:

Strike out "$50,000" and insert "$100,000;" so it will read:

"For continuation of surveys of the Missouri River from its mouth to its headwaters, now in progress; to make additional surveys and examinations of said river and its tributaries; and to make such additional examinations and investigations, topographical, hydrographical, and hydrometrical, as are necessary for maturing a plan for the permanent improvement of the entire river, $100,000."

The amendment was disagreed to.

The next amendment (by Mr. COOK) was read, as follows:

Strike out all of line 974 to line 985, inclusive.

Mr. COOK. This paragraph appropriates $10,000 in a specific manner for improvements at Fort Leavenworth, Kans., and that so much of the appropriation which precedes it for the Missouri River should be there used. If it is specific, it should be limited to that amount. If it is not a limitation to $10,000, then it should be stricken out and should rest on an appropriation which covers the river from Sioux City to Saint Louis.

Mr. PERKINS. I desire to offer an amendment increasing the amount to $15,000.

The CHAIRMAN. That is in order.

Mr. PERKINS. I desire to say this amount of $10,000 was inserted in the bill by the committee in order to protect the Government property at Fort Leavenworth. There the Government owns more than 7,000 acres of land, much of which is occupied by the fort and for military purposes. The reservation extends on each side of the river. A bridge spans the river there, but the action of the water is such that it now threatens more than 1,500 acres of this valuable land belonging to the United States and the usefulness of the bridge spanning the river.

It was to protect that land as well as to improve the bank and the regimen of the stream this appropriation was inserted. It is not for the harbor of Leavenworth or for private property. I insisted before the committee that the sum given was not sufficient; yet in view of the policy adopted by the committee in not making appropriations for particular harbors or localities, but leaving the money to be expended under the direction of the commission, they thought it would not be right to appropriate more than is given; but for the protection of this property of the Government, as well as to improve the navigation of the stream, they consented this amount might be appropriated for the specific use mentioned, and under no circumstances should the motion of the gentleman from Iowa prevail. This committee has been charged with sectionalism and with having acted on partisan considerations. In my judgment no such motives influenced the committee in the discharge of its duty. Sectionalism did not actuate or control it, and partisan considerations were forgotten in the appropriations recommended. We have been charged with looking after local interests and in forgetting the public welfare, although as a member of that committee I desire to say that my own State, the State of Kansas, is almost the only State in the Union which gets no dollar from this bill. We have not been influenced by any such considerations as have been charged against us. If it shall be the disposition of the House to vote down this paltry sum proposed for the protection of this Government property, all I can do is to submit; but I present it to the enlightened judgment of the House, believing the provision of the bill will not be stricken out.

Mr. PERKINS's amendment to the amendment was disagreed to.

The next amendment (by Mr. LORE) was read, as follows:

Add after line 985:

"Improving harbor at Wilmington, Del., $25,000, which shall include the $15,000 heretofore passed in this bill for that purpose."

Mr. WILLIS. I am compelled to make the point of order upon that amendment.

Mr. LORE. I hope the gentleman will not insist upon the point of order.

The CHAIRMAN. The Chair will ask the attention of the gentleman from Kentucky and the gentleman from Delaware. Under the order of the House certain lines were postponed until after the reading of this entire paragraph——

Mr. WILLIS. This does not come within that agreement. It is clearly subject to the point of order.

The CHAIRMAN. The Chair would like to finish its statement. Under the order of the House certain matters were postponed until we reached the end of the section. The end of the section is at the end of line 985, and this is a proposition to add to this section. Prior to that the three other matters which had been passed over would be in order, and without unanimous consent the Chair thinks it is first in order to dispose of these three subjects to which reference has been made.

Mr. WILLIS. There is no doubt about the point of order upon this.

Mr. LORE. I admit if the point of order is insisted upon that it can be sustained.

The CHAIRMAN. The Chair then understands the amendment to be withdrawn.

Mr. LORE. I will withdraw it, since the point of order is insisted upon.

The CHAIRMAN. The Clerk will now go back to line 332.

Mr. WELLER. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. There have been amendments submitted to come in at the end of line 985 that have not been presented to the attention of the committee.

The CHAIRMAN. The Chair is aware of that, but there were certain other reserved lines in the section that have not been presented, and in the opinion of the Chair they take precedence of those amendments that come in at the end of the section.

Mr. WELLER. I understand the amendments I have already offered will not be precluded?

The CHAIRMAN. The Chair does not know, of course, what amendment the gentleman has at the desk. The Clerk will read the amendment to line 332.

The Clerk read the amendment (submitted by Mr. WARNER, of Ohio), as follows:

In line 332, strike out "fifteen" and insert "fifty."

Mr. WILLIS. The gentleman from Ohio is absent, and I owe it to him to say, upon examination of the subject now before the committee, that if he will reduce it to $25,000 there will be no objection. He is attending a committee meeting, and I ask, therefore, that it be reduced to $25,000, to which the committee will have no objection.

The CHAIRMAN. Does the gentleman move to amend?

Mr. WILLIS. I move to amend by making it $25,000.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I desire to amend by increasing it to $30,000.

Mr. WILLIS. I hope the gentleman will not do that. There is an agreement between the gentleman from Ohio [Mr. WARNER] and the committee; and this amount will be satisfactory to both parties.

Mr. JOSEPH D. TAYLOR. Large amounts of money have been thrown away there by reason of the fact that no appropriation has been made to complete the work.

Mr. WILLIS. But in this case the gentleman from Ohio [Mr. WARNER] is satisfied.

Mr. JOSEPH D. TAYLOR. If he is satisfied then I shall not insist upon the amendment.

The amendment of Mr. WILLIS was agreed to.

The amendment as amended was agreed to.

Mr. HEPBURN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I understand certain lines from 922 to 938, inclusive, have been stricken from the bill. There were, as I understand it, pending certain amendments in the hands of the Clerk at that time. I want to know what becomes of those amendments?

The CHAIRMAN. The Chair has no official knowledge of any amendment to which attention is not called. When the motion to strike out was made by the gentleman from Kentucky, before arguing it he asked a parliamentary question, whether, if his motion failed, other amendments could be voted upon, to which the Chair answered in the affirmative. The motion of the gentleman, however, was carried, and we then passed to other matters and no attention was called to the fact that other amendments had been offered. The Chair had no information of any other amendments pending.

Mr. HEPBURN. Permit me a moment. Under the direction of the Chair these amendments were forwarded to the Clerk and were in his hands. It was supposed of course by members that they were to be considered as pending amendments under that order.

The CHAIRMAN. The Chair will state that a member proposing an amendment should have called attention to the fact before we had passed on to a half dozen other propositions.

Mr. BROWNE, of Indiana. If the Chair will allow me I would ask if these lines, having gone out of the bill, do not necessarily take the amendments with them?

The CHAIRMAN. The Chair supposes that might be the reason affecting the Clerk. But the Chair was not informed in reference to the matter.

Mr. BUDD. Is an amendment pending until it is read?

The CHAIRMAN. The Chair thinks that if gentlemen do not call for the reading of their amendments the Chair is not responsible for their failure to be presented to the committee. The Clerk will report the next amendment.

The Clerk proceeded to read the next amendment (by Mr. WASHBURN), as follows:

Add to line 774:
"The Secretary of War is hereby directed."

Mr. WILLIS. That is to come in under the head of "surveys."

Mr. WASHBURN. I will withdraw the amendment for the present.

The next amendment (submitted by Mr. GUENTHER) was read, as follows:

In line 774, after the word "site," insert:
"Improving the Fox River, Wisconsin: Continuing improvement, $100,000."

Mr. GUENTHER. Mr. Chairman, I can hardly think it is the intention of this committee to commit so gross a wrong as to fail to make any appropriation for the Fox River.

Mr. WILLIS. I ask my friend to reduce the amount to $75,000; and I understand the committee under the new report is willing to accept that.

Mr. GUENTHER. In order not to imperil the ultimate passage of the bill I will consent to this reduction to $75,000, though I should insist upon $150,000. I therefore modify the amendment and make it $75,000.

The amendment as modified was agreed to.

The CHAIRMAN. The next amendment in order that was passed over was one to the paragraph commencing in line 813 and relating to the Hennepin Canal. That amendment can not be considered until the question of order shall be disposed of. Is it the pleasure of the committee to have that question of order disposed of now or to take up the amendments which have been offered to come in at the end of the section?

Mr. DAVIS, of Illinois. I ask for a ruling from the Chair now.

Mr. WILLIS. I understand the section is concluded with the exception of the amendment to which the Chair has referred.

The CHAIRMAN. There are amendments at the end of that section still to be disposed of.

Mr. WILLIS. I ask that those amendments may be disposed of.

Mr. DUNHAM and other members. Let us have the ruling on the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. TURNER] asked that that part of the bill which begins on line 813 and ends with line 842 be stricken out. They relate exclusively to the "construction of a canal from the Illinois River near the town of Hennepin to the Mississippi River at or near Rock Island," and propose that $300,000 be appropriated therefor. He claimed that they should be stricken from the bill upon four points of order.

The first was that the Committee on Rivers and Harbors had no jurisdiction over the subject-matter of that canal. The second was that that committee had no right to put that canal into this bill and thereby give it the precedence allowed to bills making appropriations for the improvement of rivers and harbors by paragraph 8, Rule XI. The third ground was that said lines are practically the same as H. R. 1975 upon the Calendar, reported last session by the gentleman from Iowa [Mr. MURPHY] from the Committee on Railways and Canals. That being true, it is contended that those lines are therefore obnoxious to clause 4 of Rule XXI as to amendments. His last point was that this was "new legislation, increasing the amount of expenditure covered by the bill and doing it by a clause not germane to the bill." Allusion was there meant to the familiar third paragraph of Rule XXI.

For convenience the last two points will be disposed of first. In reply to them, it was urged that this bill is not a general appropriation bill and not covered by the third clause of Rule XXI, which in terms applies to "general appropriation bills;" and that clause 4 of Rule XXI is in terms confined to amendments, whereas the lines attacked are in the bill and not offered as an amendment.

In February, 1881, Mr. CARLISLE (our present Speaker), being chairman of the Committee of the Whole House on the state of the Union, considering the river and harbor appropriation bill, held that it was not a general appropriation bill, and that therefore an amendment to add a new work—that is, "an ice-harbor at Dubuque, Iowa, $40,000"—was not out of order. (See RECORD, volume 47, page 1634, third session Forty-sixth Congress.) That decision has been followed ever since and upon the letter of the rule is fatal to the fourth point above stated. The third point as put is applicable to amendments only, and as the letter of the rule cited covers only amendments, and this is not an amendment, that letter again kills.

The question of the gentleman from Georgia [Mr. TURNER], put to the gentleman from Illinois [Mr. HENDERSON] in the debate, indicated a broader objection, but it was not otherwise suggested. It, therefore, might be improper for the Chair, under the circumstances, to discuss that view. Besides, its elucidation would require a history of the present rule, which would be tedious. The Chair therefore forbears.

Let us now recur to the first and second points of order. Several replies were made to the point that the Committee on Rivers and Harbors had not jurisdiction of the subject-matter of this canal. The first was that several petitions for the construction of this canal had been referred to the Committee on Rivers and Harbors before it reported this bill to the House. It was not claimed that they were referred otherwise than through the petition-box "in the usual and ordinary way." It was said that by "the rules of the House all bills of this character shall be delivered to the Clerk like petitions and memorials, and thence referred."

Another member said in argument that—

When a petition was placed in the petition-box and referred to that committee a record was made of that fact, and that record was not approved until the next day, when the attention of every member of the House was called to that record, which showed the disposition of such petition; and when that record stands approved by action of the House it is too late in the Committee of the Whole or in the House to say the Committee on Rivers and Harbors has no jurisdiction of the question.

Does this conclusion follow from the facts stated? Clause 5 of Rule XXI requires:

All bills for improvement of rivers and harbors shall be delivered to the Clerk as in case of petitions and memorials for reference to the appropriate committee.

That declares two things: First, that all those bills go to that committee not through the House, but through the petition-box only; second, that the House trusts the Clerk to send such as relate to rivers and harbors to the Committee on Rivers and Harbors. It is confined to bills.

Rule XXII needs to be examined, for it covers petitions and memorials (except memorials of State Legislatures, which are covered by clause 1 of Rule XXIV).

Rule XXII plainly shows that the reference of petitions and memorials is not even made by the Clerk, as was erroneously stated in the debate. The Clerk must deliver them to the committee to which the indorsement of the member directs. And if the reference be wrong, that committee may refer them to the proper committee "in the manner originally presented," *i. e.*, through the petition-box. And in that case the Clerk has nothing to do but follow the direction of the committee making the reference. It will be seen that under the rule the House has nothing to do with the reference of petitions. This very fact was urged as an objection to Rule XXII when it was adopted. (See speech of the gentleman from Pennsylvania [Mr. KELLEY] on that point.) Sometimes the committee reports them back to the House for reference, but that is not claimed in this case. And that part of the Journal relating to petitions is not usually read in the House. (See Rules and Practice of House of Representatives, first session Forty-eighth Congress, page 341.) So far as the Chair knows it is never read in the House.

If such a reference gives jurisdiction any member may give jurisdiction to any committee over any subject-matter by his indorsement; he may give it to every committee by referring one such petition to each. He may refer the reorganization of the Supreme Court to the Committee on Ventilation and Acoustics by simply putting the matter of a bill for that purpose into the form of a petition and so directing it by his indorsement. The Chair does not say that by appropriate action the House might not correct such an abuse. The Chair is only showing to what the claim that jurisdiction can be thus obtained will lead.

For many good reasons Rule XI distributes all business between our fifty committees. That rule imperatively declares that "all proposed

legislation relating to the improvement of rivers and harbors shall be referred to the Committee on Rivers and Harbors, and all proposed legislation relating to railways and canals, other than Pacific railroads, to the Committee on Railways and Canals." No disregard of that rule by a member's indorsement on a petition or by the retention thereof by a committee, if beyond its jurisdiction, can enlarge the jurisdiction of the committee fixed by the rules.

Next, it was contended that the jurisdiction had been conferred by reference to that committee of the Engineer's Report. The RECORD of the 8th of January last states that "a letter from the Secretary of War, transmitting the Report of the Chief of Engineers, with accompanying papers from officers in charge of river and harbor districts," was laid before the House by the Speaker, and referred to the Committee on Rivers and Harbors. This mere recital and the fact that the canal is mentioned in the volumes of that report it is contended gave to the Committee on Rivers and Harbors jurisdiction over the proposed canal. It seems to the Chair that a fair construction of that act of the Speaker was to commit to the Committee on Rivers and Harbors only those parts of that report "relating to the improvement of rivers and harbors." The construction opposite to this proves too much for those who invoke its aid. That construction would have given jurisdiction to that committee over the seacoast and lake-frontier defenses, the surveys of the Territories, the improvement and care of public buildings and grounds in and around Washington, the water supply of this District, the fishways at the Great Falls of the Potomac, the control of the Washington Aqueduct, &c.; for all these things are covered in that report. (See pages 5, 2300, 2301, 2339, &c.) The quoted language fairly excluded all but the matter about improving rivers and harbors. The other things mentioned therein belong to our other appropriate committees.

That Congress has provided for the construction of certain other canals throws no light upon this question without the facts as to each of them. They may have been passed as separate bills; they may have been reported by the Committee on Ways and Means, or on Appropriations, or on Commerce, or on Rivers and Harbors. Each of those committees has reported such bills, and both separately and combined with other matter. The date of the act, the then jurisdiction of the committee reporting it, &c., must all be known. They may have been to connect parts of the same river with each other, ditches around instead of through obstructions to navigation. They may have been provided for as the original survey of the Hennepin Canal was in the first session of the Forty-seventh Congress, or as the other case cited in debate in twenty-first United States Statutes at Large, 189; *i. e.*, without any points of order being made, and in bills passed by suspension of all rules.

But even if the Committee on Rivers and Harbors had jurisdiction of the subject-matter, the second point of order, that it could not be brought here for consideration in this bill, remains to be answered. Paragraph 8 of Rule XI provides that "the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills." And Rule XXIII, clause 4, provides that "in Committees of the Whole House business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence," &c.

The proposed work is simply a canal to connect two distinct rivers at the points to be connected thereby seventy-five miles apart. The Chair does not think that in any fair sense that is for the improvement of either river. Nothing but the appropriations for the improvement of rivers and harbors have that great privilege of precedence over all other business except bills raising revenue and appropriating it to carry on the Government. That privilege should not be allowed to anything not clearly entitled thereto.

No answer to this view was made in the debate. The effort seemed to be to avoid that issue by the position that because this bill had been by the House committed to the Committee of the Whole House on the state of the Union containing this provision, no question of order can be here raised, because it is said that this committee can not inquire into the jurisdiction of the committee which brought the bill into the House.

It is admitted that when the bill was reported to the House, and before and upon its reference to this committee, all points of order were reserved openly in the House and entered into its proceedings. But it is claimed that this precise question has been decided. It is asserted that during the last session of this Congress, when a like bill was in Committee of the Whole House on the state of the Union, the then chairman of the committee, the gentleman from Texas [Mr. WELLBORN], held this same canal to be in order under like circumstances, and that on appeal his decision was sustained by the committee by a vote of 103 to 63.

A decision under like circumstances deliberately made by that gentleman would have great weight with the Chair. The vote of the committee on appeal, even though but half the members voted, would add force to the decision were the issues fully understood when that vote was had. It is important, therefore, to examine the facts.

In that case points of order had not been reserved when that bill was referred. That decision did hold that the bill being referred as an entirety must be so considered. The chairman did say that had points of order been reserved he, "with the views he entertains of the question, would hesitate before undertaking to pass upon the original jurisdiction of the Committee on Rivers and Harbors," &c. (See CONGRESSIONAL RECORD, volume 68, 5014.) But when asked to state the ground of the decision he said:

The decision of the Chair is based upon the assumption that points of order were not reserved upon the bill when it was committed to the Committee of the Whole on the State of the Union.—*Congressional Record*, volume 68, page 4015.

Further down on the same page (4015) he said that even had such general reservation of points of order been made as claimed "he still believes it would not be competent for him to pass upon the question of the jurisdiction of another committee," &c. It was after all that that the committee sustained the decision of the Chair. Considering that these expressions came out in a colloquy, the members of that committee may have differed in their understanding of that decision when they voted on the appeal. Quoting these different expressions, gentlemen in this debate have been diametrically opposed in their views of the true grounds of that decision. Nothing beyond that colloquy has been quoted. The Chair will pursue it a little further.

A proposition was offered to amend the Hennepin Canal section by providing for a ship-canal "to connect the waters of the Chesapeake and Delaware Bays." It was ruled out of order on the point that the committee had no jurisdiction, and that that was the substance of a pending bill. (*Ibid.*, 5017.) All the foregoing, as to that bill, occurred on the 11th of June, 1884. On the next day the bill was again under consideration in the Committee of the Whole House on the state of the Union, and the same gentleman was in the chair. The gentleman from Pennsylvania [Mr. O'NEILL] moved to amend by providing for a survey of a ship-canal to connect the Delaware River with the Atlantic Ocean. It was objected to upon a point of order. The Chair held that as the Hennepin Canal was then in the bill this other canal was germane, and therefore in order. The Chair will read on page 5068. Observe its purport:

The Chair will further state that on yesterday he refrained from giving expression to his opinion touching the original jurisdiction of the Committee on Rivers and Harbors over the proposition for the Hennepin Canal, for the reason that the bill in its entirety having been referred by the House to the Committee of the Whole, it was not competent for the Committee of the Whole to go behind the reference and pass upon the question of original jurisdiction in the Committee on Rivers and Harbors.

The Chair thinks it needful to a proper understanding of his present ruling to say that in his opinion the Committee on Rivers and Harbors did not have jurisdiction over that subject, and had the point been presented before the House at the proper time and in the proper way the Chair thinks the clause should have been stricken from the bill.

That extract contained a deliberate opinion "that the Committee on Rivers and Harbors did not have jurisdiction over the subject." It further held that "had the point been presented before the House at the proper time and in the proper way the Chair thinks the clause should have been stricken from the bill." There, as here, jurisdiction was asserted by reason of reference of the Chief Engineer's report, &c., to the Committee on Rivers and Harbors.

That chairman gave no opinion as to what was the proper time and proper way in the House. Doubtless the proper time would have been when the bill was reported and before it was committed to the Committee of the Whole House on the state of the Union. And now about the "proper way." Had the House been informed that this matter was in the bill before it was sent here, action might have been taken in the House other than reserving points of order if its rules and practice allowed consideration in the House before consideration in the Committee of the Whole House on the state of the Union. But there is no such practice as to appropriation bills. When this bill was reported its title indicated what it was. It was an original bill reported from the committee, never having been before introduced into the House. By Rule XXI, clause 1, it was then read only by its title and referred to this committee. It was never read in the House except by title. But suppose it be treated as having been so read. Rule XXIII requires that—

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property * * * shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has been commenced.

It seems to the Chair that had it been so read in the House and a point of order had been raised and a motion had been made to strike out this canal provision, the Speaker could but have said that that was a "motion" or "proposition" or "proceeding touching appropriations of money" under Rule XXIII, and all that the House could do was to refer it to the Committee of the Whole House on the state of the Union, where that rule demands that its first consideration shall be had.

Suppose that is not true. Suppose that the House, when for the only time this bill was before it, had instructed this committee first to pass upon this point of order. None would then doubt that this committee could so act. Where is the difference when, pursuant to its ordinary practice, the House allowed all points of order to be reserved and sent the bill here under that disability for the action of this committee?

Paragraph 8 of the same Rule XXIII declares that "the rules of

proceeding in the House shall be observed in Committee of the Whole House so far as they are applicable." Our Digest of Rules, when it states that the chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order, says:

Of course it is otherwise where the point was reserved before commitment.—*Digest*, 265.

The fact that the House allows points of order to be reserved before commitment proves that it virtually instructs that the fact of commitment shall not cut them off. Otherwise the practice of reserving points of order on these bills would be worse than an unmeaning farce. It would operate as a snare and a fraud. Otherwise all the purposes sought by distributing matters among our committees according to their jurisdictions, fixed by the rules, would be thwarted. Otherwise the river and harbor bill would be an omnibus, capable of carrying whatever a majority of the Committee on Rivers and Harbors chose to pack into it, however foreign to its jurisdiction, and that too with a guaranteed "right of way" in preference to all legislation except that necessary to preserve the life of the Government. Such a construction must be wrong. The first and second points of order are sustained and the lines objected to will be stricken from the bill.

Mr. HENDERSON, of Illinois. I am compelled to take an appeal from the decision of the Chair, and upon that appeal I wish to be heard.

Mr. WILLIS. The hour for adjournment has almost arrived. Will my friend from Illinois yield to me that I may move that the committee rise?

The CHAIRMAN. The Chair will recognize the gentleman from Illinois when the House again resolves itself into Committee of the Whole House on the state of the Union to consider this bill. The appeal taken from the decision of the Chair will be considered as pending.

Mr. TURNER, of Georgia. As the gentleman from Illinois has submitted an appeal from the decision of the Chair, I desire to submit a motion relating to that appeal.

Mr. MURPHY. It is understood we reserve all rights of whatever kind we may have, and that in the flurry of the committee rising at this time no right shall be sacrificed.

The CHAIRMAN. The Chair will state the situation. An appeal is taken from the decision of the Chair. The gentleman taking the appeal has the floor, and, pending that, yields for a motion that the committee rise.

Mr. RANDALL. I ask that the gentleman from Kentucky [Mr. WILLIS] may be allowed to waive that motion until this appeal is disposed of. [Cries of "No!" "No!"]

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 59 minutes a. m., February 20, 1885) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. CAMPBELL: Petition of citizens of Tyrone borough, Pa., asking Congress to discontinue the carrying of mails and the distribution of mail matter on the Sabbath—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIN: Papers relating to the claim of Lewis Rothermel—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of George Scoville, for compensation as counsel in the Guiteau trial—to the Committee on the Judiciary.

By Mr. HITT: Petition of Rev. F. A. Robinson and 52 others, of Winnebago, Ill., for legislation checking the increase of polygamy—to the same committee.

By Mr. HOLMAN: Petition of John A. Plattes Post of Grand Army of the Republic of Indiana, praying Congress to grant to each Union soldier, honorably discharged, one hundred and sixty acres of land, or to their widows or minor children—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOPKINS: Petition of citizens of Pittsburgh, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HOWEY: Papers relating to the claim of Stephen H. Myers, of Somerset County, New Jersey—to the Committee on War Claims.

By Mr. HUTCHINS: Petition of citizens of New York, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. JAMES: Petition of John D. Wells, D. D., and 70 others, citizens of Brooklyn; of Roswell D. Hitchcock, D. D., and 102 others, citizens of New York; and of D. W. McWilliams and 27 others, citizens of Brooklyn, N. Y., praying for legislation to prevent increase of Mormonism—to the same committee.

By Mr. S. H. MILLER: Petition of citizens of Meadville, Pa., urging legislation to suppress Mormonism—to the same committee.

By Mr. MORRILL: Petition for the appropriation of $12,000 for the repair of the roads in the military reservation of Fort Leavenworth, Kans.—to the Committee on Appropriations.

By Mr. MURRAY: Petition from ex-soldiers in Washington, D. C., praying for the purchase of Miss Ransom's life-size portrait of General George H. Thomas—to the Committee on the Library.

By Mr. POLAND: Petition of Henry A. Frost, of New York city, praying relief for being deprived of his liberty in violation of the Constitution, with accompanying papers—to the Committee on the Judiciary.

By Mr. ROBERTSON: Petition of citizens of Breckinridge County, Kentucky, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. RYAN: Petition of Joseph Dunlap, for reference of his war claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. A. HERR SMITH: Petition of 170 citizens of Lancaster County, Pennsylvania, against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. STEVENS: Petition of Losson W. Mead, Company E, Twenty-first Missouri Infantry, for relief—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of Boston Handel and Haydn Society, H. H. Darby, of Saint Louis, and many others, citizens of the United States, for the passage of the Dorsheimer bill, or a similar international copyright bill—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Rev. A. Lehman and 33 others, citizens of Dresden; of J. K. Caldwell and 50 others, citizens of Zanesville; of Levi Knowlton and 110 others, citizens of Utica; and of J. Glover and 60 others, citizens of Coshocton, Ohio, praying for the suppression of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 18 citizens of Minneapolis; of 91 citizens of Greenleaf, and of 62 citizens of Clyde, Kans.

By Mr. ATKINSON: Of 50 citizens of Franklin County, Pennsylvania.

By Mr. CLARDY: Of Charles A. Weber and 132 others, citizens of Perryville, and of 63 citizens of Belgrade, Washington County, Missouri.

By Mr. ELLWOOD: Of 150 citizens of Kaneville and of 100 citizens of Plato Centre, Kane County, Illinois.

By Mr. FUNSTON: Of citizens of Weir, of Galena, of Equity, and of Wellsville, Kans.

By Mr. GRAVES: Of William Marsh and others, of Holden; of J. O. Dockwell and others, of Independence; of R. Fosset and others, of Kansas City, and of Samuel Crum and others, of Independence, Mo.

By Mr. HANBACK: Of C. E. Monell and 200 others, of Kirwin; of James Secrist and 50 others, of Ellsworth County; of Samuel McClary and 10 others, of Ibaton; of Daniel Truberg and 50 others, of Glen Elder, and of William C. Whitney and 200 others, of Cawker City, Kans.

By Mr. KEIFER: Of A. Richards and 34 others, of Rushsylvania, Logan County, Ohio.

By Mr. MORRILL: Of George Brooking and 60 others, citizens of Saint George; of W. F. McClain and 48 others, citizens of Wetmore, and of Andrew Card and 41 others, citizens of Laclede, Kans.

By Mr. LACEY: Of J. A. Burchard and 62 others, of Bellevue, Mich.

By Mr. ROWELL: Of 90 citizens of Chestnut, Ill.

By Mr. WARD: Of citizens of Hobbs, Tipton County; of Pendleton, Madison County, and of Mason, Clinton, and Noblesville, Hamilton County, Indiana.

By Mr. JAMES WILSON: Of citizens of Marion, Linn County, Iowa.

SENATE.

FRIDAY, *February* 20, 1885.

The Senate met at 11 o'clock a. m

Prayer by Rev. JAHU DE WITT MILLER, of the city of Philadelphia.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimate of appropriation by the Commissioner of Internal Revenue of $10,500, required under section 3689 of the Revised Statutes, to refund to persons money collected from them without warrant of law under a recent decision of the Court of Claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, reporting the allowance of the claim of John Finn, payable from an appropriation which is exhausted; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations received from the Secretary of the Navy for the contingent expenses of the Navy Department for the fiscal years 1884 and 1885, and for testing rifled cannon for new cruisers; which, with the accompanying estimates and papers, were referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 14th instant, a report of the Chief of Engineers on the subject of a new lock on the Saint Mary's Falls Canal, in the State of Michigan, and estimates therefor; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT KEY WEST.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives returning a Senate bill with amendments. The message will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 19, 1885.

Resolved, That the bill from the Senate (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., pass with the following amendments:

In line 2 of the bill, after the word "directed," to strike out all down to and including the word "necessary," in line 4, and insert "purchase, at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary."

In line 8 strike out the words "including the purchase of land:" in line 10 strike out the word "fifty" and insert "forty."

The PRESIDENT *pro tempore*. If there be no objection the bill with the amendments will be referred to the Committee on Public Buildings and Grounds.

Mr. CALL. The Senator from Virginia [Mr. MAHONE] informs me that there is a clerical error in the bill as it came from the House.

The PRESIDENT *pro tempore*. The first amendment proposed by the House strikes out certain words from the bill and inserts identically the same words. The Chair thought that it might go to the committee so as to be reported with the correction.

Mr. CALL. Very well.

HOUSE BILL REFERRED.

The bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7585) for the relief of William M. Gardner;

A bill (H. R. 7584) for the relief of A. B. Montgomery; and

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

PETITIONS AND MEMORIALS.

Mr. LAPHAM. I present a copy of concurrent resolutions of the Legislature of New York, which is as follows:

Whereas Hon. GEORGE F. EDMUNDS, in January, introduced into the Senate a bill entitled "A bill to authorize an additional appointment on the retired-list of the Army," which bill has passed the Senate and is now awaiting action in the House of Representatives; and

Whereas the said bill is intended to create a position upon the retired-list of the Army for that illustrious soldier Ulysses S. Grant; Therefore,

Resolved (*if the assembly concur*), That our Representatives in Congress from this State be, and they are hereby, requested to support the said bill, and to urge a measure which will place General Grant upon the retired-list.

Resolved (*if the assembly concur*), That the governor be requested to transmit a copy of these resolutions to each of our Representatives in Congress.

I move that the resolutions lie on the table.

The bill having passed the Senate I suppose the resolutions should lie on the table.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New York that the paper he sent to the Chair is not an original paper. It is a printed copy.

Mr. LAPHAM. I stated that it was a copy.

Mr. MILLER, of New York. The original of the resolution was presented and read several days ago, as I remember.

Mr. LAPHAM. I was not aware of that.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received, and laid on the table.

Mr. MITCHELL. I present a petition of the Ministerial Association of Erie, Pa., in relation to the Mormon question, praying for the passage of a bill the design of which shall be to check in our Republic the subversive influence of Mormonism on our democratic laws, free institutions, and the morality of the nation. I suppose this petition should go to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. As that subject has been passed upon by that committee and by the Senate, the petition had probably better be laid on the table.

Mr. MITCHELL. Very well.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. CULLOM presented a joint resolution of the Legislature of Illinois; which was read, and referred to the Committee on Commerce, as follows:

Preamble and joint resolution adopted by the thirty-fourth General Assembly of Illinois.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and Portage Lake Improvement Company Canal, and also inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War designated Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity with said resolution; and

Whereas the honorable Secretary of War did report, on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest and most serious disasters have occurred: Therefore,

Be it resolved by the senate of the State of Illinois (*the house of representatives concurring*), That our Senators and Representatives in Congress are hereby requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring the title to, and the ownership of, the ship-canals connecting the waters of Keweenaw Bay, by way of Portage Lake, with the waters of Lake Superior, in the upper peninsula of Michigan, in accordance with the report of the honorable Secretary of War, presented to the United States Senate on or about January 5, A. D. 1885, in reply to its resolution of April 22, A. D. 1884, and making them free for the navigation and commerce of the great lakes.

Resolved, That the honorable secretary of state is hereby requested to forward a copy of the foregoing preamble and resolutions to each of the Senators and Representatives in Congress from the State of Illinois.

Adopted by the senate, January 30, A. D. 1885.

J. C. SMITH,
President of the Senate.

Attest:

L. F. WATSON,
Secretary of the Senate.

Concurred in by the house of representatives, February 4, A. D. 1885.

E. M. HAINES, *Speaker.*

Teste:

R. A. D. WILBANKS,
Clerk House of Representatives.

UNITED STATES OF AMERICA,
State of Illinois, ss:

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a preamble and joint resolution adopted by the thirty-fourth General Assembly of the State of Illinois, and filed in this office February 6, A. D. 1885.

In witness whereof, I hereunto set my hand and affix the great seal of State. Done at Springfield, the 6th day of February, in the year of our Lord 1885.

HENRY D. DEMENT,
Secretary of State.

Mr. CULLOM presented resolutions of the Board of Trade of Chicago, Ill., favoring certain amendments of the House bill in relation to bills of lading and to determine the liability of ship-owners and others thereunder; which were referred to the Committee on Commerce.

Mr. COCKRELL. I present a petition signed by a number of leading attorneys and citizens of Saint Louis, Mo., praying that a committee of Congress, or a commission outside of Congress, be appointed to prepare a code of procedure for all Federal tribunals of every kind and jurisdiction. Attached to the petition is a memorial stating the reasons why they desire this done. I ask—it is not very long—that the petition may be printed and referred to the Committee on the Judiciary. It will doubtless attract some attention, and I think it would be to the interest of the public service that it should be printed.

The PRESIDENT *pro tempore*. The Senator from Missouri presents a memorial the nature of which he has stated. He asks that it be printed and referred to the Committee on the Judiciary. That order will be entered, if there be no objection.

Mr. WILSON presented the petition of Elias Jessup, William T. Smith, and Isaac T. Gibson, representing the Iowa Yearly Meeting of the Society of Friends, praying for the establishment of international arbitration for the prevention of war; which was referred to the Committee on Foreign Relations.

Mr. SLATER. I present a petition of citizens of Coos County, Oregon, praying for an appropriation of $100,000 for the improvement of the mouth of the Coquille River, and setting forth the importance and necessity of such improvement. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB presented a concurrent resolution of the house of representatives of Kansas; which was read, and referred to the Committee on Public Lands, as follows:

[House concurrent resolution No. 16, relating to the resurvey by the Government of certain townships in Edwards County.]

Whereas it appears from information in possession of the Legislature, that townships numbered 26, 27, 28, of ranges Nos. 16, 17, 18, 19, and 20, W., 6 P. M., in Edwards County, Kansas, have never been sectionized and subdivided according to law, and that no section corners have ever been established therein; and

Whereas a large population has settled upon these lands (the same being known as the Osage trust lands, &c.) according to law, many of whom it is be-

lieved are not in fact actually located upon the several pieces of land upon which they have legally and in good faith filed their claims and purchased; and

Whereas the Government field-notes of said lands are found to be false and fraudulent, and no section corners, after careful and persistent search, have ever been found in said townships, and as no authority exists under the laws of the State of Kansas by which said lands can be resurveyed and proper lines and corners established; and

Whereas under the laws of the United States as they now exist no such resurvey can be made except at the expense and cost of the settlers upon said lands, which expense said settlers are utterly unable to meet, and as said lands were disposed of by the United States Government under the authority of law, with the express guarantee and said lands had been properly surveyed, sectionized, and the corners distinctly marked according to law; and

Whereas in case of such resurvey, because of the false and fraudulent characters of said field-notes, the United States Government has in fact and law ample security for the cost of such resurvey, in the still existing bonds of the original contractors for the original survey of said township; and as there is good reason to believe that others and similar cases exist in other counties of the State of Kansas inflicting great wrong and hardships upon the settlers upon such lands: Now, therefore,

Be it resolved by the house of representatives of the States of Kansas (the senate concurring), That our Senators in Congress be instructed and our Representatives requested to bring this subject before Congress, and ask the immediate enactment of laws providing—

First. That on the presentation to the Commissioner of the General Land Office that any township or part of township of land, sold or otherwise disposed of under authority of law, had never in fact been surveyed according to law, or that the plats and field-notes on file in the proper office were in fact false and fraudulent, it be made the duty of said Commissioner at once to order a resurvey of said townships or parts of townships at the cost of the Government, and also to prosecute the contractors for the original survey of such townships or parts of townships, and their sureties, for failure to perform their contracts, and for such damages as may be provided for in such contracts.

Second. That on the presentation of such satisfactory proof that any township or part of township has never in fact been legally surveyed and subdivided according to law, that provision be made for the relief of actual settlers upon such lands; that the time given them to perform the duties and make the proofs required according to law.

Third. *Be it resolved*, That the secretary of state is hereby instructed to forward duly authenticated copies of this preamble and of these resolutions, with accompanying papers, to the several members of Congress from this State.

STATE OF KANSAS,
Office of Secretary of State:

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 12th day of February, A. D. 1885.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. VANCE presented the petition of certain North Carolina Creek Indians now residing in the Indian Territory praying the confirmation of lands awarded to them in North Carolina under a decree of the circuit court of the United States for the western district of North Carolina; which was referred to the Committee on Indian Affairs.

Mr. SEWELL presented the petition of J. R. Haskell, of New York, praying that an appropriation of $250,000 be made for the purpose of constructing and testing three of the Haskell multicharge guns; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;

A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;

A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;

A bill (H. R. 7722) granting a pension to Almira K. Parker;

A bill (H. R. 7308) for the relief of David Fried;

A bill (H. R. 8104) granting an increase of pension to George S. Hawley; and

A bill (S. 2367) granting a pension to Sarah A. White.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6940) granting a pension to Sarah M. Bissell, who is the widow of Commodore Bissell, who was in the service from 1826 to 1883, to report it adversely by a majority of the committee, and with a minority report recommending the passage of the bill. In the report the facts are set forth. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The bill will be placed on the Calendar with the adverse report of the committee, and the views of the minority will be printed, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2028) granting a pension to Sarah M. Bissell, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 5838) granting a pension to Henry Ballinger;

A bill (H. R. 3040) for the relief of Mary Tarbell;

A bill (H. R. 5835) granting a pension to J. H. Adams;

A bill (H. R. 6182) granting a pension to Edwin Thomas; and

A bill (H. R. 3158) for the relief of Werner Lentz.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5555) granting a pension to James Frazier;

A bill (H. R. 2068) granting a pension to James H. Reid;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler;

A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;

A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (H. R. 5938) to pension Julia A. Marcum;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (H. R. 7602) to grant a pension to Harriet M. Baily; and

A bill (H. R. 7731) granting a pension to Lois B. Smith.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the bill (S. 1776) granting a pension to James H. Reid, and the bill (S. 2222) granting a pension to James H. Reid, reported adversely thereon; and the bills were postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3749) granting a pension to William Bolwark;

A bill (H. R. 2537) granting a pension to Hugh Ryan;

A bill (H. R. 2539) granting a pension to George W. Kiser;

A bill (H. R. 1046) granting a pension to Mary A. Griffin;

A bill (H. R. 7336) granting a pension to T. A. Morton; and

A bill (H. R. 7338) granting a pension to Chloe A. Whipple.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2451) for the protection of forests on the public domain, reported it without amendment.

Mr. MILLER, of New York. I am also instructed by the Committee on Agriculture and Forestry to report a joint resolution placing a portion of the Arlington estate, now owned by the United States, under the control of the Commissioner of Agriculture, and I ask for its present consideration.

The joint resolution (S. R. 131) placing a portion of the Arlington estate, now owned by the United States, under the control of the Commissioner of Agriculture was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. ALLISON. I do not object unless it will lead to debate. If it does, I shall object.

Mr. INGALLS. Is the morning business concluded?

The PRESIDING OFFICER. The morning business is not concluded.

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. Objection being made, the joint resolution will go upon the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;

A bill (H. R. 3728) granting a pension to Charles P. Mahan;

A bill (H. R. 3605) granting a pension to Eliza Sluss;

A bill (H. R. 7256) granting a pension to John A. Vanderhoff;

A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; and

A bill (H. R. 6018) increasing the pension of George Tapp.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 882) for the relief of William B. Stokes;

A bill (S. 186) granting a pension to Penelope T. Heald;

A bill (S. 185) granting a pension to Mrs. Mary S. W. Harris; and

A bill (S. 725) for the relief of Charles Seymour, of Flint, Mich., for services in the war of 1812, and for pension.

Mr. MITCHELL. I am directed by the Committee on Pensions, to whom was referred the bill (S. 358) granting a pension to Thomas E. Brawner, to report it adversely and move its indefinite postponement.

Mr. COCKRELL. I have been trying to get that bill out of the Senate for a long time, and I thought I had once before requested that it should be withdrawn. The pension was granted some time ago, and I suppose that is the ground upon which it is reported adversely.

Mr. MITCHELL. That is the ground of the adverse report.

The PRESIDING OFFICER. If there be no objection, the bill will be indefinitely postponed.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 7709) granting a pension to Louisa A. Estes; and

A bill (H. R. 4833) granting a pension to Louisa Earle.

Mr. SLATER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll; and

A bill (H. R. 5124) granting a pension to Samuel Z. Cooper.

Mr. SLATER. I am directed by the Committee on Pensions to report adversely on the bill (S. 2043) for the relief of Maria L. Strong. I desire to state that this is the report of the majority, there being a minority opposed to the report. I ask that the bill be put upon the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 278) granting a pension to Mary E. McConnell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 445) authorizing the establishment of a horse-railroad upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island, previously reported by him.

Mr. McMILLAN. I am instructed by the Committee on Commerce to report favorably with an amendment the bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; and I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill be now considered. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. McMILLAN. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order. Objection is made.

Mr. McMILLAN. Will the Senator from Kansas withdraw his objection for a moment?

Mr. INGALLS. Yes, sir.

Mr. McMILLAN. The amendment is such as the Senate has invariably incorporated in these House bills, and its adoption will require the bill to be returned to the House for consideration there. The House, I am sure, if they have an opportunity, will consent to the amendment. It will take but a very brief time to consider the bill if the Senator will withdraw his objection. [A pause.] Silence may be regarded as giving consent, Mr. President.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CAMERON, of Wisconsin. During the last session of the present Congress a bill was introduced for the relief of Juliet Leef and others. The bill was referred to the Committee on Claims, and reported back adversely. Quite recently the House of Representatives passed a similar bill, the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil. That bill was referred to the Senate Committee on Claims, and I am instructed by that committee to report it back without recommendation. The committee is willing that it should go upon the Calendar. The committee, however, does not withdraw its objection to the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COCKRELL. I understand that the committee has not changed its former report.

Mr. CAMERON, of Wisconsin. The committee has not changed its former report.

CONSIDERATION OF PENSION BILLS.

Mr. MITCHELL. I desire to state that the Committee on Pensions will ask the Senate to take up private pension bills on Monday, including not only those favorably reported, but a large number adversely reported. Among the latter bills, those of prominent cases that have attracted the general attention of the country and the special attention of many Senators, are the cases of Mrs. Ann Cornelia Lanman, Mrs. Emma De Long, Mrs. Francis McNeil Potter, Mrs. Emily L. Alvord, Mrs. S. Dana Greene, Mrs. Margaret D. Marchand, Mrs. Margaret B. Harwood, Mrs. Martha C. Breese, Mrs. Emily M. Wyman, Mrs. Sophia A. Morgan, and Mrs. Eliza Willson Thornburgh.

Senators will please take notice of this proposed action, and I think if we go about the business promptly on Monday we can get through with all the pension bills upon the Calendar.

Mr. BLAIR. There are a number of other contested cases on the Calendar besides those which the Senator has mentioned.

Mr. MITCHELL. There are many other cases of adverse reports on the Calendar, in which of course the Senators who requested those bills to be placed on the Calendar are interested. I only mention those which have received attention generally.

SUPREME COURT OPINIONS FOR SENATORS.

Mr. MANDERSON. At the last session of the present Congress there was referred to the Committee on Printing the following resolution:

Resolved, That the Committee on Printing be directed to make provision that printed copies of all opinions given by justices of the Supreme Court be furnished to every Senator as soon as filed.

I am directed by the Committee on Printing to report the following resolution; and I ask for its present consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to obtain 100 copies of each printed decision of the Supreme Court of the United States, and to pay for the same from the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to the Senator to amend the resolution by inserting "and any dissenting opinions filed with the same." I suppose the purpose was to include dissenting opinions.

Mr. MANDERSON. That was certainly the purpose of the committee. I thought the language used would cover that; but still I have no objection to inserting those words, so that there may be no uncertainty.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The amendment proposed by the Senator from Massachusetts will be read.

The CHIEF CLERK. In line 4, after the word "States," insert the words "and any dissenting opinions filed with the same;" so as to read:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to obtain 100 copies of each printed decision of the Supreme Court of the United States, and any dissenting opinions filed with the same, and to pay for the same from the contingent fund of the Senate.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

LIST OF TREASURY DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. There was referred to the Committee on Printing a letter of the Secretary of the Treasury, transmitting a list of all persons employed in his Department during the year ending December 31, 1884. I am directed by the Committee on Printing to report in favor of the printing of the report, and I ask that it be so ordered. It requires no resolution. A simple order of the Senate that the report be printed will be sufficient.

The PRESIDING OFFICER. Is there objection to printing the report?

Mr. COCKRELL. Let us hear what the report is. I have been trying to catch what the Senator from Nebraska said, and could not hear a word.

The PRESIDING OFFICER. The report will be read, or the Senator from Nebraska will state the substance of it.

Mr. MANDERSON. I can state to the Senator from Missouri what it is. The statutes require that the Secretary of the Treasury shall report to Congress a list of the employés of the Treasury Department. In compliance with that law the Secretary of the Treasury has transmitted the list for 1884, and for the first time the list is classified as required by the civil-service act. The Committee on Printing report favorably as to the printing of that report.

The PRESIDING OFFICER. The order for printing the report will be made if there be no objection.

REPORT ON LABOR AND CAPITAL.

Mr. HAWLEY. A concurrent resolution was referred yesterday to the Committee on Printing which originated in the Senate, went to the House, and was there amended. The committee instructs me to report in favor of concurring in the amendments of the House, and I ask for immediate action upon the matter.

The PRESIDING OFFICER. The amendments of the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 19, 1885.

Resolved, That the House concur in the foregoing resolution of the Senate with the following amendments:

In line 6 of the resolution strike out the word "eight" and insert the word "six."

In line 7 of the resolution strike out the word "sixteen" and insert the word "thirteen."

In line 8 of the resolution strike out the words "and one" and insert the word "five;" and strike out the word "copies" in same line.

In line 9 of the resolution strike out the words "Senate Committee on Education and Labor" and insert "Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor."

The PRESIDING OFFICER. The question is on concurring in the amendments.

Mr. COCKRELL. Let the resolution be read as it was amended in the House, and as it will be if it is passed as recommended by the committee.

The PRESIDING OFFICER. The resolution as amended by the other House and reported by the committee will be read.

The Chief Clerk began to read the resolution.

Mr. HAWLEY. I can relieve the Secretary from embarrassment in reading the resolution. The blue pencil interlineations are incorrectly made, and in engrossing the resolution the clerks will be governed by the written description of the amendments. The resolution as amended gives 6,000 copies to the Senate, 13,000 to the House, 5,000 to the Bureau of Labor Statistics, and 1,000 to the Senate Committee on Education and Labor, who desire to distribute some numbers to the numerous witnesses who were called before that committee. The aggregate is the same as that ordered by the Senate originally, but a little differently distributed.

The PRESIDING OFFICER. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

PUBLIC-LAND LAWS.

Mr. DOLPH. I move that the Senate request the House of Representatives to return to the Senate the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture. I will state that I do this for the purpose of moving, when the bill is returned, a conference on the disagreeing votes of the two Houses. It seems likely that under the rules of the House it will not be possible to secure in that body a consideration of the bill, and, therefore, if the bill is to become a law at this session it will be necessary that this course should be taken.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to move at this time that the House of Representatives be requested to return the bill the title of which he has named, being the bill for the repeal of the pre-emption law. Is there objection to the motion being received?

Mr. COCKRELL. Let the title of the bill be read.

Mr. DOLPH. It is the bill to repeal the pre-emption law, the timber-culture act, and the desert-land act, and for other purposes, which passed the Senate a few days since.

The PRESIDENT *pro tempore*. Is there objection to the motion being entertained?

Mr. SHERMAN. Does the Senator desire simply to move that the Senate recede from its amendments?

Mr. DOLPH. I simply move at this time that the Senate ask that the bill be returned to the Senate from the House of Representatives, and then I propose when the bill is returned to move for a committee of conference.

Mr. SHERMAN. That is an unusual proceeding, I think. I shall have to object for the moment until I can look into the matter.

The PRESIDENT *pro tempore*. Objection is made.

Mr. DOLPH. I ask if the motion is not in order.

The PRESIDENT *pro tempore*. It is not in order at this time. It would be in order under the call for resolutions, subject on objection to be carried over one day.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2652) for the protection of seamen; which was read the first time by its title.

Mr. HOAR. I desire to have the bill referred to the Committee on Commerce. A bill has come up from the House of Representatives which I am informed undertakes to amend the Dingley act, so called, passed at the last session. The Dingley act prohibited contracts with landlords and with other persons who surround sailors when they are in port by which the sailor should pledge his wages to that class of persons. I understand the bill which has just come up and been referred to the Committee on Commerce repeals that provision, and tends, in the opinion of some humane friends of the sailor, to make the sailor a prey, as he has been in times passed.

The bill which I introduce is a transcript, with the proper changes, of the law of the State of Massachusetts prohibiting all such pledges in advance of the sailor's wages and allowing him only to pledge them for the necessary support of his wife and children during his absence. I hope the Committee on Commerce will consider this bill and report it as a substitute for the House bill, and in that way insure its passage.

The bill was read the second time by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 2653) for the relief of S. S. Webb & Co. for the use of William G. Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2654) granting a pension to Charles F. Hildreth; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE. Yesterday I submitted a proposed amendment to the river and harbor bill to continue the dredging of the ship-channel in Portland Harbor, Portland, Me. The print has it "Rockland Harbor." I ask leave to change "Rockland" to "Portland," and to reintroduce it.

The PRESIDENT *pro tempore*. The Chair will send for the original paper. If it is a misprint it does not need any order. The print will be corrected.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH and Mr. MILLER of California submitted amendments intended to be proposed by them severally to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER and Mr. GEORGE submitted amendments intended to be proposed by them severally to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT TAXES AND EXPENDITURES.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution which was submitted yesterday by the Senator from Alabama [Mr. MORGAN] and which went over under objection. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the commissioners of the District of Columbia be directed to immediately inform the Senate of the causes that have prevented them from complying with the resolutions of the Senate adopted on the 24th of June, 1884, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department or water fund for each year from 1875 to 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. MORGAN. I ask the chairman of the Committee on the District of Columbia whether he has been informed of any return made by the commissioners?

Mr. INGALLS. I have no objection to the adoption of the resolution.

The resolution was agreed to.

PACIFIC RAILROAD COMPANIES' TELEGRAPH LINES.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether the Union Pacific Railroad Company and the other railroad companies affected by the act approved July 1, 1862, granting subsidies in bonds and lands, have constructed and are maintaining and operating their own lines of telegraph, and whether telegraphic messages are accepted and transmitted for all persons and corporations without discrimination as to price, and other conditions, as provided in section 15 of the act above referred to.

GEORGE E. SPENCER.

Mr. HOAR. I desire to call up a resolution in regard to the payment to George E. Spencer, late Senator from Alabama.

Mr. COCKRELL. Regular order.

Mr. HOAR. This is the regular order.

The PRESIDENT *pro tempore*. It will be the regular order after the call for resolutions is exhausted. Are there further resolutions?

Mr. MITCHELL. I have a resolution to submit.

The PRESIDENT *pro tempore*. The Chair will receive it.

STEAMER WILLIAM H. SEWARD.

Mr. MITCHELL. I offer the following resolution:

Resolved by the Senate of the United States, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate any reports or opinions in his Department relating to any legal services performed, and by whom, in defending suits against the United States Government steamer William H. Seward.

That information is desirable at an early day, and I should be glad to have the resolution adopted at this time.

Mr. WILSON. I suggest to the Senator that he change the word "requested" to "directed." That is the proper form.

Mr. MITCHELL. I accept the suggestion.

The PRESIDENT *pro tempore*. The resolution will be modified accordingly.

The resolution was considered by unanimous consent, and agreed to.

GEORGE E. SPENCER.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed.

Mr. HOAR. I call for the resolution which I just now named.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate now proceed to the consideration of Order of Business 1236, which is the regular order if the Senator has the floor to make the motion, resolutions being exhausted.

Mr. COCKRELL. But that is setting aside the Calendar.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Chair overrules the point of order, if the Senator from Missouri makes one, because Rule VIII as modified provides that the Senate shall go to the Calendar "unless the Senate shall at any time otherwise order." The Senator from Massachusetts proposes, according to the constant practice of the Senate, that the Senate shall "otherwise order" by taking up the resolution he has named.

Mr. HOAR. I rise to a parliamentary inquiry. This is a resolution which was reported the other day and went over under the rules to the next day. Now, when "concurrent or other resolutions" are in order, is it not in order to ask to have a resolution of that character laid before the Senate?

The PRESIDENT *pro tempore*. The Chair does not think that applies to a resolution reported from a committee, but a resolution reported from a committee is like any other resolution or bill of the Senate, and is placed on the Calendar and requires a motion to proceed to its consideration, unless when it is reached in regular order.

Mr. HOAR. This is a Senate resolution.

The PRESIDENT *pro tempore*. It is a Senate resolution, but it is the report of a committee, the Chair thinks, and has so held constantly.

Mr. HOAR. If I may pursue my parliamentary inquiry, I do not wish to displace the ordinary business of the Senate which the Senate

is expected to conduct at this time by a motion to lay aside the Calendar. I rose supposing I was entitled to call up the resolution when resolutions were reached, as of right, it having gone over one day.

The PRESIDENT *pro tempore*. If it had been a resolution offered by the Senator and objected to, it would have been laid before the Senate the next morning.

Mr. HOAR. Then I ask unanimous consent that I may offer the resolution, in the terms of that, which I will have copied for the purpose, and call it up to-morrow or the next day when resolutions are reached.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave to offer a resolution which will be read.

The Chief Clerk read as follows:

Resolved, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of $7,132, being the amount actually and necessarily expended by him in maintaining his title to his seat.

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDENT *pro tempore*. Objection is made and it goes over. It will be laid before the Senate to-morrow morning on the call of resolutions.

Mr. LAPHAM. I give notice that at the time of the consideration of that I shall also ask for the consideration of Order of Business 787, being the resolution to pay the expenses of Judge Underwood. The subjects ought to be disposed of at the same time.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts to withdraw his motion to proceed with the consideration of the resolution on the Calendar.

Mr. HOAR. Yes, sir.

PROCEEDINGS OF TO-MORROW.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. HOAR. I desire, with the leave of the Senate and of the Chair, before the Senate proceeds to its morning business, that there shall be an understanding about the proceedings to-morrow, whether the Senate expect to proceed with ordinary legislative business after the ceremonial exercises in the other Chamber are over. For one I hope the Senate will proceed with its ordinary business after we return from the Representatives' Chamber, as we have but ten or twelve more working days, and the time is precious to the country beyond computation.

Mr. SHERMAN. I ask that the order adopted in regard to those ceremonies be read. I think that fixes the matter.

Mr. ALLISON. That order is a very long one. I think we all understand it.

Mr. SHERMAN. I do not ask for the whole programme, but there was an order adopted—I have forgotten myself what it was, and I should like to hear it. My impression is that it provides for no session to-morrow.

Mr. HOAR. I should like to ask the Senator from Ohio at what time he thinks it likely the exercises in the House of Representatives will be completed.

Mr. SHERMAN. I should say not later than 5 o'clock; probably between 4 and 5.

Mr. ALLISON. Let this matter go over until later in the day. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is Senate bill No. 1886.

DES MOINES RIVER LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. I ask that that amendment may be now read, and I call the attention of the Senate to it.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 3. Before the commencement of any action or actions by the Attorney-General, in pursuance of this act, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds (to be approved by the court, or a judge thereof, as to the form and penalty of the same) conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff shall fail to recover therein.

Mr. LAPHAM. I ask to amend that by adding "a bond with surety or sureties."

The PRESIDENT *pro tempore*. Will the Senator repeat his proposed amendment?

Mr. LAPHAM. My amendment is to make it read, "a bond or bonds, with surety or sureties (to be approved by the court, or a judge thereof, as to the form and penalty of the same)."

The PRESIDENT *pro tempore*. The modification suggested by the Senator from New York will be read.

The CHIEF CLERK. In line 5, after the word "bonds," it is proposed to insert "with surety or sureties."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. LAPHAM. It will be seen that this is the usual form of a bond by way of a security for costs. It is not an uncommon proceeding by any manner of means; it is a very usual proceeding, especially where insolvent parties or parties against whom costs can not be recovered are authorized to prosecute. I do not want this bill converted into a proceeding authorizing the Government to sue *in forma pauperis*, as is the practice in some cases. I want somebody to be responsible for the expenses of the litigation that this bill proposes, in case the prosecution fails to recover.

I have not heard a word from any Senator thus far in opposition to this amendment. I doubt the ingenuity of any Senator to state a reason against this amendment which is deserving of serious consideration. The design and purport of the amendment are so obvious, it seems to me, that it should receive the sanction even of the advocates of this bill, unless they want to prosecute and persecute the purchasers whom I represent with numberless actions without any hope of compensation to them for the expenses to which they are to be subjected. On the contrary, in answer to this proposition that we shall have security for costs, the Senators from Iowa who are advocating this bill renew their proposition that this is a bill like the bill we considered yesterday for the forfeiture of a railroad grant. While I was discussing the amendment offered by the honorable Senator from Alabama to that bill, and urging that there should be a preliminary judicial investigation before the lands were opened to settlement, the senior Senator from Iowa—senior in service I mean—interjected the expression "the Des Moines River bill;" thus showing that he concurs with his colleague that the Des Moines River bill is a bill to forfeit a legislative grant by the Government, as it in fact is. Now, there is a wide difference between these propositions; and the artillery which the Senators from Iowa aim at me in opposition to this bill is like the muskets described by Trumbull:

> Though well aimed at duck or plover,
> Bear wide, and kick their owners over.

In the proposition submitted by the Senator from Alabama to the Oregon bill some days since and to the Texas Pacific bill yesterday, his object was to provide that the United States should settle all questions of title before it offered the lands to the public. What was the state of things in Iowa? Iowa had a body of public lands about which there was no dispute. The Government gave it to Iowa. There was a defective description of the lands, which the officers decided in the first instance went into the Territory of Minnesota even, which they afterward held only went to the northern boundary of Iowa, and they refused to certify lands to the State of Iowa north of the boundary line of that State. They refused, in fact, as the record shows, to certify any more lands to the State of Iowa unless that State should relinquish all claim to lands in Minnesota. The State refused to do that. That stopped the certification of lands, and that arrested the river improvement. Iowa asked that Congress should make a confirmatory grant of the lands which had thus been certified up to that time, and the resolution of the 2d of March, 1861, was for the express purpose of validating all the titles which had theretofore been conveyed to the State and by the State to the river company and by the river company to purchasers, in whose behalf I appear.

This was all done in the interest of the State of Iowa, for the benefit of the State of Iowa. The State of Iowa obtained over three-quarters of a million of acres of public land from the United States. Iowa spent three hundred and sixty-odd thousand dollars in the attempt to improve the navigation of the river, and there the work was arrested for the reason I have stated, because she would not relinquish her claim to lands in Minnesota. Then it was changed to a railroad along the banks of the river, and that railroad has been built out of the proceeds of public lands. They spent the $360,000 for improvements out of moneys that were paid by those who purchased the lands, as those I represent purchased the lands from the State.

Now, sir, I submit with great confidence to the Senate the proposition, who should pay these unfortunate settlers, if anybody should pay them? It is the State of Iowa who has had this large grant of public lands from the Government. The attempt by this bill to recover them out of honest purchasers whose titles have been confirmed is an attempt which I trust will not succeed. The law which enables them to make the attempt I trust will not be passed without annexing this condition, the condition that security for costs shall be given before any suit is instituted.

The difference between this bill and the amendment of the Senator from Alabama is so obvious that no one can mistake it. As was said on one occasion by a caricaturist, the amendment of the Senator from Alabama proposes to settle all these questions previous before the war; this bill proposes to settle all these questions previous after the war. There is a hiatus between them as wide as the globe; there is no similarity in the two questions; and unless something can be said which commends itself to the judgment of the Senate against the amendment now pending that we shall have this security, I trust the Senate will vote upon this bill the amendment which I have offered.

Mr. WILSON. Mr. President, this bill has occupied the attention of the Senate so long that I have no doubt all Senators are weary of it, as I am myself, and I must say that it is with a difficulty which I can not

overcome that I endeavored to discover the pertinency of the remarks of the Senator from New York to the amendment which he has proposed.

The bill proposes that a suit shall be instituted by the Attorney-General in the name of the United States for the assertion of the title of the Government to the lands involved. That suit will be in the name of the Government, and the parties for whom the Senator from New York says he appears here will have the same opportunity to co-operate with the Government as will these so-called settlers on the Des Moines lands. The second provision of the bill is:

And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

That is, they may co-operate; and it does seem to me that it would be unseemly to provide by law that in an action of this kind by the Government in an effort to assert its title to these lands private parties should be required to come in and give bond for security for costs, and therefore I hope the amendment will be voted down.

Mr. LAPHAM. Mr. President, there is an obvious answer to that suggestion. If the settler and the purchaser unite with the Government in a suit to be commenced under this bill, I should like to know who will be made defendant? It is an absurdity on the face of it. Who will be prosecuted? Sir, such is not the design of this bill. The design of this bill is to have the Government unite with these squatters and sue the purchasers, or else there is no design in it. There can be no action commenced without making the claimants to this title under the purchase the defendants in the action.

I am amazed that the advocates of this bill are driven to such subterfuges as this. Who is to be prosecuted, who is to be made defendant, I repeat, if the claimant of the title unites with the Government, and the settler unites with the Government? How long would such a bill stand in a court on a demurrer? How long would a bill stand in court on demurrer if filed by the United States and one of these settlers who have no community of interest? It is either the land of the Government or the land of the settler or of the purchaser under the river grant. There is no joint interest in it; and a demurrer upon the ground of misjoinder of parties would inevitably defeat any action which can be brought under this bill, as every lawyer knows. It is impossible that we can subvert the principles of law by this bill.

Now, then, the purchasers will be prosecuted, if anybody, under this act; and this amendment simply provides that they shall have the ordinary security for costs for two reasons: first, that the settlers are irresponsible, and secondly, that the Government can not be made liable. If we could recover costs against the United States, I would not press this amendment; if the United States was liable for costs, I would not press this amendment; but it is because we shall be compelled to litigate this question at our own expense without any remedy for costs that I have offered the amendment which is now pending.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment of the Senator from New York.

Mr. LAPHAM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. I should like to inquire of the Senator from New York whether, if the proceedings are to be in the name of the United States, he desires to have a bond filed by the United States?

Mr. LAPHAM. They will be in the name of the United States and the settlers.

Mr. DAWES. Will the United States and the settlers together be sufficient to pay the costs?

Mr. LAPHAM. The United States is not bound; there is the difficulty; the United States is not liable in an action for costs. There is the trouble.

Mr. DAWES. I do not see why they would not be, if judgment were rendered against them. I understand that while the United States can not be called against its will into court, if the United States does of its own accord go into court it has to run the chances of any party. I may be mistaken.

Mr. LAPHAM. The honorable Senator is entirely mistaken. There can be no judgment for costs against the Government.

Mr. DAWES. Judgment is rendered against the Government in court frequently. I never heard before that it was a judgment without costs; but I may be mistaken.

Mr. LAPHAM. You are. In the Court of Claims by a special provision costs may be recovered.

Mr. DAWES. Does the Senator say that in suits against a collector or in any suit the United States brings upon a bond, for instance, and a judgment gets unfortunately rendered against the United States—that is to say, where the balance was on the other side, as it is sometimes—does he mean to say that judgment is rendered for the amount without costs?

Mr. LAPHAM. A party can not have costs against the Government. The honorable Senator will find no case of that kind.

Mr. DAWES. The Senator is more familiar with these proceedings than I am, and I take his construction on that point; but I confess it is a humiliation to state before the Senate that that is news to me.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. VEST. I am requested by the Senator from Louisiana [Mr. JONAS] to announce that he is confined to his house by illness. I have not paired him on this bill.

Mr. CALL. My colleague [Mr. JONES, of Florida] is absent on account of illness, and is not paired.

Mr. BROWN. I desire to state that my colleague [Mr. COLQUITT] is confined by sickness at his room to-day. I do not know how he would vote, and therefore I have not paired him.

The result was announced—yeas 23, nays 29; as follows:

YEAS—23.

Bayard,	Gibson,	Lapham,	Mitchell,
Blair,	Gorman,	McMillan,	Pike,
Brown,	Groome,	McPherson,	Pugh,
Chace,	Harris,	Mahone,	Sabin,
Fair,	Jackson,	Maxey,	Sherman.
Garland,	Jones of Nevada,	Miller of N. Y.,	

NAYS—29.

Allison,	Dawes,	Manderson,	Slater,
Beck,	Frye,	Morrill,	Van Wyck,
Bowen,	George,	Palmer,	Vest,
Butler,	Hale,	Platt,	Williams,
Call,	Hampton,	Plumb,	Wilson.
Cameron of Wis.,	Hawley,	Ransom,	
Cockrell,	Hill,	Saulsbury,	
Coke,	Ingalls,	Sawyer,	

ABSENT—24.

Aldrich,	Dolph,	Jones of Florida,	Pendleton,
Camden,	Edmunds,	Kenna,	Riddleberger,
Cameron of Pa.,	Farley,	Lamar,	Sewell,
Colquitt,	Harrison,	Logan,	Vance,
Conger,	Hoar,	Miller of Cal.,	Voorhees,
Cullom,	Jonas,	Morgan,	Walker.

So the amendment was rejected.

Mr. LAPHAM. I offer the following amendment, to add at the end of the second section:

In every action commenced under and in pursuance of the provisions of this act the defendant or defendants if successful shall have judgment for costs against the United States.

It will be seen this differs from the other amendment simply in dispensing with security for costs and making the Government liable for the costs. I ask for the yeas and nays on this.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. VANCE (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote.

The result was announced—yeas 16, nays 31; as follows:

YEAS—16.

Bayard,	Dolph,	Lapham,	Manderson,
Blair,	Garland,	McMillan,	Miller of N. Y.,
Brown,	Gorman,	McPherson,	Mitchell,
Chace,	Groome,	Mahone,	Sherman.

NAYS—31.

Allison,	Gibson,	Lamar,	Saulsbury,
Beck,	Hale,	Maxey,	Sawyer,
Butler,	Hampton,	Morrill,	Slater,
Call,	Harris,	Palmer,	Van Wyck,
Cameron of Wis.,	Hawley,	Platt,	Vest,
Coke,	Hill,	Plumb,	Williams,
Fair,	Ingalls,	Pugh,	Wilson.
George,	Jackson,	Ransom,	

ABSENT—29.

Aldrich,	Dawes,	Jones of Nevada,	Sabin,
Bowen,	Edmunds,	Kenna,	Sewell,
Camden,	Farley,	Logan,	Vance,
Cameron of Pa.,	Frye,	Miller of Cal.,	Voorhees,
Cockrell,	Harrison,	Morgan,	Walker,
Colquitt,	Hoar,	Pendleton,	
Conger,	Jonas,	Pike,	
Cullom,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

Mr. LAPHAM. I offer the following amendment to come in at the end of section 2:

The provisions of this act shall not apply to such of the lands referred to in the joint resolution of March 2, 1861, as the Supreme Court of the United States has decided validated the titles of *bona fide* purchasers from the State of Iowa or its grantees prior to the passage of said joint resolution.

A few words, Mr. President. It will be seen that this amendment differs from the amendment, which was lost by one majority only, which I first offered, excepting all the lands which had been conveyed under the river grant to purchasers for value. I have drawn this amendment so as to limit it to those titles which the Supreme Court has decided were rendered valid by the resolution of the 2d of March, 1861, so as to prevent by this legislation a reopening of questions which have already been litigated between the settlers and these purchasers, or between other parties and these purchasers.

A large number of cases have been decided; some questions of law have been settled; and my object in this amendment is to prevent this bill from reopening those adjudications and again renewing the controversies which ought to be regarded as having been settled by the decisions which were thus made. I have for that reason limited the exception to the class of cases in which the Supreme Court has decided that by the resolution of the 2d of March, 1861, the titles of the purchasers were rendered valid.

Who can object? If this bill is a bill to quiet titles, shall it be converted into a bill to reopen and disturb the titles already settled? Are Senators willing to vote such consequences as that? Are Senators willing to vote to reopen all the litigations which have been decided? On the contrary, will not Senators, lawyers, say that so far as the Supreme Court has determined these questions this litigation shall not reopen them.

It seems to me, Mr. President, that this proposition ought to receive the sanction of the Senate. I beg Senators to remember in whose behalf I am standing here, accused as I am of consuming time unnecessarily. I am standing here in behalf of a class of persons who more than twenty years ago paid their money to the State of Iowa, $350,000, which the State of Iowa has had, and whose titles the Supreme Court has said are valid and binding and can not be disturbed. That is my position. I have been earnest in it, I have been persistent in it. I mean to be earnest and persistent in it to the end. I would defend the title of these purchasers here to the last extremity by every means known to the rules of parliamentary law and practice, as I would defend it if I were standing in a court of justice and they were being prosecuted. That is my duty. It is my pleasure, Mr. President, as well as my duty. If there is any position a Senator can occupy, if there is any position a lawyer can occupy, it is the position of defending titles which have been determined by the highest tribunals of the land to be valid; it is to defend those who in good faith have invested their money at the invitation of the Government of the United States, and whose titles have been ratified by the Congress of the United States and confirmed by the judgments of the Supreme Court.

This is my position; this is the secret of my zeal and earnestness in behalf of the measure, and this is why I press upon the attention of the Senate these amendments in the various forms in which I have offered them. First I offered an amendment providing that we should have security for costs. Then I offered an amendment providing that the Government should be liable to costs. First I offered an amendment that all the purchasers in the Des Moines River grant should be excepted. That was voted down by a bare majority. Now, I ask it, confining it only to those whose titles the Supreme Court has decided are valid under the resolution of the 2d of March, 1861. I submit to Senators that there is nothing unreasonable in this exception. It is not as broad as the exception which was framed by Senator McDonald, which I offered as the first of my amendments. It is narrowed to cases which have been adjudicated, which have been decided, which have been determined in favor of these purchasers. Now until this can be done the title of the bill is a misnomer. The bill to quiet the title of the Des Moines River lands is to become a law to reopen and again prosecute the controversies in regard to those lands which the Supreme Court has closed by its repeated decisions, which the courts of Iowa have closed by their repeated decisions, and this bill ought not to become a law without this exception is ingrafted upon it.

It would, as I said yesterday, instead of quieting titles, reopen the whole flood-gate of litigation in the State of Iowa, and perpetuate it we know not how long, and all the insecurity and turbulence and violence which have prevailed there for so many years would be renewed, and renewed in a form which, according to the refusal of the Senate thus far to ingraft an amendment by way of security, will forever deprive the owners of these lands of any compensation for the expenses of the litigation to which they are to be subjected.

Mr. President, I earnestly urge on the Senate the consideration of the amendment in the form in which I now offer it. I earnestly ask that the Senate will consider the propriety of this amendment and place it upon this bill, so as to prevent the retrial of questions which have been heretofore adjudicated.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The hour of 1 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being Order of Business No. 872. The title of the bill will be read:

The CHIEF CLERK. "A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico."

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar. This bill has been partly considered, and the Senator from Ohio [Mr. SHERMAN] is ready to make a brief speech upon the subject, and I trust we may be able to get through with it in a very short time.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of Order of Business 1074. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar."

Mr. HOAR. I ask unanimous consent to address a question to the Senator from Vermont and have his answer before the Senate votes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. HOAR. I desire to ask the Senator from Vermont what is his purpose. I was very desirous of taking up the railroad funding bill, which it has been expected by a very large number of the Senate would follow the question which was disposed of yesterday. Of course a silver debate, such as we have had a good many specimens of in the last few years, is of no importance to the country; but a silver vote stopping superfluous coinage would, in my judgment, be worth not only any possible inconvenience, but an extra session. I should be prepared, for one, to have both Houses assemble here on the 5th day of March to secure the stoppage of the silver coinage, although it would be at the expense, of course, of great personal inconvenience to all of us to have such a session, so that nothing would stand in the way of the accomplishment of that hope. But I desire to ask my honorable friend from Vermont how soon he believes he will get a vote on the bill if it is taken up?

Mr. MORRILL. Mr. President, have I liberty to respond to the Senator?

The PRESIDENT *pro tempore*. Only by unanimous consent.

Mr. HOAR. I yield, if I can, to the Senator to answer my question.

The PRESIDENT *pro tempore*. The Senator from Vermont will proceed, if there be no objection.

Mr. HOAR. I asked unanimous consent that I might address a question to the Senator from Vermont and have his reply.

The PRESIDENT *pro tempore*. The Chair has asked unanimous consent for the Senator from Vermont, and he has it.

Mr. MORRILL. Mr. President, I do not anticipate a prolonged discussion upon this subject. I understand that the opponents of the amendment proposed by the Finance Committee to the trade-dollar bill are more anxious for a vote upon it than they are for a discussion. I trust that we may be able to get through with it in a very short time.

Mr. HOAR. In an hour?

Mr. MORRILL. No, sir.

Mr. HALE. I ask unanimous consent to be permitted to make a statement.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. HALE. There are now two of the general appropriation bills before the Senate reported with amendments from the Committee on Appropriations, and it is desirable in view of the great appropriation bills which have not yet come from the other House, but which will be poured in upon us next week, that these two bills should be passed by the Senate to-day, for the likelihood is that to-morrow there will be no opportunity for doing business. I wish to give notice that if the Senate does not sustain the motion made by the Senator from Vermont I shall then seek to call up for consideration the agricultural appropriation bill, and upon that being finished the Post-Office appropriation bill in charge of the Senator from Kansas [Mr. PLUMB] will be called up with the leave of the Senate.

Mr. HILL. Mr. President——

The PRESIDENT *pro tempore*. Will the Senate grant consent to the Senator from Colorado being heard on this question? The Chair hears no objection.

Mr. HILL. I desire to say that the opinion expressed by the Senator from Vermont I think is entirely wrong. Before such an important measure as that which he proposes shall pass this body it will be necessary to lay material before it which will occupy at least several days. It is a measure of great importance which affects the volume of currency, and to seek to accomplish such an end by an amendment to the bill of the House seems to me to be very dangerous legislation, and I assure the Senate that it will require several days at least to get the proper information before the body in regard to it.

Mr. MCPHERSON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. MCPHERSON. I desire to call the attention of the Senate to the fact that the bill which the Senator from Vermont has asked to have considered now by the Senate contains a provision for the retirement of the trade-dollar or its payment in standard silver dollars, about which I suppose there is but little difference of opinion in the Senate. If other subjects involved in the bill will lead to a more lengthy discussion, I hope at least that the Senate will agree to consider and favorably consider that portion of it relating to the trade-dollar.

Mr. MITCHELL. I ask unanimous consent to be allowed to make a very brief statement.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Pennsylvania will proceed.

Mr. MITCHELL. I suppose most Senators know that Pennsylvania is, perhaps, more greatly interested in the primary question involved in this bill than any other State in the Union. The people of that State think a great wrong has been done to them because Congress has not provided for the redemption of the trade-dollar. Therefore, without regard to the importance of the question of coinage and the question

of currency involved in the amendment proposed by the Committee on Finance, I shall vote against that amendment and vote for the passage of the House bill for the redemption of the trade-dollar. I believe many other Senators will do the same; and I trust we shall be able to get a direct vote upon the bill itself as it came from the House. The House passed it to provide for the redemption of the trade-dollar. Then if the question is presented either by a bill from the House or by a bill reported from the Committee on Finance here, I shall be as ready as any Senator to dispose of the whole question. I do not, however, believe it is possible that that question can be disposed of during this session. Therefore I think it impracticable to involve the subject of the redemption of the trade-dollar with the consideration of the coinage question in general. I hope the bill will be taken up.

Mr. CAMERON, of Wisconsin. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont [Mr. MORRILL] that the Senate proceed to the consideration of the so-called trade-dollar bill.

Mr. CAMERON, of Wisconsin. Would a motion to proceed to the consideration of an appropriation bill now be in order?

The PRESIDENT *pro tempore*. The Chair thinks not until after the question is put on the pending motion. It would be merely piling up motions which are not subject to amendment.

Mr. CAMERON, of Wisconsin. I call the attention of the Chair to Rule IX, and ask that that rule be read.

The PRESIDENT *pro tempore*. Rule IX will be read, if there be no objection.

Mr. CAMERON, of Wisconsin. The first part of the rule, the first subdivision.

The Chief Clerk read as follows:

RULE IX.

ORDER OF BUSINESS.

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

Mr. HALE. I ask unanimous consent that the Senate proceed now to the consideration of the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair will state in reply to the inquiry which the Chair supposed was intended by the Senator from Wisconsin——

Mr. CAMERON, of Wisconsin. I think I have discovered that this rule applies to business during the morning hour.

The PRESIDENT *pro tempore*. The Chair thinks it applies to business all the time except when a special order is up; but Rule X as to special orders provides that they shall be laid before the Senate, and there is one now laid before the Senate. Then at the foot of the rule about special orders it is provided:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The Chair is under the impression that if the pending measure, the Galveston Harbor bill, were not a special order, the operation of Rule IX would be complete and effective, and that a motion to proceed to the consideration of an appropriation bill would stand next in order to a motion to adjourn or to proceed to the consideration of executive business, and must be put in the order of its precedence, no matter when made, as a preceding motion; but the Senate now having before it a special order, the Chair thinks that the simple motion is to proceed to the consideration of other business, and that the Senator from Vermont has made.

The Chair will now ask the unanimous consent which the Senator from Maine proposes, that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

Mr. MORRILL. I shall object, but I will give way by an informal postponement if the bill is taken up.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont that the Senate proceed to the consideration of the trade-dollar bill, so called.

Mr. MORRILL called for the yeas and nays; and they were ordered.

Mr. BECK. I understand the Senator from Vermont, after this bill is taken up, is willing to allow the appropriation bill to be considered.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I so said.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. VEST. I was about to announce the pair of the Senator from Louisiana [Mr. JONAS] with the Senator from New Hampshire [Mr. PIKE] on authority from the Senator from Wisconsin [Mr. CAMERON], presuming that the Senator from New Hampshire would vote "yea;" but I see the Senator from New Hampshire is about to vote.

Mr. CAMERON, of Wisconsin. I will pair with the Senator from Louisiana.

Mr. VEST. The Senator from Louisiana is paired with the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin (after having voted in the negative). I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. VEST. The Senator from Louisiana [Mr. JONAS], if present, would vote "nay."

Mr. PIKE. I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea."

Mr. CAMERON, of Wisconsin. I understand my pair would vote "nay." I also vote "nay."

The result was announced—yeas 27, nays 22; as follows:

YEAS—27.

Aldrich,	Frye,	Lapham,	Palmer,
Bayard,	Gorman,	McPherson,	Platt,
Beck,	Groome,	Mahone,	Saulsbury,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Butler,	Hampton,	Mitchell,	Sherman,
Chace,	Hawley,	Morgan,	Slater.
Dawes,	Hoar,	Morrill,	

NAYS—22.

Call,	George,	Maxey,	Van Wyck,
Cameron of Wis.,	Gibson,	Miller of Cal.,	Vest,
Cockrell,	Harris,	Pendleton,	Williams,
Coke,	Hill,	Plumb,	Wilson.
Edmunds,	Ingalls,	Pugh,	
Garland,	Jackson,	Sawyer,	

ABSENT—27.

Allison,	Cullom,	Jones of Nevada,	Ransom,
Bowen,	Dolph,	Kenna,	Riddleberger,
Brown,	Fair,	Lamar,	Sabin,
Camden,	Farley,	Logan,	Vance,
Cameron of Pa.,	Harrison,	McMillan,	Voorhees,
Colquitt,	Jonas,	Manderson,	Walker.
Conger,	Jones of Florida,	Pike,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment of the Committee on Finance.

Mr. MORRILL. I now consent, as I indicated I would, that the Senator from Maine [Mr. HALE] shall bring up the appropriation bill he mentioned.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that this bill be informally laid aside and that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. I was about to make a motion that the Senate proceed to the consideration of the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the agricultural appropriation bill.

Mr. PLATT. I rise to a parliamentary inquiry. If this motion shall now prevail, will the effect of it be to displace and throw back on the Calendar the bill which has just been taken up?

The PRESIDENT *pro tempore*. The effect of it will be to leave the trade-dollar bill on the Calendar subject to a motion to take it up again.

Mr. PLATT. Then I hope that the Senator from Maine——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. PLATT. I ask unanimous consent to say that I hope——

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent to be heard on the pending question. Is there objection? The Chair hears none.

Mr. PLATT. I hope the Senator from Maine will not press his motion at the present time. I have no doubt that he can get unanimous consent after a little while.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

MARIA G. UNDERWOOD.

Mr. LAPHAM. I ask permission to offer a resolution to lie over until to-morrow.

The PRESIDENT *pro tempore*. Is there objection to the resolution being received at this time? The Chair hears none. It will be read.

The Secretary read as follows:

Resolved, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. ALLISON. I object. That resolution is not in order at this time.

The PRESIDENT *pro tempore*. The Senator from New York received unanimous consent to present it. The Chair asked for unanimous consent that he have leave to offer the resolution.

Mr. ALLISON. I did not hear the Chair state that.

The PRESIDENT *pro tempore*. The Chair so stated distinctly, and the Chair heard no objection. The resolution is now objected to by the mover of it, and goes over until to-morrow.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The agricultural appropriation bill is the business before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to the House of Representatives the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to correct an error of engrossment of the House amendments.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran;

A bill (S. 1031) for the relief of W. C. Marsh;

A bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

GEORGE E. SPENCER AND MARIA G. UNDERWOOD.

Mr. HOAR. I ask unanimous consent that the resolution for payment to George E. Spencer of a sum of money for expenses incurred by him in defending his title to a seat, and the resolution just introduced by the Senator from New York [Mr. LAPHAM] in regard to Maria G. Underwood, be referred to the Committee on the Contingent Expenses of the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator include in his request both resolutions?

Mr. HOAR. Yes, sir; both.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the resolution introduced by himself this morning, and one introduced on a former day by the Senator from New York, be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection?

Mr. HOAR. There are two resolutions on each of these subjects. I should like to have them all go to the committee.

The PRESIDING OFFICER. The two resolutions upon each subject will be included in the request—the two resolutions on the Calendar and the two introduced to-day and on the table. Is there objection?

Mr. INGALLS. I have no objection to the Spencer resolution going to the committee, but the Underwood resolution I propose shall lie over till to-morrow.

The PRESIDING OFFICER. There being objection as to the Underwood resolutions, is there objection to the others being referred?

Mr. MILLER, of New York. I object then to the others being referred.

The PRESIDING OFFICER. There is objection. The reading of the agricultural appropriation bill will proceed.

Mr. MILLER, of New York. I ask consent to withdraw my objection to the request of the Senator from Massachusetts to send certain resolutions to the Committee on Contingent Expenses. I am satisfied there ought not to be anything like retaliation in the legislation of this body, and I regret that I made the objection, although I felt somewhat aggrieved at the moment as to the other case which interested a citizen originally of New York. I withdraw my objection.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] renews his request. The Senator from Massachusetts asks unanimous consent that the resolutions referred to by him a moment since, the two in respect to Spencer, be referred to the Committee on Contingent Expenses. If there be no objection that order will be made. The Chair hears no objection.

PUBLIC BUILDINGS AT KEY WEST.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives; which was read:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill of the Senate (No. 229) "to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.," to correct an error of engrossment of House amendments.

The PRESIDING OFFICER. If there be no objection the order returning the bill to the House of Representatives will be entered. Hearing no objection, it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that it be considered by clauses or sections for amendment.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the bill be read by paragraphs for amendment, and that the amendments reported by the Committee on Appropriations be considered in their order as the reading proceeds. If there be no objection, that order will be made. The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for the "office of Commissioner of Agriculture," in line 20, after the word "dollars," to insert:

One microscopist, $1,800; one botanist, $1,800; one assistant botanist, $1,200.

The amendment was agreed to.

The next amendment was, in line 35, to increase the total amount of the appropriations for the total compensation of the Commissioner of Agriculture and the clerks and employés in his office, from $65,480 to $70,280.

The amendment was agreed to.

The next amendment was, in the heading in line 37, after the word "chemical," to strike out "bureau" and insert "division;" and in line 42, after "chemical," to insert "division;" so as to make the clause read:

CHEMICAL DIVISION.

For compensation of chief chemist, $2,500; one assistant chemist, $1,600; one assistant chemist, $1,400; employment of additional assistance, when necessary, in the chemical division, $6,000; in all, $11,500.

Mr. MILLER, of New York. I desire to ask for the reason of the change, striking out "bureau" and inserting "division?" The Agricultural Department uses the word "bureau," and the statistics collected by it go to its bureau of statistics. A year ago we passed a law creating a Bureau of Animal Industry in the Agricultural Department. That, of course, remains as the title was made by law. It seems to me it would be much better to use the title "bureau," in referring to all the special divisions of any Department, rather than to use the word "division." It is more in accordance with the general practice in governmental affairs. I know that the Department itself desires to retain the title "bureau" rather than that of "division."

Mr. HALE. I think the Senator on my explanation will see that the committee are right in this change. The House of Representatives in passing this bill took up each of the little divisions and subdivisions and called it a bureau. For instance, on page 4, the whole force in the business of the Department under the head of "the microscopical bureau" is one man at $1,800 a year, and they make that the "microscopical bureau."

Mr. MILLER, of New York. That would be undoubtedly wrong.

Mr. HALE. In the botanical branch there are two men, and they are made the "botanical bureau;" and so the seeds division is made a bureau, and so the agricultural statistics division, and so as to this chemical division where the whole number employed is only seven or eight men and $11,000 is expended. The House made them all bureaus.

To the Committee on Appropriations of the Senate that proceeding smacked of absurdity, if I may use that word. A bureau is a great branch of the Government. The Pension Office, with its thousands of employés and the expenditure of tens of millions of money, is a bureau; the Land Office, with its great interests and expenditure and force is a bureau; the Patent Office, with hundreds of clerks ramifying all over the country into every branch of industry and human invention, is a bureau. So in the Treasury Department; the great subdivisions there, the Comptroller's Office, the Customs Office, the various Auditors' offices, the Treasurer's branch, &c., are bureaus; and in those bureaus are subdivisions which are simply called divisions. The Committee on Appropriations did not believe that it was fitting or proper to elevate the subdivisions of this Department into the scale of bureaus, and so has retained the old arrangement of divisions. A statute of last year created the Bureau of Animal Industry, fixed that in terms, and so the committee

did not seek to interfere with that and has left it, and has left all the rest as they have been heretofore, simply "divisions."

I think this will appeal to the Senator from New York himself. If he were casting the bill he would cast it in this way, I am confident.

Mr. MILLER, of New York. In the main I agree with the Senator from Maine as to what he has said; these small divisions should not be dignified by being made bureaus; but it occurred to me that the change of name might be proper as to the chemical division of the Department of Agriculture, though I am not well informed in regard to that division. In the Treasury Department the Bureau of Statistics is dignified by being called the Bureau of Statistics, and all their statistics are issued by that bureau under that name. In the Agricultural Department statistics are also issued as coming from its bureau of statistics. They use that title, whether legally or not, and it is so on all the publications I have received from the Agricultural Department. I have only to suggest that perhaps in one or two cases the title "bureau" might be retained, but not certainly in all the smaller divisions the Senator has indicated. I have no particular desire or care about it, but there is one bureau, that of animal industry, established by law.

Mr. HALE. That has not been interfered with.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment reported by the Committee on Appropriations to strike out the word "bureau" and insert "division," in line 37 and in line 42.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the heading in line 44, after "entomological," to strike out "bureau" and insert "division;" in line 47, after the word "entomological," to strike out "bureau" and insert "division;" and in line 57, after the word "entomological," to strike out "bureau" and insert "division;" so as to make the clause read:

Entomological division:

For compensation of entomologist, $2,500; one assistant entomologist, $1,400; assistants in the entomological division, when necessary, $4,000; for investigating the history and habits of insects injurious to agriculture and horticulture, experiments in ascertaining the best means of destroying them, and for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, and for chemicals and traveling and other expenses on the practical work of the entomological division, $20,000; in all, $27,900.

Mr. MILLER, of New York. I have no objection to that amendment, but I want to move an amendment.

The PRESIDING OFFICER. The Chair will suggest to the Senator that the order is to act first on the amendments the Committee on Appropriations have reported.

Mr. MILLER, of New York. I supposed we were to offer amendments as the reading went on.

The PRESIDING OFFICER. The Chair understood the order to be to act first on the amendments reported by the committee, and then the bill will be open to amendment.

Mr. MILLER, of New York. I think it will be better to let me offer my amendment now. This is the only amendment I have.

Mr. HALE. I have no objection.

The PRESIDING OFFICER. Does the Senator from New York propose to amend the amendment of the committee?

Mr. MILLER, of New York. No; let that be acted on.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York will now propose his amendment, if there be no objection.

Mr. MILLER, of New York. I am instructed by the Committee on Agriculture and Forestry to move an amendment, in line 57, to strike out the word "twenty" and insert "thirty;" and also in the same line to strike out "twenty" and insert "thirty;" so as to read:

And other expenses on the practical work of entomological division, $30,000; in all, $37,900.

I ask the attention of the Senate for a few moments to this proposition. The action of the Committee on Agriculture and Forestry was had two or three weeks since on this question, and I gave the papers relating to it to the Senator from Kansas [Mr. PLUMB], a member of the Committee on Appropriations, supposing he would have charge of the agricultural appropriation bill; but it seems in the preparation of these bills it fell to the charge of the Senator from Maine, and I presume his attention was not fully called to this proposition and to the recommendation of the Committee on Agriculture.

The occasion for this increase arises in this wise: In line 51 there has been inserted in this bill a clause including:

And for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, and for chemicals and traveling and other expenses.

Those words have been put into this bill this year, of course resulting in an increase of the labor of the entomological division and largely increasing its expenditures if it is to do the work that has been assigned to it. The reason for this has come about in this wise: There has been organized in this country an ornithological union, composed of the leading naturalists of this country, extending over the entire country and also over Canada. There has also been organized an international ornithological union, and these unions of the different civilized countries are acting in connection. Some of them have been at work for several years. The unions of the various countries have applied to their respective governments asking that the governments take up this work to a certain extent—that is, the work of the collation of facts and the publication of facts.

These ornithological unions, which are studying the questions designated in these lines, are doing the work voluntarily for the advancement of science and the good of mankind in general. These associations are entirely voluntary, and all their work is done without compensation for love of the cause. They have collected and are collecting large amounts of information upon this subject, which is very valuable and is undoubtedly to be of great value to the agriculturists as a class. They do not feel able to undertake the work of classifying and collating the information which they have obtained, or of publishing it for the benefit of the world, and they have asked for the action indicated in the lines which I read.

During the past two years there have been scattered all over the United States more than a thousand gentlemen engaged in making these observations. Circulars were prepared and sent out to all the various stations by the Smithsonian Institution at the request of the Ornithological Union, of course the expense being paid by the Smithsonian Institution as under the law it had a right to do; but it is not able to go on with the proper publication of these results. A very large amount of information has been obtained. All the light-house keepers in the United States and in Canada have been instructed by the proper department to obtain the information desired; blanks have been furnished them, and they have made regular reports, and these reports have come in in very large numbers.

The Ornithological Union presented some weeks ago to Congress a memorial fully setting forth the work they were doing, and what they desired the Government to do in the premises. I will not detain the Senate by reading the whole of it, but will simply refer to a few passages in it in order to show that the work they are doing is not only of great scientific value to the country but that it has much of practical advantage to farmers. First, as to their means of obtaining information:

The stations from which returns have come, in addition to those in Spanish America, are scattered over the whole country, extending in the east from Sombrero Key, Florida, to Newfoundland, and in the west from Arizona and Southern California to British Columbia. They are most numerous in New England, the Atlantic district, the Mississippi Valley, and Nova Scotia.

They go on to say:

That material now in hand is of great value, and is so voluminous that the committee can not properly arrange, systematize, and publish it without Government aid. Its value does not consist wholly in its scientific interest, for it has direct bearings upon many of the problems with which the practical agriculturist is concerned.

On that point let me say that this investigation includes a thorough examination into the food and habits of all birds, and they have already discovered that some species of birds which have been supposed to be of injury to the horticulturist and farmer have been found to be their best friend, and instead of being destroyed they ought to be preserved. On the other hand, they have discovered that some birds which were supposed to be of advantage to agriculture are enemies of agriculture and ought to be exterminated. The operations of this union cover the migration of birds, their geographical distribution, and also includes the whole subject of economic ornithology.

The subcommittee on migration has undertaken to ascertain the whereabouts of all our birds during the winter season, and the times of leaving their winter homes; to determine if possible the number and extent of the chief avenues of migration in North America, and the average rate of speed at which the different species travel; to find out the dates of appearance and disappearance of each successive bird-wave for at least a thousand localities, both in spring and fall, for a period of years, together with the causes which influence the same, and to draw therefrom such generalizations and deductions as the material collected will permit.

* * * * * * *

The inquiry concerning the food of birds is one of much consequence, because it undertakes the solution of many of the problems which beset the practical farmer and sheds light upon many questions concerning which almost universal ignorance prevails.

Primarily, the food of all birds must consist either of animal matter or vegetable matter or both, and its consumption must be serviceable or prejudicial to the interests of mankind. On this basis, all birds may be classed under one of three heads:

I. Birds whose habits render them, on the whole, beneficial.

* * * * * * *

II. Birds whose habits render them, on the whole, injurious.

* * * * * * *

III. Birds whose habits, so far as known, make it doubtful whether, on the whole, they are beneficial or injurious.

And it is for the solution of this and other problems that this union has been formed and has been doing this voluntary work. I believe that there is no investigation now being made into natural history which will be of so great value to all our people and to the whole world as the investigations of these various unions of ornithologists who are now pursuing this subject.

In the investigation of economic ornithology still other questions present themselves. Among them may be mentioned:

At what season and for how long a period is the bird with us? How many broods does it rear each season?

Does it inhabit marshes, uplands, cultivated fields, or forests?

Does it take up its abode near the habitations of man, or does it inhabit districts remote from civilization?

What effect does the settlement of a region have upon its bird-life?

What birds, if left to themselves, are likely to become most abundant as the country grows older?

In pursuance of these researches it is evident that much good would result from friendly co-operation with the entomological and botanical divisions of the Department of Agriculture and with the United States Entomological Commission.

They continue:

The practical bearings of this investigation are not obscure. When the limitations of the several faunal areas have been ascertained with sufficient exactness and admit of graphic illustration by means of colored maps, it will be possible to predict, with considerable accuracy, the course which an injurious insect will pursue in extending its march from the point where its first devastations are committed, and our farmers may be forewarned, so that those living in districts likely to become infested can plant different crops and thus be saved large pecuniary loss; while those living just outside will derive increased revenue from the cultivation of the particular crop affected. The questions having to do with the distribution of species are referred to the subcommittee on that subject.

Further in regard to the practical value of this work the memorial sets forth:

It has already been shown (in the sections treating of economic ornithology) that the study of the distribution and food of birds has such direct bearings upon practical agriculture that its importance can hardly be overestimated. There can be no reasonable doubt that the farmers of the United States would profit to the extent of thousands of dollars per annum by availing themselves of the results of these inquiries.

In view of the facts herein briefly outlined your memorialists humbly beg to suggest the urgent need of the creation, as a branch of the Department of Agriculture, of an ornithological department or bureau for the collection and elaboration of data respecting the migration and geographical distribution of our birds and the investigation of all questions of an economic character relating to North American ornithology.

In the event of the immediate establishment of such a bureau by your honorable body, your memorialists pledge the same their hearty support and co-operation.

This is signed by the officers of this Ornithological Union. This matter was laid before the Department of Agriculture and brought to the attention of the Smithsonian Institution, and Professor Baird joined in recommending this action, and of course an appropriation is needed. The result has been that authority to undertake this investigation and the compilation of the statistics and the data which can be furnished and will be furnished by this union has been put into this bill, but there has been no increase of the appropriation for the expenditures of the entomological division. Ten thousand dollars was asked for as being the least sum that can properly do this work. When the bill passed the House and the chief of this division, Dr. Riley, discovered it he came to see me, and not finding me wrote to me a letter, portions of which I will read, and from which the Senate will see that it is necessary to increase this appropriation somewhat; otherwise the work can not be done at all:

I regret very much to see that in the bill appropriating for the expenses of this Department, as it passed the House on Saturday, a clause was interpolated in the paragraph making appropriations for the entomological bureau (lines 47-51) requiring certain work in economic ornithology, without making any additional appropriation to meet the additional work required.

By the advice of Commissioner Loring, I beg to call your attention to this fact in the hope that you will urge the Senate Appropriations Committee to so modify the bill by a Senate amendment as to do away with the disadvantages which in its present form it would bring about in my work.

The work of the entomological bureau has all been planned and the force organized on the basis of the present appropriation, and the diversion of any portion of this small appropriation to work hitherto not suggested would seriously affect and cripple the present work of the bureau. In other words, I should be obliged either to disrupt the present organization of the bureau and disappoint the farming community, or, continuing the work already planned, make merely a pretense of pursuing the ornithological work required.

I will say that I am fully in sympathy with the purposes of the Ornithological Union, and that I regret very much having found you out when I called on you.

Then he goes on to say that this item in the appropriation bill of $20,000, and in all, for the entire division, $27,900, is precisely the same appropriation that was made last year, and which of course was used in the work of that division, without any reference to this new work which is to be added to it, and it will be absolutely impossible for the division to do this work properly unless this small sum of $10,000 be added to it. I trust that the Senate, in the interest of agriculture, in the interest of science, will grant this addition of $10,000. The large amount of work already done by the union would be placed in the hands of the Department, and by proper clerks it can be classified and generalizations from it made and put in proper shape for publication, that all may have the benefit of the work.

Nearly all the other governments of the civilized world, so far as I know, have taken action on this matter, as I understand from the president and secretary of the American union. In Canada the government has done the same thing. I hold in my hand a circular issued by the department of marine at Ottawa, in which it calls on all the various stations of observation established all over that country to send their communications to the department of marine, by which they are to be taken in charge and collated; and it also gives notice that all their communications are to be post free—that is, franked. It seems to me that our Government ought to do this much for the public benefit.

If any Senator has any question or any suggestion to make I shall be happy to answer it.

Mr. HALE. I think we can get at this. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

Mr. MILLER, of New York. It is an increase of $10,000 in line 57.

The CHIEF CLERK. In line 57, page 3, it is proposed to strike out the word "twenty," before "thousand," and insert "thirty;" so as to read:

For drawings and for chemicals and traveling and other expenses on the practical work of the entomological division, $30,000.

Mr. HALE. "In all, $37,900?"

Mr. MILLER, of New York. Yes; that is included.

Mr. HALE. Let me inquire of the Senator from New York if this amendment is moved under the rules by a committee?

Mr. MILLER, of New York. The amendment is moved by proper authority from the Committee on Agriculture and Forestry.

Mr. HALE. I will not, if I can, make the point of order, because I sympathize with the Senator from New York in what he is seeking to accomplish.

Mr. MILLER, of New York. I have no doubt if it had not been on account of my mistake, supposing the Senator from Kansas would have charge of this particular bill, if I had presented the matter to the Senator from Maine and submitted it properly, it would have been put in the bill at once; but I sent it to another Senator, supposing he had charge of the bill, and therefore neglected properly to bring it to the attention of the Committee on Appropriations.

Mr. HALE. I do not make any point of order; but I wish to make a suggestion to the Senator from the letter of Dr. Riley. There has been certain work added to this division. It is a cognate work to what it has been doing before, but it extends its scope and no additional appropriation has been made for that purpose. I see in the letter of Dr. Riley, a part of which the Senator read, he says:

In view of the foregoing facts he would beg you either to get the general appropriation to the entomological bureau increased by either $5,000 or $10,000, or, what would be preferable, to add the new matter as a separate and independent clause.

And in a postscript he says:

I had a consultation with Mr. HATCH, chairman of the House Committee on Agriculture, last night, and he agreed to support an addition of $5,000 to the appropriation, and I have little doubt but an explanation to Senator PLUMB will bring about the desired amendment.

I think if the Senate will put the increase at $5,000 we shall have no trouble with the House and it will go through easily. I make that suggestion.

Mr. MILLER, of New York. I hope the Senator will not insist upon that in any way, because in my talk with Dr. Riley I found that even $10,000 would be scarcely enough, and the suggestion that the addition be either $10,000 or $5,000 was made under an apprehension that Congress might not be very favorably disposed to scientific pursuits. I think therein he did us great injustice. My conversation with the president and secretary of the American Union of Ornithologists leads me to believe that the appropriation ought to be much more for the amount of work now on hand. I have seen some of the work, and it is very voluminous and very valuable, and I do not believe clerks can be set to work upon it to put it in proper shape ready for publication for less than $10,000. If we appropriate $5,000, a less number of clerks will be put to work, and it will simply delay the publication of the results, which I believe are very valuable to all of us, for another year, and certainly I think the Government of the United States can afford to give this pittance of $10,000 in order that we may get at the results, and that whatever benefit may arise to agriculture or to science may not be delayed and postponed to a distant day. The Department of Agriculture is not a very great burden on the public Treasury, and I hope the Senate will simply consent that my amendment for $10,000 shall be adopted as it stands. Then if there shall be any trouble with the House, that can be arranged.

Mr. HALE. I do not think the difference is enough to pay for making any more fuss about it, and if the Senator insists on his amendment I shall not oppose it.

Mr. MILLER, of New York. The Committee on Agriculture considered this whole matter, and it is the only change that the Committee on Agriculture suggest in the bill. In other respects they leave it as it is.

Mr. HALE. Let us have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 74, 75, 76, as follows:

Microscopical bureau: For compensation of microscopist, $1,800.

The amendment was agreed to.

The next amendment was to strike out lines 77, 78, 79, and 80, as follows:

BOTANICAL BUREAU.

For compensation of one botanist, $1,800; for one assistant botanist, $1,200; in all, $3,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 95.

Mr. PLUMB. I do not want to disturb the order of procedure, but inasmuch as the Senator from New York was indulged to propose an amendment prior to the adoption of the amendments of the committee

as a whole, I ask leave to move an amendment at line 94 at this time, if it will not disconcert the Senator having charge of the bill.

Mr. HALE. No, sir; I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the Senator from Kansas will state his amendment.

Mr. PLUMB. In line 94 I move to strike out "twenty" before "thousand" and insert "fifty;" so as to make the clause read:

LABORATORY.

For chemicals and apparatus for the use of the chemists and microscopists, and for the necessary expenses in conducting experiments, including experiments in the manufacture of sugar from sorghum and other vegetable plants, $50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PLUMB. The sum of money proposed by the amendment which I now offer was appropriated by the last agricultural appropriation bill. The design of the committee, and of the Senate in providing for that appropriation, was to enable the Commissioner of Agriculture to engage in certain experiments in regard to machinery necessary for the manufacture of sugar from sorghum. The whole of the appropriations are illy placed in the bill. In fact, the bill itself in every way is as badly arranged as any bill could possibly be in failing to bring together cognate subjects of inquiry. But following the arrangement which has been perpetuated ever since appropriations have been made separately for the Agricultural Department, under the head of "laboratory" is this item, which as I said before was increased to $50,000 last year with the design of having these experiments made.

The experiments were especially calculated to be in a certain direction, in the direction of what is called diffusion as applicable to the extraction of the saccharine matter from cane. The ordinary process of crushing and of steaming in connection with it as sometimes applied has not been satisfactory.

I have before me a letter written by a gentleman in Louisiana addressed to Mr. Wiley, the chemist of the Department of Agriculture, under date of December 15, 1883, in which in discussing this question of the amount of juice extracted from the cane, and referring to the date of 1873, at which time certain experiments had been made among the cane-growers of Louisiana in the use of the diffusion apparatus, he says:

We were then still sharing the common belief of our planters, that they could and did, with their more powerful mills at least, extract from seventy to seventy-two pounds of juice out of every one hundred pounds of cane. We only hoped to increase this, by diffusion, to eighty-four or eighty-five pounds, so that by adopting the process our planters should gain about 20 per cent.

You may therefore judge how great must have been our surprise when, by the use of scales, by the measuring of the juice, and by the usual polariscopic tests, we ascertained beyond a doubt that only a very few mills in this country did extract more than fifty-five to fifty-eight pounds of juice; that instead of obtaining only 20 per cent. more juice by diffusion the yield was really increased from 40 to 50 per cent., and that this juice, in spite of the various defects in our primitive machinery, with its unavoidable irregularities and delays, had rather gained than lost in purity.

It is conceded now everywhere that the ordinary crushing machinery applied to the extraction of juice from cane, whether the Louisiana cane or the bastard cane known as sorghum, does not ordinarily result in the extraction of more than 50 to 55 per cent. of the juice. The total amount of juice is supposed to be 88 per cent. of the weight of the cane, and about 37 to 45 per cent. is the range of the amount obtained by the ordinary processes of extraction.

The question of the manufacture of sugar has recently excited more than usual attention and has resulted in the establishment of works in Illinois and at three different points in Kansas for the manufacture of sugar from sorghum. As the result of that, during the last year from 600,000 to 700,000 pounds of merchantable sugar were made in Kansas from the sorghum plant. I have here a sample of what is called "A sugar," made by the ordinary process, and which I should be glad to have every Senator who has any interest in this matter examine and taste for himself in order to see that the sugar made from sorghum, whatever it may have been heretofore, is as absolutely free from any anti-saccharine substance, from anything which to the taste characterizes it as different from the ordinary sugar, as can be imagined. It is as good in every respect and has taken its place alongside of the best article manufactured out of the Louisiana cane, and has met every expectation of both seller and consumer.

The result obtained in sugar has been supplemented by an equally acceptable result obtained in the manufacture of molasses. It is now made in large supply and of a quality which is nearly as uniform as that which comes from the refineries of the product of the Louisiana cane.

For the purpose of relieving the manufacturer from the great loss resulting from imperfect machinery, experiments have been adopted in the use of a new process called diffusion, and that is new only in this country, because in France and in Germany, where sugar is made almost wholly from beets, the diffusion process has been in use for many years and with great success. It is estimated in those countries that about 98 per cent. of the saccharine substance is taken from the beet.

About two years ago there was set up in a building adjoining the Agricultural Department in this city a small diffusion battery, which was experimented with considerably and I believe satisfactorily, so satisfactorily indeed that the Commissioner of Agriculture recommended, and Congress yielded to the recommendation, an appropriation sufficient to erect larger batteries to be used elsewhere for the purpose of more completely testing the ability of this process to extract the juice from cane to an extent which would make the manufacture of sugar from sorghum profitable and which would put that industry upon its feet. By some misadventure the apparatus which was designed to be tried last year was not constructed in time to have the experiment made during the last season. However, it has recently been arranged to send that apparatus to Ottawa, in the State of Kansas, to be set up in connection with a manufactory of sugar already in operation there, and at which favorable results have been already obtained.

The interest in this subject is not, however, confined to Kansas; it is not confined to what is known as the sorghum belt; but the interest is also very great in Louisiana, where by reason of the diminished price at which beet-root sugars have been sold during the last year the industry of sugar-making has been almost prostrated. I think it is safe to say that that industry was carried on in Louisiana this year if not at a loss certainly without any profit, and if the existing condition of things shall continue it threatens the overthrow of the entire sugar-making industry of the United States. But even if there should be a revival and an increase of price sufficient to warrant the continuation of the manufacture under the old condition in Louisiana, there is the constant threat of a diminution of the tariff and also a constant threat of the foreign competition, which has been so disastrous this year, and at any time the operation of either one of these causes will be liable to overthrow the industry entirely.

Thus capital is exceedingly timid about even continuing in the manufacture, and certainly no prudent person would under such circumstances engage in it very largely.

In the State of Kansas, as I have already said, there are three manufactories of sorghum sugar. At each one of those establishments sugar has been manufactured for two consecutive years, and I think at one of them for three. So far as the quality is concerned the success has been very great. It has removed very largely, and I may say almost wholly, the objections which have heretofore obtained to this product on account of its being of a taste to which people were unused and which usually made it unacceptable to the consumer.

While this result has been reached, and during the time necessary to bring it about, various important problems connected with the manufacture of sugar from sorghum have been settled, and settled in the right way—that is to say, in the direction of increased economy in manufacture and improvement in the varieties of cane—and if it had not been for the great fall in prices this year the manufacture of this product in Kansas during the past season would have been attended with some profit. As it is, I was informed by the superintendent of one of the works that the sugar made this year cost just about the wholesale selling price. Whether that included the wear and tear of machinery, I am not certain.

Notwithstanding the fact that the industry was carried on this year without a profit, there has been found great ground for encouragement in the fact that the experiments made in connection with the manufacture, and stimulated by it, helped to a great extent by the skill and judgment of an agent of the Department, have demonstrated that the manufacturing season can be extended more than twice as long as was heretofore supposed possible; that by covering the cane with earth the process or change from ordinary saccharine to glucose in the cane is arrested, and so the manufacturing season can be extended from September until as late as the 1st of February. I do not say that this has been determined beyond any possible doubt, but it seems to have been determined beyond any reasonable doubt, and along with it some other questions incidental to it have also been settled. So these manufacturers during the period of three years in which they have been engaged in the business have settled certain very important problems which have heretofore remained unsettled, and have taken long strides in the direction of their ability to manufacture sugar from sorghum successfully, and thus have opened up to the people of the United States a greater possibility than they have ever heretofore had of their ability to manufacture all the sugar needed for their consumption.

This is not a subject of any minor importance if we have regard to the amount of sugar that is used by the people of the United States, and especially if we regard the amount which they import. The value of the sugar imported during the last three years has never been less than $100,000,000 annually. It is therefore a subject of very great importance if we can approach it with any hope whatever that by any stimulus or by any process or by any discovery we may be able to so meet the emergency as to produce the supply, or even any considerable portion of the supply, which we are now obliged to obtain from outside.

The chief results which have been obtained during the last few years have been at the expense of private capital. The Government has done something. It has had intelligent chemists at work in the Department of Agriculture; it has made some experiments in the way of machinery. I do not in any wise belittle what has been obtained as the result of these efforts either under the present administration of that Department or under preceding administrations, nor have I any designs of comparing one with another, but I say that the chief valuable

results which have been obtained have been at the expense of private capital; that the Government has not given that aid to this industry heretofore which I think it ought to have had. When I speak of that I do not speak of it with reference to the possible profit which might have been derived to the manufacturer himself, but I am thinking about it with reference to the advantage to accrue to the entire people of the United States.

No one question of so great national importance could be presented to the people of the United States as that embracing within itself the possibility of the relief to the people of the expenditure of $100,000,000 among foreign people for a product which is absolutely necessary and the supply of which they must keep up at all hazards and at all cost.

But the benefit to be derived is not only in the way of relief from the expenditure abroad of a large sum of money. The expenditure of this money at home will give profitable employment to labor. Much the larger portion of the expense attendant upon the production of sugar is the outlay for labor. As is shown by a very intelligent address delivered at a recent convention of the sorghum-makers of Kansas by Professor Swenson, this industry employs more labor, or as much labor certainly, in proportion to the gross product as any other.

The results are so divided that no considerable portion can go to large capital. The cane is produced, as experience shows, to the best advantage by small farmers, men who produce cane as they have heretofore produced corn, and men who in its production use their and family domestic labor, cultivating ten, fifteen, twenty, fifty, or a hundred acres of cane, the product of which they sell to the nearest manufacturer, and the capital employed in one factory will rarely exceed fifty to seventy-five thousand dollars.

The area within which sorghum cane can be raised with profit has not yet been determined; but it is safe to say that, if present results can in any wise be depended upon, it will extend from at least the southern line of Kansas to as far north as a line drawn east and west through the center of Nebraska and the State of Iowa. Undoubtedly Kansas and other States in the same latitude afford the best field for the profitable growth of sorghum; but the discovery that cane can be kept in proper condition some months after being cut, thus extending the season of manufacture, opens up possibilities for more northern latitudes.

I know it may be said that if this is such an inviting field private capital itself ought to explore it without Government help. This is true as a rule. But the Government has too great an interest in this subject to afford to take the chance that private capital may fail of success. The general interest is greater than the private or individual interest. And I unhesitatingly say that it is the part of the highest wisdom that the Government should, upon the threshold of this experiment and with a view to the great possible results to be derived, undertake a part at least of the expense of the introduction of new machinery and new methods which private capital will be slow to take hold of, especially in view of the fact that the industry now is in the depressed condition of which I have spoken, and the disposition of capital already engaged in it to let go rather than to continue, with the doubtful results which now seem likely to follow.

In moving to increase this sum from $20,000 to $50,000, it is, therefore, with a view of having the Government continue the experiments which it has already commenced in a small way, and to make them effective, besides entering upon others with the same object in various portions of the country so as to have the advantage of the co-operation of private skill and the advantage of different localities, in order that the experiment may be of the completest possible character. The experiments will be watched with interest, and if they show that success can be made reasonably certain then there will be ample enterprise and capital to enlarge and carry on the business.

With the present competition from abroad, stimulated by the bounty of the German Government, and with the defective machinery now used in this country, there is little hope for success. The germ of what is needed is probably found in the diffusion apparatus used for the manufacture of beet sugar, but it will have to be modified so as to be perfectly adapted for the extraction of juice from sorghum, and the expense of experiments for this purpose should be borne by the General Government.

Capital finds too many fruitful fields in this country on which to enter to warrant it in going where there is doubt and heretofore nothing but failure. The Government with small expenditure can demonstrate what is lacking and make secure what is now doubtful.

If, therefore, by putting into the hands of the Commissioner of Agriculture and his skilled assistants money sufficient to carry on the necessary experiments they will be able to point the way to the manufacturers of the United States, to those who are already engaged in the manufacture and those who are looking to this industry, we shall, I believe, have set in motion instrumentalities which will result in a very few years in relief from any further necessity of sending money abroad to buy this most necessary article, and one which is going into greater consumption every year.

I ask that the Chief Clerk may read a portion of the address of Professor Swenson which I have mentioned, and which sets out in a very intelligent and detailed manner not only the results heretofore obtained, but a very thorough exposition of what may be expected in the future if the proper encouragement is given.

The PRESIDING OFFICER. If there be no objection the Chief Clerk will read the paper referred to by the Senator from Kansas.

The Chief Clerk read as follows:

The past season's work has fully proven that a first-class sugar can be made from sorghum cane. The possibility of making as good an article of sugar from this source as from Southern cane or sugar-beets may be considered a settled fact.

There are, however, many chances for improvement. Among the most important I will mention the improvement of the quality of the cane by careful selection of seed and by cross-fertilization so as to originate new and better varieties. Already considerable progress has been made in this direction, and we have every reason to believe that in this way the contents of cane sugar may be greatly increased. Another great step in advance would be the lengthening of our working season. One of the greatest difficulties in this business is that we have to do nearly all our work in the short space of three months. This you know is overcome to a great extent by the beet-sugar manufacturers by placing their beets underground, in which way the cane-sugar remains unchanged for several months. Experiments made at Washington and Sterling this year show conclusively that the same is true of sorghum cane. At Sterling the experiment was made by Mr. Cowgill, and samples of Sink's Hybrid cane which he sent me December 6 contained 88.28 per cent. of juice, and the juice contained 15.25 per cent. cane sugar, 1.10 per cent. glucose, and 3.94 per cent. of other valuable solids. The large amount of juice present shows conclusively that the great richness of the juice was not due to the evaporation of water and the consequent concentration of juice. It shows that cane put down in this way not only keeps well but actually improves, for the amount of cane sugar, according to Mr. Cowgill, was considerably less when it was harvested. I consider this matter of immense importance, and I hope that a number will try the experiment next season in such a manner as to work up enough cane into sugar and sirup so that we can know just what to expect.

But the place where improvement is not only most needed, but where it is absolutely necessary to our future existence, is in the extraction of the sugar from the cane. Of 88 per cent. of juice contained in the cane, we obtained but 37 per cent. as an average for the season; five-eighths of the sugar and sirup remained in the bagasse. This is in strange contrast with the yield obtained from sugar-beets, where from 90 to 94 per cent. of the sugar is extracted. The very fact, however, that we are able to so nearly hold our own in spite of such waste is an argument in favor of sorghum cane as a sugar-yielding plant, and it shows what we may do when supplied with more suitable machinery. I consider the whole process of trying to press the juice out of the cane as radically wrong in principle, and any and all attempts to obtain a fair yield in this way have so far failed. The beet-sugar factories underwent the same experience half a century ago; their methods of extracting the juice from beets were very similar to that employed by us. Pressure was employed either in the shape of rolls or hydraulic presses. For many years after they were fairly started they failed to make sugar for less than 20 cents per pound; but, due chiefly to the introduction of the diffusion process, they are now able to drive all other sugars from the European markets. The fact that they are able to do this is not due to the superiority of the beet, but to the superior process employed by them. Sorghum cane can be raised and delivered for $1.50 per ton.

This is what we can contract with the farmers in our vicinity to raise and deliver it for. The only beet-sugar factory in the United States, at Alvarado, Colo., pays $4.53 per ton for beets delivered at their factory. Sorghum cane and beets contain about the same amount of sugar—about two hundred pounds per ton. At this rate the sorghum-sugar manufacturer pays three-fourths of a cent per pound for the sugar, while it costs the beet-sugar manufacturer 2½ cents per pound. But our present method of extracting the juice is so imperfect and crude that we lose the very large advantage which we have in the beginning. This much is certain, that it costs less to grow the sugar in the sorghum cane than in any other plant known, and if we can improve our methods of working to the same extent that they have done in the beet-sugar factories we shall be able to supply this country with a pure sugar at a cheaper rate than it can be bought in foreign countries.

It is conceded by all who have tried diffusion that it works perfectly on a small scale; the only difficulty apprehended is in the reduction of the cane to chips, but it does not seem probable that a mechanical difficulty of this kind will long remain unsolved.

The question is frequently asked, "To what extent may the industry be developed, or what portion of the sugar consumed in the United States will we be able to supply?" With a yield of only 37 per cent. of juice we obtained about fifty pounds of sugar per ton. By the aid of implemental crushers this yield can be increased by one-half, or a total of seventy-five pounds per ton. With a yield of ten tons of cane per acre we would have seven hundred and fifty pounds of sugar per acre. This is certainly an inside estimate when everything is worked as it should be, with the very best of our present appliances. Taking that as a basis it would take 3,000,000 acres of land to produce the crop necessary for supplying the entire United States with sugar. The amount of land is about one-third the cultivated area or two-thirds of the land planted in corn in the State of Kansas in 1884, and every State in the Union having a mean temperature no lower than that of Kansas would probably be equally well adapted to cane growing. In fact where corn will grow cane will grow, so that the question of a sufficient production will depend entirely on whether it will pay sufficiently well to command the capital necessary for its development.

Every million pounds of sugar produced will require an investment of at least $50,000; so that this industry would open a new field for the investment of $100,000,000, and would turn a large amount of our lands into the production of cane that now grow crops that are produced largely in excess of the demand. This industry would give employment to a vast number of workmen and call into existence new industries for manufacturing the necessary machinery and other supplies. The hundred millions that go abroad every year to buy foreign sugar would be kept at home and be distributed among our own workmen. The great value of the product per acre as compared with other crops ought especially to commend this industry. The same number of acres grown to cane would give employment and support to at least five times as many people as the same amount of land growing corn or wheat.

So far this work has been carried on at a loss to the manufacturers. This has been largely due to the fact that the decline in the price of sugar has just about kept pace with the progress we have been able to make.

The time has come when a change must be made in the manner of operating our works. We must be equipped with better appliances for extracting the sugar from the cane, and must enlarge our works so as to be able to handle our crop more economically. To accomplish this will require time and money. It means new and expensive machinery and costly experiments.

It is to help us over this crisis that we have asked the State of Kansas to give some aid in the shape of a bounty on the sugar produced. There are very few if any industries that can add so much to the material wealth of a State, giving employment as it does to almost every kind of labor. The farmers find a ready market for a crop that is not only sure but very profitable. A new field is open to our laborers and mechanics, and the best talent from our institutions of learning will here find a work that will be worthy of their closest study and tax their utmost skill. It has been urged that the bounty might in the space of five years which it will cover grow to an enormous tax on the State.

The total sugar production in the State for the past season did not exceed 600,000 pounds. It is safe to say that any notable increase in the number of our factories will not take place until by improved methods we shall be able to

make sugar at a less cost. We may, however, look for an increased production of sugars in the factories now in operation. If by improving our method so that we can double our present yield we will have practically reached our present limit, for it will take years to improve the cane. But such a result can not be reached in one or two years. So that it is safe to assume that the average production for the next five years will not exceed 1,000,000 pounds per year. This would tax the State to the amount of $15,000 per year for the five years. Kansas pays $1,000,000 per annum as tariff on foreign sugars and at least $3,500,000 goes out of the State every year to pay for the sugar consumed in the State. With a fair prospect of not only retaining this large amount of money at home, but of making the production of sugar one of the chief industries and sugar one of the staple exports of the State, we sincerely hope that the Legislature may see fit to give us the aid we have asked. What would have been the outcome of the beet-sugar industry of Europe had it not been fostered and cared for by the governments during the early part of its existence?

There were many then that assumed the same attitude toward it that many now do toward the sorghum-sugar industry, claiming that it never could become a commercial success. Fortunately these predictions come from persons who know the least about the matter, and I doubt if there can be found one who has fairly and intelligently studied the matter who does not believe that the problem of supplying our own sugar has been practically solved. I believe the time is not far distant when by improved cane and processes 2,000 pounds of pure sugar will be obtained from an acre of Kansas cane. But to attain to such a result will require renewed efforts on our part and a little timely aid by our State.

If by any reasoning based on facts it can be shown that this industry can not become self-supporting, the State will lose nothing by its downfall. If, on the other hand, facts clearly show that it contains every element needful for success, and that wherever failure or but partial success has been the result it has been due to the causes and circumstances that time and experience will remove, then I claim that nothing more disastrous than the downfall of this new industry could befall the commercial interests of this State.

Mr. PLUMB. The amount of money which will be necessary for this purpose so far as now known is very small. Fifty thousand dollars a year is nothing. I look over the agricultural appropriation bill and I find that we are appropriating $110,000 a year for seeds. Every one knows that if it were not for the fact that these are distributed largely by Senators and Members in a manner which brings to them some degree of favor from those who receive them that provision would not be in the bill, at least to this extent.

No such amount of money can be appropriated in any one year usefully for the purpose of disseminating new varieties of seeds of different kinds. I find also that under the head of "Gardens and grounds" we appropriate $18,450 for the little experimental gardens we have here, which practically result in nothing except a few nosegays which from time to time we receive at the hands of the gentleman who manages the establishment. Under the head of "Entomological division," for the purpose of investigating bugs, we give $27,900, and that has just been increased $10,000 more. I notice in the report of the Commissioner of Agriculture for this year that while he devotes a page and a half under the head of "Gardens and grounds," only seven lines are devoted to the sugar industry. This I do not speak of for the purpose of making a complaint, because I know that we shall find in due time, when the volume comes to be printed, that the chemist has been doing a valuable work, a work in which he has had the considerate support of his chief; but it only indicates that after all this industry has been under that kind of a ban, has been side-tracked, so to speak, in such a way that it gets only that which is left over; that it does not get the direct attention and the careful nursing and the thorough consideration which any industry with such great possibilities ought to have.

That is because Congress itself has not manifested an interest in it. The chief of the bureau can not do more than he is bid. He can not spend more money than we give him; but we have been so engrossed in other matters, we have been ourselves so affected by the comparative failures heretofore, we have been so content to let well enough alone, that we have not given to this subject the thought nor the appropriation nor the stimulus in any degree which its importance demands.

I hope, Mr. President, that at least this small sum of money may be given, and I shall hope that next year when the result of that will come to be presented to Congress, I shall have the satisfaction of saying that it has not only done a great deal of good, but that we are much further along in the experiment which in time, as I believe, is to put the American people in a condition to produce all the sugar they use.

Mr. HALE. The Committee on Appropriations last year went quite fully into this subject and was a good deal impressed with the importance of this industry, and the sum of $50,000 was given in the bill of last year. The House this year has put the amount down to $20,000, and the Committee on Appropriations did not increase it because there was no pressure upon it in that direction.

I do not rise for the purpose of opposing the amendment submitted by the Senator from Kansas because the reasons which operated last year and controlled me then, in charge of the bill, are the same now. I only wish to ask the Senator from Kansas if he is entirely satisfied that the appropriation which was made last year has been devoted to such purposes as have stimulated this industry; and further, whether he is entirely confident if the increased amount which he asks shall be given it will be so devoted to practical experimentation or assistance that this growing industry in his State and elsewhere will receive a real benefit in proportion to the money which we give?

Mr. PLUMB. The money that was appropriated last year was not all spent, but it will be spent between now and the close of this fiscal year. Unfortunately the diffusion apparatus which was designed to be sent to the West was not completed in time to be sent there, but is under contract to go now, so as to be there for the coming season.

I know, however, that many of the persons employed by the Department for the purpose of investigating this subject in the various States have rendered most valuable service. The experiment which I spoke of as having been carried on in Kansas with such favorable results, that of covering the cane and determining by experiment the time in which the cane could remain covered so as to keep it in a condition for manufacture, was carried on by a very intelligent agent of the Department, Mr. Cowgill, and that has done as much as anything else to stimulate the hopes of persons engaged in the manufacture there that the coming year will enable them to do better than they have done this year.

But back of it all is this question of machinery. It has been demonstrated that not more than one-half the juice is taken from the cane by any present process in use, that is, any process in use now in this country. Something ought to be done, therefore, to devise ways and means whereby all the juice can be extracted. It is believed now that the process of diffusion, substantially as used in France and Germany for the extraction of saccharine from the beet, can be so modified and adapted as to do the same work for sorghum. A firm in Wilmington, Del., the Pusey & Jones Manufacturing Company, I believe, have manufactured an apparatus of that character which they believe, and which is believed by intelligent people who have inspected it, comes near at least to answering this purpose, but the actual fact can only be determined by experiment.

Mr. HALE. Is it expected that this appropriation, or some portion of it, will be devoted to the end of securing an advanced method of machinery as applied to the sorghum in extracting the juice?

Mr. PLUMB. That certainly is the expectation. The present Commissioner of Agriculture has stated to me that he designed, if this appropriation was made (and no doubt his successor would feel similarly minded), to erect a machine of that kind in Louisiana to be used there in connection with the manufacture of sugar by private apparatus, which would demonstrate, if demonstrate it can, the ability of that machine to meet this great lack.

Mr. GIBSON. If the Senator from Kansas will permit me, I can give the Senator from Maine some information in respect to this matter.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Louisiana?

Mr. HALE. Certainly.

Mr. GIBSON. The Commissioner of Agriculture, with the appropriation that was made last year of $50,000, has done much by scientific experiments and investigations to aid the manufacture of sugar, and has had constructed in Wilmington, Del., a diffusion machine for manufacturing sugar from sorghum cane. It is of American manufacture, and the first of its kind I believe. It has not yet been tested, but will be in readiness for the crop this autumn. The Commissioner desires to contract for a diffusion machine adapted to the ribbon cane that is produced in Louisiana, which is harder and of a tougher texture than sorghum cane. The machine will require certain modifications to suit this cane.

This diffusion process was early applied both in France and Germany to the manufacture of beet sugar, and, I may say, it has reached perfection in those countries. Everything that chemical or mechanical science or governmental favor could do to facilitate and stimulate the production of sugar from the beet has been done. And by our laws all machinery for the manufacture of sugar from beets is admitted into our country free of duty, while machinery for the manufacture of sugar from cane is taxed at a very high rate—over 60 per cent. ad valorem, if I remember correctly.

It is true, as the Senator from Kansas says, that the producers of sugar in this country are greatly embarrassed. But this embarrassment is not owing so much to natural as to artificial causes. It is owing chiefly to governmental interference—to the Bismarckian policy of Germany. A drawback or bounty is allowed by the German Government upon every pound of sugar exported, equal to the cost of its production. This policy has increased vastly the production of sugar in Germany, has enabled the Germans to drive the French sugars out of the English markets, to overwhelm the English refiners, and to gain an undisputed supremacy not only in the English markets but in the sugar markets of the world.

The producers of sugar in all countries have been overwhelmed in a common ruin. The planters in the British possessions in the West Indies, British Guiana, and Honduras have petitioned Parliament for relief and set forth by grand committees their grievances and distresses. Cuba is bankrupt. The Spanish bondholders are also crying out for relief. The producers of sugar are seeking our markets as the only remedy. Sugar is cheaper relatively than any other article of food.

Mr. McPHERSON. How much is the German export bounty?

Mr. GIBSON. About the cost of production in Germany—about 2 cents a pound. This action of the German Government about two years ago created intense excitement and resentment among the sugar-refiners of England, and threatened to produce a reaction against the free-trade principles which have prevailed since the repeal of the corn laws, and led to a re-examination of the theories of the school of Cobden. The English refiners cried out for fair trade.

But Mr. Gladstone took ground against the refiners and insisted that if the German people were willing to tax themselves in order that sugar

might be produced in Germany and be sold to the consumers in England below the cost of production, for less than it could be bought in the tropics and refined in England, the English people ought not to complain; they ought rather to rejoice at the cheapness of an article so necessary to their comfort and well-being. This answer might be made on behalf of the people of the United States. I represent a community which is suffering from the cause I have assigned, and not as many persons imagine because sugar can not be profitably cultivated in Louisiana. I do not ask for bounties or for an increase of the tariff to counteract the effects of the action of the German Government, though on principles of international equity this might be done.

We already have a fair tariff upon foreign sugars, and I know that governmental action is powerless to maintain prices or to override the laws of supply and demand. During the Robert J. Walker tariff, from 1846 to 1860, the sugar industry of Louisiana was rapidly developed, enjoyed its greatest prosperity, and supplied over one-half of all the sugar consumed in this country. But what is the condition of this trade to-day? Why, the supply from domestic sources is only about 10 per cent. of the consumption, and we import one hundred millions' worth of foreign sugars a year. Germany is selling sugar to-day in New York for less than it costs to produce it in Cuba and Louisiana.

If she gain a monopoly of our markets and destroy the sugar culture in the West Indies and Louisiana, our dependence will become as absolute as that of England for an article of food which our people can not do without. By derangement of our foreign relations, any accident, any disturbance of our relations with Spain or England or any European nation would place it out of our power to obtain supplies unless we had a navy sufficient to command the seas and keep open the markets of the world and the sources of supply. Under those circumstances I am rejoiced to hear the Senator from Kansas [Mr. PLUMB] give such ample assurances based upon facts well authenticated of the capacity of his and the neighboring States to produce sugar from sorghum, and surely the sample he has presented to the Senate is fit for any table and any taste however fastidious. I believe, sir, that with improved methods of cultivation and manufacture the crop of Louisiana can easily be increased so as to supply again one-half of the sugar consumed in this country.

It is believed by those who have the matter in hand that the diffusion process when successfully applied will increase the yield fully 25 per cent. We already begin to perceive the ill effects of the bounty system in Germany on the Germans themselves, for overstimulation has led to bankruptcy, and I do not believe that a policy originating in resentment against France and that imposes such a tremendous burden upon the German people can long be maintained.

At all events, sir, I feel assured that every Senator will admit the expediency of bringing the aid of scientific experiment to enable us to produce sugar on a larger scale at fair profit and at lower rates for the people of our own country.

I find that for the purposes indicated the sum of $20,000 has already been appropriated by the bill. The Commissioner told me this morning he would require $50,000.

I trust the amendment of the Senator from Kansas may be adopted.

Mr. McPHERSON. Will the Senator from Louisiana please permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Maine [Mr. HALE] yield to the Senator from New Jersey?

Mr. HALE. Yes, sir.

Mr. McPHERSON. I am addressing myself to the Senator from Louisiana. I wish to know whether I correctly understood the Senator. If I understood him aright, he said that the German Government offered an export bounty of 2 cents per pound upon sugar exported from Germany, and that 2 cents per pound given by way of export duty repaid the cost of production. In the Senator's opinion is it not reasonable to suppose that if Germany can raise sugar at 2 cents a pound the United States upon its virgin soil, inexhaustible as it is in fertility, can raise it for even a less price than 2 cents a pound? If that be so, is it not the duty of the Government of the United States in every way it possibly can to encourage the production of sugar in order that the product may be cheapened to our own people and in order that our agricultural interests may be increased?

Therefore, is it not wise, inasmuch as Germany and France, upon soils comparatively barren as compared with our own, can produce beet sugar at 2 cents a pound, that this appropriation should also cover machinery for the preparation of beet sugar as well as sorghum and cane sugar? In other words, if an experiment is to be made, had it not better be made in the direction of experiments heretofore made in other countries which have produced success? If they can raise beets in Germany or France from which sugar can be profitably made at 2 cents per pound, I am quite sure that with the same diligence on the part of our Government sugar may be raised and manufactured here from like products (as to other products I know nothing, but certainly from like products) at a price even less.

If the amendment of the Senator from Kansas does not cover the point I wish to make, which is that it may include machinery for the manufacture of sugar from all products, cane, sorghum, and beets, I should like to have it so amended.

Mr. HALE. Will the Senator from New Jersey allow me to interrupt him for a moment?

Mr. McPHERSON. Yes, sir.

Mr. HALE. The language of the clause contains nothing whatever about machinery. That is left to the discretion of the administrator of this Department. How this money shall be applied to the encouragement and development of the cultivation of sugar from one vegetable product or another Congress has not sought to settle or decide, but the fund is given. I do not, as I said before, rise to object to the amendment. I am willing the appropriation should be made $50,000, but I should not like to see any particularization as to how the money should be spent by the Department. If it is to be spent in improving machinery and developing tests, let that be done by the Commissioner of Agriculture and not by us.

Mr. McPHERSON. Very well; but if I understood the Senator from Louisiana correctly his statement was that it is the purpose of the Commissioner of Agriculture to prepare machinery by which economy may be practiced in the manufacture of the cane sugar of Louisiana. I take it that no very large portion of this country can profitably cultivate the cane sugar that is cultivated in Louisiana. I also believe that sorghum may be cultivated in almost every State of the Union, and profitably. It is profitably cultivated to-day in New Jersey under a bounty offered by the Legislature of that State. New Jersey pays, I believe, 1 cent per pound upon all the sugar manufactured from sorghum grown in the State. It pays also $1 per ton upon all the sorghum cane grown in the State and manufactured into sugar. Under that bounty the sorghum industry has grown to quite large proportions, and it has forcibly demonstrated the fact that sorghum sugar can be cultivated and profitably cultivated in this country. Certainly upon the great Western plains and in the valley of the Mississippi, where the soil is rich and inexhaustible in its fertility, both sorghum and beet sugar can be grown and profitably grown, thus opening another wide field for agriculture.

Relying entirely upon the statement of the Senator from Louisiana that the purpose of this amendment is in order that machinery may be constructed or improved entirely and simply for the manufacture of cane sugar, I think it would be unwise to restrict it to that, if the amendment proposes to do so.

Mr. HALE. I misunderstood the Senator from Louisiana if he said that the object of this appropriation was exclusively what he referred to, in the direction of experimentation on the sugar-cane of Louisiana. It is only one of the things that the Commissioner of Agriculture will consider, and I do not think the Senator from Louisiana believes that the appropriation is for that purpose alone.

Mr. GIBSON. By no means. The presumption of the bill itself would exclude that idea, for it says in lines 93 and 94, "including experiments in the manufacture of sugar from sorghum and other vegetable plants," which would include beets.

Mr. ALDRICH. As I understood the Senator from Louisiana, one at least of the objects of the amendment is to enable the Commissioner of Agriculture to purchase machinery to experiment upon a new method of manufacturing sugar from cane. I am sorry that the Senator has left his seat, because I am anxious to know whether the policy is to be adopted whenever an industry may be depressed of having the Government of the United States purchase machinery for the purpose of experimenting upon new methods of manufacture. The Senator from Massachusetts [Mr. DAWES] asks me why not? I should be glad to have him answer the question he asks. But if it is to apply to the manufacture of cane, why not apply it to all kinds of manufacture? For instance, when the woolen industry happens to be depressed, why should not the Government buy up machinery and establish a woolen manufactory for the purpose of experimenting upon some new methods of manufacturing woolen goods?

I do not mean to oppose the amendment, but I want to understand exactly what the gentlemen who are favoring it desire and intend by it. I want to ask the Senator from Louisiana whether he thinks it is within the legitimate province of the Government to expend the public money in the purchase of machinery to promote an experiment on new methods of manufacture?

Mr. WILLIAMS. Mr. President, I do not want to make a speech, but it does strike me that the amendment offered by the Senator from Kansas to add $30,000 to this appropriation is a mere bagatelle at which the Senate should not hesitate an instant.

What are the facts in this case? All the industry that we have in the manufacture of sugar from sorghum and beets has received whatever encouragement it has received at the hands of Congress through the Agricultural Department. Before appropriations were made to enable the Commissioner of Agriculture to experiment with the different kinds of cane and the machinery and methods of extracting the saccharine matter from the cane, not a pound of sugar had ever been extracted from sorghum in the United States; but year after year Congress has made small appropriations and experiments have been made by that Department.

It has now an organized corps of able chemists and experimenters and machinists; it has a laboratory upon the grounds, and from time to time we have encouraged the Commissioner of Agriculture in his experiments. The information which he has collected has been disseminated among our people from one end of the country to the other. He first demonstrated that sugar could be extracted from sorghum, produced in almost every State of this Union, and that information has been

sent out to our people until there is now a belief among the farmers of the West that with proper and improved machinery the day is just at hand when we shall manufacture from cane, sorghum, and beets every pound of sugar that the millions of people upon this continent will consume.

Why shall the Senate of the United States hesitate a moment upon an appropriation of $30,000 additional to continue these experiments which promise results so great, which will save us a hundred million dollars a year? I believe fully in it. We have now a beet-sugar manufactory in the State of California which promises immense results. We all know that the sugar-cane in Louisiana will never produce sugar enough for the consumption of our own people. Louisiana now furnishes but 8 per cent. of that which is consumed in this country. Nobody ever hesitates in protecting Louisiana sugar, because it is always an important question of revenue. Only $8,000,000 or $9,000,000 worth are manufactured there as compared to the hundred million dollars' worth that we import from abroad.

In order to still further encourage these experiments let us give the Commissioner of Agriculture $50,000 or $100,000, if he wants it, so that he may bring from abroad or have manufactured in our own country such machinery as science may indicate would be necessary to provide better methods of extracting the saccharine matter from the beet or the sugar-cane or from sorghum.

I see nothing wrong in this policy. I do not want to have the appropriation applied specifically to beets or to sugar-cane or to sorghum. Let it, as in the language of the bill, apply to sugar-producing "plants," including all, and leave it in the discretion of the Commissioner of Agriculture, for I have confidence in him.

The results heretofore have shown us that the policy is a wise one. Before this matter was intrusted to the Agricultural Department sorghum had been known only to produce a sour sort of molasses scarcely fit for the table, but under the investigations of science conducted by that Department better methods of extracting the juice have been discovered which have led to the manufacture to-day of the very best molasses and sirup extracted from sorghum found upon the tables of the best hotels and families in the whole United States. There is a sample of sugar extracted from sorghum upon the desk of my friend from Kansas which is as good as any sugar ever made from the beet on the face of the earth.

We have a country which produces to some extent sugar-cane, but we have a country which produces in a universal degree the sorghum; and in large sections of it we find lands proper for the production of beets. Let us give every encouragement in our power to develop the industry and furnish our own people all the sugar they want.

Mr. ALLISON. I intend to vote for the amendment suggested by the Senator from Kansas, and I think the Committee on Appropriations would have reported the increased appropriation if it had been suggested to the committee from any source that it was necessary.

That is about all I wish to say upon this subject, except that last year we appropriated $50,000 for this purpose, a very small portion of which has yet been expended, and it can not very well be profitably expended until during a portion of the next fiscal year, as these experiments of course can only be made during the summer and fall season. But I am in favor, and I think the Committee on Appropriations are in favor, of liberal appropriations for the purpose of making these experiments with sorghum.

With respect to the experiments proposed as to the production of sugar from cane, I did not suppose, and do not now suppose, that any considerable portion of this money will be expended for that purpose. The success of this experiment I think will prove that in the end we can profitably manufacture sugar from sorghum, and I hope it will so prove, in order that we may in our own country manufacture sugar from these plants.

Mr. INGALLS. Succulent roots?

Mr. ALLISON. That we may manufacture sugar from succulent roots, as my friend on my right suggests, by which of course he means the production of sugar from beets. I trust that we may be able to produce our own sugar, and in that way save the large sums that we annually expend in foreign countries for this purpose, amounting on the average to $100,000,000 per annum, of which about $48,000,000 is paid in the shape of duties upon foreign imports.

Mr. HALE. Everybody seems to be in favor of the amendment. I hope we shall have a vote upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the heading in line 96, after "seed," to strike out "bureau" and insert "division;" and in line 97, after the word "seed," to strike out "bureau" and insert "division;" so as to read:

SEED DIVISION.

For compensation of chief of seed division, $1,800; one superintendent of seed-room, $1,600; four clerks at $1,000 each; one clerk, at $840; for the purchase and propagation, and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, to be distributed in localities adapted to their culture, $100,000; in all, $108,240.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 106, to insert:

An equal proportion of two-thirds of all plants, seeds, trees, cuttings, vines, and shrubs shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines: *But provided, however*, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents.

The amendment was agreed to.

The next amendment was, in the heading in line 132, before the word "of," to strike out "bureau" and insert "division;" before the word "thousand," in line 144, to strike out "seventy-five" and insert "one hundred;" and before the word "thousand," in line 145, to strike out "nine" and insert "thirty-four;" so as to make the clause read:

DIVISION OF AGRICULTURAL STATISTICS.

For compensation of one statistician, $2,500; two clerks of class 4, $3,600; three clerks of class 3, $4,800; four clerks of class 2, $5,600; five clerks of class 1, $6,000; seven clerks, at $1,000 each; four clerks, at $840 each; two clerks, at $720 each; for collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, $100,000; in all, $134,200.

The amendment was agreed to.

The next amendment was in line 149, after the word "annex," to strike out "six thousand" and insert "seven thousand five hundred;" so as to make the clause read:

FURNITURE, CASES, AND REPAIRS.

For repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipes, and other necessary articles, and painting Department building and annex, $7,500.

The amendment was agreed to.

The next amendment was, in line 169, to increase the appropriation "to establish and maintain quarantine stations, and to provide proper shelter for and care of neat cattle imported, at such ports as may be deemed necessary," from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses," before the word "traveling," in line 196, to insert the word "actual:" so as to make the clause read:

For stationery, freight, express charges, fuel, lights, subsistence and care of horses, repairs of harness, paper, twine, and gum for folding-room, and for miscellaneous items, namely, for advertising, telegraphing, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, and necessary items, including actual traveling expenses while on the business of the Department, $15,000.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "hereafter," to strike out "to be;" so as to read:

That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employé of the Government, &c.

The amendment was agreed to.

Mr. HALE. I have one amendment to offer on page 7. At the end of line 145, I move to insert the following limitation:

Provided, That all illustrations for the Agricultural Department shall be made by the Public Printer under the direction of the Joint Committee on Public Printing.

The amendment was agreed to.

Mr. HALE. The committee has nothing further.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa; and

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending

June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. PLUMB. I now move that the Senate proceed to the consideration of House bill 8138, being the Post-Office appropriation bill.

Mr. BAYARD. That, I presume, will be done with the understanding that it does not displace the trade-dollar bill.

Mr. BECK. That was displaced before.

Mr. BAYARD. I meant to say that the present motion should not further postpone the silver bill, which was taken up by a vote this morning.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senator from Delaware that by the action of the Senate this morning the silver bill has gone back to its place on the Calendar. There was a motion to proceed to its consideration, which was determined in the affirmative, immediately after which a motion to proceed to the consideration of the agricultural appropriation bill was made and adopted; which returned the silver bill to its place on the Calendar.

Mr. BAYARD. I was constrained to say what I did in the absence of the Senator from Vermont [Mr. MORRILL], who may be considered in charge of the silver measure, which I rank among the measures of chief importance at the present session.

The PRESIDING OFFICER. The Chair would state to the Senator from Kansas [Mr. PLUMB] that under the ruling of the President *pro tempore* of the Senate, it is the duty of the Chair to lay before the Senate at this time the only remaining special order, after which the Senator's motion will be in order. The Secretary will read the title of Order of Business 113, Senate bill 60.

The CHIEF CLERK. "A bill (S. 60) to declare certain lands subject to taxation."

Mr. PLUMB. Now I renew the motion which I made before.

Mr. INGALLS. I suggest that, in order to avoid displacing the special order, my colleague ask unanimous consent.

Mr. PLUMB. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent of the Senate that the special order be informally laid aside.

Mr. HOAR. I object.

Mr. PLUMB. Then I move to take up House bill 8138 at this time.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate do now proceed to the consideration of the bill indicated by him, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes."

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the following acts and joint resolution:

An act (S. 2158) granting an increase of pension to Jessie V. Harrold;

An act (S. 150) granting a pension to Sarah Denny Ripley;

An act (S. 1416) granting a pension to Mrs. Charlotte Hackett;

An act (S. 1546) granting a pension to Orin R. McDaniel;

An act (S. 2231) granting a pension to Mrs. Kate A. Drummond;

An act (S. 2398) granting a pension to Cyrus Reeser; and

Joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which are now in the custody of the Secretary of War.

The message also announced that the President had this day approved and signed the act (S. 1251) to authorize the purchase of a wharf for the use of the Government at Wilmington, N. C.

HOUSE BILL REFERRED.

The bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

The bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army, was read twice by its title.

Mr. MITCHELL. I ask that that bill be placed on the Calendar. The Senate Committee on Pensions has reported a bill in the same case.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.; and

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the formal reading of the bill be dispensed with and that it be read by paragraphs for amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas asks the consent of the Senate that the first formal reading of the bill be dispensed with and that it be read for amendment. Is there objection? The Chair hears none, and it is so ordered. The reading will proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was in section 1, line 28, to reduce the item of appropriation "for compensation to clerks in post-offices" from $5,300,000 to $5,150,000.

Mr. HAWLEY. I ask the attention of the Senator in charge of the bill to this amendment. I have not before me at this moment the estimates. There is a deficiency bill appropriating $75,000 for compensation to clerks in post-offices for the current year. I have been informed, and I believe that the Postmaster-General in estimating for the compensation to clerks for the coming fiscal year estimates what he really wanted and did not overestimate with the expectation of having a discount made, but believed that the public service required actually the full amount he asked for. I ask for information as to whether the appropriation as the committee would have it is up to the estimate.

Mr. PLUMB. The appropriation as made by the House was exactly the estimate, $5,300,000. The Senate Committee on Appropriations believed that that might be, and ought to be, reduced. I do not mean by that that the Postmaster-General had not some warrant for his estimate, but the estimate is not by any means conclusive and has never been so regarded. Last year the appropriation was $4,900,000 and that led to a deficiency of $75,000. Four million nine hundred and seventy-five thousand dollars, therefore, was the full measure of the expense and the necessary expense for that service last year. The committee did not think that it was proper to add to that amount $325,000. That was a larger increase than had been made in any year heretofore, and we believe it was in excess of the needs of the Department, which would be of course in excess of those of last year, but there is manifestly some error in the distribution of this money, and we think that a little pressure on the Department would correct these errors and that the addition of the amount we allow will amply provide for this service.

Mr. HAWLEY. I concur with the Senator in believing that there has been some error of judgment in the distribution of this money. I am satisfied that there has been a lack of sufficient funds. I have had occasion several times within a year or two to beg for additional clerical force under circumstances where I knew it was absolutely required, and in one case where I knew that the postmaster himself sacrificed a portion of his revenue that the public work might be done. I will instance the post-office in my own town of Hartford. The net profits to the Government of the United States of the post-office in the town of Hartford were $90,000 last year, and the postmaster paid a portion of his salary of $3,000 towards additional clerk-hire in one case, and he is begging that there be another clerk allowed him. One clerk at $1,200 a year is allowed him now.

This increase is not according to the increase of the population of the United States, which is in the neighborhood of 3 per cent. per year. If the appropriation for this kind of service should increase 1½ or 2 per cent. a year, I should not be at all surprised. It would be in accordance with the natural growth of the business of the country, the establishment of new post-offices and the natural increase of the business at the old offices. I shall vote against any reduction of the Postmaster-General's estimate in this respect, for I should like once to see enough appropriated to do the business of the Government decently.

Mr. PLUMB. The committee certainly believe we have given enough for that purpose.

Mr. HAWLEY. I am afraid the committee is wrong.

I ask the sense of the Senate on this amendment proposed by the Committee on Appropriations, and hope the Senate shall disagree to it, for I sincerely believe that the Postmaster-General did not overestimate the necessities of the Department. Every year we have been obliged to appropriate for a deficiency. The estimate in this case was $5,325,000.

The House struck off $25,000. The Senate committee, on general principles, struck off $150,000 more. I do not care how strictly the Department shall be held to account in this matter, but I should like to have it once able to say in response to an urgent demand for a little more help that it had the money but did not think the thing ought to be done, and not be obliged to say, as it does for the last six months of every year, "We know you need it, but we have not the money."

I ask the Senate to disagree to the amendment.

Mr. PLUMB. The Senator from Connecticut made one mistake. He stated that the Department's estimate was $5,325,000, and that the House had cut it down $25,000. That is an error. The estimate was $5,300,000, exactly what the House appropriated. The Senator made another mistake, and that was that the Senate committee had cut it down on general principles. I think that would be in a great many cases ample justification for reducing the appropriations called for by estimates, because in a great many cases estimates are made very much larger than are necessary for carrying on the service; and I do not speak of the Post-Office service particularly; but in all branches of the service the Departments estimate for more than they expect Congress will give them or than they deem absolutely necessary.

Mr. HAWLEY. Will the Senator pardon me a word?

Mr. PLUMB. I will.

Mr. HAWLEY. The Senator can take it for what it is worth, but the Postmaster-General assured me that he told Congress the truth in this case, that he wanted and believed he absolutely needed $5,300,000. Whether they all say that or not I do not know. I have known Departments to say that, in order to meet a cutting down which committees would inevitably make in order to show economy, they sometimes overestimated. In this case the Postmaster-General declared that he did not—and I believe him—overestimate a dollar.

Mr. PLUMB. I was coming to that. I was proceeding to say that I think it safe, as a general rule, to cut down the estimates, which are generally from 25 to 50 per cent. more than is appropriated, and I think the Government has been able to get along fairly with the moneys appropriated. While I am about it I will say that I believe if the expenses of this Government were reduced several millions it would be a better machine than it is now; but in regard to this particular item it is not safe to disregard the expenditures heretofore made. Last year we added $125,000 to the amount appropriated for the year before. That was not enough, but it was all that the Department estimated for. That is to say, the House last year, in the bill which came over, gave precisely the amount that had been appropriated the year before, the Senate added enough to put it up to the estimate, $125,000 additional, and that was appropriated, and the result was a deficiency of $75,000. In other words, if we had appropriated last year $4,975,000 we should have had enough for the service. Now this year the House, repenting of its contracted views of the year before apparently, went to the other extreme and gave an addition of $400,000 beyond the amount appropriated the year before.

Mr. HAWLEY. Remember that it is really only $325,000 more, because they put $75,000 into the deficiency bill.

Mr. PLUMB. I will stick to my statement. It is exactly true. They appropriated $400,000 more than was appropriated the year before. That is what I said, and I repeat it. Now, the Senate Committee on Appropriations did not think that $400,000 more than the appropriation of last year, being $325,000 more than the actual and necessary expenses of the year, was needed. They believed that amount might be contracted. This is to be considered, that if you appropriate $10,000,000 it will be spent; if you appropriate $6,000,000 it will be spent. Any sum you appropriate will be spent; and the only control Congress has over this matter at all is in the making of the appropriations, because there is not and can not be in the nature of things any special designation by law of the sum of money to be received by a particular postmaster or at a particular post-office for clerk-hire. It must be left to the discretion of the Postmaster-General.

The committee believe—not on general principles, but after investigation—that there are many post-offices which are getting too much; that there is a discrimination in favor of certain post-offices which if remedied would reduce the expenditure for this purpose very largely.

The Senator speaks of the poor, pitiful pittance of $1,200 for a clerk at Hartford. There is not a clerk in a post-office in the State of Kansas that gets $1,200; there are not, probably, half a dozen who get $1,000. There is no complaint at all from Hartford by comparison with the complaint that legitimately exists in the Western country.

Our complaint, however, is not so much that Congress does not give enough money as that it is not properly distributed. Of the $125,000 we added last year to what was appropriated the year before the Postmaster-General gave $76,000 to four or five large offices, and offices at places where clerks now are getting salaries that more than double the salaries in any place west of the Mississippi River. We believe that extravagances of that kind are not necessarily put upon this appropriation, and that if we would have a proper distribution and an economical distribution of this fund the only way to do it is to put the amount as small as we think the Department can properly get along with. If we are to add $150,000 on the theory that it can be spent and that every demand which is to come in for clerk-hire is to be satisfied, then of course we must keep adding and adding and adding every year, because there will never be any cessation of demand. The committee believed that the amount appropriated by their amendment would be sufficient for the purpose.

Mr. MILLER, of California. The Senator from Kansas has made a charge against the Post-Office Department of the improper distribution of this fund. I am not able to say about that, but I know that in the State which I in part represent there is great complaint that there have not been clerks enough in the post-offices. There has been no complaint about the salaries that I know of, although the salaries are very small; but in that part of our country in our post-offices we have not had a sufficient number of clerks to properly perform the service, and that is a matter of public notoriety in that State. I do not know whose fault it is, but to be on the safe side I shall vote with the Senator from Connecticut.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 36, section 1, to reduce the appropriation "for payment to letter-carriers and the incidental expenses of the free-delivery system" from $4,535,000 to $4,485,000.

The amendment was agreed to.

The next amendment was, in line 49 of section 1, after the word "that," to strike out "hereafter;" so as to read:

For rent, light, and fuel, $190,000. That the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly for a term not exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

The amendment was agreed to.

The next amendment was, in line 60, section 1, before the word "office," to insert "safes and other;" and in the same line, after the word "furniture," to strike out "twenty" and insert "thirty;" so as to make the clause read;

For safes and other office furniture, $30,000.

The amendment was agreed to.

The next amendment was, in line 68 of section 1, to increase the appropriation "for transportation on railroad routes" from $14,010,000 to $14,500,000.

The amendment was agreed to.

Mr. BECK. Before the next amendment, beginning on line 106 and extending to line 138, is read, I desire to ask Senators to listen to the reading of it carefully. I speak of it now before it is read so that they may listen to it to prevent its being read two or three times, as it may have to be unless attention is called to it now. That provision was stricken out by the committee in obedience to what we understand to be the rule of the Senate and the requirement of the Senate. The committee obeyed what they understood to be the desire of the Senate and its rule, and have reported accordingly; but a number of members of the committee—I will not say all—desire to retain this provision and as individual members of the Senate expect to vote against the amendment that they have reported in obedience to what they understand to be the rule of the Senate. I mention that now so that the matter may be understood. It is the clause reducing the rate of newspaper postage and increasing the weight of a letter at the single rate from half an ounce to an ounce. That is stricken out *pro forma*, and I call the attention of the Senate to it.

Mr. MILLER, of New York. Do I understand the Senator from Kentucky to say that the committee have stricken out the lines indicated in obedience to a rule of the Senate?

Mr. BECK. We so understand. It is legislation, and we can not insert any legislation ourselves, and so we feel instructed to strike out what is positive legislation inserted by the House, and submit the question to the Senate whether they will have it in the bill or not.

Mr. MILLER, of New York. I understood the Senator to say that it was stricken out in obedience to a rule of the Senate. I know of no rule which requires a committee of the Senate to strike out any matter put into a bill by the House of Representatives.

Mr. BECK. Perhaps I have not been felicitous in the form of my expression, but we have been instructed that legislation should not go upon appropriation bills until we have felt constrained to present the question to the Senate, reserving our own individual right as Senators to vote as we please. We know that if the clause is stricken out here it can be inserted in a conference committee and will be inserted by the conference committee if the House conferees can convince the Senate conferees that the legislation is good. For myself, believing this to be good legislation, I reserved the right to vote for it here, and so did other members of the committee.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations, which has not been read. The part of the bill proposed to be stricken out will be read.

The CHIEF CLERK. After the word "dollars," in line 106 of section 1, it is proposed to strike out:

That upon all matter of the first class, as defined by chapter 180 of the laws of Congress approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 3 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law: *Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. Any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. MILLER, of New York. I trust that this amendment will not be agreed to. The clause proposed to be stricken out contains several separate provisions, as will be seen. The first and most important one is that which increases the weight of letters allowed by law from a half-ounce to an ounce, leaving the rate of postage the same upon the full ounce as it heretofore has been upon the half-ounce. I trust that that will become a law. I presume before taking the question upon agreeing to this amendment it will be in order to perfect the clause by moving amendments to it. I desire to strike out several lines in this section before the vote is taken on striking out the whole clause. The proviso in line 129 is:

Provided, however, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto.

I desire to strike out those words for the express purpose of having only one rate of postage on second-class matter. I believe that to be in the interest of the public, and certainly it is in the interest of an economical management of the Post-Office Department.

Mr. HALE. Will the Senator allow me to ask a question?

Mr. MILLER, of New York. Certainly.

The PRESIDING OFFICER. Will the Senator from New York repeat what he proposes to strike out?

Mr. HALE. What I am trying to find out is what the Senator is seeking to reach. Does he seek to leave the lines 129, 130, 131, and part of 132 in the bill as the House has left them, thereby exempting them from the striking-out process of the Committee on Appropriations as reported?

Mr. MILLER, of New York. I desire the Senate to disagree to the amendment of the committee except as to those lines and one or two others which I shall indicate.

Mr. HALE. The Senator desires to leave in those lines?

Mr. MILLER, of New York. I desire to leave those lines out of the bill; I desire the Senate to disagree to the amendment of the committee to strike out all the lines which have been read. That will restore them to the bill. Then, I desire to have these few lines stricken out. The Senator from Kansas suggests that it would be better to act on these important questions separately, taking one step at a time; for instance, act separately on the first part, which increases the weight of letters from a half-ounce to an ounce; but I do not see how parliamentarily we are to do that.

Mr. HALE. That is one of the things I want to find out. Here are several propositions sent us by the House in this bill, and the Committee on Appropriations strikes a line through all of them. They are separate and distinct, raising different kinds of questions. Now, in what way can the Senate, hampered as it is by its rule, modify this clause so that it may strike out a portion and leave the rest remaining in the bill?

Mr. MILLER, of New York. Allow me to suggest——

The PRESIDING OFFICER. The Chair may be allowed to suggest that the Chair sees no reason why the question may not be divided so far as different parts of the clause refer to different and distinct objects.

Mr. HALE. Can we take a distinct vote on each proposition?

The PRESIDING OFFICER. The Chair sees no reason why it may not be done.

Mr. HALE. That would reach it, of course.

Mr. SHERMAN. There are here six different substantive propositions that have no necessary connection with each other. I ask for a division of the question upon each of these. The first will extend down to line 117; that is the one which increases the maximum weight, allowed for a letter paying single postage, from a half-ounce to an ounce. Then the next is down to line 121, relating to drop-letters.

The PRESIDING OFFICER. The Senator from Ohio proposes that the first question shall be on striking out down to line 117, ending with the word "thereof."

Mr. MILLER, of New York. Would it be in order to vote now to disagree——

The PRESIDING OFFICER. The Senator from New York will please suspend a single moment. The Chair desires to understand from the Senator from Ohio at what line he begins the striking out of the first proposition he asks for a division upon.

Mr. SHERMAN. I ask for a separate vote upon the proposition to strike out from line 106, beginning "that upon all matter of the first class," down to and including "ounce or fraction thereof," on line 117.

The PRESIDING OFFICER. The entire amendment of the committee down to the word "thereof," in line 117?

Mr. SHERMAN. Yes, sir. I ask for a separate vote on that question

Mr. BECK. I desire to know why the proposition made by the Senator from New York is not perfectly in order. We now have the text of the House bill before us. The proposition of the committee is to strike it out. Pending that motion of the Senate committee to strike out the paragraph, the Senator from New York seeks to amend it by striking out from line 129 to the word "thereto," in line 132, in order to perfect the text of the House bill before the motion to strike out is considered. Why is not that perfectly in order now?

Mr. SHERMAN. When we reach that point in the paragraph, as a matter of course that will be proper enough; but as I have asked for a separate vote on each different proposition, the first question will be on striking out the part I have already indicated.

Mr. BECK. So that this will amount to the same thing. The Senator from New York will still have his right when we reach that part?

Mr. SHERMAN. Undoubtedly when we reach that; I agree with him there.

Mr. BECK. That is right.

Mr. MILLER, of New York. I have no objection to the course suggested by the Senator from Ohio.

The PRESIDING OFFICER. A division of the question is on the first branch of the amendment recommended by the Committee on Appropriations.

Mr. HALE. Let us have that read.

The PRESIDING OFFICER. The Chief Clerk will read the first branch of the amendment on which the vote is to be taken separately.

The CHIEF CLERK. It is proposed to strike out the following words, beginning in line 106 and ending with the word "thereof," in line 117:

That upon all matter of the first class, as defined by chapter 180 of the laws of Congress approved March 3, 1879, entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 3 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof.

The PRESIDENT *pro tempore*. The question is on striking out these words.

Mr. SAULSBURY. I should like to inquire of the chairman of the committee, or whoever has charge of the bill, how these various provisions are to affect the postal revenues? Before I vote I want to know something about the effect of the proposed legislation.

Mr. PLUMB. I will state the conclusion of the committee on that point. The first provision is not estimated to affect the revenues at all. That increases the weight which may be sent at 2 cents from a half-ounce to an ounce. It is believed that will not diminish the revenues, and possibly may even increase them, because certain matter which now goes as printed matter unsealed by reason of the fact that it weighs more than half an ounce will be sent sealed, and therefore more matter will be sent sealed because it can go with more security and will be more attractive to the person receiving it—that is, he will be more likely to read it if it comes sealed at 2 cents postage.

The next item, proposing a reduction on second-class matter, will nominally reduce the revenue of the Government a million dollars, the gross amount received from that service now being about $2,000,000. There has been a suggestion that to some extent that will be compensated for by reason of the fact that more of this class of matter will go by mail than now, a considerable portion now going by express, and to that extent some portion of the deficiency of a million dollars will be made up; but that of course is speculation.

The third clause, commencing with line 129, if adopted, would undoubtedly increase the revenue somewhat. That matter now—sample copies of second-class publications—goes at the pound rate.

Under the law of 1879, being the Post-Office appropriation bill for the fiscal year 1880, publications of the second class were entitled to be transmitted through the mails at 2 cents a pound, the postage being prepaid. That included sample copies. By this provision sample copies are required to pay a cent for four ounces, which is 4 cents a pound—double the rate now charged.

Mr. BECK. I wish to state with regard to the provision relative to sample copies that unless I change my mind on the argument of the Senator from New York I am disposed to adhere to the provisions of the House bill. It is said that these so-called sample copies are used for many other purposes than as sample copies; that the lotteries use them to a great extent, the patent-medicine people, and everybody who

wants to get his advertisements in at the pound rate, and they are generally not legitimate newspapers nor used by newspaper publishers. They are being sent all over the country at the low rate, not as legitimate publications for use but as advertisements for private speculation. If that is cut off by increasing the rate from 2 cents per pound to 4 cents as this proposes, and the express companies lose a portion of their business, as they will by the lower rate on second-class matter, instead of losing a million the loss will be less than half a million, and perhaps a good deal less even than that. But the sample business has been abused enormously, according to the information we have had.

Mr. MILLER, of New York. The discussion seems to be going on upon the whole subject rather than upon the point made by the Senator from Ohio in regard to my proposition to strike out from line 129 to and including line 138. Under this provision all regular publications of the country will be compelled to pay two rates of postage upon the same matter, one rate to their regular subscribers, 1 cent per pound, and upon all sample copies which are sent out by all weekly publications, particularly at the close and the beginning of the year, in large numbers, they will be compelled if this provision is left in to pay postage at the rate of 4 cents per pound.

I do not care to argue the question as to what the rate ought to be, whether it shall be 1 cent or 4 cents, or any other sum; but the ground I take is that there should be one rate of postage for the same class of matter, whether it is going to a regular and permanent subscriber who gets his paper or his magazine by the year, or whether it is sent out as a sample copy for the purpose of inducing subscriptions. I do not believe it wise to make any such distinction.

Now as to the objection raised by the Senator from Kentucky, that if this provision be stricken out it will allow all sorts of matter to go through the mails as second-class, including advertisements, I have only to say that under the present regulations of the Post-Office Department no publication is permitted to be taken in the mails as second-class matter unless it is shown to the Post-Office Department that it is a regular publication; that it is issued regularly weekly, monthly, or quarterly. The publisher must give sufficient and proper evidence to the Post-Office Department to allow it to be mailed as second-class matter.

Undoubtedly under the law as it now stands, and under the law as it will stand if this provision is stricken out, many journals which are called trade journals will circulate large numbers, not only to regular subscribers, but to persons engaged in the trade which the particular journal represents. Those journals contain a great deal of advertising matter, but I imagine that one of the chief duties of the Post-Office Department is to carry advertisements for the commercial community. All of our daily papers, all of our weekly and semi-weekly journals, and all of our quarterlies and magazines contain large numbers of pages of advertisements, and they are carried at these regular rates.

It certainly is a very great convenience to the business community, to all commercial men, and I can imagine no rule which should be applied to the Post-Office Department that will make two rates of postage upon identically the same class of matter. That is what this proposes to do. Therefore, after that section of the amendment designated by the Senator from Ohio has been voted upon, I shall, in some parliamentary way, ask that the remainder of the amendment be disagreed to, with the exception which I have named; and if that is done, then there will be the one rate of postage on all second-class matter, whether it goes to an individual subscriber or whether it is sent out as a sample copy for the purpose of soliciting other subscribers.

I believe it to be unwise to make so many different rates of postage. I venture the assertion that there is not a Senator on this floor to-day who can sit down and write out the different rates of postage which are imposed by the United States laws, not even the members of the Post-Office Committee. I served upon that committee for two years, and I am very sure I could not tell the rates of postage on many kinds of matter without looking at the Post-Office regulations. We ought to have one rate on letters (2 cents), no matter whether the weight is half an ounce or an ounce. Let us have one rate on all publications.

Mr. PLUMB. In striking out this legislation from line 106 to line 151, inclusive, the committee acted more upon the idea of striking out legislation than of furnishing information as to its own opinion as to the character of the legislation proposed. I think I may safely say that with reference to the first two provisions, the committee as individuals were all of them in favor of them—that is to say, they believed the propositions were wise. I have been running back over the appropriation bills for a number of years, and I find that all the amendments to the rates of postage for the last twenty years have been made in appropriation bills. I find also that in the appropriation bill for the fiscal year 1880 there are twenty-two sections of general legislation regulating the classification of mail matter, and that is the law as it stands to-day except as it was modified in an appropriation bill two years ago when letter postage was reduced from 3 cents to 2 cents. If, therefore, the Senate shall see fit to disagree to the proposition of the committee so far as it relates to the first two subjects down to and including line 128, certainly the committee itself will have no occasion for any feeling at being overruled. In regard to other matters something will remain to be said when they shall be reached.

Mr. SHERMAN. I find that members of the Committee on Appropriations who propose to strike out this clause, substantially agree with me, and other Senators who have spoken think that on the whole, although this legislation is in a bad place, it is legislation that probably is justified by public opinion and by good reason. I therefore feel disposed to gratify them by refusing to vote for their amendment. I presume that is what they want us to do, and I am rather inclined to oblige them in that particular.

Mr. President, the first clause of this provision of the bill I think is a very good one, because we know that by the custom of using envelopes, especially envelopes of a large and official character, many letters are of a weight that just goes beyond the half-ounce, and sometimes they are sent without being weighed, as most persons send them, not having the means of weighing them, and they are detained because of an insufficiency of postage.

Then again, we know—every Senator I presume has had that experience, I have had it—that we have been called upon every month for little contributions to the Post-Office Department to pay the deficiency of postage on letters sent to us from our constituents. I presume all Senators have had the same kind of bills presented to them that I have had. It is rather inconvenient to pay for letters that we do not care about receiving, especially when the bills for postage come in monthly installments in this way. The people really have not the means of telling whether a letter weighs half an ounce or a little more, and it creates embarrassment without any use.

I do not believe that the adoption of the provision will in any way lessen the revenue of the Government, but it may make simplicity, and probably to that extent it will do good, and therefore I am in favor of it. In respect to drop-letters, that is clearly a provision in the right direction. Under the present postal law the Government charges the same postage for a letter dropped in the town in which I live to go to my neighbor a few squares off that it does to carry a letter across to California. It seems to me that it is an unwise and unjust provision to require two cents postage on a drop-letter.

Mr. ALLISON. That is not changed by this provision.

Mr. SHERMAN. I thought it was.

Mr. ALLISON. No.

Mr. SHERMAN. It ought to be. I see, beginning in line 119, the provision:

> And 1 cent for each ounce or fraction thereof where free delivery by carriers is not established.

Mr. ALLISON. That is the law now.

Mr. SHERMAN. In that particular Senators think I am mistaken. If so, it ought to be changed.

Mr. PLUMB. The only effect of the clause on that point is to accommodate that to the rate established by the preceding paragraph.

Mr. SHERMAN. To the extent it goes it is very well; but I should like to go further. I see no reason why this charge should be made of 2 cents for a drop-letter, while only 2 cents is charged for a letter across the continent; and therefore in this particular I should be very glad if we had the power under our rules to change that, and make that rate 1 cent for each ounce or fraction thereof.

Now in regard to the third clause of this paragraph, the reduction of the rate of postage on publications, reducing it one-half, in my judgment that will tend to throw into the mails a great mass of matter that is now carried by express, and therefore it will tend to swell the mails and tend to make good any deficiency that may occur by the reduction of the rate. Then, besides, the rate of transportation now on all mail matter, especially by railroads, is greatly less than it was when the present scale of postage was adopted. It was adopted a number of years ago, and I have no doubt the rate of transportation of all matter over railroads throughout the country has decreased since the passage of the existing law as much as it is proposed to reduce the rate of postage now upon these publications, and it seems to me, therefore, that if the rate prescribed by the existing law was right when it was fixed, this rate would conform to the proper standard now. So it seems to me there is no objection to that provision which reduces the rate one-half.

Then besides the increase of the number of publications the very great increase, I believe said to be threefold what it used to be, will probably tend still further to make good any deficiency that may be caused by this provision.

Now in respect to the proviso I never could see any reason why a discrimination should be made against a publisher sending a single copy of his paper to a particular person. It is no doubt intended by the man who is the publisher as an advertisement, to advertise his paper; but if it tends to induce a subscriber to take the paper we are reimbursed; and to the extent that the number of papers carried in the mails is increased by this provision it will tend to increase the revenues of the Government. If a newspaper by this means gets a new subscriber, we also get some benefit from that new subscription by an increased revenue. So I can see no objection to that.

I do see objection decidedly to the provision made in lines 129, 130, and 131, which discriminates between papers sent as samples and papers sent to subscribers. The Senator from Kentucky [Mr. BECK] gives the only reason I know of, that the motive in the one case is that the publisher may gain a new subscriber, but I do not think we have anything to do with the motive that induces a man to write a letter or send a paper.

Mr. BECK. Perhaps the Senator from Ohio did not quite catch the objection I had to the provision as to sample copies, which was that a sample copy was not used legitimately for that purpose, but was marked as a sample copy when nine-tenths of it was an advertisement of a lottery or an advertisement of a patent medicine, and not sent out with a view of getting subscribers, but as a cheap mode of advertising a lottery or a patent medicine, and sent all over the country at lower rates than the Government could afford to carry it—not to aid a newspaper but to aid a private individual in making sale of his goods or getting his lottery tickets sold.

Mr. SHERMAN. If we should discriminate and make different rates of postage according to the character of the communications sent, we should be involved in a labyrinth. We have no right to inquire into the motive of the man sending a paper or the motive of a lottery dealer sending an advertisement. We ought not to charge any more for carrying a lottery advertisement than an advertisement of a sermon or any other good production. We might exclude such things on the ground that they tend to immorality, but we must not make a distinction in the rates.

As a matter of course we ought to make love-letters from young men to young women free. That would be right, and I should be glad to do it, but we can not very well discriminate in their favor. We might make a thousand discriminations for good reasons, but we can not do it; and therefore I think this proviso ought to be stricken out. The same rate should be applied to all newspapers or matters of that kind. With that exception I am prepared to overrule, no doubt to their satisfaction, the Committee on Appropriations, even if it does not exactly conform to our rule, and keep the provision in.

Mr. ALLISON. Mr. President, the Committee on Appropriations examined these provisions with some care, as I have examined them. If they were here as a separate measure from the Committee on Post-Offices and Post-Roads I should be glad to give most of them my assent. I think the latter clause is utterly unnecessary, because I believe it is practically the law now. But we are endeavoring to establish a rule here with reference to legislation on appropriation bills, and I think the honorable Senator from Ohio has been disposed to be quite as vigilant in that regard as the rest of us. Now, if we agree to this legislation upon this bill, I do not see but that we place ourselves in the attitude hereafter of legislating on appropriation bills whenever we think the legislation is right.

Mr. SHERMAN. I will ask my friend from Iowa upon what ground, if that was the view to be taken in all cases, did the committee allow that important legislation on page 3 to be left which authorizes the Postmaster-General to rent premises for the use of post-offices?

Mr. ALLISON. We did not regard that as legislation in any sense. The Postmaster-General now leases a building for a post-office for ten years. It is not worth while for me to say on the authority of the Committee on Appropriations, but it is the judgment of the committee that the provision here on that subject is not in the nature of legislation.

Mr. BECK. I should like to ask the chairman of the committee a question if he will yield to me.

Mr. ALLISON. Certainly.

Mr. BECK. After the concession that he and I and all of us make on this floor that this is good legislation and that if it were in a separate bill we would support it, how are we going to get the House conferees to yield it in the face of such confessions as we are making? Is it not better to meet it here than to meet it there, when we know we shall have to yield it, and our own record will convict us if we insist on resisting it.

Mr. ALLISON. My answer to the Senator from Kentucky is the usual answer with a conference committee, "Sufficient unto the day." When we meet the conferees of the House, if the Senate shall conclude that this provision should go out, we shall meet those gentlemen the best way we can. We have met them upon other propositions in a similar way, and the House has receded from its propositions from time to time at other sessions of Congress.

Mr. President, we have a Committee on Post-Offices and Post-Roads whose duty and business it is to propose changes in our postal laws in the first instance where they are needed, and make such recommendations to the Senate. We are now within twelve days of the close of this Congress, and so far as I have any information this Committee on Post-Offices and Post-Roads up to this hour have not given us any advice upon this subject. They have presented no bill to the Senate which we could vote and act upon on this matter.

It seems to me that if we are to have any rule at all with regard to legislation upon appropriation bills, here is a good place to show our virtue with respect to it, because if we place upon these bills legislation where we are in favor of such legislation, very soon we shall be confronted with the idea that most of the legislation in this Senate as well as elsewhere will be in the first instance presented by the Committee on Appropriations.

For one I do not desire to argue this question, but only to say that if this Senate desires that the Committee on Appropriations shall take into its control and under its direction all the legislation or practically all the important legislation from session to session let it say so by its vote, and the committee will do the best they can with these subjects; but in the nature of things we can not consider these legislative provisions with the care and scrutiny that a committee charged with the particular subject can do, having leisure and time and opportunity for investigation.

Mr. SAULSBURY. I should like to ask the Senator from Iowa if he understands the rule of the Senate to make it incumbent upon the Appropriations Committee to strike out from the House bill this legislation put there by the House? My understanding of our rule is that we can not amend it, but I do not know that there is any obligation on the Committee on Appropriations to strike out legislation put on by the House which the committee itself deems important legislation.

Mr. ALLISON. Of course the Committee on Appropriations can not strike out this legislation; it can only be done by a vote of the Senate. All the Committee on Appropriations can do is to make its recommendation.

Mr. DAWES. I have been an interested observer of this discussion this afternoon. If there is anything to me which is interesting it is to have some gauge by which I can determine what is the wish of the Senate touching its own rules and its own methods of legislation.

The Committee on Appropriations seem to be the subject of a good deal of discussion from time to time. The Senate will not forget the manner in which they were instructed long before the appropriation bills reached this body. They were told in plain English that they were doing what the Senate has been insisting upon doing itself now that the Committee on Appropriations have determined that they will not do it. I stood up here two days within a week resisting the insertion of independent legislation in an appropriation bill, which legislation itself met my hearty approval. I was compelled to do so by the rules of the Senate and by my own record for consistency, and by a belief that in the end it was wise and would produce the best and healthiest legislation to adhere to the rule that cut out by the vitals most important legislation from an appropriation bill.

The Senate followed the Appropriations Committee in that respect, although I had reason to believe from the sentiment about the Senate that they agreed with me that in the abstract that was excellent legislation; yet in the concrete it was wise to adhere to the rule of the Senate. If now after that appropriation bill has been treated by the Senate under the wisdom and requirement of its rules and stripped of everything but naked appropriations, as it ought to have been, the Senate turns around to-day and forgetful of the rule and looking only at the character of the legislation itself, shall vote to keep it in, I do not know why I should not consider that as instruction to a conference committee to recede altogether. Let the Senate determine what will be its course and make that its rule, and the chairman of the Committee on Appropriations, I give you my word, will hold the Committee on Appropriations to the rule.

Mr. President, it is pretty hard to be called upon to vote against this measure in an appropriation bill; and if it were in a bill by itself I would not vote against it on any account; but I will vote to strike it out of this appropriation bill, because our rules require that appropriation bills shall be free and stripped of independent legislation; and if I do not vote to strike this out, I have no answer to make for the course I pursued here a few days ago. And those who know that heretofore I had advocated strongly legislation which crept into an appropriation bill, and know that two or three days ago I urged the Senate to strike it out, can well call upon me to explain whether I am honest in this position or not.

Mr. CULLOM. Will the Senator allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. CULLOM. As I understand from the Senator and every member of the committee who has expressed himself on this subject, they believe that this legislation is right and proper separate from an appropriation bill, and the only reason why they are not for keeping it here is because of the rule. Now I should like to ask the Senator whether he has any idea that if it is not kept in, this good legislation that we are talking about will be had at all during this session of Congress?

Mr. DAWES. On whom will the responsibility rest if there is no such legislation? There is time enough to-day for the Post-Office Committees of the two branches to awake from their lethargy. There is time enough for the Senate, independent of its Post-Office Committee, to rally to its own duty. It is not necessary for the Senate to save itself through its Appropriations Committee and by violation of its rules. If the Senate or any other branch of this Government has got apprehensive within ten days of the end of the session that it has slept too long, and that its salvation lies only in a violation of all parliamentary law by its Committee on Appropriations, let it settle that with its constituents. I say that I have been ready and I have been anxious that the Committee on Post-Offices and Post-Roads should not lag behind and only wake up when they see an opportunity to turn over into somebody else's bill that which the rules of the Senate and some other branch of this Government require that they should do.

Am I called upon to abandon all the rules of the Senate and of other parliamentary bodies because everybody else in the Senate has got to

that pitch that you can put a pertinent question to me that this is the only way——

Mr. CULLOM. The Senator will allow me to suggest that he will only be following the rules of the Senate as adopted, as I understand, for the last twenty years, because during that time there has been no important legislation in reference to post-office matters that has not been incorporated upon appropriation bills.

Mr. DAWES. Not by the Senate. The Senate had a rule till within six or eight years allowing this very thing to be done, and they found it worked so that they made a rule that they would do so no longer; and the moment they made that rule some other branch of this Government turned around and made a rule that they would do that very thing which they had never done before. The Senate and some other branch of this Government have changed sides in this matter. It is but a few years ago that this could not be done anywhere but in the Senate; and now it can not be done in the Senate and must be done somewhere else, and all the evils pertainining to it are crowding upon our attention every moment. Why do not our friends, so anxious to wake up in the last days of the session, propose to amend the rules so that they can do it according to the rules, or make a rule that they can suspend the rules?

Mr. MILLER, of New York. I desire to ask the Senator a question. He talks about the rules of the Senate preventing this legislation. I have no knowledge of any rule of the Senate that prevents this body from acting upon general legislation fixed in an appropriation bill by the House of Representatives. If he does, I should like to know what it is. Why this harangue about the Post-Office Committee and the other committee being called upon to wake up and do their duty, on the ground that there is no power in this body under its rules to act on general legislation in an appropriation bill when placed there by the House of Representatives? I do not understand that there is any such rule. I hold that in adopting this legislation we are not violating the rules of the Senate at all. The only rule, as I understand it, is that we can not of our own original action put it in.

I understood the chairman of the committee and the Senator from Massachusetts to say that the committee had stricken out of this bill everything which was general legislation. I desire to ask the chairman and also the Senator from Massachusetts what sort of legislation is found in this clause, beginning on line 80:

> The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distance from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service.

Is not that new legislation and general legislation?

Mr. PLUMB. According to the instruction the committee have had on this question, that is not general legislation. That is only a direction in regard to the manner in which a particular item of appropriation made for this fiscal year may be spent, and is not a continuous direction at all. Therefore is not general legislation. Its purpose and function is continuous only during the coming fiscal year, and it is not, as I think, obnoxious to the rule.

Mr. MILLER, of New York. I am very glad to have the opinion of the Appropriations Committee on this most important subject, and I hope that the presiding officer of the Senate will concur in the interpretation which they have given to this legislation, because if that is to hold then we can turn over any amount of the money which is appropriated for inland service to the carrying of our foreign mails; we can begin to encourage the establishment of steamship lines to the South American and Mexican ports and to any other foreign ports; and we shall be able under that decision, if it holds, to put any amendment on this bill to that effect that a majority of the Senate may desire to do. I agree fully with the Senator.

Mr. PLUMB. I only want to put this on the proper ground. It is not an invention of anybody, certainly not of the committee. The committee only accept the rule as given to them by the presiding officer of the body. That we understand to have been the ruling in a number of cases, and especially in one which was raised on the Army appropriation bill two years ago, the presiding officer then holding that any direction in regard to the expenditure of the money appropriated by the bill which did not continue longer than the appropriation itself continued, and which was for a service authorized by law, was not general legislation, and was competent.

Mr. HILL. I wish to say, Mr. President, in regard to the reflection of the Senator from Massachusetts upon the Committee on Post-Offices and Post-Roads that there is no foundation in fact for the statement which has been made. That committee has disposed of every bill of any importance that has been before it one way or another, I believe. It has acted upon several of the measures which are proposed in this bill. It has voted in some cases not to report bills embodying the same features. We have repeatedly passed bills in this body and sent them to the other House which they have made part of an appropriation bill. That the Post-Office Committee of the Senate has no control over, but I think the Post-Office Committee has done its duty fully in regard to every measure that has been before it.

Mr. CONGER. If, as the Senator from Massachusetts says, we have any rule which prevents a vote on these propositions and prevents their being considered by the Senate, the President of the Senate should have applied that rule and ruled them out without the report of the committee at all. If it is subject to the action of the committee, and they may report to have the legislation stricken out and the Senate may vote to strike it out or to keep it, we violate no rule in keeping it in or in striking it out. It must be so.

Now, sir, we find in the bill coming from the House this legislation, which even the committee that moves to strike it out (not being required to do it by any rule of the Senate, except by the general feeling of the Senate that legislation is bad on an appropriation bill) concedes to be good. We have no rule by which the President of the Senate can on a point of order refuse to permit it to remain in the bill. We have no rule which requires the Committee on Appropriations to strike it out or to move to strike it out, or to report to the Senate that it should be stricken out. There is nothing to regulate their conduct either way except the general feeling which the Senate may have against legislation in appropriation bills.

When the Committee on Appropriations report any amendment to this or any other bill, if they have done it in the discharge of their duty, and the Senate may vote upon it, then they are free from any rule except their own judgment. So I feel free when such a proposition is made to vote for retaining the legislation which the House put in, or to vote to strike it out. I know of no rule that can control me in that. I do not agree with the Senator from Massachusetts that we are compelled by some rule to vote contrary to our own judgment when the matter is properly before the Senate and not subject to be ruled out on a point of order.

That is my view of the condition of this question. I am in favor of these propositions which are by the division of the question to be voted upon separately—every one of them. I shall vote in favor, in whatever form the question comes, of retaining them as a part of the bill. I have received petitions, as every Senator has, not only from the publishers of papers in my own State, but from other States all over the country, asking this kind of legislation; and when I have in the strict performance of my duty, and violating no rule of the Senate, the opportunity to vote as my constituents desire me to do, I shall vote that way. I am not to be deterred from expressing my judgment on the propriety of legislation when it is in a bill and can not be ruled out on a point of order; when it is in a bill, and is submitted to me to say whether I approve of that legislation, I am not to be prevented by a mere sentiment that the Senate does not desire to have upon appropriation bills any legislation from giving my vote, if I am free to vote as I choose under the rules, in favor of the legislation, and to keep it in the bill.

Sir, I believe this legislation that is proposed to be stricken out is all good, unless it be the proviso that has been referred to. I am in favor of increasing the weight of the letter under the same postage; especially I am in favor of decreasing the postage on second-class mail matter. I have received from my State scores and scores of letters requesting me as their representative to use my best influence and my votes in favor of that measure. If the rules of the Senate forbid me voting upon that proposition at all, if they forbid me expressing my preference, I am bound by the rules. I regret it, but I shall be bound by them if that is the necessity of the case. But when I am free to say yea or nay on keeping in or striking out legislation which the President of the Senate can not rule out on a point of order, and upon which I am to express my sentiments, I will vote as my judgment and the wishes and interests of my constituents require me to do.

Now one word in regard to the parliamentary situation of these propositions. I understand that while the President of the Senate was not occupying the chair it was proposed to divide these different propositions and vote upon them separately. The motion made by the Senator from New York in regard to one of them was to strike out of this section one of these propositions before we vote upon it all.

In my judgment the motion to strike that out is one way of leaving it in, to be adopted contrary perhaps to what the Senator desires. It seems to me, and I ask therefore the opinion of the President whether the question put in a proper parliamentary way would not be on these several clauses, Will the Senate concur in the recommendation of the committee as to striking out this paragraph? If the Senate non-concur, that remains then as part of the bill, and so of each of the others.

Mr. MILLER, of New York. The Senator will understand me. As I understand the situation by unanimous consent we agreed to do just that thing, to take a vote on each proposition separately.

Mr. CONGER. Yes, but that does not touch the point I am speaking of. We agreed to vote on each of these propositions separately; but if there be a motion to strike out of the section one proposition and it is voted to strike out of the section that one and the others are not stricken out, then only those that are not stricken out can be subject to a motion to agree or disagree. I think that the proper way, and I wish the Chair would state that proposition.

The PRESIDENT *pro tempore*. Although the question is not now presented for action, the Chair has no hesitation in saying that as these phrases are in the body of the bill and the Committee on Appropriations have reported an amendment to strike them all out, so far as they are susceptible of division the question may be taken piecemeal, so to speak, on the separate divisions that are capable of being made. If the Senate refuses to strike them out, they stand as part of the bill and will

be before the Senate accordingly. Whatever the Senate does strike out as in Committee of the Whole will have then been stricken out, and the question will be, when the bill is reported to the Senate, on agreeing to the action of the Senate as in Committee of the Whole striking out such and such parts of the text of the bill. It is in these respects exactly like any other bill.

Mr. CONGER. Yes, Mr. President, but there seems to be a motion to strike out upon a motion to strike out.

The PRESIDENT *pro tempore*. The Chair does not so understand.

Mr. HARRIS. The Senator from Michigan will allow me to say that the occupant of the Chair at the time the question was raised ruled that the amendment reported by the committee was susceptible of division, and that the question could be taken and should be taken, if demanded by any Senator, upon each substantive and distinct proposition contained in the amendment. That was the ruling of the Chair, and the ruling went no further.

Mr. CONGER. I understood that to be the ruling.

The PRESIDENT *pro tempore*. That was the ruling the present occupant of the Chair would have made.

Mr. CONGER. There is pending a motion to strike out one of these propositions.

The PRESIDENT *pro tempore*. There is pending a recommendation of the committee to strike them all out. The question on striking them all out has been divided under the rules of the Senate so as to take the question on the particular, separate, and independent parts of the propositions proposed to be stricken out.

Mr. CONGER. The Chair does not quite understand me. The recommendation of the committee, and therefore the question to be acted on, is the striking out of the whole. The motion of the Senator from New York is to amend that recommendation by striking out a part.

The PRESIDENT *pro tempore*. The Chair does not understand any such motion to have been made. The Senator from New York simply demanded a division of the question on striking all out.

Mr. CONGER The Chair probably did not understand. The motion was to strike out one clause——

Mr. HARRIS. If the Senator from Michigan will again allow me a single word, the Senator from New York indicated his disposition to make the motion that the Senator from Michigan refers to, when the Chair suggested to him that the question was divisible so far as the amendment reported by the committee contained distinct and substantive propositions, and the then occupant of the chair understood the Senator from New York to acquiesce in that suggestion, and the Senator from Ohio demanded a vote upon each substantive provision.

The PRESIDENT *pro tempore*. The Chair could not have entertained a motion, in the present state of the bill, to strike out a part of that which the committee recommend the striking out of, because that would be a repetition in substance of precisely the same thing. Therefore the matter stands on the recommendation of the committee to strike all out and the demand by the Senator from New York that the question be divided.

Mr. CONGER. That report was made subsequently. Now, may I ask this question: On each of these propositions those who desire it to stand in the bill will vote against striking out, as I understand?

The PRESIDENT *pro tempore*. The Chair so supposes.

Mr. CONGER. That is all I wish to get at, because the other motion would have made it difficult to tell what the result would be.

Mr. WILLIAMS. I want to understand this subject a little better than I do. It strikes me that it is bad policy usually to ingraft general legislation or permanent laws upon an appropriation bill, and we have a rule of the Senate on that subject which governs us and can not govern the House. I do not think it is competent for us to offer amendments to a House bill which embrace permanent legislation upon an appropriation bill.

But if the House, which is independent as we are, sends us an appropriation bill with general legislation pertinent to the subject, germane to it, I do not think it is in violation of our rule for us to vote for that legislation just as it comes from the House. Our rules govern us, but they do not govern the House. Nothing but a joint rule of the two Houses is obligatory on both; and when general legislation comes from the House upon an appropriation bill, which is proper and right and germane to the subject of the bill, I intend to vote for it, feeling that I have not violated any rule of the Senate.

I can not see for my life why we are bound to object to the legislation that comes from the House even if that legislation is ingrafted upon an appropriation bill, for there are exceptions even to the general rule of its being bad policy to put general legislation on appropriation bills. A vast amount of the most important legislation of this country has been upon such bills; and when an appropriation bill comes with proper legislation, germane to the subject for which the appropriation is made, I am prepared to vote for it, our rules to the contrary notwithstanding. They bind us but do not bind the House. Nothing but a joint rule can bind both.

LAND TITLES IN NEW MEXICO.

Mr. HILL. I ask the unanimous consent of the Senate to be allowed to offer a resolution at this time.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent to be allowed to offer a resolution at this time. Is there objection?

Mr. ALLISON. Let it be read first.

The PRESIDENT *pro tempore*. It will be read for information, after which the Chair will ask for objection.

The Chief Clerk read the resolution, as follows:

> *Resolved*, That the portion of the resolution directing the Secretary of the Interior to furnish to the Senate copies of the reports of F. D. Hobbs and A. R. Green, &c., which passed the Senate February 4, 1885, embracing the following words, "and also copies of all papers on file in the Interior Department relating to this subject," is hereby rescinded.

The PRESIDENT *pro tempore*. Is there objection to this resolution being now received?

Mr. ALLISON. I ask that it go over until to-morrow morning.

The PRESIDENT *pro tempore*. Objection is made to the reception of the resolution. It can not be received.

Mr. ALLISON. No; I do not object to its reception.

The PRESIDENT *pro tempore*. Is there objection to the resolution being received? The Chair hears none. Objection is made to its present consideration. It will be printed and go over.

Mr. HILL. Will the Senator allow me one word of explanation? It is a matter of some importance that the resolution should be adopted at once to save expense. I am informed by the Commissioner of the General Land Office that a compliance with the resolution of the 4th instant will involve the necessity of copying 1,500 pages of papers which I do not deem material, and to save that expense this resolution is offered.

Mr. ALLISON. I withdraw my objection.

The PRESIDENT *pro tempore*. Is there objection to the present consideration? The Chair hears none.

The resolution was considered by unanimous consent, and agreed to.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. MILLER, of California. It appears very probable that the Senate is about to reverse itself on the question of adopting general legislation on appropriation bills. I desire to ask the Senator in charge of this bill, or the chairman of the Committee on Appropriations, whether the committee have given sufficient attention and consideration to the clause which proposes to raise the weight of letters to one ounce to be able to state whether a loss to the revenue derived from letters will be incurred or not?

Mr. PLUMB. We had before us the Postmaster-General and we gave this subject all the consideration we had within the limited time allowed us and arrived at the conclusion, which I stated some time ago to the Senate, that there will be no loss of revenue by reason of the adoption of that provision.

Mr. MILLER, of California. I understand the Senator, then, to state——

Mr. PLUMB. No appreciable loss; probably none at all.

Mr. MILLER, of California. I understood the Senator, then, to state that the expert officers of the Post-Office Department, the Postmaster-General, and the committee are of opinion that there will be no substantial loss in the revenue derived from letter postage by the adoption of this clause. I desire to have that assurance before voting upon this matter. There seems to be a disposition now to retain this legislation in this bill.

A few days ago the Senate could not bear the proposition to do justice to a few obscure individuals for whose benefit there were certain provisions in the Indian appropriation bill; but the case now seems to be very different. Other parties are interested in these provisions who are of higher and greater consideration, and I suppose that the rule will be abandoned in this case. It looks like it. To be consistent I should not object, because the other day I contended very strenuously that certain just and equitable and proper legislation should be retained in an appropriation bill. But it is a little interesting to see the performances of the Senate on this subject.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the first branch of the amendment of the Committee on Appropriations, proposing to strike out the words from line 106 to and including the word "thereof," in line 117.

Mr. HAWLEY. I am not sure that I understand the purpose of this discussion. I thought we were about to say what we liked in this proposed legislation, and then to raise the point of order upon it and strike it all out; and that the Committee on Appropriations would meet the House conferees with the point of order striking it all out, but nevertheless would have the opinion of the Senate as to such legislation as it might yield to. I shall not give up the point of order against legislation.

Mr. MILLER, of New York. What is the point of order? I think the Senator has entirely misconceived the object of this debate.

Mr. HAWLEY. Will the Senator please explain to me whether we are to raise the point of order on this legislation and strike it all out?

Mr. MILLER, of New York. I do not understand that there is any point of order that lies against it. It is impossible to raise any point of order. We must decide by a vote affirmatively or negatively whether this shall stay in or go out. In other words, we are to vote now whether to concur in the amendment of the Committee on Appropriations striking this out. If we disagree, this provision remains in.

Mr. HAWLEY. I see what the Senator is aiming at, but the Committee on Appropriations very properly brings in a bill with black lines drawn across certain portions of it because it is obnoxious to the rule against legislation on an appropriation bill. I shall raise the point of order if nobody else does that this is a change of existing law, and that these paragraphs have no right here under the rule of the Senate. At the same time I am perfectly willing to express my opinion on these different points made here, because I know very well what the result will be, that in cases like this, where the Appropriations Committee and the Senate really believe in the justice of certain legislation, they will not precipitate an extra session on the country for the sake of adherence to our rules. That is just all there is of it.

Mr. CONGER. I ask the Senator under what rule he can raise any point of order against this?

Mr. HAWLEY. That it is general legislation on an appropriation bill.

Mr. CONGER. Is there any Senate rule on that point? The rule is only as to amendments moved in the Senate, not as to a bill that comes from the House.

Mr. HAWLEY. For what reason, then, does the Appropriations Committee report this bill with certain clauses in it marked out that they believe in and would like to have go into the statutes if it were not for the objection to legislation on an appropriation bill?

Mr. CONGER. Because there is a kind of sentiment in the Senate that we are trying to govern the House in accordance with Senate rules, which we have never been able to do yet.

Mr. HAWLEY. I have sufficiently made my point, and now I will express my opinion on these different propositions. I would have confined it to the proposition which the Senator from Ohio desired to have first acted upon except for the fact that everybody talking on this subject has talked on the whole matter. I like that. I like the second except the words in lines 123 and 124, which qualify the reduction of postage on newspapers. It reads now:

That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto.

I do not like the words "*bona fide* subscribers," for the reason that I fear they will compel publishers to assort their mails in different bags and different lots. A considerable percentage of the mail sent out from every newspaper office is composed of papers sent to exchanges. I think it possible that under this clause it might be required of the publishers to make separate bags of the papers sent to the exchanges, but if it should be held that the paper sent to a neighboring publisher with whom you exchange is one which is paid for by his paper to you, then that might be considered as a *bona fide* subscription. But I would just as lief strike that out and make certain of that construction. I should like to know what the Senator from Kansas thinks of that point.

Mr. PLUMB. I wish to say, in the first place, that I hope the Senate will, in justice to itself and in justice to the committee, vote its own sentiments on this bill, and not leave to the Committee on Appropriations or the committee of conference to be held on this bill in all probability the determination of this question. It is not fair to the committee and it is not fair to the Senate that the committee of conference should have the responsibility thrust upon it of saying there shall be an extra session or we will yield to various influences that may be brought to bear upon us by the House conferees in regard to the merits of this proposition.

Mr. HOAR. Allow me to ask the Senator from Kansas how much general legislation have we put on appropriation bills this year?

Mr. PLUMB. Practically none.

Mr. HOAR. Have we not left some?

Mr. PLUMB. We have left one lonesome, solitary provision on the pension appropriation bill, which is the only one I know of of any moment. That was about the presumption of soundness at the time of enlistment.

Mr. HOAR. We legislated last year in that bill about the fees of attorneys.

Mr. PLUMB. That was stricken off this year's bill and that bill is in conference.

Mr. HOAR. I am very desirous for one to vote for the provision reducing the postage on newspapers, and I do not want to be put in the position of opposing that if the Senate is going to leave on these bills other legislation.

Mr. PLUMB. Certainly the Senate itself had better exercise the discretion of what shall go on the bill than a committee of conference. If there is an overwhelming desire here to put it on, they ought to put it on; or if they do not have it on, let them say they will proceed in the exhibition of this Roman virtue even to standing to the extent of having it an instruction to the committee of conference that they are to resist even at the cost of an extra session of Congress if necessary. The reports of conference committees will come into the Senate when the Senate will not have a quorum probably; it will never be fuller than it is now, and the vote of a handful of the Senate, even if the question were submitted by a conference committee, will not amount to that expression on the part of the Senate which it ought to have on a question which has been the subject of so much discussion and so much decision on the part of the Senate.

Mr. HOAR. On the third page of this bill there is a change of the law in regard to leasing premises for post-offices.

Mr. PLUMB. That might be called legislation by some, and there is a good deal of doubt in regard to it, but the Postmaster-General is doing that thing now, and we only regulate the manner in which he shall exercise the discretion he is now exercising.

Mr. FRYE. That is, you make that law which hitherto was not law.

Mr. PLUMB. No, I am not certain that it is not law now; but at the same time there is no law that directs him to attach certain conditions to these leases, which we here provide that he may. The merit or demerit of that proposition is not in the fact that he may make leases for five years, because he makes them for ten, but it is in the fact that we provide that a certain equipment shall be put into the particular buildings he leases and that he was not in a condition perhaps to insist upon before.

Mr. CONGER. I do not see any prospect of finishing this bill to-night. ["Oh, yes!"]

Several SENATORS. We are ready to vote.

Mr. CONGER. I desire to move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Michigan make that motion?

Mr. CONGER. If Senators do not expect to finish the bill to-night, it is important that we should have an executive session.

Mr. CULLOM. I hope the Senator will not make that motion until we get through with this amendment. It has been thoroughly discussed and we are ready to vote.

Mr. CONGER. Just about the time we are ready to go into executive session Senators will have gone. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was not agreed to, there being on a division—ayes 13, noes 33.

Mr. CONGER. I think it so important that I shall call for the yeas and nays unless there is some understanding that after disposing of this amendment we shall have an executive session.

Mr. SHERMAN. Let us have it after that.

The PRESIDING OFFICER. Does the Senator call for the yeas and nays?

Mr. CONGER. With the understanding that at half past 5, as some Senator suggests, I shall move to go into executive session, I shall not press the motion now.

The PRESIDING OFFICER. The question is on the first branch of the amendment, to strike out from line 106 to 117.

Mr. SHERMAN. I do not care anything now about the division, finding from the debate that there is a general concurrence in the whole of this clause except the proviso. It will properly expedite matters if I withdraw my demand for a division. ["No!" "No!"] Very well, let us vote separately.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations, to strike out from the words "that upon," in line 106, to the word, "thereof," in line 117.

Mr. VAN WYCK called for the yeas and nays, and they were ordered.

Mr. WILLIAMS. I understand the vote we are now about to take is on agreeing to the amendment reported by the Committee on Appropriations of the Senate. Is that the vote?

The PRESIDING OFFICER. The Senator from Kentucky is right, but the question has been divided. The first vote is, Will the Senate agree to the amendment proposed by the committee from line 106 to line 117?

Mr. WILLIAMS. On that point I wish to state the principle which will govern my vote. The House has sent up a bill which proposes to reduce the postage on all second-class matter. I believe that the Senate is really in favor of that, but it is said we have a rule of the Senate that interferes with our agreeing to the bill of the House. I have been here nearly six years, and I have never known the Senate to have any rule except the rule of courtesy, that rule which governs gentlemen in their intercourse with each other, and I want it distinctly understood that I shall vote against the amendment of our own committee based upon the alleged rule, because they keep the postage as high as it is, and I am in favor of a lower postage.

Mr. MITCHELL. I desire simply to say that while I am in favor of the proposition contained in the bill I shall vote against it because I do not believe in legislation on appropriation bills.

Mr. COCKRELL. As I understand, the question now is on the recommendation of the committee to strike out from line 106 down to line

117—in other words, to strike out the provision which increases the weight of letters to an ounce instead of a half ounce. ["That is it."] I hope and trust the Senate will vote down the proposed amendment of the Committee on Appropriations, and not strike out this legitimate and proper legislation upon this bill, and for the striking out of which there is no rule of the Senate.

Mr. EDMUNDS. Mr. President, I do not know whether this proposed legislation is good or bad. There are two sides to that. As I am charged the next ten days with executing the rules of the Senate I wish to recall to the attention of the Senate the fact that, on two or three recent occasions in respect of important and apparently necessary legislation on appropriation bills, the Senate has held, in harmony with its own rules in respect of its own bills, that it would not accede to legislation proposed by the House on an appropriation bill that was purely legislation, as everybody agrees that this is, and upon the broad ground that I need not restate, for we all understand it now.

I should be glad, as one Senator, to have the Senate preserve a reasonable degree of consistency, and not refuse to amend the pension laws, for instance, the other day where on a former appropriation bill a gross error to say the least of it had been committed, and then on a Post-Office appropriation bill to reverse its action and decide that, because it liked that legislation a little better than it did the other, it would allow it to stay on. We ought to be consistent, and we ought, therefore, to be just, because justice and consistency usually go together.

If the Senate has not courage enough to adhere to one principle, then we ought to know it long enough in advance, so that it may become in every case a question of whether the Senate likes the legislation on an appropriation bill or not. If it thinks it is good legislation, and is, therefore, willing to have it on an appropriation bill, it ought to apply universally and fairly, so that on the legislative and executive and judicial appropriation bill the Committee on the Judiciary can report many amendments that they have presented in the form of separate bills, necessary to the good order and administration of justice as the country goes on, and yet we do not do it for that reason.

Now, why can we not be consistent and either repeal our rules and our practice altogether and say that we will put on to every appropriation bill everything that we think is good and strike off, as we do on all other bills, everything that we think is bad; or adhere consistently to the idea that a general appropriation bill for carrying out the existing laws of the Government and carrying on its operations shall be that thing and nothing more.

I only recall this matter to the attention of the Senate in order that if possible we may preserve our consistency for at least a week at a time.

Mr. BECK. While the Senator from Vermont is on the floor I desire to suggest to him the same difficulty that I did to the chairman of the Committee on Appropriations, and I shall be very glad to hear how we can get out of this difficulty.

I shall be one of the conferees, perhaps, on this bill—I may be at least, having been on the subcommittee in charge of it. I am looking to that possibility. The President of the Senate knows that the House has a right to insert anything that it chooses. It has inserted this. We can not strike it out so as to keep it out. It will come before us again in conference.

Most of the members of the Committee on Appropriations have already confessed that it is legislation which they would be willing to vote for as a separate measure. That is part of the record. That the House knows. That the House conferees understand. Then, with that admission staring us in the face, when we meet in conference, knowing it is good legislation, and admitting that it is, how can we refuse to pass necessary appropriations for the Government and force an extra session, which nearly all of us deplore, by standing up to a rule that we can not control, because we can not prevent the House from inserting legislation there, nor can we prevent their conferees from adhering to it after we admit that the legislation is good? That is the difficulty I have.

Mr. EDMUNDS. That to my unsophisticated mind is no difficulty at all practically. I was once a member of the Committee on Appropriations and I do not know but that I should have been there since, but for the fact that at that time the river and harbor bills went to the Committee on Appropriations, and I committed the gross sin of being opposed to a certain appropriation in it, and I discovered the next Congress that I was no longer a member of the Committee on Appropriations. But on other bills than those for rivers and harbors the Committee on Appropriations then found when the Senate was unwilling to put on an appropriation bill any piece of legislation, either because it thought it was not good, or because it thought that it was better to have it in a separate bill even if good, and the Senate conferees said to the House conferees, "You have a right to put all your bills into an appropriation bill if you want to; we have nothing to do with your rules; you are an absolutely independent body of us; we have no right to criticise your rules—they belong to yourselves—any more than Her Majesty's Government of Great Britain has any right to criticise our rules about the public lands, or anything else; it is none of our business; we are equally independent," and when we told the House conferees, "The Senate is of opinion that this sort of thing ought not to be on this bill" for either reason, because it was not good of itself as far as we could see, or because we did not wish to have it in an appropriation bill, good or bad, and said to them, "If you wish to take the responsibility of saying that you will not have any appropriations at all to carry on the Government under existing laws, because the Senate is unwilling to agree to something additional that you believe in and we do not—for whatever reason; you take your responsibility; it is your right;" they never took it and they never will, because they are patriotic and upright and independent as we are, and they know that they stand in exactly the same attitude that we would stand if our rules authorized us to put separate and independent legislation on an appropriation bill and the House rules did not, and we sent over an amendment of our own and said to the House of Representatives, "We will not have any appropriations unless you will agree to this legislation; your conferees admit that it is probably good legislation, but you will not have it on this bill; if you will not, then we will not have any appropriations at all."

We have always thought that such a position was totally untenable, as it is, and it never was maintained. So that there is no practical difficulty about it at all. If the Senate of the United States is really sincere in saying that it will not put on appropriation bills general legislation that changes permanently the permanent laws of the United States, but will keep them free, so that they can be sent to the President of the United States for his approval of the items within the laws, and not embarrass him by a thousand questions that may be presented if you present one, then there is no difficulty in carrying on your Government without the slightest trouble or friction even between the two Houses of Congress. They are equally independent, and I repeat, if the Senate is sincere in believing that it is vicious to legislate on appropriation bills, and will not give way to the temptation, when something that appears to be good is presented, of agreeing to it, and then stultifying itself, there is no difficulty at all in having an appropriation bill go through in due time and in good order.

The only trouble is that two years have gone by since this Congress assembled, and these various matters of useful legislation that are germane to every appropriation bill, or some one of those bills have not been brought forward as separate measures and brought to their passage, and when we run down to the end of the session and appropriation bills come in then, as they always do at that time, then we are tempted to say, "why here is something good that is germane to this one; let us put it on; and here is something that a majority of us think is good, let us put that on," so as to vitiate the security and safety of legislation that we all, I believe, agree in the Senate ought to be had in respect of keeping bills entirely separate from each other, and having appropriation bills what they purport to be, bills providing for the payment of money out of the Treasury to carry on the regular objects of the various Departments of the Government.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired upon this question with the Senator from Louisiana [Mr. JONAS].

Mr. MANDERSON (when his name was called). I am paired on questions generally with the Senator from Florida [Mr. JONES]. Understanding that he would vote against this amendment I feel privileged to vote. I vote "nay."

The roll-call was concluded.

Mr. FRYE. The Senator from Texas [Mr. COKE] is called out from the Senate for a couple of hours, and I think he understands I am paired with him.

Mr. MAXEY. My colleague [Mr. COKE] would vote "nay" if he were present.

Mr. FRYE. I think he understands that I am paired with him, and therefore I refrain from voting.

Mr. RANSOM. The Senator from Arkansas [Mr. GARLAND] is paired with the Senator from Illinois [Mr. LOGAN].

The result was announced—yeas 18, nays 33; as follows:

YEAS—18.

Allison,	Edmunds,	Jones of Nevada,	Pike,
Bayard,	Hale,	Lapham,	Platt,
Butler,	Harris,	Mahone,	Wilson.
Dawes,	Hill,	Mitchell,	
Dolph,	Hoar,	Morrill,	

NAYS—33.

Beck,	Gorman,	Morgan,	Sherman,
Blair,	Hampton,	Palmer,	Slater,
Bowen,	Hawley,	Pendleton,	Vance,
Brown,	Ingalls,	Plumb,	Van Wyck,
Call,	Jackson,	Pugh,	Vest,
Cockrell,	McMillan,	Ransom,	Williams.
Conger,	Manderson,	Sabin,	
Cullom,	Maxey,	Saulsbury,	
George,	Miller of N. Y.,	Sawyer,	

NOT VOTING—25.

Aldrich,	Fair,	Jonas,	Riddleberger,
Camden,	Farley,	Jones of Florida,	Sewell,
Cameron of Pa.,	Frye,	Kenna,	Voorhees,
Cameron of Wis.,	Garland,	Lamar,	Walker.
Chace,	Gibson,	Logan,	
Coke,	Groome,	McPherson,	
Colquitt,	Harrison,	Miller of Cal.,	

So the amendment was rejected.

Mr. CONGER. Now I move that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 23, noes 26.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON, of Wisconsin. I move that the Senate do now adjourn.

Mr. CONGER. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I hope the Senator from Michigan and the Senator from Wisconsin will withdraw their several motions for a little while so that we may go on for a time with this bill. We can have no legislation to-morrow, and it seems to me we ought to finish this bill, or very nearly so, to-night.

Mr. CONGER. I can not state the reasons why we should go into executive session for a few moments to-night, because the rules forbid.

The PRESIDING OFFICER. Debate is not in order on either motion. Does the Senator from Wisconsin withdraw his motion to adjourn?

Mr. CAMERON, of Wisconsin. If the motion to go into executive session shall be withdrawn I am willing to withdraw the motion to adjourn.

The PRESIDING OFFICER. On the motion to go into executive session the yeas and nays have already been ordered.

Mr. HARRISON. And also on the motion to adjourn.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his motion? If not, the question is, Will the Senate adjourn?

Mr. CAMERON, of Wisconsin. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. The question is on the motion of the Senator from Michigan that the Senate now proceed to the consideration of executive business, upon which the yeas and nays have been ordered. The roll will be called.

Mr. CAMERON, of Wisconsin. Unless the motion to go into executive session can be withdrawn, I shall renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. CONGER. I thought the first name had been called.

The PRESIDING OFFICER. There had been no response. The question is on the motion of the Senator from Wisconsin that the Senate do now adjourn. [Putting the question.] The ayes appear to have it.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. FRYE. I am paired with the Senator from Texas [Mr. COKE].

The result was announced—yeas 12; nays 38; as follows:

YEAS—12.

Bayard,	Cameron of Wis.,	Jones of Nevada,	Saulsbury,
Brown,	Cockrell,	McPherson,	Slater,
Call,	Hampton,	Ransom,	Van Wyck.

NAYS—38.

Allison,	Gorman,	McMillan,	Platt,
Beck,	Harris,	Mahone,	Pugh,
Blair,	Harrison,	Manderson,	Sabin,
Butler,	Hawley,	Maxey,	Sawyer,
Conger,	Hill,	Miller of Cal.,	Sherman,
Cullom,	Hoar,	Miller of N. Y.,	Vest,
Dawes,	Ingalls,	Mitchell,	Williams,
Dolph,	Jackson,	Morrill,	Wilson.
Edmunds,	Lamar,	Palmer,	
George,	Lapham,	Pike,	

NOT VOTING—26.

Aldrich,	Fair,	Jonas,	Riddleberger,
Bowen,	Farley,	Jones of Florida,	Sewell,
Camden,	Frye,	Kenna,	Vance,
Cameron of Pa.,	Garland,	Logan,	Voorhees,
Chace,	Gibson,	Morgan,	Walker.
Coke,	Groome,	Pendleton,	
Colquitt,	Hale,	Plumb,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Michigan that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I trust the Senator will allow me to make a motion as to the order of business. I move that when——

The PRESIDENT *pro tempore*. Does the Senator from Michigan withdraw his motion?

Mr. CONGER. No, sir, I do not withdraw it.

Mr. SHERMAN. For a moment.

Mr. CONGER. For what purpose?

Mr. SHERMAN. I move that when the Senate adjourn to-day it adjourn to meet at 1 o'clock to-morrow in order to have as much of the day as possible.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that when the Senate adjourn to-day it be to meet at 1 o'clock in the afternoon to-morrow. The question is on agreeing to that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Michigan that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 24, nays 31; as follows:

YEAS—24.

Bowen,	Dawes,	McMillan,	Morrill,
Brown,	Dolph,	Mahone,	Palmer,
Cameron of Wis.,	Hale,	Manderson,	Platt,
Chace,	Harrison,	Miller of Cal.,	Sabin,
Conger,	Jones of Nevada,	Miller of N. Y.,	Sawyer,
Cullom,	Lapham,	Mitchell,	Sherman.

NAYS—31.

Allison,	Gorman,	Lamar,	Saulsbury,
Bayard,	Groome,	McPherson,	Slater,
Beck,	Hampton,	Maxey,	Vance,
Blair,	Harris,	Morgan,	Van Wyck,
Butler,	Hawley,	Pike,	Vest,
Call,	Hoar,	Plumb,	Williams,
Cockrell,	Ingalls,	Pugh,	Wilson.
George,	Jackson,	Ransom,	

NOT VOTING—21.

Aldrich,	Fair,	Jonas,	Sewell,
Camden,	Farley,	Jones of Florida,	Voorhees,
Cameron of Pa.,	Frye,	Kenna,	Walker.
Coke,	Garland,	Logan,	
Colquitt,	Gibson,	Pendleton,	
Edmunds,	Hill,	Riddleberger,	

So the motion was not agreed to.

Mr. CONGER. I move that the Senate adjourn.

Mr. PLUMB. I hope the Senate will not adjourn until we dispose of these amendments.

The PRESIDENT *pro tempore*. Senators will please resume their seats and cease conversation. If the Senator from Michigan will withdraw his motion for a moment the Chair will receive a message from the President of the United States.

Mr. CONGER. Certainly.

[A message, in writing, was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.]

Mr. CONGER. Has intervening business occurred so that I may renew the motion to go into executive session?

The PRESIDENT *pro tempore*. It is in order to make that motion.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 24; as follows:

YEAS—29.

Aldrich,	Dawes,	McMillan,	Platt,
Blair,	Dolph,	Mahone,	Sabin,
Bowen,	Edmunds,	Manderson,	Sawyer,
Brown,	Harrison,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Wilson.
Chace,	Hoar,	Mitchell,	
Conger,	Jones of Nevada,	Morrill,	
Cullom,	Lapham,	Palmer,	

NAYS—24.

Allison,	Gorman,	Jackson,	Ransom,
Bayard,	Groome,	McPherson,	Saulsbury,
Beck,	Hampton,	Maxey,	Slater,
Call,	Harris,	Morgan,	Vance,
Cockrell,	Hawley,	Plumb,	Vest,
George,	Ingalls,	Pugh,	Williams.

ABSENT—23.

Butler,	Farley,	Jones of Florida,	Riddleberger,
Camden,	Frye,	Kenna,	Sewell,
Cameron of Pa.,	Garland,	Lamar,	Van Wyck,
Coke,	Gibson,	Logan,	Voorhees,
Colquitt,	Hale,	Pendleton,	Walker.
Fair,	Jonas,	Pike,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 20, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

THE JOURNAL.

The Journal of yesterday was read.

Mr. STEELE. I desire to know what is meant by an entry in the Journal which says that a certain statement in the RECORD shall be made to conform to a statement in the Journal. As I understood the motion of the gentleman from Kentucky [Mr. THOMPSON] it was to reconsider the vote by which the House agreed not to consider the pension bill (S. 2511), and there was nothing said about having the bill withdrawn from the House Calendar. And I understand that it so appeared in the RECORD.

The SPEAKER. The Clerk will read that part of the Journal to

which reference has been made; the Journal of the previous day's proceedings has been sent for.

The Chair understands the House by a yea-and-nay vote refused to consider a bill which came from the Senate and that it went to the House Calendar. Afterward the gentleman from Kentucky [Mr. THOMPSON] entered a motion to reconsider the vote by which the House had refused to consider the bill and it so stands.

Mr. STEELE. But that does not take the bill from the House Calendar.

The SPEAKER. It does not. It is now on the House Calendar, and will remain there unless the vote of the House is reconsidered.

Mr. HORR. I wish to say to the Chair that the House did not by any vote refer the bill to the House Calendar. It was sent there by the Chair. The vote was on the question whether the House would consider the bill.

The SPEAKER. Does the gentleman from Michigan claim that the bill was on the Speaker's table?

Mr. KEIFER. No, sir; it was reported by the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Mr. HORR. The bill having been reported, a motion was made by myself raising the question of consideration. That question was decided in my favor by the House on a yea-and-nay vote; whereupon the Chair sent the bill to the Calendar. There was no motion made about it. It went there by direction of the Chair.

The SPEAKER. Of course a report from a committee, unless some other disposition be made of it, goes to one of the Calendars under the rules of the House.

Mr. KEIFER. I want to say a word about this matter, which is of some importance. The point I make with reference to it is this: that there was no motion, as appears on the Journal, entered by the gentleman from Kentucky [Mr. THOMPSON] to reconsider the vote by which the bill was referred to the House Calendar. No such motion was made. But that gentleman did enter a motion, and the RECORD of yesterday morning shows it, that the House should reconsider the vote by which the House refused to consider the bill when it was reported. It was a privileged report. The Select Committee on Payment of Pensions, Bounty, and Back Pay was authorized by order of the House to report that bill back at any time, which made it privileged, and privileged for consideration. But the House refused to consider it, and the gentleman from Kentucky entered a motion late in the evening to reconsider the vote by which the House refused to consider the bill. I ask, in order that we may get into no confusion hereafter about this matter, that the Clerk shall read exactly what took place and I am authorized to say that the reporter's notes agree with the RECORD and show exactly what did take place.

The SPEAKER. The Chair will call on the Clerk to read what the Journal shows upon this subject, because that is the question now under consideration.

The Clerk read as follows:

Mr. JOHN H. ROGERS, as a privileged question, under authority to report at any time thereon, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, to which was referred the bill of the Senate No. 2511, relating to claim agents and attorneys in pension cases, reported the same without amendment, accompanied by a report in writing thereon.

Mr. KEIFER made the point of order that the said bill, under clause 3 of Rule XXIII, must receive its first consideration in a Committee of the Whole.

The SPEAKER *pro tempore* overruled the said point of order; that it did not appear that any provision in the said bill either appropriated money out of the Treasury or required such appropriation to be hereafter made; when

Mr. HORR raised the question of consideration; and the same being put, namely, Will the House now consider the said bill? When the yeas and nays were demanded thereon and the same were refused.

Mr. WILLIAM H. HATCH moved to reconsider the vote by which the yeas and nays were refused; which motion was agreed to.

The question recurring on ordering the yeas and nays, and being put, the same were ordered. The question being again put, to wit, Will the House now consider the said bill? it was decided in the negative—yeas 116, nays 136, not voting 72.

So the House refused to consider the said bill at the present time.

Ordered, That the said bill and report be referred to the House Calendar and printed.

Mr. KEIFER. There has never been any controversy about that part of it, Mr. Speaker.

The SPEAKER. Later in the Journal of that day a further entry appears, which the Clerk will read.

The Clerk read as follows:

Mr. THOMPSON, as a privileged question, entered a motion to reconsider the votes by which the House refused to consider the bill of the Senate No. 2511, relating to claim agents and attorneys in pension cases, and referred the same to the House Calendar; which said motion was passed for the present.

Mr. HORR. That last part did not occur here.

Mr. KEIFER. Now, Mr. Speaker, I ask that the portion of the RECORD which contains the proceedings as they occurred, in exact accordance with the reporter's notes and with the recollection of gentlemen all around me, shall be read in order to show what did actually take place.

The SPEAKER. The Clerk will read the portion of the RECORD indicated.

The Clerk read as follows:

Mr. REED, of Maine. I move that the House do now adjourn.

Mr. THOMPSON. I rise to a question of the highest privilege.

The SPEAKER *pro tempore*. The gentleman from Maine moves that the House do now adjourn, pending which the gentleman from Kentucky states that he rises to a question of the highest privilege, which he will state.

Mr. THOMPSON. I rise to enter a motion to reconsider a vote taken to-day, which is a question of the highest privilege.

The SPEAKER *pro tempore*. The Chair will recognize the motion.

Mr. THOMPSON. I enter a motion to reconsider the vote by which the House refused to consider Senate bill No. 2511.

Mr. KEIFER. That would not avail anything if it was done now.

Mr. THOMPSON. I enter the motion, at any rate.

Mr. KEIFER. A motion to reconsider would not bring it up for consideration this evening.

Mr. THOMPSON. I am aware of that fact.

Mr. KEIFER. It would not bring it up for consideration.

The SPEAKER *pro tempore*. The Chair is hardly called upon to decide what would be the effect of the motion.

Mr. THOMPSON. I enter the motion to reconsider the vote on the bill the number of which I have stated. I refer to the bill of the Senate in relation to claim agents.

The SPEAKER *pro tempore*. The motion will be entered.

Mr. WILLIS. I move that the House take a recess until to-morrow at 10 o'clock, and will state that if this is done I will move an adjournment before 11 o'clock.

Mr. KEIFER. Mr. Speaker, that includes everything that took place, and you will notice from what was said on each side that there was nothing, and could have been nothing said that related to a reconsideration of the vote, or of the order of the Speaker, by which the bill was referred to the House Calendar. We had some controversy as to what would be the effect of a reconsideration of the vote by which the House had refused to consider the bill.

The SPEAKER. The Chair thinks that the latter part of the entry upon the Journal really amounts to nothing, because the House had not, by any vote, sent the bill to the House Calendar; and that the parliamentary effect of the motion is simply to reconsider the vote by which the House refused to consider the bill.

Mr. KEIFER. With that we are satisfied.

Mr. WARNER, of Ohio. But, Mr. Speaker, I ask where does that leave the bill?

Mr. THOMPSON (to Mr. WARNER, of Ohio). That question will come up later. When the question of reconsideration is passed upon, if the House reconsiders the vote, then the whole case will be laid before the Speaker as to the condition of the bill.

The SPEAKER. The Chair simply gives his interpretation as to the parliamentary effect of the motion made yesterday afternoon.

Mr. WARNER, of Ohio. But I wish to say that my understanding of the motion to reconsider as entered by the gentleman from Kentucky corresponds exactly with the Journal, and it was talked of before the entry was made.

The SPEAKER. Still there was no motion referring the bill to the House Calendar.

Mr. HORR. It could not have occurred.

Mr. VALENTINE. No such words were spoken.

The SPEAKER. Is there objection to approving the Journal? If not, it will be approved as read.

Mr. KEIFER. Before passing from this matter, pardon me a minute. What I object to is not the Journal of this morning but the RECORD of this morning, which undertakes to correct the RECORD of yesterday morning. The suggestion of the gentleman from Ohio [Mr. WARNER] would make it appear there were two motions made, one a motion to reconsider the vote of the House refusing to consider the House bill 2511, and the other a motion to reconsider the vote by which the bill was referred to the House Calendar. We think that should be corrected.

Mr. WARNER, of Ohio. I asked unanimous consent to correct the RECORD so as to make it correspond exactly with the Journal and exactly with what I think took place.

The SPEAKER. The correction will be made.

Mr. WARNER, of Ohio. The correction was ordered yesterday.

The SPEAKER. The Chair thinks there can be no motion to reconsider anything except a vote taken by the House.

Mr. HORR and Mr. VALENTINE. That is right.

HOUR OF MEETING FOR TO-MORROW.

Mr. DORSHEIMER. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet to-morrow upon the call of the Speaker on the arrival of the procession at the Capitol.

The SPEAKER. The Chair thinks this motion would have to be made by unanimous consent, as it fixes no particular hour at which the House will meet. Is there objection? The Chair hears none. It will be so ordered.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I desire to make a privileged report, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 20, 22, 23, 24, 43, 48, 51, 52, 62, 63, and 64.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 49, 50, 53, 54, 55, 56, 57, 58, 60, 61, and 65, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For salary of envoy extraordinary and minister plenipotentiary to Turkey, $10,000.

"For salary of envoy extraordinary and minister plenipotentiary to the United States of Colombia, $7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$319,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,880;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*And provided further*, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

JAS. N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

Mr. HOLMAN. Very little information is furnished by the conference report. I ask that the accompanying statement of the House conferees be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, submit the following written statement in explanation of the conference report herewith presented.

Aside from certain verbal changes in the text of the bill and the manner of its arrangement, the bill as agreed upon by the conferees compared with the bill as it passed the House presents the following changes:

The salary of the minister to Turkey is increased from $7,500 to $10,000.

A minister-resident and consul-general is provided for at $6,500 to Roumania, Servia, and Greece.

Five thousand dollars are provided for extending the commerce of the United States in the Congo Valley.

The salary of the secretary of legation in Turkey is increased from $1,500 to $1,800.

An interpreter at $1,000 is provided for to the legation in Corea.

Five thousand dollars are appropriated for the expenses that may occur in complying with the act regulating fees and the practice in extradition cases.

For rent of buildings for legation and other purposes in China $3,100 are given.

The salaries of the consuls-general at Constantinople and Rome are increased from $2,000 to $3,000 each.

The salary of the consul at Hankow is increased from $1,500 to $3,500.

The salary of the consul at Jerusalem is increased from $1,500 to $2,000.

For salaries of interpreters to consulates in China and Japan $12,000, instead of $10,000, are given.

One thousand dollars are given for interpreters and guards at the consulate in Constantinople.

The allowance for a steam-launch for the official use of the legation at Constantinople is increased from $500 to $1,000, and $500 are given for hire of a boat for use of the consul at Osaka and Hiogo.

For the expense of a prison and prison-keeper at the consulate in Bangkok, Siam, $1,000 are given.

For relief and protection of American seamen in foreign countries an increase of $10,000 is given.

Five thousand dollars are appropriated for a preliminary search of the records of the French prize courts for evidence touching the French spoliation claims.

Twenty-five thousand dollars are appropriated to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service and to extend the commercial and other interests of the United States.

The entire bill as agreed upon appropriates in all $1,242,925, being $73,340 more than the amount of the bill as it passed the House; $23,535 more than the law for the current year; $48,100 less than as it passed the Senate; and $380,251.75 less than the estimates submitted by the State Department for the year ending June 30, 1886.

JAMES N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.

Mr. BURNES. I move the previous question on the adoption of the conference report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

Mr. WOLFORD. I call up the motion to reconsider the vote by which House bill 7655, to increase the pension of the widow of Major Thornburgh, was rejected.

The SPEAKER. The gentleman from Kentucky [Mr. WOLFORD], as a privileged matter, calls up the motion to reconsider the vote by which the House refused to pass the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

Mr. WARNER, of Ohio. I will inquire whether that is in order at this time.

The SPEAKER. It is.

Mr. HEWITT, of Alabama. I move to lay the motion to reconsider on the table.

The question being taken on the motion of Mr. HEWITT, of Alabama, there were—ayes 54, noes 93.

Mr. WARNER, of Ohio. It was agreed unanimously——

The SPEAKER. The Chair has not announced the result of the vote.

Mr. WARNER, of Ohio. I rise to a point of order. When this bill was considered in the House last Friday evening it was agreed unanimously that there should be a vote upon it by yeas and nays. I think the RECORD will show that.

The SPEAKER. Was that agreement made in Committee of the Whole?

Mr. WARNER, of Ohio. In the House.

The SPEAKER. An agreement among members may bind them individually, but unless there was an order of the House the Chair can not recognize any agreement.

Mr. WARNER, of Ohio. An order to that effect was entered, I understand. It was to be entered, and I ask whether it was not?

The SPEAKER. The gentleman claims that an order was made that the yeas and nays should be taken—on what?

Mr. WARNER, of Ohio. On the passage of the bill.

The SPEAKER. The Chair will announce the result of the vote just taken. The ayes are 54, the noes 93. So the motion to reconsider is not laid on the table.

Mr. MILLS. What is now the condition of the bill?

The SPEAKER. The motion to lay on the table is not agreed to.

Mr. MILLS. What is the present condition of the bill?

The SPEAKER. The House by a vote has refused to pass the bill. The gentleman from Kentucky entered a motion to reconsider that vote. This morning he called that up.

Mr. WARNER, of Ohio. It is now subject to amendment.

The SPEAKER. There is nothing now pending except the motion to reconsider the vote.

Mr. RANDALL. Let me correct the Chair. The gentleman from Illinois [Mr. SPRINGER] who voted with the majority moved to reconsider.

The SPEAKER. The Chair supposed the gentleman from Kentucky made the motion. The gentleman from Kentucky calls it up, as he has a right to do under the rule. The question now recurs on the motion of Mr. SPRINGER to reconsider the vote by which the House refused to pass the bill. The House will be in order, as it is impossible for the Chair to hear what gentlemen are saying on the floor.

Mr. HEWITT, of Alabama. I rise to debate—— [Cries of "Order!"]

The SPEAKER. The previous question has been ordered, and the question of reconsideration is not debatable. The question is on the motion to reconsider the vote by which the bill was rejected.

The motion was agreed to.

The SPEAKER. The question now recurs on the passage of the bill.

Mr. WOLFORD. I demand the previous question on the passage of the bill.

The House divided; and there were—ayes 96, noes 42.

So the previous question was ordered.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. There being no debate before the previous question, is it not debatable under the new rule for thirty minutes?

Mr. RANDALL. It was debated in the Committee of the Whole House on the Private Calendar, and therefore does not come under the special rule.

Mr. WOLFORD. I move to reconsider the vote by which the previous question was ordered; and also move the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WARNER, of Ohio, rose. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. Let me have five minutes.

Mr. KEIFER. I make the point that debate is not in order.

Mr. RANDALL. I rise to a point of order. This bill was discussed at some length in the Committee of the Whole House on the Private Calendar on Friday night last. Under that state of facts I submit to the House it does not come under the special rule.

The SPEAKER. The Chair will examine the RECORD.

Mr. RANDALL. The previous question having been ordered on that evening, it does not come under the special rule.

The SPEAKER. The Chair will cause to be read from page 1660 of the CONGRESSIONAL RECORD what occurred in Committee of the Whole House in reference to this bill, which, perhaps, will amount to an agreement among members as to the proceedings of the House.

The Clerk read as follows:

Mr. RANDALL. The gentleman from Ohio has made a suggestion that the friends of this measure will agree to, that the previous question prevail in the engrossment and third reading of the bill, and that there be allowed on each side five minutes for debate.

Mr. WARNER, of Ohio. I have no objection to that.

Mr. PERKINS. And that the vote shall not be taken until a quorum is present.

Mr. WARNER, of Ohio. That is the understanding.

Mr. ROGERS, of Arkansas. Can the House be bound by any agreement made in Committee of the Whole?

Mr. RANDALL. This agreement can be made after the committee rises to-night in the House.

Mr. CONVERSE. And made a matter of record on the Journal.

Mr. PERKINS. Let me ask if any agreement made in this manner in Committee of the Whole will have any binding effect upon the House?

The CHAIRMAN. The gentleman from Arkansas has just made the same inquiry. It is suggested that the agreement be made in the House when it comes before the House after the committee rises.

Mr. WARNER, of Ohio. That is satisfactory to me.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass and with the understanding above recorded.

Mr. RANDALL. That takes it out of the special rule.

Mr. KEIFER. That agreement should be carried out.

The SPEAKER. The Chair thinks that agreement should be adhered to.

Mr. RANDALL. It will be

Mr. HEWITT, of Alabama. I thought I was recognized. The bill comes from my committee.

The SPEAKER. There will be five minutes on each side for debate.

Mr. HEWITT, of Alabama. I am opposed to the bill.

The SPEAKER. There will be five minutes for and against the bill.

Mr. WARNER, of Ohio. I made the point in the House and it was agreed I should have five minutes.

The SPEAKER. The Chair recognized the gentleman from Ohio because the agreement in regard to the debate seems from the RECORD to have been made by that gentleman.

Mr. WARNER, of Ohio. This is a bill to increase the pension of the widow of Major Thornburgh from $25, to which she is entitled under the law and which she now draws, to $50 a month. If the House passes this bill, then I hold it should increase the pension of the widow of every major, of every lieutenant-colonel, of every colonel, of every brigadier-general, and of every major-general who was killed in battle in any war, to $50 a month.

Further still, why draw the line at the rank of major? Why give their widows $50, while the widows of captains and lieutenants are allowed but $22 or $17? Or why stop there? There are 75,000 widows of private soldiers, who were killed in battle or died from disease or wounds incurred in the service, who are receiving but $8 a month. There are 75,000 more claims of widows on file waiting adjudication, asking even for $8 per month, which has not yet been allowed them. Passing these all by, it is proposed in this bill to make an exception in one case out of a large number of cases probably just as worthy, just as meritorious as this. In my notion of things this is not right, it is not equitable, it is unjust to all who are equally deserving and equally entitled to the beneficence of the Government.

And I do not believe, Mr. Speaker, that we can do this without breaking down all principles upon which pensions are granted. It is establishing a new and unwarranted precedent. Can this Government say to the widow of one officer who was killed in some battle, "You shall have a pension of $50 a month," and to the widow of another officer of the same rank who was killed in another battle or perhaps in the same battle, "You shall have a pension of but $25 a month?" I do not think, sir, that we can afford to do that. But if this bill passes we do that very thing, unless all widows of officers are granted like pensions. By the passage of this bill, I say the House will be taking that position. It becomes, therefore, a precedent entirely new, and one which will vex Congress in future.

There are some 7,500 pensioners on the rolls drawing $25 a month. I do not know how many are the widows of officers who would be as justly entitled to $50 as the widow of Major Thornburgh. Is it possible that because an officer was educated at West Point his widow becomes entitled to more than the widow of a volunteer officer? That Major Thornburgh was a brave and gallant officer none will dispute. But there were other officers who lost their lives on battlefields who were just as true and worthy as he, and whose widows are as needy and are as much entitled to the consideration of this Government as is the widow of Major Thornburgh.

I appeal to the House to do equal justice to all; not to take up one case from the top of the pension-roll and raise that higher, while we leave the great majority of pensioners—the 75,000 widows of private soldiers, many of them killed in battle while bravely doing their part—to draw but $8 a month, out of which they must support and educate their families. The average pension to disabled soldiers is but about $4 a month. The place to begin to raise pensions is from the bottom ranks, not from the top. Begin with the widows who get but $8 a month, not with those who get $25; and then treat all alike. The essence of justice is equality. I have entered my protest against the passage of all bills of this kind. I would not, with my view of pensions, be consistent if I did not.

Mr. HEWITT, of Alabama. Will the gentleman let me ask him a question?

Mr. WARNER, of Ohio. Very good.

Mr. HEWITT, of Alabama. I wish to ask the gentleman if the House has not refused to increase the pension of Mrs. Cushing?

Mr. RANDALL. Yes; and it did very wrong in so refusing.

Mr. WARNER, of Ohio. And it has refused to grant pensions to other widows of officers of like rank in the Army and Navy.

I yield now the remainder of the time to the gentleman from Kansas [Mr. MORRILL], if he desires to occupy it.

The SPEAKER. The gentleman has one minute of his time remaining.

Mr. MORRILL. I desire to say, Mr. Speaker, that this is simply establishing a precedent never established before. Hundreds of officers of the rank of major, lieutenant-colonel, and colonel fell while leading their regiments in battle, but their widows are allowed only from $25 to $30 a month. Here was a man who was educated at the expense of the Government, who for thirteen years was drawing a liberal salary, and, happening to be killed on an Indian raid, they now propose to increase his widow's pension from $25 to $50, and all the time the widows of the hundred thousand soldiers who perished on the battlefields or in the hospitals are receiving but $8 a month.

Mr. WARNER, of Ohio. And let me add in this connection that this is a report adversely from the committee.

Mr. MORRILL. The committees of the House and the Senate both report adversely upon it.

Mr. WOLFORD. The gentleman is entirely mistaken. The House committee did not report adversely upon the bill.

Mr. HEWITT, of Alabama. The House committee did.

Mr. WOLFORD. I will not yield to you now. I state facts, and I want my own time in this discussion. I repeat they did not report adversely but favorably upon the bill. The only change was that the amount was reduced from $50 to $30. That was the exact report of the House committee.

Everbody admits, as has been admitted by the distinguished gentleman from Ohio [Mr. WARNER], that this is an exceptional case.

Mr. WARNER, of Ohio. Yes, very exceptional, it seems you are trying to make it.

Mr. WOLFORD. Everybody admits who has read the history of the gallant Thornburgh, a man who was sent out on a dangerous expedition with fewer men than were requisite for protection, and who gave up his life in the discharge of his duty—I repeat everybody admits that this pension should be granted to his widow. There is no man who has read the history of his gallant efforts in behalf of his country who will doubt that he made one of the most daring, chivalrous, and gallant charges that has ever been made on this earth, and no person who has examined into this case with proper care will doubt that it is one demanding consideration at our hands.

But the gentleman from Ohio comes up here and says that this man who went as a mere boy into the Army of the United States, who went out on the plains to fight the Indians, who fell beneath his glorious colors distinguished for his gallantry, who won faster than any other man in the United States service distinction and rank, who at his own request went into the line of the regular Army instead of into the Quartermaster's Department—I say that everybody who has read that history, who has read Sherman's report or read Schofield's report or the reports of General Crook, must see that this man has accomplished more great things, brave, noble, manly, ambitious as he was, and that he had a prominent future before him, with rank and honors waiting him at no distant day. But what do you see here? The gentleman from Ohio says that you do injustice to the private soldiers because you recognize the gallantry of this man. Does anybody believe that our fathers thought the time would ever come, or will it ever come in this country's history, when the widow of a private soldier expects to receive the same pension that a gallant officer's widow does?

Mr. HOLMAN. I hope so. Why not?

Mr. WOLFORD. They did not do as much. The order of God Almighty is that he who has done much shall receive much. [Applause.] That is the rule which will be observed at the great day of accounts when we shall all stand before the great White Throne. Then those who have done much good shall receive much. Major Thornburgh did much. He did more than any other man could have done unless he was placed in the same situation. God Almighty placed him in that situation, and he died a martyr for his country. I say you will spend millions of dollars to educate the children of the Indians who murdered him, but you will not educate the great Thornburgh's children. You will give money to educate the children of the red man, the man who scalped him and murdered him, but you will not give money to educate Thornburgh's children.

And I want to call the attention of the House to the fact that no one of these special pleaders has ever introduced a bill to increase the pension of the widows of the privates.

Mr. MATSON. I beg the gentleman's pardon; he is mistaken. I have myself introduced and reported a bill to increase the pensions of the widows of private soldiers from $8 to $12 a month.

Mr. WOLFORD. I can not yield for interruptions.

The SPEAKER. The time of the gentleman from Kentucky [Mr. WOLFORD] has expired.

Mr. MATSON. I move to recommit the bill with the instructions which I send to the desk.

The Clerk read as follows:

Recommit the bill to the Committee on Pensions, with instructions to inquire into the question whether a general bill to increase the pensions of the widows of all officers and soldiers killed in battle to $50 a month shall be reported by said committee.

Mr. VALENTINE. I make the point of order that that is an instruction to convert a private bill into a general bill, which is not in order.

The SPEAKER. The Chair thinks the point of order is well taken.

Mr. MATSON. Then I move to recommit the bill without instructions.

The question being taken on the motion to recommit, there were—ayes 80, noes 104.

Mr. MATSON and Mr. HEWITT, of Alabama, called for the yeas and nays.

The yeas and nays were ordered, 52 members voting therefor.

The question was taken; and there were—yeas 119, nays 126, not voting 79; as follows:

YEAS—119.

Adams, G. E.	Davidson,	Houseman,	Rogers, J. H.
Alexander,	Davis, G. R.	Howey,	Rosecrans,
Anderson,	Davis, L. H.	Jones, B. W.	Rowell,
Bagley,	Deuster,	Jones, J. H.	Seymour,
Ballentine,	Dockery,	Jones, J. K.	Shively,
Barksdale,	Dornheimer,	Lanham,	Skinner, T. G.
Belmont,	Dowd,	Long,	Smalls,
Bennett,	Dunn,	Lovering,	Steele,
Blackburn,	Eaton,	Lowry,	Stevens,
Blount,	Eldredge,	McMillin,	Stockslager,
Bowen,	English,	Matson,	Taylor, J. M.
Buckner,	Ermentrout,	Mayhury,	Thomas,
Barnes,	Forney,	Miller, J. F.	Tully,
Cabell,	Funston,	Miller, S. H.	Turner, H. G.
Campbell, Felix	Fyan,	Mills,	Turner, Oscar
Campbell, J. M.	Geddes,	Money,	Van Alstyne,
Candler,	Gibson,	Morrill,	Vance,
Cannon,	Graves,	Moulton,	Van Eaton,
Carleton,	Green,	Muldrow,	Warner, A. J.
Clements,	Halsell,	Muller,	Warner, Richard
Cobb,	Hammond,	Mutchler,	Wellborn,
Cook,	Hancock,	Oates,	Weller,
Cosgrove,	Hardeman,	O'Ferrall,	Wilkins,
Covington,	Hatch, H. H.	Peel,	Williams,
Cox, S. S.	Hatch, W. H.	Perkins,	Willis,
Cox, W. R.	Hemphill,	Peters,	Winans, E. B.
Crisp,	Hewitt, G. W.	Pierce,	Winans, John
Culberson, D. B.	Hitt,	Price,	Wise, G. D.
Culbertson, W. W.	Hollitzell,	Pryor,	Yaple.
Cullen,	Holman,	Reid, J. W.	

NAYS—126.

Aiken,	Fiedler,	Libbey,	Singleton,
Arnot,	Findlay,	Lyman,	Skinner, C. R.
Atkinson,	Finerty,	McAdoo,	Smith, H. Y.
Barbour,	Follett,	McComas,	Spooner,
Barr,	George,	McCormick,	Stephenson,
Bayne,	Glascock,	Millard,	Stewart, J. W.
Beach,	Goff,	Morse,	Stone,
Bingham,	Guenther,	Murphy,	Strait,
Biebee,	Hanback,	Murray,	Sumner, D. H.
Boyle,	Hardy,	Nelson,	Swope,
Brainerd,	Harmer,	Ochiltree,	Talbott,
Bratton,	Hart,	O'Hara,	Taylor, J. D.
Breitung,	Haynes,	O'Neill, Charles	Tillman,
Brewer, J. H.	Henderson, T. J.	O'Neill, J. J.	Valentine,
Brown, W. W.	Hepburn,	Paige,	Wadsworth,
Budd,	Hewitt, A. S.	Parker,	Wait,
Burleigh,	Hiscock,	Patton,	Wakefield,
Caldwell,	Holmes,	Payne,	Wallace,
Clardy,	Hopkins,	Payson,	Washburn,
Converse,	Horr,	Pettibone,	Weaver,
Craig,	Houk,	Phelps,	White, J. D.
Curtin,	Hunt,	Poland,	White, Milo
Dargan,	Jeffords,	Post,	Whiting,
Davis, R. T.	Johnson,	Pusey,	Wilson, James
Dibble,	Kean,	Randall,	Wilson, W. L.
Dibrell,	Keifer,	Ranney,	Wolford,
Dixon,	Kelley,	Ray, G. W.	Wood,
Dunham,	Ketcham,	Ray, Ossian	Worthington,
Elliott,	King,	Robertson,	York,
Ellwood,	Lawrence,	Rockwell,	Young.
Evans,	Le Fevre,	Rogers, W. F.	
Everhart,	Lewis,	Russell,	

NOT VOTING—79.

Adams, J. J.	Ferrell,	Lore,	Shaw,
Belford,	Foran,	McCoid,	Slocum,
Blanchard,	Garrison,	Milliken,	Smith, A. Herr
Bland,	Greenleaf,	Mitchell,	Snyder,
Boutelle,	Henderson, D. B.	Morgan,	Spriggs,
Breckinridge,	Henley,	Morrison,	Springer,
Brewer, F. B.	Herbert,	Neece,	Stewart, Charles
Broadhead,	Hill,	Nicholls,	Storm,
Browne, T. M.	Holton,	Nutting,	Struble,
Brumm,	Hooper,	Potter,	Sumner, C. A.
Buchanan,	Hurd,	Rankin,	Taylor, E. B.
Campbell, J. E.	Hutchins,	Reagan,	Thompson,
Cassidy,	James,	Reed, T. B.	Throckmorton,
Chalmers,	Jones, J. T.	Reese,	Townshend,
Clay,	Jordan,	Rice,	Tucker,
Collins,	Kellogg,	Riggs,	Ward,
Connolly,	Kleiner,	Robinson, J. S.	Wemple,
Cutcheon,	Lacey,	Robinson, W. E.	Wise, J. S.
Dingley,	Laird,	Ryan,	Woodward.
Ellis,	Lamb,	Seney,	

So the motion to recommit was not agreed to.

Mr. TALBOTT. I ask unanimous consent to dispense with the reading of the names.

Mr. PAYSON objected, but subsequently withdrew the objection, and it was then renewed by Mr. WELLER.

The Clerk read the names of members voting.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HURD with Mr. RICE.

The following members were announced as paired for this day:

Mr. REESE with Mr. LACY.

Mr. SPRINGER with Mr. CUTCHEON.

Mr. HANBACK with Mr. SNYDER.

Mr. CONNOLLY with Mr. BREWER, of New York.

Mr. NICHOLLS with Mr. HOOPER.

Mr. SUMNER, of California, with Mr. CHALMERS.

Mr. HERBERT with Mr. HOLTON.

Mr. STEWART, of Texas, with Mr. STRUBLE.

Mr. BURLEIGH with Mr. JONES, of Alabama.

The following members were announced as paired on this vote:

Mr. TOWNSHEND with Mr. BRUMM.

Mr. HARDEMAN. I desire to say that my colleague, Mr. REESE, is detained at his room by sickness.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now is, Shall the bill pass?

Mr. WARNER, of Ohio. Considering the vote already taken as a test vote I shall not insist myself on the execution of the order of the House requiring a yea-and-nay vote on the passage of the bill.

The SPEAKER. There was no order of the House as to a yea-and-nay vote on the passage of the bill. It was an agreement simply as to debate, and the question is on the passage of the bill.

The bill was passed.

Mr. WOLFORD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MRS. MARIE LOUISE CRAVEN.

Mr. HEWITT, of New York. Mr. Speaker, pursuant to the same arrangement as in the last case, I now call up the bill (S. 1228) to increase the pension of Mrs. Marie Louise Craven.

The SPEAKER. Is there a motion to reconsider?

Mr. HEWITT, of New York. On Friday night last, at the same time when the agreement as to the Thornburgh bill was made, it was arranged that the House should at its next regular session for private bills consider the bill for increasing the pension of Mrs. Marie Louise Craven, and that a yea-and-nay vote should be taken upon it if required.

The SPEAKER. Was the bill reported to the House by the Committee of the Whole?

Mr. HEWITT, of New York. It was, by the same agreement and at the same time as the Thornburgh bill.

The SPEAKER. Then the question is on ordering the bill to be read a third time.

Mr. RANDALL. Let us have it read by title.

The Clerk read the bill by title, as follows:

A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

Mr. MATSON. I desire to call the attention of the gentleman from New York [Mr. HEWITT] to the agreement that was made in relation to debate—that there should be five minutes on each side.

Mr. HEWITT, of New York. That was the understanding. Does the gentleman from Indiana [Mr. MATSON] desire to occupy the five minutes in opposition to the bill?

Mr. MATSON. The gentleman from Alabama [Mr. HEWITT] is, I presume, entitled to the time, as the bill comes from his committee. [After a pause.] I will undertake to control the time.

The SPEAKER. Does the gentleman from Indiana [Mr. MATSON] desire to be heard upon this bill?

Mr. MATSON. I suppose that the gentleman from New York [Mr. HEWITT] desires to be heard in its favor.

Mr. HEWITT, of New York. Mr. Speaker, under the practice of the House I suppose that the first five minutes belongs to the gentlemen on the other side.

Mr. MATSON. Mr. Speaker, this is a bill to increase the pension of the widow of Commander Craven, and is very similar in character to the bill which has just passed the House. This is the case of an officer of the rank of commander, below the rank of a general officer. The precedent has been made in this House, and well established, of increasing the pensions of the widows of general officers to $50 a month. There have been some exceptions to that rule; among the number the bill that has just passed the House; but the general practice has been to limit these increased pensions of $50 a month to the widows of general officers, and whenever you go beyond that the question is, Can this Government afford to give $50 a month to the widows of all its soldiers? That is the question.

Mr. WARNER, of Ohio. That is the question.

Mr. MATSON. It is a very plain practical question, Mr. Speaker, and I ask any gentleman who favors this bill to consider how he could resist an application from the widow of a soldier to have her pension increased to $50 a month when he is willing to increase the pension of the widow of this officer to that amount. How could he refuse? Our pension laws have been made in such a way as to discriminate in relation

to rank. That may have been right, or it may have been wrong; but the laws are fixed, and without some precedent the law itself ought to control in regard to the rate of pension to be allowed to the widows of officers and soldiers. If this House embarks upon this new policy of increasing pensions indiscriminately, there is no telling where it will end.

The effect of it is to legislate for favorites; that is the proposition, to do that for some which you refuse to do for all. Now, if that is right, if gentlemen representing their constituencies here can afford to vote for the constituents of others what they know they can not get for the widows in the communities they represent, let them go ahead. I can not afford to do it; nor do I believe that any gentleman who represents a soldier constituency upon this floor can afford to vote for a bill that will give larger pensions to the constituents of others than he could possibly get for his own.

The SPEAKER. There are two minutes remaining of the time in opposition to the bill.

Mr. MATSON. I reserve the remaining time.

Mr. HEWITT, of New York. The proposition of the gentleman from Indiana is that the law grants pensions in accordance with rank, and that no exceptions should ever be made except by a change in the general law; in other words, that no circumstances can occur to take a pensioner out of the general category fixed by law. But this House has been in the habit of making such exceptions. It made one only the other day in the case of the widow of General George H. Thomas; it made one only two weeks ago in the case of the widow of Lieutenant Greene, a lady who was entitled under the law to a pension of $25 a month, which was raised to $50 a month. There are therefore exceptions to the gentleman's rule, and on this very day this House has made, and justly made, an exception in the case of the widow of Lieutenant Thornburgh.

The practice of the House, then, having been established, it only remains for me to bring the case of Mrs. Craven within the rules under which the House acts.

Lieutenant Craven was a commander in the Navy of the United States. At the time of his death he was in command of the ship Tecumseh. Admiral Farragut was about to enter the harbor of Mobile with that fleet whose achievements have made his name glorious—Farragut, to whose widow Congress voted a pension of $2,000 a year. He waited for the Tecumseh to arrive from New York before he would attempt to enter the bay of Mobile, and he announces her arrival in this language:

The Tecumseh, Commander Craven, arrived on the evening of August 4, and everything being propitious I proceeded to the attack on the following morning, the Tecumseh having been given the leading position.

Again Admiral Farragut says:

The attacking fleet steamed steadily up the main ship-channel, the Tecumseh firing the first shot at forty-seven minutes past 6 o'clock a. m.

The Tecumseh was struck by a torpedo and sunk, carrying down with her nearly all the crew and her gallant commander. This is how he died.

When the monitor Tecumseh was sunk at the battle of Mobile Bay her gallant captain, Commander T. A. M. Craven, of the Navy, went down in her. At the moment of the explosion Craven and the pilot, Mr. John Collins, were in the iron tower, or pilot-house, directly over the turret, steering the ship to attack the confederate iron-clad Tennessee. Seeing the inevitable fate of the vessel, Craven and the pilot scrambled down into the turret and met at the foot of the iron ladder leading to the top of the turret through a narrow scuttle, the only exit now left for escape from the doomed vessel. At that point Craven drew back in a characteristic way and said, "After you, pilot!" "There was nothing after me," relates Mr. Collins, who fortunately escaped to tell the tale of heroism. "When I reached the topmost round of the ladder the vessel seemed to drop from under me."

Finally, when Admiral Farragut announced to the Department that the Tecumseh had been lost and that her brave commander had met death like a hero, as he was, the Admiral received the following reply from the Secretary of the Navy:

Great results in war are seldom attained without great risks, and it was not expected that the harbor of Mobile would be secured without disaster. The loss of the gallant Craven and his brave companions, with the Tecumseh, by a concealed torpedo, was a casualty which no human foresight could guard.

Now listen! The Secretary continues:

While the nation awards cheerful honors to the living, she will ever hold in grateful remembrance the memory of the gallant dead who periled their lives for their country and died in her cause.

That was the pledge given by the Secretary of the Navy to the gallant Craven who lost his life in the cause of his country—the pledge that that country would provide for his widow and his children. They are now in poverty, and they come here to ask that their pittance of $30 a month shall be increased to $50, in accordance with the repeated action of this House in dealing with the families of men by whom heroic deeds have been performed. I appeal to the House to redeem the pledge made by Secretary Welles in the hour of victory when death deprived Mrs. Craven of her heroic husband. Death under such circumstances ought to be equivalent to promotion of the single grade which would have entitled her to the pension proposed in this bill.

Mr. MATSON. I yield the remainder of my time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, the reading of the words "grateful remembrance" recalled to my mind a law in regard to soldiers passed some years ago by Congress. I ask the Clerk to read from the fifteenth volume of the Statutes at Large a portion of an act approved March 3, 1865.

The Clerk read as follows:

And be it further resolved, That in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employments.

Mr. HEWITT, of New York. Craven is dead.

Mr. HAMMOND. I have had this provision of the law read for the purpose merely of showing how absolutely ridiculous Congress makes itself on the subject of the soldier. There is an advertisement such as is inserted in the daily papers at so much a line. And Congress is making itself quite as ridiculous in granting pensions every day in "exceptional" cases. Every case is "exceptional" because these gentlemen fear to vote against the soldier.

[Here the hammer fell.]

The SPEAKER. The question is on ordering the bill to be read a third time.

Mr. WARNER, of Ohio. Is the bill now open to amendment?

The SPEAKER. It is not. The previous question has been ordered. [Having taken the vote.] The ayes are 60, the noes 92. The noes have it, and the bill is rejected.

Mr. GEORGE D. WISE. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 395) for the relief of Thomas T. Stratton, assignee of W. B. Waldran;

A bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1031) for the relief of W. C. Marsh.

CORRECTION.

The SPEAKER. A mistake having been made in the engrossment of an amendment to a Senate bill, the Chair asks unanimous consent to lay before the House for consideration a resolution which will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill of the Senate No. 229, to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to correct an error of engrossment of the House amendment.

There being no objection, the resolution was considered and adopted.

WITHDRAWAL OF PAPERS.

Mr. JOHN S. WISE, by unanimous consent, obtained leave for withdrawal of papers in the case of Phœbe A. Ross.

LEAVE OF ABSENCE.

Mr. RAYMOND, by unanimous consent, obtained leave of absence indefinitely, on account of a death in his family.

ORDER OF BUSINESS.

Mr. RANDALL. I would like to make a motion that all private business for to-day be dispensed with.

Mr. VALENTINE. Will that affect the hour under the new rule?

Mr. RANDALL. No, sir.

Mr. PETERS. Will it dispense with the session this evening for pension business?

Mr. MCMILLIN. I understand that session has already been dispensed with and a session on Monday night substituted.

Mr. PETERS. If it does not interfere with the Friday night session for pension business, I will not object.

The SPEAKER. In the opinion of the Chair it would not affect that session. An order of this kind has not been so construed heretofore.

Mr. MCMILLIN. The public business is now in such a condition that I think the motion of the gentleman from Pennsylvania [Mr. RANDALL] is entirely proper, and I shall not oppose it in the interest of private business.

Mr. BROWN, of Pennsylvania. Will the adoption of this motion interfere with the hour under the new rule?

The SPEAKER. It will not.

Mr. HOPKINS. I wish to appeal to my colleague [Mr. RANDALL] to have the unfinished private business which would come up to-day disposed of before making the order which he suggests.

Mr. RANDALL. That might take the whole day.

Mr. HOPKINS. No; the previous question has been ordered.

A MEMBER. What is the bill?

Mr. HOPKINS. The bill for the relief of Captain Bigley.

Mr. KEIFER. That can be taken up some other time.

The SPEAKER. The question is on the motion made by the gentleman from Pennsylvania that private business for to-day be dispensed with.

Mr. DUNHAM. Will that interfere with the evening session for pension business?

The SPEAKER. It does not.

The question being taken, the motion of Mr. RANDALL was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I understand that the House has now dispensed with all private business for to-day except at the evening session.

The SPEAKER. That has been done.

Mr. WILLIS. Now I move that at 10 o'clock to-night the House take a recess until to-morrow morning at 10.

Mr. MORRILL. Say half past 10 o'clock to-night.

The SPEAKER. An order was made this morning, upon the motion of the gentleman from New York [Mr. DORSHEIMER], that when the House adjourns to-day it adjourn to meet upon the call of the Speaker to-morrow. The motion of the gentleman from Kentucky [Mr. WILLIS] would not interfere with that at all, because it does not contemplate an adjournment.

Mr. DORSHEIMER. What is the motion?

The SPEAKER. The gentleman from Kentucky moves the House this evening at 10 o'clock will take a recess until 10 o'clock to-morrow morning.

Mr. VALENTINE. That ought not to be done.

Mr. DORSHEIMER. I wish to say, Mr. Speaker, the employés of the House will be busy taking out the desks to-night, and it will be impossible to have an evening session if we are to carry out the proceedings which have been arranged by the joint committee of the two Houses. I venture to suggest instead of a session this evening a session be held some evening next week.

Mr. WARNER, of Ohio. Say Monday.

Mr. DUNN. I think that order has been made.

The SPEAKER. It was suggested yesterday evening, but was not agreed to.

Mr. DORSHEIMER. If the employés of the House can have possession of this Hall to remove the desks this evening there will be then no inconvenience in taking a recess until to-morrow morning at 10 o'clock; but the members at that time will not have their desks.

Mr. MATSON. The proposition made by the gentleman from New York will not be objected to by anybody, if it were certain a session could be held Monday evening or any other evening next week. There is but one more night necessary, but that night is absolutely necessary to the passage of a number of Senate bills which ought not to be allowed to die and would die unless another night session is given. I apprehend the employés of the House can begin after adjournment and have his work completed before midnight.

A MEMBER. Let them have a sufficient force.

Mr. ANDERSON. I wish to inquire of the gentleman from New York whether in the event that a session were held to-night the employés of the House could not have time enough to remove the desks to-morrow morning? So the question would come between a pension session to-night and a session for rivers and harbors to-morrow.

Mr. DORSHEIMER. I will say in response to the gentleman that the Architect of the Capitol has informed us it is necessary for him to have the entire evening, not only for the purpose of removing the desks, but arranging the platform and rearranging the seats for to-morrow, if this Hall is to be rearranged to give seats for eight hundred people on the floor to-morrow. And the time will not be too long the Architect of the Capitol will have if he can work here at once.

Mr. ANDERSON. Can not we do that to-morrow if we are not to have any session?

Mr. WILLIS. I suggest this is the condition of things: Under the rule of the House we have to-night a session for pensions. That rule can not be dispensed with except by unanimous consent. Unanimous consent has been refused, and the motion I make is not in conflict with any suggestion as to the convenience of the officers for to-night. You can not dispense with the night session, it being the order of the House, except by unanimous consent.

Mr. DORSHEIMER. In answer to the suggestion made by the gentleman from Kentucky I have to say that the arrangement by which to-morrow's proceedings are to be had is in pursuance of a law of Congress, and those arrangements, under full authority from both Houses of Congress made by the joint commission, require this room shall be in possession of the employés of the House this evening.

Mr. MATSON. Unless we have our session for pensions to-night there is probability no session can be had to-night, and therefore I shall be obliged to insist.

Mr. RAY, of New Hampshire. If we have an evening session at 7 and get through at 9, then the employés can have the benefit of an hour or two we should otherwise occupy by taking a recess until 8, as usual.

The SPEAKER. The question now before the House is on the motion of the gentleman from Kentucky that the House, at 10 o'clock this evening, will take a recess until 10 o'clock to-morrow morning.

Mr. RAY, of New Hampshire. I ask by unanimous consent the evening session shall commence at 7 and close at 9.

Mr. WILSON, of Iowa. The House, by a concurrent resolution, has agreed with the Senate to give up the use of this Hall to-night.

The SPEAKER. There is no order of the House heretofore made in reference to any proceeding to-day; it is only for to-morrow.

Mr. WILSON, of Iowa. Does not the agreement of the Senate provide for removing the seats on this floor?

The SPEAKER. It does; but it does not provide when it shall be done.

Mr. McMILLIN. The motion of the gentleman from New Hampshire will meet every necessity of the case.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent the session this evening shall begin at 7 and close at 9. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. WILLIS. I now, Mr. Speaker, modify my motion to the effect that the House shall take a recess at 9 o'clock to-night to meet at 10 o'clock to-morrow morning.

Mr. VALENTINE. Then if that prevails the House will be in session during the ceremonies at the monument?

Mr. WILLIS. Yes, sir.

Mr. VALENTINE. I trust the motion will not prevail.

The question being taken on the motion of Mr. WILLIS, on a division there were—ayes 59, noes 91.

So the motion was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House of Representatives to the resolution of the Senate of July 14, 1884, to print the report of the Senate Committee on Education and Labor and the relations between labor and capital, with accompanying testimony.

Also, that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, the bill (H. R. 3933) to declare forfeited land granted to the Texas Pacific Railroad Company, and for other purposes.

ALLEGED FRAUDS IN OFFICIAL-ENVELOPE CONTRACTS.

Mr. BINGHAM. I wish to make a privileged report. Mr. Speaker, I am directed by the Committee on Post-Offices and Post-Roads to report back a resolution of inquiry referred to that committee.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas sundry newspapers in the country published notices during the summer of 1884 concerning alleged great frauds in the supply of official envelopes to the Post-Office Department, whereby many thousands of dollars were lost to the Government:

Resolved, That the Postmaster-General be, and is hereby, requested to communicate to the Committee on the Post-Office and Post-Roads all the facts, with papers or copies thereof, connected with the annullment in August, 1884, of the contract with P. P. Kellogg & Co., of Springfield, Mass., for the supply of official envelopes for the fiscal year ending June 30, 1885; also how the cost of envelopes under the said contract compared with the cost of the same in the contract subsequently made; also whether envelopes inferior to contract requirements were furnished under any other contract than the said one of P. P. Kellogg & Co.; also whether any officer or employé of the Government was at fault in connection with the supply of any such inferior envelopes; and also what action has been taken by the Postmaster-General to protect the interests of the Government in connection with the supply of such inferior envelopes.

Mr. VALENTINE. I think this resolution is scarcely privileged in its present form. If information is sought by the House it would be proper, but this is a request that the Committee on Post-Offices and Post-Roads be informed of these facts.

Mr. BINGHAM. I will change that at the suggestion of the gentleman. This is unanimously requested by the committee.

Mr. VALENTINE. Let the information come to the House and not to the committee.

The SPEAKER. The rule of the House requires all communications from heads of Departments to be addressed to the House itself.

Mr. BINGHAM. I will change that, so it will read:

That the Postmaster-General be, and he is hereby, requested to communicate to the House of Representatives, &c.

Mr. VALENTINE. This should be done. I noticed a day or two ago that a resolution of that kind appeared by the RECORD to have been passed; but I think in all cases they should be made to conform to the rule.

The resolution as modified was agreed to.

Mr. BINGHAM moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour under the special rule begins at nine minutes past 2 o'clock.

Mr. WILLIS. I wish to ask what is probably in the nature of a parliamentary question. Under the order of the House is there not a session required to-morrow?

The SPEAKER. There is; but it will not begin until the House

shall be called to order by the Speaker after the procession has arrived at the Capitol.

CUSTOM-HOUSE LOT, PROVIDENCE, R. I.

Mr. SPOONER. Mr. Speaker, I ask to take up, under the special rule, from the Speaker's table Senate bill 194, to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to convey to the city of Providence, in the State of Rhode Island, for highway purposes, such portion of the old custom-house lot, so called, owned by the United States, situated on the southwest corner of South Main street and Custom avenue, in said city, as may be required for the widening of said South Main street upon the application for such widening now pending in the supreme court of Rhode Island.

SEC. 2. That the Secretary of the Treasury is authorized to agree with the city of Providence upon the amount of compensation to be paid the United States for said land and damages to the building on said lot, and to receive such amount in full payment therefor.

Mr. SPOONER. I desire to move an amendment to the Senate bill by striking out the word "southwest," in the seventh line of the printed bill, and inserting in place thereof "northwesterly." This is to correct a misdescription of the location of the lot in question.

Mr. MILLS. Is the Government to be paid for this land?

Mr. SPOONER. The Government is to be paid.

Mr. MILLS. How is the value to be arrived at?

Mr. SPOONER. By agreement with the Secretary of the Treasury.

Mr. MILLS. What does he know of the value of lands in Rhode Island? Would it not be better that there should be some commissioner appointed to ascertain and report the value of the land?

Mr. SPOONER. I suppose the Secretary of the Treasury could easily ascertain through inquiry of the officers of the United States the value of the property.

Mr. MILLS. It seems to me it would be better to have it ascertained by some person familiar with the value of property in that city.

Mr. WELLER. Let me ask the gentleman from Rhode Island if these lands are not required for the use of the public buildings there now?

Mr. SPOONER. No; not more than this, as stated very fully in the report of the committee: The lot in question is the old custom-house lot, upon which an ancient building now stands about 40 by 40 feet in extent, which building is used now for store-house purposes, the custom-house business being transacted in the new custom-house building erected some twenty or more years ago.

Mr. WELLER. I desire to inquire further of the gentleman if the sale of this lot will not necessitate the buying of other lands to accommodate the public buildings in that locality; and I would like to add also to the question if that is not the purpose of the parties who have this property in hand?

Mr. SPOONER. That is not at all the purpose of this bill, nor of those moving in it. As is well understood, probably, in our Eastern cities, and peculiarly so in Providence, the streets laid out in early days were many of them very crooked and narrow. With the extension of business and the increase of population it has been necessary to widen and straighten a great many of our streets, and the project of widening and straightening this particular street, which is one of the principal streets in the city, has been a consideration for many years.

Proceedings are pending in the supreme court of Rhode Island under the Rhode island law for the appointment of commissioners and to provide for the straightening and widening of this street. Under the law all of those who are injured or damaged by reason of what is being done, or whose property is damaged by reason of widening or straightening the streets, are compensated by the city, and the amount of such compensation is arrived at in the first instance by commissioners appointed by the supreme court, and if their decision is deemed insufficient or unsatisfactory, by an appeal to the court itself.

It seems to me that the bill is perfectly guarded, and there is no design or intent on the part of the city of Providence to do otherwise than to pay a fair value for the land taken and the damages occasioned. If it is thought better by the House the amount of damages should be ascertained in the same manner as damages to private property by proceedings in court, I will offer a section to that effect; but I do not think it necessary.

The SPEAKER. The time for debate in support of the bill has expired.

Mr. WELLER. I call for the reading of the report in my time in opposition to the bill.

The SPEAKER. The gentleman from Iowa rises to oppose the bill, and asks for the reading of the report in his time.

Mr. SPOONER. I send to the desk the report made by the House committee on identically the same bill which they have reported to the House.

The Clerk read the report (by Mr. HOPKINS, from the Committee on Public Buildings and Grounds), as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2703) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, respectfully report:

That said city of Providence has an application pending in the supreme court of the State of Rhode Island, under the laws of said State, to enable said city to widen and straighten South Main street, in said city, and thereby to make an improvement demanded by the business interests of that locality.

The "old custom-house lot," so called, belonging to the United States, is situated on the northwesterly corner of said South Main street and Custom avenue, measuring about forty feet on South Main street and about sixty-four feet in depth. The "old custom-house," an ancient brick building, about forty by forty feet in width and depth, and two and one-half stories in height, and now used as a storehouse, stands upon the front portion of said lot, and on the present westerly line of South Main street.

For the purpose of said proposed widening and straightening, a small portion of the front part of said lot is required.

Your committee are of the opinion that the bill sufficiently protects the Government interests involved; and, as the payment of damages to said lot and to the building thereon is provided for in said bill, they recommend the passage thereof.

Mr. WELLER. I am of the opinion there should be objection offered to the consideration of this bill, with the suggestion that it be referred back to the committee, with instructions to make an amendment, creating a commission to appraise this property instead of leaving it to the judgment of the Secretary of the Treasury.

Mr. SPOONER. I hope that will not be done.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WELLER. I object.

Further objections being called for, only three members rose—not a sufficient number.

The SPEAKER. If there be no objection, the amendment proposed by the gentleman from Rhode Island [Mr. SPOONER] will be adopted.

There was no objection.

Mr. WELLER. I now move the bill be recommitted with instructions to report an amendment that a commission be instructed to appraise the property in question.

The question being taken on the motion of Mr. WELLER, it was not agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SPOONER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT READING, PA.

Mr. ERMENTROUT. I call up the bill (H. R. 1321) for the erection of a public building at Reading, Pa.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, and other Government offices, at the city of Reading, in the State of Pennsylvania. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $80,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ERMENTROUT. It has never been my good fortune to have an opportunity to present any claim from the district I have the honor to represent until now; and I therefore beseech a patient hearing while I make a brief statement of the merits of this bill. The city of Reading is in point of population the fortieth city in the United States, and it is the fourth city in Pennsylvania, having a population now of between 55,000 and 60,000 people. During the last four years the average number of buildings constructed annually has been over four hundred. In 1880 there was a registration of 10,000 voters; in 1884 there was a registration of 13,000 voters, which, under the ordinary rules, indicates a population of 60,000.

The city is situated fifty-eight miles from Philadelphia, thirty-six miles from Pottsville, fifty-four miles from Harrisburg, and is the center of a rich manufacturing and agricultural region. It has at its door the anthracite-coal regions of the Schuylkill and of the Lehigh. There are two systems of railroad now running through it, the Pennsylvania Central and the Philadelphia and Reading. Its public business is large. The postal money-order business amounted in the last year at Reading to over $100,000. The gross income of the post-office was over $42,000; the net income over $21,000; the total business of the office to over $250,000. There is much more to be said in favor of the measure, but in case there are any objections to the measure, I will reserve the balance of my time to answer them.

The SPEAKER. Five minutes are allowed for debate in opposition if any gentleman desires to occupy that time. [After a pause.] Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

Mr. WILSON, of Iowa. I call up for consideration the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the additional sum of $100,000 is hereby appropriated to erect a post-office, court-room, and internal-revenue building at Council Bluffs, Iowa, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved May 25, 1882, and the limit of cost prescribed in said act is hereby extended.

Mr. STORM. I ask if this bill has not been offered once before?

Mr. ANDERSON. That makes no difference.

Mr. WILSON, of Iowa. It has not been offered since the rule was amended so as to admit of explanations.

The SPEAKER. This bill was called up by another gentleman from Iowa who was recognized on the first day of the operation of the new rule when all these motions were objected to. Afterward the rule was changed.

Mr. STORM. I make the point that no gentleman should be recognized to call up a bill once objected to until all other members have the privilege of calling up bills.

The SPEAKER. The rule does not make any provision as to that.

Mr. WILSON, of Iowa. I yield to my colleague from Iowa [Mr. PUSEY].

Mr. PUSEY. I desire to make a brief statement in reference to this measure. It is recommended by the Secretary of the Treasury that this additional appropriation be made. The Forty-sixth Congress appropriated a sum of money out of which the site was purchased and the excavation was commenced last fall. The superintendent struck quicksand and there was great difficulty in getting a foundation for the building.

We have sunk some $18,000 in building a proper foundation. We have built the wall up to the grade line of the street, and the Secretary of the Treasury asks this additional appropriation in order to complete this fire-proof building. We have to bring our material for the construction of this building five hundred miles. I settled in that town when we had but two mails a week, brought to us on buckboards, and I think there is something due to the people that go out on our frontiers and build up towns and cities, and thus change the postal service from a burden upon the Government into a source of revenue. The revenue of the post office there is now between $35,000 and $40,000; we have a circuit court and a district court; the town is an important business center, and I do not think there is a single gentleman on this floor who will object to the additional appropriation that is asked. [Cries of "Vote!" "Vote!"]

Mr. WARNER, of Ohio. I wish to ask the gentleman what amount has already been appropriated for that building.

Mr. PUSEY. One hundred thousand dollars.

Mr. WARNER, of Ohio. And this is $100,000 more?

Mr. PUSEY. Yes, sir.

Mr. WARNER, of Ohio. I will offer an amendment to reduce the sum. I will not make objection to the consideration of the bill, but I ask the gentleman from Iowa [Mr. PUSEY] to accept the amendment which I send to the Clerk's desk to be read in my time.

The Clerk read as follows:

Add the following:

"And no plan shall be approved which will involve the expenditure for site and building complete, including the approaches, of any sum greater than the limits herein fixed."

Mr. WARNER, of Ohio. This amendment expressly prohibits the Secretary of the Treasury from accepting or approving any plan for this building which will involve a larger expenditure than the amount fixed in the bill.

Mr. PUSEY. I accept the amendment.

The SPEAKER. The gentleman from Iowa [Mr. PUSEY] states that he will accept the amendment. Is there objection to the consideration of this bill? [After a pause.] If not, the amendment will be adopted and the bill ordered to be engrossed and read a third time.

Mr. WARNER, of Ohio. Mr. Speaker, I offer another amendment.

The SPEAKER. The bill has been ordered to its third reading.

Mr. WARNER, of Ohio. Mr. Speaker, I understand that under the rule a bill is open to amendment after debate.

The SPEAKER. This bill has been ordered to its third reading. The gentleman may move to reconsider, if he desires.

Mr. WARNER, of Ohio. I think the amount ought to be reduced.

Several MEMBERS. No, no!

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. TILLMAN. Mr. Speaker, I call up from the Speaker's table the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The bill was read, as follows:

Be it enacted, &c., That Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, late copartners in the business of commission merchants and bonded warehousemen in the city of New York, be permitted to sue in the Court of Claims; which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of the seizure, detention, and closing up of the commission houses and bonded warehouses of said copartners, for the breaking up and interruption of their said business, and for the seizure and detention of the property, books, and papers in and connected with said business, by Joshua F. Bailey, collector of internal revenue for the fourth internal-revenue district of said State, or by said Bailey and other internal-revenue officers. The United States shall appear to defend against said suit, and either party may appeal to the Supreme Court as in ordinary cases against the United States in said court, and said suit may be maintained, any statute of limitation to the contrary notwithstanding.

Mr. TILLMAN. The House Committee on Claims approve this bill, which has passed the Senate. In the last Congress the Committee on Claims in each House reported favorably upon a bill similar to this; but there was no opportunity to take it up in either body. As a member of the Committee on Claims, after thoroughly investigating the facts connected with this case, I have, in the exercise of my privilege as a member under the rule lately established by the House, called up this bill and asked that it be passed, in order to correct one of the greatest wrongs ever committed, within my knowledge, by any officer or agent of the Government. The parties who suffered this wrong were the members of a firm of merchants in New York city.

Mr. REED, of Maine. What was the date of the transaction?

Mr. TILLMAN. The transaction occurred in the latter part of 1867 and the forepart of 1868.

Mr. REED, of Maine. What was the nature of it?

Mr. TILLMAN. Joseph Cummings & Co. were commission merchants and exporters and importers in the city of New York, engaged in a large whisky and wine business, their sales amounting to over $3,000,000 a year. It was perhaps on account of the large extent and success of their business operations that they were selected for a "raid" made by an internal-revenue collector named Bailey, in order that he might levy "blackmail." He shut up their warehouse, took charge of their books and papers, and would not permit them to carry on any business whatever.

Mr. PAYSON. Under what pretext?

Mr. TILLMAN. Upon a general charge of fraud without ever making any specification. After a couple of months these partners in trade, finding they could get no relief from Bailey, came to the Treasury Department here and asked whether there were any charges against their firm. They were told there were none. They then asked for an investigation. The Secretary of the Treasury sent an officer of his Department to New York, who, in company with two deputy collectors, made an investigation, and found the books, papers, and goods all right. Yet this man Bailey, persisting in his general charge of fraud, refused to surrender control of the books, papers, and goods belonging to the firm.

After three or four months more these merchants demanded a second investigation, which was had; and every package of goods, whether in the store or bonded warehouse, in either bottles or in wooden vessels, was examined and found to correspond precisely with the books. A report to this effect was made to the Treasury Department. When the goods were finally given up to the merchants six months had elapsed; the business season was over; the price of their goods had fallen, and the firm was ruined. The evidence is convincing that if they had been permitted to export to fill contracts——

A MEMBER. What became of Bailey?

Mr. TILLMAN. Bailey in the mean time took "leg bail."

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. REED, of Maine. I rise to oppose the bill, and yield my time to the gentleman from South Carolina [Mr. TILLMAN]. I desire that he may complete his explanation.

Mr. TILLMAN. I thank the gentleman. The counsel of this business firm advised them that they should first institute proceedings against Bailey, and after getting judgment against him appeal to the Government, from which they hoped to get redress by having recourse to the sureties of Bailey. But Bailey fled. They then waited, by advice of their counsel (Mr. Allen, of the New York bar), in the hope that Bailey would return, and upon a solemn assurance of Bailey's counsel (Mr. Runkle, another member of the New York bar) that he would return. Thus time went on until their right of action was barred by the statute.

This bill merely provides that these parties may go to the Court of Claims and that the Government or the claimant may appeal to the Supreme Court. No appropriation of money is provided in the bill, and if the case should go to the Supreme Court and should there be decided against the Government the case would have to come here for an appropriation, and all the facts and circumstances could then be re-examined here. I assure the House, after a thorough and extensive investigation, that I think the bill ought to be passed.

Mr. FINDLAY. Will the gentleman state why Bailey fled the country?

Mr. TILLMAN. He fled the country because he was a defaulter to the Government to the amount of about $180,000; and although the Government officers had notice of the monstrous wrong done to these merchants—one of whom died in the poor-house a year or two ago, the other of whom, a man ruined in fortune, is now on a sick bed—although the Government officers had notice of the monstrous wrong done to these merchants and of the rascally conduct of this man toward the Government, they compromised with his sureties for $50,000. The point of law involved is merely the question of notice.

Mr. PAYSON. Has this matter ever been investigated by any committee of either branch of Congress?

Mr. TILLMAN. It has been examined by committees of both branches, and favorable reports made.

Mr. PAYSON. I mean has the proposed plaintiff ever made any application to Congress for direct relief in the form of an appropriation?

Mr. TILLMAN. Never.

Mr. MCMILLIN. He never has; and this bill simply gives the right to bring a suit in the Court of Claims.

Mr. PAYSON. I understand that. I did not know but perhaps there might have been some previous application and some adverse report.

Mr. TILLMAN. There has never been any adverse report.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. RAY, of New York. I object.

The SPEAKER. Gentlemen who object to the consideration of this bill will rise. [After a pause.] Only one gentleman rises; and the bill is before the House for consideration.

The bill was ordered to a third reading, read the third time, and passed.

Mr. TILLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, CLARKSBURG, W. VA.

Mr. GOFF. I call up for present consideration the bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Clarksburg, in the State of West Virginia, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States courts and post-office and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $50,000; and for the purposes herein mentioned the sum of $50,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of West Virginia shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. GOFF. Mr. Speaker, I will not detain the House for any length of time in discussing this matter. For a great many years the courts of the United States have been held at this place, and during all these years they have used the county court-house, the county furnishing the building free to the Government of the United States, and all the necessary expenses connected with heating and lighting the same. The rapid increase of the population of that county, the extension of business, and increase of litigation have been such as to occupy it all the time by the courts of the county until it has become virtually no place where United States courts can be held. Over 300,000 people in the surrounding counties transact their business there. There is no safety to the records. Over fifty years of records, of decrees, of titles to property are kept in a frame building, without security at all. I practice in that court, and my attention has been called to this matter by citizens of Massachusetts, New York, Pennsylvania, and Maryland to the insecurity of these records. This bill has been considered by the committee and unanimously reported, and I do not desire to detain the House further.

Mr. HOLMAN. I wish to make two suggestions to the gentleman from West Virginia. One is that the whole sum should be appropriated by this bill. The provision of the statute which imposes a duty upon the Supervising Architect of the Treasury touching the construction of public buildings does not operate effectually until the whole sum is appropriated.

Mr. GOFF. There is only $50,000 for the whole amount.

Mr. HOLMAN. Then the whole amount is appropriated by this bill?

Mr. GOFF. Yes, sir.

Mr. HOLMAN. I misunderstood the bill from the reading. Then it is all right.

The other matter is this: Will the gentleman have objection to the limitation imposed in some of the other bills being put upon this—that the site shall first be purchased?

Mr. GOFF. It is there now.

Mr. HOLMAN. Will the gentleman consent to the provision being inserted that the Secretary of the Treasury shall not approve the plan if it involves a larger expenditure than the appropriation?

Mr. GOFF. It says the cost of the lot and building shall not exceed the sum of $50,000 all told.

Mr. HOLMAN. The House having declined to adopt this provision on one bill, I do not wish to press it now, but I think my friend will find it to his advantage to have this limitation included.

Mr. GOFF. I think it is there already, and I claim nothing more.

Mr. HOLMAN. It will come in the way of a proviso which I ask the Clerk to read.

The Clerk read as follows:

Provided, That it shall be the duty of the Secretary of the Treasury after the site for said building shall have been purchased to cause plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and purchase thereof exceeding the portion of said $50,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. I wish to say that I do not insist on this, but I think it ought to be adopted.

Mr. WARNER, of Ohio. I ask the gentleman from West Virginia to accept it.

Mr. GOFF. Very well; let it be adopted.

Mr. WARNER, of Ohio. How far is the location of this building to the nearest point where a United States court is held?

Mr. GOFF. One hundred and twenty-five miles.

Mr. WARNER, of Ohio. At Parkersburg?

Mr. GOFF. I thought you said district court. It is about one hundred miles.

Mr. MCMILLIN. What is the population of this town?

Mr. GOFF. I do not know, and for this reason: The corporate limits of this town, like those of others, do not include the whole population.

Mr. MCMILLIN. What about is the population?

Mr. GOFF. Five thousand.

Mr. MCMILLIN. Quite small.

Mr. GOFF. The courts are held there.

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOFF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, LOUISVILLE, KY.

Mr. WILLIS. I call up for present consideration the bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act for the erection of a public building at Louisville, Ky.," approved May 25, 1882, be amended by making the limit for said building $1,000,000, and that sum is hereby fixed as the limit of cost thereof.

SEC. 2. That the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. WILLIS. Mr. Speaker, I have already personally explained this bill to nearly all the members of this House, and I respectfully call their further attention to the facts connected with it. Three years ago Congress passed an act to construct a public building at Louisville, Ky. The site was bought, but the architect declined to go ahead because the amount fixed in the act was as the limit of cost inadequate to the public business of that city. The Secretary of the Treasury, in a communication which I hold in my hand, recommends $1,500,000, and we are only asking $1,000,000, which is the amount recommended by the unanimous vote of the Committee on Public Buildings and Grounds. As introductory to some facts which I wish to present I will read the letter of the Secretary of the Treasury and the report of the committee:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 4, 1885.

SIR: I have the honor to inclose herewith a copy of a communication from the Supervising Architect of this Department, recommending that the limit of cost of the proposed public building at Louisville, Ky., be extended to $1,500,000, and to state that I concur in the recommendation.

Very respectfully,

H. MCCULLOCH, *Secretary.*

To the SPEAKER *of the House of Representatives.*

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
February 2, 1885.

SIR: I have the honor to call your attention to the fact that the limit of cost fixed for the proposed public building at Louisville, Ky., is $500,000. This amount is totally insufficient to provide accommodations for the proper transaction of the public business at this time. In view of the fact that the post-office business has more than doubled in the last ten years, and as the collections for internal revenue for the year ending December 31, 1883, and the quarter ending March 31, 1884, are more than $10,000,000, and for corresponding dates for 1884 and 1885, will, according to the estimate of the collector, exceed $15,000,000, I respectfully recommend that to provide for present needs, and to make proper provision for the future growth of the public business in Louisville, the limit of cost for the building be increased to $1,500,000.

Very respectfully,

M. E. BELL,
Supervising Architect.

The honorable SECRETARY OF THE TREASURY.

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 4067) to increase the limit of appropriation for the public building at Louisville, Ky., respectfully report:

Upon a full presentation of the facts, the last Congress recognized the propriety and necessity for additional accommodations for the Federal offices at Louisville by the passage of an act for that purpose, which was approved May

25, 1882. With the appropriation already made a site for the building has been secured, but no further steps have been taken. The Supervising Architect, being of the opinion that no building adapted to the increased and increasing wants of the Government service at that point can be erected within the present limit, declines from a sense of public duty to make out the plans until Congress has had further opportunity to express its judgment.

Louisville, the metropolis of Kentucky, occupies an area of eighteen square miles. Its population at the census of 1870 was 100,753; its population according to the last census was 123,758. The rapidity of its increase may be seen from the fact that since 1850 its population has trebled, and it now ranks as the sixteenth city of the Union.

But while the size and prospective growth of a city should receive due consideration, the amount of public business should, in the opinion of your committee, be the chief factor in determining the necessity and character of Government buildings to be established.

The ordinary revenues of the United States from all sources for the fiscal year ended June 30, 1883, were $398,287,581. Of this sum $359,426,865 were received from customs and internal revenue. In other words, over nine-tenths of all the revenues which are paid to the Government at cities where public buildings are located come from these two sources. The amount of these, therefore (customs and internal revenue), affords a criterion, at least so far as the receipts of public money are concerned, for determining the size and value of the public building to be erected.

THE INTERNAL-REVENUE OFFICE.

The collections of internal revenue at Louisville for the fiscal year ended June 30, 1883, were $7,550,481. The amount collected for the fiscal year 1881 was $5,499,672. In two years the receipts from this source have more than doubled, and every year hereafter they will continue to increase. By the law of 1878, whiskies are permitted to remain in bond three years before paying the tax. In districts like that of Louisville, where fine whiskies that require age to make them valuable are chiefly manufactured, a large per cent. of the product, since the passage of the law, has been left in bond, and the amount of revenue from this source has thus temporarily been diminished. The last report of the Commissioner of Internal Revenue shows that 28,107,472 taxable gallons of whisky were in bond at Louisville on the 30th June, 1883, which is 23,132,374 gallons more than any district in the country, or more than all the remaining eighty-two districts combined, excluding the Kentucky districts. During the seasons of 1881-'82, comprising one year, over 20,000,000 taxable gallons of spirits were produced in that district, the tax upon which would amount to $18,000,000 per annum. The amount of internal revenue collectible at Louisville will, therefore, hereafter average over $12,000,000 per annum.

Upon the last official report of the Department, Louisville, as compared with the other 84 collectors' offices in the United States, ranks fourth in importance, Chicago, Cincinnati, and Peoria being the only cities which exceed it. One-twentieth of all the revenues from this source is collected at Louisville.

There are employed in this district 1 collector, 25 deputy collectors and clerks, 48 gangers, and 184 storekeepers, making a total of 258 officers. Of these, 140 are on duty at Louisville.

CUSTOMS RECEIPTS.

In the custom-house at Louisville there are permanently enrolled 56 vessels, of 17,564.61 tons.

The rapid increase of customs duties may be seen from the following statement, covering a period of five years:

Amount of duties collected—	
During year 1878	$36,651
During year 1879	44,634
During year 1880	58,788
During year 1881	75,053
During year 1882	95,119
During year 1883	96,119

The increase of business as will be seen, has been more than 100 per cent. The transportation of foreign goods to inland ports without appraisement is destined to revolutionize the methods of collecting revenue in the United States, and the extension of the system renders it necessary for the Government to materially enlarge her interior custom-houses, as the examination and appraisement of imported goods are now performed at the interior ports instead of being made at the seaboard.

POSTAL RECEIPTS.

Next in importance to customs and internal revenue is the postal business. The postal receipts at the Louisville office for year ended June 30, 1881, were $200,000. Of the 50,000 post-offices in the United States, Louisville is the thirteenth city in amount of business and sixteenth in receipts. Of the one hundred and nine free-delivery offices, eighty-two of them do not return one-half as much and sixty-seven of them do not return one-third as much in receipts as the Louisville office, and yet in all of them the buildings in which their business is transacted are, upon an average, fifty times larger and more expensive than the one in Louisville. It has forty carriers and thirty-five postal clerks and route agents. The total employés are ninety-four. The clerical force has more than trebled in twenty-five years.

PENSION OFFICE.

The public business of the country embraces not only receipts, but expenditures; of these the pension claims are the largest which affect this question. The pension business, at first transacted by fifty-eight officers, has since been limited to seventeen, and one of these is at Louisville. The following statement shows the amount of business in this direction:

Statement showing amount of business transacted at United States pension agency, Louisville, Ky., for the calendar years ending December 31, 1882, and December 31, 1883.

Year.	Number of payments.	Amount paid.
1882.		
Army pensions	24,526	$1,365,555 30
Examining surgeons	101	7,377 15
1883.		
Army pensions	26,884	1,623,902 22
Examining surgeons	*208	6,965 95

* No surgeons paid since July, 1883, owing to exhaustion of appropriation for that purpose.

A correct statement according to records of this agency.

R. M. KELLY,
Pension Agent.

UNITED STATES COURTS.

The whole State of Kentucky constitutes one judicial district, in which the district and circuit courts, located at Louisville, transact four-fifths of the business. The offices of district attorney and his assistants, of the judges of the district and circuit courts and their clerks, together with the rooms for petit and grand juries, should all be located in the same building, a result which is not now possible.

SUMMARY.

The aggregate amount of public business, besides that of the United States circuit and district courts, attended to at Louisville, Ky., would be therefore as follows:

Internal revenue	receipts	$7,550,481
Customs	do	96,119
Post-office	do	200,000
Pension business	expenditures	1,630,868
Total		9,476,468

In view of these facts, it is the opinion of your committee that the sum of $500,000 is not sufficient for the erection of a suitable Government building at Louisville. The estimate of the Supervising Architect of the Treasury is the sum of $1,500,000. But inasmuch as an eligible site has been secured at the extremely low price of $140,000, your committee recommend that the limit be raised to $1,000,000. This will leave about $860,000 available for the erection of the building.

Your committee therefore beg leave to report in favor of the passage of the bill, with the following amendment, namely: Strike out the words "five hundred thousand," in lines 6 and 7 of the first section, so that the limit of cost shall be $1,000,000.

I might, Mr. Speaker, content myself with the case as presented in these two official reports, but to do so would be less than justice to the city whose claims I am now urging. What I mean to say is that, accepting the statements of the Secretary of the Treasury, the public business of Louisville the present year instead of being $9,476,468, as stated in the report of the committee, will be $16,925,987, or, deducting the pension disbursements and confining the public business to the three items, namely, the customs receipts, the internal-revenue receipts, and the post-office receipts, the aggregate amount would be $15,295,120. How does this city compare with others of equal or greater size and population? I will give the public business of a few of the leading cities of the country. I give as to these cities the three items which constitute nine-tenths of the public business that is transacted:

Philadelphia:	
Post-office receipts	$1,581,791
Internal-revenue receipts	2,955,174
Customs receipts	12,900,078
Total	17,437,043
Cost of public building at Philadelphia, $6,072,391.	
Chicago:	
Post-office receipts	$1,949,180
Internal-revenue receipts	8,447,053
Customs receipts	3,850,343
Total	14,246,576
Cost of public building at Chicago, $5,873,746.	
Cincinnati:	
Post-office receipts	$638,624
Internal-revenue receipts	9,826,123
Customs receipts	815,956
	11,280,703
Cost of public building at Cincinnati, $5,800,000.	
Saint Louis:	
Post-office receipts	$843,730
Internal-revenue receipts	4,995,427
Customs receipts	1,530,902
Total	7,370,059
Cost of public building at Saint Louis, $6,055,000.	
Baltimore:	
Post-office receipts	$540,503
Internal-revenue receipts	3,155,000
Customs receipts	2,306,287
Total	6,001,790
Limit to cost of public building and site, $2,555,000.	
Pittsburgh:	
Post-office receipts	$344,859
Internal-revenue receipts	1,929,035
Customs receipts	488,508
Total	2,762,393
Limit of cost of public building at Pittsburgh fixed by present Congress at $1,500,000.	
Detroit:	
Post-office receipts	$314,549
Internal-revenue receipts	1,207,549
Customs receipts	148,535
Total	1,670,595

Limit of cost of public building at Detroit fixed by present Congress, $900,000.

The public business of Louisville for last year (the year which the preceding calculations cover) is as follows:

Louisville:	
Post-office receipts	$250,377
Internal-revenue receipts	8,626,352
Customs receipts	119,829
Total	8,996,558

But for the present and future years (as the Secretary of Treasury shows in his letter) the internal-revenue receipts will be $15,000,000. Hence the public business of Louisville will be, as I first stated, for the current year, over fifteen millions. Upon either of these estimates it will be seen that the limit of $1,000,000 is far, very far, within what the judgment of either this or preceding Congresses has fixed as a proper limit for a public building.

Taking the first and smaller estimate, it will be seen that the port business of Louisville was last year over three times as great as Pittsburgh and over five times as great as Detroit, and yet the pending bill asks you to give it only $100,000 more than you have given Detroit and $500,000 less than you have given Pittsburgh. I voted with pleasure for both of these cities, and I refer to them now not in any complaining spirit, but simply to show the very reasonable request that my own district is now making. If this Congress applies the same rule to Louisville as to Detroit and Pittsburgh, it will fix a limit of $4,500,000 instead of $1,000,000.

So much for the leading cities of the Union. If time permitted I could show from a tabular statement before me that if the same ratio were observed at Louisville as at six-sevenths of the cities of the United States it would now, averaging the whole list upon the same basis, be entitled to an appropriation of $125,000,000. This is a startling but an easily demonstrated statement. Can any city in the United States, Mr. Speaker, make out a stronger case than this? The mere statement of the figures is, I submit, a conclusive argument in favor of the bill now before the House.

It should be remembered also that the whole State of Kentucky constitutes but one judicial district, and four-fifths of the business of the Federal courts is transacted at Louisville. Connected with this are the offices of United States district attorney and his assistant, United States marshal and deputies, clerk of circuit and district court, commissioner for the court, &c. One of the seventeen pension agencies of the United States, an agency disbursing many millions of dollars, is also located there. This is not included in the total estimate of public business which I have stated.

The collector's office is there—an office which during the last year collected over $10,000,000.

Mr. COOK. May I ask the gentleman a question?

Mr. WILLIS. Certainly.

Mr. COOK. Is this amount, $500,000, to be appropriated in addition to what has been heretofore appropriated?

Mr. WILLIS. Yes, sir; this bill passed the committee in the Forty-sixth Congress when no limit was prescribed. Afterward, after the bill had been acted on in committee, the general clause as to limit was adopted, and without further consideration $500,000 was inserted as the limit. This is in addition to that amount.

Mr. COOK. That makes $1,000,000 in all?

Mr. WILLIS. Yes, sir; $100,000 more than at Detroit. The Secretary of the Treasury recommends $1,500,000.

Mr. COOK. You spoke of the amount of revenue collected there; how much would that be reduced if the tax was taken off tobacco and whisky?

Mr. WILLIS. We would still be among the leading cities in the Union in point of public business. The gentleman knows that that tax constitues in Louisville, as it does in Chicago, Cincinnati, Saint Louis, and other large cities, the greater part of the public revenues.

All these matters have been fully considered by the committee and by their unanimous vote this has been recommended. I therefore respectfully ask the vote of the House for it. I will append several statements in further support of this request.

Mr. WARNER, of Ohio. Let me ask the gentleman from Kentucky how much has been expended for the site of this building.

Mr. WILLIS. One hundred and forty thousand dollars.

RATE OF GROWTH.

Cities.	1870.	1880.	Increase per cent.
Saint Louis	310,864	350,518	12.75
Cincinnati	216,239	255,139	17.98
Louisville	100,753	123,758	22.83

The growth of Louisville as a city dates substantially from the close of the war. The decade from 1870 to 1880 is the first decade in which Louisville can be said to have fairly embarked in her career as a live and progressive city, and though her great transportation facilities have nearly all been attained since 1880, and her manufacturing development has been more than twice as rapid since that date as it was before, yet the progress from 1870 to 1880 is quite gratifying, and is an earnest of what may be expected during the present decade, with her vastly increased opportunities and abilities.

The growth in population of the three principal cities of the Mississippi and Ohio Valleys from 1870 to 1880, as shown by the United States Census Reports, is as follows:

Louisville leads in growth of population in the race of three cities whose competition is most direct for the trade of the Southern and Southwestern States. Could an enumeration be had to-day it would show this city in a much more favorable light, relatively, than does the census of 1880, for the increase rate of growth since 1880 has been very marked. Persons acquainted with the city's history, and not over sanguine, but practical business men, believe, from experience and observation, that the increase of population for this decade will be fully double that of the last.

Bank clearings in leading cities of the United States.

	For the years ending—				
	Dec. 31, 1879.	Dec. 31, 1880.	Dec. 31, 1881.	Sept. 30, 1882.	Sept. 30, 1883.
New York	$29,235,646,530 00	$38,614,448,223 00	$49,679,823,678 00	$46,552,846,161 34	$40,298,165,257 65
Boston	2,674,429,499 00	3,326,343,166 00	4,233,240,201 00	3,753,496,901 00	3,540,980,659 00
Philadelphia	2,627,743,334 00	2,354,840,429 00	2,716,828,851 00	2,760,946,905 49	2,794,181,748 96
Chicago	1,257,750,124 00	1,725,684,895 00	2,252,261,407 00	2,373,903,487 00	2,507,032,178 00
Cincinnati	574,924,104 00	729,850,500 00	903,149,100 00	971,900,000 00	973,876,700 00
Saint Louis	559,685,128 00	711,459,489 00	832,631,830 00	876,549,184 00	874,273,696 00
New Orleans	388,878,043 00	468,927,894 00	592,726,081 00	484,615,412 00	515,665,208 00
Baltimore	598,172,321 00	682,904,049 00	734,617,211 00	700,464,508 35	695,499,923 00
San Francisco	553,953,966 00	486,725,954 00	598,696,832 00	635,787,678 51	615,618,573 97
Milwaukee	325,298,547 00	316,309,006 00	359,889,130 00	398,170,946 06	174,911,297 45
Louisville	255,856,816 00	299,114,426 00	398,095,835 00	392,186,884 00	407,161,816 00
Pittsburgh	217,982,849 00	297,804,747 00	389,170,370 00	433,689,238 82	538,134,071 54
Providence	155,328,100 00	199,629,300 00	217,293,800 00	.....	236,556,200 00
Kansas City	68,200,251 00	101,330,000 00	134,931,300 00	178,044,500 00	126,753,450 00
Indianapolis	64,169,990 00	85,951,025 00	109,509,000 00	112,000,000 00	.....
Cleveland	65,115,849 00	84,613,179 00	103,113,648 00	116,481,767 00	110,766,920 00
Hartford	.....	.....	.....	88,493,000 00	92,738,325 47
New Haven	38,075,930 00	50,361,513 00	58,855,601 00	.....	64,138,000 61
Memphis	.....	48,855,302 00	45,937,851 00	43,693,882 97	54,671,295 45
Columbus	30,530,019 00	.....	.....	.....	60,206,815 00
Peoria	.....	.....	.....	54,828,517 00	50,941,498 00
Worcester	25,417,258 00	33,648,550 00	39,224,752 00	42,769,466 00	44,243,340 00
Springfield	25,582,512 00	31,847,911 00	37,568,608 00	41,450,008 06	40,861,119 29
Lowell	15,483,387 00	19,981,950 00	22,951,836 00	28,502,573 08	35,752,985 38
Syracuse	14,908,455 00	17,296,588 00	19,110,241 00	21,929,318 97	22,908,290 90
Saint Joseph	.....	.....	.....	.....	5,826,852 00
Total	39,333,216,952 00	50,686,934,098 00	64,409,580,867 00	61,054,353,584 75	54,876,294,945 88
Outside of New York	10,007,574,322 00	12,074,485,875 00	14,729,756,286 00	14,501,507,423 41	14,868,229,689 13

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT, KENTUCKY, *April* 11, 1884.

DEAR SIR: In accordance with your request of this date, I give below statement of collections of internal revenue in this district from all sources for the year 1883 and for the first quarter of 1884:

Total collections for year ended December 31, 1883	$8,249,809 36
Total collections for quarter ended March 31, 1884	2,019,948 39

Unless the withdrawals for export are very excessive, I think the collections for corresponding dates for 1884 and 1885 will far exceed the figures given above, and will amount probably to $15,000,000.

Respectfully,

LEWIS BUCKNER,
Collector.

WILLIAM A. ROBINSON, *Chairman.*

LOUISVILLE CLEARING-HOUSE.

LOUISVILLE, KY., *April* 17, 1884.

CLEARING.

1876	$107,349,171
1877	114,548,245
1878	107,125,874
1879	127,830,417
1880	149,502,914
1881	198,165,502
1882	193,662,496
1883	214,802,485

CLINTON McCLARTY,
Manager.

The clearing for the quarter ending 31st March, 1884, were $55,977,400.24. If the same proportion of increase is maintained during the year the increase of 1884 over 1883 will be slightly over $20,000,000.

CLINTON McCLARTY,
Manager.

UNITED STATES POST-OFFICE, *Louisville, Ky., April* 8, 1884.

MY DEAR SIR: I herewith inclose the last two annual reports of the business of the Louisville post-office, in compliance with your request. I fear, however, that my delay in sending them may cause the reports to fail of their purpose. Your letter found me in the midst of my quarterly accounts, and by some means got buried underneath some papers on my desk, and was thus overlooked for several days. I judge from the tenor of your letter that these are the reports you desire—not the last two quarterly reports. There has been a decrease of nearly 18 per cent. in the sales of stamps, stamped envelopes, and postal cards between the first quarter of 1883 and first quarter of 1884.

Very truly, yours,

E. S. TULEY.

Hon. A. S. WILLIS,
Washington, D. C.

I sincerely hope you may succeed in getting us not only a handsome, large building, but that the ground extending to Third and Chestnut may also be added to the Government building space. The present post-office building will soon have to have a wing added to it on the south side, as we are now badly cramped for working space.

Business of the Louisville post-office for the year 1883.

[Furnished by Mr. E. S. Tuley, assistant postmaster.]

RECEIPTS.

Stamp sales	$187,294 06
Stamped envelope sales	30,524 20
Request envelope sales	33,198 70
Newspaper and periodical sales	22,325 74
Postage-due stamp sales	2,131 01
Box rents	870 80
Waste paper, &c., sales	178 32
Collection drafts	179 14
Deposits from other post-offices	42,551 54
Total	$319,253 51

DISBURSEMENTS.

Amount deposited with assistant treasurer United States, Cincinnati, Ohio	$207,180 84	
Amount paid railway postal clerks	31,497 01	
Amount paid clerks	33,020 00	
Amount paid letter-carriers	37,679 63	
Amount paid postmaster's salary	3,525 00	
Amount paid letters-carriers' expense account	1,502 80	
Amount paid expense account (post-office, general expenses)	1,043 77	
Amount mutilated stock, &c., returned to Department	1,804 46	
Total		319,253 51
Net profit to Post-Office Department		199,731 63

MONEY-ORDER DEPARTMENT—RECEIPTS.

To balance December 30, 1882	$1,379 62	
To 19,233 domestic orders issued	263,016 08	
To fees on domestic orders	2,299 09	
To 1,764 postal notes issued	3,955 81	
To fees on postal notes	52 86	
To 97 Canadian orders issued	1,733 28	
To fees on Canadian orders	31 20	
To 338 British orders issued	8,673 37	
To fees on British orders	236 90	
To 764 German orders issued	11,493 87	
To fees on German orders	208 80	
To 97 Swiss orders issued	1,868 24	
To fees on Swiss orders	31 05	
To 32 Italian orders issued	2,001 80	
To fees on Italian orders	32 70	
To 48 French orders issued	826 89	
To fees on French orders	15 00	
To 1 Jamaica order issued	3 41	
To fee on Jamaica order	25	
To 4 Belgian orders issued	74 56	
To fees on Belgian orders	1 20	
To 261 drafts on postmaster at New York	672,000 00	
To 7,653 deposits from postmasters	846,263 79	
To auditor's circulars	199 15	
Total		1,816,398 56
Number of clerks employed in post-office		45
Number of carriers employed in post-office		43
Number of subcarriers employed in post-office		5
Total number employés in 1883		93
Total number employés in 1873		58
Excess in 1883 over 1873		35

DISBURSEMENTS.

By 110,478 domestic orders paid	$1,774,381 30	
By 11,504 postal notes paid	22,589 99	
By 93 Canadian orders paid	1,531 39	
By 53 British orders paid	883 90	
By 172 German orders paid	6,109 07	
By 18 Swiss orders paid	428 39	
By 8 Italian orders paid	278 03	
By 13 French orders paid	254 29	
By 1 Jamaica order paid	15 85	
By 3 New Zealand orders paid	60 38	
By 2 Victoria orders paid	29 22	
By 166 domestic orders repaid	2,524 12	
By 3 German orders repaid	65 00	
By 23 postal notes repaid	45 31	
By incidental expenses	12 00	
By amount paid post-office inspector on vouchers	337 52	
By clerks' salaries	4,549 46	
By postmaster's commissions	375 00	
By auditor's circulars	51 19	
By balance December 31, 1882	1,877 15	
Total		$1,816,398 56

REGISTER DEPARTMENT.

Through registered pouches received for city	4,168	
Through registered pouches in transit	4,248	
Through registered pouches dispatched	4,531	
Total number registered pouches handled		12,947
Registered cases for Louisville	1,264	
Registered cases in transit	1,456	
Total number of cases handled		2,720
Registered package envelopes received in pouches and by R. P. O.	36,884	
Registered package envelopes received in pouches and by R. P. O. in transit	109,928	
Registered package postage-stamps received in pouches and R. P. O. in transit	2,712	
Registered package stamped envelopes received in pouches and by R. P. O. in transit	2,188	
Registered package postal cards received in pouches and by R. P. O. in transit	1,048	
Total number of pieces handled		202,760
Registered letters and fourth-class packages received for delivery	99,746	
Registered letters and fourth-class packages dispatched	54,789	
Registered package envelopes dispatched	49,930	
Total number of pieces handled		204,465
Total number registered matter handled		422,892

LETTER-CARRIERS' ANNUAL STATEMENT.

Registered letters delivered	63,503
Mail letters delivered	5,687,176
Drop letters delivered	684,279
Mail postal cards delivered	1,357,424
Drop postal cards delivered	864,246
Papers, &c., delivered	2,903,898
Letters collected	3,519,682
Postal cards collected	1,423,915
Papers, &c., collected	591,718
Letters returned to post-office	8,446
Local postage	$31,857 82
Number carriers employed	43
Stamp sales, 1883	$275,473 71
Stamp sales, 1873	131,949 57
Sales in 1883—excess over 1873	143,524 14

LOUISVILLE, KY., 11*th April*, 1884.

DEAR SIR: Mr. W. Robinson called on me to-day for statement of leaf-tobacco business of this market for the year 1883. Being the regular statistician of this market, it affords me great pleasure in complying with your request; am only sorry I did not have more time. As it is I can only give you the business of the warehouses, tobacco sold at public sale for the year 1883, which foots up in round numbers $7,652,911. This does not include all of our private operators who buy in the country and handle here privately, which would increase at least $500,000 more for the year 1883. For the first three months of this year we have sold at public sale, as shown by warehouse books, $2,254,383, and at private sale $410,000, which shows a large increase over any year. In 1873, ten years back, we sold in this market through the warehouse, at public sale, $5,883,426; so you can see a large increase. This we predict the largest year, as the crop both in quality and quantity is far ahead of any year.

Friend WILLIS, I will take great pleasure at any time in making you up a complete statement of the leaf-tobacco business, with comparison or any other information I can give you about our coming great city, which is certain, with such men as yourself to represent it. Keep on in the good work, and God bless you.

Your friend,

ARCHIE JOHNSON,
Secretary Louisville Tobacco Trade.

Hon. A. S. WILLIS, *Washington, D. C.*

Annual sales of leaf tobacco at Louisville, Ky., from 1851 *to* 1883.

[Revised by Mr. Falconer, secretary Tobacco Board of Trade.]

For year ending with November—	*Hogsheads.*
1851	11,200
1852	23,200
1853	16,600
1854	10,154
1855	11,594
1856	14,975
1857	9,012
1858	18,974
1859	18,452

	Hogsheads.
1860	17,505
1861	20,823
1862	28,908
1863	36,717
1864	63,326
1865	44,210
1866	35,927
1867	34,218
1868	29,506
1869	39,419
1870	43,002
1871	48,008
1872	39,182
1873	53,056
1874	70,213
1875	29,224
1876	61,095
For year ending January 1—	
1877	56,219
1878	71,080
1879	58,099
1880	65,001
1881	67,408
1882	61,441
1883	88,911

Receipts, sales, and stocks of leaf-tobacco (in hogsheads) in the six principal leaf-tobacco markets of the West.

[From the reports of Col. William H. Chilton.]

Years.	Louisville.	Cincinnati.	St. Louis.	Paducah.	Hopkinsville.	Clarksville.	Total.
RECEIPTS.							
1883	71,866	61,823	10,800	15,261	8,793	18,097	186,640
1882	53,075	50,182	8,859	10,561	8,088	14,732	145,495
1881	54,469	57,197	22,042	9,339	9,416	12,577	166,256
1880	52,609	49,402	14,034	10,444	8,954	16,566	152,009
1879	48,870	34,393	15,522	8,377	7,955	14,489	130,012
1878	60,016	35,203	16,354	19,818	18,408	22,241	180,962
1877	50,532	37,150	19,057	12,772	4,140	11,585	135,239
1876	54,883	32,176	16,091	20,834	10,908	16,737	151,626
SALES.							
1883	88,911	90,595	8,714	14,957	11,331	17,981	232,489
1882	61,440	48,531	7,358	9,999	8,763	14,649	150,740
1881	67,408	48,519	8,842	8,716	10,532	12,473	156,494
1880	65,281	45,797	2,591	10,362	11,246	16,296	151,573
1879	58,035	31,425	5,221	8,474	9,895	14,051	127,101
1878	71,028	37,296	10,972	17,805	16,387	21,605	175,903
1877	76,218	35,268	18,574	12,843	5,604	13,220	141,728
1876	61,352	32,197	12,217	20,987	13,608	14,221	154,581
STOCKS END OF EACH YEAR.							
1883	3,294	11,213	3,597	476	218	798	19,596
1882	4,912	12,155	3,892	177	384	461	21,991
1881	4,882	9,469	6,847	188	797	574	22,207
1880	7,639	3,885	7,835	211	286	569	20,425
1879	13,355	4,324	8,210	272	1,109	851	28,921
1878	13,361	2,935	4,999	1,035	910	888	24,122
1877	6,018	7,388	2,955	208	620	329	17,518
1876	5,806	5,405	845	611	150	2,040	14,937

Mr. WARNER, of Ohio. That will leave about $850,000 to be applied to the bnilding.

Mr. WILLIS. Yes, sir; $860,000 exactly.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The question being taken on the amendment of the committee to strike out the words "five hundred thousand," in lines 6 and 7 of the first section of the bill, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

Mr. KEAN. I ask to take up House joint resolution 197, authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same, and put it upon its passage.

The joint resolution was read, as follows:

Whereas Morristown was occupied for two winters by the Continental Army, and its headquarters was for this long period the home of General Washington, and from time to time the home of many of his most famous generals; and

Whereas the Washington Association of New Jersey has from private funds bought, and the State of New Jersey, by annual appropriation of $2,500, has assisted the association to adorn and keep these headquarters for the use and enjoyment of the people of the United States; and

Whereas a wise patriotism suggests that additional grounds should be added to this national memorial, and that certain desirable additions and improvements should be made to this property; and

Whereas it is especially becoming and proper that the soldiers who died in the great cause, and who lie in scattered and unnoted graves in the vicinity, should be gathered into a common and designated resting-place: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized and directed to pay for the purposes named the sum of $25,000, to be paid to the treasurer of the Washington Association of New Jersey, for the purpose of enlarging and improving the grounds, collections, and buildings of Washington's headquarters at Morristown, N. J., and for the purchase of ground in which to place the remains of Continental soldiers, and to mark the spot with a suitable monument.

Mr. KEAN. Mr. Speaker, as the resolution sets out fully and clearly all of the facts, and the object of the appropriation of $25,000 which is asked, I will not occupy the time of the House by explaining it further, but will reserve my time to answer any questions that may be made in opposition.

Mr. McMILLIN. Did I correctly hear the bill—there was some confusion here when it was read—that it provides that the Government shall make an appropriation of $25,000, which is to be paid to some private association in the State of New Jersey?

Mr. KEAN. Yes, sir. This association, I will say, has been chartered by the State for the purpose of keeping up these grounds.

Mr. STORM. Is there a report accompanying this?

Mr. KEAN. Yes, sir.

Mr. McMILLIN. Let the report be read.

The report (by Mr. KEAN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt, and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same, beg leave to report it favorably and to recommend its passage.

The resolution gives to a patriotic association which has for years had the premises in charge $25,000, with which to improve and enlarge the famous Washington's headquarters at Morristown, N. J.

Morristown is the last, though its merits would entitle it to be first, of those spots sacred to Revolutionary memories which have asked the aid of the National Government in the patriotic task of commemoration. Spots memorable as the theater of a single heroic act, or of a single dramatic scene, have all received aid from the national Treasury. Groton has received $5,000; De Kalb, $10,000; The Cowpens, $20,000; Monmouth, $20,000; Newburg, $25,000; Saratoga, $80,000; Bennington, $40,000; Yorktown, $100,000; but Morristown, where Washington and his army spent the two long winters of 1776–'77 and 1779–'80, now ask aid for the first time. It asks it under circumstances which entitle the request to special favor. Congress is asked to complete a work which private munificence and State aid have fostered. Ten years ago citizens of New Jersey contributed $17,000 and bought the headquarters and the plat of land appurtenant. They repaired the house, filled it with furniture and relics of the times that were past, and gave it to the public of all the States. To assist in its maintenance the State of New Jersey annually contributes $2,500.

It is now the wish of the association, into which the gentlemen who bought these headquarters have incorporated themselves, to secure $10,000 with which to pay a mortgage debt now on the property; $2,000 with which to purchase and add to the collection certain valuable relics and mementoes; $4,000 with which to buy additional land about the old homestead fitting and necessary for the security and dignity of the place; $2,000 with which to inclose the grounds with a substantial wall; $2,000 with which to recover the bodies of officers and soldiers who died during two winters of sickness and exposure, which now lie scattered in the neighborhood, and to reinter them in one cemetery, and $5,000 to erect in this cemetery a suitable monument or other memorial to mark the graves of those who died one hundred years ago for their country.

These are all proper objects, and the sums appropriated for each, based upon careful estimate, seem to your committee to be fixed with that economy which is more generally displayed when improvements are made with private rather than with public funds.

The committee believe there is no need of argument to induce their fellow-members of Congress to take the committee's view of this matter. Were anything necessary, they would think it would be nothing more than the statement that this roof has sheltered more of the famous men of the Revolution than any other in our land. Generals, statesmen, foreign envoys, and members of the Continental Congress all gathered here to meet the great rebel chief. Here came Hamilton, and Greene, and Knox, and Steuben, and Kosciusko, and Schuyler, and "Light-Horse Harry" Lee, and "Mad" Anthony Wayne, and Israel Putnam, and Benedict Arnold. Such a spot belongs to the whole country, and should be cherished by it.

Mr. KEAN. I yield now such time as I may have to my colleague.

Mr. PHELPS. Mr. Speaker, this resolution proposes to give $25,000 to inclose Washington's headquarters at Morristown, in the State of New Jersey, to be expended mainly for two objects.

Mr. COBB. I rise to a question of order. It seems to me the time has expired for debate.

Mr. PHELPS. I understood the report was read in opposition to the proposition.

The SPEAKER. The gentleman from Pennsylvania controlling five minutes in opposition asked for the reading of the report. The gentleman from New Jersey is entitled to the floor.

Mr. PHELPS. This bill asks $25,000 with which to free from debt and to improve Washington's headquarters at Morristown, and to buy a piece of ground, into which may be gathered from neighboring and unmarked graves hundreds of Revolutionary soldiers who now sleep about it. Yorktown, Bennington, Saratoga, Newburg, and many other spots have properly received aid from the national Treasury. But Morristown has this special merit: It was the scene not of one, but of many incidents. Here Washington's army spent two winters, and under the roof of the old mansion came to visit their great commander nearly all the heroes of the Revolution.

But aside from its national historical value New Jersey asks aid because she as a State and her citizens have already done much.

More than twelve years ago private citizens bought and refitted these

headquarters. They contributed over $20,000, and ever since the association, which was formed for the purpose, has kept them open as a source of pleasure and instruction to all their countrymen. The State now aids them by contributing annually to the cost of maintenance $2,500. And this application is now made to the National Government because the citizens and the State of New Jersey have done their part in buying and keeping for the nation this great memorial.

[Here the hammer fell.]

The SPEAKER. The hour under the special rule has expired.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri, by unanimous consent, from the Committee on Agriculture, reported a joint resolution (H. Res. 341) providing for printing the second annual report of the Bureau of Animal Industry for the year 1885; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

AGRICULTURAL REPORT FOR 1885.

Mr. HATCH, of Missouri, from the Committee on Agriculture, also reported a joint resolution (H. Res. 342) providing for printing the annual report of the Commissioner of Agriculture for the year 1885, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

COMMERCIAL NATIONAL BANK OF CHICAGO.

Mr. BUCKNER, by unanimous consent, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HUTCHINS. I move to dispense with the morning hour, my object being to proceed to the consideration of the naval appropriation bill.

Mr. STORM. I ask for a division, because that cuts out the hour assigned for reports of private bills.

Mr. RANDALL. It cuts out private bills but promotes the public business.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania [Mr. STORM] that the consideration of private business has already been dispensed with for this day.

Mr. STORM. By what action?

The SPEAKER. By the vote of the House.

The motion to dispense with the morning hour was agreed to (two-thirds voting in favor thereof).

Mr. ROGERS, of New York. I desire to make a privileged report. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution (S. R. 114) to provide for printing the annual report of the Smithsonian Institution.

The SPEAKER. That is not a privileged report.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair), and resumed the consideration of the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. At the last sitting of the Committee of the Whole House on the state of the Union in the consideration of the pending bill section 2 was reached. By unanimous consent general debate was postponed until this section should be reached, and by like consent debate was limited to four hours, two in favor of and two against the section. The Clerk will now report the section, after which the general debate will be in order.

Mr. KEIFER. I think the committee will be disposed to dispense with the formal reading of the section.

The CHAIRMAN. Is there objection to dispensing with the reading of the section?

Mr. TALBOTT. I understand it is still open to amendment.

Mr. HUTCHINS. Certainly.

The CHAIRMAN. The first formal reading of the bill has been dispensed with, and it is now being read for amendments. Does the gentleman from Maryland insist on the reading of the second section?

Mr. TALBOTT. I do not.

Mr. THOMAS. I reserved the point of order on this section.

The CHAIRMAN. The Chair so understood.

Mr. THOMAS. And before amendments are offered I want that point of order disposed of.

Mr. HISCOCK. Do I understand the point of order has been reserved?

The CHAIRMAN. The Chair will state the situation. The general debate was postponed till this section should be reached. Had it taken place before the reading of the bill for amendments of course the point of order would have been determined when the section was reached, and the postponement does not interfere with what otherwise would be the regular order. The point of order is reserved, and will be determined after the conclusion of the general debate.

Mr. THOMAS. That is all I want.

The CHAIRMAN. But the Chair is informed by the Clerk there was an amendment pending to the preceding section, which was not disposed of yesterday.

Mr. HUTCHINS. That was an amendment offered by the gentleman from Maryland [Mr. FINDLAY] in relation to the eight-hour law, and I made a point of order on it.

The CHAIRMAN. The Clerk will report the pending amendment, which is an amendment to section 1.

The Clerk read as follows:

After line 415 insert the following:

"Allowance for reduction of wages under the eight-hour law such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics heretofore or at present employed by or on behalf of the Government at the Naval Academy at Annapolis, Md., between the 19th day of May, 1869, the date of the proclamation of the President concerning the pay of laborers, workmen, and mechanics under the eight-hour law, and the date of the passage and approval of this act, to settle and pay for the same without reduction on account of the reduction of the hours of labor, as contemplated by the spirit of the act of Congress approved June 25, 1868, commonly known as the eight-hour law. And the money hereby appropriated and necessary to pay such claims shall be made immediately available, and be disbursed by the Navy paymaster stationed at said Naval Academy under the direction and supervision of the superintendent thereof.

Mr. HUTCHINS. I am compelled to insist on my point of order. This amendment is new legislation, and makes an indefinite appropriation. It may be very meritorious, but it should be in a separate bill.

Mr. FINDLAY. Of course it is only proper to discuss the question which arises on the point of order. It is not proper now to go into the merits of the case, and I shall not depart from the rules of propriety in this discussion.

The point of order, of course, arises upon this much-quoted paragraph 3 of Rule XXI, and, I suppose, arises under the first clause of that paragraph, which reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Now, of course if this amendment provides for an expenditure which has not been previously authorized by law, it is amenable to the point of order. If it does not, it is not so amenable. We must then see what the law is.

If you will refer, Mr. Chairman, to section 3738 of the Revised Statutes, which codified the act of the 25th of June, 1868, you will find as to all laborers, mechanics, and employés in the employ of the United States, when they do a day's work, which is a day of eight hours and no more, this section prescribes in terms that eight hours shall constitute a day's work for the class of persons I have described. The law was dormant until the 19th of May, 1869, when the President of the United States undertook to give it effect by executive proclamation. In that proclamation President Grant, referring to the act and citing the terms of the act I have quoted, said:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date—

The 19th day of May, 1869—

no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor.

Well, sir, on May 18, 1872, there was ingrafted on an appropriation bill an amendment precisely similar in terms, almost *in totidem verbis*, to the one I have sent to the desk. That amendment was adopted, and it required the auditing officers of the Treasury Department of the United States to ascertain the balances due the workmen, mechanics, and laborers of the United States by reason of the fact that they had been working more than the legal day prescribed by the statute, which was eight hours. Under that act of the 15th of May, 1872, the laborers in the employ of the United States received the difference to which they were entitled for a period measured from the date of the original act, the 25th of June, 1868, down to the date of the proclamation of the President, the 19th of May, 1869.

Now, sir, if that is true, with all deference to the distinguished gentleman from New York [Mr. HUTCHINS] who has raised this point of order, "the boot is on the other leg." It is not my amendment that seeks to change existing law. My amendment simply seeks to carry out the law as it is. But if his point of order should be successful he would defeat the law as it is. Now, sir, I have offered this amendment in good faith, believing that it does not change existing law within the meaning of this rule. With all due deference, Mr. Chairman, there seems to be a hazy notion about the effect of this Rule XXI. It seems to be taken for granted that if an amendment makes any change of law whatever the rule becomes operative. Not so. The rule becomes operative only by reason of the fact that there is not merely a change of law, but that that change carries with it some appropriation which is not provided for by existing law, or carries with it some increase in expenditures. If these conditions do not concur the rule is not operative. Now, I humbly submit that, in this case, these conditions do not concur, for, while there will be an increase of expenditure there will be no change in existing law—this being an amendment offered in good faith for the purpose of carrying out the law as it is.

Mr. RANDALL. Mr. Chairman, I have grave doubts whether this proposition is germane to the bill, and certainly there is no law now existing in relation to the object sought to be reached, because if there were this amendment would not appear here. In addition to that, the amendment is retroactive in its character. It proposes to provide upon this bill a mode of adjusting claims against the Government under the eight-hour law. I clearly, in my own mind, adjudge this proposition to be subject to the point of order that it is new legislation, and that it does not propose to reduce any expenditure. The proposition in itself may be just and right, and, as a separate measure standing alone, I am free to say to the gentleman from Maryland [Mr. FINDLAY] that I would be in favor of making provision for adjusting these claims, but not here, and not in the manner proposed by his amendment to this bill.

Mr. FINDLAY. Mr. Chairman, that is always the way when anything is to be done to which gentlemen object—it is not to be done in this way or at this time, but in some other way and at some other time——

Mr. RANDALL. Well——

Mr. FINDLAY. And that other time is never; and the consequence is that it is never done. Now, what if this is retroactive? Is there anything in the rule against an amendment being retroactive?

Mr. RANDALL. The gentleman surely admits that the retroactive feature of the amendment must be in the nature of new legislation.

Mr. FINDLAY. But is there anything in the rule which provides that an amendment shall not be retroactive?

Mr. RANDALL. The rule says that no new legislation shall be permitted upon an appropriation bill unless it retrenches expenditures.

Mr. FINDLAY. The rule provides that any amendment is legitimate unless it changes existing law, and at the same time——

Mr. RANDALL. Read the rule.

Mr. FINDLAY. Oh, I have read the rule, and heard it discussed a thousand times.

Mr. RANDALL. You had better read it once more.

MESSAGE FROM THE SENATE.

The committee rose informally. A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had returned, in compliance with the request of the House, the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building at the city of Key West, Fla.

The message further informed the House that the Senate had passed with amendments the bill (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. FINDLAY. Mr. Chairman, there is a very narrow point involved here, a point that does not permit of any varied or extended discussion. I have already said, and can only repeat, that the vital, essential, fundamental question in this case is: Does this amendment change existing law? For if it does not, it is not within the operation of the rule. Now I say that this amendment does not change existing law, because we already have a law upon our statute-book which provides that eight hours shall constitute a day's work—a law which lay dormant from 1868 until it was revived for a short time by the act of 1872, but which is as much law as any other act upon the statute-book. The object of this amendment is simply to carry out that law and to carry it out now—to do what the gentleman from Pennsylvania [Mr. RANDALL] says ought to be done, but which he is not willing to have done at this time and in this place.

Mr. RANDALL. On this bill——

Mr. FINDLAY. At this time and on this bill, but on some other impossible bill.

Mr. RANDALL. No, sir.

Mr. FINDLAY. On some other occasion that will never arise, then according to the gentleman this ought to be done; and I suppose if possible it will be done.

Mr. RANDALL. Existing law can not be changed on an appropriation bill, unless the provision retrenches expenditures.

The CHAIRMAN. The Chair understands the gentleman from Maryland to hold that this does not change existing law.

Mr. RANDALL. I consider that it does.

Mr. FINDLAY. I would like to hear an argument on that—not a judgment.

Mr. RANDALL. If a provision of this kind was not necessary to make the law as the amendment proposes, it would not be offered.

Mr. FINDLAY. The argument seems to be that if this did not change existing law it would not be offered. Do we not constantly pass declaratory laws? In this amendment we propose simply to declare what the law is, and provide means of carrying it out. It is not a change of existing law.

Mr. RANDALL. The amendment, in my judgment, is not germane to this bill. If there be any appropriation bill to which it is germane, it is the deficiency bill.

Mr. FINDLAY. Oh, of course; it must be some other bill.

Mr. RANDALL. Now, I submit that this amendment proposes a change in the law as to the manner of adjusting these claims. Besides, I wish the Chair to make inquiry whether there is not already pending in this House in a separate bill a proposition of substantially the same nature as this amendment. If there is, I submit that as an additional point.

Mr. BLOUNT. Mr. Chairman, it seems to me quite important that we should not vary the practice of this House and the character of this bill by permitting this amendment to go upon it. This is the naval appropriation bill, providing for the pay of officers and men of the Navy, for the construction of ships, &c. I have never before known a proposition made to pay by a provision in the naval appropriation bill a debt of any kind. Such provisions have uniformly been confined to the sundry civil bill and the deficiency bill; and even with respect to those bills the provisions admitted have, I believe, related solely to the auditing of accounts. But this amendment, if anything, is a claim, and does not belong to any of these appropriation bills. The Committee on Appropriations would have no jurisdiction of it under the rules. It should properly have gone to the Committee on Claims. I trust we are not going to convert each of these appropriation bills into a vehicle for carrying through every possible claim that any gentleman may see fit to bring before the House.

Mr. FINDLAY. I would like to have read at the Clerk's desk a provision of the law of May 18, 1872.

The CHAIRMAN. The Chair was going to direct the attention of the gentleman from Maryland to the provision of that act, which the gentleman says is identical with this. Does not this amendment propose a change as to the method of adjusting these accounts? Does it not in that respect change what has been the law heretofore?

Mr. FINDLAY. It makes no change, Mr. Chairman, so far as concerns the mode of adjustment——

The CHAIRMAN. Then what is the necessity—the Chair is asking for information—what is the necessity for this legislation?

Mr. FINDLAY. I say that it makes no change so far as concerns the mode of adjustment provided in the act which I was about to ask the Clerk to read.

The CHAIRMAN. Does it make any change whatever in existing law?

Mr. FINDLAY. It simply makes provision——

Mr. BUDD. I would like to ask the gentleman——

Mr. FINDLAY. One at a time! I will first answer the question of the Chair.

The CHAIRMAN. Does the amendment in the view of the gentleman from Maryland change existing law in any particular?

Mr. FINDLAY. I do not see that it does—that is to say, it does not change existing law in the sense contemplated by the rule.

The CHAIRMAN. Does it in any sense?

Mr. FINDLAY. Yes, sir; because it makes a new provision——

Mr. RANDALL. That is it.

Mr. FINDLAY. But it does not change existing law.

Mr. REED, of Maine. It merely makes a new provision for payment.

Mr. FINDLAY. That is all.

Mr. REED, of Maine. I desire to suggest to the Chair that this amendment merely makes provision for payment; and that is what an appropriation bill is for. If there is existing law under which this amendment proposes to make appropriation the amendment would seem to be proper. A bill of this kind is the proper place to make an appropriation in accordance with existing law; and in making the appropriation it is competent for the House to accompany the appropriation with such limitations as it may choose to make."

The CHAIRMAN. And those additional conditions, to which the gentleman from Maine refers, would not, in the judgment of the gentleman, change to that extent the law as it now exists?

Mr. REED, of Maine. Not within the sense of the rule.

Mr. FINDLAY. Mr. Chairman, it seems to me we have lost sight of the main point in this case. We may admit that an amendment changes existing law, and still it is not amenable to the rule if it does nothing more.

Mr. RANDALL. It must retrench.

Mr. FINDLAY. An amendment is not amenable to the rule unless it does something more than change existing law. If it simply asks a change in the existing law and does not in any way increase expenditure, then it is not amenable to criticism. Now we have the eight-hour law, and those men who have worked one minute beyond eight

hours a day are entitled pro rata for that moment which they have worked. We are making provisions to give them that to which they are entitled under existing law.

It does not in point of fact change existing law; it is simply addition to the law as it now is for the purpose of carrying out that law.

Mr. BUDD. While there is a law known as the eight-hour law providing simply for eight hours of labor, is there any law providing for the payment of any labor in excess of eight hours?

Mr. FINDLAY. Beyond a doubt no. That question is answered easily. The law does not fix the price.

Mr. LONG. I understand the gentleman to say they are entitled now by law to this money.

Mr. FINDLAY. I think so.

Mr. LONG. Are they entitled to sue in the Court of Claims?

Mr. FINDLAY. No.

Mr. LONG. If they are entitled by existing law why can not they go to the Court of Claims?

Mr. FINDLAY. There was a suit brought in the Court of Claims by a man by the name of Martin.

Mr. LONG. Have they brought suit in the Court of Claims?

Mr. FINDLAY. No, sir. There was a suit, I will answer my friend from Massachusetts, brought by a man of the name of Martin. You will find it in 94 United States.

Mr. LONG. What was the result?

Mr. FINDLAY. The result was that the claimant in that case got, under the act of 1872, all the award to which he was entitled between the date of the passage of the act and the proclamation of the President. As to all after the proclamation of the President down to the date of his discharge he lost the action.

Mr. LONG. Then under existing law he is not entitled.

Mr. FINDLAY. He is entitled under existing law if you admit the existing law is that eight hours constitutes a day's work. I say there is an ample assumpsit there that he is entitled to be paid for every minute beyond eight hours.

Mr. HISCOCK. Mr. Chairman, this is not a new question, but we can say most emphatically in reference to it, there are millions in it. [Laughter.] The principle to be settled by this amendment was discussed in a bill pending here in the House at the last session. As I remember the statutes (and, Mr. Chairman, I hope you have them before you and will correct me if I misstate them) under the eight-hour law it is still competent for the Government to employ men at so much an hour or something of that kind. Special contracts can be made. Under contracts men have been employed and have been paid. My recollection is there has been a judgment of some court holding they had no claim against the Government.

Mr. HAMMOND. There was a decision by the Supreme Court.

Mr. TILLMAN. The Supreme Court of the United States has decided it twice.

Mr. HISCOCK. It has been decided twice by the Supreme Court of the United States. It has been decided there was no claim whatever.

Mr. FINDLAY. If my friend will permit I will tell him about that decision.

Mr. HISCOCK. Under these special contracts the Supreme Court decides no claim exists. Therefore you must have a law from the very foundation, recognizing a claim decided by the court to have no existence. And you have to go further than that even and provide for the adjustment and payment of the claims. It is therefore clearly new legislation.

I have made remarks on the floor perhaps of a partisan character, but, thank God, I have not the feeling against the Democratic party as to desire to see it commit itself to this legislation. I remember that my friend from South Carolina [Mr. TILLMAN] made a speech on this subject in which he presented the figures giving the amount involved, and I think it is somewhere between twenty-five and fifty millions of dollars. It includes men on the public works. To a certain extent it covers those engaged on river and harbor improvement. It is far-reaching in its influence and extent. It is no trifling question, and if it is the intention of Congress to pass a law giving the value of ten hours' labor for eight hours' work in cases where there have been special contracts made and the contracts have been discharged, it is due to the country, and I say it in the interest of economy, after the manner of gentlemen on the other side, that we should do it with our eyes open, so there may be no doubt what is intended.

Mr. BLAND. I desire to make this remark: I think the spirit of our rule, if it means anything, is that every committee appointed by the House shall have jurisdiction over certain subjects and that the subjects belonging to that committee shall be considered by it. The Appropriations Committee is not a committee on claims. It is simply a committee organized for the purpose of reporting appropriations here clearly and indisputably authorized by laws.

Now we have a proposition before us that belongs exclusively to the Committee on Claims, and is not germane to any appropriation bill, not more so than a thousand other claims pending here would be. If we are to refer every claim on all subjects, no matter how the claim may originate or what its purpose may be, to the Committee on Appropriations, and thus hastily consider them, you can ascertain in what confusion the House would soon be placed. I say it is the duty of the Speaker of this House and the chairman of the Committee of the Whole to scrutinize these subjects and not permit to go on these appropriation bills one single item except such as are clearly authorized by law and within the rules of the House.

This is but a claim, and I have no doubt is pending before that committee now, and if they report in favor of the claim no doubt the amount will be appropriated and it will be paid; but do not undertake to ring it in here on an appropriation bill and take the committee by surprise in this manner.

The CHAIRMAN. The Chair thinks that this amendment is new legislation in the contemplation of clause 3 of Rule XXI, and being new legislation is not in order unless it retrenches expenditures. It is not claimed that its operation would be to retrench expenditures; and consequently the Chair sustains the point of order.

Mr. KEIFER. Mr. Chairman, the proposition contained in section 2 of this bill is one to provide a mode of constructing and to appropriate money to build a navy. I propose to speak to this question as briefly as possible. It is called a proposition to increase the Navy.

I believe the United States should have a navy. It is now practically, in the light of the improvements and advancement in the matter of constructing vessels of war and their armament and armor, without any. It is not a jest to say that with the splendid corps of highly educated and experienced naval officers the United States has, and the superabundance of deep water it owns, that it would have a great navy if we only had war ships for these officers to command upon this water.

I am going to speak to-day for a navy, and I shall therefore be obliged to oppose the plan contained in this bill for an increase of the Navy. The bill, or rather the proposition in the bill for an increase of the Navy, if it should become a law, and its provisions were fully executed, would not, as we shall see before I close, give us a vessel that we would dare to put in the water.

Mr. Chairman, the importance of this great subject to our Republic can not be magnified. The great statesman, Daniel Webster, speaking of the extent of the British Empire, said of its morning drum-beat, that it "follows the sun in its course, keeps pace with the hours, and circles the earth with one continuous strain of the martial airs of England." While this can not be said of the widespread extent of the United States, it may be said that our territory infolds a continent, and the length of our exposed coast-lines on our boundary is more than one and two-third times the distance around the world at the equator.

The total length of the Atlantic and Gulf coast line of the United States, including bays and harbors, but not the small indentations, is 13,000 statute miles. I speak of the coast line from near Saint Johns, New Brunswick, on the northeast around with the Atlantic coast and the Gulf of Mexico to Brownsville at the mouth of the Rio Grande. The Pacific coast line along the west of the States of California, Oregon, and Washington Territory, measured in the same way, is 3,750 statute miles; that of Alaska, without including the indentations, is nearly 21,000 statute miles. The shore lines of the archipelago of Alexandria from 54° 40′ to the head of Chatham Straits alone includes 8,500 statute miles. The American coast line from Duluth to the mouth of the Saint Lawrence River, measured along the coast of Lakes Superior, Huron, Saint Clair, Erie, and Ontario, including one hundred and sixty-two miles of connecting rivers and straits, is 3,782 miles, and the Saint Lawrence River from Lake Ontario to its mouth, measured on the map of the United States, is seven hundred and thirty miles; a total coast line on the great lakes and rivers of the north of 4,512 statute miles.

The whole exterior United States coast line is thus found to be 42,262 miles in length, equal to about one and two-thirds times the circumference of the earth at the equator. And, Mr. Chairman, this does not compass the whole of the water defense required in time of war. Great interior rivers, bays, straits, and sounds, such as the Mississippi River, the Chesapeake, Delaware, and Mobile Bays, and the Straits of Juan de Fuca and Puget Sound—all these coast and interior lines to-day are defenseless in ships, in guns, and in forts; for whatever we have would not stand for an hour before the great war vessels of some of the third and fourth rate nations of the earth. We have no forts for coast defense, I may say, in which American soldiers would dare be taken. As has been said by some of the distinguished officers of our Army, they would prefer to take them outside of these old and now worthless and obsolete forts, and take them along the gravel and sand of the seashore at the water's edge, rather than risk the dangers that would be incurred by being within the so-called fortifications while under fire.

We are then, Mr. Chairman, in the situation of an overgrown, extremely tender child; whenever we are touched we are to be hurt, and without power of striking back. We need sea-going vessels, line-of-battle ships, cruisers to police the high seas, gunboats, torpedo-boats, &c., for coast defense. We should protect American shipping in foreign ports and on the high seas to secure that now much-needed extension of American commerce. We should, in order to preserve the dignity of our great, progressive nation, have ships that would be fit to be sent into foreign ports to command the respect that is due to our flag and to secure the protection that is due to the American citizen when he is in foreign lands or upon foreign seas.

The people who cry out against a navy now would be the first to cry out against the Government and the inefficiency of Congress if war were to come. I pray we shall have no more war; I have seen enough of it and my country has seen enough of it; but the way for this country to have a foreign maritime war is to keep on in her fatal course of remaining without the means of adequate defense and the power of aggressive resistance. "In peace prepare for war" is an ancient saying, and it is well enough. But our national policy should rather be to in peace so prepare that no nation or combination of nations or despotisms of the earth will ever dare declare war against us. We should keep pace with the spirit of the age and maintain the respect of the other nations of the world. Other nations are preparing and have prepared for conflicts upon the sea and to protect their coasts, their cities, and their people.

There has been much said in times gone by about our nation being extravagant in paying out money to build a navy. My curiosity was excited, and I looked to the amounts we have expended since the close of the war of the rebellion in constructing ships. And I have made a comparison with the expenditures by other nations that rank among the first of the world, and also by other nations that rank far below the United States. In looking at this I found some things worth referring to by way of comparison.

England, France, Germany, Sweden, Italy, Russia, all those countries, have been struggling to keep in the advance in the matter of the best and most improved vessels and armament that can be put afloat. They have since 1865 expended large sums of money. England in the matter of making appropriations for the maintenance of her navy alone, since the time named, has appropriated—I state it in round numbers—$806,000,000. The United States in the same period has appropriated $263,000,000 in round numbers. The expenditures for the construction of new vessels since 1865 up to the year 1884 in England were $91,000,000; in France, $121,000,000; in Russia, $83,000,000; in Italy, $38,000,000; in Sweden, $15,000,000; in Germany, $27,000,000. The United States has expended $4,907,000 in the completion of perfected ships of war. In the same time Sweden, feeble in point of numbers and population, feeble in the matter of great material resources, could outnumber us almost ten times in that which goes to make efficiency in time of war.

I here give a table of comparative expenditures of certain nations, taken from Admiral Porter's report of November 12, 1884:

Tabulated form showing the expenditures of foreign nations for the maintenance of their navies during the last fifteen years, as well as the amounts expended for the construction of new ships since 1865; also a statement of the expenditures by the United States for the same purposes during the same periods of time.

Countries.	Approximate expenditures for maintenance of the navy, 1869–'84.	Expenditures for construction of new vessels, 1865–'84.
England	$805,946,430 00	$91,000,000
France	630,000,000 00	121,000,000
Russia	345,000,000 00	83,583,180
Italy	142,500,000 00	38,000,000
Sweden		14,804,689
Germany	144,000,000 00	26,978,731
United States	253,796,613 82	4,907,454

Chili, a small strip of country supposed to be poor in resources, on the west coast of South America, had a single ship afloat that could go from San Diego, the southwestern point of California, to Juan de Fuca Straits, on the north of Washington Territory, and take every fort and every ship and every town and city belonging to the United States along that coast, and we could not pretend that we would be able to resist the power of that single vessel of this fourth-rate power of South America. I allude to the ship Esmeralda, owned by Chili. And now we see this proposed bill looks to building a hull and putting it on the stocks at a period not less than two and a half years from this time—not even to putting it in the water.

Mr. Chairman, before I come to the provisions of the bill, I feel constrained to refer to a matter that has often been quoted in one way or another, and that is that in our last war we got along with such ships as we then had; that we blockaded a great coast line, and in that way succeeded in doing something with a navy.

But, Mr. Chairman, we blockaded a would-be confederacy that had not in the beginning a boat even, not to say anything of a ship of war. And yet the very existence of our Government was almost staked—for on that depended the recognition by foreign powers of the confederacy—when the Monitor and the Merrimac came in conflict in Hampton Roads. If it had turned out that the Monitor under the heroic Worden had been disabled and not the Merrimac of the confederacy, England and France and other nations of the world were ready to recognize the Southern Confederacy. Fortune and the blessing of God shone on us in that conflict and in others. There was not only the Merrimac as a rebel ram, but there was also the Albemarle, that, after an unsuccessful attempt to get to sea, went back and was chained up to the bank of the Roanoke River at Plymouth, and the whole of our Navy was breathless, believing danger impending to it and to the Government until that most gallant hero Lieut. William B. Cushing, in the dark hours of the night, with a torpedo-boat, stole in, put his torpedo under the rebel ram, and blew her up. We were in danger from that.

Mr. BOUTELLE. Will the gentleman permit me to interrupt him for one moment?

Mr. KEIFER. Certainly.

Mr. BOUTELLE. Simply in the interest of history and as a matter of historical justice, I desire to correct the suggestion made by the gentleman [Mr. KEIFER] that the Navy of the United States was in fear and trembling from the ram Albemarle after she had been tied up to the wharf at Plymouth. On the contrary, that ironclad, formidable as she was, had been met in the open waters of Albemarle Sound by three of the wooden gunboats of the United States Navy of the same class referred to almost contemptuously yesterday by the distinguished gentleman from New York [Mr. COX]—three wooden gunboats of the Tallapoosa class—and, in a fair fight upon open water, was defeated by those wooden gunboats, disabled and sent back to Plymouth in such a condition that she never attempted to escape until she was destroyed by Cushing.

Mr. KEIFER. Mr. Chairman, I have been willing to give way to the distinguished gentleman from Maine [Mr. BOUTELLE], who is naturally very jealous of the reputation of the Navy, and especially as to its exploits in the late war, but I can not give time to the repetition of history in the short period of sixty minutes allotted to me to-day. I have said that that vessel was defeated and taken back to Plymouth on the Roanoke River, where it was blown up after the most extraordinary preparations on the part of the United States, rather than risk its coming out to meet the three great powerful wooden ships that were waiting. The Tennessee was a rebel ram at Mobile, and it did not get to sea. The Atlanta was below Savannah and it did not get to sea. The Nashville was at Mobile and was driven up into the Alabama River at the time of the capture of Mobile. This ends the list of the rebel rams. Not one of them, I may say, ever got out to sea. If they ever had got out (and some of us know the anxiety the country felt at that time) it would have secured at least the recognition of the would-be Southern confederacy by foreign powers.

Now, Mr. Chairman, I come to the bill. I will not stop to read the provisions of the second section consecutively, but in general I may say that the bill undertakes to abolish the present Naval Department of the United States, and to substitute for it something that is a little hermaphroditical in character, made up in part of the Navy, but of civilians in larger part. The Secretary of the Navy is to preside over a board of seven, consisting of three persons to be selected by the President of the United States from the Navy and three others from civil life; and when I read this bill I feel that although I live in the central West, far away from any portion of our seacoast, I am at liberty to talk about naval affairs, because hereafter we are to have civilians to determine what sort of a navy we shall build. The proposition is not to consult the wisdom that has accumulated in the naval service—old admirals and commodores and captains and other distinguished naval officers—but to resort to other sources. The board is to be appointed by the President of the United States, and is to consist of six persons besides the Secretary of the Navy, who is to be its president.

By the terms of the bill this board "shall meet in Washington within thirty days subsequent to their appointment, and, after organization, prepare and cause to be printed and sent to all ex-Secretaries of the Navy, all officers and retired officers of the line and staff of the Navy, to prominent ship-builders, marine and naval architects, engineers, and others interested in such matters, a circular asking for such suggestions, advice, and information as they may see fit to offer." And this is to be furnished within such time as the board may fix. Now, I wish to observe that in the first incipient step toward getting a vessel—not a ship, because this bill does not provide for one completed at all—these civilians are not even asked to furnish advice as to what shall go into the vessel in the way of boilers or other machinery. Nothing in the way of equipment is to be furnished. Nothing is to be advised about in reference to armament, which is regarded in time of war as rather important for a war ship. If we are to have an armored vessel, nothing is to be advised about that will resist the shot of the swiftest projectiles now hurled by the improved heavy guns of the world. We are to have then only under this bill a vessel built without armor; for armor is not a part of the building of a ship in a naval point of view. Thus we are to have no advice furnished with reference to the machinery, the equipment, the armament, or the armor of a perfect vessel. What a vessel of war this would be! And when are we to get even that?

Now we come to another thing: After replies to these circulars are received, this civilian board—for I must so call it—is to determine, from such advice as may come to it, the general classes and character of the vessels to be constructed.

Right here let me observe, that if there should not be any responses from distinguished people familiar with ship-building; if the responses come from those most indifferently qualified, from those who maintain for instance that we should build a wooden navy, then it would come

to pass that we have only a plan here for building obsolete wooden ships. I am not going astray on this point; for, twenty-four hours only ago, I heard from the voice of the eloquent and distinguished gentleman from New York [Mr. DORSHEIMER] the prediction, if not the expression of a hope, that the time would come when we would wage our maritime wars in wooden vessels. Suppose that a distinguished man like the gentleman from New York should be called upon to send advice in reply to a circular, and should advise building a wooden ship!

Others say, speaking of a hundred years ago or three-quarters of a century ago, that naval warfare was then waged in wooden ships. The gentleman from New York further says that Nelson fought only with wooden ships. Ah, it is true that great naval hero at the siege of Calvi, in Corsica, in 1793, where he lost an eye, and at the battle of Trafalgar in 1805, where he lost his life and won a place in Westminster Abbey, fought in a wooden ship. But, Mr. Chairman, the time has gone by when vessels are to be lashed together, and men are to fight on shipboard with short hand implements of war. Marines no longer need guns in their hands. The improvements in explosives and projectiles, in cannon, in the means of projecting at high velocity heavy ball or shot have put an end to the possibility of naval warfare ever being carried on again as it was in the days of Lord Nelson. He never saw a ship that would have resisted the shot from a modern naval gun on board of one of the improved line-of-battle ships of to-day for twenty minutes at a league's distance. Such vessels as he fought in would now disgrace the age in which we live. Projectiles are now thrown with such force as to penetrate the most highly improved steel armor for resistance eighteen inches in thickness and through 2-foot iron or composite armor plate. Again, this civilian board is to act upon the advice it may get in the manner specified, not on what it might get if it were left to seek information in such methods as it might choose. And I may say here, in passing, that whatever is known in the way of improvements in the building of cruisers, gunboats, turret-vessels, rams; whatever belongs to the armored ship and the vessel that is to police the sea; whatever belongs to vessels that are needed in the defense of our harbors and our coasts; whatever is now known the world over in reference to these matters is now to be found on file in the Navy Department. And all that is known by the maritime powers of the earth about machinery, equipment, armament, and armor for all classes of the most highly improved ships of war is also known there and in other Departments of our Government.

When this board has read the answers to its circulars and decided upon a class, and accepted one of each of four classes and awarded a premium of $10,000 for the best of each of four classes, and $5,000 for the second best of each of four classes, then these vessels must be ordered to be built, although at that very hour it may be known that there are other better plans and classes of vessels which it would be wise to construct. The draughtsman of this section had a good gambling idea, if I may be allowed the expression, for he looked out for the second horse. It is proposed to give $10,000 for the plan of the best vessel of each class that is accepted, and that we are required to build, and then $5,000 for the next best plan of each which we reject, and never will build.

Allow me to say with much deference, but upon competent information, that a perfect plan and specifications, which would comprehend the structure of a good ship with armament and machinery and armor and everything requisite, could not be procured for $10,000. But I think this board will receive some propositions. There are plenty of old plans of ships lying about the Navy Department; and I venture the suggestion that there are plenty of geniuses—we sometimes call them "cranks"—within the sound of my voice who have old plans which they have been carrying around under their arms for years, and they will now have an opportunity to file them. Somebody may bring here the plans and specifications of the Esmeralda, the great Chilian vessel. Somebody may obtain and file the plans and specifications of the great Italian ironclad Le Panto, now being built, the greatest vessel now constructing in respect to the depth of water it will draw, or the iron-clad Riachuelo, belonging to Brazil. You may get plenty of plans and specifications from the Clyde and file them; but when you have all these before your board you have nothing there but what is already in the Navy Department, with all the additional improvements that could be combined with the originals.

But, as I have already observed, we are to set aside the present naval advisory board and go on with a new one. What a great calamity it would be if after this civilian board has decided upon a plan and ordered a vessel built, or rather the hull built, without armament or machinery or armor, some Congress should criticise the board and set aside its work, and order something else! In that way we shall never get a ship.

There are three civilians, besides the Secretary of the Navy, on the proposed new board. We have now an advisory board. I believe there are two civilians required to be on it, and for many weeks and months there has been a vacancy in that advisory board because the Secretary of the Navy could not find a man qualified who would accept the place. Ah! gentlemen shake their heads. They can find plenty of men who will accept the place, but are they to be indifferent fellows like some of us? We have not been able to keep the present advisory board full, although the salary fixed by law is $5,000 per year, because we could not get men skilled and qualified for the place. The new board is to fix the designs and determine the relative merits, and so on, as I have already said. And they are to complete this herculean work and report to the President of the United States by the 1st day of December next.

Then it has another office to perform. That board is supplemented with responsibility by being directed to consider whether the five unfinished monitors now in process of construction or already partly constructed are suffering from their present incomplete condition, and whether they should be completed and armed. It is to review the work of the highly experienced officers of the present board. If this bill be passed we are to say to the country that we are going to wait for the report of a civilian board to find out whether these vessels are suffering from their present incomplete condition.

What if they are? Then I suppose we are to try to apply something to stop their suffering. But they may report they ought to be completed and armed. Then we have lost precious time. We are serving notice on the country that the vessels we have already put large sums of money in, and which are being built in accordance with the most improved plans and specifications in the world, some of them combining the best improvements, in point of construction, machinery, armament, armor, and equipment, of the best ships now in process of construction by England, by Germany, and by Italy—we are giving notice that what we have already done is to be stopped, and we are not to engage in the work of completing anything that can be put afloat. One of these monitors is partly completed in the navy-yard, as I understand it, on the Pacific coast, and there is nothing else there for the protection of that coast. We do not even order that completed.

Mr. ELLIS. Will my colleague allow me to interrupt him right here?

Mr. KEIFER. For a question, but I can not allow the gentleman to make a speech.

Mr. ELLIS. I wish you to call by name those ships whose types fill out the idea of an American navy.

Mr. KEIFER. Very well; the gentleman will have his way about the order of things. I can say, without being very familiar with this, that the Chicago, a ship of 4,500 tons displacement, is built in accordance with some of the best improved plans of a ship of that class in the world.

Mr. ELLIS. What is her speed?

Mr. KEIFER. Sixteen or more knots per hour.

Mr. ELLIS. How much armor?

Mr. KEIFER. I will give all the monitors, if the gentleman desires; but I prefer to go through in my own way.

Mr. ELLIS. You refer to American ships now being built?

Mr. KEIFER. Certainly. I have said they are built partly after the best and most improved plans, or class if you choose to use the word, of ships in the world. I do not believe the gentleman disputes that proposition.

Mr. ELLIS. I do not dispute it. The idea I wish to draw out is this: The gentleman thinks we may safely copy those in further increase of the Navy.

Mr. KEIFER. The gentleman undertakes to draw his own conclusion without being justified in it. I undertake to say if this country needs a navy we must finish something, and inasmuch as we have the best class of ships the world now knows anything about in process of construction, I would finish those before I would send circulars around the country hunting information on which to make a report at a distant day in reference to vessels which are to be built some years hence.

Mr. ELLIS. Then the gentleman regards those vessels now being constructed as the very best vessels in the world? That is what I wish to get at.

Mr. LONG. Has not an appropriation been made for the completion of these cruisers?

Mr. KEIFER. I have already answered that question by saying that these monitors, the bill itself provides in effect, are not to be finished.

Mr. LONG. Cruisers?

Mr. KEIFER. Some are being finished.

Mr. LONG. All of them.

Mr. RANDALL. The money is given for all.

Mr. THOMAS. Not by this bill.

Mr. RANDALL. No; not by this bill.

Mr. KEIFER. And there is no provision in any law or bill to complete any of the five monitors.

Mr. ELLIS. Provision is made, I understand, for finishing those vessels.

Mr. THOMAS. And armament, too.

Mr. KEIFER. Not the monitors; for by this very bill it is provided that the new board is to examine and report on the propriety of their completion.

The unfinished monitors are the Monadnock, at Mare Island, on the Pacific coast; the Puritan, at Chester, Pa.; the Terror, at Wilmington, Del.; the Amphitrite, at Philadelphia; and the Miantonomoh, at Brooklyn.

I was speaking, when I was interrupted by the gentleman from Louisiana, of the armored vessels unfinished, the monitors. We are

to look, according to the bill, to see whether they "are suffering" or not, in order to determine whether they shall be completed or not, and this board is to report on that subject by the 1st day of December, 1885.

Now, Mr. Chairman, there are many objections to the scheme in this bill. We are to set up a new naval establishment. We are to have a new class of clerks—of civilians—under the direction of this civilian board. They are to be paid by this bill in accordance with the allowance made to experts and clerks in the Navy Department. Another class of men entirely is to come in. We are to build up a new establishment, and at last we have come to the day when we would be startled and dazed even if we were not hourly looking for astounding things. We have come to the time which of all others would astonish us, and that is when the Democratic party presents to the Congress of the United States a proposition to appropriate an indefinite sum of money for the construction of a navy. I have witnessed my colleagues on the Committee on Appropriations on the floor of this House, and everywhere, cry out against an indefinite appropriation for a poor employé of the Government when the sum that was possible under the appropriation was less than $100. But we have by this bill a different condition of affairs in this language:

The necessary money to pay the expenses of the board and its awards—

That is, $60,000; we can determine on that—

and for the building of the vessels as herein provided for, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid under the directions of the President of the United States, &c.

The President and Secretary of the Navy may expend $5,000,000 on a vessel or $10,000,000, just as they please. They may go to the uttermost limits; there is nothing to check them; they have the United States Treasury behind them. I am not here, Mr. Chairman, to congratulate Democracy upon taking this advance step in the matter of making unlimited and indefinite appropriations, for I do not believe in it. Some on that side of the House have contended for limited appropriations in the smallest affairs connected with the Government; and now when we are in the closing hours—ay! the closing hours of a Republican administration, and a Republican Executive is about to go out—Democracy sends forth its proclamation that hereafter we are to have unrestricted and indefinite appropriations from the public Treasury. Is that Democratic? Is that the way to launch an incoming administration?

But the President to come in is to have control of this after all. I ought to have said in its proper connection that if we have a favorable report by this board for four classes of vessels or ships to be made the President of the United States is yet to come in and become the law as to whether the vessels recommended to be built shall be built, or rather whether any vessel shall be built at all. He is to say whether anything is to be done or not. After the board has gone through with all of its travails and brought forth whatever it may of perfection or monstrosity the President is to look at it and say whether it shall be allowed to come to anything or not in the world. The whole thing is finally to be determined by him as to whether we are to have not a navy but a ship on the stocks. Nothing nearer a navy is proposed.

Now in order that this indefinite appropriation may be easily reached, it remains entirely within the power of the President, by the terms of this proposed bill, to direct a pay officer of the Navy Department to be detailed, and then he can say in a note to the Treasurer of the United States, "Hand over to my detailed officer $10,000,000 or $20,000,000 to be used by us." All of the ordinary forms of paying out money from the Treasury of the United States, with all of the checks and guards about it, are set aside by the provisions of this bill; and it simply says that the President of the United States shall detail some pay officer of the Navy who shall take whatever money is ordered to be taken out of the Treasury for the purposes herein provided. Is not that advancement? Is not that looking to the matter of getting the money out of the Treasury which my friend from Colorado [Mr. BELFORD] so greatly hopes may be accomplished by the incoming Democracy? Here is another method without check at all to reach the money in the Treasury. Mr. Chairman, it is without a parallel in legislation, and I may say that it is so unprecedented that it is suggestive of great danger to the Treasury of the United States.

Last of all in this remarkable section we find:

The provisions of this section shall take effect immediately after the passage of this act.

The Democracy is to come into power a few days or a few hours after this bill takes effect and then it shall become a law! The handling the public money in this loose way is to begin promptly.

We have had advisory boards. By a law passed on the the 5th of August, 1882, we had an advisory board. It was made up of the accomplished, trained, and educated officers of the Navy, with the exception, I believe, of two persons; but it was scientific in its character. That board has labored with all these questions. The Secretary of the Navy was directed by the same act to send out circulars for advice and upon the subject of new ships, &c., and he sent them out, I think, about the 5th of August, 1882; and also later supplemental circulars were sent out, asking for advice upon the matters to come before them. The Navy Department and the present highly accomplished Secretary of the Navy, who is astute, ready, and always alive to give prompt attention to whatever belongs to progress in the Navy and the Navy Department, has gathered up in this and other ways all the information that can be obtained upon this subject, and it is all in that Department now.

This advisory board is incomplete now simply because one civilian member resigned and another could not be obtained at $5,000 a year to take his place, but it is one which possibly might be made complete. This advisory board is to be set aside for a new-fangled one. And those gentlemen, those three distinguished men, as we suppose they are to be learned in engineering, skilled in the science of maritime ship-building, are to be paid the enormous sum of $10 a day and railroad fare; it is not proposed even I believe to pay for their dinners if they should happen to go to New York. They are to have $10 a day for their summer's work and for their deliberations and their business. All the accumulations of science and of learning and of skill and of experience that these persons are to have are to be paid for at the rate of $10 a day. Mr. Chairman, the draughtsman of the bill may have known well what he was about and may have proposed to pay them all they are to be worth. I do not know who they are to be, and therefore I may say that.

It is absurd, Mr. Chairman, and entirely unheard-of, to have a competition in furnishing detailed drawings and specifications for naval vessels. When the general features and essential requisites of a vessel are decided upon it is time enough to prepare detailed drawings and specifications, and skilled draughtsmen in the Navy Department can do this. We have all possible information to determine what kind of vessels should be built, as I have already stated, now in the Navy Department. What is wanted is a determination of the authority to decide in the competition in drawings, specifications, and models.

I have some queries to put that I hope the gentlemen who are responsible for this bill will answer. Are foreign designers to be allowed to compete for the awards? If any person brings exact copies of the plans of foreign or home vessels—for instance, those of the Italian Le Panto or the Brazilian Riachuelo as an ironclad, or the Esmeralda as a cruiser, built on the Clyde for Chili—is he to be allowed with those plans to enter into competition? Who is to be regarded as the proprietor of the plans and receive the prize?

Under this plan, Mr. Chairman, four vessels are to be built, but no limit is fixed as to the cost. A five-million-dollar ironclad may be ordered. All the requirements of existing legislation regulating alterations in plans and requiring the supervision of the board are omitted. If we should adopt some plan that was the best we had and yet not the best, and commence the building of a ship, the law would be such that unless it was changed we could not vary the construction of the vessel in any part, and we would have to complete the thing we started out with. In the two years or more which it would take to finish the vessel, even before we put machinery into her, we would find ourselves in a condition that we should have to build that which we did not want.

If this supposed perfect proposition were adopted, as I have said repeatedly, it would give us a vessel on the stocks without machinery in it, without equipment on it, and if it was an armored vessel, without armor, and if it was to carry guns, an essential for war-ships, we might assume without armament. So that at the end of the time and at the end of the discretion, notwithstanding the indefinite appropriation, we should have a structure upon the stocks somewhere in a navy-yard or somewhere else where it was built by contract that we would not dare to launch, that we could not put into the water because it would have no machinery to run it or manage it. Therefore the whole plan is utterly imperfect and should be rejected.

Mr. Chairman, when, on yesterday, the majority of this committee voted to leave an appropriation of $400,000 in the first section of this bill to finish a ship now twenty years old, finish a ship that has only been partially built, and its timbers not even planked over, we had notice served upon us that the thing was to spend money not to make a navy; for, as I have shown, no part of a navy would be completed under this bill without further legislation. If we carried out all the provisions of this bill, if we finished the ship New York, now, as for twenty years, on the stocks in the Brooklyn navy-yard, we would have a vessel, if war should come, we should never dare to launch or take out of the harbor. You would hear the people of the city of New York cry aloud for appropriations to build stone-boats to take down to the Narrows and sink there, so as to prevent the New York from getting out where it could be captured, and to prevent vessels outside getting in where they could capture New York city and this old hulk of a ship, the New York; and that would be the only way to protect either. The New York, when completed, could not catch anything that was on the sea that was less powerful than itself. It could not run away from anything that belongs to marine naval warfare. Speed in a naval ship is as important as strength. But we are to spend $400,000; and then there is no person who has temerity and courage enough to claim it would be worth anything or be needed for any possible purpose except, as stated on yesterday by the distinguished gentleman from New York [Mr. COX] and the other distinguished gentleman from Maine [Mr. DINGLEY], that we might possibly need it at some time or another to keep school in. That is all.

Now, there are many things that might be said and should be said in reference to this. Among the other queries I desire to put is this:

I would like to ask gentlemen to tell me what four classes of vessels are most needed. What four among the score or more of classes of ships that are now built for naval war purposes—what four are we to select? Are we to have cruisers, monitors, gunboats, or one or more of the dozen different kinds of turret vessels? I would like gentlemen to tell me whether there are to be different classes of cruisers and different classes of gunboats, or whether we are to have torpedo-boats. If I had time I would be able to show that a maritime power that boasts of its strength upon the sea, the power before which all the maritime nations of the world tremble, to wit, Great Britain, is armed strongest for defense through her torpedo-boats.

If we should ever be able to build and complete four good war ships under this bill when a law, which I deny, the country would have but little toward an adequate navy to protect its long coast lines or to maintain war on the high sea.

Besides the completion of the cruisers and monitors now in process of construction I would build and in all respects complete the new vessels of the several classes recommended by the present Secretary of the Navy, Mr. Chandler. With these our country would be so armed as probably to avert war, and if a maritime war came we would in some part be ready to maintain it with a power commensurate with our greatness.

[Here the hammer fell.]

Mr. McCOID. Mr. Chairman, I wish to occupy a moment.

The CHAIRMAN. Does the gentleman from New York [Mr. HUTCHINS] yield?

Mr. HUTCHINS. On which side does the gentleman desire to be heard?

Mr. McCOID. In opposition to the bill—just for a moment. I simply wish to send up and have read from the Clerk's desk a remonstrance relating to this subject.

The Clerk read as follows:

To the honorable Senate and House of Representatives in Congress assembled:

We respectfully protest against appropriations for the increase of the Navy, and the manufacturing of large guns and other munitions of war, as a means of preserving peace with other nations.

We earnestly pray your honorable body to spare no expense or effort that may be necessary in providing courts of arbitration and other humane and civilized methods of promoting and maintaining friendly relations with foreign countries; for which we will ever pray.

ELIAS JESSUP,
WILLIAM P. SMITH,
ISAAC T. GIBSON,
On behalf of Iowa Yearly Meeting of Friends.

1ST MONTH, 2, 1885.

Mr. HUTCHINS. Mr. Chairman, I now yield fifteen minutes of my time to Mr. LONG, of Massachusetts.

Mr. LONG. Mr. Chairman, I doubt if I shall want all the time allotted me, for I rise merely to declare myself with regard to this section of the bill. As I listened to the gentleman from Ohio [Mr. KEIFER] and heard his fervid and eloquent statement of the need of a navy and the exposure of our coast, and then heard him argue so strenuously against the proposed and only means of providing for its needed defense, I was reminded of the old story told of a distinguished citizen of my native State, who said he was "in favor of the Maine law, but agin its execution." [Laughter and applause.] There was a great deal of force in many of the objections which the gentleman from Ohio urged against the measure, but they are objections to details in the bill, which are open to amendment. With reference to many of them I fully agree with him, but they can be corrected by the touch of a pen. But I do not agree with him in opposing the general legislation proposed.

The question before the country and the House is the fundamental one whether we shall have a navy at all sufficient for the necessities of the country. That, sir, is an elementary question. It is a question which answers itself. If one of the corner-stones of a man's house has begun to crumble, he does not deliberate; he acts, and makes the foundation secure. One of the corner-stones of our Republic has crumbled. The time has not yet come, sir, when physical power and prowess are not an element of national strength. No nation can steadily hold its own that does not carry with it not only the impression but the fact of its ability to assert and defend itself. It is to that impression and to that fact that little England owes her self-respect and the respect of the world. She may not be holding her own to-day, but she would be holding her own if she were fighting on the sea in defense of her own institutions and not in the invasion of others.

A national flag is a splendid thing, though it be but a broom, so long as it rocks at the masthead; but it is a very poor thing, no matter how gaudy its colors or fine its texture, when it trails in the slime. The very recognition of national power, the consciousness that a nation is able to defend itself and to strike back, is in itself, and without firing a gun, the best protection. It is the very protection and peace which the petition just read at the Clerk's desk, from the Society of Friends, aims to secure, protection at home and abroad—protection to the merchant who builds his warehouse on the seaboard, and to the interior farmer whose interests depend upon the maintenance of relations with the export markets of the coast.

All this is elementary. Yet what, in respect to our seacoast defenses, is the condition of our country which is to-day intrusted to our hands? It is very well for the gentleman from New York [Mr. DORSHEIMER] in his eloquent address to say we have sufficient defense in the hearts of our people, our brave soldiers and sailors. They have brave hearts indeed. So there were never braver hearts than those of the three hundred Spartans who stood at the pass of Thermopylæ and resisted the hosts of Xerxes. But the paltriest coward in the Persian ranks, standing a mile from their swords with a Hotchkiss rifle before him, would have laughed at them, and anon moved on in derision over their riddled bodies.

To-day on our ocean border our country is like an unarmed giant, mighty in resources but surrounded by an armed soldiery who hold him at the very point of their bayonets. Our harbors are defenseless; our seacoast is at the merey of foreign ironclads; our ocean cities are a temptation to the exaction of a ransom of half their value; our Navy is an alphabet of floating wash-tubs. There is scarce a nation so poor as to do it reverence. We have but one ship, the Tennessee, which ranks as first rate; and even as to her the Secretary of the Navy says in his report that as soon as she shall be examined she will be condemned as not worth repairing.

On such wooden ships as we have there is not a single piece of ordinance of more value in modern warfare than a child's pop-gun. This picture has been drawn over and over again, till we are tired of its coloring. Our people ridicule their own navy, and even come to relish as a joke the running down of the Tallapoosa by a coal-barge. They laugh at our naval array as a sort of marine Falstaffian burlesque. And what have we done about it? I have sat here through one session and heard a wrangle between members on one side and the other as to which party is at fault, meantime nobody caring a row of pins about the quarrel and the people indifferent to it. Is it not time to get above this fish-woman's scolding?

The CHAIRMAN. If the gentleman from Massachusetts will suspend the Chair desires to call the attention of the Committee of the Whole to the fact that the House, under its standing order, this being Friday, is to take a recess at 5 o'clock to reassemble this evening at 7 o'clock, though ordinarily the hour of reassembling is 8.

Mr. THOMAS. I thought the hour for the recess had been extended till 6 o'clock.

A MEMBER. There was no extension.

Mr. THOMAS. There ought to be.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. THOMPSON having taken the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House continue in session until 6 o'clock for debate in Committee of the Whole on the naval appropriation bill, and that then the recess be taken until this evening.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks that the recess be taken at 6 o'clock instead of 5. Is there objection?

Mr. PRICE. I object.

Mr. RANDALL. Then I move that we now take a recess.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, a recess is now declared until 7 o'clock this evening in accordance with previous order. The gentleman from New York, Mr. BAGLEY, will preside at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

February 13, 1885.—Amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

February 20, 1885.—Amended by providing that to-night's session for pension business shall be from 7 till 9 o'clock.

THOMAS M. M'CHESNEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7863) granting a pension to Thomas M. McChesney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEONORA A. BOYDEN.

Mr. STRUBLE (by Mr. WILSON, of Iowa) reported back favorably from the Committee on Pensions the bill (S. 1709) granting a pension to Leonora A. Boyden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW FRANKLIN.

Mr. STRUBLE (by Mr. WILSON, of Iowa) also reported back favorably from the Committee on Pensions the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole House on the Private Calendar to proceed with business under the order for Friday evening's session.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills upon the Private Calendar, under the special order heretofore made, which has just been read.

Mr. MATSON. I ask unanimous consent that the order of business be so fixed that members may call up such bills as they may select, the Chair alternating in recognition from side to side in the House, and that the bills reported favorably from the two committees—the Committee on Pensions and Invalid Pensions—where favorable reports are made, shall be given preference and disposed of, and if afterward any time remains the adverse reports may be taken up.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was ordered accordingly.

WILLIAM LOCKHART.

Mr. HEWITT, of Alabama. Mr. Speaker, I call up the bill (S. 357) granting a pension to William Lockhart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Lockhart, late a soldier in the Black Hawk war.

Mr. HEWITT, of Alabama. This man is 80 years old, and was wounded in the Black Hawk war. I think he ought to have a pension.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER WEIDE.

Mr. DAVIS, of Illinois. Mr. Chairman, I ask consideration of House bill 7485, granting a pension to Alexander Weide.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Alexander Weide, late captain of Company C, Third West Virginia Cavalry, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NEWTON J. BURRIS.

Mr. MATSON. Mr. Chairman, I call up Senate bill 1655, found on page 52 of the Calendar, granting a pension to Newton J. Burris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Newton J. Burris, late a private in Company I, Sixty-eighth Regiment Indiana Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEONORA A. BOYDEN.

Mr. WILSON. Mr. Chairman, I ask consent in behalf of the gentleman from Wisconsin, who presented this bill, to consider Senate bill 1709, granting a pension to Leonora A. Boyden.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Leonora A. Boyden, mother of Charles F. Putnam, late a master in the United States Navy, lost in the Arctic Ocean, and pay her a pension of $30 per month from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH SANSOM.

Mr. HALSELL. Mr. Chairman, I ask to call up the bill (H. R. 7990) granting a pension to Joseph Sansom.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph Sansom, late of Company F, Twenty-sixth Regiment Kentucky Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. F. M. NORTON.

Mr. CANNON. Mr. Chairman, I call up the bill (H. R. 8189) granting a pension to Mrs. F. M. Norton, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. F. M. Norton, widow of James H. Norton, deceased, late a private in Company G, Eighty-sixth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE A. WASHBURN.

Mr. EATON. I move to take up Senate bill 1803, granting an increase of pension to George A. Washburn, and put it upon its passage.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George A. Washburn, late major of the Sixteenth Regiment Connecticut Volunteers, and brevet brigadier-general, to $45 per month.

Mr. HEWITT, of Alabama. It is proposed to increase the pension. I ask therefore that the report be read, so as to show the grounds on which the increase is recommended.

The Clerk proceeded to read the report.

Mr. HEWITT, of Alabama. I have been informed that this is a very meritorious case, and I shall not insist upon the further reading of the report, but ask that it be printed in the RECORD.

The report (by Mr. FYAN) is as follows:

As the Senate report covers the facts and evidence in the case, it is adopted by this committee:

[Senate Report 1183, Forty-eighth Congress, second session.]

The claimant, George A. Washburn, late major of the Sixteenth Connecticut Volunteers, was pensioned for gunshot wound of left thigh at $12.50 per month from January 17, 1863, the date of discharge. This pension was increased to $25 per month from October 7, 1869. No further claim appears to have been made before the Department.

The claimant now asks that this amount be increased, and presents the following affidavit, made by his attending physician:

"This is to certify that I have made examination of General G. A. Washburn, late major Sixteenth Connecticut Volunteers; that I am familiar with his condition and habits for the past year, and I am of opinion that he is totally incapacitated for all forms of manual labor. By reason of wounds received in battle his left leg is of little use, interfering with riding, getting in and out of a carriage, &c., necessitating the constant use of a stick. At frequent periods he can not for days together go out of doors. His rest at night is disturbed by great pain, which requires the attendance of another person to nurse him, and the use of large amounts of pain-quieting medicine. When absent from home he requires the attendance of another, and he is daily in requirement of health-supporting measures. My opinion is that were he to return to his home in the North the nature of his bronchitis and asthma are such that they would speedily prove fatal, at least exceeding dangerous to life. From the painful existence and permanency of his disorders of wound, lameness, asthma, bronchitis, and their complications, as well as his need of support, I would earnestly recommend the case of General Washburn to your consideration.

"C. S. MAY, *M. D.*"

Senator Platt also indorses the statements made by Dr. May, and states that in his opinion the applicant is entitled to an increase of pension.

A. S. Warner, late surgeon Sixteenth Regiment of Connecticut Volunteers, certifies as follows:

"I have examined Col. George A. Washburn, formerly major of the Sixteenth Regiment Connecticut Volunteers, and I find he received a wound, the ball passing very near the junction of the ilium with the sacrum, passing through the pelvis, badly comminuting the ischium, a part of the ball (a triple one) passing through the scrotum and out, and a part was lodged in the left testes. I am of opinion the disability occasioned by the wound is permanent and total."

Unquestionably this soldier is equitably entitled to an increase of pension, but as the rate of $50 is now the highest allowed for total disability, requiring constant attendance of another person, except in cases covered by the act of June 16, 1880, and inasmuch as this soldier does not require constant attendance, your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN ARNDT.

Mr. STRAIT. I ask consent to call up the bill (H. R. 7992) for the relief of Christian Arndt and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Christian Arndt, late of Company H, Ninth Minnesota Infantry, on the pension-roll, subject to the rules and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM D. FARNSWORTH.

Mr. SHIVELY. Mr. Chairman, I ask consent to take up the bill (H. R. 8152) for the relief of William D. Farnsworth and put it upon its passage.

The bill is as follows:

Whereas on or about the 23d day of May, 1882, by an act of Congress entitled "An act for the relief of Almira Farnsworth," approved May 23, 1882, a pension was granted said Almira Farnsworth; and

Whereas said Almira Farnsworth died on the 6th day of June, 1882, without having received her pension certificates, and left a husband surviving her, one William D. Farnsworth, who is old and feeble, being eighty-three years of age; Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of William D. Farnsworth on the pension-roll in lieu of Almira Farnsworth, said pension to date from the 23d day of May, 1882, but in all other respects subject to the provisions and limitations of the pension laws.

The committee recommend the adoption of the following amendments:

Strike out all after the word "Farnsworth," in line 4, and insert "dependent

father of Edward Farnsworth, late of Company E, Twentieth Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws;" also strike out the preamble.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM STANSBERRY.

Mr. PRICE. I call up for consideration the bill (H. R. 7993) for the relief of William Stansberry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William Stansberry, late of Company A, Third West Virginia Cavalry, on the pension-roll, subject to the rules and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA GINN.

Mr. BAGLEY. I call up for consideration the bill (S. 2350) granting a pension to Anna Ginn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Ginn, widow of Benjamin Ginn, late a private in Company F, Fiftieth Regiment Enrolled Missouri Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES L. ALDEN.

Mr. WHITE, of Minnesota. I call up for consideration the bill (H. R. 6960) for the relief of Charles L. Alden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Charles L. Alden, of Company C, Second Minnesota Infantry, on the pension-roll at a rate commensurate with his present disabilities.

The Committee on Invalid Pensions reported the bill with the following amendment:

In lines 5 and 6, strike out the words "a rate commensurate with his present disabilities" and insert "the rate of $30 per month."

Mr. HEWITT, of Alabama. I desire to ask the gentleman who calls up this bill what pension this soldier is entitled to under the general law. Thirty dollars is the highest pension known under the general law except in special cases.

Mr. STRAIT. The man is entirely blind now.

Mr. STOCKSLAGER. For the loss of both eyes he would be entitled to $72.

Mr. STRAIT. The committee did not think he was entitled to $72 and recommended a pension of $30.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDGAR L. DUTTON.

Mr. HOLMAN. I call up the bill (S. 1790) granting a pension to Edgar L. Dutton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Edgar L. Dutton, late a private in Company K, Twenty-second Regiment Indiana Volunteers, at the rate of $16 per month, in lieu of the $8 per month heretofore allowed him, as specified in pension certificate 116435.

Mr. HEWITT, of Alabama. I should like to know why it is proposed to increase the rate of pension in this case from $8 a month to $16? There ought to be some reason assigned for it.

Mr. HOLMAN. I have sent for the report.

The CHAIRMAN. The report is on the desk. The Clerk will read it.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1790) granting an increase of pension to Edgar L. Dutton, having had the same under consideration, beg leave to report as follows:

A careful examination of this case enables us without hesitation to adopt the Senate report and ask for the passage of said bill. The said report is as follows:

"That the Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, makes the following remarks concerning it, namely:

"'The soldier was pensioned March 1, 1872, for hernia of right side, at $4 per month, from May 13, 1865, the date of his discharge; at $8 per month from April 16, 1874. His claim for increase on account of heart disease is inadmissible, because there is no record or medical testimony showing existence of alleged disability in the service, nor medical or other satisfactory testimony showing existence at and since discharge.'

"The claimant testified in his application for increase that he could not furnish the medical testimony required as to existence of the disability from heart disease while in the service, because it was contracted while absent from his regiment, and states in an explanatory affidavit filed with the Commissioner of Pensions that—

"'The disease of the heart, upon which his claim for increase is based, was incurred in the service while a prisoner at Andersonville, Ga., and Florence, S. C., between July 19, 1864, when he was taken prisoner at Peach Tree Creek, in front of Atlanta, Ga., and the middle of December, 1864, when he, with about 10,000 other sick and wounded prisoners, was released on special parole, and never afterward returned to his regiment, and was discharged at Indianapolis, Ind., May 11, 1865.'

"He further says that, even though he had been returned to his regiment, it would still be impossible for him to furnish the testimony of the surgeon or assistant surgeon of his regiment as to his condition subsequent to his release on parole as a prisoner, for the reason that both of those officers are dead. But he furnishes evidence establishing beyond all reasonable doubt that at the time of his enlistment he was not only free from heart disease but was a sound and able-bodied man, and other testimony in the case supports the declaration of the soldier that his disease of the heart was contracted as he alleges it was, and that it has continued since the close of the war to the present time.

"He was examined by a board of examining surgeons in April, 1879, and again in September, 1880, and the reports in both instances rate him total for hernia and total for heart disease, and certify that: 'We find his disability, as described above, to be equal to and entitling him to $16.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LUCRETIA G. RIPLEY.

Mr. WAIT. I call up the bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucretia G. Ripley, widow of Edward F. Ripley, deceased, who enlisted as a private in Company H, Eighteenth Regiment of Connecticut Volunteers, and was afterward detailed as night hospital steward at New Haven, Conn., and died on the 10th day of September, 1875, leaving surviving said widow, and issue under the age of 16 years, one child, to wit, Grace A., born January 18, 1875; and that the said Lucretia G. Ripley be paid during her widowhood the sum of $8 per month, to commence on the 11th day of September, 1875.

The Committee on Invalid Pensions recommend the following amendment:

Strike out all after the words "Connecticut Volunteers," in line 8.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CLARINDA HUNT.

Mr. SEYMOUR. I call up the bill (S. 1804) granting a pension to Clarinda Hunt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Clarinda Hunt, the foster-mother of Edwin W. Hunt, deceased, who enlisted in the United States Navy September 15, 1864, and was discharged September 1, 1865, for disability, from which he never recovered.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK FURLONG.

Mr. BROWN, of Pennsylvania. I call up for consideration the bill (S. 2610) granting a pension to Patrick Furlong.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Furlong, late a private in Company G, Fourteenth Regiment Vermont Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND HUSCHER.

Mr. STOCKSLAGER. I call up the bill (H. R. 8048) to increase the pension of Ferdinand Huscher.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the copy of the bill sent to the Clerk's desk is not the regular Calendar bill.

Mr. STOCKSLAGER. I have sent to the document-room for it.

The CHAIRMAN. The bill will be reported, and the Chair will direct the attention of the chairman of the Committee on Invalid Pensions to the reading of the bill.

The bill was read, as follows:

Be it enacted, &c., That the pension of Ferdinand Huscher, late a hospital steward in the United States Army, be, and the same is hereby, increased to $24 per month, in lieu of the pension now allowed him.

Mr. MATSON. The Committee on Invalid Pensions was discharged from the consideration of this bill, and it was referred to the Committee on Pensions.

Mr. STOCKSLAGER. That statement is correct, and the bill was reported to the House with a favorable recommendation by the Committee on Pensions on Wednesday.

The CHAIRMAN. Was there any amendment reported?

Mr. STOCKSLAGER. No amendment except to change the name from "Huscher" to "Herscher."

Mr. HEWITT, of Alabama. I reserve the right to oppose the bill until my friend from Indiana [Mr. STOCKSLAGER] shall give some explanation of it.

Mr. STOCKSLAGER. Mr. Chairman, I would much prefer to have the report here.

The CHAIRMAN. The Chair suggests that the gentleman [Mr. STOCKSLAGER] withdraw his bill for the present, and meanwhile he may be able to find the report.

Mr. STOCKSLAGER. The report, they say, has not been printed.

The CHAIRMAN. The bill will be passed for the present. The Chair recognizes the gentleman from Kansas [Mr. MORRILL].

CHANCEY G. DARRAH.

Mr. MORRILL. Mr. Chairman, I call up the bill (H. R. 8187) granting a pension to Chancey G. Darrah.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Chancey G. Darrah, late of Company E, Sixteenth Regiment New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SYDNEY L. SKAGGS.

Mr. ROGERS, of Arkansas. Mr. Chairman, I desire to call up the bill (S. 1268) for the relief of Sidney L. Skaggs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sidney L. Skaggs, late scout of the Second Arkansas Infantry.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1268) for the relief of Sydney L. Skaggs, having considered the same, report as follows:

Claimant was a pilot, guide, and scout, serving as such with the Union Army in the State of Arkansas in 1864 and the early part of 1865. That while serving as such he was seriously wounded by the enemy.

Your committee agree with and adopt the report made to the Senate by Mr. JACKSON, of the Committee on Pensions, upon said bill, and incorporate it herewith as a part of their report, as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1268) for the relief of Sydney L. Skaggs, having examined the same, make the following report:

"That said Skaggs, in 1861 and during the early part of 1865, acted as pilot and guide for the different Federal commanders at the post of Clarksville, Johnson County, Arkansas. That in January, 1865, while out with a scouting expedition, under the command of Lieutenant Pitts, of Company A, Second Arkansas Infantry, the party were attacked by rebels or bushwhackers, and during the fight said Skaggs was wounded in each shoulder. The wound in the right shoulder necessitated amputation of the right arm near the shoulder joint. This amputation was made by the regimental surgeon, and he was treated in the regular Army hospitals. He filed his application for pension, which was rejected by the Pension Office on the ground that he was not an enlisted man in the military service of the Government, and because the general law made no provision for volunteer scouts and pilots, although regularly employed. Skaggs was between 16 and 17 years of age while serving as scout and when wounded, as aforesaid, in an actual engagement with the enemy.

"Your committee have, in several instances, recommended relief in cases of this character, where the disability or injury was received by the scout in an actual engagement with the enemy. They think such cases constitute a proper exception and come within the spirit of the law. The committee accordingly report back the bill to the Senate with the recommendation that it be passed."

Your committee therefore report the bill back with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M. M'CHESNEY.

Mr. KEAN. Mr. Chairman, I desire to call up a bill reported this evening (H. R. 7863), granting a pension to Thomas M. McChesney, with amendments.

The amendments were read, as follows:

The committee propose to strike out the preamble, and to make the bill read thus:

"*Be it enacted, &c.*, That Thomas M. McChesney, of the township of Cranberry, in the county of Middlesex, in the State of New Jersey, shall be placed upon the list of invalid pensioners, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the service as an enlisted man in Company N, Ninth New Jersey Volunteers."

The amendments were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CORYDON MILLARD.

Mr. SUMNER, of Wisconsin. Mr. Chairman, I call up the bill (H. R. 6505) granting a pension to Corydon Millard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Corydon Millard, formerly a chaplain in the United States heavy artillery, at the rate of $20 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6505) granting a pension to Corydon Millard, having had the same under consideration, hereby submit the following report:

The claimant, Corydon Millard, enlisted and acted as chaplain of the Fourth United States Heavy Artillery Volunteers, from 1861 to 1866, when he was honorably discharged. He was in active service about four years.

He had a broken leg when he enlisted—that is, his leg had been broken—and he had so far recovered that he appeared to be entirely well, but his application for enlistment was held in abeyance on that account for about two weeks before he was accepted. At various times during his service he suffered from lameness and severe pains in the broken limb, resulting several times in running sores and great prostration, on account of long-continued and severe exertion and exposure. These conditions grew upon him until his disability was quite marked, and of an aggravated character at the time of his discharge. This disability has never left him, and he is now greatly if not totally disabled. He is 65 years of age, entirely without means of support, and unable to earn his living by manual labor.

The Pension Office can not grant him a pension, on account of his prior unsoundness, and therefore he asks relief by special act of Congress.

While his disability had its origin in the injury received before his enlistment, we are of the opinion that his four years of constant service, with the consequent exposure and hardships, must have added greatly to his disability.

Wherefore your committee recommend the passage of said bill, provided, however, that the same be amended by inserting therein the words "twenty dollars," after the word "of," in line 6 thereof.

Mr. HEWITT, of Alabama. Mr. Chairman, I would like to ask the gentleman in charge of this bill why this claimant could not obtain a pension under the general law? Why was it necessary to come here and ask a special bill?

Mr. SUMNER, of Wisconsin. The claimant enlisted in 1861 and served until 1866, over four years. While a boy one of his limbs was broken. He recovered entirely, apparently, from that injury, enlisted and was accepted by the Army surgeons, and served the period I have mentioned. But from the fact that he had received this injury before he enlisted the Pension Office can not grant him a pension; hence the necessity for this act.

Mr. HEWITT, of Alabama. It is put upon the ground that he was injured before he went into the service.

Mr. SUMNER, of Wisconsin. Yes; but he was accepted and served four years. The disability is unquestioned.

The amendments recommended by the committee were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA SPELLEN.

Mr. SMITH, of Iowa. Mr. Chairman, I call up the bill (H. R. 7418) for the relief of Maria Spellen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Maria Spellen, widow of Barnard Spellen, late a member of Company M, Ninth Regiment New York Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. BEAN.

Mr. BAGLEY. Mr. Chairman, I call up the bill (H. R. 1710) granting a pension to George W. Bean.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Bean, late a private in Capt. P. W. Connover's company of Utah militia.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1710) granting a pension to George W. Bean, beg leave to submit the following report:

The evidence in this case shows, to the entire satisfaction of the committee, that about July, 1849, one Capt. P. W. Connover organized in Utah Territory a militia company for the purpose of defending the people of that section of the country against attacks from Indians which were then threatened.

The company elected officers and was armed in part and by order of Brigham Young, then assuming to be and to act as governor of said Territory, with an iron field-piece, six pound caliber. This company is shown to have co-operated with the United States troops then under command of Captain Stansbury, Topographical Engineers, United States Army, and Lieut. J. W. Gunnison, United States Army, and was part of the time at least under the command of one or both of said officers; that while said company was thus co-operating with said United States troops, and under the direction and command of its officers, a fight occurred with the Indians at or near Fort Provo, lasting about three days; that subsequent thereto there were several other fights with the Indians, in which said company participated, and lost two killed and several wounded.

That about August, 1849, said militia company built a bastion on an elevated place within Fort Provo, and mounted it with their six-pound gun. That about September 1, 1849, while said militia company was occupying said bastion at Fort Provo, the Indians opened fire upon some men in the settlement, and gave evidence of a purpose to attack the settlement and fort. This soldier, Bean, was detailed to assist in manning the cannon, and at the second discharge it exploded, wounding him dangerously in the arms and thigh and other places, making necessary the amputation of his left arm below the elbow, which amputation was performed by Surgeon Blake, United States Army, then with Captain Stansbury's command. These are facts substantiated by Captain Connover, Lieutenant Thomas, and several members of the company.

In December, 1882, Bean applied for a land-warrant, alleging his service as above narrated.

This claim was rejected May 14, 1884, "on the ground that the service of Captain Connover's company, in which claimant alleged he served, is not sufficient to entitle him to a bounty-land warrant under act of 1852, which requires thirty days' service, nor under act of 1855, because service was not rendered in a recognized war."

The examiner who passed upon the application found that Captain Connover's company, Utah militia, was in service from February 4 to February 19, 1850, but that no other rolls of said company for 1849 and later than February, 1850, are on file in the Second Auditor's Office, and the Auditor so reports.

In explanation of this it is quite clearly shown by an affidavit of Captain Connover and some of his company that a new muster-roll was made out during the first part of 1850 and sent to Washington, and that the names of those who had been either killed or wounded were left off this roll, and the places of those left off were filled by others who thereafter served with the company.

The Second Auditor, in replying to an inquiry from the Pension Office, under date of May 5, 1884, refers to the "pay-rolls" of Capt. Peter W. Connover's company, and gives the names of a number of the company, some or all of whom made affidavits in the case of the application for a bounty-land warrant.

Your committee find that while the original organization of the militia company may not have been fully authorized by law, yet that it was organized, did service in assisting in repelling Indian attacks, co-operated with United States troops, and part of the time, at least, under the control of United States officers, and that finally it was recognized by the national authorities, and payment for services made to the members appearing on the pay-roll; therefore your committee think Bean should be placed on the pension-rolls, subject to the provisions and limitations of the pension laws, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID T. HOOVER.

Mr. CULLEN. Mr. Chairman, I call up the bill (S. 2514) granting a pension to David T. Hoover.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David T. Hoover, late a private in Company H, Fifty-sixth Pennsylvania Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD KRAEMER.

Mr. HITT. I call up the bill (H. R. 1873) for the relief of Edward Kraemer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Edward Kraemer, formerly a member of Company F, Twelfth Regiment, Illinois State Volunteers, to $24 per month.

The report (by Mr. CULLEN) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1873) for the relief of Edward Kraemer, having had the same under consideration, would make the following report:

Edward Kraemer enlisted as a private in Company F, Twelfth Regiment Illinois Volunteers, August 3, 1861. On or about February 25, 1865, at Sister's Ferry, Ga., he was injured while detailed on fatigue duty by the falling of a tree, which broke his left arm, four of his ribs, and injured his head and left shoulder. He was unable to perform military duty afterward on account of said injuries, and was discharged from service June 30, 1865. He was pensioned at $6 per month, and afterward reduced to the rating of $4 per month. He filed requisite proof of soundness prior to enlistment and injury received in service, and records show his treatment in hospital during service. His application for increase was rejected December 24, 1879.

The affidavit of Dr. August Weirich shows that he treated him some time; that said Kraemer is a temperate man; that his right frontal bone was fractured and depressing on his brain, causing neuralgic pains constantly; that he is affected with paralysis of the arm; has several ribs fractured, and is subject to severe, incurable ophthalmia.

The affidavit of Dr. Edward D. Kiltoe, late medical inspector of the United States Army, shows that he has been the family physician of said Kraemer since discharge, and he has now become partially insane; that his right side is paralyzed, and he is for the most part confined to his bed and is entirely disabled from work.

The affidavit of Dr. B. F. Fowler, late examining surgeon, shows total disability of said Kraemer.

Your committee have to report that, inasmuch as the law allows a pension of $72 per month to a man totally disabled and confined to his bed, needing attention, this claimant should receive the amount asked for in the bill, which is only one-third of that sum. The affidavits of these physicians show that he is almost totally disabled and confined to his bed.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JOHN K. COOKE.

Mr. HEWITT, of Alabama. I call up the bill (H. R. 7231) to remove the disabilities of John K. Cooke.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND HUSCHER.

Mr. STOCKSLAGER. I again call up the bill (H. R. 8048) to increase the pension of Ferdinand Huscher. The bill has already been read this evening.

The amendment reported by the Committee on Invalid Pensions, to strike out in the body of the bill and in the title the word "Huscher" and insert "Hercher," was read and agreed to.

Mr. HEWITT, of Alabama. I hope the gentleman from Indiana [Mr. STOCKSLAGER] will give some reason for the passage of this bill.

Mr. STOCKSLAGER. This man served sixteen years in the Army—three years during the war and almost continuously afterward in the regular Army. He is drawing a very small pension for a gunshot wound. During his service he contracted a disease of the liver from which he is now suffering. He is in a very dangerous condition. I know the man very well. I have seen him within the last ten days.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a recommendation that it do pass.

There being no objection, it was ordered accordingly.

STEPHEN SAUER.

Mr. HOUK. I call up the bill (H. R. 7417) for the relief of Stephen Sauer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Sauer, father of George Sauer, deceased, who was formerly a private in the Fourth Battery Wisconsin State Volunteers.

The report (by Mr. HOLMES) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7417) for the relief of Stephen Sauer, having considered the same, report as follows:

Stephen Sauer, the applicant, asks a pension as the dependent father of George Sauer, who enlisted as a private in the Fourth Battery, Wisconsin Volunteers, on the 13th of September, 1861, and died in the service of typhoid fever, at Fortress Monroe, in September, 1864. At the time of his death the soldier had never been married. There is no question that the soldier died in the service in the line of duty. He enlisted when about twenty years of age. The application of the father, Stephen Sauer, was rejected by the Pension Office on the ground that "at the time of the soldier's death the claimant was not dependent upon the son for support, as he had enough means for that purpose, and did support himself and family before and after the son enlisted." The mother of the deceased soldier, and wife of the applicant, died about a year after the soldier's birth. Claimant was married the second time.

The evidence in this case shows that the claimant is possessed of from $725 to $1,000 worth of property; that his income has not exceeded from $75 to $100 per year, and that for twenty-four years he has been suffering from disease of the heart, rendering him almost entirely incapacitated for the performance of manual labor. It is shown by the record also that the soldier remitted money to his father at different times as the result of his labor before enlistment, and as part of his pay while in the service, which is corroborated by the testimony of the farmer for whom the son worked and the agent of the express company who received it and delivered it to the father. It now appears that the second wife of the claimant is obliged to do washing to assist in supporting the family, as well as other manual labor. At the time the evidence was taken he had one sick daughter at home.

In the opinion of your committee the case presented by the claimant is one that should be favorably considered. The evidence is somewhat conflicting as regards his age, making it anywhere from 70 to 80 years. The necessities that compel his wife to do washing and support him in addition to herself appeal to your committee strongly as one presenting strong equities, and after giving the son to the service of his country, and who served about three years and died in the service, thus depriving him of the staff of his old age, your committee think that the Government should do no less than to provide a partial support for the father in his declining years. Your committee recommend that the bill be amended by inserting in the sixth line thereof, after the words "Stephen Sauer," the word "dependent." With this amendment, and upon the grounds herein stated, your committee report the bill back to the House favorably, with the recommendation that it do pass.

The amendment reported by the Committee on Invalid Pensions, to insert before the word "father," in line 6, the word "dependent," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE LEVERON.

Mr. WINANS, of Michigan. I call up the bill (H. R. 301) granting a pension to Theodore Leveron.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore Leveron, late a private in Company M, Third Regiment Kentucky Cavalry Volunteers.

The report (by Mr. MATSON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 301) granting a pension to Theodore Leveron, respectfully report:

That Theodore Leveron enlisted in the military service of the United States as a private in Company M, Third Regiment Kentucky Volunteer Cavalry, October 11, 1861, and was honorably discharged August 3, 1865.

May 2, 1874, he filed a declaration for pension, alleging gunshot wound of left arm, received at Hopkinsville, Ky., July 29, 1863—was also thrown from his horse at Cadiz, Ky., in the fall of 1863, causing injuries of the head—which was rejected February 27, 1883, as to gunshot wound, on the ground that soldier was not in line of duty at the time of receiving said injury, and no pensionable disability from injury to head since discharge.

It appears from the evidence in the case that the soldier had an altercation with a citizen at a place of amusement in Hopkinsville, Ky., on or about the 20th day of June, 1863. The next day after this, as soldier was passing the place of business of the citizen, Savage by name, he came out and caught the soldier by the collar, and shot him with a pistol which he held in his right hand. At the time of the shooting soldier was detailed as messenger at the military telegraph office, and was on his way to his breakfast at the time he was assaulted and shot. The citizen was arrested by the military authorities, but whether he was placed on trial for the offense is not disclosed by the evidence.

Capt. Albert Slov, of Vincennes, Ind., testifies (November 9, 1882) that he was captain of claimant's company in the service, and corroborates the statements of claimant from facts gathered at the time of the shooting, and to seeing the wound after its infliction.

John P. Kullehn, of Wheatland, Knox County, Indiana, testifies (November 9, 1882) to the fact that he was a member of claimant's company and regiment, and to the shooting of the soldier by Savage at the time and in manner above detailed; did not see the shooting, but heard of it immediately after its occurrence.

C. P. Hollingsworth, of Bruceville, Knox County, Indiana, testifies (November 9, 1882) that he was the first lieutenant of claimant's company, and to the fact of the wounding of the soldier by Savage at Hopkinsville, as indicated by other witnesses; that the shooting was without provocation on the part of claimant; that he believes that said shot was given solely because Leverson was a Federal soldier.

Claimant was on detached duty at the time he was shot, and under regular orders.

We think the evidence in the case justifies the conclusion that the soldier was shot by the citizen, Savage, while in the line of duty, and that the controversy, was not provoked or encouraged by the soldier, and that the injury to the claimant is clearly due to his military service, and that he should receive a pension, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LIEUT. NATHANIEL JOHNSON COFFIN.

Mr. HAYNES. I call up the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid, out of any money in the United States Treasury not otherwise appropriated, arrears of pension to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry in the late war of the rebellion, in accordance with section 4701, pension laws, and that this act shall be construed as extending to the time of his discharge at Fort Adams, Rhode Island, as a sergeant of Company H, Ninth United States Infantry, in the war with Mexico, on the 22d day of August, 1848.

The report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin, submit the following report:

Lieutenant Coffin is a hero of two wars, and his physical and mental condition entitles him to the kind consideration of his country. May 4, 1847, he enlisted for service in the Mexican war. He served as a private until the war ended, and received a medal for gallant conduct at the storming of Chapultepec. An honorable discharge was given him August 2, 1848. Lieutenant Coffin again enlisted, September 27, 1862, as a private in Company K (Capt. M. T. Betton), Thirteenth Regiment New Hampshire Volunteers, to serve in the late rebellion. He was promoted to be first lieutenant of said Company K early in 1863. Afterward, in May, 1863, while stationed with his company on the banks of the Nansemond River, in Virginia, to check the enemy's advance on Norfolk, he received a wound on the skull, which probably caused a pressure of bone on the brain.

This wound, it is claimed, induced severe and continued pains in the head, mental confusion, and a partial loss of memory for several years. At any rate, in consequence thereof, Lieutenant Coffin resigned his command and was honorably discharged June 9, 1863, at Fortress Monroe.

There is in evidence an affidavit of Captain Betton, commanding Company K, Thirteenth New Hampshire Volunteer Infantry, who states that Lieutenant Coffin was of sound body and mind at the time he was mustered into service; that—

"When he was discharged he was subject to insanity, and other ways sick in quarters, from injuries received while in the performance of his duties on picket on Nansemond River, in Virginia, in May, 1863, when Norfolk was threatened by the enemy; that said N. J. Coffin, then promoted to first lieutenant under my command, was seriously wounded on the head at the above-mentioned time while in the performance of his duty in actual service."

Benjamin F. Winn swears that he—

"Was a subordinate officer under Lieut. Nathaniel J. Coffin while picketing on the Nansemond River, in Virginia, and herein state that said lieutenant was wounded on the head in an engagement on the picket line in the month of May, A. D. 1863."

The Senate Committee on Pensions, during the first session of the Forty-seventh Congress, made an extended report on this worthy case, the voluminous facts thereof being well condensed. The Senate report concludes as follows:

The fact seems to be that claimant is demented to an extent of incapacity; that there appears to be reliable evidence of his being sound mentally and physically at the time he was mustered into service, and became demented while in such service from his wounds in the head or otherwise. The medical evidence regarding his wounds is to the effect that he bears scars on the spot of the alleged wound, but the physicians are unable to say how such scars were received, whether from a wound in battle or not; that a portion of the bone seems to press on the brain, and that the claimant is very sensitive to any pressure upon this spot. There is an uncertainty existing as to how he received his wounds, as the claimant himself can only say that he was wounded in some way while on the above-stated picket duty, and became insensible at that time; can give no particulars in the premises as to how the wound was received, but alleges having been wounded at the time and place designated.

There is a mass of affidavits and other facts which leave no doubt of the justice of Lieutenant Coffin's claims. He lost his health in the service, and now in his old age is entirely unable to earn a living. The committee therefore recommend the passage of the bill, with an amendment increasing his pension to $30 a month.

The substitute reported by the Committee on Invalid Pensions was read and agreed to, as follows:

That the pension now granted to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry, in the late war of the rebellion, be, and the same is hereby, increased to $20 per month.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BEDELL, SR.

Mr. ROSECRANS. I call up the bill (H. R. 2327) for the relief of James Bedell, sr.

The bill was read, as follows:

Be it enacted, &c., That the claim of James Bedell, sr., for a pension on account of the death of Samuel Umstead, a soldier of Company G, Sixty-seventh Regiment Indiana Infantry Volunteers, shall be heard and determined by the Commissioner of Pensions in all respects as if the said Samuel Umstead had been the son of said James Bedell, sr., as for the purposes of said pension application he shall be taken to be.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill S. 2327, having had the same under consideration, beg leave to report as follows:

The effect of the Senate bill as passed is to give to the claimant arrears of pension. He has never had any title to a pension. This committee and the House have refused to give arrears by special act in all cases except where it has been shown that by some fault or negligence of an officer of the Government the right to arrears has been taken away from the claimant. We believe James Bedell, sr., should be pensioned as the dependent father of Samuel Umstead, as he was, to use the language of the Senate report, to all intents and purposes his father; but to avoid giving arrears in a case where we think it would not be proper to give arrears, we report back the said Senate bill and ask the adoption of the accompanying amendment in the nature of a substitute.

Mr. MATSON. There is an amendment to that bill in the form of a substitute.

The CHAIRMAN. It is not in the possession of the Clerk. The bill will for the present be passed over informally, to be taken up again when the substitute has been found.

ISABELLA TURNER.

Mr. BINGHAM. I call up the bill (S. 2009) granting a pension to Isabella Turner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Isabella Turner, widow of Oscar D. Turner, late a sergeant of Company I, Twenty-third Regiment of Maine Volunteers, on the pension-roll, and to pay her a pension from the death of her husband, March 14, 1882, subject to the general pension laws should she again marry, and as to the rate of pension.

The report (by Mr. RAY, of New Hampshire) is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2009, granting a pension to Isabella Turner, widow of Oscar D. Turner, late sergeant Company I, Twenty-third Regiment Maine Volunteers, have examined the same, and report favorably, recommending the passage of the same, with an amendment by striking out the words "and to pay her a pension from the death of her husband, March 14, 1882."

The evidence shows that the soldier contracted chronic diarrhea and other disability in the service, in line of duty, which ruined his constitution, and that ever afterward he was greatly enfeebled and disabled from manual labor; that his power to resist disease was diminished thereby, so that he yielded to a slight attack of cold, which resulted in pneumonia, of which he died March, 1882.

The widow is left without means of support, and the evidence satisfies your committee that the real cause of his death was contracted in the service. It is a just case for relief.

The amendment reported by the Committee on Invalid Pensions to strike out the words "and to pay her a pension from the death of her husband, March 14, 1882," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET B. HARWOOD.

Mr. BREWER, of New York. I call up the bill (H. R. 7513) granting a pension to Margaret B. Harwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of $50 a month from and after the passage of this act.

The report (by Mr. ROBINSON, of New York) is as follows:

The Committee on Pensions, to whom was referred bill H. R. 7513, after duly considering it, reported it back, recommending its passage on the following statement of facts:

Rear-Admiral Andrew A. Harwood entered the Navy January 1, 1818, and died August 28, 1884, having been over sixty-six years in the service, during which period the Department states that "his personal and official records are unblemished."

The Navy Register shows that he was on active duty, either afloat or on shore, forty-one years.

Early in his career he attracted the attention and secured the esteem of two of the most distinguished and gallant officers in our naval history.

As a midshipman, under the command of the celebrated Commodore David Porter, he assisted in the capture of a piratical schooner and her barge in the West Indies. The present head of the Navy, Admiral Porter, then a boy of ten, was with his father at the time, and authorizes the statement that his favorable knowledge of Admiral Harwood began at that time, and continued through the whole course of a service always useful and efficient, and in many respects highly creditable and valuable in its character.

The details of that service are given in the subjoined papers, which include the memorial of his widow asking for a pension, marked A, supported by statements from the Navy Department, B and C; from Commodors Luce, D; Admiral Porter, part of D; Medical Director Lansdale, E; and Lieutenant Kimball, F.

From these papers it appears that Admiral Harwood was a lineal descendant of Benjamin Franklin. That, inheriting from his ancestor industrious habits and a thirst for knowledge, he devoted himself at an early period in his professional life to the ordnance branch of the service with so much zeal and efficiency that he was sent to Europe in 1844 as a member of commission to visit the foundries and dock-yards of England and France; was afterward member of a board to prepare ordnance instructions for the Navy, and to make the necessary investigations and experiments. With occasional intermissions he continued on ordnance duty, having charge of the Bureau of Ordnance and Hydrography during the first years of the war, until assigned to a more active sphere in command of the Washington navy-yard, and of the Potomac flotilla, which held the long line of the Potomac against the confederate forces.

Of the value of his ordnance services the naval officers whose testimony is subjoined speak in strong terms. "There is no doubt," says Commodore Luce, "that the high character of the ordnance of the United States Navy and of the gunnery of that day (1858–'61) was due in a very great degree to the labors of the board of which he was an active member." Many details showing the nature and value of his ordnance services appear in the statement of Lieutenant Kimball.

Subsequently, while employed on light-house duty, and after he had been placed on the retired-list, he devoted his leisure hours to the preparation of his book on "Naval Courts-Martial," which, in the language of Commodore Luce, "at once took a high position as a standard authority." It "is followed in all military trials in the Navy," says Lieutenant Kimball, who regards it as the beginning of a new era in such trials.

The thorough knowledge of military courts indicated in his book led to his assignment, at the suggestion of Admiral Porter, to do duty as Judge-Advocate-General of the Navy, the last active employment in which he was engaged.

The report from your committee of March 1, 1884 (H. R. 608, first session Forty-eighth Congress), contains a list of cases in which pensions have been granted to widows of naval officers. To that list may be added the widows of Rear-Admirals McDougal, Beaumont, Middleton, Stribling, and Sands, and of Commodore Watson, to each of whom a pension of $50 a month was given by acts passed during the first session of the present Congress.

Satisfied that Mrs. Harwood is in needy circumstances, and that her case is quite as strong as any of those above referred to, your committee recommend the passage of the bill.

To the Senate and House of Representatives of the United States:

The memorial of the undersigned, Margaret B. Harwood, respectfully sheweth—

That she is the widow of the late Rear-Admiral Andrew A. Harwood, of the United States Navy.

That the said Harwood was born on the 8th October, 1802; entered the Navy as midshipman on the 1st of January, 1818, and died on the 28th August, 1884.

That during his unbroken connection of sixty-six years with the service his official and personal records were, in the language of the official order announcing his death, "unblemished."

That the Navy Register shows that he was employed in active service more than forty-one years.

That the several papers herewith submitted show:

1. That while a midshipman he was on duty, first, in suppressing the slave trade on the coast of Africa, and afterward, under the late Commodore David Porter, in cruising against pirates in the West Indies, having assisted in the capture of a piratical schooner and her barge.

2. That early in his professional career he devoted himself to the study of ordnance, beginning when that branch of the naval service was in its infancy, and adhering to it and becoming identified with it to such an extent that when

the late war commenced the Ordnance Bureau of the Navy was committed to his charge.

While on ordnance duty, in 1844, he was member of commission to visit the dock-yards and foundries of England and France, and to report on improvements in naval gunnery. As a consequence of the report of this commission, he was appointed member of a board to prepare the ordnance instructions of the Navy, and to make the necessary investigations and experiments.

He was subsequently member of a board to revise ordnance instructions.

Referring to this latter duty, an officer well qualified to judge says: "There is no doubt that the high character of the ordnance of the United States Navy and the excellence of the gunnery practice of that day was due in a very great measure to the labors of the board of which he was an active member." (See outline, subjoined, No. 3.)

During the first year of the war he was Chief of the Bureau of Ordnance, from which he was transferred to the then important command of the Washington navy-yard, and of the Potomac flotilla, holding in the latter capacity the long line of the Potomac against the confederate forces.

3. He was subsequently assigned to duty on the Light-House Board, on which he continued nearly five years.

4. From the Light-House Board he was taken to perform the duties of Judge-Advocate General of the Navy, a position he held until 1st October, 1871.

While on light-house duty, after he had been placed on the retired-list, he devoted his leisure hours to the preparation of his work on naval courts-martial, which is referred to in the accompanying documents (Nos. 3 and 5) as a "work which at once took a high position as a standard authority," "followed in all military trials in the Navy."

Your memorialist respectfully calls attention to the fact that her late husband, though frugal, self-sacrificing, and economical in his habits, left very little property, not enough for the maintenance of his widow, his unmarried daughter, and several grandchildren who are in a dependent condition.

Your memorialist therefore prays that a pension of $50 a month be granted her, being the same amount allowed the widows of other officers whose rank was the same as that of her late husband.

In support of the various averments and allegations herein above set forth, your memorialist begs leave to refer to the following papers herewith submitted:

1. General order of the Navy Department announcing the death of Admiral Harwood.
2. Transcript from records of Navy Department, indicating services of Admiral Harwood.
3. Outline of Admiral Harwood's official career, prepared by Commodore S. B. Luce, and indorsed by Admiral Porter.
4. Statement of Medical Director Philip Lansdale, U. S. N.
5. Statement of Lieut. W. W. Kimball, U. S. N.

And your memorialist will ever pray, &c.

MARGARET B. HARWOOD.

B.

GENERAL ORDER.

NAVY DEPARTMENT, *Washington, September 3, 1884.*

The Department announces with regret to the Navy and Marine Corps the death, on the 28th ultimo, at Marion, Mass., of Rear-Admiral Andrew A. Harwood, United States Navy, in the eighty-second year of his age.

Rear-Admiral Harwood was born October 9, 1802; appointed a midshipman from the State of Pennsylvania January 1, 1818; commissioned a lieutenant March 3, 1827; a commander, October 2, 1848; a captain, September 14, 1855; a commodore, July 16, 1862; and a rear-admiral, on the retired-list, February 16, 1869.

He was appointed Chief of the Bureau of Ordnance and Hydrography August 6, 1861, and served as such until July 22, 1862, when ordered to command the Washington navy-yard. While holding the latter position he also commanded, until December 18, 1863, the Potomac flotilla. In these, as in other positions to which he was assigned, on account of his special fitness, he served with credit and efficiency. His official and personal records are unblemished.

As a mark of respect to his memory it is hereby ordered that, on the day after the receipt hereof, the flags of the navy-yards and vessels in commission be displayed at half-mast from sunrise to sunset, and thirteen minute-guns fired at noon from the navy-yards and flag-ships on stations.

EARL ENGLISH,
Acting Secretary of Navy.

C.

Abstract of Admiral Harwood's record, taken from Navy Department records.

Andrew A. Harwood was appointed a midshipman in the Navy January 1, 1818.

April 20, 1818, was ordered to the Saranac.
February 28, 1822, was ordered to duty in Philadelphia.
December 30, 1822, was detached and ordered to Norfolk, Va.
September 10, 1823, was ordered to Philadelphia.
March 15, 1824, granted six months' leave of absence.
July 26, 1824, ordered to the Constitution.
October 23, 1827, detached and ordered to examination preliminary to promotion.
December 12, 1827, granted leave of absence.
February 21, 1828, was commissioned as a lieutenant from March 3, 1827.
October 27, 1828, ordered to the receiving-ship at Philadelphia; March 18, 1830, he was detached and granted six months' leave.
August 23, 1831, ordered to the navy-yard, New York; May 30, 1832, he was detached and ordered to the United States; August 27, 1833, he was detached and granted leave of absence.
June 10, 1834, ordered to the Erie; June 19, 1834, the previous order was revoked, and granted furlough for one year.
July 31, 1835, was ordered to the Constitution for duty on board the Shark; January 25, 1838, was detached and granted leave of absence.
April 3, 1840, ordered to special duty under Capt. M. C. Perry.
May 3, 1843, ordered to duty in the Bureau of Ordnance and Hydrography; October 7, 1848, was commissioned as commander from October 2, 1848.
October 18, 1852, detached from ordnance duty and ordered to the Mediterranean squadron; July 2, 1855, detached from command of the Cumberland and granted leave of absence.
October 8, 1855, was commissioned as a captain from September 14, 1855.
September 10, 1858, ordered as inspector of ordnance at navy-yard, Washington.
April 24, 1861, detached and ordered as temporary chief of Bureau of Ordnance.
August 19, 1861, was appointed chief of the Bureau of Ordnance; July 22, 1862, detached and ordered to command the navy-yard, Washington, D. C.
August 4, 1862, promoted to commodore on the active-list from July 16, 1862.
December 7, 1863, detached from command of the navy-yard, Washington, 31st instant.
December 18, 1863, detached from command of the Potomac flotilla.
July 6, 1864, ordered as secretary of the Light-House Board.
October 9, 1864, was placed on the retired-list.
February 20, 1869, commissioned as rear-admiral on the retired-list.
March 29, 1869, detached from the Light-House Board and placed on waiting orders; March 30, 1869, ordered as member of a court at Washington, D. C.; September 20, 1869, detached and ordered to special duty at the Department; September 29, 1870, detached.
October 11, 1870, appointed Judge-Advocate of the Navy.
October 1, 1871, detached and placed on waiting orders.
He died at Marion, Mass., on the 28th of August, 1884.

D.

Outline of Admiral Harwood's official career, by Commodore S. B. Luce.

Harwood, Rear-Admiral Andrew Allen, United States Navy. Son of John Edmund Harwood and Elizabeth Franklin Bache, granddaughter of Dr. Benjamin Franklin. Born in 1802, in Bucks County, Pennsylvania.

Appointed midshipman in the United States Navy in 1818, his first vessel being the gunboat Saranac.

His next service was on board the sloop of war Hornet, from 1819 to 1821, engaged in cruising in the West Indies, for the suppression of piracy and the slave trade.

In 1823 he was on board the Sea Gull, serving with the barges belonging to the expedition of Commodore David Porter against the pirates. On July 3 of that year assisted in the capture of the piratical schooner Catalina, of three guns, and her barge, by the barges of the Gallinipper and Mosquito.

In 1844 he was on ordnance duty, during which time he was appointed member of a commission to visit the dock-yards and foundries of England and France, and to report on improvements in ordnance and naval gunnery. As a consequence of the report of the commission he was appointed member of a board to prepare the ordnance instructions for the United States Navy and to make the necessary investigations and experiments. Subsequently, 1858-'61, he was again on ordnance duty and member of a board to revise ordnance instructions and to prepare a new edition, with a view to bringing the work up to the times. There is no doubt that the high character of the ordnance of the United States Navy and the excellence of the gunnery practice of that day was due in a very great measure to the labors of the board of which he was an active member.

August 6, 1861, he became chief of the Bureau of Ordnance and Hydrography; 1862, in command of Washington navy-yard and Potomac flotilla.

Again, he was secretary of the Light-House Board, member of examining board, and for a time occupied an office analogous to that of Judge-Advocate-General. It was while on light-house service that he produced his work on Naval Courts-Martial, in which he presented, in a "collective and concise form, the leading principles of military jurisprudence, together with the distinguishing laws and regulations which govern the practice of United States naval courts-martial." This work, which at once took a high place as a standard authority, is noted for its scholarly style and thoroughness of construction. It may not be out of place to remark, however, that owing to the very limited demand for works of that character it was not a financial success.

For the generation to which he belonged Rear-Admiral Harwood was an officer of unusual attainments, and exhibited in an eminent degree the character of a Christian gentleman in all the varied relations of life.

S. B. LUCE, *United States Navy.*

I cheerfully subscribe to the above, and am of the opinion that no officer's widow is better entitled to a pension than Mrs. Harwood.

DAVID D. PORTER, *Admiral.*

E.

WASHINGTON, D. C., *December 1, 1884.*

I was intimately acquainted with the late Admiral A. A. Harwood for about forty years. He was a thorough gentleman in every sense of the word, a consistent Christian, a most loyal citizen, and, as an officer of the Navy, one who set a worthy example in his strict attention to duty as a subordinate, and an intelligent and temperate exercise of his authority as a commanding officer.

Admiral Harwood inherited from his grandfather, Benjamin Franklin, a love of study and an aptitude for scientific knowledge which made his services of peculiar value to the Navy. After having attained, by voluntary training, an education much beyond that of the naval officers of his generation, he made a special study of ordnance, and was one of the earliest and most efficient of the officers who aided in the development of that most important branch of scientific warfare. His distinguished services in that direction caused him to be selected as Chief of the Ordnance Bureau.

In his work on court-martial, now a standard authority, he has left a monument which will be a worthy memento of his intelligence and industry.

During the late civil war Admiral Harwood held a most important position—that of commandant of the Potomac flotilla, holding the long line of the Potomac against the confederate forces.

Having thus served his country most actively and efficiently, both in peace and in war, during a long life, he has died, leaving his family very insufficiently provided for.

P. LANSDALE,
Medical Director, U. S. N.

F.

Letter from Lieut. W. W. Kimball.

U. S. S. TENNESSEE, *New York, December 15, 1884.*

MY DEAR MR. LUCE: To me it is apparent that even such a brief and imperfect summary of his record as I can give from references at hand will show that the Government of the United States is deeply indebted to the late Rear-Admiral A. A. Harwood for his continuous, brilliantly able, and entirely unselfish efforts in behalf of his country during the fifty-four years he served her on duty in the Navy.

Entering upon his naval career as a midshipman January 1, 1818, he was at once ordered to arduous and dangerous duty in cruising on the coast of Africa, where, escaping the worst effects of the deadly climate, he served three years, and was then selected as one of the officers of Porter's expedition against the West India pirates, an expedition that in suppressing the horrors of piracy on and near our own coast was of almost inestimable value to the commerce of the United States and of the world.

It was during the two years of this service that Midshipman Harwood distinguished himself in the action at Signapa Bay, which resulted in the capture of the piratical schooner Catalina and her barge by the barges Gallinipper and Mosquito.

For the succeeding ten years he was doing routine duty afloat and ashore, but doing it in such a way that he was marked among his associates for his extraordinary abilities and unswerving devotion to duty, and was in 1833 distinguished by his flag officer by being detailed as special messenger to take to the United States from Naples the ratified treaty with that power.

A few years later he began the work of improving the material and reorganizing the service of the ordnance of the Navy, a work which he followed unremittingly for twenty years, and which resulted in the greatest benefit to the country.

In 1840 the ordnance of the Navy was crude, lacked power for weight of metal carried, and the guns were served very much according to the ideas of the individual commanding officers; and it was mainly by the efforts of Lieutenant Harwood that this condition of affairs was remedied. He first experimented upon the guns and projectiles until he attained a standard that determined the composition of ships' batteries, and fixed a rule of inspection, and it was during this work that he was sent to Europe to investigate and report upon the condition of ordnance there. Afterward, associated with Farragut, he prepared a system of ordnance instructions, which made exercises, drills, and inspections uniform, and vastly improved the service of the guns. To Harwood the Navy owes that system of ordnance which, later on, further developed by Dahlgren and others, showed such wonderful results as were attained during the war of the rebellion.

His extraordinary abilities as an ordnance officer were recognized by the Navy Department, and when that war came he was the man selected in those trying times to devise, procure, and arrange the arms with which the ships of the United States were to fight.

How well that duty was performed is now a matter of history. But the difficulties he overcame, and the pressing necessities of the country he successfully met, can hardly be imagined, much less overestimated.

After he had organized this work, and as soon as the strain brought on the Department by the first year of the war was relieved, his services were spared from the Bureau of Ordnance because they were required more directly against the enemy.

In July, 1862, he was placed in command of the Potomac flotilla and the Washington navy-yard, and it was to his efforts that was due that condition of things on the Potomac which made the flotilla such a terror to its enemies, and such a reliable defense of the national capital.

In 1864 Admiral Harwood was placed on the retired-list, in accordance with law, but his services were so valuable that he was employed on various special duties till 1872, eight years after retirement, when the law putting all retired officers off duty deprived the Department of his labors. It was during this latter part of his service that he wrote the work on courts-martial, which is at present the accepted authority followed in all military trials in the Navy. Before Harwood's work was published it was almost impossible in the time allowed for naval courts to properly inform themselves on points of law, precedent, and principle, and as a natural consequence much injustice resulted, sometimes in the direction of too great severity, and, again, in treating breaches of discipline with too great leniency.

It is to Harwood chiefly that the Navy of to-day owes that state of affairs which makes marked injustice in military matters impossible, gives every man, whatever his rank, his legal rights, and almost inevitably brings adequate punishment for military crime.

I have endeavored to designate in this letter some of the more prominent achievements of his extraordinary career; some of the successful efforts entirely above and beyond those in the line of duty that might have been expected of him in his character of an officer of the Navy, but I find it impossible to properly express the effect of his example upon the service.

Still, this may be imagined when one remembers that during his long naval career he always gave himself, and required from others, the strictest attention to duty, was continually using his brilliant abilities and attainments in behalf of his country, was in his intercourse with all a pattern of what an officer and a gentleman should be, and was the just and upright man that his great progenitor, Franklin, desired for a descendant.

His greatest fault as an officer was that his modesty prevented him from requiring his own rights, and thus deprived the service of an example where just reward followed a life of extraordinary effort.

Very, &c.,

WM. W. KIMBALL,
Lieutenant, United States Navy.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH B. JACKSON.

Mr. CURTIN. There is a bill on the Speaker's table returned from the Senate with amendments. It is House bill 5800, for the relief of Sarah B. Jackson, which I would like to take up and put on its passage.

Mr. MATSON. That is a House bill on the Speaker's table returned with Senate amendments; and although I should like to have it considered, it can not be done this evening under the order of the House.

The CHAIRMAN. Only bills on the Private Calendar reported favorably from the Committee on Invalid Pensions or the Committee on Pensions can be considered at this evening session.

JANE BRENT.

Mr. WOLFORD. I ask to take up for consideration the bill (H. R. 7248) to increase the pension of Jane Brent.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Jane Brent, widow of James Brent, late captain of Company —, —— Regiment of the Regular Army of the United States, to a rating of $50 per month.

The amendments of the committee were read, as follows:

In line 4, insert "D." after "Jane." In line 5, strike out "James" and insert "Thomas L.;" also after word "Company," in same line, insert the word "Fourth;" and after the word "Regiment," in the sixth line, insert the word "Artillery."

Amend the title so as to read: "A bill to increase the pension of Jane D. Brent."

Mr. HEWITT, of Alabama. I should like to ask the gentleman from Kentucky a question.

Mr. WOLFORD. This is a unanimous report.

Mr. HEWITT, of Alabama. I think not. I never voted for it.

Mr. WOLFORD. Read the report.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, having under consideration the bill (H. R. 7248) to increase the pension of Jane D. Brent, widow of Thomas L. Brent, beg leave to make the following report:

Capt. Thomas L. Brent graduated with honor at the Military Academy of the United States at West Point in 1835, and after this served in the Army twenty-three years, filling many offices with great distinction. He was engaged in the State of North Carolina in removing the Creek Indians; he was in the Florida war, and in the war with the Seminole Indians; in all of which he performed dangerous and laborious duties with credit and faithfully. He was in the war with Mexico, and at the battle of Buena Vista he greatly distinguished himself. General Scott had ordered almost all the troops away from General Taylor, believing that there would be no more fighting on that line, and a messenger with a secret dispatch from General Scott to General Taylor, explaining why it was done, was killed, and the dispatch fell into the hands of the Mexicans.

Making no doubt of his ability to capture General Taylor, Santa Anna concentrated 22,000 soldiers and surrounded Taylor's 4,000 soldiers. He commenced his attack on Washington's battery, where Brent was in charge. The battery did great service, and, after considerable slaughter, repulsed the Mexicans and changed their direction. They were afterward repulsed by Davis and others, and, when in full retreat, Hardin of Illinois followed too far out of supporting distance, and was surrounded by the whole Mexican army. McKee of Kentucky went to his assistance, and both regiments were cut to pieces. Hardin, McKee, Clay, and a great many other officers and privates were killed, and the Illinois and Kentucky regiments would have been lost but for the wonderful exertions and great gallantry of Captain Brent. Our men were fighting their way back through the Mexicans, which brought them under the edge of Washington's battery; Captain Brent, with almost superhuman exertion, fired his gun with his own hand so fast and with such deadly aim that they were repulsed again.

As our men came in squads through the Mexican ranks and gained the open space, Brent would mount on his gun, motion to them with his hands to fall down, and fire over them, putting the match to the gun with his own hands. The enemy was fairly driven back, and our men were safe; and it is certain that none of them would have been saved but for that battery. For his gallant conduct, Captain Brent was promoted, but his wonderful exertions, and lying on the cold ground the following night, cost him his life; he was never well afterward, and the proof is clear that he died of disease contracted at that time in the line of his duty. He was afterward placed on easier duty and lingered until 1858, when he died in the service, at his post and while discharging his duty.

His widow, a lady in every way worthy of him, in the war with the seceding States, following the example of the "angels of Buena Vista," in 1861 left her father's home, who was a judge of the United States court and had plenty, and went into the hospitals, without receiving or desiring any compensation. Like a ministering angel, and with motherly care and Christian tenderness, day and night she nursed the sick and wounded soldiers until 1866. Many soldiers, kept alive by her gentle nursing and kind attention, will bless her, and ask God to bless her while they live, and dying will enjoin upon their children to remember her gratefully.

A petition is sent from Detroit, Mich., signed by many veteran soldiers, many United States officials, and many State officers, asking for an increase of pension for her, and speaking of her services to her country and to its soldiers as prompted by love of country and goodness of heart, and as without a parallel; and add that the history of Michigan would be incomplete without a favorable mention of these services. Soldiers write, saying, "God bless Mrs. Brent for her attention and care; we love her as we do our own mothers."

Mrs. Brent is now 60 years old, with one child, a daughter, living with her. She has been most unfortunate, and has no money or property left her, her pension being her only means of support. Wherefore we report the bill without amendment, with the opinion that it ought to pass.

Mr. HEWITT, of Alabama. As I understand it, this increase is based on the long and faithful service as nurse for this claimant.

Mr. WOLFORD. Certainly.

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JULIA T. SCOTT.

Mr. STRUBLE. I call up an act (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in the active service.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to cause to be placed on the pension-roll the name of Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral and for forty-six years in the active service of the United States Navy, and to pay to the said Julia T. Scott, out of the naval pension fund, the sum of $50 per month, subject to the rules and regulations of the Pension Office in like cases.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 526) granting a pension to Julia T. Scott, beg leave to submit the following report:

That they reaffirm the statement of facts as to the services of Rear-Admiral Scott presented by the Senate Committee on Pensions in the following language:

"Gustavus H. Scott was appointed midshipman in the United States Navy on August 1, 1828; was promoted to passed midshipman June 14, 1834, and on February 25, 1841, was advanced to the rank of lieutenant. December 27, 1856, he was promoted to commander. November 4, 1863, he was promoted to captain and assigned to the command of the De Soto. In 1864 he was placed on ordnance duty, then assigned to duty on the South Atlantic blockading squadron. On the 10th of February, 1869, he was commissioned as commodore, and on February 14, 1873, he was promoted to the rank of rear-admiral and ordered to the command of the North Atlantic Station. June 13, 1874, detached and placed on waiting orders, and on same date was placed on the retired-list. He died at Washington, D. C., on the 23d March, 1882. On the 1st of April, 1882, his widow, Julia T. Scott, filed her application for pension, alleging that her said husband had died "of disease contracted in the line of duty," and April 1, 1882, her application was allowed."

The services of this officer from the time he was appointed midshipman until he was placed on the retired-list, a period of nearly half a century, was faithful and honorable, and inasmuch as it was thus lengthy and creditable, and because, further, that the widows of other naval officers of similar rank, as your committee understand, have been granted similar favors at the hands of the Government, your committee think the Senate bill should become law, and therefore recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BEDELL, SR.

Mr. ROSECRANS. I call up again the bill (S. 2327) for the relief of James Bedell, sr.

Mr. MATSON. There is no necessity of reading that bill as it has already been read once this evening. I move the following amendment in the nature of a substitute for the bill.

The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and di-

rected to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

VIRGINIUS FREEMAN.

Mr. LIBBEY. I ask to take up the bill (H. R. 8032) to relieve the political disabilities of Virginius Freeman, of Virginia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from Virginius Freeman, of Virginia.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

COL. SAMUEL M. THOMPSON.

Mr. STEVENS. I call up for consideration the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Thompson, a private in the Mexican war under Col. E. D. Baker, and colonel of the Fourth Illinois Regiment of Volunteers in the Black Hawk war, and pay him a pension of $25 per month, in lieu of that which he now receives.

The report (by Mr. HEWITT, of Alabama) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson, adopt the report of the Senate committee, and recommend favorable consideration of the same, as follows:

"The papers on file in the Pension Office show that Samuel M. Thompson enlisted in Company D, Fourth Regiment Illinois Volunteers, at Springfield, Ill., on June 9, 1846, for service during the Mexican war, and was with his regiment until left at Matamoras on account of sickness, December 14, 1846. The records include a certificate of disability given by Surgeon William M. P. Quinn, United States Army, dated at 'Camp near Matamoras, December 11, 1846,' and recommending the soldier's discharge on account of 'debility from chronic rheumatism, jaundice, &c.' It is shown that the soldier was a sound, healthy man at enlistment, and that he has been disabled ever since his service in the Mexican war, having been unable to do any work much of the time, and having been pronounced incurable in 1857, about twenty-eight years ago. For the period of thirty-eight years the soldier has been lame, and not able to rest on the side of his lame hip. At no time since his discharge has he been able to do more work than half the labor of a man in ordinary health. As a result of his disability his heart has become affected.

"For years past the soldier has been dependent on his step-children for support. He did not understand his rights under the pension laws, and did not apply for a pension until 1879. His claim was allowed the following year, and he has drawn a pension at the rate of $12 per month since October 4, 1880. He is now nearly 84 years old, and his days are numbered. In view of his long-standing and increasing disability, clearly resulting from his military service, of his dependent condition, and of his advanced age, the committee are disposed to regard favorably his application for an increase of pension, with a view to providing him with the ordinary comforts of life during his last days, and recommend the passage of the bill with an amendment striking out the word 'fifty,' in the ninth line, and inserting the words 'twenty-five.'"

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JONATHAN C. HARRISON.

Mr. JOSEPH D. TAYLOR. I ask to take up for consideration a bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of $30 per month, the name of Jonathan C. Harrison, late a private in Company B, Fifty-second Ohio Volunteers.

Mr. WARNER, of Ohio. This is a bill fixing the rate of pension. I thought the rate of pension was always to be fixed in the Pension Office, unless there was something in the case beside disability. I think the report had better be read to show what it is.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison, having considered the same, report as follows:

Jonathan C. Harrison, while serving as private of Company B, Fifty-second Regiment Ohio Volunteer Infantry, had his arm amputated below but within one and a quarter inches of the elbow, for which wound he draws $24 per month pension. Had the amputation been made at or above the elbow the pension would have been $30 per month. There appears no issue between the claimant and the Commissioner of Pensions as to the uselessness of the stump, and as to the fact that an elbow amputation would not in any wise have been of greater injury to him for all practical and personal purposes than at the point amputated. But the Commissioner rules that he can not grant an increase because estopped by the words of the present law, which requires absolute incapacity for manual labor as a precedent to increase from $24 to $30 per month, a requirement not demanded in any case from those suffering from amputations at or above the elbow.

In view of the facts, your committee are of the opinion that claimant Harrison should be put on the same footing with this class of wounded soldiers, and should not be held to the rule of incapacity for manual labor no more than they, and are therefore of the opinion that he is clearly entitled to the desired increase of $6 per month, and recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. J. B. WALBACH.

Mr. HEWITT, of Alabama. I ask to take up for consideration the bill (H. R. 7229) to relieve the disability of J. J. B. Walbach.

The bill was read, as follows:

Be it enacted, &c., That the disabilities imposed upon and incurred by J. J. B. Walbach, of Baltimore, in the State of Maryland, by virtue of the provisions of the fourteenth amendment of the Constitution of the United States, shall be, and are hereby, removed.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom has been referred House bill No. 6124, beg leave to report as follows:

The petition of the citizen J. J. B. Walbach, of Baltimore, Md., is hereto annexed, and the committee see no reason that it should not be granted, and therefore report the accompanying bill as a substitute for the bill referred, and recommend that the said substitute do pass.

All of which is respectfully submitted.

To the Senate and House of Representatives in Congress assembled:

I hereby pray that my civil and political disabilities may be removed.

And in duty, &c.,

J. J. B. WALBACH.

BALTIMORE, *June* 1, 1884.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES DYE.

Mr. PERKINS. I ask consent to call up the bill (H. R. 8229) to grant a pension to James Dye.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Dye, late an assistant surgeon in the service of the United States, of the Twenty-first Regiment of Missouri Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS FERGUSON.

Mr. ENGLISH. I call up the bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ferguson, late a member of Company B, Ninety-first Regiment Indiana Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. GILLEY.

Mr. DAVIS, of Illinois. Mr. Chairman, I call up Senate bill No. 2587, granting a pension to William H. H. Gilley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Gilley, late a private in Company G, Forty-second Regiment Indiana Infantry Volunteers, and pension to commence from the date of the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HUGH O'NEIL.

Mr. STOCKSLAGER. I call up the bill (S. 1183) granting a pension to Hugh O'Neil.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of Hugh O'Neil on the pension-roll, said Hugh O'Neil being the dependent father of John O'Neil, late a private in Company I, Mounted Riflemen of the Indian wars.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM PAUGH.

Mr. BAGLEY. I desire to call up House bill 5581, granting a pension to William Paugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of William Paugh, late a private in Company A, Sixty-ninth Regiment Pennsylvania Volunteers, at the rate of $6 per month.

The committee recommend the adoption of the following amendment:

Strike out in line 7 all after the word "volunteers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. GRENNON.

Mr. PARKER. I offer a bill and report for present consideration, which I send to the desk and ask to have read.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mary A. Grennon, widow of William R. Grennon, late of Company M, Fourteenth New York

Heavy Artillery, at the rate of $16 per month, from and after the passage of this act, subject to all other provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

A. W. STARK.

Mr. HEWITT, of Alabama. I ask consideration of the bill (H. R. 8186) to remove the political disabilities of A. W. Stark, of Virginia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from A. W. Stark, of Virginia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I desire to inquire whether there are any more favorable reports that have not been acted upon by the committee?

Mr. MORRILL. I would like to make a report if the committee will rise, and we can then go right back into committee again.

Mr. PRICE. I have a bill that I will send up which is favorably reported.

The CHAIRMAN. The gentleman will send it to the desk.

ANDREW FRANKLIN, ALIAS ANDREW M'KEE.

Mr. PRICE. I ask consideration of the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Andrew Franklin, alias Andrew McKee, late a private in Capt. M. Armstrong's company of Ohio militia, from August 22, 1812, to March 7, 1813, and from July 28, 1813, to August 18, 1813, in the war of 1812, to take effect from the time of filing his application for a pension.

The committee recommend the adoption of the following amendments:

In line 7 strike out "March 7" and insert "February 22."

In lines 11 and 12 strike out "time of filing his application for a pension" and insert "passage of this act."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. RAY, of New Hampshire. I have an adverse report—that is, I should say rather that the committee are divided thereon, which I desire to call up for consideration from the table. My friend from Kansas stated that he desired to have the committee rise for the purpose of making a favorable report in a case. I therefore yield to him for that motion.

Mr. MORRILL. I move that the committee do now rise.

Mr. WARNER, of Ohio. I hope that will not be done.

Mr. MORRILL. My idea is that we will go back immediately into committee after making the report.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the Chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House having had under consideration the Private Calendar had instructed him to report various bills with sundry recommendations.

CATHARINE HELTON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8069) granting a pension to Catharine Helton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

CATHARINE HELTON.

Mr. MORRILL. I now call up the bill just reported from the Committee on Invalid Pensions, being the bill (H. R. 8069) granting a pension to Catharine Helton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Helton, mother of Calvin Helton, as shown by claim numbered 250535, on file in the Pension Office.

The committee recommend the following amendments:

In the sixth line, after "Helton," insert "dependent;" so it will read "dependent mother," &c. Strike out of the bill all after the word "Helton" where it occurs the second time, in line 6, and insert "late of Company I, Twenty-fourth Regiment Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. In the absence of the gentleman who reported it, I call up the bill (H. R. 8244) granting a pension to John A. Landon.

The bill was read.

Mr. HEWITT, of Alabama. This is a bill reported by the Select Committee on the Payment of Pensions, Bounty, and Back Pay. I submit it does not come within the order for the business of this evening, which is set apart for the consideration of reports from the Committees on Pensions and Invalid Pensions and bills removing political disabilities.

The CHAIRMAN. The point of order is well taken.

Mr. WARNER, of Ohio. It is unfortunate for the man for whose benefit this bill has been reported.

Mr. HEWITT, of Alabama. I will not insist on the objection.

Mr. WARNER, of Ohio. Would it be in order to ask unanimous consent for the consideration of this bill?

The CHAIRMAN. The Chair thinks not. It is the duty of the Chair to observe the terms of the order under which the House meets.

The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. ROGERS, of Arkansas. The bill which I desire to call up is also reported from the Committee on the Payment of Pensions, Bounty, and Back Pay, and therefore does not come within the order.

NANCY B. LEACH.

Mr. RAY, of New Hampshire. I call up the bill (S. 2204) granting arrears of pension to Nancy B. Leach.

The bill, which was reported with an adverse recommendation by the Committee on Invalid Pensions, was read, as follows:

Whereas Nancy B. Leach, mother of Bradford Leach, late of Company I, Twelfth New Hampshire Volunteers, was placed on the pension-roll on the 25th day of June, 1881, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to the aforesaid Nancy B. Leach a pension at the rate prescribed by law from the date of the death of the said Bradford Leach: *Provided*, That all sums previously paid on account of pension to the said Nancy B. Leach be deducted.

Mr. MORRILL. I call for the reading of the report.

The CHAIRMAN. The Chair will state that as the hour is so near at hand when the committee must rise pursuant to the order of the House, there is not time for the reading of the report.

Mr. MORRILL. Then I ask that the report be printed in the RECORD, and that the gentleman from New Hampshire [Mr. RAY] be permitted to make a statement and that I be permitted to reply.

The CHAIRMAN. The Chair calls the attention of the chairman of the Committee on Invalid Pensions to this bill.

Mr. RAY, of New Hampshire. If there be no objection let the reports of the majority and minority of the committee be printed in the RECORD, and the gentleman from Kansas [Mr. MORRILL] and myself can each make a statement.

There was no objection.

Mr. MATSON. I shall have to object to the passage of that bill.

The CHAIRMAN. The Chair has suggested that there was not time to read the report.

Mr. MATSON. Then let the committee rise.

Mr. RAY, of New Hampshire. I hope the gentleman [Mr. MATSON] will give me an opportunity to state briefly the facts in this case, so that it may be considered by the committee to-night. It is not necessary that these lengthy reports should be read. They can be printed in the RECORD.

The report of the Committee on Invalid Pensions (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, submit the following report:

We find that claimant is receiving a pension at the rate of $8 per month, as dependent mother of Bradford Leach, a deceased soldier of the war of the rebellion, said pension commencing June, 1881. This bill provides for the payment of a pension at the same rate from the death of her son up to June, 1881, or the time from which the original pension was granted. The act of March 3, 1879, provides:

"All pensions which have been, or which may hereafter be, granted in consequence of death occurring from any cause which originated in the service since March 4, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability or from the termination of the right of party having prior title to such pension, provided the application for such pension has been, or is hereafter, filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application."

The application for pension in this case was received at the Pension Office in Washington, June 25, 1881, nearly a year after the expiration of the time fixed by law under which arrears of pensions could be allowed.

It is claimed that the application was actually made and executed in proper form February 11, 1879, or more than sixteen months prior to the expiration of the limitation; that this application was executed at the office of David H. Hill, in Sandwich, Carroll County, New Hampshire, and by claimant left with said Hill, who was her duly authorized attorney, to be placed in the United States mail; that through his neglect and gross carelessness it was mixed up with other papers in his office where it lay for twenty-eight months; that it was then acci-

dentally discovered and placed in the mail. Your committee are of the opinion that claimant should be held responsible for the neglect of her attorney. The simple fact that she executed the papers, and never filed them, does not entitle her to any more consideration than is extended to hundreds of others who, from ignorance of the law or from unforeseen casualities, failed to make their applications within the required time.

The rule of the committee has been to afford no relief by special act unless it could be clearly shown to be the fault of the Government that the papers were not filed in time. Where it has been proven that the papers were actually received before the expiration of the limitation at the Department and afterward lost relief has been granted, and in the Agnel case Congress went still further, and said where the Commissioner of Pensions had, prior to the expiration of the limitation, erroneously instructed a claimant that her case was not a pensionable one under the existing law, it was proper to afford relief by special act. But Congress has uniformly refused such relief in cases where it was shown that claimants had forwarded their applications to their attorneys in Washington in time to reach that city before the expiration of the limitation, and such attorneys had failed to receive them, or receiving them had neglected to file. To allow the relief asked for in this case would open the doors for thousands of similar cases arising under almost all conceivable circumstances.

After the expiration of the limitation in the arrears of pensions act, and before this claimant's application was ever received or filed in the Pension Office, more than 30,000 other claimants, with cases doubtless as meritorious, had filed their claims. Shall all these cases be passed by and their rights disregarded to give relief in this particular case?

The views of this committee upon the question of arrears of pensions have been so clearly stated that they can not be misunderstood. In the report made May, 1884, upon bill H. R. 491, to repeal the limitation in the arrears of pensions act, your committee emphatically declared:

"The limitation referred to is a practical and unjust discrimination in favor of a portion of our maimed and disabled soldiers and their dependent relatives and against another portion equally meritorious and equally deserving. Your committee believe that such discrimination is utterly unjustifiable, and that such limitation should be at once abrogated and removed as repugnant to a sound policy of equity and justice."

Your committee are not opposed to allowing the pension to the disabled soldier or dependent relative, to commence from date of disability or dependence, but they insist that while the law stands as it is that no discriminations shall be made, but that all shall be treated alike. Since the 1st day of July, 1880, more than 110,000 applications have been filed. In none of these cases will applicants be entitled to receive arrears, no matter how severe the disability or meritorious and deserving the applicant may be.

Your committee believe that the passage of this bill would be an unjust discrimination against the thousands who are not allowed arrears, and would be a very dangerous precedent to establish. They therefore report adversely, and ask that the bill lie on the table.

The views of the minority (submitted by Mr. RAY, of New Hampshire) are as follows:

The minority of the Committee on Invalid Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, have considered the same, and respectfully report:

The following facts are established beyond controversy:

1. That Mrs. Leach was lawfully entitled to a pension, as the dependent mother of a deceased soldier, from the time of his death.

2. That she employed a competent and reliable attorney, Judge David H. Hill, of Carroll County, New Hampshire, to make, and with his assistance she duly made and executed, as early as February 11, 1879, a proper application for her pension

3. Judge Hill put the application in an envelope properly stamped, sealed, and directed, and supposed this letter, with other letters, was taken by a law student in his office to the post-office and duly mailed.

4. Afterward, and before July 1, 1880, the date when arrears of pension were cut off by act of Congress unless the application had previously been filed in the Pension Office, Judge Hill repeatedly and in good faith informed Mrs. Leach and her friends that her claim for pension had been filed, and it appears that she relied on this information.

5. The mistake was not discovered until June, 1881, when Mr. Fosker, the law student, found the envelope containing Mrs. Leach's application in a package of papers which had been put away in Judge Hill's office as being no longer of any use. Judge Hill's attention was immediately called to the document, and he at once forwarded it to his friend, Mr. George N. French, of the Treasury Department, requesting him to file the application forthwith at the Pension Office.

6. From the records of the Pension Office it appears this original application was actually filed June 25, 1881, upon which Mrs. Leach has been allowed a pension from that date only.

It appears to us to be a case of accident, mistake, or misfortune, rather than of negligence on the part of the attorney. Clearly no actual negligence or want of care can be charged against Mrs. Leach. If it is urged that by the strict rules of law her attorney might be held liable in an action for negligent conduct in regard to the non-delivery of the letter containing the application at the post-office, we answer that such remedy is impracticable and uncertain, for an attorney is bound to the exercise of ordinary care only in such a case. A suit at law against the attorney, even if he is responsible, would probably fail, because a lack of ordinary care is not clearly established in the present case. Besides, Mrs. Leach does not possess the means to fight a lawsuit against the attorney, and this great Government ought not to require it of a good soldier's mother, even if the attorney were liable and had the means to pay.

It is urged that to allow the relief asked for here "would open the doors for thousands of similar cases, arising under almost all conceivable circumstances," and yet the committee are all of the opinion that the act of March 3, 1879, limiting arrears of pension to cases filed prior to July 1, 1880, discriminates unjustly, and ought to be repealed. The passage of this act, where a poor old lady is shown to have been without actual fault, and where it is absolutely beyond question her papers were fully prepared and completed long before the limitation act took effect, and her pension was granted upon the identical application lost or mislaid, as aforesaid, certainly can have no unfavorable influence against a repeal of the law referred to.

The minority of your committee contend that this case should be considered and decided upon its own intrinsic merits, and we are heartily in favor of adding cases like that of Mrs. Leach to the exceptions already established against this unjust discrimination.

Again, the experience of Congress and of the Pension Office since July 1, 1880, shows that very few cases just like the present one exist, and for which this act, if passed, would afford a precedent, while the waiver of the strict statutory provisions, cutting off arrears, has been exercised by Congress in numerous instances where the equities in favor of the claimant have been no stronger than this claim presents. We think the bill ought to pass.

This bill is fully sustained by a number of recent precedents, among which are the following:

Special acts granting arrears.

An act for the relief of Benjamin F. Dobson, corporal in Company I, Nineteenth Indiana Volunteers, approved April 25, 1882, first session Forty-seventh Congress (chapter 104, page 658, volume 22, U. S. Stat. at Large).

An act for the relief of Jacob Humble, private in Company F, Sixth Indiana Cavalry, approved July 24, 1882, first session Forty-seventh Congress (chapter 347, page 722, volume 22, U. S. Stat. at Large).

An act for the relief of James F. Cullen, sergeant in Company A, Fifth Kentucky Volunteers, approved August 8, 1882, first session Forty-seventh Congress (chapter 483, page 739, volume 22, U. S. Stat. at Large).

An act for the relief of William M. Meredith, captain in Seventieth Indiana Volunteers, approved March 2, 1883, second session Forty-seventh Congress (chapter 75, page 798, volume 22, United States Statutes at Large).

An act granting an increase of pension to N. J. Ingersoll, private in Company F, Forty-eighth Illinois Volunteers, approved July 7, 1884, first session Forty-eighth Congress (chapter 348, page 83, United States Statutes).

An act for the relief of the widow of Edward M. Wilkens, private in Company G, First Rhode Island Militia, approved July 7, 1884, first session Forty-eighth Congress (chapter 360, page 85, United States Statutes).

An act granting arrears of pension to Emily Agnel, approved February, 1885, second session Forty-eighth Congress.

Restorations to pension-roll, granting arrears from time of suspension by special acts.

An act granting a pension to Angus McAuley, soldier in Creek Indian war, approved June 19, 1882, first session Forty-seventh Congress (chapter 232, page 710, volume 22, U. S. Stat. at Large).

An act to restore to the pension-roll the name of Frederick A. Garlick, sergeant in Company K, Seventy-sixth New York Volunteers, approved June 27, 1882, first session Forty-seventh Congress (chapter 250, page 712, volume 22, U. S. Stat. at Large).

An act granting a pension to Erastus Crippen, fourth sergeant in Company G, One hundred and forty-ninth Pennsylvania Volunteers, approved August 5, 1882, first session Forty-seventh Congress (chapter 404, page 728, volume 22, U. S. Stat. at Large).

An act granting a pension to Sarah C. Hall, widow of Capt. John Hall, of the Fourth New York Cavalry, approved July 7, 1884, first session Forty-eighth Congress (chapter 356, page 85, U. S. Stat.).

APPENDIX.

SENATE REPORT.

Mr. BLAIR, from the Committee on Pensions, submitted the following report:

The Committee on Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, mother of Bradford Leach, have examined the same and report recommending the passage of the same.

The committee desire to submit the exact point involved in this case. The original application was duly made and executed February 11, 1879. It was actually filed June 25, 1881, and the proof sustaining the claim. It was allowed, and certificate No. 236323 issued to the dependent mother, carrying pension at the rate of $8 per month. The claimant supposed that her application was on file until long after the 1st day of July, 1880, the period of limitation under the arrears-of-pension act. The claimant has no practical remedy unless relieved by special act.

Mr. Hill, the attorney employed, is a reputable citizen, who has held responsible positions of public trust, and an honest attorney at law in good standing in the profession.

The affidavits of Hon. James E. French and of Hon. David H. Hill are herewith submitted, which establish all the remaining facts necessary to be stated.

I, James E. French, of Moultonborough, in the county of Carroll, State of New Hampshire, make oath and say, am well acquainted with Nancy B. Leach, holder of pension certificate No. 236323. I well remember the time she made her application for a pension, because it was at my suggestion that she applied to Hon. David H. Hill, of Sandwich, to assist her, and it was in the winter of 1879; said Hill afterward informed me that said claim was filed, and said claimant was so informed several times prior to July 1, 1880.

I have no interest in said claim for a pension

JAMES E. FRENCH.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.] W. A. HEARD,
Clerk of Supreme Court.

I, David H. Hill, of Sandwich, in the county of Carroll, and State of New Hampshire, depose and say that I acted as attorney for Nancy B. Leach in matter of pension for her as dependent mother. The declaration was drawn by me and taken to William A. Heard, clerk of supreme court, to be executed, as I now remember it.

I think we returned to my office, and I put the declaration in an envelope and put stamp on for postage. It was understood that it was to go by that mail.

I supposed for a long time that it went that day, and so informed Mrs. Leach. The papers were thus completed, and sealed and stamped at the time of their date. I had no doubt of it until a student in my office called my attention to an envelope thus sealed and stamped, which he said he had found among other papers which he thought he had packed away as papers no longer useful, and asked me if there was not something that had been overlooked. I at once sent them to George N. French, a clerk in Treasury Department, to file at the Pension Office. Within ten days he wrote to me that they were filed, and they were sent to said French just a few days before I was informed that they were filed. I can not be positive how they were first overlooked, but believe that my student, A. B. Fosker, of said Sandwich, took some letters to the mail for me, and Mrs. Leach and myself both supposed he had taken the Leach papers with them, and continued so to think until they were discovered by said Fosker, as above described.

My post-office address is Sandwich Center, Carroll County, and State of New Hampshire, and I have no present interest in the pension claim of Mrs. Leach.

DAVID H. HILL.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.] W. A. HEARD,
Clerk of Supreme Court.

Mr. RAY, of New Hampshire. Mr. Chairman, this bill has passed the Senate. It gives arrears to an old lady whose son became disabled in the Army and died in February, 1879. She executed her papers in proper form before the judge of probate in Carroll County, New Hampshire, and left them with him to be mailed to the Pension Office in Washington. The judge put them in a letter, properly directed and sealed, and gave it to a student in his office to carry to the post-office. In some way, which does not very clearly appear, the letter got mislaid among a file of papers, and was laid away in a pigeon-hole in the probate office, and was not discovered till after the 1st of July, 1880, when

the right to arrears was cut off by act of Congress. Indeed, the papers were not found until some time in June, 1881, nearly a year afterward.

In the mean time Judge Hill in good faith, supposing the fact to be so, had informed the old lady and her friends that the application had gone to the Pension Office and was there on file awaiting consideration in its order. In looking over some of the papers in the probate office for another purpose, this letter, sealed and directed, was found, but too late to enable Mrs. Leach to get arrears. The identical document, which had thus been seasonably prepared and executed, was sent to the Pension Office and the applicant obtained a pension upon it.

Now, the only question is whether Mrs. Leach shall have arrears. The majority of the committee have reported adversely on the ground that the temporary loss of her papers was due to the carelessness or negligence of her attorney, and that her remedy ought to be against her lawyer instead of seeking relief by a special act of Congress. The minority of the committee, composed of the gentleman from Ohio [Mr. LE FEVRE] and myself, are of opinion that inasmuch as her application was made in season, and as no actual fault is attributed to her, it is unjust to refuse to grant her these arrears. And in order to show that our Committee on Invalid Pensions and Congress would be taking no new departure in passing this bill, I desire to call the attention of the committee to several recent precedents which I think fully cover the principle involved.

I call attention to the case of Benjamin F. Dobson, of the Nineteenth Regiment of Indiana Volunteers, reported by my friend from Indiana [Mr. MATSON] from the Committee on Invalid Pensions in the Forty-seventh Congress—a case in which Congress by special act granted arrears of pensions (22 United States Statutes at Large, chapter 104, page 658).

Mr. DAVIS, of Illinois. When did that pass?

Mr. RAY, of New Hampshire. That act passed in the first session of the Forty-seventh Congress, and was approved April 25, 1882. The facts in Dobson's case were that he sent to his member of Congress, December 6, 1879, his application for a pension by mail, requesting that it be filed in the Pension Office, and the Representative acknowledged its receipt, stating that he would cause it to be done. By some blunder or neglect on the part of the Congressman, the application, as well as evidence in support thereof, received afterward from Dobson, were filed with the Committee on Invalid Pensions.

From December 6, 1879, until April 11, 1881, Dobson supposed his claim was pending in the Pension Office, instead of in Congress. He then applied for, and obtained, a pension without arrears through the regular channels. This was a plain case of "inadvertence," as the report by my distinguished friend, the chairman of our committee [Mr. MATSON], called it, on the part of a Congressman, while in the case now before the House substantially the same thing, according to the majority report, has grown into "neglect and gross carelessness" on the part of a reputable attorney.

Another case where Congress has granted arrears of pension by special act, approved March 2, 1883, is that of William M. Meredith, of Company E, Seventieth Indiana Volunteers (22 United States Statutes at Large, chapter 75, page 798).

The report, also made by our respected chairman [Mr. MATSON], shows that Captain Meredith executed his application for a pension on or about June 24, 1879, and gave it to his attorney, one House, of Indianapolis, to be mailed to the Commissioner of Pensions. House afterward made an affidavit that he mailed it the next day after receiving it. The papers, however, never reached the Pension Office, and their loss it is said was not discovered by the claimant until after July 1, 1880, too late to obtain arrears at the Pension Office. It is not altogether improbable that Captain Meredith's papers by some accident or mistake, like those of Mrs. Leach, got into a pigeon-hole in a lawyer's office instead of being mailed. Judge Hill and his law student would have testified in good faith that Mrs. Leach's application was mailed, until convinced of their error by subsequently finding the papers mislaid in his office.

Again, there is the case of Jacob Humble, of Company F, Sixth Indiana Cavalry, where, by special act approved July 24, 1882 (22 United States Statutes at Large, chapter 347, page 722), arrears were allowed. The chairman of our committee [Mr. MATSON] also reported this case favorably in the Forty-seventh Congress. The facts are, briefly, that Humble, about August 1, 1879, made his application for a pension and sent it by a neighbor to be delivered to his attorney at Spencer, Ind. The neighbor and the attorney, by affidavit before the Committee on Invalid Pensions, testified that the application was inclosed in an envelope, properly directed and sealed, and the attorney stated that he put the letter into the post-office. It was never heard from afterward. Humble did not know that his application had been lost until some time in 1881—about two years after his papers were executed.

The suggestion is made in the last two cases that the papers were lost in the mails, and therefore that the fault, if any, is chargeable against the Government alone, not against the claimant. It seems to me a sufficient answer to this is that the Government in no case undertakes to warrant or insure the safe carriage and delivery of mail matter at the place of its destination. Nor does the Government hold itself out as responsible for the carelessness or negligence of its employés in the mail service. A Government officer in the mail service is liable to the injured party for loss arising from his own neglect or carelessness in the performance of his duty, the same as other people. In principle these cases can not be distinguished from the one now under consideration and are precedents for the passage of this bill.

Another precedent in favor of the bill is the act for the relief of the widow of Edward M. Wilkens, passed July 7, 1884 (United States Statutes, chapter 348, page 83), reported from our committee by the gentleman from Massachusetts [Mr. LOVERING], by which Mrs. Wilkens obtained arrears denied her under the general pension laws. Her husband during his last illness executed his original application for a pension a few days before his death, which occurred March 27, 1879, but it was not sent to the Pension Office on account of his illness until some time after his death, Mrs. Wilkens not being aware that it was necessary to have her husband's application filed in the Pension Office during his lifetime in order to obtain arrears. This Congress, in her case, granted the arrears without opposition.

Then again only the other night we granted arrears to Mrs. Emily Agnel, the widow of a professor at West Point, notwithstanding the fact that it was conceded she made no application for a pension whatever until long after July 1, 1880. She was advised, it is true, by her member of Congress that it was of no use for her to apply to the Pension Office because in his opinion she was not pensionable under existing laws. Afterward, and since July 1, 1880, an opinion was obtained from the Attorney-General that she was entitled to a pension, and the pension was granted, and this House the other night passed a bill giving her arrears.

Mr. HEWITT, of Alabama. If the gentleman will allow me, I want to remind him of the facts in that case. While I think that bill ought not to have passed at all, yet he will remember that the passage of it was urged upon the ground that the Commissioner of Pensions, when the application was presented——

Mr. RAY, of New Hampshire. It never was presented until after the act of Congress cutting off arrears took effect, namely, July 1, 1880.

Mr. HEWITT, of Alabama. That bill was urged upon the ground that when the application was presented the Commissioner of Pensions informed her agent, or her member of Congress, that there was no law authorizing a pension in her case.

Mr. RAY, of New Hampshire. If my friend [Mr. HEWITT, of Alabama] will take the trouble to read the report he will find that was not the fact. There was nobody connected with the Pension Office that said anything about it until after July 1, 1880.

Mr. HEWITT, of Alabama. The gentleman is wrong about that.

Mr. STOCKSLAGER. There was a letter of the Commissioner of Pensions received after the report was made, which was submitted to the House.

Mr. RAY, of New Hampshire. Yes; the letter was dated March 26, 1884, nearly four years after the time for obtaining arrears had expired. The report made by the gentleman himself [Mr. STOCKSLAGER] from the Committee on Pensions in Mrs. Agnel's claim, beginning near the bottom of the first page, expressly states—

That it was after the last day of June, 1880, when, under the advice of friends and an attorney, she resolved to apply to the Pension Office with the sole idea of getting the case before the Attorney-General for an opinion, and that it was, as she anticipated, rejected by the Commissioner, but a favorable opinion finally rendered by the Attorney-General.

Mrs. Agnel never consulted the Commissioner of Pensions nor filed her claim in the Pension Office till December 16, 1880, several months too late for arrears. Her pension, at the rate of $30 per month, from the time of filing the application was finally allowed June 12, 1882, after a favorable opinion was obtained from the Attorney-General.

Mr. Chairman, I have found eleven cases where Congress has recently allowed arrears of pension by special acts and have appended them to the minority report.

The only point here is—and as our time is limited I will come to it directly—the only point is, whether or not this old lady, lawfully entitled to a pension, having made out the necessary papers, and having left them with her attorney, to be sent to the Pension Office, and the attorney, in good faith, supposing his clerk had delivered them at the post-office with other mail matter, but subsequently finding them mislaid among probate papers in a pigeon-hole in his office—whether or not she, being without any actual fault, shall be allowed her arrears. I do not believe that a dozen cases like this can be found in the country. The principal objection made by the majority of the committee is that it will be establishing an unsafe precedent. I can not regard it in that light. The precedents abundantly justify us in passing this bill. If there is any other case like it, I am willing to vote in its favor.

Now, Mr. Chairman, in conclusion, it seems to me to be unjust to require Mrs. Leach to look to her attorney for the recovery of arrears equitably belonging to her, on the assumption of negligence on his part—which is by no means clearly proved.

Mr. MATSON. The gentleman from New Hampshire [Mr. RAY] has very fairly presented this case, and I have only a word to say in reply. The clear distinction between the cases he cites as having passed this House and the one he asks the House now to pass is that in the present case it is not alleged that any official of the Government was in

any way to blame, but the whole blame rests upon the woman's attorney. Now, if Congress or the Government undertakes to relieve persons against the wrongs practiced upon them by their attorneys, it undertakes a very large contract. It is popularly supposed that the Government already has on hand a pretty good contract in paying the pensions that it ought to pay; but to pay arrears to parties who have failed to receive their pensions through the neglect or wrong of attorneys is, I think, more than any fair-minded man would say the Government ought to undertake. But, sir, I apprehend we have not time to do justice to this old woman, even from the standpoint of the gentleman from New Hampshire, and at the same time to do justice to these other claimants, whose cases have been favorably passed upon by this Committee of the Whole. Our session of this evening must close in a very few minutes, as under the order of the House it can not be extended beyond 9 o'clock. I move, therefore, that the committee now rise.

Mr. PARKER. Before the question is taken upon the motion of the gentleman from Indiana, I wish to say that in the case of Mary A. Grennon, which I presented and which was passed without especial notice, there was an adverse report. I infer from remarks which have been made that it was understood nothing would be presented except favorable reports. I would not wish the Committee of the Whole to fall into any error as to the state of the case from the lack of any explanation on my part. I shall therefore, if there be any objection to that case, ask to withdraw it when it comes before the House.

Mr. BAGLEY. That is the case of a soldier who is supposed to have been killed by the enemy while going to a spring. Although there was an adverse report, I think the case a good one. I hope that when we take up the case in the House it may be favorably considered.

Mr. MATSON. We have not time now to talk about mistakes. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and also bills for the removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 7231) to remove the disabilities of John K. Cooke, of Virginia;

A bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia; and

A bill (H. R. 7229) to remove the disabilities of J. J. B. Walbach, of Baltimore, Md.

On motion of Mr. HEWITT, of Alabama, by unanimous consent the bill (H. R. 8186) to remove the political disabilities of A. W. Stark, of Virginia, was laid on the table; and the bill (S. 2623) to remove the political disabilities of Alexander W. Stark was taken from the Speaker's table, read three times, and passed.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;

A bill (H. R. 7992) for the relief of Christian Arndt;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8187) granting a pension to Chancey G. Darrah;

A bill (H. R. 7418) for the relief of Maria Spellen;

A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 1773) for the relief of Edward Kraemer;

A bill (H. R. 301) granting a pension to Theodore Leveron;

A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 8229) to grant a pension to James Dye; and

A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

MARY A. GRENNON.

The next bill reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 3735) granting a pension to Mary A. Grennon.

The SPEAKER *pro tempore*. This is the case on which there was an adverse report by the Committee on Invalid Pensions.

Mr. PARKER. This bill proposes to place on the pension-roll the widow of a private. During the war, while on the picket line, he started for a spring. A shot was heard. He did not return, and has never been heard of since. It was the belief of his comrades, from the circumstances connected with the case, that he was killed by the enemy. I ask that the bill be passed; but if any member objects I will not press the request.

The question being taken, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BILLS PASSED.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8152) for the relief of William D. Farnsworth;

A bill (H. R. 6960) for the relief of Charles L. Alden;

A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;

A bill (H. R. 7417) for the relief of Stephen Sauer;

A bill (H. R. 6505) granting a pension to Corydon Millard;

A bill (H. R. 7513) granting a pension to Margaret R. Harwood;

A bill (H. R. 5581) granting a pension to William Paugh;

A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 8048) to increase the pension of Frederick Huscher; title amended by striking out "Huscher" and inserting "Hercher;" and

A bill (H. R. 7248) to increase the pension of Jane Brent; title amended by inserting "D." after "Jane."

Senate bills of the following titles were severally ordered to a third reading, were accordingly read the third time, and passed:

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1709) granting a pension to Leonora A. Boyden;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 2350) granting a pension to Anna Ginn;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 2610) granting a pension to Patrick Furlong;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. H. Gilley; and

A bill (S. 1183) granting a pension to Hugh O'Neil.

Amendments to the following Senate bills were severally agreed to, and the bills as amended were ordered to be read a third time; and they were accordingly read the third time, and passed:

A bill (S. 2009) granting a pension to Isabella Turner;

A bill (S. 2327) for the relief of James Bedell, sr.; and

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee.

JAMES D. JOHNSTON.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. MATSON. I move to reconsider the votes by which these various bills have just been passed; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. Mr. Speaker, I believe that completes the business of the evening, and in the moment or two left I beg leave to say that the Committee on Invalid Pensions during this Congress, after careful consideration, have reported on twelve hundred and twenty-three cases, and that six hundred and sixty-eight bills, favorably reported, have been passed by the House. Indeed, I might add without egotism, so far as we are informed every bill reported favorably by that committee has been passed by the House, and, as this is our last appearance before the House, we return thanks for the courteous treatment extended to us.

I now give way to the gentleman from Alabama [Mr. HEWITT], the chairman of the Committee on Pensions, who no doubt also desires to return his thanks to the House.

Mr. HEWITT, of Alabama. Mr. Speaker, I believe all the bills reported favorably from the Committee on Pensions have been passed, and I will add, in my opinion several of them favorably reported ought not to have passed. That committee also is under many obligations for the courtesy it has received.

Mr. DAVIS, of Illinois. If it is in order, while there is such good feeling, I will suggest that gentlemen call up the Mexican pension bill.

Mr. WHITE, of Kentucky. I would like to have the gentleman from Alabama [Mr. HEWITT] indicate to the House and the country when he thinks his committee will be able to bring in the next pension bill for the soldiers of the Mexican war.

Mr. HEWITT, of Alabama. The Committee on Pensions have always been anxious to pass a proper Mexican pension bill.

Mr. WHITE, of Kentucky. Oh, yes; provided it has Black Hawk Indians in it; but we want it with Union soldiers in it.

Mr. HEWITT, of Alabama. But we do not want to pension Black Hawk Indians.

Mr. WHITE, of Kentucky. But the gentleman wants to pension all who served during the time of any Indian disturbance.

Mr. HEWITT, of Alabama. The gentleman is mistaken now, as he often is in the House.

Mr. WHITE, of Kentucky. I will take the bill including the Union soldiers, and without those who served during Indian disturbances.

The SPEAKER *pro tempore*. It is now 9 o'clock, and, in compliance with previous order, the House stands adjourned until to-morrow, when it will be called to order by the Speaker on the return of the procession from the Washington Monument.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Resolution of the Legislature of the State of New York, recommending that General U. S. Grant be placed upon the retired-list—to the Committee on Military Affairs.

By Mr. BRAINERD: Petition of Western Pennsylvania Improvement Company, for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Remonstrance of citizens of Pacific County, Washington Territory, against any legislation for the purpose of prohibiting trap-fishing in the Columbia River—to the Committee on Commerce.

Also, remonstrance of members of the board of pilot commissioners for the Columbia River, Washington Territory, against any legislation for the purpose of prohibiting trap-fishing in the Columbia River—to the same committee.

By Mr. CASSIDY: Petition of G. C. White, postmaster at Carson City, Nev., praying passage of a law making the Government pay rent of third-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Petition of citizens of Greenwood, Me., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. FIEDLER: Concurrent resolution of the Legislature of New Jersey, opposing construction of railroad bridges across Staten Island Sound—to the Committee on Commerce.

By Mr. GEORGE: Petition of citizens of Oregon asking for further appropriation for improving Coquille River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of C. C. Warden and 323 others, citizens of Ottumwa, Iowa, urging Congress to place U. S. Grant on the retired-list of the Army, with the rank and pay of general, because of his distinguished services—to the Committee on Military Affairs.

By Mr. McCORMICK: Petition of 28 citizens of Adams County, Ohio, against Mormonism—to the Committee on the Judiciary.

By Mr. MORSE: Petition of Alex. McKenzie and others, of Cambridge, Mass., relative to the Mormon question—to the same committee.

By Mr. J. J. O'NEILL: Petition of Addie M. Ramsey, George W. Lubke, W. P. Mullen, D. H. Evans, and others, of Saint Louis, Mo., for the suppression of Mormonism—to the same committee.

By Mr. STEELE: Petition of citizens of Marion, Grant County, Indiana, asking that every honorably discharged soldier and sailor of the late war be granted a land-warrant of one hundred and sixty acres of land, without condition of settlement—to the Committee on the Public Lands.

By Mr. A. J. WARNER: Petition of J. W. Andrews, Luther Edgerton, and 15 others, citizens of Marietta, Ohio, for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Rev. T. S. Huggart and 100 others, citizens of Ostrander, Ohio, praying for the suppression of polygamy—to the same committee.

By Mr. J. S. WISE: Petition of Virginia school superintendents, for the passage of the Blair bill—to the Committee on Education.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. R. T. DAVIS: Of citizens of New Bedford, and of Sandwich, Mass.

By Mr. McCOID: Of citizens of West Chester, of Mt. Sterling, of Keokuk, of Mediapolis, of Washington, of Birmingham, and of New London, Iowa.

By Mr. A. J. WARNER: Of J. F. Hopkins and others, of Vincent; of Philip Mattern and others, citizens of Lowell; of D. H. Merrill and others, of Barlow, Washington County; of Samuel Barnhill and others, citizens of Shade, Athens County; of Thomas E. Ham and others, citizens of Malta, Morgan County; of B. F. Fellows and others, citizens of Long Bottom, Meigs County; of Thomas Smith and others, citizens of Cutler, Washington County; and of Joseph Mays and others, citizens of Grand View, Washington County, Ohio.

By Mr. WEAVER: Of E. L. Hall and 26 others, citizens of Goodland, Ind.

SENATE.

SATURDAY, *February* 21, 1885.

The Senate met at 1 o'clock p. m.

Prayer by Rev. JAHU DE WITT MILLER, of the city of Philadelphia.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a deficiency estimate received from the Commissioner of Fish and Fisheries; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a deficiency estimate of $5,000 in the appropriation for defense of the United States in the Court of Claims for the current fiscal year, submitted by the Attorney-General; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation received from the Secretary of the Interior to pay Miss Emma Dowell $29.35 for services rendered in July, 1882; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate received from the Secretary of the Interior to pay George T. Newman for beef delivered at the Blackfeet agency; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 5th instant, a report of the Commissioner of the General Land Office and sundry papers on the subject of the Moquelemos grant in the State of California, the surveys thereof, and the status of the settlers thereon. If there be no objection, the letter of the Secretary, together with the letter of the Commissioner of the General Land Office, will be printed, and, with the accompanying papers, which are very voluminous, referred to the Committee on Printing.

CUSTOM-HOUSE LOT IN PROVIDENCE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The amendment was, in line 4, to strike out "southwest" and insert "northwesterly."

The PRESIDENT *pro tempore*. The Chair was informed yesterday by the Senator from Rhode Island [Mr. ALDRICH] that he desired the Senate to concur in this amendment, there having been a clerical error in the Senate bill. If there be no other suggestion, the Chair will put the question on concurring in the House amendment.

The amendment was concurred in.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives yesterday were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.; and

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting sundry petitions received from infantry officers of the Army, praying for the passage of the bill (S. 2442) to increase the efficiency of the infantry branch of the Army; which was ordered to be printed, and, with the accompanying petitions, referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2087) for the relief of Henry Frank, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

MARIA G. UNDERWOOD.

The PRESIDING OFFICER (Mr. ALLISON in the chair). "Concurrent resolutions" being in order, the Chair lays before the Senate a

resolution submitted yesterday by the Senator from New York [Mr. LAPHAM], which will be read.

The resolution was read, as follows:

Resolved, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood, in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. LAPHAM. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Is there objection to the reference of the resolution?

Mr. INGALLS. I object.

The PRESIDING OFFICER. The question then is on agreeing to the motion of the Senator from New York to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LAPHAM. The President of the Senate has decided that under the rule such a resolution must be referred to that committee. I do not remember the number of the rule.

Mr. MILLER, of New York. Then it does not need any motion to refer it.

The PRESIDING OFFICER. The Chair holds that under the rule the resolution must go to that committee, and it will be so referred.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. Regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule, beginning with Order of Business 396, Senate bill 1886.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask the Senator from Kansas to request unanimous consent to proceed with the appropriation bill. I suppose that will be granted. What will be the effect of the motion of the Senator from Kansas to lay aside the pending order? Will it come up regularly on Monday, or will it require a motion?

The PRESIDENT *pro tempore*. Order of Business 396 will come up to-morrow morning.

Mr. ALLISON. Or this morning, if the appropriation bill is disposed of during the morning hour?

The PRESIDENT *pro tempore*. If disposed of before whatever time under the new adjournment it would be in order.

Mr. WILSON. I ask the Senator from Kansas to withdraw his motion that I may ask the unanimous consent of the Senate to take up for present consideration a bill that will take no time.

Mr. PLUMB. I insist on my motion that the appropriation bill shall be taken up. If the Senate is then minded to indulge the Senator from Iowa a moment or two in regard to his bill, I do not know that I shall object; but I can not consent to postpone the motion I have made, as I wish to bring the appropriation bill before the Senate.

Mr. WILSON. Very well.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Kansas that the Senate now proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on striking out, as recommended by the Committee on Appropriations, all after the word "thereof," in line 117, to the end of line 151.

Mr. MILLER, of New York. No; the understanding yesterday was that we were to vote on these propositions separately, and we voted upon the first down to the word "thereof," in line 117. The next division would properly be to the end of line 128, perhaps.

The PRESIDENT *pro tempore*. The Chair stands corrected. The Senator from New York is right. The words proposed by the committee to be stricken out down to the end of line 128, will be read.

The SECRETARY. After the word "thereof," in line 117, it is proposed to strike out the following:

And drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law.

Mr. WILSON. I now ask unanimous consent that the appropriation bill may be informally laid aside, and that the Senate proceed to the consideration of House bill 483. It will not create any discussion. If it should, of course I shall withdraw the request. It is a bill which has passed the House and has been reported by unanimous consent from the Committee on Public Buildings and Grounds of the Senate. I should like very much to have it passed this morning.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending bill be informally laid aside and that the Senate proceed to consider the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa. Is there objection to the request of the Senator from Iowa?

Mr. MAXEY. I think, as we are in the midst of the consideration of the Post-Office appropriation bill, which is certainly a matter of national importance and ought to be disposed of, we should finish that bill before taking up anything else.

The PRESIDENT *pro tempore*. Objection is made.

Mr. WILSON. I hope the Senator from Texas will withdraw the objection.

Mr. HARRIS. If the Senator from Texas will allow me, I will state that the very question now pending on the Post-Office appropriation bill will lead to a division of the Senate, and if the Senator from Texas will look over the Chamber he will find quite a sufficient reason, I think, to withold his objection.

Mr. WILSON. I hope the Senator will withold the objection.

Mr. MAXEY. I am not in the custom of making objections about anything; I only stated a practical proposition of common sense; but as that seems to be met by the Senator from Tennessee, I withdraw the objection.

PUBLIC BUILDING AT KEOKUK.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Iowa that the pending order be informally laid aside and that the Senate now consider the bill the title of which has been read?

Mr. BAYARD. That retains, I understand, the present order in its position of precedence.

The PRESIDENT *pro tempore*. Subject to call. Is there objection to the request of the Senator from Iowa? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

Mr. HOAR. I wish the Secretary to read again the sentence beginning "provided."

The Secretary read as follows:

Provided, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys.

Mr. HOAR. It provides that "the site shall leave the building unexposed;" but it is a House bill, and I do not care to interfere.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. MARTIN.

Mr. JACKSON. I ask that the Post-Office appropriation bill may be informally laid aside, and that unanimous consent may be given to take up the bill (H. R. 5452) for the relief of John W. Martin.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Committee on Appropriations proposing to strike out the clause after the word "thereof," in line 117 to line 128, inclusive.

Mr. PLUMB. I thought the division would be on that part between the word "thereof," in line 117, and the word "established," in line 121. That clause is not connected in any way with the sentence which follows, but is designed to simply accommodate the question of postage on drop letters to the rule established in the preceding sentence for letters transmitted.

The PRESIDENT *pro tempore*. The Chair thinks that the matter is capable of a division in that way, and if the Senator asks it, the question will be first taken on that part.

Mr. PLUMB. I ask for a division.

The PRESIDENT *pro tempore*. The question then is on agreeing to the recommendation of the Committee on Appropriations to strike out after the word "thereof," in line 117, to and including the word "established," in line 121, being the following words:

And drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next clause recommended to be stricken out by the Committee on Appropriations will be read.

The SECRETARY. In line 121, after the word "established," the committee report to strike out the words:

That all publications of the second-class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent per pound or a fraction thereof, such postage to be prepaid, as now provided by law.

Mr. MILLER, of New York. I rise to a parliamentary question rather than to discuss this provision, because I discussed it yesterday, and I thought the Senate had finished the discussion of it. Judging from the action on the part of the Senate yesterday, beginning with line 129 to the end of line 138, I believe that the Senate will agree that the amendment of the committee shall be agreed to, and that that language shall be left out of the bill. If that is done, as I have no doubt it will be done by the Senate, and we shall now by a vote disagree with the amendment of the committee striking out from line 121 to line 128, it will be necessary then to make a slight amendment in that portion of the bill. As I understand, we can only do that by unanimous consent.

Mr. HOAR (to Mr. MILLER, of New York). Make your meaning more clear.

Mr. MILLER, of New York. I will put it in this shape then: Will it be in order to ask unanimous consent to make any change in the lines which we are now about to vote upon? That, I suppose, will be in order.

The PRESIDENT *pro tempore*. The Chair thinks it is in order to ask unanimous consent to change the bill in almost any way.

Mr. MILLER, of New York. Then I will ask unanimous consent, in line 123, to strike out the word "and," or that it be eliminated in some way so that when we come to vote it will not be in, and then, at the end of that line and the beginning of line 124, to take out the words "to *bona fide* subscribers," and in place of the words "to *bona fide* subscribers" to insert "including sample copies."

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The Chair will receive the committee of the House of Representatives.

WASHINGTON MONUMENT CEREMONIES.

Representatives DORSHEIMER, TUCKER, and CANNON appeared at the bar of the Senate.

Mr. DORSHEIMER. Mr. President——

The PRESIDENT *pro tempore*. Gentlemen of the committee.

Mr. DORSHEIMER. We are directed to inform the Senate that the House of Representatives is now in session and awaits the coming of the Senate in order to proceed with the ceremonies which are appointed to be held in the Hall of the House.

The PRESIDENT *pro tempore*. The Chair will state to Senators that the Chair is informed that the President of the United States is still reviewing the procession at the east front of the Capitol. The order of exercises adopted by the Senate provides that the President and his Cabinet, the judges of the Supreme Court, &c., the diplomatic corps, and the Senate, shall go together, in that order, to the Hall of the House; and it will be, perhaps, ten or fifteen minutes before it will be convenient for the House of Representatives, according to this joint order, to receive the Senate. If there be no objection, therefore, the business of the Senate will proceed.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. MILLER, of New York. I renew my request to change lines 123 and 124 by unanimous consent as I have indicated.

Mr. HOAR. Why not, instead of that, strike out from the word "act" down to the word "agents," inclusive? If you are going to have second-class matter go at that rate, let everything go in.

Mr. MILLER, of New York. In answer to the suggestion of the Senator from Massachusetts, I desire to say that the changes which I have indicated will make the law, if it should become a law, precisely the same as the present law and in the same language with the exception that the rate of postage will be reduced one-half. The present law reads:

Publications of the second class except as provided in section 25, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 2 cents a pound or fraction thereof, such postage to be prepaid, as now provided by law.

Mr. HOAR. Why not have the same rate on transient papers sent from one office to another?

Mr. MILLER, of New York. There is but one rate upon second-class matter now. If the language as proposed here should be concurred in, it would make two rates of postage upon second-class matter.

Mr. HARRIS. If the Senator from New York will allow me, I desire to ask him if his motion to amend line 123 is not premature.

Mr. MILLER, of New York. It is premature.

Mr. HARRIS. As I understand it, upon the demand of the Senator from Kansas the pending question is to strike out after the word "thereof," in line 117, to and including the word "established," in line 121.

Mr. PLUMB. Let me say to the Senator from Tennessee that he is mistaken about that. Those words have been retained by the vote of the Senate. The question now is on the amendment of the committee recommending to strike out from the word "established," in line 121 to and including line 128.

Mr. HARRIS. Then I withdraw my inquiry. The Senator from New York is quite right, if that question has been decided.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair will state that the request of the Senator from New York is for unanimous consent to make certain changes. He does not move to amend, as the Chair understands.

Mr. MILLER, of New York. I understand that it can only be done by unanimous consent, and it is absolutely necessary that it shall be done unless we now propose to make a reform backward in our post-office matters and have two rates of postage upon second-class matter. Originally there were two rates upon second-class matter, and that led to a great deal of complaint by publishers throughout the country. Some years ago the law was changed, and all second-class matter now goes at one rate; that is, a rate of 2 cents a pound. Now it is proposed to change that rate to 1 cent a pound, but the language here employed divides second-class matter into two distinct classes, you may say, and makes two distinct rates—on one reducing the postage to 1 cent a pound, and raising the rate upon the other portion of second-class matter to 4 cents a pound, doubling its present rate.

Mr. DAWES. May I inquire of the Senator from New York what is the force of the words he proposes to leave in—"except as provided in section 25 of said act?"

Mr. MILLER, of New York. That is a section which permits county newspapers to be circulated free in the county where published, and some few other little things connected therewith.

Mr. DAWES. So that leaving those words and striking out the rest of the clause will make a uniform rate for all second-class matter?

Mr. MILLER, of New York. For all second-class matter. The present law is that all second-class matter goes at 2 cents a pound. If the amendment I have suggested be adopted all second-class mail matter will be carried through the mails at 1 cent a pound. If it is not adopted second-class matter will go through the mail, a portion of it at 1 cent a pound and the rest at 4 cents a pound, doubling the present rate, which I imagine we do not want to do.

Mr. DAWES. What part will go at 4 cents a pound?

Mr. MILLER, of New York. I will explain. All sample copies which are sent out by publishers of newspapers, particularly weekly newspapers, religious papers, and all the large weeklies, especially at the end of the year, by hundreds of thousands of copies, and all sample copies sent out separately by individuals, except where *bona fide* subscribers, if we leave this as it stands in the bill, will be compelled to pay not 2 cents a pound, but 4 cents a pound. The entire publishing interests of this country, so far as I have been able to hear from them, and I have heard from hundreds, desire that whatever the rate shall be upon second-class matter it shall be uniform, that there shall be only one rate, and we propose to make it 1 cent a pound.

If these suggestions of mine are adopted, the law will be left precisely as it is to-day except that the rate will be reduced from 2 cents to 1 cent a pound. Of course it depends also upon the Senate agreeing with the amendment of the committee, commencing with line 129 down to line 138, inclusive, which I will speak to when we come to it.

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from New York?

Mr. ALLISON. Let it be read from the desk, that we may hear what it is.

The PRESIDING OFFICER. It will be read.

The SECRETARY. In line 123, after the word "thereof," it is proposed to strike out "and;" in the same line, after the word "publication," to strike out "to *bona fide* subscribers" and insert "including sample copies;" so that the clause will read:

That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law.

The PRESIDING OFFICER. Is there objection to the proposed modification?

Mr. PLUMB. I object to the amendment in that shape. If the Senator will confine his amendment to striking out the words "to *bona fide* subscribers" and inserting "including sample copies," I shall not object; but if he does not do that he will introduce an element of discord and possible loss to the revenues of the Post-Office Department which I do not think he contemplates, and certainly I will not consent to if I can avoid it.

Mr. MILLER, of New York. I think the Senator is mistaken in his objection to striking out the word "and," because I have made my suggestion to correspond precisely with the present law. I will read it again:

Publications of the second class, except as provided in section 25, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 2 cents a pound or fraction thereof, such postage to be prepaid as now provided by law.

I see that I was mistaken; the word "and" is there. I had marked that out yesterday. That word should remain in. Then the only

change is, at the end of line 123, and the beginning of line 124, to strike out the words "*bona fide* subscribers" and insert the words "including sample copies;" that makes it correspond exactly to the present law.

The PRESIDING OFFICER. The Secretary will again report the modification as now suggested by the Senator from New York. The Secretary did not understand the suggestion of the Senator from New York.

Mr. MILLER, of New York. It is to leave in the word "and;" not strike that out.

The SECRETARY. In line 123, after the word "publication," it is proposed to strike out "to *bona fide* subscribers" and insert the words "including sample copies."

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from New York as to the modification of the amendment? The Chair hears none, and it is agreed to.

Mr. MILLER, of New York. Now the question is on agreeing or disagreeing to those lines.

The PRESIDING OFFICER. The question now recurs on striking out, as recommended by the Committee on Appropriations, the portion that has been read, beginning with the word "that," in line 121, down to and including the word "law," in line 128.

Mr. SAULSBURY. Before the amendment is adopted I wish to know what the effect will be as to sending through the mail papers for advertising purposes alone. The Department ought not to be burdened with that class of advertising papers. There is a grocer's paper;. I remember that there has been some discussion as to whether it should go through the mails.

Mr. MILLER, of New York. Allow me to suggest to the Senator that his question does not properly come up now. It will come up when we consider the striking out or retaining lines 129 to 138. That point comes in there. When we reach it I think I shall be able to answer his question to his entire satisfaction; but this language that we are now acting upon is the present law absolutely word for word without any change whatever except that we reduce the rate of postage on second-class matter from 2 cents to 1 cent a pound. The question as to what kind of matter shall go comes up under those other lines, but I can discuss it now if that is deemed desirable.

Mr. ALLISON. I suggest to the Senator from New York that he has already inserted here "sample copies," which includes the idea that I think the Senator from Delaware is trying to arrive at.

Mr. SAULSBURY. I have some doubt about the propriety of this reduction of the revenues of the Post-Office Department to the extent we are going. That Department, while it may not be self-sustaining, ought not to be very expensive to the Government. We are reducing its revenue, and now it is proposed that we shall reduce the revenue derived from sample copies. I doubt very much whether we ought to do that. When papers are sent to *bona fide* subscribers, that is one thing; but where a publisher sends out broadcast through the country copies for the purpose of soliciting subscribers to his paper, to make it a profitable business to himself, he ought to be willing to pay something to the Department for the privilege he enjoys. I doubt very much whether we ought to reduce the postage on sample copies.

Mr. MILLER, of New York. Certainly, the sending out of sample copies by all regular and legitimate publishing houses who are publishing regular papers weekly, semi-weekly, or monthly, or magazines, tends to increase the revenue of the Post-Office Department. There ought certainly to be no objection on the part of the Government to doing that kind of business. All the great religious weeklies, all the semi-weeklies, and all the monthly publications, and even the weekly editions of all our leading daily papers throughout the length and breadth of this country, which circulate millions upon millions of copies, are accustomed at the end or near the end of the year to send out large numbers of sample copies of their papers to the names of people that may be given to them in various towns scattered throughout the land. The result is that those sample copies bring back to the publishers a large number of permanent subscribers to increase their circulation, and of course increase the revenues of the Post-Office Department. It is believed and held that if this law is enacted the increased circulation of newspapers, magazines, and periodicals of various kinds will be so great that the Department will lose little, if any, revenue by it. That is the judgment of the Post-Office Department itself.

It is the law to-day, and has been for years, that all regular publications can send out sample copies at the regular legal rate of 2 cents a pound. Now we propose to reduce the rate on second-class matter from 2 cents to 1 cent a pound. Certainly we ought not to go backward and change the classification and make a greater division than there is at the present time and more confusion. Certainly it is not for the best interests of the Department to do it, for instead of increasing the revenues it will largely reduce them unless we give them this privilege, and this leaves the law precisely where it is to-day, and I have read it repeatedly.

The question which the Senator from Delaware and the Senator from Iowa raise as to the class of publications which shall be considered second-class has nothing whatever to do with the question before the Senate at the present moment. That will come up when we consider the amendment from line 129 to line 138, and then I will read the present law, which explains and defines what is second-class matter and what matter can go through the mails at second-class rates. If there is any abuse such as the Senator from Delaware speaks of, the abuse comes from a failure to enforce the present statute in the Post-Office Department, and not from the law itself.

I do not care to go further into that discussion, because it seems to me unnecessary until that portion of the amendment is acted upon, but if any further explanation is desired, I am ready to make it.

Mr. SAULSBURY. I desire to say that so far as the revenue from publications, papers, and periodicals is concerned, I think it is about as expensive to the Government as all the profit it gets from it. We are paying the railroad companies by weight. This bill contains an appropriation of over $14,000,000 to pay railroad companies for the transportation of the mail. Much of the weight is caused by periodicals and newspapers. The letter postage has long since paid its way, but the second-class matter does not pay very liberally, and I do not know that the increase of the number of periodicals and newspapers carried through the mails will tend to increase revenue when you take into consideration the additional expense which will be thrust on the Department for transportation.

We are appropriating in this bill $14,500,000 to railroads for the transportation of the mails, made up largely of papers and periodicals and that class of matter. In addition to that, we are paying over a million dollars for postal cars, so that it is becoming a very expensive business to transport these papers and periodicals throughout the country. While there may be some additional number of subscribers, perhaps large additional numbers of subscribers obtained by sending out these sample copies through the country, I do not know that that will add anything to the revenues of the Postal Department. If these men want to do business, if they want to circulate their papers and invite subscriptions for their papers, they ought to be willing to contribute to the revenue of the Department through which they propose to send out sample copies.

Mr. MAXEY. The only legitimate ground for the adoption of the proposition as it came from the House is that the general spread of intelligence through newspapers would justify a reduction of postage on second-class matter from 2 cents to 1 cent a pound. It is a perfectly well-known fact that for years past the postage on newspapers has been far less than the expense of carrying them. On postal cards and letters we receive millions more than the cost of transmission. Newspapers and third-class mail matter absorb the surplus, because they do not pay their way. No question has been presented to the Post-Office Committee which has caused more trouble than the determination of what is a sample copy. Beginning with the chairmanship of a very distinguished gentleman from Maine [Mr. Hamlin], who was chairman of the Post-Office Committee when I entered the Senate ten years ago and who is now in the Chamber, up to the present time we have had sample copy after sample copy of what purported to be newspapers laid before us, and it would take an expert to settle whether they were advertisements or newspapers, they having the form of newspapers.

Mr. SHERMAN. If the Senator will yield I will submit a motion that the Senate proceed, in pursuance of its previous order, to the House of Representatives.

Mr. PLUMB. Before that is done——

Mr. MAXEY. I will yield the floor; but when the question comes up again I will resume.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Ohio that the President *pro tempore* of the Senate is at the present time in the President's room, and the Chair will ask that the motion be withheld for a few moments.

Mr. SHERMAN. Very well; I will do so.

Mr. MAXEY. I will complete what I was saying.

The striking out of the expression "*bona fide* subscribers," as it came in the bill from the House, I think was bad policy. I think it ought not to be stricken out, because if that expression "*bona fide* subscribers" is there, then at 1 cent a pound actual *bona fide* newspapers would be carried, the object we have in view being the spread of intelligence by means of *bona fide* newspapers. Strike out that expression, and as certainly as we pass this clause thousands and hundreds of thousands of advertisements will come in the shape of newspapers, in the form of newspapers, and be scattered over the country, spreading no intelligence, but simply advertising different kinds of wares. That will be the effect of it.

That is all I wish to say about it. I think the view of the Senator from New York is entirely wrong upon that, and that the bill as it came from the House is right.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the words which have been read from line 121 to line 128 inclusive as amended.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next question is on the amendment of the Committee on Appropriations to strike out from line 129 to to line 138 inclusive. The words proposed to be stricken out will be read.

The Secretary read as follows:

Provided, however, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. HARRISON. I desire to ask the Senator from New York, who seems to have given special attention to this matter, whether the last sentence, which gives liberty to mark an article in a newspaper, is the existing law.

Mr. MILLER, of New York. The existing custom is that an article may be marked.

Mr. HARRISON. If it is not the existing law, I suggest that the question be divided by putting the vote on striking out that part, closing with the word "five," in line 136. The other is a distinct proposition.

Mr. MAXEY. Will the Senator yield to me?

Mr. HARRISON. Yes, sir.

Mr. MAXEY. My recollection is—I will not speak of it with certainty—that we had the very point which he has stated before the Committee on Post-Offices and Post Roads; and I think that a year or two ago the committee reported favorably a proposition to authorize the marking of an article, without putting in any words, in print or writing. I am under the impression that that became a law.

Mr. HARRISON. It is certainly a very innocent and a very useful practice, as all of us who have had newspapers sent to us for the purpose of calling our attention to a particular article have discovered. It is quite convenient to have some mark which will call attention at once to the purpose of sending the paper, rather than to have to look the whole paper through. I ask that the question be divided as I have indicated.

Mr. MILLER, of New York. I see no objection to dividing it, and I see no objection to leaving the lines from 136 to 138 in the bill, although in the regulations of the Post-Office Department that thing is now permitted to be done and is done constantly without any question on the part of the Post-Office Department, and if it is deemed desirable to put in permission I see no objection.

Mr. DAWES. The purpose of that provision is to enable those who desire to send a marked copy to leave their order at the printing office, and the mark is put on when the paper is printed in such a manner as to call attention to it, and it relieves any one who desires to have a marked copy sent out from the labor of doing it himself and paying the postage on it. It is in the same interest as all this legislation.

Mr. MILLER, of New York. I will ask then, in connection with the Senator from Indiana, that the question be taken on striking out from line 129 to the word "five," in line 136.

The PRESIDENT *pro tempore*. The Senator from Indiana demands a division of the question so as to exclude from the present action of the Senate all after the word "five," in line 136, to and including the word "postage," in line 138. The Chair thinks that division may properly be made. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out, beginning with line 129, to and including the word "five," in line 136.

Mr. MITCHELL. I desire to ask what is the question before the Senate? I have been detained from the session this morning.

The PRESIDENT *pro tempore*. The Chair has just stated it. It is on striking out, on pages 6 and 7 of the bill, from line 129 to line 136, including the word "five."

Mr. MITCHELL. I desire to say in reference to that that I am in favor of striking out that portion of the clause inserted by the House, but I understand that a division of the question has been called for.

The PRESIDENT *pro tempore*. The question has been divided so that the present question is on striking out, beginning with line 129, to and including the word "five," in line 136.

Mr. WILLIAMS. I understand that the committee have proposed to strike out the whole. Now, is the question on supporting the committee?

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the committee to strike out the words which have been stated.

Mr. WILLIAMS. Oh, yes; I see.

Mr. MITCHELL. I am in favor of striking out those words. I am opposed to legislation on appropriation bills, and as this proposed action accords with the rules of the Senate, I shall vote to strike out the clause.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out these words.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next question is on striking out after the word "five," in line 136, to and including the word "postage," in line 138. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. PLUMB. The Senate has proceeded apparently upon the theory that it was willing to reduce postage upon second-class matter and to do that without changing in any sense existing law, except in that particular. Section 22 of the law of 1879, chapter 180, provides:

That mailable matter of the second class shall contain no writing, print, mark, or sign, thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index figures of subscription book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures or both, indicating the date on which the subscription to such matter will end.

If the clause which is found between lines 136 and 138 is retained, we shall have entered upon a new change in the postal laws beyond that contemplated and effected by what has been left in the bill by the action of the Senate; and it seems to me, without something to show precisely what the effect of it is to be, we ought not to enter upon this, but ought to concur with the report of the committee in striking out the provision.

Mr. HARRISON. Will the Senator from Kansas allow me to ask him again, does this in any way affect the postal revenue? Is there any way by which it could have any effect to reduce the postal revenue to allow a blue or red pencil mark to be put above an article?

Mr. PLUMB. I think it would, because matter of that kind now pays an increased postage. I do not know that I am able to state fully the scope of it; but there are large numbers of papers in this country whose chief pabulum grows out of the printing of special editions containing advertisements of insurance companies, banks, and so on, the value of which is largely enhanced by being able to mark them and send them without increased postage, not to subscribers, but to persons whose attention it is desirable to invite to these advertisements. It seems to me that observing the line heretofore drawn between advertising publications and *bona fide* newspapers as such, we ought not to insert that paragraph.

If we intend to obliterate it all and say simply that if a man prints a thing which he calls a newspaper, and as an inducement to get advertisements says "I will print large editions in addition to that," or "I will draw a red or blue or black line, or put some other distinctive mark on the paper, so that if you send it to a man it will obviate the necessity of your paying circular postage on matter which amounts to the same thing"—if we are going to do that, we ought at least to have the recommendation of the Department and the action of the proper committee. It is entirely different from the proposition the Senate has heretofore voted upon, simply to reduce postage, leaving the general law precisely as it is now. I am in favor, so far as we properly can, of discriminating in favor of legimate newspapers, newspapers that have legitimate subscription lists, and newspapers whose revenue is not derived chiefly from expedients of that kind.

Mr. MILLER, of New York. I am not convinced from the statement made by the Senator from Kansas that we ought to agree with the committee to strike out these words. I do not think we have sufficient information to warrant us in leaving them in the bill. Certainly we make a great departure from what I am seeking to do. What I think the people desire is simply that there should be a reduction of 50 per cent. in the rate of postage on second-class matter. That the Senate have now entirely agreed to; and without more information I shall concur with the committee in this particular amendment.

Mr. BECK. The Senator from New York will allow me to say that after the amendment already made in lines 123 and 124, I do not see why we ought not to strike out all after the word "provided," in line 129, down to the word "thereto," in line 132.

Mr. MILLER, of New York. We have already agreed to strike that out. We agreed with the committee and have stricken out from line 129 to line 132.

Mr. BECK. Why should we strike out—

And all acts so far as they fix a different rate of postage than herein provided upon such first and second class matter are to that extent hereby repealed on and after July 1, 1885?

That seemed to be a part of the motion.

Mr. MILLER, of New York. That was done at the suggestion of the Senator having this bill in charge.

Mr. BECK. I am not quite sure that I desire to do that. Will the Senator from Kansas be kind enough to explain it?

Mr. HOAR. I rise to a privileged question. I desire to inquire of the Chair what is the condition of the formation of the procession to proceed to the House. We received a message from a committee of the House of Representatives some thirty minutes since, I think, that they were ready to receive the Senate; and it seems to me we are in danger of being guilty of a discourtesy to that body.

The PRESIDENT *pro tempore* The Chair will state that the order of the Senate adopting the procedure as agreed upon by the commission is, that "the House being in session and notification to that effect having been given to the Senate, the Senate in a body, preceded by the President, ex-Presidents, the Cabinet, the President-elect, the Vice-President-elect, the judiciary, and diplomatic corps will proceed to the House of Representatives."

The Chair has delayed asking the Senate to proceed to the Hall of the House because he was informed that the President of the United States was reviewing the procession, which is part of the programme;

but the Chair is now informed that within two or three minutes the President of the United States will be ready to proceed to the House of Representatives.

Mr. MILLER, of New York. In answer to the Senator from Kentucky I will say that this clause was allowed to go out without any particular consideration, because it was believed that if this became a law of course it would succeed all other postal laws affecting this matter, and it was not necessary. I see no harm in leaving it in, and I am not sure when I come to read it through to line 135 but that perhaps it ought to have been left; otherwise this change of rate will take place as soon as the bill passes instead of the 1st of July.

Mr. BECK. It would not hurt to keep it in.

Mr. MILLER, of New York. It would not hurt.

Mr. BECK. I would rather leave it in to be sure about it.

WASHINGTON MONUMENT CEREMONIES.

The PRESIDENT *pro tempore*. The Senate will now proceed to the Hall of the House of Representatives.

The Senate thereupon (at 2 o'clock and 18 minutes p. m.) proceeded to the Hall of the House of Representatives, preceded by the President of the United States, the Cabinet, the judiciary, and the diplomatic corps.

The Senate returned to its Chamber at 5 o'clock and 5 minutes.

The PRESIDENT *pro tempore*. The Senate resumes its sitting. The pending question is on agreeing to the recommendation of the Committee on Appropriations to strike out, on page 7 of the Post-Office appropriation bill, after the word "five," in line 136, all down to the word "postage," inclusive, in line 138.

Mr. MILLER, of New York. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 21, 1885.

The House was called to order at seventeen minutes past 1 o'clock p. m. by the Speaker.

Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

DEDICATION OF THE WASHINGTON MONUMENT.

Mr. DORSHEIMER. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of three be appointed by the Chair to inform the Senate the House is now ready to receive the Senate and proceed with the ceremonies which are appointed to take place in the Hall of the House.

The resolution was adopted.

The Speaker appointed as such committee Mr. DORSHEIMER, Mr. TUCKER, and Mr. CANNON.

At 2 o'clock and 27 minutes p. m. the members of the Senate, following their President *pro tempore* and their Secretary, and preceded by their Sergeant-at-Arms, entered the Hall of the House of Representatives and occupied the seats reserved for them on the right and left of the main aisle.

The President *pro tempore* occupied the Speaker's chair, the Speaker of the House sitting at his left.

The Chaplain of the House, Rev. JOHN S. LINDSAY, D. D., and Rev. S. A. Wallis, of Pohick church, near Mount Vernon, Va., sat at the Clerk's desk.

The President of the United States, with the members of his Cabinet, the Justices of the Supreme Court of the United States, the Admiral of the Navy, the Lieutenant-General of the Army, the diplomatic corps, and all others present were seated in accordance with the order of arrangements of the Congressional Commission heretofore published.

The PRESIDENT OF THE SENATE. Gentlemen of the Senate and House of Representatives, you are assembled, pursuant to the concurrent order of the two Houses, to celebrate the completion of the monument to the memory of the first President of the United States. It is not only a memorial but an inspiration that shall live through all the generations of our posterity, as we may hope, which we this day inaugurate and celebrate by the ceremonies that have been ordered by the two Houses.

Mr. DORSHEIMER. Mr. President, it appears that there are some unoccupied seats upon the floor of the House. I therefore ask, by unanimous consent, that the ladies members of the families of Senators and Representatives be admitted to occupy those seats during these proceedings.

The PRESIDENT OF THE SENATE. Without objection that order will be made.

There was no objection, and it was ordered accordingly.

Rev. S. A. WALLIS, of Pohick church, near Mount Vernon, Va., then offered the following prayer:

Almighty and everlasting God, Lord of heaven and earth, who alone rulest over the nations of the world and disposest of them according to Thy good pleasure, we praise Thy holy name for the benefits we commemorate this day.

Wonderful things didst Thou for us in the days of our fathers, in the times of old. For they gat not the land in possession by their sword, neither did their own arm save them, but Thy right hand and the light of Thy countenance, because Thou hadst a favor unto them. Especially do we render Thee our hearty thanks for Thy servant George Washington, whom Thou gavest to be a commander and a governor unto this people, and didst by him accomplish for it a great and mighty deliverance. And as we are now gathered before Thee in these Halls, we bless Thee for the government and civil order Thou didst establish through him. Grant that it may be upheld by that righteousness which exalteth a nation, and that this place may evermore be the habitation of judgment and justice. Let Thy blessing rest upon our Chief Magistrate and his successors in all generations. Grant each in his time those heavenly graces that are requisite for so high a trust; that the laws may be impartially administered to the punishment of wickedness and vice, and to the maintenance of Thy true religion and virtue. We also humbly beseech Thee for our Senate and Representatives in Congress assembled that Thou wouldst be pleased to direct all their consultations to the advancement of Thy glory, the good of Thy Church, the safety, honor, and welfare of Thy people, that all things may be so ordered and settled by their endeavors upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations. We pray Thee for our judges and officers that they may judge the people with just judgment, be no respecters of persons, and hear both the small and the great in his cause. O, Lord God of Hosts, be pleased to save and defend our Army and Navy, that each may be a safeguard to these United States, both by land and sea, until Thou dost fulfill Thy word, that nation shall not lift up sword against nation, neither shall they learn war any more. Be with those who have been appointed to speak unto us this day as they recount the deeds of old time, Thy marvelous works, and the judgments of Thy mouth. Give them grace to utter such words as may stir us up to emulate the virtues of our forefathers, so that we may transmit the Republic to our posterity high in praise and in name and in honor.

Let Thy richest blessings rest upon our country at large; may we lend a true obedience to the laws cheerfully and willingly for conscience' sake. Let no causeless divisions weaken us as a nation, but grant that we may be knit together more and more in the bonds of peace and unity. Preserve us from the dangers now threatening society, and enable each of us, high and low, rich and poor, to do his duty in that state of life unto which Thou hast called him. So we that are Thy people and sheep of Thy pasture shall give Thee thanks forever, and will always be showing forth Thy praise from generation to generation. These and all other benefits of Thy good providence we humbly beg in the name and through the mediation of Jesus Christ our most blessed Lord and Saviour. Amen.

After the prayer the Marine Band, stationed in the vestibule, played appropriate national airs.

The PRESIDENT OF THE SENATE. Gentlemen of the Senate and House of Representatives, the first proceeding in order is the oration by Hon. Robert C. Winthrop, of Massachusetts. The Chair is sorry to announce that Mr. Winthrop, from indisposition, is unable to attend. According to the arrangements of the committee the oration will be now read by Hon. JOHN D. LONG, a member of the House of Representatives from the State of Massachusetts. [Applause.]

The oration by Mr. Winthrop was read, as follows, by Mr. LONG:

PRESIDENT ARTHUR, SENATORS AND REPRESENTATIVES OF THE UNITED STATES: By a joint resolution of Congress, you have called upon me to address you in this Hall to-day on the completion of yonder colossal monument to the Father of his Country. Nothing less imperative than your call could have brought me before you for such an effort. Nearly seven and thirty years have passed away since it was my privilege to perform a similar service at the laying of the corner-stone of that monument. In the prime of manhood, and in the pride of official station, it was not difficult for me to speak to assembled thousands in the open air, without notes, under the scorching rays of a midsummer sun. But what was easy for me then is impossible for me now. I am here to-day, as I need not tell you, in far other condition for the service you have assigned me—changed, changed in almost everything except an inextinguishable love for my country and its Union and an undying reverence for the memory of Washington. On these alone I rest for inspiration, assured that, with your indulgence, and the blessing of God, which I devoutly invoke, they will be sufficient to sustain me in serving as a medium for keeping up the continuity between the hearts and hands which laid the foundation of this gigantic structure and those younger hearts and hands which have at last brought forth the capstone with shoutings. It is for this you have summoned me. It is for this alone I have obeyed your call.

Meantime I can not wholly forget that the venerable ex-President John Quincy Adams—at whose death-bed, in my official chamber beneath this roof, I was a privileged watcher thirty-seven years ago this very day—had been originally designated to pronounce the corner-stone oration, as one who had received his first commission, in the long and brilliant career at home and abroad which awaited him, from the hands

of Washington himself. In that enviable distinction I certainly have no share; but I may be pardoned for remembering that, in calling upon me to supply the place of Mr. Adams, it was borne in mind that I had but lately taken the oath as Speaker at his hands and from his lips, and that thus, as was suggested at the time, the electric chain, though lengthened by a single link, was still unbroken. Let me hope that the magnetism of that chain may not even yet be entirely exhausted, and that I may still catch something of its vivifying and quickening power, while I attempt to bring to the memory of Washington the remnants of a voice which is failing and of a vigor which I am conscious is ebbing away.

It is now, Mr. President, Senators, and Representatives, more than half a century since a volunteer association of patriotic citizens initiated the project of erecting a national monument to Washington in the city which bears his name. More than a whole century ago, indeed—in that great year of our Lord which witnessed the treaty of peace and Independence, 1783—Congress had ordered an equestrian statue of him to be executed, "to testify the love, admiration, and gratitude of his countrymen;" and again, immediately after his death, in 1799, Congress had solemnly voted a marble monument to him at the capital, "so designed as to commemorate the great events of his military and political life." But our beloved country, while yet in its infancy, and I may add in its indigency, with no experience in matters of art, and heavily weighed down by the great debt of the Revolutionary war, knew better how to vote monuments than how to build them, or, still more, how to pay for them. Yorktown monuments and Washington monuments, and the statues of I know not how many heroes of our struggle for Independence, made a fine show on paper in our early records, and were creditable to those who ordered them; but their practical execution seems to have been indefinitely postponed.

The Washington Monument Association, instituted in 1833, resolved that no such postponment should longer be endured, and proceeded to organize themselves for the work, which has at length been completed. They had for their first president the great Chief-Justice, John Marshall, the personal friend and chosen biographer of Washington, whose impressive image you have so recently and so worthily unveiled on yonder western terrace. They had for their second president the not less illustrious James Madison, the father of the Constitution of which Marshall was the interpreter, and whose statue might well have no inferior place on the same terrace. Among the other officers and managers of that association I can not forget the names of William W. Seaton, whose memory is deservedly cherished by all who knew him; of that grand old soldier and patriot Winfield Scott; of Generals Archibald Henderson and Nathan Towson; of Walter Jones, and Peter Force, and Philip R. Fendall, together with that of its indefatigable general agent, honest old Elisha Whittlesey. To that association our earliest and most grateful acknowledgments are due on this occasion. But of those whom I have named, and of many others whom I might name, so long among the honored and familiar figures of this metropolis, not one is left to be the subject of our congratulations. We all rejoice, however, to welcome the presence of one of their contemporaries and friends, whose munificent endowments for art, education, religion, and charity entitle him to so enviable a place on the roll of American philanthropists, the venerable William W. Corcoran, now, and for many years past, our senior vice-president.

Nearly fifteen years elapsed before the plans or the funds of this association were in a state of sufficient forwardness to warrant them even in fixing a day for laying the first foundation-stone of the contemplated structure. That day arrived at last—the 4th of July, 1848. And a great day it was in this capital of the nation. There had been no day like it here before, and there have been but few, if any, days like it here since. If any one desires a description of it, he will find a most exact and vivid one in the columns of the old National Intelligencer—doubtless from the pen of that prince of editors, the accomplished Joseph Gales. I recall among the varied features of the long procession Freemasons of every order, with their richest regalia, including the precious gavel and apron of Washington himself; firemen, with their old-fashioned engines; Odd-Fellows from a thousand lodges; temperance societies and other associations innumerable; the children of the schools, long ago grown to mature manhood; the military escort of regulars, marines, and volunteer militia from all parts of the country, commanded by Generals Quitman and Cadwalader and Colonel May, then crowned with laurels won in Mexico, which long ago were laid upon their graves. I recall, too, the masses of the people, of all classes, and sexes, and ages, and colors, gazing from the windows, or thronging the sidewalks, or grouped in countless thousands upon the Monument grounds. But I look around in vain for any of the principal witnesses of that imposing ceremonial; the venerable widows of Alexander Hamilton and James Madison; President Polk and his Cabinet, as then constituted—Buchanan, Marcy, John Y. Mason, Walker, Cave Johnson, and Clifford; Vice-President Dallas; George Washington Parke Custis, the adopted son of the great chief; not forgetting Abraham Lincoln and Andrew Johnson, both then members of the House of Representatives, and for whom the liveliest imagination could hardly have pictured what the future had in store for them. Of that whole Congress there are now but a handful of survivors, and probably not more than two or three of them present here to-day—not one in either branch of Congress, nor one, as I believe, in any department of the national service.

To those of us who took part in the laying of that first stone, or who witnessed the ceremonies of the august occasion, and who have followed the slow ascent of the stupendous pile, sometimes with hope and sometimes with despair, its successful completion is, I need not say, an unspeakable relief, as well as a heartfelt delight and joy. I hazard little in saying that there are some here to-day, unwearied workers in the cause, like my friends Horatio King and Dr. Toner—to name no others—to whose parting hour a special pang would have been added had they died without the sight which now greets their longing eyes on yonder plain.

I dare not venture on any detailed description of the long intervening agony between the laying of the first stone and the lifting of the last. It would fill a volume, and will be sure hereafter to furnish material for an elaborate monograph, whose author will literally find "sermons in stones"—for almost every stone has its story if not its sermon. Every year of the first decade certainly had its eventful and noteworthy experiences. The early enthusiasm which elicited contributions to the amount of more than a quarter of a million of dollars from men, women, and children in all parts of the land, and which carried up the shaft more than a hundred and fifty feet almost at a bound; the presentation and formal reception of massive blocks of marble, granite, porphyry, or freestone from every State in the Union and from so many foreign nations, beginning, according to the catalogue, with a stone from Bunker Hill and ending with one from the Emperor of Brazil; the annual assemblies at its base on each succeeding Fourth of July, with speeches by distinguished visitors; the sudden illness and sad death of that sterling patriot President Zachary Taylor, after an exposure to the midday heat at the gathering in 1850, when the well-remembered Senator Foote, of Mississippi, had indulged in too exuberant an address—these were among its beginnings; the end was still a whole generation distant.

Later on came the long, long disheartening pause, when—partly owing to the financial embarrassments of the times, partly owing to the political contentions and convulsions of the country, and partly owing to unhappy dissensions in the association itself—any further contributions failed to be forthcoming, all interest in the monument seemed to flag and die away, and all work on it was suspended and practically abandoned. A deplorable civil war soon followed, and all efforts to renew popular interest in its completion were palsied.

How shall I depict the sorry spectacle which those first one hundred and fifty-six feet, in their seemingly hopeless, helpless condition, with that dismal derrick still standing as in mockery upon their summit, presented to the eye of every comer to the capital for nearly a quarter of a century! No wonder the unsightly pile became the subject of pity or derision. No wonder there were periodical panics about the security of its foundation, and a chronic condemnation of the original design. No wonder that suggestions for tearing it all down began to be entertained in many minds, and were advocated by many pens and tongues. That truncated shaft, with its untidy surroundings, looked only like an insult to the memory of Washington. It symbolized nothing but an ungrateful country, not destined—as, God be thanked, it still was—to growth and grandeur and imperishable glory, but doomed to premature decay, to discord, strife, and ultimate disunion. Its very presence was calculated to discourage many hearts from other things, as well as from itself. It was an "abomination of desolation standing where it ought not." All that followed of confusion and contention in our country's history seemed foreshadowed and prefigured in that humiliating spectacle, and one could almost read on its sides in letters of blood, "Divided! Weighed in the balance! Found wanting!"

And well might that crude and undigested mass have stood so forever, or until the hand of man or the operation of the elements should have crushed and crumbled it into dust, if our Union had then perished. An unfinished, fragmentary, crumbling monument to Washington would have been a fit emblem of a divided and ruined country. Washington himself would not have had it finished. He would have desired no tribute, however imposing, from either half of a disunited republic. He would have turned with abhorrence from being thought the father of anything less than one country, with one constitution and one destiny.

And how cheering and how inspiring the reflection, how grand and glorious the fact, that no sooner were our unhappy contentions at an end, no sooner were Union and Liberty, one and inseparable, once more and, as we trust and believe forever, reasserted and reassured, than this monument to Washington gave signs of fresh life, began to attract new interest and new effort, and soon was seen rising again slowly but steadily toward the skies—stone after stone, course upon course, piled up in peace, with foundations extended to the full demand of the enormous weight to be placed upon them, until we can now hail it as complete! Henceforth and forever it shall be lovingly associated, not only with the memory of him in whose honor it has been erected, but with an era of assured peace, unity, and concord, which would have been dearer to his heart than the costliest personal memorial which the toil and treasure of his countrymen could have constructed. The Union is itself the all-sufficient and the only sufficient monument to

Washington. The Union was nearest and dearest to his great heart. "The Union in any event," were the most emphatic words of his immortal Farewell Address. Nothing less than the Union would ever have been accepted or recognized by him as a monument commensurate with his services and his fame. Nothing less ought ever to be accepted or recognized as such by us, or by those who shall rise up, generation after generation, to do homage to his memory!

For the grand consummation which we celebrate to-day we are indebted primarily to the National Government, under the successive Presidents of the past nine years, with the concurrent action of the two branches of Congress, prompted by committees so often under the lead of the veteran Senator MORRILL, of Vermont. The wise decision and emphatic resolution of Congress on the 2d of August, 1876, inspired by the Centennial Celebration of American Independence, and adopted, as it auspiciously happened, on the hundredth anniversary of the formal signing of the great Declaration, that the monument should no longer be left unfinished, with the appointment of a joint commission to direct and supervise its completion, settled the whole matter. To that joint commission, consisting of the President of the United States for the time being, the senior vice-president of the Monument Association, the Chief of Engineers of the United States Army, with the Architects of the Capitol and the Treasury, the congratulations and thanks of us all may well be tendered. But I think they will all cordially agree with me that the main credit and honor of what has been accomplished belongs peculiarly and pre-eminently to the distinguished officer of engineers who has been their devoted and untiring agent from the outset. The marvelous work of extending and strengthening the foundations of a structure already weighing, as it did, not less than thirty-two thousand tons—64,000,000 pounds—an operation which has won the admiration of engineers all over the world, and which will always associate this monument with a signal triumph of scientific skill, was executed upon his responsibility and under his personal supervision. His, too, have been the ingenious and effective arrangements by which the enormous shaft has been carried up, course after course, until it has reached its destined height of five hundred and fifty-five feet, as we see it at this hour. To Col. Thomas Lincoln Casey, whose name is associated in three generations with valued military service to his country, the successful completion of the monument is due. But he would not have us forget his accomplished assistant, Capt. George W. Davis, and neither of them would have us fail to remember Superintendent McLaughlin and the hard-handed and honest-hearted mechanics who have labored so long under their direction.

Finis coronat opus. The completion crowns the work. To-day that work speaks for itself, and needs no other orator. Mute and lifeless as it seems, it has a living and audible voice for all who behold it, and no one can misinterpret its language. Nor will any one, I think, longer cavil about its design. That design, let me add, originally prepared by the Washington architect, Robert Mills of South Carolina, and adopted long before I had any relations to this association, was commended to public favor by such illustrious names as Andrew Jackson, John Quincy Adams, Albert Gallatin, Henry Clay, and Daniel Webster. A colonnade encircling its base, and intended as a sort of pantheon, was soon discarded from the plan. Its main feature, from the first, was an obelisk, after the example of that which had then been recently agreed upon for Bunker Hill. And so it stands to-day, a simple sublime obelisk of pure white marble, its proportions, in spite of its immense height, conforming exactly to those of the most celebrated obelisks of antiquity, as my accomplished and lamented friend, our late minister to Italy, so happily pointed out to us. It is not, indeed, as were those ancient obelisks, a monolith, a single stone cut whole from the quarry; that would have been obviously impossible for anything so colossal; nor could we have been expected to attempt the impossible in deference to Egyptian methods of construction. We might almost as well be called on to adopt as the emblems of American progress the bronze crabs which were found at the base of Cleopatra's Needle! America is certainly at liberty to present new models in art as well as in government, or to improve upon old ones; and, as I ventured to suggest some years ago, our monument to Washington will be all the more significant and symbolic in embodying, as it does, the idea of our cherished national motto, *E pluribus unum.* That compact, consolidated structure, with its countless blocks, inside and outside, held firmly in position by their own weight and pressure, will ever be an instructive type of the national strength and grandeur which can only be secured by the union of "many into one."

Had the fine arts indeed made such advances in our country forty years ago as we are now proud to recognize, it is not improbable that a different design might have been adopted; but I am by no means sure it would have been a more effective and appropriate one. There will always be ample opportunity for the display of decorative art in our land. The streets and squares of this city and of all our great cities are wide open for the statues and architectural memorials of our distinguished statesmen and soldiers, and such monuments are everywhere welcomed and honored. But is not—I ask in all sincerity—is not the acknowledged pre-eminence of the Father of his Country, first without a second, more fitly and adequately represented by that soaring shaft, rising high above trees and spires and domes and all the smoke and stir of earth—as he ever rose above sectional prejudices and party politics and personal interests—overtopping and dominating all its surroundings, gleaming and glistening out at every vista as far as human sight can reach, arresting and riveting the eye at every turn, while it shoots triumphantly to the skies? Does not—does not, I repeat, that colossal unit remind all who gaze at it, more forcibly than any arch or statue could do, that there is one name in American history above all other names, one character more exalted than all other characters, one example to be studied and reverenced beyond all other examples, one bright particular star in the clear upper sky of our firmament, whose guiding light and peerless luster are for all men and for all ages, never to be lost sight of, never to be unheeded? Of that name, of that character, of that example, of that glorious guiding light, our obelisk, standing on the very spot selected by Washington himself for a monument to the American Revolution, and on the site which marks our national meridian, will be a unique memorial and symbol forever.

For oh, my friends, let us not longer forget, or even seem to forget, that we are here to commemorate not the monument but the man. That stupendous pile has not been reared for any vain purpose of challenging admiration for itself. It is not, I need not say it is not, as a specimen of advanced art, for it makes no pretension to that; it is not as a signal illustration of engineering skill and science, though that may confidently be claimed for it; it is not, certainly it is not, as the tallest existing structure in the world, for we do not measure the greatness of men by the height of their monuments, and we know that this distinction may be done away with here or elsewhere in future years; but it is as a memorial of the pre-eminent figure in modern or in ancient history the world over—of the man who has left the loftiest example of public and private virtues, and whose exalted character challenges the admiration and homage of mankind. It is this example and this character—it is the man, and not the monument, that we are here to commemorate!

Assembled in these legislative halls of the nation, as near to the anniversary of his birth as a due respect for the day of our Lord will allow, to signalize the long-delayed accomplishment of so vast a work, it is upon him in whose honor it has been upreared, and upon the incomparable and inestimable services he has rendered to his country and to the world, that our thoughts should be concentred at this hour. Yet what can I say, what can any man say, of Washington, which has not already been rendered as familiar as household words, not merely to those who hear me, but to all readers of history and all lovers of liberty throughout the world? How could I hope to glean anything from a field long ago so carefully and lovingly reaped by such men as John Marshall and Jared Sparks, by Guizot and Edward Everett and Washington Irving, as well as by our eminent living historian, the venerable George Bancroft, happily here with us to-day?

Others, many others, whom I dare not attempt to name or number, have vied with each other in describing a career of whose minutest details no American is ever weary, and whose variety and interest can never be exhausted. Every stage and step of that career, every scene of that great and glorious life, from the hour of his birth, one hundred and fifty-three years ago—"about 10 in the morning of ye 11th day of February, 1731–2," as recorded in his mother's Bible—in that primitive Virginia farm-house in the county of Westmoreland, of which the remains of the "great brick chimney of the kitchen" have been identified only within a few years past—every scene, I say, of that grand and glorious life, from that ever-memorable hour of his nativity, has been traced and illustrated by the most accomplished and brilliant pens and tongues of our land.

His childhood, under the loving charge of that venerated mother, who delighted to say that "George had always been a good son," who happily lived not only to see him safely restored to her after the exposures and perils of the Revolutionary struggle, but to see him, in her eighty-second year, unanimously elected to be the President in Peace of the country of which he had been the Saviour in War; his primary education in that "old-field school-house," with Hobby, the sexton of the parish, for his first master; his early and romantic adventures as a land-surveyor; his narrow escape from being a midshipman in the British navy at 14 years of age, for which a warrant had been obtained and his luggage actually put on board a man-of-war anchored in the river just below Mount Vernon; his still narrower and hairbreadth escapes from Indian arrows and from French bullets, and his survival—the only mounted officer not killed—at the defeat of Braddock, of whom he was an aid-de-camp; together with that most remarkable prediction of the Virginia pastor, Samuel Davies, afterward president of Princeton College, pointing him out—in a sermon, in 1755, on his return, at the age of 23, from the disastrous field of the Monongahela—as "that heroic youth Colonel Washington, whom I can not but hope Providence has preserved in so signal a manner for some important service to his country"—who has forgotten, who can ever forget these most impressive incidents of that opening career by which he was indeed so providentially preserved, prepared, and trained up for the eventful and illustrious future which awaited him?

Still less can any American forget his taking his seat, soon afterward, in the Virginia House of Burgesses—with the striking tribute to his modesty which he won from the Speaker—and his subsequent election to the Continental Congress at Philadelphia, where, on the 15th of June, 1775, at the suggestion of John Adams and on the motion of Thomas Johnson, afterward governor of Maryland, he was unanimously appointed "General and Commander-in-Chief of such forces as are, or shall be, raised for the maintenance and preservation of American liberty." Nor can any of us require to be reminded of the heroic fortitude, the unswerving constancy, and the unsparing self-devotion with which he conducted through seven or eight years that protracted contest, with all its toils and trials, its vexations and vicissitudes, from the successful siege of Boston, his first great triumph, followed by those masterly movements on the Delaware, which no less celebrated a soldier than Frederick the Great declared "the most brilliant achievements of any recorded in the annals of military action," and so along, through all the successes and reverses and sufferings and trials of Monmouth and Brandywine and Germantown and Valley Forge, to the siege of Yorktown, in 1781, where, with the aid of our generous and gallant allies, under the lead of Rochambeau and De Grasse and La Fayette, he won at last that crowning victory on the soil of his beloved Virginia.

Nor need I recall to you the still nobler triumphs witnessed during all this period—triumphs in which no one but he had any share—triumphs over himself; not merely in his magnanimous appreciation of the exploits of his subordinates, even when unjustly and maliciously contrasted with disappointments and alleged inaction of his own, but in repelling the machinations of discontented and mutinous officers at Newburg, in spurning overtures to invest him with dictatorial and even kingly power, and in finally surrendering his sword and commission so simply, so sublimely, to the Congress from which he had received them.

Or, turning sharply from this summary and familiar sketch of his military career, of which, take it for all in all, its long duration, its slender means, its vast theater, its glorious aims and ends and results, there is no parallel in history—turning sharply from all this, need I recall him, in this presence, presiding with paramount influence and authority over the convention which framed the Constitution of the United States, and then, with such consummate discretion, dignity, and wisdom, over the original administration of that Constitution, when the principles and precedents of our great Federal system of government were molded, formed, and established?

It was well said by John Milton, in one of his powerful defenses of the people of England, "War has made many great whom peace makes small." But of Washington we may say, as Milton said of Cromwell, that, while war made him great, peace made him greater; or rather that both war and peace alike gave opportunity for the display of those incomparable innate qualities which no mere circumstances could create or destroy.

But his sword was not yet quite ready to rest quietly in its scabbard. Need I recall him once more, after his retirement from a second term of the Chief Magistracy, accepting a subordinate position, under his successor in the Presidency, as Lieutenant-General of the American armies in view of an impending foreign war, which, thank God, was so happily averted?

Nor can any one who hears me require to be reminded of that last scene of all, when, in his eight-and-sixtieth year, having been overtaken by a fatal shower of sleet and snow in the midst of those agricultural pursuits in which he so much delighted at Mount Vernon, he laid himself calmly down to die—"not afraid to go," as he whispered to his physician—and left his whole country in tears such as had never flowed before. "Mark the perfect man and behold the upright, for the end of that man is peace!"

Eighty-five years ago to-morrow—his sixty-eighth birthday—was solemnly assigned by Congress for a general manifestation of that overwhelming national sorrow, and for the commemoration, by eulogies, addresses, sermons, and religious rites, of the great life which had thus been closed. But long before that anniversary arrived, and one day only after the sad tidings had reached the seat of Government in Philadelphia, President John Adams, in reply to a message of the House of Representatives, had anticipated all panegyrics by a declaration, as true to-day as it was then, that he was "the most illustrious and beloved personage which this country ever produced;" while Henry Lee, of Virginia, through the lips of John Marshall, had summed up and condensed all that was felt, and all that could be or ever can be said, in those imperishable words, which will go ringing down the centuries, in every clime, in every tongue, till time shall be no more, "First in war, first in peace, and first in the hearts of his countrymen!"

But there are other imperishable words which will resound through the ages, words of his own not less memorable than his acts, some of them in private letters, some of them in official correspondence, some of them in inaugural addresses, and some of them, I need not say, in that immortal Farewell Address which an eminent English historian has pronounced "unequaled by any composition of uninspired wisdom," and which ought to be learned by heart by the children of our schools, like the laws of the Twelve Tables in the schools of ancient Rome, and never forgotten when those children grow up to the privileges and responsibilities of manhood.

It was a custom of the ancient Egyptians, from whom the idea of our monument has been borrowed—I should rather say, evolved—to cover their obelisks with hieroglyphical inscriptions, some of which have to this day perplexed and baffled all efforts to decipher them. Neither Champollion, nor the later Lepsius, nor any of the most skillful Egyptologists, have succeeded in giving an altogether satisfactory reading of the legends on Pompey's Pillar and Cleopatra's Needle. And those inscriptions, at their best, engraved, as they were, on the granite or porphyry, with the letters enameled with gold, and boasted of as illuminating the world with their rays, tell us little except the dates and doings of some despotic Pharaoh, whom we would willingly have seen drowned in the ocean of oblivion, as one of them so deservedly was in the depths of the Red Sea. One row of the inscriptions on Cleopatra's Needle, as it so strangely greets us in the fashionable promenade of our commercial capital, informs us, in magniloquent terms, of Thothmes III, who lived in the age in which Moses was born, the age which saw the Exodus of the Israelites. He is set down as a "Child of the Sun, endowed with power, life, and stability." Other inscriptions style him, or some other Pharaoh to whom they relate, the "Chastiser of Foreign Nations," "The Conqueror," "The Strong Bull."

Our Washington Needle, while it has all of the severe simplicity and far more than all of the massive grandeur, which were the characteristics of Egyptian architecture, bears no inscriptions whatever, and none are likely ever to be carved on it. Around its base bas-reliefs in bronze may possibly one day be placed, illustrative of some of the great events of Washington's life; while on the terrace beneath may, perhaps, be arranged emblematic figures of Justice and Patriotism, of Peace, Liberty, and Union. All this, however, may well be left for future years, or even for future generations. Each succeeding generation, indeed, will take its own pride in doing whatever may be wisely done in adorning the surroundings of this majestic pile, and in thus testifying its own homage to the memory of the Father of his Country. Yet to the mind's eye of an American patriot those marble faces will never seem vacant—never seem void or voiceless. No mystic figures or hieroglyphical signs will, indeed, be descried on them. No such vainglorious words as "Conqueror," or "Chastiser of Foreign Nations," nor any haughty assumption or heathen ascription as "Child of the Sun" will be deciphered on them. But ever and anon, as he gazes, there will come flashing forth in letters of living light some of the great words, and grand precepts, and noble lessons of principle and duty which are the matchless bequest of Washington to his country and to mankind.

Can we not all read there already, as if graven by some invisible finger, or inscribed with some sympathetic ink, which it requires no learning of scholars, no lore of Egypt, nothing but love of our own land, to draw out and make legible, those masterly words of his letter to the governors of the States in 1783:

> There are four things which, I humbly conceive, are essential to the well-being—I may even venture to say, to the existence—of the United States as an independent power: First, an indissoluble Union of the States under one Federal head; second, a sacred regard to public justice; third, the adoption of a proper peace establishment; and, fourth, the prevalence of that pacific and friendly disposition among the people of the United States which will induce them to forget their local prejudices and policies, to make those mutual concessions which are requisite to the general prosperity, and, in some instances, to sacrifice their individual advantages to the interest of the community. These are the pillars on which the glorious fabric of our independency and national character must be supported.

Can we not read, again, on another of those seemingly vacant sides, that familiar passage in his Farewell Address—a jewel of thought and phraseology, often imitated, but never matched—"The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations?" and, not far below it, his memorable warning against party spirit—"A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume?"

Still again, terser legends from the same prolific source salute our eager gaze: "Cherish public credit;" "Observe good faith and justice towards all nations; cultivate peace and harmony with all;" "Promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

And, above all—a thousand-fold more precious than all the rest—there will come streaming down from time to time, to many an eager and longing eye, from the very point where its tiny aluminium apex reaches nearest to the skies—and shining forth with a radiance which no vision of Constantine, no labarum for his legions, could ever have eclipsed—some of those solemnly reiterated declarations and counsels, which might almost be called the confession and creed of Washington, and which can never be forgotten by any Christian patriot—

> When I contemplate the interposition of Providence, as it was visibly manifest in guiding us through the Revolution, in preparing us for the reception of the General Government, and in conciliating the good-will of the people of America toward one another after its adoption, I feel myself oppressed and almost overwhelmed with a sense of Divine munificence. I feel that nothing is due to my personal agency in all those wonderful and complicated events, except what can be attributed to an honest zeal for the good of my country. * * * No people can be bound to acknowledge and adore an Invisible Hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of Providential agency. * * * Of all the dispositions and habits which lead to political prosperity, religion and morality

are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and of citizens.

And thus on all those seemingly blank and empty sides will be seen, from time to time, in his own unequaled language, the grand precepts and principles of peace, justice, education, morality, and religion, which he strove to inculcate, while encircling and illuminating them all, and enveloping the whole monument, from corner-stone to capstone, will be read with rapture by every patriotic eye, and be echoed by every patriotic heart, "The Union, the Union in any event!"

But what are all the noble words which Washington wrote or uttered, what are all the incidents of his birth and death, what are all the details of his marvelous career from its commencement to its close, in comparison with his own exalted character as a man! Rarely was Webster more impressive than when, on the completion of the monument at Bunker Hill, in describing what our country had accomplished for the welfare of mankind, he gave utterance, with his characteristic terseness, and in his inimitable tones, to the simple assertion, "America has furnished to the world the character of Washington!" And well did he add that, "if our American institutions had done nothing else, that alone would have entitled them to the respect of mankind."

The character of Washington! Who can delineate it worthily? Who can describe that priceless gift of America to the world in terms which may do it any sort of justice, or afford any degree of satisfaction to his hearers or to himself?

Modest, disinterested, generous, just—of clean hands and a pure heart—self-denying and self-sacrificing, seeking nothing for himself, declining all remuneration beyond the reimbursement of his outlays, scrupulous to a farthing in keeping his accounts, of spotless integrity, scorning gifts, charitable to the needy, forgiving injuries and injustices, brave, fearless, heroic, with a prudence ever governing his impulses and a wisdom ever guiding his valor—true to his friends, true to his whole country, true to himself—fearing God, believing in Christ, no stranger to private devotion or public worship, or to the holiest offices of the Church to which he belonged, but ever gratefully recognizing a Divine aid and direction in all that he attempted and in all that he accomplished—what epithet, what attribute, could be added to that consummate character to commend it as an example above all other characters in merely human history!

From first to last he never solicited or sought an office, military or civil. Every office stood candidate for him, and was ennobled by his acceptance of it. Honors clustered around him as if by the force of "first intention." Responsibilities heaped themselves on his shoulders as if by the law of gravitation. They could rest safely nowhere else, and they found him ever ready to bear them all, ever equal to discharge them all. To what is called personal magnetism he could have had little pretension. A vein of dignified reserve, which Houdon and Stuart have rightly made his peculiar characteristic in marble and on canvas, repressed all familiarities with him. His magnetism was that of merit—superior, surpassing merit—the merit of spotless integrity, of recognized ability, and of unwearied willingness to spend and be spent in the service of his country. That was sufficient to attract irresistibly to his support not only the great mass of the people, but the wisest and best of his contemporaries in all quarters of the Union, and from them he selected, with signal discrimination, such advisers and counselors, in war and in peace, as have never surrounded any other American leader. No jealousy of their abilities and accomplishments ever ruffled his breast, and with them he achieved our Independence, organized our Constitutional Government, and stamped his name indelibly on the age in which he lived as the Age of Washington!

Well did Chief-Justice Marshall, in that admirable preface to the biography of his revered and illustrious friend, sum up with judicial precision the services he was about to describe in detail. Well and truly did he say:

As if the chosen instrument of Heaven, selected for the purpose of effecting the great designs of Providence respecting this our Western Hemisphere, it was the peculiar lot of this distinguished man, at every epoch when the destinies of his country seemed dependent on the measures adopted, to be called by the united voice of his fellow-citizens to those high stations on which the success of those measures principally depended.

I do not forget that there have been other men, in other days, in other lands, and in our own land, who have been called to command larger armies, to preside over more distracted councils, to administer more extended governments, and to grapple with as complicated and critical affairs. Gratitude and honor wait ever on their persons and their names! But we do not estimate Miltiades at Marathon, or Pausanias at Platæa, or Themistocles at Salamis, or Epaminondas at Mantinea or Leuctra, or Leonidas at Thermopylæ, by the number of the forces which they led on land or on sea. Nor do we gauge the glory of Columbus by the size of the little fleet with which he ventured so heroically upon the perils of a mighty unknown deep. There are some circumstances which can not occur twice; some occasions of which there can be no repetition; some names which will always assert their individual pre-eminence, and will admit of no rivalry or comparison. The glory of Columbus can never be eclipsed, never approached, till our New World shall require a fresh discovery; and the glory of Washington will remain unique and peerless until American Independence shall require to be again achieved, or the foundations of constitutional liberty to be laid anew.

Think not that I am claiming an immaculate perfection for any mortal man. One Being only has ever walked this earth of ours without sin. Washington had his infirmities and his passions like the rest of us; he would have been more or less than human had he never been overcome by them. There were young officers around him, in camp and elsewhere, not unlikely to have thrown temptations in his path, whether he ever yielded to them or not. There were treacherous men, too, whose words in council, or conduct in battle, or secret plottings behind his back, aroused his righteous indignation, and gave occasion for memorable bursts of anger. Now and then there was a disaster, like that of St. Clair's expedition against the Indians in 1791, the first tidings of which stirred the very depths of his soul, and betrayed him into a momentary outbreak of mingled grief and rage, which proved how violent were the emotions he was so generally able to control.

He made no boast of virtue or of valor, and no amount of flattery ever led him to be otherwise than distrustful of his own ability and merits. As early as 1757, when only 25 years of age, he wrote to Governor Dinwiddie:

That I have foibles, and perhaps many of them, I shall not deny; I should esteem myself, as the world also would, vain and empty were I to arrogate perfection.

On accepting the command of the Army of the Revolution, in 1775, he said to Congress:

I beg it may be remembered by every gentleman in the room that I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honored with.

And, in 1777, when informed that anonymous accusations against him had been sent to Laurens, then President of Congress, he wrote privately to beg that the paper might be at once submitted to the body to which it was addressed, adding these frank and noble words:

Why should I be exempt from censure, the unfailing lot of an elevated station? Merit and talents which I can not pretend to rival have ever been subject to it. My heart tells me it has been my unremitted aim to do the best which circumstances would permit; yet I may have been very often mistaken in my judgment of the means, and may, in many instances, deserve the imputation of error.

And when at last he was contemplating a final retirement from the Presidency, and in one of the draughts of his Farewell Address had written that he withdrew "with a pure heart and undefiled hands," or words to that effect, he suppressed the passage and all other similar expressions, lest, as he suggested, he should seem to claim for himself a measure of perfection which all the world now unites in according to him. For I hazard little in asserting that all the world does now accord to Washington a tribute, which has the indorsement of the Encyclopædia Britannica, that, "of all men that have ever lived, he was the greatest of good men, and the best of great men." Or, let me borrow the same idea from a great English poet, who gave his young life and brilliant genius to the cause of liberty in modern Greece. "Where," wrote Byron—

Where may the wearied eye repose
When gazing on the great,
Where neither guilty glory glows,
Nor despicable state?
Yes, one—the first, the last, the best,
The Cincinnatus of the West,
Whom envy dared not hate—
Bequeathed the name of Washington,
To make men blush there was but one!

To what other name have such tributes ever been paid by great and good men abroad as well as at home? You have not forgotten the language of Lord Erskine in his inscription of one of his productions to Washington himself:

You are the only being for whom I have an awful reverence.

You have not forgotten the language of Charles James Fox, in the House of Commons:

Illustrious man, before whom all borrowed greatness sinks into insignificance.

You have not forgotten the language of Lord Brougham, twice uttered, at long intervals, and with a purpose, as Brougham himself once told me, to impress and enforce those emphatic words as his fixed and final judgment:

Until time shall be no more will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington!

Nor can I fail to welcome the crowning tribute, perhaps from our motherland, reaching me, as it has, at the last moment of revising what I had prepared for this occasion, in a published letter from Gladstone, her great prime minister, who, after saying in casual conversation that Washington was "the purest figure in history," writes deliberately, "that if, among all the pedestals supplied by history for public characters of extraordinary nobility and purity, I saw one higher than all the rest, and if I were required at a moment's notice to name the fittest occupant for it, I think my choice, at any time during the last forty-five years, would have lighted, and it would now light, upon Washington!"

But if any one would get a full impression of the affection and veneration in which Washington was held by his contemporaries, let him turn, almost at random, to the letters which were addressed to him, or which were written about him, by the eminent men, military or civil, American or European, who were privileged to correspond with him, or who ever so casually found occasion to allude to his career and character. And let him by no means forget, as he reads them, that those letters were written a hundred years ago, when language was more measured, if not more sincere, than now, and before the indiscriminate use of the superlative, and the exaggerations and adulations of flatterers and parasites, sending great and small alike down to posterity as patterns of every virtue under heaven, had tended to render such tributes as suspicious as they often are worthless.

What, for instance, said plain-speaking old Benjamin Franklin?

My fine crab-tree walking-stick, with a gold head curiously wrought in the form of the cap of Liberty—

These are the words of his will, in 1789—

I give to my friend and the friend of mankind George Washington. If it were a scepter, he has merited it, and would become it.

Happy, happy America—

Wrote Gouverneur Morris from Paris, in 1793, when the French revolution was making such terrific progress—

Happy, happy America, governed by reason, by law, by the man whom she loves, whom she almost adores. It is the pride of my life to consider that man as my friend, and I hope long to be honored with that title.

I have always admired—

Wrote to him Count Herzburg, from Berlin, where he had presided for thirty years over the Ministry of Foreign Affairs, under Frederick the Great—

I have always admired your great virtues and qualities, your disinterested patriotism, your unshaken courage and simplicity of manners—qualifications by which you surpass men even the most celebrated of antiquity.

I am sorry—

Wrote Patrick Henry, then Governor of Virginia, in allusion to the accusations of one of the notorious faction of 1777—

I am sorry there should be one man who counts himself my friend who is not yours.

Thomas Jefferson, who, we all know, sometimes differed from him, took pains, at a later period of his life, to say of him in a record for posterity:

His integrity was most pure; his justice the most inflexible I have ever known; no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the word, a wise, a good, and a great man.

If I could now present myself—

Wrote Edmund Randolph, who had made injurious imputations on Washington before and after his dismissal from the Cabinet in 1795—

If I could now present myself before your venerated uncle—

He wrote most touchingly to Judge Bushrod Washington in 1810—

It would be my pride to confess my contrition that I suffered my irritation, let the cause be what it might, to use some of those expressions respecting him, which, at this moment of indifference to the world, I wish to recall, as being inconsistent with my subsequent conviction. My life will, I hope, be sufficiently extended for the recording of my sincere opinion of his virtues and merit in a style which is not the result of a mind merely debilitated by misfortune, but of that Christian philosophy on which alone I depend for inward tranquillity.

And far more touching and more telling still is the fact that even Thomas Conway, the leader of that despicable cabal at Valley Forge, but who lived to redeem his name in other lands, if not in our own, when believing himself to be mortally wounded in a duel, in 1778, and "just able," as he said, "to hold the pen for a few minutes," employed those few minutes in writing to Washington to express his "sincere grief for having done, written, or said anything disagreeable" to him, adding these memorable words:

You are, in my eyes, the great and good man. May you long enjoy the love, veneration, and esteem of these States, whose liberties you have asserted by your virtues!

From his illustrious friend Alexander Hamilton I need not cite a word. His whole life bore testimony, more impressive than words, to an admiration and affection for his great chief, which could not be exceeded, and which no momentary misunderstandings could shake.

But listen once more, and only once more, to La Fayette, writing to Washington from Cadiz in 1783, when the glad tidings of the treaty of peace had just reached him:

Were you but such a man as Julius Cæsar, or the King of Prussia, I should almost be sorry for you at the end of the great tragedy where you are acting such a part. But, with my dear general, I rejoice at the blessings of a peace in which our noble ends have been secured. * * * As for you, who truly can say you have done all this, what must your virtuous and good heart feel in the happy moment when the Revolution you have made is now firmly established!

Rightly and truly did La Fayette say that his beloved general was of another spirit and of a different mold from Cæsar and Frederick. Washington had little, or nothing, in common with the great military heroes of his own or any other age—conquering for the sake of conquest—"wading through slaughter to a throne"—and overrunning the world at a countless cost of blood and treasure to gratify their own ambition, or to realize some mad dream of universal empire. No ancient Plutarch has furnished any just parallel for him in this respect. No modern Plutarch will find one. In all history, ancient and modern alike, he stands, in this respect, as individual and unique as yonder majestic needle.

In his eulogy on Washington before the Legislature of Massachusetts the eloquent Fisher Ames, my earliest predecessor in Congress from the Boston district, said, eighty-five years ago, that in contemplating his career and character, "Mankind perceived some change in their ideas of greatness. * * * The splendor of power, and even the name of conqueror, had grown dim in their eyes. * * * They knew and felt that the world's wealth, and its empire too, would be a bribe far beneath his acceptance." Yes, they all saw that he bore ever in his mind and in his heart, as he said in Philadelphia on his way to Cambridge, in 1775, that "as the sword was the last resort for the preservation of our liberties, so it ought to be the first thing laid aside when those liberties were firmly established." And they saw him lay down his sword at the earliest moment, and retire to the pursuits of peace, only returning again to public service at the unanimous call of his country, to preside for a limited period over a free constitutional republic, and then eagerly resuming the rank of an American citizen. That was the example which changed the ideas of mankind as to what constitutes real greatness. And that example was exhibited for all nations and for all ages, never to be forgotten or overlooked, by him who was born one hundred and fifty-three years ago to-morrow in that primitive little Virginia farm-house.

I am myself a New Englander by birth, a son of Massachusetts, bound by the strongest ties of affection and of blood to honor and venerate the earlier and the later worthies of the old Puritan Commonwealth, jealous of their fair fame, and ever ready to assert and vindicate their just renown. But I turn reverently to the Old Dominion to-day, and salute her as the mother of the pre-eminent and incomparable American, the Father of his Country, and the foremost figure in all merely human history. In the words of our own poet, Lowell:

Virginia gave us this imperial man,
Cast in the massive mold
Of those high-statured ages old
Which into grander forms our mortal metal ran;
She gave us this unblemished gentleman:
What shall we give her back but love and praise?

Virginia has had other noble sons, whom I will not name, but whom I do not forget. When I remember how many they are, and how great they have been, and how much our country has owed them, I may well exclaim, "*Felix prole virûm.*" But, as I think of her Washington—of our Washington let me rather say—I am almost ready to add, "*Læta Deûm partu!*"

A celebrated philosopher of antiquity, who was nearly contemporary with Christ, but who could have known nothing of what was going on in Judea, and who alas! did not always "reck his own rede"—wrote thus to a younger friend, as a precept for a worthy life:

Some good man must be singled out and kept ever before our eyes, that we may live as if he were looking on, and do everything as if he could see it.

Let me borrow the spirit, if not the exact letter, of that precept, and address it to the young men of my country: "Keep ever in your mind and before your mind's eye the loftiest standard of character. You have it, I need not say, supremely and unapproachably, in Him who spake as never man spake and lived as never man lived, and who died for the sins of the world. That character stands apart and alone. But of merely mortal men the monument we have dedicated to-day points out the one for all Americans to study, to imitate, and, as far as may be, to emulate. Keep his example and his character ever before your eyes and in your hearts. Live and act as if he were seeing and judging your personal conduct and your public career. Strive to approximate that lofty standard, and measure your integrity and your patriotism by your nearness to it or your departure from it. The prime meridian of universal longitude, on sea or land, may be at Greenwich, or at Paris, or where you will. But the prime meridian of pure, disinterested, patriotic, exalted human character will be marked forever by yonder Washington obelisk!"

Yes, to the young men of America, under God, it remains, as they rise up from generation to generation, to shape the destinies of their country's future; and woe unto them if, regardless of the great example which is set before them, they prove unfaithful to the tremendous responsibilities which rest upon them!

Yet, let me not seem even for a moment to throw off upon the children the rightful share of those responsibilities which belongs to their fathers. Upon us, upon us it devolves to provide that the advancing generations shall be able to comprehend and equal to meet the demands which are thus before them. It is ours, it is yours especially, Senators and Representatives, to supply them with the means of that universal education which is the crying want of our land, and without which any intelligent and successful free government is impossible.

We are just entering on a new olympiad of our national history—the twenty-fifth olympiad since Washington first entered on the administration of our Constitutional Government. The will of the people has already designated under whom the first century of that Government is to be closed, and the best hopes and wishes of every patriot will be with him in the great responsibilities on which he is about to enter. No distinction of party or of section prevents our all feeling alike that our country, by whomsoever governed, is still and always our country, to be cherished in all our hearts, to be upheld and defended by all our hands!

Most happy would it be if the 30th of April, on which the first inauguration of Washington took place in 1789, could henceforth be the date of all future inaugurations (as it might be by a slight amendment to the Constitution), giving, as it would, a much-needed extension to

the short sessions of Congress, and letting the second century of our constitutional history begin where the first century began.

But let the date be what it may, the inspiration of the centennial anniversary of that first great inauguration must not be lost upon us. Would that any words of mine could help us all, old and young, to resolve that the principles and character and example of Washington, as he came forward to take the oaths of office on that day, shall once more be recognized and reverenced as the model for all who succeed him, and that his disinterested purity and patriotism shall be the supreme test and standard of American statesmanship! That standard can never be taken away from us. The most elaborate and durable monuments may perish. But neither the forces of nature, nor any fiendish crime of man, can ever mar or mutilate a great example of public or private virtue.

Our matchless obelisk stands proudly before us to-day, and we hail it with the exultations of a united and glorious nation. It may or may not be proof against the cavils of critics, but nothing of human construction is proof against the casualties of time. The storms of winter must blow and beat upon it. The action of the elements must soil and discolor it. The lightnings of heaven my scar and blacken it. An earthquake may shake its foundations. Some mighty tornado, or resistless cyclone, may rend its massive blocks asunder and hurl huge fragments to the ground. But the character which it commemorates and illustrates is secure. It will remain unchanged and unchangeable in all its consummate purity and splendor, and will more and more command the homage of succeeding ages in all regions of the earth.

God be praised, that character is ours forever!

The reading of the above was frequently interrupted by general applause.

Then followed music by the Marine Band.

The PRESIDENT OF THE SENATE. Gentlemen, an oration will now be delivered by Hon. John W. Daniel, of Virginia. [Applause.]

ORATION.

Mr. JOHN W. DANIEL. Mr. President of the United States, Senators, Representatives, Judges, Mr. Chairman, and my Countrymen, alone in its grandeur stands forth the character of Washington in history; alone like some peak that has no fellow in the mountain range of greatness.

"Washington," says Guizot: "Washington did the two greatest things which in politics it is permitted to man to attempt. He maintained by peace the independence of his country, which he had conquered by war. He founded a free government in the name of the principles of order and by re-establishing their sway." Washington did indeed do these things. But he did more. Out of disconnected fragments he molded a whole and made it a country. He achieved his country's independence by the sword. He maintained that independence by peace as by war. He finally established both his country and its freedom in an enduring frame of constitutional government, fashioned to make liberty and union one and inseparable. These four things together constitute the unexampled achievement of Washington.

The world has ratified the profound remark of Fisher Ames, that "he changed mankind's ideas of political greatness." It has approved the opinion of Edward Everett, that he was "the greatest of good men, and the best of great men." It has felt for him, with Erskine, "an awful reverence." It has attested the declaration of Brougham that "he was the greatest man of his own or of any age." It is matter of fact to-day as when General Hamilton, announcing his death to the Army, said:

The voice of praise would in vain endeavor to exalt a name unrivaled in the lists of true glory.

America still proclaims him, as did Col. Henry Lee in the House of Representatives:

The man first in war, first in peace, and first in the hearts of his countrymen.

And from beyond the sea the voice of Alfieri, breathing the soul of all lands and all peoples, still pronounces the blessing:

Happy are you who have for the sublime and permanent basis of your glory the love of country demonstrated by deeds.

Tell me, ye who have unrolled the scrolls that bear the records of the rise and fall of nations; ye before whose eyes has moved the panorama of man's struggles, achievements, and progression, find you anywhere the story of one whose life work is more than a fragment of that which in his life is set before you?

Conquerors who have stretched your scepters over boundless territories; founders of empires who have held your dominions in the reign of law; reformers who have cried aloud in the wilderness of oppression; teachers who have striven to cast down false doctrine, heresy, and schism; statesmen whose brains have throbbed with mighty plans for the amelioration of human society; scar-crowned vikings of the sea, illustrious heroes of the land, who have borne the standards of siege and battle, come forth in bright array from your glorious fanes, and would ye be measured by the measure of his stature? Behold you not in him a more illustrious and more venerable presence? Statesman, soldier, patriot, sage, reformer of creeds, teacher of truth and justice, achiever and preserver of liberty, the first of men, founder and saviour of his country, father of his people—this is he, solitary and unapproachable in his grandeur!

Oh, felicitous Providence that gave to America our Washington!

THE MONUMENT.

High soars into the sky to-day, higher than the pyramid or the dome of St. Paul's or St. Peter's—the loftiest and most imposing structure that man has ever reared—high soars into the sky to where

Earth highest yearns to meet a star,

the monument which "We the people of the United States" have uplifted to his memory. It is a fitting monument, more fitting than any statue. For his image could only display him in some one phase of his varied character. So art has fitly typified his exalted life in you plain lofty shaft. Such is his greatness, that only by a symbol could it be represented. As Justice must be blind in order to be whole in contemplation, so History must be silent that by this mighty sign she may disclose the amplitude of her story.

MASSACHUSETTS AND HER ORATOR.

It was fitting that the eminent citizen who thirty-seven years ago spoke at the laying of the corner-stone should be the orator at the consummation of the work which he inaugurated. It was Massachusetts that struck the first blow for Independence; it was her voice that made the stones of Boston to "rise in mutiny;" it was her blessed blood that sealed the covenant of our salvation. The firmament of our national life she has thickly sown with deeds of glory.

JOHN ADAMS.

John Adams of Massachusetts was among the first to urge the name of Washington to the Continental Congress when it commissioned him as Commander-in-Chief of the American forces; it was upon her soil that he drew the sword which was sheathed at Yorktown, and first gave to the battle-breeze the thirteen stripes that now float in new galaxies of stars.

And meet it was that here in the Capitol of the Republic, at the distance of more than a century from its birth, the eloquent son of that illustrious State should span the chasm with his bridge of gold, and emblazon the final arch of commemoration.

And I fancy, too, that in a land where the factious tongues of the elder nations are being hushed at last, and all rival strains commingled in the blood of brotherhood, the accomplished mission of America finds fitting illustration in the Sage descended from the Pilgrims crowning the Hero sprung from the Cavaliers.

VIRGINIA.

It has seemed fitting to you, Mr. Chairman and gentlemen of the commission, that a citizen of the State which was the birthplace and the home of Washington; whose House of Burgesses, of which he was a member, made the first burst of opposition against the stamp act, although less pecuniarily interested therein than their New England brethren, and was the first representative body to recommend a general congress of the Colonies; of the State whose Mason drew that Bill of Rights which has been called the Magna Charta of America; whose Jefferson wrote, whose Richard Henry Lee moved, the Declaration that those Colonies be "free and independent States;" whose Henry condensed the Revolution into the electric sentence, "Liberty or death;" of the State which cemented union with the vast territorial dowry out of which five States have been carved, having now here some ninety Representatives; of that State whose Madison was named "the Father of the Constitution," and whose Marshall became its most eminent expounder; of the State which holds within its bosom the sacred ashes of Washington, and cherishes not less the principles which once kindled them with fires of Heaven descended—it has seemed fitting to you, gentlemen, that a citizen of that State should also be invited to deliver an address on this occasion.

Would with all my heart that a worthier one had been your choice. Too highly do I esteem the position in which you place me to feel aught but solemn distrustfulness and apprehension. And who indeed might not shrink from such a theater when a Winthrop's eloquence still thrilled all hearts, with Washington the theme?

Yet, in Virginia's name I thank you for the honor done her. She deserved it. Times there are when even hardihood is virtue; and to such virtue alone do I lay claim in venturing to abide your choice to be her spokesman.

None more than her could I offend did I take opportunity to give her undue exaltation. Her foremost son does not belong to her alone, nor does she so claim him. His part and her part in the Revolution would have been as naught but for what was done so gloriously by his brothers in council and in arms and by her sister Colonies, who kept the mutual pledge of "life, fortune, and sacred honor."

GREETINGS TO SISTER STATES.

New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia—your comrade of the days that tried men's souls salutes you in honor and affection! No laurel could be plucked too bright for Virginia's hand to lay upon your brows!

And ye, our younger companions, who have sprung forth from the wilderness, the prairie, and the mountain, and now extend your empire to the far slopes where your teeming cities light their lamps by the setting sun, what grander tribute to the past, what happier assurance of the present, what more auspicious omens of the future could Heaven vouchsafe us than those which live and move and have their being in your presence? What heart could contemplate the scene and not leap into the exclamation, "I, too, am an American citizen!"

WASHINGTON A VIRGINIAN BEFORE AN AMERICAN.

But may I not remind you that Washington was a Virginian before he became an American, to tell his countrymen that "the name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations?" And may I not seek the fountains from which sprung a character so instinct with love of country?

THE PURITANS AND THE CAVALIERS.

The Puritans of England, who from the landing at Plymouth in 1620 to the uprising against Charles I in 1640, "turned to the New World," in the language of Canning, "to redress the balance of the Old," were quickly followed to America by a new stream of immigration that has left as marked an impress upon our civilization between the South Atlantic and the Mississippi as the sons of the Pilgrims have made between the North Atlantic and the Lakes.

When Charles I was beheaded in 1649, and when his son, the second Charles, was beaten at Worcester in 1651, multitudes of the King's men turned their faces also to the new land of hope, the very events which checked the emigration of the Puritans to New England giving impulse to the tide which moved the Cavaliers to the Old Dominion.

Intense loyalists were these new Virginians, who "would defend the crown if it hung upon a bush;" and when indeed its substance vanished with the royal head that wore it, these "faithful subjects of King and Church" held allegiance to its phantom and to the exiled claimant. But they were not inattentive to their liberties. And if Virginia was the last of all the countries belonging to England to submit to Cromwell, yet she was also "the first state in the world composed of separate boroughs, diffused over an extensive surface, where representation was organized on the principle of universal suffrage."

As in New England the Pilgrim Colony grew apace, so in Virginia prospered that of the Cavaliers. With the love of landed estates which is an instinct of their race, they planted their homes in the fertile lowlands, building great houses on broad acres, surrounded by ornamental grounds and gardens.

The family became a government within itself—the mistress a rural queen, the master a local potentate, with his graziers, seedsmen, gardeners, brewers, butchers, and cooks around him. Many of the heads of families were traveled and accomplished men. The parishes were ministered to by the learned clergy of the Established Church. In the old college of William and Mary ere long were found the resources of classic education, and in the old capital town of Williamsburg the winter season shone resplendent with the entertainments of a refined society.

Born almost to the saddle and to the use of fire-arms, they were keen hunters, and when the chase was over they sat by groaning boards and drank confusion to the Frenchman and Spaniard abroad and to Roundhead and Prelatist at home. When the lurking and predatory Indian became the object of pursuit, no speed of his could elude their fiery and gallantly mounted cavalry.

VIRGINIA AND VIRGINIANS OF OLDEN TIME.

This was the Virginia, these the Virginians, of the olden time. If even in retrospect their somewhat aristocratic manners touch the sensitive nerve of a democratic people, it may at least be said of them that nothing like despotism, nihilism, communism, or dynamite was ever found amongst them; that they cherished above all things honor and courage, the virtues preservative of all other virtues; that their homes became the nurseries of men, and leaders of men, who could cope with great forces, resolve great problems, and assert great principles. And it is at least true that their habits of thought and living never proved more dangerous to "life, liberty, and the pursuit of happiness" than those of others who in later days corrupt the suffrage in the rank growth of cities; build palaces and pile up millions amid crowded paupers; monopolize telegraphic and railway lines by corporate machinery; spurn all relations to politics, save to debauch its agencies for personal gain; and know no Goddess of Liberty and no Eagle of Country save in the images which satire itself has stamped on the Almighty Dollar.

LINEAGE OF WASHINGTON.

In 1657, while yet "a Cromwell filled the Stuart's throne," there came to Virginia with a party of Carlists who had rebelled against him John Washington, of Yorkshire, England, who became a magistrate and member of the House of Burgesses, and who distinguished himself in Indian warfare as the first Colonel Washington on this side of the water. He was the nephew of that Sir Henry Washington who had led the forlorn hope of Prince Rupert at Bristol in 1643, and who, with a starving and mutinous garrison, had defended Worcester in 1649, answering all calls for surrender that he "awaited His Majesty's commands."

And his progenitors had for centuries, running back to the Norman Conquest, been men of mark and fair renown.

Just pride and modesty of individuality alike forbid the seeking from any source of a borrowed luster, and the Washingtons were never studious or pretentious of ancestral dignities. But "we are quotations from our ancestors," says the Philosopher of Concord—and who will say that in the loyalty to conscience and to principle, and to the right of self-determination of what is principle, which the Washingtons have ever shown whether as loyalist or rebel, was not the germ of that deathless devotion to liberty and country which soon discarded all ancient forms in the mighty stroke for Independence?

ANGLO-SAXON TRAITS.

Two traits of the Anglo-Saxon have ever been equally conspicuous: respect for authority, resistance to its abuse.

A very Tempe had Virginia been, sheltering the loyal Cavaliers in their reverence for authority. The higher trait of the Anglo-Saxon was about to receive more memorable illustration, and she uprose, Olympus-like, in her resistance to its abuse.

And the instrument of Providence to lead her people and their brethren, had he lived in the days when mythic lore invested human heroes with a godlike grace, would have been shrouded in the glory of Olympian Jove.

MOUNT VERNON.

One hundred and fifty-three years ago, on the banks of the Potomac, in the county of Westmoreland, on a spot marked now only by a memorial stone, of the blood of the people whom I have faintly described, the fourth in descent from the Col. John Washington whom I have named, there was born a son to Augustine and Mary Washington. And not many miles above his birthplace is the dwelling where he lived and now lies buried.

Borne upon the bosom of that river which here mirrors Capitol, dome, and monumental shaft in its seaward flow, the river itself seems to reverse its current and bear us silently into the past. Scarce has the vista of the city faded from our gaze when we behold on the woodland height that swells above the waters—amidst walks and groves and gardens—the white porch of that old colonial plantation home which has become the shrine of many a pilgrimage.

Contrasting it as there it stands to-day with the marble halls that we have left behind us, we realize the truth of Emerson: "The atmosphere of moral sentiment is a region of grandeur which reduces all material magnificence to toys, yet opens to every wretch that has reason the doors of the universe."

The quaint old wooden mansion, with the stately but simple old-fashioned mahogany furniture, real and ungarnished; the swords and relics of campaigns and scenes familiar to every school-boy now; the key of the Bastile hanging in the hall incased in glass, calling to mind Tom Paine's happy expression, "That the principle of the American Revolution opened the Bastile is not to be doubted, therefore the key comes to the right place;" the black velvet coat worn when the farewell address to the Army was made; the rooms all in nicety of preparation as if expectant of the coming host—we move among these memorials of days and men long vanished, we stand under the great trees and watch the solemn river, we gaze upon the simple tomb whose silence is unbroken save by the murmur of the waters or the wild bird's note, and we are enveloped in an atmosphere of moral grandeur which no pageantry of moving men nor splendid pile can generate. By the tumulus of Marathon the Greeks have the tradition that in the gloom of night may yet be heard the neighing of horses and the clash of arms. In the spell that broods o'er the sacred graves of Vernon, patriotism, honor, courage, justice, virtue, truth seem bodied forth—the only imperishable realities of man's being.

YOUTH OF WASHINGTON.

There emerges from the shades the figure of a youth over whose cradle had hovered no star of destiny, nor dandled a royal crown—an ingenuous youth, and one who in his early days gave auguries of great powers; the boy whose strong arm could fling a stone across the Rappahannock; whose strong will could tame the most fiery horse; whose just spirit made him the umpire of his fellows; whose obedient heart bowed to a mother's yearning for her son and laid down the midshipman's warrant in the British navy which answered his first ambition's dream; the student transcribing mathematical problems, accounts, and business forms, or listening to soldiers and seamen of vessels in the river as they tell of "hair-breadth 'scapes by flood and field;" the early moralist in his thirteenth year compiling matured "Rules for behavior and conversation;" the surveyor of sixteen, exploring the wilderness for Lord Fairfax; the incipient soldier studying tactics under Adjutant Muse, and taking lessons in broadsword fence from the soldier of fortune, old Jacob Van Braam; the major and adjutant-general of Virginia frontier forces at nineteen—we seem to see him yet as there he stood, a model of manly beauty in his youthful prime, a man in all that makes a man ere manhood's years have been fulfilled standing on the threshold of a grand career, "hearing his days before him and the trumpet of his life."

THE SEVEN YEARS' WAR.

The scene changes. Out into the world of stern adventures he passes, taking as naturally to the field and the frontier as the eagle to the air. At the age of twenty-one he is riding from Williamsburg to the French post at Venango, in Western Pennsylvania, on a mission for Governor Dinwiddie which requires "courage to cope with savages and sagacity to negotiate with white men"—in that mission which Edward Everett

recognizes as "the first movement of a military nature which resulted in the establishment of American Independence." At twenty-two he has "fleshed his maiden sword," has heard the bullets whistle, and found "something charming in the sound;" and soon he is colonel of the Virginia regiment in the unfortunate affair at Fort Necessity, and is compelled to capitulate and retreat, losing a sixth of his command. He quits the service on a point of military etiquette and honor, but at twenty-three he reappears as volunteer aid by the side of Braddock in the ill-starred expedition against Fort Duquesne, and is the only mounted officer unscathed in the disaster, escaping with four bullet-holes through his garments, and after having two horses shot under him.

The prophetic eye of Samuel Davies has now pointed him out as "that heroic youth, Colonel Washington, whom I can but believe Providence has hitherto preserved in so signal a manner for some important service to his country." Soon the prophecy is fulfilled. The same year he is in command of the Virginia frontier forces. Arduous conflicts of various fortunes are ere long ended, and on the 25th of November, 1759, he marches into the reduced fortress of Fort Duquesne—where Pittsburgh now stands, and her Titans of industry wage the eternal war of toil—marches in with the advanced guard of his troops, and plants the British flag over its smoking ruins.

That self-same year, Wolfe, another young and brilliant soldier of Britain, the Wolsely of his time, has scaled and triumphed on the Heights of Abraham—his flame of valor quenched as it lit the blaze of victory. Canada surrenders. The Seven Years' War is done. The French power in America is broken. The vast region west of the Alleghanies, from the Lakes to the Ohio, embracing its valley and tributary streams, is under the scepter of King George. America has been made whole to the English-speaking race, to become in time the Greater Britain.

RETIREMENT.

Thus, building wiser than he knew, Washington had taken no small part in cherishing the seed of a nascent nation. Mount Vernon welcomes back the soldier of twenty-seven, who has become a name. Domestic felicity spreads its charms around him with the "agreeable partner" whom he has taken to his bosom, and he dreams of "more happiness than he has experienced in the wide and bustling world." Already, ere his sword had found its scabbard, the people of Frederick County had made him their member of the House of Burgesses. And the quiet years roll by as the planter, merchant, and representative superintends his farm, ships his crops, posts his books, keeps his diary, matures schemes of internal improvement, leaps on his horse and chases the fox for amusement, or rides over to Annapolis and leads the dance at the Maryland capital—alternating between these private pursuits and serving his people as member of the Legislature and justice of the county court.

REVOLUTION.

But ere long this happy life is broken. The air is electrical with the currents of revolution. England has launched forth on the fatal policy of taxing her colonies without their consent. The spirit of liberty and resistance is aroused. He is loth to part with the motherland which he still calls "Home." But she is deaf to reason. The first Colonial Congress is called. He is a Delegate, and rides to Philadelphia with Henry and Pendleton. The blow at Lexington is struck. The sons of the Cavaliers spring to the side of the sons of the Pilgrims.

He becomes Commander-in-Chief of the American forces. After another Seven Years' War he is the deliverer of his country. The old Confederation passes away. The Constitution is established. He is twice chosen President of the United States and renounces further service. Once again Mount Vernon's grateful shades receive him, and there the world-crowned hero now becomes again the simple citizen, wishing his fellow-men "to see the whole world in peace and its inhabitants one band of brothers, striving who could contribute most to the happiness of mankind," without a wish for himself, but "to live and die an honest man on his farm." A speck of war spots the sky. John Adams calls him forth as Lieutenant-General and Commander-in-Chief to lead America once more. But the cloud vanishes.

PEACE—DEATH.

Peace reigns. The lark sings at heaven's gate in the fair morn of the new nation. Serene, contented, yet in the strength of manhood, though on the verge of three-score years and ten, he looks forth—the quiet farmer from his pleasant fields, the loving patriarch from the bowers of home—looks forth and sees the work of his hands established in a free and happy people. Suddenly comes the mortal stroke with severe cold. The agony is soon over. He feels his own dying pulse—the hand relaxes—he murmurs, "It is well;" and Washington is no more. While yet Time had crumbled never a stone, nor dimmed the lustrous surface, prone to earth the mighty column fell!

Washington, the Friend of Liberty, is no more!

The solemn cry filled the universe. Amidst the tears of his people, the bowed heads of kings, and the lamentations of the nations, they laid him there to rest upon the banks of the river whose murmurs were his boyhood's music—that river which, rising in mountain fastnesses among the grandest works of nature, and reflecting in its course the proudest works of man, is but a symbol of his history—which in its ceaseless and ever-widening flow is but a symbol of his eternal fame.

CHARACTER OF WASHINGTON.

No sum could now be made of Washington's character that did not exhaust language of its tributes and repeat virtue by all her names. No sum could be made of his achievements that did not unfold the history of his country and its institutions—the history of his age and its progress—the history of man and his destiny to be free. But, whether character or achievement be regarded, the riches before us only expose the poverty of praise. So clear was he in his great office that no ideal of the leader or ruler can be formed that does not shrink by the side of the reality. And so has he impressed himself upon the minds of men, that no man can justly aspire to be the chief of a great free people who does not adopt his principles and emulate his example. We look with amazement on such eccentric characters as Alexander, Cæsar, Cromwell, Frederick, and Napoleon, but when Washington's face rises before us, instinctively mankind exclaims, "This is the man for nations to trust and reverence and for rulers to follow."

Drawing his sword from patriotic impulse, without ambition and without malice, he wielded it without vindictiveness and sheathed it without reproach. All that humanity could conceive he did to suppress the cruelties of war and soothe its sorrows. He never struck a coward's blow. To him age, infancy, and helplessness were ever sacred. He tolerated no extremity unless to curb the excesses of his enemy, and he never poisoned the sting of defeat by the exultation of the conqueror.

Peace he welcomed as a Heaven-sent herald of friendship; and no country has given him greater honor than that which he defeated; for England has been glad to claim him as the scion of her blood, and proud, like our sister American States, to divide with Virginia the honor of producing him.

Fascinated by the perfection of the man, we are loth to break the mirror of admiration into the fragments of analysis. But, lo! as we attempt it every fragment becomes the miniature of such sublimity and beauty that the destructive hand can only multiply the forms of immortality.

Grand and manifold as were its phases, there is yet no difficulty in understanding the character of Washington. He was no Veiled Prophet. He never acted a part. Simple, natural, and unaffected, his life lies before us—a fair and open manuscript. He disdained the arts which wrap power in mystery in order to magnify it. He practiced the profound diplomacy of truthful speech—the consummate tact of direct attention. Looking ever to the All-Wise Disposer of events, he relied on that Providence which helps men by giving them high hearts and hopes to help themselves with the means which their Creator has put at their service. There was no infirmity in his conduct over which Charity must fling its veil; no taint of selfishness from which Purity averts her gaze; no dark recess of intrigue that must be lit up with colored panegyric; no subterranean passage to be trod in trembling lest there be stirred the ghost of a buried crime.

A true son of nature was George Washington—of nature in her brightest intelligence and noblest mold; and whatever difficulty, if such there be in comprehending him, is only that of reviewing from a single standpoint the vast procession of those civil and military achievements which filled nearly half a century of his life, and in realizing the magnitude of those qualities which were requisite to their performance—the difficulty of fashioning in our minds a pedestal broad enough to bear the towering figure, whose greatness is diminished by nothing but the perfection of its proportions. If his exterior—in calm, grave, and resolute repose—ever impressed the casual observer as austere and cold, it was only because he did not reflect that no great heart like his could have lived unbroken unless bound by iron nerves in an iron frame. The Commander of Armies, the Chief of a People, the Hope of Nations could not wear his heart upon his sleeve; and yet his sternest will could not conceal its high and warm pulsations. Under the enemy's guns at Boston he did not forget to instruct his agent to administer generously of charity to his needy neighbors at home. The sufferings of women and children, thrown adrift by war, and of his bleeding comrades, pierced his soul. And the moist eye and trembling voice with which he bade farewell to his veterans bespoke the underlying tenderness of his nature, even as the storm-wind makes music in its under-tones.

Disinterested patriot, he would receive no pay for his military services. Refusing gifts, he was glad to guide the benefaction of a grateful State to educate the children of his fallen braves in the institution at Lexington which yet bears his name. Without any of the blemishes that mark the tyrant, he appealed so loftily to the virtuous elements in man, that he almost created the qualities of which his country needed the exercise; and yet he was so magnanimous and forbearing to the weaknesses of others, that he often obliterated the vices of which he feared the consequence. But his virtue was more than this. It was of that daring, intrepid kind that, seizing principle with a giant's grasp, assumes responsibility at any hazard, suffers sacrifice without pretense of martyrdom, bears calumny without reply, imposes superior will and understanding on all around it, capitulates to no unworthy triumph, but must carry all things at the point of clear and blameless conscience. Scorning all manner of meanness and cowardice, his bursts of wrath at their exhibition heighten our admiration for the noble passions which were kindled by the aspirations and exigencies of virtue.

Invested with the powers of a Dictator, the country bestowing them

felt no distrust of his integrity; he, receiving them, gave assurance that, as the sword was the last resort of Liberty, so it should be the first thing laid aside when Liberty was won. And keeping the faith in all things, he left mankind bewildered with the splendid problem whether to admire him most for what he was or what he would not be. Over and above all his virtues was the matchless manhood of personal honor, to which Confidence gave in safety the key of every treasure—on which Temptation dared not smile, on which Suspicion never cast a frown. And why prolong the catalogue? "If you are presented with medals of Cæsar, of Trajan, or Alexander, on examining their features you are still led to ask, what was their stature and the forms of their persons; but if you discover in a heap of ruin the head or the limb of an antique Apollo, be not curious about the other parts, but rest assured that they were all comformable to those of a god."

THE GENERAL.

As a general, great; as a commander, it may not be said of him as of Marlborough, that "he never formed the plan of a campaign that he did not execute; never besieged a city that he did not take; never fought a battle that he did not gain." But it can be said of him that, at the head of raw volunteers, hungry to the edge of famine, ragged almost to nakedness, whose munitions of war were a burlesque of its necessities, he defeated the trained bands and veteran generals of Europe; and that, when he had already earned the name of the American Fabius, destined to save a nation by delay, he suddenly displayed the daring of a Marcellus. It can be said that he was tried in a crucible to which Marlborough was never subjected—adversity, defeat, depression of fortune bordering on despair. The first battle of his youth ended in capitulation. The first general engagement of the Revolution at Long Island opened a succession of disasters and retreats. But with the heroic energy that remolds broken opportunities into greater ones, with "the firmness of mind that can not be unlocked by trifles but which when unlocked displays a cabinet of fortitude," he wrenched victory from stubborn fortune, compelling the reluctant oracle to exclaim as to Alexander. "My son, thou art invincible." So did he weave the net of war by land and sea, that at the very moment when an elated adversary was about to strike the final blow for his country's fall, he surrounded him by swift and far-reaching combinations, and twined the Lilies of France with the Stars and Stripes of America over the ramparts of Yorktown. And if success be made the test of merit, let it be remembered that he conducted the greatest military and civil enterprises of his age, and left no room for fancy to divine greater perfection of accomplishment.

WASHINGTON IN ACTION.

Great in action as by the council board, the finest horseman and knightliest figure of his time, he seemed designed by nature to lead in those bold strokes which needs must come when the battle lies with a single man—those critical moments of the campaign or the strife when, if the mind hesitates or a nerve flinches, all is lost. We can never forget the passage of the Delaware that black December night, amidst shrieking winds and great upheaving blocks of ice which would have petrified a leader of less hardy mold, and then the fell swoop at Trenton. We behold him as when at Monmouth he turns back the retreating lines, and galloping his white charger along the ranks until he falls, he leaps on his Arabian bay, and shouts to his men: "Stand fast, my boys, the Southern troops are coming to support you!" And we hear La Fayette exclaim, "Never did I behold so superb a man." We see him again at Princeton dashing through a storm of shot to rally the wavering troops; he reins his horse between the contending lines, and cries: "Will you leave your general to the foe?" then bolts into the thickest fray. Colonel Fitzgerald, his aid, drops his reins and pulls his hat down over his eyes that he may not see his chieftain fall, when, through the smoke he reappears waving his hat, cheering on his men, and shouting: "Away, dear colonel, and bring up the troops; the day is ours." "Cœur de Lion" might have doffed his plume to such a chief—for a great knight was he, who met his foes full tilt in the shock of battle and hurled them down with an arm whose sword flamed with righteous indignation.

WASHINGTON AS A STATESMAN.

As children pore over the pictures in their books ere they can read the words annexed to them so we linger with tingling blood by such inspiring scenes, while little do we reck of those dark hours when the aching head pondered the problems of a country's fate. And yet there is a greater theater in which Washington appears, although not so often has its curtain been uplifted.

It was as a statesman that Washington was greatest. Not in the sense that Hamilton and Jefferson, Adams and Madison, were statesmen; but in a larger sense. Men may marshal armies who can not drill divisions. Men may marshal nations in storm and travail who have not the accomplishments of their cabinet ministers. Not so versed as they was he in the details of political science.

His pen did not possess the facile play and classic grace of their pens, but his vigorous eloquence had the clear ring of our mother tongue. 'I will not say that he was so astute, so quick, so inventive as the one or another of them—that his mind was characterized by the vivacity of wit, the rich colorings of fancy, or daring flights of imagination. But with him thought and action like well-trained coursers kept abreast in the chariot race, guided by an eye that never quailed, reined by a hand that never trembled. He had a more infallible discrimination of circumstances and men than any of his confemporaries. He weighed facts in a juster scale, with larger equity, and firm equanimity. He best applied to them the lessons of experience. With greater ascendency of character he held men to their appointed tasks; with more inspiring virtue he commanded more implicit confidence. He bore a truer divining-rod, and through a wilderness of contention he alone was the unerring pathfinder of the people.

GENIUS.

There can, indeed, be no right conception of Washington that does not accord him a great and extraordinary genius. I will not say he could have produced a play of Shakespeare or a poem of Milton, handled with Kant the tangled skin of metaphysics, probed the secrecies of mind and matter with Bacon, constructed a railroad or an engine like Stephenson, wooed the electric spark from heaven to earth with Franklin, or walked with Newton the pathways of the spheres. But if his genius were of a different order, it was of as rare and high an order. It dealt with man in the concrete—with his vast concerns of business stretching over a continent and projected into the ages; with his seething passions; with his marvelous exertions of mind, body, and spirit to be free. He knew the materials he dealt with by intuitive perception of the heart of man; by experience and observation of his aspirations and his powers; by reflection upon his complex relations, rights, and duties as a social being. He knew just where between men and states to erect the monumental mark to divide just reverence for authority from just resistance to its abuse. A poet of social facts, he interpreted by his deeds the harmonies of justice.

Practical yet exalted, not stumbling in the pit as he gazed upon the stars, he would "put no man in any office of consequence whose political tenets were opposed to the measures which the General Government was pursuing." Yet he himself, by the kingliness of his nature, could act independently of party, retain the confidence and affections, use the brains and have thrust upon him the unanimous suffrage of all parties—walking the dizzy heights of power in the perfect balance of every faculty, and surviving in that rarefied atmosphere which lesser frames could only breathe to perish.

Brilliant I will not call him, if the brightness of the rippling river exceed the solemn glory of old Ocean. Brilliant I will not call him, if darkness must be visible in order to display the light; for he had none of that rocket-like brilliancy which flames in instant corruscation across the black brow of night and then is not. But if a steady unflickering flame, slow rising to its lofty sphere, high hung in the heavens of contemplation, dispensing far and wide its rays, revealing all things on which it shines in due proportions and large relations, making right, duty, and destiny so plain that in the vision we are scarce conscious of the light—if this be brilliancy, then the genius of Washington was as full-orbed and luminous as the god of day in his zenith.

THE WORK OF WASHINGTON.

The work of Washington filled the rounded measure of his splendid faculties. Grandly did he illustrate the Anglo-Saxon trait of just resistance to the abuse of power, standing in front of his soldier-husbandmen on the fields of Boston, and telling the general of earth's greatest empire, who stigmatized them as "rebels" and threatened them "with the punishment of the cord," that "he could conceive of no rank more honorable than that which flows from the uncorrupted choice of a brave and free people, the original and purest fountain of all power," and that, "far from making it a plea for cruelty, a mind of true magnanimity and enlarged ideas would comprehend and respect it." Victoriously did he vindicate the principle of the Declaration of Independence, that to secure the inalienable rights of man "governments are instituted amongst men, deriving their just powers from the consent of the governed, and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it." By these signs he conquered. And had his career ended here none other would have surpassed, whose could have equaled, it?

TRANSIT TO CIVIL LIFE.

But where the fame of so many successful warriors has found conclusion, or gone beyond only to be tarnished, his took new flight upward.

If I might venture to discriminate, I would say that it was in the conflicts of opinion that succeeded the Revolution that the greatness of Washington most displayed itself; for it was then that peril thickened in most subtle forms; that rival passions burned in intestine flames; that crises came demanding wider-reaching and more constructive faculties than may be exhibited in war, and higher heroism than may be avouched at the cannon's mouth.

And it was then that the soldier uplifted the visor of his helmet and disclosed the countenance of the sage. Passing from the fields of martial fame to the heights of civil achievement still more resplendent, he became the world-wide statesman; like Venus in her transit, sunk the light of his past exploits only in the sun of a new-found glory.

POINTS OUT DEFECTS OF CONFEDERATION.

First to perceive and swift to point out the defects in the Articles of Confederation, they became manifest to all long before victory crowned

the warfare conducted under them. Charged by them with the public defense, Congress could not put a soldier in the field; and charged with defraying expenses, it could not levy a dollar of imposts or taxes. It could indeed borrow money with the assent of nine States of the thirteen, but what mockery of finance was that when the borrower could not command any resource of payment!

The States had indeed put but a scepter of straw in the legislative hand of the Confederation. What wonder that it soon wore a crown of thorns! The paper currency ere long dissolved to nothingness; for four days the Army was without bread, and whole regiments drifted from the ranks of our hard-pressed defenders. "I see," said Washington, "one head gradually changing into thirteen; I see one army gradually branching into thirteen, which, instead of looking up to Congress as the supreme controlling power, are considering themselves as dependent upon their respective States." While yet his sword could not slumber, his busy pen was warning the statesmen of the country that unless Congress were invested with adequate powers or should assume them as matter of right, we should become but thirteen States pursuing local interests until annihilated in a general crash; the cause would be lost and the fable of the bundle of sticks applied to us.

In rapid succession his notes of alarm and invocations for aid to union followed each other to the leading men of the States North and South. Turning to his own State, and appealing to George Mason, "Where," he exclaimed, "where are our men of abilities? Why do they not come forth and save the country?" He compared the affairs of this great continent to the mechanism of a clock, of which each State was putting its own small part in order, but neglecting the great wheel or spring which was to put the whole in motion. He summoned Jefferson, Wythe, and Pendleton to his assistance, telling them that the present temper of the States was friendly to lasting union, that the moment should be improved and might never return, and that "after gloriously and successfully contending against the usurpation of Britain we may fall a prey to our own folly and disputes."

How keen the prophet's ken, that through the smoke of war discerned the coming evil; how diligent the patriot's hand, that amidst awful responsibilities reached future-ward to avert it!

By almost a miracle the weak Confederation, a "barrel without a hoop," was held together perforce of outside pressure; and soon America was free!

FOLLIES AND DISSENSIONS.

But not yet had beaten Britain concluded peace, not yet had dried the blood of Victory's field ere "follies and disputes" confounded all things with their Babel tongues and intoxicated Liberty gave loose to license. An unpaid army with unsheathed swords clamored around a poverty-stricken and helpless Congress. And grown at last impatient even with their chief, officers high in rank plotted insurrection and circulated an anonymous address, urging it "to appeal from the justice to the fears of government, and suspect the man who would advise to longer forbearance." Anarchy was about to wreck the Arch of Triumph; poor, exhausted, bleeding, weeping America lay in agony upon her bed of laurels.

Not a moment did Washington hesitate. He convened his officers, and going before them he read them an address, which, for home-thrust argument, magnanimous temper, and the eloquence of persuasion which leaves nothing to be added, is not exceeded by the grandest utterance of Greek or Roman. A nobler than Coriolanus was before them, who needed no mother's or wife's reproachful tears to turn the threatening steel from the gates of Rome. Pausing as he read his speech he put on his spectacles and said: "I have grown gray in your service and now find myself growing blind."

This unaffected touch of nature completed the master's spell. The late fomenters of insurrection gathered to their chief with words of veneration; the storm went by; and, says Curtis in his History of the Constitution, "Had the Commander-in-Chief been other than Washington, the land would have been deluged with the blood of civil war."

PEACE AND APPEALS FOR UNION.

But not yet was Washington's work accomplished. Peace dawned upon the weary land, and parting with his soldiers he pleaded with them for union. "Happy, thrice happy, shall they be pronounced," he said, "who have contributed anything in erecting this stupendous fabric of freedom and empire; who have assisted in protecting the rights of human nature, and establishing an asylum for the poor and oppressed of all nations and religions." But still the foundations of the stupendous fabric trembled, and no cement held its stones together. It was then that with thickening peril Washington rose to his highest stature. Without civil station to call forth his utterance, impelled by the intrepid impulse of a soul that could not see the hope of a nation perish without leaping into the stream to save it, he addressed the whole people of America in a circular to the Governors of the States: "Convinced of the importance of the crisis, silence in me," he said, "would be a crime. I will therefore speak the language of freedom and sincerity." He set forth the need of union in a strain that touched the quick of sensibility, he held up the citizens of America as sole lords of a vast tract of continent, he portrayed the fair opportunity for political happiness with which Heaven had crowned them; he pointed out the blessings that would attend their collective wisdom; that in their fate was involved that of unborn millions; that mutual concessions and sacrifices must be made, and that supreme power must be lodged somewhere to regulate and govern the general concerns of the Confederate Republic, without which the Union would not be of long duration, and he urged that happiness would be ours if we seized the occasion and made it our own.

In this, one of the very greatest acts of Washington, was revealed the heart of the man, the spirit of the hero, the wisdom of the sage, I might almost say the sacred inspiration of the prophet.

But still the wing of the Eagle drooped; the gathering storms baffled his sunward flight. Even with Washington in the van the column wavered and halted—States straggling to the rear that had hitherto been foremost for permanent union, under an efficacious constitution. And while three years rolled by amidst the jargon of sectional and local contentions, "the half-starved Government," as Washington depicted it, "limped along on crutches, tottering at every step." And while monarchical Europe with saturnine face declared that the American hope of union was the wild and visionary notion of romance, and predicted that we would be to the end of time a disunited people, suspicious and distrustful of each other, divided and subdivided into petty commonwealths and principalities, lo! the very earth yawned under the feet of America, and in that very region whence had come forth a glorious band of orators, statesmen, and soldiers to plead the cause and fight the battles of Independence—lo! the volcanic fires of rebellion burst forth upon the heads of the faithful, and the militia were leveling the guns of the Revolution against the breasts of their brethren. "What, gracious God! is man?" Washington exclaimed:

It was but the other day that we were shedding our blood to obtain the constitutions under which we live, and now we are unsheathing our swords to overturn them.

But see! there is a ray of hope. Maryland and Virginia had already entered into a commercial treaty for regulating the navigation of the rivers and great bay in which they had common interests, and Washington had been one of the commissioners in its negotiation. And now, at the suggestion of Maryland, Virginia had called on all the States to meet in convention at Annapolis to adopt commercial regulations for the whole country. Could this foundation be laid, the eyes of the nation-builders foresaw that the permanent structure would ere long rise upon it. But when the day of meeting came no State north of New York or south of Virginia was represented, and in their helplessness those assembled could only recommend a constitutional convention, to meet in Philadelphia in May, 1787, to provide for the exigencies of the situation.

THE DARK HOUR AND THE DAWN.

And still thick clouds and darkness rested on the land, and there lowered upon its hopes a night as black as that upon the freezing Delaware; but through its gloom the dauntless leader was still marching on to the consummation of his colossal work, with a hope that never died, with a courage that never faltered, with a wisdom that never yielded that "all is vanity."

It was not permitted the Roman to despair of the Republic, nor did he our Chieftain. "It will all come right at last," he said. It did. And now let the historian, Bancroft, speak:

From this state of despair the country was lifted by Madison and Virginia.

Again he says:

We come now to a week more glorious for Virginia beyond any in her annals or in the history of any republic that had ever before existed.

It was that week in which Madison, giving effect to his own long-cherished wishes and the still earlier wishes of Washington, addressing it were the whole country and marshaling all the States, warned them "that the crisis had arrived at which the people of America are to decide the solemn question whether they would reap the fruits of Independence and of Union, or would renounce the blessings prepared for them by the Revolution," and conjuring them "to concur in such further concessions and provisions as may be necessary to secure the objects for which that Government was instituted, and make the United States as happy in peace as they had been glorious in war."

THE UNION AND THE CONSTITUTION.

In such manner, my countrymen, Virginia, adopting the words of Madison and moved by the constant spirit of Washington, joined in convoking that Constitutional Convention, in which he headed her delegation and over which he presided, and whose deliberations resulted in the formation and adoption of that instrument which the Premier of Great Britain pronounces "the most wonderful work ever struck off at a given time by the brain and purpose of man."

In such manner the State which gave birth to the Father of his Country, following his guiding genius to the Union, as it had followed his sword through the battles of Independence, placed herself at the head of the wavering column.

In such manner America heard and harkened to the voice of her Chief; and now closing ranks, and moving with reanimated step, the thirteen Commonwealths wheeled and faced to the future on the line of the Union under the sacred ensign of the Constitution.

THE REPUBLIC.

Thus at last was the crowning work of Washington accomplished.

Out of the tempests of war and the tumults of civil commotion the ages bore their fruit, the long yearning of humanity was answered. "Rome to America" is the eloquent inscription on one stone of your colossal shaft—taken from the ancient Temple of Peace that once stood hard by the Palace of the Cæsars. Uprisen from the sea of Revolution, fabricated from the ruins of battered Bastiles, and dismantled palaces of unrighteous, unhallowed power, stood forth now the Republic of republics, the Nation of nations, the Constitution of constitutions, to which all lands and times and tongues had contributed of their wisdom, and the priestess of Liberty was in her holy temple.

THE FIRST CITIZEN IN THE GREAT REPUBLIC OF HUMANITY.

When Marathon had been fought and Greece kept free each of the victorious generals voted himself to be first in honor, but all agreed that that Miltiades was second. When the most memorable struggle for the rights of human nature of which time holds record was thus happily concluded in the muniment of their preservation, whoever else was second unanimous acclaim declared that Washington was first. Nor in that struggle alone does he stand foremost. In the name of the people of the United States, their President, their Senators and their Representatives, and their Judges do crown to-day with the grandest crown that veneration has ever lifted to the brow of glory him whom Virginia gave to America, whom America has given to the world and to the ages, and whom mankind with universal suffrage has proclaimed the foremost of the founders of empire in the first degree of greatness; whom Liberty herself has annointed as the first citizen in the great Republic of Humanity.

LONG LIVE OUR COUNTRY.

Encompassed by the inviolate seas stands to-day the American Republic which he founded—a freer, Greater Britain—uplifted above the powers and principalities of the earth, even as his monument is uplifted over roof and dome and spire of the multitudinous city.

Long live the Republic of Washington! Respected by mankind, beloved of all its sons, long may it be the asylum of the poor and oppressed of all lands and religions—long may it be the citadel of that liberty which writes beneath the eagle's folded wings, "We will sell to no man; we will deny to no man right and justice."

Long live the United States of America! Filled with the free magnanimous spirit, crowned by the wisdom, blessed by the moderation, hovered over by the guardian angel of Washington's example, may they be ever worthy in all things to be defended by the blood of the brave who know the rights of man and shrink not from their assertion; may they be each a column, and all together, under the Constitution, a perpetual Temple of Peace, unshadowed by a Cæsar's palace, at whose altar may freely commune all who seek the union of liberty and brotherhood.

Long live our country! Oh, long through the undying ages may it stand, far removed in fact as in space from the Old World's feuds and follies, alone in its grandeur and its glory, itself the immortal monument of him whom Providence commissioned to teach man the power of truth and to prove to the nations that their redeemer liveth.

The delivery of the above was repeatedly interrupted with loud applause.

Mr. PRESIDENT OF THE SENATE. In accordance with the programme, benediction will now be pronounced by Rev. Dr. LINDSAY, Chaplain of the House of Representatives.

The Chaplain of the House then pronounced the benediction, as follows:

The blessing of God Almighty, the Father, the Son, and the Holy Ghost, be among you and remain with you always. Amen.

At 5 o'clock p. m. the President of the United States, the Supreme Court, the Senate, and the invited guests retired from the Hall.

ORDER OF BUSINESS.

The SPEAKER (at 5 o'clock and 5 minutes p. m.) called the House to order.

Mr. DORSHEIMER. I move that the House do now adjourn.

Mr. WILLIS. I hope the gentleman will withdraw that motion. I desire to move that the House take a recess till Monday morning at 10 o'clock. [Cries of "Regular order!"]

The SPEAKER. Is the motion to adjourn withdrawn?

Mr. DORSHEIMER. No, sir. I prefer the House should adjourn.

Mr. WILLIS. If that motion is voted down I will move a recess.

The question being taken on the motion to adjourn, the Speaker stated that the "ayes" seemed to have it.

Mr. WILLIS. I call for a division. I am satisfied my motion was misunderstood. It is to take a recess until Monday at 10 o'clock. [Cries of "Regular order!"]

The House divided; and there were—ayes 87, noes 61.

Mr. WILLIS. I call for tellers.

Tellers were ordered, 39 members voting therefor—more than one-fifth of a quorum.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The SPEAKER. That is the question pending. The Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from New York, Mr. DORSHEIMER.

The House again divided; and the tellers reported—ayes 76, noes 88.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

The yeas and nays were not ordered, only 11 members voting therefor.

So the House refused to adjourn.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I see on the programme under which we have been acting, adopted by the Congressional Commission, the last item is "music;" and it is added, "during which the assemblage shall disperse."

The SPEAKER. That is not a question of order. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now take a recess until 10 o'clock on Monday morning.

Mr. BROWN, of Pennsylvania. With the understanding that we will adjourn before 11.

Mr. HEPBURN. I move to amend the motion for a recess, so that it shall be taken until 7 o'clock this evening.

Mr. WELLER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. If there is a recess until 10 o'clock on Monday morning, I ask the gentleman from Kentucky at what time there will be an adjournment on Monday?

The SPEAKER. That is not a parliamentary inquiry.

Mr. WILLIS. I beg to state that at two minutes before 11 I will make a motion to adjourn.

The SPEAKER. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The question being taken, there were—ayes 11, noes 96.

Mr. HEPBURN. No quorum.

Mr. POST, of Pennsylvania. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 67, noes 65.

Mr. BUDD and Mr. WILLIS called for tellers.

Tellers were ordered, 37 members voting therefor—more than one-fifth of a quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Pennsylvania, Mr. POST.

The House again divided; and the tellers reported—ayes 55, noes 70.

So the House refused to adjourn.

Mr. WILLIS. I now renew my motion.

The SPEAKER. The motion of the gentleman is pending.

Mr. ANDERSON. I move that the House take a recess until 8 o'clock this evening.

The SPEAKER. The pending question was on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] that the House should take a recess until 7 o'clock this evening. The gentleman from Kansas [Mr. ANDERSON] moves to amend that amendment so as to make the recess be till 8 o'clock this evening.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. ANDERSON. I call for a division.

The House divided; and there were—ayes 5, noes 73.

Mr. ANDERSON. No quorum.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Kansas, Mr. ANDERSON, and the gentleman from Kentucky, Mr. WILLIS.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 50, noes 55.

Mr. WHITE, of Kentucky. I call for tellers.

Tellers were not ordered, only 1 member voting therefor.

So the House refused to adjourn.

Mr. WHITE, of Kentucky. I move a call of the House.

The motion was not agreed to.

Mr. DUNHAM. I move that the House do now adjourn.

The question being taken, there were—ayes 53, noes 55.

So the House refused to ajourn.

The SPEAKER. The question is on the amendment of the gentleman from Kansas [Mr. ANDERSON] that the House take a recess until 8 o'clock this evening. The gentleman from Kentucky, Mr. WILLIS, and the gentleman from Kansas, Mr. ANDERSON, will take their places as tellers.

The House again divided; and the tellers reported—ayes 6, noes 34.

So (further count not being called for) the amendment was not agreed to.

Mr. HEPBURN. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 62, noes 57.

Mr. WILLIS. I call for tellers.

Tellers were ordered, 42 members voting therefor.

The SPEAKER. The Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Iowa, Mr. HEPBURN.

Mr. WILLIS. If I may be allowed to make one statement——

[Cries of "Regular order!"]

The House again divided; and the tellers reported—ayes 48, noes 51.

So the House refused to adjourn.

The SPEAKER. The question now recurs on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] to the motion made by the gentleman from Kentucky [Mr. WILLIS], the amendment being that the House take a recess until 7 o'clock this evening.

Mr. ANDERSON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. I offered an amendment that the House should take a recess until 8 o'clock.

The SPEAKER. But that amendment was defeated.

Mr. ANDERSON. A quorum did not vote.

The SPEAKER. The Chair did not hear the point as to a quorum insisted on upon that amendment. That point was made on the amendment of the gentleman from Iowa.

Mr. DUNHAM. I move that when the House adjourns to-day it be to meet on Tuesday next.

Mr. WHITE, of Kentucky. I move to amend that motion. I move that when we meet on Tuesday it be exclusively to consider the Mexican pension bill. [Laughter.]

The SPEAKER. That motion is not in order.

The question was taken on the motion of Mr. DUNHAM, and it was not agreed to.

Mr. WILLIS. Mr. Speaker, recognizing the condition of affairs, not desiring to keep gentlemen here, and with the view of continuing Monday, I now move that the House adjourn.

The motion was agreed to; and accordingly (at 5.35 p. m.) the House adjourned.

SENATE.

MONDAY, *February* 23, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES K. JONES, chosen by the Legislature of Arkansas a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a petition of ship-owners of Boston, Mass., praying for an amendment of the bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea, now pending in the Senate. The bill has been reported from the Committee on Commerce, and I move that the petition lie on the table.

The motion was agreed to.

Mr. McMILLAN. I also present a petition of marine insurance companies of Boston, Mass., to the same effect, which I move lie on the table.

The motion was agreed to.

Mr. WILLIAMS presented a petition of the Tobacco Board of Trade of Hopkinsville, Ky., praying that the report of Col. J. B. Killebrew on tobacco be published in full in the census reports; which was referred to the Committee on Printing.

Mr. SHERMAN. I present the petition of a number of citizens of Deerfield, Ohio, praying for such legislation as will prohibit the manufacture and sale of counterfeit dairy products, if such can be made constitutional; if not, for a high license on the manufacturer and seller, and a high tax on each pound manufactured and sold, with severe penalties, including imprisonment, for any violation of the law. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MILLER, of California. A dispatch has been sent to me by the Grand Army of the Republic of California, in the nature of a petition to Congress, which I ask may be read.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

SAN FRANCISCO, CAL., *February* 20, 1885.

Senator JOHN F. MILLER,
Washington, D. C.:

In obedience to instructions, I telegraph resolutions this day unanimously and enthusiastically adopted by annual encampment of Grand Army of the Republic, Department of California, now in session.

JAS. A. WAYMER.

Resolved, That it is highest duty free people to honor and support those who have imperiled their lives in struggle for national perpetuity; that it is imperative duty people United States provide for comfort and welfare our great soldiers, successful generals in their declining years, and that wish General Grant to be placed on retired-list United States Army should be gratified without delay as small return for and as evidence our appreciation those illustrious services performed by him for our country that have made this and all succeeding generations his debtors.

Resolved, That these resolutions be telegraphed to General JOHN F. MILLER, with request that he furnish each Senator and Congressman with copy forthwith.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas, reported it without amendment.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred Senate Executive Document No. 14, on the 19th of December, 1883, on the subject of the "Old Settler" on Western Cherokee Indians and their claims against the Government, submitted a report thereon accompanied by a bill.

The bill (S. 2656) to refer the claims of the Eastern and Western bands of Cherokee Indians to the Court of Claims was read twice by its title.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3235) relating to acknowledgments of conveyances of land in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PIKE. I move that the bill (S. 1104) relating to acknowledgments of conveyances of land in the District of Columbia, now on the Calendar, heretofore reported from the Committee on the District of Columbia, be postponed indefinitely.

The motion was agreed to.

JOHN G. ROBINSON.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson, deceased, be referred (in accordance with the provisions of article 1 of section 1059 of the Revised Statutes of the United States) to the Court of Claims of the United States, together with the vouchers, papers, proofs, and documents appertaining thereto.

ALLEGED POTOMAC LAND PATENT.

Mr. INGALLS. The Committee on the Judiciary, to which was referred a resolution offered by the Senator from Rhode Island [Mr. ALDRICH] concerning what is known as the Kidwell claim upon the Potomac Flats, instruct me to make a report in writing thereon, accompanied by certain exhibits, together with the draught of a bill; which I ask may be twice read and placed upon the Calendar. I give notice that to-morrow morning, at the close of the morning business, I shall ask for the consideration of the bill.

The bill (S. 2655) to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia, was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection the committee will be discharged from the further consideration of the resolution and papers.

Mr. INGALLS. I ask that the printing of the report, together with the exhibits, may be completed by to-morrow morning.

The PRESIDENT *pro tempore*. The report and the accompanying papers will be printed.

INVESTIGATION OF INDIAN AFFAIRS.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report a resolution, and I ask that it may be considered at the present time.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs be authorized to continue during the recess the investigations authorized by the resolutions of the Senate of June 11 and of December 3, 1884, in the manner and to the extent and with the same authority contained in said resolutions, and with the further authority to inquire what changes, if any, are necessary and proper in the boundary lines of any of the reservations therein described; and that they report the result of such examinations to the next regular session of Congress.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask the Senator from Massachusetts whether this includes the lease question?

Mr. DAWES. It does. I will say that the matter of investigation of leases has been continued by the committee during almost the entire session, but at great expense by bringing witnesses from a great distance and under very great limitations. It is impossible to thoroughly investigate the matter unless we go upon the ground.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 1117) for the erection of a public building at Macon, Ga.;

A bill (S. 1183) granting a pension to Hugh O'Neil;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1709) granting a pension to Leonora A. Boyden;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 1915) to remove the political disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2250) granting a pension to Anna Ginn;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. H. Gilley;

A bill (S. 2610) granting a pension to Patrick Furlong; and

A bill (S. 2623) to remove the political disabilities of Alexander W. Stark.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 2009) granting a pension to Isabella Turner; and

A bill (S. 2327) for the relief of James Bedell, sr.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 301) granting a pension to Theodore Leveron;

A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 1873) for the relief of Edward Kraemer;

A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 3735) granting a pension to Mary A. Grennon;

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;

A bill (H. R. 5581) granting a pension to William Paugh;

A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 6505) granting a pension to Corydon Millard;

A bill (H. R. 6960) for the relief of Charles L. Alden;

A bill (H. R. 7229) to remove the disabilities of J. J. B. Walbach, of Baltimore, Md.;

A bill (H. R. 7231) to remove the disabilities of John K. Cooke, of Virginia;

A bill (H. R. 7248) to increase the pension of Jane D. Brent;

A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll;

A bill (H. R. 7417) for the relief of Stephen Sauer;

A bill (H. R. 7418) for the relief of Maria Spellen;

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 7513) granting a pension to Margaret B. Harwood;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 7992) for the relief of Christian Arndt;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia;

A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;

A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 8152) for the relief of William D. Farnsworth;

A bill (H. R. 8187) granting a pension to Chancey G. Darrah;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; and

A bill (H. R. 8229) to grant a pension to James Dye.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PIKE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PACIFIC RAILROADS.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BAYARD, it was

Ordered, That the attorney for the estate of Daniel Carroll of Duddington have leave to withdraw papers in the case of Maria C. Fitzhugh and Ann C. Carroll, executrixes of the said Daniel Carroll of Duddington, from the files of the Senate.

ASTRONOMICAL AND METEOROLOGICAL OBSERVATIONS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 copies for the use of the House, and 800 copies for the use of the Navy Department, or for sale at the cost of paper and printing, in accordance with section 452 of the Revised Statutes of the United States.

INDIAN EDUCATION.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate the information in possession of the Commissioner of Education showing the progress of Indian education and civilization.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII, the first bill in order being Senate bill 1886. The title of the bill will be read.

The CHIEF CLERK. "A bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes."

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. The pending question is on the amendment proposed by the Senator from New York [Mr. LAPHAM] to add to section 2 what will be read.

The CHIEF CLERK. It is proposed to add to section 2 the following:

The provisions of this act shall not apply to such of the lands referred to in the joint resolution of March 2, 1861, as the Supreme Court of the United States has decided validated the titles of *bona fide* purchasers from the State of Iowa or its grantees prior to the passage of said joint resolution.

Mr. LAPHAM. I desire to modify that amendment, putting it in a little different form, which I now send to the desk.

The PRESIDENT *pro tempore*. The Senator from New York modifies his amendment. The proposed modification will be read.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. —. The provisions of this act shall not apply to those lands covered by the joint resolution of March 2, 1861, which the Supreme Court has decided by that resolution rendered valid the title to *bona fide* purchasers from the State of Iowa or its grantees prior to the adoption of said joint resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as modified.

Mr. DAWES. I ask the Senator from New York to yield to me a moment that I may ask unanimous consent to consider a House bill that it will be necessary to send back to the other branch if it passes here at all. It will not take any debate.

Mr. McMILLAN. What is the bill?

Mr. INGALLS. Regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent for what?

Mr. DAWES. To consider Order of Business 1271.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be informally laid aside and that the Senate now consider Order of Business 1271. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes."

The PRESIDENT *pro tempore*. Is there objection?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made. The Senator from New York [Mr. LAPHAM] is entitled to the floor.

Mr. LAPHAM. Mr. President, the object of this amendment in the form in which I have now presented it is to prevent this legislation from having the effect, provided it shall become a law and be carried into operation, of interfering with the solemn judgments of the Supreme Court which have already been pronounced.

It would hardly seem necessary for me to stand here in the advocacy of a proposition so self-evident as the one I have advanced in support of this amendment. In the interesting proceedings which took place in the Hall of the House of Representatives on Saturday last my attention was attracted especially, in view of this very bill, to the extract embodied by Mr. Winthrop in his eloquent oration from the letter of General Washington to the governors of the States in the year 1783:

There are four things—

Said Washington—

which, I humbly conceive, are essential to the well-being—*I may even venture to say, to the existence—of the United States*, as an independent power: First, an indissoluble Union of the States under one Federal head; second, *a sacred regard to public justice*.

I need read no further. I am addressing these considerations to the most august legislative tribunal in the world. We should tread carefully when we are asked to legislate in a manner which will in any way trench upon or interfere with the adjudications of our highest judicial tribunal. No motive of policy or expediency or favoritism should re-

ceive any consideration at our hands in determining a question of this grave character. We ought to look solely, impartially, and exclusively to the effect of our legislation, uninfluenced by any considerations other than the certain and inevitable effect of our enactments.

Sir, if the repeal of the joint resolution of March 2, 1861, as is conceded on all hands, as was stated in the letter of Senator Wright from which I have read and in the letter of Mr. Carpenter from which I have read, would not affect in any way the rights of those who purchased from the grantees of the State of Iowa the lands in question, can we by indirection, as this bill proposes, not only disregard the force of that enactment but practically reverse the decisions already made by the Supreme Court as to its effect? Unless we can do that this amendment ought to be enacted upon the bill. I indulge the hope that Senators will pause and reflect before they decide to pass the bill without exempting from its operation the class of cases upon which the Supreme Court has pronounced its solemn judgments.

The sole purpose of this amendment, and the only purpose which induced me to offer it, is to preserve in full force the judicial determinations already made, and to subject all prosecutions under the bill to that wholesome and necessary restriction.

In considering a question of this magnitude the Senate should not act hastily or inconsiderately, but with great deliberation and care. If it be the office of this bill to thus interfere with adjudications, then it ought not to receive our sanction. If it be not in the power of the Senate to interfere with the adjudications, then above all other considerations it ought not to receive our sanction. For us to undertake to burden the public Treasury and to charge the officials of the Government with the exercise of a power which must in the end prove abortive is a proposition, it seems to me, too plain to need any discussion when I say that we ought to reject any effort of that kind.

I have, therefore, in the modified form of the amendment drawn it expressly so that in the event of the passage of the bill litigations which are to take place in pursuance of it, if any, shall be in subordination to the legitimate effect of the joint resolution of March 2, 1861, and the decisions of the Supreme Court.

Mr. President, I can not dwell longer upon this subject. I am addressing those to whom I am sure considerations of the nature I have now suggested will have their due weight in the votes which they are to cast. I trust the amendment which I have now offered will receive the sanction of the Senate.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is upon the amendment proposed by the Senator from New York.

Mr. BROWN. Let it be read.

The PRESIDING OFFICER. The amendment will be again read by the Secretary.

The SECRETARY. It is proposed to add as an additional section:

SEC. —. The provisions of this act shall not apply to those lands covered by the joint resolution of March 2, 1861, which the Supreme Court has decided by that resolution rendered valid the title to *bona fide* purchasers from the State of Iowa or its grantees prior to the adoption of said joint resolution.

Mr. LAPHAM. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is paired with the Senator from Illinois [Mr. LOGAN].

The roll-call was concluded.

Mr. VEST. I am requested by the Senator from Louisiana [Mr. JONAS] to state that he is detained from the Senate by sickness. I have not paired him on this amendment, for I do not know how he would vote on it.

The result was announced—yeas 14, nays 38; as follows:

YEAS—14.

Bayard,	Garland,	McMillan,	Pendleton,
Blair,	Groome,	McPherson,	Pike.
Brown,	Harris,	Miller of N. Y.,	
Chace,	Lapham,	Morgan,	

NAYS—38.

Allison,	Frye,	Jackson,	Saulsbury,
Beck,	George,	Jones of Nevada,	Sawyer,
Butler,	Gibson,	Manderson,	Sewell,
Camden,	Gorman,	Maxey,	Slater,
Cameron of Wis.,	Hale,	Mitchell,	Vance,
Cockrell,	Hampton,	Morrill,	Vest,
Coke,	Harrison,	Palmer,	Voorhees,
Conger,	Hawley,	Platt,	Wilson.
Cullom,	Hill,	Plumb,	
Dawes,	Ingalls,	Pugh,	

NOT VOTING—24.

Aldrich,	Edmunds,	Kenna,	Riddleberger,
Bowen,	Fair,	Lamar,	Sherman,
Call,	Farley,	Logan,	Sabin,
Cameron of Pa.,	Hoar,	Mahone,	Van Wyck,
Colquitt,	Jonas,	Miller of Cal.,	Walker,
Dolph,	Jones of Florida,	Ransom,	Williams.

So the amendment was rejected.

The bill was reported to the Senate.

The PRESIDING OFFICER. There was one amendment made in Committee of the Whole. The question is on concurring in that amendment.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. This bill having been read three times, the question is, Shall it pass?

Mr. LAPHAM. On that question I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. WALKER. I am paired with the Senator from Virginia [Mr. RIDDLEBERGER], or I should vote "nay."

The result was announced—yeas 32, nays 24; as follows:

YEAS—32.

Allison,	Conger,	Ingalls,	Saulsbury,
Beck,	Cullom,	Kenna,	Sawyer,
Bowen,	Dawes,	Manderson,	Sewell,
Butler,	Frye,	Maxey,	Slater,
Call,	George,	Mitchell,	Vance,
Cameron of Wis.,	Hale,	Platt,	Vest,
Chace,	Harrison,	Plumb,	Voorhees,
Coke,	Hill,	Pugh,	Wilson.

NAYS—24.

Bayard,	Fair,	Hawley,	Miller of N. Y.,
Blair,	Garland,	Jackson,	Morgan,
Brown,	Gibson,	Lapham,	Morrill,
Camden,	Gorman,	McMillan,	Pendleton,
Dolph,	Groome,	McPherson,	Pike,
Edmunds,	Harris,	Mahone,	Sabin.

NOT VOTING—20.

Aldrich,	Hampton,	Lamar,	Riddleberger,
Cameron of Pa.,	Hoar,	Logan,	Sherman,
Cockrell,	Jonas,	Miller of Cal.,	Van Wyck,
Colquitt,	Jones of Florida,	Palmer,	Walker,
Farley,	Jones of Nevada,	Ransom,	Williams.

So the bill was passed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate under the special order passed on the 14th of February Order of Business 542, the title of which will be read.

The CHIEF CLERK. "A joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made."

Mr. PLUMB. I move to proceed to the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. CONGER. In regard to the bill the title of which was announced, I wish to enter an objection to its consideration.

Mr. ALLISON. What became of the preamble to the Des Moines bill; has that been agreed to? I think that had better be agreed to or struck out.

The PRESIDENT *pro tempore*. The Chair was not advised that there was a preamble to the bill just passed. The preamble will be read.

The Chief Clerk read the preamble to Senate bill 1886.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was rejected.

Mr. HOAR. I should like to have the bill examined to see whether there is anything in the bill referring to the preamble.

The PRESIDENT *pro tempore*. The Secretary will examine the bill, and the Chair will again call the attention of the Senate to the bill if it is found to contain a reference to the preamble.

Mr. ALLISON. I will look at it.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 301) granting a pension to Theodore Leveron;
A bill (H. R. 1710) granting a pension to George W. Bean;
A bill (H. R. 1873) for the relief of Edward Kraemer;
A bill (H. R. 3735) granting a pension to Mary A. Grennon;
A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
A bill (H. R. 5581) granting a pension to William Paugh;
A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;
A bill (H. R. 6505) granting a pension to Corydon Millard;
A bill (H. R. 6960) for the relief of Charles L. Alden;
A bill (H. R. 7248) to increase the pension of Jane D. Brent;
A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll;
A bill (H. R. 7417) for the relief of Spencer Sauer;
A bill (H. R. 7418) for the relief of Maria Spellen;
A bill (H. R. 7485) granting a pension to Alexander Weide;
A bill (H. R. 7513) granting a pension to Margaret B. Harwood;
A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 7990) granting a pension to Joseph Sanson;
A bill (H. R. 7992) for the relief of Christian Arndt;
A bill (H. R. 7993) for the relief of William Stansberry;
A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
A bill (H. R. 8069) granting a pension to Catharine Helton;
A bill (H. R. 8152) for the relief of William D. Farnsworth;
A bill (H. R. 8187) granting a pension to Chancey G. Darrah;
A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; and
A bill (H. R. 8229) to grant a pension to James Dye.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7229) to remove the political disabilities of J. J. B. Walbach, of Baltimore, Md.;
A bill (H. R. 7231) to remove the political disabilities of John D. Cooke, of Virgina; and
A bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia.

JAMES BEDELL, SR.

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2327) for the relief of James Bedell, sr., which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was referred to the Committee on Pensions.

ISABELLA TURNER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2009) granting a pension to Isabella Turner; which was to strike out all after the word "pension-roll," in line 6, down to and including the words "eighteen hundred and eighty-two," in line 8 of the bill.

The amendment was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and
A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the Post-Office appropriation bill. The question is on agreeing to that motion.

Mr. CONGER. Properly in the order of business a bill was laid before the Senate and that was the time for objection to its consideration under the eighth rule. I rose to make objection to that, because I may not be in my seat when it shall be called up again.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] had risen previously, however, and had been recognized to make a motion that was in order; therefore the Chair recognized his motion as being the one to be put. If the Senator from Kansas will withdraw his motion——

Mr. PLUMB. I have no objection to withdrawing the motion for a moment.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his motion, and the Senator from Michigan objects to the consideration of Order of Business 542, being House joint resolution 170.

Mr. MORGAN. I move that the Senate proceed to the consideration of that joint resolution, notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate proceed to the consideration of this joint resolution notwithstanding the objection.

Mr. INGALLS. What is the title of it?

The PRESIDENT *pro tempore*. The title has been read. It will be again reported.

The CHIEF CLERK. A joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

Mr. PLUMB. Will it be in order for me, pending that motion, to move to proceed to the consideration of House bill 8138?

The PRESIDENT *pro tempore*. The Chair thinks it will.

Mr. PLUMB. I move, then, that the Senate proceed to the consideration of House bill 8138.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Alabama, the Senator from Kansas moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, the pending question being on the amendment proposed by the Committee on Appropriations to strike out all after the word "five," in line 136, to and including the word "postage," in line 138, as follows:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. MAXEY. I stated on Saturday that my recollection was that the Post-Office Committee had recommended, and the Senate had concurred in, an amendment to the law authorizing the marking of an article in a paper sent by one individual to another.

Mr. PLUMB. I should be glad to have order in the Chamber; I can not hear a word the Senator says.

The PRESIDENT *pro tempore*. Senators will please cease conversation.

Mr. MAXEY. I was just saying that I had on Saturday, when this same question was up, not having the book then before me, given my recollection of the passage of such an act as is contained here. I find by reference to the laws this:

And the sender of any article of the third class of mail-matter may write his or her name or address therein, or on the outside thereof, with the word "from" above or preceding the same, or may write briefly or print on any package the number and names of the articles inclosed.

That embraces every character of mail matter of the third class sent by one person to another. It did not extend to newspapers forwarded from the office of publication, but then we gave them this right in the next following clause:

Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the time to which subscription therefor has been paid.

That was as far as we thought it necessary or proper to go; and I think the law now goes just as far as it ought to go. There is no reason for giving to an office of publication the right to mark articles. There is a reason where an article is sent from one person to another to give the right to mark it, because the only object of sending the paper is on account of the particular article. Hence I see no reason for the clause now moved to be stricken out.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the words which have been read.

The amendment was agreed to.

Mr. MAXEY. I call the attention of the Senator in charge of the bill, before we leave the part we are now at, to lines 106 to 117. I wish to avoid what is evidently a confusion.

Mr. PLUMB. I will say to the Senator from Texas that the proper way I think would be to go through with the committee's amendments, and then we can return to this, and in the mean time I will have an opportunity to examine what is there.

Mr. MAXEY. Very well; I only want to have the confusion removed.

Mr. FRYE. I desire to inquire whether or not the order made or the understanding is that the committee amendments shall first be acted on.

The PRESIDENT *pro tempore*. That is the understanding. The reading will proceed.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in section 1, to strike out the following clause, from line 139 to line 151, inclusive:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so.

Mr. GORMAN. Mr. President, I trust this provision will not be stricken out. It simply provides that the Secretary of the Treasury may put in propositions from the Bureau of Engraving and Printing for the printing of postage-stamps, stamped envelopes, &c. The reason for it is manifest. The cost of printing stamps and stamped envelopes is estimated at $1,300,000. The history of the Department work has shown that without a provision of this sort there is a combination made by engravers throughout the country which largely enhances the cost of this work. The Government has an immense establishment here with a corps of efficient employés able to do this work, and if they are permitted to put in a bid it will prevent combination and save hundreds of thousands of dollars.

A similar provision was made in an appropriation bill one year ago in regard to blanks for the Post-Office Department, by which the Government Printing Office was enabled to put in a bid, and the result was a very large saving to the Government.

From my examination of this matter I believe that two or three hundred thousand dollars will be saved to the Government if you permit your own engraving department, which is already organized with skilled

mechanics, now half the time without employment, to compete with private parties for this work. That is all there is in the provision, and I trust it will be retained in the bill.

Mr. PLUMB. The committee recommended the striking out of this provision for two reasons: In the first place because it is legislation, and in the next place because, as they believe, it is bad legislation. I hope every Senator will take the bill and read this provision now in order to understand fully its scope. I will read it:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities.

I hope the Senate will note the full scope of the provision. It not only refers to the manufacture of postal stamps, but of stamped envelopes, postal cards, and other postal securities:

The Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so.

It will be observed that that is a very peculiar provision. In the first place it would commit the Government, if a contract was awarded for the manufacture of envelopes, not to the mere printing of a stamp upon them but to the manufacture of the envelopes and the manufacture of postal cards and of every other form of postal security, as well as postage-stamps. In addition to that it requires that the Secretary of the Treasury shall make a bid not stating the cost to the Government of doing this work, but he shall make such bid as he sees fit, and after he has made the bid the Postmaster-General, without considering the question of the relative cost to the Government under the bid of the Secretary of the Treasury and under bids of private parties, may, if in his judgment he thinks it best, without reference to the question of cost at all, or considering that also if he pleases, give the bid to the Secretary of the Treasury instead of to private parties. In other words, the Postmaster-General is to pass upon the general question of public policy as to whether he thinks it is a good idea for the Government to erect paper-mills and enter on the manufacture of envelopes. There is not to be found so wide a discretion in the statute-book conferred on any executive officer.

But, Mr. President, it is obnoxious even if it were guarded on that point. In the first place there is practically no way of telling exactly what the cost of any article is that is manufactured at the Bureau of Engraving and Printing. We can tell the gross cost of all the work done there, but no estimate can properly be made by the head of that bureau or by anybody else which will state to a fraction the cost of doing any part of that work, because all the elements can not be separated. The elements of cost on account of the use of capital, the wear and tear of machinery engaged in the manufacture of a particular thing covering a brief period of time can not be told; and even if it could be told there is no guarantee that it will be told in a bid of this kind. The Secretary of the Treasury might inadvertently or designedly bid one-half the price that private parties would bid for this work, and the Government would not be the gainer thereby, because that one-half the cost would have to be made up by appropriations which would nominally go into the expense of printing other securities of the Government that that bureau is engaged in printing now.

Mr. President, I think I speak for the entire committee when I say that not a single member of it believed, in the absence of any allegation that we were paying too much for the postal securities we are getting now, in the absence of any allegation that we are paying too much for stamped envelopes which are being furnished the Government now, it was wise for the Government to enter upon this experiment under any circumstances whatever. I believe I may go further and say that committee is unanimously of the opinion that the Government ought not to undertake the manufacture of this or any other thing where private capital and private skill are willing and able to do a good job at a fair price. I do not see any reason why the Government should manufacture paper in competition with private capital carrying on that same business, and neither did any other member of the committee; and so, for all these reasons, any one of which is conclusive to my mind, the committee reported in favor of striking out the provision.

Mr. GORMAN. Mr. President, I have but a word to say in answer to the Senator from Kansas. As to the policy of this Government engaging in this work of engraving and printing, I suggest that it is too late a day to raise that question. The fact is the Government has found it necessary on the score of economy to establish an immense printing-office, in which all the printing for the Government Departments is now being done. It permitted that office, by the action of this body and with the consent of the Senator from Kansas and the unanimous report of the Committee on Appropriations one year ago, to enter into competition with all the private establishments in this country to do the printing for the Post-Office Department. The result of that legislation on an appropriation bill one year ago has decreased the cost of printing of the ordinary blanks used by the Post-Office Department.

You have in addition to that established a Printing and Engraving Bureau for the purpose of printing notes and bonds and all the various stamps used by the Internal Revenue Bureau. It is here, with a well organized corps of thorough and efficient men, with an expensive building, and with machinery already paid for by the Government. There is not sufficient work now to keep those employés constantly engaged or the machinery constantly in motion. The proposition as it comes from the House is to enable the Bureau of Engraving and Printing to compete for postage-stamps and stamped envelopes precisely as you permit the Government Printing Office to compete for blanks used in the Post-Office Department.

The suggestion of the Senator from Kansas that the Secretary of the Treasury would put in a bid much below the cost I think is without force. The fact is that every bid that has ever been made by any printing department of the Government has been based on the exact cost, and they would not attempt to put in a bid for less. If this provision is adopted, judging by the experience in the Printing Department, it will prevent a combination of engravers and printers to add largely to the price paid by the Government. The effect of this provision is that it operates as a check, and prevents the combination of a few engravers of this country to rob the Government, to use a strong expression, as has been done before.

It is not a new question. When you printed the immense quantity of greenbacks that were issued by the Treasury Department and the national-bank notes and revenue stamps the same condition of affairs existed, and it was of such an extraordinary character that Congress determined to construct a building for engraving and printing Government securities and to establish this corps. The only question now is whether you shall use that organization already provided for by law to prevent extortion on the Government.

Mr. HAWLEY. I hope the Senate will give some attention to this provision, because I regard it as one of considerable importance. I am heartily in favor of striking it out. In the first place, upon the ground of general policy it is not well for the Federal Government to enlarge its already vast number of employés—of workmen alone, I mean. The necessary enlargement due to the growth of the country is quite sufficient. The proposition is here to let the Government be a bidder against private manufacturers in a matter which private manufacturers understand perfectly well and in which there is no difficulty whatever.

The Senator from Maryland referred to the fact that we have established a Bureau of Printing and Engraving where we print bank notes and bonds. Other considerations come in there. It is not a mere question of economy there; it is one of safety to the securities of the Government. But the envelope is not a complicated affair; neither is the engraving upon it. That is a contemptible trifle of the cost, just preparing the die for the little stamp on the corner of the envelope. The main business is a simple one, the manufacturing, of course expensive when you reflect on the hundreds of millions of envelopes that are made. The Government can not be a fair competitor in private business in the first place. The Government may just as well say now first as last we will take this whole business of manufacturing envelopes, a very simple business, into the Government office, as to pretend to bid against private manufacturers.

The Government officers in making this bid will take no account of rent, and yet there will be really a charge against this work of rent, or should be. They will find it necessary to enlarge their public buildings in order to do it. The officers of the Treasury in making a bid will take no account of insurance. The Government is its own insurer. It will take no account of taxes; it will take no account of the depreciation of machinery, which is 10 per cent. a year upon a very costly set of machinery. It will take no account of the percentage of the compensation of supervising officers that ought to be charged to the envelope agency. The Government can not be holden to any particular sum if it bids to do the work at a certain rate, because it must go on and finish the work whether it costs twice that or not. There is nobody to sue upon a bond, nobody to keep within certain fixed limits. The result of this thing will be to destroy very largely the business of making envelopes in the country. The chief thing will be the envelope and not the little security stamped on one corner of it.

There are many large manufacturing establishments in the country that make envelopes. The result of the Government printing the stamped envelope will be that the stamped envelope will be put on the market for a less price than any private person can make an envelope, because the Government will not take into account the proper elements of cost; therefore all Government envelopes, unless they be the fanciful, the elegant ones that are intended for purely social purposes, will be made at the Government works. It will absorb those establishments that now require many thousands of workmen in various large manufacturing establishments. The demand in one year for stamped envelopes would be such that there would be no envelopes going into the mail practically except those made at the Government works and a few invitations to parties and announcements of funerals and various things that people would want to send in an envelope of a peculiar pattern. What would be the result? Several hundred thousand dollars' worth of machinery would be useless, and an honest private business, in which there is no necessity in the world for you competing, would be destroyed.

I know something of these establishments. I know one that does some Government work. I know of several of them; one that has $130,000 worth of envelope machinery. That would not be one-half what the Government would require if it went into the business. They charge 10 per cent. a year for depreciation and repairs of that machinery. Then they have the salaries of their officers to pay, and they expect to make a dividend. The Government would not expect to make any dividend. There is 5 or 6 or 7 per cent. of the capital involved, in favor of the Government. There is no necessity for this in the world. You might just as well go to work and make all the paper you want, instead of opening bids as you do every year for the Government Printing Office; you might as well set up the whole range of manufacturing industry in this city of Washington to the destruction of many private concerns in order to carry on business under the Government. The result is that the Government does not make as cheaply, and as a rule it can not make as cheaply as a private establishment. It works only eight hours a day in the first place. I find no fault with that, but private establishments that give heavy bonds to do work do work more hours than that and get the work done.

Everybody knows that as to certain branches of Government work it is necessary that the Government do them anyhow whether they cost the same or not, for security and for convenience. For the security of the bonds and the notes of the Government, the valuable moneyed securities, it is right that it should do its own engraving. So, too, we must have a Government Printing Office rather than sublet the work to forty establishments, because it is a very large work and you could hardly get private capital to put in so heavy a plant as is required. It is the largest printing office in the world, and we must have something at our command from which we can order a job to be finished over night. No private establishment, unless you gave it three or four or five million dollars capital, would undertake to do the work that the Government Printing Office does, in my opinion. I do not know the exact worth of the plant; but it has done what has never been done by any establishment in the world anywhere else, and I do not think it could be done by any two establishments in the world put together. It took this great volume, the Revised Statutes, printed and bound and laid it on the table of the Speaker in twenty-four hours. It is necessary to the carrying on of this great Government that it should own some such things; but the making of an envelope, a simple matter of folding with the insignificant work of stamping the money value on one corner, is a purely mechanical operation. It requires costly machinery. I think it is a great mistake for the Government to go into this line of business.

Mr. MORGAN. I hold to the doctrine that where the Government is the only customer of certain descriptions of work the Government ought always to have some arrangement by which it can come into competition for that work; and that is the doctrine which pervades almost all the statutes where public work is done under act of Congress. For instance, in the river and harbor bill we provide always, or at least we always should provide, that the Government may let out contracts to bidders, or in the event that bidders can not be found at a suitable rate that the Government should be enabled to do the work. I can recall instances in my own State where 50 per cent. of the money was saved upon contracts where lettings were made on the work in the bay of Mobile.

It is true throughout the country. If we should take the whole river and harbor improvement bill and let it out alone to private contract, without reserving to the Government a right to interpose and have the work done on its own account, we should not get perhaps more than 50 or, at most, 75 per cent. of the same amount of work done for the same money. So in making ships and in making guns the Government desires to have its work, for which it is the only customer, done for a reasonable sum of money. It should keep down combinations among manufacturers. It has to resort to this system of allowing itself or its own institutions to bid for these contracts.

The words of this bill that are proposed to be stricken out by the committee are:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties.

Every one of these designated stamps, stamped envelopes, postal cards, and postal securities stand in the place of money. They are a description of currency by which postage is paid on the letters and other mail matter that traverses the country. It seems to me that the Government of the United States being the only party that can possibly have any demand for this description of money or this description of stamps, it ought to have the privilege of putting in a bid through its own organized department in order to create the spirit of competition that is necessary to have the Government treated fairly. Nobody desires anything more than that; nobody wishes to cut down the prices below a fair and legitimate standard, but still we ought not to put the Government in the power of combinations among those who happen to have the money or the machinery that may be necessary for the manufacture of these articles. We have our establishments here; they have been organized at great expense; we have the machinery; we have every facility for manufacturing these articles, so far as I am informed. I do not understand that we should have to enlarge our establishments in order to make this bid.

Mr. HAWLEY. Will the Senator allow me?

Mr. MORGAN. Certainly.

Mr. HAWLEY. It would take a very large sum of money to buy all the envelope-folding machines needed. They would take a large space. It would be necessary to have buildings and a heavy investment for machinery, and a very large roll of employés to make the hundreds or thousands of millions of envelopes that would be required.

Mr. MORGAN. Then they can not bid because we have not any appropriation for it. Nothing in this bill would authorize any expenditure of that kind, and of course the Government would only bid for those things it was competent to do. I grant you that the Government has not any establishment here for the manufacture of envelopes, but that is not what is meant by this clause as I understand: it is putting the impress, the *imprimatur* of the Government upon an envelope.

Mr. HAWLEY. Oh, no; the manufacturing of the envelopes, the folding of them.

Mr. MORGAN. It reads:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, &c.

Not envelopes without stamps, not envelopes to be sold in the general market of the country.

Mr. HAWLEY. I dislike very much to interrupt the Senator; but it would be supremely ridiculous to fold the envelope by private contract and bring it here and have a little insignificant stamp put upon it. It had better all be done at one establishment. There can be no doubt the contemplation of this provision is to have the envelope made here.

Mr. MORGAN. I suppose we are not fully equipped to manufacture these envelopes. I suppose it would require an additional expenditure. Then, of course, the Secretary of the Treasury would not put in a bid for that part of the work; he would separate it and put in a bid for the parts he is able to do with the machinery we have already on hand. But, as I remarked before, there is no appropriation here for the increase of the establishment in any way; none is required by this bill, and none will be brought up, I dare say, on the sundry civil or any other bill.

The whole question resolves itself, in my judgment, into this proposition: Shall the Government, being the only consumer, the only party that can have a demand for this work, be permitted through its established agencies and institutions to compete for the work?

Mr. DAWES. Mr. President, a stamped envelope is made precisely as any other envelope is, by a single motion of a machine. The paper comes from blank paper in the ordinary sheet into a stamped envelope by one single, solitary motion of a machine, and when the Government proposes to make a stamped envelope it must have all the machinery that is required to make envelopes without stamps with the only difference of attaching to that machinery a die. When the Government makes that kind of envelope without putting into the cost of the envelope the expenses of the plant necessary or the interest upon the plant, or the insurance upon the plant, or the rent of the plant or any other incidental expense, being nearly 40 per cent. of the whole expense, no private establishment can compete with it. When the Government makes an envelope without taking these items into account, the Government must make all the envelopes, for nobody else can make envelopes in competition with the Government when the Government furnishes a stamped envelope at less than half the difference between the stamp and the envelope that would be necessary, if you bought an unstamped envelope. So then it involves necessarily the extinguishment of the private manufacture of envelopes of any kind, unless it may be possibly those alluded to by the Senator from Connecticut. Therefore the Government must understand that if it undertakes to manufacture all the stamped envelopes it must manufacture all the envelopes that go into commerce and that at this moment there are more than 5,000 men at that work, and it is importing into the city of Washington and around the Bureau of Engraving and Printing that number of additional employés.

I have always understood it to be considered a matter of regret that we were under the necessity of maintaining such a vast establishment as the Printing Office; but the considerations that enter into the maintenance of that are such that it can not be obviated, and it is a necessity to carry on that vast establishment because of the nature of the work. But none of those considerations enter into this matter. The stamped envelopes, the postal cards, and the stamps themselves that are made separately can be, so far as convenience or necessity or use is concerned, made at one place as well as another. It is only a question of cost. Now, the Government does not save at all, because it does not charge to the cost of the manufacture of an envelope the cost of the plant, or the interest on the plant, or the insurance, or anything like that. It does not save that because it pays it in another way; it all comes out of the Treasury, although it is not charged off against the cost of each envelope. So while the Government by thus disregarding what must in the end come out of the Treasury as an element of cost can put upon the market envelopes so much cheaper than the private person can that they at once must take the whole business and must, as I have said.

gather all this plant. There are to-day hundreds of these plants fully employed to supply the demand of the country.

The Senator from Alabama says that as to that of which the Government is the sole consumer the Government should be a bidder or should be able to manufacture. The Government is the sole consumer of the materials out of which the uniforms of the Army are made, the uniforms of the cadets at West Point and at Annapolis. The Government is the sole consumer of very many things that it has no idea of manufacturing; as establishing a woolen-mill to manufacture the cloth, or a tailor's shop to make up the clothes, or a button factory to manufacture the buttons. As to that which from the nature of the thing itself it is wisest and safest that the Government alone should manufacture, like its bond paper and like its postal securities (and it may possibly be like the engraving of the separate postage-stamps), the Senator from Alabama is correct, but as to that which can just as well be made in the country at large by private enterprise, it is assuming on the part of the Government a paternal character and a universality of business that is quite out of the question; and in the end, after having broken down all private enterprise in this kind of business, it would result disastrously. But this the Senator had not alluded to, nor did the Senator from Maryland.

Mr. MORGAN. I wish to inquire of the Senator from Massachusetts for what purposes the Bureau of Engraving and Printing was established? What do we expect to do with it if it is not to be used for business like this?

Mr. DAWES. It was not established to see how large we could make it. It was not established to see how many homes could be made in it. It was established to perform that kind of work which in its nature ought to be performed by the Government under safeguards and exclusiveness, in the making of which there was no propriety in letting all the world participate, because all the world would be likely to throw upon the markets the products of such industry. That I always considered was the reason why we created it. First it originated with the greenback. It is perfectly apparent that the Government could not let out to all the world the engraving pertaining to the greenback. From the greenback it became enlarged into other matters, the engraving of the stamps of the Government and things of that kind. It does not do private work. It does not do any kind of engraving unless it may be the heads of Senators at some time, except that which the Government itself uses and ought to have entirely within its control, so that it may have in itself all safeguards and prevent all liability of counterfeiting.

But I wish to know what the last clause in the paragraph means if it does not mean that you offer to the public an invitation to bid for the doing of this work, and you invite them to put themselves down to the lowest possible point and to accommodate their machinery, their capital, and their investment to it, and when it is done we will do as we have a mind to; we will crush you out entirely and go into the manufacture of private productions along with you.

The Senator from Alabama is mistaken when he says the Government is the sole consumer of stamped envelopes. The people are the consumers of stamped envelopes. The stamp is all that the Government furnishes. The stamped envelope, like every other envelope, is for the use of the people, and the people are to pay the cost of it, and it is wise and proper that no more than the cost and a decent profit upon that cost should be attached to the envelope. It should be brought as low as it possibly can be and continued. It seems to me that when you embark in the manufacture of all these postal cards and envelopes and work of that kind you might just as well set up a woolen-mill, a hatter's shop, a shoemaker's shop, and turn the city of Washington into a grand center of manufacturing of which the Government will furnish the capital and the Government will furnish the employés.

Mr. PLUMB. It ought to be understood that if we commence this thing we shall never quit it. The Government has never entered upon a domain or manufacture or a creation of anything that it has ever ceased it. If this year the Treasury Department should bid to do this work at half the cost and supply itself with the plant and go on to do it, next year it will do the work if it costs twice or even three times as much as private enterprise would do it for. We would simply be entering upon a new scope and system and plan of operations in regard to carrying on this business.

It is not cognate to that of the public printing generally, because there after great experience Congress determined that it would be practicable to always have on hand the facilities to do the work and not to submit to the general scuffle of bidding; but in this case there has been no complaint anywhere either of the quality of the work or the price at which it was done. Private parties have not only been ready and willing to do this work, as they have been to carry the mails and do other things, at a reasonable price, but there have been built up great establishments which the Government now would practically break up if it were to enter upon the matter in this way. I do not mean to say that necessarily it would result in that being done by the Government, but by the dangerous power vested in the Secretary of the Treasury and the Postmaster-General by this section, it does not limit them to accepting the lowest bid or the best bid, but simply says to the Postmaster General, "If you think on the whole, without reference to what private parties may have bid, that the Government ought to enter upon this manufacture as a public policy, then you can give the bid to the Secretary of the Treasury and reject those of all the private parties."

Mr. GORMAN. I can not allow the vote to be taken without saying a word further in reply to the Senators from Kansas and Connecticut. It seems to me that it is too late to raise the question as to the propriety of the Government entering upon this work.

The history of this bureau, as I have once before stated, is perfectly well known. When we began printing the greenbacks and the stamps used in the Internal Revenue Bureau, it was found that a combination of engravers in the country, comparatively a few establishments, it is true, had been made, and they so extorted upon the Government that it was found absolutely necessary to establish a Bureau of Engraving and Printing for the purpose of preventing the Government from being robbed. The work of that department heretofore has been confined to the manufacture of greenbacks and national-bank notes and the stamps used in the Internal Revenue Bureau. One year ago, when the law was changed affecting the Post-Office Department so as to require an entirely different stamp, it is perfectly well known that a combination was made, and extraordinary prices have been paid by the Government for the stamps and stamped envelopes that are now used.

It is a mistaken idea to suppose that the Government will of necessity, if this provision is retained, be compelled to bid for all this work. I grant that it has not facilities to-day to make the stamped envelopes entirely, but it has the facilities for making the stamps, which is more than half of the amount that is covered by this item, or, in other words, about $750,000.

The effect of the provision, if it is passed, will be to prevent the combination of outside parties, and, in the judgment of many who have examined the question, it will save the Government a large amount of money without increasing the cost of our plant or without increasing the expenditures of the department a dollar; but on the other hand would save several hundred thousand dollars.

Mr. HAWLEY. Mr. President, just a word. The Senator says extraordinary prices are being paid for stamped envelopes. I traverse that. It is wholly a mistake. It is a kind of business that can not be got into the hands of monopolists, because it is a simple thing to buy the folding-machine and set up the envelope manufactory. It is not as it was in the case of engravers. The engravers of fine bond plate or fine plates for bank notes are few in number. Very few men can do that, and it is easy for them to combine. The other is a simple branch of manufacture.

As my friend from Massachusetts says, you might just as well set up a tailor-shop as to go into the envelope manufacture. I make the prophecy that if you enter upon this branch of business you will have a great building within three years and many hundreds, perhaps a thousand or more, employés, and in three years from that time you will be paying more money for your stamped envelopes and postal cards than you pay now.

Mr. BECK. Mr. President, I did not examine this question with very great care because it impressed me in committee, as I believe it did the whole committee, that the work was being done pretty cheaply now. We heard of no combinations. It seems there was fair competition and very open competition in regard to all these matters, and it was thought we should not undertake it, especially under the latter clause of the paragraph, which provides "that the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so." That would be giving a power to the Secretary of the Treasury and to the Postmaster-General to increase the employés of this Government almost *ad infinitum*.

I am one of those who believe that the Government ought to employ its own agencies, where frauds might be committed upon it and where embarrassments might follow in the carrying on of the Government unless it had those agencies, such as the Printing Office, where the RECORD is to be printed every morning and where our public documents have to be printed, so that combinations can not be made against it by printing unions and other things. We have got to keep all those things under our control; but wherever the people can do anything, such as the making of the envelopes that the people buy to use on their letters, and postal cards, or anything else of that kind, we are no more under the necessity of going into that business than, as the Senator from Massachusetts very well said, there is for the Government to make the cloth that is worn in the uniforms of the Army or Navy or the flags that float from the masts of our ships.

My experience has been that nothing is ever as cheaply done when it is administrative as when it is done by competition as a commercial transaction. The Government never does carry on anything as cheaply as private people can do it.

The committee were advised further, and I believe it will turn out to be so, that before a plant sufficient can be put down to start this business, a building twice as large as that of the Bureau of Engraving and Printing will have to be built, and five or six hundred, perhaps a thousand, employés will have to come in. I, for one, believe that no greater calamity can happen to poor people than to tempt them to come here to work for the Government under influences that may change

every two or three years, and to be dependent on patronage and upon the power of political men or political parties. Whenever work can be done otherwise, I want to see it done.

Mr. GORMAN. Will the Senator permit me to ask him a question?

Mr. BECK. Certainly.

Mr. GORMAN. The Senator from Kentucky has had large experience here, and I ask him if in the establishment of the Bureau of Engraving and Printing, with the employés paid fair prices and working eight hours a day, it is not a fact that the Government has saved thousands of dollars in the manufacture of greenbacks and bank notes and stamps used in the Internal Revenue Bureau over the prices formerly paid to contractors?

Mr. BECK. I am not prepared to answer that; but I do not believe it will be found to be the case if the Government is charged for the buildings it has erected, for the plant, and for everything else. No part of that ever enters into the calculation of a comparison between what is paid out under one system and under the other. I have no idea whatever that we have done the work anything like as cheaply. To illustrate: The Patent Office claimed that it was laying up immense sums in addition to all its expenses. An investigation showed that last year one hundred and seventy or one hundred and seventy-five thousand dollars for printing and other things were never charged to that bureau at all. While perhaps it pays its own expenses, all the surplus that is claimed was paid out by us in other forms that we knew nothing about. So it is in a variety of other things.

You must recollect that in any private establishment making stamps the cost of the building is a very great item and the cost of the machinery is a great item. All these things enter into the calculation in that case; but when you merely compare the pay of the employés and give the building for nothing, give the machinery for nothing, the fuel and all the other things, with no rent charged, perhaps the comparison may be in favor of the Government. I am not sure in regard to that. However, I know the fact, and we all know it, that we ought not, unless we are compelled by self-protection, to drive out the competition of our citizens by having Government employés here to convert such business into administration. There is enough of administration, there is enough of embarrassment, and there are enough people drawn here who according to my experience become more and more dependent, less and less self-reliant, less and less useful citizens the longer they stay here, dependent as many of them are upon the changes of the wheel of fortune in politics. We ought not to encourage any great increase of those classes of people if we can help it; and we can keep a very large number away by allowing this competition to go on in the manufacture of envelopes, which has been done satisfactorily before and I think it will be done satisfactorily again.

The last clause of the paragraph I say alarmed me more than any other provision in it. I do not want the Postmaster-General, or the Secretary of the Treasury, I do not care whether he is a Democrat or a Republican, to have the right to disregard bids and say what shall be abolished. At any rate I was in favor of striking it out after all the information we had, so that we may hear from the House as to why it was put in, and that our conferees may hear in regard to it; whereas if we agree to retain the clause now we shall hear nothing and it will have passed out of our hands altogether.

Mr. MORGAN. I should dislike very much to see the last clause of the paragraph stricken out in regard to any contract that the Government makes:

> That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so.

I understand that the right to reject bids is always reserved to the Department in every contract, and unless that right is reserved of course the Government is only to be victimized by whoever chooses to combine against it. I should not like to see that stricken out of any measure in regard to the making of contracts for any manufactures connected with the Government.

I presume from the tenor of the debate here this morning that the Bureau of Engraving and Printing is doomed. What are we to do with it? We have got it here established at very large cost. It may have been a very improvident and unwise arrangement when we established it, but there it is. We seem to have no use for it. We are not printing any bonds; perhaps we are renewing a few. We are printing a few greenbacks and a few national-bank notes to renew those which are going out of circulation. The business of the bureau has fallen away until there must be a large amount of idle capital and idle plant there that is doing no good at all. If Senators want it abolished, I shall vote to abolish it, but while it is there and while it must be maintained at a heavy annual expense, I should like to see that bureau brought in as a competitor for public work in order that we may insure the getting of work done at moderate or fair prices for which we are compelled to make contracts.

The Senator from Kansas said that this would be the breaking down of some great establishment or great establishments. That may be so. I do not know where those establishments are or how great they are. What I do know, however, is that the business of manufacturing postal stamps, postal cards, postal envelopes, postal money, is not a business that can be distributed about over the country into various hands. It requires a large establishment to carry it on. It requires a large plant, large capital to carry it on. The consequence is that there are very few bidders. I suppose that any Senator here acquainted with the business could understand perfectly well from this moment forward if this measure is passed into whose hands the work would fall. I suppose there is no doubt about that. The competition, if we will have competition, is really between one or two large establishments in the United States and the Government office. Now, shall we dispense with that competition? Shall we allow those great establishments to take this work at their own prices? That is the question. If we treat the matter precisely as it exists under the state of facts as they exist, that is the question.

If it was a business that could be distributed about into various hands, if we could put up real commercial competition about it, I should not care, because then I should know that the Government would be safe or at least largely so; but inasmuch as this work will be done by one or two great establishments, and only by those establishments, it seems to me to be our duty as far as we can go in the matter to have this competition through the agency of the Government Bureau of Engraving and Printing.

The Senator from Kentucky [Mr. BECK] assumes that it is necessary to employ three or four hundred additional persons for the purpose of carrying this provision into effect. That can not be done unless Congress authorizes it. The effect of the provision is to bring the Government into competition for this work only so far as it is prepared to do it, and that the Secretary of the Treasury will perfectly well know when he comes to have the bidding submitted to the country by publication. That is the whole effect of it. It will not increase necessarily the expenditures of the Government one dollar except to get the material that is necessary to be manufactured into the stamped envelopes, stamps, and postal currency. That is all of it.

Now, I insist again that it is the duty of Congress to put it in the power of the Government of the United States to have its work done at fair prices, and that is a duty which we can not accomplish under existing circumstances, it seems to me, unless we avail ourselves of the Bureau of Engraving and Printing as a competitor for these contracts.

Mr. PLUMB. It ought to be stated here as a fact, as it is, that this work has been done for the Government at a lower price every year, showing that competition has its full effect in this as it has in ordinary branches of business. If the statement with which the Senator from Alabama concluded his speech is to apply, then the Government ought to have horses and wagons so that in cases where it should be necessary to enlarge the star-route service it may supply from headquarters at Washington or elsewhere the mail service with the necessary machinery to carry it on. If we can not rely upon private competition, let us carry it out to the logical conclusion; let the Government have all these things on hand and a plant ready to carry on the manufacture not only in regard to mail matter, but, as the Senator from Kentucky says, the clothing for the Army, and things of that sort, if private parties do not meet its expectations.

Mr. McPHERSON. Mr. President——

Mr. BECK. If the Senator from New Jersey will allow me, I was about to say to the Senator from Alabama [Mr. MORGAN] while he was speaking—I did not like to interrupt him—that on one branch of his argument there need be no apprehension in regard to the use of buildings because of the diminishing service, because the building used by the Bureau of Engraving and Printing is one of our own, and in addition to all the public buildings we have in Washington now we are paying rents to private owners which last year amounted to $186,000, so that if that building is not sufficiently employed hereafter because of the diminution of bonds and other things, we can diminish the enormous rents that we are now paying for the leased buildings by occupying part of that building for something else.

Mr. McPHERSON. I have listened to some of the most extraordinary arguments touching this question that it has ever been my privilege to listen to in the Senate upon any question. The Senator from Kansas [Mr. PLUMB] seems to go upon the idea that if we can consistently and properly employ the Government forces and the Government property for the manufacture of stamps and things of that kind and character used by the Post-Office and other Departments of the Government, we can with the same propriety institute some new proceeding as to the conveyance of mails, &c.

It seems to me that if there is one thing that the Government of the United States ought to take upon itself to do, it is to print all the stamps that the Government uses in every Department, in the Post-Office Department as well as in the Internal Revenue Department. In order that we might be able to print the bank notes and other evidences of debt of the United States, the Government proceeded to put up an expensive building, to put in expensive machinery, and, as I understand, at great saving to the Government in point of expense. The necessity does not exist longer for this vast creation of machinery and for the

large building constructed by the Government, for that purpose, and it can just as well as not proceed to make the post-office stamps, the internal-revenue stamps, and every stamp issued by the Government.

No particle of paper upon which the bonds, the bank notes, or any issues of the Government are made, should ever be allowed to leave the custody of the Government officers until it is prepared and printed. No post-office stamp should ever be permitted to be printed in any other place except at a Government office and under the supervision and control of Government officers.

With the vast expenditure of money by the Government for a plant, for machinery to-day lying out of use, it is now proposed to continue the contract system, under which the postage-stamps have been heretofore printed at a great profit—I know whereof I speak; I say at a great profit—to the contractors who have had the contracts heretofore.

It is time that some reforms were made in the Government, particularly with regard to its stamps. How do we know whether they are all returned to the Government or not? When you have made a contract to print a certain quantity, and a very large quantity, of postage-stamps in some establishment in the city of New York, how can the Government know except under the supervision of a Government officer whether they have ever been returned to the Government or not?

Mr. PLUMB. If the Senator will observe this bill he will find that at every place where these envelopes and stamps are manufactured the Government has its agents and assistants who are there for the purpose of inspecting the manufacture and indicating whatever is necessary for the safety of the product.

Mr. McPHERSON. Then the Government makes a contract with some party to make the stamps, and employs a horde of Government officers to go there and watch the Government contractors. It is just as easy to have that work done here in Washington under the supervision of officers already in the employment of the Government without any extraordinary cost. The Government of the United States, in its own establishment, under the control and direction of its own officers, by its own machinery, and under its own supervision, should make every stamp issued by the Government for any and every purpose. That is one of the things that can not reasonably or properly be trusted to any establishment outside of Government control absolutely.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment recommended by the Committee on Appropriations.

Mr. GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 20; as follows:

YEAS—32.

Aldrich,	Dawes,	Ingalls,	Morrill,
Allison,	Dolph,	Jones of Nevada,	Palmer,
Beck,	Edmunds,	Lapham,	Platt,
Blair,	Frye,	Mahone,	Plumb,
Cameron of Wis.,	Harris,	Manderson,	Sabin,
Chace,	Harrison,	Miller of Cal.,	Sawyer,
Conger,	Hawley,	Miller of N. Y.,	Sewell,
Cullom,	Hoar,	Mitchell,	Wilson.

NAYS—20.

Bayard,	Coke,	Hampton,	Pugh,
Brown,	Garland,	Jackson,	Sherman,
Butler,	George,	McPherson,	Vance,
Call,	Gibson,	Maxey,	Voorhees,
Camden,	Gorman,	Morgan,	Williams.

ABSENT—24.

Bowen,	Groome,	Lamar,	Riddleberger,
Cameron of Pa.,	Hale,	Logan,	Saulsbury,
Cockrell,	Hill,	McMillan,	Slater,
Colquitt,	Jonas,	Pendleton,	Van Wyck,
Fair,	Jones of Florida,	Pike,	Vest,
Farley,	Kenna,	Ransom,	Walker.

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 172, to insert the subheading:

Office of Superintendent of Foreign Mails.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 3, in the following words:

SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

Mr. MORGAN. I desire to ask the Senator in charge of the bill whether the committee had any objection to this provision upon its merits, or whether the committee reported to strike it out merely because it was new legislation?

Mr. PLUMB. It was stricken out chiefly because it was general legislation and because the committee had not time to investigate the matter and determine whether it was wise legislation. There are some things about it which are attractive on the face, but there were some suggestions also that it might not work very well, and it was thought best not to try an experiment of this kind on an appropriation bill, but that it should go to the appropriate committee and receive consideration first from that committee, and then come to the Senate and be discussed in all its bearings, as it was manifest it could not be on this bill, because, in the first place, there is no time, and, in the next place, because it not being relevant to this bill those who would be chiefly interested in it and in the subject-matter might not be present to discuss it.

Mr. MORGAN. Of course if the committee did not have time to consider it, that is a good objection to the section. Being a new system with which they were not satisfied, which is not under consideration or has not been passed in review before the Senate, that fact ought to be a good objection to it; but I hope when it comes back from the conference committee, if it ever should come, that it will not then be adopted, for we shall have certainly no time to discuss it when it comes back from the committee of conference. I understand that we can not amend it under our rules; that all we can do is to strike it out or let it stay in. I shall not object to it if it is going out, but I wanted to understand the manner in which it was to be stricken out.

Mr. SHERMAN. The remark made by the Senator from Alabama induces me to say at this point that if this provision is to be entertained in the committee of conference, it ought to be debated here. I am decidedly opposed to it. I think it would make "confusion worse confounded." The introduction of a 10-cent postage-stamp for special delivery would create all the embarrassments of the transportation or express companies. I think therefore the Senate ought to vote understanding that it is to vote against the proposition on its merits. I have looked at it sufficiently to believe that it would create very serious embarrassment. I do not know anybody who is in favor of it in the Senate.

Mr. PLUMB. Speaking for myself, I will say that I quite agree with the Senator from Ohio, but it is not within the purview of my authority, present or prospective, to speak of what may happen as the result of a conference. Conferences are supposed to be free conferences, and consequently those who enter them enter them free from instructions, and they are supposed to be also free from any predisposition to agree or disagree to a particular thing. All I can say is that if this conference is constituted in such a way as that I should happen to be a member of it, as it may be, it will not make any report to the Senate the full scope and purpose of which the Senate will not be advised of. To the extent to which the conference may insist on this or other amendments, I can not say anything about, but certainly I was not convinced that this was a proper provision to put on the bill and I can see a great many things in it as a reason why it would be in itself in practice cumbersome and lead to a great deal of confusion in the administration of the Post-Office system. We have now a very fair system, and if it is to be extended at all it ought to be extended only upon the very fullest consideration, and certainly not in any way by a provision upon an appropriation bill.

I will take this occasion to move, in line 155, to strike out the word "nine" and insert "five;" so as to make the clause read: "For manufacture of stamped envelopes and newspaper-wrappers and letter-sheets, $745,000," instead of $749,000. I move that amendment on the suggestion of the Postmaster-General. An amendment which will probably be put on the executive, legislative, and judicial appropriation bill will relieve the necessity of that branch of expenditure to that amount.

The PRESIDING OFFICER. The amendment suggested by the Senator from Kansas will be received if there be no objection. The question is on that amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations to strike out section 3.

Mr. MAXEY. I trust the Senate will strike out section 3, for this reason: An examination of the section will show that there is a very great probability of a considerable additional expenditure to be incurred if it is adopted. It has never been placed before the Post-Office Committee of the Senate. There has never been any information given to that committee on that question, nor has that committee ever reported any information in regard to it to the Senate. It may be a very good thing; but I do not know that there is any emergency which requires its immediate passage. I think, therefore, the Committee on Appropriations is entirely right in striking out this section and leaving it for future examination. If it is a good thing it can be referred to the Post-Office Committee and be there investigated, and by their report the Senate can be guided in acting upon it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out section 3.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 4, as follows:

SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock a. m. up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

Mr. MAXEY. That goes out necessarily, as section 3 went out.

Mr. SHERMAN. And the following sections.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out section 5, as follows:

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 3 of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department.

Mr. MAXEY. Section 6 is in the same line, and I hope the action of the committee will be concurred in.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out section 7, as follows:

SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin board in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance: *And provided also*, That no cost or charge to the Government shall be incurred in consequence of such instruction.

The amendment was agreed to.

Mr. MAXEY. I ask if all the amendments of the Committee on Appropriations are disposed of?

The PRESIDENT *pro tempore*. Has the Committee on Appropriations any further amendments to propose to the bill?

Mr. PLUMB. No further amendments on the part of the committee.

Mr. MAXEY. I call the attention of the Senator in charge of the bill to an amendment which I propose to perfect the text. In line 114, after the word "thereof," I move to insert "and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof." The wording of the bill refers to a repealed act whereby the postage was fixed at 3 cents. This brings it up to the existing act of March 3, 1883, and is explanatory of that. It is a mere correction of the text.

The PRESIDENT *pro tempore*. The Senator from Texas proposes an amendment which will be read.

The CHIEF CLERK. In line 114, page 6, after the word "thereof," it is proposed to insert:

And reduced by the act approved March 3, 1883, to 2 cents for each half ounce or fraction thereof.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the question whether this amendment is in order. The Senators who are of the opinion that the amendment is in order will say ay——

Mr. PLUMB. I suppose the Senator really asks unanimous consent to offer the amendment.

The PRESIDENT *pro tempore*. The Senator from Texas made a motion to amend the bill by inserting words. The Chair submits the question of order on that amendment to the Senate.

Mr. PLUMB. I suggest to the Senator that he ask unanimous consent to move the amendment.

Mr. MAXEY. I ask unanimous consent for the reason that the reading of the bill will show us that it describes the act which is proposed to be amended as that making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, by which act certain postage was declared to be at the rate of 3 cents for each half ounce or fraction thereof. That act has been repealed. There is no such act now. That provision of it was repeated in the act of March 3, 1883; and by putting in the words I propose "and reduced by the act approved March 3, 1883, to 2 cents for each half ounce or fraction thereof," we bring this act up to connect with the modified act now in force.

Mr. HAWLEY. I think the amendment of the Senator from Texas entirely unnecessary, because the bill before us goes on to say, in a line or two thereafter, "shall be mailed at the rate of 2 cents per ounce or fraction thereof." The lines he refers to simply describe the letters. The old law did say that they should be charged 3 cents a half ounce, but that is used here simply as language of description in referring to an old statute. It goes right on in line 117:

Shall be mailed at the rate of 2 cents per ounce or fraction thereof.

No mistake can arise from the language of the bill.

Mr. MAXEY. The act of March 3, 1883, says "2 cents for each half ounce or fraction thereof," and this simply changes the maximum of weight from a half ounce to an ounce. I care nothing about it, but this will leave it in an awkward situation.

Mr. HAWLEY. I think the fewer references to old acts the better; the shorter the description the better.

Mr. MAXEY. The Post-Office Committee—I do no know whether I have unanimous consent or not——

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the bill be amended as has been suggested. Is there objection?

Mr. SHERMAN. I do not think the amendment is a wise one. I do not want to object merely on a point of order, but I think the amendment will tend to make obscure what is now very clear.

Mr. MAXEY. I will state to the Senator from Ohio that when I first read the provision—and I read it very carefully—I was in great doubt what it meant. I went to the Senator from Iowa [Mr. ALLISON], and he said the committee was troubled as to what it meant. The act mentioned here has been repealed, and by putting in the words I propose it is made perfectly plain. The amendment refers to the act now in force reducing the postage to 2 cents for a half ounce. You simply by this legislation strike out the word "half," and that is an amendment of the law of March 3, 1883.

Mr. SHERMAN. I will not object to it except that I think it is using an unnecessary reference.

Mr. MAXEY. I think it makes the matter clear.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to be allowed to offer this amendment. Is there objection to the amendment proposed by the Senator from Texas?

Mr. ALLISON. I should like to hear it reported.

The PRESIDENT *pro tempore*. It will be again read.

The CHIEF CLERK. In line 114, after the word "thereto," it is proposed to insert:

And reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof.

So as to read:

And by that act declared subject to postage at the rate of 3 cents for each half ounce or fraction thereof, and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof, postage shall be charged on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof.

Mr. ALLISON. I do not think that is at all necessary, but I do not object to it.

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Texas? The Chair hears none. The amendment is agreed to.

Mr. MAXEY. By direction of the Committee on Post-Offices and Post-Roads, I offer an amendment to come in on page 3, lines 50 and 51.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. On page 3, line 50, it is proposed to strike out the word "and" after the word "first," and to insert in line 51, after the word "second," the words "and third;" so as to make the clause read:

That the Postmaster-General may lease premises for use for post-offices of the first, second, and third classes at a reasonable rental, to be paid quarterly, &c.

Mr. MAXEY. In support of that amendment I call attention——

Mr. ALLISON. Is that amendment in order?

Mr. PLUMB. This amendment was before the committee, and seemed to involve the Government in a very large sum of money, and I feel instructed by the committee to raise whatever point of order may lie against the amendment, which I now do.

The PRESIDENT *pro tempore*. The Senator from Texas proposes an amendment, which will be again read.

The Chief Clerk read the amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the question that this amendment is not in order. The Chair submits the question to the Senate.

Mr. MAXEY. Is that question debatable?

The PRESIDENT *pro tempore*. It is.

Mr. MAXEY. Mr. President, I call the very serious attention of the Senate to this proposition. I believe that if they would hear me there would be probably not a dissenting voice in the Senate to the amendment which I offer by direction of the Committee on Post-Offices and Post-Roads.

First, the Senate by a unanimous vote, there being not a dissenting voice, passed a bill during the present Congress, on the 5th of March, 1884, authorizing the Postmaster-General to lease premises for the use of post-offices of the first, second and third classes, which is precisely what is proposed by the amendment. That bill passed the Senate on the 5th of March last, and is now in the House. That is the first point.

In the second place, at the present session the Post-Office Committee of the Senate unanimously request the adoption of the amendment which is now offered by that committee.

Third, and on the point of order, it is shadowy whether or not the Postmaster-General to-day has any authority to rent offices for post-offices of the first and second classes. If this clause remains in the bill as sent by the House allowing premises to be leased for post-offices of the first and second classes, it is as much legislation as to provide for post-offices of the third class.

The Postmaster-General in his last annual report, sent to us at the beginning of the present session, says:

I again invite the particular attention of Congress to the subject-matter of leasing buildings and premises for post-offices.

The Department has been greatly embarrassed for the want of a well-defined law on this subject. I am of the opinion that it is the duty of the Government to provide buildings and proper facilities for the transaction of postal business. The records show that roomy, well-arranged, and well-furnished offices not only facilitate the transaction of business, but very largely increase the revenues of the Department. Suitable rooms with suitable fixtures can only be secured by leasing for a term longer than that now authorized by law, and longer delay in giving this authority will prove embarrassing to the Department and hurtful to the service.

Now in respect to the point which is made by the Post-Office Committee in the amendment which I offer in its behalf, he says:

I renew the recommendation made last year that Congress provide for the office-rent, fuel, light, stationery, and miscellaneous items at third-class post-offices. I know of no reason why these expenses should not be paid at third-class post-offices as well as at first and second class offices.

In addition to that, in response to a letter which I wrote to him, the Postmaster-General on the 11th of February, the present month, writes a letter which I send to the desk to be read.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 11, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, with inclosures as stated, and in reply I beg to state that I have no hesitancy in saying, as a matter of simple justice, that the law should be so amended as to authorize the allowance for rent, fuel, and light at post-offices of the third class, and I have so recommended in my annual report (a copy of which is herewith submitted), to which your attention is respectfully invited.

Under the act of March 3, 1883, the compensation of postmasters at offices of the third class is determined by the amount of gross receipts, the same as at offices of the first and second classes; the gross receipts in all cases including the box rents collected, whether the boxes are owned by the Government or the postmaster; and in addition to this, at offices of the third class postmasters are required to furnish the room and fixtures necessary to transact the business of their offices. Such being the case, I am of the opinion that the law should authorize the leasing of suitable buildings or the allowance of rent at all Presidential post-offices.

Very respectfully,

FRANK HATTON,
Postmaster-General.

Hon. SAMUEL B. MAXEY, *United States Senate.*

Mr. MAXEY. The Senate will observe that the Postmaster-General says first that no reason exists in favor of the leasing of an office for the use of a first or second class post-office, which does not in like manner exist for the renting of a third-class office, and next he says that the mode and manner of computing the pay of a third-class postmaster is precisely the same as the mode and manner of computing the pay of a first or second class postmaster. There is therefore no conceivable reason why the same privilege should not be extended to a third-class office that is extended by the bill to a first or second class office, and upon that point the Senate undoubtedly thought so, for on a bill that was duly considered by the Committee on Post-Offices and Post-Roads and presented to this body the Senate without a dissenting voice sustained that position and passed the bill making provision for first, second, and third class offices, and sent it to the House.

In every portion of the country, and especially in the growing sections of the West and Southwest, we find a large number of offices are passing from fourth-class offices to third-class offices. A third-class office is one where the salary of the postmaster is between one thousand and two thousand dollars; the second between two thousand and three thousand dollars, and the first above three thousand dollars. These are the divisions. All these are Presidential offices, as they are called. Here is a distinction made without any reason between the larger offices and the smaller offices, although all are salaried offices, and all the postmasters have to be nominated by the President and the nominations acted on by the Senate. It is a fact within the knowledge of most of us that in many of the towns, in order to get a suitable building for a post-office, the people have to get together and raise a purse out of their own pockets, rent a building for the office to go into, and yet the Government gets all the revenue. The net revenue in offices above a thousand dollars makes the offices self-sustaining.

Now I would ask, as a matter of common justice, why the Government of the United States should ask its citizens to pay their postage and at the same time pay for the houses to put their letters in? The Government is not a pauper.

I would ask again, is there any reason why the larger towns should have the benefit of this and the lesser towns not have it? If there is none, and if the Postmaster-General says there is none, the Post-Office Committee says there is none, and the Senate by its act made no distinction between first, second, and third class offices, surely no reason can be assigned why there should be a distinction.

I have presented this subject after very careful consideration, because I had the matter under charge in the Post-Office Committee, and there was not a dissenting voice there. I presented it to the Senate in a bill, and there was none here. It seems to me the reasons are as good now in favor of its propriety as they were in March, 1884.

Mr. BECK. I voted to retain all that the House sent to us in regard to extending the present law as to the renting of post-offices, but the House limited it to first and second class offices. The question was before the committee, and many of us, I think, would be glad to do what we did before, vote to extend this provision to third-class offices; but our rule positively prohibits any new legislation. We have a right to act on such legislation as comes to us from the House, and we have acted favorably as far as they have given us an opportunity to do so.

Mr. MAXEY. The Senator will permit me to interrupt him. If this is not germane and in fact a correction of what the House has done, what is it? Will you deprive the Senate of the power of making an amendment to any bill whatever that comes from the House? You can not do it under the Constitution. If the amendment is germane and relevant, cognate to the bill before the Senate, we have a right to adopt it.

Mr. BECK. I have contended for that so often and said it—of course not as well as the Senator from Texas has said it—on so many occasions and been overruled every time I made the suggestion, as I shall be, I suppose, as long as we have a parliamentarian in the chair, that I have no confidence in the argument. If I could get into the chair the Senator from Texas he might rule otherwise; but the question I understand now is this: The Chair having said that in his opinion this is new legislation, and submitted it to the Senate to say whether it is or not——

The PRESIDENT *pro tempore*. The Chair has expressed no opinion on the subject. After the recent action of the Senate, the Chair thinks it better to leave these questions of order to the Senate itself.

Mr. BECK. I thought the Chair had expressed its opinion, and then submitted it to the Senate. I was notable to hear very distinctly. I believe it is new legislation and I thought the Chair had submitted the question after a ruling. I felt bound to sustain the ruling of the Chair if such had been the case; but as there is no ruling by the Chair and we are all left to do what we please, and as the only rule I have observed is to do what we want, rule or no rule, I think I shall vote for the amendment.

Mr. HALE. Is the debate proceeding upon the merits of the amendment or upon the question of order?

The PRESIDENT *pro tempore*. On the question of order, but as the Senator from Maine well knows there is no right in the Chair to restrain Senators in respect to what they consider relevant to any question under consideration.

Mr. HALE. I understood the Senator from Texas to debate the merits of the proposition. I only want to say, Mr. President, that the Senate ought to understand the force and operation of this amendment. It is simply increasing the pay of a large class of postmasters throughout the United States who fill what are called third-class offices. There are, or were, in July last—and the number is increasing rapidly from week to week—1,838 of these third-class offices. There has never been the time in my knowledge or observation when there was any difficulty in procuring good men to hold these places and take the pay under the law of a third-class office, each postmaster furnishing a suitable building for the use of the public. The Government has never paid the rent of all this great number of offices, and if we embark upon the scheme presented by the Senator from Texas it will be no light additional demand upon the Treasury. The offices are, as I have said, increasing rapidly, but take the present number, nearly 2,000, and if an average rate of $500 a year was paid that would amount to a million dollars a year, added, in fact, to the salaries of postmasters. If the rent was half that of course the amount would be half in the aggregate. If the Senate is ready, with all the carefulness that it exhibits upon other matters in raising salaries, in this wholesale way to raise the pay of offices of the third class in the Post-Office Department, let it be fully understood what we are doing.

I have not found, so far as my observation goes, that any inconvenience arises to the public from the present rule and the present law. No doubt the postmasters, the 1,800 or 1,900 of them, in the different States would like to have the Government furnish buildings; undoubtedly they proffer their requests to the Postmaster-General, who naturally believes in aggrandizing his Department, and so we get the recommendation to put this in with the other classes, which are comparatively small in number, and we have the authority of the Post-Office Department cited to the Senate as a reason why we should grant this request.

I am opposed, for one—entirely, absolutely, earnestly—to inaugurating this new expense to the Government. It is no time to do it. There is no necessity for it, and it is a wanton waste of money to do it. I hope the Senate will vote down the proposition.

Mr. MAXEY. The Senator from Maine uses very strong language. He says there is no necessity for it, and it is a wanton waste of public money. I have already stated what was the opinion of the Post-Office Department on that subject in the official report of the Postmaster-General favoring this very proposition, of the Post-Office Committee favoring it, of the Senate favoring it, and with all this testimony I am of the opinion that they are perhaps as well prepared to say whether or not this is useless and a wanton waste of money, as the Senator from Maine says. I prefer this accumulated evidence from the highest sources to his single opinion. So much for that.

Now I would ask if there is any reason on earth why the people anywhere should be compelled to rent a building for the use of the Government and let the Government receive the revenues of the business conducted in that building, and at the same time require the people to pay the postage on their letters and all other mail matter? There is no reason for it. The Government is not a pauper. There is as much reason, I will say to the Senator from Maine, why these smaller places, which appear to be regarded as significant in the eyes of some, should be cared for as your great cities where millions of dollars are expended in the erection of post-office buildings. In this Government an equitable distribution of its blessings and benefits should go to all the people.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Texas in order?

Mr. ALLISON. Before that question is decided, I should like to say one word. As I understand existing laws, it is within the power of the Postmaster-General to rent for the use of the Department buildings for first and second class post-offices. Is not that the law?

Mr. MAXEY. I will state to the Senator that that seems to have been the impression; but from the wording of the report of the Postmaster-General himself there is no distinction made between first, second, and third class offices; and it is quite shadowy where the power comes from at all.

The Department has been greatly embarrassed for the want of a well-defined law on this subject.

The subject of renting offices.

I am of the opinion that it is the duty of the Government to provide buildings and proper facilities for the transaction of postal business.

The law does not limit him now, as I understand him, to first and second class offices.

Mr. ALLISON. I understand the law now to be that he can rent buildings for first and second class offices. The object of the provision in the bill is to enable the Postmaster-General to rent those offices for five years instead of renting them for one year.

Mr. MAXEY. I ask the Senator to be kind enough to turn to that law. If he will, he will find something that I think will throw great light on the subject.

Mr. ALLISON. I am only speaking now of the construction heretofore given to the law in the Post-Office Department. It has never been the custom of the Post-Office Department, nor have they ever supposed they had a right under existing law, to provide buildings for third-class post-offices. I submit to the Senator, therefore, that he proposes here to change existing law; and hence this amendment, under our rules, is out of order. I do not know precisely why the presiding officer has submitted this question to the Senate. It seems to me so perfectly clear that it is hardly worth while to submit the question.

Now, I desire to say one word to the Senator from Texas with reference to the expense of this proposed amendment. I think he will agree with me that if the Postmaster-General is authorized to rent buildings for third-class offices, it is a simple method or mode of increasing the compensation of third-class postmasters beyond what the law now provides for, and if so, it will result, as the Senator from Maine has said, in an additional expenditure of a million dollars. So far as I have been able to discover, these third-class post-offices are reasonably well conducted, and the third-class postmasters receive adequate compensation for the services they render.

Mr. INGALLS. What are third-class offices?

Mr. ALLISON. Those where the salaries are between $1,000 and $2,000 per annum.

Mr. MAXEY. The Postmaster-General says in the letter I have had read to the Senate, and which will appear in the RECORD, that there is no difference in the method of computation of the compensation of first, second, and third class postmasters.

Mr. ALLISON. So I agree.

Mr. MAXEY. They are all on the same footing, and then he says there is no reason for making the distinction.

Mr. ALLISON. They are all paid on a computation of percentages, I agree. When the computation reaches $2,000 the class is changed from a third-class office to a second-class office, so that when the compensation is $1,950 the postmaster is not allowed rent, and when it amounts to $2,050 he is. You must draw the line somewhere with reference to these matters, and that arbitrary line is $2,000, as fixed.

What I object to is changing the existing law with reference to the power of the Postmaster-General to rent these offices, because if he is authorized to rent offices he will also be authorized to fit up the offices and fit them up with what are known as Yale locks. All the second-class post-offices, or nearly all of them, I believe, are now fitted up by the Government with Yale locks. The rental and the Yale-lock provision will make a range of from five to six or seven hundred dollars for each third-class post-office. I submit to the Senator from Texas that this is too large an increase of the expenditures of the Post-Office Department, unless it can be shown that these third-class postmasters do not receive a sufficient compensation for the work they perform. Under existing law as I understand it third-class postmasters are allowed clerk-hire as well as second-class postmasters, and there is a considerable allowance made by the Post-Office Department to third-class postmasters for clerk-hire. If now we allow them clerk-hire and to rent buildings for their use, it seems to me we shall very largely swell the annual appropriations for the postal service.

If the Senator from Texas can convince me that the third-class postmasters are not receiving adequate compensation under the law which we passed in 1883, which was said to be very liberal toward them and which increased their compensation beyond what they had received before, I shall admit that there is an equity in favor of some increase; but I submit that it is dangerous to allow all these third-class postmasters, whether their salary be $1,000 or $1,900, to have their respective offices fitted up with Yale locks and all the modern appliances that are used in first and second class post-offices.

So I submit again to the Senate that this amendment is an absolute change of existing law; that there has never been a time when the Post-Office Department under existing law could allow third-class postmasters any sum whatever for rent. So it seems to me that the amendment is not in order.

Mr. MAXEY. Mr. President, after all, the argument which has been presented has not been met. The whole argument of the Senator from Iowa is simply that this ought not to be done because it will cost money. That is all there is in it. Not one single argument has been offered or can be offered why this provision should extend to first and second class offices that does not equally apply to third-class offices. So says the Postmaster-General, whose duty it is to investigate to the bottom of these things.

We have already on this bill reduced, and in my judgment very considerably reduced, the revenues of the Post-Office Department. When you come to the method of computing the salary of the third-class offices it is exactly the same as for the second and the first class, and the Postmaster-General—a point which the Senator seems altogether to have overlooked—has said:

The records show that roomy, well-arranged, and well-furnished offices not only facilitate the transaction of business, but very largely increase the revenues of the Department.

That is the opinion of the Postmaster-General, and in respect to this particular thing he says:

I know of no reason why these expenses should not be paid at third-class post-offices as well as at first and second class offices.

Besides, I ask the Senator to point out the law which authorizes the Postmaster-General to lease for a term of years offices for post-offices of the first and second class and which excluded the third-class offices. Is there anything now which would prohibit him from leasing for one year, because it can not be for a longer term, premises for a post-office of either the first, second, or third class?

Mr. ALLISON. Now will the Senator allow me to ask him a question?

Mr. MAXEY. Certainly.

Mr. ALLISON. Is not the effect of his proposed amendment to increase the compensation of third-class postmasters to the extent of the rent paid?

Mr. MAXEY. I can not see that it has the slightest effect on the third-class offices that does not apply equally to the first and second classes, because all three are paid precisely in the same way; and at last the only argument which can be used is that it will cost money. So it costs money for the first-class offices, so it does for the second-class offices; but why, I ask, should these privileges be extended to one portion of the community and not in like manner to the other portions of the community where especially the Postmaster-General, who ought to know, says that there is no difference in the method of computing the pay, and no reason which applies to one that does not apply to the others?

I have not been able to see that the point of order would apply at all. If it be that this is original legislation sent to us by the House on an appropriation bill, then the Senate has a right to propose or to concur with amendments as on other bills. If the amendment be relevant, pertinent, germane, cognate to the text, we have the right to do it in my judgment; and this is simply carrying out and making plain that which the Postmaster-General tells us is shadowy—that is the right to rent offices at all.

Mr. PLUMB. I suppose it is in order to discuss the merits of this proposition upon the point of order; and therefore I want to say a few words about the merits.

I have no doubt some better rule should be established than that obtaining now in regard to the allowance of rent and the making of leases for buildings for the accommodation of the postal service in the matter of buildings for post-offices; but any rule we are likely to make by statute is arbitrary, and there will always be found exceptions to the rule which will constitute arguments for a change. Certainly there is one thing we ought to consider is connection with this matter at the present time, that this is going to add very largely to the expense of the service. As the Senator from Texas says, that probably is not the strongest argument against it; but it should be borne in mind that we have recently very largely reduced the cost of the service to the people of the United States by the reduction of letter postage, and the Senate has lately voted by an overwhelming majority to reduce the postage on second-class matter one-half, which will make a deficit of at least $500,000 in addition to that which otherwise would exist.

Mr. MAXEY. We have also increased from a half ounce to an

ounce the weight of letters carried at the single rate, thereby taking away some postage we get on letters.

Mr. PLUMB. The deficit last year was over $2,000,000. The deficit this year will be probably something like $3,000,000 as now estimated. If we add to that a half million dollars as the diminished receipts from newspaper postage, we shall have a deficit of about three and a half millions.

Mr. INGALLS. What were the revenues last year?

Mr. PLUMB. The postal revenues last year were about $48,000,000. For the postal service proper the expenses and revenue run about together; they vary from 8 to 12 per cent. As to this amendment it is pretty hard to tell how much it will add, but I think it will be safe to say it will add, in the ordinary way of administration, at least half a million dollars to the expenditure, and it may add more. The number of third-class offices is very much in excess of the number of second-class offices. Of course if the business were carried on as a private individual would carry on his business, a large number of offices would not be rented. The theory on which this classification was originally fixed, or rather on which the allowance of rent was originally fixed, was that the smaller offices would largely be stationed in stores and other places of business.

Mr. MAXEY. I beg to call the attention of the Senator to the fact that the Postmaster-General is not required to lease. He may do it. It is left in his discretion. He will only lease such offices as may be for the good of the service.

Mr. PLUMB. I have a great deal of respect for the executive branch of the Government; but I do not know of any powers that it is authorized to exercise that it does not find occasion to exercise in the course of the fiscal year.

There is this other thing which ought to be understood about it: If the Government rents an office it must rent the entire room. It submits to no partnership and can not submit to any partnership, especially in reference to a room to be occupied for postal purposes. It will not do to have a man in the office who has not a legal right to be there, to stay at night, and consequently to have access to the mail as much as the postmaster perhaps. That would have the effect either to entirely take away from the postmaster any responsibility as to the sacredness of the mail, or it would have the effect to add to him a responsibility which no postmaster would assume. Therefore, if this provision is to be adopted and carried out, it will result in the Government renting rooms in large numbers of places where now there is adequate accommodation in connection with such other business as the postmaster himself, having a due regard to his own responsibility and the security of the mails intrusted to him, permits to be carried on in the same room with his post-office.

But, as I was saying, there are many reasons why there might be some exception to this right. There are a great many third-class post-offices where the merit of the proposition is very plain to me; but it seems to me that now, having so largely diminished the revenues of the Post-Office Department, we could permit this matter to go over for a year or two longer until the revenues have approached the expenditures before we enter upon any new experiments, and especially upon such as we know will inevitably largely increase the expenses of the service. I hope, therefore, that the Senate will not adopt this proposition.

The PRESIDENT *pro tempore*. The question is, Is the amendment offered by the Senator from Texas in order?

The question being put, a division was called for; and the ayes were 7.

Mr. PLATT. Evidently the only way to obtain a quorum is to have the yeas and nays. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 24; as follows:

YEAS—20.

Blair,	Hampton,	Mahone,	Vance,
Call,	Hill,	Maxey,	Van Wyck,
Camden,	Jackson,	Palmer,	Vest,
Coke,	Jonas,	Sawyer,	Williams,
Conger,	McMillan,	Sewell,	Wilson.

NAYS—24.

Aldrich,	Cullom,	Groome,	Lapham,
Allison,	Dawes,	Hale,	Mitchell,
Bayard,	Dolph,	Harris,	Morrill,
Butler,	Edmunds,	Harrison,	Platt,
Cameron of Wis.,	Garland,	Hawley,	Plumb,
Chace,	Gibson,	Ingalls,	Voorhees.

ABSENT—32.

Beck,	Frye,	Logan,	Pugh,
Bowen,	George,	McPherson,	Ransom,
Brown,	Gorman,	Manderson,	Riddleberger,
Cameron of Pa.,	Hoar,	Miller of Cal.,	Sabin,
Cockrell,	Jones of Florida,	Miller of N. Y.,	Saulsbury,
Colquitt,	Jones of Nevada,	Morgan,	Sherman,
Fair,	Kenna,	Pendleton,	Slater,
Farley,	Lamar,	Pike,	Walker.

The PRESIDENT *pro tempore*. The Senate decides that the amendment of the Senator from Texas is not in order.

Mr. FRYE. I move to strike out lines 171, 172, and 173, and to insert in lieu thereof:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, $800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Mr. BAYARD. I raise the question of order.

The PRESIDENT *pro tempore*. The Senator from Delaware submits the question of order that this amendment is not in order. The Chair submits the question to the Senate.

Mr. BECK. In connection with that I wish to say that section 4009 of the Revised Statutes provides:

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

And this provision clearly annuls that statute.

The PRESIDENT *pro tempore*. The question is, Is the amendment submitted by the Senator from Maine in order?

Mr. FRYE. In the first place I join issue with the Senator from Kentucky; an issue has been joined with him on that very point not at a far distant day from this in another body which I have no authority to mention by name. Take the very provision which the Senator suggests, and let him look at the last clause of that provision and he will see the distinction between the first clause and the second clause very clearly. One says the vessel shall be allowed under the contract the sea and inland postage; how much is that? How much was it last year, will the Senator state?

Mr. BECK. I do not know; I have not the figures.

Mr. FRYE. It was about $1,500,000. Under the second clause it says, "shall not exceed the sea and inland postage on the mail so transported," the words "on the mail so transported" being a clear limitation of the right and power of the Postmaster-General; and that is not contained in the first clause to which the Senator referred.

Now, I desire to call the attention of the Senate to another thing. I find that it is very common in the United States Senate in stating the Senate rule to misstate it by confounding it with the House rule. The Senator from Iowa, in making the point made a few moments ago, used the language of the House rule, "changing existing law." The House rule is that legislation changing existing law shall not be in order. There is no such language as that in the Senate rule, and none such can be found there. The Senate rule is that general legislation shall not be permitted on appropriation bills. There may be legislation on appropriation bills which is not general legislation, and a proposition may be entirely in order which does change existing law. The Senate ought to bear that in mind in determining this question.

I am sorry that the question has been submitted to the Senate. I prefer very much that a presiding officer, with the responsibility upon him of deciding according to the rule, should determine upon this question, because I believe I have some familiarity with the rules of the Senate and the rules of the House, and I declare that this amendment which I have offered, by any fair construction of the Senate rule, is strictly in order.

I do not cite the fact here that the Senate over and over again has decided it to be in order. When the proposition has been before the Senate, going to a much greater length than this amendment goes, one that made provision for expending $1,700,000; when it provided that it should be in 4,000-ton ships; when it provided for a charter for those ships; when it provided for $200,000 for a line between here and Brazil, mentioning it by name, the United States Senate three times over declared it to be in order by an overwhelming majority. I do not cite that in favor of this amendment now, because I am aware, as Senators are, that the Senate is apt to determine a rule as it thinks best for the Government at the time when the point of order is suggested. The presiding officer, on the contrary, is bound to rule as he believes the rule to be, and recognizing that fact I repeat I am sorry that he has felt obliged to-day to submit the question of order to the Senate in this case.

Now, sir, only one point has been made, that this is general legislation. Everybody admits that it is open to no other point of order. There are three or four that could be raised, but nobody raises one of them, and therefore I address myself to the question whether or not this is general legislation under the Senate rule, and I contend, with great respect, that it is not. I contend that there never was an appropriation bill passed by the Senate, there never has been one submitted to the Senate by the Senate committee holding themselves bound by the rule, which has not had more in it subject to the point that it was legislation than this amendment has. I will take the very bill we are now considering. I call the attention of the Senator from Kentucky to this part of it:

For compensation to clerks in post-offices, $5,150,000. And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work.

Just exactly as open to the objection of being general legislation as this amendment which I have proposed now.

Mr. HARRIS. If the Senator from Maine will allow me, I should be glad to ask him if his amendment does not change a provision in the Revised Statutes, does not establish a different legal rule than the one prescribed by the section of the Revised Statutes?

Mr. FRYE. I say it does not, very respectfully.

Mr. HARRIS. It does not?

Mr. FRYE. It does not.

Mr. HARRIS. With what particular object then does the Senator offer it if it does not change existing law?

Mr. FRYE. The Senator asked if it changed any existing rule regulating the administration of affairs of this kind. I say it does not. There is only one question, and that is whether or not it changes the existing law touching the amount of compensation which may be given. That is the only point raised, because there is authority given now to make contracts by law.

Mr. HARRIS. If the Senator will allow me, my question was a little broader than he chooses to recognize. Does his amendment change a general existing law that exists to-day? That is the question that I desire to propound.

Mr. FRYE. It has been determined, not a thousand miles from here, by the presiding officer of a body as important as this, that it did not.

Mr. HARRIS. I was asking for the opinion of the Senator who offered the amendment. Other bodies are governed by their own rules of order, as this body ought to be governed by its rules of order. We have a rule which prohibits receiving an amendment which is legislative in its character upon an appropriation bill.

Mr. FRYE. Not precisely.

Mr. HARRIS. Well, to be precise, it prohibits general legislation to a general appropriation bill.

Mr. FRYE. That is it exactly.

Mr. HARRIS. If we have a general law upon the statute-book on the subject, and the Senator's amendment modifies or changes that general law, is it not legislation such as is prohibited by the rule?

Mr. FRYE. Not necessarily at all; and I call the attention of the Senator from Tennessee to the provision of the statutes in section 4009, cited by the Senator from Kentucky, and it is the only provision under which any question can be raised even as to whether or not it changes the law, because the Postmaster-General is to-day by law authorized to make contracts for carrying this very mail.

The first part of section 4009 says that whenever the Postmaster-General makes these contracts "for transporting the mail between the United States and any foreign port," if in an American steamship the compensation shall not exceed "the sea and United States inland postage." That, last year, was from $1,200,000 to $1,500,000. The next clause goes right on and says, after a semicolon:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

And those words are nowhere a qualification upon the first clause of the section.

Mr. BECK. So that the Senator from Maine may answer what I propose to show, if I can, is the construction of that statute, I want to ask him to allow me to suggest now what my construction of it is.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Maine yield to the Senator from Kentucky?

Mr. FRYE. With pleasure.

Mr. BECK. I desire the Senator to have full opportunity to answer my proposition; therefore I suggest it to him now. When he asked me the question if I knew what was the total amount of sea and inland postages last year, I, of course, said no; I did not even know what he meant by the question; and even after he announced it was from a million and a quarter to a million and a half of dollars I failed to comprehend what he meant by that. My construction of the statute is that the million and a quarter or million and a half of surplus has nothing to do with the construction of the law or the pay steamships are entitled to receive for services. The law provides that when the mail is transported by a United States steamship the Postmaster-General may allow that steamship "any sum not exceeding the sea and United States inland postage" upon the mail so carried by that particular ship. He can not allow the million and a half of surplus or any part of it to any one American steamship that carries a single letter. He can only give the ocean and land postage on the mail it carries. I repeat that the Revised Statutes limit his authority to allowing to an American ship, or any number of ships that may carry the mail, the ocean postage on the mail carried and the inland postage added; the sum is in proportion to the amount of mail carried, or in other words to the service done, and the total amount of surplus has no connection with the question we are now considering at all.

Mr. FRYE. Now, Mr. President, for the sake of the argument, I am going to admit that the Senator from Kentucky is right. I knew, of course, he would make that point. It is the only point that there is touching this legislation. Now, if the Senator from Kentucky will observe, there is no repeal of that section in this amendment.

Mr. BECK. It does not repeal it in so many words, but it repeals it by making contradictory provisions.

Mr. FRYE. It does not repeal it in any sense whatever; it suspends it for one year, and that is not general legislation by any manner of means. General legislation is that which lives until repealed; general legislation is that which stands upon your statute-book and requires a repealing clause to get rid of it; and there is no such thing as general legislation on an appropriation bill which dies with the appropriation bill.

The Senator from Kentucky is always consistent about this; he has always endeavored to prevent anything being done for American shipping, I admit. I call his attention to another item in this appropriation bill beginning on line 79, on page 4, which also passed the scrutiny of the distinguished Senator from Kentucky:

For inland transportation by steamboat routes, $615,000. The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service.

There is a provision deliberately left in this appropriation bill by the Senator from Kentucky, who objected to this provision when before the committee that it contained general legislation. There is a provision more open to the charge of being general legislation, and providing for a payment for this class of service in American lines of 66 cents a mile instead of 50, to which the limitation is in my amendment. How is it that the Senator from Kentucky closes his eyes to a certain portion of what he claims is general legislation and keeps them sharply open every time a proposition is here made to help the American steamship carry the flag of the country on the ocean?

Now I call the attention of the Senate to probably the most carefully considered ruling that has ever been given in the United States Senate to this question of general legislation. I admit that on an examination of the authorities the question has been submitted almost invariably to the Senate and that the Senate every time it has been submitted but once has declared it to be in order. But it was last year in the month of April considered by the presiding officer on an appropriation where an amendment was proposed of over $3,000,000—an appropriation which was contested as violently, as determinedly as any appropriation ever was before the United States Senate; and that was on a naval appropriation bill, fresh in the memory of every Senator here last April. An appropriation was proposed to enable the President to strengthen the naval establishment of the United States, with provisions of limitation, of qualification, of description, of power to contract, of power to build, occupying one entire column of the CONGRESSIONAL RECORD in the ordinary fine print of the RECORD. The point of order was raised by the Senator from Kentucky [Mr. BECK]. He saw the general legislation in that just as plainly as he sees it in this, and very promptly he raised the point that it was not in order because it was general legislation. But the presiding officer ruled it in order: and he stated to the Senate that he had given the subject the carefullest attention, that he knew the question would be raised, that he had reviewed the decisions, and that he came deliberately to his conclusion; and his ruling was in these words, which I commend to the United States Senate as a distinct, clear statement of what the term "general legislation" means when used in Rule XVI of the Senate:

Mr. BECK. I submit that the amendment just read is new legislation, and not in order under the rules of the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the amendment is in order, for the reason that it is a provision like the provisions in all the appropriation bills for increasing the establishment the bill provides for, as an appropriation bill in respect of the Treasury Department provides for more clerks, provides for new furniture, and all things that relate to the subject of the bill and the execution of the purpose of the establishment. The Chair therefore feels obliged to rule that this amendment is not general legislation within the sense of the sixteenth rule.

Mr. BECK. Then I suppose under that ruling we might provide for building a hundred new cruisers as an amendment to this appropriation bill, although there is no existing law on the subject.

The PRESIDENT *pro tempore*. The Chair does not think that the number of cruisers is affected by the rule.

Mr. BECK. I just desired to know what power an appropriation committee has. I had been taught to believe heretofore that no new legislation could be proposed on an appropriation bill, and I am very sure that the present occupant of the chair held us to a very strict accountability, and not only did not allow legislation on an appropriation bill, but not even an amendment to a House provision containing legislation. But I assume the Chair knows more about the rules than I do.

Just here the Senator from Kentucky saw as much general legislation and more, costing more money, building cruisers that he did not want to build, he saw more general legislation a hundred times over than in this simple amendment that I have offered. What did the presiding officer say for the instruction of the Senator from Kentucky:

The PRESIDENT *pro tempore*—

I want the Senator to hear this—

The PRESIDENT *pro tempore*. The Chair has examined the Journal as to analogous amendments at former sessions, and finds himself, as he thinks, fully supported. The distinction is a very broad and obvious one between the general legislation named in the rule and a provision of this character. "General legislation," in the general sense (there are exceptions, however), is legislation that is permanent and regulates the conduct of affairs, and does not exhaust itself of its own force, as every item or provision in appropriation bills properly does.

There is the definition given by the presiding officer from a sense of duty after exhaustive examination, deliberately given on an amendment appropriating millions of dollars. It was fought determinedly in the Senate and in the other branch.

"General legislation," in the general sense (there are exceptions, however), is legislation that is permanent and regulates the conduct of affairs, and does not exhaust itself of its own force, as every item or provision in appropriation bills properly does.

He says further:

This amendment is to provide for doing an act which when once done the statutory part of it is entirely exhausted and the law is no longer in force; it has been executed.

Precisely my amendment.

That is widely different from a regulation even in respect of the conduct of officers of the Navy, which regulation would be a general provision that would continue in force until repealed. The Chair therefore thinks, however great the enactment of the subject is, that within the rule it is in order. The question is on agreeing to the amendment.

And no appeal was taken from the ruling of the presiding officer; and I submit that that ought to settle the question of order in favor of the amendment which I propose, for it is limited to an appropriation for the next fiscal year. What provisions are contained in the authority given to the Postmaster-General die a natural death with the appropriation bill. It has every element that the amendment to the naval appropriation bill objected to last year had, and in my judgment is clearly in order.

Mr. BECK. Mr. President, the Senator from Maine was obliged to admit, though he said he did it for the sake of argument, that there was no relevancy between the question which he asked me so triumphantly at first—if I knew what was the surplus received from the foreign mail service; he admits now, as he is obliged to do, even for the sake of the argument, as he said, meaning of course that he could not as a fair-minded man do anything else but admit, that it has no connection with this question. He denied that the section from which I read, 4009, limited the right of the Postmaster-General to the allowance to any American steamship of the ocean and the land postage; he now agrees that if that was only ten dollars or ten hundred dollars the amount of services controlled the amount of pay, and that it had no connection at all with the million or million and a half of surplus that remained from the total service. When that fact is admitted, it follows as a necessary consequence that an amendment to this bill which allows 50 cents a nautical mile of the trip each way actually run by the ship between the terminal points, which may amount to ten times as much as the ocean postage and the land postage added, for the mail carried by that ship is a change of the existing law as absolute as if the original law had been repealed. It is a repeal of it by implication, a repeal of it in fact for a year, a change of the existing condition. He might as well contend that an act that suspended the law against murder, burglary, arson, or any other crime for a year was not a change of existing law because it operated only for a limited time. During the time to which this provision applies the law as laid down in the Revised Statutes, which is a general law and provides for all classes of ships both foreign and American, is repealed so long as the law we now seek to pass, if it is declared in order, remains in force. Whether it be for five years or for one year or for six months or for one day, during the time that the provision now sought to be ingrafted in the Post-Office appropriation bill remains in force, the general laws in the Revised Statutes of the United States are changed, altered, suspended, are not the rules to govern the conduct of citizens, nor the rules to govern the Postmaster-General, not the rule of compensation by which people carrying the mails are to be paid. If an amendment that suspends a general law does not come within the provisions of our rules, then I am at a loss to know what would.

The Senator from Maine seems to think that I have been wonderfully negligent in not noticing the provisions of the House bill inserted in the text, not inserted here. Many of them were doubtless subject to a question of order under our rules if they had been proposed to be inserted here, among them the provision whereby postmasters are allowed to employ their clerks in the money-order business as well as outside of it, which under existing law or regulations they are not authorized to do; that may be new legislation. I am asked why did I not move to strike it out? My answer is it is in the original bill; the House had a right to put it there. They did put it there. So with regard to the amendment we adopted in relation to carrying the mail to foreign offices that might be within two hundred miles of our coast; that was in the original bill sent here by the House, not subject to any point of order here.

Mr. FRYE. Will the Senator allow me?

Mr. BECK. Certainly.

Mr. FRYE. I call the Senator's attention to pages 9, 10, 11, 6, 7, 5, containing exceedingly healthy provisions touching the carrying of mails, letter-postage, and all that sort of thing, which the Senate itself this very day has declared to be good legislation and has kept in, and I call the attention of the Senator to the fact that he and the other members of the Appropriations Committee struck every word of that good legislation out which the Senate has declared to be good and put back again to-day, simply on the ground that it was general legislation—no other ground. The Senator himself admitted it was good legislation; a majority of the committee admitted that it was good legislation; and yet they said they were compelled to strike it out because it was general legislation, and now the Senator says, forsooth, that the provision touching foreign and domestic mails where they can be connected within two hundred miles came from the House of Representatives, as it had a right to come, and for that reason it was not stricken out. The rest came from the same source.

Mr. BECK. The Senator from Maine has a logical mind when he takes pains to be logical; but I ask him what connection has the remark that he has just made with this question? All the provisions alluded to were inserted by the House, none of them were inserted by the Senate, and being inserted by the House they were not subject to any point of order under our rules.

Mr. FRYE. But they were subject to the knife of the Appropriations Committee.

Mr. BECK. That does not affect the rules of the Senate.

Mr. FRYE. I was replying to the Senator's remarks.

Mr. BECK. I am endeavoring to discuss this question under our rules and to show that the criticism in regard to our keeping in certain provisions with regard to money-order offices, and adopting the port of Cuba as a domestic office, has nothing to do with this question of order; and the Senator rose as though he had made a great discovery and showed a number of other things that were in the bill and met with the disapproval of the Senate committee, and with the approval of the Senate; but they were all House provisions, and a question of order could not be made against them here. I believed that the legislation of the House was good legislation, and I voted for it, in regard to the increase in the weight of letters from half an ounce to one ounce and for the reduction of the postage on newspapers. I made the motion to disagree with the committee myself, but that was as an individual Senator. I was not dealing with the rules when the question was brought before us where I had a right to vote as I pleased, the rules permitting me to vote as I chose in regard to retaining or striking out those House provisions, I voted to retain them. I see no connection between these questions and this proposition.

Now the Senator makes an effort to overthrow the provisions of the Revised Statutes and to adopt a new rule of compensation altogether to ocean mail carriers, to wit: 50 cents a mile whether a single letter be carried or not, setting at naught the provision of the Revised Statutes which limits the rate to be paid by the Postmaster-General to the sea and the land postage upon all letters carried by any particular ship. His proposition may double or quadruple, or even go a hundred-fold beyond the provisions of existing law; yet that is proposed to be done in the Senate, whose rules prohibit any change of general law on an appropriation bill.

Mr. FRYE. No.

Mr. BECK. Any change of law is prohibited by the rules of the Senate.

Mr. FRYE. No.

Mr. BECK. All general legislation is prohibited on appropriation bills; and this general legislation reaches over the whole class of subjects to which it pertains and overthrows the laws of the land as provided in section 4009 of the Revised Statutes.

The Senator chooses to go out of his way to say in connection with this question, when I simply read the statute—the question of order having been made by the Senator from Delaware [Mr. BAYARD]—that I am opposed to everything that aids American ships. I am not going to discuss those questions; I have argued them in the Senate before, to my own satisfaction at least. I believe I voted for every provision of the bill the Senator from Maine brought up last year, which he claimed was going to do a great deal of good to our ocean commerce. I believe it did some, but it was a very feeble effort toward accomplishing any substantial result. The only two steamships that we had then on the Atlantic in the European trade that he said his bill would enable us to maintain the American flag upon, and perhaps add others, have torn down their flag since that bill was passed.

Mr. FRYE. The Senator will pardon me for saying that they would not have torn down their flag if the Senator and Senators and members of the House of Representatives who believed with him would have permitted the provision for carrying the mail to have gone into that bill.

Mr. BECK. It was said that the bill we passed would build up and add to our ships; yet instead of doing any good we have lost the only two we had on the Philadelphia line, and we had none in New York or elsewhere. The objection I have always made to all of these propositions is that this is a subsidy and nothing but a subsidy disguised under the shape of a mail contract. These ships are to have 50 cents for each mile they sail if the Postmaster-General sees fit to give it to them if they carry one letter apiece, and that sum of $400,000 is to be given to certain American steamships; but few men have American steamships; all the sailing vessels of the United States competing with these people in the same trade are to be handicapped by it. It is simply building up a favored line or lines for a few favored men. The subsidy is only to last for one year. No man can build a ship between now and the expiration of the next fiscal year to enter into competition with the men who already have those ships on those lines that are thus to be paid 50 cents a mile whether they carry mails or not. It is the old Garrison subsidy, it is the old Pacific Mail subsidy, it is the old Brazilian subsidy in a new and more insidious form.

The Senator from Maine has stricken out some words from his amendment. The proposition submitted by the Senator from Maine which our committee acted upon was different from that which he has now submitted. That now before us was submitted after the bill was reported. The first amendment which we rejected proposed to make a contract allowing 50 cents a mile to all steamships trading between the ports of the Atlantic and the ports of the Pacific through any foreign country. When the committee developed the fact and all agreed that there was not a letter carried from New York or New Orleans by way of Panama, or from Panama to San Francisco or anywhere else on our Pacific coast by any American steamship line, because we had at least three great lines of railway, from New Orleans, from Saint Louis, from Chicago, from Saint Paul, carrying all our mails across the continent to all our own ports on the Pacific, and that those ships would not carry a single letter, and it was too bald a subsidy to come before the Senate and demand 50 cents a mile for ships running between the ports of the Atlantic and the ports of the Pacific through any foreign country on the pretense of carrying the mail, when they did not carry a single letter, the Senator, after the bill was reported, I believe, amended it by striking out that portion which the committee had rejected, upon the ground that it was a subsidy pure and simple, as no mail ever goes in that way by steamships.

I repeat, the provision now is only for a year, so that the few men who hold these lines in their own hands, whether they do work or not, are to have $800,000 given to them if the Postmaster-General sees fit to give it to them, whether they do service or not.

Mr. FRYE. Four hundred thousand dollars.

Mr. BECK. It is now reduced to $400,000. No man in the United States can build a sailing vessel to compete with them within the time allowed. I ask what is this proposition but a subsidy? What is that but an unjust discrimination? What is that but enabling a few favored men inside the United States who happen to own the only steamships that are running between the ports named $400,000 out of the Treasury of the United States for nothing, to the injury of the men who are competing with them, who also own American ships but have not ships of the character that the amendment would allow the subsidy to be given to, and, as I said, without allowing any man time to build a ship to compete with them to get any part of the $400,000?

I have contended and always will maintain, and I think maintain successfully, that the only way to aid our commerce is to do something that is to help what inherently belongs to the business itself. A proposition is now pending which I was told will be up to-morrow, that I hope to vote for and to urge, to which I call the attention of the Senate now as one of the things that I think will do good. Where foreign material is brought to this country and put into ships, into merchandise or anything, and exported afterward, we now only allow 90 per cent. drawback. The proposition which the Senate will be called to act upon to-morrow, I hope, is to allow 100 per cent.; in other words to allow them all they paid for what they afterward export. That bounty pertains to the business itself. That will help. Anything that helps an American ship-owner or ocean carrier I have been in favor of, and have advocated as urgently as any man on this floor; but when I see, or think I see, that a few men are seeking to get money out of the Treasury for nothing, whether you call it a postal contract or a subsidy or anything else, and it is not going to aid our commerce, is not going to aid our trade or do anything else but enrich the pets of Congress, I have always opposed their schemes, and I always expect to do so.

This I regard as a subject of that character. I do not care, however, to go into that. I do not want to have any controversy now in the closing days of the session in regard to my ideas of trade or commerce. There is no time for it; I do not want to take up the time of the Senate to do it, but I will say to the Senator from Maine that whenever he brings any proposition before the Senate that in my judgment will be a benefit to our trade or to our commerce he will find no man who will go further than I shall. I would give our people raw material free; I would give them everything I could that would enlarge and extend their markets abroad and enable them to buy as cheaply as possible and to sell as profitably to foreign nations as they can, and thus enable them to compete with every other people on the open high seas of the world. That is what I seek to do.

I am properly charged with being an advocate of free ships. The main reason why I have demanded free ships for our people is because we have by treaty with England, France, Prussia, Russia, with all the nations of the world except Spain, given them a right to trade to and from our ports and to carry our goods upon exactly the same terms as our own ships can carry them, prohibiting Congress as long as those treaties remain in force from giving our ships any advantage over them by rebate or discrimination in trade and commerce. We allow them to trade in ships that cost them $200,000 while our people are forced to pay $300,000 for the same kind of ships, and they are expected to compete with foreigners even for our own trade upon such terms. I insist that it can not be done. The difference in the cost makes the difference between profit and loss.

I go further and maintain that as long as we keep up a Chinese wall around ourselves in order to protect, if you please, what you call American industry the wall is as high on the one side as it is on the other, and our trade is crippled, yes, ruined by it. Germany is crying trichina against our pork; France, pleuro-pneumonia against our cattle; England is struggling to get her supplies from other countries; we are only crippling and ruining our own exporters and the laborers in the land by building up a wall that prohibits them from swapping their products and fabrics with other people. But, as I said, I am not going into these questions now.

It is because in my opinion the policy it is now proposed to pursue is merely for the benefit of a few people, to the detriment of the whole country, that I am opposed to it; and believing that it is general legislation on an appropriation bill and is in itself impolitic, especially as it does not enable all American citizens to compete for the subsidy given, because it limits it only to the few people who have ships upon certain lines now, and there can be no competition before the fiscal year runs out by any man in yet unbuilt American ships, that I regard the legislation in itself as vicious even if it is in order.

Mr. FRYE. Mr. President, I did not say anything at all about the merits of the amendment, and I did not suppose that any Senator would discuss the merits of the amendment on the question of order. The Senator from Kentucky has seen fit to devote most of his time in this direction, therefore it is necessary for me to make a few words of reply.

First, as to the Pacific Mail Steamship Company getting all of this appropriation, I do not believe if George Washington was in the United States Senate to-day and a question affecting the interests of our great merchant marine, which is dying and almost dead, was before the Senate he would attempt to frighten his colleagues with any cry about Pacific Mail Steamship or subsidy; and I do know that the Senator from Kentucky never fails in making the attempt. I suppose when a two-horse stage travels down through the blue-grass regions of Kentucky away off to some little hamlet in the mountains carrying a half-dozen letters and is paid $500 a year, more than a dollar apiece for every letter it carries, it is no subsidy and does not smack of it. I suppose when Kentucky is supported in her mail system and her post-office conveniences by the rest of the country and does not pay for such accommodations within $500,000, the $500,000 is not a subsidy. I suppose when the Senator consents and allows it to remain a law on the statute-book, under which every inland steamer plying up the rivers—the Mississippi, the Missouri, or other great rivers, on the lakes, on the coast, protected by law, too, against any interference by any other nation on the earth, by the navigation laws, a double protection—received last year 66 cents a mile for all the mails carried by them, that that is no subsidy. But when a Senator proposes to pay a vessel to-day carrying the American flag on the ocean 50 cents a mile at the outside limit, subsidy is the ghost that is summoned to kill it. Mr. President, no country on the face of this earth ever treated its commercial marine so unjustly, so outrageously, as the United States of America has treated its under the lead of such gentlemen as the Senator from Kentucky.

The Senator alludes to section 4009 as the section under which they shall receive their pay if contracted with. Let me call his attention to the history of that legislation. When that section was put on the statute-book how much does the Senator think there was permitted to be paid under it for a letter carried by an American steamship? Does the Senator know? Under that section, when it became a law, you could pay 40 cents a letter to half the foreign ports, 25 cents a letter to China and Japan, 30 cents a letter to Australia. Liberal pay for carrying United States mails when section 4009 was put onto the statute-book. How comes it now cut down to 3 or 4 or 5 cents a letter—a beggarly pittance? The great nations of the earth met at Paris and at Berne, and for the good of the whole world they agreed upon certain postal regulations and upon certain postages that should be paid upon letters and papers, and they cut it down to the sea and inland postage of to-day, about 5 cents. What did they do? They immediately doubled their mail pay to every steamer they had in their service.

Every country that met with the United States of America there at Berne has given heavy mail pay from that day down to now to every steamship carrying its mails. England last year paid $3,000,000. She has paid as high as $6,000,000 in a single year. She paid last year $1,800,000 for carrying the mail to China, Japan, and Australia, and you paid the beggarly pittance of $11,000. England paid last year $400,000 for carrying her mails to the West Indies, and you paid the miserable pittance of $3,600. Oh, your country was magnanimous at Berne and Paris when it cut down the pay for carrying mails from 40 and 30 and 25 cents to 5 cents and charged it to men who carried the American flag on the ocean. Italy did not do it, Spain did not do it, Mexico did not do it, Peru did not, France did not, Germany did not, no other country on the face of the earth did it. The United States alone, for the good of the general country and the whole world, was magnanimous and cut the carrying price down to 5 cents, and then compelled her own steamships to carry the whole burden of her munificence.

Ay, more and worse—infinitely more and infinitely worse. When your American vessels found they could not carry the United States mails for the sea and inland postage and they refused to, you went and put section 3976 upon the statute-book. It is a law which provides in terms that any American steamship may be seized by the Postmaster-General, may be detained at her wharf, at a demurrage costing her from $100 to $150 a day, until the United States mails are ready, and

then shall be compelled to take them, shall carry them to the port of destination, shall land them in the post-office, and shall receive 2 cents a letter in full pay therefor. Another section, 4204, contains a provision almost exactly like it, that when your vessels are abroad, and coming home they could be detained by the United States consuls in foreign ports exposed to that enormous demurrage, compelled to wait for the consul to get his letters ready, and then bring them to the United States for 2 cents a letter; and to-day every American steamship carrying the United States mail is carrying it for 2 cents a letter.

Mr. CONGER. It can not get a clearance.

Mr. FRYE. It can not get a clearance, as the Senator from Michigan suggests to me, until it has taken the mails, no matter if it has not a dozen letters.

Mr. BECK. It will get it after the 1st of April, I believe.

Mr. FRYE. Yes; and why?

Congress at the last session proposed, believing as I do, and as the Senator from Alabama [Mr. MORGAN], one of the best consitutional lawyers in this body or anywhere else, declared in a speech, that those laws were unconstitutional, that the United States in its grasping process had gone beyond its rights under the Constitution to punish American steamships carrying the American flag, to repeal those two sections to take effect the 1st day of April next; and after the 1st day of April next there is no power in the United States Government to compel an American steamship to carry a mail. There is no provision for carrying United States mails anywhere on American bottoms. The necessity is upon Congress to make some provision.

You paid last year for the transporting of your mails to Mexico, to the West Indies, to the Central American States about $10,000. Mexico paid ten times that amount. You paid last year $325,000 for carrying all your foreign mails all over the world. Italy paid $2,000,000 the same year, France paid $4,500,000, England over $3,000,000. The United States made last year $1,200,000 or $1,500,000 out of her foreign mails. Did I say out of her foreign mails? Out of American steamships carrying her foreign mails at 2 cents a letter. The great overland mail for the Australian colonies going across our country by the Pacific railroads, for which the United States receives 5 cents a letter, is landed under that law on one of the Pacific Mail steamships, carried to Australia, and the United States pays 2 cents a letter. It is on rail six days, on steamer twenty-six. The Government makes a net profit of 3 cents a letter, which she puts into her Treasury, and then boasts through her Congressmen about the Post-Office Department being nearly self-sustaining. Every year for your star lines, your one-horse carriages, your two-horse coaches, your boy mounted on horseback with saddle-bags carrying your mails across the plains, with a hamlet once in fifteen or twenty miles, it may be, the Government pays millions upon millions of dollars; and the Senator from Kentucky sees no subsidy in that. Two years ago she paid $50,000 for one year for carrying the mails from Galveston to Brazoria in the same State—more than she paid last year for all the mails carried in all the American bottoms over the whole world; and there is no subsidy in that. I contend there is no such thing as a subsidy in paying a fair price for services rendered.

But the Senator from Kentucky says that the Pacific Mail Steamship Company is the bugaboo in this matter. The Pacific Mail Steamship Company, forsooth, called up to frighten children with. What harm is it doing? Within ten years, let me tell the Senator from Kentucky, that same Pacific Mail Steamship Company has built eighteen iron-clad steamships from 2,500 to 5,000 tons burden apiece, and to-day your flag is kept on the ocean almost alone by that company. In ten years the Pacific Mail Steamship Company has paid out $10,000,000 for ships built in American ship-yards, not in British ship-yards where the Senator from Kentucky wants so much to build them—nine millions of it going to the hard-handed men of the United States of America, not to the toilers on the Clyde, where the Senator from Kentucky longs for it to go.

How does the Pacific Mail Steamship Company get entire control of these contracts? Has she no competitors? Does the Senator from Kentucky know that she is the only competitor, for instance, from San Francisco to China? Let me tell the Senator that the Occidental and Oriental Company has one 4,000-ton iron steamship, I think the best one ever built in the United States, built by Cramp of Philadelphia, sailing directly to China and competing for the mail with the Pacific Mail Steamship Company and the same company has ordered another 4,000-ton American-built ship. Is there to be no competition here?

Again, from San Francisco to the Sandwich Islands there are some of the finest iron steamships on the ocean to-day carrying the American flag, and they are in competition with the Pacific Mail Steamship Company for the United States mails. Again, between here and Aspinwall, here and Mexico, here and the West Indies, there are ships to-day ready to compete with the Pacific Mail Steamship Company for the carrying of the mails; and yet, forsooth, the Pacific Mail Steamship Company is to be brought up here as a great criminal.

Sir, if you had a war to-day you would take every single iron ship the Pacific Mail Steamship Company has for your Navy in less than thirty days; you would take Spreckel's two great ships from San Francisco, and you would take the Occidental and Oriental ships, and if you could not take them you would be powerless to transport your troops. Is there no benefit to the country in this?

Last year under the influence of the legislation there was a steamer built to run on a line between New York and the River Platte, a thousand-ton iron steamer. An order was given for two more. These are American ships. When it was found that the legislation was defeated the order for the two more was countermanded; but if this measure passes the Senate to-day and becomes a law a contract in less than thirty days will be made for three more steamers to run between New York and the River Platte, carrying the American flag and bearing the products of the American loom to that country.

Again, last year there was a steamer of a thousand tons built for Hayti, to run between Boston and that port. Let this measure become a law, and a line will be established between Boston and Hayti, and we will have another opportunity to send our goods under the American flag.

Dom Pedro agreed to pay $120,000 a year for carrying the mail from Brazil to the United States direct if the Congress of the United States would pay something for carrying the mail from the United States there. Congress refused to do it, and Dom Pedro finally withdrew his offer; and to-day you can not send a bale of goods from the United States to Rio Janeiro unless you send it first to Liverpool and let it lie there on the dock, it may be a month, for transshipment to Brazil.

Mr. President, any decently liberal policy toward these steamships will establish lines between here and the South American ports, the Central American ports, and the West Indies; and there is only where I wish to go. Those are the countries we must look to for opportunities to export our fabrics. We can not export them to France, nor Germany, nor England. They can beat us in making them; they have more than they want; but these other countries can not manufacture and they will not for a good many years. We want regularly established lines so as to enable our manufacturers when there is a glut in the home market to ship their goods into South American and Central American States. You can have them if you will deal with one-half the liberality that France or England or Germany, or even Italy, deals with her steamship lines; and they do not call them subsidies either.

The amendment only provides for one year. It only appropriates $400,000. It is not subsidy enough to frighten anybody. But if I could have my way I would prefer not $400,000 but $4,000,000 this very year, and I would see to it that once more the American flag should be seen in the ports of the world on other than naval ships. I would see to it that once more instead of carrying only 15 per cent. we should, as we used to, do 80 per cent. of our carrying trade under our own flag. I would not care whether the Senator from Kentucky called it subsidy or not. No country without a ship on the sea can be a great country, and in two or three years more America will be in that condition if the present policy is pursued.

Mr. President, I did not intend to say a word about the merits of the amendment. I confined myself entirely to the question of order and only felt compelled to reply briefly to the remarks made by the Senator from Kentucky on the merits. I still insist that the amendment is not open to the point of order: that it ought to be placed onto the appropriation bill and made a law.

Mr. BECK. Mr. President, I think it must be apparent to the Senate that the proposed amendment is of a legislative character, from the speech of the Senator from Maine. It will be observed that he complained of the laws of the United States, turning to section 4009 and to other sections of the Revised Statutes, and telling what a miserable policy had been pursued and how oppressive the laws of the United States are upon the ships sailing under our flag. He proposes to change these laws now. I do not know how to change a general law except by general legislation. The whole burden of that portion of his speech admits the proposition which I make, that the laws as they now exist (which he says are very bad, and I may be willing to admit they are just as bad as he says they are) are now to be changed by an amendment on an appropriation bill that is general legislation. That is the issue between us. I insist that under the rules of the Senate we can not by an amendment to an appropriation bill change the general laws of the United States, no matter how bad they may be. He insists that we can; that is the issue. The argument which he made showing that he was seeking to change bad laws gives up his case, as I understand it.

The object of a Post-Office appropriation bill is to provide for the service of the Post-Office Department for the next fiscal year. That is what we propose to do; that is the title of this bill, to make "appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886." The Senator is now seeking to get clear of bad laws that limit commerce, as he contends, and prevent us from carrying, as he says, our manufactured goods to Rio and to South and Central American ports. He does not complain of the mails; they go fast and cheap enough. The private man does not care how his mail goes, nor who carries it, so that he gets his mail cheaply and quickly. The Post-Office Department does not care so it goes promptly, and the spending of $400,000 or $800,000 or any sum, not to carry the mails, but under some other hidden pretense to aid commerce or build ships, is not

making provision for the Post-Office Department for the next fiscal year.

The Senator from Maine asked me, with an air of triumph, why should we give a large sum of money to carry the mails from one little village in Kentucky to another? And why do we carry the mails at great cost down the Mississippi or the Ohio River, or any other stream? My answer is, every one of those mail-routes is let to the lowest bidder. Whether the carrier has a gray or white horse, a Mexican, a Canadian, or an American animal, the Post-Office Department does not care; the object is to get the mails from place to place as cheaply as possible. It is open to all competitors. They do not ask him whether he is an American citizen or where his wagon was built; whether it was built in London or Paris or Berlin or Louisville or anywhere else. The object is to carry the mails, to get the work done.

That is not this proposition. No one now complains that the work is not done; no one complains that it is not well done or that it is not cheaply done; but by indirection we are asked to do something else and call it mail service.

The little boat that goes down the Mississippi, the Ohio River, or other streams has to call, whether she has business or not, at every landing where there is a post-office. The landing, the starting, the carrying the mail to the post-office is the element that makes up most of the cost. So with the different star routes, as we call them, over the country, which are let to the lowest bidder. We have to carry the mail to our own people.

But the Senator says we pay very little for ocean postage; that England pays enormous sums. Of course she does, but we pay more than three times as much for postal service in the aggregate as England pays. We do not pay it to steamships; we pay it to railroads, to steamboats on the rivers and lakes; we pay it to the star routes. Why? Because we occupy a great continent and our people are scattered all over it; we undertake to supply them with the mails whether the particular State in which they live pays as much as some other State does or not.

The Senator from Maine says that Kentucky does not pay as much as she receives for her mails. I tell him that Kentucky pays more into the Federal Treasury in one year than Maine has paid in the last half century. We pay into the Federal Treasury from our taxes more every year than Maine has paid in the last fifty years, if I mistake not. But that is no argument on this point—does not amount to anything how much Maine or Kentucky pays each—and the citizens of each are entitled to good mail service, and they get it. The men in the far Northwest do not pay for the mails in the form of postal revenues; they pay it in other forms. They send their grain to New York to go to Liverpool; they send their cattle, their hogs, their vast surplus products; they furnish exports which bring back needed supplies not produced here, in part at least, and make the balance of trade which we boast of, so far as we are allowed to trade at all.

England, Scotland, and Ireland combined are very little more than one-third, they are nothing like half, as large as the State of Texas, yet England has 200,000,000 of people in India that she has to supply with mails that has to be done by ocean transit. She has her dominions in Canada; she has her naval stations the world over; she has over ten thousand commercial ports to which her ships run, and she has to send by vessels what we send by railroad, the mails that her people require, and she pays it in one form while we pay it in another. The Senator from Maine complains because she pays in the form that he now desires to subsidize for doing nothing large amounts. She pays her ship-owners for doing a great deal, and therefore he asserts that we are niggardly and she is liberal because we do not pay ours for doing nothing.

The difference in the conditions of the people to be supplied with mails makes the differences in the means of transportation. England can not reach the East Indies by a railway nor by a star route. She can not reach Canada except by the ocean. She can not reach her great trading ports all over the world except by her ships, and she pays the sea-going service for doing it. We can reach our people by railways, by star routes, by steamboats on lakes and rivers, and we pay the service for doing that, because that is the best way to reach the people. That is all there is in those distinctions.

I shall not attempt to reply to the suggestion that I am always struggling to have ships built on the Clyde or somewhere else than here. My views on these subjects are well known and the reasons for them. I want the ships that compete with other people furnished as cheaply to the American citizens who run them as their competitors get their ships for. That is all I ask. I do not want the people of this country to be taxed in order to give double prices to the American ship-builder, who does not run the ship, nor compete for the foreign trade.

The Senator from Maine says he would pay $4,000,000 a year instead of $400,000. Where would he exact those $4,000,000 from? He could only get it by piling taxation, already mountain high. Tariff taxation, that has already broken up our trade—he would make it still higher to raise the additional $4,000,000 to give to a few people under pretense that they were carrying mails when, very likely, they had not a letter on their ships.

He makes the humiliating confession that we have only 15 per cent. of our carrying trade when we once had 80.

Why have we only 15 per cent. of the carrying trade now when we had 80 per cent. in times gone by? When we had 80 per cent. there was a Democratic administration of the Government and a low tariff, an average of less than 20 per cent.; then our sailors and our ships and our commerce were encouraged to go all over the world. Now we have built up tariff taxation mountain high, until we are paying an average of 42 per cent., and we have been crushed in all our maritime enterprises and in all our commercial relations with foreign countries until we have 15 per cent. of the carrying trade now instead of the 80 per cent. we had in days gone by, when a more liberal policy prevailed.

The Senator may thank the administration of his party for their exclusive and prohibitory laws for being reduced down from 80 per cent. to 15 per cent of the carrying trade. And will he tell an intelligent people that England cares where our ships are built? She is building the ships of the world now. She is building for France, for Germany, for Italy, for everybody who is doing our carrying trade. The money of the Frenchman, the money of the German, the money of the Italian, is as good to her as the money of the American. It requires just so many ships to do the carrying trade of the world. Sixty per cent. of that carrying trade is in her own hands, and she furnishes the ships to do nearly all the balance of it. Is she interested in building up American ship-owners? Will any intelligent man say so? We pay her to-day over $100,000,000 a year to do our carrying trade. We feed and clothe and maintain for her 100,000 trained sailors who will be our worst enemies whenever she orders them to be. As the Senator from Maine said once before, I think eighteen months ago, 80 per cent. of our own sailors were American citizens. We had 90,000 of them in 1859 and 1860, when the Democratic party under a low tariff and liberal provisions for commerce ruled this country. Now, as he confessed himself, we have hardly any left, and 95 per cent. of those we have are foreigners of such an indifferent character that they could not get employment on the great ships of their own nationalities.

What brought all that about? Protection, subsidy, crippling commerce, taxing the people to build up a few pets, just as this amendment proposes to do. You might subsidize them as much as you pleased and start your ship, laden with the goods that he is going to send to Rio, side by side with an English ship, and when you get the goods to Rio the people there have no money. The Englishman does not want money. He takes their copper, he takes their wool, he takes their everything, and he swaps what he has got for what they have, and he carries it back home and tells the men at home to pull off their coats and go to work and manufacture it again. We take our products there and we can not take anything but money in return, and that in exchange upon London, because we can not land any of the things our people want at home until 50 per cent. has been paid for the privilege of landing it.

But, as I said, I am not going to argue these questions. I assert here and now, that while this $400,000 may be given to a few people it will not build up our ships, it will not permanently aid our commerce; our postal facilities and service do not need it, and the rules of the Senate, in my judgment, prevent us from asserting it.

Mr. VEST. Mr. President, it is not my purpose to waste any time, for I consider it a waste of time, in discussing the rule of the Senate as to general or new legislation on appropriation bills. My experience in the Senate for six years has been that whenever the Senate saw fit to enact any legislation on an appropriation bill it was enacted, and the rules were swept away if those rules came in antagonism to the wish of the Senate. The question then is simply presented now, under the guise of a discussion of the rules, as to the adoption of an amendment which proposes to give $400,000 in the shape of ocean mail pay to ships in the foreign trade carrying the American flag.

Let there be no mistake about this matter. Let us understand distinctly and clearly what is the meaning of this proposition. It is proposed here for the purpose of encouraging the building of ships by Americans, the running of ships by Americans, the placing of ships under the flag of the United States. If any one thing is certain, in my judgment, in regard to the carrying trade of the United States, it is that no legislation by Congress can ever build up the carrying trade under the present conditions of commerce and production in the United States. We might as well attempt to chain the winds or the waves of the ocean, to alter the laws of nature, as to attempt by legislation to change the great current of production, of interest, of commerce which now regulates the carrying trade as it regulates everything else in the shape of commerce upon this continent and elsewhere.

We were told here—the Committee on Commerce of which I have the honor to be a member were told at our session in New York, and told again after our return to Washington, and I read upon this floor at the last session a letter from Mr. Griscom, of Philadelphia, one of the most intelligent ship-owners in the United States, at the head of the Red Star Line, that the reason why American ships can not compete with other ships in foreign trade is because of the difference in the expense of running the ships, and he said to the committee of the Senate: "Take off that provision of your shipping laws which requires us to ship a new crew as soon as we touch American soil, and we shall be enabled to compete with the ships of Great Britain and France and the other maritime powers of the world." We repealed

that clause, and has it done any good? Since that time the four vessels that carried the American flag have taken it down, and are now navigating under the flag of Great Britain.

There is to-day, and that is the salient point in this whole question, but one single steamship line which was under the American flag, the Pacific Mail Steamship Company, and every dollar of this $400,000 will go into the pockets of the stockholders of that company. There will be no competition; there will be no bidding. It is a naked, plain donation of $400,000 to that company. It is that and nothing else.

The letters carried between the Atlantic and Pacific seaboard are carried by rail. Nobody pretends that this appropriation is necessary for mail service. It is a subsidy. I do not mention the word in order to terrify any one, for I do not propose to be frightened by it myself, but it is a subsidy naked, pure, and simple.

The experience of the world shows that subsidies will not build up commerce under unfavorable conditions. The reason why our commerce has declined is because it does not pay to own American ships. The reason why it has gone down has been because mines and railroads and stock-jobbing and agriculture pay better than the ocean. When New Englanders found that ships paid, New Englanders went to sea. When New Englanders found that it paid to go to the West and that the waves of the prairie were scenes of successful commercial venture, and not the waves of the ocean, then the young men of Massachusetts, New Hampshire, Vermont, and all New England went to the West instead of going to the ocean. So it will be, in spite of our laws, until the conditions change and until Americans find that it pays better to go upon the ocean than upon the land. The man who does not know this has not read the history of shipping in other countries.

Up to 1854 the shipping trade of the United States steadily and persistently gained upon the carrying trade of Great Britain. Until 1855, when there was a discovery that iron could be used in the manufacture of sea-going vessels, the clipper-built ships of the United States dominated the ocean and were superior to those of Great Britain, notwithstanding the difference in age of the two countries. During all of that time—and I challenge contradiction from my friend from Maine—England was paying out millions of dollars in the shape of ocean postage, really as subsidies, and the United States was paying less than $300,000. Notwithstanding the enormous subsidies, for they were nothing else, paid by Great Britain, we gained upon her steadily and rapidly till about 1855 they commenced the manufacture of iron ships, and then with changed conditions our commerce and our shipping trade began to retrograde, and England commenced running in advance, and has remained so to this time.

In my judgment this $400,000, so far as building up the shipping trade is concerned, might as well be thrown into the yeasty waves of ocean itself. With that opinion I can not vote for this amendment. It is useless to attempt to fight against laws which are beyond the control of Congress by any such pitiful legislation as this.

Mr. CALL. Mr. President, I regret to differ with Senators on this side whose lead I usually follow, but I can see a great deal of good that may possibly be accomplished, allowing them all that they claim upon their argument, by an appropriation of an amount equal if not greater than the entire sum received from our foreign postages for the encouragement of the construction of American ships and the payment of American labor engaged in ship-building. Accepting in their utmost latitude the theories of my distinguished friends from Missouri and Kentucky as to the propriety of free trade in ships, it still remains true that there may be an encouragement to American ships by a proper appropriation of the public money. There is no conflict between the two propositions.

Americans raight buy ships anywhere in the world, and still it might be judicious to appropriate the public money for the encouragement of the construction of American ships and American labor engaged in that pursuit. I have great sympathy with the economic theories of the distinguished Senators from Missouri and Kentucky which would indicate a different policy by which the resources of the country could be exported to foreign countries and engage in competition with the trade of other lands, but they are not pertinent to this question, they have nothing to do with it.

We have some American ships; we have some American artisans; we have American enterprise engaged in the construction of ships; and depressed as may be the condition of that industry, why should not the entire amount received from foreign postage be appropriated to test the experiment and see whether it will not increase the number of American ships upon the ocean?

I see nothing in the theories which have been propounded to conflict with the propriety of adopting the amendment; nor do I see anything against it in a proper construction of the rule of the Senate. The words "general legislation" have no intelligible meaning. The definition which the President gave of legislation which is permanent being general and which does not exhaust itself with the provision is not, I think, a correct interpretation of the term "general legislation." If that be so, you might change the entire judicial organization of the country, you might change the entire salaries of its marshals, its attorneys, and if you limited it to a period of years—one, two, three, or five years—the legislation would be general or not general according to the limitation. There is no intelligible meaning to that. Every act of appropriation of money which concerns the permanent departments of the Government is general legislation, and you must limit it in its construction under the rule of the Senate to those things which relate to the ordinary conduct of the public service.

This amendment certainly does that. It is a provision for the appropriation of public money for the postal service, domestic and foreign, and it simply proposes to appropriate a portion of the receipts which come from the foreign service to the payment of American ships engaged in the transportation of the mails. It is a discretionary matter with the Postmaster-General, whoever he may be. He is not to be allowed to make a contract for the appropriation of the money where there is no necessity for it, nor is he allowed to contract with lines that do no work and have no mails to carry. The amendment does not propose that; it proposes to allow him in the exercise of a wise discretion to expend a reasonable sum of money for a proper payment of American ships engaged in carrying the foreign mails, and as such I shall vote for it.

Mr. PLUMB. I presume that the discussion on the point of order will perhaps exhaust the whole question, as it seems to have become a discussion on the merits of this proposition. I have before me the report of the Postmaster-General, and at page 30 he discusses this question and expresses the opinion that some embarrassment will accrue to the Department if some power is not given the Postmaster-General to pay a greater sum than he is permitted to pay under the existing law. On page 643 of that volume the Superintendent of Foreign Mails makes a very decided recommendation that some change in existing law is necessary in order that this portion of the mail service of the United States may be carried on without interruption.

I am not going to enter into the general question of the revival of the American merchant marine in this discussion, nor do I think that is so great and important a factor in this proposition as that the incoming of the Democratic administration shall be wholly relied upon to bring about a reversal of that which we mourn so much—the departure from the sea of American commerce in American bottoms. In fact I am rather fearful that American bottoms under a Democratic administration will mean ships purchased with American money but made by British workmen.

It does seem to me that there ought to be no objection whatever to paying to the ships which carry our mails, which carry the American flag, a reasonable price for that service. I have no doubt it will be said, as I think perhaps it has been said already in this debate, that many of these steamers and perhaps all of them are already running between home ports and foreign ports; that they are under a certain constraint to carry the mails, and that we can practically impose upon them and compel them to carry the mails for a less price than the actual value of the transportation, because they are thus running to and from the ports between which we desire to have our mails carried.

If that is an argument, why do we not apply it in regard to our internal transportation? There is not a railroad company in the United States to-day that is not under greater constraint to carry the mails on all its lines. We can cut down the price of mail transportation upon railroads one-half, perhaps three-quarters, and still the mails will be carried. Why? Simply because no railroad company practically would dare to refuse to carry the mails. It is such an incident to the convenience and to the comfort and to the business of the people along the line of its road that it would not under any consideration whatever fail to deliver those mails on every train on which the mails were proper to be carried, no matter whether it got more or less than it is getting now. Therefore, why do we not impose ourselves upon the internal transportation of this country to the extent of saying, "We have got you by the throat; we have got you where you can not get away; we are in a condition to impose upon you, and we intend to do it; we do not care what the service is worth, we will give you exactly what we please, and reduce the amount to the lowest possible figure in order that thereby the Government of the United States may make some profit out of private enterprises?"

All I insist is that when we come to deal with this question with reference to the transportation of mails on the high seas we shall adopt the same rule that we do with reference to the transportation of mails on the railroads, paying a reasonable price. Saying nothing about any incidental building up of our merchant marine, ought we as a matter of fairness to say to any man sailing an American ship, made in an American ship-yard, employing American seamen, that we shall require of him to carry the mails at less than a fair price? Why may we not look to the American citizen carrying on business who is living in Rio, in Yucatan, in Guatemala, in any other place in South America, or in any other foreign country, and why ought we not to look to him with as much interest as affecting the question of the growth and development of American commerce and business as we do to the man who goes into the secret and far recesses of the Rocky Mountains where, the moment he gets there, he calls upon us with a call which is never in vain to supply him with postal facilities?

I do not know as to all the elements of this problem. I do not know how much or how little may be necessary in order to accomplish this result. I do not know absolutely with reference to all these lines how

much would be a fair price, but in the absence of a rule which is fair, under a condition of things in which confessedly we are requiring service which we do not pay for, I am willing to say to the Postmaster-General, and one not of my political faith, "I will give you discretion for this year," because this amendment of the Senator from Maine only applies to this year. It is a current appropriation. It begins with the 1st day of July next and ends in a year from that time. I am willing to say to the incoming Democratic Postmaster-General or to any Postmaster-General that for the purpose of correcting an acknowledged evil, for the purpose of supplying what is confessedly a lack, and in order that justice may be done, you shall, during these twelve months of time, exercise a reasonable discretion as to what is proper for the service to be rendered.

All at once, of course, here comes in the Pacific Mail Steamship Company, and I observe that in another place where this matter was under consideration a list of the officers of the company was read, and it was much to my edification, because I did not before know them. When the names were read upon which persons delight to dwell when they want to bring before the American people something that is especially odious and to be avoided and to get up some kind of a scare, I wonder that some one did not move to amend the bill at that time by saying that no railroad company in which those men or either of them were stockholders should have any mail-pay for the carrying of the mails of the United States upon the land.

Mr. President, I hope to live to see the time when ships owned by citizens of the United States may be prospered in their business. I hope to live to see the time when the carrying trade of the United States shall be so prosperous that men who now shun it as they shun a plague will go into it, employing not only the existing ship-yards and the ship-builders, mechanics, and laborers at existing ship-yards, but that the number of the ship-yards may be multiplied tenfold because of the profit of the business, for I know of no way whereby a people can become rich, prosperous, and powerful unless the individual members of the commonwealth are themselves rich and prosperous, because national wealth, if I know it, is not in the possessions of the Government, it is not in the savings and pinchings whereby the Government imposes itself upon its people and thereby saves to its revenues, but it is in the aggregation of the wealth of individuals.

If any man has made or is making or hopes to make money out of the plying of an American ship in foreign waters or elsewhere, I for one am willing to give him a decent chance, and to say that if our Government wants anything of him from the carrying of an officer of the Navy to a letter or a newspaper, we will give him whatever that service is worth, and we will not reflect upon him, nor bear upon him harder, nor deal with him more unjustly or ungenerously than we would if he were a foreigner.

In fact we deal in all our relations more justly and more generously with foreigners than we do with home people. We pursue a policy that builds up ships on the Clyde; we pursue a policy that makes British manufacturers and French manufacturers rich; we pursue a policy that enables Great Britain to extend her commerce into all the seas of the world, and we rejoice in that. But the very moment it is suggested that we should do something to enable our people to do that, then the cry is to hold back; the cry is that we shall make somebody rich, that we shall add something to the wealth of the United States by means of the individual fortunes to be built up in this kind of business. We draw back and say, "Oh, no; we prefer to make Great Britain rich; we prefer that she shall send her ships into all the seas and all the ports rather than that we shall send ours there;" and we thus contribute to build up, to maintain, and strengthen the commerce of one nation which, above all other nations in the world, is to be our rival if we are ever seriously to enter upon a contest for supremacy on the seas.

This is an issue which does not concern merely the people who live upon the coast; it is a question which concerns every man who raises corn or wheat in the interior of this country. He is interested in all the questions that build up not only the manufacturing interests of our country, but enable our commerce to be carried in American ships into those sections of the world where we must inevitably look for markets if we are to continue to grow more than we use at home.

As I said, however, that is merely incidental to this question. I look upon the proposition now before us as simply this: Shall we give to the Postmaster-General the right during the next twelve months to make such an agreement with the owners of American ships for the transportation of mails as shall result in giving to them a compensation which is fair as between man and man, nothing more and nothing less? We give it to the railroad companies because we say they earn it. We do not bear down upon them with a heavy hand, as we can; but our own people as they are, we are ashamed to look them in the face and say that we exercise a power which we ought not to exercise. We give them prices we do not need to give. We can take $7,000,000, we can take $10,000,000 away from the railways of this country that we now pay for carrying the mails, but to do so would be dishonorable, and we do not do it. But whenever we come to touch the question of transportation in American ships we do not scruple to say that we will exact of them a service which ought to be rendered and require them to render it for a price which is totally inadequate to the duties imposed upon them.

The PRESIDING OFFICER. The question is whether the amendment submitted by the Senator from Maine [Mr. FRYE] is in order.

Mr. FRYE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out lines 174, 175, and 176, and to insert:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, $800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

The Secretary proceeded to call the roll.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER] or I should vote "nay."

The roll-call was concluded.

Mr. DAWES. I desire to announce that the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. The Senator from Iowa would vote "yea" and the Senator from Missouri would vote "nay."

Mr. PIKE (after having voted in the affirmative). I desire to withdraw my vote. I forgot at the moment that I am paired with the Senator from Nevada [Mr. FAIR].

Mr. SABIN. I wish to state that I am paired on general subjects with the Senator fron West Virginia [Mr. KENNA], but as I have no reason to believe that the pair should be observed on this vote, I have voted.

The result was announced—yeas 33, nays 20; as follows:

YEAS—33.

Aldrich,	Dawes,	McMillan,	Plumb,
Blair,	Dolph,	Mahone,	Pugh,
Bowen,	Edmunds,	Manderson,	Sabin,
Brown,	George,	Miller of N. Y.,	Sawyer,
Call,	Hale,	Mitchell,	Sewell,
Cameron of Wis.,	Harrison,	Morgan,	Wilson.
Chace,	Hawley,	Morrill,	
Conger,	Hoar,	Palmer,	
Cullom,	Jones of Nevada,	Platt,	

NAYS—20.

Bayard,	Garland,	Jackson,	Vance,
Beck,	Groome,	Jonas,	Van Wyck,
Camden,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Saulsbury,	Voorhees,
Colquitt,	Hill,	Sherman,	Williams.

ABSENT—23.

Allison,	Frye,	Lamar,	Pike,
Butler,	Gibson,	Lapham,	Ransom,
Cameron of Pa.,	Gorman,	Logan,	Riddleberger,
Cockrell,	Ingalls,	McPherson,	Slater,
Fair,	Jones of Florida,	Miller of Cal.,	Walker.
Farley,	Kenna,	Pendleton,	

The PRESIDING OFFICER. The amendment is held to be in order. The question recurs upon the adoption of the amendment.

Mr. SAULSBURY. I did not say anything on the question of order that was raised on the very text of the rule with reference to legislation upon appropriation bills. I have observed that the construction placed upon that rule is that we generally vote for that legislation of which we are in favor, and antagonize that to which we are opposed whenever a question of order comes up under that rule.

In reference to the merits of this proposition of amendment, the Senator from Maine simply proposes to vest in the Postmaster-General discretion to enter into contracts to pay the owners of American ships for carrying foreign mails such amount as he may deem proper, and the Senator from Kansas has very eloquently urged the propriety of our investing the Postmaster-General with that discretion. For my part, while I have no doubt that I shall have very great confidence in the next Postmaster-General, I am not willing to give to him any such discretion. I have learned by my experience in the Senate that it is under the discretionary powers given to executive officers of this Government that much of wrong has taken place.

I remember that under the discretionary power which was given to the Postmaster-General to expedite post-routes and to multiply the number of trips that could be made upon any post-route in the country we were called upon here, a few years ago, to make an appropriation of $1,800,000 because of the exercise of that discretion vested in the Postmaster-General, and we actually did appropriate $1,100,000, which we were compelled to appropriate to prevent the stoppage of the carrying of the mails because of the manner in which that discretion had been exercised by the Postmaster-General. While I say I shall have, I have no doubt, the highest respect for and the greatest confidence in the next Postmaster-General, I am not willing to clothe him or any other executive officer with a discretion that may take out of the Treasury of the United States money that ought not to be taken out.

Now, in reference to the merits of this amendment, who are to be the

beneficiaries under it? What steamship lines have we? It is said that it is not a subsidy; but who are the persons that are owning the American steamship lines to-day? The Pacific Mail Company and Mr. John Roach and nobody else so far as I know. I do not know of a single American steamship that is running to-day in foreign trade but what is owned and run either by the Pacific Mail Steamship Company, which, I believe, has some twenty-odd steamships upon the Pacific and one or two upon the Atlantic, and another gentleman who has been clamorous for subsidies in one form or another ever since I have been a member of this body.

Mr. FRYE. Will the Senator allow me a word?

Mr. SAULSBURY. Certainly.

Mr. FRYE. I do not know that Mr. John Roach owns a single steamship that will receive benefit from this. I think he does not. His ships are withdrawn from the Brazilian line. I do know that there is a large steamship company which is running ships under the American flag from California to China and Japan and the Australian colonies, outside of the Pacific Mail Steamship Company. I do know that there is a steamship company running lines to other ports. I do know that there is a steamship company running a steamship from New York to the River Platte; I do know that there is a steamship company running American steamers from Boston to Hayti. I do know that there are steamers running from Boston to the West Indies carrying the American flag. So, then, the Senator's knowledge is without much limit.

Mr. SAULSBURY. I confess that the Senator is possessed of information on the subject of steamship lines that I did not possess. I did know that there was another on the Pacific coast, but I had forgotten it for the time. I was not aware that there was a steamship line from Boston to Hayti, and I confess that the Senator from Maine possesses information on that subject which I did not possess. But the revelation which the Senator from Maine makes to us here is an argument against his amendment. If independent lines are springing up all over this country from Boston and from other places without the subsidies proposed by his amendment, wherefore the necessity of his amendment? The very information which he volunteers here to correct an error into which I had fallen, establishes conclusively that there is no necessity for the amendment which he has offered. Therefore I think that it is a voluntary contribution out of the public Treasury for the benefit of somebody, that is not demanded by any service to be performed to the Post-Office Department.

These drains upon the Post-Office Department are defended as not being subsidies; but has the Government ever had any trouble to get the mails of the country carried for the ocean postages? When did we first hear that there was any complaint about our not being able to carry the mails upon the ocean? I remember a few years ago that I read in the Senate a letter from the Postmaster-General in which he stated that he had no difficulty in getting the ocean mails transported, and there is none to-day. Every letter and every paper that we see proper to send across the ocean will go, especially the letters will go, without any subsidy to any line or without any appropriation as proposed in the amendment of the Senator from Maine. Disguise it as you may, treat it as you may, it is nothing less than a proposition to take out of the public Treasury $800,000 and place it at the discretion of the Postmaster-General to appropriate as he pleases or as he sees proper to such lines as he in his judgment thinks it is necessary to appropriate it to to carry the mails. To that I am opposed.

Mr. FRYE. Will the Senator pardon me again?

Mr. SAULSBURY. Certainly.

Mr. FRYE. It is not $800,000. It is only half as much.

Mr. SAULSBURY. The first printed copy I saw was $800,000.

Mr. FRYE. That is the whole appropriation for carrying the mail on foreign ships as well as our own.

Mr. SAULSBURY. Last year there was a proposition here to take what money was realized from the Atlantic steamship lines that did not cost all that the postage was and to appropriate that to the same lines that are to be the recipients of this beneficence on the part of the Senator from Maine, and from the time that I have had connection with the Senate in one form or another there has been a proposition to take money out of the public Treasury, not for the benefit of the public service but for the benefit of some private parties—parties, I mean, interested in steamship companies.

If there was any necessity for it, if the business of the country could not be carried on with foreign ports through the mails without this appropriation, I should be willing to vote for it as I do for the transportation of the mails by star route and by railroad. Every star-route line is subject to lively competition; advertisements are placed in the newspapers and competing parties bid for the service; but here we may say what we please about the Postmaster-General advertising for the carrying of the mails in ocean steamships, we all know that there are but very few parties who can compete for the service, because there are very few parties interested in ocean steamship navigation.

I am opposed to this proposition, as I have always opposed every subsidy that has been proposed to further the interests of private parties at the expense of the public Treasury.

Mr. VAN WYCK. Mr. President, I offer the following amendment to the amendment to be added at the end of it:

Provided, That no part of the money hereby appropriated shall be paid in pursuance of any such contract to any steamship company now established and which has been paying dividends.

I suppose the amendment of the Senator from Maine is to have the effect which is attributed to protection generally; that is it is to protect infant industry; and therefore it is if this proposition to expend $400,000 in the manner proposed is to benefit, is to encourage the putting on of new steamship lines, it is well that the greater part of it should not go to a steamship company which has been, I suppose for thirty years, paying dividends—I mean the Pacific Mail Steamship Company.

Disguise it as you may, this proposition is substantially to benefit that steamship company, because as I say the greater part of this money proposed to be expended is to be paid into the treasury of the steamship company thus long established. Does the Senator from Maine suppose that he will induce any steamship company to organize and establish a line of vessels upon the proposition of giving them the pittance left of this $400,000, and only the assurance of that for one year? Yet we are called upon to make this appropriation to benefit our feeble, perishing commerce, and the most of it as I have said is to be bestowed liberally on this steamship company. If there be citizens of America in Japan and China and Australia needing mail facilities, they are served to-day, they are served by the service which this wealthy corporation is enabled to give them. That is all that is desired in those waters, I presume.

Why make this subsidy to this steamship company which needs it not? For years they have been reaching those ports; for years they have been amassing sufficient money in the carrying of commerce to declare liberal dividends. The Senator from Maine says that the Oriental and the Occidental lines run on the Pacific. Certainly; but the Oriental and the Occidental lines to-day are controlled by the same influences that control the Pacific Mail. All these great organizations are controlled by the same master spirits. They are in the interest of the Pacific railroad lines that cross our continent; and when the three steamships owned by the Oriental and Occidental companies were placed between California and Japan and China, it was done by Huntington and his crowd in order that they might force the Pacific Mail to obedience to their behests and demands. Huntington, that charming historian of American politics and American legislation, says so. He says so in those epistles which he wrote so elegantly to his friend Colton. Now listen for a moment and see if this was not so:

NEW YORK, *December* 3, 1874.

FRIEND COLTON: Yours of the 23d of November is received. I notice what you say of O. and O. S. S. Co.—

The Oriental and Occidental Steamship Company—

also of P. M.—

Pacific Mail—

If we could make just the right arrangement with the P. M. it would be well—

Listen to these words: "If we could make just the right arrangement with the Pacific Mail it would be well"—

but I think the best time for us to make an arrangement will be when we have in the Pacific say three first-class steamers. They will be good tools to make P. M. do as they agree; but I would suggest that when we do trade we do our own trading. I send with this copy of contract that I propose to make between railroads and O. and O. S. S. Co.

Then in another letter, a few days before the one I have just read, he says to his friend Colton:

But with those three we can make the prices for the old line, and I think three is enough to break them with, unless the managers of that company are changed, and then we most likely can get their steamers.

There is the inspiration, the motive, the spirit which placed the three steamships of the Oriental and Occidental Company on the Pacific—to break down the Pacific Mail, to use them as tools, to force the Pacific Mail to comply with Huntington's demands and exactions. It is barely possible that that influence which dictated these letters, that influence which stalks into the halls of legislation whenever it desires, has the impudence to come and ask that their particular pet schemes may be recognized and fostered and fed from money which we extract from the pockets of the people and put in the Treasury of the United States. That controlling spirit may account for it all, and then force the Pacific Mail to do as they agreed; and one portion of that agreement was that they would keep up the rates of freight and transportation; that they would break down competition; that they, having this great Government under their control, would pay nearly a million dollars a year to the Pacific Mail Steamship Company in order to control a certain portion of their road so as to regulate freights and tariffs.

The object was to prevent competition between the Atlantic and Pacific. Here was the Pacific Mail occupying both oceans, and the enormous railroad corporations reaching from the Missouri River to the Pacific Ocean were determined that that competition should be checked. These organizations paid a million dollars and more yearly; they subsidized the Pacific Mail; they subsidized it more liberally than your Government can do; they subsidized it by taking a million dollars a year from their treasury, and the Pacific Mail surrendered. Huntington said that, in order to have a hold upon these men, they

must have three steamships on the Pacific, and the Occidental and the Oriental lines put them there; and thus the Pacific Mail was found to be one of their instruments in fettering commerce, binding it to these three or four men who control our transcontinental trade, who seek the control of what little we have left in the Atlantic and Pacific Oceans, and they come here to have $300,000 stolen from the Treasury to give to this wealthy corporation. If it is only for one year it will encourage no commerce, it will build no steamships, it will open no new lines. The only object is to take still more to place in the pockets of those who have overburdened this people and our commerce with taxation too grievous to be borne.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK] to the amendment proposed by the Senator from Maine [Mr. FRYE].

Mr. HILL. Mr. President, I understand the money appropriated by this amendment will go almost entirely, if not entirely, to the Pacific Mail Steamship Company. I hold in my hand a manual of railroad statistics, to which I desire to refer for a moment. It shows that this company last year made a profit of $1,393,000; that it is paying 6 per cent. dividends on $20,000,000, of which probably one-half is watered stock; that the company receives a "traffic guarantee," whatever that may mean, of the Pacific railroad companies of $5,000 per month; that it has no debt; and also receives foreign subsidies to the amount of $291,000.

I am unable to see why Congress should appropriate money to pay this Pacific Mail Steamship Company a subsidy for carrying the mails under these circumstances. For that reason I am opposed to the amendment and shall vote against it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK] to the amendment of the Senator from Maine [Mr. FRYE].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Maine [Mr. FRYE].

Mr. COKE called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. Not knowing how he would vote upon this question, I abstain from voting. Were I permitted to vote I should vote "yea."

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. He is in favor of this proposition and I am opposed to it.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]; otherwise I should vote "nay."

The roll-call was concluded.

Mr. CHACE. My colleague [Mr. ALDRICH] is paired with the Senator from Nebraska [Mr. VAN WYCK]. If he were here my colleague would vote "yea."

Mr. CALL. My colleague [Mr. JONES, of Florida] is detained at home by illness. He is paired with the Senator from Nebraska [Mr. MANDERSON]. I do not know how my colleague would vote on this question.

Mr. MITCHELL. My colleague [Mr. CAMERON, of Pennsylvania] is absent on account of illness. If he were present I believe he would vote "yea." He is paired with the Senator from California [Mr. FARLEY].

The result was announced—yeas 30, nays 18; as follows:

YEAS—30.

Blair,	Dolph,	Lapham,	Platt,
Bowen,	Frye,	McMillin,	Plumb,
Brown,	Hale,	Mahone,	Pugh,
Call,	Harrison,	Miller of Cal.,	Sawyer,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sewell,
Chace,	Hoar,	Mitchell,	Wilson.
Conger,	Ingalls,	Morgan,	
Cullom,	Jones of Nevada,	Morrill,	

NAYS—18.

Bayard,	George,	Jonas,	Vest,
Beck,	Groome,	Maxey,	Voorhees,
Coke,	Hampton,	Pendleton,	Williams.
Colquitt,	Harris,	Saulsbury,	
Garland,	Hill,	Slater,	

NOT VOTING—28.

Aldrich,	Edmunds,	Kenna,	Ransom,
Allison,	Fair,	Lamar,	Riddleberger,
Butler,	Farley,	Logan,	Sabin,
Camden,	Gibson,	McPherson,	Sherman,
Cameron of Pa.,	Gorman,	Manderson,	Vance,
Cockrell,	Jackson,	Palmer,	Van Wyck,
Dawes,	Jones of Florida,	Pike,	Walker.

So the amendment was agreed to.

Mr. MAXEY. I call the attention of the Senator in charge of the bill to the amendment which I now offer. I think no possible point of order can apply to it, being in the exact line of that voted to be in order. In line 50, page 3, I move to strike out the word "lease" and insert "apply part thereof to the purpose of leasing;" at the end of the same line to strike out the word "and;" and after the word "second," in line 51, to insert "and third;" so as to read:

That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices of the first, second, and third classes, at a reasonable annual rental.

This does not increase the appropriation a farthing. It simply gives the Postmaster-General the discretion where in his judgment the interests of the public service require that a part of it should be applied to the rental of third-class offices to do so, and is in the exact line of the vote the Senate has taken.

I ask the Secretary to read the first part of the clause to make the connection. The amount of $490,000 is appropriated, and I use the words "in the disbursement of this appropriation" so as to show the connection.

The Chief Clerk read as follows:

For rent, light, and fuel, $490,000. That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices of the first, second, and third classes, at a reasonable annual rental, &c.

Mr. PLUMB. I feel constrained to raise the point of order if the point of order will lie against the amendment. This provision in its succeeding terms provides for a lease of six years, which of course would outrun the appropriation.

The PRESIDENT *pro tempore*. The Chair will submit the point of order to the Senate.

Mr. MAXEY. On precisely a like proposition the Senator from Kansas voted "yea," on the proposition of the Senator from Maine that where an amendment regulated the disbursement of an appropriation made in the bill the point of order would not lie, and the Senate by a large vote sustained that view. It is simply proposed that in a particular disbursement the appropriation may be used for rent of third-class offices.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Texas in order?

The question was decided in the affirmative.

The PRESIDENT *pro tempore*. The amendment is declared to be in order. The question is on agreeing to it.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole has made sundry amendments to the bill. The question now is on concurring in the amendments made as in Committee of the Whole. If there be no objection the question will be taken on all the amendments together. The Chair hears none.

The amendments were concurred in.

Mr. PLUMB. I wish to state that in lines 73 and 74, under the title of "Office of the Second Assistant Postmaster-General," there has been heretofore a provision for the payment of a certain sum of money for the transportation of mails across the Saint Louis bridge. That is not repeated in this bill upon the theory that the provision of the former bill was a continuing one; in other words, was general legislation and did not need to be repeated. In order to show that that was in contemplation in leaving out the clause I make this statement that the committee believe that the provision of last year was a continuing one, and that therefore it did not need to be repeated in this bill.

Mr. MAHONE. Under the instructions of the Committee on Post-Offices and Post-Roads, I move to amend the bill on page 7, at the end of line 138, after the word "postage," by inserting:

And that reports of State boards of education, State superintendents of public institutions, and other books, circulars, forms, and blanks relating to education sent out by such shall be charged at the rates herein prescribed for second-class matter.

Mr. PLUMB. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the point that this amendment is not in order. The Chair will submit the question to the Senate. Senators who are of opinion that this amendment is in order will say "ay;" those of the contrary opinion will say "no." [Putting the question.] The Senate decides that the amendment is not in order.

Mr. BROWN. This morning we struck out, I think as one amendment, from line 129 to line 138, inclusive, on pages 6 and 7. I think the latter portion of that clause ought to have been retained. I am not quite sure whether I can have a vote taken on the latter portion, or move that it be reinstated, or vote against the amendment in the Senate, or whether I may offer that portion of it as an amendment in the Senate.

The PRESIDENT *pro tempore*. The Senate has agreed to the amendments made as in Committee of the Whole. The words referred to by the Senator from Georgia are therefore in the bill now as before the Senate.

Mr. BROWN. Then I propose to offer that portion that I referred to, the latter part of it, as a separate amendment in the Senate.

The PRESIDENT *pro tempore*. Will the Senator name the lines he wishes inserted?

Mr. BROWN. The portion I desire to have inserted in the bill as it

came from the House is that found in lines 136, 137, and 138, as follows:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

That is done every day, and it is a great convenience when we get a newspaper that there shall be a mark on it to put the eye on the subject-matter to be read. I will reserve that if I can do so, and offer it as a separate amendment in the Senate.

The PRESIDENT *pro tempore*. The bill has been reported to the Senate and the amendments have been agreed to. The Senator can now move any amendment he desires to have inserted.

Mr. BROWN. Then I move that those three lines, commencing at the word "and" in line 136, and ending with the word "postage" in line 138, be inserted as an amendment.

The PRESIDENT *pro tempore*. The Senator from Georgia proposes an amendment, which will be read.

The CHIEF CLERK. On page 6, line 128, after the word "law," it is proposed to insert:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. PLUMB. This matter was discussed at some length at a previous session of the Senate and the Senate struck out the clause, as I thought upon a fully-defined principle applicable to this bill, that it would not enter upon legislation other than that which simply affected the rate of postage now existing and would not introduce new elements. I therefore feel constrained to make the point of order on the amendment.

The PRESIDENT *pro tempore*. The Chair will submit the point of order to the Senate.

Mr. BROWN. This is a portion of the bill as it came from the House of Representatives, language that was passed by the House of Representatives. I think it is a wise provision. I think nine-tenths of the people of the United States understand now that they have the right to draw a pencil mark at the head of an article so as to attract the eye of the person to whom it is sent. I do not see any harm whatever in it; and as all of us know, who receive newspapers containing articles to which our attention is desired, it is quite convenient. It saves us from looking through the newspaper, because the eye catches at the object of the friend who sends it; and if there is nothing printed or written I see no good reason why the simple pencil mark should not be made.

Mr. MAXEY. I think the Senator from Georgia was not in this morning when the subject came up. This is now the law:

And the sender of any article of the third class of mail matter may write his or her name or address therein, or on the outside thereof, with the word "from" above or preceding the same, or may write briefly or print on any package the number and names of the articles inclosed.

That is the law and has been.

Mr. BROWN. On the outside of the package.

Mr. MAXEY. And mark the article itself.

Mr. BROWN. I did not understand the reading correctly then. What I desire to get at is the privilege to draw a pencil mark at the head of an editorial or communication or anything a friend sending a paper desires one to read.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Georgia in order?

Mr. HARRISON. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. BROWN. It is simply in the language of the bill as it came from the House, retaining the provision about the mark at the head of an article.

Mr. HARRISON. Is there not also a question of order about that, arising under Rule XVI? In Committee of the Whole these words were stricken out of this section, and the Senate has agreed to that amendment. Is it in order to move to insert them again?

Mr. BROWN. That was not stricken out as a separate amendment. The clause that was stricken out commenced on line 129, with the words "Provided, however," &c.

Mr. HARRISON. There was a separate vote upon these particular words in Committee of the Whole. The whole clause was divided upon my demand, and the Senate has agreed with the Committee of the Whole in striking out these words. Now I inquire whether it is competent after that action to move to insert the same words?

The PRESIDENT *pro tempore*. The Chair submitted the whole question of order to the Senate; not only the point made by the Senator from Kansas, that it is legislation, but also every other point that can be raised on the amendment.

Mr. HARRISON. I rose to a parliamentary inquiry in order to get the opinion of the Chair whether the point I stated was not well taken.

The PRESIDENT *pro tempore*. The Chair submits that point to the Senate.

Mr. HARRIS. I should like to inquire of the Senator from Indiana if he is sure that the question of striking out the particular words now offered as an amendment by the Senator from Georgia was taken separately. My understanding is—but I am not confident that I am correct—that they in connection with many other words appearing prior to them in the bill were stricken out.

Mr. HARRISON. I am perfectly sure that the question was taken separately, because the division was made on my own suggestion.

The PRESIDENT *pro tempore*. The Chair will state that the question was taken separately on these identical words.

Mr. HARRIS. Then I quite concur with the suggestion of the Senator from Indiana. If that be so they can not now be offered in order.

Mr. BROWN. Then I move a reconsideration of the vote by which they were stricken out.

The PRESIDENT *pro tempore*. That is not now in order, the Senate having agreed to the action of the Committee of the Whole. The simple question now is whether the amendment proposed by the Senator from Georgia is in order. The Chair will put that question.

The question being put, it was decided in the negative.

The PRESIDENT *pro tempore*. The Senate decides that the amendment is not in order.

Mr. HILL. I offer the following amendment to be inserted after line 128——

Mr. BROWN. I will inquire now——

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor and offers an amendment which will be read, after which the Chair will recognize the Senator from Georgia.

The CHIEF CLERK. After line 128 it is proposed to insert:

That Sunday-school publications shall be entitled to free transportation through the mails.

Mr. HILL. I wish to say just a word in regard to this amendment. There is no other one agency that is productive of so much good as the Sunday-school, and as we have now agreed in this bill to transmit through the mails at 1 cent a pound such publications as the Police Gazette, the organs of socialists and infidels, and all other kinds of injurious publications, I think we may afford to transmit Sunday-school publications free.

Mr. PRESIDENT *pro tempore*. The Senator from Colorado has offered an amendment. The question is on agreeing to it.

Mr. HARRISON. I think the attention of the Senator in charge of the bill should be called to the fact——

Mr. PLUMB. The amendment, I understood, was to the same effect as that of the Senator from Virginia, which was ruled out. I make the point of order that it is general legislation.

The PRESIDENT *pro tempore*. The Senator from Kansas submits a point of order that this amendment is not in order. The Chair will submit the question to the Senate. Senators who are of opinion that the amendment is in order will say "ay," those of the contrary opinion will say "no." [Putting the question.]

The question was decided in the negative.

Mr. HILL. I will now offer one other amendment, which I hope the Senator from Kansas will not object to, allowing these publications to go through the mails at the same rate as newspapers. At the end of line 128, I move to insert:

That Sunday-school publications shall be entitled to transmission through the mails at 1 cent per pound, to be prepaid by ordinary stamps affixed thereto.

Mr. PLUMB. I make the point of order on that.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the point of order that this is in violation of the rules of the Senate. The question is, Is this amendment in order?

The question being put, it was decided in the negative.

The PRESIDENT *pro tempore*. The amendment is not in order.

Mr. BROWN. I do not know that I correctly understood the decision of the Chair, and I simply make the inquiry. I understood the Chair to say that I was not now in order in moving to reconsider the action of the Senate by which the three lines I have referred to already were stricken out of the bill as it came from the House.

The PRESIDENT *pro tempore*. The Chair did not make any such ruling.

Mr. BROWN. Then I misunderstood the Chair.

The PRESIDENT *pro tempore*. It is in order for the Senator to move to reconsider the vote of the Senate agreeing to the amendments made as in Committee of the Whole.

Mr. BROWN. Then I move to reconsider the vote of the Senate by which the following language was stricken out of the House bill: "And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage."

The PRESIDENT *pro tempore*. The Chair thinks the Senator must submit his motion to reconsider the vote as it was taken. It was taken in gross. He must move to reconsider all the amendments, and not a part.

Mr. BROWN. It is necessary then, as I understand the Chair to rule, although this was a distinct vote as the Chair stated——

The PRESIDENT *pro tempore*. It was not a distinct vote on agreeing to this amendment made as in Committee of the Whole; but there was one distinct vote on agreeing to the amendments made as in Committee of the Whole.

Mr. BROWN. Did I misunderstand the Chair a while ago to state

that this was stricken out of the bill by a distinct vote on these very words?

The PRESIDENT *pro tempore*. That was in Committee of the Whole. When the bill was reported to the Senate the Senate took a vote on all the amendments agreed to as in Committee of the Whole together.

Mr. BROWN. Then I move to reconsider that vote that I may get at this question.

The PRESIDENT *pro tempore*. The Senator from Georgia moves to reconsider the vote by which the Senate agreed to the amendments made as in Committee of the Whole. The question is on agreeing to that motion.

The motion was not agreed to.

Mr. SHERMAN. It has always been customary in the Senate when a question has been taken by inadvertence, and a Senator says that, to grant him a reconsideration as a matter of courtesy. I hope, therefore, the Senate will do it in this case.

I do not know what the question is that the Senator from Georgia desires to present, but it has always been done. I have been caught in this way several times. I hope, therefore, the Senate will not deny to the Senator from Georgia that which has always been conceded, that the vote may be reconsidered as a matter of form.

The PRESIDENT *pro tempore*. If there be no objection the Chair will put the question again on the motion of the Senator from Georgia. The Chair hears no objection. The question is on reconsidering the vote agreeing to the amendments made as in Committee of the Whole.

The question being put, a division was called for.

Mr. HARRIS. I desire to suggest to the Senator from Kansas that if this vote is reconsidered, the particular language that the Senator from Georgia wants to retain in the bill having been stricken out as a distinctive proposition, the result will be that the Senator from Georgia will then demand a separate vote upon that particular clause, and that is the end of it.

Mr. BROWN. That is all.

Mr. HARRIS. He certainly is entitled to that separate vote.

Mr. PLUMB. If the Senator will ask for that I have no objection to giving unanimous consent to having that done.

Mr. BROWN. That is all I desire.

Mr. PLUMB. But I do not wish to go to work and go over all the subjects we have had under consideration. I have some responsibility as in charge of the bill.

Mr. HARRIS. I beg to assure the Senator that it involves no such consequence. The Senator from Georgia will simply demand a separate vote on that particular language, and when that vote is taken there is the end of the matter.

Mr. INGALLS. Let us have unanimous consent that the vote may be taken on the proposition desired by the Senator from Georgia.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the question be taken now separately on agreeing to the amendment made as in Committee of the Whole striking out the words in lines 136, 137, and 138 that have been read. Is there objection? The Chair hears none. The question now is on agreeing to the amendment made as in Committee of the Whole striking out those words.

Mr. BROWN. A negative vote retains the words in the bill?

The PRESIDENT *pro tempore*. A negative vote retains the words in the bill. The question is on concurring in the recommendation of the Committee of the Whole that the words be stricken out of the bill.

The question being put, there were on a division—ayes 20, noes 21.

Mr. PLUMB called for the yeas and nays; and they were ordered.

Mr. PLUMB. The Senate, as I supposed, struck out that clause according to the recommendation of the committee, because that was a change of the law separate and distinct and entirely apart from the changes involved in the other provisions of this legislation inserted by the House. This changes the general run of the post-office law; it authorizes certain matter to be transmitted in a way that is not now permitted. The other legislation simply affected the weight of letters and the postage on newspapers, and was a plain proposition. I care nothing about it except to preserve as far as I can the consistency of the Senate in regard to the question of legislation on appropriation bills.

Mr. WILLIAMS. I can not see why a black mark should not be permitted to be drawn at the head of an article in a newspaper without the paper being subjected to additional postage, for it is a great relief to us as every member of the Senate must know. With the large number of papers sent to us from every section of the country, drawing our attention to particular articles in the papers, it saves us a vast amount of trouble in hunting through the entire papers to have marks drawn around the articles to which our attention is desired. It is not only an advantage to the editors but a great convenience to the reading public.

Mr. PLUMB. The thing can be done now, only this changes the rate of postage.

Mr. BROWN. It is no more a change of the law than many other provisions we have retained in the bill. There are several there that change the law quite as much as this.

As I understand, to vote "yea" strikes this out, and to vote "nay" retains it in the bill. ["Yes."]

The question being taken by yeas and nays, resulted—yeas 19, nays 38; as follows:

YEAS—19.

Aldrich,	Dawes,	McMillan,	Plumb,
Allison,	Edmunds,	Miller of Cal.,	Sabin,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Bowen,	Hampton,	Mitchell,	Wilson.
Cameron of Wis.,	Hawley,	Platt,	

NAYS—38.

Bayard,	Dolph,	Jonas,	Saulsbury,
Beck,	Frye,	Jones of Nevada,	Sawyer,
Brown,	George,	Lapham,	Sherman,
Call,	Gorman,	Mahone,	Slater,
Camden,	Groome,	Morgan,	Van Wyck,
Chace,	Harris,	Morrill,	Vest,
Cockrell,	Harrison,	Palmer,	Voorhees,
Coke,	Hoar,	Pendleton,	Williams.
Colquitt,	Ingalls,	Pike,	
Conger,	Jackson,	Pugh,	

ABSENT—19.

Butler,	Garland,	Lamar,	Ransom,
Cameron of Pa.,	Gibson,	Logan,	Riddleberger,
Cullom,	Hill,	McPherson,	Vance,
Fair,	Jones of Fla.,	Manderson,	Walker.
Farley,	Kenna,	Maxey,	

So the amendment was non-concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETITION.

Mr. BLAIR. I present the petition of S. M. Davis and others, of Washington, D. C., praying for legislation to provide means of taking testimony at public expense on applications for pardons for criminal offenses. The petition goes on to set forth that one John W. Langston is confined in the United States jail in Washington, D. C., awaiting execution on sentence of death, having been convicted of murder; that there is strong evidence that there was in fact a mistrial and that this man, who is to be executed within a month, is innocent. The parties set forth that they find great difficulty in obtaining the evidence, and it will be attended with much expense, and they wish the attention of the Committee on the Judiciary to be turned to this subject to see if the general law does not need some rectification, and if there may not be suggestions from some source that will lead to justice in that direction.

The petition was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2154) to prevent the acquisition of real property by aliens, and for other purposes, reported it with amendments.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT DETROIT.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the amendment of the House of Representatives to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., to move that the Senate non-concur in the amendment and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MAHONE, Mr. CAMERON of Wisconsin, and Mr. VEST were appointed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2657) authorizing the construction of a bridge over the Mississippi River at or near the city of Alton, in the State of Illinois, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DOLPH introduced a joint resolution (S. R. 132) authorizing the Secretary of the Treasury to establish a sub-port of entry and a port of call at Port Angeles, Wash.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES and Mr. VEST submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PENSION BILLS.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

Mr. MITCHELL. I desire to make a statement. It was my purpose to-day——

The PRESIDENT *pro tempore*. If there be no objection the Senator from Pennsylvania will proceed with his statement. The Chairs hears no objection.

Mr. MITCHELL. It was my intention to-day to ask the Senate to consider private pension bills; but the day has been consumed by the consideration of the Post-Office appropriation bill. Now, my purpose is to ask the Senate to consider those bills to-morrow immediately after the formal business of the morning hour is concluded.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas [Mr. INGALLS], that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-four minutes spent in executive session the doors were reopened, and (at 7 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 23, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday was read and approved.

SUNDRY CIVIL BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. BLAND. Mr. Speaker, I desire to reserve all points of order upon that bill.

The SPEAKER. All points of order are reserved.

DUTIES ON AMERICAN IMPORTATIONS—GERMANY.

Mr. LE FEVRE, by unanimous consent, offered the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, In view of the continued proscription of American pork by Germany, the recent imposition of additional duty on wheat and rye imported from the United States, and certain measures now threatened hostile to American petroleum, that the Committee on Foreign Affairs be, and it is hereby, instructed to inquire into and report whether the interests of the United States do not demand the adoption of like discriminating measures against such principal articles imported from the German Empire as are grown or manufactured in the United States.

WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

The SPEAKER. The hour set apart for motions under the special rule of the House begins at nine minutes past 11 o'clock. The gentleman from New Jersey [Mr. KEAN] has a motion pending upon which the time for debate, except one minute, has been exhausted.

Mr. KEAN. I yield that minute.

The SPEAKER. The gentleman from New Jersey [Mr. KEAN] yields the remaining minute of his time, and the Clerk will report the title of the bill.

The Clerk read the title, as follows:

Joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of the revolutionary soldiers there buried and in erecting a monument over the same.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WELLER. Mr. Speaker, has the time for debate been exhausted?

The SPEAKER. It has been, except one minute.

Mr. WELLER. Well, I object.

The question was taken; and eighteen gentlemen objected—more than a sufficient number under the rule.

So the joint resolution was not considered.

PUBLIC BUILDING, MACON, GA.

Mr. BLOUNT. Mr. Speaker, I ask consent, under the rule, for the present consideration of a bill (S. 1117) for the erection of a public building at Macon, Ga.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States circuit and district courts, post-office, and other Government offices, at the city of Macon, Ga. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $125,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Under the rule, ten minutes are allowed for debate, of which the gentleman from Georgia [Mr. BLOUNT] is entitled to five.

Mr. BLOUNT. Mr. Speaker, for the present I shall content myself with a mere statement of the facts. There is a Federal court held at Macon. The population of the city is a little over 26,000, as shown by the enumeration of last year. The accommodations and facilities are very inadequate, and have been permitted to remain so up to this time by reason of the fact that the matter of erecting a public building there has been reported upon by several Congresses and the Department of Justice has not seen fit to make any improvement, or to attempt to better the existing accommodations, believing that a public building ought to be erected. The amount proposed to be appropriated is less than we have paid for our own local court-house, and I think this is one of the most moderate bills of this character that has been at any time reported to this House.

Mr. STORM. I ask for the reading of the report.

Mr. BLOUNT. This is a Senate bill. I believe there are several reports on this subject. I reserve the residue of my time.

The report (by Mr. YOUNG) on House bill 162 was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 162) for the erection of a public building at Macon, Ga., having considered the same, respectfully report:

That United States courts are held at Macon, Ga., and are located on the third floor, in a badly heated and poorly ventilated room, which is reached by noisy flights of iron stairs, there being no elevator in the building. For these uncomfortable and inadequate accommodations the Government is paying $1,000 a year.

That the post-office, for its 19,000 citizens, is equally discreditably located, being in a room entirely too small, although rented at a cost of $900 a year. There are also leased, for internal-revenue offices, rooms at a cost of $100 a year, making the total annual outlay of the Government for rent at Macon, $2,000.

In view of these representations, satisfactorily verified, your committee respectfully recommend the passage of a bill providing for the erection of a public building in said city, to meet the demands of its present wants and commensurate with its importance as a thriving and rapidly growing center. We accordingly submit herewith a substitute, limiting the amount to $100,000.

Mr. STORM. I observe that this report names as the amount of the appropriation $100,000.

Mr. BLOUNT. I think that must be a typographical error. At any rate the report just read relates to a House bill of similar purpose to the Senate bill which I have called up. I believe $125,000 is the amount which has uniformly been reported in previous Congresses. I trust that the House will see fit to pass the Senate bill appropriating this sum which has been previously recommended, and which, as I have stated, is less than we have paid for our own court building.

Mr. HOLMAN. Would the gentleman from Georgia object to an amendment providing that the Secretary of the Treasury shall not approve any plan which will involve an expenditure for this building of a greater sum than the residue of this appropriation after the site has been paid for?

Mr. BLOUNT. I appreciate the purpose of the gentleman in limiting the cost of public buildings to the amount of the appropriation; and I would have no objection to such an amendment but for the fact that we are now almost at the close of this session, and if this bill should be returned to the Senate with an amendment it might be difficult to get it taken up for concurrence.

Mr. HOLMAN. This is a Senate bill?

Mr. BLOUNT. Yes, sir.

Mr. HOLMAN. I shall not press the amendment.

There being no objection, the House proceeded to the consideration of the bill; which was taken from the Speaker's table, read three times, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLORADO INDIAN LANDS.

Mr. BELFORD. I ask to take from the Speaker's table for present consideration the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

The bill was read, as follows:

Be it enacted, &c., That actual settlers on lands subject to pre-emption under existing laws within the late Uncompahgre and White River Ute Indian reservation, in Colorado, shall be entitled to purchase the same, in quantities not exceeding one hundred and sixty acres each, in accordance with the general principles of the pre-emption laws: *Provided*, That no *bona fide* settler as aforesaid shall be denied the right to purchase land under the provisions of this act on the ground that he may have previously had the benefit of pre-emption on other public land of the United States without said reservation, nor on the ground that he may have removed from his own land elsewhere within the State of

Colorado to settle upon land in said reservation: *And provided further*, That proof of actual inhabitancy and improvement of the land for not less than one year shall be made to the satisfaction of the register and the receiver, under such regulations as the Secretary of the Interior may prescribe.

SEC. 2. That the payment for these lands may be made in three installments, as follows, to wit: Twenty-five cents per acre at the date of entry, and 50 cents per acre, respectively, in one and two years from such date.

The SPEAKER. Under the rules ten minutes are now allowed for debate—five minutes in support of this motion and five minutes in opposition. [A pause.] If no gentleman desires to occupy the time——

Mr. McMILLIN. Before objections are asked for let us have the report read or some statement made, so that we may understand how we ought to vote on this question. It would appear that this bill proposes to change the law as to how these lands shall be paid for and who are to get the benefits of the sale. The House ought certainly to know why this change is to be made.

Mr. BELFORD. Mr. Speaker, if I can be heard I will try to explain the provisions of this bill. Some years ago we passed, under a suspension of the rules, a bill opening up what is called the Ute reservation—a tract of territory equaling in area New Hampshire, Connecticut, and Rhode Island. After that bill was passed a number of people, aggregating thousands, went upon that Ute reservation and took up their homes. That bill provided that when the land was pre-empted the money should go to the Indians. This bill makes no change whatever in that respect; it simply allows these people to pay their money into the Treasury; and this money is to go to the support and maintenance of these Indians.

If we do not pass this bill a large class of people occupying homesteads in the Ute reservation are practically left without any title whatever. Many of these men have had pre-emption rights in other States and have now forfeited them, having gone to these reservation lands to seek a new home. This thing of forfeiting pre-emption rights is not exceptional. I have once myself been obliged to abandon such a right because I found I was not able to bring water upon the ground. So it is with thousands of other people. I can state truthfully and candidly that there is no "steal" in this measure.

Mr. WELLER. I desire to ask the gentleman, if I may, whether the provisions of this bill are confined entirely to homestead or pre-emption settlers?

Mr. BELFORD. The bill is confined absolutely to those who have their homes there.

Mr. WELLER. Is the bill in its terms confined to that class?

Mr. BELFORD. It is confined to that class, because under the original bill nobody can take any tract of land except by pre-emption. The bill is designed to protect the people who have their homes on this vast tract of land.

Mr. WELLER. And that alone?

Mr. BELFORD. And that alone. The bill passed the Senate without objection.

Mr. PAYSON. I desire to ask the gentleman from Colorado [Mr. BELFORD] whether this bill has been considered by any committee of this House?

Mr. BELFORD. No; but it has been considered by a Senate committee, and passed by the Senate without objection. It has not been considered by a committee of the House because during the early part of the session I was not here to ask its reference to a committee. Now is my only chance for salvation in getting it through. [Laughter.]

The SPEAKER. Is there objection to the consideration of the bill?

Mr. COBB. I object.

The SPEAKER. Members objecting to the consideration of this bill will rise and be counted.

Thirteen members objected.

So the bill was not considered.

CUSTOM-HOUSE AT RICHMOND, VA.

Mr. GEORGE S. WISE. I desire to call up from the Speaker's table for present consideration the bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.

The bill was read, as follows:

Be it enacted, &c., That the sum of $100,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the enlargement of the United States custom-house at Richmond, Va.

SEC. 2. That said sum shall be expended upon the order of the Secretary of the Treasury, and under his direction, upon plans, specifications, and estimates previously made and approved according to law.

The SPEAKER. Under the rule ten minutes are allowed for debate—five minutes on each side.

Mr. GEORGE D. WISE. Mr. Speaker, I want to say in reference to this bill that it makes the small appropriation of $100,000 to enlarge the custom-house at Richmond, Va. Both the United States circuit and district courts are held in that city. I need not say to the House that it is the capital of the State. The necessity for the enlargement will be apparent when I tell the members of the House that the present building was erected when the city contained a population of only about 25,000. Many of the records of our courts are kept in a lumber-room entirely unfit for the purpose. There are no rooms for grand or traverse juries, and no suitable accommodations for the judges.

Since the erection of this building the number of employés of the post-office has been increased from eight to sixty. And we have in addition to that the offices of collector of customs and of internal revenue. I will state also that some $1,700,000 was collected in this internal-revenue district at Richmond city alone during the fiscal year ending June 30, 1883. The gross receipts from the post-office during the same period were nearly $120,000, and over $2,000,000 are handled and counted annually by the clerks engaged in the money-order department.

Mr. COOK. What was the cost of the original building?

Mr. GEORGE D. WISE. I can not say as to that, but it was built in 1850 when the city had a population of only about 25,000.

I have also a letter from the Postmaster-General in which he recommends the enlargement of this building as necessary for the accommodation of the post-office at that city. I hope there will be no objection to this Senate bill.

Mr. NICHOLLS. What is the present population of Richmond?

Mr. GEORGE D. WISE. Over 80,000 inhabitants.

Mr. COOK. The committee of the House recommended $79,000.

Mr. GEORGE D. WISE. One hundred thousand dollars is appropriated in the Senate bill. The Architect of the Treasury was asked to make an estimate, and he recommended that sum as necessary.

Mr. COOK. But the committee of the House only recommend $79,000.

Mr. GEORGE D. WISE. I know that. This Senate bill is in accordance with the recommendation of the Architect of the Treasury Department. I took the pains to have the estimate made by the Architect of the Treasury Department. [Cries of "Vote!" "Vote!"]

Mr. STORM. I understand the Committee on Public Buildings and Grounds recommend only $79,000. I should like to have the report of the committee read.

Mr. GEORGE D. WISE. Here it is.

Mr. STORM. Will the Clerk read it?

The Clerk read the report (by Mr. YOUNG), as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1609) to make an appropriation for the extension, enlargement, and improvement of the public building at Richmond, Va., respectfully report:

After a full examination of the facts submitted, the committee believe that the proposed enlargement and improvement of the public building at Richmond is necessary and demanded by the requirements of the public service.

Richmond is the largest and most flourishing city in the State, and its commerce and business are extensive and rapidly increasing. The present public building there was constructed in 1852-'34, when the population of the city was but little over 27,000, and when the business transacted in the Federal offices there was comparatively small. The population is now 71,000, and the growth of the business of the offices of the Government has been so rapid as to make additional accommodation for its proper transaction a necessity. In brief, since the erection of the present building, the population of Richmond has nearly trebled, its business and commerce has been more than trebled, and the business of its post-office more than quadrupled. In this small building accommodation has to be provided for the post-office, the officers for the collection of the internal revenue, the collector of customs and his assistants, and for the United States district and circuit courts. For these various purposes it is wholly insufficient. The district and circuit courts of the United States are held here twice yearly, and there are frequently two special terms of these courts in each year.

In the language of the clerk of the circuit court—

"The judges' rooms are mere closets, with no conveniences for consultation, no library-room, and not space to hear anything properly in chambers. The clerks have to keep many of their records in an old lumber-room, entirely unfit for the purpose."

There is not, besides, sufficient room for the accommodation of the marshal, and the grand and traverse juries which attend these courts, and none whatever for witnesses. The collector of internal revenue has now employed in his office there eleven persons, as deputy collectors, clerks, tobacco inspectors, and gaugers, and they are confined to an area entirely too small for comfort and the rapid dispatch of the public business. During the year 1883 there were entered in this division of his district for export over three and one-half millions of pounds of tobacco and nearly thirty-five millions of cigarettes. During the same period nearly one and one-half million dollars were realized from the sale of tobacco, cigar, and cigarette stamps.

The amount of internal revenue collected at Richmond during the fiscal year ending June 30, 1883, was $1,666,857.33. The collector states that double the space now occupied is required for the easy and proper transaction of the business of his office. The gross receipts from the post-office during the fiscal year ending June 30, 1883, were $117,397, and over $2,000,000 are handled and counted annually by the clerks engaged in the money-order department. The number of clerks employed is twenty-one, letter-carriers twenty, and money-order clerks three; making in all forty-one. In addition to this force, the Government has in its employment, on the seven railroads terminating here, forty-three postal clerks, for whom space has to be provided in the post-office at Richmond, it being impossible to obtain suitable accommodation elsewhere. At least one-third of these postal clerks are frequently in the office at the same time, making, with the regular force, an aggregate of over sixty persons. When the present building was erected, there were employed in this office an average of only eight persons in every branch of its business.

For the convenience of the collector of customs and his assistants, twelve in number, the present accommodations are also wholly inadequate. The Postmaster-General, in a letter in reply to one addressed to him upon this subject, says that in his opinion—

"The Government building at Richmond is not large enough, and that there should be such an enlargement of or addition to it as will meet the necessities of business and the public convenience."

These brief statements serve the purpose of showing the magnitude of the business done in the various offices of the Government in this city and the necessity for more space for its transaction. Your committee, therefore, recommend the passage of the accompanying as a substitute for bill H. R. 1609.

Mr. WELLER. I rise to a question of order. The confusion is so great that we can not hear what is going on in the House.

The SPEAKER. The Chair has made an ineffectual attempt to preserve order in the House. The Sergeant-at-Arms will ask members to resume their seats and stop conversation.

Mr. STORM. What is the amount recommended by the committee?

The SPEAKER. The report specifies no amount, but simply recommends the passage of the bill.

Mr. STORM. What is the amount recommended by the House bill?

Mr. GEORGE D. WISE. Seventy-five thousand dollars is recommended by the House bill.

Mr. STORM. Your bill calls for $100,000.

Mr. GEORGE D. WISE. I will state to my friend that that amount is absolutely required, and it is recommended by the Architect of the Treasury after making a careful estimate of what would be required.

Mr. STORM. All I desire to say, in the short time left, is, that this has been considered by a committee of this House and the amount recommended was $75,000. The Senate bills have not only been considered extravagant in the number of private buildings provided for, but in the amount provided and in the extension of limits heretofore proposed. As I have said, the committee of this House, having considered the bill, recommends $75,000 as sufficient; and I do think we ought not to be asked now to say we will give $25,000 more than the committee of this House has recommended, simply because this is a Senate bill. I am sorry to oppose it, but I think I am in duty bound to do so.

Mr. WELLER. I think I could make a suggestion which will obviate all objection.

The SPEAKER. The time has expired.

Mr. WELLER. I wish to offer an amendment.

Mr. GEORGE D. WISE. Is there not more time left in favor of the bill?

The SPEAKER. Two minutes remain in favor of the bill.

Mr. GEORGE D. WISE. I will yield then two minutes to my colleague.

Mr. JOHN S. WISE. I am instructed, Mr. Speaker, to say that the gentleman from Pennsylvania [Mr. STORM] withdraws his objection.

Now, in regard to this bill the estimates and the report of the Architect were fully discussed in the Senate, and the action taken there was one of deliberate judgment that $100,000 was necessary to carry out the measure. I never had the opportunity such as I desired before the House committee to discuss the necessity of $100,000. I believe whereas $100,000 will accomplish the purpose, $75,000 will be insufficient and bring them back here before the work is completed. I hope the House will adopt the bill as it passed the Senate because we might as well complete the job at once instead of taking two bites of a cherry as is often done. I call for a vote.

There was no objection to the present consideration of the bill.

Mr. WELLER. As the bill is before the House I move the following amendment.

The Clerk read as follows:

Provided, however, Twenty-five per cent. of this appropriation shall be made and paid only in standard silver dollars, which shall be transferred at the expense of the Government to the locality proposed for the disbursement of this appropriation.

Mr. WELLER. Would it be in order to ask unanimous consent to discuss the merits of that amendment?

The SPEAKER. The Chair thinks under this special rule, which expressly provides the limitation of debate, it would not be in order to extend that time.

Mr. KEAN. I offer an amendment to the amendment.

The Clerk read as follows:

Provided, That the remaining salary due Hon. LUMAN H. WELLER, of Iowa, as a Representative from Iowa for the Forty-eighth Congress, be paid in standard silver dollars. [Laughter.]

Mr. WELLER. I desire to accept that amendment, and I trust that the House will honor me by voting for it. I do accept it. [Laughter and applause.]

The SPEAKER. No debate is in order.

The question being taken on the adoption of Mr. WELLER's amendment, the House divided; and there were—ayes 10, noes 95.

So the amendment was not agreed to.

The bill was ordered to be read the third time; and being read the third time, was passed.

Mr. GEORGE D. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UMATILLA INDIAN RESERVATION, OREGON.

Mr. GEORGE. Mr. Speaker, I ask now to call up Senate bill 66, providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, and put it upon its passage.

The bill was taken from the Speaker's table, read a first and second time, the second reading being at length, as follows:

An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Whereas the confederated bands of Cayuse, Walla Walla, and Umatilla Indians, residing upon the Umatilla reservation, in the State of Oregon, have expressed a willingness to settle upon lands in severalty on their said reservation, and to have the residue of their lands not needed for such allotment sold for their benefit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause lands to be allotted to the confederated bands of Cayuse, Walla Walla, and Umatilla Indians, residing upon the Umatilla reservation, in the State of Oregon, as follows, of agricultural lands:

To each head of a family, one hundred and sixty acres; to each single person over the age of 18 years, eighty acres; to each orphan child being under 18 years of age, eighty acres; and to each child under 18 years of age not otherwise provided for, forty acres.

Allotments to heads of families and to children under 18 years of age belonging to families shall be made upon the selections made by the head of the family; allotments to persons over 18 years of age not classed as heads of families shall be made upon the selection of such persons; and allotments to orphans shall be made upon selections made by the agent in charge, or other person duly authorized by the Department. In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common, and there shall also be selected and set apart for an industrial farm and school six hundred and forty acres of agricultural lands. Before any allotments are made, a commission of three disinterested persons to be appointed by the President shall go upon said reservation and ascertain as near as may be the number of Indians who will remain on said reservation, and who shall be entitled to take lands in severalty thereon, and the amount of land required to make the allotments; and thereupon said commission shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands for their use, and 640 acres for an industrial farm and school, not exceeding 120,000 acres in the aggregate for all purposes; and the same shall be in as compact a form as possible. Said commission shall report to the Secretary of the Interior the number and classes of persons entitled to allotments, as near as they may be able to, the metes and bounds of the tract by them selected for said Indians, and designate the particular tract selected for an industrial farm and school; and if the same shall be approved, the said tract shall thereafter constitute the reservation for said Indians, and within which the allotments herein provided for shall be made. The said tract shall be surveyed, or so much thereof as shall be required for allotments, and as soon as such surveys are approved the selections and allotments shall be made. The President shall cause patents to issue to all persons to whom allotments of lands shall be made under the provisions of this act, which shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Oregon, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the law of alienation and descent in force in the State of Oregon shall apply thereto after patents have been executed, except as herein otherwise provided; *Provided further*, That any Indian or Indians residing upon said reservation who may desire to remove to or settle upon any other reservation shall be permitted to do so, and shall retain their right to share their equal proportion of benefits to be derived from any fund that may arise from the sale of any of the lands of said Umatilla reservation, and in addition the equitable value of the right to take lands in severalty on said reservation, to be determined by the Secretary of the Interior and taken out of said fund; and the same shall be expended from time to time for their benefit in establishing them in their new homes in such manner as the Department shall direct.

SEC. 2. That as soon as the report of said commission in respect to the new boundaries of said reservation shall be approved, the residue of said reservation lands not included in said new lines shall be surveyed, if not already surveyed, or if the stakes and monuments, if surveyed, have become so obliterated that the lines can not be ascertained, and the same shall be appraised and classified into timbered and untimbered lands; and in case where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised, and if the same belong to an Indian such Indian shall be reimbursed the value of such improvements in money or in other improvements upon his allotment, as shall be determined by the Department; but no lands shall be appraised at less than $1.25 per acre. The said lands, when surveyed and appraised, shall be sold at the proper land office of the United States by the register thereof, at public sale, to the highest bidder at a price not less than the appraised value thereof, such sale to be advertised in such manner as the Secretary of the Interior shall direct. Each purchaser of any of said lands at such sale shall be entitled to purchase one hundred and sixty acres of untimbered lands and an additional tract of forty acres of timbered lands, and no more. He shall pay one-third of the purchase-price of untimbered lands at the time of purchase, one-third in one year, and one-third in two years, with interest on the deferred payments at the rate of 5 per cent. per annum, and shall pay the full purchase-price of timbered lands at the time of purchase. And where there are improvements upon the lands purchased which shall have been separately appraised the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid.

Each purchaser shall, at the time of making his purchase, make and subscribe an oath or affirmation that he is purchasing said lands for his own use and occupation, and not for or on account of or at the solicitation of any other, and that he has made no contract whereby the title thereto shall, directly or indirectly, inure to the benefit of another. And if any conveyance is made of the lands set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void. And before a patent shall issue for untimbered lands the purchaser shall make satisfactory proof that he has resided upon the lands purchased at least one year and has reduced at least twenty-five acres to cultivation. No patent shall issue until all payment shall have been made; and on the failure of any purchaser to make any payment when the same becomes due, the Secretary of the Interior shall cause said land to be again offered at public or private sale, after notice to the delinquent; and if said land shall sell for more than the balance due thereon, the surplus, after deducting expenses, shall be paid over to the first purchaser: *Provided*, That persons who settle upon or acquire title under the pre-emption or homestead laws of the United States to fractional subdivisions of lands adjacent to the lines of said reservation, as now and heretofore existing, and at the time of the sale herein provided for are residing on such fractions, and have been unable to secure the full benefit of such laws by reason that the lands settled upon were made fractional by the boundary line of said reservation crossing such subdivision, shall have a right, at any time after advertisement and before sale at public auction, to purchase, at their appraised value, so much of said lands as shall, with the fractional lands already settled upon, make in the aggregate one hundred and sixty acres; and no additional residence shall be required of such settler, but he shall take and subscribe the oath required of other purchasers at the time of purchase: *Provided further*, That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof. All controversies between settlers and purchasers in respect to settlement and the right of purchase shall be heard and determined, upon their priorities and equities, by the like officers and in the same manner as like contests are heard and determined under existing pre-emption laws: *Provided also*, That the State of Oregon shall be entitled to select

from the public lands of the United States in said State lands in lieu of the sixteenth and thirty-sixth sections contained in said Umatilla reservation as now set apart and established.

SEC. 3. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisement, and sale, and reimbursing any Indian or Indians for the value of any improvements belonging to such Indian or Indians, and the equitable share of any Indian to the funds arising from the sale of said reservation lands as herein provided, and reimbursing the United States for improvements made by the Government and under the provisions herein, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law. Twenty per cent. of the principal of said funds may be used, under the direction of the President, in assisting said Indians to establish themselves upon their several allotments, in such manner as he shall direct, and $20,000 of the residue thereof shall be devoted to the establishment and support of an industrial farm and school for the training and education of the children of said Indians in the arts and methods of civilized life, and the increase from the funds thereafter to be devoted to the support of said industrial farm and school, and to such other beneficial purposes as in the judgment of the Secretary of the Interior may be for the best interest of said Indians: *Provided*, That the said Indians shall pledge themselves to compel their children, male and female, between the ages of 7 and 15 years, to attend said school.

SEC. 4. That for the purpose of carrying into effect the provisions of this act the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which said sum shall be reimbursed to the Treasury out of the sales of said lands; and $10,000 of said sum so appropriated shall be expended toward establishing said industrial farm and school herein provided for.

SEC. 5. That before this act shall be executed in any part, the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing and signed by a majority of the male adults upon said reservation, and shall be filed with the Secretary of the Interior.

SEC. 6. That the Secretary of the Interior shall have power to make needful rules and regulations to carry into effect the provisions of this act, and shall have power to determine all disputes and questions arising between Indians respecting their allotments, and shall fix the compensation to be allowed to the commissioners provided for in section 2.

The SPEAKER. Under the rule ten minutes are allowed for debate—five minutes for and five against the bill.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I desire to know if it will not be proper, under the rules of the House, to move that this bill be laid over until to-morrow in order that it may be printed in the RECORD for the information of the House.

The SPEAKER. The bill is not yet before the House.

Mr. GEORGE. This bill, I will state, has been already printed in full in the RECORD.

I do not desire to detain the House at length in regard to this matter. I know that it is a long bill and that it is difficult for each individual member of the House to thoroughly understand from hearing it read in this manner, but I wish to state that it has been passed twice by the Senate and has been favorably reported unanimously by the committees of two Houses, the present House and the House of Representatives of the Forty-seventh Congress. It has the earnest approval of the Indians themselves, who are very desirous for the passage of the bill. It is for their welfare and for the welfare of the people of that State generally. All are desirous that such a bill shall be passed as will provide for the welfare of the Indians, who are a part and parcel of their community.

In brief the bill proposes to allot to the Indians such lands as they may need for their use, and then the remainder of the reservation be sold in small tracts and at not less than its appraised value to the highest bidder in cash with time payments, the money to be appropriated to the present and future welfare and benefit of the Indians.

Mr. PERKINS. And purchasers are limited to one hundred and sixty acres of the land as the amount they may acquire.

Mr. GEORGE. Yes, they are limited to one hundred and sixty acres with a small amount of timbered land in addition. I reserve the remainder of my time.

Mr. COBB. I would like to ask the gentleman from Oregon a question. As I understand this bill—I have never read it, and have heard it now for the first time—I understand that after the expiration of three years it is provided that the lands shall be sold and the proceeds paid over to the Indians. Is that the purport of the bill?

Mr. GEORGE. Yes, with reference to such lands as they do not need for allotment. It is provided that the residue shall be sold and the proceeds be appropriated to their benefit.

Mr. COBB. How do you provide that these lands shall be sold—by auction, at so much per acre, or at private sale after appraisement?

Mr. GEORGE. They are first to be appraised and the price fixed upon them, afterward to be sold at public auction to the highest bidder at not less than the appraised value, and only to the actual settlers upon the land and in quantities not to exceed one hundred and sixty acres to each, with forty acres of timbered land.

Mr. MCMILLIN. Does it not provide that these lands shall be sold for cash?

Mr. GEORGE. Yes, sir.

Mr. MCMILLIN. As this is to be a fund for the benefit of the Indians, would these lands not bring better prices if sold for part cash and a part on time?

Mr. GEORGE. That is the provision of the bill; in order that poor men can avail themselves of the opportunity of purchasing the lands and have time in which to pay for them.

Mr. MCMILLIN. I understood the gentleman from Oregon to state, and also from hearing the bill read—for no man can understand so long a bill in all of its details from hearing it once read—that it provided for a cash sale.

Mr. GEORGE. Cash sale, but time payment of the greater portion.

Mr. MCMILLIN. The gentleman from Oregon and myself have a very different conception of what cash sales and time sales mean.

Mr. HEWITT, of Alabama. Does this bill limit the amount to which each person may become entitled under its provisions?

Mr. GEORGE. Yes, sir; one hundred and sixty acres, and forty acres of timber land in addition.

Mr. WELLER. I would like to ask the gentleman from Oregon if in so far as he is concerned he will not consent that this shall go over until to-morrow, in order that we may have the opportunity of reading the bill and the report in the interim.

Mr. COBB. I ask for the reading of the report in connection with the bill.

Mr. STEVENS addressed the Chair.

The SPEAKER. The gentleman from Indiana was recognized to demand the reading of the report. This seems to be a Senate bill and there is no report accompanying it.

Mr. GEORGE. I will furnish a Senate report which I have here.

Mr. COBB. It is difficult to understand so long a bill, and I do not think it ought to be passed without time for its consideration.

Mr. GEORGE. Although this bill has been printed in the RECORD once, I will suggest that its consideration go over until to-morrow and that it be printed in the RECORD, and also the reports of the Senate and House committees, so that members may have a full opportunity of seeing what it is that is proposed.

The SPEAKER. Four minutes only of the hour under the special rule now remain. The gentleman from Oregon asks that the hour be now terminated and that this bill go over until to-morrow and be printed together with the report in the RECORD. Which report? Of the House or of the Senate?

Mr. GEORGE. The Senate report as it is a Senate bill and the House report, for that matter.

The SPEAKER. Is there objection?

Mr. COBB. I shall have to object; the bill is so long.

Mr. CASSIDY. The bill goes into the RECORD anyhow, having been read.

The SPEAKER. Does the gentleman from Indiana object?

Mr. COBB. I do.

The SPEAKER. The Clerk will proceed to read the report.

The Clerk commenced the reading of the report (made by Mr. DAWES, from the Senate Committee on Indian Affairs), as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 66) entitled "A bill providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," have had the same under consideration, and report as follows:

This bill was reported from the Senate Committee on Indian Affairs during last Congress, after very careful consideration, and passed the Senate, and was reported upon favorably by the House Committee on Indian Affairs. The report of the Senate Committee of last Congress very fully sets forth all the facts and reasons relating to said subject, and is therefore adopted for convenience as the report of your committee; which report is as follows:

"The Umatilla reservation was created by treaty with the Walla Walla, Cayuse, and Umatilla tribes and bands of Indians, occupying lands partly in Washington Territory and partly in Oregon, which treaty was promulgated April 11, 1859. The reservation contains 268,800 acres of land, of which 150,000 is tillable; the residue is pasture and timber lands.

"The Indians upon this reservation have for the most part, since their location on the same, been peaceable and friendly toward the whites; have made some progress toward civilization; cultivated in 1881, as shown by the agent's report, 4,000 acres, broke during the year 2,000 acres new land, produced 10,000 bushels of wheat, 2,000 bushels of corn, 6,000 bushels of oats and barley, 6,000 bushels of vegetables, cut 900 tons of hay, 75,000 feet of lumber, 1,000 cords of wood, and built 10,000 rods of fence. They have 10,000 head of horses, 80 head of mules, 400 head of cattle, 5 head of swine, and 3,000 head of sheep. They earn by labor in civilized pursuits 65 per cent. of their subsistence and support, procure 12 per cent. by hunting and fishing, and receive in rations from the Government 23 per cent.

"The number of Indians on this reservation, as shown by the report of the agent for 1881, is 751—males 330, females 421. Of the whole number 504 are wholly clad in citizen's dress, and 123 partly. Two hundred and fifty-two families are reported as engaged in agriculture, and 162 male Indians undertake manual labor in civilized pursuits.

"These Indians for some years have in various ways manifested their desire to take lands in severalty, and secure titles to homes for themselves and children. In April, 1879, several of the chiefs and headmen visited Washington to confer with the Indian Office in respect to making a permanent settlement on their reservation, or, in lieu of such settlement, to remove to some other locality. The matter was to be left to the Indians upon their return to their reservation, which was determined by them the following November in favor of remaining upon their present reservation and taking lands in severalty."

When the Clerk had read so much of the report as is printed above,

The SPEAKER said: The hour under the special rule has expired.

Mr. GEORGE. I ask unanimous consent that the House and Senate reports be printed in the RECORD.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

COURT-HOUSE AND JAIL IN ALASKA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, inclosing a letter from the United States

marshal for Alaska, and asking an appropriation for court-house and jail in that Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

INSANE PERSONS IN ALASKA.

The SPEAKER also laid before the House a letter from the Attorney-General, referring to a letter from the marshal of Alaska, in which inquiry is made as to his authority to remove persons adjudged insane to asylums; which was referred to the Committee on Appropriations, and ordered to be printed.

INFANTRY BRANCH OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting communications from officers of the Army in regard to the passage of Senate bill (S. 2442) to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the consideration of the business of the Committee for the District of Columbia be dispensed with to-day.

The SPEAKER. The first business to-day is the call of States and Territories for the introduction of bills and joint resolutions, &c.

Mr. RANDALL. I do not want to interfere with that.

TEXAS PACIFIC RAILROAD LAND GRANT.

Mr. PAYSON. I ask unanimous consent to take from the Speaker's table, for the purpose of moving conenrrence in the Senate amendments, the bill (H. R. 3933) to declare a forfeiture of land grant to the Texas Pacific Railroad Company, and for other purposes.

The amendments of the Senate were read, as follows:

Page 1, line 6, strike out the word "that."

Page 1, line 6, strike out the word "be."

Page 1, line 7, strike out "sale and settlement" and insert "disposal."

Page 1, line 7, strike out the word "existing" and insert the words "the general."

Page 1, at the end of line 7, insert "as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even sections within said grant."

Strike out section 2.

At the end of the bill add the following:

"SEC. 2. That the act of March 3, 1875, entitled 'An act for the relief of settlers within railroad limits,' is hereby repealed."

The SPEAKER. Is there objection to the request made by the gentleman from Illinois [Mr. PAYSON]? The Chair hears none.

Mr. PAYSON. I move that the Senate amendments be concurred in.

The amendments of the Senate were concurred in.

Mr. PAYSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION AND IMMIGRATION OF ALIENS.

Mr. HOPKINS. I ask unanimous consent to take from the Speaker's table for the purpose of disposing of the Senate amendments the bill (H. R. 2550) to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The amendments of the Senate were read, as follows:

Page 1, lines 7 and 8, strike out "to perform service or labor."

Page 1, lines 14 and 15, strike out "and doing business within the United States."

Page 1, line 16, after the word "service," insert "or having reference to the performance of labor or service by any person."

Page 1, line 16, strike out the words "of any kind."

Page 1, line 18, strike out the words "such persons" and insert "the person or persons whose labor or service is contracted for."

Page 1, line 22, after "by" insert "knowingly."

Page 2, line 8, after the word "recovered," insert "by the United States or."

Page 2, line 8, after "person," insert "who shall first bring his action therefor."

Page 2, lines 9 and 10, strike out "who may choose to bring such suit."

Page 2, strike out all after "United States" in line 11, down to and including "moiety," in line 13, and insert "the proceeds to be paid."

Page 2, after the end of line 15, insert "and it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States."

Page 2, line 27, after the word "citizen," insert "or subject."

Page 3, line 11, after the word "actors," insert "artists."

Page 3, line 11, after "singers," insert "nor to persons employed strictly as personal or domestic servants."

Page 3, line 13, after "relative," insert "or personal friends."

Page 3, line 14, after "United States," insert "for the purpose of settlement here."

Mr. KEIFER. Mr. Speaker, is it proposed to concur in these amendments?

The SPEAKER. The Chair does not know what motion the gentleman from Pennsylvania [Mr. HOPKINS] proposes to make.

Mr. KEIFER. I will ask the gentleman from Pennsylvania [Mr. HOPKINS] whether he proposes that the House shall concur in these Senate amendments?

Mr. HOPKINS. That is my motion, Mr. Speaker—to concur in the amendments of the Senate. They are mostly verbal amendments.

Mr. KEIFER. I think they are pretty important.

Mr. MILLS. I will ask the gentleman from Pennsylvania [Mr. HOPKINS] whether this bill proposes to prohibit the introduction of agricultural laborers?

Mr. HOPKINS. It prohibits the importation under contract of all classes with the exceptions named in the bill.

Mr. MILLS. I am opposed to the bill.

The amendments of the Senate were concurred in.

Mr. HOPKINS moved to reconsider the vote by which the Senate amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CORRECTION OF MILITARY RECORDS.

Mr. STEELE. Mr. Speaker, I ask unanimous consent to report at this time, from the Committee on Military Affairs, a bill in lieu of various bills that have been referred to that committee. It is a bill (H. R. 8257) to correct the record of certain soldiers of the late war.

The SPEAKER. Does it name the soldiers?

Mr. STEELE. It does not name the soldiers, but it is in lieu of various bills that do name soldiers.

The SPEAKER. In the absence of objection the bill will be referred to the House Calendar, and ordered to be printed.

Mr. WELLER. Mr. Speaker, I ask unanimous consent that that bill and report may be printed in the RECORD.

There was no objection, and it was so ordered.

The bill and report are as follows:

A bill to correct the record of certain soldiers of the late war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion in all cases where it is shown by satisfactory evidence that the soldier did not leave his command in the face of the enemy, and was not in arrest or under charges; that he rejoined the service within ninety days from date of absence, or was suffering from wounds or sickness which prevented his returning, served faithfully, received an honorable discharge, and did not rejoin to obtain bounty: *Provided*, That in cases where the soldier was prevented from joining his command on account of wounds or sickness, and receiving an honorable discharge that he might have received had he not been so prevented, he shall have his record amended so as to remove the charge of desertion.

SUBSTITUTE FOR VARIOUS HOUSE BILLS.

Mr. STEELE, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom were referred—

The bill (H. R. 7897) for the relief of David Harrington;
The bill (H. R. 7758) for the relief of Daniel Morris;
The bill (H. R. 7741) for the relief of John Connell;
The bill (H. R. 7527) for the relief of Melvin M. Davis;
The bill (H. R. 7560) for the relief of William Pormann;
The bill (H. R. 6107) for the relief of Joseph Moor;
The bill (H. R. 5745) for the relief of James W. Dotson;
The bill (H. R. 7528) for the relief of David Ward;
The bill (H. R. 7479) for the relief of Thomas Cummings;
The bill (H. R. 7460) for the relief of George Leeman;
The bill (H. R. 7381) for the relief of James Roach;
The bill (H. R. 7089) for the relief of John Knocklemann;
The bill (H. R. 6977) for the relief of A. L. Williams, M. D.;
The bill (H. R. 1954) for the relief of Francis M. McDonald;
The bill (H. R. 7020) for the relief of Charles H. L. Poock;
The bill (H. R. 6778) for the relief of Thomas Wood;
The bill (H. R. 6719) for the relief of Wellington Doddridge;
The bill (H. R. 6718) for the relief of Phillip Elliott;
The bill (H. R. 6717) for the relief of Thomas J. Sutton;
The bill (H. R. 6654) for the relief of John P. Stewart;
The bill (H. R. 6018) for the relief of George H. Melay;
The bill (H. R. 6666) for the relief of William C. Elliott;
The bill (H. R. 6523) for the relief of Edward W. Casley;
The bill (H. R. 6500) for the relief of Frank Singerist;
The bill (H. R. 6482) for the relief of Enoch Hunt;
The bill (H. R. 6356) for the relief of William C. Jones;
The bill (H. R. 6268) for the relief of Samuel H. Watson;
The bill (H. R. 6172) for the relief of William Munion, jr.;
The bill (H. R. 6001) for the relief of Frederine Rentz;
The bill (H. R. 1775) for the relief of Edmond Williams;
The bill (H. R. 5912) for the relief of Joseph Sexton;
The bill (H. R. 5129) for the relief of Zoath Hammond;
The bill (H. R. 5886) for the relief of Elihu Robinson;
The bill (H. R. 5842) for the relief of Jeremiah Fritts;
The bill (H. R. 5840) for the relief of John W. Robinson;
The bill (H. R. 5826) for the relief of George L. Schernerhorn;
The bill (H. R. 5804) for the relief of Joseph Stubblefield;
The bill (H. R. 5665) for the relief of Walter D. Forbes;
The bill (H. R. 5600) for the relief of Marcellus Martin;
The bill (H. R. 5382) for the relief of George W. Harbaugh;
The bill (H. R. 5320) for the relief of Anderson B. Gose;
The bill (H. R. 5223) for the relief of Charles J. Lahne;
The bill (H. R. 5193) for the relief of William A. Jackson;
The bill (H. R. 5163) for the relief of John G. Brown;
The bill (H. R. 5142) for the relief of Seymour F. Arnold;
The bill (H. R. 5113) for the relief of Peter Hudnut;
The bill (H. R. 5083) for the relief of George W. Revere;
The bill (H. R. 5033) for the relief of Moses Soard;
The bill (H. R. 5012) for the relief of Thomas Brown;
The bill (H. R. 4996) for the relief of John W. Claiborn;
The bill (H. R. 4966) for the relief of Benjamin Pierce;
The bill (H. R. 4861) for the relief of John Butler;
The bill (H. R. 4860) for the relief of Ivans Huse;
The bill (H. R. 4772) for the relief of Newton Wheims;
The bill (H. R. 4753) for the relief of William B. Philips;
The bill (H. R. 4580) for the relief of J. H. Davis;
The bill (H. R. 4566) for the relief of Miles Dunning;
The bill (H. R. 4540) for the relief of George Barlow;
The bill (H. R. 4455) for the relief of David A. Hawk;
The bill (H. R. 4418) for the relief of Robert Newman;
The bill (H. R. 4345) for the relief of Green B. Ledford
The bill (H. R. 4339) for the relief of Absolom Roberts;
The bill (H. R. 4306) for the relief of Frank Greenwood;
The bill (H. R. 4231) for the relief of Dennis Forbes;
The bill (H. R. 4218) for the relief of Philip Brodbeck;
The bill (H. R. 4104) for the relief of Asa M. Frye;
The bill (H. R. 4108) for the relief of James Cooney;
The bill (H. R. 4038) for the relief of George Hobbs;

The bill (H. R. 4030) for the relief of Charles B. Pease;
The bill (H. R. 4011) for the relief of C. Copeland;
The bill (H. R. 3974) for the relief of William Prewitt and others;
The bill (H. R. 2177) for the relief of John Sims;
The bill (H. R. 1624) for the relief of William G. Windom;
The bill (H. R. 769) for the relief of William R. Boag;
The bill (H. R. 2548) for the relief of Charles Doenhart;
The bill (H. R. 904) for the relief of J. J. Gideon;
The bill (H. R. 2731) for the relief of John Davis;
The bill (H. R. 2823) for the relief of William W. Armstrong;
The bill (H. R. 1434) for the relief of John W. Gummo;
The bill (H. R. 417) for the relief of William H. Hamlet;
The bill (H. R. 2443) for the relief of John Driscoll;
The bill (H. R. 3946) for the relief of Samson Goliah;
The bill (H. R. 1639) for the relief of Pierre Perniot;
The bill (H. R. 2563) for the relief of Susan R. Gassaway; and
The bill (H. R. 1638) for the relief of Isaac R. Moulton—

and the petitions as follows, namely:

Petition for the relief of Andrew W. Barton;
Petition for the relief of Andrew Riley;
Petition for the relief of George W. Montcith;
Petition for the relief of Robert P. Moore;
Petition for the relief of John Schlick;
Petition for the relief of John Cole;
Petition for the relief of John Erickson;
Petition for the relief of John G. Brown;
Petition for the relief of Andrew Meadows;
Petition for the relief of Milton Bunch;
Petition for the relief of Abraham Brown;
Petition for the relief of Frank Gardner;
Petition for the relief of Moses Lord;
Petition for the relief of George Adams;
Petition for the relief of Charles Martin;
Petition for the relief of G. W. Smith;
Petition for the relief of John Condon;
Petition for the relief of Charles Davis; and

Also, the petition of various citizens of Stuart, Iowa, asking the passage of a bill—

report the same back and recommend that they lay on the table without prejudice; and recommend the passage of the accompanying bill as a substitute, believing it, together with the act of July 5, 1884, herewith, will cover nearly, if not quite, all meritorious cases.

[PUBLIC—No. 95.]

An act to relieve certain soldiers from the charge of desertion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charge of desertion now standing on the rolls and records in the Office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge: *Provided*, That no soldier shall be relieved under this section who, not being sick or wounded, left his command without proper authority while the same was in the presence of the enemy.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the records of any soldier in the late war upon proper application therefor and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service.

Second. That such soldier absented himself without proper authority from hospital, or from furlough given from hospital, while suffering from wounds, injuries, or disease received or contracted in the service in the line of duty, and, on recovery, voluntarily returned to his command and served faithfully until discharged, or died from such wounds, injury, or disease while so absent and before the date of the muster-out of his command.

Third. That such soldier absented himself without proper authority from furlough given by proper authority, and while so absent died from wounds, injury, or disease received or contracted in the service in the line of duty before the muster-out of his command.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: *Provided, however*, That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any period of time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

SEC. 5. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of five years from and after its passage, and all applications not so made and filed within said term of five years shall be forever barred and shall not be received or considered.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved July 5, 1884.

REPORTS OF SMITHSONIAN INSTITUTION.

Mr. ROGERS, of New York. Mr. Speaker, I ask unanimous consent to take up the Senate joint resolution providing for the printing of the annual reports of the Smithsonian Institution.

The SPEAKER. That is not in order at this time. The special rule under which the House is now acting provides that so long as that rule remains in operation it shall not be in order for the Chair to entertain a request to take up for consideration any bill embraced by that rule except Senate amendments to House bills.

POST-OFFICE SITE, WASHINGTON, D. C.

On motion of Mr. STOCKSLAGER, by unanimous consent, the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office, was taken from the Speaker's table, and referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is called for, and this being Monday, the regular order is the call of the States and Territories for the introduction of bills and joint resolutions. Under this call resolutions of inquiry addressed to the heads of Departments, and joint and concurrent resolutions and memorials of State and Territorial Legislatures, are also in order for reference only.

REMOVAL OF CAUSES TO FEDERAL COURTS.

Mr. CRAIG introduced a bill (H. R. 8258) to protect the rights of citizens of the United States in State courts, and providing for the removal of civil and criminal causes from State to Federal courts in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SELMA, ALA.

Mr. CRAIG introduced a bill (H. R. 8259) to constitute Selma, in the State of Alabama, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TOBACCO DEALERS.

Mr. CRAIG introduced a bill (H. R. 8260) exempting from special tax dealers in manufactured and leaf tobacco whose annual sales do not exceed $1,000; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EMPLOYÉS OF NAVY DEPARTMENT.

Mr. ROSECRANS introduced a joint resolution (H. Res. 343) relative to certain employés of the Navy Department; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OKLAHOMA LANDS.

Mr. PAYSON submitted a joint resolution of the Legislature of Illinois relative to the opening of the Oklahoma lands to homestead settlement; which was referred to the Committee on the Public Lands.

JOHN E. M'GAUGHEY.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8261) granting a pension to John E. McGaughey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN FYE.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8262) granting a pension to Benjamin Fye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY J. NIX.

Mr. ENGLISH introduced a bill (H. R. 8263) for the relief of Nancy J. Nix, late widow of William F. Perry, late a private in Company I, Fortieth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OPENING INDIAN COUNTRY TO SETTLEMENT.

Mr. PEKKINS introduced a bill (H. R. 8264) to enable the President to negotiate for the purchase of portions of certain Indian reservations and to open the Oklahoma Indian country to homestead settlement; which was read a first and second time.

Mr. PERKINS. I ask the reference of this bill to the Committee on Indian Affairs.

The SPEAKER. The Chair will state that a bill relating to this subject was just referred to the Committee on Public Lands.

Mr. PAYSON. I submit that a bill providing for the disposition of these lands after they shall be public lands ought in any event to go to the Committee on Public Lands.

The SPEAKER. This bill, however, seems to provide for purchase of the land from the Indian tribes.

Mr. PERKINS. It authorizes the President to enter into negotiations with the Indians for opening that country to settlement. I think it should go to the Committee on Indian Affairs.

The SPEAKER. The Chair thinks that is the proper reference under the rules.

Mr. PAYSON. I am not strenuous on the point.

The bill was referred to the Committee on Indian Affairs, and ordered to be printed.

RESURVEYS OF PUBLIC LANDS IN KANSAS.

Mr. PETERS presented a concurrent resolution of the Legislature of the State of Kansas, in favor of an appropriation for resurveys of certain public lands in Kansas; which was referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

BRIDGE OVER MISSISSIPPI AT ALTON, ILL.

Mr. HATCH, of Missouri, introduced a bill (H. R. 8265) to authorize the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GENERAL U. S. GRANT.

Mr. STEVENS presented a concurrent resolution of the Legislature of the State of New York, in favor of the passage by the House of the Senate bill "to authorize an additional appointment on the retired-list of the Army;" which was referred to the Committee on Military Affairs.

H. T. BRINEGAR.

Mr. YORK (by request) introduced a bill (H. R. 8266) for the relief of H. T. Brinegar; which was read a first and second time, referred to to the Committee on Claims, and ordered to be printed.

MEXICAN WAR PENSION BILL.

Mr. EVERHART presented a joint resolution of the Legislature of the State of Pennsylvania, urging the passage of the Mexican war pension bill with Senate amendments; which was referred to the Committee on Pensions.

PAYMENT TO VIRGINIA OF PUBLIC LANDS FUNDS.

Mr. BARBOUR (by request) introduced a bill (H. R. 8267) to pay to the State of Virginia moneys received from the sale of public lands by the United States Government under the act of September 4, 1841; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WADDY T. JAMES AND OTHERS.

Mr. JOHN S. WISE introduced a bill (H. R. 8268) to pay Waddy T. James and others for horses killed in the service of the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SYLVIA ROBINSON.

Mr. LIBBEY introduced a bill (H. R. 8269) for the relief of Sylvia Robinson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF DESERT-LAND ACT.

Mr. SINGISER presented a memorial of the Legislative Assembly of the Territory of Idaho, against the repeal of the desert-land act; which was referred to the Committee on the Public Lands.

TRANSFER OF TERRITORY FROM IDAHO TO WASHINGTON.

Mr. SINGISER also presented a memorial of the Legislative Assembly of the Territory of Idaho, in favor of attaching the northern counties of that Territory to Washington; which was referred to the Committee on the Territories.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has now been concluded; but if there be no objection the Chair will recognize, for the introduction of bills and resolutions, gentlemen who were not in their seats when their States were called.

There was no objection.

PORTAGE LAKE IMPROVEMENT COMPANY.

Mr. DUNHAM presented a joint resolution of the Legislature of the State of Illinois, relative to the Portage Lake Improvement Company; which was referred to the Committee on Rivers and Harbors.

GENERAL U. S. GRANT.

Mr. MILLIKEN presented resolutions of the Legislature of the State of Maine, in favor of restoring General U. S. Grant to his rank of General of the Army on the retired-list; which were referred to the Committee on Military Affairs.

JOSEPH M. DENNIS.

Mr. MILLIKEN also introdnced a bill (H. R. 8270) granting a pension to Joseph M. Dennis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DOBB, BROWN & CO.

Mr. BROADHEAD introduced a bill (H. R. 8271) for the relief of Dobb, Brown & Co., of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGES BETWEEN NEW JERSEY AND NEW YORK.

Mr. HEWITT, of New York, presented a resolution of the Legislature of New York, in regard to bridges between New Jersey and New York; which was referred to the Committee on Commerce, and ordered to be printed.

RAILROAD BRIDGE OVER CUMBERLAND AND CANEY FORK RIVERS.

Mr. SEYMOUR, by unanimous consent, from the Committee on Commerce, reported, as a substitute for H. R. 8102, a bill (H. R. 8272) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

Mr. GLASCOCK, by unanimous consent, was granted leave of absence for the balance of the day, on account of sickness in his family.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense for to-day with the rule of the House requiring that the next business for to-day be devoted to the consideration of reports coming from the Committee on the District of Columbia.

Mr. BARBOUR. I understand the motion of the gentleman from Pennsylvania to be to dispense with the regular order, which is the consideration of the District of Columbia business.

Mr. RANDALL. That is the effect of my motion.

Mr. BARBOUR. I hope the House will not take from the District of Columbia Committee this day for the consideration of its business. Under the rules of the House two days in each month have been set apart for the consideration of that business. The District Committee has only used one in the month of December; one in the month of January; and the second Monday of February was taken from the committee for the consideration of its business. Under the circumstances we have really had but two days at this session for the consideration of the District of Columbia business. I hope, therefore, it will be the pleasure of the House to give us this day, as this is the last day which we can have under the rule.

Mr. RANDALL. It is with reluctance that I make this motion, and yet I think it is right to say that the public business in my judgment requires this motion should prevail.

Mr. TUCKER. I ask the gentleman whether he will not allow reports from committees to be brought in this morning? I have some to submit from the Committee on the Judiciary.

Mr. McMILLIN. Take to-morrow morning.

Mr. RANDALL. I must meet all the difficulties as they are presented.

The SPEAKER. The gentleman's motion now is to dispense with the business of the District of Columbia.

Mr. RANDALL. Is that the next business?

The SPEAKER. The morning hour is the next business.

Mr. RANDALL. Well, I move to dispense with the morning hour for to-day.

Mr. WILLIS. With the consent of the gentleman from Virginia, I will make a suggestion, which I think will solve the difficulty; and that is, to ask that to-night from 8 to 10 o'clock be set apart for the consideration of the District of Columbia business.

The SPEAKER. The Chair finds he is mistaken. Upon the examination of the order made by the House, the business of the District of Columbia comes next.

Mr. RANDALL. I so supposed.

The SPEAKER. What suggestion does the gentleman from Kentucky make?

Mr. WILLIS. That by unanimous consent from 8 to 10 o'clock this evening be set apart for the consideration of the District of Columbia business. I do that at the request of the gentleman from Virginia himself.

Mr. RANDALL. If no one else objects I will not.

The SPEAKER. The gentleman from Kentucky, in order to enable the House to proceed with its business to-day, asks a recess be taken this evening——

Mr. RANDALL. From 6.

Mr. WILLIS. Yes; from 6 until 8 o'clock.

The SPEAKER. And that the evening session be devoted to the business presented by the Committee on the District of Columbia.

Mr. PRICE. Say from 5 to 7.

Mr. WHITE, of Kentucky. I move to amend by saying that it be devoted to the Mexican pension bill.

The SPEAKER. It is not amendable. The gentleman asks unanimous consent.

Mr. WHITE, of Kentucky. I object.

Mr. RANDALL. I ask for a vote on my motion to dispense with the District of Columbia business for to-day.

The motion was agreed to.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

Mr. WHITE, of Kentucky. I ask that the request for unanimous consent be again stated.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS], at the request of the chairman of the Committee on the District of Columbia, asks that there be an evening session from 6 to 8 this evening to be devoted to the consideration of the business coming from that committee.

Mr. WHITE, of Kentucky. I have no objection to that, but I want it understood that the Committee on the District of Columbia is to proceed to-day.

The SPEAKER. The business of the District of Columbia for to-day has been already dispensed with by unanimous consent of the House.

Mr. WILLIS. I ask to make a brief statement.

Mr. RANDALL. I ask to have the privilege for a reply if I deem it necessary.

Mr. WILLIS. Certainly. I am instructed by the Committee on Rivers and Harbors to press the consideration of that bill this morning to its conclusion. I regret very much some arrangement could not be made.

Mr. HEPBURN. Regular order.

Mr. WILLIS. Wait a moment.

Mr. HEPBURN. That is what I am not going to do. Regular order, Mr. Speaker.

Mr. WILLIS. But wait a moment.

Mr. HEPBURN. I demand the regular order.

Mr. WILLIS. I asked unanimous consent.

Mr. HEPBURN. I objected to unanimous consent.

Mr. WILLIS. You were too late.

The SPEAKER. The Chair thinks the gentleman understood at least that he had unanimous consent to make a brief statement. The gentleman from Pennsylvania was disposed to interpose objection, but simply insisted upon an understanding that he might also make a brief reply. That arrangement was acquiesced in by the House and, as the Chair understands, no objection was made.

Mr. HEPBURN. I renew the objection.

Mr. McMILLIN. The gentleman from Kentucky had proceeded under the consent of the House and is entitled to continue.

The SPEAKER. The Chair thinks the gentleman from Kentucky ought to be permitted to proceed under the arrangement.

Mr. WILLIS. I think it my duty to ask the sense of the House upon the question——

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. What is the regular order?

The SPEAKER. The gentleman from Kentucky asks unanimous consent to make a brief statement. The gentleman from Pennsylvania [Mr. RANDALL] stated that he would not object provided he was allowed the same privilege.

No other gentlemaa interposing an objection, the gentleman from Kentucky was proceeding to make a statement,

Mr. HEPBURN. I objected as soon as I knew what was the purport of the request of the gentleman.

The SPEAKER. If the gentleman so states the Chair will, of course, recognize the objection.

Mr. HEPBURN. I had no knowledge of any private arrangement between the gentleman from Kentucky and the gentleman from Pennsylvania, but as soon as I knew what the request was I interposed an objection.

The SPEAKER. If the gentleman states that he rose to make objection in time, the Chair will of course recognize his right to do so.

Mr. McMILLIN. The gentleman does not so state.

Mr. RANDALL. I think I ought to have an opportunity to reply to what the gentleman has already said. [Laughter.]

Mr. WILLIS. I withdraw all that I have said. [Renewed laughter.]

The SPEAKER. The Chair will suspend all public business until order is restored upon the floor.

The Sergeant-at-Arms will see that gentlemen are seated.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. WILLIS. I now as a parliamentary question ask——

Mr. RANDALL. Now, then, I must be allowed a parliamentary reply.

Mr. WILLIS. I have no objection to that.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WILLIS. If that motion be voted down will it not then be in order to move to go into Committee of the Whole to consider any other bill?

The SPEAKER. It will.

Mr. RANDALL. Will it be parliamentary to say that the House must now choose between the safe road as to the general appropriation bills or the dangerous path in that particular?

Mr. McMILLIN. It would not.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The question was taken; and on a division there were—ayes 98, noes 84.

Mr. WILLIS demanded tellers.

Tellers were ordered, 54 members voting in favor thereof.

Mr. HARDEMAN. Give us the yeas and nays.

Mr. BEACH. I demand the yeas and nays.

The yeas and nays were ordered, 57 members rising in favor thereof.

The question was taken; and there were—yeas 134, nays 127, not voting 63; as follows:

YEAS—134.

Aiken,	Dockery,	Lamb,	Skinner, T. G.
Alexander,	Dorsheimer,	Lanham,	Smalls,
Anderson,	Eaton,	Le Fevre,	Smith, A. Herr
Arnot,	Eldredge,	Long,	Spooner,
Barr,	Elliott,	Lowry,	Spriggs,
Bayne,	Ellis,	Lyman,	Steele,
Beach,	English,	McAdoo,	Stewart, Charles
Belmont,	Ermentrout,	McComas,	Stewart, J. W.
Bingham,	Evans,	McCormick,	Stockslager,
Blount,	Everhart,	Matson,	Storm,
Bowen,	Ferrell,	Millard,	Strait,
Brainerd,	Follett,	Mitchell,	Sumner, D. H.
Brewer, F. B.	Fyan,	Morse,	Swope,
Brewer, J. H.	Graves,	Mutchler,	Townshend,
Brown, W. W.	Green,	O'Neill, Charles	Tulley,
Browne, T. M.	Hammond,	Paige,	Turner, H. G.
Buchanan,	Hancock,	Patton,	Turner, Oscar
Buckner,	Hardeman,	Phelps,	Valentine,
Burnes,	Hardy,	Poland,	Van Alstyne,
Campbell, J. M.	Harmer,	Post,	Wadsworth,
Campbell, J. E.	Hatch, W. H.	Randall,	Wait,
Cannon,	Haynes,	Ranney,	Wakefield,
Cassidy,	Hepburn,	Ray, Ossian	Warner, A. J.
Clay,	Hewitt, A. S.	Reed, T. B.	Warner, Richard
Cobb,	Hill,	Reid, J. W.	Washburn,
Collins,	Hiscock,	Reese,	White, J. D.
Connolly,	Holman,	Rockwell,	White, Milo
Cosgrove,	Hopkins,	Rogers, J. H.	Whiting,
Covington,	Jones, B. W.	Rogers, W. F.	Wilkins,
Cox, W. R.	Jones, J. K.	Rosecrans,	Winans, E. B.
Crisp,	Kean,	Rowell,	Winans, John
Deuster,	Keifer,	Russell,	York.
Dingley,	Kelley,	Seney,	
Dixon,	Ketcham,	Seymour,	

NAYS—127.

Adams, G. E.	Dowd,	Kleiner,	Riggs,
Bagley,	Dunham,	Lacey,	Robertson,
Balentine,	Dunn,	Lawrence,	Robinson, W. E.
Barbour,	Ellwood,	Lewis,	Shively,
Barksdale,	Findlay,	Libbey,	Singleton,
Bennett,	Finerty,	McCoid,	Slocum,
Bisbee,	Foran,	McMillin,	Smith, H. Y.
Blanchard,	Forney,	Maybury,	Stephenson,
Bland,	Funston,	Miller, J. F.	Stevens,
Bratton,	Garrison,	Miller, S. H.	Stone,
Breckinridge,	George,	Money,	Struble,
Bgelding,	Gibson,	Morrill,	Talbott,
Broadhead,	Greenleaf,	Muldrow,	Taylor, J. D.
Budd,	Guethner,	Murphy,	Taylor, J. M.
Burleigh,	Halsell,	Neece,	Thomas,
Cabell,	Hanback,	Nelson,	Thompson,
Caldwell,	Hatch, H. H.	Nicholls,	Tillman,
Campbell, Felix	Hemphill,	Nutting,	Tucker,
Carleton,	Henderson, T. J.	Oates,	Vance,
Clardy,	Henley,	Ochiltree,	Van Eaton,
Clements,	Herbert,	O'Ferrall,	Wallace,
Cook,	Hewitt, G. W.	O'Hara,	Weaver,
Culberson, D. B.	Hitt,	Payne,	Wellborn,
Culbertson, W. W.	Hoblitzell,	Payson,	Weller,
Cullen,	Holmes,	Peel,	Williams,
Dargan,	Houk,	Peters,	Willis,
Davidson,	Houseman,	Pettibone,	Wilson, James
Davis, G. R.	Hunt,	Pierce,	Wolford,
Davis, L. H.	Jeffords,	Price,	Woodward,
Davis, R. T.	Jones, J. H.	Pryor,	Worthington,
Dibble,	Jones, J. T.	Pusey,	Yaple.
Dibrell,	King,	Reagan,	

NOT VOTING—63.

Adams, J. J.	Glascock,	Lovering,	Ryan,
Atkinson,	Goff,	Milliken,	Shaw,
Belford,	Hart,	Mills,	Skinner, C. R.
Blackburn,	Henderson, D. B.	Morgan,	Snyder,
Boutelle,	Holton,	Morrison,	Springer,
Boyle,	Hooper,	Moulton,	Sumner, C. A.
Brumm,	Horr,	Muller,	Taylor, E. B.
Candler,	Howey,	Murray,	Throckmorton,
Chalmers,	Hurd,	O'Neill, J. J.	Ward,
Converse,	Hutchins,	Parker,	Wemple,
Cox, S. S.	James,	Perkins,	Wilson, W. L.
Craig,	Johnson,	Potter,	Wise, G. D.
Curtin,	Jordan,	Ranklin,	Wise, J. S.
Cutcheon,	Kellogg,	Ray, G. W.	Wood,
Fiedler,	Laird,	Rice,	Young.
Geddes,	Lore,	Robinson, J. S.	

So the motion was agreed to.

Mr. RANDALL. I ask unanimous consent to dispense with the reading of the names.

Mr. WILLIS. I object for the present.

The Clerk then recapitulated the names of those voting.

Mr. HARDEMAN. I desire to announce that my colleague [Mr. CANDLER] is absent to-day on account of sickness.

The following gentlemen were announced as being paired on all political questions, until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.
Mr. SHAW with Mr. LAIRD.
Mr. RANKIN with Mr. KELLOGG.
Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.

The following gentlemen were announced as being paired for the day:

Mr. SNYDER with Mr. JOHNSON.
Mr. GLASCOCK with Mr. BRUMM.
Mr. CANDLER with Mr. JAMES.
Mr. MULLER with Mr. GOFF.
Mr. ADAMS, of New York, with Mr. CHALMERS.
Mr. FIEDLER with Mr. HOOPER.
Mr. O'NEILL, of Missouri, with Mr. CRAIG.
Mr. RYAN with Mr. PERKINS, on this vote.
Mr. GEDDES with Mr. HOLTON, for to-day.
Mr. BLACKBURN with Mr. MILLIKIN, on this vote.
Mr. WOOD with Mr. BOWEN.

The result of the vote was then announced as above recorded.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and the gentleman from Massachusetts [Mr. LONG] is entitled to the floor.

Mr. LONG. Mr. Chairman, we all know what verdict history will render in this case. History, in my judgment, will not stop to ask which was the more at fault, a Republican Administration on the one hand, or on the other a Democratic House of Representatives, which had in its hand and under its control the machinery of legislation and the purse-strings of the Treasury. I believe history will say that after the war, with a navy of all sorts left upon our hands, and in a transition time of naval architecture, we did the best we could to repair and make useful what we had; and that we did it, as the gentleman from Ohio [Mr. KEIFER] has well said, at less cost than that incurred by other nations during the same time.

But, sir, history will not hold us guiltless if now, when that transition time has passed, when twenty years have gone by since the war ended, when the era of wooden ships has closed, and when the new age of iron and steel and turret and tower and mighty ordnance has come—history will not hold us guiltless if now we fail to put our country alongside with England, with Italy, with Brazil, with Chili, and other nations in the matter of our war ships and our harbor defenses. I exaggerate no danger. I apprehend no war. I deprecate its invocation. I rely, as the American people rely, and as this Congress should rely, upon the healthful blood and muscle of peace. But I know as every other man knows that preparation for war, the possession and appearance of power, and the ability to strike back are the best guarantees of peace.

I admit that modern invention runs so fast that the equipment of to-day is very likely to be behind the times to-morrow. But that is a truth which applies to all nations equally with ours; and I want to see our country at least as close on the heels of advance as any other.

Nor do I believe in a great expenditure of money; but I do believe we ought to expend enough to take a step forward and to make a new departure—no, I will not say a new departure; let me rather say that this Forty-eighth Congress should put a silver lining upon the cloud of its utter inefficiency hitherto and at least carry forward the work which the Forty-seventh Congress well began for the rehabilitation and increase of our Navy, and the credit for which should be recognized and proclaimed. Public sentiment, in my judgment, demands and will justify a liberal policy in this regard.

I can speak only for myself, but I think I speak substantially for this side of the House when I say we are ready to promote such a policy, even though the party of which we are loyal members is no longer to be in administration of the Government and will not reap the glory of restoring our Navy to its former prestige and glory. We might as partisans be glad to see the new administration hampered and belittled in this matter; but it goes without saying that the interest of the country is of far more moment than that of any party, and that there is no Representative on this floor who will consent that his country shall stoop among the nations of the earth too proud to swallow an insult, yet too powerless to resent it or to have made it impossible.

Those are preliminaries in which we all agree. Now, what is this section of the bill before us? What does it propose? I sum it up in one sentence: If you pass this bill, amending it if you please, correcting its details, but putting its main feature into law, the result is as sure as the rising of the sun, to wit, four new war ships of the best modern type and design, and the foundation laid for the further increase of our Navy in accordance with the demands of modern naval architecture. If there be any man here who does not want to see this increase of the Navy, let him vote against this section. If there be any man here who desires an increase of the Navy but does not want it if it shall take place under the administration of a party to which he does not belong, then let him vote against this section. But if any man does desire the increase of the Navy, and that is his single aim, let him vote for the principle embodied in this bill; and if the details do not in all respects commend themselves to his judgment, do what he can to modify them.

What are the provisions of this section? It is easy to ridicule or to criticise or to cavil at any proposed measure; it is easy to exaggerate faults of detail. But look at the main provisions. First, a board is established, a board of seven persons, the Secretary of the Navy at the head of it. With him are associated a representative of the Department of Construction, a representative of the equally important branch of steam-engineering, a representative of the line of the Navy, and then three civilians skilled in naval architecture.

I would prefer, Mr. Chairman, that we should put upon that board the present head of the Bureau of Construction, Commodore Wilson; the present head of the Bureau of Steam-Engineering, Commodore Loring; the present head of the Bureau of Ordnance, Commodore Sicard, each of these officers thoroughly competent and familiar with the science of his department. I doubt also—I say it frankly—if you can find in this country three civilians skilled in naval architecture who would or could serve as members of the board, for such are very likely to be bidders for the contract for building the proposed new ships. But to the Secretary of the Navy and to the three representatives of the experience and skill of the departments I have referred to, it is perhaps well to add what is called "new blood" from civil life, as I am informed is the rule in the British admiralty, in France, and other countries.

If you put in three sensible business men and pay them a better per diem than is now provided in the bill, I believe you will make a good board. What does that board do? It is to meet and invite plans from all the world—certainly a democratic arrangement. Of course that provision can be ridiculed; if you please, you may speak of the "cranks" who will send in their dreams; but the board will probably have sense enough to throw into the waste-basket whatever is unworthy of consideration.

After receiving suggestions and plans the board is to offer a reward for the best designs for four types of new war ships. Anybody in the world may compete for that award. When those designs are presented the board is to determine which are the best for each of the four types of war vessels and award a reasonable price to the successful competitors. What happens then? I had the honor to suggest, and it is embodied in the bill, that this board, having completed its work, goes out of existence on making its report in December next. It will have finished its work and exist no longer to become a fungus upon the healthy growth of the body-politic. It will go out of existence, and the work of constructing these ships will begin at once by force of law.

Criticism has been made upon this part of the bill on the ground that the board ought to be required to report to Congress, and that then, and not till then, shall the ships be built, Congress determining the plans and details of construction. This is a fair question between us, whether it is better that the board, having made up its mind as to the best types of vessels, shall make a report to Congress, and Congress shall take up the matter anew, or whether, the best types having been selected by the board, the Secretary of War shall go on to construct the ships. There is no politics in that question; it is a pure business question, and I put it to every business man, what does common sense suggest? Under this bill we at once get plans and designs the best that can be had, and the ships will then at once be constructed. But if we take the other course and require the board to report to the next Congress, and Congress then to arrange details of construction, we shall simply go back again to the beginning, and find ourselves just where we are to-day. Then will come the many minds of the three hundred and twenty-five members of this House and the difficulties of bringing them to an agreement. One gentleman will have one plan and another another; one will listen to one inventor and another to another, and the probability is that a succeeding Congress will escape the whole difficulty by resorting to the creation of still a new board.

Reverting to the details of the bill, the Secretary of the Navy is required to construct these ships. One vessel of each class is to be built, which insures four vessels of the highest and best possible modern types. They are to be built of American material, they are to be built in the United States, and they are to be built by contract, which I believe is the right system. So far as that system has any political bearing, it destroys the opportunity for making our navy-yards a part of the political machinery of the country. It encourages ship-building among our own people; and it selects men to perform the labor, not through political influences but through the ordinary channels of business employment, for their skill and fitness for the work.

Let me again suggest, Mr. Chairman, that as to the civilian members of the board, if we are to get the best business abilities they should be paid a larger per diem than $10. And let me earnestly press one other question which the committee fairly throw open to the House, and that is, whether the appropriation for this work should be indefinite or limited. For myself I shall be ready to amend the bill so as to provide

for a limited appropriation, because I believe it is better for Congress, as a matter of general principle, to retain the control of the public expenditures rather than to leave them unlimited and indefinite. That is opening the door altogether too wide. I can not consent to it.

These are the provisions of the bill, open to suggestion or amendment; but amend as much as you please, perfect the details as you will, the general fact remains, that if you pass it you insure at least the beginning of the construction of an adequate navy.

Mr. RANDALL. I now yield to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Chairman, I have sought for an opportunity to take part in this discussion and to state my reasons for supporting the provision in this bill which proposes an increase of the Navy, principally because during the last session I differed with the committee as to the propriety of the action which it then proposed to the House. I am glad now to be able to support the bill as it has been presented to us by the Committee on Appropriations. But before entering upon the subject of the bill as it stands I wish to say a word upon a topic which was introduced into the debate last Thursday afternoon.

At that time the question before the committee being as to whether the wooden ship New York should be finished, I ventured upon an observation which was challenged by my distinguished colleague [Mr. HEWITT, of New York] that all the other countries were now building wooden vessels. In compliance with my promise to furnish the authority upon which I made this observation, I addressed the appropriate bureau of the Navy Department, and have received a reply in which is stated precisely what other governments are doing with reference to the construction of wooden vessels.

In England there are at present no vessels now building entirely of wood, but a number of what are called composite vessels are in course of construction in the navy-yards of that country. A composite vessel is a vessel the frame of which is either of steel or iron, but the planking, the bulwarks, and the decks of which are of wood. England has built of that class four in 1884, of about 1,420 tons each, and there are seven small gun-vessels of this description now in course of construction.

In France one large wooden cruiser was launched in the month of December, 1884, a vessel of 3,355 tons. Two small composite gun-vessels were built during the same year. There are also a number of small gunboats built of wood, and several composite vessels which were laid down in 1882 but not yet completed. Five small wooden gunboats of 155 tons are in course of construction, and two wooden dispatch transports of 1,580 tons each. So that it appears France is now building quite a fleet of either wooden vessels or vessels partly of wood and partly of metal.

Germany, Italy, Austria, and Russia have not built any wooden vessels recently. In Spain three wooden vessels of 3,090 tons each are now on the stocks. In Japan two new wooden vessels were built in 1882 and 1883. China, Turkey, Portugal, Chili, and the Argentine Republic have not built any wooden vessels recently. In Brazil two wooden vessels were built in 1883 and 1884, one of 1,960 tons and another of 726 tons. So it will appear that while I am required to make some qualification in the general observation which I made, yet wooden vessels have not been so absolutely rejected by foreign countries as to be considered an obsolete type.

Mr. HEWITT, of New York. Will my colleague allow me to ask him whether he finds a single wooden vessel of 5,000 tons burden on the stocks anywhere?

Mr. DORSHEIMER. I do not know that I do.

Mr. HEWITT, of New York. That was the proposition.

Mr. DORSHEIMER. That is a very large vessel.

Mr. HEWITT, of New York. That is the size of the New York, which is proposed in this bill to be finished.

Mr. DORSHEIMER. That is a very large ship.

Now, Mr. Chairman, I would like to lay before the committee some facts which have come to my knowledge by reason of an inquiry which I was led to make, comparing the vessels now in course of construction in our navy-yards with a very remarkable vessel which has lately been built upon an order given by the Chilian Government, and which is now in the naval service of Chili. I refer to the Esmeralda. And it is a fact worthy of note by this committee that the principal features of the Boston and the Atlanta, the two new vessels most criticised, have been—I will not say copied, but have been reproduced to a remarkable extent in this very successful ship built in England for the Republic of Chili. The Esmeralda is of the precise length of the Boston—two hundred and seventy feet; she is of the precise width of the Boston—forty-two feet; and she is (this is the only difference in her dimensions) one foot deeper than the American ship. All the peculiarities of construction—the light hull, built of steel, divided into a great number of water-tight compartments, and the strengthened deck covering the enginery of the vessel—all those features and others are in the Esmeralda as they are in the Boston, and without any essential points of difference whatever.

Now what difference exists between this vessel, the last product of the mechanical naval ingenuity of England, and the two vessels of which I have spoken? The Esmeralda was built upon a contract that she should have a speed of seventeen knots an hour; and she actually has made over the measured mile in smooth water a speed of eighteen and a quarter knots an hour. The report of the Esmeralda's voyage from England to Chili was received within a few weeks at the Navy Department, and I have been able to read it. The officer in command of that vessel reports that on several occasions during his voyage he obtained a speed of eighteen and one-half knots an hour. That speed in the Esmeralda is obtained upon a consumption of one hundred and ninety tons of coal in twenty-fours—a consumption of coal so great that it is clear the capacity of the vessel, which is only for six hundred tons of coal, will not permit the speed to be maintained for any great length of time.

As to the speed of the Boston and the Atlanta, it is to be observed that they are as yet unfinished vessels, but the contract speed is fifteen knots an hour, two knots an hour less than the contract speed of the Esmeralda; and the officers of our naval service have a confident belief that when the ships shall be tried they will be found to have a rate of speed under favorable circumstances considerably greater than the contract requires. But I am ready to suppose that the Esmeralda has a rate of speed of three knots an hour greater than the Boston or Atlanta will have.

Now what other point of superiority has the English vessel? The English vessel has a heavier armament. The broadside fire of the Esmeralda has a weight of 1,140 pounds. The broadside fire of the Boston has a weight of 800 pounds.

The superiority of the Esmeralda, however, comes out of the circumstance that her two pivot-guns, both of which can be placed in broadside, are 10-inch guns, while the two pivot-guns of the Boston are 8-inch guns. The broadside guns proper of the Boston are heavier than those of the Esmeralda. The three broadside guns of the Boston each throw a shot of one hundred pounds' weight, while the three broadside guns of the Esmeralda each throw a shot of eighty pounds' weight. If the vessels were steaming end-on, as the phrase is, and the Boston were able to use her bow-fire, she would throw from her bow three hundred and fifty pounds from two guns, while the Esmeralda would throw four hundred and fifty pounds from one gun. It will depend very much on the circumstances in which the vessel is situated whether it is better to have this weight of metal from a single gun or to have it distributed between two guns.

Mr. HEWITT, of New York. Will my colleague be good enough to tell the House how much greater the range of the 10-inch guns of the Esmeralda are than the 8-inch guns of the Boston?

Mr. DORSHEIMER. It is said that the pivot-guns of the Boston are of a pattern later than those furnished to the Esmeralda, and that the initial velocity of the 8-inch gun of the Boston is greater than the initial velocity of the 10-inch gun of the Esmeralda. But as I will have occasion to show, in a fighting sense, the question of my distinguished colleague has no relation to this subject whatever. The stern-fire of the two vessels is just the same as the bow-fire.

Now, I am supposing these two vessels at sea and coming together.

Mr. HISCOCK. May I ask my colleague the question, would they come together if one had a longer range?

Mr. DORSHEIMER. I will come to all that. Now, this weight of metal would be a matter of some consequence as against ironclads or against a fort; but of what consequence is it or could it be against a vessel so lightly built that the lightest gun on either of the vessels would search out every part of the opposing ship? There is no part of the Boston above the water line which the lightest gun upon the Esmeralda will not break through as if it were a sheet of paper, nor is there any part of the Esmeralda which the lightest gun upon the Boston will not break through in the same way. The vessels are built upon the principle of letting the shots through and not keeping them out. And it is a curious circumstance that Sir William Armstrong, who waged one side of this long conflict between the gun and the target, when he furnishes a vessel to a foreign country makes no effort whatever to keep the shots out, but builds his vessel of steel only five-eighths of an inch thick.

I am supposing that the two ships, both having the same number of guns and both strong enough to search out every part of the opposing vessel, are coming together, and one ship is manned and officered by Americans from the North and the other manned and officered by Americans from the South, is there any member of the House of Representatives who will have any doubt what the issue of that battle would be? We have won naval victories against greater odds and a more formidable foe. These pivot-guns of the Esmeralda are of enormous dimensions; they are to be manipulated by machinery, loaded by machinery, and whenever they are fired the gun is dipped into a hood and there a hydraulic engine on the lower deck reloads the gun.

Now these two ships are in action. It is not a question which has the biggest gun, but it is a question of the brains and nerve and manhood of the men who work and look along the barrels of the guns. And that is what I meant when I said the other day that finally the defense of States is not to be obtained by defensive armor but must rest within the fiery hearts of those who man the ships and fight the guns.

I have put the question to officers of our Navy and have been received with smiles, I have put the question as to whether any American naval officer would decline a conflict with the Esmeralda if he had

the Boston under his command. And I venture to say here that such a combat could not be declined by the captain of the Boston without subjecting him to a court-martial and the probable loss of his commission.

Let me venture here the prediction that when the Esmeralda meets the Boston at sea, if she ever does, she will have no need of her speed of eighteen knots an hour; she will catch the Boston at a much lower rate of speed than that. Speed! Do not let us place too much reliance upon the speed of a fighting ship; it is not a fighting quality at all.

It is a valuable thing to have, for it will enable you to run away when you want to run away, and undoubtedly it will enable you to overtake an adversary; but you win a considerable victory when you have made your adversary fly from you, and you can well take the chances of not running away from another ship if you have a good fighting ship under your feet.

Now my friends on the other side of the House are very much troubled about the long-range guns. Why, either of these guns, the pivot-guns, would throw a shot three or four miles, and if two ships of war are three or four miles apart from each other, how much danger would there be in that sort of a combat? On the sea—and my distinguished colleague from New York is not unacquainted with the sea, and knows what an unstable element it is—on the sea, the ordinary basis of calculation, the result of experiment and close observation, is, that but one cannon-ball out of twenty strikes; and I will submit it to my friend from Maine, who has been distinguished in the naval service of his country, whether there would be any particular reason to call the crew to quarters because of an encounter with an adversary who remained three or four miles distant?

On the other hand, I think it would be an entirely safe thing for the crew of the Boston, with the Esmeralda three or four miles away and out of range of her guns, to go about their ordinary duties in the working of their vessel.

So much, sir, it has given me much pleasure to have had an opportunity to say with reference to this astonishing vessel, which I think the gentleman from Ohio [Mr. KEIFER], if I understood him, a day or two ago, apprehended as likely in case of war to spread terror upon our coast from the capes of Florida to the Maine boundary.

Mr. KEIFER. I said on the Pacific coast.

Mr. DORSHEIMER. Well, with reference to that part of the coast, when the time comes we must have something like the Boston there.

Mr. KEIFER. I was speaking of the present time.

Mr. DORSHEIMER. Now as to the bill before us. There is a feature in the bill to which I do not so much object, but I desire to call the attention of the committee to it, which will prohibit the construction of any ironclad at present. I mean by the term ironclad a heavily armored vessel; because the bill provides that the ships authorized by it shall be built of American material. But no steel plates sufficiently thick to enter into the construction of an ironclad can at present be produced in this country.

Mr. TALBOTT. Let me interrupt the gentleman from New York a moment. I desire to say to him that he is entirely mistaken about that. It has been thoroughly investigated by a committee of this House, and we can manufacture steel in any quantity and quality necessary for the construction of war vessels of any size which may be demanded.

Mr. REED, of Maine. But not at present.

Mr. TALBOTT. Yes, sir; we can do it now.

Mr. DORSHEIMER. I have no doubt if the plant is obtained that proper plates can be made in this country. That I do not dispute. But I state this as a fact within my personal knowedge that there is now needed about $1,200,000 worth of steel plates to finish the monitors, and that no contractor can be found in the United States willing to provide the plant which would be necessary for constructing that quantity of steel plates.

There is another description of plates most useful in the construction of the best ships, known as compound steel and iron plates, with steel surfaces and iron backings and which late European artillery experiments tend to prove are the best form in which metal can be placed for the purpose of resisting shot. So I say, as I have indicated before in the course of this debate, I am not particularly anxious to build ironclad ships. I believe the ship of the future will be a ship so divided into water-tight compartments as to make the sinking of her very difficult, and which will have high speed and great offensive power. She will be built upon the principle on which the Esmeralda and the Boston are built, which will allow the shots to pass through and not attempt to stop them at all. And so I will be patient with the bill as it stands, for I care little about the construction of iron-clad ships; but I wish the committee to understand that if the bill passes in its present form no ironclads can be built in this country in the present state of our machinery and the art.

The distinguished member of the committee from Massachusetts [Mr. LONG] has criticised that provision in the bill which makes what in substance is an unlimited appropriation. We all recognize the force of the criticism which he has made; but there is one reason, which I venture to suggest to him, why perhaps we may be willing to make an exception in this case. You can not obtain the best terms from the contractors unless the Government has all the money in hand. I have had myself, as chairman of a commission in the State of New York, constructing a great public building, occasion to know how much more a public work costs when the contractor has to run his risk of future appropriations over what it would cost if the contractor knew that the money was all at the disposal of the Government. In the building of which I speak, in my judgment, and I say it advisedly and after an experience of five years, at least 30 per cent. has been expended more than would have been necessary if the State had provided the funds so as to carry on the work without interruption.

Therefore I think we should make an exception in this case. Let us find how well the Department can do without any restriction as to money. Let us find how cheaply we can build these vessels when the contractors know there is no necessity whatever of the Department going to Congress for any further appropriation.

Mr. Chairman, I have trespassed upon the patience of the committee as long as I think it desirable, and I will conclude with a single observation. I congratulate both sides of this House on the fact that all parties are now united in the policy of the rehabilitation of the American Navy, which I hope will be the beginning of the re-establishment of our greatness upon the sea. And I am glad during my short service in this House to have had an opportunity to see both the great political parties united in this work of patriotic endeavor and of patriotic necessity.

The CHAIRMAN. Eight minutes of the time of the gentleman from New York remains.

Mr. DORSHEIMER. I reserve the remainder of my time.

Mr. CANNON. As I understand, there are still two hours for general debate after this hour closes, including a full hour in advocacy of the bill.

The CHAIRMAN. The gentleman from Illinois will be recognized if he desires.

Mr. DORSHEIMER. I yield a few minutes to my colleague from New York [Mr. HEWITT].

Mr. HEWITT, of New York. My colleague is good enough to yield to me two or three minutes, which I think is all I require for one single purpose suggested by his remarks. He has stated that the Esmeralda has pivot-guns of 10-inch caliber, and that the Boston has 8-inch pivot-guns; and it follows as a matter of course that the range of the 10-inch guns on the Esmeralda will be greater than the range of the 8-inch guns of the Boston. That range may be taken approximatively at about 25 per cent. greater on the Esmeralda than on the Boston. As the range of a 10-inch gun may be safely set down at about five miles, this will give a superiority of range to the Esmeralda of one mile at least over the Boston. In other words, the Esmeralda coming within the range of the Boston will have a space of a mile within which shot and shell from her 10-inch guns will hit the Boston and where the shot and shell from the Boston's 8-inch guns can not reach the Esmeralda.

Then it is also admitted the speed of the Esmeralda is three knots an hour greater than the speed of the Boston. Hence it follows that the Esmeralda can plant herself at a point where she can shell the Boston and by her greater speed keep herself in that position until the Boston has gone to the bottom.

Now, then, I do not know how brave the American heart is; I have never had occasion to find out; my friend knows more about it than I do. I do not know how cowardly the South American heart is; I have never tried it. But I take it human nature is pretty much the same in North and in South America. But brave as the one may be and deficient in bravery as the other may be, I say the ship with the smaller guns will go to the bottom by the superior range of her adversary's guns; and neither the bravery nor the cowardice of the sailors or of the officers can avert the catastrophe.

It seems to me, Mr. Chairman, that all these propositions which look to getting any but the best ships, and the further proposition that ships are to be built to be penetrated, proceed entirely from ignorance of the true position of the case—I say it with all due deference to my colleague, ships do not always fire solid shot; they fire shell, and more frequently shell than shot; and when a shell is driven through the sides of the Boston, fired from the Esmeralda with its superior range, and the shell is exploded inside the Boston, she will go to the bottom like a shot. That is the difficulty with the propositions laid down by my eloquent but erring colleague.

Now I ask my colleague also one crucial question. He undertook to defend his statement that modern nations were still building wooden ships. The matter in issue was whether a wooden frigate of 5,000 tons should be finished or not; and I took the ground that no nation in the world building to-day a cruising ship for fighting purposes builds a wooden ship. Their wooden ships are small gunboats or small transports, and they have nothing to do with the question of armored ships or of unarmored cruisers.

As to unarmored cruisers there are two fundamental conditions: First, that they be faster than any other ships with which they come in contact, so they may overtake and destroy or else may run away and save themselves; and second, that their weight of metal which they carry shall be superior to the adversary. It is in that respect that the Esmeralda is to-day the best of her type, and that the Chicago and the

Boston are failures in view of the existence of such ships as the Esmeralda and the Riachuelo.

Now, Mr. Chairman, I come down to this bill. I did not intend to take any part in this discussion, for I did not expect to be allowed any time. I am heartily in favor of this bill, because I want to get a navy. It is time that we should build a navy. I do not think it is necessary, however, to open the Treasury in the manner in which this bill proposes. I trust the committee will bring in a recommendation limiting the expenditure to some specified amount. I do not care whether it is ten millions or fifteen millions or twenty millions or thirty millions. I am ready to-day, as an American Representative, to do what was done at its last session by the Parliament of Great Britain. That Parliament voted six million pounds sterling, $30,000,000, for the improvement of the British navy, and I am ready here to-day to vote $30,000,000 for the restoration of the American Navy. It is a sum that we are bound to expend upon our Navy within the next five years, and I am willing to give the pledge to-day that the American Congress has the patriotism and the intelligence to appropriate whatever sum may be found necessary to accomplish this great result so dear to the national heart.

Mr. CANNON. I ask the Chair to rap me down at the expiration of fifteen minutes if I do not sit down before.

It is with considerable diffidence, after listening to both the distinguished gentlemen from New York [Mr. DORSHEIMER and Mr. HEWITT] and to my colleague upon the committee [Mr. LONG], as well as to various other gentlemen who are skilled in naval architecture [laughter], that I venture to address this committee for a few moments. I do not know much about naval architecture, and in what little I shall say about this bill shall come as near as I can to discussing it from a business standpoint. It is admitted that we are without a navy, and that we ought to have one. We can all stand upon that ground at last. It is true, it has been only within the last few days that we have all been able to get upon that platform.

I recollect that even within the last six weeks it was contended upon the other side of the House, notably by the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], that we did not know what to build, and that there was not much hurry about it any way; but he has been as suddenly converted on the subject of the Navy as Paul was when he was traveling to Damascus and was striken down at midday by that great light.

Mr. RANNEY. But not by the same means. [Laughter.]

Mr. CANNON. Not by the same means, the gentleman from Massachusetts suggests. Now, while I want a navy, there is a proper and orderly way of proceeding to take measures to get it. In the first place, time out of mind we have expended from four to five million dollars a year in salaries to educate men and make them skilled in these matters, and I undertake to say, notwithstanding the abuse that has been poured out on the officers of the Navy, that to-day, outside of perhaps a few skilled ship-builders whose services you can not secure under the provisions of this bill, those officers have more knowledge touching the proper method of constructing a navy than any other people upon this continent.

The last Congress wisely provided to take a long step forward toward the construction of a navy. They constituted a board of five skilled naval officers and brought in as "fresh blood" two civilians. I do not know the politics of those five naval officers, nor do I care. I believe that those officers represent the best skill in the Navy. Under the provisions of that bill this board of seven members organized, advertised, not once but twice, for plans and suggestions from wise men and ignorant men, from level-headed men and from cranks, and they got them. Then they considered the plans, and by and by a recommendation was made to Congress, and we authorized the building of four vessels, one dispatch-ship and three cruisers, which are now approaching completion. The officers of the Navy Department had then in the Department or have procured since exact plans of all the war ships that have been built in modern times. Do gentlemen know what that means?

Since 1869 Great Britain has spent upon her navy $800,000,000; France has spent on hers $630,000,000; Russia has spent on hers $345,000,000. Not one of the war ships of a new type has been constructed anywhere within the last twenty years but what complete plans and drawings of the ship, the armor, the guns, and the machinery are to be found in our Navy Department. The advisory board made a report to Congress recommending the construction of certain other vessels—cruisers and armored vessels. We have received from them, boiled down, abstracted, the substance of the combined wisdom and experience of the world in this matter of the construction of war ships. Now then, if you want to build a navy, make your appropriation, not indefinite, but so much for an armored vessel, so much for a cruiser, so much for a torpedo-boat, so much for machinery and armor. You have already got all the information that the best skill and knowledge on this subject on this round earth has been able to produce, and you have it ready at five minutes' call, yet we find gentlemen coming in here and proposing by this bill to do what? To constitute a board to consist of three naval officers, three civilians, and the Secretary of the Navy. I asked one of the most noted ship-builders in this country, from the gentleman's [Mr. RANDALL'S] own city of Philadelphia, what kind of a board that would give us. He replied that there was not a naval architect or constructor upon this continent whose opinions and views were worth anything but what he would pay him double or treble the wages here provided. So that you will get for your board three civilians who do not know anything about this question, plus the Secretary of the Navy—upon whom I will not pass judgment until I learn who he is to be.

What next do they do? Advertise for plans. What plans? Do you propose to pay them for partial or complete drawings of what is already in the Navy Department? Or do you propose to take the plans of every enthusiast, every one-idead man in the country? And there are plenty of them. I guess that is about the size of it. And when you get the plans, what then? You pay in round numbers $60,000—that is to say, $15,000 for the first and second premium for each class. What next? From those plans, remember—not from what you find in the Navy Department; not from what we know from the experience of the whole world—but from these plans you select the four classes. What shall they be? Great armored ships like the Lepanto and the Dreadnaught? Is that what you are going to have?

I call on the gentleman from Pennsylvania to say, Is this scheme of yours to produce a great armored vessel? I get no answer. Is it to produce a cruiser, wood or steel? I get no answer. What will it produce? It will produce ships, kind not known, at a cost to the Treasury of—the Lord only knows what! Now, I want a navy. I am just as ardent in that direction as my colleague on the committee, the gentleman from Massachusetts [Mr. LONG]. I want a navy; but I do not see any means of getting it through this process.

The gentleman from Massachusetts [Mr. LONG] amused me during his remarks. Eloquent and able as he is, while he proposes to support this measure he turns round and criticises it, and apologizes for it. Well, I can not accept his apology, nor that of the eminent gentleman from New York. He is not pleased with it either. Both of them think it may be amended. Yes, it is possible, I grant you, by amendment to mature proper legislation here which will give us a navy, and will commence at once. But who supposes there can be any amendment in Committee of the Whole, any fair discussion of this bill at this time of the session? When it is recollected that the gentleman from Pennsylvania is in charge of this bill, that it is a child of his mind, that it sprang full-armed from his brain as Minerva sprang from the brain of Jupiter, it can at once be understood that it is not to be amended but is to go through substantially as reported from the committee or it is to die. And my impression is that until the gentleman himself is enabled to follow the recommendations of those skilled in naval architecture, is enabled to give definite and fixed appropriations, is enabled to say what classes of ships shall be built, and how much they shall cost, and who shall superintend their construction—until that time it is better that all measures of this kind should die in their birth.

In conclusion I want gentlemen to look at this measure. It in part organizes a new Navy Department. It sets aside the present advisory board and throws away its work. It dispenses with experience and skill and bids for ignorance and inefficiency. It unlocks the doors of the Treasury and places a sum of money without limit in the hands of the Executive, to spend at his discretion, he not even being required to report the details to Congress of expenditure.

Now, we are soon to have a change of administration. No man on either side of the House desires more entirely and sincerely than myself that the incoming administration should be successful, for the best interests of the country. While I am not a member of the political party which elected Mr. Cleveland, yet when inaugurated he becomes my President. If I had anything against him I could not more persistently and effectively urge it than to place in his hands by law the Treasury of the United States, subject only to the limitations contained in this bill, for the construction of a navy upon his discretion, as he may be advised by a board—the board yet to be created, the plans yet to be evolved, the President yet to be inaugurated.

If this bill should be enacted into law it will be well for us politically on our side, because in my opinion it can not be successfully executed. If enacted into law it must breed disorders and corruption in administration. Not that I say the new President is to be corrupt, or that gentlemen here intend corruption should exist. But this loose method of obtaining plans and determining the classes of vessels, this loose method of making unlimited indefinite appropriations for construction, if followed, would wreck any administration and debauch any service.

I now yield ten minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN addressed the committee. [See Appendix.]

Mr. CANNON. I will yield for ten minutes to my colleague [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Chairman, I am ready to respond to the demand of the people for the rebuilding of the American Navy. I am as anxious as any one to see our flag float above an American navy as formidable on the sea as when it floats over our Army upon the land. But I can not understand why the Democratic party in this House should become so quickly panic-stricken, and leap from the conservative policy, which we have followed for so many years, into the opposite extreme.

Therefore I shall, when the proper point is reached in the bill, offer an amendment to limit the amount appropriated for the rebuilding of the Navy to $8,000,000, which will be as large a sum as can properly be expended during the next fiscal year for this purpose.

Mr. Chairman, this proposition, submitted by the gentleman from Pennsylvania [Mr. RANDALL] on behalf of the majority of the Committee on Appropriations, takes the control of the construction of the Navy out of the hands of the next President and the Secretary of the Navy, where it was lodged by the fathers, and places it under the control of a board, three of which will be unknown to the Navy. All of them are unknown to this Congress. That board will have power to control the construction of the Navy, to prescribe the models and plans to be adopted for building the new war ships. If this proposition is ingrafted on this bill it will be regarded as a vote of want of confidence in the future President to whom the country has intrusted the destiny of the country for the next four years. For that and other reasons I shall oppose the proposition.

The other day when there was a proposition pending before this House to place under the control of the Postmaster-General $600,000, to be used at his discretion in compensating American steamers for carrying our mails into foreign countries, it was assailed on the ground that it was a subsidy for the purpose of enabling John Roach or somebody else to rebuild the merchant marine. It was by such arguments I was influenced in the Committee on Appropriations and in this House to vote against that proposition. It was on such arguments, sir, that the proposition was voted down in this House and such a power was denied to the future Postmaster-General.

Now, sir, what have we before us? A proposition which puts it into the power of a board, as I have said, the *personnel* of which is entirely unknown to us, at discretion to open the vaults of the Treasury and pay out to John Roach its one hundred and fifty millions of surplus to rebuild a navy.

Sir, if it is unwise and evil to subsidize John Roach or anybody else to rebuild our merchant marine, is it not also unwise and evil to subsidize him or anybody else to rebuild the Navy?

I have no doubt, nor can any one else doubt, that if this proposition prevails John Roach will obtain the bulk of the appropriations covered by this bill. Can any one who knows the condition of ship-building in this country doubt that fact?

When bids are invited for building the ships proposed in this bill there will be but three great ship-building firms in the country able to compete for the contract, and John Roach, having superior facilities in his ship-yards, will be enabled to obtain the contracts. Sir, I would inquire why it is proposed to take this work from our navy-yards, which have cost us from fifty to sixty millions of dollars and which, without a very large expenditure, can be put in a sufficient state of efficiency to build these ships, and give this largest of all subsidies ever granted to private ship-yards? It is in reality a scheme to demolish our navy-yards and rebuild private ship-yards at public expense.

I do not want to take any unnecessary time upon this question. I know that time is precious at this stage of the session. I would have said nothing had I not been a member of this committee and differed with my colleagues on this question. The arguments in which some of those now supporting this measure so eloquently and potently urged against the mail subsidy applies with a hundred-fold more force against granting this bonanza subsidy to John Roach or other ship-builders. Those who raised the specter of the old Pacific Mail scandal the other day to defeat the increased foreign-mail pay should remember, what I have been taught to believe, that a dark specter also hangs over the recent past history of the Navy. If it be unsafe for such a reason to trust the Postmaster-General with discretion over $600,000 for foreign-mail pay, it is far more dangerous to trust an indefinite and unlimited appropriation to such a board as is provided in this bill.

But, sir, I do not wish to subject the incoming administration to the danger of such scandals growing up under its naval administration as those which have have occurred in recent years.

This proposition, sir, as I have said, deprives the President and Secretary of the Navy of their legitimate powers, and transfers them to a board of persons now unknown to us. It reduces, so far as the construction of the Navy is concerned, the President and Secretary of the Navy to the office of simply becoming the paymasters and determining whether they will approve or not the plans and recommendations submitted by the board.

In other words, sir, the whole power of rebuilding our Navy is to be lodged in the hands of a board unknown to us and unknown to our present system. I for one am not willing to vote such a want of confidence in the next administration or to tie the hands of the Executive and place him in this respect under the control of a board yet to be appointed. I will say no more until the proposition is under consideration by sections.

Mr. CANNON. I now yield ten minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Chairman, if I understood aright the gentleman from Massachusetts [Mr. LONG], he said that all those gentlemen opposed to the construction of a navy, or opposed to the construction of a navy by the Democratic party, would oppose this provision of this bill. If he meant that none others than those belonging to those two classes would oppose it I say to him he is entirely mistaken. I believe, sir, I have the right to say I am in favor of the building of a navy. I had the honor to preside as the chairman of the Committee on Appropriations when it initiated the policy of building a new navy and when it initiated those reforms in the Navy Department which have saved to the Government, or will save to the Government, enough to give us a good, first-class navy. Friendly as I am to the building up of a navy, I am opposed to these provisions which we are now discussing, and I shall oppose them with all of the ability of which I am possessed.

Why, I can not forget, Mr. Chairman, that it was but a little more than twenty-five years ago that we had the live-oak contracts that scandalized the United States, when a contract was made previous to election that certain contracts should be given to furnish the money to carry an election, and that contract was carried out by an administration. I can not forget the frauds in the management of the navy-yards; and when I see my distinguished friends from New York here advocating the completion of this old frigate in the navy-yard I felt it would be my duty to call attention to the correspondence that occurred twenty-five or twenty-seven years ago on the part of members of Congress from the city of New York with the powers that controlled the navy-yard at that time; and I will commend it to them.

I read from the report of the Committee on Expenditures in the Navy Department, made in the first session of the Thirty-sixth Congress:

NEW YORK, *June* 14, 1857.

MR. COHANE: Mr. Cullen tells me that you are to take men on on Tuesday. Now I ask you to take *him* on and the others I have asked you to take on. I *will* have my proportion of men under you. If you do not give them I will lodge charges against you. You have turned away all the men but one from my district already. Of this I have complained to the Secretary, and now, unless you rectify this injustice I will make application that you be turned out. The bearer will bring me an answer.

Yours, &c.,

——— ———.

That was written by a then Democratic Representative in Congress from the State of New York.

Mr. DORSHEIMER. Who was it?

Mr. HISCOCK. And he is a Democrat now.

Mr. TOWNSHEND. What is his name?

Mr. HISCOCK. I read now from the report:

In another case Lewis W. Berry, the master painter, discharged a man for habitual drunkenness, who had been appointed upon the recommendation of Hon. ——— ———. Mr. ——— requested that the man be taken on again. Berry thus describes what took place at that interview:

"I told Mr. ——— that I could not employ any such man as he was; that he had disgraced himself and was a disgrace to my department. Mr. ——— said he could not help that, but that the man must go to work again. I told him I could not employ him again. Said he, 'You may set it down as a fact that I will have you removed if I can if you do not put that man on again.'"

Within two or three months Berry was removed. When asked if he had been removed for this cause he said:

"I can not say of my own knowledge; I only know what was said. I suppose he was as good as his word, as he said he would get me turned out. When I came on to Washington afterward I thanked him for being as good as his word."

Here is another letter:

WASHINGTON CITY, *March* 23, 1858.

CAPTAIN TURNER: You will much oblige me by retaining Mr. Fitzgerald as foreman. This is the understanding between Mr. Searing and myself, and, I may add, the Secretary of the Navy. You will also oblige me by appointing Mr. Tenney, in the twelfth ward, when in your power to do so. As a general thing Hugh McLaughlin, master laborer, knows who my friends are and he will confer with you at all times.

Yours, respectfully,

——— ———.

He represented, I think, Brooklyn.

Mr. TOWNSHEND. Can you not name him?

Mr. COBB. Why does the gentleman not name him?

Mr. HISCOCK. You can look at the report and get their names. I do not want to publish their names to the world.

HOUSE OF REPRESENTATIVES, *April* 7, 1858.

DEAR SIR: I understand that, as a part of the arrangements before your appointment, you were to retain Mr. Fitzgerald as your foreman. You promised to do so; and that is Mr. Searing's understanding. I am now informed that you intend to dismiss him and appoint some one in his place from New York. This is not right, and you ought not to think of it. If you do, I trust that the original understanding will be carried out. I have just conversed with Mr. Searing, and this is his view of the matter, and it was the Secretary's view when you were appointed. In your turn you will, of course, do the best to equalize matters among the various members.

Yours, respectfully,

——— ———.

I have just shown this letter to Mr. Searing.

WILLIAM TURNER, Esq., *Master Painter.*

WASHINGTON CITY, *April* 13, 1858.

SIR: Your favor has been received. I will be much obliged for a list of the men under you, when I will write to indicate those I am especially interested in. I want only a fair proportion of the men.

In reference to Mr. Fitzgerald, it was expressly understood between Mr. Searing and myself that Fitzgerald should remain, and promised this yourself. I do not know what Mr. ——— has to do with this matter, but I shall be pleased to see him gratified so far as it is proper, but I can not, and will not, submit to Mr. Fitzgerald's dismissal; and now I give you notice that if you do remove him I will do what I can to correct it, and if you suffer you must not blame me. I desire to sustain you and to make your position pleasant. This I desire on your account as well as in respect to Mr. Searing; but, sir, I will not stand by and see my friends struck down by you or any other master.

Yours, respectfully,

——— ———.

WILLIAM TURNER, Esq.

NEW YORK, *July* 27, 1858.

MY DEAR SIR: I have applied to Mr. Fraganza, master joiner of the navy-yard, to give employment to a few men, good workmen and worthy persons, in my district. Although he has one hundred and thirty men or thereabouts in his shop he has not done so.

I have only sent one letter of recommendation to him, but no attention has been paid to it beyond the answer that when he put an additional number of men to work he would then see what he could do.

I appeal to you to vindicate my district from this unjust and partial discrimination.

Mr. Fraganza admits he has not one man in his shop from my district. If I have not misunderstood your views, it is your wish that the master should select from the different districts adjacent to the yard in equal proportions, upon the recommendation of members, the workmen employed in the shops, &c.

Truly, yours,

——— ———.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

Signed by another distinguished Democrat; and this is indorsed by the Secretary of the Navy:

NAVY DEPARTMENT, *August* 2, 1858.

SIR: The Department has addressed the commandant of the navy-yard at New York on the subject of your letter of the 27th ultimo.

Very respectfully, your obedient servant,

ISAAC TOUCEY.

Hon. ——— ———,
New York.

And again the Secretary of the Navy says:

The Department desires that a fair and liberal course be pursued toward Mr. ——— s district, and wishes you to inquire into and report upon this matter.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Commodore L. KEARNEY,
Commandant Navy-Yard, New York.

The report says:

A master workman testified that the present workmen were pressed upon him with the most pertinacity. Romeo Fraganza, one of the master workmen, writes the Department, under date of August 5, 1858: "In eight Congressional districts who claim the patronage of the yard, in nine cases out of ten the men who are most strenuously recommended are very indifferent hands, many of whom can not obtain employment from private employers." Men from the laborers' gang, who knew nothing about painting, were ranked as first-class painters (Fitzgerald), others as blacksmiths, &c.; and so in the different departments. Laborers were employed to act as clerks and to work as carpenters.

I have not time to read all this correspondence. This book is filled with it. And when we saw this bill come in here to complete this old wooden ship—this 5,000-ton frigate—no ship of the kind to-day being constructed anywhere in the world, even though I am subject to the criticism of the distinguished gentleman from Massachusetts [Mr. LONG] for my vote, I can not support this policy of building a new navy.

I have no time to discuss the proposition as to the building of the four ships. I desire to call the attention of this committee, however, to one fact: This board is to report to Congress next December. A Democratic House will then be here with forty majority. Why, I ask you, not allow this report to be made to the House then? The work will not be delayed—not an hour. Bring in the plans and models for your ships. Bring in provisions of law like those contained in the appropriation bills at the two sessions of the Forty-seventh Congress. Subject them to the criticisms of the House, subject them to the criticisms of the world, subject them to the criticisms of ship-builders everywhere, and I say I believe there will not be a man on this side of the House but will unite in the policy of building a new navy, amending those plans if need be—but there will be no vote on this side of the House, in my opinion, in the direction of the obstruction of this great work.

But here you propose to strike down the limit. For the first time almost, in the history of Congress for thirty years, you come in here with an indefinite appropriation. How much these ships are to cost no one knows. On what model they are to be built no one knows. Who the men are to be who are to make the models no one knows. But we are to open the door of the Treasury to the incoming administration.

The gentleman from Illinois has said that he does not desire to vote a vote of censure upon the next administration for this bill. I say to the gentleman from Illinois I do not care to subject the next administration or any administration to the temptation that it will be subjected to if this bill shall pass.

[Here the hammer fell.]

Mr. CANNON. How much time have I remaining?

The CHAIRMAN. The gentleman has seventeen minutes remaining.

Mr. CANNON. I yield the remainder of my time to my colleague [Mr. THOMAS].

Mr. THOMAS. I yield seven minutes of the time to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. I confess my surprise that after all this incubation on the part of the Democratic party, extending over a period of twenty-five years, there should be produced such an egg and such a bird as is contained in the second section of this bill. For years they have stood out against appropriations for the Navy, and at last they present themselves with an abundance, which at once shocks and horrifies my friend, the gentleman from Indiana [Mr. HOLMAN]. And well it may, for both in manner and in matter the proposition is of a most astonishing character.

It proposes as to its manner to indict and convict the next administration of incompetency before it is formed. It proposes to put the Government into commission as far as a navy is concerned. And in defense of the details of its matter my friend the gentleman from Massachusetts has succeeded in evoking not praise from himself, but blame. He says that of the three civilian members it will be impossible to obtain one at the price, and of the naval members that they ought to be the heads of bureaus, which is not in the bill. Consequently there is left with the smile of his approval only the Secretary of the Navy that is to be. Then this board is to call for plans, and then they are to decide upon four different kinds of ships; and then, to use the eloquent language of my friend from Massachusetts, they are to cease to be a "fungus upon the body-politic."

Why, Mr. Chairman, look at the genius of the Democratic party! Here it finds itself, thanks to its own neglect in times past, with the business on its hands of building a navy, and the very first thing it does is to declare that the regularly constituted authorities of this country that are to be, and that are to be appointed under its auspices, are unfit to do the work! For my part, I desire to repudiate this business of non-responsibility. It is the curse of this country. It comes to us under the pleasant guise of non-partisanship, and we have one striking example in this country of the result of that soft method of doing business. If there is any State to-day that is cursed with perpetual charges of corruption it is the great State where almost all the Government is carried on by means of non-partisan boards. The result is that such boards are exempt from all criticism. The Republican newspapers do not attack them because there are Republicans on the boards; the Democratic newspapers refrain from attack because they would hit their friends; and under such a system corruption has run riot. I say further, establish this board, give it this non-responsible character, and add to that an unlimited appropriation—the doors of the Treasury swung open for the hands of this board to reach in—and what will be the result? Why, just look at one interesting little item in the bill. The board are to give prizes—a first prize $10,000—what for? For a vessel we are going to build. A second prize $5,000—what for? For a vessel we are *not* going to build! [Laughter].

Well, sir, that is consistent with the history and the practice of the Democratic party; it is always giving a chromo for incompetency. [Renewed laughter.] Why, look at it, Mr. Chairman. What is the object and purpose of this bill? Is it business? No; it is politics. It is for the purpose of having an unlimited sum to spend; and that purpose is shown outside of this section of the bill. Here is a wooden frigate that has been long resting in the Brooklyn navy-yard; the winds of nineteen summers and winters have blown through her timbers unhindered, and all this time our economical Democratic friends have never thought of taking that frame and erecting it into a vessel; but the moment their own frigid frames have been revivified by the advance gleams of the coming sun they begin to look around to find methods of spending money which they have rejected during all these long years.

The SPEAKER. The time of the gentleman from Maine [Mr. REED] has expired.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed a bill (S. 1886) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; in which the concurrence of the House was requested.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. THOMAS. Mr. Chairman, during my comparatively short term of service in the American Congress I have urged, in season and out of season, the rebuilding of the American Navy. I am proud of the fact that I was a member of the Committee on Naval Affairs which reported that section of the law which authorized the construction of the Chicago, the Boston, the Atlanta, and the Dolphin. I am proud to have been a member of a Congress that had the nerve to take hold of this question of rebuilding the American Navy according to modern ideas and of modern materials, and crystallizing it into law.

I opposed the appropriation of $400,000 for the completion of the old New York, which has stood in the Brooklyn navy-yard for nineteen years past. I did so because of the fact that the building and repairing of wooden vessels in years gone by have given anything but satisfactory results. Wooden vessels—I have but to name them—in many instances have cost for repairs twice or thrice the amount of their original cost. Take, for instance, the Tennessee, the Powhatan, and the Lancaster—and I call especial attention to the last named. Its original cost was $670,067. It has been repaired and rebuilt. It was built, it is true, in 1850, but it has recently been rebuilt at a cost of $1,657,110. Take the Kearsarge, if you please, which cost in 1861 $286,918, and which has cost for repairs $1,123,415.75. And, sir, we shall have that experience repeated over and over again so long as we continue to build wooden vessels.

Look now at the case of an iron vessel—the Michigan—built in 1844, the first iron vessel ever built in the world. She is to-day as good as she was the day she was built, and has cost less for repairs than any other vessel which has been afloat five years. These are the reasons,

sir, that induced the Committee on Naval Affairs of the Forty-seventh Congress to embark in the enterprise of building steel cruisers instead of wooden vessels. But now we find that the Democratic party make a grand outcry about our Navy. Their hearts are swelling with pride and burning with love for the American Navy. They come prancing upon the scene bearing with them the glorious American Navy in the form of the raft so eloquently described by my friend from Tennessee [Mr. MCMILLIN], composed of two logs fastened together [laughter], which is to bear aloft the flag of our country and bid defiance to the world; or, instead of the raft, we are to have this old frame of a wooden ship, the New York, which has been abandoned for nineteen years, fixed up to bear in triumph the flag of the Republic and to defend our national honor.

And these are the reformers who are to take charge of this Government. How do they propose to do it? They propose to introduce into the United States Navy for the building of ships a most heterogeneous mass—without beginning and without end—a board to be composed of men the Lord knows who, and the ships to be built of material the Lord knows what! And we are not even advised as to what the vessels are to cost; whether they are to be wood or iron or steel—whether they are to be frigates, cruisers, gunboats, or rams. This bill does not provide for the building of anything but the hulls of the vessels. It appropriates not one cent for guns, not one cent for armor, not one cent for boilers, not one cent for machinery, not one cent for the rigging. In respect to all these matters there is no plan and no price—nothing but a provision for a place for a lot of Democratic politicians, alleged naval architects, who are to be paid the enormous and extraordinary price of $3,130 per annum for furnishing plans for a navy of the United States!

Why, sir, there was a naval advisory board with that illustrious naval officer John Rogers at its at head. It was composed of some of the most brilliant naval officers and naval constructors of this country. They sat for weeks and months; and with all the progress of the years that had elapsed since the close of the war before them, and with all the enterprise, intelligence, and scientific knowledge of the present hour before them, they recommended the building of certain kinds of ships, certain types of vessels, and certain guns to arm them with.

If this committee wanted to go forward and build an American navy why did they not tell us what kind of ships they were going to build, whether they were to be iron, steel, or wood, whether we were to have old muzzle-loading guns or breech-loading guns, whether the vessels were to be ship-rigged, bark-rigged, brig-rigged, or schooner-rigged, whether they were to be armored or unarmored?

America has always taken the lead in everything requiring ingenuity, enterprise, and skill. It was America that produced the Monitor which revolutionized the naval architecture of the world. The world went wild with the idea that ships of war might be so constructed as to prevent the killing of men. Experience, however, demonstrated the fact—to use a popular phrase—that omelets can not be made without breaking eggs; that battles can not be fought without killing men; and as the manufacturers of guns brought forward guns which would pierce any ship that could be built, our people swung back to the other extreme and said, "We will build vessels of the greatest possible flotation, constructed with air-tight and water-tight compartments; vessels which although they may be pierced as an armored ship may be, will in view of their greater flotation be less liable to sink than armored ships, more effective, and more easily handled. Other countries have followed in our wake; and as a consequence we see the Esmeralda. To-day we have been treated to the soul-harrowing spectacle of a battle between the Esmeralda, now lying in the harbor of Valparaiso, and the unfinished Boston up here at Chester, Pa. And I must say that my heart stood still, my blood was frozen in my viens, as I contemplated the horror of that engagement with the ships four miles apart.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I now commence the last hour of the debate.

Mr. KEIFER. Before the gentleman proceeds I rise to make an induiry with reference to the time. According to my information and according to my recollection, there seems to be some mistake as to the time that I occupied. If there is any time left to me, I suppose it would be fair to occupy it now.

Mr. RANDALL. According to my recollection of the time taken by the gentleman, I do not think there is any time left for the other side under the agreement of two hours to each side.

Mr. KEIFER. That is the agreement; we are not differing as to that. But gentlemen around me state that I occupied only forty-five minutes, and that corresponds with the memorandum made at the Speaker's table by the gentleman who was acting as Clerk at the time I was cut off.

Mr. RANDALL. I never like to place my word against that of another gentleman, but it seems to be necessary on this occasion. I watched the clock, and I think the gentleman spoke from a half minute to a minute and a half over the hour. But I am liable to be mistaken. Yet, I am corroborated in that statement by others here who watched the time as I did. The gentleman commenced, if I remember correctly, at eleven minutes of the hour and closed at eleven minutes or possibly ten minutes of the hour succeeding.

Mr. KEIFER. Let me say the gentleman's recollection is no doubt very good; but the clerk's memorandum shows I commenced at eleven minutes after the hour, instead of before; and the recollection of gentlemen about me corresponds with that. I do not put my own recollection against anybody's on the subject.

Mr. ELLIS. I expected to answer the gentleman from Ohio, therefore I marked the clock. He commenced his speech at twelve minutes of 4 o'clock.

Mr. HOBLITZELL. Yes; I will vouch for that.

Mr. RANDALL. And the usual clerk does not state the time differently from what I give it. On the contrary, the clerk usually at the desk would, I think, if he had an opportunity, confirm my statement.

Mr. KEIFER. He is the very one I quote. It was the unusual clerk, I believe, who got it wrong.

The CHAIRMAN. The clerk who ordinarily keeps the time was called out upon business before the gentleman from Ohio was cut off; and on the information of the other clerk, the Chair announced that the time of the gentleman from Ohio had expired.

Mr. KEIFER. No doubt.

Mr. RANDALL. Does not the gentleman who occupies the chair remember I sent a messenger to him to know what time the gentleman from Ohio had begun?

The CHAIRMAN. The Chair would ask the gentleman from Pennsylvania if the present occupant was then in the chair?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. The Chair would state this: he has no recollection himself in reference to the matter, but as the gentleman from Ohio was cut off at a particular time and no complaint was then made that his time had not expired, the Chair would not be willing, unless agreed to now, to open up that question. He could not do so.

Mr. RANDALL. How could the gentleman be cut off unless it was by the expiration of his hour?

The CHAIRMAN. The Chair must assume that it was done at the expiration of the hour.

Mr. KEIFER. But the chairman would be perfectly willing to rectify any mistake made through inadvertence.

The CHAIRMAN. Certainly.

Mr. KEIFER. No one claims there was any purpose to cut me off before the expiration of my time. If gentlemen insist on their objections I will withdraw my request. It is obvious, for many reasons, we should have fifteen minutes left.

The CHAIRMAN. Does the gentleman from Pennsylvania object?

Mr. RANDALL. I am willing to ask unanimous consent that the gentleman have ten minutes.

The CHAIRMAN. In view of the misunderstanding in reference to the time, unanimous consent is requested.

Mr. RANDALL. Yes, I make the request.

The CHAIRMAN. The gentleman from Pennsylvania, in view of the misunderstanding, submits a request that the gentleman have unanimous consent to proceed for ten minutes.

There was no objection, and it was ordered accordingly.

Mr. KEIFER. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. RANDALL] and the House for the time. I would rather have heard from the gentlemen on the other side, who are the responsible constructors of the scheme, if I may be allowed to call it by that name, for increasing the United States Navy before I said anything more. So far I have heard something from the distinguished gentleman from Massachusetts [Mr. LONG], who has chosen to indorse the plan in its general scope while repudiating all its details. He joins in what he has to say with the distinguished gentleman from New York [Mr. DORSHEIMER] who spoke this morning in what that gentleman said on Thursday last, and also what he reiterates this morning, that we are to have a navy strong always because the American heart is always brave and strong. This is a very good doctrine and I would like to join in it, but our American seamen, our gallant officers of the Navy, well-selected men, will never be willing to go to sea in war with wooden vessels, relying alone on the bravery of their spirits. It has turned out that there have been brave spirits on the other side, and we have found it necessary to have good material of war, cannon, rifles, shot, shell, in short everything that went to make up good material of war, to put under the control and in the hands of our men of brave spirits. Will you take the brave men of America and put them in obsolete vessels upon the sea and say to them we rely for the glory of America upon your dauntless souls and spirits? That is well enough, but some of us at least know we must not only have spirits strong, souls strong and brave, but we must have men who are willing to go and shed their blood in opposing brave men of other countries with which we may go to war.

But to the criticism of the bill. It is proposed to build four ships, wooden or what not, and no more. It proposes to suspend the finishing of five of the monitors that are now in process of construction—to wait two and a half years before we are to have an experimental ship under the present plan. Yet it is to be proclaimed to this country everywhere that the Democratic party is coming into power and that the first thing it proposes to do is to build a navy.

But the fact is the first thing proposed is to stop building a navy and resort to a plan to build something or other called vessels and put them

upon the stocks, and which we have no assurance will ever have a gun aboard of them.

The plans, as I have already stated, and specifications which are to be reported on and advice that is to be furnished in response to circulars of inquiry, are all with reference to the naked vessel and do not comprehend any report in reference to the guns or projectiles which are to be used. The essential features of all that go to make up a navy in its strength and power are entirely left out, and I think that is about the best feature in the proposition—that is, that the principal, essential matters which go to make up a navy are to be omitted from their consideration. They are not to look into the most important things; they are not to report in reference to armor, armament, and equipment, and some other things. It is possible they can make a report to do no harm, for there will be plenty of time to review this report of these civilians, for they have wisely put into the bill a provision that the board's report shall be submitted to the Forty-ninth Congress. And I want to say that in this great rush for getting power the important thing always of concern to the American people is how much money is to be expended. No provision is made for a report on this subject.

Neither the President of the United States nor the Secretary of the Navy are required to report to Congress how much money is expended or proposed to be spent in this matter of trying to build some vessels of war. They are not required to report, although for the first time in peace, and so far as I know even in war, in this country the door of the Treasury is set wide ajar for the President to send by order a pay officer to get money without limit. The President of the United States, I repeat, is called upon to make no report to the Congress of the United States as to how much money he spends or proposes to spend.

Now, it may be said, and will be said, that these imperfections in this proposition to increase the Navy may be cured by amendment, but we are brought here face to face with this proposition and must take it in all its ill proportions; and we say to you that we are against it, absolutely against it, and will be against it when it is amended if it looks to stopping the construction of vessels now already in process of construction. We will be against it because it does not propose to give us a navy. These four vessels that may possibly be built under this bill of some class or other are not to be even types of vessels which we can reproduce in future.

We now have in process of construction more well-designed ships than it is proposed to build by this bill. We should at least finish them.

Mr. RANDALL. It was not my intention to discuss this subject at all, for reasons which are known to all and which are manifest. But there are some things which have been said in the course of this debate which I consider myself as bound, even at a great personal inconvenience, to respond to.

The effort seems to have been made to make an impression that the Democratic party is hostile to the construction of a navy. Its history is just the reverse. Further, the effort has been made to impress this House with the conviction that the Committee on Appropriations at its last session was hostile to the building up of the American Navy.

How unjust that is appears when you come to examine into what that committee did at its last session in reference to a navy. It found four vessels in course of construction authorized by the previous Congress. It gave every dollar of appropriation that was required to complete those vessels, and the Democratic House has added to it a sufficient sum to complete the armament required for them; and to-day again that committee has been called upon to consider and continue in connection with these very cruisers, and as far as I know the members of the Committee on Appropriations will decide to give $165,000 deficiency, so that these vessels may with all expedition be completed.

It is true, sir, the committee took the position that they were unwilling to recommend to the House the expending of four and a quarter millions of dollars more upon the monitors, when it was conceded that the objects for which the monitors were originally authorized by law were not the objects for which they would now be of service. And only did we stop as to the rehabilitation of the Navy in regard to cruisers, upon the ground that we desired first to know the result of those that were in course of construction. That was wisdom, for these very vessels have been altered in many particulars, and the Department itself has not only asked for more money to construct them but has asked the Congress of the United States by appropriation to affirm changes in the original plans, which have been found to be necessary. It has also requested that the appropriations asked for one of these ships may if they are in excess be applied to the building of any of the others, thus making the appropriations for the three cruisers and the dispatch-boat an appropriation in common to be expended on any or all as the case may in the future demand.

And further, the effort has been made to show that I occupy a position now upon this subject inconsistent with the position which I have occupied in the past. That is but of slight moment in connection with the great interests and purposes that I think I have in view in advocating this project, which is to build up an American navy worthy of the American people. I beg you, then, gentlemen, who wish to ascribe to me hostility in the past to the Navy, in what I have done I beg that you will not, because I march up to-day to the demands and utterances of both of the great parties in the country, that you will not retrograde or seek to take a position which you allege that I occupied in the past, but which I deny. I never occupied that position. In other words, why should gentlemen on the other side of the House who have for a long time been asserting their wish and purpose to build up an American navy, simply because we have taken steps in this bill to go forward to comply with the demand of the people—I say why should they take the opposite position now to what they claim to have uniformly demanded? If the bill is wrong in any of its details it rests with the House to correct them.

For one I do not object to a limitation, if it be large enough to make certain the execution of the purposes of this bill; and I say further, yes, it is an exception to my record in this particular. But I am not afraid to make that exception in my course of conduct as to appropriation bills when a great national result is to be achieved thereby and the honor of the nation is to be elevated. I think indeed he would be a poor representative of the people who would not do the same under like circumstances.

I now yield the remainder of my time to the gentleman from Louisiana [Mr. ELLIS], who has kindly undertaken to assume charge of this matter in the House.

Mr. ELLIS. I yield ten minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. It seems to be the disposition of this House now on both sides of the aisle to build a navy. And at this late period, when the wooden ship is of the past as much as the bones of the pre-historic animals found in the frozen regions of the North, every time a navy is mentioned here the monitors are brought forward in this highly intellectual and cultured presence, and are subjected to the eloquence and oratory of this House. And they are of the past. There is scarcely an iron-clad ship of any nation abroad that could not run down in one day all your monitors that could be placed in the harbor of New York. We started the monitor and the world improved on it. We go back to the monitor now, and that is a disturber to the councils of this House constantly intruded upon its deliberations. Let the monitor wallow around like a great turtle in your harbors, and let us build a navy commensurate with the greatness of this country and of a power up to the possibility of modern invention and skill.

I do most positively differ with the distinguished gentleman from New York [Mr. DORSHEIMER] who would be in favor of buying American ships abroad because he asserts we can not make the steel in this country. Offer any enterprise that invites capital, and the American mind will evolve a construction in steel and iron equal to that of any people in the world.

Mr. Chairman, you can not build a navy unless you prove to the world you can build it here of American material. If we do not build it of American material we are not worthy of a navy; and I will never, so far as I am concerned, vote for a bill to make a ship unless it is admitted we can build it here.

I do not, Mr. Chairman, like this political discussion. I did not like the speech of my friend opposite to me [Mr. THOMAS]; and I am afraid indeed to stand before and attempt to say anything of the eloquent sarcasm of the gentleman from Maine [Mr. REED]; for I am not equal to his shafts and do not desire such controversy. The time for political speeches on this floor as the 4th of March is approaching has passed. We will reserve that for next summer in the hot weather. We shall now confine ourselves if possible to the question before this body, and that is whether we shall attempt to build a navy.

Now, my friends, you have not a navy, and I will tell you the reason. Under similar circumstances Parliament would have voted a want of confidence. There is a want of confidence in your Secretaries of the Navy, and it is insinuated, you know whether truly or not, that the Navy Department for many years past has not been managed fairly and with the integrity which should be exacted from a high official of that Department. That is all.

You vote money for a navy, and you have not a navy, but your Navy is gone. You investigated your Navy. The rules of this House, rigid rules of which I know little, and that little I desire to forget [laughter], obstructed the development of what was alleged as to the adminstration of the Navy.

There is a want of confidence in the present Secretary of the Navy. I do not accuse him of any fraud.

Mr. BOUTELLE. On the part of whom is there a want of confidence?

Mr. CURTIN. I do not know and do not accuse him; but there is a want of confidence—on whose part I do not know, but do say to my friend from Maine that when the Tallapoosa went down and he was not upon it the country breathed pleasure and satisfaction. [Laughter.]

I hold in my hand an order of the Secretary of the Navy of recent date, and having tried to get information from a Navy officer and found he was reticent, I could not understand it and complained to another Navy officer that he did not seem disposed to give me information. And then to my house last night they sent me an order of the 7th of February under which no officer of the Navy, either on the active or retired list, can make any communication to Congress or to a member of Congress without their passing through the Navy Department—that is, that no member of this House could consult an officer of the Navy as to

his duty unless it was filtered through the medium of the Navy Department.

Mr. BOUTELLE. That has always been the regulation.

Mr. CURTIN. No, sir; this order goes beyond that. Do you imagine that is proper?

Do you imagine for one moment that if that heroic man, Admiral Worden, would come upon this floor I could not consult him about the Navy? Have I to go to the Secretary of the Navy and ask him for leave to consult with a naval officer about naval matters? Where did the gentleman from New York [Mr. DORSHEIMER] get the information which he has developed to the House to-day? Why, Mr. Chairman, I would not go to a shoemaker to learn how to make a watch, nor would I go to a locomotive builder to find out about the construction of a ship. If I desired to build a navy I would go to the men who have been educated in the building and management of ships, men who have been educated and trained by the Government in the naval service and have thus acquired skill, learning, and knowledge about such matters.

I say, sir, that a Secretary of the Navy who interdicts me, as a free representative of the free people of the State of Pennsylvania, from seeking instruction from the men who can give it to me in regard to a public matter like this, must have something concealed behind the subject under consideration than that order which is not entirely consistent with propriety or with the dignity of the place he occupies. I allege, sir, that steel can be made in this country, and I insist moreover that it can be made of a standard so high that English steel can not approach it.

Mr. BROWN, of Pennsylvania. So do I.

Mr. KELLEY. And I affirm that statement from personal observation.

Mr. CURTIN. Thank you, my friend. Now, Mr. Chairman, I have two friends in Pennsylvania who understood that it was proposed to build ships for the Navy, and who, at their own cost and expense, made a plate thirteen feet long, four feet wide, and seven and a half inches thick, of three qualities of steel with a perfect weld, and defy the skill of the Navy Department to separate it, and that will resist any piece of ordnance in America to penetrate it. I put into the bill $25,000 to test the quality of steel, and say to you, Mr. Chairman, you can build a navy although you have no merchant marine to protect [laughter]; but that we may get in the future if we have not got it now. The man in all the history of Great Britain who did most to fix her national policy was Oliver Cromwell.

[Here the hammer fell.]

Mr. CURTIN. Oh, let me speak on that for just a few minutes more. [Laughter.]

Mr. RANDALL. I yield a few minutes to my colleague from Pennsylvania [Mr. CURTIN].

Mr. CURTIN (resuming). Kings had preceded him and heads were cut off, but he stamped upon Great Britain the policy of extending her dominions in order to obtain markets for her surplus products. That was the common sense of a great man. His bones were scattered to the winds; no enactment or ordinance of Parliament bears his name; and yet his policy has made Great Britain the great and powerful nation that she remains until this day. They could give his bones to the winds, but he left his impress upon the policy of the nation, and that little island, which you can cover on a map of ordinary size with your thumb, is the source from which every country in the world borrows money, the bank to which every city and every corporation in the world is indebted. Now, then, if you intend to get foreign commerce you must pay for it as the English have done. They encircle the globe, not as Webster said in his magnificent rhetoric, with the drum-beat of their military posts, but they encircle it far more effectually in reaching out to all parts of the earth to secure markets for their surplus productions.

Mr. BAYNE. Will my colleague permit me a question?

Mr. CURTIN. Yes.

Mr. BAYNE. Does my friend understand that this bill contemplates the construction of iron or steel ships?

Mr. CURTIN. Steel ships.

Mr. BAYNE. My understanding is that it points more toward the construction of wooden ships.

Mr. CURTIN. Oh, the wooden ship is gone, and is a creation of the past.

Mr. BAYNE. But this bill, I think, contemplates wooden ships. It certainly does not provide that these ships shall be constructed of iron or steel.

Mr. CURTIN. There is one wooden ship in the bill. In the name of the honor of the country and to build a navy, if that is necessary as a concession, let us have one wooden ship, so that we may construct ships that will be respectable in peace and formidable in war. [Laughter.]

Mr. BAYNE. But this bill does not provide that the other four ships shall be built of iron or of steel.

Mr. CURTIN. Is that so?

Mr. BAYNE. Why, certainly that is so.

Several MEMBERS. That is so.

Mr. HISCOCK. I will say to my friend from Pennsylvania [Mr. CURTIN] that there is nothing in this bill which provides that there shall be any iron or steel used in the construction of these ships.

Mr. CURTIN. Then I have read the bill in vain, and my speech goes for nothing. I do not care so much about the wooden or iron ships as about the loss of my speech. [Laughter.] But if that is the case I will not vote for the bill. [Laughter and applause on the Republican side.]

Mr. HEWITT, of New York. Move to amend it.

Mr. CURTIN. At the proper time I will; of course I will. The gentleman from New York [Mr. DORSHEIMER] has given us an account of a ship built in England for Chili, and has compared it with the cruisers ordered by the last Congress. I think those ships ought to have been built long since; and will tell you the reason of the delay. It is because they have been unable to get the armor from abroad. Now, I allege that if you determine to build ten or twenty ships for your Navy and invite our Pennsylvania steel manufacturers to supply the material, the capital and the plant will be provided, and Pennsylvania will produce you steel for the construction of these ships which the English manufacturers cannot equal——

A MEMBER. And cheaper.

Mr. CURTIN. And cheaper. We will produce it for $175 a ton. And if you want a navy you must make it popular by building it at home. Will any one say that after our long experience we are not equal to building a navy in the United States? What has occurred since we were a nation that we have not had an active interest in? Franklin out on a common in Philadelphia brought the lightning from the clouds; and to-day, by the use of lightning, as harnessed by Morse and used in modern civilization and progress, affords quick transition of knowledge to all the world and is an active agent in human affairs. Go into yonder hall, and you see Fulton, who made the steamboat and revolutionized the commerce of the world——

Mr. KELLEY. Having borrowed the machinery from John Fitch.

Mr. CURTIN. Yes; John Fitch propelled a boat by steam on the Delaware, but died before his merits as an inventor were acknowledged. His statue should be in that hall instead of Fulton's.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CURTIN. Are you quite sure of that?

The CHAIRMAN. Quite sure. [Laughter.]

Mr. CURTIN. I have much more to say if I have time; but I yield to the rigid rules of this House.

Mr. MCADOO. Mr. Chairman, in bold contrast with the broad and statesmanlike views of the gentleman from Massachusetts comes the sharp partisan talk of other gentlemen from that side of the House. Gentlemen on the other side criticise the Democratic party as responsible for this measure. Now, I admit it may be a matter of speculation what navy the Democratic party will build; but it is a painful reality what navy the Republican party has failed to build in the last twenty-two years. In the matter of ships they have produced—what? The Tallapoosa! In the matter of ordnance, nothing that I know of save that the champagne broadsides of that celebrated vessel were said to be very effective upon Republican statesmen.

Gentlemen on the other side have railed against the navy-yards. Now what has been the policy of the Republican party in their attempts to build up, or rather destroy, the American Navy? They have used both the navy-yards and the contract system. The gentleman from Illinois read a list of vessels, giving their original cost and the tremendous outlay of money expended upon them in the way of repairs. That is the key to the situation. The Tennessee and the other vessels which had millions of dollars expended upon them under the name of repairs were literally rebuilt in the navy-yards in order to give patronage to enable the Republican party to hold its own in doubtful districts. Will the caustic and witty gentleman from Maine inform this House what the patronage of the Kittery navy-yard in his State was, and what effect it had upon the September elections in the gentleman's own district?

The navy-yards were kept well filled with partisans, patching and coppering and rebuilding the wooden vessels, while the contractors reveled in constructing marine monstrosities in the shape of alleged ironclads and costly engines and machinery.

Not alone that, but they say this bill is an attempt to administer the Government by commission. Well, I would rather have a government administered by commission than a government administered by contractors; and at the proper time I shall second or offer an amendment to this bill providing that the navy-yards of the Government be rehabilitated and that the work of upbuilding an American navy from American materials shall be done in American navy-yards.

Mr. THOMAS rose.

Mr. MCADOO. My time is too short to allow me to yield to the gentleman.

Sir, the great blot upon the whole Republican administration was the contract system. The people of this country believe, and they have some basis of fact for that belief, that the navy-yards were used for patronage, and that the contractors helped to swell the campaign funds that carried doubtful States in Presidential elections. I think it will be found not only wise but economic to turn loose into our navy-yards the talent and skilled intelligence which we have educated and allow

it to help upbuild the Navy in our own yards. In whatever way it is built the people demand a navy commensurate with the interests, the security, and the honor of this great country.

Mr. ELLIS. I now yield ten minutes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. Mr. Chairman, in the ten minutes given me by my friend from Louisiana I can not be expected to discuss this question at any length; but I wish to say in the outset that I believe my friend from Maine, my friend from Ohio, and my friend from Illinois entertain the same opinion that I entertain—that there should be an American navy.

I do not stand here to criticise for one moment the actions of past administrations. That matter has nothing to do with this great question, Ought we to have a navy? I will not say one word that might come to my mind with regard to anything that may have occurred in the last twenty years in reference to the maladministration of the Navy Department. Let that pass by "like the idle wind, that we regard not."

There are two things necessary: first, a navy; second, harbor defenses. Following my own judgment, I should have put harbor defenses first and the Navy second. We can not in one year, or two years, or three years construct a navy equal to the navy of Great Britain; and everybody knows it. Let us, however, have the germ of a navy.

But, said my friend from Ohio, "You are giving all the power of the Government to the Democratic party." I disliked to hear that. It was further said, "You are opening the doors of the Treasury to the Democratic party." Sir, with the gentleman from Ohio I dislike this limitless expenditure of money. I would be glad to see in this bill, I say this House ought to see in this bill, a limit. No matter who has the expenditure of that money, whether it be Grover Cleveland or Chester A. Arthur, there should be a limit. If I had the knowledge necessary to put a limit on this bill, I would draw the amendment myself.

But we are here, Democrats and Republicans, seeking one great object; and we ought to be brethren in seeking that object; that is, to start the building of a proper navy. As a Democrat, I do not wish the representatives of the Democratic party to have the power in their hands to squander one, two, ten, or twenty million dollars. Let us know what the limit should be, and I stand ready to vote for it.

Mr. KELLEY. Will the gentleman permit me——

Mr. EATON. I have but little time; but I yield to the gentleman.

Mr. KELLEY. I was going to ask whether this bill should not determine the character of the vessels, their quality especially, in view of the fact that the highest naval authority has just pronounced unseaworthy the last ten ships built by the British Government?

Mr. EATON. Well, I will answer that question in this way: If the British board of admiralty has learned that the science of Great Britain has not been able yet to construct a proper vessel, then permit me to say that neither my friend from Pennsylvania, myself, nor any other authority in this country will be able to put on a bill of this kind a description of what the vessels should be. [Laughter.] My friend ought to know that. He ought to know it.

Mr. KELLEY. I have simply quoted Sir Edmund Reed, the highest naval authority.

Mr. EATON. I am quoting my friend as very high naval authority. [Laughter.] I wish to have a board of admiralty, if I may so style these officers and scientific men who have this matter in charge, to select the proper models upon which to build our vessels. But limit the expenditure of the money. It is a farce to talk about it when we know that there is not an ironclad on the water that will not go down beneath the force of modern projectiles. Everybody knows it. And my friend from New York [Mr. DORSHEIMER], whom I do not see in his seat, who was so strenuous to build ironclads six months ago, has learned at last there are no ironclads on the water that can stand before modern projectiles.

I rejoice the United States has not expended in the past fifteen, twenty, thirty, forty, or fifty millions of dollars. It would have been thrown away, absolutely thrown away. We have had the advantage of the expenditures of other people, and now we may go to work believing the results will warrant our desires.

I come from a little State bounded by the ocean; I am a New England man, and if anybody is interested in a navy it is New England that is interested. If anybody is interested in a navy it is my friend from Maine [Mr. REED] and my friend from Massachusetts [Mr. LONG]. For let me tell you, Mr. Chairman, before twelve months have rolled round the fishery question will present such a question that you may desire and need a navy.

Therefore I say let us discard all talk about Democrats and Republicans. Let us stand here American citizens and begin to build up a navy that will be an honor to the American name. We have the sailors—New England furnishes the sailors, and the world can not produce a class of men like the sailors from Connecticut and Maine and Massachusetts. Give us the bottoms and we will furnish the sailors.

Now do not let us quarrel about this matter. Let an amendment be offered to this bill. I desire to limit the expenditure; I do not believe the incoming administration to have it in its power to squander the money of the people. I have no such desire. I will give no such vote while I have a seat on this floor; but I want to see a navy started.

Now, Mr. Chairman, I am trespassing, I know, upon my friend from Louisiana.

Mr. ELLIS. No; you are not.

Mr. EATON. But let us forget to-day, if possible, party. Let us remember we are one people and what is good for the Democratic party is good for the Republican party, and what is good for the Republican party is good for us all.

If this bill needs amendments, and I believe it does, let those amendments, Mr. Chairman, be produced by one side or the other. I shall stand ready to vote with my friend from Maine to do what he believes is best to prevent the squandering of the money of the people. I have no desire the Democratic party I fought for should have any other power than what ought to be exercised by just and honorable men.

We may do something, but little. I do not believe the time has come—I am not a prophet—but yet I predict the time has not come when any naval board, whether composed of Englishmen, or Frenchmen, or Germans, or Americans, can put into the water a vessel that will stand the projectile power of to-day. My own opinion is we may look for fast-going cruisers that can make from eighteen to twenty miles an hour with 100-ton guns on their decks, that can sink an ironclad or run away from it as they please, and then let our harbors and coasts be properly defended, and America will be as she always has been, resistless against the powers of the world. [Applause.]

Mr. ELLIS addressed the committee. [See Appendix.]

The CHAIRMAN. General debate on this section is now terminated under the order of the House. The question before the committee is on the point of order raised by the gentleman from Illinois [Mr. THOMAS]. The Chair will now hear from that gentleman a statement of the grounds on which he bases his point.

Mr. THOMAS. Mr. Chairman, my point of order against this section is made under section 3 of Rule XXI, which provides that—

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The pending section of this bill provides for the organization of a board to be appointed by the President of the United States, to be composed of several members, some civilians and some officers of the Navy. It is an attempt to create new offices on a general appropriation bill; and to pay premiums or rewards for plans which are to be submitted by parties outside of the Government service. This is new legislation. It does not provide for any public work authorized by law. More than that, I submit it is subject to objection under the other part of the rule, which provides:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, this section is admittedly germane to the bill, the purpose of the bill being to provide for the naval service of the United States. But this is an attempt to furnish plans and to provide for the building of ships, and it does not reduce expenditures. It is not a retrenchment of salaries paid to officers. On the contrary it involves increased expenditure by providing additional salaries, by providing for the payment of rewards to persons who may furnish plans to this board. Indeed, it provides for an unlimited expenditure of money, as no restriction is placed upon the cost of the vessels which are to be constructed.

I do not think it necessary to elaborate this point. It must be clear that the provision of the bill is contrary to the third section of Rule XXI. I may have occasion to answer any objection which might be urged to this point of order; but at this time I shall offer nothing further upon it.

Mr. STONE. I should like to state upon the point of order another objection to the section in addition to the one made by my friend from Illinois [Mr. THOMAS]. I wish to suggest to the consideration of the Chair whether or not it be competent for the Committee on Appropriations to report the section now under consideration, inasmuch as clause 12 of Rule XI provides that "subjects relating to the naval establishment other than the appropriations for its support" shall be referred to the Committee on Naval Affairs. I submit that so much of this bill as refers to naval affairs and does not concern appropriations comes properly within the jurisdiction of the Committee on Naval Affairs, under Rule XI; and unless it can be shown that this subject of the establishment of a naval board has by some order, resolution, or bill been referred to the Committee on Appropriations, that Committee in attempting to deal with the subject has exceeded its jurisdiction, precisely as it was suggested a day or two ago that another committee of this House, the Committee on Rivers and Harbors, had attempted to deal with a subject beyond its jurisdiction.

So I submit, under a fair construction of this rule, it is not competent for the Committee on Appropriations to deal with a subject that does not relate to appropriations, but which by the rule is exclusively committed to the Committee on Naval Affairs. And the Chair will take

notice this section is different from some other sections—that it is not only inclusive but exclusive. It so distinctly declares, as I have already stated, and I will not repeat what I have said, as I think the Chair understands my point.

The CHAIRMAN. Does the gentleman in charge of the bill desire to be heard on the point of order?

Mr. RANDALL. No; I am willing to leave it to the Chair. My desire is to save the time of the committee.

The CHAIRMAN. The ground stated by the gentleman from Massachusetts [Mr. STONE] is new to the Chair, and his decision will turn upon the other ground. Therefore, without entering upon any discussion on it, the Chair thinks section 2 of the bill is obnoxious to the third clause of Rule XXI. It is an appropriation for expenditure not authorized by law, and that part of the section which provides for the organization and structure of this board is new legislation. The Chair therefore sustains the point of order.

Mr. RANDALL. I ask to lay aside this bill, as I believe I will find some way to test the sense of the House where one objection will not prevail.

The CHAIRMAN. The Chair would suggest to the gentleman from Pennsylvania there is yet one section to be disposed of.

Mr. REED, of Maine. I hope when the gentleman submits a plan it will be a plan that takes the responsibility as well as confers the power.

Mr. RANDALL. I do not quite understand what the gentleman means.

Mr. REED, of Maine. I mean this: that if we are to build a navy the party in power having the power should also have the responsibility.

Mr. RANDALL. I propose in some way, and I think I see my path clear, to make this proposition so that it will be acceptable to enough members of this House to secure its consideration on this bill. I therefore beg to lay the bill aside for the present.

Mr. KEIFER. Is it proposed to have the bill recommitted?

Mr. RANDALL. No, sir.

The CHAIRMAN. Section 3 is not disposed of.

Mr. RANDALL. That is not a material point. I ask the bill be laid aside and to have the committee now proceed to the consideration of the deficiency appropriation bill.

Mr. THOMAS. I object to its being laid aside.

Mr. REED, of Maine. Let them have all the time they want.

Mr. WILLIS. What is the proposition?

The CHAIRMAN. To lay the naval appropriation bill aside and take up the deficiency appropriation bill.

Mr. WILLIS. I am perfectly willing the river and harbor bill should be proceeded with.

The CHAIRMAN. Is there objection?

Mr. RANDALL. There is no objection to laying this bill aside.

Mr. STONE and other members objected.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. TALBOTT. I desire to offer an amendment.

Mr. RANDALL. I ask for the reading of the third section.

Mr. TALBOTT. I have an amendment to offer to come in before that. I send it up to the Clerk's desk to be read.

The Clerk read as follows:

To complete the construction of the steel cruiser, of not less than five nor more than six thousand tons displacement, and the armament thereof, authorized by act of Congress August 5, 1882, $1,780,000, or so much thereof as may be necessary.

Mr. TOWNSHEND. Do I understand the whole section has been ruled out?

The CHAIRMAN. It has.

Mr. HOLMAN. I reserve the point of order on the amendment of the gentleman from Maryland. It is a modification of the law of 1883.

Mr. TALBOTT. No, sir; there is no modification of that law.

Mr. HOLMAN. Let the law be exhibited.

Mr. TALBOTT. I have sent for it.

The CHAIRMAN. What is the point of order the gentleman makes?

Mr. HOLMAN. That this appropriation is not authorized by any existing law. That the act to which the gentleman refers, the act of 1882, is modified by the subsequent act of 1883. That all the vessels authorized to be constructed are now in process of construction, while this amendment proposes something in addition not authorized by law.

Mr. TALBOTT. I do not want to say a word upon the point of order, because this act of August 5, 1882, to which the gentleman called the attention of the Chair, clearly authorizes the construction, and leaves no room for doubt. It is absolutely existing law, and I shall submit the question to the decision of the Chair.

Mr. RANDALL. Let us see the law.

Mr. TALBOTT. I have sent for it.

Mr. HOLMAN. It will be remembered that there were two acts, one of 1882 and the other of 1883, the latter modifying the former.

The CHAIRMAN. The Chair desires to see the acts.

Mr. TALBOTT. I will say further that this vessel provided for in this amendment was expressly authorized at the second session of the Forty-seventh Congress in the naval appropriation bill passed at that time. This vessel is provided for by law and its construction authorized. I send the statute to the desk.

The CHAIRMAN. The Clerk will read the section to which the gentleman refers as authorizing this construction.

The Clerk read as follows:

Any portion of said sum not required for the purposes aforesaid may be applied toward the construction of two steam cruising vessels of war, which are hereby authorized, at a total cost when fully completed, not to exceed the amount estimated by the late naval advisory board for such vessels, the same to be constructed of steel of domestic manufacture, having as near as may be a tensile strength of not less than 60,000 pounds to the square inch, and a ductility in eight inches of not less than 25 per cent.; said vessels to be provided with full sail-power and full steam-power. One of said vessels shall be of not less than 5,000 nor more than 6,000 tons displacement, and shall have the highest attainable speed.

Mr. TALBOTT. The advisory board advised the construction of two vessels of that class, and estimated the cost at $3,560,000. The act of Congress authorized only the construction of one—that is to say, a vessel of not less than 5,000 tons or more than 6,000 tons displacement. This amendment, therefore, is prepared exactly in accordance with the existing law and the amount is the amount fixed by the advisory board. It is, therefore, the law now, and this is a provision to carry it into effect. No law of Congress has changed it. No law has varied the law authorizing the construction of that vessel, and I now ask the adoption of this amendment which authorizes this construction.

I have heard, Mr. Chairman, a good deal of talk on the floor of this House about a navy, and I have heard a great deal of talk about wooden vessels. The Committee on Naval Affairs in the Forty-seventh Congress investigated the whole subject, and investigated it thoroughly. We had before us all the scientific and naval men in the country who were within reach. We had their views, opinions, and conclusions, and I desire to say that from Admiral Porter down to the lieutenants in the Navy they all concurred in the opinion that the invention of gun-power was far in excess of the development of ships of war.

In other words, that now gun-power, with recent improvements in that direction, is so great that you can not construct a vessel that will float capable of resisting it. The conclusion of the board and the Committee on Naval Affairs on this investigation was that what we require is first-class steel cruisers of the highest attainable speed. Every man who knows anything about naval architecture knows that you can not have speed without displacement, because you have got to have size, and if you have the size so as to give you the necessary engine-room and machinery power you are compelled to have weight and displacement. This you must have in order to get the ability to put upon the vessel the power you require. You must have room capacity for storage of coal, and you must have capacity for your machinery; and the result of the labors of the committee, and after months of labor and earnest attention to the duties devolving upon them, was that if this vessel authorized by that law was constructed, with her power and guns aboard of her, she would easily run away from any war vessel in the world. She would also have gun-power to fight in a close conflict.

Now, gentlemen talk about speed as a great element. Not a single one has told this House one thing, and that is that there is a great deal of difference between the average speed and speed measured by the mile. You can put the vessel to its full capacity and strain the machinery for a short distance, or a measured mile, and make a speed of eighteen, nineteen, or twenty knots an hour, but that is no evidence of speed. The speed of a vessel is what she will make on an average of running a whole day, a week, or three weeks; in other words, what she will make continuously and in all kinds of weather and under all circumstances. That, I say, is a very different question.

Mr. TOWNSHEND. I rise to a question of order. Is this debate in order?

Mr. TALBOTT. Yes, sir.

The CHAIRMAN. The Chair thinks the gentleman should confine himself to the point of order.

Mr. TALBOTT. I am endeavoring to do so. I say again, that the Committee on Naval Affairs did consider this whole subject in the Forty-seventh Congress. I say that Congress passed a law authorizing the construction of this vessel; and further, sir, that the Committee on Appropriations can not find a single word altering or limiting that act or the terms of that authorization of August 5, 1882. I submit, therefore, that no point of order can lie against the amendment providing for the construction of this vessel authorized by the act of Congress in question.

Mr. HOLMAN. I hold in my hand an act of the 3d March, 1883, which seems to be a revision of the act to which the attention of the Chair has been called. I will send it up to the Chair. My understanding has always been that this act of 1883 had the effect of repealing the provisions of the act which has already been read; but I trust some gentleman connected with the Appropriations Committee of last Congress will state how that is.

Mr. THOMAS. We can give a perfect explanation of it. There was no repeal of the former act.

The CHAIRMAN. Will the gentleman from Indiana indicate what portion of the act he desires to have read?

Mr. HOLMAN. That which applies to the construction of the steel

cruisers. But before that act is read some gentleman connected with the Committee on Appropriations of the Forty-seventh Congress, which reported both bills, will be able to explain whether this last act repeals the former act or not, in so far as the provisions of the one are inconsistent with those of the other. My opinion has always been that this last act covers the whole ground.

The CHAIRMAN. Does the gentleman desire the act to be read?

Mr. HOLMAN. I do. It is under this latter act that the vessels now in process of construction are being constructed.

The Clerk read as follows:

For the construction of the steel cruiser of not less than 4,300 tons displacement now specially authorized by law, two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each, and one dispatch-boat, as recommended by the naval advisory board in its report of December 26, 1882, $1,300,000; and for the construction of all which vessels, except their armament, the Secretary of the Navy shall invite proposals from all American ship-builders whose ship-yards are fully equipped for building or repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board in said report, and in the event that such vessels or any of them shall be built by contract, such building shall be under contracts with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe.

Mr. HOLMAN. The chairman of the Committee on Appropriations of last Congress has given me information from which I am ready to believe this act is not a complete substitute for the act of 1882, and that to the extent of one vessel it does not cover that act. Upon that statement of facts I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Maryland [Mr. TALBOTT].

Mr. RANDALL. It is due for me to say that so far as I know the Secretary of the Treasury has not made any estimate or recommendation on this subject this session.

Mr. MCMILLIN. Have any proposals been invited as provided in the act?

Mr. RANDALL. Nothing of the sort; I only want to say it seems to me this matter should have some investigation. This may have been a very good ship four years ago or two years ago, but in the light of the experience of the intervening years it may be that it would not be such a vessel as we should now build.

Mr. TALBOTT. I desire to say to the gentleman from Pennsylvania [Mr. RANDALL] that the act authorizing the construction of this vessel covers all of that. The naval advisory board has the power under the act which authorizes the construction to make all the alterations that may be called for in consequence of new inventions. And I will say more than that: the armament for that vessel is only limited as to the minimum. The act makes the minimum 6-inch steel rifled guns and 8-inch guns. But as regards the maximum there is no limit; and the naval bureau having the charge of the armament can make the guns as large as they please under the act itself.

Mr. THOMAS. The construction of this vessel was fully considered by the Naval Committee.

Mr. TOWNSHEND. I make the point of order that debate is exhausted on the pending amendment.

Mr. THOMAS. Then I move to amend by striking out the last word.

This legislation has been fully considered and matured. The plans and specifications and model for this vessel are on file in the Navy Department to-day. The naval advisory board are qualified to take up that plan and build the vessel, with all the modern improvements up to this hour, and to begin as soon as this appropriation is available.

Now, if my friends on the other side of the House are in favor of building a navy, here is an opportunity to build a first-class American man-of-war that will be a source of pride to every American heart and a satisfaction to every American sailor. It can go as fast any naval vessel in the world. It will have an average speed of 16 knots an hour for six days. It is provided that it shall be armed with breech-loading guns of not less than 6-inch and 8-inch caliber. And the maximum, as stated by the gentleman from Maryland [Mr. TALBOTT], is not fixed. As large guns as are needed can be put on the vessel, and it will be first-class in every respect. If the Representatives on both sides of this House want to build a navy, here is an opportunity afforded, and one that is based on common sense and the recommendation of some of the wisest naval architects and naval officers this country has ever produced.

Mr. HEWITT, of New York. I am as earnestly desirous to begin the construction of a proper navy as the gentleman from Illinois [Mr. THOMAS]. But this proposition simply leads us to produce another first-class failure. When this vessel was authorized, three years ago, a ship of five or six thousand tons, iron-clad, would have been a success, provided she achieved a speed of 16 knots an hour; but in the interval ships have been built that have achieved a speed of 18.6 knots an hour; and at this moment the British Government are considering a proposal from John Elder & Co. to build an armored ship with twenty-one inches of armor, of 10,500 tons, that will make a guaranteed speed of 21½ knots an hour—no cure, no pay.

Now, are we not to take advantage of the lapse of time and of the experience which has come since this provision was enacted into law? What we want is a real navy and not a sham navy; and the addition of this ship will simply give us another failure. The money will be thrown away. The limitation of the existing law is for a ship of from five to six thousand tons. I do not know, and no man can tell, in the condition in which this country now finds itself, with its open ports undefended, whether we do not want a first-class iron ship of from ten to twelve thousand tons.

Mr. THOMAS. Will the gentleman from New York [Mr. HEWITT] permit me a question?

Mr. HEWITT, of New York. Certainly.

Mr. THOMAS. I want to ask the gentleman if it is not a fact that there are not over six vessels afloat on the ocean to-day that can make over 16 knots an hour?

Mr. HEWITT, of New York. It is a fact; and I want to say to the gentleman from Illinois [Mr. THOMAS] that those slow vessels are being abandoned and cast away.

Mr. TALBOTT. And I will say to the gentleman from New York [Mr. HEWITT] that not a single unarmored vessel in the world has been discarded unless for old age. It is the armored vessels that he is talking about.

Mr. HEWITT, of New York. This proposes to build an armored vessel.

Mr. TALBOTT. No, sir; an unarmored steel cruiser.

Mr. HEWITT, of New York. A 6,000-ton armored steel cruiser.

Mr. TALBOTT and Mr. THOMAS. No, sir; an unarmored cruiser.

Mr. HEWITT, of New York. Very well. Then I have this to say: If that vessel is to be unarmored she will be confronted by an armored vessel capable of making over twenty-one knots an hour.

Mr. THOMAS. When?

Mr. HEWITT, of New York. Now John Elder & Co. have a proposition pending, which will no doubt be accepted by the British Government, by which they guarantee to construct a 10,500-ton armored steel cruiser with 21-inch plate, and carrying a hundred-and-twenty-one-ton gun; and when you have built this vessel which you propose here and it meets that vessel in the open ocean yours will go down. Therefore, I say, this ship ought not to be built. If we build an unarmored cruiser, let us build one that will be at least able to run away from these armored cruisers.

Mr. TALBOTT. Only last Friday the gentleman from New York [Mr. HEWITT] rated this House because it was proposed to repair a wooden vessel, and called attention to the fact that every nation had discarded armored vessels. To-day he tells us that every nation is going to build armored vessels.

Mr. HEWITT, of New York. Every nation is building them to-day.

Mr. TALBOTT. No nation is building them. They may talk about building them, but they do not do it.

Mr. HEWITT, of New York. Great Britain is building them, France is building them, Germany is building them. [Cries of "Vote!" "Vote!"]

Mr. MCADOO. Mr. Chairman, I am in favor of building this vessel because it is a type of what will be the modern war vessel. We have gone from the old fast-sailing clipper-ship to the great iron floating battery, and the compromise between the two extremes is the unarmored, swift-sailing steel cruiser, easily maneuvered, armed with powerful ordnance, capable of running away when necessary, and also capable of catching an enemy and destroying her. I am in favor of every practicable measure for building up our Navy. I do not believe simply in discussing measures about the Navy; but when a practical proposition is made upon this floor to build a vessel like the one now proposed, leaving it to the advisory board to take advantage of every modern improvement and produce an American Esmeralda, my vote is for it, because I believe the American people want it. [Cries of "Vote!" "Vote!"]

Mr. BAYNE. Mr. Chairman, if there be a proposition before the committee, I have failed to hear it.

The CHAIRMAN. The Clerk has read the amendment which was offered by the gentleman from Maryland [Mr. TALBOTT], and the question now is on agreeing to that amendment.

Mr. BAYNE. The confusion was so great that the amendment could not be heard, and I ask that it be again reported.

The Clerk read as follows:

Insert, after line 517, the following:

"To complete the construction of the steel cruiser, of not less than 5,000 nor more than 6,000 tons displacement, and the armament thereof, authorized by act of Congress August 5, 1882, $1,780,000, or so much thereof as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendment just read.

The question being taken on the amendment of Mr. TALBOTT, it was agreed to; there being—ayes 91, noes 64.

Mr. RANDALL. I move to amend by adding to the amendment just adopted the words:

Provided, That the Secretary of the Navy shall approve of the construction of said vessel.

Mr. TALBOTT. I am willing to accept that amendment.

The question being taken on agreeing to the amendment of Mr. RANDALL, there were—ayes 140, noes none.

So the amendment was agreed to.

Mr. THOMAS. I move to amend by adding after the amendment just adopted the language which I send to the desk.

The Clerk read as follows:

For the completion and armament of the iron-clad monitors Puritan, Terror, Monadnock, Amphitrite, and Miantonomoh, $2,204,327.31, provided such completion shall be recommended by the Secretary of the Navy.

Mr. RANDALL. The object contemplated by that amendment will take $4,000,000.

Mr. THOMAS. My amendment names the exact amount which the Secretary of the Navy says will be required to complete these vessels.

Mr. RANDALL. Nevertheless, I say the object stated in the amendment will require an expenditure of more than $4,000,000.

Mr. THOMAS. Mr. Chairman, in support of this amendment I wish to say that these five vessels are completed as to their hulls and machinery. One of them, the Miantonomoh, is provided with armor, and is now at the Brooklyn navy-yard having its turrets constructed. The Monadnock is at the Mare Island navy-yard, California. The Puritan, the Terror, and the Amphitrite are on the Delaware River, with their hulls and machinery completed. Five different boards of naval officers have examined these vessels and have reported in favor of their completion. If completed according to the plans proposed within the last few years, with deflective armor, deflective turrets, and high-power guns, they will be the most effective coast and harbor defenses that can be made within the United States. Their hulls are built of the best American iron. They have passed muster under five several examinations made by the most critical boards, each one of which has recommended their completion.

Our seacoast cities are defenseless to-day. We have no means of resisting the encroachments of any of the war vessels of the Old World. Any one of the vessels named in the amendment—especially the Puritan, which is to have a speed of 16 knots an hour—armed with the high-power guns which we are constructing here at the navy-yard to-day, can resist the largest war vessel that can enter the harbor of New York or Philadelphia or Baltimore, or any of the cities along the Atlantic or Pacific coast.

California stands to-day from the head of the Gulf of California along the whole coast without any defensive vessel at all. This much-talked-of Esmeralda belonging to the Chilian Government might come and lay the city of San Francisco under contribution and extort from its inhabitants enough in one hour to finish from the beginning a dozen such vessels as these.

Here these vessels are almost completed; yet we daily day after day and year and year, while our country is in this helpless condition. I hope that the spirit mentioned by the gentleman from Pennsylvania [Mr. CURTIN] will animate this Congress, and will prompt members to come forward and vote for the completion of these vessels of war, so that we may be able to defend ourselves and to resent the insults which are constantly being put upon the flag of our country and upon our citizens in foreign lands.

It has been said that these vessels can not cross the ocean. It is a mistake. The Monadnock went around Cape Horn. She was under convoy of two wooden ships which three times had to seek the shelter of a port, while all the time she went bravely on, arriving in the harbor of San Francisco a week before her convoys. She went across the Atlantic Ocean to Russia and proved herself in every way seaworthy. These monitors when completed can go anywhere where there are eighteen feet of water. They can ride the strongest sea and fight the most terrific battles. I hope that Congress will now, when we have a chance, vote money to complete them. [Applause.]

Mr. RANDALL. Mr. Chaiman, this question is perfectly well understood by the House. It has been discussed over and over again. The committee do not recommend this proposition. I content myself with asking a vote upon it.

Mr. ADAMS, of Illinois. I suggest a verbal amendment, which I think my colleague [Mr. THOMAS] will accept, to strike out the word "recommended" and insert "approved;" so as to read, "approved by the Secretary of the Navy."

Mr. THOMAS. I accept that as a modification of my amendment.

The question being taken on agreeing to the amendment of Mr. THOMAS as modified, it was not agreed to, there being—ayes 64, noes 95.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. MCCOOK, its Secretary, which announced disagreement to the amendments of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. MAHONE, Mr. CAMERON of Wisconsin, and Mr. VEST as managers of said conference on its part.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BOUTELLE. I move to amend, after the last line of the amendment, by inserting the following:

The Clerk read as follows:

SEC. 3. That the President be, and he hereby is, authorized to return the Arctic steamer Alert to Her Majesty's Government with the thanks of the Government of the United States for the generous and graceful act of courtesy in so promptly tendering the gift of that vessel and for the valuable service thereby rendered to the cause of science and humanity.

SEC. 4. That the Secretary of the Navy be, and he hereby is, directed to transfer to the Treasury Department for use as a revenue-cutter in the waters of Alaska the steamer Bear, of the late Greely relief expedition, and is hereby authorized to place the steamer Thetis for use in the Navy as surveying vessel or otherwise.

On page 25 strike out figure "3" and insert "5;" so it will read "section 5."

Mr. RANDALL. I desire to say to the gentleman from Maine that the first paragraph, so far as I am concerned, I have no objection to, as I think it is proper. The second is provided for in another bill. The other, of course, I leave to the gentlemen of the House.

Mr. BOUTELLE. I will state that these two sections I have offered as amendments are the substance of a joint resolution which I was instructed unanimously by the Committee on Naval Affairs to report to the House for passage.

The first section embodies the recommendation of the President of the United States in a special message recently sent to this House, that the Arctic steamer Alert, which was so opportunely tendered to us, be returned to the British Government, with the thanks of this Government. I understand the Committee on Appropriations make no objection to that.

The second section provides for disposing of the other two vessels of the Arctic relief fleet, the Bear and the Thetis, which we purchased for that purpose, the act of Congress providing that on completion of this service these purchased vessels should be sold.

Mr. RANDALL. They have not been, though.

Mr. BOUTELLE. A bill is now pending in this House providing for the construction of a revenue-cutter adapted for the extraordinary uses of the Alaskan coast.

Mr. GEORGE. And it was favorably reported from the committee.

Mr. BOUTELLE. Yes; favorably reported by the committee, and is now on the Calendar of the House. Subsequently a bill was introduced in the Senate and a similar one in the House for the transfer of one of these Arctic steamers for that purpose instead of building a new vessel. That bill was referred to the Committee on Naval Affairs, and was reported favorably by the committee. The Secretary of the Treasury and Secretary of the Navy were consulted in regard to the matter, and I have their responses on my desk in favor of carrying out this disposition. Therefore it is proposed in this second section to transfer the steamer Bear, as being best adapted for the purpose for which the revenue-cutter is desired on the Alaskan coast, to the Secretary of the Treasury for that purpose. That, the gentleman from Pennsylvania states, has been considered by his committee and is incorporated in another bill.

Mr. RANDALL. Yes; it is in the other bill; but if the House desires to put it on this bill it will only involve striking it out of the other bill.

Mr. BOUTELLE. I would suggest also that my proposition involves disposing not only of the Bear but of the Thetis.

Mr. LONG. As the amendment relates to kindred subjects, perhaps it is best to incorporate them on this bill.

Mr. BOUTELLE. They should be included in one proposition. This amendment provides that the Bear shall be transferred to the Secretary of the Treasury, and the Thetis placed in the Navy as a surveying vessel or otherwise. I will not make any argument, but ask that this amendment may be unanimously appended to the bill.

The amendments were agreed to.

The reading of the bill was then concluded.

Mr. RANDALL. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, had directed him to report the same back with sundry amendments.

Mr. RANDALL demanded the previous question.

The SPEAKER *pro tempore*. Do gentlemen desire a separate vote on any amendment?

Mr. RANDALL. I ask a separate vote on Mr. TALBOTT'S amendment.

By unanimous consent, the remaining amendments of the Committee of the Whole House on the state of the Union were agreed to in gross.

The CHAIRMAN. The question next recurs on the following amendment.

The Clerk read as follows:

To complete the construction of the steel cruiser, of not less than 5,000 nor more than 6,000 tons displacement, and the armament thereof, authorized by act of Congress August 5, 1882, $1,780,000, or so much thereof as may be necessary.

The House divided; and there were—ayes 88, noes 70.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 100, not voting, 113; as follows:

YEAS—111.

Adams, G. E.	Dorsheimer,	Lacey,	Rogers, W. F.
Alexander,	Dunham,	Lawrence,	Rowell,
Ballentine,	Ellwood,	Libbey,	Russell,
Barr,	Everhart,	Long,	Ryan,
Bayne,	Findlay,	McAdoo,	Seymour,
Belford,	George,	McComas,	Skinner, C. R.
Bisbee,	Gibson,	Maybury,	Smalls,
Blanchard,	Guenther,	Millard,	Smith, H. Y.
Boutelle,	Hanback,	Miller, S. H.	Spooner,
Breitung,	Hart,	Milliken,	Steele,
Brewer, F. B.	Hatch, H. H.	Morrill,	Stephenson,
Brown, W. W.	Henderson, T. J.	Morse,	Stewart, J. W.
Burleigh,	Henley,	Nutting,	Stone,
Caldwell,	Hepburn,	O'Hara,	Strait,
Campbell, J. E.	Hewitt, G. W.	O'Neill, Charles	Talbott,
Campbell, J. M.	Hiscock,	O'Neill, J. J.	Taylor, J. D.
Cannon,	Hoblitzell,	Parker,	Thomas,
Carleton,	Holmes,	Payne,	Tillman,
Collins,	Horr,	Payson,	Wait,
Craig,	Houk,	Perkins,	Washburn,
Culbertson, W. W.	Houseman,	Peters,	Weaver,
Cullen,	Howey,	Pettibone,	White, J. D.
Dargan,	Hunt,	Potter,	Whiting,
Davis, G. R.	Jeffords,	Price,	Wilson, James
Davis, R. T.	Kean,	Ranney,	Wise, G. D.
Dibble,	Keifer,	Reed, T. B.	Wolford,
Dingley,	Ketcham,	Rockwell,	Worthington.
Dixon,	King,	Rogers, J. H.	

NAYS—100.

Aiken,	Eaton,	Lovering,	Stevens,
Anderson,	Eldredge,	Lowry,	Stewart, Charles
Barbour,	Elliott,	McMillin,	Stockslager,
Barksdale,	Ellis,	Miller, J. F.	Storm,
Beach,	English,	Mills,	Sumner, D. H.
Bennett,	Ermentrout,	Money,	Taylor, J. M.
Bland,	Ferrell,	Muldrow,	Townshend,
Blount,	Follett,	Oates,	Tucker,
Boyle,	Forney,	O'Ferrall,	Turner, H. G.
Bratton,	Garrison,	Patton,	Turner, Oscar
Breckinridge,	Green,	Pierce,	Van Alstyne,
Buchanan,	Greenleaf,	Peel,	Van Eaton,
Budd,	Halsell,	Post,	Wallace,
Burnes,	Hardeman,	Pryor,	Ward,
Campbell, Felix	Hatch, W. H.	Randall,	Warner, A. G.
Clay,	Hemphill,	Reid, J. W.	Warner, Richard
Clements,	Hewitt, A. S.	Reese,	Wellborn,
Cosgrove,	Holman,	Riggs,	Wemple,
Crisp,	Hopkins,	Rosecrans,	Wilkins,
Culberson, D. B.	Jones, B. W.	Seney,	Williams,
Curtin,	Jones, J. H.	Shively,	Willis,
Deuster,	Kleiner,	Singleton,	Wilson, W. L.
Dibrell,	Lanham,	Skinner, T. G.	Winans, E. B.
Dockery,	Lewis,	Spriggs,	Yaple,
Dunn,	Lore,	Springer,	York.

NOT VOTING—113.

Adams, J. J.	Dowd,	Kelley,	Rice,
Arnot,	Evans,	Kellogg,	Robertson,
Atkinson,	Fiedler,	Laird,	Robinson, J. S.
Bagley,	Finerty,	Lamb,	Robinson, W. E.
Belmont,	Foran,	Le Fevre,	Shaw,
Bingham,	Funston,	Lyman,	Slocum,
Blackburn,	Fyan,	McCold,	Smith, A. Herr
Bowen,	Geddes,	McCormick,	Snyder,
Brainerd,	Glascock,	Matson,	Struble,
Brewer, J. H.	Goff,	Mitchell,	Sumner, C. A.
Broadhead,	Graves,	Morgan,	Swope,
Browne, T. M.	Hammond,	Morrison,	Taylor, E. B.
Brumm,	Hancock,	Moulton,	Thompson,
Buckner,	Hardy,	Muller,	Throckmorton,
Cabell,	Harmer,	Murphy,	Tully,
Candler,	Haynes,	Murray,	Valentine,
Cassidy,	Henderson, D. B.	Mutchler,	Vance,
Chalmers,	Herbert,	Neece,	Wadsworth,
Clardy,	Hill,	Nelson,	Wakefield,
Cobb,	Hitt,	Nicholls,	Weller,
Connolly,	Holton,	Ochiltree,	White, Milo
Converse,	Hooper,	Paige,	Winans, John
Cook,	Hurd,	Phelps,	Wise, J. S.
Covington,	Hutchins,	Poland,	Wood,
Cox, S. S.	James,	Pusey,	Woodward,
Cox, W. R.	Johnson,	Rankin,	Young.
Cutcheon,	Jones, J. K.	Ray, G. W.	
Davidson,	Jones, J. T.	Ray, Ossian	
Davis, L. H.	Jordan,	Reagan,	

So the amendment was adopted.

On motion of Mr. RANDALL, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. THOMPSON with Mr. OCHILTREE, on this vote.

Mr. CONVERSE with Mr. RAY, of New Hampshire, for the rest of the day.

Mr. CAMPBELL, of New York, with Mr. FUNSTON, for this day.

Mr. FERRELL with Mr. CUTCHEON, for the remainder of the day.

Mr. SUMNER, of California, with Mr. STRUBLE, for this day.

Mr. ROBINSON, of New York, with Mr. PHELPS, for to-day.

Mr. JONES, of Arkansas, with Mr. BREWER, of New Jersey.

Mr. NICHOLLS with Mr. EVANS.

Mr. DAVIDSON with Mr. FINERTY.

Mr. JONES, of Alabama, with Mr. VALENTINE, on this vote.

Mr. CABELL with Mr. KELLEY.

Mr. HERBERT with Mr. WHITE, of Minnesota.

Mr. HILL with Mr. BROWNE, of Indiana, on the naval bill.

Mr. HAMMOND with Mr. BREITUNG.

Mr. BALLENTINE with Mr. HARMER.

Mr. WADSWORTH with Mr. BRAINERD.

Mr. GRAVES with Mr. NELSON.

The result of the vote was then announced as above recorded.

Mr. TALBOTT moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

Mr. RANDALL. I ask now by consent that the vote may be taken on the final passage of the bill to-day, and that the time for the recess be extended. The Senate Committee on Appropriations, I may be permitted to say, are without a bill, as I understand, and it is important, therefore, that this bill should be in the hands of the Senate committee as early as possible.

Mr. KEIFER. I have no objection to the vote being taken to-night.

Mr. REED, of Maine. I ask unanimous consent that the calling of the roll may be dispensed with on this vote.

Mr. BELFORD. I object.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The Chair will submit the request of the gentleman from Pennsylvania to the House.

The gentleman asks that the recess be postponed until after the vote is taken upon the passage of this bill.

Mr. ANDERSON. But that no other business is to be transacted.

The SPEAKER *pro tempore*. Is there objection to the request?

There was no objection.

Mr. REED, of Maine. I again ask unanimous consent to dispense with the calling of the roll.

Mr. COSGROVE and others objected.

Mr. REED, of Maine. It can be done by consent. It is only wasting a half hour additional time.

The SPEAKER *pro tempore*. Objection having been made, the Clerk will call the roll.

Mr. DINGLEY. I renew the request of my colleague for unanimous consent to dispense with the call of the roll.

Mr. REED, of Maine. I hope that will be done.

The SPEAKER *pro tempore*. That request has been made and objection interposed. [Cries of "Regular order!"]

Mr. HEWITT, of Alabama. Objection was made by some gentleman who may probably be willing to withdraw the objection.

Mr. COSGROVE. I made the objection for one, and insist upon it.

The question was taken upon the passage of the bill; and there were—yeas 157, nays 6, not voting 161; as follows:

YEAS—157.

Adams, G. E.	Elliott,	Lowry,	Springer,
Alexander,	Ellis,	McAdoo,	Steele,
Anderson,	Ellwood,	McComas,	Stephenson,
Arnot,	English,	Maybury,	Stevens,
Ballentine,	Ermentrout,	Miller, J. F.	Stewart, Charles
Barbour,	Everhart,	Milliken,	Stewart, J. W.
Barksdale,	Ferrell,	Muldrow,	Storm,
Barr,	Findlay,	Neece,	Strait,
Bayne,	Follett,	Nutting,	Sumner, D. H.
Belford,	Forney,	O'Ferrall,	Talbott,
Bennett,	George,	O'Hara,	Taylor, J. D.
Bingham,	Gibson,	O'Neill, J. J.	Taylor, J. M.
Bisbee,	Green,	Parker,	Thomas,
Boutelle,	Guenther,	Patton,	Tillman,
Boyle,	Halsell,	Peel,	Townshend,
Bratton,	Hatch, W. H.	Perkins,	Turner, H. G.
Brown, W. W.	Hemphill,	Peters,	Van Alstyne,
Budd,	Henderson, T. J.	Pettibone,	Van Eaton,
Burleigh,	Henley,	Pierce,	Wallace,
Caldwell,	Hepburn,	Post,	Ward,
Campbell, J. E.	Hewitt, A. S.	Potter,	Warner, A. J.
Campbell, J. M.	Hewitt, G. W.	Price,	Warner, Richard
Carleton,	Hill,	Randall,	Washburn,
Clay,	Hiscock,	Ranney,	Weaver,
Clements,	Holman,	Reed, T. B.	Wellborn,
Cook,	Holmes,	Reid, J. W.	Wemple,
Cosgrove,	Horr,	Robertson,	White, J. D.
Craig,	Houk,	Rogers, J. H.	White, Milo
Curtin,	Houseman,	Rosecrans,	Wilkins,
Dargan,	Hunt,	Russell,	Willis,
Davis, G. R.	Jeffords,	Ryan,	Wilson, James
Dibble,	Jones, B. W.	Seney,	Wilson, W. L.
Dibrell,	Jones, J. H.	Seymour,	Winans, E. B.
Dingley,	Kean,	Shively,	Wise, G. D.
Dixon,	Keifer,	Skinner, C. R.	Wolford,
Dockery,	Ketcham,	Skinner, T. G.	Yaple,
Dorsheimer,	King,	Smalls,	York.
Dunham,	Kleiner,	Smith, H. Y.	
Dunn,	Lanham,	Spooner,	
Eldredge,	Lore,	Spriggs,	

NAYS—6.

Bland,	McMillin,	Oates,	Turner, Oscar.
Cannon,	Miller, S. H.		

NOT VOTING—161.

Adams, J. J.	Davis, R. T.	Kellogg,	Reagan,
Aiken,	Deuster,	Lacey,	Reese,
Atkinson,	Dowd,	Laird,	Rice,
Bagley,	Eaton,	Lamb,	Riggs,
Beach,	Evans,	Lawrence,	Robinson, J. S.
Belmont,	Fiedler,	Le Fevre,	Robinson, W. E.
Blackburn,	Finerty,	Lewis,	Rockwell,
Blanchard,	Foran,	Libbey,	Rogers, W. F.
Blount,	Funston,	Long,	Rowell,
Bowen,	Fyan,	Lovering,	Shaw,
Brainerd,	Garrison,	Lyman,	Singleton,
Breckinridge,	Geddes,	McCold,	Slocum,
Breitung,	Glascock,	McCormick,	Smith, A. Herr
Brewer, F. B.	Goff,	Mason,	Snyder,
Brewer, J. H.	Graves,	Millard,	Stockslager,
Broadhead,	Greenleaf,	Mills,	Stone,
Browne, T. M.	Hammond,	Mitchell,	Struble,
Brumm,	Hanback,	Money,	Sumner, C. A.
Buchanan,	Hancock,	Morgan,	Swope,
Buckner,	Hardeman,	Morrill,	Taylor, E. B.
Burnes,	Hardy,	Morrison,	Thompson,
Cabell,	Harmer,	Morse,	Throckmorton,
Campbell, Felix	Hart,	Moulton,	Tucker,
Candler,	Hatch, H. H.	Muller,	Tully,
Cassidy,	Haynes,	Murphy,	Valentine,
Chalmers,	Henderson, D. B.	Murray,	Vance,
Clardy,	Herbert,	Mutchler,	Wadsworth,
Cobb,	Hitt,	Nelson,	Wait,
Collins,	Hobilitzell,	Nicholls,	Wakefield,
Connolly,	Holton,	Oehltree,	Weller,
Converse,	Hooper,	O'Neill, Charles	Whiting,
Covington,	Hopkins,	Paige,	Williams,
Cox, S. S.	Howey,	Payne,	Winans, John
Cox, W. R.	Hurd,	Payson,	Wise, J. S.
Crisp,	Hutchins,	Phelps,	Wood,
Culberson, D. B.	James,	Poland,	Woodward,
Culbertson, W. W.	Johnson,	Pryor,	Worthington,
Cullen,	Jones, J. K.	Pusey,	Young.
Cutcheon,	Jones, J. T.	Rankin,	
Davidson,	Jordan,	Ray, G. W.	
Davis, L. H.	Keiley,	Ray, Ossian	

So the bill was passed.

On motion of Mr. RANDALL, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. PRYOR with Mr. HITT.

Mr. STEELE with Mr. COLLINS.

Mr. AIKEN with Mr. JOHNSON.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. MILLER, of Pennsylvania, by unanimous consent, submitted the views of the minority of the Committee on Elections in the contested-election case of Frederick *vs.* Wilson, from the fifth district of Iowa; which were ordered to be printed with the report of the committee.

ORDER OF BUSINESS.

Mr. KEIFER. I wish to ask whether any other business is in order but the business for the District of Columbia at the evening session to-night.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Ohio that no other business would be in order under the order of the House providing for to-night's session.

Mr. WHITE, of Kentucky. Not even to grant unanimous consent for to-morrow morning.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. ENGLISH to print some remarks on House bill 2142; also, to Mr. WOOD to print remarks on the educational bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, for the remainder of this day.

To Mr. WAIT, for the rest of the day, on account of important business.

To Mr. JONES, of Texas, on account of sickness in his family.

To Mr. GARRISON, for this evening's session, on account of sickness.

And then, in pursuance of the previous order of the House, the Speaker *pro tempore* (at 5 o'clock and 25 minutes p. m.) declared the House to be in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by the Clerk, Hon. JOHN B. CLARK, Jr., who directed the reading of the following letter from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, February 23, 1885.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives:

Hon. BENTON MCMILLIN is hereby appointed Speaker *pro tempore* to preside at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The session of the House to-night is for the consideration of bills reported by the Committee on the District of Columbia.

Mr. BARR. As the only member of that committee present, I move that the House resolve itself into Committee of the Whole House with the view of taking up business of the committee on the Calendar.

Mr. ELDREDGE. I think all the bills the committee desire to take up this evening are on the Speaker's table.

Mr. GUENTHER. Inasmuch as the chairman of the Committee on the District of Columbia is not present, but I presume will be here presently, I move that the House take a recess for five minutes.

The motion was agreed to.

The House accordingly (at 8 o'clock and 2 minutes p. m.) took a recess for five minutes.

The recess having expired, the House reassembled at 8 o'clock and 7 minutes p. m.

The SPEAKER *pro tempore*. As the Chair has already stated, the House is in session to-night for the purpose of considering reports by the Committee on the District of Columbia. The gentleman from Virginia [Mr. BARBOUR], the chairman of that committee, is recognized.

MELISSA G. POLAR.

Mr. BARBOUR. I call up from the Speaker's table the bill (H. R. 2344) for the relief of Melissa G. Polar, with amendments by the Senate.

The amendments of the Senate were read, as follows:

Page 1, line 13, after "Melissa G. Polar," insert "the duplicate certificates as provided for in section 1."

Page 1, lines 15 and 16, strike out the words "the duplicate certificates as provided for in section 1" and insert the word "and."

The SPEAKER *pro tempore*. The question is on concurring in the Senate amendments.

Mr. BARBOUR. This is a bill which passed the House, and has also passed the Senate with two amendments which are merely verbal corrections.

The amendments of the Senate were concurred in.

Mr. BARBOUR moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF HEALTH OFFICER OF THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I now call up from the Speaker's table the joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Amend the title so as to read:

"An act authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia."

The amendment of the Senate was concurred in.

TAX SALES IN THE DISTRICT.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments that have been or may be levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, to a deed from the commissioners of the District, which deed shall vest in the grantee a good and valid title, and shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, and that the property was not redeemed before the execution of the deed; and such deed shall be conclusive evidence that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid.

The bill was reported by the Committee on the District of Columbia with the following amendments:

In line 5, strike out the words "that have been or may be."

In line 9, after the words "such sale," insert the words "as provided by law."

In line 14, strike out the word "and" after the words "were not paid."

In lines 15 and 16, strike out the words "such deed shall be conclusive evidence."

Mr. MCCOMAS. This bill, introduced by the gentleman from Ohio [Mr. FOLLETT], has been reported by the Committee on the District of Columbia with amendments, and they believe that in its present form it will meet a want now very much felt here. It seems that in the Revised Statutes of the District of Columbia there is no later provision for making title to property sold for taxes than the provision therein directing the governor of this District to make the deed.

The present bill authorizes the commissioners to do so. Further than that, it supplements the present procedure with respect to the mode of assessment and levy, and the manner of advertising and notice of sale, with the further provision—certainly mild enough in the shape in which it has been recommended by the committee—that the procedure incident to an ordinary sale for default of payment of the assessment or tax with respect to property which hereafter may be sold in this District

for delinquency in payment of assessment or tax shall be presumptive evidence of the manner of levy, notice, and sale, and also as to the description of the property, the assessment of the particular property making the title good and valid with that presumption in its favor. Unless there be further reason for discussion, I shall reserve my time and will yield to the gentleman from Ohio [Mr. FOLLETT]. But in the first place I will yield to the gentleman from Illinois [Mr. WORTHINGTON], a member of the committee.

Mr. WORTHINGTON. The amendments as read by the Clerk I do not think cover what the committee intended to put in there. It strikes out the words "such deed shall be conclusive evidence," but does not insert anything in its place.

Mr. MCCOMAS. If the gentleman from Illinois will look at the first page he will find at line 11 the words "shall be presumptive evidence." At the last meeting of the committee to perfect the bill, the words in the fifteenth and sixteenth lines, "such deed shall be conclusive evidence," were stricken out. The words in the eleventh line, "shall be presumptive evidence," I think my friend will see cover all that has been withdrawn.

Mr. WORTHINGTON. I desire the Clerk again to read the bill as proposed to be amended in those lines.

Mr. MCCOMAS. I now yield for a minute to have the bill reported as requested by my colleague on the committee, Mr. WORTHINGTON.

Mr. WORTHINGTON. Mr. Speaker, I ask that the Clerk read the latter part of the bill, commencing at line 15.

The Clerk read as follows:

And that the manner of levy, notice, and sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid.

The CLERK. The words stricken out in the fifteenth and sixteenth lines are "such deed shall be conclusive evidence."

Mr. WORTHINGTON. I think that is correct, in connection with the amendment made previously.

Mr. BROWN, of Pennsylvania. Will the gentleman from Maryland [Mr. MCCOMAS] state the object of striking out those words, "shall be conclusive evidence?"

Mr. MCCOMAS. The committee believed that the manner of levy, notice, and sale and all the other prerequisites of law should be held to be presumptive, but not conclusive, evidence.

Mr. BROWN, of Pennsylvania. Why not conclusive?

Mr. MCCOMAS. I will state to the gentleman from Pennsylvania [Mr. BROWN] that while it seemed to me that the levy and sale might well be made conclusive evidence, yet such was not the wisdom of a large majority of the committee, and I think that you could not make a deed reciting notice conclusive by mere act of Congress, or by any legislative act.

Mr. BROWN, of Pennsylvania. You can just as well make it conclusive as presumptive.

Mr. MCCOMAS. No; I think not. The manner of notice might be presumptive, but the fact of notice is jurisdictional and could not be made conclusive.

Mr. HUNT. Suppose no notice was given?

Mr. BROWN, of Pennsylvania. I shall oppose the amendment.

Mr. MCCOMAS. I now yield to the gentleman from Ohio [Mr. FOLLETT].

Mr. FOLLETT. Mr. Speaker, the object of this bill is to supply a want that has been felt for a long time in the collection of taxes in the District of Columbia. By the last report of the District commissioners it appears that there were arrears of taxes in this District due and unpaid on the 1st day of November last to the amount of $824,532.97. While taxes on real estate ought to be, and generally are, collected in a larger per cent. than taxes upon personal property in this District, on the contrary, as shown by last year's attempt at collection, 95.3 per cent. of the taxes upon personal property are collected and paid, and only 90 per cent. of the taxes upon real estate. The only means provided by law for the collection of taxes on real estate is by the sale of the real estate for the taxes. At the last attempt at such sale there was not a bidder for any property in the District, the reason being that to bid in the property was simply an idle form, as nobody was authorized to execute a deed upon a sale for delinquent taxes.

What is sought to be accomplished by this bill is to supply that defect by vesting authority somewhere (and it is thought that the best place to deposit that authority is with the District commissioners) to execute a deed of property sold for taxes.

There is not a State in the Union whose laws do not provide for the execution of a deed upon a tax sale, and the anomalous condition in which the District is found in this respect is due largely to the change in the mode of governing the District and in the laws relating to its government. From what I have learned during this term in Congress, I have no doubt that there ought to be a general revision of the laws of the District of Columbia; and I trust that before the expiration of another Congress they will be revised. Although this District is under the special supervision of Congress, there is not a State in the Union to-day in which the laws are in such utter chaos as in the District of Columbia, which is governed in part by the old laws of Virginia, in part by the old laws of Maryland, and in part—God only knows how. So that it is impossible for a citizen of the District to know just what his rights are.

An attempt was made, I think, in the Forty-fifth or Forty-sixth Congress to have these laws codified, so as to give the people residing in this District some trustworthy source of information as to the laws by which they are governed, but that attempt failed. A proposition was made this year to appropriate $5,000 to have the work of codification done again, but the Committee on Appropriations thought it had once been done, and a sufficient basis, perhaps, furnished for any Congress that might see fit to take up the matter and provide a code of laws for the government of the District. In this condition of things, in this emergency, it is absolutely necessary, if the property owners of the District of Columbia are to be compelled to pay any taxes, that some means should be provided by which those taxes could be collected.

There is not a city in the Union so lightly taxed as the city of Washington. One and a half per cent. is the outside limit. All the street improvements, all the expenses of governing the city are paid by general taxation, while in most of the cities throughout the country the rate of taxation is from 2 per cent. upward, and the improvements of streets are made by assessments upon abutting property. So that nobody in the District can rightly complain of taxation. That being true, we ought to provide that this moderate taxation shall be paid, and supply some means by which its collection can be enforced.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. FOLLETT. Certainly.

Mr. PERKINS. Does this bill go as far as it should go? Does it remedy the embarrassment that you have just mentioned as showing itself at the last attempted sale for taxes. In the event of no purchaser appearing at these tax sales, is there any authority provided in this bill or in the law by which the property may be bid off to the District of Columbia or to the District commissioners? Will not this bill leave the law in this respect in the same anomalous condition which exists at the present time? The bill provides, as I understand, that where there is a purchaser at the tax sale and the property is not redeemed within two years it may be conveyed by a tax deed to the purchaser. But in the event that there is no bidder, then, as I understand, the defect in the existing law is not cured by this bill. Ought not the bill to be amended so that if there should be no bidder at the tax sale the property may be struck off to the commissioners of the District?

A MEMBER. Or may be forfeited to the District.

Mr. FOLLETT. I am advised there is now a provision upon that subject in the law; so that the apparent defect in this bill does not exist. What is needed on this subject, and all that is needed, as I understand, is a power somewhere to make title. At present, while the power of sale exists, there is no one authorized to execute deeds upon the sale. I believe I desire to say nothing further on this question.

Mr. MCCOMAS. After briefly responding to the inquiry of the gentleman from Kansas [Mr. PERKINS] and the objection of my friend from Pennsylvania [Mr. BROWN], I shall, unless there be desire for further discussion, move the previous question.

The Committee on the District of Columbia has had the honor to report one bill in the direction so well suggested by my friend from Ohio [Mr. FOLLETT], providing for a codification of the criminal laws of the District; and that bill, having passed this House, is now pending in the Senate.

With respect to the suggestion of my friend on the right, that this bill does not show all the procedure with respect to a tax sale, I would call attention to the Revised Statutes relating to the District of Columbia and to the organic law of 1878, wherein all the procedure with respect to the sale of property for taxes is already provided. But, as has been already said, by reason of the change made by the organic law of 1878, there is now no authority in this District competent to execute a title to property sold for taxes. Besides, there is no provision of law declaring what shall be presumptive and what conclusive evidence with respect to the proceedings culminating in a deed for property purchased at a tax sale. I concede that when a deed is made to a purchaser for property sold for taxes such deed should be presumptive evidence that the property so conveyed was subject to taxation for the year, that the taxes were not paid, that the property was regularly assessed for taxes and the taxes regularly levied, that it was duly advertised, and that it was not redeemed within the time fixed by law.

Personally I might concede that the bill should go a little further, and provide that the deed should be held to be conclusive evidence that the manner of assessment, levy, and advertisement was regular, and that all the prerequisites of law had been fully complied with by all the officers whose duty it was to take action affecting the property up to the stage of the sale. But the committee, knowing the great variety of claims with respect to assessment and taxation, has perhaps very wisely stopped short and said that for the present it will provide only that there shall be in this District a tax deed and somebody authorized to make it; that this deed, which now can not be made, shall be at least presumptive evidence of all these things as to some of which I am prepared to concede such deed might well be made conclusive evidence.

But this bill had better pass in the present shape than not pass at all. The exigency of this District requires that this House in its legislation should be practical. This bill in its present form has received

careful consideration, and is fully approved by the committee having charge of the subject.

Mr. GIBSON. With the gentleman's permission I would like to make an inquiry. This bill provides, I see, in line 8:

If the property be not redeemed within two years from the date of such sale, &c.

Now, I wish to inquire what provision is made with respect to the cases of owners of property who are under legal disabilities—minors or married women.

Mr. McCOMAS. My recollection is that the existing statutes—I only speak generally—make the usual reservation with respect to the rights of persons under legal disabilities. That is my impression in regard to the revised statutes of the District and the organic law of the District.

Mr. BROWN, of Pennsylvania. I understand the gentleman to say that there is a provision in the Revised Statutes for the commissioners purchasing property where there are no bidders.

Mr. McCOMAS. I am confident that in the act of 1878 or in the Revised Statutes there is provision authorizing the commissioners to bid in property sold for delinquent taxes.

Mr. BROWN, of Pennsylvania. In a case of that kind, by whom would the deed be made? Could the commissioners make a deed to themselves?

Mr. McCOMAS. I apprehend that by the very force of law the title would be in the District.

Mr. BROWN, of Pennsylvania. I doubt it.

Mr. McCOMAS. At any rate the inquiry of my friend from Pennsylvania would be more pertinent upon some general modification of the tax law, and does not apply with reference to this modest provision with respect to the making of a deed, which is the whole scope of this measure. Therefore, Mr. Speaker, unless there be further inquiry—and there seems to be none—I move the previous question.

The previous question was ordered; and under the operation thereof the amendments reported by the Committee on the District of Columbia were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF CERTAIN REAL PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I call up from the House Calendar the bill (H. R. 7557) to provide for the sale of certain real property in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to sell and convey to the highest bidder at public auction the following-named property, with the improvements thereon, belonging to and being within the District of Columbia: Lots 3, 4, and 11, and parts of lots 5, 9, and 10, in square 872; sublot 20, in square 309; part of lot 6, square 925; lots 16 and 17, square 1098; one acre near the junction of the Chain Bridge, Tunlawn, and Loughborough roads, on north line of Pickrell's land; one-half acre on Grant road, between Tennallytown and Brightwood, adjoining land of John Noonan, south side; one acre on Queen's Chapel road, adjoining lands of George W. Utermehle; a lot forty feet square, formerly the Georgetown powder-house property, one hundred perches west of the Saint Alban's church; the old fish-market lot in Georgetown, northwest corner of Potomac and Grace streets. The proceeds of the sale of the foregoing property shall be exclusively invested in sites for public schools or in the erection or purchase of school buildings, and shall be used for no other purpose whatever: *Provided*, That if, in the opinion of said commissioners, the highest bid made at public sale for any or all of said pieces of property, or parts thereof, is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and to annul said sale or sales, and to sell and convey any or all of said pieces of property, or parts thereof, at private sale, at a price exceeding the bid or bids made at public auction.

SEC. 2. That the commissioners may in like manner sell and convey all that portion of lot 11, in square 481, purchased by them from J. Ford Thompson, lying north of the center line of the north wall of the new police station-house extended, being 28 feet 9 inches front, more or less, and shall apply the proceeds, or so much thereof as may be necessary, to the completion and furnishing said station-house, including grading of ground and the erection of a stable thereon.

Mr. WILSON, of West Virginia. Mr. Speaker, this bill provides for the sale of certain lots and parts of lots in Washington and elsewhere in the District of Columbia, which in the shifting of population or for other reasons are no longer needed. The lots and parts of lots mentioned in the first section were with one single exception acquired for school purposes, but they are no longer required for the purpose of their original acquisition. The other piece of property is a surplus market site which belongs to the District, but is not needed now for the purpose of a market, there being ample provision therefor. If sold it becomes at once tax-paying property, and the proceeds of the sale will be used for the construction of school-houses. The property in the second section of the bill was acquired originally for a station-house in the sixth precinct. In order to get a desirable piece of property the commissioners bought more ground than was necessary. They desire to sell the surplus ground and use the proceeds of the sale for the original purpose of the appropriation.

The proceeds of the sale of the lots in the first section will be used for the erection of school buildings.

By instruction of the Committee on the District of Columbia, I offer the following amendments to section 2 of this bill:

Strike out the word "the," in line 7, and for the word "completion" substitute the word "complete;" omit the words "and furnishing," in line 8, and strike out all after the word station-house, in lines 8 and 9; so it will read:

SEC. 2. That the commissioners may in like manner sell and convey all that portion of lot 11, in square 481, purchased by them from J. Ford Thompson, lying north of the center line of the north wall of the new police station-house extended, being twenty-eight feet nine inches front, more or less, and shall apply the proceeds, or so much thereof as may be necessary, to complete said station-house.

The amendments were agreed to.

Mr. GIBSON. I suggest an amendment in line 31 of section 1. It is there provided that if, in the opinion of said commissioners, the highest bid made at public sale for any or all of said pieces of property, or parts thereof, is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and to annul said sale or sales, and to sell and convey any or all of said pieces of property, or parts thereof, at private sale, at a price exceeding the bid or bids made at public auction.

I move to insert, in line 31 after the word "a," "full and fair;" so it will read: "At a full and fair price exceeding the bid or bids made at public auction."

Mr. WILSON, of West Virginia. I have no objection to the gentleman's amendment, but I am not authorized to accept it.

Mr. COBB. I rise for the purpose of asking the gentleman from West Virginia whether the committee have detailed information in reference to these lots and parts of lots which it is proposed by this bill to sell. I know the commissioners, when I was a member of the Committee on Appropriations, desired to sell one-half of Corcoran Square, the most eligible site in the city, for a high school, and it was all I could do, as gentlemen who were in Congress at that time will remember, to prevent the sale of that property, upon which afterward was erected a fine high-school building. It is known to every one who has examined the premises that it is the most eligible site for a public-school building in the District of Columbia.

If the committee have given this subject a careful examination and are of the opinion that the present commissioners are not disposed to favor the requests of gentlemen who live in the neighborhood of these several lots and parts of lots and who desire to bid on them, then I will say that the recommendation may be all right; but from my experience I am quite sure that we should take no action for the sale of this property until the members of the Committee on the District of Columbia have made full and complete examination and can say from their own personal knowledge this property will not be used in the future for the public purposes for which it was originally purchased.

Mr. WILSON, of West Virginia. I have here a statement as to each piece of property, and I will answer the gentleman as to any one of them upon which he desires information. So far as these school sites are concerned, if he will turn to page 13 of the Report of the School Trustees of the District of Columbia he will find they recommend the sale of these pieces of property which are not now in use or adapted to school purposes. So far as the other pieces are concerned, they are surplus property and are not required for any present or future needs in those localities.

Mr. COBB. I desire to state, Mr. Speaker, that I know nothing myself about this property and have simply propounded a question to the gentleman from West Virginia having the bill in charge to ascertain whether the committee is advised fully as to the probability of this property being used in the future. If it can be, and there is any probability it will be needed, then in my judgment it will not be sold. If, however, it is so located that probably it will never be needed, then the sale might safely take place. I wish to know whether the committee were advised personally on that subject.

Mr. FOLLETT. The property referred to in the second section of the bill is property which was purchased by the commissioners of the District of Columbia for the purpose of erecting a new station-house, as provided for in the District of Columbia appropriation bill of that year. This property contained at the time a surplus in excess of the land needed for their purposes, but they were able to obtain it for as low a price as any piece of property in the precinct where they wanted to erect the station-house, and where there would have been no surplus. This piece they acquired at 50 cents a square foot. The owner of the property declined to sell to them unless they took the entire tract; or if he did sell a portion of the property, the price asked was nearly the amount necessary to purchase the whole lot. Therefore, as a matter of economy, they purchased all this lot of ground. Now they ask simply to sell this surplus for which they have no use, and which they believe can be sold nearly or quite equal to about $1,500, which amount would be necessary to build the extension of the station-house that was ordered.

Mr. WILSON, of West Virginia. I ask the previous question upon the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. MARK'S P. E. CHURCH.

Mr. BARBOUR. I move to take up from the Private Calendar the bill (H. R. 5828) for the relief of the St. Mark's Protestant Episcopal church in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act a certain piece of land situated in the city of Washington, D. C., known as lots 9 and 11 in square 785 of the plan of that city, and occupied by the church known as Saint Mark's Protestant Episcopal church, and all the buildings, grounds, and property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county; and all taxes, together with the interest and penalties, now due and unpaid upon said property shall be, and they are hereby, remitted.

Mr. COBB. I would like to inquire what amount of real estate is attached to this property or belongs to this church.

Mr. SPRIGGS. It is a small lot, only such as is necessary for the purposes of the church. The foundation prepared upon the lot covers the whole of it. This bill is in all respects similar to the one passed at the last House.

Mr. COBB. If there is no real estate occupied unnecessarily, I do not see any objection to the bill.

Mr. SPRIGGS. None at all. The foundation of the church covers the whole property. The only thing is that it lay some little while after it was acquired for church purposes before they commenced building, for the reason that the church was not able to proceed with the erection of the building.

Mr. WARNER, of Ohio. Let me ask the gentleman from New York a question: This seems to single out, as I understand from the reading of the bill, this one particular church—specifies one church—exempting its property from taxation. How about the others?

Mr. SPRIGGS. All churches are exempted from taxation under the general law. The only thing in reference to this is that the commissioners have held, inasmuch as the property has not been occupied as a church, that during the building of the church they should not be exempt from taxes. The committee think differently.

Mr. WARNER, of Ohio. This relieves the back taxes simply?

Mr. COBB. The future taxes as well.

Mr. SPRIGGS. The taxes in future would be exempt under the general law. This exempts the taxes due, back taxes. Under the law when property is used and occupied for church purposes it is exempt from taxes. The committee think that they have used and occupied the property for that purpose when they purchased it for the purpose of erecting a church building.

Unless some one desires to ask some other question I shall move the previous question.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHURCH OF THE ASCENSION, DISTRICT OF COLUMBIA.

Mr. BARBOUR. Mr. Speaker, I desire to call up a bill similar to that just passed. I refer to House bill 7935, for the relief of the Church of the Ascension.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act a certain piece of land in the city of Washington, D. C., known as lots 1, 2, and 3, in square 282, and owned and occupied by the Church of the Ascension, and all the buildings and grounds or property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county, and all taxes and assessments, together with the interest and penalties, now due and unpaid upon said property shall be, and they are hereby, remitted.

Mr. COBB. Mr. Speaker, I see that this bill mentions about three lots, as I understand it, that are proposed to be exempt from taxes. What amount of ground do these three lots contain?

Mr. SPRIGGS. The Church of the Ascension occupies all three of the lots, and the only tax due upon it is from the time it was purchased to the completion of the building—a little less than a year, I think.

Mr. COBB. What I want to know is whether or not there is more ground here than is necessary for the purposes of a church.

Mr. SPRIGGS. No, sir.

Mr. COBB. I am opposed to giving to any church organization more ground exempt from taxation than is necessary for its building and for church purposes merely.

Mr. SPRIGGS. This property is all covered by the church.

Mr. COBB. If it covers all the ground, that is satisfactory.

Mr. VAN ALSTYNE. I would like to ask my colleague a question. During the time these taxes were accruing was the title in the corporation or the individual?

Mr. SPRIGGS. It was in the church. They purchased the property for church purposes.

Mr. VAN ALSTYNE. And the tax prior to that had been all paid?

Mr. SPRIGGS. Yes, sir. This tax refers only to the time between the acquisition of the property for church purposes and the completion of the building, as I have said; less than a year, I think.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUTHERAN STATUE ASSOCIATION.

Mr. BARBOUR. I call up from the Speaker's table the bill (H. R. 4088) to incorporate the Lutheran Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Insert at the end of the bill as follows:

"*Provided*, That this act may be modified, repealed, or amended whenever Congress may see fit to do so."

Mr. McCOMAS. The amendment is with respect to the exemption from taxation. The land itself, the angle on which the statue stands, was already exempt by law on account of being church property. The general law provides that all exemptions or any other provisions should be repealable, alterable, or amendable at the pleasure of Congress. This amendment the committee apprehend is only harmless surplusage; but they ask that it be concurred in.

The amendment was concurred in.

WATER SUPPLY IN THE DISTRICT.

Mr. BARBOUR. I call up from the Speaker's table the bill (S. 2551) to increase the water supply of the city of Washington, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the time fixed by the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, within which owners of or parties interested in lands condemned or taken under the provisions of said act may accept the appraised value made or to be hereafter made under said act, or owners or persons interested in such lands who have declined or may hereafter decline to accept the appraised value of such lands, and have elected or may elect to file a petition in the Court of Claims under the provisions of said act, be, and the same is hereby, extended for one year from the passage of this act, notwithstanding the limitation provided by said act.

Mr. WILSON, of West of Virginia. This is the same as a House bill which has been reported by the Committee on the District of Columbia favorably, and is now on the Calendar of the Committee of the Whole House on the state of the Union.

This bill is rendered necessary under the act passed July 15, 1882, to increase the water supply of the city of Washington, which act provided for the condemnation of property for the extension of the aqueduct. The act required that the Secretary of War should make out a map of the pieces of property necessary for the extension proposed. This map was to be filed with the Attorney-General, who was forthwith to advertise in the papers for owners to come forward with their abstracts of title. Commissioners were to be appointed to appraise the property of these respective parties or their interest; and upon this appraisement being made, and satisfactory abstracts of title being presented, the Attorney-General was authorized to tender to them the amount of the appraisement. They might accept it or they might decline to accept it and go into the Court of Claims.

It was found when the Attorney-General took up this work that some pieces of property were so involved that the title required so much examination that he was unable to complete the work assigned him within the year.

The original act provided that these parties must accept the amount tendered them or file their petition within the year, or be forever barred of any remedy whatever; and that the property should then vest in the United States. It has so happened that a very large part of the property taken had vested in the United States before it was in the power of the Attorney-General to complete these investigations. He therefore applied to Congress last July to extend the period fully six months; and he has written a second communication, advising the passage of this bill as one of justice to those parties whose property has been taken and who have as yet had no opportunity to accept the appraisement, because the appraisement has not been made, and they have had no opportunity to decline it and go into the Court of Claims.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANUFACTURE AND SALE OF LIQUORS.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 7556) to regulate the sale and manufacture of spirituous and malt liquors in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That wholesale dealers in distilled, malt, or fermented liquors, wines, or cordials shall pay $100 annually: *Provided*, That this license shall not authorize any person to sell such liquors, wines, or cordials in less quantities than one pint, nor to be drunk upon the premises where sold.

SEC. 2. That every person engaged in the business of manufacturing brewed or malt liquors for sale shall pay $250 annually; and under their license as brewers shall be allowed to sell malt liquors in any quantity, at their brewery premises, without other license.

SEC. 3. That every person engaged in the business of distilling or manufacturing for sale spirituous or intoxicating liquors shall pay $200 annually.

SEC. 4. That rectifiers shall pay $50 annually, in addition to the license as wholesale dealer.

SEC. 5. That the proprietors of bar-rooms shall pay $150 annually. Every place where distilled, malt, or fermented liquors, wines, or cordials are sold to be drunk on the premises, or in quantities less than one pint, shall be regarded as a bar-room. And the possession of malt, distilled, fermented, or any intoxicating liquors, with the means and appliances for carrying on the business of dispensing of the same to be drunk where sold, or a single sale of such liquors in quantities less than a pint, or to be drunk on the premises, shall constitute the premises a bar-room within the meaning of this act; and it shall be the duty of the proprietor of every such place to deposit with the collector of taxes the amount of his license-fee with his application for license, and also present to the commissioners the written permission of a majority of the persons owning real estate and of a majority of the residents keeping house on the side of the square where it is desired to locate such business, and on the side of the square fronting opposite the same; and such license shall not be issued until approved by the commissioners, nor to any bar-room located or to be located within four hundred feet of any school building owned by the District of Columbia, unless such bar-room be carried on by hotel-keepers for the accommodation of their guests; and no such liquors shall be sold except in compliance with the provisions of this act, nor to minors nor intoxicated persons, nor on Sunday; and every bar or other place where liquors are usually sold shall be kept closed on Sunday during the day or night, and all such places shall be kept closed each and every day between 12 o'clock midnight and 4 o'clock in the morning: *Provided, however*, That where during the year no complaint has been made against a license issued under this act by a majority of the property-holders and residents, such proprietor shall not be required to file every year with his application for license such written permission of persons owning real estate, and residents; but if such complaint has been made, the proprietor of such bar-room shall be required to obtain anew the written consent of such owners of real estate, and residents, as is herein required of him.

SEC. 6. That licenses granted in pursuance of this act may be transferred to persons to continue the same business in the same house, or to remove a place of business, under the same regulations as the original license. All transfers shall be certified by the assessor.

SEC. 7. That it shall be the duty of every person who is required by the provisions of this act to have a license to keep the same at all times displayed in a conspicuous position in his place of business, and if he has no place of business, to exhibit the same on demand of the proper officer; and it is hereby made the duty of the police court, upon the application of the major of police, accompanied by an affidavit of any person stating that he has good ground to believe and does believe that any person required by this act to have a license is doing business without such license, designating the place, to issue a warrant to the major of police authorizing him, unless a proper license is produced, to close up such place of business, who shall thereupon execute such warrant and close such place, and report thereon directly to said police court, which, upon notice to the alleged delinquent, shall promptly hear and determine the guilt or innocence of the party accused, and, if guilty, impose the punishment prescribed herein; and the commissioners of the District shall have power to close all places where intoxicating liquors are sold whenever, in their opinion, the preservation of public order makes the exercise of such power necessary.

SEC. 8. That every person liable to a license tax under this act who shall fail to pay the same before engaging in the business for which the license may be required shall, for each offense, pay a fine equal to the license tax imposed, and, in addition thereto, not less than five nor more than fifty dollars.

SEC. 9. That any person having obtained a license and violating any of the provisions of this act shall be liable for each violation thereof to a fine not exceeding $——, and, in addition thereto, his license may be revoked by the commissioners at their discretion; and it is hereby made the special duty of the police department to promptly arrest and bring before the proper officers all persons who may violate any of the provisions of this act.

SEC. 10. That the police court shall, upon information duly filed by the attorney of the District, his deputy or special assistant, or upon complaint duly made before the judge thereof for that purpose, issue a warrant against any person for the violation of any of the provisions of this act, which warrant may be addressed to the major of police and made returnable before the police court. Such judge issuing such warrant shall keep a docket stating the names of the persons issued against, the date, to whom directed, for what offense, and on whose information.

SEC. 11. That in any case of appeal from the decision of the police court to the criminal court of said District, in which the defendant shall, on appeal, be duly convicted of any violation of any of the provisions of this act, and shall fail immediately to pay such fine, penalty, or forfeiture imposed by law for such offense, such person shall be committed to the work-house till such fine or penalty and costs thereon be paid; but in no case, in the event of non-payment, shall such imprisonment be for a period of less than five days nor more than one hundred days for any one offense.

SEC. 12. That the provisions of this act shall take effect upon its passage except as to the amounts paid for licenses; and all laws and ordinances relating to the sale in the District of Columbia of distilled, malt, or fermented liquors, wines, or cordials, either by wholesale or retail, in conflict herewith, are hereby repealed; but no pending prosecutions for violation of existing laws and ordinances shall be affected by this act.

Mr. GUENTHER. I ask for the reading of the report.

The report (by Mr. SPRIGGS) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia, have had the same under consideration, and report thereon as follows:

The bill under consideration will materially increase the revenue of the District, that the police regulations connected therewith and the rules for enforcing the observance of the law are greatly simplified and the efficiency of the service increased, and insures more speedy and certain punishment for violation of law.

The committee report the bill back to the House, and ask that the same be passed.

Mr. SKINNER, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after section 9, as a new section, the following:

"That all laws or parts of laws imposing a tax, penalty, or license upon any commercial traveler or travelers, manufacturers, or their agents, who sell by sample in the District of Columbia be, and the same are hereby, repealed."

Mr. COOK. I wish to offer an amendment at a point in the bill before that.

Mr. PRICE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PRICE. Must the amendments be offered to each section as the sections are read in order, or may we offer amendments to any part of the bill?

The SPEAKER *pro tempore*. Those amendments which apply to the earlier sections of the bill should be considered first.

Mr. PRICE. Then I desire to offer an amendment to the first section.

The SPEAKER *pro tempore*. The gentleman will send up his amendment.

Mr. SPRIGGS. I desire to make a point of order on the amendment of the gentleman from New York [Mr. SKINNER].

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. SPRIGGS. It is not germane to this bill, and it is therefore not in order.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. SKINNER] desire to be heard on the point of order?

Mr. SKINNER, of New York. Yes, sir.

Mr. HEPBURN. Will the disposition of this cut off amendments from the preceding sections?

The SPEAKER *pro tempore*. It will not. The Chair will hear gentlemen on the point of order while the gentleman from Wisconsin [Mr. PRICE] is preparing his amendment to the first section, and then the amendments will be considered in the order of sections to which they apply.

Mr. SPRIGGS. Mr. Speaker, I only want to say with regard to this point of order that I think the amendment offered by the gentleman from New York [Mr. SKINNER] is not germane, because this is a bill to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia, and the gentleman's amendment relates to an entirely different matter.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman from New York [Mr. SPRIGGS] that he withhold his statement concerning the point of order until the preceding sections are perfected.

Mr. PERKINS. Mr. Speaker, I would suggest that we read and consider this bill by sections.

The SPEAKER *pro tempore*. The Clerk will report the amendment proposed to the first section. To what section does the amendment of the gentleman from Wisconsin [Mr. PRICE] apply?

Mr. PRICE. I sent up an amendment, with a note at the bottom saying, in substance, that "I desire the foregoing language to be added to the second section."

The Clerk read as follows:

In line 4 strike out "one" and insert "two."

Mr. PRICE. Mr. Speaker, that is not my amendment. My amendment is simply to add to section 2 the following language:

Provided, That such persons shall have complied with all the conditions and requirements of section 5 of this act.

The SPEAKER. The amendment of the gentleman from Wisconsin [Mr. PRICE] applies to the second section. The amendments to the preceding section will be first disposed of.

The Clerk read as follows:

In line 4, section 1, strike out "one" and insert "two;" making it read:

"That wholesale dealers in distilled, malt, or fermented liquors, wines, or cordials shall pay $200 annually.

The House divided; and there were—ayes 17, noes 20.

So the amendment was not agreed to.

Mr. SPRIGGS. Mr. Speaker, I am entirely satisfied, from the indications I have observed, that there is going to be too much of a fight on this bill to pass it to-night, and I therefore withdraw it.

Mr. WARNER, of Ohio. Can that be done?

The SPEAKER *pro tempore*. Does the gentleman from New York desire to withdraw the bill?

Mr. SPRIGGS. I do.

The SPEAKER *pro tempore*. That can be done only by unanimous consent.

Mr. SKINNER, of New York. I object.

The SPEAKER *pro tempore*. Objection is made. The Clerk will report the next amendment.

Mr. SPRIGGS. I ask unanimous consent to withdraw this bill for the reason I have stated.

The SPEAKER *pro tempore*. The Chair put the gentleman's request to the House, but objection was made.

Mr. SPRIGGS. I did not understand that there was any objection made.

The SPEAKER *pro tempore*. The Chair will put the question again. The gentleman from New York [Mr. SPRIGGS] asks unanimous consent to withdraw this bill. Is there objection?

Mr. COOK. I object.

Mr. BARBOUR. Mr. Speaker, I move to lay the bill on the table.

Mr. SKINNER, of New York. Is that in order, Mr. Speaker?

The SPEAKER *pro tempore*. It is.

The question was taken on the motion to lay on the table; and on a division there were—ayes 25, nays 19.

Mr. COBB. No quorum.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will appoint tellers, and will ask the gentleman from Indiana, Mr. COBB, and the gentleman from New York, Mr. SPRIGGS, to take their places as tellers.

Mr. COBB. I withdraw the point.

Mr. SKINNER, of New York. I renew it.

The SPEAKER *pro tempore*. Then the gentleman from New York, Mr. SKINNER, and the gentleman from New York, Mr. SPRIGGS, will take their places as tellers.

Mr. COOK. Mr. Speaker, there is no disposition to prevent the passage of this bill. Some of us think the license should be higher, but if we can not get it raised as high as we think it ought to be, we shall not therefore oppose the passage of the bill.

Mr. VANCE. There is evidently not a quorum in the House.

Mr. SKINNER, of New York. Mr. Speaker, as to lay a bill on the table is virtually to kill it, I will withdraw the point of order.

ORDER OF BUSINESS.

Mr. BARBOUR. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering District of Columbia business.

The motion was agreed to; there being—ayes 25, noes 6.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HATCH, of Missouri, in the chair.

BRIDGE ACROSS THE POTOMAC AT GEORGETOWN.

Mr. BARBOUR. I move to take up the bill H. R. 7376, which was reported by the Committee on the District of Columbia as a substitute for Senate bill 1477.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7376) to amend an act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes."

Mr. HEPBURN. I want to raise the question of consideration on this bill.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] objects to the consideration of this bill; and under the rule the committee must rise and report the objection to the House.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole on the state of the Union having reached the bill (H. R. 7376) to amend an act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes," objection had been made to the consideration of the bill, whereupon the committee rose for the purpose of reporting the objection to the House in accordance with the rule.

The SPEAKER *pro tempore*. The question is, Will the House instruct the Committee of the Whole to consider this bill?

The question being taken, there were—ayes 20, noes 14.

Mr. WELLER. I make the point that no quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted the Chair appoints as tellers the gentleman from Iowa, Mr. WELLER, and the gentleman from Virginia, Mr. BARBOUR.

Mr. BARBOUR. Will not the gentleman allow me to explain what the Committee on the District of Columbia desire with reference to this matter?

Mr. WELLER. If the gentleman will withdraw this bill and go on with something else, it will be all right; otherwise I propose to stop right here until to-morrow morning, if necessary.

Mr. WILSON, of West Virginia. Will the gentleman from Iowa withdraw his objection if we agree that any money expended under this bill shall be payable in standard silver dollars? [Laughter.]

Mr. WELLER. Bless your soul, no! It is too late to do that. [Laughter.]

Mr. BELFORD. If this thing is going on we had better adjourn at once. I make that motion.

Mr. BARBOUR. I hope the House will not adjourn.

The motion of Mr. BELFORD was not agreed to.

Mr. BARBOUR. I am willing to withdraw the proposition for the consideration of the bridge bill.

The SPEAKER *pro tempore*. That can be done by unanimous consent. Is there objection? The Chair hears none.

MANUFACTURE AND SALE OF LIQUORS.

Mr. SPRIGGS. I now move to take up again the license bill which was before the House a short time ago—the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia. I understand from gentlemen here that they do not really oppose the bill; they only desire to raise the fees and to take the sense of the House upon that question. It seems to me the House as now constituted will have no difficulty in acting upon the question.

The SPEAKER *pro tempore*. The bill to which the gentleman refers has been laid on the table.

Mr. PERKINS. I move to reconsider the vote by which the bill was laid on the table.

The motion of Mr. PERKINS was agreed to.

The question recurring upon the motion to lay the bill on the table, it was not agreed to.

The SPEAKER *pro tempore*. The bill is now again before the House for consideration. The question recurs upon the amendment offered by the gentlemen from Iowa [Mr. PRICE], which the Clerk will report.

The Clerk read as follows:

At the end of section 2 insert:

"*Provided*, That such person shall have complied with all the conditions and requirements of section 5 of this act."

Mr. PRICE. If there is no objection to this amendment, I have no desire to make an argument in its favor.

The amendment was agreed to.

The SPEAKER *pro tempore*. The next amendment which was offered by the gentleman from Iowa [Mr. PRICE] will be read.

The Clerk read as follows:

In line 4 of section 1, strike out the word "one" and insert "two."

Mr. COOK. Mr. Speaker, I offered this amendment——

Mr. SPRIGGS. If the gentleman will allow me, I wish to say a word on this question, and will then yield to him.

The present law requires from this class of persons a license fee of $50. We have raised it to $100. This has been done after full consideration in the committee and upon consultation with the commissioners of the District of Columbia, and with persons interested in this question. We thought this the best conclusion that could be reached with respect to this kind of a license.

As to other license fees, in one case where the fee has been $100 we have increased it to $250; and in every other case I think the license fee, as fixed by this bill, is double the old license fee. It was the opinion of the committee, the commissioners, and everybody interested, so far as we could learn, that this measure was the best that could be devised for the present—better than any measure fixing a larger sum. It is our belief that this measure will increase the revenues of the District and insure a more speedy and certain punishment for violations of law.

Mr. VAN ALSTYNE. Is the gentleman able to state what is the present tax in this District each year on account of pauperism?

Mr. SPRIGGS. I can not tell.

Mr. VAN ALSTYNE. Can the gentleman state what it is on account of the crime?

Mr. SPRIGGS. I can not.

Mr. VAN ALSTYNE. Can the gentleman tell what is the number of wholesale dealers in liquor?

Mr. SPRIGGS. I am not prepared to answer that question. I am prepared to say there are enough liquor dealers, both retail and wholesale, and that there is sufficient pauperism and crime in the District of Columbia. I do not think, however, this bill will increase either.

Mr. COOK. Mr. Speaker, this amendment submitted by myself was offered not in hostility to the bill, but in support of it.

It seems to me clear that something of the nature of this bill is necessary to the good order and good government of the District of Columbia. I am assured of that fact, in addition to my own opinion, by the judgment of the commissioners of the District. It simply appears now that the license of $100 imposed upon wholesale dealers of intoxicating liquors is altogether too small a sum. It should be at least $200. I think in looking through the bill if the license sought to be exacted from dealers by this bill was doubled all the way through it would still be too small a sum.

There is a large number of the lower order of liquor establishments in this District which it seems to me should be taxed out of existence entirely. There is no business which can afford to contribute to the revenues of the Government and the expenses of the Government as well as the class dealt with in this bill. There is no purpose on the part of those who agree with me to interpose any objection to the bill. If we can not secure the amendment we offer we expect to vote for the bill.

Mr. BELFORD. I move to strike out the last word. There is no mistaking the fact, Mr. Speaker, that there is a growing sentiment throughout this country in favor of temperance, especially as represented by the distinguished statesman from Kansas, Mr. St. John. I am casting no reflection on St. John, of Kansas, or any other St. John who existed there or in Palestine. [Laughter.] But I think we all recognize one fact, and that is that people will eat bread, drink water, and drink whisky. There is not any doubt about that fact, and you have got to regulate the appetite. Now I will vote for any bill making it a felony for any man who sells one drop of adulterated liquor. [Laughter.] No man has any more right to adulterate the liquor I desire to drink than he has to adulterate the bread that I desire to eat, and this is the sum and substance of the whole temperance question that will be considered to-day and for generations hereafter.

Noah got drunk. Christ manufactured wine. Everybody knows people will drink liquor. Now, let us get to the substance of the whole question and declare openly, positively, and vigorously that any man

who sells one drop of adulterated liquor in this country, liquor corrupted or poisoned, shall be regarded as a felon and be sent to the penitentiary. [Laughter and applause.]

A MEMBER. For a night.

Mr. BELFORD. For all time. [Laughter.] Upon no other theory can you get through. It is a flimsy pretext to impose a license tax of $100 a year. A license for what? A license to poison and ruin thousands of men. A license to disorganize and disarrange millions of families out of the 55,000,000 of people existing in this country.

If we are going to legislate on the temperance principle let us legislate upon a theory that the practical judgment of this world will recognize and respect, and that is if a man sells liquor he shall sell pure liquor just as the man who sells flour shall sell unpoisoned flour. [Laughter and applause.] You smiling gentlemen go down to Welcker's and drink twelve courses of liquors, commencing with a sup of brandy, then a drink of whisky, next a glass of Sauterne, after that some Johannisberg, and after you have gone through all these twelve courses you come here with a bill of this character, in the name of righteousness and godliness and decency, and preach sobriety to us. [Laughter.] Why don't you stand up with me and say that any rum-seller who sells wine or whisky or Sauterne or Johannisberg, or any other wine or liquor—and I have been acquainted with them all [laughter]—that any one who sells adulterated wines or liquors shall be sent to the penitentiary, and not quibble over a little license provision of $100 per year and kill 100,000 men. [Laughter and applause.]

The question recurred on Mr. COOK'S amendment.

The House divided; and there were—ayes 17, noes 16.

Mr. GUENTHER. No quorum has voted.

The SPEAKER *pro tempore* appointed as tellers Mr. GUENTHER and Mr. COOK.

Mr. GUENTHER. I move that the House adjourn, as there is no quorum present. We might as well adjourn now, for you will have to do so unless you get a quorum here.

The House refused to adjourn.

The question recurred on Mr. COOK'S amendment.

The House again divided; and the tellers reported—ayes 17, noes 22.

So the amendment was disagreed to.

The question next recurred on the amendment of Mr. SKINNER, of New York, as follows:

Insert after section 9 as a new section the following:

Mr. PRICE. I desire to offer an amendment before that to section 5.

The SPEAKER *pro tempore*. The Clerk will first read the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Strike out the following words:

"*Provided, however*, That where during the year no complaint has been made against a license issued under this act by a majority of the property-holders and residents, such proprietor shall not be required to file every year with his application for license such written permission of persons owning real estate, and residents; but if such complaint has been made, the proprietor of such bar-room shall be required to obtain anew the written consent of such owners of real estate, and residents, as is herein required of him.

Mr. PRICE. I am satisfied the purpose of the gentlemen who framed this bill is in the interest of good government. I think they made a mistake, and it needs only to call the attention of the committee to the amendment I have offered to secure its adoption. I, too, am in favor of this bill. I want it passed in as perfect a form as it can be made. I wish simply to say this: The existing law is that a person who wishes to establish a place for the retail of liquor must secure the indorsement of two-thirds of the residents, the property-holders on the block.

Now, I am willing that that law should remain as it is. But this is a departure—this proviso to which I refer, and which I wish to strike out in this bill. It is a departure in this, that it places the community on the defensive, and unless they shall enter formal protests against the allowance of the license, then the license becomes perpetual so far as the consent of the property-owners is concerned.

If, then, it is good policy to require this exercise of industry or effort on the part of persons who wish to sell liquors, I think it good policy to continue them in that practice, and consult on each occasion when a license is required the new residents, the new occupants of adjacent property who may locate directly upon the block interested during the course of the year within which the license runs, to ascertain their wishes in the matter, and whether a continuance shall be had. That is my idea, if not the idea of the committee, who may not agree with me in this respect.

Mr. GUENTHER. Let me state to my friend that this has been inserted by the request of the commissioners themselves, who say that this renewal imposes upon them a tremendous amount of work every year. In case a person has obtained the permission of the residents of the property, and the license has been granted, and no complaint has been lodged against him during the course of the year, what objection can there be to continuing the license until the complaint is made? It is all under the discretion and direction of the commissioners themselves, and they can grant the license or not as the case may be, or revoke it if complaint is made.

Mr. PRICE. In answer to the strictures of my colleague from Wisconsin I desire to say that perhaps I understand as much of the working of this machinery, after twenty-five or thirty active years in this fight, as the commissioners of the District of Columbia. And permit me to say, further, if there is no other objection that can be urged except the imposition of a little additional work upon the officers of this city, it does not counterbalance the importance of correcting as far as possible the evil influences arising from the traffic in which these persons are engaged, and which, if I had the power, I should stamp out of existence entirely.

Mr. GUENTHER. It imposes a great deal of unnecessary work upon the commissioners.

Mr. PRICE. I say they can well afford, those who desire to carry on the business, to ask the consent of the people once a year whether it shall be tolerated or not.

Mr. VANCE. Mr. Speaker, I think the safeguard that is in the present law ought to remain to the effect that the people living in the neighborhood where spirits are sold ought to have a voice in the matter of granting the license. The liquor dealer is protected already as far as he can be protected by the license being granted to him, and it is as little as the Congress of the United States can do for people living in the vicinity to permit them to have a voice every year in settling the matter. I think it therefore proper that this proviso should be stricken out.

Mr. YORK. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. YORK. The hour of 10 o'clock has arrived, and, as I understand, that is the hour fixed for taking the recess until to-morrow morning.

Mr. RANDALL. There was no order fixed for taking a recess.

The SPEAKER *pro tempore*. The Chair will state that the hour at which the recess was taken in the afternoon until the night session commenced is shown by the Journal, but the Journal does not show that any hour was fixed for the House to close its session to-night.

Mr. PETERS. Mr. Speaker, I think this proviso ought to go out of the bill. No objectionable party, according to this proviso, could be stopped from the sale of intoxicating liquors in any place unless some one should go around and interest himself or herself in securing a complaint against him, which of necessity must be signed by a majority of the property-holders in that block.

Mr. GUENTHER. The complaint of any person would be sufficient.

Mr. PETERS. No; not as I understand this bill. It provides—

That where during the year no complaint has been made against a license issued under this act by a majority of the property-holders and residents such proprietor shall not be required to file every year with his application for license such written permission of persons owning real estate and residents.

There is no comma or anything in that sentence as it appears here in this bill to show that less than a majority of the property-holders and residents can stop such traffic.

Mr. WILSON, of West Virginia. There is a penalty fixed, if the gentleman will observe section 9, for a violation of the provisions of this act, and the license may be revoked at the discretion of the commissioners.

Mr. SPRIGGS. For the purpose of getting along with this matter and making it as little objectionable as possible, I will accept the amendment.

Mr. GUENTHER. I can not agree to that.

Mr. PERKINS. The amendment ought to be accepted.

Mr. GUENTHER. I object.

The question being taken on the adoption of the amendment, there were—ayes 18, noes 4.

Mr. GUENTHER. No quorum. Pending that, I move the House do now adjourn.

The motion was not agreed to.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. GUENTHER and Mr. SPRIGGS were appointed tellers.

The House again divided; and the tellers reported—ayes 12, noes 18.

Mr. GUENTHER. I withdraw the point of no quorum.

So (no further count being demanded) the amendment was not agreed to.

Mr. PRICE. Before calling the question of a quorum——

Mr. GIBSON. If the gentleman from Wisconsin will allow me to call his attention to section 7 of this act I am satisfied he will withdraw his objection. In that section it is provided that—

The commissioners of the District shall have power to close all places where intoxicating liquors are sold whenever, in their opinion, the preservation of public order makes the exercise of such power necessary.

I was going on to say that the commissioners can close any place on the complaint of anybody when the dealer is found guilty of selling contrary to the license or contrary to good order and morality in that neighborhood; and I will suggest to the gentleman, therefore, and to the friends of what is known as the temperance cause, that it is evident this bill has gone as far as it can be made go to restrict the sale or traffic in intoxicating liquors. They must either pass the bill as it is or it will be all defeated; and it will leave the sale of liquor in such condition as not to bring to the District 20 per cent. of the amount this bill brings

and there will not be near the number of restrictions this bill imposes upon the traffic.

Therefore any member who desires to put restrictions upon the traffic or to increase the license derived therefrom must either make up his mind to accept this bill or let it go without the restrictions this bill imposes. I appeal to gentlemen to let the bill go as it is.

The SPEAKER *pro tempore*. There is nothing before the House. The Clerk will report the next amendment.

Mr. PRICE. I move to amend by striking out section 6, and upon that I desire to be heard for a moment; and it is in the interest of harmony only that I am induced to say anything further. The gentleman in charge of the bill and myself have come to what appeared to be a satisfactory conclusion.

Mr. ELDREDGE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ELDREDGE. Whenever any member calls no quorum, and on a vote by tellers a quorum does not appear, should not the Chair take cognizance of that fact?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Michigan that the point of no quorum having voted was made; thereupon the Chair appointed tellers, as it was the duty of the Chair to do. The tellers reported the result. The point that no quorum had voted was not further insisted on and the Chair, therefore, could do nothing but announce the result of the vote.

Mr. ELDREDGE. I submit it was the duty of the Chair to take cognizance of the fact that a quorum did not vote.

The SPEAKER *pro tempore*. It is not the custom when the point of no quorum is not insisted on for the Chair to take cognizance of the fact that a quorum has not voted. It is within the power of any member to insist upon the point if he sees fit to do so. The gentleman from Michigan himself could have done so if he had been so inclined.

Mr. PRICE. I think we have come to a conclusion that is satisfactory at least to most of us, and I hope it will be satisfactory to all gentlemen present. The first proposition we made was that of increasing the license. We acquiesced in that. The next proposition we made was to add a condition to section 2, which gentlemen accepted. A third proposition was to strike out the proviso at the close of section 5 of the bill. To this gentlemen acceded, and now that goes out by unanimous consent.

Now we want to strike out section 6. To this they object. But it is proposed by some of the friends of the bill to add these words: "with the consent" or "under the direction of the District commissioners." If that is satisfactory, I believe every objection on the part of friend and foe will be obviated and we will pass the bill.

Mr. SMALLS. I desire to offer an amendment to come in after section 5.

The SPEAKER *pro tempore*. Section 5 has been passed from, and the gentleman from Wisconsin [Mr. PRICE] moves to strike out section 6.

Mr. PRICE. I withdraw the motion to strike out, understanding that it will be amended on the motion of the gentleman from North Carolina [Mr. VANCE] by the addition of certain words.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from South Carolina [Mr. SMALLS].

Mr. SMALLS. I move to amend by adding after section 5 what I send to the desk.

Mr. GUENTHER. I make the point of order that that has been passed.

Mr. SMALLS. Then I will have to move that it be added to section 6. I ask gentlemen to let the amendment be read, and I think they will all agree to it.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

That any restaurant keeper or proprietor, proprietors or keepers of eating-houses, ice-cream saloons, or places where soda-water is kept for sale, or the keeper or proprietor of any public place whatsoever refusing to sell or serve to any well-behaved person, without regard to race or color, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each and every such refusal: *Provided*, That the provisions of this act shall be enforced by information in the police court of the District of Columbia, filed on behalf thereof by its proper attorney or attorneys, subject to appeal by either party to the criminal court of the District of Columbia, in the same manner as is now or may be hereafter provided for the enforcement of the District fines and penalties under the ordinances and law.

Mr. GUENTHER. I make the point of order that that is the substance of a bill pending. I am not averse to this amendment personally, but it is liable to the point of order.

Mr. SMALLS. Whether or not the amendment be the substance of a bill pending, I submit that we are now engaged in considering a bill providing for licenses in the District, and I deem that this is the proper place for this amendment to come in. It is for that reason I have offered it, and I hope the gentleman from Wisconsin [Mr. GUENTHER] will withdraw the point of order. If it is not withdrawn gentlemen may as well withdraw the bill, as I will insist on a quorum.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. GUENTHER] makes the point of order on the amendment that it is the substance of another bill pending before the House. That fact not being denied, the Chair sustains the point of order.

Mr. WILSON, of West Virginia. I would say to the gentleman from South Carolina [Mr. SMALLS] that that law already exists in the District of Columbia as to every party obliged to obtain a public license.

Mr. SMALLS. That law I do not think exists in the District. If it does it is constantly violated.

The SPEAKER *pro tempore*. The Chair has sustained the point of order.

Mr. SMALLS. Then we may as well stop, as it will be necessary to have a quorum.

Mr. VANCE. I move to amend by adding to section 6 these words, "and have the sanction of the commissioners."

The amendment was agreed to.

Mr. PRICE. It is understood the proviso to section 5 has, by order of the House, been eliminated?

Mr. GUENTHER. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GUENTHER. Is it in order for me to withdraw the point of order I made to the amendment of the gentleman from South Carolina [Mr. SMALLS]? If so, I withdraw it.

The SPEAKER *pro tempore*. The section has been passed from.

Mr. SMALLS. Then I understand the Chair to say the point of order can not be withdrawn?

The SPEAKER *pro tempore*. The section had been passed. The gentleman from North Carolina [Mr. VANCE] was recognized and another amendment had been acted upon by the House.

Mr. SMALLS. If that section was passed I suppose I have a right to put this into another section?

The SPEAKER *pro tempore*. There is an amendment pending to the next section. The Clerk will read it.

The Clerk read as follows:

After section 9 insert as a new section the following:

"That all laws, or parts of laws, imposing a tax, penalty, or license upon any commercial traveler, or travelers, or manufacturers or their agents, who sell by sample in the District of Columbia, be, and the same are hereby, repealed."

Mr. SPRIGGS. Mr. Speaker, I reserved the point of order on that amendment.

Mr. SKINNER, of New York. I desire to say to the gentleman who has raised the point of order on this amendment that if he desires this bill to pass he must withdraw that point of order. This is a bill to raise revenue in the District of Columbia. It provides that by paying $150 into somebody's treasury in the District of Columbia a man may keep a bar-room no matter what evil he may thereby do. Now, I say that a provision to wipe from the statute-book an infamous tax which has come down from old and barbarous times is germane to such a bill—a tax which applies to 150,000 or more people in the United States who are commercial travelers, who come from every section of this Union to the capital of the country, and who can not come here in a fair and honorable manner to sell their machinery, or their groceries, or their manufactured articles by sample, unless they pay a tax of $200 into the treasury of the District of Columbia.

The gentleman from Ohio [Mr. FOLLETT] in the course of the debate this evening, in alluding to a bill in reference to real estate in Washington, said truly that there is not a city in this Union so lightly taxed as this magnificent city of Washington, and yet we refuse to allow our constituents to come here and sell their goods in a fair, honest, open manner. Many hundreds of them do evade the law by taking their sachels in through the back doors and selling on the sly, or going to certain persons who, in spite of the law, will give them a card and allow them to stay for one day by paying $5. And what the gentleman from Ohio [Mr. FOLLETT] said in reference to the laws here relating to taxes on lands is true of several of these laws of the District, that they are relics of old laws of the States of Maryland and Virginia; yet we, as representatives of the people, have not yet had the courage to wipe them out, and these commissioners of the District of Columbia hang on with a tenacity worthy of a better cause to this particular law which the courts had declared unconstitutional.

Mr. GIBSON. Will the gentleman allow me to make a suggestion?

Mr. SKINNER, of New York. I will.

Mr. GIBSON. I suggest to the gentleman that without a provision allowing these "drummers" to sell by license in this District every sale they would make would be in violation of law, and they would be liable to a legal penalty. It has been so decided in nearly all the States in cases where licenses are required, and it was recently so decided by the United States district court in Tennessee. That decision applied expressly to the revenue laws, the court holding that wherever a license was required to carry on a business, the sale in any other place, or the sale by express to be paid for "C. O. D.," was contrary to the license law, and the party must have a license in order to make such sales.

Mr. SKINNER, of New York. Mr. Speaker, I can not now cite the page, but I can by a little investigation refer the gentleman to a decision of the highest court in this land, made, I believe, in relation to a case arising in his own State, to the effect that no State has a right to enforce a law of this character.

Mr. GIBSON. But that was not a case where a license was required.

The SPEAKER *pro tempore*. As the point of order is the matter now

up for consideration, the Chair desires to hear the gentleman from New York [Mr. SKINNER] upon that, and not upon the merits of the question.

Mr. SKINNER, of New York. Mr. Speaker, in my opening remarks I referred to all that I had to say in relation to this point of order. I said that this was a bill to regulate the granting of licenses for the sale of liquor, and for the purpose of raising revenue in the District of Columbia.

Now, the amendment which I have offered refers to the removal of a tax imposed for revenue—not raised from the same source, perhaps, but going into the same treasury, and to be expended like other taxes for general public purposes. The reason I have offered the amendment in this manner and at this time is that three years ago this month the same proposition was offered as an amendment to a bill which was then being considered. That bill went out of this Chamber, and, I believe, has never been heard of since; so that we have been unable to get any action. A year ago this same provision was added, with the consent of the gentleman now in charge of this bill, to a bill to regulate the police force of this city. That bill passed this House and went elsewhere, but we got no relief.

Now, I say that, as representatives of intelligent constituencies, we can not afford to build a Chinese wall around this capital, which we, by our votes, have rendered the most beautiful city in the country, if not in the world; we can not afford to build a Chinese wall around this capital city and say to our constituents who manufacture and sell different articles of commerce that they shall not come here and dispose of their goods. A gentleman in my own town writes to me that he dare not come here with samples of his machinery unless he pays into the District treasury a tax of $200 a year.

A MEMBER. That is the law generally.

Mr. SKINNER, of New York. No, sir; it is not the law, except in two or three States. The States of Virginia, North Carolina, and Texas, and the District of Columbia are the places, as I understand, where such laws exist. Washington, D. C., and the States of Virginia, North Carolina, and Texas are represented to me by business men of my own city as the four places which they dare not enter for the purpose of carrying on their business until they have taken out in advance a license for a year at the rate of $200. Now, Mr. Speaker, I do not propose to omit any effort in my power to wipe out such a provision from the statute-book.

Mr. SPRIGGS. My friend and I do not differ very much on the merits of this question. As he has stated, he proposed at the last session an amendment of this kind to a bill then pending, which was accepted substantially as offered, but in the Senate it was struck out.

But the point I raise here—it seems to me there can not be any doubt about it—is that this is a bill to regulate the manufacture and sale of spirituous and malt liquors——

Mr. SKINNER, of New York. The amendment will not hurt the bill at all.

Mr. SPRIGGS. I do not know as to that. The argument upon the merits of this question is not all on one side. The merchants of this city have to pay a license in order to carry on their business, and I am not quite ready to say that we would act justly toward these resident merchants if we permit people to come here from abroad and interfere with their business without paying a license.

Mr. SKINNER, of New York. Why should these commercial travelers pay a license to conduct their business in this city any more than in the city of New York, or Albany, or Baltimore, or Richmond, when we are pouring out from the Treasury of the United States millions of dollars annually to beautify this city and enhance the value of the property of people residing here and to help pay their taxes?

Mr. SPRIGGS. But the fact is that the law exists here and these merchants do pay a license.

Mr. SKINNER, of New York. There never has been the slightest effort on the part of the District of Columbia Committee within the last four years to correct these abuses.

Mr. LONG. If we should exempt these commercial travelers from the payment of this license fee would it not eventually result in relieving the merchants here from the payment of a license?

Mr. SPRIGGS. I think so.

Mr. LONG. And would not that be a step in the right direction?

Mr. SPRIGGS. I have made some effort to do that thing and have not succeeded. As long as this law exists with reference to merchants of this city it does not seem to me proper or fair that we should exempt others.

Mr. SKINNER, of New York. A year ago, when this bill was under consideration, I remarked on this floor that, whether by the connivance or with the knowledge of those who ought to know, this law was evaded or violated. It is true—and I can furnish the proof—that people do come here to sell their goods and are put in possession of a little ticket, given to them by somebody around this city, which entitles them to the privilege of carrying on their business here for one day, and when that day has expired they must go.

Mr. SPRIGGS. May I ask the gentleman a single question?

Mr. SKINNER, of New York. Not until I am through.

For that remark made by me last year some of the officials in this city sought to hold me responsible. The District commissioners, by a letter through the chief of police, asked me to give my authority for the statement. I refused to do so unless I should be compelled. But I do know such to be the fact, and there are many other gentlemen on this floor who know it. I can furnish you with a sample of the cards which are supplied by people who pretend to represent the commissioners, allowing that privilege to be enjoyed.

Mr. McCOMAS. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. I am sorry to raise this question; but it is getting late. The gentleman's discussion is not germane to the point of order.

The SPEAKER *pro tempore*. The Chair sustains the point. The gentleman will confine himself to the point of order.

Mr. SPRIGGS. The question I desired to ask my friend was whether he knows of any city in his State where the law is not violated?

Mr. SKINNER, of New York. No city in the State which I represent, which is the same represented by the gentleman——

Mr. SPRIGGS. Certainly.

Mr. SKINNER, of New York. Has such an infamous law.

Mr. SPRIGGS. That may be; I am not talking about that. But do you know of any law in your State which is not violated?

Mr. NUTTING. Is that any argument against the law?

Mr. SPRIGGS. It is not any argument why the law should not be enforced.

The CHAIRMAN. The Chair is prepared to rule on the question of order. [Cries of "Regular order!"]

Mr. BELFORD. I desire to ask one question. Is it not a fact that the Supreme Court of the United States in solemn adjudication has declared such a law as this unconstitutional?

Mr. LONG. When passed by a State.

Mr. SPRIGGS. That does not affect this District.

The SPEAKER *pro tempore*. The gentleman from New York makes the point that the amendment offered by his colleague is not germane to the bill under consideration. This is a bill to regulate the manufacture and sale of spirituous or malt liquors in the District of Columbia. It pertains to that subject and nothing else. It provides in a large measure police regulations. It fixes not only what taxes shall be imposed, but the fees, penalties, sentences to imprisonment, &c., which are to result from violations of the law.

It does not attempt to touch anything but dealing in vinous and malt liquors. The Chair is of the opinion, however meritorious the gentleman's amendment may be, it is not germane to this bill. To hold that it was would be to hold on this bill, which is entitled "A bill to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia," you might repeal all the privileged taxes comprised in the District statutes.

Mr. SKINNER, of New York. Let me make an inquiry.

Mr. ELDREDGE (at half past 10 p. m.). I move the House do now adjourn.

The motion was disagreed to.

Mr. McCOMAS. I favored the highest license in every case. Others favored lower ones. Now I wish to make a suggestion.

Mr. GUENTHER. Some gentlemen wanted lower licenses.

Mr. McCOMAS. So I stated, that while I favored the highest ones others favored lower ones. I make the suggestion that the gentleman who makes the point of no quorum should be allowed, by waiving the point now, to have a vote on his proposition. I myself am in favor of it.

A MEMBER. It can not be done.

Mr. McCOMAS. Then let us take a recess until 10 o'clock to-morrow morning, when this bill which has been carefully considered may be passed upon by a quorum.

A MEMBER. It can not be done.

Mr. McCOMAS. If you do that you can make the license higher in the District and make a general regulation of this traffic. Otherwise you go back and have none.

Mr. SPRIGGS. I demand the previous question.

The SPEAKER *pro tempore*. What was the understanding as to the proviso to section 5?

Mr. GUENTHER. That was decided against striking it out.

The Speaker announced the vote, and said the amendment of the gentleman from Wisconsin [Mr. PRICE] was voted down, and consequently that proviso remains in the bill.

Mr. PRICE. I rise for the purpose of correcting a misunderstanding which seems to exist and a misstatement of what I said, which, of course, has been made innocently. I know we were beaten as to the proposition to raise the license. I know the next proposition we made was to amend section 2, and they consented to it. I know on the next proposition, which was made to strike out the proviso, we were beaten. I know here then came in the compromise to which the chairman of the committee having charge of the bill agreed, and to which I do not know whether the gentleman from Wisconsin assented; that was that the proviso should not be stricken out and section 6 should remain in the bill with an amendment to be offered by the gentleman from North Carolina. That is the agreement as we understand it, but it seems the gentleman from Wisconsin failed to understand it as we did that section 6 should be stricken out and the proviso to section 5 be left in. That was what I said, but it seems everybody did not so understand it.

Mr. GUENTHER. That was not my understanding of it.

Mr. SPRIGGS. I demand the previous question.

Mr. SMALLS. I rise to a parliamentary inquiry. My amendment having been ruled out on a point of order, and that point of order having been withdrawn, I would like to know whether it is not proper to move my amendment again.

The SPEAKER *pro tempore*. If the previous question is voted down the gentleman can submit his amendment.

Mr. SMALLS. But the previous question has not been ordered. That is the reason why I wished to get my amendment in before the previous question was ordered. I was endeavoring to do that.

Mr. GUENTHER. I hope I may be permitted to withdraw my point of order and let the gentleman offer his amendment.

The SPEAKER *pro tempore*. The question is on ordering the demand for the previous question.

Mr. SMALLS. You must get a quorum here before you can go any further.

Mr. PRICE. What about the proviso to section 5?

The SPEAKER *pro tempore*. The Clerk informs the Chair there has been no action taken on the proviso to section 5, and that it is left in the bill.

Mr. PRICE. If that is so, will section 6 remain in the bill or not?

The SPEAKER *pro tempore*. The Clerk also informs the Chair that there has been no vote on striking out section 6.

Mr. GUENTHER. I consented to strike out section 6.

The SPEAKER *pro tempore*. The Clerk informs the Chair there has been no action striking section 6 out of the bill.

Mr. PRICE. I ask that section 6 be eliminated from the bill, and on that condition I will agree to let the proviso to section 5 stand.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

Mr. GIBSON. I want to make a statement that might avoid delay.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. SMALLS. You have allowed a motion to be made by the gentleman from Wisconsin.

The SPEAKER *pro tempore*. By unanimous consent.

Mr. SMALLS. Then I ask unanimous consent that my amendment may be added to section 5 of the bill.

The SPEAKER *pro tempore*. Without objection the amendment will be considered as pending.

There was no objection.

Mr. GIBSON. I desire to state that the gentleman from South Carolina wishes to make some little alteration in the amendment.

Mr. SMALLS. No; I offer it as it is, to come in at the end of section 5 of the bill.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment of the gentleman from South Carolina, which has been read.

The amendment was adopted.

Mr. SPRIGGS. I now move the previous question upon the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurring upon the passage of the bill, there were on a division—ayes 29, noes 2.

Mr. SKINNER, of New York. No quorum.

Mr. SPRIGGS. I wish to ask a parliamentary question. If the House adjourns now, the previous question having been ordered, will not this be the first business which will come up to-morrow as unfinished business?

The SPEAKER *pro tempore*. That is for the House to determine when it meets to-morrow.

Mr. WILLIS. We had just as well understand this matter now. The previous question has not been ordered on the passage of the bill.

Mr. SPRIGGS. Yes; on the bill and amendment.

Mr. WILLIS. Not on the passage of the bill.

The SPEAKER *pro tempore*. The previous question was ordered on the engrossment and third reading of the bill, and was exhausted when the vote was taken upon ordering the bill to be engrossed and read the third time. It has not been ordered upon the passage of the bill.

Mr. WILSON, of West Virginia. I move that the House do now adjourn.

The motion was not agreed to.

Mr. PETERS. I move a call of the House.

Mr. SPRIGGS. I move the previous question upon the passage of the bill.

The motion for a call of the House was not agreed to.

Mr. GUENTHER. I move the previous question upon the passage of the bill and the pending amendment.

Mr. SKINNER, of New York. There is a question pending. I raised the point of order that no quorum had voted upon the passage of the bill.

The SPEAKER *pro tempore*. The gentleman is correct.

The question of a quorum having been raised, the gentleman from Kansas moved a call of the House, which was in order. That having been refused, the question recurs upon the original motion, and the Chair appoints the gentleman from New York, Mr. SKINNER, and the gentleman from New York, Mr. SPRIGGS, as tellers. The question is upon the passage of the bill, and the tellers will take their places.

Mr. TOWNSHEND. I wish to ask whether this is not upon the previous question upon the bill?

The SPEAKER *pro tempore*. No; upon the passage of the bill.

Mr. TOWNSHEND. But there was a demand for the previous question.

The SPEAKER *pro tempore*. That was made when the House was dividing upon a question, and was not then in order.

Mr. WILSON, of West Virginia. I understand the gentleman from New York to make the question of a quorum upon the vote ordering the bill to be engrossed and read the third time.

The SPEAKER *pro tempore*. It was on the passage of the bill. The gentleman is in error.

Mr. SKINNER, of New York. I withdraw the point of a quorum.

Mr. SMALLS. Then, Mr. Speaker, I ask permission to correct a word in my amendment.

The SPEAKER *pro tempore*. That can only be done by unanimous consent. Is there objection?

There was no objection.

Mr. SMALLS. I ask then to strike out the words "without regard to" in the amendment and insert "on account of."

The amendment was agreed to.

The bill as amended was passed.

Mr. GUENTHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. SPRIGGS (at 10 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of citizens of New York and Pennsylvania, asking the repeal of the tax on raw and manufactured tobacco, and other laws relating to tobacco—to the Committee on Ways and Means.

By Mr. BAGLEY: Petition of vinegar manufacturers, relative to the internal-revenue law—to the same committee.

Also, resolutions of the Legislature of New York, relative to the construction of a railway and passenger bridge between New Jersey and New York across Staten Island Sound—to the Committee on Commerce.

By Mr. BARKSDALE: Petition of Naomi J. Fowler, of Jefferson County, Miss., pointing out the injustice done her by the decision of the late Southern Claims Commission, and asking relief under the Bowman act—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of J. A. McGoldrick, of Louisiana—to the Committee on Claims.

By Mr. BOUTELLE: Petition of Julia A. Ware and others, in behalf of increase of widows' pensions—to the Committee on Pensions.

By Mr. CLARDY: Petition of D. C. Taylor and 46 others, citizens of Manchester, Saint Louis County, Missouri, asking the passage of the educational bill—to the Committee on Education.

By Mr. COOK: Petition of R. H. Louis and 20 others, in favor of an increase of widows' pensions—to the Committee on Pensions.

By Mr. G. R. DAVIS: Joint resolution of the General Assembly of the State of Illinois, memorializing Congress for legislation to open the Oklahoma country to settlement—to the Committee on the Public Lands.

Also, joint resolution of the General Assembly of the State of Illinois, memorializing Congress to acquire title and ownership of the Lake Superior Canal and the Portage Lake Improved Canal for the benefit of commerce—to the Committee on Rivers and Harbors.

By Mr. DEUSTER: Joint resolutions of the Legislature of Wisconsin, in relation to increasing the pensions of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

Also, petition of H. Riedeburg & Co. and others, manufacturers of vinegar, of Milwaukee, Wis., referring to a petition of the New York State Cider Vinegar Association—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of George L. Snow and others, of Rockland, Me., for amendment of Constitution abolishing the Senate—to the Committee on the Judiciary.

Also, petition of George L. Snow and others, of Rockland, Me., for legislation providing for the loan of moneys in the Treasury to the people on security of landed property—to the Committee on Ways and Means.

Also, petition of George L. Snow and others, of Rockland, Me., for the passage of a law prohibiting alien ownership of land in the States—to the Committee on the Public Lands.

By Mr. ERMENTROUT: Resolutions of the senate and assembly of New York and of the Legislature of Pennsylvania, favoring the passage of an act authorizing the construction of bridges across Staten Island Sound—to the Committee on Commerce.

By Mr. FORAN: Petition of E. W. Haines and others, citizens of Cleveland, Ohio, praying for the immediate enactment by Congress of suitable legislation to suppress the evils of Mormonism—to the Committee on the Judiciary.

By Mr. HENLEY: Petition of citizens of California, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOPKINS: Memorial of vinegar manufacturers, against the repeal of the act of March —, 1879—to the Committee on Ways and Means.

By Mr. JEFFORDS: Papers relating to the claim of the legal representatives of Abraham Bazinsky, deceased—to the Committee on War Claims.

By Mr. LEWIS: Papers relating to claim of John J. Gardiner, of Louisiana—to the same committee.

By Mr. McCOID: Paper relating to claim of Zerina Shepperd—to the Committee on Pensions.

By Mr. McCOMAS: Petition of Eliza S. Jones, widow of John C. Jones, deceased, and of Robert C. Jones and others, children and heirs at law of said John C. Jones, for compensation for property taken and destroyed by the British forces in Charles County, Maryland, during the year 1814—to the Committee on War Claims.

By Mr. McCORMICK: Petition of 76 members of Bloom Post, Grand Army of the Republic, Scioto County, Ohio, for an act of Congress granting one hundred and sixty acres of land to the officers, soldiers, and sailors of the Union Army of the late civil war—to the Committee on Military Affairs.

By Mr. MORRILL: Memorial of the Legislature of Kansas, asking for resurvey of certain public lands—to the Committee on the Public Lands.

By Mr. MURPHY: Petition from Bishop Isibell, of Anamosa, Iowa, and 28 others, asking action on the Mormon question—to the Committee on the Judiciary.

By Mr. MUTCHLER: Petition of citizens of Easton, Pa., for a law against Mormonism—to the same committee.

By Mr. NEECE: Resolution of the General Assembly of Illinois, requesting such legislation as will open the Oklahoma country to settlement under the homestead laws of Congress—to the Committee on the Public Lands.

Also, resolution of the General Assembly of Illinois, asking for an inquiry as to the cost of the construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal—to the Committee on Expenditures in the War Department.

By Mr. PARKER: Two petitions of citizens of Saint Lawrence County, New York, in relation to the Mormon question—to the Committee on the Judiciary.

By Mr. REED: Petition of John L. Emery and others, employed at Kittery navy-yard, to be paid for time lost by reason of the failure to pass the Navy appropriation bill—to the Committee on Appropriations.

By Mr. RIGGS: Recommendations of the board of commerce of Quincy, Ill., relative to the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, resolutions of the General Assembly of Illinois, relative to opening Oklahoma lands to settlers—to the Committee on the Public Lands.

Also, resolutions of the General Assembly of Illinois, relative to construction of Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. ROSECRANS: Resolutions of the San Francisco Board of Trade, urging Congress to reorganize our naval powers—to the Committee on Naval Affairs.

Also, petition of B. B. Newman, praying Congress to spare the present pre-emption laws—to the Committee on the Public Lands.

By Mr. ROWELL: Petition of Rev. F. M. Smith and others, citizens of Chenoa, Ill., for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. A. HERR SMITH: Petition of 56 citizens of Lancaster County, Pennsylvania, against the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. SPRINGER: Resolution of the General Assembly of Illinois, asking for an inquiry as to cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal—to the Committee on Expenditures in the War Department.

By Mr. TUCKER: Petition of Thomas R. Ware, of Virginia, for removal of political disabilities—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Resolution of the senate and assembly of the State of New York, requesting the passage of a bill to authorize an additional appointment on the retired-list of the Army—to the Committee on Military Affairs.

By Mr. VALENTINE: Petition of C. H. Marble and 60 others, citizens of Nebraska, praying for speedy legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of Mrs. Mary M. Lombard and 356 others, citizens of Minnesota, for a woman-suffrage amendment—to the same committee.

By Mr. WILKINS: Petitions of E. J. E. March and 200 others, citizens of Marysville, Ohio; of H. G. O. Carey and 100 others, citizens of Zanesville, Ohio; and of James Mitchell and 90 others, citizens of Granville, Ohio, praying for the suppression of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAYNE: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania.

By Mr. BRAINERD: Joint resolution of the Legislature of Pennsylvania.

By Mr. COOK: Of citizens of New Sharon, of Grinnell, of Lynnville, of Munroe, of Keota, of Albia, and of Oskaloosa, Iowa.

By Mr. CURTIN: Resolutions of the Legislature of Pennsylvania, and petition of citizens of Aaronsburg, Centre County, Pa.

By Mr. ERMENTROUT: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. GUENTHER: Of B. Gerey and 56 others, soldiers of Wisconsin.

By Mr. HEPBURN: Of W. H. Christie and 75 others, citizens of Creston, Union County, Iowa.

By Mr. HOPKINS: Resolutions of the Legislature of Pennsylvania.

By Mr. LACEY: Of John S. Benham, of Union City, Mich.

By Mr. LAWRENCE: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. T. B. REED: Of citizens of Mars Hill, of Chesterfield, of Rockland, and of Jay, Me.

By Mr. A. HERR SMITH: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania.

By Mr. WELLER: Of J. C. Darnell and 95 others, citizens of Randalia, Fayette County, Iowa.

SENATE.

TUESDAY, *February* 24, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin; which was read, and ordered to lie on the table, as follows:

Memorial to Congress.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Wisconsin, respectfully represent:

Whereas legislation is now pending before your honorable body, the Congress of the United States, the object of which is to place the name of a revered and honored citizen of this nation, General U. S. Grant, upon the retired-list of the Army; and

Whereas, believing that gratitude and honorable appreciation is an underlying principle in the heart of every true American citizen, especially toward those who have accomplished great and glorious achievements, which have placed this nation among the foremost of the world, and united our country as one great fraternal Commonwealth, and that the Republic he saved from disruption in his vigorous manhood should not prove ungrateful in his declining years: Therefore,

Resolved, That it is the sense of this Legislature that General U. S. Grant, in view of his distinguished services to this nation, both in peace and war, should be placed upon the retired-list of the Army, and we respectfully request our Senators and Representatives in Congress to labor for the accomplishment of that end.

Be it resolved (the senate concurring), That the governor be, and he is hereby, requested to subscribe and forward this memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 20th day of February, in the year of our Lord 1885.

[SEAL.] ERNST G. TIMME,
Secretary of State.

Mr. HOAR presented a petition of the Massachusetts Woman Suffrage Association, praying that Congress take steps so to amend the Constitution as hereafter forever to prohibit all political distinctions on account of sex; which was ordered to lie on the table.

Mr. CAMERON, of Wisconsin, presented a memorial of cigar-makers of Chippewa Falls, Wis., remonstrating against the ratification of

the proposed Spanish reciprocity treaty; which was ordered to lie on the table.

Mr. MILLER, of New York, presented a petition of the New York Naval Stores and Tobacco Exchange, praying that on all imported material manufactured in the United States and exported a drawback be allowed equal to the amount of duties paid in lieu of the 90 per cent. thereof now allowed by law; which was referred to the Committee on Finance.

Mr. MAHONE presented a petition of the Chamber of Commerce of Lynchburg, Va., praying for the establishment of a naval station at Richmond, Va.; which was referred to the Committee on Naval Affairs.

Mr. BOWEN presented a petition of the Loyal Creek Indians, praying action of Congress with reference to the awards made to those Creeks who enlisted in the Federal Army, loyal refugees, and freedmen; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MILLER, of California, presented a resolution of the Board of Trade of San Francisco, Cal., urging the prompt construction of a modern navy and an approved system of harbor fortifications; which was referred to the Committee on Appropriations.

SENATOR FROM IOWA.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred two documents purporting to be the credentials of WILLIAM B. ALLISON, Senator-elect from the State of Iowa, to make a written report and to recommend that the credentials lie upon the table. The substance of the report is that Mr. ALLISON appears to be elected in either event, and it is not profitable to inquire at the present time whether the election which took place the second Tuesday after what is called the temporary organization of the Legislature of that State or a precisely similar proceeding which took place on the second Tuesday after what is called the permanent organization of the Legislature was the valid and rightful election under the act of Congress of the United States; and if it were necessary to determine that question the committee are of opinion that it should be determined by the Senate at the next session of Congress and not at present. I suppose there is no doubt whatever of the election of Mr. ALLISON.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, from the Committee on Privileges and Elections, to which were referred two sets of credentials of Mr. WILLIAM B. ALLISON, Senator-elect from the State of Iowa, reports back the credentials with a written report. Does the Chair understand the Senator from Massachusetts to ask that the credentials be laid on the table or placed on file?

Mr. HOAR. What is the usual custom with credentials to which no objection is made?

The PRESIDENT *pro tempore*. They are placed on file and go to make up the list of Senators to be sworn in on the first day of the next Congress. If they be laid on the table they will not technically be before the Senate for action on the first day of the Congress.

Mr. HOAR. Then the recommendation of the committee is that the credentials be placed on file.

The PRESIDENT *pro tempore*. If there be no objection the credentials will be placed on file. The accompanying report will be printed under the rules.

REPORTS OF COMMITTEES.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix, reported it without amendment.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 2125) granting a pension to Sarah Jane Prince;
A bill (H. R. 7292) to increase the pension to Jacob Wiener;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 6798) to grant a pension to Lloyd W. Hixon;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 5989) for the relief of Elizabeth A. Springsteed; and
A bill (H. R. 6287) for the relief of John H. Johnson.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1997) to increase the pension of Louis J. Sacriste; and
A bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6596) granting a pension to John Hazlewood;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 7373) for the relief of Sarah A. Burchfield; and
A bill (H. R. 4263) granting a pension to Elizabeth Hood.

Mr. BLAIR. By direction of the Committee on Pensions, to whom was referred the bill (S. 2043) for the relief of Mrs. Maria L. Strong, I report it adversely with a minority report in favor of the passage of the bill. It is the case of a naval officer of long service and distinguished gallantry whose widow applies for a pension. I ask that the bill be placed on the Calendar. I have not the report quite ready yet.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The Senator from New Hampshire asks that the minority of the committee have leave to submit and have printed their views. That order will be entered if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2627) granting a pension to Noah Caton;
A bill (H. R. 2538) granting a pension to Christiana Almier;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 5374) granting a pension to Phillip Wiggins; and
A bill (H. R. 4079) granting a pension to James D. Kirk.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the petition of David E. Ford, of Illinois, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 7869) granting a pension to Ameline L. Fitch;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 5925) granting a pension to Margaret A. Berry; and
A bill (H. R. 3994) granting a pension to William Strickland.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 391) granting a pension to Daniel H. Ross; and
A bill (H. R. 1934) granting a pension to John C. Shacklett.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Mary Sullivan, praying to be allowed a pension; reported adversely thereon; and the committee were discharged from the further consideration of the petition.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 5215) granting a pension to Orlando Culver;
A bill (H. R. 1127) granting a pension to Anson B. Sams;
A bill (H. R. 5641) for the relief of Martha Lawson; and
A bill (H. R. 7501) granting a pension to Hector W. Summers.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 891) granting a pension to Robert J. Ebberman; and
A bill (H. R. 3751) granting a pension to Francis Curran.

Mr. LAPHAM, from the Committee on Patents, to whom was referred the bill (S. 2212) for the relief of John R. Harrington, reported it with an amendment, and submitted a report thereon.

Mr. JACKSON. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., to report it adversely. The committee have heretofore reported adversely against a Senate bill of the same character, and the report in that case applies to the present House bill. I ask that it be placed on the Calendar, as there are views of the minority.

Mr. KENNA. In the same connection I desire to present the views of the minority.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the views of the minority will be received and printed.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 6948) granting a pension to George W. Eagles;
A bill (H. R. 4061) for the relief of William C. H. Bowman; and
A bill (H. R. 1653) granting a pension to John R. Hurlburt.

Mr. VAN WYCK, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and moved their indefinite postponement; which was agreed to:

A bill (S. 2175) granting a pension to George W. Eagles; and
A bill (S. 2255) for the relief of Harriet L. Stevens.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 126) granting the right of way through Mail street in New York city to the Bleecker Street and Fulton Ferry Railroad Company, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a concurrent resolution providing for the printing of the report of the Commissioner of Fish and Fisheries for the year 1885, and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

LIEUTENANT RAY'S ALASKA REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing, to which was referred the joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the international polar expedition to Point Barrow, Alaska, to report it favorably and without amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BEDELL, SR.

Mr. MITCHELL. The bill (S. 2327) for the relief of James Bedell, sr., was amended in the other House and was referred with the amendment to the Committee on Pensions. I am instructed by that committee to report in favor of concurring in the House amendment, and I ask that it be considered at this time.

By unanimous consent, the Senate proceeded to consider the amendment of the House of Representatives, which was to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was concurred in.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HARRISON. I am instructed by the Committee on Territories to report an amendment to the legislative, executive, and judicial appropriation bill. As that bill is being considered now, I ask that the amendment may be referred to the Committee on Appropriations without printing.

The PRESIDENT *pro tempore*. It will be referred without printing, if there be no objection, to the Committee on Appropriations.

Mr. PLATT, from the Committee on Patents, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAYARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF SCIENTIFIC MEMOIRS.

Mr. MILLER, of New York, submitted the following resolutions; which were referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That Volume I of the Scientific Memoirs of the United States Department of Agriculture, being a monograph of the Noctuidæ of North America, with the necessary illustrations, be printed in quarto form, and that 5,000 additional copies be printed, of which 1,200 copies shall be for the use of the Senate, 2,800 copies for the use of the House, and 1,000 copies for the use of the Department of Agriculture.

Resolved by the Senate (the House of Representatives concurring), That Volume II of the Scientific Memoirs of the United States Department of Agriculture, being a monograph of the Sylphidæ of North America, be printed, with the necessary illustrations, in quarto form, and that 5,000 additional copies be printed, of which 1,200 copies shall be for the use of the Senate, 2,800 copies for the use of the House, and 1,000 copies for the use of the Department of Agriculture.

OKLAHOMA LAND TITLES.

Mr. CULLOM. I ask leave at this time to present a preamble and joint resolution of the Legislature of Illinois.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive it. The preamble and resolution will be read.

The Chief Clerk read as follows:

Preamble and joint resolution adopted by the Thirty-fourth General Assembly of Illinois.

Whereas there is a strife and a bitter feeling that is liable to result in a conflict of arms between the cattle-men and the people in that part of the Indian nation known as Oklahoma; the cattle-men now having the possession of that country and having fenced the same into large tracts for grazing purposes on the one hand, and the people who are seeking it for settlement and homes on the other; and

Whereas the Creeks and other Indians did, by the treaty of 1866, cede the Oklahoma country to the United States in trust: Therefore,

Be it resolved by the senate (the house of representatives concurring herein), That our Senators and Representatives in Congress be requested to use their influence for such legislation as will open that country to settlement under the homestead laws of Congress; and that the secretary of the State of Illinois be requested to have printed and mailed to each Member in Congress and each Senator from Illinois a copy of this resolution.

Introduced by Senator Streeter, February 4, 1885.

Adopted by the senate February 6, 1885.

J. C. SMITH,
President of the Senate.

Attest:

L. F. WATSON,
Secretary of the Senate.

Concurred in by the house of representatives, February 16, 1885.

E. M. HAINES, *Speaker.*

Attest:

R. A. D. WILBANKS,
Clerk House of Representatives.

Mr. CULLOM. I was about to move that the resolution be referred to the Committee on Public Lands, but the Senator from Massachusetts [Mr. DAWES] suggests that the resolution be referred to the Committee on Indian Affairs. I have no objection to that reference.

Mr. DAWES. Mr. President, it may not be out of place to say a word at this moment.

I get every day papers from Illinois, Kansas, and Missouri, making great complaint against Congress because Congress does not open that land to settlement. The opinion of Congress I think is pretty well settled that that land must ultimately be opened to settlement, but these papers represent to the public there that the title of the United States to the land at this moment is perfect, and that it differs in no way from the title of the United States to any public land. That is misleading the people, and it is to a great extent the cause of the excitement and anxiety among those people and their disposition to press upon that land.

If those papers which publish this declaration to the people and thus mislead them would take the trouble to examine for a moment the title to that land they would agree with the Attorney-General and the leading lawyers of the country, West as well as East, that the United States are not at liberty to open that land to public settlement, for the Indians still retain a title and interest in the land, and that it never was granted to the United States for the purpose of settlement by homestead. That it may not be wise to do it at an early period is another matter, and about that I think there may be very little question. Ultimately if that land is not needed for the purposes for which the United States obtained what interest they have in it, it ought under proper regulations and with proper outlet to the United States to be opened to settlement; but to call upon the United States now, and to complain of Congress or the Executive that they do not open it to-day to the homesteader is like calling upon them to open your land and mine to the homesteader.

Mr. CULLOM. I should like to ask the Senator from Massachusetts whether there is anything being done looking to a final opening of those lands to settlement by the people and the extinguishment of the Indian title?

Mr. DAWES. There has been a bill reported from the Committee on Indian Affairs, and is now pending in this body, which I should like to ask the action of the Senate upon at the earliest possible moment, authorizing the President to negotiate for the title of the Indians in that land for the purpose of ultimately opening it to settlement. That bill contains a clause requiring people to keep off from that land until they are authorized by law to enter upon it.

Mr. CULLOM. I desire simply to say that I hope the Senator and the committee over which he presides, as they seem to have charge of this subject, will as early as possible do whatever may be necessary to settle the question so that the people of the West and everywhere else in this country may not misunderstand the true legal situation in reference to these lands.

Mr. DAWES. It is difficult to see how the actual existence of that title and the character of it can be more settled than it is now. Committees of this body have two or three times made report to that effect. The Attorney-General of the United States has given an official opinion to that effect. Two Presidents of the United States have by proclamation declared the title actually as it exists; and the President of the United States has felt compelled to remove those who have unlawfully entered upon that land. They have entered upon it, honest people, supposing that they did have a right to enter upon it as public land; and they have been largely misled by statements like that contained in the official resolution of the Legislature of Illinois now upon the table, and by influential leading public journals, West and East, who, failing to look into the real title, failing to understand why it is that the United States do not open it like other public land, and not giving justice to the sentiment of Congress that they want to obtain fairly and honestly the title so that they may open it to public settlement, have led those people into the trouble they find themselves in.

Mr. PLUMB. Mr. President, I have not had the benefit of hearing all the statement of the Senator from Massachusetts, but I have heard enough of it to know the purpose which he has in mind.

I wish to remark that, whatever may be said about the Indian title, it is not a title which as a title the Indians can ever avail themselves of. It is not a title which the Government of the United States can not with

legal and moral propriety take away from the Indians. Whatever interest they have is an interest which can only sum itself up in the question of dollars and cents. The Indians can not resume possession of the land because the Government has failed to locate friendly Indians upon it. They can not do anything with the land. They can not sell their interest to anybody, and they have no interest unless it was reserved in the condition of the treaty of 1866, which provided that the land was ceded to the United States for the purpose of locating friendly Indians or freedmen upon it. The land is remote from the location of the Indians who are claiming a residuary interest in it. They have no purpose in connection with it except to make use of whatever remains of that interest for the purpose of getting some more money out of the Government of the United States.

That being the case, I hold that Congress may not only legally, morally, and properly remove that condition and open the land to settlement, but it seems to me manifest that it is incumbent upon Congress to so act. In other words, we can not sit here allowing the condition of things now existing, and which is going to be aggravated by time, to go on simply because the Indians will not (if they fail to do so) agree with us as to the condition on which they will relinquish the interest that they have in the lands.

It is within the legal power of Congress, as I believe. As I said, that power may properly be exercised to say what shall be done with the land, and then to say to the Indians, "We shall submit the question, as to how much damage by reason of our taking the land, this condition to the contrary notwithstanding, to the Congress of the United States itself, or to one of the courts of the United States, for the purpose of determining what that interest is worth and how much the Indians have been damaged by reason of Congress having acted contrary to a condition named in the treaty."

I do not care to enter extensively upon this question, but I want to say now, I hope once for all, that that is what I think is not only the legal right, the legal power of Congress, but is also the bounden duty of Congress to do.

Mr. DAWES. The Senator from Kansas will pardon me if I say that it is just such remarks as those he has made which have brought trouble on the people who have gone down there. While it may be true that the title is so fixed between the United States and these Indians that the Indians themselves can not use this land for any purposes of their own, it is equally true that the United States can not use it for any other purpose but the one purpose for which they acquired an interest in it. So while the Indian has put his title in such a condition that the land can be used only for one purpose, the United States have put themselves in precisely the same condition, and it is only by a release by the one to the other of the remaining interest in the land that either of them can appropriate it to its own use.

The idea that the United States can seize it and extinguish the title of the Indian in it and then pay him damages is a statement which, as between individuals in a court of law, would not be tolerated for a single moment. That a trustee for a special purpose can seize what he holds in trust and appropriate it to any other purpose, and let the *cestui que trust* get what he can in damages, would be new in a court of justice. The United States may have power to do it; the United States as between them and the Creek Indians are all powerful; but let them put themselves on an equality in the courts of the United States, and I venture to say that the doctrine announced here that either could extinguish by force or by the judgment of a court the title which the other holds to this land is a doctrine that never could be enforced in a court of justice as it never has been yet. It is a proper subject of negotiation, and I have no doubt that the Indians will listen to negotiation if it comes in the terms and in the spirit of fairness and justice; and that is the way to reach it.

Sir, there is more in this question than Oklahoma. Oklahoma is but 1,200,000 acres of land, situated in the center of a large Territory. There is a large territory of 6,000,000 acres between it and any of the States and Territories of this Union that would shut it off from all connection. That ought to go with it, and it is in some sense held by the United States by the same trust title, and it should be a part of the negotiation to open that vast country to homesteaders. When the people of Kansas and of Illinois and the western country generally understand that the United States are actuated by a purpose to procure and open to honest settlers that country upon fair terms, they will await the result; but when they are told that the United States can take it and appropriate it and are only kept back by cattle-men who are using it for their own purposes, they are misled and great wrong is done to them.

Sir, if the Senate will consent I will ask them to consider the bill which I reported to authorize the President to negotiate for the land, and the second section of which will keep it open for the honest and earnest builders of homes who desire to enter upon the public land according to law and to appropriate it, as the United States generously promised them that they might, under the forms of law, to their own use.

Mr. CULLOM. Mr. President, I only desire to say that this discussion has shown to my mind very clearly that the Legislature of the State of Illinois and the people of the West generally, if they mistake the legal situation of this land, are justified in the mistake, because it is evident that the Senate does not agree upon the question of whether this land is in that sort of condition that the people can go upon it or not.

Mr. CAMERON, of Wisconsin. No person in the Senate has ever doubted the legal status of it.

Mr. DAWES. The Senator from Kansas stated it openly here a few days ago.

Mr. CAMERON, of Wisconsin. There is no dispute about the legal status of the land.

Mr. CULLOM. I hope that the bill of the Senator from Massachusetts will be called up and passed at the earliest possible moment, so that the people of this country will not remain in this sort of doubtful situation as to what their rights are in reference to lands that ought to be open to the public.

Mr. DAWES. I ask unanimous consent of the Senate for five minutes to put the bill on its passage.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield?

Mr. CULLOM. Yes, sir.

The PRESIDENT *pro tempore*. Pending the motion that this resolution of the State of Illinois be referred to the Committee on Indian Affairs, the Senator from Massachusetts asks unanimous consent——

Mr. SHERMAN. Will the bill lead to debate?

Mr. DAWES. If it leads to debate, I shall withdraw the request; but I do not think it will.

The PRESIDENT *pro tempore*. What is the order of business?

Mr. DAWES. I will give the number in a moment.

Mr. SHERMAN. I should like to have the bill passed, but let it be passed in the regular time.

Mr. DAWES. The regular time will never come.

The PRESIDENT *pro tempore*. Debate is not in order on this request. The Senator from Massachusetts asks unanimous consent that Order of Business 1272, being the bill (S. 2648) to enable the President to negotiate for the purchase of portions of certain Indian reservations, be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the President to ascertain without unnecessary delay, by communication with the authorities of the Creek, Seminole, and Cherokee Nations of Indians, in the Indian Territory, upon what terms those nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain," and the lands described in article 3 of the Seminole treaty of March 21, 1866, and so much of the lands described in article 16 of the treaty made between the United States and the Cherokee Nation on July 19, 1866, as has not been already purchased by the United States from the Cherokee Nation for the purpose of settling friendly Indians thereon, as provided for in the treaty, and to submit the result thereof to Congress at its next regular session.

The second section provides that every person who, without authority of law, enters and shall be found upon the lands described in the first section, with intent to occupy any such lands or reservation, or any part thereof, shall, for the first offense, upon conviction, pay a fine of not more than $500, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court, and for every subsequent offense shall, upon conviction, pay a fine of not more than $1,000 and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending are to be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States.

Mr. GARLAND. I should like to hear the latter part of the first section read.

The PRESIDENT *pro tempore*. The part referred to will be read.

Mr. DAWES. I will say that the last section is a copy of the Revised Statutes.

The PRESIDENT *pro tempore*. The reading requested by the Senator from Arkansas will take place.

The Chief Clerk read the first section of the bill.

Mr. GARLAND. I move to insert at the end of the first section:

With such suggestions and recommendations as he may see proper to make.

Mr. DAWES. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Arkansas, which will be read.

The CHIEF CLERK. At the end of line 22, section 1, it is proposed to add: "With such suggestions and recommendations as he may see proper to make."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion to refer the resolution of the Legislature of the State of Illinois to the Committee on Indian Affairs.

Mr. CULLOM. I suppose the Senator will now be content with a reference of that resolution to the Committee on Public Lands.

Mr. DAWES. I do not care where it is referred now.

Mr. CULLOM. I move that the resolution be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Chair was in error. The Chair understood the Senator from Illinois to suggest a change of reference.

Mr. CULLOM. I did suggest a change, but it was with relation to the bill we have just passed.

The PRESIDENT *pro tempore*. If there be no present objection, the resolution will be referred to the Committee on Public Lands.

THE HENNEPIN CANAL.

Mr. CULLOM. I ask leave to present by consent another resolution of the Legislature of the State of Illinois, which I ask to have read, and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The paper which the Senator sends to the Chair seems to be a telegram.

Mr. CULLOM. It is a telegram from the secretary of state of Illinois.

The PRESIDENT *pro tempore*. The Senator from Illinois asks leave to present at this time a telegram the nature of which he has stated. If there be no objection, it will be received and referred to the Committee on Commerce.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The paper was read, and referred to the Committee on Commerce, as follows:

SPRINGFIELD, ILL., *February* 20, 1885.

To S. M. CULLOM, *Senate*:

The Legislature has unanimously passed the following joint resolution:

Whereas the construction of the Hennepin Canal is now pending in Congress: Therefore,

Resolved by the Senate (the House concurring herein), That the General Assembly of the State of Illinois hereby again expresses its approval of this measure and requests our Senators and Representatives to use their earnest efforts to secure its success.

Resolved, That the secretary of state is requested to forward a copy of the foregoing to each Senator and Representative in Congress from Illinois.

HENRY D. DEMENT, *Secretary State*.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 4068) to incorporate the Luther Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia; and

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

The message also announced that the House had passed the bill (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message, further, returned to the Senate the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., with the amendments of the House of Representatives thereto.

The message also announced that the House had passed a bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;

A bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes;

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 1117) for the erection of a public building at Macon, Ga.;

A bill (S. 1183) granting a pension to Hugh O'Neil;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1709) granting a pension to Leonora A. Boyden;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 1915) to remove the political disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2350) granting a pension to Anna Ginn;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. H. Gilley;

A bill (S. 2610) granting a pension to Patrick Furlong;

A bill (S. 2623) to remove the political disabilities of Alexander W. Stark;

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa;

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

GEORGE E. SPENCER.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution authorizing the payment to George E. Spencer, formerly a Senator from the State of Alabama, of the sum of $7,132, to report it favorably.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. JONES, of Nevada. I should like to have the resolution acted on immediately.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that this resolution be now considered. Is there objection?

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. Objection is made, and it will be placed on the Calendar.

DEBATE ON APPROPRIATION BILLS.

Mr. ALLISON. I offer the following resolution, which relates to the business of the Senate:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this order?

Mr. HOAR. I object.

The PRESIDENT *pro tempore*. Objection is made, and it goes over until to-morrow.

LIBRARIAN'S REPORT.

Mr. SHERMAN. I present the annual report of the Librarian of Congress; and in connection with it submit from the Committee on the Library a resolution of which I ask the present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the annual report of the Librarian of Congress be printed, and that 500 additional copies, with covers, be printed for distribution by the Librarian.

The PRESIDENT *pro tempore*. The request for additional copies requires a reference to the Committee on Printing.

Mr. SHERMAN. It falls slightly below the limit fixed by law.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was considered by unanimous consent, and agreed to.

PENSION BILLS.

Mr. MITCHELL. I ask unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar in the following order: First, Senate bills; next, House bills, as they stand reported upon the Calendar; and that no Senator speak more than once and not exceeding five minutes on any bill and the amendments proposed thereto; also, that no bill reported adversely shall be taken up except on call of a Senator.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar, beginning and going through with Senate bills favorably reported, and that the bills adversely reported be not taken up except on the call of a Senator, and that five minutes debate be allowed to each Senator on any bill——

Mr. HOAR. The sentence the Chair just uttered was not heard here. The Chair made some exception.

The PRESIDENT *pro tempore*. The exception stated by the Chair, as the Chair understood the Senator from Pennsylvania, was that bills adversely reported be not taken up except on the call or motion of a Senator; that without that the Senate would proceed first with the Senate bills reported favorably and then with the House bills, and that five minutes' debate be allowed to each Senator, and that each Senator speak only once. Is there objection?

Mr. INGALLS. I ask unanimous consent to make a response to the request of the Senator from Pennsylvania.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. HILL. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor.

Mr. HILL. I rose to offer a resolution before that order was closed.

The PRESIDENT *pro tempore*. The order of resolutions is not yet closed. The Senator from Pennsylvania is asking unanimous consent; the Chair has stated what he asks. The Senator from Kansas now has leave by unanimous consent to speak upon that question, after which the Chair will recognize the Senator from Colorado.

Mr. INGALLS. How many of these bills are there? Will the chairman of the committee advise us?

Mr. MITCHELL. There are about two hundred bills altogether upon the Calendar.

Mr. INGALLS. Pension bills?

Mr. MITCHELL. Yes, sir.

Mr. INGALLS. That will consume, with the greatest rapidity that can be employed in their consideration, four or five hours. I understand that to the majority of these bills there is no objection. There are other matters of great importance that should be discussed, and that demand the consideration of the Senate. I therefore suggest that this evening or some other evening which may be convenient the Senate hold a session expressly for the purpose of considering pension bills. It appears to me that that will comport better with the dispatch of public business, and enable us to devote the time during the day to the consideration of measures of equal if not greater importance. I am very sure the Senate would be disposed, if the Senator from Pennsylvania, the chairman of the Committee on Pensions, would make the request, to agree that a session should be held this evening or to-morrow evening for the purpose of considering measures reported by that committee.

I gave notice yesterday morning that at the conclusion of morning business to-day I should ask the consideration of the bill reported yesterday from the Judiciary Committee affecting what is known as the Kidwell Meadows claim, lying along the shore of the Potomac, and involving the consideration of the expenditure of a million or two of dollars by the Government; but of course I waive that now until such time as the Senate may dispose of the suggestion made by the Senator from Pennsylvania.

Mr. MITCHELL. If I may be permitted——

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to reply. Is there objection? The Chair hears none.

Mr. MITCHELL. I will state that down to this morning there were upon the Calendar one hundred and sixty-two pension bills. Of these forty-five were reported adversely and one hundred and seventeen favorably. Among the adverse reports there are eighteen fifty-dollar cases, those cases in which many Senators feel greatly interested, and which they have requested should be placed upon the Calendar for consideration. There are so many of these bills reported adversely now upon the Calendar that I feel it my duty on the solicitation of many Senators to ask that the Senate consider also the cases adversely reported. I am disposed to think the suggestion of the Senator from Kansas is not a practicable one.

Mr. JACKSON. May I ask the Senator whether he is not making a request, not on behalf of the committee, but of Senators?

Mr. MITCHELL. I do not hear the remark of the Senator from Tennessee.

Mr. JACKSON. I wish to suggest that the Senator is not making the request on behalf of the committee to take up the cases adversely reported, but that is a personal request of Senators.

Mr. MITCHELL. In this I am not representing the committee, but only a general opinion that has come to me very strongly expressed by many Senators who desire to reach those bills.

Mr. HOAR. I should like to ask the Senator from Pennsylvania if his request is to have the debate limited to five minutes without accompanying it with the provision of the Anthony rule that one objection takes a case from the consideration of the Senate?

Mr. MITCHELL. Yes, sir: that was the way I put the request.

Mr. HOAR. I wish to say that I shall resist with all my might anything which contemplates the establishment of a limitation of debate in the Senate as an overthrow of the entire constitutional field of the Senate, as I understand it. That is avoided in the Anthony rule by providing that the whole thing goes on by unanimous consent, because under that rule one objection will remove a case from the consideration of the Senate unless the Senate by majority vote take it up free from the rule. But I understand the Senator from Pennsylvania now to ask the Senate to agree that two hundred cases, some of them involving very important principles, shall be considered by the Senate under a rule which limits every Senator to speaking but once and speaking but five minutes. To that I must object.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Pennsylvania.

Mr. MITCHELL. Then I will modify the request in the manner the Senator from Massachusetts suggests, leaving all bills subject to objection as under the Anthony rule.

The PRESIDENT *pro tempore*. The Chair will state the modified request of the Senator from Pennsylvania.

Mr. HALE. Let me ask one question. Are these bills all private pension bills?

Mr. MITCHELL. All private pension bills.

Mr. HALE. Does not the Senator from Massachusetts think that five minutes' debate by any one Senator is sufficient to throw light on a subject of this kind? How can we ever get through with the business of the session if on every private pension bill unlimited debate such as the Senator from Massachusetts advocates is thrown in? We shall never get anything done.

Mr. HOAR. The first private pension bill taken up may involve a principle which affects the Treasury to the amount of millions and millions.

Mr. HALE. If the Senator from Massachusetts desires to spend the time of the body in talk rather than in doing business, a large proportion of the business will necessarily go over.

Mr. HOAR. Well, Mr. President——

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate is not in order.

Mr. HOAR. I ask leave to say one word in reply.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to be heard upon the matter now pending on the request of the Senator from Pennsylvania. Is there objection? The Chair hears none.

Mr. HOAR. It is my duty to say in reply to the gibe of the Senator from Maine that in my judgment it proceeds from a very imperfect comprehension of the Constitution of his country and the constitution of the Senate.

The PRESIDENT *pro tempore*. The Chair will now state the request as modified by the Senator from Pennsylvania.

Mr. MITCHELL. Allow me to state that I make the modification because the Senator from Massachusetts objected to the request as I made it originally.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the private pension bills on the Calendar, giving Senate bills the preference in the order of disposing of them (so that they may go to the House as the Chair supposes), be taken up under the so-called Anthony rule. Is there objection?

Mr. COCKRELL. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to be heard. The Chair hears no objection.

Mr. COCKRELL. I hope the Senator from Pennsylvania will not insist upon his motion. We have an order now to go to the Calendar of House bills under Rule VIII, and under that rule we can this morning dispose of all the House bills preceding the pension bills. Then we can go on with these other cases. Now, if the Senator will modify his motion so as to include only the Senate pension bills favorably reported, and then let all the House bills come under the other order, I am willing to agree to it. We can in that way dispose of the business in a very short time. If the Senator wants simply to act on the Senate bills favorably reported, so as to get them to the House, let us act upon them now, and then let us commence under the other rule and take up all the House cases favorably reported in order. We can do business in that way. We can dispose of all these cases without any trouble to-day and to-morrow. If we undertake to go on in the other way the Senate will find on the arrival of 1 o'clock that they have not passed six bills. I hope that the modification of the request will be made in the way I have suggested.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Missouri to object to the request as now made.

Mr. COCKRELL. I object to it in its present form.

Mr. MITCHELL. I move that the Senate now proceed to consider the bill (S. 544) granting an increase of pension to Elijah W. Penny, being Order of Business 65.

The PRESIDENT *pro tempore*. That motion will not be in order until the call for resolutions is gone through. That has not been exhausted. The Senator from Colorado [Mr. HILL] rises to offer a resolution, the Chair understands.

Mr. MITCHELL. If I may be allowed, I should be willing myself to consider bills as proposed by the Senator from Missouri; but there is a large number of Senate bills that ought to go to the House immediately or they can not pass that body.

The PRESIDENT *pro tempore*. The Senator from Colorado offers a resolution.

ILLEGAL LAND ENTRIES IN CALIFORNIA.

Mr. HILL submitted the following resolution:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of the reports of Special Agent of the Land Department Wilson T. Smith, with accompanying affidavits and papers sent to the Commissioner of

the General Land Office in August and September, 1883, which reports, affidavits, and papers referred to the illegal timber-land entries, and fraudulent issuance of titles under the act of June 3, 1878, in the Humboldt land district, California, said entries being confined to townships 8, 9, 10, 11, and 12 north, range 1 and 2 east H. M., and townships 7 north, range 2 east, and 13 north, range 1 east H. M., and embracing over 100,000 acres of redwood timber land.

Also copies of the reports of Special Agents George D. Orner and W. H. Goucher, of the Land Department, sent to the Secretary of the Interior and Commissioner of the General Land Office, which refer to the same illegal timber-land entries in Humboldt County, California, and inform the Senate what action has been taken by the Commissioner and Secretary of the Interior, as to the cancellation of the illegal timber-land entries in the above described townships, and if any patents have been issued by the Commissioner since June 1, 1883, under the act of June 3, 1878, for timber lands in the above enumerated townships, to give the date of their issuance, name of entrymen, and description of land.

Mr. HILL. I ask for the present consideration of the resolution.

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

PENSION BILLS.

Mr. INGALLS. I move that a session of the Senate be held to-morrow evening, commencing at 8 o'clock, for the purpose of considering pension bills upon the Calendar.

The PRESIDENT *pro tempore*. The Chair thinks that motion is not in order. He can entertain it by unanimous consent.

Mr. INGALLS. I ask unanimous consent that I be permitted to make that motion.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to move at this time for consideration that the Senate hold a sitting to-morrow evening, commencing at 8 o'clock, for the purpose of considering pension bills on the Calendar.

Mr. SHERMAN. I think I shall object at present.

The PRESIDENT *pro tempore*. Objection is made. Concurrent or other resolutions are now in order. If there be no further resolutions that order is closed.

Mr. MITCHELL. I now renew the motion that I made a few moments ago, that the Senate proceed to the consideration of Order of Business 65, being the bill (S. 544) granting an increase of pension to Elijah W. Penny.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. JACKSON. In that case there is an adverse report.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. HARRISON. I ask for a division on the question.

Mr. COCKRELL. I ask for the yeas and nays.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRISON. I ask unanimous consent to say simply a word.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. HARRISON. This is a case of a soldier who entered the Army as a private early in 1861 and served until December 1865. He lost an arm above the elbow and was also shot in the spine. He is totally paralyzed on one side, and since this adverse report he has received an increase of pension for loss of an arm up to $36. He was reported to be entitled to $12 for a wound in his side, and much of the time he requires an attendant. So I am sure the case has merit in it and the Senate ought to consider it.

Mr. JACKSON. I ask consent to say a word.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. JACKSON. The claimant is now pensioned at $36 a month. That was given by a special act of Congress in 1882, and he has shown no increased disability since that date.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. HARRISON. I desire to say one word. Since that time Congress has increased the pension for the loss of an arm to $30, and you are giving but $6 for the other disability.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of the bill the title of which has been stated.

The yeas and nays were taken.

Mr. CALL. My colleague [Mr. JONES, of Florida] is absent on account of illness. He is paired with the Senator from Nebraska [Mr. MANDERSON].

The result was announced—yeas 33, nays 22; as follows:

YEAS—33.

Aldrich,	Dolph,	McMillan,	Sawyer,
Allison,	Edmunds,	Mahone,	Sewell,
Blair,	Frye,	Manderson,	Sherman,
Bowen,	Hale,	Mitchell,	Van Wyck,
Brown,	Harrison,	Morgan,	Voorhees,
Cameron of Wis.,	Hawley,	Morrill,	Wilson.
Chace,	Hoar,	Palmer,	
Conger,	Jones of Nevada,	Platt,	
Cullom,	Lapham,	Sabin,	

NAYS—22.

Bayard,	Coke,	Harris,	Slater,
Beck,	Fair,	Jackson,	Vance,
Butler,	Garland,	Jonas,	Vest,
Call,	Gorman,	McPherson,	Walker.
Camden,	Groome,	Pugh,	
Cockrell,	Hampton,	Saulsbury,	

ABSENT—21.

Cameron of Pa.,	Hill,	Maxey,	Ransom,
Colquitt,	Ingalls,	Miller of Cal.,	Riddleberger,
Dawes,	Jones of Florida,	Miller of N. Y.,	Williams.
Farley,	Kenna,	Pendleton,	
George,	Lamar,	Pike,	
Gibson,	Logan,	Plumb,	

So the motion was agreed to.

ELIJAH W. PENNY.

The PRESIDENT *pro tempore*. The bill (S. 544) granting an increase of pension to Elijah W. Penny is before the Senate. The bill has heretofore been indefinitely postponed, and the vote indefinitely postponing the bill has been reconsidered; so the question now recurs on the motion to indefinitely postpone the bill.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Secretary read the following report, submitted by Mr. JACKSON January 15, 1884:

The Committee on Pensions, to whom was referred Senate bill 544, granting an increase of pension to Elijah W. Penny, have considered the same, and respectfully report:

That the claimant, Elijah W. Penny, was captain of Company A, One hundred and thirtieth Indiana Volunteer Regiment, during the late war; that he was honorably discharged December 2, 1865, being disabled by loss of right arm and gunshot wound in right side. On the 20th December, 1865, he filed his application for invalid pension, which was allowed January 2, 1867, and he was pensioned at $20 per month from December 2, 1865, the date of his discharge. He subsequently applied for an increase, and his pension was raised to $24 per month June 4, 1874. He made a second application for increase, which was rejected by the Pension Bureau in 1879 and 1880. He then applied to Congress, and by special act passed July 22, 1882, his pension was increased to $36 per month on account of the aforesaid disabilities—loss of right arm above elbow and gunshot wound in right side—and he is now in receipt of said pension of $36. The present bill proposes to increase his pension by special act to $50 per month, and for the same disabilities which induced Congress to grant the special relief and to raise his pension to $36 in July, 1882 (see Senate Report No. 775, first session Forty-seventh Congress). The claimant's case having once been fully considered by Congress, and such relief awarded as was deemed proper, your committee think it would be setting a bad precedent to give the case a second favorable consideration, no increased disability being shown. But aside from this consideration it appears from the certificate of the examining board of surgeons, made March 3, 1883, that the claimant is fully rated at $36 per month. The board of surgeons make the following report:

"There is loss of right arm at junction of upper and middle third above the elbow. Gunshot wound of right side. Ball entered one inch to the right of spine opposite the twelfth dorsal vertebra, and came out forward and to the right three inches from point of entrance. It struck the twelfth rib, but did not penetrate the cavity of abdomen. We think him fully rated for gunshot wound of right side at $12 per month. We are unable to see any increase of disability. We find the disabilities as above described to entitle him to a $36 rating."

Being thus fully rated, your committee recommend that the bill be not passed, but be indefinitely postponed by the Senate.

Mr. HARRISON. I know that many Senators will probably take it for granted that the examination of the committee was so thorough that they ought not to reverse the action of the committee; but I am satisfied, if I can get the attention of the Senate, that those who listen to me and hear the facts will see that there is good reason why this report should be reversed.

At the time the special act was passed in 1882 fixing the pension of Colonel Penny at $36 a month, the regular pension rate for the loss of an arm above the elbow was $24 a month. Colonel Penny suffered that injury. He lost his arm above the elbow. Since that we have increased the general pension for the loss of an arm above the elbow to $30 a month. There has been a general increase for that disability; and no one questions that under the general pension laws for that injury he would now be entitled to $30 a month. He is drawing under the special act of 1882 $36 a month; but in addition to this loss of an arm Colonel Penny received a wound in the side, the ball breaking one of his ribs and lodging against the spinal column. The result of that has been, as the surgeons certify, almost a total paralysis of the right side, leaving him at times in such a condition that an attendant to take care of him is absolutely necessary.

Mr. COCKRELL. Let me ask the Senator if the Pension Office has any authority under the law to increase the pension for such absolute disability which he says is developed, above $36?

Mr. HARRISON. For what disability?

Mr. COCKRELL. For his disability.

Mr. HARRISON. The Committee on Pensions of the Senate added to the $24 a month which he would have been entitled to for the loss of his arm when his special bill was passed $12 a month for this wound in the back, making his pension $36 a month.

Mr. COCKRELL. That is not the point. The point I want to get at is whether the Pension Office under existing law can make any increase of this rate of $36 now allowed because of disability increased since its allowance?

Mr. HARRISON. I do not suppose they could, as he holds under this special act; he takes his pension under a special act which fixes

the amount of it. Here is a case where taking the regular pension allowed of $30 for the loss of arm above the elbow, and adding to it the $12 which the committee of the Senate gave him before for the wound in the back, the party would be entitled to $42 a month instead of $36; and this bill only proposes to make it $50 in view of the fact that he is totally disabled, and for months at a time requires an attendant to take care of him. Upon the finding of the committee giving him $12 for the wound in the back and the $30 the law gives him for the loss of an arm, he would be entitled to $42 a month; and yet the Senator from Tennessee is insisting that he shall be kept at $36; in other words, giving him only $6 for this injury in the back which the committee have found should be compensated at least at the rate of $12.

This is the case of a most gallant soldier receiving two wounds in the service of his country and having served his country faithfully, beginning as a private in 1861, and being mustered out with his regiment in December, 1865, as its lieutenant-colonel.

Mr. JACKSON. The Senator from Indiana singles me out because I made the report as the one attacking the pension applied for. It was the unanimous report of the Committee on Pensions. Now what are the facts? This soldier for the loss of the right arm above the elbow and for a wound in the side was pensioned finally at $24 per month. His pension was increased from time to time until it reached $24 per month. He applied for an increase in 1879, and the board of examining surgeons said that he was not entitled to any increase above the $24. He applied for an increase again in 1880, and the board of examining surgeons said again that he was not entitled to any increase; that $24 was his proper rate. He came to Congress and asked for special relief; and because of the two wounds Congress increased his pension in 1882 from $24 to $36 a month, covering all his disability.

There was not an iota of evidence in the papers before the committee that his disability had increased since Congress acted upon his case specially in 1882. Since that time he has been examined again in March, 1883, by a board of examining surgeons and they say he is properly rated at $36, and they decline to give him a further increase.

Mr. HARRISON. If the Senator from Tennessee will allow me one moment, I ask him whether it is not apparent to him under the findings of the committee when they reported his bill before that under the amended law as to pension for the loss of an arm he would be entitled to $42 now?

Mr. JACKSON. I am coming to that in a moment. The law of 1883, passed about the time that he was last examined, raised the pension from $24 to $30 for the loss of an arm above the elbow; but it is now proposed to put this man on the roll at $50 a month. All the increase that he could possibly be entitled to would be $8. Even under the claim of the Senator from Indiana he would not be entitled to more than $6.

But that is not the question. We are pursuing a course that is inviting every rejected claim from the Pension Office to Congress; we are pursuing a course that leads every failure to get an increase in the Pension Office to come to Congress; and every rejected case is coming here. The records of our committee show that these private pension bills are on the increase fearfully. We undertake to override and overrule the action of the examining boards of surgeons who rate these disabilities and give way to our sympathies and run rough-shod over the action both of the committee here and of the Pension Office.

Why, sir, we reported last session from the Committee on Pensions four hundred and fifty cases. We have already reached eight hundred at this session. Eight hundred cases that had been rejected in the Pension Office have been examined by the Committee on Pensions of this body since the 20th of December, 1884; 60 per cent. of them reported favorably, overruling the medical examinations of medical experts even on questions as to disease. The result of this course is that we are converting one committee of this body into a reviewing court for the entire pension business. I think there is no excuse in this case for increasing this pension, and no pretense for it under the last examination made by a board of examining surgeons in 1883.

Mr. HARRISON. I ask unanimous consent that the reconsideration may be had, and that the vote may be upon the passage of the bill.

The PRESIDING OFFICER (Mr. ALLISON in the chair). What is the request of the Senator?

Mr. HARRISON. I understood the pending question was the reconsideration of the action taken heretofore.

The PRESIDING OFFICER. No; the pending question is on the indefinite postponement of the bill.

Mr. HARRISON. I ask that that may be taken by consent, and that we may come to a vote on the bill.

The PRESIDING OFFICER. The question is on the indefinite postponement of the bill.

The Chair put the question, and declared that the noes appeared to prevail.

Mr. JACKSON. I ask for the yeas and nays.

Mr. HARRISON. I ask the Senator from Tennessee to take the yeas and nays upon a direct vote upon the bill rather than on the postponement.

Mr. JACKSON. I am willing for that.

Mr. COCKRELL. What was the proposition about to be voted on?

The PRESIDING OFFICER. The proposition which has just been voted on is the question of indefinite postponement. Now the Senator from Indiana asks unanimous consent that the vote may be taken directly on the passage of the bill.

Mr. COCKRELL. I object to that. I believe an amendment is in order now.

Mr. HARRISON. I should think not.

The PRESIDING OFFICER. Not while the motion to indefinitely postpone is pending.

Mr. HARRISON. I hope the Senator from Missouri will let this matter stand, as the Chair has announced that the noes have it on the motion to postpone. Then he can propose his amendment, and then we can take a vote directly on the bill. There is no use in having two roll-calls.

Mr. BLAIR. Let us hear the amendment read for information.

The PRESIDING OFFICER. The Chair will put the question again on the motion to indefinitely postpone the bill.

The motion was not agreed to.

Mr. COCKRELL. Now, I should like to hear the bill read.

The PRESIDING OFFICER. The bill will be again read.

Mr. COCKRELL. I understand the amount allowed by the bill is $50 a month?

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole and open to amendment, and will be read.

The Chief Clerk read the bill.

Mr. COCKRELL. I move to strike out the word "fifty," in line 7, and insert "forty-two;" so as to read:

At the rate of $42 per month.

Mr. SHERMAN. That is right.

Mr. HARRISON. I will not object to that amendment. It puts it exactly where the committee put it before, and gives him only the benefit of the increase in the general law.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SLATER. Provided there were no question in relation to the propriety of putting this man's pension at $42, there is great impropriety in doing it by act of Congress. We have no means ordinarily of giving a man a proper rate of pension, and it is improper in every sense of the term for Congress to undertake to do this work for which we have all the machinery in the Pension Bureau. This man has already been rated since the passage of the law of 1883, and the board say that they have already rated him at all that he should have. We are setting a precedent that will return to trouble Congress from session to session, and we ought not to enter upon such a system of legislation. We have bills year after year of this character, and they will multiply; they are multiplying. Four years ago it was seldom that a bill came to Congress asking for a rerating of pension. Now they are a very large percentage of the bills that reach here. We ought not to pass any bills of the kind.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. JACKSON. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. Before the roll is called may I inquire whether the case is reported unanimously by the Committee on Pensions.

Mr. BLAIR. The Committee on Pensions reported $36. On the motion of the Senator from Missouri there has been an amendment adopted increasing the pension to $42. The question is on $42.

Mr. COCKRELL. I beg my friend's pardon. The bill proposed $50.

Mr. BLAIR. That is so.

Mr. COCKRELL. The Committee on Pensions reported adversely to any increase at all.

Mr. HARRISON. He has $36 now.

Mr. COCKRELL. I then moved to strike out "fifty" and insert "thirty-six" in the original bill.

Mr. HARRISON. No, forty-two.

Mr. COCKRELL. "Forty-two" I mean. That was agreed to, but the bill still stands upon the adverse report of the committee.

Mr. BLAIR. At $42?

Mr. COCKRELL. At $42.

Mr. BLAIR. It stands at $42 upon a vote of the Senate adopting an amendment. That is the way the bill now stands.

Mr. COCKRELL. In lieu of $50.

Mr. BLAIR. In lieu of $50, certainly.

Mr. COCKRELL. It stands now before the Senate upon the action of the Senate striking out "fifty" and inserting "forty-two."

Mr. BLAIR. The question is whether the Senate will reverse itself.

Mr. BUTLER. I inquire of the Senator from Missouri what the action of the committee was upon the allowance of $42. Was it favorable or adverse?

Mr. COCKRELL. I presume—not being a member of the committee I can not speak for it—that that proposition was not considered.

Mr. CULLOM. It was not.

Mr. COCKRELL. The bill was reported adversely against any increase, and postponed indefinitely. Then there was a motion to reconsider, and that prevailed as a matter of course, as is usual in such cases; but the bill has not been considered by the committee at the sum of $42 at all.

The PRESIDING OFFICER. The question is on the passage of the bill, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 28, nays 25; as follows:

YEAS—28.

Aldrich,	Dolph,	McMillan,	Sabin,
Allison,	Frye,	Miller of Cal.,	Sawyer,
Blair,	Gorman,	Mitchell,	Sewall,
Brown,	Hale,	Morrill,	Sherman,
Cameron of Wis.,	Harrison,	Palmer,	Van Wyck,
Chace,	Hawley,	Platt,	Voorhees,
Conger,	Lapham,	Riddleberger,	Wilson.

NAYS—25.

Bayard,	Colquitt,	Jackson,	Slater,
Beck,	Fair,	Jonas,	Vance,
Butler,	Garland,	Maxey,	Vest,
Call,	Gibson,	Morgan,	Walker.
Camden,	Groome,	Pendleton,	
Cockrell,	Hampton,	Pugh,	
Coke,	Harris,	Saulsbury,	

ABSENT—23.

Bowen,	George,	Kenna,	Miller of N. Y.,
Cameron of Pa.,	Hill,	Lamar,	Pike,
Cullom,	Hoar,	Logan,	Plumb,
Dawes,	Ingalls,	McPherson,	Ransom,
Edmunds,	Jones of Florida,	Mahone,	Williams.
Farley,	Jones of Nevada,	Manderson,	

So the bill was passed.

The PRESIDING OFFICER. There is a preamble to the bill, the Chair understands.

Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. The preamble will be read.

The Secretary read the preamble.

Mr. HARRISON. I hope the Senate will just disagree to the preamble. There is no occasion for it.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was rejected.

HOUSE BILL REFERRED.

The bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MINA M. GWYNN.

Mr. MITCHELL. I move that the Senate do now proceed to the consideration of Order of Business 452, being the bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo.

Mr. SHERMAN. As these bills are being taken up, I ask unanimous consent of the Senate, because this is perhaps the only day that can be devoted to pensions, that after this bill is disposed of the pension bills be taken up, both Senate and House bills, in their order on the Calendar, those that have been reported favorably, and that after they are acted on all other pension bills which have been reported adversely may then come up on the motion of any Senator.

Mr. MITCHELL. On the call of any Senator in their order?

Mr. SHERMAN. Whether in their order or not. Let any Senator then move to take up any pension bill he chooses, but let us get through first with the unobjected cases.

Mr. SEWELL. I suggest to the Senator from Ohio that bills reported adversely be taken up on call in their order. There are some cases apparently reported adversely that are really favorable reports. They are merely reported adversely for the larger sum proposed.

Mr. SHERMAN. We had better first dispose of the bills favorably reported, so that we need not be here all the time.

The PRESIDING OFFICER. The Senator from Ohio——

Mr. BLAIR. I ask unanimous consent to be allowed to say a word before the suggestion is acted on.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent to say a word before the question is put.

Mr. BLAIR. We have got started. The great thing in the pension business is to get started; and if we keep right on just as we have started, taking up the cases as we come to them, whether adversely or favorably reported, we shall get through the Calendar and everything will be off the Calendar by 5 o'clock. Now we are wasting a great deal of time in discussing how we shall do it. Most of these adversely reported cases will be settled on a single debate. There are not more than three or four different sorts of cases, and the disposition of any one will be a precedent that will control the others. If we keep right on we shall be through by 5 o'clock with the whole pension business, and probably before that hour.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that after the present bill is disposed of the Calendar of pension cases shall be taken up, and those reported favorably shall be first considered and then adverse reports shall be considered as suggested by Senators. Is there objection?

Mr. ALDRICH. I object.

Mr. JACKSON. I object to that.

The PRESIDING OFFICER. Objection is made. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo.

Mr. JACKSON called for the yeas and nays, and they were ordered.

Mr. COCKRELL. I should like to know why the Senator passes over Order of Business 406?

The PRESIDING OFFICER. Debate is not in order except by unanimous consent.

Mr. CAMERON, of Wisconsin. I object.

Mr. BLAIR. I can state in regard to that that the man is dead.

The PRESIDING OFFICER. Debate is not in order.

The question being taken by yeas and nays, resulted—yeas 24, nays 29; as follows:

YEAS—24.

Aldrich,	Cullom,	Jones of Nevada,	Sabin,
Allison,	Frye,	McMillan,	Sawyer,
Blair,	Hale,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Harrison,	Mitchell,	Sherman,
Chace,	Hawley,	Morrill,	Van Wyck,
Conger,	Hoar,	Palmer,	Voorhees.

NAYS—29.

Bayard,	Colquitt,	Harris,	Slater,
Beck,	Fair,	Jackson,	Vance,
Brown,	Garland,	Jonas,	Vest,
Butler,	George,	McPherson,	Walker,
Call,	Gibson,	Maxey,	Wilson.
Camden,	Gorman,	Pendleton,	
Cockrell,	Groome,	Pugh,	
Coke,	Hampton,	Saulsbury,	

ABSENT—23.

Bowen,	Hill,	Logan,	Platt,
Cameron of Pa.,	Ingalls,	Mahone,	Plumb,
Dawes,	Jones of Florida,	Manderson,	Ransom,
Dolph,	Kenna,	Miller of N. Y.,	Riddleberger,
Edmunds,	Lamar,	Morgan,	Williams.
Farley,	Lapham,	Pike,	

So the motion was not agreed to.

PENSION BILLS.

Mr. MITCHELL. I now ask unanimous consent that the Senate proceed to the consideration of bills reported favorably from the Committee on Pensions.

Mr. BLAIR. I object. There is only one way to do this business, and that is to go right on.

Mr. COCKRELL. Regular order.

Mr. INGALLS. Regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. VOORHEES. Mr. President——

The PRESIDING OFFICER. Debate is not in order.

Mr. VOORHEES. I do not rise to debate.

Mr. SHERMAN. What is the regular order?

The PRESIDING OFFICER. The next case on the Calendar.

Mr. VOORHEES. I rise to make a suggestion to the Senate.

The PRESIDING OFFICER. Is there objection to hearing the Senator from Indiana? The Chair hears none.

Mr. VOORHEES. Among the several suggestions made this morning as to the best mode of considering this important branch of public business now on our Calendar, I think the Senator from Kansas made a most valuable one; and if it would be in order I would make a motion to set aside some evening when we can take up the entire Calendar of pension business, bills reported favorably and unfavorably, and dispose of them, without breaking into a session so precious and important as the day's session is now. Am I in order in making such a motion, Mr. President? If I am, I will make the motion that the Senate——

The PRESIDING OFFICER. The motion is not in order without unanimous consent.

Mr. VOORHEES. I ask leave of the Senate to make the motion in order to test the sense of the Senate that the Senate shall meet to-morrow evening at some hour that is agreeable, say 8 o'clock, and proceed to the consideration of pension business alone, and in that way clear the Calendar.

Mr. COCKRELL. I call for the regular order.

Mr. SHERMAN. I object to the suggestion as totally impracticable. A single objection would prevent the passage of any bill whatever.

The PRESIDING OFFICER. The regular order is called for. The Chair will lay before the Senate the regular order, which is Senate bill No. 15.

Mr. COCKRELL. I beg the Chair's pardon. There is a rule which says we are to go to the consideration of unobjected House cases, as I understand.

The PRESIDING OFFICER. The Chair understands that that rule applies to the morning hour, which has already expired. The regular order is the bill (S. 15) to provide for the further protection of citizens of the United States and others against the violation of certain rights secured to them by the Constitution of the United States.

Mr. SHERMAN. I submit a motion that is in order. I move that the Senate now proceed to the consideration of the first bill reported from the Committee on Pensions favorably. I do not know what it is, but as soon as the Chair announces it I will insert it in my motion.

The PRESIDING OFFICER. That motion is in order.

Mr. MILLER, of California. We voted that down.

Mr. SHERMAN. It is in order.

Mr. MITCHELL. The first pension bill favorably reported is Order of Business 1167, the bill (S. 1877) granting an increase of pension to John Hall.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of the bill which will be announced.

The CHIEF CLERK. Order of Business 406, being the bill (S. 772) granting a pension to Erastus W. Babson.

Mr. BLAIR. I will suggest that the man is dead and has been dead six or eight months.

Mr. SHERMAN. Let us take up the bill.

Mr. BLAIR. The Senator from Ohio moves to take up the bill, and I will say in regard to it that the committee are waiting for some evidence so as to substitute the name of the widow of the man who is dead, and the evidence is not here.

The PRESIDING OFFICER. Debate is not in order. The Senator from Ohio moves to proceed to the consideration of the bill.

Mr. MITCHELL. There is a mistake in regard to that. That bill has been reported adversely.

Mr. SHERMAN. Then I move to take up the first bill reported favorably.

Mr. VOORHEES. Let the Chief Clerk report the first bill reported favorably from the Committee on Pensions.

The PRESIDING OFFICER. The Chair will allow that to be done. Debate is not in order.

Mr. MITCHELL. Order of Business 1167, I think, is the first bill of that kind.

Mr. VOORHEES. Is that the first favorably reported bill?

The PRESIDING OFFICER. The first bill on the Calendar favorably reported from the Committee on Pensions will be announced.

The CHIEF CLERK. Order of Business 1136; a bill (S. 1633) granting a pension to James Bond.

Mr. BLAIR. Is not that reported adversely?

Mr. CULLOM. No; there are views of the minority against the passage of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to proceed to the consideration of the bill.

The motion was agreed to.

JAMES BOND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1633) granting a pension to James Bond. It proposes to place on the pension-roll the name of James Bond, who was a private in Company B, Fifty-second Regiment of Ohio Volunteer Infantry, in the late war of the rebellion, the pension to date from November 14, 1864.

Mr. SHERMAN. The bill is debatable, and I wish now to debate it just to the extent of saying a few words. It seems to me we are wasting the time that is now due and set aside for these pension bills. I do not care in what order they are taken up. The objection I have to the proposition made by the Senator from Kansas is that if we attempt to hold a night session, unless it is a prolonged session running into the night, we shall be here without a quorum, and a single objection will prevent the passage of any bill. Now, I want to utilize the few rapidly-passing moments of the session in favor of the pension bills. I suggest to the chairman of the Committee on Pensions that the better way would be to move to take up the bills favorably reported in their order as they stand, and we shall soon get through with those; and then, as we are all more or less interested in contested cases, the bills adversely reported can be taken up on the motion of any Senator who desires to call up any particular bill.

Mr. MITCHELL. That arrangement would be agreeable to me.

Mr. BLAIR. That arrangement would result in what the Senator from Ohio does not want to accomplish. There are a great many of these bills reported adversely which under his suggestion would fail to be considered at all. The committee is known to be very closely divided upon nearly all the bills which occasion serious controversy and they come here reported adversely. Such bills as the Senator from Rhode Island is interested in, the Senator from Vermont, the Senator from California, and the Senator from New Jersey, would all be excluded by the suggestion of the Senator from Ohio. If he is not now he has been interested in bills which by his own suggestion would fail of consideration.

If the Senate had proceeded as it was proceeding, in fifteen minutes it could have disposed of all these preliminary cases, which really do not require much consideration. As to the bill which occasioned the discussion in the first place there is no other case like that on the Calendar. The very next case, the one which we were in process of taking up, was one reported adversely by the same Senator, and it was reported right; nobody would contest it. The report shows that. There is no evidence upon which the bill could be passed. As soon as it could have been considered it would have been put out of the way and the report sustained. Then came the Babson case. The man has been dead six or eight months, and we have been waiting to get testimony by virtue of which we could substitute the name of his widow in the same case, and the honorable Senator from Ohio steps in and, in utter ignorance of the whole thing, wastes time enough to have passed that and twenty other bills like it, as though the Committee on Pensions did not know anything about their business at all.

So many persons undertake to help the Committee on Pensions that we waste double the time necessary to dispose of all the business which they bring before the Senate. Very soon we should have reached the controverted cases which the honorable Senator's suggestion would rule out. All know that the committee stands four to five or five to four, and, with probably no debate at all, as we debated the whole thing over at the last session, we should have wiped all those cases out of the way, and they would have been passed or rejected. Then comes again the great mass of bills not objected to, and we ought in an hour's work to dispose of the whole of them.

As I said before, all the pension bills on the Calendar, contested and uncontested, could easily be disposed of by 5 o'clock if the Pension Committee were allowed to take charge of its business and go along with it as other committees do with theirs. For the first time since I have been in the Senate, in half a dozen years, I hope the Committee on Pensions will have the privilege of doing its business as other committees do their business, without being interfered with, and that they will be supposed to know something about what they are engaged in transacting in the committee-room and about their work on the Calendar.

Mr. COCKRELL. I should like to ask the distinguished Senator if he thinks the Pension Committee has the right to come in here and monopolize absolutely and unqualifiedly all the remainder of this session, and if other committees have no rights, if other Senators have no rights, if other interests have no rights before this body?

Mr. BLAIR. I will reply to the honorable Senator that the Pension Committee has not occupied one-tenth of the amount of time in this body that any other committee has that has appreciably the same amount of legislation to propose to the Senate, and when it does come here with a matter that is contested everybody knows so much about its business, everybody has so many objections, everybody so undertakes to lead off in the direction of his own particular bill on the Calendar of pension bills that he is interested in, that the time is frittered away as it has been done every time. When the Pension Committee comes in here near the close of the session, having neglected this business, if you please, until these few remaining moments, why can it not have this afternoon, which is to be talked away at all events? Why not let us have it to do our business in?

Mr. COCKRELL. Mr. President, I am very much astonished at my good friend from New Hampshire insisting upon what has never been insisted upon in this body in the last ten years. He is insisting that the cases adversely reported by the Committee on Pensions shall receive the same consideration and attention from this body that the bills reported favorably receive. That never has been accorded to any committee of this body.

There has been proposition after proposition submitted to proceed to the unobjected pension cases, being Senate pension bills, in order that they may be passed and may go to the other House for consideration there. There has been a proposition that we proceed to the unobjected House bills reported favorably so that we may economize the time and get them out of the way. But, no; nothing shall be done, says the Senator, unless the cases reported adversely are taken up in their order. I simply desire to say, in all kindness, that if that order is insisted upon, not one-half of the pension cases upon the Calendar will be passed by 12 o'clock meridian on the 4th day of March. It will be simply a physical impossibility to do it.

We should proceed in a business way to consider these matters. If there are Senate pension bills that have been reported favorably and nobody objects to them and there is no controversy about them and they ought to be considered by the other House, why not take them up and pass them and let them go to the other House? Then, if there are numerous bills here which have passed the House and have been reported favorably by Senate committees, by the Committee on Military Affairs, the Committee on Claims, and other committees, why not take them up and let them be disposed of, and then attend to the business to which the Senator refers? The cases reported adversely can come up on the motion of the Senator and be disposed of. They are not precluded. We shall have simply removed away from them these important measures to which no one objects. But if we are compelled to consider every adverse report before we have disposed of the unobjected cases, the Senator will find at the close of the session that there will be many, both favorable and adverse, cases that will not have been considered.

It seems to me this is such a plain proposition that no one can gain-

say it or doubt it. Take up and act upon the Senate pension bills reported favorably and to which no one objects. You can do it inside of an hour or half an hour. There are not many such Senate bills. Then take up the House pension bills to which there is no objection, and dispose of them, and then take up the other cases, if you can get them up, and the Senate wants to consider them; but let us have an opportunity of disposing of this business rapidly without any discussion so as to get it out of the way; then when we get into a talking humor we can consider the bills reported adversely. I make the suggestion because I know it is in the interest of the transaction of the business of this body.

Mr. BLAIR The Senator's suggestions are mainly wise. His last suggestion was the original effort of the committee. Objections prevented the desire of the committee from being carried out. Now, the sensible thing to do is to take up the unobjected cases and run through them without any opposition in a very short time. It is not a matter of any importance whether we take the Senate bills first and then the House bills, because there are so few Senate bills. Both may be included in the same order and we may go through the Calendar and dispose in an hour or two of every one of them.

Mr. MILLER, of California. Ask unanimous consent for that.

Mr. BLAIR. I should be very glad to do that. That is what I wanted to do; but somebody outside of the committee objected. Now, if somebody outside of the committee will ask to have that course pursued I have no doubt unanimous consent will be granted.

Mr. COCKRELL. I ask that that be the order so that we may facilitate the transaction of proper and legitimate business in a decent and orderly way.

Mr. VOORHEES. What is the proposition now?

Mr. COCKRELL. I ask that we take up the unobjected pension cases and dispose of them.

Mr. CULLOM. Both House and Senate bills?

Mr. COCKRELL. Both House and Senate pension bills.

Mr. CULLOM. I hope that will be agreed to.

Mr. COCKRELL. Simply the unobjected cases.

Mr. HARRISON. The Senator does not mean the unobjected cases. He means cases reported favorably. He does not mean to put it in the power of a single Senator to prevent the consideration of a bill.

Mr. COCKRELL. What I want is to proceed simply to consider the pension bills on the Calendar reported favorably; any Senator can move to take up a bill as a matter of course if anybody objects.

Mr. CULLOM. That is right.

Mr. COCKRELL. If any objection is made to taking up a case favorably reported, then let the Senator interested in it move to take up and consider the bill.

Mr. HARRIS. Does the Senator from Missouri mean under all the provisions of Rule VIII?

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from Missouri asks that unanimous consent be given that pension bills favorably reported on the Calendar may be taken up in their order and disposed of. Is there objection? The Chair hears none, and that is agreed to. The bill which was under consideration when the request was made is before the Senate as in Committee of the Whole, and open to amendment.

Mr. JACKSON. I should like to hear the report read. There are views of the minority in that case. It is a case providing for arrears.

Mr. CULLOM. For the purpose of facilitating work in this case of Bond, I suggest to the Senator from Tennessee that so far as I am concerned I am willing to allow the bill to be amended by striking out the clause providing for arrearages.

Mr. JACKSON. I agree to that. That is proper.

Mr. COCKRELL. That is right.

Mr. BLAIR. I want to know what the bill is first.

The PRESIDING OFFICER. It is a bill granting a pension to James Bond.

Mr. CULLOM. Let the bill be amended so as to strike out the arrearages.

Mr. VOORHEES. Let me call attention to the case at the bottom of page 26.

Mr. CULLOM. Let us dispose of this first.

Mr. VOORHEES. We shall have to go back to the other case.

Mr. CULLOM. This case is up on motion. We can go back.

Mr. COCKRELL. I move to amend the bill, in line 8, after the word "from," by striking out the words "the 14th day of November, A. D. 1864," and inserting "and after the passage of this act;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of James Bond, who was a private in Company B, Fifty-second Regiment of Ohio Volunteer Infantry, in the late war of the rebellion; the pension under this act to date from and after the passage of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third third, and passed.

ADALBERT STICKNEY.

The bill (H. R. 5207) granting a pension to Adalbert Stickney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Adalbert Stickney, late a private in Company G, Eighth Regiment of Wisconsin Volunteers.

Mr. JACKSON. I ask that the views of the minority in that case may be read.

The PRESIDING OFFICER. The views of the minority will be read.

Mr. CULLOM. If the Senator will allow me to make a statement, the basis of the minority report, as I recollect, is in the fact that there was a contradictory statement on the part of the claimant as to the manner in which he received the wound. That appears in the papers. I have corresponded with the soldier since the claim was passed upon by the committee, and the claimant states that the agent put that statement into the papers wrongly, and the claimant afterward found it out and tried to get him to take it out; that the agent declined to do so without being paid, and he did not have any money to pay him, and so the thing stood. He admits himself that he received the wound not strictly in the line of duty, but by accident in some way in the camp.

Mr. JACKSON. That discrepancy is referred to in the views of the minority, but that is not the point upon which the minority rest their objection. This soldier's regiment was furloughed and was absent at home. He with a detachment was left in the command of Captain King, and he left his camp without leave and went into the city of Memphis, got into a riot, a street fight, and was shot with a pistol in the knee in that fight. That is the proof in the case. He was not in the line of duty. That is referred to in the majority report, but the fact is stated by the captain under whose immediate control he was at the time, and who says he was not entitled to a pension, and refused to sign his application for a pension, knowing the fact that he was wounded in a quarrel in the streets of Memphis when away from camp without leave.

Mr. CULLOM. I think the Senator from Tennessee makes a statement as to the fact stronger than the papers show. It may be true that one witness testified that he thinks it was in a street riot; but others contradict that statement. He himself writes to me—I received a letter within a few days—that he received the wound by an accidental shot in the camp, and some of the testimony indicates that he was inside the camp or very near to it at the time he was shot.

I had the honor of making the report on behalf of the committee. The soldier had served within about three weeks, as I recollect, of the three years, and the testimony all showed that he was a good soldier. I thought, and the minority of the committee thought, in view of the contradictory statements in reference to the manner in which he got the wound, that the pension ought not to be allowed.

Mr. WILSON. While the evidence in this case, according to my recollection of it, discloses that a street riot was in progress at the time the wound was received, it does not establish the fact that the soldier was participating in that riot. There was simply a broil going on in the streets, and he was proceeding to his camp when from some cause he received the wound. The fact that he was participating in the riot was not established.

Mr. JACKSON. I shall detain the Senate but one moment. A portion of the evidence was not referred to in the majority report. The House report has adopted it. The material statement of Captain Williams is entirely overlooked in the majority report. He says:

My recollection is that he received the wound while in town, and not while in the line of duty with his company.

Then Lieutenant Doty, his lieutenant, says:

In regard to the claim of A. M. Stickney for a pension, I would say that I do not think he is entitled to it, as he was not on duty at the time and was out of camp without permission. I understood at the time that he got the wound in a street fight. I have refused several times to sign his petition for a pension on that account.

Captain King, who had charge of the soldier, says:

In reply to your favor referring to claim of Adalbert M. Stickney, will say I have no personal knowledge of the affair, as he received the wound during my absence from the command; but I was informed upon my return that he was wounded in a street broil, and not while in line of duty.

Now, it would be going entirely too far to grant a pension in that class of cases.

Mr. WILSON. My recollection of the testimony is that this soldier was in the city of Memphis by leave of his officer, and although not engaged in any military duty at the time, still under a recent decision made by the Assistant Secretary of the Interior, if absent from camp by leave he was in the line of duty. As I read it in the newspapers, the Assistant Secretary decided that the person whose case was under consideration was in the line of duty at the time of the accident; and that anyway, being a staff officer, he is always on duty. He further rules "that any soldier, whether officer or private, who engages in recreation, joins social gatherings, religious meetings, or innocent amusements, and is going to or from them with the assent of his superior officer, does not thereby place himself out of the line of duty." This case I think comes fairly within the rule of that decision.

Mr. JACKSON. I examined the papers with great care. There are two comrades who state that they think he had permission to leave the camp, but the officer immediately over him says he left the camp without permission, and was wounded in the street fight.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The PRESIDING OFFICER. The question is on the passage of the bill.

The question being put, there were on a division—ayes 17, noes 12; no quorum voting.

Mr. SLATER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 17; as follows:

YEAS—31.

Aldrich,	Cullom,	Lapham,	Sabin,
Allison,	Dolph,	Manderson,	Sawyer,
Blair,	Frye,	Miller of Cal.,	Sewell,
Bowen,	Harrison,	Miller of N. Y.,	Sherman,
Call,	Hawley,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hill,	Morrill,	Vorhees,
Chace,	Hoar,	Palmer,	Wilson.
Conger,	Jones of Nevada,	Riddleberger,	

NAYS—17.

Bayard,	Hampton,	Pugh,	Walker,
Cockrell,	Harris,	Saulsbury,	Williams.
Fair,	Jackson,	Slater,	
George,	Jonas,	Vance,	
Groome,	McPherson,	Vest,	

ABSENT—28.

Beck,	Dawes,	Ingalls,	Maxey,
Brown,	Edmunds,	Jones of Florida,	Morgan,
Butler,	Farley,	Kenna,	Pendleton,
Camden,	Garland,	Lamar,	Pike,
Cameron of Pa.,	Gibson,	Logan,	Platt,
Coke,	Gorman,	McMillan,	Plumb,
Colquitt,	Hale,	Mahone,	Ransom.

So the bill was passed.

JOHN HALL.

The bill (S. 1877) granting an increase of pension to John Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Hall, late a private in Company B, Tenth United States Infantry, Mexican war, at the rate of $30 per month, in lieu of the $8 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF BYRAM PITNEY.

The bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the widow and children of Byram Pitney, late of Company K, Twenty-sixth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY J. STOTTS.

The bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary J. Stotts, widow of Green C. Stotts, late captain of Company D, Seventy-sixth Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS J. BLAIR.

The bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll, was considered as in Committee of the Whole. It proposes to reinstate on the pension-roll the name of Lewis J. Blair, late lieutenant-colonel of the Eighty-eighth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JULIA HARTLEY.

The bill (H. R. 7952) granting a pension to Mrs. Julia Hartley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Julia Hartley, widow of Capt. John Hartley, late of the Twenty-second United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. B. CORTS.

The bill (H. R. 8038) granting a pension to Harriet A. B. Corts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet A. B. Corts, widow of George P. Corts, late an assistant adjutant-general of volunteers, and to pay her a pension at the rate of $40 per month in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPH WEACH.

The bill (H. R. 2282) granting a pension to Adolph Weach was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Adolph Weach, late of Company I, Eleventh Regiment Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK NELSON AND OTHERS.

The bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Frederick Nelson, T. Caine, and Henry C. Sanders, of Wyoming Territory, late employés of the Quartermaster's Department of the United States Army, who were severely wounded and disabled for life while connected with Major Thornburgh's expedition, in the engagement with the Ute Indians, September 29, 1879.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ADELINE E. CHADBOURNE.

The bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne was considered as in Committee of the Whole. It proposes to place the name of Mrs. Adeline E. Chadbourne, an Army nurse, on the pension-roll at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA WETHERBEE.

The bill (H. R. 7724) granting a pension to Lydia Wetherbee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia Wetherbee, dependent mother of George L. Wetherboe, deceased, formerly a private in Company B, Fourteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERIC S. RICH.

The bill (H. R. 5969) increasing the pension of Frederic S. Rich was considered as in Committee of the Whole. It proposes to increase the pension now allowed to Frederic S. Rich, late a private in Company H, Eighth Regiment New Hampshire Volunteers, from $8 per month to $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BRADFORD.

The bill (H. R. 3701) granting a pension to James Bradford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Bradford, late a volunteer in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CLARK.

The bill (H. R. 8033) granting an increase of pension to George W. Clark was considered as in Committee of the Whole. It proposes to increase the pension of George W. Clark, late a private in Company E, Twelfth Regiment New Hampshire Volunteers, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLDEN COOK.

The bill (H. R. 7707) to pension Holden Cook was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Holden Cook, late a private in Company A, Thirty-first United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLLY YOUNG.

The bill (S. 2443) granting an increase of pension to Polly Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Polly Young, widow of Jesse Young, late a soldier in the war of 1812, and to pay her a pension at the rate of $30 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL SMITH.

The bill (H. R. 5813) granting a pension to Rachel Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Smith, dependent mother of Andrew M. Smith, late a private in Company E, Twenty-sixth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID T. DUDLEY.

The bill (H. R. 6965) granting a pension to David T. Dudley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David T. Dudley, late a private in Company C, Fourth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK P. DEARTH.

The bill (H. R. 7315) granting a pension to Frederick P. Dearth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick P. Dearth, dependent father of Edwin P. Dearth, late of the Fifty-second Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA ANGELL.

The bill (H. R. 2138) granting a pension to Martha Angell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Angell, widow of Lieut. John C. Angell, late of Company B, Ninth Regiment West Virginia Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN E. MANCHESTER.

The bill (S. 1113) granting a pension to Ann E. Manchester was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann E. Manchester, widow of Abel W. Manchester, deceased, who was a sergeant of Company H, Seventh United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LOWE.

The bill (S. 2302) granting a pension to John Lowe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Lowe, late of Company G, Fifty-third Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. D. LAWRENCE.

The bill (H. R. 6196) granting a pension to R. D. Lawrence was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of R. D. Lawrence, late a private in Company E, First Regiment Michigan Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ROBINSON.

The bill (H. R. 1502) granting a pension to William Robinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Robinson, late a scout in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GIBBONS.

The bill (H. R. 4098) granting a pension to William Gibbons was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Gibbons, late of Company F, Nineteenth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M. M'KINLAY.

The bill (H. R. 1984) granting a pension to Robert M. McKinlay was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert M. McKinlay, late of Company M, Sixth Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. WEST.

The bill (H. R. 7561) to allow a pension to George F. West was considered as in Committee of the Whole. It provides that George F. West, late a corporal in Company I, Fifth Regiment of Wisconsin Infantry Volunteers, now on the pension-roll at the rate of $24 per month, shall hereafter be entitled to receive the same pension as a soldier now receives, or that may hereafter be allowed by law, who has lost one arm at or above the elbow or one leg at or above the knee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. DENHAM.

The bill (H. R. 5798) granting a pension to John E. Denham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the words "Marine Corps," in line 7, to strike out "and grant him a pension of $8 a month from the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Denham, late a sergeant of the United States Marine Corps.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARGARET A. RINGWALT.

The bill (H. R. 4266) granting a pension to Margaret A. Ringwalt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret A. Ringwalt, sister of Lewis Ringwalt, late of Company F, Seventeenth Pennsylvania Cavalry, and to pay her the pension allowed by law to the dependent relatives of deceased soldiers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM N. MORRIS.

The bill (S. 2245) granting a pension to William N. Morris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William N. Morris, late a private in Company F, Seventeenth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WEALTHY H. SEAVEY.

The bill (H. R. 6966) granting a pension to Wealthy H. Seavey was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Wealthy H. Seavey, of Erroll, N. H., as dependent foster-mother of Charles W. Seavey, late a private in Company I, Seventh Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN LUMPHREY.

The bill (H. R. 5762) for the relief of Ann Lumphrey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Lumphrey, widow of Oliver Lumphrey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE VAN NORTON.

The bill (H. R. 4189) granting a pension to Caroline Van Norton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline Van Norton, widow of Jacob Van Norton, late a private in Company K, One hundred and fifty-first Regiment New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. PHILLIPS.

The bill (H. R. 4837) granting a pension to Charles H. Phillips was considered as in Committee of the Whole. It proposes to increase the pension of Charles H. Phillips, late a teamster in the First Division, Fifteenth Army Corps, to $15 per month, in lieu of the present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERNARD DONOHUE.

The bill (H. R. 6835) granting a pension to Bernard Donohue was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bernard Donohue, late artificer of Company K, First New York Volunteer Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. AYERS.

The bill (H. R. 7773) granting a pension to William E. Ayers was considered as in Committee of the Whole. It proposes to place the name of William E. Ayers, late of Company E, Twenty-fourth New York Cavalry Volunteers, on the pension-roll, under the rules and regulations of the Pension Office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA M. BYERS.

The bill (H. R. 7386) granting a pension to Eliza M. Byers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza M. Byers, widow of Dr. William J. Byers, and to pay her the pension of the widow of a surgeon of volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WEDDINGFIELD.

The bill (H. R. 732) granting a pension to William Weddingfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Weddingfield, late a private in Company E, First Regiment Potomac Home Brigade Cavalry, Maryland Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY GORDON.

The bill (S. 2437) granting a pension to Mrs. Mary Gordon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Gordon, mother of Samuel F. Gordon, late a private in Company G, Sixteenth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELENOR STOUGH.

The bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Elenor Stough, widow of George W. Stough, late major of the Eighty-eighth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HOWARD FARQUHAR.

The bill (S. 1960) for the relief of Mary Howard Farquhar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the words "at the rate of," in line 9, to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis U. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. A. S. Williams, United States Volunteers, at the rate of $30 per month, in lieu of the pension which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. MILLER.

The bill (H. R. 3000) for the relief of William R. Miller for pension was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William R. Miller, late a guide to scouts under Maj. James M. Moore, of the Fifteenth Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE HILTON.

The bill (H. R. 5082) granting a pension to Jane Hilton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane Hilton, widow of Ellis Hilton, deceased, late a private in Company E, Seventy-fourth Illinois Volunteers, and Company B, Eleventh Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEDATE P. MARTIN.

The bill (S. 2262) granting a pension to Sedate P. Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll, upon the evidence on file in the office of the Commissioner of Pensions, the name of Sedate P. Martin, late a private in Company B, One hundred and forty-first Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MERLIN C. HARRIS.

The bill (H. R. 2136) granting an increase of pension to Merlin C. Harris was considered as in Committee of the Whole. It proposes to increase the pension of Merlin C. Harris, late captain of Company C, Ninety-sixth Regiment New York Volunteer Infantry, from the amount now paid him as sergeant to the amount paid a first lieutenant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. OLIVE W. PARKER.

The bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Olive W. Parker, widow of Stephen N. Parker, deceased, late of the Ninth Battery Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT J. BALLORT.

The bill (S. 2268) for the relief of Robert J. Ballort was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert J. Ballort, late a private in Company F, Eighth Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. CHAMBERS.

The bill (H. R. 4317) increasing the pension of Julia A. Chambers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Chambers, widow of John Chambers, late an ordnance-sergeant in the United States Army, who died at Fort Monroe, January 30, 1879, and increase the pension paid to her to $12 per month.

Mr. BLAIR. I should like to have the report read in that case.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR February 13, 1885:

The Committee on Pensions, to whom was referred House bill 4317, granting a pension to Julia Chambers, have examined the same, and reports recommending its passage with an amendment reducing the amount from $20 to $12.

Mr. BLAIR, for the minority, opposes the amendment, and the following House report is a statement of the facts of the case:

[House Report No. 535, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions of the Forty-sixth Congress recommended the passage of this bill. We think they were justified in so doing.

For the reasons set forth in their report, which is hereto annexed, and which we ask shall be made part hereof, we recommend the passage of the bill:

"[House Report No. 173, Forty-sixth Congress, third session.]

"The Committee on Invalid Pensions, to whom the subject was referred, submit the following report:

"Julia A. Chambers is a pensioner at the rate of $8 per month, which she asks Congress to increase to $20 per month.

"It appears that petitioner is the widow of Ordnance-Sergeant John Chambers, United States Army, who died in the United States military service at Fort Monroe, January 30, 1879, after having served in the Army nearly half a century. It also appears that she is the daughter of William Johnson, who was in the military service of the United States for a period of thirteen years, and who was discharged therefrom by reason of wounds contracted in battle with Indians.

"Petitioner alleges that she is 60 years of age; that the greater portion of her life has been spent in the Army with her husband and father. She states that she is infirm in addition to the disability on account of age, and that the pension now paid her is wholly inadequate to satisfy her necessities.

"In view of the fact that this is an exceptional case; that she suffered the hardships of her husband and father, in their long services in the Army, the committee think the relief asked should be granted, and they recommend that the bill herewith reported do pass."

Mr. BLAIR. The bill passed the House granting a pension of $20. It is a woman whose husband served almost fifty years. He was only a sergeant but he rendered very meritorious service. She was with him during the whole time, and the Army got the benefit of her services largely. Her father was in the Army thirteen years. She is now old, dependent, entirely helpless, and any less amount than $20 is insufficient for her support. It seemed to me at least, and to others of the committee, as it did to the House, that a case like this ought certainly to merit the consideration of the Senate when we are every day increasing the pensions of the widows of those of high rank who rendered lifelong and distinguished services in higher stations.

Mr. VOORHEES. I understand the Senator from New Hampshire to support the bill as it came from the House.

Mr. BLAIR. I do; giving a pension of $20 a month.

Mr. VOORHEES. I think that is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BLAIR. I hope the amendment will not be agreed to, because it proposes to reduce the amount.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M'GILL.

The bill (H. R. 8133) granting a pension to Thomas McGill, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas McGill, late first-class pilot on the steamer Sally List.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT CARY.

The bill (H. R. 6011) granting an increase of pension to Robert Casey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "Robert," in line 6, to strike out "Casey" and insert "Cary;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Cary, late a private in Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, at $45 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "An act granting an increase of pension to Robert Cary."

SARAH HAGUE.

The bill (S. 1836) granting a pension to Sarah Hague was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Hague, dependent mother of M. C. Hague, late of Company L, Sixth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA V. BLACKMAN.

The bill (H. R. 7371) granting a pension to Cornelia V. Blackman was considered as in Committee of the Whole. It proposes to place the name of Cornelia V. Blackman, widow of Harvey C. Blackman, late a second lieutenant in the Eighth Kansas Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. BALDWIN.

The bill (H. R. 7313) granting a pension to Charles W. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles W. Baldwin, late a private in Company C, Nineteenth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. AXLINE.

The bill (H. R. 6653) granting a pension to Mary C. Axline was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary C. Axline, widow of Jacob Axline, late a first lieutenant in Captain Hickman Mills's company of Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN M. HARRISON.

The bill (H. R. 2325) granting a pension to Helen M. Harrison was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Helen M. Harrison, widow of Alexander R. Harrison, late a private in Company F, Tenth Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB J. MORNINGSTAR.

The bill (H. R. 3403) for the relief of Jacob J. Morningstar was considered as in Committee of the Whole. It proposes to increase the rate of pension now paid Jacob J. Morningstar, late a private in Company D, Seventy-sixth Regiment Pennsylvania Volunteers, from $24 per month to $30, as provided by the act of March 3, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC R. H. CALDWELL.

The bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell was considered as in Committee of the Whole. It proposes to put the name of Isaac R. H. Caldwell, late captain of Company G, Thirteenth Kentucky Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA MARIA RESSLER.

The bill (H. R. 4247) granting a pension to Anna Maria Ressler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna Maria Ressler, of Reading, Pa., widow of Lawrence Ressler, deceased, late a private in Company 64, Second Baltimore Veteran Reserve Corps, and of Company D, Seventh Pennsylvania Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA KUPP.

The bill (H. R. 6826) granting a pension to Rebecca Kupp was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Kupp, surviving mother of George Kupp, deceased, late a private in Company B, Fifty-third Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORDELIA GALE.

The bill (H. R. 4548) granting a pension to Cordelia Gale was considered as in Committee of the Whole. It proposes to place the name of Cordelia Gale, widow of Ebben G. Gale, deceased, late of Company D, Second Regiment Michigan Cavalry, in the war of the rebellion, on the pension-roll as a pensioner of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;" and

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

The message also announced that the House had passed the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation in the State of Oregon, and granting patents therefor, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House insisted on its amendment to the bill (S. 1609) to provide for the purchase of a site, and the erection of a public building thereon, at Detroit, Mich., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STROTHER M. STOCKSLAGER of Indiana, Mr. JAMES H. HOPKINS of Pennsylvania, and Mr. EDWARD BREITUNG of Michigan managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church in the District of Columbia;

A bill (H. R. 7356) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia;

A bill (H. R. 7357) to provide for the sale of certain real property in the District of Columbia, and for other purposes;

A bill (H. R. 7935) for the relief of the Church of the Ascension, in the District of Columbia; and

A bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE G. DIBRELL of Tennessee, Mr. LEWIS BEACH of New York, and Mr. WILLIAM CULLEN of Illinois the managers at the conference on the part of the House.

SARAH A. SCOTT.

The bill (H. R. 2670) granting a pension to Sarah A. Scott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE S. EDMONDSON.

The bill (H. R. 6205) granting a pension to Catharine S. Edmondson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine S. Edmondson, dependent mother of William C. Edmondson, deceased, late a private in Company I, Eighty-second Regiment Pennsylvania Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. SLOAN.

The bill (H. R. 3681) granting a pension to William L. Sloan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William L. Sloan, late a corporal of Company B, Third Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH SMITH.

The bill (H. R. 7302) granting a pension to Elizabeth Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Smith, foster-mother of Albert Shafer, late a private in Company B, Thirteenth Ohio Volunteer Cavalry, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANN E. GRIDLEY.

The bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "sum of," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Ann E. Gridley, a volunteer nurse in the late war, and pay her the sum of $20 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

H. D. PRIOR.

The bill (H. R. 3467) granting a pension to H. D. Prior was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of H. D. Prior, late a private in Company B, Fourteenth Regiment Wisconsin Infantry Volunteers.

Mr. BLAIR. I offer the following amendment to be added as a new section:

SEC. 2. That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions all officers and enlisted men of the Army and their widows and minor children.

That is to relieve a hardship which extends to some four or five widows who were originally pensioned, being the widows of officers of distinguished merit, at $25. By a mistake or misconstruction of the law the Pension Office reduced the amount to $20. An act has already been passed which relieves all widows of naval officers by restoring them to the old rate of $25. This is designed to reach some four or five, possibly six, of the older widows of Army officers who originally were pensioned at $25. It includes the widow of the quartermaster who took our Army from Vera Cruz to Mexico and some four others. There is a great hardship which ought to be remedied.

Mr. WILSON. What bill is under consideration?

Mr. COCKRELL. Let the whole bill be read as it is proposed to be amended.

Mr. BLAIR. It is simply a private bill to which this additional section is proposed.

The PRESIDING OFFICER. The amendment has no connection with the bill, but the bill will be read with the amendment.

The Chief Clerk read the bill and the amendment.

Mr. COCKRELL. I wish the Senator from New Hampshire would explain and have read the act which is proposed to be extended.

Mr. BLAIR. The Senator's attention was not attracted to what I said before, and perhaps I had better state the matter more fully. The act of June 9, 1880, provides—

That section 3 of an act entitled "An act increasing the pensions of widows and orphans, and for other purposes," approved July 25, 1866, and section 13 of an act entitled "An act relating to pensions," approved July 27, 1868, and section 4712 of the Revised Statutes, shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, non-commissioned, or petty officers of the Navy or their widows or minor children, prior to the 25th day of July, 1866; and the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction.

The amount of the reduction which had been previously ordered, by what was thought to be a misconstruction of the law relating to some of the more elderly pensioners, was $5 a month—from $25 to $20. That hardship was observed; and by the act which I have just read the hardship was relieved so far as the widows of officers of the Navy were concerned. Now there are, as I am informed, from four to six—I do not know the number actually, but I am informed it is not in excess of six—of the aged widows of these older Army officers whose pensions have never been restored as has been done in the case of the widows of Navy officers. It only puts them back to the rate at which they were originally pensioned in any case.

My attention was attracted to this application by the case of the widow of the quartermaster of General Scott's army. She was pensioned originally at the rate of $25. In 1873 I think it was—it may have been 1871—her pension was reduced to the extent of $5 a month, from $25 to $20 a month. She told me her story, and it was one of the most pitiful I have ever listened to in these cases. She is evidently a woman of aristocratic birth and of the very highest associations, and she on the $20 a month has barely existed in utter poverty and without sufficient means to rely upon for her living, so that the little piece of land she owns down in Virginia, fifteen or twenty miles out of the city, has become encumbered, and she is about to be turned from her home unless she can have some relief. She told me her case, and it is one of those which, if the evidence was offered, Congress would not hesitate a moment in pensioning the woman at $50 a month; but it is altogether too late to think of giving her any relief of that kind at this session. Meanwhile she is likely to lose her home.

This hardship was called to the attention of the Pension Committee at the last session, and in a general bill a section was inserted to relieve the case, which section is that I now move as an amendment to a House bill that it may be sent back to the House for concurrence, precisely as the other day we annexed to a House bill a provision which increased the pensions of all widows of soldiers who served in the late war from $8 to $12, and of all dependent parents from $8 to $12. This is not far-reaching; it can not affect more than five or six at the most, and this $5 a month during these years will save this woman's home to her and enable her to live. She is now over 70, and I assure the Senate that I do not think as much good can be done with so little effort in any other direction whatever. It seems to me gross injustice that the pension was reduced originally. We have restored it so far as the widows of naval officers are concerned, and now it seems to me we ought to do this slight act of justice for which this woman can not wait.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill giving a pension to H. D. Prior, and for other purposes."

ROBERT SHERIDAN.

The bill (S. 2527) granting a pension to Robert Sheridan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Sheridan, late a private in Company D, First Rhode Island Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA J. NORRIS.

The bill (H. R. 6235) granting a pension to Eliza J. Norris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza J. Norris, widow of Dudley F. Norris, late a private in Company I, Twelfth Regiment New Hampshire Volunteers, in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN P. LOWELL.

The bill (H. R. 6310) granting a pension to Benjamin P. Lowell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin P. Lowell, late of Company I, First Regiment Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH M'CARTY.

The bill (H. R. 6029) for the relief of Jeremiah McCarty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "pension," to strike out the words "of twenty dollars per month" and to insert "at the rate to which a private soldier is and shall be entitled by law for like disabilities;" so that the bill as amended will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jeremiah McCarty, of Newport, R. I., on the roll of pensioners, and to pay him a pension at the rate to which a private soldier is and shall be entitled by law for like disabilities from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY RODENBACK.

The bill (H. R. 2894) granting a pension to Henry Rodenback was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Rodenback, late a private in Company K of the Twenty-fourth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERMAN C. PERRY.

The bill (H. R. 3336) for the relief of Sherman C. Perry was considered as in Committee of the Whole. It proposes to pay to Sherman C. Perry, late of Company B, Sixteenth New York Volunteers, a pension at the rate of $25 per month, in lieu of the pension now paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY BEYER.

The bill (H. R. 7092) for the relief of Anthony Beyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anthony Beyer, late a private in Company E, Fifth Regiment of Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD P. QUINN.

The bill (H. R. 7732) granting an increase of pension to Edward P. Quinn was considered as in Committee of the Whole. It provides for increasing the pension of Edward P. Quinn, of the city of Albany, late a lieutenant of Company D, One hundred and twenty-third New York Volunteers, to the sum of $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS L. CANADY.

The bill (S. 2279) granting a pension to Lewis L. Canady was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lewis L. Canady, late a private in the war of 1812.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES O. M'KENNA.

The bill (H. R. 7175) granting a pension to James O. McKenna was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of James O. McKenna, late of Company B, Sixth Iowa Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA PIGEON.

The bill (H. R. 6044) granting a pension to Eliza Pigeon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Pigeon, widow of Joseph Pigeon, late a private in Company B, Third Regiment New York Artillery Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WHITCOMB.

The bill (H. R. 5364) granting a pension to William H. Withcomb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, which was, in line 7, after the word "cavalry," to strike out the words "and pay him a pension of $8 a month;" so that the bill as amended will read:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Whitcomb, late a private in Company M, Fifth New York Cavalry.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIA G. DUNBAR.

Mr. HOAR. I ask unanimous consent that the vote of the Senate indefinitely postponing the bill (S. 993) for the relief of Maria G. Dunbar be reconsidered and the bill recommitted to the Committee on Pensions. This is a case where there was an adverse report, and I have the consent of the Senator from West Virginia [Mr. CAMDEN] who made the report to make the motion.

The PRESIDING OFFICER. The Senator from Massachusetts asks that there may be unanimous consent to reconsider the vote by which the bill indicated by him was indefinitely postponed, and that the bill be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and that order is made.

FREDERICK BRAUNWALD.

The bill (H. R. 5123) granting a pension to Frederick Braunwald was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Braunwald, late a private in Company E, Thirty-seventh Regiment of Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANN W. MULVEY.

The bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey was considered as in Committee of the Whole.

The bill was reported by the Committee on Pensions with an amendment, in line 11, after the words "amount of," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Mrs. Ann W. Mulvey, mother of Francis S. Mulvey, late of Company D, Fifth New Jersey Volunteers; James W. Mulvey, late of Company D, Eleventh New Jersey Volunteers, and August J. Mulvey, late of Company D, Eleventh New Jersey Volunteers, all of whom died in the Army; and pay her an increase of pension to the amount of $16 per month, in lieu of $8 that she now receives; but nothing in this act shall entitle the said Mrs. Ann W. Mulvey to arrears of pensions.

Mr. SEWELL. I trust the amendment of the committee will not be adopted in this case. This woman is very old, between 70 and 80 years of age, the mother of three sons who were killed in the Army. I speak advisedly of this, as one of them was killed in my own command at Chancellorsville. I think a woman who has given three sons to the Army in this way is entitled to the small pittance of $24 per month for the remainder of her life.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Pensions.

The question being put, there were on a division—ayes 7, noes 10; no quorum voting.

Mr. COCKRELL. I think when the Senate undertakes to overrule a unanimous report of the Committee on Pensions we had better have the yeas and nays and have the report read and let us understand the case. If the report of the Committee on Pensions is not to be observed and we are simply to put our hands into the pockets of the tax-payers of the United States and give to whomsoever asks, let us know.

Mr. FRYE. Mr. President, when a poor woman has lost her sole three sons in the Army, I am ready to put my hands into the pocket of the United States Treasury and pay her $8 a month in excess of what the committee recommended.

The PRESIDING OFFICER. The yeas and nays are called for on the question of the adoption of the amendment.

Mr. COCKRELL. Nobody called for the yeas and nays; but if the Chair knows how to pass a bill without a quorum, I should like to see it done.

Mr. SEWELL. I shall ask for the yeas and nays if it becomes necessary to call them.

The PRESIDING OFFICER. It is the duty of the Chair to call the Senate.

Mr. SEWELL. One reason why I do not want an amendment made is that the bill will go back to the House if it is amended, and it will be almost impossible to get action there.

The PRESIDING OFFICER. There will be a call of the Senate.

The Chief Clerk called the roll and 48 Senators answered to their names.

Mr. HAWLEY. I was requested by the Senator from Ohio [Mr. SHERMAN] and the Senator from North Carolina [Mr. RANSOM] to say that they are necessarily absent on the committee to provide for the inauguration ceremonies, and to ask for that committee leave to sit during the sessions of the Senate.

The PRESIDING OFFICER. Pending a call of the Senate the motion is not in order. Forty-eight Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment reported by the Committee on Pensions.

Mr. SEWELL. For the information of members of the Senate who were not here when I made my statement, I will say that this woman lost three sons in the Army. She has been pensioned at $8 a month. The bill as it came from the House gives her an increase to $24. The Committee on Pensions have limited it to $16. There is great danger in amending a bill of this character at this late day of the session. Besides that, I take it that a woman who has given three sons to the country is entitled to $24 a month in her old age.

Mr. JACKSON. The general law now places a dependent mother upon the same footing as a widow, and allows her to make her election as to which son she will ask a pension for. The present bill proposes to increase that threefold. The committee recommend, in view of the old lady's age, that her pension be made $16. This is a special case. This is to give her two dependencies; and the Senator from New Jersey asks for three. The committee recommended two in view of the old lady's age, and whenever you go beyond that you open the way for an immense number of claims beyond the general law.

The PRESIDING OFFICER. The Chair will again put the question. The question is on the amendment reported by the Committee on Pensions.

The question being put, a division was called for; and there were—ayes 19——

Mr. BLAIR. Is it in order to say a word while the Senate is dividing?

The PRESIDING OFFICER. Not now.

The division being concluded, there were in the negative 17.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. BLAIR. I want to say a word about the question.

Mr. SEWELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. I wish to ask the Senator from New Jersey a question, as he seems to have personal knowledge about the case, and that is whether this old lady can be supported comfortably upon the $16 a month?

Mr. SEWELL. I should think not.

Mr. BLAIR. Has she any means of support or livelihood?

Mr. SEWELL. She is entirely dependent.

Mr. BLAIR. I remember this case as it was discussed in committee, and I favored the bill as it came from the House; but it was finally after discussion compromised in the committee on $16. For one I should be very glad to have the bill passed as it originally came from the House, especially since the statement of the Senator, which was not before the committee, to my knowledge at least, that on account of her age and her dependence upon the sons she can not live comfortably on a less sum than $24. It seems to me that $5.33⅓ for each boy is not quite enough. If you give $8 per month for each of these boys I think it will be cheap enough, and we ought to do it.

Mr. PLATT. As I shall vote in favor of this amendment I would like in a word to give my reason for doing so. It is one of those cases where our sympathies are appealed to and where if we do not follow our sympathies we are supposed to be hard-hearted and illiberal; but it looks to me like favoritism. This is not the only mother who lost more than one son in the war; she is not the only mother who has lost three sons in the war and who is now old and poor. I know mothers in my own town who have lost more than one son in the war and who are old and very poor, but they receive only $8 per month.

Now, what I object to is the favoritism. If we are going to do anything of this sort, we ought to put on this bill an amendment which shall say that whenever a dependent mother has lost more than one son in the war she shall be pensioned at the rate of $8 per month for each son that she has lost. That would be fair. There would be no unjust discrimination about that.

As I dislike in all these cases where an appeal is made to our sympathies to vote against that appeal, I wanted to put the reason why I should sustain the committee on record before my vote was cast.

Mr. INGALLS. Mr. President, having been out of the Chamber while this discussion has been going on, I rise to ask if this is a question whether an aged and dependent woman who has given three sons for her country shall receive $16 or $24 per month?

Several SENATORS. That is the question.

Mr. INGALLS. And I am advised that the House of Representatives passed a bill allowing her $24 a month, and that the Senate committee for some reason reduced it to $16 a month, and the question now recurs whether the Senate committee shall be sustained or whether we shall act upon the bill as it came from the House. I should like to vote so as to give this woman $24 a month, and if I can be instructed whether a vote "yea" or "nay" will enable me to do this I shall so vote.

In regard to the suggestion of the Senator from Connecticut that there is any unjust favoritism by this action that is now invited from the Senate against any woman who gave one, two, or three sons to the service of the country, I have only to say that I shall hail with pleasure as one of the inestimable privileges of my life the opportunity to vote to increase the pension of any such woman to the sum of $24 or more per month whenever I can have that opportunity. It is no discrimination; it is no injustice, because these people have not applied for the increase. The Senator from Connecticut is not just in attempting to place upon those who are willing to give this poor widow this increased sum of money the stigma of favoritism, that we are acting in this way in favor of one to the exclusion of others. I believe there should be a general bill passed that would increase the pensions in all such cases; but no general bill being presented, I vote with pleasure for the act that enables me to do justice in a private case.

Mr. PLATT. I differ with the Senator from Kansas entirely in relation to this whole matter. I believe that this business which the Senate of the United States is engaged in giving to those persons who apply, and whose claims happen to be pressed here by influential Senators, a larger sum of money than is given by general law to persons in precisely the same circumstances, is all wrong, and, whatever the Senator from Kansas may think about it, it savors to me of discrimination and injustice.

I would vote, I think, for a general bill which should make a pension of each dependent mother $8 per month for each son she has lost; but the dependent mothers of this country are not instructed about the way to get these special acts; they have no diligent attorneys to present them here, and if they did their claims would be numbered not by the hundred but by the thousand. They do not know how to engage the sympathies of Senators to present their claims and get them through the Senate of the United States, and they never will be pensioned at any more than $8 a month unless some general bill is prepared and presented here for that purpose. If it be not done, and Senators I think will agree with me that it is not likely to be done immediately, as nobody seems to have as much consideration for the whole number of dependent mothers of this country who have lost one or more sons as Senators have for some particular individual mother of this country, we shall have just this state of affairs, that one mother who has lost three sons in the Army is pensioned at the rate of $24 per month, and that hundreds of mothers (for there are hundreds of mothers in this country who have lost three sons in the war, all their sons in the war, and who are now old and dependent) will be pensioned at $8 per month. If that is not favoritism and discrimination I do not know what it is.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Pensions, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 30; as follows:

YEAS—21.

Camden,	Gibson,	Mitchell,	Walker,
Cockrell,	Gorman,	Platt,	Williams,
Coke,	Hampton,	Pugh,	Wilson.
Colquitt,	Harris,	Saulsbury,	
Fair,	Jackson,	Slater,	
George,	Maxey,	Vance,	

NAYS—30.

Bayard,	Dolph,	Lapham,	Pike,
Blair,	Edmunds,	McMillan,	Riddleberger,
Bowen,	Frye,	Manderson,	Sabin,
Brown,	Harrison,	Miller of Cal.,	Sawyer,
Call,	Hoar,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Ingalls,	Morgan,	Voorhees.
Chace,	Jonas,	Morrill,	
Conger,	Jones of Nevada,	Palmer,	

ABSENT—25.

Aldrich,	Farley,	Kenna,	Ransom,
Allison,	Garland,	Lamar,	Sherman,
Beck,	Groome,	Logan,	Van Wyck,
Butler,	Hale,	McPherson,	Vest.
Cameron of Pa.,	Hawley,	Mahone,	
Cullom,	Hill,	Pendleton,	
Dawes,	Jones of Florida,	Plumb,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT PATTERSON.

The bill (H. R. 1759) granting a pension to Robert Patterson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Patterson, late a private in Company F, Thirty-seventh Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAVISA HETH.

The bill (H. R. 7524) for the relief of Lavisa Heth was considered as in Committee of the Whole. It proposes to place the name of Lavisa Heth, widow of Wilford S. Heth, late a private in Company F, Forty-ninth Regiment Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE LEWIS.

The bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Caroline Lewis, widow of John Lewis, late of the United States colored troops (certificate numbered 140665), who was killed near Louisville, Ky., about the 6th day of November, 1864, in the line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL M. BARTLETT.

The bill (H. R. 7094) granting a pension to Samuel M. Bartlett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel M. Bartlett, late a private in Company K, Thirty-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELBERT HEWITT.

The bill (H. R. 7672) granting an increase of pension to Elbert Hewitt was considered as in Committee of the Whole. It proposes to increase the pension heretofore allowed to Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, from $24 to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMIRA K. PARKER.

The bill (H. R. 7722) granting a pension to Almira K. Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Almira K. Parker, dependent mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment of New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID FRIED.

The bill (H. R. 7308) for the relief of David Fried was considered as in Committee of the Whole. It proposes to place the name of David Fried, late a private in Company F, Fifty-ninth Regiment Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. HAWLEY.

The bill (H. R. 8104) granting an increase of pension to George S. Hawley was considered as in Committee of the Whole. It declares that George S. Hawley, late a first lieutenant in the Twenty-third Regiment United States Colored Troops, now on the pension-roll at the rate of $24 per month, shall hereafter be entitled to receive a pension at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. WHITE.

The bill (S. 2367) granting a pension to Sarah A. White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. White, of Abington, Mass., widow of Ebenezer White, late a lieutenant in the Kansas Cavalry Volunteers.

The bill was reported to the Senate without amehdment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES FRAZIER.

The bill (H. R. 5555) granting a pension to James Frazier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Frazier, late a private in Company B, Fifteenth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. REID.

The bill (H. R. 2068) granting a pension to James H. Reid was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Reid, of Dorsey's regiment of Illinois volunteers in the Black Hawk war, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH FOWLER.

The bill (H. R. 2284) granting a pension to Elizabeth Fowler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Fowler, the widow of Philo Fowler, late of Company A, Second Battalion, Seventeenth United States Infantry Volunteers of Maine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER J. HENRY.

The bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion was considered as in Committee of the Whole. It provides that the name of Jasper J. Henry shall be placed on the pension-roll of invalid persons, on account of wounds received while acting as guide and pilot for the First Arkansas Cavalry Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRYSON R. M'CARTNEY.

The bill (S. 1612) granting a pension to Bryson R. McCartney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bryson R. McCartney, late of Company K, Ninth Regiment Illinois Infantry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. MARCUM.

The bill (H. R. 5938) to pension Julia A. Marcum was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORDELIA BRAINERD THOMAS.

The bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the word "of," to fill the blank by inserting "fifty;" so as to make the bill read:

That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Brainerd Thomas, widow of the late Rev. E. Thomas, who was killed by the Modoc Indians in 1873, while acting as a member of a peace commission sent by the United States Government to treat with the said Indians, and to pay her, from and after the passage of this act, during her widowhood, the sum of $50 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET M. BAILY.

The bill (H. R. 7602) to grant a pension to Harriet M. Baily was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet M. Baily, widow of William P. Baily, late a colonel in the service of the United States, of the Second Regiment of Delaware Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOIS B. SMITH.

The bill (H. R. 7731) granting a pension to Lois B. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lois B. Smith, mother of Theodore H. Jameson, late of Company K, Thirteenth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BOLWORK.

The bill (H. R. 3749) granting a pension to William Bolwork was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Bolwork, late a private in Company K, Thirteenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH RYAN.

The bill (H. R. 2537) granting a pension to Hugh Ryan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hugh Ryan, late assistant surgeon of the Thirty-fourth Regiment of Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KISER.

The bill (H. R. 2539) granting a pension to George W. Kiser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Kiser, late a private in Company A, Twenty-Sixth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. GRIFFIN.

The bill (H. R. 1046) granting a pension to Mary A. Griffin was considered as in Committee of the Whole. It proposes to place the name of Mrs. Mary A. Griffin, mother of William D. Griffin, late a private in Company F, One hundred and fifty-first Regiment New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. A. MORTON.

The bill (H. R. 7336) granting a pension to T. A. Morton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of T. A. Morton, late of Company E, Sixteenth Regiment New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHLOE A. WHIPPLE.

The bill (H. R. 7338) granting a pension to Chloe A. Whipple was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Chloe A. Whipple, of Batavia, N. Y., mother of Charles A. Whipple, late of Company L, Eighth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELMINA P. SPENCER.

The bill (H. R. 7262) increasing the pension of Elmina P. Spencer was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Elmina P. Spencer to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. MAHAN.

The bill (H. R. 3728) granting a pension to Charles P. Mahan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles P. Mahan, late of Company G, One hundred and forty-sixth Regiment, New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA SLUSS.

The bill (H. R. 3605) granting a pension to Eliza Sluss was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Eliza Sluss, widow of John M. Sluss, late captain of Company A, Third Indiana Volunteers in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. VANDERHOFF.

The bill (H. R. 7256) granting a pension to John A. Vanderhoff was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John A. Vanderhoff, late a private in Company A, Eighth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK SPENCER VAN LOAN.

The bill (H. R. 7822) granting a pension to Mark Spencer Van Loan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mark Spencer Van Loan, of Catskill, N. Y., late a private in Company K, Eightieth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE TAPP.

The bill (H. R. 6018) increasing the pension of George Tapp was considered as in Committee of the Whole. It proposes to increase the pension of George Tapp, late a lieutenant of Company B, Eleventh Regiment Pennsylvania Infantry Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA A. ESTES.

The bill (H. R. 7709) granting a pension to Louisa A. Estes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa A. Estes, widow of John Estes, late of Company E, Seventy-third Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA EARLE.

The bill (H. R. 4833) granting a pension to Louisa Earle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa Earle, widow of Harry B. Earle, late of Company K, Fourth Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN SAMS.

The bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll was considered as in Committee of the Whole. It proposes to restore the name of Warren Sams, late a private in Company K, First Regiment North Carolina Volunteers, in the war with Mexico, to the pension-roll, to take effect from the time the soldier was dropped from the rolls, on the 16th of May, 1877.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL Z. COOPER.

The bill (H. R. 5124) granting a pension to Samuel Z. Cooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Z. Cooper, late a private in Company H, Twenty-second Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJOR THORNBURGH'S WIDOW.

The bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the Fourth Regiment of Infantry, United States Army, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Order of Business 1328, being the bill (S. 2043) for the relief of Maria L. Strong, has not yet been returned from the Printer.

Mr. COCKRELL. Has Order of Business 1321, being the bill (H. R. 7655) granting an increase of pension to the widow of Thomas T. Thornburgh, late of the United States Army, been acted on by the committee?

The PRESIDING OFFICER. It does not appear from the Calendar.

Mr. JACKSON. There was an adverse report.

Mr. COCKRELL. What action has been taken in that case?

The PRESIDING OFFICER. The bill has been passed, House bill 7655.

Mr. COCKRELL. That was certainly a misunderstanding. I move to reconsider the vote by which it was passed.

Mr. WILSON. If the Senator will yield to me, I desire to ask unanimous consent to proceed with the cases reported favorably to-day so that we can finish them.

Mr. COCKRELL. I do not want a bill passed that was reported adversely without attention being called to it. Let it be reconsidered.

The PRESIDING OFFICER. If there be no objection, there will be a reconsideration of the vote by which the last bill was passed.

Mr. MANDERSON. We are not able to hear on this side of the Chamber what action was taken on Order of Business 1331.

Mr. COCKRELL. Without anybody knowing it, that bill was passed, and I simply ask that it may be placed where it was before. Then it will be up for reconsideration.

Mr. MANDERSON. The Senator from Missouri asks for the reconsideration of the vote by which the bill was passed?

Mr. COCKRELL. Certainly.

Mr. MANDERSON. I make no objection to that.

Mr. COCKRELL. There was really no vote taken upon it.

Mr. MANDERSON. I have no objection to that, but I desire to move after the unobjected cases are disposed of that the Senate consider the House bill which is Order of Business 1331, being the same matter that was reported adversely as Order of Business 1283, being the bill (S. 2400) granting an increase of pension to Eliza Willson Thornburgh. I propose at the proper time to move to substitute the House bill for the Senate bill and ask for its consideration.

The PRESIDING OFFICER. There being no objection, the vote by which Order of Business 1331, being House bill 7655, was declared passed is reconsidered and the bill is placed in the position that it was before action was taken upon it.

Mr. COCKRELL. Now I have no objection to the request of the Senator from Iowa. I think it is proper and just.

MARIA L. STRONG.

Mr. WILSON. I ask unanimous consent to proceed with the cases reported favorably to-day.

The PRESIDING OFFICER. There is one bill that was passed over which is now in the hands of the Secretary. If there be no objection, that will be considered.

The bill (S. 2043) for the relief of Maria L. Strong was read. It provides for the payment, out of the Navy pension fund, to Maria L. Strong, widow of the late Rear-Admiral James H. Strong, of the United States Navy, of $50 per month during her widowhood, in lieu of her present pension.

The PRESIDING OFFICER. The report on this bill it seems was adverse, so that the Calendar of unobjected cases is disposed of.

Mr. WILSON. Now I renew the request that the Senate proceed to the consideration of the pension bills reported favorably to-day.

The PRESIDING OFFICER. The Senator from Iowa asks that unanimous consent be given to proceed to the consideration of pension bills reported favorably to-day. Is there objection? The Chair hears none, and those bills will be proceeded with.

BENJAMIN F. BROCKETT.

The bill (S. 2153) granting a pension to Benjamin F. Brockett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Brockett, late a captain of Company I, Eighty-seventh Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH JANE PRINCE.

The bill (S. 2125) granting a pension to Sarah Jane Prince was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Jane Prince, widow of the late Capt. Albert Prince, of the Fifteenth Regiment of Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB WIENER.

The bill (H. R. 7292) to increase the pension of Jacob Wiener was considered as in Committee of the Whole. It proposes to increase the pension of Jacob Wiener, late a private in Company I, Forty-first Regiment of New York Volunteers, to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABIGAIL HONEY.

The bill (H. R. 5929) for the relief of Abigail Honey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abigail Honey, widow of Joseph W. Honey, late a private in Company H, Twenty-sixth Regiment Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LLOYD W. HIXON.

The bill (H. R. 6798) to grant a pension to Lloyd W. Hixon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lloyd W. Hixon, late an assistant surgeon in the service of the United States, of the Thirteenth Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment ordered to a third reading, read the third time, and passed.

LEONARD KING.

The bill (H. R. 6928) granting a pension to Leonard King was considered as in Committee of the Whole. It proposes to place the name of Leonard King, of Farmington, Van Buren County, Iowa, upon the pension-roll, as dependent father of Miles King, late of Company B, Third Iowa Cavalry Volunteers, in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SPRINGSTEED.

The bill (H. R. 5989) for the relief of Elizabeth A. Springsteed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth A. Springsteed, widow of David A. Springsteed, of Albany, N. Y., late a private in Company B, Seventh Heavy Artillery, New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. JOHNSON.

The bill (H. R. 6287) for the relief of John H. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Johnson, late a private in Company E, Fourteenth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HAZLEWOOD.

The bill (H. R. 6596) granting a pension to John Hazlewood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Hazlewood, late a private in Company F, Seventh Regiment West Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS GELD.

The bill (H. R. 4869) for the relief of Morris Geld was considered as in Committee of the Whole. It directs that Morris Geld, late of the general mounted service, United States Army, be placed on the pension-roll of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. BURCHFIELD.

The bill (H. R. 7373) for the relief of Sarah A. Burchfield was considered as in Committee of the Whole. It provides for adjudicating the pension claim of Sarah A. Burchfield, widow of Robert L. D. Burchfield, who was a lieutenant of Company D, Third North Carolina

Mounted Infantry, as though he had been regularly mustered into the service of the United States at the time of his being wounded.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HOOD.

The bill (H. R. 4263) granting a pension to Elizabeth Hood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Hood, mother of Rowland J. Hood, late a private in Company —, Eighty-third Regiment Pennsylvania Volunteers, and of Morebird Bradley Hood, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH CATON.

The bill (H. R. 2627) granting a pension to Noah Caton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Noah Caton, late of Company H, Eighty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIANA ALMIER.

The bill (H. R. 2538) granting a pension to Christiana Almier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christiana Almier, mother of Frederick Almier, deceased, late a member of Company I, Forty-ninth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MULHOLLAND.

The bill (H. R. 3355) for the relief of Mary Mulholland was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Mary Mulholland, under certificate numbered 193403.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES HENDRIX.

The bill (H. R. 1219) granting a pension to Charles Hendrix was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Charles Hendrix, late a private in Company H, Second Regiment Michigan Volunteers, and Company B, same regiment, the restoration to commence from the date when his name was dropped from the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILLIP WIGGINS.

The bill (H. R. 5374) granting a pension to Phillip Wiggins, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phillip Wiggins, late a private in Company F, Thirty-fifth United States Colored Troops, and wounded at the battle of Olustee, on the 20th of February, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. KIRK.

The bill (H. R. 4079) granting a pension to James D. Kirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James D. Kirk, of Inez, Martin County, late of Company B, One hundred and sixty-seventh Regiment West Virginia Militia, at the rate allowed by law to private soldiers for disabilities incurred while in the service of the United States in the late war of the rebellion, for wounds and injuries sustained by Kirk while in the line of his duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. LAND.

The bill (H. R. 256) granting a pension to Mary A. Land was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Land, widow of Reason M. Land, deceased, late a private in the First Illinois Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE L. FITCH.

The bill (H. R. 7869) granting a pension to Emeline L. Fitch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emeline L. Fitch, widow of John T. Fitch, late of Company D, Seventh Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET ARMSTRONG.

The bill (H. R. 1898) granting a pension to Harriet Armstrong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet Armstrong, widow of Levi Armstrong, late a private in Company E, One hundred and third Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRISCILLA J. SMALL.

The bill (H. R. 2540) granting a pension to Priscilla J. Small was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Priscilla J. Small, widow of Andrew L. Small, late a lieutenant of Company H, First Regiment Ohio Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS D. FITCH.

The bill (H. R. 7696) granting a pension to Thomas D. Fitch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas D. Fitch, late surgeon of the Forty-second Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. Is that all.

The PRESIDING OFFICER. There are more, but they are not at the desk at this moment. They will be here soon.

Mr. COCKRELL. Are they sending for them?

The PRESIDING OFFICER. They have been sent for.

ORDER OF BUSINESS.

Mr. COCKRELL. I wish to make a statement and appeal to the Senate. There are two House bills of a general nature, very important, about which I think there will be no controversy, the passage of which will be a relief to all the Senators and a relief to Congress, and I think they can be passed inside of ten minutes.

Mr. ALDRICH. What are they?

Mr. COCKRELL. One of them is Order of Business 976, which was reported from the Committee on Military Affairs unanimously by myself, being the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, which will take out of Congress twenty or thirty cases and prevent them bothering us hereafter. The other is Order of Business 1045, reported by the chairman of the Committee on Claims, now the Presiding Officer [Mr. CAMERON, of Wisconsin], being the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

They are both very short bills, and I am sure they can be disposed of in a very few minutes. I hope they will be taken up and disposed of. I think no one can object to them. I ask that the first one be taken up now.

The PRESIDING OFFICER. The pension bills are now in the hands of the Secretary.

Mr. CULLOM. If the Senator will wait a few minutes I think he will have an opportunity of getting his bills before the Senate.

Mr. COCKRELL. Very well.

Mr. CULLOM. I ask to call up——

The PRESIDING OFFICER. There are pension bills on the table reported to-day, and they will be proceeded with in their order.

HARRIET L. STEVENS.

The bill (H. R. 7002) for the relief of Harriet L. Stevens was considered as in Committee of the Whole. It proposes to restore to the pension-roll, at the same rate of pension received by her prior to having been dropped, the name of Harriet L. Stevens, widow of George H. Stevens, a lieutenant-colonel of the Second Wisconsin Volunteer Infantry, in the military service of the United States in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH P. SWATZELL.

The bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jeremiah P. Swatzell, late first sergeant of Company I, Seventeenth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. DODDS.

The bill (H. R. 7769) to grant a pension to Joseph R. Dodds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph R. Dodds, late a private in Company K, Seventh Regiment of Iowa Cavalry, Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. BERRY.

The bill (H. R. 5925) granting a pension to Margaret A. Berry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret A. Berry, widow of William M. Berry, late private in Company J, Tenth Indiana Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. HURLBURT.

The bill (H. R. 1653) granting a pension to John R. Hurlburt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John R. Hurlburt, late a private in Company G, Twenty-fifth Regiment Wisconsin Volunteers, and Company G, Fourteenth Regiment Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM STRICKLAND.

The bill (H. R. 3994) granting a pension to William Strickland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Strickland, late second lieutenant of Company G, Third Regiment Illinois Volunteers, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN J. EBBERMAN.

The bill (H. R. 891) granting a pension to Reuben J. Ebberman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Reuben J. Ebberman, of Macon, Mo., late colonel of the Sixty-second Missouri Regiment Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS CURRAN.

The bill (H. R. 3751) granting a pension to Francis Curran was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis Curran, late a sergeant of Company E, Thirteenth Regiment of Indiana Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. EAGLES.

The bill (H. R. 6948) granting a pension to George W. Eagles was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Eagles, late a private in Company D, Eightieth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. H. BOWMAN.

The bill (H. R. 4061) granting a pension to William C. H. Bowman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William C. H. Bowman, late a private in Company D, Second Regiment Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. Does that conclude the pension bills?

The PRESIDING OFFICER. The pension bills reported to-day are concluded.

LOSSES OF PROPERTY BY TROOPS.

Mr. CULLOM. Now I hope the Senator from Missouri will have an opportunity to pass the two bills he has referred to, with the understanding that we go back to the consideration of pension bills.

Mr. COCKRELL. I have no objection to that, but these are two public measures which ought to be passed. I ask that Order of Business 976 be taken up. Let it be read. It will explain itself. It is only what we have been doing for the last fifty years.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Missouri? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

Mr. COCKRELL. Let the amendments of the committee be acted on as they are reached in the reading.

The PRESIDING OFFICER. That course will be pursued if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Military Affairs was, in line 6, after the word "officers," to insert the word "and," and in the same line, after the word "men," to strike out "and duly authorized laundresses;" so as to read:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service under the following circumstances.

The amendment was agreed to.

The next amendment was, in line 27, after the word "war," to insert "or hostilities with Indians;" so as to read:

And provided further, That this act shall not apply to losses sustained in time of war or hostilities with Indians.

Mr. HAWLEY. I ask the attention of the Senator from Missouri. Of course it is perfectly correct. The committee ordered that amendment; but I have some doubt about the wisdom of it. I have no recollection of acting on it.

Mr. COCKRELL. The amendment was expressly agreed on and has always been the universal rule of Congress in all such cases. The committee simply made the bill conform to what has been the rule of Congress in regard to compensation for such losses.

Mr. HAWLEY. I know compensation is not allowed in war between this country and a foreign country, but we have not treated hostilities with Indians as war.

Mr. COCKRELL. We have not considered hostilities with Indians as war, so far as giving brevets is concerned, but we have never paid for such losses in troubles with the Indians.

Mr. HAWLEY. I will simply make a remark on the equity of the case and leave it. I think if an officer and his squad of men are suddenly ordered to march against Indians and they lose their clothing and arms, compensation to them is quite as reasonable as it is in the case of an officer who properly enough stores his trunk in a railway station and has it burned up journeying in New York State. I think the equity is rather with the man who has lost private property fighting the Indians. I do not like that amendment myself.

Mr. VOORHEES. Do I understand the Senator from Missouri to say that it has never been the policy of the Government to pay for losses incurred in Indian wars?

Mr. COCKRELL. In Indian wars or in any other wars.

Mr. VOORHEES. I understood the Senator to draw the line on Indian wars.

Mr. COCKRELL. Oh, no; it is not done in any war. This bill simply conforms, and the Senate Committee on Military Affairs made it conform, to what has been the uniform rule adopted by Congress in allowing compensation in these cases.

Mr. DOLPH. Before I vote on the bill, as I have not had time to examine it, I should like to know something more about it. I inquire of the Senator from Missouri if I understand the provision of the bill to be that in all cases where property of officers or enlisted men in the service of the United States is accidentally destroyed, as in the case of an accidental fire, while they are in service, the claim may be presented to the War Department, allowed, and paid?

Mr. COCKRELL. Let the amendment be read as proposed and the bill with it, and then the Senator will get the idea. As I stated, there is no new principle in this. It is simply to take out of Congress a large number of cases that are pending here every year and that always pass when reached. It establishes no new principle of liability at all, and the Senator will discover exactly what it is if he listens to its being read as proposed to be amended.

The PRESIDING OFFICER. The whole bill?

Mr. COCKRELL. The part in regard to liability.

Mr. DOLPH. I thought I caught the reading of the bill. I should like the Senator from Missouri to inform me if it is proposed by this bill, which is certainly new, although it may be a general law in conformity to the practice of the committee, to provide that any officer or enlisted man who has lost property by an accidental fire without his negligence may present his claim to the War Department and have it allowed and paid?

Mr. COCKRELL. Under certain conditions therein stated.

Mr. DOLPH. It seems to me that it is based on a wrong principle.

Mr. COCKRELL. The question has been debated fifty times in the Senate, and always decided one way; and the committee, in order to get rid of the personal investigation of all these cases, reported this general bill which has been passed by the House, and we limited it, did not make it as wide as it was when it passed the House. We restricted it more narrowly than the House bill.

Mr. FRYE. And the payment in case of a loss by fire is limited, is it not?

Mr. COCKRELL. It is.

Mr. FRYE. Where an officer or soldier in taking charge of Government property sacrifices his own.

Mr. SEWELL. The limitation extends to the articles necessary for the position of the officers or men, not to watches, trinkets, or anything of that kind, but to the necessary equipment of the soldier or officer.

Mr. COCKRELL. The bill as proposed to be amended reads:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service under the following circumstances:

First. When such fault or destruction was without fault or negligence on the part of the claimant.

Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances. And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*, That any claim which shall be presented and acted on under authority of this

act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That this act shall not apply to losses sustained in time of war or hostilities with Indians: *And provided further*, That the liability of the Government under this act shall be limited to such article of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty.

Mr. DOLPH. Now I think I understand the bill. In the first place it proposes to pay for the loss of all property of persons in the military service of the United States where the property was lost without the fault of the party losing the property. In the second place it proposes to pay for the loss of all property shipped on unseaworthy vessels by order of the Government. In the next place it proposes to pay for the loss of property of the claimant, notwithstanding he may be negligent himself, if his negligence arose from the fact that he was engaged at the time in saving Government property instead of saving his own. The very first provision there is that the United States invites claims for payment for all property lost while in the military service except in time of war and during hostilities, without the fault or negligence of the party losing the property. I think that is a very broad and very important measure to be brought up on the spur of the moment.

Mr. SHERMAN. I should like to have a reasonable period of limitation provided so that these claims shall not be allowed to slumber, but that all claims made under this act shall be presented within three years from the time of the loss.

Mr. COCKRELL. That is right. I have no objection to that, and I suggest the amendment in this form:

Provided further, That all claims under this act shall be presented within three years from and after the passage of this act, or from and after the occurrence of the loss in cases hereafter occurring.

Mr. SHERMAN. I think the rule of three years ought to apply to the past cases.

Mr. COCKRELL. I say three years ought to apply to all past claims, and three years to all future claims. That is the amendment I propose.

Mr. SHERMAN. All right.

Mr. COCKRELL. This does not cover anything in the shape of carpets, or pianos, or gold watches, or silk dresses, or things of that kind. The committee has never allowed compensation for them, and this is the most restrictive language ever proposed. I propose the amendment, as follows:

And provided further, That all claims heretofore existing shall be presented within three years from and after the passage of this act, and all claims hereafter arising shall be presented within two years of their occurrence.

Mr. HARRISON. May I ask the Senator whether he proposes to give three years from the passage of the act for claims already in existence and only two for those hereafter occurring?

Mr. COCKRELL. A good many of these claims of officers have been scattered around, and they may not know about the passage of the bill. I will move to make it two years for each.

Mr. HARRISON. Very well; that will do.

Mr. COCKRELL. I will put it in this form:

Provided, That all such claims now existing shall be presented within two years from the passage of this act, and all such claims hereafter arising shall be presented within two years from the occurrence of the loss or destruction.

Mr. CONGER. I suggest to the Senator from Missouri that that language is no limitation on the presentation or consideration of claims by the Secretary of War. It should be provided that the Department have no authority to consider any claim unless presented within a certain time.

Mr. COCKRELL. Let the amendment be reported.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add:

And provided further, That all such claims now existing shall be presented within two years from the passage of this act, and all such claims hereafter arising shall be presented within two years from the occurrence of the loss or destruction.

Mr. COCKRELL. That will be sufficient. The Secretary of War will not act on any claim after that.

The PRESIDING OFFICER. At what point in the bill is this proviso to be inserted?

Mr. COCKRELL. At the end of the bill, after the provisos already in.

The PRESIDING OFFICER. There is an amendment already pending not disposed of.

The CHIEF CLERK. In line 30, after the word "reasonable," the Committee on Military Affairs proposed to insert "useful, necessary, and proper for such officer or soldier while in quarters, engaged in public service, in the line of duty;" so as to read:

And provided further, That the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty.

The amendment was agreed to.

Mr. MAXEY. The first proviso of the Senator from Missouri providing for claims within two years should say, "and not afterward."

Mr. COCKRELL. I have no objection to that.

The PRESIDING OFFICER. The Senator from Texas proposes to amend the amendment of the Senator from Missouri so as to read:

And provided further, That all such claims now existing shall be presented within two years from the passage of this act, and not after; and all such claims hereafter arising shall be presented within two years, and not after, from the occurrence of the loss or destruction.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. It occurs to me that there is some unnecessary verbiage. "Within two years from the occurrence of the loss or destruction" is sufficient. "Within two years, and not after, from the occurrence of the loss or destruction," is not a very elegant sentence, and the words "not after" are superfluous, it seems to me. "Within two years after the occurrence of the loss or destruction," I submit, is sufficient.

Mr. COCKRELL. The addition of those words can not hurt; and the Senator from Texas thinks it better. I have no objection to it, though I do not think it makes it stronger.

Mr. HAWLEY. I do not object, only on general principles. I like our bills to read as well as possible.

Mr. MAXEY. I say that those words in my view of the law are necessary to prevent the presentation of a claim after the time limited. The Senator from Connecticut, having a very much better knowledge of language than I have, I am perfectly willing to withdraw it if he insists on my doing so.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the bill be printed as amended by the Senate.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE and Mr. HOAR submitted amendments intended to be proposed by them respectively to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;"

A bill (H. R. 2344) for the relief of Melissa G. Polar;

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia; and

A bill (H. R. 4088) to incorporate the Luther Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Maria G. Dunbar, now on the files of the Senate, be withdrawn and referred to the Committee on Pensions.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. PLUMB, and Mr. CALL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church in the District of Columbia;

A bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia;

A bill (H. R. 7557) to provide for the sale of certain real property in the District of Columbia, and for other purposes;

A bill (H. R. 7935) for the relief of the Church of the Ascension, in the District of Columbia; and

A bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

PUBLIC BUILDING AT KEY WEST.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the City of Key West, Fla.

The amendments of the House were read, as follows:

In line 2 of the bill strike out all following the word "directed," down to and including the word "necessary," in line 4, and insert the words "to select, of the lands owned by the United States in the city of Key West, Fla., a suitable building site."

In line 8, strike out the words "including the purchase of land."

In line 10, strike out the word "fifty" and insert the word "forty."

The PRESIDENT *pro tempore*. The amendments proposed by the House of Representatives are before the Senate for its action.

Mr. CALL. I hope the amendments will be concurred in.

Mr. MORRILL. I move that the Senate concur in the amendments proposed by the House of Representatives to the bill.

The amendments were concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the following acts:

An act (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry;

An act (S. 1571) granting a pension to James McCallen;

An act (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas;

An act (S. 2549) granting a pension to Isabella Higgins;

An act (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts; and

An act (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.

CONFIRMATION OF LAND TITLES.

Mr. COCKRELL. Now I ask the Senate to take up Order of Business 1045, being House bill 5849.

Mr. CONGER. Will not the Senator give way until I give a notice?

Mr. COCKRELL. I want to pass another general bill that is much shorter than the one just passed, and to which there is no amendment.

Mr. CONGER. I only want to give a notice, as I am going away.

Mr. COCKRELL. Very well.

Mr. CONGER. I give notice that to-morrow, after the ordinary morning business, I shall desire to call up Order of Business 1026, being the bill (S. 2509) to confirm titles to lands in certain cases, for the purpose of making some remarks thereon.

LIMITATION OF CLAIMS.

Mr. COCKRELL. Now I call for Order of Business 1045. It is a very important measure reported by the Senator from Wisconsin [Mr. CAMERON].

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

Mr. CAMERON, of Wisconsin. I offer an amendment to the bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Wisconsin offers an amendment which will be read.

The CHIEF CLERK. It is proposed to add to the bill:

Nor to extend the jurisdiction of the Court of Claims to any claim or class of claims over which it has not already jurisdiction, nor to authorize the accounting officers of the Treasury to consider and pass upon any claim or class of claims which they are not already empowered to consider and adjust by existing law.

Mr. McMILLAN. I should like to inquire in regard to this bill whether it expressly or impliedly removes the bar of the statute of limitations from any claim against which the statute now runs.

Mr. CAMERON, of Wisconsin. The understanding of the committee was that it does not, but to guard against any possibility of its doing so I have proposed the amendment which I have just sent up and which has been read by the Secretary.

Mr. INGALLS. Let us hear the amendment read again.

The PRESIDING OFFICER. The amendment will be read again.

The Chief Clerk read the amendment.

Mr. McMILLAN. Wherever a provision of law recognizes the existence of any class of claims, whether barred by the statute of limitations or not, they are all recognized as existing claims, and unless the proposed statute expressly prohibits the repeal of the statute of limitations as to those claims, it would be impliedly repealed. I want to have the proviso express, so that it will guard all classes of that kind, as if it were:

Provided, That it shall not remove the bar of the statute of limitations where the statute of limitations now runs.

Mr. SHERMAN. That is in now.

Mr. McMILLAN. I did not hear it.

The PRESIDING OFFICER. If the Senator from Minnesota will hear one provision of the bill read——

Mr. McMILLAN. I want to hear it.

Mr. SHERMAN. This is a bill of great importance, and I should like to have it read over again.

The PRESIDING OFFICER. The bill will be again read for information.

The Chief Clerk read the bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Wisconsin.

Mr. PLATT. I should like to make an inquiry of the Senator from Missouri. Claims for back pay and bounty are barred, as I understand, by a charge of desertion standing on the record.

Mr. COCKRELL. That does not bar any claim.

Mr. PLATT. The officers will not settle the claim of a soldier where the charge of desertion stands on the record.

Mr. COCKRELL. Not for bounty.

Mr. PLATT. Not for bounty or back pay. Now, we are continually removing by degrees, passing statutes to remove, the charge of desertion, and the charge of desertion under those statutes is being removed from time to time. The inquiry I want to make is this: Suppose that some soldier who is entitled to have the charge of desertion removed should not accomplish that within three years from the passage of this bill, when would the statute of limitations begin to run in that case? From the passage of the bill, or from the time when he got the charge of desertion removed?

Mr. COCKRELL. I do not think there would be any doubt about that.

Mr. BLAIR. There is another class that has not been suggested. There is not one bounty as yet paid where there are ten due to the colored soldiers of the country. As I understand this bill, unless their claims are presented within three years they are barred.

Mr. COCKRELL. My understanding is that nearly all those claims have been presented, but they have not been acted on because the proof has not been furnished.

Mr. BLAIR. I do not understand that to be so.

Mr. COCKRELL. I think so.

Mr. BLAIR. Great numbers of them as yet are unpresented.

Mr. COCKRELL. They will have three years to present them.

Mr. BLAIR. It has been more than three years since their service, and they may find their rights out after a while. I do not see any object in presenting any statute of limitations against this class of claims or any other class, indeed, as long as the United States is careful not to allow the statute to run against itself. It seems to me that the entire bill is one that will be likely to provoke a great deal of discussion if it were properly considered.

Mr. INGALLS. Mr. President, this bill is an absolute innovation upon the long-existing practices of the Government, and it involves very momentous and far-reaching consequences. It is a bill that deserves, I think, a great deal more consideration than it will be apt to get in the way in which it appears before the Senate in the temporary hiatus that is invited in the discussion of other bills.

I observe by casual examination that it not only applies the statute of limitations to all existing claims, but in one section provides that it shall exist against all claims that may originate hereafter. I believe I am correct. Upon all claims hereafter originating the limitation of six years is prescribed by this bill—that is to say, no man hereafter shall have any right to prefer his demand against the Government if he permits six years to elapse from the time of its initiation.

There is an old saying that what is sauce for the goose is sauce for the gander, an ornithological maxim that perhaps might be properly applied to national affairs. Time does not run against the king. I believe the Government of the United States does not permit the statute of limitations ever to operate against any demand it may have against any of its citizens, no matter when the default or deficit of the surety upon an undertaking occurs. It may enforce it whenever the fact is discovered. I doubt very much whether it is wise for us to permit an unlimited time to the Government in which to enforce its claim against the citizen, and say that the citizen shall be debarred by an absolute period of six years from interposing any claim against the Government.

I suppose this is intended as a relief to the committees of both Houses of Congress. The chairman of the committee says it is not.

Mr. CAMERON, of Wisconsin. Of course it is not, because we can not by any statute of limitations prevent a citizen from presenting his claim to Congress.

Mr. INGALLS. That is what I was about to say.

Mr. CAMERON, of Wisconsin. It is not intended for that at all.

Mr. INGALLS. If it was not intended for that, for what can it have been intended?

Mr. CAMERON, of Wisconsin. For the relief of the accounting officers of the Treasury and the other accounting officers of the Government.

Mr. INGALLS. That is precisely what I was about to suggest. The Senator from Wisconsin says this is intended to relieve the accounting

officers of the Government. Why should we be permitted to relieve the accounting officers of the Government by refusing to pay our honest debts? It certainly would be a novel principle to apply in private affairs that because it was annoying and vexatious to a citizen to have any account taken of his estate or of his obligation, therefore he should be permitted to go scot-free. This will not in any way whatever interfere with the enforcement of claims against the Government except in this, that it will relieve the accounting officers of the Treasury and will precipitate every claim that is declared by them to be barred by prescription, upon the committees in both Houses of Congress.

I doubt the wisdom or the propriety of that species of legislation. I doubt very much whether we ought to consider a matter of this gravity and of this moment without further deliberation. In most statutes of limitations or repose there are saving clauses for minors, for women under coverture, for persons *non compotes*. The Senator from Tennessee [Mr. HARRIS] whispers to me that the same saving clause exists in this bill. I regret that I did not hear the clause when it was read. If it is there, it escaped my attention and some of the neighboring Senators who sit by me. One of them says to me——

Mr. COCKRELL. Will the Senator let me read the sentence?

Mr. INGALLS. I shall be glad to hear it.

Mr. COCKRELL. It reads:

In computing the years of limitation herein fixed no time shall be included when the person entitled to present the claim shall be a lunatic, a minor, or under any other legal disability.

Mr. INGALLS. Then I am relieved in that particular, but until this moment, although I casually read the bill, I did not know that was admitted. The Senator from Minnesota had called attention to another provision that he did not know was in this bill. I am not complaining that the bill does not contain proper provision, but that we are not advised and can not be advised in a question of this gravity and importance whether or not all particulars have been properly guarded.

Of course if the Senator from Wisconsin and the Senator from Missouri insist upon the discussion of this bill and its consideration now, I have no right to object; but inasmuch as it involves a complete innovation upon our practice, I submit that it ought to be subjected to deliberate discussion.

Mr. COCKRELL. I wish to say to my friend from Kansas that this is no innovation. A large number of claims are now barred. For example, under the act of 1849 compensation was allowed to those who lost their horses in the Mexican war and to civilians whose property was impressed by the Army. After a while there was a limitation put upon the soldiers who lost their horses in the war of the rebellion, but no limitation upon those in the Mexican war or on private citizens. We removed that limitation once, and still it left no limitation upon the others. Some years ago a bill was passed providing a bar to all that class of claims originating in any war prior to the passage of that act. So all claims of that character are now barred.

There are about 54,000 claims for quartermaster's stores and supplies under the act of July 4, 1864, which were filed with the Quartermaster-General and the Commissary-General. They were allowed to be filed from year to year. In 1878 or 1879 we passed a limitation on them requiring all those claims to be filed prior to the 1st day of January, 1880. A large number of my constituents are barred because they did not get their claims in prior to the 1st day of January, 1880. There is an immense number of claims there. They are barred.

So you find it has been the policy from year to year to place limitations upon claims, and there is no safety to the tax-payers of this country outside of some limitation. You let the persons who transacted this business with the Government pass from the stage of action. Their books are gone; their accounts are gone; the persons who transacted the business can not be found, and the individual comes and presents his claim with an *ex parte* affidavit. You have nothing to rebut it, and it is allowed.

It only illustrates an instance that the senior Senator from Illinois [Mr. LOGAN] related to me some years ago. A claim was presented to the Committee on Military Affairs for allowance. He examined the papers. The claim was established beyond any reasonable doubt. It was so clearly proved that it created a suspicion. He referred it to the proper Department and there could get no information against its justice or correctness. He finally went to the Department, and in examining among some old papers he happened to find a bundle of unmarked, unbriefed papers, and on examining them found that they were the original papers in that claim which had been presented to the War Department and paid at the time of the occurrence of the claim. And then on further examination he found that a previous bill had passed Congress, and it had been paid the second time, and it was then pending for the third time.

I say that we must have a limitation upon the presentation of claims in the Departments here. They are flooded. They are liable to be called up at any time. Only last night I wrote to the Third Auditor to know what he was doing with a claim for a horse lost in the Mexican war in 1848. The claims are still pending and until we pass a law they are liable to be presented at any time. It is not just to the tax-payers of this country, who are the Government, that opportunities of robbing them in such a way should be allowed.

This bill was fully discussed in the other House. It was discussed by the leading members on both sides of the Chamber there. It was amended, and it was passed in the form in which it has come here. The Senator from Kansas [Mr. INGALLS] shakes his head. I do not know whether he does so with reference to what I have been saying or not. If he will look at the RECORD he will see that I state the truth, because I was noticing the bill, having been in favor of such a measure for a long time.

Mr. INGALLS. I was merely thinking of the fact that we have been frequently admonished that allusions to what occurred in the other House are not in order.

Mr. COCKRELL. I did not say that it was at this session. It may have been at a former session. It was discussed very fully, however. I think the provisions of the bill are just and proper. I have taken some pains in examining it, although not a member of the committee, and I noted the fact that it had been reported. I think it is only such a limitation as is absolutely necessary for the protection of the Government against fraudulent claims.

Mr. INGALLS. "A new way to pay old debts."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. SHERMAN. I offer an amendment to come in as an additional section.

The PRESIDENT *pro tempore*. There is one amendment now pending.

Mr. SHERMAN. I ask to have mine read. I think no one will object to it. It was probably omitted by mistake.

The PRESIDENT *pro tempore*. Pending the pending question the Senator from Ohio presents an amendment intended to be proposed to the bill. It will be read for information.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. This act shall not apply to the bonds or other public securities of the United States, or coupons or interest thereon.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. DOLPH. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"]

Mr. ALLISON and others. Let us finish this bill first.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. Let the amendment be read.

The PRESIDENT *pro tempore*. The pending amendment will be again read.

The CHIEF CLERK. It is proposed to add to the bill the following words:

Nor to extend the jurisdiction of the Court of Claims to any claims or classes of claims over which it has not already jurisdiction, nor to authorize the accounting officers of the Treasury to consider and pass upon any claims or classes of claims which they are not already empowered to consider and adjust by existing law.

Mr. CAMERON, of Wisconsin. I was informed that there are certain classes of claims which are not now and never have been cognizable either before the Court of Claims or before the accounting officers of the Treasury, and it was feared that without some provision similar to the one just reported those claims might be presented to the accounting officers of the Treasury. It is for the purpose of guarding against that danger that I have proposed the amendment.

Mr. HAWLEY. Where, then, would the Senator have those claims presented, if there is no tribunal for them now?

Mr. CAMERON, of Wisconsin. There is no tribunal. They can come to Congress after the passage of this bill as they always have done heretofore.

Mr. HAWLEY. I ask the question simply because I intend, if I remember it, always to record my protest on appropriate occasions, and this seems to be one, against the conduct of this Government in relation to private citizens. It is the only civilized government that does not permit itself to be sued. It stands here and compels private citizens by the thousand and the ten thousand to come to Congress for one, five, ten, fifteen, twenty, and in a late famous case nearly eighty years, and present their claims at our doors, and we provide no tribunal to hear them, and refuse to hear them ourselves.

The conduct of this Government is not creditable to an enlightened people.

We are here barring men after three years or six years from the presentation of claims when the accounting officers of the Treasury have not yet completed the statement of account. I say we are now here barring private citizens against the presentation of their claims to such limited tribunals as they have when at the same time our accounting officers have not yet made a statement of account between the Government and officers of the Army and Navy who were in the war, and indeed quartermasters, contractors, and others.

It is within a short time that a citizen of my State had a suit brought against him, or against his bondsmen, when it was sixteen or seventeen years after he had closed his accounts and filed his papers and resigned his office before he had the statement of account upon which there was an alleged balance against him, when I firmly believe he could clearly have shown the account had he been notified within a reasonable time. The Government attempted to locate the balance against him in a particular place in the account, and he showed that it was utterly impossible there. Gentlemen familiar with this question know that suits are brought against bondsmen ten, fifteen, twenty years after the alleged occurrence of the liability. All these things are wrong.

I have no special sympathy with a bill of this kind while we are so guilty ourselves.

Mr. BLAIR. This bill is evidently one that requires a great deal of careful consideration. Senators are thinking of a new point every moment, and an important one, and new amendments are now being suggested touching the securities of the United States. No Senator knows what might be thought of if a little time and attention were given to the bill. I find in reading the very first portion of it that it discriminates against the soldiers and the officers who have defended our institutions in war. For instance, it says that they shall be cut off by a limitation of only three years, while all other claimants whatever, no matter whether the claim may have originated from the foundation of the Government, are entitled to six years from the passage of the bill within which to present their claims, whatever they may be.

The bill in the first clause, which applies to the officers and soldiers of the country, is, I think, very unjust and very dangerous. It will cut off a great many honest claims. Only a few days ago I received a letter from my own State, from a New Hampshire soldier, an intelligent man, and it turned out that he never had even presented his claim for bounty to the present time. That is not an unusual thing at all. It is twenty-odd years since the war. Such claims are likely to arise from time to time for the next fifteen or twenty years.

It is a matter that every one is informed of that the colored soldiers of the country, some 200,000 in number, have neither in the matter of pensions nor of bounty received anything like their rights up to the present time. They are ignorant, but they are gradually becoming informed, and their claims are coming in from time to time, and it is only fair to suppose that in future a great many more of those claims will be presented against the Government than ever have been as yet. But the bill proposes to take those people and discriminate against them; to give them only half as much time in which to present their claims as the ordinary claimant who has nothing but a civil source of claim against the country. I think that that is reprehensible and discreditable, and it is a shame to find it in a bill before the American Congress. Why should not they stand as well as anybody else?

Mr. CAMERON, of Wisconsin, rose.

Mr. BLAIR. It is all very true, as the Senator is about to say, probably, that they can come to Congress, but there is trouble enough with claims in Congress to-day. This bill came in here under the assurance that it would not cause any debate; that it was a thing everybody would agree to, and was all right and nobody could object to it, and two bills were to be passed in ten minutes; and now for over an hour men are here talking against the bill when there is a stress upon us to get the pension bills before Congress, which perhaps will not be considered unless they are considered to-day.

I believe this is a bad bill, a wicked bill, and it ought not to be here for discussion under the circumstances.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. SHERMAN. I now offer the amendment of which I gave notice.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio will be read.

The CHIEF CLERK. It is proposed to add a new section, as follows:

SEC. —. This act shall not apply to the bonds or other public securities of the United States, or coupons or interest thereon.

Mr. HOAR. I move to amend the amendment by adding the words "or to the claim of any State."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts to the amendment will be read.

The CHIEF CLERK. It is proposed to add to the amendment the following words: "or to the claim of any State;" so as to read:

This act shall not apply to the bonds or other public securities of the United States, or coupons or interest thereon, or to the claim of any State.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. HOAR. The mover accepts it.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. MCMILLAN. I move to amend the bill by inserting, after the word "construed," in line 23, the words "to remove any limitation now existing against the presentation of any claim, nor;" so as to read:

Provided, That nothing herein contained shall be construed to remove any limitation now existing against the presentation of any claim, nor to revive any claim now barred by the statute of limitations.

Mr. CAMERON, of Wisconsin. I have no objection to that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. HARRISON. I thought the Senator from New Hampshire made a very convincing argument to the Senate a few moments ago against the discrimination which is made in the bill against claims for bounty and back pay. The limitation as to such claims is for three years in the bill and as to all other claims it is six years. I do not think there is any class of claims where it is easier for the Government to meet and defeat a demand than these bounty and back-pay claims. The rolls of the regiment, all of the records make it easy for the Government. I therefore move to strike out "three" and insert "six," in line 7, before "years," so that the limitation shall be the same in all cases.

Mr. CAMERON, of Wisconsin. All those claims have existed——

The PRESIDENT *pro tempore*. The Senator from Wisconsin will suspend. The Chair will state the question. The amendment proposed by the Senator from Indiana will be reported.

The CHIEF CLERK. In line 7, before the word "years," it is proposed to strike out "three" and insert "six;" so as to read:

That all claims for back pay or bounty due to officers, soldiers, or to any other person for services in the late civil war, or any previous war, shall be presented to the accounting officers of the Treasury Department, or other proper tribunal, for adjustment and payment, within six years after the passage of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Wisconsin was recognized, but suspended until the Chair stated the question.

Mr. CAMERON, of Wisconsin. I yield to the Senator from Massachusetts.

Mr. HOAR. I merely wish to state the reason for limiting this class to three years while others are generally limited to six. In regard to other cases the bill will take effect ordinarily on a future claim, one arising in the future; but these are claims which from the nature of the case must have been existing at least twenty years, a time which under the jurisprudence of probably every State in the Union bars all claims whatever. So it is not necessary to add six years to claims which already must have existed twenty years, and in regard to claims of the Mexican war they would have existed nearly forty years, and so on.

Mr. BLAIR. But it applies to all claims which have not been presented. There are many claims fifteen, twenty, thirty, forty years old which have not been presented, where the ground of the claim is simply a civil service, a civil debt, a civil obligation. Is there any reason for discrimination where the claim has not been actually presented? Where claims have been presented the bill does not apply to them at all. The Senator's point is no point, because it only applies to a claim which has been presented; and he says most of the claims have been presented, and therefore the law does not reach them in any way whatever.

Mr. HOAR. I did not say any such thing.

Mr. DOLPH. I think the bill can not be disposed of to-night, and I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After fifty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 24, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. RANDALL. I call for the regular order.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2623) to remove the political disabilities of Alexander W. Stark;

A bill (S. 2610) granting a pension to Patrick Furlong;

A bill (S. 2587) granting a pension to William H. H. Gilley;

A bill (S. 2570) granting an increase of pension to Col. Samuel F. Thompson;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2350) granting a pension to Anna Ginn;
A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;
A bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment to the Constitution;
A bill (S. 357) granting a pension to William Lockhart;
A bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy and for forty-six years in active service;
A bill (S. 1117) for the erection of a public building at Macon, Ga.;
A bill (S. 1183) granting a pension to Hugh O'Neil;
A bill (S. 1268) for the relief of Sydney L. Skaggs;
A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;
A bill (S. 1655) granting a pension to Newton J. Burris;
A bill (S. 1709) granting a pension to Leonora A. Boyden;
A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;
A bill (S. 1803) granting an increase of pension to George A. Washburn; and
A bill (S. 1804) granting a pension to Clarinda Hunt.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:
A bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;
A bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes; and
A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:
A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes; and
A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

RETURN OF BILL TO SENATE.

The SPEAKER. By order of the House a bill, the title of which the Clerk will read, was withdrawn from the Senate for the purpose of making a correction in the enrollment. That correction has now been made, and if there be no objection the Clerk will return the bill to the Senate.

The Clerk read the title of the bill, as follows:

A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.

The SPEAKER. If there be no objection the order will be made.
There was no objection.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. STOCKSLAGER. I rise to a privileged motion. I move that the House insist on its amendments to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

Mr. PAYSON. Is that a report of a conference committee?

The SPEAKER. It is not. The gentleman from Indiana [Mr. STOCKSLAGER] moves that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. PAYSON. If it requires unanimous consent to take the bill from the Speaker's table, I object.

The SPEAKER. It is a privileged matter.
The motion was agreed to.
The SPEAKER appointed as conferees on the part of the House Mr. STOCKSLAGER, Mr. HOPKINS, and Mr. BREITUNG.

UMATILLA RESERVATION, OREGON.

The SPEAKER. The regular order is demanded, which is the recognition of members under the special rule. The hour begins at twenty-five minutes past 11 o'clock. When the hour expired yesterday there was pending a bill called up by the gentleman from Oregon [Mr. GEORGE], the Senate bill No. 66, providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Mr. GEORGE. Is there any time left?

The SPEAKER. The time expired during the reading of the report. The bill was read yesterday. Is there objection to its consideration?

Mr. WELLER. I object.

Further objections being called for, three members rose—not a sufficient number.

The SPEAKER. The question is on the third reading of the bill.

Mr. WELLBORN. There are some amendments to be offered.

Mr. PAYSON. I move to amend by striking out the proviso on page 7 of the printed bill, in line 68 down to line 72.

The Clerk read the proposed amendment, as follows:

Strike out the following proviso:
"*Provided further*, That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof."

Mr. PAYSON. I will say that is satisfactory to the gentleman from Oregon having the bill in charge.

The amendment was agreed to.

Mr. GEORGE. I ask the Clerk to read the amendment which I sent to the desk yesterday. I will state that this is part of the House bill which has been approved by the House committee.

The Clerk read the proposed amendment, as follows:

Add to section 2 the following:
"*Provided further*, That the water-right across a portion of said reservation through the town of Pendleton, granted by the Interior Department July 7, 1870, on the application of George A. LaDow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors."

Mr. GEORGE. This matter has been investigated by the Department. It is all right.

The question being taken, there were—ayes 79, noes 4.

So (further count not being called for) the amendment was agreed to.

Mr. STEVENS. I offer the amendments which I send to the desk. I will state that when a similar bill was before the Committee on Indian Affairs these amendments were recommended by the committee. There are several amendments.

The Clerk read the first amendment, as follows:

At the end of line 43, in section 1, insert the words "by the Secretary of the Interior."

The SPEAKER. Does the amendment apply to the line 43 of the printed bill? The House is acting not upon the printed bill but upon the engrossed bill of the Senate.

Mr. GEORGE. By reference to the printed bill it can be ascertained just where the amendment comes in. Let the amendments be adopted with reference to the printed bill.

The SPEAKER. The end of line 43 in the printed bill is not the end of a sentence. That line ends with a comma.

Mr. STEVENS. That is where the amendment is intended to come in, after the word "approved."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In line 61 of section 1, after the word "reservation," insert the words "hereafter provided for them."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In line 12 of section 2, after the word "money," strike out the words "or in other improvements upon his allotment, as shall be determined by the Department."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In section 4, line 2, strike out the word "forty" and insert the word "thirty."

Mr. ANDERSON. Mr. Speaker, I would like to know where these amendments are coming from.

Mr. GEORGE. From the committee.

Mr. ANDERSON. What committee?

Mr. GEORGE. The Committee on Indian Affairs.

Mr. PAYSON. Mr. Speaker, ought not the bill to be read as it will stand when amended?

The SPEAKER. The gentleman has a right to have the bill read if he desires.

Mr. PAYSON. I ask that it be read as it will stand amended.

The SPEAKER. The Clerk will read the section of the bill as it will stand amended.

The Clerk read as follows:

It is proposed in section 4, line 2, to strike out the word "forty" and insert the word "thirty;" so that if amended as proposed the section will read:
"That for the purpose of carrying into effect the provisions of this act the sum of $50,000, or so much thereof as may be necessary," &c.

Mr. WELLER. Mr. Speaker, I desire to inquire if reading from the printed bill in this way will make the amendment conform to what it would be in the engrossed bill?

The SPEAKER. The bills are the same.

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In section 5, line 5, after the word "reservation," insert the words "and by a majority of their chiefs in council assembled for that purpose;" so that the section will read: "That before this act shall be executed in any part the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing and signed by a majority of the male adults upon said reservation, and by a majority of their chiefs in council assembled for that purpose," and so on.

The amendment was agreed to.

The question was taken on ordering the bill to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill; and on a division there were—ayes 104, noes 11.

So the bill was passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COMMERCIAL NATIONAL BANK, CHICAGO.

Mr. BUCKNER. Mr. Speaker, I desire to call up the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

The bill was read, as follows:

Be it enacted, &c., That the Commercial National Bank of Chicago, in the State of Illinois, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding $2,000,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of the increase of the capital stock of the Commercial National Bank of Chicago at the amount of $2,000,000: *Provided*, That two-thirds of the stockholders shall consent thereto.

The SPEAKER. Under the rule ten minutes are allowed for debate.

Mr. BUCKNER. Mr. Speaker, I do not suppose there is any necessity for explaining this bill. Its object is to obviate the effect of an opinion of the Attorney-General, which was to the point that where a bank had originally started with a certain amount of capital stock the capital could not be increased except by law, the Comptroller having no power to authorize its increase. Several such bills have already been passed by Congress, and I trust there will be no opposition to this one.

Mr. WELLER. Mr. Speaker, I would like to inquire what is the necessity for passing a law to increase the capital stock of this national bank, if it be true, as stated by the advocates of the national-bank system, that the business does not pay? [Laughter.]

Mr. BUCKNER. That is a matter for the stockholders of the bank to consider.

Mr. WELLER. Well, Mr. Speaker, I rise to oppose the bill, and present briefly reasons why these national banks and their advocates are and have been deceiving as to the profits to them and thus from the people—the business interest on which they feed. For they can prosper by their loans, discounts, and exchange only as they so do out of the creations and productions of labor and business. The surplus of this single institution, as shown by the report of the committee, as also admitted by the advocates of this bill, from these sources amounts to a very large sum, and yet it is true that not a single thing in the matter of actual creation of wealth can be shown as the product of their manipulations. They are absorbers of wealth, but never creators of wealth.

I believe it to be the bounden duty of every patriot to principle and justice to do what he can on all occasions to strike a death-blow at the national-bank system. I know that the system is not only undemocratic, unrepublican, but altogether inimical to the interests of the people.

Who is it that comes here seeking to pass a bill permitting an aggregation of profits achieved in this way to be put into a new deal with which to reap richer harvest from the same source? Why do they ask Congress for a permit if the only object is to enlarge their capital as a basis of credit? I do not understand from the statements of the gentleman having the bill in charge that there is any proposition in this bill to increase the capital as a basis for an increase in the volume of circulating notes; and, if not, then why seek in this way to secure this increase? It is true that this institution would have but little if any difficulty in organizing under the laws of the State in which this bank is situated, with a capital as large as they can find cash or some substitute for it to put up, or, in short, as large as they may desire. Then why come here if there is no underlying substratum that only will be developed in the future, when too late to remedy the evil hereby proposed to be created?

If the system does not pay; if the object is not for purposes of an increase of the national-bank circulating notes, then in the very nature of things there must be some undeveloped purpose that ought to be brought out fully before this bill is further considered.

I believe there is an underlying purpose here to perpetuate the national-bank system in so far as that object may be promoted by increasing the capital stock of this one institution. I am radically and emphatically opposed to any step in that direction; and I hope there will be not only ten but a hundred patriotic Democrats, who are really statesmen, looking earnestly and wisely to the best interests of the people, and who will stand up with me to object to the consideration of this bill.

Mr. JOHN S. WISE. May I ask the gentleman a question? Would he not be satisfied to print these remarks, and allow us to go on with business?

Mr. WELLER. Not by any means. [Laughter.] I propose to call the attention of members and of the country to the methods employed to perpetuate a system that does not pay.

Mr. Speaker, I ask for the reading of the report as part of my remarks; and I do this for the reason that only yesterday I found the report, presented with the bill then under consideration, contained in it that which, being understood by the House, caused a large number to rise up in opposition to the consideration of the bill, and it was thereby defeated for the present at least. I think probably this report may show a similar state of facts.

The Clerk read as follows:

The Committee on Banking and Currency, to whom was referred the bill of the Senate (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago, having had the same under consideration, report that the bill is identical with House bill (H. R. 4378) reported from the Committee on Banking and Currency on the 20th of February, 1884, and referred to the House Calendar. The report accompanying said bill fully explains the bill and is herewith adopted and made a part of this report. Said report is as follows:

"That since the organization of this bank its business has increased so much as to demand an increase of its capital stock beyond the limit fixed in its original articles of incorporation; that under existing laws there is no warrant for such increase; that the new limit asked for in the bill is, under all the circumstances, just and reasonable.

"Hence your committee find that the legislation asked for in the bill is unobjectionable, just, and necessary, and they therefore recommend that the bill pass."

The SPEAKER. The time allowed for debate in opposition to this motion has expired.

Mr. BEACH. As the gentleman from Missouri [Mr. BUCKNER] has reserved four minutes of his time, I would like to ask him why, instead of asking the House to take up this special bill, he does not ask the consideration and passage of the general bill on this subject, which has been reported favorably by the Committee on Banking and Currency? Why should we adopt this special legislation? Why not, by passing the general bill, cover in a single measure the numerous cases of similar character now before the House?

Mr. BUCKNER. I will state the reason. The committee thought, and rightly thought, the House would not have time to consider the general bill, inasmuch as it involves several questions in addition to that here presented. I yield the remainder of my time to the gentleman from Illinois [Mr. DUNHAM].

Mr. DUNHAM. Mr. Speaker, it is unnecessary to consume any considerable time in explaining this matter. We have here a simple business proposition. The Commercial National Bank of Chicago desires to increase its capital. A large portion of this increase is now in the bank in the form of surplus. In order that this surplus may become a part of the capital stock of the bank this bill, to which, in my judgment, there can be no objection, is presented. I hope it will be passed.

Mr. WELLER. I wish to ask the gentleman whether it is not true that this bank has acquired its increased capital by percentages levied upon the people and business of the country to the extent of many thousands of dollars. In other words, is it not from profits derived from the people that this bank proposes now to add to its capital stock, and thus give it greater power in the same direction?

Mr. DUNHAM. The answer to that would bring us into a general discussion of the national banking system, for which the gentleman from Iowa is anxious, but which I do not care about; and I think the House is not anxious to go into that question this morning.

Mr. SPRINGER. Did I understand the gentleman from Iowa to say that this bank is losing money upon its business?

Mr. WELLER. I understand that by reason of profits there is an accretion of capital to the extent of many thousands of dollars, and that from the real business interests of the country. I do not think the institution should have any further advantages in that direction.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WELLER. I object.

The SPEAKER. All members objecting will rise. [Five members rose.] Not a sufficient number; and the bill is before the House for consideration.

The question being taken on ordering the bill to a third reading, there were—ayes 119, noes 8.

Mr. WELLER. No quorum.

The SPEAKER. The gentleman from Iowa makes the point that no quorum has voted. The Chair appoints as tellers the gentleman from Iowa, Mr. WELLER, and the gentleman from Missouri, Mr. BUCKNER.

Mr. WELLER. At the solicitation of many personal friends I withdraw the point of no quorum.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT PORT TOWNSEND, WASH.

Mr. BRENTS. I desire to call up for present consideration the bill (H. R. 2949) for the erection of a public building at Port Townsend, Washington Territory.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a

suitable building, with fire-proof vaults therein, for the accommodation of the custom-house, bonded warehouse, post-office, and other Government offices, at the city of Port Townsend, Wash. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $57,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States.

The SPEAKER. Under the rule five minutes are now allowed for debate in support of this bill and five minutes in opposition to it.

Mr. BRENTS. Mr. Speaker, in the short time allowed me I shall not attempt more than a partial statement of the facts in this case. Port Townsend is the port of entry of the Puget Sound customs district. Puget Sound, with its 1,594 miles of shore line and over 2,000 square miles of surface, navigable throughout its whole extent for the largest deep-sea vessels, is one of the grandest harbors in the world. Its commerce is very great and is rapidly expanding. During the last fiscal year a greater number of American steam vessels engaged in the foreign trade entered and cleared at this port than at any other port in the United States; and their tonnage was only exceeded by the tonnage of the same class of vessels that entered and cleared at the port of New York. The number entered was 579, with a tonnage of 264,655 tons, against 239 at New York, with a tonnage of 351,873 tons; 165 at San Francisco, with a tonnage of 239,769 tons; 149 at Boston and Charlestown, with a tonnage of 168,414 tons, and 123 at New Orleans, with a tonnage of but 55,735 tons. The number cleared was 563, with an aggregate tonnage of 236,751 tons, against 227 at New York, with a tonnage of 338,815 tons; 162 at San Francisco, with a tonnage of 231,935 tons; 145 at Boston and Charleston, with a tonnage of 105,007 tons, and only 95 at New Orleans, with a tonnage of but 35,798 tons.

Of American vessels, both sailing and steam, the number was only exceeded by the port of New York, and the tonnage by the two ports of New York and San Francisco. The number entered was 675, with a tonnage of 312,090 tons, against 1,869 at New York, with a tonnage of 1,008,556; 654 at Boston and Charlestown, with a tonnage of 304,376 tons; 452 at Philadelphia, with a tonnage of 222,258 tons; 416 at San Francisco, with a tonnage of 425,529 tons; 216 at New Orleans, with a tonnage of 81,670 tons; 187 at Baltimore, with a tonnage of 69,557, and all others still less both in number and tonnage. There were cleared 700 of this class of vessels, with a tonnage of 333,694 tons, against 1,442 at New York, with a tonnage of 839,762 tons; 421 at San Francisco, with a tonnage of 430,667 tons; 323 at Philadelphia, with a tonnage of 183,438 tons; 185 at Baltimore, with a tonnage of but 61,686, and all the others of the one hundred and thirty-one ports in the United States still less in number and tonnage. I grant you that this class of vessels predominates largely in our shipping, but when we take into calculation all classes of vessels, steam and sail, American and foreign, the numbe that entered and cleared in the foreign trade during the last year is only exceeded by seven other ports in the United States, New York, Boston and Charlestown, San Francisco, Philadelphia, New Orleans, Huron, and Oswego, and in tonnage by only nine other ports in the United States, those just named and the ports of Baltimore and Superior added.

The amount of commerce has doubled for the last five or six years every two years. In 1880 the number of vessels entered and cleared was 592, with a tonnage of 305,420 tons; in 1881, 628, with a tonnage of 318,459 tons; in 1882, 766, with a tonnage of 457,844 tons; in 1883, 1,062, with a tonnage of 534,824 tons; in 1884, 1,437 with a tonnage of 687,035 tons; and in the first half of the present year over 1,000 vessels entered and cleared at this port, with an aggregate tonnage of about 400,000 tons.

Mr. STEELE. Is there a United States court held at this place?

Mr. BRENTS. Yes; there is a United States court held there, and of course a large amount of admiralty and other business is transacted, as will be apparent from the amount of commerce there.

Mr. WELLBORN. What is the population of Port Townsend?

Mr. BRENTS. Perhaps about 10,000. Here, also, is the post-office through which all the mail to and from Alaska and to and from British Columbia must pass, and in which they must be examined, inspected, and rated up, and, in large part, be distributed.

Mr. WELLBORN. What is the revenue?

Mr. BRENTS. The revenue in 1880 was about $18,000; in 1881, over $26,000; in 1882, over $45,000; in 1883, over $56,000; in 1884, over $67,000; and for the present fiscal year, beginning last July, the fees collected will amount to more than the cost of this building, and during the whole year, as I am assured by the collector of the port, will go up to ninety or one hundred thousand dollars, while only $57,000 is provided for in the bill.

Mr. STORM. I will ask for the reading of the report.

The report was read, as follows:

Mr. REESE, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, having considered the bill (H. R. 2949) for the construction of a public building at Port Townsend, Wash., beg leave to report as follows:

In its relation to commerce, Port Townsend, the port of entry of the Puget Sound customs district, occupies a place of considerable importance. Its location is such that all vessels from sea to any and all ports on Puget Sound must pass said port; its harbor is easy of access at all times, is commodious, and large enough to float all the vessels of the world, with good anchorage from five to fifteen fathoms, free from bar, rocks, or reef. The shipping of this district already exceeds that of four-fifths of all the custom districts in the United States. During the quarter ending September 30, 1883, there were one hundred and ninety-three vessels documented in this district, fifty-eight steam and ninety-five sail, with an aggregate tonnage of 40,565.41 tons. During the year ending June 30, 1883, the number of vessels entered and cleared at the custom-house in this district was 1,314 vessels, aggregating 813,982 tons.

During the last fiscal year the tonnage of American vessels in the foreign trade which entered and cleared at this port was exceeded by only four of all the ports of entry in the United States, and the tonnage of foreign vessels in that trade was exceeded at but six of said ports. Only one port in the United States exceeds Port Townsend in American ocean steam vessels in foreign trade, and the tonnage of foreign ocean steamers in said trade is exceeded by only seven of said ports. A large number of vessels engaged in the coasting trade are also entered and cleared at this port. Over 500,000,000 feet of lumber, 200,000 tons of coal, 10,000,000 cans of salmon, large quantities of produce, and various domestic commodities are annually exported from this district. The value of these exports for the last year is estimated at not less than $12,000,000. The amount of duties and fees collected at this port for the year 1880 was $18,448.94, and for the year of 1883 it was $75,921.05. The amount of rents paid annually by the United States for custom-house is $1,800, not including the buildings used for the United States court-room and clerk's office or post-office. These statistics, derived from official sources, mark this as a port of no small importance to the commerce and revenues of the country.

Constituting the entrepôt of the "Mediterranean of the Pacific," with its numerous bays, estuaries, and islands, with its 1,981 miles of inland shore-line, its unexcelled timber, its extensive fisheries, and other fast-expanding industries, with the rapid development of the mineral, agricultural, and manufacturing industries and resources of its adjacent country, and with the completion of the Northern Pacific Railroad that terminates on its shores, it has taken its rank among the first ports of the nation. It now is the third in importance on the Pacific coast. The ports of San Francisco, Portland, Astoria, and others have received munificent appropriations for the construction of public buildings, while this port has received none. In view of these facts your committee recommend the passage of bill H. R. 2949.

Mr. BRENTS. I desire to say, Mr. Speaker, that this report was made over a year ago, during which time the commerce of the district and the business of the custom-house have greatly increased. The building in which this business is done is a mere wooden shanty, wholly inadequate in size, unsafe, and unfit for the purpose. The documents of one hundred and sixty-four vessels—and seventy-eight of them ocean steam vessels—and all the valuable records of the office are deposited here, exposed, and liable to be destroyed at any time.

Mr. Speaker, I wish to say one thing more. Port Townsend is in a Territory, represented on this floor by a mere Delegate—and a lame one at that—an unenfranchised member in this House, and unrepresented in the Senate, with no political power or influence to trade upon in any co-operative arrangement or log-rolling combination, had there been one—which I am sure there was not—to secure the passage of bills of this character. The bill has been favorably reported by three Committees on Public Buildings and Grounds to three successive Congresses unanimously and on its merits alone, and now unanimously and on its merits alone I confidently hope to see it passed.

There was no objection to the consideration of the bill.

Mr. STEELE. I offer the following amendment.

The Clerk read as follows:

In lines 11 and 12, strike out "57" and insert "70;" and after the word "dollars," in line 12, insert "which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. BEACH. What is the effect of that amendment?

Mr. STORM. To increase the appropriation from $57,000 to $70,000.

Mr. STEELE. It is recommended by the Secretary of the Treasury.

Mr. STOCKSLAGER. I hope that will not be done.

Mr. STEELE. The Secretary of the Treasury recommends it.

The House divided; and there were—ayes 71, noes 22.

Mr. STORM. I shall raise the question of a quorum if they attempt to raise this appropriation.

The SPEAKER. As the point of no quorum has been made, the Chair will appoint as tellers Mr. STORM and Mr. STEELE.

The House again divided; and the tellers reported—ayes 140, noes 30.

So the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, FORT WAYNE, IND.

Mr. WILLIAMS. I move, under the rule, to take up for present consideration the bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana."

The bill was read, as follows:

Be it enacted, &c., That in the fifteenth line of the first section of the above-recited act the same be, and is hereby, amended to read "one hundred and seventy-five" instead of "one hundred," so that the limitation therein contained will be in the sum of $175,000 instead of the sum of $100,000.

SEC. 2. That it being necessary in order to secure the proper commencement and construction of a building adapted to the varied uses for which the structure therein contemplated is required, the sum of $50,000 is hereby appropriated therefor out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The SPEAKER. Ten minutes, under the rule, are allowed for debate—five minutes on either side.

Mr. WILLIAMS. I will yield my time to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Speaker, I now move that this bill be ordered engrossed and read a third time. This Senate bill is identical with House bill 6412. The House bill passed the Committee on Public Buildings and Grounds unanimously after the amount in the original bill was reduced by them from $100,000 to $75,000. The present bill passed the Senate committee by a unanimous vote, and also passed the Senate unanimously.

I hold in my hand, Mr. Speaker, a communication from the Supervising Architect of the Treasury, a communication reading as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
February 9, 1884.

SIR: I have the honor to acknowledge the receipt of yours of the 8th instant, asking my opinion as to the adequacy or inadequacy of the limit fixed by the act of August 8, 1882, for the erection of a public building at Fort Wayne, Ind., namely, $100,000, including cost of site.

The site for this building has already been purchased at a cost of $25,000, leaving but $75,000 for the erection of the building, which, in my opinion, is not sufficient for the erection of a building of suitable materials for the accommodation of all the Government officers in that city.

In my judgment the amount specified in bill H. R. 368, extending the limit to $200,000, is no more than necessary for the erection of a suitable building for the purposes for which it is required.

Very respectfully,

M. E. BELL,
Supervising Architect.

Hon. ROBERT LOWRY,
House of Representatives.

The same officer in his last annual report expresses himself on the same subject in these words:

The present limit of cost is insufficient to give more than a two-story building without fire-proof construction, which is totally inadequate to accommodate the Government officials in that city.

The following is a communication addressed at my request during the present session to the Secretary of the Treasury:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
January 29, 1885.

SIR: In reply to a letter of this date from Hon. ROBERT LOWRY, I have the honor to advise you that the present amount of limit for the public building at Fort Wayne, Ind., now in process of construction, is in my opinion quite inadequate for the erection of a building with fire-proof construction, such as the needs of that locality and the best interests of the public service imperatively demand. In order that the work may be proceeded with advantageously and economically the limitation should be in my judgment enlarged at the present session of Congress in the sum of at least $75,000.

I request that this matter be called to the attention of the Senate and House of Representatives.

Very respectfully,

M. E. BELL, *Supervising Architect.*

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

The Secretary of the Treasury thereupon addressed the Speaker of this House as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1885.

SIR: I have the honor to transmit herewith copy of a communication of this date from the Supervising Architect of this Department recommending that the limit of cost of the public building to be erected at Fort Wayne, Ind., be increased to $175,000, as the present limit, $100,000, will not admit of a building adequate to the needs of the public, and of fire-proof construction.

I concur in the opinion expressed by the Supervising Architect, and in my judgment the limit of cost for this building should be extended to $175,000, and this extension should be made at the present session of Congress.

I have already in several cases expressed the opinion of the Department as to the wisdom of making all public buildings fire-proof.

Very respectfully,

H. MCCULLOCH, *Secretary.*

To the SPEAKER *of the House of Representatives,*
Washington, D. C.

In the bill originally passed authorizing the construction of this building the limitation was $100,000. Twenty-five thousand dollars has already been expended outside of this for a site out of amounts heretofore appropriated. It will be observed the architect repeatedly states it to be imperatively necessary, in order to accommodate the wants of the public and to construct a fire-proof building such as is demanded there, to have an increase of the limitation. The Secretary of the Treasury concurs in this in strong and emphatic terms. Fort Wayne, sir, is the third city in population in the State of Indiana, and her population is only exceeded in numbers by the city second in size by a few hundred.

A MEMBER. What is the population?

Mr. LOWRY. The population by the census of 1880, in round numbers, was 27,000, and according to the best available data is at this time 35,000.

Fort Wayne is a focal point, from which diverge railways extending in ten different directions, connecting with every adjacent county-seat, and having direct railway communication with some thirty-two county-seats in the same State.

We had there for some years past three State courts of general jurisdiction, and now have two, which, owing to the importance of the place and the amount of the business done, are limited in their jurisdiction to the single county. The United States courts are also located there, and the late Postmaster-General, subsequently the Secretary of the Treasury, was compelled to hold his court when on the bench in that State in a room not larger than the Speaker's room of this House, for the accommodation of the jurors, witnesses, and all the officials, the bar, and parties having business in the court.

The post-office of this city is a distributing office. There are on an average some three million of pieces handled in the post-office per annum. The receipts in 1880 on money-order account were, according to the tabulated statement furnished by the Post-Office Department, $334,872.79. The receipts on general postal account were $104,286, and the net profit that year was $24,532.94. It is estimated by the officials of the Post-Office Department that there has been an increase since that year of 25 per cent., which would make the gross receipts of the office $535,230.99, while the net annual profit would be $30,532.94.

Even if the increase is but 20 per cent. the gross receipts would be still $513,772.97, while the net profits arising from the business would still be in excess of $30,000. The city of Fort Wayne has three national and two private banks, five daily and eight weekly newspapers, a number of wholesale mercantile establishments, several iron foundries, hub and spoke and wagon factories, furniture manufactories, manufactories of railroad cars, organs, woolen goods, steam-engines and boilers, electric lights, railway-car wheels, a paper-mill, four grist-mills, a number of large machine-shops, and the extensive manufacturing or repair shops of four of the railway lines centering there, including those of the two great trunk lines stretching through from the Southeast and the Northeast to the great Southwest and Northwest.

Other salient features are, some twelve hotels, ten brick public school buildings, besides several sectarian and private schools; three colleges, one of which, the Concordia, is the leading Lutheran institution of that character in the West, another the Methodist Episcopal, and a medical college; also an academy of music and opera house. Here also are large hospitals—one Catholic and the other Protestant—the episcopal residence of the Catholic bishop of the diocese of Fort Wayne, and the finest cathedral in the State. A crowning and conspicuous fact, which will be especially gratifying to the entire membership of this House, is the presence there, as stated in Lippincott's Gazetteer, from which I quote in order to avoid exaggeration, of no less than twenty-seven churches—one of which is of colored people—and with these churches, as with the population itself, increase is the order of the day. With all these advantages it may be asked why no more was provided for this building in the first place. With similar and characteristic modesty no more than is absolutely needed to make the building of fire-proof construction and meet the actual needs of the locality as to dimensions is now asked for by this bill.

Mr. WARNER, of Ohio. I rise for the purpose of asking the gentleman from Indiana a question, and I may have a few words to say on this subject on hearing his reply. In the first place I wish to ask him how many officials are to be accommodated with offices in this building?

Mr. LOWRY. Well, Mr. Speaker, I rely upon the judgment of the Supervising Architect in reference to that matter. He has made his estimates in reference to it, and they are before the House and can be examined.

Mr. WARNER, of Ohio. I must confess I have very little confidence in the estimates and recommendations of the Supervising Architect of the Treasury in reference to this matter; for if he thought he could get an appropriation of $100,000 for the construction of a public building in a town containing 1,000 inhabitants I think he would recommend it. These architects seem to like to display their architectural talents.

Mr. LOWRY. The increase is not so much sought on account of size as it is to make the building fire-proof. With the present appropriation it would not be suitable for the storage of records, and of course it is desired to extend it as far as can be permitted by the appropriation.

Mr. WARNER, of Ohio. If one hundred officials are to be accommodated in this building, and I am satisfied that is twice as many as will actually be accommodated, it would still be an expenditure of about $1,750 per man for office-room alone. Now I venture the assertion that within one hundred miles of that place the people, those who pay the taxes, live in dwellings that on the average have not cost more than $1,000 each, and in these, their homes, they rear and educate their families. And yet it is proposed to appropriate money out of the public Treasury to supply room to officials of the Government at an annual expenditure of over $1,700 each, supposing, as I have said, that there are one hundred to be accommodated in this building, which is doubtless largely in excess of the real number who will thus be accommodated.

Mr. STEELE. Let me ask the gentleman from Ohio how many offices are there in your court-house?

Mr. WARNER, of Ohio. We have been building good court-houses in the counties of the State of Ohio for $50,000, $75,000 to $100,000.

Mr. STEELE. But I ask how much for each officer accommodated with quarters in them?

Mr. WARNER, of Ohio. Certainly less than the amount specified here. I do not oppose the construction of a building at this place; but I speak with reference to the general system of paying out money for the

erection of monumental buildings—monuments of folly most of them—all over the country, at an expenditure of four or five times as much for office-room for public officials as the homes of the people cost who must pay the taxes out of which those buildings are constructed. To these large expenditures for buildings I am unalterably opposed. This morning hour seems to be devoted mainly to the consideration of bills for the construction of public buildings. I think, indeed, it ought to be called the "public-building rule." The purpose of it seems to be to put through public buildings alone, and in fact little else is done. Everybody seems to want a public building. There are any number of other important bills on the Calendar which deserve consideration. Private bills——

A MEMBER. That is what we are here for.

Mr. WARNER, of Ohio. That is what we are here for! I do not understand we are here for the sole purpose of appropriating money for the erection of public buildings all over the country. I do not know how many of such bills have gone through already or how many will yet go through. The difference between appropriating money for the construction of a public building and the improvement of a river, making navigable a stream that was not before navigable, is the difference between an expenditure and an investment; between the rearing of an elephant and constructing a locomotive. The one is a constant source of expenditure, while the other is an economic force which, when constructed, goes to work, becoming itself an earning power. Public buildings are huge elephants that involve constant outlay. They necessitate expenditures for watchmen, for maintenance and care; and the annual expenditure for these purposes will be larger in most cases than would be the rent of a suitable building.

I shall offer an amendment when it is in order, if this bill shall be considered by the House.

[Here the hammer fell.]

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WARNER, of Ohio. I now move to strike out "75,000" in this bill and insert "50,000."

Mr. LOWRY. Twenty-five thousand has been already expended on the site.

The question being taken on the amendment, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. WARNER, of Ohio. I call for a division.

Thg House divided; and there were—ayes 15, noes 99.

Mr. WARNER, of Ohio. That is not a quorum, is it?

The SPEAKER. Does the gentleman make the point of no quorum?

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry. When does the hour expire?

The SPEAKER. In five minutes.

Mr. WARNER, of Ohio. I do not make the point as to a quorum.

So the amendment was not agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WARNER, of Ohio. Let us have a vote on that.

The question being taken, it was decided in the affirmative.

So the bill was passed.

Mr. LOWRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DR. W. LEIGH BURTON.

Mr. JOHN S. WISE. I call up for consideration the bill (H. R. 8021) authorizing the Commissioner of Patents to grant an extension of letters patent to Dr. W. Leigh Burton.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Patents be, and he is hereby, authorised to hear and determine the application of Dr. W. Leigh Burton, of the city of Richmond, in the State of Virginia, for the extension for the further term of seven years of the letters patent for the improvement in electro-healing, numbered 86268, dated March 23, 1869, and antedated March 12, 1869; and he is hereby authorised to grant the same if he deem it just and proper to do so: *Provided*, That no one shall be held responsible for infringement of said letters patent, if extended, between the date of expiration and date of extension.

Mr. JOHN S. WISE. That bill is as near nothing as a bill could well be. I hope it will be passed without objection.

Mr. COOK. If it is of so little value as that, why should we pass it?

Mr. WELLER. I desire to make an inquiry for information. As the hour has almost expired, will the gentleman from Virginia allow his remarks to be printed for the information of the House, to save time?

Mr. JOHN S. WISE. Wait till I make them.

The SPEAKER. The Chair asks the attention of the gentleman from Virginia. The bill seems to be still in the hands of the Committee on Patents.

Mr. JOHN S. WISE. No, sir. The bill was duly reported by the chairman of the Committee on Patents, the gentleman from North Carolina [Mr. VANCE]. There is a report in the case, and the bill is on the Calendar.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSON. I object.

The SPEAKER. The hour has expired, and the bill goes over.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to pass a little resolution for the distribution of books to members who are not members of the next House.

Mr. RANDALL. I call for the regular order.

Mr. SPRINGER. Let this be read.

The SPEAKER. The gentleman from Pennsylvania insists on the regular order.

INSANE UNITED STATES PRISON AT AUBURN, N. Y.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting a letter from the medical superintendent of the insane asylum at Auburn, N. Y., and asking an appropriation for the completion of an insane United States prison; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RANDALL] insist on the call for the regular order?

Mr. RANDALL. I yield to my colleague on the Committee on Appropriations [Mr. TOWNSHEND], who desires to call up the Post-Office appropriation bill.

Mr. TOWNSHEND. I ask unanimous consent to take up the Post-Office appropriation bill, and to move that the House non-concur in the Senate amendments and ask for a committee of conference.

Mr. HISCOCK. I object to that. I prefer that the bill should go to the Committee on Appropriations.

The SPEAKER. The gentleman from New York objects, and asks that the bill be referred to the Committee on Appropriations.

Mr. TOWNSHEND. Does the gentleman from New York [Mr. HISCOCK] object?

Mr. HISCOCK. I do.

Mr. TOWNSHEND. I thought the gentleman from New York wanted to have the appropriation bills disposed of.

The SPEAKER. Does the gentleman from Illinois [Mr. TOWNSHEND] desire to have the bill referred to the Committee on Appropriations?

Mr. TOWNSHEND. I prefer that it shall stay where it is.

Mr. HISCOCK. Is it not in order to have the bill referred to the Committee on Appropriations?

The SPEAKER. It is not in order to take the bill from the Speaker's table except by unanimous consent, and objection is made.

Mr. REED, of Maine. If the gentleman from Illinois [Mr. TOWNSHEND] will only persist in that objection he can force the House to go to the Speaker's table, where the first bill is the Mexican pension bill. If he wants to pass that bill, that is the way to do it.

DISTRIBUTION OF DOCUMENTS.

The SPEAKER. The Clerk will report the resolution sent up by the gentleman from Illinois [Mr. SPRINGER], after which the Chair will ask for objections.

The resolution was read, as follows:

Resolved, That all documents and books ordered to be published by the present Congress and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered printed, which have not been actually furnished, to which members of present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to first Monday of next December, shall be allotted as heretofore to members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

Mr. SPRINGER. This is the usual resolution.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I desire to take from the Speaker's table the bill (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, and to move that the House non-concur in the Senate amendments and ask for a committee of conference.

There was no objection, and the motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. DIBRELL, Mr. BEACH, and Mr. CULLEN.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union, my object being to reach the deficiency appropriation bill.

Mr. WILLIS. I suggest that the morning hour has not been dispensed with. I move to dispense with the morning hour.

Mr. DUNN. I hope that will not be done.

The question being taken on the motion of Mr. WILLIS, there were—ayes 151, noes 19.

So the morning hour was dispensed with (two-thirds voting in favor thereof).

Mr. RANDALL. I now renew my motion.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. WILLIS. For the purpose of saving time I will ask at once that the yeas and nays be taken on that motion.

Mr. RANDALL. Let the yeas and nays be ordered by consent.

The SPEAKER. If there be no objection the yeas and nays will be considered as ordered.

There was no objection.

The question was taken; and there were—yeas 121, nays 139, not voting 64; as follows:

YEAS—121.

Aiken,	Dorsheimer,	Kelley,	Seymour,
Alexander,	Dowd,	Ketcham,	Skinner, T. G.
Anderson,	Eaton,	Lamb,	Spooner,
Arnot,	Eldredge,	Lanham,	Spriggs,
Atkinson,	Elliott,	Lawrence,	Steele,
Barr,	English,	Le Fevre,	Stockslager,
Bayne,	Ermentrout,	Long,	Storm,
Beach,	Everhart,	Lyman,	Strait,
Belmont,	Ferrell,	McComas,	Sumner, D. H.
Blount,	Follett,	McCormick,	Swope,
Boyle,	Funston,	Millard,	Talbott,
Brewer, F. B.	Glascock,	Mitchell,	Townshend,
Brewer, J. H.	Graves,	Morse,	Tully,
Brown, W. W.	Hammond,	Moulton,	Turner, Oscar
Browne, T. M.	Hancock,	Murray,	Valentine,
Buchanan,	Hardeman,	Mutchler,	Wadsworth,
Buckner,	Hardy,	O'Neill, Charles	Wait,
Burnes,	Harmer,	Patton,	Wakefield,
Campbell, J. E.	Haynes,	Poland,	Warner, A. J.
Campbell, J. M.	Hepburn,	Post,	Warner, Richard
Cannon,	Hewitt, A. S.	Potter,	Washburn,
Cassidy,	Hill,	Randall,	White, J. D.
Cobb,	Hiscock,	Ranney,	Whiting,
Collins,	Holman,	Ray, Oselan	Wilkins,
Connolly,	Holton,	Reed, T. B.	Winans, E. B.
Converse,	Hopkins,	Reese,	Winans, John
Cosgrove,	Howey,	Riggs,	Worthington,
Curtin,	James,	Rockwell,	York.
Deuster,	Jones, B. W.	Rosecrans,	
Dixon,	Kean,	Russell,	
Dockery,	Keifer,	Seney,	

NAYS—139.

Adams, G. E.	Dunham,	Lacey,	Skinner, C. R.
Bagley,	Dunn,	Lewis,	Smalls,
Barbour,	Ellwood,	Libbey,	Smith, H. Y.
Bennett,	Findlay,	Lore,	Snyder,
Bisbee,	Finerty,	McCoid,	Springer,
Blanchard,	Foran,	McMillin,	Stephenson,
Bland,	Forney,	Maybury,	Stewart, Charles
Brainerd,	Garrison,	Miller, S. H.	Stone,
Bratton,	George,	Mills,	Struble,
Breckinridge,	Gibson,	Morrill,	Taylor, J. M.
Breitung,	Goff,	Muldrow,	Thomas,
Broadhead,	Green,	Murphy,	Thompson,
Budd,	Greenleaf,	Neece,	Tillman,
Burleigh,	Guenther,	Nelson,	Tucker,
Cabell,	Halsell,	Nicholls,	Turner, H. G.
Caldwell,	Hanback,	Nutting,	Vance,
Carleton,	Hatch, H. H.	Oates,	Van Eaton,
Clardy,	Hatch, W. H.	Ochiltree,	Wallace,
Clements,	Henderson, T. J.	O'Ferrall,	Ward,
Cook,	Henley,	O'Hara,	Weaver,
Covington,	Herbert,	Parker,	Wellborn,
Cox, S. S.	Hewitt, G. W.	Payne,	Weller,
Cox, W. R.	Hitt,	Payson,	Wemple,
Craig,	Hobbitsell,	Pierce,	White, Milo
Crisp,	Holmes,	Perkins,	Williams,
Culberson, D. B.	Hooper,	Peters,	Willis,
Culbertson, W. W.	Houseman,	Pettibone,	Wilson, James
Cullen,	Hunk,	Price,	Wilson, W. L.
Dargan,	Jefferds,	Pryor,	Wise, G. D.
Davidson,	Jones, J. H.	Reagan,	Wise, J. S.
Davis, G. R.	Jones, J. K.	Reid, J. W.	Wolford,
Davis, L. H.	Jones, J. T.	Rogers, J. H.	Wood,
Davis, R. T.	Kellogg,	Rogers, W. F.	Woodward,
Dibble,	King,	Shively,	Yaple.
Dibrell,	Kleiner,	Singleton,	

NOT VOTING—64.

Adams, J. J.	Evans,	McAdoo,	Robertson,
Ballentine,	Fiedler,	Matson,	Robinson, J. S.
Barksdale,	Fyan,	Miller, J. F.	Robinson, W. E.
Belford,	Geddes,	Milliken,	Rowell,
Bingham,	Hart,	Money,	Ryan,
Blackburn,	Hemphill,	Morgan,	Shaw,
Bontelle,	Henderson, D. B.	Morrison,	Slocum,
Bowen,	Horr,	Muller,	Smith, A. Herr
Brumm,	Houk,	O'Neill, J. J.	Stevens,
Candler,	Hurd,	Paige,	Stewart, J. W.
Campbell, Felix	Hutchins,	Peel,	Sumner, C. A.
Chalmers,	Johnson,	Phelps,	Taylor, E. B.
Clay,	Jordan,	Pusey,	Taylor, J. D.
Cutcheon,	Laird,	Rankin,	Throckmorton,
Dingley,	Lovering,	Ray, G. W.	Van Alstyne,
Ellis,	Lowry,	Rice,	Young.

So the motion was not agreed to.

Mr. WEMPLE. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following-named pairs were announced until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HURD with Mr. RICE.

The following were announced as paired on this vote:

Mr. FIEDLER with Mr. BOWEN.

Mr. SUMNER, of California, with Mr. BINGHAM.

Mr. PAIGE with Mr. SMITH, of Pennsylvania.

Mr. O'NEILL, of Missouri, with Mr. BELFORD.

Mr. MULLER with Mr. FUNSTON.

Mr. AIKEN with Mr. HORR.

The following were announced as paired for this day:

Mr. YOUNG with Mr. JOHNSON.

Mr. ADAMS, of New York, with Mr. HOUK.

Mr. GEDDES with Mr. CUTCHEON.

Mr. BLACKBURN with Mr. CHALMERS.

Mr. CANDLER with Mr. BRUMM.

Mr. ELLIS with Mr. RYAN.

The result of the vote was then announced as above stated.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia; and

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union; and, pending that motion, I move that debate upon the pending appeal be limited to thirty-five minutes on each side.

Mr. RANDALL. Does the Chair entertain that motion?

Mr. KEIFER. The provision in the rules for limiting debate does not apply to an appeal.

The SPEAKER. No point of order was made, and the Chair supposed that the motion was entertained by unanimous consent. Is the point of order made?

Mr. KEIFER. It is.

Mr. WILLIS. Too late.

The SPEAKER. The Chair thinks the gentleman rose in time. The Chair is not aware of any decision that has ever been made on this question. The rule of the House seems to confine the power of the House in limiting debate in Committee of the Whole to amendments, to paragraphs, and sections of a measure pending before the committee, and unless the gentleman from Kentucky [Mr. WILLIS] knows of some decision on the subject the Chair will be obliged to hold that the point of order is well taken.

Mr. WILLIS. Mr. Speaker, I think it quite clear, as all debate on this section has by a special order of the House been limited to a certain time, which time——

The SPEAKER. That is a different proposition entirely. The Chair is not called upon to rule on that.

Mr. KEIFER. If the gentleman from Kentucky [Mr. WILLIS] will permit I think I can suggest a way out of the difficulty. It is possible that the presiding officer has a right to determine when debate has gone far enough——

The SPEAKER. The Chair thinks the motion to limit debate on the appeal can not be entertained. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The committee is in session for the consideration of the river and harbor appropriation bill, and the pending question is whether the opinion of the Chair ruling out the Hennepin Canal provision was correct—an appeal having been taken. The gentleman from Illinois [Mr. HENDERSON] has the floor.

Mr. WHITE, of Kentucky. Mr. Chairman, I raise the question of consideration.

Mr. HENDERSON, of Illinois. I believe I am entitled to the floor.

Mr. WHITE, of Kentucky. The motion was made that we should go into Committee of the Whole, but it was not stated that we should go into committee for the consideration of the river and harbor bill; and I now raise the question of consideration, and move that we take up the

appropriation bill designated by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. KING. I insist upon the regular order, Mr. Chairman.

The CHAIRMAN. The point made by the gentleman from Kentucky [Mr. WHITE] is not in order. This bill is in order under a former instruction of the House, and the House has already declined to take up the regular appropriation bill referred to by the gentleman from Kentucky. The gentleman from Illinois [Mr. HENDERSON] has the floor.

Mr. WHITE, of Kentucky. Mr. Chairman, it was not stated by the Speaker that we were going into Committee of the Whole to take up the river and harbor bill.

Mr. WILLIS. I hope that we shall have order, so that the gentleman from Illinois [Mr. HENDERSON] can be heard.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the Chair to this point: When the motion was made that the House resolve itself into Committee of the Whole it was precisely as that motion is usually made; there was no designation of any particular business to be considered in the committee. It seems to me, therefore, that it was entirely competent for the committee to choose between any of the different matters that may be considered in Committee of the Whole. Nothing was said to indicate that it was the will of the House that we should consider this particular measure; there was nothing in the nature of instructions to the committee as to what it should take up. I know there were gentlemen who refrained from voting negatively upon that proposition because they were under the impression that when we did go into Committee of the Whole the usual rule would be observed, and we would then have an opportunity of raising the question of consideration and determine what matter should be considered.

Mr. WILLIS. The Chair has ruled upon this question, and there has been no appeal. I submit that the question has been settled by the decision of the Chair.

The CHAIRMAN. The point made by the gentleman from Iowa [Mr. HEPBURN] is identical with the one raised a few moments ago by the gentleman from Kentucky [Mr. WHITE], which the Chair has decided. The gentleman from Illinois [Mr. HENDERSON] will proceed.

Mr. HEWITT, of Alabama. I rise to a parlimentary inquiry. I desire to know whether the gentleman from Illinois can proceed to debate without unanimous consent. I am perfectly willing, so far as I am concerned, that there should be unanimous consent; but as all debate on this section has been closed without making any exception with regard to any appeal, I submit that debate is not in order except by unanimous consent.

The CHAIRMAN. All appeals are debatable.

Mr. HEWITT, of Alabama. All debate has been closed upon this section.

The CHAIRMAN. The House limited debate on the section to one hour and a half and to three-minute speeches in favor of amendments. But the Chair expressly held that all the arguments which were had upon this question of order did not come out of that time. The uniform practice has been that debate on questions of order shall not be considered as affected by any limitation placed on debate.

Mr. HEWITT, of Alabama. That is a very different question from an appeal.

The CHAIRMAN. The gentleman from Alabama [Mr. HEWITT] is not in order in arguing this proposition. He propounded a parliamentary inquiry, which the Chair has answered.

Mr. HEWITT, of Alabama. Then I make the point of order that all debate upon this section and all amendments thereto has been closed and debate upon this appeal can not be had except by unanimous consent.

The CHAIRMAN. The Chair overrules the point.

Mr. HEWITT, of Alabama. Now I appeal from that decision; and I ask for one moment——

The CHAIRMAN. The gentleman has just said that such appeals are not debatable. [Laughter.] The question is, Shall the decision of the Chair upon this point of order stand as the judgment of the committee? Does the gentleman from Alabama desire to be heard?

Mr. HEWITT, of Alabama. All I wish to state is this: If the decision of the Chair is correct, then there may be unlimited debate upon this appeal, because in Committee of the Whole no motion to lay the appeal on the table is in order.

The CHAIRMAN. The question is, Shall the opinion of the Chair on this point of order——

Mr. HEWITT, of Alabama. I withdraw the appeal.

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] will proceed.

Mr. HENDERSON, of Illinois. Mr. Chairman, I shall endeavor to be as brief as possible in discussing this appeal, as I want the friends of this bill to understand that so far as I am concerned I have taken the appeal in good faith and not for the purpose of obstructing the passage of the bill.

I believe the decision of the Chair to be an erroneous one; and so believing, I have taken an appeal, and, with all due deference to the Chair, I desire to present my views upon the appeal.

It is held by the Chair that the Committee on Rivers and Harbors has no jurisdiction of the subject of the Hennepin Canal, and that therefore the proposition relating to it is not properly incorporated in the bill. Now, in order to reach this conclusion, the Chair refers to a rule, which is a rule of the House—not a rule of the Committee of the Whole—a rule which is in no manner applicable to the Committee of the Whole when engaged in the consideration of a bill which has been committed to it by the House itself. Rule XI provides that certain proposed legislation relating to certain subjects shall be referred to the committees respectively designated. But I desire the attention of the Chair and of the committee to the fact that this is a rule for the government of the House in the disposition of its business as it is presented by members from time to time, and can not possibly be applicable to the Committee of the Whole.

I claim that the Committee on Rivers and Harbors had jurisdiction of this question first, because there were petitions on this subject presented by a member of the House in the way provided by the House itself and referred to the Committee on Rivers and Harbors. The reference of these petitions to the committee gave the committee, I contend, jurisdiction of this subject. I call attention to Rule XXII, which is as follows:

> Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal.

The language of this bill shows that these petitions and memorials are to come under the observation of the Speaker of the House, and if of a proper character—not obscene or insulting—they are to be referred; otherwise not.

But the point I make is this: This rule authorizes petitions to be presented and referred in this way, and it is the only rule of the House for the government of members of the House in regard to getting petitions before committees of the House; and I claim the gentleman from Indiana is in error when he says this is a mere clerical duty. This is the way the House itself has provided under the rules that we shall reach committees of the House by the presentation of petitions.

I insist that the petitions were properly presented; but, admitting that they were improperly presented, they were nevertheless referred to a committee of the House. They were so entered upon the Journal as having been referred to this Committee on Rivers and Harbors. Furthermore, they were printed in the RECORD as petitions referred to the Committee on Rivers and Harbors. That committee, if they thought they were improperly presented to it, might have reported them back to the House for reference to some other committee. The committee, however, held otherwise, and believed they had jurisdiction over this subject, and so there was incorporated in this bill this provision in reference to the Hennepin Canal.

I say with reference to these petitions in the absence of any action on the part of the House whatever that they conferred jurisdiction on the Committee on Rivers and Harbors, and that the only way any member could have avoided that committee's taking jurisdiction of the subject-matter of the petitions was by moving for the discharge of the Committee on Rivers and Harbors from the consideration of these petitions which had been referred to it by the House under the rule of the House.

Mr. Chairman, I could rest this whole case, in my opinion, upon the position alone that these petitions, having been referred under the rule of the House, and therefore referred by the House itself, were before that committee, and that committee was authorized to take jurisdiction of the subject even if it had not otherwise jurisdiction under the powers conferred upon it.

Now let me say further: The chairman has said it is claimed that the Committee on Rivers and Harbors had jurisdiction because the report of the Chief of Engineers, with accompanying papers from officers in charge of rivers and harbors, was laid before the House by the Speaker and referred to the Committee on Rivers and Harbors. The Chair says that does not refer to this provision, because if we claim that it claims too much, as "that construction would have given jurisdiction to that committee over the seacoast and lake-frontier defenses, the surveys of the Territories, the improvement and care of public buildings and grounds in and around Washington, the water supply of this District, the fishways at the Great Falls of the Potomac, the control of the Washington Aqueduct, &c.; for all these things are covered in that report."

In my opinion, Mr. Chairman, with all due respect to the opinion of the Chair, that is erroneous, for the simple reason that these subjects do not in any way relate to the improvement of rivers and harbors, and would not be germane in a river and harbor bill, and under the ordinary parliamentary usage would be subject to the point of order which might be raised against it both in committee and anywhere else that it was not germane to the bill. The Hennepin Canal is germane to the bill, I claim. It does relate, in the language of Rule XI, to the improvement of rivers and harbors.

I know it has been said in the discussion of this subject this canal could be constructed without removing a shovelful of earth from a river, but this canal will be as useless as the fifth wheel of a wagon without rivers. It connects rivers. You could not connect them without lifting a shovelful, and many shovelfuls, from the beds of the rivers it connects. It is intended to improve rivers, because it gives you, instead of going five or six hundred miles, a short cut and connects you with the lakes. The commerce which comes down the Mississippi River may take this canal and by the Illinois River go to the lakes, and so connect with the Atlantic seaboard. Therefore it is germane, and does relate to the improvement of rivers and harbors in the language of Rule XI itself.

I wish to give a little history, showing that everything that has been done in connection with this measure has been done on river and harbor bills. In 1870 there was a provision inserted in the river and harbor bill of that year authorizing a survey of this canal, and I have the statute here to show it. In 1870 there was a committee appointed on transportation routes to the seaboard, of which Senator Windom of Minnesota, Senator Conkling of New York, and Senator BECK of Kentucky, and other distinguished members of the Senate were members.

That committee examined this Hennepin Canal in connection with other transportation routes and they made a favorable report, recommending that this canal should be constructed in the interest of the commerce of this country and to give the people of this country cheaper transportation, and accordingly in 1875 this very provision, word for word, letter for letter, except as to the amount appropriated, was incorporated by the Senate of the United States in the river and harbor bill. It passed the Senate in that condition by a vote of 29 to 16, as I remember. I have the vote here, but will not stop to give it in detail, but by a decided majority it was incorporated into the river and harbor bill.

I want to say further, Mr. Chairman, that in the Forty-sixth Congress the Committee on Commerce of the Senate reported this same provision again, word for word, differing only in the amount of appropriation, as an amendment to the river and harbor bill. Points of order were made against the amendment, first, because it was new legislation; and second, because it was not relevant or germane to the bill; and after long discussion both points of order were overruled on a yea-and-nay vote of 33 to 18 on the first objection and by a vote of 33 to 17 on the second objection. The points of order were therefore overruled by a decided vote of the Senate, after an extended discussion, as any one will see by referring to the RECORD containing the same.

Senator MORGAN, of Alabama, raised the points of order, which were discussed by Senator ALLISON, Senator CONGER, and other Senators before the vote was taken; and it was held to be germane or relevant to a river and harbor bill. In that discussion Senator MORGAN used this language:

> Those who framed this rule never gave to it that interpretation. On the contrary, the rule was established for the purpose of excluding that interpretation. If the rule means anything at all, it is that whatever appropriations shall come in upon a general appropriation bill shall be germane to the subject of that bill. The subject of this bill is not commerce or commercial facilities.

That is a great mistake. If the subject of this bill is anything at all it does relate to commercial facilities. It is but carrying out in its provisions the great object we have in view in improving rivers by the appropriations provided in this bill. It is for the purpose of giving increased facilities to commerce that we are here in this bill improving rivers and harbors, constructing canals, and carrying on the work on internal improvements as far as we can.

Senator MORGAN went on to say:

> Therefore the amendment is not germane.

Now Mr. CONGER said in that debate:

> Now, sir, as I say, there are propositions in this bill where the improvement proposed consists in opening a channel from one river by a canal into another or into a bayou. Why, sir, we have a proposition in this bill not only to dig a canal, but to make a lock in Louisiana—if Senators will look they will find it—to make and construct a lock through a marsh where there is no navigation at all. This bill bristles all over with propositions to dig artificial channels either through land above water or through land under water which is unnavigable; it is so all over the South, and I tell the gentleman that if this point of order can be raised upon this proposition it will stop the progress of dozens and dozens of works provided for in the bill at the South in the marshy region, in the bayou region, and all over that country. It does not affect the Hennepin Canal alone, but it stops with a jerk dozens of these improvements at the South.
>
> What is the object of this bill that you call this improvement "general legislation" on it? The whole bill is to improve the means of transportation by water, whether it be by building canals to connect navigable waters in one place with navigable waters in another, or whether it be with dredges to dig a canal where there has been a channel of some kind where water has flowed. Where is the legislation in this amendment? I do not speak to the merits of the work at all, but I do say that almost half of the appropriations in this bill have been made to dig canals through the earth under water or over water for navigation. There is not one of the improvements, from New York Harbor clear around the Gulf to Corpus Christi, but what has for its object the making an artificial canal from the mouths of rivers and bays out into the ocean that are filled with earth or sand. The object is to provide for transportation, that vessels may go and come, that they may carry freight, that they may be useful to the people.
>
> Apply this rule, and who shall say whether the channel through a sand bank or through other ground is excluded under such a rule as this? Is it relevant? Is it relevant to this object? The object is to make communication along water-courses or between water-courses. Where would the Louisville Canal have been if this rule had been applied, or the Keokuk Canal with its eight or ten or twelve miles of channel dug out upon the river, outside of its banks in many cases, or the Sault Ste. Marie Canal, dug through dry ground from the bed in the lake below to the river above, connecting Lake Superior and Lake Huron? They are all canals. It is a mere question of degree whether they are longer or shorter, and the question of degree can not control any such case as this.
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> This work takes the improvements which have already been made from Lake Michigan down to Hennepin, a distance of some seventy miles, and there, instead of following the Illinois River two or three hundred miles to the Mississipi, makes a short cut across the land to the Mississippi of sixty-five miles, shortening navigation the whole distance.
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> Any one familiar with the appropriations made in the river and harbor bills for the last thirteen years will know that in a great many cases, in a majority of cases for improving harbors and improving streams, the engineers have recommended new cuts out of harbors by a shorter passage to the ocean or to the lake, a canal where there was no stream at all, and Congress has approved it. Why? Because the object was an outlet for the navigation of those waters to the greater waters beyond by the shortest, most expeditious, most convenient, most economical route.

Now, sir, after having investigated this subject, I will say that at one time jurisdiction over this subject was given to the Committee on Roads and Canals. That committee had jurisdiction over the improvement of the navigable rivers of the country; and it seems that some bills were reported by the Committee on Roads and Canals and some by the Committee on Commerce; but the Committee on Commerce has most generally exercised jurisdiction over the improvement of rivers and harbors. It has done so for many years. The Committee on Commerce has reported these bills not because I can find any rule imposing upon them the duty of doing so, but undoubtedly under the general powers conferred upon the committee to report matters relating to the commerce of the country.

And, as I said before, we find we may deal with the subject in relation to river and harbor improvements under the power to regulate commerce conferred by the Constitution upon Congress. It is under that provision that we are doing all this work, digging out channels where they are insufficient for transportation, enlarging them, improving them in many ways as a means for regulating, facilitating, and improving the commerce of the country, and giving to the people cheaper transportation.

I want to say a word in regard to the decision of the gentleman from Texas, Mr. WELLBORN, made as chairman of the Committee of the Whole on the state of the Union at the last session of Congress, when these same points of order were made as to this canal provision. The chairman in his decision the other day sustaining the point of order said that the committee might not have understood the questions which were presented to the committee.

I do not think it just to indulge in presumptions that members of the committee did not understand their duties when they were voting upon any question presented to them. I think the presumption should be that every member votes understandingly; and I do not think the point well taken, as was suggested, that the House may not have understood how they were voting. But I have here the decision of the Chair to which I refer, and I want to read it:

> The CHAIRMAN. The Chair will remark simply in reference to this, that the paragraph objected to is not an amendment, but is a part of the original bill, and therefore obviously not obnoxious to the clause of the rule which has just been read.
>
> With reference to the third ground, the want of original jurisdiction in the Committee on Rivers and Harbors, the Chair will say this: the chairman of the Committee of the Whole on the state of the Union is asked to withhold from the consideration of the committee a particular clause in an original bill on the ground that the Committee on Rivers and Harbors reporting the bill to the House did not have jurisdiction over the subject-matter of the particular clause. In the view in which the chairman of this Committee of the Whole takes of the question it is not necessary to decide whether the Committee on Rivers and Harbors has jurisdiction over the subject-matter of this particular clause or not. Whether it originally possessed that jurisdiction it is not necessary for the Chair to decide in the view which he takes of this question. Hence the Chair will not take the time to express any opinion in reference to it.
>
> The view of the Chair is this: The action of the House in submitting this bill to the Committee of the Whole on the state of the Union for consideration does not leave it within the province of the Chair to pass upon the question of original jurisdiction in the Committee on Rivers and Harbors. The bill has been committed to the Committee of the Whole for the purpose of consideration, and the chairman of this committee believes that he is but executing the order of the House when he decides that the bill shall be considered. The committal of the bill to the Committee of the Whole House on the state of the Union the Chair thinks was not a submission to the committee of the question whether or not the bill should be considered, but an express direction to the committee to consider the bill. To hold that the chairman of the Committee of the Whole on a point of order could go back and inquire into asserted irregularities and errors in the stages of the bill which preceded its reference to the Committee of the Whole would be either to clothe the chairman of the Committee of the Whole with power to review and reverse the order of the House in the matter of the reference or place the House in the anomalous position of having expressly directed the Committee of the Whole to do a particular thing and at the same time left the committee to determine whether the thing directed should be done or not.

Now there is a plain declaration from the chairman in making that decision that in the view which he took of it it was not necessary to consider whether the Committee on Rivers and Harbors had jurisdiction over that subject or not; and why? I answer simply because, in the view which the Chair took of the question, it was not competent for the Committee of the Whole to inquire into the jurisdiction of another committee. I believe that decision will stand in the opinion of men who investigate it thoroughly as a sound decision; that is, that the House having received that bill from the hands of the Committee on Rivers and Harbors, and having referred it to the Committee of the Whole for the purpose of considering it, the Chair had no right to go back and inquire as to the processes of legislation by which the subject-matter reached the River and Harbor Committee, was acted upon by the River and Harbor Committee, and ultimately reported by that committee to the House of Representatives, and by the House was referred to the Committee of the Whole.

If you adopt that rule, you involve the Committee of the Whole in endless investigation and examination, going outside of the legitimate duties of the Committee of the Whole, because the Committee of the Whole is a creature of the House; it is a committee of the House as well as a standing committee, as I said once before. It is a committee of a little higher dignity, but it has no powers except such as are conferred upon it by the House and by the rules of the House. And unless you can find some rule which authorizes the Committee of the Whole to go back and investigate everything connected with a bill—whether it was properly referred to a committee, whether the committee properly acted upon it or not—you involve us in endless confusion and in the investigations of questions and subjects which do not come legitimately before the Committee of the Whole.

What was said by the chairman [Mr. WELLBORN] about the decision of the Chair being based on a presumption that points of order were not reserved was a mere verbal declaration, made after he had pronounced the decision of the Chair, in answer to an inquiry by the gentleman from Indiana [Mr. HOLMAN]. Therefore it is no part of the decision; it is a mere dictum outside of the decision of the Chair, and can not have any force whatever.

Now let us go to the last declaration which the chairman referred to. Here are the utterances of the Chair at that time, and the very last utterances ever made on that subject. They were quoted by the chairman in his opinion, and are as follows:

The Chair will further state that on yesterday he refrained from giving expression to his opinion touching the original jurisdiction of the Committee on Rivers and Harbors over the proposition for the Hennepin Canal, for the reason that the bill in its entirety having been referred by the House to the Committee of the Whole, it was not competent for the Committee of the Whole to go behind the reference and pass upon the question of original jurisdiction—

In another committee, to wit—

in the Committee on Rivers and Harbors.

These, as I have said, were the last utterances of the Chair. The Chair also said, in addition to what I have just quoted, that—

Had the point been presented before the House at the proper time and in the proper way, the Chair thinks the clause should have been stricken from the bill.

The decision was then clearly based upon the ground that the Committee of the Whole had no power to inquire into the jurisdiction of another committee, even though points of order were reserved.

The chairman [Mr. WELLBORN] also said in the decision last referred to that if the Hennepin Canal clause had been out of the bill he should have ruled the amendment of Mr. O'NEILL out of order, it not in that case being germane to the bill.

I think in making that statement the Chair probably had not investigated the whole subject of the river and harbor bill, because the Committee on Commerce, exercising the power to report bills relating to commerce, and therefore to the improvement of rivers and harbors, while it took from the Committee on Roads and Canals, which at one time had the power of originating bills for the improvement of navigable rivers, began to absorb the duty of the Committee on Canals, and to include in river and harbor bills the construction of canals; and they entered on the construction of the Des Moines Rapids Canal, costing millions of dollars, which was originally reported in a river and harbor bill, as will be seen by reference to volume 14 of the Statutes at Large, page 420.

There will be found in a river and harbor bill the original provision to commence the construction of this Des Moines Rapids Canal. So with the canal around the Cascades; and so also with the Sault Ste. Marie Canal; it was in a river and harbor bill that the General Government received that work from the State of Michigan and went on to enlarge and improve it. And I hold there is no difference for the purpose of this argument between canals. A canal is a canal wherever it is situated, whether to connect two navigable parts of the same river or to connect two navigable rivers; it is all in the interest of navigation; it is all in the interest of improving rivers and harbors; it is all in the interest of enlarging the facilities of commerce for our people. And therefore this provision is germane to this river and harbor bill, as was held by the Senate by a vote of 33 to 17, and as much so as any other provision of the bill.

I want to call the attention of the committee to what Cushing in his Law and Practice of Legislative Assemblies says as to the authority of a committee of the whole house. He says:

A committee of the whole like other committees derives its authority solely from the resolutions and votes of the house; is in like manner confined within the powers delegated to it, and can not consider any other matters than those which have been regularly committed to it, or in any other manner than it is authorized by the house.

"Than it is authorized by the House." Now, if this Committee of the Whole has any power whatever to consider the jurisdiction of another committee of this House in its action upon any bill, I care not what, it must be under some rule of the House. And I say there is no rule of the House that justifies this committee in striking this provision out of the bill upon a question of order, because Rule XI, as I have said, only defines the jurisdiction of committees, and says all proposed legislation relating to certain subjects, that is, standing in some relation, having some bearing or connection, which is the meaning of the words "relating to," shall be referred to such and such committees; and that, as I said before, is a complete answer to everything that can be said as to that rule. It is a rule of the House for the government of the House itself in its reference of petitions or of bills and other subjects which are referred to committees. And the Committee of the Whole, I repeat, had no authority to call in question proceedings under that rule.

Now the Chair referred to the Digest and read paragraph 7 of Rule XI, which not only defines the jurisdiction of the committee as I have stated it, but adds this matter of privilege to that committee. The Chair says Rule XXIII requires that "all motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced."

But that, I submit to the Chair, refers to action in the House. If a bill is called up in the House for consideration and the point of order is made that it is a bill appropriating money or imposing a tax upon the people, then it has to be referred to the Committee of the Whole House, where it must be first considered. But even in the House, if the discussion has been entered upon, it is then too late to make the point, and I can not see that that rule has any bearing whatever in this case.

But the chairman goes on to say: "Paragraph 8 of the same rule (XXIII) declares that the rules of proceeding in the House shall be observed in Committees of the Whole House so far as they are applicable." That is the only authority that is given to the Committee of the Whole to act under the rules of the House when in Committee of the Whole. The House itself expressly declares that the rules of proceeding in the House shall be observed in Committee of the Whole—not all of them, but only so far as they are applicable. In that case only they are binding on the Committee of the Whole.

Now in answer to that I say: If you turn to the rules and find any rule there applicable to the Committee of the Whole which justifies the committee in striking out this provision upon a question of order, then I concede you may do so; but I ask gentlemen to point out the rule. There is no such rule from the beginning to the end. On a general appropriation bill I might offer an amendment, or the Committee on Appropriations might bring in a bill here with provisions changing existing law and making new appropriations from the Treasury, and they would be in order except for a certain rule of this House, to wit: Rule XXI, clause 3, which provides that no appropriation shall be included in a general appropriation bill which changes existing law, unless it at the same time reduces expenditures.

That is a rule of the House which is applicable to the Committee of the Whole, and when the point of order is reserved in the House it means that if there should be any such provision found in the general appropriation bill a member shall have the right to take advantage of that rule. But you find no such rule relating to river and harbor bills, none whatever.

Now let me read from the Digest, page 268. The Chair also alludes to the Digest, and says: "Our Digest of Rules, when it states that the chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order, says, 'Of course it is otherwise where the point was reserved before commitment.'" Now I want to read what is said in the Digest, and I ask members to pay particular attention to it, because, instead of being an authority against the position I take, it is an authority directly in favor of it, as I contend by every fair construction of language. I read from the Digest, page 268:

In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is incompetent for the Committee of the Whole, or its chairman, to rule it out of order—

Now, let us go on—

because the House, having committed the bills, are presumed to have received, as in order, the report in its entirety; but of course it is otherwise where the point was reserved.

Where what point is reserved? Why, where the point is reserved, on a general appropriation bill, that the provision changes existing law without reducing expenditures—in other words, that it is new legislation, which, under the rules, can not be incorporated in a general appropriation bill.

But I submit that that relates only to the proceedings of the Committee of the Whole in the discussion of general appropriation bills which are always to be first considered in Committee of the Whole. Therefore I claim that this is an authority in my favor. Suppose that had been left out as I read it in the first place—"and committed with the bill it is incompetent for the Committee of the Whole or its chairman to rule it out of order, because, the House having committed the bills, are presumed to have received, as in order, the report in its entirety."

I say that in this case the House is presumed to have received as in order this bill in its entirety. The House referred it to the Committee of the Whole not to strike out its provisions upon questions of order, unless they were questions of order which might be legitimately raised,

and such as are raised in the consideration of a bill in Committee of the Whole upon all amendments which are not germane, upon amendments which are forbidden by some rule of the House that may be applicable to Committees of the Whole. I submit that that is an authority against the decision of the Chair and against the position of the gentleman who took these points of order; and, in my opinion, the point of order was not properly sustained by any fair view of the question.

Mr. Chairman, how much time have I left?

Mr. TURNER, of Georgia. Does the gentleman from Illinois yield the floor?

Mr. HENDERSON, of Illinois. No, sir; I do not. I want to yield five minutes to my colleague from Illinois [Mr. SPRINGER]. I reserve the balance of my time.

Mr. HENLEY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENLEY. I desire to know how much time the gentleman from Illinois has on this appeal from the decision of the chairman of the Committee of the Whole? My question is, whether the gentleman from Illinois [Mr. HENDERSON], having obtained the floor as he did on this appeal, is entitled to a full hour?

The CHAIRMAN. The Chair knows no limit excepting an hour.

Mr. TUCKER. Mr. Chairman, is there no way of limiting the debate upon this bill?

The CHAIRMAN. The Chair is not called upon to answer that question. The House can limit the debate when it sees fit. The gentleman from Illinois [Mr. SPRINGER] is recognized for five minutes.

Mr. SPRINGER. Mr. Chairman, if I can have the attention of the committee, I can say what I have to say on this subject in less than five minutes.

Mr. Chairman, I should hesitate under any circumstances to vote to overrule the decision of any chairman of the Committee of the Whole, and especially the present occupant of the chair. I was very much interested in the very able argument that the Chair submitted in ruling upon this point of order; and that argument, if it had been presented to the House at the proper time when this matter was before it, would have had deservedly great weight. The only error that the Chair committed was in assuming that a question of jurisdiction was one addressed to the Chair as a question of order. If the honorable chairman had been more of a parliamentarian than he is a lawyer, he would have realized the fact that all questions of the jurisdiction of committees in this House are addressed to the House and to the committees of the House, and have never been determined by the Chair as questions of order.

It is true that frequently, when the title of a bill presented is read, the Chair states that it should go to this or that committee. But that is merely an opinion; it is not a decision from which an appeal can be taken. It is merely *obiter dictum*. Any gentleman in the House could immediately rise and move a different reference; and that would be the proper course rather than to take an appeal from the decision of the Chair, because it is always in the province of the House to determine what reference of a matter shall be made by the House.

These petitions which are sent to committees through the petition-box have indicated upon them by the person introducing them the reference he desires. That reference is published in the RECORD the next morning, and is open to the investigation and scrutiny of every member of the House. Unless some member then objects to that reference, moves to discharge the committee and bring the matter back to the House for proper reference, the question becomes by that reference adjudicated by the House, and the reference as made is final.

It is within the province of this House to send a bill granting a pension to the Committee on Ways and Means; and if that committee gets such a bill by direction of the House it has jurisdiction of the subject-matter, because it has been referred to it by the House. So a tariff bill might, by a majority of the House, be referred to the Committee on Pensions; and if so referred that committee would have jurisdiction to pass upon the bill and report it back. These committees are simply agents of the House for the convenient transaction of its business. The House is to determine what bills shall be referred to particular committees; and when a committee gets a bill in that way it has to act upon it.

Now the Committee of the Whole stands in the same relation as any other committee of the House; and when any matter is referred to it by the action of the House it is a proper subject for the Committee of the Whole to act upon, and should not be suppressed from consideration on a point of order decided by the Chair.

Mr. HENDERSON, of Illinois. I yield fifteen minutes to the gentleman from Massachusetts [Mr. STONE].

Mr. STONE. Mr. Chairman, the question of order now pending in this case is before this House for the second time. During the first session of this Congress the same point of order substantially was raised, and the decision of the Chair at that time overruled the point of order. In this case the objection taken to the consideration of this particular item of the bill has been sustained by the Chair. But while substantially this same question has already been before the House, it is not now presented under the same conditions as heretofore. When the question arose at the last session there existed a fact which, in the judgment of the chairman, was decisive; and that was that points of order had not been reserved. Upon that fact the opinion of the Chair in that instance was based.

Now, I do not claim that that decision is to be received as conclusive in the case. There is here a fact which did not exist in the other case. In this case there were petitions referred, and properly referred, to the committee; and this circumstance distinguishes this case from that which arose a year ago. While I do not claim that the decision in the first case is to be accepted in any sense as conclusive in this case, I shall, perhaps, have occasion to allude to the doctrine of the former decision as having some bearing upon the question under consideration.

Mr. Chairman, it will be observed that when the present question was first argued the objection to the provision of the bill was put substantially on the ground that the Committee on Rivers and Harbors had no jurisdiction on this subject, because in attempting to deal with it they were violating Rule XXIII. That position, as I understand, is now abandoned; and it is now maintained by the Chair and by those gentlemen who agree with the decision that the Committee on Rivers and Harbors had no authority to deal with this matter because of Rule XI, which limits the authority of this committee to matters which may be strictly defined as rivers and harbors. Now I have two answers to make to the claim that this committee had no jurisdiction. My first, which I think is decisive, is that the submission of petitions on the subject to that committee is conclusive upon this question of order. I make that point, because when this question was argued a few days ago I observed that the gentleman from Indiana [Mr. HOLMAN] and the gentlemen from Georgia (and I think the Chair inclined to adopt the same idea) admitted that if these petitions had been referred to that committee by a vote of the House the committee would have had jurisdiction; but it was contended that a reference of the petitions through the petition-box did not give the committee jurisdiction.

Now, I ask these gentlemen to reflect for a moment and tell me, if they can, how a petition can go to any committee of this House except through the petition-box? If their construction is to stand, then they deny the right of petition to the people, because there is no other mode of referring petitions provided in your rules. No man can rise here in the House on any day in the week and offer a petition to be referred to a committee unless he obtains unanimous consent. I ask attention to that fact. Under our rules in no other way than through the petition-box can a petition go to a committee. It is expressly declared that on Monday only bills and resolutions shall be presented. Now, reflect a moment. How are your rules established? What do they mean? You are so pressed here with business that you can give but one day in the week to the presentation of bills and resolutions; and you can not give a single day to the presentation of petitions. Yet you do not mean to deny the right of petition to the people. So you provide by your rules that every day in the week the people may, through their Representatives, come here with their petitions, and that these petitions, through the petition-box and in no other way, may be referred to appropriate committees; because by reason of the stress and pressure of business it is impossible to deal with petitions in any other way. That is the meaning of our rules.

Why, Mr. Chairman, look at your RECORD to-day. You will find that yesterday fifty petitions were presented. Could you receive these numerous petitions every day in the week and in the same manner that you receive bills? These petitions have to be presented and referred; and by the very necessity of the case they go to your committees through the petition-box because they can go in no other mode.

Then will any gentleman of this committee, when he reflects upon that, undertake to say that when a petition goes to a committee in regular form in the mode prescribed by the rule, that when it gets there that committee has no jurisdiction? Is that to be maintained?

Again, that rule not only provides it should go in that way to the committee, but that invests the committee with authority to decide whether it is a proper submission. If this House authorizes the committee to make that decision it must stand upon it and accept it as final.

I mean to qualify, and am willing to qualify, this remark by this observation: It was suggested here this rule may be abused. I grant it; but is it to be objected to a rule that it is not the rule because it may be abused?

Again, if that rule is to be abused in any gross, in any flagrant way, it has been decided by this House that it is a question of privilege on the part of the House to take cognizance of the fact and discharge the committee on the subject in controversy, and refer it to the committee which in its opinion has jurisdiction of it. So that if your committee, or any member of the House, attempts grossly to misapply a rule, the House can vindicate itself by exerting its privilege to discharge the committee and refer the matter to wherever it thinks proper.

But I repeat, and ask the attention of the committee to the fact, that you deny the right of petition to the people under the rules if you say this mode is not just as valid and just as conclusive on any point of order as if made by the House itself. It is the action of the House itself. That conformity to the rule observed by the members of the House in that way is known to the House. That is one point I hope I have succeeded in making clear to this committee. Therefore I sub-

mit it is impossible to maintain the position that reference under this rule through the petition-box does not give jurisdiction to the committee.

It may be consistent with Rule XII; but observe what Rule XII is. Let me say that Rule XII is not a rule in any satisfactory sense as compared with other rules. As has been said on the floor, if a wrong reference has been made by the Speaker does it not compel the asking consent that rule shall be suspended every day when any gentleman moves for a rereference?

A MEMBER. What rule?

Mr. STONE. That which applies to the reference of different subjects to different committees. That which provides that all subjects relating to railways and canals should go to the Committee on Railways and Canals, and all subjects relating to naval affairs should go to the Committee on Naval Affairs, and so on. That is not in any satisfactory sense a rule compared with other rules of the House, for it is suspended every day in the week, while every other rule can only be suspended twice a month by a two-thirds vote. That we know is practically suspended by any gentleman getting up and moving to have any reference he may choose. Only yesterday the gentleman from Kansas [Mr. PERKINS] tried to refer a matter to the Committee on Indian Affairs, and the gentleman from Illinois [Mr. PAYSON] stated that in his judgment it ought to go more properly to the Committee on Public Lands. Can there be any question the Speaker was right in referring that matter to a majority vote of the House? That can not be denied.

Again, not to take too much time on this point, there is another I wish to submit, and that is this: My experience has taught me this practice of the House authorizing the Committee of the Whole to deal with the question of order is a vicious practice, and one which can not be defended. And for this reason, as suggested by the gentleman from Alabama: what power have you to-day in committee in limiting debate? How can you limit debate on a question of appeal? You can not move to lay the appeal upon the table; you can not call the previous question, and the only way of limiting debate is to move that the committee rise. That is the only way you can get out of the difficulty. You have to move that the committee rise for the purpose of limiting debate. In my opinion, the proper way is in accordance with the English practice: to move the committee rise at once, so that the House may decide the matter as soon as it is presented. I say in my judgment this thing is indefensible and inconsistent with the idea of the Committee of the Whole—this attempt to deal with questions of order.

But, to pass from that for a moment, assuming under our practice it may be proper to deal with the point in committee, I maintain it can not be competent for the Committee of the Whole to undertake to define the jurisdiction of another committee, such as is attempted here. Upon no theory of construction can you find authority in a committee such as this, constituted as any other committee is, to define the jurisdiction of any other committee unless specially required to do it.

I understand the chairman to say, although on that point I did not quite understand him, that by reserving the point of order the committee was virtually instructed to decide upon the point of order. I submit it is not possible to interpret the reservation of the point of order as an instruction to the committee to decide that point of order. On the contrary, the reservation made is a reservation of the House itself, and it can not properly or successfully be maintained such reservation is an instruction to the committee to decide such a point of order.

And if the committee was not instructed to decide the point of order, I submit it is impossible to hold satisfactorily, upon any construction of the power and authority of the committee, that the Committee of the Whole has by virtue of its general authority the right to deal with the question of order which relates to the subject-matter submitted to them.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. I reserve the remainder of my time.

[Cries of "Vote!" "Vote!"]

Mr. TURNER, of Georgia. Mr. Chairman, I have but two objects in view: the first is to maintain the rules of the House; and the next is to prevent what I regard as a mischievous innovation upon the river and harbor bill. These, I think, are important public objects which may well engage the attention of members.

The gentleman from Illinois who entered this appeal seems to lay his chief stress on the proposition that the reference of this bill by the House to the Committee of the Whole concluded all inquiry as to the question of jurisdiction. I respectfully dissent. When a bill appropriating money comes from the Committee on Appropriations, or when the Committee on Rivers and Harbors report their bill, the only thing that can be done then under the rules of the House is to refer such bills to the Committee of the Whole, because they can not receive their first consideration in the House; and it is on account of this rule that the practice has grown up of reserving points of order before the bills are so referred. It is well understood that by "points of order" objections are raised to such parts of a bill as violate the rules. And the reference of the bill after the points of order are reserved carries with the bill these objections into the Committee of the Whole.

After we have come into Committee of the Whole on a bill so referred, after the points of order had been reserved, shall we be told that we have no standing on the points of order? We have no standing on these questions in the House, because, under the rules, the first consideration of such a bill can not be had in the House. The result of the gentleman's position would be to preclude altogether points of order on such a bill, and to invest the committee reporting it to the House with the power to create its own jurisdiction. Under that view also the practice long established of reserving points of order on all appropriations would be nullified—a practice under which millions are annually saved to the Treasury. Why, no longer ago than yesterday a clause of the naval appropriation bill, involving an expenditure for new ships of war, was stricken out on a point of order reserved.

The gentleman from Illinois insists that the reference of a petition on the subject of the Hennepin Canal to the Committee on Rivers and Harbors through the petition-box confers upon that committee jurisdiction over that subject. After the exhaustive opinion of the chairman on this point I would not have referred to the matter had not the honorable gentleman from Illinois given it the weight of his great authority. The rule which directs the reference of a petition in this way on its very face provides that it shall be done by a clerk under the indication of a single member.

Mr. HENDERSON, of Illinois. That is done by the House.

Mr. TURNER, of Georgia. I deny that it is done by the House. In no sense of the word can it be claimed that this is the action of the House. It is done by the action of a single member.

Mr. HENDERSON, of Illinois. But if the gentleman from Georgia will allow me, I say subject to the approval of the Speaker of the House.

Mr. TURNER, of Georgia. Mr. Chairman, if the gentleman is right, I can, by the presentation of a petition through this box without the Clerk having the power to say yea or nay to me—I can have referred to the Committee on Elections, of which I am a member, memorials which will confer on that committee the jurisdiction of every other committee of this House.

Mr. SPRINGER. And that is frequently done, too.

Mr. TURNER, of Georgia. The gentleman from Illinois says it is frequently done. The gentleman has seen a longer service in this Hall than I; but I believe no such thing, and he can not demonstrate any such absurd assertion against the practice of the House.

Mr. SPRINGER. I did not mean——

Mr. TURNER, of Georgia. I hope the gentleman will allow me to proceed.

Mr. SPRINGER. I beg pardon for interrupting the gentleman.

Mr. TURNER, of Georgia. This reference of matters through the petition-box to committees the gentleman from Illinois [Mr. HENDERSON] says is under the supervision of the Speaker. That is a limited supervision, which any gentleman will find by examining the twenty-second rule is confined simply to the question as to whether the petition contains any obscene or insulting matter. When the Speaker finds any such matter as that he can exclude it; but in no other case has he the power to change the destination of the petition. And hence all that argument of the gentleman from Illinois falls to the ground.

The general business that comes into the House goes to committees by the reference of the House or by the reference of the Speaker (which is the same thing), but petitions and memorials are sent to committees through the petition-box under the other rule to which I have adverted. When these petitions or memorials reach a committee the question comes up there whether or not the petitions and memorials have been referred to the appropriate committee. The first question is, has the memorial or petition gone to the committee through the petition-box by the action of the Clerk; the next question is, has it gone to the proper or appropriate committee? When these two things concur then the committee has jurisdiction over the subject-matter; otherwise under the rule (XXII) the petition or memorial has to come back to the box.

The gentleman from Illinois [Mr. HENDERSON] relies upon the decision of the chairman of the Committee of the Whole during the last session, when a similar bill was presented having this clause in it. He seemed in the first part of his argument to rely greatly on the authority of that opinion. But before he had taken leave of it, as I understood him, he himself impeached the decision—I use the word in no offensive sense—he questioned the accuracy of the opinion of that same chairman when he said he would have ruled the Hennepin clause out of the bill if points of order had been reserved on it.

Mr. HENDERSON, of Illinois. If the gentleman from Georgia will allow me only a word——

Mr. TURNER, of Georgia. I yield to the gentleman for a correction, not for a speech.

Mr. HENDERSON, of Illinois. The correction I desire to make is this: The Chair said that he would have ruled the Hennepin clause as not germane; but there were other canal clauses in the bill, and I took it for granted that had been overlooked.

Mr. TURNER, of Georgia. I have a high respect for the opinion of the chairman of that Committee of the Whole, and I think it is due to him that his precise position should be stated. It was done by the chairman of this Committee of the Whole in the opinion delivered on this question. The opinion of the chairman cited from the RECORD of the last session was based upon the fact that no points of order were reserved against the bill then pending. The points of order have been

reserved in this case, and, therefore, as has been candidly stated by the gentleman from Massachusetts [Mr. STONE], that opinion is authority for the decision of the present chairman. The Committee on Rivers and Harbors have a certain defined jurisdiction which is expressed in these words:

The improving of rivers and harbors.

Can a committee having only the power to report an appropriation for the improvement of rivers and harbors go to the extent of making a river?

Mr. STONE rose.

Mr. TURNER, of Georgia. I have no desire to pursue the question of germaneness, because that is not involved in the appeal. What does the gentleman from Massachusetts [Mr. STONE] desire?

Mr. STONE. Will the gentleman give us the words of that rule which he has just attempted to repeat, in which he says the committee is limited to the improvement of rivers and harbors?

Mr. TURNER, of Georgia. The gentleman knows that rule as well as I do.

Mr. STONE. I insist the rule says:

Subjects relating to the improvement of rivers and harbors.

Mr. TURNER, of Georgia. I ask the gentleman in reply whether the making of a new river is included in "the subjects relating to the improvement of rivers and harbors?"

The main ground of this contention, Mr. Chairman, is involved in another clause of the rule to which neither of the three gentlemen who have preceded me has given even the respect of a passing glance. Nor was it noticed in the arguments against the point of order when it was raised. I refer to clause 8 of Rule XI, which not only defines the jurisdiction of the committee as I have stated it and not as the gentleman from Massachusetts [Mr. STONE] would state it, but adds this:

And the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Here is a special parliamentary privilege conferred for reporting bills for the improvement of rivers and harbors; but no possible construction can extend this privilege to embrace a canal. The Committee on Rivers and Harbors have, therefore, plainly exceeded their privilege.

This point, Mr. Chairman, was not made in the case which was tried before the Committee of the Whole during the last session.

No gentleman who has challenged the decision of the Chair has said a single word in reply to it. I insist that this view of the rule concludes every question of order involved in this case. It is the first time the point has ever been made, and no gentleman has ventured to reply to it. I insist, therefore, that the judgment of the Chair on the main point stands unchallenged and uncontradicted.

Mr. HENDERSON, of Illinois. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] has five minutes remaining.

Mr. WILLIS. Mr. Chairman, I regret to make the point, but under the rule I think the Chair will find that the gentleman's time is exhausted.

Mr. HENDERSON, of Illinois. Mr. Chairman, I insist upon my right to occupy the remaining five minutes. In the first place, in regard to the petitions having been referred to the Committee on Rivers and Harbors I have only this to say, that if the gentleman [Mr. TURNER] is correct, and the Committee on Rivers and Harbors received those petitions and hold that they did have jurisdiction of this matter, then I want to know what right this Committee of the Whole has now to go back and inquire into that question of jurisdiction and decide that the Committee on Rivers and Harbors did not have jurisdiction. I submit that this committee has no right to do anything of that kind.

No, sir; as to the objection which I omitted to note, I desire, with all due respect to the gentleman from Georgia [Mr. TURNER] and the Chair, to submit this consideration: That was a matter which might properly have been interposed against the consideration of this bill; but by no rule, by no twisting or squirming or torturing of any rule, can you now divide up the bill after you have entered upon the consideration of it, and say that you will not consider all that part of it because you are giving precedence to one part over another. If the gentleman [Mr. TURNER, of Georgia] had at the proper time made the point that this was not a river and harbor bill because it contained provisions that did not relate to the improvements of rivers and harbors, that might have been a good point—though I do not admit it—but now, after the Committee of the Whole has entered upon the consideration of the bill, it is too late to attempt to divide it up into parts and consider some parts and reject others. I yield the balance of my time to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. No question has come before this House in which I have felt so deep an interest as I feel in this, but I am not unmindful of the fact that our time is very limited, and that therefore it may be as well for the interests I represent that the House should not be delayed in reaching a vote. For that reason, sir, I will not longer occupy the time of the House.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. WHITE, of Kentucky. Mr. Chairman, I rise to a question of order.

The question being taken, there were—ayes 107, noes 62.

Mr. HENDERSON, of Illinois. I call for tellers.

Tellers were ordered; and Mr. HENDERSON, of Illinois, and Mr. TURNER, of Georgia, were appointed.

The committee again divided; and the tellers reported—ayes 108, noes 85.

So the decision of the Chair was sustained.

The Clerk read as follows:

SEC. 2. That the Secretary of War is hereby directed to ascertain which and how many, if any, of the navigable streams within the jurisdiction of the United States have been and are now improved by locks and dams, or by either, or by other improvements, either by States or by corporations in pursuance of State authority, and upon which streams and for the use of which improvement toll is now charged, and whether said improvements can be purchased or condemned by the United States, and the probable cost of each of said improvements, together with the probable benefit to navigation and commerce of such purchase or condemnation when made with the view of making the navigation of such streams free; and that he report to the next Congress.

Mr. BROWN, of Pennsylvania. There was an amendment to the first section which I sent to the Clerk's desk when we were last considering this bill. It has not been read.

Mr. WILLIS. I suggest to the gentleman that it will come in at the end of the bill just as well as here.

Mr. BROWN, of Pennsylvania. I am not particular about the place where it is inserted, so that I have the opportunity to present it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BROWN], as the Chair understands, does not insist on his amendment now.

Mr. WELLER. There was an amendment placed in the hands of the Clerk which I desire to have read. It was intended to come in as section 2. I have submitted that amendment to the chairman of the Committee on Rivers and Harbors, and as I understand he will make no objection to it, I desire to have it read and acted on now.

Mr. WILLIS. I suggest to my friend from Iowa that it be offered hereafter as a separate section.

Mr. MCMILLIN. Let it come up at once.

The Clerk read Mr. WELLER'S amendment, as follows:

Add to section 1, at the end of line 985, the following words:

"SEC. 2. That each particular appropriation in section 1 of this act contained or mentioned shall be paid as nearly as may be only in the following moneys and currency of the United States of America, and the same, and no part thereof, shall be paid in any representative of the currency or moneys in said section mentioned, namely: one-third part of each particular sum of the aforesaid appropriation shall be paid only in standard silver dollars; one-third part in silver certificates, and one-third part in Treasury notes; and each sum of said appropriations shall be, at the expense of the Government, in said moneys and currency as herein mentioned, actually transferred to and disbursed at the locality where the appropriation is to be expended."

The question being taken on the amendment of Mr. WELLER, it was not agreed to.

Mr. WELLER. I understand that if I do not insist upon a division on this question I shall be permitted to have a vote on the amendment in the House.

The CHAIRMAN. No division being called for, the Chair could not do otherwise than pronounce the decision. Any arrangement the gentleman may make with regard to a vote in the House is a matter with which the Chair can have nothing to do.

Mr. BROWNE, of Indiana. I move *pro forma* to amend by striking out the second section.

Mr. BROWNE, of Indiana, addressed the committee. [See Appendix.]

Mr. HEPBURN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "directed," in line 1, section 2, "to detail such a number of officers from the Army, of the rank of captain and lieutenant, as will be sufficient to take the places of the civilian engineers now employed in the improvement of rivers and harbors. And hereafter no civil engineers shall be employed on such works, except in extraordinary cases, and when so employed he shall report his reasons for such employment to the next session of Congress; and also, &c."

Mr. WILLIS. I make the point that this amendment is not germane to the section.

Mr. HEPBURN. I desire to be heard on the question of order. A number of days ago substantially this same amendment was offered and the same question of order raised. At that time, after discussion, the Chair held the proposition to be in order, but later, for the convenience of the committee——

Mr. WILLIS. I recognize the correctness of the gentleman's statement, and withdraw the point of order.

Mr. HEPBURN. Mr. Chairman, the other day when this amendment was pending I suggested to the House that a late report from the Secretary of War had informed us there were about two hundred and two civil engineers now in the employ of the United States upon these works; that the amount paid in salaries to these engineers was something like $500,000 a year, or at that rate by monthly payments. Now we have 1,468 officers of the line who are captains and lieutenants. Every one of these gentlemen has been educated as an engineer, and is at least the equal of the average of the civilians who are employed by the Government. A great majority of these officers of our Army have

comparatively little to do, and it seems to me it would be eminently proper that they should be put upon this work.

It was suggested by the gentleman from Arkansas the other day the art of military engineering was entirely distinct from that of hydrographic engineering, and by imposing this new duty on the officers of the Army their fitness for their legitimate duties would be destroyed. I desire to remind him as military engineers there is no occupation for them. We are not engaged in constructing defensive works. We have refused Congress after Congress to make appropriations for purposes of that kind, and the probabilities are we will never have a war where land forces will be needed. We are so situated we can be entirely independent of fear of attack here on our own soil. No European army in numbers sufficiently formidable could land on our shores. Our neighbors on the north and south are much more formidable it seems to me. If there should be difficulty between ourselves and them we would be compelled to act on the defensive rather than on the offensive, so that there may be little necessity for continuing the large number of engineers we now have simply for military engineering.

It was also suggested by another gentleman that the instructions received at the Military Academy were not of a character to fit them for this work. I am not willing to believe that is entirely so, and if it is so, and if we adopt the plan of putting the work into the hands of the officers of the Army, the line of instructions at the Military Academy will have to be reformed. New studies will be imposed upon them, and they will pursue them, and we will in a short time have the best educated men of the country to carry on these works.

Mr. HORR. Army engineers do the work now.

Mr. HEPBURN. That is a mistake. There is an idea abroad Army engineers do this work. As a matter of fact they are not doing it.

Mr. ROSECRANS. I wish to say that the statement to which the gentleman refers, namely, that officers educated at West Point are not taught civil engineering is a mistake. They are well trained in it.

Mr. HEPBURN. I thank the gentleman for his correction. I was simply quoting an objection put the other day, and I was about to say there was a popular error that these works are being carried on by the Army, but as a matter of fact the Mississippi River Commission now have in their employ sixty-seven civil engineers in addition to the details made from the Army, and we are now paying an excess of $100,000 to the civil engineers employed upon that one work.

[Here the hammer fell.]

Mr. WILLIS. I move that the debate on the pending section and amendments thereto be limited to one minute.

Mr. ANDERSON. I object.

Mr. WILLIS. I move the committee rise to close debate.

The committee divided; and there were—ayes 98, noes 14.

Mr. WHITE, of Kentucky. No quorum; we can not be gagged in this way.

The CHAIRMAN. A quorum is not required to rise.

So the motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union, to continue the consideration of the river and harbor bill, and upon that motion I move that all debate on the pending bill and amendments thereto be limited to one minute.

Mr. WHITE, of Kentucky (at 3 o'clock p. m.) moved the House adjourn.

Mr. ANDERSON. I move to limit debate to one hour.

Mr. WHITE, of Kentucky. I demand a division on my motion to adjourn.

The House divided; and there were—ayes 7, noes 114.

So the House refused to adjourn.

Mr. WHITE, of Kentucky. I move the House take a recess until 4 o'clock this afternoon. If we are to continue this bill we should have some kind of discussion.

Mr. KING. Regular order.

The House divided; and there were—ayes 10, noes 130.

Mr. WHITE, of Kentucky. No quorum.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the following bills:

A bill (H. R. 5207) granting a pension to Albert Stickney;

A bill (H. R. 7302) granting a pension to Elizabeth Smith;

A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;

A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;

A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;

A bill (H. R. 2282) granting a pension to Adolph Weach;

A bill (H. R. 711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;

A bill (H. R. 7724) granting a pension to Lydia Wetherbee;

A bill (H. R. 5969) increasing the pension of Frederic S. Rich;

A bill (H. R. 3701) granting a pension to James Bradford;

A bill (H. R. 8033) granting an increase of pension to George W. Clark;

A bill (H. R. 7707) granting a pension to Holden Cook;

A bill (H. R. 5813) granting a pension to Rachel Smith;

A bill (H. R. 6965) granting a pension to David T. Dudley;

A bill (H. R. 7315) granting a pension to Frederick P. Dearth;

A bill (H. R. 2138) granting a pension to Martha Angell;

A bill (H. R. 6196) granting a pension to R. D. Lawrence;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 4098) granting a pension to William Gibbons;

A bill (H. R. 1984) granting a pension to Robert M. McKinlay;

A bill (H. R. 7561) to allow a pension to George F. West;

A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;

A bill (H. R. 6996) granting a pension to Wealthy H. Seavey;

A bill (H. R. 4189) granting a pension to Caroline Van Norton;

A bill (H. R. 4837) granting a pension to Charles H. Phillips;

A bill (H. R. 6835) granting a pension to Bernard Donohue;

A bill (H. R. 7773) granting a pension to William E. Ayres;

A bill (H. R. 7386) granting a pension to Eliza M. Byers;

A bill (H. R. 732) granting a pension to William Weddingfield;

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

A bill (H. R. 3000) for the relief of William R. Miller, for pension;

A bill (H. R. 5082) granting a pension to Jane Hilton;

A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris;

A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;

A bill (H. R. 4317) increasing the pension of Julia A. Chambers;

A bill (H. R. 8133) granting a pension to Thomas McGill;

A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;

A bill (H. R. 7313) granting a pension to Charles W. Baldwin;

A bill (H. R. 6653) granting a pension to Mary C. Axlene;

A bill (H. R. 2325) granting a pension to Helen M. Harrison;

A bill (H. R. 5762) for the relief of Ann Lumphrey;

A bill (H. R. 6826) granting a pension to Rebecca Kupp;

A bill (H. R. 4548) granting a pension to Cordelia Gale;

A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 4247) granting a pension to Ann Maria Ressler;

A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;

A bill (H. R. 3403) for the relief of Jacob J. Morningstar;

A bill (H. R. 7302) granting a pension to Elizabeth Smith;

A bill (H. R. 6205) granting a pension to Catherine S. Edmundson; and

A bill (H. R. 3681) granting a pension to William L. Sloan.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. BAGLEY in the chair). The point of order being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Kentucky, Mr. WHITE, and the gentleman from Arkansas, Mr. BRECKINRIDGE.

Mr. WHITE, of Kentucky. I understand that the chairman of the Committee on Appropriations is ready to call up one of the regular appropriation bills; and, if so, I am ready to withdraw the point of order for that purpose. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The tellers will take their places.

The House again divided; and the tellers reported—ayes 2, noes 167.

So the motion was not agreed to.

Mr. WILLIS. I now call up again my motion to limit debate upon the section under consideration to one minute.

Mr. ANDERSON. And I insist upon the amendment to make it one hour.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky.

Mr. ANDERSON. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON. When the gentleman from Kentucky made his motion to limit debate to one minute I immediately offered an amendment to limit debate to one hour. My point of order is that the vote must first be taken upon my amendment.

The SPEAKER. The present occupant of the chair was not in the chair at that time. The Chair is informed that a motion to adjourn was pending, however, at the time the gentleman from Kansas interposed his motion, which, of course, would exclude the motion.

Mr. DOESHEIMER. The motion to adjourn was pending.

Mr. ANDERSON. I now renew the motion to limit debate to one hour.

Mr. WILLIS. That can not be done, for I have demanded the previous question.

Mr. ANDERSON. The previous question has not been demanded yet.

The SPEAKER. The gentleman from Kentucky rose in his place, and, as the Chair understood, stated that he renewed his motion to limit debate to one minute.

Mr. WILLIS. And on that I demanded the previous question.

The SPEAKER. The Chair did not hear that demand.

Mr. ANDERSON. I made my motion when the gentleman made his first motion to limit debate and before any demand for the previous question was made.

The SPEAKER. The Chair will state to the gentleman from Kentucky that if he made any demand for the previous question it was not heard by the Chair or the Journal Clerk or by the Official Reporters.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to call the attention of the Chair to the fact that by unanimous consent earlier in the consideration of this bill three minutes were allowed to explain any amendment that might be offered.

The SPEAKER. That is not a question of order now.

Mr. WHITE, of Kentucky. I desire to know whether this motion can be made if that agreement was entered into, allowing three minutes? This proposes to cut off all debate within a limited time.

The SPEAKER. That is a matter for the chairman of the Committee of the Whole to determine under the order of the House heretofore made and which the Speaker has not examined.

The question is on the motion of the gentleman from Kansas to limit debate to one hour.

Mr. WILLIS. I understand from statements made by gentlemen around me that thirty minutes will be acceptable to those opposing this bill; and with a view to settling the matter harmoniously I will accept that, and modify my motion accordingly.

Mr. ANDERSON. That is satisfactory to me.

The motion to limit debate to thirty minutes on the section was agreed to.

Mr. WILLIS. I now renew the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2327) for the relief of James Bedell, sr.; and

A bill (H. R. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes."

RIVER AND HARBOR APPROPRIATION BILL.

The motion of Mr. WILLIS was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. Under instructions of the House all debate on the second section is limited to thirty minutes. The Chair will allot fifteen minutes to each side of the House.

Mr. ANDERSON. Mr. Chairman, it seems to me that the amendment proposed by the gentleman from Iowa is so perfectly fair on its face and so directly within the line of economy and good government, that there should be no hesitation on the part of this committee in adopting it. At a very large expenditure annually this Government is educating, in the best possible method and to the highest point of efficiency, these officers at West Point and at Annapolis. The proposition that these gentlemen are not competent to supervise the improvement of rivers and harbors is to my mind simply preposterous. The reverse of that proposition, that civilians are more competent, is the severest criticism which can be made upon our military educational institutions. Now, it has been the boast of the Democratic party from time immemorial that it was in favor of avoiding extravagance. This river and harbor bill is one always large and in which there are items always extravagant. The simple proposition is here presented: instead of expending half a million a year in employing civilian engineers to utilize the Army officers, and saving thereby the expenditure of this half million dollars; and the question is what, upon the principles advocated by the Democratic party, is there on the face of the amendment that does not warrant its adoption?

Why will you expend half a million for civilians when you have Army officers more competent, to-day practically without employment, and you can use them? That is the whole question presented here. It has become a custom that we shall employ as many men as possible, so it seems, under this Mississippi River Commission and otherwise, for the prosecution of this work; and yet here stand a body of men, than whom none are better educated or better qualified, whom you are paying year by year, whom you have educated, and whom you refuse to detail to perform this duty, being the more willing to increase the bulk of your river and harbor bill not for the purpose of developing channels, not for giving increased facilities for commerce, but simply to provide for outsiders. It seems to me that that is about the proposition submitted here.

When it comes, Mr. Chairman, to the question of developing our great channels, the rivers which shall become highways of commerce, there is no one who will go further in right appropriations than will I. But I am not, because of the earnestness of my belief in that proposition, willing that it shall be used as a veil under which to carry other things to which I am opposed.

There has been eliminated from this bill a measure which had it been included in it might have been the beginning of a water way over which the grain of the West might have obtained cheaper rates than by the present method of transportation by rail; and in eliminating that—in virtually depriving us in the West of any possibility of any further water communications with the East—you simply relegate us to the merciless, iron, granitic cupidity of the railroad corporations.

The CHAIRMAN. The Chair would inquire of the gentleman from Kansas [Mr. ANDERSON] how much of the time he proposes to occupy himself.

Mr. ANDERSON. Five minutes.

The CHAIRMAN. The gentleman has already spoken five and a half minutes.

Mr. ANDERSON. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. The Mississippi River Commission furnishes, it seems to me, a very fair illustration of the necessity of some such measure as this. I have already stated the large number of civil engineers that were employed on the work of that commission. One of the objections to the improvement of our rivers and harbors is the wanton extravagance that is indulged in. If economy were used, if we utilized cheaply the force that we have, the people of this country would not object to these burdensome river and harbor bills. That commission, I was able to show on a previous occasion had upon its rolls such a number of servants as required the expenditure of more than half a million dollars each year. They had been so lavish in their expenditures in their efforts to provide themselves with plant that they had expended of the appropriation nearly one and a half million dollars simply in purchasing the tools with which they were to carry on the improvement.

I venture the assertion that of all the immense sums that have been appropriated for the improvement of that river since the organization of that commission nearly one-half have been expended in plant and in salaries—nearly one-half of it. Now this ought not to be. If we can save with reference to that improvement alone $115,000 we certainly ought to do it. If we can save in connection with the other improvements $385,000 a year we certainly ought to do it. It will not do to say that these gentlemen that are named in the amendment I have offered have not the education to fit them for this work. That is to denounce as a failure the Military Academy and all of the efforts of this nation to properly educate our engineers. After the appropriations we make each year for the maintenance of that institution it will not do for us to stultify ourselves by declaring that all of our efforts are non-effective. I have here a partial list of some of the distinguished engineers that have been educated at that institution. I find on it the names of Beauregard, Foster, Franklin, Gillmore, Halleck, and Humphreys. These men we have educated at West Point and they have graduated there as engineers and served in that capacity. The list is long. And I want to call attention to the fact that there is no difference in the line of the studies pursued by these gentlemen who have graduated as engineers or been assigned to that corps and the others. They all study the same text-books.

The CHAIRMAN. The Chair wishes to inquire of the gentleman from Iowa whether he desires to speak longer than five minutes?

Mr. HEPBURN. Five minutes were yielded to me.

The CHAIRMAN. And that time has expired.

Mr. ANDERSON. I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I am in favor of this amendment. I think it ought to be adopted. If there be a service in this country which has the confidence of the people so far as its integrity is concerned it is the Corps of Engineers of the United States Army. They are above reproach. And if they be employed to superintend this work and to disburse the moneys the people of the country will have confidence that, though they may sometimes be mistaken in their judgments and opinions, yet the money will be honestly disbursed.

I think it is a dangerous thing to employ civilian engineers in this work; to take them from their particular localities, to bring influences to bear in favor of particular localities, and thus to have recommendations to Congress influenced to some extent by considerations that should not enter into the conclusions arrived at. And I think that if the engineer service were devoted wholly to the improvement of our rivers and harbors in this country this would free it from perhaps some suspicions that attach to the management of that service, and it would be a guarantee at once to the people and to the Government that the moneys expended for these improvements would be honorably and honestly expended for the purposes to which they were applied.

Mr. ANDERSON. I yield the remainder of my time to the gentleman from Kentucky [Mr. WHITE].

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] has three minutes.

Mr. WHITE, of Kentucky. Mr. Chairman, the amendment offered by the gentleman from Iowa [Mr. HEPBURN] is evidently in the interest of retrenching expenditures. It is more: it is a compliment to the United States Military Academy. After having expended $500 per annum upon each of the cadets who go at the Government's expense to

the Military Academy at West Point, and after they have been graduated from that institution with honor, if they are not as competent to perform the duties on the Mississippi River as the surveyors and local politicians along that river who get into the employ of the Mississippi and Missouri Commissions, then, sir, we had better cease to make appropriations for the Military Academy. If you defeat this proposition it will be a very severe criticism on the United States Military Academy. This amendment simply provides that engineers from civil life shall not be employed, except in cases where the services of men of distinguished ability in civil engineering are required.

In ordinary cases, in most cases, the officers of the United States Army are to be employed, the men who have graduated from the national academy at West Point.

Is there any gentleman on that side of the House who has been preaching economy, who has been saying for years that we ought not to have this large Army corps to pay, who will vote against that proposition? It seems to me not. If we mean to do the work, and do it well and do it cheaply, it strikes me that all those conditions are embodied in this amendment, and that it ought to be adopted by a unanimous vote.

Mr. WILLIS. Mr. Chairman, the proposition of the gentleman from Iowa [Mr. HEPBURN], if adopted, would seriously embarrass the War Department. We have no statement from the Secretary of War or from the Chief of Engineers to the effect that this proposed change should be made. The employment of civilian engineers is now left to the discretion of the Secretary of War, and if we were to bind his hands in this way we might seriously impede the progress of some of the public works upon which this additional engineering aid is required.

The Secretary is not now compelled, although he is allowed, to employ civilian engineers.

Mr. HEPBURN. Will the gentleman allow me a suggestion?

Mr. WILLIS. Certainly.

Mr. HEPBURN. By this amendment, in any difficult case, where extraordinary skill or additional aid is required, he may appoint civil engineers; so that in such a case as the gentleman from Kentucky speaks of the Secretary would have that authority.

Mr. WILLIS. I submit to my friend that if his amendment were now adopted, without any recommendation or expression of opinion in its favor on the part of the War Department, it might result in grave evil to important pending public works.

Mr. HEPBURN. Will the gentleman pardon another suggestion?

Mr. WILLIS. Yes, sir.

Mr. HEPBURN. Do you expect that the Army officers will be very anxious to recommend that this additional service shall be put upon them?

Mr. WILLIS. I believe that the Army engineers will be in the future, as they have been in the past, employed in preference to all other engineers, and I think they ought to be. But I submit that if we bind down the Department to the exclusive employment of Army engineers we may seriously interfere with the progress of some of the pending public works.

For that reason at the present time, this amendment coming here without information, without commendation or recommendation from the Secretary of War, I submit that the Committee of the Whole should not adopt it.

And, Mr. Chairman, in the interest of the public business, having control of the time on this side and with the consent of those interested, I yield back to the Committee of the Whole the time allowed for discussion against the amendment and ask for a vote.

The question being taken on agreeing to the amendment of Mr. HEPBURN, there were—ayes 51, noes 90.

Mr. HEPBURN. No quorum has voted.

Tellers were ordered; and Mr. WILLIS and Mr. HEPBURN were appointed.

The committee again divided; and the tellers reported—ayes 65, noes 110.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. MORSE having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2648) to enable the President to negotiate for the purchase of certain Indian reservations.

The message further announced that the Senate had agreed to the amendment of the House to the bill (S. 2327) for the relief of James Bedell, sr.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added; the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk began to read section 3 of the bill, but was interrupted by

Mr. WHITE, of Kentucky, who said: Mr. Chairman, I desire to offer an additional section.

Mr. DUNN. I object.

Mr. WHITE, of Kentucky. I move to amend by inserting, as a new section, the following:

For continuing and connecting the survey——

The CHAIRMAN. The Chair suggests that the gentleman had better send his amendment to the Clerk's desk.

Mr. WHITE, of Kentucky. I will do so.

Mr. WILLIS. I object to going back. The Clerk had commenced reading the third section.

The CHAIRMAN. There is no proposition to amend the section, so far as the Chair is informed. The gentleman from Kentucky proposes to add a new section.

Mr. WILLIS. Well, I ask that the Clerk read on.

Mr. ANDERSON. I object to that.

The CHAIRMAN. The Chair thinks time will be saved by allowing the amendment to be offered now.

Mr. WILLIS. The amendment, in the form of a new section, can be offered at the end of this section. The Committee of the Whole can not be detained here until the proposed new section is written out.

Mr. ANDERSON. Yesterday when we were considering the naval bill we waited five minutes for an amendment to be offered.

The CHAIRMAN. Is the amendment of the gentleman from Kentucky ready?

Mr. WHITE, of Kentucky. Yes, sir.

The CHAIRMAN. The gentleman will send it to the Clerk's desk.

The Clerk read as follows;

Add, as section 3, the following:

"SEC. 3. For continuing and connecting the survey of the Savannah River, Georgia, and the Kentucky River, Kentucky, $28,000, and that the same be expended under the direction of the Secretary of War in surveying a water-route and ascertaining the practicability of obtaining cheap transportation between the valley of the Ohio and Atlantic seaboard, by connecting, by canal and by slackwater navigation, the waters of the South Fork of the Kentucky River, Richland Creek, Cumberland River, Yellow Creek, Cumberland Gap Springs, and Powell's, Clinch, Tennessee, Hiwassee, and Savannah Rivers, from Beattyville, Ky., to Savannah, Ga."

Mr. WILLIS. I make a point of order on that amendment, and ask the ruling of the Chair upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair.

The CHAIRMAN. The question is——

Mr. WHITE, of Kentucky. I desire to be heard on the appeal. Mr. Chairman, this bill has in it, if not in reality, at least in future possibility, the whole Mississippi River scheme, with its commission, which was allowed to be struck out the other day by the chairman of the Committee on Rivers and Harbors with the understanding that in the House it should come back again. This bill has in it the Missouri River Commission (the Missouri being but a branch of the Mississippi), as a sink-hole for millions of dollars. If we are going to sink millions of dollars on the Mississippi River, it strikes me that when we have appropriated money for the improvement of the Kentucky, for the improvement of the Tennessee, the improvement of the Cumberland and the Clinch Rivers, and for the improvement of the Savannah River, and when we need cheap transportation from the great grain-growing regions of the Northwest to the Atlantic seaboard, when we need to build up seaport towns like Savannah, Ga., to compete with the great metropolis of New York and great cities like Philadelphia and Baltimore——

The CHAIRMAN. The Chair begs to suggest to the gentleman from Kentucky that he must confine himself to the question of order.

Mr. WHITE, of Kentucky. The point of order I desire to make is this——

A MEMBER. You are taking an appeal. [Laughter.]

Mr. WHITE, of Kentucky. Yes, sir; I am taking an appeal and can discuss it without limit. [Cries of "Vote!" "Vote!"] I ask for order in the House.

The CHAIRMAN. The committee will be in order, and the Chair will hear the gentleman on the point of order but not on the merits of the proposed amendment.

Mr. WHITE, of Kentucky. The point of order has been raised against this whole proposition and has been sustained. Now, I appeal from that decision. I appeal from it on the ground that this amendment I offer is in perfect consonance with the harmony of the bill. I was going on to show you that was so, that if the whole bill was legitimate then the amendment would be legitimate. I am aware of the fact the Chair has ruled out the Hennepin Canal. This would have to go out on the

same point of order. I expected that, but I wanted to lay before the committee——

The CHAIRMAN. The Chair submits if the gentleman concedes the ruling against him is correct that no further time should be occupied in debate on the bill.

Mr. WHITE, of Kentucky. I did not say it was correct.

The CHAIRMAN. The Chair desires to state that the gentleman conceded it would be pronounced out of order by the committee, and it would be an unnecessary consumption of the time to debate it further. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky. I beg the Chair to indulge me in stating my opinions on this matter. If it is a waste of time or not is for me to decide and not for the Chair. If he decides I am not entitled to the floor then I will yield, but if the Chair says I am entitled to the floor I will not allow the Chair to tell me that it is a waste of time.

The CHAIRMAN. The Chair took the gentleman's own remark that he was not arguing the question before the committee. The question is whether the decision of the Chair shall stand as the judgment of the committee.

The decision of the Chair was sustained; and the amendment was ruled out.

Mr. HEPBURN. I have an amendment to offer to section 2.

Mr. WILLIS. I rise to a question of order.

Mr. HEPBURN. Then I will move it to section 3.

The CHAIRMAN. Section 3 will now be read, and then the amendment can be offered.

The Clerk read as follows:

SEC. 3. That the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums, and shall cause to be made and submitted to Congress annual reports, including the report of the Mississippi River Commission, on or before December 1, giving detailed statements of the work done, contracts made, and expenditures thereunder or otherwise up to November 1, and the effect of such work, together with such recommendations as he may deem it proper to lay before Congress. He shall also, at the same time, report to Congress at its next session all the instances in the United States in which piers, breakwaters, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same. He shall report annually, at the same time, whether any bridges, causeways, or structures now erected or in process of erection do or will interfere with free and safe navigation.

Mr. HEPBURN. I move the following amendment:

The Clerk read as follows:

Provided, That jurisdiction is hereby given to the circuits courts of the United States to condemn any such real estate or material needed in any improvement, and in all such proceedings for such condemnation the practice of said court shall be as near as may be to that prescribed by the law of the State in which the improvement and material is situated.

Mr. WILLIS. I hope that amendment will be accepted; it seems to be perfectly proper

The amendment was adopted.

The Clerk read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to apply the money herein appropriated——

Mr. WHITE, of Kentucky. Before passing to section 4, I wish to offer an amendment to this section.

Mr. DUNN. I make the point of order that the reading can not be arrested in that way after being deliberately commenced, and I insist that the Clerk proceed with the reading. The rule is clear on the subject, and I hope it will be strictly enforced hereafter.

Mr. HEPBURN. Allow me to make this suggestion, that there is very extraordinary rapidity indulged in, and perhaps properly so, by the Clerk in reading this bill. But it occurs frequently that the last word from the chairman's mouth has scarcely escaped his lips directing the reading when the Clerk is at work on the instant speeding through the bill; and it seems in that manner the Clerk has succeeded in reading several lines of this section before any one rose to make an amendment.

Mr. WHITE, of Kentucky. It has been the custom, Mr. Chairman, for the Clerk to read amendments on the desk which had been sent up; and I did not know until he had read a short distance in this section that he was not going to read an amendment to the preceding section. As soon as I found out what he was reading I immediately rose to offer an amendment.

The CHAIRMAN. The Chair can not be governed by anything else than the regular rules of the House, which provide that when a section has been passed over and the reading of another has been begun it is then too late to go back to make an amendment to the section which has been passed.

Mr. REED, of Maine. But, Mr. Chairman, when a member of the House announces that it was his intention to offer an amendment, and rose promptly for that purpose, he certainly can not be precluded from offering it by the mere reading of the Clerk, or because the Clerk may have begun the reading of the section before the amendment was offered.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to state himself his impression that somebody else had an amendment at the desk which the Clerk was proceeding to read, and that he waited to see if somebody else did not want to offer an amendment.

Mr. REED, of Maine. No, Mr. Chairman; but that he thought the Clerk was reading an amendment which was at the desk. As soon as he discovered that the Clerk was reading the bill, or another section of the bill, the gentleman immediately rose, as he claims, to offer the amendment.

The CHAIRMAN. The Chair will state exactly what the Chair understands the gentleman from Kentucky to have said.

Mr. WHITE, of Kentucky. Evidently the Chair misunderstood me, from the statement just made.

The CHAIRMAN. The Chair understood the gentleman to say he supposed there were other amendments on the desk, and that the Clerk would read them, and that therefore he waited, and did not offer his amendment at once.

Mr. WHITE, of Kentucky. I said that I was waiting for the Clerk to read. The Chair will remember that it has been the custom during the past week to read amendments which had been sent to the Clerk's desk, and which were read properly in their order.

Mr. KING. I demand the regular order.

The CHAIRMAN. The Chair thinks the gentleman from Kentucky is too late to offer an amendment.

Mr. WHITE, of Kentucky. Then I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WHITE, of Kentucky. I desire to be heard on the appeal.

Mr. HOUK. I insist the gentleman from Kentucky should be heard, since he has not been heard here this session. [Laughter.]

Mr. WHITE, of Kentucky. I will leave the House to judge as to the pertinence of that remark.

Mr. HOUK. The House can certainly judge as to the propriety of it.

Mr. WHITE, of Kentucky. The whole business here in connection with this bill is an impropriety.

I have appealed from the decision of the Chair because I believe it is our right to offer amendments as the paragraphs are being read. It would have been almost impossible to have taken the floor sooner than I did—almost impossible. The amendment offered by the gentleman from Iowa was accepted so suddenly, and the Clerk was directed to read so suddenly, and proceeded with the reading of paragraph 4 of the bill so suddenly, that it was almost impossible for any man to offer an amendment sooner than I did. And I ask that the reporter may give to the Clerk a memorandum showing how far he had proceeded with the reading when I rose. I know there is a disposition here to hurry the bill through. I know there is a disposition on the part of the chairman of the Committee on Appropriations to help this bill through.

Mr. HEWITT, of Alabama. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEWITT, of Alabama. The gentleman from Kentucky is not discussing the appeal from the decision of the Chair.

The CHAIRMAN. The Chair thinks the point is well taken.

Mr. HEWITT, of Alabama. I hope the Chair will enforce the rule.

Mr. WHITE, of Kentucky. I did not hear at first what the gentleman from Alabama rose for; but what he has said leads me to remark that it is very difficult to tell what his point of order will cover. It is difficult to tell how any gentleman can address himself to a point of order so that it will be understood by the intellect of the gentleman from Alabama. I am not surprised that he raises the question of order.

But the question, coming back to this committee again, is, can a member of this House be cheated—not cheated; I will say deprived of his right to offer an amendment because forsooth the Clerk may read too rapidly? I do not make any charge against the Clerk. He was doing his duty as he understands it. I was doing mine as I understand it. I rose to ask the adoption of an amendment. My amendment is material. It is one affecting the levees of the Mississippi River. In this bill the word "levee" does not occur.

want to put it in the bill that we shall have a report on the separate item of levees; because if the decision of the Chair made on Friday on the Hennepin Canal stands good, and if the decision of the Chair on the canal from the Kentucky River to Savannah, Ga., stands good, then when the chairman of the committee or a member of the committee undertakes to put the Mississippi River back into the bill whether with Eads or without Eads, I propose to raise the point of order on the Mississippi River, and I want to put it right here.

The CHAIRMAN. The Chair asks the gentleman from Kentucky to confine himself to the subject under debate.

Mr. WHITE, of Kentucky. I think I am doing so. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky, here turned and walked up the aisle toward his desk.

The CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative.

The CHAIRMAN. The "ayes" have it, and the decision of the Chair is sustained.

Mr. WHITE, of Kentucky. Mr. Chairman, you can not take me off the floor in that way.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to go back to his desk.

Mr. WHITE, of Kentucky. I went to get my copy of the bill to read from it. That will not do. I have not been heard.

Mr. ANDERSON. I move to strike out the last word.

Mr. DUNN. I make the same point of order, that the reading of the section must be completed before any motion to amend can be made. The reading of the section has not been completed.

The CHAIRMAN. The Chair thinks nothing is in order but reading the balance of the section.

Mr. WHITE, of Kentucky. I appealed from the decision of the Chair.

The CHAIRMAN. And the committee has sustained the decision of the Chair.

Mr. WHITE, of Kentucky. The committee can not vote while I have the floor.

The CHAIRMAN. The committee voted while the gentleman had not the floor.

Mr. WHITE, of Kentucky. I have not yielded the floor, as the whole House knows. [Cries of "Regular order."]

Mr. BROWNE, of Indiana. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. I want to know if in the argument of a question of order a member can occupy the floor any longer than at the pleasure of the chairman.

The CHAIRMAN. It is the opinion of the Chair he can not. There is no settled rule in regard to debate on appeals.

Mr. COX, of New York. The rule is invariable. No member can speak except during the pleasure of the Chair on a point of order.

Mr. WHITE, of Kentucky. This is not a point of order; it is an appeal.

Mr. COX, of New York. Or an appeal. That is in the same category.

Mr. HEPBURN. If that doctrine be correct, the Chair can in every case of appeal prevent the exposition of his own errors.

The CHAIRMAN. The Chair desires to do what is exactly right. The Chair can have no interest in doing otherwise. The Chair knows of no rule that forbids debate on an appeal; but the gentleman from Kentucky was not arguing the question of order, but was discussing the question of the Mississippi levees at the time the Chair put the question, even if it be considered that he was on the floor at that time.

But he had removed himself from the position where he was speaking and had gone back to his desk. The Chair thereupon put the question and the committee voted. The Chair thinks he has been exceedingly liberal to that gentleman and all others in this committee, and he has no disposition to cut off any one. But the rule must be observed that when a particular question is under discussion debate must be confined to that; otherwise there will be no end to our work at all.

Mr. WHITE, of Kentucky. I am sorry the Chair should have made the mistake; but I had not yielded the floor.

Mr. HISCOCK. I desire, with the permission of the Chair, to make a single suggestion. I do not want to antagonize the decision of the Chair as made on this question, but I make this inquiry: When a member has been recognized to speak, is not the only limitation of time he is entitled to the hour under the rule, whether the subject-matter be an appeal on points of order or whatever it is?

Mr. HENLEY. I rise to a question of order. I demand the regular order.

A MEMBER. What is it?

Mr. HENLEY. Whatever it is we shall have it. I want to stop this filibustering.

The CHAIRMAN. The Chair asks the gentleman from Kentucky whether his proposed amendment can be as well offered to the next section—the reading of which had begun?

Mr. WHITE, of Kentucky. It can not; and that was what I proposed to show when the Chair thought I was going to my seat. I was going to my desk to get my copy of the bill and to call the attention of the Chair to the very line where I had intended my amendment should come in.

The CHAIRMAN. The gentleman having made that statement, the Chair will hear him on the point of order only.

Mr. WHITE, of Kentucky. In section 3, which has been read by the Clerk——

Mr. GIBSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. The Chair has submitted the question on the appeal to the vote of the House, and the House has voted upon it by an aye-and-no vote.

Mr. WHITE, of Kentucky. I do not yield the floor.

Mr. GIBSON. And the result of that vote has been announced by the Chair. Now, I do not know by what right when the judgment of the Chair has been sustained on an appeal that question can be reopened.

The CHAIRMAN. The Chair states that the announcement of the result of the vote was predicated on the fact that the gentleman from Kentucky had ceased speaking and had gone back to his desk. He asserts now he had not yielded the floor, but had simply gone to his desk to get a copy of the bill, intending further to illustrate that his proposition was in order.

Mr. GIBSON. Then is the Chair bound to show equities of decision to a member who is openly and apparently consuming time in a debate that does not apply to the question before the committee?

The CHAIRMAN. The Chair can not pronounce that judgment. The gentleman from Kentucky [Mr. WHITE] will be heard further upon the question of order.

Mr. WHITE, of Kentucky. Mr. Chairman, as I have already stated, I had gone to take up my bill (which was not in my hand at the time I was speaking) to show the Chair how the word "levees" inserted in this bill would be of considerable consequence, and it was my intention to offer that amendment. In section 3 of the bill it is provided that the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums——

Mr. DUNN. Mr. Chairman, I call the gentleman to order, and I make this distinct statement: The point of order I made was that the committee had concluded the consideration of section 3 and had passed from it——

Mr. WHITE, of Kentucky. I do not yield the floor, Mr. Chairman.

Mr. DUNN (continuing). And the Clerk had commenced the reading of section 4 when the gentleman from Kentucky [Mr. WHITE] offered or proposed to offer his amendment to section 3. Upon that I made the point that it was out of order because the reading of the next section, section 4, had been commenced, and that point of order the Chair sustained. From the ruling sustaining that point of order the gentleman from Kentucky [Mr. WHITE] appeals, and that is the question he rose to debate. There can be no controversy as to the fact that the reading of the next section had commenced. Now, the rule is the only thing that can govern that question, and the gentleman is not discussing the rules. Therefore I call him to order.

Mr. WHITE, of Kentucky. Mr. Chairman, in reply to the gentleman from Arkansas [Mr. DUNN] I will repeat again what I said before. Perhaps he was in the cloak-room when I made my statement and did not hear it. [Laughter.]

Mr. DUNN. The gentleman is mistaken; I was in my seat, and heard him.

Mr. WHITE, of Kentucky. Mr. Chairman, he seems to be here now, and I desire to say again that the Clerk had barely commenced the reading of section 4, and had commenced it, so far as I was concerned, under a misapprehension, and as soon as I discovered that he had left section 3, I rose to offer my amendment, and the reporter's notes will show that although I spoke several times before I caught the Speaker's eye——

Mr. DUNN. Mr. Chairman, I call the gentleman to order. What the gentleman is saying relates to a fact and is not the discussion of the point of order. Now, if the Chair will entertain a controversy as to a fact upon this appeal it can not be helped.

Several MEMBERS. Regular order.

Mr. WHITE, of Kentucky. Now, Mr. Chairman, if the gentleman from Arkansas will permit me, I will state again that, in good faith, I had risen to offer what I understood to be a substantial amendment——

Mr. DUNN. But the good faith does not relieve the gentleman from the operation of the rule.

Several members addressed the Chair.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] has the floor upon the point of order.

Mr. WHITE, of Kentucky. Mr. Chairman, I do not yield the floor to these gentlemen, and the Chair will oblige me very much by keeping them quiet. [Laughter.]

The CHAIRMAN. The Chair will hear the gentleman if he desires to discuss the question of order on the appeal; if he does not, the Chair must put the question.

Mr. WHITE, of Kentucky. Mr. Chairman, as I have already stated, I believe I had the right, as any member would have the right, to offer an amendment to section 3 of this bill under the circumstances. It has been customary for the Clerk to read amendments from his desk; but a gentleman can offer an amendment from his seat. When the gentleman from Iowa [Mr. HEPBURN] offered his amendment it was almost instantly accepted, and the Clerk was directed to read, and as soon as I perceived that the Clerk was reading a different section I said that I desired to offer an amendment to section 3. And now, to satisfy the Chair, I will tell the Chair what the amendment was.

The CHAIRMAN. It is wholly immaterial what it was.

Mr. WHITE, of Kentucky. Does the Chair now rule that I have not the right to offer an amendment in line 66?

The CHAIRMAN. The Chair has so ruled; and the pending question is on the appeal taken from that decision.

Mr. WHITE, of Kentucky. Well, I am willing to submit it to a vote.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will proceed to finish the reading of the section.

The Clerk read the fourth section, as follows:

SEC. 4. That it shall be the duty of the Secretary of War to apply the money herein appropriated for improvements other than surveys and estimates in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

Mr. JAMES. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 4, line 7, after the word "proposals," by inserting "and shall fully describe the work to be done."

Mr. WILLIS. Mr. Chairman, I hope that amendment will be accepted.

The amendment was agreed to.

Mr. ROWELL. Mr. Chairman, I desire to offer an amendment to come in at the end of the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the section the following:

"*Provided, however*, That the Secretary of War may decline to expend any portion of the money appropriated by this bill if, in his judgment, the improvement for which such appropriation is made will not be a public benefit."

Mr. WILLIS. That is the existing law, and I see no objection to it.

Mr. ROWELL. Then, if there is no objection to it, let it be adopted.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, at the close of the text and immediately preceding the provision just adopted I desire to offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word "material," in line 14, insert the following:

"*Provided, however*, That any money appropriated by this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river, now in progress of improvement as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested.

Mr. WILLIS. Mr. Chairman, I make the point of order that that portion of the bill has been stricken out.

Mr. HOLMAN. Mr. Chairman, I wish to be heard upon the point of order. The bill contains at this time no appropriation for the improvement of the Mississippi River below Cairo. That is conceded. Of course it is not for the Chair to anticipate whether or no the bill will contain such a provision.

The proposition is simply that, if any appropriation be made by this bill for the purpose designated, it shall be applied in a specific manner. Such a provision, it seems to me, can not possibly be subject to a point of order upon the mere ground that the bill in its present form contains no such appropriation; for I submit that it is not for the Chair to anticipate what may ultimately be the provisions of this bill. The amendment simply provides that if there should be in this bill any provision for the expenditure of money on the Mississippi River below Cairo such money shall be expended in a specific manner.

It can not be said that this is subject to the point of order commonly made upon propositions to amend a general appropriation bill; and I believe the Chair has so decided. This is simply a provision limiting appropriations in the bill, if such shall be made, for a particular improvement which is within the scope of the bill. It must be conceded that appropriations may be made by the bill for the improvement of the Mississippi River below Cairo; and a provision that an appropriation of a given character shall be expended in a specific mode is clearly in order.

Mr. BRECKINRIDGE. I wish to make a point of order upon the gentleman from Indiana.

The CHAIRMAN. The gentleman from Indiana is stating a point of order.

Mr. BRECKINRIDGE. Well, I will make a parliamentary inquiry. Can the gentleman offer an amendment having reference to legislation which he thinks may be introduced into the bill?

Mr. HOLMAN. Certainly that is hardly a parliamentary inquiry. It is admitted that such legislation as that upon which the amendment is designed to be a limit may possibly be introduced into this bill. It is not to be assumed that the bill will not contain such legislation. I think the gentleman from Kentucky makes a mistake in attempting to make a point of order upon such a proposition. This bill stands on a very different footing from a general appropriation bill.

Mr. REED, of Maine. I suggest to the Chair that there are still left in the bill appropriations for the Mississippi River. There is one for the harbor of New Orleans, which is only a part of the Mississippi River. I think there is also one for Memphis Harbor, although I am not sure about that.

The CHAIRMAN. The amendment which the gentleman from Indiana presents would be a mere modification, applicable in case the appropriation for the Mississippi River should be voted back into the bill. The Chair therefore suggests that perhaps an arrangement may be made to have a vote upon the amendment of the gentleman from Indiana if the other proposition should be voted upon.

Mr. HOLMAN. I modify my amendment so as to read "That no appropriation made or which shall be made for the improvement of the Mississippi River," &c.

The CHAIRMAN. The gentleman from Indiana does not take the idea of the Chair.

Mr. KING. I make the point of order that this proposition in substance was voted upon several days ago and voted down.

Mr. HOLMAN. No such proposition has been voted on.

The CHAIRMAN. The gentleman from Louisiana will please cite the proposition of which he speaks, with the action thereon. It is impossible for the Chair to remember everything done in the Committee of the Whole.

Mr. KING. I feel confident that there was such action.

Mr. WILLIS. The point of order has been made, first, that there is no matter now in the bill to which this amendment has any application, and to place in the bill a restriction upon legislation which the bill does not contain is an absurdity. In the second place, the point is made that this identical proposition was presented a few days ago by the gentleman from New York [Mr. HISCOCK] and voted down.

Mr. HOLMAN. The gentleman from Kentucky is mistaken.

The CHAIRMAN. The fact that the amendment if adopted would make the bill absurd is no reason it should be ruled out on a point of order. It may be the very purpose of the gentleman from Indiana to make the bill absurd. Whether the amendment shall have that effect is a question for the Committee of the Whole to vote upon. But the Chair was endeavoring to suggest, in order to avoid difficulty, that the committee might agree that if by a vote the Mississippi River provision should be brought back into the bill there should also be a vote in the House upon the proposition of the gentleman from Indiana.

Mr. HOLMAN. I should be perfectly satisfied with that arrangement. I hope gentlemen will agree to that fair proposition. Otherwise those who are anxious to limit this expenditure must press this amendment.

Mr. DUNN. I hope the proposition will not be agreed to. There has never been anything fair coming from the opponents of this bill during this contest, and it is with poor grace that they ask for excessive fairness on our side. If we pass this bill we must do it against all the efforts of its enemies.

The CHAIRMAN. The Chair directs the Clerk to read a paragraph from Jefferson's Manual, page 124.

The Clerk read as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order; for were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress instead of subserving the legislative will.

The CHAIRMAN. Now the Chair desires to state that by amendment the Mississippi River Commission has been stricken out. The only point of order would be that this amendment would be inconsistent with that amendment. The Chair thinks that is not a good reason for refusing to submit to the committee the proposed amendment.

Mr. HOLMAN. I wish to make a single remark in behalf of this proposition.

Mr. BRECKINRIDGE. I desire to make an additional point of order against the gentleman's amendment, and that is that the amendment is not germane to the section upon which we are engaged.

Mr. HOLMAN. Why it is especially so by its very provisions.

The CHAIRMAN. There is no rule requiring an amendment shall be germane to the section provided it is germane to the bill.

Mr. HOLMAN. It is certainly the opinion of some of our engineers as well as of a large body of our people that the plan of improvement of the Mississippi River below Cairo is purely experimental, and up to this time a large portion of the money appropriated from time to time has been employed in repairs of work already done. I am not able to say what percentage, but if gentlemen will examine carefully the reports of the Mississippi River Commission and their subordinates it will be found a large percentage of the money you are appropriating year after year is employed in a great number of repairs.

The two important reaches of the Mississippi River are Plum Point and Lake Providence, one forty and the other sixty miles in length, which require every dollar of the $2,800,000 to complete them. Let us have them completed. Let us see what is to be the effect of this experiment. If successful, then of course the House can with safety proceed to make further appropriation. If, on the contrary, the plan be radically defective, then Congress should have the information upon which to act with intelligence. I trust therefore in the interest of common fairness to the country; in the interest of the integrity of our affairs and good administration in the expenditure of public money, those two great reaches of that river shall be completed, to the end that Congress shall not appropriate money year after year for a plan which may prove in the end an utter failure.

Mr. ANDERSON. I wish to speak on this amendment, and for the reason——

Mr. KING. I object.

The CHAIRMAN. What is the gentleman's objection?

Mr. KING. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KING. I understand the rule under which we are acting requires only three minutes of debate on each side.

The CHAIRMAN. That was applicable entirely to the first section of the bill.

Mr. KING. Under what rule are we now acting?

The CHAIRMAN. Under the general rules of the House. The special rule to which the gentleman refers was applicable only by common consent to the first section of this bill.

Mr. ANDERSON. It has been claimed as one of the chief reasons why this river and harbor bill should pass that the improvement of the Mississippi River does have such an influence on present and future competitive freight-rates that any bill embracing it should receive the approval of this House. When you analyze the proposition of developing water ways you mean by it simply to provide a channel through which vessels can safely pass. If I understand the amendment of the gentleman from Indiana, he proposes that the shoals shall be improved, and he proposes in that part of the river where navigation is to-day impeded the channel shall be opened. Then he proposes as to the rest of it that a brake shall be put upon the expenditure of public money.

There has not been for one hundred years any lack of water for vessels in the lower Mississippi. There is none to-day. You can take any steamer you please and run it through those channels where the snags have been removed and where possibly an occasional bar has been cleaned out. In my judgment, the proposition to expend one, two, three, four, five, or one hundred millions of dollars for deepening a channel already dug is simply pouring water into a rat-hole, which seems to be a type of Democratic economy.

For that reason I wish a remedy that will give us a free channel for practical navigation of that river, and will stop the expenditure of public money for the protection of private property in the lower region.

It seems to me if you look into the amount of money which must be expended in the future, if you maintain the present policy, it will run into hundreds of thousands of millions of dollars. The amendment of the gentleman from Indiana proposes you shall to-day, as to that part of the Mississippi River which needs improvement, improve it. But as to that part which does not need it you shall cease to throw the people's money away. That precisely, in my opinion, is what is being done in part of this bill, and especially in reference to the Mississippi River.

Mr. HOLMAN. I wish to ask the gentleman from Kentucky if this proposition is not pressed at this moment whether he will permit a vote on it in the House if the Mississippi River Commission be admitted?

Mr. WILLIS. I have no objection to that.

Mr. HOLMAN. With that understanding, that an opportunity will be offered before the previous question is called in the House, I shall withdraw it for the present.

Mr. HEPBURN. What is the gentleman's understanding?

Mr. HISCOCK. Do I understand the gentleman from Indiana assumes to withdraw the amendment?

The CHAIRMAN. The Chair understands the gentleman from Indiana as simply stating that the gentleman from Kentucky [Mr. WILLIS] will help to get a vote on his amendment in the House if the other amendment is put in the bill.

Mr. HISCOCK. How would such an arrangement be possible when one single objection would prevent such action in the House?

The CHAIRMAN. If it be an amendment, it would have to be carried here so as to make it in order in the House. It would have to be reported, in other words, from the committee to the House.

Mr. DUNN. But if the gentleman from Kentucky allows it to be offered in the House, would not that meet the difficulty?

Mr. HISCOCK. Here is the difficulty: Suppose we go into the House, and whether the proposition in reference to the Mississippi River which was stricken out is voted in or out, a single objection prevents a vote on this proposition of the gentleman from Indiana.

Mr. HOLMAN. On what ground?

Mr. HISCOCK. Because it is not offered by the committee.

Mr. HOLMAN. But if it is offered before the previous question is called upon the bill, why is it not in order?

Mr. WHITE, of Kentucky. Let us have a vote on it now; that is the way to settle it. [Cries of "Regular order!"]

Mr. HISCOCK. I shall insist upon a vote now.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana——

Mr. HOLMAN. Mr. Chairman, I prefer a vote in the House, and I understand that I have the right, under the consent given by the chairman of the committee, to offer this amendment before the previous question is called. The committee agree that it shall be admitted.

Mr. BRECKINRIDGE. Not that it shall be admitted.

Mr. HOLMAN. That it shall be admitted to a vote, I mean, as an amendment. It is to be offered as an amendment and voted upon in the House.

Mr. WILLIS. There is no objection to that.

Mr. BRECKINRIDGE. But I do not want it to be understood that the committee accept it. I do not want any misunderstanding about it.

Mr. HOLMAN. Not that the committee accept it, but that they agree that a vote may be taken in the House upon it. With that understanding I withdraw the amendment.

Mr. WHITE, of Kentucky. Then I renew it. We had just as well settle this question here and now. This proposition of the gentleman from Indiana is so clearly just and proper that there is no use in waiting to see whether the Mississippi part of this bill, which on my motion some days ago was stricken out and agreed to by the chairman of the committee, is to go in or not. It is unnecessary to wait to see what is to be done with that before the amendment of the gentleman from Indiana is voted upon to this bill. It ought to be in the bill whether the chairman of the committee accepts it or not.

Mr. BAYNE. Let me ask the gentleman a question.

Mr. WHITE, of Kentucky. Yes, sir.

Mr. BAYNE. Would it not be far better to have the proposition voted on by a yea-and-nay vote in the House than to allow it to undergo peril here in the committee?

Mr. WHITE, of Kentucky. It does not undergo peril.

Mr. BAYNE. I think it is better to have a vote in the House.

Mr. WHITE, of Kentucky. That is a question of opinion.

Mr. HISCOCK. I wish to make this suggestion, and I ask the attention of the gentleman from Indiana to it. Suppose we get through the bill, and a motion is made that the committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out, and suppose that motion is carried. As the bill stands now I would probably vote for that motion. If Judge HOLMAN's amendment is incorporated in the bill it would very decidedly change my opinion as to whether it should become a law or not, or whether that motion should be carried or not.

I think it quite likely that this bill may be passed through here in such form that a motion to strike out the enacting clause would carry. I desire the bill to be bettered, so that I can support it. I am very much in favor of a river and harbor bill and a liberal bill, if properly prepared. But I want this bill very much amended, so that I can support it. This amendment I regard as very important.

Mr. WILLIS. I ask a vote.

The CHAIRMAN. The time of the gentleman from Kentucky has not expired.

Mr. WILLIS. I thought it had.

Mr. WHITE, of Kentucky. I want to get this idea before the committee: that one very important part of the bill is in the background for a purpose——

Mr. KING. Regular order.

The CHAIRMAN. The regular order is the right of the gentleman from Kentucky to finish his remarks.

Mr. KING. How long will you allow him?

The CHAIRMAN. One minute.

Mr. WHITE, of Kentucky. I do not wish my time occupied in this way.

The CHAIRMAN. The time thus occupied will not be deducted from the time of the gentleman.

Mr. WHITE, of Kentucky. Now, I want the committee to bear in mind that the most outrageous proposition in this bill is yet in the background; and the committee can well afford to say to the gentleman from Indiana, "You just wait," "Wait for the proper time, and you shall have a vote on your proposition." In response to that I say we will not wait. We will settle it here and now. If you want to bring back here a proposition in this abominable Mississippi appropriation to drive a peg in which will allow you to expend a hundred or two hundred millions of dollars and throw it away to destruction, I shall not help to drive that peg in. Let us settle the question now. Let us have a vote. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. WASHBURN. I ask that it be reported.

Mr. WILLIS and other members objected.

Mr. REED, of Maine. I think the objection comes too late. This is a new amendment, and has not been read. It is an amendment of the gentleman from Kentucky [Mr. WHITE].

The CHAIRMAN. The gentleman from Kentucky said he renewed the amendment.

Mr. REED, of Maine. Does not that entitle us to a rereading of it?

Mr. HISCOCK. I move to strike out the last clause of the amendment.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is recognized.

Mr. HISCOCK. Now I ask to have that amendment read in my time.

Mr. REAGAN. The gentleman from New York asks to have the amendment read in his time. How did he get the floor?

The CHAIRMAN. The gentleman from New York obtained the floor by moving to strike out the last clause of the amendment.

Mr. WILLIS. But the committee was dividing. The Chair had put the question.

The CHAIRMAN. The Chair thinks it will save time to have the amendment read. The Clerk will read the amendment.

The amendment was again read.

Mr. HISCOCK. I withdraw my amendment.

Mr. HEPBURN. I renew the amendment.

I want to remind the House before we vote on this question that up to this time there has been no settled plan that any one is now at work upon; that there was a scheme for the improvement of the Mississippi River which the gentleman from Arkansas [Mr. BRECKINRIDGE] the other day told us had been departed from to such an extent as to destroy the possibility of good results following appropriations.

I want to further remind the House that these improvements by every engineer so far as I know, and at least in every report of the commission, have been declared to be experimental; that no man has yet said that satisfactory results will follow their efforts. We are constantly reminded that they are experimenting. We are constantly told that there are doubts of success. We know that the commission itself has no power, or at least has not exercised it, of informing the country and Congress what sums would indeed be expended.

The first estimates for the initial work told us that one million and a quarter dollars would be needed to complete two of the reaches in their initial work. Finally they told us that two and a half million dollars would be needed to accomplish the work entirely. Now one of the commission (Colonel Comstock) tells the country that three times that sum would be needed. And the gentleman from Arkansas [Mr. BRECKINRIDGE] told us the other day that although there had been these large expenditures more than the original estimates, still there had been nothing satisfactorily accomplished, and there was no hope of ultimate success if the policy of the commission should be continued.

Now, in view of these facts, in view of the absence of earnest declaration that good results shall certainly follow, and in view of the repeated declarations that the efforts of the commission are simply in the nature of experiments, is it not wiser to confine expenditures to 63 miles of the river than to make them extend over 1,085 miles of the river?

[Here the hammer fell.]

Mr. BRECKINRIDGE. I shall make no formal reply to the remarks of the gentleman from Iowa [Mr. HEPBURN]. But I want to put on record that the reason I do not is to economize time. I want to get through this bill. The gentleman's statements are full of errors as far as I have been able to hear them, but it would take a great deal of time to reply to them.

Mr. HEPBURN. I hope the gentleman will point out the errors he refers to.

Mr. BRECKINRIDGE. They have already been pointed out.

Mr. HEPBURN. I beg to say that I have made no misstatements as to this matter. I have simply quoted the reports of the commission and declarations of members of the commission.

The CHAIRMAN. The gentleman from Iowa is out of order. His time has expired. Does the gentleman from Iowa desire a vote on his amendment?

Mr. HEPBURN. I withdraw it.

Mr. REED, of Maine. I renew it.

The CHAIRMAN. The gentleman from Maine [Mr. REED] is recognized.

Mr. BRECKINRIDGE. I had the recognition of the Chair.

The CHAIRMAN. The Chair begs pardon.

Mr. BRECKINRIDGE. I make the motion that the committee rise for the purpose of limiting debate.

Mr. REED, of Maine. The gentleman had not the floor for that motion. I was recognized.

The CHAIRMAN. The gentleman from Arkansas had the floor, and stated he did not wish to debate the amendment. He states now he moved that the committee rise.

Mr. REED, of Maine. The gentleman did not have the floor for that purpose, but for the purpose of debate.

The CHAIRMAN. If the gentleman from Arkansas desires to make that motion the Chair recognizes him.

Mr. BRECKINRIDGE. I make that motion.

Mr. REED, of Maine. I do not think that that is a wise course.

Mr. WILLIS. I ask my friend from Arkansas [Mr. BRECKINRIDGE] not to insist on that. I have endeavored to take charge of the bill and I ask him now, upon the understanding that after the speech of the gentleman from Maine [Mr. REED] we shall have a vote, to withdraw the motion that the committee rise. After that let us have a vote. The House understands that the vote was actually being taken when the gentleman from New York [Mr. HISCOCK] took the floor and had the amendment read in his time. There have been two speeches on that side, which with that of the gentleman from Maine should be considered enough; and I ask that at the conclusion of his remarks we shall have a vote as a matter of fair play.

Mr. BRECKINRIDGE. There is no fair play extended to the bill, and I do not want the Chair to put the request suggested by my friend from Kentucky [Mr. WILLIS].

The CHAIRMAN. Does the gentleman from Arkansas insist on his motion being put?

Mr. BRECKINRIDGE. I do.

The question being put on the motion that the committee rise, it was decided in the negative.

Mr. REED, of Maine. I renew the amendment.

I hope the House fully understands that this amendment which is now pending is the amendment offered by the gentleman from Indiana [Mr. HOLMAN]. It seems to be a plain business proposition, which this House ought to concur in.

The great point of my opposition, as an individual, to this bill has been that it was still further involving this country in expenditure upon an experiment the nature of which we have not been permitted to prove. I have objected to it because we were going on to spend an immense sum of money, to wit, the sum of $150,000,000, for an improvement which may turn out to be no improvement at all. I have always believed that we ought to confine the expenditure in the first instance to an experiment; and surely the experiment proposed here is large enough, for it embraces a length of river the equal of sixty-three miles, which is a large proportion of the entire length of the Mississippi River.

Now, if gentlemen really desire to pass this river and harbor bill, the course that will give it the most strength will be to show to the House and to the country that we are governed by sound business principles, looking to the navigation of a river and not to a wholesale expenditure of a wholesale appropriation. Of the parts of the river and harbor bill to which alone I have had objection (if I may be allowed to give my own personal views on the subject) one has been already stricken out, the others were lower Mississippi improvement and the proposed Galveston expenditure. With those out I think the bill would have met the approval of the House long ago.

I think it is not too late for us now to take the right course with regard to this measure. It is a plain proposition I repeat again, not a proposition to launch this country into boundless expenditure, but a proposition to fairly try the claim which has been made by engineers that they can harness this mighty river. There are a great many people who believe that it can not be done, who believe that all these experiments will result in failure. Is it right, then, to go ahead in defiance of sound sense, in defiance of reasonable skepticism, and commit ourselves year after year more and more to expenditures which even the conservative member of the committee [Mr. BRECKINRIDGE] says will be $150,000,000? [Cries of "Vote!" "Vote!"]

Mr. WILLIS. I hope we shall now have a vote.

Mr. THOMAS rose and addressed the Chair.

Mr. BRECKINRIDGE. Mr. Chairman, I will yield only for a vote.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. BRECKINRIDGE] claim the floor to reply?

Mr. BRECKINRIDGE. I have the floor, I believe.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas.

Mr. BRECKINRIDGE. I will yield the floor for a vote.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] can not cut off other gentlemen from debate by yielding the floor for a vote. If he desires to speak the Chair will hear him for five minutes.

Mr. BRECKINRIDGE. Mr. Chairman, the gentleman from Maine would perform the operation, of which I have sometimes heard mention, of extracting from a body its spinal column and all its bones, and then letting it march through this House in mucilaginous majesty. [Laughter.] That is the condition into which he proposes to put this bill.

Mr. THOMAS. Mr. Chairman, in reply to the statements repeatedly made on this floor that the works of improvement on the Mississippi River are simply and purely experimental, I want to say, after a most thorough investigation of the matter, not only by means of the reports of the commission, but by personal investigation, by traveling from Cairo to the Gulf and examining the works of the commission, that those statements are unfounded. I want to deny most emphatically the assertions which the gentleman from Maine [Mr. REED] and the gentleman from Iowa [Mr. HEPBURN] have made here, that those works are merely experimental.

Mr. HEPBURN. Will you allow me to interrupt you for a moment?

Mr. THOMAS. No; not when I have only five minutes.

Mr. HEPBURN. I simply want to suggest——

Mr. THOMAS. I decline to be interrupted.

Mr. Chairman, the work at Plum Point has changed the channel of the river from five feet deep at low water to fifteen feet of water throughout the whole length of thirty-two miles, and what was a broad and almost barren bar when this work began has been brought down to the legitimate width of the river, with water of sufficient depth for the passage of the largest boats from one end of that reach to the other. With reference to the Lake Providence reach, the report of the commission shows that the work there is well-nigh done, and that instead

of six feet throughout that thirty miles, there are to-day from fifteen to seventeen feet of water; that the works are stable, that they have not been destroyed, and that they are proving a complete success. Instead of having only six feet of water, the largest steamer that floats from New Orleans to Cairo or Saint Louis can pass unobstructed through the whole length of that reach. Yet, in the face of these facts, which the report of the commission shows, in the face of the facts which the current newspapers of the day show, in the face of the facts which the commerce of the country shows, gentlemen stand up here and persistently and repeatedly assert that these works have been a failure, although every fact before us shows that they have been a success wherever the original plan of the Mississippi River Commission has been adhered to. At Plum Point, at Lake Providence reach, at Horsetail bar, and at several other places along the river, the original plan has been adhered to, and the most perfect success has followed. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. I move to strike out the last word. I do that simply to call attention to the disagreement between the doctors. I have a great deal of confidence in the opinions of my friend from Illinois [Mr. THOMAS]. I know that he has devoted his attention to the science of hydraulic navigation as well as to the construction of a navy. I know that he has been all over the country filling his mind with valuable information upon these varied subjects [laughter], but I undertake to say that he can not find one report of the commission in which they themselves do not declare their work to be experimental. And, as bearing upon that question, let me call attention to the language of the gentleman from Arkansas [Mr. BRECKINRIDGE], uttered only a half dozen days ago in this House. He says:

At the very inception of the great marine works of America, some ten years ago, the gentlemen in charge of those works, instead of sitting like Paul at the feet of Gamaliel to learn of those who had made a special study of this business, got into an unfortunate wrangle—our military engineers upon the one hand, and the civil and hydraulic engineers and the balance of mankind and the laws of Almighty God upon the other hand. The result has never been shrouded in a particle of doubt.

There is not on earth, with all the magnificent sea-works that exist, some of them over a century old, a single one embracing any one of the essential features of these submerged fascine works in salt water, where there is no mud or silt-bearing stream. There is nothing to countenance such a system. I have seen it mentioned but once in the annals of high foreign authority, and then with ridicule. Having gone into this line of experiments, they have brought the work on the Mississippi River to-day to a point where, as I can show by turning to their reports and as I briefly outlined in my remarks the other day, and as I will show in my printed remarks, as promised, by clear citations of the text, they propose and practice a plan of work which is a complete and radical abandonment of the original plan for improving that great river, and their wretched experiments are attended only with failure. They forced an eminent civil engineer off the commission; and they have now a plan of operations sketched out to spend, as stated by the gentleman from Maine [Mr. REED], $150,000,000. The calculation is a very plain one; and there is not in any of their work a guarantee that it will last twelve months.

This incubus of untrained engineers——

Mr. REED, of Maine. I am glad to hear the gentleman say that. I hope his statement will receive the attention of the House.

Mr. BRECKINRIDGE. Your statement is correct.

A MEMBER. In what?

Mr. BRECKINRIDGE. I will show you in what. They have put the cart before the horse, and brought it to a point where they propose to carry on a systematic course of revetment to prevent caving, instead of contracting, as a condition precedent, the shoal places in order to bring about uniformity of width, uniformity of depth, uniformity of velocity, thereby minimizing excessive depth and excessive velocity, the causes of the caving. And their calculations are, in round numbers, that the system will cost $150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar; you have, I say, a thousand miles at $150,000 a mile, making an aggregate of $150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Therefore I have agreed with those who have urged that this incubus of mediocrity of untrained engineering talent in this line be taken off that river, or in some way subordinated, and it be put back to the original plan adopted by Congress which Captain Eads formulated, and which, clear in reason and sustained in practice, has never failed. That is in strict accordance with the safe, ascertained laws of hydraulics throughout the world, as indorsed by the most eminent hydraulic engineers, as both in harmony with science and common sense. In no place where it has been carried on has it been a failure, while in no locality where these experiments have been carried on have they been a success. They have brought that grand river and its improvements to the verge of collapse. We have got to that point at which this school of untrained men in this specialty, who in this and other important works have abandoned the beaten track in this regard, have shown, that in their wretched quarrels pique has been stronger than reason, and they have brought the public interest into this direful state of suffering.

That is the language of the gentleman from Arkansas [Mr. BRECKINRIDGE]. That is his opinion in regard to these experimental works. Now, who is to decide? Here is one gentleman of the committee urging that there is no experiment about it, urging that the works are a success, urging that all the improvement needed in certain places has been accomplished. Then, on the other hand, here is another member of the committee, a gentleman living in a State bordering upon the Mississippi River, who tells us that the operations of the commission have resulted in wretched failure. Whom are we to believe? And yet, with this evidence before the House, to say nothing of the reports of the commission themselves, these gentlemen are not willing that one of these experiments shall be tried to its conclusion before this vast expenditure is incurred. Why does the gentleman from Illinois [Mr. THOMAS] demand that along the whole course of this great river the efforts of the commission shall be spread out? Why not concentrate them at some one point? If success attend the effort there, then all the House will be glad to join hands in voting appropriations to carry the whole work to a conclusion. But let us not go on in this way. There was an attempt made in the last Congress to limit this work to the two reaches. The opinion of many gentlemen was given——

[Here the hammer fell.]

Mr. BRECKINRIDGE. I yield to the gentleman from Illinois [Mr. THOMAS].

Mr. WILLIS. I appeal to the friends of the bill——

Mr. THOMAS. I take the floor simply to call attention to the fact——

Mr. WILLIS. We want to finish this bill this evening, and I appeal to the friends to let us vote.

Mr. THOMAS. I believe I have the floor.

The CHAIRMAN. The gentleman has the floor and will not be interrupted without his consent.

Mr. THOMAS. I take the floor simply for the purpose of saying that instead of there being a disagreement between "the doctors," as the gentleman ironically called the members of the Committee on Rivers and Harbors, there is no disagreement between the gentleman from Arkansas and myself. His remarks applied to other sections of the river than Plum Point reach and Providence reach. He has so stated time and again. I confined my remarks to the improvements which have been made at Plum Point reach, Providence reach, and another point on the upper Mississippi where the same plan has been pursued with similar success. As to other points on the river, I did not discuss the policy pursued at present by the Mississippi River Commission, but agreed that at many points they had made mistakes. Therefore it was that I urged the amendment providing that the work done on the Mississippi River should be confined to the original plan of the Mississippi River Commission, which was to remove the bars instead of revetting the banks.

Mr. HEPBURN. Do you not advocate in your minority report the building of the levees——

Mr. THOMAS. Yes, sir; I do.

Mr. HEPBURN. And everything that the extremists have insisted upon?

Mr. THOMAS. I advocate the building of the levees, if necessary to improve the low-water navigation; and if it reclaims as a consequence the 45,000 square miles of alluvial lands in the Mississippi Valley I shall not object on that account; for I am willing to take a double blessing, if it brings us free navigation of the Mississippi River and at the same time reclaims a section of country which has capacities for supporting an empire—the most magnificent stretch of country in the world. But primarily I am in favor of this improvement for the purpose of improving the navigation and benefiting the commerce of the Mississippi River.

Mr. REED, of Maine. If this was a success, why did you call in Captain Eads?

Mr. THOMAS. I did not call him in.

Mr. REED, of Maine. The committee did.

The CHAIRMAN. The question is upon the *pro forma* amendment of the gentleman from Iowa [Mr. HEPBURN]. Does he desire a vote on that proposition?

Mr. HEPBURN. I withdraw the *pro forma* amendment.

The question recurring on the amendment of Mr. WHITE, of Kentucky, there were—ayes 131, noes 64.

Mr. KING. Tellers.

Mr. BRECKINRIDGE. Oh no; we will take a vote in the House.

The CHAIRMAN. There need be no reservation for that purpose. Does the gentleman from Louisiana insist on tellers?

Mr. KING. I withdraw the demand, with the understanding that a separate vote be taken on this amendment in the House.

The CHAIRMAN. That can be had in the House without the necessity of any reservation. The amendment is agreed to.

Mr. HEPBURN. I have another amendment.

Mr. WILLIS. Now I hope my friend will let us pass this bill at once.

Mr. HEPBURN. I ask that my amendment be read by the Clerk.

The Clerk read as follows:

Insert the following, preceding the amendment just adopted:

"And the Secretary of War shall withhold such portion of the contract price as will pay all sums due for the labor performed on any improvement until it be satisfactorily shown that all laborers are fully paid."

Mr. WHITE, of Kentucky. There ought to be no objection to that.

The question being taken, the amendment was agreed to, there being—ayes 126, noes 11.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. BEACH having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendments of the House to the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 8030) making appropriation for the Agricultural Department for the fiscal year ending

June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. PLUMB, and Mr. CALL.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk began the reading of section 5.

Mr. WHITE, of Kentucky. Section 4 has not yet been read.

The CHAIRMAN. The gentleman from Kentucky is mistaken. Section 4 was read and three amendments to it were adopted.

Mr. WHITE, of Kentucky. I sent my amendment to the Clerk's desk——

Mr. REAGAN. I protest against the rules being violated all the time. The reading of a new section had commenced——

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] will understand that the Clerk had possession of an amendment from the gentleman from Kentucky——

Mr. WHITE, of Kentucky. The identical amendment——

The CHAIRMAN. The Chair will state the matter. The gentleman from Kentucky placed in the hands of the Clerk an amendment——

Mr. REAGAN. He now places it in the hands of the Clerk.

The CHAIRMAN. He had done so before.

Mr. REAGAN. Where is it?

The CHAIRMAN. The Clerk has it in his hand.

Mr. THOMAS. I rise to a point of order. I submit that placing an amendment in the hands of the Clerk is not the offering of an amendment under the rules. The modified rule authorizing the sending of amendments to the Clerk's desk applied only to section 1. As to these other sections the ordinary rules apply. An amendment must be offered while the section to which it applies is before the committee. I submit that, this amendment not having been offered until the Clerk was proceeding to read the subsequent section, it comes too late.

The CHAIRMAN. The Chair is simply trying to arrive at the facts.

Mr. WHITE, of Kentucky. I desire to say I sent up an amendment when the fourth section was read, but the Clerk, mistaking, said that section had not been read, and I have been waiting to have it read so I may offer an amendment.

The CHAIRMAN. The fourth section was read long ago. The amendment of the gentleman from Indiana was offered and discussed, and there was finally an agreement about it, when it was withdrawn. The gentleman from Kentucky renewed it, when it was adopted. Other amendments were also added to the section. The Chair is informed the gentleman from Kentucky merely told the Clerk he had an amendment to offer at the right time.

Mr. WHITE, of Kentucky. I sent it to the desk.

The CHAIRMAN. The Chair sustains the point of order on the ground that the mere sending to the desk of amendments is not controlled by the prior order of the House as to section 1.

Mr. WHITE, of Kentucky. I offer it now as a new amendment.

Mr. WILLIS. I ask that section 5 be finished.

The Clerk read as follows:

SEC. 5. That a board, to be called the United States harbor board, is hereby temporarily created, to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate. Two members of said board shall be appointed from the Engineer Corps of the Army, one from the Coast Survey, and four from civil life, all of which latter number shall be civil engineers, eminent in their profession; and the President shall designate one of said board to act as its president; and the Chief of Engineers is hereby recommended as one of the two members to be selected from the Engineer Corps, if consistent with the discharge of his present duties. It shall be the duty of the said board to visit all works now being constructed by the Government for the improvement of outlets to the sea by means of what is known as the jetty system, and it shall thoroughly examine into all such plans now being prosecuted at said works, and it shall report upon the same to the Secretary of War, which report shall be transmitted to Congress at its next regular meeting in December; and it shall embrace such remarks and recommendations relative to the correctness of the plans and methods by which said improvements are being prosecuted, together with such plans, modifications, and estimates for the proper improvement of said outlets and harbors, as said board may deem necessary to secure permanent and substantial relief to commerce.

Mr. HISCOCK. Has the section been read?

The CHAIRMAN. Only the first paragraph has been read.

Mr. WHITE, of Kentucky. I move to strike it out.

Mr. HISCOCK. Having reached this section, are we not proceeding under the general practice of considering the bill by paragraphs?

The CHAIRMAN. That is true.

Mr. HISCOCK. Very well; then I move to strike out that paragraph.

Mr. ANDERSON. I make the point of order on that paragraph.

Mr. WILLIS. This whole section relates to one single subject, and I suggest it be read, and then you can make amendments to it.

Mr. HISCOCK. It is understood points of order are reserved to each paragraph?

Mr. WILLIS. Certainly.

Mr. HISCOCK. And each paragraph can be considered after the section has been read through?

Mr. WILLIS. Certainly.

Mr. ANDERSON. I object.

Mr. BAYNE. Amendments are to be offered to each paragraph.

The CHAIRMAN. The whole section is to be read, and then amendments to each paragraph or any part of it, and all points of order to the whole section or any part of it will be in order. Is there objection?

Mr. WHITE, of Kentucky. I object. I find this section not only relates to the Mississippi River, but to Galveston Harbor.

Mr. HISCOCK. It is understood we can go back to any paragraph when we get through the section, and I hope the gentleman will withdraw his objection.

Mr. WHITE, of Kentucky. I ask the Chair to state what the understanding is.

The CHAIRMAN. It is that the whole section shall be read, and then all points of order or amendments which would be in order to either paragraph shall be in order to the whole section or to either paragraph.

There was no objection; and it was ordered accordingly.

The Clerk read the remaining part of the section, as follows:

The members of said board shall be paid at the rate of $5,000 per annum, except that those members appointed from the permanent service of the Government shall receive no other salary or compensation than is now allowed by law; and the existence of this board shall expire at the end of one year from the date of its appointment and organization.

The Secretary of War is hereby authorized and instructed to detail an officer of the Engineer Corps of the Army to act as secretary of said board, upon being requested by it so to do, and likewise to extend to it all facilities in the way of maps, charts, instruments, books, reports, &c., that it may require and that may be at his disposal; and said board shall complete all necessary examinations, observations, and inquiries upon which to base plans for the proper and permanent improvement of said river and harbor outlets.

The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which shall be expended by said board under the direction and control of the Secretary of War.

Nothing in this act shall be construed to relate to the harbor at Galveston, in the State of Texas.

The CHAIRMAN. The Chair will hear gentlemen on the points of order.

Mr. WILLIS. I ask the gentleman to let me move an amendment to have three from civil life and three from the Army.

There was no objection, and it was ordered accordingly.

Mr. BRECKINRIDGE. I move to correct a misprint. That is, to strike out lines 47 and 48, which are in the bill by mistake.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. There is also pending, I understand, a motion to strike out the paragraph?

The CHAIRMAN. There is.

Mr. HOLMAN. While that amendment is pending I move to strike out all after the word "members," in the third line, down to the word "provision," in the eighth line.

Mr. HISCOCK. I desire to be heard a moment on the point of order.

The CHAIRMAN. No point of order has yet been made.

Mr. HISCOCK. I understood one to be made by the gentleman from Kansas [Mr. ANDERSON].

Mr. WHITE, of Kentucky. I move to strike out the first paragraph.

The CHAIRMAN. The Chair will state the situation. Several gentlemen said they wished to make points of order upon the section. Then the agreement was entered into, but no gentleman has stated a point of order.

Mr. DUNN. But points of order were reserved.

Mr. HISCOCK. Yes, sir; distinctly reserved.

The CHAIRMAN. The Chair knows that fact, and desires now if anybody has a point of order that it may be stated.

Mr. HISCOCK. I will make the point of order, then, that the Committee on Rivers and Harbors have no jurisdiction of this legislation.

Mr. WILLIS. I ask if the point of order can now be made? Had we not passed to the consideration of the section?

The CHAIRMAN. The Chair hardly thinks so. By unanimous consent lines 47 and 48 were stricken out, not by way of amendment, but because they had been improperly printed in the bill. The Chair will hear the gentleman from New York on the point of order.

Mr. HISCOCK. I desire to call the attention of the Chair to paragraph 8 of Rule XI:

To the improvement of rivers and harbors: to the Committee on Rivers and Harbors.

Now, sir, I suppose that means such appropriations as are to be expended according to and under the ordinary machinery of the Government. If it does not mean that what does it mean?

Mr. DUNN. If the gentleman will read the first part of the rule he will see what it means.

Mr. HISCOCK. But here we have formulated a code of laws, permanent legislation, looking to the creation of a new board, and all that sort of thing, by this provision of the bill.

Hence it seems to me to be clear that legislation upon those subjects is not contemplated by this rule, and is subject to the point of order.

The CHAIRMAN. The Chair will hear from any gentleman who thinks that this is proper on the bill.

Mr. WILLIS. We submit to the Chair without discussion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. That point of order extends, I presume, to line 46?

The CHAIRMAN. It strikes out all of section 5.

Mr. WHITE, of Kentucky. I now offer the amendment which I have tried twice before to offer.

The Clerk read as follows:

That it shall be the duty of the Secretary of War to give a detailed statement of how much money has heretofore during each of the fiscal years been expended by the Government for the repair or construction of any levees on the Mississippi River, either directly or indirectly, from the head of the passes to the mouth of the Ohio River.

Mr. WILLIS. I make the point of order on that amendment, and ask a ruling of the Chair upon it.

Mr. WHITE, of Kentucky. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. WHITE, of Kentucky. Mr. Chairman, on the point of order I wish to say that already in section 3 and in section 4 of this bill I have found places where I think the amendment would have been proper, and where I tried to offer it. It is the same amendment, with a verbal change, that I tried to offer at section 3 and also section 4 of the bill.

In the third section, in line 7, you will see that it is the duty of the Secretary of War to give a detailed statement of the work done, which is very general in its terms. He shall also report the contracts made, the expenditure incurred, &c. Now, my amendment, if I could have offered it there, would have made it requisite for him to furnish a detailed statement of how much money was expended for levees. I could show by reports that a reference is made to the money expended for levees, but no detailed statements are furnished, it being connected with other matters. This amendment, therefore, proposes that he shall show just how much has been spent or may be expended on the levees in future.

Again, in the fourth section I could have offered the same amendment, and I am sure no point of order could have been sustained against it. It is in the same spirit that the third section is placed in the bill that I offer this. The reason I offer it as an additional section is because I failed to get the floor to offer it as a verbal amendment to these paragraphs. I think it is in order. If the third or fourth sections of the bill are in order, this is undoubtedly so.

The CHAIRMAN. The proposed amendment has no relation to the expenditure of money for the improvement of the rivers and harbors, but simply seeks information as to what has been expended in past years. It is out of order.

Mr. WHITE, of Kentucky. Not only past years, Mr. Chairman, but what may be expended under the application of this bill in the future.

The CHAIRMAN. The further seeking for information is out of order on this bill. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the proviso contained in section 4 of the act of July 5, 1884, in regard to the improvement of the Yadkin River, North Carolina, and the acquiring of the right of way, &c., is hereby repealed.

SEC. 7. That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now or hereafter to be constructed over any of the navigable waters of the United States, under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of insufficient height, width of span, or otherwise, or of difficulty in passing the draw-opening or the raft-span of said bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, on the presentation to him of a complaint, under oath, by any citizen of the United States, in such form as he may prescribe, to report the case to the United States district attorney for the district in which said bridge or other obstruction is situated; and it shall be the duty of said district attorney immediately to require the party responsible for such obstruction, or his agent, to remove it within a reasonable time, and in the event of the continuance of said obstruction to institute proceedings at once, by information or complaint, in the United States district or circuit court for such district, for the condemnation of such bridge or other obstruction to navigation, jurisdiction in the premises being hereby expressly given to such United States district or circuit courts; and if said court shall find and adjudge said bridge to be an obstruction, said judgment shall be certified at once to the Secretary of War, who shall, without delay, order the same to be altered or rebuilt of sufficient height and to have sufficient width of span so as not to obstruct free navigation, with such aids to the passage of said draw-opening, or of said raft-span, or of both, to be constructed, placed, and maintained, at the cost and expense of the owner of such bridge or other obstruction, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water craft safely through said opening or span, or both said opening or span, as shall be specified in his order in that behalf; and on completion of said work he shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute a suit for indemnity in the name of the United States, in any circuit or district court of the United States in which such bridge, or any part thereof, is located, against the party in default, who shall be liable for double the damages and costs recovered therein, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States: *Provided*, That such sum of money as may be necessary to execute the provisions of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid on the requisition of the Secretary of War: *Provided further*, That no greater sum than $15,000 shall be required to be expended upon any one bridge in a single year.

Mr. KEAN. I desire to make a point of order on this section 7. My point of order is that the Committee on Rivers and Harbors have no jurisdiction of this subject. It is a subject that has been already referred to the Committee on Commerce, and the Committee on Commerce have reported a bill in the same terms as this section, which bill is on the Calendar. I therefore make the further point of order that this is the substance of a pending bill.

Mr. WOODWARD. I wish to make one remark on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WOODWARD. The bill to which the gentleman from New Jersey [Mr. KEAN] has alluded was referred to the Committee on Commerce at the last session of Congress and was reported to this House by that committee favorably. But subsequently, when the river and harbor bill went to the Senate, the Senate placed that bill, or the substance of that bill, which had previously been passed by that body, on the river and harbor bill as an amendment, and it is now section 8 of the river and harbor bill of last session. The gentleman from New Jersey is mistaken in referring to the bill as being now on one of the Calendars of this House. It was enacted into law as section 8 of the river and harbor bill at the last session. This is a modification of that section as now proposed by the Committee on Rivers and Harbors.

Mr. O'NEILL, of Pennsylvania. There can be no doubt that this section is not in order, and that it should be ruled out on the point of order made by the gentleman from New Jersey.

Mr. HISCOCK. I would like to inquire of some gentleman who knows all about it——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. O'NEILL] holds the floor. The gentleman from New York can make his inquiry after the gentleman from Pennsylvania shall have yielded the floor.

Mr. O'NEILL, of Pennsylvania. The jurisdiction over the subject embraced in this section belongs to the Committee on Commerce, and always has belonged to it.

The CHAIRMAN. Will the gentleman from Pennsylvania allow the Chair to ask him a question?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

The CHAIRMAN. The jurisdiction of the Committee on Commerce, as stated in clause 7 of Rule XI, applies—

To commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses.

Is the subject embraced in this section included in that jurisdiction?

Mr. O'NEILL, of Pennsylvania. Whatever may be included in the language which the Chair has just read, I beg to state that legislation with regard to bridges has always been referred during this session to the Committee on Commerce; and it was the same during last session. And that committee has reported one bill and has other bills before it now in which the very same provisions as are embraced in this section are included—almost word for word.

Mr. KEAN. I hold in my hand a bill which is the substance of the pending section. It is almost identical in language.

The CHAIRMAN. The rule is that no bill or resolution shall be amended by incorporating therewith the substance of any other bill or resolution pending. But this is not an amendment; it is a part of the bill.

Mr. STONE. I wish to say a word on the point of order. I submit that the fact that the Committee on Commerce has jurisdiction of this same subject is in no sense decisive of the point of order; inasmuch as there are very many matters under the jurisdiction of two committees. And I submit that if it be competent for the Committee on Rivers and Harbors to deal with rivers and harbors, it is competent for them to deal with legislation which provides for the proper administration of rivers and harbors.

Mr. GIBSON. If you look at the first line of the rule which has been referred to you will find it says:

All proposed legislation shall be referred to the committee named in the preceding rule as follows.

Then it says:

Subjects relating—

And then follows in clause 8 the words:

To the improvement of rivers and harbors; to the Committee on Rivers and Harbors.

Now I submit if this is legislation relative to the improvement of the navigation of rivers or the navigation of harbors either by increasing their depth or by removing any obstruction, it is referable under the rule to the Committee on Rivers and Harbors.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks it would be in order for the committee to report in a river and harbor bill a provision for cutting down an overhanging tree or to remove any structure over a river which was navigable. And it appears to the Chair this simply provides a legal means of getting rid of the bridge which is a permanent obstruction to navigation. The point of order is overruled.

Mr. O'NEILL, of Pennsylvania. Will the Chair permit me to say this: That there is involved here a question of law, and the Judiciary Committee ought to have charge of this legislation. It is not a question of the navigation or the improvement of rivers.

The CHAIRMAN. The Chair has ruled upon the question.

Mr. DUNHAM. I move to strike out the section.

Mr. WASHBURN. I desire to call the attention of the committee to the fact that in the last river and harbor bill there was placed section 8, which as I supposed carried precisely the same idea as this section 7 of the present bill. But I find on examination that it is entirely different, and the application of what is here proposed would, I am satisfied, be very disastrous to certain sections of the country. I can not see that there is any necessity for any legislation on this subject. If there be none, this section 8 will remain permanent law, and that is precisely as it should be.

The question being taken on Mr. DUNHAM'S motion to strike out the section, it was agreed to—ayes 104, noes 38.

Mr. HOLMAN. I desire to offer an independent section to come in at this point.

The Clerk read the proposed section, as follows:

The money which shall be appropriated by this act for the improvement of the Mississippi River below the mouth of the Ohio River shall be expended under the direction of the Secretary of War and in accordance with plans approved by him.

Mr. REAGAN. I make the point that that is not in order. It changes existing law and does not retrench expenditures.

The CHAIRMAN. This is not a general appropriation bill, as was shown by the opinion of the present Speaker of the House, quoted in the decision delivered the other day; which opinion was pronounced after an argument by the gentleman from Texas [Mr. REAGAN] and Mr. Robeson, of New Jersey, urging that view.

Mr. HOLMAN. It seems to me of the highest importance, Mr. Chairman, that these large sums of money should be expended under the control of a responsible Department of the Government. This board is not responsible in any proper sense of the word. It is a body that is not responsible to any Department of the Government; and I repeat, that where we are expending these vast sums in my judgment the expenditure ought to be made in such a manner that some regular Department of the Government should be responsible for both the expenditure and for the work. I think one of the principal objections, perhaps the leading objection, to the system of expenditure adopted of late years is that nobody has been responsible.

Mr. WHITE, of Kentucky. Is not that the main proposition that strengthens the bill? [Laughter.]

Mr. HOLMAN. All I desire is that some regular Department of the Government shall be responsible for the expenditure of this money. It is anomalous and without precedent in your Government, the creation of these irresponsible boards and giving them control of these vast sums of money; and I assure gentlemen who are interested in the improvement of the navigation of the Mississippi River—and I am sure that no one can be more interested in it than the district I represent—that they will strengthen this measure if they will consent to place this work under the supervision of a responsible head. I trust gentlemen will bear in mind that the Mississippi River is not being improved for any particular locality. I think my own constituency is as much interested in that work as any district bordering upon the great river.

Vast interests on the Ohio are involved in this improvement. All I ask of you is that when you determine to spend these great sums upon the work of improvement you shall have some Department of the Government that you can hold responsible; and I defy you, gentlemen, to point out any body of men more competent to take charge of this work and administer it wisely, prudently, economically, and safely for the Government, or capable of securing more of the public confidence than your Corps of Engineers, a body of men whose integrity and capacity, as I have had occasion to say once before upon this floor, no gentleman has ever called in question. That is all I desire to say. [Cries of "Vote!" "Vote!"]

Mr. BLANCHARD, Mr. HUNT, and Mr. KING addressed the Chair.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD], upon the Committee on Rivers and Harbors, is recognized. The Chair will recognize other gentlemen later.

Mr. BLANCHARD. Mr. Chairman, I desire to say a word in reply to the remarks of the gentleman from Indiana [Mr. HOLMAN]. I call the House to witness that the proposition which he has submitted virtually repeals the act of Congress creating the Mississippi River Commission. That act was passed after years of arduous effort and labor on the part of the friends of the river. It was passed some seven years ago; and under it a commission was organized consisting of three members of the Engineer Corps of the Army, one member of the Geodetic Survey, two civil engineers, and one civilian not an engineer. They have had in charge the improvement of the river since their organization. They have adopted and matured a systematic plan for its improvement, and for years they have been engaged in the prosecution of that work. Now this commission has charge of the improvement of the river, not merely from the mouth of the Ohio River to the Gulf, but, by an amendment adopted a few days ago, from the mouth of the Illinois River to the Gulf. In the bill of last year their jurisdiction extended as high up as the Des Moines Rapids, the commission having nothing to do with handling the money appropriated by Congress for the improvement of the river. That is in the hands of the Secretary of War. The disbursements are made under the direction of that functionary. The duties of the commission are confined to preparing the plans for the improvement of the river and prosecuting the work.

This amendment of the gentleman from Indiana [Mr. HOLMAN] provides that from the mouth of the Ohio to the Gulf the river shall be improved under the direction of the Secretary of the War—that is to say, pursuant to plans to be approved by him—thus striking down the commission so far as that reach of the river is concerned, but leaving the commission entirely unfettered as to that portion of the river between the mouth of the Illinois and the mouth of the Ohio. That shows the consistency of the gentleman from Indiana. He would leave this commission with all its machinery and all its annual expenses in existence to prosecute the work on one reach of the river, to wit, between the mouth of the Illinois and the mouth of the Ohio, but he would handicap it, emasculate it, so far as the reach from the mouth of the Ohio to the Gulf is concerned. That is what his amendment proposes. I do not think that this House is prepared to adopt any such amendment, even though it be offered by the gentleman from Indiana [Mr. HOLMAN]. [Cries of "Vote!" "Vote!"]

Mr. HUNT. Mr. Chairman, I move to amend the amendment by striking out the last word.

Mr. KING. Mr. Chairman——

The CHAIRMAN. The Chair stated to the gentleman from Louisiana [Mr. KING] a while ago that if he had a motion to make the Chair would hear him next, and he now has the floor.

Mr. KING. Mr. Chairman, the proposition of the gentleman from Indiana [Mr. HOLMAN] is to undo all of this great work which Congress has performed in the last seven years. For fifty years the Mississippi River was in charge of the Engineer Corps of the Army. At the first session of the Forty-sixth Congress a law was passed creating a commission to devise a plan for the improvement of that great river—not to levee it, not to carry out or serve any particular interest, not for the purpose of protecting private property or anything of that kind, but to improve the navigation of the Mississippi River. That commission was appointed by the President of the United States. Its appointment was advocated on this floor with matchless eloquence by Garfield and by the other great lights of that Congress; and it is left for the gentleman from Indiana [Mr. HOLMAN] to come in at this late hour and propose the annihilation of this commission.

I hear the charge on all sides that the work of this commission is a failure. I state here on my responsibility as a member of this House that these allegations are not true. The work of that commission has been a success. It is shown by their reports that not 10 per cent. of their works have failed. I call the attention of the House to a report made by a committee of the Senate, sent down that river to examine this work. The report is signed by Senator LOGAN, of Illinois, and it recommends that every dollar asked for by the commission be granted by Congress. While it says it is not competent to judge of the plan so far, yet it adds:

In view, however, of the good work already done by them (the commission) and the manifest results achieved and the reasonable hope of further benefits to the general navigation, commerce, and trade to be derived, it is recommended that the sum, &c.

Then the report goes on to recommend that the whole sum asked by the commission be appropriated. If you follow the lead of the gentleman from Indiana [Mr. HOLMAN] you will not only destroy the commission, but you will set back this great work a century.

Mr. WILLIS. I hope now we shall have a vote.

Mr. HISCOCK. I desire to offer an amendment to the proposition of the gentleman from Indiana [Mr. HOLMAN], to strike out the words "below the mouth of the Ohio River."

Mr. HOLMAN. I accept that.

Mr. HISCOCK. I desire to say, Mr. Chairman, that I am in favor of placing the responsibility of the expenditure of this money somewhere. Whenever a commission is created by law to do a particular work, there is a want of responsibility. This Mississippi River Commission is without any responsibility.

Mr. WILLIS. Under the existing law creating the Mississippi River Commission the money appropriated is expended under the direction of the Secretary of War.

Mr. HISCOCK. But I like this amendment much better. I say to my friends on the other side, if you joined in the creation of one of these commissions because the Republican party was in power, a Democratic administration is now about to come in; you will have the Secretary of War; and you should let these improvements be matters for which an administration shall be responsible. Then, in my judgment, the people will be satisfied with the expenditure of the money. You can not afford to deny to your own administration power over this question; you can not afford to take from it responsibility upon this question. When an estimate or a report comes in here in reference to a work of this kind the President of the United States or the Secretary of War should be responsible for it.

I congratulate the gentleman from Indiana that he has taken this step in the direction of fixing upon a branch of the Government chosen by the people the responsibility for the expenditures of these large sums of money.

Mr. KING. I wish to ask the gentleman—— [Cries of "Vote!" "Vote!"]

Mr. HISCOCK. I understand that my amendment has been accepted by the gentleman from Indiana, and his proposition modified accordingly.

Mr. KING. If the gentleman from New York [Mr. HISCOCK] will yield for a question——

Mr. HISCOCK. Certainly.

Mr. KING. I want to ask him if he is not aware of the fact that

the law now places the expenditure of every dollar of these appropriations under the Secretary of War?

Mr. HISCOCK. Then why object to this proposition?

[Here the hammer fell].

Mr. HUNT. Mr. Chairman, the consistency of the gentleman from Indiana [Mr. HOLMAN] and of the gentleman from New York [Mr. HISCOCK] is well exhibited in the condition of the bill now under consideration and as sought to be further amended by them. It was first of all urged upon the Committee of the Whole that nothing was so desirable to be tried as a business-like experiment upon the two great reaches of the river known as Plum Point and Providence reaches; and the first amendment of the gentleman from Indiana was introduced accordingly into the bill confining experiments upon those two reaches.

But no sooner had the gentlemen and those acting with them succeeded in fixing the experiments only upon the reaches of the river referred to, than the sole means by which the consistent scientific work now going on upon those reaches can be proceeded with correctly is sought to be taken away. This, then, is what the friendship of the gentlemen to the bill amounts to. They wish in good faith, as is protested, to confine all work and experiments to the two reaches; but they have no sooner succeeded in arresting the operations elsewhere and in settling them upon the reaches than they would proceed to remove the skilled professional direction and control under which the improvements ought to be, and have hitherto been, conducted!

So much for that point. "But," says the gentleman from Iowa [Mr. HEPBURN] who has taken such a stalwart part against the Mississippi in the debate upon this measure, "I defy anybody to show this improvement has resulted in any success or passed beyond the experimental stage." How dares the gentleman to defy the truth?

Let me read from the report of the Mississippi River Commission:

The marked improvement of low-water depth where works are being carried on, alluded to in the last year's report, was again exemplified at the recent low water. Wherever the contraction works had been even approximately completed, the depths were nearly double those found on the unimproved portions of the river in their vicinity. It seems as if this fact should settle all doubts as to the possibility of so improving the navigation of the river by the methods adopted by the commission as to meet any reasonable requirement. The minor difficulties incident to the inception of any new work are fast disappearing as experience is acquired, and all that now seems necessary to make the work successful is that funds shall be supplied liberally and promptly.

Here then, I say, is the best evidence to show that contraction works are fully and decidedly successful wherever they have gone forward.

Now, Mr. Chairman, allow me one word in conclusion to show gentlemen the necessity of prosecuting work beyond these two reaches. The evidence is already before you that it has been successful in the reaches. Now both above and below Plum Point reach lie unimproved parts of the river, and to make real progress in this great national undertaking that which is at present unimproved ought to be added as speedily as practicable to the improved. Let me read further from the report of the Mississippi River Commission:

During the low-water season of 1883 not more than six feet of water was found through the New Madrid and Memphis reaches, which lie, respectively, above and below that of Plum Point. The case this year was but little better. It would seem, therefore, advisable to extend the work to these reaches as soon as possible, as such a course would open to an improved navigation about two hundred and fifty miles of river from Cairo down, or about one-fourth of the distance to New Orleans, and nearly one-half the total distance which requires extensive improvement. That such a result would be of great value to navigation can not be doubted. The commission have prepared plans for beginning work on these reaches and will take them in hand as soon as the funds placed at their disposal will justify such action.

[Here the hammer fell.]

Mr. WILLIS. I ask for a vote. [Cries of "Vote!"]

Mr. REED, of Maine. I desire to strike out the last word.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his formal amendment?

Mr. HUNT. I do.

Mr. REED, of Maine. Mr. Chairman, I desire to reply not so much to the words of the gentleman from Louisiana [Mr. HUNT] as to the idea which he has expressed to this House. The House has taken one step in the right direction, that of limiting this improvement to this experimental stage and not spreading it all over the river. There is one other step the House ought to take, and that is the one suggested by the gentleman from Indiana [Mr. HOLMAN]. It is to put the responsibility upon the proper Department of the Government to carry out that experiment. The gentleman from Louisiana [Mr. HUNT] says that it is removing the "intelligent direction." How "dares he defy truth," and above all of the Committee on Rivers and Harbors? [Laughter.]

The Committee on Rivers and Harbors have divulged the facts about that "intelligent direction," and they told us it was necessary to enact an amendment to make that commission conform to the original plan. That is the intelligent direction that submits itself, and has to, to the Committee on Rivers and Harbors of this House.

Why, the gentleman from Arkansas [Mr. BRECKINRIDGE] has given us facts and figures enough to refute everything that can be said about intelligent direction on the part of this commission. They were throwing away, according to him, $150,000,000.

And again, the whole system of having commissions to do this kind of work is necessarily wrong, because a commission that comes in and admits its experiment is a failure admits itself out of a job.

Mr. BRECKINRIDGE. It does not do that at all.

Mr. REED, of Maine. And human nature is too weak and frail in a world as sinful as this yet is. [Laughter.]

Now, we ought to have this done by responsible officers of the Government, and if it turns out to be a failure I want an honest report to that effect. We want to know it, and we want to know it at the hands of unprejudiced men. This commission has been dallying with the business. The report of the Committee on Rivers and Harbors shows that. They felt it necessary to confine them to the original plan, from which it seems their "intelligent direction" had vibrated. Surely this House can not hesitate to go on with the good work to give us not only a good business proposition but also a wise supervision and sound responsibility. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky. I desire to call the attention—— [Cries of "Vote!" "Vote!"] Mr. Chairman, I hope this will not come out of my time. [Laughter.] I desire to call the attention of the other gentleman from Louisiana [Mr. KING], who stated in reference to the appropriation of $4,000,000 that they did not wish this money for the improvement of levees—that it was not for the improvement of levees——

Mr. KING. I say so emphatically, that this appropriation is asked for no other purpose than for the improvement of that river.

Mr. WHITE, of Kentucky. I do not wish this to come out of my time. I call attention of the committee to the fact that of the $4,000,000 voted by the act of Congress in 1882 $1,350,000 was expended for building levees. Here it is:

Without stopping to discuss the merits of this theory about which there is much conflict of opinion and no certainty of beneficial results, your committee do not believe that the advantages to navigation to be derived from the construction of levees will be at all commensurate with their enormous cost. The probable expense of a system of levees of sufficient strength to hold the flood-waters of the river within a channel, as is proposed by the commission, of 5,000 feet is variously estimated from $50,000,000 to $100,000,000; while many witnesses are not presumptuous enough to even venture upon an estimate of their ultimate expense. If the results sought to be reached could be attained by the repair only of existing levees, of course the cost would be very much below this estimate; but the plan of the commission contemplates, ultimately, the erection of a continuous line of levees conformable to, and substantially upon, the crest of the natural banks. The estimated cost of such works your committee submit is not extravagant.

It may be suggested, too, in this connection, as an additional reason why such new levee works should not be undertaken at present, that their permanency depends entirely upon the ability to hold the caving banks, and until it is demonstrated beyond all controversy that the banks can be held such work should not be entered upon. But further than this, it seems to your committee that before such an undertaking is entered upon, involving such an enormous expenditure, it should be made to appear beyond all controversy that such works are absolutely essential to the improvement of the low-water navigation. So far from this being established, there is not only great diversity of opinion among those who have made the improvement of the Mississippi a study, but even the members of the Mississippi River Commission do not agree upon this portion of the plan. General Comstock, president of the commission, testified before your committee as follows:

Q. Your view as to the building of leeves on banks is, that it is not essential to mere low-water navigation of the river?

A. No, sir.

Q. You think they are of a great deal more service for protection of land than for the improvement of the channel for navigation?

A. Yes, sir.

Q. If you were the sole member of the commission would you have expended the money in that way?

A. No, sir.

* * * * * * *

No portion of the first appropriation of $1,000,000 was used for the repair or construction of levees, but out of the four millions one hundred and twenty-three thousand appropriated August 2, 1882, for the improvement of the Mississippi, under the direction of the commission, $1,350,000 were allotted for the construction and repair of levees, one million of which had been expended on the 1st of October, 1882. In the allotment by the commission out of the current appropriation for levee work a considerable sum was set apart for the rebuilding of levees below the mouth of the Red River.

Mr. KING. That may be so, but——

Mr. WHITE, of Kentucky. I do not yield.

Mr. KING. That may be so——

Mr. WHITE, of Kentucky. I decline to yield. Now, the gentleman will find this information in report 1985, Forty-seventh Congress, second session, pages viii and ix, Roman letters. [Laughter.]

Now, a word more. I want to call the attention of the committee to the original plan, the plan as it was adopted by Gillmore, by Suter, by Mitchell, by your immaculate James B. Eads, and by B. W. Harrod, your commission, as shown by Executive Document No. 58, second session Forty-sixth Congress:

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow.

I want to remind the gentleman from Louisiana that the work done at the Bonnet Carré crevasse was more for the benefit of the railroad which crosses the outlet at that point than for the improvement of the navigation of the Mississippi River; just as the improvement of the Potomac flats here at Washington is more for the benefit of the Virginia Midland Railroad than to prevent malaria in the District of Columbia.

In so far as this appropriation is for the Mississippi River, under that harbor commission without responsibility, which calls on the Secretary

of War to perform the duty of signing checks and giving them the money, but he has no responsibility devolving upon him as Secretary of War, I say it is simply a continuance of the same old plan by which already more than two millions of money that has been appropriated for the Mississippi River has gone for the improvement of the levees, and more than two millions of the amount appropriated for the river has gone to the repair of your fruitless works.

No, sir. I claim that we ought not to do anything in this bill for the Mississippi River until they can show at the Plum Point and Lake Providence reaches the grand success claimed, and not what has been shown by the argument of the gentleman from Arkansas is a mere experimental work that may lead to the expenditure, and the wasteful expenditure, of $150,000,000.

The CHAIRMAN. Does the gentleman from Maine withdraw the *pro forma* amendment?

Mr. REED, of Maine. I do.

Mr. KING. I renew it. [Cries of "Vote!" "Vote!"]

Mr. WILLIS. Let us have a vote.

Mr. KING. I wish to respond for a moment to the gentleman from Kentucky——

Mr. WILLIS. I ask my friend from Louisiana not to occupy further time, but let us have a vote.

Mr. KING. I will respond to him, and will not be stopped. I do not wish the inference he makes to go unquestioned.

Mr. WILLIS. I appeal to the gentleman from Louisiana to let us have a vote.

Mr. KING. I want to call his attention to one fact. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Louisiana is entitled to the floor.

Mr. KING. I wish to say, and the gentleman from Kentucky knows it, that no one work of any character whatever has been put upon the Mississippi River by the commission except under the law creating that commission. That law strictly confines them to the improvement of the river. If it be by dikes, by spur-dams, by the protection of its banks, or by levees, all well and good. There is nothing in the law confining them to the protection of private property. On the contrary, it strictly forbids their doing so.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to call the attention of my friend from Louisiana—— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The committee will be in order. [Renewed cries of "Vote!"]

Mr. MILLER, of Pennsylvania. I hope we will have order. We are only losing time. Let the gentleman speak.

The CHAIRMAN. The gentleman from Pennsylvania is out of order. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Chairman, I hope this will not come out of my time. I do not desire to speak unless we have order.

The CHAIRMAN. The Chair will not charge the time against the gentleman from Kentucky when he is so much interrupted that he can not be heard. After order is restored the gentleman will proceed.

Mr. WHITE, of Kentucky. In response to the gentleman from Louisiana who has just taken his seat, I desire to call his attention to page 19 of this same Executive Document No. 58, Forty-sixth Congress, second session, in which it says:

Works for contracting the channel and protecting the banks, $776,000 for New Madrid reach.

For Plum Point reach, works for contracting the channel and protecting the banks, $599,000; Memphis reach, works for contracting the channel and protecting the banks, $282,000.

For Helena reach, works for contracting the channel and protecting the banks, $515,000. For the Choctaw bend, works for contracting the channel and protecting the banks, $464,000; and for Lake Providence reach, works for contracting the channel and protecting the banks, $507,000.

And so on I could quote at length. Now the gentleman says that none of this is to be given for the levees. Is this protecting the banks or for the levees? I ask him the question. And I have shown already that of the $4,000,000 appropriated for this river in 1882 $1,350,000 went for the levees alone. I want to call his attention again to this report. On page ix, Roman letters, of the same report he will find this:

Your committee are satisfied, from the evidence, that the people along the banks of the Mississippi are chiefly and naturally interested in the building of levees not so much in the interest of navigation as to secure their lands from overflow, and thereby enhance their value. If the building of levees was essential to the improvement of navigation, the fact that they afforded protection to the riparian owners would be no reason for discontinuing them. On the contrary, such a result would be extremely gratifying. Your committee, however, do not believe that they are essential to the improvement of the low-water navigation of the Mississippi, and that their construction for such a purpose can not be justified. It may be further suggested that if the views of your committee are concurred in, and the work of channel improvement restricted to one or two reaches, a system of levees will hardly be necessary while this experimental work is being tested. Certainly the superstructure should not be constructed until the permanency of the foundation is established.

There is where the pork in this pot lies. There is where lie the backbone and ribs of this bill framed by this select committee to which the gentleman from Arkansas alluded. It is in your Mississippi River Commission, which has no responsibility but a limitless amount of cash at its fingers' ends to be spent for levees for the benefit of private property.

Do you not remember how it was when the appropriation for Algiers, just across the river from New Orleans, was about to be struck out? We then found that the vertebral column of this bill was about to be broken and the equanimity of the committee was only restored by keeping that in the bill. If you fail to put the Mississippi River Commission in this bill you will kill the bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from Louisiana withdraw the *pro forma* amendment?

Mr. KING. I do.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

The question being taken, there were—ayes 138, noes 57.

So the amendment was adopted.

Mr. BRECKINRIDGE. Mr. Chairman, I offer what I send to the desk to be inserted in the bill as a new section.

Mr. WILLIS. I hope the gentleman will not insist on offering that.

Mr. BRECKINRIDGE. I do. It is very important and very much urged.

The Clerk read as follows:

Insert as a new section the following:

"SEC. —. That a board to be called the United States harbor board is hereby temporarily created, to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate. Three members of said board shall be appointed from the Engineer Corps of the Army, one from the Coast Survey, and three from civil life, all of which latter number shall be civil engineers, eminent in their profession. It shall be the duty of the said board to visit all works to be constructed by the Government for the improvement of outlets to the sea, as provided for in this bill, by means of what is known as the jetty system, and it shall thoroughly examine into all such plans to be prosecuted at said works, and it shall report upon the same to the Secretary of War, which report shall be transmitted to Congress at its next regular meeting in December; and it shall embrace such remarks and recommendations relative to the correctness of the plans and methods of said improvements prosecuted, together with estimates for the proper improvement of said outlets and harbors, as said board may deem necessary to secure permanent and substantial relief to commerce. The members of said board shall be paid at the rate of $5,000 per annum, except that those members appointed from the permanent service of the Government shall receive no other salary or compensation than is now allowed by law; and the existence of this board shall expire at the end of one year from the date of its appointment and organization.

"The Secretary of War is hereby authorized and instructed to detail an officer of the Engineer Corps of the Army to act as secretary of said board, upon being requested by it so to do, and likewise to extend to it all facilities in the way of maps, charts, instruments, books, reports, and so forth, that it may require and that may be at his disposal; and said board shall complete all necessary examinations, observations, and inquiries upon which to base plans for the proper and permanent improvement of said river and harbor outlets.

"The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which shall be expended by said board under the direction and control of the Secretary of War."

Mr. HISCOCK. I make the point of order on that amendment.

Mr. WARNER, of Ohio. I desire to offer a substitute.

The CHAIRMAN. A substitute is not in order at this time, the point of order having been made on the amendment. The gentleman from New York will state the point of order.

Mr. HISCOCK. This is substantially the same provision which has been once ruled out of the bill.

Mr. CANNON. I rise to a privileged motion. I move that the committee do now rise.

Mr. WILLIS. I hope the gentleman from Illinois will not insist upon that. I think we can finish the bill in ten minutes. I ask the gentleman from Arkansas [Mr. BRECKINRIDGE] to withdraw his amendment.

Mr. BRECKINRIDGE. I do not withdraw it.

Mr. WILLIS. I hope the motion that the committee rise may be voted down.

The question being taken on Mr. CANNON'S motion, there were—ayes 71, noes 117.

So the committee refused to rise.

Mr. BRECKINRIDGE addressed the Chair.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] has the floor on the point of order.

Mr. BRECKINRIDGE. By request I withdraw the amendment, with the statement that I will introduce it again at the close of the last section.

Mr. HISCOCK. I object to the amendment being withdrawn.

Mr. GIBSON. Let the point of order be decided now.

The CHAIRMAN. The Chair is ready to rule on the point of order if no gentleman desires to be heard on it.

Mr. HISCOCK. I desire to say a word. This is substantially the same provision which has already been ruled upon. We have all the machinery now for the expenditure of this money. It is legislation as to which there should be no recommendation from this committee, and it is not germane to the bill. Further than that, this having once been ruled out of the bill, and the decision of the Chair in ruling it out not having been appealed from, I submit that the matter is disposed of.

The CHAIRMAN. There was very little argument upon the question of order made upon the section of the bill which was ruled out. The gentleman from New York [Mr. HISCOCK] was heard, but no gentlemen on the other side responded. The Chair, therefore, ruled on its own understanding of the point of order as presented by the gentleman from New York.

The point which attracted the attention of the Chair was this:

It shall be the duty of the said board to visit all works now being constructed by the Government * * * and it shall thoroughly examine into all such plans now being prosecuted at said works, &c.

The Chair did not see at the moment how money appropriated in this bill could apply to works being constructed under former bills, and therefore ruled as it did. The Chair understands the proposition now to be to create a board to dispose of the money to be appropriated by this bill and for the works named in the bill. The Chair thinks that is in order, and overrules the point of order.

Mr. BRECKINRIDGE. Now, one word. This board is now equally divided between civil engineers and military engineers, a point yielded by me at the solicitation of my friend from California [Mr. ROSECRANS], and entirely acceptable to him. One word more: This is one of the few propositions that met with the unanimous support of the River and Harbor Committee as being exceedingly necessary.

Mr. REED, of Maine. There are other objections to it besides that.

Mr. BAYNE. I objected to it, and insisted that if a board was to be created four of the members should be chosen from the Engineer Corps, and subsequently I proposed that three members should be chosen from that corps, but both propositions were voted down.

Mr. WARNER, of Ohio. That was the substance of my amendment.

Mr. BRECKINRIDGE. And the gentleman from Pennsylvania acquiesced in what we finally adopted and voted for it, although it went further than what is now proposed.

Mr. BAYNE. I dissent from the gentleman's statement.

Mr. BRECKINRIDGE. Well, we will not dispute about it.

Mr. HISCOCK. Mr. Chairman, we took a step in the right direction when we adopted the amendment of the gentleman from Indiana [Mr. HOLMAN] to place the responsibility for the expenditure of this money with the head of a Department. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE].

The question was taken by a *viva voce* vote, and the Chair stated in his judgment the amendment was rejected.

Mr. BRECKINRIDGE. I ask for a division.

The CHAIRMAN. As many as are in favor of the amendment offered by the gentleman from Arkansas will rise and stand until counted.

Pending the count,

Mr. BRECKINRIDGE. I withdraw that, and ask for a vote in the House.

Several members objected.

The CHAIRMAN. Objection being made, the demand can not be withdrawn.

The House divided; and there were ayes 57.

Mr. BRECKINRIDGE. No further count is demanded.

Mr. ANDERSON. I demand a further count.

The CHAIRMAN. The Chair understood the demand to be withdrawn.

Mr. ANDERSON. Well, go ahead.

So the amendment was not agreed to.

Mr. COOK. I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Add as an additional section the following:

"That the money which shall be appropriated by this act for the improvement of the Missouri River shall be expended under the direction of the Secretary of War and in accordance with plans approved by him.

Mr. COOK. Mr. Chairman, this is in the same line as the amendment just adopted with reference to the Mississippi River. [Cries of "Vote!" "Vote!"]

Mr. PERKINS. Mr. Chairman, I make the point of order that we have passed the section to which that is germane or to which it applies.

The CHAIRMAN. This is offered as an independent section, and the point of order is overruled.

The question was taken on the adoption of the amendment; and on a division there were—ayes 115, noes 30.

Mr. MILLER, of Pennsylvania, and Mr. COSGROVE. No quorum.

The CHAIRMAN. The point of no quorum being made, the gentleman from Iowa, Mr. COOK, and the gentleman from Kentucky, Mr. WILLIS, will take their places as tellers.

Mr. ANDERSON. I move that the committee now rise.

Several MEMBERS. No, no!

Mr. COSGROVE. I withdraw the point as to no quorum voting.

Mr. MILLER, of Pennsylvania. I have not withdrawn it, and I do not intend to.

Mr. WILLIS. I appeal to the gentleman from Pennsylvania [Mr. MILLER] to withdraw the point.

Mr. MILLER, of Pennsylvania. It is now after 6 o'clock, and you can not finish this bill to-night.

Mr. WILLIS. I ask the gentleman to withdraw the point.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that the committee now rise.

Mr. HISCOCK. I wish to ask the gentleman from Kentucky [Mr. WILLIS] in charge of this bill a question: If you get the previous question upon the bill do you propose to call a vote to-night?

Mr. WILLIS. No, sir; not at all.

Several MEMBERS. Let us finish it.

The CHAIRMAN. Does the gentleman from Kansas [Mr. ANDERSON] insist upon a division?

Mr. ANDERSON. Yes, sir.

The House divided on the motion of Mr. ANDERSON; and there were—ayes 19, noes 141.

So the motion was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Iowa [Mr. COOK].

Mr. MILLER, of Pennsylvania. If there is an understanding that no vote by yeas and nays is to be taken to-night I will withdraw the point; but I want a definite understanding.

Mr. WILLIS. I will say to the gentleman that my object is to have the previous question ordered this evening and then take an adjournment.

Mr. MILLER, of Pennsylvania. I withdraw the point.

Mr. ANDERSON renewed the point; but before the count was concluded withdrew it.

So the amendment of Mr. COOK was agreed to.

The Clerk read as follows:

SEC. 8. That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, and estimates of cost of improvements proper to be made at the following points, namely:

Harbor at Portland, Me.; To ascertain and report what further work, if any, is necessary in that locality.
Harbor at Camden, Me.
Big Rapids of Saint John's River, Maine.
Harbor at Wellfleet, Mass.
Taunton River, Massachusetts.
Vineyard Haven, Mass.
North River, in Salem, between Essex and North Bridges, Mass.
Duck Island Harbor, with a view to a harbor of refuge, Connecticut.
Susquehanna River between Owego and Binghamton, N. Y.
Channel between Jamaica Bay and Rockaway Inlet, Queens County, New York.
Harbor at Waddington, N. Y.
Mouth of the Patchogue River, New York.
Pond River, Kentucky.

The Secretary of War is directed to report to the next Congress whether or not the Government dry-dock at the Louisville and Portland Canal, Kentucky, is adequate for the purposes of commerce, and what alterations, if any, are necessary, and the cost of making the same.

Farm Creek, Illinois, with a view to changing its course.
Little River, Louisiana.
Bayou Rouge, Louisiana.
Harbor at Sandusky, Ohio, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.
Punta Rassa Harbor, Florida.
Biddle Point, at Mackinac Harbor, Michigan, with a view to a breakwater.
Pigeon River, Michigan.
Kaskaskia River, Illinois, from New Athens to mouth.
Islais Creek, California, off San Francisco Bay. A survey is directed to be made regardless of the fact of existing obstruction by the construction and maintenance of a bridge across the channel of said creek by the Protrero and Bay View Railroad Company.
Harbor of San Luis Obispo, California.

Before the reading of the section was concluded the following proceedings took place:

Mr. BOUTELLE. I offer the following amendment:

After line 6 insert the following:

"Penobscot Bay, from Bangor Bridge to Bucksport Narrows, to ascertain and report what further work is necessary for the removal of obstructions to navigation."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

Mr. PETTIBONE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 44 of section 8 insert the following:

"Holston River, Tennessee, from Kingsport, Tenn., to its junction with the French Broad River."

Mr. WILLIS. There is no objection to that; but I suggest that the whole section be read before any of these amendments be offered.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] suggests that before amendments be offered to this section the Clerk complete the reading.

There was no objection, and the reading of the section was concluded.

Many members addressed the Chair.

The CHAIRMAN. To avoid confusion the Chair will state that opportunity will be given to every gentleman desiring to offer an amendment; and as there seem to be very many the Chair will alternate, recognizing first a gentleman on the left and then one on the right.

The amendment of Mr. PETTIBONE, having been again read, was adopted.

Mr. HEPBURN. I move that the committee now rise.

The question being taken, there were—ayes 10, noes 130.

Mr. HEPBURN. No quorum has voted.

Mr. McMILLIN. No quorum is required on this vote.

The CHAIRMAN. No quorum is necessary on a motion that the committee rise. The motion is not agreed to.

Mr. OATES. I move to amend by inserting the clause which I send to the desk.

The Clerk read as follows:

The Secretary of War is hereby directed to cause a resurvey of the Choctawhatchie River from the town of Geneva to Newton, Ala., with a view to low-water navigation on said river.

Mr. WILLIS. There is no objection to these surveys.

The question being taken on agreeing to the amendment, there were—ayes 112, noes 8.

Mr. ANDERSON. No quorum.

Tellers were ordered; and Mr. ANDERSON and Mr. WILLIS were appointed.

Mr. GIBSON. I suggest that by unanimous consent all these surveys asked for be added to the bill.

Mr. ANDERSON. I object. These propositions are the entering-wedges to this great system of distributing appropriations.

Mr. GIBSON. None of these surveys are made except with the approval and by the order of the Secretary of War. No appropriation is made for any of them. They will not cost a cent. They are "entering-wedges" to nothing in the world. I hope the gentleman from Kansas will not stand in the way of allowing members to secure that which their constituents ask. It facilitates the passage of the bill and hurts nobody. It enables us to bring the bill into such a position that in the morning we can take a vote on its passage and let other business go on.

Mr. ANDERSON. We all know that the initial step to an appropriation in a bill of this kind is a survey. We all know that gentlemen are anxious to have surveys made in their districts.

The CHAIRMAN. Gentleman will understand that this colloquy is proceeding by unanimous consent. Is there objection to the proposition of the gentleman from West Virginia [Mr. GIBSON]?

Mr. ANDERSON. I object.

The committee again divided; and the tellers reported—ayes 152, noes 11.

So the amendment of Mr. OATES was adopted.

Mr. BAYNE. I ask unanimous consent that all amendments offered or to be offered by gentlemen to this section be printed in the RECORD and regarded as pending, and that the bill be considered as reported from the Committee of the Whole, with these amendments, for the action of the House.

The CHAIRMAN. The Chair will put the proposition of the gentleman from Pennsylvania to the committee. He asks unanimous consent that members having amendments simply suggesting surveys shall hand them to the Clerk, that they shall be printed in the RECORD, and considered as adopted and pending. Is there objection?

Mr. HISCOCK. Not to be considered as pending.

Mr. WARNER, of Ohio. We can not adopt amendments in that way or we will have a thousand streams to be surveyed.

The CHAIRMAN. The proposition is modified by withdrawing the word "adopted."

Mr. ANDERSON. I shall not object to that, on condition the committee rise and the House shall then adjourn. It is 7 o'clock now.

The CHAIRMAN. It is understood these amendments are to section 8 of the bill. Section 9 has not been read.

Mr. WILLIS. In one moment I think I can settle this whole difficulty. If gentlemen offering amendments will withdraw them from the desk and hand them to me the committee will examine them, and such as are found to be all right, and I have no doubt they all will be, before the previous question is ordered they can be moved to the bill in the House.

Mr. WARNER, of Ohio. I do not think we can afford to legislate in any such way.

Mr. WILLIS. There is a law covering this matter now. It is a mere matter of form. The law prescribes where a suggestion is made to the Secretary of War he shall have a preliminary examination made, those found to be worthy of improvement are reported to the House. It goes no further and costs no money.

Mr. WARNER, of Ohio. This House has no right to put such responsibilities on the Secretary of War. You can not make up these thousand and one surveys without it costing something. It may cost millions.

Mr. WILLIS. I ask my suggestion be adopted.

Mr. RANDALL. There is objection.

The CHAIRMAN. It can only be done by unanimous consent, and the remark of the gentleman from Ohio is in the nature of objection.

Mr. WILLIS. My proposition is that gentlemen shall not offer them, but hand them to me.

The CHAIRMAN. The trouble about the motion is that the gentleman from Ohio objects.

Mr. WILLIS. There are no amendments pending before this committee, and there will be none if gentlemen cease to offer them.

The CHAIRMAN. But the gentleman from Ohio objects to anything of the sort.

Mr. WILLIS. I am not asking unanimous consent, but that each member shall bring them to me and I will submit them to the committee, and those found all right will be moved in the House before the previous question is ordered. I only ask gentlemen to recognize the situation and bring their amendments to me and then let us pass on to the next section. I ask whether there is any question pending before the committee. [Cries of "Vote!"] If there is not, let the Clerk read the next section.

The CHAIRMAN. There are numerous amendments on the desk to be submitted. [Cries of "Read them!"] The Chair stated that one should be read from the left and one from the right. There are a great many remaining to be read. [Cries of "Regular order!" "Withdraw them!" "Read them!" "Vote!"]

Mr. HEPBURN. I move the committee rise.

Mr. DUNN. I move an amendment that the committee rise and report the bill to the House.

The CHAIRMAN. That is not in order.

Mr. DUNN. Why?

The CHAIRMAN. The bill can not be reported to the House while amendments are pending to it. Besides that there is one section which has not yet been read.

Mr. BAYNE. I renew my proposition. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is the motion of the gentleman from Iowa that the committee rise.

The committee divided; and there were—ayes 17, noes 118.

So the committee refused to rise.

The CHAIRMAN. The Clerk will report the next amendment, offered by the gentleman from Minnesota [Mr. WASHBURN].

The Clerk read as follows:

At the end of line 27 insert:

"The Secretary of War is hereby directed to cause an examination and survey of the Saint Mary's Falls Canal and locks, with a view to obtaining an estimate of the cost of enlarging the same, or of the construction of an additional canal and locks to meet the increasing demands of commerce, as shown in Executive Document 102, House of Representatives, Forty-eighth Congress, second session."

Mr. BLAND. I make the point of order that this is a canal and does not belong to this bill. It is not germane.

Mr. WASHBURN. This amendment is certainly in order. It is the amendment I offered to the main part of the bill, but at the request of the chairman of the committee postponed it until we got to this section.

Mr. WILLIS. I do not make the point of order upon it.

Mr. WASHBURN. I understand that.

Mr. WILLIS. The gentleman from Missouri makes the point of order. I understand this canal is really a river.

Mr. WASHBURN. It is simply a lock in the river——

The CHAIRMAN. Is it a connection between the two parts of the same river?

Mr. WASHBURN. Yes, sir.

Mr. BLAND. I withdraw the point of order.

The amendment was adopted.

The CHAIRMAN. The Clerk will report the next amendment, by Mr. GARRISON.

The Clerk read as follows:

Amend in line 28, page 48, by adding "Mattox Creek," a tributary of the Potomac, with a view to deepening its mouth.

The amendment was adopted.

The next amendment (by Mr. MILLIKEN) was read, as follows:

Harbor at Belfast, Me.; Gilkey's harbor, in west side, with a view to ascertaining what buoys should be placed in said harbor.

The amendment was adopted.

Mr. WHITE, of Kentucky. I move to amend, in line 22, by adding what I send to the desk.

The Clerk read as follows:

Add, after line 22, the words "Salt River."

Mr. WHITE, of Kentucky. Mr. Chairman, I find in line 22 that there is to be a survey of "Pond River," Kentucky. I have interviewed two or three members of Congress from my State before I could find out where Pond River was, and I thought I was pretty well versed in the geography of Kentucky. I find that it is a tributary of the Green or Barren River above the locks or dams, which are owned by a private corporation in that State.

Now, the national Democratic platform has this to say with reference to these internal improvements, and I beg to call the attention of gentlemen on the other side to it:

That the Federal Government should care for and improve the Mississippi River and the other great water ways of the Republic, so as to secure for the entire States easy and cheap transportation to tide water.

How are you going to get to tide water down this river over a lock and dam which has been placed under Democratic rule in Kentucky on that river, and is owned by a private corporation? You propose under this bill prepared in the secret chamber of this select committee—you propose to get a survey of a tributary of a river that is owned under the Democratic rule that afflicts Kentucky by a private corporation. That is worse than the appropriation for the improvement of the Suwanee or the Great Sunflower or the Great Pee Dee River. [Laughter.]

Mr. HATCH, of Missouri. May I ask the gentleman a question?

Mr. WHITE, of Kentucky. Yes, sir.

Mr. HATCH, of Missouri. Do I understand the gentleman from Kentucky to say that he does not know where Pond River is?

Mr. WHITE, of Kentucky. I told the gentleman precisely what I knew, and he must not occupy my time. I decline to be interrupted.

Mr. HATCH, of Missouri. I suggest to the gentleman from Kentucky that life is too short to go into an investigation of what the gentleman does not know. [Laughter.]

Mr. WHITE, of Kentucky. I hope this will not come out of my time. [Laughter.] I want to remind the Democratic party of the

fact that they have an elephant on their hands in the form of internal improvements. I want the country to understand just how much that party believes in internal improvements. If you can get the Mississippi River as a backbone—if you can get the Missouri River and the levee system as the ribs to build your structure upon, with about two hundred millions of dollars at the disposal of your commission which is responsible to nobody, then you are willing to give a few catfish streams an appropriation and to cause a survey of Pond River. I want the country to understand that there is a discrimination in this select committee that is as unfair, that is as unjust and unmanly as only a Democratic House could be guilty of.

The CHAIRMAN. The question is, Shall Salt River be improved for the use of the Republican party? [Laughter.]

The amendment was adopted. [Applause and laughter.]

The next amendment (by Mr. DINGLEY) was read, as follows:

Amend section 8 by adding: Kennebec River at Bath, Me.

Mr. WHITE, of Kentucky. I move to strike out the last word of the amendment just read.

Now, the reason I wanted Salt River improved was for the benefit of the Democratic party four years from now. [Derisive laughter on the Democratic side.] It is not navigable for ships or boats of any size, but it will be navigable for the Democratic party, which I hope will go up that river four years from now.

Mr. MCMILLIN. We supposed the gentleman from Kentucky desired to improve that river for his own benefit.

The amendment offered by Mr. DINGLEY was adopted.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. HEPBURN. I move that the committee do now rise.

The question was taken.

The CHAIRMAN. The "noes" have it. The motion is not agreed to. The Clerk will report the next amendment.

The Clerk commenced to read the next amendment.

Mr. HEPBURN. I call for a division.

The CHAIRMAN. The Chair announced the result of the vote without any call being made for a division.

Mr. HEPBURN. I called for a division, I think, within five seconds of the announcement of the vote.

Mr. MCMILLIN. The Clerk began to read before the gentleman from Iowa demanded a division.

Mr. REED, of Maine. This should not be a question of speed.

The CHAIRMAN. If the gentleman from Iowa states that he intended to call for a division the division will be had.

Mr. HEPBURN. I made the demand as quickly as I could.

The committee divided; and there were—ayes 14, noes 107.

So the motion was not agreed to.

The Clerk read the next amendment (offered by Mr MCMILLIN), as follows:

Add at the end of line 4, section 8, as follows:
"Obed's River, Tennessee: Between the upper works heretofore done by the Government and the mouth of the West Fork of said river."

The CHAIRMAN. If there be no objection this amendment will be considered as adopted.

Mr. HEPBURN. I object.

The CHAIRMAN. The question is on the adoption of the amendment.

The committee divided; and there were—ayes 88, noes 11.

Mr. HEPBURN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Tennessee, Mr. MCMILLIN.

Before the result of the vote by tellers was announced Mr. MCMILLIN (one of the tellers) said: The gentleman appointed with me as teller is satisfied that a quorum favors the proposition. He withdraws the point as to a quorum.

So (further count not being called for) the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment (offered by Mr. BELFORD):

Add to the pending section the following:
"That $250,000 is hereby appropriated to sink ten experimental artesian wells on the plains, five of which shall be east and five west of the Rocky Mountains, to be expended under the supervision of the Commissioner of Agriculture."

Mr. BROWNE, of Indiana. I make the point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. BELFORD. I move to strike out the last word. I think we are legislating about water here, and I therefore supposed my amendment would have been considered germane. You gentlemen of the Democratic party have seventy-eight majority in the House of Representatives, and yet you can not get a quorum without the help of the Republican members. How do you expect to govern the country in the next four years when you can not control this House?

There is not one dollar in that bill that comes to my State. Ninety per cent. of all the appropriations made by the Congress of the United States since this Government was organized has gone to the benefit of New York and New England.

Mr. WELLER. That is so.

Mr. BELFORD. I refer to my distinguished friend from Michigan [Mr. HORR], who made a like statement in his speech, that 90 per cent. of the appropriations made by Congress had gone to New York and New England.

Year after year my State passes into the Treasury of this Government hundreds of thousands of dollars. From two post-offices—one at Denver and one at Leadville—we pay more than is paid by the whole State of Florida, more than is paid by the State of West Virginia, and half as much as is paid by the State of Georgia. If you desire to controvert my statement look at the report of the Postmaster-General. I say that when Colorado comes forward and asks you to appropriate a small sum of money to reclaim the vast public domain that this nation owns, and which is to be the home of millions of people in the future, you will not vote her a dollar, and yet you expect us to stand by and help you.

[Here the hammer fell].

The Clerk resumed and completed the reading of the bill.

Mr. WILLIS. I move that the committee do now rise and report the bill back with the amendments.

Mr. BROWN, of Pennsylvania. I ask to have my amendment voted upon.

Mr. WILLIS. I have got it here. It will be admitted under the call for the previous question.

The motion was agreed to.

The committee accordingly rose; and Mr. WELLBORN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had directed him to report the same back to the House with sundry amendments.

Mr. WILLIS. Before demanding the previous question I desire to say there are several amendments that I ask permission to offer. There is one in regard to New York which I will ask the Clerk to read.

Mr. HAMMOND. I will ask the gentleman from Kentucky if all the amendments may not be considered as pending and let them all be printed in the RECORD, as they will not be voted on till to-morrow, and then let the previous question be considered as pending?

Mr. WILLIS. I agree to that suggestion.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Kentucky [Mr. WILLIS] that these amendments may now be offered; that they shall be printed in the RECORD of to-morrow, and that they shall be considered as pending under the operation of the previous question, if the House shall order it? [After a pause.] The Chair hears no objection.

The amendments are as follows:

End of section 8, amend after line —, after the word "city:"
"*Provided*, That in each of the appropriations made under the provisions of this bill the Government of the United States shall not be deemed or in any case held liable or responsible to any individual or corporation in expending the money appropriated and in carrying on the improvements named for or on account of the laches or negligence of any contractor or employé performing service or labor under and by authority of the Government of the United States."

By Mr. DAVIS, of Massachusetts:

Survey harbor of refuge at Falmouth, Mass.

By Mr. DAVIDSON:

Between lines 34 and 35, in section 8, page 48, insert:
"Survey Caloosahatchee River from its mouth up to Fort Thompson, Florida.
"Survey channel between the mainland and coast islands, extending from Little Clearwater Pass to John's Pass, Florida.
"Survey Anclote River, Florida."

By Mr. DUNHAM:

After line 28 insert: "Survey Calumet River from the Forks to Blue Island."

By Mr. HATCH, of Michigan:

At the end of line 37, in section 8, insert: "Survey the west channel of the Saginaw River, opposite West Bay City, Michigan."

By Mr. HENLEY:

At the end of section 8, amend by adding the following: "Survey Crescent City Harbor, California, with a view to its improvement, by filling in or building a wall from Battery Point to wharf rock.

Mr. HEWITT, of New York, offers the following amendment, to come in at the close of the bill:

For removing the débris resulting from the explosion of Flood Rock, at Hell Gate, $100,000.

By Mr. JONES, of Texas:

Amend on page 48 as follows: After line 30 add "Sabine River, Texas and Louisiana."

By Mr. LORE:

Amend bill by adding after line 985: "Improving harbor at Wilmington, Delaware, $25,000, which shall include the $15,000 hereinbefore in this bill named for that purpose."

By Mr. LOWRY:

Survey for a water way from Lake Erie, at Toledo, by the Maumee Valley, to Fort Wayne, and thence up the Saint Joseph's River to Steuben County, and connecting with the Big Saint Joseph's at the most desirable point, and thence down the big Saint Joseph's to Lake Michigan by way of Bristol, Elkhart, and South Bend.

By Mr. MILLER, of Texas:

At the end of line 36 insert: "For survey of the Colorado River, in Texas. For survey of the Guadalupe River, in Texas."

By Mr. OATES:

Add to section 2: "*Provided*, That the same shall in no wise commit the Government of the United States to purchase or improve any of such locks and dams or other improvements."

By Mr. OCHILTREE:

Survey: "From Galveston, via Saint Louis Bay and Canal, to the Brazos River."

By Mr. O'NEILL, of Missouri:

At end of section 8: "The Secretary of War is directed to report to the next Congress an estimate of the probable cost of completing the work between the Illinois and Ohio Rivers on the Mississippi River and what subdivisions of work are necessary to complete said work within five years."

By Mr. POLAND:

Insert at end of section 8: "Swanton Harbor, Vermont, with a view to determine whether the present breakwater is properly located, and what may be necessary for the proper improvement and protection of said harbor."

By Mr. PRICE:

Amend by adding at the end of section 8: "And the Secretary of War is hereby directed to detail an officer of the Engineer Corps of the Army to make such surveys and examinations as will ascertain the causes of the extraordinary overflows of the Chippewa River in and below the city of Eau Claire, in the State of Wisconsin, in the years 1880 and 1884, and report the most practical means of preventing a recurrence of such overflows."

By Mr. SKINNER, of North Carolina:

Insert at the end of section 8:
"Survey of Great Pee Dee River from the South Carolina line to the Narrows North Carolina.
"Survey of Alligator River, North Carolina.
"Survey of Wysocking Harbor, North Carolina.
"Survey of Eaglehead Harbor, North Carolina."

By Mr. SMALLS:

Insert in line 44, after "California:"
"Survey of Mosquito Creek, between the South Edisto and Ashepoo Rivers, and as to connecting Ashepoo and South Edisto Rivers at or near Fenwick's Island, South Carolina."

By Mr. SNYDER:

Insert after line 37:
"Survey of Gauley River, West Virginia."

By Mr. TILLMAN:

Little Salkehatchie River, South Carolina, from its mouth to Carter's Ford.

By Mr. WELLER:

Add to section 1, at the end of line 985, the following words:
"SEC. 2. That each particular appropriation in section 1 of this act contained or mentioned shall be paid, as nearly as may be, only in the following moneys and currency of the United States of America; and the same and no part thereof shall be paid in any representative of the currency or moneys in said sections mentioned, namely: One-third part of each particular sum of the aforesaid appropriation shall be paid only in standard silver dollars, one-third part in silver certificates, and one-third part in Treasury notes, and each sum of said appropriations shall be at the expense of the Government in said moneys and currency as herein mentioned actually transferred to and disbursed at the locality where the appropriation is to be expended."

By Mr. WILKINS:

After line 33:
"Survey the Muskingum River, Ohio, between Marietta and Dresden, with a view to the transfer of the improvements thereon to the United States."

By Mr. ———:

Insert after line 44 of section 8 (page 49):
"Survey Vancouver Harbor, Washington Territory."

Mr. MURPHY. Mr. Speaker, I desire to make a motion in relation to this bill.

The SPEAKER *pro tempore*. Under all usage the Chair recognizes the gentleman in charge of the bill. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. I understood that unanimous consent had been granted, and that the previous question had been ordered on the bill and the amendments.

The SPEAKER *pro tempore*. The Chair did not so understand.

Mr. WILLIS. Then I now move the previous question on the bill and all amendments, including those just sent to the desk, which are to be printed under unanimous consent.

Mr. HEPBURN. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER *pro tempore*. That motion is not in order now. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the previous question be ordered on the bill and the pending amendments.

Mr. GIBSON. On all amendments?

The SPEAKER *pro tempore*. Yes: "pending amendments" includes all amendments.

Mr. MURPHY. Mr. Speaker, I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The gentleman will state it.

Mr. MURPHY. I wish to make a motion to recommit this bill to the Committee on Rivers and Harbors with instructions to report in favor of the Hennepin Canal.

The SPEAKER *pro tempore*. That is not in order at this time, and will not be until the previous question shall have been ordered on the passage of the bill.

Mr. MURPHY. I understand, then, that I can make the motion hereafter.

The SPEAKER *pro tempore*. There is a time when that motion can be made, but not now.

The question was taken on the motion of Mr. WILLIS to order the previous question on the bill and the pending amendments.

The motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. HENDERSON, of Illinois. Mr. Speaker, I wish to say that I shall demand a separate vote on each amendment.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of the New York State Cider and Cider Vinegar Makers' Association, asking the repeal of the so-called vaporizing law of March, 1879—to the Committee on Ways and Means.

By Mr. BRAINERD: Petition of citizens of Pennsylvania, relating to the Mormon question—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Petition of Barber Match Company, of Akron, Ohio, and others, praying for relief upon law imposing stamp-tax on manufacturers of friction matches, which went into effect September 1, 1864—to the Committee on Appropriations.

By Mr. FINDLAY: Memorial of owners of private dies, &c.—to the same committee.

By Mr. FORAN: Petition of O. L. Olds and 50 others, citizens of Cleveland, Ohio, praying that laws be immediately passed by Congress to prevent the spread and evils of Mormonism—to the Committee on the Judiciary.

By Mr. GUENTHER: Memorial of the Legislature of the State of Wisconsin, in favor of placing General U. S. Grant upon the retired-list of the Army—to the Committee on Military Affairs.

By Mr. HART: Petition of J. C. Leggett and 30 others, citizens of Brown County, Ohio, praying for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HOPKINS: Memorial of owners of private dies, asking for indemnity—to the Committee on Appropriations.

By Mr. B. W. JONES: Memorial of the Legislature of Wisconsin, in favor of placing General U. S. Grant on the retired-list—to the Committee on Military Affairs.

Also, memorial of match manufacturers, for the payment of certain claims—to the Committee on Appropriations.

By Mr. MCCOMAS: Petition of Solomon S. Lumm and of William H. Knode, both of Washington County, Maryland, for compensation for property taken and used by the Union Army during the late war—severally to the Committee on War Claims.

By Mr. PRICE: Petition of Mrs. R. C. Jones and 38 others, of Black River Falls, Wis., praying for the suppression of Mormonism—to the Committee on the Judiciary.

Also, memorial of board of supervisors of the town of New Richmond, Saint Croix County, Wisconsin, for a law prohibiting railroads from charging more for a short than a long haul—to the Committee on Commerce.

By Mr. STEPHENSON: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to place General U. S. Grant upon the retired-list of the Army—to the Committee on Military Affairs.

By Mr. STORM: Memorial of the Board of Trade of the city of Erie, Pa., for the purchase of the Lake Superior Ship Canal and Portage Lake and River Improvement Company's Canal by the United States—to the Committee on Rivers and Harbors.

By Mr. E. B. TAYLOR: Petition of citizens of Cleveland, Ohio, on the Mormon question—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Petition of Isaac M. Hudson, administrator of James Love, asking a reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Concurrent resolution of the Legislature of the State of Minnesota, urging the purchase by the Government of the Portage Lake and Lake Superior Ship Canal and other works—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. F. B. BREWER: Of citizens of Frewsburg, of Nashville, and of Limestone, N. Y.

By Mr. CLAY: Of citizens of Christian and Hopkins Counties, Ky.

By Mr. EATON: Of John Watson and others, citizens of Hartford; of Stephen Raper and others, of New Britain; of Willard Griffin and others, of West Grandy; of D. H. Parsons and others, of Stafford Springs, and of David R. Hubbard and others, of Southington, Conn.

By Mr. HOUK: Of citizens of Allensville, of Dumplin, and Flat Gap, Tenn.

By Mr. LACEY: Of Hiram N. Robinson and 63 others, of Battle Creek, Mich.

SENATE.

WEDNESDAY, *February* 25, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Chief Clerk read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to perform the duties of the Chair in my absence this day, 25th February.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C.

Mr. ALLISON thereupon took the chair as presiding officer.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

DISTRICT TAXES AND EXPENDITURES.

The PRESIDING OFFICER (Mr. ALLISON in the chair) laid before the Senate the following communication from the commissioners of the District of Columbia, by J. B. Edmonds, president; which was read, and referred to the Committee on the District of Columbia:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, February 24, 1885.

SIR: The commissioners of the District of Columbia have the honor to acknowledge the receipt this morning of a resolution passed in the Senate of the United States on the 20th instant, by which they are directed "to immediately inform the Senate of the causes that have prevented them from complying with the resolution of the Senate, adopted on the 24th of June, 1884, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department, or water fund, for each year from 1875 to 1884."

In reply the commissioners have to state that they have made every reasonable effort to comply with the onerous task imposed upon them by the resolution passed June 24, 1884, but it has been impossible with the regular office force to make such subdivision of collections and expenditures as was called for, because the records have never been classified with reference to the arbitrary sectional divisions named in the resolution. The law does not require nor can such a system be followed without keeping a separate set of books and records for each section at some considerable increased annual expenditure. It should also be observed that within the period covered by the resolution there have been two different forms of government for the District; some offices have been abolished, and the duties and responsibilities relating to others modified, and corresponding changes in the system of records made. In a word, the only reason why the commissioners have not as yet replied to the resolution in question is that the force at their disposal has not been able, in addition to their regular duties, to pick from the records the special information called for and which could not be obtained therefrom directly.

A vast amount of work has been done toward compiling the information called for, and the results will be tabulated so as to present at least a partial report to the Senate at its present session.

Very respectfully,

J. B. EDMONDS, *President.*

Hon. GEORGE F. EDMUNDS,
President pro tempore United States Senate.

INDIANS ON UMATILLA RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Mr. DAWES. All the amendments of the House are verbal except one; and in that I wish to have the Senate concur with an amendment.

The PRESIDING OFFICER. The Chief Clerk will report the amendments of the House of Representatives.

The CHIEF CLERK. Page 2, line 16, after the word "approved," insert "by the Secretary of the Interior."

Page 3, line 4, after the word "reservation," insert the words "hereafter provided for them."

Page 3, line 24, after the word "money," strike out the words "or in other improvements upon his allotment as shall be determined by the Department."

Page 5, line 17, strike out all after the word "purchase" to and including line 20.

Page 5, line 29, after the word "established," insert:

Provided further, That the water right across a portion of said reservation through the town of Pendleton, granted by the Interior Department July 7, 1870, on the application of George A. La Dow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors.

The PRESIDING OFFICER. Does the Senator from Massachusetts recommend concurrence in all the formal amendments?

Mr. DAWES. I wish to have the Senate concur in all the amendments except one, to which I shall offer a slight amendment, and then I shall ask the Senate to concur in that. That will make an end of the bill.

The PRESIDING OFFICER. The question is on concurring in all the amendments except the additional proviso to be added to section 2 of the bill.

Mr. DAWES. Before that motion is put I should like to have read what is proposed to be stricken out.

The PRESIDING OFFICER. The matter proposed to be stricken out by the House of Representatives will be read.

The CHIEF CLERK. Page 5, line 17, strike out all after the word "purchase" down to and including the word "thereof," in line 20, as follows:

Provided further, That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof.

Mr. DAWES. I move a concurrence in all the amendments but the one in relation to the water right.

The PRESIDING OFFICER. Does the Senator move a concurrence in the amendment just read?

Mr. DAWES. Yes, sir.

The PRESIDING OFFICER. The Senator from Massachusetts moves a concurrence in all the amendments of the House except the one indicated by him. Is there objection? The Chair hears none, and the amendments are concurred in.

Mr. DAWES. I move a concurrence in the last amendment with the amendment which I send to the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts moves a concurrence in the remaining amendment of the House of Representatives with an amendment. The question will be first upon the amendment proposed by the Senator from Massachusetts; which will be reported.

The CHIEF CLERK. It is proposed to add the following proviso:

Provided, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner, nor to any extent, beyond or different from that to which it is now appropriated.

Mr. HARRIS. I suggest that the Chief Clerk read the amendment of the House of Representatives as it will be when amended.

The PRESIDING OFFICER. That will be done.

The CHIEF CLERK. Page 5, line 29, after the word "established," insert:

Provided further, That the water right across a portion of said reservation through the town of Pendleton, granted by the Interior Department July 7, 1870, on the application of George A. La Dow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors: *Provided*, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner, nor to any extent, beyond or different from that to which it is now appropriated.

Mr. DAWES. I move to add the additional proviso. The object of it is to preserve any reasonable use of that stream for agricultural purposes, and also to prevent an absolute appropriation of it by these parties, confining them to the use they now have.

Mr. HARRISON. I wish to suggest to the chairman of the Committee on Indian Affairs that the language he uses, the word "now," would speak from the time of the passage of the bill, and whether it would not be better to make it relate to future time.

Mr. DAWES. It was my intention to have it relate to the future. I suppose the condition of things will not alter between now and the passage of the bill.

Mr. HARRISON. There is a possibility that it might.

Mr. DAWES. I do not think it will. If there is danger of that of course I would not object to a modification. I do not apprehend that it is possible to do that.

Mr. MORRILL. To put in "heretofore" instead of "now" would be just as well.

Mr. DAWES. I will adopt the suggestion of the Senator from Vermont, and modify my amendment by striking out the words "is now" and inserting "has been heretofore;" so as to read:

In any manner nor to any extent beyond or different from that to which it has been heretofore appropriated.

I will explain this to the Senate, if there is any desire to have an explanation.

Mr. MORRILL and others. It is all right.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Massachusetts to the amendment of the House of Representatives.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

ORDER OF BUSINESS.

Mr. BLAIR. I ask unanimous consent to move that the Senate concur in an amendment made by the House of Representatives to the bill (S. 2009) granting a pension to Isabella Turner. It is simply for the purpose of preventing collection under the bill of any arrears. The bill as passed by the Senate covered about two years of arrears, and the amendment takes that off.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent at this time to call up the bill indicated by him.

Mr. SAULSBURY. Is the morning business concluded?

The PRESIDING OFFICER. Morning business is not concluded.

Mr. BLAIR. By this course the Senate can concur in an amendment that will save money.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. I think we had better get through with the morning business and take up that bill immediately after.

Mr. LAPHAM. I ask leave at this time to make a privileged report.

The PRESIDING OFFICER. Reports are not yet in order.

Mr. LAPHAM. It is a privileged report. I submit the report of the committee of conference on the disagreeing votes of the two Houses on House bill 3108.

The PRESIDING OFFICER. The Chair understands that the bill to which the report refers is not before the Senate. The Senator will withhold the report until the original bill is brought in.

Mr. LAPHAM. It is a conference report on the disagreeing votes of the two Houses.

The PRESIDING OFFICER. But the bill and papers must be in the possession of the Senate. They are not on the Secretary's table.

PETITIONS AND MEMORIALS.

Mr. ALDRICH presented the petition of Anthony Bauer, of Washington, D. C., praying compensation for damages to his property by reason of public improvements in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Hannah Cottrell, widow of Jesse Cottrell, late private Capt. Hazard Knowles's Company of Rhode Island Militia, in the war of 1812, praying allowance of service pension under the act of March 9, 1878; which was referred to the Committee on Pensions.

Mr. MILLER, of New York. I present a petition of residents of New Jersey praying the passage of the bill authorizing the construction of bridges across Staten Island Sound. As the bill is on the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. MILLER, of New York, presented a memorial of citizens of New York, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. PENDLETON presented petitions of six publishing-houses of Ohio, praying for a reduction of postage on second-class mail matter, and that all papers shall be sent at the same rate of postage; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN. I present the petition of Thomas Folkes and others, laborers on the session-roll of the Senate, praying that there be paid to each of them out of the contingent fund of the Senate the sum of $41.10, in payment for labor done in November, 1884, for which they have received no pay, accompanied by a proposed amendment to the deficiency appropriation bill, and I desire to call the attention of the Committee to Audit and Control the Contingent Expenses of the Senate to it, to which committee I move its reference.

The motion was agreed to.

Mr. CONGER presented resolutions of the Produce Exchange of Toledo, Ohio, in favor of the bill providing for the purchase by the Government of the two canals across Keweenaw Point, Lake Superior, State of Michigan; which were referred to the Committee on Commerce.

Mr. BAYARD presented the petition of George W. Morrison, William Herbert, and other citizens of New Castle, Del., praying an increase of appropriation to improve the harbor of that place; which was referred to the Committee on Commerce.

Mr. PLUMB presented a resolution of the Legislature of Kansas, in favor of the passage of the Mexican pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Lawrence, Kans., praying an appropriation for the construction of a wagon-road from Caldwell, Kans., to Wichita Falls, Tex.; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army.

I desire to say that if the committee had deemed it necessary to amend the bill they would have amended it by specifically providing for the location of the site, which as they believe should be at the corner of B street and Seventh street southwest, for the reason that the regents of the Smithsonian Institution have a title to the land round about the Smithsonian to the extent of thirty acres; and unquestionably within a very short time, probaly less than half a dozen years, the museum there now will have to be doubled in order to contain even the amount of articles that are ready to go into it at the present time. I have conferred with two members of the commission, and I find that they would be both in favor of the location on the site mentioned by me—that is, on the corner of B and Seventh streets southwest. Therefore we do not make any amendment. As the bill is very short, I will ask to have it read for the purpose of asking its present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill reported by him from the Committee on Public Buildings and Grounds be now considered.

Mr. INGALLS. Is the morning business through?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The bill will be placed on the Calendar.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6407) to regulate the letting of mail contracts, reported it with amendments.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 4686) for the relief of Fendall Carpenter, reported it without amendment, and submitted a report thereon.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an amendment to the sundry civil bill for an appropriation to carry out the treaty between the United States and Mexico for the establishment of a boundary. I move that it be referred, with the accompanying papers, to the Committee on Appropriations, and printed.

The motion was agreed to.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McPHERSON. Without previous notice I offer an amendment to the naval appropriation bill, an important one, providing for the increase of the Navy, which I desire to have printed at once and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from New Jersey presents an amendment intended to be proposed to the naval appropriation bill. It will be printed and referred to the Committee on Appropriations.

Mr. LAPHAM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

THE WASHINGTON MONUMENT.

Mr. SHERMAN. I am directed by the commission organized under a joint resolution approved May 13, 1884, in relation to ceremonies to be authorized for the completion of the Washington Monument, to submit a brief report, accompanied by the various proceedings and ceremonies provided for under that joint resolution. I ask that the report be printed.

The PRESIDENT *pro tempore*. The Senator from Ohio, from the special committee appointed on the subject of the Washington Monument ceremonies, submits a report, with the accompanying papers. The report will be printed.

Mr. SHERMAN. In this connection I report from the same commission a concurrent resolution in regard to printing the report; which I ask to have acted on now.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 10,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed in memorial form under the direction of the Joint Committee on Printing; 3,000 copies for the use of the Senate; 6,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. Gen. P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession; 400 copies for the Washington National Monument Association for distribution among its members, and 100 copies for Col. Thomas L. Casey, engineer, for distribution among the mechanics and workmen employed in the erection of the monument.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the resolution be now considered. Is there objection? The Chair hears none.

Mr. SHERMAN. I have no objection to a reference of the resolution to the Committee on Printing if it is desired. I do not know whether any Senator desires a reference. It may as well be acted upon, as it is so late in the session.

Mr. HAWLEY. I should like to confer with the Senator about the numbers in one or two cases. If he will agree to a formal reference of the resolution, it will be reported very promptly.

Mr. SHERMAN. I have no objection to a reference if the Senator desires it.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. SHERMAN, from the joint commission on the dedication of the Washington Monument, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress are hereby tendered to Col. Thomas Lincoln Casey, Corps of Engineers, United States Army, and to his assistants, and to the workmen, for the admirable manner in which he and they have performed their respective duties in the completion of the monument to the name and fame of George Washington.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed a bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;"

A bill (S. 2327) for the relief of James Bedell, sr.; and

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

ARMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8120) "making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 17, 18, 19, 20, 21, and 22, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And employed as train-masters, and in opening roads, and building wharves;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$675,000;" and the Senate agree to the same.

Amendment numbered 23: On amendment numbered 23 the committee are unable to agree.

W. B. ALLISON,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.
W. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. ALLISON. As will be seen from the reading of the report, the conferees have agreed upon all the differences between the two Houses except on amendment numbered 23. That is the last amendment in the bill, found on the sixteenth page of the printed bill, and relates to a change of existing law respecting the methods of trial by courts-martial. The House conferees insisted upon retaining that provision and the Senate conferees were not willing to accede to their request, it being important legislation in no way affecting appropriations for the Army.

Mr. INGALLS. General legislation?

Mr. ALLISON. General legislation.

Mr. INGALLS. I should like to hear the amendment upon which the committees disagree read.

The PRESIDENT *pro tempore.* It will be read.

Mr. ALLISON. It is the last amendment in the bill, section 2.

The CHIEF CLERK. Amendment No. 23 is to strike out section 2, in the following words:

(23) SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows:

"Article 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine."

Mr. INGALLS. Can the Senator from Iowa inform us how that changes the existing regulation on that subject?

Mr. ALLISON. I can.

Mr. INGALLS. I should like to hear it.

Mr. ALLISON. Article 94 of the articles of war provides that courts-martial shall be conducted between the hours of 8 in the morning and 3 in the afternoon. This section proposes to leave those hours wholly to the court-martial itself, and the conferees on the part of the Senate are opposed to the provision, believing it is an unwise one.

Mr. INGALLS. Can the chairman of the Committee on Appropriations advise us further what is the alleged necessity for changing the articles of war in this particular?

Mr. ALLISON. So far as I know, it grows out of what is known as the Swaim court-martial, where I believe the court convened at 11 o'clock and under this article of war they were required to adjourn at 3, which only gave them four hours each day.

Mr. INGALLS. It concerns then the convenience of the court.

Mr. SEWELL. The ninety-fourth article of war leaves the discretion also in the officer ordering the court to change the hours if he pleases. If you do away with that article of war and allow the court-martial to be the judge of the time in which they shall sit, you will have junior officers doing as they please, and take it entirely out of the power of their own superior officer who ordered the court.

Mr. ALLISON. So the conferees on the part of the Senate believed, and therefore insisted upon its amendment striking out the section.

Mr. HAWLEY. There is another reason for the existing law. There has been some gossip in newspapers and in military papers alleging that this came down to us from an old English custom because the dinner hour came about the time named for adjournment, and officers were not fit for serious business after dinner. I am assured by an old veteran that the reason for it was that officers in many cases were put on courts-martial where the service could not spare them from other duties during a portion of the twenty-four hours, and after 3 they could attend to certain other duties; the dress-parade I might mention, and various other things; so that it was in accordance with the convenience of the service that that rule was made. Besides that, this veteran officer assured me himself he had many times spent the night preparing the record of proceedings, from 8 or 9 until the hour of adjournment, so that it might be ready for the next day. Further he said it was due to the defense in many cases that the court-martial should not be allowed to hurry through the matter. I think the law ought to be allowed to stay as it is.

Mr. INGALLS. Has the Committee on Military Affairs considered this question?

Mr. HAWLEY. No, sir.

Mr. INGALLS. The Senator from Connecticut I believe is a member of that committee.

Mr. HAWLEY. Yes, sir.

Mr. HOAR. The Senate some time ago directed the Committee on the Judiciary to consider what changes ought to be made in the law in regard to the matter of courts-martial, including the time of meeting, and that committee made a report, prepared by its chairman who now occupies the chair, which has been printed for the information of the Senate, but I believe it has not been read, in which it was declared as the judgment of the committee that there was no reason for maintaining in time of peace several of the distinctive practices which prevail in the matter of courts-martial, whether they may or may not be necessary in time of war.

A court-martial of course very often determines questions more important to the person tried than the question of life itself, affecting the reputation, the fortune, the career, and sometimes of course the life of the officer who is tried. Those trials are held by officers who are unacquainted with the rules of evidence and the rules of law except in the most imperfect manner. The committee suggested that wherever it is possible there ought to be associated with a court-martial held in time of peace some experienced judicial officer.

In the next place, a court-martial is composed of not less than thirteen persons, unless there be some grave reason which renders it impracticable to have so large a number; and while the President is directed to compose the court-martial of officers equal or superior in rank to the person accused, where that is practicable, he is also authorized, where he does not find that convenient, to call juniors in the service into the court. The result is that a man is tried in that most jealous and ambitious of all professions, the military or the naval profession, by persons who have an interest in gaining a step or in vacating an office held by a senior. That enters unconsciously, perhaps sometimes consciously, into the determination, both in the matter of conviction and the matter of sentence.

Then the defendant is at another great disadvantage. The judge-advocate in theory is impartial between the two sides—that is, the Government and the accused; but in practice everybody knows the effect on the mind of a capable lawyer or advocate of having the duty of prosecution upon his hands. He becomes zealous for conviction. He regards the acquittal of the accused as a defeat for himself, and the conviction of the accused as a victory for himself; and he gets all the spirit of the advocate and the prosecutor, and he has the great advantage over the defense of being present at all the secret deliberations of the court. He knows how to shape his evidence; he knows how to shape his argument after having learned just the state of mind as the case is going on of each of the members of the tribunal who are ultimately to determine the case—an advantage which is denied to the advocate of the accused or to the accused himself.

I make these remarks for the information of the public and of the Senate, not claiming, of course, that the Appropriations Committee err in not entering into an important field of legislation on this appropriation bill, but to express the hope that very early in the next Congress some measure will be adopted to cure these evils, as far as possible.

Mr. MAXEY. Our attention has been very sharply directed recently to proceedings by courts-martial. My judgment is from experience in matters of that kind that there should be a revision of the law regulating proceedings by court-martial, either by the Judiciary Committee or by the Committee on Military Affairs. If done by the Judiciary Committee, it ought to be submitted by them to the Committee on Military Affairs, or, at all events, that committee ought to have an opportunity of examining it carefully before action by the Senate. It is impracticable to do that at this session, and I suggest to the Senator from Iowa, who has charge of this bill, that the reasons assigned by the Senator from Massachusetts and those that I have given heretofore should be conclusive against the proposed legislation at this time. For one, as a member of the Committee on Military Affairs, I am not willing to take up and act upon amendments to the Articles of War, affecting the service, in this appropriation bill. I think we ought to have an opportunity to look at them carefully. I am willing to have the Committee on the Judiciary report a bill, but I want to see that bill, as a member of the Committee on Military Affairs, considered by that

committee carefully, in order that we may act wisely, and say whether or not, in our judgment, the laws regulating the proceedings of courts-martial should be amended. There are many other things besides the time that should be looked into. I trust that there will be no action changing the laws regulating proceedings by courts-martial on a bill of this kind.

Mr. SHERMAN. I should like to have read the amendment now in controversy, the proposed article of war.

The PRESIDENT *pro tempore.* The section that the Senate has proposed to the House to strike out will be read.

The Chief Clerk read section 2 of the bill.

Mr. SHERMAN. The only change that is made in article 94 is that under the existing article courts-martial can only be held between the hours of 8 in the morning and 3 in the afternoon. It seems to me that this is too small a matter to delay the passage of this appropriation bill. I believe that the House is right in the section proposed by it. Our attention has been called pretty sharply to the fact that a board of officers composed of some of the leading officers of the Army were detained here more than a month in the trial of a single case by the fact that they were compelled to adjourn at 3 o'clock each day and could not sit longer. As a matter of course they can not meet at 8 o'clock, unless they live at hotels where they can get breakfast at 6 or 7, by candle-light in the winter time. They can not meet, in the ordinary course of business here in Washington, before about 11 o'clock, or 10 o'clock at the earliest. They were compelled to adjourn at 3 o'clock, and the trial was prolonged on that account.

There is no danger in leaving to a court-martial the discretion as to its hour of adjournment. It is left to every justice of the peace, to every tribunal great and small, to determine the time when it shall adjourn; and every court will at times hold longer or shorter sessions according to the exigencies of the case. A court-martial is already by the preceding article of war armed with the power to adjourn from day to day with almost unlimited control over the trial. Now, why should they not be intrusted with fixing the time during which they shall sit?

Mr. MAXEY. If the Senator from Ohio will permit me a moment, I think the present hours fixed in our law were adopted from the proceedings of courts-martial in England, as fixed probably more than a century ago. I agree that the Senator is right in wanting a change, but I do not see any use in chopping up the law when we ought to revise the whole of it; and there is no immediate necessity for taking up this particular item when the whole law ought to be revised.

Mr. SHERMAN. But now as the subject is before us, and as this proposition delays the passage of the Army bill, I think the better way is for us to recede from our amendment if we substantially agree to the wisdom of the proposition contained in the bill. It has got beyond the stage at which we can raise a question of order, or even a question of propriety or appropriateness; but here it delays the passage of the Army appropriation bill, and I think the simpler mode therefore is to recede. I will move that the Senate recede from this amendment, whatever its number.

The PRESIDENT *pro tempore.* That motion is not yet in order. The question now is on agreeing to the conference report, after which the question will be on the twenty-third amendment.

Mr. SHERMAN. Do the conference report a disagreement?

Mr. ALLISON. We report an agreement on every question except the last amendment.

Mr. SHERMAN. Then I respectfully suggest to the Chair that now would be the time to submit a motion to recede.

The PRESIDENT *pro tempore.* The Chair thinks that under the rules the first question is on agreeing to what the conference committee has recommended, after which the residue of the bill will be before the Senate for action.

Mr. SHERMAN. All right. I will submit the motion then.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Iowa that the report of the conference committee be concurred in.

The motion was agreed to.

The PRESIDENT *pro tempore.* There is now before the Senate the action of the Senate in disagreeing to the last section of the bill which has been read.

Mr. SHERMAN. I move that the Senate recede from its amendment disagreeing to the section referred to. That would pass the bill.

The PRESIDENT *pro tempore.* The Senator from Ohio moves that the Senate recede from its amendment No. 23.

Mr. SEWELL. The present ninety-fourth article of war reads thus:

ART. 94. Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

Mr. SHERMAN. The reason given for that is that a man might be caught in the act of committing crime, when a prompt and immediate example would be required.

Mr. SEWELL. It leaves it entirely in the hands of the officer ordering the court whether they shall sit without regard to hours or not. If we were to change that article of war it would place the commanding officer of a post or garrison in a very unpleasant position. With only a few officers under his command all of them might be required to hold a court, and he would be practically without any officers under his orders whom he could control while that court was sitting. They might sit without regard to his orders.

Mr. SHERMAN. If the Senator will look at the preceding article of war, article 93, he will see that—

A court-martial shall, for reasonable cause, grant a continuance to either party for such time, and as often, as may appear to be just.

So that they have practically the power to continue their existence if they choose, but at the same time a superior officer can disband a court-martial at any time.

Mr. SEWELL. Yes, he can disband it. Another suggestion occurs to me. At the Military Academy, for instance, it has been customary to hold these courts. They are held very often there, so as not to interfere with the academic studies. It seems to me that an article of war which has passed the ordeal of a great many years and has never been criticised in the Army before to-day, should not be changed in this manner.

Mr. INGALLS. Mr. President, I hope the Senator from Ohio, before asking us to agree to this legislation as it comes from the House of Representatives, will inform us how this article of war can at the same time be repealed and amended. Let me read the language of the bill as it came from the House:

SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows.

Mr. MILLER, of California. We had that under discussion when the bill was before the Senate, and it was supposed that was a misprint. There is a mistake evidently.

Mr. INGALLS. Then the Senator from Ohio wants us to agree to a misprint, an admitted and confessed misprint, a solecism, something admitted to be insensible, simply because we should not delay the passage of the bill? Mr. President, this can not be a misprint.

The PRESIDENT *pro tempore.* The Chair will state that there is no misprint. The engrossed House bill reads as the print does.

Mr. SHERMAN. I think it is proper and right as it is.

Mr. INGALLS. The Senator from Ohio, if he considers this as correct phraseology and a proper method in dealing with legislation, I am sure does not agree with the majority of his associates. In any event, the only objection that he makes to still further insisting upon the amendment made by the Senate is that it will delay action upon this bill.

Mr. President, I believe I am warranted in saying that the Committee on Military Affairs of this body, to which this subject would properly be referred, though they have taken no formal action, are unanimously opposed to this modification of the rules of war. I see no reason why the modification should be made. The discretion, as the Senator from New Jersey has just advised us by reading the article, is absolute in the authorities by which a court-martial may be ordered. And for the purpose of accommodating the habits of certain high officials of the Army who do not find it convenient in consequence of the lateness of the hour at which they breakfast to assemble before 11 o'clock, we are to be requested to assent to this crude, absurd, and ridiculous legislation, against the judgment of the Committee on Military Affairs and against the express rule of the Senate which declares that there shall be no general legislation upon appropriation bills.

I hope, Mr. President, that the Senate will at least in a case as plain as this, where there is no necessity, where the form in which it appears is preposterous, not be called upon to stultify itself simply because we may possibly delay for a few hours the passage of this bill.

I may add here that I am not willing to deal with the subject of courts-martial and the rules of war in this fragmentary way. If the published proceedings of a recent very notable and conspicuous court-martial are correct, there are some things that need amendment about these tribunals far more than the hours at which they shall assemble in the morning and disperse in the afternoon. I refer, sir, to the trial of General Swaim, the Judge-Advocate-General of the Army of the United States, whose case was tried by a court-martial consisting of thirteen general officers, I believe, who examined with great care, minuteness, and patience, for many days, the serious allegations preferred against him; and after protracted investigation reported their findings and sentence to the President of the United States.

If the published statements are correct the subsequent proceedings were a disgrace to civilization. It is a shame that any tribunal independent, intelligent, competent to act, after having for days and weeks in pursuance of the authority of law investigated a charge, should be governed by such regulations that it may be twice subjected to such pressure, to such violent interference as appears to have been brought to bear in this case, not in the interest of justice apparently, but to extort and compel a more violent, severe, and degrading verdict against the accused than the court was willing to inflict.

But, sir, it seems that even twice would not suffice; that when the verdict had been sent back, it was returned a second time to this reluctant tribunal; they modified their sentence; it was again returned for the purpose of still further revision; and when at last in the exercise of their constitutional authority they submitted their third sentence, it

was approved, with the addition of the most offensive and humiliating epithets and inferences against the court and the accused, to the effect that the result of their verdict was to make General Swaim a pensioner upon the Army Register while until to perform the duties of the office, and enabling him to draw one-half the compensation, to none of which he was entitled.

Sir, if we are to deal with the subject of courts-martial and the articles of war, I desire to begin with some more serious paragraph than that which says they shall meet at 8 o'clock in the morning and disperse at 3 o'clock in the afternoon. Let us not pay tithes of anise, mint, and cummin and omit the weightier matters of the law.

Therefore, sir, I hope that the Senate will not depart from the observation of its rule; that it will insist that this, being general and improper legislation, shall not be placed upon this appropriation bill, but that we may be permitted, if we are ever to deal with this anomaly in judicial procedure, to so deal with it that a tribunal properly appointed and constituted, having passed in a legal way upon matters subject to its jurisdiction, shall not be exposed to external compulsion that would not be tolerated in any other system upon the face of this earth.

Mr. SHERMAN. Mr. President, the criticism of the Senator from Kansas upon the form in which this is sent to us it seems to me is hypercritical; at any rate, I do not choose to regard it as a matter of serious import. The substance of the proposition made by the House is that in place of the ninety-fourth article of war, which is repealed by their section, another article shall be inserted. That is the effect of it. As a matter of course, if this section is agreed to and the Senate recedes from its amendment, the language of the ninety-fourth article of war will be as contained in this proposed section, instead of the language now contained in the Revised Statutes. That is the substance of it; it makes no difference what the form is. It would probably have been better to use the word "substituted" instead of "amended;" that would have been more correct; but it is a very small matter. Here is an acknowledged evil, an acknowledged error in the Revised Statutes, brought prominently before us. The passage of the Army bill is delayed because of resistance to a proposition to correct it.

Mr. ALLISON. I do not like to disturb the Senator, but this is not an acknowledged evil as I understand it, but it is a question of severe dispute between people who understand the question.

Mr. SHERMAN. The Senator from Kansas says the Committee on Military Affairs are unanimous on this subject. That surprises me.

Mr. INGALLS. I had no right to say that, but I was informed that was the case in current conversation about me. Of course I had no right to say that, but it was simply one argument that was proper to be advanced in case it were true.

Mr. SHERMAN. If the Committee on Military Affairs have had this matter before them and have considered it, I should feel inclined to follow their judgment, not that their judgment would be final on us, but on the whole I should prefer to yield to their judgment. The subject has never been referred to the Military Committee, and I understand the Senator from Texas [Mr. MAXEY], who is a member of that committee, to say that he thinks the change should be made; that this old article of war came to us more than a century ago from the British army, and that he thinks in addition to this or more important than this are many other changes which ought to be made in the Rules and Articles of War.

Mr. MAXEY. Of very much more importance.

Mr. SHERMAN. So I understood the Senator. That does not place the Senator from Texas against the idea suggested by the House of Representatives, nor do I understand that the Committee on Military Affairs has acted on it at all.

I do not want to enlarge upon the discussion opened up by the Senator from Kansas, although I sometimes for the last month or two have felt strongly inclined to do so. There is one thing connected with military courts-martial that seems to me very wrong, and it ought to be corrected by the proper authorities. We have an officer called a judge-advocate in each court-martial. His proper name according to the recent experience we have seen is that of a prosecuting attorney of the most vigilant and pushing kind. When he is a prosecuting attorney appearing only for the Government, met on the other side by attorneys on the part of the defendant, I think it is a gross shame and outrage that that prosecuting attorney should appear before the court-martial, participate in their secret deliberations, be present at all their conferences there to aid and represent one side while the other side is silent and unheard. He knows precisely the decision of the court-martial upon every question of evidence; he knows how to meet any difficulty on that point that may be in the mind of the court-martial, while the attorney for the defense has no such opportunity. Sir, the first change in the articles of war I would make is that when the judge-advocate is no longer a judge-advocate but is a prosecuting attorney, he shall not be present when the court-martial excludes the public to confer upon any question of evidence or upon the final decision. Yet it appears in this case according to the public prints that the prosecuting attorney, contesting the point against the defense, went with the court-martial into secret session and there aided them by his advice, his countenance, his opinion, his authority in the decision of the very questions that he had argued as an attorney. If that is the law of courts-martial, God help me from ever falling under the law of courts-martial. That ought to be corrected; but I do not choose to discuss that now.

I think now we have one error in these articles of war presented by the House of Representatives very forcibly, and it ought to be corrected. To do so does not infringe on any authority, because now nobody has a right to change this arbitrary rule as to the time of meeting unless in a case demanding immediate action. The Secretary of War can not do it, nor can the President do it. The law is so. I should be perfectly willing that instead of the court-martial fixing the time of adjournment, the Secretary of War, if he is within reach, should do it; but he is not within reach in many cases, and so he can not do it. Somebody ought to have the power to extend the sessions of a court-martial beyond 3 o'clock, so that the proceedings may be summary.

Mr. SEWELL. In time of war I remember that almost every order that was issued constituting courts-martial authorized them to sit "without regard to hours."

Mr. SHERMAN. There ought to be some such power as that in time of peace. That is all I ask, and the court-martial can safely be invested with that power. That is the proposition made to us in the bill. In aid of public business, in aid of the rapid discharge and disposition of the business of courts-martial, in the interest of economy, the courts-martial should be permitted to extend their sessions beyond 3 o'clock in the afternoon if they choose to do it. If they do not choose, they need not do it.

Mr. DAWES. It does seem to me that this whole discussion is like picking up a bird-seed. I can not conceive of anything about a court-martial so unimportant and so trifling as to engage the Congress of the United States in determining at what time the members of it shall get up in the morning; for that is all. In the presence of the announcement in the public papers this morning of that which will be a reproach to the administration of justice in all time, we are told that an appropriation for the support of the Army shall not pass Congress unless the Senate of the United States will consent to a change of the law to the extent of determining when a court-martial shall adjourn. Let us do it at some other time if we are to do it at all, and not at this time when every one of us should have our minds turned to another more grievous and important question, whether the rights of accused men on trial have been trampled down under the forms of law or not.

Let us not trifle in this manner, and say that here to-day all we have got to complain of is that a court-martial can not be convened in accordance with the convenience of its members early enough to sit four hours in a day. Sir, more consequence attaches to what courts-martial of late have done than to what time they convene or what time it is necessary for them to adjourn. Better would it have been for the name of justice had they not convened at all, or if they had adjourned much earlier in the day than they have done, rather than to spread before this country, as has been done this morning, such proceedings as ought to shock every man's sense of justice.

I am tired of being told that the regular appropriation bills for carrying on this Government are not to pass unless some change in the existing law shall go along with them. Sir, the laws ought to be changed when the two Houses of Congress upon fair deliberation shall determine that they ought to be changed, and when this branch or any other branch of the legislative department of this Government shall say that the appropriation bills necessary for carrying on this Government shall not pass unless there shall also be changes in existing law along with them, then we cease to be free and deliberative bodies.

This is the condition of things to-day, sir. One or the other branch is told that the wheels of Government shall stop until changes in laws not pertaining to the administration of the Government and the expenditures of money shall be made law at the same time.

Mr. PLUMB. Will the Senator permit me to interrupt him?

Mr. DAWES. Yes, sir.

Mr. PLUMB. I desire to ask whence the Senator got that specific and valuable piece of information that has heretofore been imparted to him. I should be glad to know when that statement has been made and where.

Mr. DAWES. Why, Mr. President, we are not deaf or blind, unless when we will not see or hear. Every day, within the last week or ten days, we have been brought—one branch or the other—into a position that admits of no other interpretation than that. There is no other alternative. We are told—the Senator from Kansas knows to what I specifically allude—this morning that we can not have passed appropriation bills absolutely necessary for the carrying on of the Government; the Government must stop or an extra session of Congress be called before July, unless one body or the other will consent to have such changes in existing and established law as the other body shall determine are wise; and we are told to-day that our failure to recede from an amendment to the Army bill is delaying the passage of the Army bill. Now, the Army bill is a necessity, and all we ask is for an appropriation bill to carry on the Army; but we are told somewhere that unless we change existing laws we shall not have that; and we are told that we are delaying the passage of the Army bill; not some other body that refuses to take an Army bill. It will take no longer time for that body to recede from its proposition to change the law than it will for this body to concur in its action.

Mr. SAULSBURY. I should like to ask the Senator from Massachusetts if he states publicly on the floor of the Senate that it has been said that unless we consent to the legislation proposed the Army bill shall fail, and there will be an extra session? I should like to know who said that. Did any member of Congress say it?

Mr. DAWES. I have not said any such thing. I said that it had been stated here that the Army bill has been delayed in its passage because we would not recede from our amendment. I have said further that there are other bills on which we are told that there shall be an extra session of Congress unless we shall change existing law.

Mr. SHERMAN. I ask the Senator from Massachusetts if I made such a declaration as that. I do not know any one else who is referred to unless it be myself. Did I make the declaration that unless we should recede from our amendment that would prevent the House from acting?

Mr. DAWES. No, Mr. President, the Senator did not say any such thing; but the Senator said just this, that the Army bill was being delayed, and it was being delayed because we insisted on this amendment; and insisting on this amendment is insisting on an Army bill pure and simple. As I said, it would not take any longer for another branch to recede than it would for us to concur, and when they recede we shall have an Army bill. When we concur we are forced to change existing law in order to get an Army bill. That is the difference.

Mr. PLUMB. The statement made by the Senator from Massachusetts, I regret to say, he did not fortify as well as I think he ought to have done, having made it with some degree of sonorousness and a good deal of emphasis and in a manner calculated, I think, to alarm all the people who do not think there ought to be an extra session. I was very glad, however, to see that he turned his whole batteries finally on the Senator from Ohio, because I do not know any one who is better qualified to resist solid shot than that Senator; and finally, when it came down to specifications it resolved itself into the very harmless remark the Senator from Ohio had made about the few minutes' delay there might be (and which there would not be if nobody had spoken) in regard to the passage of the Army appropriation bill.

But I want to say that so far as I know anything about the temper of the House, which I suppose to have been referred to by the Senator from Massachusetts, there is nothing which indicates that they want to force an extra session of Congress on this question of legislation. I think all there is or can be in it is this: Undoubtedly some sentiment exists in regard to the position the Senate has taken concerning the action of the House in putting legislation on appropriation bills which was in order under the rules of the House; but beyond that I know of no feeling existing which is liable to produce any kind of delay in the consideration of appropriation bills. That such a feeling as that should exist is not only inevitable, but it is proper. I have no doubt that if any member of this body were a member of the other House he would say that anything which was proper under the rules of that body to be put upon appropriation bills ought to receive some consideration here. The Senate has adopted another rule and has resolved to strike it out absolutely without reference to its merits simply because it is legislation; but that that difference will be composed I have no doubt, because I do not believe that any considerable number of men in either House desire an extra session of Congress. I think that there is no use of creating alarm on so slight a foundation.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio.

Mr. HARRISON. As some reference has been made to the views of the Military Committee on this subject, which is one that in the ordinary course of legislation would go to that committee for consideration, and as I at this time happen to be acting chairman of that committee, I desire to say a word or two.

The subject has never been considered by the Military Committee. No bill involving this proposition has been sent to the Military Committee for consideration. Therefore no one is authorized to express the opinion of that committee upon this subject. We can only arrive at that by the expressions which have fallen from members of that committee on the floor of the Senate.

For one, I am opposed to the proposed legislation in the shape in which it comes to us. I think if a proposition were submitted to the Military Committee to modify the law by extending the duration of the possible sessions of courts-martial, it would be acted upon favorably. If it were proposed, for instance, that they might sit from 9 until 4 or from 9 until 5, I think that such a proposition would likely meet the concurrence of a majority of the Committee on Military Affairs. But this proposition is not that. It is to give a court-martial liberty to sit during such hours as it pleases, to extend its sessions twelve hours a day if it chooses. It seems to me there are reasons why some limit should be fixed by law, giving the court abundant time for a reasonable day's work in the investigation of a judicial question, and there are other reasons why the discretion of the court-martial should not be absolute as to the hours during which it would sit. In the case to which reference has been made in this debate, I recollect an application for delay put I believe upon the ground of indisposition or sickness of the accused, and if I am not mistaken it was met by some suggestion that it was simply for delay.

Now, Mr. President, in the line of what we have seen of courts-martial, for one I am not willing to give a court-martial unlimited discretion as to the hours during which it should sit. If there should be in any case a disposition to persecute an officer, if there should be in any case a disposition to deny to him a fair opportunity of presenting his case, this unlimited discretion as to the hours of sitting would put into the hands of the court-martial a power of executing their purpose, if such a purpose could be imputed to a court-martial, to prevent the accused from having that time which was necessary for the proper presentation of his case.

The Military Committee are constantly called upon to review the proceedings of courts-martial. Officers of the Army who have been dismissed or upon whom penalties have been imposed by the judgment of courts-martial are continually coming to Congress and to the Military Committee for relief against sentences which have been pronounced. In some of these cases the Military Committee have given careful attention to the record as presented, and while they have not believed that it was in their power to reverse the sentence of a court-martial which had received the approval of the reviewing authority, they have been impressed in more than one case with the injustice and cruelty of some of these tribunals, but have found themselves without the power to redress.

For one I would favor a proposition that would make the hours more reasonable, and that would extend the period through which a court-martial might sit; but I am not willing to accept the legislation proposed by the House which gives a court-martial absolute power over the question as to how many hours a day it shall sit.

Mr. HALE. Mr. President, the debate has wandered pretty wide from the question which was originally raised, not by any means the first time here, as to legislation put by the House of Representatives upon appropriation bills, and it has led to very serious reflections upon the methods and results of what is known as the Swaim court-martial. I have read the decision as finally reached by that court. It seems to me to be a severe decision, but I am not for one prepared to say that the officers who constituted that court and gave laborious service to the investigation intrusted to them have been actuated either by a desire or a willingness to do injustice to any one, or that they have been unduly impressed by superior authority. The court that tried the officer was an eminently distinguished one, presided over by one of the greatest of the generals and commanders in the Army of the United States.

Mr. INGALLS. Will the Senator pardon a momentary interruption?

Mr. HALE. Certainly.

Mr. INGALLS. I trust the Senator did not understand me by even the remotest indirection as casting any imputation upon that court, or any member thereof, of any desire to do injustice. The intention that I had was absolutely the reverse of that.

Mr. HALE. I am glad to get the Senator's disclaimer, so far as it goes. Not only was the court distinguished in its head, but the officers selected for the important trial committed to that court were all evidently selected with the greatest care, in the exercise of the highest judgment, showing that the supreme authority in the War Department meant that this investigation should be clean and thorough and exhaustive and conclusive, so that when the court was made up it was a testimonial not only as to its own fairness in its construction, but as to the desire to do justice on the part of the authority that selected the court. With that remark I leave the court.

Now, so far as concerns there having been any intrusion upon the deliberations and the results of that court-martial, I am not prepared to believe that any superior authority in the War Department desired to do injustice or to have injustice done. There is nothing whatever about the life and the record and the attitude of the Secretary of War that for a moment will justify any Senator in casting any imputation upon him. That Secretary has an inherited integrity. He has a position that he has gained in the four years of his administration which shows that while he is impatient of irresponsibility and incompetency, and while he is sensitive as to the good name of the War Department from the beginning to the close of his service he has been actuated by motives only commensurate with the good of the service, and with the desire to see that the service shall be built up and increased in the regard of the American people, and not diminished. I am not prepared to sit here and allow any aspersion to be left upon him or upon the court. I may believe its sentence to be a severe one, but I have not given my days and my nights to the investigation as have the good men who conducted it. I have not the knowledge that the Secretary of War has upon the subject, and I am prepared to believe that a severe sentence may sometimes be justified by facts which I have not had the time to investigate.

Mr. SHERMAN. The Senator from Maine makes a remark as if somebody had assailed the Secretary of War.

Mr. HALE. I do not know that anybody here has meant to refer in any terms or in any way to the Secretary of War. I shall be glad if every Senator who has taken part in this debate disclaims that, and that will end it. But certainly when we are told that these proceedings are the sum of human outrage and that there has been an intrusion by superior authority, it must mean some person high in authority and above the court, and I supposed it referred to the Secretary of War.

Mr. SHERMAN. In this debate I have not heard a single person make the slightest reference to the Secretary of War. I certainly did not. I heard no remark made in regard to the Secretary of War. What I said was—and I always say what I think, so that nobody need misunderstand me——

Mr. HALE. I did not understand that the Senator made such a reference. I was not referring to him.

Mr. SHERMAN. I had not the Secretary of War in my mind. I said that a judge-advocate, calling himself a judge-advocate, who acts as a prosecuting attorney, and, according to the public prints—and I have no information on this except what I have seen in the public prints—conducts his case with great skill as a prosecuting attorney, should not be with the court in its secret deliberations. I did not even comment on him with severity. I merely said that he was a prosecuting attorney, and in any court would be considered an efficient one, prosecuting his case with great animation and with a determination, as he said himself, to press it to the utmost.

Mr. MILLER, of California. Where there are counsel for the defense the judge-advocate becomes prosecutor, as a matter of course; he can not avoid it.

Mr. SHERMAN. Then, for that judge-advocate to go into the secret councils of the court-martial, to be allowed to use arguments there when he has nobody to reply to him, and to be present when the court-martial are deliberating upon their verdict, is an outrage upon justice, I do not care by whom it is committed, and that prosecuting attorney, no longer judge-advocate, violates the first elements, the first principles of substantial justice, the fair trial of a man defending his reputation or his life.

Mr. HOAR. I do not wish to prolong this debate, but the Senate has been led into the discussion of a system. The case is an example; the system is the thing which some time or other we must reform. Now, without putting any imputation upon any officer of the Government who has done his duty in executing the existing law as he finds it, I am sure that every Senator, I am especially sure that the Senator from Maine, representing a community famous for the intelligent and impartial and humane and just administration of the law from its earliest settlement, will agree that this thing is an abuse which nothing but the exigencies of war certainly could justify in the system, not in the particular instance, because every officer must carry out the law as he finds it. The thing complained of is that after a court has decided upon a case, having heard both parties and has fixed its judgment, there should be communicated to that court an opinion of the Attorney-General criticising it, calling for a change in its judgment, and the pressure of that great authority (and the abler, the better, the stronger the Attorney-General the worse the injustice) put upon the court to revise its judgment and come to a more severe conclusion upon the facts or a more severe sentence, when the accused has no opportunity to reply.

Just suppose the case of the poorest man or woman in our community charged with a petty larceny, and after the trial, after the argument, after the verdict, after the sentence the attorney-general of the Commonwealth or of the United States should be permitted to make a communication to that tribunal, urging a different verdict or a severer sentence, to which that person should have no opportunity by him or her or counsel to reply!

Mr. MILLER, of California. When was that done?

Mr. HOAR. That is the regular course of things in regard to courts-martial.

Mr. MILLER, of California. I do not think it is.

Mr. HOAR. I have here before me the return to the court-martial of its finding and its sentence, accompanied by a discussion of that finding and sentence by the Attorney-General of the United States full of severity, full almost of sarcasm, and indorsed by the President of the United States. Those officers did exactly what according to the law of the land, which they were sworn to carry out, it was their duty to do. I am not criticising the President; I am not criticising the Attorney-General; but does not my honorable friend from Maine agree with me that there can be no necessity for putting, in time of peace at least, the naval or military officers of this country under the operation of such pressure in a matter which involves fortune and may involve life?

Mr. HALE. Now, will the Senator allow me a moment?

Mr. HOAR. Certainly.

Mr. HALE. I did not in any way go into the general question of reforming the conduct and fashion of courts-martial. Quite likely legislation may be needed in the direction suggested by the Senator from Massachusetts. All that I said was drawn from me by what seemed to have been reflections upon the superior officers of the courts-martial, and I only wish now to emphasize the point I made that whatever was done there by any superior officer, the Secretary of War, or the Attorney-General, is in accordance with practice and with custom and with law, as courts-martial are now conducted. I do not believe that anybody has infracted in that direction.

Mr. HOAR. I so understood the Senator from Maine, but it seemed to me proper to call the attention of the Senate, as the subject has been discussed, and has been discussed to some degree on its general merits, to this most extraordinary anomaly in the administration of the law in a country famous for the safeguards which it puts about the life or the property or the honor of its citizens.

Mr. MILLER, of California. I will state to the Senator that if a court-martial makes a mistake in the law, makes a sentence which is impossible of execution, it is perfectly proper for the reviewing officer to call its attention to it, and have it reformed.

Mr. HOAR. Does the Senator from California maintain that it is proper for any person to be at liberty to attack the correctness of the sentence, and demand a more severe sentence or a different finding on the facts, without giving opportunity to the accused to reply?

Mr. MILLER, of California. I do not see that anybody has ever done it; I do not know of a single case.

Mr. HOAR. In this very case, what opportunity did the accused have?

Mr. MILLER, of California. In this case the sentence was to reduce the officer to the rank of major, which was an impossible thing; it could not be done, as there was no vacancy in that grade.

Mr. HOAR. That was the second sentence, and not the first.

Mr. MILLER, of California. I do not know what the first was.

Mr. HOAR. I do; and that is what I am referring to.

Mr. MILLER, of California. The reviewing officer may request the court to reform its findings.

Mr. HOAR. It is not an uncommon practice in courts-martial.

Mr. MILLER, of California. I have never heard of a case, and I served eight months on courts-martial myself.

Mr. HOAR. Perhaps the Senator made the sentence so severe that it was not necessary, or perhaps it was so eminently just that no review was required.

Mr. MILLER, of California. I speak of my own experience.

Mr. HOAR. I have no doubt it was an eminently just sentence which was pronounced by any court of which the Senator was a member.

Mr. INGALLS. Mr. President, the remarks of the Senator from Maine appear to call for some additional observation. In my remarks I intended to convey no imputation whatever upon the court-martial that tried General Swaim. They were actuated by a sentiment of justice; they endeavored to be just, and they rendered judgment that they believed to be just. Their verdict or decision was sent to the President of the United States, sentencing the accused to be suspended from rank, duty, and pay for the period of three years. President Arthur—and here let me interpolate by saying that I assume that the President had no personal connection whatever with this transaction; he was the executive officer to whom the proceedings were transmitted, and through whom they were officially announced—I exonerate President Arthur from any participation in this transaction, because those who are familiar with executive business know that such matters are not examined by him personally; they are referred to subordinate heads of Departments, by whom they are investigated, and their results submitted to him for promulgation——

Mr. COCKRELL. Will the Senator please inform the Senate who it was—what officer acted upon this?

Mr. INGALLS. I do not know anything about it.

President Arthur, after examining and considering the findings and sentence, returned the record of proceedings to the court for reconsideration as to the findings upon the first charge only and as to the sentence, neither of which is believed to be commensurate with the offenses as found by the court.

Sir, was it ever before known upon the face of the earth in any civilized tribunal that a new trial was ordered by an appellate judge because the verdict was not of sufficient severity? Was it ever before permitted to be said by any appellate authority or tribunal that the man ought to have been hanged instead of being sent to the penitentiary, and upon that ground to have the decision reversed? And this, too, without giving the accused a hearing; in secret; without the opportunity of a presentation of the case of the accused?

Sir, I repeat that never under any system with which I am familiar—Russian tyranny, Turkish despotism—was there ever any code that permitted so infamous an outrage upon the rights of a citizen as the system of so-called justice that allowed such an outrage upon the rights and the liberties of General Swaim.

Mr. HALE. Will the Senator let me interrupt him a moment?

Mr. INGALLS. With great pleasure.

Mr. HALE. I wish to ask this question: Has the Senator any doubt that precisely what was done in this case, calling the attention of the court-martial anew to the facts in the case and in effect suggesting a severer sentence, is found repeatedly in the annals not only of our War Department, but of the war department of every other civilized government? I do not raise the question about the courts. Undoubtedly whatever may be the impatience, the sense of injustice that a civil magistrate may feel when an undoubted criminal goes clear, he can not reverse the judgment of the jury that has tried the man; he can not send it back to that tribunal. He may give instructions from time to time, he may give the law that will tend to make the verdict more severe in his judgment; he can not send it back; but in all military law, as I understand—and I think I shall be borne out by Senators who have a better knowledge of military law than I have—this is a thing constantly occurring. I ask the Senator if he knows about that himself.

Mr. INGALLS. I do know about it, and I say that constitutes the infamy and shame of the system. If there were but a single instance

it would be enough to condemn it in the soul of every man who loved justice. But when the Senator from Maine arises and endeavors to support it and apologize for it and justify it because there have been repeated instances of such invasions of the rights of the citizen that would never be tolerated in any country that has risen above barbarism, it is merely an additional argument, a thousand-fold stronger than that which I have presented, why this system should not be permitted to stand longer without modification.

But, sir, the half has not been told. The most dangerous, the most suggestive, the most admonishing fact is the facility with which the court yielded to the suggestion of its superiors. Sir, there is some subtle magic, some mysterious influence, some incantation, it appears, by which, upon the mere suggestion of a desire for injustice from superior authority, the court receded, yielded to the suggestion, took up the testimony and the findings again for review, but were apparently unwilling materially to increase the severity of the judgment they had rendered. Their second finding after reconsideration was an adherence upon the first finding, with a modification of their sentence, as follows:

To be suspended from rank and duty for one year, with forfeiture of all pay for the same period, and at the end of that period to be reduced to the grade of judge-advocate with the rank of major in the Judge-Advocate-General's Department.

To that the President responded through the law officers of the Executive that it was an illegal sentence, impossible of execution, and once more the case went back for further review, upon the potent suggestion from the superior authority. It would be invidious to suggest that in the minds of any of the members of this court there could have been any impulse arising from the fact that if a vacancy could be created somebody would profit by it. I make no such intimation; but that is one of the incidents, the perilous incidents of the situation. Two attempts to secure the end that was desired having failed, the findings and sentence went back for a third time.

Mr. HOAR. Not for hearing?

Mr. INGALLS. Hearing by the Executive. The Senator from Massachusetts properly suggests "not for hearing" in the technical sense of that term, because there was no hearing. It was as secret as the Star Chamber or the Court of the Inquisition. The accused was confined by illness in his house. No person was admitted to the arguments made before the tribunal after its findings had been made, except it may be the officer mentioned by the Senator from Ohio, the judge-advocate, the prosecuting officer of the Government.

It is apparent—

The President says—

from the terms of the amended sentence that it was the intention of the court to award a punishment of greater severity—

As the Executive had suggested. The evidence had not been changed; no more witnesses had been examined; there had been no addition of argument before the tribunal; but in consequence of an admonition from some unknown power, the President says it is apparent that the tribunal "intended to award a punishment of greater severity"—

and more nearly commensurate with the offenses of which the accused has been found guilty than was the penalty adjudged in the original proceedings; and if the terms of the amended sentence were such as could be legally carried out, the purpose of the court in that regard would have been accomplished. * * * The amended sentence, in effect, creates an office and fills it, thus at once embodying the exercise of legislative and executive functions and the approving power of the Senate.

And again it went back and was reviewed. Again the court endeavored to array themselves as a barrier against the encroachment of this hidden prerogative, and thereupon they revoked their former sentence and adjudged as follows:

To be suspended from rank and duty for twelve years, and to forfeit one-half his monthly pay every month for the same period.

But this, sir, was not sufficient. What was wanted was a vacancy. It was not enough that accused should be stigmatized, humiliated, branded so that like Cain from this time henceforth he wanders an outcast among his fellows, but in accepting this sentence what is the language employed? Most victors are magnanimous. It is not considered heroic to exult over a fallen adversary. The sentence was returned with the following comments:

The opinion of the President as to the proper consequence of the findings of fact made by the court in the within record has already been given, and no further comment will be made upon the final sentence than to say that it is difficult to understand how the court could be willing to have the officer tried retained as a pensioner upon the Army register, while it expressed its sense of his unfitness to perform the duties of his important office by the imposition of two different sentences, under either of which he would be deprived permanently of his functions. The idea that an office like that of Judge-Advocate-General should remain vacant in effect for twelve years merely to save a part of its emoluments to its incumbent under such circumstances would seem to come from an inversion of the proper relations of public offices and those holding them, and is an idea not suited to our institutions. While holding these views it is deemed to be for the public interest that the proceedings be not without result, and therefore the proceedings, &c., are approved, and the sentence will be duly executed.

Now, sir, I leave these facts to the candid judgment of an intelligent people. I make no accusation against any officer or Department of this Government; but no man can read the history of these proceedings without having a settled and established conviction that there was a deliberate purpose somewhere not to do justice but to accomplish vengeance against General Swaim.

Sir, I know something about the history of this officer since he was first appointed. He was a volunteer soldier. He had not the honor of having the oil of coronation poured on him at West Point; he was selected by President Garfield to the office that he now holds and which, so far as I know, he has filled with a reasonable degree of ability.

Several SENATORS. President Hayes.

Mr. INGALLS. He was not confirmed under Hayes's appointment, and was subsequently appointed by Garfield.

Mr. VOORHEES. He was appointed at the request of President Garfield before he was inaugurated. He was appointed by Hayes on President Garfield's request.

Mr. INGALLS. Was he not confirmed under the administration of Garfield?

Mr. VOORHEES. Yes, sir.

Mr. INGALLS. So I thought; but in either event the accuracy of my statement would not be essentially modified. But since the time of his appointment, for reasons that are known to many of his comrades, he has been pursued with a studied, persistent malignity that has no parallel so far as I am aware in the annals of revenge; and this is the crowning act of the injustice that our system of courts-martial—to the disgrace of civilization I say it—renders possible.

If the Senator from Maine desires any more specific information as to my belief of the source from which the spirit has emanated, I can give it to him. I shall not be deterred by any encomiums in general terms upon any official of this Government from expressing my convictions as to a transaction that I again characterize as being so infamous, so outrageous, and so unwarranted as that to which our attention has been called this morning.

Mr. CONGER. Mr. President, the discussion which has taken place in regard to this simple amendment to an appropriation bill, as I am very happy to believe, voices in some respects the sentiment of a large portion of the American people. I do not wish to prolong this discussion. I have no desire to make any charges or accusations against the court-martial or any of its officers or any of the officers of the Government. But, sir, I do say that for months and for years it has been whispered in the secret circles of Army officers that such a result as this by hook or by crook, by law or by influence, would be reached, and that that volunteer officer, the bosom friend of General Garfield, appointed by President Hayes on his special request to be Judge-Advocate-General because he was his most intimate friend during the war and his aid, would be crushed. It has been whispered in circles for years that the time was hastening on when Garfield's memory would be dimmed, when his opponents dared attack him and his friends and his judgment, when those he had favored, when those he had loved, when those whose interests he had tried to promote would be stricken down at the behest of opponents for one cause or another.

Sir, the result has come, and I venture to say that the good people of the United States throughout its length and breadth, the plain, honest, sensible, judicious men of this country will read the evidence, will read the course of this trial, will read the history of this examination and its references back and forth from one tribunal and from one authority to another, and will doubt whether it can be possible that in the United States there can be a court so constituted, there can be such a mode of trial, there can be such power as would hold that for the offense charged and on the proof that was presented in its support an honorable man should be subjected to such merciless indignity and infamy.

Sir, there is a secret history within a secret history there. There is a feeling against a volunteer officer of the Army who may have gained credit during the war and who may be promoted to high office, which he may retain in the midst of those who have gone through West Point, and that has long been known and felt by every man who has sat in Congress and who has endeavored to promote the interests or secure the promotion of a volunteer officer in the Army.

What kind of a trial and mode of trial has there been here? I am not speaking of individuals or of the court or of its officers; but what kind of justice is there when a subordinate officer who may be looking to the very place held by the man whom he is trying, himself the next in rank, is the inveterate and determinate prosecuting officer, in the councils of the court, in the secrets of the court, dealing with the proofs and making remarks disparaging of his superior officer—he a junior judge-advocate waiting to depose his superior and employing all the arts of eloquence and all the energies of his nature in bringing to trial and conviction his superior officer that he may be removed and a vacancy made which must be filled out of the seven or eight judge-advocates of the rank of major, of whom this prosecuting attorney is one. I have not either the honor or the pleasure of knowing this officer, but I do know the spirit that pervaded the Judge-Advocate's Corps among those majors who formed the judge-advocates in that corps under General Swaim; and I do know that one of these men was appointed judge-advocate.

What is a judge-advocate, and what is his duty, and what ought he to do? He stands there as the advocate of the accused. The Government is prosecuting; high military officers are making charges; a court-martial is appointed; and what is a judge-advocate appointed for?

Under the law and its spirit he is there to defend the accused, to advise the court of the rights of the accused, and see that no injustice is done, not to be the malignant prosecutor, not to appear against a person charged with wrong.

I will not say, however, that some were not unprepared for such a trial as this. Many of the people of the United States knew for years past, and I myself have told my friend; General Swaim, that it was necessary to be cautious, because all around him were those who had the power to seize the first opportunity to defame and destroy him. I am not alone in that. It has been the common remark of hundreds and thousands of friends of General Garfield that this victim would follow next. I am ashamed to say such things about my Government and about its officers; but this is not a thing that has been prepared and done in a corner, and I venture to say that when the information and the knowledge of this transaction is spread among the people there will be a quiet, solemn judgment of disapproval of courts-martial and of the power with which they can destroy men at will.

This case has gone beyond the control of the court and the President, and to the judgment of the people. I do not say who is to blame about it; but I do say, as the Senator from Kansas has said, that in the minds of many people of the United States it has been believed for the last two or three years that a pretext to accuse was all that was necessary to bring down upon the devoted head of Garfield's last remaining friend in office the indignation of those who were offended because he, a volunteer officer of the Army, was appointed over the regular West Point officers who might have desired promotion. I know that has been the belief among very many good men in this country, for I have heard it uttered time and time again.

But, sir, whatever virtue there may be in courts-martial—and I have nothing to say against the officers composing this court-martial, for I believe they are good men, and of course I have nothing to say against the Executive or his advisers—I say that a system which will permit such a course, a system which can be used like a star chamber, a system that can be used like the *Vehm Gericht* in Germany, a subterranean court to control the destinies of men, their punishment, their existence, their lives, needs revision; and I think this will be the means of calling attention to the question whether the rights of the citizen and the rights of the people do not demand some revision of a system of trial and of verdict and of punishment so dangerous to the rights and liberties of men that it may affect even the innocent as if they were guilty.

Mr. HAWLEY. Mr. President——

Mr. ALDRICH. Will the Senator from Connecticut allow me to ask the Senator from Michigan a question?

Mr. HAWLEY. Certainly.

Mr. ALDRICH. I did not hear all he said in regard to the judge-advocate of the Swaim court-martial, but I ask him whether he said or intimated that that officer transcended the duties of the office to which he was assigned in the conduct of this court-martial?

Mr. CONGER. I said I was not acquainted with this officer, had never seen him, had nothing to say about the discharge of his duty; but I did say that a judge-advocate in the spirit and object of our laws had to stand there as well the advocate of the accused as the adviser of the court on the law, and I did say that in this case he has been a part of the court, he has been the prosecutor, he has publicly, if the papers are to be believed, made sundry remarks against the man whom he was there not to advocate exactly but to see that he had justice done him. He has taken that part which a prosecuting attorney or which an advocate would take against an opponent, using all the influences which could be used against a person accused of crime or against a defendant in a suit, so much so that it has been the remark and the comment of the newspapers that he appeared even a stronger prosecutor than the ordinary prosecutor in a court of law.

Mr. ALDRICH. Where the accused appears by special counsel in his own defense, I do not believe that it is the special duty of the judge-advocate to defend the accused from the charges made against him; and I wish to say further that I do know the judge-advocate in this case, and I believe that a gross injustice has been done to a very deserving officer by any one who intimates or says that he has acted in this case other than according to the dictates of his duty and according to the duty to which he was assigned by his superior officers.

Mr. CONGER. There has been no law by which because a man has counsel the judge-advocate's duty is changed. How absurd would it be that the judge-advocate, the advocate and the defender of the prosecuted man, because he got other aid and other assistance and other advisers, should presume that the law was changed, and instead of being the defender as far as innocence and propriety was concerned he should turn to be his relentless persecutor! No, sir, there is no law which provides that because a man appears by counsel the duty of the judge-advocate is changed; and, without saying anything against this man, I assert that if there be a system by which the judge-advocate may look to a vacancy in the office above him, as he and the seven other judge-advocates of the rank of major may all do, it is a system which gives a strong inducement to a judge-advocate to forget his duty as the advocate of the accused and be his persecutor.

I do not say this judge-advocate did that, but all these other seven or eight judge-advocates are graduates of West Point, and there is no one of them but what, from the very nature of the case, would feel indignant and did feel indignant that a volunteer officer was promoted to the head of the Bureau of Military Justice in the War Department.

I am willing that Senators here should express their views; and there goes out from this Capitol to every fair-minded and honest-minded man in this land the conviction that Judge-Advocate-General Swaim has been the victim of a conspiracy to destroy him. I believe it.

Mr. HAWLEY. Mr. President——

Mr. CAMERON, of Wisconsin. Will the Senator from Connecticut give way a moment while I ask the Senator from Michigan a question?

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. HAWLEY. Yes, sir.

Mr. CAMERON, of Wisconsin. I merely desired to ask a question of the Senator from Michigan, or any other Senator who can answer the question, and that is, whether or not the sentence of the court-martial as finally pronounced against General Swaim creates a vacancy in the office of Judge-Advocate-General?

Mr. CONGER. I do not see how it can. It can not create a vacancy. They leave the officer there. They do not recommend dismissal, but only suspension; they leave the officer with such a judgment, with such a finding, for twelve years on half-pay, to represent the majesty and bravery and dignity of the Army by an officer at the head of one of its most important departments—a finding utterly incommensurate with the testimony and the proven fault of General Swaim. Instead of having a judgment of one year's suspension without any loss of pay, by the interference of somebody—I do not care whether it was the President, or the Secretary of War, or the Attorney-General, or the judge-advocate reviewing the case, or all of them together—by some process the honest verdict of high officers of the Army which declared that the offense as far as proved was worthy only of a suspension of one year without loss of pay, by some inextricable hocus-pocus, some infernal inside machinery which never will be accounted for, that same body of high, talented officers came to the conclusion that on the same proof and on the same testimony, without a word being said for the accused and without any new hearing, they could suspend this officer twelve years.

They would take away from a man who had served his country in the Army and in the war long and faithfully half his salary in mere mockery of decency, in mere mockery of justice, in mere mockery of the rights of a volunteer officer who had rendered his country valuable service, and who was the chosen confidant of the man who, although these courts-martial care not for his memory, half the people of the United States reverence, and love, and admire, even after he has gone down to his long home beneath the assassin's stroke. These things will all come up among the people of the United States. I shall try to give them prominence myself, until a system which can produce such results as this shall receive the attention of Congress, and a system shall be produced which will render it impossible that such flagitious wrongs, such enormous wrongs, can be carried on under an approved system of administration of justice in the Army, or in the Navy, or in the country at large.

Mr. HAWLEY. Mr. President, it is very disagreeable to be led so far from the true issue in this case, but some things have been said which certainly require a little comment. I will try to do it as briefly as possible, for I know the impatience of the Senate.

I will begin by referring to the remarks our friend from Michigan has made concerning prejudice against volunteers in the Army. I was a volunteer myself, and I have many intimate and dear friends who were volunteers who are now in the regular service, and I protest against giving the impression to the public that there is a disposition in the Army to do injustice to volunteers, and that such disposition prevails among the regulars. It is the uniform testimony of my friends—and I am happy to say I have none who were volunteers who were not honorable men—it is the uniform testimony of those gentlemen to me in private conversation that they are treated with courtesy and on terms of equality.

Distinguished volunteer officers were summoned to this court. A volunteer officer who holds the highest position in the regular Army, General Terry, was one of the men summoned to this court. He was challenged off, to be sure, as the defense had a right to challenge him off, but there is no man of higher integrity or of more eminent ability both as a lawyer and soldier. There was no disposition shown in the making up of the court to hurt any man because of his having been a volunteer. The entire Corps of Judge-Advocates is composed of volunteers, and so of the predecessors of General Swaim. Judge-Advocate-General Dunn was a member of Congress from Indiana. In short, that corps is considered as a civilian corps, and men are selected because they are supposed to have some knowledge of law in general as well as military law. I leave that, therefore, with my protest that the Army in general can not be charged with a desire to do injustice to nearly half of its own number. They can not live except on terms of equality with volunteer officers.

Resulting from the resentments arising from this trial, the passions that have been evolved by it, there has been injustice done, in my opinion, to the court and to the general system of trial in the Army. Of course, courts-martial are more or less arbitrary, imperative, hasty in

their proceedings. They bring down to us probably some anomalies and some practices that seem to us very harsh; but in this case there has been nothing unusual. I presume people who have never before thought on this subject think it is a great and gross outrage that the judge-advocate should have sat with the court all the while in its secret councils as well as appear before it as a prosecutor. That has always been the case. The court takes him for what he is worth. He does not vote upon the trial. He sits in the councils to answer questions and to assist. He is used as a sort of adviser to the court. You may say that ought to be changed. That is not the question to-day. That is the uniform law and has always been in courts-martial, and Judge-Advocate Gardner is no more to blame than any one of his honorable predecessors who have been engaged in courts-martial.

The judge-advocate defends the accused, our friend says. Yes, in ordinary hasty trials, especially in war times, when counsel can not be obtained, the judge-advocate is charged with the duty of looking out for the person accused as well as for the Army. It is hardly to be called a court; in one sense it may be called a board of inquiry. It requires some person with legal experience as much as can be obtained to advise in both directions. But in a case like the one here, eminent counsel were engaged for the defense of General Swaim, and the judge-advocate was wholly released from that part of it. His appearance on behalf of the defense would have been resented as an impertinence. He was turned over to his duty on the part of the Government to prosecute what was alleged to be an abuse against military discipline. So there is no fault to be found with him in that respect.

Then again, the judgment of the court, or the opinion of the court, was sent back for further consideration and revision. That is done in thousands of cases. The court is only a sort of jury to find certain facts and to recommend a certain sentence and send it to the revising authority, the appointing authority. That is constantly done. It is in large case analogous to that which happens in our own civil courts every day. The judge rebukes a jury, he instructs it, he sends it back again and again. When a jury renders a judgment that the court is not satisfied with, but which it is compelled to accept, the court nevertheless deems itself entirely free to rebuke the jury in the severest possible terms.

Mr. HOAR. Is it not the law in nearly every State in the Union that the judge is prohibited from expressing an opinion in a matter of fact before the jury?

Mr. HAWLEY. The laws are entirely familiar. Yes, the judge can not decide the facts for the jury.

Mr. HOAR. That is not the question; the Senator does not answer.

Mr. HAWLEY. The Senator is perfectly familiar with the ordinary practice that the judge is not to give his opinion of the facts. He does not instruct the jury as to what the finding shall be in matters of fact, but when he applies his law to the facts there he is the master; that is his duty. It is the old theory that it is the duty of the jury to receive the law from the judge, but the jury take both law and fact in their hands whenever they choose to do so. I simply refer to this fact; it is a matter of constant practice that the judge rebukes a jury and sends it out, and that he upsets its judgment sometimes in civil matters. Of course there are gross cases. Not long since we had a famous trial in this city to recover damages for alleged false imprisonment under an order of the House of Representatives, in which the judgment of the jury was set aside by the court. I have not heard any extraordinary gush of sympathy for the jury because it was not allowed any fire or anything to eat. It has happened within a comparatively short time in this city that a jury was not allowed any of the luxuries of life, to say the least.

In this case the usual course, which is very common, has been repeated of sending back the judgment for revision. That is the manner and the legal manner in which courts-martial are constituted. I would not pretend to pass a judgment upon the court in this case. In my younger days as a lawyer I had some practice as a justice of the peace. I learned then, if I had not known it before, that there are two sides to every case. I have not read the vast pile of evidence given in this case. I do not know how near guilty or how near innocent General Swaim is, but I do know that as a rule I would as lief trust my life and honor to such officers of the Army as to any court I ever heard of.

Mr. HOAR. May I ask my honorable friend from Connecticut a question?

Mr. HAWLEY. Certainly.

Mr. HOAR. It is the practical question which has been before the Judiciary Committee and it will be before Congress pretty soon. No matter what has been the law from time immemorial or what has been done elsewhere, does the honorable Senator approve of having a communication made to a court-martial, after it had given its judgment, urging upon it a severer sentence or a different finding? Does the Senator approve that as a principle to be maintained in time of peace, without having the accused appear, or does he think we may wisely amend the law? That is the question.

Mr. HAWLEY. We are not called upon now to revise the laws which govern courts-martial, or to consider what the present laws are and to point out their defects. Those laws are not before the Senate. There is a simple question here as to whether we shall adhere to our deliberate judgment in striking out a certain provision. I will read section 923 of the Regulations of the Army:

When a court-martial appears to have erred in any respect, the reviewing authority may reconvene the court for a reconsideration of its action, with suggestions for its guidance. The court may thereupon, should it concur in the views submitted, proceed to remedy the errors pointed out, and may modify or completely change its findings.

I wish the Senator from Massachusetts would listen a moment to this—

The object of reconvening the court in such a case is to afford it an opportunity to reconsider the record, for the purpose of correcting or modifying any conclusion thereon, and, also, to make any amendments of the record necessary to perfect it. Anything like a reopening of the case, by calling new witnesses, or recalling those already examined, is wholly foreign to the proceeding.

Mr. HOAR. If the Senator will pardon me, as he calls my attention to it, that is a provision undoubtedly necessary in time of war when a court-martial has the reputation and the official life of an officer in its hands as much as his physical life. Of course the judgment of a court-martial, which might continue in service an incompetent, or corrupt, or even a traitorous officer, must be submitted to the supreme executive for revision; but this is a question of proceeding in time of peace.

Mr. HAWLEY. It is not the question before us now whether we shall modify the system; it is whether it is right to pour unlimited reproach upon a body of men composed of both volunteers and regulars who have been trying to do their best. The President is a volunteer soldier so far as he is commander of the Army; the Secretary of War is a volunteer. Some members of that court are distinguished soldiers of the highest rank, and they have acted according to the uniform laws of courts-martial. Whether they have decided right or not, I do not know, but I protest, with the imperfect statement before us, against this attempt to cast reproach upon that court.

Then I come down to the question that is before us, and that is whether we shall strike out the clause which repeals the old law as to hours of session, and says those hours of session shall be at the discretion of the court-martial. That would be a revolution in one sense in Army life, saying that subordinates shall have a right to issue orders which overrule the will of their superior officers. The question is simply whether we shall strike that section out of the bill and leave the old law ordering courts to sit between 8 and 3 o'clock.

I think that of itself is right; but if you wish to change it, do not, I beg you, change it to such a provision as this, because the reason of the existing law is found largely in the fact that in many cases in a post or garrison where a general court-martial is called it will take nearly all the officers at the post or the garrison to compose the court, and they must be relieved during a part of the day from the duties of the court, in order that the ordinary work of the post or garrison may go on. They are relieved of court duty after 3 o'clock, and then every one of them, excepting the judge-advocate, who is the only man relieved here, will have time in which to attend to the ordinary duties of the garrison. Suppose there are fifteen officers in the garrison and thirteen of them are on a court-martial. The young men may think it a very jolly thing to take a recess half the time, and leave the commanding officer to perform the duties of adjutant, quartermaster, and commissary at the post.

The provision, allow me to say, with due respect to those who made it, would put the law in a ridiculous shape. I hope we shall refuse to agree to it, and that we shall adhere to our position and ask for a further conference on this matter.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio that the Senate recede from its amendment No. 23.

The motion was not agreed to.

Mr. ALLISON. I move that the Senate further insist upon its amendment No. 23.

The motion was agreed to.

Mr. CULLOM. I desire to submit a motion to take up House bill 7659.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. It would be the duty of the Chair to lay before the Senate the unfinished business; but the Chair understands that the Senator from Iowa rises on the amendment to the Army appropriation bill to complete what he omitted.

Mr. ALLISON. I will do that in a moment, but I also ask the attention of the Chair in order that I may now move to proceed to the consideration of the legislative, executive, and judicial appropriation bill. However, I will ask now that a committee of conference be appointed on the Army appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate request a conference with the House of Representatives on the disagreeing votes of the two Houses on the amendment No. 23 of the Senate to the Army appropriation bill insisted upon by the Senate.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorised to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. PLUMB, and Mr. RANSOM were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following

enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 732) granting a pension to William Weddingfield;
A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;
A bill (H. R. 1502) granting a pension to William Robinson;
A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;
A bill (H. R. 1984) granting a pension to Robert M. McKinlay;
A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris;
A bill (H. R. 2138) granting a pension to Martha Angell;
A bill (H. R. 2292) granting a pension to Adolph Weach;
A bill (H. R. 2325) granting a pension to Helen M. Harrison;
A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;
A bill (H. R. 3000) for the relief of William R. Miller, for pension;
A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
A bill (H. R. 3681) granting a pension to William L. Sloan;
A bill (H. R. 3701) granting a pension to James Bradford;
A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (H. R. 4098) granting a pension to William Gibbons;
A bill (H. R. 4189) granting a pension to Caroline Van Norton;
A bill (H. R. 4247) granting a pension to Ann Maria Ressler;
A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;
A bill (H. R. 4317) increasing the pension of Julia A. Chambers;
A bill (H. R. 4548) granting a pension to Cordelia Gale;
A bill (H. R. 4837) granting a pension to Charles H. Phillips;
A bill (H. R. 5082) granting a pension to Jane Hilton;
A bill (H. R. 5207) granting a pension to Adalbert Stickney;
A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;
A bill (H. R. 5762) for the relief of Ann Lumphrey;
A bill (H. R. 5813) granting a pension to Rachel Smith;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 6196) granting a pension to R. D. Lawrence;
A bill (H. R. 6205) granting a pension to Catherine S. Edmundson;
A bill (H. R. 6653) granting a pension to Mary C. Axline;
A bill (H. R. 6826) granting a pension to Rebecca Kupp;
A bill (H. R. 6835) granting a pension to Bernhard Donohue;
A bill (H. R. 6965) granting a pension to David T. Dudley;
A bill (H. R. 6966) granting a pension to Wealthy H. Seavey;
A bill (H. R. 7302) granting a pension to Elizabeth Smith;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 7315) granting a pension to Frederick P. Dearth;
A bill (H. R. 7386) granting a pension to Eliza M. Byers;
A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7707) granting a pension to Holden Cook;
A bill (H. R. 7724) granting a pension to Lydia Weatherbee;
A bill (H. R. 7773) granting a pension to William E. Ayres;
A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;
A bill (H. R. 8033) granting an increase of pension to George W. Clark;
A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;
A bill (H. R. 8133) granting a pension to Thomas McGill; and
Joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska.

LIMITATION OF CLAIMS.

Mr. CULLOM. Mr. President——

The PRESIDENT *pro tempore.* It is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States. The bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. CULLOM. I ask that the unfinished business may be laid aside for a few moments informally, and I desire to make a statement. Yesterday while we were in the midst of the consideration of pension bills the Senator from Missouri [Mr. COCKRELL] asked that we lay them aside for ten minutes for the purpose of enabling him to get up, and the Senate to consider and pass, two bills. It was upon my own suggestion that that was acceded to. I hope that the Senate will now allow us to call up and have considered a very few of the contested pension bills, which I think will not be debated very much, but on which there are adverse reports. The motion that I present now is to take up the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord. I hope that there will be no objection to the consideration of the pension bills for a little while.

Mr. ALLISON. I hope the Senator from Illinois——

The PRESIDENT *pro tempore.* The motion is not open to debate.

Mr. ALLISON. I ask unanimous consent to say a few words.

The PRESIDENT *pro tempore.* The Senator from Iowa asks unanimous consent to be heard upon this question. Is there objection? The Chair hears none.

Mr. ALLISON. The legislative, executive, and judicial appropriation bill is now ready to be considered by the Senate, and it is a long bill. It will require of course a great deal of time for the clerks, after it is finally concluded, to engross the amendments. It seems to me it is wise for us, whenever appropriation bills are ready, to consider them. There will be ample opportunity, I will say to the Senator from Illinois, to bring forward these pension bills after we shall have considered the legislative appropriation bill. I hope to have the bill finished and sent to the House to-day, and I trust he will not interpose a motion now to interfere with the regular appropriation bills.

Mr. CULLOM. I am as anxious as the Senator is that the appropriation bill——

The PRESIDENT *pro tempore.* Is there objection to the Senator from Illinois being heard on this question? ["No objection."]

Mr. CULLOM. I only want to say one word. There are a few of these pension bills which are Senate bills and some of them are House bills. If any of the House bills should be amended by the Senate the chances are very great that they would not get through the other branch of Congress. They have been on the Calendar a good while, and I do not think it will take more than a few minutes' time to dispose of them. We have been waiting, and we could have gotten them through yesterday if the Senate had not determined to allow the consideration of the two bills to which I have referred.

I hope the Senator from Iowa, who is chairman of the Committee on Appropriations, will give way for the consideration of these bills for a short time. I make the motion that the Senate proceed to the consideration of House bill 7659.

The PRESIDENT *pro tempore.* The Senator from Illinois moves that the Senate proceed to the consideration of the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord. The question is on agreeing to the motion.

WITHDRAWAL OF PAPERS.

Mr. BLAIR. I ask unanimous consent to have the following order made:

Ordered, That Mrs. Adeline E. Chadbourne have leave to withdraw from the files of the Senate the papers in her case, subject to the rules of the Senate.

The PRESIDENT *pro tempore.* Is there objection to the present reception and consideration of this order?

Mr. ALLISON. Is it in order for me now to move to take up the legislative appropriation bill?

The PRESIDENT *pro tempore.* The pending question is whether there is unanimous consent to consider the order offered by the Senator from New Hampshire.

Mr. CULLOM. There is no objection to its consideration.

The PRESIDENT *pro tempore.* The Chair hears no objection. The order will be entered if there be no objection.

Mr. SEWELL. I ask unanimous consent for the following orders:

Ordered, That Rose A. Braendle have leave to withdraw the papers accompanying Senate bill No. 1126, under the rules of the Senate.

Ordered, That Daniel Morris have leave to withdraw the papers accompanying Senate bill No. 244, under the rules of the Senate.

The PRESIDENT *pro tempore.* If there be no objection the orders will be received and entered. The Chair hears none.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. There seems to be a pretty universal disposition to consider the extensive appropriation bill which the Senator from Iowa has in charge, and I will withdraw my motion to proceed to the consideration of the bill that I referred to in the hope that when the appropriation bill is out of the way the Senate will allow us to take up the pension bills and pass them.

The PRESIDENT *pro tempore.* The motion is withdrawn.

Mr. ALLISON. I am much obliged to the Senator from Illinois. Now I ask unanimous consent that the pending order be informally laid aside in order that I may report from the Committee on Appropriations House bill 8179, with sundry amendments, and ask the Senate to proceed to its consideration.

The PRESIDENT *pro tempore.* The Senator from Iowa asks unanimous consent to make a report from the Committee on Appropriations at this time.

Mr. ALLISON. And to proceed to the consideration of the report.

The PRESIDENT *pro tempore.* Those are two separate questions. The Chair hears no objection to the reception of the report.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, to report it with amendments, and I ask unanimous consent that the pending order be informally laid aside and that the Senate now proceed to the consideration of the bill.

The PRESIDENT *pro tempore.* Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

ISABELLA TURNER.

Mr. BLAIR. I ask the Senator from Iowa to do me the kindness, for it would be a real personal kindness, as the matter has troubled me for a long time, to allow me to ask unanimous consent that the Senate at this time may take up the bill (S. 2009) granting a pension to Isabella Turner, which is a private pension bill passed by the Senate, and by the House with an amendment. I wish to move a concurrence in the amendment of the House, which simply saves $192 to the Treasury.

Mr. ALLISON. If it takes no time and causes no debate, I shall not object, but this is the last time I can yield.

The PRESIDENT *pro tempore.* Is the bill on the Calendar?

Mr. BLAIR. It comes from the House with an amendment. I wish to move to concur in the House amendment.

The PRESIDENT *pro tempore.* The Chair understands from the clerks at the desk that the bill is in possession of the Committee on Pensions. Does the Senator from New Hampshire now report it?

Mr. BLAIR. I move that the Committee on Pensions be discharged from its further consideration. I did not know that it had been referred.

The PRESIDENT *pro tempore.* The Senator from New Hampshire asks unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill.

Mr. JACKSON. May I inquire of the Senator from New Hampshire what bill it is?

Mr. BLAIR. It is a bill which passed the Senate giving arrears for two years. The House amended the bill by cutting off the arrears. I desire to have the Senate concur in the amendment.

The PRESIDENT *pro tempore.* The Senator from New Hampshire asks unanimous consent that the Committee on Pensions be discharged from the consideration of the bill (S. 2009) granting a pension to Isabella Turner. Is there objection? The Chair hears none. The Senator from New Hampshire asks unanimous consent that the bill with its amendment be now considered. Is there objection? The Chair hears none. The Secretary will read the amendment made by the House of Representatives to the Senate bill.

The Secretary read the amendment, which was to strike out all after the word "pension-rolls," in line 6 of the bill, down to and including "1882," in line 8 of the bill.

The PRESIDENT *pro tempore.* The Senator from New Hampshire moves that the Senate concur in the amendment proposed by the House of Representatives.

The amendment was concurred in.

SENATE ELECTION CASES.

Mr. HOAR. I ask the Senator from Iowa to allow me to introduce a resolution at this time. As he is anxious to go on with the appropriation bill, I shall not ask its passage, although I believe it will pass unanimously. I wish to submit it now, so that it will be before the Senate as of right to-morrow.

The PRESIDENT *pro tempore.* The Senator from Massachusetts asks unanimous consent to offer a resolution at this time. It will be read for information.

The resolution was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to cause to be prepared a compilation and digest of the contested-election cases which have arisen in the Senate since its organization, and to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

Mr. HOAR. I do not know whether there will be any objection to passing the resolution at the present time.

Mr. MILLER, of New York. I ask that it may go over.

The PRESIDENT *pro tempore.* The Chair did not hear the Senator. Is there objection to the reception of the resolution? The Chair hears none. The rules require that the resolution shall be referred to the Committee on Contingent Expenses. If there be no other suggestion the resolution will be referred to the Committee on Contingent Expenses, as it provides for a payment out of the contingent fund.

Mr. HOAR. I suppose by unanimous consent the resolution can be passed in its present form to-morrow. I do not ask that now; but I will call the attention of the Senate to it at some convenient time.

The PRESIDENT *pro tempore.* The resolution then goes over under objection.

Mr. HOAR subsequently said: I ask that the resolution introduced by me, which went over under objection, may be referred under the rule.

The PRESIDENT *pro tempore.* The Senator from Massachusetts asks unanimous consent that the resolution offered by him, and which went over under objection, be referred to the Committee on Contingent Expenses. The Chair hears no objection, and it is so ordered.

REPORT OF A COMMITTEE.

Mr. DOLPH. I ask leave to make a report from the Committee on Claims.

The PRESIDENT *pro tempore.* If there be no objection, the Chair will receive the report at this time. The Chair hears none.

Mr. DOLPH. I am directed by the Committee on Claims, to whom was referred the bill (S. 470) for the relief of the State of New York, and to pay off certain certificates issued by that State to the soldiers of the war of 1812, to report a substitute therefor, which I ask may be read twice and placed on the Calendar.

The bill (S. 2658) to authorize the proper accounting officers of the Treasury to settle and pay the claim of the State of New York for expenses on account of volunteers and militia in said State called into the service of the United States during the war of 1812 was read the first time by its title.

Mr. LAPHAM. I should like to have the bill read at length.

The bill was read the second time at length.

The PRESIDENT *pro tempore.* Is the Senate bill reported adversely?

Mr. DOLPH. It is reported adversely.

The PRESIDENT *pro tempore.* What disposition does the Senate desire to have made of Senate bill 470?

Mr. DOLPH. I move that the bill be postponed indefinitely.

The PRESIDENT *pro tempore.* That order will be entered if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1810) for the erection of a public building at Sacramento, Cal.

The message also announced that the House had passed the bill (S. 78) for the erection of a public building at La Crosse, Wis., with amendments in which it requested the concurrence of the Senate.

LOSSES OF PROPERTY BY TROOPS.

Mr. COCKRELL. I ask the Senator from Iowa to yield until I make a little motion. I move that the Senate insist upon its amendments to the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States. I hope there will be no objection to the request.

The PRESIDENT *pro tempore.* The bill passed the Senate yesterday with amendments. The Senator from Missouri asks consent to move at this time that the Senate insist upon its amendments and ask for a conference. Is there objection? The Chair hears no objection. How shall the conferees be appointed? ["By the Chair."] By the Chair, if there be no objection.

Mr. COCKRELL subsequently said: I discover, contrary to what I had a right, as I supposed to anticipate, that the bill which I thought a few moments ago was still in the possession of the Senate, has been returned to the House. I wish to accompany my motion for a conference with a request that the House return the bill to the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the order asking the House to return the bill to the Senate will be entered. The Chair hears no objection, and it is so ordered.

The bill having been received at a later stage from the House of Representatives, Mr. COCKRELL, Mr. HARRISON, and Mr. SEWELL were appointed by the President *pro tempore* the conferees on the part of the Senate.

UMATILLA INDIAN RESERVATION.

Mr. DAWES. I move that a committee of conference be requested with the House on the amendment of the Senate to the amendment of the House on the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The PRESIDENT *pro tempore.* The Senator from Massachusetts moves that the Senate request a conference with the House of Representatives on the amendment of the Senate to the House amendment which was agreed to this morning. Is there objection? The Chair hears none, and it is so ordered.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. CAMERON of Wisconsin, and Mr. SLATER were appointed.

CHRISTIAN BROTHERS' COLLEGE.

Mr. KENNA. With the permission of the Senator from Iowa, I desire to state that a report was made from the Committee on Claims yesterday of the bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo. The report was made as adverse, but as a matter of fact the minority report accompanying it contains the signatures of a majority of the committee. I make this statement in order that the matter may be properly treated on the Calendar.

Mr. COCKRELL. Then it is a majority report.

Mr. KENNA. What appears as a minority report is in fact the majority report of the committee.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from West Virginia submit a motion?

Mr. KENNA. I presume that none is necessary; that a mere statement of the fact will cause the correction to be made.

The PRESIDING OFFICER. The correction will be made accordingly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the first or formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as the reading progresses.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the first reading at large be dispensed with, and that the reading proceed by paragraphs, and that the amendments recommended by the Committee on Appropriations be considered as the reading proceeds. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Senate," in line 14, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others in the service of the Senate," from $282,195.10 to $348,082.70.

The amendment was agreed to.

The next amendment was, in line 25, after the word "for," to strike out "Chaplin" and insert "Chaplain;" so as to read:

For Chaplain of the Senate, $900.

The amendment was agreed to.

The next amendment was, in the appropriations for office of Secretary of the Senate, in line 36, after the word "each," to insert "assistant financial clerk, $2,400."

The amendment was agreed to.

The next amendment was, in line 39, in the appropriations for the office of the Secretary of the Senate, before the word "clerks," to strike out "six" and insert "five;" so as to read:

Five clerks at $2,220 each.

The amendment was agreed to.

The next amendment was, in line 43, to increase the appropriation for compensation of the keeper of stationery for the Senate from $2,102.40 to $2,250.

The amendment was agreed to.

The next amendment was, in line 47, in the appropriations for the office of the Secretary of the Senate, before the word "laborers," to strike out "four" and insert "five;" so as to read:

Five laborers, $720 each.

The amendment was agreed to.

The next amendment was, in line 49, to increase the total amount of the appropriations for office of the Secretary of the Senate and the clerks and employés in his office from $61,518.90 to $62,566.50.

The amendment was agreed to.

The next amendment was, in the appropriations for "Clerks and messengers to committees," in line 55, to increase the item for compensation of "clerk to the Committee on Appropriations" from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, in line 78, after the word "Judiciary," to strike out "and;" in line 79, after the words "Engrossed Bills," to insert "and Military Affairs;" so as to read:

And seven messengers, at the rate of $1,440 per annum, for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Engrossed Bills, and Military Affairs.

The amendment was agreed to.

The next amendment was, in line 79, to increase the total amount of the appropriations for "clerks and messengers to committees" from $55,080 to $57,020.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of Sergeant-at-Arms and Doorkeeper," in line 83, after the word "dollars," to insert "for one horse and wagon for his use, $600;" so as to read:

For Sergeant-at-Arms and Doorkeeper, $4,320; for one horse and wagon for his use, $600.

The amendment was agreed to.

The next amendment was, in line 89, after the word "each," to insert:

One assistant messenger on the floor of the Senate, $1,200.

The amendment was agreed to.

The next amendment was, in line 95, after the word "dollars," to insert:

One clerk in the post-office, $1,800.

The amendment was agreed to.

The next amendment was, in line 97, after the word "each," to insert:

One laborer in the post-office, $720.

The amendment was agreed to.

The next amendment was, in line 101, to increase the appropriation for compensation of "two assistants in document-room" from $1,440 each to $1,600 each.

The amendment was agreed to.

The next amendment was, in line 103, to increase the appropriation for clerk to the superintendent of the document-room from $1,440 to $1,600.

The amendment was agreed to.

The next amendment was, in line 105, to increase the appropriation for compensation of one page in the document-room from $720 to $900.

The amendment was agreed to.

The next amendment was, in line 108, to increase the appropriation for compensation of "one assistant in the folding-room" from $1,200 to $1,440.

The amendment was agreed to.

The next amendment was, in line 113, before the word "messengers," to strike out "twenty-four" and insert "twenty-eight;" so as to read:

Twenty-eight messengers, at $1,440 each.

The amendment was agreed to.

The next amendment was, after the word "each," at the end of line 121, to insert:

Two firemen, at $1,080 each.

The amendment was agreed to.

The next amendment was, in line 128, before the word "skilled," to strike out "eight" and insert "ten;" so as to read:

Ten skilled laborers, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 129, before the word "laborers," to strike out "twelve" and insert "fourteen;" so as to read:

Fourteen laborers, at $720 each.

The amendment was agreed to.

The next amendment was, in line 130, to insert:

Two janitors, at $900 each.

The amendment was agreed to.

The next amendment was, in line 136, to increase the total amount of the appropriations for the "office of Sergeant-at-Arms and Doorkeeper of the Senate" from $133,241.80 to $151,621.80.

The amendment was agreed to.

The next amendment was, in line 139, before the word "clerks," to strike out "twenty-one" and insert "twenty-five;" in line 140, after the word "session," to strike out "twenty-six thousand seven hundred and twelve" and insert "thirty-one thousand eight hundred;" so as to make the clause read:

For twenty-five clerks to committees, at $6 per day during the session, $31,800.

The amendment was agreed to.

The next amendment was, after line 142, to insert:

For clerks to Senators who are not chairmen of committees, at $6 per day during the session, $39,432.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Senate," in line 147, after the word "stationery," to insert "and newspapers;" so as to read:

For stationery and newspapers, including $5,000 for stationery for committees and officers of the Senate, $15,500.

The amendment was agreed to.

The next amendment was to strike out after the word "dollars," in line 149, to line 159, inclusive, in the following words:

And section 3 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes," approved July 5, 1884, be, and the same is hereby, amended by inserting after the words "Smithsonian Institution," where they occur in said section, the words "the Secretary and Sergeant-at-Arms of the Senate, and the Clerk, Sergeant-at-Arms, and Doorkeeper of the House of Representatives."

The amendment was agreed to.

The next amendment was, after line 159, to insert:

For postage-stamps for the office of the Secretary of the Senate, $100; for the office of the Sergeant-at-Arms, $100; in all, $200.

The amendment was agreed to.

The next amendment was, in line 173, to increase the appropriation "for fuel and oil and cotton-waste for the heating apparatus" from $7,000 to $8,000.

The amendment was agreed to.

The next amendment was, in line 176, to increase the appropriation "for miscellaneous items, exclusive of labor," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 182, to increase the total amount of the appropriations "for contingent expenses of the Senate" from $52,770 to $58,770.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," in line 209, to decrease the total amount of appropriation—

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives from $384,620.22 to $380,175.10.

Mr. ALLISON. I ask leave to modify that amendment, so as to make the sum $384,461.43 in lieu of the words already proposed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will make the modification suggested by the Senator from Iowa, if there be no objection. The amendment is agreed to, as modified.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 219, after the word "for," to strike out "Chaplin" and insert "Chaplain;" so as to read:

For Chaplain of the House, $900.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 272.

Mr. ALLISON. In line 266 I move to strike out "March" and insert "April;" so as to read: "April 4," 1885.

The amendment was agreed to.

Mr. ALLISON. In lines 272 and 273 I move to insert, in lieu of the words in italics, the words "seven thousand four hundred and seventy-seven dollars and ninety-eight cents;" and as modified I ask that the amendment may be agreed to.

The PRESIDING OFFICER. The amendment will be so modified, if there be no objection.

Mr. ALLISON. The words "four thousand nine hundred and twelve seventy-seven" have already been stricken out, I believe.

The PRESIDING OFFICER. They have not.

Mr. ALLISON. They should be stricken out.

The PRESIDING OFFICER. The Chair intended that the Secretary should report the recommendation to strike out those words and insert others. He will now report the whole amendment striking out the text.

The CHIEF CLERK. In lines 272 and 273 it is proposed to strike out "four thousand nine hundred and twelve dollars and seventy-seven" and insert "seven thousand four hundred and forty-seven dollars and ninety-eight;" so as to read:

For the following additional employés in the Clerk's office, who are to be paid from and including April 4, 1885, to June 30, 1886: Three clerks to index private claims, at $1,600 each per annum; one messenger-boy in chief clerk's room, at $300 per annum; and two laborers in the Clerk's document-room, at $900 per annum each; in all, $7,447.98.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "clerks and messengers to committees of the House of Representatives," in line 280, to increase the appropriation for compensation of "clerk to the Committee on Appropriations," from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, to strike out the following clause, from line 383 to 386, inclusive:

For two stenographers to committees, to be appointed by the Speaker on or after December 1, 1885, at $4,000 per annum each, $4,674.

Mr. INGALLS. I wish the chairman of the committee would advise the Senate why this item is to be stricken out.

Mr. ALLISON. This is a new method of compensating stenographers of committees of the House. We had considerable discussion upon that question last year, and the two Houses agreed upon a general plan for committee reporting; and we thought perhaps the House might have inserted this provision through inadvertence. We wish to give them an opportunity of revising their decision upon the question if they desire to do so. We have provided for this reporting in another place, I will say to the Senator from Kansas.

Mr. INGALLS. With that explanation I am content to have the amendment adopted; but I should not be willing to interfere in any way whatever with the service that the House of Representatives consider indispensable to the transaction of their business. I hope that if the chairman of the Committee on Appropriations shall be on the conference committee he will feel himself instructed to recede from this amendment if the House asks for it. I should insist so far as the Senate is concerned that the House should not interfere with the Senate, and I would be willing to concede to them what we ask for ourselves.

Mr. ALLISON. I will say to the Senator from Kansas and the Senate that that is the mode of procedure hitherto in regard to officers in the House and Senate, and that the committee had no intention to depart from the uniform rule. We think of course that the House is the better judge of the number and character of its employés and the amount of money necessary to conduct its business in a proper and energetic way, and we consider also that the Senate is the best judge of the method of conducting its business. The committee has no intention of interfering with the just rights of the House in this regard.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 404 and 405, as follows:

For miscellaneous items and expenses of special and select committees, $30,000.

And in lieu thereof to insert:

For miscellaneous items and expenses of special and select committees, including compensation, at such rate as may be fixed by the Committee on Accounts, but not exceeding $1.50 per printed page, to stenographers to committees, to be appointed by the Speaker or the application of committees, $35,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 416, to insert the following clause:

For postage-stamps for the officers of the House of Representatives, namely: For the Sergeant-at-Arms, $50; the Clerk, $50; and the Postmaster, $50; in all, $150.

The amendment was agreed to.

The next amendment was, in line 441, after the word "library," to strike out "three" and insert "five;" in line 443, after the word "dollars," to strike out "including" and insert a semicolon, and after the semicolon to insert "for;" in line 447, after the words "Chief-Justice," to insert "$2,000;" and in line 451, after the word "all," to strike out "eight" and insert "twelve;" so as to make the clause read:

For purchase of books for the library, $5,000; for purchase of law books for the library, $2,000; for the purchase, by the Librarian of Congress, of new books of reference for the Supreme Court, to be a part of the library of Congress, and purchased under the direction of the Chief-Justice, $2,000; for expenses of exchanging public documents for the publications of foreign governments, $1,000; for purchase of files of periodicals and newspapers, $2,500; in all, $12,500.

The amendment was agreed to.

The next amendment was, after line 451, to insert:

For the purchase of works of art, under the direction of the Joint Committee on the Library, $10,000.

The amendment was agreed to.

The next amendment was, after the word "one," at the end of line 497, to insert "clerk of class 4, who shall be a;" in line 499, before the word "hundred," to strike out "six" and insert "eight," and in the same line, after the word "dollars," to insert "one clerk of class 2;" in line 500, before the words "one messenger," to strike out "and;" in line 501, after the word "dollars," to insert "and one laborer," and in the same line, after the word "all," to strike out "nineteen thousand one hundred and forty" and insert "twenty-one thousand four hundred;" so as to make the clause read:

CIVIL-SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer, $1,800; one clerk of class 2; one clerk of class 1; one messenger, $840; and one laborer; in all, $21,400.

The amendment was agreed to.

The next amendment was, after the word "expenses," in line 504, to insert "including those of examiners acting under the direction of the commission;" so as to make the clause read:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, $3,000.

The amendment was agreed to.

The next amendment was, in line 509, after the word "ice," to strike out "car-tickets;" so as to make the clause read:

For furniture and repairs of furniture, file-cases and file-boxes, books, stationery, printing, advertising, telegraphing, telephone service, type-writing, ice, and other absolutely necessary expenses, including heating, lighting, and altering rooms, and care of same, $3,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Department of State," in line 519, after the word "four," to insert:

Stenographer to the Secretary, at $1,800.

The amendment was agreed to.

The next amendment was, in line 526, to increase the total amount of the appropriations for compensation of the Secretary of State, First-Assistant Secretary of State, and two Assistant Secretaries of State, and the clerks and employés in the Secretary's office, from $112,350 to $114,150.

The amendment was agreed to.

The next amendment was, in the appropriations under the head of "Treasury Department," in the appropriations for "Secretary's office," in line 557, to increase the appropriation for the compensation of "Government actuary, under the control of the Treasury Department," from $2,250 to $2,400.

The amendment was agreed to.

The next amendment was, in line 558, after the word "copyist," to insert:

Eight skilled laborers, at $640 each.

The amendment was agreed to.

The next amendment was, in line 559, before the word "skilled," to strike out "five" and insert "eight;" so as to read:

Eight skilled laborers, at $550 each.

The amendment was agreed to.

The next amendment was, in line 560, before the word "skilled," to strike out "five" and insert "eight;" so as to read:

Eight skilled laborers, at $500 each.

The amendment was agreed to.

The next amendment was, in line 562, to increase the total amount of the appropriations for the compensation of the "Secretary of the Treasury, two assistant secretaries, and the clerks and employés in the Secretary's office," from $35,060 to $43,660.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 578.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa to line 578, which reads "fifty-eighth watchmen." The Chair supposes it was intended for "fifty-eight."

Mr. ALLISON. I move to strike out the last letter "h." That is a misprint.

The PRESIDING OFFICER. If there be no objection, that modification will be made. The Chair hears none.

The Chair also calls the attention of the Senator from Iowa to lines 579 and 580. The language is: "Twenty-nine laborers;" and that is followed by, "ten laborers, at $500 each."

Mr. ALLISON. That is as it should be. The totals are all right. They are provided for in the totals.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Supervising Architect," in line 705, before the word "thousand," to strike out "twenty" and insert "forty;" so as to make the clause read:

And the services of skilled draughtsmen, civil engineers, computers, accountants, modelers, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect to carry into effect the various appropriations for public buildings, to be paid for from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1886, shall not exceed $140,000; and the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Commissioner of Customs," to strike out the clause from line 746 to line 751, inclusive, in the following words:

And each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery; and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,200 per annum, as the Secretary of the Treasury shall prescribe.

The PRESIDING OFFICER. If there be no objection, the amendment will be agreed to.

Mr. DOLPH. Mr. President, there is objection. I hope the amendment will not prevail.

On the 3d of June, 1884, the Senate passed a bill, Senate bill 1741, making the cities of Tacoma and Seattle, in the Puget Sound customs district, Washington Territory, ports of delivery, and providing for a deputy collector of customs to be stationed at each of them, who should receive such compensation, not exceeding the sum of $1,800 per annum, as the Secretary of the Treasury should prescribe.

In March last I reported from the Committee on Commerce unanimously in favor of that bill, and it passed the Senate without a dissenting voice on the 3d of June. It is necessary legislation. It is important to the commerce of Puget Sound and the Northwest. It has been placed on this bill in accordance with the rules of the House, and the only objection which can be made to it is that it has been so placed in the bill by the House, and is a matter of general legislation.

I do hope that the amendment striking out the clause will not prevail. As this is a matter which has been thoroughly considered by the proper committee of the Senate, and passed heretofore without objection in the Senate, I trust that the clause may be permitted to remain.

I could go on and discuss the importance of this provision, but I do not suppose it is necessary from the fact, as I said before, that it has been thoroughly considered by the Committee on Commerce of the Senate, and that it passed the Senate without objection, even in my absence.

Mr. ALLISON. This provision is simply legislation relating to a subject that has no connection whatever with appropriations. If we are to maintain our rules at all, it seems to me this provision ought to go out.

Mr. DOLPH. I do not understand that it is a question of maintaining our rules. Of course if the provision had been proposed to be put on the bill by a Senate committee and objection made to it, the rules of the Senate would come in question; but as I said, this provision has been placed in the bill strictly in accordance with the rules of the House, and it is legislation which has been amply and fully considered and passed upon by the Senate and is very important. This is the only way in which it can become a law; and I hope the Senate will reject the amendment of the Committee on Appropriations.

Mr. McMILLAN. I desire to suggest that this provision would seem to be for the increase of the revenue of the Government.

Mr. ALLISON. But this is not a tax bill, I will say to the Senator from Minnesota; it is the very reverse.

Mr. McMILLAN. But it is a bill regulating the appropriation for the collection of customs, establishing appropriation for the payment of the officers engaged in the collection of the customs, in the collection of the revenue. This is the machinery, and the clause in question would seem to only add efficiency to that service.

Mr. DOLPH. It decreases the expenditure because there are inspectors stationed now at both those points, I understand, whose salary is larger than that provided by this bill. The provision in the House bill decreases the salary of the deputy collectors from $1,800, as the Senate bill had it, to $1,200.

Mr. SLATER. On this question I have voted steadily against the ruling of the Chair, believing that not only was the ruling under the rule incorrect, but that by the ruling and the construction given the Senate abdicates its power under the Constitution. I do not believe we have the right in point of fact to do that. Of course, as a matter of experience it is done every day. In this case it is conceded that this is proper legislation. It has been reported from a proper committee in this body, received the sanction of this body, and the only point that is made against it is simply that under the rules of the House they have put it in the bill, and we now say that it shall go out under our rules. In other words, we say to the House that we will dictate to them the manner in which they shall present legislation to us. I do not think that is quite the way to transact the public business.

I hope the Senate will not strike out this provision; it is important legislation, very important to that section of the United States, and it ought to be retained.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. FRYE. That this is general legislation under the Senate rule of course there is no question; and that the next clause of the bill is legislation there is equally no question; and under the rules of the Senate, if they were offered as amendments here, they would both be subject to the point of order. But the presiding officer of the Senate, within the last two or three days, has insisted upon leaving to the Senate all question of order touching legislation on appropriation bills, and the Senate has deliberately determined in at least four or five instances to keep on the Post-Office appropriation bill general legislation which seemed healthy in itself. So I do not see how any Senator now can urge upon the Senate a Senate rule to keep out from one of these bills general legislation which, in the opinion of a majority of the Senate, is healthy.

I am in favor of the Senate rule, and I believe in it; but I am in favor of this legislation, and believe in that. As a member of the Committee on Commerce, I regard it as very important to the Government and to this section of the country, and I feel entirely relieved under the action of the presiding officer of the Senate and of the Senate itself to vote my conviction on these items.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The question being put, there were on a division—ayes 10, noes 16—no quorum voting.

Mr. ALLISON called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 21; as follows:

YEAS—20.

Allison,	Coke,	Hawley,	Mitchell,
Butler,	Garland,	Ingalls,	Morrill,
Call,	Groome,	Jackson,	Platt,
Cameron of Wis.,	Hale,	Jones of Nevada,	Sewell,
Cockrell,	Harris,	Maxey,	Van Wyck.

NAYS—21.

Blair,	Gibson,	Plumb,	Vest,
Brown,	Jonas,	Pugh,	Walker,
Colquitt,	McMillan,	Sabin,	Wilson.
Conger,	Mahone,	Sawyer,	
Dolph,	Manderson,	Slater,	
Frye,	Palmer,	Vance,	

ABSENT—35.

Aldrich,	Edmunds,	Jones of Florida,	Pendleton,
Bayard,	Fair,	Kenna,	Pike,
Beck,	Farley,	Lamar,	Ransom,
Bowen,	George,	Lapham,	Riddleberger,
Camden,	Gorman,	Logan,	Saulsbury,
Cameron of Pa.,	Hampton,	McPherson,	Sherman,
Chace,	Harrison,	Miller of Cal.,	Voorhees,
Cullom,	Hill,	Miller of N. Y.,	Williams.
Dawes,	Hoar,	Morgan,	

So the amendment was rejected.

Mr. HALE. I desire to move an amendment to the clause which has just been left by the vote of the Senate in the bill; but I suppose the proper time for that would be after the committee's amendments have been gone through with.

The PRESIDING OFFICER. And, as the Chair thinks, after the bill shall have been reported to the Senate, the Senate having by vote refused to strike out the clause.

Mr. HALE. It will then be open to amendment?

The PRESIDING OFFICER. It will be open to amendment in the Senate.

Mr. ALLISON. This being legislation, I do not wish the Chair to overrule former decisions which require us not to amend legislative provisions. I understand that no amendment to this provision is in order.

Mr. HALE. I can offer the amendment when the time comes, and let it take its fate. Presumably on what the Senate has just done now, it will be very glad to embrace other features of general legislation.

Mr. ALLISON. I presume it is the intention of the Senate now to admit all legislation on these bills, so that there may be no question about legislation.

The PRESIDING OFFICER. All the Chair intended to rule by his answer to the Senator from Maine was that the committee having reported an amendment striking out this clause of the bill, and no amendment having been proposed to it pending that question, and the Senate having refused to strike it out while in Committee of the Whole, the Chair does not think it is amendable. As to whether the amendment would or would not be in order would, of course, depend necessarily on the nature of the amendment when offered.

Mr. HALE. I understood the Chair only to indicate the time and place when the amendment could be offered.

The PRESIDING OFFICER. That it would be in order to offer an amendment. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 752 to line 760, in the following words:

That the customs-collection district of Duluth, Minn., shall comprise all the waters and shores of Lake Superior, and the rivers connected therewith, in the State of Minnesota, and the harbor and city of Superior, with the bays of Saint Louis and Superior, and the rivers connected therewith, within the State of Wisconsin, in which district Duluth shall be the port of entry; and there shall be a collector, who shall reside at Duluth, and a deputy collector, who shall reside at Superior.

Mr. McMILLAN. I hope the Senate will not concur in this amendment. This legislation embraced in the bill, if it is legislation, conduces very largely to the public interest. The district of Duluth embraces the territory upon the north shore of Lake Superior, and Duluth is the point at which the custom-house is located. Superior is immediately across the bay from Duluth; it is in Wisconsin. At present it is embraced in the collection district of Marquette, which is three hundred miles down the lake, and vessels coming to the port of Superior and to Duluth must have clearances from each of these ports before they can go from one to the other. Vessels coming to Duluth and crossing to Superior go into a different collection district, and it is necessary for them to go through all the forms and take out all the papers that vessels are required to do in passing from one collection district to another. This is to avoid those serious inconveniences to commerce. It does not increase the number of officers; it does not change the relative position of the officers. There is now a collector at Duluth and a deputy collector at Superior; so that there is no increase of expense.

Mr. CAMERON, of Wisconsin. I would inquire of the Senator from Minnesota, who is the chairman of the Committee on Commerce and who has been chairman of that committee for a number of years past, whether the question of changing the collection districts, as is now proposed in this bill, has ever been brought to the attention of that committee and what recommendation came from the committee, if any?

Mr. McMILLAN. Not until this session. This was inserted in the House and fully considered there.

Mr. CAMERON, of Wisconsin. I am aware it was inserted in the House; but has it been considered by the Committee on Commerce of the Senate?

Mr. McMILLAN. There has been no report from the committee.

Mr. CAMERON, of Wisconsin. I did not ask that question. Has it been considered by that committee?

Mr. McMILLAN. It has not been considered because it has not been there for action.

Mr. CAMERON, of Wisconsin. I did not ask what the reason was. I simply asked the question whether the committee had considered it.

Mr. McMILLAN. It is a matter that addresses itself so clearly to the judgment of Senators that it would not be necessary to rely in such a case upon the report of the Committee on Commerce.

Mr. CAMERON, of Wisconsin. With all respect to the Senator from Minnesota, I think he is equivocating.

Mr. McMILLAN. Certainly not. I certainly do not intend to equivocate. I have answered the Senator clearly and distinctly, and I was not aware that the Senator from Wisconsin was opposed to this provision. I understood that it met with the Senator's approval.

Mr. CAMERON, of Wisconsin. It does not meet with my approval. It does not meet with the approval of the people of Wisconsin or the people of Superior.

Mr. McMILLAN. The Senator has changed his views within a short time, then. This certainly is greatly to the public convenience, and it does not increase the expense of the Government in any degree, as I understand. The collection officers are at Duluth and the same officers at Superior, and vessels going to one port often go to the other. Vessels that go to Duluth on going to Superior, carrying goods to Superior, are compelled to go through all these forms and this expense. It seems to me it would interfere very much with the commerce of Superior and operate altogether to the advantage of the other port. I hope the Senate will retain the legislation. It is not a matter that I have any other than a public interest in in any way.

Mr. CAMERON, of Wisconsin. As the Senator from Minnesota has stated, Duluth is in Minnesota and Superior is in Wisconsin. Superior now is in the Marquette collection district. It has been in that district, I think, from the time the present district was organized, and it is perfectly willing and desirous to remain there. The people of Superior and of Wisconsin are not of the opinion that it will conduce to the public interest to have this proposed change in the collection district made, and they are opposed to it. They are perfectly willing, as I have stated, to remain where they now are, and they are satisfied that the public interest will be conduced by remaining where they are.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The question being put, a division was called; and the ayes were 22.

Mr. McMILLAN. I will not insist on a further count.

The PRESIDING OFFICER. The ayes have it, and the amendment is agreed to. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Auditor of the Treasury for the Post-Office Department," before the word "chiefs," in line 822, to strike out "nine" and insert "ten;" so as to read:

Ten chiefs of division, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 823, before the word "clerks," to strike out "eighteen" and insert "twenty;" so as to read:

Twenty clerks of class 4, and additional to one clerk as disbursing clerk, $900.

The amendment was agreed to.

The next amendment was, in line 826, before the word "clerks," to strike out "fifty-six" and insert "sixty-two;" so as to read:

Sixty-two clerks, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 829, before the word "assorters," to strike out "four" and insert "ten;" so as to read:

Ten assorters of money-orders, at $720 each.

The amendment was agreed to.

The next amendment was, in line 832, to increase the total amount of the appropriations for the office of "Auditor of the Treasury for the Post-Office Department" from $494,670 to $510,590.

The amendment was agreed to.

The next amendment was, in the appropriations for "Light-House Board," in line 908, after the word "Board," to strike out "who shall be paid from the appropriations for the Light-House Establishment;" so as to read:

For the following additional employés in the office of the Light-House Board, namely: One clerk of class 2; one clerk of class 1; ten clerks, at $900 each; one assistant messenger; one laborer, $660; one assistant civil engineer, $2,400; one draughtsman, $1,800; one draughtsman, $1,560; one draughtsman, $1,440; and one draughtsman, $1,200; in all, $21,320.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Statistics," in line 931, before the word "thousand," to strike out "six" and insert "seven;" so as to make the clause read:

For collecting statistics relating to internal commerce: For the payment of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $7,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Engraving and Printing," in line 936, after the word "dollars," to strike out "one clerk of class 3" and insert "two clerks of class 3, one of whom shall be disbursing clerk;" and in line 941, after the word "all," to strike out "twenty-four thousand seven," and insert "twenty-six thousand three;" so as to make the clause read:

Bureau of Engraving and Printing: For Chief of Bureau, $4,500; one assistant, $2,250; accountant, $2,000; one stenographer, $1,600; two clerks of class 3, one of whom shall be disbursing clerk; four clerks of class 1; one clerk, $1,000; additional to one clerk as disbursing clerk, $200; three copyists, at $900 each; two assistant messengers, and four laborers; in all, $26,330.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of Life-Saving Service," in line 952, before the words "of class 4," to strike out "one clerk" and insert "two clerks;" and in line 956, after the word "all," to strike out "thirty-six thousand seven hundred" and insert "thirty-eight thousand four hundred and eighty;" so as to make the clause read:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one topographer and hydrographer, $1,800; one civil engineer, $1,800; one draughtsman, $1,500; one principal clerk and accountant, $1,800; two clerks of class 4; three clerks of class 3; two clerks of class 2; five clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; one assistant messenger, and one laborer; in all, $38,480.

The amendment was agreed to.

The next amendment was to strike out the clause from line 966 to line 972, inclusive, in the following words:

That the Secretary of the Treasury be, and he is hereby, requested to submit to Congress, at the opening of the next regular session, such modifications of the laws relating to commerce and navigation as will simplify and improve the same, and remove from American vessels, whether engaged in fishing or in domestic or foreign commerce, all unnecessary restrictions and burdens.

Mr. FRYE. That is a piece of general legislation; but it is an exceedingly small one. It costs no money, it does no harm, and it may be productive of great good.

In the shipping bill which formerly passed Congress there was a reduction of certain fees charged upon vessels, and there are certain other fees that need adjustment. In order to enable Congress to enact a law which shall readjust those fees, the readjustment of which will make it absolutely necessary to readjust the fees of certain collectors of the smaller districts, the information which is called for here is actually needed early in the session, and this simply directs the Secretary of the Treasury to make that report. I hope the chairman of the Committee on Appropriations will let so small a general legislation as that go through without any objection.

Mr. ALLISON. I think the Committee on Appropriations generally considered this to be a mere directory provision, and not legislation. I do not think it is, in the usual sense of the term, legislation. It is a directory provision. I think the Senator from Maine could to-morrow morning, if he chose, ask the Secretary of the Treasury by a resolution to furnish this information to the Senate and make such recommendations as he might choose to make on the subject. It is a directory provision; but the committee thought it was an entirely unnecessary provision that if the Secretary of the Treasury attended to his duties in his annual report, and especially the chief of the Bureau of Navigation, who is a new officer, if he attended to his duties at all, would call the attention of Congress to any revision or changes necessary in the public laws in reference to these subjects. I do not think the committee are very strenuous about it one way or the other, except that we consider the clause an entirely unnecessary provision to be inserted in the statutes.

Mr. FRYE. In reply to the Senator from Iowa, I simply desire to say that the gentleman in the other House who represents the district which I formerly had the honor of representing, Mr. DINGLEY, and who is as familiar with all these questions touching commerce and navigation as certainly any member of Congress of either branch, deemed this of very great importance, and as I understand the Special Committee on Commerce authorized it, and requested it to be put into this bill. It is only directory, I admit, but it can not do any possible harm, and I hope the Senate will let it stay in.

Mr. PLUMB. The Secretary of the Treasury is simply the adjutant of the President. If this has any force at all, it will be because it is of that representative character which the Secretary of the Treasury occupies. The President of the United States is already commanded to address to Congress such recommendations as he may see fit concerning the public welfare. Therefore we shall get nothing from this which we are not entitled to have, and which we shall not have in the ordinary course of events if the President believes that he is in possession of knowledge which Congress ought to be in possession of, or if he believes that he has some panacea which Congress is not otherwise advised of, or if advised of is likely to give the go-by to. But we are singling out the Secretary of the Treasury, who, as I said, is the mere clerk, so to speak, of the President, possessing no authority of himself to make reports to Congress, and dignifying his opinion in advance in a manner which I do not think is becoming to the dignity and responsibility of Congress.

This opens up a wide field in which we are supposed to be hungering for the knowledge that some man we do not know anything about knows more about than all the members of Congress and all other people, and that in a measure we shall be bound by it. Of course we are not literally to be bound by it, but at all events we give it an importance which will make it in a certain event a stumbling-block in whatever we may propose to do.

If the new President has anything to say to Congress let him propound it in the manner provided by the Constitution, and if his Secretary of the Treasury knows anything that he thinks Congress ought to know let him communicate that to his superior, his chief, and let his chief in turn give it to Congress, and I have no doubt he will if he thinks it of sufficient importance have it so done. But to call upon somebody to write an essay, somebody having no authority and an unknown person to deliver his opinion, we might as well go to the Chamber of Commerce of the city of New York or to any well-known person in the country who may desire to spread out at large his views on this subject for our edification. I think it is at least a useless provision and one that may do a great deal of harm.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

PUBLIC BUILDING AT LA CROSSE, WIS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 78) for the erection of a public building at La Crosse, Wis., which were, in line 9 of the bill, after the word "dollars," to insert:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building exceeding the portion of $160,000 remaining after the site of said building shall have been paid for. No plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building.

And at the end of the bill to add the following additional section:

SEC. 2. That the sum of $100,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

Mr. CAMERON, of Wisconsin. I have examined those amendments and move that the Senate concur with the House in the amendments.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection? The Chair hears none. The Senator from Wisconsin moves that the Senate concur in the House amendments which have just been read.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

OBSTRUCTION OF ARKANSAS RIVER.

Mr. GARLAND. I offer a resolution and ask its present consideration merely for the purpose of getting some information from the Secretary of War in reference to the river and harbor bill:

Resolved, That the Secretary of War be directed to transmit to the Senate at his earliest convenience information of what is advisable and necessary to prevent the obstruction of navigation through the draw of the railroad bridge at Rob Roy, on the Arkansas River, Arkansas, to remove the sand-bars and to prevent the future formation of sand-bars in said river between the Rob Roy railroad bridge and Bell's Ferry and to insure stability to the Government works in said reach of river and to the channel section of that river.

The resolution was considered by unanimous consent, and agreed to.

RED CROSS OF GENEVA.

Mr. MANDERSON. I ask unanimous consent at this time to make a report from the Committee on Printing.

The PRESIDING OFFICER. The Senator from Nebraska, from the Committee on Printing, asks unanimous consent to make a report at this time. Is there objection? The Chair hears none, and the report will be received.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the petition of Clara Barton, praying that Congress authorize the printing of additional copies of the History of the Red Cross of Geneva, with a concurrent resolution, and I am directed to ask for the immediate consideration of the resolution.

Mr. ALLISON. I do not object if it takes no time and does not lead to debate.

The PRESIDING OFFICER. The resolution will be read for information.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the History of the Red Cross, from the stereotype plates now at the Government Printing Office, for the use of the American Association of the Red Cross.

The resolution was considered by unanimous consent, and agreed to.

ASTRONOMICAL AND METEOROLOGICAL OBSERVATIONS.

Mr. MANDERSON. I ask consent to report another resolution from the Committee on Printing.

The PRESIDING OFFICER. If there be no objection the report will be received.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a concurrent resolution authorizing the printing of the volumes of the Astronomical and Meteorological Observations of the Naval Observatory. It is in the usual form, and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 copies for the use of the House, and 800 copies for the use of the Navy Department, or for sale at the cost of paper and printing, in accordance with section 452 of the Revised Statutes of the United States.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 2659) for the relief of Ellen May Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2660) granting a pension to George Warmsley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 1046) granting a pension to Mary A. Griffin;
A bill (H. R. 1759) granting a pension to Robert Patterson;
A bill (H. R. 2068) granting a pension to James H. Reid;
A bill (H. R. 2284) granting a pension to Elizabeth Fowler;
A bill (H. R. 2537) granting a pension to Hugh Ryan;
A bill (H. R. 2539) granting a pension to George W. Kiser;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry, on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers, in the war of the rebellion;
A bill (H. R. 3352) to restore the name of Warren Sans to the pension-roll;
A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 3728) granting a pension to Charles P. Mahan;
A bill (H. R. 3749) granting a pension to William Bolworth;
A bill (H. R. 4061) granting a pension to William C. H. Bowman;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 5938) to pension Julia A. Marcum;
A bill (H. R. 5989) for the relief of Elizabeth A. Springsteed;
A bill (H. R. 6018) increasing the pension of George Tapp;
A bill (H. R. 6044) granting a pension to Eliza Pigeon;
A bill (H. R. 6235) granting a pension to Eliza J. Norris;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
A bill (H. R. 7093) for the relief of Anthony Beyer;
A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 7256) granting a pension to John A. Vanderhoff;
A bill (H. R. 7262) increasing the pension of Almira P. Spencer;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7524) granting a pension to Lavisa Heth;
A bill (H. R. 7602) granting a pension to Harriet M. Baily;
A bill (H. R. 7672) granting a pension to Elbert Hewitt;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 7722) granting a pension to Almira K. Parker;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; and
A bill (H. R. 8104) granting an increase of pension to George S. Hawley.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAYARD, Mr. GARLAND, and Mr. MAHONE submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH, Mr. MILLER of New York, Mr. MORGAN, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL, Mr. MAXEY, Mr. SAWYER, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL. I ask leave to offer an amendment to the sundry civil, and also an amendment to the general deficiency appropriation bill. I move that they be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. COCKRELL. I hope these amendments will be printed immediately, so that the committee can have them when they come to consider the bills.

Mr. SHERMAN (from the Committee on the Library). I report an amendment intended to be proposed to the sundry civil bill. I ask that it be referred without printing, as I am told there is no time.

Mr. ALLISON. I desire to say that there will be time to print these amendments. I trust that all amendments submitted to-day will be printed.

Mr. SHERMAN. I was told by a member of the committee that it had better go without printing, but I have no objection to the amendment being printed. I ask that it be printed.

Mr. ALLISON. I trust all amendments submitted to-day will be printed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be referred to the Committee on Appropriations and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, with amendments in which it requested the concurrence of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Commissioner of Internal Revenue," in line 1059, before the word "heads," to strike out "four" and insert "five;" and before the word "hundred," in line 1071, to strike out "eighty thousand six" and insert "eighty-two thousand five;" so as to make the clause read:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, $2,250 each; one superintendent of stamp-vault, $2,000; one stenographer, $1,200; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at $1,000 each; sixty-six clerks, at $900 each, and hereafter no vacancies shall be filled in the grade of clerks at $900 each in this bureau until the number is reduced to fifty; two messengers; fourteen assistant messengers; and thirteen laborers; in all, $282,540.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1072 to line 1075, inclusive, as follows:

For two stamp agents, at $1,600 each; and two counters, at $900 each; in all, $5,000, the same to be reimbursed by the stamp manufacturers.

And in lieu thereof to insert:

For one stamp agent, at $1,600; and one counter, at $900; in all $2,500, the same to be reimbursed by the stamp manufacturers.

The amendment was agreed to.

The next amendment was, in line 1083, to increase the appropriation "for stationery for the Treasury Department and its several bureaus" from $30,000 to $32,000.

The amendment was agreed to.

The next amendment was, in line 1092, after the word "publications," to insert "and not more than $250 in the purchase of books, serials, and apparatus for the use of the Government actuary;" and in line 1094, after the word "thousand," to strike out "five hundred" and insert "seven hundred and fifty;" so as to make the clause read:

For purchase of material for binding canceled marine papers, requisitions, and other important records; newspapers, books, hand-stamps, and repairs of the same (and of the amount appropriated not more than $500 may be used in the purchase of current publications, and not more than $250 in the purchase of books, serials, and apparatus for the use of the Government actuary), $2,750.

The amendment was agreed to.

The next amendment was, after line 1095, to insert:

For purchase of law books and suitable books of reference for the library of the Treasury Department, $500.

The amendment was agreed to.

The next amendment was, in line 1102, after the word "telegrams," to insert the word "and;" and in line 1103, after the word "service," to strike out "and car tickets;" so as to make the clause read:

For freight, expressage, telegrams, and telephone service, $4,500.

The amendment was agreed to.

The next amendment was, under the head of "collecting internal revenue, in line 1169, after the word "that," to strike out "hereafter;" in line 1170, before the word "dollars," to strike out "eight" and insert "ten;" and in line 1171, after the word "exceeding," to strike out "six" and insert "eight;" so as to make the proviso read:

Provided further, That the compensation of the chief of the internal-revenue agents shall not exceed $10 per day, and of the other agents not exceeding $8 per day each; and for per diem in lieu of subsistence, while traveling on duty, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of assistant treasurer at New Orleans," in line 1233, to reduce the appropriation for compensation of "porter" from $900 to $500; and in line 1235 to reduce the total amount of the appropriation from $14,090 to $13,690.

The amendment was agreed to.

The next amendment was, in the appropriations for the "assay-office at Boise City, Idaho Territory," in line 1438, to reduce the appropriation "for incidental and contingent expenses, including labor," from $5,000 to $4,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Territory of Dakota," in line 1485, after the word "dollars," to strike out the following clause:

And the Legislature of Dakota may divide said Territory into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population (except Indians not taxed);

Provided, That the number of council districts shall not exceed twenty-four and the number of representative districts shall not exceed forty-eight.

Mr. MCMILLAN. I rise to ask the Senate to disagree to the amendment proposed by the Committee on Appropriations from line 1485 to line 1491, inclusive. This clause provides that the Territorial Legislature of Dakota may apportion the council and representative districts of the Territory, and changes the limitation of the number, permitting the Territorial Legislature to increase the council districts to a number not exceeding twenty-four, and the representative districts to a number not exceeding forty-eight.

At present the number of districts is limited to just one-half that number—twelve council districts and twenty-four representative districts. By an act of Congress, passed on the 12th of June, 1884, it is provided:

That the Legislature of the Territory of Dakota shall hereafter consist of twenty-four members of the council and forty-eight members of the house of representatives, and that there shall be elected at the next general election in said Territory two members of the council and four members of the house of representatives in each of the twelve legislative districts provided for in chapter 7 of the Territorial statutes of 1884 of said Territory.

It will be perceived that the law already fixes the number of members of the council of the Territory at twenty-four, and the number of representatives at forty-eight, while existing statutes limit the number of districts for councilmen to twelve and representatives to twenty-four. This legislation is for the purpose of remedying that defect. The act of Congress increasing the number of representatives in the Territorial council and house of representatives was passed at a time when the Legislature was not in session and would not meet until after the next general election, so that the case now stands that the Legislature consists of twenty-four councilmen and forty-eight representatives, and yet there are but twelve council districts and twenty-four representative districts; so that there must be two members elected to each of these bodies from each of the districts. The territorial area there is 150,000 square miles, and the population of Dakota is a half million, so that these districts must be of immense size and the people can not be fairly represented by having such large legislative or council districts.

It is a great burden and a serious detriment to the public interest to retain the law as it at present exists. I hope the Committee on Appropriations will see the almost imperative necessity for this change, and no other opportunity presents itself of having this change made.

There can be no objection, I think, that this legislation is embraced in an appropriation bill, because I find in the legislative, executive, and judicial appropriation bill for 1878, chapter 329 of the United States Statutes at Large, volume 20, that all these provisions in regard to the Territories were embraced in that bill. On page 193 of the United States Statutes at Large, volume 20, is the entire legislation affecting not only this Territory but all the Territories of the country, prescribing what the Territorial Legislatures should do with reference to apportioning the respective Territories forming council districts and representative districts in the Territories. It is all embraced in that bill. I hope there will be no objection made to retaining this legislation in the bill.

Mr. ALLISON. The Legislature of Dakota, to which this provision would apply, will not sit until two years from this winter, and I hope before that time Dakota will be a State in the Union.

Mr. MCMILLAN. The Senator will permit me to correct him. The Legislative Assembly of Dakota is in session now.

Mr. ALLISON. So I understand. There is no appropriation in this bill for the Legislature of Dakota, and the Legislature sits only once in two years. There will be ample time to make some provision at the next session of Congress for a redistricting and redivision of this Territory into legislative districts, if we shall not at an early period in the session admit Dakota as a State.

This legislation may be all right; I do not know that it is wrong; but certainly it has been considered by no committee of the Senate. We do not know and can not know in the nature of things whether this is wise legislation or unwise.

Mr. MCMILLAN. The Senator from Iowa will permit me to explain. The statute before him has determined the propriety of having forty-eight representatives and twenty-four members of the council.

Mr. ALLISON. So it has, and provided a method of filling them.

Mr. MCMILLAN. And the only reason why the further provision was not embraced in that statute was because the election occurred in the fall succeeding the passage of the law, the law having passed in June and the election transpiring in November, and there was no session of the Legislature intervening.

Mr. ALLISON. The Senate will see that Congress dealt with this subject only last June, and made provision respecting it. If they intended that there should be a redivision and a relocation of the districts, why did they not provide for it in the act when they were dealing with the subject? It was just as easy to deal with it then as now.

Mr. MCMILLAN. I have just stated to the Senator that there was no session of the Legislature intervening between the passage of that law and the election. The election must transpire, and the necessity for the increase of members of the Legislature was so imperative—the population having increased to so large an extent that the increase of the members of the Legislature was necessary, and Congress provided for it. Congress could not undertake to apportion the Territory into legislative districts, and they could not at that time prescribe that the Territory should be divided into legislative districts, because there could have been no election then.

Mr. ALLISON. It seems I failed utterly to make myself understood. Only last June we provided for this increase in the Territorial council and house of representatives of Dakota, and we provided that the additional number of members should be elected in the districts as they then stood. If Congress, after looking into this subject, had supposed it a wise thing to provide for a reapportionment, all that would have been required then would have been a simple additional section saying that this Legislatnre when convened should have authority to reapportion the Territory; and the Senator from Massachusetts [Mr. HOAR] *sotto voce* says that is all they are going to say now, which I agree to.

We are confronted all the time with these legislative questions, and when they come from the House it seems to be an imperative necessity that they should pass without being considered by the proper committee of the Senate. I do not know but that this is wise legislation; I rather think it is; but why is it that the committee having charge of this subject only last June did not make provision for it, and if not last June why not this winter? Why did they leave it to the last moment to be inserted here in an appropriation bill when in the nature of things we can not know whether it is wise or otherwise?

Mr. MCMILLAN. Congress could not make the apportionment itself.

Mr. ALLISON. So I think.

Mr. MCMILLAN. It would be unwise in Congress to adopt any such legislation.

Mr. ALLISON. It has done so in many instances.

Mr. MCMILLAN. Still it is an exercise of power which is of very doubtful propriety. The people of the Territory are capable of prescribing their own representative districts, and that should always be permitted to the inhabitants of a Territory.

Mr. ALLISON. It is usually done by the executive council of the Territory. I do not know of an instance where we have provided for reapportionment by Territorial legislation.

Mr. MCMILLAN. In reference to inserting this in the appropriation bill, as I suggested when I first took the floor, in the appropriation bill of 1878, the legislative, executive, and judicial bill, a bill of the same character as that which we are now considering, there is one whole clause appropriated to the government in the Territories, and it prescribes—

That from and after the adjournment of the next session of the several Territorial Legislatures the council of each of the Territories of the United States shall not exceed twelve members and the house of representatives of each shall not exceed twenty-four members, and the members of each branch of the said several Legislatures shall receive a compensation of $4 per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive $6 per day for the same time. And the several Legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable taking into consideration population, except "Indians not taxed:" *Provided*, The number of council districts shall not exceed twelve, and the representative districts shall not exceed twenty-four in any one of said Territories.

It was to amend that legislation inserted in an appropriation bill that the act of last June, to which I have referred the Senator, was passed; and this legislation is merely to carry into effect that act of Congress and permit the Territorial Legislature of Dakota to prescribe the council and representative districts. An area of 150,000 square miles and a population of 500,000 people certainly should be respected and regarded, and the rights of their citizens should be regarded to that extent. I hope the Senate will retain the clause.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. MCMILLAN. I call for the yeas and nays. Perhaps a division may be taken if Senators understand the amendment.

The PRESIDING OFFICER. Does the Chair understand the Senator to withdraw the demand for the yeas and nays?

Mr. MCMILLAN. Yes, sir; I will take a division.

The question being put, there were on a division—ayes 19, noes 13—no quorum voting.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MCMILLAN. The Territory of Dakota by law has twenty-four members of the council and forty-eight representatives. That number was prescribed by an act of Congress passed last June. Now, the number of districts consists of twelve council districts and twenty-four representative districts. This legislation merely permits the Legislature of the Territory to increase the number of the districts to conform to the number of representatives, so that there shall be one representative from each council district, and one from each representative district. That is a principle that certainly should be recognized as one to which every portion of the country is entitled; and legislation of this character, more extended and more general, was inserted in the legislative, executive, and judicial appropriation bill in 1878, which renders this

legislation necessary. There certainly can be no objection to permitting this change to be made.

Mr. ALLISON. I do not wish to prolong the discussion, but the legislation of 1878 has nothing whatever to do with this.

Mr. MCMILLAN. The principle certainly is the same, and there the legislation was much more general and much more extensive, referring to all the Territories and covering the whole legislation for the Territories.

The question being taken by yeas and nays, resulted—yeas 36, nays 9; as follows:

YEAS—36.

Allison,	Colquitt,	Hampton,	Pike,
Bayard,	Dawes,	Harris,	Platt,
Beck,	Edmunds,	Hawley,	Pugh,
Brown,	Fair,	Hoar,	Ransom,
Call,	Frye,	Ingalls,	Saulsbury,
Cameron of Wis.,	Garland,	Maxey,	Sherman,
Chace,	George,	Morgan,	Vance,
Cockrell,	Groome,	Morrill,	Vest,
Coke,	Hale,	Pendleton,	Walker.

NAYS—9.

Conger,	McMillan,	Miller of N. Y.,	Van Wyck,
Dolph,	Mahone,	Palmer,	Wilson.
Lapham,			

ABSENT—31.

Aldrich,	Gibson,	Kenna,	Riddleberger,
Blair,	Gorman,	Lamar,	Sabin,
Bowen,	Harrison,	Logan,	Sawyer,
Butler,	Hill,	McPherson,	Sewell,
Camden,	Jackson,	Manderson,	Slater,
Cameron of Pa.,	Jonas,	Miller of Cal.,	Voorhees,
Cullom,	Jones of Florida,	Mitchell,	Williams.
Farley,	Jones of Nevada,	Plumb,	

So the amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, this day, approved and signed the following acts:

An act (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldron;

An act (S. 1031) for the relief of W. C. Marsh;

An act (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron;

An act (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States;

An act (S. 1839) for the erection of a public building at Chattanooga, Tenn.;

An act (S. 2623) to remove the political disabilities of Alexander W. Stark; and

An act (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution.

FISH IN POTOMAC RIVER.

Mr. LAPHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same in the following form:

"SEC. 3. That from and after three months from the date of the passage of this act it shall be unlawful to allow any tar, oil, ammoniacal liquor, or other waste products of any gas-works or of works engaged in using such products, or any waste product whatever of any mechanical, chemical manufacturing, or refining establishment to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia, or into any pipe or conduit leading to the same; and any one guilty of violating this section shall on conviction as provided in section 2 of this act be fined not less than $10 nor more than $100 for each and every day during which said violation shall continue, to be prosecuted for and recovered as provided in the preceding section."

And the Senate agree to the same.

E. G. LAPHAM,
WILLIAM J. SEWELL,
JAMES B. GROOME,
Managers on the part of the Senate.

J. THOS. SPRIGGS,
JOHN S. BARBOUR,
LOUIS E. MCCOMAS,
Managers on the part of the House.

The report was concurred in.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the Territory of Wyoming, in line 1558, after the word "printing," to strike out "laws;" and after the word "dollars," at the end of line 1590, to insert:

And for printing code and laws of the Ninth Legislative Assembly, $2,500; in all $21,500.

So as to make the clause read:

For legislative expenses, namely: For per diem of officers and members of the Legislative Assembly; rent of two halls and committee-rooms for Legislature; fitting up halls; removing furniture; new carpets, stoves, furniture, and repairing old; fuel, lights, and incidentals; stationery; record-books; printing journals, bills; fuel, rent, light, furniture, stationery, postage, messenger, and incidentals of secretary's office, $22,000; and for printing code and laws of the Ninth Legislative Assembly, $2,500; in all, $24,500.

The amendment was agreed to.

The next amendment was to strike out the following proviso, from line 1593 to line 1606, inclusive:

Provided, That on the first Monday in September, A. D. 1885, or within ten days thereafter, the governor of the Territory and the presiding officers of the houses of the last Legislature shall meet and reapportion the Territory in accordance with the population, as ascertained by the best possible means; and that in accordance with such new apportionment members shall be elected to the Ninth Legislative Assembly, on the second Tuesday of November, 1885, in accordance with the election laws of the Territory; and the members of the council and house of representatives so elected shall be the legal members and constitute the Ninth Legislative Assembly of the Territory.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in the appropriations for "the Signal Office," in line 1665, before the word "thousand," to strike out "forty-five" and insert "forty;" so as to read:

And for the services of scientific experts, clerks, draughtsmen, copyists, messengers, mechanics, laborers, and such other services as the Secretary of War may deem necessary, in the office of the Chief Signal Officer, to carry into effect the appropriations for observation and report of storms, and for the construction, maintenance, and repairs of military telegraph lines, $40,000.

The next amendment was, in the appropriations for "office of the Quartermaster-General," in line 1672, before the word "clerks," to strike out "twenty-two" and insert "twenty-three;" so as to read:

Twenty-three clerks of class 2.

The amendment was agreed to.

The next amendment was, in line 1683, to increase the total amount of the appropriations for compensation of chief clerk and the clerks and employés in the office of the Quartermaster-General from $155,375 to $156,775.

The amendment was agreed to.

The next amendment was, in the appropriations for "the office of the Chief of Engineers," in line 1748, after the word "messenger," to insert "one watchman;" and in line 1749, after the word "thousand," to strike out "two hundred and forty" and insert "nine hundred and sixty;" so as to make the clause read:

In the Office of the Chief of Engineers: One chief clerk, at $2,000; four clerks of class 4; two clerks of class 3; three clerks of class 2; three clerks of class 1; one clerk, at $1,000; one assistant messenger; one watchman, and two laborers; in all, $23,960.

The amendment was agreed to.

The next amendment was, in line 1759, after the word "exceed," to strike out "fifty-six" and insert "sixty;" so as to make the clause read:

And the services of skilled draughtsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys for military defenses, to be paid for from such appropriation: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1886, shall not exceed $60,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, and the amount paid to each.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of publication of Records of the Rebellion," in line 1765, before the word "clerks," to strike out "two" and insert "three;" in line 1767, before the word "copyist," to strike out "five" and insert "four;" and in line 1773, after the word "all," to strike out "thirty-one thousand three" and insert "thirty-two thousand two;" so as to make the clause read:

Office of publication of Records of the Rebellion: For one agent, $2,000; three clerks of class 4; two clerks of class 3; one clerk of class 2; three clerks of class 1; four copyists, at $900 each; one foreman of printing, at $1,600; one pressman, $1,200; five compositors, at $1,000 each; two copy-holders, at $900 each; two assistant messengers, two watchmen, and one laborer, at $900; in all, $32,200.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 1869, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class 4.

The amendment was agreed to.

The next amendment was, in line 1881, to increase the total amount of appropriation for compensation of the Secretary of the Navy and the clerks and employés in his office from $56,830 to $58,630.

The amendment was agreed to.

The next amendment was, in line 1917, after the word "for," to insert "one clerk of class 3;" and in line 1920, after the word "all," to strike out "five thousand one" and insert "six thousand seven;" so as to make the clause read:

Hydrographic Office: For one clerk of class 3; two clerks of class 2; one clerk of class 1; one assistant messenger; and one office attendant, $420; in all, $6,740.

The amendment was agreed to.

The next amendment was, in line 1936, after the word "Ocean," to

strike out "twenty thousand seven hundred" and insert "twenty-four thousand;" so as so make the clause read:

For purchase of chart-paper, copper-plates, electrotyping copper-plates; ink and other materials necessary in printing division; materials for drawing division and for mounting charts; materials for engravers; for photolithographing charts for immediate use, and transfer of photolithographic and other charts to copper; repairs to printing-presses; for extra drawing and engraving, and for purchase of foreign charts and hydrographic works for the use of the vessels of the Navy; for the purchase of drawing-paper, drawing materials, and necessary instruments to be furnished naval vessels while surveying, and for repair of such instruments, and for printing Pilot Chart of North Atlantic Ocean, $21,000.

The amendment was agreed to.

The next amendment was, in line 1950, after the word "at," to strike out "one thousand nine hundred and fifty" and insert "two thousand two hundred;" in line 1952, after the word "thousand," to strike out "seven hundred and fifty" and insert "eight hundred;" in line 1954, after the word "dollars," to insert "two computers, at $1,200 each;" and in line 1959, after the word "all," to strike out "seventeen thousand nine hundred and seventy" and insert "twenty thousand seven hundred and twenty;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, one at $2,200 and twoat $1,800 each; one clerk of class 4; one instrument-maker, $1,500; two computers, at $1,200 each; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at $1,000 and one at $720; and seven laborers; in all, $20,720.

The amendment was agreed to.

The next amendment was, after the word "dollars" at the end of line 1991, to insert "one assistant draughtsman, at $1,000;" and in line 1995, before the word "thousand," to strike out "twelve" and insert "thirteen;" so as to make the clause read:

Bureau of Steam-Engineering: For chief clerk, $1,800; one chief draughtsman, at $2,250; one assistant draughtsman, at $1,400; one assistant draughtsman, at $1,000; two clerks of class 2; one clerk of class 1; one clerk, at $1,000; one assistant messenger; and two laborers; in all, $13,490.

The amendment was agreed to.

The next amendment was, in line 2020, to increase the item "for stationery, furniture, newspapers, plans, drawings, drawing materials, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices" from $11,000 to $13,500.

The amendment was agreed to.

The next amendment was, under the head of the "Department of the Interior," in line 2113, after the word "and," to strike out "one laborer" and insert "two laborers;" and in the same line, after the word "all," to strike out "ninety-seven thousand nine hundred and eighty" and insert "ninety-eight thousand six hundred and forty;" so as to make the clause read:

Indian Office: For compensation of the Commissioner of Indian Affairs, $4,000; chief clerk, $2,000; one financial clerk, at $2,000; chief of division, at $2,000; one principal bookkeeper, at $1,800; four clerks of class 4, one of whom shall have charge of the educational division; ten clerks of class 3; one stenographer, at $1,400; sixteen clerks of class 2, one of whom shall be a draughtsman; nine clerks of class 1; thirteen clerks, at $1,000 each; fourteen copyists; one messenger; one assistant messenger; one messenger-boy, at $360, and two laborers; in all, $98,640.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 2116 to line 2139, inclusive, as follows:

That a committee consisting of five members-elect of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives, shall, during the recess of Congress, inquire into and investigate the expenditure of appropriations for Indian schools, and the education of Indians, the established system of such schools or education, and whether any changes should be made therein. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park, and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee have power to visit the places where appropriations mentioned herein are expended, and in doing so they are hereby authorized to use Government conveyances and means of transportation. Said committee shall have power to send for persons and papers, and to appoint a clerk, and may report by bill or otherwise to the Forty-ninth Congress. The expenses of said committee, and of witnesses that may be summoned before it, shall be paid out of any money in the Treasury not otherwise appropriated, on the draft of the chairman of said committee, in sums not exceeding $1,000 at any one time.

The amendment was agreed to.

The next amendment was, in the appropriations for the Pension Office, after the word "dollars," in line 2167, to insert the following proviso:

Provided, That vacancies occurring in the clerical force of the Pension Office during the fiscal year 1886 shall not be filled by promotion or original appointment until a reduction of one hundred and fifty in all is made; and thereafter the number shall not be increased, and the number in the several grades shall remain as existing when said reduction is completed.

Mr. HOAR. I should like to reserve a point of order on that amendment until I learn what the necessity for it is. I should like to inquire of the chairman if the condition of business in the Pension Office is such that this reduction may properly be made? The complaint is very great, coming in every mail very largely from pension applicants all over the country, of great delay in dealing with their cases.

Mr. ALLISON. I do not think the delay comes from any lack of clerical force. If the Senator will turn his eye to page 89, line 2184 to line 2190, inclusive, he will see that we continue for the next year a force of one hundred and fifty special examiners, which under the appropriation act of last year were to be retired on the 1st day of July next. Upon as thorough an examination as we could make of the situation, it was the opinion of the committee that if we continue this additional force of one hundred and fifty special examiners, gradually during the year 1886 we can from all the force reduce an equal number of employés. I do not think there is any likelihood of anybody suffering on account of this reduction.

Mr. HOAR. I do not propose to set up a question of order that will prevent the Senate from acting upon a matter which has been matured by the committee.

Mr. ALLISON. If the amendment is subject to a point of order, I trust the Senator will make it. I do not understand what point of order it is subject to.

Mr. HOAR. It certainly is new legislation. It provides that the now existing authority to appoint a particular class of officers shall not be exercised.

Mr. ALLISON. As the Senator will see, it relates wholly to the clerks provided for in the paragraph and appropriated for in the paragraph.

Mr. HOAR. But the clerks in that office that now exist are officers beyond the particular year. If we do not appropriate for them, and they go on with their work, would they not have a claim against the United States?

Mr. ALLISON. Perhaps a portion of them may be recognized by some permanent law, but these clerks are appropriated for annually in the appropriation bills, and their number is increased or diminished from year to year.

Mr. HOAR. There is a change in method of machinery of appointment and putting a limitation on anthority. However, I was abont to say that I wanted merely to have a clear and distinct affirmation from the committee and the chairman, the organ of the committee, of a belief that the clerical force is sufficient to transact the business of the Pension Office promptly and without delay, because undoubtedly the most objectionable part of our civil administration for the last few years has been the clumsy and imperfect manner and the great delays which have attended the settlement of pension cases. There are a great many cases of fraud, a great many cases of doubt, a great many cases of improper evidence; there are a great many cases of negligence on the part of applicants or their attorneys; but allowing for all that, the fact remains that here are thousands and tens of thousands of soldiers, soldiers' widows, and soldiers' orphans who have done everything that in them lies to secure the pension to which they are entitled by law, and who are growing old and dying of poverty and want and suffering by reason of the imperfection of the mechanism which we have devised for the establishment of their rights.

I do not mean to say that any Commissioner of Pensions has failed to do his best with the machinery at his command. I do not mean to say that there is not much difficulty inherent in the nature of the subject. My own belief is that the whole scheme has been wrong and the pension applicants should have been permitted to try their cause in a district court of the United States, or before some special tribunal in their neighborhood, with a proper officer to represent the Government. I think that such a scheme would have long ago disposed of the vast number of pension cases which still await the tardy process of justice.

If the chairman of the Committee on Appropriations, with the great responsibility which rests upon him and his committee, says that the force of clerks in the Pension Office at the present number is not necessary to remove this difficulty, and that the settlement of these cases will go on as rapidly as may be in the nature of things even with the reduced number, I do not undertake to set up any opinion of mine against his authority.

Mr. PLUMB. I wish to say in regard to the amendment that last year the Commissioner of Pensions himself recommended an important reduction in the force of that office because of the lack of the necessity for its continuation. But it was not reduced; or rather, the force having been reduced by the bill as it came from the House, the Senate increased it again upon the belief that what is known as the Mexican pension bill would become a law and add very largely to the business of the office.

Of course if this amendment were in any way to diminish the efficiency of the office and prevent the allowance of any claim at a proper time after the completion of the testimony, I should not myself vote in favor of its adoption; but from a somewhat extended knowledge of the condition of business in the Pension Office my belief is that the force can be reduced one hundred and fifty during the year (although it will not probably be reduced so much by reason of this amendment) without diminishing its efficiency in any degree; that to-day it is not a lack of force which is impeding the business of the office; and if we were to add 500 or 1,000 clerks to the office I believe the business would not be expedited in view of the facility thus afforded to transact it.

I wish to say one thing further in regard to the one hundred and fifty special examiners. I do not think the anticipations that were had when that force was provided have been justified. I would be very glad to cut off part of them, believing as I do that they encumber largely the business of the office rather than tend to expedite it.

I do not believe that under this provision there will be any delay more than has been, and I believe the force can be so reorganized, and

it ought to be so reorganized, as to really expedite the business much more rapidly than ever has been done heretofore.

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "United States Patent Office," before the word "principal," in line 2206, to strike out "twenty-four" and insert "twenty-six;" so as to read:

Twenty six principal examiners, at $2,400 each.

The amendment was agreed to.

The next amendment was, in line 2207, before the word "first," to strike out "twenty-eight" and insert "thirty;" so as to read:

Thirty first assistant examiners, at $1,800 each.

The amendment was agreed to.

The next amendment was, in line 2209, before the word "second," to strike out "twenty-eight" and insert "thirty;" so as to read:

Thirty second assistant examiners, at $1,600 each.

The amendment was agreed to.

The next amendment was, in line 2210, before the word "third," to strike out "thirty" and insert "thirty-five;" so as to read:

Thirty-five third assistant examiners, at $1,400 each.

The amendment was agreed to.

The next amendment was, in line 2212, before the word "fourth," to strike out "thirty-five" and insert "forty;" so as to read:

Forty fourth assistant examiners, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 2222, before the word "clerks," to strike out "fifty" and insert "fifty-five;" so as to read:

Fifty-five clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 2223, to insert:

Fifteen examiners' clerks, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 2236, after the word "each," to insert:

Ten messenger-boys, at $360 each.

The amendment was agreed to.

The next amendment was, in line 2238, to increase the total amount of the appropriations for compensation of the Commissioner of Patents, Assistant Commissioner, and the clerks and employés in the office from $597,170 to $646,370.

The amendment was agreed to.

The next amendment was, in line 2274, after the word "dollars," to insert "one engineer and skilled laborer, at $1,000;" and in line 2279, after the word "all," to strike out "forty-four" and insert "forty-five;" so as to make the clause read:

Bureau of Education: For the Commissioner of Education, $3,000; collector and compiler of statistics, $2,400; chief clerk, $1,800; two clerks of class 4; one statistician, $1,800; two clerks of class 3; one translator, $1,600; four clerks of class 2; six clerks of class 1; two clerks, at $1,000 each; seven copyists; two copyists, at $900 each; one copyist, $720; one engineer and skilled laborer, at $1,000; one assistant messenger; two laborers; two laborers, at $480 each; one laborer, at $400; and one laborer, at $360; in all, $45,580.

The amendment was agreed to.

The next amendment was, in line 2287, to increase the appropriation "for collecting statistics for special reports and circulars of information," from $2,200 to $5,000.

The amendment was agreed to.

The next amendment was, in line 2294, before the word "thousand," to strike out "two" and insert "four;" so as to make the clause read:

For the distribution and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, articles of school furniture, and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, $4,000.

The amendment was agreed to.

The next amendment was, in line 2313, after the word "law," to strike out "thirty" and insert "thirty-five;" and in line 2314, after the word "all," to strike out "thirty-five" and insert "forty;" so as to make the clause read:

Bureau of Labor: For Commissioner of Labor, $3,000; chief clerk, $2,000; for rent of rooms for use of bureau, and for fuel, light, stationery, employés, and all other necessary expenses of said bureau, and to make investigation into the statistics of labor in the United States and elsewhere, to be expended under the direction of the Secretary of the Interior and as provided by law, $35,000; in all, $40,000. And it shall be the duty of the commissioner to report the number and salaries of employés, with the estimates for said bureau, to the first session of the next Congress.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2358.

Mr. ALLISON. I move to strike out the words "horse-railroad car tickets" in line 2354. I supposed that amendment of the committee had been noted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2361, to increase the appropriation "for stationery for the Department of the Interior and its several bureaus and offices, including the Geological Survey," from $70,000 to $72,500.

The amendment was agreed to.

The next amendment was, after the word "may," at the end of line 2370, to insert "in the discretion of the Secretary;" so as to make the clause read:

For the rent of other buildings for the use of the Department of the Interior, to be selected by the Secretary of the Interior, $58,100: *Provided*, That any building rented hereunder may, in the discretion of the Secretary, be vacated on the part of the Government as soon as the new Pension Office building is ready for occupancy.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in line 2500, to strike out "one clerk" and insert "two clerks;" in line 2501, after the word "dollars," to strike out "one female clerk, at $900;" and after the word "all," at the end of line 2502, to strike out "thirty thousand nine hundred" and insert "thirty-one thousand;" so as to make the clause read:

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,500; stenographer, $1,800; appointment clerk, $1,800; law clerk, at $2,500; and one clerk of class 4 (in office of Assistant Attorney-General for Post-Office Department); two clerks of class 3; one clerk of class 2; three clerks of class 1; two clerks, at $1,000; one copyist; one messenger; one assistant messenger; in all, $31,060.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "First Assistant Postmaster-General," in line 2515, before the word "clerks," to strike out "four" and insert eight;" so as to read:

One clerk of class 2 and eight clerks at $1,000 each, for one year, in the salary and allowance division.

The amendment was agreed to.

The next amendment was, in line 2524, to insert:

One clerk, at $1,000.

The amendment was agreed to.

The next amendment was, in line 2526, to increase the total amount of the appropriation for compensation of First Assistant Postmaster-General and the clerks and employés in his office from $111,500 to $120,500.

The amendment was agreed to.

The next amendment was, in line 2530, after the word "dollars," to strike out "chief of foreign mails division, $2,000; eleven" and insert "ten;" in line 2532, before the word "clerks," to strike out "thirty-five" and insert "thirty-four;" in line 2533, before the word "clerks," to strike out "twenty" and insert "eighteen;" and before the word "hundred," in line 2538, to strike out "fifty-one thousand nine" and insert "forty-three thousand seven;" so as to read:

For Second Assistant Postmaster-General, $4,000; chief clerk, $2,000; chief of division of inspection, $2,000; superintendent of railway adjustment, $2,000; ten clerks of class 4; thirty-four clerks of class 3; eighteen clerks of class 2; eighteen clerks of class 1; nine clerks, at $1,000 each; three female clerks, at $900 each; three assistant messengers; and one laborer; in all, $143,720.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 2538, to strike out:

And the Second Assistant Postmaster-General shall have the supervision over the foreign mails.

And to insert:

For superintendent of foreign mails, $3,000; chief clerk, $2,000; one clerk of class 4; three clerks of class 3; one clerk of class 2; one clerk of class 1; two clerks, at $1,000 each; one assistant messenger; in all, $16,920.

The amendment was agreed to.

The next amendment was, in line 2613, after the word "dollars," to insert "for the purchase of free penalty envelopes $3,600," and in line 2624, after the word "all," to strike out "sixty-thousand eight" and insert "seventy thousand four;" so as to make the clause read:

For contingent expenses of the Post-Office Department: For stationery and blank books, $9,000; for the purchase of free penalty envelopes, $3,600; fuel, and for repairs to heating apparatus, $7,200; for gas, $6,600; plumbing and gas fixtures, $4,700; telegraphing, $5,000; painting, $4,700; carpets and matting, $5,800; furniture, $7,500; keeping of horses and repair of wagons and harness, $1,500; hardware, $1,700; miscellaneous items, $13,000; in all, $70,400.

The amendment was agreed to.

The next amendment was, in line 2631, after the word "dollars," to insert "for rent of additional buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Office of the Auditor of the Treasury for the Post-Office Department, $4,500;" and in line 2635, after the word "all," to strike out "nine thousand five hundred" and insert "fourteen thousand;" so as to make the clause read:

For rent of topographer's office, $1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Auditor of the Treasury for the Post-Office Department, $8,000; for rent of additional buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Office of the Auditor of the Treasury for the Post-Office Department, $4,500; in all, $14,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial" in the appropriations for the office of the Attorney-General, in line 2671, before

the word "copyists," to strike out "seven" and insert "ten;" so as to read:

Ten copyists.

The amendment was agreed to.

The next amendment was, in line 2768, to increase the total amount of the appropriation for compensation of the Attorney-General and the clerks and employés in his office from $112,110 to $114,810.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. HARRISON and Mr. ALLISON addressed the Chair.

The PRESIDENT *pro tempore*. The Chair feels bound under the understanding to recognize the Senator in charge of the bill, that further amendments from the Committee on Appropriations, if there be any, may be offered.

Mr. ALLISON. If the Senator from Indiana will yield for just a moment I will then give way to him.

Mr. HARRISON. Very well.

Mr. ALLISON. In line 2317, after the word "the" where it first occurs, I move to strike out the words "first session of the next" and insert "Secretary of the Interior for transmission to;" so as to read:

And it shall be the duty of the Commissioner to report the number and salaries of employés, with the estimates for said bureau, to the Secretary of the Interior for transmission to Congress.

The Bureau of Labor is under the Interior Department.

The amendment was agreed to.

Mr. ALLISON. After line 411, I move to insert:

For pay of E. J. Babcock, secretary of the commission on the dedication of the Washington Monument, $200, to be paid from the appropriation for the dedication.

The amendment was agreed to.

Mr. ALLISON. I now yield to the Senator from Indiana.

Mr. HARRISON. In line 71, after the words "Indian Affairs," I move to insert the words:

Clerk to the Committee on Territories.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. MILLER, of New York. I move to amend the amendment by adding the words:

And clerk to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment offered by the Senator from Indiana.

Mr. VAN WYCK. Another amendment is not in order now?

The PRESIDENT *pro tempore*. Another amendment is not in order.

Mr. VAN WYCK. Then I desire to give notice that when the amendment is in order I shall propose to so amend the bill as that the clerks of all the standing committees of the Senate shall be annual clerks. This matter has drifted away from the necessities of requiring clerks to the committees. That is evident. I look over the list and find those committees which have annual clerks and those which have not, and there is no difference between the labor of the committees. For instance, here is the Committee on the Census. I will ask the Senator from Maine [Mr. HALE], the chairman of that committee, whether the Committee on the Census has had any meeting this session?

Mr. HALE. It is a very laborious committee.

Mr. VAN WYCK. Very! That committee has an annual clerk. Next is the Committee on Private Land Claims. Let me ask the Senator from Delaware [Mr. BAYARD] a question, if he will give me his attention for a moment. Will he please inform me how many times that committee have met during this session, and how many reports they have made?

Mr. BAYARD. The Committee on Private Land Claims?

Mr. VAN WYCK. Yes; I am inquiring about the relative labor of committees, and I am directing attention to the Committee on Private Land Claims. I desire to propound the inquiry to the chairman of that committee how many meetings they have had at this session?

Mr. BAYARD. On the regular day, which is Friday. I have the impression that there may have been two Fridays since the 1st of December on which the committee did not have a session, owing to the absence of members of the committee, but otherwise the committee has been in session on its regular meeting day in each week.

Mr. VAN WYCK. The Senator will understand that I am not arraigning the committee for neglect of duty by any means. That is not the purpose of my inquiry.

Mr. BAYARD. Will the Senator state his purpose?

Mr. VAN WYCK. I have no doubt of the faithfulness and zeal with which that committee does everything which properly comes before it. Will the Senator furthermore state how many reports that committee has made at this session, if he remembers?

Mr. BAYARD. I can procure for the Senator, if he desires, the statement of the clerk as to the exact number of reports.

Mr. VAN WYCK. Yes; I should like to have it.

Mr. BAYARD. I should like to ask now, if the Senator has no objection, what is the object of his inquiry?

Mr. VAN WYCK. The Senator did not hear me. I will tell him. It is no disrespect to the committee or suggestion of their want of intelligence or diligence or activity. The Senator was not probably paying attention to my statement, and he is not required to do it. The Senator from Indiana [Mr. HARRISON] proposed an amendment to this bill. We have seen very much of this appropriation bill, and certainly it is a very large thing.

The Senator from Indiana proposes that among the annual committee clerks there shall be enrolled the clerk of the Committee on Territories of the Senate. That is probably very proper. With that the Senator from New York [Mr. MILLER] proposes that there shall also be added to the list of annual clerks the clerk of the Committee on Agriculture and Forestry, which is very important probably. Then I suggested to the Senate that at the proper time I should propose an amendment that the clerks of all the standing committees should be annual clerks. That naturally suggested the inquiry, as I stated, that we had got a good ways from the first introduction of clerks to committees where they are absolutely necessary, and I took up the list, commencing backward.

I asked the Senator from Maine [Mr. HALE] who is chairman of the Census Committee, which has an annual clerk, as to the duties of that committee, as to the necessity for an annual clerk, and he answered very promptly that there are serious and arduous duties performed by the Committee on the Census. Having received a satisfactory answer to that inquiry, I went along the list and found the Committee on Private Land Claims. Therefore it was that I turned to the chairman of that committee to know as to the nature or arduous character of the duties connected with that committee. I trust now the Senator understands and will excuse the inquiry that I made.

Mr. BAYARD. There is no excuse required. Anything that relates to the public business is a very proper matter for public inquiry. I may only state that before I became chairman of that committee some of the most experienced lawyers of the body, the present presiding officer of the Senate, Judge Thurman, and Judge Davis were all members of the committee, and I think they found themselves sometimes very constantly occupied to frame proper laws for the very important cases that came before them. It was under their supervision and control that the annual feature was made for the clerkship. I found it so, and I trust it will remain so.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. MILLER] to the amendment offered by the Senator from Indiana [Mr. HARRISON].

The question being put, there were on a division—ayes 20, noes 20.

Mr. MILLER, of New York. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CALL. I wish to announce that my colleague [Mr. JONES, of Florida] is detained from the Senate by illness.

The result was announced—yeas 29, nays 28; as follows:

YEAS—29.

Aldrich,	Frye,	McMillan,	Sawyer,
Blair,	George,	Mahone,	Sewell,
Bowen,	Harrison,	Manderson,	Van Wyck,
Call,	Hill,	Miller of Cal.,	Williams,
Chace,	Hoar,	Miller of N. Y.,	Wilson,
Conger,	Ingalls,	Mitchell,	
Cullom,	Jones of Nevada,	Palmer,	
Dolph,	Lapham,	Pike,	

NAYS—28.

Allison,	Colquitt,	Jackson,	Pugh,
Bayard,	Dawes,	Jones,	Ransom,
Beck,	Edmunds,	Lamar,	Riddleberger,
Brown,	Groome,	Maxey,	Sherman,
Camden,	Hampton,	Morgan,	Vance,
Cameron of Wis.,	Harris,	Morrill,	Vest,
Cockrell,	Hawley,	Platt,	Walker.

ABSENT—19.

Butler,	Garland,	Kenna,	Sabin,
Cameron of Pa.,	Gibson,	Logan,	Saulsbury,
Coke,	Gorman,	McPherson,	Slater,
Fair,	Hale,	Pendleton,	Voorhees.
Farley,	Jones of Florida,	Plumb,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended.

Mr. VAN WYCK. After the word "Forestry" I move to insert—

And clerks to each of the other standing committees of the Senate.

Mr. COCKRELL. I move to amend that.

Mr. ALLISON. I ask whether an amendment is in order?

Mr. COCKRELL. I think it is in order. I want to amend it so as to include the clerks of the select committees of the Senate, making it read "the clerks of the standing and select committees."

Mr. FRYE. That is not in order.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri is not now in order. There is an amendment offered by the Senator from Indiana pending, and an amendment to that amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK. If the Committee on Appropriations gave consideration to this matter, which I suppose they did, with the view of providing annual clerks for the committees which really need them,

then I think in the estimation of nearly every Senator here outside of the Appropriations Committee they have failed very seriously in the correct discharge of that duty.

The clerks of committees should be established, if they are made annual, upon the necessity of labor being done after the close of the session, if we require that of some of our committees. Among the committees for which annual clerks are recommended there are those which have no pretense of requiring an annual clerk. Such, I think, are the two committees to which I have referred, the Committee on the Census and the Committee on Private Land Claims. I do not think the Senator from Delaware, although he voted against the amendment of the Senator from New York, believes for a moment that there is any pretense for having a clerk to the Committee on Private Land Claims after the session closes. We should do one thing or the other.

If there is any justice or honesty about the distribution of this part of the patronage, or plunder, as it should more properly be called—patronage, if we choose to call it by a milder term, because probably one-half the persons employed about this building are not necessary—we should act equally. We have doubled the expenses connected with the running of this part of the Capitol beyond what is actually necessary. It is significant that we have here clerks of committees carried on the annual roll to-day when there is no pretense of necessity or duty for them. The Appropriations Committee has retained some, and we find that the Census Committee and the Private Lands Committee have annual clerks. There is no necessity for annual clerks to these committees. Why do the Appropriations Committee, who watch everything so carefully, suffer this to pass out of their grasp and fasten committee clerks on the Treasury when there is no necessity for them?

Then I ask the question why did not the Appropriations Committee go further and make the clerks of all standing committees annual clerks? Let us make a reform one way or the other. Let us make a reform in justice by only apportioning the clerks where the duties of the committee require them, or let us make the reform on the other line, on the basis of honest equality, and make the clerk of every committee an annual clerk.

I say to my friend from Iowa that it is not necessary to state that some committees work more than others. Certainly; but they are provided with additional clerical help. The Appropriations Committee has not only one clerk, but two clerks to the committee. So all committees whose duties require it are provided for already by this bill. I have asked only that the committee shall strike down those that are useless or add others that are also useless, and have an equality one way or the other.

There is no necessity for this, Mr. President. There is no occasion for it. There are officers provided for here for whom there is no necessity. We have messengers at $1,440 a year and the compensation of others is increased and so is that of the clerk of the Appropriations Committee, and every gentleman on the Appropriations Committee has taken especial care I suppose to see to it that the clerk of his particular committee is an annual clerk. I do not think this necessary. I should like the Senate if possible to be consistent on one line or the other, either on the basis of honest equality for all the committees or on the basis of economy. If it is a donation, if it is a gift, a matter of favor to a Senator having charge of a committee, let it be uniform. That is all.

Mr. ALLISON. I suppose there is no more difficult question affecting our internal affairs here than the one we are now considering. Certainly no one question gives the Committee on Appropriations more trouble at each recurring session than the consideration of the committee clerkships.

The Senator from Nebraska wants to know why it is that we have reported this bill providing for the clerks of certain committees, which committees, he says, have no labor or very inconsiderable labor to perform. The Committee on Appropriations have reported the annual clerks in accordance with the action of the Senate hitherto. We have not taken upon ourselves the responsibility of revising the judgment of the Senate with reference to those clerks of committees; and where we have found resolutions of the Senate or votes of the Senate making clerks annual officers we have adhered to them.

If the Senator from Nebraska thinks that some of these annual clerks ought not to be so provided for, I should think with his judgment in reference to the economy of the Senate he would have addressed himself rather to correcting the errors of the Committee on Appropriations by proposing to strike down clerks that the Senate has hitherto made annual; but instead of that his proposition is now a sweeping proposition that every committee of this body shall have an annual clerk, without reference to the business of the committee and without reference to the question whether or not that committee has work for an annual clerk to perform.

I shall not go into a discussion of the respective labors of committees in this body. Every Senator here is as capable of judging of this matter as I am. Nor am I intending to lecture the Senate as to whether or not clerks of committees shall all receive annual compensation. That is a question for the Senate, which I do not choose as a member of the Committee on Appropriations to interfere with. I only say that the Committee on Appropriations have from time to time made these reports in view of facilitating the business of the committees of this body and of the Senate. Last year, I believe, we did add one annual clerk to the list of annual clerks; that was the clerk of the Committee on Indian Affairs, of which the venerable Senator from Massachusetts [Mr. DAWES] is chairman. I think the Senate will agree that that committee for the last year or two years has been one of the hardest worked committees in this body.

Now, if the Committee on Agriculture which has just been voted in is a committee that requires work in the vacation, is a committee that requires the labor of a clerk in vacation, no Senator will be more willing to vote for it than I will; and so with the clerk of any other committee where the committee can show a reason why that should be done. It has been shown in the past with reference to the several committees named in the bill, and the Committee on Appropriations did not choose to reverse the judgment of the Senate.

But I ask that the Senate pause before it adopts the proposition of the Senator from Nebraska to provide sweepingly for annual clerks to all the standing committees of this body; because if that shall be done, surely the Senator from Missouri will insist upon his amendment which shall provide for the inclusion of all the select committees of this body. If that is the disposition of Senators I shall not interfere with it; but I submit that it will add largely to the expenditures of the Senate, and in that respect I do not think I am illiberal.

The Senator from Nebraska said that the Committee on Appropriations had two clerks. It has two clerks, and neither of these clerkships is a sinecure, I can tell the Senator from Nebraska. They are as hard worked clerks as there are connected with this body; and one of those clerks, the chief clerk of the Committee on Appropriations (and I say it without invidious distinction in regard to other clerks), is an officer who not only works during the session of Congress, but in season and out of season in the committee-room with reference to public measures.

Mr. VAN WYCK. Allow me right there one moment?

Mr. ALLISON. I will.

Mr. VAN WYCK. I do not undertake by any means to intimate that the clerks of the Appropriations Committee were not just such officials as the Senator represents. My only idea was to answer what I supposed be an argument made, that annual clerks are given because some committees do more work than others. I only said in that connection that when that was the case the Senate took care to provide that they should have additional clerks. I beg the Senator not to misunderstand me.

Mr. ALLISON. Of course I will not misunderstand the Senator; but the Senator from Nebraska undertook to say, and did say, that the Committee on Appropriations in deciding this matter, so far as they had the power to decide the matter, were actuated by principles of favoritism with regard to the members of this body. I do not so understand the action of the Committee on Appropriations. Now take the clerk of the Committee on Indian Affairs, made annual last year. The Senator from Massachusetts, although a member of the Committee on Appropriations, did not ask for that annual clerk, although he might as well have asked for it, and so I might say of other gentlemen the clerks of whose committees have been made annual.

I have no feeling about this. I think we ought to have competent men as clerks of committees, competent men in the administration of our affairs at the desk here and elsewhere; and if they are not paid sufficiently now, let us pay them a larger salary; but let us not do it by a wholesale amendment such as is proposed by the Senator from Nebraska.

Mr. MILLER, of New York. I do not desire to go into any general discussion of this subject, as I do not think it is necessary. I understand that from time to time the list of the annual committee clerks has been changed and added to. It seems to have come to a point now where, in the opinion of many Senators, if not a majority, there is a discrimination in this matter which ought no longer to exist. There are a number of the committees which are standing committees, but the clerks of which are merely appointed for the session and are paid a per diem.

Last session the Senate by quite a majority decided to allow a private secretary to every Senator in this body who was not the chairman of a committee. The pay of these secretaries is precisely the same as the pay of the clerks of standing committees, which are not included in the annual list in this appropriation bill. I submit that that is not a fair distribution; for if these committees are of any value at all, if they have any work to do, certainly the clerk of such a committee should receive more than the secretary of a Senator, who is paid for doing the ordinary business of a Senator and nothing else. A number of these committees are very important and do a large amount of work. There can be no doubt about that.

Then in the making up of the force about the Senate and arranging their salaries, a matter entirely in the hands of the Appropriations Committee, it so happens that the men who are appointed as messengers to these very committees about which we are now talking receive an annual salary of $1,440, which is more than the clerks of the committees receive. I submit that this is not a fair distribution, and it should not be so. They are general messengers, and they are assigned to act as messengers to these very committees on the days they sit and at other times they are distributed to other work; but they do act as mes-

sengers to those identical committees. Of course their appointment is general, but they are assigned specially to committees.

Mr. PLUMB. The messenger in charge of the room of the Committee on Public Lands acts as messenger to that committee during the days when that committee is in session and at other times he does other messenger duty. He is not messenger to that committee specially.

Mr. MILLER, of New York. I understand, but they are assigned to special duty as messengers to the particular committees and they receive the salary which I have stated.

As to the main question whether all the standing committees should have permanent clerks, I am not prepared to say. As I look over the list I am not able to select any which I think should not come under that rule. I do not care to go into any discussion as to the importance of some of the committees which I find in this bill. The Senator from Nebraska has done that to some extent. I submit to any fair-minded Senator if he will take that list of committees whose clerks are made annual by this appropriation bill and then take the list of the committees which are standing and the clerkships which are not annual, he will say that it is not right. The only way to make it right is to change it here and now in this bill.

Mr. ALLISON. I suggested to the Senator from Nebraska when he offered his amendment that I thought it was not in order. It has not been reported by any committee nor has it been referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair thinks, if the Senator makes the point, it is not in order.

Mr. ALLISON. I do.

Mr. VAN WYCK. It is an amendment to an amendment. Do I understand that it is the rule of this body that where a gentleman has presented an amendment properly, as the Senator from Indiana did, and then any other Senator desires to propose an amendment to that amendment, it must be submitted to the Committee on Appropriations the day previous?

The PRESIDENT *pro tempore*. The Chair understands the rules to require in respect of amendments to appropriation bills that all amendments which add new items of appropriation (as this does in substance as the Chair thinks) must be reported from a standing or select committee and be referred, one day previous to their being considered, to the Committee on Appropriations. The Chair understands that the same rule applies to amendments to amendments. If any question of order shall be raised on the first amendment the Chair will rule upon it when made. The Senator from Iowa makes the question of order that the amendment proposed by the Senator from Nebraska is not in order under this rule. The Chair is bound to sustain the point of order.

Mr. VAN WYCK. Will the Chair hear another suggestion? This amendment was received without opposition and has been discussed without opposition, and now I submit it is too late for the Senator from Iowa to raise the question of order.

The PRESIDENT *pro tempore*. The Chair thinks the practice of the Senate has always been to have these questions of order determined when they are raised until the bill has gone to a stage where the amendments become a part of the bill and can not be touched.

Mr. VAN WYCK. Speaking upon the bill, then, I desire to ask the Senator from Kansas a question. The Senator from New York spoke in regard to messengers, and the Senator from Kansas replied that the general messengers were detailed to wait on committee-rooms, and when not waiting there were engaged in other services. Let me call his attention to this:

Seven messengers at the rate of $1,440 per annum for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Engrossed Bills, and Military Affairs.

Are not those messengers appointed for and especially assigned to duty to those committees?

Mr. PLUMB. I suppose they are; but I was referring to the messengers generally, not to those specially named.

Mr. VAN WYCK. Here are seven placed in this bill by the Committee on Appropriations, whose only duty is merely to sit at the doors of those committee-rooms.

Mr. ALLISON. Will the Senator allow me?

Mr. VAN WYCK. Let me get through with this first.

Mr. ALLISON. It is right on this point.

Mr. VAN WYCK. Let me finish my sentence. They are at the doors of these committee-rooms. My friend from Kansas admits that their only duty is at those committee-rooms. I want still further to ask him—and then I will hear the Senator from Iowa—what duties have they to discharge during the vacation?

Mr. PLUMB. That I do not know. I can not tell about that.

Mr. VAN WYCK. Probably the chairman of the committee can.

Mr. PLUMB. The Senator from Nebraska probably knows more about it than I do. I was speaking in reference to the general messengers. I suppose these special messengers probably do the duty of waiting upon those committee-rooms during the session, but I understand—though I do not know anything about it—that they have other duties during the vacation. But I want to say one thing further. The Committee on Appropriations did not put anything at all in the bill on this subject. These provisions were found in the bill as it came from the House, and the House committee presumably—I have no doubt that is the fact—took the regular establishment as provided for at preceding sessions of Congress; and these committee clerks and messengers, as I understand, have been put in in obedience to a resolution of the Senate made prior to the time when they were put in: and in putting them in the committee has simply accepted the judgment of the Senate expressed independently on the proposition.

Mr. VAN WYCK. Now I will hear the Senator from Iowa.

Mr. ALLISON. I am much obliged to the Senator from Nebraska. If I were to say anything it would be a repetition of what the Senator from Kansas has just said, and that is that the Committee on Appropriations do not pretend to consider these questions where the Senate has taken action. We find an existing statute with reference to the number of employés and the compensation of employés, and except in a very few instances we do not undertake to change that statute.

Now with reference to the messengers that have been put on from time to time, some of them have been put on against my vote, as I remember very well. Last year a messenger to the Committee on Military Affairs was by a resolution of the Senate, and a large majority too, placed on that list, and we felt bound to make an appropriation for that messenger in accordance with the judgment of the Senate, and so we have acted with reference to the annual committee clerks.

Mr. VAN WYCK. Let me ask the Senator from Iowa a question, which the Senator from Kansas said he could not answer. I find in the bill—

Seven messengers at the rate of $1,440 per annum, for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Engrossed Bills, and Military Affairs.

The Senator from Kansas admits that these messengers are specially assigned for duty to these committees. Let me ask my friend from Iowa if these messengers have any duty to discharge in vacation.

Mr. ALLISON. I suppose they have; otherwise I presume the Senate would not have given them an annual salary. What those duties are I do not know. I happen to be a member of the Committee on Finance, which is the only committee of which I am a member of those committees indicated in that list. I suppose the chairman of the Committee on Finance could indicate what his messenger does. Of course I can not follow him up day by day. But I take it that when the Senate deliberately provided for a messenger they did so upon some idea that service was to be performed, and I have no doubt these messengers perform their relative proportion of the work that is done by messengers of the Senate during the vacation.

It is impossible for any Senator here to run the Senate in vacation. It is the business of the Sergeant-at-Arms to take care of this wing of the building during the vacation and to assign a sufficient number of messengers, laborers, and other employés to see that the building is taken care of; I do not know what particular ones he uses at different times.

Mr. MORRILL. If the Senator from Iowa will permit me, I will say that the Sergeant-at-Arms has the sole charge of these seven men, and places them at any duty he sees fit. They can not be absent without his leave.

Mr. MITCHELL. I would suggest in the same line that the messenger of the Committee on Pensions was summoned here in vacation by the Sergeant-at-Arms.

Mr. VAN WYCK. That is not one of the committees I am asking about.

Mr. MITCHELL. Yes, it is.

Mr. VAN WYCK. Then I beg pardon; I see it is. That is one of the seven specially assigned by a resolution of the Senate, my friend says deliberately adopted. The resolution of the Senate was for duty to these committees. Then I desire to know—I do not suppose the Appropriations Committee know—what they do when Congress is not in session?—I venture to say that these men assigned here have no duty to perform, as most of the annual clerks have no duty to perform during vacation. That is the point I was designing to make.

Then the gentlemen on the Appropriations Committee say they are powerless, they can not do anything, because the Senate has deliberately resolved that these appointments should be made; but I see the Appropriations Committee struck down some things. Only a moment ago they were striking down one hundred and fifty clerks in the Pension Office. How were they on the roll. Does my friend from Iowa understand me? He was saying that it was not proper for the Appropriations Committee to retrench of their own motion when the Senate deliberately by resolution said these messengers were beyond their reach. Then I alluded to the fact that only a moment ago the Appropriations Committee were asking us to strike down one hundred and fifty clerks in the Pension Office. Was that not taking the power in their own hands? Those clerks were placed there by law or by resolution of this body. My friend must know this.

I want to show that that committee can do it when inclined. They can strike down one hundred and fifty pension clerks, but they can not strike down the annual clerk of the Committee on the Census or the annual clerk of the Committee on Private Land Claims.

Mr. HARRISON. Mr. President, there can be no doubt, indeed I do not understand that the chairman of the Committee on Appropriations denies, that there are great inequalities in the provision made in this bill for the clerks of the committees of the Senate. The Appropriations Committee evade responsibility for some of these things by saying that at some previous session of the Senate an annual clerk was ordered for a particular committee, that they have felt that order to be binding upon them, and therefore they report an appropriation for that clerk.

Now, I think this whole subject ought to be reconsidered and put upon a fair and equal basis all around. So far as the clerk of my committee is concerned, I do not ask anything else. As these clerks are now serving, perhaps at this session of Congress the pay of one of these clerks who is paid a per diem would be between five and six hundred dollars. At the longer session of Congress it would be probably a thousand dollars, or something more. I do not think the average annual pay amounts to a sum that is equal to the service they render, because any competent clerk who comes here and takes a position as clerk of a committee, if he is a stenographer, loses his place and his business at home. He may pick up something in the intervals of the sessions of Congress, but he practically gives up his place; he loses his identity in the community in which he has been engaged, and the best he can do is to supplement his salary in the vacation by picking up some work, more or less, as he may be fortunate about it.

It seems to me that as to many of our committees the annual salaries fixed here of $2,200 a year would be too large, but if as to many of these committees there could be an annual salary fixed of say $1,800 a year, and perhaps others $1,600 a year, putting them upon an annual basis, but not at the rate named here, and that this rate of $2,200 should be allowed only in the case of those clerks who hold such committees as——

Mr. MILLER, of New York. Will the Senator allow me to ask if he does not discover that there are numerous clerks here receiving $2,500 and $3,000?

Mr. HARRISON. I know there are some.

Mr. MILLER, of New York. The advances have already been made for the great Committees on Appropriations and Finance and others.

Mr. HARRISON. The clerk and stenographer of the Committee on Finance, I see, has a salary of $2,500. The clerk of the Committee on Appropriations has $3,000. It is increased by this bill $500 by an amendment recommended by the committee. It does seem to me that it is the duty of the Committee on Appropriations to harmonize this bill and put it on a basis that is fair all around to the different committees.

Mr. ALLISON. I will say to the Senator that last year we put a provision on the appropriation bill appointing a joint committee of both Houses to take up this whole question of compensation to the employés of both Houses with reference to the distinctions between the two Houses and with reference to the inequalities in the Senate; and that committee I think made a report; I do not remember what the report was, but at any rate after a long sitting our committeemen were unable to agree with the House of Representatives in relation to a general scale and schedule of salaries.

Mr. HARRISON. It is not necessary that there should be an agreement with the House. This is a matter I think as to our own clerks that the Appropriations Committee of the Senate could control if they would take hold of it.

I am not in favor of the proposition of the Senator from Nebraska to make all committee clerks annual and to give them all the salary specified here. I do not think we could justify ourselves in doing it. There are some of the committees, and I think the committee of which I am chairman is one, that have a great deal of work to do which requires a competent man, and I do not think the present adjustment of his pay is adequate. It is certainly out of proportion to the pay allowed to others who do no more work than he does.

I do not know how generally this proposition should be extended. I have no disposition to seem to be greedy in making this proposition for the clerk of my own committee. I believe he is entitled to more money than he receives, under the present adjustment, for the work he does, and I would be entirely willing to meet the Committee on Appropriations on some amendment that would put these clerks on some fair basis as to the pay that they should receive, involving annual employment.

Mr. MAHONE. I believe it is in order to offer an amendment to the amendment now under consideration.

The PRESIDENT *pro tempore*. It is in order to offer a further amendment. There is only one amendment now pending.

Mr. MAHONE. I offer the following amendment under the instruction of the Committee on Public Buildings and Grounds; after the word "Forestry" I move to insert "and clerk to the Committee on Public Buildings and Grounds."

Mr. ALLISON. I suppose that the amendment is in order from the fact that it was offered a few days ago and regularly referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That being the case, it is in order. The question is on the amendment proposed by the Senator from Virginia to the amendment of the Senator from New York.

Mr. GORMAN. I dislike very much to oppose an amendment offered by any Senator providing for a clerk to his committee; but I find upon a hasty examination to-day of the rolls of the Senate that there are two hundred and five persons now employed annually in the service of the Senate, and with the list of temporary employés added the aggregate number is two hundred and fifty-six officers of this body; and the total amount of compensation paid per annum to officers of this body by the bill which is now under consideration is $348,082.70, divided thus:

In the office of the Vice-President	$4,742 40
Chaplain	900 00
Office of the Secretary of the Senate	62,566 50
Clerks and messengers to committees	57,020 00
Offices of Sergeant-at-Arms and Doorkeeper	151,621 80
Session clerks to committees	31,800 00
Clerks to Senators	39,432 00
Making an aggregate of	348,082 70

It appears also by this bill that the whole amount paid in the other branch to clerks and messengers to committees is only $37,900, as against $57,020 here.

I submit that on that statement it would be very unwise, indeed, to increase this list. I desire to say to the chairman of the Committee on Appropriations that one year ago he himself, as I remember, knowing what great abuse there was in this matter ingrafted upon an appropriation bill a clause for the appointment of a committee to revise the list, but nothing has been done. At this session of the Senate, without the slightest reason for it, and with no reason in the world—for you can not hide them away in the corridors of the Capitol—a large increase of force has been made. Now, I submit that it is unwise and improper with this immense list, with more men than can possibly be used in transacting the affairs of this body, to increase the force.

Mr. CALL. Mr. President, I do not take any part in this sort of small economy which fails to measure the importance of the public duties confided to this body. There is nothing shown in these objections, no particularity; there is merely a general statement that the service of the Senate is extravagant and unreasonable. Now, sir, I want to say, with the committees that we have here, that if the judgment of the Senate that established these standing committees was correct, if they are charged with the highly responsible duties of legislation for this country, with the vast amount of public moneys that are appropriated, with the care of public property, there is not a standing committee of this body that ought not to have a capable and well-informed annual clerk to discharge the duties of that committee, to prepare its papers, and furnish the necessary information for legislation, and correct legislation upon the subjects committed to it.

We are not to measure the great duties confided to this body in a spirit of small and narrow economy. We ought to be prepared with every efficient means of legislation, with information at our hands, and the service of this body ought to be discharged in the most prompt and the most efficient manner. If we have public servants and fail to exact of them the proper measure of public duty, it is our fault; but there is no propriety in objecting to a proposition, when the judgment of the Senate has been passed and created a committee, that it should be furnished with proper and efficient service. I deny the charge that the service of the Senate is extravagant. I deny that it is out of proportion to the necessary and proper means for performing legislative duties, and I protest against a spirit of small and narrow economy which is to menace the efficiency of this body in the discharge of its public duties.

Mr. RIDDLEBERGER. Mr. President, it happens to have come within my knowledge that this small spirit has been perhaps too small to be observed. I have known since I have been here this winter that messengers, so called, are appointed to take care of committee-rooms, and that the Sergeant-at-Arms, because some Senators perhaps did not want to vote appropriations, has not allowed their committees the services of those who are called messengers. It is a fact that I state, and it is susceptible of all the proof that you can want.

This thing of appointing this committee clerk or that committee clerk to an annual place is quite easy. If the Senator from New York will show that he requires for the Committee on Agriculture an annual clerk, he can get it; but I venture to say that that committee does not meet once a fortnight, and I ask that Senator to show now whether the clerk that he has for his committee is required to perform service two hours in a week. I am chairman of the Committee on Manufactures. It has met once in two years. If there be any reason why the clerk of that committee should not have an annual salary, I shall be obliged to some Senator who will assign it. [Laughter.]

Mr. CALL. Will the Senator from Virginia allow me to interrupt him?

Mr. RIDDLEBERGER. Certainly.

Mr. CALL. I ask the Senator from Virginia why he does not move that the committee be dispensed with. That is the proper course to pursue if there are committees here that are not required for the service of the body.

Mr. RIDDLEBERGER. I can answer the Senator very quickly. I am not in a position to make that kind of a motion. If I belonged to a Democratic caucus possibly I would have a right to do that, and I

should bring it in here as a measure and have it defeated; and if I belonged to a Republican caucus I might make the same motion here and have it prevail; but I have as much right, I think, to have a committee as others. Possibly there may be a mistake about the word "honesty," but I should be honest if I simply told the truth about the Committee on Manufactures; and as the Senator from Florida wants to know, I tell him that the fact about it is just as I have stated.

But I did not rise to speak to that. I want to know now for myself whether one Senator who happens to be a member of the Committee on Appropriations represents more than one State or more than one-half of one State. I can not understand that the rules of the Senate preclude me from offering an amendment to any bill that comes in here, and the Senate can not make a rule that will preclude me from doing so. If the Senator from Iowa, as Chairman of the Committee on Appropriations, is larger than a Senator who is not a member of that committee, then we ought to know it, and know it quickly. I understood the Chair to rule that a single objection from the Appropriations Committee could preclude an amendment.

The PRESIDENT *pro tempore*. The Chair only ruled that the express rules of the Senate provide that all amendments proposing anything that has the effect to increase an appropriation must be proposed to carry out an existing law or treaty, or moved in pursuance of an estimate of the head of a Department, or reported from a standing or select committee of the Senate; and if reported from such committee, it must have been referred one day previous to its action to the Committee on Appropriations. The Chair has only endeavored to enforce that rule when the objection was made.

Mr. RIDDLEBERGER. That is a rule of the Senate, and as a rule perhaps it is a good one. But it is not law; it binds nobody; and when I choose to offer an amendment to an appropriation bill in this body, and ask the Senate to vote whether they will adopt it or not, you can not preclude me from offering it by an objection from any member of the Appropriations Committee. If that were so, I and every other Senator had better leave here and go where we can at least maintain a decent self-respect.

Now, sir, I say again with respect to these clerks that the Committee on Agriculture and Forestry is no more entitled to an annual clerk than any other committee in this body. There is no committee here that ought to have an annual clerk, in my judgment. I will take the Committee on the District of Columbia; I will take the Pensions Committee; and it has been a mere favoritism that has made these annual clerks—nothing else. Therefore I am going to vote against all of them, and I wish it were possible for some Senator who has some comprehension of his possible rights in this body outside of the Appropriations Committee to move to strike out the whole of it, and I would vote for that.

Mr. WILLIAMS. In the absence of the chairman of the Committee on Agriculture and Forestry, to which I belong, I must respond in a few words to the Senator from Virginia.

I think all the standing committees of the Senate are of equal dignity, and if any division of the public business is such as to require a standing committee, that committee ought to have an annual clerk or no committee ought to have one. No committee's clerk transacts business in vacation. By law if a committee is allowed to sit during vacation it carries with it the clerk and he gets his pay. I think this is a very small business for the Senate of the United States, the most august body in the world, to be engaged in—chaffing over the pay of a few clerks of committees. It is a small business, Senators, for us to be talking about—the representatives of the richest and grandest and greatest Republic in the world to be talking about the pay of a committee clerk! It is a mere bagatelle, the whole of which amounts to nothing.

Mr. RIDDLEBERGER. Will the Senator allow me to make a suggestion?

Mr. WILLIAMS. Not now.

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield.

Mr. WILLIAMS. I have but a few more words to say.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield. The Senator from Virginia is not in order.

Mr. WILLIAMS. So far as the Committee on Agriculture and Forestry is concerned, if it has but little business it is because the Senate of the United States has been disposed to take but little notice of the farmers of the country. That is the reason it has not business. But the Committee on Finance, that interests the banks, the Committee on Railroads, that interests the great corporations of the country, have clerks provided for them; and so has even the Woman Suffrage Committee. But I say, Mr. President, to the Senator from Virginia that if the expectations of the fathers of this country are carried out this Agricultural Committee is soon to be one of the foremost committees of the Senate. The House has passed a bill making the Commissioner of Agriculture a Cabinet officer; and when we have somebody in the Cabinet of the President to represent the agricultural interests of this country that committee is going to be one that ranks in dignity with the first of the Senate.

Mr. ALLISON. Will the Senator yield to me?

Mr. WILLIAMS. Certainly.

Mr. ALLISON. I had hoped to be able to finish this bill to-night.

Mr. WILLIAMS. I do not want to make a speech.

Mr. ALLISON. I am afraid others will, and other amendments are to be offered. If the Senator will give way I will move either an adjournment or an executive session.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Iowa has the floor.

Mr. ALLISON. I am appealed to by gentlemen all around me who have business to present. I will yield a moment for the introduction of business.

Mr. ALDRICH. I ask unanimous consent to make a report from the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. Is there objection to receiving the report? The Chair hears no objection.

REPORTS OF COMMITTEES.

Mr. ALDRICH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8236) relating to sales for taxes in the District of Columbia, reported it with an amendment.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Several Senators addressed the Chair.

Mr. WILLIAMS. I have the floor except for a motion to adjourn, I understand.

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield. The Senator from Kentucky is entitled to the floor.

Mr. VAN WYCK. I ask the Senator from Kentucky to yield a moment that I may introduce some amendments for reference to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. WILLIAMS. For that purpose.

The PRESIDENT *pro tempore*. The Senator can yield for no particular purpose. He can only hold the floor in his own right. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. WILLIAMS. No, sir.

Mr. VAN WYCK. May I make a parliamentary inquiry? I think since I have been a member of this body the practice has invariably been for a person upon the floor to yield for a purpose when it is specified and without objection. It may be contrary to the rules, but for the past four years the rules have been violated.

The PRESIDENT *pro tempore*. It has been constantly the practice, except when other gentlemen were claiming the floor and complaining that one gentleman could not farm it out.

Mr. VAN WYCK. There was no complaint made, as I understand.

The PRESIDENT *pro tempore*. The Chair heard many complaints.

Mr. HOAR. I ask the Senator from Kentucky if he will yield to me to make a motion to proceed to the consideration of executive business.

["No!" "No!"]

Mr. WILLIAMS. I will yield to a motion to adjourn.

Mr. RIDDLEBERGER. I ask the Senator from Kentucky——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Virginia?

Mr. WILLIAMS. For a question, of course.

Mr. RIDDLEBERGER. To make a reply to what observations he has made. I think, Mr. President, that if Senators would stop talking and give the Senator from Kentucky an opportunity to understand what I say, he would possibly do me the courtesy either to continue his remarks and give me an opportunity to reply to them or he would give me a chance now to respond.

Mr. WILLIAMS. No; I can not give you an opportunity in the midst of my speech.

Mr. RIDDLEBERGER. If I may be permitted to respond, I should like to do so. I think the Senator said he would not yield unless to a motion to adjourn.

Mr. WILLIAMS. I will yield to a motion to adjourn or to a question.

The PRESIDENT *pro tempore*. Senators will address the Chair.

Mr. RIDDLEBERGER. My remarks were directed to the Chair and with the approbation, as I understood, of the Senator from Kentucky.

Mr. HARRIS. I desire to ask the Senator from Kentucky——

The PRESIDENT *pro tempore*. The Senator from Kentucky has yielded only to the Senator from Virginia, who now has the floor by the consent of the Senator from Kentucky.

Mr. RIDDLEBERGER. Yes, sir; I want to say this——

Mr. WILLIAMS. I yield only for a question.

Mr. RIDDLEBERGER. I have no question to ask, and I will sit down.

Mr. ALLISON. Now I ask the Senator from Kentucky to yield to me that I may move an adjournment.

Mr. VAN WYCK. Before that is done let me——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. WILLIAMS. Yes, sir.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. VAN WYCK. I desire to know——

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his motion?

Mr. BLAIR. Let us vote down the motion to adjourn.

Mr. VAN WYCK. I desire to know——

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. I withdraw it.

Mr. VAN WYCK. I offer some amendments which I send to the Secretary's desk that they may be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Nebraska presents sundry amendments intended to be proposed to what bill?

Mr. VAN WYCK. To the bill under consideration.

The PRESIDENT *pro tempore*. To the legislative, executive, and judicial appropriation bill. They will be printed and referred to the Committee on Appropriations.

Mr. CULLOM. I desire to make a motion that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask the Senator to withdraw his motion.

The PRESIDENT *pro tempore*. Does the Senator from Illinois withdraw the motion?

Mr. CULLOM. If I may be allowed to do it I will yield. I withdraw it for the purpose indicated by the Senator from New Hampshire.

Mr. BLAIR. I ask leave to introduce a bill for reference.

Mr. WILLIAMS. I have the floor.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is now entitled to the floor.

Mr. WILLIAMS. I have been standing on the floor all the time.

The PRESIDENT *pro tempore*. Will the Senator from New Hampshire state what he proposes?

Mr. BLAIR. I ask leave to introduce a bill for reference, a pension bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to introduce a bill at this time. Is there objection?

Mr. HARRIS. I object to-night.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Pending which I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now adjourn.

Mr. CULLOM. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 24; as follows:

YEAS—17.

Call,	Hampton,	Maxey,	Walker,
Cockrell,	Harris,	Pugh,	Williams.
Coke,	Jackson,	Ransom,	
George,	Jonas,	Vance,	
Gorman,	Lamar,	Vest,	

NAYS—24.

Aldrich,	Cullom,	McMillan,	Platt,
Blair,	Dolph,	Mahone,	Riddleberger,
Bowen,	Edmunds,	Manderson,	Sawyer,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Sewell,
Chace,	Hoar,	Morrill,	Van Wyck,
Conger,	Jones of Nevada,	Palmer,	Wilson.

ABSENT—35.

Allison,	Fair,	Ingalls,	Pendleton,
Bayard,	Farley,	Jones of Florida,	Pike,
Beck,	Frye,	Kenna,	Plumb,
Brown,	Garland,	Lapham,	Sabin,
Butler,	Gibson,	Logan,	Saulsbury,
Camden,	Groome,	McPherson,	Sherman,
Cameron of Pa.,	Hale,	Miller of Cal.,	Slater,
Colquitt,	Harrison,	Mitchell,	Voorhees.
Dawes,	Hawley,	Morgan,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Illinois [Mr. CULLOM] that the Senate proceed to the consideration of executive business.

Mr. PUGH. I call for the yeas and nays.

Mr. CULLOM. The executive session will last only a few minutes.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 9; as follows:

YEAS—24.

Allison,	Cullom,	Jones of Nevada,	Palmer,
Blair,	Dolph,	McMillan,	Platt,
Bowen,	Edmunds,	Mahone,	Plumb,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Chace,	Hoar,	Miller of N. Y.,	Van Wyck,
Conger,	Ingalls,	Morrill,	Wilson.

NAYS—9.

Call,	Hampton,	Maxey,	Riddleberger,
Cockrell,	Harris,	Ransom,	Williams.
George,			

ABSENT—43.

Aldrich,	Farley,	Jones of Florida,	Pugh,
Bayard,	Frye,	Kenna,	Sabin,
Beck,	Garland,	Lamar,	Saulsbury,
Brown,	Gibson,	Lapham,	Sewell,
Butler,	Gorman,	Logan,	Sherman,
Camden,	Groome,	McPherson,	Slater,
Cameron of Pa.,	Hale,	Miller of Cal.,	Vance,
Coke,	Hawley,	Mitchell,	Vest,
Colquitt,	Hill,	Morgan,	Vorhees,
Dawes,	Jackson,	Pendleton,	Walker.
Fair,	Jonas,	Pike,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. It is the duty of the Chair to direct a call of the Senate, pending which the Senator from Tennessee——

Mr. HARRIS. Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now adjourn.

Mr. RIDDLEBERGER. On which question I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and forty-four Senators responded to their names.

The PRESIDENT *pro tempore*. Forty-four Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. Pending that motion I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair thinks no business has been done since the last motion to adjourn.

Mr. RANSOM. Yes, there has been a call of the Senate.

The PRESIDENT *pro tempore*. That is a call the rules provide for.

Mr. CULLOM. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CULLOM. I ask unanimous consent to make a request.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. CULLOM. I do not think the executive session, if we can get one, will last more than a few minutes. I ask the Senator from Kentucky to withdraw his call for the yeas and nays and let us go into executive session. There is no quorum present.

Mr. HARRIS. I ask unanimous consent of the Senate that the call for the yeas and nays on the motion to go into executive session be withdrawn.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. HARRIS. On that I ask unanimous consent to withdraw the demand for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the demand for the yeas and nays be recalled. Is there objection?

Mr. PUGH. I object.

Mr. HOAR. I move to reconsider the demand.

Mr. BLAIR. I ask unanimous consent to make a statement.

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. Just withdraw that objection. You will get through a great deal sooner.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion that the Senate do now proceed to the consideration of executive business.

Mr. GORMAN. I now renew my motion that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the Senate do now adjourn. The Chair thinks that motion is now in order. The question is on that motion.

Mr. BLAIR. I ask the Senator——

The PRESIDENT *pro tempore*. Debate is not in order. The question is on the motion to adjourn.

The motion was not agreed to; there being on a division—ayes 17, noes 25.

The PRESIDENT *pro tempore*. The question recurs on the motion

that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. SEWELL (when his name was called). I announce my pair with my colleague [Mr. MCPHERSON], who is absent.

The roll-call having been concluded, the result was announced—yeas 24, nays 5; as follows:

YEAS—24.

Allison,	Conger,	Hoar,	Morrill,
Beck,	Cullom,	Jones of Nevada,	Palmer,
Blair,	Dolph,	McMillan,	Platt,
Bowen,	Edmunds,	Mahone,	Plumb,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Chace,	Hill,	Miller of N. Y.,	Wilson.

NAYS—5.

Hale,	Harris,	Maxey,	Ransom.
Hampton,			

ABSENT—47.

Aldrich,	Farley,	Kenna,	Sabine,
Bayard,	Frye,	Lamar,	Saulsbury,
Brown,	Garland,	Lapham,	Sewell,
Butler,	George,	Logan,	Sherman,
Call,	Gibson,	McPherson,	Slater,
Camden,	Gorman,	Miller of Cal.,	Vance,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Morgan,	Vest,
Coke,	Ingalls,	Pendleton,	Voorhees,
Colquitt,	Jackson,	Pike,	Walker,
Dawes,	Jonas,	Pugh,	Williams.
Fair,	Jones of Florida,	Riddleberger,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Before the vote is taken I hope the Senate——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I hope the Senate will give unanimous consent that I may introduce some bills for reference only. They are pension bills, and they need to be printed to-night.

The PRESIDENT *pro tempore*. No quorum has voted, and the Chair can receive no bill or any other business.

Mr. BLAIR. The yeas and nays have been ordered on the motion to adjourn.

The PRESIDENT *pro tempore*. That does not make any difference. No quorum has voted. No quorum for any business purpose is now present. The question is on agreeing to the motion of the Senator from Iowa [Mr. ALLISON] that the Senate adjourn, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20, nays 21; as follows:

YEAS—20.

Allison,	Gorman,	Jones of Nevada,	Ransom,
Beck,	Hale,	Lamar,	Vance,
Call,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Plumb,	Walker,
George,	Jackson,	Pugh,	Williams.

NAYS—21.

Blair,	Edmunds,	Mahone,	Riddleberger,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Chace,	Hill,	Miller of N. Y.,	Wilson.
Conger,	Hoar,	Morrill,	
Cullom,	Ingalls,	Palmer,	
Dolph,	McMillan,	Platt,	

ABSENT—35.

Aldrich,	Dawes,	Jones of Fla.,	Pike,
Bayard,	Fair,	Kenna,	Sabin,
Bowen,	Farley,	Lapham,	Saulsbury,
Brown,	Frye,	Logan,	Sewell,
Butler,	Garland,	McPherson,	Sherman,
Camden,	Gibson,	Miller of Cal.,	Slater,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Morgan,	Voorhees.
Colquitt,	Jonas,	Pendleton,	

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, and a quorum is present. The question recurs on the motion that the Senate proceed to the consideration of executive business.

BILLS INTRODUCED.

Mr. BLAIR. I ask leave to introduce two bills for reference only.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to introduce two bills for reference. Is there objection? The Chair hears none.

Mr. BLAIR introduced a bill (S. 2661) granting a pension to Miss ——— Gill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2662) granting an increase of pension to Ella W. Thornton; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOWEN, Mr. DOLPH, Mr. GORMAN, Mr. HAMPTON, and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH, and Mr. JONES, of Nevada, submitted amendments intended to be proposed by them to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church in the District of Columbia, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE BUSINESS.

Mr. CULLOM. I desire to state, by permission, that very early to-morrow I shall move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CULLOM. I now desire to move that the Senate adjourn.

Mr. MAHONE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from Virginia?

Mr. MAHONE. I wish to make a conference report.

The PRESIDENT *pro tempore*. Is there objection to receiving the report at this time? The Chair hears none.

Mr. CULLOM. There is no objection to the Senator submitting the report. Does he desire the consideration of it?

Mr. MAHONE. Yes, sir.

Mr. CULLOM. I yield for that purpose.

The PRESIDENT *pro tempore*. The motion for an executive session is withdrawn, the Chair understands.

Mr. CULLOM. I withdraw the motion.

PUBLIC BUILDING AT DETROIT.

The PRESIDENT *pro tempore*. The Senator from Virginia presents a report from a conference committee.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with an amendment as follows: Add as an additional provision to said House amendment the following: "*And provided further*, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of $900,000, as provided in this section;" and the House agree to the same.

WM. MAHONE,
ANGUS CAMERON,
G. G. VEST,
Managers on the part of the Senate.

S. M. STOCKSLAGER,
JAS. H. HOPKINS,
EDWARD BREITUNG,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee. [A pause.] The Chair is informed at the desk that this conference was asked for by the Senate and granted by the House. The report of the committee in this body first is therefore irregular. It should first be presented to the House of Representatives.

Mr. CULLOM. I move that the Senate do now adjourn.

The motion was agreed to; and (at 7 o'clock and 26 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 25, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; and

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act providing for a public building in the city of Fort Wayne, in the State of Indiana."

ALASKA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relating to the protection of seal and the enforcement of the laws in Alaska, and recommending an appropri-

ation of $25,000 for the revenue marine service in that Territory; which was referred to the Committee on Appropriations.

CLAIMS.

Mr. GEDDES. I ask unanimous consent to submit a report from the Committee on War Claims.

Mr. MILLS. Mr. Speaker, is it allowable under the special rule for the Chair to entertain a request of this kind for unanimous consent?

The SPEAKER. Under that rule the Chair can not entertain a request for unanimous consent for the consideration of a bill, but the gentleman from Ohio asks to make a report.

Mr. MILLS. The temporary Speaker declined the other day to entertain the request when I desired unanimous consent to make a report.

Mr. GEDDES, by unanimous consent, reported back with amendments from the Committee on War Claims a bill (H. R. 8177) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES E. JOHNSON.

Mr. YAPLE, by unanimous consent, introduced a bill (H. R. 8273) for the removal of the charge of desertion against the record of Charles E. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLOUNT. I call for the regular order.

Mr. TOWNSHEND. I ask the gentleman from Georgia to withdraw that demand in order that I may call up the Post-Office appropriation bill.

Mr. BLOUNT. I withdraw the call for that purpose.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent to take from the Speaker's table the Post-Office appropriation bill with Senate amendments——

Mr. TOWNSHEND. And that the amendments be non-concurred in.

Mr. PAYSON. I object.

Mr. HISCOCK. I object to that. I will consent to the bill going to the Committee on Appropriations for consideration of the Senate amendments.

Mr. TOWNSHEND. I ask my friend from New York to consent that this matter come up for consideration. Then he can submit, if he wants to, the motion to send it to the committee.

Mr. HISCOCK. The usual course is to let a bill of this character go to the committee.

Mr. TOWNSHEND. The usual course always has been——

The SPEAKER. This question is not debatable.

Mr. TOWNSHEND. But in reply to the gentleman from New York I desire to say that the usual course at this stage of the session is to non-concur in Senate amendments, in order that we may more promptly bring the matter into conference.

The SPEAKER. Two gentlemen have made objection.

Mr. TOWNSHEND. What gentlemen have objected?

The SPEAKER. The gentleman from New York [Mr. HISCOCK] and the gentleman from Illinois [Mr. PAYSON].

Mr. TOWNSHEND. I ask that I be allowed to call this question up, and then the motion can be submitted to refer it to the committee.

Mr. HISCOCK. Do you mean call it up for consideration now?

Mr. TOWNSHEND. I mean let it be called up for the purpose of testing the sense of the House as to whether the bill shall go to the Committee on Appropriations or go at once to a committee of conference.

Mr. BLOUNT. Would not the Committee on Appropriations be ready to report the matter back in a very short time?

Mr. TOWNSHEND. Very well; let it go to the committee.

Mr. PAYSON. I object to that.

Mr. TOWNSHEND. Now, I submit to the House, what can we do with this question? One gentleman objects because he wants the bill referred to the Committee on Appropriations; another gentleman objects to such reference. [Cries of "Regular order!"]

Mr. HORR. What objection is there to letting the bill go to the Committee on Appropriations?

Mr. TOWNSHEND. I am perfectly willing; but my colleague [Mr. PAYSON] does not want the bill to pass this session, perhaps——

Mr. PAYSON. Mr. Speaker——

The SPEAKER. The House will be in order. The regular order has been demanded.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I desire to offer a privileged resolution, which I send to the desk.

The Clerk read as follows:

Resolved, That the rules be suspended, so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8265) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for other purposes, and pass the same, together with certain amendments to be submitted thereto by the Committee on Appropriations.

The SPEAKER. Is a second demanded?

Mr. BLOUNT. I would like to ask whether there is anything in this bill except the ordinary appropriations——

Mr. RANDALL. The bill will have to be read, at any rate.

Mr. HOLMAN. Ought not the bill to be read before the vote is taken?

The SPEAKER. It will be read before the vote is taken on the adoption of the resolution to suspend the rules; but the first question is whether a second is demanded.

Mr. REED, of Maine. I demand a second.

Mr. RANDALL. Is it in order to state why this resolution should be adopted?

The SPEAKER. Only by unanimous consent. If the motion to suspend the rules should be seconded, debate will then be in order for half an hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, notified the House of the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 544) granting an increase of pension to Elijah W. Penny;
A bill (S. 1113) granting a pension to Ann E. Manchester;
A bill (S. 1612) granting a pension to Bryson R. McCartney;
A bill (S. 1633) granting a pension to James Bond;
A bill (S. 1739) granting a pension to the widow and children of the late Bryam Pitney;
A bill (S. 1836) granting a pension to Sarah Hague;
A bill (S. 1877) granting an increase of pension to John Hall;
A bill (S. 1960) for the relief of Mary Howard Farquhar;
A bill (S. 2125) granting a pension to Sarah Jane Prince;
A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 2245) granting a pension to William N. Morris;
A bill (S. 2262) granting a pension to Sedate P. Martin;
A bill (S. 2268) for the relief of Robert J. Ballort;
A bill (S. 2279) granting a pension to Lewis L. Canady;
A bill (S. 2302) granting a pension to John Lowe;
A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;
A bill (S. 2367) granting a pension to Sarah A. White;
A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
A bill (S. 2443) granting an increase of pension to Polly Young; and
A bill (S. 2527) granting a pension to Robert Sheridan.

The message further announced the passage of bills of the following titles:

A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 891) granting a pension to Reuben J. Ebberman;
A bill (H. R. 1046) granting a pension to Mary A. Griffin;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 1759) granting a pension to Robert Patterson;
A bill (H. R. 1898) granting a pension to Harriett Armstrong;
A bill (H. R. 2068) granting a pension to James H. Reid;
A bill (H. R. 2284) granting a pension to Elizabeth Fowler;
A bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey;
A bill (H. R. 2537) granting an increase of pension to Hugh Ryan;
A bill (H. R. 2538) granting an increase of pension to Christiana Almier;
A bill (H. R. 2539) granting an increase of pension to George W. Kiser;
A bill (H. R. 2540) granting an increase of pension to Priscilla J. Small;
A bill (H. R. 2627) granting an increase of pension to Noah Caton;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 3728) granting a pension to Charles P. Mahan;
A bill (H. R. 3749) granting a pension to William Bolwork;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 4061) granting a pension to William C. H. Bowman;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 5374) granting a pension to Philip Wiggins;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;

A bill (H. R. 5929) for the relief of Abagail Honey;
A bill (H. R. 5938) to pension Julia A. Marcum;
A bill (H. R. 5989) for the relief of Elizabeth A. Springsteed;
A bill (H. R. 6018) increasing the pension of George Tapp;
A bill (H. R. 6044) granting a pension to Eliza Pigeon;
A bill (H. R. 6235) granting a pension to Eliza J. Norris;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 6596) granting a pension to John Hazelwood;
A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
A bill (H. R. 6798) to grant a pension to Lloyd W. Hixon;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 6948) granting a pension to George V. Eagles;
A bill (H. R. 7256) granting a pension to John A. Vanderhoff;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;
A bill (H. R. 7292) to increase the pension of Jacob Wiener;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7373) for the relief of Sarah A. Burchfield;
A bill (H. R. 7524) for the relief of Lavisa Heth;
A bill (H. R. 7602) to grant a pension to Harriet M. Baily;
A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 7722) granting a pension to Almira K. Parker;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
A bill (H. R. 7869) granting a pension to Emeline L. Fitch; and
A bill (H. R. 8104) granting an increase of pension to George S. Hawley.

The message further announced the passage of bills of the following titles, with amendments; in which concurrence was requested:

A bill (H. R. 3467) granting a pension to H. D. Prior;
A bill (H. R. 5364) granting a pension to William H. Whitcomb;
A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 6011) granting an increase of pension to Robert Casey;
A bill (H. R. 6029) for the relief Jeremiah McCarty; and
A bill (7617) granting a pension to Mrs. Ann E. Gridley.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The Chair will appoint as tellers the gentleman from Maine, Mr. REED, and the gentleman from Missouri, Mr. BURNES.

Mr. GIBSON. Before the vote is taken I desire to ask if this motion is carried whether the vote on this bill will take precedence of the vote on the river and harbor bill.

The SPEAKER. The river and harbor bill does not come up, under the practice of the House, until after the morning hour.

Mr. KEIFER. I ask unanimous consent that a second be considered as ordered.

Mr. ANDERSON. I object.

The SPEAKER. The tellers will take their places.

The House divided; and the tellers reported—ayes 147, noes 16.

So a second was ordered.

Mr. ADAMS, of Illinois. I wish to ask a parliamentary question. Does this motion include the amendments proposed by the committee; and will it be in order, if it does include them, to ask that they be now read in connection with the bill?

Mr. KEIFER. They will have to be read.

The SPEAKER. The Chair thinks they must be read.

Mr. KEIFER. I desire to submit this proposition: This bill has been printed and on the tables of members for a number of days. My proposition is that by unanimous consent we dispense now with the reading of this bill, but not to dispense with the reading of such amendments as the committee propose to offer or may permit to be offered in connection with it.

Mr. HOLMAN. Let the bill be read.

Mr. KEIFER. It will take all the afternoon; it is quite a long bill and I hope it will not be insisted upon. Let the amendments be read.

The SPEAKER. Is there objection to the request of the gentleman from Ohio to dispense with the reading of this bill and to have read only the amendments which are proposed by the Committee on Appropriations?

Mr. THOMAS. I object.

The SPEAKER. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. THOMAS (interrupting the reading). I withdraw my objection.

The SPEAKER. Is there further objection? The Chair hears none. The objection being withdrawn, the Clerk will report the amendments proposed by the Committee on Appropriations.

Mr. WARNER, of Ohio. Do I understand that there is unanimous consent asked again to pass this bill without having it read at all?

The SPEAKER. There was unanimous consent asked to dispense with the reading of the bill and to have read only the amendments proposed by the Committee on Appropriations, to which request the gentleman from Illinois [Mr. THOMAS] objected. The reading of the bill then was begun, after which the gentleman withdrew his objection. The Chair asked for further objection, and, there being none, unanimous consent was given to dispense with the reading of the bill.

The Clerk will now report the amendments.

Mr. WARNER, of Ohio. I did not hear the request or I certainly should have objected to it. I desire to enter my protest now upon record against passing a bill in this manner without having it read.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend by adding, after line 156, the following:

"And all suits or proceedings pending in the district courts of Dakota and Washington Territories at the time of the passage of said act, and which would, if instituted after the passage of said act, be required to be brought in the new district created and provided for in said act, may be transferred by consent of the parties to said new district courts, and there disposed of in like manner and with like effect as if the same had been there instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts, respectively, in the same manner and with like effect as if they had issued or been taken in reference thereto originally; and the counties of Skamania and Spokane, in said Washington Territory, shall constitute part of the fourth judicial district thereof until the Legislature shall meet and otherwise provide."

The next amendment is as follows:

"For one clerk to continue the work of making a consolidated index of the Southern Claims Commission reports and claims referred to the Court of Claims under the Bowman act, and authorized by resolution of the House July 3, 1884, from March 4 to December 1, 1885, at $6 per day."

In line 113 strike out "50" and in lieu thereof insert "58."

After line 187 insert:

"For paper, express charges, and printing of national-bank notes, $40,000."

On page 13, after line 303, insert as follows:

"COURT OF CLAIMS.

"For payment of the judgments of the Court of Claims, as follows:

"To the Great Falls Manufacturing Company, $15,692, with interest thereon at 5 per cent. per annum from June 16, 1881; Sallie H. Palmer, $30; James W. Harvey and James Livesey, $41,958.57, with interest on $16,250.95 thereof at 5 per cent. per annum from November 24, 1883; Charles Morton, $169.07; William H. Emory, $180; James H. North, $375; John M. Mueller, $748.22; Joel F. Kinney, $6,993.30; Jeremiah Harrison and William F. Harrison, $940; Henry G. Brookings, $1,722.25; Delvaille and Joubert, $477.72; Levi J. Harris, executor, $6,605.08; Aristide Delvaille, $422.93; the National Match Company, $130; the Richardson Match Company, $4,250; the Alligator Match Company, $1,050; Frederick P. Newton, $1,560; William Gates's Sons, $8,419.80; Melvin T. Fripp, administrator of J. E. Lawrence Fripp, $198.81; the Cape Ann Granite Company, $53,291; the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops, $5,339.67; Edgar A. Walz, $12,365.11; the Barber Match Company, $12,633; the James G. Hotchkiss Match Company, $170.31; William J. Jenkins, $527.52; the Saint Louis Wine Company, $72.30; the Home Bitters Company, $152.79; E. Wilder & Co., $91.20; John F. Henry & Co., $253.82; Bernard Riley, administrator of Thomas Gorman, $100; V. E. Manger and John Petrie, jr., $464.10; V. E. Manger, $183.60; Seth W. Fowle & Son, $135.20; Robert Selden, $100; Alexander C. Rhind, $250; Charles H. McBlair, $450; Stephen P. Quackenbush, $180.50; James H. Watmouth, $500; Dabney H. Maury, $100; Marius Duvall, $300; Douglas F. Forrest, $875; Marius Duvall, executor of Joshua R. Sands, deceased, $625; Augustus Eichele, $6,044.73; Mary H. Lanier, $375; Henry H. Lewis, $375; Samuel P. Carter, $187.50; William B. Sinclair, $300; Duncan N. Ingraham, $625; Laura M. Chilton, $150; Sarah L. Chandler, $120; Agnes R. Tilghman, $775; Eloise J. Minor, $400; Charles Thomas, $375; John S. Maury, $187.50; Cornelia A. Stanley, $375; Isaac Wilmoth, $43.33; the Chesapeake and Ohio Railroad Company, $4,622.85; John W. Beaman, $91.86; Thaddeus Thayer, $809.20; Henry McGowan, $3,000; Ezekiel G. Byam, trading in the firm-name of Byam, Carlton & Co., $6,339.35; Austin Messinger, $5,826; William Roeber, $2,040; the Excelsior Match Company, $1,048.09; Herman W. Newhauer, trading under the name of Newhauer & Co., $4,609; James Eaton, $3,410; Henry Stanton, $1,328.75; Phineas T. Ives, $636.78; R. Bendel & Co., $2,600; the Clark Match Company, $320; Aristides Welch, $500; Thomas Rootes, $375; Lelia I. Sinclair, $450; Elizabeth H. Spotts, $250; A. F. Warley, $187.50; Merced G. Brent, $375; William Leigh, $450; Eliza M. Fairfax, $450; Eliza H. Ramsay, $150; Van R. Morgan, $250; John T. Mason, $300; Frederick Chattard, $450; M. C. Meigs, $8,370; Joseph W. Harrison, $31.78; in all $238,185.09; and a sufficient sum in addition thereto as may be necessary to pay the interest on the judgments in favor of the Great Falls Manufacturing Company and of James W. Harvey and James Livesey as above provided is hereby appropriated; *Provided*, That none of the aforesaid judgments shall be paid until the right of appeal shall have expired."

In lines 191 and 192 strike out the words "eighty-four, $317.35," and insert "eighty-two, $234.67."

After line 576 insert: "To complete the new naval cruisers and dispatch-boat under construction and repair, $75,357.25. Under steam-engineering $86,983.57; and all balances of appropriations heretofore made under any bureau of the Navy Department for any one of said vessels may be used under the same bureau for any other of said vessels."

Insert after line 930, page 38: "To enable the Attorney-General to pay the State asylum for the care of insane criminals at Auburn, N. Y., for the United States convicts for the fiscal year ending June 30, 1886, $936.

On page 38, in line 925, after the word "and," where it last occurs in said line, insert "83."

On page 42, after line 1016, insert, "to supply a deficiency in the appropriation for session employés of the House, as follows:

"For committee clerks, $1,302;
"For pages, $807.50;
"For messengers in the Post-Office, $86.60;
"For laborers, $137;
"For cloak-room men, $90.32; in all, $2,223.42."

Strike out lines 1017 to 1019 and insert: "For allowance to the parties named below in full of expense incurred by them in contested-election cases:

"To Martin Maginnis, $1,300;
"To A. C. Botkin, $1,300;
"To J. O. Broadhead, $1,000;
"To J. H. McLean, $1,000; and
"To George H. Craig, $750; in all, $5,450."

Insert after line 1022: "To pay Charles M. Shelley in full for expense incurred in his contested-election case, $900."

In line 1047, strike out "84" and insert "83." After the amendment last considered insert: "To pay Harry Neal for services as messenger to the Speaker's room, in addition to his pay as laborer, from December 1, 1883, to July 7, 1884, and from December 1, 1884, to March 4, 1885, at the rate of $40 per month, $409.30.

Mr. GIBSON (interrupting the reading of the amendments). I desire to ask unanimous consent——

The SPEAKER. The Clerk is now engaged reading the amendments proposed by the Committee on Appropriations. The reading can not be interrupted.

Mr. GIBSON. I desire to ask unanimous consent to offer an amendment.

The SPEAKER. This is not the time to do that.

The Clerk resumed and completed the reading of the amendments.

Mr. GIBSON addressed the Chair.

The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. GIBSON. I rise to ask unanimous consent to offer an amendment. I will state to the House that it provides for the payment of the pages according to a resolution passed at the last session of this House. The Comptroller will not allow the payment because of some technicality.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to offer an amendment which he sends to the desk. It will be read.

The Clerk read as follows:

To enable the Clerk of the House to pay each of the pages borne upon the rolls at the close of the first session of the Forty-eighth Congress the balance due them for the remaining twenty-four days of the month of July, 1884, under resolution of the House adopted July 7, 1884, $2,220; which sum shall be immediately available.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia for unanimous consent to offer this amendment?

There was no objection.

The SPEAKER. The Chair will put the question on the adoption of the amendment.

The amendment was adopted.

Mr. WHITE, of Kentucky. I ask unanimous consent to offer the amendment which I send to the desk.

The Clerk read as follows:

To pay the balance of $3,312.44 to Robert Snalls for expenses due him for contesting the seat of G. D. Tillman in the Forty-seventh Congress.

Mr. COOK. I object.

Several members called for the regular order.

Mr. BEACH. I ask unanimous consent——

The SPEAKER. The regular order is demanded, which cuts off requests for unanimous consent. Under the rules of the House thirty minutes are allowed for debate—fifteen minutes in support of the motion of the gentleman from Missouri [Mr. BURNES] and fifteen minutes against it.

Mr. LONG. I send up one more amendment recommended by the Committee on Appropriations.

The Clerk read as follows:

That the Office of the Tenth Census is hereby abolished, and the terms of office of the Superintendent and of all employés appointed under the provisions of the act of March 3, 1879, entitled "An act to provide for the taking of the tenth and subsequent censuses," or of any subsequent act relating to the Tenth Census, shall cease and terminate from the date of the passage of this resolution; and no further expenditures, whether for salaries or expenses, shall be made on account of the Tenth Census, except as hereinafter provided. The unfinished work of the Tenth Census shall be completed in the office of the Secretary of the Interior, to whom the records and other property of the Census Office shall be transferred. And the Secretary of the Interior is authorized to appoint, from the date of the passage of this act, and for the term of one year from date of such appointments, a clerical force for duty in said division, which force shall consist of one clerk of class 4; one clerk of class 3, who shall also be a practical printer; one clerk of class 2; one clerk of class 1; and one copyist, at $900 per annum; and for the payment of the salaries of such force the sum of $6,900, or so much thereof as may be necessary, is hereby appropriated; and any balances of appropriations for the Tenth Census heretofore made which shall remain unexpended at the date of the passage of this resolution shall be applied to the liquidation of any liabilities for the work of the Tenth Census which have been incurred heretofore and remain unpaid at such date; but this provision shall not apply to any unexpended balance of the appropriation for printing the report of the Tenth Census made by act of August 7, 1882, but such balance shall be applied as provided in that act. The foregoing provisions relating to the Tenth Census shall take effect from the passage of this act.

The SPEAKER. There is another amendment sent up by the Committee on Appropriations which the Clerk will read.

The Clerk read as follows:

To reimburse the Clerk of the House for postage-stamps, $75.

Mr. BURNES. I call for the regular order.

Mr. KEIFER. Will the gentleman from Missouri allow me to correct a mere clerical error on line 716, page 30, of the bill? The words "the legal representatives of" should precede the words "William M. Garvey," and those words "the legal representatives of" should go out where they appear in the next line; so that it will read:

Payment to legal representatives of William M. Garvey: To pay amount found due by the accounting officers to William M. Garvey, &c.

The SPEAKER. This a mere clerical error, which will be corrected if there be no objection.

There was no objection.

Mr. KEIFER. If the gentleman from Missouri will permit me I ask permission to offer another amendment which I send to the desk.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1885, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available.

The SPEAKER. Is there objection?

Mr. KEIFER. It is usual.

Mr. BURNES. I am constrained to object.

Mr. KEIFER. I think the gentleman will not object. This has been done at the close of every Congress for a number of years.

Mr. BURNES. It would give me a great deal of pleasure to agree to it, but the committee has not authorized me.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska;
A bill (H. R. 732) granting a pension to William Weddingfield;
A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;
A bill (H. R. 1502) granting a pension to William Robinson;
A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;
A bill (H. R. 1984) granting a pension to Robert M. McKinlay;
A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris.
A bill (H. R. 2138) granting a pension to Martha Angell;
A bill (H. R. 2282) granting a pension to Adolph Weach;
A bill (H. R. 2325) granting a pension to Helen M. Anderson;
A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;
A bill (H. R. 3000) for the relief of William R. Miller for pension;
A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
A bill (H. R. 3681) granting a pension to William L. Sloan;
A bill (H. R. 3701) granting a pension to James Bradford;
A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (H. R. 4098) granting a pension to William Gibbons;
A bill (H. R. 4189) granting a pension to Caroline Van Norton;
A bill (H. R. 4247) granting a pension to Anna Maria Ressler;
A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;
A bill (H. R. 4317) increasing the pension of Julia A. Chambers;
A bill (H. R. 4548) granting a pension to Cordelia Gall;
A bill (H. R. 4837) granting a pension to Charles H. Phillips;
A bill (H. R. 5082) granting a pension to Jane Hilton;
A bill (H. R. 5207) granting a pension to Adalbert Stickney;
A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;
A bill (H. R. 5762) for the relief of Ann Lumphrey;
A bill (H. R. 5813) granting a pension to Rachel Smith;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 6196) granting a pension to R. D. Lawrence;
A bill (H. R. 6205) granting a pension to Catherine S. Edmondson;
A bill (H. R. 6653) granting a pension to Mary C. Axline;
A bill (H. R. 6826) granting a pension to Rebecca Kupp;
A bill (H. R. 6835) granting a pension to Bernard Donohue;
A bill (H. R. 6965) granting a pension to David T. Dudley;
A bill (H. R. 6966) granting a pension to Wealthy W. Seavy;
A bill (H. R. 7302) granting a pension to Elizabeth Smith;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 7315) granting a pension to Frederick P. Dearth;
A bill (H. R. 7386) granting a pension to Lydia M. Byres;
A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7707) to pension Holden Cook;
A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
A bill (H. R. 7773) granting a pension to William E. Ayers;
A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;
A bill (H. R. 8033) granting increase of pension to George W. Clark;
A bill (H. R. 8038) granting a pension to Harriett A. B. Corts; and
A bill (H. R. 8133) granting a pension to Thomas McGill.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BURNES] has the floor.

Mr. KEIFER. Mr. Speaker, I ask the gentleman from Missouri [Mr. BURNES] if he will not withdraw his objection to the amendment I have offered?

Mr. BURNES. The gentleman from Ohio [Mr. KEIFER] knows that I would like to yield to him if I felt at liberty to do so. I will say this, however, that I am perhaps authorized by the committee to accept the suggestion that by unanimous consent a vote may be had in the House upon the proposition.

Mr. KEIFER. I have no objection to that. Let us take the vote now.

Mr. BURNES. If we can have unanimous consent, of course the vote can be taken now.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1885, one month's extra pay, at the compensation then paid them by law; which sum shall be immediately available.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the amendment?

Mr. O'NEILL, of Missouri. Mr. Speaker, I want to ask the author of this amendment if it embraces all the employés?

Mr. KEIFER. All the employés.

Mr. COOK. I object.

Mr. KEIFER. Oh, do not object. This is the same thing that has been done from one Congress to another.

Mr. COOK. I know it, and I object to it. [After a pause.] I withdraw the objection.

The SPEAKER *pro tempore*. The question is on the amendment submitted by the gentleman from Ohio [Mr. KEIFER].

Mr. HOLMAN. Mr. Speaker, I ask for a division on that amendment.

The House divided; and there were—ayes 147, noes 18.

So the amendment was agreed to.

Mr. McCOID. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. McCOID. I wish to ask unanimous consent to offer an amendment.

The SPEAKER *pro tempore*. The Clerk will read the amendment.

The Clerk read as follows:

To pay Buford Lee $180, Alexander Thomas, James Hall, and Charles Carter $260 each, being the difference of pay at $1 per day which they received and the usual rate of compensation at $2 per day during the Forty-fifth Congress.

Mr. STORM. I object. There are plenty of claims in that same situation.

Mr. McCOID. I hope the gentleman will not object. This is unanimously reported by the Committee on Claims.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. The regular order is demanded, and the gentleman from Missouri [Mr. BURNES] has the floor.

Mr. BURNES. Mr. Speaker, of all the bills that come before the House of Representatives perhaps none can be so safely passed under a suspension of the rules as the general deficiency bill. Its items of appropriation come, or ought to come, from existing laws and deficient appropriations by preceding legislation. Mere claims have no place in such a bill, and from it should be rigidly excluded everything not clearly authorized by law. If any question of fact is involved, or if any fact is to be found, the Committees on Claims should have the exclusive jurisdiction.

It is therefore a safe conclusion that no objections will be urged against anything that is in the bill; only those things left out of the bill can defeat its passage. Everything that is in the bill, I apprehend, will meet with the approval of every member upon this floor. The trouble is, if there be any, that there are some things outside of the bill which various gentlemen would like to have in it. In view of that fact, I beg to say that there may be some matters omitted from the bill which it would have been safe for the committee to have inserted and allowed, but so far as our limited time and strength would permit, we have given due consideration to everything submitted to us for investigation, and believe no substantial injustice has been done to any one in the exclusion of many items pressed upon our deliberations. It may, perhaps, be some consolation for me to say to gentlemen who believe that meritorious items have been omitted from this bill, that in the other end of the Capitol its provisions will be reviewed with great freedom and independence, and if amendments are made, a review will be had in conference that must be satisfactory to both bodies.

Mr. Speaker, general debate upon a general appropriation bill is, it seems to me, a misnomer. It is impossible to conclude what general debate would be appropriate to a general deficiency bill. It is a bill consisting of numerous items, and if we should take up item after item, it would occupy from now until after the 4th of March to consider the merits or, if you please, the demerits of them all. Hence, as we can not stop to consider the merits of each particular item, I will simply call attention to one principle that has guided us in the preparation of the bill.

Under existing law the accounting officers of the Treasury seem to be authorized to audit and allow certain claims against the Government, and when they shall have audited them it is made their duty to report them for the consideration of Congress. There is a deep desire on the part of certain gentlemen not members on this floor, but gentlemen interested outside, to construe the action of the accounting officers of the Treasury in these cases as adjudications and to give to such adjudications the form and effect of the judgment of a court of competent jurisdiction.

The committee in the preparation of this bill have acted upon the principle that the action of the accounting officers of the Treasury is only *prima facie* evidence, if that—merely presumptive evidence of a meritorious claim for appropriation. Wherever the element of *claim* was found to exist we refused to consider it, for the reason that we have here a Committee on Claims having jurisdiction of such matters, and we sought to avoid trespassing upon the authority or jurisdiction of a co-ordinate committee of the House.

Mr. BLOUNT. If the gentleman will allow me I wish to ask him if section 4 of this bill, which seems to be intended as a statute of limitation against claims to be examined by the Treasury Department, is approved by the Treasury Department in the form in which it appears in the bill.

Mr. BURNES. I will answer my distinguished friend from Georgia by saying that section 4 of the bill is the work of a former Secretary of the Treasury, fully and warmly approved by him; and, so far as the committee have been informed, it has been approved by each succeeding Secretary of the Treasury for several years past.

Mr. BLOUNT. If my friend will allow me one other question I will not interrupt him further. I see in this bill a provision for the abolition of the National Board of Health. I wish to ask what is the purpose of the Committee on Appropriations as to providing in this or any other bill for protection against the appearance of cholera or any epidemic of that kind.

Mr. BURNES. The matter of the protection of the public health has been provided for most liberally in the sundry civil appropriation bill, by an appropriation to be disbursed at the discretion of the President.

Mr. BEACH. Does not this bill contain legislation——

Mr. BURNES. Undoubtedly.

Mr. BEACH. Upon a very important point?

Mr. BURNES. Undoubtedly.

Mr. BEACH. Does it not wipe out of existence the National Board of Health?

A MEMBER. It ought to be wiped out.

Mr. BURNES. The National Board of Health was wiped out a year ago, but its members did not know it. [Laughter.]

Mr. BEACH. That is a mistake, Mr. Speaker. The board is still in existence. The act of 1879 under which it was created is still the law of the land.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The gentleman from New York [Mr. BEACH] is not in order. The gentleman from Missouri [Mr. BURNES] will proceed.

Mr. BURNES. I was considering for a moment the force and effect we should give to claims audited by the Treasury Department. I have found in my investigation—and I think the Committee on Appropriations has about reached the same conclusion, perhaps unanimously—that it is not every audited claim that has either justice, or merit, or law in its favor. Therefore, as upon examination we find specific claims which it would be a wrong and an outrage to allow simply because of their being audited, we have concluded that they are not entitled to absolute verity. Congress can not abdicate its functions or transfer them to mere clerical agents in the Departments. Its authority and duty to adjudicate upon the rights of the Government and the rights of the people can not be so transferred or abandoned.

The work of these Department officers is not the constitutional and intelligent consideration and action of the Congress of the United States, and it must not be allowed to grow upon us as a substitute for direct Congressional investigation and decision by the proper committees. We have sought, therefore, to allow no appropriation without due consideration. The circumstances surrounding us, the condition of the business of the House, and the shortness of the session remaining are known to us all. We could earnestly wish for time to submit the work of the committee to the closest scrutiny of the House, but the necessity for my motion to pass this bill under a suspension of the rules must be apparent to every member. Reserving the remainder of my time, I yield to my friends on the other side, if general debate is desired.

Mr. REED, of Maine. Mr. Speaker, I am ready to admit that there may be occasions when it is proper to pass an appropriation bill without discussion under a suspension of the rules. In the Forty-seventh Congress, when we had before us a tariff bill of which the country demanded the passage, it became necessary to pass the deficiency appropriation bill in this way. But in this case I called for a second for the purpose of demanding, and with the expectation of receiving, some explanation either from the gentleman from Pennsylvania [Mr. RANDALL] or the gentleman from Missouri [Mr. BURNES] of the reasons for this extraordinary course. For if the supervision of the House of Representatives over the expenditure of the public money amounts to anything, it is when that supervision is exercised item by item. The passage of this bill in this way really demands an explanation, which has not been given.

Why is it that this bill has been so long delayed? It can not be on account of the pressure of other public business, for it is known to this House and to the country that the other public business of the country has not been transacted. Why, then, has this bill been delayed, and why is it that we are remitted by the gentleman from Missouri to the Senate of the United States for amendments? The gentleman from Missouri in the sole explanation which he has vouchsafed to give says that this is a bill eminently fit to pass under a suspension of the rules, if any is. Why? Because it is a deficiency bill; and he says that those items which have been adopted can safely pass. Why, sir, that is not an auditing of the public accounts. What the country has a right to have is a vote of the House of Representatives upon the demands and the rights of every citizen, and these ought to be presented here by the representatives of the people, who ought not to be told by the Committee on Appropriations that they can go to another body to have their case presented.

I hold it is just as much a right for a claimant to have his claim passed upon, even if it is rejected, as it is to have it passed upon and sustained. What hearing does a man get here? None at all. His sole hearing is before that self-constituted tribunal, the Committee on Appropriations—a valuable collection of gentlemen, but one uncommonly overworked—one that has so much business to do that it does not seem to be able to do it except under a suspension of the rules in this House.

I certainly hope that in the time reserved on the other side some explanation may be given; because members are put in this position: they can not freely vote against the passage of such a bill, because its failure may stop the necessary supplies of the Government. They are, as it were, coerced by the action of the committee. I do think that the committee owe to the country and to the House a further and fuller explanation of this matter.

I yield five minutes to the gentleman from Illinois [Mr. CANNON], unless the gentleman from Pennsylvania [Mr. RANDALL] desires to go on now.

Mr. RANDALL. No, sir; I will wait.

Mr. CANNON. Mr. Speaker, perhaps at this stage of the session as wise a thing as could be done is to pass this bill under a suspension of the rules. That the bill might have been reported earlier is true. That many appropriations for deficiencies which have been omitted might have been recommended with as much propriety as those which have been recommended is, I have no doubt, true, and so state the fact to be.

However, I call the attention of the House to the fact that this is a much better deficiency bill than the one which was passed last year. That is not very high praise, but it is some. I hold in my hand estimates submitted last year by the Treasury Department, and not then allowed—estimates which have been resubmitted this year, and in large part allowed. I recollect that at the last session I stood here for a whole day offering amendments, contained in this list of estimates, line by line, subject by subject, explaining as best I could that there were hundreds of small claims which had passed the accounting officers—claims of soldiers and sailors, private soldiers and sailors—claims the payment of which was due and of such a character as had uniformly been appropriated for by previous Congresses.

Without rhyme or reason, under the lead of the Democratic Committee on Appropriations, a Democratic House refused to appropriate for them. Now they come at this session and put them in. I have here one claim as a sample: Joseph A. Steele, $91.50, commutation of rations under the law; due for seventeen or eighteen years for service in the late war. They refused to appropriate for that item, although it came recommended by the Auditor, had passed the Comptroller, and was verified by the Adjutant-General's official record. That, with three hundred claims just like it, they refused to appropriate for. When I went home this man, suffering from disability incurred in the army, poor, unable to work, came and asked me why we did not appropriate $91.50 to pay him what was due? He said he had been informed by the Comptroller that it could not be paid because the money was not appropriated. The only answer I could give him was that, forsooth, the money was not appropriated because it did not please a Democratic House to follow the precedents which had been followed by Democratic and Republican Houses since these claims had been made, namely, to pay them as they were audited.

Now, sir, what is true as to these claims of last year is also true in reference to them this year. It is no answer for the gentleman from Missouri [Mr. BURNES] to say he had not time to investigate them. He had as much time to investigate them and just as much authority to put in many claims he has omitted that he had to put in those he has provided for. There are hundreds and hundreds of claims (and I ask his attention to it) put into this bill because they were audited at the Treasury Department and recommended, and never examined by him or any other member of the House.

As a general rule it is safe to follow the accounting officers of the Treasury Department. I do not mean universally, but generally. The law has created the Treasury Department with an excellent system of checks and balances, the Auditors stating accounts, the Comptroller investigating and passing upon them, backed up by the Secretary of the Treasury and all the official records of the Departments from which claims come under contract or law for services performed. When they pass upon a claim it is right, as a general rule, that Congress should appropriate the money to pay it. Congress generally has appropriated the money to pay claims under such circumstances when passed upon favorably by the accounting officers of the Treasury Department.

But now our Democratic friends refuse in many instances to make the appropriation.

I call attention to this that citizens—many of them soldiers and sailors—who are entitled to pay for services performed do not receive the same because this Democratic House refuses by law to authorize the money to be taken from the Treasury for that purpose.

[Here the hammer fell.]

Mr. REED, of Maine. I will yield now to the gentleman from Pennsylvania, reserving my time.

Mr. BURNES. I will yield to the distinguished gentleman from Pennsylvania, if he desires to proceed at this time.

Mr. RANDALL. No; we have the right to close.

Mr. REED, of Maine. Then I yield to my colleague [Mr. DINGLEY] for five minutes.

Mr. DINGLEY. I desire to call the attention of the House to what seems to me to be a serious omission in this deficiency bill. First of all I regret exceedingly the Committee on Appropriations should have deferred action to so late a day. We find ourselves unable to consider the bill item by item.

What I wish especially to call to the attention of the House is the omission of a deficiency appropriation asked by the Secretary of the Interior for printing and binding. He asks for $60,000 for that purpose. At the last session the appropriation asked for was reduced from $402,000 to $342,000, and that caused necessarily a deficiency of $60,000 in the printing and binding of the Interior Department, covering the printing of the Patent Office, of the Indian Bureau, of the Educational Office, and of all the other bureaus. It seems to me in a matter of routine like this, when every gentleman knows it will be needed, to omit an appropriation of that kind asked for by the Secretary and recommended by the Secretary of the Treasury, even with the expectation the Senate will insert it, is not meeting the just demands upon this House. I suggest to the chairman of the subcommittee this omission ought to be supplied before the bill leaves the House. By unanimous consent the item can be inserted. The Department asks for $60,000, and it should be granted.

Mr. LONG. From personal examination of the matter I am sure it ought to go in.

Mr. BURNES. I will answer the gentleman from Maine by saying the Interior Department has expended, out of the appropriation of $342,000, in the first five months $185,000, in round numbers. That was an expenditure in the first five months of the current fiscal year. At present there are but $31,000 left of the fund, but it will be perceived that an extraordinarily large amount has been expended in less than the first half of the year. I will say frankly that a desire on the part of the committee to look into what seems to be an abuse generally in all this printing business by the Departments determined the majority of the committee not to make an additional appropriation for the balance of the current year.

Mr. DINGLEY. I desired simply to call the attention of the gentleman and of the committee to the fact that the printing of the Patent Office reports, which are sold in the community, is dependent upon our making that appropriation. There should also be deducted, which was not deducted in the report, all the receipts from the sale of Patent-Office documents. If there is no appropriation for this purpose it will be impossible for the Department to go on with the printing of the ordinary Patent-Office reports that sell to the public everywhere for their convenience.

I repeat, I desire simply to call the attention of the gentleman and of this committee to these facts, leaving to themselves the responsibility of supplying the omission. This printing, I will here add, is all required by law.

Mr. RANDALL. Mr. Speaker, a deficiency bill is necessary, because the amounts which were embraced in the general appropriation bills at the last session of Congress for the various objects for which appropriations were made were not enough, in the judgment of those who administered the affairs of the Departments of the Government generally, to carry on those affairs, and hence it is necessary to provide a sum sufficient to meet these expenditures up to the 30th of June—which necessitates a bill of this character.

A deficiency bill ought not in reality to contain any claims; but there is a practice which has crept into the preparation of this bill which has permitted the incorporation of appropriations to pay the judgments of the Court of Claims, and also to pay audited claims which have been

passed upon by the proper officers of the Departments under existing law. Now, as to the bill itself, on behalf of the Committee on Appropriations permit me to say that there has been no delay on the part of that committee in its preparation.

The estimates of deficiencies did not come to us at all until the 20th of January, and the supplemental estimates of the deficiencies did not reach us until the seventh day of the present month. The audited claims did not reach this House, if my memory serves me right, until the 29th day of January just past. It required then five days to print these various estimates and documents which contain the audited claims. So the House will at once see that there has been no delay whatever in presenting this bill for its consideration; and if there be a bill which can be safely passed under a suspension of the rules it is a bill of this character, because it contains no original matter.

It contains simply appropriations which were not sufficient, under the administration of the general objects of appropriations, to execute the laws of the Government.

Let me say as to claims that as much time was given to the consideration of them as it was possible for the committee to give since about the 4th day of February until this time. It would be a herculean task, and an impossible physical and mental labor, to undertake to delve into the merits of each of the numerous claims which may be presented; and I for one will never assent, so far as my vote is concerned, nor have I in committee allowed the position to be taken, that the mere auditing of a claim by the Department is conclusive upon Congress.

Mr. REED, of Maine. Then would it not be a good plan to divide up the appropriation bills among the several committees, so that they may have an opportunity of looking into the work?

Mr. RANDALL. I know very well what the gentleman from Maine is driving at.

Mr. REED, of Maine. Certainly you do.

Mr. RANDALL. I do not go by indirection at anything. I will meet the question when it comes up. But in justification of the committee, and in conclusion, let me say again that there has been no time wasted in the consideration of these subjects, and that they had the unlimited attention of the subcommittee who prepared this bill from the very moment that they were received up to the time that they were reported to the general committee and passed upon by them. I now yield the remainder of my time to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I simply desire to say as a member of the subcommittee which prepared this bill, that since it was placed in their charge it has received diligent attention from them. I quite agree in many of the criticisms which have been passed on the bill. I doubt very much the policy of passing a bill of this importance, which involves an appropriation of money, under suspension of the rules. But I do desire to say that, from a thorough study of the bill, I quite agree with the gentleman from Illinois [Mr. CANNON] that it is not only an improvement on the deficiency bill of last year, but, so far as it goes, it is a very good bill. Its fault is not in what it contains, but in what it does not contain. And while I believe there should be some items put in this bill that are not here, I simply desire to say, in the one moment left me, that I believe the House will make no mistake in passing the bill as it is.

The SPEAKER. The time allowed for debate has expired. The question is on the motion made by the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill with the amendments which have been read; and on that question the yeas and nays will be taken.

Mr. KEIFER. I wish to inquire if it is necessary that the yeas and nays should be taken, the motion being to suspend the rules.

The SPEAKER. This is a motion to suspend the rules and pass the bill with the amendments.

Mr. REED, of Maine. It is a motion to suspend all the rules, including that which requires the yeas and nays to be taken as well as the rest.

Mr. ANDERSON. When the bill has not been read, and it is proposed to pass it under a suspension of the rules, I think we should have the yeas and nays.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] calls for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 38, not voting 46; as follows:

YEAS—240.

Adams, J. J.	Boyle,	Campbell, J. M.	Culbertson, W. W.
Aiken,	Bratton,	Cannon,	Cullen,
Alexander,	Breckinridge,	Carleton,	Curtin,
Arnot,	Breitung,	Clardy,	Dargan,
Bagley,	Brewer, J. H.	Clements,	Davidson,
Ballentine,	Broadhead,	Cobb,	Davis, G. R.
Barksdale,	Brown, W. W.	Collins,	Davis, L. H.
Bayne,	Brownе, T. M.	Connolly,	Davis, R. T.
Belmont,	Buchanan,	Cook,	Deuster,
Bisbee,	Buckner,	Covington,	Dibble,
Blanchard,	Budd,	Cox, S. S.	Dibrell,
Bland,	Burleigh,	Cox, W. R.	Dingley,
Blount,	Burnes,	Craig,	Dixon,
Boutelle,	Cabell,	Crisp,	Dockery,
Bowen,	Caldwell,	Culberson, D. B.	Dorsheimer,
Dowd,	Holman,	Murray,	Springer,
Dunham,	Holmes,	Mutchler,	Steele,
Dunn,	Hopkins,	Nelson,	Stevens,
Eaton,	Horr,	Nicholls,	Stewart, Charles
Eldredge,	Houk,	Nutting,	Stewart, J. W.
Elliott,	Houseman,	Oates,	Stockslager,
Ellis,	Hunt,	Ochiltree,	Stone,
English,	Hutchins,	O'Ferrall,	Storm,
Ermentrout,	Jones, R. W.	O'Hara,	Strait,
Everhart,	Jones, J. H.	O'Neill, Charles	Struble,
Ferrell,	Jones, J. K.	O'Neill, J. J.	Sumner, C. A.
Fiedler,	Jones, J. T.	Paige,	Sumner, D. H.
Findlay,	Kean,	Parker,	Swope,
Finerty,	Keifer,	Patton,	Talbott,
Follett,	Kelley,	Payne,	Taylor, J. D.
Foran,	Ketcham,	Peel,	Taylor, J. M.
Forney,	King,	Perkins,	Thomas,
Funston,	Kleiner,	Phelps,	Tillman,
Fyan,	Lacey,	Poland,	Townshend,
Garrison,	Lamb,	Post,	Tucker,
Geddes,	Lanham,	Pryor,	Tully,
George,	Le Fevre,	Pusey,	Valentine,
Gibson,	Lewis,	Randall,	Van Alstyne,
Glascock,	Libbey,	Reagan,	Vance,
Goff,	Long,	Reese,	Van Eaton,
Graves,	Lore,	Reid, J. W.	Wallace,
Green,	Lovering,	Riggs,	Ward,
Greenleaf,	Lowry,	Robinson, W. E.	Warner, A. J.
Guenther,	Lynch,	Rogers, J. H.	Warner, Richard
Halsell,	McAdoo,	Rogers, W. F.	Washburn,
Hammond,	McCormick,	Rosecrans,	Wellborn,
Hancock,	Matson,	Rowell,	Wemple,
Hardeman,	Maybury,	Russell,	White, Milo
Hardy,	Miller, J. F.	Ryan,	Whiting,
Hart,	Milliken,	Seney,	Wilkins,
Hatch, W. H.	Mills,	Seymour,	Willis,
Hemphill,	Mitchell,	Shively,	Wilson, James
Henley,	Money,	Singleton,	Wilson, W. L.
Herbert,	Morgan,	Skinner, C. R.	Winans, E. B.
Hewitt, A. S.	Morrill,	Skinner, T. G.	Winans, John
Hewitt, G. W.	Morse,	Smith, A. Herr	Wise, G. D.
Hill,	Moulton,	Smith, H. Y.	Woodward,
Hiscock,	Muldrow,	Snyder,	Worthington,
Hitt,	Muller,	Spooner,	Yaple,
Hoblitzell,	Murphy,	Spriggs,	York.

NAYS—38.

Anderson,	Henderson, T. J.	Peters,	Stephenson,
Atkinson,	Hepburn,	Pettibone,	Turner, H. G.
Beach,	Holton,	Pierce,	Turner, Oscar
Bennett,	Jefferds,	Potter,	Wakefield,
Bingham,	Lawrence,	Price,	Weaver,
Cassidy,	McComas,	Ranney,	Weller,
Cosgrove,	McMillin,	Ray, G. W.	White, J. D.
Evans,	Millard,	Reed, T. B.	Young.
Hanback,	Miller, S. H.	Rockwell,	
Harmer,	Payson,	Smalls,	

NOT VOTING—46.

Adams, G. E.	Clay,	Jordan,	Slocum,
Barbour,	Converse,	Kellogg,	Taylor, E. B.
Barr,	Cutcheon,	Laird,	Thompson,
Belford,	Ellwood,	McCoid,	Throckmorton,
Blackburn,	Hatch, H. H.	Morrison,	Wadsworth,
Brainerd,	Haynes,	Neece,	Wait,
Brewer, F. B.	Henderson, D. B.	Rankin,	Williams,
Brumm,	Hooper,	Ray, Ossian	Wise, J. S.
Campbell, Felix	Howey,	Rice,	Wolford,
Campbell, J. E.	Hurd,	Robertson,	Wood.
Candler,	James,	Robinson, J. S.	
Chalmers,	Johnson,	Shaw,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. McMILLIN. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

Mr. RYAN. I am paired with Mr. BLACKBURN, of Kentucky, but I am advised by that gentleman's friends that if present he would vote as I have voted. I therefore let my vote stand.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HURD with Mr. RICE.

The following members were announced as paired on this vote:

Mr. CAMPBELL, of New York, with Mr. ELLWOOD.

Mr. LOWRY with Mr. HATCH, of Michigan.

Mr. CLAY with Mr. BRUMM.

Mr. CONVERSE with Mr. ADAMS, of Illinois.

The following members were announced as paired for this day:

Mr. THOMPSON with Mr. JOHNSON.

Mr. RYAN with Mr. BLACKBURN.

Mr. CANDLER with Mr. RAY, of New Hampshire.

Mr. ROBERTSON with Mr. CHALMERS.

Mr. NEECE with Mr. CUTCHEON.

Mr. LOWRY. I ask to be permitted to record my vote. I was in the Hall during the second roll-call and did not hear my name called.

The SPEAKER. If there be no objection the name of the gentleman will be called.

Mr. LOWRY. I vote "ay."

The SPEAKER. The gentleman has been announced as paired on this vote.

Mr. LOWRY. That was an involuntary pair. I vote "ay."

The result of the vote was then announced as above stated.

DR. W. LEIGH BURTON.

The SPEAKER. The hour under the special rule begins at 1 o'clock. The gentleman from Virginia [Mr. JOHN S. WISE] is entitled to the floor.

Mr. JOHN S. WISE. Mr. Speaker, I ask to have the report in relation to the pending bill read.

Mr. WELLER. Mr. Speaker, is this the proper time to offer an objection to this bill?

The SPEAKER. It is not. The gentleman from Virginia [Mr. JOHN S. WISE], who is entitled to five minutes in support of the bill, asks for the reading of the report. The Clerk will read the report.

The Clerk read the report, as follows:

The Committee on Patents, to whom was referred bill H. R. 8021, for the relief of Dr. W. Leigh Burton, have had the same under consideration and report:

A patent was granted Dr. Burton, No. 88006, dated March 23, 1869, for "improvement in electro-heating," and antedated March 12, 1869. The following describes the invention:

The electric heater is based on the well-known fact that electricity, in passing through a conductor of insufficient capacity, such, for instance, as a wire of small diameter, evolves or develops heat.

It is also well known that a wire of any great length and small diameter will not conduct a strong current of electricity without difficulty and loss; for as the wire becomes heated its resistance is increased, and in consequence the heat becomes so great that the wire will be fused.

The object of this invention is to obviate this difficulty by enabling a strong current of electricity to pass through a heat-evolving apparatus of any length; and to this end it consists of an electrical conducting chain or coil, with intervals of small conducting power, in traversing which the electricity will be caused to develop heat; and further, in interposing between said obstructing intervals free conductors of much larger size, which constitute absorbents and radiators of heat. The heater exhibited, therefore, consists of an alternate arrangement of obstructing media and free conductors or radiators, arranged in a compact form, and insulated within a suitable fire-proof casing, covered by a metal plate. In this heater the obstructing media consists of platinum wire No. 25, English standard, and the free conductors of copper blocks one and three-fourths inches in length and one-half inch square. The aggregate length of the obstructing media is about seven inches, and the weight of the fifty-seven blocks of copper about eight pounds. The entire length of chain or coil is about ten feet. It rests on a metallic bed insulated with mica, and is reflexed in lengths of a foot, the insulation between the reflexions being accomplished with strips of mica one-half inch wide. This is contained within an iron box, 18 by 12 inches, the spaces between the apparatus and sides of the box being filled in with a mixture of plaster and asbestos. Connection is made with an electrical current by means of the two ends of the coil passing through glass insulators, terminating in binding screws on the outside of the case.

Owing to the invention being in advance of the state of the art, Dr. Burton has not received a dollar for his twenty years' study and labor. Now he has a chance to place his invention where it will to some extent remunerate him for his time, trouble, and expense. Therefore the committee believe that he ought to have an opportunity to go before the Committee on Patents with an application for an extension of his patent. We recommend the passage of the bill without amendment.

Mr. ANDERSON. Mr. Speaker, I desire, when the proper time comes, to oppose this bill.

The SPEAKER. The gentleman from Virginia [Mr. JOHN S. WISE] has one minute of his time remaining.

Mr. JOHN S. WISE. Mr. Speaker, I do not know that I can add to what is stated in the report. The invention made by Dr. Burton was, as is there stated, in advance of the discoveries in the science to which it relates; and although he has spent a great deal of money and a great deal of time in connection with the invention, he has never received a dollar for it. It is only within the last six months that it has been available, and it is solely for the purpose of allowing him to reap the legitimate fruits of his own labor, ingenuity, and expenditure of money that this bill is presented.

Mr. ANDERSON. Mr. Speaker, this presents the question of the extension of patents. In this particular case the gentleman from Virginia [Mr. JOHN S. WISE] and the report state that the inventor has not obtained any benefit from his invention; but it is clear that that neglect is not the fault of the United States Government.

Mr. JOHN S. WISE. Will the gentleman yield for a moment?

Mr. ANDERSON. Not now. I say, Mr. Speaker, that it is either his own fault or his own misfortune if he has not profited by this invention. So that the question presented to the House is this: Shall a patent be extended? Now, for one, I wish to state that I am wholly opposed to the extension of a patent to anybody. For seventeen years this gentleman has had the opportunity to place his invention. He has not done so, and now he comes here and asks for a renewal of it, or what amounts to that, for seventeen years more.

Mr. VANCE. Seven years.

Mr. ANDERSON. Well, seven years. Now, sir, if this invention is of value to anybody, it is of value to the consumer; and when the United States Government has for seventeen years allowed this inventor an opportunity to obtain the financial benefit of his invention——

Mr. GEORGE D. WISE. Will the gentleman allow me to say that this inventor has not obtained a dollar from it?

Mr. ANDERSON. Very well; that was not the fault of the Government. My point is that the Government is not called upon to step in now and give him this further benefit. It seems to me that in dealing with this patent question some attention should be paid to the people.

Mr. TUCKER. Is it not the object of the law to secure to the patentee the benefit of his idea—his invention?

Mr. ANDERSON. For seventeen years the Government has done that in this case, and it is not our fault if he has not made money out of his invention; and now if there be a dollar to be made out of it, or half a million dollars, or a million dollars, why not let the people have the benefit of it? In this matter of electrical apparatus there are the most complete monopolies that exist in the country, and they are created and maintained by the patent system, in so much that the telephone, the electric wire, your whole electrical apparatus, is to-day in the hands of a very few men, and gentlemen well know that when they come to consider the tariff they find that immense sums are extorted from the people by means of patents, apart from the sums properly collected as duties. I am opposing this bill, not because I am opposed to this particular patent or this particular gentleman. I would be glad indeed if he should make out of his invention all that can possibly be made out of it. I am opposing the bill on principle; on the principle that the people of the United States have some rights which ought to be respected, and that this House is not called upon to extend any patent.

Mr. VANCE. Will the gentleman yield for a moment?

Mr. ANDERSON. The gentleman has had his time.

Mr. VANCE. No, sir; I have not had any time.

Mr. ANDERSON. You might have had it.

Mr. VANCE. Will you yield to me for a minute?

Mr. ANDERSON. I beg the gentleman's pardon, but I have not time.

Mr. VANCE. Go on, then.

Mr. ANDERSON. Mr. Speaker, this is the first of these cases that has been brought up. Where there is an extension of a patent you will ordinarily find large sums of money behind it. When men extend or renew patents they do so because they are valuable, and I desire to raise now upon this case the general question as to the renewal or extension of patents. I ask gentlemen to consider what vast sums——

[Here the hammer fell.]

Mr. JOHN S. WISE. Mr. Speaker, have I any time left?

The SPEAKER. The time prescribed for debate by the rule has expired. Is there objection to the present consideration of this bill?

Mr. WELLER. I object.

The SPEAKER. The gentleman from Iowa [Mr. WELLER] objects. Is there further objection? [After a pause.] Twenty-three gentlemen have risen to object—more than a sufficient number under the rule—and the bill will be laid aside.

PUBLIC BUILDING, SACRAMENTO, CAL.

Mr. GLASCOCK. Mr. Speaker, I call up for present consideration the bill (S. 1810) for the erection of a public building at Sacramento, Cal.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, land office, internal-revenue office, signal office, and other Government offices, at the city of Sacramento, Cal. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of California shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Ten minutes are now allowed for debate.

Mr. GLASCOCK. Mr. Speaker, I think the House will concede that I have not often inflicted myself upon its patience. I wish to state in a few words the absolute necessity for the passage of this bill.

Sacramento is the capital of the State of California. According to the report of the House committee which I hold in my hand its population is about 30,000. In reality its population is nearly 35,000. It is one of the few capital cities in the United States, if not the only one, having within its limits no public building of the Government of the United States. There are four Government offices located in that city—the signal-service office, the internal-revenue office, the post-office, and the land office. The Government is now paying as rent for its offices in that city $4,200 a year, representing 6 per cent. on a capitalization of nearly three-fourths of the amount asked for in this bill. It would be economy on the part of the Government to expend the modest sum here asked for—only $100,000—for the erection of a public building at that place.

Mr. Speaker, I reserve the residue of my time to answer any questions that may be asked. I hope the House will allow this bill to go through.

Mr. STORM. Is there a report on this subject?

Mr. GLASCOCK. I send to the desk the report of the House committee upon a bill precisely like this Senate bill.

Mr. COOK. Before the report is read, I wish to ask the gentleman from California whether there are any Federal courts held at Sacramento?

Mr. GLASCOCK. Not one.

Mr. COOK. That is all.

The report (by Mr. BREITUNG) was read, as follows:

The committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 105) to provide for the erection of a post-office building at Sacramento, Cal., and appropriating $100,000 therefor, beg leave to favorably report the accompanying substitute for said bill, and recommend its passage for the following reasons, namely:

Sacramento is the capital of the State of California, and is a city of about 30,000 inhabitants.

Four departments of the United States Government have offices in the city, namely, the post-office, the land office, the internal-revenue office, and the signal office.

All of said offices are now rented, and are insufficient and inconvenient for the transaction of the business appertaining thereto, and their books, records, and papers are without security from destruction by fire.

The location of said offices is inconvenient, inasmuch as no two of them are in the same building, or even in the same locality.

The annual rental now paid by the United States Government for the inadequate and unsafe quarters now used for said offices is $4,200.

The business of said offices is large, and increasing, as may be seen from the following statistics of the business transacted at the post-office at Sacramento:

Table showing postal receipts at Sacramento.

	1882.	1883.
Received from sale of stamps, &c	$41,903 32	$44,880 90
Received from box rents	2,430 00	2,415 50
Money-orders issued	172,416 82	188,304 72
Money-orders paid	328,241 54	394,288 50
Letters and parcels registered	6,423	8,962
Letters received for delivery	15,621	19,925
Registered matter in transit	44,832	53,280
Through pouches received	1,281	1,429
Through pouches dispatched	1,032	1,296
Total	69,189	84,832

The following is a statement of the number of letters, postal cards, &c., delivered and collected by carriers for the fiscal year ending June 30, 1883:

Registered letters delivered	2,671
Mail letters delivered	409,290
Mail postal cards delivered	74,443
Local letters delivered	38,109
Local postal cards delivered	37,789
Newspapers, &c., delivered	351,995
Letters collected	307,928
Postal cards collected	65,329
Newspapers, &c., collected	50,330
Aggregate pieces handled	1,327,874
Carriers employed	191,125
Average per carrier	$1,864.65
Postage on local matter	

The SPEAKER. The time of the gentleman from California has expired.

Mr. COOK. I yield a moment to the gentleman from Ohio [Mr. WARNER], who wishes to offer an amendment.

Mr. WARNER, of Ohio. I hope the gentleman from California will accept an amendment to this bill, in the usual form, so as to avoid the approval of any plan which will ultimately require a larger expenditure than the amount which this bill appropriates. If this amendment be accepted I shall not object to the bill.

I wish to say in this connection that the back door of the Treasury seems to have been opened by the Appropriations Committee in the sundry civil bill, and the bills for public buildings brought up under this order are opening wide the front door. When we find that now the very "watch-dogs" seem to be relaxing their vigilance at the back door of the Treasury, I think it about time that we should close the front door. But I will not raise objection to this bill if the amendment I have indicated be accepted.

The SPEAKER. The amendment will be read for the information of the House.

The Clerk read as follows:

Add, after "dollars," in line 9, the following:

"And no plan shall be approved that will involve for site and building, including approaches thereto, an expenditure greater than the sum herein appropriated."

Mr. GLASCOCK. Mr. Speaker, nothing would afford me greater pleasure than to accept this amendment, were it not the fact that at this late stage of the session it would be almost impossible to get the bill as amended through the Senate. I trust, therefore, the gentleman will not press the amendment now; but I am willing that a vote of the House be taken upon it; and if the House decides that the amendment is proper I will submit.

Mr. WARNER, of Ohio. That is all I ask. Of course the amendment does not come up till the bill is before the House.

The SPEAKER. If the House should decide to consider the bill the amendment will be in order.

Mr. COOK. We want to know whether the gentleman from California will accept the amendment?

Mr. WARNER, of Ohio. I desire to send up the amendment to be pending when the bill shall come before the House.

The SPEAKER. It can not be pending yet, because the House has not yet decided to consider the bill. Is there objection to the consideration of the bill? The Chair hears none. The gentleman from Ohio [Mr. WARNER] moves an amendment, which will be read.

The Clerk read as follows:

Add, after "dollars," in line 9:

"And no plan shall be approved that will involve for site and building, including approaches thereto, an expenditure greater than the sum herein appropriated."

The amendment was not agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GLASCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT HOULTON, ME.

Mr. BOUTELLE. I ask the House to take up and pass the bill (H. R. 707) to provide for the erection of a public building at the town of Houlton, Me.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the town of Houlton, in the State of Maine, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States custom-house and post-office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $50,000; and for the purposes herein mentioned the sum of $50,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. BOUTELLE. Mr. Speaker, recognizing as I do the importance of economizing time, I will not ask for the reading of the entire report of the committee, which was unanimously favorable to the passage of this bill, but will very briefly state some of the substantial points.

The town of Houlton, in which it is proposed to erect this custom-house and post-office building, is the shire town of the county of Aroostook, in the State of Maine, the Aroostook customs district comprising a territory about as large as that of the State of Massachusetts, with a frontier line of some two hundred and fifty to two hundred and seventy miles. The customs collections there rank high among the collections of the districts of the State of Maine. The report gives figures showing the very rapid development of that section of the State, its increase in the last decade having been more than 40 per cent. It is the most rapidly growing section of the State of Maine.

For the thirty-one and a half months from 1878 to 1881 the customs collections in the district amounted to $38,311. For the thirty-one and a half months ending November, 1883, the customs collections there amounted to $92,673, an increase of nearly threefold, and the later returns show that the increase is progressing.

Mr. MILLS. What is the population?

Mr. BOUTELLE. The population of the district of Aroostook has increased, as I have said, more than 40 per cent. during the last decade, and is now about 50,000. The population of the town of Houlton, which is the shire town of the county and of the district, was about 4,000 in 1880, and is now about 6,000. It is the business center of that region. It is the railroad terminus.

Mr. MILLS. Is there a Federal court there?

Mr. BOUTELLE. No Federal court is held there now. This bill provides for a custom-house and post-office building. The post-office is a distributing office for that large section of country. The amount received for money-orders during the year ending June 30 last was $17,000 and the amount paid $24,522. I will state here, Mr. Speaker, that the accommodations at present are entirely inadequate to the necessities of the customs office and post-office.

I desire to say further, in view of the fact that recommendations have been made by the Secretary of the Treasury heretofore in regard to certain possible consolidations of districts in the State of Maine and New England, that under any consolidation which may be made the town of Houlton will be the natural headquarters for the district of that section. I reserve the balance of my time.

The SPEAKER. The gentleman's time has expired.

Mr. STORM. Mr. Speaker, I do not know anything I can say will stop this irresistible raid upon the Treasury, for it seems after all there are hardly ten righteous in this House to save the Treasury from plunder. Nevertheless I shall attempt to call the attention of the House to this subject, not with a view of specially antagonizing this particular bill, because the objection I make now would lie against all bills we have considered heretofore, and I have no doubt would lie against three-fourths of all that may come up hereafter for consideration.

I have no doubt, Mr. Speaker, the fact of a deficiency in the revenues of any government is a misfortune, but I still think there is a greater misfortune to any government when it finds itself with a large surplus in its treasury. We have seen bills passed in this House within the

last week, and bills of like character no doubt will be passed during the next six days, which would never have been thought of—never stood the ghost of a chance of passing had there been a deficit instead of an excess of revenue. It is because there is a surplus in the Treasury, which a large number of members of the House on both sides seem determined to get out, that it is utterly impossible to stay this raid.

We are erecting public buildings at towns that our school geographies heretofore never heard of. Yesterday we allowed a public building in a town which no railroad has yet reached. We are now asked to allow a public building in a town—I do not know how old it is—which during the whole century up to 1880 had never more than 4,000 inhabitants. And a remarkable fact with all these towns is that they have all had such rapid growth or increase of population between 1880 and the present time. [Laughter.]

I yield the balance of my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. Mr. Speaker, one of two things ought to be done. We should stop here with these public buildings for towns of one, two, three, or four thousand inhabitants, or else we ought to open the door and let every member decide upon the location of a public building and make appropriation of money for it.

Mr. MONEY. Offer an amendment to that effect.

Mr. WARNER, of Ohio. Yes, and it would go through I have no doubt. Governor Allen, of Ohio, once said, you might as well undertake to run an ice-house in hell as an economical government with a surplus in the treasury. [Laughter.] I have come to the conclusion he was about right. I think this a good place to draw the line—in the case of a town of 4,000 inhabitants without a court simply for a post-office, I suppose.

A MEMBER. And a custom-house.

Mr. WARNER, of Ohio. Custom-house and post-office. Let us draw the line here, or let every member in the House have a public building.

Thirty public buildings are reported in the sundry civil bill. Seventy-two have been reported to the House from the Committee on Public Buildings and Grounds. Thirty, as I have said, come from the Committee on Appropriations in the sundry civil bill. How many millions they will amount to I do not know. I have not had time to make the calculation. The Treasury is being robbed from both sides, by the front door and by the back door. Let us draw the line somewhere. I think it is right to draw the line here.

Mr. WELLER. I ask whether the gentleman from Ohio is willing to stand up now and commence the work of drawing the line? I have been waiting for that a long time.

The SPEAKER. The time for debate is exhausted. Is there objection?

Mr. WELLER. I object.

The objection was sustained—18 voting in the affirmative; and so the bill was not taken up for present consideration.

PUBLIC BUILDING, LA CROSSE, WIS.

Mr. WOODWARD. I call up under the rule the bill (S. 78) for the erection of a public building at La Crosse, Wis.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of La Crosse, Wis. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Wisconsin shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. WOODWARD. Mr. Speaker, the Government of the United States has at the city of La Crosse a post-office, two land offices, surveyor of customs, and collector of internal revenue. It maintains there a marine hospital, post-office, land office, and for the last fifteen years the United States courts have been held in that city under authority of law passed in 1870, and the Government has been borrowing the county court-house for the use of its officers. This, I think, Mr. Speaker, constitutes a sufficient ground for asking this appropriation for a public building at this point. The public business requires and justifies it.

As to the city itself, I have only to say that it is located on the Mississippi River at the mouth of a large stream; that it is a true railroad center; that these roads radiate to six different points of the compass from it; that it has large business connections by railroads as well as by the river, and that its manufactures are important and constantly increasing.

In 1880, by the census of that year, the city had a population of 15,000. Since then, not less than 1,500 additional dwelling-houses have been put up in the city, and by an accurate census that has been taken recently it is ascertained that the population at the close of the year 1883 was over 20,000.

I hope objection will not be made to the consideration of the bill. I think it is as meritorious as any measure presented to the House at this session. I reserve the remainder of my time.

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. BROWNE, of Indiana. Mr. Speaker, I am satisfied that we are exhausting the surplus too rapidly, and I fear that just now this controversy will take a partisan direction. I shall not, however, contribute to that end. My first objection to this bill is that the construction of this public building will cost money. Now if this economical Congress, with the assistance of the distinguished gentleman from Ohio and the gentleman from Pennsylvania, can only devise some plan by which brick and mortar may be made and labor performed without costing anything, I shall vote for all these bills. Then I do not believe the Government of the United States needs public buildings, any way. What is the necessity for them? Why do we not buy a big circustent——

Mr. MILLER, of Pennsylvania. And take it around.

Mr. BROWNE, of Indiana. A caravan of wagons, and send the court and the district attorney and the pension agent and the revenue collectors around through the country and let them tent out? [Laughter.]

Well, I do not know whether gentlemen regard the few remarks that I have been making as against the measure or not.

Mr. WELLER. It is difficult to tell, I guess.

Mr. BROWNE, of Indiana. I want to say, however, that I believe just at this time there can be no more judicious expenditure of the public moneys than in the construction of necessary public buildings. Labor is out of employment all over the country.

Mr. WELLER. The product of Republican maladministration, I reckon. [Laughter.]

Mr. BROWNE, of Indiana. Did somebody speak?

Mr. WELLER. Mr. Speaker, there did. [Great laughter.]

Mr. BROWNE, of Indiana. I have said that labor is seeking employment. For reasons that I need not give if I knew, manufacturing establishments are closed and the trustees of the poor are employed day by day in distributing charity. I wish it were possible for the Government of the United States to open the Treasury at such a time as this and allow every necessary work to be constructed, and that the people who to-day cry for bread might receive a remunerative return for their labor. It would not be waste. I am not claiming it as a charity. I say that the Government is in a condition to do this, and it ought to be done, and now is the time. Mr. Speaker, I have nothing but inexpressible contempt for that niggardly parsimony which says let us stand at the door of the Treasury and allow no cent to come out of it unless it can go in the direction which we individually are pleased to indicate.

[Here the hammer fell.]

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STORM. Which side has the gentleman from Indiana spoken on?

The SPEAKER. The gentleman from Indiana spoke in his own time and right.

Mr. STORM. But to what side was the time occupied by the gentleman charged—in opposition or in favor of the bill?

The SPEAKER. The Chair does not understand the gentleman.

Mr. STORM. The gentleman from Wisconsin was heard himself in behalf of the bill, and the Chair I supposed would yield the remainder of the time to those who opposed the bill. I want to know, therefore, whether the time occupied by the gentleman from Indiana is charged for or against the bill.

The SPEAKER. That is not for the Chair to determine.

Mr. STORM. I suppose it is difficult to determine what side the gentleman occupied.

The SPEAKER. The gentleman from Indiana rose and no other gentleman claimed the floor, nor was objection made to his occupying it.

Mr. WOODWARD. I would like to offer myself two amendments, one of them similar to those which have been offered to other bills of this character.

The SPEAKER. The first question is, Is there objection to the consideration of the bill?

There was no objection.

Mr. WOODWARD. I now ask the adoption of the amendment I send to the desk.

The Clerk read as follows:

Insert before the word "provided" in line 12 of the printed bill:

"And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, and said plans and specifications shall not involve an expenditure in the erection and completion of said building exceeding the portion of $100,000 remaining after the site of said building shall have been paid for. No plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building."

Also add as an additional section:

"SEC. 2. That the sum of $100,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated for the purpose of carrying into effect the provisions of this act."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WOODWARD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SUPPLIES TO INDIANS OF MINNESOTA 1860–'62.

Mr. STRAIT. I call up for consideration the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the course of trade and business, to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the outbreak and massacre of said Indians in August, 1862, and for which damages were not awarded by the commissioners appointed under the act entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, for the reason that said act limited the action of said commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and the said claims, when ascertained, shall be paid by the Secretary of the Interior out of the money hereby appropriated.

SEC. 2. That for the purpose of enabling the Secretary of the Interior to carry out the provisions of the foregoing section the sum of $120,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STRAIT. This bill has been favorably reported to the House every time it has been introduced for the last six or eight Congresses. The Senate has passed the same or a similar bill during the past five Congresses. The present bill has been reported favorably to the House from the Committee on Indian Affairs by the gentleman from New York [Mr. STEVENS]. I yield to that gentleman for a moment.

Mr. STEVENS. The object of this bill is to make remuneration to certain licensed traders on the Sioux reserve for property taken and destroyed by the Indians and for provisions and supplies furnished to the Indians at the request of the then Indian agent. In 1862 the Indians were gathered together at the regular agencies in Minnesota for the purpose of receiving their annuities, but owing to the troubles existing at that time the agents did not appear and the payments were not made. The Indians became dissatisfied. As the agents state they became "very ugly, threatening death and disturbances." The agents applied to the licensed traders who were there by the authority of law to furnish supplies to these Indians. That was done; but the annuities not coming for a long time, about a month after these supplies were furnished the Sioux outbreak, with the facts of which every member of this House is probably familiar, took place. A large number of people were killed and the property of these traders was destroyed.

In the following February Congress by an act confiscated all of the funds belonging to these Indians; it confiscated all of their annuities and covered them into the Treasury of the United States. Several claims have been paid by acts of various Congresses since that. There is now, not at the credit of the Indians, because it is confiscated money, but of the original funds belonging to these Indians there are now nearly $4,000,000 in the Treasury.

The object of this bill is to allow the Secretary of the Interior to take the necessary evidence, get the necessary proof, and ascertain the amount of supplies furnished to these Indians by the authority of Mr. Galbraith, who was then agent. The proof is clear and distinct as to the losses and as to the authority given by the agent to these traders to furnish the supplies.

Mr. ANDERSON. What is the aggregate amount covered by the bill?

Mr. STEVENS. It will not exceed $100,000; I should say about $70,000. This bill provides that an amount not to exceed $100,000 shall be paid for this purpose; and as I have said the Indians, of what once was theirs, have now in the Treasury about $4,000,000.

Mr. MILLS. I wish to ask the gentleman from New York whether it is claimed that this bill stands on higher ground than the claims for other property destroyed by Indian depredations?

Mr. STEVENS. There is this distinction: that this property and these supplies, bread, flour, and various kinds of provisions, were furnished by request of the Indian agent to prevent the Indians from committing the outbreak which did actually occur shortly afterward.

Mr. COOK. What reason exists for paying the post-traders for the property destroyed by the Indians that does not exist for paying for the property of the settlers or other parties destroyed by the Indians during the outbreak?

Mr. STEVENS. It has been the practice of Congress continually where Indians under control of the Government have destroyed the property of those who were there by proper license of the Government to reimburse those licensed traders for their losses.

Mr. ELLIS. With the permission of the gentleman from New York I will state that it is one of the very treaty stipulations with these Indians that these depredation claims shall be paid.

Mr. STEVENS. I thank my friend from Louisiana for his suggestion.

The SPEAKER. The five minutes allowed in support of the bill have expired.

Mr. WARNER, of Ohio. Is there a report in the case?

The SPEAKER. Does the gentleman from Ohio desire to have it read?

Mr. WARNER, of Ohio. I think it had better be read.

The SPEAKER. The Chair will state the report is somewhat lengthy.

Mr. WARNER, of Ohio. Then I do not call for the reading.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. REAGAN. I object.

Mr. HOLMAN. I wish to make an inquiry as to the funds out of which this money will be paid. I understand the gentleman from New York [Mr. STEVENS] to say that immediately after this massacre occurred the funds belonging to this tribe of Indians were covered into the Treasury as confiscated money. The case, as I understand, is put on the ground that it is an appropriation virtually of that money which ought to go to the payment of these claims. Has the gentleman any objection, to avoid any mistake, to that being stated in the bill, so that it shall appear that it is not money out of the public Treasury which is appropriated? My friend from New York will agree with me that the United States should not be held responsible for the acts of spoliation committed by this Indian tribe, and that the Government should only be held liable on the ground of having appropriated to its own use money which might otherwise have been appropriated to the payment of these claims.

Now, has the gentleman any objection to adding this provision:

That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

Mr. STEVENS. I have no objection to that, sir; I am willing to accept it.

Mr. REAGAN. Mr. Speaker, if the principle of this bill were enacted into law, even with the amendment of the gentleman from Indiana [Mr. HOLMAN], and followed as a precedent, the Treasury of the United States could not pay the claims that would come against the Government.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause]. Only nine gentlemen have risen—not a sufficient number under the rule. The bill is before the House, and the question is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read the amendment, as follows:

Provided, however, That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

The amendment was agreed to.

Mr. STEVENS. Mr. Speaker, I have one or two amendments which I have been instructed by the committee to offer, as follows:

In line 7 of the printed bill strike out "August" and insert "June 1."
In line 8, after the word "sixty," insert "one."
In section 2, line 3, strike out the words "and twenty;" so that it will read "one hundred thousand dollars."

The amendments were severally agreed to.

Mr. REAGAN. Mr. Speaker, I desire to say that this is a claim not founded upon any provision of law, made by persons not in the line of the discharge of any duty to the United States. It is a voluntary creation of a demand against the Government, without its consent or authority. [Cries of "Regular order!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Unless there be objection, the title will be amended to conform to the amendments made in the bill.

There was no objection.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour set apart under the special rule has expired.

Mr. WILLIS. Mr. Speaker, I move to dispense with the morning hour.

The question was taken; and there were—ayes 130, noes 21—more than two-thirds voting in the affirmative.

So the motion was agreed to.

Mr. DAVIS, of Illinois. Mr. Speaker, I ask unanimous consent to present a report. [Cries of "Regular order!"]

Mr. WILLIS. Mr. Speaker, there are two or three gentlemen who have reports which they desire to offer.

The SPEAKER. But the regular order is insisted upon by gentlemen on the left.

Mr. HENLEY. Mr. Speaker, I desire to make a privileged report. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded, and the Chair will enforce it; but a privileged report is in order.

PORTAGE LAKE CANAL COMPANY LANDS.

Mr. HENLEY, from the Committee on the Public Lands, reported a joint resolution (H. Res. 344) relative to lands selected by the Portage Lake and Lake Superior Canal Company.

The SPEAKER. Will the gentleman from California [Mr. HENLEY] inform the Chair whether this restores lands to the public domain?

Mr. HENLEY. It authorizes the Attorney-General to do so.

The SPEAKER. Then it is privileged under the order of the House.

The joint resolution was read a first and second time, referred to the House Calendar, and, with the accompanying papers, ordered to be printed.

FISH IN THE POTOMAC.

Mr. BARBOUR. Mr. Speaker, I rise to make a privileged report. I present a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3188) to protect the fish in the Potomac, in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same in the following form:

"SEC. 3. That from and after three months from the date of the passage of this act it shall be unlawful to allow any tar, oil, ammoniacal liquor, or other waste products of any gas works, or of works engaged in using such products, or any waste product whatever of any mechanical, chemical, manufacturing, or refining establishment, to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia, or into any pipe or conduit leading to the same; and any one guilty of violating this section shall, on conviction, as provided in section 2 of this act, be fined not less than $10 or more than $100, for each and every day during which said violation shall continue; to be prosecuted for and recovered as provided in the preceding section."

And the Senate agree to the same.

JOHN S. BARBOUR,
J. THOMAS SPRIGGS,
J. LEWIS McCOMAS,
Managers on the part of the House.

E. G. LAPHAM,
W. J. SEWELL,
JAMES B. GROOME,
Managers on the part of the Senate.

VENTILATION OF THE HALL OF THE HOUSE.

Mr. HARDY, from the Committee on Ventilation and Acoustics, submitted a report accompanied with the following resolution; which was ordered to be printed and laid over:

Resolved, That the proposition of the Exhaust Ventilation Company, of Chicago, to the Committee on Ventilation and Acoustics, and herewith reported, be, and the same is hereby, accepted; and that said company be, and they are hereby, authorized and empowered to proceed with the introduction of their proposed system in accordance with the terms of said proposition; the work not to be paid for until it shall be certified by the Speaker of the House of Representatives, the chairman of the Committee on Ventilation and Acoustics, and the Supervising Surgeon-General of the Marine-Hospital Service, who shall have power to take the opinion of such experts as they may deem advisable, that the said company shall have performed their contract and have succeeded in improving the ventilation of the Hall of the House of Representatives, which certificate shall be made by them on or before the 15th day of June, 1886; it being understood that on failure by said company to receive such certificate they shall, if they have changed, interfered with, or disarranged the present system, restore it to its present condition without delay or cost to the Government.

ORDER OF BUSINESS.

Mr. MILLIKEN. I ask unanimous consent to make a report from the Committee on Public Buildings and Grounds.

Mr. WELLER. I object.

The SPEAKER. The regular order has been demanded, which is the unfinished business coming over from yesterday.

Mr. TOWNSHEND. The gentleman from Kentucky [Mr. WILLIS] yields to me——

Mr. PAYSON. I demand the regular order.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] insists on the regular order, which is the river and harbor appropriation bill, coming over from yesterday as unfinished business. The question is on concurring in the amendments reported from the Committee of the Whole House on the state of the Union. The Clerk will report the first amendment.

Mr. WHITE, of Kentucky. I desire to inquire whether the previous question was ordered yesterday on this bill?

The SPEAKER. It was ordered upon the amendments and upon ordering the bill to be engrossed and read a third time. It was not ordered on the passage, because the bill has not reached that stage.

Mr. WHITE, of Kentucky. By the RECORD it does not appear that the previous question was ordered yesterday.

The SPEAKER. It so appears in the Journal.

Mr. WHITE, of Kentucky. Is it in order still to offer amendments without debate?

The SPEAKER. It is not; no amendments are now in order. The amendments reported from the Committee of the Whole House on the state of the Union will be read. Is a separate vote demanded on each of these amendments?

Mr. ANDERSON. Yes, sir.

Mr. WILLIS. I hope the gentleman will not insist on a separate vote on all these verbal amendments.

Mr. ANDERSON. I have no desire to take up time unnecessarily. When the question comes on any amendment merely verbal, I am willing to waive a separate vote. But I do not wish to waive the right to a separate vote on certain amendments to this bill.

Mr. WILLIS. I only asked that the vote might be waived as to verbal amendments, such as those relating to surveys.

Mr. ANDERSON. We can determine about that as the amendments are reached. I will indicate when I desire a separate vote.

The SPEAKER. The amendments will be read, and when no objection is made, will be considered as agreed to without a formal vote.

The Clerk proceeded to read the amendments.

Mr. COX, of New York. I desire, by unanimous consent, and the good will of the committee, which I trust I shall have, to strike out, on page 5, in line 103, the words "five thousand dollars" and insert "twenty thousand dollars, or so much thereof as may be necessary."

Mr. WILLIS. That relates to New York Harbor; and the committee, as I understand, have no objection to it.

Mr. MURPHY. I will inquire of the chairman of our committee when that conclusion was arrived at by the committee?

Mr. WILLIS. If the gentleman objects, it never has been arrived at.

Mr. MURPHY. I only wanted that statement made.

The SPEAKER. Is there objection to this amendment? The Chair hears none, and the amendment is adopted.

The Clerk read as follows:

After line 118 insert the following:

"That the United States harbor board, herein provided for, shall report a plan and estimate for obtaining a permanent channel sufficient for the wants of commerce over the Sandy Hook bar entrance into New York Harbor."

Mr. ADAMS, of Illinois. I have the impression that the provision for the harbor board is now out of the bill.

Mr. COX, of New York. It is.

The SPEAKER. But the amendments must either be agreed to or rejected.

Mr. COX, of New York. I would like to have that amendment changed by striking out the language as to the harbor board.

Mr. REAGAN. No; we will take a vote upon restoring the harbor board.

Mr. COX, of New York. As this is a proposition for a survey, I would suggest, in order to make the bill harmonious——

Mr. WHITE, of Kentucky. Regular order.

The SPEAKER. The question is not debatable.

Mr. WHITE, of Kentucky. No one knows that better than the gentleman from New York.

The question being taken, the amendment was agreed to; there being—ayes 38, noes 19.

The Clerk read as follows:

In line 173 strike out "seventy-five" and insert "two hundred;" so as to read: "Improving harbor at Baltimore, Md.: Continuing improvement, $200,000."

The question being taken on agreeing to the amendment, there were—ayes 41, noes 27.

Mr. ANDERSON. No quorum.

Tellers were ordered; and Mr. ANDERSON and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 101, noes 64.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

Strike out from line 213 to line 305, inclusive, and insert: "For improving Galveston Harbor, $300,000; and the harbor board herein provided are directed to proceed at once to examine, survey, and report to the Secretary of War, for his approval, plans, specifications, and estimates for said improvement; and when said plans, specifications, and estimates shall have been approved, said work shall be carried forward with all possible expedition.

Mr. WHITE, of Kentucky. I raise the point of order on this amendment that in good faith this has no business here.

Mr. THOMAS. Regular order.

Mr. WHITE, of Kentucky. I claim it has not been adopted in committee.

The SPEAKER. The Chair will examine it.

Mr. WHITE, of Kentucky. It is not introduced in good faith.

The SPEAKER. That is not a point of order. The Chair understands the gentleman's point of order to be that this amendment is erroneously included in the bill and was not adopted in committee.

Mr. WHITE, of Kentucky. Precisely so.

Mr. WILLIS. I do not understand what the member from Kentucky means. Does he say the Committtee of the Whole did not adopt this?

The SPEAKER. The Chair so understands him.

Mr. THOMAS. I rise to a question of order. The gentleman says in the first place this was not adopted, and in the second place that it was not offered in good faith. I want to say in the first place, Mr. Speaker, that it was adopted by the Committee of the Whole House on the state of the Union, and in the second place that it was recommended by the unanimous vote of the Committee on Rivers and Harbors.

Mr. WILLIS. We ask its passage, as it was offered in good faith and was adopted.

The SPEAKER. The Chair has nothing to do except with the question of order, and the Chair is compelled to overrule that because the amendment has been reported to the House from the Committee of the Whole House on the state of the Union as one of the amendments agreed to by that committee.

Mr. WHITE, of Kentucky. I desire the Speaker to recur to the RECORD to see that from line 213 to line 305 was on my own motion struck out and agreed to by the chairman of the committee.

Mr. WILLIS. The gentleman is talking about one thing and this committee is acting on another thing, a condition of things not unusual in this House. [Laughter.]

The House divided; and there were—ayes 95, noes 5.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER appointed as tellers Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE.

The House again divided; and the tellers reported—ayes 150, noes 7.

Mr. WHITE, of Kentucky, demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

In line 322, after the word "improvement," strike out the word "fifteen" and insert "twenty-five;" making it read:

"Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $25,000."

Mr. HENDERSON, of Illinois. I demand a vote on that amendment.

The House divided; and there were—ayes 56, noes 60.

Mr. HENDERSON, of Illinois. No quorum has voted.

The SPEAKER appointed as tellers Mr. HENDERSON, of Illinois, and Mr. BLANCHARD.

The House again divided; and the tellers reported—ayes 70, noes 57.

Mr. HENDERSON, of Illinois. I withdraw the point of order.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

In line 435 strike out "$31,500" and insert "$50,000;" so it will read:

"Improving harbor at Duluth, Minn.: Continuing improvement, $50,000."

The SPEAKER. The noes seem to have it.

Mr. WASHBURN. Division.

The House divided; and there were—ayes 76, noes 6.

Mr. THOMAS. No quorum.

The SPEAKER appointed as tellers Mr. THOMAS and Mr. BRECKINRIDGE.

The House again divided; and the tellers reported—ayes 113, noes 30.

Mr. THOMAS. I withdraw the point of no quorum.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

After the word "corporation," in line 543, strike out the words "for this improved navigation" and insert "on this river;" so it will read:

"But no toll shall be collected by any person or corporation on this river."

Mr. GIBSON. I ask for a separate vote on this amendment.

The House divided; and there were—ayes 86, noes 19.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

After line 735 insert:

"Improving West Branch of the Susquehanna River, $7,500."

The amendment was disagreed to.

The next amendment on which a separate vote was requested was read, as follows:

At the end of line 770, page 32, add:

"And authority is hereby given to any individual or corporation to strengthen, repair, or rebuild the bridge across the Louisville and Portland Canal at Eighteenth street in said city of Louisville, now owned by the United States, without cost to the Government, and to use the same for railroad and other purposes free of charge to the Government, provided it shall in no way interfere with the free use of said canal."

Mr. HEPBURN. Let us have a vote on that amendment.

The House divided; and there were—ayes 77, noes 60.

Mr. WELLER. No quorum.

The SPEAKER appointed as tellers Mr. WELLER and Mr. WILLIS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8120) making appropriations for the support of the Army for the year ending June 30, 1886, and for other purposes.

It further asked for a committee of conference on the disagreeing votes of the two Houses on the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, granting patents therefor, and for other purposes, and had appointed Mr. DAWES, Mr. CAMERON of Wisconsin, and Mr. SLATER as said conferees on its part.

It further requested the return of bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

It further announced agreement to the amendments of the House to the bill (S. 2009) granting a pension to Isabella Turner.

It further announced the adoption of a resolution of thanks to Col. Thomas Lincoln Casey and others, in which concurrence was requested.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1046) granting a pension to Mary A. Griffin;

A bill (H. R. 1759) granting a pension to Robert Patterson;

A bill (H. R. 2068) granting a pension to James H. Ried;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler;

A bill (H. R. 2537) granting a pension to Hugh Ryan;

A bill (H. R. 2539) granting a pension to George W. Kiser;

A bill (H. R. 2894) granting a pension to Henry Rodenbaek;

A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;

A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;

A bill (H. R. 3605) granting a pension to Eliza Sluss;

A bill (H. R. 3728) granting a pension to Charles P. McMahan;

A bill (H. R. 3749) granting a pension to William Bolwork;

A bill (H. R. 4061) granting a pension to William C. H. Bowman;

A bill (H. R. 4079) granting a pension to James D. Kirk;

A bill (H. R. 4833) granting a pension to Louisa Earle;

A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;

A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;

A bill (H. R. 5555) granting a pension to James Frazier;

A bill (H. R. 5929) for the relief of Abigail Honey;

A bill (H. R. 5938) to pension Julia A. Mareum;

A bill (H. R. 5989) for the relief of Elizabeth Springsteed;

A bill (H. R. 6018) increasing the pension of George Tapp;

A bill (H. R. 6044) granting a pension to Joseph Pigeon;

A bill (H. R. 6235) granting a pension to Eliza J. Norris;

A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;

A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;

A bill (H. R. 7092) for the relief of Anthony Beyer;

A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;

A bill (H. R. 7175) granting a pension to James O. McKenna;

A bill (H. R. 7256) granting a pension to John A. Vanderhoff;

A bill (H. R. 7262) increasing the pension of Almira P. Spencer;

A bill (H. R. 7308) for the relief of David Fried;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 7338) granting a pension to Chloe A. Whipple;

A bill (H. R. 7521) granting a pension to Lavisa Heth;

A bill (H. R. 7602) granting a pension to Harriet M. Bailey;

A bill (H. R. 7672) granting a pension to Elbert Hewitt;

A bill (H. R. 7709) granting a pension to Louisa A. Ester;

A bill (H. R. 7722) granting a pension to Elmira K. Parker;

A bill (H. R. 7731) granting a pension to Louis B. Smith;

A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;

A bill (H. R. 7822) granting a pension to Margaret Spencer Van Loan; and

A bill (H. R. 8104) granting a pension to George S. Hawley.

RIVER AND HARBOR APPROPRIATION BILL.

The House again divided; and the tellers reported—ayes 144, noes 11.

So (no further count being demanded) the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

After line 777 insert:

"Improving Fox River, Wisconsin: Continuing improvement, $75,000."

The question was taken; and on a division there were—ayes 78, noes 23.

So the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

Provided, That so much of the amount herein appropriated for the Osage River shall be used for surveying the same from its mouth to Tuscumbia, Mo., and report thereon as to the cost and possibility of improving the same by movable locks and dams.

The question was taken; and on a division there were—ayes 72, noes 26.

Mr. HEPBURN. No quorum.

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEPBURN and Mr. BLAND were appointed tellers.

The House again divided; and the tellers reported—ayes 124, noes 40.

So (no further count being demanded) the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

After line 901 insert:

"Also of which the sum of $8,000, or so much thereof as may be necessary, shall be applied to riprap the west bank of the river at and above Guttenberg, to prevent substantially the erosion of the bank by high-water currents."

The question was taken; and on a division there were—ayes 102, noes 9.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. WHITE, of Kentucky, and Mr. WELLER were appointed tellers.

The House again divided; and the tellers reported—ayes 133, noes 21.

Mr. WHITE, of Kentucky. I think we had better have the yeas and nays on this question to see whether we want to throw away the public money by providing improvements of this character for private property.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. WHITE, of Kentucky. I withdraw the point of no quorum and demand the yeas and nays.

The yeas and nays were not ordered—24 members only voting in favor thereof, and 182 in opposition to the demand.

Mr. WHITE, of Kentucky. I challenge the correctness of the count and call for tellers. Evidently there is no such number on the floor.

Tellers were not ordered—4 only voting in favor thereof.

So the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

After the amendment just adopted, insert:

"*Provided*, That if in the judgment of the Mississippi River Commission such improvement be necessary, the sum of $20,000 of the sum therein appropriated shall be applied to continuing the improvement of the harbor and adjacent channel at Fort Madison, Iowa."

The question was taken; and on a division there were—ayes 13, noes 132.

So the amendment was not agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

Insert immediately at the end of line 910 the following words:

"Including also the strengthening of the Snycarte levee where it crosses the Snycarte slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie to the Chief of United States Army Engineers, dated January 26, 1885, which work of strengthening said levee shall be done according to the suggestions and estimates made by said Mackenzie as set forth in his said report."

The question was taken; and on a division there were—ayes 6, noes 95.

Mr. RIGGS. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. RIGGS and Mr. BRECKINRIDGE were appointed tellers.

The House again divided; and there were—ayes 97, noes 35.

Mr. ANDERSON. I demand the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

In line 916, strike out "four" and insert "six;" so that the paragraph may read: "Continuing improvement, $600,000."

Mr. ANDERSON. Where?

The Clerk read as follows:

Improving the Mississippi River from the mouth of the Illinois River to the mouth of the Ohio: Continuing improvement, $600,000.

The question was taken; and on a division there were—ayes 142, noes 33.

Mr. MILLER, of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were not ordered—26 members voting in favor thereof, and 208 in opposition.

Mr. MILLER, of Pennsylvania. I ask tellers on the yeas and nays.

Tellers were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Strike out from line 922 to 944 inclusive, as follows:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, $2,800,000; which sum, together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River, shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position.

"For examinations and surveys at South Pass, Mississippi River, pursuant to the act of March 3, 1875, $10,000.

"For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $75,000."

Mr. WILLIS. I want to make a suggestion which I think will be acceptable to both sides of the House. That is that this portion of the bill stricken out from lines 933 to 938 be considered as eliminated from the bill. I mean that part referring to Captain Eads——

Mr. WHITE, of Kentucky. We can not hear the proposition of the gentleman from Kentucky.

Mr. WILLIS. I simply ask, if the House should put back those three paragraphs, that the portion referring to Captain Eads, from line 933 to line 938, shall be omitted.

Mr. WHITE, of Kentucky. I object to that. We want the regular order.

Mr. BROWNE, of Indiana. That would make it more palatable, and for that reason we object.

Mr. WILLIS. We propose to strike out that portion which relates to Captain Eads.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent for the proposition he has stated.

Mr. WHITE, of Kentucky. I object, and call for the regular order.

Mr. WILLIS. Under the regular order I desire to make another request for unanimous consent. Under the rules of the House, being in charge of the bill, I am entitled to one hour to close debate. I wish to ask unanimous consent that, instead of occupying that hour at the usual time, I be allowed thirty minutes now. My object is—I say it with perfect frankness—to let this matter in reference to the Mississippi River be discussed. It is a great question and one that ought to be discussed.

Mr. HISCOCK. I object.

The SPEAKER *pro tempore*. The gentleman from Kentucky has asked unanimous consent to take a portion of his hour at this time, to which the gentleman from New York objects.

Mr. HISCOCK. We have striven for the privilege of debate on this question, and I do not propose to agree to anything of the kind such as is now proposed by the gentleman from Kentucky.

The SPEAKER *pro tempore*. Objection is made.

Mr. WILLIS. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. As I understand, a vote against this amendment of the Committee of the Whole will put back this clause into the bill. I want the House to understand that.

The SPEAKER *pro tempore*. The Chair understands the amendment reported by the Committee of the Whole House on the state of the Union to be to strike out this clause which has been read by the Clerk.

Mr. WILLIS. And to vote against the amendment puts that clause back into the bill.

The SPEAKER *pro tempore*. If the amendment should be rejected the clause will be restored to the bill.

Mr. WHITE, of Kentucky. I call for the regular order. I make the point of order that this is not a time for debate or for the chairman of the River and Harbor Committee to make a speech by asking questions of the Chair.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. REAGAN. Will the Chair state the question, or have the amendment again read?

Mr. ELLIS. If you vote for this amendment the Mississippi River will be left without appropriation.

Mr. WHITE, of Kentucky. That is what we want.

Mr. KING. That is what you want, but not what the country wants.

Mr. ANDERSON. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The reading of the amendment has been called for. It will be again read.

The Clerk again read the amendment.

Mr. HUNT. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HUNT. I wish to know, after the statement of the chairman of the Committee on Rivers and Harbors, whether we can vote without being embarrassed by the provision of the bill relating to Captain Eads.

The SPEAKER *pro tempore*. The Chair can not answer that question.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The previous question is still operating. The Chair will read clause 3 of Rule XVII:

All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the question on the amendment reported from the Committee of the Whole to strike out this clause.

Mr. WILLIS. I desire to ask a parliamentary inquiry in perfect good faith. The House ought to understand that when this matter was stricken out amendments under the order of the House had been sent to the Clerk's desk and were pending under the special order of the House. They were amendments proposed by the committee and by one or two gentlemen. One of those amendments was to strike out that part of this provision which refers to Captain Eads——

Mr. KEIFER. All amendments went with the clause when it was stricken out.

Mr. WILLIS. I think not. My parliamentary inquiry is this——

Mr. HISCOCK. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the vote on the amendment reported by the Committee of the Whole.

Mr. HISCOCK. I call for the regular order.

Mr. HUNT. I call for the yeas and nays.

Mr. WILLIS. The question I desire to ask is this: whether if the House votes back this clause, the amendment of the committee, striking out the portion relating to Captain Eads, is not then pending under the previous order of the committee?

Mr. REED, of Maine. Oh, no: of course it is not pending.

The SPEAKER *pro tempore*. The Chair will state that it is not pending.

The yeas and nays were ordered.

Mr. WARNER, of Ohio. I ask the Chair to state the proposition on which we are to vote.

The SPEAKER *pro tempore*. The question is on the amendment of the Committee of the Whole to strike out the words which the Clerk has already read twice.

Mr. ANDERSON. And an "ay" vote strikes out Eads.

Mr. HUNT. I give notice that if the clause is restored I will move at the proper time to strike out that portion of it which relates to Captain Eads. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is called for, and the Clerk will proceed to call the roll.

The question was taken; and there were—yeas 136, nays 141, not voting 48; as follows:

YEAS—136.

Adams, G. E.	Elliott,	McAdoo,	Seymour,
Adams, J. J.	English,	McComas,	Skinner, C. R.
Arnot,	Ermentrout,	McCormick,	Smalls,
Atkinson,	Evans,	Matson,	Smith, A. Herr
Barr,	Everhart,	Millard,	Smith, H. Y.
Bayne,	Fiedler,	Miller, S. H.	Spooner,
Beach,	Finerty,	Milliken,	Steele,
Belmont,	Funston,	Mitchell,	Stephenson,
Bingham,	Geddes,	Morrill,	Stevens,
Boutelle,	Greenleaf,	Morse,	Stewart, J. W.
Boyle,	Hanback,	Muller,	Stone,
Brainerd,	Hardy,	Murray,	Storm,
Breitung,	Harmer,	Mutchler,	Strait,
Brewer, F. B.	Hart,	Nutting,	Swope,
Brewer, J. H.	Haynes,	O'Hara,	Taylor, J. D.
Brown, W. W.	Hepburn,	Parker,	Valentine,
Browne, T. M.	Hewitt, A. S.	Patton,	Van Alstyne,
Burleigh,	Hiscock,	Payne,	Vance,
Campbell, J. M.	Hitt,	Payson,	Wadsworth,
Cannon,	Holman,	Peters,	Wait,
Carleton,	Holmes,	Phelps,	Wakefield,
Cobb,	Hopkins,	Poland,	Wallace,
Collins,	Howey,	Potter,	Warner, A. J.
Cook,	Hutchins,	Price,	Weaver,
Cox, W. R.	James,	Pusey,	Weller,
Cullen,	Jones, B. W.	Randall,	Wemple,
Davis, G. R.	Kean,	Ranney,	White, J. D.
Davis, R. T.	Kelley,	Ray, G. W.	Whiting,
Deuster,	Ketcham,	Reed, T. B.	Wilkins,
Dingley,	Lacey,	Reid, J. W.	Wilson, James
Dixon,	Lawrence,	Rockwell,	Winans, E. B.
Dunham,	Le Fevre,	Rowell,	Winans, John
Eaton,	Long,	Russell,	Yaple,
Eldredge,	Lyman,	Seney,	York.

NAYS—141.

Aiken,	Davis, L. H.	Jones, J. T.	Rosecrans,
Alexander,	Dibble,	Kelley,	Shively,
Anderson,	Dibrell,	Kiuz	Singleton,
Bagley,	Dockery,	Lamb,	Skinner, T. G.
Ballentine,	Dowd,	Lanham,	Snyder,
Barbour,	Dunn,	Lewis,	Springer,
Barksdale,	Ellis,	Libbey,	Stewart, Charles
Belford,	Ellwood,	Lore,	Stockslager,
Bennett,	Ferrell,	Lowry,	Sumner, C. A.
Bisbee,	Findlay,	McCoid,	Talbott,
Blanchard,	Follett,	McMillin,	Taylor, J. M.
Bland,	Foran,	Maybury,	Thomas,
Blount,	Forney,	Miller, J. F.	Thompson,
Breckinridge,	Garrison,	Mills,	Tillman,
Broadhead,	George,	Money,	Townshend,
Buchanan,	Gibson,	Morgan,	Tucker,
Buckner,	Glascock,	Moulton,	Tully,
Budd,	Graves,	Muldrow,	Turner, H. G.
Cabell,	Green,	Murphy,	Turner, Oscar
Caldwell,	Halsell,	Nelson,	Van Eaton,
Carlisle,	Hancock,	Ontes,	Ward,
Cassidy,	Hardeman,	Ochiltree,	Warner, Richard
Clardy,	Hatch, W. H.	O'Ferrall,	Washburn,
Clay,	Hemphill,	O'Neill, J. J.	Wellborn,
Clements,	Henderson, T. J.	Paige,	White, Milo
Connolly,	Henley,	Peel,	Williams,
Converse,	Herbert,	Perkins,	Willis,
Cosgrove,	Hewitt, G. W.	Pettibone,	Wilson, W. L.
Cox, S. S.	Hill,	Pierce,	Wise, G. D.
Craig,	Hoblitzell,	Post,	Wolford,
Crisp,	Horr,	Pryor,	Woodward,
Culberson, D. B.	Houk,	Reagan,	Wood,
Culbertson, W. W.	Houseman,	Reese,	Young.
Curtin,	Hunt,	Riggs,	
Dargan,	Jeffords,	Robertson,	
Davidson,	Jones, J. H.	Rogers, J. H.	

NOT VOTING—48.

Blackburn,	Fyan,	Keifer,	Robinson, W. E.
Bowen,	Goff,	Kleiner,	Rogers, W. F.
Bratton,	Guenther,	Laird,	Ryan,
Brumm,	Hammond,	Lovering,	Shaw,
Burnes,	Hatch, H. H.	Morrison,	Slocum,
Campbell, Felix	Henderson, D. B.	Neece,	Spriggs,
Campbell, J. E.	Holton,	Nicholls,	Struble,
Candler,	Hooper,	O'Neill, Charles	Sumner, D. H.
Chalmers,	Hurd,	Rankin,	Taylor, E. B.
Covington,	Johnson,	Ray, Osmian	Throckmorton,
Cutcheon,	Jones, J. K.	Rice,	Wise, J. S.
Dorsheimer,	Jordan,	Robinson, J. S.	Worthington.

So the amendment was not agreed to.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to dispense with the reading of the names.

Several members objected.

The SPEAKER. Objection is made, and the Clerk will recapitulate the names of members voting.

Pending the reading of the names.

Mr. LOWRY. Mr. Speaker, with the understanding on my part that the bill is to be recommitted, with a view to striking out the Eads proposition, I desire to change my vote from "ay" to "no."

Mr. HISCOCK. What understanding is that, Mr. Speaker?

Mr. WHITE, of Kentucky. There may be some understanding in the secret committee, but it is not understood in the House.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] is simply stating his own understanding about the matter. The Clerk will proceed to read the names.

Mr. BLOUNT. Mr. Speaker, I ask that by unanimous consent the reading of the names be dispensed with.

Several members objected.

Mr. STONE. Mr. Speaker, I wish to inquire if there is an amendment pending which——

The SPEAKER. The result of the vote has not been announced.

Mr. STONE. I wish to change my vote if I am not mistaken as to the posture of this question, and I wish to inquire of the Chair whether there is an amendment pending to strike out the last part of this section, commencing with line 933?

The SPEAKER. The Chair is unable to answer the gentleman's question, because the Chair has not examined the amendments.

Mr. BELFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair will announce the result of the vote as soon as it can be ascertained. So many changes have been made that the Clerks have some little difficulty in ascertaining the vote.

The following additional pairs were announced from the Clerk's desk:

Mr. ROBINSON, of New York, with Mr. KEIFER, for this day.

Mr. JONES, of Arkansas, with Mr. HOOPER, for the rest of the day.

Mr. NICHOLLS with Mr. KETCHAM, for the remainder of the day.

Mr. KLEINER with Mr. GUENTHER, on this vote.

Mr. WILLIAMS with Mr. HOLTON, for this day. If Mr. WILLIAMS were present, he would vote "ay" on the river and harbor bill.

Mr. HAMMOND with Mr. JOHNSON, for this day.

Mr. CAMPBELL, of New York, with Mr. GOFF, on this vote.

Mr. O'NEILL, of Pennsylvania, with Mr. SINGLETON.

Mr. STONE. Mr. Speaker, I think I have a right to stand here without getting into a false position. I receive different reports. I desire to vote "no" upon this question if there is an amendment pending which will give the House a chance to pass upon the proposition I have stated.

The SPEAKER. That is a matter about which the gentleman must inform himself. The Chair is not able to inform the gentleman as to what amendments are pending, because the Chair has not examined them.

Several MEMBERS. Regular order.

Mr. STONE. Well, Mr. Speaker, I understand that there is no such amendment pending, and I desire to have my vote changed if that is the posture of the matter.

The SPEAKER. How does the gentleman desire to vote?

Mr. STONE. I desire to vote "ay," unless there is such an amendment pending.

Mr. REED, of Maine (to Mr. STONE). Say "ay."

Mr. STONE. "Ay"—if that is so. [Laughter.]

The result of the vote was then announced as above stated. [Applause on the Democratic side.]

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes;

An act (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.;

An act (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes;

An act (H. R. 7585) for the relief of William M. Gardner;

An act (H. R. 7584) for the relief of A. B. Montgomery;

An act (H. R. 5479) to prevent unlawful occupancy of the public lands;

An act (H. R. 6816) for the relief of Nathan J. Shark;

An act (H. R. 483) for the erection of a public building at Keokuk, Iowa; and

An act (H. R. 7496) for the relief of Wehrle, Werk & Son.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HUNT. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. WHITE, of Kentucky. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PAYSON. I desire to inquire upon what question the vote is now to be taken.

The SPEAKER. The Chair was about to state it. The gentleman from Louisiana [Mr. HUNT] moves to reconsider the vote by which the amendment was disagreed to; and also moves to lay that motion on the table. The question is upon laying on the table the motion to reconsider, on which the yeas and nays have been ordered.

Mr. WAIT. Pending that, I move that the House now adjourn.

The motion of Mr. WAIT was not agreed to, there being—ayes 45, noes 124.

The SPEAKER. The Clerk will now call the roll.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry. Can not the motion to reconsider, and to lay that motion on the table, be withdrawn by the gentleman who made it?

The SPEAKER. The gentleman has a right to withdraw it before the vote is taken; but he has not withdrawn it.

Mr. HUNT. I withdraw it.

The SPEAKER. The gentleman withdraws his motion.

Mr. ANDERSON. I renew the motion to reconsider.

Mr. WILLIS. I move to lay that motion on the table.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] moves to reconsider the vote by which the House refused to agree to the amendment; and the gentleman from Kentucky [Mr. WILLIS] moves to lay that motion on the table.

Mr. WHITE, of Kentucky. I rise to a point of order. The gentleman from Louisiana [Mr. HUNT] made a motion to reconsider, and on that motion I demanded the yeas and nays, which were ordered. The Speaker had directed the Clerk to proceed with the call of the roll. Now I make the point that the gentleman from Louisiana can not withdraw his motion without unanimous consent.

The SPEAKER. The point of order is made too late; but at any rate the same question is still pending, because the gentleman from Kansas [Mr. ANDERSON] has renewed the motion to reconsider, and the gentleman from Kentucky [Mr. WILLIS] has moved to lay that motion on the table. The same question is presented.

Mr. MILLS. I desire to ask whether the gentleman from Kansas voted with the prevailing side upon agreeing to the amendment? Does the record show that? If not, he has no right to make the motion to reconsider.

The SPEAKER. The gentleman from Kansas voted in the negative, which was the prevailing side.

Mr. WILLIS. Then I move to lay the motion to reconsider on the table.

The SPEAKER. That motion has been stated by the Chair.

Several MEMBERS. Yeas and nays.

Mr. BAYNE. The yeas and nays have already been ordered.

The SPEAKER. Not on this question. The motion on which the yeas and nays were ordered was withdrawn.

Mr. BAYNE. Then I call for the yeas and nays.

The yeas and nays were ordered, 51 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 145, nays 133, not voting 46; as follows:

YEAS—145.

Aiken,	Davidson,	Jeffords,	Rosecrans,
Alexander,	Davis, L. H.	Jones, J. H.	Shively,
Bagley,	Dibble,	Jones, J. T.	Skinner, T. G.
Ballentine,	Dibrell,	King,	Snyder,
Barbour,	Dockery,	Lamb,	Springer,
Barksdale,	Dowd,	Lanham,	Stevens,
Belford,	Dunn,	Lewis,	Stewart, Charles
Belmont,	Ellis,	Libbey,	Stockslager,
Bennett,	Ellwood,	Lore,	Sumner, C. A.
Bisbee,	Ermentrout,	Lowry,	Talbott,
Blanchard,	Ferrell,	McCoid,	Taylor, J. M.
Bland,	Findlay,	McMillin,	Thomas,
Blount,	Follett,	Maybury,	Tillman,
Bratton,	Foran,	Miller, J. F.	Tucker,
Breckinridge,	Forney,	Mills,	Tully,
Broadhead,	Funston,	Money,	Turner, H. G.
Buchanan,	Garrison,	Morgan,	Turner, Oscar
Buckner,	George,	Moulton,	Vance,
Budd,	Gibson,	Muldrow,	Van Eaton,
Cabell,	Glascock,	Murphy,	Wallace,
Caldwell,	Goff,	Nelson,	Ward,
Campbell, J. E.	Graves,	Ontes,	Warner, Richard
Cassidy,	Green,	Ochiltree,	Washburn,
Clardy,	Guenther,	O'Neill, J. J.	Wellborn,
Clay,	Halsell,	Paige,	Weller,
Clements,	Hancock,	Peel,	White, Milo
Converse,	Hardeman,	Pettibone,	Wilkins,
Cosgrove,	Hatch, W. H.	Pierce,	Willis,
Covington,	Hemphill,	Post,	Wilson, W. L.
Cox, S. S.	Henley,	Pryor,	Wise, G. D.
Cox, W. R.	Herbert,	Reagan,	Wolford,
Craig,	Hewitt, G. W.	Reid, J. W.	Wood,
Crisp,	Hill,	Reese,	Woodward,
Culberson, D. B.	Hoblitzell,	Riggs,	Young.
Culbertson, W. W.	Houk,	Robertson,	
Curtin,	Houseman,	Rogers, J. H.	
Dargan,	Hunt,	Rogers, W. F.	

NAYS—123.

Adams, G. E.	Arnot,	Bayne,	Boutelle,
Adams, J. J.	Atkinson,	Beach,	Boyle,
Anderson,	Barr,	Bingham,	Brainerd,
Breitung,	Hardy,	Milliken,	Spooner,
Brewer, F. B.	Harmer,	Mitchell,	Spriggs,
Brewer, J. H.	Hart,	Morrill,	Steele,
Brown, W. W.	Hatch, H. H.	Morse,	Stephenson,
Browne, T. M.	Haynes,	Muller,	Stewart, J. W.
Burleigh,	Henderson, T. J.	Murray,	Stone,
Campbell, J. M.	Hepburn,	Mutchler,	Storm,
Cannon,	Hewitt, A. S.	O'Hara,	Strait,
Carleton,	Hiscock,	O'Neill, Charles	Struble,
Cobb,	Hitt,	Parker,	Sumner, D. H.
Collins,	Holman,	Patton,	Swope,
Connolly,	Holmes,	Payne,	Taylor, J. D.
Cook,	Hooper,	Payson,	Valentine,
Cullen,	Hopkins,	Peters,	Van Alstyne,
Davis, G. R.	Howey,	Phelps,	Wadsworth,
Davis, R. T.	Hutchins,	Poland,	Wait,
Deuster,	James,	Potter,	Wakefield,
Dingley,	Kean,	Price,	Warner, A. J.
Dixon,	Keifer,	Pusey,	Weaver,
Dunham,	Kelley,	Randall,	Wemple,
Eaton,	Ketcham,	Ranney,	White, J. D.
Eldredge,	Lacey,	Ray, G. W.	Whiting,
Elliott,	Lawrence,	Reed, T. B.	Wilson, James
English,	Le Fevre,	Rockwell,	Winans, E. B.
Evans,	Long,	Rowell,	Winans, John
Everhart,	Lyman,	Russell,	Worthington,
Fiedler,	McComas,	Sency,	Yaple,
Finerty,	McCormick,	Smalls,	York.
Geddes,	Matson,	Seymour,	
Greenleaf,	Millard,	Smith, A. Herr	
Hanback,	Miller, S. H.	Smith, H. Y.	

NOT VOTING—46.

Blackburn,	Holton,	Morrison,	Shaw,
Bowen,	Horr,	Neece,	Singleton,
Brumm,	Hurd,	Nicholls,	Skinner, C. R.
Burnes,	Johnson,	Nutting,	Slocum,
Campbell, Felix	Jones, B. W.	O'Ferrall,	Taylor, E. B.
Candler,	Jones, J. K.	Perkins,	Thompson,
Chalmers,	Jordan,	Rankin,	Throckmorton,
Cutcheon,	Kellogg,	Ray, Osmian	Townshend,
Dorsheimer,	Kleiner,	Rice,	Williams,
Fyan,	Laird,	Robinson, J. S.	Wise, J. S.
Hammond,	Lovering,	Robinson, W. E.	
Henderson, D. B.	McAdoo,	Ryan,	

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

Mr. CAMPBELL, of New York, and Mr. BOWEN, on this vote.

Mr. TOWNSHEND and Mr. SKINNER, of New York, on this vote.

The result of the vote was announced as above stated.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Senate has requested the House to return to that body the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States. If there be no objection an order will be made directing the Clerk to return this bill to the Senate. The Chair hears no objection, and it is so ordered.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

The SPEAKER. In conformity with the statute, the Chair lays before the House a Senate concurrent resolution for reference to the Committee on Printing.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 24, 1885.

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1883 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added; the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WHITE, of Kentucky. Regular order.

The SPEAKER. The Clerk will report the next amendment.

Mr. WILLIS. I ask unanimous consent that all that part of the clause just voted on and restored to the bill in relation to Captain Eads be stricken out.

Mr. WHITE, of Kentucky. I object, and demand the regular order.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

After line 926, insert——

Mr. WAIT. I move that the House do now adjourn.

The question was taken.

Mr. REED, of Maine. On that I ask the yeas and nays.

The yeas and nays were ordered, 46 members voting therefor, and 124 in opposition.

The question was taken; and there were—yeas 76, nays 176, not voting 72; as follows:

YEAS—76.

Adams, G. E.	Bingham,	Collins,	Dixon,
Anderson,	Boutelle,	Cook,	Dunham,
Atkinson,	Brewer, J. H.	Cullen,	Everhart,
Barr,	Brown, W. W.	Davis, G. R.	Fyan,
Bayne,	Campbell, J. M.	Davis, R. T.	Hanback,
Belford,	Cannon,	Deuster,	Hart,

Haynes,	Long,	Potter,	Strait,
Henderson, T. J.	McComas,	Price,	Struble,
Hepburn,	Millard,	Ranney,	Sumner, D. H.
Hewitt, A. S.	Miller, S. H.	Ray, G. W.	Taylor, J. D.
Hiscock,	Milliken,	Reed, T. B.	Wadsworth,
Hitt,	Morgan,	Rockwell,	Wait,
Holmes,	Morrill,	Rowell,	Wakefield,
Howey,	Morse,	Russell,	White, J. D.
James,	Murray,	Skinner, C. R.	White, Milo
Kean,	O'Neill, Charles	Smalls,	Whiting,
Keifer,	Parker,	Smith, H. Y.	Wilson, James
Kelley,	Peters,	Spooner,	Winans, E. B.
Lawrence,	Phelps,	Stephenson,	Winans, John.

NAYS—176.

Adams, J. J.	Culbertson, W. W.	Hunt,	Reid, J. W.
Alexander,	Curtin,	Jones, B. W.	Reese,
Arnot,	Dargan,	Jones, J. H.	Rogers, J. H.
Bagley,	Davidson,	Jones, J. T.	Rogers, W. F.
Ballentine,	Davis, L. H.	Ketcham,	Rosecrans,
Barbour,	Dibble,	King,	Seney,
Barksdale,	Dibrell,	Lacey,	Seymour,
Beach,	Dowd,	Lamb,	Shively,
Belmont,	Dunn,	Lanham,	Skinner, T. G.
Bennett,	Eldredge,	Le Fevre,	Snyder,
Blebee,	Elliott,	Lewis,	Springer,
Blanchard,	Ellis,	Libbey,	Steele,
Bland,	Ellwood,	Lore,	Stevens,
Blount,	English,	Lovering,	Stewart, Charles
Boyle,	Ermentrout,	Lowry,	Stockslager,
Brainerd,	Evans,	Lyman,	Stone,
Bratton,	Ferrell,	McCoid,	Sumner, C. A.
Breckinridge,	Findlay,	McMillin,	Swope,
Breitung,	Follett,	Maybury,	Talbott,
Brewer, F. B.	Foran,	Miller, J. F.	Taylor, J. M.
Broadhead,	Forney,	Mills,	Thomas,
Browne, T. M.	Garrison,	Mitchell,	Tillman,
Buchanan,	Geddes,	Money,	Townshend,
Buckner,	George,	Muldrow,	Tucker,
Budd,	Gibson,	Muller,	Tully,
Burleigh,	Glascock,	Mutchler,	Turner, H. G.
Cabell,	Goff,	Nelson,	Turner, Oscar
Caldwell,	Graves,	Nutting,	Valentine,
Campbell, J. E.	Green,	Ochiltree,	Van Alstyne,
Carleton,	Greenleaf,	O'Hara,	Vance,
Cassidy,	Guenther,	O'Neill, J. J.	Van Eaton,
Clardy,	Halsell,	Paige,	Wallace,
Clay,	Hancock,	Patton,	Warner, Richard
Clements,	Hardeman,	Payne,	Washburn,
Cobb,	Hardy,	Peel,	Weaver,
Connolly,	Hatch, H. H.	Pierce,	Wellborn,
Converse,	Hatch, W. H.	Perkins,	Wemple,
Cosgrove,	Hemphill,	Pettibone,	Wilkins,
Covington,	Henley,	Poland,	Willis,
Cox, S. S.	Herbert,	Post,	Wilson, W. L.
Cox, W. R.	Hewitt, G. W.	Pryor,	Wise, G. D.
Craig,	Hill,	Pusey,	Wolford,
Crisp,	Holman,	Randall,	Yaple,
Culberson, D. B.	Houseman,	Reagan,	Young.

NOT VOTING—72.

Aiken,	Henderson, D. B.	Matson,	Singleton,
Blackburn,	Hoblitzell,	Morrison,	Slocum,
Bowen,	Holton,	Moulton,	Smith, A. Herr
Brumm,	Hooper,	Murphy,	Spriggs,
Burnes,	Hopkins,	Neece,	Stewart, J. W.
Campbell, Felix	Horr,	Nicholls,	Storm,
Candler,	Houk,	Oates,	Taylor, E. B.
Chalmers,	Hurd,	O'Ferrall,	Thompson,
Cutcheon,	Hutchins,	Payson,	Throckmorton,
Dingley,	Jeffords,	Rankin,	Ward,
Dockery,	Johnson,	Ray, Ossian	Warner, A. J.
Dorsheimer,	Jones, J. K.	Rice,	Weller,
Eaton,	Jordan,	Riggs,	Williams,
Fiedler,	Kellogg,	Robertson,	Wise, J. S.
Finerty,	Kleiner,	Robinson, J. S.	Wood,
Funston,	Laird,	Robinson, W. E.	Woodward,
Hammond,	McAdoo,	Ryan,	Worthington,
Harmer,	McCormick,	Shaw,	York.

So the House refused to adjourn.

Mr. WILLIS. I ask unanimous consent to dispense with the reading of the names.

Several members objected.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. O'FERRALL with Mr. MCCORMICK, on this vote.

Mr. OATES with Mr. FIEDLER, on the river and harbor appropriation bill. Mr. OATES would vote "ay" on the bill, Mr. FIEDLER "no."

The result of the vote was then announced as above recorded.

Mr. MILLER, of Pennsylvania. I move that the House take a recess until 10 o'clock to-morrow.

Mr. WILLIS. I hope gentlemen will let us get on with this bill to-night.

The SPEAKER. Debate is not in order.

The question was taken; and on a division there were—ayes 29, noes 80.

Mr. MILLER, of Pennsylvania. No quorum.

The SPEAKER. No quorum having voted, the Chair will order tellers.

Mr. MILLER, of Pennsylvania, and Mr. WILLIS were appointed tellers.

The House again divided; and the tellers reported—ayes 22, noes 131.

Mr. MILLER, of Pennsylvania. Still no quorum.

Mr. WHITE, of Kentucky. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, J. J.	Ermentrout,	Lovering,	Robinson, W. E.
Aiken,	Ferrell,	McCoid,	Rockwell,
Atkinson,	Fiedler,	McCormick,	Rowell,
Barksdale,	Finerty,	Matson,	Russell,
Beach,	Funston,	Milliken,	Shaw,
Belford,	Fyan,	Mitchell,	Shively,
Bennett,	Geddes,	Money,	Singleton,
Blackburn,	George,	Morgan,	Skinner, T. G.
Blanchard,	Glascock,	Morrill,	Slocum,
Blount,	Hammond,	Morrison,	Spriggs,
Brainerd,	Hancock,	Morse,	Springer,
Breitung,	Harmer,	Moulton,	Stewart, J. W.
Brewer, F. B.	Henderson, D. B.	Murray,	Stockslager,
Brewer, J. H.	Henderson, T. J.	Neece,	Storm,
Brumm,	Henley,	Nicholls,	Struble,
Campbell, Felix	Herbert,	Oates,	Sumner, C. A.
Candler,	Hewitt, A. S.	O'Ferrall,	Taylor, E. B.
Chalmers,	Hoblitzell,	Perkins,	Thompson,
Cobb,	Holton,	Peters,	Throckmorton,
Collins,	Hooper,	Pettibone,	Tillman,
Converse,	Hopkins,	Poland,	Tully,
Covington,	Houk,	Post,	Van Alstyne,
Cox, S. S.	Hurd,	Randall,	Wadsworth,
Cox, W. R.	Johnson,	Rankin,	Warner, A. J.
Cutcheon,	Jones, J. K.	Ray, G. W.	Whiting,
Dargan,	Jordan,	Ray, Ossian	Williams,
Davidson,	Kelley,	Reagan,	Wise, J. S.
Dingley,	Kellogg,	Rice,	Wood.
Dorsheimer,	Laird,	Robertson,	
Eaton,	Long,	Robinson, J. S.	

The SPEAKER. The Doorkeeper will now close the outer doors of the Hall. The Chair will state that this is the proper time to offer excuses for absentees.

Mr. YORK. I will state that my colleague from North Carolina, Judge BENNETT, not feeling very well, has gone to his hotel to get a cup of tea, with the intention of returning presently.

Mr. MILLS. I ask if a quorum has responded.

The SPEAKER. The Chair will see.

Mr. WHITE, of Kentucky. The chairman of the Committee on Rivers and Harbors not being present, and as I understand a quorum is not present, I move that the House do now adjourn.

The SPEAKER. The call of the roll shows that there are two hundred and five members present.

Mr. WILLIS. I move to dispense with further proceedings under the call.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves to dispense with further proceedings under the call, and pending that the gentleman from Kentucky [Mr. WHITE] moves that the House do now adjourn.

The question being taken on the motion to adjourn, it was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] to dispense with further proceedings under the call.

The question was taken; and there were ayes 65.

Before the negative vote was counted,

Mr. WHITE, of Kentucky, said: I rise to a question of order.

The SPEAKER. The House is now dividing.

Mr. WHITE, of Kentucky. I rise to a question of order relative to the vote. I ask whether my colleague from Kentucky, the chairman of the Committee on Rivers and Harbors, who was not present here at the call to answer to his name, has the right to move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] answered to his name on the call.

Mr. WHITE, of Kentucky. I think not.

The SPEAKER. The record shows he did.

The negative vote being called for, there were noes 18.

So further proceedings under the call were dispensed with.

The SPEAKER. The question recurs on the motion made by the gentleman from Pennsylvania [Mr. MILLER] that the House take a recess until to-morrow morning at 10 o'clock, on which no quorum voted.

The question being taken, there were—ayes 59, noes 62.

Mr. HEPBURN. No quorum.

The SPEAKER. A quorum not having voted, the Chair orders tellers, and appoints the gentleman from Nebraska, Mr. VALENTINE, and the gentleman from Kentucky, Mr. WILLIS.

The House again divided, and the tellers reported—ayes 59, noes 78.

Mr. HEPBURN. No quorum.

Mr. WILLIS. I move a call of the House.

The SPEAKER proceeded to put the question on the motion of Mr. WILLIS.

Mr. WHITE, of Kentucky. Pending that motion, I move that the House adjourn.

The SPEAKER. The House is now dividing.

The question being taken, it was decided in the affirmative; and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer:

Adams, J. J.	Eaton,	Lowry,	Rockwell,
Aiken,	Ermentrout,	Lyman,	Rowell,
Atkinson,	Fiedler,	McAdoo,	Russell,
Bagley,	Finerty,	McCoid,	Seymour,
Barbour,	Funston,	Millard,	Shaw,
Barksdale,	Geddes,	Milliken,	Shively,
Bayne,	Glascock,	Mitchell,	Singleton,
Beach,	Graves,	Money,	Skinner, T. G.
Belford,	Hancock,	Morgan,	Slocum,
Blackburn,	Hemphill,	Morrill,	Smith, A. Herr
Blount,	Henderson, D. B.	Morrison,	Spriggs,
Bowen,	Herbert,	Morse,	Springer,
Breitung,	Hewitt, A. S.	Moulton,	Stewart, J. W.
Brewer, J. H.	Hill,	Murray,	Stockslager,
Brown, W. W.	Hoblitzell,	Neece,	Stone,
Brumm,	Holman,	Nelson,	Strait,
Burnes,	Holton,	Nicholls,	Struble,
Campbell, Felix	Hooper,	Oates,	Sumner, C. A.
Candler,	Hopkins,	Ochiltree,	Taylor, E. B.
Chalmers,	Houk,	Peel,	Thompson,
Collins,	Hurd,	Perkins,	Throckmorton,
Converse,	Jeffords,	Peters,	Townshend,
Cosgrove,	Johnson,	Pettibone,	Tully,
Covington,	Jones, J. K.	Phelps,	Wadsworth,
Cox, S. S.	Jordan,	Randall,	Washburn,
Cox, W. R.	Kean,	Rankin,	Whiting,
Curtin,	Kelley,	Ranney,	Williams,
Cutcheon,	Kellogg,	Ray, G. W.	Wise, J. S.
Dargan,	Lacey,	Reagan,	Wood,
Davidson,	Laird,	Rice,	Young.
Dingley,	Lamb,	Robertson,	
Dockery,	Long,	Robinson, J. S.	
Dorsheimer,	Lovering	Robinson, W. E.	

The SPEAKER. The Doorkeeper will close the outer doors of the Hall and the Clerk will report the names of the absentees.

Mr. DUNHAM. Has the House been informed whether a quorum is present or not?

The SPEAKER. The House has not been so informed.

Mr. DUNHAM. That was done before.

The SPEAKER. The Chair has no objection to giving any information to the House; but there is no rule requiring that information to be given.

Mr. DUNHAM. There may be no rule requiring that information to be given, but I presume the Chair will have no objection to letting the House know what is the fact as to a quorum being present.

The SPEAKER. The Chair will state what is the number of members present as soon as the Clerk reports the names of absentees. The names of absentees will now be called, and this is the proper time to offer excuses, if any.

Mr. DUNHAM. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. Is there any rule which prevents the Speaker from informing the House whether there is a quorum present or not?

The SPEAKER. There is not. The Chair has stated as soon as the list of absentees is certainly ascertained the Chair will make the announcement to the House.

Mr. DUNHAM. On the previous call of the House did not the Chair, on the request of the gentleman from Texas [Mr. MILLS], inform the House that there were something over two hundred members present?

The SPEAKER. The Chair did.

Mr. DUNHAM. Is the Chair willing to make the announcement now?

The SPEAKER. If there be no objection.

Mr. GIBSON and others objected.

The SPEAKER. The names of members who have not answered to their names will now be read, that excuses may be offered.

The Clerk read the names of absentees, as follows:

Mr. ADAMS, of New York: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAGLEY: No excuse offered.

Mr. BARBOUR: No excuse offered.

Mr. BARKSDALE: No excuse offered.

Mr. BAYNE: No excuse offered.

Mr. BEACH.

Mr. SKINNER, of New York. My colleague, Mr. BEACH, went home sick. I ask that he be excused.

Mr. ELLIS. I object.

The SPEAKER. Objection being made, the question is on the motion of the gentleman from New York [Mr. SKINNER] that his colleague be excused from further attendance this day.

The motion was agreed to; there being—ayes 51, noes 43.

Mr. BELFORD: No excuse offered.

Mr. BLACKBURN.

Mr. CLAY. My colleague, Mr. BLACKBURN, is confined to his room by sickness. I ask that he be excused.

There being no objection, Mr. BLACKBURN was excused.

Mr. BLOUNT: No excuse offered.

Mr. BOWEN: No excuse offered.

Mr. BREITUNG: No excuse offered.

Mr. BREWER, of New Jersey: No excuse offered.

Mr. BROWN, of Pennsylvania: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BURNES: No excuse offered.

Mr. CAMPBELL, of New York.

Mr. HARDY. My colleague, Mr. CAMPBELL, went home to attend the funeral of a friend who was to be buried to-day. I ask that he be excused.

There being no objection, Mr. CAMPBELL, of New York, was excused.

Mr. CANDLER.

Mr. CRISP. My colleague, Mr. CANDLER, has been confined to his room the last few days by sickness. I ask that he be excused.

There being no objection, Mr. CANDLER was excused.

Mr. CHALMERS: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. CONVERSE.

Mr. WALLACE. I ask that my colleague, Mr. CONVERSE, be excused from attendance. He went home very much indisposed.

The SPEAKER. The gentleman from Ohio [Mr. WALLACE] states that his colleague [Mr. CONVERSE] left the House on account of indisposition, and asks that he be excused.

A MEMBER. On account of what?

Another MEMBER. Indisposition.

The SPEAKER. Is there objection?

Several members objected.

The question being taken on excusing Mr. CONVERSE, it was not agreed to; there being—ayes 39, noes 44.

Mr. MILLER, of Pennsylvania. I rise to a parliamentary inquiry. Does the vote on excusing a member require a quorum?

The SPEAKER. It does not. A call of the House is now proceeding, and less than a quorum may compel the attendance of members or excuse members from attendance.

Mr. COSGROVE: No excuse offered.

Mr. COVINGTON: No excuse offered.

Mr. COX, of New York.

Mr. STEVENS. My colleague, Mr. COX, left the House stating to me that he was feeling quite indisposed; and he requested me, if there should be a call of the House, to ask that he be excused.

Mr. ELLIS. His indisposition was indisposition to stay here.

The SPEAKER. Objection is made; and the gentleman from New York [Mr. STEVENS] moves that his colleague [Mr. COX] be excused.

Mr. PAYSON. What is the reason assigned?

Mr. STEVENS. When my colleague left the House he stated to me that he was feeling quite unwell and indisposed; and he asked me, in case there should be a call of the House, to request that he be excused.

Mr. ELLIS. I have known that gentleman to be arrested, brought here, and then dodge the Doorkeeper, and go away.

The question being taken on the motion to excuse Mr. COX, of New York, it was not agreed to, there being—ayes 16, noes 56.

Mr. COX, of North Carolina: No excuse offered.

Mr. CURTIN.

Mr. MUTCHLER. My colleague, Governor CURTIN, left the House a short time ago, saying that he felt too unwell to remain. I ask unanimous consent that he be excused.

Several MEMBERS. That is right.

There being no objection, Mr. CURTIN was excused.

Mr. CUTCHEON.

Mr. HORR. My colleague [Mr. CUTCHEON] has indefinite leave of absence on account of sickness.

The SPEAKER. That is the fact. He is so marked.

Mr. DARGAN: No excuse offered.

Mr. DAVIDSON: No excuse offered.

Mr. DINGLEY: No excuse offered.

Mr. DOCKERY: No excuse offered.

Mr. DORSHEIMER: No excuse offered.

Mr. EATON.

Mr. SEYMOUR. I move that my colleague, Mr. EATON, be excused from attendance. His health is not strong enough to allow him to be out at night.

There being no objection, Mr. EATON was excused.

Mr. ERMENTROUT: No excuse offered.

Mr. FIEDLER.

Mr. FERRELL. I move that my colleague, Mr. FIEDLER, be excused from attendance this evening.

Mr. WILLIS. I object.

Mr. DUNHAM. Mr. Speaker, on what ground is this request made.

The SPEAKER. The Chair does not know.

The motion of Mr. FERRELL was not agreed to.

Mr. FINERTY: No excuse offered.

Mr. FUNSTON: No excuse offered.

Mr. GEDDES.

Mr. WELLER. I ask that the gentleman from Ohio, Mr. GEDDES, be excused. It is known to the House that he is in feeble health.

Mr. WILLIS. I ask the gentleman from Iowa whether he makes this proposition at the request of Judge GEDDES?

Mr. WELLER. No, sir. I make the motion because I think it a very proper one, from my knowledge of the condition of the gentleman's health.

Mr. KEIFER. The motion ought to prevail.

Mr. MATSON. Judge GEDDES told me during the last week that it was impossible for him to come here at night on account of the state of his health.

Mr. KEIFER. There is no doubt that is true.

There being no objection, Mr. GEDDES was excused.

Mr. GLASCOCK.

Mr. VANCE. The gentleman from California, Mr. GLASCOCK, has placed in my hands a request for leave of absence for the residue of this day, on account of sickness in his family.

Mr. FOLLETT. His wife has been seriously ill for the last two weeks, so that he has been able to attend only a portion of the time.

There being no objection, Mr. GLASCOCK was excused.

Mr. GRAVES.

Mr. BROWNE, of Indiana. The gentleman from Missouri, Mr. GRAVES, came to me requesting me to pair with him, stating that sickness in his family compelled him to be absent. I am sure he ought to be excused, and I make that request.

There being no objection, Mr. GRAVES was excused.

Mr. HANCOCK: No excuse offered.

Mr. HEMPHILL: No excuse offered.

Mr. HENDERSON, of Iowa.

Mr. PAYNE. The gentleman from Iowa, Mr. HENDERSON, has been confined to his room for two weeks. I supposed he had leave of absence.

The SPEAKER. The gentleman from Iowa has leave of absence, and will be so marked.

Mr. HENLEY: No excuse offered.

Mr. HERBERT.

Mr. HEWITT, of Alabama. I ask that my colleague, Mr. HERBERT, be excused from attendance this evening on account of sickness in his family.

There being no objection, Mr. HERBERT was excused.

Mr. HEWITT, of New York: No excuse offered.

Mr. HILL: No excuse offered.

Mr. HOBLITZELL: No excuse offered.

Mr. HOLMAN.

Mr. COBB. I move that my colleague, Judge HOLMAN—— [Cries of "Object!" and laughter.]

The SPEAKER. The House will be in order. The gentleman from Indiana has a right to state his motion.

Mr. COBB. I move that my colleague, Judge HOLMAN, be excused.

Mr. MILLER, of Pennsylvania, and others objected.

Mr. WILLIS. If Judge HOLMAN were present, I know he would object. Representing him on this occasion, I object.

The question being taken on the motion of Mr. COBB, there were—ayes 54, noes 72.

Mr. DAVIS, of Illinois. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 25, noes 104—less than one-fifth voting in the affirmative.

Mr. HEPBURN. I call for the tellers on ordering the yeas and nays.

The tellers were not ordered.

So the yeas and nays were not ordered; and the motion of Mr. COBB was not agreed to.

Mr. HOLTON.

Mr. McCOMAS. My colleague, Mr. HOLTON, has gone to Baltimore on account of sickness in his family. I ask that he be excused.

The SPEAKER. The gentleman from Maryland [Mr. McCOMAS] asks that his colleague [Mr. HOLTON] be excused.

Mr. TALBOTT. On account of sickness in his family. I know that to be a fact.

There being no objection, Mr. HOLTON was excused.

Mr. HOOPER: No excuse offered.

Mr. HOPKINS: No excuse offered.

Mr. HOUK.

Mr. ADAMS, of Illinois. The wife of the gentleman from Tennessee, Mr. HOUK, is, as I am informed and believe, seriously ill. I think there is no question about the fact. I ask that he be excused.

Mr. GIBSON. Mr. HOUK, before he left, came to members of the committee and stated the cause of his leaving, as the gentleman from Illinois has stated it.

There being no objection, Mr. HOUK was excused.

Mr. HURD: No excuse offered.

Mr. JEFFORDS: No excuse offered.

Mr. JOHNSON.

Mr. WEAVER. The gentleman from New York, Mr. JOHNSON, has been confined to his room for several days by sickness. I ask that he be excused.

There being no objection, Mr. JOHNSON was excused.

Mr. JONES, of Arkansas: No excuse offered.

Mr. JORDAN.

Mr. FOLLETT. I think my colleague is absent on leave.

The SPEAKER. The Chair is advised that the gentleman's colleague [Mr. JORDAN] has no leave of absence.

Mr. FOLLETT. He obtained leave of absence, and has been gone some weeks on important business.

The SPEAKER. His leave has expired.

Mr. FOLLETT. I ask, then, that he be excused.

Mr. BRECKINRIDGE. I object.

The motion was disagreed to.

Mr. KEAN: No excuse offered.

Mr. HATCH, of Missouri. I ask that the gentleman from South Carolina, Mr. AIKEN, who is in the gallery, may be allowed to come into the Hall.

Mr. WELLER. He is accompanied by a lady, and I move that he be excused.

Mr. DUNHAM. There is no objection, provided the glass doors of the barber-shop are locked.

The SPEAKER. The Chair has instructed the doorkeepers under the rule of the House to close the outer doors.

Mr. WILLIS. And I hope that will be done whether they be glass doors or any other doors.

The SPEAKER. If there is any report made to the Chair that the order has been disobeyed the Chair will act promptly.

The motion of Mr. HATCH, of Missouri, was agreed to.

Mr. MILLER, of Pennsylvania. There are several gentlemen at the doors who want to come in, and I move that they be allowed to enter the Hall.

Mr. HEWITT, of Alabama. I object.

Mr. KELLEY.

Mr. O'NEILL rose.

The SPEAKER. The gentleman from Pennsylvania has obtained leave of the House to absent himself during evening sessions, and is therefore excused.

Mr. KELLOGG: No excuse offered.

Mr. LACEY: No excuse offered.

Mr. LAIRD.

Mr. ELLIS. I move that the gentleman from Nebraska be excused.

The SPEAKER. The gentleman from Nebraska had leave of absence, but has since appeared in the Hall. Is there objection to excusing the gentleman from Nebraska?

There was no objection, and it was ordered accordingly.

Mr. LAMB.

Mr. MILLER, of Pennsylvania. I move that Mr. LAMB be excused. He is up in the gallery, and he will be all right when he gets here. I move that he be excused.

The motion was disagreed to.

Mr. LONG: No excuse offered.

Mr. LOVERING: No excuse offered.

Mr. LOWRY: No excuse offered.

Mr. LYMAN: No excuse offered.

Mr. McADOO: No excuse offered.

Mr. McCOID: No excuse offered.

Mr. MILLARD: No excuse offered.

Mr. MILLIKEN: No excuse offered.

Mr. MITCHELL: No excuse offered.

Mr. MONEY: No excuse offered.

Mr. MORGAN: No excuse offered.

Mr. MORRILL.

Mr. ANDERSON. My colleague remained here until late and has gone home for dinner. I ask that he be excused for one hour.

Mr. BLANCHARD. I object.

Mr. MILLS. We will not object if the gentleman will substitute himself for his colleague.

Mr. MORRISON.

Mr. DUNHAM. I move that my colleague, Mr. MORRISON, be excused.

Mr. BRECKINRIDGE. Is not Mr. MORRISON absent on leave?

The SPEAKER. He has not a leave of absence.

Mr. ANDERSON. Will somebody be kind enough to say why Mr. MORRISON is absent? [Laughter.]

The SPEAKER. The Chair thinks the noes have it.

Mr. DUNHAM. I ask for a division on my motion.

The House divided; and there were—ayes 60, noes 41.

Mr. WHITE, of Kentucky, called for tellers.

Tellers were not ordered.

So the motion was agreed to.

Mr. MORSE: No excuse offered.

Mr. MOULTON: No excuse offered.

Mr. MURRAY: No excuse offered.

Mr. NEECE.

Mr. RIGGS. I would inquire whether my colleague has not leave of absence?

The SPEAKER. No leave of absence has been granted or asked for.

Mr. RIGGS. My colleague was suddenly called from the Hall by

telegram, and I move that he be excused. He has been uniformly constant in his attendance upon the sessions of the House, and under the circumstances he ought to be excused for the evening session.

Mr. DUNHAM. The House should know the reason of the gentleman's absence.

The SPEAKER. The House can not compel anybody to give a reason for him.

The House divided; and there were—ayes 37, noes 44.

So the motion was disagreed to.

Mr. HORR. Is it in order to go back to the list? [Cries of "Regular order!"] I ask that Mr. HANCOCK, of Texas, be excused, as it is well known to many of us he ought not to be here on account of his health, and it is not right to bring him here.

Mr. ELLIS. There is no objection.

Mr. HORR. I move that he be excused.

The motion was agreed to.

Mr. NELSON: No excuse offered.

Mr. NICHOLLS: No excuse offered.

Mr. OATES: No excuse offered.

Mr. OCHILTREE: No excuse offered.

Mr. PEEL: No excuse offered.

Mr. PERKINS: No excuse offered.

Mr. PETERS: No excuse offered.

Mr. PETTIBONE: No excuse offered.

Mr. PHELPS.

Mr. HITT. Mr. Speaker, the gentleman from New Jersey [Mr. PHELPS] was here the greater part of the afternoon, and went away feeling quite unwell. I know that he was severely indisposed, and I move that on account of his indisposition he be excused.

The motion was agreed to.

Mr. ELLIS. I ask that Judge POLAND, of Vermont, be excused.

The motion was agreed to.

Mr. GUENTHER. I ask that Mr. SPRINGER be excused on account of sickness in his family.

The motion was disagreed to.

Mr. RANDALL.

Mr. HAMMOND. I move that Mr. RANDALL be excused. He has been quite unwell for some time.

Mr. BRECKINRIDGE. I move that Mr. RANDALL be excused.

The SPEAKER. The gentleman from Georgia has already made the motion.

Mr. VAN ALSTYNE. I believe Mr. RANDALL is a member of a committee which is entitled to sit during the sessions of the House, and I venture to say he is now in his committee-room, and if advised he is wanted will come into the Hall.

The motion was agreed to.

Mr. RANKIN.

Mr. DEUSTER. Mr. RANKIN has leave of absence and is away from the city. I move that he be excused.

The motion was agreed to.

Mr. RANNEY: No excuse offered.

Mr. RAY, of New York. Night before last I was sick with a cold and confined to my bed, and to-day I have been suffering with a cough. I am not able to continue longer in this night's session, and therefore ask to be excused.

There was no objection, and it was ordered accordingly.

Mr. RAY, of New Hampshire.

Mr. HAYNES. Mr. Speaker, I was informed this morning that my colleague, Mr. RAY, was confined at home by sickness and unable to be here. He has a very bad cold and is unable to speak aloud. I think it is a case that justifies an excuse, and I ask that he be excused.

There was no objection.

Mr. REAGAN.

Mr. LANHAM. I move that my colleague, Mr. REAGAN, be excused from attendance to-night. He left here about an hour ago not feeling at all well, and stated that he was unable to attend. As is well known his health is not vigorous at best.

There was no objection, and Mr. REAGAN was excused.

Mr. RICE: No excuse offered.

Mr. ROBERTSON.

Mr. WOLFORD. My colleague, Mr. ROBERTSON, went away from here, as he said, sick; and in addition to that——

Mr. BROWNE, of Indiana. Do I understand the gentleman from Kentucky to say that his colleague is sick?

Mr. WOLFORD. He said he was.

Mr. BROWNE, of Indiana. Looking pale, I suppose? [Laughter.]

Mr. WOLFORD. In addition to that he has not seen his wife for a long time, and she is now here, having just come. I move that he be excused.

The motion was not agreed to.

Mr. WHITE, of Kentucky. Division.

Mr. POST, of Pennsylvania. I ask that the gentleman from Texas, Mr. OCHILTREE, be excused, as I understand, owing to some recent unpleasantness, it is not safe for him to be out after dark. [Laughter.]

Objection was made.

Mr. WHITE, of Kentucky. I demanded a division on the motion to excuse my colleague, Mr. ROBERTSON.

The House divided; and there were—ayes 24, noes 63.

So the motion was not agreed to.

Mr. WELLER. I move that the gentleman from New York, Mr. ADAMS, be excused. [Cries of "Regular order!"]

Mr. CANNON. The gentleman from Connecticut, Mr. WAIT, is present, and has asked me to request that he be excused to-night.

Mr. WAIT. I have had a great deal of work to do in various ways to-day in the line of my duty, and I hardly feel as if I ought to stay here through the night, particularly when I know from experience in the past, and believe now, that no good results follow from such sessions. I have paired with the gentleman from Missouri, Judge BUCKNER, for whom I entertain a great deal of esteem, and ask that he also be excused.

Mr. ANDERSON. Let us have a division of the question.

Mr. HATCH, of Missouri. I demand a division of the question. I am perfectly willing to excuse the gentleman from Connecticut, but not the gentleman from Missouri.

The SPEAKER. The gentleman has a right to demand a division and a separate vote. The question is, Shall the gentleman from Connecticut be excused.?

Mr. WAIT was excused.

The question recurred on the motion to excuse Mr. BUCKNER.

Mr. WHITE, of Kentucky. I move to amend that by excusing as many from our side as from the other. It is not fair to excuse gentlemen who are against the bill and keep all those here who favor it.

The SPEAKER. Debate is not in order.

Mr. GEORGE D. WISE. Would it be in order to move to amend by excusing the gentleman from Kentucky, Mr. WHITE?

The SPEAKER. It would not. The question is, Shall the gentleman from Missouri, Mr. BUCKNER, be excused?

The question was taken; and on a division there were—ayes 47, noes 60.

So the motion was not agreed to.

Mr. DAVIS, of Massachusetts. I had supposed my colleague [Mr. RICE] had leave of absence, until I heard his name called. It is well known that he has been ill for a long time, and he is now at his home in Massachusetts on that account.

There was no objection, and Mr. RICE was excused.

JAMES S. ROBINSON: No excuse offered.

WILLIAM E. ROBINSON: No excuse offered.

Mr. ROCKWELL: No excuse offered.

Mr. ROWELL: No excuse offered.

Mr. DUNHAM. I move that Mr. JAMES S. ROBINSON, secretary of state of Ohio, be excused.

Mr. HART. Mr. ROBINSON is not a member of the House, and has not been since the 12th of January.

Mr. BROWNE, of Indiana. I understand he is in this city, and as we need a quorum we might as well send for him.

Mr. CANNON. I ask that my colleague, Mr. ROWELL, be excused.

The SPEAKER. There is a question before the House.

The Chair will state to the gentleman from Ohio that the question as to whether or not his late colleague [Mr. ROBINSON] is a member of this House or not has been referred to the Committee on Elections by order of the House to settle that very point, and is still pending, no report having been made.

Mr. DUNHAM. Is he not a member of the House?

The SPEAKER. The Chair prefers not to decide the question which the Committee on Elections are instructed to investigate.

Mr. DUNHAM. Then I insist upon my motion that he be excused.

Mr. HART. Mr. Speaker, I suppose I will be permitted to make a suggestion at least. I stated to the House that Mr. ROBINSON was not a member of this House and had not been since January 12. That day he filed his resignation with the governor of the State of Ohio, and it has been entered upon the records there. The matter was referred here to the Committee on Elections and the report is ready to be presented as soon as it can be reached.

Mr. DUNHAM. Bring it in, then.

Mr. HART. You had better send for it.

Mr. BAYNE. I move to lay the motion on the table.

Mr. VAN ALSTYNE. I would like to call attention to one fact: If this man shall be arrested and is not a member of this House, we would be liable for false imprisonment.

Mr. COOK. The Sergeant-at-Arms would be.

The SPEAKER. This motion is not debatable.

The motion to lay on the table was agreed to.

Mr. POTTER. I move that my colleague, Mr. WILLIAM E. ROBINSON, be excused. He is a very old man and not able to be here to-night.

There was no objection.

Mr. RUSSELL: No excuse offered.

Mr. SHAW.

Mr. WORTHINGTON. I move that my colleague, Mr. SHAW, be excused. He has not been able to attend the House during this session.

Mr. PAYSON. I think Mr. SHAW has indefinite leave of absence, on account of sickness.

The motion to excuse Mr. SHAW was agreed to.

Mr. SHIVELY: No excuse offered.

Mr. SINGLETON.

Mr. MULDROW. I move that my colleague, Mr. SINGLETON, be excused.

There was no objection.

Mr. THOMAS G. SKINNER: No excuse offered.

Mr. SLOCUM.

Mr. WEMPLE. I move that my colleague, Mr. SLOCUM, be excused from further attendance this day. He is now engaged on the committee preparing for the inauguration.

The motion was agreed to.

Mr. SMITH, of Pennsylvania.

Mr. O'NEILL, of Pennsylvania. I ask that my colleague, Mr. SMITH, be excused from attendance at the night session.

There was no objection.

Mr. SPRIGGS: No excuse offered.

Mr. SPRINGER.

Mr. VAN ALSTYNE. The gentleman from Illinois, Mr. SPRINGER, is chairman of a committee that is privileged to sit during the session of the House. I know that to-day he was engaged with the business of that committee.

Mr. HENDERSON, of Illinois. And I know that Mr. SPRINGER's wife is sick.

Mr. PAYSON. Mr. SPRINGER is in attendance on his wife, who is ill, and has been so the entire winter. I move that he be excused.

There was no objection.

Mr. STEWART, of Vermont: No excuse offered.

Mr. STOCKSLAGER.

Mr. MATSON. I am informed by the gentleman from Michigan [Mr. MAYBURY] that my colleague, Mr. STOCKSLAGER, left the Hall within the last hour requesting him to see some of his colleagues and have him excused on account of ill-health. I know that Mr. STOCKSLAGER is in delicate health, and I think he ought to be excused.

There was no objection.

Mr. STONE: No excuse offered.

Mr. VAN EATON. I ask that the gentleman from Texas, Mr. OCHILTREE, be excused, on account of sickness in his family.

The SPEAKER. That request is not in order at this time.

Mr. STRAIT.

Mr. WAKEFIELD. I ask that my colleague, Mr. STRAIT, be excused. He is now standing outside the door.

Objection was made.

Mr. STRUBLE: No excuse offered.

Mr. SUMNER, of California.

Mr. BUDD. I ask that my colleague, Mr. SUMNER, be excused. He has been ill for several days and is not able to be out this evening.

Mr. GEORGE D. WISE. The gentleman's colleague [Mr. SUMNER] is in the lobby now. [Laughter.]

The SPEAKER. Does the gentleman from Virginia object?

Mr. GEORGE D. WISE. I do.

Mr. BUDD. I do not know whether my colleague is in the lobby or not, but I know he has been dangerously ill for several days. If he is in the lobby now it is because he has determined to discharge his duty, however sick he may be.

Mr. GIBSON. I know that Mr. SUMNER has been sick. I ask that he be allowed to come in.

The SPEAKER. The gentleman from California [Mr. BUDD] moves that his colleague [Mr. SUMNER] be excused.

The question was taken; and there were—ayes 65, noes 10.

So the motion was agreed to.

Mr. O'NEILL, of Pennsylvania. I ask that my colleague, Mr. ERMENTROUT, be excused. I understand he is not well.

The SPEAKER. The name of Mr. ERMENTROUT has been passed. The Chair will recognize the gentleman hereafter to make that request.

Mr. EZRA B. TAYLOR: Absent on leave.

Mr. THOMPSON: No excuse offered.

Mr. THROCKMORTON.

Mr. MILLS. I ask that my colleague, Mr. THROCKMORTON, be excused.

There was no objection.

Mr. TOWNSHEND.

Mr. McCOMAS. I move that Mr. TOWNSHEND be excused. I understand he had to attend a conference.

The motion was not agreed to.

Mr. TULLY: No excuse offered.

Mr. WADSWORTH: No excuse offered.

Mr. WASHBURN: No excuse offered.

Mr. WHITING: No excuse offered.

Mr. WILLIAMS.

Mr. HEWITT, of Alabama. I ask that my colleague be excused on account of sickness. He has been sick all day.

There was no objection.

Mr. JOHN S. WISE: No excuse offered.

Mr. WOOD: No excuse offered.

Mr. YOUNG: No excuse offered.

Mr. WHITE, of Kentucky. I move that Mr. WOOD be excused.

Mr. WELLER. I would like to know the reason for the request to excuse Mr. WOOD.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] moves that the gentleman from Indiana [Mr. WOOD] be excused.

Mr. HATCH, of Missouri. I move as an amendment that the gentleman from Indiana [Mr. WOOD] be allowed to come from the gallery of the House.

The SPEAKER. That motion is not in order as an amendment. It requires unanimous consent.

Mr. HATCH, of Missouri. I ask unanimous consent.

The SPEAKER. The request for unanimous consent can not be entertained pending the motion that Mr. WOOD be excused.

The motion that Mr. WOOD be excused was not agreed to.

Mr. HATCH, of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. WOOD] be allowed to come in.

Several members objected.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana, Mr. LOWRY, be permitted to come in. He was here all day. He went down to the restaurant to get some lunch and happened to miss answering to his name when called.

Mr. HISCOCK. Mr. Speaker, I ask the gentleman to include in that request the gentleman from Massachusetts, Mr. RANNEY, and the gentleman from New York, Mr. MILLARD.

Mr. ELLIS. Certainly.

Mr. WHITE, of Kentucky. Mr. Speaker, I ask unanimous consent that all members now in the lobby be admitted to the floor of the House.

Mr. BUDD. I object.

Mr. WILLIS. I hope that objection will be withdrawn.

Mr. BUDD (after a pause). I withdraw it.

The SPEAKER. There being no objection, the order will be made. The Doorkeeper will admit the gentlemen, and their names will be recorded by the Clerk.

A number of members who had been waiting in the lobby entered the Hall and were proceeding to their seats.

The SPEAKER. The Chair will state to the gentlemen who have just come in that unless they take their places in such order that the Clerk can distinguish them, their names will probably be included in the order of the House for the arrest of absentees by the Sergeant-at-Arms.

The following-named gentlemen appeared in front of the Clerk's desk and, as they were called, answered to their names: Messrs. ADAMS of New York, BAGLEY, BROWN of Pennsylvania, DINGLEY, ERMENTROUT, HENLEY, LONG, LOWRY, MILLARD, MITCHELL, MONEY, OCHILTREE, RANNEY, ROWELL, STRAIT, SHIVELEY, SKINNER of North Carolina, TULLY, and WOOD.

Mr. WILLIS. Mr. Speaker, I move the adoption of a resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to dispense with all further proceedings under this call.

The SPEAKER. That motion is not in order at this time. The question is upon the adoption of the resolution offered by the gentleman from Kentucky [Mr. WILLIS].

Mr. MILLER, of Pennsylvania. Mr. Speaker, I rise to ask whether or not a quorum is now present in the House, according to the count? [Cries of "Regular order!"]

The SPEAKER. The Chair thinks there is more than a quorum. The question is on the adoption of the resolution offered by the gentleman from Kentucky [Mr. WILLIS].

Mr. WHITE, of Kentucky. I move to lay that resolution on the table.

Mr. HISCOCK. Mr. Speaker, ought not the names of the absent members to be included in the resolution?

The SPEAKER. The Chair thinks that is not usual.

The question was taken on the resolution offered by Mr. WILLIS; and it was agreed to.

Mr. HATCH, of Missouri. Mr. Speaker, I move to dispense with all further proceedings under the call. [Cries of "No!" "No!"]

Mr. HATCH, of Missouri. We have a quorum now present.

A MEMBER. No matter.

The SPEAKER. The gentlemen from Missouri moves to dispense with further proceedings under the call.

Mr. WILLIS. I hope that motion will be withdrawn. We want to pass this bill.

The SPEAKER. The question is on the motion made by the gentleman from Missouri [Mr. HATCH].

Mr. WILLIS. I hope it will be voted down.

The question was taken on the motion of Mr. HATCH to dispense

with further proceedings under the call; and on a division there were—ayes 39, noes 93.

So the motion was not agreed to.

After a pause, during which the Clerk was engaged in making out the warrant for the arrest of the absentees, the following proceedings occurred.

Mr. LONG. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. LONG. A few moments ago, returning from my dinner and attempting to enter this Hall, officers of the House refused me admittance. I claim that that is a violation of my privileges as a member of this House. I understand the rule to be that—

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

That is, absent members who are under arrest for violation of the order of the House shall be discharged on rendering proper excuse. I claim that I was here not under arrest; that I presented myself at the door and sought to enter, and that I was excluded——

The SPEAKER. What motion does the gentleman submit?

Mr. LONG. It might be said that the House was justified in excluding me because of the constitutional provision which says that the House shall make rules to regulate its proceedings. The first question is: What are the proceedings there referred to? Whether they are the ordinary transaction of business, or whether those "proceedings" go so far as to include the matter of the attendance or the exclusion of members.

It should be remembered that this is a personal right; that the constitutional provision and all rules and laws relating to personal rights should be construed very strictly; and that no member, either in his representative or his personal capacity, should be excluded unless the right to exclude him is very clear. Now, it is doubtful whether the constitutional provision applies any further than to the ordinary proceedings of the House, the transaction of business, and whether it applies at all to the regulation of the movement of members; and further than that, I take it that the constitutional right of each House to regulate its own proceedings does not apply to the personal attendance of members, because there is another provision in the Constitution which regulates that matter.

The provision is that the House may compel the attendance of absent members. That provision also must be construed strictly, because it affects a personal right. It gives the House no power over the persons of members present, no authority with regard to keeping members in the Hall; it simply gives the House power to compel the attendance of absent members, and a member must be absent before the House has, in this way, any constitutional right over him. I claim that I was not an absent member, that I was here, not under arrest, not in contempt, not absent in any sense, but a member of the House present and seeking to enter this Hall, and that my privilege was impaired by not permitting me to enter.

The SPEAKER. Under Rule IX questions of privilege are defined, and there must be some question presented in order to constitute a question of privilege. Does the gentleman make any motion?

Mr. ADAMS, of Illinois. Mr. Speaker, if it is in order I will submit a resolution expressive of the sense of the House. I think it raises a practical question, and an important one. Nothing should be done under the guise of the constitutional right of members to prevent a small part of this House from compelling the attendance of absent members, but it is not necessary, when a gentleman returns here and offers voluntarily to come into the Hall of the House, that he should be prevented from so doing; and the rule of the House requiring the doors to be closed might be construed, and in my opinion ought to be construed, as providing a means whereby members who are here present and whose presence is needed should be prevented from leaving the House—which I take to be a legitimate exercise of the authority of the House. [Cries of "No!" "No!"] Therefore, Mr. Speaker, if it is in order, I will submit the following resolution:

Resolved, That it is the sense of this House that the rule requiring the doors to be closed upon a call of the House should not be so construed as to prevent members from voluntarily returning to the Chamber, provided they are not under arrest by the Sergeant-at-Arms.

Mr. WILLIS. Mr. Speaker, I make the point of order upon that resolution that it would change existing rules.

Mr. KING. I move that that resolution be referred to the Committee on Rules.

Mr. MUTCHLER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MUTCHLER. I desire to inquire whether at this time there is anything in order except a motion to adjourn or further proceedings under the call.

The SPEAKER. There are various motions which might be in order, such as questions relating to excusing members, imposing fines upon members, or other conditions upon which they might be released——

Mr. MUTCHLER. Mr. Speaker, I raise the point of order that the resolution offered by the gentleman from Illinois [Mr. ADAMS] is not in order at this time.

The SPEAKER (continuing). But the effect of the resolution offered by the gentleman from Illinois [Mr. ADAMS] appears to be an instruction to the Doorkeeper during these proceedings to admit to the floor of the House all members who are not under arrest. The Chair thinks the resolution affects the proceedings now going on.

Mr. McMILLIN. In order to determine the facts I would like to ask a question. The gentleman from Massachusetts [Mr. LONG] has risen to a question of privilege and made his point. The doors of the House were closed pursuant to the order of the House after a call of the House under the rules. What I desire to ask the gentleman is whether he was present when his name was called as a member and answered?

Mr. LONG. I will answer the gentleman, I was not present.

Mr. McMILLIN. He was not. Then it was for the purpose of securing the attendance of those in the same condition that the call of the roll was had.

Mr. WILLIS. I ask that clause 1 of Rule VIII be read.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Is the motion of my colleague subject to amendment?

The SPEAKER. The Chair has not decided yet whether the motion is in order.

Mr. PAYSON. Is a point of order pending?

The SPEAKER. It is. The Clerk will read clause 1 of Rule VIII.

The Clerk read as follows:

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented.

The SPEAKER. Now, another rule of the House provides that when members are not present in the House during its sitting, and it is so disclosed by the call of the roll, the doors shall be immediately closed, and that, the Chair thinks, is what was done to-day. The Chair does not understand the gentleman from Massachusetts to contend that any rule of the House has been violated, but that the rule which was adopted was perhaps beyond the power of the House.

Mr. LONG. That is the point.

The SPEAKER. Therefore there is no question for the Chair to decide. If any question is presented it must be decided by the House.

Mr. LONG. The rules of the House are not valid unless they are authorized by the Constitution. My point is in regard to the first rule, which has been read, which says that every member shall be present and shall not absent himself without leave of the House; that no power is given by the Constitution to the House to so far abridge the personal liberty of a member that he can not go and come as he pleases, but if he goes and is absent then the power is given by the Constitution to the House to compel his attendance.

Mr. ADAMS, of Illinois. I have reduced my resolution to writing, and ask it be read.

The Clerk read as follows:

Resolved, That hereafter the order of the House that the doors be closed and absent members be sent for shall not be so construed as to prevent members not in arrest from voluntarily entering the Hall of the House.

The SPEAKER. The Chair thinks that resolution is not in order, because that is a proposition either to change or to construe a rule for all time to come in the House. The Chair does think any proposition which is in the form of instruction to doorkeepers as to what course they shall pursue on the present occasion during these proceedings would be in order. If the House adopted such a resolution it would be taken as a precedent for the guidance hereafter, as a matter of course.

Mr. ADAMS, of Illinois. I ask unanimous consent to say a few words and submit the reference of that resolution to the Committee on Rules.

The SPEAKER. It can not be referred while the House is proceeding under a call of the House.

Mr. MILLER, of Pennsylvania. I rise to a parliamentary inquiry. I find in the Digest, page 242, the following:

At the conclusion of the call of the roll, the names of the absentees are called over, and a list of those for whom no sufficient excuse is made and furnished the Sergeant-at-Arms, and thereupon the doors are closed.

Now, the inquiry I wish to make is, Was it proper to close the doors until the call had been made for members to make their excuses? I understand the doors had been closed.

The SPEAKER. The Clerk will read Rule XV, page 195, clause 2.

The Clerk read as follows:

In the absence of a quorum fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.—RULE XV, clause 2. But where less than that number are present, a motion for a call can not be entertained.—*Journal*, 1, 28, page 885.

Mr. MILLER, of Pennsylvania. As I understood, the doors were closed while the Clerk was calling the roll for excuses.

The SPEAKER. The rule says the names of the members shall be called and the absentees entered, and then the doors shall be closed, and after that members for whom no excuse was offered may be brought in.

Mr. MILLER, of Pennsylvania. I hold the latest edition of the Manual in my hand, and it is different from that on page 242.

The SPEAKER. Then it is in opposition to the rules of the House.

Mr. O'NEILL, of Pennsylvania. Several members are at the door

waiting to come in. I think the House should permit them to do so as we did with others a while ago.

Mr. ROGERS, of Arkansas. I object.

Mr. WILLIS. I hope that will be done, their names being called as before.

The was no objection, and it was ordered accordingly.

Mr. ADAMS, of Illinois. I desire to offer a resolution.

The SPEAKER. The Clerk will first call the names of gentlemen who are entitled to admission under the unanimous consent given.

The Clerk called the roll of the following gentlemen, who responded to their names, and were entered, as present: Mr. PETTIBONE, Mr. TILLMAN, Mr. SPRIGGS, Mr. DAVIDSON, Mr. BARKSDALE, Mr. FINERTY, Mr. RUSSELL, Mr. WHITING, Mr. COLLINS, Mr. STRUBLE, Mr. HILL, Mr. COSGROVE, Mr. BURNES, and Mr. DOCKERY.

Mr. ADAMS, of Illinois. I now ask to offer the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the doorkeepers be, and they hereby are, instructed to admit any member in the House who may present himself, and who is not under arrest.

Mr. ADAMS, of Illinois. That, Mr. Speaker, will not relieve any member who is absent and who does not voluntarily return before being served with a process of arrest by the Sergeant-at-Arms.

Mr. COSGROVE. But that is a change of the rule, and I make the point of order on it.

The CHAIRMAN. The Chair thinks not. It simply relates to the proceeding now going on under the call of the House. It is the same precisely as the unanimous consents which have been given some two or three times to-night to admit members who were at the doors of the House after a call of the House had been ordered.

Mr. ADAMS, of Illinois. The adoption of that resolution, Mr. Speaker, will not relieve any member from the penalty for being absent without leave. It will simply relieve him from the physical inconvenience of waiting in the lobby until there shall be a number of members gathered and somebody asks unanimous consent to let them in. When any member comes in under this resolution his name can be reported, and there is no practical inconvenience to result from it, while on the other hand there is great practical inconvenience to result from the adoption of that instruction.

Mr. BAYNE. I hope that resolution will be adopted. I think it important hereafter to be regarded as a precedent in cases of this kind. For that reason I believe the rule which contemplates the arrest of members for absence without leave is intended to apply to those who willfully, or, it may be, contumaciously, absent themselves without the consent of the House. It has often occurred that members, as I have observed on many occasions during the years I have been a member of this House, have gone out temporarily, intending to return, or leave the House perhaps in the belief that it would soon adjourn, and as soon as they learned that the House was in session, or that a call of the House was going on, or that their presence was needed, have made haste to get back to be in attendance.

On all such occasions they have been stopped by this order which the resolution now before us seeks to set aside; and I believe the spirit and the meaning of the rule would be embraced in that proposition, and that when any member not under arrest comes to the door of the House and presents himself desiring to be admitted, it should be the rule of the House, and if it is not the rule that it should be so amended or construed as to allow the member to be admitted without being subjected to the indignity of being arrested and brought before the bar of the House to offer an excuse, or perhaps, as is usually the case on such occasions, to be made a mere butt of ridicule by the members.

I hope for these reasons that this resolution will be adopted, because I think it is a proper resolution and one that will commend itself to the judgment of the House.

Mr. MATSON. Mr. Speaker, I can not agree with the gentleman from Massachusetts or with the gentleman from Illinois in their construction of this rule. More than that, it seems to me that the adoption of the resolution proposed by the gentleman from Illinois would be to establish a bad precedent, for the reason that it would necessarily encourage absenteeism.

Whenever it is known that a member may absent himself from the House, and that if he can possibly escape the Sergeant-at-Arms he may return at will without being arrested, it will have the effect of inviting members to stay away. It ought to be well understood that if a member is absent without leave and in contempt of the House, he subjects himself to arrest and is liable to be called upon to answer at the bar of the House an account of his absence.

Mr. ROGERS, of Arkansas. I agree fully with the views expressed by my friend from Indiana who has just taken his seat. If it is an indignity to be arrested, an indignity which members of Congress desire to avoid, they can readily do so by being present during the sessions of the House and avoid absence without leave. It is also a very great indignity for them to go and leave other members of the House here to transact the public business without a quorum.

Mr. Speaker, I believe the custom heretofore adopted in arresting members of Congress who had absented themselves without leave during its session, and of releasing them here by making a farce of the whole proceeding, is a custom that is more honored in the breach than in the observance. We ought to enforce or change that rule, and have it understood that when a member of the House during its sessions leaves the House without its consent and leaves the House without a quorum during its sessions, to the detriment of the public business and the inconvenience of other members, he should not only be subjected to the indignity of arrest, but he should be punished and made to attend the sessions of the House. That is my view.

We have sat here several nights during this session of Congress without a quorum because members of Congress have neglected their duties and left the House without leave. The rule now is bad enough in itself. But this resolution which is presented by the gentleman from Illinois will simply allow members hereafter to absent themselves without leave, and when they have gone from the presence of the House to return and slip in at one of the doors so as to avoid the Sergeant-at-Arms, thereby preventing our ascertaining when we have reached a quorum to go on with the public business.

Now, Mr. Speaker, I do not mean to say that when a gentleman has sat here for six, or eight, or ten hours he should not be permitted to go to the restaurant or some other place to get his dinner. What I mean to say is that when a man willfully and deliberately leaves this body and goes to his room understanding that the House is in session and leaves us without a quorum for the discharge of our public duties he ought to be subjected to the indignity of a public arrest for not being here, because he is in contempt of the dignity of this body.

Mr. BROWNE, of Indiana. The rules of the House have never been enforced so far as this question of absenteeism is concerned. The coercive power of the rule amounts to nothing. For eight years past I have seen on repeated occasions members arrested; no one has ever been punished or even reprimanded because of his absence. I do not believe that this rule ought to be continued any longer by the House. It were better that we leave representatives of the people upon their honor to be present here in the discharge of their public duties.

I assert, as within the experience of all of us, that when there has been a call of the House, and the officers have been sent to arrest those who are absent, they come or remain away, as they please. If they please to do so, they disregard the orders of the House, and decline to accompany its officers. I know that that has been the experience of the officers of the House during the present session of this Congress. Where is the necessity, let me ask, of continuing a rule that has never been enforced, that we laugh at, that we sneer at? When men have been arrested and brought into the presence of the Speaker, and have been inquired of as to the reason of their absence, there then begins a stupendous farce, all of us who are now putting ourselves on our dignity joining in it. Even my distinguished friend from Arkansas [Mr. ROGERS], I have no doubt, would enjoy himself with the rest in bringing reproach and ignominy upon the rules and upon the authority of the House. [Cries of "Vote!" "Vote!"]

The rule is perhaps good enough, but we have made it exceedingly absurd in the manner in which we have sought to enforce it; and I predict that if members are arrested by the Sergeant-at-Arms and brought before the House to-night there will be such an exhibition as ought at least to gratify every gentleman who has a proper sense of the dignity of his position. I call your attention to what will happen in the event members are arrested; and after we have gone through with these proceedings, I would then like to see some gentleman get up in his place and say we ought to preserve the dignity of the House and secure the transaction of its public business by the enforcement of these rules.

Mr. COSGROVE. I move to lay the resolution on the table.

The question being taken, there were—ayes 106, noes 36.

Mr. VALENTINE. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were ayes 9—not a sufficient number.

So the resolution was laid on the table.

Mr. GEORGE D. WISE. I move to dispense with all further proceedings under the call.

Mr. WHITE, of Kentucky. I desire to present a motion precedent to that.

The SPEAKER. The gentleman from Kentucky will state his motion.

Mr. WHITE, of Kentucky. I do not know if it will be in order until I submit it to the Chair. It is that the Sergeant-at-Arms, having been directed not to arrest the members who voluntarily——

The SPEAKER. There is a motion pending to dispense with all further proceedings under the call.

Mr. WILLIS. I ask my friend from Virginia to withhold that motion for three or four minutes.

The question being taken on the motion of Mr. GEORGE D. WISE, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. GEORGE D. WISE. I call for a division.

The House divided; and there were—ayes 66, noes 88.

Mr. GEORGE D. WISE. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes 27, noes 117.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were refused, and the motion to dispense with further proceedings under the call was not agreed to.

Mr. WHITE, of Kentucky. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Clause 2 of Rule XV, which has been read by the Speaker, provides as follows:

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Now, Mr. Speaker, we have had the roll called; we have had the absentees ascertained; we have ascertained who are still absentees; and I now move that the Sergeant-at-arms be directed to bring in the absentees but that he shall not arrest any member who voluntarily presents himself at the door of the House for admission. And I desire to make a few remarks on that point.

Mr. Speaker, I call attention to section 5 of the Constitution (page 4 of the Manual), which provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

Now, Mr. Speaker, the House has provided by Rule VIII (which is on page 167 of the Manual) that "every member shall be present within the Hall of the House during its sittings"——

Mr. BLAND and Mr. WILLIS addressed the Chair.

Mr. WHITE, of Kentucky. Mr. Speaker, I hope I shall have order. [Laughter.]

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] has the floor.

Mr. WHITE, of Kentucky. Mr. Speaker, I was calling attention to the first clause of Rule VIII, which provides that—

Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

[Cries of "Vote!" "Vote!" "Louder!" "Louder!"]

Mr. WHITE, of Kentucky. I would like to have order, Mr. Speaker. I am clearly speaking upon the question before the House.

The SPEAKER. The House will be in order.

Mr. WHITE, of Kentucky. Mr. Speaker, I have called attention to the fact that under the rules which I have read and under the Constitution we have the right to compel the attendance of members. Now, sir, when any member is here and seeking to enter this Hall it is not necessary that we should compel his attendance. These provisions are designed for that class of members who are at Welcker's, who are at the theaters, who are in one place or another away from their duties; they are designed to enforce the attendance of such members as, in the language of the chairman of the Committee on Rivers and Harbors, have been away "making cabinets" for the next administration [laughter]; such men as the chairman of the Committee of Ways and Means, who is now disturbing the Illinois Legislature. [Renewed laughter.]

I desire to call the attention of the House also to sections 40 and 41 of the Revised Statutes, which were passed in order to enforce the attendance of members; and in order to rest my voice, which is feeble [laughter], I ask the Clerk to read.

The Clerk read as follows:

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House respectively shall deduct from the monthly payment of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House respectively, unless such Member or Delegate assigns as a reason for such absence the sickness of himself or of some member of his family.

Mr. VAN EATON. Mr. Speaker, I rise to a parliamentary inquiry. I desire to inquire whether the gentleman from Iowa [Mr. WELLER] is present? [Laughter.]

Mr. WHITE, of Kentucky. Mr. Speaker, before asking the Clerk to read the next section, I will say to the gentleman from Mississippi [Mr. VAN EATON] that even Mr. WELLER, if he were present, would know how to behave himself.

Mr. WEAVER. Mr. Speaker, I desire to know if it necessarily follows that the man who has the most mouth is entitled to all the time of this House? [Laughter.]

The SPEAKER. The House will be in order.

Mr. WHITE, of Kentucky. Mr. Speaker, I think the suggestion of the gentleman from Nebraska is correct, and as soon as I get through I will yield to him. [Renewed laughter.]

Now, Mr. Speaker, I desire the House to listen to the reading of these two short sections of the Revised Statutes to which I have called attention. They are not welcome sections to some gentlemen here, but they are in the Revised Statutes, and they bear directly on this question of compelling the attendance of members. By the provisions of these sections of the Revised Statutes the House has the right (which as a means of compelling the attendance of members is worth much more than all this performance here to-night) of withholding the salary of a member who is absent without proper excuse. That is the point I want to make. You smoke your cigars, gentlemen; you lie back in your seats and jeer at me, but the RECORD will show to-morrow morning whether I have spoken the truth or not. I now ask the Clerk to read these two sections, section 41 and also section 40, again, because members did not hear it; and I ask the Speaker to preserve order.

The Clerk read as follows:

SEC. 40. The Secretary of the Senate and the Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payment of each Member or Delegate the amount of his salary for each day that he has been absent from the House or Senate respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

SEC. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

Now, Mr. Speaker, to these gentlemen who have laughed here so eloquently [laughter], and to this committee, which is doing nothing here to-night because it lacks a quorum, and to those who would arrest a member who appears at the door asking to be admitted, I commend a careful reading of these two sections of the Revised Statutes.

If you are going to compel the attendance of members, enforce the law. You can withhold the salary of every member who does not attend on this floor. No member has a right to be absent from a roll-call unless he is excused. But, sir, from whose salary has there been any deduction made? The gentleman from Nebraska [Mr. WEAVER] rises here and makes fun of me for calling attention to these laws; yet he stands in contempt of the House—in violation of Rule XIV, clause 7, on page 195, which says that no gentlemen shall smoke on the floor of the House. [Laughter.] Any man can play the part of a boor; but to a gentleman——

Mr. WEAVER. I suggest to the gentleman from Kentucky that it is necessary for a person to do something to keep from being bored to death. [Laughter.]

Mr. WHITE, of Kentucky. Anybody can discover that he is a boor. Upon such gentlemen I have no time to waste.

Now, Mr. Speaker, what is the situation? Here we are without a quorum, with the river and harbor bill upon our hands. It reminds me very much of a little anecdote I once heard. During that remarkable contest in 1876, when it was a question whether Tilden had the one majority or whether Hayes had the one majority, Zack Chandler, the great hero of Michigan, was Secretary of the Interior. One of the clerks in the Interior Department drew a picture of the elephant that was supposed to be on Mr. Zack Chandler's hands as chairman of the national Republican committee——

A MEMBER. Will the gentleman allow me to ask a question?

Another MEMBER. Oh, let him finish his anecdote.

Mr. WHITE, of Kentucky. I was talking about an elephant, Mr. Speaker. I will attend to the other animals by and by. [Laughter.]

Mr. Speaker, I was saying that we had the river and harbor bill on our hands, and that it reminded me of a little anecdote. This clerk drew the picture of Zack Chandler; and the hands of Mr. Chandler were represented as holding to the caudal appendage of the elephant. [Laughter.] Mr. Chandler was driving the elephant across a bridge. The bridge had broken down; and Mr. Chandler was represented with one foot on each pillar on which the bridge had been supported. The question was whether Mr. Chandler would be able to get his elephant across. Mr. Chandler thought this picture so good a joke that he presented it to General Grant, then President, and asked him whether he thought he would be able to deliver the elephant. General Grant told him he thought he would if the tail-hold did not break. [Great laughter.]

Now, Mr. Speaker, here is the situation we are in. For seventy years the Democratic party has told us that it was unconstitutional to appropriate money out of the public Treasury for river and harbor improvements. Away back when the old Cumberland turnpike road was appropriated for it was declared by the Democratic party unconstitutional to make such an appropriation. A few years ago, Mr. Speaker, you and the chairman of this committee and a few other prominent gentlemen on this floor to-day, together with other gentlemen of the country, entered your solemn protest against the passage of a river and harbor bill which was as far superior in merit to this one as the angel of light is to the fiend of infernal darkness.

Now we have the elephant on the hands of this Speaker, and on the hands of this chairman of the River and Harbor Committee to-day who made that protest, but whom I now hear urging us to pass a bill which the elegant and eloquent gentleman from Arkansas says has for its backbone the Mississippi River Commission and the Mississippi River appropriation, which has for its ribs the tentacles of that Mississippi River Commission—$150,000,000 to be sunk in the fruitless work which the gentleman from Arkansas describes, which has in the past been begun

on the Mississippi River. Here is your elephant. Now the question is, can you in the next five days of this Forty-eighth Congress get your elephant across the bridge? Look at the gentleman from Arkansas, and my colleague, the chairman of this committee, and their cohorts who are supporting them, and say, do you think they will be able to deliver the elephant? Not even if the tail-hold hangs in place!

Mr. VAN EATON. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. VAN EATON. Mr. Speaker, I understand that the successor of the gentleman from Kentucky is present. I move that he now be sworn in. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Speaker, I will say to the gentleman that if there had been a fair election in his district his face would never have been seen in this Hall. If there had been a fair election in his State there would have been no representative to interrupt and insult me on this floor.

Mr. VAN EATON. If there had been a fair, intelligent election in the gentleman's district he never would have been here. [Laughter and applause.]

Mr. WHITE, of Kentucky. I want to say to the gentleman in behalf of my successor that he is a gentleman, and that is more than I can say of the gentleman from Mississippi. [Laughter.]

Mr. VAN EATON. It is more than I can say for his predecessor. [Renewed laughter.]

Mr. WHITE, of Kentucky. I shall not be diverted from my purpose. [Laughter and applause.]

Mr. KING. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KING. My point of order is this: What is the order of business before the House?

The SPEAKER. The gentleman from Kentucky makes a motion to instruct the Sergeant-at-Arms in execution of the order of the House.

Mr. KING. I move that it be laid upon the table.

The SPEAKER. The gentleman has not the floor.

Mr. KING. Then let us proceed to business.

Mr. O'NEILL, of Missouri. I make the point of order that the gentleman from Kentucky is not confining himself to the question before the House.

The SPEAKER. That point of order is well taken. The gentleman from Kentucky made a motion to instruct the Sergeant-at-Arms not to arrest gentlemen who were at the doors of the House seeking admission, and that is the only question before the House.

Mr. WHITE, of Kentucky. I submit to you as a fair-minded man that I was not digressing from my subject.

The SPEAKER. The gentleman was discussing the river and harbor bill.

Mr. WHITE, of Kentucky. I will state to the Chair—if he will keep the member from Mississippi who holds a position on this floor contrary to the will of the people of his district from interrupting me—that he will bear in mind that I did not digress from the resolution until I was interrupted repeatedly by the gentleman—if the House will allow me to call him so—from Nebraska [laughter] and the member from Mississippi.

Mr. HAMMOND. I demand the words of the gentleman from Kentucky be taken down. Under the rule he will now take his seat until the words have been taken down.

Mr. BROWNE, of Indiana. Then we should take down almost all the words that have been said this evening.

Mr. WHITE, of Kentucky. If it be unparliamentary, I will withdraw the expression.

The SPEAKER. The gentlemen will proceed in order. The Chair will state that the gentleman from Kentucky can not be interrupted without his consent, and the Chair will protect him.

Mr. WHITE, of Kentucky. I hope the Chair will do so.

The SPEAKER. The gentleman must confine himself to the question before the House.

Mr. HAMMOND. What has become of my demand?

The SPEAKER. The gentleman has withdrawn his language.

Mr. GIBSON. I ask whether a member can rise and be impudent and offensive and then withdraw his remarks and proceed?

The SPEAKER. It is always in the power of the House to take such action as it sees proper concerning any gentleman who violates its rules. The withdrawal of the remarks by the gentleman does not deprive the House of the right to take any course it sees proper in reference to the matter; but it does, the Chair thinks, dispense with the taking down the language.

Mr. GIBSON. I wish to ask whether if under the parliamentary law, when a gentleman has transgressed the rules by offensive and unparliamentary remarks, simply by withdrawing them he can go on, or whether it is in the power of the House to stop the gentleman until those remarks can be acted on by the House.

Mr. SPEAKER. But no proposition has been made to take any action in regard to the gentleman from Kentucky.

Mr. GIBSON. I object.

Mr. BOUTELLE. I rise to a point of order, that this whole proceeding is out of order.

Several members rose to interrupt.

Mr. BOUTELLE. I am not, I believe, obliged to answer for my remarks to any gentleman who may interject questions from the floor. I am addressing the Speaker of this House, and I have every confidence I will be fully protected in my rights by that official. My point of order is that objection having been made to the remarks of the gentleman from Kentucky and a motion made that his words be taken down, the gentleman from Kentucky thereupon having withdrawn the expressions against which objections were urged, and having been permitted to do so and pursued his line of remark in order, it is not now in order for any gentleman to raise the point against him.

The SPEAKER. It is not, unless the gentleman offers some proposition in regard to the matter.

Mr. HAMMOND. May I be permitted to make one remark?

Mr. WHITE, of Kentucky. This does not come out of my time? [Laughter.]

The SPEAKER. It will not be taken out of the gentleman's time.

Mr. HAMMOND. As soon as the gentleman from Kentucky withdrew his remark I had no further thought of any motion, because I desire to state, while I think the gentleman's remarks were out of order, the gentleman from Kentucky had been greatly provoked. [Cries of "That is true!" and applause.]

The SPEAKER. The gentleman from Kentucky will proceed.

Mr. O'NEILL, of Missouri. I rise to a point of order, that before the gentleman can debate the question his motion should be submitted and stated by the Chair.

The SPEAKER. The Chair has stated it more than once.

Mr. WHITE, of Kentucky. I hope I shall be allowed before proceeding to return my sincere thanks to the gentleman from Georgia for his very sincere and kind remark. I would not have departed from this subject but from frequent and unkind interruptions. The House will bear me witness when I rose to discuss this question I was met by jeers and laughter and cries of "Vote!" which culminated in gentleman after gentleman rising to interrupt me. Up to that time I assert, and to-morrow morning you will find by the RECORD, without correction by me, that I had not digressed one iota from the resolution which is on the Clerk's desk, which is as to how we shall compel the attendance of absent members.

Now we are here wasting hours, you say, but we are not wasting the hours if you with seventy majority can not produce a quorum. If a member gets to that door and wishes to be admitted I do not want a page to put his hand on his breast, as one did on me a few moments ago, and as another officer did on the distinguished ex-governor of Massachusetts, and say you shall not come in because the rules show you were not present.

On further examination they found that I had been present, and that I had not been absent from any roll-call, and had simply gone down to get a meal of victuals and had returned before the completion of the roll. I say, sir, a member who wants to attend here and is at the door waiting to enter should not be prohibited from entering.

Now, the objection is made to the resolution of the gentleman from Illinois [Mr. ADAMS] that it was a change of the rule. I am endeavoring to show that under the rule and under the general statutes, if the rules and the laws were enforced by fining members—not fining them, but by withholding their pay if they are absent without leave, or if absent without an excuse—that you will never find yourselves without a quorum. Members of Congress must eat. Members of Congress in order to eat in this city must draw their pay of about $17 a day under this law which I have read.

A MEMBER. No, not $17, but $14.

Mr. WHITE, of Kentucky. I am told that it is less than $14. I think it is between $16 and $17. But that does not matter.

Now, under this section 40 it is provided:

> That the Sergeant-at-Arms of the House shall deduct from the monthly payment of each member the amount of his salary for each day that he has been absent from the House, unless such Member or Delegate assigns as the reason of such absence the sickness of himself or some member of his family.

That is the law. Here is our rule, Rule VIII, upon the same subject, which goes further and says that he shall vote on all questions unless he shall be excused, or unless he has some pecuniary interest in the matter. Now what I want to do is to let members come in who want to come in.

But the members who are in Illinois, the members who are away making cabinets, who are giving big dinners at Welcker's, who are at the theaters, and who are absent without excuse and who are not sick, who in justice to their constituents and in justice to you and to me, who are endeavoring to make a quorum here for the transaction of the public business, ought to be in their seats, I say they should not be permitted to draw their salaries under the law, and should be brought here under that clause of the Constitution to which I have called your attention, and the other clause which provides that a majority of each House shall constitute a quorum to do business. Without a quorum we can not do business.

If they are absent we have not a quorum. If you enforce the law, and deduct the pay from their salary for each day they are absent without leave or excuse, you will make much better headway.

I speak here, sir, for a personal reason. It has been alleged through your Democratic press, through your mercenary press, that I am here

obstructing public business. Has it come to this, that one member on this floor under the rules of this House can obstruct the business when you have a majority of 70 over my head and over the heads of the Republican minority who occupy seats on this floor? And, sir, do you believe the people of this great nation are such fools that they will believe your newspaper liars on that subject?

It occurs to me, sir, that another reason holds in this case. Every member knows that when you fill that lobby with members who voluntarily present themselves there, with the Sergeant-at-Arms closing the door in their faces, that when they come in here it is to go through a simple farce; for they are excused, they are permitted to take their seats and are rehabilitated with all the power vested by the Constitution and the people in a member on this floor. Now, I say you should not prohibit those persons from entering. Let them come in, the sooner the better; and have your Sergeant-at-Arms not go through a mere empty form, but in reality arrest members that are not earning their pay.

Let him arrest those who are away seeking to interfere with a State Legislature; seeking to corrupt the President-elect, who, the last time I heard from him, was in a saloon in Buffalo telling, as they say, a few of "the boys" he could not be with them at a dinner, and was very sorry for it. [Hisses on the Democratic side.] Oh you may hiss, but it has never been denied—it has never been denied—and I pause. I will not consider it an interruption if any gentleman on this floor will rise in his place and say he denies that the President-elect was in a saloon in Buffalo and wrote on a piece of paper——

Mr. WILLIS. I rise to a question of order. The gentleman is proceeding without order.

The SPEAKER. The gentleman will confine himself to the question before the House, which is on the motion as to how the Sergeant-at-Arms shall be directed to arrest absent members.

Mr. GIBSON. It is disgraceful.

Mr. WHITE, of Kentucky. I would like, Mr. Speaker, for the Clerk to state how many are absent, as shown from the last roll-call, if it be in order, in my time.

The SPEAKER. The gentleman can have it read as a part of his remarks.

Mr. GIBSON. Mr. Speaker——

Mr. WHITE, of Kentucky. I do not want to have the names read; I only want to have the number given by the Clerk.

The SPEAKER. The Clerk can not, except by unanimous consent, make a statement.

Several members objected.

The SPEAKER. The gentleman has a right to have anything read in his time.

Mr. WHITE, of Kentucky. I ask that the number be read.

The SPEAKER. Objection is made.

Mr. WHITE, of Kentucky. I do not wish to advertise those who are absent. They may have good excuses.

Mr. TULLY. Give him the names if he wants them.

Mr. GIBSON. The gentleman shall not utter deliberate falsehoods on this floor.

Mr. BROWNE, of Indiana. I ask that the words of the gentleman from West Virginia be taken down.

The SPEAKER. The gentleman shall not utter deliberate falsehoods on this floor.

Mr. BROWNE, of Indiana. I ask that the additional statement of the gentleman from West Virginia be taken down also.

The SPEAKER. That will be done.

Mr. GIBSON. And if the House——

Mr. MILLER, of Pennsylvania. I ask that the gentleman whose words are being taken down be required to take his seat.

The SPEAKER. The rules require that the gentleman whose language has been ordered taken down should take his seat.

The reporter proceeded to write out the words ordered to be taken down.

Mr. BOUTELLE. I submit that under the rules the gentleman whose words are being taken down shall take his seat.

The SPEAKER. The rule will be enforced.

Mr. BLAND. I ask that I be excused from further attendance. I have been here all day and have been sick all evening, and am not able to continue in attendance.

There was no objection, and Mr. BLAND was excused from further attendance.

Mr. YORK. I have been here all day and all evening, but am very unwell. I ask to be excused from further attendance.

Mr. BROWNE, of Indiana. It is well known the gentleman from North Carolina [Mr. YORK] has been in bad health for a long time.

The SPEAKER. If there be no objection the gentleman from North Carolina will be excused.

There was no objection.

Mr. WELLER. I desire to make a similar request on behalf of the gentleman from North Carolina, Mr. VANCE. His wife is very ill.

Mr. WILLIS. I hope that request will be granted.

The SPEAKER. The gentleman from Iowa [Mr. WELLER] asks unanimous consent that the gentleman from North Carolina [Mr. VANCE] be excused on account of sickness in his family. Is there objection?

There was no objection.

The SPEAKER. The Clerk will now read the language of the gentleman from West Virginia which was ordered to be taken down.

The Clerk read as follows:

> Mr. GIBSON. The gentleman shall not utter deliberate falsehoods on this floor.
> Mr. BROWNE, of Indiana. I ask that the words of the gentleman from West Virginia be taken down.
> Mr. GIBSON. I do not take them back. I repeat them.

Mr. BROWNE, of Indiana. I am not surprised that in the confusion which prevailed in the House the reporter should have been somewhat inaccurate in repeating the language of the gentleman from West Virginia. I took it down at the time. His language to which I excepted was this:

> And the gentleman has been standing here to-night uttering deliberate falsehoods.

The SPEAKER. The Chair did not in the confusion hear the language to which exception was taken—that is, the first part of it—and is therefore unable to say whether the language has been accurately taken down or not.

Mr. MILLS. I ask that the language of the gentleman from Kentucky [Mr. WHITE] to which the gentleman from West Virginia replied be coupled with the language of the gentleman from West Virginia, which has been taken down.

Several MEMBERS. Too late.

Mr. MILLS. It is not too late.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read clauses 4 and 5 of Rule XIV, as follows:

> 4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case require it, he shall be liable to censure or such punishment as the House may deem proper.
>
> 5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER. The Chair thinks the gentleman from Texas [Mr. MILLS] is, under the rule, too late in asking the language of the gentleman from Kentucky [Mr. WHITE] to be taken down.

Mr. MILLS. I do not ask to have the language of the gentleman from Kentucky taken down in order to put him on trial; but I desire that the language of the gentleman from Kentucky shall be read in connection with the reply made by the gentleman from West Virginia.

The SPEAKER. That may be done as a matter of debate.

Mr. BROWNE, of Indiana. I submit the first question that concerns the House is to ascertain the language used by the gentleman from West Virginia, and then to determine whether or not it is parliamentary.

Mr. GIBSON. Mr. Speaker, may I be allowed to correct the statement of my friend from Indiana [Mr. BROWNE] as to the language I used. I used the word "advertise."

Mr. KEIFER. Mr. Speaker, I make the point of order that the gentleman from West Virginia [Mr. GIBSON] should not participate in this discussion. I make the point as much for his protection as for the enforcement of the rule.

The SPEAKER. The gentleman from West Virginia can not take part in the discussion without the consent of the House.

Mr. ELLIS. Mr. Speaker, the language used by the gentleman from West Virginia [Mr. GIBSON] has been misquoted here, and if he has not a right to be heard, I state for him that the gentleman from Indiana [Mr. BROWNE] is mistaken as to the language used. The gentleman from West Virginia [Mr. GIBSON] says that he used the word "advertised."

Mr. KEIFER. Oh, we heard him.

Mr. BROWNE, of Indiana. Will the gentleman from Louisiana [Mr. ELLIS] state his recollection of the entire sentence?

Mr. ELLIS. I did not catch the language, but I am contending for the right of the gentleman from West Virginia [Mr. GIBSON] to utter his correction.

Mr. BROWNE, of Indiana. Mr. Speaker, I am entirely willing that the gentleman from West Virginia should do so. I do not submit this question in malice or with the least ill-will.

Mr. ELLIS. Then, Mr. Speaker, I ask that the gentleman from West Virginia [Mr. GIBSON] be allowed to state the language he did use.

Mr. KEIFER. That can only be done by unanimous consent.

Mr. GIBSON. Mr. Speaker, I did say—— [Cries of "Regular order!"]

The SPEAKER. The House will be in order.

Mr. BROWNE, of Indiana. Mr. Speaker, I understand that the House has consented that the gentleman from West Virginia shall correct the language that I have attributed to him wherein he deems that there is inaccuracy in my statement of it.

The SPEAKER. The Chair has been endeavoring to secure order so that these proceedings may go on in a regular way. The gentleman from West Virginia [Mr. GIBSON] asks consent to make a statement.

Mr. MILLER, of Pennsylvania. No; not to make a statement. I object to that.

Mr. TALBOTT. Mr. Speaker, under the rules the gentleman has a right to make a statement.

The SPEAKER. He has no right to make any statement without the consent of the House.

Mr. ELLIS. Consent is asked only for the gentleman to reiterate what he said.

The SPEAKER. That, the Chair supposes, can be done only by a statement.

Mr. BUCKNER. Mr. Speaker, there is no misunderstanding among several gentlemen here, including myself, as to what the gentleman from West Virginia [Mr. GIBSON] said. We understand that he used the word "advertise."

Mr. BROWN, of Pennsylvania. What was the balance of the statement?

A MEMBER. "Deliberate falsehood."

Mr. BROWNE, of Indiana. I am willing to take it that way; "and the gentleman has been standing on the floor to-night advertising deliberate falsehood."

Mr. VALENTINE. He did not say that.

A MEMBER. He said "utter;" there is no question about that.

Mr. MORSE. Admit that, and then it is true.

The SPEAKER. Is there objection to allowing the gentleman from West Virginia [Mr. GIBSON] to make a statement simply as to what he did say.

Mr. AIKEN. Mr. Speaker, does that require unanimous consent?

The SPEAKER. The Chair is asking unanimous consent——

Mr. AIKEN. I object.

The SPEAKER (continuing). But the House by a vote has a right to permit the gentleman to make a statement.

Mr. AIKEN. If it requires unanimous consent I object.

Mr. ELLIS. Then, Mr. Speaker, I move that the gentleman from West Virginia [Mr. GIBSON] be allowed to proceed to make his statement.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] moves that the gentleman from West Virginia [Mr. GIBSON] be allowed to make a statement as to what he said at the time his language was objected to.

The motion was agreed to.

The SPEAKER. The gentleman from West Virginia [Mr. GIBSON] has permission of the House to make a statement as to what he did say when his language was objected to.

Mr. BROWNE, of Indiana. Let me suggest, Mr. Speaker——

The SPEAKER. The House will be in order. The gentleman from West Virginia [Mr. GIBSON] has the floor.

Mr. GIBSON. Mr. Speaker, I said: "I submit that the gentleman from Kentucky has no right to stand on this floor and advertise a deliberate falsehood." [Applause on the Democratic side, and cries of "Regular order!"]

The SPEAKER (after a pause). What order will the House take with reference to this matter?

Mr. HAMMOND. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The gentleman who requested that the words of the gentleman from West Virginia [Mr. GIBSON] should be taken down makes no motion, and there is nothing pending before the House.

Mr. BROWNE, of Indiana. I have been waiting, Mr. Speaker, for the purpose of ascertaining, if we could, what the language employed by the gentleman from West Virginia [Mr. GIBSON] was.

Mr. HAMMOND. And the gentleman from Indiana [Mr. BROWNE] had it read from the RECORD and said that was wrong, gave his own version of it, and then consented that the gentleman from West Virginia [Mr. GIBSON] should state it himself. The gentleman from West Virginia [Mr. GIBSON] stated it, and the House has waited in vain for a motion, and there is nothing now pending before the House. [Cries of "Regular order!"] We wait for a motion.

The SPEAKER. The Chair has asked what action the House will take in the matter.

Mr. BROWNE, of Indiana. I ask the Speaker under the rules to determine whether or not the language of the gentleman from West Virginia [Mr. GIBSON] was in order, whether it was parliamentary?

A MEMBER (to Mr. BROWNE, of Indiana). Now offer your resolution.

Mr. BROWNE, of Indiana. I do not care whether the language was as I understood it, or as understood by the reporter, or as now stated by the gentleman from West Virginia himself.

The SPEAKER. If the gentleman from Indiana will examine the rule he will find that in cases where exception is taken to the language of a member and it is reduced to writing, it is for the House to determine whether the member shall be censured, or what other course shall be taken with reference to the matter.

Mr. BROWNE, of Indiana. I move, therefore——

Mr. MILLS. Now, Mr. Speaker, in order that the House——

The SPEAKER. The gentleman from Indiana has the floor.

Mr. BROWNE, of Indiana. I move, therefore, that it is the judgment of this House that the language used by the gentleman from West Virginia was unparliamentary and in violation of its rules, and that he is subject to the censure of the House.

Mr. HAMMOND. And I move to lay that proposition on the table.

Mr. MILLS. Now, Mr. Speaker, I desire to have read the utterance of the gentleman from Kentucky which preceded the remark of the gentleman from West Virginia.

The SPEAKER. But the motion to lay on the table is not debatable.

Mr. MILLS. I hope the gentleman from Georgia will not make the motion until the language of the gentleman from Kentucky has been read.

Mr. BROWNE, of Indiana. I had not yielded the floor.

The SPEAKER. If the gentleman from Indiana says he had not yielded the floor the Chair must respect his right to the floor.

Mr. HAMMOND. My only purpose is to cut off debate. I am perfectly willing to yield such time as will allow the gentleman from Texas [Mr. MILLS] to have the other language read; and I am perfectly willing to yield for a reasonable time to the gentleman from Indiana if then the motion to lay on the table can be voted upon. My whole purpose is not to waste time in talk.

The SPEAKER. The gentleman from Indiana had the floor——

Mr. STEELE. I make the point of order that my colleague [Mr. BROWNE] had the floor.

The SPEAKER. The Chair had so decided. The gentleman will proceed.

Mr. BROWNE, of Indiana. I do not intend—and I never do, I hope—to waste the time of this House. When I asked that the language of the gentleman from West Virginia be taken down I was inspired to do so because I believed it was an insult to the House itself and to its dignity. I had no hope that the gentleman would be censured by the House, whatever language he might have employed.

Mr. WILLIS. Let me ask the gentleman, in order to determine our judgment, what was his opinion of the language used by my colleague?

A MEMBER. That is not before the House.

Mr. BROWNE, of Indiana. Whenever I am called upon in a proper way to give an expression of my opinion of the conduct of the gentleman's colleague, I shall do so freely and frankly.

Mr. WILLIS. I do not think the gentleman within parliamentary rules can do so.

Mr. BROWNE, of Indiana. Now, Mr. Speaker, I think I can get through much more speedily if gentlemen will not interrupt me. I said that when I asked to have this language taken down and when I submitted this resolution I had no expectation that the gentleman would be censured by any vote or expression of opinion on the part of the majority of this House. The time has come when a member here may charge upon his fellow-member that he is a liar, a scoundrel, or anything else within the catalogue of invective, yet it is not a violation of the decorum of this dignified body.

I have seen exhibitions of this kind repeatedly during the brief period of my service here. I have heard language used on this floor by one member against another that would have disgraced the vilest pot-house in this iniquitous city; and while temporarily we became very indignant, we have permitted the offending member to make some lame apology or to withdraw his offensive language, and the dignity of the House was vindicated.

If these things are to continue let it be so understood. [Derisive laughter.] I am not conscious, Mr. Speaker, that I have said anything that should have excited the laughter of any gentleman in this House. I suppose, however, it is in keeping with the dignity of our proceedings.

The SPEAKER. The House will be in order.

Mr. BROWNE, of Indiana. The Speaker takes upon himself, I think, too onerous and burdensome a duty in attempting to keep order in this House. I state that; and I am willing to take whatever share of the odium of our proceedings may belong to me.

I shall not detain the House a minute longer. I think it is time that we should put our disapprobation upon such scenes as have occurred repeatedly here to-night—not in this instance alone, but in language employed by other gentlemen whose names I shall not mention. I say our rules have been violated repeatedly; and if now we are to express no disapproval of such proceedings, then, so far as I am concerned, I shall to the end of my short service here believe that it is decorous and entirely in order for one gentleman to say of another whatever he chooses. That is it. Let us turn this thing into really what it is.

Now, gentlemen, I hope that no member will accuse me of having said this because I entertain the slightest feeling of hostility to the gentleman from West Virginia or any other member of this House; but the time has come when this House should maintain some degree of respect for its own character and dignity of its proceedings. If we do not respect ourselves we deserve the contempt of our constituents.

Mr. PETTIBONE. Correct.

Mr. BROWNE, of Indiana. I said here a winter or two ago I regretted each of our constituents could not be assembled on some night like this in these galleries to watch our proceedings and pass judgment upon them. We do here what we would not attempt in the presence of those people by whose suffrages we occupy seats here.

Now, I have said all I desire to, and I close as I began, with the expression of the belief that the gentleman from West Virginia will not be censured, not because he is not subject to a reprimand on the part

of the House, but because a fellow-feeling makes us wondrous kind. Scarcely one but expects, if these things continue, he will be in like position.

So far as I am concerned, I hope during my service here I have at no time under any sort of provocation used a single unparliamentary expression or said anything that was calculated to wound the feelings of the most sensitive gentleman who may have heard me.

I yield the balance of my time, if I have any, to my friend from South Carolina [Mr. TILLMAN].

The SPEAKER. The gentleman has forty-five minutes left.

Mr. HISCOCK. Mr. HEWITT, of New York, has come to the House voluntarily, but is unwell. I ask he be excused from further attendance.

The SPEAKER. That can not be done now, except by unanimous consent.

Mr. HISCOCK. I ask unanimous consent for that purpose.

There was no objection, and Mr. HEWITT, of New York, was excused.

Mr. TILLMAN. Mr. Speaker, for about four hours this House has been engaged in a very extraordinary proceeding, in what I shall call a minority veto of the river and harbor bill. Most people who read our Constitution superficially think there is but one veto power on legislation, and that the President has it—that it is a one-man power only. There is such a one-man power in analogy to the veto of the tribune of Rome; but, sir, our Constitution recognizes two other legislative veto powers: First, a minority of one-fifth of the House can prevent the action of the other four-fifths; and second, one-fifth of the Senate can thwart the will of the other four-fifths. In other words, we have what I shall call a minority veto. If the House will bear with me I will quote the Constitution to show how it is we are entangled and estopped in public business, and endeavor to call members back to the proprieties of legislative action, and ask them to act in a becoming manner.

The third clause of the fifth section of the first article of the Constitution reads as follows:

> Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

I ask members to mark the language: "And the yeas and nays of the members of either House on *any question* shall, at the desire of *one-fifth of those present*, be entered on the Journal."

Now, sir, whenever one-fifth of the members of this House of Representatives or one-fifth of the Senators in the other end of the Capitol deliberately make up their minds to defeat any measure that the other four-fifths of either body are in favor of passing, the Constitution gives that one-fifth a veto power to baffle the other four-fifths by calling the yeas and nays and having them entered upon the Journal until the term of the Congress shall have expired, if they think proper to do it.

Shortly after 6 o'clock this evening it was very evident that more than one-fifth of the members on this floor had unalterably decided that the river and harbor bill should not become a law, and the gentlemen of the majority, with whom I co-operated on that bill, may sit here until 12 o'clock on the 4th day of March protesting against the veto of one-fifth of the members on this floor in trying to coerce them, and they will protest in vain.

Sir, as a member or as a contestant or contestee I have been a constant observer or participant in the proceedings of this body for eight years, and I have never yet seen a determined filibustering minority who meant business beaten or driven from their resolution to veto the pending measure.

Mr. WILLIS. I am compelled very reluctantly to make the point of order on my friend. We are here in good faith, and the moment I get the floor I propose——

Mr. TILLMAN. I hope I will not be taken from the floor. I have a right to introduce my remarks and present them in any way I wish, if I do it decorously.

The SPEAKER. If the gentleman confines himself to the question under debate.

Mr. TILLMAN. I propose to come to the question under debate as speedily as practicable.

The SPEAKER. It is on the resolution of the gentleman from Indiana, which proposes to declare the language of the gentleman from West Virginia as out of order and subject to the censure of the House.

Mr. TILLMAN. I am coming to it, sir, and I propose to come to it in my own time and in my own way.

The SPEAKER. But the gentleman from Kentucky makes the point of order that the rule shall be enforced which requires each member addressing the House to confine himself to the question before the House.

Mr. TILLMAN. I suppose I can talk some common sense and make some philosophic or general comments on the situation. [Laughter.]

The SPEAKER. It becomes the duty of the Chair in enforcing the rule to call the attention of the member addressing the House to the fact that the point of order is made against his remarks and to request him to confine himself to the subject before the House. It is always difficult for the Chair to decide whether the gentleman is doing so or not, because a gentleman may make an argument totally irrelevant in the opinion of the Chair, but which, in his own opinion, has direct relation to the subject pending. The Chair, therefore, can only say to the gentleman in general terms under the rules of the House he must confine his remarks to the pending question.

Mr. TILLMAN. I propose to do that. I suppose the gentleman from Indiana who took the floor had an hour's time, and that he consumed some fifteen or twenty minutes of it. He then yielded the remainder to me. If I choose to discuss principles germane to the subject under consideration, I think I have a right to do so in that time.

Now, sir, I have made these remarks with a view to try to get this House to quiet its excitement, act as the representatives of 55,000,000 of American citizens ought to act, and adjourn at a decent hour to-night, so that we can come back here refreshed to-morrow for the transaction of the public business.

As long as there is crimination and recrimination allowed to go on and mere personalities to be indulged in, nothing in the way of the public business can be done; and this disgraceful struggle of the four-fifths majority attempting to coerce the vetoing one-fifth of this body, even if every member of the House were present, should have an end.

During the eight years of my observation in this House, as I said before when I was interrupted, I have never known a resolute vetoing minority of one-fifth who were willing to face the responsibility to the country and their constituents for preventing the passage of a particular law to be defeated in their purpose. And, sir, when the majority attempts to coerce such a minority, who under the Constitution choose to assert their rights and face their constituents and be responsible to them for it, it simply becomes a question of physicial endurance as to which party shall yield, and when the contest resolves itself into that jackasses are superior to the most intellectual statesmen. [Laughter.]

Therefore, sir, to make the application, whenever the majority who are in favor of a measure that commands even four-fifths of the House find out that the vetoing minority are fixed in their purpose to defeat the pending legislation, such majority, after putting the vetoing members on record, ought to be satisfied and adjourn. Ay, not only that, not only ought they to be satisfied, but they must be satisfied, because they can not help themselves. Most of the ill-temper, most of the unseemly personalities that are exhibited on such occasions, arise from the helpless impotency of baffled rage. Every intelligent member of the majority here must be absolutely conscious that he can not coerce the vetoing minority, that is bent upon defeating this river and harbor bill.

It can not be done because that vetoing minority has, under the ægis of the Constitution, this power which permits them, on motions to adjourn or to take a recess or to lay upon the table or to reconsider, authority to demand roll-call after roll-call, and have the yeas and nays recorded during the whole term of Congress, if they choose to take the responsibility.

It is a question between them and their constituents. It is a privilege they have not under the rules of the House, as many seem to think, but under the Constitution, and we ought to rejoice that it is so. Any proposed measure which one-fifth of the peoples' representatives here are so violently opposed to that they are willing to take the sole responsibility of defeating in all probability ought not to pass. A majority is often the result of a conspiracy, and the minority ought to be able to thwart it. The Constitution and the rules of this House were both framed to protect minorities, because majorities can protect themselves.

Let us stand by the great charter of our liberties. There is only one instance in our history so far where the vetoing minority has been deprived of its power to veto the action of the four-fifths majority, when the minority determined to do so, and that was in the last Congress, when the revolutionary Republican party suspended the constitutional right of the minority to veto the will of the majority in election cases, but still that bold, reckless party did not dare to override the veto of the minority on any other question.

Therefore, in order not to consume the time of the House further and to appeal to the good sense of gentlemen to cease this wrangle that never can accomplish any good, I hope that the majority will first move to dispense with all further proceedings under the call and then adjourn. And if I am in order, I will offer such motion. But as I would not be in order to make the motion now, I shall move to dispense with all further proceedings under the call, as soon as I can get the opportunity.

Mr. WILLIS. I have been waiting to make that motion for some time.

Mr. TILLMAN. And now I yield the remainder of the time back to the gentleman from Indiana, thanking him for his kindness, and apologizing to the House for having occupied so much time.

Mr. HAMMOND. As I understand the gentleman from Indiana [Mr. BROWNE] yielded the balance of his time to the gentleman from South Carolina [Mr. TILLMAN].

Mr. BROWNE, of Indiana. And the gentleman from South Carolina has returned to me that portion of the time which he has not used. But I do not intend to occupy a moment of it unless something shall be said requiring a response, in which case I may give what time remains to me to some of my friends.

The SPEAKER. Does the gentleman from Indiana reserve his time?

Mr. HAMMOND. I hope the gentleman will use his time now.

Mr. BROWNE, of Indiana. I will say in good faith I have no intention of talking further on this question. If gentlemen on the other side desire to discuss it they may discuss it, and meanwhile I will reserve my time for some gentleman who may desire to respond. But if the gentleman from Georgia [Mr. HAMMOND] will make his motion now to lay the resolution on the table I will yield to him for that purpose.

Mr. HAMMOND. The gentleman from Indiana can not control me in that way.

The SPEAKER. The Chair will state if the gentleman from Georgia [Mr. HAMMOND] obtains the floor in his own right he can proceed to debate the proposition and then he can make any proper parliamentary motion he sees fit.

Mr. REED, of Maine. I suppose the gentleman from Indiana [Mr. BROWNE] has the right to open and close debate on this subject.

The SPEAKER. The gentleman from Indiana is entitled to an hour under the rules of the House.

Mr. WILLIS. I beg to state that the gentleman from Indiana [Mr. BROWNE] yielded the balance of his time to the gentleman from South Carolina.

Mr. TILLMAN. He did so on condition that I should return to him any time that I did not consume.

Mr. BROWNE, of Indiana. I merely desire to reserve the balance of my time.

The SPEAKER. But the Chair desires that the gentleman from Indiana shall not be under any mistake about the position. If another gentleman obtains the floor in his own right, the Chair can not prevent that gentleman from making any proper parliamentary motion he sees fit to make; and that may result in depriving the gentleman from Indiana of the privilege of using the remainder of his time.

Mr. BROWNE, of Indiana. How much time have I?

The SPEAKER. The gentleman has twenty-two minutes of his time remaining.

Mr. REED, of Maine. Why should not the gentleman from Indiana yield to the gentleman from Georgia [Mr. HAMMOND] the time that gentleman wants?

Mr. BROWNE, of Indiana. I understood the gentleman from Georgia desired to occupy his own time.

Mr. HAMMOND. The gentleman from Georgia does not desire to be indebted to the gentleman from Indiana for the privilege of speaking. I say so politely, because I want my own time and not his.

Mr. BROWNE, of Indiana. The gentleman from Georgia is always polite.

Mr. HAMMOND. Now, will the gentleman from Indiana politely answer me whether he desires to go on now or whether I shall go on?

Mr. BROWNE, of Indiana. As I have the floor, and I presume have the right to do so under the rules, I now move the previous question on the resolution.

The SPEAKER. The gentleman from Indiana demands the previous question on the adoption of the resolution.

The question being taken on the motion for the previous question, there were—ayes 86, noes 52.

Mr. BLANCHARD. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 19—not a sufficient number.

Mr. BLANCHARD. I call for tellers on ordering the yeas and nays.

Tellers were not ordered, only 21 members voting therefor—not one-fifth of a quorum.

So the previous question was ordered.

Mr. GIBSON. I rise to a question of privilege.

Mr. KEIFER. I think the gentleman from West Virginia has not the right to do that pending this proceeding.

The SPEAKER. The proposition before the House is, that certain language used by the gentleman from West Virginia was out of order and that that subjects him to the censure of the House. The Chair thinks that pending that proposition the gentleman can not proceed under the rules of the House except by the consent of the House. The House has ordered the previous question on the resolution, which cuts off all debate.

Mr. HAMMOND. I now make the motion to lay the whole proceeding on the table.

Several MEMBERS. Too late!

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read clause 4 of Rule XVI, as follows:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

The SPEAKER. There is nothing in the rule which prevents the motion at this time to lay on the table, which motion, of course, is not debatable.

Mr. BROWNE, of Indiana. There is no objection on the part of myself, or I think on the part of gentlemen on this side——

Mr. HAMMOND. I object to further argument. If we are not allowed to debate we insist there shall not be debate on the other side.

Mr. BROWNE, of Indiana. What I wish to say is that we have no objection to hearing the gentleman from West Virginia if he wants to to be heard. That is all.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. HAMMOND] to lay the resolution on the table.

The question being taken, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. BROWNE, of Indiana. I call for a division.

The House divided; and there were—ayes 92, noes 51.

Mr. BROWNE, of Indiana. Although not at all disappointed in the result [cries of "Regular order!"], I will ask for the yeas and nays.

The SPEAKER. The gentleman from Indiana asks for the yeas and nays.

The yeas and nays were ordered, 43 members voting therefor—more than one-fifth of the last vote.

Mr. WELLBORN. Mr. Speaker, I desire to submit a request for unanimous consent that my colleague, Mr. MILLER, who is now in the Hall but quite unwell, be excused from further attendance upon this sitting of the House.

The SPEAKER. That can be done only by unanimous consent.

Mr. HISCOCK. If there be objection to letting in all the gentlemen who have come here voluntarily——

The SPEAKER. This is a proposition to excuse a gentleman who is present in the Hall.

Mr. WELLBORN. He has been here all evening, and he is now quite sick.

Mr. COBB. Mr. Speaker, the Sergeant-at-Arms, who has called upon my colleague, Judge HOLMAN, reports that he found him sick in bed and unable to attend here this evening. Therefore I ask unanimous consent that he be excused.

The SPEAKER. Is there objection? [After a pause.] No objection being made, it is so ordered.

The question was taken on the motion of Mr. HAMMOND, and there were—yeas 132, nays 66, not voting 126; as follows:

YEAS—132.

Adams, J. J.	Eldredge,	Le Fevre,	Shively,
Aiken,	Elliott,	Lewis,	Snyder,
Alexander,	Ellis,	Lore,	Spriggs,
Arnot,	English,	Lowry,	Stewart, Charles
Bagley,	Ferrell,	McMillin,	Storm,
Barksdale,	Findlay,	Matson,	Sumner, C. A.
Blanchard,	Finerty,	Maybury,	Sumner, D. H.
Boyle,	Follett,	Mills,	Swope,
Bratton,	Foran,	Mitchell,	Talbott,
Breckinridge,	Forney,	Money,	Taylor, J. M.
Broadhead,	Ryan,	Morse,	Tillman,
Buchanan,	Garrison,	Muldrow,	Tucker,
Buckner,	Graves,	Muller,	Tully,
Budd,	Green,	Murphy,	Turner, H. G.
Cabell,	Greenleaf,	Mutchler,	Turner, Oscar
Caldwell,	Halsell,	Ochiltree,	Van Eaton,
Campbell, J. E.	Hardy,	O'Ferrall,	Wallace,
Carleton,	Harmer,	O'Neill, J. J.	Ward,
Cassidy,	Hatch, W. H.	Paige,	Warner, Richard
Clardy,	Hemphill,	Patton,	Wellborn,
Clay,	Henley,	Pierce,	Weller,
Clements,	Hewitt, A. S.	Post,	Wemple,
Cobb,	Hewitt, G. W.	Potter,	Wilkins,
Collins,	Hill,	Pryor,	Willis,
Connolly,	Houseman,	Pusey,	Wilson, W. L.
Cook,	Hunt,	Reid, J. W.	Winans, E. B.
Davidson,	Jones, B. W.	Reese,	Winans, John
Denster,	Jones, J. H.	Riggs,	Wise, G. D.
Dibble,	Jones, J. T.	Rogers, J. H.	Wolford,
Dibrell,	King,	Rogers, W. F.	Wood,
Dockery,	Kleiner,	Rosecrans,	Woodward,
Dowd,	Lamb,	Seney,	Worthington,
Dunn,	Lanham,	Seymour,	Yaple.

NAYS—66.

Adams, G. E.	Dickson,	Keifer,	Rockwell,
Anderson,	Dunham,	Ketcham,	Rowell,
Barr,	Ellwood,	Lawrence,	Russell,
Bayne,	Evans,	Long,	Smalls,
Bingham,	Everhart,	McComas,	Steele,
Bisbee,	Hanback,	McCormick,	Stephenson,
Boutelle,	Hart,	Millard,	Strait,
Brewer, F. B.	Hatch, H. H.	Miller, S. H.	Taylor, J. D.
Brown, W. W.	Haynes,	Nutting,	Thomas,
Browne, T. M.	Henderson, T. J.	O'Hara,	Valentine,
Cannon,	Hepburn,	O'Neill, Charles	Wakefield,
Craig,	Hiscock,	Parker,	White, J. D.
Culbertson, W. W.	Hitt,	Payne,	White, Milo
Cullen,	Holmes,	Pettibone,	Whiting,
Davis, G. R.	Horr,	Price,	Wilson, James.
Davis, R. T.	Howey,	Ranney,	
Dingley,	James,	Reed, T. B.	

NOT VOTING—126.

Atkinson,	Blackburn,	Brumm,	Converse,
Ballentine,	Bland,	Burleigh,	Cosgrove,
Barbour,	Blount,	Burnes,	Covington,
Beach,	Bowen,	Campbell, Felix	Cox, S. S.
Belford,	Brainerd,	Campbell, J. M.	Cox, W. R.
Belmont,	Breitung,	Candler,	Crisp,
Bennett,	Brewer, J. H.	Chalmers,	Culberson, D. B.

Curtin,	Houk,	Nelson,	Smith, H. Y.
Cutcheon,	Hurd,	Nicholls,	Spooner,
Dargan,	Hutchins,	Oates,	Springer,
Davis, L. H.	Jeffords,	Payson,	Stevens,
Dorsheimer,	Johnson,	Peel,	Stewart, J. W.
Eaton,	Jones, J. K.	Perkins,	Stockslager,
Ermentrout,	Jordan,	Peters,	Stone,
Fiedler,	Kean,	Phelps,	Struble,
Funston,	Kelley,	Poland,	Taylor, E. B.
Geddes,	Kellogg,	Randall,	Thompson,
George,	Lacey,	Rankin,	Throckmorton,
Gibson,	Laird,	Ray, G. W.	Townshend,
Glascock,	Libbey,	Ray, Ossian	Van Alstyne,
Goff,	Lovering,	Reagan,	Vance,
Guenther,	Lyman,	Rice,	Wadsworth,
Hammond,	McAdoo,	Robertson,	Wait,
Hancock,	McCoid,	Robinson, J. S.	Warner, A. J.
Hardeman,	Miller, J. F.	Robinson, W. E.	Washburn,
Henderson, D. B.	Milliken,	Ryan,	Weaver,
Herbert,	Morgan,	Shaw,	Williams,
Hoblitzell,	Morrill,	Singleton,	Wise, J. S.
Holman,	Morrison,	Skinner, C. R.	York,
Holton,	Moulton,	Skinner, T. G.	Young.
Hooper,	Murray,	Slocum,	
Hopkins,	Neece,	Smith, A. Herr	

On motion of Mr. HAMMOND, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. BALLENTINE with Mr. BURLEIGH, on this vote.

Mr. YOUNG with Mr. YORK, for the rest of the day.

Mr. SINGLETON with Mr. MORRILL, for this day.

Mr. RANDALL with Mr. KELLEY, for this day.

Mr. AIKEN with Mr. BELFORD, for this day.

Mr. SMITH, of Pennsylvania, with Mr. COX, of New York, for this day.

Mr. WAIT with Mr. BUCKNER, for this evening.

Mr. REAGAN with Mr. POLAND, for this evening.

Mr. SUMNER, of California, with Mr. ROCKWELL, for this evening.

Mr. TOWNSHEND with Mr. SKINNER, of New York, until changed by mutual consent. Mr. TOWNSHEND would vote "yea" and Mr. SKINNER would vote "nay" on this vote.

Mr. SPRINGER with Mr. COSGROVE, for the remainder of this day.

Mr. STOCKSLAGER with Mr. KEAN, for this vote.

Mr. BLAND with Mr. SMITH, of Iowa, for this day.

Mr. COVINGTON with Mr. BREWER, of New Jersey.

Mr. ERMENTROUT with Mr. MCCORD, for this day.

Mr. HARDEMAN with Mr. ATKINSON.

The result of the vote was announced as above stated.

Mr. WELLER. I move that the House do now adjourn.

Mr. MILLER, of Pennsylvania. Pending that motion I move that when the House adjourns it be to meet on Friday next at 12 o'clock.

The SPEAKER. That would change the regular order of the House fixing 11 o'clock as the hour of meeting each morning.

Mr. MILLER, of Pennsylvania. Then I will change my motion and move that when the House adjourns it adjourn to meet at 11 o'clock on Friday next.

The House divided; and there were—ayes 15, noes 106.

So the motion of Mr. MILLER was not agreed to.

Mr. HORR. Now, Mr. Speaker, I renew the motion that the House adjourn.

The SPEAKER. That motion is now pending.

Mr. HEWITT, of Alabama. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I would like to know what becomes of the order if this motion to adjourn shall prevail.

The SPEAKER. What order does the gentleman mean?

Mr. HEWITT, of Alabama. The order for a call of the House.

The SPEAKER. Of course all proceedings under the call of the House terminate with the adjournment of the House. The question is upon the motion to adjourn.

The question being taken on the motion to adjourn, there were—ayes 104, noes 73.

Several MEMBERS. Tellers.

Mr. WILLIS. I call for the yeas and nays.

The yeas and nays were ordered, 60 voting in favor thereof.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. At the time this interruption occurred I was occupying the floor, and I did not yield it.

The SPEAKER. But the gentleman did not resume the floor when the proceedings terminated, and the Chair thought, of course, that he had surrendered the floor. Several motions have since been made and voted on.

Mr. WHITE, of Kentucky. What becomes of my resolution?

The SPEAKER. The gentleman's resolution is pending.

The question on the motion to adjourn was taken; and it was decided in the negative—yeas 106, nays 110, not voting 108, as follows:

YEAS—106.

Adams, G. E.	Barr,	Boyle,	Browne, T. M.
Aiken,	Bayne,	Brainerd,	Buckner,
Anderson,	Bingham,	Breitung,	Campbell, J. E.
Arnot,	Boutelle,	Brown, W. W.	Cannon,
Cobb,	Hanback,	McAdoo,	Steele,
Collins,	Hardy,	McComas,	Straight,
Connolly,	Harmer,	McCormick,	Struble,
Cook,	Hart,	Maybury,	Sumner, D. H.
Craig,	Hatch, H. H.	Millard,	Swope,
Culbertson, W. W.	Haynes,	Miller, S. H.	Taylor, J. D.
Cullen,	Henderson, T. J.	Murphy,	Tillman,
Davis, G. R.	Hepburn,	O'Neill, Charles	Tully,
Denster,	Hill,	Parker,	Van Alstyne,
Dingley,	Hiscock,	Patton,	Wadsworth,
Dixon,	Hitt,	Payson,	Wakefield,
Dockery,	Holmes,	Pettibone,	Wallace,
Dunham,	Hopkins,	Post,	Ward,
Eldredge,	Horr,	Potter,	Weller,
English,	Howey,	Price,	Wemple,
Evans,	Hutchins,	Pusey,	White, J. D.
Everhart,	James,	Ranney,	White, Milo
Ferrell,	Jones, B. W.	Reed, T. B.	Whiting,
Fiedler,	Kean,	Rowell,	Wilson, James
Finerty,	Keifer,	Russell,	Winans, E. B.
Funston,	Long,	Seney,	Winans, John
Fyan,	Lovering,	Skinner, C. R.	Worthington.
Garrison,	Lyman,	Spriggs,	

NAYS—110.

Adams, J. J.	Follett,	Lowry,	Snyder,
Alexander,	Foran,	McMillin,	Stephenson,
Bagley,	Forney,	Matson,	Stevens,
Barksdale,	George,	Mills,	Stewart, Charles
Bisbee,	Gibson,	Mitchell,	Storm,
Blanchard,	Goff,	Money,	Talbott,
Bratton,	Green,	Muldrow,	Taylor, J. M.
Breckinridge,	Greenleaf,	Mutchler,	Thomas,
Buchanan,	Guenther,	Nutting,	Tucker,
Budd,	Halsell,	Ochiltree,	Turner, H. G.
Burnes,	Hatch, W. H.	O'Ferrall,	Turner, Oscar
Cabell,	Hemphill,	O'Hara,	Van Eaton,
Caldwell,	Henley,	O'Neill, J. J.	Warner, A. J.
Carleton,	Hewitt, G. W.	Paige,	Warner, Richard
Cassidy,	Houseman,	Payne,	Weaver,
Clardy,	Hunt,	Pierce,	Wellborn,
Clay,	Jefferds,	Pryor,	Wilkins,
Clements,	Jones, J. H.	Reid, J. W.	Willis,
Davidson,	Jones, J. T.	Reese,	Wilson, W. L.
Dibble,	Kellogg,	Riggs,	Wise, G. D.
Dibrell,	King,	Rogers, J. H.	Wolford,
Dunn,	Kleiner,	Rogers, W. F.	Woodward,
Elliott,	Lamb,	Rosecrans,	Yaple.
Ellis,	Lanham,	Seymour,	
Ellwood,	Lewis,	Shively,	
Findlay,	Lore,	Smalls.	

NOT VOTING—108.

Atkinson,	Dargan,	Lawrence,	Robinson, J. S.
Ballentine,	Davis, L. H.	Le Fevre,	Robinson, W. E.
Barbour,	Davis, R. T.	Libbey,	Rockwell,
Beach,	Dorsheimer,	McCoid,	Ryan,
Belford,	Dowd,	Miller, J. F.	Shaw,
Belmont,	Eaton,	Milliken,	Singleton,
Bennett,	Ermentrout,	Morgan,	Skinner, T. G.
Blackburn,	Geddes,	Morrill,	Slocum,
Bland,	Glascock,	Morrison,	Smith, A. Herr
Blount,	Graves,	Morse,	Smith, H. Y.
Bowen,	Hammond,	Moulton,	Spooner,
Brewer, F. B.	Hancock,	Muller,	Springer,
Brewer, J. H.	Hardeman,	Murray,	Stewart, J. W.
Broadhead,	Henderson, D. B.	Neece,	Stockslager,
Brumm,	Herbert,	Nelson,	Stone,
Burleigh,	Hewitt, A. S.	Nicholls,	Sumner, C. A.
Campbell, Felix	Hoblitzell,	Oates,	Taylor, E. B.
Campbell, J. M.	Holman,	Peel,	Thompson,
Candler,	Holton,	Perkins,	Throckmorton,
Chalmers,	Hooper,	Peters,	Townshend,
Converse,	Houk,	Phelps,	Valentine,
Cosgrove,	Hurd,	Poland,	Vance,
Covington,	Johnson,	Randall,	Wait,
Cox, S. S.	Jones, J. K.	Rankin,	Washburn,
Cox, W. R.	Jordan,	Ray, G. W.	Williams,
Crisp,	Kelley,	Ray, Ossian	Wise, J. S.
Culberson, D. B.	Ketcham,	Reagan,	Wood,
Curtin,	Lacey,	Rice,	York,
Cutcheon,	Laird,	Robertson,	Young.

So the motion to adjourn was not agreed to.

Mr. WELLER (when the roll-call had been concluded). I ask unanimous consent that the reading of the names be dispensed with.

Mr. MCMILLIN. I object.

Mr. DUNHAM. I ask the gentleman from Tennessee [Mr. MCMILLIN] whether, out of regard for the clerks whose voices during this prolonged session have been subjected to severe labor, he will not have the kindness to withdraw his objection to dispensing with the reading of the names.

Mr. MCMILLIN. I should be very glad indeed to relieve the clerks; but this is a close vote, and I think the names should be read.

The names having been read,

Mr. ROCKWELL. I desire to withdraw my vote. I understand that I am paired with the gentleman from California [Mr. SUMNER].

Mr. BREWER, of New Jersey. I voted "ay," but I believe I am paired with the gentleman from Maryland [Mr. COVINGTON]; and I withdraw my vote.

The result of the vote was announced as above stated.

Mr. MILLER, of Pennsylvania. I rise to make a privileged motion.

Mr. WILLIS. I move that the House take a recess till to-morrow morning at 10 o'clock.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. WILLIS] is not in order while the House is acting under a call.

Mr. WILLIS. I move, then, to dispense with further proceedings under the call.

Mr. MILLER, of Pennsylvania. I move that when the House adjourns to-day it adjourn to meet on Saturday next at 11 o'clock.

The SPEAKER. The motion of the gentleman from Kentucky to dispense with further proceedings under the call takes precedence.

Mr. WHITE, of Kentucky. I desire to resume my remarks, if I am entitled to the floor now. [Laughter.]

The SPEAKER. The gentleman is not entitled to the floor. He did not resume the floor, and the House proceeded with the transaction of other business, in which it has been engaged for the last half-hour.

Mr. WHITE, of Kentucky. My resolution is still before the House.

The SPEAKER. It is still pending; but the gentleman from Kentucky [Mr. WILLIS] has made a motion that takes precedence.

Mr. WHITE, of Kentucky. What is the motion?

The SPEAKER. To dispense with further proceedings under the call. The motion of the gentleman from Kentucky [Mr. WHITE], which relates to the call of the House, will be dispensed with if this motion be adopted.

The motion of Mr. WILLIS was agreed to.

Mr. WILLIS. I now move that the House take a recess until 10 o'clock to-morrow morning.

Mr. WELLER (at 11 o'clock and 50 minutes). I move that the House adjourn.

The SPEAKER. The motion to adjourn has precedence over the motion for a recess.

The question being taken on the motion of Mr. WELLER, there were—ayes 83, noes 80.

Mr. WILLIS. I call for tellers.

Tellers were ordered, 47 voting therefor; and Mr. WELLER and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 92, noes 82.

So the motion of Mr. WELLER was agreed to; and accordingly (at 11 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. BAGLEY: Petition of manufacturers of matches, asking payment of commission to those who furnished private dies—to the Committee on Appropriations.

By Mr. BARKSDALE: Papers relating to claim of Naomi J. Fowler, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BAYNE: Petition of the Women's Foreign Missionary Society of the Sandusky Baptist church, of Allegheny, Pa., urging early action by Congress for checking the evil of Mormonism—to the Committee on the Judiciary.

Also, petition of W. Robinson and others, of Allegheny County, Pennsylvania, urging speedy action by Congress for checking the evil of Mormonism—to the same committee.

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., asking that the citizens of South Carolina, Alabama, Mississippi, Louisiana, Tennessee, and Missouri may have all the rights guaranteed under article 4, section 2, clause 1 of the Constitution of the United States—to the same committee.

By Mr. F. B. BREWER: Petition of citizens of Chautauqua County, New York, in regard to the Mormon question—to the same committee.

By Mr. BUDD: Memorial of the Grand Army of the Republic, Department of California, favoring placing General U. S. Grant on the retired-list of the Army—to the Committee on Military Affairs.

By Mr. CLEMENTS: Petition of Joel R. Prewett, of Paulding County, Georgia, for reference of his claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. DEUSTER: Memorial of the Legislature of the State of Wisconsin to place the name of General U. S. Grant upon the retired-list of the Army—to the Committee on Military Affairs.

By Mr. HAMMOND: Petition of D. T. Estes and others, citizens of Atlanta, Ga., for the prevention of Mormonism—to the Committee on the Judiciary.

By Mr. HOLMAN: Petition of Rev. John G. Chaffee and 33 others, citizens of Brookville, Franklin County, Indiana, for effective legislation against polygamy—to the same committee.

By Mr. HOLMES: Petition of John C. Hall and 179 others, citizens of Boone, Iowa, praying for additional legislation against the continuance of polygamy in the United States—to the same committee.

By Mr. KEIFER: Petition of H. A. Ketchum and 35 others, citizens of Urbana, Ohio, praying for legislation to eradicate the evils of Mormonism—to the same committee.

By Mr. LACEY: Petition of William L. Cobb and 18 others, citizens of Middleville, Mich., for the increase of the rate of pensions to widows and dependent relatives of Union soldiers—to the Committee on Pensions.

By Mr. LONG: Various petitions in aid of, and memorial of Womans' National Indian Association, for education and citizenship of Indians—to the Committee on Indian Affairs.

By Mr. MULDROW: Petition of Harriet F. McPeters, of Alcorn County, Mississippi, for reference of her case to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of A. M. Cloud, administrator of Ben. F. Cloud, deceased, of Claiborne County, Tennessee, asking reference of claim to the Court of Claims for rehearing, under the provisions of the Bowman act—to the same committee.

By Mr. ROGERS: Petition of Charles A. Gould and others, citizens of Buffalo, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. ROSECRANS: Petition of A. W. Hicks, messenger to Military Committee House of Representatives, for arrears of pay, extra session Forty-fifth Congress and part of regular session—to the Committee on Claims.

By Mr. RYAN: Petition of Rev. P. S. Cleland and others, of Topeka, Kans., for legislation suppressing polygamy in the Territories—to the Committee on the Judiciary.

By Mr. VALENTINE: Petitions of J. H. McCall and 86 others, and of Ferdinand Zimeven and 60 others, citizens of Nebraska, praying for law granting bounty-land warrants to soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MILO WHITE: Petition from James M. Goodwin Post, No. 81, Grand Army of the Republic, Owatona, Minn., in favor of purchase by the Government of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Judiciary.

By Mr. WOOD: Petition of citizens of the tenth judicial district of Indiana, for bounty land—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. KEIFER: Of James McCafferty and 38 others, citizens of Vienna Cross Roads, Ohio.

By Mr. VALENTINE: Of William H. Thompson and 48 others, citizens of Custer County; of H. F. Hill and 33 others, citizens of Holt County; of O. Graves and 74 others, citizens of Merrick County; of Joseph Westervelt and 17 others, citizens of Custer County; of A. A. Sherman and 50 others, citizens of Sherman County; of H. M. Grimes and 31 others, citizens of Holt County; of William Terhune and 61 others, citizens of Howard County; of J. H. Skinner and 32 others, citizens of Brown County; of James D. Russell and others, citizens of Buffalo County; of William Young and 31 others, citizens of Holt County; of F. F. Rexford and 10 others, citizens of Cass County; of W. H. Staley and 62 others, citizens of Saline County; of A. W. Powers and 61 others, citizens of Wheeler County; of J. F. Woods and 55 others, citizens of Colfax County; of C. L. Harris and 48 others, citizens of Boone County; of Charles Harlocker and 61 others, citizens of Burt County; of H. H. Haven and 62 others, citizens of Buffalo County; of Samuel Monroe and 61 others, citizens of Holt County; of C. H. Moulton and 28 others, citizens of Red Willow County; of W. H. Webster and 57 others, citizens of Merrick County; of W. H. Bristol and 32 others, citizens of Custer County; of John A. Wood and 63 others, citizens of Holt County; of L. W. Harris and 130 others, citizens of Valley County; of Fred. Wright and 65 others, citizens of Hall County; of T. M. Kirby and 140 others, citizens of Washington County; of A. C. Abbott and 61 others, citizens of Burt County; of J. M. Ellington and 30 others, citizens of Holt County; of William Watts and 33 others, citizens of Boone County; of Jacob Rounds and 29 others, citizens of Valley County; of J. S. Cramer and 126 others, citizens of Dixon County; and of W. C. Sutton and 45 others, citizens of Boone County, Nebraska.

SENATE.

THURSDAY, *February* 26, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JOHN F. JONES, chosen by the Legislature of Nevada a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting appropriation estimates submitted by the Secretary of the Navy for completing the new naval cruisers and dispatch-boat; which, with the accompanying estimates, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the allowance, by the accounting officers of the Treasury, of the twelfth installment of the war claims of the State of Pennsylvania in the sum of $4,378.30, now awaiting an appropriation for its payment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 23d instant, a report of the Commissioner of Education regarding the progress of Indian education and civilization. If there be no objection the letter will be printed, and, with the accompanying report and papers, referred to the Committee on Printing. The papers seem to be quite voluminous, and unless some other direction is suggested the Chair will refer them to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin; which was read, and referred to the Committee on Appropriations, as follows:

Memorial to Congress.

To the Senate and House of Representatives in Congress assembled:

The memorial of the Legislature of Wisconsin respectfully represents—

That at the last session of Congress an appropriation of $50,000 was made for the purpose of experiments in sorghum machinery and improved methods of making sugar; therefore your memorialists respectfully ask that the unexpended balance of said appropriation be made for the purpose as will enable the Agricultural Department to continue and extend the experiments contemplated by said appropriation.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

J. M. RUSK, *Governor.*

Approved February 19, 1885.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 23d day of February, in the year of our Lord 1885.

[SEAL.] ERNST G. TIMME,
Secretary of State.

The PRESIDENT *pro tempore* presented a petition of the Chamber of Commerce of New Orleans, La., praying that J. W. Pearce, of that place, be appointed United States minister to Liberia; which was referred to the Committee on Foreign Relations.

He also presented the petition of Reuben N. Hill, of Summum, Fulton County, Illinois, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

Mr. SHERMAN. I present the petition of Barber & Peckham, William Gates's Sons, F. P. Newton, and others, citizens of Ohio, Massachusetts, New York, and other States, praying for the refunding of taxes erroneously collected. As the petition is based upon a claim founded upon a judgment of the Supreme Court, I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SHERMAN presented a resolution of the Toledo (Ohio) Produce Exchange, favoring the acquisition by the Government of title to Lake Superior and Portage Lake Canals; which was referred to the Committee on Commerce.

Mr. JACKSON. I present a petition of members of the Tobacco Board of Trade of Clarksville, Tenn., praying that the tobacco report of J. B. Killebrew, prepared for the census reports of 1880, may be published in full by the Census Bureau. The petition is addressed to my colleague [Mr. HARRIS] and myself, but is evidently intended for the Senate, and I ask that it be received and referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be received, and so referred.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the House of Representatives, returning Senate bill No. 84 with an amendment. The title of the bill will be read.

The CHIEF CLERK. A bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be read.

The amendments of the House of Representatives were, in line 5 of section 1, to strike out "August" and insert "June 1;" in line 8, after the word "sixty," to insert "one;" in line 3 of section 2, before the word "thousand," to strike out the words "and twenty;" and on the end of the bill to add the following proviso:

Provided, however, That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

Amend the title by striking out "August, 1860," and inserting "June 1, 1861;" so as to make the bill read:

A bill to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof.

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the course of trade and business, to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the outbreak and massacre by said Indians in August, 1862, and for which damages were not awarded by the commissioners appointed under the act entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, for the reason that said act limited the action of said commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and the said claims, when ascertained, shall be paid by the Secretary of the Interior out of the money hereby appropriated.

SEC. 2. That for the purpose of enabling the Secretary of the Interior to carry out the provisions of the foregoing section the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated: *Provided, however*, That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

Mr. CAMERON, of Wisconsin. I move that the Senate disagree to the House amendments to the bill, and ask the House for a conference on the disagreeing vote of the two Houses.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, subsequently said: Upon further examination, I have concluded that I am in favor of concurring in the amendments made by the House of Representatives to Senate bill 84. I therefore move to reconsider the vote by which the Senate disagreed to the amendments and asked for a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the vote of the Senate disagreeing to the amendments of the House of Representatives to the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, be reconsidered. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Wisconsin that the Senate disagree to the amendments of the House of Representatives.

Mr. CAMERON, of Wisconsin. I withdraw that motion, and move that the Senate concur in the House amendments.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws the motion to disagree, and moves that the Senate concur in the amendments of the House of Representatives. The question is on agreeing to that motion.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1266) for the relief of Alexander D. Schenck, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa., to report it favorably.

With the indulgence of the Senate I desire to say that this is the military reservation or establishment at Carlisle, which under the law is now used by the Interior Department as an Indian school. An important line of railroad has been surveyed and must go through those grounds. The Secretary of the Interior and the superintendent of the school have agreed upon a location and upon terms. The bill authorizes the Secretary of the Interior to allow the railroad to go through; and as it must pass the other House I am requested by the Senator from Pennsylvania [Mr. MITCHELL] to ask for the present consideration of the bill. It is very brief and well guarded.

The PRESIDENT *pro tempore*. Is there objection?

Mr. ALLISON. I think we had better finish the morning business.

The PRESIDENT *pro tempore*. Objection is made. The bill will be placed on the Calendar.

Mr. SEWELL, from the Committee on Railroads, to whom was referred the bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," reported it without amendment.

He also, from the Committee on Military Affairs, to whom the subject was referred, reported a joint resoulution (S. R. 133) authorizing the President of the United States to grant permission to one or more

officers of the Army to accept temporary service under the Government of Corea; which was read twice by its title.

Mr. GORMAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1963) for the relief of J. G. Fell, Edward Harper, and George Burnham, reported it without amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6122) to extend the time specified in an act approved June 27, 1882, entitled "An act to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia," reported it without amendment.

Mr. HALE. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, to report it with sundry amendments. There is a report accompanying the bill, and I ask that the bill and report be printed. I give notice that I shall endeavor to call up the bill to-morrow morning.

SENATE ELECTION CASES.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution providing for a compilation and digest of contested-election cases in the Senate, to report it favorably without amendment. I ask that the resolution may be immediately acted upon.

By unanimous consent the Senate proceeded to consider the resolution, as follows:

Resolved, That the Committee on Privileges and Elections be directed to cause to be prepared a compilation and digest of the contested-election cases which have arisen in the Senate since its organization, and to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

Mr. HOAR. I ask leave to make a statement. The contested-election cases of the Senate have not been collected since 1865. The cases which had arisen both in the House and Senate were collected in 1834 and again in 1865; but that compilation is an exceedingly imperfect one, owing to the imperfection of the reports. There is a great deal of valuable matter found in Niles's Register which is not found in those volumes. Since 1865 those cases which arose in the House have been separately published four times, once in 1871—those which had arisen for the then past six years—again in 1876, again in 1880, and again in 1882; but there has been no collection of the cases which have arisen in the Senate since 1865; and, as Senators are aware, there have been very numerous and important cases of that class.

If the resolution passes I expect to have the compilation made under my own supervision and care.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

A. L. SINGLETON.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably a resolution directing a payment out of the contingent fund to the widow of A. L. Singleton, and I ask that the resolution may be immediately acted upon.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the widow of A. L. Singleton, deceased, late a fireman in the heating department of the United States Senate, a sum equal to three months' salary as fireman aforesaid, at the rate of $1,095 per annum, this amount to be considered as including the funeral expenses of A. L. Singleton and all other allowances.

The resolution was agreed to.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF BUREAU OF ETHNOLOGY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. I wish to ask a question in regard to this matter. I should like to ask the Senator from Nebraska, the chairman of the Committee on Printing, why it is that the previous volumes of this work have not been furnished us for distribution? They were ordered to be printed, it seems to me, a year or two ago. I have constant applications for them, and they are not in the document-room. Is there any reason known why they should not have been furnished long ago?

Mr. MANDERSON. There is none known to me. The consideration of that matter did not come before the committee in connection with this joint resolution. It may be that the volumes are not yet issued from the Printing Office. I shall be very glad to make inquiry for the Senator.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF GEOLOGICAL SURVEY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON RULES.

Mr. FRYE. I am instructed by the Committee on Rules to report a resolution continuing the Committee on Rules during vacation. I ask the reference of the resolution to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Committee on Rules be, and is hereby, continued and authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

Mr. HOAR. Would that include anything more than the recess between the present session of the Senate and the called session of the 4th of March?

Mr. FRYE. I find the resolution all right upon examination; it speaks of the "recess of Congress." I move that it be referred to the Committee on Contingent Expenses.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN and Mr. VANCE submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WALKER and Mr. PLATT submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. WALKER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

JOHN H. IVERS.

Mr. CONGER. I move to reconsider the vote by which the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson, was indefinitely postponed, and that the case be placed on the Calendar.

The PRESIDENT *pro tempore*. When was the action taken?

Mr. CONGER. I find that the report was made on the 24th instant. I suppose the bill was reported on the 24th.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to reconsider the vote indefinitely postponing the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson. The vote was taken on the 24th instant, and the Senator is in time, the Chair understands. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to indefinitely postpone the bill.

Mr. COCKRELL. Does the Senator from Michigan desire the bill to go on the Calendar or to have action upon it now?

Mr. CONGER. I desire to have it go on the Calendar. I stated that before.

The PRESIDENT *pro tempore*. The Senator from Michigan desires that the bill, with the motion to indefinitely postpone, be placed on the Calendar. That order will be entered if there be no objection.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2663) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned; which was read twice by its title.

Mr. HOAR. The bill contains the provisions of a bill which has been popularly called the funding bill, dealing with the question of proper and further security for the debt due from the subsidized Pacific Railroads, with several amendments and changes which have been suggested by experience to Senators while that bill has been upon the Calendar. That bill stands as the order of business which I suppose would be next taken up in course, except the appropriation bills and the silver bill, but that statement indicates that it is very unlikely that it can be considered at the present session of the Senate. It is a matter which deserves and undoubtedly would receive great attention and considerable discussion.

I think, therefore, that it would be useless to have this bill referred to the Committee on the Judiciary, and I introduce it for the information of the public. I hope that before the first session of the next Congress this matter will receive full attention from the business men of the country, so that any suggestion as to its justice or injustice which they see fit to make may reach Congress. I move that the bill be printed and lie on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. MORRILL. I desire to ask consent that we may take up the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army. It is a bill that in substance and for the same amount has heretofore passed the Senate. It will not take two minutes to read it and have it passed, I think.

Mr. HILL. Has the regular morning business been concluded?

The PRESIDENT *pro tempore*. It has not.

Mr. HILL. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Vermont. The introduction of bills and joint resolutions is still in order.

Mr. INGALLS. It is important that there should be a brief executive session. I move that the Senate do now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 23; as follows:

YEAS—31.

Allison,	Dolph,	McMillan,	Pendleton,
Blair,	Edmunds,	Mahone,	Pike,
Bowen,	Frye,	Manderson,	Platt,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Sewell,
Chace,	Hawley,	Miller of N. Y.,	Sherman,
Conger,	Hoar,	Mitchell,	Van Wyck,
Cullom,	Ingalls,	Morrill,	Wilson.
Dawes,	Lapham,	Palmer,	

NAYS—23.

Bayard,	Gibson,	Jackson,	Slater,
Beck,	Gorman,	Jones,	Vance,
Call,	Groome,	McPherson,	Vest,
Coke,	Hampton,	Morgan,	Walker,
Fair,	Harris,	Pugh,	Williams.
George,	Hill,	Saulsbury,	

ABSENT—22.

Aldrich,	Colquitt,	Kenna,	Riddleberger,
Brown,	Farley,	Lamar,	Sabin,
Butler,	Garland,	Logan,	Sawyer,
Camden,	Hale,	Maxey,	Voorhees.
Cameron of Pa.,	Jones of Florida,	Plumb,	
Cockrell,	Jones of Nevada,	Ransom,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened.

ILLEGAL LAND ENTRIES IN CALIFORNIA.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. Concurrent and other resolutions are now in order.

Mr. ALLISON. I do not wish to interfere with morning business.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered on a previous day by the Senator from Colorado [Mr. HILL] which has not yet been laid before the Senate. The resolution will be read.

The Chief Clerk read the following resolution, submitted by Mr. HILL on the 24th instant:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of the reports of Special Agent of the Land Department Wilson T. Smith, with accompanying affidavits and papers, sent to the Commissioner of the General Land Office in August and September, 1883, which reports, affidavits, and papers referred to the illegal timber-land entries and fraudulent issuance of titles under the act of June 3, 1878, in the Humboldt land district, California, said entries being confined to townships 8, 9, 10, 11, and 12 north, range 1 and 2 east H. M., and townships 7 north, range 2 east, and 13 north, range 1 east H. M., and embracing over 100,000 acres of redwood timber land.

Also copies of the reports of Special Agents George D. Orner and W. H. Goucher, of the Land Department, sent to the Secretary of the Interior and Commissioner of the General Land Office, which refer to the same illegal timber-land entries in Humboldt County, California, and inform the Senate what action has been taken by the Commissioner and Secretary of the Interior, as to the cancellation of the illegal timber-land entries in the above-described townships, and if any patents have been issued by the Commissioner since June 1, 1883, under the act of June 3, 1878, for timber lands in the above-enumerated townships, to give the date of their issuance, name of entry-men, and description of land.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

DEBATE ON APPROPRIATION BILLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Iowa, Mr. ALLISON, on the 24th instant, which went over under objection. It will be read.

The Chief Clerk read as follows:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment, or all amendments, to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

Mr. PLUMB. I hope that resolution will lie over. I think it will excite some debate.

Mr. ALLISON. Very well, let it lie over.

The PRESIDENT *pro tempore*. It is moved that the consideration of the resolution be postponed until to-morrow.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. COCKRELL. I think we ought to ask that the Public Printer have the bill printed immediately, so that the committee may consider it this evening.

The PRESIDENT *pro tempore*. The Chair will give directions for its immediate printing.

EVENING SESSIONS.

Mr. FRYE. I offer the following resolution and ask for its present consideration:

Resolved, That, until otherwise ordered, the Senate take a recess each day at 6 o'clock to 8 p. m.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the resolution be now considered.

Mr. COCKRELL. Let it lie over and be printed.

The PRESIDENT *pro tempore*. The resolution will go over and be printed.

ARMY MEDICAL MUSEUM.

Mr. MORRILL. If there be no further "concurrent or other resolutions," I ask for two minutes and a half of the Senate merely to pass a bill that has once been passed by the Senate and now comes from the House of Representatives. It will take no longer than to read the bill—not over two minutes probably.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed. The Senator from Vermont is recognized.

Mr. MORRILL. I ask that House bill 48 be taken up for present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL OFFICERS' MILEAGE.

Mr. VOORHEES. I ask leave to offer the following resolution, to be printed and lie over until to-morrow:

Resolved, That the Secretary of the Treasury be directed to inform the Senate on what character of evidence the claims of naval officers for mileage reported by him to Congress in House Executive Documents 55 and 153 of the present session have been allowed by the accounting officers.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, further insisted on its disagreement to the twenty-third amendment of the Senate insisted on by the Senate to the said bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. H. FORNEY of Alabama, Mr. R. W. TOWNSHEND of Illinois, and Mr. J. WARREN KEIFER of Ohio managers at the further conference on the part of the House.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The message further announced that the House had non-concurred in the amendment of the Senate to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MELVIN C. GEORGE of Oregon, Mr. OLIN WELLBORN of Texas, and Mr. R. S. STEVENS of New York managers of the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1810) for the erection of a public building at Sacramento, Cal.;

A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.; and

A bill (S. 2009) granting a pension to Isabella Turner.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLISON, Mr. DAWES, Mr. VEST, Mr. VOORHEES, and Mr. WILLIAMS submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCPHERSON and Mr. MAHONE submitted amendments intended to be proposed by them to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 8179, being the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 8179. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment offered by the Senator from Indiana [Mr. HARRISON] as amended.

Mr. HARRISON. I ask the Senator from Iowa to yield for a moment that I may ask consent to take up the bill I reported from the Military Committee this morning and put it on its passage.

Mr. ALLISON. I hope the Senator from Indiana will not ask that until we have finished this bill. Then there will be no trouble.

Mr. HARRISON. I have no interest in it. The result will be that it will not come up at all. That is all there is of it.

Mr. ALLISON. Before the pending amendment is taken up I ask unanimous consent to offer two amendments of the Committee on Appropriations which were omitted and to present some which were submitted to the committee last night. On page 5, line 109, I move to insert "two hundred" after the word "thousand;" so as to read:

One clerk in the folding-room, at $1,200.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent pending the present question to offer an amendment on page 5, line 109, after the word "thousand" to insert "two hundred." Is there objection? The Chair hears none. The amendment is agreed to.

Mr. ALLISON. Now on page 32, line 767, I move to strike out "five" and insert "four."

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to amend the bill on page 32, line 767, by striking out "five" and inserting "four;" so as to read:

Four copyists and counters.

Is there objection? The Chair hears none.

Mr. ALLISON. In line 768, I move to strike out "one" and insert "two" where it first occurs.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Iowa that in line 767, the word "copyist" should be made plural. If there be no objection the word "copyist" will be make to read "copyists." It is agreed to.

Mr. MORGAN. Let me ask the Senator about line 768.

Mr. ALLISON. In line 768, I propose to strike out "one" and insert "two" and add the letter "s" to the word "messenger;" so as to read "two assistant messengers."

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent, in line 768, to amend by striking out "one" and inserting "two," and after "messenger" to insert the letter "s;" so as to read "two assistant messengers." Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. ALLISON. On page 60, I offer this amendment: In line 1461, I move to strike out "one" and insert "two;" so as to read:

For the actual and necessary expenses of the judge, marshal, and attorney, when traveling in the discharge of their official duties, $2,000.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. ALLISON. I also move to amend the bill on the same page, after line 1461, by inserting:

For rent of office for the marshal, fuel, books, stationery, and other incidental expenses, $1,000.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and the amendment is received and agreed to.

Mr. ALLISON. In line 1464, on the same page, I move to strike out the words "one thousand five hundred" and insert in lieu thereof "three thousand;" so as to read:

For incidental and contingent expenses of the Territory, to be expended under the direction of the governor, $3,000.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The amendment is agreed to.

Mr. ALLISON. On page 82, line 2015, I move to strike out "one thousand" and insert "two thousand five hundred;" so as to read:

For professional books for Department library, $2,500.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to amend the bill on page 82, line 2015, by striking out "one" and inserting "two;" and in line 2016, after the word "thousand," inserting "five hundred;" so as to read:

For professional books for Department library, $2,500.

Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. ALLISON. I have one more amendment. On page 56, line 1357, in the appropriations for the mint at San Francisco, Cal., I move to strike out "sixty" and insert "forty."

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to amend the bill on page 56, line 1357, by striking out "sixty" and inserting "forty;" so as to read:

For incidental and contingent expenses, $40,000.

Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. HALE. I offer an amendment to come in on page 31.

The PRESIDENT *pro tempore*. The Chair must inform the Senator from Maine that the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment of the Senator from Indiana [Mr. HARRISON] is still pending. These amendments of the Senator from Iowa have been made by unanimous consent pending that question.

Mr. HALE. I thought the road was clear.

The PRESIDENT *pro tempore*. It is not clear.

Mr. SHERMAN. I have consent of the Senator from Virginia to offer an amendment which has been several times before adopted by the Senate. On page 19, after line 451, I move to insert:

To enable the Librarian of Congress to arrange, select, edit, and prepare for publication the historical manuscripts in the Library of Congress collected by the late Peter Force for the publication known as the fourth and fifth series of the American Archives, not heretofore published, and to incorporate such additional manuscript or rare unpublished materials relating to the period embraced as may be approved by the Joint Committee on the Library, the same

to be printed in folio form, at the Government Printing Office, under the supervision of the Librarian of Congress, $4,000.

The PRESIDENT *pro tempore*. Is there objection to receiving and agreeing to this amendment? The Chair hears none, and it is agreed to.

Mr. SHERMAN. I wish to say just a word so as to impress upon the conferees who will represent the Senate in this matter the importance of this proposition. This amendment has been four times reported by the unanimous vote of the Committee on the Library, composed of many different Senators and Members of the House as well. These documents for the continuation of the American Archives, a well-known work, have been prepared and should be now collected, and we have arranged to print one volume a year, so that in ten years the archives will be completed.

Mr. BECK. I rise to ask unanimous consent to reconsider an amendment on page 65, beginning in line 1594, and going down to and including line 1606, striking out the provision of the House relative to the Territory of Wyoming. I do this on a statement made to me by the Delegate a moment ago, which I have not had time to lay before the committee. The last Legislature failed to make an apportionment of the Territory. The Legislature elected last fall was illegal, and has been so declared by the legal authorities. New counties have been organized that have no representation, and others have grown until their representation is not one-third what it ought to be. The legislation in the House bill is absolutely necessary to give them a Legislature at all. I was not aware of it until just now.

Mr. ALLISON. I would say to the Senator from Kentucky that that is a seriously controverted question about which there is great division in the Territory of Wyoming, and it is a party question.

Mr. BECK. I did not know that.

Mr. ALLISON. And this is legislation. So I shall have to object to a reconsideration.

Mr. BECK. I can bring it up in the Senate and move to insert the clause because they have no Legislature there.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Kentucky is entitled to make a motion to reconsider. The Chair is informed there was no division on this question; and the Chair therefore thinks the Senator from Kentucky has a right to move now to reconsider the vote.

Mr. BECK. I move to reconsider the vote whereby this amendment was agreed to, striking out the provision of the House bill.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to reconsider the vote of the Senate agreeing to the amendments of the Committee on Appropriations to amend the bill by striking out from line 1594 to 1606 inclusive. The question is on the motion to reconsider.

Mr. HALE. I ask the Senator to postpone his motion for a few moments, as I am called out on a conference committee and desire to offer an amendment, or to ask unanimous consent, as I do, to offer an amendment at this time to come in on page 31, at the end of line 751.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent pending this question that the bill be amended on page 31. The amendment will be read.

The CHIEF CLERK. At the end of line 751 it is proposed to add:

That the port of Mount Desert Ferry, in the town of Hancock, in the State of Maine, be, and the same is hereby, established as a port of entry, subject to the same regulations, privileges, and facilities as other ports of entry in the United States: *Provided*, That the official duties of said port shall be performed under the direction of the collector of customs for the district of Frenchman's Bay and by a deputy detailed by him for that purpose.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. ALLISON. Mr. President——

Mr. HALE. Will the Senator before he objects hear me for a moment?

Mr. CAMERON, of Wisconsin. Will the Senator give way for one moment so that I may ask the Chair to lay before the Senate the unfinished business?

The PRESIDENT *pro tempore*. The Chair will request unanimous consent for action on that bill when this is disposed of.

Mr. CAMERON, of Wisconsin. Very well.

Mr. HALE. I have offered this amendment at a place in the bill where the Senate inserted a clause of this nature making a port of entry. The amendment which I have offered has passed the Senate in a separate bill after having been regularly considered by the committee having the subject in charge, and it is offered now in the terms and language of that bill which has already passed the Senate. I should not have thought of offering it had not the Senate put on the provision that immediately precedes line 751. Under these circumstances I hope the Senator from Iowa will not feel called upon to object.

Mr. ALLISON. I shall feel constrained to object to that amendment if I have the power to do it.

Mr. HALE. Does the Senator raise the point of order?

Mr. ALLISON. I raise the point of order.

Mr. HALE. It is the precise subject-matter which the Senate has considered and has passed upon, and so far as it can has made an enacted law.

Mr. FRYE. At the present session.

Mr. HALE. At the present session.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order. Does the Senator object to unanimous consent?

Mr. ALLISON. I do not object to the amendment being offered at this time, but I make the point of order whether it is admissible.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Maine offering this amendment, another question being pending at this time? The Chair hears none.

Mr. ALLISON. Now I make the point of order.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order that the amendment proposed by the Senator from Maine conflicts with the rule regarding legislation. The Chair submits that question to the Senate.

Mr. HOAR. Let the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Secretary again read the amendment of Mr. HALE.

The PRESIDENT *pro tempore*. The question is, Is the amendment of the Senator from Maine in order? The Chair submits it to the Senate for the reason that the Senate in acting upon the body of the bill appears to have been of opinion that certain clauses should be retained. The Chair therefore leaves it to the Senate to decide whether this species of legislation is in order.

Mr. FRYE. The only ground of course under which by any possibility the amendment could be held to be in order is the portion of Rule XVI which authorizes and makes in order as an amendment to an appropriation bill a resolution or bill under certain circumstances which has passed the Senate during the same session.

I will take advantage of the opportunity to say a word touching the merits of the amendment, as that seems to be usual in the Senate. The Maine Central Railroad, the leading New England railroad, last season extended its road to Mount Desert Ferry, which is the best harbor probably on the coast of Maine. As soon as the road was extended there the company built extensive buildings and depots, and an immense trade has sprung up between that port and the ports of Canada. There are now in progress negotiations for a regular steam line between there and Europe. The regular port of entry is forty miles above, away up a river. It must be a port of entry in order to enable vessels carrying a foreign flag to discharge their cargoes at Mount Desert Ferry. The amendment is entirely in the interest of the Government; it is entirely in the interest of our revenues.

Mr. HALE. It has been submitted to the Treasury Department.

Mr. FRYE. It has been submitted to the Committee on Commerce, was unanimously reported by the committee, was submitted to the Treasury Department, was recommended by the Treasury Department, and has been passed by the Senate without division, after a full understanding. There is no objection to it anywhere. It has been submitted to a committee elsewhere and unanimously regarded favorably there. There can not possibly be any objection to it. It is an absolute necessity to commerce. I hope the Senate will allow it to go on to the bill.

The PRESIDENT *pro tempore*. The question is, Is the amendment submitted by the Senator from Maine [Mr. HALE] in order?

The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I hope that by unanimous consent the amendment will be put on, and that we shall not be called upon to vote on the proposition of order. I have no objection to its being put on by unanimous consent.

Mr. HALE. Suppose the Senator asks for unanimous consent.

Mr. SHERMAN. I do. I ask it now.

Mr. ALLISON. I made the point of order on the amendment. I wish to know whether it is in order or not. I will simply say to the Senator from Maine and other Senators that there are a great many bills here and a great many suggestions that are not in order which I should be glad to insert on this bill. The Senate during the last session passed a bill with absolute unanimity increasing the compensation of the judges of the district courts of the United States; and there is an item of appropriation in the bill for the compensation of those judges; yet under the rules of the Senate we can not appropriate the sum necessary to properly compensate those judicial officers, because it is not within our rule. If we can put on these things by unanimous consent, I think we ought to put on as many of the bills that the Senate has passed as possible, in order that they may reach the other House for consideration.

Mr. HALE. Let me ask the Senator if he does not think the attitude of the Senate different, after it has deliberately, upon a yea-and-nay vote, admitted a clause of this kind coming from the House of Representatives creating a port of entry and delivery? Has not the Senate thereby declared that legislation of that kind for the time being is appropriate in an appropriation bill? But for that I should not have offered the amendment. It was only in accordance with the will of the Senate expressed on this particular bill that I introduced a germane amendment.

Mr. FRYE. A full Senate did it yesterday.

Mr. HALE. The Senate has been doing it all the time, for that matter.

Mr. ALLISON. The Senate can do it now.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Maine [Mr. HALE] in order under the rules of the Senate? On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 21, nays 24; as follows:

YEAS—21.

Brown,	Gibson,	Miller of Cal.,	Sewell,
Call,	Hale,	Miller of N. Y.,	Van Wyck,
Camden,	Jackson,	Palmer,	Williams.
Coke,	Mahone,	Pike,	
Conger,	Manderson,	Pugh,	
Frye,	Maxey,	Riddleberger,	

NAYS—24.

Allison,	Garland,	Hoar,	Plumb,
Bayard,	Gorman,	Ingalls,	Ransom,
Beck,	Groome,	Jonas,	Sherman,
Colquitt,	Hampton,	McPherson,	Slater,
Edmunds,	Harris,	Morgan,	Vest,
Fair,	Harrison,	Morrill,	Wilson.

ABSENT—31.

Aldrich,	Cullom,	Jones of Nevada,	Platt,
Blair,	Dawes,	Kenna,	Sabin,
Bowen,	Dolph,	Lamar,	Saulsbury,
Butler,	Farley,	Lapham,	Sawyer,
Cameron of Pa.,	George,	Logan,	Vance,
Cameron of Wis.,	Hawley,	McMillan,	Voorhees,
Chace,	Hill,	Mitchell,	Walker.
Cockrell,	Jones of Florida,	Pendleton,	

The PRESIDENT *pro tempore*. The Senate holds that the amendment is not in order. The question now is on the motion of the Senator from Kentucky [Mr. BECK] to reconsider the vote of the Senate agreeing to the amendment of the Committee on Appropriations on page 65, striking out the words from line 1594 to line 1606.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Debate on a motion to reconsider, the rule says, is not in order.

Mr. BECK. I beg pardon.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider. [Putting the question.] The noes appear to have it.

Mr. BECK. I desire to ask if I can renew my motion in the Senate.

The PRESIDENT *pro tempore*. The question can be raised again in the Senate.

Mr. BECK. Then I do not care about it now.

The PRESIDENT *pro tempore*. The noes have it, and the motion to reconsider is not agreed to. The Senate resumes consideration of the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment offered by the Senator from Indiana [Mr. HARRISON].

Mr. MAHONE. Mr. President——

Mr. VAN WYCK. If the Senator from Virginia will allow me before he proceeds I desire to state that I suggested last evening an amendment which will not occupy much time, and I trust the Committee on Appropriations will assent to it. I think it will be a pleasure for the Senate to assent to it. In line 99 I propose to move to strike out "$2,592" and insert in lieu thereof "$3,000." That is for the compensation of Amzi Smith, who is in charge of the document-room of the Senate.

I trust that while we are adding to the number and increasing the salaries of other officers we shall at least pause long enough to do justice to Mr. Smith. Every member of the Senate knows probably more than I can say in behalf of this proposition. No more valuable man is connected with this branch of the Government—only one other man possibly. He is like Mr. Spofford, the Librarian, and like the clerk of the Committee on Appropriations. Mr. Amzi Smith stands as those two gentlemen stand. We are paying $2,220 to clerks in this body who really do no public business, as every member of the Senate knows.

Mr. PLUMB. Cut them down.

Mr. VAN WYCK. Cut them down! No, sir; you can not do that. Why do not the members of the Committee on Appropriations seek to cut them down? That can not be done; but do not let that prevent us from doing an act of stern justice. The loss to the Senate of the three men whom I have named would be a public calamity greater than the loss of two or three Senators; I mean those who do not belong to the Committee on Appropriations, of course. It would be a public calamity to the country.

I do not even know what State Mr. Smith is from. I do not know his politics. He is not asking for this proposed increase, neither does he know that this little amendment is to be offered; but I trust now that when a man who has made himself so valuable, and is wearing his life out very evidently in the document-room, the Senate will not refuse to increase his pay. Every Senator has been benefited by the value of his services. Take the clerk of the Committee on Appropriations, Mr. Spofford the Librarian, and Mr. Smith, and you can not measure the services of such men in dollars. I trust the Senate will not hesitate a moment to do to this man this little act of justice.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from Nebraska asks unanimous consent at this time to offer the amendment indicated by him. Is there objection?

Mr. ALLISON. I object just for the moment. I think we had better dispose of the pending question.

The PRESIDING OFFICER. Objection being made, the question recurs on the amendment of the Senator from Virginia [Mr. MAHONE] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MAHONE. Mr. President, the proposition before the Senate is to amend the amendment which undertakes to put certain clerks of committees on the roll of annual clerks. Three amendments to that effect were proposed by their respective committees in conformity with the rules of the Senate; they were referred to the Committee on Appropriations, and that committee thought it wise and expedient to leave them out. Those propositions of amendment have now come before the Senate. The Senate has substantially given evidence of its intention to adopt two of the propositions, and in the amendment which I offer on behalf of the Committee on Public Buildings and Grounds I ask the Senate to adopt the third. I wish only to say that it will occur to the Senate, I think, that there is as much propriety in making the clerk of the Committee on Public Buildings and Grounds an annual clerk as there is in making the clerks which have already been in substance adopted as annual by the Senate.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Virginia as an amendment to the amendment proposed by the Senator from Indiana.

The SECRETARY. It is proposed, after the words "the clerk of the Committee on Territories, and the clerk of the Committee on Agriculture and Forestry," to add the words "and the clerk of the Committee on Public Buildings and Grounds."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. RIDDLEBERGER. Before the question is put, after the word "grounds" I propose to insert, as an amendment, "and the clerk of the Committee on Manufactures."

The PRESIDING OFFICER. That amendment will not be in order until the question is taken on the pending amendment.

Mr. RIDDLEBERGER. I wish to reserve the right to offer it then.

Mr. COCKRELL. Why is it not in order? This is only an amendment to the amendment.

The PRESIDING OFFICER. The Chair understands that an amendment to the amendment is now pending.

Mr. COCKRELL. How is it?

The PRESIDING OFFICER. The Chair is informed by the clerks that the pending amendment is an amendment to an amendment. The amendment proposed by the Senator from Indiana [Mr. HARRISON] has been amended, and now a second amendment is pending to the amendment proposed by the Senator from Indiana, and until the question is taken upon the amendment to the amendment no further amendment is in order. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

Mr. RIDDLEBERGER. I think, sir, we ought not to adopt any of these amendments. I do not think that any one Senator on this floor would like to put himself in the attitude of discriminating between the clerks of these committees, and especially discriminating in favor of those who do the least work. That is what we are doing now. I can take the very committees the clerks of which it is proposed to increase the pay of, and I can demonstrate from the record of those committees that they do the least work of any in this body.

If there should be a proposition here to increase the pay of all the committee clerks and make them all annual clerks I should vote for it; but I am not willing for one to take the Committee on Agriculture and Forestry, from which committee there have been four bills reported during this whole session, and the Committee on Public Buildings and Grounds, which meets possibly once a week, and to say that they shall have annual clerks, and that the clerks of all the other committees now excluded from the annual list shall be per diem clerks. I am as liberal as any Senator on this floor, but I am not liberal to the extent of giving the man the most money who does the least work. If there shall be brought in a proposition from the Committee on Appropriations to make all the committee clerks annual I shall vote for it.

Mr. MAHONE. I should like to be allowed to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Virginia yield to his colleague?

Mr. RIDDLEBERGER. Certainly.

Mr. MAHONE. It seems to me he would be singularly falsifying his position in proposing to amend this amendment by putting on the Committee on Manufactures which he told us yesterday met once in two years. I doubt very much whether he has seen his clerk in the last three months.

Mr. RIDDLEBERGER. Very well and very playfully said, Mr. President. I am not trying to take care of my clerk. If he is not here, possibly he is boarding. I am not asking the Senate to increase his pay;

I am not asking the Senate to make him an annual clerk. I am opposing making an annual clerk of him who is the clerk of the Committee on Public Buildings and Grounds. But I say that if we are going to make one an annual clerk, let them all be annual clerks. Why should we make the clerk of the Committee on Agriculture and Forestry an annual clerk? I should like to have some Senator assign a reason for it except the mere fact that the proposition is made. Why should we make an annual clerk of him who writes for the Committee on Public Buildings and Grounds? Make them all annual clerks or leave them just as they are. I undertake to say that if the yeas and nays are called on a proposition of this sort the Senate will not adopt any of these amendments.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MAHONE. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. ALLISON (after having voted in the negative). I voted in the negative, forgetting for the moment that I am paired with the Senator from Massachusetts [Mr. HOAR]. Therefore I withdraw my vote.

The result was announced—yeas 24, nays 30; as follows:

YEAS—24.

Aldrich,	Conger,	Ingalls,	Mitchell,
Blair,	Cullom,	Jones of Nevada,	Palmer,
Bowen,	Dolph,	Lapham,	Sawyer,
Brown,	Fair,	Mahone,	Sewell,
Call,	Harrison,	Miller of Cal.,	Van Wyck,
Chace,	Hill,	Miller of N. Y.,	Wilson.

NAYS—30.

Bayard,	Gorman,	Maxey,	Saulsbury
Beck,	Groome,	Morgan,	Sherman,
Cockrell,	Hampton,	Morrill,	Slater,
Colquitt,	Harris,	Pendleton,	Vance,
Dawes,	Hawley,	Pike,	Vest,
Frye,	Jackson,	Platt,	Walker.
Garland,	Jonas,	Pugh,	
Gibson,	McPherson,	Riddleberger,	

ABSENT—22.

Allison,	Edmunds,	Kenna,	Ransom,
Butler,	Farley,	Lamar,	Sabin,
Camden,	George,	Logan,	Voorhees,
Cameron of Pa.,	Hale,	McMillan,	Williams.
Cameron of Wis.,	Hoar,	Manderson,	
Coke,	Jones of Florida,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana as amended.

Mr. VAN WYCK. I suppose now the amendment which I presented last night, and which has been printed, will be in order, to insert after the word "Senate," in line 72, the words:

And clerks to each of the other standing committees of the Senate.

That, I think, will commend itself to the idea of equity which ought to prevail in this body. I do not desire to prolong the discussion which followed upon that proposition last night when my amendment was ruled out of order. Because of that ruling I submitted it and had it printed.

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska that the amendment would not now be in order. The amendment of the Senator from Indiana is in a different part of the bill.

Mr. VAN WYCK. The same part, I think.

The PRESIDING OFFICER. A previous line. The amendment of the Senator from Indiana is in line 71, after the words "Indian Affairs," while the amendment proposed by the Senator from Nebraska comes in on line 72, at a different place.

Mr. VAN WYCK. Will the Secretary state where the amendment of the Senator from Indiana is to be inserted?

The SECRETARY. In line 71, after the words "Indian Affairs."

Mr. VAN WYCK. Mine comes in on the next line, after the word "Senate." It is germane to this amendment and was intended to be an amendment to the amendment of the Senator from Indiana.

The PRESIDING OFFICER. It can be offered as an amendment to the amendment of the Senator from Indiana, if the Senator desires.

Mr. VAN WYCK. I trust there will be no point on that.

Mr. ALLISON. I desire to make the point of order on this amendment. I understand it was simply referred by the Senator from Nebraska, and was not the report of a standing or select committee of the Senate. I presume, therefore, it is not in order.

The PRESIDING OFFICER. Does the Senator from Nebraska offer the amendment as a Senator, or does it come from some committee?

Mr. VAN WYCK. Not from a committee. I offered it yesterday as a Senator in this body, and had it printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. Under the sixteenth rule it would not be in order unless it came from a committee. The rule will be read.

The Secretary read as follows:

RULE XVI.

AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. VAN WYCK. Then do I understand that a Senator has no power to offer an amendment to an appropriation bill?

The PRESIDING OFFICER. The Senator from Indiana [Mr. HARRISON] reported from the committee of which he is chairman the amendment proposed by him, and that was in order; but the motion of the Senator from Nebraska is not in order unless he has authority from a committee to report it.

Mr. VAN WYCK. Is it not in order to present an amendment to the amendment presented by the Senator from Indiana?

The PRESIDING OFFICER. It would be in order, the Chair thinks, but for the fact that the same rule governs amendment to amendment as original amendments; the proposition must be reported from a committee. Such the Chair is advised is the practice.

Mr. VAN WYCK. Then do I understand that a member of the Senate, as an individual, has no power at any time to offer an amendment to an appropriation bill? Is that the rule, and has that been the practice of the Senate?

The PRESIDING OFFICER. The rule is as stated by the Chair, and such has always been the practice of the Senate, that an amendment can not be offered by a Senator if it involves a new appropriation or an increased expenditure, unless it is reported by direction of a standing or select committee.

Mr. VAN WYCK. I submit whether this is not carrying out the rules and regulations of the Senate already. The Senate have directed the appointment of certain committees of this body, and as an incident to that they have appointed clerks to those committees. The Senate have done this. From the fact of the establishment of the committees first and from the fact of the appointment of clerks to those committees is not as a necessary incident thereto this matter properly in order? The only question is for what length of time the clerk shall be compensated. Everything else has been provided for, the establishment of the committee and the appointment of its clerk. Now, this amendment merely proposes to make a little more effective what the Senate has already ordered to be done.

I think it is important we should take the sense of the Senate on this matter. Some Senator has said, particularly to the Committee on Appropriations who have charge of this matter, that we had better reduce expenses and level down salaries. That would do very well; but that will never be done. The only way of reaching a just and equitable and honest distribution is that we shall put it in such a shape that the Senate will be forced or the Committee on Appropriations will be forced to do a little nearer justice in this matter.

Now I ask unanimous consent that this amendment, of which notice was given yesterday, be received and considered.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to offer this amendment at this time.

Mr. HAWLEY. What is the amendment?

The PRESIDING OFFICER. The amendment will be again read.

Mr. HAWLEY. Making annual clerks to all the other committees?

The PRESIDING OFFICER. Yes.

Mr. HAWLEY. I object.

The PRESIDING OFFICER. Objection being made, the Chair is of opinion that it is not now in order. Does the Senator from Nebraska appeal from that decision?

Mr. VAN WYCK. No, sir.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana [Mr. HARRISON] as amended.

Mr. MILLER, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Let the amendment be read.

The PRESIDING OFFICER. The amendment as amended will be read.

The SECRETARY. After the words "Indian Affairs," in line 71, it is proposed to add:

Clerk to the Committee on Territories, and clerk to the Committee on Agriculture and Forestry.

Mr. RIDDLEBERGER. Before the vote is taken I may be pardoned, perhaps, for asking of the Chair how one objection can control the Senate of the United States on a matter that goes only to a rule of the Senate. I perfectly understand that the limit of legislative authority is fixed by the Constitution of the United States, and it is not fixed by any rule of the Senate, and no one objection is equivalent to a majority vote of this body. I submit that now as a proposition, not from the foundation, but from the top down. If when a Senator here offers an amendment to an appropriation bill the objection of one Senator shall say that it is not in order, then there is no use of our being here. I say that a majority of this body fixes its own rules—let him who will deny that proposition—and the only limit to our authority here is fixed by the Constitution itself.

Mr. CAMERON, of Wisconsin. Allow me to suggest that the trouble

with the arguments of the Senator from Virginia is that the Senate has fixed its own rules, and under those rules the amendment to which he refers was not in order. The Senate can alter or amend those rules so that such amendments may be in order, but it has not done that yet.

Mr. RIDDLEBERGER. The trouble with the Senator from Wisconsin is that he does not seem to comprehend the difference between what one Senator does and what another tries to do.

Mr. CAMERON, of Wisconsin. Oh, yes; I have discovered that.

Mr. RIDDLEBERGER. I am glad of it. I care not how many rules the Senate may adopt, they can not limit or fix a limit to the action of the Senate. Why, sir, if I may be permitted to do what members of a committee here do, violate one of the fundamental principles of parliamentary law and tell what transpires in committee, which is often done here, I may be permitted to say that I went to the Appropriations Committee last year and I found not only a rule of the Senate but what they called a courtesy obtaining between the two committees of the two Houses of the United States Congress, and they said to me, "You must go to the House of Representatives and get the *imprimatur* of the chairman of the committee there before you can have an appropriation here."

The point that I want to make is this—and if I give away this point I and every other Senator here had just as well be at home and leave all the business to the Committee on Appropriations—that no rule can be prescribed outside of the Constitution itself that binds any Senator on this floor, and no one objection can prevent me from offering and having entertained by this body an amendment to an appropriation bill. I insist upon it, sir, that no rule can be prescribed by this Senate or any other that will inhibit the amendment proposed by the Senator from Nebraska. I care nothing about his amendment. I should vote against it; I shall vote against all these amendments; but I am not willing for one to say that there can be a rule which can circumscribe my action here; and there can be no valid rule under which the presiding officer can say that I am not entitled to any privilege that any Senator on this floor has, whether I be a member of one committee or another.

Sir, I submit that any amendment offered to this bill is in order and no one objection can preclude it; no one objection can defeat it. A majority of this body alone can say whether an amendment is to be put upon the bill or not. That is the point I am making.

The PRESIDING OFFICER. The Chair does not see that the Senator from Virginia presents any point of order. The Chair is trying to enforce the rules as he finds them. The question now is on the amendment of the Senator from Indiana [Mr. HARRISON] as amended. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 23, nays 26; as follows:

YEAS—23.

Blair,	Fair,	Lapham,	Pike,
Bowen,	George,	Mahone,	Sawyer,
Chace,	Harrison,	Miller of Cal.,	Sewell,
Conger,	Hill,	Miller of N. Y.,	Van Wyck,
Cullom,	Ingalls,	Mitchell,	Williams.
Dawes,	Jones of Nevada,	Palmer,	

NAYS—26.

Bayard,	Gorman,	Morgan,	Slater,
Beck,	Groome,	Morrill,	Vance,
Camden,	Hampton,	Platt,	Vest,
Cockrell,	Harris,	Pugh,	Voorhees,
Coke,	Jackson,	Riddleberger,	Wilson.
Colquitt,	Jones,	Saulsbury,	
Gibson,	McPherson,	Sherman,	

ABSENT—27.

Aldrich,	Dolph,	Hoar,	Maxey,
Allison,	Edmunds,	Jones of Florida,	Pendleton,
Brown,	Farley,	Kenna,	Plumb,
Butler,	Frye,	Lamar,	Ransom,
Call,	Garland,	Logan,	Sabin,
Cameron of Pa.,	Hale,	McMillan,	Walker.
Cameron of Wis.,	Hawley,	Manderson,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the vote upon the amendments made as in Committee of the Whole be taken in gross?

Mr. BECK. I ask for a separate vote on the amendment on page 65 striking out of the bill the lines from 1594 to 1606, inclusive.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. ALLISON. Unless some other amendment is reserved, I hope the question will be taken on the other amendments in gross.

The PRESIDING OFFICER. The Chair will put the question on concurring in all the amendments except the one reserved at the request of the Senator from Kentucky [Mr. BECK].

The amendments were concurred in.

The PRESIDING OFFICER. The reserved amendment will now be read.

The CHIEF CLERK. In Committee of the Whole the Senate struck out the following clause:

Provided, That on the first Monday of September, A. D. 1885, or within ten days thereafter, the governor of the Territory and the presiding officers of the houses of the last Legislature shall meet and reapportion the Territory in accordance with the population, as ascertained by the best possible means; and that in accordance with such new apportionment members shall be elected to the Ninth Legislative Assembly, on the second Tuesday of November, 1885, in accordance with the election laws of the Territory; and the members of the council and house of representatives so elected shall be the legal members and constitute the Ninth Legislative Assembly of the Territory.

Mr. BECK. I think it was a mistake to strike out that provision, and for reasons which I shall state.

The last Legislature of the Territory of Wyoming failed to pass an apportionment law; and a Legislature was elected last fall which is believed by nearly all the prominent people in the Territory to be illegal, and I believe it is illegal. Unless this provision is made the Territory of Wyoming can have no Legislature next year. The provision which the House inserted allows a proper apportionment to be made and a legal Legislature to be elected under that apportionment. New counties have been organized within the last few years that have no representation at all at this time, while other counties have grown far out of proportion to other parts of the Territory since the last apportionment.

I have a letter in my hand addressed to Hon. M. E. POST, the present Delegate from Wyoming, from, I suppose, the leading Republican lawyer of that Territory, Mr. Corlett, who was at one time the Delegate here, in which he expresses the belief that the last election for a Territorial Legislature was illegal and unwarranted, and that to avoid any question provision ought to be made, which he drew himself and sent to the present Delegate, who offered it in the House. This letter shows all the facts; and the Delegate laid the correspondence before the House of Representatives, and the House inserted in this bill the provision which the Senate has stricken out.

The reason why the Delegate brought it to me, I assume, is that I was a member of the Committee on Appropriations and that I have been in the habit of going to that Territory for the last three or four years, having a son residing in Northern Wyoming.

The county of Johnson, where he resides, illustrates pretty well what the necessity of this legislation is. The county of Johnson has grown up from a population of two hundred in the last four or five years to somewhere near 5,000 actual, *bona fide* settlers, opening farms, irrigating the land, raising crops, with sheep and cattle and everything that farmers have about them. That county has grown, perhaps, more than any other three counties, but there being no apportionment it has only one representative, while perhaps it is entitled to three. The county of Carbon, which has been organized since that, has none, although it is growing very rapidly.

I do not see why we should not authorize an apportionment to be had and representatives elected in accordance with law, so as to remove all doubts and allow the people of that Territory to pass legislation for their own good. Their legislation is generally confined to the building of bridges, the establishment of school-houses, and to doing matters which will aid them in their material advancement. There is very little politics in it as far as I know or believe.

It seems to me that in view of these facts the Senate ought to agree to the provision made by the House.

Mr. HARRISON. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Certainly.

Mr. HARRISON. What is the particular matter that is thought to affect the legality of this Legislature?

Mr. BECK. The Legislature that adjourned two years ago failed to pass an apportionment bill to apportion the representation in the Territory, and their failure to do this is believed to have made the last election illegal.

Mr. HARRISON. Then, if I understand it, it is upon the basis that the apportionment once made does not continue until it is changed by a new apportionment?

Mr. BECK. I judge not, from the letter that Mr. Corlett, who is the best lawyer there and a former Delegate, wrote to the present Delegate. I have not had time to make a personal investigation of the subject, but knowing these gentlemen and relying upon them I believe that is the fact. That is all there is in the case as far as I know. I think we had better agree with the House. It can not do any harm, I think.

Mr. HARRISON. So far as I know—and the Senator from Kentucky will correct me if I am wrong—this proposition has not been submitted to the Committee on Territories of the Senate.

Mr. BECK. Not that I know of. I am not aware of it.

Mr. HARRISON. I do not think it has been in any form. I do not know how it is that the emergency for this legislation has been so recently discovered. I do not know how it may have come about; but if there was this condition of things in that Territory, it is strange that the people should not have been advised of it in time to enable the Committee on Territories to consider the question and to report some appropriate legislation.

The proposition here is to give to certain executive officers of the

Territory, and to the presiding officers of the two houses of the Territorial Assembly power to make an apportionment. In an exigency where the Legislature had for some reason or other lost control over this subject, of course a resort to that method to secure a new apportionment might be justifiable; but I think the Senator from Kentucky will agree with me that it is not a good method of apportioning a Territory for legislative purposes. It gives a few persons, some of them appointed to executive offices, the right to apportion a Territory, and upon their apportionment the next Legislature is to be chosen. There may be always in that case some risk of partiality or unfairness of one sort or another, at least they are not the chosen representatives of the people to do this sort of thing. The Legislature of the Territory of Wyoming is the proper body to make an apportionment for the Legislature that is to succeed it, and I do not see myself that there is in this case such an exigency as to justify us, without any information from the committee that has this subject in charge, in authorizing these men to make a reapportionment for legislative purposes.

I may say that, without any personal knowledge on the subject at all, there has been placed in my hands this morning by Judge Carey, the Delegate-elect from the Territory of Wyoming, a telegram signed by a dozen or more individuals, whom he represents to me to be leading citizens, in which they protest against this measure as an injustice and a needless expense to the Territory. I do not myself know what the facts are, and I do not know upon what line the citizens of that Territory are divided upon this question. I do not know whether it is a political division or upon what lines they divide, but it seems clear that they are divided in opinion as to whether this ought to be done. And it seems to me that, aside from the objection of the Appropriations Committee, that they are charged with a matter which appropriately belongs elsewhere, and that there has been an insufficient investigation, the committee ought to adhere to the same rule they applied in the case of Dakota, namely, strike out the provision. The legislation in the case of Dakota, which provided for an increase of the number constituting the Territorial council and house of representatives, the committee have stricken out. That legislation had been favorably reported by the Committee on Territories, and the necessity for it was apparent, for, as the Senator from Kentucky knows, there are probably 500,000 people in that whole Territory, and they are governed by a council that consists of twelve men and a house that consists of twenty-four.

The Senate can see how inadequate the representation of the people must be in a Legislature representing so vast a Territory and so large a population; and yet the Committee on Appropriations have stricken out that legislation here, though it had secured the support of the particular committee of this body having the subject in charge, and we have made no resistance. Though we think that legislation ought to be passed we have not sought to retain it in this bill. In the other case there seems for some reason to be a divided sentiment in the Territory of Wyoming as to whether the legislation ought to be had, and it is a question that no one here seems to have investigated sufficiently to justify putting it in the shape of law.

Mr. DAWES. I do not know anything personally of this matter: but I received yesterday a telegram from a gentleman a resident of that Territory who has resided there some time, a former resident of Massachusetts, whom I know to be a man of great intelligence and integrity, and who knows as well as any one man can the interests of the Territory, and he very strongly urges that this measure be rejected. He is very much opposed to the proposition contained in this clause of the House bill. He has identified himself and has for some time been a leading citizen of that Territory, and expects it to be his home for the future. Identified with its interests, he is very much opposed to this measure.

Mr. BECK. I am not able to answer whether there is any political matter in this or not. The Senator from Iowa thought there was. My only information comes from the Delegate from the Territory [Mr. POST], who handed me the papers which I have submitted to the Senate Both he and a former Delegate and the lawyers of that Territory who understand their Territorial laws believe that the Legislature purporting to have been elected last fall was illegally elected and can not therefore act as the Territorial Legislature. If this is so, it ought to be remedied. The county of Carbon, to which my attention has been called, has no representation; a former Delegate from the Territory in the House, evidently a fair man, says there is no representation from that county. Another county which is entitled to three members has only one. If the Legislature elected can not meet because of illegality, the defect ought to be remedied. The House has remedied it; but the Senate has stricken out the clause proposed by the House. I think it was a mistake to do that. I believe the clause ought to be allowed to remain.

I know personally the importance of very much legislation by that Territorial Legislature. Actual settlers are going in there with their families, many of them people of means, people of education. They want bridges over their rivers and streams, public highways, and many other things that the Legislature must provide for. If because of the illegality of the last election they are to be deprived of the right of having a Legislature for two or three years to come, there being only biennial sessions, it will be a great deprivation to those people. While a protest comes to the Senator from Indiana on the ground of expense, it should be remembered that the expense is a very small matter compared to the benefits to be derived from it. That is all I care to say about it.

Mr. HARRISON. In referring to the legislation in this bill in reference to Dakota I did it without more than glancing at it. I find the legislation contained in the bill was to enable the Territory to apportion their members of the council in single districts instead of as now two in a district, something that of course ought to be done, but it was obnoxious to the rule of the Senate and went out of this bill. We did not retain it notwithstanding it is undoubtedly wise legislation.

Mr. ALLISON. As I understand this question—and the Senator from Kentucky can correct me if I am mistaken—a Legislature of Wyoming was elected at the last election and will be known as the Ninth Legislature. This provision in the bill legislates that Legislature out of office and provides that next year a new apportionment shall be made and a new Legislature elected which shall be the Ninth Legislature. In view of the fact that there are serious difficulties in the way, and in view of the fact also that a very large number of the people of Wyoming, including the Delegate-elect, protest against this legislation and insist that the Legislature already elected is the proper Legislature of the Territory, it seems to me rather dangerous for us to interfere with the subject on an appropriation bill. If I am mistaken in my facts, the Senator from Kentucky can correct me.

Mr. BECK. I am advised that the reason for the House legislation is that while there were members elected to the Legislature last fall, that election was in fact illegal, null, and void by reason of the law requiring an apportionment to be made before an election could be had. If that is the case, nothing will come of the election.

Mr. ALLISON. But the Senator must see that the gentlemen who have been elected claim that the election was legal; and I think there is in the committee-room of the Committee on Appropriations now a telegram from one of the members elected to this Legislature to that effect. We are undertaking here without a hearing and without full information of the facts to annul the election of last year and provide for an entirely new election next year. I do not think that ought to be done in this summary manner.

Mr. CALL. It seems, on the statement of the Delegate from Wyoming and the action of the House in the bill now before the Senate, that there has been an election in the Territory of Wyoming under an apportionment law which has ceased by its terms to exist, and that that election has left a very large portion of the people of Wyoming unrepresented. The letter read by the Senator from Kentucky was from a Republican lawyer of eminence, as I understand, in the Territory of Wyoming, a former Delegate; and I understand it to be very largely the wish of the people of that Territory that there should be left no doubt as to the legality of the election of the Legislature that is to meet. The bill of the House simply proposes to add to that Legislature a representation made upon an apportionment of the population so as to make it a full representation.

Mr. ALLISON. I do not so understand the provision. It provides for the election of an entirely new Legislature and says that shall be the Ninth Legislature of the Territory of Wyoming.

Mr. CALL. But only for the purpose of introducing the new representation of people who have not been represented in the apportionment.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, striking out the words which have been read.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to ask whether an amendment striking out the word "ninth" would be in order. I shall make that motion if it is in order, because I do not like to pass here by my vote on the question of whether the existing Legislature is a legal Legislature or not, but I am in favor of making some provision for another Legislature upon a new apportionment, inasmuch as a doubt exists as to the legality of the present Legislature. If it is in order, I make that motion.

The PRESIDENT *pro tempore*. Which word "ninth" does the Senator from Delaware move to strike out? There are two words "ninth."

Mr. SAULSBURY. I move to strike it out in both cases.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to amend the paragraph proposed to be stricken out by striking therefrom the word "ninth," occurring in two places, in line 1601 and in line 1605.

Mr. SAULSBURY. By adopting my amendment and retaining the clause we do not pass on the question of the legality of the existing Legislature, but make provision for the election of another Legislature under a new apportionment; and that is what I desire.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. CONGER. If the amendment should prevail and the Senate should insist upon striking out, then these two words would be left in the bill, as I understand.

The PRESIDENT *pro tempore*. If the motion of the Senator from Delaware prevails those words will already have been stricken out. Then if the recommendation of the Committee of the Whole should be

agreed to, all the rest of the words would be stricken out. The question is on the amendment of the Senator from Delaware to strike out the word "ninth" in two different places.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on agreeing to the recommendation of the Committee of the Whole to strike out the whole paragraph, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. MANDERSON. My pair with the Senator from Florida [Mr. JONES] has been tranferred to the Senator from Minnesota [Mr. McMILLAN].

The result was announced—yeas 33, nays 15; as follows:

YEAS—33.

Aldrich,	Frye,	Lapham,	Riddleberger,
Allison,	Garland,	Manderson,	Sawyer,
Blair,	Gorman,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Harris,	Mitchell,	Sherman,
Chace,	Harrison,	Morrill,	Van Wyck,
Conger,	Hawley,	Palmer,	Wilson.
Cullom,	Hoar,	Pike,	
Dawes,	Ingalls,	Platt,	
Edmunds,	Jones of Nevada,	Plumb,	

NAYS—15.

Bayard,	Coke,	Jackson,	Vest,
Beck,	Colquitt,	Maxey,	Walker,
Brown,	George,	Saulsbury,	Williams.
Call,	Hampton,	Vance,	

ABSENT—28.

Bowen,	Farley,	Kenna,	Morgan,
Butler,	Gibson,	Lamar,	Pendleton,
Camden,	Groome,	Logan,	Pugh,
Cameron of Pa.,	Hale,	McMillan,	Ransom,
Cockrell,	Hill,	McPherson,	Sabin,
Dolph,	Jones,	Mahone,	Slater,
Fair,	Jones of Florida,	Miller of Cal.	Voorhees.

So the amendment was concurred in.

Mr. ALLISON. In line 137, I ask that the footing may be corrected to correspond to an amendment agreed to by the Senate. Before the word "hundred" I move to strike out "six" and insert "eight;" so as to read "$51,821.80."

The PRESIDENT *pro tempore*. That correction will be made, if there be no objection.

Mr. ALLISON. In line 769, I also wish to change the footing to correspond to the action of the Senate. Before the word "hundred" I move to strike out "nine" and insert "eight;" and before the word "dollars" to strike out "ninety" and insert "ten;" so as to read "$88,810."

The PRESIDENT *pro tempore*. This amendment will be agreed to, if there be no objection.

Mr. VAN WYCK. I now ask unanimous consent to offer an amendment to increase the compensation of the superintendent of the document-room, Amzi Smith, named in the bill. In line 99, I wish to move to strike out "$2,592" and insert "$3,000." I have already made some suggestions to the Senate in that behalf, and the matter was laid over on the request of the Senator from Iowa.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be amended, in lines 99 and 100, by striking out "$2,592" and inserting "$3,000;" so as to read:

Superintendent of the document-room (Amzi Smith), $3,000.

Is there objection?

Mr. ALLISON. Mr. Amzi Smith is a very competent and worthy officer, but I think I shall be obliged to object.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from Iowa. Does the Senator from Iowa object?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made, and the amendment can not be received.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed

PUBLIC BUILDING AT DETROIT.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with an amendment as follows: Add as an additional provision to said House amendment the following: "*And provided further*, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of $900,000, as provided in this section;" and the House agree to the same.

WM. MAHONE,
ANGUS CAMERON,
G. G. VEST,
Managers on the part of the Senate.

S. M. STOCKSLAGER,
JAS. H. HOPKINS,
EDWARD BREITUNG,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology;

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey; and

Joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 891) granting a pension to Reuben J. Ebberman;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 2398) granting an increase of pension to Mrs. Anne W. Mulvey;
A bill (H. R. 2538) granting a pension to Christiana Almier;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 2627) granting a pension to Noah Caton;
A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in said Potomac River;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5374) granting a pension to Phillip Wiggins;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 6596) granting a pension to John Hazelwood;
A bill (H. R. 6798) granting a pension to Lloyd W. Hixon;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 6948) granting a pension to George W. Eagles;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
A bill (H. R. 7292) to increase the pension of Jacob Wiener;
A bill (H. R. 7373) for the relief of Sarah A. Burchfield;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7769) granting a pension to Joseph R. Dodds; and
A bill (H. R. 7869) granting a pension to Emeline L. Fitch.

COINAGE OF SILVER DOLLARS.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment reported by the Committee on Finance.

Mr. CULLOM. I ask the Senator from Vermont if he will not yield to me to take up a little bill.

Mr. BECK. I desire the yeas and nays upon the motion to strike out.

The PRESIDENT *pro tempore*. The Chair is hearing the Senator from Illinois on another request.

Mr. BECK. I thought the bill was up.

The PRESIDENT *pro tempore*. The bill is up and the question is pending, pending which the Senator from Illinois rose to address the Chair.

Mr. CULLOM. I appeal to the Senator from Vermont if he will not allow the bill to be informally laid aside so that I may call up House bill 7659.

Mr. BECK. I object before hearing the title of the bill. I do not know what the bill is, but I object.

The PRESIDENT *pro tempore*. Objection is made. The regular order is called for. The pending question is on agreeing to the motion to strike out section 5 of the amendment reported by the Committee on Finance, on which the yeas and nays are demanded by the Senator from Kentucky [Mr. BECK].

The yeas and nays were ordered.

Mr. SHERMAN. I believe upon that, or upon the pending question, whatever it is, I have the floor.

The PRESIDENT *pro tempore*. The Chair believes that the Senator from Ohio has the floor on the pending question.

Mr. SHERMAN. I should like to have that section read.

The PRESIDENT *pro tempore*. The section will be read which it is moved to strike out.

The CHIEF CLERK. In the amendment of the committee it is proposed to strike out section 5, which is in the following words:

SEC. 5. That in case no such treaties as aforesaid shall have been made and ratified prior to August 1, 1886, then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time of silver bullion, at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined into such dollars monthly as fast as so purchased, shall be suspended.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to strike out the words which have been read, on which the Senator from Ohio [Mr. SHERMAN] is entitled to the floor.

Mr. SHERMAN. Mr. President, it has been so long since this bill was before the Senate for consideration that no doubt the Senate have lost much of their interest in it. The feeling has prevailed that it would be ineffective to press upon the attention of the Senate the important questions involved in the silver coinage of the United States. Still if the Senator from Vermont thinks it is possible to pass any bill upon the subject at this session I desire to submit some remarks, but I do not wish to do so merely for the sake of making a speech. My views upon this question are pretty well understood, and I certainly have no desire to agitate the question unless it is the intention of the Senate to vote upon the bill.

This is a House bill, which has been amended and greatly improved by the Senate Finance Committee, and as it now stands I should be willing to support the bill in the amended form. It presents only two questions, both of which are important from the amount involved and also from the principles involved.

The first question is whether the trade-dollars should be redeemed at their par in gold. The second is whether the coinage of the standard silver dollar should be discontinued in August, 1886. Upon these two questions only do I wish to make my observations. On account of the lapse of time that has occurred I propose, in order to condense my remarks, to confine myself mainly to what I have written, although I shall be very willing at any time as I proceed to answer any question that may arise in the progress of my remarks.

The House bill as it came to us is based upon the assumption that the United States is under a moral obligation to receive and redeem without exception or limitation all the trade-dollars issued under the coinage act of February 12, 1873.

I am convinced that no such obligation exists on the part of the United States; that the trade-dollar was coined for dealers in silver bullion at their expense, for their benefit, to enable them to secure a better market for their bullion by putting it in convenient form for exportation; that the only obligation assumed by the United States was to guarantee that each dollar issued contained 420 grains of standard silver; that the limited legal-tender quality given to these coins was repealed before they were in circulation in the United States, and that, with few exceptions, those now in the hands of the people were coined after they ceased to be a legal tender, and when they were what their name denotes, silver bullion in convenient form, for which the United States was no more liable than for the silver bars issued from the mints and assay-offices of the United States, and that these dollars in the hands of the holders should be taken only at their market bullion value, or be exported according to the object of their origin.

Mr. MITCHELL. Will the Senator at that point allow me to ask him a question?

Mr. SHERMAN. Yes; if it will not tend to prolong my remarks.

Mr. MITCHELL. The Senator states that these coins were not in circulation in the United States prior to the passage of the joint resolution of 1876. Is it not a fact that they were in circulation before that time, at the close of the year 1875, on the Pacific coast, and that the Senator, while he was Secretary of the Treasury, so stated in a letter which was communicated to the public?

Mr. SHERMAN. Undoubtedly they were in circulation to a limited extent, but to a very limited extent, indeed; and I shall show hereafter the reason why they were not in circulation.

As the various petitions to Congress asking for the redemption of the trade-dollar at its nominal par in gold indicate a strong and no doubt sincere opinion that the United States is bound in honor to so redeem these coins, and some of these petitions charge the Government with fraud and repudiation for its neglect to do so, I deem it proper to more fully state the grounds of my opinion that neither honor nor public policy require or would justify Congress in giving to silver bullion in the form of trade-dollars any preference, advantage, or value over other forms of silver bullion daily purchased at its market value.

The coinage of this dollar was authorized by the coinage act of February 12, 1873, in words as follows:

That any owner of silver bullion may deposit the same at any mint to be formed into bars or into dollars of the weight of four hundred and twenty grains troy, designated in this act as trade-dollars, * * * and the charges for converting standard silver into trade-dollars * * * shall be fixed from time to time by the Director [of the Mint], with the concurrence of the Secretary of the Treasury, so as to equal, but not exceed, in their judgment, the actual average cost to each mint and assay-office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

As its name indicates, the purpose of this coin was for trade, not for circulation, though by classifying it with other silver coins the law made it a legal tender to the amount of $5 in any one payment.

At the time of the passage of the act the actual value of this dollar, including the charge of 1½ cents for coinage, was a little more than $1.04 in gold, or $1.18 in United States notes.

Under such circumstances there could be no object for the owner to put the coins into circulation, and consequently they were exported mostly to China, where, from lack of a circulating medium, these pieces, convenient in size, and bearing the guarantee of a great Government as to their weight and fineness, obtained an extensive circulation, and created a market for the silver of the Pacific States, as intended by the act.

After a few months, however, an unforeseen depreciation in the value of silver bullion occurred, and in the early part of 1876 this depreciation reached such a point that one dollar in gold would purchase more than the necessary amount of silver for a trade-dollar and pay for its coinage.

Under such conditions dealers in bullion found a profit in putting trade-dollars into circulation at par in the Pacific States, where the currency was upon a gold basis, but the coin being a legal tender for only $5, its circulation was necessarily limited in amount as well as restricted in locality.

The people of the Pacific States, however, objected to its use at all for circulation, and the attention of Congress having been called to the matter, on the 8th of May, 1876, Hon. SAMUEL J. RANDALL, of Pennsylvania, introduced into the House a bill the third section of which repealed the legal-tender quality of these coins.

On the 10th of June following, Hon. S. S. COX, of New York, reported the measure to the House, urging its adoption.

No objection was raised, and it became a law July 22, 1876, without modification or an opposing voice or vote in either House, and is as follows:

That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. President, remember that up to this date the people of the United States east of the Nevada range had taken no interest in the trade-dollar. It was the people of the Pacific States who demanded the coinage of the trade-dollar to enable them to convert their silver bullion into a convenient form for exportation. When a few of these coins were issued and circulated among the people of the Pacific coast they remonstrated against that, and it was upon their remonstrance that a bill was introduced by Mr. RANDALL in the House and finally passed taking away from the trade-dollar all quality whatever as money, leaving it to stand where the law made it, a trade-dollar, to be coined for the benefit of the merchants or the owners of bullion and to be transported to China for the Chinese trade.

Up to that time probably no single citizen east of the Nevada range had the slightest interest in or care for the trade-dollar, for the simple reason that up to the time when the legal-tender quality was taken away from it it was worth from 10 to 15 per cent. more than the currency of the United States, and therefore it would not circulate East. What I said at the beginning is absolutely true as a fact, that up to the time of the taking away of the legal-tender quality of the trade-dollar, there were none in circulation east of the mountains. All that were circulated east of the mountains and all that were coined after the 22d of July, 1876, were made at a time when the trade-dollars were not received by the Government, were not paid by the Government, and were not practically a legal tender to the extent of a single farthing.

Mr. McPHERSON. Would it interfere with the Senator to answer a question?

Mr. SHERMAN. Oh, no.

Mr. McPHERSON. I do not wish to interfere with the continuity of the Senator's remarks, but there is one question which suggests itself.

Mr. SHERMAN. It does not interfere, except that it tends to the prolongation of the few remarks I proposed to submit.

Mr. McPHERSON. There is one question which suggests itself to me right here. The Senator admits that Congress had passed a law providing for the coinage of the trade-dollars and making them coins of the United States; that from 1873 to 1876 they were coins of the United States and a legal tender. I wish to ask the Senator if he thinks it was honorable on the part of a great Government to take away the legal-tender quality of the trade-dollars without providing for their retirement at the time of the passage of the law of 1876.

Mr. SHERMAN. To have talked about the retirement of the trade-dollar at that time would have been simple folly. At the time the legal-tender quality was taken away from it the trade-dollar was worth 13 cents more than any dollar of the money of the United States then in circulation. Perhaps it would have been better if Mr. RANDALL had provided in his measure that the holder of the trade-dollar might con-

vert it into a greenback, but that would have been simply a ludicrous and ridiculous proposition which would have been rejected with scorn, because the trade-dollar was then worth 13 cents more than the paper dollar.

Mr. McPHERSON. But I submit to the Senator that if the greenback currency or national-bank currency, or any of the paper money of the United States, was worth less than gold at that time, that is no reason at all for the Government commencing the coinage of a monetary metal, and then in the end demonetizing it or robbing it of all its value as a circulating medium.

Mr. SHERMAN. On and after the 22d of July, 1876, it would have been folly to call the trade-dollar money. It was money neither by law nor by custom.

Mr. McPHERSON. Did the Government continue to coin it?

Mr. SHERMAN. I am afraid I shall never get through if my friend continues to interrupt me.

Mr. McPHERSON. I wish to make my meaning plain, and I hope the Senator will bear with me. After the passage of the joint resolution of 1876, which only robbed the trade-dollar of its legal-tender value and still left it a coin of the United States, the Senator says it had no value at all, and that people should not have received it. What notice did you give to the people? Take the coin and the law, compare the two things together, and show me how any man in this country would know from either the coin or the law that it was not a legal-tender coin of the United States to the extent of $5.

Mr. SHERMAN. The Senator propounds quite a number of questions. What notice did we give the people? We gave them the notice of the law. What notice can Congress give to the people except in the law plainly written? Under the law as it stood after the 22d of July, 1876, the trade-dollars ceased to be a legal tender. They were only issued upon the demand of the holders of bullion, who brought their bullion to the mint, and at their cost, for their benefit, without any profit to the Government of the United States, those trade-dollars were issued, under a law which expressly made them the private property of the individual depositor, and under a law too which took away from them the temporary quality they had had of being a legal tender.

Mr. McPHERSON. As to those issued prior to 1876?

Mr. SHERMAN. As to those issued after that time the law gave notice, and except those which have been brought back from China—there may be a few exceptions here and there—all that were issued after the 22d day of July, 1876, were issued simply upon bullion owned by private parties.

Mr. McPHERSON. If the Senator will bear with me a moment more, the Director of the Mint in his report in 1879 reports that of the number of trade-dollars issued up to that time, something like fifteen million in amount, about twelve million had been exported, showing plainly and clearly that under that issue three million were in circulation among the people of the country. The people certainly were deceived as to the three million that had not been exported. As to the twelve million of which the Senator speaks as being designed expressly for export, they were designed no more for export than the three million which remained in the country. What matters it, let me ask the Senator, as to the issue prior to 1876, if every one of them had been exported and returned to the country the next day, or the next week, or the next month, they were coins of the United States of a legal-tender values and for the Government to repudiate them seems to me to be very strange.

Mr. SHERMAN. The only objection I have to an interruption, because I am a very patient man and I can take it very leisurely and it does not disturb me, is that it tends to prolong the discussion and scatters my argument instead of confining it, as I wish to confine it, to as brief a period as possible.

Mr. McPHERSON. If the Senator will make that thing plain, I shall not interrupt him again.

Mr. SHERMAN. I do not object to the interruption, and I intended to go on and state the points to which the Senator has called my attention.

Mr. McPHERSON. I hope the Senator will make that thing plain. If he will do that, I shall certainly not interrupt him again.

Mr. SHERMAN. I make a marked distinction between the trade-dollars issued before the 22d of July, 1876, and those issued afterward. Before the 22d of July, 1876, they were a nominal legal tender, and the Government had pledged its faith to receive them to the extent of $5 in a single payment, and that was all; but after that time the Government of the United States did not undertake to do anything with them except to issue them to the holders of bullion who brought their bullion to the mint and to give them back in trade-dollars the identical silver that they brought to the mint, unless they preferred or were in a hurry to get an advance payment, when they would be paid out of the trade-dollars on hand.

The fact must not be forgotten that the Government of the United States never received the trade-dollar into its Treasury; it never paid out a trade-dollar from its Treasury after the act of July 22, 1876; it never put these dollars in circulation except as it coined them for the benefit of the holders of silver bullion. This day any citizen of the United States has a right to go to the mint and have his gold coined and have the identical bullion put into coin without cost and receive it; and also any citizen I believe (it used to be the law and I think it is so yet) may go to the mint and get any coin of the United States in order to preserve it in a collection, merely by paying its actual cost.

I have here a table which is familiar to all Senators of the amount of coinage of the trade-dollar before the legal-tender quality was taken away and afterward. These coins were issued as follows:

During the fiscal year ending June 30—

1874	$3,588,900
1875	5,697,500
1876	6,132,650
1877	9,162,900
1878, but prior to October 20, 1877	11,378,010
Total	35,959,360

It will be seen by this table that the total amount of trade-dollars issued prior to the passage of the law of July 22, 1876, was a little over 15,000,000, and it can be safely asserted that these, with the exception of a small number in circulation on the Pacific coast and a few held as curiosities at a time when coin was not in circulation, had been exported to foreign countries. If they are now in the United States they must have been imported since. A Senator stated that 80,000 trade-dollars, issued while they were a legal tender, were in the hands of a banker in New York. If so he probably imported them since July, 1876. More than 20,000,000 have been coined since, without any pretense whatever that it was a legal-tender coin of the United States for any amount, or that it bore the sanction or credit of the United States, except the guarantee that it contained 420 grains of standard silver, issued under a law which confined it to an amount sufficient to meet the export demand for silver. In this respect it was regarded by the law and the mint precisely like silver bars, as to which no pretense is made that the United States is bound, except only as to their weight and fineness; but substantially the whole of the trade-dollars now in circulation in the United States are part of the $20,000,000 issued since the legal-tender quality was taken away from them.

Owing to the appreciation of the paper currency, however, in the fall of 1877, the trade-dollar became of less value than the paper dollar, and in December of that year a large number of them were put into circulation, at their face value, at a profit to the owners of the bullion.

Apprehensive of such misuse of the coins, on the 15th of October in that year the Secretary of the Treasury ordered the discontinuance of their coinage at the mint at Philadelphia, and four days later at the other mints.

Mr. WILLIAMS. What year was that?

Mr. SHERMAN. In October, 1877. At that time they first commenced appearing in our circulation, because under the policy then adopted the notes of the United States were rapidly appreciating in value. The notes soon rose above the market value of the trade-dollars, and a year or more after the legal-tender quality of the trade-dollars had been taken away dealers and people, who could make a little money by getting the trade-dollars or taking bullion to the mint and having it coined into trade-dollars, began to issue the trade-dollars because they could make a little money by doing it, the paper money of the country having advanced above the market value of the trade-dollar.

Then they commenced circulating in our country. It was for the purpose of profit that the owners of silver bullion then rushed their silver into the mints and had it converted into trade-dollars, and issued those trade-dollars, and the people took them, although there was no law which justified their being passed as current money. They were issued because they were cheaper to the bullion dealer than the paper money of the United States—they could pass them off on a par with the paper money of the United States, and thus make a profit. There was the commencement of this trouble.

Appreciating that, the Secretary of the Treasury, in October, 1877, under the law which I have already read, stopped the coinage of them; but in the few months from the 1st of July, 1877, to the 20th of October, 1877, when the then Secretary of the Treasury discontinued the coinage, there had been issued $11,378,010 in those three or four months, in order to make the difference between the market value of the trade-dollar and the current value of the United States notes. The coinage was then stopped. Since that time no trade-dollars have been issued except occasionally as keepsakes or as curiosities, &c.; for under the law now anybody can go to the mint and get any of the coins of the United States in that way.

This is the history of the trade-dollar. I must confess my desire to oblige the many people who hold these trade-dollars; I appreciate their feelings; I know they are hearing me now; I sympathize with them in their loss; but I say, in spite of all that, they have no more right to complain of us or to call upon the Government to repair their losses in a failing speculation than they would if they had invested their money in wheat, or corn, or barley, or rice. To all the world except so far as the United States were concerned after the 22d of July, 1876, the silver in the trade-dollars was bullion, and if it fell in market value it was like other silver bullion mined by the miner, or held by anybody else, and it ought to have been so treated. The Government of the United States had no part or lot in this matter after the 15th of October, 1877.

Sometimes tables are misleading, as was shown in the case of even

my friend from Delaware [Mr. BAYARD], who is usually so very accurate in his remarks. In his remarks on this bill I agree, except that he made a mistake in the date; he supposed that this coinage was continued until 1878. It was continued into the fiscal year 1878, because the fiscal year 1878 commenced on the 1st of July, 1877; but the coinage of the trade-dollar was discontinued on the 20th of October, 1877, in Philadelphia, and three or four days afterward in California, as soon as by course of mail the order to discontinue might reach the mint at San Francisco.

In the use of the trade-dollars as money the United States has never had any interest or derived any profit. For the expense of their coinage the owner of the bullion reimbursed the Government, and this ended the connection of the Government with the transaction. At no time and on no account have they ever been received or paid out by the Treasury, and it is a cause of regret that so many of our people should have accepted them at more than their bullion value, thus enabling their owners to put them into circulation at a considerable profit.

The coinage act does not authorize their receipt or payment. The Government has uniformly treated them as bullion put in convenient form for the use of private parties. It has had no agency in their issue except to stamp them of legal weight and fineness. There is no equitable ground upon which the Government could be held to pay them, to redeem them, or to receive them except as four hundred and twenty grains of standard silver. Their market value has been ascertained and stated by the Director of the Mint from time to time. They are purchased at the mint as other silver bullion at current market rates.

This, so far as I am concerned, would end my argument on the silver question, but I know that a great many plausible arguments have been introduced. It is said that the credit of the Government is involved. I am sure if I thought so I would rather spend $5,000,000 than to vote to tarnish it in the slightest degree. But where is the credit of the Government involved? Where has the Government after the act of July 22, 1876, promised to pay the trade-dollars in anything? Indeed the law was plain and known to everybody. It was published all over the world. These dollars circulated around among the people, although they were tarnished and fell sometimes more or less below the par line. Then they got in large masses into the hands of persons who received them as an inducement for trade and held them as bullion, believing either that they could be passed off by being exported or that the Government of the United States would redeem them.

Sir, I have myself seen, as you have seen, published in the newspapers "trade-dollars received at par." Why was that done? It was because legally they had fallen below par. They were bullion, they were not at par, and as inducement to trade, especially by the butchers, by the grocerymen, and by the various retail dealers of the country, they were invited in as an inducement for trade, and probably a little extra price was put on the article sold. That would be the natural order of things.

Bullion dealers bought them as silver bullion. They were always worth a little more than their weight in other silver, because there was an indefinite idea that the Government would redeem them; but from 1876 to 1882, a period of six years, there was no demand made upon the Government of the United States to redeem the trade-dollars, although during all that time they were more or less falling in value. But when they had become aggregated by the refusal of the banks to receive them and they were then being bought up in masses and held, this demand was made upon us for their redemption.

I do not speak about our being bound to redeem them in clear law, because there is no pretense that there is any legal obligation to redeem them; but if we are bound in honor to redeem them, if we have deceived our people, if we have misled them, or if the Government had ever said anything in the world that would indicate that it was bound to pay the trade-dollars in gold coin or in its equivalent, I should vote to pay them if it took the last dollar in the crib. But there was no such obligation made; it is all inferential. If you choose to pay $5,000,000 to redeem the trade-dollars, well and good; it will make good some bad bargains of bullion dealers; that is about all there is of it.

There were 35,000,000 trade-dollars issued. They are worth now about 85 cents on the dollar, although one very intelligent and able gentleman, whom I respect very highly, tells me he thinks they are not worth that much now in market value. I assume that they are worth about 85 cents on the dollar as bullion. The Government has taken them as bullion. We have bought some of them as bullion, just like any other bullion. Ever since the passage of the law of 1878, in the purchases of silver which have been made in the last six years we have bought more or less of these trade-dollars as bullion. We have fixed their price. The Director of the mint has from time to time fixed their market value and announced it, and they are taken as bullion.

If the holders of the trade-dollars wish, they can now turn every one of them into the Treasury at the bullion value fixed every month by public advertisement, I may say; that is, at the lowest bid every week for the purchase of bullion to be coined into money. There is no difficulty now in the holder of bullion converting this form of bullion into money, and that will stop the interest. Some of these gentlemen say they have held this bullion so long that they have lost more in interest than the difference between the market value and the nominal value. That is their fault. The Government was willing to buy trade-dollars at the bullion price always. Still I say if there could be shown any moral obligation because of any false inducement made by the Government or even by the officers of the Government I should not hesitate at all to make good their losses. But there is none, sir.

My desire is, if possible, to avoid any controversy with any holder of anything bearing the impress of the eagle of the United States, but I have come to the conclusion that there is no moral obligation on the part of the United States to buy this bullion at any other price than is paid for that of the miner. Why should we?

It is admitted on all hands that three-fourths, yes, four-fifths (I think the Senator from Kentucky has insisted, and most of those who believe that this measure ought to pass have insisted, that four-fifths) of these trade-dollars are in foreign lands, and yet it is proposed to pay $1 in gold, I may say, or the equivalent of gold, for 420 grains of silver in the hands of the Chinese and the Japanese and the other foreign nations which hold these coins and in the hands of our own bullion brokers, while we will only pay $1 for 485 grains in the hands of the hardy miner who digs this precious metal from the bowels of the earth.

In other words, we discriminate against our own miners, our own citizens, our own workmen, and give a higher price for bullion in the hands of the money-dealers here and in foreign lands. It is true the Senator from Kentucky seeks to obviate that, and to the extent he goes I am willing to vote with him, by providing that wherever the Chinese have stamped the trade-dollar with their own insignia in order to give it additional credit there it shall not be redeemed. Although I do not see any reason in morals why if one ought to be redeemed the other ought not to be redeemed, yet, as I am opposed to the redemption of any, I am inclined to vote for the amendment of the Senator from Kentucky, because that will lessen the number to be redeemed. He seems to think that many of these coins have gone into the melting-pots or have been stamped by Chinese characters, and that where they are so marked we can avoid the redemption of them; but in morals, if we are bound to redeem any one of them, we are bound to redeem them all, those in the hands of the Chinese as well as those in the hands of Americans.

There is another ridiculous feature about this measure. I think my friend from New Jersey was guilty of the solecism of suggesting that we do not propose to pay them in gold, but we propose to pay them in the standard silver dollar of 412½ grains. So say some of these gentlemen, "We will not redeem them in gold, but we will give you another dollar which contains 412½ grains." If that was all the value in the standard dollar of 412½ grains you could not get the Chinaman or anybody else to exchange 420 grains for 412½ grains. Such a bargain as that would all be on one side; it would be laughed at as frivolous and ridiculous. But we know very well that the coin of 412½ grains of standard silver means more than 412½ grains of silver; it means a dollar in gold, unless we intend to go back to the silver standard in this country. Four hundred and twelve and one-half grains of silver are worth about 84 cents in gold. It would be no favor to the holders of the trade-dollar to pay them 412½ grains for 420 grains, but it is because that standard dollar has an artificial value growing out of the fact that we maintain it at par with gold, that we receive it for all purposes, that we practically make it a legal tender, the equivalent of gold; it is because that standard dollar represents not only 412½ grains of silver, but it represents the promise and faith of the United States to make it as good as gold. Then the proposition to convert the 420 grains of silver in one form into 412½ grains in the other becomes a very different proposition. It involves the strange solecism of saying, "Oh, well, we will only give them 412½ for 420," when we give them in addition to the 412½ grains a promise of the United States to make it good, because the 412½-grain dollar is a legal tender, receivable for all public dues.

Mr. President, I would not care so much about this bill, nor would I have detained the Senate to make a speech upon it, if the trade-dollar were all there was in it. If Senators choose to give anywhere ranging from one and a half million dollars to five million three hundred thousand dollars to the holders of the trade-dollars, well and good; the Government can stand it; it will not break us up.

It is thought, and by my friend from New Jersey especially, that nearly all these dollars are circled around Philadelphia. That is the place of a great many good things, and nearly all the trade-dollars, I believe, now have in the course of commerce probably come within a radius of one hundred and fifty or two hundred miles of Philadelphia and New York, taking them together. They are held there as bullion in large masses, and I have no doubt that Senators representing those communities are very sensitive now about the honor and good faith of the United States, but I think they are far more sensitive to the interests of the constitutents they represent. I do not blame them at all. If the Senate chooses under all the circumstances to redeem the trade-dollars, well and good; it is only a matter of dollars and cents.

If the bill stood as the House sent it to us I would not vote for it, but as it is now amended on the motion of the Senator from Iowa [Mr. ALLISON] it contains a proposition of infinitely greater importance than all this dispute about the trade-dollar; that is, it declares that after the 1st of August, 1886, the standard silver dollar shall no longer be coined.

Mr. MITCHELL. Will the Senator allow me to interrupt him before he passes from the consideration of the other question?

Mr. SHERMAN. Certainly.

Mr. MITCHELL. The Senator stated that this coin is largely held in and about Philadelphia, and in that connection he stated that it is held as bullion. Is the Senator not informed of the fact that a very careful inquiry was made in respect to the holding of this coin in Pennsylvania since the subject has been under consideration and while it was under consideration in the House of Representatives, and that as the result of that inquiry it was found from the returns from bankers and business men and people at large in Pennsylvania that of $2,500,000 held in that State less than $100,000 had been taken at less than their face value?

Mr. SHERMAN. I have seen in the Philadelphia papers which have been sent to me that they were taken at par nominally, and some of the largest dealers there advertised that they would take them at par as an inducement to trade. In that way they were taken at par; but the bullion dealers never dealt with them at par. They never bought them at par. The market men and the clothing men and barbers and the liquor-sellers and a great many other classes of people took them as an inducement for business.

Mr. MITCHELL. If the Senator will allow me I will inform him of the fact, at least as I understand it, that before the trade-dollar came into the hands of these dealers so largely as they may now be in their hands, this inquiry was made by actual communication, by letter, with persons who hold that coin, persons all over the State of Pennsylvania, in almost every county, I think, and that the computation was made from the facts as stated in those letters by a member of the House of Representatives, who himself made the inquiry.

Mr. SHERMAN. Well, I have said all I care to say about the trade-dollar.

All business transactions in the United States, both foreign and domestic, are now based upon the gold dollar, weighing 25.8 grains of standard gold.

The silver dollar, worth in market value .859 in gold, is maintained at par in gold by a limit to its issue, and its receipt into the Treasury for all debts, public and private. The market value of silver bullion has been slowly and steadily declining since the passage of the act providing for the coinage of the standard dollar. No serious effect has thus far been caused by the widening difference between the two standards of value, but it is manifest that if the result of this difference should lead to the large exportation and hoarding of gold, the sole standard of value would in time be based upon the market value of the silver bullion in the standard dollar. Already the occasional exportation of gold is one of the causes of financial stringency. By a law as immutable as fate, the gold dollar, demonetized, would then be quoted at a premium, and all current business transactions would be based upon a silver standard alone.

What would be the effect of this? The immediate effect would be a contraction of the currency so sharp and abrupt as to extend its shock to every village in the country. Gold is now held here in such vast sums that it might not at once be exported, but it would be hoarded and sold only at a premium, while the volume of silver and paper money redeemable in silver being insufficient to meet the current wants of business would be used for the payment of all labor, but its purchasing power would gradually decline until it reached the level of its market value measured by gold—illustrated by what occurred in 1877–'79. This depreciated currency would then take the place of the hoarded gold and gold certificates, and yet be insufficient for the wants of business.

We would then have a monometallic currency composed of silver alone as the standard of value of United States notes and bank notes, and another standard of value. Gold coin and certificates based upon such coin would be quoted at a premium. The laborer will receive his hire in the depreciated coin. The capitalist would stipulate for gold. All foreign commerce would be based upon gold. The pound sterling would be quoted at $5.56 instead of $4.84. All domestic exchanges would vary according to the kind of coin used in payment. In regions where the silver dollar is so greatly favored by popular opinion they would be paid in such dollars and be cheated in the purchasing power of their dollar. The mysteries of exchange which have been the basis of nearly all the financial fallacies of mankind will lead them to sell their productions at gold prices and buy their supplies at silver prices, and the bankers and brokers—the middlemen, who can see at a glance the chance of a profit—will make the difference. Then after the injury is done we will have an outcry for the redemption of the standard dollars in gold just as we now have for the redemption of the trade-dollars.

And that cry will be just and right. The standard dollar, unlike the trade-dollar, was issued by the United States to maintain the bimetallic policy, at the profit of the United States as the coequal of gold coin, to be received and paid in all respects and for all purposes like gold coin. If it is issued in excess of the demand, or for any reason falls below its coequal standard, then the United States are bound in honor as well as policy to redeem it or put enough silver in it to make it equal in the market to gold coin. Now the silver dollar represents 85 cents in actual value and 15 cents in faith that the United States will not allow it to fall below the gold coin. If that faith is doubted, the silver dollar will decline. If that faith is broken, then it will fall to 85 cents, and we will have two metallic standards.

I assume that in any event the Government of the United States would not willingly debase the standard of value upon which all contracts made since 1837 have been based. This unquestionably has been the gold dollar, the unit of value, which though for a time not in actual circulation, yet has always since been the nominal basis of silver and minor coins, and of all forms of paper money as well as of all contracts between private citizens. To take advantage of the fall in the value of silver bullion and base our contracts upon silver alone would be to reduce the commercial value of our dollar compared with the coin of other nations, derange the purchasing power of all annuities and of all bonds and securities, and enormously contract the currency by converting gold and gold certificates into articles of merchandise instead of active agents in commercial exchanges, and, whether designed or not, to bring dishonor upon the public credit and public securities.

The changing relations between gold and silver have continued for near four hundred years—since the discovery of America. During all that time, with slight pulsations, silver has steadily declined. Nations have many times changed the coinage ratio between the two metals. It is a matter of reproach that despotic governments have taken advantage of this change to reduce the standard of value in order to supply the extravagance of the court and waste of war, but it is hardly to be supposed that the United States, a free Government, founded upon the consent of the people, and desiring only to do equal and exact justice to all, would resort to an expedient so damaging to its own credit and so injurious alike to the laborer and the holder of property.

It is the true interest of all classes and all industries to maintain a circulation of both of the precious metals. The aggregate of both is necessary to form the basis of money, but it must be coined according to their respective market value, as near as may be. The miner sells his bullion according to its market value, and the Government should coin it according to the same value. To purchase it at market value and coin it at a fictitious value, known to be above its real value, with a view to make a profit on coinage, would seem to be bad alike in morals and in public policy. To debase the coinage, or to adopt the cheaper metal merely to make profit to the Treasury, can not be defended. The silver coin, in order to be freely taken, exported, or dealt in, must have the full, equal market value possessed by the gold coin. This alone constitutes bimetallic money. Any departure from this rule fills the market with cheaper money and drives out the better money. It is believed that the demonetization of either of the precious metals would be a wide-reaching calamity, extending to all quarters of the globe.

If there is any pressing question pending in our politics it is this question of making our standards of coin equal to each other according to their market value. This can only be done either—

First, by an international agreement with other nations to maintain a free coinage of silver at a fixed ratio; or

Second, by suspending the coinage of silver until it is demanded by the wants of business; or

Third, by the adoption of an American bimetallic policy of the free coinage of silver and gold according to their market value.

The Committee on Finance does not seem inclined to meet this broad economic problem, though, in my judgment, it is wise at this moment not only to suspend the coinage of the silver dollar, but boldly to proclaim the purpose of the United States to maintain bimetallic money, even if it stands alone in that position among the nations of the earth. As the chief producer of both gold and silver we are better able to establish this new policy than any other country. France did it in 1795 and, with the aid of the Latin nations, preserved the equilibrium upon a given ratio of silver and gold for two generations. The same policy adopted now will, I confidently believe, secure steadiness in the relative market value of these two metals for a long period of time.

If any slight change occurs, the metal too highly valued will be retained here and the metal too cheaply valued will be exported. Slight mutations in this exportation between the two metals may from time to time exist with no material injury, but the substantial convertibility of one into the other in all the multiplied business of our country and the uniform steadiness of our paper money based upon both metals, including certificates based upon the deposit of both gold and silver, will secure us a currency of uniform value and steadiness, both of coin and paper, greatly superior to that enjoyed by any other nation in the world.

But the policy I have indicated is, perhaps, at this time in advance of the sentiment of the country and of Congress, and, therefore, I do not seek to press it now, but am content to deal with such propositions as will give us some safeguard against what I regard as the great threatened evil, that of the demonetization or hoarding and exporting of gold.

I do not have much faith, and never had, that we could negotiate for an international ratio, for the first step in such a negotiation with the Latin nations would be to stipulate for the old ratio of 15½ to 1. Without the concurrence of Great Britain such a ratio could not be obtained, and I have no hope of such a concurrence, nor do I believe such a ratio is wise or could long be maintained. What we want now is to give to our own people assurance and confidence that we intend to maintain our silver and gold coins as equal and convertible standard—that a dollar of one shall be equal to a dollar of the other. In the absence of

such an assurance, and in view of the enormous accumulations of silver coin in the Treasury and the evident disposition to select silver coin and silver certificates for payment to the Treasury, there is danger that a continued coinage of the silver dollar may precipitate its decline in market value.

To check this tendency the Finance Committee propose by the amendment offered by the Senator from Iowa [Mr. ALLISON] to renew negotiations with the Latin Union and with other foreign powers to secure such co-operation as will enable these nations to open their respective mints to the free coinage of silver at an agreed ratio, and it provides that in case such treaties can not be concluded prior to August 1, 1886, then the coinage of the silver dollar of the United States shall be suspended. This important amendment will, in my judgment, arrest the tendency of the depreciation of the silver dollar by giving assurance that within a limited time the threatened danger will be averted. With this amendment I should vote for the bill, though it involves the payment of the trade-dollar, a measure of preference of one form of silver bullion to which it is not entitled.

Mr. BECK. Mr. President, I had expected that the Senator from Colorado [Mr. HILL] would reply to the Senator from Ohio [Mr. SHERMAN], and I shall detain him but a few moments.

I am prepared to stand on the argument I made the other day, but since the Senator from Ohio, who has himself been a distinguished Secretary of the Treasury, has reasserted with great emphasis that we are under no sort of obligation to retire the trade-dollar, that no one was misled by it, that no one has the trade-dollars except speculators and men who obtained them at less than par, and who want to substitute standard silver dollars for them, I desire to read what Hon. Charles J. Folger, late Secretary of the Treasury, in his report to Congress on the 3d day of December, 1883, said in regard to this matter, and there I will leave it between the two Secretaries, both distinguished representatives of the party that I differ with in many things. Mr. Folger said:

Here I may speak of "the trade-dollar," the debased coin to which attention has been drawn by public clamor and discussion. Doubtless the legislative purpose in creating it was to make a piece of money that would find favor with Asiatic people, and not one for use at home. That purpose was not made known, however, by the letter of the law under which it issued from the mint. The act of 1873, under which the coinage of it began, has these words: "The silver coins of the United States shall be a trade-dollar; a half-dollar, or fifty-cent piece; a quarter-dollar, or twenty-five-cent piece; a dime, or ten-cent piece." The act further declares that the relative proportion of pure metal and alloy in the trade-dollar, and the devices and legends upon it, shall be the same as those of the other coins of the United States. That act, and a later one of 1877, made it a crime to counterfeit any of our coins, and, as the trade-dollar was declared to be a coin, made it a crime to counterfeit it.

The act of 1873 made the silver coins of the United States, and hence the trade-dollars, a legal tender at their nominal value for any amount not over $5. Thus the reading of the laws taught the people that the trade-dollar was a coin of their sovereignty, and for the redemption of which, at an unabated value, their Government was bound. The real legislative purpose is to be blindly sought for in tradition or in the record of Congressional discussion, and is indicated in the joint resolution of 1876, which took away from this coin the legal-tender quality of it, and held down the coinage of it to the call for it for exportation. It is plain that a busy people, finding this coin afloat in the channels of business styled a coin of the United States, would readily believe that it was an authentic issue of the Government, and to be redeemed by the Government the same as other money put out by it. From time to time, however, as it suits scheming men and the occasion fits, a hue and cry is raised against it; it is discredited in the marts, and unwary holders suffer loss or inconvenience.

As it is a coin of the United States, having the image and superscription thereof, sanctioned as such by penalties upon the counterfeiting of it, and once dignified as a legal tender in payment of debts and dues, it should be restored to its first state, or called in at its nominal value and melted. In the judgment of this Department, it should be thus called in and melted. And why not? First: It has been claimed officially that it did not go into home circulation until after the passage of the joint resolution above spoken of whereby the legal-tender quality of it was taken from it. Hence, it is said it is no duty to our people to redeem it at more than the value of it as silver bullion."

Then he says:

The first of these contentions—

The one I have read—

The first of these contentions is too technical and close for use in dealing with so practical a matter, and one in which the prime action and continued silent sufferance of the Government has been so misleading.

That is the way he disposed of that argument. Again he said:

It is calculated that five-sixths thereof went abroad in the beginning, and it is believed that but a small part of that has come back, and that there is now held by our people but from five to eight millions. Of that which remained abroad there is good authority for saying that much of it found its way from China to India, and into the melting-pot at the mint in Calcutta, and has been there cast into the coin of that country.

That is all I care to take the time of the Senate in reading on that branch of the question. The Secretary proceeded:

A thorough and effective redemption of it can be brought about in this way: Let authority be given by Congress to the Treasury Department to barter for trade-dollars at their nominal value standard dollars at their nominal value, and melting the trade-dollars to recoin them into standard silver dollars, counting the trade-dollars got in this way as a part of the silver bullion which the act of 1878 empowers and directs to be bought and coined monthly.

That is precisely what I propose to do in the amendment referred to by the Senator from Ohio and precisely what the Senate Committee on Finance report, following the recommendation of Secretary Folger. Again that Secretary said:

This Department would rather see all the trade-dollars that are afloat anywhere brought in and made bullion of, even at a cost to the Government, if thus we may be rid of a discredited and debased coin; but if this may not be, it still will wish that those in the hands of our people be redeemed in the mode recommended, with safeguards against foreign holders.

That is what my amendment to the original bill proposes, and not to readopt those which have been stamped by foreign nations as their own.

Again the Secretary said:

And if the receipt of the trade-dollars by the exchange in any month shall be, when treated as bullion, more in sum than would be a purchase of two millions' worth of bullion, then the excess thereon can be carried forward from month to month, so far as need be to keep within the direction of the act of 1878 for monthly purchases.

And we have guarded that in the amendment applying only $500,000 a month.

Mr. MORRILL. Will the Senator from Kentucky yield to me for a question?

Mr. BECK. Certainly.

Mr. MORRILL. I desire to know if the whole proposition as stated by the Secretary of the Treasury was not to pay a small premium of about 2 per cent.

Mr. BECK. No, sir. The Senator from Vermont the chairman of the committee will see before I am done reading—and I will only read a little more—that he proposed to take them dollar for dollar and exchange standard dollars for them. I have read that already, he repeats it again in a passage which I will now proceed to read.

Mr. MORRILL. That was the position of the President—I was thinking about his message—and of the present Secretary of the Treasury.

Mr. BECK. This is the report of Secretary Folger in December, 1883, to the Congress of the United States:

And if the receipt of the trade-dollars by the exchange in any month shall be, when treated as bullion, more in sum than would be a purchase of two millions' worth of bullion, then the excess thereon can be carried forward from month to month, so far as need be to keep within the direction of the act of 1878 for monthly purchases. And this would be more or less likely to come into play as the limit of time for redemption is shorter or longer. If, indeed, no limit of time was fixed, or it was made as long as a twelvemonth, this Department could be empowered to refuse redemption in one month of a sum more than enough to meet the requirement of that act, and still make full redemption of all that is likely to be brought in therefor.

If it be said that much of this coin—

As seems to be now the scarecrow that is being used by gentlemen who oppose the view I take—

If it be said that much of this coin, discredited and practically debased, is in the hands of speculators who have taken it at a discount, and that they would profit by legislation which would increase the actual value of it; while it may not be denied that lamentably this is too far the case, still it is to be answered that such is the luck brought by all debased coin when at last it is fairly redeemed. Speculators will make by a depreciation and following appreciation. A law for a fair redemption must have, with its good, the evil of helping some to gain who ill deserve it. The fault is not much more with the speculative trader than with the legislation that has given him the chance for ignoble gain; His profit is a light incident, calling slightly for attention, because of the great general good to come from calling in a discredited coinage.

Besides, leave this coin unredeemed, and by and by, when public attention is at a full again, it will be once more set afloat at nominal value, to be in fullness of time once more discredited and lowered in purchasing power to the harm of good people. Moreover, the information which I have from practical and reliable men, who are at the sources of knowledge on this head, is that those known as tradesfolk, and most of the working people not in straits, uncompelled by necessity to part with the trade-dollar at a loss, have held it during panics, looking and waiting for action by the Government; and that the amount stored by brokers is a small part of what is in domestic ownership, the larger part being held by those who took them at full face for labor and in traffic in legitimate and honorable dealing. It is best, once for all, to call it in and put it out of possible use.

That is the opinion given us by the Senator from New Jersey, and by others who appeared before the committee and by facts that have been exhibited, that there are many thousands of trade-dollars coined before 1876 yet held by the people who took them then, and this is the bill that I have advocated and now advocate. The Secretary concludes:

This Department does not recommend that a legal-tender quality be again given to the trade-dollar, to the sudden increase of the legitimate silver money of the country, with the inconvenience and incongruity of two dollars circulating together, of the same metal, of unequal real value and of different devices, yet of equal value in payment of debts and of purchase of property. It recommends that authority be given for the redemption of the trade-dollar in the standard silver dollar dollar for dollar of nominal value—

Does the Senator from Vermont hear that declaration with emphasis by the Secretary?—

for the recoinage of the metal so received into a standard silver dollar to accord with the law for that coin, and for a reduction of the amount of silver bullion resulting from the exchange from the quantity of bullion required to be got by monthly purchases, for the purpose of coining under the act of 1878. In the judgment of this Department that legislation is safe, and is demanded by the character of this issue, and by the need of the people for relief from the confusion and exposure to recurring loss caused by its presence in the monetary system of the country.

Mr. President, I lay the plain, practical, honest views of that Secretary of the Treasury before the Senate as a full answer to all that has been said by the Senator from Ohio.

In regard to the section sought to be stricken out, I do not care to argue it any further than to say that whatever may happen hereafter this Congress should deal with the question carefully after full examination, but in the last hours of this Congress we ought not to be striking down our silver coinage in the mode proposed by telling foreign nations that if they can so far intervene as to keep the Latin Union or the silver-using countries from agreeing with us, then England and Germany shall have their way against silver and strike it down. And far less do

I think of any proposition that is being made to say to any President that he may in his discretion suspend or strike down the coin of the country, which every State, and every municipality, and every corporation, and every individual has a right to have coined by the United States. It was because the States and the people believed the United States would coin silver that they gave that power to the General Government. I would as soon think of giving to any President, no matter how much faith I might have in him, the power to declare war as to give him the power to strike down or suspend the coinage of this country; and I am glad to be able to say that there is no danger of its being done; that elsewhere in a body that has power, on an attempt that was made this very day, it has failed and failed unmistakably.

Mr. HILL. Mr. President, in replying to Senators who have in this debate advocated the extraordinary amendment proposed by the Finance Committee to the pending bill I must take up successively some of the points which they have made, and this will necessarily give to my remarks somewhat of a desultory character.

The Senator from Vermont [Mr. MORRILL] praises the Secretaries of the Treasury for "pushing and industrious zeal" in attempting, as he thinks unsuccessfully, to get silver into circulation. Among these displays of zeal does he count the acquiescence of successive Secretaries in the action of the New York Clearing-House, the principal point of Government payments, in the rule adopted by it on the 12th of November, 1878, under which neither silver dollars nor silver certificates were to be received at all for clearing-house balances?

Does he regard this assent of the Treasury Department to the tabooing of silver as money, at the place where the bulk of the Government disbursements is made, as being compensated for by its show of favor to the silver dollars, in sending them to the few people who may happen to make special application for them? In what light does he regard the action of the Treasury Department in 1882, and down to the present time, in tacitly agreeing, and in strictly acting upon its tacit agreement, not to offer silver in discharge of its balances at the New York Clearing-House after the New York banks had been compelled by Congress to repeal the rule under which silver was made non-receivable? Did this show a "pushing and industrious zeal" in circulating silver, or even a decent regard of the Treasury Department to the law-making power?

The violation by the banks of New York of the plain intent of the act of 1882 in respect to the settlement of clearing-house balances in silver certificates and the palpable connivance of the present Secretary of the Treasury and of his immediate predecessor in this misconduct of those institutions have been many times pointed out in this Chamber. An occurrence which took place on the 9th of this month adds to their misdoings very aggravating features of evasion and hypocrisy. On the day referred to, and as is believed by a preconcert between the banks and the Treasury Department, the assistant treasurer at New York tendered to the banks in part settlement of the clearing-house balances a small sum in silver certificates, stated by the New York papers to be $120,000, and the banks accepted it.

The local editor of the New York Tribune, a paper which has been distinguished for its zeal in supporting the refusal of the banks to receive silver certificates, gives in that paper of February 11 the following account of the motives of the banks in seeming on the 9th to have relaxed in their exclusion of silver:

> It is understood that the Monday payment by the subtreasury was intended to accomplish two objects, to soothe any jealousy on the part of country banks and to enable the Secretary of the Treasury to answer satisfactorily the Congressional inquiry whether any national banks or clearing-house associations refused to accept silver or silver certificates. As the New York Clearing-House has now accepted silver in payment of balances, both it and the subtreasury have complied with the Federal law. It is generally understood by bank officers that payment in silver will not be repeated except in cases of emergency.

This acceptance of silver certificates on the 9th instant is thus admitted to have been partly a temporary sham to enable the Secretary of the Treasury to answer troublesome inquiries from Congress, and partly a soothing measure to keep banks in other cities from complaining that they are compelled to take silver certificates, while the New York banks are paid in gold and Treasury notes.

The country will understand, as this writer admits that the New York bank officers understand, that the New York Clearing-House will not hereafter be asked to accept silver certificates "except in cases of emergency," and that things will run along in their old course after Congress adjourns, unless the new administration shall enforce the act of 1882 in good faith, which is evidently not expected by the banks.

But is the Senator from Vermont quite sure that with all the ill-will to silver of successive Secretaries of the Treasury, apparently most malignant on the part of a free-trade doctrinaire and ex-London and New York banker who now presides over the Treasury by a mysterious dispensation of the power of President Arthur, there has been no success in getting silver into circulation? With all his painstaking attention to figures, is it not remarkable that the Senator from Vermont has overlooked the fact that of the silver dollars so far coined no greater proportion is owned by the Treasury Department than it owns and holds of the existing gold money, and that as great a proportion of the silver is in circulation, outside of the Treasury, in either the metallic or certificate form, as there is of the gold money?

At the close of business on the 31st of January, 1885, the Treasury held and owned of gold, after deducting the amount belonging to the holders of outstanding certificates, $125,187,578, while it held and owned of the silver dollars, deducting the amount belonging to the holders of outstanding certificates, $36,783,343. If we adopt the estimate that there is now in the country $610,000,000 of gold money, and it is generally regarded as a correct estimate, one-fourth of it, within a minute fraction, was held and owned by the Treasury January 31, and only three-fourths of it was in circulation. But at the same date, of the $192,000,000 of silver coined, a little less than one-fifth was held and owned by the Treasury, and slightly more than four-fifths was in circulation. And, furthermore, of the silver dollars and silver certificates outside of the Treasury, nearly the whole was in circulation from hand to hand, because the banks as a rule make it a point to keep as little silver as possible among their reserves; whereas of the gold outside of the Treasury a large part is locked up in the vaults of the banks.

Even if he has not examined the figures, how can the Senator from Vermont have failed to know, what is a matter of universal observation and knowledge, that the rarest thing to be seen in the circulation this side of the Pacific coast is a piece of gold money?

As a part of his objection to the silver dollar the Senator from Vermont takes occasion to say that "all of our people prefer a paper-money currency, if it is only the equal of our standard coins."

That is exactly what the framers of the silver law of 1878 knew and acted upon when they provided that the holders of silver dollars could, at their option, have them represented by silver certificates in "money-note form" of the denomination of $10 and upward. Nothing can be more nearly equal to standard coin, and more perfectly combine the convenience of paper with the safety of coin, than a certificate of gold or silver deposited in the Treasury of the United States, and required to be kept unused until the owners call for it.

During the last session of Congress I submitted a bill making such description of paper, backed by coin dollar for dollar, a legal tender. I have only been restrained from pressing it by the belief that the Senator from Vermont and those who act with him upon questions of currency would oppose it by all the resources of legislative delays.

It is certain that President Arthur, both the Secretaries of the Treasury of his appointment, and numerous other official and unofficial persons, with whom the Senator from Vermont is in the habit of acting, have recommended, in addition to stopping the further coinage of silver dollars, that the issue of certificates for such dollars already coined shall not be hereafter permitted. I have reason to believe that the Senator from Vermont will support these recommendations when I notice that he stigmatizes the silver certificates as a "queer form of paper money," and says that it is a form of money which is "rapidly increasing and usurping the place of United States notes as well as of national-bank notes," and finally declares that "it is by far the dearest and most expensive paper currency ever invented."

There is no mistaking the animus of a Senator who denounces as "queer" a currency of silver certificates when he has been since 1863 an assenting and supporting party, in either this or the other branch of Congress, to legislation providing for gold certificates, which are identical in character and principle with the silver certificates.

There is no mistaking the animus when he asserts that silver certificates are "usurping the place" of United States notes and national-bank notes, when the plain truth known of all men is that they have not taken the place of either class of notes, but have been a useful and much-needed addition to both. Within a few weeks after the passage of the silver law of 1878 Congress fixed absolutely by law the volume of United States notes, and it has not been varied by one single dollar from that day to this from the usurpation of their place by silver certificates, or in any other way.

The circulation of bank notes to-day is about the same in volume as it was when the silver law of 1878, with its provision for silver certificates, was enacted. During the time which has passed since 1878 the volume of bank notes first increased and has since decreased, but neither the increase nor the decrease was caused by the existence of silver certificates or of gold certificates. Their volume is now declining, but, as everybody knows, it is from the high premium which Government bonds have attained and from the small profits to be made from purchasing such bonds at their present prices as the basis for bank-note circulation.

Among the other amazing declarations made by the Senator from Vermont is the following, which I read in the exact language in which it appears in the RECORD: "Certainly no one has ever pretended that it [the silver law of 1878] could be successful without the co-operation of other nations, and it should not be charged to the friends of bimetallism (the supporters of the silver law of 1878) that they intended an insidious measure to separate the United States from the great commercial nations of the world by fastening upon us the silver standard of monometallism."

It is true that the supporters of the silver law of 1878, who were the great body of the people and of the representatives in Congress of the States and the people, did not intend by the law of 1878 to fasten upon the country "the silver standard of monometallism." It is also true that that law has not produced any such result, but that, on the contrary, the volume of gold in the country has more than doubled since the law was passed, and that the prospect for an indefinite future

is that it will continue to increase. But the supporters of the silver law were and are determined that a gold "standard of monometallism" shall not be fastened upon the country, and as one of them I declare for myself that if we must have monometallism in any form, which I do not believe and to which I am opposed, I prefer silver monometallism to gold monometallism, because the latter will most completely sacrifice the interests of producers, laborers, and tax-payers to aggrandize the moneyed creditors and income classes.

When the Senator from Vermont says that the supporters of the silver law of 1878 believed its success to be dependent upon the co-operation of the "great commercial nations"—by which he means England and Germany—or that the law must be abandoned, unless we could make a bimetallic treaty with some of the nations of Europe, which is constantly becoming a less important part of the world, he must have totally forgotten the discussions which preceded and attended the passage of that law.

In the report of the United States monetary commission, appointed by Congress in 1876, the concluding language of the majority who recommended the remonetization of silver was:

> The commission believe that the facts that Germany and the Scandinavian States have adopted the single gold standard, and that some other nations may possibly adopt it, instead of being reasons for perseverance in the attempt to establish it in the United States, are precisely the facts which make such an attempt entirely impracticable and ruinous. * * * The attainment of such a standard becomes difficult, precisely in proportion to the number and importance of the countries engaged in striving after it; and it is precisely in the same proportion the ruinous effects of striving after it are aggravated.

The provision for an international monetary conference with European powers was voted on as an amendment (February 15, 1878) of the bill for silver coinage sent up by the House. The vote on the amendment was yeas 40, nays 30. Of the Senators in favor of a gold standard, and who finally voted against the bill after the amendment was adopted, twenty-one voted in favor of the amendment, and only one [Mr. EDMUNDS] voted against it. Mr. EDMUNDS objected that the proposed conference was limited to an effort to regulate a double standard, whereas he was opposed to a double standard, and believed that the conference should be empowered to agree upon a single standard. His language was:

> The commission is tied up; the matter is decided in advance to the theory of a double standard of value, which the experience of this country and every other has shown from the beginning to be only fraught with disaster to everybody who engages in it.

Of the Senators in favor of silver coinage, and whose votes passed the bill at last over the President's veto, 19 voted for the amendment and 29 voted in the negative. It thus appears that the amendment was carried by the unanimous votes, with one exception, of the Senators opposed to silver remonetization, combined with the vote of a minority of the Senators who were in favor of silver remonetization.

One view taken by the Senators who were in favor of silver coinage, and who voted against the amendment, was, as the record of the debate will show, that the amendment might be construed as an admission that the success of silver coinage in the United States depended upon European co-operation, which they utterly denied and repudiated. Another view was that it was unwise to fetter by treaty stipulation the free exercise at all times of the constitutional power of Congress over the coinage of money.

As respects the great body of the Senators who were in favor of silver coinage and who voted for the amendment, there is no reason to doubt that their opinions were fairly expressed by Senator Ferry, of Michigan, who said: "My view is that it is desirable to secure the co-operation of foreign powers, but if they decline it we can stand alone." How extraordinary it will appear in the face of these authentic evidences of the opinions of the supporters of the silver coinage during the struggle which preceded the law of 1878 that it shall now be said that nobody ever maintained that we could coin silver in this country unless certain European nations, such as England and Germany, should also agree to coin it, or unless the larger part of the specie-paying European nations could enter into bimetallic arrangements with us!

Undoubtedly the supporters of silver money in the United States would have been willing in 1878 to admit that without some foreign co-operation silver could not be supported as one of the moneys of the world. But it was true then, as it is true to-day, that silver is the exclusive metallic money of the larger part of the human race; and it is impossible that the supporters of silver coinage in this country could have doubted in 1878, or that they now doubt, the entire feasibility of sustaining silver, with the assured aid of Asia and of the great and advancing countries south of us in North and South America, and in the presence of the further fact that there is in Europe, which can not be exchanged for gold, more than eight hundred million dollars in full-tender silver coins.

The Senator from Vermont affirms that the law of 1878 has been "of no benefit to our silver mines," and that it "has not sustained the price of silver," by which he means the value of silver in exchange for gold, or, in other words, the gold price of silver. But if there is any undisputed truth in political economy it is that the prices of everything depend upon the play against each other of the two forces of demand and supply, and it would be a waste of words to combat the proposition which the Senator advances that a new demand at our mints for silver to an extent of more than one-fourth of the world's total product has not helped to sustain its price and has not benefited the miners. To prevent a fall of 10 per cent. when it might otherwise have been 20 per cent. is a benefit to producers equal in importance to that which would arise from raising it 10 per cent. British India, the principal silver market in the world, absorbed during the fiscal year ending March 31, 1878, the extraordinary amount of $73,331,675 of silver, while it absorbed during its fiscal year ending March 31, 1879, only $19,853,475.

It was the unusually great India demand during the year immediately preceding the American silver law of February 28, 1878, which brought up the price of silver from the point of depression which it had reached in 1876, and which was lower than it had reached before or has reached since, to the comparatively high point at which it stood when our silver law was passed. The price fell in 1878, after February 28, because the Indian demand fell off by a greater sum than the amount of the coinage at our mints, and the price would have fallen very much more if our coinage of silver had not prevented it. If the Senator really expects to carry his plan of closing our mints to silver by making either Congress or the country believe that a monthly demand of our mints for $2,000,000 worth of silver bullion does not sustain the price of silver, and does not benefit those who mine it, he has undertaken an enterprise in which, with all his ability and all his perseverance, he will certainly fail.

The Senator admits that silver certificates, and of course silver dollars, which can at any time at the option of the holder be converted into silver certificates, are at a parity with gold, but he says that is only because the Treasury receives them "on the par of gold in the payment of duties." Without doubt the receivability of silver for all Government debts and taxes, including custom-house duties, assists the currency of silver, and so does also the function of being a legal tender for private debts assist it; but it is no more true of silver than it is of other descriptions of money that their currency and acceptability as mediums of exchange depend upon the functions of legal-tender and tax-paying power with which the law endows them.

But without following the Senator into the mazes of a theoretical discussion of the causes of the actual parity of value in the markets between silver and gold coined money, it is sufficient that he admits that the parity exists, and that he also admits that men of business are constantly exchanging gold for silver certificates at the United States Treasury offices on equal terms, dollar for dollar, on account of the superior convenience in the use of such certificates.

But while admitting that silver dollars are to-day, and have been during the seven years since the coinage was resumed, of equal value with gold dollars, he not only insists that this equality can not long exist, but he undertakes to fix the date beyond which it can not be expected to be maintained. Disclaiming the intention of being an alarmist he declares that the depreciation of silver, the expulsion of gold, and the bringing the country to a silver standard may not happen "in the present year, possibly not in the next," thus indicating that it is only barely "possible," but by no means probable, that the calamity can be averted beyond the end of 1886, but he abstains, and it seems to me very prudently abstains, from stating the reasons which have led his mind to that conclusion.

At the present rate of coinage we will have coined at the end of 1886 246,000,000 silver dollars. Is it conceivable that that number of silver dollars will depreciate when they are receivable on the par of gold for the taxes of every description of a government with an annual revenue of $300,000,000, and when they are a tender for all the private debts of 57,000,000 of people who have no equals on the face of the globe in the activity, number, and magnitude of their industries, exchanges, and credit transactions? And especially can we conceive of this result when we know that France, with only two-thirds of our population and one-eighteenth of our territorial area, does to-day sustain, at a perfect parity with gold, $537,000,000 of full-tender silver coins, containing 3 per cent. less of silver, as compared with its gold coins, than is contained in the silver coinage of our mints?

The Senator says that "the Latin nations have kept silver on a par with gold by a limitation of its coinage, or by ceasing to coin it in excess." But neither France nor any other of the Latin nations has found by experience that its silver coinage was "in excess," and no one of them has melted down or withdrawn in any way any part of its silver coins. It is true that they have stopped their silver coinage at certain limits (and that this limit in the case of France was fixed at the amount of $537,000,000) from mixed motives, of perhaps excessive caution, and of antagonism to Germany, whose operation of exchanging silver for gold the French people preferred rather to obstruct than to facilitate. But can it be gravely argued that because France has, from whatever motives, suspended its silver coinage at a certain limit, we ought either now or eighteen months hence to suspend our coinage, when we are not within twenty years of reaching that limit at our present rate of coinage, taking into account relative differences of area and population and the rapid growth of this country in all the elements of numbers, trade, and wealth which occasion a demand for money?

What evidence is there that there is an "occasional surplus" of silver in France which "has to be gathered up and held as is done by the Bank of France?" What French or other authority does the Senator

cite in support of the statement that the Bank of France was ever obliged to gather up and hold a single dollar of silver because silver dollars were in excess, or ever took in a dollar of silver except in the course of its business and for the purpose of protecting its own safety, solvency, and solidity as a coin-paying institution? There is no such evidence and there is no such fact.

While there is no public man in France who suggests the withdrawal of either the whole or any part of its coined silver money, the Bank of France has been from the beginning and is to-day the sturdiest and most pronounced opponent of any such impossible and suicidal policy. Instead of regarding the silver of France as a burden, which the Bank of France must carry, its managers regard it as the best bulwark of the safety of the institution over which they preside and of the finances and prosperity of their country.

I do not charge the Senator from Vermont, who has served so long, so usefully, and so honorably in the highest councils of his country, with any set purpose of exciting alarms, false in themselves and dangerous to public confidence. Nevertheless his declaration that "silver certificates may ultimately prove less valuable than United States notes" must have the effect with those who believe that the declaration has any good foundation to induce them to receive such certificates with reluctance and to impair their acceptability and usefulness as a currency.

But it is too plain that a certificate promising to pay silver dollars, and also promising to keep always on hand and unused the full amount of silver dollars promised, can never be less valuable than a note which is redeemable in silver at the option of the same Government, but for which the silver in which it is redeemable is not kept on hand. The act of 1875 directing the resumption of specie payments January 1, 1879, ordered the greenbacks to be then and thereafterward paid in coin. There is not the slightest ground for pretending that at any time or in any act the Government ever made any promise, express or implied, to pay them in gold; and any Secretary of the Treasury who should dare to pay them in gold, if that method of payment was more onerous to the country, ought to be impeached and punished for it.

The notes of the United States are a perfectly safe currency, but they can not become a more valuable currency than silver certificates until our laws relating to currency and finances are fundamentally changed.

The Senator from Vermont says that "the vital spark in business industries is the solid and unchanging character of the money in circulation."

Without doubt frequent changes in our monetary system are attended with many mischiefs, and they can rarely be necessary; but the remark which I have quoted seems hardly a suitable one to come from a Senator who is the reporter and leading manager of a proposition to unsettle all that was deliberately done in 1878.

That proposition is to strike down the only coin we have ever had under the Constitution of the United States which has never been changed in its essential feature. The amount of pure silver which it contains, originally fixed by Alexander Hamilton at 371¼ grains in 1792 is the same now as it was then. The gold eagle has been twice changed in the amount of pure metal which it contains, but the silver dollar has never changed in that particular, and has therefore come to be naturally regarded and spoken of as the "standard silver dollar."

If we have any old and time-honored landmark in monetary and financial affairs it is the silver dollar.

It is as old within three years as the beginning of George Washington's first Presidential term, and yet we have a proposition to destroy it from a Senator who tells us that nothing is more essential to business industries than the "unchanging character of the money in circulation."

If the efforts of the Senator from Vermont to introduce changes can be defeated, as I feel assured they will be, it can be said of this Congress that it left the currency laws as it found them, and that if it had done no good in that particular it had done no harm.

The Senator from Delaware [Mr. BAYARD] has favored this body with a speech upon the pending bill. Rather more than half of it was devoted to a demonstration that this Government is not under the slightest obligation to redeem the trade-dollar at more than its bullion value, but closes with a declaration that he was ready to vote to pay for them at their nominal value, at a cost or loss to the Government of something like $1,500,000, for the purpose of giving the country a moral lesson of some kind or other. I have never heard before that Congress had any right to appropriate the money of the tax-payers except to provide for carrying on the Government and paying its debts. No warrant is found in the Constitution for appropriating money for the purpose of giving moral lessons to anybody. The Senator from Delaware will doubtless explain to the Senate, and to his constituents, in his own way and at the proper time, on what political or ethical basis he will vote $1,500,000 to individuals whom he says have no just claim to it.

A part of the speech of the Senator from Delaware is in support of the proposition to stop the coinage of silver dollars, to the resumption of which in 1878 he was one of the strongest opponents, and which he has never ceased to denounce from that day to this. He reiterates statements which have been shown over and over again to be completely erroneous, and principles of political economy which are not supported by a single good authority, and which are incomprehensible as a matter of reasoning.

He says that the standard silver dollar, as compared with the trade-dollar, is "confessedly less in actual value," when all market quotations and the knowledge of everybody proves it to be about 15 per cent. higher. The trade-dollar is worth a good deal less than a gold dollar, but I do not believe that the Senator from Delaware ever purchased a standard dollar at less than its face value in gold, or that he can name any market in the United States where it can now be purchased for less. If there is anybody who has confessed that the silver dollar is of less "actual value" than the gold dollar the Senator from Delaware does not name him. I am certain that no supporter of the double standard has ever "confessed" that the actual market and exchangeable value of the silver dollar is inferior to that of the gold dollar, or believes that it is likely to become so for an indefinitely long period to come.

If confessions of that kind have been made it must have been by the clearing-house bankers of New York or similar classes of persons.

The Senator from Delaware quotes, adopts, and indorses the statement of Mr. McCulloch, the Secretary of the Treasury, that the Government is under certain gold obligations. That statement is wholly gratuitous and without a shadow of foundation.

From the Secretary of the Treasury, who is an executive official, and bound to obey the laws enacted by Congress, it was an unwarrantable statement, inasmuch as Congress declared seven years ago that the silver dollar should discharge all public debts except where it was otherwise stipulated in the contract, and neither Mr. McCulloch nor anybody else has or can show any existing bond, contract, note, or other obligation in which the Government has stipulated to pay gold.

The Senator from Delaware also quotes, adopts, and indorses the prediction of Mr. McCulloch that unless the coinage of silver is soon stopped it will cause the total disappearance of gold by export or hoarding, or both, and a "severe contraction," which the Senator himself enlarges and emphasizes by predicting "a most severe contraction, convulsing all business."

And to fortify these ominous predictions the Senator declares that they are confirmed by his correspondence from the money centers, doubtless meaning by that such sources of intelligence as Chestnut street in Philadelphia, State street in Boston, and last, but not least, Wall street in New York.

The following is an account in the Senator's own language of the statement of these letter-writers:

> They all say to me that there is a great apprehension that the evils depicted by Mr. McCulloch of the contractions to follow our embarkation upon the monometallic basis of silver will convulse business, and the other evil, that the prices of what is needed by the laboring classes necessarily will be increased by the measurement in the less valuable metal.

Elsewhere in his speech the Senator adopts his own and amplifies the theory that while the expulsion of gold will contract currency and convulse business, it will at the same time raise prices by causing them to be stated and estimated in a less valuable kind of dollar. To quote his exact language:

> What will measure prices when gold is gone? In what will be the estimate of the cost of living for these for whom I am sure our hearts are anxious? Sir, the measure of prices will be in silver, and silver being of lesser value, those prices must be nominally increased to make up for the deficiency of real value. The scale will be higher.

It is not unnatural that the Senator from Delaware and his correspondents from the "money centers" whose "hearts are anxious" for the laboring classes should have had their fears concentrated upon the one point that a silver standard would increase the prices of the necessaries of life. It is nevertheless plain that if prices rise as a consequence of the depreciation of money, the prices of everything, luxuries as well as necessaries, will be raised, and that wages, the price of labor, will also be raised.

The mere statement of these propositions of Mr. McCulloch, of the Senator from Delaware, and of his correspondents from the "money centers" shows how untenable they are.

The coinage of silver can not possibly tend to contract the volume of money. On the contrary, to the extent of it the tendency must be to expand the volume of money in the world and to make our share of it absolutely greater. The coinage of silver will be followed by the expulsion of gold under only one or the other of the two following conditions:

First. That our silver coinage shall so expand our prices relatively to prices abroad as to cause an unfavorable balance of trade. We know that the balance has been since 1878, and still is, heavily in our favor.

Second. That the banking and moneyed interests hostile to silver coinage shall by deliberately concerted action create a panicky fear of an impending depreciation of silver and a belief that the hoarding of gold would result in a profit from the premium upon it within some near period, and thereby cause the locking up of large quantities of gold.

In respect to a withdrawal of gold from circulation by hoarding, it is not impossible that it might be brought about to some extent if the banking classes should combine as a unit and instigate others who are

under their influence to co-operate with them. But bankers as a body have too much prudence and know too well how large a share they must themselves bear of any calamity falling upon the business interests of the country to be concerned in getting up a panic in respect to an approaching premium on gold.

The hoarding of $610,000,000 of gold for the purpose of profiting by an expected premium upon it would cost the banks and individuals engaged in it $30,500,000 annually in interest, if we count it at 5 per cent. At the same time there would be no certainty that such a hoarding would of itself cause a premium on gold. Silver, greenbacks, and national-bank notes perform all the offices and answer all the purposes of money for domestic uses. Until there arose some demand for gold for foreign purchases and payments nobody would have any inducement to pay a premium on it. The present state of our trade enables us to pay gold abroad at less cost, by the method of using bills of exchange, than by shipping gold; and the time when gold will be in demand for foreign shipment is indefinitely remote.

The loss of interest in hoarding it is a certainty. The gain is prospective, doubtful, and really improbable. Bankers, who are not apt to be governed by their passions, will be slow to embark in such an enterprise considered in the aspect of a plan for making money.

In all events, if the gold now in circulation is expelled, in whatever way it may be done, the money remaining in circulation, which will then consist of silver and of paper representing silver, must increase largely in value and purchasing power, because the total volume of the circulation will have been largely reduced. It is not enhanced prices of commodities which we shall then see, but prices lowered, and to such a degree that gold would flow here from all parts of the world.

It was not my intention to address the Senate at length at this time on the questions involved in this bill and in the amendments proposed by the committee. I presented my views upon the general subject somewhat fully at an earlier day in the session.

In closing, I desire to call the attention of the Senate to the unadvisedness of attempting to dispose of such an important measure, affecting as it does the volume of the currency, and to the impossibility of doing so even if it is advisable, in the closing days of the session.

The pending bill was reported to the Senate on the 27th of January, when there remained only thirty-one working days of the life of this Congress, and with no warning or reason to expect that the Senate would be called upon during the brief remainder of this session to discuss any such measure as that of suspending either absolutely or contingently the coinage of the standard silver dollar. On the 27th of January, when the committee agreed to report the pending bill with amendments relating to entirely different subjects, it did not have before it by any reference made by the Senate the question of the continuance or discontinuance of the silver-dollar coinage.

At the beginning of the last session that question was before the committee by reference of a bill submitted by the senior Senator from Vermont [Mr. MORRILL], covering various things connected with the mints and the coinage, and containing among its provisions one for the suspension of the silver-dollar coinage. In the course of the last session the committee acted upon and reported that bill after having stricken from it that part which suspended the coinage of silver dollars, and by no subsequent vote of the Senate, within my knowledge, has that subject been referred to the committee. I feel justified, therefore, in saying that their report on the 27th of January of a silver dollar suspension law was without warning; that it was gratuitous and unauthorized, and, as it seems to me, violates good parliamentary practice, by attempting to foist upon a bill referred to it a measure not germane and relating to a totally different subject-matter.

The trade-dollar was wholly deprived of the monetary function in 1876, and has since then formed no part of the money of the country. The bill sent up by the House proposes the purchase and withdrawal of the trade-dollar on certain terms, and has no provision in it relating to the currency to which such a proposition as arresting the further issue of legal-tender silver dollars can by any possibility be germane. The bill, with the amendment proposed, was for the first time called up for consideration with only twenty-three working days of the session remaining, with the Calendars of both branches of Congress loaded with important measures, and with some of the most important of the regular appropriation bills for the support of the Government as yet scarcely touched.

It must be quite obvious that under such circumstance very little time can be given to the consideration of the bill and proposed amendment in the Senate, and still less time to the consideration in the House of the amendment if it should be adopted here and sent to the other branch of Congress for its concurrence. The repeal or, what is the same thing, the suspension for an indefinite period of the silver-coinage law of 1878 is a measure of as much importance as the original passage of that law. It involves the same points of discussion; and unless the deliberations which preceded that enactment were protracted beyond all reason, the time now proposed in which to consider the repeal is totally inadequate.

The law of 1878 was debated by two successive Congresses, and it was considered inexpedient to take final action until a monetary commission had been appointed to hear such testimony and suggestions as might be offered from any part of this country or from foreign countries, and until that commission in addition to reporting such testimony and suggestions had submitted their own opinion in an exhaustive and able review of the whole subject.

How thorough and elaborate the debates in Congress were may be judged from the fact that during the session when the law was passed there were forty-one set speeches made in the Senate upon the law as a whole, in addition to the discussion of the various amendments proposed to it. It was not then considered that too much time was given to the subject, because everybody saw that it involved all the questions of a sufficiency of the money volume, of the prices of land, labor, and commodities, of the pressure of public debts, of the interest of tax-payers, and of the preservation of justice and equity in the relations between classes and geographical sections. All these questions are involved, and in an equal degree, in the repeal of the law of 1878, which is now proposed to be accomplished by a side blow in the form of an amendment of a bill on another subject.

With no disposition to impute motives to committees or members of this body, it is true and it is proper to be said that if not so intended the late day at which this measure has been sprung upon the Senate is calculated to favor a plan which may have been formed in certain quarters to secure snap judgment in this body and in the other House against the coinage of silver by the aid of the machinery which exists in such quarters for sounding and resounding false intelligence and false alarms through subsidized, unscrupulous, and widely circulated daily newspapers. Abundant motives for such planning and plotting are found in the enormous gain which would result to banks and bankers and creditor and income classes generally from that appreciation of the value of the money certain to be caused by confining coinage to the single metal, gold, the total current production of which from the mines is now swallowed up by consumption in the arts.

The pending bill as it came from the House, and when it was confined to the trade-dollar, was very objectionable and could not have failed to have provoked lengthy debates in the Senate. I refer to the proposition to give a price gratuitously enhanced 15 or 20 per cent. for approximately eight millions of trade-dollars, the present holders of which obtained them as a rule, although doubtless with some exceptions, at not more than their bullion value.

President Arthur and Mr. Folger, the late Secretary of the Treasury, both recommended that no more should be offered for the trade-dollar than a slight premium above its bullion value, barely sufficient to induce the holders to bring them to the mints.

Objectionable as the bill was as it come from the House, the amendment proposed by the Finance Committee in respect to the trade-dollar makes it very much worse. The House bill gave a 15 or 20 per cent. gratuity to the holders of the trade-dollars, but not at the expense of the Treasury or the tax-payers. By making the standard dollars coined out of the trade-dollars an addition to the present coinage of standard dollars it gave the gratuity to the holders of trade-dollars out of the profit upon the additional number of standard dollars. But the amendment of the Finance Committee throws the burden of the gratuity, which will be approximately one and a half millions of dollars, upon the Treasury and the tax-payers. A proposition so offensive as that, and presented in this sudden way, after the bill itself to which we are asked to attach it had been held back in the Finance Committee for nearly a year, ought to be more thoroughly scrutinized than there is time for during the closing days of the Forty-eighth Congress.

If there is any justice in treating the trade-dollar as part of the money of the country, and not merely as so much stamped bullion, let the question be considered on its merits and by itself. It is in any view we may take of it a matter of but slight importance, except to a comparatively few persons who hold these dollars. The amendments proposed by the committee involve the monetary system and the monetary policy of this Government, and their hasty consideration may lead to disastrous results.

Mr. ALDRICH. The familiarity of the Senator from Colorado with these questions, and the fact that he is accepted as the representative of a particular class of the friends of silver, gives great weight to his opinions on these questions; and I should be very glad if he would permit me to ask him one or two questions. I should like to ask him if I understood him aright to say that he believes the United States can, unaided or aided only by the countries using a single silver standard, maintain a parity between silver and gold with the free coinage of silver at the present ratio?

Mr. HILL. I will say in reply to the Senator that I do not make that statement. I did not go so far as to say that we could sustain the parity of the coins with the free coinage of silver under the existing conditions. I believe, however, that within a very short time, and as soon as arrangements can be made with certain other countries which use silver money mainly or solely, we could maintain such parity. I do not know that the Senator's question will cover the remark I propose to make now, but in my belief at the present rate of coinage we alone can sustain permanently a parity between the value of the gold and silver coins of this country for any length of time.

Mr. ALDRICH. One other question. Did I understand the Senator correctly to say that if it had not been for the limited coinage provided

by the act of February, 1878, the price of silver bullion would have declined at least 20 per cent. more than the decline which has taken place since the passage of that act?

Mr. HILL. I did not make such a statement.

Mr. ALDRICH. I certainly so understood the Senator.

Mr. HILL. As an illustration, I said if the coinage of silver had prevented a decline of more than 10 per cent. when it would otherwise have been 20 per cent., it was equivalent to raising the price 10 per cent. No one can say what the decline would have been if we had not coined silver under the law of 1878.

Mr. ALDRICH. I understood the Senator to give it as his opinion that a further decline of 20 per cent. would have taken place in the price of silver bullion had it not been for the legislation of 1878.

Mr. HILL. No; I did not intend to make such a statement. It would be presumptuous for any one to say definitely what the decline would have been.

Mr. COKE. Mr. President, the House bill "for the retirement and recoinage of the trade-dollar" meets my approval. The holders of this coin have in my judgment a right to the relief proposed, to wit, to receive standard legal-tender silver dollars in exchange for the trade-dollars held by them. Rather than see a failure to pass any bill on this subject I am willing to accept the bill so far as it relates to this subject as amended by the Senate committee. The fourth section of the amendment to the House bill, authorizing the President to renew negotiations with the States of the "Latin Union" and other foreign powers for the purpose of securing the co-operation of those States in the free coinage of silver with full legal-tender power at an agreed ratio to gold, I favor because the object is a desirable one.

But the fifth section of the Senate committee amendment, which provides that in case no such treaties as are provided for in the fourth section can be made and ratified prior to August 1, 1886, the coinage of silver under existing laws shall from that date be indefinitely suspended, I am opposed to, and if not stricken out I shall oppose the entire bill. We have made repeatedly such efforts as section 4 provides for, and have always failed. While I am willing to renew the effort, I am not willing to make the continued coinage of silver dependent upon the contingency of its success. I do not propose to go into a discussion of the silver question, as I have on two occasions since I have been a member of this body addressed the Senate at length on that subject, and have nothing now to add to what I have heretofore said.

I rise now simply to say that my opinions have undergone no change, except to be confirmed and strengthened, and that the experience of the country under the act of 1878 remonetizing silver has to the fullest extent vindicated the judgment of the advocates of that law and falsified the predictions and refuted the arguments of those who opposed it. That this is true is notorious, yet we find in the debate on this bill the same old stale and exploded theories and arguments rehashed and rehabilitated by the same Senators who urged and pressed them in opposition to the bill enacted into law in 1878. If there is anything fixed and settled and irrevocably determined in the minds of the great body of the American people it is that the silver dollar of 412½ grains is and shall continue to be legal-tender money.

No one doubts or questions but that this is the well-considered and immovable judgment and will of the American people. Notwithstanding this, we find on every occasion, in season and out of season, the national bankers who opposed the remonetization of silver, and the Senators on this floor who used every possible means to defeat the act of 1878, agitating the question of repealing, or what amounts to the same thing, suspending the law providing for the coinage of silver. The Finance Committee of the Senate has never, within my knowledge, had an opportunity to strike a blow at silver money that has not been delivered promptly and with all the force it could command, with one single exception, and that was the last session of this Congress.

The House bill providing simply for the redemption of trade-dollars in legal-tender silver dollars, which the committee propose to substitute with the pending bill, came from the House and was referred to that committee on the 3d day of April, 1884. Congress sat until in July some time, and instead of reporting it so that it could be passed the bill was permitted to sleep in committee until this session. It is now reported with an amendment suspending the coinage of silver. The year 1884 was Presidential year, and the people were scanning the merits of parties and aspirants preparatory to their choice in November last, and it was not a propitious time for an attack upon a policy so highly favored by the people of all political parties, and for once the Senate committee forebore to strike; but since the election has passed, and another is four years distant, it is by the vigor of its assault now making up for lost time.

Why this attack upon silver now? Is it believed that this bill as it comes from the committee can be passed into law? No sane man can believe it or does believe it. The only argument against the further coinage of silver, the sole reason alleged for suspending the coinage of that metal, is that the bullion out of which the silver dollar is coined is worth in the market only about 85 cents as compared with gold; all the other arguments used are simply corollaries from this. Is our silver dollar worth as much as the gold dollar? Will it buy as much of any commodity in the market as the gold dollar? These questions all men will answer in the affirmative, because it is true that the purchasing power and the debt-paying power of the silver dollar is, in all respects and every particular, equal to that of the gold dollar.

Nobody denies this. Fifteen and one-half grains of silver to 1 of gold is the ratio throughout Europe, while our ratio is 16 grains of silver to 1 of gold. Our silver dollar contains a greater proportion of pure silver than any other silver coin in the world except that of Mexico. Throughout Europe the silver coin circulates by the side of gold at par and without discount. The bank of France, which regulates the circulation in France, as we are informed by the report of the Comptroller of the Currency, has in its vaults $205,837,867 of silver and only $210,927,912 of gold, while in our Treasury there is by the latest official report of the Secretary of the Treasury, from which I read, as follows:

	Total assets.	Liabilities.	Available assets.
Gold coin and bullion	$222,536,360 43		
Gold certificates	32,477,750 00		
	255,014,110 43		
Less gold certificates outstanding		$120,343,320 00	$134,670,790 43
Standard silver dollars and silver bullion	147,573,221 89		
Silver certificates	30,814,970 00		
	178,388,191 89		
Less silver certificates outstanding		131,556,531 00	46,831,660 89

From this statement it will be seen that France circulates very much more silver in proportion to gold than we do, and that the silver in our Treasury is represented by $131,556,531 of silver certificates outstanding against it and in active circulation among the people, performing all the offices of good money, while the gold, largely in excess of the silver, is represented by only $120,343,320 of gold certificates. In the face of this fact, so clearly shown in his report, the Secretary of the Treasury on the very next page of his report makes the statement I now read, which, while literally true as to the amount of silver in actual circulation, is utterly erroneous and misleading in the impression made on the country when it is remembered that the silver certificates in circulation represent the silver dollars in the Treasury which he says can not be circulated. I read the statement and leave the Senate to judge from it the character of warfare made on silver by the high officials of our Government.

The coinage of silver dollars under the act of February 28, 1878, has now reached the very large amount of $184,780,829, being an increase of $28,000,880 for the year ending November 1, 1884. The amount of these dollars in actual circulation is $41,326,736. The increase in the circulation for the year has only been $1,260,346, against an increase of $4,136,321 for the previous year. These figures of themselves are an insuperable argument against the continued coinage of silver dollars.

Why did not the honorable Secretary of the Treasury tell the country that the silver in actual circulation is very greatly in excess of the gold in actual circulation—perhaps four or five dollars of the former to one of the latter? And why did he not say, what is true, that neither metal is much circulated in actual coin, but is stored away in bank and Treasury vaults to make good and current and redeemable the more convenient and portable paper circulation of the country, and that for this purpose silver is as good as gold?

Not only is the silver dollar in every conceivable aspect as good and valuable as the gold dollar, but silver certificates, redeemable in silver dollars, are frequently preferred to gold, as is shown by the response of the Secretary of the Treasury to a Senate resolution of January 14, 1884, in which that official states that from December 31, 1880, to December 31, 1883, $79,754,000 of gold coin was received into the Treasury in exchange for the same amount of silver certificates. These silver certificates, it may be observed, represented on the 31st December, 1883, about half, or nearly so, of all the silver dollars coined up to that time. If the honorable Secretary had covered the time up to the 31st December, 1884, with his statement, it doubtless would have appeared that more than half of the silver certificates issued have been exchanged for gold.

The honorable chairman of the Finance Committee [Mr. MORRILL], not to be outdone by the Secretary of the Treasury, makes in his speech of February 4 a statement, remarkable as an illustration of the power of language literally true to convey an impression absolutely erroneous and untrue. I read from page 5 of the speech:

> In eighty-five years, or up to 1878, the whole amount of silver dollars coined at our mints was only $8,045,838, and the amount in circulation must have been far less. Since 1878 we have coined the immense sum of $191,947,194, and have got into circulation, according to the Director of the Mint, $41,350,040, or about five times as much as was ever coined in all our previous history. If this does not show a pushing and industrious zeal on the part of the Treasury Department to get the silver dollar into circulation I know not what would.

No man uninformed on the subject can read the first clause of that statement without concluding that the $8,045,838 of silver, which is

correctly said to be all the silver dollars coined during the period named, without concluding that the amount named was our entire stock of silver money, and even all of that is said not to have been in circulation. Now, the whole truth on this subject, as was conclusively shown by the Senator from Kentucky [Mr. BECK] in his able speech on this bill a few days ago, is that during the period named by the honorable chairman of the Finance Committee, while we did coin only the amount of standard silver dollars named, we also coined $100,000,000 of half-dollars, $40,000,000 of quarters, and a sufficient amount of smaller coins to make in all $184,280,941.40 up to 1877, and all of it, with a large amount of the Spanish milled dollars, was in circulation.

The second clause of the statement, to the effect that out of $191,947,194 we have been able to force into circulation only about $41,350,040, is made in the face of the fact shown in the report of the Secretary of the Treasury, before adverted to, that silver certificates representing the silver dollars in the Treasury are in active circulation among the people, maintaining the prices of property, the wages of labor, and doing good service as ready instrumentalities in the business and commerce of the country. If anything were needed to complete the fullness and rotundity of this most remarkable statement it is found in the next proposition of the speech, in which it is said:

> It is evident that all of our people prefer a paper currency, if it is only the equal of our standard coins. It is far more convenient, as the whole commercial world have ascertained, and the whole world, therefore, has not suddenly changed its habits, notwithstanding the oversanguine expectations of the promoters of the silver bill of 1878, who were unquestionably honest in their zeal, and who will be ready to claim that it has accomplished a great and important service.

Is not the fact that about one-half of the silver certificates issued have been exchanged dollar for dollar for gold coin evidence that this form of paper money is acceptable to our people and that it is "the equal of our standard coin?"

Mr. MORRILL. Will the Senator from Texas allow me to say a word?

Mr. COKE. Certainly.

Mr. MORRILL. Does not the Senator from Texas know that the silver certificates would not be in circulation except from the fact that they are the equivalent of gold in paying duties upon imports?

Mr. COKE. Neither would gold be at par or worth anything unless it was money and could be used as such in paying debts and public dues.

Mr. MORRILL. Not one dollar of these certificates will ever be redeemed in silver, but they will all be used for the purpose of paying duties where gold is required otherwise.

Mr. COKE. I will proceed.

This great fact can not be explained away, nor its significance be clouded. It makes no difference why it is true; the fact remains that it is true, and that is sufficient. Silver certificates measure fully up to the standard for good paper money prescribed by the honorable Senator. It is an axiom in mathematics that "things equal to the same thing are equal to each other." Silver certificates, the representatives of and redeemable in silver dollars, for which gold coin is every day being exchanged on equal terms, can not be held otherwise than as the equal in value of the gold coin.

If the honorable chairman of the Finance Committee had really desired to force the actual silver coin into circulation why did not he and his coworkers bring in a bill retiring all notes of denominations under $10 or even under $5. This would force silver dollars and small gold coins into circulation if enacted into law. It is in this way that such coins are maintained in circulation in Europe. This would increase the demand for both silver and gold, but would to that extent supersede the necessity for bank notes, and of course will not be recommended by those who in the interest of the banks bitterly opposed the remonetization of silver and have in every possible way disparaged it since that metal was remonetized.

The European quotations for silver bullion control the price of that commodity in the American market. Silver bullion is as cheap there as here. When their silver coin in the ratio of 15½ of silver to 1 of gold maintains itself without discount in circulation by the side of gold, ought we to be alarmed about our silver dollar of 16 of silver to 1 of gold? It seems to me not.

The fact has been adverted to in this debate that many of the European states have ceased to coin silver, and the conclusion is drawn that we should also cease for the same reasons. The conditions surrounding this country are widely different from those prevailing in Europe. The states of Europe reached their highest point of development many years ago. They are now stationary in population, in commerce and production, while this country is advancing with wonderful rapidity in all those respects. Europe has enough of silver to answer all the needs of trade and population, and is content for the present. The United States, with enough for to-day, must provide an increased amount for increased population, increased commerce, and increased industrial activities certain to need it the next year, and so on with each recurring year as this vast country and its teeming wealth is populated and developed.

On page 33 of the latest report of the Secretary of the Treasury that official says: "The production of gold is diminishing; that of silver has practically reached its maximum, and there are strong indications that from this time the yield of both gold and silver mines will speedily decline." The insufficiency of the world's supply of gold as a basis for the necessary supply of paper circulation is admitted on all sides. The decline in its production, if silver is discarded as money, will necessarily restrict the paper circulation, which is based upon it as a redemption fund. A contraction of the circulation means an increased purchasing power for money, lower wages, lower prices for property, an increased oppressiveness for debt; in a word, that the rich are made richer, and the poor made poorer. It is the duty of this Government to do all that is possible to avert such calamitous consequences, and the wisest and best method of preventing them is to continue its coinage of silver, thereby insuring a sufficient metallic basis for a safe, redeemable, and adequate paper circulation.

We coin only $28,000,000 per annum, and this the Senate amendment proposes shall cease, because forsooth the silver bullion in the dollar is worth only about 85 cents, when, as I have shown, the silver dollar and silver certificates are in every respect equal in value to the gold. European governments preserve the interconvertibility of silver and gold, notwithstanding the discount on bullion, by limiting, regulating, and at times stopping the coinage of silver. Adopting this idea, the remonetizing act of 1878 placed the limitation upon silver coinage, under which a fraction over $2,000,000 per month has been coined. The facts to which I have adverted show conclusively that the limitation was unnecessarily restrictive, and that the industrial progress, the advance in population and wealth, and the enterprise in this country would equally well have maintained interconvertibility between silver and gold had the amount coined been much greater, or indeed if the coinage of silver had been made free.

The power of the Government brought to its aid in this way would also have buoyed and appreciated the value of bullion and destroyed the margin between it and coin. It has been asserted in this debate that if silver coinage is not suspended the result will be to transfer our gold to Europe, and that we will be left with an exclusively silver currency. This argument is met and refuted so completely in the able speech of the Senator from Colorado, Mr. HILL, delivered a few weeks ago, that I will content myself with reading what he says:

> It is often said that in dealing with European nations we must liquidate in gold the balances of trade when they are against us, because silver has no rights of coinage, and is therefore not a money metal in Europe; and that, on the other hand, when the balances of trade are in our favor we will be paid in silver. Paying Europe in gold but being paid by Europe in silver would sooner or later transfer our gold to the other side of the Atlantic. But in truth Europeans can no more pay us in silver than we can pay them in that metal. They could pay us in our silver dollars if they possessed any, but they have none, and they can not get any except at the price of gold dollars. Their own silver coins can not be disposed of in this country at a better rate than 80 per cent. of their value at home. As to silver bullion, it is as commercially impossible that it should be sent here from Europe as that coals should be sent to Newcastle.
>
> We are the chief silver-mining nation in the world, and our total home demand for silver in the arts and at the mints (with our annual coinage of $28,000,000) is less by about ten millions annually than the home production. The excess, whatever it is, must be sold abroad, and must always be, as it is now, put at a price which will force its sale in foreign markets. During the three fiscal years ending June 30, 1884, the excess of our exports of silver over imports was $29,584,783, or at the rate of about $10,000,000 annually. The flow of silver from the United States to the London market will continue constant until all the facts of the situation are changed. It is as idle to apprehend an import of silver coin or bullion from Europe as to apprehend an import from the same quarter of timber, wheat, petroleum, naval stores, or cotton. No silver from Europe will ever be "dumped" upon this country until commodities move from dearer to cheaper markets.
>
> The necessary effect of the whole situation is what we know as a fact of observation, that the money balances due to us from Europe are received always in gold, and in nothing else. The other kinds of money which we use, namely, silver dollars, greenbacks, and national-bank notes, would be accepted by us with equal readiness, but foreigners possess neither, and can not obtain either at less than their face value in gold. Our position is precisely like that of France, in which silver francs are, at home, of the same value as gold francs, but are worth only four-fifths as much anywhere outside of the Latin Union. When the state of the exchanges requires the transmission of money from Paris to London, or to New York, it is only gold which can be sent, because it is only gold which will be accepted. But it is equally true that when London and New York send money to Paris it can only be gold, because they have no French silver francs.

I remember well in the debate in 1878 it was vehemently predicted that silver, being the cheaper metal, would expel gold from the country just as this reason is given now with great emphasis for repealing or suspending the law of that date, when the official reports show since that time an increase net of three hundred and fifty million seven hundred and ninety-three thousand five hundred and thirty dollars in the stock of gold in this country. Not only is this true, but the same official reports show that our monthly imports of gold in payment for balances due on our foreign trade, together with the product of our mines are largely in excess of our monthly silver coinage, more than double, thus maintaining up to the present moment the same ratio of increase of gold that has obtained ever since the silver law of 1878 was passed. If the law of 1878 had not been enacted—and it was enacted over the earnest and combined opposition of those now demanding its repeal—the condition of this country in respect of its currency would have been most deplorable. I read from the last report of the Secretary of the Treasury:

> It will be noted that the circulation decreased $25,156,452 during the year. The bonds deposited to secure circulation, which decreased $9,643,250 in 1883, were still further reduced $25,442,300 during 1884—a reduction of $35,085,550 in two years.

The 3 per cent. bonds of the United States have now been reduced to less than two hundred millions, and they will be further reduced through the operations of the sinking fund by nearly fifty millions each year.

The market prices of the 4 per cent. and the 4½ per cent. bonds of the United States have declined somewhat during the past year; but that these bonds are still too high to enable banks to base circulation upon them at a profit is plain, from the fact that the circulation has been voluntarily decreased more than $25,000,000 during the year.

Among the measures of relief recommended in the last report were an increase of the issue of notes to the face value of the bonds deposited, a bill to authorize which passed the Senate during the last session of Congress; the acceptance of the 3.65 per cent. bonds of 1924 of the District of Columbia, the payment of which is guaranteed by the United States; and a repeal of the tax on circulation. I earnestly commend these propositions to the wisdom of Congress, believing that, if adopted, they will enable banks which now contemplate a surrender of their circulation in consequence of the calling of their 3 per cent. bonds to maintain it on the long-time bonds with a small profit, or at least without loss.

Inasmuch as about $125,000,000 of the circulation of banks is based upon our 3 per cent. bonds, which are now redeemable and being rapidly redeemed, remedial action can not be postponed beyond the present session if a rapid reduction of our bank-note circulation is to be avoided. The subject is a very important one, and should receive immediate attention.

This statement shows a contraction of bank circulation for the last two years of $35,055,650. It shows that of the less than two hundred millions of 3 per cent. bonds $135,000,000 of them are the basis of bank circulation, that all of them are now redeemable and "being rapidly redeemed," and that they will continue to be redeemed at the rate of $50,000,000 a year. It urges some vigorous action at this session of Congress in order to arrest a ruinous reduction of bank circulation. The law providing for the recoinage of silver has taken monthly from the dead surplus buried in the vaults of the Treasury a little upward of $2,000,000 for the purchase of silver bullion and put it in circulation.

The silver has been coined and put in the Treasury, but silver certificates representing it have been issued and put in circulation, making $2,000,000 more monthly, the two amounts aggregating about fifty millions a year addition to the circulation. This process has been going on since 1878, and has made a difference of about $300,000,000 in the active circulating medium of the country, about one hundred and eighty-five millions of it, the coined silver, being a permanent addition to our stock of money. While the banks have been reducing their circulation silver and silver certificates have been much more than making up the loss. Had it not been for this constant addition to our circulation under the silver law, it is morally certain that the country would have suffered all the evils which flow from an insufficient circulation.

I presume I will be told that if the silver law had not passed the banks would have supplied the needed currency; indeed we have been informed to that effect by the report of a Secretary of the Treasury, not the present incumbent, but one of his predecessors. Exactly; and the meaning of this ceaseless war on silver is to put that metal and silver certificates out of the way, and leave the entire field clear to the national banks, so that they may furnish our currency on their own terms and contract or expand it at pleasure. These institutions fought savagely against the remonetization of silver, and when their representatives meet, as they do annually, in convention, they always denounce silver money and demand the repeal of the law. They are about as incessant and determined and untiring in their attacks as the Senate Finance Committee, except that they are not discreet like the latter in being silent just before Presidential nominations are made, for at their convention last summer they demanded a repeal of the silver law.

The denunciations of these people and the tirades in the messages of the Presidents, the reports of the Secretaries of the Treasury and of the Comptrollers of the Currency, have done more to discredit silver and degrade it than all other agencies combined, creating the apprehension that it could not be maintained as money against such powerful influences. It is simply wonderful that silver bullion under such combined and powerful assaults is not depressed to a lower point than it has yet reached; and that the silver dollar is still current and at par with gold and silver certificates preferred to gold is still more wonderful. If the same efforts had been directed to the maintenance of silver money that have been made to destroy it in the confidence of the world, and the banks had recognized and sustained it in their operations as the law requires them to do, and had not, in open violation of a positive law and with the consent and acquiescence of the Secretary of the Treasury, whose duty it was to enforce the law, kicked it out of the New York Clearing-House, silver bullion would to-day, in my judgment, and in that of others more competent than myself to form a correct opinion, be at par.

After waging a war upon silver which could only result in reducing it below par, the same persons now make the fact that it is discounted the chief, indeed the only, argument for discarding it; for that is the real purpose of the Senate amendment pending before us.

Now, Mr. President, if the amended bill before the Senate should pass, in what predicament will the country be left in respect to its circulating medium? I have read from the report of the Secretary of the Treasury that an annual contraction of fifty millions of the national-bank circulation is bound, under the operation of laws now on the statute-book, to ensue, and he urges remedial action at this session of Congress. This bill responds to his suggestion by contracting the currency fifty millions more per annum from the date when the suspension of silver coinage commences.

When asked to provide against contraction already commenced and certain to continue if we pass this bill, we have simply doubled the evil we are called on to avert. We then will be called on to refund the national debt in such way as to enable the national banks to issue and maintain an adequate supply of currency for the country, at least such will be the next step in the programme of those who would discard silver, and the outcome would be that the banks would have won the fight they have been making for years, and find themselves in possession of a clear field, with all the people and wealth of this country to operate on in their own way and on their own terms. Believing this, I shall oppose to the end the fifth section of Senate amendment to the House bill. I believe the people engaged in national banking are neither better nor worse than other people. They are a fair average of American citizenship.

I will never by my vote intrust them or any other living men with the unrestrained power over the prosperity of the country and the property and values and products of labor of the people which they would possess if permitted to dictate the amount and character of money to be used in this country, as they will have if we abolish the use of silver. God gave us gold and silver; the Constitution of the United States recognizes both metals, and declares that no State shall make any other a legal tender. Human labor is required to dig these metals out of the earth and human skill to refine and coin them, and when coined they are labor capitalized and represent intrinsic value. When these coins are stamped with the devices, and invested with the legal-tender qualities of money, and come within the protection of the laws against counterfeiting and alteration, they represent units and standards of value as prescribed by the supreme power of the Government. They differ from the bullion, out of which they are made, as the finely wrought fabric differs from the crude raw material from which it is worked. They are too far removed from the dirty ore, or the crude bullion, for the market values of the latter to determine their intrinsic value. This is as true of silver as it is of gold. These metals, both of them, are not more than sufficient to support the volume of redeemable paper money necessary for the trade, commerce, and business of the country.

To discard either will necessitate a reduction of volume of good, solvent, redeemable paper money, and this will increase the value of all money, will lessen the value of all the products of labor, will reduce wages and bring down all prices, and make debts doubly hard to pay.

Those who are urging the destruction of silver money are, in my judgment, forcing these disastrous results, and, if successful, will inevitably build up a formidable party in this country favoring the issue by the Government of an irredeemable paper currency, for the simple reason that an insufficient gold basis now, with a rapidly declining gold product, if confined to gold alone as a redemption fund, will so reduce our volume of paper money that the country will not stand the contraction, and will demand and seek relief wherever it may be found. Seven or eight States in the northern and eastern sections of this Union, which hold three-fourths of the bonds, the credits, and the money and active banking capital of this country, which would be immeasurably enhanced in value by the destruction of silver as money and whose representatives in both Houses of Congress are pressing this measure, will not be permitted, as long as any reasonable avenue of escape is left open, to hold this vast country in a condition of financial vassalage such as would ensue from the success of the pending measure.

It is because I foresee these results that I am opposed to this bill. The $346,000,000 of legal-tender notes now in circulation, and the silver coin and silver certificates now in existence and annually increasing in a proportion not adequate, it is true, to annually increasing demands for money, are nevertheless a check upon the power of the banks and a reasonable provision against contraction which I will never willingly surrender.

I desire to see silver have a fair chance. It has been dishonored by our highest officials in the executive department of the Government and by the national banks—the Government's fiscal agents. The Secretaries of the Treasury have refused to pay this money to the public creditors, although our obligations, except about $122,000,000 of outstanding gold certificates, are payable in coin, and can and ought to be paid in silver as well as gold, and the national banks have refused to recognize it in their operations in violation of express law. These gold certificates are the only gold obligations due by this Government to anybody. All other debts, bonds, and obligations are payable in coin, and may justly and honestly be paid in silver coin or in gold, or in both, at the option of the Government. With the incoming of a new administration I hope to see the laws on this subject obeyed and enforced. If they are bad laws, the best way to get rid of them is to enforce them. If good, this course will vindicate them.

The friends of the act of 1878 remonetizing silver have never ceased to demand an honest enforcement of the law, and have ever been anxious to subject it to the test, with the fullest confidence that its beneficial results can not fail to be as great as they have claimed they would be. When the national banks are compelled, as they ought to be, to recognize silver and silver certificates, as the laws require; when the Secretaries of the Treasury pay public debts equally with silver and gold, as they should, and when the denunciations of silver money cease to come annually from the national banks, from the White House and the Treasury Department, and from the Finance Committee of the

Senate, as they should, in deference to a public sentiment in favor of silver, believed to be fixed and immovable—when all these influences unite in sustaining silver coinage, as they are now and have been in breaking it down and dishonoring it, as they will be if the laws are obeyed and enforced, silver bullion will in a short time, both at home and abroad, in the opinion of many good judges, rise to par with the coined silver dollar, less the expense of coinage, thus removing the only pretext for suspending the coinage of silver.

The Senator from Alabama has proposed an amendment to this bill, reposing in the President the power at his discretion to suspend the coinage of silver. The framers of the Constitution deemed it wise to make the legislative, executive, and judicial departments of the Government separate from and independent of each other. I believe it wise to maintain these departments thus separate and independent. Dictatorial power over a great subject like this should not be reposed in the hands of any man, and will never be by my vote. I believe as firmly in the wisdom and patriotism of the President-elect as anybody can, and it is no disparagement of him to say that I will not so far as I am concerned consent that Congress shall abdicate its just powers and turn them over to his exercise and discretion. Besides, it is unjust to the new President to saddle this responsibility upon him which belongs to and should be fearlessly met by Congress. For one, I propose to take my share of the responsibility.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution for printing 25,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 78) for the erection of a public building at La Crosse, Wis.; and it was thereupon signed by the President *pro tempore*.

BILL INTRODUCED.

Mr. GIBSON introduced a bill (S. 2664) making an appropriation to preserve the works on the Mississippi River and to continue the improvement of said river; which was read twice by its title, and referred to the Committee on Commerce.

HOUSE BILLS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology;

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey; and

Joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM, Mr. HOAR, Mr. PIKE, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GARLAND, and Mr. JONES, of Nevada, submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON MONUMENT DEDICATION PROCEEDINGS.

The following concurrent resolution of the House of Representatives was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *February 26, 1885.*

Resolved by the House of Representatives (the Senate concurring), That 25,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed; 8,000 copies for the use of the Senate, 16,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. Gen. P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession; 400 copies for the Washington National Monument Association, for distribution among its members; and 100 copies to Col. Thomas L. Casey, engineer, for distribution among mechanics and workmen employed in the erection of the monument.

WITHDRAWAL OF PAPERS.

On motion of Mr. McMILLAN, it was

Ordered, That John Jones, late ordnance sergeant United States Army and captain Third Minnesota Battery, have leave to withdraw from the files of the Senate the papers in his case, subject to the rules of the Senate.

EXECUTIVE MESSAGES.

Several executive messages were received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

GEOLOGICAL SURVEY REPORTS.

Mr. MANDERSON. I have three joint resolutions that have just passed the House which are identical with three Senate resolutions passed this morning, and I ask consent at this time to report favorably upon these resolutions from the Committee on Printing and have them put on their passage.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Nebraska reports at this time a joint resolution, and asks for its present consideration. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF ETHNOLOGICAL REPORTS.

Mr. MANDERSON. I also report from the Committee on Printing the joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONOGRAPH SECOND OF GEOGRAPHICAL SURVEY.

Mr. MANDERSON. I also report from the Committee on Printing the joint resolution (H. Res. 340) providing for printing monograph second of the publications of the United States Geological Survey, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLANTS FOR INAUGURATION DECORATIONS.

Mr. VOORHEES. I ask leave to introduce a joint resolution for present consideration.

The PRESIDENT *pro tempore*. Is there objection to the joint resolution being received at this time? The Chair hears none.

The joint resolution (S. R. 134) relative to the use of plants belonging to the public conservatories of the District of Columbia for inauguration ceremonies, was read the first time by its title and the second time at length, as follows:

Resolved, &c., That it shall be lawful to use for the approaching inauguration ceremonies and the decoration of the Executive Mansion and other public buildings such plants as may be spared without material injury by the officers in charge of the public conservatories of the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. HOAR. What is that that is to be used? I did not catch it.

Mr. VOORHEES. Let the resolution be read again; it answers better than I can.

The joint resolution was again read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA G. UNDERWOOD.

Mr. JONES, of Nevada. I ask leave to make a report from the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the report will be received.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, to report it favorably:

Resolved, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood, in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

DISTRICT TAX SALES.

Mr. ALDRICH. I ask unanimous consent to call up House bill 8236, Order of Business 1345, for present consideration. It is a House bill, which it is necessary should be passed immediately, as it is reported with amendments, in order to get the concurrence of the House in the amendments.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks

unanimous consent that the Senate now consider Order of Business 1345, being the bill (H. R. 8236) relating to sales for taxes in the District of Columbia. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 10, after the word "deed," to strike out "shall vest in the grantee a good and valid title, and."

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on the District of Columbia, which has just been read.

Mr. PLATT. I should like to hear the bill read as it will be with the amendment.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that the bill be read as it will stand with the amendment recommended by the Committee on the District of Columbia.

Mr. ALDRICH. There are two amendments. The last one ought to be read as well as the first.

Mr. PLATT. Let the bill be read as it will stand when amended in accordance with the recommendation of the committee.

The PRESIDENT *pro tempore*. The Chair understood that to be the request of the Senator from Connecticut. The bill will now be read as it would stand if amended as recommended by the committee.

The CHIEF CLERK. As proposed to be amended by the Committee on the District of Columbia the bill will read:

That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, as provided by law, to a deed from the commissioners of the District, which deed shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, that the property was not redeemed before the execution of the deed, and that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid; and unless suit shall be brought within one year after the execution and record of such deed to annul the same, the same shall be conclusive evidence that all the steps in the assessment and collection of such tax were valid, and the said deed shall vest complete and valid title in the purchaser.

Mr. SAULSBURY. I did not observe in the bill that there was any saving for persons under disability.

Mr. HARRIS. I rose for the purpose of informing the Senator from Delaware that I held in my hand an amendment that I propose to offer containing the saving clause that the Senator thinks necessary. I quite agree with him that it is.

Mr. HOAR. Has consent been given to the consideration of this bill at the present time?

The PRESIDENT *pro tempore*. Unanimous consent has been given that the bill be now considered.

Mr. HOAR. I did not so understand.

The PRESIDENT *pro tempore*. The Chair stated the question distinctly and paused for objection.

Mr. CALL. I did not understand that it was taken up.

Mr. ALDRICH. I will say that the amendment is offered by the Senator from Tennessee as the agent of the committee, and so far as I am able I am willing to accept it.

Mr. HOAR. My attention was called away at the time, and I did not understand that unanimous consent was given. It seems to me a very extraordinary and severe bill, a provision that as against the land-owner the deed of the commissioners shall be *prima facie* evidence of everything necessary to be proved in a tax sale. I was not aware such a system existed anywhere in the country.

Mr. GEORGE. We can not hear the Senator from Massachusetts.

Mr. HOAR. I hope the bill may go over. I ask to have the bill read again as part of my remarks.

Mr. HARRIS. Before it is read I ask that the Secretary take the amendment that I shall propose when in order, and read that to come in at the end of the bill.

The PRESIDENT *pro tempore*. The bill will be again read if there be no objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The amendments recommended by the Committee on the District of Columbia will now be read for information.

The CHIEF CLERK. The first amendment is, in line 10, after the word "deed," to strike out "shall vest in the grantee a good and valid title and;" and the next amendment is, at the end of the bill, to insert:

And unless suit shall be brought within one year after the execution and record of such deed to annul the same, the same shall be conclusive evidence that all the steps in the assessment and collection of such tax were valid, and the said deed shall vest complete and valid title in the purchaser.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Tennessee [Mr. HARRIS] will now be read for information.

The CHIEF CLERK. The proposed amendment is to add the following proviso:

Provided, That persons under legal disability shall not be precluded from bringing suit within one year from the removal of such disability.

The PRESIDENT *pro tempore*. The question is on the first amendment reported by the Committee on the District of Columbia.

Mr. HOAR. I hope the bill will not be pressed for consideration.

Mr. MORRILL. I hope the Senator from Rhode Island will withdraw his request.

Mr. HOAR. It is a very serious innovation on the present law to make as against the owner of real estate the simple deed of an official presumptive evidence, that is, I suppose, *prima facie* evidence, of the great variety of steps which are necessary to divest his title. It seems to me those things ought to be proved as facts. Here they are made conclusive evidence after the expiration of a single year, putting on him the burden of bringing a suit. A person in possession of real estate is made by this bill, as I understand it, subject to have his estate divested unless he is able to disprove the regularity of a variety of proceedings. It may be almost impossible to do it.

I trust the bill will be taken up at some time when the Senate can carefully consider it, and when the amendments proper to secure the rights of a citizen can be made. It seems to me, with great respect to the honorable Senator from Tennessee, that one year from the removal of a disability like that of coverture, or a disability like that of insanity, or a disability like that of infancy, is an exceedingly short time in which to have a conclusive presumption established. The party in possession of his estate all the time may never even have heard of the assessment or of the sale.

Mr. MORRILL. I hope the Senator from Rhode Island will withdraw his request to have this bill considered now.

Mr. ALDRICH. I am willing the bill shall go over until to-morrow morning.

Mr. MORRILL. I move that the bill be postponed until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the further consideration of the bill be postponed until to-morrow.

Mr. INGALLS. There are at the present time in this District about $900,000 of delinquent taxes, and there is no possible power anywhere to enforce their collection. I know of no other community in which there is not some power lodged somewhere to enforce the payment of delinquent taxes, and I know of nothing that is more efficient than the issuing of a deed for property that is sold for taxes.

I heard the Senator from Massachusetts characterize this bill as vile and extraordinary. Sir, it is the mildest measure of the kind that I have ever heard of being recognized. Every guard that is possible has been thrown around the right of the citizen; the rights of those persons under disabilities are assiduously protected. The party has two years in which to set the deed aside.

Mr. HOAR. He may never have heard of it.

Mr. INGALLS. Who never has heard of it?

Mr. HOAR. He may never have heard of it.

Mr. INGALLS. True. If he never has heard of it that does not change the necessity of having some method of collecting taxes, I suppose?

Mr. HOAR. Will the Senator from Kansas yield to me for a question?

Mr. INGALLS. I do for the purpose of an interrogatory.

Mr. HOAR. The interrogatory is this: Does not the bill provide that a person within one year after the expiration of the disability of coverture or of infancy or of lunacy shall have his real-estate title divested by a conclusive presumption of the validity of these proceedings, the statute requiring no notice to the party whatever that they ever have existed, and there may be cases where they may never have heard of them?

Mr. INGALLS. In the schedule of human life I never have heard the payment of taxes considered as a luxury. I do not know that it can be counted as one of the comforts of human existence. I believe it is usually considered as one of the stern necessities. There is in this community as in every other community a class of people that do not intend to pay their taxes as long as they can help it. There is an abundance of property in this town loaded with delinquent taxes, allowed to remain there by persons amply able to pay them, who take the income from day to day and put it in their pocket rather than pay their taxes, because there is no way of enforcing taxes against delinquents.

Mr. HOAR. May I ask the Senator from Kansas if he is aware that he has not answered my question?

Mr. INGALLS. I do not intend to answer it, because it has no connection whatever with this subject. It is absolutely impossible to make any general law bearing upon this subject that does not hurt somebody. You can not enforce a law for the payment of taxes without in some way or other injuring somebody or hurting somebody's feelings. It is not a question whether somebody may be hurt by it, or whether somebody may be injured by it, or whether it may be inconvenient or uncomfortable to somebody to pay his taxes. It is a question whether there shall be machinery vested in the tax-levying power that shall be sufficient to compel the payment of taxes.

Mr. HARRISON. Will the Senator from Kansas, as we can not finish this discussion to-night, yield to a motion for an executive session?

Mr. INGALLS. If the Senator desires it. I do not wish to press this matter on the consideration of the Senate.

Mr. HARRISON. There are a number of nominations, a large list of military nominations, and the Committee on Military Affairs meets to-morrow morning, and if they are not referred to-night it will be difficult to get a committee meeting for their consideration.

Mr. INGALLS. With the understanding that this bill will be the unfinished business for to-morrow morning, I have no objection to an executive session.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. HARRISON. I understood the Senator from Kansas to yield to me.

Mr. INGALLS. I said that with the understanding that this bill might be the unfinished business for to-morrow morning I had no objection to yielding to a motion for an executive session.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Indiana or not?

Mr. MORRILL. I call for the regular order.

The PRESIDENT *pro tempore*. Pending which the Senator from Vermont calls for the regular order.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. KENNA. Will the Senator from Indiana allow me to offer an amendment?

Mr. HARRISON. I yield for that purpose.

Mr. BAYARD. Allow me to offer an amendment.

Mr. KENNA. I desire to offer an amendment to House bill 1457.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his motion?

Mr. HARRISON. No; I see the indications around are such that we shall be occupied for an hour, I think, if I do not insist on the motion.

The PRESIDENT *pro tempore*. Debate on the motion is not in order.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a parliamentary inquiry.

Mr. HOAR. What will be the pending or unfinished business in the morning?

The PRESIDENT *pro tempore*. The Chair will answer that question in the morning; he is not obliged to do it at this moment.

Mr. VAN WYCK. Now I should like——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I do not rise to debate——

The PRESIDENT *pro tempore*. The Senator from Indiana has moved that the Senate proceed to the consideration of executive business and declines to withdraw the motion.

Mr. HARRISON. If it is the desire of Senators to offer some amendments to pending appropriation bills that ought to be in to-night I have no objection to yielding for that purpose.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. BAYARD. I will ask the Senator to withdraw the motion for a moment.

Mr. HARRISON. I withdraw it for that purpose.

The PRESIDENT *pro tempore*. The Senator from Indiana withdraws his motion, and the Chair recognizes the Senator from West Virginia [Mr. KENNA].

AMENDMENTS TO BILLS.

Mr. KENNA submitted an amendment intended to be proposed by him to the bill (H. R. 1457) to establish a department of agriculture; which was ordered to lie on the table and be printed.

Mr. BAYARD and Mr. MORGAN submitted amendments intended to be proposed by them respectively to the bill (H. R. 8236) relating to sales for taxes in the District of Columbia; which were ordered to lie on the table and be printed.

Mr. BOWEN, Mr. FRYE, Mr. GORMAN, and Mr. WILSON submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California, submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COKE, Mr. HAWLEY, and Mr. LAMAR submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. VAN WYCK. Mr. President——

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Nebraska.

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts insists upon the regular order, which is the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. VAN WYCK. I trust the Senator will not insist on that.

The PRESIDENT *pro tempore*. Senators will please address the Chair and cease loud conversation to each other.

Mr. VAN WYCK. I desire to appeal to the Senator from Massachusetts in addressing the Chair.

The PRESIDENT *pro tempore*. Senators must address the Chair. The question is on agreeing to the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment proposed by the Committee on Finance.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nebraska.

Mr. HOAR (in his seat). Now I withdraw my call for the regular order, having found out what it is.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is not recognized. The Senator from Nebraska has the floor.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. VAN WYCK. I desire to offer three provisos as amendments intended to be proposed to the bill introduced this morning by the Senator from Massachusetts [Mr. HOAR]. I offer them so that they may be printed, and I shall ask that for the present they lie upon the table, because if that bill is not to be acted upon, as it should be, at this session, as the Senator from Massachusetts has invoked the examination of the public to this matter, I desire that some other suggestions shall go out that the public generally may understand the status of the enormous debt of the Pacific railroads. These are three provisos. One is that no dividends shall be issued upon stock, and another is that the consolidation shall not be recognized. I ask to have them printed and laid upon the table.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks leave to submit sundry amendments intended to be proposed to the Pacific Railroad settlement bill, introduced this morning by the Senator from Massachusetts. The Chair hears no objection. The amendments will be printed and laid on the table.

COINAGE OF SILVER DOLLARS.

Mr. HOAR. I wish to take the floor on the pending measure, and avail myself of my right to the floor long enough to express my astonishment at the very extraordinary response by the Chair to a courteous question as to what the pending measure would be to-morrow morning after the adjournment to-day.

The PRESIDENT *pro tempore*. The Chair does not feel called upon to make any reply. The Chair stated what the question was, and the question as to what will be the pending order to-morrow will depend upon the rules and will arise then. If the present occupant had been in the chair all the afternoon, and therefore had kept the run of the business, he would have been glad to have answered the question.

Mr. HOAR. I am happy to believe that no occupant of the chair since the organization of the Senate ever declined to answer that question before.

The PRESIDENT *pro tempore*. This will then be the first precedent.

Mr. HOAR. And the last, I have no doubt.

Mr. MAHONE. I ask leave to offer a resolution at this time.

The PRESIDENT *pro tempore*. If no objection be made, the resolution will be received.

PUBLIC BUILDINGS.

Mr. MAHONE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds be directed to compile a statement showing the number of public buildings constructed and authorized to be constructed under existing laws for each State, the amount expended or authorized for each such building from the first public building constructed to the 4th of March, 1885, and to report such statement to the Senate in December next; and for such purpose the said committee be authorized to employ a clerk at the usual compensation until the 1st of December next; to be paid from the contingent fund of the Senate.

EXECUTIVE SESSION.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 7 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 26, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. HOLMAN. I move that portion of the Journal not connected with the actual transaction of legislative business be omitted in the reading.

There being no objection it was ordered accordingly.

The Journal was then approved.

MRS. LIZZIE D. CLARKE, OF NEW ORLEANS.

Mr. TUCKER. I ask, by unanimous consent, that I may be permitted to submit some reports this morning from the Committee on the Judiciary, not for present consideration but merely for reference.

The SPEAKER. The Chair hears no objection?

Mr. TUCKER, from the Committee on the Judiciary, reported the bill (H. R. 8275) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

APPELLATE POWERS UNITED STATES SUPREME COURT.

Mr. TUCKER, from the Committee on the Judiciary, also reported a bill (H. R. 8276) to extend the appellate powers of the Supreme Court of the United States in certain cases; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. TAYLOR WOOD.

Mr. TUCKER, from the Committee on the Judiciary, also reported the bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS R. WARE.

Mr. TUCKER, from the Committee on the Judiciary, also reported the bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF PROBATE COURTS, DAKOTA TERRITORY.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 8173) to increase the jurisdiction of probate courts of Dakota Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TUCKER. I ask whether there will be any objection to putting on their passage the bills reported from the Judiciary Committee merely for the removal of political disabilities?

The SPEAKER. Unless they are privileged matters the Chair, under the rule, can not entertain the request.

DEDICATION OF WASHINGTON MONUMENT.

Mr. DORSHEIMER. Mr. Speaker, I ask to submit the report of the joint committee in relation to the dedication of the Washington Monument and for the passage of the accompanying resolution.

The report is as follows:

The commission organized under the joint resolution approved May 13, 1884, "in relation to ceremonies to be authorized upon the completion of the Washington Monument," as notified by joint resolution approved December 18, 1884, respectfully report that at a meeting of said commission, held in the room of the Joint Committee on the Library, June 19, 1884, Hon. JOHN SHERMAN was designated chairman, E. J. Babcock secretary, and F. L. Harney assistant secretary. An invitation was extended to Hon. Robert C. Winthrop to deliver an address in the House of Representatives on the occasion of the dedication, which was accepted. The correspondence relating thereto is herewith communicated. Special invitations were sent to the distinguished persons described in the joint resolution, and an engraved card of invitation was sent to a great number of civil and military organizations throughout the United States, the Regents of Mount Vernon, relatives of General Washington, and distinguished persons, a copy of which is herewith communicated.

Selections from the letters of acceptance and declination are also communicated.

The commission invited Lieut. Gen. P. H. Sheridan to act as marshal of the day, with an aid-de-camp from every State and Territory. This invitation was promptly accepted, and General Sheridan entered with zeal and activity upon the performance of the duties assigned him.

An order of proceedings for the dedication of the monument, for the procession from the monument to the Hall of the House, and for the arrangements at the Capitol was provided by the commission and approved by concurring resolutions of the two Houses. This order of proceedings was executed in all its details without any accident, interruption, or change.

The thanks of the commission are justly due to General Sheridan for the admirable manner in which the order of procession was executed.

The addresses, prayers, and ceremonies are herewith communicated in the order in which they occurred.

Your commission feel that they will not have fully discharged their duty without reporting to the two Houses a resolution of thanks to Col. Thomas Lincoln Casey, Engineer Corps, United States Army, for his skill, ability, and fidelity, and to his associates, and the workmen for the admirable manner in which they have performed their respective duties in the erection and completion of the monument.

A monument has been erected to the name and fame of George Washington more imposing, costly, and appropriate than ever before was erected in honor of any man, and without the loss of a life in its construction or any accident or event to mar the hearty satisfaction of the American people at its successful completion.

JOHN SHERMAN.	NATHANIEL B. ELDREDGE.
JUSTIN S. MORRILL.	HENRY H. BINGHAM.
WILLIAM B. ALLISON.	JOSEPH G. CANNON.
THOMAS F. BAYARD.	JAMES LAIRD.
LUCIUS Q. C. LAMAR.	W. W. CORCORAN.
WILLIAM DORSHEIMER.	JAMES C. WELLING.
JOHN RANDOLPH TUCKER.	JOSEPH M. TONER.
JOHN H. REAGAN.	THOMAS L. CASEY.
PATRICK A. COLLINS.	

Mr. DORSHEIMER. I ask the Clerk to read the resolution accompanying the report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress are hereby tendered to Col. Thomas Lincoln Casey, Corps of Engineers, United States Army, and to his assistants, and to the workmen for the admirable manner in which he and they have performed their respective duties in the completion of the monument to the name and fame of George Washington.

The SPEAKER. The Chair will state there is a concurrent resolution from the Senate to the same effect precisely, which if acted upon will dispose of the whole matter.

Mr. DORSHEIMER. Then let the resolution be laid aside and the Senate resolution taken up instead.

Mr. THOMAS. I object.

The SPEAKER. The question, then, is on the adoption of the concurrent resolution.

Mr. DORSHEIMER. Yes; I ask the adoption of the concurrent resolution.

The concurrent resolution was adopted.

Mr. DORSHEIMER. There is another resolution providing for the printing of the proceedings, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That 10,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed, 3,000 copies for the use of the Senate, 6,000 copies for the use of the House of Representatives, 500 copies for distribution by Lieutenant-General P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession, 400 copies for the Washington National Monument Association for distribution among its members, and 100 copies to Col. Thomas Lincoln Casey, engineer, for distribution among the mechanics and workmen employed in the erection of the monument.

The SPEAKER. The Chair will state to the gentleman from New York by reason of the provision in relation to engraving it may be the House itself has not power to order that printing to be done, and therefore it ought to be a joint resolution.

Mr. DORSHEIMER. The view of the joint commission was that a concurrent resolution should be passed. The Senate has passed already this identical resolution.

Mr. HAMMOND. Why not pass the Senate resolution, then?

Mr. DORSHEIMER. I am willing to do so.

The SPEAKER. This is not a concurrent resolution. It is a simple House resolution.

Mr. DORSHEIMER. I submit, Mr. Speaker, the view in the joint committee was that concurring resolutions would be sufficient—not a concurrent resolution; but the Senate has passed such a resolution.

Mr. HAMMOND. Take up the Senate resolution, then.

The SPEAKER. Is there objection?

Mr. DORSHEIMER. I ask the resolution be amended so as to make it a concurrent resolution.

The SPEAKER. The gentleman has the right to make it a concurrent resolution.

Mr. THOMAS. Is it open to amendment? If so, I ask it be read as modified so we may see what it is.

The SPEAKER. The only modification is to make it a concurrent resolution.

Mr. THOMAS. I ask it be again read.

The resolution as modified, making it a concurrent resolution, was read.

Mr. THOMAS. I have no objection to that.

Mr. RUSSELL. I move to strike out "10,000" and insert "20,000."

Mr. WELLER. Mr. Speaker, I move to amend by inserting 25,000 copies, with the ratio of distribution changed to conform therewith.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DORSHEIMER. I now suggest that the other numbers in the resolution be correspondingly changed; that is, that the same ratio of distribution shall prevail as was originally fixed in the resolution.

The SPEAKER. The gentleman had better suggest the numbers to the Clerk.

Mr. MILLS. What is to be the method of distributing these additional copies?

The SPEAKER. The gentleman from New York [Mr. DORSHEIMER] is preparing an amendment to conform to the increased number ordered to be printed.

Mr. THOMAS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I wish to ask, in reference to the resolution offered just before this, whether it was a House or Senate resolution. I refer to the resolution just adopted.

The SPEAKER. It was a House resolution; the gentleman objected to the Senate resolution.

Mr. DUNHAM. Is it understood that this additional printing is to be proportionately divided?

The SPEAKER. The gentleman from New York is preparing an amendment.

Mr. DORSHEIMER. I now offer the following amendment so as to make the distribution of the additional numbers ordered printed conform to the distribution heretofore provided in the resolution.

The Clerk read as follows:

Insert: "Of which 8,000 copies shall be for the use of the Senate, 16,000 copies for the use of the House of Representatives, and 500 copies," &c.

The amendment was agreed to.

Mr. WELLER. I desire to know what became of the resolution preceding this.

The SPEAKER. It was passed. The question now is on the adoption of the resolution as amended.

The resolution was agreed to.

Mr. DORSHEIMER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THOMAS. Mr. Speaker, I now move to reconsider the vote by which the former resolution was adopted—the resolution tendering the thanks of Congress to Colonel Casey and others.

Mr. BELFORD. I rise to a question of personal privilege.

The SPEAKER. There is a question of privilege pending—a motion to reconsider.

Mr. DORSHEIMER. I move to lay that on the table, and on that motion call the previous question.

Mr. THOMAS. I have not yielded the floor to the gentleman to submit a motion.

The SPEAKER. The gentleman from Illinois [Mr. THOMAS] will proceed.

Mr. THOMAS. Mr. Speaker, the reason I move this reconsideration is that the resolution which has been adopted is a proposition to tender the thanks of Congress to this officer, Colonel Casey. It is admitted that his achievement is a great engineering achievement; but, sir, in all cases where Congress has granted its thanks heretofore it has been, with three exceptions, to which I shall presently refer, for great military achievements in the service of the country, and only in cases of that kind.

I think the thanks of Congress have been voted in thirty-eight different instances, and with the exception of three cases always for gallantry in the military service. These three instances were: In the first instance where a captain of an American man-of-war went into the harbor of Smyrna and demanded the release of Koszta under the very guns of the fortress; next, the thanks of Congress were granted to the captain of an American man-of-war who rescued a transport loaded with American marines, and rescued a man-of-war which had been abandoned at sea; and again to Captain Dahlgren for the invention of the Dahlgren gun during the war. In all of the other instances this greatest of all honors was conferred for gallantry in action.

Now, the effect of this resolution, if adopted, is to extend the time of this officer on the active-list for ten years; and I want to know if this Congress is ready to grant this greatest of all honors that can be conferred upon an officer in the Army or the Navy and grant it together with all the privileges that go hand and hand with it, simply because he has succeeded in carrying out the plans of Capt. George W. Davis, which he admittedly did in the new foundation under the monument and completing it in accordance with the plans of Captain Davis. This resolution does not propose to give the thanks of Congress to Captain Davis, of the Corps of Engineers of the Army, who made and submitted the plan to the commission for its confirmation by which the foundation of the monument was strengthened and its completion made possible; but it proposes to give the thanks simply to a man who had executed that plan. I do not think, sir, it is right and proper. I think it is a step in the wrong direction. If the thanks of Congress are to be conferred at all, give them to Capt. George H. Davis, of the Army, who made the plans and furnished the specifications by which the foundations were strengthened, taking the old foundation from under the monument and replacing it with a new one more substantial and suitable.

Mr. HAMMOND. May I ask the gentleman a question?

Mr. THOMAS. Certainly.

Mr. HAMMOND. Who are embraced by the words of this resolution under "assistants" and "laborers?"

Mr. THOMAS. It is only those who were subordinates; but as far as they are concerned the resolution amounts to nothing. The precedents are that the thanks of Congress are granted to those who receive the thanks of Congress by name. What is the benefit to Captain Davis in passing a resolution of this character when his name is not mentioned? I think he was the man who deserved the greatest credit for this great achievement.

I yield five minutes to the gentleman from Connecticut [Mr. WAIT].

Mr. WAIT. Mr. Speaker, I agree most heartily in all that the gentleman from Illinois has said in regard to the marked ability and scientific attainments of Captain Davis, as well as in respect to the valuable service rendered by him in the construction of the Washington Monument. I have long known Captain Davis personally, for he is a native of my State and born in the district which I have the honor to represent. I believe him to be an intelligent and admirably trained engineer, who by his ability, rare skill, and scientific acquirements added greatly to the possibility of the successful work which was done on this monument.

If I have been correctly informed he has had the constant oversight of the work, and his suggestions, the fruit of his intelligence and admirable professional training, have been most invaluable to Colonel Casey. And, Mr. Speaker, let me here say that I do not mean to detract one iota from the ability of Colonel Casey or his well-earned reputation as an accomplished engineer, or the credit which is certainly due to him for most valuable service rendered in the prosecution of this great national work. It is a pleasure to me to unite with other gentlemen in paying every tribute to his ability, fidelity, and efficiency. But when it is proposed to amend the pending resolution by placing in it the name of Captain Davis as the able and faithful associate of Colonel Casey—and I call to mind the fact that he was the man upon whom Colonel Casey leaned for counsel and for aid from the beginning to the end of this great work, and also call to mind the extent and great value of his services—I do feel that the House should not for a moment hesitate to associate the names of these two distinguished gentlemen in this resolution.

If I understand the facts, and the gentleman from Illinois will correct me if I am wrong, it was Captain Davis who arranged and perfected all the elevating machinery that carried the stones one after another from the surface of the earth as they went up toward the sky in the construction of the monument. It was his skill and rare ingenuity that invented this machinery, which was so vitally important as a most efficient agent in the rapid and successful prosecution of the work. I have no hesitation in saying that in the important matter of strengthening and perfecting the foundation of the monument Colonel Casey, as an honorable gentleman, would say that the suggestions, the counsel, and the assistance of Captain Davis were invaluable to him.

Captain Davis is one of the most meritorious officers connected with the Engineer Department of the Army. Few, if any, men connected with that branch of the service rank higher in point of intelligence and attainments than he does; and I certainly think that we only pay due respect to him and show a proper appreciation of his ability and his services if we associate his name with that of Colonel Casey in the resolution which is now pending.

Mr. THOMAS. I yield five minutes to the gentleman from New York [Mr. COX].

Mr. BLOUNT. I rise to a question of order. There is a great deal of confusion. I hope the House will be brought to order.

The SPEAKER. Order will be secured if gentlemen would resume their seats. Gentlemen will please do so.

Mr. COX, of New York. Mr. Speaker, my friend from Illinois [Mr. THOMAS] has doubtless drawn his precedents from some suggestions that came to us the other day in the Naval Committee as to thanking certain gentlemen connected with the Arctic expedition. We reported against giving them the thanks of Congress, because it tended to promotion in the first place, and in the second place because we did not want to make the thanks of Congress too cheap.

So far as I am concerned, I would give unstinted thanks to any one who has achieved anything very notable and great in connection with our people and our country; and I would not be quite so particular unless certain consequences followed. I do not believe in giving thanks merely for martial or for civic achievements. I believe that the engineering qualities of our time—the new forces that are being harnessed by civilization—call for some notice from the Congress of Americans sitting here in their connection with invention and physical progress. But there is nothing very great in this monument. In one respect it is the old Egyptian obelisk done over again and made a little higher. The lifting of these stones so praised by my friend from Connecticut [Mr. WAIT] is not a very great mechanical feat. It does not belong to the muse of mechanism, like the Eddystone light-house and some other things that might be mentioned. It only belongs to the plain old system of masonry known from the time of Cheops down. Therefore I do not so much aggrandize what has been done. But if thanks are to be given at all, do not let us discriminate against the men or the man, Captain Davis, who originated this proposition, who gave the plan, who fixed the foundation on which this grand superstructure has been erected. Let us, if you please, and I suggest it to my colleague [Mr. DORSHEIMER]—let us include both men in the thanks of Congress if any——

Mr. DUNN (in his seat). And then lay the whole matter on the table.

Mr. COX, of New York. And then, if you please, on a fair vote table

it. But when a resolution comes in here so well considered, and on so patriotic an occasion, and for so grand an object, I would not, I say, be stinted in the praise which belongs to the men who have done the work among so many vicissitudes and in so short a time.

Mr. THOMAS. I do not wish to detract anything from the achievements of Colonel Casey. I would be the last man on earth to do that. But I think if the thanks of Congress are to be given, the one who merits them most should not be left out in order that honor may be done to another officer who happens to be the superior in rank. And it was on that ground that I made the motion to reconsider, and on the further ground that I do not believe it safe, proper, or just to our officers engaged in the military service of this country to give the thanks of Congress to a man engaged in a purely civil enterprise over the heads of men fighting on the frontier and doing legitimate military duty. I do not think it right that his term of service on the active-list should be increased ten years for rendering this simple civil enterprise, while officers are fighting the enemy on the frontier without receiving the thanks of Congress. It is upon that ground I object to it.

If an amendment should be offered here including the name of Captain Davis, and if I could be allowed to offer a proviso that the length of service on the active-list shall not be increased thereby, then I should not object so much to the resolution. But I do not think we can afford, as the gentleman from New York [Mr. COX] has said, to make the thanks of Congress, this greatest of our public honors, so cheap simply because a monument has been successfully erected to Washington.

Mr. Speaker, the gentleman from Georgia [Mr. BLOUNT] rose in his place a moment ago; if he desires to make any remarks I will yield to him.

Mr. BLOUNT. I do not.

Mr. THOMAS. Then I move the previous question on my motion.

Mr. DORSHEIMER. I hope the gentleman will not do that.

Mr. THOMAS. The gentleman from New York [Mr. DORSHEIMER] proposed to cut me off from debate a while ago.

Mr. DORSHEIMER. I did not propose to cut you off.

Mr. THOMAS. You moved the previous question.

Mr. DORSHEIMER. I did not. I moved to lay on the table, in order——

Mr. DUNHAM. Mr. Speaker, let the resolution be reported.

Mr. THOMAS. I am willing to yield five or ten minutes to the gentleman from New York [Mr. DORSHEIMER] if he desires.

Mr. DORSHEIMER. I wish the floor in my right.

Mr. THOMAS. Then I move the previous question.

Mr. DORSHEIMER. Very well. Then I ask my friends on this side of the House to vote it down.

Mr. DUNHAM. Mr. Speaker, is there any objection to having the resolution reported again?

The SPEAKER. It has been reported twice, and the question is not now upon the resolution; it is on a motion for the previous question.

The question was taken; and on a division, there were—ayes 71, noes 50.

Mr. DORSHEIMER. Mr. Speaker, I ask for the yeas and nays.

The question was taken on ordering the yeas and nays, and 19 gentlemen voted in the affirmative—not a sufficient number.

Mr. DORSHEIMER. Mr. Speaker, I ask for tellers upon the motion for the previous question.

The SPEAKER. The ayes and noes are refused, and the gentleman from New York demands tellers.

Mr. TOWNSHEND. Mr. Speaker, I make the point of order that no quorum has voted.

Mr. KEAN and others. Too late.

Mr. TOWNSHEND. I insist on the point, Mr. Speaker. [Cries of "Too late!"]

The SPEAKER. The result has not been announced, and the Chair is bound to take notice of the point made by the gentleman from Illinois [Mr. TOWNSHEND]. The Chair will appoint as tellers the gentleman from Illinois, Mr. THOMAS, and the gentleman from New York, Mr. DORSHEIMER.

Mr. DUNHAM. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. Is there enough in this to warrant filibustering?

The SPEAKER. That is not a parliamentary inquiry.

Pending the count by tellers,

Mr. VALENTINE. Mr. Speaker, I should like a statement of this question. The tellers disagree.

The SPEAKER. The Chair has stated the question very plainly, but if the House will be in order, so that the statement of the Chair can be heard, it will be repeated. The question upon which the House is now voting is the demand of the gentleman from Illinois [Mr. THOMAS] for the previous question upon his motion to reconsider.

Pending the announcement of the result of the vote by tellers,

Mr. THOMAS. Mr. Speaker, an agreement having been reached by which the gentleman from New York [Mr. DORSHEIMER] accepts time from me, I withdraw the motion for the previous question and yield him twenty minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate returned to the House of Representatives with amendments the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. COCKRELL, Mr. HARRISON, and Mr. SEWELL.

DEDICATION OF WASHINGTON MONUMENT, ETC.

Mr. DORSHEIMER. Mr. Speaker, by a joint resolution of Congress a commission was created to carry out appropriate ceremonies at the dedication of the Washington Monument and to recommend to Congress whatever it might regard as suitable upon that interesting historic occasion. That joint commission, by a unanimous vote, recommended that Congress should grant a vote of thanks to the officer of engineers who has had charge of the monument since its construction has been in the hands of the Government, and accordingly a resolution of thanks has passed the Senate and is now upon the Speaker's table.

The propriety of this action is challenged upon two grounds: First, it is said that it will increase the term of service of the officer receiving it. I have to say that the gentleman from Illinois [Mr. THOMAS] is entirely mistaken in making that statement. A vote of thanks by Congress does, under certain circumstances, operate to extend the term of service of a naval officer, but it does not extend the term of service of an Army officer. General Sherman received the thanks of Congress, but the term of his service was not extended an hour by that circumstance. It is also said that some one other than Colonel Casey was the author of the bold design upon which the foundations were removed from underneath the monument when it stood at the height of one hundred and eighty feet and larger foundations substituted. I know Captain Davis, and I venture to say that the statement of the gentleman from Illinois is made without any authority from him whatever, and he would be the first to repudiate it. The plans for taking out the old foundation were submitted to the committees of Congress by Colonel Casey in person and by designs which bear his name; and I now state that he claims those designs in general and in detail.

We have thought that the successful erection of the most important, the loftiest, the largest, and the most costly structure ever erected in honor an history to the memory of a man—erected under circumstances so extraordinary—was entitled to such a recognition as we now propose. When it was suggested in the Senate that this plan could be carried out the statement was met with incredulity and reproach. Senator ALLISON stated on the floor of that body that Colonel Casey was "singular among engineers" if he thought that his plan could be successfully carried out. But it was carried out, and with an infinitesimal loss in the height of the structure. I believe that the vast mass was held up in the air, its foundations removed, and the new foundations put in their place with the loss of only about an inch in the total height of a structure then 180 feet high and with no variation at all from the perpendicular, but on the other hand correcting in its result a slight deviation from the perpendicular which had been discovered in the monument as it stood.

The members of the House upon the joint commission, as well as the Senators, thought that a work so entirely without parallel or precedent in engineering was deserving of special recognition by Congress. Now that the joint commission of Congress has placed this resolution upon the records of this House, and in view of the fact that the Senate has by, I believe, a unanimous vote passed the resolution, I hope that we shall not stand here and refuse to give our proportion of the praise which is due this most skillful and meritorious officer.

In a debate on this floor a year ago the distinguished member from Indiana said that the officers of the Army of the United States, however skillful in war, had not won their fair proportion of the laurels of peace. Here is an instance in which a peaceful triumph has been achieved by one of the officers of our Army—a triumph which, as I have said, is without a parallel, and I hope there will be no hesitation on the part of the House in generously and with essential unanimity giving the thanks of Congress to Colonel Casey.

Mr. THOMAS. Mr. Speaker——

Mr. DORSHEIMER. I understood the gentleman from Illinois [Mr. THOMAS] to yield twenty minutes to me.

The SPEAKER. He did; but the remainder of the hour belongs to the gentleman from Illinois.

Mr. THOMAS. So I understand. Mr. Speaker, how much time have I?

The SPEAKER. About twenty-five minutes.

Mr. THOMAS. I shall not occupy that much time.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. THOMAS. How much time does the gentleman from Pennsylvania [Mr. O'NEILL] desire?

Mr. O'NEILL, of Pennsylvania. Three or four minutes.

Mr. THOMAS. I yield three minutes to the gentleman.

Mr. O'NEILL, of Pennsylvania. I desire merely to make a suggestion to the gentleman from Illinois. If he will look at the Congressional Directory he will find that Col. Thomas L. Casey, Corps of Engineers, is in charge as engineer of the "State, War, and Navy building,

and Washington Monument," and that he has two prominent assistants under him—one Capt. G. W. Davis, United States Army, designated for the Washington Monument, and the other Mr. B. R. Green, civil engineer and architect, for the State, War, and Navy building. Now I wish to suggest that in voting the thanks of Congress to Colonel Casey we are reflectively voting thanks to these gentlemen who have been his subordinates, and who are gentlemen of distinguished skill and accomplishments, worthy of being associated with Colonel Casey in these great works, each of them, I have no doubt, consulted by him in their respective assignments of work. I believe the thanks of Congress are due to Colonel Casey. He has finished the monument. It is one of the completed structures in the city of Washington; and he is pushing rapidly to completion the building of the War, State, and Navy Departments, which, when finished, will have occupied in its construction a shorter time than any public building that has ever been erected here, and at less cost, I have always understood, comparatively. He deserves the thanks of Congress as being the engineer who has had in charge the work on this monument; and by thanking him, as I have said before, you thank every one who has worked under his direction.

If you give the thanks of Congress to the general of an army, to whom does such a testimonial in effect extend? The thanks of Congress were given to General Grant for bringing about the surrender at Appomattox. Did not his subordinate generals and officers help him to plan that great campaign which ended in that surrender? So Congress extended its thanks to General Sheridan; but did not his subordinate officers aid him in arranging his brilliant campaign in the valley? So you gave the thanks of Congress to General Sherman for his "march to the sea." Had he not the aid of subordinates in planning that grand military achievement? So I say, Mr. Speaker, when you thank Colonel Casey you thank these distinguished men who aided in bringing to completion this great monument to the Father of his Country, and I think he should be thanked. Captain Davis, I am sure, will so understand this well-deserved compliment, and, my word for it, were he entitled to vote on this question, would do so most cheerfully for his chief, and would say to us that we are giving credit to the one entitled to it, and detracting nothing from his reputation as his assistant.

[Here the hammer fell.]

Mr. THOMAS. Mr. Speaker, if the suggestion of the gentleman from Pennsylvania [Mr. O'NEILL] were followed these subordinate officers might be called into the dining-room where the great chief feasts; but he alone is to be benefited by thanks of Congress as now proposed. Who will know five years from now that Capt. George W. Davis was the man who furnished the plans. I assert it again, and am borne out by the current literature of the day, the statement having been often repeated and so far as I have heard never denied before——

Mr. O'NEILL, of Pennsylvania, rose.

Mr. THOMAS. No, sir; not another word. This is the first time I have ever known the statement questioned that Captain Davis furnished the plans and was the officer who practically executed this work.

Now, if the thanks of Congress are given to Capt. George W. Davis at the same time they are given to his superior officer I shall not object so strenuously; but I do object to making fish of one and flesh of the other. I object to this officer in charge of the State, War, and Navy buildings and the Washington Monument receiving all the thanks of Congress, while the officer in charge of the Washington Monument is left out and barely permitted to shine by the reflected light of his superior officer. If this work entitles any one to the thanks of Congress it is Captain Davis, and the reason I move this reconsideration is that the resolution may be amended so as to include his name, and then he will not be compelled to stand while his superior officer feasts at the sumptuous table spread for him by a generous Congress.

Mr. O'NEILL, of Pennsylvania. Bring in a separate resolution for Captain Davis, if you will.

Mr. THOMAS. I demand the previous question.

Mr. BLOUNT. Before the gentleman takes his seat I would like to ask him a question.

Mr. THOMAS. I will yield for a question. [Cries of "Vote!"]

Mr. BLOUNT. What comes to Colonel Casey by reason of this vote of thanks by Congress?

Mr. THOMAS. I am under the impression it increases his rank, or rather increases his length of service on the active-list, but the gentleman from New York says I am mistaken about that. Without the statute before me I can not speak positively, but it has been my impression that if he receives a vote of thanks by Congress the term of service on the active-list of Colonel Casey will be increased not three years, but ten years.

Mr. BLOUNT. I wish to ask the gentleman further whether he is making the point between Captain Davis and Colonel Casey?

Mr. THOMAS. In the first place, I question the propriety of conferring this greatest honor by Congress simply for civil services and achievements.

Mr. BLOUNT. I understand the gentleman is willing to waive his objection if Captain Davis is included?

Mr. THOMAS. I might have waived my objection if Captain Davis had been coupled with Colonel Casey in this resolution of thanks. I was compelled to move a reconsideration in order that the resolution might be brought before the House for amendment, so as to include the the name of Capt. George W. Davis.

Mr. BLOUNT. Allow me one other question?

Mr. THOMAS. Certainly.

Mr. BLOUNT. Has the controversy between Captain Davis and Colonel Casey been passed upon by the commission?

Mr. THOMAS. I do not know whether it has or not; but it does not preclude others who may have their own opinion in the matter. This can scarcely be regarded *res adjudicata* because Col. Casey may have made claim for the thanks of Congress.

Mr. BLOUNT. Will the gentleman allow the statute to be read?

Mr. THOMAS. I have no objection to yielding for a minute to have it read.

Mr. DORSHEIMER. The only provision of the statute which relates to the thanks of Congress in relation to the retirement of an officer is section 1446. It is chapter 3, title 15 of the Revised Statutes, entitled "Retired Officers of the Navy," and this is the language of the section:

SEC. 1446. Officers on the active-list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

There is no provision whatever lengthening the term of an Army officer by reason of the thanks of Congress.

Mr. HAMMOND. I simply desire to know whether I correctly understand the gentleman's argument. As I understand it, the gentleman thought all this was wrong; but if he could get Captain Davis in, then he would be all right.

Mr. THOMAS. I did not say so.

Mr. HAMMOND. I so understood the gentleman.

Mr. THOMAS. Then you misunderstood me. I have denounced from the beginning the whole business of voting the thanks of Congress merely for civil services. They should be reserved, like the Iron Cross of Germany and the Victoria Cross of England, for distinguished and conspicuous gallantry and for successful military and naval achievements.

Mr. HAMMOND. You think it is all wrong?

Mr. THOMAS. It is all wrong, and the resolution should be voted down.

Mr. HAMMOND. If your fellow gets in, then it is all right.

Mr. THOMAS. I did not say that. It might palliate the wrong thing being done if by amendment the right man was included in the vote of thanks as well as the wrong one. I now demand the previous question.

Mr. DORSHEIMER. I move that the motion to reconsider be laid on the table.

The House divided; and there were—ayes 58, noes 93.

So the motion was disagreed to.

The SPEAKER. The question recurs on the motion to reconsider the vote by which the resolution was adopted.

Mr. DORSHEIMER. I demand a division.

The House divided; and there were—ayes 110, noes 49.

So the motion was agreed to.

Mr. THOMAS. I move to lay the resolution upon the table.

The SPEAKER. It brings it before the House on the motion of the gentleman from Illinois.

Mr. THOMAS. And I have the floor, and have moved to lay the resolution upon the table. If necessary I will demand the previous question.

The SPEAKER. The motion to lay upon the table is not amendable or debatable.

The resolution was again read.

The House divided; and there were—ayes 127, noes 64.

So the resolution was laid upon the table.

Mr. THOMAS moved to reconsider the vote by which the resolution was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.;

A bill (S. 1810) for the erection of a public building at Sacramento, Cal.; and

A bill (S. 2009) granting a pension to Isabella Turner.

ARMY APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I rise to submit a privileged report. I am directed by the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, to submit the following report.

The SPEAKER. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8120) "making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 17, 18, 19, 20, 21, and 22, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And employed as train-masters, and in opening roads, and building wharves;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$675,000;" and the Senate agreed to the same.

Amendment numbered 23: On amendment numbered 23 the committee are unable to agree.

W. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

The SPEAKER. The Clerk will report the statement accompanying the report.

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year 1886, submit the following in explanation of the action of the conference committee as submitted in the accompanying report.

The bill as agreed upon in conference appropriates $21,014,052.32, being $405,000 less than as it passed the House, $65,000 more than as it passed the Senate, $440,397.50 less than the law for the current year, and $2,098,637.45 less than the estimates submitted for the fiscal year 1886.

On amendment numbered 23, which strikes out the provision contained in the bill as it passed the House, that proceedings of trial by court-martial shall be carried on during such hours as the court-martial shall determine, the conference committee have been unable to agree.

WM. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. FORNEY. I move the adoption of the report.

Mr. WELLER. Is there an explanation accompanying this, showing the effects of the amendments?

The SPEAKER. It has just been read.

Mr. WELLER. In the confusion I did not hear it.

The report of the conference committee was concurred in.

Mr. FORNEY moved to reconsider the vote by which the report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection the House will agree to the request of the Senate for a further conference on the disagreeing votes of the two Houses.

There was no objection.

The SPEAKER appointed Mr. FORNEY, Mr. TOWNSHEND, and Mr. KEIFER as conferees on the part of the House on said bill.

QUESTION OF PRIVILEGE.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BROWN, of Pennsylvania. Last night on the first call of the House I was present and answered to my name, as the RECORD will show. I consulted with the gentleman from Kentucky having charge of the bill then under consideration shortly afterward as to whether I would have time to get my dinner. I went and returned with as great speed as possible, and was in the lobby of the House at the time of the second roll-call. I listened to that call from the lobby, but was not permitted to enter the Hall. I am reported this morning in the RECORD as not having answered to my name on the second roll.

The SPEAKER. Did the gentleman answer?

Mr. BROWN, of Pennsylvania. I did not, because, as I have said, I was prevented by the officers of the House from being present.

Mr. RANDALL. Regular order.

The SPEAKER. The regular order is demanded.

Mr. BROWN, of Pennsylvania. I have not finished my statement.

The SPEAKER. The Chair does not see that the gentleman presents a matter of privilege. The gentleman states himself that he was not present and did not answer, and consequently there is no correction to make.

Mr. BROWN, of Pennsylvania. I stated that I was not present on the second call, being temporarily out of the Hall, but I think I have the privilege of asserting that I was prevented from being present when I was entitled to be present by the officers of the House and through no fault or neglect of my own.

Mr. KEIFER. The officers of the House did what they are required to do when a call of the House is proceeding. The doors were ordered to be closed and the gentleman was not entitled to come in, not having answered to the call.

Mr. BROWN, of Pennsylvania. I claim that I was entitled to come in and was prevented.

The SPEAKER. The officers executed the rule of the House and the order of the House. The rule may be wrong, but whether right or wrong it was being enforced under the order of the House, and the gentleman himself has shown by his statement that he was not present.

Mr. BROWN, of Pennsylvania. I was entitled to come in, having answered on the previous call, instead of being reported as absent as shown by the RECORD of this morning.

The SPEAKER. If the gentleman had answered at the previous call he would be recorded as present.

Mr. BROWN, of Pennsylvania. I am so recorded; but claim that I was entitled to answer on the second call because I was present. I therefore ask that the RECORD be corrected.

The SPEAKER. The statement the gentleman now makes will go into the RECORD.

ANNUAL REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. ROGERS, of New York. I rise to submit some privileged reports from the Committee on Printing.

I am instructed by the Committee on Printing to report back the joint resolution (H. Res. 342) authorizing the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885, and recommend its passage.

The joint resolution is as follows:

Resolved, &c., That there be printed 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885; 300,000 copies for the use of members of the House of Representatives, 70,000 for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture; the illustrations for the same to be executed, under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES GEOLOGICAL SURVEY.

Mr. ROGERS, of New York. I am also instructed by the Committee on Printing to report back the joint resolution (H. Res. 340) providing for printing monograph second of the publications of the United States Geological Survey, and recommend its adoption.

The resolution is as follows:

Resolved, &c., That there be printed at the Government Printing Office the usual number of monograph second of the publications of the United States Geological Survey, with the necessary illustrations, and to conform to the editions already issued by the Survey.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROGERS, of New York. I am also instructed by the committee to report back the joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey, and recommend its passage.

The joint resolution was read, as follows:

Resolved, &c., That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,500 copies of each of the sixth and seventh annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. ROGERS, of New York. I am also instructed by the Committee on Printing to report back the resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology, and recommend its adoption.

The joint resolution was read, as follows:

Resolved, &c., That there be printed at the Government Printing Office 15,500 copies each of the sixth and seventh annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROGERS, of New York. I ask unanimous consent——

The SPEAKER. The regular order is demanded.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. STOCKLAGER. I desire to make a privileged report. I present the report of a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate No. 1009, to provide for the purchase of the site and the erection of a public building thereon at Detroit, Mich., after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with an amendment as follows: Add as an additional provision to said House amendment the following: "*Provided further*, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of $900,000, as provided in this section;" and the House agree to the same.

S. M. STOCKSLAGER,
J. H. HOPKINS,
E. BREITUNG,
Managers on the part of the House.

WM. MAHONE,
ANGUS CAMERON,
GEORGE G. VEST,
Managers on the part of the Senate.

Mr. STOCKSLAGER. The Senate recedes from its disagreement to the amendment of the House, with an additional provision which more certainly confines the limit of the cost of the building within $900,000. I am sure there will be no objection to the adoption of the report.

The report was adopted.

Mr. STOCKSLAGER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I ask unanimous consent to make a report from the Committee on Public Buildings and Grounds, not to be considered now.

The SPEAKER. The regular order has been demanded. The gentleman from Oregon [Mr. GEORGE] rises to a privileged matter.

UMATILLA RESERVATION, OREGON.

Mr. GEORGE. I move that the House insist on its amendments to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing on the Umatilla reservation in the State of Oregon, and granting patents therefor, and for other purposes, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House Mr. GEORGE, Mr. WELLBORN, and Mr. STEVENS.

PUBLIC-LAND LAWS.

Mr. COBB. I move to take from the Speaker's table the bill H. R. 7004, with amendments by the Senate, with a view to having the bill and amendments referred to the Committee on Public Lands.

Mr. NELSON. I call for the regular order.

Mr. COBB. I move to suspend the rules.

The SPEAKER. The gentleman from Indiana [Mr. COBB] moves to suspend the rules and take from the Speaker's table the bill he has indicated and refer the bill with Senate amendments to the Committee on the Public Lands.

Mr. VALENTINE. On that motion I demand a second.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. PERKINS. I demand a second on the motion of the gentleman from Indiana.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] has already demanded a second.

Mr. KEIFER. I think the amendments of the Senate should be read.

The SPEAKER. The gentleman has a right to have the amendments read. The Clerk will report them.

The Clerk read as follows:

Page 1, line 1, after "that," insert "section 2299 and;".

Page 1, line 1, after "32," insert "excepting sections 2275, 2276, 2283, 2286, and 2288;"

Page 1, lines 1, 2, and 3, strike out "and sections 2299 and 2309;"

Page 1, lines 4, 5, and 6, strike out "and all other laws allowing pre-emption of the public lands of the United States;"

Page 1, strike out all after "repealed," in line 6, down to and including "laws," in line 15, and insert:

"*Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed: *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes and acts supplemental thereto shall be receivable as cash (except for fees and commissions) in the disposal of public lands at the land offices at which certificates are now receivable in commutation of homestead and pre-emption rights."

Strike out section 2 and insert:

"SEC. 2. That an act entitled 'An act to amend an act entitled "An act to encourage the growth of timber on the Western prairies," approved June 14, 1878,' be, and the same is hereby, repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed."

Strike out section 3, page 3, line 14, changing section 4 to section 3.

Strike out all after the word "entry," in line 24, page 3, down to and including the word "patents," in line 4, on page 4, and insert:

"And before the expiration of five years and obtaining a patent therefor from the Government, as in other cases directed by law on making proof of settlement and cultivation as provided by the law heretofore in force granting pre-emption rights."

Page 4, line 5, change section 5 to section 4.

Page 4, after "repealed," in line 8, insert:

"*Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed."

Page 4, after line 8, insert:

"SEC. 5. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry."

Strike out section 6.

At the end of the bill insert the following section:

"SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"'SEC. 2288. Any person who has already settled on the public lands either by pre-emption or by virtue of the homestead law or any amendments thereto, and any person who shall hereafter settle on the public lands by virtue of the homestead law or any amendments thereto, shall have the right to transfer by warranty against his own acts any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.'"

At the end of the bill insert the following section:

"SEC. 7. That an act entiled 'An act to provide additional regulations for homestead and pre-emption entries on the public lands,' approved March 3, 1879, be, and the same is hereby, repealed."

At the end of the bill insert the following section:

"SEC. 8. That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement; and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no conflicting claims thereto or settlements thereon, all such entries, and the certificates and patents issued thereon are hereby confirmed and declared valid and legal. And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior, and the proper judicial courts; and in case there is any actual settlement on said lands in good faith under the homestead or pre-emption laws of the United States made prior to January 25, 1885, the rights of such settlers shall prevail against any previous entry at the price of $1.25 per acre."

Amend the title so as to read:

"An act to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands in certain States and Territories, and for other purposes."

The SPEAKER. The gentleman from Indiana [Mr. COBB] moves to suspend the rules and take this bill from the Speaker's table and refer it, with the Senate amendments, to the Committee on Public Lands.

The SPEAKER. A second has been demanded. The Chair will appoint the gentleman from Indiana, Mr. COBB, and the gentleman from Nebraska, Mr. VALENTINE, to act as tellers.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent that the second be considered as ordered.

Mr. VALENTINE and Mr. MAGINNIS. I object.

The House divided; and the tellers reported—ayes 92, noes 85.

The SPEAKER. Upon this question the tellers report ayes 92, noes 85. The ayes have it, and there is a second. Under the rules thirty minutes are allowed for debate—fifteen minutes in support of the motion and fifteen minutes in opposition.

The gentleman from Indiana [Mr. COBB] will be recognized to control the time in support of the motion, and the gentleman from Nebraska [Mr. VALENTINE] to control the time in opposition to it.

Mr. COBB. Mr. Speaker, I shall occupy the time of the House for only a few minutes. This bill which is proposed to be referred to the Committee on Public Lands has been amended by the Senate in some essential particulars. I do not believe the House fully understands the provisions of the bill. It provides for amending the homestead law so as to require the proof necessary to a patent to be made twelve months

before the patent issues. That amendment is recommended by the Commissioner of the General Land Office, and the object of it is to enable the Department to inquire into the question whether fraud in the homestead has been committed. The bill also provides for the repeal of the timber-culture law and for the repeal of the pre-emption law. The pre-emption law is somewhat similar to the homestead law. The homestead law is left standing with the amendment which I have indicated, giving to each actual settler one hundred and sixty acres of land. As the law now stands he may become the owner of one hundred and sixty acres more under the pre-emption law, and then he may become the owner of one hundred and sixty more under the timber-culture law, making in all four hundred and eighty acres. Now, the knowledge and experience of the Commissioner of the General Land Office and of the Interior Department are to this effect—you will find it fully stated in three or four of the last reports of the Commissioner of the General Land Office—that under the pre-emption law and the timber-culture law lands are constantly being "gobbled" up and passing into the hands of monopolists.

Mr. MAGINNIS. Will the gentleman permit me to ask him a question?

Mr. COBB. Yes, sir.

Mr. MAGINNIS. If that be the object of the bill why could you not easily provide that a man who takes up one hundred and sixty acres under one of those laws shall not take up land under the others?

Mr. COBB. Yes; and at the same time leave the imperfections of the three laws untouched.

Mr. VALENTINE. Correct them.

Mr. MAGINNIS. Why not correct the imperfections?

Mr. COBB. Instead of giving to the settler one hundred and sixty acres definitely under the homestead law, the gentleman would have him apply under the homestead law or the pre-emption law or the timber-culture law.

Mr. MAGINNIS. I would have the timber-culture law repealed.

Mr. COBB. The Secretary of the Interior has said that frauds illimitable have been committed under the timber-culture law and the pre-emption law, and I can take the gentleman into Kansas and Nebraska and show him whole townships owned by capitalists under the timber-culture law, and there is not one stick of timber on them.

Mr. VALENTINE. The gentleman can not do that.

Mr. MAGINNIS. Why not take means to prevent those frauds instead of bringing in such a bill as this?

Mr. COBB. Mr. Speaker, I insist and submit to the House that the better way to get rid of the frauds committed under the pre-emption and the timber-culture laws is to repeal the laws themselves, leaving the homestead law, which was intended to be sufficient to supply the needs and demands of actual settlers. One hundred and sixty acres of land is enough, and I submit that we ought not to allow individuals to procure more than that under these laws. Our public lands are rapidly passing into the hands of private owners. A few acres now exist in the public domain compared with its extent thirty years ago. Those few acres ought to be preserved intact for actual settlers and their homes in the future. I insist, sir, that no greater evil, no greater wrong, has been done to the future of this country than has been done under these laws. More than 10,000,000 of acres of the best lands in the country have been taken up through fraud and perjury and subornation of perjury under the pre-emption and the timber-culture laws, as the evidence shows. Now, I say the best way to remedy these wrongs is to repeal the laws themselves. The Commissioner of the General Land Office has stated in his report that under existing laws it is impossible to prevent these frauds. He tells you that he sends his agents into the territories or the sections where these public lands are to ferret out frauds, but that the parties who have committed the frauds sometimes buy up the agents, and in that and other ways escape the law. Now, in order to prevent parties from evading the law I believe the best thing to do is to repeal the timber-culture and the pre-emption laws, and leave the homestead act, so that actual settlers who in good faith seek homes on the public domains can still obtain them.

Mr. Speaker, I will occupy no further time unless some gentleman wants to ask a question.

Mr. BUDD. I would like to ask the gentleman a question if he will permit me.

Mr. COBB. Yes, sir.

Mr. BUDD. How is it that the Committee on Public Lands did not on the last suspension day call up one of the forfeiture bills?

Mr. COBB. Mr. Speaker, I do not know that that is the gentleman's business exactly, or that it is my business to answer the question. He can put his own construction upon the facts. I am doing my duty now. That is all I have to say.

Mr. HENLEY. If the gentleman from Indiana [Mr. COBB] will yield I will answer the question. No land-forfeiture bill could be taken up and passed on suspension day for want of time.

Mr. BUDD. I will state to the gentleman that we did have the time; the committee was passed, and no bill was called up.

Mr. HENLEY. I beg the gentleman's pardon. If he will inform himself he will discover that it was impossible in the time we had to call up any land-forfeiture bill.

Mr. CONVERSE. I desire to ask the gentleman from Indiana [Mr. COBB] whether the great frauds in connection with the public lands have not been perpetrated mainly under the homestead law instead of the pre-emption or the timber-culture law?

Mr. COBB. No, sir.

Mr. CONVERSE. I desire to ask the gentleman whether the entire Estes Park and the valuable lands around Lake Tahoe have not all been taken up in that way? Have not the great frauds in the West in connection with the public lands been perpetrated under this "wise, humane, and wholesome law"—the homestead act.

Mr. COBB. No, sir. I deny it entirely; and the report of the Commissioner of the General Land Office will bear me out in this denial.

Mr. CONVERSE. I wish to ask further whether the trouble is not in an improper execution of the laws as they now exist, rather than in the laws themselves?

Mr. ANDERSON. That is the point.

Mr. COBB. That may be; but it is claimed by the Commissioner of the General Land Office that he can not enforce the pre-emption law so as to prevent fraud. He has been appealing to Congress for four years to repeal that law and save the public lands. I deny the statement of the gentleman from Ohio. I say he is mistaken in stating that the lands to which he refers were taken up under the homestead law. While there may have been some frauds under the homestead law, the great body of the frauds have been committed under the pre-emption and timber-culture laws.

Mr. CONVERSE. Will the gentleman allow me a suggestion right there?

Mr. COBB. Mr. Speaker, how much time have I.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). Six minutes.

Mr. COBB. I can not yield further.

Mr. CONVERSE. I desire to correct the gentleman's statement.

Mr. COBB. I can not yield further.

Mr. PAYSON. Will my colleague on the committee [Mr. COBB] yield to me to answer the question propounded by the gentleman from Ohio [Mr. CONVERSE]?

Mr. COBB. Yes; I yield to my colleague on the committee.

Mr. PAYSON. Let me say to the gentleman from Ohio that the great fraud in connection with the Estes Park, by which that entire tract was taken up by the Earl of Dunraven, was not consummated under the homestead law, but under the pre-emption law. I have in my desk papers to prove this statement, and I shall be glad to submit them to the gentleman from Ohio. The whole fraud in connection with the Estes Park was perpetrated under the pre-emption law.

Mr. CONVERSE. I desire to state——

Mr. COBB. I can not yield to the gentleman.

The SPEAKER *pro tempore*. The gentleman from Indiana declines to yield further. The gentleman from Nebraska [Mr. VALENTINE] is recognized to control the time in opposition to this motion.

Mr. COBB. I reserve the residue of my time, intending to yield to my colleague [Mr. HOLMAN].

The SPEAKER. The gentleman has five minutes remaining.

Mr. VALENTINE. Mr. Speaker, the question now before the House is one of great importance to the country, especially to that portion where the public domain is now located. If the bill before the House should become a law it will wipe out the present pre-emption and timber-culture acts and amend the eighth section of the homestead law relative to the commutation of homesteads.

We who live in the West—and I have lived upon the public domain or adjacent to it all my life, and am perfectly familiar with these laws and the system which has grown up under them—we of the West are opposed to the repeal of these laws, because we believe they are beneficial to that section and to the whole country.

I believe—indeed, I think I can say I know—that this cry which has come up, commencing in a small way as it did until it has almost become a shout, for the repeal of the pre-emption and timber-culture acts has come directly from two sources. First, it has come from the great railroad corporations of the West, who desire to sell their lands but can not do so at a price beyond $1.25 an acre so long as the Government permits the actual settler to go there and enter land at that price. The railroads of the West desire this legislation repealed so that they may advance the price of their lands. Next, it is desired by the great "cattle-kings" of this country. There is a fight going on to-day in my State, and in fact in all the Western States, between the actual settlers and the "cattle-kings" for supremacy. When we go upon the frontier and under the timber-culture act plant ten, twenty, thirty, or forty acres with timber whereby we reclaim those lands and make them agricultural, the "cattle-kings" turn out upon those lands their herds to eat the trees as they sprout from the ground. These "cattle-kings" are anxious to have this law wiped out, that their cattle may roam over those prairies undisturbed by the settler.

When the poor homesteader comes there with all he has in a wagon drawn by a pair of oxen, and sits down with his family, handles his spade and plow, gathers together a temporary hut in which he puts his family, then they send out their cowboys to drive him off. But, sir, they can not drive off the men who go there with sufficient capital and who reside upon the land a year or six months, pay for it, and are backed

by friends, influential financially as well as otherwise, who gather around them other homesteaders and establish a settlement which defies the efforts of the cattle-kings. Those are the men who open these Territories to actual settlers.

Therefore, Mr. Speaker, I speak the sentiment of the West when I say that these laws ought not to be repealed. These laws, and especially the pre-emption laws, have been those under which the West has been settled. I am in favor of a homestead law. If the law has not been enforced, if fraud has been practiced in reference to the public domain, then change it. To practice fraud a man must commit perjury, and if he does that, he can be sent to the penitentiary. Enforce the law criminally against these people, and there will be no trouble on this account.

How much time have I left?

The SPEAKER. Ten minutes.

Mr. VALENTINE. I wish to say simply that the fault is in the execution of the law and not in the law itself. I now yield to the gentleman from Kansas.

Mr. PERKINS. Mr. Speaker, as has been suggested by the gentleman from Nebraska, this is legislation of vital importance to our section of the country. It is indeed only legislation in the interest of the cattle organizations of this land, and I am astonished that men come upon the floor of this House professing to be in favor of legislation in behalf of the settlers and yet advocating this bill. What will be its effect if adopted? What will be the consequences precipitated upon the country if this bill becomes a law? Repeal the provisions of the statutes which we have already given the people by which opportunities are afforded the pioneer of acquiring title to the public domain; strike them down, and say the people shall only acquire title under the provisions of the homestead law, and what is the effect?

There are thousands of acres in my own State, there are thousands of acres in Nebraska, there are thousands of acres in Colorado, there are thousands of acres in every Territory of the West which can not be taken under the homestead law. Compel the settler to settle on one hundred and sixty acres of that arid land and live there until he can secure the benefits and title under the homestead law, and he can not avail himself of it. It is impossible to make a living on one hundred and sixty acres of that land in many cases. That is true, as I have said, in every Territory in the West. Repeal the pre-emption law, strike down the timber-culture act, abrogate the desert law, and strike down all provisions by which settlers may obtain title to the public domain except the homestead law, and all that vast domain will be reserved for occupancy by the cattle companies of the country; and hence I charge that this proposed legislation is in their interest, and that they are organizing and pressing for its enactment.

Who else is demanding or asking for the repeal of these several statutes?

Have you had a petition from a settler anywhere asking for all this? Are they memorializing for this legislation? There is a concurrent resolution pending in the Legislature of my own State at this time asking for the sale of a large tract of land in Kansas at 50 cents an acre, and not to the speculator but for the people. But there is no legislation or memorial pending there or in any other Legislature of the West, so far as I can learn, asking for a repeal of the timber-culture and pre-emption laws. Instead, however, you find the people who have gone out upon the prairies of the West, cultivating and reclaiming them, building them up, paying taxes, and contributing to that wonderful growth, opposing this legislation.

It is under the pre-emption law the West has grown up and thrived and prospered as it has and constructed those grand Commonwealths. But now, if it shall be the disposition of this Congress to say that no acre of our great domain shall be disposed of or title obtained thereto except under the homestead law, the cattle companies will possess themselves of thousands of acres, and graze their vast herds without let or hindrance and smile at our simplicity.

They will organize at once for the occupation of thousands of acres of land that are not adapted to agricultural pursuits, but are of some value for grazing purposes, and will keep out the homestead settler and, under the provisions of this bill, will feed their herds and grow fat upon land owned by the Government, and from which the community and State get no tax or return. Strike down every provision of law under which title may be obtained to the public domain except the homestead law, and large sections of our great West will remain Government land to be possessed in the manner I have suggested; and the honest pioneer is wronged, the community and State suffers, the Government realizes nothing, and only the cattle companies prosper and rejoice at our legislation.

It is said that fraud has been practiced under these several statutes. Concede it; but set up against that what has been effected—the material growth and prosperity secured under these several laws—and the picture is all with us. The Government has got its money for the land. The property passes to individuals and becomes subject to taxation. Homes are made, industry is encouraged, and good is done to the country. I would, however, improve the legislation. I would enact laws which will protect against fraud, but give to the honest pioneer the right to choose between these several statutes. I am in favor of extending the provisions of the homestead law to every acre of the public domain. I would give to the settler the right to secure a title to his home by continuous occupation and cultivation under the homestead law, if such should be his interest or desire; but I would also give to him these other statutes and the right of electing between, that all portions of our great domain may be occupied and owned by our honest yeomen who are struggling to secure homes for wife and little ones and those dependent upon them. If the homestead law can be amended so as to prevent fraud, so that those other statutes——

[Here the hammer fell.]

Mr. VALENTINE. I desire to call attention to one statement made by the gentleman from Indiana [Mr. COBB] that he could go into Nebraska and Kansas and show whole townships fraudulently entered under the timber-culture act. Let me say, under the timber-culture act there can not be any more than one-fourth in every section of the public domain. That can not be true, therefore. I yield for three minutes to the gentleman from Ohio [Mr. CONVERSE].

Mr. WASHBURN. I ask the gentleman from Nebraska whether the Commissioner of the General Land Office has not stated that for the last five years 90 per cent. of pre-emptions have been fraudulently made?

Mr. VALENTINE. If so, most of them are in the timber lands of Minnesota.

Mr. WASHBURN. The timber lands of Minnesota and the prairie lands of Dakota Territory.

Mr. CONVERSE. Mr. Speaker, I hope, if this bill is to pass, we shall have more consideration than is likely to be given in the closing hours of this session. My own observation, which runs through two years in connection with the public lands, is that the great stealing which has been carried on under this Government has been through its land system, and a large portion has been through the homestead law. The trouble is not with the laws themselves. The homestead law, the pre-emption law, the timber-culture act are each and all wise and wholesome laws, but the trouble is in the execution of these laws. What we want is reform in the administration. The thing to be done, Mr. Speaker, is to turn the rascals out and put in honest men to see that these laws are enforced as they were intended to be and as they were in former times.

I desire to repeat what I said a few moments ago—that my investigation as to Estes Park showed that every acre of that land was taken from the Government without the payment of a single dollar. If it had been taken under the pre-emption law we would have received $1.25 per acre for the ten or twelve thousand acres in that park, but we never received a cent to pay even for the survey of the land. The same is true of the fine timber lands about Lake Tahoe, amounting to millions of acres. Not a dollar went into the Treasury for the purchase of those lands, but men of straw filed homestead claims, made the necessary affidavits, transferred their titles to the mill companies, timber merchants, land companies, and thus the frauds amounting to millions were perpetrated upon the Government.

I saw more than a million acres of timber land around Lake Tahoe, which were in possession of five companies, for which the Government never received one dollar, although the Government had paid for all the expenses connected with the surveys, and when I saw the lands about 1880 they would have brought under the hammer in cash at least $15 per acre.

[Here the hammer fell.]

Mr. VALENTINE. I yield now to the gentleman from Montana [Mr. MAGINNIS] for two minutes.

Mr. MAGINNIS. Mr. Speaker, the Committee on the Public Lands state that they urge the adoption of this measure for two reasons: First, because under the present land laws a settler, they say, can take advantage of three different laws; and secondly, on account of frauds claimed to be perpetrated under the homestead or pre-emption laws. These are the two reasons which they urge.

The proper answer to the suggestions made by the committee is, that if they simply want to confine a settler to one hundred and sixty acres of land instead of permitting him to take advantage of other land laws to acquire additional lands, all that is necessary for them to do here is to bring in a bill saying that the settler who has taken advantage of one of these acts and gets his one hundred and sixty acres of land shall not be entitled to the privileges of the other to acquire one hundred and sixty additional acres. That would cure that evil, which knocks the ground from under the committee on that proposition.

The next ground on which they propose to repeal this beneficent act made by our fathers in 1801, and under repeated Democratic administrations down to 1861, is on the ground of alleged or attempted fraud. Now, that there may be fraud committed under the act is very true; but why not amend the law so that these frauds can not be committed?

Would not that seem to be the more reasonable policy? And I would like to have people who talk about fraud take the report of the Commissioner of the General Land Office and point me to the case of one single conviction of any person, or any prosecution under that Commissioner or his agents, for any frauds committed under any of the land laws, which would have been the case if it was true, as they state, that their purpose is to prevent fraud.

Now, sir, there are hundreds and thousands of acres which can not

be taken up or entered upon for cultivation in these desert or arid lands——

Mr. PAYSON. Will the gentleman allow me a question?

Mr. MAGINNIS. No, sir; I can not yield for a question.

Under the desert-land act these arid lands, where there is no water, a man to make a settlement would have to build a ditch costing him $500 or $1,000 or $1,500 to convey the water to his farm and irrigate it. For the purpose of doing this he must have sufficient land to enable him to construct his ditch so that he may reclaim the land and make it valuable; otherwise it is worthless. I repeat, then, if there are frauds committed under the act, amend the act so as to prevent it. But if you repeal the laws in such manner as you propose you prevent settlement, and there is no way of getting title except through the railroad companies. This act should be entitled "An act in the interest of the cattle-kings and to double the price of railroad lands," which are the only lands settlers can buy if you pass this bill.

[Here the hammer fell.]

Mr. COBB. I now yield two minutes to my colleague from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I trust the House will not be deceived as to the matter in issue. It is a question between the disposition of what remains of the public lands, under the homestead law with proper amendments under this bill to secure its efficiency, or the disposition of your lands through agencies to speculators. I repeat, it is an issue between the disposition of what remains of your public land under the homestead law or to speculators upon the public lands; and no gentleman who has made the subject a study can entertain any doubt upon that point.

On the 21st day of January a year ago the gentleman from Nebraska, the gentleman from Kansas, the gentleman from Ohio, and others, declared in favor of the policy by their votes, and the House too with great unanimity, of securing what remained of the public lands to actual settlers under the homestead law. But yet gentlemen are here on the floor of the House insisting that the law under which we are assured by the Commissioner of the General Land Office 90 per cent. of all the frauds have been committed shall still remain in force. I appeal to the friends of the homestead law to stand by the Public Lands Committee; for that agency and that alone can put a stop to the enormous frauds by which you build up these great landed estates.

[Here the hammer fell.]

Mr. COBB. I will now yield two minutes to my colleague on the committee from Illinois [Mr. PAYSON].

The SPEAKER. The Chair thinks the time of the gentleman has been exhausted.

Mr. COBB. I thought I had five minutes of my time remaining and yielded two to my colleague from Indiana.

The SPEAKER. The Chair was under the impression that the gentleman had yielded to the gentleman from Ohio a portion of his time.

Mr. COBB. No, sir, I did not. That was yielded by the other side. I now yield two minutes to the gentleman from Illinois, and I would like to ask how much time I have remaining.

The SPEAKER. According to the statement of the gentleman from Indiana he has five minutes remaining.

Mr. PAYSON. This whole proposition may be very simply stated. The proposal in this bill is simply this and this alone: That the public domain which is yet remaining shall be disposed of only under the provisions of the homestead law and in quantities not exceeding one hundred and sixty acres to each individual, and existing law which conflicts with this scheme we propose to repeal. There is all there is of it.

The statement made by the gentleman from Nebraska [Mr. VALENTINE] that this legislation is in the interest of the cattle-kings in this country is his assertion alone. When gentlemen undertake to say here that frauds are not being perpetrated to any particular extent under the pre-emption law, let me say to those gentlemen that there has not been a sundry civil appropriation bill reported for the last four years that has contained an appropriation of less than $90,000 to ferret out these frauds.

Mr. STRAIT. Under the homestead law.

Mr. PAYSON. I deny it. It is under the pre-emption law, and the action recommended here by the Public Lands Committee has been recommended for the last four years by the Secretary of the Interior and the Commissioner of the General Land Office.

When my friend from Ohio [Mr. CONVERSE] says that the proper method is to turn the rascals out from this land, we of the Public Lands Committee say: "Let us lock the doors and keep the rascals out in the first instance."

What gentleman can stand here in the light of public sentiment and assert that the American people are in favor of the continuation of a scheme which allows the public lands to be taken by the thousands and thousands of acres by speculators to be sold afterward at an increased price to actual settlers? No man dares do that.

Mr. STRAIT. It does not do that.

Mr. PAYSON. It does do that.

Mr. PERKINS. The Commissioner of the General Land Office acknowledges under the homestead act frauds are perpetrated the same as under the pre-emption law.

Mr. PAYSON. Precisely, and we extend the provisions of the law to meet that.

The SPEAKER. The question is on the amendment of the gentleman from Indiana [Mr. COBB].

Mr. BUDD. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BUDD. During the discussion of this question the gentleman from Indiana [Mr. COBB], the chairman of the Committee on Public Lands, yielded to the House for any question that might be asked. I thereupon asked him the question, why on the 16th of this month, when the Committee on Public Lands was called for a motion to suspend the rules, as is shown by the Journal of that day, a copy of which I have, no such motion was made; and with the politeness which characterizes him he informed me it was none of my business. Thereupon the gentleman from California [Mr. HENLEY] answered the question, stating that they had no time. For the purpose of showing that it was my business, that it was the business of the House, and that they did have time, and that the committee was then called after an anti-monopoly speech by one of the members, I simply read from the Journal of the 16th.

The SPEAKER. The Chair does not see any question of personal privilege whatever. [Cries of "Regular order!"]

Mr. BUDD. I suppose it goes into the RECORD now, Mr. Speaker.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 891) granting a pension to Reuben J. Ebberman;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey;
A bill (H. R. 2538) granting a pension to Christiana Almier;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 2627) granting a pension to Noah Caton;
A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5374) granting a pension to Phillip Wiggins;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 6596) granting a pension to John Hazelwood;
A bill (H. R. 6798) granting a pension to Lloyd W. Hixon;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 6948) granting a pension to George Eagles;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
A bill (H. R. 7292) to increase the pension of Jacob Wiener;
A bill (H. R. 7373) for the relief Sarah A. Burchfield;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7769) granting pension to Joseph R. Dodds; and
A bill (H. R. 7869) granting a pension to Emeline L. Fitch.

PUBLIC LAND LAWS.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. COBB] to suspend the rules.

Mr. VALENTINE. I ask that the question be taken by tellers.

Mr. WASHBURN. I think we had better have the yeas and nays.

Mr. COBB. I wish to inquire of the Chair whether I have not some time remaining.

The SPEAKER. The gentleman from Indiana [Mr. COBB], having five minutes, yielded two minutes to the gentleman from Indiana [Mr. HOLMAN] and two to the gentleman from Illinois [Mr. PAYSON]; but the gentleman from Illinois occupied the whole time.

Mr. COBB. I did not yield the whole time to him.

Mr. PAYSON. I did not intend to take it.

The SPEAKER. The gentleman did take it, notwithstanding.

Mr. VALENTINE. Let us have tellers.

Tellers were ordered, more than one-fifth of a quorum voting therefor.

Mr. COBB. I think we may as well have the yeas and nays.

The SPEAKER. The gentleman from Indiana [Mr. COBB] demands the yeas and nays.

The yeas and nays were ordered, 57 members voting therefor.

The question was taken; and there were—yeas 166, nays 92, not voting 66; as follows:

YEAS—166.

Adams, J. J.	Ermentrout,	Lore,	Skinner, C. R.
Alexander,	Fiedler,	Lowry,	Skinner, T. G.
Ballentine,	Findlay,	McAdoo,	Smith, A. Herr
Barksdale,	Finerty,	McComas,	Spriggs,
Bayne,	Follett,	Matson,	Springer,
Beach,	Foran,	Maybury,	Stephenson,
Belmont,	Forney,	Millard,	Stevens,
Bland,	Garrison,	Miller, J. F.	Stewart, Charles
Blount,	Geddes,	Money,	Stockslager,
Breckinridge,	Gibson,	Moulton,	Storm,
Breitung,	Glascock,	Muldrow,	Sumner, D. H.
Buchanan,	Graves,	Murray,	Swope,
Buckner,	Green,	Mutchler,	Talbott,
Burleigh,	Guenther,	Nicholls,	Taylor, J. D.
Burnes,	Halsell,	Nutting,	Taylor, J. M.
Cabell,	Hardy,	Oates,	Thomas,
Caldwell,	Hatch, H. H.	O'Ferrall,	Thompson,
Campbell, J. E.	Hatch, W. H.	O'Hara,	Tillman,
Clardy,	Hemphill,	Parker,	Townshend,
Clay,	Henley,	Patton,	Tucker,
Clements,	Hewitt, A. S.	Payne,	Tully,
Cobb,	Hewitt, G. W.	Payson,	Turner, H. G.
Collins,	Hiscock,	Peel,	Turner, Oscar
Connolly,	Hobilitzell,	Phelps,	Vance,
Cook,	Holman,	Potter,	Van Eaton,
Cosgrove,	Holton,	Pryor,	Ward,
Covington,	Hopkins,	Randall,	Warner, A. J.
Cox, S. S.	Horr,	Reagan,	Warner, Richard
Cox, W. R.	Houseman,	Reed, T. B.	Washburn,
Crisp,	Hunt,	Reid, J. W.	Weaver,
Culberson, D. B.	Hutchins,	Riggs,	Wellborn,
Culbertson, W. W.	Johnson,	Robertson,	Wemple,
Dargan,	Jones, B. W.	Robinson, W. E.	Willis,
Davidson,	Jones, J. H.	Rockwell,	Wilson, W. L.
Davis, G. R.	Jones, J. K.	Rogers, J. H.	Winans, E. B.
Davis, L. H.	Jones, J. T.	Rogers, W. F.	Winans, John
Deuster,	Lacey,	Rosecrans,	Wise, G. D.
Dockery,	Lamb,	Rowell,	Worthington,
Dowd,	Lanham,	Russell,	Yaple,
Dunn,	Le Fevre,	Seney,	Young.
Eldredge,	Lewis,	Seymour,	
English,	Long,	Shively,	

NAYS—92.

Adams, G. E.	Dunham,	Kelley,	Post,
Aiken,	Elliott,	Kellogg,	Price,
Anderson,	Evans,	Kleiner,	Pusey,
Arnot,	Everhart,	Lawrence,	Ramsey,
Atkinson,	Ferrell,	Libbey,	Ray, G. W.
Bagley,	Funston,	Lovering,	Smalls,
Barr,	Goff,	Lyman,	Snyder,
Bouteille,	Greenleaf,	McCoid,	Spooner,
Bowen,	Hammond,	McCormick,	Steele,
Boyle,	Hanback,	McMillin,	Strait,
Brainerd,	Hardeman,	Miller, S. H.	Struble,
Bratton,	Harmer,	Mills,	Valentine,
Brewer, F. B.	Haynes,	Morgan,	Wadsworth,
Brown, W. W.	Henderson, T. J.	Morrill,	Wait,
Budd,	Hill,	Muller,	Wakefield,
Campbell, J. M.	Hitt,	Murphy,	Wallace,
Cannon,	Holmes,	Nelson,	Weller,
Carleton,	Houk,	O'Neill, Charles	White, Milo
Cassidy,	Howey,	Pierce,	Whiting,
Converse,	James,	Perkins,	Wilkins,
Davis, R. T.	Jeffords,	Peters,	Wolford,
Dibble,	Kean,	Pettibone,	Woodward,
Dixon,	Keifer,	Poland,	York.

NOT VOTING—66.

Barbour,	Cutcheon,	Ketcham,	Shaw,
Belford,	Dibrell,	King,	Singleton,
Bennett,	Dingley,	Laird,	Slocum,
Bingham,	Dorsheimer,	Milliken,	Smith, H. Y.
Bisbee,	Eaton,	Mitchell,	Stewart, J. W.
Blackburn,	Ellis,	Morrison,	Stone,
Blanchard,	Ellwood,	Morse,	Sumner, C. A.
Brewer, J. H.	Fyan,	Neece,	Taylor, E. B.
Broadhead,	George,	Ochiltree,	Throckmorton,
Browne, T. M.	Hancock,	O'Neill, J. J.	Van Alstyne,
Brumm,	Hart,	Paige,	White, J. D.
Campbell, Felix	Henderson, D. B.	Rankin,	Williams,
Candler,	Hepburn,	Ray, Ossian	Wilson, James
Chalmers,	Herbert,	Reese,	Wise, J. S.
Craig,	Hooper,	Rice,	Wood.
Cullen,	Hurd,	Robinson, J. S.	
Curtin,	Jordan,	Ryan,	

So the rules were not suspended.

The following-named gentlemen were announced from the Clerk's desk as paired until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.
Mr. SHAW with Mr. LAIRD.
Mr. RANKIN with Mr. KELLOGG.
Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.

The following were announced as paired for this day:

Mr. BLACKBURN with Mr. RYAN.
Mr. GEORGE with Mr. BLANCHARD.
Mr. NEECE with Mr. CUTCHEON.
Mr. DIBRELL with Mr. CULLEN.
Mr. CAMPBELL, of New York, with Mr. BRUMM.

The following were announced as paired on this vote:

Mr. BROWNE, of Indiana, with Mr. BISBEE.
Mr. O'NEILL, of Missouri, with Mr. WILSON.
Mr. BENNETT, and Mr. BREWER, of New Jersey, were announced as paired on this vote.

The result of the vote was announced as above stated, and was received with applause on the Republican side.

POST-OFFICE APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker——

Mr. TOWNSHEND. Mr. Speaker, I ask the gentleman from Pennsylvania [Mr. RANDALL] to yield to me for a moment while I make a request for unanimous consent to take from the Speaker's table the Post-Office appropriation bill and to refer it with the Senate amendments to the Committee on Appropriations.

There was no objection, and the bill with the Senate amendments was so referred.

FORTIFICATION APPROPRIATION BILL.

Mr. HANCOCK, from the Committee on Appropriations, reported a bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. VALENTINE. Mr. Speaker, I desire to reserve all points of order on that bill.

The SPEAKER. All points of order are reserved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The message also announced that the Senate had passed a joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

Also a bill (H. R. 48) to provide for the erection of a building to contain the records, library, and museum of the Medical Department of the United States Army.

The message also announced that the Senate had agreed to the amendments of the House to a bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL submitted the following resolution:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and consider the same for four hours, which time shall be occupied in debate on the clauses relating to the suspension of silver coinage and the World's Industrial and Cotton Exposition, three hours to be occupied on the first-named clause and one hour on the second, said time to be equally divided; and said bill shall be subject only to amendments to strike out or amend said clauses, after which the previous question shall be considered as ordered.

Mr. BLAND. I demand a second.

Mr. HAMMOND. I rise to a parliamentary inquiry. If this resolution be adopted can a point of order be made on the new legislation contained in this bill?

The SPEAKER. The Chair thinks not.

Mr. WARNER, of Ohio. I rise to a parliamentary question. If this resolution be adopted will more than a majority vote be required to pass the bill?

The SPEAKER. It will require a two-thirds vote to adopt this resolution; if it is adopted a majority vote, after the consideration of the bill in the manner provided, can pass it.

Mr. RYAN. Mr. Speaker, I rose for the purpose of demanding a second upon this proposition, and supposed that I was entitled to recognition in accordance with the usage of the House, which has been so long in existence as to have, I believe, almost the force of law.

The SPEAKER. The gentleman from Kansas [Mr. RYAN] applied to the Chair for recognition for this purpose. The Chair informed him that he had already been applied to in connection with this question, and had agreed to recognize the gentleman from Missouri [Mr. BLAND], the chairman of the Committee on Coinage, Weights, and Measures.

Mr. BLAND. The Committee on Appropriations had no jurisdiction to bring this subject of silver coinage before the House; it is a matter belonging to the Committee on Coinage, Weights, and Measures.

Mr. KEIFER. A number of members of the Committee on Appropriations are opposed to some features of this bill.

Mr. RYAN. I have made this point, with the greatest respect to the Chair, and the statement the Chair has just made is correct in every

particular; but it has been the practice of the House, so far as I am aware, on questions of this character to allow a division of the time between members of the committee. To this bill in its present form I am opposed, as are many other members of the committee on this side of the House.

Mr. RANDALL. I think I can obviate this difficulty, if I may be allowed to suggest that in the present condition of things the gentleman from Missouri be recognized to control the time in opposition to the coinage clause. For one, I am willing that there shall be, besides the four hours' debate, an additional half hour, to be under the control of members of the Committee on Appropriations who are opposed to this proposition.

Mr. TOWNSHEND. That is fair.

Mr. KEIFER. That changes the practice of the House.

The SPEAKER. The Chair will state the request of the gentleman from Pennsylvania [Mr. RANDALL]. The gentleman suggests that unanimous consent be given that this debate shall continue for one hour instead of thirty minutes——

Mr. RANDALL. No. The provision of the resolution states that there shall be three hours' debate as to the coinage clause, to be equally divided——

The SPEAKER. But the present difficulty is about the debate on the proposition now pending.

Mr. RANDALL. I make no suggestion about that.

The SPEAKER. The Chair misunderstood the gentleman.

Mr. RANDALL. My suggestion was designed to meet the difficulty suggested by the gentleman from Kansas [Mr. RYAN].

Mr. BLAND. As this subject of silver coinage belongs to the Committee on Coinage, Weights, and Measures, it is entirely proper that a representative of that committee should control the time in opposition to the proposition.

Mr. KEIFER and others addressed the Chair.

Mr. BLAND. Is debate now in order?

The SPEAKER. It is not; but, as the Chair understands, an attempt is being made to effect some arrangement.

Mr. KEIFER. The gentleman from Missouri [Mr. BLAND] insists upon claiming the recognition accorded him by the Chair.

The SPEAKER. The Chair understands that. But gentlemen have been making an effort (which the Chair was, of course, disposed to indulge and hoped might be successful) to make some arrangement.

Mr. MILLS. Let us have the regular order. We all understand this matter.

Mr. CANNON. If the gentleman from Missouri [Mr. BLAND] controls the time in opposition to this proposition, members of the Committee on Appropriations who are opposed to this bill will be, so far as I know, left without one minute of the fifteen.

The SPEAKER. But the gentleman from Pennsylvania [Mr. RANDALL] simply took the floor as an individual member of the House and moved this resolution. It is not a resolution reported from the Committee on Appropriations. Before the resolution was presented by the gentleman from Pennsylvania the Chair, upon application of the gentleman who is at the head of the Committee on Coinage, Weights, and Measures, informed him that he would recognize him to control the time in opposition to the motion.

Mr. KEIFER. This resolution is authorized by the committee.

Mr. RANDALL. I do not think the House clearly understood my proposition——

Mr. REAGAN. I object to any statement now.

Mr. BELFORD. I rise to a point of order. I submit that this resolution is just as bad as the section of the bill, inasmuch as its effect is to change existing legislation. We have now a law providing that so many silver dollars shall be coined each month. If this resolution be passed it makes a change in that respect.

The SPEAKER. The purpose of the resolution is to suspend the rules.

Mr. PAYSON. I rise to a parliamentary inquiry. Are all points of order reserved on this bill?

The SPEAKER. They were when the bill was reported. This is a proposition to suspend the rules and consider the bill.

Mr. PAYSON. If this resolution be adopted does it amount to a waiver of the point of order as to the suspension of the coinage of the silver dollar on the part of the House?

The SPEAKER. The Chair thinks it does.

Mr. SPRINGER. I suggest, by unanimous consent, fifteen minutes be allowed to the gentleman from Kansas, as this seems to be a three-cornered question.

Mr. COSGROVE. Can this resolution be divided so as to require the suspension on each proposition?

The SPEAKER. A motion to suspend the rule is not divisible.

Mr. RANDALL and Mr. BLAND were appointed as tellers.

The House divided; and there were—ayes 105, noes 89.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. BELFORD. When we come to a division of the time allowed I wish to know who has the right in this representative council of the nation to parcel out that time—whether it is to be done by the Speaker or some other gentleman who has not a silver mine in his State at all?

The SPEAKER. The practice has always been to give control of the time in opposition to the gentleman demanding a second and the time in support to the introducer of the proposition.

Mr. BELFORD (at 2 o'clock and 20 minutes p. m.) moved that the House adjourn.

The House divided; and there were—ayes 7, noes not counted.

So the House refused to adjourn.

Mr. RANDALL. I understood the gentleman from Ohio [Mr. KEIFER] desired some time at this point.

Mr. CANNON. He is not here, and I should be glad to have a minute or two.

FORTIFICATION BILL.

Mr. ELLIS. I ask consent at this time to present a substitute for the fortification bill reported this morning, in order that it may be before the House printed when that bill is brought up.

There was no objection, and it was ordered accordingly.

LIABILITY OF OWNERS OF VESSELS.

Mr. DUNN, by unanimous consent, from the Committee on Commerce, reported back favorably the bill (H. R. 8225) to amend and re-enact section 2249 of the Revised Statutes, relative to limitation of liability of the owners of vessels; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLAND. If the opening is imposed on this side will we not have the close of debate?

The SPEAKER. That is not provided for in the rule. Under the rules applicable to ordinary proceedings the gentleman introducing a proposition has a right to open and close debate. There is no rule about debate under a suspension of the rules.

Mr. RANDALL. The gentleman from Ohio [Mr. KEIFER] to whom I wish to yield is not in his seat, and for one I am willing to go at once to the question.

The SPEAKER. If nobody proposes to address the House [cries of "Vote!" "Vote!"], the question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the resolution.

Mr. CASSIDY, Mr. BELFORD, and Mr. MILLS demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HAMMOND. If this resolution be passed will it take a two-thirds vote or only a majority afterward to pass the silver clause or the clause in reference to the New Orleans Exposition?

The SPEAKER. The Chair has already stated that if this resolution be passed, which requires a vote of two-thirds, then the bill, whatever may be included in it, can be passed by a majority of the House.

The question was taken; and it was decided in the negative—yeas 118, nays 152, not voting 54; as follows:

YEAS—118.

Adams, G. E.	Dingley,	Hutchins,	Ranney,
Adams, J. J.	Dixon,	James,	Ray, G. W.
Arnot,	Dunham,	Johnson,	Reed, T. B.
Bagley,	Eaton,	Jones, B. W.	Rockwell,
Barbour,	Elliott,	Kean,	Rogers, W. F.
Barr,	Ellis,	Kelley,	Russell,
Bayne,	Ermentrout,	Ketcham,	Seymour,
Beach,	Evans,	Lacey,	Skinner, C. R.
Belmont,	Everhart,	Lawrence,	Smith, A. Herr
Bingham,	Ferrell,	Long,	Snyder,
Blabee,	Fiedler,	Lynan,	Spooner,
Boutelle,	Findlay,	McComas,	Spriggs,
Bowen,	Follett,	McCormick,	Steele,
Bratton,	Garrison,	Millard,	Stevens,
Brewer, F. B.	Greenleaf,	Miller, S. H.	Storm,
Brown, W. W.	Guenther,	Mitchell,	Strait,
Browne, T. M.	Hancock,	Morse,	Swope,
Buckner,	Hardy,	Moulton,	Talbott,
Burleigh,	Harmer,	Muller,	Tucker,
Campbell, J. M.	Hatch, H. H.	Mutchler,	Van Alstyne,
Collins,	Haynes,	Nutting,	Wadsworth,
Connolly,	Hewitt, A. S.	O'Neill, Charles	Wait,
Converse,	Hiscock,	Parker,	Washburn,
Cox, S. S.	Hill,	Payne,	Wemple,
Craig,	Hoblitzell,	Phelps,	White, Milo
Cullen,	Holton,	Poland,	Whiting,
Dargan,	Hopkins,	Post,	Winans, John
Davis, G. R.	Horr,	Potter,	Woodward.
Davis, R. T.	Howey,	Pusey,	
Deuster,	Hunt,	Randall,	

NAYS—152.

Aiken,	Budd,	Cox, W. R.	Geddes,
Alexander,	Burnes,	Culberson, D. B.	Gibson,
Anderson,	Cabell,	Davidson,	Glascock,
Atkinson,	Caldwell,	Davis, L. H.	Goff,
Ballentine,	Campbell, J. E.	Dibble,	Graves,
Barksdale,	Candler,	Dibrell,	Green,
Belford,	Cannon,	Dockery,	Halsell,
Bennett,	Carleton,	Dowd,	Hammond,
Blackburn,	Cassidy,	Dunn,	Hanback,
Bland,	Clardy,	Eldredge,	Hardeman,
Blount,	Clay,	Ellwood,	Hart,
Breckinridge,	Clements,	English,	Hatch, W. H.
Breitung,	Cobb,	Foran,	Hemphill,
Broadhead,	Cook,	Forney,	Henderson, T. J.
Buchanan,	Cosgrove,	Funston,	Henley,
Hepburn,	Maybury,	Reid, J. W.	Turner, H. G.
Herbert,	Miller, J. F.	Reese,	Turner, Oscar
Hewitt, G. W.	Milliken,	Riggs,	Vance,
Hill,	Mills,	Robertson,	Van Eaton,
Holman,	Money,	Rogers, J. H.	Wallace,
Holmes,	Morgan,	Rosecrans,	Ward,
Houk,	Muldrow,	Rowell,	Warner, A. J.
Houseman,	Murphy,	Ryan,	Warner, Richard
Jones, J. H.	Murray,	Seney,	Weaver,
Jones, J. K.	Nelson,	Shively,	Wellborn,
Jones, J. T.	Ochiltree,	Singleton,	Weller,
Keifer,	O'Ferrall,	Skinner, T. G.	White, J. D.
Kellogg,	O'Neill, J. J.	Smith, H. Y.	Wilkins,
Kleiner,	Patton,	Springer,	Willis,
Lamb,	Payson,	Stephenson,	Wilson, James
Lanham,	Peel,	Stewart, Charles	Wilson, W. L.
Le Fevre,	Perkins,	Stockslager,	Winans, E. B.
Lewis,	Peters,	Sumner, C. A.	Wise, G. D.
Lore,	Pettibone,	Sumner, D. H.	Wood,
Lovering,	Pierce,	Taylor, J. M.	Worthington,
Lowry,	Price,	Thomas,	Yaple,
McCold,	Pryor,	Tillman,	York,
Matson,	Reagan,	Tully,	Young.

NOT VOTING—54.

Blanchard,	Fyan,	Neece,	Stone,
Boyle,	George,	Nicholls,	Struble,
Brainerd,	Henderson, D. B.	Oates,	Taylor, E. B.
Brewer, J. H.	Hooper,	O'Hara,	Taylor, J. D.
Brumm,	Hurd,	Paige,	Thompson,
Campbell, Felix	Jeffords,	Rankin,	Throckmorton,
Chaliners,	Jordan,	Ray, Ossian	Townshend,
Covington,	King,	Rice,	Valentine,
Crisp,	Laird,	Robinson, J. S.	Wakefield,
Culbertson, W. W.	Libbey,	Robinson, W. E.	Williams,
Curtin,	McAdoo,	Shaw,	Wise, J. S.
Cutcheon,	McMillin,	Slocum,	Wolford.
Dorsheimer,	Morrill,	Smalls,	
Finerty,	Morrison,	Stewart, J. W.	

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

Mr. BLAND. I ask to dispense with the reading of the names.

Mr. WELLER. I object. This is a very important matter, and gentlemen should see that they are properly recorded.

The following additional pairs were announced:

Mr. WILLIAMS with Mr. OCHILTREE, for this day.

Mr. FYAN with Mr. BRAINERD, on this vote.

Mr. ROBINSON, of New York, with Mr. MORRILL, on this vote.

Mr. MCADOO with Mr. GEORGE, for to-day.

Mr. NICHOLLS with Mr. HOOPER.

Mr. TOWNSHEND with Mr. RAY, of New Hampshire.

Mr. RANKIN with Mr. STRUBLE, on this vote.

Mr. CRISP with Mr. STEWART, of Vermont, on all questions relating to the suspension of the coinage of silver in the sundry civil appropriation bill. Mr. STEWART would vote "ay," Mr. CRISP "no."

The result of the vote was then announced as above recorded. [Loud applause.]

Mr. RANDALL. Mr. Speaker, I would like to say a word if the House will allow it. [Cries of "Go ahead!"]

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania if there be no objection.

There was no objection.

Mr. RANDALL. Recognizing the significance of the vote which has just been taken, and knowing that the issue was distinctly made as against the silver clause of this bill, being aware also that a majority has declared against that proposition which under a direct vote to strike out would have carried, I therefore now assume to myself the responsibility, believing that the members of the Appropriations Committee if I had an opportunity to confer with them would unanimously sustain me, of proposing to move to suspend the rules in manner as has been stated in the resolution, with everything connected with suspension of coinage of silver eliminated from the bill and from the resolution. [Applause.]

Mr. MILLS. What becomes of the New Orleans proposition?

Mr. RANDALL. That is left in the bill.

Mr. RYAN and Mr. KEIFER demanded a second on the motion to suspend the rules.

The SPEAKER. The Chair will recognize the demand for a second, but will first endeavor to secure order on the floor. The Chair will inquire of the gentleman from Pennsylvania if it is his purpose to leave in the bill that portion of it relating to the New Orleans Exposition, and to modify the resolution so as to limit the time to one hour's discussion on that proposition, as contained in the original resolution?

Mr. RANDALL. That is the proposition. I do not attach any significance to the last vote as applying to that part of the bill.

Mr. SPRINGER. One hour will be ample on that proposition.

The SPEAKER. The resolution will be modified as suggested by the gentleman and will be read by the Clerk, on which the gentleman from Kansas demands a second.

Mr. WHITE, of Kentucky. I ask that the bill be read.

The SPEAKER. The bill is not before the House. This is simply a resolution, which will now be read.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House 8256, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and to consider the same for one hour, which time shall be occupied in debate on the clause relating to the World's Industrial and Cotton Exposition, said time to be equally divided; and said bill shall be subject only to amendment, to strike out, and amend said clause, after which the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania states that the silver clause in the bill will be omitted.

Mr. VALENTINE. Let the resolution so state.

Mr. RYAN. I desire the attention of the gentleman from Pennsylvania for a moment——

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The resolution of the gentleman alludes to this bill which I hold in my hand, and it makes no exception as to the silver clause which the bill contains. If, then, that resolution is passed will it not pass the silver clause with the bill?

The SPEAKER. The resolution passes nothing.

Mr. HAMMOND. But if that resolution passes then the silver clause will be a part of the bill and become as much a law as any other part of the bill if it should pass.

The SPEAKER. If passed by the House it would.

Mr. HAMMOND. Therefore I submit to the gentleman from Pennsylvania that he omit that clause from the bill.

The SPEAKER. The difficulty, the Chair thinks, can be obviated if the gentleman will add a clause to the resolution providing that the part of the bill relating to the coinage of silver shall be omitted.

Mr. KEIFER. That is stricken out.

Mr. HAMMOND. It is not stricken out. The gentleman speaks of striking it out, but it is a part of the bill referred to in his resolution.

Mr. RANDALL. I ask, then, consent to strike it from the bill.

Mr. KEIFER. Do it yourself and then offer it in that form.

Mr. RANDALL. I am willing to take any responsibility in the matter that may be necessary.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. PAYSON. I rise to a parliamentary inquiry. Is this bill before the House?

The SPEAKER. It is not; but the gentleman from Pennsylvania asks unanimous consent to make a certain modification.

Mr. PAYSON. Is it in order for the gentleman to make that motion?

The SPEAKER. It is, of course, by unanimous consent.

Mr. PAYSON. To strike out a provision not in the bill?

The SPEAKER. It is in the bill.

Mr. PAYSON. It is in for consideration. I am in favor of the motion the gentleman makes; but I want his motion made in such a shape that there can be no question in reference to it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to strike from the bill the lines to which he has referred.

Mr. HEPBURN. I object.

Mr. RANDALL. Then I embrace in the resolution the motion to strike out. I now modify the resolution so as to strike out those lines from the bill.

The SPEAKER. That will be done.

Mr. BLAND. That is satisfactory.

Mr. HEPBURN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I make the point of order that it is not competent for the gentleman from Pennsylvania to strike from this bill at this time these lines.

The SPEAKER. The gentleman from Pennsylvania has not done so or attempted to do it except by unanimous consent. That was objected to. He now embraces in his resolution a proposition which the Clerk will read.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. Res. 256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and consider the same for one hour, which time shall be occupied in debate on the clause relating to the World's Industrial and Cotton Centennial Exposition, said time to be equally divided; and said bill shall be subject only to amendments to strike out or amend the clause relating to the suspension of silver coinage and the clause——

Mr. RANDALL. That is not correct. I move to suspend the rules and consider this bill which I hold in my hand and now send to the desk; and these lines relating to the suspension of silver coinage are not in this bill.

Mr. HAMMOND. That is the way to do it.

Mr. WHITE, of Kentucky. On that I demand a second.

Mr. RANDALL. With the understanding that a separate vote will be taken on the clause relating to the New Orleans Exposition, and that thirty minutes for debate shall be allowed on each side.

Mr. HAMMOND. Then I understand that the portion of the bill from line 829 to line 841, inclusive, is stricken out.

Mr. RANDALL. Yes, sir; that is the bill I offer.

Mr. RYAN. I demand a second. But I desire the attention of the

chairman of the Committee on Appropriations for a moment to ask whether he is not willing to so modify his motion as to allow one hour's debate on each side on the exposition question?

Several MEMBERS. Oh, no.

Mr. RANDALL. If I thought that that would facilitate business I would consent.

Mr. RYAN. I think it will.

Mr. RANDALL. I consent.

Mr. BLOUNT. Do I understand correctly that the separate vote on the New Orleans Exposition is to be a majority vote?

Mr. RANDALL. Yes, sir. I modify my motion so that there shall be one hour on each side.

Mr. HOLMAN. Will the gentleman agree that other portions of the bill shall be subject to amendment without debate?

Mr. RANDALL. I can not. That would destroy the object I have in view in moving to suspend the rules, because it would practically open the bill to amendment. It is important that this bill should go to the Senate.

The SPEAKER. The Chair desires to state the question. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules and consider the bill which he has sent to the Clerk's desk, with the right of one hour's debate on each side on the clause relating to the World's Exposition at New Orleans and with the right to take a vote on striking out or amending that clause, to be decided by a majority.

Mr. KEIFER. Or to amend it.

Mr. RANDALL. Yes, sir; or to amend it.

Mr. RYAN. On that motion I demand a second.

Mr. WHITE, of Kentucky. I ask the gentleman in charge of the bill if he will not consent to allow some time for the consideration of the clause relating to the Yellowstone Park and the clause relating to marshals and bailiffs? It strikes me those two clauses ought to be amended.

Mr. RANDALL. I will be willing to give the gentleman from Kentucky five minutes of the fifteen allowed me under the rule in regard to a motion to suspend the rules.

The SPEAKER. A second has been demanded and the Chair will appoint tellers.

Mr. RYAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. Under the rule thirty minutes are allowed for debate—fifteen minutes on each side.

Mr. RANDALL. I yield five minutes to the gentleman from Kentucky [Mr. WHITE].

The SPEAKER. The Chair will state that under the rule there will be fifteen minutes for debate on each side of the motion to suspend the rules, and then after the vote is taken two hours of debate will be allowed on the proposition as to the New Orleans Exposition. The first debate is the thirty minutes' debate.

Mr. WHITE, of Kentucky. I find that the gentleman from Pennsylvania [Mr. RANDALL] and myself are not agreed as to what was understood when he promised to yield to me. The request I made, and which I thought was granted, was that I might discuss and move to amend the clause relating to the Yellowstone Park at line 1211, and also the clauses in regard to bailiffs and marshals at lines 1946 and 1997.

The SPEAKER. The gentleman from Pennsylvania did not agree to that.

Mr. RANDALL. I said I would give the gentleman from Kentucky five minutes to discuss this subject under the rule which allowed fifteen minutes on each side.

Mr. WHITE, of Kentucky. But I desire to amend.

The SPEAKER. The gentleman from Pennsylvania did not agree to that.

Mr. WHITE, of Kentucky. I understood the gentleman to agree, or I should certainly have contended for a division. If I am to occupy my five minutes in discussion, with no power of amendment as to those clauses, I shall occupy them in relation to the New Orleans matter. I think it is fair to have the clause relative to the New Orleans Exposition read, that the House may understand what it is.

The SPEAKER. The gentleman has the right.

Mr. WHITE. I do not desire, however, that it shall be read in my time.

The Clerk read the clause referred to, as follows:

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

For further aid to the World's Industrial and Cotton Centennial Exposition, $300,000, the same to be immediately available, and to be used first in liquidating the indebtedness now outstanding of said exposition, preference being given to such debts as constitute a lien upon the buildings and machinery on the exposition grounds; said sum to be disbursed under the direction of the Secretary of the Treasury.

The SPEAKER. The discussion under the rule allowing thirty minutes for debate will now begin.

Mr. WHITE, of Kentucky. Mr. Speaker, I regret that no opportunity has been offered to amend the clauses providing for bailiffs and marshals, and also the clause relating to the Yellowstone Park. But any talk on those subjects would result in nothing, as no amendment can be offered. I therefore shall occupy the remainder of my time in opposition to this clause appropriating $300,000 to the liquidation of the indebtedness of the New Orleans Exposition and to the payment of its preferred claims. We are called upon here to set a precedent for the Government to become security for the mismanagers of that great exposition. That it has been mismanaged the New Orleans papers themselves bear witness, by telling us of the meetings that have been held, of the resolutions that have been proposed, and have only been laid aside lest they should stop this appropriation.

In those resolutions we see the misappropriation of the money and the lack of confidence in the management of the funds. One gentleman speaking there—a gentleman who had a right to speak—tells us that the two millions and something over have been "dumped into the river." Here is a proposition for the benefit of preferred creditors. Who are the preferred creditors? Where are they? Are they in Pennsylvania? Are they in New York? Are they in Massachusetts? Are they in Kentucky, or are they in New Orleans? If we appropriate this $300,000, who will guarantee to us that at the end of the next three months there will not be an indebtedness of a million to be liquidated? Where is the guarantee that these are just claims even against the management of the exposition? How do we know that there is not a Credit Mobilier within that management? That the management has been bad everybody knows. That the show down there has not paid expenses everybody knows. The gate fees, except during the week of Mardi Gras, were not sufficient to pay the current expenses.

Will any gentleman rise on this floor and give us an itemized statement showing for what this $300,000 is to go? Will the Louisiana delegation, will the friends of the exhibition, tell us that? The exhibition might as well have been put way off on the frontier—you might as well have put it at Pierre, Dak., you might as well have had it at Bismarck, Dak., you might as well have held it at Seattle, in Washington Territory, as at New Orleans, and with as good a chance of its success. Then, think of the management of it! And above all, think of the disrespect that was shown the old Liberty Bell, when the chief traitor of this country was sent out to escort it.

A MEMBER on the Democratic side. Bah!

Mr. WHITE, of Kentucky. Oh, you may "bah." The majority on that side naturally "bah." I am speaking of what every one knows to be a fact. If the Liberty Bell were back in Pennsylvania, is there a gentleman from Louisiana here who believes it would be permitted to go to New Orleans again?

As a member on this floor, under oath, responsible to my constituents and my country, and exercising the right to say, so far as my vote goes, whether this money shall be taken from the Treasury or not, I say that I would like to know first where it is going and what it is for. I would like to know that these claims are honest. I would like to know that this is not setting a precedent under which you propose to sink millions in your show down there as you have already sunk millions in your Misisssippi project.

[Here the hammer fell.]

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has the floor.

Mr. RANDALL. Mr. Speaker, I do not desire to occupy any more of the time. If there be no objection we will go immediately to the debate as provided in the resolution.

The SPEAKER. That may be done unless some gentleman desires to occupy the fifteen minutes, or a portion of it, in opposition to the motion.

Mr. KELLEY. Mr. Speaker——

Mr. RANDALL. I yield to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, I desire to advocate this appropriation and to do it now on the threshold. I remember very well the morning on which the House appropriated the million dollars which we gave as a pledge of the good faith of the Government when it invited the nations of the world to take part in that exhibition and send their people to see the greatness of the Southern section of our country. I remember it, because I had heard that, owing to the recall of the money advanced by the Government to the great Centennial Exhibition, I would oppose any Government aid in this case, and, though suffering intense physical torture, loitered on the floor until the gentleman from Louisiana [Mr. ELLIS] would give me time to say that I bade the exposition Godspeed, that I wished well to every effort which might be made in its behalf, and that I did so regardless of whether the Government should ever receive back one cent of the million dollars I desired to see appropriated.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. KELLEY. I have but five minutes, and I propose to make my own speech and not that which the gentleman from Maine [Mr. MILLIKEN] would like me to make.

Mr. MILLIKEN. Possibly your speech will be just what I want.

Mr. KELLEY. Mr. Speaker, I propose to sustain and vote for this appropriation now, in like disregard of whether there has been mismanagement or whether there has been a failure to receive the patronage that was hoped for, or whether there is a prospect that even a dollar of the money will come back to the Treasury. Our faith is pledged to every nation of the world that this exhibition shall not fail in the midst of its career and for the want of Government support. We, sir, should remember where that exposition is, and what it has already done for the honor and the glory and the strength of our Republic. Northern men and Southern men of enterprise know each other better now than they probably ever have done since the Revolutionary war and the few years that succeeded it. They have become acquainted in fostering a great industrial enterprise to the glory of our country.

We are attempting to negotiate reciprocal treaties for the sake of promoting our trade——

[Here the hammer fell.]

Mr. KELLEY. I ask for a minute or two longer.

Mr. RANDALL. I give the gentleman three minutes more.

Mr. KELLEY. We are attempting to negotiate reciprocal treaties for the sake of promoting our trade, but I believe, in all honesty and sincerity, as the result of my familiarity with the industries of the country and of the manner in which, in these newer times, they are being interlaced, that this exhibition will do more to promote the harmony of our country, to strengthen our Government, and to advance our industries, than all the treaties that have been sent to the Senate, or that are under consideration by the executive department of the Government.

And I should fail to represent not only the wishes of my constituents but the great industrial energies of my State if I did not appeal to Congress to supplement the aid which it has already given to this exposition by giving that which is now tendered in this bill.

Mr. MILLS. Will the gentleman permit me to ask him a question before he takes his seat?

Mr. KELLEY. Certainly.

Mr. MILLS. If at that exposition at New Orleans you see many meritorious and desirable products of the labor of foreigners who should propose to exchange those articles for the products of the labor of our people, would you be willing to vote for a law which would remove the barriers and let us have that trade?

Mr. KELLEY. I will meet the gentleman at Philippi [laughter] or in the room of the Committee on Ways and Means just after the election of Speaker of the Forty-ninth Congress.

Mr. RYAN obtained the floor and said: I yield two minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I desire to protest against this method of passing under a suspension of the rules general appropriation bills carrying such amounts as this bill carries. If there is any matter upon which the care and vigilance of individual members of the House should be exercised under their responsibility to their constituents, it is upon the items of a bill like this. We are not sent here to waste our time in frivolous disputations upon unimportant matters or to vote for public buildings in advance of the need for them, and then when the last hours of the session come to excuse ourselves from scrutinizing the items of such bills as this in order that they may pass under a suspension of the rules on the ground of want of time, after time has been wantonly consumed and wasted. I claim, sir, that it is the duty of this House to sit here, if need be, day and night, and to go through with each and every one of these appropriation bills, discussing and understanding the items.

Why, sir, here is a bill carrying $22,000,000. It is a question of $22,000,000 of taxation. This money must all be taken by taxation from our constituents throughout the country. How are we to justify ourselves to them or to the country in the future if we repeat and confirm and make permanent as a practice in legislation that bills like this are to be passed upon in committee and practically in subcommittee, the body of the committee knowing nothing of the items, and then are to be brought in here and voted *in solido*. For one, sir, whatever others may do, I shall never vote in favor of passing an appropriation bill of this kind under suspension of the rules.

Mr. RYAN. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I shall vote for this bill as an entirety. It appropriates for the New Orleans Exposition $300,000. This is an absolute gift; the money will never be returned to the Government. In connection with the money already given this is a vast fund appropriated out of the Treasury of the country to carry on an enterprise of this character. I shall vote for this bill the more cheerfully because the gentleman from Michigan [Mr. HORR] will propose an amendment which will secure the payment to those who have just claims against this exposition. I desire to protect the interests of those individuals and to protect the honor of my Government. Yet I vote for this appropriation under protest; for I believe that the money already given has not been judiciously and properly expended in the management of this affair.

I regret for one reason that this bill is not subject to consideration in Committee of the Whole House on the state of the Union, because I find in it a provision for the sale of the arsenals at Allegheny, Pittsburgh, Augusta, Ga., Kennebec, Me., and Indianapolis—all proposed by the Committee on Appropriations and without any recommendation from the Committee on Military Affairs. There is some secret influence or some power behind the Secretary of War that impels him to make year after year these recommendations to Congress. What that influence is so far as the State of Pennsylvania is concerned I well know. It is an effort to grasp from the Government there a property worth $3,000,000 by a little coterie, a little ring, which wants to get that property without an equivalent compensation. The Secretary of War I acquit of all blame in this matter; for I know him to be a high-toned and honorable man; but I do know that he is being made the instrument of an infamous ring, which seeks to take this money from the Government.

That very ring sold a few years ago for $37,000 a property known as the marine-hospital property which was worth more than $100,000; and that ring went to a member of the ring itself and bought as a marine-hospital site for $30,000 a bare lot which was not worth $5,000. This legislation—unconsciously on the part of the Secretary of War, unconsciously on the part of the Committee on Appropriations—is calculated and intended to promote the object which this ring has in obtaining this vast property from the Government without giving for it adequate compensation.

Mr. RANDALL. My colleague [Mr. BAYNE] will allow me to say that the provision to which he refers is inserted in this bill after repeated recommendations from the Secretary of War.

Mr. BAYNE. I am aware of that.

Mr. MAGINNIS. The proposition has never been approved by the Committee on Military Affairs.

Mr. BAYNE. The proper committee to consider this question, as my colleague must admit——

Mr. RANDALL. I think there are proper safeguards thrown around this proposition. I do not believe for a moment that the Secretary of War would permit the sale of this property without obtaining for it the highest possible price.

Mr. BAYNE. I am satisfied the Secretary of War does not intend to do anything but what is right, but this is no time to sell this property at Pittsburgh, and it will be a great mistake if this proposition is permitted to become a law.

Mr. LONG. I ask unanimous consent to fill a blank on page 3 by inserting $225,000.

Mr. RANDALL. That is right.

Mr. LONG. It provides for the sale of the old court-house in Boston, and that fixes the minimum at which it will be sold.

There was no objection, and it was ordered accordingly.

Mr. BAYNE. Does this come out of my time?

The SPEAKER. The gentleman from Kansas is occupying the floor.

Mr. HISCOCK. Is this provision in reference to the New Orleans Exposition to be subject to amendment or not?

Mr. RYAN. Certainly it will be open to amendment. I will now yield for one minute of time to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I desire to say I voted against the former proposition, not upon the ground stated by the gentleman from Pennsylvania [Mr. RANDALL] on the silver question, but because I am opposed to passing an appropriation bill in this way under a suspension of the rules, and upon the ground so succinctly stated just now by the gentleman from New York [Mr. POTTER].

There are some things in this bill which I believe should not become the law, and there are many things not in the bill which, in my judgment, should be there. I believe it is unjust to the country. I believe it is unjust to the members of the House that the Committee on Appropriations should hold back a bill like this until the close of the session and then give the members of this House no opportunity to examine and discuss the different items in the bill.

Mr. RYAN. I now yield five minutes of my time to the gentleman from Maine.

Mr. REED, of Maine. Mr. Speaker, I do not propose to occupy five minutes, but I should feel I was doing injustice to this occasion if I did not repeat and reiterate what I said upon the passage of the last appropriation bill under suspension of the rules.

It seems to me, sir, that this is a most extraordinary spectacle. Here is a bill containing eighty-six pages and 2089 lines of printed matter and carrying $22,346,749.74, every word and line of which is to have no discussion and no vote except the $300,000 appropriation for the exposition at New Orleans.

Is that what the House of Representatives is for? Is that why we have been contending, a large number of us, for the right to originate appropriation bills—for the right to pass eighty-six pages of printed matter without examination, without reading, and without knowledge? Is this the way the business of this country ought to be carried on?

I am surprised that this preliminary time has been employed in advocating the exposition at New Orleans or discussing other matters of that kind. Every minute of it ought to be employed in commenting upon this.

Mr. LEWIS. Did not the gentleman vote for the suspension of the rules to put the silver clause in it?

Mr. REED, of Maine. I did, because I regarded it as a vote on the silver question, and for the same reason I may vote for this bill now. As I was about to explain, when the somewhat previous gentleman

from Louisiana interrupted me, I was about to say, one of the worst things about such a presentation is that it forces gentlemen to vote on this subject and become, as it were, *participes criminis* in its favor, because otherwise they may take upon themselves the responsibility of an extra session of Congress.

I say that is the worst part of the whole business that I am obliged to do what the gentleman from Louisiana has been kind enough to remind me I have done. It is because this House is placed in a few days before its close in such a condition that it can not review the public expenditures.

And another point of irritation with me is it comes from the hands of gentlemen who have reduced the function of this House almost entirely to auditing accounts. They have reduced us to this kind of business, and then they will not let us do this. Why surely the farce of this plan and system of the transaction of public business can not any further go.

We passed a deficiency bill carrying between three and four million dollars, but that was a mere bagatelle, and here is one that carries $20,000,000, and, rich as the United States is, it is a large sum.

Now I have made my complaint about the matter and I hope some explanation will be vouchsafed the House, seeing how extraordinary the circumstances are, and that some gentleman will give an explanation that will justify the action of the House.

Mr. RYAN. How much time have I remaining?

The SPEAKER. The gentleman has two minutes remaining.

Mr. RYAN. I will give one minute to my colleague [Mr. ANDERSON.]

Mr. ANDERSON. I will only occupy half a minute to say upon good authority, if this bill should reach the Senate by Saturday that body will have time to pass it. I do not want an extra session, but I do not want eight gentlemen, in whom I have great confidence—that eight gentlemen on the Appropriation Committee shall year after year, for last year they did the same thing—put the thumb-screws upon us, forcing us to suspend the rules and pass this bill. I will not vote to pass it, but on Saturday, after we have had a chance to consider the bill, I will be ready to vote on it.

Mr. RYAN. I concur in everthing that has been said in regard to the impropriety of passing a bill of this kind under a suspension of the rules. On the 9th day of this month I called the attention of the House to the peril which seemed to me to be imminent. It seemed to me then to be a physical impossibility almost to pass the appropriation bills in a regular and orderly way. It has already been developed to be a physical impossibility. It is apparent to me now, as it must be to everybody, that a bill of this character, covering eighty-five pages, covering appropriations for the entire domain of civil service, can not be considered under the five-minute rule in the Committee of the Whole House on the state of the Union without making it almost certain that we shall have to have the Forty-ninth Congress convened in extra session. It is for this reason that I yield my objections to passing a bill of this kind under a suspension of the rules. I do it to avoid a greater peril——

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, in season and out of season I have warned the House as chairman of the Committee on Appropriations that unless we had the right of way with our appropriation bills we were in danger of an extra session; and repeatedly the Committee on Appropriations has been denied the right of way in this House and voted down.

Now it is manifest by past experience that if this bill is to pass and go to the Senate in time to become a law before the 4th day of March we must proceed in the manner I have suggested.

In the Forty-seventh Congress, when we came to consider the sundry civil bill in detail, as gentlemen now propose or desire to have it done, it took eight days; and in the second session of that Congress it took six days. The question is, then, whether it shall pass in this way, or whether it shall not pass at all, with the consequences that will necessarily flow from it.

[Here the hammer fell.]

The SPEAKER. The time for general debate on the motion to suspend the rules has expired. There will be now two hours' debate upon the clause relating to the New Orleans Exposition.

Mr. KEIFER. That comes up after the suspension of the rules.

The SPEAKER. The Chair on examination of the original resolution finds that it was mistaken. The vote on the suspension of the rules will be first taken, and after that, if the bill shall be taken up for consideration, there will be two hours' debate.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know whether this would be the proper time to make the point of order that this New Orleans appropriation is not legitimately a part of this bill?

The SPEAKER. The bill is not before the House.

Mr. BISBEE. I ask unanimous consent to offer an amendment which I think the chairman of the committee will accept.

The SPEAKER. The Chair will repeat that the bill is not yet before the House. The first question is, Shall the rules be suspended and the bill taken up for consideration in accordance with the resolution that has been read?

Mr. RANDALL. I wish to say that I should not object to the amendment I understand the gentleman from Florida [Mr. BISBEE] proposes.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry. I desire to know if the rules are now suspended and we proceed to consider the bill, whether one part of that bill will be carried by a two-thirds vote and another by a majority?

The SPEAKER. There will be but one vote upon its passage. It will be acted upon as an entirety.

The question being taken on the motion to suspend the rules, there were, on a division—ayes 118, noes 38.

Mr. HEPBURN. I ask for the yeas and nays. Let us see how many gentleman are willing to put themselves on record on a yea-and-nay vote in favor of passing a bill of this character.

Mr. KEIFER. The bill is not being passed by this vote.

The SPEAKER. The gentleman demands the yeas and nays.

The yeas and nays were not ordered, 29 members only voting therefor.

So (no further count being demanded, two-thirds having voted in favor thereof) the rules were suspended and the resolution agreed to.

The SPEAKER. The Clerk will report the clause of the bill in relation to the World's Cotton Centennial Exposition.

Mr. BAYNE. I ask unanimous consent that lines 1417 to 1424, inclusive, be stricken out. I refer to those lines which give peremptory orders to the Secretary of War to sell certain arsenal property.

Mr. RANDALL. I have no such authority from the committee.

Mr. KEIFER. There is objection to that.

Mr. BISBEE. I ask unanimous consent to amend the bill from line 402, page 17, after the word "Georgia," to insert the words "Saint John's River, Florida." I understand the chairman of the committee has no objection to the amendment.

Mr. RANDALL. That was intended, I think, to be put into the bill. The money is appropriated for the lighting of that river, and of course it ought to be put in.

There being no objection, the amendment was incorporated in the bill.

Mr. ANDERSON. I wish to inquire whether it is in order to have the bill read?

The SPEAKER. Any gentleman can demand its reading before the vote is taken.

Mr. ANDERSON. Can it be called for after the debate?

The SPEAKER. At any time before the vote is taken.

Mr. RANDALL. I will throw no obstruction in the way of that.

Mr. THOMAS. I wish to make a parliamentary inquiry as to whether amendments can now be offered before the general debate begins?

The SPEAKER. The Chair thinks they can after this paragraph is read. Two hours are allowed for debate on this particular paragraph. The Chair thinks after the debate has closed amendments may be offered or they may be offered now.

Mr. THOMAS. Amendments may be offered to other sections of the bill?

The SPEAKER. No; only to the one section.

Mr. MILLIKEN. I ask unanimous consent to amend the bill by striking out all after the word "Indiana," in line 1422, and before the word "and" where it occurs the second time, being the following words:

And Kennebec arsenal, Maine.

Mr. RANDALL. The committee have not authorized me to accept such an amendment.

The SPEAKER. There is objection.

Mr. COX, of New York. I am requested to ask unananimous consent to insert at the end of line 2031 what I send to the desk.

The Clerk read as follows:

One chief page, Alvin H. Pickens, $900.

Mr. RANDALL. I have not the authority to accept that, although I think it is right. He is a good boy.

Mr. CONNOLLY. I object.

Mr. RANDALL. I think it is right, and it can be put on in the Senate.

Some time subsequently Mr. CONNOLLY withdrew the objection.

There being no further objection, the amendment was incorporated in the bill.

Mr. WHITE, of Kentucky. I desire now to make a point of order on this clause relating to this New Orleans Exposition.

The SPEAKER. The House by a two-thirds vote has directed the consideration of that.

Mr. WHITE, of Kentucky. I make the point of order that it is not germane to this bill, and that even if the rules have been suspended it must be considered under some parliamentary procedure. I therefore make the point of order that this proposition for New Orleans is for an expenditure not previously authorized by law, that it is not germane to the bill or appropriate to it, and consequently not in order.

The SPEAKER. The Chair has already ruled that the House has suspended the rules by a vote of two-thirds and directed this particular matter, by being specially mentioned, to be considered and voted

upon in the House, which of course precludes any question of order as to the right of the House to consider it.

Mr. HORR. Mr. Speaker, I rise for the purpose of calling the attention of the House to the clause in this bill which appropriates $300,000 in aid of the Cotton Exposition now being held in the city of New Orleans; and I desire to say to the members present that what I shall say to-day is in no spirit of enmity toward that exposition nor in any spirit of sectionalism. You will all remember that I did everything in my power to get the Congress of the United States at its last session to make the loan of $1,000,000, and the RECORD will bear me out that I went so far as to state that that loan should be made even if none of it should be repaid. But I wish to state to this House now, and I think I can prove it to the satisfaction of every member here, that the loan which we made at that time was obtained under false pretenses; that it was obtained upon statements that were claimed to be facts which are now admitted not to have been true. And I shall further prove to the House, I think, that the money already given has been expended in such a manner as not to warrant the appropriation of any more money to be expended by the men at present managing that exposition.

Now, Mr. Speaker, in the first place, every member on this floor will recollect that we voted the loan of $1,000,000 upon a direct assurance of the gentlemen in the vicinity of New Orleans—and they will not take it as an offense if I give their names—Mr. ELLIS, Mr. MONEY, and Mr. BRECKINRIDGE, all of whom assured the House that $700,000 had been raised by the people of New Orleans and vicinity, and had been actually paid in, and that they expected the city of New Orleans to give $100,000 in addition to that amount, and also that the State of Louisiana would donate another sum—$50,000, or perhaps $100,000.

Mr. Speaker, I know those gentlemen will not think for a moment that I claim or even insinuate that they misled the House purposely. There is not one of those three gentlemen whom I have named in whom I have not unbounded confidence as being men of honesty and honor. Mr. BLOUNT, of Georgia, and he will excuse me for naming him, pressed this question very hard upon those gentlemen, as the RECORD I have here before me will show. He asked them what guarantee he had that any amount had been subscribed or had been paid in. Mr. MONEY answered (I read from the RECORD of that date):

There are already $700,000 cash subscribed to this enterprise; and this sum is being increased day by day. In addition there are all the receipts of the exposition, the gate-money, and so on, which must be greater than the expenses.

Mr. BLOUNT said:

If the gentleman will allow me, I will ask the gentleman from Mississippi if $700,000 as a matter of fact has been paid in.

The gentleman's question was thus answered:

Mr. MONEY. I am told by the general director that is true.
Mr. ELLIS. Nearly $750,000, and increasing all the time.

Mr. BRECKINRIDGE further on stated the same thing.

Now if it is possible to make a statement more complete than that I am unable to conceive the language in which it can be done. Was that true? I have no doubt the managers of this enterprise told those gentlemen they had this amount raised. But what was the fact?

I have here the report of the general manager of this exposition made to the President of the United States. He shows that instead of $750,000 having been subscribed and paid in at that time there was in fact only $384,168 pledged at all; and that the $100,000 spoken of from New Orleans was afterward given and the $100,000 from the State of Louisiana was afterward donated, so that if the $750,000 had been paid in at that time as stated, the people of Louisiana would have raised from $900,000 to $950,000, instead of the $584,168 now claimed for them.

Ah, but stop! The city of New Orleans subscribed $100,000. Did she pay it? How? Why, I suppose in cash. On what condition, Mr. Speaker? On condition that the exposition should occupy a park belonging to the city of New Orleans, and that they should improve that park by a public building costing $50,000, and by underdraining and artificial lakes, &c. And this report of those gentlemen shows that while they got from New Orleans $100,000 they turned around and paid out for her benefit in improving this park over $130,000, so that New Orleans, instead of being out $100,000 for the purpose of inducing the people of this country to come within her city limits and make this great exhibition a success, has already got in improvements $30,000 more than she paid in. And Mr. Burke, the man who manages this thing, stated to our committee that the building the cost of which is a part of this $130,000 does not belong to the United States as security for the $1,000,000 loan, but belongs to the city of New Orleans.

Mr. POTTER. Has not the Government a lien on it?

Mr. HORR. We have no lien upon it. The arrangement was that it was to belong to the park and to be the property of the city of New Orleans. It is a part of the permanent improvement of the property belonging to the city.

Now then, Mr. Speaker, if these people—I will use the term I mean—had been honest with us and had raised the money they said they had, that exposition to-day would be on its feet and would not be here begging for a further appropriation to keep in it the breath of life. But what have they done with the money that we have given them? That is a conundrum. I defy any man to take their report and show what has been done with it except in a general indefinite way such as does not admit of any accuracy whatever or of any verification. They furnished to us a statement of their indebtedness. I will say to the members of this House that this exposition has had good success in getting into debt; the statements rendered leave no doubt as to that.

I hold in my hand a list of the stated amounts which they claim that they owe. It covers one hundred and fifty items, running from $6 up to $30,000 each.

Mr. HAMMOND. Will the gentleman allow me to ask him a question?

Mr. HORR. Yes, sir.

Mr. HAMMOND. How much of that is due in Pittsburgh, Pa.?

Mr. HORR. I will come to that immediately. They furnish another statement, Mr. Speaker, in which they attempt to show where this indebtedness is due. I wish to call the attention of the House to that statement, from which it appears that they owe in Saint Louis, Mo., $7,400; in Grand Rapids, Mich., $1,800; in New York, $10,300; in Boston, $1,200; in Baltimore, $2,500; in Newark, N. J., $5,000; in Pittsburgh, Pa., $76,500; in Ohio, mainly in Cincinnati, $45,700; in Chicago, $4,250. Then there are premiums awarded which are due mostly to parties living outside the State of Louisiana, $25,000, none of which have been paid. There is also due to the Electric Light Company $25,000. And then there is the broad statement that they owe in New Orleans and vicinity $164,772.

Now, it is utterly impossible for me to tell just how much of that is due to people in and about New Orleans. I have learned, however, that one item of a little over $7,000 is due to people living in Mobile, Ala. No account has been rendered that will enable us to tell how much money they have put into any particular building, but it must be evident to anybody who examines these accounts, as I have tried to do, that the bulk of this indebtedness is for the material purchased in the States outside of Louisiana, while the mangement owes but little for the work and material furnished by the people in and about New Orleans. They also bought a railroad which cost over $61,000. It is a road four or five miles long, and from all I can learn of little value after the exposition closes. This railroad, we are told, will be a part of the assets belonging to the United States as security for the $1,000,000 loan.

I find another trouble. When I come to take the items of the account rendered as to debts due outside of the State, I find that they do not correspond at all with the same items given in the general list. There is not on the two papers, so far as I can find, a single account that agrees with itself on both lists. As stated on one paper each item varies from $500 to $2,000 from the statement on the other paper. That leads me to fear that there is not any great accuracy even in these apparently official statements. Now, Mr. Speaker, what I complain of is this: We loaned to these people $1,000,000; it was done in good faith. We loaned it upon their statements to this House, through their general agent, that they had already raised $750,000, and would raise more. They come now and ask us for more money, saying that they are in debt, but they furnish no statement from which any man can get an intelligent idea of what has been done with the money they have already had, and they admit from the start that all that has been raised, including the donations from the city and State, is only $584,168. One thing, however, is clear and certain—they have managed to leave the men who furnished them with their roofing, with their shafting, with their iron and steel, with their chairs and their settees, and all their furniture; they have managed to leave all those men unpaid who furnished the material that has gone into the exposition buildings. They come to this House now and ask for $300,000 more; they ask for $500,000, but our committee has restricted them to $300,000, and they propose what? Why, that that money shall be distributed first on the debts that are a lien under the laws of the State of Louisiana. What does that mean? I will be frank. I fear it means that every man on the ground—living right there in New Orleans—will get his proportion of the $300,000, while the creditors in Pittsburgh, in Ohio, and all over the country where there is $204,000 at least, I think about $235,000 due, will not get a dollar.

Again, they leave the men who have taken their stock there, their cattle and their horses, their exhibits in general, from all parts of the United States on the promise that they should receive certain premiums if the quality of their goods entitled them to such premiums. The managers of this exposition have permitted these men to take their stock there and have made them awards of premiums, but have paid none of them. That is to say, the very men who have made the show a success, so far as the exhibits are concerned, have been to all the expense of getting their stock and wares there under a solemn promise of receiving certain premiums, have so far received simply an award but no money.

Mr. HAMMOND. Will the gentleman allow me to ask him a question for information only?

Mr. HORR. Certainly.

Mr. HAMMOND. This proposed preference is to be given to such debts as constitute a lien upon the buildings and machinery on the exposition grounds. Why does the gentleman say that that would exclude non-resident creditors? It would not under the laws of Georgia.

Mr. ELLIS. Nor would it under the laws of Louisiana; but I did not want to interrupt the gentleman.

Mr. HORR. I know nothing about the laws of Louisiana in that regard, although I have tried to learn them. But I find that laborers and men who furnish material who are right on the spot have an advantage in regard to payment. There is no doubt about that, is there?

Mr. ELLIS. The laborer and the material-man are paid first.

Mr. RANNEY. I wish to inquire whether in paying off the liens the lien on that building which is to belong to the city is to be paid?

Mr. HORR. I do not understand that there is any lien on that building. They have paid on that as they went along. There is no report of indebtedness on the city building. But, mark you, this matter as the bill now stands is left open to judicial decision. I am not acquainted with the lien laws of Louisiana; but I do know that up to this time those who are concerned in the management of this enterprise have succeeded in not paying these men from abroad; and my friend from Georgia well knows that a man from a distance is at a great disadvantage in enforcing even a lien. The amendment which I shall propose to this bill is intended to provide against all such difficulties; and I do not believe the gentleman from Louisiana will object to it.

Mark, Mr. Speaker, what Congress has already done for this exposition. We loaned it $1,000,000, every cent of which has gone into Louisiana, into these buildings and other expenses, they tell us. Secondly, we gave $300,000 on account of the exhibits that the United States Government has sent down there. Now if we give them $300,000 more that will make $1,600,000 that we have put into the lap of the people of New Orleans and vicinity. But that is not over one-third of what really goes there. Every man who pays his 50 cents at the gate leaves at least $3 or $4 at the hotels and other places in the city. If a man gets off with $3 or $4 per day he is lucky, in my judgment.

Now this whole amount aggregates several millions; and I say it is no more than fair that the American Congress, if it is going to contribute any more money, should see that it goes to pay the debts of the people who live abroad, the people away from this center, and who have to work at arms' length in order to get their pay, and leave the management to take care of their own people in New Orleans and vicinity.

I am aware that in saying this I am compelled to speak somewhat against the present management of that exposition. I have letters by the half hundred here telling me that the management is such as to absolutely preclude men from abroad from getting any money either for premiums or material; and among them all there is not a single writer who does not advise against paying any more money to the present management. Several of the gentlemen who came here asking for this appropriation said in so many words, "If you give this money, for God's sake give it so that it will do some good to the men who are now in trouble." The amendment which I propose to offer is as follows:

For the purpose of aiding the World's Industrial and Centennial Cotton Exposition, now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of $300,000, or so much thereof as may be necessary, to be immediately available, and to be used, first, in the payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations living and doing business outside of the State of Louisiana, including debts due to foreigners or foreign nations, and such as are due to States and Territories from said exposition.

Their statement shows that they owe Territories and States a little over $17,000. I propose that this shall be paid.

Secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition in accordance with lists of awards heretofore published.

This will take probably about $67,000. It will secure the payment to people who have taken their stock and material at great expense and gone down there to make the exhibition a success.

Said money—

I hope you will all give attention to this—

Said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such indebtedness; and the Secretary of War is hereby directed to detail to the assistance of the Secretary of the Treasury a paymaster of the regular Army, who shall carry out the instructions of the Secretary of the Treasury and disburse said funds in such manner as the Secretary of the Treasury shall prescribe.

Mr. ADAMS, of New York. What are the total liabilities?

Mr. HORR. The total liabilities are $436,080, but subject to a decrease, leaving actually about $346,000.

Mr. BAYNE. The gentleman will allow me to suggest that the mechanics' lien law of Louisiana gives preference to the workingman, who, if the contractor fails to pay him, may under the mechanics' lien law of that State file lien after lien, piling them up one after another; and thus this entire sum may be absorbed unless some such amendment as that proposed by the gentleman from Michigan shall be adopted.

Mr. WHITE, of Kentucky, Mr. ELLIS, and others, sought to interrupt Mr. HORR.

Mr. HORR. I can not yield. I want to close my remarks, because there are other gentlemen who wish to talk. I desire to say that from the best information I can get the indebtedness, after deducting cash on hand, is about $346,000.

The question may be asked why it is that these premiums have not been paid by the gate-money? For this simple reason: While the gate-money has been in excess of expenditures to the amount of quite a number of thousands of dollars——

Mr. LONG. The current expenditures.

Mr. HORR. I mean in excess of the current expenses, for several days, it turns out that in February last there was a loan effected, I do not recollect for how much.

Mr. LONG. Sixty thousand dollars.

Mr. HORR. Sixty thousand dollars, perhaps—and a lien was given on the gate-money to pay the parties who furnished the money in the city of New Orleans. So the exposition to-day is just in this fix: It is out of funds with the exception of gate-money receipts. The gate-money receipts are pledged to the parties there in New Orleans to pay for borrowed money. They owe outside of Louisiana, in my judgment, two hundred and thirty-five or two hundred and forty thousand dollars. Their premiums will amount to about $67,000.

Mr. ELLIS. Why does not the gentleman state that fairly. The impression he would leave on the House is that all the gate-money is pledged.

Mr. HORR. What is it?

Mr. ELLIS. State it fairly. The gentleman would leave the impression on the House that all the gate-money is pledged for debt there. That is the impression you leave, and you know it is not true.

Mr. HORR. What is not true? Did they not borrow the $60,000, and did they not pledge the gate-money as security for its payment?

Mr. ELLIS. There was $60,000 borrowed, and $18,000 has been paid back day by day, and since we received the statement $9,000 more; and that is the end of the business.

Mr. HORR. That is precisely what I tried to state.

Mr. ELLIS. No; you said the gate receipts were pledged to the indebtedness in New Orleans.

Mr. HORR. I said, or intended to say, that until the $60,000 were paid that indebtedness was a lien on those gate receipts.

Mr. ELLIS. I beg the gentleman's pardon.

Mr. HORR. Except for the payment of current expenses. That is the statement as it was made to me.

Mr. ELLIS. The record does not bear you out.

Mr. HORR. How much is pledged? Let us get at the facts. Let us understand this matter before we go on.

Mr. ELLIS. Sixty thousand dollars originally, and when we received the statement $18,000 had been repaid.

Mr. HORR. Well!

Mr. ELLIS. Since that it has been repaid under agreement at $1,000 a day, which makes twenty-five or twenty-six thousand dollars that have been paid.

Mr. HORR. Very well; they are not paying these debts outside of New Orleans or any premiums, are they, until the $60,000 shall all be repaid?

Mr. ELLIS. They are paying a special loan.

Mr. HORR. That is just what I said. The gentleman has taken three or four minutes of my time and he comes out just where I came out. We can not differ about the facts.

Mr. ELLIS. I will give you more out of my time.

Mr. HORR. I have stated it as it is. There is no use of trying to look at this in any other way than straight in the face.

Mr. ELLIS. The gentleman's statement was unlimited.

Mr. HORR. I stated that $60,000 was borrowed in New Orleans.

Mr. ELLIS. A temporary loan.

Mr. HORR. A temporary loan, if you please; but to secure its payment the managers pledged the gate-money, as I understood it—that is, all over and above the current expenses, which had to be taken out first. But to conclude: The exposition owes about $230,000 outside of the city of New Orleans for material furnished to put into these buildings. The premiums, if I mistake not, amount to $67,000. By my amendment I propose, if we give this money, we shall protect the parties who have been looking somewhat to the protection of the National Government by paying these premiums and leaving the gate-money, leaving the buildings, leaving everything to secure the people who live right around there and can protect themselves. My desire is to relieve the managers from embarrassment by paying all their outside debts and securing the payment of all their premiums.

I say this is a fair proposition and one which should be accepted in good faith by the members representing this exposition.

Mr. ELLIS. If they accept it, will the gentleman vote for the appropriation?

Mr. HORR. Yes, if you will make it so the money will go to these people. I will do it regretfully, but I will do it. Will you put it in the bill in that way?

Mr. ELLIS. I will see. [Laughter.]

Mr. HORR. Now, Mr. Speaker, I desire to yield five minutes, which is all I can spare, to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, in these five minutes I desire as well as I can to recall the House to what I said a year ago on this bill and to awaken it, if possible, to the dangers which lie before us in entering upon this policy. We were told here a year ago this was a loan for which sufficient precedent was found in the loan for the celebration of the one hundredth anniversary of the Declaration of Independence at

the city of Philadelphia in 1876. We were told there was no doubt this money would be paid back; we were assured with all the eloquence, earnestness, and persuasion of the honorable member from New Orleans [Mr. ELLIS] that we were in no danger of losing anything in loaning this money. It was not then the most important objection with me that we were to lose it, nor is it now that we are to lose what is given in this bill, but my objection lies in the fact that we are in this way entering upon a course which will overthrow and annihilate the principles of our Constitution.

It is changing this Government into one of patronage, converting the States and people of the United States into beneficiaries and supplicants. If it shall go on, it is introducing into the affairs of this Government, under control of political parties which from time to time may have possession of this Government and this Congress—it is introducing an element of influence, of patronage, and of destruction, I had almost said, of the fundamental principles of the Government itself.

This Government, sir, is one of prescribed and limited powers. To maintain and carry out these powers it may lay taxes and raise revenue, but beyond this it has no power to lay taxes, and can not lay them except in disregard and disobedience of our Constitution. It has no power to patronize States or the people of the States. Let it assume and exercise this power as governments of unlimited powers may and do exercise it, and the end of constitutional liberty is not distant.

Why, sir, if there is a doubtful State to be carried four years hence in some other part of this Union what are we to do but to get up another exposition and vote millions there to make the State solid? Can there be any doubt but that this element of patronage, this power to lay taxes and dispose of the public funds in this manner, so as to provide States with the ability to carry on such exhibitions as this, is an element that must undermine the very foundation of the Government itself if persisted in.

Sir, I said a year ago, and I repeat now, that there can be no justification for giving this amount of money that can not be urged with equal cogency and reason for almost every other State in this Union that we may want to carry four years from now for political reasons. Four years from now California's vote may be doubtful, and it will be said that if you inaugurate a great exposition there and let the light of our great commerce shine over the Pacific Sea and extend to the nations of the West we shall be promoting the growth of this country and exercising the constitutional power of the Government in promoting commerce. That argument can be made with equal reason in that instance as in the case now before us, and that argument will be, if the eloquent and able member from Pennsylvania [Mr. KELLEY] shall then be here, in the exact line of the eloquent persuasiveness with which he addresses this House to-day.

Now, sir, I protest if we are to give this money at all, that with equal reason and justice we may be called upon to do the same thing in every seaport in this land. Ay! we may be called upon to grant the same at Buffalo, upon the lakes, upon the Pacific shore, and throughout all the States of the country, introducing this as a new element in the government of our country. I regret to see it entered upon under Democratic auspices and by a Democratic Congress. I regret to see this Congress introduce the doctrine that we may lay taxes upon the people of this country in order to provide money to bestow favors where it pleases the administration and the power that has charge of the Treasury of the nation to bestow them.

[Here the hammer fell].

Mr. HORR. I now yield five minutes to the gentleman from Illinois [Mr. ELLWOOD].

Mr. ELLWOOD. Mr. Speaker, my object in taking the floor to make a few remarks is simply to prepare the way for an amendment which I shall propose to offer at the proper time. As the gentleman who has just occupied the floor has said, from a statement made here by that committee at New Orleans, that they had raised $750,000, this House was induced to appropriate in aid of that exposition the sum of $1,000,000.

I do not hesitate to say, sir, for one moment that had it not been for the fact, as we were assured, that $750,000 had been raised by donation this House never would have appropriated a million of dollars for any such purpose. Now on a statement of that sort that a donation of that amount had been made this Congress, as I have said, appropriated $1,000,000. That money was appropriated with certain conditions. It was appropriated with the understanding in the first place that $750,000 had been raised, and with the million of dollars appropriated by this House should be used to erect buildings not to exceed in cost that amount, and for this reason that when these building were completed they would be free from indebtedness. More than that, right in the act itself of the first session of this Congress they make another reservation, that all the receipts from that exposition above the legitimate expenses are to be given to liquidate the indebtedness of the Government loan.

Now, Mr. Speaker, I make this point, that right in the face and eyes of that provision of law this board of managers has created an indebtedness that they had no right to create, and have enlarged and extended the fraud by pledging the very receipts for its payment that had been already pledged to this Government. For fear that this fraud would be perpetrated upon the Government, the House required the directors of the exposition to give a bond that this money should be judiciously invested according to the act passed at that time; and I propose to offer a resolution here with reference to that bond.

I am no lawyer, but I state this fact without fear of contradiction, that the bond as given under the statute as it now stands, that no indebtedness should be made over and above the donation of $1,000,000, and then this indebtedness created by them against the very surplus that was to pay that loan, that these bondsmen have not done their duty and should be held liable for the $300,000 of the bond. My idea is, then, that we collect the $300,000 and pay these premiums if necessary. I do not care, sir, to take up the time of the House, but I shall move an amendment at the proper time and at the right point, that a committee of three members, on which I will not accept a position, shall be appointed to investigate this whole transaction and report to this House previous to the 10th day of December. When that report is made, if we ought to pay any more for that exposition—if we are to be defrauded out of any more money—let us appropriate it when that report gives us the facts.

Mr. HORR. I now yield three minutes to the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. I desire to occupy the attention of the House but for a single moment. If I thought this additional appropriation would make the exposition a success I would not oppose the measure. But I do not believe at this stage and at this season of the year that there is sufficient money in the national Treasury to make the exposition a success.

I hold in my hand a letter written by an exhibitor, one of the leading citizens of my State, who has been present at that exposition from the commencement, representing one of the largest industries of this country, and he gives briefly the reasons why the exposition can not be made a success by any appropriation or by any action on the part of Congress. I ask, in order that the House may be possessed of the facts, that this letter be read. I make it a part of my remarks.

The Clerk commenced to read the letter sent up by Mr. MILLARD, which is as follows:

NEW ORLEANS, LA., *February* 3, 1885.

Hon. STEPHEN C. MILLARD,
House of Representatives, Washington, D. C.:

* * * * * * *

I do not now propose to ask of you a favor which if granted will interest me more than any citizen of the United States generally.

I have been in attendance at this New Orleans Exposition since early in December last. I have been a close and careful observer of the manner in which it has been managed and mismanaged. It now seems that the present board of management have run their full length. All moneys placed in their hands so far have been disposed of. I do not know, but I assume that it has been properly and honestly disbursed. They are also in debt to the amount of nearly $400,000. Neither buildings nor grounds are completed, and they have insufficient means to light the building or furnish power to run the machinery already in place, to say nothing about a very large quantity of heavy machinery not yet placed and ready to be operated. The means of conveyance to and from the grounds by horse-cars and steamboats is insufficient to handle a sufficient number of visitors to even pay running expenses, besides being slow, tedious, and unsatisfactory in the extreme.

* * * * * * *

While there are many interested largely in the exposition, still hoping that it may be carried through to success, I am satisfied that the great majority of the heaviest exhibitors would be more than glad if they could honorably withdraw within the next twenty days under the most favorable circumstances which can now be looked for. Scarcely one can be found who would not use all the means at command to have it closed at once rather than that Congress should attempt to bolster it up by putting more money in the hands of the present management.

In my humble opinion (and I believe that will be found to differ but slightly, if at all, with the opinion of every honest and intelligent man here having knowledge of the situation), but one course can be pursued at this late day in order to set the great circus on its feet again and achieve even a partial success.

The present management must be compelled to give an accurate and exact accounting, as far as in their power, and surrender the entire control over to the Government of the United States.

At least $500,000 must be forthcoming for immediate use; the best man in the United States be placed in charge, with full power to push everything to completion at once, to arrange with Southern railroads for rates to visitors not to exceed 1 cent per mile, and thus restore confidence to exhibitors, citizens of New Orleans, and to the people of the United States.

Within the next twenty days rapid transit must be provided between the principal part of the city and the exposition, sufficient to handle at least 30,000 visitors daily in addition to the present mule-cars and river boats, which are insufficient to handle more visitors than are required to pay running expenses, saying nothing about the tediousness and great disconfort of this means of transit.

This is what should have been done nearly two months ago, and in fact there is some reason for doubting the propriety of trying to recover at all at this late day. Still if prompt and decisive action is taken at once, I have every reason to believe that there are so many people throughout the United States who ought and would under the new state of things come here and pay their money at the gates of the exposition, as to enable the Government to pay all outstanding claims, in addition to running expenses, and also get back the greater portion of the moneys advanced. As things are, if no help is given, not a dollar of the debt will ever be paid, and the Government can not hope for the return of a single cent of the original loan. Unless a change of some kind is made for the better, I doubt whether running expenses can be met with the daily receipts from this time on, certainly not after the 1st of March.

If the management can not be taken entirely out of the hands of the present board at once, and the requisite funds be forthcoming and an entire revolution worked within the next twenty days, it would be far better that the whole thing go into the hands of a receiver at once, and exhibitors allowed to withdraw their exhibits and go home.

I trust that you will deem this a matter of no little importance, and do what

you can to prevent the Government from being imposed upon in this connection.

If I can get away from here before Congress adjourns will see you at Washington.

Sincerely, yours.

Before the reading of the letter was concluded,

The SPEAKER *pro tempore* said: The time of the gentleman has expired.

Mr. HORR. I yield one minute more for the Clerk to continue the reading.

The Clerk continued the reading of the letter. Before he had concluded,

The SPEAKER *pro tempore* said: The extension of time has expired.

Mr. HUTCHINS. What is the date of that letter?

The CLERK. February 3, 1885.

Mr. MILLARD. I ask that the whole of the letter be printed in the RECORD.

There was no objection.

Mr. HORR. I now yield five minutes to the gentleman from Georgia [Mr. HAMMOND], and I desire to reserve the rest of my time until I hear what may be said on the other side.

Mr. HAMMOND. The gentleman from Pennsylvania [Mr. RANDALL] has also promised to give me three minutes, and has agreed that I may use that time now. I may not desire to use the eight minutes, but I ask that the gavel shall not fall if I trespass up to that limit.

When the proposition was originally made, with very much doubt as to its propriety, but relying on the promises then made and the representations before me, I voted for the loan of the $1,000,000. I shall not vote for this $300,000. All the reasons for my not doing so I can not give. Some of them have already been given, though not just in the form in which I would present them.

The honorable gentleman from Pennsylvania [Mr. KELLEY] announced that he was in favor of the proposition, to save the national honor. I began to watch the development to find wherein the national honor was involved. But there has been no word uttered that has made any such impression upon my mind. The honor of this nation will be intact whether that $76,000 due to Pittsburgh shall be paid or whether it shall take what it can find in the assets of the company with all the other debts.

This is not a proposition to protect national honor. The debate here shows just the contrary. That is the first appearance of it, but only the first appearance. The proposition urged here by the gentleman from Michigan [Mr. HORR] is that it is settled that the United States will undertake to pay the debts which this corporation may be unable to pay. The contest is between the local creditors and the foreign creditors. I know no authority for paying either. Gentlemen who sold their wares from Ohio and Pennsylvania and New York to that corporation sold them as they sell goods to other corporations and persons and took all the risk of insolvency in the debtor and of bad collection laws in the locality.

Mr. BAYNE. Will my friend from Georgia yield for a question?

Mr. HAMMOND. I can not yield.

Mr. BAYNE. I can disabuse the gentleman's mind of that impression.

Mr. HAMMOND. I can not yield. The contest here, they say, is as to who shall have this money after the $300,000 shall be appropriated. If I were going to make choice in that particular I should give it to the laborers who put together the machinery and who built the houses and who beautified the grounds, even though they may live in and around New Orleans. But I will tell the gentleman they do not all live there. That city did not furnish and could not furnish the force for this great work. They have come from all parts of the country to reap the daily reward of their toil, and those day-laborers should be preferred in this instance just as they are preferred in the lien laws of my State and your States, where, in the last resort, when but few debts can be paid, there is a just discrimination between those who can not afford to lose and those who can afford to lose.

I desire to say before I close one other thing. The gentleman from Pennsylvania [Mr. RANDALL] perhaps was correct in his declaration as to the sentiment of this House on the silver question. And yet he had no authority to assign the reasons of any gentleman voting but his own. These two propositions of silver coinage and this $300,000 were coupled together when that vote was cast. Many various reasons influenced different persons in that vote.

I desire to say one other word. The gentleman from Maine [Mr. REED] painted in colors not at all too strong the bad practice of passing appropriation bills under a suspension of the rules. But he did paint entirely too strongly the reasons which he thought impelled the bad practice to-day. I may be pardoned for saying (for I have had a large part of the suffering while I was a witness in that chair for the past two weeks) a word as to the reason why there is now no time to legislate in the regular way.

Mr. HORR. I understand the gentleman is now talking in the time of the gentleman from Pennsylvania.

Mr. HAMMOND. I am, and I am talking against your side of the House on the left of the Chair that wasted so much time on the river and harbor bill. I do not believe that I could utter a sentiment which will more cordially receive the indorsement of every honest man than the one I have just uttered.

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired.

Mr. HAMMOND. It is a good time to quit, with that last sentence.

Mr. HORR. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman has five minutes of the hour remaining. The gentleman from Ohio [Mr. FOLLETT] is recognized.

Mr. FOLLETT. Mr. Speaker, the proposition now before Congress is not an original proposition for the making of an appropriation in aid of the New Orleans Exposition, nor did it originate with this Congress. By an act of the Forty-seventh Congress the Government was fully committed to this matter, and I desire now to call attention to certain passages of that act. After the "whereases" I find this:

Be it enacted that a World's Industrial and Cotton Centennial Exposition be held in the year 1884 under the joint auspices of the United States Government, the National Cotton Planters' Association of America, and the city where it may be located.

Then it provides that the management of this exposition shall be appointed by the President of the United States upon the recommendation of these two boards; so that the management of the exposition are officers provided for by act of Congress. What more did Congress do? In the ninth section of the act it is provided that the President be "requested to send, in the name of the United States, invitations to other governments to be represented and take part in said World's Industrial and Cotton Centennial Exposition, to be held in some city of the United States to be hereafter selected."

Mr. REED, of Maine. Will the gentleman permit a word?

Mr. FOLLETT. Certainly.

Mr. REED, of Maine. I desire to say to the gentleman that the debate at the time when that bill passed shows that it passed under assurances from the promoters that the exposition should be without expense to the Government; and I can produce the debate.

Mr. FOLLETT. Whatever the assurances were, that is the law, and in that act the Government of the United States is committed to this exposition and its honor is committed by the invitation to the other nations of the world, as well as to our own States and Territories, to participate in that exposition. We sent those invitations abroad, and to-day there are twenty-nine foreign governments which have exhibits in that exposition; and the Republic of Mexico, our nearest neighbor, has expended over $500,000 in connection with the exposition.

Mr. HISCOCK. May I ask the gentleman a question?

Mr. FOLLETT. Certainly.

Mr. HISCOCK. If we discharge our obligations to those foreign nations, why have we not done all that is required of us?

Mr. LONG. There are no obligations.

Mr. HISCOCK (to Mr. FOLLETT). What are our obligations?

Mr. LONG. We owe them nothing.

Mr. FOLLETT. No money obligation, but the obligation of good faith on our part to make this exhibition what we represented to them it should be when they incurred this expenditure in coming to our shores and advising us of their products.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. FOLLETT. No; I can not stop; I have not time. What more have we done? There are forty-six States and Territories represented there. Every State and Territory of the Union, with the single exception of Utah, has an exhibit at that exposition, and those exhibits have been prepared and sent there, of course, at large expense. In yesterday's Ohio papers I find a little report made by the speaker of the Ohio house of representatives, who has recently visited the exposition. There was a charge in Ohio (as there is upon the floors of Congress) that there had been bad faith, maladministration. It was alleged that men who had been intrusted with the representation of their States and Territories had violated their trusts. Thereupon the Legislature of Ohio (just as the gentleman from Michigan [Mr. HORR] is doing here to-day with reference to the management of the exposition) discredited the management of the Ohio commissioners and their good faith in the expenditure of the money which the State of Ohio had appropriated and which was still further to be appropriated, for $47,500 was asked as an additional amount. The speaker of the house of representatives went to the exposition for the purpose of satisfying himself, and this is what he says, as reported in the Ohio papers:

The report had been pretty generally circulated that the money expended by the Ohio commissioners to make the display had not been judiciously handled, and as the speaker had had the appointment of a portion of the commission, he wanted to be satisfied that he had not been imposed upon in the confidence he had reposed in the members of the commission which he had selected. The speaker is of the opinion that the five days which he spent at New Orleans were the most profitable of the time which he has given to the State. His statement before the conference committee in regard to the item of $47,500 in the appropriation bill for the New Orleans Exposition will, no doubt, result in a settlement of all differences between the two houses on this subject.

Now, Mr. Speaker, Ohio is not alone in this, nor has Ohio the largest or the most expensive display in that exposition. As I have said, forty-six States and Territories are there represented, and the $5,000 allowed

by the management of the exposition to each State and Territory is but a mere fraction of the expenses which they have incurred. The management of this exposition have met with obstacles that no human foresight could have anticipted. For sixty days after the exposition was opened there were incessant rains, such as even New Orleans had never known before. Those rainy days have but just closed. The 9th day of February was the first day that the gate receipts equaled the expenditures, and this was not from any fault of the management; for I insist that the management has not only been honest—its showing will satisfy any business man who gives the matter attention that it has been not simply honest, but economical to the very last degree.

I have here a few figures in the way of comparison between the New Orleans Exposition and that at Philadelphia; and there is not one who has visited the two expositions who does not admit that the exposition at New Orleans is much larger in its proportions than was the exposition at Philadelphia. I will read a few of these figures. At Philadelphia there were twenty-five States and Territories that made exhibits; in New Orleans there are forty-six. In Philadelphia the area of space for State exhibits was 21,711 square feet; in New Orleans there are 327,198 square feet. In Philadelphia the cost of buildings was $5,242,295; in New Orleans $989,211—less than one-fifth of the cost of the buildings at Philadelphia. In Philadelphia the cost of fitting up the grounds, of which my friend from Michigan has spoken so eloquently, was $922,780; in New Orleans $130,803. So I could go through with this comparison from beginning to end, showing that it is largely in favor of the management of the New Orleans Exposition, while at the same time the Philadelphia exposition was under the control and management of an honored citizen of my own city, Cincinnati, who was supposed by reason of his prior experience to have a peculiar fitness for that work.

I take the liberty of incorporating in my remarks these comparative statistics in full:

Twenty-five States and Territories were represented at Philadelphia, and only a few of that number by exhibits, the representation being chiefly by buildings for headquarters. Forty-six States and Territories (all except Utah) are represented at New Orleans by very full collective exhibits of their natural resources. Space occupied by State exhibits at Philadelphia, 21,711 square feet; at New Orleans, 327,198 square feet—an area fifteen times greater at New Orleans than at Philadelphia; proving most conclusively the value of expositions to the States and Territories.

CONSTRUCTION.

Cost of buildings at Philadelphia, $5,242,295; at New Orleans, $989,211. The construction at Philadelphia was principally of iron, designed with a view to ornament and safety. The construction at New Orleans was designed for ornament and area, with extraordinary precautions and appliances for safety.

IMPROVEMENT OF GROUNDS.

The cost of preparing the grounds at Philadelphia, such as grading, drainage, bridges, fences, &c., amounted to $922,782; at New Orleans the cost was but one-seventh that sum, or only $130,803. This includes the expense of drainage, canals, and pipes, gravel and shell roads and walks, excavations for three artificial lakes, extensive asphalt walks, fountains, planting eight thousand ornamental and forest trees, &c.

Motive power at Philadelphia, 2,440 horse-power; at New Orleans, 5,937 horse-power. Nineteen hundred horse-power is required at New Orleans to light the buildings and grounds by electricity, a power that was not required at the centennial, which was held before lighting with electricity had come into practical use.

ELECTRIC LIGHTS.

There were none at Philadelphia. At New Orleans there are 4,000 electric incandescent lamps, 1,380 electric arc lamps, 5 electric towers, 73 dynamos. Motive power for electric light, 1,900 horse-power.

TELEPHONES.

At New Orleans the exposition grounds and buildings are connected with each other and the city by telephone, there being twenty-four stations at the exposition itself. This system of communication had not come into practical use in 1876.

MACHINERY EXHIBITS.

At the centennial the space actually occupied by machinery was 527,528 square feet; at New Orleans the total space occupied by machinery is a trifle larger, being 533,800 square feet.

MISCELLANEOUS CONTRASTS.

The magnitude and economy of the World's Exposition may be further illustrated by the following comparisons:

	Philadelphia.	New Orleans.
Fruit display ... number of plates	12,000	25,000
Cold storage ... square feet	.....	11,100
Artificial-ice machine ... tons daily	.....	5
Steam-pipe ... feet	6,268	31,750
Shafting ... do	5,870	11,430
Shafting ... cost	$25,785	$24,000
Machinery department ... do	$278,963	$244,411
Elevators for passengers ... number	1	26
Terminal agency transportation and installation ... cost	$286,527	$160,090
Expense of commission and board of finance	$505,987	$95,725
Press advertising and printing	$81,871	$64,235
Awards including medals	$343,374	$100,000

There will be some expense to and at New Orleans for installation, expense of management, and printing for the remaining three months.

AREA OF OFFICIAL BUILDINGS.

	Philadelphia.	New Orleans.
Main building and annexes ... square feet	994,182	1,722,600
Machinery hall ... do	504,720	.....
Government and State exhibit building ... do	.....	618,825
Agricultural hall ... do	442,800	.....
Government building ... do	102,840	.....
Principal buildings ... do	2,044,542	2,370,825
Total official buildings ... do	2,505,789	2,726,305

Average cost of construction, 37 cents per square foot at New Orleans; 68 acres covered by roof; length of buildings, 7,351 feet.

INTERNATIONAL EXHIBITIONS—AREA IN SQUARE FEET COVERED BY PRINCIPAL BUILDINGS.

New Orleans	2,370,825
Philadelphia	2,044,542
London, 1862	1,400,000
Crystal Palace, 1851	989,804
Louisville, 1883-1884	677,400
Paris, 1855	545,934
Paris, 1878	456,923
Vienna, 1873	430,500
Atlanta, 1881	107,590

SPANISH-AMERICAN EXHIBITS.

	Philadelphia.	New Orleans.
San Salvador	.....	288
Venezuela	.....	576
Costa Rica	.....	627
Guatemala	.....	1,440
Honduras	.....	2,184
Mexico	6,867	41,952
Chili	3,424	.....
Argentine Republic	2,861	.....
Peru	1,464	.....
Total square feet	14,314	46,967

Mexico has a large exhibit in horticultural hall and two extensive buildings of her own, covering 35,840 square feet of space, one intended for her national headquarters, the other an iron and glass octagonal building for her mineral display.

Chili and Peru would have been represented but for recent disturbances in their respective countries.

The total foreign annual commerce, exports and imports combined, of the countries named below is as follows:

Mexico	$65,000,000
Five Central American republics	24,428,000
Nine South American republics	348,646,000
Total fifteen republics	428,074,000

United States controls but $63,636,000, or less than one-sixth part of this commerce.

Now I wish to call attention to the law which was passed last winter. Gentlemen say that law was passed upon the assurance that $750,000 should be paid in. Why, sir, the law itself shows upon what assurance this money was to be paid by the Government. It was to be paid by the Secretary of the Treasury "upon being satisfied that $500,000 had been contributed and paid in." This had to be shown to the satisfaction of the Secretary of the Treasury. Not a dollar could be paid out to the New Orleans Exposition until the Secretary of the Treasury was satisfied that New Orleans had done what in the law we said she ought to do to entitle her to this appropriation.

Mr. HORR. Was not that $500,000 to be——

Mr. FOLLETT. Let me read the language of the law itself. I am not construing it:

Provided, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the World's Industrial and Cotton Centennial Exposition authorized by order of said board, one-third of the amount immediately after the passage of this act upon being satisfied that $500,000 has been contributed and paid in to the said board for the purposes of the exposition by the contributors to and shareholders of the World's Industrial and Cotton Centennial Exposition, and the remainder in four monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act, and for this purpose he shall have free access to the accounts and all transactions of said board.

That is the law.

Mr. HORR. But that was to be paid exclusively of the donations——

Mr. FOLLETT. Whatever may have been the gentleman's reason or any gentleman's reason in voting at that time, "thus saith the law" for which they voted; and the law concludes the man who voted for its passage.

Mr. HORR. Now let me ask whether that was not understood to be $500,000 over and above the donations from New Orleans and the State of Louisiana?

Mr. FOLLETT. Not at all. If so, how could the Secretary of the Treasury have paid over the money? He could not make payment until satisfied that the law had been complied with.

Mr. HORR. If that is not so, how came gentlemen to talk about $750,000 all the while in the debate?

Mr. FOLLETT. It is a matter of utter unconcern to me what may have been the assurance given by the friends of the measure that more than this $500,000 would be contributed from other sources. All that Congress asked of them, all that the law required of them, was the contribution of $500,000.

[Here the hammer fell.]

I append to my remarks the acts of February 10, 1883, and May 21, 1884, on this subject:

An act to encourage the holding of a world's industrial and cotton centennial exposition in the year 1884.

Whereas it is desirable to encourage for celebration the one hundredth anniversary of the production, manufacture, and commerce of cotton, by holding, in the year 1884, in some city of the Union, to be selected by the executive committee of the National Cotton Planters' Association of America, an institution for the public welfare, incorporated under the laws of Mississippi, a world's industrial and cotton centennial exposition, to be held under the joint auspices of the United States, the said National Cotton Planters' Association of America, and of the city in which it may be located, and in which cotton in all its conditions of culture and manufacture will be the chief exhibit, but which is designed also to include all arts, manufactures, and products of the soil and mine; and

Whereas such an exhibition should be national and international in its character, in which the people of this country and other parts of the world who are interested in the subject should participate, it should have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a world's industrial and cotton centennial exposition be held in the year 1884, under the joint auspices of the United States Government, the National Cotton Planters' Association of America, and the city where it may be located.

SEC. 2. That the President of the United States may, upon the recommendation of the executive committee of the National Cotton Planters' Association of America, appoint six United States commissioners, and upon the recommendation of the majority of subscribers to the enterprise in the city where it may be located, may appoint seven United States commissioners, who, together, shall constitute a board of managers of said world's industrial and cotton centennial exposition.

SEC. 3. That the President of the United States may, on the recommendation of the governors of the various States and Territories of the Union, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

SEC. 4. That all of said commissioners shall be appointed within one year from the passage of this act.

SEC. 5. That the said board of management shall hold its meetings in such city as may be selected for the location of the said exposition by the National Cotton Planters' Association of America as aforesaid, and that a majority of said board of management shall have full power to make all needful rules and regulations for its government.

SEC. 6. That said board of management shall report to the President of the United States a suitable date for opening and closing the exposition; a schedule of appropriate ceremonies for opening or dedicating the same, and such other matters as in their judgment may be deemed important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any of the expenses attending such exhibition, or by reason of the same.

SEC. 8. That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exposition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held, and such board of management shall communicate to the diplomatic representatives of all nations copies of the same and a copy of this act, together with such regulations as may be adopted by said board of management, for publication in their respective countries.

SEC. 9. That the President be requested to send, in the name of the United States, invitations to the governments of other nations to be represented and take part in said world's industrial and cotton centennial exposition, to be held in some city of the United States to be hereafter selected as aforesaid.

SEC. 10. That medals with appropriate devices, emblems, and inscriptions, commemorative of said world's industrial and cotton centennial exposition, and of the awards to be made to exhibitors thereat, be prepared at some mint of the United States, for the said board of management, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States, shall apply to the medals struck and issued under this act.

SEC. 11. That all articles which shall be imported for the sole purpose of exhibition at the said world's industrial and cotton centennial exposition, to be held in the year 1884, shall be admitted without the payment of duty, or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States, or withdrawn for consumption therein at any time after such importation, shall be subject to the duties, if any are imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles, and against the persons who may be guilty of such withdrawal or sale.

Approved February 10, 1883.

An act to make a loan to aid in the celebration of the world's industrial and cotton centennial exposition.

Whereas by the act of Congress entitled "An act to encourage the holding of a world's industrial and cotton centennial exposition in the year 1884," approved February 10, 1883, in the city of New Orleans, under the joint auspices of the United States, the National Cotton Planters' Association of America, and the said city of New Orleans, a world's industrial and cotton centennial exposition is to be held, universal in character, comprehending all arts, manufactures, and products of the soil and mine; and

Whereas by said act Congress declares that such exposition should be national and international in its character; and

Whereas under said act a board of management has been duly constituted and incorporated under the laws of the State of Louisiana, the members of which have been appointed by the President of the United States, upon recommendations made in the manner set forth in said act, and therefore are a duly qualified and commissioned United States board of management, clothed with full and adequate powers to perform any and all acts essential to the proper and necessary management of the affairs of the said world's industrial and cotton centennial exposition in the manner and form prescribed by said act, and duly authorized by the sanction of the Government of the United States to raise the capital necessary to carry into effect the provisions of said act of February 10, 1883; and

Whereas the President of the United States, in compliance with the terms and requirements of said act, has extended, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the said international exposition; and

Whereas the preparations designed by the world's industrial and cotton centennial exposition, and in part executed by the board of management, are in accordance with the spirit of the act of Congress relating thereto, and are on a scale creditable to the Government and the people of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the world's industrial and cotton centennial exposition, to be used and employed by the board of management thereof to augment and enhance the success of the world's industrial and cotton centennial exposition in such manner as said board of management may determine and in accordance with the provisions of this act: *Provided*, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the world's industrial and cotton centennial exposition authorized by order of said board, one-third of the amount immediately after the passage of this act upon being satisfied that $500,000 has been contributed and paid in to the said board for the purposes of the exposition by the contributors to, and shareholders of the world's industrial and cotton centennial exposition, and the remainder in four monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act, and for this purpose he shall have free access to the accounts and all transactions of said board: *Provided further*, That no greater amount shall be expended or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in, by the subscribers to the capital stock and by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the World's Industrial and Cotton Centennial Exposition, or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space to be determined by the President of the United States for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president, secretary, and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for: *And provided further*, That the receipt of the loan herein made or any part thereof by said board of management shall be a full acceptance of all the trusts, conditions, provisions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Louisiana and designated as "The World's Industrial Cotton Centennial Exposition."

Approved, May 21 1884.

Mr. RANDALL. I yield to the gentleman from Ohio [Mr. KEIFER] for five minutes.

Mr. KEIFER. Mr. Speaker, we have done a great deal for this World's Fair and Cotton Exposition at New Orleans, but in doing what we have in the way of a loan of a million of dollars to that fair and afterward $300,000 to get up an exhibition, we have done the very thing expected in connection with our partnership arrangement which was previously made, and we have done the very thing which binds us, not legally, because the Government of the United States is never bound legally, but with the strongest kind of moral obligation, to do something more. And the doubt in my mind, Mr. Speaker, is how we are to do that thing. We have induced most of the civilized nations of the world to send exhibits to this world's fair, and we owe an obligation in a large degree to these nations of the world—we owe it to them to see that this exhibition or world's fair shall not be a failure.

Ay, Mr. Speaker, we owe something more, and that is to the dignity and greatness of the United States, that this fair shall be a success. We can not afford to degrade our national character in this matter by stepping aside at this moment and letting the creditors seize the property belonging to the exhibition and put an end to it in disgrace and humiliation not only to the management at New Orleans, but to the whole of the United States. We owe it to the individual States and Territories of this country, all of whom have been induced to send exhibits at large expense to this fair—done of course in their own interests, but with the understanding that the President of the United States had proclaimed to the people of the United States, ay, and to the people of the whole world, that there was to be a fair there, and it was to be sustained and maintained by the United States.

I have listened, Mr. Speaker, to the representatives of some of the States of this nation who have spent much time at this world's fair; I have listened to their appeal for help to sustain the dignity of the country and the various interests centered in that fair. The great educational exhibit down there is said to be worth to America—and if it goes mostly to the South all the better—worth to the United States all that has been put into it. It has been furnished by the people who have gathered it all over the country, some of it separate exhibits of States, and others supplied by the United States, all being concentrated there and made valuable to this country and perhaps to the world.

The SPEAKER. The gentleman's time has expired.

Mr. KEIFER. If I had more time I had many other things to say.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I want in the outset of my remarks, which will be very brief, to state that I intend to vote for the passage of this bill under a suspension of the rules; but I desire now to invite the recollection of the House, and those members who were here a few Congresses ago, and especially yourself, Mr. Speaker (Mr. COX, of New York, in the chair), to the vote upon the proposition for a loan to the Centennial Exposition in Philadelphia in 1876. It will be remembered, after the bill passed allowing us $1,500,000 as a loan to that great enterprise, which culminated in a world-wide success, that a year or two afterward another bill passed Congress by which that loan was exacted from the men who had originated that great exposition, and it was repaid, every dollar of it, to the Federal Treasury.

Now, sir, I simply desire to refer to that fact, and I regard this as a most appropriate occasion for doing so. I stand here as a representative in part of the great city of Philadelphia, with the full knowledge that I can not go back to my constituents having voted against this proposition. I, with my colleagues on this floor, represent a community generous and liberal in the extreme, and particularly so in all matters pertaining to the great industries of our country. We represent constituents filled with pride of the country and its resources, and we represent constituencies and citizens who are alive to enterprise and alive to progress, as is fully shown in the history of this country; and hence I shall vote for this proposition.

I should fail in my duty to them if I voted in opposition to it, although, in fact, and as a measure of justice to those who so liberally expended their private means to make the Philadelphia exposition of 1876 a success, I should be glad to see adopted an amendment providing—

That whenever it is ascertained that the loan of $1,000,000 and the additional loan of $300,000 is not to be repaid by the World's Cotton Exposition at New Orleans, then this loan of $1,500,000 which was made to the Centennial Exposition at Philadelphia, and the payment of which was exacted, shall be considered due and payable to the finance commission of the said Centennial Exposition at Philadelphia.

That would be only an equitable proposition, and it is one that I hope the sense of justice of the Government will one day approve.

But, sir, I shall not do anything here that will jeopardize the passage of this measure. If this House is not yet prepared to do this act of justice to my constituents, I shall still feel it my duty to support the appropriation for the New Orleans Exposition. This Government has lent its aid to that enterprise. All the States of our Union and the great nations of the earth have accepted the invitation to participate and have sent on their exhibits. Shall we now withdraw, and have disastrous failure if not national disgrace to follow?

Permit me to say, sir, that Philadelphia was the originator of this great exposition business. The enterprise and public spirit of Philadelphia originated the Centennial Exposition, which for six months in the year 1876—from May 10 of that year, when the exposition was opened, until the 10th day of November, when it was closed—enabled us to illustrate to the country and to illustrate to the world the progress, the enterprise, the industry, and the wealth of this country side by side with the exhibitions of foreign nations; and we were permitted in that manner to show to them that American ingenuity and American genius were equal and superior in many respects to the ingenuity, enterprise, and progress of the nations of the Old World.

I want to state this, sir, in behalf of this great manufacturing commercial center of Philadelphia. It is due to that city and to its enterprising people that these facts should be kept before the country. I want also to mention here that the three hundred contributors that went to New Orleans and who are there to-day from Pennsylvania and from the city of Philadelphia are there to enable the country and the world to see something of the wonderful resources of that State and of that city which I in part represent. Those people, the people who honor me by sending me here to occupy a seat in this Hall, would not indorse my action did I not vote to extend this further assistance of $300,000; and if it be necessary to give it away, as well as to give away the million of dollars that we appropriated a short time ago to New Orleans, even in the face of the fact that Philadelphia was required at the completion of her great exposition to return the million and a half of dollars that the Government had given for that purpose, I would still feel it my duty to support it, and know that they will indorse and justify my action in doing so.

[Here the hammer fell.]

Mr. LORE. Mr. Speaker, when the original proposition was before the House for the loan of $1,000,000 to aid the New Orleans Exposition I offered an amendment that a bond should be executed conditioned for the unconditional repayment of that money. This House voted a loan of $1,000,000 for the exposition. Without that $1,000,000 there would be no exposition, and the nations of Europe and the nations of South America and our sister States in the Union would not have been induced to take their exhibits to New Orleans at a large expenditure of money and time and at great sacrifice to themselves.

That gift and the countenance this Government gave to the exposition made it possible that it should be held. Now, if I understand the situation, without this additional appropriation of $300,000 for its support the exposition will fail. The question now presents itself by thus inviting these people, by thus creating that which would not have been without Federal aid, do we not become a party to deception, to the procurement of goods under false pretenses?

Mr. FINDLAY (from his seat). The exposition of goods.

Mr. LORE. My friend suggests the exposition of goods. Yes; we procured the exposition of such goods by such pretenses. I did not believe the original loan wise, nor would I support a like appropriation if it were a new proposition. But the honor and faith of the nation is now pledged, and we can not without national disgrace now withhold this aid. I shall vote for the appropriation on these grounds.

Mr. RUSSELL. Mr. Chairman, the value and importance to our people and to the country of a world's exposition like the one at Philadelphia in 1876 and the one now going on at New Orleans can not be estimated by thousands or hundreds of thousands of dollars. There is going on in all the leading countries of the globe new inventions and progress in the fields of art, agriculture, and manufacture. Sometimes one country and sometimes another is in advance in some branch of industry, and these great expositions, bringing the products and handiwork of all nations together in competitive exhibition, at once enlighten and stimulate the whole people to greater progress.

Our exposition in 1876 not only inspired our established industries to renewed energy and effort in improvement, but new branches of industry were established, and have since prospered and have given employment to our artisans and added wealth to the country. I am willing, therefore, to vote additional aid to the New Orleans Exposition provided it is restricted to the conditions proposed by the gentleman from Michigan [Mr. HORR]. It is right and proper that the creditors who live at long distances from the institution and have received no pay whatever should be made special creditors so far as this donation is concerned.

Mr. MILLIKEN. What right have we to pay these claims any more than to pay the creditors of any one else or to pay my debts?

Mr. RUSSELL. As the gentleman from Ohio has well said, the national honor is involved.

Mr. MILLIKEN. What assurance have we that this sum will pay the bills and maintain the national honor?

Mr. RUSSELL. We must meet the emergency as it is presented to us. With the restriction provided for in the amendment of the gentleman from Michigan [Mr. HORR] we know it goes so far as it may in liquidating existing claims.

Their experience, so far as their financial condition is concerned, is the experience of every other like scheme, or I may say the experience of almost every undertaking of magnitude. It is difficult in an exposition of this kind to estimate the full cost, there are so many elements of uncertainty. In fact, in any large enterprise they seldom keep the expenditures within the first estimate. If the amendment of the gentleman from Michigan [Mr. HORR] is accepted I shall vote to donate the $300,000 recommended by the committee.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. ELLIS] is entitled to the floor.

Mr. ELLIS. I understand the gentleman from Michigan [Mr. HORR] will now occupy the remainder of his time.

Mr. HORR. Mr. Speaker, I wish to say in the few moments left me that in my effort to divert this money to a fixed channel I simply sought to do what I believed will best serve the interests of the people, who have the good of this exposition at heart.

I wish to say, Mr. Speaker, that I have in my pocket letters from several men who have property on exhibition down there. One man writes me that he has paid in getting his horses to that exhibition $930; that he has been awarded over $1,600 premiums, not one cent of which can be realized, and that he is in trouble for means to remove his property and get it home, unless some provision is made for the payment of these premiums.

I want it well understood by this House that I do not claim we are ever going to get the $1,000,000 back that we loaned. We did not look for it. I might further say that a proposition was made to the management that is now in charge of that exposition to take the entire property and raise this $300,000, and that the Government release the $1,000,000 to them and give them the whole property if they would do that and let the Government get clear from this out. That proposition was rejected, for the simple reason, I suppose, of their inability to raise that amount of money which is needed now to go on with the enterprise.

I shall make this proposition as a substitute for the section; but if there is objection on the part of some of my friends on this side of the House, I shall submit it in such a form that the money shall be paid through an agent of the Secretary of the Treasury, detailed by the Secretary of the Treasury, instead of an Army officer. I am satisfied to make that amendment. All I want is that this money shall be paid to the parties who have been induced to go there from all over the United States in the payment of the premiums and the indebtedness so that they shall get their pay; otherwise I can not vote for the proposition.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HORR. I offer my amendment.

The SPEAKER. The gentleman from Louisiana has twenty minutes to close debate.

Mr. ELLIS addressed the committee. [See Appendix.]

Mr. ELLIS. I yield the remainder of my time to the gentleman from Pennsylvania if he desires it.

Mr. O'NEILL, of Pennsylvania. In view of what I have said I desire to offer an amendment to the amendment of the gentleman from Michigan [Mr. HORR]. I do not want any one to conclude I am not in favor of voting this $300,000.

The SPEAKER. Under the rule of the House the time for debate is now closed.

Mr. RANDALL. I have a suggestion to make, and that is that gentlemen who desire to submit amendments will send them up to be printed in the RECORD, and then that after the bill has been read the House will adjourn. I recognize the fact that many members of the House were here until midnight last night, and we now have been in continuous session for seven hours. I think it is nothing but reasonable to make this order.

Mr. O'NEILL, of Pennsylvania. Let us vote on the amendments.

Mr. RANDALL. That can not be done, as many members have gone away.

The SPEAKER. The gentleman from Pennsylvania suggests that members having amendments to offer will submit them so they may be printed in the RECORD for information and then the bill will be read, after which the House will stand adjourned.

There was no objection, and it was ordered accordingly.

Mr. ELLIS. It is of course understood that all points of order are reserved.

Mr. O'HARA. Can amendments be offered outside of this measure?

The SPEAKER. Only by unanimous consent. The amendments will be printed in the RECORD for information.

Mr. ELLIS. To save all rights I reserve all points of order.

The SPEAKER. The amendments are not now offered, but are sent up to be printed in the RECORD for the information of the House.

The following amendments were submitted under the order of the House:

By Mr. HORR, as follows:

For the purpose of aiding the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of $300,000, but so much thereof as may be necessary, to be immediately available, and to be used first in payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations living and doing business outside of the State of Louisiana, including debts due to foreigners or foreign nations and such as are due to States and Territories from said exposition; secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition in accordance with the lists of awards heretofore published; said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such indebtedness, and shall detail a proper agent of his Department to disburse said funds as directed by said Secretary, who shall make a detailed statement of his transactions to the Treasury Department.

By Mr. POTTER, as follows:

Strike out from the commencement of line 2034 to the end of line 2041, inclusive.

By Mr. GEORGE D. WISE, as follows:

In line 2022, after the word "Smith," strike out "assistant librarian" and insert "and Asher Barnett, assistant librarians;" and in line 2025, after the word "dollars," insert "each;" so that it will read: "To pay William H. Smith and Asher Barnett, assistant librarians, House of Representatives, for additional services during the first and second sessions of the Forty-eighth Congress, $650 each."

By Mr. ELLWOOD, as follows:

Strike out lines 2032 to 2041 inclusive and insert:

"A committee of three members of the House shall be appointed by the Speaker to inquire into the expenditures by and money received by the managers of the World's Industrial Cotton and Centennial Exposition. The said committee are hereby empowered to administer oaths, to compel the attendance of witnesses, and to send for persons and papers; and it shall report the result of its investigation to the Forty-ninth Congress on or before December 10, 1885.

By Mr. KEIFER, as follows:

Strike out in lines 2038, 2039, and 2040 the words:

"Preference being given to such debts as constitute a lien upon the buildings and machinery on the exposition grounds."

And insert in lieu thereof the words:

"And if said sum is not sufficient to pay such indebtedness in full, then the same shall be paid pro rata."

By Mr. SMALLS, as follows:

On line 1306 strike out the word "twenty-two" and insert "twenty-three."

On 1310 strike out the word "thirteen" and insert the word "fourteen."

On 1314 add the word "five hundred" after the word "thousand," so as to read "ten thousand and five hundred dollars." In the same line strike out the words "in all, forty-nine thousand dollars" and add "for a force-pump $400, to be immediately available; in all, $51,900."

By Mr. THOMAS, as follows:

Amendment to come in after line 1032:

"To reimburse Commander A. G. Kellogg, United States Navy, for personal effects destroyed by the burning of the United States light-house tender Lilly, $1,692."

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians, of Minnesota, subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof.

CALIFORNIA AND OREGON RAILROAD.

The SPEAKER laid before the House the following message from the President; which was referred to the Committee on the Public Lands, and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 13th instant, requesting me to inform that body, if not incompatible with the public interest, what were the reasons which moved me to appoint commissioners to examine and report upon the California and Oregon Railroad from Redding northwardly, I transmit herewith a communication on that subject, addressed to me on the 24th instant by the Secretary of the Interior, setting forth the practice under which my action was taken.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 25, 1885.*

BAR OPPOSITE LICKING RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of surveys and examination of bar in the Ohio River opposite the mouth of Licking River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

NAVAL CRUISER AND DISPATCH BOAT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for completing the new naval cruiser and dispatch-boat; which was referred to the Committee on Appropriations, and ordered to be printed.

DESTITUTE AMERICAN CITIZENS.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, informing the House of assistance being rendered by that Department to destitute American citizens at Livingston, Central America, and asking approval of his action by Congress; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PENNSYLVANIA WAR CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting report of allowance of the twelfth installment of the Pennsylvania war claims; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF CONGAREE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of the results of the survey of the Congaree River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PLATES—MISSISSIPPI RIVER IMPROVEMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, requesting the return of the original copies and plates of the report of the Mississippi River Commission, for the purpose of having blue prints made therefrom.

The SPEAKER. Without objection, the request will be complied with.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FINERTY, for the remainder of the day, on account of illness in his family.

To Mr. HUNT, during the night sessions of the House, on account of ill-health.

To Mr. GLASCOCK, for the rest of the day, on account of sickness in his family.

To Mr. JOHNSON, for the rest of the day, on account of sickness.

To Mr. BEACH, from attendance on night sessions for the balance of the session, on account of ill health.

To Mr. BLANCHARD, for to-day, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to withdraw papers in the following cases:

To Mr. DINGLEY, to withdraw from the files of the House the papers accompanying House bill 6311, there being no adverse report.

To Mr. CULLEN, papers in the case of Mrs. Mary Ripley, without leaving copies on file.

To Mr. SKINNER, of New York, to withdraw from the files of the House the bill (H. R. 1072) for the relief of Robert Tillson and Maitland Boone, with accompanying papers, there being no adverse report.

To Mr. PETTIBONE, to withdraw papers on file in support of the bill for the relief of David W. Harrison without leaving certified copies,

the same no longer being necessary, as the relief sought has been granted by the general act in regard to the reissue of lost Government checks.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 78) for the erection of a public building at La Crosse, Wis.

PENSION BILLS.

On motion of Mr. MATSON, it was ordered that Senate pension bills on the Speaker's table be taken therefrom and appropriately referred.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. HARDEMAN to print remarks on the bill to aid in the support of common schools; and to Mr. EVANS to print remarks on the deficiency bill.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. By order of the House the Clerk will now proceed to read the bill, after which the House will adjourn.

Mr. HOLMAN. There is an appropriation made by this bill of $85-199.12 for the public building at Fort Wayne, Ind. After this bill was prepared, as the House is aware, the House increased the limit of the appropriation for that building. I ask unanimous consent therefore to reduce that amount in the bill to $60,000. I think in fact the whole appropriation ought to be stricken out.

Mr. LOWRY. I have no objection to the correction being made.

Mr. HOLMAN. I refer to line 82 of the bill.

Mr. WARNER, of Ohio. Before giving consent I ask if that increases the amount which was appropriated the other day for this building?

Mr. HOLMAN. This reduces the amount fixed in this bill from $85,000 to $60,000. It is an increase of the amount appropriated the other day.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. WARNER, of Ohio. I do not know why it is in here at all, as we passed a bill a few days ago for this purpose.

Mr. KEIFER. What is the limit of the building now? I would like to ask whether $60,000 will exceed that limit?

Mr. LOWRY. This reduction is made for the purpose of fixing the amount at the limit.

The SPEAKER. Is there objection to the request?

Mr. MILLER, of Pennsylvania. I object.

Mr. HOLMAN. I hope the gentleman will not object to this reduction.

Mr. MILLER, of Pennsylvania. I do not care whether it is a reduction or not, I object.

Mr. HOLMAN. I think the gentleman from Pennsylvania [Mr. MILLER] does not understand the point. I hope he will withdraw his objection. We ought not to duplicate this appropriation.

Mr. STOCKSLAGER. I would like to ask unanimous consent to report a bill.

The SPEAKER. The Chair would be glad to recognize the gentleman, but the House has made an order with regard to the bill under consideration which the Chair must execute.

Mr. ENGLISH. I ask unanimous consent to strike out, in lines 1421 and 1422, the words "Indianapolis arsenal, Indiana," where they occur in the paragraph authorizing the Secretary of War to sell certain arsenals.

Objection was made.

The SPEAKER. The gentleman from Pennsylvania [Mr. MILLER] withdraws his objection to the request of the gentleman from Indiana [Mr. HOLMAN].

Mr. HEPBURN. I renew it. [Cries of "Regular order!"]

The SPEAKER. The Clerk will proceed to read the bill.

The Clerk proceeded to read the bill.

During the reading of the bill the following proceedings occurred:

Mr. DUNHAM (interrupting the reading). I rise to ask if unanimous consent can not be given to dispense with the reading of the bill.

The SPEAKER. The House has just by unanimous consent ordered the bill to be read.

Mr. DUNHAM. I ask unanimous consent now to dispense with the reading of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the bill.

Mr. RANDALL. I object.

Mr. MILLER, of Pennsylvania. I rise to make a parliamentary inquiry. Is it understood that as soon as this is read the House will adjourn?

The SPEAKER. That is the order of the House. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. JOSEPH D. TAYLOR (interrupting the reading). I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER *pro tempore* (Mr. WELLBORN). That request has already been submitted and objection was made.

Mr. REED, of Maine. There are not forty members of the House present.

Mr. DUNHAM. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair does not entertain that motion. The order of the House is that the bill shall be read and that the House shall then adjourn.

Mr. MILLER, of Pennsylvania. And the farce shall be carried out.

Mr. DUNHAM. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. When it is plain beyond question that there is no quorum present can I not object to this business proceeding?

The SPEAKER *pro tempore*. The order of the House has been made that the bill shall be read.

Mr. DUNHAM. Can the bill be read to the House when it is known there is not a quorum present?

The SPEAKER *pro tempore*. The order of the House is imperative. The Clerk will continue to read.

Mr. JOSEPH D. TAYLOR. I would like to hear the order of the House read.

Objection was made.

Mr. MILLER, of Pennsylvania. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MILLER, of Pennsylvania. Would it be in order for the Clerk and the Committee on Appropriations to repair to the committee-room and there finish the reading of the bill?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry. The Clerk will proceed with the reading of the bill.

Mr. JOSEPH D. TAYLOR. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. If an order has been made to read this bill would it not now be in order to make a motion to reconsider that?

The SPEAKER *pro tempore*. It would not, because the order of the House has been partly executed.

Mr. HEPBURN (at 6 o'clock and 25 minutes p. m.) I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair has stated that that motion is not in order.

Mr. HEPBURN. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair declines to entertain the appeal. The order of the House must be executed.

Mr. BROWN, of Pennsylvania. I wish to inquire of the Chair is not a motion to adjourn always in order?

The SPEAKER *pro tempore*. That motion is not in order while the House is executing the order of the House, that this bill shall be read and that the House shall then adjourn.

Mr. DUNHAM. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair has announced repeatedly that the only thing in order now is the reading of this bill, the House by unanimous consent having ordered that it be read.

Mr. HEPBURN. Will the Chair permit me to remind him that the occupant of the chair did entertain a proposition to change the text of that bill?

The SPEAKER *pro tempore*. This occupant of the chair did not.

Mr. HEPBURN. Is not that the fact as I have stated it?

The SPEAKER *pro tempore*. The Chair is informed that that was done before the reading of the bill began.

Mr. LONG. And it was done by unanimous consent.

The SPEAKER *pro tempore*. The Chair will state to members of the House that if the Clerk is not interrupted the reading will soon terminate. The Chair will further say that under the order of the House as soon as the reading of this bill is completed the present occupant of the chair will declare the House adjourned.

Mr. REED, of Maine. Then those of us who are here need not stay.

The SPEAKER *pro tempore*. That is a matter that members must determine for themselves. The Chair, of course, will not undertake to determine it for them.

Mr. ADAMS, of Illinois. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ADAMS, of Illinois. In the course of the reading of this bill will the occupant of the Chair entertain any request for unanimous consent to change the text of the bill?

The SPEAKER *pro tempore*. The Chair will not entertain any such request.

Mr. MILLER, of Pennsylvania. That will do; then we can all go home.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill *in extenso*.

And then, under the previous order, the House (at 7 o'clock and 3 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. M. BROWNE: Petition of 84 citizens of Connersville, Ind., on the subject of polygamy in Utah—to the Committee on the Judiciary.

By Mr. J. E. CAMPBELL: Petition of Hon. James M. Smith and 60 others, citizens of Lebanon, Ohio, for legislation upon the Mormon question—to the same committee.

By Mr. DEUSTER: Memorial of the Legislature of the State of Wisconsin, in reference to sorghum machinery and improved methods of making sugar—to the Committee on Agriculture.

By Mr. ERMENTROUT: Petition of John A. Sibbald, against House bill 7004 repealing pre-emption and timber-culture laws—to the Committee on the Public Lands.

Also, petition in favor of construction of bridges across Staten Island Sound between New York and New Jersey—to the Committee on Commerce.

By Mr. EVANS: Petitions of citizens of Bucks and Montgomery Counties, and of Harrisburg, Pa., praying for the education of the Indians and their volunteer citizenship, &c.—to the Committee on Indian Affairs.

By Mr. EVERHART: Petition of the Woman's National Indian Association of Delaware County, Pennsylvania—to the same committee.

By Mr. GOFF: Petition of J. T. Stancher and 43 others, asking for pensions to disabled soldiers and the repeal of arrears act—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. JAMES: Petition of Isaac N. Judson and 54 others, citizens of Brooklyn, N. Y., asking for early action on the Mormon question—to the Committee on the Judiciary.

Also, petition of James Cruikshank and 26 others, men and women, citizens of Brooklyn, N. Y., asking for early action on the Mormon question—to the same committee.

By Mr. B. W. JONES: Memorial of Wisconsin State Legislature, for aid to experiments in sorghum culture—to the Committee on Agriculture.

By Mr. J. K. JONES: Papers relating to the claim of George W. Hughes, of Tulip, Dallas County, Arkansas—to the Committee on War Claims.

By Mr. KING: Joint resolution, appropriating $10,000,000 for prosecution of works on rivers and harbors in the United States—to the Committee on Rivers and Harbors.

By Mr. LONG: Memorial of the American Woman Suffrage Association, for an amendment to the Constitution conferring suffrage on women—to the Committee on the Judiciary.

By Mr. LOWRY: Petition of Mrs. Lovey Helper, of Ontario, Ind., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. A. HERR SMITH: Petition of 29 citizens of Lancaster County, Pennsylvania, in favor of checking the evil of Mormonism; especially for the passage of certain bills now pending in Congress—to the Committee on the Judiciary.

By Mr. SINGLETON: Petition of J. R. Phillips, of Lauderdale County, Mississippi, asking reference of claim to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STEPHENSON: Memorial of the Legislature of the State of Wisconsin, in reference to sorghum machinery and improved methods of making sugar—to the Committee on Agriculture.

By Mr. J. M. TAYLOR: Petition of John J. Burrow, of Carroll County, Tennessee, asking reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WASHBURN: Petition of citizens of Saint Paul, Minn., inviting attention to the importance of early action upon the so-called Mormon question—to the Committee on the Judiciary.

By Mr. WEAVER: Petition of George T. Crissman and 87 others, citizens of Omaha, Nebr., asking Congress to take action on the Mormon question—to the same committee.

By Mr. WEMPLE: Petition of citizens of Johnstown, N. Y., asking Congress to take early action on the Mormon question—to the Committee on the Judiciary.

By Mr. YOUNG: Petitions of A. B. Carter and of C. M. Ayers, widow of Tredwell S. Ayres, deceased, of Shelby County, Tennessee, asking reference of their claims to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. KEIFER: Of George P. Mulford and 45 others, of Urbana, Ohio.

By Mr. LACEY: Of Wallace E. Wright and 16 others, of Coldwater, Mich.

By Mr. RANDALL: Resolutions of the General Assembly of the Commonwealth of Pennsylvania, in relation to the Mexican pension bill.

SENATE.

FRIDAY, *February* 27, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. VAN WYCK. I suggest, while we are waiting for those members of the Senate who occupy most of the time of it while in session——

The PRESIDENT *pro tempore*. The Senate is not yet called to order. The Chair will, however, call the Senate to order.

Mr. VAN WYCK. I was suggesting whether this might not be an opportune time, while waiting for members of the Senate who generally occupy most of the time of the Senate while in session, to ask for the consideration of a bill which will provoke no discussion. Therefore I ask unanimous consent——

The PRESIDENT *pro tempore*. Nothing is in order at this time except the reading of the Journal, and that is not in order until a quorum has appeared. [After a pause.] The Chair will now direct the Journal of yesterday's proceedings to be read.

The Journal of yesterday's proceedings was read and approved.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

Mr. CAMERON, of Wisconsin. I move that the House of Representatives be requested to return to the Senate for further consideration the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent for leave to move at this time that a message be sent to the House of Representatives requesting the return of the bill named by him. Is there objection to receiving the motion of the Senator from Wisconsin? The Chair hears none. The question is on agreeing to it. If there be no objection it will be agreed to. It is agreed to.

ORDER OF BUSINESS.

Mr. HALE. I ask unanimous consent to take up now the naval appropriation bill, which is ready for the Senate. I will state the reason why I make the request at the present time. I do not anticipate that the bill will take much time in the Senate. I do not think the trouble with the bill will be here; but Senators know how for the last two years much time has been consumed in conference between the two Houses on the naval appropriation bills, and therefore it is very desirable that the bill should be sent to the House as soon as possible. If I can get it through this morning I should hope to get a conference to-morrow; and if there are protracted conferences we shall be able at least to bring the disagreements in conference before the Senate.

Mr. DAWES. Will the Senator from Maine allow me to make a report from the Committee on Indian Affairs?

Mr. HALE. Certainly.

Mr. DAWES. I ask consent at this time to make a report.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his request?

Mr. HALE. Certainly.

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

ROUND VALLEY INDIAN RESERVATION.

Mr. DAWES. The Committee on Indian Affairs, who were instructed by the Senate to investigate the condition of affairs in the Round Valley Indian reservation in California, have attended to that duty, and instruct me to submit a report in writing, which I ask may be printed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to submit a report from the Committee on Indian Affairs at this time. Is there objection? The Chair hears none. The Senator submits a report in writing on the subject referred to the committee named by him, which will be printed and placed on file. The Senator from Maine is now recognized.

ORDER OF BUSINESS.

Mr. BOWEN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HOAR. I suggest to the Senator from Maine to yield for morning business.

Mr. HALE. I am very desirous, for the reason I have given, to get the naval appropriation bill through the Senate early to-day.

Mr. VAN WYCK. I trust the Senator from Maine will not press that bill, at least until committees have had an opportunity to make their reports.

The PRESIDENT *pro tempore*. It only requires a single objection.

Mr. VAN WYCK. Then I shall have to object at this time, because the appropriation bills can force themselves before the Senate for consideration at any time.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. Will the Senator withhold his objection for a moment?

Mr. VAN WYCK. Yes, sir.

Mr. HALE. Of course I am entirely aware that at this time, except by unanimous consent, I can not get the naval appropriation bill before the Senate. I want Senators to realize the almost intolerable position the Senate is put in on appropriation bills, in the last five or six days of a session with the great bills appropriating for the uses of the Government tumbling in upon us to be considered by the Appropriations Committee, after having been passed under a suspension of the rules elsewhere, and it is essential in the largest degree to the comfort of the Senate and in order to save an extra session that every possible advancement shall be given to the appropriation bills. I know that Senators are desirous of going through with the routine business and making their reports and getting them off their hands; but if Senators believe, or if any one Senator believes, that that is more important now than to dispose of the naval appropriation bill, of course I can not go on. If the objection is made now, I give notice that at the end of the routine morning business I shall move to take up the bill; and with that, of course, I leave it to the Senate.

Mr. BOWEN. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Maine?

Mr. VAN WYCK. I object.

Mr. BOWEN. Mr. President——

The PRESIDENT *pro tempore*. Objection is made. As objection is made it implies the regular order of morning business, which is not yet commenced, and with the permission of the Senator from Colorado the Chair will lay before the Senate certain communications from the Executive Departments.

Mr. BOWEN. I do not wish to be understood as objecting to the request of the Senator from Maine.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Colorado to object. The Senator from Nebraska [Mr. VAN WYCK] objected.

Mr. BOWEN. I merely wish to present an amendment to the deficiency appropriation bill when I can get the floor for that purpose.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate, received from the Secretary of State, for the relief of Sampson P. Baily, late United States consul at Palermo; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate, received from the Secretary of the Navy, for completing the ordnance of the new steel cruisers; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate, received from the Secretary of the Navy, for the repairs of the stone dry-dock at the Brooklyn navy-yard; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of State recommending an appropriation for the compensation of William Schuchardt for services rendered in procuring testimony to be adduced before the United States and Mexican Claims Commission; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of Minnesota; which was read, and referred to the Committee on Commerce, as follows:

STATE OF MINNESOTA.

[Twenty-fourth session. S. F. No. 294. Introduced by Mr. Billson, February 5, 1885.]

A joint resolution urging upon Congress the immediate enlargement of the lockage of the Sault Saint Mary's Canal.

Whereas it appears from the report of General O. M. Poe, Chief of Engineers, United States Army, that the commerce through the Sault Saint Mary's Canal, at its present rate of increase, will within four years outgrow the utmost capacity of the lockage system of said canal:

Be it resolved by the Legislature of the State of Minnesota, That we hereby respectfully urge upon Congress the necessity for immediate and liberal appropriations for the enlargement of the lockage of said canal.

Resolved, That the secretary of state forward a copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
JOHN L. GIBBS,
Speaker of the House of Representatives.

Approved February 20, A. D. 1885.

STATE OF MINNESOTA, *Department of State*:

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof and of the whole of the same.

Witness my hand and the great seal of the State this 24th day of February, A. D. 1885.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Mr. McMILLAN. I present a joint resolution of the Legislature of Minnesota of the character just read from the desk, and I will ask its proper reference.

The PRESIDENT *pro tempore*. Does the Chair understand it to be identical with the one presented by the Chair?

Mr. McMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. Then the joint resolution will be referred, without reading, to the Committee on Commerce.

Mr. MILLER, of California, presented a memorial of the Board of Trade of Los Angeles, Cal., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. HARRIS presented the petition of Albert Bouldin, Martha Bain, H. W. Hinkle, Henry Klinge, and M. A. Triplett, of Washington, D. C., praying compensation for damages to their property resulting from public improvements in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRISON presented a petition of Presley Smith and 87 others, citizens of Morgan County, Indiana, praying for the repeal of the act limiting arrears to those who applied for pension prior to July 1, 1880, and that Congress pass other legislation favorable to the soldiers of the late war; which was referred to the Committee on Pensions.

Mr. PLUMB presented two petitions of citizens of Kansas and other States, praying for the construction of a wagon-road from Caldwell, Kans., to Wichita Falls, Tex.; which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville Ky.; and

A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.

Mr. MAHONE. Now I hope that it will be the pleasure of the Senate to take these bills up and pass them. I ask unanimous consent that they may be now considered.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HALE. I must object.

The PRESIDENT *pro tempore*. Objection is made. The bills will be placed on the Calendar.

Mr. MAXEY, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6089) for the relief of Moses F. Carleton; and

A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2975) granting a pension to Marion D. Egbert;

A bill (H. R. 200) granting a pension to Thomas Jeffries;

A bill (H. R. 1866) granting a pension to Calvin L. Knick;

A bill (H. R. 6357) granting a pension to Christian Bauman;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 7718) restoring John Snyder to the pension-roll; and

A bill (H. R. 2607) granting a pension to Mary B. Holmes.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 2528) for the relief of James McKinley, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2421) for the relief of John Snyder, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CULLOM. I am also instructed by the Committee on Pensions, to whom was referred the bill (H. R. 1862) for the increase of the pension of James Buchanan, to submit an adverse report thereon, and to state that the party claimant since the bill was introduced has died, and that the widow of the claimant is now seeking a pension through the regular channel in the Pension Office. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8069) granting a pension to Catharine Helton;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 7000) for the relief of Clark G. Maine;
A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7803) granting a pension to L. W. Pitts;
A bill (H. R. 4216) granting a pension to David N. Bryan;
A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers:
A bill (H. R. 8090) granting a pension to Albert Harper; and
A bill (H. R. 389) granting a pension to John Boyle.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps; and
A bill (S. 1323) to increase the pension of David I. Whitman.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2662) granting an increase of pension to Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy;
A bill (S. 1811) granting a pension to Anne T. Dicks;
A bill (S. 2359) granting a pension to M. Louise Butler;
A bill (S. 2448) for the relief of Sally C. Mulligan;
A bill (S. 2654) granting a pension to Charles F. Hildreth;
A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;
A bill (H. R. 1710) granting a pension to George W. Bean;
A bill (H. R. 7810) granting a pension to Rosanna Riley;
A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 8082) granting a pension to Lina J. Stearns;
A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 3947) granting a pension to Joseph Raible; and
A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2661) granting a pension to Miss ——— Gill, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 7538) granting an increase of pension to Mary F. Blake, to report it adversely; and I submit the views of the minority favoring the passage of the bill. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, and, if there be no objection, the views of the minority will be received and printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of Mrs. Ann Atkinson, granddaughter of George Mason, of Virginia, praying for an increase of pension, submitted a report thereon accompanied by a bill (S. 2665) granting increase of pension to Ann Atkinson; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported adversely thereon and moved their indefinite postponement; which was agreed to:

A bill (S. 144) granting a pension to George W. Bean;
A bill (S. 1894) granting a pension to Octavia A. Newhall; and
A bill (S. 2193) granting a pension to Ferdinand Hercher.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7177) granting a pension to William H. Kinman;
A bill (H. R. 7178) granting an increase of pension to John O. Gardner;
A bill (H. R. 7503) for the relief of Daniel McAlpin;
A bill (H. R. 2085) granting a pension to Joseph McIntosh;
A bill (H. R. 8187) granting a pension to Chaney G. Darrah;
A bill (H. R. 4458) granting a pension to Harlan Jackson; and
A bill (H. R. 7340) granting a pension to John Sparr.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
A bill (S. 2620) granting a pension to Thomas H. Boaz; and
A bill (S. 2619) granting a pension to Martha Hughes.

Mr. VAN WYCK. I desire to say in connection with these reports that immediately after the naval appropriation bill, which will be called up this morning, shall have been acted upon, I shall ask that the Senate bills reported favorably from the Committee on Pensions may be considered, for the reason that the House Committee on Pensions will meet this afternoon for the purpose of considering Senate bills so that they may be passed to-night in the House, and this will probably be the last and only opportunity to pass the few Senate bills which are reported from the Committee on Pensions this morning. I will ask the clerks to retain the Senate bills and not send them to the Printer, so that they may go into the hands of the House committee after their passage by the Senate.

Mr. FAIR, from the Committee on Claims, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1452) for the relief of B. Reinhart & Co.; and
A bill (H. R. 4380) for the relief of A. H. Herr.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee, to report it favorably. I call the attention of the Senate to the fact that this bill is reported without amendment. By a typographical error one word was left out which the committee has interpolated. Will that be treated as an amendment?

The PRESIDENT *pro tempore*. It must be so treated. The bill will be placed on the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the petition of Miss Herrmine Thomson, praying that she be permitted to pre-empt one hundred and twenty acres of the reservation at Camp Independence, California, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7933) granting a pension to Henry Biederbick;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R. 4055) granting a pension to Sarah Tyler;
A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 8229) to grant a pension to James Dye;
A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 4605) granting a pension to Ellen Edmiston;
A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 5148) granting a pension to Jacob Lefferty;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 1235) granting a pension to Annie E. Bailey; and
A bill (H. R. 5554) granting a pension to Sarah Parry.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2569) granting a pension to Mrs. Lydia S. Huggins, submitted an adverse report thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1308) to grant arrears of pension to the widow of Milton Searle, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint, to report it with a favorable recommendation and to ask the Senate to consider it at this time. The bill is very brief and it ought not to take five minutes to pass it.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HALE. I ask for the regular order.

The PRESIDENT *pro tempore*. Objection is made.

Mr. MITCHELL. Then I shall ask the Senate to take up the bill and consider it in connection with the Senate pension bills this afternoon.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885, to report it with certain amendments, and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I must call for the regular order.

The PRESIDENT *pro tempore*. Objection is made. The joint resolution will be placed on the Calendar.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5740) for the relief of Grigsby Foster;
A bill (H. R. 4878) granting a pension to Emma O. Zeigler; and
A bill (H. R. 8136) for the relief of Addison M. Copen.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 993) for the relief of Maria G. Dunbar, reported it with an amendment, and submitted a report thereon.

RETURN OF BILLS.

Mr. MANDERSON. I am instructed by the Committee on Printing to ask for the following order:

Ordered, That the Secretary request the House of Representatives to return to the Senate the joint resolutions S. R. 127, S. R. 128, and S. R. 129.

The order was agreed to.

LIEUT. A. W. GREELY.

Mr. DAWES. I ask the indulgence of the Senate for a moment to make an inquiry of the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to make a statement. If there be no objection, he will proceed.

Mr. DAWES. The chairman of the Committee on Military Affairs is absent and has been for some time. I do not know who acts as chairman in his absence; but I should like to make an inquiry, as I see several members of the committee present.

Some weeks ago a bill was referred to that committee designed to create an assistant chief of the Signal Bureau. The object of it was to give an opportunity for a recognition of the very distinguished and heroic deeds of a member of the Army, Lieutenant Greely. Lieutenant Greely is a native of my State, and the people of my State take a great interest as well as pride in what he has achieved and what he has suffered. They are looking anxiously to Congress for some recognition of his services; and I make bold to inquire of the committee respectfully whether there is any prospect that a report will be made upon that bill, so that the sense of the Senate can be taken upon it or upon some opportunity to make recognition of the services of that distinguished officer? I fear that if Congress shall adjourn without doing that, Lieutenant Greely will not be where any recognition of his services will be of any avail to him before Congress may meet again.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Indiana, if there be no objection, will be heard.

Mr. HARRISON. In the absence of the Senator from Illinois [Mr. LOGAN], who is chairman of the Committee on Military Affairs, and of the senior Senator from Pennsylvania [Mr. CAMERON], who is next on the committee, I have been for two weeks, perhaps, the acting chairman of that committee.

Prior to that time I am not able to give any account of the bill referred to by the Senator from Massachusetts. I do not know in whose hands it was or whether it had been referred to any member of the committee for consideration up to that time. Since my attention was called to the bill by the Senator from Massachusetts, in a private way, I looked it up and had a communication addressed to the Secretary of War on the subject, as is the custom of the committee. The respouse of the Secretary of War was only laid before the committee this morning. The early hour at which the Senate is meeting makes it difficult to get the committee together for a full session. At the best, if we are all prompt, we can get not more than an hour for the consideration of business before the committee. There are a large number of bills pending, some of which have been in the hands of subcommittees for a considerable length of time, who have been awaiting an opportunity to get in their reports. We did not have time this morning to act upon the bill to which the Senator from Massachusetts has referred.

I may say that the bill brings to the attention of the committee a subject of a general character about which there is some division of opinion, which has no relation whatever to Lieutenant Greely or his claims to consideration. It is known, I think, to many members of the Senate that the Secretary of War has in several communications recommended that the roster of offices of the Signal Service should not be increased. In his opinion the Signal Service has come chiefly to be a weather bureau and the duties connected with it of a civil rather than a military nature. The Secretary of War is disinclined to recommend or approve any suggestions for increasing the number of officers assigned to that corps. So the bill to which the Senator from Massachusetts has referred brings before the committee that question as well as the question of giving by law some proper recognition to Lieutenant Greely for his services and exposure in the Arctic regions.

We shall have another meeting of the committee on Monday, and I will say to the Senator that the question will be again considered by the committee, and if there is time to reach a decision upon the bill it will be reported to the Senate.

Mr. DAWES. If the Senate will permit me to add a word——

The PRESIDENT *pro tempore*. The Senator from Massachusetts will proceed, if there be no objection.

Mr. DAWES. Of course the Committee on Military Affairs and the War Department have a better judgment than any one else as to the propriety of increasing the force of the Signal Bureau. It is not the purpose of the friends of the measure to seek any special channel of recognition of Lieutenant Greely, but the bill gives the committee jurisdiction of the subject-matter, and I hope the Senate will indulge me in invoking earnestly their consideration of the subject contemplated by the bill. I do it in the feeling that Lieutenant Greely eminently deserves some recognition. I do not care to specify it nor do I care what it may be if it is in some measure commensurate with the value of his services and the heroism which he has exhibited. I hope the Senate Committee on Military Affairs may not omit to do that, if they should come to the conclusion that the way suggested in the bill is not a wise one.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 109) authorizing the loan of certain flags and bunting; to the committee on inauguration ceremonies.

The message also announced that the Speaker of the House of Representatives had signed the enrolled bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

EVENING SESSIONS.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are in order, and the Chair lays before the Senate a resolution offered on the 26th instant by the Senator from Maine [Mr. FRYE], which will be read.

The resolution was read, as follows:

Resolved, That until otherwise ordered the Senate take a recess each day at 6 to 8 o'clock p. m.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HALE. Mr. President——

Mr. SHERMAN. There is no necessity——

The PRESIDENT *pro tempore*. The Senator from Maine first addressed the Chair.

Mr. HALE. If there is not to be any debate I shall not interpose a motion to proceed to the consideration of the naval appropriation bill; but if there is to be any debate—and I have been notified that there will be—I make the motion now that the Senate proceed to the consideration of the naval appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator submit the motion?

Mr. HALE. Yes, sir.

Mr. SHERMAN. All I wish to say is that there is no necessity for the resolution. There is not a particle of necessity for it.

Mr. HALE. We can take a recess any day we choose.

Mr. SHERMAN. It is in order under the rules now to take a recess, without such a resolution as this.

The PRESIDENT *pro tempore*. Pending the consideration of the resolution, the first hour of the morning hour having been concluded, it is in order for the Senator from Maine to move, and he does move, that the Senate proceed to the consideration of the naval appropriation bill. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate in compliance with its request the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, with the amendments of the House of Representatives thereto.

Mr. CAMERON, of Wisconsin. Will the Senator from Maine consent to waive the appropriation bill for a moment while I ask that a Senate bill returned from the House with amendments be laid before the Senate?

Mr. HALE. I consent.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair lays before the Senate a bill returned from the House of Representatives with amendments, the title of which will be read.

The CHIEF CLERK. "A bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof."

Mr. CAMERON, of Wisconsin. I now move that the Senate reconsider the vote by which it concurred yesterday in the House amendments to the bill just laid before the Senate.

The PRESIDING OFFICER. That order will be made if there be no objection. The Chair hears none.

Mr. CAMERON, of Wisconsin. Now I move that the Senate nonconcur in the amendments and ask the House for a conference on the disagreeing votes of the two bodies.

The motion was agreed to; and, by unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. CAMERON of Wisconsin, Mr. DAWES, and Mr. SLATER were appointed.

The PRESIDING OFFICER. In this connection the Chair would state that while the bill was in the custody of the House of Representatives it was enrolled, and the enrolled copy sent over for the signa-

ture of the President *pro tempore*. In consequence of the action of the Senate this enrolled bill will not receive the signature of the President *pro tempore*, and will be returned by the Secretary with a message stating the reason therefor.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HALE. I ask unanimous consent that the first or formal reading of the bill be dispensed with, and that then the bill be read for amendment, and the amendments of the Committee on Appropriations be first considered.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the reading of the bill *in extenso* be dispensed with, that it be read by paragraphs, and that the amendments of the Committee on Appropriations be acted on as they are reached in the reading and considered before amendments offered by individual Senators. Is there objection? The Chair hears none. The reading will proceed.

The Chief Clerk proceeded to read the bill till line 14 was reached.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Maine to the fact that the word "one" is repeated in line 13.

Mr. HALE. That is one of the amendments I proposed to call up afterward, but it may as well be done now.

The PRESIDING OFFICER. The amendment will be made if there be no objection, striking out one "one."

The reading of the bill was resumed. The first amendment reported by the Committee on Appropriations was, in the appropriations for "miscellaneous" expenses, in line 74, after the word "pilotage," to strike out the words:

Bringing home the bodies of naval officers who have died or may hereafter die abroad while on duty.

The amendment was agreed to.

The next amendment was, in line 112, to increase the total amount of the appropriation for the "Bureau of Navigation" from $87,500 to $100,000.

The amendment was agreed to.

The next amendment was, after line 113, to insert:

For special ocean surveys and the publication thereof, $10,000.

The amendment was agreed to.

The next amendment was, after line 115, to insert:

For publication of professional papers, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Ordnance," after line 133, to insert:

For the purchase or manufacture of steel guns of small caliber for ships now in service, and for testing the same at the naval ordnance proving-ground, $21,000.

The amendment was agreed to.

The next amendment was, in line 138, before the word "test," to insert "public;" so as to read:

For the completion and public test of two breech-loading rifle-cannon of the larger calibers now in course of construction for the Navy, with carriages and ammunition for both, $80,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 141, to strike out the following proviso:

Provided, That the test shall be conducted as follows: With battering charges for two hours, and under the most rapid continuous rate of firing, as near as may be like the conditions of a hotly-contested battle; then with the service charge not less than five hours. Permission, with ample notice to be present, shall be given to all persons who indicate a desire to examine the preliminary preparation and witness the firing. Expenditures of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated. And all the facts and incidents of the test shall be reported to Congress by the Chief of the Bureau of Ordnance as soon thereafter as possible.

The amendment was agreed to.

The next amendment was, in line 165, to increase the total amount of the appropriation "for miscellaneous items" for the Bureau of Ordnance from $3,000 to $4,000.

Mr. HALE. There is an error in the print. The word "three" occurs twice in line 165.

The PRESIDING OFFICER. The amendment of the committee will be regarded as to strike out both words "three" and insert "four."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Bureau of Equipment and Recruiting," in line 185, to increase the total amount appropriated "for equipment of vessels" from $800,000 to $825,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Yards and Docks," in line 221, to increase the total amount of the appropriation "for general maintenance of yards and docks" from $200,000 to $250,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Medicine and Surgery," in line 235, after the word "dollars," to strike out the following words:

And if the Secretary of the Navy shall not be able to maintain properly the whole number of naval hospitals now kept open on the amounts hereby appropriated for the maintenance of and civil establishment at naval hospitals, he shall close those which are least necessary to the service, and provide for the patients now cared for therein at such other naval hospitals as may be most convenient.

The amendment was agreed to.

The next amendment was, in line 261, to increase the appropriation "for necessary repairs of naval laboratory, naval hospitals, and appendages, including roads, wharves, outhouses, sidewalks, fences, gardens, farms, and cemeteries," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Provisions and Clothing," in line 269, to increase from $1,085,000 to $1,100,000 the appropriation "for provisions for the seamen and marines; commuted rations for officers, naval cadets, seamen, and marines; expenses of inspections and storehouses, including labor; purchase of water for cooking and drinking on board ships; and for provisions and commutation of rations for seven hundred and fifty boys."

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Construction and Repair," in the proviso to the clause appropriating $1,000,000 "for preservation and completion of vessels on the stocks and in ordinary," &c., in line 292, after the word "exceed," to strike out "thirty" and insert "twenty;" so as to make the proviso read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

The amendment was agreed to.

The next amendment was to strike out lines 299 and 300, as follows:

For the completion of the New York, $400,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Steam-Engineering," in the proviso to the clause making appropriations "for repairs, completion, and preservation of machinery and boilers, including steam-steerers, steam-capstans, steam-windlasses, &c., in vessels on the stocks and in ordinary," &c., after the word "exceed," at the end of line 315, to strike out "thirty" and insert "twenty;" and in line 320, after the words "repaired for," to strike out "thirty" and insert "twenty;" so as to make the proviso read:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power; but nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material.

The amendment was agreed to.

The reading of the bill was continued to line 528.

Mr. COCKRELL. I thought the understanding was that "car-tickets" were to be stricken out.

Mr. HALE. I am going to call attention to that when we come to it. It may as well be stricken out now, however, and I will move it.

Mr. COCKRELL. I want the words "car-tickets" struck out wherever they occur.

Mr. HALE. We have stricken out "car-tickets" in other appropriation bills.

The PRESIDING OFFICER. Will the Senator indicate the lines where the amendment is to be made?

Mr. HALE. In lines 520 and 521 I move to strike out the words "car tickets, $200."

The PRESIDING OFFICER. If there be no objection the amendment will be made. It is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 529 to line 535, inclusive, as follows:

To complete the construction of the steel cruiser of not less than 5,000 nor more than 6,000 tons displacement, and the armament therefor, authorized by act of Congress August 5, 1882, $1,750,000, or so much thereof as may be necessary: *Provided*, The Secretary of the Navy shall approve of the construction of said vessel.

And in lieu thereof to insert——

Mr. McPHERSON. Is the question first to be taken on striking out that paragraph? Do I understand the question to be on striking out from line 529 to line 535?

The PRESIDING OFFICER. The amendment of the committee is to strike out from line 529 to line 535, inclusive——

Mr. HALE. And to insert the matter printed as lines 536 to 559.

Mr. McPHERSON. I wish to say a word in respect to that. I wish to ask the Senator from Maine if the committee have properly considered the question as to whether it is possible to build a naval vessel of the size which I see the committee propose to build and obtain the requisite speed as a cruiser to overtake the modern commercial ships. Necessarily in vessels of small size the lines will not be fine, the ship will not have the requisite length, and can not have the necessary power to overtake the commercial ships of to-day. I think the Senator will not for a moment argue that the ships the committee here propose to build can overtake such a vessel as the Alaska or the Arizona or other ships of like class and character which have been built of late and which will make up the commercial marine of the future. Therefore I think it wise that the committee should retain this provision of the House bill providing for the construction of the larger ship. As all the ships we are now building are simply experiments, it would seem to be wisdom not to delay longer the commencement of one ship of the larger size having the requisite speed.

Mr. HALE. I am very glad that the Senator from New Jersey has called attention to this matter and has asked the question which he has put to me. The committee did consider this question very carefully. Of course the Senator from New Jersey and other Senators will bear in mind that this is not a new subject. These matters have been gone over repeatedly heretofore in the Senate at other sessions. Undoubtedly the class of ships provided for by the committee's amendment ranging from three to four thousand tons, no specific type being determined, but that being left to the future Secretary of the Navy and such advice as he may gather from naval officers, will not be able to overtake the largest and fastest of the great steamers that are employed in the transportation of goods and passengers, especially those upon the European lines; neither would the ship that is provided for in the clause of the House bill that the committee strike out be able to do that. No ship can be constructed in the Navy that would overtake such steamships as ply between the ports of America and Europe, unless she went up into the range of ships from eight to ten thousand tons. Such a ship is immensely expensive.

When the advisory board came to consider the practical condition of the Navy and the need for immediate ships, one of the first questions that they met was this which is raised by the Senator from New Jersey, and in making their report in 1883 and 1884 they used this language, which I will read:

In concluding the report the board deems it necessary to record its emphatic disapproval of the suggestions that have of late been so frequently made throughout the country, that the Navy should acquire a number of extremely high-speed commerce-destroying vessels of great endurance, designed in these respects with special reference to gaining superiority over the large and swift transatlantic mail steamers. The main reasons for this disapproval are as follows:

"In order that a competitive vessel should excel in speed and endurance the best of these fast packets, she must certainly cost as much to build and be of nearly as great dimensions, necessitating a displacement of at least 11,000 tons. Once built, these vessels would be so costly in maintenance, so limited in maneuvering power and scope of effective service, owing to the great dimensions, especially the draught, and they would absorb for their control such a large proportion of the *personnel* of the Navy, that active service could only be warranted by the most urgent necessity for special work."

They go on further to amplify these reasons. One ship capable of overtaking the fast transatlantic steamships would absorb a tenth part of the entire force of the Navy; and the Committee on Naval Affairs last year and the Committee on Appropriations now in reporting this amendment deemed it wise to take the recommendations of the advisory board as to classes and to leave out in their recommendations in commencing the reconstruction of the Navy this large ship of from five to six thousand tons proposed by the House.

Now, let me say one word upon the important matter of speed. The Esmeralda, which has been built in Great Britain and sent to a South American power, which is the same type almost exactly with the Boston and Atlanta, has made 18 knots per measured mile in her first trip. It is believed that the Boston and Atlanta, which are almost finished, will do the same. But the committee realized the force of the objection that has been raised by the Senator from New Jersey and by other Senators heretofore, that in future building the Department ought not to be kept down to this type of vessel, and therefore it has made this amendment in the most liberal terms, giving a range of from three to four thousand tons and leaving the kind of ship that shall be constructed to the discretion and judgment of the Secretary of the Navy upon plans that he makes after full examination.

Now, as to the overtaking of commercial vessels upon the waters of the globe, these ships if they are constructed of about 3,600 tons, as the board recommends, will be able to overtake nine-tenths of the commercial marine of the world impelled by steam. The other tenth, a few immense great transatlantic vessels, can not be overtaken by any ship that is provided for here, nor by the ship provided for by the House bill, and only, as the board says, by constructing an immense vessel of ten or eleven or twelve thousand tons displacement; and the committee has not felt that it was wise in the decaying condition of the Navy to put so many eggs into one basket, and has, therefore, provided for the building of four new ships under the discretion of the next administration of the Navy Department.

Mr. McPHERSON. The Senator from Maine will observe that the vessels he proposes to build are almost the same in class with those we are now building. The vessels here proposed to be built will scarcely be larger than the Chicago type, perhaps a little larger than the Boston and Atlanta.

The Senator speaks of the Esmeralda as having made eighteen miles per hour on the measured mile. I think the Senator will not argue from that that the vessel was capable of going through an intense wind and storm making more than 13 or 14 knots per hour on the average. I think the Britannic, one of the White Star steamships, when she first came out measured about twenty miles in an hour; but the average of her sailing during the entire year, I am informed from a paper laid before the House committee, is only about fifteen miles per hour. The Britannic is a vessel some five hundred feet in length and over 5,000 tons register. In short, all the commercial ships of the present day, those that transport a large majority of the commerce of the United States between the port of New York, particularly, and the European ports, are vessels of that class and type. The Cunard line, the National line, the Inman line, the White Star line, the German line are all composed of much larger vessels with larger tonnage, with great power and great speed.

What do we build cruisers for? We build them to cruise for something, and as the commerce of the country is transported in these larger and faster ships what is the use of continuing the construction of cruisers which can really overtake nothing except sailing vessels?

I have no objection to the amendment of the committee as far as it goes; I have no objection to building ships of the class proposed; I think perhaps they are needed; but I do submit that certainly as to one vessel of a larger class, of more tonnage, with great power and great speed it is time the Government of the United States commenced such a ship. Certainly we can afford to experiment with one ship of larger class and great speed, and I think the time to do it is now. It was recommended by the present advisory board, I think last year.

Mr. HALE. No; the Senator is mistaken. The old advisory board recommended one of the ships of this kind. The present advisory board rejected that and advised to go on with the cruisers of the smaller type.

Mr. McPHERSON. Then there is only a difference of opinion as between the two advisory boards, and certainly the common sense of the whole matter is in favor of building the largest ships.

I wish to ask the committee to consent to retain that clause in the House bill, which they propose to strike out, making appropriations for the larger ship in addition to those they propose to construct. The bill would then only appropriate money for five new ships of different types, and two of those are gunboats. There are but two cruisers provided for by the committee if you strike out the words proposed to be stricken out by this amendment. Therefore I shall vote against striking out these words.

While I am on my feet, Mr. President, I wish to say that I had the honor to submit an amendment to the Senate the day before yesterday, which was printed, getting rid of all complications and all jealousies between advisory boards and the Navy Department proper. I am sorry the committee did not see fit to report that amendment back to the Senate favorably; and inasmuch as it has not been reported favorably by any committee of the Senate I am aware it would be ruled out on a point of order, and therefore I shall make no attempt to press it. I am in favor of all the committee has proposed in this bill by way of increase of the naval establishment, but I am in favor of more. I am in favor of the House proposition being retained in addition to what is proposed by the committee.

Mr. HALE. There was an additional reason why the committee thought it better to build these four ships rather than one large one. To build the larger ship, complete her with machinery and armament, would cost in the neighborhood of $3,000,000. Now, I believe in leaving the responsibility of this matter largely to the administration of the Navy Department in the future. I have always contended that the responsibility should be there. The head of the Department, or the President, acting through the Secretary, should be largely responsible. I have never believed in limiting that very much.

Mr. McPHERSON. Will the Senator yield a moment for an observation right there?

Mr. HALE. Certainly.

Mr. McPHERSON. He will notice in lines 534 and 535 of the House bill it is provided that "the Secretary of the Navy shall approve of the construction of said vessel," leaving the responsibility entirely to the Secretary as to whether he shall proceed to build such a vessel or not.

Mr. HALE. I have said that this is left to the Secretary by our amendment. I was going on to remark that I doubt very much whether any new Secretary of the Navy coming afresh as he must, whoever he may be, however able he may be—and I assume that it will be an able and competent man who will be selected for Secretary of the Navy—would desire even to be intrusted with the responsibility between now and the next session of Congress of going into the question of constructing one of these large ships. I believe that he would prefer to investigate for himself and to form his plan for reconstructing the Navy, and not to be beset, as he would be if authority is given him to construct this large vessel, by the urgency of contractors, to go on and build it.

I will say further that if, after the discretion that this amendment allows him he goes on investigating, making himself informed as to naval architecture and to constructing these ships that the committee amendment provides for, the Secretary of the Navy, who will be responsible in the future largely for this work of building up the American Navy, shall report and advise that one of these large ships should be built, and we have his investigation and report on which to rest, then, with these additional new vessels that we have built, I shall be in favor of the experiment of trying one of those very expensive ships. I do not think now and the committee did not think it wise to embark in that

expenditure. It will be all that any new Secretary will want to do to investigate and look into and settle the types of the ships provided for here, contract for them, and commence building them; and then when he recommends, if he does, that we go into this other domain, I shall be willing to follow him. The committee has left it as the advisory board leaves it; and so I trust that the committee's amendment will be agreed to to strike out this immensely expensive ship and give us these others instead, and let the Department go on, and then if they recommend the larger ship we can try that at another Congress.

Mr. McPHERSON. I ask that the vote may be taken separately on the proposition to strike out.

The PRESIDING OFFICER. A motion to strike out and insert is not divisible.

Mr. MILLER, of California. The Senator from Maine speaks of large ships. The clause which the committee recommend to be stricken out provides for a steel cruiser of not less than 5,000 nor more than 6,000 tons displacement. That is not a very large ship, a ship of about 3,000 tons burden. In the amendment of the committee it is provided that two cruisers of not less than 3,000 nor more than 4,000 tons displacement may be built, and these the Senator thinks are smaller ships not near so expensive to build. He estimates that a cruiser of five or six thousand tons displacement will cost $3,000,000. I can not conceive how it is possible that a ship of that size should cost that sum of money, unless it is to be an ironclad.

From the examination which I have given this subject from time to time I am of opinion that these ships of 4,000 tons displacement are too small for any very valuable purpose in the Navy. They can not make time which a cruiser ought to make. No ship of that class can make in all weather more than fifteen or sixteen miles an hour, no matter what material you put into it. It is true that too large a cruiser would be a very expensive machine for the Government to handle. It is doubtful whether a cruiser as large as the merchant sailers now plying on the waters of the Atlantic could carry coal enough to run her more than ten or twelve days, but a steamer of the size here described in the provision in the House bill would not probably consume more than sixty or seventy tons of coal in twenty-four hours, whereas the larger class of steamers, like the Alaska and the Britannic, consume from one hundred and seventy-five to two hundred and fifty tons of coal in twenty-four hours.

I should like this amendment much better if the limit as to the size of these cruisers were raised to 5,000 tons displacement, giving a discretionary power to the Secretary of the Navy to build a ship up to 5,000 tons displacement. If the committee would consent to that amendment I should be willing to strike out the clause in the House bill that they propose to strike out.

The PRESIDING OFFICER. The Senator from California will please suspend. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. MORRILL. Let that be informally laid aside until the naval appropriation bill is through.

The PRESIDING OFFICER. The unfinished business will be informally laid aside and the naval appropriation bill will be continued.

Mr. MILLER, of California. In the committee's amendment in line 543 I suggest the striking out of the word "four" and inserting "five," so as to leave a margin between 3,000 tons and 5,000 tons displacement.

Mr. HALE. The Senator from California, who is evidently proceeding on the same proposition and theory as the Senator from New Jersey, suggests that the discretion given to the Secretary of the Navy as to the size of the two new ships be increased from 4,000 to 5,000 tons displacement, so as to give an opportunity of building one of the two, or both, of the larger kind. I am willing to consent to that because it leaves the discretion with the Secretary of the Navy. He might do one, or very possibly might do both, but I am willing to leave it to him.

Mr. McPHERSON. Would you not be willing to make an amendment after the word "each," in line 545, to read as follows—I submit this also to the Senator from California?

And one cruiser of not less than 5,000 nor more than 6,000 tons displacement.

So as to provide for three vessels. That is practically bringing in by that amendment to the committee's amendment the same provision that is involved in the House bill between lines 529 and 535. It provides for the building of one more ship, and leaves the two cruisers exactly as the committee proposed them.

Mr. COCKRELL. I hope the Senator from Maine will not agree to that.

Mr. HALE. I can not consent to that.

Mr. McPHERSON. Then I agree to the other proposition, though I should like to have it increased to 6,000 tons.

Mr. MILLER, of California. I think 5,000 tons is large enough, and I think that will be a solution of the difficulty. We can all agree to have two ships, one of which may be of 5,000 tons, and leave that to the discretion of the Secretary of the Navy.

Mr. HALE. I ask then that unanimous consent be given that in line 543 the amendment be amended by inserting "five" instead of "four," and then I hope the amendment of the committee will be adopted.

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that the part proposed to be inserted has not yet been read by the Secretary.

Mr. HALE. I ask that that be read.

The PRESIDING OFFICER. The words will be read.

The Secretary read the words proposed to be inserted in lieu of the clause to be stricken out, as follows:

To enable the President to strengthen the naval establishment of the United States by additional vessels of the best and most modern design, having the highest attainable speed, the sum of $1,895,000 is hereby appropriated, to be expended as follows and under the following limitation:

For the construction of two cruisers of not less than 3,000 nor more than 4,000 tons displacement, costing, exclusive of armament, not more than $1,100,000 each; one heavily armed gunboat of about 1,600 tons displacement, costing, exclusive of armament, not more than $320,000; and one light gunboat of about 800 tons displacement, costing, exclusive of armament, not more than $275,000; and authority is hereby given for the construction of said four vessels, at not exceeding the total cost for each above specified, in accordance with such final plan as may be determined upon, after a revision and reconsideration of all designs which have been heretofore made, and in the manner and conformity to the conditions and limitations provided for the construction of the new cruisers in the acts of August 5, 1882, and of March 3, 1885.

Mr. HALE. In line 543, after the word "than," I move to strike out "four" and insert "five;" so as to read:

For the construction of two cruisers of not less than 3,000 nor more than 5,000 tons displacement, &c.

The PRESIDING OFFICER. The Chair understands that the motion of the committee is to amend by striking out lines 529 to 535 inclusive and inserting the words which have just been read. The Senator from Maine proposes to amend the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 559, to insert:

Toward the armament of the foregoing cruisers and gunboats, $500,000.

The amendment was agreed to.

The next amendment was, after line 561, to insert:

For continuing work upon the double-turreted monitors, $2,000,000, the same to be applied toward procuring the side and turret armor and armament and finishing the vessels; and the Secretary of the Navy, acting under the advice of the naval advisory board in the same manner in all respects as in the construction of the steel cruisers, shall not, in procuring such armor and armament and finishing the monitors, exceed as the total cost of such completion the amounts estimated in the report of the board of October 25, 1883, and the report of the Secretary of December 1, 1883; and in all purchases of armor or contracts for construction there shall be free and open public competition.

Mr. MILLER, of California. I ask the Senator from Maine if it is to be understood that this applies to the four double-turreted monitors upon which work is to be continued at the discretion of the Secretary of the Navy and the advisory board?

Mr. HALE. Yes, it is the same provision that the Senate has put on repeatedly before. It refers to the four ironclads, one upon the Pacific coast and the three here. They are not named in terms, but the references that are made include them all.

Mr. MILLER, of California. The intention is that this money shall be divided among the four?

Mr. HALE. Undoubtedly.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out section 4 in the following words:

SEC. 4. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer: *Provided further*, That the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps or commander in the Navy who has been retired by reason of wounds received in service, or to any retired officer of the Army, Navy, or Marine Corps designated by law to perform civilian duty.

The amendment was agreed to.

Mr. HALE. I wish now to go back to page 2. There are some formal amendments that should be made. At the top of the page, line 13, was the superfluous word "one" struck out?

The PRESIDING OFFICER. It has been struck out.

Mr. HALE. In line 21 the word "nine" should be erased and the word "ten" substituted; so as to read:

Ten naval constructors.

I move that amendment.

The amendment was agreed to.

Mr. HALE. In line 22 the "ten" should be erased and "nine" substituted; so as to read:

Nine assistant naval constructors.

I move that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to the fact that the word "ten" occurs twice in line 22. Which "ten" is it proposed to strike out?

Mr. HALE. The first "ten" before "assistant naval constructors."

The PRESIDING OFFICER. That change will be made.

Mr. HALE. I have an amendment to offer, not from the Committee on Appropriations but by direction of the Committee on Naval Affairs; it has been duly presented and sent to the Committee on Appropriations. I now offer it as an additional section.

The Chief Clerk read the proposed amendment, as follows:

For the purchase by the Secretary of the Navy of the Destroyer, an iron vessel designed and built by Capt. John Ericsson, armed with a submarine gun and projectile torpedo, including also an independent submarine gun, $112,000: *Provided*, That it shall satisfactorily appear that said vessel, steam-machinery, guns, projectiles, and experiments developing the same have cost that amount: *And provided further*, That the Government of the United States shall at any time hereafter, if it shall so elect, have the option to purchase all the patents issued by the United States relating to said vessel, submarine gun, projectile torpedo, and all appliances connected with the same, the said John Ericsson having agreed to communicate to the Secretary of the Navy any and all improvements he may make on and concerning the same free of charge, for a sum not exceeding $100,000.

The amendment was agreed to.

Mr. MITCHELL. I desire to call attention to the provision on pages 21 and 22 for the naval asylum at Philadelphia. I have just received a communication from a prominent gentleman who resides in the same ward where this institution is, and he says he has had consultation with those in charge of it and that the appropriations proposed in this bill are entirely inadequate. It appears that by the estimates $98,411 were thought requisite for the maintenance and support of the institution and for some improvements proposed, while the bill only gives $60,067. I should be glad if the Senator in charge of the bill would inform us why it is that the estimates are not followed in this case.

Mr. HALE. The committee looked into that and did not find any pressing need for additional appropriations, all the more because these are the same that they were in the last regular appropriation bill, upon which the institution has got along without any deficiency. It is quite likely they might use more money to some advantage, but the committee did not deem it a case where there was any necessity for adding to the House provision this year.

Mr. McPHERSON. I desire to offer an amendment to come in after section 3 as a new section:

That the sum of $5,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under and by direction of the Secretary of the Navy, for extending and continuing explorations in Madagascar.

The PRESIDING OFFICER. Will the Senator from New Jersey state the point in the bill where he desires the amendment inserted?

Mr. McPHERSON. At the end of the bill, after section 3, to form a new section.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment.

Mr. McPHERSON. I am fully sensible of the fact that this amendment is subject to a point of order that may possibly be raised; but I think if the Senate will listen to me for two minutes, there is not a single Senator here who will not be willing to make this a part of the naval appropriation bill.

It is well known to every member of the Senate that extensive explorations have been made in the great island of Madagascar in the past eighteen months by a young naval officer of the United States. I speak of Lieutenant Shufeldt, son of Admiral Shufeldt, who performed such great service for the Government in the Corean matter, and young Shufeldt himself is one of the most distinguished and successful officers in the United States service.

Perhaps I can better explain the whole matter by presenting an article which was handed me a few moments ago which appeared in one of the newspapers; and inasmuch as I desire to read only a few extracts from the article I will not send the paper to the Secretary's desk, but will select the extracts myself:

Madagascar, briefly described, is the third largest island on the known surface of the globe. It has 230,000 square miles of area, or larger in extent than modern France, as large as the old German Empire, four times as large as Great Britain, and equals our New England and Middle States, including North Carolina.

It goes on to speak then about the topography of the country, of the races of people, &c., which is not at this time important to the pending question. The article then continues:

Across this vast country Lieutenant Shufeldt, United States Navy, was about one year ago detailed by the United States Navy Department to conduct an exploring party from sea to sea. He came down from Northeast China (Corea) by various steamers to Singapore, East India, and from thence embarked on a little English brig, navigating her through the Java seas and across the great Indian Ocean—for fifty-eight days—to the English island of Mauritius. Here he was detained by violent attacks of fever for over a month and much embarrassed by difficulties in reaching Madagascar on account of the French bombardments at Tamatave and their blockade of the whole eastern coast. Overcoming these he got away finally in an English schooner of eighty tons burden, and in twelve days landed alone on the forest-clad shores of Southeastern Madagascar at Mahanova. Entering the dense forest belt and ascending the Mangoko River in a canoe for a distance of forty miles, the first camp was established and the native party of four hundred men organized to make the long journey to the Hova capital through the Betsimasaraka region. Through the great and ever-silent forests of the east and to the foot of the splendid range of lofty mountains that marks the boundary of the interior plateau, day by day, often broken and disheartened by fierce attacks, by desertions from his party, and the innumerable worries and responsibilities incidental to a keen sense of personal responsibility in a strange and barbarous country, the American lieutenant led the expedition successfully.

Ascending the eastern range and reaching the rolling plains of Central Madagascar many of the dangers were passed. There is no fever, the climate is mild and equable, the hills are dotted with pretty villages, the people are kind and hospitable, and the scenery grand and beautiful. In three weeks Lieutenant Shufeldt rested his party under the walls of the Hova capital and in sight of the palace of the Hova Queen, Ranavolona III. His reception in Antananarivo by all the dignataries of the Hova Government was a perfect ovation to his profession and his nationality. Every attention was showered upon him and every effort made to convey through him to his far-away country the kindly and friendly feelings the Malagasy entertained for the American name. A palace was supplied, an army detailed, and native banquets given in his honor. Lieutenant Shufeldt's experiences in the Hova capital would occupy too much space in our columns; but suffice to say that his presence did much to restore the American interests in Madagascar, to rekindle a decaying knowledge of the greatest of Western powers, and impressed the Hovas with a sense that there are many in America who view with regret the threatened downfall of a new and isolated civilization.

After three weeks' stay—

And this is the important part that I wish to call the attention of the Senate to—

After three weeks' stay and a final adieu to the Queen and her husband, Lieutenant Shufeldt, at the head of six hundred and fifty men (including three white men), left the capital to push his way—a distance as he traveled of six hundred miles—to the western coast. This journey, considered almost suicidal by the white residents of Antananarivo, was successfully accomplished after a series of strange adventures and many narrow escapes. Fierce Sakalava tribes often contested his march; a devastated country afforded frequently no shelter or food; the deadly fevers of the western forests decimated his people, and it was not for two months that the American officer found himself on the seacoast that is washed by the waves of the Mozambique Channel. He had but one hundred and fifty-eight men remaining. From Madagascar the lieutenant managed to cross to the East African coast in an open boat manned by five black men, and landed at Mozambique. He had accomplished the undertaking and solved many of the most important geographical questions in relation to Madagascar.

Mr. HALE. If the Senate will agree to let a vote be taken on this proposition, I will not make the point of order.

Mr. McPHERSON. Perhaps some other Senator may, and I wish to read one statement more, though I know I am detaining the Senate. Let me call attention to a letter written to Lieutenant Shufeldt on his reaching the capital. This is a letter given him by the prime minister:

It is needless to call to your knowledge that this request of Her Majesty and myself—

The request was to return to the capital and try to establish trade relations, and assist Her Majesty—

that this request of Her Majesty and myself is extended to you from their certainty that your wishes for the advancement of Madagascar are sincere and true, but as showing their friendly feeling for the great country of which you are an officer, not only the first American but the first of any foreign nationality so invited. May God bless you, sir.

The PRESIDING OFFICER. Will the Senate agree to this amendment?

Mr. COCKRELL. That is very beautifully and handsomely written—by whom I do not know.

Mr. McPHERSON. By the prime minister of Madagascar.

Mr. COCKRELL. He is a magnificent English scholar, then, and I think it is not a barbaric country. I make the point of order on this proposed amendment.

The PRESIDING OFFICER. The Chair thinks that the amendment is open to the point of order, and sustains the point raised by the Senator from Missouri.

Mr. McPHERSON. I do not wish to appeal from the decision of the Chair; but may I ask the Chair if he will submit the question to the Senate?

The PRESIDING OFFICER. The Chair will be glad to submit the question to the Senate, on the request of the Senator from New Jersey, is the proposed amendment in order under the rules of the Senate?

The question was decided in the negative.

Mr. HALE. Now, I hope we shall pass the bill.

The PRESIDING OFFICER. Are there further amendments to be offered to the bill? [A pause.] The Chair will suggest that the words "car tickets" appear in one or two places in the bill where they have not yet been eliminated. The Chair understood the Senator from Missouri to suggest that they were to be stricken out wherever they occurred.

Mr. COCKRELL. Yes, sir. Their being left in the bill is an oversight. I move that they be stricken out wherever they occur.

The PRESIDING OFFICER. Where do they occur?

Mr. HALE. I have no objection to striking them out. I know of but one place, and that is in line 520.

The CHIEF CLERK. On page 9, line 195, after the word "postage," occur the words "car tickets."

Mr. HALE. I move to strike them out there.

The amendment was agreed to.

Mr. SEWELL. I should like to ask the Senator from Maine, as a matter of curiosity——

The PRESIDING OFFICER. The Chair will ask the Senator from New Jersey to suspend a moment until this order can be carried out. Will the Senator from Maine state the places where the words "car tickets" occur?

Mr. HALE. I know of no other place.

The CHIEF CLERK. On page 11, at the end of line 243, are the words "and car tickets."

The PRESIDING OFFICER. Those words will be stricken out, if there be no objection.

The CHIEF CLERK. On page 12, line 275, after the word "ferriages" occur the words "car tickets."

The PRESIDING OFFICER. Those words will be stricken out here, if there be no objection.

Mr. SEWELL. I desire information in relation to the monitors. I have been voting for four years continuously, if I am not mistaken, for finishing the monitors, and still they come up every year for an appropriation.

Mr. HALE. Does not the Senator know that the reason is that we never could get it through the House? This is the same provision the Senator has been voting for, and I hope we shall be able to get it through the House now.

Mr. SEWELL. Has there not been an appropriation for monitors within the last two years?

Mr. HALE. There was $1,000,000 given three years ago, all of which was expended except a portion for the Monadnock. This provision is the provision the Senate has put on two naval appropriation bills, but the House has always resisted it, and it has gone out. It is put on again now, the same provision the Senator has been voting for, and I hope that now we shall be able to get it through. It is right in the line that the Senator wants.

Mr. SEWELL. Can not the Senator from Maine tell us how long we shall have to vote for this in order to finish the monitors?

Mr. HALE. Just as often as the committee puts it on to the bill, I suppose.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution for the printing of 3,500 copies of the first and second volumes of Decisions Relating to Public Lands, prepared under the direction of the Department of the Interior.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department United States Army; and

Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an amendment intended to be proposed to the deficiency appropriation bill providing for the payment of the awards made in favor of French claimants by the French and American Claims Commission created by virtue of the provisions of the claims convention of January 15, 1880, amounting to the sum of $625,566.35. It will be necessary perhaps under the rule that the amendment should be referred to the Committee on Appropriations, so that the committee may have it before them for consideration. I move that it be referred, with the accompanying papers, to the Committee on Appropriations. It need not be printed.

The motion was agreed to.

Mr. MILLER, of California. I am also directed by the Committee on Foreign Relations to report an amendment intended to be proposed to the sundry civil appropriation bill proposing to appropriate $2,000 to enable the President of the United States to send the Chief of the Bureau of Statistics of the Treasury Department as a delegate to represent the Government of the United States at the jubilee to be held by the Statistical Society in London in June, 1885. I move that the amendment be referred with the accompanying papers, without printing, to the Committee on Appropriations.

The motion was agreed to.

Mr. BOWEN, from the Committee on Mines and Mining, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS. I am directed by the Committee on Epidemic Diseases to report an amendment intended to be proposed to the deficiency appropriation bill. I understand from the chairman of the Committee on Appropriations that there is ample time for the printing. I therefore move that the amendment be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. BAYARD, Mr. BLAIR, Mr. BUTLER, Mr. GORMAN, and Mr. PENDLETON submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

SENATE MANUAL.

Mr. FRYE. The last edition of the Manual is exhausted, and Senators are desirous of more. I offer a resolution for reference to the Committee on Printing:

Resolved, That there be printed and bound for the use of the Senate, under the direction of the Committee on Rules, 1,000 additional copies of the revised Senate Manual.

The resolution was referred to the Committee on Printing.

SAC AND FOX AND IOWA INDIAN LANDS.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair lays before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. I ask the Senator to yield a moment for the passage of a bill which it is important to be passed, reported favorably by the Indian Committee with an amendment, that it may go to the House.

Mr. HOAR. I withdraw the motion for that purpose only.

Mr. VAN WYCK. I ask unanimous consent for the consideration of the bill, Calendar No. 1271, reported by the Committee on Indian Affairs.

The PRESIDING OFFICER. The title of the bill will be reported for information.

The CHIEF CLERK. "A bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes."

Mr. HOAR. The understanding is that if it leads to debate it shall be set aside.

The PRESIDING OFFICER. The unfinished business will be informally laid aside, if there be no objection.

Mr. MORRILL. If this bill gives rise to no debate the unfinished business may be laid aside informally.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That with the consent of a majority of the chiefs, headmen, and male adults of the Sac and Fox (of the Missouri) tribe of Indians and the Iowa tribe of Indians, expressed in open council by each tribe, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold the remainder of the reservations of the Sac and Fox and Iowa Indians, lying in the States of Nebraska and Kansas. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Sac and Fox and Iowa tribes of Indians and the other two shall be appointed by the Secretary of the Interior.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same, through the United States public land office at Beatrice or Lincoln, Nebr., at public sale, to the highest bidder. In cases where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than $8 per acre, and to none except such as purchase the same for actual occupation and settlement; and who have made and subscribed on oath, before the register of said land office, and filed the same with said officer of the land office at Beatrice or Lincoln, Nebr., that it is his good-faith intention to settle upon and occupy the land which he seeks to purchase, and improve the same for a home; and, except in case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the payment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land, and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres. If the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, and no other objection exists, the purchase of such excess shall be allowed. Such purchaser shall pay one-fourth of the purchase-price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of 6 per cent. per annum; and where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid. No patents shall issue until all payments shall have been made; and on the failure of any purchaser to make payment as required by this act he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

SEC. 3. That if any member of said Sac and Fox or Iowa tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale as provided for herein; and the Secretary of the Interior shall cause a certificate to issue to the person so electing as follows: If he be the head of a family, to one hundred and sixty acres of land, and if a single man, to eighty acres of land, the land so selected to include his improvements, and to be accepted in full satisfaction of his interest in and to the said reservation, and of the

moneys or fund realized from the sale thereof. The certificate provided for herein shall be of the legal effect and declare that the United States does and will hold the land thus certified, for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus allotted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands during such time shall not be subject to taxation, alienation, or forced sale under execution or otherwise.

SEC. 4. That the proceeds of the sale of any improvements belonging to individual Indians shall be paid to the Indians to whom such improvements belonged. The proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States; and the proceeds of the sale of said lands, first deducting therefrom the cost of the survey, appraisement, and sale, and the expense of removing the Indians as hereinafter provided, shall be placed to the credit of the said Sac and Fox and Iowa Indians, according to the interest of said tribes in said reservations, in the Treasury of the United States, and shall bear interest at the rate of 4 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as aforesaid, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization.

SEC. 6. That the President of the United States be, and he is hereby, authorized to cause patents to be issued to the Sac and Fox (of the Missouri) tribe of Indians and the said Iowa tribe for the reservations that may be selected for them under the provisions of the preceding section.

SEC. 7. That the patent authorized by the preceding section to be issued to said Sac and Fox and Iowa tribes of Indians shall be of the legal effect and declare that the United States does and will hold the land therein described in trust for the sole use and benefit of said Sac and Fox and Iowa tribe of Indians, respectively.

SEC. 8. That whenever the Indians who may be properly residing upon the said reservations referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity, as follows:

To each head of a family, one hundred and sixty acres.

To each single person over the age of 21 years, eighty acres.

SEC. 9. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, the President shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of the legal effect and declare that the United States does and will hold the fee of the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

SEC. 10. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as provided in section 1, cause the removal of that portion of the Sac and Fox and Iowa tribes residing upon said Sac and Fox and Iowa reservations, in Nebraska and Kansas, to the reservation or reservations that may be secured for them, and expend such sums as may be rendered necessary by such removal, and for the comfort and advancement in civilization of said Indians; and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox and Iowa lands; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sale of said lands by said tribes, respectively.

Mr. MANDERSON. Mr. President——

Mr. DAWES. I move to amend the amendment in the tenth section by striking out "thirty" and inserting "ten;" so as to read:

And the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox and Iowa lands; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sales of said lands by said tribes, respectively.

Mr. MANDERSON. That was the amendment I was about to move.

The amendment to the amendment was agreed to.

Mr. CONGER. I understand the amount allotted to each of the Indians to be one hundred and sixty acres for the head of a family and eighty acres to one not the head of a family. I wish to ask, does this make any provision for lands to minors?

Mr. DAWES. The heads of families select for their minor children, and where the minors have no heads of families to select for them the Secretary of the Interior, through the agent, selects for them.

Mr. CONGER. The clause allotting one hundred and sixty acres to the head of a family and eighty acres to a minor I wish to have read again.

The Chief Clerk read as follows:

SEC. 8. That whenever the Indians who may be properly residing upon the said reservations referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

To each head of a family, one hundred and sixty acres.

To each single person over the age of 21 years, eighty acres.

Mr. CONGER. I do not hear in that any provision for any minor.

Mr. DAWES. I think there is none. This amendment is a copy of a bill which passed the Senate at the last session and went down to the House in reference to the Iowa Indians. The Iowa Indians and the Sacs and Foxes are occupying two small reservations together, of about 8,000 acres each, one in Nebraska and one in Kansas. That bill having passed the Senate, and a bill for the Sacs and Foxes having passed the House, it is deemed wise by the Committee on Indian Affairs of the Senate to put the two together into one so that these two reservations, which are in fact one reservation of Indians living together, might be sold in the same manner and at the same time.

The bulk of the Indians included are located down in the Indian Territory but do not have any title to their land in the Indian Territory. They are all desirous of disposing of this land in Kansas and Nebraska. There is a residue remaining there. They are to have as part of the consideration title to the land they have chosen for themselves in the Indian Territory. That there is no provision for minor children, I suppose there is no doubt, though my attention has not been specifically called to it. There is no doubt of the fact that the few who remain there propose to go down and join their brethren in the Indian Territory; but lest there may be some families already located there who prefer to stay where they are this provision was put in the bill. It is not supposed that it will have any practical effect, because it is believed that these Indians of their own choice will all join their brethren.

Mr. CONGER. These very Indians were taken to the Indian Territory by force and under military authority; in the interest of civilization and philanthropy these Indians were driven from their land. I suppose if you are going to take away all their land and sell it either for their benefit or for that of some one else, there should be a provision that every living Indian on that land, old or young, should have some little piece of land out of the amount here provided for. I inquire of the chairman of the Committee on Indian Affairs whether it is not proposed to require that provision in every such bill? I find here a bill taking away the remnant of land left to this remnant of a tribe with provision for the head of a family and for certain Indians not heads of families that are of age. I know how much these lands are desired. I do not know whether this is part of the reservation along Locust Valley or some other part of the State of Nebraska, but I know how delightful those lands are and how desirable they are to people of my own race, and I shall propose to allow forty acres for each minor of these tribes. I move that there be an amendment coming in after "eighty acres," in line 8 of section 8, for persons not heads of families over 21 years of age:

And forty acres for the minors of each family on the reservation.

That would be in accordance with our uniform and universal rule.

The PRESIDING OFFICER. The Senator from Michigan will please send his amendment to the desk.

Mr. CONGER. I have not the bill before me.

Mr. DAWES. While the Senator is preparing his amendment, I will say that if the Senator can frame an amendment that will give to any Indian any greater safeguards than those now in the bill, it will meet my hearty support.

The Senator is confusing this case with some other. The Iowa Indians and the Sacs and Foxes of their own accord years ago preferred to leave, the main body of them, Kansas and Nebraska and go down into the Indian Territory. With the help of the Indian Department they have selected their own reservation down there. Each one of them is located on land represented to the Committee on Indian Affairs as of excellent quality; and they are, especially the Sacs and Foxes who have been there the longest, doing exceedingly well. Their land with the few Indians remaining on it in Kansas and Nebraska has become of great value, but is of no use to them because they do not cultivate it themselves but live down in the Indian Territory.

If they can have the fund that that land will create if properly sold they will have the means of subsistence and of education and of civilization that will make them independent. They are few in number; but this is an estate of great value to them. It is provided in reference to this sale, first, that it shall not take place until the consent in open council of the Indians, both the Sacs and Foxes and the Iowas, is obtained. They are an intelligent people; they know what they are about. To-day they are leasing their lands in the Indian Territory on such terms as that the Interior Department stands aside and lets them transact their business themselves. So they know what they are about. The land is to be appraised, but shall not be appraised at a sum less than $8 an acre. It may be appraised at as much over $8 an acre as three disinterested appraisers shall determine. Then it is to be put up at auction above the appraisal. That land will bring, it is supposed, from ten to fifteen dollars an acre, creating a great fund for the use of these people.

The evidence before the committee was that it was not likely a solitary Indian would choose to remain there; but it may turn out that there are Indians who would prefer to remain. The committee have provided therefore that every head of a family that shall prefer to remain there shall first have a title deed to one hundred and sixty acres of land, and every single man over 21 years of age shall have a title deed to just half that, or eighty acres. If my friend from Michigan thinks that there is a minor who will want to stay there while his parents go off into the Indian Territory, or any minor who has not got any parent living that wants to stay there, I hope he will provide for them.

Mr. CONGER. That is what I am proposing to do.

Mr. DAWES. The Senator shall have my support in such an amendment if he will omit to intimate that this land is about to be stolen from these Indians by the help of the Indian Committee and the Senators from Nebraska. If he will omit that, I will help him in his amendment.

Mr. CONGER. I find the plain fact that there is an omission here which has been put in every other bill contested and put in against all opposition. Now, I modify my amendment, and after the words "eighty acres," in line 8, at the end of section 8, I move to amend by inserting:

To each minor, forty acres.

Mr. VAN WYCK. No objection.

The PRESIDING OFFICER. The proposed amendment to the amendment will be read.

The CHIEF CLERK. After line 8, at the end of section 8, it is proposed to insert:

To each minor, forty acres.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Indian Affairs as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that a committee of conference on the disagreeing votes of the two Houses be asked on the amendment to this bill.

The PRESIDING OFFICER. The Chair would suggest that the title of the bill requires amendment.

Mr. DAWES. There is an amendment to the title reported by the committee.

The title was amended so as to read: "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes."

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate request a conference with the House of Representatives on the disagreeing vote of the two Houses on this bill.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. HARRISON, and Mr. COKE were appointed.

JOHN W. LANGSTER.

Mr. BLAIR. I have a written representation which should accompany a paper touching the case of one John W. Langster, who is under sentence of death in the jail of this District. A petition on the subject was presented by me a few days since, and it was referred to the Committee on the Judiciary. He appears to have been tried and sentenced as though he were a sane man. There is an application pending for pardon. The witnesses who, from this statement, could demonstrate the man's insanity live some 1,200 or 1,500 miles distant. The parties are very poor, including those who are interesting themselves in behalf of this man. There seems to be no provision of law by which evidence in such a case can be obtained to be used before the pardoning power.

I have here a demonstration that this man was sent from the United States service to St. Elizabeth's Insane Asylum in this District only a year ago. He was discharged as temporarily cured. He soon got into some difficulty and through that difficulty committed a homicide, was tried, and convicted as a sane man. I must say that I believe from this evidence that he was insane, and that if the evidence could be procured his pardon would follow as a matter of course.

I do not know just what the Committee on the Judiciary can do in regard to this matter. Perhaps an examination of the evidence would satisfy the committee that they might address a formal communication to the Executive upon the subject, and there may be a respite or at least a proper investigation. It may be that the matter should properly go to the Committee on the District of Columbia. I ask the presiding officer now in the chair, who is chairman of the Committee on the District of Columbia, and also, I believe, a member of the Judiciary Committee, if, in behalf of humanity, he will not give a little attention to this matter?

The PRESIDING OFFICER. The paper will be referred to the Committee on the Judiciary, if there be no objection.

DISTRICT TAX SALES.

Mr. ALDRICH. I now ask unanimous consent to call up House bill 8236, Order of Business 1345, the consideration of which was partially concluded yesterday.

Mr. MORRILL. I will not object, provided the trade-dollar bill is laid by informally subject to call.

The PRESIDING OFFICER. That order will be made. Unanimous consent implies that the pending order is laid aside informally.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

Mr. HOAR. I move to amend the bill in certain respects. In line 10 I move to insert after the word "deed" the words "and the affidavit hereinafter required."

The PRESIDING OFFICER. If there be no objection the amendment will be regarded as agreed to.

Mr. HOAR. Then I move to add to the bill:

The collector of taxes or other officer charged with the duty of selling any real estate in the District of Columbia for taxes shall, in addition to the other proceedings required by law, within ten days after such sale, give personal notice to all persons within the District of Columbia known to him or who can be ascertained by him by inquiry, having interest in the estate sold, whether as owner, mortgagee, or otherwise, of the fact of such sale and the assessment of such tax, and shall deposit in the post-office, postage prepaid, a like notice addressed to all such persons not within the District of Columbia at the place of their residence, so far as the same can be ascertained by him on inquiry; and he shall make affidavit that such notice has been given, which affidavit shall contain a copy of the same and of the names of the persons notified or of the fact that no such persons could be ascertained on inquiry, and shall be recorded with the deed conveying such estate.

These two amendments together, instead of making the deed conclusive evidence of the title after the expiration of the time limited, require with the deed an affidavit of the collector that he has inquired for the owners and has given them notice, if he can find them, and with a copy of the notice. This does not put upon the purchaser the necessity of proof that that has been done, but it makes the affidavit the conclusive proof. I have shown the provision to several members of the committee, and I think they all agree to it.

Mr. JACKSON. I desire to call the attention of the Senator to an amendment which I propose to come in at the end of line 22.

Mr. HOAR. Suppose this be added first, and then the Senator can state his amendment.

Mr. JACKSON. I think if it is read the Senator will see that it ought to come in at this point.

Mr. ALDRICH. Both these amendments have been submitted to members of the committee and are satisfactory to the committee.

Mr. JACKSON. It is only a question of the order in which they come.

Mr. HOAR. Let the amendment be read for information.

The PRESIDING OFFICER. The amendments reported by the Committee on the District of Columbia will be regarded as agreed to, if there be no objection. They were read yesterday. The question now is on the amendment offered by the Senator from Massachusetts [Mr. HOAR], to which the Senator from Tennessee [Mr. JACKSON] desires to offer an amendment, as the Chair understands. It will be read for information.

Mr. JACKSON. My amendment is not to the amendment of the Senator from Massachusetts; but it is an amendment which ought to precede his.

The PRESIDING OFFICER. It will be read for information.

The CHIEF CLERK. At the end of line 22, after the word "purchaser," it is proposed to insert:

Provided, however, That this conclusive evidence and title shall not prevail against the former owner who can show that the taxes for which the property was sold were duly paid before such sale.

Mr. HOAR. I think that should come in after my amendment.

Mr. JACKSON. Very well.

Mr. PLATT. I want to inquire whether the amendment which was proposed by the senior Senator from Tennessee [Mr. HARRIS] last night has been adopted.

Mr. HARRIS. It has not been formally offered, but will be offered as soon as the amendments of the Senator from Massachusetts and my colleague have been disposed of.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Tennessee [Mr. JACKSON].

The amendment was agreed to.

Mr. HOAR. I have one more amendment. In line 18, after the word "within," I move to strike out "one year" and insert "two years." I hope that will be done by unanimous consent.

Mr. HARRIS. I have no objection to that.

Mr. HOAR. Making the time within which the suit shall be brought two years instead of one year.

The PRESIDING OFFICER. In line 18 it is proposed to strike out "one year" and insert "two years." The question is on that amendment.

The amendment was agreed to.

Mr. HARRIS. I move to add to the bill the following additional proviso:

Provided further, That persons under legal disability shall not be precluded from bringing suit within two years from the removal of such disability.

The amendment was agreed to.

Mr. CONGER. The amendment offered by the Senator from Tennessee [Mr. JACKSON] mentions "taxes." The bill mentions "taxes and assessments."

Mr. ALDRICH. I think the word "assessments" should be put in.

Mr. CONGER. The word "assessments" should be put in after "taxes." Let it read "taxes or assessments."

The PRESIDING OFFICER. The proviso will be read as proposed to be modified.

The Chief Clerk read as follows:

Provided, however, That this conclusive evidence and title shall not prevail against the former owner who can show that the taxes or assessments for which the property was sold were duly paid before such sale.

The PRESIDING OFFICER. The modification will be made, if there be no objection.

Mr. CALL. I move to add to the bill the following additional proviso:

Provided further, That when the commissioners are satisfied that any lot is the actual homestead of the owner, and that it comprises the principal portion of his estate, they may authorize the collector to accept a sum in full not less than one-half of the assessed value of the lot.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

Mr. CALL. The amendment was prepared by one of the commissioners of the District, and after consultation with him some of the citizens of the District came to me and stated that their cases were cases of very peculiar hardship; that the assessments formerly made for the improvement of the city had been very excessive, and sometimes the assessments had been made not in the interest of the improvement of the property but for the advantage of the public buildings.

Mr. HOAR. May I inquire of the Senator whether he means by his amendment that the collector is to accept what is proposed, from the purchaser at the sale, or that he is to accept from the tax-payer?

Mr. CALL. From the tax-payer.

Mr. HOAR. I think if the Senator will look at it he will see that it is a provision in regard to the proceedings at the sale.

Mr. CALL. It was intended that the tax-payer should have this relief.

Mr. HOAR. It would be interpreted to mean to accept as purchase-money of the estate, the Senator will see if he will look at it.

Mr. CALL. It was drawn by one of the commissioners, and I did not read it closely.

Mr. HOAR. If it had been drawn by the Senator it would have been much better.

Mr. CALL. I know what he intended by it. I will correct it in that respect.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be read as modified.

The CHIEF CLERK. It is proposed to add to the bill the following additional proviso:

Provided further, That when the commissioners are satisfied that any lot is the actual homestead of the owner and that it comprises the principal portion of his estate, they may accept a sum in full payment of the same not less than one-half of the assessed value of the lot.

The amendment was agreed to.

Mr. McPHERSON. I move that the further consideration of the bill be postponed until to-morrow, and that the amendments which have been agreed to by the Senate be printed with the body of the bill, in order that the Senate may thoroughly understand what it is voting upon. As I understand from the reading of the bill, with all the amendments which have been agreed to by the Senate, it is a bill which proposes in effect and under certain conditions to extinguish all other title save the tax title. The tax title is supposed to supersede all others. There is no State Legislature in any State in the Union which would impose such a measure upon the municipal government of a city in the State. It is the most arbitrary, unjust, and tyrannical measure that I have ever heard or read of in my life. It is a bill that the Senate should not pass as it stands to-day. No mortgagee would, under this bill, be safe for a moment. Any man in the District of Columbia desiring to improve property and to borrow money for the purpose of improvement could not obtain it at any rate of interest that he would be willing to pay. It stops all improvements.

I say that for the Senate to hasten through a bill of that character in the last hours of the session, and amended as it has been, without the knowledge of any Senator here that the amendments touch in any shape or form or cover the defects of the bill, is entirely wrong. I think in justice to the people of this District who are interested and deeply interested in this legislation the bill should be printed with all the amendments, so that every Senator may know exactly what he is voting for.

Mr. HARRIS. In reply to the Senator from New Jersey I desire simply to say that I know of the laws of no State in the Union upon the subject of tax sales better guarded or more liberal in their provisions than the bill now pending as amended by the Senate; and at this late hour of the session, why we should postpone the bill from day to day, in order that the Senator from New Jersey may see in print the amendments adopted, I do not quite feel justified in doing or see the propriety of doing. I hope the Senator's motion to postpone the further consideration of the bill until to-morrow will not be agreed to.

Mr. CONGER. Within the last few days notice has been served upon one or two church societies, religious organizations, in this city that old assessments unpaid, supposed to have been disposed of long ago, under a revision or a review of the laws by the commissioners or by the authorities of the board, are found to apply to church property through some little defect or difference of time between the passage of one law and the passage of another, and they have received a notice that unless these old assessments, three, four, five, or six years old, some of them, are paid within so many days, the property will be sold. There has been no question about the intention of Congress in the laws which were passed to exempt church property actually held for religious purposes or for school purposes from certain taxes and certain assessments.

Mr. HARRIS. Do I understand the Senator to assert that church property held for purposes of public worship is threatened with sale for taxes in the District of Columbia?

Mr. CONGER. I do make that assertion, sir.

Mr. HARRIS. I am very much surprised that it is made, for my distinct impression is that within the last few years every church lot in the District of Columbia held and used for purposes of public worship has not only been exempted from all taxes, but that all taxes accruing previously have been remitted by acts of Congress.

Mr. CONGER. So I supposed.

Mr. HARRIS. I do not think there is such a case in the District.

Mr. CONGER. So I supposed; but I have had occasion to look into the matter in behalf of one of these societies, and I find that the laws on this subject were changed a little one year and changed a little another, and that there were intervals there where assessments did apply, notwithstanding the intention of the law to exempt them. I have spent some little time voluntarily with the officers of one society in laying their matter before the commissioners and getting a part of the property released.

There is another thing. One of these organizations has its Sunday-school room and chapel all in the same building. The District of Columbia authorities desired to occupy on week days the room that the church organization occupied evenings and Sundays for its purposes, and they rented that room of the organization for a primary school of the District, and have had it for years and paid rent. Now they come in and say because that building was rented and the church organization received a little rent, although it was occupied for church purposes whenever they wanted it, they must pay taxes and pay assessments upon that portion—one story—of the church building. I know several cases of that kind. I say this measure would compel and sanction the sale of that property under the notice that it will be sold unless these things are paid within a certain time.

Old taxes, old assessments came up in this kind of shape contrary to the spirit of the legislation for this District and supposed to be contrary to the law at the particular time when the assessments were incurred, endangering that kind of property all the while with disputed questions, and no remedy if it should pass along or the church be unable to pay its taxes. I think this is a most dangerous measure. The Senator from Tennessee says that it is more lenient than the law of any State. I do not know how it may be in all States, but a return of property for the non-payment of taxes in almost every State is made to the State authority; it is made to the treasury; it is advertised by the auditor-general; it is returned again; a year of public notice and personal notice is made to the owner or occupier of the land so taxed; and then by advertisement it is sold at open sale in the county.

Mr. HARRIS. The bill as it is now amended gives two years' public notice before the tax-deed is made.

Mr. CONGER. But that is before it becomes absolute.

Mr. HARRIS. Before the tax-deed is made.

Mr. CONGER. For the woman or child, it is true there is a restriction; but who in this city can follow along through all the intricacies of old assessments in the city, coming up year after year, and being enforced against property now in the hands of new purchasers?

I agree with the Senator from New Jersey that the title to all property in this District would be under a cloud continually from the time of the passage of such a bill as this is, as I believe it to be; and I agree with the Senator in desiring that the bill shall at least be reprinted with the amendments, so that we may see what it is.

Mr. McPHERSON. Mr. President——

Mr. HOAR. Will the Senator from New Jersey yield to me to make a motion to proceed to the consideration of executive business?

Mr. McPHERSON. Yes, sir.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. McPHERSON. Will the Senator withdraw the motion for a moment that we may have the bill printed with the amendments?

Mr. HOAR. I withdraw the motion for that purpose.

The PRESIDING OFFICER. The order to print the bill as amended will be made if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate in compliance with its request the following joint resolutions:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The message also announced that the House had concurred in the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HOLMAN of Indiana, Mr. JOHN HANCOCK of Texas, and Mr. JOSEPH G. CANNON of Illinois managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

Mr. MORRILL. I call for the regular order.

Mr. DAWES. I ask for the consideration of a conference report.

Mr. MORRILL. Let the regular order be laid before the Senate before anything else is done.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him, pending which the Senator from Vermont calls for the regular order. The regular order will be announced.

The CHIEF CLERK. "A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to proceed to the consideration of House bill 5849.

Mr. MORRILL. The bill suggested by the Senator from Wisconsin would undoubtedly take the whole afternoon, and I do not expect that the trade-dollar bill will occupy more than a few minutes. I wish to say that, after the demonstrations made elsewhere, there is not probably any chance of the latter part of the amendment, the section proposed to be stricken out by the Senator from Kansas, becoming a law.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate on the motion of the Senator from Wisconsin is not in order.

Mr. MORRILL. I am not debating that; I am debating the regular order.

The PRESIDENT *pro tempore*. The motion of the Senator from Wisconsin is the only pending motion. If there be no objection the Senator from Vermont will proceed. The Chair hears no objection.

Mr. MORRILL. I merely desire to say further that I think there will be unanimous consent to take the vote upon striking out the fifth section of the amendment of the Committee on Finance at once, without further debate, and then the Senate can dispose of the trade-dollar bill as they choose. I trust that that course will be pursued.

Mr. DAWES. Is it not in order to call up a conference report at any time?

The PRESIDENT *pro tempore*. It will not be in order, the Chair thinks, until the Chair puts the question on the motion of the Senator from Wisconsin. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States. The question is on agreeing to the motion.

The question being put, a division was called for; and the ayes were 29.

Mr. MORRILL. I ask for the yeas and nays. The question is evidently whether the silver bill shall be superseded or not.

The yeas and nays were ordered.

Mr. MITCHELL. I rise to a question for parliamentary information. What will be the effect of the adoption of the motion to take up the bill proposed by the Senator from Wisconsin? Will it displace the trade-dollar bill?

The PRESIDENT *pro tempore*. The Chair thinks it will, under the rules.

Mr. MITCHELL. So I understand.

The PRESIDENT *pro tempore*. It will be in order to move to proceed to the consideration of the trade-dollar bill or any other bill afterward. The question is on agreeing to the motion of the Senator from Wisconsin, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "nay."

The result was announced—yeas 34, nays 21; as follows:

YEAS—34.

Bowen,	Garland,	Jonas,	Vance,
Butler,	George,	Jones of Nevada,	Van Wyck,
Call,	Gibson,	Miller of Cal.,	Vest,
Camden,	Hampton,	Pendleton,	Voorhees,
Cameron of Wis.,	Harris,	Pugh,	Walker,
Cockrell,	Harrison,	Riddleberger,	Williams,
Coke,	Hill,	Sawyer,	Wilson.
Dolph,	Ingalls,	Sherman,	
Fair,	Jackson,	Slater,	

NAYS—21.

Aldrich,	Edmunds,	Miller of N. Y.,	Platt,
Bayard,	Groome,	Mitchell,	Saulsbury,
Blair,	Hawley,	Morgan,	Sewell.
Chace,	Hoar,	Morrill,	
Conger,	Lapham,	Palmer,	
Dawes,	McPherson,	Pike,	

ABSENT—21.

Allison,	Farley,	Lamar,	Plumb,
Beck,	Frye,	Logan,	Ransom,
Brown,	Gorman,	McMillan,	Sabin.
Cameron of Pa.,	Hale,	Mahone,	
Colquitt,	Jones of Florida,	Manderson,	
Cullom,	Kenna,	Maxey,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

INDIANS ON UMATILLA RESERVATION.

Mr. DAWES. I now call up the conference report on the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefore, and for other purposes.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to House amendment No. 5, and agree to the same.

H. L. DAWES,
JAS. H. SLATER,
ANGUS CAMERON,
Managers on the part of the Senate.
M. C. GEORGE,
R. S. STEVENS,
OLIN WELLBORN,
Managers on the part of the House.

The report was concurred in.

MARY ALLEN.

Mr. PLUMB. I ask unanimous consent that the vote of the Senate taken on the 6th of the present month, by which the bill (H. R. 2100) granting a pension to Mary Allen was indefinitely postponed, may be reconsidered, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. Is there objection to a reconsideration of the vote indefinitely postponing the bill? The Chair hears none, and it is so ordered. The bill will be placed on the Calendar with the adverse report of the committee.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BUTLER, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GROOME submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SLATER. I desire to ask a change of reference of an amendment offered by me on the 19th of February from the Committee on Claims to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to change the reference of an amendment intended to be proposed by him to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, from the Committee on Claims to the Committee on Military Affairs. That order will be entered if there be no objection; and the amendment will be referred to the Committee on Military Affairs.

WASHINGTON MONUMENT DEDICATION.

Mr. MANDERSON. I ask unanimous consent to make a report at this time from the Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to make a report at this time from the Committee on Printing. Is there objection? The Chair hears none.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a concurrent resolution of the House of Representatives authorizing the printing of extra copies of the report, &c., of the joint commission on the Washington Monument, adversely to the adoption of the concurrent resolution, and presenting a bill as a substitute for the concurrent resolution. I ask that the bill may be now considered.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Nebraska moves that the concurrent resolution be indefinitely postponed.

Mr. MANDERSON. Yes, sir.

Mr. SHERMAN. I submit to the Senator from Nebraska whether he had better not let the House resolution stand unacted upon, and pass the bill, so that if the House does not act upon the bill promptly we can dispose of the concurrent resolution?

Mr. MANDERSON. I will take that course, and ask that the concurrent resolution be laid on the table.

The PRESIDENT *pro tempore*. That course will be taken then. The Senator from Nebraska reports an original bill, the title of which will be read.

The bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, was read the first time by its title.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be now considered. It will be read the second time at length for information.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed under the direction of the Joint Committee on Printing, and that 26,500 additional copies be printed; 8,000 copies of the same for the use of the Senate, 16,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. Gen. P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession; 500 copies for the Washington National Monument Association, for distribution among its members; 500 copies for distribution by Col. Thomas L. Casey, engineer, among the mechanics and workmen employed in the erection of the monument; 500 copies for Hon. Robert C. Winthrop; and 500 copies to Hon. John H. Daniel; and for the purpose of defraying the expense of printing the said attached card the sum of $2,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I move to amend the bill by changing the name of "Hon. John H. Daniel" to "Hon. John W. Daniel."

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. COCKRELL. I should like to ask the Senator reporting the bill what the report embraces. We have not seen it. Does it include the two addresses and all the proceedings?

Mr. MANDERSON. Both. It includes all the proceedings upon the 21st day of February.

Mr. SHERMAN. All will be printed.

Mr. HAWLEY. It occurs to me at the moment to make another inquiry of my colleague on the Committee on Printing, or for the consideration of the Senate, whether it would not be worth while to provide in the bill, now we are about it, that there shall be printed a brief statement of the exercises at the laying of the corner-stone, with the address of Mr. Winthrop delivered at that time, so that the whole may appear together? I make the suggestion.

Mr. SHERMAN. That would be a long document. That has already been published and it will be found in the Library. It is a large document, larger I think than the proposed document will be. It would only make a compilation not needed. I have no objection to the proposition, but it would probably double the size of the document to print the addresses and the Masonic ceremonies, which were very long, on the laying of the corner-stone. However, I shall not object to it if the Senator thinks it is worth while.

Mr. MANDERSON. I submit that the bill is broad enough to permit the joint commission to print that or any other matter it may desire. It is under the control of the commission and the Joint Committee on Printing.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS.

Mr. VAN WYCK. From the Committee on Pensions I gave notice this morning that early in the day we should ask for the consideration of a few Senate pension bills reported favorably—eight or ten of them. It is desired that they should be passed early in the day, and be sent over to the House so as to secure their passage there, that they may become laws. I ask unanimous consent for that purpose now. It will take but a few moments to dispose of these bills.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the Senate now proceed to consider in their order Senate pension bills favorably reported. Is there objection?

Mr. VOORHEES. I desire to say a single word. I perceive that there is great danger that a large mass of pension business now on the Calendar is liable to be neglected and not acted upon at this session. I refer to the business reported adversely by the Committee on Pensions, and yet with merit enough in somebody's mind to be placed on the Calendar. Anything on the Calendar of the Senate is worthy of consideration. With every impulse and desire to take up any pension business that is called for, I feel impelled to require the consideration of the Calendar. I agreed, and agreed cheerfully, day before yesterday to the consideration of pension business reported favorably, but it was with the understanding—for that was the understanding of the Senate—that some time or other before final adjournment the other pension business on the Calendar which has great merit should be considered; that it should not be ignored.

I see very plainly the danger of drifting out of the present session without considering the other pension business that is on the Calendar. I know cases that are reported adversely which are as full of merit and justice as any cases which have been passed under a favorable recommendation by the committee. Consequently I do not want to have that class of business lose its place and be ignored and overslaughed; and it shall not be done so far as I am concerned.

The discrimination which has been made repeatedly, and which is now made again by the Senator from Nebraska, by taking up favorably reported business from the Pension Committee alarms me for the fate of the Calendar cases that I speak of. The Senator from Nebraska knows very well, and so does the chairman of the Committee on Pensions, that there is a large number of cases adversely reported which were adversely reported *pro forma*, as a kind of precedent, where the adverse reports are without merit, and it was supposed the bills were to be passed, and the committee expects them to be passed. Consequently I intend when we approach the consideration of pension business again to insist that the Calendar shall be taken up and that those cases shall be considered.

I could enumerate cases; I could speak of individual instances of the old widows of high officers; but I do not feel that it is proper to do so now. It will be wrong if we ignore and leave untouched and unconsidered and unacted upon those cases because they are reported upon adversely. Some Senators here spring to the floor as if an adverse report from the Committee on Pensions was as the laws of the Medes and Persians, and as if there can be no change about it. I do not feel that way, and I have reason to know that the Senate has been and is wiser by far than the committee in many instances, and that the committee itself is not exacting for its adverse reports.

The PRESIDENT *pro tempore*. Objection is made.

Mr. VAN WYCK. No; I beg the pardon of the Chair. I do not understand the Senator from Indiana to object.

Mr. VOORHEES. No; I do not make an objection to the consideration of any pension business, but I ask that the other pension business on the Calendar shall be taken up likewise, and I am mistaken in the Senator from Nebraska if he does not believe with me that that ought to be done.

Mr. VAN WYCK. Yes; I agree with the Senator from Indiana. The only difficulty is that the bills to which the Senator refers are principally House bills, and are already on the Calendar, and only require the action of the Senate. The few bills here are cases which are entirely undisputed, and are Senate bills which the committee have really neglected, and therefore it is desired that they shall be passed now in order that they may go to the House.

Mr. VOORHEES. Very well; I want to know, because if it is intended that there shall be action in good faith on these adversely reported cases I shall not interpose this kind of an objection. I have not interposed an objection to the consideration of the bills that the Senator from Nebraska now speaks of except that I want to call attention to the rest of the pension business on the Calendar, and I wish to know from the committee whether they intend to have action on those cases, because there is very great danger of their being ignored, and that the session will go out on the tide of time without those cases being considered.

Mr. VAN WYCK. I will say that the committee are as anxious as the Senator from Indiana to have those cases considered and acted upon.

Mr. VOORHEES. When will you call them up?

Mr. VAN WYCK. At any time the Senator suggests.

Mr. VOORHEES. The Senator from Connecticut [Mr. PLATT] suggests to me to call them up right away.

Mr. MITCHELL. If I may be allowed to say a word, I trust the Senate will take up the class of bills to which the Senator from Indiana refers and dispose of them. I do not know that I can ask for that in the name of the committee, because the reports stand formally as adverse reports; but the Senate has overruled the committee in a great many cases similar to those now on the Calendar in which adverse reports have been made. I think it is due and proper that those bills should be considered; but the proposition now is simply that we shall take up

the Senate bills reported favorably so that they may go over to the House. I trust that may be done.

Mr. HARRIS. I shall interpose no objection to the consideration of pension bills favorably reported, but I desire to give notice that while there are more than a hundred House bills on our Calendar which are favorably reported I shall object to the taking up of a pension bill or any other bill adversely reported until those House bills have been considered.

Mr. BLAIR. I desire to say a few words, as this seems to be a sort of debate. A few days since we took up the pension business on a general understanding that we were to have the day for that business. We went through the cases to which there was no objection. That took up half the day. There was plenty of time remaining to have considered and to have disposed of all the cases of the character alluded to by the Senator from Indiana. Then, with the understanding that not more than ten minutes would be taken, two bills were by unanimous consent allowed to come before the Senate on the request of the Senator from Missouri [Mr. COCKRELL]. I was very much disposed to object, but the assurance was very strong that they would not lead to debate. One passed with little debate, but the other took several hours and consumed the rest of the day, and it is liable to consume considerably more time; so that we lost the half day which was by general consent given to the Committee on Pensions.

These contested cases, if I may so call them, are some twenty or more in number, but they involve only one or two principles which are in controversy in the Senate. I do not think that more than an hour or two could possibly be consumed in the consideration of all of them. Many of them are very pressing cases. Unless acted upon very great distress will result in many of them. In fact they are here for the purpose of relieving existing distress, and as touching and as deep as that in any of the cases which have passed without objection through the Senate.

I do not understand that a pension bill is necessarily to receive the unanimous approval of the committee in order to entitle it to be heard in the Senate any more than any other bill. Very few bills which are of importance come before the Senate with the unanimous approval of a committee. A pension bill upon which the Pensions Committee is divided ought not to stand any worse than any other form of proposed legislation. Many of these bills have been pending from quite early in the session; some came over from the last session.

I think that if any class of legislation should be considered by the Senate it is the contested-pension cases, and they can be disposed of very soon. I shall ask the Senate under these circumstances to consider those cases as soon as the bills, which have been alluded to by the Senator from Nebraska, are disposed of. I want them to come up as they may be moved. I shall make that motion myself in regard to some of them.

Mr. PLATT. May I ask the Senator from New Hampshire a question, so that I may understand just what he means?

Mr. BLAIR. I mean just this——

Mr. PLATT. Let me ask the question. There are on the Calendar a great number of cases which have been reported against unanimously by the committee. Some of them have been indefinitely postponed, and that vote reconsidered, and the bills placed on the Calendar; but there is a unanimous report of the committee against them. Then there is another class of cases where bills have been reported adversely and less than a majority of the committee have submitted the views of the minority, and they have been placed on the Calendar. Those cases are of the same character as cases which we have hitherto passed in the Senate. It seems to me that at least that class of cases ought to come first, before those which have been unanimously reported against by the committee.

Mr. BLAIR. That is certainly true; and it is to that class of cases I have reference. Those which are reported against unanimously by the committee will hardly be given any time. I suppose each case must come up on motion, with the understanding that others of a like class may be considered, the Senate voting perhaps with that understanding.

Mr. CAMERON, of Wisconsin. There seems to be such a strong desire that pension business may be considered this afternoon that I will consent that the bill in my charge, and which the Senate has just voted to take up and proceed to the consideration of, may be informally laid aside in order that pension business may be proceeded with. I do not want the bill to lose its place as the regular order.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Nebraska [Mr. VAN WYCK] that the Senate private pension bills favorably reported be now considered in their order? The Chair hears no objection. The first bill of that class will be read.

MARIA G. DUNBAR.

The bill (S. 993) for the relief of Maria G. Dunbar was considered as in Committee of the Whole.

The bill was reported to the Senate from the Committee on Pensions, with an amendment, in line 8 to strike out the word "filed" and insert the words "properly executed;" so as to make the bill read:

That the Commissioner of Pensions is hereby authorized and directed to allow the claim of Maria G. Dunbar, widow of Moses C. Dunbar, late of the Twenty-seventh Regiment Massachusetts State Volunteers, for arrears of pension: *Provided*, That she shall establish to the satisfaction of the Commissioner that an application for said arrears was properly executed by said Moses C. Dunbar within the time fixed by law, and failed of being forwarded to the Pension Office through no fault of said Dunbar.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA HUGHES.

The bill (S. 2619) granting a pension to Martha Hughes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Hughes, widow, whose husband was a member of Company E, Seventeenth Regiment Wisconsin Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. BOAZ.

The bill (S. 2620) granting a pension to Thomas H. Boaz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas H. Boaz, late of Company H, Second Regiment Ohio Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE C. B. HATCH.

The bill (S. 2546) granting a pension to Charlotte C. B. Hatch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte C. B. Hatch, dependent widow of Maj. E. A. C. Hatch, late of Hatch's Battalion Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNE T. DICKS.

The bill (S. 1811) granting a pension to Anne T. Dicks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anne T. Dicks, widow of John W. Dicks, late an acting master in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. LOUISE BUTLER.

The bill (S. 2359) granting a pension to M. Louise Butler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" and at the end of the bill to add "for herself and her three children;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Louise Butler, widow of George Butler, late a major of marines in the service of the United States, and pay her a pension at the rate of $40 per month; said pension to be in lieu of any she may hereafter receive for herself and her three children.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLY C. MULLIGAN.

The bill (S. 2448) for the relief of Sally C. Mulligan was considered as in Committee of the Whole. It proposes to pay to Sally C. Mulligan, mother of James S. Mulligan, late first lieutenant of Company I, Twenty-first Regiment New York Volunteers, $1,771.97 due her by way of pension from the 4th of September, 1873, the time when her name was dropped from the pension-roll, to the 11th of May, 1882, the date of the act of Congress restoring her name to the roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. HILDRETH.

The bill (S. 2654) granting a pension to Charles F. Hildreth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles F. Hildreth, late assistant surgeon of the Fortieth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HOLMES.

The bill (S. 2607) granting a pension to Mary B. Holmes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary B. Holmes, widow of Henry W. Holmes, late a lieutenant of Company F, Seventy-second Regiment New York Volunteers, and to allow her the same pension drawn by her husband during his life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA W. THORNTON.

The bill (S. 2662) granting an increase of pension to Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy, and to pay her a pension at the rate of $50 a month in lieu of the pension now paid her.

Mr. JACKSON. I should like to hear the report read in that case.

Mr. BLAIR. I will state that this is not a contested case. The woman is paralyzed, and the proposed increase is put on the ground of her physical condition.

Mr. JACKSON. These reports were all made to-day. I should like to hear the report read and the grounds stated for increasing this pension to $50 a month.

Mr. MITCHELL. I will say to the Senator from Tennessee that this is not the case of the Mrs. Thornburgh to which so many allusions have been made. It is another case entirely—the case of Mrs. Thornton.

Mr. BLAIR. She is the widow of the commander of the Kearsarge.

Mr. JACKSON. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR February 27:

The Committee on Pensions, to whom was referred the bill (S. 2662) granting increase of pension to Ellen W. Thornton, widow of Capt. James S. Thornton, have examined the same, and report recommending passage of the same upon the ground of her physical condition, which is such that an even larger pension would be given to a private soldier under the same circumstances, she being afflicted with paralysis. We print her memorial presented to the Forty-seventh Congress. Her condition is now worse.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Respectfully represents your petitioner that she is the widow of the late Capt. James S. Thornton, of the United States Navy, deceased; that she has long been an invalid; that she is unable to walk without assistance, and that her malady, which is in the nature of paralysis, is increasing; that on account of her extreme ill-health she has resided at St. Michaels, Azores, for the past five years; that she is now in the receipt of a pension of $30 a month on account of her said husband, and that he left a very small property, the income of which, together with her said pension, is insufficient for her support, even with the strictest economy, in her present helpless condition.

Wherefore she prays that her said pension may be increased from $30 to $50 a month.

ELLEN W. THORNTON.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMELIA J. GILL.

The bill (S. 2661) granting a pension to Miss ——— Gill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Gill," to insert "Amelia J.;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miss Amelia J. Gill, and pay her a pension at the rate of $20 a month from the passage of this act, on account of her services as a nurse during the war of the rebellion and her disability contracted therein while rendering such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read:

A bill granting a pension to Miss Amelia J. Gill.

ANN ATKINSON.

The bill (S. 2665) granting increase of pension to Ann Atkinson was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Atkinson, formerly widow of Hopeful Toler, at the rate of $16 per month in lieu of her present pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MITCHELL. I now move to take up the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint, a bill which I reported this morning from the Committee on Pensions, with instructions to ask for its immediate passage. It has passed the House. It simply applies the same rule to soldiers who have had their arms amputated at the shoulder-joint as——

The PRESIDENT *pro tempore*. It is the duty of the Chair to state to the Senator from Pennsylvania that debate on a motion to proceed to the consideration of a bill is not in order. The Senate resumes the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States, the pending question being on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON], pending which the Senator from Pennsylvania [Mr. MITCHELL] moves that the Senate proceed to the consideration of the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint. The Chair understands that this bill was reported to-day. It requires unanimous consent that the bill be now considered. Is there objection?

Mr. JACKSON and others. I object.

The PRESIDENT *pro tempore*. Objection is made. The pending question is on the amendment of the Senator from Indiana to House bill 5849, which will be read.

The CHIEF CLERK. In line 7, after the word "three," it is proposed to insert "six;" so as to read:

Within six years after the passage of this act.

Mr. BLAIR. I do not quite understand the telescopic performance here.

The PRESIDENT *pro tempore*. All the Senate pension bills favorably reported have been gone through with. The Chair will state the condition of business. The Senate then resumed the consideration of the bill it had under consideration when it was informally laid aside. Notice was given that those being concluded it would be moved to go on with the pension bills that had not been favorably reported. But it was the duty of the Chair to lay before the Senate the business which had been laid aside informally.

Mr. MORRILL. In accordance with that notice I now move to take up the House bill——

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. BLAIR. I yield to the Senator from Vermont.

Mr. CAMERON, of Wisconsin. Will the Senator from Vermont bear with me one moment? I will consent that the regular order be informally laid aside for the purpose of considering pension bills, whether favorably reported or not.

Mr. BLAIR. I understand that to be the original consent.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the pending order be informally laid aside for the purpose of considering pension bills. Is there objection?

Mr. JACKSON. I object to that.

The PRESIDENT *pro tempore*. Objection is made.

EMILY L. ALVORD.

Mr. MORRILL. I move, then, to take up House bill No. 7659, Order of Business 1138.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of Order of Business 1138. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord."

Mr. JACKSON. I object to that.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

The question being put, it was declared that the ayes appeared to prevail.

Mr. JACKSON. I call for the yeas and nays.

On seconding the call for the yeas and nays four Senators rose.

The PRESIDENT *pro tempore*. The Chair is obliged to say there is not a sufficient number up, only four Senators rising. The ayes have it.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord. It proposes to place on the pension-roll the name of Emily L. Alvord, widow of Brig. Gen. Benjamin Alvord, deceased, late Paymaster-General of the United States Army, at $50 per month.

Mr. MORRILL. I desire to say a brief word about this bill. It is a House bill, and I understand was reported unanimously there——

The PRESIDENT *pro tempore*. The Senator has no right to refer to reports made in the House of Representatives.

Mr. MORRILL. I will take that all back, then. [Laughter.] It is in behalf of the widow of General Alvord. The only reason why I say a word about it is that I was acquainted with him for a dozen years here in Washington and knew him to be a very valuable man. He served in the Army forty-six years, and his service commenced almost immediately after his graduation, in the Florida or Seminole war, and he was engaged in the Mexican war, brevetted for his conduct in battle in various places in the Seminole war and at Cerro Gordo and at Resaca de la Palma. He was also a valuable officer at West Point, serving there as a professor. He was known, while living, to be a man of large culture in scientific matters, and contributed to the various publications of the country in that direction. His widow is almost entirely destitute. She has a mother and a sister to sustain, and I trust therefore there will be no objection to passing this bill as it came to us from the House.

Mr. VANCE. I ask that the report be read.

The Chief Clerk read the following report, submitted by Mr. CULLOM February 6, 1885:

The Committee on Pensions, to which was referred the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord, having examined the same submits the following report:

The circumstances of this case are set forth in the report of the House Committee on Invalid Pensions, as follows:

That General Alvord was an officer in the Army of the United States in continuous service for forty-seven years. His military record is most satisfactory and brilliant. He was in the Florida war against the Seminole Indians, was engaged in several skirmishes, and was promoted for his gallant conduct. He was in the war with Mexico, and participated in several engagements, and was twice

promoted for his gallant and meritorious conduct in the battles of said war. He was in command as brigadier-general United States volunteers from 1862 to 1866 in the war with the seceding States, and promoted in the regular Army for faithful and meritorious services to brevet lieutenant-colonel and brevet-colonel and brevet brigadier-general in the United States Army. He was afterward Paymaster-General of the United States Army, and discharged the duties of the office with great ability, giving entire satisfaction, being honest, faithful, and industrious.

He died in 1884, having been on the retired-list four years, of disease contracted while in active service in the Army and in the line of his duty, as shown by the certificate of the surgeon of the United States Army, which certificate is appended to this report. He graduated in the Military Academy of the United States; was a scholar of distinction; was assistant professor of mathematics and of natural and experimental philosophy at the United States Military Academy in 1847. He was the author of some valuable books, which honored him. He was a pure and devout Christian, of high honor, a warm and generous friend, and a kind husband and father, as brave as the bravest and as gentle as the gentlest. His widow, the only wife he ever had, his companion for many years and the mother of his children, is old and infirm, with but little money or property, and with three children and a very old and helpless maiden sister of her husband to support.

Wherefore they report the bill without amendment, with the opinion that it ought to pass.

I certify that Brig. Gen. Benjamin Alvord, United States Army, retired, was, at the date of his retirement, suffering from chronic diarrhea, for which he had been repeatedly treated by me during the last two years of his active service. Though for many years, and dating as far in the past as the Mexican war, General Alvord had been frequently compelled to apply for medical treatment for diarrhea, to which he was strongly predisposed, it did not become a permanent and chronic disease until in 1876, and when in the line of his duty as Paymaster-General. At that time and subsequently his health became so much impaired as to necessitate the daily use of remedies and led to feeble action of the heart, general debility, and organic disease of the kidneys, of which he died.

BASIL NORRIS,
Surgeon, United States Army.

SAN FRANCISCO, CAL., *December* 8, 1884.

True copy.

WM. B. ROCHESTER,
Paymaster-General, United States Army.

The committee does not feel warranted in favoring the passage of the bill, and therefore recommends that it be indefinitely postponed.

Mr. CULLOM. I only wish to say that I reported this bill from the committee; and while the committee was adverse to the passage of the bill I thought that the facts in the case connected with the history of this soldier and the condition of his widow justified the passage of the bill, and I so stated when I reported it.

Mr. CONGER. I knew General Alvord for some twenty-five years. He was stationed for a long time at a fort near the town where I live, and I therefore knew him very well. I know too of the extreme destitution of his widow. I trust there will be no opposition to the passage of this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. VANCE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired for this afternoon with the Senator from Oregon [Mr. SLATER]. If I were not paired, I should vote "yea;" and if he were present, he would vote "nay."

The result was announced—yeas 34, nays 13; as follows:

YEAS—34.

Aldrich,	George,	Manderson,	Pugh,
Blair,	Harrison,	Miller of Cal.,	Riddleberger,
Bowen,	Hawley,	Miller of N. Y.,	Sabin,
Chace,	Hoar,	Mitchell,	Sawyer,
Conger,	Ingalls,	Morgan,	Sewell,
Cullom,	Jones of Nevada,	Morrill,	Sherman,
Dawes,	Lapham,	Palmer,	Voorhees.
Dolph,	McMillan,	Pike,	
Edmunds,	Mahone,	Platt,	

NAYS—13.

Camden,	Harris,	Pendleton,	Walker.
Coke,	Jackson,	Vance,	
Garland,	Jonas,	Van Wyck,	
Gibson,	Maxey,	Vest,	

ABSENT—29.

Allison,	Cockrell,	Hampton,	Ransom,
Bayard,	Colquitt,	Hill,	Saulsbury,
Beck,	Fair,	Jones of Florida,	Slater,
Brown,	Farley,	Kenna,	Williams,
Butler,	Frye,	Lamar,	Wilson.
Call,	Gorman,	Logan,	
Cameron of Pa.,	Groome,	McPherson,	
Cameron of Wis.,	Hale,	Plumb,	

So the bill was passed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair calls the attention of the Senator from New Hampshire to Senate bill 2377 to pension the same person.

Mr. BLAIR. Let that be indefinitely postponed.

The PRESIDING OFFICER. The Senate bill will be indefinitely postponed, if there be no objection. It is so ordered.

WIDOW OF COMMANDER S. DANA GREENE.

Mr. ALDRICH. I now move to take up House bill 7830, Order of Business 1140, which is the next case on the Calendar.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy. It proposes to place on the pension-roll, at the rate of $50 per month, the name of Mary A. Greene, widow of the late Commander S. Dana Greene, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. WASHINGTON BRANK.

Mr. VANCE. I move to take up Order of Business 1242, being House bill 1132. It does not have the merit of being a pension case, but it is the next thing to it; it is the case of a soldier who was enlisted, and was captured before he was regularly sworn in, and served two years in the military prison in Richmond.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the question is not debatable.

Mr. VANCE. So I understand, but I debated it a little before I was reminded of the point of order, for which I beg pardon. I move to take up that bill.

Mr. SEWELL. Will not the Senator from North Carolina allow us to get through with two or three pension cases that are continuous on the Calendar with those just acted on? There will be no objection to getting up his bill afterward.

Mr. VANCE. No, sir; I can not waive my motion now.

The PRESIDING OFFICER. The question is not debatable. Debate can only proceed by unanimous consent. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of War to place the name of J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry, to date from September 25, 1863.

Mr. SHERMAN. I should like to have the report read. I do not know what the bill is about.

The Chief Clerk read the following report, submitted by Mr. MAXEY February 17, 1885:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry, respectfully submit the following report:

H. R. 5316 was introduced at the first session Forty-seventh Congress, having the same object in view as the bill now before the committee. That bill was referred to the Committee on Military Affairs of the House, and was reported with amendments June 12, 1882. As amended by the committee, it is in words the same as the present bill.

The passage of the bill was recommended as amended by the committee. (See House Report 1408, first session Forty-seventh Congress, to accompany H. R. 5316.)

That bill was never finally acted on. At the first session Forty-eighth Congress the present bill (H. R. 1132) was introduced, referred to the Committee on Military Affairs of the House, and on the 18th March, 1884, submitted to the Committee of the Whole, with House Report No. 821 thereon, and passed the House May 17, 1884.

The report (821) of the House embodies the facts, and is hereby adopted, as follows:

"The testimony in this case shows that the soldier was duly enlisted by Capt. George M. Kirk, Company B, Second North Carolina Mounted Infantry, the 25th September, 1863, to serve three years or during the war, at Greeneville, Tenn., he having passed through the confederate lines for that purpose. He was furloughed for three weeks to visit his home, and on his return to the command was captured by the confederates at Warm Springs, N. C., where he was to have been regularly mustered into the United States service. The soldier was taken to Belle Isle, at Richmond, Va., and kept as a prisoner of war till Richmond was occupied by the Union forces. He was kept until the surrender at Appomattox, and then allowed to go home. His papers were made out, which were lost, and he never received either pay or bounty."

In the opinion of the committee the bill ought to pass; wherefore they report said bill (H. R. 1132) without amendment, and recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET D. MARCHAND.

Mr. SEWELL. I move to take up Senate bill 957, Order of Business 1141.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 957) granting a pension to Margaret D. Marchand. It proposes to place on the pension-roll the name of Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, at the rate of $50 per month.

Mr. SEWELL. There is a report submitted by the Senator from New Hampshire [Mr. BLAIR] with an amendment reducing the amount to $30 a month.

The PRESIDENT *pro tempore*. The Chair understands that the bill was reported with an amendment. The amendment will be read.

The CHIEF CLERK. In line 8 it is proposed to strike out "fifty" and insert "thirty;" so as to read:

And pay her a pension at the rate of $30 per month from the date of the passage of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. RIDDLEBERGER. May I ask the Senator from New Jersey when this man died or when he was killed?

Mr. SEWELL. This is the case of the widow of Commodore Marchand, one of the old officers of the Navy, who served thirty or forty years. There is a long report on the case.

Mr. RIDDLEBERGER. I understood that; but it does suggest itself to me that there must be some time when you will have to end this pension-roll. Why we should pension the representatives of those who have died since the war from ordinary disease, I do not understand. I am entirely willing to go as far as any other Senator in pensioning those who were wounded, or the widows and children of those who really were killed in the war; but I do not see that I am under any obligation, I do not see that I ought properly to vote to pension the family of everybody who has died since the war, merely because he happened to hold some rank in the United States Army or Navy or any other army or navy. There must be a period put to this matter of pensions, somewhere and at some time. It seems to me that the right time to do it is now. Pension the dependent families of those who were soldiers and as soldiers either were killed or wounded or suffered. To that extent I can go, and I will go as far as any Senator on this floor; but to pension the family of every man who happened to be a commodore or a general or a colonel or something else, I can not vote for.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. BLAIR. I wish to say that this is just like the Alvord case which the Senate has adopted. The committee divided precisely as in that case, and this being a Senate bill a majority of the committee were in favor of reporting an amendment reducing the rate of pension from $50 to $30 per month. So it comes here with that amendment, but upon the principle sanctioned by the Senate at the last session and this session and its general practice this lady should receive the benefit of the bill as it was introduced at $50, and therefore consistency and justice to this woman require that the amendment should be rejected; and the issue comes in this way: Let the bill be passed as originally introduced and referred to the committee. I therefore move that the Senate do not concur in the amendment of the committee.

The PRESIDENT *pro tempore*. The Chair will state that on looking at the report it appears to have been adverse on the whole bill, and it is open to some question whether an amendment to a bill reported adversely entirely would be strictly in order; but as it stands in the papers the Chair will put the question, saving any point of order until it shall arise in the future. The question is on the amendment recommended by the committee reducing the amount from $50 to $30 a month.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MITCHELL. I move to consider——

Mr. PLUMB. I rise to a privileged question. I desire to have the President lay before the Senate the message from the House in regard to the legislative, executive, and judicial appropriation bill in order that I may make a motion with regard to it.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Pennsylvania, the Senator from Kansas asks, under the rule, that the Chair lay before the Senate the message from the House of Representatives returning the legislative appropriation bill, disagreeing to the Senate amendments. The action of the House of Representatives on the Senate amendments will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 27, 1885.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON be appointed managers on the part of the House.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

MARTHA C. BREESE.

Mr. MITCHELL. I move that the Senate proceed to the consideration of Order of Business 1196, being the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase to $50 per month the pension of Mrs. Martha C. Breese, widow of Kidder Randolph Breese, late a captain in the United States Navy.

Mr. MANDERSON. I ask the Senator from Pennsylvania to yield to me until I can call up Order of Business 1331.

Mr. MITCHELL. This can be disposed of in a few moments.

Mr. MANDERSON. Very well.

Mr. CAMDEN. I should like to have the report in that case read.

The PRESIDENT *pro tempore*. There is no report; only the views of the minority.

The Chief Clerk read the views of the minority (submitted by Mr. MITCHELL, February 10, 1885), as follows:

The minority of the Committee on Pensions, dissenting from the views of the majority in relation to the bill (H. R. 4280) granting a pension to Mrs. Martha C. Breese, respectfully recommend the passage of the bill for the reasons stated in the House report, which is as follows:

"Mrs. Breese is the widow of Kidder Randolph Breese, late a captain in the United States Navy, of whom Admiral Porter has well said: 'There was no officer during the war who performed more valuable service than he did.' And referring to Mrs. Breese's application to Congress for an increase of her pension, Admiral Porter says: 'I hope sincerely that she will not be disappointed in this matter, for if ever the widow of an officer deserved to be taken care of by the Government it is the widow of Captain Breese.'

"Captain Breese served all through the campaign of the Mississippi, through the siege of Vicksburg, and the opening up of the river to the sea, and always with the most distinguished bravery and self-sacrificing conduct. He was fleet-captain of Admiral Porter's fleet at the storming of Fort Fisher, and the heroism with which he led the forlorn hope of naval officers and sailors that assaulted the works by land is a bright page in the history of the civil war and is the common heritage of American citizens.

"'But,'" says Admiral Porter, referring to Captain Breese's part in the campaign of the Mississippi, 'he no doubt laid the first seeds of disease on those rivers, for he was never well after he left there.' Captain Breese died while on sick-leave, September 13, 1881, leaving no estate—nothing for his family to live upon. The widow of this hero is now dependent upon her small pension of $20 a month and the trifling amount of $2 allowed each of her four little children, she having absolutely no other source of income. Can Congress refuse to grant her an increase of $20, all she asks? The committee believe not. Certainly her case appeals strongly to the Government, and the committee recommend the passage of the bill for her relief."

Mr. CAMDEN. I desire to call the attention of the Senate to the fact that if the Senate goes on to increase the pensions of the widows of captains and commodores and brigadier-generals and colonels, as it has done in four instances already this evening, it might just as well declare at once that the pension of all widows of officers of such rank shall be $50 a month instead of $30. Every case where it is allowed will be used as precedents to obtain the same pension for the widows of other officers of the same grade. The bill pensioning the widow of General Alvord at $50 a month will be used as a precedent for pensioning some other widow at the same amount. Cases are brought before the Pensions Committee at every meeting, claimants come there asking an increase of pension upon the ground that some other person no more meritorious than the claimant at that time has obtained an increase of pension. If the allowance to the widow of every officer that is pensioned is to be increased simply because of the fact that the officer did his duty well while in the service, the widow of every other officer who did his duty equally well is certainly entitled to use that as a precedent to obtain an increase of pension.

Mr. HALE. The Senate has already passed several bills not more meritorious than this, but this case is a good one upon its own merits. Captain Breese was one of the most distinguished and gallant of the younger officers of the Navy. Perhaps no other officer of his age and rank had a better and more consistent record, or rendered more valuable service. When such service was dangerous, he was in the midst of danger. When a piece of hard work was demanded, Captain Breese did that work. He died leaving no estate, with wife and little children dependent upon him, and I hope, after what has been done in other cases, that the Senate will not hesitate here.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The question being put on the passage of the bill, it was declared that the ayes appeared to prevail.

Mr. CAMDEN. I ask for a division on the passage of the bill.

The question being put, the ayes were 22.

Mr. CAMDEN. I withdraw the call for a division.

The PRESIDENT *pro tempore*. The Senator gives it up. The ayes have it, and the bill is passed.

REPRESENTATIVES OF CAPT. JOHN G. TOD.

Mr. COKE. I move that the Senate take up and consider Order of Business 980, being the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy.

Mr. MILLER, of New York. I hope the Senator will withdraw that until we get through with pension cases, and then I will go with him to take up that case or any other.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MILLER, of New York. By unanimous consent we proceeded to consider pension cases.

Mr. COKE. This bill will not give rise to any debate.

The PRESIDENT *pro tempore*. The Chair will state that the unanimous consent was for the consideration of Senate pension bills favorably reported. That list has been exhausted; and since then Senators have moved to take up such bills as they pleased.

Mr. BLAIR. The understanding we all had was that it included contested pension cases.

The PRESIDENT *pro tempore*. That was objected to by gentlemen on the right of the Chair.

Mr. HARRIS. So far from any such understanding, I gave notice that I should object to taking up the adversely reported pension cases while more than one hundred House bills favorably reported from our committee remained on our Calendar unacted on.

Mr. BLAIR. I know that; but there were further proceedings.

Mr. COKE. I move that the bill I have named be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas to take up the bill moved by him.

Mr. VOORHEES. I object until I have a better understanding.

The PRESIDENT *pro tempore*. An objection is not in order. It is a question for the majority of the Senate to decide without debate. The question is on the motion of the Senator from Texas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy. It provides for the payment to the legal representatives of the late John G. Tod, of Texas, $12,500, the amount provided for a captain waiting orders in the United States Navy for the term of five years, in conformity with the provisions of section 12 of the act approved March 3, 1857, "making appropriations for the naval service for the year ending 30th of June, 1858."

Mr. SHERMAN. Is there a report in that case?

Mr. COKE. The report is brief and can soon be read.

Mr. SHERMAN. Let it be read.

The Chief Clerk read the following report, submitted by Mr. JACKSON January 7, 1885:

The Committee on Pensions, to whom was referred H. R. 1567 and Senate bill 1042, "for the relief of the legal representatives of the late Capt. John G. Tod," have examined the same, and report as follows:

That bills for the relief of John G. Tod, late captain in the navy of Texas, and of his legal representatives, have received repeated favorable reports in the House of Representatives since the Forty-fourth Congress, and have several times passed the House without receiving the action of the Senate. The facts of the case are fully and correctly set forth in the last report of the House at the first session of the present Congress, as follows:

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 1567) for the relief of the legal representatives of Capt. John G. Tod, of Texas, report:

"That after the failure of the treaty by which Texas was to have been annexed to the United States, and the consummation of the annexation by resolution, much dissatisfaction existed among the citizens of Texas because of the failure to transfer the officers of the navy of Texas to the Navy of the United States, with rank and emoluments corresponding with rank and emoluments held and enjoyed by said officers in the navy of Texas, as was provided for in the inoperative treaty; and that, as it was ascertained that such transfer was impossible of accomplishment by reason of that provision in the Constitution of the United States which imposes on the President the duty of appointing the officers of the Navy of the United States, Congress did, as compensation for the non-performance of the stipulations contained in said inoperative treaty, pass a law, approved March 3, 1857, entitled 'An act making appropriations for the naval service for the year ending the 30th of June, 1858,' the twelfth section of which act is as follows:

"'That the surviving officers of the Republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade when awaiting orders in the Navy of the United States for five years from the date of said annexation, and a sum sufficient to make the payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the acceptance of the provisions of this act by any of the said officers shall be a full relinquishment and renunciation of all claims on his part to any further compensation on his behalf from the United States Government to any position in the Navy of the United States.'

"And that it has been settled by the Supreme Court of the United States that the annexation of Texas to the Union was consummated on December 29, 1845; and that it was settled by the Court of Claims of the United States, in the case of E. M. Moore *vs.* United States (4 Nott & Huntington, page 139), that 'John G. Tod was a captain in the Texas navy at the time of annexation;' and that this decision of the Court of Claims is fully sustained by the commission of the said Capt. John G. Tod now on file in the Navy Department, signed by the President of the Republic of Texas, dated July 12, 1845, more than five months prior to the date of annexation, according to the decision of the Supreme Court of the United States, a certified copy of which commission is on file with the committee. And that Capt. John G. Tod did, by his attorney, J. B. D. De Bow, a few weeks prior to the 10th day of June, 1857, file his claim with the Navy Department for five years' pay, as provided under the law of March 3, 1857, hereinbefore referred to; which proffer to accept the terms thereof did vest in the said Tod an immediate fixed right of present and future enjoyment of the benefit of said law.

"And your committee further find that Capt. John G. Tod, some time in the latter part of the year 1877, departed this life, leaving in Harris County, State of Texas, a wife and one son and one daughter, and that the county court of said Harris County, in said State of Texas, on the 8th day of October, 1877, ordered that letters of administration on the estate of John G. Tod be issued to Maggie G. Tod, as appears by a copy of said order and the letter of the attorney of the heirs on file with the committee.

"And your committee find further that relief as prayed for under the bill referred has been afforded by act of Congress in like cases under the law hereinbefore referred to, as will appear by reference to the United States Statutes at Large, as follows:

"Forty-third Congress, first session, page 608, chapter 403, 'An act for the relief of the heirs at law of William C. Brashears, of the Texan navy;' Forty-fourth Congress, first session, page 454, chapter 209, 'An act for the relief of Susan E. Rhea, widow of Dr. L. Burrows Gardiner.'"

It appears that Captain Tod was the last of the surviving officers contemplated by the act of March 3, 1857, and your committee deem it but a simple act of justice that his legal representatives should receive the same benefits as were extended by said act to the other officers of the Texan navy. They accordingly report back the House bill with the recommendation that it be passed by the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA W. THORNBURGH.

Mr. MANDERSON. I move that the Senate proceed to the consideration of the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the Fourth Regiment of Infantry, United States Army, at $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA A. MORGAN.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mrs. Sophia A. Morgan, widow of Bvt. Brig. Gen. Charles H. Morgan, at the rate of $50 per month.

Mr. GROOME. It seems very evident that it is the temper of the Senate to give to every widow of an officer entitled, under the general law, to $30 a month, a pension of $50 a month, if she chooses to apply to Congress for it. That being the case I am opposed to doing by retail what can be done by wholesale. I therefore move to add to the bill the following additional section:

SEC. 2. That the widow of every officer of the Army above the grade of lieutenant-colonel, and of every officer of the Navy above the grade of captain, who is now receiving a pension of $30 or more a month and less than $50 a month, shall be entitled, upon application to the Pension Bureau, to have her pension increased to $50 a month from and after the date of said application.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. BLAIR. The Senator misapprehends the ground upon which the committee, or a minority of the Committee on Pensions, have recommended this increase to $50 a month. It has not been urged in any cases save where there was distinguished service, long service, and actual need. The amendment would of course open an indiscriminate, an exhaustive raid upon the Treasury which could not be included within the principle which I have laid down.

Mr. GROOME. I think there have been very few officers in the United States of the rank mentioned in my amendment, either of the Army or of the Navy, who did not render distinguished service and whose widows do not need a pension larger than that of $30 a month in order to enable them to live in the condition of comfort and luxury which they enjoyed during the lifetime of their husbands. So I think my amendment may very well be adopted if the course of legislation which we have been indulging in to-day is to be continued.

Mr. CAMDEN. I will ask the Senator from New Hampshire whether there is not a minority report in favor of every person who has asked for an increase of pension to $50 a month during this session of Congress, and if there is any exception? I ask him if that is not the rule without exception?

Mr. BLAIR. That is not true. I recollect one case which passed to-day where upon my own suggestion the amount of pension was reduced from $50 to $40. Even if that were so, it would not controvert my statement. Because the class which would be included in the amendment are not here asking for an increase of pension, it does not follow that those who are asking for the increase are not properly included within the principle laid down. I do not know that those who are not entitled to the increase have asked for it. Certainly the cases which have passed through the Senate to-day, and so far as I know the cases which remain upon the Calendar, are most of them those of widows of admirals, rear-admirals, major-generals, and the like, whose husbands were in service anywhere from thirty-five to sixty years, and in one of two instances even more. The amendment of course is only hostile to the bills as they stand on the Calendar.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. GROOME].

Mr. GROOME. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yea 1, nays 42; as follows:

YEA—1.

Voorhees.

NAYS—42.

Allison,	Dolph,	Jackson,	Platt,
Bayard,	Edmunds,	McMillan,	Riddleberger,
Beck,	Gibson,	Mahone,	Sabin,
Blair,	Gorman,	Maxey,	Saulsbury,
Brown,	Groome,	Miller of Cal.,	Sawyer,
Call,	Hale,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Harris,	Mitchell,	Vance,
Chace,	Harrison,	Morrill,	Walker,
Cockrell,	Hawley,	Palmer,	Wilson.
Conger,	Hoar,	Pendleton,	
Cullom,	Ingalls,	Pike,	

ABSENT—33.

Aldrich,	Farley,	Kenna,	Ransom,
Bowen,	Frye,	Lamar,	Sherman,
Butler,	Garland,	Lapham,	Slater,
Camden,	George,	Logan,	Van Wyck,
Cameron of Pa.,	Hampton,	McPherson,	Vest,
Coke,	Hill,	Manderson,	Williams.
Colquitt,	Jonas,	Morgan,	
Dawes,	Jones of Florida,	Plumb,	
Fair,	Jones of Nevada,	Pugh,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. It is proposed by the Committee on Pensions to amend the title to read: "A bill granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brevet brigadier-general of volunteers."

Mr. MILLER, of New York. Do I understand that the title will have to be amended? The bill has passed the House, and if we amend the title it will have to go back for concurrence.

The PRESIDENT *pro tempore*. The Chair will state that it appears in the body of the bill as reported, and as a part of it, "Amend the title so as to read: 'A bill granting a pension,'" &c. The Chair will state also that the bill appears to have been amended in the House to correspond to that title. The Chair does not think it is necessary to amend the title, and although it is a singular phrase in the bill itself it will do it no harm. The title will stand as it came to the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.;

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies;

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology; and

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey.

ROSA VERTNER JEFFREY AND OTHERS.

Mr. BECK. I move that the Senate proceed to the consideration of the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BECK. I ask unanimous consent to make a brief statement.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Kentucky will proceed.

Mr. BECK. I doubt whether I shall be able to be in the Senate much more during this session because of being in attendance in committee on the appropriation bills, and as bills are being called up from the Calendar a little out of order I should like to have this bill acted upon now. It is to refer a case to the Court of Claims. The Senator from West Virginia [Mr. KENNA] reported it, and his family is sick. The Senator from Massachusetts [Mr. HOAR] knows all about it, and I should be very glad to have it considered now.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims the claim of Rosa Vertner Jeffrey and the legatees of Claude M. Johnson for the proceeds or value of eight hundred and twenty bales of cotton alleged to have been appropriated by and to the use of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHIEF ENGINEER ON NAVY RETIRED-LIST.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of the bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy, with the highest retired pay of that grade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FENDALL CARPENTER.

Mr. JACKSON. I move that the Senate proceed to the consideration of the bill (H. R. 4686) for the relief of Fendall Carpenter.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $4,400 to pay to Fendall Carpenter for twenty-five bales of cotton seized and sold by the United States military authorities during the late war, and the proceeds thereof appropriated to the use of the Quartermaster's Department of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The PRESIDING OFFICER (Mr. INGALLS in the chair) laid before the Senate the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes; which was read the first time by its title.

The PRESIDING OFFICER. If there be no objection the bill will be read the second time and referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I object to the second reading.

The PRESIDING OFFICER. The second reading is objected to.

FRANCIS B. VAN HAESEN.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. 847) for the relief of Francis B. Van Haesen.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioner of the General Land Office, on behalf of the United States, to accept a relinquishment by the governor of the State of Minnesota, executed under the authority of an act of the Legislature of that State approved February 24, 1881, of the title derived by that State through an internal-improvement selection certified by the Commissioner of the General Land Office on May 8, 1869, for the southeast quarter of section 3, township 128, range 40 west, in the district of lands subject to sale at Alexandria, Minn., and confirms the location of the tract by Francis B. Van Haesen, with military bounty land-warrant numbered 106976, for one hundred and sixty acres, issued under the act of March 3, 1855, and which was patented by the United States to Van Haesen on the 15th of October, 1870. The State of Minnesota is to be allowed to select other lands in lieu of the tract relinquished.

The bill was reported from the Committee on Public Lands with an amendment, to add the words "from the public lands of the United States within the limit of said State;" so as to read:

And the State of Minnesota shall be allowed to select other lands, in lieu of the tract relinquished as aforesaid, from the public lands of the United States, within the limits of said State.

Mr. MCMILLAN. I ask the Senate to refuse to concur in the amendment. I have conferred with the chairman of the Committee on Public Lands, and I have his assent to that course. This is a House bill. A Senate bill granting this relief has already passed the Senate, but it can not be reached in the House. The amendment, if adopted, would put the House bill in the same condition. A similar bill has passed the Senate three or four times at previous sessions of Congress. It is recommended by the Interior Department, and there is no doubt about the propriety of the relief. I ask the Senate to non-concur in the amendment and pass the bill.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCMILLAN. The name should be spelled "Van Hoesen." I ask that the correction be made.

The PRESIDING OFFICER. That would require an amendment of the bill.

Mr. MCMILLAN. Very well; let it go.

THE BARK MARY TERESA.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. HOAR. I ask unanimous consent to make a statement in regard to that case. It is a case which involves a very important public principle about which the Committee on Claims were divided in the last Congress, making elaborate reports on both sides, and about which they are divided in this. I should myself feel it my duty to make a speech of considerable length upon the question. I do not think the Senate ought to take it up at this time. The bill is submitted without recommendation from the committee, I understand; but I do not know about that.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. MILLER, of New York. I suggest to the Senator from Maryland to call up the bill at some other time.

Mr. GORMAN. I did not hear the Senator from Massachusetts. There was so much confusion I could not hear what he said.

Mr. HOAR. It is an adverse report, and it involves a very important principle indeed and will take undoubtedly a debate of several hours. I suggest to the honorable Senator from Maryland that this is not the proper time to consider such a bill. If I may be pardoned for saying so, it involves the principle of the United States making compensation to individuals who suffer by the misconduct of a public officer. It is a case where a consul of the United States detained a vessel abroad. The owner of the vessel claimed that it was either a willful wrong or an egregious error on the part of the consul, but in either case it was within the consul's official power.

The majority of the committee have always been of opinion that the United States is not liable for the acts of public officers in such cases, and have made several reports at the present session of Congress based upon that principle. I appeal to my honorable friend from Maryland that this is not the time to take up and deal with an important principle of that kind.

Mr. GORMAN. I dislike very much to press my motion so as to compel the Senator from Massachusetts to make a long speech upon the bill at this hour of the evening, but I am exceedingly anxious to hear the Senator argue the other side of the case, for I listened to him with great pleasure in a bank case a few days ago, which was similar although perhaps not so strong in its equities as this. This is a case which I think ought to be considered favorably. It has been reported upon favorably in another branch of Congress seven times, and has passed the House of Representatives at least three times, twice certainly, two Congresses ago and again at this session. The equities are so strong that I should like very much to have the bill considered; but if the Senator from Massachusetts at this late hour intimates that he intends to make a long argument, I shall not by any means press my motion.

Mr. HOAR. The reading of the report would take an hour.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw his request for the consideration of the bill?

Mr. GORMAN. I withdraw it under the threat of the Senator from Massachusetts.

Mr. HOAR. I ask unanimous consent to remove a misapprehension in the mind of the Senator. I did not make the suggestion in the least as a threat. I should not prolong my argument thirty seconds for the sake of defeating the bill, but it is proper that the Senate should know that the nature of the question would inevitably involve that result.

The PRESIDING OFFICER. The motion is withdrawn.

ANN CORNELIA LANMAN.

Mr. HAWLEY. I move to take up the bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman. She is the widow of the late Rear-Admiral Lanman.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Ann Cornelia Lanman and to pay her a pension of $50 a month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

O. L. COCHRAN.

Mr. MAXEY. I move that the Senate proceed to the consideration of the bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to O. L. Cochran $422.85, collected from him by the Post-Office Department on the 26th of November, 1867, and which amount is in excess of what he was indebted to the Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MAXEY. I move that the bill (S. 1481) for the relief of O. L. Cochran, late postmaster at Houston, Tex., now on the Calendar, be postponed indefinitely.

The motion was agreed to.

JOHN C. HERNDON.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of the bill (S. 164) for the relief of John C. Herndon.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. A bill identical with this bill has passed the House and is now in the hands of the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the bill (H. R. 2158) for the benefit of John C. Herndon.

The PRESIDING OFFICER. If there be no objection, that order will be made.

Mr. CAMERON, of Wisconsin. I now move that the Senate proceed to the consideration of House bill 2158.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John C. Herndon, late of Mason County, now of Louisville, Ky., $1,785 in full compensation for 105,000 pounds of hay furnished, under verbal contract, to Capt. D. W. McClung, assistant quartermaster United States volunteers, for the use of the Government of the United States, in March, 1865, and which was swept away by a flood in the Ohio River and lost, in consequence of the failure of the Government to remove the hay, after due notice had been given to its authorized agents so to do.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAMERON, of Wisconsin. I move that the bill (S. 164) for the relief of John C. Herndon be postponed indefinitely.

The motion was agreed to.

JOHN W. MARTIN.

Mr. GEORGE. I move that the Senate proceed to the consideration of the bill (H. R. 5452) for the relief of John W. Martin.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John W. Martin, of Brookhaven, Miss., $700, for services actually rendered as postmaster at Brookhaven, Miss., by authority of the military commandant, from July, 1865, to July 1866.

Mr. RIDDLEBERGER. I should like to have some reason assigned why we should just go along here appropriating money out of the public Treasury to give to people. I see no reason for it, and yet we have been proceeding upon that theory all this afternoon. If there be a reason why the United States Government should give this man $700 I think it is proper to assign that reason. I will say further that without the reason being given I shall be pardoned for voting against the bill. I should like to know what reason there is for giving any man $700.

Mr. GEORGE. It is in payment of a debt that the United States owes him.

Mr. MILLER, of New York. That is a pretty good reason.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH AND BYRD DOUGLAS, DECEASED.

Mr. MAHONE. I move that the Senate proceed to the consideration of House bill No. 8034, Order of Business 1274.

The motion was agreed to; and the bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the legal representatives of Hugh and Byrd Douglas, deceased, late of Nashville, Tenn., $6,299.33, for rent of and damage to their property in Nashville by officers of the Army of the United States during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. JONES, of Nevada. I move to take up House bill No. 948, Order of Business 1123.

The motion was agreed to; and the bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard was considered as in Committee of the Whole. It directs the payment of $9,021.33 to John M. Dorsey, and $3,746.66 to William F. Shepard, in full settlement for beef and supplies furnished certain volunteer troops by Dorsey, Shepard, and one S. B. Wallace, while the troops were engaged in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF MARY JANE VEAZIE.

Mr. LAMAR. I move that the Senate proceed to the consideration of House bill No. 851.

The motion was agreed to; and the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased, was considered as in Committee of the Whole. It appropriates $2,500 to pay the heirs of Mary Jane Veazie, deceased, late of Natchez, Miss., for property taken for the use of the United States troops stationed at Natchez.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

FIRST NATIONAL BANK OF LARNED, KANS.

Mr. MORRILL. I move to take up Order of Business 967, being House bill 5747.

The motion was agreed to; and the bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LETITIA TYLER SEMPLE.

Mr. MORGAN. I move to proceed to the consideration of Order of Business 1222, being the bill (S. 498) granting a pension to Letitia Tyler Semple.

Mr. COCKRELL. I hope the Senator will not insist on passing that bill now. There are quite a number of bills that ought to be passed, and I do not think there is much chance of getting that through at this late hour.

Mr. MORGAN. I know the Senator from Missouri can not understand the merits of this case, and the House of Representatives, I should think, would hold an extraordinary session to pass the bill. I think

there will be no difficulty about passing it in the House if it goes through the Senate. I hope it will be taken up.

The PRESIDING OFFICER. Is there objection to taking up the bill?

Mr. RIDDLEBERGER. I object.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Alabama that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 498) granting a pension to Letitia Tyler Semple. It proposes to place on the pension-roll the name of Letitia Tyler Semple, daughter of the late John Tyler, President of the United States, at $50 per month.

Mr. COCKRELL. Let the bill be read again. I did not catch the wording of it.

The PRESIDING OFFICER. The bill will be read again.

The bill was read.

Mr. COCKRELL. I want to ask the Senator who reported the bill if this pension is based purely upon the fact that the applicant is the daughter of a deceased President?

Mr. JACKSON. Mr. President——

Mr. MORGAN. I hope the Senator from Tennessee will let me answer that question.

Mr. JACKSON. Certainly.

Mr. MORGAN. We have precedents on our statute-book for pensioning the daughters and widows of deceased Presidents. This lady at the time Mr. Tyler became President of the United States was the lady of the White House, the first lady in the country. She remained with her father until his marriage. He afterward married a lady who was the widow of an officer of the Navy. Mr. Tyler died, leaving this daughter in impoverished circumstances. She went to work in good earnest to teach the women of the country, being herself a very accomplished woman, and to earn her subsistence. She educated a number of ladies of this country, and educated them beautifully. By her excessive work she became blind, or so nearly so that she can scarcely see her hand before her. She received the kind attention and commiseration of that good, benevolent man, Mr. Corcoran, and she is an inmate of the Louise Home, and has been there ten or twelve years entirely dependent on his bounty. She is a woman of beautiful accomplishments, beautiful character in every respect, and I am moving this case for her not because she demands it, but because I know that her situation requires it.

Besides that, she has a young lady who is a relative of hers, an orphan child and dependent, that she has to provide for in some way. She has no estate whatever. And now, sir, the daughter of a deceased President of the United States is a blind woman, dependent upon the charity and benevolence of Mr. Corcoran in this city, and has been so for a number of years; and I have brought this case before the Senate, not on this occasion alone but before. The Senate has never voted it down, but an objection has been made each time when I brought it up, and the case has been placed out of reach. That is the whole story. [Vote!" "Vote!"]

Mr. RIDDLEBERGER. I object to the entertainment of the proposition because I can not understand that this Government is a government which is established to support people. I can not understand why the daughter of a deceased President is entitled to more consideration than the daughter of any one else. If we owe anything to a President, it would seem to me that it might have been quite, if you will pardon the expression, as genteel for the House of Representatives to have sent back here the bill that retired General Grant. I say that we are under no obligation to pension any of these people; and when the Senator from Alabama takes the position that he does he goes to such an extent that I can not follow him, and I do not think his own constituents will follow him, in pensioning the daughter of a dead President.

I think we have gone almost far enough to-day in pensioning the representatives of men who died twenty years after the war was over, and I repeat now what I said before, that there must be a period fixed to this giving of pensions at some time. If there be any reason why we should pension this lady beyond the mere fact that she is an educated lady, and beyond the mere statement that she is the daughter of a dead President, then I should like to hear it, for that is not sufficient.

Mr. COCKRELL. I simply desire to enter my protest on record against this bill and against the principle involved in it. This is, in my humble opinion, under our form and system of government a crime against the people who are the only sovereigns. We have never in the history of this country pensioned even the adult children of our Revolutionary sires. We do not to-day pension the children of the men who fell for the integrity of this Union, after they reach the age of 16.

The theory of our Government, Mr. President, is that all officers, from President to constable, are the agents, the trustees, the servants, the representatives of the people. They are by the people intrusted with power to be exercised for the benefit and in trust for the people. The compensation paid to each officer and the honor of the office are the full equivalents for every civil employment in the United States. When a man has held the office of President, the office of governor, the office of United States Senator, the office of Representative in Congress, or any other civil office, and has gone out of that office, the people are under no sort of obligation to support him or his posterity.

While men enjoy the emoluments and the honors of office, they receive the full consideration which the people promised them, and after that they have no claim whatever upon the people. It is not so with the soldiers and the sailors of our country. We take them by the strong arm of the sovereign people at whatever compensation Congress fixes for their service, and we promise them in the laws which compel their military or naval service that in certain events they shall receive pensions for themselves and for their widows and their dependent children until they are 16 years of age; but I say there is no promise whatever in our system of government that compensation shall be made to the children of deceased civil officers of this Government.

No Senator entertains kindlier and warmer feelings toward the lady for whose relief this bill is now pressed than I do; but this is not a question of sympathy. I have a right to go into my own pocket and pay out my own money in sympathy to whomsoever I choose; but, I say, as Senators representing the people of the United States we have no right through sympathy or anything of that kind to put our hands into the pockets of the sovereign tax-payers of this country, and, under the color of law and the forms of power delegated to us, rob them of their hard earnings.

Mr. President, there are thousands upon thousands of widows and women in this country who are ten-thousand-fold worse off than the lady here in question. She is enjoying the munificence of that grand old citizen of this District, in a grand charity of which she is a worthy object. But that is not sufficient. Are we here under the power that we have to go to the orphan's home and the widow's home and take from the little earnings a portion to give to this distinguished individual because she happens to be the daughter of an ex-President of the United States?

I tell you, Mr. President, the people of this country do not believe in a civil-pension list. This is the first step toward the establishment of a civil-pension list in this Government to pension the civil employés of this Government. I say that it is in direct contravention of the fundamental principles upon which our Government rests. It is subversive of them, and the people do not believe in it. It is kind for us to yield to our sympathies and to vote these small sums, but the very fabric and structure and system of our Government may be changed by these gradual innovations from sympathy. The widows of certain Presidents have been put upon the pension-list directly out of sympathy. We shall soon have the ex-Presidents of the United States on the pension-list, and then out of sympathy for some distinguished compeer of ours, an associate brother Senator, we shall place him on the pension-list, and then we shall place some Representative who has served his country faithfully upon the pension-list, and then we shall put the child, the daughter of some distinguished Senator, upon the pension-list.

Mr. President, I simply rose to utter my earnest protest against the passage of this bill and the principle involved in it, and I trust the Senate will not be committed to it.

Mr. MORGAN. I am very glad that I have been able to furnish the Senator from Missouri an opportunity to express his opinions upon the question of a civil-pension list. I have been in the Senate with him for eight years, and I have never before heard him express an opinion so forcibly on this subject; I have never known him to do it. He might have done it on the case of Mrs. Polk. For a number of years she has been pensioned on the Government of the United States, and yet she was a lady of wealth, and her pension has been recently increased——

Mr. HARRIS. I beg to say to the Senator from Alabama, if he will allow me, that he is mistaken in his facts. She was put on the pension-roll with the widows of other deceased Presidents. She was never pensioned before that, so far as I am advised.

Mr. MORGAN. She has an independent living, and there is no woman in the world that I think is better entitled to enjoy the honor of being upon the pension-roll of the Government of the United States than Mrs. Polk. Then we pensioned the widow of President Tyler. She was not a beggar by any means. He married her a year or two after he had been in the Presidential office.

Mr. COCKRELL. This is his daughter.

Mr. MORGAN. Of course. It is easy to draw a distinction between a widow and a daughter, especially if the daughter is blind and the widow is not. The widow has an opportunity to live, friends to take care of her, children to rely upon. It is easy enough to imagine why she should be pensioned, and why the blind daughter should not. I can understand that very well.

Then, Mr. President, we take a Senator, a man who served, for instance, ten days of a Congressional term, and he dies, and we do not hesitate to pay his heirs the whole amount of the salary during the rest of the term. My colleague, Hon. George S. Houston, perhaps as strict a man as ever lived, died while he was a member of the Senate, and the Senate did not hesitate to pay the salary for the whole unexpired term of that Congress to his heirs at law, a sum amounting to eight or nine thousand dollars. General Burnside died, and we paid a large sum to his representatives. So it is continually. We are paying money day after day to those public servants who happen to die in

office. Where a minister to a foreign country who dies during the time of his service abroad——

Mr. COCKRELL. Will the Senator yield until I ask him a question?

Mr. MORGAN. Certainly.

Mr. COCKRELL. The statement strikes me with wonder that the Senate has paid out to any deceased Senator's family the full salary of that Senator for the unexpired time.

Mr. MORGAN. That is exactly what they have done—paid his salary for the unexpired term of the Congress in which he died.

Mr. COCKRELL. Oh! Just simply the Congress?

Mr. MORGAN. That is all.

Mr. COCKRELL. The two years' term, not the six years' term.

Mr. MORGAN. The difference is between $10,000 and $20,000. There is no difference in principle at all.

Mr. COCKRELL. It seldom averages a year.

Mr. MORGAN. I know that the honorable Senator has been on the Committee on Appropriations, and this is the first time he ever objected to a thing of that sort that I ever heard of. It seems to take a poor blind woman who happens to enjoy the hospitality of a benevolent citizen of this country to arouse all the gentleman's patriotism and all his sense of justice.

Mr. COCKRELL. Will the Senator permit one more question for information?

Mr. MORGAN. Certainly.

Mr. COCKRELL. I never heard of the case until it came up. Is not the mother of this child now living and drawing $5,000 a year.

Mr. MORGAN. No, sir; the mother of this child is dead forty-five years.

Mr. COCKRELL. The step-mother?

Mr. MORGAN. The step-mother is living.

Mr. HARRIS. Allow me to suggest that the President of the United States is commander-in-chief of the armies and navies of the United States; he is the head of the Army. I consider the technical ground upon which, in principle, we may pension his widow (and it might extend to the children under 16 years of age) perfectly consistent with the principles upon which we grant pensions. But when it is proposed to extend it to the adult child of a soldier, whether he be President and commander-in-chief, or commanding general, or an officer of a lower grade, it is introducing a new principle, one heretofore not recognized by the pension law; it is opening a broad field. That is the suggestion I desire to make to the Senator from Alabama in order that he may deal with it.

Mr. MORGAN. Mrs. Dandridge, whom we pensioned at the last session of Congress, was not a woman under 16 years of age. She had been a widow, twice married, and was the daughter of General Taylor, and formerly Mrs. Bliss.

Mr. BLAIR. The Senator will permit me to suggest that we have repeatedly indorsed the principle that where the child of a soldier was over 16 years of age and helpless, either from imbecility or from physical helplessness, the pension should be continued, the principle being precisely the same which led to its being given before the age of 16 years was reached, that being the period fixed by the law on the supposition that at that age the child would be able to take care of itself. Failing to have that ability, the pension is continued from the Government.

Mr. MORGAN. I was not seeking for any precise technical ground on which I could justify this vote. There are precedents enough. We bring home the bodies of our ministers who die abroad in the service, and we pay their families the balance of money due for the unexpired term; and I believe we are about to pass a bill, if we have not already done so during the present session, for Mrs. Hunt, for Mr. Venable's widow, and others, and there are others who ought to be paid. I thought it would gratify the people of the United States, and I believe yet it will, to know that the Congress of the United States has that sense and delicacy of feeling toward a lady who was the first lady in the country, who occupied a place in the White House, who occupied the delicate responsibilities and duties of that elevated position with great ability and with marked success, now that she has grown old and has become blind in the service of the women of the country and is upon the bounty of a private citizen—I thought it would do the Congress of the United States good and the people would like it if they would take that case in hand and allow her enough money to feel at last that she had some little thing or other that she could depend upon instead of trusting to charity.

There is no person, I suppose, who enjoys more worthily than Mrs. Semple does the benevolence of Mr. Corcoran. I dare say that within the Louise Home or anywhere else there is not to be found a single heart in the world that is more burdened with the fact that, after having led a life of duty, a life of honor, a life of elevated position, a life of usefulness, a life of excellence, she should at last be left in this condition without one cent to call her own unless some person should give it to her.

There is some justice in this. There is a good deal more in it than the mere pathetic statement of the fact. There is a duty resting upon this Government which I think we can perform here without violating the Constitution of our country, and when the Senator from Missouri characterizes this bill as a crime against the Constitution it seems to me he goes a long way. If we never commit a worse crime against the Constitution of the United States than to take a lady under such circumstances as these and to show something of our respect for the influential station that she has held and discharged so perfectly, we shall escape with very clear skirts when we leave this august tribunal.

I hope that the Senate will not hesitate to pass the bill.

Mr. RIDDLEBERGER. Mr. President, I think I am as approachable as any other Senator on this floor when I am asked to do something to assist somebody; but I can not lose sight of the fact that every time we pay out money we have got to collect it. We have got to derive revenue from some source before we pay it out, and there are widows and there are orphan children, and there are suffering widows and suffering orphans in this country who have to contribute to pay a civil pension-list.

That is the only suggestion I have to make.

Mr. BLAIR. Mr. President, I ask the Senator from Alabama and the Senate that this bill may be laid aside informally while I call the attention of the Senate to three or four cases about which there will be no controversy such as we have already passed over.

Several SENATORS. Vote on this.

Mr. BLAIR. There is likely to be more debate. ["No!" "No!"] If we can have a vote, very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. HAWLEY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GORMAN (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. HARRIS (when his name was called). I consented to pair with the Senator from Connecticut [Mr. PLATT] who is absent. I desire to ask his colleague how he thinks the Senator would vote on this question. I should vote "nay."

Mr. HAWLEY. I think my colleague would vote "nay" from the remark he made when he left the Chamber.

Mr. HARRIS. I vote "nay."

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD] on political questions. I do not consider this a political question. I will therefore vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present I should vote "yea."

The roll-call was concluded.

Mr. MITCHELL. On this question I am paired with the Senator from Florida [Mr. JONES].

The result was announced—yeas 11, nays 17; as follows:

YEAS—11.

Blair,	Cameron of Wis.,	Mahone,	Morgan,
Brown,	Conger,	Manderson,	Palmer.
Call,	McPherson,	Miller of N. Y.,	

NAYS—17.

Chace,	Harris,	Jonas,	Vest,
Cockrell,	Hawley,	McMillan,	Wilson.
Dolph,	Hoar,	Maxey,	
Edmunds,	Ingalls,	Ransom,	
George,	Jackson,	Riddleberger,	

ABSENT—48.

Aldrich,	Fair,	Jones of Nevada,	Pugh,
Allison,	Farley,	Kenna,	Sabin,
Bayard,	Frye,	Lamar,	Saulsbury,
Beck,	Garland,	Lapham,	Sawyer,
Bowen,	Gibson,	Logan,	Sewell,
Butler,	Gorman,	Miller of Cal.,	Sherman,
Camden,	Groome,	Mitchell,	Slater,
Cameron of Pa.,	Hale,	Morrill,	Vance,
Coke,	Hampton,	Pendleton,	Van Wyck,
Colquitt,	Harrison,	Pike,	Voorhees,
Cullom,	Hill,	Platt,	Walker,
Dawes,	Jones of Florida,	Plumb,	Williams.

The PRESIDING OFFICER. A quorum has not voted.

Mr. McPHERSON. I move that the Senate adjourn.

Mr. BLAIR. I ask unanimous consent——

Mr. HARRIS. I object to the transaction of any business without a quorum.

Mr. BLAIR. I do not wish to ask for the transaction of any business. I wish to say just a word by unanimous consent.

The PRESIDING OFFICER. Is there objection to the Senator from New Hampshire speaking? The Chair hears none.

Mr. BLAIR. There are six or eight of the most meritorious pension cases that were before the Senate which, by the turn affairs have taken this afternoon, have failed of consideration. I hope there will be no objection at the first opportunity, which I shall seek, to take up those cases and dispose of them.

Mr. McPHERSON. I insist on the motion to adjourn.

The motion was agreed to; and (at 6 o'clock and 39 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 27, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read and approved.

FLAGS FOR DECORATION.

The SPEAKER. The Chair lays before the House a telegraphic communication from the Secretary of War, which the Clerk will read.

The Clerk read as follows:

To the Speaker of the House of Representatives:

In view of applications made to me by proper committees for flags for decoration purposes next week, which can not be granted without authority of law, I beg to ask whether Senate resolution 109, authorizing the loan of flags, has yet passed the House of Representatives.

ROBERT T. LINCOLN,
Secretary of War.

WAR DEPARTMENT.

The SPEAKER. The Chair will state to the House that the joint resolution to which reference is made in this telegram is on the Speaker's table and the gentleman from Tennessee [Mr. DIBRELL] has charge of it.

Mr. DIBRELL. Mr. Speaker, I have letters from the Secretary of War and the chairman of the committee of arrangements asking the passage of this resolution, and I now ask unanimous consent to take Senate resolution 109 from the Speaker's table and put it upon its passage.

Mr. ROBINSON, of New York. Mr. Speaker, I have some notion to object to all this decoration business, but on the whole I will not interfere.

The SPEAKER. No objection is made, and the Clerk will report the joint resolution.

The Clerk read the joint resolution S. R. 109, as follows:

Resolved, &c., That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inauguration ceremonies the flags and bunting in the Government depots, for use in decorating the city of Washington on the 4th day of March next: *Provided*, That the said committee shall indemnify the Departments against any loss or damage resulting from the use of said flags and bunting, except such damage as is necessarily incident to such use.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

INTERSTATE-COMMERCE BILL.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent to take up House bill No. 5461 with the Senate amendments, with a view to move to non-concur and ask a committee of conference.

Mr. KEAN. What is that bill?

The SPEAKER. The gentleman from Texas [Mr. REAGAN] asks unanimous consent to take from the Speaker's table the bill H. R. 5461 with the Senate amendments, with a view to moving that the House non-concur and ask for a committee of conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5461) to regulate interstate commerce, and to prohibit unjust discrimination by common carriers.

Mr. KEAN. I object.

Mr. THOMAS. Regular order.

GENERAL HORATIO G. WRIGHT.

Mr. ROSECRANS. Mr. Speaker, I ask unanimous consent to submit two reports from the Committee on Military Affairs.

The SPEAKER. The regular order is demanded by the gentleman on the left [Mr. THOMAS].

Mr. ROSECRANS. May I ask the gentleman for a moment's courtesy while I submit two reports?

Mr. THOMAS. I withdraw the demand for the regular order.

Mr. ROSECRANS, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 195) to place the name of General Horatio G. Wright, late Chief of Engineers, on the roll of major-generals on the retired-list with the emoluments and pay of said grade; which, with the accompanying report, was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MULTICHARGE GUNS.

Mr. ROSECRANS, by unanimous consent, from the Committee on Military Affairs, reported back with the favorable recommendation the petition of J. R. Haskell in relation to multicharge guns, and moved that the same be referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

PUBLIC BUILDING, TERRE HAUTE, IND.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 7967) to change the limit of the appropriation for the public building at Terre Haute, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REFERRING CLAIMS TO COURT OF CLAIMS.

Mr. ROWELL, from the Committee on War Claims, submitted the following report; which was laid on the table, and ordered to be printed:

The Committee on War Claims, to whom were referred the following bills and petitions, having considered the same, report that they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883:

A bill (H. R. 6723) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased;
A bill (H. R. 4960) for the relief of the heirs of George T. Swann;
A bill (H. R. 6582) for the relief of A. L. H. Crenshaw;
A bill (H. R. 6959) for the relief of Mary V. Rawlins and Elizabeth H. Yerger;
Petition of William D. Whitted;
Petition of W. J. Embry, executor of John P. Brown, deceased;
A bill (H. R. 2741) for the relief of the estate of Thomas Jones, deceased;
A bill (H. R. 6111) for the relief of John M. Elder;
Petition of John A. Farley;
Petition of Elizabeth Griggs, executrix of H. C. Griggs, deceased;
Petition of John R. Reed;
Petition of Josiah Q. Shaw;
Petition of Mrs. Lucy J. Stockley;
Petition of W. C. Reeves;
Petition of Fineas E. Writ;
Petition of W. A. Galloway;
Petition of F. M. Mendenhall;
Petition of William A. Williamson;
Petition of William H. Hill;
Petition of Abner D. Lewis;
Petition of James C. Newman;
Petition of James G. Field;
Petition of William B. Sims;
Petition of Superioress of St. Cecilia Academy, of Nashville, Tenn.;
Petition of George W. F. Lamkin;
Petition of Milton S. Haire;
Petition of Lucien J. Seals;
Petition of Mrs. Ellen Sherwood;
Petition of John W. Dixon;
Petition of John T. Inman, administrator of A. L. Garner, deceased;
Petition of John M. Campbell;
Petition of Greenbury Adamson;
Petition of William R. Kearney;
A bill (H. R. 4646) for the relief of William Bushby;
A bill (H. R. 4674) for the relief of Lindsay Ridgeway;
A bill (H. R. 7393) for the relief of Payne and Thomas C. Wood;
Petition of Elizabeth Seward;
Petition of Henry E. Villa;
Petition of Hennie E. Revell;
Petition of Clara E. Bryan;
Petition of W. H. Hugh, administrator of David Unsell, deceased;
Petition of John R. Watkins, administrator of Matilda W. Anderson, deceased;
Petition of Mathias App;
Petition of Caleb R. Clements;
Petition of Mrs. Sarah McLemore;
Petition of William M. Beasley;
Petition of Horace L. Kent;
Petition of Joel Mann;
Petition of Henry C. Dellis;
Petition of Elizabeth Griggs, administrator of Charles Murphy, deceased;
Petition of John H. McClellan;
Petition of Joseph L. Glove;
Petition of Elizabeth Beeton;
Petition of George W. Beasley;
Petition of Daniel H. Hildebrand;
Petition of Mrs. Lucie A. Jameson;
Petition of Charles C. Burke, administrator of Elizabeth Burke, deceased;
Petition of M. C. McHaney;
Petition of Augustus F. Bonner, administrator of Martha A. Bonner, deceased;
Petition of Mary E. McKinney;
Petition of John H. Mitchell;
Petition of James I. Amonett, executor of James M. Provine, deceased;
Petition of Sarah Waters, administratrix of Robert Waters, deceased;
Petition of William H. Bryan;
Petition of Joseph S. McAnulty;
Petition of William A. Anthony;
Petition of J. C. and J. H. Atkins, administrators of N. G. Atkins, deceased;
Petition of A. V. Warr, administrator of N. H. Isbell, deceased;
Petition of Jordan Broadway;
Petition of Anne W. Byers;
Petition of Andrew Cathey;
Petition of Maggie Barron *et al.*;
Petition of Robert S. McDonald;
Petition of Elisha Nelson;
Petition of Robert H. Walton;
Petition of J. D. Askew, administrator of George W. Houghton, deceased;
Petition of J. D. Askew, administrator of Alexander Askew, deceased;
Petition of Louis Marat;
Petition of John McDowell;
Petition of Cynthia Milliken;
Petition of John F. Byars;
Petition of Mrs. J. E. Robinson;
Petition of John H. Lanier, jr., administrator of John H. Lanier, sr., deceased;
Petition of John Irvin;
A bill (H. R. 477) for the relief of George H. Wells;
A bill (H. R. 2855) for the relief of the trustees of the Protestant Episcopal Seminary and High School in Virginia;
Petition of James B. Boykin;
Petition of Harriett E. McClelland;
Petition of Amelia B. Caldwell, administratrix of John Caldwell, deceased;
A bill (H. R. 7992) for the relief of Nathaniel McKay *et al.*;
A bill (H. R. 1194) for the relief of the estate of Joseph Cooper, deceased;
A bill (H. R. 6729) for the relief of H. C. Smith;
A bill (H. R. 7581) for the relief of Peter Cook;
House resolution (No. 118) for the relief of Maria V. Brown;

A bill (H. R. 5633) for the relief of Jacob Bloomstein;
A bill (H. R. 348) for the relief of Jesse K. Vawter;
A bill (H. R. 626) for the relief of William J. May;
A bill (H. R. 2540) for the relief of David Hicks;
A bill (H. R. 5659) for the relief of Lucy A. Hey;
A bill (H. R. 3377) for the relief of Frederick Demming;
A bill (H. R. 6015) for the relief of Lewis Rothermel;
Petition of William Aymett;
Petition of Thomas Fisher;
Petition of Samuel Edmundson;
Petition of Mary H. Bush;
Petition of Robert W. Wilkinson;
Petition of John W. Alexander, executor of James S. Williams, deceased;
Petition of B. Y. Swart;
Petition of Elisha M. Shaddon;
Petition of John Vantreese;
Petition of Martha W. Hughes;
Petition of Fidal Spah;
Petition of F. Spah;
Petition of William Vantreese;
Petition of the legal representatives of F. L. Cawthorne, deceased;
Petition of W. S. Calloway;
Petition of Mrs. E. Gant;
Petition of Robert Smith;
Petition of Calvin Spiney;
Petition of Mrs. R. Stanfield;
Petition of Mrs. Amanda Wadley;
A bill (H. R. 7796) for the relief of Elizabeth Putnam;
Petition of Rebecca A. Minor;
Petition of James M. Seede;
Petition of Sophia G. Mitchell and Eliza J. Mahon;
Petition of Eugene Ferenit;
A bill (H. R. 7690) for the relief of J. H. T. Main;
Petition of Joseph M. Middlekauff;
Petition of Henry Adams;
Petition of Jacob R. Adams;
Petition of Samuel Emmert;
Petition of Thomas N. Heskett;
Petition of William Householder;
Petition of William Mathews;
Petition of David Wolf;
Petition of Solomon Newcomer;
Petition of A. J. McAllister;
Petition of George Snyder;
Petition of Martha J. Wroe;
Petition of Joshua Newcomer;
Petition of Lewis Johnson;
Petition of Henry McCauley;
Petition of John Hammond;
Petition of Jonas Speilman;
Petition of Harrison Beeler;
Petition of Abraham Shaff;
Petition of the heirs of Jesse Viers, deceased;
Petition of Dr. William H. Grimes;
Petition of Eliza Eyler;
Petition of Frederick Wyand;
Petition of Thomas Corbett;
Petition of Urias Buskirk;
Petition of John D. Keedy;
Petition of Lewis A. Grosh;
Petition of Louisa A. Knode, administratrix of S. A. Knode, deceased;
Petition of Mary E. Lucas;
Petition of Hannah B. Edwards and Mary E. Lucas, heirs of Mary G. Wray, deceased;
Petition of J. B. Stacy;
Petition of Samuel May;
Petition of George Keel;
Petition of Stephen Bird, executor of John Bird, deceased;
A bill (H. R. 867) for the relief of the heirs of Horatio N. Spencer;
Petition of John Dillard;
Petition of Calvin Chears;
A bill (H. R. 2187) for the relief of Marcus L. Broadwell;
A bill (H. R. 2189) for the relief of the estate of Thomas V. Stirman, deceased;
A bill (H. R. 2191) for the relief of James S. Frizzell;
A bill (H. R. 2192) for the relief of Isaac N. Webb;
A bill (H. R. 2194) for the relief of Joseph B. McClintock;
A bill (H. R. 3217) for the relief of Clara H. Flowers *et al.*;
Petition of Ida M. Wells and others;
Petition of G. W. Hughes;
Petition of T. B. Planché;
Petition of Tabitha Garnett;
Petition of Lucy A. M. Jones;
Petition of Daniel T. Wood;
Petition of Lucinda Allen;
Petition of Samuel W. Craft;
Petition of John H. Hamiter;
Petition of David L. Scott;
Petition of Levi Middlekauff, administrator of John C. Middlekauff, deceased;
Petition of John Monday;
Petition of John H. King;
Petition of Mrs. Catharine Litle;
Petition of Thomas Barnum;
Petition of Louisa McCollister;
Petition of Ramsay Robb Lees;
Petition of Samuel Emmert;
Petition of Henry C. Mumma and Samuel Mumma, executors of Samuel Mumma, deceased;
Petition of Richard S. Kirk;
Petition of Thomas R. Mitchell;
Petition of Thomas Trundle;
A bill (H. R. 8210) for the relief of Stephen H. Myers;
A bill (H. R. 471) for the relief of Adam Hine;
A bill (H. R. 4934) for the relief of Orlen L. Dodd;
Petition of William Reading;
Petition of William H. Knode;
Petition of Solomon S. Lumm;
Petition of Benjamin Brown;
Petition of Johnson Benson;
Petition of John H. Fiery;
Petition of John H. Huyett;
Petition of John T. and Sarah A. De Sellum;
Petition of Samuel M. Haller;
Petition of Jonathan Yoste; and
Petition of A. P. Burditt and James Fisk.

PUBLIC LANDS DECISIONS.

Mr. ROGERS, of New York, by unanimous consent, submitted a concurrent resolution to provide for printing the first and second volumes of decisions relating to the public lands; which was referred to the Committee on Printing, and ordered to be printed.

ORDER OF BUSINESS.

Mr. THOMAS. Now, Mr. Speaker, I call for the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8179) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message further announced that the Senate had passed without amendments joint resolutions of the following titles:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh additional reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology; and

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House was requested:

Joint resolution (S. R. 134) relative to the use of plants belonging to the public conservatories of the District of Columbia for inauguration ceremonies.

PERSONAL EXPLANATION.

Mr. SNYDER. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. SNYDER. I desire to explain my vote given yesterday.

The SPEAKER. That is not a privileged matter. The gentleman can proceed only by unanimous consent.

Mr. SNYDER. I ask unanimous consent to make a personal explanation. Mr. Speaker, on page 2439 of the RECORD of yesterday's proceedings I am recorded as having voted "ay" upon the resolution offered by the chairman of the Appropriations Committee. With a decided opinion as to the impropriety of the clause in the sundry civil bill relating to the suspension of silver coinage, and with the avowed intention of voting against the same when the opportunity was offered (the resolution providing for a separate vote upon said proposition), I voted "ay" to limit debate and facilitate business, in order that an extra session of Congress might be avoided.

I am opposed to any legislation on the part of Congress looking toward either the limitation or suspension of silver coinage. The subsequent statement of the gentleman from Pennsylvania demands that this explanation be made in order that my position may not be misunderstood by my constituents.

Mr. HAMMOND. I object. That is not a matter of privilege, and I object to further explanation.

The SPEAKER. The Chair so decided, and the gentleman proceeded by unanimous consent.

Mr. HAMMOND. I object. Every gentleman who casts a vote might occupy time of the House in the same way.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded

ORDER OF BUSINESS.

Mr. CABELL. Mr. Speaker, I desire to suspend the rules to take up House bill 8029, to authorize the establishment of export tobacco manufactories and for drawbacks upon imported articles used in manufacturing exported tobacco.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The House is acting under a suspension of the rules.

The regular order being called for, the House resumes, under the order adopted yesterday by suspension of the rules, the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes. The first question is upon the amendments to the clause in relation to the New Orleans Exposition.

Mr. HORR. The first amendment, as I understand, is the one which I offered.

The SPEAKER. That is the understanding of the Chair. A motion has been made by the gentleman from New York [Mr. POTTER] to strike out the clause; but that will not be voted upon until amendments to the text have been disposed of. The amendment of the gentleman from Michigan [Mr. HORR] will be read.

The Clerk read as follows:

Strike out the entire clause and insert in lieu thereof the following:

"For the purpose of aiding the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of $300,000, or so much thereof as may be necessary, to be immediately available and to be used first in payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations living and doing business outside of the State of Louisiana, including debts due to foreigners or foreign nations and such as are due to States and Territories from said exposition. Secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition in accordance with the lists of awards heretofore published; said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such indebtedness and shall detail a proper agent of his Department to disburse said funds as directed by said Secretary, who shall make a detailed statement of his transactions to the Treasury Department."

The SPEAKER. The question is upon the motion of the gentleman from Michigan to strike out the clause in the bill and substitute what has just been read.

Mr. ELLWOOD. I rise for an inquiry. I have submitted a substitute. Will the vote upon this proposition of the gentleman from Michigan rule out my substitute?

The SPEAKER. Is the amendment of the gentleman from Michigan offered as a substitute?

Mr. ELLWOOD. I move to amend by adding to the substitute of the gentleman from Michigan the clause which I ask the Clerk to read.

The Clerk read as follows:

A committee of three members of the House shall be appointed by the Speaker to inquire into the expenditures by and money received by the managers of the World's Industrial Cotton and Centennial Exposition. The said committee are hereby empowered to administer oaths, to compel the attendance of witnesses, and to send for persons and papers; and it shall report the result of its investigation to the Forty-ninth Congress on or before December 10, 1885.

Mr. BLAND. That amendment is subject to a point of order.

The SPEAKER. The Chair thinks it is subject to a point of order. The point is sustained. The question is upon the substitute of the gentleman from Michigan.

Mr. ELLIS. As I understand it has been been agreed between the gentleman and myself that his substitute shall be amended by striking out the words "or so much thereof as may be necessary." I understand the gentleman from Michigan is willing to accept this amendment.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] moves to amend the substitute of the gentleman from Michigan by striking out the words "but so much thereof as may be necessary."

Mr. ELLIS. By agreement between the gentleman from Michigan and myself those words go out.

Mr. HORR. If it be in order I will state that in my judgment this amendment does not affect substantially my substitute; and I consent to it. I think every dollar of the appropriation will be spent, at any rate.

The question being taken on the amendment of Mr. ELLIS, there were—ayes 78, noes 20.

Mr. ANDERSON. I make the point that no quorum has voted.

Tellers were ordered; and Mr. ANDERSON and Mr. ELLIS were appointed.

The House again divided; and the tellers reported—ayes 121, noes 44.

So the amendment of Mr. ELLIS was agreed to.

The SPEAKER. The question now recurs on the amendment proposed by the gentleman from Michigan [Mr. HORR] as amended.

Mr. BEACH. On this question I demand the yeas and nays.

The yeas and nays were ordered, 45 members voting therefor.

The question was taken; and it was decided in the affirmative—yeas 206, nays 58, not voting 60; as follows:

YEAS—206.

Adams, G. E.	Carleton,	Fiedler,	Jones, J. H.
Aiken,	Clay,	Findlay,	Jones, J. K.
Alexander,	Cobb,	Finerty,	Jones, J. T.
Anderson,	Connolly,	Follett,	Kean,
Atkinson,	Cook,	Foran,	Keifer,
Bagley,	Cosgrove,	Forney,	Kelley,
Ballentine,	Covington,	Funston,	Kellogg,
Barbour,	Cox, W. R.	George,	Ketcham,
Barksdale,	Craig,	Glascock,	King,
Bayne,	Crisp,	Greenleaf,	Kleiner,
Belmont,	Cullen,	Guenther,	Lacey,
Bennett,	Curtin,	Hanback,	Lawrence,
Bisbee,	Davidson,	Hancock,	Lewis,
Blanchard,	Davis, G. R.	Harmer,	Libbey,
Bland,	Davis, L. H.	Hatch, H. H.	Long,
Boutelle,	Dibble,	Haynes,	Lore,
Brainerd,	Dibrell,	Hemphill,	Lowry,
Bratton,	Dixon,	Herbert,	Lyman,
Breckinridge,	Dockery,	Hewitt, A. S.	McCold,
Breitung,	Dorsheimer,	Hewitt, G. W.	McComas,
Brewer, F. B.	Dowd,	Hill,	McCormick,
Brewer, J. H.	Dunham,	Hitt,	McMillin,
Broadhead,	Dunn,	Holmes,	Milliken,
Brumm,	Eldredge,	Holton,	Mitchell,
Buckner,	Elliott,	Horr,	Morgan,
Budd,	Ellis,	Houk,	Morrill,
Cabell,	Ellwood,	Howey,	Morse,
Caldwell,	English,	Hunt,	Moulton,
Campbell, J. E.	Ermentrout,	James,	Muldrow,
Campbell, J. M.	Everhart,	Jeffords,	Muller,
Candler,	Ferrell,	Jones, B. W.	Murphy,
Murray,	Ranney,	Smith, A. Herr	Wakefield,
Mutchler,	Ray, Ossian	Smith, H. Y.	Ward,
Nelson,	Reagan,	Snyder,	Washburn,
Nicholls,	Reid, J. W.	Springer,	Weaver,
Nutting,	Reed, T. B.	Steele,	Weller,
Oates,	Reese,	Stephenson,	Wemple,
O'Ferrall,	Riggs,	Stewart, J. W.	White, J. D.
Paige,	Robertson,	Stockslager,	White, Milo
Parker,	Robinson, W. E.	Stone,	Whiting,
Payson,	Rockwell,	Strait,	Willis,
Peel,	Rogers, J. H.	Struble,	Wilson, James
Perkins,	Rogers, W. F.	Sumner, C. A.	Wilson, W. L.
Peters,	Rosecrans,	Sumner, D. H.	Winans, E. B.
Pettibone,	Rowell,	Swope,	Winans, John
Phelps,	Russell,	Talbott,	Wise, G. D.
Poland,	Ryan,	Taylor, J. D.	Wood,
Post,	Seymour,	Townshend,	Worthington,
Price,	Shively,	Valentine,	Yaple,
Pryor,	Singleton,	Vance,	York.
Pusey,	Skinner, T. G.	Van Eaton,	
Randall,	Smalls,	Wait,	

NAYS—58.

Arnot,	Culberson, D. B.	Matson,	Taylor, J. M.
Barr,	Dargan,	Maybury,	Thomas,
Beach,	Deuster,	Millard,	Thompson,
Belford,	Eaton,	Miller, J. F.	Tillman,
Blount,	Geddes,	Mills,	Tully,
Boyle,	Halsell,	Money,	Turner, H. G.
Brown, W. W.	Hammond,	Patton,	Turner, Oscar
Browne, T. M.	Hardeman,	Payne,	Van Alstyne,
Buchanan,	Hatch, W. H.	Pierce,	Wadsworth,
Burleigh,	Henderson, T. J.	Potter,	Wallace,
Cassidy,	Holman,	Seney,	Warner, Richard
Clardy,	Hopkins,	Skinner, C. R.	Wellborn,
Clements,	Houseman,	Stevens,	Young.
Converse,	Lanham,	Stewart, Charles	
Cox, S. S.	Le Fevre,	Storm,	

NOT VOTING—60.

Adams, J. J.	Garrison,	Johnson,	Rice,
Bingham,	Gibson,	Jordan,	Robinson, J. S.
Blackburn,	Goff,	Laird,	Shaw,
Bowen,	Graves,	Lamb,	Slocum,
Burnes,	Green,	Lovering,	Spooner,
Campbell, Felix	Hardy,	McAdoo,	Spriggs,
Cannon,	Hart,	Miller, S. H.	Taylor, E. B.
Chalmers,	Henderson, D. B.	Morrison,	Throckmorton,
Collins,	Henley,	Neece,	Tucker,
Culbertson, W. W.	Hepburn,	Ochiltree,	Warner, A. J.
Cutcheon,	Hiscock,	O'Hara,	Wilkins,
Davis, R. T.	Hobilitzell,	O'Neill, Charles	Williams,
Dingley,	Hooper,	O'Neill, J. J.	Wise, J. S.
Evans,	Hurd,	Rankin,	Wolford,
Fyan,	Hutchins,	Ray, G. W.	Woodward.

So the amendment was agreed to.

During the roll-call,

Mr. BEACH moved that by unanimous consent the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. HORR. Mr. Speaker, I rise to a parliamentary inquiry. Will it be proper to ask by unanimous consent a vote be taken on this proposition as amended or on this substitute? I have said, as I supposed was the fact, there would be a vote if this were amended. I am informed if this is voted in, as it is, there will be no further vote. That misled some gentlemen.

Mr. RANDALL. There will be a vote on the bill with this in it.

The SPEAKER. There will be no further vote on this clause as a separate proposition. The Chair will state the situation.

Mr. RANDALL. There will be a vote on the bill with that in it.

Mr. HORR. But that is not fair.

The SPEAKER. The gentleman from Michigan moved to strike out the clause and insert what has been read. The gentleman from New York [Mr POTTER] made a motion to strike out the clause without inserting anything. The gentleman from Michigan offered his amendment first and the House voted on it first. If the House sustains the motion to strike out the words as they stood in the bill and insert the words of the amendment it closes the vote on this clause, because it is not competent under the rules of the House to strike out the identical thing just inserted by a vote; and the only way to reach that would be to reconsider that vote.

Mr. HORR. There can be unanimous consent that a vote be taken on the proposition. I do not think any one will object to that; it will be passed just the same.

Mr. BOUTELLE. I will enter the motion to reconsider.

The SPEAKER. The vote has not yet been announced.

Mr. HAMMOND. I rise to a parliamentary inquiry, and it is that as the vote has not been announced, can not the whole difficulty be obviated by gentlemen changing their votes?

The SPEAKER. The gentleman from Michigan asks unanimous consent that after the vote shall be announced, if the amendment be adopted, a vote shall then be taken on the motion to strike out the clause; is there objection?

Mr. HORR. There can be no objection.

There was no objection, and it was ordered accordingly.

The following pairs were then announced.

On all political questions, until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.
Mr. NEECE with Mr. CHALMERS.
On this vote:
Mr. RANKIN with Mr. OCHILTREE.
Mr. FYAN with Mr. JOHNSON.
Mr. CAMPBELL, of New York, with Mr. HOOPER.
Mr. BLACKBURN with Mr. HART.
Mr. HOBLITZELL with Mr. GOFF.
Mr. MCADOO with Mr. O'NEILL, of Pennsylvania. If voting, Mr. O'NEILL would vote "ay" and Mr. MCADOO "no."
For the day:
Mr. WILLIAMS with Mr. CUTCHEON.
The vote was then announced as above recorded.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army; and

Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. By order of the House the vote will now be taken on the motion of the gentleman from New York [Mr. POTTER] to strike the clause entirely from the bill.

Mr. POTTER. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. YORK. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. YORK. I ask if this is on the vote to strike out the $300,000?

The SPEAKER. The Chair will state that this is to strike out the entire clause.

Mr. BELFORD. I rise to a question of order. There is so much confusion and smoking on the floor that we can not determine what is going on.

The SPEAKER. The Chair will cause, on account of the complaints so frequently made to the Chair, clause 7 of Rule XIV to be read; and calls the attention of members on the floor and also of the officers of the House, the Doorkeeper and Sergeant-at-Arms, to the rule.

The Clerk read as follows:

7. When the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER. The Chair hopes the officers of the House charged with the execution of this rule will see that it is complied with on the floor.

The question is on agreeing to the motion of the gentleman from New York to strike out the clause on which the yeas and nays have been ordered; and the Clerk will call the roll.

The question was taken; and there were—yeas 124, nays 158, not voting 42; as follows:

YEAS—124.

Alexander,	Dargan,	McCoid,	Seymour,
Anderson,	Davis, L. H.	McComas,	Shively,
Arnot,	Deuster,	McCormick,	Skinner, C. R.
Barr,	Dingley,	McMillin,	Smith, A. Herr
Beach,	Dockery,	Matson,	Smith, H. Y
Bland,	Dalton,	Marbury,	Springer,
Blount,	Eldredge,	Millard,	Steele,
Boutelle,	Ellwood,	Miller, J. F.	Stevens,
Bowen,	English,	Milliken,	Storm,
Boyle,	Everhart,	Mills,	Talbott,
Brainerd,	Ferrell,	Mitchell,	Taylor, J. D.
Brewer, F. B.	Geddes,	Morgan,	Taylor, J. M.
Brewer, J. H.	Halsell,	Moulton,	Thomas,
Browne, T. M.	Hammond,	Murray,	Turner, H. G.
Buchanan,	Hardy,	Nutting,	Turner, Oscar
Buckner,	Hart,	Oates,	Van Alstyne,
Burnes,	Hatch, H. H.	O'Neill, J. J.	Wadsworth,
Campbell, J. M.	Hatch, W. H.	Parker,	Walt,
Candler,	Henderson, T. J.	Patton,	Warner, A. J.
Carleton,	Hepburn,	Payne,	Warner, Richard
Cassidy,	Hewitt, A. S.	Payson,	Weaver,
Clardy,	Hills,	Peel,	Wellborn,
Clements,	Holman,	Peters,	Whiting,
Cobb,	Howey,	Phelps,	Wilkins,
Connolly,	James,	Pierce,	Winans, E. B.
Cook,	Kean,	Post,	Winans, John
Congreve,	Lanham,	Potter,	Wood,
Covington,	Lawrence,	Ranney,	Woodward,
Cox, S. S.	Le Fevre,	Ray, G. W.	Worthington.
Cox, W. R.	Lowry,	Rockwell,	Yaple,
Culberson, D. B.	Lyman,	Seney,	York.

NAYS—158.

Adams, G. E.	Ballentine,	Belford,	Blanchard,
Aiken,	Barbour,	Belmont,	Bratton,
Atkinson,	Barksdale,	Bennett,	Breckinridge,
Bagley,	Bayne,	Bisbee,	Breitung,
Broadhead,	Gibson,	Long,	Russell,
Brown, W. W.	Glascock,	Lore,	Ryan,
Brumm,	Goff,	Lovering,	Singleton,
Budd,	Graves,	Miller, S. H.	Skinner, T. G.
Burleigh,	Green,	Money,	Smalls,
Cabell,	Greenleaf,	Morrill,	Snyder,
Caldwell,	Guenther,	Morse,	Spooner,
Campbell, J. E.	Hanback,	Muldrow,	Stephenson,
Cannon,	Harmer,	Muller,	Stewart, Charles
Converse,	Haynes,	Murphy,	Stewart, J. W.
Craig,	Hemphill,	Mutchler,	Stocksleger,
Crisp,	Henley,	Nicholls,	Stone,
Cullen,	Herbert,	Ochiltree,	Struble,
Curtin,	Hewitt, G. W.	O'Ferrall,	Sumner, C. A.
Davidson,	Hill,	O'Hara,	Sumner, D. H.
Davis, G. R.	Hiscock,	O'Neill, Charles	Swope,
Davis, R. T.	Holmes,	Paige,	Thompson,
Dibble,	Hopkins,	Perkins,	Tillman,
Dibrell,	Horr,	Pettibone,	Townshend,
Dixon,	Houk,	Poland,	Tully,
Dorsheimer,	Houseman,	Price,	Valentine,
Dowd,	Hunt,	Pryor,	Vance,
Dunham,	Jeffords,	Pusey,	Van Eaton,
Dunn,	Johnson,	Randall,	Wallace,
Elliott,	Jones, B. W.	Ray, Ossian	Ward,
Ellis,	Jones, J. H.	Reagan,	Washburn,
Ermentrout,	Jones, J. K.	Reed, T. B.	Wemple,
Fiedler,	Jones, J. T.	Reid, J. W.	White, J. D.
Findlay,	Keifer,	Reese,	White, Milo
Finerty,	Kelley,	Riggs,	Willis,
Follett,	Kellogg,	Robertson,	Wilson, James
Foran,	King,	Robinson, W. E.	Wilson, W. L.
Forney,	Kleiner,	Rogers, J. H.	Wise, G. D.
Funston,	Lacey,	Rogers, W. F.	Wolford.
Garrison,	Lamb,	Rosecrans,	
George,	Lewis,	Rowell,	

NOT VOTING—42.

Adams, J. J.	Hancock,	Libbey,	Strait,
Bingham,	Hardeman,	McAdoo,	Taylor, E. B.
Blackburn,	Henderson, D. B.	Morrison,	Throckmorton,
Campbell, Felix	Hoblitzell,	Neece,	Tucker,
Chalmers,	Holton,	Nelson,	Wakefield,
Clay,	Hooper,	Rankin,	Weller,
Collins,	Hurd,	Rice,	Williams,
Culbertson, W. W.	Hutchins,	Robinson, J. S.	Wise, J. S.
Cutcheon,	Jordan,	Shaw,	Young.
Evans,	Ketcham,	Slocum,	
Fyan,	Laird,	Spriggs,	

So the motion to strike out was not agreed to.

On motion of Mr. ELLIS, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. BLACKBURN with Mr. STRAIT, on this vote.

Mr. FYAN with Mr. BINGHAM, on this vote.

The result of the vote was then announced as above recorded.

Mr. ELLIS moved to reconsider the vote by which the motion to strike out was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon ordering the bill as amended to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time.

The question recurred on the passage of the bill.

Mr. RANDALL. On that I demand the previous question.

Mr. WHITE, of Kentucky. I call for the reading of the engrossed bill.

The SPEAKER. The Chair does not think there is any rule or any recent practice of the House requiring the reading of the engrossed bill.

Mr. WHITE, of Kentucky. I understood the Speaker to say that the bill was now upon its passage.

The SPEAKER. The Chair so stated.

Mr. WHITE, of Kentucky. What bill?

The SPEAKER. The sundry civil appropriation bill.

Mr. WHITE, of Kentucky. Then I ask for the reading of the engrossed bill.

The SPEAKER. On the passage of the bill the gentleman from Pennsylvania has demanded the previous question.

Mr. WHITE, of Kentucky. And I call for the reading of the bill upon which we are to pass, which is the engrossed bill.

The SPEAKER. Under what rule?

Mr. WHITE, of Kentucky. The Speaker knows the rule.

The SPEAKER. The Chair knows of no such positive rule or late practice. If there be any, the Chair hopes the gentleman will call attention to it.

Mr. WHITE, of Kentucky. The Chair stated the question to be upon the passage of this bill, and that the gentleman from Pennsylvania had demanded the previous question. Now, upon that bill on which the previous question is demanded, which, as the Speaker states, is the sundry civil appropriation bill, I ask as a question of right for the reading of the engrossed bill.

The SPEAKER. The Chair will hear the gentleman from Kentucky on the subject as to whether there is any such rule or practice of the House.

Mr. WHITE, of Kentucky. I call the attention of the Chair to page 199 of the Digest, to Rule XXI, clause 2:

Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker

shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

I contend that if the bill has been engrossed it ought to be here, and the Clerk should read that engrossed bill upon which we are here to vote. The rule says so; it is in the bond, and I call for the pound of flesh.

Mr. WAIT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAIT. Did not the House on yesterday by a vote of two-thirds direct the suspension of the rules for the remainder of the session upon the sundry civil appropriation bill?

The SPEAKER. The House by a vote of two-thirds suspended the rules to consider the bill under certain regulations prescribed in the motion itself, which regulations say nothing concerning the readings of the bill.

Mr. WAIT. Would not then the action of the House suspend any rule such as the gentleman from Kentucky invokes?

The SPEAKER. The Chair has not yet decided that.

Mr. COX, of New York. I would like the Chair to state to the House the exact situation of this bill at this time. If I understand it, the bill has been read a third time by its title. We have passed from that. The previous question has been called on the passage of the bill. Am I right?

The SPEAKER. The previous question has been demanded, but has not been ordered.

Mr. COX, of New York. The custom has been, so far as I recollect, after the proceedings on a bill have reached this stage not to have the engrossed bill read a third time at length.

Mr. POTTER. It has not been read at length at all.

Mr. CRISP. It was read here in the House.

Mr. POTTER. At what time?

Mr. CRISP. Between 6 and 7 o'clock last evening.

Mr. COX, of New York. My friend from New York was not present at that time.

I submit that since the adoption of the new rules there has been no practice calling for what the gentleman from Kentucky now demands, the reading of this bill at length at this stage.

Mr. REED, of Maine. This is not a question of what practice has arisen. The action of the House thus far has simply been to pass the bill to be engrossed. That is the order of the House; consequently the bill has got to be engrossed and read the third time. Now, how is it possible if a member demands the reading of the engrossed bill to say to him that that has not been done which the House has ordered to be done?

The SPEAKER. The Chair has no doubt as to the right of a member under the express language of the second clause of Rule XXI to demand the third reading of the bill at length before the question is taken on its passage; but the question of practice, as to which the Chair has some difficulty, is whether the member has a right to demand that the bill shall be actually engrossed before it is read.

There was a practice prevailing at one time, according to the impression of the Chair, to take the printed or manuscript bill and simply indorse it as an engrossed bill. That practice prevailed for a long time in the House according to the present recollection of the Chair, but was afterward discontinued, and the bill was simply read in its original printed form.

Mr. REED, of Maine. When I first came into this House it was understood if a member chose to demand the reading of the engrossed bill the bill had to be engrossed before it could be read to satisfy his demand; and I supposed that arose not from any particular rule but from the nature of the case. The first passage of the bill is a passage to be engrossed, and the House before it passes the bill finally, if it chooses, is entitled to have the engrossed bill read in order to see if that is the bill which has been actually passed in the House.

I remember once in the Legislature of my own State that a bill which was engrossed was actually different from the bill which passed the senate of the State, and that by reason of a mistake on the part of the clerk of the senate; so that the bill actually went to the governor, but was not signed, with amendments in it not one of which had been voted on by the senate. That occurred because the engrossment was made by mistake.

The SPEAKER. The Chair has no doubt the practice in most legislative bodies is as the gentleman has stated.

Mr. REED, of Maine. It is not in any respect different from the practice and from the principle of the rules of this House. The House has passed a bill to be engrossed. That has got to be done. The engrossment has to take place before the bill can be finally passed. It seems to me that is in the very nature of things and can not be eradicated by any custom of the House or by the rule.

Mr. RANDALL. I suppose that there may be members here who had the impression that this bill was not engrossed. I beg to state that that precaution has been taken and the bill is engrossed.

Mr. WHITE, of Kentucky. Then have it read.

Mr. RANDALL. And in that connection I ask the Chair whether the suspension of the rules under which we have been acting has exhausted itself?

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. RANDALL] was simply to suspend the rules and consider the bill under certain regulations. The Chair thinks that does not dispense with the rules ordinarily relating to the passage of bills.

Mr. RANDALL. If the suspension of the rules is not operating at this time I make the motion to suspend the rules so as to dispense with a reading of the bill at length.

The SPEAKER. The Chair prefers not to decide the question made by the gentleman from Kentucky [Mr. WHITE] as to his right to have the engrossed bill read at this time; because it is not necessary to do so or to establish a precedent which shall prevail in regard to this matter hereafter. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules so as to take the vote on the passage of the bill without having it read a third time at length.

Mr. REED, of Maine. I desire to say in response to a single sentence of the gentleman from Pennsylvania that so far as concerns the actual demand made for the reading of the bill at length I neither knew it was going to be made——

Mr. RANDALL. I did not make any such charge.

Mr. REED, of Maine. Nor had I any disposition to make such a demand. I have spoken simply as a member of the House interested in the orderly conduct of its business.

The SPEAKER. This is of course an important parliamentary question, and may at some time become more so.

Mr. BAYNE. As I understand the position of this bill now, a majority may pass it. Am I correct?

Mr. RANDALL. I have made the motion to suspend the rules and dispense with the reading of the engrossed bill.

Mr. BAYNE. In the interest of this bill I suggest to my colleague [Mr. RANDALL] that he do not make that motion. I should prefer having the engrossed bill read if it should be necessary.

Mr. RANDALL. I would prefer not, because I do not want time, which is valuable, exhausted in that way.

Several MEMBERS. Regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules and vote upon the passage of the bill without reading it at length the third time.

Mr. WHITE, of Kentucky. Mr. Speaker, how did the gentleman from Pennsylvania [Mr. RANDALL] take me off my feet to make that motion?

The SPEAKER. He did not. Several gentlemen addressed the Chair after the gentleman from Kentucky [Mr. WHITE] concluded and before the gentleman from Pennsylvania obtained the floor.

Mr. WHITE, of Kentucky. But they were discussing the point of order. They were not making motions.

The SPEAKER. But there is no motion. The gentleman from Kentucky [Mr. WHITE] made no motion; he simply demanded the reading of the bill.

Mr. WHITE, of Kentucky. Under the rule.

The SPEAKER. Certainly; but that is not debatable. Is there a second demanded?

Mr. WHITE, of Kentucky. I demand a second.

The SPEAKER. A second is demanded. The Chair will appoint as tellers the gentleman from Kentucky, Mr. WHITE, and the gentleman from Pennsylvania, Mr. RANDALL. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and vote upon the passage of this bill without reading it at length the third time.

The House divided; and there were—ayes 79, noes 11; so the motion was agreed to.

The SPEAKER. A second is ordered. Fifteen minutes are allowed for debate.

Mr. WHITE, of Kentucky. Mr. Speaker, I yield two minutes of my time to the gentleman from New York [Mr. JAMES].

Mr. JAMES. Mr. Speaker, in examining this sundry civil bill I find that the Committee on Appropriations have inserted general legislation in reference to the public buildings and the sites for such buildings in three of the States which are represented on the committee by three of its members. We ordinary members of this House when we wish to have the limit of expenditure upon public buildings in the communities we represent increased are obliged to introduce bills for that purpose, which are referred to a committee, and in due time are reported back and acted upon by the House; but here I find that members of the Committee on Appropriations propose in this general appropriation bill to increase the limits of expenditure upon certain public buildings. The bill proposes to increase the limit of expenditure on a public building at Dallas, Tex., from $75,000 to $100,000; the limit on the public building at Galveston, Tex., from $125,000 to $145,000, and the limit on public buildings at Jefferson City from $100,000 to $120,000.

Mr. KEAN. Where is Jefferson City?

Mr. JAMES. In Missouri.

Mr. KEAN. Oh! I thought it was in Indiana. [Laughter.]

Mr. JAMES. The limit of expenditure on the public building at Saint Joseph, Mo., is to be increased from $75,000 to $200,000.

The original limit for the public building and site at Minneapolis, Minn., was fixed at $175,000, and it is to be increased by this bill to

$500,000. I protest, Mr. Speaker, against this treatment of this House by the Committee on Appropriations, giving to the members of that committee an advantage over other members of the House who are equally interested in general appropriation bills.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, three minutes of time have been yielded to me by the gentleman from Kentucky [Mr. WHITE], and I shall occupy that time in pointing out some peculiarities of this bill. The gentleman from New York [Mr. JAMES] has called attention to the six instances in which the Committee on Appropriations have introduced general legislation into this bill in violation of the rules of the House, and by the suspension of the rules the points of order which otherwise might have been made against these several appropriations have been cut off.

But this bill has some special features, which ought to commend it especially to this House, and I desire to call attention to those features. If we look at the appropriations for public buildings and grounds, keeping in view the *personnel* of the Committee on Appropriations, a new light will dawn upon the House. I call attention to the provisions in the bill beginning at line 29. I find that the first of these items is in the interest of Massachusetts, which is so ably represented on the Committee on Appropriations by the distinguished gentleman Mr. LONG.

Mr. LONG. If the gentleman will permit, there is not the slightest appropriation for Massachusetts.

Mr. THOMAS. I speak of the provisions of the bill.

Mr. LONG. There is not the slightest appropriation for Massachusetts there. It is a provision for the sale of a building belonging to the Government, a provision to put $220,000 into the Treasury—not to take anything out of it.

Mr. THOMAS. But it is a provision which could not have been introduced on this bill if it had not been introduced in this way. It would have been subject to the point of order.

Mr. RANDALL. No; it would not.

Mr. LONG. It would not.

Mr. THOMAS. I decline to be interrupted further.

Mr. LONG. Then be honorable!

Mr. THOMAS. I am, in pointing out the true inwardness of this bill. Mr. Speaker, the next item to which I desire to call attention is that for the benefit of Brooklyn, N. Y., which State is so ably represented upon the committee by Mr. HUTCHINS. That gets $135,000.

Mr. POST, of Pennsylvania. The gentleman [Mr. HUTCHINS] does not live in Brooklyn.

Mr. THOMAS. I say the appropriation is for the benefit of Brooklyn, in the State of New York, which is so ably represented on the committee by the distinguished gentleman I have named.

Mr. ROBINSON, of New York. The appropriation ought to be a great deal more.

Mr. THOMAS. The next item is for the benefit of Buffalo, N. Y., $37,500. Then we come to Chicago, Ill., which State is so ably represented on the committee by my colleague, Mr. CANNON. Then come Cleveland and Columbus, Ohio, represented on the committee by Mr. FOLLETT.

A MEMBER. And General KEIFER.

Mr. THOMAS. Then we come to Dallas, Tex., which gets $25,000. That State is represented on the committee by Mr. HANCOCK. Then we come to Fort Wayne, Ind., which State is represented on the committee by the distinguished gentleman Mr. HOLMAN, and I want to call attention to the fact that a bill has already passed this House giving him another appropriation for Fort Wayne; so that if this item goes through he is to have a double appropriation for this public building in Indiana. [Laughter.] Such is the work of the great watch-dog of the Treasury. I say it in no offensive sense.

Mr. REED, of Maine. If it is for Indiana it is meritorious.

Mr. THOMAS. Yes; if it is for Indiana it is very meritorious and is "in the line of economy." [Laughter.]

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him whether the appropriation for that Indiana building is not in excess of the amount authorized by law?

Mr. THOMAS. I understand that it is $25,000 in excess of the amount authorized by law. Mr. Speaker, this is the economy and reform of this Democratic House under the guidance of the great economist, Mr. HOLMAN, of Indiana. [Renewed laughter.]

For Hannibal, Mo., which has as its representative on that committee the gentleman from Missouri, Mr. BURNES, the appropriation is $37,500. Then for Jefferson City, also in the State represented by that gentleman, there is an appropriation of $132,000. There is also an appropriation of $15,000 for Kansas City, Mo., and $50,000 for Saint Joseph, Mo. Then we come to Leavenworth, Kans., which is represented on that committee by the gentleman from Kansas, Mr. RYAN; then Montgomery, Ala., which is represented on that committee by the gentleman from Alabama, Mr. FORNEY. Then Minneapolis, Minn., gets $100,000, and the limit heretofore fixed by law for the building there is increased, under the leadership of the distinguished Representative from Minneapolis, Mr. WASHBURN. [Laughter.] Then there is an appropriation of $15,000 for New Orleans, represented by the gentleman from Louisiana, Mr. ELLIS, a member of that committee. Then Peoria, Ill., under the leadership of the gentleman from Illinois, Mr. CANNON, obtains an appropriation; and then Poughkeepsie, N. Y., represented by the gentleman from New York, Mr. HUTCHINS. Then comes Philadelphia, Pa., represented by the gentleman from Pennsylvania, Mr. RANDALL. [Laughter.]

Mr. RANDALL. I ask the gentleman to read that provision. It is to put $300,000 into the Treasury, not to take money out.

Mr. THOMAS. It is general legislation on an appropriation bill, which would have been subject to a point of order if this bill had been considered in the ordinary way. I have only called attention to these points so that the House and the country may see how well the districts and States represented on the Appropriations Committee are provided for in this bill.

Mr. MILLS. I remind the gentleman that he does great injustice to the gentleman from Illinois [Mr. TOWNSHEND], whom he has not mentioned.

Mr. THOMAS. I had forgotten that my colleague [Mr. TOWNSHEND] was on the Appropriations Committee, and beg his pardon for not giving him his due.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. I yield two minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, in these two minutes I wish only to supplement the statement which has been made with reference to public buildings provided for in this bill. I have nothing to do with motives; but I have taken the trouble to add together the various appropriations in this bill for public buildings, and I find the total to be $2,173,000.

Mr. RANDALL. The gentleman is mistaken.

Mr. MCCOMAS. That is the calculation I have made, and I have made it from the bill. I take these figures from the printed bill, if not from the engrossed bill before this House.

Mr. RANDALL. The gentleman counts in perhaps provisions for the sale of two public properties——

Mr. MCCOMAS. I have only a moment, and can not yield. I am not here to ascribe motives to anybody; but I want the House to say, while we protest time and again against sporadic extravagance, whether in an appropriation bill passed under a suspension of the rules in the last days of the session we shall pile up expenditures to the amount of two millions of dollars for these public buildings out of $22,000,000 which the bill carries, although these provisions in many cases change the existing law, going beyond limitations heretofore enacted.

Now, there is no committee for which in its constitution I have higher respect than for the Committee on Appropriations, but I say we are driven by the force of this vote upon suspension of the rules to the alternative of spending $2,000,000 without an opportunity to amend or diminish these appropriations.

[Here the hammer fell.]

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Would it be in order at this time, as the gentleman from Michigan [Mr. HORR] is the only member on the Committee on Appropriations who seems to be unprovided for in this bill, to move that he be allowed an appropriation for a public building in his district?

Mr. RANDALL. I hope the gentleman from Illinois [Mr. THOMAS] will do justice by correcting the statement he has made. There is not a dollar in that part of the bill, so far as I know, that goes to my district or to Pennsylvania either.

Mr. WHITE, of Kentucky. I yield two minutes to the gentleman from New York [Mr. POTTER] reserving one minute to myself.

Mr. POTTER. Mr. Speaker, in the two minutes allowed me I desire to say, as forcibly as I may, that this departure from the uniform practice of this Government by passing great appropriation bills under a suspension of the rules can not be justified. It ought to be condemned by the entire country, and it will be so condemned. The evils of such a practice could not be more forcibly illustrated than in the attempt now being made to pass these bills, in which private interests may be concerned, without an opportunity for the scrutiny of this House. I protest in the name of honest government, I protest in the name of that vigilance which we are bound under our oaths as legislators to exercise, that we are revolutionizing the whole practice of the Government by this procedure.

I am willing to sit here day and night until the session closes in order that these bills may be passed in regular order, and that no appropriation necessitating taxation upon the country shall be passed without such scrutiny on the part of Representatives here as the Constitution and all the honest practice of the Government require.

[Here the hammer fell.]

The SPEAKER. The gentleman from Kentucky has one minute remaining.

Mr. WHITE, of Kentucky. In that one minute I desire to call the attention of this House to this remarkable bill, which provides in it over $1,000,000 for public buildings beyond the limit allowed by law, and which bill is to be passed now under a suspension of the rules.

I wish to call the attention of the House to the fact that this same committee refused $400 to the Freedmen's Hospital for a force-pump in

this city, while they put in millions of dollars beyond the limit provided by law for public buildings.

I wish also to call attention to the fact that they omit provision for payment of arrears of pay which may be certified to be due to officers and men of the United States Army. They also omitted to provide pay for two and three years' volunteers which may be certified to be due to the officers and men who served in the war of the rebellion. They also omitted to provide bounty to volunteers and their widows and legal heirs. They also omitted to provide for the payment of bounties under act of July 28, 1866.

The SPEAKER. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I regret it. I wish I had an hour. [Laughter and applause.]

The SPEAKER. The gentleman from Pennsylvania has eighteen minutes.

Mr. RANDALL. Mr. Speaker, notwithstanding what the gentleman from Maryland [Mr. MCCOMAS] has said, the amounts appropriated in this bill for public buildings aggregate $1,794,719.84, which is about the amount which was appropriated for a like purpose last year.

As to individual members being influenced in that committee, I wish to give those gentlemen opportunity to defend themselves. But as my name has been drawn in here I want to say, so far as I know, not one dollar has been appropriated for any public building connected with Philadelphia by this appropriation bill. On the contrary an estimate of $60,000 for the post-office building of that city was left unprovided for. All the Philadelphia Representative did was to authorize the sale of a public building in the city of Philadelphia, whereby $300,000 or more would come into the Treasury of the United States.

Mr. THOMAS. What about the public building for Williamsport, Pa.?

Mr. BROWN, of Pennsylvania. The gentleman from Illinois is mistaken about the Williamsport public building, as that appropriation is within the limits of the law.

Mr. RANDALL. I have nothing to do with Williamsport. That was the action of this House. It is not, however, over the limit, but on the contrary is within the limit.

Several MEMBERS. How about the vaults? What about Minneapolis public building?

Mr. RANDALL. Those gentlemen who are interested can defend themselves, as they secured a majority of the committee in favor of these several propositions. I am not able to say what occurred in the committee in this respect and I do not wish to say even how I voted. I am not afraid of my record in that regard.

Mr. BELFORD. Let me ask the gentleman from Pennsylvania a question.

Mr. RANDALL. Now before leaving the subject I wish to say, in defense of the committee, I do not believe there is a dollar in that bill for a public building which will not be wisely and economically expended. I objected, perhaps, to its insertion here on the ground it would break the limit; but I think the public interests by legislation in connection therewith have not been imperiled in any particular whatever.

Now as to the payment of soldiers—because that is a tender subject, Mr. Speaker—the gentleman from Kentucky is entirely in error. There was no estimate for the soldiers to which the gentleman referred in connection with this bill. It referred to another bill altogether, and his objection, therefore, on that point falls to the ground.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body respectfully return without the signature of the President *pro tempore* an enrolled bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux and Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862.

It also requested the return of joint resolutions of the following titles:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

It further announced the passage of a bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, with amendments; in which concurrence was requested.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. This bill has been added to largely for purposes intended to benefit the soldiers, and also to protect the country from disease. There is, for instance, $400,000 appropriated in the bill for artificial limbs; which is an increase over the last appropriation, this being the fifth year. There is also $350,000 incorporated in the bill to protect the United States from the approach of cholera, which adds largely, and there is another appropriation of $200,000 in the bill more than that of last year because of the increased demand for money to be applied in support of the soldiers' homes. So that when the effort is made to prejudice the mind of this House against the bill on the score that the soldier has not been taken care of, it is only necessary to examine the facts to destroy any such impression.

I now yield two minutes to the gentleman from Massachusetts, and then to the gentleman from Illinois.

Mr. BELFORD. Mr. Speaker, I wish to ask the gentleman from Pennsylvania a question.

Mr. RANDALL. I will yield for a question if the gentleman does not consume too much of my time.

Mr. BELFORD. I know it to be a fact that there is in the Treasury to-day $145,000,000 of surplus revenue, and that instead of acting extravagantly you have cut the appropriations in every case, making them fall below the estimates. Now, why has this been done?

Mr. RANDALL. My answer to the gentleman's question is that in the first place I do not know the exact amount of surplus in the Treasury that can be safely placed in circulation, and further I say distinctly that economy and the good of the country at large demand that that money, whatever may be there, should be applied in paying the public debt. [Applause.]

Mr. BELFORD. You have not acted extravagantly in the appropriations.

Mr. RANDALL. I now yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, whatever share of responsibility falls upon me as a member of the Committee on Appropriations, which reported this bill to the House, I accept and do not propose to shirk. And that responsibility extends to portions of the bill relating not only to the section of country from which I come, but to all other sections as well.

But I rise now, sir, simply to answer the assertion which has been made that the State I in part represent is specially benefited in this bill in the matter of appropriations for public buildings. The fact is exactly to the contrary, as the following statement will show:

I am the only member on the Committee on Appropriations from New England, and not a single public building in New England is represented in the appropriations of this bill. The new post-office and court-house building in the city of Boston is nearly finished. The old court-house will become vacant probably within ninety days, and as a matter of profit to the Treasury of the United States, as well as a question of economy, a provision has been inserted in the bill for the sale of the court-house, which will add $225,000 to the Treasury and take not one dollar out of it.

[Here the hammer fell.]

Mr. RANDALL. I now yield to the gentleman from Illinois.

Mr. CANNON. How much time?

Mr. RANDALL. One minute.

Mr. CANNON. Well, I can not do much in a minute. [Laughter.]

Mr. RANDALL. Well, say all you can in that time, because I have to yield to others on the other side.

Mr. CANNON. Mr. Speaker, I have had six years' service on the Committee on Appropriations, and during that time I have never had a dollar for the construction of a public building, or any public work, appropriated for the district I represent. I have taken the very best care I knew how to take of my State and section, and in doing so I was not neglectful of the responsibility that rested upon me to do exactly the same for the whole country. It is true this appropriation is in here for the Quincy and Peoria buildings, and it ought to be in, but they are within the limit.

By considerable effort I succeeded in getting Chicago in at $40,000 for repairs and preservation of the custom-house, and it ought to be in. And my colleague [Mr. THOMAS] might have gone a little further and made reference to a former Congress while I was on that committee, at least I think, and I want the gentleman from New York on my left to notice that I was a respectable factor in getting an appropriation in the gentleman's own district of $60,000 for the marine hospital at Oxford [applause and laughter], and it ought to be there, and I was glad that it was put in.

Mr. HISCOCK. I always stand by my friend from Illinois. [Laughter.]

Mr. WELLER. It is an unfortunate fact that he does.

Mr. CANNON. And so I apprehend that gentlemen complain not so much for what is in the bill as for what is not in it. [Laughter and applause.]

Mr. THOMAS. I move that my colleague be excused. [Renewed laughter.]

Mr. RANDALL. I now yield to the gentleman from Ohio [Mr. KEIFER] one minute.

Mr. KEIFER. In one minute I can say that I voted to break the limit for the public building at Columbus, Ohio, because the Secretary of the Treasury and other officers interested in this matter recommended it. We propose by adding $60,000 to the limit to build another story on the court-house, rather than come here a few years hence and ask an appropriation to erect another building, and the limit is yet too low. It is a question of merit, and not any other question, and I can say that in reference to the public building at Minneapolis as well as the small amount at Columbus. And I might also call the attention of the gentleman from Illinois to the fact that although he is in a large State in

has one million more in appropriations for public buildings than mine, which outnumbered it at the last census.

[Here the hammer fell.]

Mr. RANDALL. How much time have I?

The SPEAKER *pro tempore* (Mr. COX, of New York). The gentleman has seven minutes of his time remaining.

Mr. MILLER, of Pennsylvania. I rise to a question of order. Would it be in order to ask unanimous consent to give each member of the Appropriations Committee five minutes to explain?

The SPEAKER *pro tempore*. That would not be in order.

Mr. MILLER, of Pennsylvania. I am sorry to hear it. [Cries of "Regular order!"]

Mr. RANDALL. I yield to the gentleman from Minnesota [Mr. WASHBURN].

[At this point Mr. HOLMAN was crossing the floor, and there were many cries of "Holman!" "Holman!"]

Mr. HOLMAN. Mr. Speaker, will the gentleman from Minnesota yield me a moment? [Loud applause.]

Mr. WASHBURN. I do not yield.

The SPEAKER *pro tempore*. The gentleman from Minnesota is entitled to the floor.

Mr. WASHBURN. I do not desire any five minutes to explain my vote or my action upon the Committee on Appropriations, and I do not believe there is any necessity for any gentleman to make any such explanation. As a matter of fact, in the last sundry civil appropriation bill there were appropriations of this character for thirty-five buildings. The gentleman from Illinois [Mr. THOMAS] talked as though this thing was unusual. This is the very bill in which these appropriations should be made.

So far as the appropriation for a building in my own city is concerned, I will state that Minneapolis is a city of 125,000 people, and before this building can be completed it will be a city of 200,000 people. The Secretary of the Treasury recommended $600,000 for the construction of a building there. The demands of the public service required such a building, and I see no impropriety in having that appropriation.

Mr. MILLS. I wish to ask the gentleman a question. Did the architect who planned this building plan a $500,000 building on a limit of $175,000 appropriation?

Mr. WASHBURN. I will say to the gentleman from Texas that the appropriation made last year broke the limit. There was no limit, and the architect went forward and prepared the plans for such a building as he thought the service required.

Mr. MILLS. Notwithstanding the limit of $175,000.

Mr. WASHBURN. The limit had been broken before.

Mr. MILLS. How?

Mr. WASHBURN. By making an appropriation in excess of the $175,000. The requirements of our city are such that there should be no hesitation about making this appropriation.

The SPEAKER *pro tempore*. To whom does the gentleman from Pennsylvania [Mr. RANDALL] yield?

The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. Mr. Speaker, I could not hesitate to express my thanks to the House for the very good-natured greeting they gave me a few moments ago. My friend from Illinois [Mr. THOMAS] is under a misapprehension. This bill contains an appropriation of $25,000 less than the limit which has been fixed for the Fort Wayne, Ind., public building in the district represented by my friend Judge LOWRY. But the trouble is this: After this bill was reported to the House a bill which came from the Senate passed the House appropriating $50,000 for this Fort Wayne building. The result of that is, there is in this bill $25,000 too much for that building.

Mr. THOMAS. There are two appropriations for the same building.

Mr. HOLMAN. Certainly; but my friend will excuse me. I discovered that fact, and on yesterday I asked unanimous consent of the House to strike from this bill that $25,000. My friend from Pennsylvania [Mr. MILLER] objected and then withdrew his objection, and then the gentleman from Iowa objected, and his objection stands yet. I now ask what I have been asking all the time, that the House will give unanimous consent that that unhappy $25,000 shall be stricken out. Gentlemen will see that the passage of the Senate bill after this bill was reported produced the result of which gentlemen complain.

Mr. WELLER. I wish the gentleman from Indiana [Mr. HOLMAN] would indicate the gentleman from Iowa who objected. I am not the man.

Mr. HOLMAN. The gentleman from Iowa who objected was Mr. HEPBURN.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has three minutes of his time remaining. To whom does he yield?

Mr. RANDALL. I yield to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES rose.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman from Kentucky can not take the gentleman from Missouri off the floor on a question of order, unless it be a question of order as against the gentleman who is on the floor.

Mr. WHITE, of Kentucky. Will the gentleman yield one minute to the gentleman from Texas [Mr. HANCOCK] of the Committee on Appropriations to explain lines 1737 to 1740? [Cries of "Regular order!"]

Mr. BURNES. Mr. Speaker, if the gentlemen on the other side have sufficiently amused themselves and are disposed to be just a little serious I have a few words to offer. Of course the Committee on Appropriations need no defense against the pleasantries and wit with which the House has been so generously enlivened. So far as I know or have been advised no gentleman has presented any subject to the committee or to myself that failed to receive a careful and honest consideration, and no legal and meritorious appropriation for the continuation of work on any public building has been denied. In all cases when the Congress have authorized the erection of a public building it becomes the duty of the Supervising Architect, under the direction of the Secretary of the Treasury, to prepare plans and specifications for it, and submit estimates of appropriations from year to year as the progress of the work may require. The Committee on Appropriations have not undertaken to authorize the erection of any building, but simply to appropriate for such as are already authorized and established.

In the exercise of the power to bring in bills of appropriation the committee found in the official report of the Secretary of the Treasury that a building having been authorized and under construction at Jefferson City, the capital of my State, needed $32,000 to make it of fire-proof material. Will any one say it was unwise to include an appropriation of the amount for such a proper purpose? My colleague, Mr. BLAND, who represents the capital district—always so careful and prudent in legislation—would not have warmly recommended it if it had not been in the interest of the Government. My colleague, Mr. HATCH, who represents the Hannibal district most faithfully, will verify the necessity and justice of the appropriation for making the building in Hannibal likewise fire-proof. I have no words of eulogy for my own city of Saint Joseph. She needs none.

There being no existing limit to the cost of the United States building in that city, we desired to make one. The Supervising Architect and the Secretary of the Treasury in their official reports have recommended to Congress that $300,000 be appropriated as the cost of such building. The House Committee on Buildings and Grounds have unanimously reported to the House in favor of appropriations to that amount, and all these reports and recommendations were before your committee for action. In allowing what seemed to be so manifestly proper and so universally approved the committee provided that the cost of the building should not exceed the amount stated.

Mr. COOK. Did you get anything in the bill?

Mr. BURNES. The gentleman from Iowa, representing a district which needs neither public buildings nor improvement——

Mr. BLOUNT. I would like to ask the gentleman from Missouri——

Mr. BURNES. I can not yield even to my honored friend from Georgia. The gentleman from Iowa is not happy, evidently. His district needs nothing——

Mr. WELLER. I desire to correct the gentleman from Missouri——

Mr. BURNES. I do not yield. There are doubtless hundreds of gentlemen on this floor who are more competent than myself to represent my district and the interests of the Government therein; but, notwithstanding, I have, perhaps, that right; and those who know its varied interests, industries, and resources will sympathize with me in my feeble efforts to represent and protect them. Missionary service in its behalf by the able gentlemen from Iowa, New York, and Brooklyn is, in all kindness, appreciated, but commended as more appropriate at home.

[Here the hammer fell.]

Mr. RANDALL. Now, let us have a vote.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules so as to vote on the passage of the bill without reading it at length.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

Mr. HORR. I desire just half a minute.

Mr. WHITE, of Kentucky. I do not object to the gentleman from Michigan having time for debate.

The SPEAKER. Is there objection?

Objection was made.

The SPEAKER. Objection is made to an extension of the time.

Mr. REED, of Maine. The gentleman is a member of the committee.

Mr. HOLMAN. Mr. Speaker, I rise to ask unanimous consent——

A MEMBER. Regular order.

Mr. BELFORD. Mr. Speaker, I do not rise to debate; I rise to ask unanimous consent——

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is endeavoring to do the same thing; but objection is made.

Mr. HOLMAN. Mr. Speaker, to avoid mistake, I now ask unanimous consent that the possible duplication of the appropriation for the public building at Fort Wayne, Ind., may be corrected by striking out the appropriation of $25,000 contained in this bill.

Mr. HEPBURN. I object.

Mr. ANDERSON. If it is proposed to pass this bill under a suspension of the rules, I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. WHITE, of Kentucky. I call for the yeas and nays.

The House divided; and there were—ayes 47, noes 142.

The SPEAKER. More than one-fifth of the last vote have voted in the affirmative, and the yeas and nays are ordered. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and take the vote upon the passage of the bill without reading it at length.

Mr. REED, of Maine. This is only on the motion to dispense with the reading.

The SPEAKER. That is the substance of it.

Mr. STOCKSLAGER. There will be another vote upon the passage of the bill?

The SPEAKER. Of course.

Mr. THOMAS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. If this motion is decided in the affirmative will it pass the bill?

The SPEAKER. Not at all. If this shall be decided in the affirmative the first question will be on the demand for the previous question, and the next on the passage of the bill. The Clerk will call the roll.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know whether this is a suspension of the rule which requires the engrossed bill to be read.

The SPEAKER. This motion, if decided in the affirmative, will dispense with the rule which requires the bill to be read in any form.

The question was taken; and there were—yeas 223, nays 55, not voting 46; as follows:

YEAS—223.

Aiken,	Dunham,	Kleiner,	Seymour,
Alexander,	Eaton,	Lacey,	Shively,
Arnot,	Eldredge,	Lamb,	Singleton,
Bagley,	Elliott,	Lewis,	Skinner, T. G.
Ballentine,	Ellis,	Long,	Snyder,
Barbour,	Ellwood,	Lore,	Spriggs,
Bayne,	English,	Lovering,	Springer,
Beach,	Ermentrout,	Lowry,	Steele,
Belmont,	Evans,	Lynnan,	Stevens,
Bennett,	Everhart,	McAdoo,	Stewart, Charles
Bingham,	Ferrell,	McComas,	Stockslager,
Blackburn,	Fiedler,	McCormick,	Stone,
Blanchard,	Findlay,	McMillin,	Storm,
Bland,	Follett,	Matson,	Strait,
Blount,	Foran,	Maybury,	Struble,
Boutelle,	Forney,	Miller, J. F.	Sumner, C. A.
Bowen,	Funston,	Money,	Sumner, D. H.
Boyle,	Garrison,	Morgan,	Swope,
Bratton,	Geddes,	Morrill,	Talbott,
Breckinridge,	George,	Morse,	Taylor, J. M.
Breitung,	Gibson,	Moulton,	Townshend,
Brewer, F. B.	Glascock,	Muldrow,	Tucker,
Brewer, J. H.	Graves,	Murray,	Tully,
Brondhead,	Green,	Mutchler,	Turner, H. G.
Brown, W. W.	Greenleaf,	Nelson,	Turner, Oscar
Browne, T. M.	Guenther,	Nicholls,	Valentine,
Buchanan,	Halsell,	Ochiltree,	Van Alstyne,
Buckner,	Hammond,	O'Ferrall,	Vance,
Burleigh,	Hanock,	O'Neill, Charles	Van Eaton,
Burnes,	Hardeman,	O'Neill, J. J.	Wadsworth,
Cabell,	Hardy,	Paige,	Wait,
Caldwell,	Harmer,	Parker,	Wakefield,
Campbell, J. E.	Hatch, W. H.	Patton,	Wallace,
Campbell, J. M.	Hemphill,	Payne,	Ward,
Candler,	Herbert,	Payson,	Warner, A. J.
Carleton,	Hewitt, A. S.	Peel,	Warner, Richard
Clay,	Hewitt, G. W.	Perkins,	Washburn,
Clements,	Hill,	Pettibone,	Weaver,
Cobb,	Hiscock,	Phelps,	Wellborn,
Collins,	Hoblitzell,	Pierce,	White, Milo
Connolly,	Holman,	Poland,	Whiting,
Converse,	Hopkins,	Post,	Wilkins,
Cook,	Horr,	Pryor,	Willis,
Cosgrove,	Howey,	Pusey,	Wilson, James
Cox, S. S.	Hunt,	Randall,	Wilson, W. L.
Cox, W. R.	Hutchins,	Ray, G. W.	Winans, E. B.
Craig,	Jefferis,	Ray, Ossian	Winans, John
Crisp,	Johnson,	Reagan,	Wise, G. D.
Culberson, D. B.	Jones, B. W.	Reid, J. W.	Wolford,
Curtin,	Jones, J. H.	Reese,	Wood,
Dargan,	Jones, J. K.	Riggs,	Woodward,
Davidson,	Keifer,	Rogers, J. H.	Worthington,
Davis, L. H.	Kelley,	Rogers, W. F.	Yaple,
Dibrell,	Kellogg,	Rosecrans,	York,
Dockery,	Ketcham,	Rowell,	Young.
Dorsheimer,	King,	Ryan,	

NAYS—55.

Adams, G. E.	Dibble,	Kean,	Seney,
Adams, J. J.	Dixon,	Lanham,	Smalls,
Anderson,	Finerty,	McCold,	Smith, H. Y.
Atkinson,	Goff,	Millard,	Spooner,
Barr,	Hanback,	Miller, S. H.	Stephenson,
Belford,	Hart,	Mills,	Stewart, J. W.
Brainerd,	Hatch, H. H.	Murphy,	Taylor, J. D.
Brumm,	Henderson, T. J.	Nutting,	Thomas,
Cassidy,	Hepburn,	O'Hara,	Thompson,
Covington,	Hitt,	Peters,	Tillman,
Culbertson, W. W.	Houk,	Potter,	Weller,
Cullen,	Houseman,	Price,	Wemple,
Davis, G. R.	James,	Reed, T. B.	White, J. D.
Davis, R. T.	Jones, J. T.	Rockwell,	

NOT VOTING—46.

Barksdale,	Fyan,	Libbey,	Robinson, W. E.
Blabee,	Haynes,	Milliken,	Russell,
Budd,	Henderson, D. B.	Mitchell,	Shaw,
Campbell, Felix	Henley,	Morrison,	Skinner, O. H.
Cannon,	Holmes,	Muller,	Slocum,
Chalmers,	Holton,	Neece,	Smith, A. Herr
Clardy,	Hooper,	Oates,	Taylor, E. B.
Cutcheon,	Hurd,	Rankin,	Throckmorton,
Deuster,	Jordan,	Ransey,	Williams,
Dingley,	Laird,	Rice,	Wise, J. S.
Dowd,	Lawrence,	Robertson,	
Dunn,	Le Fevre,	Robinson, J. S.	

So the motion was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. DOWD with Mr. MILLIKEN, on this vote.

Mr. OATES with Mr. HOLMES, on this vote.

On motion of Mr. BEACH, by unanimous consent the reading of names was dispensed with.

The result of the vote was then announced as above stated.

Mr. RANDALL. Mr. Speaker, I now move the previous question on the passage of the bill.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

Pending the roll-call, a message from the Senate, by Mr. SYMPSON, one of its clerks, requested the House to return to the Senate joint resolutions of the following titles:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The SPEAKER. In the absence of objection to the return of these joint resolutions it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEPBURN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. BAGLEY). The gentleman will state it.

Mr. HEPBURN. After the previous question has been ordered, there having been no debate upon this bill, is it not now in order to have thirty minutes' debate?

Mr. RANDALL. The rule has been suspended.

Mr. HEPBURN. Mr. Speaker, I call attention to the third clause of Rule XXVIII, which provides that—

> When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER *pro tempore*. The Chair will state that the rules have been suspended by order of the House.

Mr. RANDALL. That very debate was had on yesterday.

Mr. HEPBURN. I submit, Mr. Speaker, that the rule that has been suspended is the rule requiring the third reading of the bill in full.

Mr. RANDALL. On yesterday there was a debate of fifteen minutes on each side.

Mr. REED, of Maine. That was on another point.

Mr. HEPBURN. That was not upon the merits of the bill.

Mr. REED, of Maine. Mr. Speaker, I hope this question will be carefully considered. I wish to state the facts in regard to it. The motion to suspend the rules was to so suspend them that the previous question might be ordered on the question.

There has been no debate on the bill. The debate already had was on the suspension, which is a totally different thing from the bill itself.

Now, we have arrived at this position, that the previous question has been ordered on the passage of the bill, but there has been no debate on the bill. The two hours' debate was simply upon one clause—was upon the question whether that particular clause should be a part of the bill or not. The bill itself has not been debated.

Mr. RANDALL. This matter is very plain.

Mr. HISCOCK. I desire to ask for the reading of the order or resolution which was adopted by a two-thirds vote.

The SPEAKER *pro tempore* (Mr. COX, of New York). If there be no objection the order will be read. The Chair will state, however, before the order is read——

Mr. HISCOCK. I hope the Chair will defer his statement until this order has been read; for I think it will make it perfectly clear that the gentleman from Maine [Mr. REED] is right.

The SPEAKER *pro tempore*. The Chair will defer his statement.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House 6356, making appropriations for the sundry civil expenses of the

Government for the fiscal year ending June 30, 1886, and for other purposes, and to consider the same for one hour, which time shall be occupied in debate on the clause relating to the World's Industrial and Cotton Exposition, said time to be equally divided; and said bill shall be subject only to amendment, to strike out, and amend said clause, after which the previous question shall be considered as ordered.

Mr. HISCOCK. I think the Chair will see that this bill is simply here for consideration under that order, and that now debate is in order.

Mr. RANDALL. If the Chair will observe the reading of the last clause of that resolution, he will find it says that the previous question shall be considered as ordered. That has nothing to do with the suspension of the rules.

Mr. REED, of Maine. Well, after the previous question is "considered as ordered," if there has been no debate on the bill, the rules which in this respect were not suspended give us the right to fifteen minutes' debate on each side. I hope the Chair will not cut off that debate. It is perfectly evident that we ought to have debate on the bill. Members who have not yet spoken are entitled to be heard.

Mr. HISCOCK. The debate already had has not been upon the passage of the bill at all. There has been no debate on the bill itself.

Mr. KEIFER. Mr. Speaker, I think the order just read provides for a debate of one hour on the bill, which I believe was subsequently changed to two hours. Then it provides that the time shall be devoted to debate upon a particular part of the bill; still that constitutes debate upon the bill, and operates to cut off the right of debate under the third paragraph of Rule XXVIII, to which the attention of the Chair has been called.

Mr. HEPBURN. Mr. Speaker, allow me to call your attention to the fact that the gentleman from Pennsylvania, after there had been some discussion with regard to the bill which he sent to the Clerk's desk at the time he introduced his resolution, proposed then to introduce a new and distinct bill, and asked a suspension of the rules upon that bill. Then there was an agreement later between him and certain gentlemen that there should be two hours of discussion upon a particular clause of the bill. The bill we are now considering is not the bill that was named in his resolution.

Mr. RANDALL. Oh, yes, it is.

Mr. HEPBURN. It is not the bill that came from the committee. It has not been offered as the committee's bill, but as the proposition of the gentleman himself.

Mr. RANDALL. Yes; and it was under a suspension of the rules.

The SPEAKER *pro tempore*. The Chair is prepared to decide this question. The Clerk will read the third paragraph of Rule XXVIII.

The Clerk read as follows:

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER *pro tempore*. The Chair is clearly of opinion that the debate contemplated by the rule has been had. The previous question has been demanded. The question is on ordering the previous question.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is now upon the passage of the bill; which, in accordance with the rule, will be taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 169, nays 107, not voting 48; as follows:

YEAS—169.

Aiken,	Converse,	Graves,	Ketcham,
Bagley,	Cox, S. S.	Green,	King,
Ballentine,	Craig,	Greenleaf,	Lacey,
Barbour,	Crisp,	Guenther,	Lamb,
Barksdale,	Curtin,	Hammond,	Lewis,
Bayne,	Dargan,	Hancock,	Libbey,
Beford,	Davidson,	Hardeman,	Long,
Belmont,	Davis, G. R.	Harmer,	Lore,
Bingham,	Dibrell,	Hart,	Lovering,
Blackburn,	Dorsheimer,	Hatch, H. H.	Lowry,
Blanchard,	Dunham,	Haynes,	Lyman,
Bland,	Dunn,	Hemphill,	McAdoo,
Blount,	Eaton,	Herbert,	McCormick,
Bonsalle,	Elliott,	Hewitt, G. W.	Millard,
Boston,	Ellis,	Hill,	Miller, J. F.
Breckinrg,	Ellwood,	Hiscock,	Mitchell,
Brewer, J. H.	Ermentrout,	Hoblitzell,	Morgan,
Broadhead,	Ferrell,	Hooper,	Morrill,
Brown, W. W.	Fiedler,	Hopkins,	Morse,
Browne, T. M.	Findlay,	Horr,	Muldrow,
Buchanan,	Follett,	Houk,	Muller,
Buckner,	Foran,	Hunt,	Murphy,
Burleigh,	Forney,	Jefferds,	Murray,
Burnes,	Funston,	Johnson,	Mutchler,
Campbell, J. E.	Garrison,	Jones, R. W.	Nelson,
Candler,	Geddes,	Jones, J. K.	Nicholls,
Cannon,	George,	Jones, J. T.	Ochiltree,
Carleton,	Gibson,	Keifer,	O'Ferrall,
Clements,	Glascock,	Kelley,	O'Neill, Charles
Collins,	Goff,	Kellogg,	O'Neill, J. J.
Paige,	Riggs,	Stevens,	Ward,
Parker,	Robinson, W. E.	Stone,	Washburn,
Patton,	Rogers, J. H.	Sumner, D. H.	Wellborn,
Perkins,	Rogers, W. F.	Swope,	White, Milo
Pettibone,	Rosecrans,	Talbott,	Wilkins,
Phelps,	Ryan,	Tillman,	Willis,
Poland,	Seymour,	Townshend,	Wilson, W. L.
Pryor,	Singleton,	Valentine,	Winans, John
Pusey,	Slocum,	Van Alstyne,	Wolford,
Randall,	Smalls,	Vance,	Worthington.
Ray, Ossian	Snyder,	Van Eaton,	
Reagan,	Spriggs,	Wakefield,	
Reese,	Springer,	Wallace,	

NAYS—107.

Adams, G. E.	Dixon,	McCoid,	Spooner,
Alexander,	Dockery,	McComas,	Stephenson,
Anderson,	Eldredge,	McMillin,	Stewart, Charles
Atkinson,	English,	Matson,	Stockslager,
Barr,	Evans,	Miller, S. H.	Storm,
Beach,	Everhart,	Milliken,	Struble,
Bennett,	Finerty,	Mills,	Sumner, C. A.
Bisbee,	Halsell,	Moulton,	Taylor, J. D.
Brainerd,	Hanback,	Nutting,	Taylor, J. M.
Brewer, F. B.	Hardy,	O'Hara,	Thomas,
Brumm,	Hatch, W. H.	Payne,	Tully,
Campbell, J. M.	Henderson, T. J.	Payson,	Turner, H. G.
Cassidy,	Henley,	Peters,	Turner, Oscar
Clardy,	Hepburn,	Pierce,	Wait,
Clay,	Hewitt, A. S.	Post,	Warner, A. J.
Cobb,	Hitt,	Potter,	Warner, Richard
Connolly,	Holman,	Price,	Weaver,
Cook,	Holmes,	Ranney,	Weller,
Cosgrove,	Houseman,	Rockwell,	White, J. D.
Covington,	Howey,	Rowell,	Winans, E. B.
Culberson, D. B.	James,	Russell,	Wise, G. D.
Culbertson, W. W.	Jones, J. H.	Seney,	Wood,
Cullen,	Kean,	Shively,	Woodward,
Davis, L. H.	Kleiner,	Skinner, C. R.	Yaple,
Davis, R. T.	Lanham,	Skinner, T. G.	York,
Dibble,	Lawrence,	Smith, A. Herr	Young.
Dingley,	Le Fevre,	Smith, H. Y.	

NOT VOTING—48.

Adams, J. J.	Denster,	Neece,	Stewart, J. W.
Arnot,	Dowd,	Oates,	Strait,
Bowen,	Fyan,	Peel,	Taylor, E. B.
Boyle,	Henderson, D. B.	Rankin,	Thompson,
Breckinridge,	Holton,	Ray, G. W.	Throckmorton,
Budd,	Hurd,	Reed, T. B.	Tucker,
Cabell,	Hutchins,	Reid, J. W.	Wadsworth,
Caldwell,	Jordan,	Rice,	Wemple,
Campbell, Felix	Laird,	Robertson,	Whiting,
Chalmers,	Maybury,	Robinson, J. S.	Williams,
Cox, W. R.	Money,	Shaw,	Wilson, James
Cutcheon,	Morrison,	Steele,	Wise, J. S.

So the bill was passed.

During the roll-call,

Mr. POST, of Pennsylvania. Mr. Speaker, I ask, by unanimous consent, that the reading of the names be dispensed with.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The following pairs were announced:

Mr. CABELL with Mr. WILSON, of Iowa, on this vote.

Mr. PEEL with Mr. STRAIT, on this vote.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move to suspend the rules and pass the following resolution:

Mr. TOWNSHEND. I rise to a privileged question.

Mr. WHITE, of Kentucky. I ask the Speaker to have read what has just taken place.

The SPEAKER. The Chair announced the passage of the bill, when the gentleman from Pennsylvania moved to reconsider the vote by which the bill was passed and also moved that the motion to reconsider be laid upon the table. The Chair then stated if there be no objection it would be so ordered.

There was no objection, and it was so ordered.

Mr. WHITE, of Kentucky. I have been waiting for the Chair to state if there be no objection the title would stand.

The SPEAKER. The Chair thinks the whole matter has passed beyond the control of the House.

Mr. WHITE, of Kentucky. I understand it was the duty of the Chair, under the rules, to announce the title of the bill would stand if there be no objection. I stood waiting for the Chair to make that announcement. [Cries of "Vote!" "Vote!"]

The SPEAKER. Will the gentleman from Kentucky call the attention of the Chair to the number of the rule?

Mr. WHITE, of Kentucky. On page 103 of the Manual it is there stated that after a bill has passed the title may be amended, and then the bill shall be sent to the other House.

The SPEAKER. That is not the rule.

Mr. WHITE, of Kentucky. Now I wish to call the attention of the Chair to the rule. [Cries of "Regular order!"] I call attention to page 117 of the Manual, and also to Rule XXVIII, page 205.

The SPEAKER. The gentleman will read what he called the attention of the Chair to on page 205.

Mr. RANDALL. I submit it is too late, as the whole matter has passed from the attention of the House.

The SPEAKER. The Chair thinks it is too late. The Chair had recognized the gentleman from Pennsylvania, who moved to reconsider and lay that motion on the table. That having been done, the Chair then recogaized the gentleman from Kentucky [Mr. WILLIS], who made a motion to suspend the rules and pass the resolution which he sent up; and this was before the gentleman from Kentucky [Mr. WHITE] arose. [Cries of "Regular order!"]

Mr. ANDERSON. I demand a second on the motion of the gentleman from Kentucky [Mr. WILLIS] to suspend the rules and pass his resolution.

Mr. WHITE, of Kentucky. I ask whether it is not the custom of the Chair, after a bill has been passed, to ask whether the title of the bill shall be amended, and to state if there be no objection this will remain the title of the bill?

The SPEAKER. It has not, but the Chair has made the announcement, the bill has been passed, and the title will be as reported if there be no objection.

Mr. WHITE, of Kentucky. I was on my feet and waiting for the Chair to make that announcement.

The SPEAKER. Then the gentleman waited not only until the Speaker had completed his announcement, but until other motions had intervened and been acted on before he addressed the Chair. The Chair thinks he is too late. The gentleman from Kentucky moves to suspend the rules and pass this resolution, but pending that the gentleman from Oregon rises to submit a privileged report.

Mr. TOWNSHEND. I also have a privileged report to submit.

Mr. ANDERSON. I ask for a second of the motion to suspend the rules.

The SPEAKER. The privileged report submitted by the gentleman from Oregon will be first read.

ALLOTMENT IN SEVERALTY.

Mr. GEORGE. I submit the following report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 66) providing for the allotment in severalty to Indians residing upon the Umatilla reservation, in the State of Oregon, and for other purposes, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to House amendment numbered 5; and agree to the same.

M. C. GEORGE,
R. S. STEVENS,
OLIN WELLBORN,
Managers on the part of the House.
HENRY L. DAWES,
JAMES H. SLATER,
ANGUS CAMERON,
Managers on the part of the Senate.

Mr. WHITE, of Kentucky. I ask for the reading of the amendment.

The amendment was read.

Mr. GEORGE. I demand the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the conference report was adopted.

Mr. GEORGE moved to reconsider the vote by which the conference report was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I now rise to a privileged report. I am directed by the Committee on Appropriations to report back the House bill making appropriation for the postal service, and I ask that the Clerk read the report of the committee.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 8138) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, together with the amendments of the Senate, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 2, 7, 8, 10, and 14. They recommend non-concurrence in amendments numbered 3, 4, 5, 6, 9, 11, 12, 13, 15, 16, 17, 18, 19, 20, and 21.

Mr. TOWNSHEND. I move the adoption of the report.

Mr. HISCOCK. I suppose these amendments are to be considered in the Committee of the Whole?

The SPEAKER. If the point is made.

Mr. HISCOCK. It is made.

The SPEAKER. The gentleman from New York makes the point that these amendments must have their first consideration in the Committee of the Whole House on the state of the Union. They will accordingly be so referred.

Mr. HOLMAN. I move to take from the Speaker's table the legislative, &c., appropriation bill returned from the Senate with amendments, and that they be referred to the Committee on Appropriations.

Mr. TOWNSHEND. I will yield for that purpose.

The SPEAKER. The amendments to the Post-Office appropriation bill have gone to the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. May I be permitted to ask the gentleman from New York what amendments he objects to?

Mr. HISCOCK. I want to have them all read to know what they are.

Mr. TOWNSHEND. I am willing to have all the amendments read and considered.

Mr. HISCOCK. I presume that I should have no objection to considering them in the House as in Committee of the Whole with the right of debate and amendment.

Mr. TOWNSHEND. I have no objection to that, and ask that it be done and that the amendments be now read.

The SPEAKER. But there is a matter pending before the House—a motion to suspend the rules.

Mr. TOWNSHEND. By whom?

The SPEAKER. By the gentleman from Kentucky [Mr. WILLIS]

Mr. TOWNSHEND. I suppose that, the report being a privileged report, carried with it the right to have it considered.

The SPEAKER. The Chair thinks if the gentleman desires to have it considered he had better wait until the pending matter is disposed of.

Mr. TOWNSHEND. But I ask if it is privileged is it not likewise privileged for consideration?

The SPEAKER. It is under the rules of the House, but the gentleman proposes to waive the rule of the House and consider it in the House as in Committee of the Whole. There is now pending another matter before the House.

Mr. HISCOCK. I do not believe any objection will be made on this side to considering it in the House as in Committee of the Whole, subject to five minutes' debate and amendment.

Mr. TOWNSHEND. I will accept that.

Mr. HISCOCK. Very well.

Mr. TOWNSHEND. Then I again ask that we proceed to the consideration of the amendments in the House.

The SPEAKER. But there is a prior motion pending.

Mr. TOWNSHEND. The gentleman from New York agrees to consider it now in the House as in Committee of the Whole.

Mr. HOLMAN. That is all proper.

Now I ask, Mr. Speaker, that the bill with the Senate amendments—the legislative appropriation bill—be taken from the Speaker's table, the Senate amendments non-concurred in, and a committee of conference appointed.

Mr. HISCOCK. I think the amendments had better be read, and we can dispose of them here and now.

Mr. HOLMAN. Why there are a hundred or over.

Mr. TOWNSHEND. Is not the proposition that I have made pending?

The SPEAKER. The gentleman is not on the floor, the point of order being made that the first consideration must be in Committee of the Whole, but that point being waived by an agreement that it shall be considered in the House as in Committee of the Whole. Now there is a matter pending before the House prior to that.

Mr. REED, of Maine. But unanimous consent was granted to consider it in the House as in Committee of the Whole.

Mr. TOWNSHEND. And that arrangement dispensed with the point of order.

The SPEAKER. The Chair is anxious, of course, to get the appropriation bill in if an opportunity is given, if gentlemen can come to some understanding about it. But the gentleman from Kentucky [Mr. WILLIS] has a motion pending which is in the way at present.

Mr. REED, of Maine. If there is no objection why can not an arrangement be arrived at to consider the Post-Office bill now?

The SPEAKER. Is there objection to that request?

Mr. WILLIS. I am compelled to object.

Mr. CANNON. Would it not be in order for the gentleman from Illinois to ask that the rules be suspended——

The SPEAKER. There is a motion pending to suspend the rules now.

LEGISLATIVE APPROPRIATION BILL.

Mr. HISCOCK. I will withdraw the objection I made with reference to the legislative appropriation bill.

The SPEAKER. If there be no further objection the request of the gentleman from Indiana will be complied with and the bill taken from the Speaker's table, the Senate amendments non-concurred in, and the bill with the amendments printed, and a committee of conference asked on the disagreeing votes of the two Houses.

There was no objection.

The SPEAKER announced as the managers at the said conference on the part of the House, Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON.

RIVER AND HARBOR APPROPRIATION BILL

Mr. TOWNSHEND. The gentleman from Kentucky [Mr. WILLIS] assures me that the motion he proposes to make will occupy but a short time. I am willing therefore to allow the report of the committee to stand over until that is disposed of.

Mr. MILLER, of Pennsylvania. I now rise to a privileged motion. I move that the House do now adjourn. And pending that I move that when it adjourns it be to meet to-morrow at 10 o'clock.

The SPEAKER. That would be a recess.

The gentleman moves that the House do now adjourn.

The question was taken; and on a division there were—ayes 4, noes 105.

So the motion was not agreed to.

Mr. MILLER, of Pennsylvania. I move that the House take a recess until 10 o'clock to-morrow.

Mr. KEIFER. I make the point of order that that is not in order. A motion has been made to suspend the rules, and one motion to adjourn is in order and no other motion.

The SPEAKER. The gentleman is right; the motion is not in order until there has been action on the motion to suspend the rules. The Clerk will read the proposition which the gentleman from Kentucky moves to suspend the rules and pass.

The Clerk read as follows:

A bill making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Be it enacted, &c., That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction and with the approval of the Secretary of War, for the preservation and continuation of such of the uncompleted public works mentioned and designated for improvement in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, the sum of $5,000,000, which sum of $5,000,000 shall be applied by the Secretary of War to each of said public works respectively in proportion to the sums appropriated for such works under and by the said act: *Provided*, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimate: *Provided*, That the work at the harbor of Galveston, Tex., shall be treated as if the sum of $250,000 had been appropriated for said harbor of Galveston by said act: *And provided further*, That any money that shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as shall be necessary to be expended in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested; and the money thus allotted by this act for the improvement of the Mississippi River below Cairo shall be expended by the Secretary of War in accordance with plans approved by him.

Mr. ANDERSON. I demand a second.

Mr. HOLMAN. I suggest to the gentleman from Kentucky [Mr. WILLIS] that the words "below Cairo," in the last clause of the bill, should be omitted.

Mr. WHITE, of Kentucky. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Is this a joint resolution or a bill?

The SPEAKER. It is a bill.

Mr. WHITE, of Kentucky. I ask the chairman of the Committee on Rivers and Harbors if this is the unanimous report from that committee, and if it has been considered by the full committee.

The SPEAKER. Is a second demanded?

Mr. ANDERSON. I demand a second.

Mr. MILLER, of Pennsylvania. And pending that I move that the House take a recess——

Mr. WILLIS. The gentleman from Pennsylvania has already made the only motion which he is entitled to make under the rules.

The SPEAKER. The gentleman from Pennsylvania has made a motion to adjourn, and the rule says after the result on the motion to adjourn is announced the Chair shall not entertain any other dilatory motion until a vote shall be taken on the motion to suspend the rules.

Mr. MILLER, of Pennsylvania. Do I understand that the Chair will entertain no further motion to adjourn or to take a recess until a vote is had on the proposition of the gentleman from Kentucky?

The SPEAKER. That is the rule of the House. The Clerk will read it.

The Clerk read clause 8 of Rule XVI, as follows:

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. MILLER, of Pennsylvania. Would not a motion that when the House adjourns it be to meet on Monday next be in order?

The SPEAKER. The Chair thinks that would be a dilatory motion.

Mr. MILLER, of Pennsylvania. Then I will wait till the House shall vote, when I will renew my motion.

Mr. WILLIS. The words "below Cairo" should be stricken out.

The SPEAKER. These words will be stricken out. A second having been demanded, the Chair appoints as tellers the gentleman from Kansas, Mr. ANDERSON, and the gentleman from Kentucky, Mr. WILLIS.

Mr. ANDERSON. I should like to understand what is stricken out. Would it be in order to have it read?

The SPEAKER. The Clerk will read the latter clause as modified.

The Clerk read as follows:

And the money thus allotted by this act for the improvement of the Mississippi River shall be expended by the Secretary of War and in accordance with plans approved by him.

The SPEAKER. The words "below Cairo" were originally in the bill after the words "Mississippi River." They are now stricken out. The question is on ordering a second. The tellers will take their places.

The tellers proceeded to take the vote.

Mr. WHITE, of Kentucky (while the vote was proceeding). I call for the enforcement of the rule that no member shall be allowed to be at the Clerk's desk while a vote is being taken.

The count having been completed, the tellers reported—ayes 158, noes 7.

So there was a second.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes against. The gentleman from Kansas, Mr. ANDERSON, is recognized to control the time in opposition. The gentleman from Kentucky, Mr. WILLIS, will control the time in support of the motion.

Mr. ANDERSON. As I understand, it is for the gentleman advocating the suspension to occupy the floor first.

The SPEAKER. There is no rule on that subject.

Mr. ANDERSON. I think that would be the natural rule under parliamentary law. The affirmative should open.

Mr. WILLIS. I will occupy five minutes and will then yield to the opposition, and then my friend from Pennsylvania [Mr. BAYNE] will take five minutes, and I will reserve five minutes.

If I can have the attention of the House I will endeavor briefly to explain this bill. It is a substitute for the bill that has been pending. After consultation with gentlemen on both sides of the House it was thought best not to leave these great works of the Government in the next three years without appropriations sufficient to take care of them and to protect them against waste and ruin. As the result of that consultation we have brought in this bill for $5,000,000.

It may be proper to state that the estimates of the Engineer Department for this year of the sum which could be profitably expended during the year was over $34,000,000. This, therefore, is barely one-seventh of the amount which the engineers say could be profitably expended upon these public works. The bill does not leave the expenditure of these $5,000,000 to the discretion of the Secretary of War. On the contrary, it declares in express terms that he shall expend this money upon those public works that are mentioned and described in the last river and harbor act, which passed July 5, 1884. So that there is no room for doubt that each of those public improvements which has been approved by Congress will receive its pro rata of this $5,000,000 for the preservation, or, if not needed for the preservation, for the continuation of the work. The harbor at Galveston is included in this bill because, when the committee reported an amount for Galveston at the last session, upon motion in Committee of the Whole it was stricken out, and it was now thought but fair that, for the preservation of the expensive Government plant at that city, Galveston should have its pro rata of this $5,000,000; which it would not have except for the mention of it in the pending bill, as it is not one of the works described in the last river and harbor act.

In regard to the Mississippi River improvement, this bill incorporates the amendment presented in Committee of the Whole during the pendency of the bill and reported by the committee, limiting the expenditure of money upon the Mississippi River improvement to the two reaches of Plum Point and Providence. That is the amendment offered in Committee of the Whole by the gentleman from Indiana [Mr. HOLMAN], and which was acceptable to an overwhelming majority of the committee. The bill requires the Government to test these methods of improvement upon the two reaches I have named before any portion of this amount shall be expended in any other direction. It is believed by the Committee on Rivers and Harbors, and by gentlemen of the House whom I have consulted, that it is simply a matter of legislative propriety and of the highest legislative duty that this Congress should not adjourn leaving the public works upon the great rivers and the great harbors of our country without a dollar of appropriation in the event of storm or injury from natural causes, and in that view it is believed that there should be at least this amount ready at hand to meet any demand or emergency that may arise from such causes. The bill is submitted to the House as a compromise, because we understand—we know—that under our rules the discussion of the other bill making an appropriation for rivers and harbors would occupy valuable time of this House to the exclusion of pressing appropriation bills that ought to be disposed of if we wish to avoid an extra session.

[Here the hammer fell.]

Mr. ANDERSON. Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I have a word to say in regard to this bill. This is the third appropriation bill brought into this House by our friends upon the other side, which they propose to pass under a suspension of the rules. The River and Harbor Committee brought in a bill here which, in two of its largest appropriations, was against the sentiment of the House, and upon the substantial defeat of those two propositions the committee now seek to pass this bill appropriating $5,000,000. The two propositions upon which they were defeated were the appropriation for Galveston Harbor and the appropriation for the

Mississippi River improvement. We all remember the vote in this House upon adopting the amendment of the Committee of the Whole. It was defeated by a scant majority, made by changes after the roll-call had been concluded. And, Mr. Speaker, what is this bill now proposed? In the law for the current year there are forty-three items, carrying $910,000, none of which are included in the bill for the next year; and I do not include in this statement the Mississippi River or the Missouri.

There are, I say, forty-three items in the law for the current year that are not in the bill reported to the House at this session, and we have a right to assume that the necessity for expenditure upon those works has ceased; yet this bill proposes to appropriate for these works the sum of $350,000 out of the total appropriation of five million dollars which the bill makes. Can gentlemen give us any explanation of this? Are we to vote blind here for a bill containing items that you have discarded from your general river and harbor bill, and which, for aught I know, have been discarded from the reports and estimates of the engineers? You exclude these items from your river and harbor bill, and yet you now propose, in this pending bill, to appropriate for the same works over $350,000. I regard it proper that the attention of the House should be called to this proposition.

I submit to the House a list of the forty-three public works to which I refer:

Portland, Me	$30,000
Sellnate, Mass	10,000
Block Island, R. I	15,000
Black Rock, Conn	20,000
Oak Orchard, N. Y	5,000
Pensacola, Fla	55,000
Cedar Keys, Fla	5,000
Neches River, Texas	7,000
Harbor of refuge near Cincinnati	17,000
Ice-harbor at Belle River, Mich	2,000
Pensaukee, Wis	5,000
Stockholm, Lake Pepin, Wisconsin	15,000
Harbor, Redwood, Cal	3,000
Coos Bay, Oregon	30,000
Cocheco River, New Hampshire	28,000
Merrimac River, at Rock's Bridge, Massachusetts	3,500
Taunton River, Massachusetts	26,500
Gedney's Channel, through Sandy Hook Bar, New York	200,000
Corsica Creek, Maryland	5,000
Harbor at entrance Saint Jerome's Creek, Maryland	15,000
Harbor at Beaufort, N. C	20,000
Edenton Bay, North Carolina	10,000
Trent River, North Carolina	10,000
Contentnea or Moccasin River, North Carolina	5,000
New River, North Carolina	5 000
Scuppernong River, North Carolina	2,000
Saint Jones River, Delaware	10,000
Escambia River, Florida	3,000
Black Warrior River, Alabama	50,000
Horn Island Pass, Mississippi	5,000
Bayou Pierre, Louisiana	8,000
Loggy Bayou, &c., Louisiana	5,000
Tangipahoa River, Louisiana	2,000
Survey of Arkansas River from Little Rock	19,000
Arkansas River at Pine Bluff	55,000
Saline River, Arkansas	5,000
Grand River, below Grand Rapids, Mich	25,000
Mouth and harbor, Cedar River, Michigan	15,000
Mokelumne River, California	$8,500
Colorado River	25,000
Mouth of Columbia River, Oregon and Washington Territory	100,000
Lake City, Minn	15,000
Falls of Saint Anthony, Minnesota	10,000
Total	910,000

Now, sir, as to the public works embraced in this list, appropriated for by the law for the current fiscal year, not included in the bill reported by the Rivers and Harbors Committee, but entitled to receive distribution under the pending bill, the House has no means of knowing whether there should be any further appropriations for them or not; yet this bill gives them $350,000. It will be observed that this list is exclusive of the items for the Mississippi and Missouri Rivers.

I am and always have been in favor of liberal appropriations for river and harbor improvements, but I am opposed now, as I always have been, to appropriations for public works which never have been considered by a committee, as to which the House has no information upon which to base judicious action, and which are vouched for only by the judgment of one man—for this bill, sir, has never been considered by the Committee on Rivers and Harbors at all.

Mr. Speaker, it seems to me that if we can not have time to perfect our legislation so that we may feel satisfied with it, we had better defeat it altogether rather than to vote away money for purposes that have not been discussed or considered at all. In this bill there is an appropriation of $250,000 for Galveston Harbor, and yet every gentleman from Texas who has spoken in reference to that harbor has told us that an appropriation of $250,000, if voted, would be simply wasted. Right back of me sits a Representative from the State of Texas [Mr. OCHILTREE], who has spoken upon that subject, and has told us that such an appropriation would be merely thrown away. Another gentleman from Texas [Mr. MILLS] has been heard upon the same question, and has denounced such an appropriation. Yet it is proposed in this bill to force that appropriation upon them. What reason is there for including that item in the bill? Last year when your river and harbor bill came in here carrying an item for that work, as I remember, some gentleman from Texas arose and asked to have it stricken out, and it was stricken out unanimously. And I desire to ask the gentleman from Kentucky why it is that you propose to force this sum upon them? Does that committee set up its judgment against that of these gentlemen who live in the locality interested? Does it assume to speak for the people of that State?

[Here the hammer fell.]

Mr. MILLS. To what does the gentleman refer when he speaks of my having said that we have no use for any appropriation of this kind?

Mr. HISCOCK. I refer to remarks which the gentleman made and which, had I the time, I should with great pleasure read.

Mr. MILLS. The gentleman can profit by reading my speeches.

Mr. ANDERSON. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, we have been informed by the Committee on Rivers and Harbors that they have done an immense deal of work upon a river and harbor bill, and that they could not report it earlier. With all the aid of engineers' reports, after daily and nightly meetings, after months of incubation, as they inform us, they produced a bill which has been discussed in Committee of the Whole, but the consideration of which is not yet completed. Now the gentleman from Kentucky [Mr. WILLIS] comes into this House with a bill matured by no committee, not specific in its terms, not even printed, his own handiwork, and he moves that almost in the twinkling of an eye, after only thirty minutes' debate, we shall by a two-thirds vote pass this bill giving this money, $5,000,000, in a lump sum.

Mr. WILLIS. Did not the Committee on Appropriations, of which the gentleman is a member, report and have passed under a suspension of the rules the sundry civil bill?

Mr. CANNON. Oh, the sundry civil bill was matured in full by a committee of the House. But even if the Committee on Appropriations failed in its duty it is no reason why you should fail in yours. This bill never had even the blessing or condemnation or consideration of a committee of this House for a moment. Yet we are asked to pass it. What does it mean? There are not twenty men in this House who can tell what it means. I confess I can not, after having heard it read and after hearing thus far the expressions in debate upon it.

I am in favor of internal improvements; but I want intelligent appropriations and correct expenditure of the money as directed by the Congress after full consideration.

Mr. Speaker, we have the spectacle in a House of Representatives with a Democratic majority of seventy or eighty, of the gentleman from Kentucky [Mr. WILLIS] coming here in the last four days of the session and giving us, as is stated, the choice of letting these improvements suffer, of having a special session, or voting $5,000,000 in a lump, to be expended by the incoming Secretary of War. Worse things could happen to this country than a special session of Congress. Why, gentlemen, in your canvass last fall and since you have congratulated the country that at last it is to have a Democratic Executive; that at last your hand is to be placed on the helm. Yet now, when your Executive is about to come into power, you come here and beseech us to suspend the rules and pass such crude measures as this with the threat that if we do not the incoming President will have to inflict upon the country a special session of Congress. In other words, the fear that you have of yourselves makes you willing to pass, and to ask us to pass, these crude measures. For one, so far as I am concerned, I am not going to do it.

Mr. HENLEY. Is not the gentleman somewhat accustomed to that business as a member of the Appropriations Committee?

Mr. CANNON. What business?

Mr. HENLEY. The business of passing under a suspension of the rules bills appropriating millions of dollars.

Mr. CANNON. I am in the minority, doing the best I can——

Mr. HENLEY. On that you are with the majority.

Mr. CANNON. It was your duty with 76 of a majority to have such rules, such proceedings, and such committees as would have brought this business forward in order.

Mr. HENLEY. The gentleman was with the majority on this matter this morning.

Mr. CANNON. I do not yield further.

Mr. HENLEY. And the gentleman defended the action of the Committee on Appropriations.

Mr. CANNON. I defend nothing that this Democratic House has done or can do, because I do not believe that any good and praiseworthy thing from a public standpoint has been or will be consummated by it or come from it.

[Here the hammer fell.]

Mr. ANDERSON. I yield two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Mr. Speaker, the passage of this bill in the manner now proposed will be a fitting act for the closing days of the Forty-eighth Congress. Within the last two days the House under suspension of the rules has appropriated without debate or investigation more than $24,000,000; and now, after it has been demonstrated that the House will not pass a river and harbor bill in the ordinary course of procedure, we are brought face to face with the proposition to pass this bill appropriating $5,000,000 under a like suspension.

If it were to stop there, Mr. Speaker, I would not so seriously oppose the proposition; but this measure is to be passed here with the expectation on the part of its authors that at the other end of this Capitol an increase of one to five million dollars will be made; and with this bill once in a committee of conference this House will be confronted with the question whether it will pass without discussion such a bill as the Senate may see fit to tack upon this.

In November, 1882, when the Forty-eighth Congress was elected, the people of this country were led to expect much from its labors. But this Congress spent all or nearly all of the last session in the attempt to change the revenue laws and failed. It has spent all of this session in endeavoring to get the Appropriations Committee to report their bills; yet they only bring them in at such an hour that discussion can not be had. No other act of special importance has been passed by this Congress. Every bill of any particular consequence to the country that has been proposed and brought before this body has been defeated; and the Forty-eighth Congress is now going out of power without having done anything to advance the prosperity or the material interests of this country.

[Here the hammer fell.]

Mr. ANDERSON. I yield one minute to my colleague [Mr. HANBACK].

Mr. HANBACK. Mr. Speaker, I am opposed unalterably to this bill. Coming as it does to this House in the twinkling of an eye, to be voted on without consideration, asking the appropriation of $5,000,000 to be expended where no member of the House can tell, I as one of the Representatives of the people enter my protest against this kind of legislation. The Committee on Rivers and Harbors, sitting for sixty days with closed doors, no man admitted within the sacred precincts of that committee-room, came here fully armed and equipped with a bill which has met with signal defeat at the hands of this House; and now that committee seeks to recover its lost ground and by a kind of enabling act to its failure pass a measure of this kind in violation of every principle which should be exercised to guard the Treasury and protect the interests of the people.

[Here the hammer fell.]

Mr. ANDERSON. How much time have I remaining?

The SPEAKER. Two minutes.

Mr. ANDERSON. I yield the remainder of my time to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, I imagine that in two minutes it will be about as futile for a member of this House to undertake to interpose any obstacle to the railroading through of this scheme as it has been and will be in the future to attempt to tie up the mighty currents of the Mississippi River by annual appropriations from Congress.

This proposition, sir, can not be claimed to be presented here in good faith. It is not what it purports to be on its face. It is not a proposition to distribute $5,000,000 upon a pro rata established in a bill passed by a former Congress, for one item of large dimensions is inserted here which had no place in that former bill. We are asked to appropriate what will be equivalent to some $90,000 under this bill to carry on the work at Galveston Harbor, which has been declared by Representatives of that State on this floor, Mr. OCHILTREE and Mr. REAGAN, to be an absolutely useless expenditure.

I desire to read from page 1068 of the RECORD what Mr. REAGAN said:

> In relation to the expenditure of money on Galveston Harbor, it is true that a million and a half of dollars have been expended from first to last, and there is but little difference in the condition of the harbor now and when the expenditure was commenced.

Again, on page 1069, the same gentleman declared:

> Mr. Chairman, for eleven years this Congress has been most liberal in its appropriations for the harbor of Galveston. It has required the expenditures there to be made under the direction of the Engineer Corps of the United States. It has expended in attempting the prosecution of that work about a million and a half of dollars. That money has been expended and substantially no progress has been made.

The CHAIRMAN. The gentleman's time has expired.

Mr. BOUTELLE. I will take but one minute to read another extract in reference to this harbor improvement at Galveston. [Cries of "Order!"]

All right; railroad it through, and then let us suspend all the rules and go home. [Applause.]

Mr. WILLIS. I now yield two minutes to the gentleman from Maine.

Mr. MILLIKEN. I do not think, Mr. Speaker, any member of this House can object more strongly than I do to putting bills through here under suspension of the rules. I hesitate not to say I think the manner in which the sundry civil bill was put through to-day was an outrage upon the House as well as an insult to the people of the United States, whose representatives we are upon this floor. But this bill comes in very differently. The sundry civil bill was brought in here but a few days ago, this House never having had an opportunity to examine it, while on the contrary the River and Harbor Committee brought in their bill on the 1st day of February, and they have done all they could to get it considered in the ordinary way and through proper channels, but they have failed to do it. Now they come and ask us to pass this bill in order to preserve the works already in course of construction, and if anything shall remain over then to continue them. It seems to me to be a fair proposition, one demanded by the country, so deeply interested in the continuance and preservation of works of improvement already commenced.

[Here the hammer fell.]

Mr. WILLIS. I yield one minute to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. Mr. Speaker, I appeal to those members whose prejudices are enlisted against this measure because of their failure to insert in the river and harbor bill their peculiar items, not to carry them so far as to injure threefold more than the amount involved the interests of the Government as they are affected by the plants it already owns. A failure to pass this proposition, Mr. Speaker, means the loss of millions of dollars, not alone in the works partially completed and requiring constant attention until completed, but in depreciation and loss of steamers, barges, and other appliances going to make up the necessary outfits of works of internal improvement. You should not do it. It would be a blunder; it would be more than a blunder, it would be a crime. I hope, therefore, those members will not let their prejudices influence their action in a matter of this kind, but will agree to vote this small pittance for the preservation of the costly plants now owned by the Government of the United States, amounting in value to many millions of dollars.

[Here the hammer fell.]

Mr. WILLIS. I now yield two minutes to the gentleman from Louisiana [Mr. KING].

Mr. KING. Mr. Speaker, I shall vote for this bill with reluctance, because it is far inadequate to the needs of the public works now in progress under the charge of the engineers of the Government. The amount here called for will not go further than meet the wear and tear upon these works during the coming fiscal year.

I hope the country, Mr. Speaker, will recognize upon whom the responsibility rests for having failed to pass a full measure, appropriate to the demands of these public works, at this session of Congress.

I can not here permit to go unchallenged the frequent allegation that the works constructed by the Mississippi River Commission are merely experimental in their nature. Now, those works have been in progress for six years, and in every instance where they have in any degree been completed their results have warranted the expenditure made upon them, thus vindicating the wisdom, the energy, and the honest purpose of the commission.

This House has been led to believe the money expended upon these works has been disbursed by the commission. The most casual investigation will show that not one dollar has been so expended. Every dollar has passed through the hands of the Secretary.

What I most strenuously oppose in this measure is the amendments which have been injected into it by the gentleman from Indiana [Mr. HOLMAN]. They, whether aimed for that purpose or not, unless stricken out, must result in the destruction of the entire system already so successfully put into operation for the improvement of that river and the destruction of the works themselves, which have been built and are now contributing so greatly to this improvement, in which upward of 30,000,000 of the people of the Republic are interested for the obtainment of cheaper freights and safer and cheaper transportation to the markets of the country and of the world.

Mr. WILLIS. I now yield to the gentleman from Pennsylvania [Mr. BAYNE], my colleague on the committee.

The SPEAKER *pro tempore*. How much time?

Mr. WILLIS. The remainder of the time.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for five minutes.

Mr. BAYNE. Mr. Speaker, this bill has been criticised very unjustly in several respects. The gentleman from New York [Mr. HISCOCK] has stated that it makes appropriations for a long list of places which he mentioned. The fact is it makes no appropriation, or the Secretary of War will apply none of the appropriation made by the bill, as the gentleman will find at any point where the work has been completed.

Mr. HISCOCK. But you do not know whether the work has been completed or not. Now, the difficulty is——

Mr. BAYNE. I do not yield; I have but a few moments. The Secretary of War will know it if the gentleman from New York does not; and he claims to know it now.

Another gentleman from Kansas says that he does not know where one cent of the money will go. Evidently the gentleman has not read the river and harbor appropriation bill of 1884. The committee is not able, unfortunately, to furnish all gentlemen who need information with that very necessary article. But if gentlemen will turn to the law they will find exactly where the appropriations are to be applied.

The gentleman from Maine has contended, and very justly, that there should be responsibility on the part of somebody, and that this responsibility should be fixed somewhere and definitely for the expenditure of

the money. There can be no complaint of this bill on that ground. The responsibility is fixed clearly. It says that the money shall be expended under the direction and with the approval of the Secretary of War, and if there is a dollar of this money misapplied the Secretary of War will stand responsible for it.

Mr. JOSEPH D. TAYLOR. But you do not know who the Secretary of War is going to be.

Mr. BAYNE. Oh! you will have to trust somebody; you must fix the responsibility somewhere.

Mr. JOSEPH D. TAYLOR. That is just the trouble.

Mr. BAYNE. If the gentleman from Ohio himself was Secretary of War there would be no doubt of the proper application of the appropriations. [Laughter.].

Mr. JOSEPH D. TAYLOR. Thank you.

Mr. BAYNE. This bill appropriates enough, and only enough as it is believed, to keep in repair the public works already in progress throughout the country; and they are going to suffer detriment and the Government very serious loss if some appropriation is not made at this session of Congress. The Secretary of War himself, who has been already cited here over and over again with the entire approbation of the House, has recommended to Congress, as gentlemen will find on an examination of the subject, and his recommendations are usually heartily concurred in, for the repair and preservation of works on rivers and harbors the sum of $8,000,000. This bill now before us appropriates only $5,000,000, and, therefore, is on the side of retrenchment and reform in public expenditures to the extent of $3,000,000. That fact can not be denied.

The amount that will go to the improvement of the Lower Mississippi by this bill will probably be $450,000 to $500,000. Under the proposition of the gentleman from Indiana, which is incorporated in this bill, that money will have to be applied, except so far as may be necessary for dredging and the removal of snags and bars, to two points on the river—Plum Point and Lake Providence reaches—with a view to testing to a conclusion the experiments which have been begun at those points. I think, under all the circumstances, it is fair enough to allow this amount of money, since we have spent so much already, to be applied to testing the experiment of the improvement of the Mississippi River at those two points and explicitly in the manner in which the work has progressed up to this time.

The safeguards thrown around the bill, I venture to say, in reference to the expenditure of the money appropriated by it, are better, more complete, and more certain of securing the interests of the Government than those that have been applied to any river and harbor bill that ever passed the American Congress.

Mr. HENDERSON, of Illinois. Why do not you let the committee consider that for themselves?

Mr. BAYNE. And never before has such a responsibility been absolutely attached to an officer of the Government in the application of the fund appropriated for this purpose as this bill provides. And I say further, that the incoming Secretary of War, whoever he may be, under the language and the intent of this bill, as I understand it, and as I think the House will and should understand it, will be held strictly responsible for the expenditure of this money, and if there are misapplications of it we will know who is responsible for it.

Mr. WHITE, of Kentucky. Do not you think it would be better to wait until it has been printed, so that we can examine it and determine for ourselves?

Mr. BAYNE. Mr. Speaker, it is very easy for gentlemen to carp and criticise and find fault; and one of the besetting sins in the American Congress is for members to get up here and find fault with the methods and not go into the merits of measures.

Mr. WHITE, of Kentucky. We have had no opportunity of going into the merits of this.

Mr. BAYNE. There has been ample time for consideration, but we have had debate after debate and motion after motion, delaying the business, by gentlemen rendering themselves famous—I was going to use another word—but famous throughout the country because they fritter away the time of the House discussing points of order, making motions, and commenting on what they are pleased to call the "star chamber" proceedings of the committee, instead of considering the merits of propositions.

I hope this bill will pass, and it ought to pass.

[Here the hammer fell.]

Mr. ANDERSON. I rise to a parliamentary inquiry in regard to the manner in which this vote is to be taken.

Clause 6 of Rule XXI provides:

> Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

Now this is a motion to suspend the rules and pass the bill, which I understand is a river and harbor appropriation bill. My inquiry is whether under the rule that vote must be taken by yeas and nays?

The SPEAKER. The Chair decided that question at the last session of Congress, and held when a motion was made to suspend all the rules of the House and pass a bill the bill might be passed without a yea-and-nay vote; because if it received a majority it could be passed under the Constitution of the United States.

Mr. ANDERSON. Then I ask for the yeas and nays.

The yeas and nays were ordered, 52 members voting therefor.

Mr. DAVIS, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS, of Illinois. Does this bill come from any committee of the House?

The SPEAKER. The Chair does not know officially what the committee has done in regard to this bill.

Mr. HENDERSON, of Illinois. I would suggest to my friend the chairman of the Committee on Rivers and Harbors that it is due to state that this is not the bill of the Committee on Rivers and Harbors. They have never considered it. It has never been referred to them.

ENROLLED JOINT RESOLUTIONS.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology; and

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey.

RIVER AND HARBOR APPROPRIATION BILL.

The question was taken; and there were—yeas 192, nays 88, not voting 44; as follows:

YEAS—192.

Adams, J. J.	Dorsheimer,	Kleiner,	Rogers, J. H.
Aiken,	Dunn,	Lacey,	Rogers, W. F.
Alexander,	Eldredge,	Lamb,	Rosecrans,
Ballentine,	Ellwood,	Lanham,	Russell,
Barbour,	Ermentrout,	Lewis,	Sesey,
Barksdale,	Evans,	Libbey,	Seymour,
Bayne,	Ferrell,	Long,	Shively,
Belmont,	Findlay,	McAdoo,	Singleton,
Bennett,	Follett,	McCold,	Skinner, T. G.
Bisbee,	Foran,	McMillin,	Slocum,
Blackburn,	Forney,	Maybury,	Smalls,
Blanchard,	Garrison,	Miller, J. F.	Snyder,
Bland,	Geddes,	Milliken,	Spooner,
Blount,	George,	Mitchell,	Stephenson,
Brainerd,	Gibson,	Money,	Stewart, Charles
Bratton,	Glascock,	Morgan,	Stockslager,
Breckinridge,	Goff,	Moulton,	Stone,
Breitung,	Graves,	Muldrow,	Strait,
Broadhead,	Green,	Muller,	Struble,
Buchanan,	Greenleaf,	Murray,	Sumner, C. A.
Buckner,	Guenther,	Mutchler,	Talbott,
Budd,	Halsell,	Nelson,	Taylor, J. M.
Burleigh,	Hancock,	Nicholls,	Thomas,
Burnes,	Hardeman,	Nutting,	Thompson,
Cabell,	Hatch, H. H.	Oates,	Tillman,
Caldwell,	Hatch, W. H.	Ochiltree,	Tucker,
Campbell, J. E.	Haynes,	O'Ferrall,	Tully,
Candler,	Hemphill,	O'Hara,	Turner, H. G.
Carleton,	Henley,	O'Neill, Charles	Vance,
Clardy,	Hewitt, A. S.	O'Neill, J. J.	Van Eaton,
Clements,	Hewitt, G. W.	Paige,	Wakefield,
Collins,	Hill,	Payne,	Wallace,
Converse,	Hitt,	Peel,	Warner, A. J.
Cosgrove,	Hoblitzell,	Pettibone,	Warner, Richard
Covington,	Holman,	Phelps,	Washburn,
Cox, W. R.	Hopkins,	Pierce,	Wellborn,
Craig,	Horr,	Poland,	Wemple,
Crisp,	Houk,	Potter,	White, Milo
Culbertson, W. W.	Houseman,	Price,	Wilkins,
Dargan,	Hunt,	Pryor,	Willis,
Davidson,	Hutchins,	Randall,	Wilson, W. L.
Davis, L. H.	Jeffords,	Ray, Ossian	Winans, E. B.
Davis, R. T.	Johnson,	Reagan,	Wise, G. D.
Deuster,	Jones, B. W.	Reed, T. B.	Wolford,
Dibble,	Jones, J. H.	Reid, J. W.	Wood,
Dibrell,	Jones, J. T.	Reese,	Worthington,
Dixon,	Kellogg,	Robertson,	Yaple,
Dockery,	King,	Robinson, W. E.	Young.

NAYS—88.

Adams, G. E.	Davis, G. R.	Lawrence,	Smith, H. Y.
Anderson,	Dingley,	Le Fevre,	Spriggs,
Barr,	Dunham,	Lyman,	Springer,
Beach,	Eaton,	McComas,	Steele,
Boutelle,	Elliott,	McCormick,	Stevens,
Bowen,	English,	Miller, S. H.	Stewart, J. W.
Boyle,	Everhart,	Mills,	Storm,
Brewer, F. B.	Finerty,	Morrill,	Sumner, D. H.
Brewer, J. H.	Funston,	Morse,	Swope,
Brown, W. W.	Hanback,	Murphy,	Taylor, J. D.
Browne, T. M.	Hardy,	Parker,	Townshend,
Brumm,	Harmer,	Patton,	Turner, Oscar
Campbell, J. M.	Henderson, T. J.	Payson,	Valentine,
Cannon,	Hepburn,	Perkins,	Van Alstyne,
Cassidy,	Hiscock,	Peters,	Wadsworth,
Clay,	Holmes,	Pusey,	Wait,
Cobb,	Holton,	Ranney,	Weaver,
Connolly,	Howey,	Rockwell,	Weller,
Cook,	James,	Rowell,	White, J. D.
Cox, S. S.	Kean,	Ryan,	Whiting,
Culberson, D. B.	Keifer,	Skinner, C. R.	Winans, John
Cullen,	Ketcham,	Smith, A. Herr	York.

NOT VOTING—44.

Arnot,	Fiedler,	Laird,	Rice,
Atkinson,	Fyan,	Lore,	Riggs,
Bagley,	Hammond,	Lovering,	Robinson, J. S.
Belford,	Hart,	Lowry,	Shaw,
Bingham,	Henderson, D. B.	Matson,	Taylor, E. B.
Campbell, Felix	Herbert,	Millard,	Throckmorton,
Chalmers,	Hooper,	Morrison,	Ward,
Curtin,	Hurd,	Neece,	Williams,
Cutcheon,	Jones, J. K.	Post,	Wilson, James
Dowd,	Jordan,	Rankin,	Wise, J. S.
Ellis,	Kelley,	Ray, G. W.	Woodward.

So the rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. 8280) was passed.

Mr. CURTIN. I desire to say that I was in the room of my committee while the roll was being called. I desire to vote.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

Mr. WILLIS. I understood the gentleman to say he was in the Hall.

Mr. CURTIN. No, sir; I was in the committee-room.

Mr. ANDERSON. If the gentleman from Pennsylvania was on the floor I would not object, but as he states he was in his committee-room I do.

Mr. TOWNSHEND. I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. ELLIS with Mr. POST, of Pennsylvania, on this vote.

Mr. LEWIS with Mr. ARNOT, on this vote.

Mr. CURTIN with Mr. BINGHAM, on this vote.

Mr. FIEDLER with Mr. ATKINSON, on this vote.

Mr. HART with Mr. HAMMOND, on the river and harbor bill.

Mr. HERBERT with Mr. KELLEY, for the rest of this day.

Mr. LOWRY with Mr. WILSON, of Iowa, for the rest of this day.

Mr. LEWIS. I desire to state that if I were not paired with Mr. ARNOT I should vote "ay." Mr. ARNOT would vote "no."

The result of the vote was then announced, as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, with amendments; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] is recognized.

Mr. TURNER, of Georgia. I call up the contested-election case of Pool *vs.* Skinner, first district of North Carolina.

Mr. TOWNSHEND. I desire as a privileged question to call up the Post-Office appropriation bill.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] calls up an election case, which is a matter of higher privilege than any other.

Mr. TOWNSHEND. I will say to the gentleman from Georgia that this will take but a moment. The object is to get the Post-Office appropriation bill into conference.

Mr. TURNER, of Georgia. I am aware that the gentleman from Illinois has made several efforts heretofore to proceed with that bill and they have always provoked discussion.

Mr. TOWNSHEND. If discussion is provoked I will not insist on going on with the bill.

Mr. HISCOCK. I understand the gentleman from Illinois [Mr. TOWNSHEND] proposes to call up the Post-Office appropriation bill. I have told the gentleman I would not again make the point that it should go to the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments. But as against an election case I shall insist on the amendments going to the Committee of the Whole House on the state of the Union to be discussed and considered. I think if we have time enough in these late days of the session to take up election cases we have time enough to consider these appropriation bills in committee.

Mr. TURNER, of Georgia. How does the gentleman from New York get the floor?

Mr. HISCOCK. I give notice to the gentleman from Georgia if he does not want an extra session he must give the Appropriations Committee the right of way.

Mr. TURNER, of Georgia. The gentleman has no right to thrust in his "notice" here while I am on the floor.

Mr. MILLER, of Pennsylvania (to Mr. TURNER, of Georgia). If you are ever going to get your election case in you must get it in now.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] calls up the report of the Committee on Elections in the case of Mr. Pool against Mr. Skinner, in the first Congressional district of North Carolina. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the old first Congressional district of North Carolina, in which Walter F. Pool was chosen as Representative to the Forty-eighth Congress, was the only proper district in which to call and hold an election to fill the vacancy caused by his death.

Resolved, That Thomas G. Skinner is not entitled to retain longer his seat in this House as the Representative from the first Congressional district of North Carolina to the Forty-eighth Congress.

Mr. TURNER, of Georgia. Mr. Speaker, the Clerk has read the resolution reported by the minority of the committee.

The SPEAKER. The Clerk will read the resolution reported by the majority of the committee.

Mr. HISCOCK. Mr. Speaker, I wish to inquire whether this is a case in which the Committee on Elections are agreed.

Mr. TURNER, of Georgia. Mr. Speaker, I insist that the gentleman from New York shall not interrupt the proceedings of the House in this way.

Mr. HISCOCK. The gentleman from New York will know what is doing.

Mr. TURNER, of Georgia. The gentleman from New York [Mr. HISCOCK] has no right to take me off the floor by impertinent interruptions.

The SPEAKER. This question is not debatable. The Clerk has read the resolution reported by the minority. He will now read the resolution reported by the majority of the Committee on Elections.

The Clerk read as follows:

Resolved, That Thomas G. Skinner retain his seat, without prejudice to the ultimate right to the seat involved in the contested-election case of Charles C. Pool *vs.* Thomas G. Skinner.

The SPEAKER. The question is, Will the House now consider this report of the Committee on Elections?

Mr. TOWNSHEND. Mr. Speaker, I want to notify the House that I raise the question of consideration.

The SPEAKER. The Chair is putting that question now. [Having put the question.] In the opinion of the Chair the noes have it.

Mr. TURNER. I ask for a division.

Mr. HORR. Mr. Speaker, I want to know how I am to vote.

Mr. MILLER, of Pennsylvania. Mr. Speaker, what is the question before the House?

The SPEAKER. The question of consideration.

Mr. TOWNSHEND. On what bill?

The SPEAKER. No bill at all; an election case from the State of North Carolina. As many as are in favor of proceeding with the consideration of this report of the Committee on Elections will rise and be counted.

The House divided; and there were—ayes 76, noes 113.

The SPEAKER. The noes have it; and the House refuses to consider the report.

Mr. BENNETT. Mr. Speaker, I call up the contested-election case of Frederick *vs.* Wilson.

Mr. TOWNSHEND. Now, Mr. Speaker, I move the adoption of the report of the Committee on Appropriations in relation to the amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The SPEAKER. Still the matter called up by the gentleman from North Carolina [Mr. BENNETT], being a matter of higher privilege, would cut the gentleman off.

Mr. TOWNSHEND. I understood, Mr. Speaker, after the motion of the gentleman from Georgia [Mr. TURNER] was disposed of I would be recognized.

The SPEAKER. The Chair will secure to the gentleman from Illinois [Mr. TOWNSHEND] the consideration of the matter he desires to call up as soon as possible; but the gentleman from North Carolina [Mr. BENNETT] calls up a matter of higher privilege.

Mr. BENNETT. Mr. Speaker, I do not want to call up this case if I am to antagonize the fertile gentleman from the State of Illinois [Mr. TOWNSHEND]. I would rather keep out of the way of my friend from Illinois, but I would like to have my chance immediately after he has his.

Several MEMBERS. Regular order.

The SPEAKER. The gentleman from North Carolina has charge of a privileged matter, which he can call up whenever he sees fit. The gentleman from Illinois [Mr. TOWNSHEND] is recognized.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I now move the adoption of the report of the Committee on Appropriations in regard to the Senate amendments to the Post-Office appropriation bill.

Several MEMBERS. Let us have it read.

Mr. HISCOCK. We may as well go to the Committee of the Whole with it, or else consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] makes the point of order that this must first be considered in Committee of the Whole.

Mr. TOWNSHEND. I am willing to have it considered in the House as in the Committee of the Whole.

Mr. HISCOCK. I have no objection to that, Mr. Speaker. I say frankly that the only purpose I have is to keep out election cases.

The SPEAKER. If there be no objection the report moved by the gentleman from Illinois [Mr. TOWNSHEND] will be considered in the House as in the Committee of the Whole House on the State of the Union.

Before the consideration of that matter is begun the Chair will state that under a rule heretofore made, and which is still in force, at 5 o'clock p. m. the Chair will be compelled to declare the House in recess until 8 o'clock this evening.

Mr. TOWNSHEND. Then I ask unanimous consent that the House may continue its sitting until 6 o'clock.

Mr. MILLER, of Pennsylvania, and other members objected.

Mr. MILLER, of Pennsylvania. I rise to a parliamentary inquiry. Is there a report in this case?

The SPEAKER. There is.

Mr. MILLER, of Pennsylvania. Then I ask for its reading. I believe I have that right.

The SPEAKER. The report has been read.

Mr. MILLER, of Pennsylvania. When?

The SPEAKER. Half an hour or perhaps an hour ago.

Mr. MILLER, of Pennsylvania. Is it in order to call for the reading of the bill?

The SPEAKER. It is not. The gentleman can have it read in his own time whenever he may obtain the floor. The gentleman has a right to have the amendments read.

Mr. MILLER, of Pennsylvania. Then I ask for the reading of the amendments.

The SPEAKER. The Chair has already directed the Clerk to read them.

Mr. SPRINGER. I rise to a parliamentary inquiry. Is it in order now to move to rescind the order by which the House on Friday takes a recess from 5 till 8 o'clock?

The SPEAKER. That can only be done by unanimous consent or by a suspension of the rules.

Mr. SPRINGER. I move, then, to suspend the rules in order to revoke that order. There is no pension business for this evening.

The SPEAKER. This business may be disposed of before 5 o'clock.

Mr. SPRINGER. I presume there would be no objection to vacating by unanimous consent the order for a recess.

The SPEAKER. That proposition has been made and there was objection. The Clerk will read the amendments of the Senate to the Post-Office appropriation bill.

The first amendment was read, as follows:

On page 1, line 21, strike out "three hundred" and insert "one hundred and fifty."

Mr. MILLER, of Pennsylvania. I would like to have the context read in connection with the amendment so that the amendment may be understood.

The SPEAKER. The Chair will direct that each amendment be so read.

The Clerk read as follows:

Page 1, line 21, strike out "three hundred" and insert "one hundred and fifty;" so as to read:

"For compensation to clerks in post-offices, $5,150,000."

Mr. TOWNSHEND. If it be in order, I desire to move concurrence in that amendment.

The SPEAKER. It is in order to make that motion. Each amendment must be acted on separately.

The motion of Mr. TOWNSHEND to concur in the amendment was agreed to.

The second amendment was read, as follows:

Page 2, line 6, strike out "five hundred and thirty-five" and insert "four hundred and eighty-five;" so as to read:

"For payment to letter-carriers and the incidental expenses of the free-delivery system, $4,485,000; $45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of a free-delivery system in cities where it is not now established."

Mr. TOWNSHEND. By direction of the committee I move concurrence in this amendment.

The motion was agreed to.

The third amendment was read, as follows:

Page 2, line 16, strike out the word "hereafter," after the word "that;" so as to read:

"That the Postmaster-General may," &c.

Mr. TOWNSHEND. I desire to submit a proposition to which I think the entire House will agree. It is needless to occupy time in reading all these amendments. All I desire is to have the report of the Committee on Appropriations adopted. Now, I submit to the House this proposition—that if the report of the Committee on Appropriations be adopted, I will then move that the House take a recess till 8 o'clock.

Mr. HISCOCK. We will consent, if an order be entered to that effect, that the report be adopted and a recess at once taken.

Mr. TURNER, of Georgia. I would like to inquire by what right the gentleman from Illinois makes that proposition. He stated that he would require not more than five minutes for this matter; and now he proposes that immediately after it is disposed of the House shall take a recess.

Mr. TOWNSHEND. If the gentleman from Georgia objects, of course I do not press the proposition.

Mr. TURNER, of Georgia. I do object.

The SPEAKER. Objection is made.

Mr. TOWNSHEND. I move to non-concur in the amendment last read.

The motion was agreed to; there being—ayes 82, noes 23.

The fourth amendment was read, as follows:

Page 2, line 16, strike out "lease" and insert "in the disbursement of this appropriation, apply part thereof to the purpose of leasing;" so that the clause will read:

"That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move non-concurrence in this amendment.

The amendment was non-concurred in.

The fifth amendment was read, as follows:

Page 2, line 17, strike out the word "and," between the word "first" and "second."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move that this amendment be non-concurred in.

The motion was agreed to.

The sixth amendment was read, as follows:

Page 2, line 17, after the word "second," insert "and third;" so as to read: "Post-offices of the second and third classes."

Mr. TOWNSHEND. In accordance with instructions of the Committee on Appropriations I move that this amendment be non-concurred in.

The motion was agreed to.

The seventh amendment was read, as follows:

Page 2, line 25, after the word "for," insert "safes and other;" so as to read: "For safes and other office furniture."

Mr. TOWNSHEND. The Committee on Appropriations have instructed me to move that this amendment be concurred in.

The motion was agreed to; there being—ayes 98, noes 10.

The eighth amendment was read, as follows:

Page 2, line 25, strike out "twenty" and insert "thirty;" so as to read: "Post-office and other office furniture, $30,000."

Mr. TOWNSHEND. Mr. Speaker, this amendment makes an increase of $10,000. In accordance with the instruction of the committee I move concurrence.

The motion was agreed to; there being—ayes 101, noes 12.

The tenth amendment was read, as follows:

Page 3, line 4, strike out "and ten" and insert "five hundred;" so as to read: "For inland mail transportation, namely: For transportation on railroad routes, $14,500,000."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move non-concurrence in that amendment.

The amendment was non-concurred in.

The next amendment was read, as follows:

After the word "thereof" insert "and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof;" so it will read:

Office of the Third Assistant Postmaster-General: For manufacture of adhesive postage-stamps and of newspaper and periodical stamps, $174,000. That upon all matter of the first class, as defined by chapter 180 of the laws of Congress, approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 3 cents for each half ounce or fraction thereof, and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established.

Mr. TOWNSHEND. As instructed by the Committee on Appropriations, I move concurrence in that amendment.

Mr. ADAMS, of Illinois. I should like to have some explanation of it.

Mr. TOWNSHEND. It is a mere formal amendment and only makes the original text more specific. For myself I do not think the amendment is necessary, but the Senate disagrees with the House in reference to that matter, and I have been instructed to move concurrence.

The amendment was agreed to.

Eleventh amendment:

Strike out the words "to *bona fide* subscribers" and insert "including sample copies;" so it will read:

"That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto."

Mr. TOWNSHEND. I have been instructed by the Committee on Appropriations to move non-concurrence. I will say this is the amendment about which most of us here have received a great many communications from a certain class of newspaper publishers. I think it would be better for the House to put this question in conference, where it is possible we may reach some agreement, which perhaps we may not be able to do here this afternoon.

The only difference between this and the original text is that it restores the law enabling newspaper publishers to send sample copies.

Mr. BINGHAM. I move to concur.

Mr. TOWNSHEND. I hope my friend will not press that motion, because it will lead to delay.

Mr. BINGHAM. Have I the floor?

The SPEAKER. The gentleman has the floor and will proceed.

Mr. BINGHAM. I desire to state that when this section of the Post-Office bill was before the House the paragraph relating to sample copies was not even referred to or discussed in any way whatever, and while I thought I had some familiarity with the bill I am free to say I had overlooked this section entirely. I believed it had been the purpose of the committee reporting this bill when they reduced newspaper postage from 2 cents a pound to 1 cent a pound to make that reduction consistent with existing law—that it was a reduction of 1 cent a pound throughout the entire law. But it is not so. Under the present law newspaper postage from a known office of publication to subscribers goes at the rate of 2 cents a pound, sample copies included. The bill reduces newspaper postage to 1 cent a pound, and makes sample copies 4 cents a pound. It doubles the rate of postage on sample copies, and if I am permitted to refer to a discussion in another place where this section was fully discussed, I will state that when the matter was explained it was unanimously adopted as being a fair adjustment and consistent with the action of the committee on another section.

Now, sir, in another section you will reach you say to these newspaper publishers you can send your sample copies at the rate of 1 cent if they weigh an ounce and then it repeals all other acts inconsistent with that act. Permit me to say to the gentleman that under the law to-day, which we passed at the first session of this Congress, newspaper publishers, if they could not to-day send under the pound rate, may, under public act No. 46, as he can and I can when we send through the mails miscellaneous papers.

Further, by the section which he proposes to hold on to, in the next amendment to the bill he wipes out absolutely that act (public 46) which allows a citizen to send four ounces of newspaper matter for 1 cent. It was patent to the judgment of the House that the two ounces for 1 cent covered but a few of the large publications of the country. Before the Committee on the Post-Office and Post-Roads the large metropolitan papers were weighed, and, with a single exception, almost every one was between three and four ounces in weight. The popular judgment has been that any paper could go through the mails for 1 cent, but we find the greater number weighed over two ounces; and therefore the Committee on the Post-Office and Post-Roads brought into this House a bill fixing the rate for transient newspapers at 1 cent for four ounces.

The result of that action has been that instead of having in the large offices thousands of newspapers daily held for postage and sold for waste paper, they are transmitted through the mails at 1 cent for four ounces. The bill of the gentleman from Illinois, as we passed it through the House, repealed that act, and it did further: it doubled the rate on newspaper publishers in sending sample copies by increasing the postage from 2 to 4 cents, when it reduced the rate on their regular open editions to 1 cent per pound.

The matter was discussed elsewhere, and every member in this House has doubtless received his communications from the publishers of these great newspapers that for all the publications going out their offices they want one rate of postage; and I had thought that such was the purpose the gentleman had in view in presenting the bill. It was the purpose of the Committee on Post-Offices and Post-Roads when they recommended the postal bill to the House, and when their distinguished chairman appeared before the Committee on Appropriations.

How much time have I remaining?

The SPEAKER. The gentleman has occupied four minutes.

Mr. BINGHAM. I will reserve the remaining time.

Mr. TOWNSHEND. Mr. Speaker, the first proposition introduced in Congress to reduce newspaper postage was introduced by myself in the last Congress. It was referred to the committee of which the gentleman from Pennsylvania was chairman. That committee then entirely ignored the question. It took no action on the subject until during this Congress.

Mr. BINGHAM. The gentleman is entirely welcome to all the distinction which is properly due to him for his efforts in that direction. I am willing that he shall have all the credit.

Mr. TOWNSHEND. The gentleman is not more anxious to see a reduction of newspaper postage than I am. Now, when the Committee on Appropriations had this bill under consideration I offered an amendment to reduce the postage on newspapers one-half; my amendment went no further. That amendment was adopted by the committee. Afterward the Postmaster-General appeared before our committee and recommended that we restrict the law allowing sample copies to go through the mails. He urged as a reason that many merely advertising sheets had taken advantage of this law and were using the mail facilities to flood the country with advertisements of lottery, patent medicines, and other schemes at pound rates. Therefore, the Postmaster-General recommended a modification of the law in respect to sample copies by restricting them to the use of this privilege twice a year.

The Committee on Appropriations, after careful consideration, concluded that if it was wrong to allow them to send sample copies under these circumstances more than twice a year, it was wrong to allow them to be sent at all, and that they should be forbidden altogether. The committee therefore modified my amendment so as to forbid sample copies from being sent at any other than the same rates at which transient newspapers are allowed to go through the mails. That amendment was brought in here by me under the instructions of the committee, and the House adopted it. It was discussed then by my intelligent friend from Pennsylvania.

Mr. BINGHAM. The gentleman is entirely mistaken; that section of the bill was never alluded to in that discussion. It was not discussed one minute on this floor.

Mr. TOWNSHEND. The RECORD will show that the gentleman himself not only discussed it, but offered an amendment to that very provision, which was adopted.

Mr. BINGHAM. The gentleman is in error wholly.

Mr. TOWNSHEND. Now I have received a very large number of communications from newspaper publishers on this question, more than, perhaps, any other member of this House. I have received nearly five hundred letters from a certain class of papers, not strictly newspapers, but papers promoting special objects, mostly weekly papers, scientific periodicals, many of them very worthy and valuable papers, but a great many of them merely advertising sheets. Among all of these letters none will be found from purely daily newspapers, and I have received but very few from country newspapers. The country newspapers, as a rule, and the daily press also, are satisfied with the provision as recommended by the Committee on Appropriations and adopted by the House.

I believe it would be well to allow papers to send sample copies for the purpose of extending their circulation, but believe that the exercise of this privilege two or three times a year would be sufficient to promote circulation and secure subscribers.

Now I desire that this question shall go to a conference committee, where we can reach an agreement or a compromise after a general interchange of views. But the gentleman from Pennsylvania insists upon forcing it here upon the House. That being the case, I must meet it now. I believe, as the Postmaster-General believes, that this privilege is greatly abused by a certain class of newspapers, and that we should restrict the sending of sample copies to some extent at least. I am willing to allow the question to be considered by a conference committee, who may, after a full investigation of the subject, agree upon some reasonable plan in that respect which will satisfy reasonable demands; but to open the mails to an unlimited extent to every advertising sheet throughout the country every day in the year is a proposition to which I am opposed.

[Here the hammer fell.]

Mr. BINGHAM. I believe I have one minute remaining. I desire in that time to make just this statement to the House: that no newspaper can go through the mails at second-class rates, as proposed by this bill, at 1 cent a pound until it has been duly registered at the post-office from which it goes under the sworn statement of the publisher of that paper. Therefore the gentleman's statement as to patent-medicine circulars and lottery publications and advertising sheets, and papers generally of that kind, is effectually disposed of.

Now a further fact: the gentleman incorporates in this bill, authorizing this amendment, the provision that they can send their sample copies at 1 cent for each four ounces, and then wipes out all other laws existing on the subject.

[Here the hammer fell.]

Mr. ANDERSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it be in order to move to strike out the last word?

The SPEAKER. There is no last word. It is a motion to concur. The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM] to concur in the amendment.

The House divided; and there were—ayes 67, noes 43.

Mr. TOWNSHEND. I call for tellers.

Mr. HOLMAN. No quorum.

The SPEAKER. The point is made that a quorum has not voted. The Chair will appoint as tellers the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Pennsylvania, Mr. BINGHAM.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich; and

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to concur in the Senate amendment.

The House divided; and the tellers proceeded to count the vote.

The SPEAKER. Will the tellers report the affirmative vote?

Mr. ANDERSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Is it in order to call the attention of the Chair

to the fact that the hour of 5 o'clock, when under the order of the House a recess should be taken, has arrived?

The SPEAKER. The Chair takes notice of the fact himself, and now declares the House in recess until 8 o'clock this evening.

The gentleman from New York [Mr. BAGLEY] will occupy the chair as Speaker *pro tempore* at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock p.m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p.m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

February 13, 1885.—Amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

LEAVE TO PRINT.

The SPEAKER *pro tempore*. The Chair desires to present the personal request of a member which was overlooked at the time the recess was taken.

The Clerk read as follows:

Mr. HEWITT, of New York, asks unanimous consent to print remarks on the bill (H. R. 7366) being a bill to carry into effect the convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883.

Mr. ANDERSON. Ought not that to go over till to-morrow? Is it important that that request should be granted to-night?

The SPEAKER *pro tempore*. The permanent Speaker informed the present occupant of the chair that it was proper this request should be submitted.

Mr. ANDERSON. This will not be considered as a precedent for bringing in any other business to-night?

The SPEAKER *pro tempore*. Not at all.

There being no objection, the request of Mr. HEWITT, of New York, was granted.

ROBERT CARY.

Mr. HILL. I ask unanimous consent to take from the Speaker's table the bill (H. R. 6011) granting an increase of pension to Robert Carey, with an amendment by the Senate. It is only a technical amendment. A mistake was made in spelling the man's name.

Mr. ANDERSON. All right.

There being no objection, the bill (H. R. 6011) was taken from the Speaker's table, and the Senate amendments were read, as follows:

In line 3, strike out "Robert Carey" and insert "Robert Cary."

Amend the title so as to read: "An act granting an increase of pension to Robert Cary."

The amendments of the Senate were concurred in.

Mr. HILL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate amendment to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing on the Umatilla reservation in the State of Oregon, and granting patents therefor, and for other purposes.

The message further announced that the Senate has passed the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, with amendments, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. HARRISON, and Mr. COKE as conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 847) for the relief of Francis B. Van Haesen;

A bill (H. R. 851) for the relief of the heirs of Mary Jane Vezie, deceased;

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for moneys erroneously collected from him by the Post-Office Department;

A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 2185) for the relief of Rosa Ventner Jeffrey and others;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 5452) for the relief of John W. Martin;

A bill (H. R. 5747) to authorize an increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000;

A bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy;

A bill (H. R. 8034) for the relief of the estate of Hugh and Byrd Douglas, deceased;

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;

A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, of the United States Navy;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 1813) granting an increase of pension to Anne Cornelia Lanman;

A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army; and

A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 993) for the relief of Maria G. Dunbar;

A bill (S. 1811) granting a pension to Annie T. Dicks;

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies at the dedication of the Washington Monument;

A bill (S. 957) granting a pension to Margaret D. Marchand;

A bill (S. 2359) granting a pension to M. Louise Butler;

A bill (S. 2449) for the relief of Sally C. Mulligan;

A bill (S. 2654) granting a pension to Charles F. Hildreth;

A bill (S. 2661) granting a pension to Miss Amelia J. Gill;

A bill (S. 2662) granting an increase of pension to Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy;

A bill (S. 2665) granting an increase of pension to Ann Atkinson;

A bill (S. 2620) granting a pension to Thomas H. Boaz;

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch; and

A bill (S. 2619) granting a pension to Martha Hughes.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the pension bills just received from the Senate be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. MATSON, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (S. 1877) granting an increase of pension to John Hall;

A bill (S. 2245) granting a pension to William N. Morris;

A bill (S. 2302) granting a pension to John Lowe;

A bill (S. 2279) granting a pension to Lewis L. Canady;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (S. 544) granting an increase of pension to Elijah W. Penny;

A bill (S. 2367) granting a pension to Sarah A. White;

A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;

A bill (S. 2437) granting a pension to Mrs. Mary Gordon;

A bill (S. 2125) granting a pension to Sarah Jane Prince; and

A bill (S. 2527) granting a pension to Robert Sheridan.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (S. 2620) granting a pension to Thomas H. Boaz;

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch; and

A bill (S. 2619) granting a pension to Martha Hughes.

Mr. MATSON, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (H. R. 7907) granting a pension to Matilda Cody; and

A bill (H. R. 603) granting a pension to Rachel Nickel.

Mr. MATSON, from the Committee on Invalid Pensions, reported adversely a bill (H. R. 3760) granting a pension to J. Combe; which was laid on the table.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (S. 2443) granting an increase of pension to Polly Young;
A bill (S. 1113) granting a pension to Ann C. Manchester;
A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 1836) granting a pension to Sarah Hague; and
A bill (S. 1612) granting a pension to Bryson R. McCartney.

Mr. CULLEN, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (S. 2262) granting a pension to Sedate T. Martin; and
A bill (S. 1633) granting a pension to James Bond.

Mr. HOLMES, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (H. R. 8237) granting a pension to Mary J. Dickson; and
A bill (H. R. 8155) granting a pension to Addie L. Moore.

Mr. HOLMES, from the Committee on Invalid Pensions, reported adversely a bill (H. R. 7757) granting a pension to Elizabeth Crawford which was laid on the table.

ROBERT J. BALLORT.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2268) for the relief of Robert J. Ballort; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY HOWARD FARQUHAR.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 1960) for the relief of Mary Howard Farquhar; which was laid on the table, and the accompanying report ordered to be printed.

DUNCAN L. CLINCH.

Mr. NICHOLLS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That Duncan L. Clinch, a citizen of the State of Georgia, be, and he is hereby, relieved of all political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed (two-thirds voting in favor thereof).

JOHN E. DENHAM.

Mr. JAMES. I ask to have taken from the Speaker's table, for concurrence in an amendment of the Senate, the bill (H. R. 5798) granting a pension to John E. Denham.

There being no objection, the bill was taken from the Speaker's table, and the following amendment of the Senate was read and concurred in:

In lines 4 and 5 strike out the following: "and grant him a pension of $8 a month from the passage of this act."

JEREMIAH M'CARTY.

Mr. SPOONER. I ask unanimous consent that the bill (H. R. 6029) for the relief of Jeremiah McCarty be taken from the Speaker's table for concurrence in a Senate amendment.

There being no objection, the bill was taken from the Speaker's table and the following amendment of the Senate read and concurred in:

In lines 5 and 6 strike out the words "of fifty dollars per month" and insert "at the rate to which a private soldier is and shall be entitled by law for like disabilities."

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering business under the special order for the Friday evening session.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. I ask unanimous consent that Senate bills be first considered in the order in which they stand upon the Calendar.

There being no objection, it was so ordered.

JOHN HALL.

The first business on the Private Calendar was the bill (S. 1877) granting an increase of pension to John Hall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of John Hall, late a private in Company B, Tenth United States Infantry, Mexican war, at the rate of $30 per month, in lieu of the $8 per month heretofore allowed him, as specified in pension certificate 3170.

Mr. MILLER, of Pennsylvania. If there is a report in this case I ask that it be read.

The report (by Mr. MATSON) was read, as follows:

Your committee has had under consideration Senate bill No. 1877, and report the same back to the House with a recommendation that it do pass; and they have adopted the Senate report in this case as the favorable report of this committee.

The claimant was a private in Company B, Tenth New York Volunteers, and was injured on the 10th day of May, 1847, while in the service and in line of duty. While on drill at or near Fort Hamilton, N. Y., in crossing a fence he was suddenly and violently thrown down and the end of a rail striking him in the lower part of the body caused a large rupture which required a severe surgical operation to save his life, which was in imminent peril from the injury. The injury resulted in double inguinal hernia. The proof of the injury, surgical operation, and resulting hernia is clear and convincing. He was discharged on account of this injury and disability the 24th day of July, 1847. He applied for a pension and was placed on the pension-roll in 1847 at $4 per month, and in 1852 his pension was increased to $8, which rate he has been since paid and is now receiving. In 1853 he became totally blind, and in 1874 suffered a paralytic stroke, since when he has been a great charge upon his aged wife and two daughters, being unable to dress or undress himself without assistance.

In 1883 he made an application for an increase on account of an increase of his disabilities, claiming that his lost eyesight and paralysis resulted from his original injuries. The medical referee gave it as his opinion that the blindness and paralysis were not the results of the original injury. It can not be expected that laymen will usually oppose their opinions or views against the opinions of medical men, but in this case the evidence is so clear, and the fact that the neuralgia which terminated in blindness was connected with the surgical operation so distinctly shown, that your committee can hardly doubt that the medical referee in this instance is mistaken.

The surgeon performing the operation says in his certificate, under date of the 13th July, 1847, that the injury rendered "an operation necessary for strangulated hernia which was performed by myself; the injury and consequent operation have been followed by debility and lameness, which still continues." The claimant in his own affidavit says, in speaking of the operation, that—

"He had to lay while undergoing treatment * * * with his head and shoulders much lower than the rest of his body, in which position he remained for thirty days. * * * Neuralgia set in, and on being released from this position his eyes were affected, and he suffered from neuralgia to the present time."

This was in 1883. He also says that the "neuralgia pains burst his eyeballs, and the aqueous humor of the eyes escaped, leaving him blind." He also says that after the operation he frequently felt a numbness in his limbs and side and want of nerve sensibility, and was at times almost deprived of motive power, which continued up to 1874, when he had a severe stroke of paralysis. From these facts your committee are constrained to believe that the blindness and paralysis of this soldier were resulting conditions from the original injury he received and the operation he was compelled to undergo, and think that justice requires that his pension should be increased. Therefore your committee recommend the passage of this bill.

Mr. BELFORD. I move to amend this bill by adding the provision which I send to the desk.

The Clerk read as follows:

That the sum of $500,000 be appropriated for the construction of a home for the orphan children of the Union and confederate soldiers of the Republic, at the city of Fredericksburg, in the State of Virginia, said sum to be expended under the direction of the Secretary of War.

Mr. KEAN. I make a point of order on this amendment.

Mr. HEWITT, of Alabama. I make the point of order that this amendment is not germane to the bill.

Mr. BELFORD. I ask that the point of order be reserved till I can make a statement.

The CHAIRMAN. The Chair will hear the gentleman from Colorado for five minutes upon the point of order.

Mr. BELFORD. Mr. Chairman, the shadows of fifteen years have floated over this Republic and the unhappy memories of the war should be forgotten now and forever. You gentlemen from the South should have at least the courage of a Northern Republican to take care of the orphans produced by the war in the South. It was a war of the politicians in which the poor people suffered and were conscripted into the army; and I propose that their little children shall be provided for just as the children of soldiers of the Union Army have been provided for.

When the Greeks, the moderns of ancient civilization, achieved a victory in civil war they celebrated that victory by erecting a monument of wood which would perish under the abrasions and erosions of the atmosphere. When they achieved a victory over a foreign foe, they erected a monument of bronze. [At this point Mr. BELFORD walked toward the Democratic side of the House.]

Mr. BROWNE, of Indiana. I make the point of order that the gentleman has no right under the rules to speak except from his seat.

Mr. BELFORD. Then I will go to my seat. I will obey the perfunctory order of the distinguished brigadier from Indiana.

Now, what did England do after her great civil war between the White Rose and the Red Rose? She blended them together and made England the great nation of her day. Are we to carry out the prejudices of certain gentlemen on this floor and overlook the fact this is our magnificent nation from the northern lakes to the southern gulf, from the Atlantic Ocean to the Pacific, upon which floats the commerce of our country?

I have offered this amendment in the interest of reconciliation, of peace, of recognition of the fact we are one nation to-day, and will remain so I hope forever. [Applause.]

The CHAIRMAN. The Chair sustains the point of order and the amendment is ruled out.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM N. MORRIS.

The next business on the Private Calendar was the bill (S. 2245) granting a pension to William N. Morris.

The bill, which was read, provides that the Secretary of the Interior be authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of William N. Morris, late a private in Company F, Seventeenth Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN LOWE.

The next business on the Private Calendar was the bill (S. 2302) granting a pension to John Lowe.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Lowe, late of Company F, Fifty-third Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS L. CANADY.

The next business on the Private Calendar was the bill (S. 2279) granting a pension to Lewis L. Canady.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis L. Canady, late a private in the war of 1812.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CORDELIA BRAINERD THOMAS.

The next business on the Private Calendar was the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas.

The bill, which was read, authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Cordelia Brainerd Thomas, widow of the late Rev. E. Thomas, who was killed by the Modoc Indians in 1873 while acting as a member of the Peace Commission sent by the United States Government to treat with said Indians, and to pay her from and after the passage of this act, during her widowhood, the sum of $50 a month.

Mr. PETERS. I would like to hear the report in that case read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas, having considered the same, beg leave to report it back with a recommendation that it be amended by inserting the word "twenty," after the words "sum of," in the eleventh line of said bill; so it shall provide payment to Mrs. Cordelia Brainerd Thomas of the sum of $20 a month——

Mr. PETERS. I do not ask for the reading of any more of the report, as I see the amendment limits it to $20 a month.

Mr. MATSON. The Senate proposition was to give her a pension of $50 per month. Her husband was with General Canby at the time he was killed. He was a minister of the gospel. The amendment proposes to give her the pension of a chaplain.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIJAH W. PENNY.

The next business on the Private Calendar was the bill (S. 544) granting an increase of pension to Elijah W. Penny.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment Indiana Volunteers, at the rate of $42 per month, in lieu of the $36 per month heretofore allowed him as certified in pension certificate 76144.

Mr. MILLER, of Pennsylvania. I ask the gentleman from Indiana why this pension is increased from $36 to $42 per month, and why the claimant comes here instead of going to the Pension Office?

Mr. MATSON. I take pleasure in informing the gentleman from Pennsylvania his coming here grows out of the fact there is a defect in the law. There is no rate of pension between $24 and $50 per month.

Mr. MILLER, of Pennsylvania. Is there not a rate of $30 a month?

Mr. MATSON. There is for specific disability, but there is no rate for general disability. Colonel Penny received two gunshot wounds, and receives a pension for disability not specific as to one. He has an arm off, and gets $30 a month. He has another gunshot wound which entitles him to more than he is receiving.

Mr. MILLER, of Pennsylvania. Is it not a fact if the claimant was disabled in a certain degree he can receive $30 or $40 a month?

Mr. MATSON. No, sir; there is no rate of $40 per month.

Mr. MILLER, of Pennsylvania. What is the next rate above $30?

Mr. MATSON. It is $50.

Mr. MILLER, of Pennsylvania. Why should there be an exception made in this particular case? Are there not other persons in the same condition who would be entitled to the same relief?

Mr. MATSON. My judgment is that the law is essentially deficient in this particular, and I think my friend from Indiana, the former chairman of the Committee on Invalid Pensions, General BROWNE, will agree with me, as I believe I have heard him express the same sentiment before.

I will state to the gentleman from Pennsylvania that there are cases of men who are suffering from disability from wounds who are not in that helpless condition that requires the regular attendance of other persons, so as to bring them within the law; and hence they can not receive the pension of $50, but they are worse disabled than if they had lost one arm or a leg; and so to apply relief in cases of that kind we have these special bills of which the gentleman speaks.

Mr. BROWNE, of Indiana. Mr. Chairman, the difficulty is that the general law fixes the rates for specific disability, and every gentleman of observation will readily understand that it is impossible under a general law to adequately adjust every possible character of disability that may arise. It is utterly impossible to do it; and just so long as we grant pensions at all and undertake to provide for them by general acts there will be instances in which appeals will be made to Congress to allow something in addition, perhaps above the lowest provided in the list of disabilities and lower than the highest or the next immediately preceding rate. But for myself I have a great deal more respect for those cases in which increases are granted than for many of those in which pensions are originally granted, because where there is an increase given there is no doubt of the existence of the disability.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. WHITE.

The next business on the Calendar was the bill (S. 2367) granting a pension to Sarah A. White.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. White, of Abington, Mass., widow of Ebenezer White, late a lieutenant in the Kansas cavalry volunteers.

Mr. HEWITT, of Alabama. I would like to know why it is necessary to grant relief in this particular case?

Mr. MATSON. To save time, I will ask the gentleman from Massachusetts [Mr. LONG], who I believe is familiar with the case, to state the facts.

Mr. LONG. What is the question of the gentleman from Alabama?

Mr. HEWITT, of Alabama. I desire to know why it is necessary to apply to Congress for relief in this case.

Mr. LONG. I am not familiar with the circumstances. It is a bill which was examined by the Senate committee and passed the Senate. I presume the Senate report will convey the facts.

Mr. HEWITT, of Alabama. I ask for the reading of the report of the committee accompanying it.

The report (by Mr. LOVERING) was read, as follows:

Your committee have had under consideration Senate bill No. 2367, and report the same back to the House with the recommendation that it do pass, adopting the Senate report hereto attached as the favorable report of this committee:

"The evidence is somewhat conflicting, but the balance thereof is strongly in favor of the claim.

"The bill simply proposes to place the name of the applicant on the pension-roll as the widow of the soldier, and it appears that she is in great need.

"The evidence also discloses the fact that she rendered excellent service as an army nurse, and might well be pensioned at a higher rate for that service.

"Your committee recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BYRAM PITNEY.

The next business on the Private Calendar was the bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the widow and children of Byram Pitney, late of Company K, Twenty-sixth Regiment New Jersey Volunteers.

Mr. HEWITT, of Alabama. I would like to have some explanation of that bill, or else to have the report read.

The CHAIRMAN. The Chair will state that this is a very long report, and perhaps it will save time if some gentleman who is familiar with the facts will make an explanation.

Mr. BAGLEY. I think I can explain to the gentleman and to his satisfaction. It seems that this man received a severe wound in the neighborhood of the spine which gave him very serious trouble and for which he was pensioned. The man lived, it is true, until some time in 1883, but the disease of which he died proved to be continuous; that is to say that the diseased condition of his lungs, of which he finally died, dated back to his service in the Army and finally resulted in acute pneumonia. The medical testimony goes to show that it was directly on account of this disease, which resulted from the service and which finally culminated in acute pneumonia, that his death resulted. I believe it to be a good case, and hence it was reported favorably.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman were all of these cases examined by the House committee?

Mr. BAGLEY. They were, sir; all of them.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that these bills have been all referred to the committee and reported back from the Committee on Pensions and Invalid Pensions.

Mr. JOSEPH D. TAYLOR. I so supposed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY GORDON.

The next business on the Private Calendar was the bill (S. 2437) granting a pension to Mrs. Mary Gordon.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Gordon, mother of Samuel F. Gordon, late a private in Company G, Sixteenth Regiment Ohio Volunteers.

The report (by Mr. LE FEVRE) is as follows:

Your committee have had under consideration Senate bill No. 2437 and report the same back to the House with the recommendation that it do pass, and they have adopted the Senate report hereto attached as a part of the report of this committee.

"The Committee on Pensions, to whom was referred the bill (S. 2437) granting a pension to Mrs. Mary Gordon, have examined the same, and report:

"That the claimant is the mother of Samuel F. Gordon, who applied for a pension at the Department, but her claim was rejected on the ground that the records of the War Department afford no information as to enlistment or service of the soldier.

"There appears to be ample evidence to show the dependence of the claimant as the mother of the soldier. Her husband died in 1857, and her son, the soldier, died unmarried. The only question to be considered is that of the soldier's service.

"William M. Ross, late first lieutenant of Company G, Sixteenth Ohio Volunteers, testifies that Samuel F. Gordon, the son of the claimant, enlisted October 2, 1861, in the forenoon, as a private in that company, and that in the afternoon the said Gordon was shot and killed by the accidental discharge of a pistol. He also swears that the captain of the company is dead, and the original muster-roll can not be obtained.

"This is corroborated by two comrades of the soldier, who swear to his enlistment and muster and accidental death.

"It also appears from the papers on file that the claimant is 82 years of age, and is and has been for many years a helpless invalid from partial paralysis; and also that she has been supported for seventeen years by a daughter who has been engaged in teaching. The daughter now states that, owing to her mother's increasing helplessness, she is unable to longer provide her a comfortable support.

"In view of all the facts in this case your committee report the bill with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. In order to save the time that would be occupied in reading these reports I ask that all of them may be printed in the RECORD.

The CHAIRMAN. If there be no objection it will be so ordered.

There was no objection.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that many of these reports just come from the committee are in manuscript, and it will be impossible to have them transcribed. The originals may be sent to the Public Printer under the order the gentleman from Indiana suggested, and which has just been made. If there be no objection it will be so ordered.

There was no objection.

SARAH JANE PRINCE.

The next business on the Private Calendar was the bill (S. 2125) granting a pension to Sarah Jane Prince.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah Jane Prince, widow of the late Capt. Albert Prince, of the Fifteenth Regiment Massachusetts Volunteer Infantry.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2125) granting a pension to Sarah Jane Prince, having examined the same, adopt the Senate report and recommend that the same do pass.

"The Committee on Pensions, to whom was referred the bill (S. 2125) granting a pension to Sarah J. Prince, have examined the same, and report:

"That the said Sarah J. Prince is the widow of Capt. Albert Prince, late captain of Company E, Fifteenth Massachusetts Volunteers. Captain Prince was a pensioner. He died March 2, 1881. The widow applied for a pension April 27, 1881. Her claim was rejected on the ground that she had been married previous to her marriage with the said Captain Prince, and that her husband by the first marriage is still living. She now applies to Congress to grant her a pension by special act.

"It appears in the evidence that the second marriage was contracted in the belief that the first husband was dead. She states the facts under oath, as follows, namely:

"'On the 30th day of August, A. D. 1856, I was married to David K. Dyke, of Lyme, N. H., at Chelsea, in the State of Vermont; that thereafter I lived with said David K. Dyke, as his wife, at said Lyme, N. H., and at Lowell, in the State of Massachusetts, till the month of September, A. D. 1857, when the said David A. Dyke deserted me at said Lowell, taking with him all the money I earned the previous month for labor in the Merrimack mill; that since said David K. deserted me I have had no communication from him, though for some months after said desertion I wrote letters to him at said Lyme, N. H., asking him to return to me, which letters were never replied to by him; that I continued to reside at said Lowell, working in said mill, till October, A. D. 1859, when I came to Worcester, and have since that time resided here; that on the 9th day of December, A. D. 1865, I received a letter from Fanny M. Dyke, a sister of said David K. Dyke, a copy of which is hereby attached, marked A, informing me of the death of the said David K. Dyke. Coming from the sister of the said David K. Dyke I had no reason to doubt the truth of the information contained therein, and did not doubt the same till since the death of Capt. Albert Prince, formerly captain of the Fifteenth Regiment Massachusetts Volunteer Infantry, to whom I was married on the 24th day of December, A. D. 1865, and with whom after said marriage I lived as his wife till his death.

"'After the death of the said Capt. Albert Prince, through the advice of P. F. Murray, of this city, a former comrade of Capt. Albert Prince, I made application for a widow's pension, and after some time I was called upon to furnish the Pension Department with evidence of the death of my first husband. Captain Murray communicated with the town clerk of Lyme, N. H., with a view of obtaining the evidence called for, and from said town clerk came the information that the said Daniel K. Dyke was alive.

"'When I became acquainted with said Albert Prince I told him of my former marriage, and showed him the letter hereinbefore mentioned, and I was married under the firm belief that I was the widow of David K. Dyke.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT SHERIDAN.

The next business on the Private Calendar was the bill (S. 2527) granting a pension to Robert Sheridan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Sheridan, late a private in Company D, First Rhode Island Light Artillery.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred bill (S. 2527) granting a pension to Robert Sheridan, having examined the same, and having adopted the Senate report, recommend that same do pass, a copy of the same being hereunto attached:

"The Committee on Pensions, to whom was referred the bill (S. 2527) granting a pension to Robert Sheridan, have examined the same and report recommending its passage. The facts are stated in the petition, which we annex as the most convenient form of presenting them to the Senate:

"'*The honorable Senate and House of Representatives in Congress assembled:*

"'The undersigned, Robert Sheridan, of National Soldiers' Home, Togus, Me., late private Company D, First Rhode Island Light Artillery, respectfully represents that on the 18th day of June, 1878, at said national home (he being then an inmate of said institution as a disabled soldier), he was detailed by order of General William S. Tilton, commander of said home, to fire a salute on the occasion of Decoration Day observance, and that while so employed, through the carelessness of one of the men whose business it was to close the vent, the gun was prematurely discharged while your petitioner was ramming home the cartridge, thereby shattering his right arm so badly that it had to be amputated above the elbow.

"'He further states that he is now in receipt of a small pension of $4 per month. He now asks that in consideration of his misfortune, which has deprived him almost entirely of the means of obtaining a living, and as said wound was received while in the line of duty, acting under the orders of General Tilton, an officer of the United States and whose orders he was bound to obey, that he may be granted an increased pension, so that his rate may be $24 per month, the rate now allowed by law for a similar disability; and, as in duty bound, will ever pray.

"'ROBERT SHERIDAN,
"'*Late Private Company D, First Regiment Rhode Island Light Artillery.*

"'STATE OF MAINE,
"'*County of Kennebec, ss:*

"'December 8, 1882, there personally appeared the above-named Robert Sheridan, and made oath that the facts as set forth in the foregoing petition are true in substance and fact, so far as they relate to the receiving of his wound and injury.

"'Before me—
"'[SEAL.] H. F. BLANCHARD,
"'*Notary Public.*'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS H. BOAZ.

The next pension bill on the Private Calendar was the bill (S. 2620) granting a pension to Thomas H. Boaz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Boaz, late of Company H, Second Regiment Ohio Heavy Artillery.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (S. 2620) granting a pension to Thomas H. Boaz, having considered the same, respectfully report as follows:

The claimant, Thomas H. Boaz, was a private in Company H, Second Ohio Heavy Artillery. He was enrolled on the 12th of August, 1863, for three years, and was discharged August 29, 1865, to date August 23, 1865. He filed his application for pension on August 7, 1882, alleging disability by reason of being injured by the cars in the small of his back, shoulder, and left thigh, and for rheumatism, all incurred in the service on or about July 5, 1865, at Claysville, in the State of Ohio. The records of the Surgeon-General's office show treatment of the claimant at the general hospital, Camp Denison, Ohio, in August, 1865, for the injuries which the claimant alleges, and that he was returned to duty August 28, 1865. This was evidently only for the purpose of being discharged.

The testimony in the case proves conclusively that at date of enlistment the soldier was a stout, able-bodied man, free from any and all of the alleged ailments. That he continued to do regular service with his company until about the last of June, 1865, when he was granted a furlough for twenty days, cause not stated. That on the 5th of July, at Claysville, in the State of Ohio, he was injured by the cars in the manner stated, the testimony of one witness, who rendered him assistance at the time of the injury, and of the physician who treated him at the time, being on file. There is ample testimony also showing that from the time of his discharge the soldier suffered more or less from rheumatism, which has continued and increased in severity until, by the examining surgeon's certificate, claimant is shown to be totally disabled and helpless, and that he had to be brought into the office to be examined, and he pronounces the disease sciatica, with paralysis of the lower limbs. Your committee are of the opinion that this is a meritorious case, and calls for the immediate relief, and therefore return the bill with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE C. B. HATCH.

The next business on the Private Calendar was the bill (S. 2546) granting a pension to Charlotte C. B. Hatch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Charlotte C. B. Hatch, dependent widow of Maj. E. A. C. Hatch, late of Hatch's Battalion Minnesota Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred S. 2546 granting a pension to Charlotte C. B. Hatch, have examined the same, and report:

That claimant is the widow of Edwin A. C. Hatch, major Independent Battalion Minnesota Cavalry, regularly mustered into the United States service, who was discharged July 7, 1864, on surgeon's certificate of disability. He was a sound, healthy man when he entered the service, and became disabled in the service, and had a continuing disability until his death. While the cause of death was reported as cholera morbus, still his health had been so much impaired and constitution broken by disabilities contracted by exposure and hardships in the Territory of Dakota, that he was not, by reason of such service, so able to withstand disease as could be done by a healthy and sound man.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA HUGHES.

The next business on the Private Calendar was the bill (S. 2619) granting a pension to Martha Hughes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Hughes, widow, whose husband was a member of Company E, Seventeenth Regiment Wisconsin Infantry.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (S. 2619), granting a pension to Martha Hughes, having considered the same, respectfully report as follows:

The claimant is the widow of John Hughes, late a corporal in Company E, Seventeenth Wisconsin Infantry Volunteers. As shown by the report of the Adjutant-General, the soldier enlisted on December 23, 1861, for three years, and was discharged at Corinth, Miss., on July 10, 1862, cause not stated. The regimental hospital records are not on file and there are no records of the regiment in the office of the Surgeon-General. It is shown by the testimony on file that the soldier was a stout, able-bodied man at the time of enlistment, and that when he was discharged from the Army he was suffering with chronic diarrhea, which incapacitated him for manual labor, and continued to the time of his death.

The soldier made application on account of disability from chronic diarrhea contracted near Shiloh, Tenn., in April, 1862, and states that he was treated in regimental hospital for said disease, and it is reasonable to suppose that this was the cause of his discharge, although the records are silent. His application for pension was filed October 1, 1881, but he died on the 4th of July, 1882, before the claim was finally proven up to the satisfaction of the Pension Office. The attending physician testifies that the death was the result of chronic diarrhea and tuberculous consumption, and states his belief that the diarrhea was the cause of the disease of the lungs. The widow (claimant herein) then made application for a pension in her own right, which was filed on August 2, 1882, but for reasons unknown to your committee it has not been allowed. Your committee think that the evidence in the case is sufficient to prove the incurrence of the disease in the service from which the soldier died, and we therefore report the bill back with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

POLLY YOUNG.

The next business on the Private Calendar was the bill (S. 2443) to increase the pension of Polly Young.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Polly Young, widow of Jesse Young, a soldier in the war of 1812, and pay her a pension from and after the passage of this act of $30 a month in lieu of the pension she now receives.

Mr. HEWITT, of Alabama. I would like to ask the chairman of the Committee on Invalid Pensions——

Mr. BROWNE, of Indiana. I suppose that comes from the Committee on Pensions.

Mr. HEWITT, of Alabama. It should have gone to the Committee on Pensions; but I do not make a question about that. I would like to ask the chairman of the Committee on Invalid Pensions whether any of these bills were reported to the Senate adversely by the Senate Committee on Pensions, or whether this bill in particular was reported adversely.

Mr. MATSON. There was one case that I remember, that of Colonel Penny, the case we were discussing a few moments ago. The original bill in the Senate proposed to give him $50 a month. The bill was finally amended so as to make the amount $42. The remainder of these bills, so far as I now remember, and I think I have examined all of them, were reported favorably by the Committee on Pensions of the Senate. The bill I have spoken of proposed originally to give $50 a month and was amended so as to make it $42.

Mr. HEWITT, of Alabama. This bill now under consideration proposes to increase the pension of the widow of a soldier of the war of 1812 from $8 to $30 a month. Why is that done in this particular case?

Mr. MATSON. Let the report speak.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2443) granting an increase of pension to Polly Young, having examined the same, have adopted the Senate report, which is hereto attached, and made a part of their report, as follows:

"The Committee on Pensions, to whom was referred the bill (S. 2443) granting an increase of pension to Polly Young, have examined the same, and report as follows:

"That Polly Young is now 93 years of age, and receiving a pension of $8 per month by reason of service of her husband in the war of 1812. The history of her family shows remarkable loyalty and devotion to the Republic, dating from the Revolutionary war. Her grandfather and four brothers were in that war. Her husband and three of her brothers were in the war of 1812. She had three sons. All did honorable and long service in the late rebellion. One of these sons, now an old man, furnishes from his small means her support in an humble way.

"Every year the number of this class of aged pensioners is becoming less, while the infirmities of age increase and the necessity for care and attendance greater.

"A government, generous in its benefactions to the widows of those of high rank and brilliant service, can well afford to be just and generous to the widows of those who suffered and fought in the ranks, particularly when misfortunes render necessary aid from some quarter to smooth the pathway to the grave."

The committee recommend that the bill above referred to do pass.

ANN E. MANCHESTER.

The next business on the Private Calendar was the bill (S. 1113) granting a pension to Ann E. Manchester.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Manchester, the widow of Abel W. Manchester, deceased, who was a sergeant of Company H, Seventh United States Infantry.

The report is as follows:

Your committee have had under consideration the accompanying bill, and have adopted the Senate report in same, hereto attached:

"The Committee on Pensions, to which was referred the bill (S. 1113) granting a pension to Ann E. Manchester, has examined the same, and reports:

"That Abel W. Manchester was enlisted on the 2d of October, 1846, at New York, to serve five years, and was assigned to Company E, Seventh Regiment of United States Infantry, and served until September 1, 1851. His marriage with the said Ann E. Manchester is established, and they continued to live together as husband and wife to the date of his death, which occurred November 2, 1870.

"The widow applied for a pension and her application was rejected, "because the records of the War Department do not show the existence of heart disease (which caused the soldier's death, November 2, 1870) in the service, and applicant is unable to show that said disease had its origin in the service." This is the statement of the Commissioner of Pensions to the committee.

"The records of the War Department do show that the soldier served during the Mexican war, and that he is reported sick at Pueblo, Mexico, June 30, 1847, and again October 31, 1847, and again at Jefferson Barracks, Mo., October 31, 1848, but do not state the nature of sickness.

"It is in evidence that the soldier was sick when he returned home in 1851, and that he had at that time heart disease; that he continued disabled from said disease until he finally died. The widow has been unable to furnish the evidence of officers of her husband's company, because they are all dead, and they are so reported by the Adjutant-General of the Army. But she has furnished the evidence of persons acquainted with him, and who establish his disabled condition from the year of his discharge to the time of his death.

"In the opinion of your committee there is sufficient evidence to justify a favorable report on the bill, and it is accordingly so reported, with a recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. BROCKETT.

The next business upon the Private Calendar was the bill (S. 2153) granting a pension to Benjamin F. Brockett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Brockett, late a captain Company I, Eighty-seventh Illinois Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

Your committee have had under consideration Senate bill No. 2153, granting a pension to the above-named claimant, and have adopted the Senate report as the favorable report of this committee, and as so reported they recommend the passage of the bill:

"The Committee on Pensions, to whom was referred the bill (S. 2153) granting a pension to Benjamin F. Brockett, have examined the same, and report:

"That Benjamin F. Brockett, late captain of Company I, Eighty-seventh Illinois Volunteers, entered the service August 15, 1862, and remained therein until December 10, 1863. He applied for a pension, and alleges that when he entered the service—

"'He was a sound and healthy man * * * and that he was in good health and always ready for duty until about the 1st of June, 1863; that about that time he was ordered to take charge of a foraging expedition when in camp near Vicksburg, Miss., and had special orders to bring in beef for the hospital supplies; that he ordered the men under his charge to capture a wild Texas cow; that his men failed to capture her, and that in running past him he caught the cow by the horns, when he was thrown under her feet, trampled upon, and forced against a fence; that the men, in endeavoring to assist him in her capture frightened her, and in her attempt to jump over the fence she trampled upon him on the lower right side of his abdomen, and on the left side above the hip-joint; that the injury to his right wrist-joint and right ankle were received at the same time; also the injury to the lower right side of his abdomen; that the injuries were so severe that he was unable to stand without assistance, and that his men carried him to a wagon and hauled him to Warrenton or Warrington, some eight miles below Vicksburg, where a part of the regiment was encamped.'

"This statement is supported by the testimony of S. S. Gentry, D. M. Grulls, R. B. Graham, and B. J. Brockett, who were members of the same company and present when said injuries are alleged to have been received.

"On the case stated he claimed a pension for injury to wrist, thumb, and ankle, and rupture in the right side.

"During the pendency of this case in the Pension Office he was examined on three several occasions by examining surgeons of the pension service, and was each time reported at three-fourths total disability.

"The claim was finally rejected by the Commissioner of Pensions on the ground that the 'alleged disabilities have originated since discharge, as shown by evidence adduced by special examiners.'

"It does not seem to the committee that this was a just result. The evidence of the witnesses who testify to the incurrence of the disabilities from personal knowledge is not impeached, and there is but little in the testimony taken by the special examiners which can not be allowed to stand and still not disprove the fact that the injuries from which the claimant is now suffering were incurred as

he alleges. That they may have developed into more serious conditions than existed when the witnesses whose testimony was taken by the special examiners were examined, is doubtless true, and this very fact may have misled some of said witnesses. But when the case is considered as a whole, and in its several phases, the committee can but conclude that the disabilities of which the claimant complains did originate in the service. Considering the character of the claimant, as attested by his position in the community in which he resides, and the good reputation certified to by his fellow-citizens belonging to the Grand Army of the Republic in Kansas, who assert that he is a man incapable of attempting to 'receive a pension on fraudulent evidence,' the committee feel justified in reporting the bill to the Senate with the recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH HAGUE.

The next business on the Private Calendar was the bill (S. 1836) granting a pension to Sarah Hague.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hague, the dependent mother of W. C. Hague, late of Company L, Sixth New York Heavy Artillery.

The report (by Mr. HOLMES) is as follows:

Your committee have had under consideration the Senate bill granting a pension to Sarah Hague, No. 1836, and have adopted the Senate report recommending that the bill for her relief do pass:

"The Committee on Pensions, to which was referred the bill (S. 1836) granting a pension to Sarah Hague, has examined the same, and reports:

"That Sarah Hague is the mother of M. C. Hague, who was a private in Company L, Sixth New York Heavy Artillery. The soldier was enlisted January 4, 1864; was wounded in battle near Bethesda church, Va., May 30, 1864, was captured by the confederates, taken to Richmond, Va., and placed in rebel general hospital, where he died June 17, 1864. These facts appear from the records in the offices of the Adjutant-General and Surgeon-General, United States Army.

"The said Sarah Hague applied for a pension as a dependent mother. Her claim was rejected on the ground 'that the claimant was not dependent upon the soldier, as her husband was able to, and did, support her at the time of the soldier's death.'

"The committee is not of the opinion that this finding is supported by the record and proofs in the case. On the contrary, it does appear that the son did contribute to the support of his parents; that the husband was so afflicted with disease that the results of his labors were not sufficient to support the family, and that it required the efforts of all the members of the family, the assistance of friends, and the strictest economy to effect what the said finding of the Pension Office said the husband alone did. This being the case, the committee can but believe that this mother, whose son died in a rebel prison from wounds received in battle, and who had contributed to her support, and to whom she had looked for aid for years, is entitled to a pension. The bill is accordingly reported with a recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRYSON R. M'CARTNEY.

The next business upon the Private Calendar was the bill (S. 1612) granting a pension to Bryson R. McCartney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bryson R. McCartney, late of Company K, Ninth Regiment Illinois Infantry.

The report (by Mr. MORRILL) is as follows:

Your committee have had under consideration Senate bill No. 1612, granting a pension to the above named claimant, and they recommend the adoption of the Senate report in the case as the favorable report of this committee; and as so reported they recommend that the bill do pass. Senate report hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 1612) granting a pension to Bryson R. McCartney, having examined the same, report:

"That Bryson R. McCartney enlisted in Company I, One hundred and twenty-eighth Illinois Volunteers, September 26, 1862, and was discharged from the service January 9, 1864, on a surgeon's certificate of disability, from chronic rheumatism and general debility. In his application for a pension he alleged that he contracted rheumatism and general debility in the winter of 1862-'63, at Cairo, Ill., by reason of exposure while performing camp and garrison duty. His claim was rejected on the strength of a report made by a special examiner, submitting testimony from a number of former neighbors, going to show that claimant's disability existed prior to enlistment. This testimony shows that claimant had a severe illness two years previous to his enlistment, and was not in as good health afterward, but does not cover the time immediately before enlistment.

"On the other hand, claimant submitted the testimony of two physicians as to his soundness at enlistment; of his lieutenant, and of several neighbors to the same effect. The Pension Office surgeon, who examined him in 1877, pronounced him disabled in excess of total, and declared him 'too feeble to work.' This physician said that claimant's knees and right hand were stiffened, and that the sight of his left eye was nearly gone, and rated him as totally disabled by general debility and five-eighths of total by rheumatism.

"The committee has received petitions signed by a number of citizens of Greenwood County, Kansas, where claimant has resided for many years past, calling attention to his total disability and destitute condition. Claimant is 74 years of age, and has been totally disabled since his discharge. As his services were accepted by the Government we are disposed to give him the benefit of any doubt that may exist as to his soundness at enlistment, and therefore recommend the passage of the accompanying bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SEDATE P. MARTIN.

The next business on the Private Calendar was the bill (S. 2262) granting a pension to Sedate P. Martin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, upon the evidence on file in the office of the Commissioner of Pensions, subject to the provisions and limitations of the pension laws, the name of Sedate P. Martin, late a private Company B, One hundred and forty-first Illinois Volunteers.

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2262) granting a pension to Sedate P. Martin, having examined the same, have adopted the Senate report, which is hereto attached and made a part of their report, as follows:

"This soldier belonged to Company B, One hundred and forty-first Illinois Infantry Volunteers. He alleges that in August, 1864, while on a march, near Caseyville, Ky., going down hill in the dark, he stepped into a depression and met with a severe shock which resulted in a constant pain in the left side; that he never went into hospital, but was soon mustered out of the service and returned home. The pain in his side continued after his return home, as his neighbors testify.

"The comrades who knew about his injury are dead, and his captain and lieutenants could not be found. There have been three medical examinations made by the Pension Office, which show that the disability is internal, and that its exact character and location can not be determined. He is described by the physicians as bent, wrinkled, and decrepit beyond his years, his general physical condition being broken and unsteady. His condition has brought on heart disease, and he has also become totally blind.

"The soldier and his wife have for some years been dependent wholly upon the charity of the community in which they live. He is vouched for as a worthy, deserving man, and, under all the circumstances, the committee report the bill for his relief favorably, and recommend that it do pass."

Mr. HEWITT, of Alabama. Mr. Chairman, if this man is to be put upon the pension-roll I would like to know what amount of pension he is to draw. It seems to me that it will be very difficult for the Pension Office to determine how this man should be rated. It is said that he is totally blind. If he is totally blind, and if that is the result of his service in the war, then, under the pension laws, he will be entitled to $72 a month. If his blindness is not the result of his service in the war, and you place him upon the pension-roll under this special act, under the evidence that is filed in this Pension Bureau, as the bill provides, I would like the gentleman from Indiana [Mr. MATSON] to tell us what will be the amount of pension per month that this man will draw?

Mr. MATSON. Mr. Chairman, this bill is, I believe, in the usual form requiring the Secretary of the Interior to place this man on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. HEWITT, of Alabama. That is not my understanding of it. My understanding is that this bill requires him to be placed on the pension-roll "under the evidence that is filed in the Pension Office." Now, what does that mean?

Mr. MATSON. That means exactly what I have already stated. He is to be placed upon the roll, subject to the provisions and limitations of the pension laws, and I apprehend that unless he is rated it will be impossible for him to be placed there.

Mr. HEWITT, of Alabama. But how is he to be rated? Suppose he is totally blind now, and that his blindness did not result from his service in the Army, will he be rated as totally blind?

Mr. MATSON. Not unless he proves that his blindness was the result of his service.

Mr. HEWITT, of Alabama. But suppose the testimony tends to show that his blindness did result from his service, although the weight of testimony is the other way, and you place him upon the pension-roll by this special act, will not that be an instruction to the Pension Office to give him a pension for his blindness?

Mr. MATSON. If he had alleged blindness in his application to the Pension Office, and if Congress, after a review of that case and that allegation, should pass an act providing that he be placed on the pension-roll, I should say that when he came to be examined if the physicians found him to be blind he would be rated for blindness. If he alleged at the Pension Office an injury in the side, or an internal injury in any part of the body, and that particular allegation was considered by Congress, and in pursuance of it a bill passed requiring that he be placed on the pension-roll, subject to the provisions and limitations of the pension laws, that action would be construed as having been taken with reference to the precise injury or disease or wound that might have been alleged before.

Mr. HEWITT, of Alabama. Now, I wish to inquire whether this man's application in the Pension Office was based upon the ground of blindness—whether that was one of the allegations?

Mr. MATSON. I think not.

Mr. BROWNE, of Indiana. I would like to make an inquiry. Is this bill in the ordinary form, simply directing that the name of the person be placed on the pension-roll, subject to the provisions and limitations of the pension laws?

The CHAIRMAN. The Chair will cause the bill to be again read.

The Clerk again read the bill.

Mr. BROWNE, of Indiana. That bill is very singularly drawn.

Mr. HEWITT, of Alabama. From the report which has been read it appears that this soldier filed an application for a pension upon the ground that one night, while walking along, he made a misstep, the consequence of which was a pain in his side, from which he was suffering at the time he was discharged. The Pension Office, after weighing the evidence put on file there, came to the conclusion that he was not suffering from any disability which originated in the service, and hence that office refused to grant him a pension.

This bill, which is not in the ordinary form, but which is extraordinary in its terms, directs that he shall be placed on the pension-roll upon the evidence filed in the Department, subject to the provisions and

limitations of the pension laws. Now, if the application made to the Pension Office was for a pension on account of total blindness—if that was the allegation of the application, and the applicant filed evidence showing that he was blind, but failing to show that the blindness resulted from service in the war—under these circumstances if Congress should direct that this man be placed upon the pension-roll, our act has reference to the application and evidence already filed, and would be construed as instructing the Pension Bureau to pay him a pension according to the disability under which he alleged he was suffering. If the allegation was total blindness, the Pension Bureau would have no ground upon which it could refuse to pay him a pension of $72 a month, even though the evidence might go to prove that his blindness had nothing to do with his service in the Army, but resulted altogether from other causes.

Mr. BROWNE, of Indiana. The language of this bill is extraordinary; at least I do not remember another instance in which similar language has been used. Under a bill passed in this form the Pension Bureau would have nothing in the world to do except to place the name of the beneficiary on the pension-roll and ascertain the extent of his existing disabilities. He would be placed on the roll as being entitled to a pension; he would be referred to an examining board simply for the purpose of ascertaining the character of his disabilities, and he would be rated accordingly.

I do not believe that this bill, in its legal effect, differs in the slightest degree from our bills in the ordinary form, directing that the name of the beneficiary be placed on the roll, subject to the limitations and provisions of the pension laws; and in those cases it has always been held by the Commissioner of Pensions that the Pension Office has nothing to do in the nature of instituting an inquiry as to the manner in which the disability was incurred. The man may have been injured by an accident on the railroad or in a saw-mill or by a threshing-machine; yet when Congress, having sovereign legislative power, declares in this general way that a man is entitled to a pension, nothing is left for the Pension Office to do but to ascertain the character of his disabilities that he may receive a rating in conformity with the law. I feel sure that is precisely the condition in which this claimant will be left if this bill be made law. I have no objection to the bill. I shall support it, supposing that this man ought to be pensioned according to his disabilities.

Mr. PETERS. I wish to inquire of the gentleman whether that language in this bill which makes it extraordinary in its character is not surplusage.

Mr. BROWNE, of Indiana. I so esteem it. In this bill Congress, as I understand, does nothing more than to say that this man is entitled to a pension on the evidence. This language "on the evidence" is of no consequence, for Congress, without making any reference whatever to the evidence, may declare him entitled to a pension. The bill does not say the Pension Office shall grant a pension if, upon the evidence, the Commissioner believes him entitled to a pension. By the general law, as it now is, Congress gives the Pension Bureau that direction. It is the duty of that bureau under existing law to grant the claimant a pension on the evidence, if the evidence justifies such action on the part of the office. All that this bill does is to declare this man entitled to a pension on the evidence; and it refers the character of the disability to the Pension Office to be ascertained in order that it may be able to make a correct rating under the law. I have no doubt it is right that the bill should be in that form.

Mr. BUCHANAN. Mr. Chairman, this bill, if it has no greater effect than what the gentleman from Indiana, as I understand, would claim for it, can not be enforced in the Pension Office. This man has made his application there and filed his evidence; and the officials authorized to pass upon that evidence have declared that under the limitations of the pension laws he is not entitled to a pension. Now, if this bill is merely equivalent to the ordinary provision directing that a person be placed on the rolls subject to the limitations of the pension laws, if the bill does that and nothing more, this applicant can not get a pension under the bill.

Mr. BROWNE, of Indiana. Will the gentleman allow me to interrupt him?

Mr. BUCHANAN. With pleasure.

Mr. BROWNE, of Indiana. It is the standing rule of the Pension Committee and of Congress that no pension will be awarded by a pension act where it might be given under the general law until the evidence has been first examined in the Pension Bureau and the pension denied. So in nine hundred and ninety cases out of each thousand we pass here, we pass them over the head of the Pension Bureau in cases in which the Pension Bureau on the evidence has denied the pension altogether. That will be the effect exactly of this law.

Mr. BROWN, of Pennsylvania. That is to say, the act of Congress supplies the place of evidence.

Mr. BUCHANAN. Certainly. If the man is entitled to a pension under the limitations of the pension laws, then he ought to obtain it at the Pension Bureau. There is the place. And here is an appeal in this case from the decision of those officers. It is true that Congress may try that appeal and grant a pension either with or without cause. But I take it that every bill that is presented to Congress shows some reason why a gratuity should be conferred upon the claimant.

Mr. JOSEPH D. TAYLOR. Is it not your opinion that every man who was in the first place a good soldier, who was honorably discharged and had a good record, having existing disability, the origin of which we can not trace perhaps, and is without any present means of support—where these three things appear, as they do here, is it not your judgment in all such cases the soldier ought to be pensioned without making further inquiry.

Mr. BUCHANAN. It is not worth while for me to give my judgment what ought or ought not to be done. I stand by what is the law of the land, and that ought to be enforced.

Mr. BROWNE, of Indiana. Will the gentleman allow me to answer the gentleman from Ohio?

Mr. BUCHANAN. Certainly.

Mr. BROWNE, of Indiana. While I agree in the case put by him a pension should go, I wish to say quite distinctly it ought not to go in special cases; that a general law in such cases should pass so there may be a perfect equality of all occupying a common level.

I desire to say the meaning of "the provisions and limitations of the pension laws" as employed in pension bills is just this and no more, that the rating of the pension is to be subject to the provisions and limitations of existing law. That is, you ascertain the extent of the disability and grant the pension accordingly. If subsequently Congress should increase that rating then the pension goes up, but if it diminishes the rating the pension goes down. Therefore the pension granted by special act is all the time subject to the provisions and limitations of the pension laws, and when that language is employed it means that and nothing more, unless a specific rate is fixed in the act itself, and then, of course, it does not apply.

Mr. BUCHANAN. On the other point taken by the gentleman from Alabama, this bill, in my judgment, is incapable of the construction this is to be on the evidence. The evidence shows, for one thing, this man is blind, and for another he has pain in his side; consequently this bill should be amended and the evidence filed in the Pension Office, designated whether he should be rated for blindness or for minor injury. I do not say how this bill can be construed in rating the pension received by this individual by the evidence filed in the Pension Bureau, which I presume is the same which appears in the report of the committee.

Now, how is this man to be rated—how are they to rate him? Is it for the minor or the greater injury? All the facts are now before the bureau, and on these facts the bureau determined he was not entitled to any pension at all. Congress now says he is entitled to the pension on that evidence. That evidence indicates two injuries, one blindness and the other of a minor character—some affection of the side. There is not a judge who can construe whether he is to be rated for blindness or for the minor injury.

Mr. BROWN, of Pennsylvania. But the act of Congress, in my estimation, eliminates the matter of rating altogether. The pension and what the amount of that pension is to be depend on his physical disability, without reference to blindness or anything else.

If he is blind and the blindness dates back to his service in the Army or is traceable to that cause, he is entitled to the pension fixed for that character of disability—$70 per month. If he is not blind, then he would receive a pension according to his present condition. It all depends upon the physical disability which now exists.

Mr. VAN ALSTYNE. I would like to have the gentleman recite the language of the statute to which he refers, in view of the fact that we are called upon to vote upon this bill.

Mr. BROWN, of Pennsylvania. The gentleman can do that for himself if he wants to.

Mr. VAN ALSTYNE. I would like very much to see the statute.

Mr. BUCHANAN. What is the disability as shown by the evidence on file in the Pension Bureau?

Mr. BROWN, of Pennsylvania. It makes no difference whatever. That would determine nothing.

Mr. BUCHANAN. I think the gentleman is mistaken in that respect.

Mr. MATSON. Mr. Chairman, I have attempted to say before during the discussion of these bills that as I understand the practice at the Pension Office when a special act is passed the officer there reviews the case with reference to the allegations contained in the claimant's application, if he has made one, in the Pension Office, and particularly with reference to the disability considered by Congress as shown by the reports. It will not do to say that when a man is placed on the pension-roll by act of Congress prescribing that he shall be there placed subject to the provisions and limitations of the pension laws he is to be pensioned for every disability which may afflict him. That is not the effect of the law at all.

On the contrary, the effect is to place him there for the disability which he claimed in the Pension Office, but which he could not quite prove originated in the service, or perhaps could not comply with the law in other respects, as far as the testimony is concerned, and he would be pensioned for that disability, and that only. He may have a dozen other disabilities and not be pensioned for any other than that for which the application is made and the proof filed.

There may have been disabilities incurred before he enlisted at all, or disabilities incurred afterward, but when he is placed upon the pen-

sion-roll by act of Congress be is placed there under the practice of the office; and within the last two days an officer of that department has come to me from the office to get the reports with a view to fixing the rating of a man for whose benefit a special act was passed, so that they could instruct the examining surgeons of the particular disease or injury alleged.

Mr. BROWNE, of Indiana. Suppose a case where the report of the committee does not indicate any disability at all, but simply directs that the office shall place the applicant on the pension-roll. How would the office determine the pension in such a case as that, under the illustration the gentleman now makes?

Mr. MATSON. Such a case could not arise, for the fact is the report itself always states the ground of the application, and states what it is for which the man is to be pensioned. They never fail to do so.

Now, in this particular case, the man alleges an internal rupture of some kind by reason of slipping or stepping down into a depression during his term of service, and for that injury when the bill is passed he will be pensioned, and not for blindness, for he has never alleged blindness in the application to the office for a pension.

The report does set forth the fact that the man is blind, but it does not state that he alleges that he incurred the blindness while in the service, or that it is a ground for granting him a pension at all.

The allegation of the claimant is that he was internally ruptured in some manner and for which injury he asks to be pensioned. As to the language of the bill, which provides that he shall be pensioned upon the evidence on file in the Pension Office, I take that as rather qualifying the terms of the bill than otherwise. I take it as being language which points out to the office in this particular case that it must be in reference to the particular disability for which the pension is asked; although as a matter of fact that would be of no consequence, for the same effect would follow if the language was omitted. And so I regard the expression "to be pensioned on the evidence upon file in the Pension Office" as mere surplusage which leaves the bill in effect just the same as if the language had not been inserted.

Mr. BUCHANAN. Do I understand that there is no evidence on file in the Pension Office as to the blindness?

Mr. MATSON. I presume not. At least there is no allegation that blindness was incurred in the service or that it is set up as a ground for pension. I did not report the bill and can not say that I am familiar with the facts, but I am sure there is not, because the pension is not applied for on that ground at all.

Mr. BUCHANAN. If there is no evidence in the office of blindness as a claim for the pension, that of course would make a different case altogether.

Mr. VAN ALSTYNE. Mr. Chairman, there have been no satisfactory reasons assigned why this bill should be made an exception to the thousand other bills of like character which have passed this Congress. I take it that it is not the intention of the House to make it an exception; and therefore it should not carry language that may be construed for the benefit of this applicant in preference to any other. I therefore offer an amendment, and I do it in earnest, not proposing to argue it either, but I think it should prevail.

It is to strike out all after the words "pension-roll" in the bill down to the words "subject to," so that it will read in harmony with every other bill, without exception, so far as I know, which has been passed by the present Congress.

Mr. PERKINS. May I ask the gentleman a question?

Mr. VAN ALSTYNE. Certainly.

Mr. PERKINS. Let me ask if the language in the bill to which you take exception has any effect at all as to imposing any limit upon the power of the Commissioner of Pensions? Does it really confer any power to rate the pension upon the evidence rather than the certificate given by the examining board of surgeons?

Mr. HEWITT, of Alabama. That is just the trouble. I would rather take the certificate of the surgeon.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Strike out the words "upon evidence on file in the office of the Commissioner of Pensions."

The CHAIRMAN. Without objection the amendment will be considered as agreed to.

Mr. HOUK. I rise to a question of order. I addressed the Chair long before the question was put.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. HOUK. I want to discuss that amendment.

The CHAIRMAN. The gentleman from Tennessee says he rose and addressed the Chair before the question was put on the amendment. The gentleman is recognized.

Mr. HOUK. I wish to say to the committee it will be a misfortune to adopt that amendment. In the first place, the language proposed to be stricken out has not one particle of effect in determining the measure of disability or anything in regard to the rights of the pensioner under the bill. In the next place if you amend the bill by striking that out and send it back to the Senate, in all human probability the bill will not be passed and you do absolute injustice to this applicant.

I have listened to the discussion here, and I must submit if there is any point or any force in the argument in regard to this language proposed to be stricken out I am wholly incapable of comprehending it. This simply places the applicant on the pension-roll to be rated by an examining board. The first duty of the Pension Office will be to enroll him as a pensioner. The next will be to refer him to the proper board to be examined; and it will be the duty of the Pension Office to place him at whatever rate he may be rated at by the examining board. And I think it would be wrong to endanger the bill now by making this amendment.

Mr. HEWITT, of Alabama. Will the gentleman from Tennessee allow me——

Mr. HOUK. The gentleman from Alabama has spoken all night, and I should like him to take his seat and let me alone. If there is any one man that talks more than another the choice lies between my friend from Alabama and my friend from Kentucky, who is not here this evening.

A MEMBER. He was here a short time ago.

Mr. HOUK. I hope my friend from Alabama will let me alone. I protest against encumbering this bill with this amendment, because in all probability it will prevent this applicant getting a pension.

There is not a lawyer who does not understand that the bill has no more legal effect or force about it than the bills in the usual language which we pass here night after night. All this discussion it seems to me is surplusage and unnecessary; and I appeal to gentlemen to vote down this amendment.

Mr. HEWITT, of Alabama. I did not propose to talk again on this question; but I want to call the attention of the gentleman from Tennessee to one point. I do not profess to know much law, but the gentleman from Tennessee is a lawyer, and I desire to call his attention to this fact. If you pass a law putting a man on the pension-roll subject to the provisions and limitations of the pension-laws, and if that man has a disability he must be put on the pension-roll under those laws and rated according to the disability; but if as the years go by he becomes a sound man and his disability is removed——

Mr. HOUK. Then the Pension Office would have the right to have him re-examined.

Mr. HEWITT, of Alabama. Then according to the limitations of the pension laws usually applicable his pension ceases because he has no pension disability.

Mr. HOUK. Nobody disputes that.

Mr. HEWITT, of Alabama. But, now, here you see the pensioner must be put on the pension-roll subject to the provisions and limitations of the pension laws, with one exception, that is, "upon the evidence now on file in the Pension Office;" they can look to nothing else; they can not inquire hereafter as to whether he has a disability or not if he has got a disability now. If the evidence shows that you must put him on the pension-roll and keep him there, although hereafter he may become a sound man. There is a distinction between the two cases, and it is a distinction which I think any lawyer can see.

Mr. HOUK. Do not the provisions and limitations of the pension law offer every remedy that is necessary to provide the means of ascertaining when the disability ceases?

Mr. HEWITT, of Alabama. Not when you say he is put there on the evidence now on file.

Mr. HOUK. He is put there on that evidence. But after he is put there he is subject to the provisions and limitations of the pension law as it exists in the general law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. VAN ALSTYNE].

A division was demanded.

The question was taken; and there were—ayes 4, noes 28.

Mr. VAN ALSTYNE. No quorum.

Mr. KEAN. I hope the gentleman will not insist on the point as to a quorum.

The CHAIRMAN. The point being made that a quorum has not voted the Chair will appoint tellers.

Mr. MATSON. I ask unanimous consent that this bill be laid aside informally.

Mr. VAN ALSTYNE. I object.

Mr. HOUK. I have not changed my opinion as to this matter, but I doubt the propriety of jeopardizing the case of this pensioner.

Mr. LONG. The Senate will concur.

Mr. HOUK. I am assured by Governor LONG that the Senate will concur in the amendment. I presume that gentleman knows what he talks about. I will therefore stop my opposition and let the amendment go.

Mr. MORRILL. I ask that by unanimous consent the amendment may be adopted.

The CHAIRMAN. Unanimous consent is asked to vacate the vote by which the amendment was disagreed to. Is there objection?

There was no objection.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. VAN ALSTYNE].

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BOND.

The next business on the Private Calendar was the bill (S. 1633) granting a pension to James Bond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the United States pension-roll the name of James Bond, who was a private in Company B, Fifty-second Regiment Ohio Infantry in the late war of the rebellion, the pension under this act to date from and after the passage of the act.

The report (by Mr. CULLEN) is as follows:

Your committee have had under consideration Senate bill No. 1633, granting a pension to the above-named claimant, and they recommend the adoption of the majority report of the Senate Committee on Pensions as the favorable report of this committee, and further recommend the passage of the accompanying bill. Senate report hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 1633) granting a pension to James Bond, have examined the same, and report as follows:

"It appears that this case was forwarded to the House Committee on Invalid Pensions last session by the Commissioner of Pensions, who made the following statement of the case in his letter of transmittal:

"I have the honor to call the attention of the honorable Committee on Invalid Pensions, House of Representatives, to the accompanying claim to pension under the general pension laws of James Bond, late of Company B, Fifty-second Ohio Volunteers, No. 54896, rejected by this bureau, under date of August 24, 1881, on the ground that the disability upon which the claim was based was not contracted in the line of duty, and most respectfully ask your attention to the same (under a resolution of Congress passed May 29, 1830), and suggest the passage of a special act granting him a pension from the date of his discharge, September 2, 1864, the amount of which to be governed by the laws now on the statutes.

"'By a reference to the papers it will be seen that the claim is for the loss of the left arm and the loss of sight of left eye from the explosion of a shell at Chickamauga, Georgia, while out on a pass from the brigade commander visiting the battlefield at said place, in the month of April, 1864.'

"It is shown by the testimony of Lieut. Col. Charles W. Clancy, who was Bond's captain, and assisted in the amputation of his arm, that the regiment was encamped near the battleground, and that Bond and four comrades obtained a pass from the brigade commander to procure boards for quarters, and to go through the battleground of Chickamauga; that while going over the field one of Bond's comrades handed him a small bombshell, which exploded in his hands; that as a result of his injuries his left arm was amputated at the shoulder, his left eye so badly injured as to lose his sight, and his right eye injured somewhat. Colonel Clancy testified that the injury was received in the line of duty, that it was accidental, and that it was no fault of the soldier's.

"The Pension Office officials appear to have been divided in opinion as to whether this injury was received in the line of duty. The examiner who briefed the case said in a note on this point:

"'It certainly is a pensionable incident of the war, for if he had not been in the service he would not have been injured in this way; and he was not necessarily out of line of duty, while the captain testifies he was in line of duty, being on the battlefield by permission of superior officer.'

"Another examiner submitted a long statement in support of his opinion that the claim was justly pensionable under existing laws, because the claimant's terrible disability is a pensionable incident of his services in the Army.

"Still another examiner, in an opinion given at the request of the chief of his division, says:

"'The question at issue is as to line of duty. I regard it as a delicate one to decide, and one susceptible of different conclusions. It seems desirable in such cases, where the equities of the claim are recognized, that we should construe the law liberally.

"'It is shown that the claimant was visiting the battle-ground with proper permission, and that fact suggests that he was in line of duty at the time. If he had received the same injury within the limits of the camp, we could not hold that he was not in the line of duty, and yet he was to all intents and purposes as much in line of duty as if within the confines of the camp at the time.

"'The whole matter may be condensed and covered in this conclusion—the wound was accidental and was a resulting incident of his service. If the circumstances under which the injury was received are truthfully stated, in my opinion we have no impregnable or even tenable ground for denying the pension. If we have not the facts clearly presented, we should then endeavor to obtain them before finally deciding the question involved. The deputy commissioner has already decided the action in the case adverse to the legal right, while admitting the equity of the claim.

"'In my judgment, if the claimant has now an equitable title, he has also a legal one, although the claim admits of argument on that point.'

"When the case was submitted to the deputy commissioner, another official said:

"'The record shows the explosion was accidental, and contains nothing to show that claimant was out of the line of his duty. It appears to have been incidental to the service.'

"The case was finally passed upon by the Commissioner, who says in his opinion:

"'In my opinion the action then taken (referring to the rejection of the claim) was correct, because every soldier is held to the exercise of common sense and common prudence. An unexploded shell upon a deserted battlefield is not a thing to be carelessly handled, or handled at all, and if an old soldier of two years' service, well knowing the danger he incurred, picked up an unexploded shell, he did it at his own peril and own personal risk. The only safe thing to handle under such circumstances would be an exploded shell, or rather the fragments of one.

"'Under some circumstances a soldier picking up an unexploded shell might be pensionable if followed by the results as detailed in this case, *i. e.*, were the shell to fall in the midst of his comrades, and in an effort to save life he should pick it up and in trying to throw it away it should explode, as this did, he would be given a pension by me. But when, as in this case, away from camp and far off from comrades, out of idle curiosity and in the face of what he knew to be the risk he ran, he takes it up and either by percussion or other act ignites the fuse, he certainly is not in line of duty. * * * In my opinion the first action of the office was correct, and should be adhered to.'"

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT J. BALLORT.

The next business on the Private Calendar was the bill (S. 2268) for the relief of Robert J. Ballort.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the United States pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Ballort, a private in Company F, Eighth Regiment Michigan Cavalry.

The report (by Mr. WINANS, of Michigan) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2268) granting a pension to Robert J. Ballort, having examined the same, make the following report. Having adopted the Senate report, recommend that the same do pass, a copy of the same being hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 2268) granting a pension to Robert J. Ballort, have examined the same, and report, recommending its passage.

"This is a case where if the applicant must make out a case before the Pension Office beyond a reasonable or possible doubt he may fail; if he is to be treated as well as the party in an ordinary civil case in the courts he should have prevailed there and have had the benefits of the law long since. Nothing is more required in the administration of the pension laws than uniform rules of evidence as liberal as those of the common law. The Congress might find in this direction the opportunity of rendering claimants and the administrators of the law an important service.

"We print one document from the Pension Office:

"'DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
"'*Detroit, Mich., October* 11, 1883.

"'SIR: I have the honor to return herewith the papers in original invalid claim No. 321037 of Robert J. Ballort, late private Company H, Eighth Michigan Cavalry, for adjudication on report of Special Examiner George C. Kober.

"'After a careful review of this claim in connection with No. 234567 of John T. Ballort (also transmitted to-day), I am led to differ from the conclusions of the special examiner in this case, and I recommend its admission for chronic diarrhea.

"'Very respectfully,
"'WM. T. SULLIVAN,
"'*Supervising Examiner.*

"'Hon. WM. W. DUDLEY,
"'*Commissioner of Pensions, Washington, D. C.*'"

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY HOWARD FARQUHAR.

The next business on the Private Calendar was the bill (S. 1960) for the relief of Mary Howard Farquhar; reported adversely from the Committee on Invalid Pensions.

The report (by Mr. PATTON) is as follows:

Your committee have had under consideration Senate bill No. 1960, granting a pension to the above-named claimant, which passed the Senate granting her a pension at the rate of $30 per month in lieu of the pension she is now receiving, namely, $25 per month, as the widow of Maj. Francis V. Farquhar, Corps of Engineers, and brevet lieutenant-colonel United States Army. The amount she is now receiving is the highest rate of pensions allowed by law to widows of officers of this grade, and therefore your committee are of the opinion the bill should be reported adversely.

The bill was laid on the table.

The CHAIRMAN. The Chair will state to the gentleman from Indiana [Mr. MATSON] that this completes the list of Senate bills included in his resolution.

Mr. MATSON. Mr. Chairman, there are two or three House bills that I ask to have taken up.

Mr. CULLEN. Mr. Chairman, before passing to these House bills I desire to call attention to the fact that House bill No. 2514, granting a pension to David T. Hoover, is upon the Calendar. The RECORD shows that that bill passed on Friday evening last, and if the Journal corroborates the RECORD the bill is evidently on the Calendar by mistake.

The CHAIRMAN. The Chair will inform the gentleman [Mr. CULLEN] that the Clerk of the House discovered the mistake, and has stricken the bill from the Calendar.

MATILDA CODY.

The next business on the Private Calendar was the bill (H. R. 7907) granting a pension to Matilda Cody.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda Cody, widow of John Cody, as shown by No. 181661 on file in the Pension Office.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7907) granting a pension to Matilda Cody, respectfully report as follows:

The proof shows that John Cody, the husband of Matilda Cody, served in Company L, Fourteenth Regiment Kentucky Cavalry, from December 10, 1862, until March 24, 1864, when he was mustered out by expiration of service. That said John Cody then enlisted in the Three Forks Kentucky Battalion, but had not been mustered for want of an opportunity, there being no muster officer; when, acting under orders of Capt. Shadrock Combs, the said John Cody, in company with other soldiers, went on a scout and was killed in the line of duty about October 7, 1864. The proof shows that the soldier's widow, Matilda Cody, never remarried.

In view of all the facts the committee recommend the passage of the bill.

The amendment reported by the committee is as follows:

Strike out the words "as shown by number one hundred and eighty-one thousand six hundred and sixty-one, on file in the Pension Office," and insert "late of Company L, Fourteenth Kentucky Cavalry."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL NICKEL.

The next business on the Private Calendar was the bill (H. R. 603) granting a pension to Rachel Nickel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name Rachel Nickel, widow of Asbury Nickel, as shown by No. 233683 on file in Pension Office.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 603) granting a pension to Rachel Nickell, beg leave to report as follows:

That the proof shows conclusively that Rachel Nickell is the dependent mother of Asbury S. Nickell, who enlisted as a private in Company I, Forty-seventh Kentucky Mounted Infantry, although the soldier's name does not appear on the muster-rolls.

The proof shows that he, in company with other soldiers, was detailed and sent on a scout, and that while in the performance of duty, Asbury S. Nickell was captured and killed by rebels or guerrillas on or about the 28th day of September, 1863. That Rachel Nickell never remarried, and is very old and in indigent circumstances.

In view of all the facts the committee recommend the passage of the bill.

The amendment reported by the committee is as follows:

Strike out the words "as shown by number two hundred and thirty-three thousand eight hundred and eighty-three, on file in the Pension Office" and insert "late Company I, Seventh Regiment Kentucky Mounted Infantry."

Mr. WHITE, of Kentucky. Mr. Chairman, I move that where the name occurs it be spelled "Nickell."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. DICKSON.

The next business upon the Private Calendar was the bill (H. R. 8237) granting a pension to Mary J. Dickson.

The bill was read:

The report (by Mr. HOLMES) was read, as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 8237) granting a pension to Mary J. Dickson, having had the same under consideration, report as follows:

"The claimant, Mary J. Dickson, asks a pension from Congress by special act, as dependent sister of Sylvester R. Dickson, who enlisted in Company A, Eighty-third Illinois Volunteer Infantry, in August, 1862, and was killed in a skirmish with the enemy while in line of duty on the 2d day of January, 1863, near Fort Donaldson, Tennessee. The claimant under the rules of the Pension Office can not obtain a pension, and has made no application in that direction. From the proofs on file it appears that the deceased soldier was never married, that at the time he enlisted as stated claimant was an invalid, and dependent upon him for support. That when he enlisted he willed claimant all his property, which amounted to about $1,000; and that after he went to the Army he sent her money for her support.

Claimant has never married, and during all the years since the soldier's enlistment has remained an invalid. She has long since exhausted the property her brother left her, and is without means and is unable to support herself. Her mother died in 1859, and her father in 1870, the latter remaining a widower after the death of his wife before referred to. Claimant states that she has three other brothers living, but two of them have no property save a few household goods, and neither of them own a homestead, and have no other property; that one of the brothers is 57 years of age, and the other is 66 years of age, both being in poor health.

The third brother has eighty acres of land, upon which he lives with his family, consisting of a wife and four children. That said farm is worth not to exceed $2,400, on which there is a mortgage of $800, besides numerous other debts. That he has but little personal property, and that only sufficient to work his farm. That he is in poor health and is not able to do any work, and is now 61 years old. She has no sister living. The statements of claimant are supported by those of many reputable citizens who have known claimant and her family for many years. There is, besides, a petition, signed by many of the leading men of the State, earnestly recommending her case to Congress for favorable action.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDIE L. MOORE.

The next business on the Private Calendar was the bill (H. R. 8155) granting a pension to Addie L. Moore.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Addie L. Moore, widow of Camillus A. Moore, late a private in Company E, Seventy-fourth Regiment Illinois Volunteers, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The report (by Mr. HOLMES) was read, as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 8155) granting a pension to Adeline L. Moore, having considered the same, report as follows:

The claimant is the widow of Camillus A. Moore, late a private in Company E, Seventy-fourth Regiment Illinois Volunteer Infantry. He enlisted on August 14, 1862, and was discharged February 3, 1863. He died October 7, 1875. The soldier never filed an application for pension, but his widow, on the 24th of April, 1879, filed her application, which was finally rejected by the Pension Office on the 20th of February, 1883, on the ground that the disease of which the soldier died was not the result of his military service. It is shown by the proof on file at the Pension Office that the husband of claimant was discharged on surgeon's certificate of disability.

The certificate of disability and discharge both state that he is discharged "by reason of greatly impaired health, resulting from measles, followed by erysipelas, chronic diarrhœa and cough, that is very unpromising." The record of the Adjutant-General's Office shows that he was sick in hospital at Nashville, Tenn., since December 29, 1862, and was discharged on surgeon's certificate of disability at Nashville, Tenn., on the 3d day of February, 1863.

The evidence is uncontradicted that prior to his enlistment he was an able-bodied man, sound and healthy in every respect. The evidence of numerous witnesses shows that he was entirely broken in health at the time of his discharge, and was unable to do manual labor to any appreciable extent up to the time of his death.

The evidence of the physicians is somewhat conflicting as to the duration of his last sickness; some of them place it at three or four days, and one doctor as high as seventy-five days. The Pension Office decided the cause of his death to have been "cerebral hemorrhage." The evidence in his case would indicate that his death was the result or sequel of the same disabilities with which he was afflicted when he was discharged from the service. The fact shown that he was continuously ill, and that he had a pain in his head for years, together with the further symptoms narrated by the physicians and witnesses, further showing his continuous illness from the time of discharge to the time of his death, will combine, we think, to make a clear case for relief under the bill before your committee.

The soldier had formerly been married, but his first wife died and there were no children surviving as the result of their marriage. By the second wife (the claimant herein) there was born one child, namely, Howard Cornelius Moore, on the 14th of March, 1875.

The soldier seems to have performed his duty well until he was stricken down with the measles, and your committee think it but just that his widow and little child should receive a pension for the services in which he sacrificed his life. Your committee therefore report the bill back with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS R. WARE.

Mr. HEWITT, of Alabama, called up a bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. In order that several Senate bills may be reported in the House from the Committee on Invalid Pensions I move that the committee rise, the purpose being that we shall again go into Committee of the Whole immediately.

Mr. STOCKSLAGER. Before that is done, I would like to call up several bills, two of them for the gentleman from Nebraska [Mr. LAIRD], who is confined to his room by sickness.

Mr. MORRILL. Very well; I will withdraw the motion for a few moments.

WILLIAM H. HOUGHTON.

Mr. STOCKSLAGER. I call up the bill (H. R. 4026) for the relief of William H. Houghton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $100 per month, the name of William H. Houghton, late a sergeant of Captain Sherman's company of Iowa Militia Volunteers, under the command of General Dodge, in the Black Hawk war, subject to the conditions and limitations of the pension laws.

The report (by Mr. STOCKSLAGER) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4026) for the relief of William H. Houghton, respectfully report:

Mr. Houghton was sergeant in Captain Sherman's company of Iowa Volunteers in the Black Hawk war. Having lost his discharge, he was unable to share in the appropriation made by Congress for the payment of the soldiers of that war, and so far has been unable to get a pension for the disability which he incurred in the line of duty. And in justice to the worthy old veteran the committee recommend the passage of the bill, with an amendment striking out the words "at the rate of $100 per month."

The amendment reported by the Committee on Invalid Pensions, to strike out the words "at the rate of $100 per month," was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DELIA G. WEBBER.

Mr. STOCKSLAGER. I call up the bill (H. R. 7504) granting a pension to Delia G. Webber.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Delia G. Webber, widow of Louis Webber; and that the said Delia G. Webber and her children of a pensionable age receive the same pension which they would be entitled to if said Louis Webber had been a private soldier killed in the line of his duty, per month.

SEC. 2. That paragraph 3 of section 4693 of the Revised Statutes shall not operate to prevent the granting of the above pension.

The report (by Mr. LAIRD) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7504) for the relief of Delia G. Webber and others, having had the same under consideration, respectfully report:

This bill seeks to extend the time within which Delia G. Webber, L. H. Naron, Mary Anne Mesdail, they or their legal representatives, may file their applications for pensions under paragraph 3 of section 4693 of the Revised Statutes. The paragraph referred to is as follows:

"Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or non-enlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874."

Your committee recommend that the bill do pass.

As to the above-named Delia G. Webber, your committee, finding the facts in her case on file, have reported a bill granting her a pension.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

VALINCIA S. HUTCHINSON.

Mr. STOCKSLAGER. I also call up the bill (H. R. 3581) for the relief of Valina S. Hutchins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Valina S. Hutchins, widow of Curtis C. Hutchins, formerly a member of Col. J. S. Calhoun's battalion of Georgia Mounted Volunteers, service of Mexican war, whose name through error was not carried on the roll, although enlisted in the service of the United States, and who died while in said service, the pension of said widow to date from application subject to the rules and limitations of the pension laws.

The report (by Mr. LAIRD) was as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3581) for the relief of Valina S. Hutchins, respectfully report:

It appears from the evidence that Curtis C. Hutchinson volunteered at Auraria, Lumpkin County, Georgia, on or about the 15th day of June, 1847, for five years or the war in a company formed at that place, and which was afterward known as Company F, commanded by Capt. Charles H. Nelson, in the Georgia Battalion of Mounted Volunteers, commanded by Colonel Calhoun, in the late war with Mexico. They marched to Cassville, Ga., where they were organized, and from thence marched to Columbus, Ga., where they joined the battalion, were mustered into service, and marched to Mexico and joined the United States Army and served to the close of the war.

While on the march from Cassville to Columbus, Ga., Hutchinson was taken sick from exposure on the road, and in four days died. He had always been a strong, healthy man. Your committee believe that he was in the line of duty when taken sick, and that his widow is entitled to a pension, and recommend that the bill (H. R. 3581) do pass with the following amendments:

In line 5 strike out the words "Valina S. Hutchins, widow of Curtis C. Hutchins," and insert "Valincia S. Hutchinson, widow of Curtis C. Hutchinson;" and in line 7, all after the word "war," and lines 8, 9, and 10. Also amend the title of the bill by making it read "Valincia S. Hutchinson" instead of "Valina S. Hutchins." Also amend the bill to the same effect wherever said name occurs; also by changing the name of "Curtis C. Hutchins," where it occurs in line 5 of the bill, so that it shall read "Curtis C. Hutchinson."

The amendments stated in the concluding paragraph of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. GEORGE. I desire to call up the bill——

Mr. MATSON. I move that the committee rise.

Mr. GEORGE. I hope the gentleman will withhold that motion for a moment.

Mr. MATSON. I would do so, but I think the gentleman's bill will provoke discussion.

The motion of Mr. MATSON that the committee rise was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and also bills for the removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

LEAVE OF ABSENCE.

Mr. RICE, by unanimous consent, obtained indefinite leave of absence from the 20th instant, on account of sickness.

MARY B. HOLMES.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2607) granting a pension to Mary B. Holmes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNE T. DICKS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1811) granting a pension to Anne T. Dicks; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARIA G. DUNBAR.

Mr. MORRILL also reported back adversely, from the Committee on Invalid Pensions, the bill (S. 993) for the relief of Maria G. Dunbar; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRILL. I now move that the House again resolve itself into Committee of the Whole on the Private Calendar for the consideration of the business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

MARY B. HOLMES.

The first business on the Private Calendar was the bill (S. 2607) granting a pension to Mary B. Holmes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Holmes, widow of Henry W. Holmes, late a lieutenant of Company F, Seventy-second Regiment New York Volunteers, and allow her the same pension drawn by her husband during his life.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill S. 2607, granting a pension to Mary B. Holmes, submit the following report:

Your committee adopt the report of the Senate committee, which is herewith submitted. Cases similar to this have been repeatedly passed where it is shown as it is herein, that the disability incurred in the service contributed to his death. Your committee report the bill back with the recommendation that it pass:

"Petitioner is the widow of John W. Holmes, late a lieutenant, Company F, Seventy-second Regiment, New York Volunteers, who was pensioned at the rate of $15 per month on account of disability incurred in the service and resulting from disease of the eyes and chronic diarrhœa. Her husband was killed by a freight train in New York city in 1881, and his widow is now destitute. She asks a pension on the ground that the accident which caused his death was the result of his defective vision and not of his own carelessness or neglect.

"The soldier's death under these circumstances did not, of course, result directly from his military service, but does seem to have been due to the disability incurred in the service, and to that extent was a result thereof. Taking this view of the case your committee are disposed to regard the claim as a meritorious one, and therefore recommend the passage of the bill."

Mr. HEWITT, of Alabama. I would like to ask what is the difference between the pension which this lady's husband drew and the pension which she would receive without any special provision of this kind?

Mr. MORRILL. There is no difference at all; but as the bill is drawn in this particular form we have not thought it worth while to change it.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNE T. DICKS.

The next business on the Private Calendar was the bill (S. 1811) granting a pension to Anne T. Dicks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anne T. Dicks, widow of John W. Dicks, late an acting master in the United States Navy.

The report (by Mr. MORRILL) was as follows:

Your committee, to whom was referred the bill (S. 1811) granting a pension to Anne T. Dicks, submit the following report:

Your committee adopt the report of the Committee on Pensions of the Senate, which is herewith submitted, with the recommendation that the bill pass:

"The claimant is the widow of John W. Dicks, acting master United States Navy. The officer died of cancer superinduced by wounds and injuries received in the service.

"The evidence is clear to the committee that the constitution of this man was broken down and the entire digestive system prostrated and deprived of normal action by these causes, and that the fatal cancerous affection was a part of the results of the service."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA G. DUNBAR.

The next business on the Private Calendar was the bill (S. 993) for the relief of Maria G. Dunbar, reported adversely from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions is hereby authorized and directed to allow the claim of Maria G. Dunbar, widow of Moses C. Dunbar, late of the Twenty-seventh Regiment Massachusetts State Volunteers, for arrears of pensions: *Provided*, That she shall establish to the satisfaction of the Commissioner that an application for said arrears was filed by said Moses C. Dunbar within the time fixed by law, and failed of being forwarded to the Pension Office through no fault of said Dunbar.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (S. 993) for the relief of Maria G. Dunbar, submit the following report:

Your committee find that this bill proposes "to pay to Maria G. Dunbar arrears of pensions provided she shall establish to the satisfaction of the Commissioner that an application for said arrears was properly executed by Moses G. Dunbar within the time fixed by law and failed of being forwarded to the Pension Office through no fault of said Dunbar."

The facts, as she claims them, are that her husband made an application for pension several months prior to July, 1880; that through the carelessness of her attorney the papers were not filed until after the expiration of the limitation. This committee have again and again rejected cases of a similar character. The case of Nancy B. Leach, reported to the House a few days ago, is almost precisely like this, and your committee would refer to that report for their views in similar cases. Your committee report adversely, but ask that it be placed on the Calendar.

The CHAIRMAN. The report in this case being adverse, the question is, Shall the bill be laid aside to be reported to the House with a recommendation that it lie on the table?

Mr. LONG. Before the question is put, I wish to say that this is a very deserving case. If, however, the principle upon which it has been reported adversely is to be considered as settled, I do not propose to waste time by arguing the question.

It is a case in which the applicant was not at all responsible for delay in filing the application; but as appears very fully and clearly by the sworn evidence, the delay occurred in the first place in consequence of the fault of the attorney charged with the preparation of the papers; and then owing to his death there was still further delay. For this reason the papers were not filed in time to enable the applicant to receive the benefit of the arrears of pension. If this question has been settled in the Leach case, which was argued a week ago——

Mr. RAY, of New Hampshire. That case is still pending before the Committee of the Whole; it has not been acted on finally. There was an adverse report in that case.

Mr. LONG. If that case has not been acted on, then I should like this to take the same course and be laid aside informally.

Mr. RAY, of New Hampshire. I have not thought it proper to press the Leach case so long as there were favorable reports on Senate bills to be acted on, as I did not wish to take up the time of the Committee of the Whole in discussion.

Mr. LONG. I ask that this bill be laid aside informally to await the determination of the question in the other case.

The CHAIRMAN. If there be no objection this bill will be laid aside informally. The Chair hears no objection, and it is so ordered.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had had under consideration, pursuant to order, sundry bills on the Private Calendar, and had directed him to report the same back to the House with various recommendations.

DAVID M. NAGLE.

On motion of Mr. JAMES, by unanimous consent, the amendments of the Senate to the bill (H. R. 5543) granting a pension to David M. Nagle were taken from the Speaker's table and concurred in.

Bills of the following titles were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia; and

A bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1877) granting increase of pension to John Hall;
A bill (S. 2245) granting a pension to William N. Norris;
A bill (S. 2302) granting a pension to John Lowe;
A bill (S. 2279) granting a pension to Eliza L. Canady;
A bill (S. 544) granting increase of pension to Elijah W. Penny;
A bill (S. 2367) granting a pension to Sarah A. White;
A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
A bill (S. 2125) granting a pension to Sarah Jane Prince;
A bill (S. 2620) granting a pension to James H. Boaz;
A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
A bill (S. 2443) granting an increase of pension to Polly Young;
A bill (S. 1113) granting a pension to Anne E. Manchester;
A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 1836) granting an increase of pension to Sarah Hague;
A bill (S. 1612) granting a pension to Bryson R. McCartney;
A bill (S. 1633) granting a pension to James Bond;
A bill (S. 2268) for the relief of Robert J. Ballort;
A bill (S. 2607) granting a pension to Mary B. Holmes; and
A bill (S. 1811) granting a pension to Anne T. Dicks.

Amendments to bills of the following titles were agreed to, and the bills as amended were severally ordered to a third reading; and were accordingly read the third time, and passed:

A bill (S. 2262) granting a pension to Sedate P. Martin; and
A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas.
A bill (S. 1960) for the relief of Mary Howard Farquhar, reported adversely, was laid on the table.

Mr. VAN ALSTYNE moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 8237) granting a pension to Mary J. Dickson;
A bill (H. R. 8155) granting a pension to Addie L. Moore; and
A bill (H. R. 7504) granting a pension to Delia G. Webber.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7907) granting a pension to Matilda Cody;
A bill (H. R. 4026) for the relief of William H. Houghton;
A bill (H. R. 603) granting a pension to Rachel Nickell; and
A bill (H. R. 3581 for the relief of Valincia S. Hutchinson.

In the two latter cases the titles also were amended.

By unanimous consent, the following House bills with Senate amendments were taken from the Speaker's table and the Senate amendments severally concurred in, namely:

A bill (H. R. 5364) granting a pension to William H. Whitcomb; and
A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley.

Mr. MATSON moved to reconsider the several votes by which the House pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. Mr. Speaker, I ask the indulgence of the House for a few moments. On last Friday evening I stated that the business of the pension committees of the House was concluded for this Congress.

At that time I neglected to say what ought to have been said and what I now wish to say, that the Committee on Invalid Pensions, the Committee on Pensions, and I think the House itself, as well as the soldiers throughout this country, are much indebted to the gentleman from Missouri [Mr. HATCH], who has presided at these evening sessions every single Friday evening with the exception of one night, when he was necessarily and unavoidably absent, during the entire Congress, and has given the most faithful and untiring service to the House and to the interests of the soldiers in passing these pension bills. I feel, therefore, as if this mark of recognition ought to be given to him.

I now move, Mr. Speaker, that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania, asking for the passage of the bill placing General U. S. Grant upon the retired-list—to the Committee on Military Affairs.

Also, resolutions of the Legislature of Pennsylvania, asking Senators and Representatives to oppose the abolition of the National Board of Health—to the Select Committee on the Public Health.

By Mr. BRAINERD: Petitions of citizens of Erie County, Pennsylvania, relative to the Mormon question—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of M. H. Clark & Bro., and others, citizens of Clarksville, Tenn., for publication of tobacco monograph of the census in full—to the Select Committee to ascertain the results of the Tenth Census.

By Mr. S. S. COX: Petition of Gideon J. Tucker, a citizen of New York, in relation to certain false statements of historical occurrences in a book published by the Congress of the United States—to the Committee on Public Lands.

By Mr. G. R. DAVIS: Petitions of twelve departments of Grand Army of the Republic, representing 993 posts and a membership of 51,000 ex-soldiers, that Lieutenant-General Sheridan and Major-General Hancock be promoted respectively to the positions of General and Lieutenant-General of the Army—to the Committee on Military Affairs.

By Mr. FINDLAY: Memorial of prisoners of war in the late war, for pensions—to the Committee on Invalid Pensions.

By Mr. GEDDES: Petition of F. R. Ross and 60 others, citizens of Huron County, Ohio, for the passage of laws relating to Mormonism—to the Committee on the Judiciary.

By Mr. JAMES: Petitions of Rev. L. R. Foote and 56 others, citizens of Brooklyn, N. Y., and of Rev. Arch. McCullogh, D. D., and 59 others, women, members of Ross Street Presbyterian church, of Brooklyn, N. Y., asking for legislation upon the Mormon question—to the Committee on the Judiciary.

By Mr. LANHAM: Petition of Benjamin Martin, for relief—to the Committee on War Claims.

By Mr. LAWRENCE: Resolutions of the Legislature of Pennsylvania, asking that the bill retiring General Grant on full pay may be passed—to the Committee on Military Affairs.

Also, resolutions of the Legislature of Pennsylvania, requesting the representatives of the State in Congress to vote against abolishing the National Board of Health—to the Select Committee on the Public Health.

By Mr. MATSON: Petitions of Henry H. Mathias and 33 other Union soldiers, and of F. Conklin and 37 others, ex-soldiers, of Greencastle, Ind., for the repeal of all limitations upon arrears of pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MILLER: Petitions of citizens of Meadville and of Cambridge, Pa., in favor of legislation to restrict Mormonism—to the Committee on the Judiciary.

By Mr. PARKER: Petition of the New York Produce Exchange, in favor of the purchase of the Portage Lake and Lake Superior Ship Canals—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of W. H. Gibson and others, for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. C. R. SKINNER: Resolution of the board of managers of the New York Produce Exchange, recommending the purchase by the United States of the Portage Lake and Lake Superior Ship Canals—to the Committee on Rivers and Harbors.

By Mr. A. HERR SMITH: Concurrent resolution of the Legislature of Pennsylvania, in favor of placing General Grant on the retired-list—to the Committee on Military Affairs.

Also, concurrent resolution of the Legislature of Pennsylvania, against abolishing the National Board of Health—to the Committee on the Public Health.

By Mr. STEELE: Two petitions of ex-soldiers, asking the passage of an act granting a land-warrant for one hundred and sixty acres of land without condition of settlement to every honorably discharged soldier or sailor—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania, requesting her Senators and Members in Congress to vote for the passage of a bill placing General Grant on the retired-list—to the Committee on Military Affairs.

Also, joint resolution of the Legislature of Pennsylvania, requesting her Senators and Representatives in Congress to oppose the attempt to abolish the National Board of Health—to the Committee on Public Health.

By Mr. STRAIT: Joint resolution of the Legislature of the State of Minnesota, praying for liberal and immediate appropriations for the enlargement of the Sault Saint Mary's Canal—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. LACEY: Of A. C. Clark and 24 others, of Clarendon, and of C. H. Quantrell and 17 others, of Charlotte, Mich.

SENATE.

SATURDAY, *February* 28, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. HALE. I rise to present a privileged report—the conference report upon the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair is under the impression that the higher privilege is the laying before the Senate bills from the House of Representatives and other formal matters on the table.

Mr. HALE. I wish to get the conference report out of the way as soon as possible, because I am engaged in the Committee on Appropriations.

The PRESIDENT *pro tempore*. If the Senator asks unanimous consent the Chair will put the question, but the Chair thinks under the rules it is the duty of the Chair to lay before the Senate two or three House bills that are on the table.

Mr. HALE. It is not of importance enough for me to insist. I do not make any request at present.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 20th instant, sundry papers relating to the claim of William Ward for professional services in suits against the United States revenue-steamer William H. Seward. If there be no objection the letter will be printed, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MITCHELL. I move that the communication be referred to the Committee on Appropriations. An amendment relating to the matter is pending before that committee. It is desired to insert a provision in the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. If there be no objection, the papers will be referred to the Committee on Appropriations without printing. The Chair hears no objection.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, urging that the estimates heretofore made for fees of jurors, witnesses, marshals, and district attorneys, for the year 1885, may be provided for in the deficiency appropriation bill, and inclosing a letter from the First Comptroller of the Treasury on the subject; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the allowance by the accounting officers of the Treasury of the twenty-third installment of the war claims of the State of Ohio, now awaiting an appropriation for its payment; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, with accompanying report of Col. C. E. Blunt, Corps of Engineers, relative to the improvement of the Cocheco River at Dover, N. H.; which, with the accompanying papers, was referred to the Committee on Commerce.

RETURN OF BILLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate three joint resolutions which passed the Senate day before yesterday, concerning the printing of certain documents, which were returned to the Senate at its request from the House of Representatives. The titles of the joint resolutions will be read.

The Chief Clerk read as follows:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The PRESIDENT *pro tempore*. If there be no objection the votes of the Senate passing these joint resolutions will be reconsidered, and they will be referred to the Committee on Printing. The Chair understands that precisely identical resolutions have already passed both Houses.

PUBLIC-LAND DECISIONS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives of the United States (the Senate concurring), That there be printed 3,500 copies of the first and second volumes of Decisions Relating to the Public Lands, prepared under the direction of the Department of the Interior, of which 1,000 shall be for the use of members of the Senate, 2,000 for the use of the members of the House of Representatives, and 500 for the use of the Department of the Interior.

AGRICULTURAL APPROPRIATION BILL.

Mr. HALE. If the Chair has found no further objection, I will present the report of the conference committee on the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair has found no objection at all to the presentation of the report.

Mr. HALE. I did not insist on the report being received after the reading of the Journal, but the reason why I presented it at that time I thought I found in Rule XXVII, which I ask may be read.

The PRESIDENT *pro tempore*. Rule XXVII will be read.

The Chief Clerk read as follows:

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDENT *pro tempore*. The Chair had reference, if the Senator from Maine will pardon him, to the seventh rule, which is positively affirmative, requiring the Chair to lay before the Senate before the call for petitions, immediately after the reading of the Journal, bills and resolutions from the House of Representatives, messages from the President, &c. The Chair was under the impression that this privileged business on the table would precede the report of a committee of conference. Perhaps the Chair is wrong, but the Chair thought so.

Mr. HALE. I have sent up the papers. I ask that the report be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8060) "making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14, 15, 16, 20, 21, 22, and 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

EUGENE HALE,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

G. G. DIBRELL,
LEWIS BEACH,
WM. CULLEN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 5364) granting a pension to William H. Whitcomb;
A bill (H. R. 5543) granting a pension to David M. Nagle;
A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 6029) for the relief of Jeremiah McCarty; and
A bill (H. R. 6011) granting an increase of pension to Robert Carey.

The message also announced that the House had passed the following bills:

A bill (S. 544) granting increase of pension to Elijah W. Penny;
A bill (S. 1113) granting a pension to Anne E. Manchester;
A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (S. 1633) granting a pension to James Bond;
A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
A bill (S. 1811) granting a pension to Anne T. Dicks;
A bill (S. 1836) granting a pension to Sarah Hague;
A bill (S. 1877) granting an increase of pension to John Hall;
A bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia;
A bill (S. 2125) granting a pension to Sarah Jane Prince;
A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 2245) granting a pension to William N. Morris;
A bill (S. 2268) for the relief of Robert J. Ballort;
A bill (S. 2279) granting a pension to Lewis L. Canady;
A bill (S. 2302) granting a pension to John Lowe;
A bill (S. 2367) granting a pension to Sarah A. White;
A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
A bill (S. 2443) granting an increase of pension to Polly Young;
A bill (S. 2527) granting a pension to Robert Sheridan;
A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
A bill (S. 2607) granting a pension to Mary B. Holmes;
A bill (S. 2619) granting an increase of pension to Martha Hughes; and
A bill (S. 2620) granting a pension to Thomas H. Boaz.

The message further announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 2262) granting a pension to Sedate P. Martin; and
A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana; and
A bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Dakota Territory, urging the passage of an act reducing the price of all public lands now held at $2.50 per acre to the standard rate of $1.25 per acre; which was referred to the Committee on Public Lands.

He also presented a telegraphic memorial of the Grand Army of the Republic, Department of New Mexico, urging the passage of the bill placing U. S. Grant upon the retired-list of the Army; which was ordered to lie on the table.

Mr. BAYARD. I present the petition of Gideon J. Tucker, a citizen of New York, in which he calls attention to certain inaccurate statements of a historical character in a book which has been published by the United States; and because I know of no committee which may be considered properly charged with this subject, I will ask that the petition be read. It is entirely respectful in form, and perhaps the object of the petitioner will be better reached by this publicity.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the petition will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States of America:

The petition of Gideon J. Tucker, a citizen of the State of New York, respectfully shows as follows:

I ask the attention of the Congress of the United States to a book purporting to have been prepared and published under its authority, the title of which is: The Public Domain: its history, with statistics. Public Land Commission: Committee on Codification. Prepared by Thomas Donaldson, of the commission and committee. * * * Prepared in pursuance of a joint resolution of Congress approved August 7, 1882. Washington: Government Printing Office, 1884.

At page 30 of this book, under the heading of "Chapter 2: English Colonization in America," are the following statements:

"1609. Discovery and exploration of the Hudson River, as far as latitude 30 degrees north, by Hendrick Hudson, holding a commission from the King of England, but in the service of the States-General of Holland.

"1620. The Dutch applied for and obtained permission from James I to 'build some cottages' on Manhattan Island, at the mouth of 'Hudson's River,' and under this license they settled a colony, which they called 'New Amsterdam,' now New York."

And, at page 35, the compiler of this book refers to (among others) Bancroft's History of the United States as an "authority" for the statements contained in "Chapter 2."

I respectfully submit to the Congress of the United States that the above-quoted statements are notoriously incorrect, unhistorical, and untrue in fact; that the discovery of the Hudson River and the settlement of the colony of New Netherlands were not in any sense an English colonization; that Hendrick Hudson held no commission from the King of England, nor was such discovery made by him while in the service of the States-General of Holland, but while in the employ and at the cost of members of the Dutch East India Company; that King James I of England was not applied to by the Dutch for permission to "build some cottages" on Manhattan Island, and never gave such permission, but, on the contrary, Dutch forts and dwellings were on the island before 1614; and that the settlement of New Amsterdam was not made "under license" from the King of England, or by permission of any but the native Indian sachems, from whom the land was purchased.

And I further respectfully submit that no warrant or authority for any of these false statements can be found in Bancroft's History of the United States, or in any other authentic history of the discovery and first settlement at the "mouth of Hudson's River."

I respectfully suggest that it touches the dignity of your honorable bodies that these false statements of historical occurrences should have been put forth to the world in a book covered with the sanction of the Congress of the United States. It touches your dignity that history should be falsified and burlesqued in your name. At least 2,000,000 of the American citizens of to-day are descended from the immigrants who came from Holland and its neighboring States between the years 1613 and 1664, which immigrants are represented by this book, bearing the official stamp of the Congress, to have been either interlopers and intruders upon English ground, or else to have settled under the license and permission of their enemy, the King of England.

I respectfully ask that some official action be taken by the Congress in correction and disavowal of these false statements, and in vindication of the truth of history.

GIDEON J. TUCKER,
No. 120 Nassau street, New York city.

Mr. BAYARD. Perhaps the petition had better be referred to the Committee on the Library.

The PRESIDENT *pro tempore*. It will be referred to the Committee on the Library.

Mr. SHERMAN. I present the petition of a large number of citizens of Ohio, praying for the passage of the bill commonly known as the Mexican war pension bill. As that bill is now pending in the House of Representatives, I move that the petition lie on the table.

The motion was agreed to.

Mr. VAN WYCK presented a petition of the Nebraska Woman Suffrage Association, praying Congress to submit to the people of the several States, through their Legislatures, an amendment to the National Constitution prohibiting the United States, or any State, from disfranchising citizens on account of sex; which was referred to the Committee on Woman Suffrage.

Mr. MITCHELL. I present a resolution of the Legislature of Pennsylvania, favoring the passage of the Mexican war pension bill. As the bill is still pending in the House of Representatives, I move that the resolution lie on the table.

The motion was agreed to.

Mr. MITCHELL presented a petition of Thomas C. Hand, president of the Delaware Marine Fire Insurance Company, William A. Platt, vice-president of the Insurance Company of North America, and other inland marine underwriters of Philadelphia, Pa., praying that the United States Government acquire the ownership of the two canals crossing Point Keweenaw, Lake Superior, Michigan; which was referred to the Committee on Commerce.

Mr. CALL. I present the petition of Hiram J. Simonton, a citizen of the State of Florida, and a resident of San Antonio, in the county of Hernando. The petition is as follows:

Your petitioner, Hiram J. Simonton, of San Antonio, county of Hernando, State of Florida, respectfully represents that—

Whereas Congress, by an act approved May 17, 1856 (11 Statutes, page 15), granted to the State of Florida, to aid in the construction of certain railroads in said State (by a company then known as the Florida Railroad Company, and now styled the Florida Railway and Navigation Company), a tract of land, fully set forth and described in said act as extending from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Keys, in East Florida, with limitation to ten years from the date thereof, to complete said roads over the said tract; and

Whereas it is now nearly twenty-nine years since the passage of said act, the said company has not completed a road over that portion of the said tract described as extending from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida; and

Whereas, notwithstanding your honorable bodies have, at your session last past, taken steps looking to the forfeiture of said grant, the said company has continued to operate the same, and in a manner detrimental to the interests of your petitioner and hundreds of other settlers thereon, to the interests of the State and of the United States, as follows:

That the company, on or about the 1st day of December last, in the person of one S. I. Walles, land commissioner for the same, proceeded to dispose of, at public sale, the lands occupied by your petitioner and all the settlers residing in his vicinity;

That the company appraised the lands at their improved value, and the settlers had either to pay for their own improvements, which they have established with great toil and pecuniary cost, or permit their little homes (perhaps their all on earth) to pass into the hands of a stranger—a mercenary speculator;

That many of the settlers were too poor to pay the exorbitant price set upon their lands, and many others refrained from purchasing, being so advised by Hon. H. M. Teller, Secretary of the Interior, in an open communication dated June 9, 1884;

That as a consequence of this condition of affairs, the company being predisposed to sell to the party or parties who would purchase in large quantities and pay cash, large tracts of land passed into the hands of parties who have no interest in the soil beyond mere speculation;

That these lands will be held at a price far beyond their present value, and, consequently, will not be purchased by actual settlers and cultivated for many years to come;

Now, therefore, in view of said grievances, your petitioner would respectfully but earnestly pray your honorable bodies to pass, at the earliest date possible, a resolution prohibiting such further operations on the part of said company, of the nature herein complained of, until such time as you shall have an opportunity to make known your further intention in the premises.

I ask that the petition be laid upon the table, and I give notice that at the close of the morning hour on Monday, if not sooner, I shall ask of the Senate the privilege of making some remarks upon the subject.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. DAWES. I present a memorial submitted in behalf of the Stockbridge tribe of Indians, by J. C. Adams, of Stockbridge, in the State of Wisconsin, protesting against the passage of House bill 2889, and against a claim set up in their own behalf in Senate Miscellaneous Document 119 of this Congress. The memorialists ask that this memorial may be printed, as that document has been printed, and referred to the Committee on Indian Affairs. I do not know exactly how it may be put in the form of a document. It is very desirable that it should be printed. If it can be printed in the form of a miscellaneous document I will ask that it be so printed. It is in answer to a public document sent up in their own behalf, and they protest against the

claim made upon the United States Government in their own behalf. I do not know exactly the merits of Miscellaneous Document 119. It is a very long document, which has just come into my hands.

The PRESIDENT *pro tempore*. What disposition does the Senator from Massachusetts desire of the memorial?

Mr. DAWES. I ask that it may be printed in document form.

The PRESIDENT *pro tempore*. It will be printed in document form, under the ordinary order, if ordered to be printed at all. The Senator from Massachusetts moves that the memorial be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLUMB presented a memorial of the Legislature of Kansas; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Whereas it is the first duty of government to honor and provide for the welfare and comfort of those who voluntarily offer their lives in defense of their country; and

Whereas only a fractional portion of the brave men who have faithfully served the United States in the Army and Navy prior to and during the late rebellion are now living: Therefore,

Be it resolved by the house of representatives (senate concurring therein), That our Senators in Congress be instructed, and our Representatives respectively requested, to introduce and aid in securing the passage of a law granting all unpensioned and honorably discharged soldiers and sailors of the United States, who did not give aid and comfort to the rebellion, and who are physically disabled for the active duties of life by reason of disease, accident, or any other good and sufficient cause, or who have arrived at the age of 50 years, a reasonable pension.

Resolved, That the secretary of state is hereby requested to forward to each of our Senators and Representatives in Congress a certified copy hereof.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 24th day of February, A. D. 1885.

[SEAL.] E. B. ALLEN,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 411) granting a pension to Elizabeth Connor;
A bill (H. R. 1142) granting a pension to Nelly Roberts;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
A bill (H. R. 6775) granting a pension to Edward Wilcox;
A bill (H. R. 5103) granting a pension to Joshua F. Justice;
A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 2457) granting a pension to Richard Dillon; and
A bill (H. R. 3340) granting a pension to James M. Pike.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;
A bill (H. R. 6904) for the relief of John F. Chase;
A bill (H. R. 5146) granting a pension to Jesse C. Buck;
A bill (H. R. 8152) for the relief of William D. Farnsworth;
A bill (H. R. 7993) for the relief of William Stansberry;
A bill (H. R. 7992) for the relief of Christian Arndt; and
A bill (H. R. 6960) for the relief of Charles L. Alden.

Mr. MITCHELL. I am also instructed by the Committee on Pensions, to whom was referred the bill (H. R. 1982) granting a pension to Benjamin Jeffries, to report it adversely. In this case the pension has been granted at the Pension Office since the bill was introduced. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;
A bill (H. R. 5304) for the relief of Mary Royal;
A bill (H. R. 7170) for the relief of Frederick Hutton;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 7728) for the relief of Pardon H. Morey; and
A bill (H. R. 7047) granting a pension to Patrick Murphy.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4556) granting a pension to Joseph Williams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen;
A bill (H. R. 4021) granting a pension to Abraham Cover; and
A bill (H. R. 5728) granting a pension to Anna Beck.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 2223) granting a pension to Lemuel J. Bennett, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa, reported it without amendment.

Mr. VAN WYCK, from the Committee on the Improvement of the Mississippi River, to whom was referred the bill (S. 2650) making an appropriation for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, reported it without amendment.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (S. 1043) to quiet certain land titles in the State of Mississippi, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

SOCIETY OF THE RED CROSS.

Mr. LAPHAM. The Committee on Foreign Relations have instructed me to report back Executive Document 59, being a message from the President communicating to Congress the report of the delegates on behalf of the United States to the international convention of the Society of the Red Cross at Geneva in September last, with an accompanying resolution, and I ask for the present consideration of the resolution. I wish to state that I have inquired, and learn that the expense of the printing provided for by the resolution will be only about $50. I ask that the resolution be now adopted, so that it may go to the other House for consideration there.

The PRESIDENT *pro tempore*. The Senator from New York reports from the Committee on Foreign Relations a message from the President of the United States hitherto referred to that committee, together with a concurrent resolution. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring). That there be printed for the Department of State 5,000 copies of Executive Document No. 59, being the report of the delegates on behalf of the United States to the third international convention of the Society of the Red Cross at Geneva in September last, and the message of the President transmitting the same to Congress.

The resolution was considered by unanimous consent, and agreed to.

WILLIAM G. FORD.

Mr. JACKSON. The Committee on Claims have instructed me to report back the bill (S. 2653) for the relief of S. S. Webb & Co., for the use of William G. Ford, with an amendment striking out the second section of the bill, and accompanying it with a resolution to refer the claim to the Court of Claims. I ask for the immediate consideration of the bill and resolution.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the bill be now considered. Is there objection?

Mr. BLAIR. I reserve the right to object if there is discussion.

Mr. JACKSON. There is no question about it.

Mr. BLAIR. All right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims the claim of S. S. Webb & Co., for the use of William G. Ford, for the proceeds of fifty bales of cotton, containing 25,568 pounds, seized under the captured and abandoned property act, at Mobile, Ala., in May, 1865, by Acting Quartermaster Samuel Lappin, and shipped by him on the bark Ada Carter to the chief quartermaster at New York and sold, and the proceeds paid into the Treasury.

The bill was reported from the Committee on Claims with an amendment, to strike out section 2, in the following words:

SEC. 2. That the evidence heretofore taken in the case and filed in the Treasury Department, and the evidence and papers on file before Congress, shall be admitted and heard by the court the same as if taken over again under the rules and orders of the court; and either party may take additional testimony, and shall have the right of appeal as in other cases.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will now lay before the Senate the resolution which is to dispose of the bill without its passage, as the Chair understands the committee to desire.

Mr. JACKSON. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the claim of S. S. Webb & Co., for the use of William G. Ford, as embraced in Senate bill 2653 of the Forty-eighth Congress, be referred, in accordance with the provisions of section 1059 of the Revised Statutes of the United States, to the Court of Claims, together with the papers, vouchers, proofs, and documents appertaining thereto.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MOQUELAMOS GRANT IN CALIFORNIA.

Mr. MANDERSON. There was referred to the Committee on Printing a letter from the Secretary of the Interior, transmitting, in response to a Senate resolution, papers on file in his Department relating to the Moquelamos grant in California. The question presented to the committee was whether these accompanying papers should be printed. Upon investigation it is ascertained that the printing of the papers,

which pertain to a private grant, would cost nearly $1,400. The committee report adversely, and ask that the papers simply be kept on the files of the Senate and not printed.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, reports adversely to printing the papers transmitted by the Secretary of the Interior in response to a Senate resolution of February 5, 1885, on file in his Department, relating to the Moquelamos grant in California. If there be no objection the report will be considered as agreed to and the papers placed on file.

SENATE MANUAL.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound for the use of the Senate, under the direction of the Committee on Rules, 1,000 additional copies of the revised Senate Manual.

AGRICULTURAL REPORT FOR 1885.

Mr. MANDERSON. Yesterday, from the Committee on Printing, I reported favorably a joint resolution for printing the annual report of the Commissioner of Agriculture, which is a House resolution. I ask unanimous consent that it may now be considered. It is important that it should pass and become a law.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

The joint resolution was reported from the Committee on Printing with amendments.

The first amendment was, in line 3, before the word "thousand," to strike out "four hundred" and insert "three hundred and ten;" so as to read:

That there be printed 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

Mr. MORRILL. I ask the Senator from Nebraska whether he has not made a mistake as to the date of the report? Ought it not to be the report for 1884 instead of 1885?

Mr. MANDERSON. No; the printing of the report for 1884 was ordered at the last session of Congress. The reports are ordered a year ahead.

Mr. MORRILL. Very well, if the Senator is sure he is right.

Mr. COCKRELL. We can not hear a word on this side of the Chamber.

Mr. MANDERSON. The date is correct. The Agricultural Report for 1884 was ordered to be printed at the last session of Congress. This is the report for the present year, and provision is now made so that it may be issued by the next session.

Mr. COCKRELL. I should like to ask the Senator from Nebraska how many copies were ordered to be printed last year of the Agricultural Report for 1884?

Mr. MANDERSON. Four hundred thousand copies, I am told by the clerk of the Printing Committee.

Mr. COCKRELL. How were they distributed between the Senate and House?

Mr. MANDERSON. In accordance with the requirements of the House resolution.

Mr. COCKRELL. What was that?

Mr. MANDERSON. Three hundred thousand copies to the House of Representatives, 70,000 copies to the Senate, and 30,000 copies to the Department of Agriculture.

Mr. COCKRELL. I suppose the Senate committee then yielded all the rights of the Senate in the matter and let the House have its own way.

Mr. MANDERSON. If the Senator from Missouri will examine the present report of the Committee on Printing he will see that we recommend that the number to the House of Representatives be cut down 90,000 copies.

Mr. COCKRELL. How do you propose to distribute these 310,000 copies?

Mr. MANDERSON. By the amendment 210,000 copies to the House, 70,000 copies to the Senate, and 30,000 copies to the Department of Agriculture, thus giving to the Senate about one-third of the number supplied to the House.

Mr. COCKRELL. Not quite a third.

Mr. MANDERSON. Exactly a third—seventy to two hundred and ten.

Mr. COCKRELL. There will be 280,000 printed for the Senate and House. One-third of that number would be over 90,000. I therefore move to amend the joint resolution to make the number conform to what we require, and what I think the Senate has repeatedly decided that we required in other cases. I see no reason why such an enormous number more should be given to the House of this particular document. We have calls for it from the whole of our States, and I think we ought to have an increased number. The number is disproportioned. We are to have 70,000 and they 210,000. Ordinarily we have one-third of the whole number and they two-thirds. Apply that rule and it would give us 93,000; but if the joint resolution proposes to give to the Senate the same number as was heretofore given in 1883 and 1884, and simply reduces the number to the House, and if other Senators are satisfied, I shall make no further objection. I wish to be sure, however, that we are to have the same number that we had last year.

Mr. MANDERSON. That is as the committee understands it. The Senate has the same number and the House a reduced number by the amendments proposed by the Committee on Printing.

The PRESIDENT *pro tempore*. The amendment of the Committee on Printing will be again read.

The CHIEF CLERK. In line 3, before the word "thousand," it is proposed to strike out "four hundred" and insert "three hundred and ten;" so as to read:

That there be printed 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment reported by the Committee on Printing will be read:

The CHIEF CLERK. In line 6, before the word "thousand," the committee report to strike out "three hundred" and insert "two hundred and ten;" so as to read:

Two hundred and ten thousand copies for the use of members of the House of Representatives.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to this amendment? If there be no objection——

Mr. MORRILL. I think the Senator from Missouri proposed an amendment to that amendment.

Mr. COCKRELL. Let the joint resolution be read as proposed to be amended by the Committee on Printing. Let it be read as amended.

The PRESIDENT *pro tempore*. The last amendment has not been acted upon. The Senator from Vermont addressed the Chair, and the Chair suspended putting the question. The question is on agreeing to the amendment.

Mr. MORRILL. I think the Senator from Missouri proposed an amendment to this amendment, giving the Senate a larger number and the House a less number than was proposed by the Committee on Printing.

Mr. COCKRELL. How many copies are provided for the Senate?

Mr. MANDERSON. Seventy thousand for the Senate.

Mr. COCKRELL. I move to amend by giving the Senate 80,000 copies and the House 200,000 copies.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the amendment. The amendment to the amendment will be read.

The CHIEF CLERK. In line 6 of the proposed amendment strike out the words "and ten;" so as to read:

Two hundred thousand copies for the use of members of the House of Representatives.

And in line 7 strike out "seventy" and insert "eighty;" so as to read:

Eighty thousand for the use of members of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment proposed by the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The next amendment proposed by the Senator from Missouri will be again read.

The CHIEF CLERK. In line 7, before the word "thousand," strike out "seventy" and insert "eighty;" so as to read:

Eighty thousand for the use of members of the Senate.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended to read: "A joint resolution to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885."

BILLS RECOMMITTED.

Mr. GORMAN. For the purpose of having the bill recommitted to the Committee on Indian Affairs, I move to take up the bill (S. 1963) for the relief of J. G. Fell, Edward Harper, and George Burnham. There is an error in the bill as reported, and some members of the committee desire to further consider it.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent to take up the bill indicated by him. The Chair hears no objection, and it is before the Senate.

Mr. GORMAN. I move that the bill be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

MOSES F. CARLETON.

Mr. CONGER. I move that the Senate proceed to the consideration of the bill (H. R. 6089) for the relief of Moses F. Carleton. It is for the benefit of a soldier.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Moses F. Carleton, late of Company I, Fourth Michigan Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from October 24, 1865, until June 12, 1866, deducting therefrom the pay he received as sergeant of infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BACKBONE RAILROAD GRANT.

Mr. HILL. I call for the regular order, the regular morning business.

The PRESIDENT *pro tempore*. The regular order is "reports of committees," although, the hour of 12 o'clock having passed, it is in order for any Senator to move to take up any bill.

Mr. HILL. I merely wish to offer a resolution for reference. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent to present a resolution at this time. If there be no objection it will be received and read.

The Chief Clerk read the resolution, as follows:

Resolved, That it is the opinion of the Senate that no patents should issue to the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company to the lands granted to the said company until the Senate has acted upon the pending bill relating to that subject.

Mr. HILL. I believe there is urgent necessity that the resolution should be acted upon at once, and I trust the Committee on Public Lands will act upon it promptly. I therefore move its reference to that committee.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. MITCHELL. I wish to offer a resolution at this time.

The PRESIDENT *pro tempore*. The order of resolutions is not yet reached. Are there further "reports of committees?" If there be none, that order is closed. The "introduction of bills" is in order.

The Chair thinks it is his duty now to lay before the Senate for action a bill of the House, which was read the first time yesterday and objection was made to its second reading. The Chair is not at all clear under the rules whether the bill now belongs on the Calendar or should be laid before the Senate at this time. In this state of doubt the Chair will lay the bill before the Senate for its action; and the question will be, unless it be objected to or a point of order raised, whether the bill shall be read the second time. The Chair hears no objection to that question being now put. The question is, Shall the bill be read the second time?

Mr. BLAIR. What is the name of the bill?

The PRESIDENT *pro tempore*. The river and harbor bill.

Mr. BLAIR. That will be simply for reference, I suppose.

The PRESIDENT *pro tempore*. The Chair supposes so. It can not be debated until after its second reading.

Mr. INGALLS. I should like to have it read the second time at length.

The PRESIDENT *pro tempore*. The bill will be read the second time at length if there be no objection.

Mr. BLAIR. I object.

The PRESIDENT *pro tempore*. Objection is made to the second reading. The question is, Shall the bill be read the second time? [Putting the question.]

Mr. BLAIR. If it is a short bill I withdraw the objection.

The PRESIDENT *pro tempore*. The Chair is putting the question. The ayes have it, and the bill will be read the second time at length, as the Senator from Kansas desires.

The bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes, was read the second time at length, as follows:

Be it enacted, &c., That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction and with the approval of the Secretary of War, for the preservation and continuation of such of the uncompleted public works mentioned and designated for improvement in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, the sum of $6,000,000, which sum of $5,000,000 shall be applied by the Secretary of War to each of said public works, respectively, in proportion to the sums appropriated for such works in and by the said act: *Provided*, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates: *Provided*, That the work at the harbor of Galveston, Tex., shall be treated as if the sum of $250,000 had been appropriated for said harbor of Galveston by said act: *And provided further*, That any money which shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested; and the money thus allotted by this act for the improvement of the Mississippi River shall be expended by the Secretary of War and in accordance with plans approved by him.

Mr. McMILLAN. I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. McMILLAN. I ask unanimous consent that the Committee on Commerce have leave to sit during the sessions of the Senate.

The PRESIDING OFFICER (Mr. INGALLS in the chair). That order will be entered if there be no objection.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2667) making appropriation for the improvement of the Missouri River at or near Omaha, Nebr., and Council Bluffs, Iowa; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River.

Mr. BLAIR introduced a bill (S. 2668) granting a pension to John M. Milton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2669) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; which was read twice by its title, and referred to the Committee on Finance.

Mr. COLQUITT introduced a bill (S. 2670) to remove the political disabilities of John W. Nixon, of Georgia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

SARAH M. BISSELL.

Mr. BLAIR. I ask unanimous consent of the Senate to take up Calendar No. 1300, being the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

Mr. HARRIS. I call for the regular order.

The PRESIDING OFFICER. The Chair understands that it is in order under the rule at this hour for the Senator from New Hampshire to either ask unanimous consent or to move to proceed to the consideration of any bill on the Calendar.

Mr. HARRIS. There is no question about the right of the Senator to make such a motion; but I call for the regular order, which is an objection to unanimous consent.

Mr. BLAIR. I move to take up the bill referred to.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

Mr. MITCHELL. I desire to offer a resolution. I can not do so, as I understand it, if that bill is taken up now.

The PRESIDING OFFICER. It may be offered by unanimous consent.

Mr. BLAIR. If the motion is in order, I have no objection to a resolution being offered for reference, but I wish to make progress with this and a few other cases of the kind, and I think the Senator ought not to obstruct them.

Mr. MITCHELL. I do not desire to obstruct any motion to take up a pension bill, but I want to present a resolution which I understand to be in order now, and I must object to anything else being interposed.

Mr. BLAIR. Is the resolution proposed for action?

Mr. MITCHELL. It is a resolution that calls for action unless objection be made.

Mr. BLAIR. I ask for action on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6940) granting a pension to Sarah M. Bissell. It proposes to place on the pension-roll the name of Sarah M. Bissell, widow of Commodore Simon B. Bissell, late of the United States Navy, at $50 per month.

Mr. HARRIS. Is that bill reported favorably or unfavorably?

The PRESIDING OFFICER. It is reported unfavorably.

Mr. BLAIR. Let the report be read. The bill is for the widow of a rear-admiral. It is like half a dozen other cases passed yesterday giving pensions of $50 a month. There are three or four others, and I desire that they may be disposed of and off my mind.

Mr. COCKRELL. I ask for the reading of the adverse report.

The PRESIDING OFFICER. The report will be read.

Mr. BLAIR. I hope the Senate will listen to the report.

The Secretary read the following report, submitted by Mr. BLAIR February 20, 1885:

The Committee on Pensions, to whom was referred the bill (H. R. 6940) granting a pension to Sarah M. Bissell, have examined the same, and report recommending the indefinite postponement of the bill.

The record and other facts are printed below. The commodore was in the service from 1826 until 1863.

[House report No. 2086, Forty-eighth Congress, first session.]

The committee have given Mrs. Bissell's case thoughtful consideration, and are convinced that no more deserving claim has come before Congress. Mrs. Bissell is the widow of the late Commodore Simon B. Bissell, who gallantly and faithfully served his country through a long and honorable career in the Navy, and now in utter helplessness she appeals for a pension barely sufficient to keep

her from actual want. And in this connection the committee call attention to the following letter from that gallant patriot Admiral David D. Porter; it tells its own eloquent story. The committee make the said letter a part of this report:

OFFICE OF THE ADMIRAL, *Washington, D. C., June* 19, 1884.

MY DEAR SIR: Please accept my warmest thanks for your kind and encouraging letter regarding the pension of Mrs. Bissell.

I regret very much to hear that there is not a prospect of getting a bill through for the relief of Mrs. Bissell during the present session. The distress of this interesting family is the most dreadful that has come to my knowledge for many years.

It can scarcely be conceived that a person once holding Mrs. Bissell's position as the wife of a commodore in the Navy could be reduced to such poverty. Mrs. Bissell and her daughter have not a cent in the world. They have been obliged to sell every little article of value to purchase food. Fortunately they have a small house of their own in which they can hide their grief and their poverty.

I never knew until day before yesterday their actual destitute condition, and I yesterday sent them the first square meal they have had for two weeks.

Commodore Bissell, when he was retired, took his family abroad to a cheap place, where he was enabled to lay up a little from year to year. He put the money in the hands of a relative of his wife's to invest for her. After the commodore's death his family returned to America to find that all their savings which they had sent home had been made way with, and that absolute poverty stared them in the face. Their own relatives are unwilling to help them by a loan of even a dollar.

How they will get along God only knows, unless they can get this pension.

It is not right that the family of an officer who so faithfully performed his duty, as did Commodore Bissell, should be suffering such extreme poverty from no fault of their own.

I hope you will excuse me for troubling you with this long story; but as you have interested yourself in the matter, and it comes under your cognizance, I thought it my duty to state to you the exact condition of this family. If anything could be done for them this session, it would be an act of mercy.

I am sure you have sympathy enough for this case to excuse my intrusion on your time, and I am glad to know that you consider the claim of Mrs. Bissell a just one.

I am about the only one who interests himself in the cases of the wives of old officers left by the death of their husbands in distress. I do so because I know their merits and demerits, and must be the last one to recommend any person for a pension who did not actually deserve it. These good people, Mrs. Bissell and her daughter, deserve more than ordinary consideration. Thanking you for your courtesy in finding time to write and give me such encouraging news for the future.

I have the honor to remain, very respectfully and truly, yours,

DAVID D. PORTER, *Admiral.*

Hon. G. W. HEWITT, *M. C.,*
Chairman Committee on Pensions,
United States House of Representatives.

The committee earnestly recommend the passage of the bill.

To the honorable the Senate of the United States:

I, the undersigned, widow of the late Commodore Simon B. Bissell, United States Navy, who died at Paris, France, February 18, 1883, respectfully appeal to your honorable body for the aid that has been granted to the widows of officers of the rank of my late husband, and pray the passage of the accompanying bill, granting me a pension of $50 per month. My necessities are such as to compel me to make this appeal in as urgent a form as possible. My age is 73, and the records of the Department will show the honorable career of my late husband, whose services covered a period of over fifty years, he having entered the Navy in 1825, having passed successively through all the grades to that of commodore on the active-list, in which latter grade he was honorably retired on attaining the age of 62. During his forty-seven years of active service he filled with credit all the positions to which a naval officer is ever assigned. In the grades through which he passed, and in whatever position he was placed, he left an unblemished record.

I append hereto the record of my late husband as transmitted to me from the Bureau of Navigation and Office of Detail, Navy Department. The petitioner begs that her prayer may be granted.

SARAH M. BISSELL.

The petitioner begs to add that Congress has on many occasions made precedents. Not to go further back than 1876, the following instances are cited in which this has been done: In 1876 to the widow of Commodore Elliott; in 1877 to the widows of Admirals Bell and Winslow; in 1878 to the widow of Admiral Wilkes; in 1879, of Commodores Frailey, Gallagher, and McKeever, and of Admiral Stringham; in 1880, of Admiral Davis; in 1881, of Admiral Paulding, and Commodores McCauley and Guest; and, finally, last winter and summer, to the widows of Admirals Goldsborough, Hoff, Reynolds, Lardner, Spotts, and Rodgers, and Commodore Wood.

SARAH M. BISSELL.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me this 8th day of April, 1884.

[SEAL.] EUGENE ROSIS,
Notary Public, District of Columbia.

ABSTRACT OF SERVICES OF SIMON B. BISSELL, LATE COMMODORE UNITED STATES NAVY.

1825, March 1. Appointed midshipman.
1826, July 22. Ordered to the Vincennes, Pacific squadron.
1830, June 29. Detached and granted leave.
1830, August 19. Ordered to the naval school at New York.
1830, December 16. Granted leave.
1831, July 12. Ordered to the navy-yard at Portsmouth, N. H.
1831, July 23. Warranted as passed midshipman, to take rank from the 4th June, 1831.
1832, April 6. Ordered to the United States Mediterranean squadron; was transferred to the Delaware, same squadron.
1836, February 22. Detached from the Delaware.
1837, March 6. Commissioned as lieutenant, to take rank from February 9, 1837.
1837, November 7. Ordered to the steamer Fulton.
1838, October 12. Detached and granted leave.
1838, December 6. Ordered to the Macedonian, West India squadron.
1839, December 2. Ordered to the steamer Fulton.
1840, May 13. Granted leave.
1841, December 29. Ordered to the steamer Missouri.
1843, October 19. Detached and placed on waiting orders.
1845, February 19. Ordered to the Union; special service.
1846, April 14. Detached and placed on waiting orders.
1846, October 14. Ordered to the Albany, home squadron; attached to the naval battery during the siege of Vera Cruz (war with Mexico).
1848, May 11. Detached from home squadron.
1848, September 13. Transferred to reserve-list.
1859, January 6. Commissioned as commander on the active-list, to take rank from the 14th of September, 1855, and next after Commander John P. Gillis.
1859, March 22. Ordered to command the receiving ship Independence at Mare Island, Cal.
1860, October 29. Detached and ordered to command the Cyane, Pacific squadron.
1862, November 12. Detached and ordered to the navy-yard, Mare Island.
1864, August 8. Detached.
1865, February 20. Commissioned as captain to take rank from July 16, 1865.
1865, April 25. Ordered to special duty at Washington.
1865, November 8. Detached and ordered to command the Monongahela, North Atlantic squadron.
1866, December 29. Commissioned as commodore to take rank from the 10th of October, 1866.
1868, July 1. Detached from the Monongahela and placed on waiting orders.
1869, June 2. Ordered as member of board of examiners.
1869, July 19. Also as member of retiring board.
1870, March 1. Placed on the retired-list. Sixty-two years.
1871, September 18. Detached from duty as member of examining and retiring boards and placed on waiting orders.
1872, May 23. Ordered as a member of board of examiners.
1872, September 30. Detached and placed on waiting orders.
1873, April 30. Granted leave of absence until his services should be required, with permission to remain abroad.
He died in Paris, France, February 18, 1883.

Mr. BLAIR. I only desire to add to the statement of Admiral Porter written last summer, with reference to the extreme need of Mrs. Bissell, that I have come personally to know that it is in no wise exaggerated even in its strongest statement. I hope that the bill will pass.

While I am on my feet——

Mr. COCKRELL. Will the Senator permit me to ask a question for information?

Mr. BLAIR. Certainly.

Mr. COCKRELL. Is Mrs. Bissell now drawing a pension?

Mr. BLAIR. I do not understand that she is. Her husband recently died and the application is made direct to Congress, as I understand, as in the case of Mrs. Alvord, whose husband died this last year.

Mr. COCKRELL. She would be entitled to $30 under the general law, would she not?

Mr. BLAIR. Under the general law she would, and under the universal custom, as these cases have been brought to Congress, to $50.

Mr. COCKRELL. That is where there has been any necessity for it.

Mr. BLAIR. Where there has been any necessity?

Mr. COCKRELL. Where there has been necessity, as I understood the Senator to say yesterday evening, $50 per month had been allowed.

Mr. BLAIR. I should like to say on that point that while the Senate has seen fit, and members of the Pensions Committee who have dissented from this class of bills have deemed fit, when personally interested in such cases, to recommend Congress to pass such bills for those of much lower rank, I have always insisted, and I claim that I am the conservative member of the committee in that regard, that this excessive pension should never be given except where there are special claims founded upon long service, distinguished service, and actual need. In cases where life has been taken and service has been very brief, I think death ought to be accounted as an equivalent to long service; but at all events distinguished service and actual need should be insisted on. I am the conservative member of the Committee on Pensions in that regard, and I should like the Senator from Missouri and everybody else to take notice accordingly.

Mr. COCKRELL. I am very much obliged for the information, for I am sure I would not, unless the Senator had called my attention to the fact, have formed the opinion which he has stated.

Mr. BLAIR. The Senator will pardon me.

Mr. COCKRELL. This is the question I want to ask: I see these papers speak of property. It seems these persons have a comfortable home. What is the value of the real estate?

Mr. BLAIR. It does not say they have a comfortable home. They have a house which they have inherited. I do not know the value of the house. I do not understand it to be a valuable house, one at all unsuitable to their condition in life.

The Senator will observe, of course, that this is a case where the statement of the details in a public way naturally affects a sensitive nature, and I did not desire myself the reading of the report; and yet where an application of this sort is made it is only right that the Senate, who must pass upon it, should know the details in full; and I state with reference to all the circumstances of this family, excepting the dwelling, in regard to which I do not know, that the letter of Admiral Porter is not exaggerated. I have come to know personally that his statements are by no means stronger than the truth.

Mr. JACKSON. Will the Senator from New Hampshire yield for a question?

Mr. BLAIR. Certainly.

Mr. JACKSON. Do the papers in this case show that the husband died of disease contracted in the service?

Mr. BLAIR. I do not know in regard to that. They show that he died in the year 1883, after over fifty years' service and forty-seven on the active-list.

Mr. JACKSON. After he had been on the retired-list a long while.

Mr. BLAIR. He had been on the retired-list since 1873, I think, but had been performing actual duty much of the time after he was retired. He went abroad with leave to remain abroad, his absence being on account of his health, and finally died in Paris, France, in 1883.

With regard to the Senator's question as to whether Commodore Bissell died from disease contracted in the service, I will say that he died after he had obtained extreme old age, the whole of his life having been spent in the service of the United States. I know but very few instances where these pensions have been extended to $50 a month by special act where the death of the husband was traceable directly to anything but old age and the natural effect of long service. In some instances, to be sure, the death was attributable to the combined effect of wounds or disease contracted and extreme age, but as a rule in the cases we passed yesterday, the cases which we passed at the last session, and other cases still upon our Calendar, the prolonged service, the high rank, the distinguished character of the service, and the need of the party have been the basis on which I for one have urged the increase to $50.

Where the widow of an admiral has means to support herself in reasonable comfort I do not think she ought to receive anything more than the $30; in fact she ought to make out her case like a private in order to receive any pension whatever. The question which the Senator propounds would in such a case be a pertinent one.

Mr. CAMDEN. Mr. President, I feel it my duty to protest again, as I did yesterday, against this discrimination in increasing the pensions of one class of persons or of particular individuals over the report of the Pensions Committee, especially where there is no other ground for an increase than the necessity of the claimant. Now, it is a fact which all will recognize that of the thousands and thousands of pensioners enjoying the bounty of the Government there is not one single case in which the pensioner might not properly come before the Senate and ask an increase of pension upon the ground that the pension received is not sufficient to support him or her and his or her family.

By these precedents we are inviting every widow now upon the pension-roll of this Government to come before the Committee on Pensions and before Congress and ask for an increase. If we give it in one instance simply for meritorious services we set a precedent after which we can not well deny it to any other widow or any other claimant whose pension is not sufficient for his or her support. Thus you will bring before this committee hundreds and hundreds of cases that come with the same claim for an increase, urging the same reasons for an increase that have been sufficient in the other cases.

I think it is unwise, I think it is impolitic to multiply these precedents which are to be used against us in similar cases. The cases that we passed yesterday are precedents for the same class of cases to-day, and they will be precedents at future sessions of Congress for allowing an increase of many other pensions upon the same grounds.

Mr. President, is long service a good cause for increasing a pension? If the Government has for a great number of years furnished lucrative and high positions to any class of persons serving the Government, are they not as much under obligations to the Government for the positions afforded them as the Government is to support their families after their death? I do not see the propriety of such a marked distinction between the military and civil service of the Government. Whether one man served forty years, another fifty years, or another ten years, if they died in the service, they all alike have a meritorious record, because the simple fact of being in the service and dying in the service is evidence that they performed their duty well; they could not have remained in the service unless they had discharged their duty honestly and faithfully.

I desire to call attention particularly to the result of what is being done and to the evils that must flow from it.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore.* The question is, Shall the bill pass?

Mr. CAMDEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. I desire to say one word in regard to this bill. A number of cases similar to this have passed the Senate. So many of them have passed this body that I regard myself as instructed upon them. This I regard as one of the best cases we have considered, and I trust the Senate will pass the bill.

The Secretary proceeded to call the roll.

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware (Mr. SAULSBURY]. If he were here, I should vote "yea." My pair has been transferred; and I vote "yea."

The roll-call having been concluded the result was announced—yeas 24, nays 27; as follows:

YEAS—24.

Brown,	Dolph,	Lapham,	Morgan,
Call,	Edmunds,	McMillan,	Morrill,
Cameron of Wis.,	Frye,	Manderson,	Palmer,
Chace,	Hoar,	Miller of Cal.,	Pike,
Conger,	Ingalls,	Miller of N. Y.,	Sabin,
Cullom,	Jones of Florida,	Mitchell,	Sawyer.

NAYS—27.

Bayard,	Garland,	Lamar,	Slater,
Blair,	Gibson,	Maxey,	Vance,
Camden,	Groome,	Pendleton,	Van Wyck,
Cockrell,	Hampton,	Plumb,	Vest,
Coke,	Harris,	Pugh,	Williams,
Colquitt,	Jackson,	Ransom,	Wilson.
Fair,	Jonas,	Riddleberger,	

ABSENT—25.

Aldrich,	Farley,	Jones of Nevada,	Sewell,
Allison,	George,	Kenna,	Sherman,
Beck,	Gorman,	Logan,	Voorhees,
Bowen,	Hale,	McPherson,	Walker.
Butler,	Harrison,	Mahone,	
Cameron of Pa.,	Hawley,	Platt,	
Dawes,	Hill,	Saulsbury,	

So the bill was rejected.

Mr. BLAIR. I desire to enter a motion to reconsider the vote just taken.

The PRESIDENT *pro tempore.* The Senator from New Hampshire enters a motion to reconsider. Does he desire it acted on now?

Mr. VAN WYCK. I hope not now. Let the other bills be considered.

The PRESIDENT *pro tempore.* Does the Senator from New Hampshire make the motion, or simply ask to enter it?

Mr. BLAIR. I simply enter the motion.

The PRESIDENT *pro tempore.* The motion to reconsider is entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 603) granting a pension to Rachel Nickell;
A bill (H. R. 3581) for the relief of Valincia S. Hutchinson;
A bill (H. R. 4026) for the relief of William H. Houghton;
A bill (H. R. 7504) granting a pension to Delia G. Webber.
A bill (H. R. 7907) granting a pension to Matilda Cody;
A bill (H. R. 8155) granting a pension to Addie L. Moore; and
A bill (H. R. 8237) granting a pension to Mary J. Dickson.

The message also announced that the House insisted upon its amendments to the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIN WELLBORN of Texas, Mr. HORACE B. STRAIT of Wisconsin, and Mr. ROBERT S. STEVENS of New York managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. ROSECRANS of California, Mr. ROBERT M. MURRAY of Ohio, and Mr. GEORGE W. STEELE of Indiana managers at the conference on its part.

ANSON B. SAMS.

Mr. VANCE. The Committee on Pensions reported adversely on a bill for the relief of one of my constituents, without my observing it. I ask to have the action on the adverse report reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore.* Will the Senator state the title of the bill?

Mr. VANCE. A bill granting a pension to Anson B. Sams.

The PRESIDENT *pro tempore.* How long is it since the bill was indefinitely postponed?

Mr. VANCE. Three days since, I think.

The PRESIDENT *pro tempore.* The Senator from North Carolina asks unanimous consent that the vote of the Senate indefinitely postponing the bill (H. R. 1127) granting a pension to Anson B. Sams be reconsidered, and that the bill be placed on the Calendar. The Chair hears no objection, and that order is made.

SUSPENSION OF SILVER COINAGE.

Mr. MITCHELL. I desire to offer a resolution. Is not that in order at this time?

The PRESIDENT *pro tempore.* The Chair will receive it, if there be no objection.

The resolution was read, as follows:

Whereas the commercial value of silver has so far depreciated that the standard silver dollars coined under the act of 1878 are now worth but 82 cents in the open market; and whereas the continued coinage of such depreciated dollars, now amounting to nearly $200,000,000, seriously threatens a suspension of gold payments by the Government from necessity, and the consequent banishment of gold coin from active circulation: Therefore,

Resolved, That the Committee on Finance be, and hereby is, instructed forthwith to prepare and report to the Senate a proper bill to provide for the immediate suspension of the coinage of standard silver dollars and for the resumption of such coinage whenever the commercial value of the standard dollars aforesaid shall rise to within 5 per cent. of par with the standard gold dollars of the United States.

Mr. MITCHELL. I ask unanimous consent to have read a very important letter from a very distinguished person relating to this subject, to make public record of the fact.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the resolution?

Mr. HARRIS. There is.

The PRESIDENT *pro tempore*. Objection is made.

Mr. MITCHELL. I did not understand objection to be made to the reading of the letter.

The PRESIDENT *pro tempore*. Is there objection to the reading of the paper?

Mr. HARRIS. There is.

Mr. MITCHELL. Very well.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. HARRIS, from the Committee on Epidemic Diseases, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENDLETON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

SEDATE P. MARTIN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2262) granting a pension to Sedate P. Martin, which was to strike out all after the word "pension-roll" in line 3 down to and including the word "pensions" in line 4.

Mr. COCKRELL. Let the words to be stricken out be read.

The PRESIDENT *pro tempore*. The bill had better be read as it would stand if amended.

The CHIEF CLERK. If the amendment be agreed to, the bill will read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sedate P. Martin, late a private in Company B, One hundred and forty-first Regiment Illinois Volunteers.

The PRESIDENT *pro tempore*. The amendment is before the Senate.

Mr. JACKSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MRS. CORDELIA BRAINERD THOMAS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas, which was, in line 10, to strike out the word "fifty" and to insert "twenty;" so as to read:

And to pay her, from and after the passage of this act, during her widowhood, the sum of $20 a month.

Mr. JACKSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 603) granting a pension to Rachel Nickell;

A bill (H. R. 3581) for the relief of Valincia S. Hutchinson;

A bill (H. R. 4026) for the relief of William H. Houghton;

A bill (H. R. 7504) granting a pension to Delia G. Webber;

A bill (H. R. 7907) granting a pension to Matilda Cody;

A bill (H. R. 8155) granting a pension to Addie L. Moore; and

A bill (H. R. 8237) granting a pension to Mary J. Dickson.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana; and

A bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. W. S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers of the conference on the part of the House.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

Mr. WILSON. I move that the Senate proceed to the consideration of House bill No. 7299, Order of Business 1071.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of Order of Business 1071, being the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. McMILLAN. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. McMILLAN. I ask unanimous consent to make an inquiry. I ask if that is a bill forfeiting lands granted to the State of Iowa for railroad purposes?

The PRESIDENT *pro tempore*. It is.

Mr. McMILLAN. I hope the Senate will not consider such a bill now. That will require great discussion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa.

Mr. McMILLAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. HOAR. This is a matter something like the Des Moines land-grant bill in some respects. It relates to a complicated subject and will require a very continuous and extensive debate. It affects important rights, individual rights, on which I understand the committee were divided. I think we ought not to be asked to legislate on matters of this kind at this period of the session. The other matters which the Senate has made special orders, which it has assigned to be taken up, are being laid aside, because there is not sufficient time for considerate legislation on the subjects; and it seems to me that in these last three days of the session the Senate ought not to be asked to give special consideration out of order to matters of this kind.

Mr. MORGAN. I wish to say, with the consent of the Senate of course——

The PRESIDENT *pro tempore*. The Senator from Alabama asks leave to be heard upon this question. Is there objection? The Chair hears none.

Mr. MORGAN. This case differs from the Des Moines case entirely. I think no member of the Committee on Public Lands has any doubt at all that this case is within the jurisdiction of the courts and that nothing remains to be done but to adjust the jurisdiction, and that in doing so and in subjecting this case now to the consideration of the courts we shall save very much such trouble and imbroglio as there is about the Des Moines case. I believe that no more rightful or necessary legislation can take place than for the Senate to consider and pass this bill.

Mr. McMILLAN. I ask the unanimous consent of the Senate to be allowed to make one or two remarks in regard to this matter.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks leave to be heard on this question. Is there objection? The Chair hears none.

Mr. McMILLAN. This bill involves the right of the State of Iowa and of a railroad company under a grant from the State of Iowa to certain lands appropriated by the State to the building of a railroad. The securities of the railroad company are in the hands of people throughout this country, based for their payment on these lands. They are in the hands of widows and orphans in different portions of the country, and in the possession of trustees, constituting trust funds for the wards of trustees and guardians. It seems to me that to attempt to consider this bill at this stage of the session under the circumstances in which we are placed now, with great appropriation bills coming constantly to the attention of the Senate, would be very unwise, and great injustice would be done to private rights and to public interest. I hope the Senate will not take up the bill.

Mr. WILSON. I ask unanimous consent to submit an observation.

The PRESIDENT *pro tempore*. The Senator from Iowa asks leave to be heard on this question. Is there objection? The Chair hears none.

Mr. WILSON. If this case involves the element stated by the Senator from Minnesota, then one result follows, and that is that the railroad company having claims under the grant in question has perpetrated a gross fraud upon the parties referred to by the Senator from Minnesota.

This case is one of very great importance to a section of the State of Iowa. It involves a controversy covering about 85,000 acres of land. That controversy involves the rights of the State of Iowa, the rights of the United States, and the rights of persons settled upon these lands. Instead of endeavoring to determine by legislative decision what rights these various parties have, the bill proposes to send the entire question involved to the circuit court of the United States in order that all these elements may be resolved judicially; and until some such course is taken, some such remedy applied, that section of country and this great body of land will simply be covered by titles questioned and clouded, and concerning which there should be no doubt whatever left.

Now, therefore, and inasmuch as this bill has waited through months and months, I ask that the Senate will give a little time to its consideration and that it may become a law. There is no more important subject for Congress to consider and to resolve than one which relates to

the titles to land upon which people are making their homes, and therefore I ask that this bill may be considered at this time.

Mr. McMILLAN. I ask unanimous consent to make a further suggestion.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. McMILLAN. The Senator from Iowa says that the question of the titles of settlers on the public lands is involved in this question. It is conceded that the lands along the line of this road had been withdrawn from market and had not been subject to settlement as public land at any time since the grant was made, and that the parties who are endeavoring to be benefited by this bill had no right whatever to go upon these lands. They had no right to make settlement there; but this bill recognizes their right to the extent that they are permitted to appear as proper settlers on these lands to raise questions of title which they suggest in regard to this grant.

The lands have not been patented to the company because a contest arose between two railroad companies as to which company should receive the patent to the lands, they both entering the same territory within which these lands lie. The case is one, it seems to me, in which there can be no question of *bona fide* settlers upon the public lands of the United States, because they are there as trespassers instead of being there under the laws of the United States.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived it becomes the duty of the Chair to place before the Senate the unfinished business, which is the bill (S. 498) granting a pension to Letitia Tyler Semple.

Mr. WILSON. I move that that be laid aside, and that the Senate proceed to consider the bill stated in my former motion.

The PRESIDENT *pro tempore*. Senate bill 498 is before the Senate, the question being on its passage, pending which the Senator from Iowa moves to proceed to the consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes. The question is on the motion of the Senator from Iowa.

Mr. WILSON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when Mr. SAWYER's name was called). My colleague [Mr. SAWYER] is paired for the day with the Senator from Delaware [Mr. SAULSBURY].

The roll-call having been concluded, the result was announced—yeas 28, nays 20; as follows:

YEAS—28.

Allison,	Groome,	Kenna,	Pugh,
Bayard,	Hale,	McPherson,	Vance,
Butler,	Hampton,	Maxey,	Van Wyck,
Camden,	Harris,	Mitchell,	Vest,
Cockrell,	Harrison,	Morgan,	Voorhees,
Conger,	Hill,	Pendleton,	Walker,
Garland,	Jackson,	Plumb,	Wilson.

NAYS—20.

Blair,	Dolph,	McMillan,	Pike,
Cameron of Wis.,	Edmunds,	Manderson,	Platt,
Chace,	Hoar,	Miller of N. Y.,	Riddleberger,
Cullom,	Ingalls,	Morrill,	Sabin,
Dawes,	Lapham,	Palmer,	Williams.

ABSENT—28.

Aldrich,	Colquitt,	Hawley,	Miller of Cal.,
Beck,	Fair,	Jonas,	Ransom,
Bowen,	Farley,	Jones of Florida,	Saulsbury,
Brown,	Frye,	Jones of Nevada,	Sawyer,
Call,	George,	Lamar,	Sewell,
Cameron of Pa.,	Gibson,	Logan,	Sherman,
Coke,	Gorman,	Mahone,	Slater.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864, concerning such of said lands as have been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railroad Company, and have not been by said State conveyed to said railroad company, the United States hereby asserting its reversionary right to all of said lands, or so much thereof as shall be found to have been patented in excess of the amount of land earned by said company, in compliance with the act of Congress aforesaid, and hereby resumes possession of the same, subject to the conditions hereinafter named.

SEC. 2. That the district attorney of the United States for the northern district of Iowa, under the direction of the Attorney-General, shall bring suit at law or in equity in the circuit court for said district against any persons or corporations who are claiming the ownership of the lands granted in said act to the State of Iowa and by said State withheld as aforesaid, so as to fully ascertain and settle all questions as to the interest of the United States in said lands; and any persons or corporations who are claiming any of said lands under the State of Iowa, or by reason of the act of Congress aforesaid, and who are necessary or proper parties, shall be joined as defendants therein; and said court may cause publications to be made, under the laws and rules of court, to bring in non-resident defendants as parties to the suit.

SEC. 3. That the State of Iowa, or any corporation or person not made a party defendant in such suit, may petition the court to be admitted as a party defendant therein, and may set up any interest such defendant may have in the said lands, in such manner as the court may direct, and have the judgment of the court upon the same.

SEC. 4. That the parties to such suit, respectively, shall have the right to revise the judgment or decree of the circuit court rendered therein in the Supreme Court of the United States, on writ of error or appeal, under the laws governing appeals and writs of error in civil causes decided in the circuit courts of the United States: *Provided*, That such writ of error or appeal is prosecuted within six months from the date of the enrolling of the final decree in such cause; and said cause shall be advanced on the docket of the Supreme Court so as to be heard as speedily as the other business of the court in which the United States is a party will admit.

SEC. 5. That if any of the lands mentioned herein are adjudged to belong to the United States, the same shall constitute a part of the public domain, and shall be disposed of as lands of the United States that are subject to homestead and pre-emption entry: *Provided*, That in case any lands so decided to belong to the United States have been sold (not encumbered) by said railroad company prior to January 1, 1884, to persons who purchased the same in good faith for the purpose of making for themselves homes, and have in good faith occupied the same, or for the purpose of adding to other property occupied by them as homes or for business purposes, the person or persons having purchased any of said lands as aforesaid, or their grantees, shall have the right to the lands so purchased, not exceeding one quarter-section to any one purchaser, upon making proof to the satisfaction of the Secretary of the Interior of the fact of such purchase, which proof may be first made at the local land office of the district in which said land may be located; and upon the proof being made as above within twelve months after the passage of this act, patents shall issue to the party or parties entitled thereto for the land, not exceeding one quarter-section to any one purchaser as aforesaid.

SEC. 6. That all actual, *bona fide* settlers upon any of the lands hereby resumed and which may be decided as aforesaid to belong to the United States, who possess the proper qualifications under the general land laws, and are in actual occupancy thereof at the date of the passage of the same, shall, for the purposes of this act, be considered as having entered upon the same lawfully, and shall be treated as if at the date of their entry upon said land the same had been in fact subject to entry under existing laws; and in any proceeding to perfect their titles the date of their actual occupancy shall be considered as the date of entry: *Provided*, That such occupancy shall have been continuous; and such persons shall have preference in making formal entries at the land office to the extent of such land as each of said settlers may occupy, not exceeding one quarter-section to each settler, and be entitled to enter under existing laws: *Provided further*, That the Secretary of the Interior shall adopt rules to govern such entries not inconsistent with the terms of this act; and in case of conflicting claims among alleged actual settlers, he shall, in deciding the same, give preference to the one who may establish prior and continuous occupancy, regardless of the date of entry at the local land office.

Mr. PLUMB. If I can have the attention of the Senate for a few minutes, I will make a statement in regard to this case which I think will not be controverted so far as it is a statement of fact.

In 1864 Congress made a grant of land to aid in building a railroad from Saint Paul to Sioux City, the grant being to the State of Iowa, to be by the State of Iowa in turn given to such railroad company as the State might select for the accomplishment of the purpose. The distance from the Iowa State line to the point where the railroad as constructed from Saint Paul strikes that line to Sioux City in Iowa is about eighty miles. On this line of road, and between the north line of the State of Iowa and Sioux City, is the town of Le Mars, distant 56.13 miles from the northern boundary of the State of Iowa. In the process of time, and within the time named in the grant of the General Government, the Sioux City and Saint Paul Railroad Company, which had been selected by the State for the purpose of building this railroad and to which the State had agreed to give the grant as it was earned, built the railroad from the northern line of the State of Iowa to the town of Le Mars.

At that point it found constructed or being constructed a railroad extending from Sioux City to the town of Le Mars and substantially parallel with the line on which this company had expected to construct its own road; and there the construction stopped, the company having built, as I said, under this grant and in pursuance of its charter from the State of Iowa 56.13 miles of railroad, for which it was entitled to receive from the General Government through the State of Iowa land at the rate of ten sections a mile, or 6,400 acres for every mile of railroad built.

The original grant provided that this land should be patented to the State of Iowa as fast only as the governor of that State should certify to the Secretary of the Interior that the road had been built in sections of ten miles; that is to say, whenever the governor certified that ten miles of railroad had been built the Secretary of the Interior was authorized to patent to the State of Iowa for the use of the railroad company the requisite land at the rate of 6,400 acres per mile. It was provided in the grant also that if this land should not be found within the proper limits on each side of the road, then the company was to have the right to take lands or to have patented for its benefit the lands within twenty miles of the line of the road.

The company built, as I said, 56.13 miles of railroad; and from time to time there were patented to the State for the benefit of the company lands amounting to 407,879.13 acres, being 87,879 acres more than the road was entitled to by reason of having built even sections of ten miles each. The company had built five sections of ten miles each, for which it was entitled to receive 320,000 acres of land; but by reason of a mistake in the Interior Department the amount of 407,879.13 acres was patented to the State instead of the 320,000 acres which the State was entitled to have patented to it by the General Government.

There is no question of the right of the railroad company to the 320,000 acres of land, being 6,400 acres for each mile as it was constructed up to the fiftieth mile-stone, leaving the only question to be

settled, as is now apparent, as to whether the railroad company is entitled to land for the 6.13 miles that it built beyond the limits of the last ten-mile section. This would be the only question in the case if it were not suggested that, by reason of litigation now pending between this railroad company and another one crossing it substantially at right angles, the land should be divided within the common limits, which raises the point whether in the event of this company losing any of the land heretofore patented to it it is entitled to indemnity by reason of such loss. If it should be, by reason of the fact that it would lose about 25,000 acres of land within these common limits, then that other question should be settled by the courts. These two propositions are of a kind which can not be settled by legislation unless Congress is to give a new grant, because the right of the company attached under the grant originally made, and the construction of that grant should only be made by the courts; and the first and main question to be decided is, is the company entitled, by reason of the equity arising from the building of the 6.13 miles of railroad, to the lands as it would have been if it had gone on and completed the ten-mile section? As I said, that brings up the construction of the act by which the grant was originally made, and that question can only be settled by the courts; and this bill provides that that question, and also all other questions that arise in this case, shall be decided by the courts, and by the decision of the courts the United States of course, and all other persons in privity with it or holding under it, will be concluded.

It has been sought, and will be I have no doubt by amendments to be proposed to this bill, to so construe the act of 1864 under which these lands were originally granted as to affirmatively give to the railroad company lands for all the road that it built beyond the last completed ten-mile section. That, however it may be viewed, is substantially a new grant.

Mr. McMILLAN. Will the Senator state that position again, if he pleases? I did not hear it exactly.

Mr. PLUMB. I said it had been proposed, and would be again, as I believe, in the form of an amendment to the bill, to give to the railroad company land at the rate of ten sections per mile for the six miles and a fraction which had been built beyond the limits of the last ten-mile section; and while I am not going to say that there is any merit in that proposition, at the same time I do say that it is equivalent to making a new grant, because if they are entitled to that land now by reason of the old grant they can get the land; and if they can not, then the act which does propose it will be equivalent to giving them that which the law as it now stands does not give them; and that is, I understand, making a new grant to that extent.

It has been sought to prejudice this bill by saying that it was in the interest of some men who, without any law or license, have gone as squatters upon these lands, seeking to obtain title to them under the general land laws of the United States. If that were so it would not prejudice the legislation in my mind at all, because if these lands are public lands there is no doubt of the perfect right of any citizen of the United States to go upon them seeking to acquire title under the general land laws. If they are not, then all there is of it is that these men have made a mistake, of which, of course, they must take the consequences; but it does not militate against this bill in my mind that under the impression that has been created by the failure of this company to build its road through to the terminus at Sioux City there are lands, a portion of the grant, which became subject to the operation of the general land laws, having reverted to the General Government, and therefore these people felt themselves included in the invitation which was extended by the general laws of the United States to all the citizens of the United States to go on the public lands for the purpose of acquiring homes thereon.

But, Mr. President, aside from all question in regard to the settlers who may now be upon these lands is the question of the right and the duty of the General Government to assert its own power as the original proprietor of these lands and as the grantor to whom these lands, by reason of the failure to build the railroad, have reverted; and in this bill the Government only seeks to bring all questions in relation to this grant so far as they relate to the lands beyond the limits of the completed sections of ten miles before the courts, in order that not only the rights of the Government but the rights of the railroad company may be fully and finally decided, and decided, as I said before, in the only tribunal in which they can be decided.

As I said before, there were patented to the State of Iowa by misadventure nearly 88,000 acres of land more than the company were entitled to by a strict construction of the terms of the granting act. These lands the State of Iowa refused to patent to the railroad company. The Legislature of the State of Iowa, by an act passed a few years ago, proposed to surrender to the General Government a portion of these lands, for the reason that the railroad company was not entitled to them; but while the order made by that law upon the governor was in the process of execution the railroad company, by an injunction obtained in a local court, sought to prevent, and has so far prevented, the governor from reconveying, according to the direction of the Legislature, any of these lands to the General Government. That question, therefore, is pending upon this incidental proceeding in a State court in the State of Iowa, a court practically without jurisdiction to settle the question that is at the bottom of this grant.

In addition to that, the Secretary of the Interior, in a letter written some time ago, recognised the fact that there were lands which had been patented to the State of Iowa, without expressing any opinion as to the quantity, which were public lands of the United States by operation of the law under which they were originally granted, because that law provided that if the railroad was not built according to the terms of the act so much of the lands as applied to the unearned portion should revert to the General Government. At once the question arises, what portion of these lands have reverted? Some of them have undoubtedly, because the railroad company can not claim land for more than the 6.13 miles built, under any circumstances, and there will still be a fraction over which the Government to-day is the owner by reason of this reversionary clause of the original granting act, leaving only to be determined the question as to the extent of the lands and their location, and that can not be done by any authority short of the courts.

Mr. President, it is idle for the railroad company to think for a moment that it can ever acquire a single acre of land which it has not now got, unless it gets it by reason of just such a proceeding as is here contemplated. The Legislature of the State of Iowa will never confer or authorize its executive to confer upon this railroad company a single acre of land not already patented to it. The General Government can not act directly under the law as it now stands in giving any land whatever to the company, because the law provides that all the land shall go to the State of Iowa, to be in turn patented according to the direction and the discretion of that State to the railroad company entitled to the same.

Therefore, Mr. President, for the interest of the Government, which undoubtedly has title to some of these lands, for the purpose of settling the question of that ownership under the reversionary clause of the original granting act, and for the purpose of the settlement and the only effective settlement of the claim of the railroad company, this proceeding must be come to finally.

There is another reason why not only the interests of the Government but those of the railroad company conspire to require the settlement of this question in this way. The suit to which I have referred as pending between this company and the Milwaukee and Saint Paul Company, a company which succeeded to the land grant to build a railroad from Dubuque to Sioux City, and whose road crosses this road at right-angles, is now pending in the Supreme Court of the United States for hearing.

Mr. McMILLAN. Submitted to the court.

Mr. PLUMB. If it shall result from that suit that a portion of the lands heretofore patented to this Sioux City and Saint Paul Railroad Company go to the Milwaukee and Saint Paul Company, then, as I understand the position of the Sioux City and Saint Paul Company, it is ready to claim that by reason of losing these lands within the common limits it will be entitled to indemnity for them, and there will be a question of about 35,000 or 40,000 acres of land to which it will set up a claim, and which claim it can only enforce in the courts. Those persons who have gone on these lands—for a portion of them have been settled upon—are themselves willing and anxious that this bill shall pass. They recognize in this authority for a judicial proceeding the only method whereby there can be an authoritative decision of the question whether the lands on which they have settled are public lands or not. It is due to them, to the men who have gone upon the lands on the faith of the failure or refusal of the Legislature of the State of Iowa to order a patent to be made to the railroad company, for they thereby ascertained the fact that they had not been earned and were still public lands, and because of the fact that the Secretary of the Interior, in a letter which has been made public, decided that some portion of these lands which had been patented by the State of Iowa were public lands, and any man with a piece of paper and a pencil could determine the fact that some of these lands at least were public lands. By reason of all these facts, I say this question ought to be sent to the courts.

In addition to that, the counties in which they are located are interested in the settlement of this matter, because in the present condition of things these lands are not subject to taxation. The naked legal right is in the State of Iowa, but it holds as trustee without benefit, and the lands can not be taxed while they remain in this condition. This unsettled condition of the title not only unfavorably affects the men who have settled upon the lands, but it also unfavorably affects the counties in which they are located. The administration of justice, the transaction of the county business can only be secured by taxes levied on the property within its jurisdiction; and the financial interests of the whole State of Iowa as well are affected, because if there were titles to these lands the State could levy upon them for necessary taxes for the administration of local and general affairs.

But besides all this there is the question of public peace, I may say. I do not say anything which is applicable alone to this locality when I declare that where there is no title to land there can never be stable government; where there is no title to land there can be no public peace, no social order, practically no civilization.

In addition to that, I think the railroad company itself has a greater interest, so far at least as money is concerned, in having this question disposed of now and in this way than any and all other persons whatsoever. However much mistaken they may be, and however ample authority they may have given to the Senator from Minnesota to speak for

them in this particular and to obstruct the passage of the bill, I say what I shall recur to from now on until this bill shall become a law, if it shall fail to become a law at this session, that every day's delay is against the interest of the railroad company, and that they never can and never will get title to one single acre of land that they have not now got patented to them unless they get it as the result of the judgment of a court.

I do not need to say here that Congress will make no new land grant. That goes without saying. I do not need to say here that while measures of this kind are pending, while claims of this kind are open and subject to dispute, the State of Iowa will never confer on this railroad company a single acre of land. The Senator from Iowa can say that for his State better than I, but I think I know enough about the sentiment in that State to say that they will exercise no doubtful power for the purpose of conveying to this railroad company a single acre of land to which it is not entitled.

I may say, Mr. President, that when I first came to the examination of this question the bent of my mind was in favor of giving, if it could be done without affirmative legislation in any way which did not seem to confer a new right, to the railroad company lands for the 6.13 miles of railroad beyond the limits of the last ten-mile section; but the longer the subject was considered in committee, the more reflection I gave to it, the more I was driven inevitably to the conclusion that it was a question for the courts, and that it was a question for no other tribunal, and that until it was settled there we should be confronted by it year after year as we have been by the Des Moines River case, until finally it might get into as bad a title as that case has got into. That case is a solemn warning against any attempt to tinker by statute with rights that have from time to time grown up and attached to land, which rights can never be settled as they ought to be settled unless they are adjudicated by the courts. For that reason I have given my unhesitating assent to this bill as a matter demanded by every private interest that relates to these lands in any way, shape, or form, and for the reason also that apparently here is a great public interest which can never be settled so well, so wisely, so in the interests of peace and of order and of harmony and of justice as it can be settled now.

It will be said here that there are people who hold mortgages on these lands; and that is true. That I believe is the accompaniment of every land grant; but this bill provides that every person holding a mortgage bond and the trustees of all the mortgages, if there are more than one, can come into court and set up their rights in the premises and have them adjudicated as well; and I do not need to say to the Senate that no right could be conferred upon them by the act of the railroad company which the railroad company did not have itself; and if the railroad company has any rights, however slight, in these lands the courts will protect them as amply as it will protect those of the Government.

Mr. HOAR. Where is that provision to which the Senator refers about the mortgagees going into court?

Mr. PLUMB. If the Senator will read line 7 of the first section of the amendment he will find that it is provided:

> That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress, &c.

Mr. HOAR. That would not permit the holder of a bond to come in.

Mr. PLUMB. If he claimed an interest in the land, would it not?

Mr. HOAR. I should doubt whether it would. The Senator can make it plain.

Mr. PLUMB. It can be made more ample. The Senator from Massachusetts, with that vigilance which always characterizes him here when the interests of his people or of his State are involved, is concerned about some people in the State of Massachusetts who hold bonds of the railroad company secured by mortgage upon these lands; but I ask him to say himself whether he believes there can ever be any effective settlement made of this question unless it is sent to the courts.

Mr. HOAR. If the Senator will pardon me, I might as well answer that now if he will allow me to do so.

Mr. PLUMB. Certainly.

Mr. HOAR. All I know about this case is that a gentleman, resident in Massachusetts, who was commended to me as a man of character and respectability—some of whose relatives I know, and I would infer from what I know of them what he is likely to be—called upon me with this story: He said that he and some others with whom he was interested held a considerable quantity—I think $800,000 was the entire interest—of mortgage bonds of a railroad company in Iowa, which, I suppose, is the railroad company named in this bill—I do not remember the name—the land having been mortgaged to a trustee and the trustee holding the mortgage for the benefit of the bondholders. They had not got any return either in principal or interest on their bonds for many years, and their only security was these lands, the railroad company itself not being responsible as a solvent debtor; that the railroad company had a grant of lands.

The next statement I am going to make I am not quite sure of, but the Senator will correct me if I state it wrong. I think the statement was that the company was entitled by the original charter to so much land for every mile it constructed; then a subsequent amendment to the charter stated that the patents should issue for so much land for every ten miles of road constructed.

Mr. PLUMB. There is a mistake about that.

Mr. HOAR. At any rate they were to have their patent for so many lands for every ten miles of road constructed. Thereupon another road was also constructed, with a conflicting land grant going side by side with this road to some extent and coming into it and crossing it at an angle; so that when this company constructed about six miles of the last ten miles that they were to construct the other road came in, making it in the first place unnecessary for this company to have their road completed, and in the next place making it impossible for them to get their land for the road they did build. If there is any incorrectness in this statement I beg the Senator not to impute it to the incorrectness of the statement of the man who made it to me, but to the imperfection of my memory, because, not supposing the bill would come up at this Congress, I have given it no further attention and the matter is a little vague in my memory. If I have got it wrong, I hope the Senator will not impute it to the gentleman who made the statement to me.

Mr. PLUMB. I do not think that there is anything to be mistaken about the facts of this case.

Mr. HOAR. If that is true that they have without their fault failed to build the remaining four miles of the ten, or whatever the distance is, the United States ought not certainly to pass a bill which would certainly authorize a court to consider this matter of legal right alone; for the technical title is now in the United States, open to public entry, letting in all the settlers who may choose to come in; and especially they should not say that everybody who has squatted upon the land shall be treated as if he were a *bona fide* settler at the time he went there. What they ought to do is, so far as is in the power of the United States, to grant the company the lands they are entitled to for the six miles. If the United States create a tribunal to determine the question, it seems to me the tribunal ought to be authorized to say what is the equitable or just or fair claim of these mortgagees, the bondholders, and creditors of the road to the land which had been earned by the building of the six miles. It should not be merely the naked question of whether the United States have patented the lands, because nobody doubts that they have not patented the lands for that portion of the road.

Mr. PLUMB. A portion of the Senator's statement is incorrect. I acquit the gentleman who made the statement of any design to misrepresent; but I have stated the case exactly as it was. I think the person alluded to is the same gentleman who came to me with a letter from a constituent of the Senator from Massachusetts whom I knew very well, and who I knew would not have given him a letter to me unless he was a person entirely worthy of credit. But there is no mistake about the facts in the case, and there can not be any. It is a question simply as to what rule should be applied to the facts as they are known to exist. There was no amendment of the original act, and it was provided in the original act in the terms which I shall read:

> That the lands hereby granted shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads—

The two roads embraced in the act—

> is completed in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number.

Mr. HOAR. Is there not a previous statement that there should be granted so much for every mile?

Mr. PLUMB. The act proceeds:

> And when certificates of the completion of additional sections of ten consecutive miles of either of said roads are from time to time made as aforesaid, additional sections of land shall be patented as aforesaid until said roads or either of them are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid and none other.

Then there is a further provision that if the road is not made at the proper time the State of Iowa may have the benefit of conferring the grant upon some other railroad company; and if not completed within a certain period of time, then the whole grant, all that remains unearned, shall revert to the United States.

Mr. HOAR. If I am not interrupting the Senator, let me ask him for information, is not the matter of issuing a patent when ten miles are completed merely a matter of convenience? Of course a patent could not be issued for every half mile or mile. Is not the provision which makes the earning for every mile and waiting until they get ten miles done merely an incident of administration?

Mr. PLUMB. There is some provision of the kind in the law.

Mr. HOAR. Does not the bill destroy in the railroad company the benefit of that provision?

Mr. PLUMB. Not at all; but it leaves to the court to decide what the legal effect of the provision was. If the Senator will read the bill and look at the committee's amendment he will find in line 5 that the court is to determine any controversy of either a legal or equitable nature.

Mr. HOAR. Would the Senator then object to have the bill amended

by distinctly, in terms, giving to the court the power to determine whether the building of any portion less than ten miles gave the railroad company building it under the circumstances an equitable right to the land?

Mr. MORGAN. I will suggest to the Senator from Massachusetts——

Mr. PLUMB. Let me proceed. In the first place, I am reading the act. I read it before, but was not quite familiar with its terms. I am prepared to say now that I do not find in it, and I do not think there is in it, any provision that the company shall have so much per mile. The first section contains a general grant, in these terms:

That there be, and is hereby, granted to the State of Iowa—

I omit certain formalities which follow—

every alternate section of land designated by odd numbers for ten sections in width on each side of said roads.

Not ten sections per mile, or anything of that kind. But in case it shall appear that the United States shall have, when the lines of road are located, made a certain disposition of any part of the lands, then the grantee shall be entitled to indemnity. That is the general granting clause, and the application of that is made in the fourth section, which I have just read.

Even admitting what the Senator says, we are sending this question to the courts to decide upon the legal and equitable right of the company or of anybody else who claims these lands. That is all there is about it. I take it that with as much concern as the Senator has for his constituents, or anybody else who may be interested in the result of this litigation, he would not say that men who have money enough to build a railroad, who have sense enough to put that money into proper use in building the railroad, who built the railroad upon the faith of this act of Congress, should not be required to stand or fall by what they did in pursuance of the act of Congress. They could have built ten miles farther and had a tenth section completed and have got their land grant for building that ten-mile section. They chose not to do it. The Government was willing that they should build not only that much railroad, but build all the rest of the line up to the final terminus. They said, "No; we will stop here at this point, where we find another railroad built up to it; we can make arrangements with them to get to Sioux City, the south terminus of the road." They did stop there. They are there yet. They do not propose to build any farther. The time has gone by when they could legally build any farther; and I take it that the Senator himself out of no consideration for these people, personally or otherwise, would propose that we should give to them something which we can no longer give to them. What he wants and what I want is that this law shall be construed in the courts, and that the courts shall say whether the company was entitled to lands within the 6.13 miles or not. That I think the bill does; but if the Senator can provide ways more ample, direction more complete to accomplish this object, I beg him to propose it.

Mr. President, I am not willing that this question shall go to the courts with any direction except to do what the law requires to be done as it now stands. I am not willing to have these people go there with a new assertion on the part of the Government as to what originally was contemplated in the act under which they built their railroad, because if we open that door, and something now is to be added or something to be subtracted for the benefit of anybody, a lot of questions will come to the front that I fear will make this grant of very little avail to these people, their patents to the contrary notwithstanding.

Mr. McMILLAN. Mr. President, the Senator from Kansas [Mr. PLUMB], the chairman of the Committee on Public Lands, who reported the bill, understands some of the facts of the case, and has stated them, so far as he has stated them, in the main correctly. The grant of lands in this case was not for building a railroad from Saint Paul to Sioux City. The grant was to the State of Iowa, and the State of Iowa granted certain of those lands to the Sioux City and Saint Paul Railroad Company for the construction of a road from Sioux City to the Minnesota State line.

Mr. PLUMB. I know the Senator does not design to make any misstatement of fact.

Mr. McMILLAN. Certainly not.

Mr. PLUMB. I think we agree upon all the facts, but differ simply as to what was done.

Mr. McMILLAN. I was calling attention to the fact that the act making the grant of land was to the State of Iowa for the purpose of building a railroad running from Sioux City to the Minnesota State line.

Mr. PLUMB. That is precisely what I said.

Mr. McMILLAN. The Senator said that the road was built under a grant of land for a railroad from Saint Paul to Sioux City.

Mr. PLUMB. There was another grant for the purpose of building it from Saint Paul to the Minnesota line.

Mr. McMILLAN. Not at that time.

Mr. PLUMB. But the lands on that part of the line are not in controversy.

Mr. McMILLAN. I was just calling the attention of the Senator to the fact that so far as he is familiar with the facts he has stated them in the main correctly.

Mr. PLUMB. Does the Senator say that the other fact is material?

Mr. McMILLAN. It is in this connection, as I wish to show.

Mr. PLUMB. I do not think it is.

Mr. McMILLAN. That merely illustrates the fact that the Senator is not quite as familiar with the facts in the case as perhaps he might be.

Mr. PLUMB. Thank you.

Mr. McMILLAN. I wish to bespeak from the members of the Senate their serious and candid attention to this measure. If I am not mistaken the proposition of the bill is in the name of a popular prejudice to do a great violence to public rights and to private rights.

The efforts made to accomplish the passage of this bill are remarkable. It seems to me that the members of another branch of the Legislature of this nation have been more active in this measure than the members of this body. They are continually found upon this floor, they have been upon it constantly, they are upon it now urging, pressing, constantly forcing this measure. I think the members of the Committee on Public Lands of the Senate and the members of the Senate are capable of taking their own counsels and forming their own judgments in regard to any public measure which is brought before the Senate.

Let me state, if I can, correctly and clearly the facts in this case as they exist. Long before this land grant to the State of Iowa Congress granted lands to the State of Minnesota to aid in the construction of an entire system of railroads within that State. One of the branches of that system extended from Saint Paul southwest to the Minnesota and Iowa State line. That road was constructed by a company organized and incorporated under the laws of the State of Minnesota, and was known and designated as the Saint Paul and Sioux City Railroad Company. Their line of road extended from Saint Paul to the Iowa line, running directly southwest toward the Missouri River.

The land granted to the State of Iowa for a road from Sioux City to the Iowa State line was the completion of a line from the southwestern terminus of the Saint Paul road to the Missouri River. Sioux City is on the bank of the Missouri River; Saint Paul is on the bank of the Mississippi River; and these two grants furnished a complete line of road from Saint Paul through that State southwest, continuous through the State of Iowa to the Missouri River, making a complete line of road, bringing the prairies of Northwestern Iowa, of Southeastern Dakota, of Northeastern Nebraska, and the plains of Kansas, treeless and fit only for agricultural lands, into direct communication, first with the waters of Lake Superior, then with the great pine regions of Minnesota, giving to those portions of the country access to a market for lumber and furnishing to them the building material which they needed for the construction of their homes upon the beautiful and vast prairies of that section of the country.

It was for the purpose of giving such facilities to that country that this line of road was built. The men who formed the Saint Paul and Sioux City Company were not adventurers. They were not bondholders or rich capitalists of the East. They were men who had gone to the frontier. They had come to Minnesota; they had as settlers and business men there contributed their efforts, their enterprise, their integrity to building up all that portion of country. Under my own observation I have seen an empire grow up in the State of Minnesota and in the northwestern portion of the country. The men who entered into the Saint Paul and Sioux City Company were the men who contributed in large degree to that great object and have accomplished it nobly.

They are residents still of that country, the greater number of them. They have made whatever wealth they possess in their efforts to build up the country and to extend the business enterprises of all that region. They made the effort, and succeeded in extending these railroad facilities and in bringing to this prairie country all the advantages to which I have alluded. After going through a series of hardships and losses which I believe to be unequaled in the history of railroad enterprises, they succeeded in building the road as far as it is now completed.

After its completion, for a number of years in succession, Providence and all the elements seemed to be against their success. First, the harvests were destroyed by drought. Then came the locusts, as the locusts in Egypt, to destroy, year after year, the crops which in the early season promised to be fruitful and abundant. So they labored on, season after season, harvest after harvest, enduring great losses; but they were firm in their purposes to accomplish this great enterprise, and with some aid from abroad they procured means which secured at last its completion.

Of course it was necessary under these circumstances to issue bonds and execute mortgages upon these lands. Large numbers of those bonds are held now in the State which I have the honor in part to represent on this floor. They are held by widows and orphans there as well as by widows and orphans elsewhere throughout New England, throughout the financial centers of the East; and the only securities these people have for the payment of their bonds are the lands which this railroad company believe they honestly and fairly earned in accomplishing these great public enterprises.

The company proceeded to build this line of road. They built, in connection with the road from Saint Paul to the Iowa line, the road from the Iowa line to the town of Le Mars, which is twenty-four miles from Sioux City. When they built their line to Le Mars they found that another land-grant railroad company, having a grant of land to build a road from Dubuque in Iowa to Sioux City, had built their line directly through

Le Mars and thence southwest in the direct line in which the Sioux City road extended would be built from Le Mars to Sioux City. When they reached Le Mars they found that line of road completed, and if they had built farther it would have been directly along the line of the Dubuque and Sioux City road, already built as a land-grant road and completed to Sioux City.

Under those circumstances this company did not believe they would be acting in good faith to the Government to proceed farther than Le Mars with the construction of their actual line.

But they did not leave the people of that region without a competing line of road over that portion of the route. They made arrangements with the McGregor road, by which they secured the right of way from Le Mars to Sioux City over that road, thus in all respects affording competition over that portion of the road to the same extent that would have been afforded had they built their own road. At the southwestern terminus of the road in Sioux City they secured all the terminal facilities for their own road that they would have done if they had built the intervening portion between Le Mars and Sioux City, twenty-four miles, and they have invested large sums of money in the erection of depots, shops, and other terminal works at that place. They are not dependent upon the McGregor road for their terminal facilities. They have built up and improved the town of Sioux City by these buildings and improvements to a very large extent, and are entirely independent of this other road; so that the community through which it passes has all the benefit of a competing line.

This company under those circumstances believed they were acting in good faith in refraining from building that portion of the line. They set up no claim for land for any portion of the road between Le Mars and Sioux City which they did not actually build. They might have expended their money in building that portion of the road which would have entitled them to the lands, and yet have given to the people of Iowa no greater railroad advantages than they now enjoy; but instead of that they used the money which might have secured them these additional lands in building other lines of road in Iowa and Nebraska for which no lands had been granted, but which give to the people of those States great advantages and contribute largely to the wealth and development of the resources of that region of the country.

They were not idle, and that section of country is indebted to the Sioux City and Saint Paul Company for the benefits which they now possess in railroad facilities in different directions, for which no grant was made and for which no claim has ever been set up. The people of Iowa have been treated honestly and fairly in every sense by this company, and it would be unjust and ungrateful in the Commonwealth of Iowa or in the people of that State to attempt to deprive it of one acre of land to which it may by any reasonable construction be entitled. These are not speculators who have gone in to rob a community; they are our own citizens, and men who are well known and respected by all who know them. Some of the men originally interested in this road are dead and have left their estates to their widows and children, some of whom are living in my own city, who hold the bonds of this company which are secured by the lands embraced in this bill.

In addition to the railroad from Dubuque to Sioux City there was another road, a land-grant road, authorized by Congress from a point on the Mississippi River, at McGregor, running directly west, which crosses the Sioux City and Saint Paul road at right angles at the town of Sheldon, which is nearly half way between Sioux City and the Iowa State line. This McGregor road is now a part of the Milwaukee and Saint Paul system, owned by the Chicago, Milwaukee and Saint Paul Company. That road crossing the Sioux City road claims a portion of the lands through which it passes and which are conterminous with the line of the Sioux City and Saint Paul road. So these two roads crossing at that place claim this grant, both of them claiming the same lands.

That dispute having arisen between these companies, the State of Iowa refused to patent the lands to either company. The State of Iowa had certified to the Sioux City and Saint Paul road the lands lying north of those disputed lands, but these are lands lying midway between the Iowa line and Sioux City, conterminous with the Sioux City road. They are good agricultural lands. The patent had been issued by the Government of the United States to the State of Iowa for all those lands, and the legal title is in the State of Iowa. The Government of the United States has no legal title whatever in them. It has parted with its title by a patent.

In regard to the lands which are in dispute between these two companies an action is pending in the Supreme Court of the United States, and, as I am informed, has been argued and is submitted to the Supreme Court, the determination of which will settle the title to these lands. That action will be determined by the court within a comparatively short period. The lands within the ten-mile limits must go to one or the other of these roads, whichever the court shall determine is entitled to them.

The legal title of the United States having been divested by this grant and patent to the State of Iowa, the lands embraced in the bill under consideration were withdrawn from market, and were not open to settlement under the pre-emption or homestead laws. No person had a legal right to go upon the lands and claim the benefit of the pre-emption law or the homestead law of the United States. Every person who entered upon the land was certainly a trespasser. They had no more right to enter upon those lands and attempt to make a settlement than the men who have attempted to go upon the territory known as Oklahoma. The Government of the United States has commanded her armies to prevent any American citizen from entering upon that land, and no more had these settlers a right to enter upon this land.

Yet having gone upon these lands because they were not certified to the railroad company and because the company had not constructed a portion of its line to which I have referred, these parties now claim that they are settlers upon the public lands, and that if any portion of the land grant of the Sioux City road had not been earned in time the lands to be forfeited must be the lands which lie conterminous with the completed line of the road, because all the lands which are embraced in the settlements of these parties lie along the line of the completed road, and that portion of it was completed to Le Mars within the time authorized by law.

The Senator from Kansas, the chairman of the Committee on Public Lands, says there can be no relief to the company by granting them an allowance of lands for the portion of the road six miles and a quarter from Le Mars without making a new grant. The Senator seemed to rely very much upon the point of making a new grant. I am not aware that it would be any greater violation of right to make a change in the law which would permit a railroad company to have lands to which it is equitably entitled than it would be to legalize the settlement of persons who have gone upon the land as settlers under the homestead or pre-emption law when they had no right to do so. To grant to them the right to acquire a settlement is certainly a change of the law.

The bill proposes to relieve these settlers by making that change. It requires the courts to recognize them as having a right to settle upon these lands when under the existing law they had no such right. To grant to the Sioux City and Saint Paul Railroad Company the allowance of lands set apart by the grant of lands for the six and one-fourth miles northeast of Le Mars would not be making a new grant. The grant of lands to Iowa was a complete grant, an entire grant, but in determining the mode of certifying the lands to the company by the State of Iowa it was provided that the patent should only issue when ten consecutive miles of road were completed. The grant in this case is contained in the act approved May 12, 1864.

As I stated before, this was a grant of land of ten sections for each mile of road along this line of road from Sioux City to the northern line of Iowa. That I claim is a grant of the lands. In respect of the title to the land, it vested in the company under that general grant to the State of Iowa under the first section of the act of Congress and the grant from the State to the company. The fourth section of the act of Congress prescribes the manner in which the land shall be certified to the railroad company. The regulation prescribed by that section was that the lands should be certified upon the completion of each ten consecutive miles of the road. Under that provision five ten-mile sections extended from the Iowa line to within about six miles of Le Mars. The remaining six miles and a fraction to Le Mars was, of course, not a complete ten-mile section, and no lands have been certified to the company for that portion of the road.

To authorize the company to receive the legal title to the proportionate quantity of lands for those six miles of completed road would not be, as the Senator from Kansas argues, a new grant. The grant has already been made, and they are entitled to the land if they complete the road. The change removing the restriction to the certifying of lands to the company except upon the completion of ten miles of road would only be a change of the section which prescribes the mode in which the naked legal title to the lands shall be certified to the company. It would not be a new grant.

So there is no difficulty whatever in removing that restriction. They get but the portion of land to which they would be entitled for building each mile of the road, and not for any more road than is actually constructed. The Senate can do no less, it seems to me, than to adopt such an amendment as that.

I shall offer and move the adoption by the Senate of an amendment to the bill as reported from the Committee on Public Lands. I shall move to strike out of the first section of the substitute all after the word "company" in line 14 to the word "the" in line 16, and to insert in lieu thereof the following:

Except such of said lands as lie opposite to and conterminous with the constructed road of said company built within the time limited by said granting act, and such of said lands as have been certified or conveyed to said railroad company.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. R. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print the report of the National Academy of Sciences for 1884, with its appendices.

The message further announced that the House had passed a concurrent resolution for the printing of the report of the Director of the Mint

on the production of the precious metals in the United States for the year 1884.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes; and it was thereupon signed by the President *pro tempore*.

FRENCH SPOLIATION CLAIMS ACT.

Mr. FRYE. Mr. Smith, of the document-room, informs me that the number of copies printed of the act to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 1st day of July, 1801, is entirely exhausted, and that there is a large number of letters on file asking for copies. I ask unanimous consent to submit a resolution providing that a thousand additional copies of the act may be printed, and that it may be done without reference to the Committee on Printing.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Maine asks leave at this time to submit a resolution. If there be no objection it will be received and read.

The resolution was read, as follows:

Ordered, That there be printed for the files of the Senate document-room 1,000 additional copies of public act No. 13, "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

The resolution was considered by unanimous consent, and agreed to.

PRIVILEGES OF THE FLOOR.

Mr. HOAR. I ask unanimous consent that the rule of the Senate shall be so construed as to admit members-elect of the House of Representatives to the floor. That has always been the practical construction of the rule, and it is a courtesy which I am sure the Senate would like to extend to the members of the other House. The doorkeepers do not understand that they are authorized to admit members-elect.

The PRESIDING OFFICER. The Senate has heard the request made by the Senator from Massachusetts. Is there objection? The Chair hearing none, the request will be considered as granted.

PUBLIC BUILDING BILLS.

Mr. MAHONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Virginia?

Mr. McMILLAN. I do.

Mr. MAHONE. I ask the Senate to take up at this time House bill 870.

The PRESIDING OFFICER. If there is no objection the bill will be read for information.

Mr. WILSON. There is objection if it tends to interfere with the regular order.

Mr. MAHONE. There are a few House bills on the Calendar relating to public buildings which it is necessary to have passed at this time in order that the Committee on Appropriations may be advised as to the necessity of certain appropriations.

Mr. KENNA. It will require only a few minutes to dispose of them.

Mr. MILLER, of New York. Let the pending order be laid aside temporarily.

The PRESIDING OFFICER. Is there objection to laying aside temporarily the existing order? If not, the Senator from Virginia will be recognized.

PUBLIC BUILDING AT ABERDEEN.

Mr. MAHONE. I move that the Senate take up House bill 870.

Mr. CAMERON, of Wisconsin. I suggest to the Senator from Virginia to ask unanimous consent to proceed to the consideration of the bill.

Mr. MAHONE. I will ask unanimous consent that the bill be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT READING.

Mr. MAHONE. I ask unanimous consent to take up the bill (H. R. 3593) for the erection of a public building at Chicago, Ill.

Mr. MILLER, of New York. I should like to have the bills taken up in their order on the Calendar.

Mr. CAMERON, of Wisconsin. Yes; let them be taken up in the order in which they are on the Calendar.

Mr. MAHONE. All right. Then I ask unanimous consent to take up the bill (H. R. 1321) for the erection of a public building at Reading, Pa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CLARKSBURG, W. VA.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 2123) for the erection of a public building at Wichita, Kans.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORT TOWNSEND, WASH.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AUBURN, N. Y.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHICAGO.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 3593) for the erection of a public building at Chicago, Ill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa, reported it with an amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3735) granting a pension to Mary A. Grennon; and

A bill (S. 2668) granting a pension to John M. Milton.

Mr. VAN WYCK, from the Committee on the Mississippi River, to whom was referred the bill (S. 2667) making an appropriation for the improvement of the Missouri River at or near Omaha, Nebr., and Council Bluffs, Iowa, reported it without amendment.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1873) for the relief of Edward Kraemer; and

A bill (H. R. 7248) to increase the pension of Jane D. Brent.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. CULLOM submitted two amendments, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

PUBLIC BUILDING AT LOUISVILLE.

Mr. HARRIS. I ask the consent of the Senate to proceed at this time to the consideration of the bill (H. R. 2722) for the relief of Martha Turner.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Is there objection to the request of the Senator from Tennessee?

Mr. WILLIAMS. May I inquire if the bill in relation to the public building at Louisville was passed?

The PRESIDING OFFICER. The Chair understands that it has not been passed.

Mr. WILLIAMS. I ask the Senator from Tennessee to allow that bill to be passed now.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw his request?

Mr. HARRIS. I withdraw the request if that is one of the public-building bills.

Mr. MAHONE. I thought I had called up that bill.

The PRESIDING OFFICER. The clerks inform the Chair that the bill has not been returned from the Printer.

Mr. HARRIS. Then I ask the Senate to proceed to the consideration of the bill I have indicated. The Senator from Kentucky will have no trouble in getting his bill up whenever it may come back from the Printing Office.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee to consider the bill (H. R. 2722) for the relief of Martha Turner?

Mr. WILSON. If that is to interfere with the bill on which we have been proceeding this afternoon I shall have to object.

Mr. HARRIS. In order that it should not interfere I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Tennessee has asked for unanimous consent.

Mr. WILSON. If it does not interfere with the regular order I do not object.

The PRESIDING OFFICER. Is there objection?

Mr. PLATT. Let the bill be read for information.

Mr. WILLIAMS. The bill in relation to the Louisville building is in the same position exactly as the other public-building bills we have passed.

The PRESIDING OFFICER. The Chair will state that while the bill referred to a few moments ago has not been printed, the engrossed bill is now on the Secretary's table. If it be the pleasure of the Senate that bill can be considered.

Mr. HARRIS. Then I withdraw my request in order to allow the Senate to proceed to the consideration of that bill.

Mr. MAHONE. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA TURNER.

Mr. HARRIS. I now renew my request for unanimous consent to consider the bill (H. R. 2722) for the relief of Martha Turner, and I will say that if it leads to any debate beyond the reading of the report I shall not insist upon continuing its consideration.

The PRESIDING OFFICER. The Chair understood that unanimous consent was given to proceed to the consideration of the bill referred to by the Senator from Tennessee.

Mr. HARRIS. Then I hope the bill will be read.

Mr. McMILLAN. The confusion now is evidently so great, and there is so much business here that requires to be done, and which ought to be done, that the Senate certainly can not appreciate the merits of the question which is up for discussion on the Iowa railroad bill. I have been interrupted several times, giving way to Senators, and I see the necessity of doing so. I move that the further consideration of the bill be postponed until——

The PRESIDING OFFICER. The Chair will state to the Senator from Minnesota that unanimous consent has been given to the consideration of the bill referred to by the Senator from Tennessee.

Mr. McMILLAN. Then I will wait until that is disposed of.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2722) for the relief of Martha Turner. It proposes to pay to Martha Turner, widow and beneficiary of John Turner, late of Union County, Tennessee, $2,000, in full payment for the services of her husband in piloting and conducting recruits from the confederate to the Union lines during the late war.

Mr. PLATT. Is there a report in that case?

Mr. HARRIS. There is.

Mr. PLATT. I should like to hear it read.

The PRESIDING OFFICER. The Chair is informed that there is a report, which will be read.

Mr. PLATT. Inasmuch as I desire to hear the reading of the report, I should like to have the Senate in such a condition that I can hear it.

The PRESIDING OFFICER. The Chair will request Senators and others on the floor of the Senate to cease conversation. Senators will resume their seats.

Mr. HARRIS. I would ask the attention of the Senate to the report of the Senator from New Hampshire upon this bill.

The Chief Clerk read the following report, submitted by Mr. PIKE January 29, 1885:

The Committee on Claims, to whom was referred the bill (H. R. 2722) for the relief of Martha Turner, having considered the same, make the following report:

That John Turner, sr., late of Union County, Tennessee, petitioned the Forty-first Congress to allow him $2,000 in full for his services rendered in piloting and guiding recruits from within the confederate lines to the Union Army, and for all moneys expended by him while thus engaged; that the country in which he performed this service was the mountainous regions of East Tennessee and Southern and Eastern Kentucky; that upon the evidence it is clear that from the deceased Turner's knowledge of the mountain passes and the formation of the country generally he was of great service to the Union cause by so piloting large numbers of refugees and recruits over the mountains to the Federal Army at various points in Kentucky; that in doing this he experienced great hardships and many privations; that the testimony of several commissioned officers and many private citizens, in connection with other papers filed, shows that the said Turner commenced the work of piloting recruits, as above stated, about the 1st of January, 1862, and continued the same for all the time till about September 1, 1863, making full twenty months; that his services, as certified to by six commissioned officers of the Federal Army and six private citizens who had knowledge of them in various capacities, together with money paid out, were worth at least $100 per month; that he ought to be paid that sum at least, which is the sum he claims; and that in addition to this he was captured and imprisoned for some time by the confederates on account of his Union sentiments.

On the 18th of June, 1870, a bill passed the House of Representatives appropriating the petitioner the amount he claimed, but the bill was not reached in the Senate during that Congress and failed to become a law.

The Legislature of the State of Tennessee, fully recognizing the loyalty and devotion of the said Turner during the war, and the great services he had rendered the Government of the United States, in November, 1866, passed a joint resolution directing their Senators and Representatives in Congress to procure, if possible, an appropriation sufficient to recompense him for the hardships and privations endured and services rendered the Government.

It also appears upon the evidence that neither the said Turner nor any of his representatives have ever been paid anything for these services or the money expended while acting as a pilot to the Federal lines. It also appears that he was requested by several officers of the Federal Army to recruit for them, and was promised $2.50 for each recruit, and it further appears that at this price the amount his due would exceed the $2,000 claimed by him.

This bill is for the benefit of Martha Turner, the widow of the original claimant, John Turner. His children and all interested have waived all claim against the Government, and agreed that whatever allowance is made be given the widow, in her name and for her sole benefit.

Your committee therefore recommend that the bill pass.

Mr. PIKE. It became my duty to investigate this bill and make this report. I think it is a very just claim and ought long ago to have been paid. I hope the Senate will pass the bill.

Mr. DOLPH. I do not think the original claimant in this case ever had any just claim against the United States. If the parties who employed him to perform the service, which he is alleged to have rendered, had authority to employ him, they had authority to pay him. If he has any claim at all I think it is against the State of Tennessee before that State is reimbursed by the General Government. I can not distinguish it from other claims of a similar nature which have been rejected by the Committee on Claims. I did not agree to the report of the committee and I can not vote for the bill.

Mr. PIKE. This claim has been considered by half a dozen committees of this body and the other, and every one of them has reported favorably. It passed the House once before. The service of this man was in enlisting men in Tennessee and taking them to Kentucky, and he was agreed to be paid by the officers a certain sum. It was not for soldiers secured in the State in which he secured the soldiers, but in another, and therefore was not a proper claim against the State of Tennessee.

Mr. HARRIS. I desire to add to the remarks of the Senator from New Hampshire that if the State of Tennessee had paid this man for his services, they being of the character they were, it is just that character of claim which the State would have been reimbursed by the Federal Treasury for the money so paid. Hence I think there is no merit in the suggestion of the Senator from Oregon.

Mr. DOLPH. Just a word. It has been the uniform practice of the Senate to decline to pay claims of this kind until they have been assumed and paid by the States; and just the moment you make a precedent for the payment of such claims, we shall find all that class of claims where the State has not paid them presented to Congress for payment. This will be a precedent for them.

Mr. HOAR. May I ask the Senator from Oregon if we can with any propriety or justice insist on that rule in a State in a condition like Tennessee. We could not expect such a State to assume or pay the claim. I understand this man recruited in Tennessee.

Mr. DOLPH. I will answer the Senator from Massachusetts by saying that if this claimant was employed by the General Government he must have been employed by some officer having authority to make a contract, and it would be a dangerous precedent, I think, for the United States to recognize contracts made by every military officer during the war and to pay the sum agreed to be paid by any officer. Any officer who had authority to make a contract for services had authority to pay for the services, and he could have done it, and we ought not to be called

upon after twenty years to pay a claim which has not before been paid. The presumption is against such a claim.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

Mr. DOLPH. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES].

The roll-call was concluded.

Mr. MANDERSON. Understanding that the Senator from Florida [Mr. JONES] with whom I am paired would vote "yea" on this question, I vote "yea."

Mr. CONGER. My colleague [Mr. PALMER] is temporarily absent at this time, and I have forgotten with whom he is paired.

The result was announced—yeas 38, nays 5; as follows:

YEAS—38.

Allison,	Garland,	Jones of Nevada,	Sabin,
Blair,	Gibson,	McMillan,	Sherman,
Bowen,	German,	Mahone,	Slater,
Brown,	Groome,	Manderson,	Vance,
Cameron of Wis.,	Hampton,	Maxey,	Van Wyck,
Coke,	Harris,	Miller of N. Y.,	Walker,
Colquitt,	Hawley,	Mitchell,	Williams,
Conger,	Hoar,	Morrill,	Wilson.
Cullom,	Ingalls,	Pike,	
Frye,	Jackson,	Plumb,	

NAYS—5.

Chace,	Jonas,	Pugh,	Vest.
Dolph,			

ABSENT—33.

Aldrich,	Edmunds,	Lamar,	Ransom,
Bayard,	Fair,	Lapham,	Riddleberger,
Beck,	Farley,	Logan,	Saulsbury,
Butler,	George,	McPherson,	Sawyer,
Call,	Hale,	Miller of Cal.,	Sewell,
Camden,	Harrison,	Morgan,	Voorhees.
Cameron of Pa.,	Hill,	Palmer,	
Cockrell,	Jones of Florida,	Pendleton,	
Dawes,	Kenna,	Platt,	

So the bill was passed.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the Senate insist on its amendments disagreed to by the House and accede to the request of the House for a conference.

Mr. CONGER. I desire to ask the Senator in charge of the bill whether the amendment in regard to the renting of premises for third-class post-offices was concurred in by the House or not.

Mr. PLUMB. It was non-concurred in.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

CAPT. VINCENT PHELPS.

Mr. PLUMB. I should like to have unanimous consent to ask that the vote by which the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps was indefinitely postponed yesterday be reconsidered. Since that time new evidence has been discovered which I think will cause favorable consideration by the Senate. I ask unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate indefinitely postponing the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps be reconsidered and the bill placed on the Calendar. Is there objection? The Chair hears none. It is so ordered.

REFUND OF LUMBER DUTIES.

Mr. MILLER, of New York. I ask unanimous consent to call up Order of Business 1253, being House bill 6067, reported favorably from the Finance Committee. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6067) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Co., and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption. Is there objection to the pending order being informally laid aside for the consideration of this bill?

Mr. WILSON. I will not object if it will not cause discussion, but if it will occupy much time I shall insist on the regular order.

Mr. MILLER, of New York. It will not take any time, I am sure. It is a favorable report of the Finance Committee.

The PRESIDENT *pro tempore*. Is there any objection to laying aside informally the pending order for the consideration of the bill called up by the Senator from New York? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider House bill 6067.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUR OF MEETING.

Mr. HOAR. I move that when the Senate adjourns this afternoon it adjourn to meet on Monday at 9 o'clock. I understand that is the desire of the chairman of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that when the Senate adjourns to-day it be to meet on Monday next at 9 o'clock in the morning.

The motion was agreed to.

SARAH M. BISSELL.

Mr. BLAIR. I move that the Senate now proceed to consider House bill 6940, Order of Business 1300.

Mr. MILLER, of New York. I suggest that the Senator ask unanimous consent.

Mr. WILSON. Do not displace the regular order.

Mr. BLAIR. I ask unanimous consent.

Mr. McMILLAN. What is the bill?

Mr. BLAIR. House bill 6940.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New Hampshire that the Chair believes that bill was acted on this morning.

Mr. BLAIR. There was a close vote of the Senate which I moved to reconsider. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to proceed to the consideration of a motion to reconsider. Is there objection?

Several Senators objected.

Mr. BLAIR. I make the motion to take it up.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the motion to reconsider the vote rejecting the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

Mr. WILSON. What effect will that motion have on the pending bill?

The PRESIDENT *pro tempore*. It will have the effect of displacing it, if the motion is agreed to.

Mr. WILSON. Then I hope it will not be done. Let the Senator ask unanimous consent.

Mr. BLAIR. I did ask unanimous consent and there was objection.

The PRESIDENT *pro tempore*. Objection was made, and then the Senator made his motion in form.

Mr. WILSON. I hope the Senate will not take this up to the displacement of the regular order.

Mr. BLAIR. I do not desire to do that; but this bill——

The PRESIDENT *pro tempore*. Debate is not in order without unanimous consent. The question is on agreeing to the motion of the Senator from New Hampshire. [Putting the question.] The noes appear to have it.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question now is on agreeing to the motion of the Senator from New Hampshire, on which the yeas and nays have been ordered, to proceed to consider the motion to reconsider the vote by which the passage of the bill (H. R. 6940) granting a pension to Sarah M. Bissell was refused.

The yeas and nays were taken.

Mr. SAWYER. My pair with the Senator from Delaware [Mr. SAULSBURY] is transferred to the Senator from Michigan [Mr. CONGER].

The result was announced—yeas 29, nays 22; as follows:

YEAS—29.

Aldrich,	Cullom,	Lapham,	Sawyer,
Blair,	Dawes,	McMillan,	Sherman,
Bowen,	Dolph,	Mahone,	Voorhees,
Brown,	Edmunds,	Mitchell,	Walker,
Call,	Frye,	Morrill,	Williams.
Cameron of Wis.,	Hawley,	Pike,	
Chace,	Hoar,	Platt,	
Conger,	Jones of Florida,	Sabin,	

NAYS—22.

Allison,	Garland,	Maxey,	Vance,
Bayard,	Groome,	Morgan,	Van Wyck,
Camden,	Hampton,	Plumb,	Vest,
Coke,	Harris,	Pugh,	Wilson.
Colquitt,	Harrison,	Riddleberger,	
Fair,	Jackson,	Slater,	

ABSENT—25.

Beck,	Gorman,	Lamar,	Pendleton,
Butler,	Hale,	Logan,	Ransom,
Cameron of Pa.,	Hill,	McPherson,	Saulsbury,
Cockrell,	Ingalls,	Manderson,	Sewell.
Farley,	Jonas,	Miller of Cal.,	
George,	Jones of Nevada,	Miller of N. Y.,	
Gibson,	Kenna,	Palmer,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the question is on agreeing to the motion of the Senator from New Hampshire to reconsider the vote by which the Senate refused to pass the bill.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. PLUMB. Let the title of the bill be read for information.

The PRESIDENT *pro tempore*. The title will be read.

The CHIEF CLERK. "A bill (H. R. 6940) granting a pension to Sarah M. Bissell."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider the vote by which the Senate refused to pass the bill.

The question being put, a division was called for.

Mr. HOAR. May I ask the Chair what is the precise question?

The PRESIDENT *pro tempore*. The precise question is, Will the Senate agree to the motion of the Senator from New Hampshire to reconsider the vote by which the Senate refused to pass the bill?

Mr. HOAR. May I inquire of the Chair, is not a motion to reconsider a question which is itself debatable under the rules?

The PRESIDENT *pro tempore*. It would have been so except for the new rules which expressly provide, the Chair is quite sure, that such a motion is not open to debate. The Chair will have the rule read if the Senator desires.

Mr. HOAR. I should like to have it settled.

Mr. BLAIR. Do not let us take up time in this way.

Mr. PLATT. If reconsidered, the bill will then be open to debate, I suppose?

Several SENATORS. Certainly.

The PRESIDENT *pro tempore*. The Chair will read the paragraph of Rule XIII relating to this point. It is as follows:

> Every motion to reconsider shall be decided by a majority vote, without debate.

The question is on agreeing to the motion of the Senator from New Hampshire to reconsider the vote by which the Senate refused to pass the bill.

Mr. INGALLS. May I inquire what was the question on which the yeas and nays were just taken?

The PRESIDENT *pro tempore*. On taking up the bill.

Mr. INGALLS. Taking up the bill, it having been defeated?

The PRESIDENT *pro tempore*. Taking up the motion to reconsider. The bill having been defeated the Senator from New Hampshire entered a motion to reconsider, and the question was on proceeding to the consideration of the motion to reconsider, to which the Senate has agreed, and the question now is, therefore, whether the Senate will reconsider the vote refusing to pass the bill, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. HARRISON. I have left the Senator from Missouri [Mr. COCKRELL] upon a conference committee to prepare the report, and paired with him. I announce my pair with him and withhold my vote. I do not know how he would vote.

Mr. McPHERSON. I am paired with my colleague [Mr. SEWELL].

The result was announced—yeas 30, nays 20; as follows:

YEAS—30.

Aldrich,	Dawes,	Lapham,	Pike,
Blair,	Dolph,	McMillan,	Platt,
Bowen,	Edmunds,	Mahone,	Sabin,
Brown,	Fair,	Miller of Cal.,	Sawyer,
Call,	Frye,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Gorman,	Mitchell,	Walker.
Chace,	Hoar,	Morgan,	
Cullom,	Jones of Florida,	Morrill,	

NAYS—20.

Bayard,	Groome,	Maxey,	Slater,
Camden,	Hampton,	Plumb,	Vance,
Coke,	Harris,	Pugh,	Van Wyck,
Colquitt,	Jackson,	Riddleberger,	Vest,
Garland,	Jonas,	Sherman,	Wilson.

ABSENT—26.

Allison,	George,	Jones of Nevada,	Pendleton,
Beck,	Gibson,	Kenna,	Ransom,
Butler,	Hale,	Lamar,	Saulsbury,
Cameron of Pa.,	Harrison,	Logan,	Sewell,
Cockrell,	Hawley,	McPherson,	Williams.
Conger,	Hill,	Manderson,	
Farley,	Ingalls,	Palmer,	

So the motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs, Shall the bill pass?

Mr. BLAIR. I only want to say a word. Of all the cases that have ever come to my knowledge where an increase from $30 to $50 has been made by statute, this is the most pressing and the most worthy. By a very close vote this morning the Senate refused to pass this bill. The Senate was very thin at the time, and now I have nothing to say only that I hope the bill will pass.

Mr. CAMDEN. Mr. President, I move to amend the bill by striking out "fifty" and inserting "thirty."

The PRESIDENT *pro tempore*. A motion to amend is not now in order, the bill having been read the third time, and the question being on the passage of the bill.

Mr. CAMDEN. Then I will state to the Senate that this application comes before us without having been submitted to the Pension Office. The Senate Committee on Pensions have no means of determining whether a pension should be granted or not. We have no means of getting the evidence. It is here against the unanimous rule adopted by the Committee on Pensions, which is not to consider a claim before that committee until the case has first been submitted to the Pension Office and the evidence presented there and the report of the Commissioner of Pensions had upon the case. This case is brought directly before Congress without going to the Pension Office at all and has been submitted to the Committee on Pensions, and in accordance with the unanimous rule of the Committee on Pensions it is presented to the Senate on an adverse report.

The highest pension that the claimant would be entitled to under the law is $30 a month, if she shows that she is entitled to a pension at all. It is admitted by the Senator from New Hampshire that the officer was placed on the retired-list about ten years before his death; and there is no evidence whatever before the Senate that he died from any disease contracted in the service or for any other cause than old age. And yet the Senate is not only asked, without any knowledge of the facts in this case, to grant a pension to the claimant, but it is asked to increase the pension allowed by law to nearly double its amount, from $30 up to $50 per month.

If we are to have any rules for the granting of pensions at all applicable to all cases alike, there must be some limit to the informal way in which pension bills are considered, as this is now being considered by the Senate. I hope the Senate will not add this precedent to the other precedents that have been established here for the last day or two which will flood the Committee on Pensions with innumerable applications of the same kind, and there will be no valid reason for rejecting them if such precedents as these are established.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. CAMDEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL].

The roll-call was concluded.

Mr. COCKRELL (after having voted in the negative). I did not observe that the Senator from Indiana [Mr. HARRISON] had not voted. I am paired with him; I see he is absent. He would vote "yea" if present, and I should vote "nay." I withdraw the vote I cast.

The result was announced—yeas 28, nays 21; as follows:

YEAS—28.

Aldrich,	Conger,	Hoar,	Morgan,
Blair,	Cullom,	Lapham,	Morrill,
Bowen,	Dawes,	McMillan,	Pike,
Brown,	Dolph,	Mahone,	Platt,
Call,	Edmunds,	Miller of Cal.,	Sawyer,
Cameron of Wis.,	Frye,	Miller of N. Y.,	Voorhees,
Chace,	Hawley,	Mitchell,	Walker.

NAYS—21.

Bayard,	Hampton,	Plumb,	Van Wyck,
Camden,	Harris,	Pugh,	Vest,
Coke,	Jackson,	Riddleberger,	Wilson.
Colquitt,	Jonas,	Sherman,	
Fair,	Maxey,	Slater,	
Groome,	Pendleton,	Vance,	

ABSENT—27.

Allison,	George,	Jones of Florida,	Palmer,
Beck,	Gibson,	Jones of Nevada,	Ransom,
Butler,	Gorman,	Kenna,	Sabin,
Cameron of Pa.,	Hale,	Lamar,	Saulsbury,
Cockrell,	Harrison,	Logan,	Sewell.
Farley,	Hill,	McPherson,	Williams.
Garland,	Ingalls,	Manderson,	

So the bill was passed.

LOSSES OF PROPERTY BY TROOPS.

Mr. COCKRELL. I rise to a privileged report. The committee of conference on the disagreeing votes of the two Houses on House bill 5713 have met, and submit a report.

The Chief Clerk read the report, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same as follows:
>
> No. 1. Page 1, line 4, after "officers" insert "and."

No. 2. Page 1, lines 4 and 5, strike out "and duly authorized laundresses."
No. 3. Page 2, line 3, insert after "war" "or hostilities with Indians."
No. 4. Page 2, line 7, after "reasonable" insert "useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service in the line of duty: *And provided further*, That all claims now existing shall be presented within two years, and not after, from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction;" and the House agree to the same.

F. M. COCKRELL,
BENJ. HARRISON,
In behalf of the Senate.
W. S. ROSECRANS,
GEO. W. STEELE,
R. M. MURRAY,
In behalf of the House of Representatives

Mr. COCKRELL. I was mistaken in presenting the conference report at this time. I ask leave to withdraw it.

The PRESIDENT *pro tempore*. The report is withdrawn.

WILLIAM H. DAVIS.

Mr. PIKE. I desire to call up House bill 4382, Order of Business 1126.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of Order of Business 1126, being the bill (H. R. 4382) for the relief of William H. Davis.

Mr. PLATT. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information if there be no objection.

The bill was read.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. PIKE].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which appropriates $6,000 to indemnify William H. Davis for the destruction of his wharf and warehouse at San Diego, Cal., by the United States troops, during the winter of 1861 and 1862.

Mr. SHERMAN. I think the report had better be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. PIKE. I can state the substance of the report briefly.

Mr. SHERMAN. The Senator from New Hampshire says he can give the substance of the report. I do not ask for the reading.

Mr. PIKE. This claim is for wharf property at San Diego, in the State of California. The claimant was the owner of a large wharf and warehouse at San Diego, which was constructed in 1851 of redwood. During the winter of 1861-'62 the United States troops in service at that place used a large part of the material of which the wharf was constructed for fuel, building, and other purposes, by which the wharf was rendered worthless to him. The claim was sent by the act of Congress of March 3, 1881, for the relief of the claimant, to the Secretary of War, with authority to have it investigated by the Quartermaster's Department and to report to Congress. The Secretary of War reported that the claimant ought to be paid the sum of $6,570. The House has allowed him by the bill only $6,000, being less than the amount found due. An officer of the Quartermaster-General's Department, Colonel Saxton, was sent to make the investigation, and reported the facts which I have stated. The Committee on Claims further investigated it, and think that this is the least sum that should be paid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUCK VALLEY SETTLERS.

Mr. FAIR. I ask unanimous consent to call up Order of Business 1090, being House bill 3008.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of Order of Business 1090, being the bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada. The question is, Will the Senate agree to the motion?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for payment to the settlers on the Duck Valley Indian reservation, in Nevada, of $5,400, as follows: To Levi Harris, $3,500; to William Harris, $200; to Henry Boyle, $1,500; and to J. H. Babb, $200, in full for their improvements on the reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

Mr. WILSON. I now move that the Senate proceed to the consideration of House bill 7299, Order of Business 1071.

Mr. MORRILL. I ask the Senator from Iowa to give way for a single proposition.

Mr. McMILLAN. What is the bill proposed to be taken up?

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes. The question is on agreeing to the motion.

Mr. WILSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 22; as follows:

YEAS—28.

Allison,	Fair,	Harrison,	Plumb,
Bowen,	Garland,	Hill,	Slater,
Call,	George,	Jackson,	Vance,
Camden,	Gorman,	Jonas,	Van Wyck,
Cockrell,	Groome,	Kenna,	Vest,
Coke,	Hampton,	Miller of Cal.,	Williams,
Colquitt,	Harris,	Morgan,	Wilson.

NAYS—22.

Blair,	Dawes,	Lapham,	Platt,
Brown,	Dolph,	McMillan,	Sabin,
Cameron of Wis.,	Frye,	McPherson,	Sawyer,
Chace,	Hawley,	Mahone,	Sherman.
Conger,	Hoar,	Mitchell,	
Cullom,	Ingalls,	Morrill,	

ABSENT—26.

Aldrich,	Gibson,	Maxey,	Riddleberger,
Bayard,	Hale,	Miller of N. Y.,	Saulsbury,
Beck,	Jones of Florida,	Palmer,	Sewell,
Butler,	Jones of Nevada,	Pendleton,	Voorhees,
Cameron of Pa.,	Lamar,	Pike,	Walker.
Edmunds,	Logan,	Pugh,	
Farley,	Manderson,	Ransom,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

ALEXANDER D. SCHENCK.

Mr. SHERMAN. I ask the Senator from Iowa to yield while I obtain unanimous consent to pass a little bill giving an officer of the Army $107 for property stolen from him. I hope the Senator from Iowa will not object.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is there unanimous consent to taking up the bill indicated by the Senator from Ohio? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1266) for the relief of Alexander D. Schenck. It provides for the payment to Alexander D. Schenck, a first lieutenant in the Second Artillery, of $107.65, being the amount he has been required to deposit with the Treasury of the United States to make good the loss of certain subsistence stores pertaining to the Commissary Department of the United States Army, for which he was responsible as acting commissary of subsistence at Fort Johnston, North Carolina, in the fiscal year ending June 30, 1880, its stores having been stolen or otherwise unlawfully disposed of by John V. Seyton, late a commissary-sergeant in the United States Army, without the knowledge, consent, fault, or neglect of Schenck.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others;
A bill (H. R. 5364) granting a pension to William H. Whitcomb;
A bill (H. R. 5543) granting a pension to David M. Nagle;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 6011) granting an increase of pension to Robert Casey;
A bill (H. R. 6029) for the relief of Jeremiah McCarty; and
A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. HOAR. Mr. President, I rise to take the floor on the pending measure.

Mr. MORRILL. I wish to ask unanimous consent to call up a House joint resolution that merely allows one of the riflemen at Wimbledon to have a silver cup that has been presented to him.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is there objection to passing over the pending order informally and taking up the joint resolution indicated by the Senator from Vermont?

Mr. MORRILL. It is Order of Business 968, House joint resolution 124.

A. B. VAN HEUSEN.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American Rifle Team, at Wimbledon, in July, 1883.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARLISLE MILITARY RESERVATION.

Mr. HOAR. Mr. President——

Mr. HARRISON. I ask the Senator from Massachusetts to yield to

me for a moment while I ask unanimous consent to pass a bill. It is a bill that I called the attention of the Senate to the other day relating to a right of way through the Carlisle reservation. The Senator from Pennsylvania tells me that if it is passed now it can be got through the House. The whole enterprise is suspended on account of the want of this bill.

Mr. WILSON. The difficulty about that is that it may lead to discussion.

Mr. HARRISON. It can not in the smallest degree. If it leads to discussion I will withdraw the bill.

Mr. WILSON. The Senator will allow me to say——

The PRESIDING OFFICER. This debate is proceeding by unanimous consent.

Mr. WILSON. By this yielding in the earlier part of the day the bill taken up on my motion lost its place. If we had gone on with the bill when it was before the Senate, I think we should have completed it before this time. I certainly do not intend to occupy much time in submitting remarks upon it; and if we go right on now and close it up, then there will be abundance of time for other matters.

Mr. HARRISON. With the permission of the Senator and the Senate, I wish to say that I voted with him on his bill for its consideration; but the bill I refer to can be passed and engrossed and go to the House with some chance of being acted on.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] is entitled to the floor on the pending bill.

Mr. MAXEY. I ask the Senator from Massachusetts to yield to me one moment to ask the unanimous consent of the Senate to call up Order of Business 1425, being the bill (H. R. 6533) for the relief of Dr. Thomas J. Jones, a unanimous report of the Committee on Military Affairs.

The PRESIDING OFFICER. Is there unanimous consent to laying aside the present order for the purpose of taking up the bill indicated by the Senator from Texas?

Mr. WILSON. I have just declined to yield in another case; I can not yield in this.

Mr. MAXEY. It will take but a moment. It is a very short bill.

Mr. WILSON. That has been said all the afternoon, but every bill called up took so many moments as finally to displace this bill. I think this bill can be disposed of in a short time.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor on the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; which bill is before the Senate as in Committee of the Whole.

Mr. HOAR. Mr. President, I think I can say all I have to say on this bill in about three minutes. I trust it is not too much of a request to make of the Senate to ask them to listen for those three minutes, because this is a question of justice, and it is a very simple question as far as I wish to state it.

The persons who have called my attention to this bill are some persons dwelling in the State of Massachusetts who have loaned their money to build a railroad in the West at the rate of 6 per cent. The railroad company is insolvent and the only security they have got is the railroad's title to these lands which are now in dispute.

Mr. PLUMB. Will the Senator make his statement a little more complete by saying the lands granted to this railroad including this land, not this land alone?

Mr. HOAR. Including this land with the lands granted to the railroad company. The railroad company itself has not been able to pay any interest on the bonds for many years, and this bill affects the interest of these bondholders because these lands are practically the only security they have in the world, and they are not enough to pay the debt. The whole amount of it is about $800,000. I do not believe there is a gentleman in this body who thinks that a person who has loaned about $800,000 in the East to build a Western railroad at the moderate interest of 6 per cent. is a person who is not entitled to justice at the hands of this legislative body. If there be any person who entertains that opinion, I do not know how to address an argument to his mind.

That being the case, what is the point in this bill? Congress granted to the State of Iowa certain public lands, so many per mile, with the authority to the State of Iowa to give those lands to railroad companies who should build railroads through Iowa, and the State of Iowa selected the Sioux City road as one of those roads, which is the road that made the mortgage to the persons of whom I speak.

Congress went on to say in the original grant that whenever the governor of Iowa certified that ten miles of road had been built, then a patent should issue to the State of Iowa for the benefit of the railroad company that had built that much road. There were to be so many acres of land for every mile of road given to the State of Iowa, but for convenience in issuing the patents they were to be issued ten miles by ten miles. This company went on in good faith and built its road ten miles by ten miles and got its patent for each completed section of ten miles; but of the last ten miles they only built 6.13. The reason they did not build the other three miles and a fraction was that the Legislature of Iowa granted to another land-grant railroad, precisely under this same act of Congress having the same rights, a right to build its track along those three miles and a fraction.

This company, supposing that the Government did not expect to have two roads built over substantially the same track, and that it did not expect to have to give two land grants per mile where one would do, stopped and made its connection with the other land-grant road into Sioux City. The question with these mortgage bondholders is whether they can have some 85,000 acres—I think that is the quantity, but no matter what the amount is—which were earned by the company having faithfully and honestly and fairly built those six miles and a fraction of road. That is the point.

Mr. GEORGE. I wish to ask a question.

Mr. HOAR. At the end of my statement I will yield for a question.

That being the case, the State of Iowa refused to make the certificate to this company, and it is in the Supreme Court of the United States, and expects early next fall to have the case argued on some legal proceeding which it has begun to settle whether it shall have this land or not. Now, then comes in this bill, and this bill says in substance that everybody in interest may bring a suit to see who has got the legal or equitable title to this land, and that the land that nobody has got a legal or equitable title to shall be resumed by the United States and open to settlement, and that persons who have gone in there and squatted and settled on it already shall have the preference, as if they had been *bona fide* settlers. Nobody has a legal title to this land, because the patent has not issued, and that is what is necessary to make a legal title.

Mr. McMILLAN. If the Senator will permit me——

Mr. HOAR. I think I can complete my statement better if I am allowed to proceed, though no doubt the Senator would fortify it.

That being the case, what I claim is that this bill should be amended by saying that the Supreme Court shall also determine, as you are making a special lawsuit for this particular road, whether these people are in justice and equity entitled to have their patent to these six miles and a fraction; and, if so, then that the land grant appertaining to the six miles and a fraction shall not be open to public entry and shall not be taken possession of by settlers, and that this road shall have it, or that a report shall be made to Congress and Congress shall say whether they will grant it hereafter.

My honorable friend from Alabama [Mr. MORGAN], one of the committee who reported this bill—I do not know but that he made the report himself—says that that is the substance of the bill now. I do not think so; I do not think the bill means any such thing now. I think when the bill says legal or equitable rights it means legal rights or such equitable rights as are enforced by courts of equity acting under the recognized equity jurisprudence, and that a man would not be supposed to have a legal or equitable title when it required the issuing of a patent from the Government for these 6.13 miles under a law which only entitled him to his patent when he had built ten miles.

If the committee will consent to put into this bill an amendment that will make that thing clear which the Senator from Alabama thinks is in there now, and which I think is not, my opposition to this bill will be withdrawn. If they do not consent to that I think it is an unjust bill which ought to be resisted and voted down.

Now I will answer the question of the Senator from Mississippi if I can.

Mr. GEORGE. I desire to know whether that was the only default committed by the company—failing to build those three miles and a fraction.

Mr. HOAR. Yes; that is all I know of.

Mr. GEORGE. How much land was granted to the company per mile?

Mr. McMILLAN. Ten sections a mile.

Mr. GEORGE. And it is the land adjacent to those three miles and a fraction that is now in controversy?

Mr. HOAR. No; they built over six miles of the last ten-mile section. They could not get a patent until they built ten miles. It is the land adjacent to the 6.13 miles that is in controversy. Of course they do not claim land for the 3.87 miles of road not constructed.

As I said in the beginning, these bondholders live in Massachusetts; some of them are widows and orphans. They are the sort of people who invest their money in securities of this kind at 6 per cent. only, and the presumption is that they are persons of invested property. There is the whole story, as I understand it.

Mr. HARRIS. If I understand the statement of the Senator from Massachusetts it is that the act granted these lands in sections of ten miles.

Mr. HOAR. Not exactly. It granted to the State of Iowa so much a mile, ten sections. Then it said that when ten miles had been built the governor of Iowa was to issue his certificate and the patent should go; and when another ten miles had been built the patent should go. I believe that meant that the company should get proportionately for the last ten miles. Suppose the road had turned out to be ninety-five miles long and they had built the whole ninety-five miles, would they lose the land grant for the last five miles?

Mr. HARRIS. Congress granted to the State of Iowa such an amount

of public lands to be appropriated to purposes of public improvement. The governor of Iowa was authorized by the Legislature of that State to issue his certificate upon the completion of the construction of ten-mile sections.

Mr. HOAR. Authorized by the act of Congress to do that.

Mr. HARRIS. Then to a subsequent road a grant of three miles and a fraction on the same line was made.

Mr. HOAR. On the same line under the same authority.

Mr. HARRIS. That grant has been given by the State of Iowa?

Mr. HOAR. Yes, sir.

Mr. HARRIS. And the question in this bill is as to whether or not the original company should receive the land grant for the six miles and a fraction.

Mr. HOAR. That is it exactly; for what it did build.

Mr. BROWN. In that connection I wish to ask the Senator from Massachusetts a question. I understand him to say that the only reason why the other three miles and a fraction were not built was that the other road was already built, and it was no use for this company to build that portion.

Mr. HOAR. That is it exactly.

Mr. VAN WYCK. Now will the Senator from Massachusetts allow me to ask a question? He shows in his statement that there is a conflict of opinion as to what a law previously passed means, as I understand?

Mr. HOAR. Excuse me a moment. I omitted to say that these parties have got a suit in the Supreme Court of the United States to compel the governor of Iowa to give his certificate for these six miles and that suit is just about being reached for argument, and will be reached by next fall at all events. It was close at hand when the Supreme Court took its recess. It will be reached there this spring before adjournment or next fall, and if this new proposition comes in it will delay the settlement of that for four or five years.

Mr. CALL. I should like to ask the Senator from Massachusetts how many miles were built within the time required.

Mr. HOAR. All were. There is no question on earth so far as I know except what I have stated.

Mr. MORGAN. Mr. President——

Mr. HARRISON. Will the Senator yield to me a moment, as I want light on this question, and probably it was his intention to try to diffuse some light?

If I understand the argument of the Senator from Massachusetts it is that this company under the bill as it stands would not be entitled to the conterminous lands along these six miles of road; that this bill would deprive the company of the lands conterminous to these six miles?

Mr. HOAR. Exactly.

Mr. HARRISON. Does the Senator understand that under the original law granting these lands to the State of Iowa this company would be entitled to these lands?

Mr. HOAR. I think so. It is just that question.

Mr. HARRISON. If there is that question, what I think is the fair thing to do is to leave that question to the courts for settlement.

Mr. HOAR. It is in the courts now.

Mr. HARRISON. If this bill does anything more than to refer to the courts the existing rights of parties, without attempting to change them in any way in the world, it goes beyond the scope I think it ought to have; but as I understand it, it is simply to send into the courts for adjudication the question whether this road is entitled to those lands as earned lands, and it does not profess to give to the United States anything but unearned lands.

Mr. HOAR. That is just the fallacy of the proposition, if I may be permitted to use such a phrase in regard to anything said by so distinguished a lawyer.

Mr. HARRISON. It is not my proposition.

Mr. HOAR. Suppose it to be true that the United States made a land grant to a railroad company and said that it should get its lands as fast as it built ten miles, and then the same authority made a land grant to another railroad which came and located and built half of the last ten miles of the road of company No. 1, and suppose it to be true that in strict law the company No. 1 was not entitled to its patent because it had not built the ten miles, though it was prevented from doing so by the act of the Government itself, would that be a just bill which merely referred the naked question of law to a court and came in and forfeited the claim for the five miles which were actually built? That is the very question.

Mr. HARRISON. I am not trying to debate this case or assert views of my own, but rather to obtain information. If I understand this case, the question would be, no new legislation having been had, to which road, if to any road, the original grant would appertain. If the road in which the Senator's friends are interested can not claim in law these lands which are said to be in dispute, then there would be no way for them to get them except by a new act of Congress which would confer some rights upon them.

Mr. McMILLAN. If the Senator from Indiana will allow me——

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. I yielded to allow the debate to run on over there.

Mr. McMILLAN. The Senator from Indiana, I think, does not know precisely the point at issue here. There is no counter-claim for the six miles and a fraction of land.

Mr. HARRISON. By the other railroad?

Mr. McMILLAN. None at all.

Mr. HARRISON. That is what I supposed.

Mr. McMILLAN. This road is the only road entitled to those lands if any road should get them.

Mr. HARRISON. The Senator from Massachusetts has stated the case, as I understood him in the beginning, quite differently from the statement made by the Senator from Minnesota.

Mr. HOAR. Oh, no.

Mr. HARRISON. It seems as to the conterminous land along these six miles of road the question is simply between the United States or the State of Iowa and this railroad company, and that is not complicated by the claim of any other railroad company at all.

Mr. McMILLAN. Not at all.

Mr. HARRISON. Now, if I understand the situation, the Senator from Massachusetts must either claim that under the original grant this was given to his railroad company, and they are entitled to it—and if that is true then no legislation can take it away from them—or if he so construes the law as that they were not entitled to it under that law, then how can they get it, whether we pass this bill or not, unless we pass an affirmative law giving it to them?

Mr. MORGAN. Mr. President, I find that there is some misunderstanding about this bill. This is a bill of peace, intended to compose controversies in the State of Iowa that otherwise can not be composed. Legislation has been demanded in two directions from the Committee on Public Lands; one is that we shall give these lands by some direct act to what are termed the squatters upon them, another is that we shall give the lands by a direct act to the railroad company. These lands were patented to the State of Iowa by the Government of the United States. When I say "patented" I mean certified in such form as that the title was equivalent to a patent; and that action occurred under the fourth section of the act making this land grant, a part of which I will read:

That the lands hereby granted shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number; and when certificates of the completion of additional sections of ten consecutive miles of either of said roads are from time to time made as aforesaid, additional sections of land shall be patented as aforesaid until said roads or either of them are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid and none other.

It is upon the legal construction of that act of Congress that these questions all arise. A certificate came to the Department here, which was satisfactory to the officers of the Department, that this road had been completed in sections of ten miles according to the provisions of the fourth section of this act. Thereupon the Secretary of the Interior made a patent to the State of Iowa. Pending that arrangement persons in Iowa, who disputed that the Secretary of the Interior had made a proper construction of this law, entered upon the land and claimed it was part of the public domain of the United States, they claiming that only six-tenths of this last section of ten miles had been completed and that four-tenths remained incomplete, and, therefore, the State of Iowa held the land in excess to the amount of four-tenths of the ten miles in trust for the Government of the United States, and not in trust for the railroad company. The Legislature of Iowa, sympathizing with its own people, taking sides with the people who are called squatters, refused to make a patent for these lands to this railway company, refused it by act of the Legislature and left the lands in abeyance so far as the transfer by that State of the legal title was concerned.

Now, then, what is the attitude of Iowa as to the Government of the United States? It is the holder of the legal title to the land opposite to and conterminous with these four-tenths of this section of ten miles, and the Government of the United States is appealed to to institute some proceeding whereby these claimants under the Government can come forward to assert its rights upon this land. What is Congress to do if it does anything about this case? Congress must necessarily assert the authority, whatever it may be, of the Government of the United States as against its trustee, who holds these lands in its possession under a patent, refuses to convey to the railroad, and asserts that these lands rightfully belong to the squatters.

Mr. McMILLAN. The Senator from Alabama is mistaken in that.

Mr. MORGAN. In what respect?

Mr. McMILLAN. The State of Iowa refused to declare a forfeiture of this grant. On the application of these squatters it refused to do that.

Mr. MORGAN. It may have refused to declare a forfeiture; I do not know about that. I do not think that is a material question, but it certainly has refused to convey the lands to the railroad company.

Mr. McMILLAN. It certainly affects the rights of these claimants.

Mr. MORGAN. Whatever may have taken place beyond what I have stated does not affect the case in the slightest degree. The State of Iowa has refused to convey these lands to the railroad company, placing the construction on the law that it was not apportionable for the ten miles; that a section of ten miles must be complete under the act I have just read before the title of the railroad company was good to any part of the land.

Of course these settlers upon these lands can not assert any title in their own names, for the Government of the United States had put the title out of its own hands into the hands of the State of Iowa, a naked trustee, but the State of Iowa refuses to assert the title in favor of the railroad company, and is willing, I dare say, to transfer the title to the squatters, but she has not done it. The title remains there to-day in the hands of the State of Iowa, a naked trustee.

Mr. HARRISON. The Senator from Alabama will allow me a word. Of course the State of Iowa would have no power to transfer these lands otherwise than in the direction of the trust. She would have no power to transfer them to squatters.

Mr. MORGAN. No; I suppose she has not any such power. At all events she has refused to convey to the railroad company, and she holds the lands just in that plight. Now the squatters come here and insist that the Government of the United States shall declare that these lands have reverted in consequence of the fact that Iowa has refused to convey them to the railroad company in completion of the trust. They claim that it was *quasi* a public domain, but that the condition of it, the patent having issued, shuts them out from all rights in it, and they pray the Government to assert its rights upon it.

In this condition of affairs, to avoid another Des Moines difficulty and involvement there which will run on through a number of years, the Committee on Public Lands, responding to the bill that came from the House and altering it only in some particulars that we thought were important, concluded to organize a tribunal by conferring jurisdiction on the circuit court of Iowa to adjudicate this whole matter. The committee of the House and the committee of the Senate have been equally sedulous to get this matter before the courts of the country without the slightest change of any right of any person whatever.

Mr. McMILLAN. Will the Senator from Alabama allow me to ask a question?

Mr. MORGAN. Yes.

Mr. McMILLAN. Does not this bill propose to legalize the settlement of those persons, whom the Senator refers to as squatters, as *bona fide* settlers upon the public lands?

Mr. MORGAN. No, Mr. President, not any more than the law legalizes that now; for if it is public land every citizen of the United States has the unquestionable right to go on it.

Mr. McMILLAN. But the Senator will permit me to suggest to him that whether these lands were public lands or not there is no doubt whatever about the fact that they were withdrawn from market and were not subject to settlement under the public-land laws of the United States, and this bill proposes to recognize them as persons who had a right to go on there at the time they did go on and make their settlement.

Mr. MORGAN. That appears to be a phase of the case which impresses me with this idea, that the Senator's opposition is not because our action is benefiting the railroad company, but because it benefits the settler.

Mr. McMILLAN. It will not do for the Senator to put the matter in that shape. He has said that this bill confers no rights upon any persons that they do not now hold.

Mr. MORGAN. That is correct.

Mr. McMILLAN. I have already pointed him to the fact that it does relieve these persons from a disability under which they lie which must be fatal to their claim if it remains.

Mr. MORGAN. I do not understand this bill if it relieves them from any such disability, or if it confers upon them any new right or privilege not found in the general laws of the United States, for I reassert now—I do not wish to repeat it again, though—that the public domain of the United States is open freely to the settlement of the people, and if they may not make entries upon it either of homesteads, or pre-emption, or private entries, still there is a standing invitation under the laws of the United States to every man in this country to go upon the public domain and make settlement there.

Mr. McMILLAN. I do not wish to interrupt the Senator if it is disagreeable to him.

Mr. MORGAN. It is not disagreeable to me, but it must be to the Senate, because I can not get what really I want to say together.

Mr. McMILLAN. I call the Senator's attention to the fact that where public lands are withdrawn from market by the proper authority no citizen has a right under the law to go upon them to make settlement for any purpose.

Mr. MORGAN. That is new law to me.

Mr. McMILLAN. The Government of the United States is already sending its Army to prevent citizens from going onto lands because they are not subject to settlement.

Mr. MORGAN. No; the case the Senator refers to is because it is an Indian reservation.

Mr. McMILLAN. Because it is not subject to settlement.

Mr. MORGAN. No citizen has a right to go on an Indian or a military reservation, because that is excluded by express terms of statute from settlement by the people of the United States; but that which is the public domain and is not thus segregated from the public domain lies broadly and freely open to the settlement of any person who chooses peacefully to go upon it; and that is precisely the condition in which the citizens of Iowa found this land, if their assumption was correct that it was not a part of the land to which the railroad company was entitled, but a part of the land held in trust by the State of Iowa for the Government of the United States. That is the situation precisely.

Now, Mr. President, I reassert that the committee have presented a bill which does not in the slightest degree alter the rights of any person at all. What is the object of the bill? I have already called the attention of the Senate to the fact that a question of law arose here upon the construction of the fourth section of the act, which was whether the railroad company, having earned six-tenths of a section of ten miles, was entitled to any part of the land for that section. I have the same opinion upon that question that the Senator from Massachusetts has expressed, that it is an apportionable grant, and it ought to be apportionably administered, and this railroad company ought to have the six-tenths; but they do not stop there in their demands; they want the whole of it.

Mr. McMILLAN. No, Mr. President, they have never set up any claim or shadow of a claim to such a thing. They never claimed a foot or acre of land but for the exact amount of line of road completed and conterminous with their line.

Mr. MORGAN. That will not do, because they have gone down the line some twenty miles and located for the purpose of making up compensation for lands that lie behind that they did not get.

Mr. WILSON. Involving about 27,000 acres.

Mr. MORGAN. I think the committee understand this controversy; they have had enough to do with it to understand it, surely. I speak of it as it appeared to the committee. Of course we are not deciding any right of the settlers here or of the railroad. We are trying merely to relegate the question to the courts, where it can have a proper decision in proper form.

Mr. HOAR. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. HOAR. The Senator says he agrees with me that this is an apportionable grant.

Mr. MORGAN. I do.

Mr. HOAR. Suppose we are both in error in the construction of the law, and that the title would not be vested unless the company completed a section of ten miles, does not the Senator agree with me also in thinking that if they were prevented from completing the ten miles by the facts stated, the United States ought to give them the land for the six miles and a fraction they have completed?

Mr. MORGAN. That is precisely what we do in this bill.

Mr. HOAR. No. The next question then is, do you do it in this bill?

Mr. MORGAN. I have no doubt about it at all.

Mr. HOAR. I hope the Senator will not object to an amendment that I will propose to make that clear.

Mr. MORGAN. I do not know that I shall object to it until I see it; but if the Senator's amendment trenches on somebody else's right, I will object to it.

Mr. HOAR. If the Senator will allow me, I will read what I propose to insert. My desire would be to insert after the words "United States," in the eighth line of the first section, where the section gives jurisdiction:

And also to determine whether any person or corporation is in justice and equity entitled to such lands.

Then in the fifth section, where it says "that if any of the lands mentioned herein are adjudged to belong to the United States," I would insert the words "in justice and equity" after "belong;" so as to read:

That if any of the lands mentioned herein are adjudged to belong in justice and equity to the United States, the same shall constitute a part of the public domain.

These two amendments will make the bill to my comprehension what it already means to the Senator's.

Mr. MORGAN. We have had the difficulty throughout this case of the parties on each side claiming that certain words should go into the bill which they thought were necessary for the protection of their rights, for I am quite sure that the parties on both sides of this controversy are equally just and honest in all of their demands. I think there is no question about that. The squatters, who have been spoken about in a rather contemptuous way occasionally, are just as honestly impressed and convinced of the validity of their claim as if they had a patent from the Government of the United States, and so is the railroad company, and so are the mortgagees. I appeal now to the lawyers of this body as to these words. We are now conferring jurisdiction on a court to hear and determine the controversy between these parties without undertaking to shape it or to color it in any manner whatever, and we use these words:

That jurisdiction is hereby conferred on the circuit court of the United States

for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled, &c.

Then in a subsequent section arranging the method of procedure we say that a bill in equity or a suit at law may be brought and shall be brought by the United States Government under the direction of the United States Attorney-General, the object of the bill being on the part of the Government of the United States to have justice done, the Government recognizing that it stands only in the relation of holding an equitable interest in this land for the benefit of those who may be equitably entitled to it. Now, when we have conferred that sort of jurisdiction for that purpose and accompanied it with that machinery, can there be any doubt in the mind of any lawyer that any right of an equitable or a legal nature in this controversy can be entirely settled by the court without more? I think there can be no doubt about that.

I appreciate the anxiety of the honorable Senator from Massachusetts to have the rights of the particular class of persons who have spoken to him about this clearly and definitively arranged and settled, but I submit to the honorable Senator that if he had the bringing of the bill in this court he would have no trouble in the world in finding a jurisdiction to invoke, and if he had a cause that appealed to the law or to equity to that jurisdiction his friends would be entirely safe.

When we go on further, and in order to show that the Government of the United States does not intend to take hold of this title for any other purpose than having justice and equity administered, we say:

The United States hereby asserting its reversionary right to all of said lands, or so much thereof—

That is the way I hope the bill will read. That is the meaning—

as shall be found to have been patented in excess of the amount of land earned by said company—

Only to the extent of the amount patented in excess of that earned by the company. That brings up the question for the court to decide and which the committee did not wish to decide (and which I think the Senate and the House—I know the House—did not wish to decide) have these lands been earned by the company within the true meaning and intent of the fourth section of the act? Is this an apportionable grant? If they have built six of the ten miles, does it thereupon follow that the lands to the extent that the road has been constructed have been earned? If they have been so earned, the Government of the United States says, "We claim no interest in this; our forfeiture does not extend to these lands at all." If they have not been so earned, then, of course, the railroad company ought not to claim them, and the honorable Senator from Minnesota says they do not claim them.

That is a question for the court to decide. I would very gladly, if I was on the bench and had the case submitted to me upon evidence which I thought was entirely satisfactory, sit down and try to compose this great controversy which is about to crop out in a number of dangerous lawsuits. I would be very glad to try and give repose to that community. In this bill our committee came just as near to it as we knew how with perfect impartiality between these parties. The committee have set out those words and those phrases, those sentences and expressions which they thought would carry this question before the court in such a manner that the court could not discover that Congress had the slightest bias in favor of one person or another, except to this extent, that where the lands had been earned (leaving the court to determine what that phrase must mean) by the railroad company Congress asserts no right to them, giving, therefore, a perfect opportunity to the court to determine whether or not this is an apportionable grant, and if so how far and to what extent these lands have been earned.

I think that while the bill is open to sharp criticism, and must necessarily be in a body of lawyers as intelligent and bright as those who are in the Senate of the United States, it will upon examination be found to be a just and good measure. We found that the House bill was not in our estimation a complete measure, and so the committee took great pains to try to render and give an opportunity to these people to have justice done. Now, suppose that this bill does not pass. We are informed that a lawsuit is pending for the purpose of issuing a mandamus, I suppose it is, to the governor of the State of Iowa, to compel him to certify to this railway company certain lands. Nothing of that record has ever come before us; we know nothing about that.

Mr. McMILLAN. The only suit I know anything about is between two railroad companies.

Mr. MORGAN. I was quite surprised at hearing the honorable Senator from Massachusetts state anything else, and yet he did state, as I understand, that there is a lawsuit pending.

Mr. McMILLAN. That is a suit pending in the Supreme Court to determine whether the Milwaukee and Saint Paul road or the Sioux City road shall have certain lands conterminous with their line at the point where the two roads cross.

Mr. MORGAN. I understand perfectly well what that suit relates to, but the honorable Senator from Massachusetts so described it that I did not understand it, because he made it a suit applicable to these lands, whereas the truth is that the suit the Senator from Minnesota speaks of is a suit relating to an entirely different tract of land.

Mr. McMILLAN. No, sir; it does affect these lands.

Mr. MORGAN. In what way?

Mr. McMILLAN. It involves the lands that are conterminous with the line of this road between Le Mars and the Iowa line, and they must go either to the Milwaukee company or to the Sioux City company, and you get another suit to determine the title of those lands.

Mr. MORGAN. It is perfectly obvious that the object of the bill is not to supersede the jurisdiction of any court that has already cognizance of any question of law pending before it. It is to supply a remedy in respect of those lands which have been the whole subject of controversy here this evening, and those are the lands which lie opposite to and conterminous with the four miles which the railroad company did not complete because it formed a junction with another road, and its completion was therefore unnecessary. That is the whole of it.

Now, there is no suit, there is no mandamus proceeding against the governor of Iowa to compel him to convey these lands to the railway company, nor is there likely to be, I suppose, for such a suit could not originate elsewhere than in the State of Iowa, and I presume the statutory law there does not authorize it. What, then, is to become of these settlers? What is to become of this controversy? It will run on and run on. A will sue B, and in a collateral proceeding these questions will be settled perhaps after the lapse of years, and that community will be thrown into the unfortunate condition which we have belabored so much during the recent days of this session of Congress in the Des Moines case.

I repeat that this is a bill of peace, and if the Congress of the United States wants to stop litigation and wants to do justice to all concerned, it seems to me it will pass the bill. Of course I have no other interest in it than that of trying to secure peace.

I wish to say just one word more, and I am afraid I am debating this question entirely too long. You might strike out sections 5 and 6, all that relates to the method of disposing of these lands into the hands of settlers, and yet the principles of the bill would be entirely unaffected and their rights would not be affected very much. I do not think they would be affected at all; for the moment that these lands become, by the adjudication of the court, public domain, then of course they will be open to disposal under the general laws affecting the public domain.

Mr. McMILLAN. The Senator does not recognize the fact that even if that were the case yet these lands could not be opened to settlement, because they have been withdrawn from market by the Government of the United States.

Mr. MORGAN. If that is true, the Senator and I differing about what the effect of this measure would be, the committee have acted very wisely, and the House acted very wisely, in putting the provisions in the bill disposing of these lands, and they had better probably remain. I was not going to strike them out, but I was going to say that nothing had been done to give to these settlers any right or advantage in the world upon these lands until after the court should adjudicate that the lands are a part of the public domain. The United States Government merely asserts whatever right it has. It invites the court to take the subject into hand and to determine it. After final judgment has been rendered, then the proper department of the Government proceeds to dispose of it as public domain; and that is the whole bill. That is all I desire to say about it.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. 5691) amending section 764 of the Revised Statutes. It is a House bill reported from the Judiciary Committee, and affects the general statute of the United States in regard to appeals in habeas corpus cases. It is a very important matter, and it should be passed so that it may become a law. I submit the motion.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Minnesota moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. WILSON. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection to the Senator from Iowa making a statement in respect to the motion?

Mr. McMILLAN. Not if I may be permitted to make one subsequently.

The PRESIDING OFFICER. Is there objection to the Senator from Iowa making a statement? The Chair hears none, and the Senator from Iowa is entitled to the floor.

Mr. WILSON. The greater portion of this day's sitting has been consumed in the consideration of the bill which it is now proposed to lay aside. If the motion of the Senator from Minnesota shall prevail, we shall have substantially lost all the time that has been given to the consideration of the bill to-day; whereas if we proceed with its consideration we may dispose of it to-day, and then the other measures can go on in their orderly method, or upon motions to take them from the Calendar for special consideration. Therefore, I hope that the Senate will conclude the consideration of the bill now pending.

Mr. McMILLAN. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection to the Senator from Minnesota making a statement in respect to his motion? The Chair hears none.

Mr. McMILLAN. The very fact of the interruptions which have taken place this afternoon in the consideration of the bill, rendering its

consideration almost unintelligible, shows the absolute necessity of disposing of the business upon the Calendar. It is because the bill was brought up at a time when it should not have been brought up, when the Senate should have had an opportunity of disposing of pressing business on the Calendar, needed to be brought to the attention of the Senate by every Senator in the Chamber. The bill which I seek to have passed is a House bill which affects seriously the liberty of citizens of the United States.

Mr. HOAR. What is it?

Mr. McMILLAN. It is the bill amending section 764 of the Revised Statutes so as to allow an appeal in habeas corpus cases to the Supreme Court of the United States—a right which was taken away under circumstances which at the time seemed to create a necessity for it. The bill proposes to restore the right of appeal of a citizen in habeas corpus cases to the Supreme Court of the United States to protect the liberty of the citizen. It is an important measure, which must fall unless we can have it disposed of at this time. It will take but five or ten minutes to dispose of the bill. It is a brief bill, and can be read in a minute.

Mr. WILSON. If the Senate will allow me to respond——

The PRESIDING OFFICER. Is there objection to the Senator's proceeding? The Chair hears none.

Mr. WILSON. I will say that the motion of the Senator from Minnesota is not to informally lay aside the pending measure and to proceed to consider and dispose of a bill which will occupy but five minutes in his estimation, but it is to proceed to the consideration of another bill to the displacement of the pending bill. That has been done once before this afternoon, and I hope the Senate will not do it again.

Mr. SHERMAN. It is now getting late, and, as we are to meet at 9 o'clock on Monday morning, I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn. Does the Chair understand the Senator from Ohio to fix an hour for meeting on Monday morning?

Mr. HOAR. The Senate has already agreed to meet at 9 o'clock on Monday.

Mr. WILSON. I desire to make a parliamentary inquiry. What will be the position of the bill the Senate has been considering in the event of an adjournment now?

The PRESIDING OFFICER. In the opinion of the Chair it will remain as the unfinished business.

CIRILO PONBLE.

Mr. CALL. I ask unanimous consent to introduce a resolution, to have it printed, and laid on the table.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. SHERMAN. Yes; I will yield for merely formal business.

Mr. CALL submitted the following resolution; which was ordered to lie on the table:

Resolved, That the President of the United States be requested to investigate the facts relating to the arrest and confinement of Cirilo Ponble, a citizen of the United States and of the State of Florida, who was arrested on the 24th of November, 1884, while traveling under a passport from the United States, and is still held in confinement without trial in the city of Havana; and if it shall be found that he is a citizen of the United States and that he has committed no offense against the laws of Spain in the Island of Cuba, that he shall be released from confinement.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MILLER, of California. I ask leave to offer an amendment to the sundry civil appropriation bill for the preservation of the bar at San Francisco. I move that it be referred, without printing, to the Committee on Appropriations, with the accompanying papers.

The motion was agreed to.

Mr. SAWYER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GEORGE, Mr. MORGAN, Mr. PIKE, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following acts:

An act (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;

An act (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes;

An act (S. 1117) for the erection of a public building at Macon, Ga.;

An act (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

An act (S. 2327) for the relief of James Bedell, sr.; and

An act (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message also announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. 78) for the erection of a public building at La Crosse, Wis.;

An act (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.;

An act (S. 357) granting a pension to William Lockhart;

An act (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

An act (S. 1183) granting a pension to Hugh O'Neil;

An act (S. 1268) for the relief of Sydney L. Skaggs;

An act (S. 1810) for the erection of a public building at Sacramento, Cal.;

An act (S. 1655) granting a pension to Newton J. Burris;

An act (S. 1709) granting a pension to Leonora A. Boyden;

An act (S. 1790) granting an increase of pension to Edgar L. Dutton;

An act (S. 1803) granting an increase of pension to George A. Washburn;

An act (S. 1804) granting a pension to Clarinda Hunt;

An act (S. 2009) granting a pension to Isabella Turner;

An act (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;"

An act (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

An act (S. 2350) granting a pension to Anna Ginn;

An act (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago;

An act (S. 2511) granting a pension to David T Hoover;

An act (S. 2570) granting an increase of pension to Samuel M. Thompson;

An act (S. 2587) granting a pension to William H. H. Gilley;

An act (S. 2610) granting a pension to Patrick Furlong; and

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies.

MILITARY RESERVATION AT CARLISLE.

Mr. HARRISON. I ask unanimous consent to put upon its passage the bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa.

Mr. WILSON. Let the pending bill be informally laid aside.

The PRESIDING OFFICER. Does the Senator from Ohio [Mr. SHERMAN] yield for that purpose?

Mr. SHERMAN. Oh, yes.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

Mr. WILSON. Let the pending bill be informally laid aside for that purpose.

Mr. HARRISON. Very well.

The PRESIDING OFFICER. If the bill is taken up by unanimous consent, the pending bill is informally laid aside, and it leaves the bill referred to by the Senator from Iowa as the unfinished business still. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 3, after the word "Interior," to strike out the word "be" and insert "is;" in line 4, after the word "such," to insert "terms;" and in line 5, after the word "think," to insert "proper and;" so as to read:

That the Secretary of the Interior is authorized and empowered, in his discretion, and on such terms, conditions, and restrictions as he may think proper and necessary to protect the interests of the United States, &c.

The amendment was agreed to.

The next amendment was, in line 6, after the word "to," to strike out the word "release" and insert "give;" so as to read:

To give to the South Pennsylvania Railroad Company, for railroad purposes only, a right of way.

Mr. HARRISON. I suggest that that amendment be disagreed to; I think the word "release" as it stands in the bill is better.

The amendment was rejected.

The next amendment was, in line 8, after the word "way," to insert "on such line as may be agreed upon;" so as to read:

A right of way on such line as may be agreed upon, not exceeding one hundred feet in width, over the lands of the United States at Carlisle, Cumberland County, Pennsylvania, and extending a distance of about nine hundred feet over said lands, or so much thereof as said company may require for said purpose.

The amendment was agreed to.

The next amendment was to add to the bill:

Congress reserves the right to amend or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORIAL ACTS OF INCORPORATION.

Mr. CULLOM. I ask unanimous consent to call up the bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories. There will be no objection to it. It comes from the Committee on Territories.

Mr. PLATT. I ask for the regular order.

The PRESIDING OFFICER. There is objection.

Mr. CULLOM. I do not think the Senator from Connecticut will insist upon his objection if he will listen to me for one moment. I hope the Senator will not object, or at least that he will allow me to state what the purpose of the bill is.

The PRESIDING OFFICER. Is there objection to the Senator from Illinois making a statement? The Chair hears none.

Mr. CULLOM. The bill only proposes to change two words in the present law as it stands in the Revised Statutes, and it relates to the Territories. It adds to the present section of the statute the words "banking and canals," so that Territorial Legislatures may incorporate companies for those purposes. The Committee on Territories recommend the bill unanimously.

Mr. PLATT. I withdraw my demand for the regular order.

Mr. CULLOM. Then I ask that the bill may be put upon its passage. It comes from the Committee on Territories by a unanimous vote, and is very much sought for. It is exactly the statute as it stands except the words "banking and canals."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 1889 of chapter 1, title 23, of the Revised Statutes of the United States so as to read:

SEC. 1889. The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies-corporate for mining, banking, manufacturing, or other industrial pursuits, or the construction and operation of railroads, wagon-roads, canals, or irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KIRWIN (KANS.) CEMETERY.

Mr. PLUMB. I ask unanimous consent to proceed to the consideration of the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas.

Mr. WILSON. That may interfere with the pending order.

Mr. PLUMB. It will only take a moment. I ask for unanimous consent.

Mr. McMILLAN. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read for information subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the southeast quarter of the northeast quarter of section 29, township 4 south, of range 16 west of the sixth principal meridian, in the State of Kansas, now occupied by the city of Kirwin for cemetery purposes, be, and the same is hereby, donated to the said city of Kirwin for the use of a public cemetery.

Mr. HARRISON. May I ask the Senator from Kansas whether there is an emergency there for this cemetery?

Mr. PLUMB. Not more than that the land is occupied by the bodies of all persons who have died in the past twelve years in that neighborhood, and I think that on the whole the bill should be passed.

Mr. McMILLAN. There is a funeral waiting, I think.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. PETERSON.

Mr. PIKE. I ask unanimous consent to call up the bill (H. R. 6270) for the relief of John P. Peterson.

Mr. PLATT. I object.

The PRESIDING OFFICER. An objection is interposed.

Mr. SHERMAN. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 28, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. WELLER. I rise to a parliamentary question.

Mr. MILLS. I rise to a question of privilege.

The SPEAKER. The first question is to dispose of the Journal. The gentleman from Iowa states that he rises to a parliamentary question. Does it relate to the approval of the Journal?

Mr. WELLER. I do not know whether it does specifically relate to the Journal or not. I desire to inquire whether the sundry civil appropriation bill, as passed on yesterday by this House, in truth and in fact results in retiring the one-dollar and two-dollar notes from circulation, so that speculators——

The SPEAKER. The gentleman from Iowa is not in order; that is not a matter relating to the Journal.

Mr. WELLER. I am informed that that is the result of the bill as it passed the House.

The SPEAKER. The only question before the House is the approval of the Journal.

Mr. RANDALL. I can answer the gentleman from Iowa——

Mr. WELLER. I am satisfied it does refer to the Journal.

The SPEAKER. The gentleman is not in order; the only question is as to whether the Journal as read shall be approved.

The Journal was approved.

PERSONAL EXPLANATION.

Mr. THOMAS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. On the day before yesterday, during the discussion of a resolution proposing to tender the thanks of Congress to Col. Thomas Lincoln Casey and the assistants under his command for the successful completion of the Washington Monument, I inadvertently did great injustice to that officer, having been misled by statements which I saw in the newspapers of the day, and in quite a number of newspapers at that; but as I did not preserve copies of any of them save one, I have not been able this morning to lay my hands on them. I ask, however, to have the Clerk read the paragraph which I have marked in the newspaper which I send to the desk, which will show the basis upon which I placed my statement with reference to Colonel Casey.

Mr. HAMMOND. I submit, Mr. Speaker, that the gentleman states no question of personal privilege.

Mr. THOMAS. It is a personal explanation.

The SPEAKER. The Chair does not think the gentleman presents a question of personal privilege.

Mr. THOMAS. It is a statement which I desire to make in justice to this officer.

The SPEAKER. The Chair will entertain the request of the gentleman to make an explanation, if there be no objection.

Mr. HAMMOND. I withdraw the objection.

Mr. THOMAS. As I have said, I inadvertently misrepresented this gentleman and ask——

Mr. TOWNSHEND (interrupting). I must raise the question of order, Mr. Speaker, that the gentleman has not presented a question of privilege. Let us go on with the appropriation bill.

The SPEAKER. The gentleman from Georgia was disposed to object to the request of the gentleman from Illinois to make this explanation, but afterward withdrew the objection. The Chair stated if there be no further objection the gentleman would proceed. The gentleman then proceeded by consent to make an explanation.

Mr. THOMAS. It will take but two minutes.

Mr. TOWNSHEND. Very well; I shall not object.

Mr. THOMAS. Now I ask the Clerk to read the article to which I referred.

The Clerk read as follows:

Lieut. Thomas Lincoln Casey, of the Corps of Engineers, United States Army, was designated by President Hayes as the engineer in charge in the fall of 1878, after a commission of engineer officers, appointed by President Grant, had made preliminary examinations of the earth below the existing foundation. These foundations proved the inadequacy of the old foundation to support the weight of such a structure, and in the summer of 1878 Maj. George W. Davis, a captain in the Fourteenth United States Infantry, perfected a plan to build a new foundation below and under the old one. The new foundation is one of the greatest engineering feats in the history of the world, and has attracted the attention of all engineers of this time.

Mr. THOMAS. I have seen that statement repeatedly in different newspapers, and upon that basis I made the charge on the floor of the House that Captain Davis of the Army was entitled to the credit for the successful completion of the work on the monument by having submitted plans for the foundation instead of Colonel Casey. On yesterday I received a letter from Colonel Casey, transmitting a communication from Captain Davis, which is very short and which I ask the Clerk to read, showing that this officer disclaims the credit for having secured the foundation of the monument.

The Clerk read as follows:

WASHINGTON, D. C., *February* 27, 1885.

SIR: Will you pardon my calling your attention to the following letter of Capt. G. W. Davis, published in the National Republican of this city March 4, 1880? It was written and given to the public without any knowledge of mine:

"ENGINEER OFFICE, WASHINGTON MONUMENT,
"*Washington, D. C., March* 3, 1880.

"SIR: In your issue of to-day I have read an anonymous contribution on the Washington Monument. Your correspondent has fallen into an error on one point, when he states 'the work of strengthening the foundation is in progress under the charge of Capt. George W. Davis, United States Army, aided by competent assistants.' I beg to correct this statement by saying that Col. Thomas L. Casey, Corps of Engineers, is the officer in charge, and his designs for strengthening the foundation are being followed. I am connected with this work as assistant engineer. Please give publicity to this correction.

"Very respectfully, &c.,
"GEORGE W. DAVIS,
"*Captain, Fourteenth Infantry.*

"To the EDITOR *of the National Republican.*"

The Washington Monument has been substantially completed in accordance with my designs and project as contained in Miscellaneous Document No. 7, House of Representatives, Forty-fifth Congress, third session.

Very respectfully, your obedient servant,
THOS. LINCOLN CASEY,
Colonel, Corps of Engineers.

Hon. JOHN R. THOMAS,
House of Representatives.

Mr. THOMAS. Now, Mr. Speaker, I desire to give honor to whom honor is due, and therefore I have made this personal explanation so that it might be known that Captain Davis, notwithstanding the oft-repeated publications in the newspapers, does not claim this credit. I hope it will be given to Colonel Casey, to whom it seems to be due.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now call for the regular order.

Mr. WELLER. I rise to a question of information.

Mr. HORR. For Heaven's sake, I hope the Speaker will grant the gentleman's request. [Laughter.]

The SPEAKER. The regular order is demanded.

Mr. MILLS. I desire to offer a privileged resolution.

Mr. WELLER. I ask if the demand for the regular order precludes the question which I addressed to the Chair?

The SPEAKER. The gentleman from Iowa can not ask the Chair to explain the effect of a certain bill which has been passed by the House.

Mr. WELLER. I desire to know whether——

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. WELLER. I rise to have the Chair inform me——

Mr. BROWNE, of Indiana. I object.

Mr. TOWNSHEND. I insist on the regular order.

The SPEAKER. The gentleman from Minnesota [Mr. STRAIT] rises to a privileged matter.

PERSONAL EXPLANATION.

Mr. COX, of New York. I desire to follow the gentleman from Illinois [Mr. THOMAS] in a single remark.

The SPEAKER. The regular order is demanded.

Mr. COX, of New York. What I desire to say is in continuation of the same personal explanation which was allowed by the House.

Mr. TOWNSHEND. Does the gentleman from New York rise to a question of privilege?

Mr. COX, of New York. I do.

The SPEAKER. The gentleman will state his question of privilege.

Mr. COX, of New York. I made a similar remark as to Colonel Casey and Captain Davis, based on the statements which I had seen and which I supposed were official. I desire to disclaim now and here the casting of any shadow upon the fame of Colonel Casey in that regard.

SUPPLIES TO INDIANS OF MINNESOTA.

Mr. STRAIT. I call up the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux and Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof. I move that the House insist on its amendments to the bill and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers on the part of the House the gentleman from Texas, Mr. WELLBORN, the gentleman from Minnesota, Mr. STRAIT, and the gentleman from New York, Mr. STEVENS.

ORDER OF BUSINESS.

Mr. WELLER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I desire to inquire if it will be proper for me under the rules to ask information of the Chair whether the bill passed yesterday failed to make appropriation for the continuation of the printing of the one-dollar and two-dollar Treasury notes——

The SPEAKER. That is not a parliamentary inquiry.

Mr. WELLER. I desire to inquire further——

The SPEAKER (rapping to order). The gentleman from Iowa is not in order, and will be seated.

INAUGURAL CEREMONIES.

Mr. MILLS. I offer a resolution of the highest privilege.

The Clerk read the resolution, as follows:

Resolved, That the Speaker appoint a committee of three members of the House to co-operate with the committee appointed by the Senate to take charge of the arrangements for the inaugural ceremonies at the Capitol on the 4th of March.

Mr. TOWNSHEND. Is that the regular order?

Mr. MILLS. It is a privileged resolution.

The SPEAKER. The gentleman from Texas claims the resolution is privileged.

Mr. TOWNSHEND. I raise the question of order.

Mr. MILLS. It relates to the part the House will take in the inaugural ceremonies.

The SPEAKER. The Chair does not see that the resolution involves any matter of privilege. It does not relate to the legislative proceedings of the House or its duties under the Constitution.

Mr. MILLS. To raise the point of order on that resolution is unbecoming the dignity of this House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from California [Mr. ROSECRANS] rises to a privileged matter.

Mr. ROSECRANS. I move that the bill (H. R. 5713) which has been amended in the Senate——

Mr. MILLS. I move to suspend the rules and pass the resolution I have offered.

The SPEAKER. The gentleman from Texas has not the floor. The gentleman from California [Mr. ROSECRANS] has the floor on a privileged matter.

LOSSES OF OFFICERS AND ENLISTED MEN.

Mr. ROSECRANS. The Senate has returned to the House with amendments the bill (H. R. 5713) for the settlement of claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States. I move——

Mr. TOWNSHEND. Is that a privileged matter?

The SPEAKER. It is. A conference has been asked by the Senate.

Mr. ROSECRANS. I move that the House insist on its disagreement to the Senate amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House the gentleman from California, Mr. ROSECRANS, the gentleman from Ohio, Mr. MURRAY, and the gentleman from Indiana, Mr. STEELE.

NAVAL OBSERVATORY REPORTS.

The SPEAKER, under the statute, laid before the House the following concurrent resolution; which was referred to the Committee on Printing:

THE SENATE OF THE UNITED STATES, *February* 25, 1885.

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of astronomical and meteorological observations of the Naval Observatory for the years 1881-'82 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 for the use of the House of Representatives, and 800 for the use of the Navy Department or for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes of the United States.

HISTORY OF THE RED CROSS.

The SPEAKER also laid before the House the following concurrent resolution; which was referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *February* 25, 1885.

Resolved by the Senate (the House of Representatives concurring), That there be 10,000 copies of the History of the Red Cross printed from the stereotype plates now at the Government Printing Office for the use of the American Association of the Red Cross.

BOGUE SOUND, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a survey, of Bogue Sound, between New River and Beaufort, N. C.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MISUSE OF PIERS, BREAKWATERS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copies of the reports of such officers in charge of river and harbor districts as report instances in which piers, breakwaters, or other structures or works made or built by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or individuals, and the extent and mode of such use; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

J. R. SANTOS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting dispatches from the vice-consul-general of the United States at Guayaquil relative to the imprisonment of J. R. Santos; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

BIDS FOR MAIL SERVICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, as required by law, a report of offers received and accepted for carrying mails under advertisements of October 15, 1883, January 21, 1884, and March 1, 1884; also a report of mails established during the fiscal year ending June 30, 1884, other than those let to contract at the annual letting; also a report of additional allowances made to contractors for carrying mails during the fiscal year ending June 30, 1884; which were referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

ORDNANCE FOR CRUISERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for completing the ordnance of the new steel cruisers; which was referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM SCHUCHARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of State asking an appropriation to pay William Schuchard for services in procuring testimony before the United States and Mexican Claims Commission; which was referred to the Committee on Appropriations, and ordered to be printed.

SAMPSON P. BAILEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State for the relief of Sampson P. Bailey, United States consul at Palermo; which was referred to the Committee on Appropriations, and ordered to be printed.

DRY-DOCK, BROOKLYN NAVY-YARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for repairs of the stone dry-dock at the Brooklyn navy-yard, New York.

WITHDRAWAL OF PAPERS.

Mr. REID, of North Carolina, by unanimous consent, was granted leave to withdraw from the files of the House the papers accompanying House bill 1008, there being no adverse report.

REPRINT OF A BILL.

On motion of Mr. DORSHEIMER, the bill (H. R. 8240) was ordered reprinted for the use of the House.

LEAVE TO PRINT.

On motion of Mr. RANDALL, by unanimous consent, leave was granted to members to print in the RECORD remarks on the sundry civil appropriation bill.

Mr. ROBINSON, of New York, by unanimous consent, was granted leave to print in the RECORD some remarks upon American citizenship.

LEAVE OF ABSENCE.

Mr. JONES, of Alabama, by unanimous consent, was granted leave of absence, on account of sickness, until Wednesday next.

FRENCH SPOLIATION CLAIMS.

On motion of Mr. DUNHAM, by unanimous consent, 2,000 copies of the law relating to French spoliation claims were ordered printed for the use of the House.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Is not the special rule adopted some days ago by the House the first order of business after the reading of the Journal?

The SPEAKER. It is, unless the House be engaged in the execution of some other order. The House is now engaged in the execution of an order made yesterday by unanimous consent, to proceed at once, in the House as in Committee of the Whole, to dispose of the Senate amendments to the Post-Office appropriation bill.

Mr. MILLS. But does not the special order take precedence of the unfinished business? Is it not required to be taken up directly after the Journal is read?

The SPEAKER. The Chair thinks not. Yesterday morning a matter came over under a suspension of the rules which was proceeded with. The Chair thinks an order of the House made by unanimous consent is at least of as high dignity as one made by a two-thirds vote, and that the House must go on to the consideration of this business, subject only to interruption by privileged matters.

Mr. TOWNSHEND. I desire to say to the gentleman from Texas [Mr. MILLS] that I heartily concur with him in regard to the order of business he desires to reach, and as soon as the Post-Office bill is disposed of I will co-operate with him in that direction.

AMENDMENT OF RULES.

Mr. ANDERSON submitted the following; which was referred to the Committee on Rules:

Amend Rule XXI, paragraph 3, by adding to the paragraph the following:

"The Appropriations Committee shall report all general appropriation bills to the House not later than the 1st day of May during a long session or the 1st day of February during a short session of Congress."

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. ROGERS, of New York. I rise to present a privileged report. I am directed by the Committee on Printing to report back, with a recommendation of concurrence, the Senate resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. ROGERS, of New York, from the Committee on Printing, reported back with an amendment the joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; of which 10,000 shall be for the use of members of the Senate, 35,000 for the use of members of the House of Representatives, and 5,000 for the use of the Commissioner of Agriculture; the illustrations to be executed, under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

SEC. 2. That the sum of $——, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The amendment reported by the Committee on Printing was read, as follows:

In line 1 of section 2 fill the blank by inserting $25,827.60.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PRIVILEGE.

Several members called for the regular order.

Mr. BELFORD. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. Last night I made a speech in favor of building a hospital for the orphans of confederate soldiers. While doing so I walked down the aisle. The gentleman from Indiana [Mr. BROWNE] insisted that I should make my speech from the seat which I usually occupy. Now I ask the Speaker to read the first paragraph of Rule XIV and construe it. I am a member of this House and have a right, under the rule, to speak from any place on the floor, provided I do not drive any other member from his seat.

The SPEAKER. The regular order has been demanded. The Chair does not see that the gentleman from Colorado presents any matter of personal privilege.

Mr. BELFORD. This is a question of personal privilege.

The SPEAKER. The gentleman is asking the Chair to give an opinion merely upon the construction of a rule which is not now presented as a practical question. There is no matter now before the House involving the construction of that rule.

Mr. BELFORD. Why should not the Speaker give a construction to this rule? By the order of the House he is the judge in such matters.

The SPEAKER. The Chair decides questions as to the construction of the rules when they properly arise in the course of business. It is not the province of the Chair to determine any question which is not directly presented in the course of the proceedings of the House.

Mr. BELFORD. Mr. Speaker——

The SPEAKER. The gentleman from Colorado is not in order.

PRODUCTION OF PRECIOUS METALS.

Mr. SMITH, of Pennsylvania. I am directed by the Committee on Printing to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals of the United States for the year 1884 be printed, and that 9,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

The resolution was adopted.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The House resumes, in pursuance of the order adopted yesterday, the consideration of the amendments of the Senate to the Post-Office appropriation bill. The question is upon the motion of the gentleman from Pennsylvania [Mr. BINGHAM] to concur in the

amendment numbered 11, which was pending at the time the House took its recess yesterday afternoon.

Mr. MONEY. Before this amendment of the Senate is acted upon I desire to offer an amendment to the whole paragraph, which I will send up to the Clerk.

Mr. TOWNSHEND. I must raise a point of order upon that proposition.

The SPEAKER. The Chair thinks the gentleman has the right to move to concur in the Senate amendment with an amendment.

Mr. TOWNSHEND. But the House was dividing upon the question.

The SPEAKER. The tellers had made no report, and must necessarily make the count over again. [Cries of "Regular order!"] The Clerk will read the pending amendment of the Senate.

The Clerk read as follows:

Eleventh amendment of the Senate:

Strike out the words "to *bona fide* subscribers" and insert in lieu thereof "including sample copies;" so it will read:

"That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law."

Mr. TOWNSHEND. My point of order is this: that the House is dividing on the motion of the gentleman from Pennsylvania, and after that is disposed of then the gentleman from Mississippi will be in order to move his amendment.

The SPEAKER. If the House concurs in the amendment of the Senate it closes the matter and precludes all amendments. This is the only time the amendment of the gentleman from Mississippi can be offered.

Mr. TOWNSHEND. Can it be offered now?

The SPEAKER. The Chair thinks so. Otherwise it could not be offered at all. If the House concurs it closes the matter; if it nonconcurs it closes the matter and there is no time to offer an amendment to the Senate amendment except while it is pending before the House.

Mr. MONEY. I do not think there will be any objection to it when it is read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8030) making appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I ask the gentleman from Illinois to yield to me to submit a conference report.

The SPEAKER. The gentleman has the right to submit it at any time.

Mr. DIBRELL. Then I submit it now.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14, 15, 16, 20, 21, 22, and 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

G. G. DIBRELL,
LEWIS BEACH,
WM. CULLEN,
Managers on the part of the House.

EUGENE HALE,
P. B. PLUMB,
W. CALL,
Managers on the part of the Senate.

The statement accompanying the report, under the rule, is as follows:

The Senate recedes from its amendment increasing the appropriation under the head of division of agricultural statistics, $25,000; also in regard to engraving, &c., for Agricultural Department; and the increase in the appropriation for manufacture of sugar from sorghum, &c., to $50,000, and agrees to make that sum $40,000. They also agree to reduce the increase to the entomological division of $10,000 to $5,000. And the House agrees to the above changes.

The House recedes from all other disagreeing votes, which are principally a change of the word "bureau" to "division" where it occurs in the bill; and also to the increase of $5,000 for quarantine stations, and $1,500 increase for furniture, repairs, &c.

The total increase allowed over the amount in the bill as it passed the House is $31,500, and is $40,000 less than it passed the Senate.

Respectfully submitted.

G. G. DIBRELL,
LEWIS BEACH,
WM. CULLEN,
Conferees on part of the House.

The report was adopted.

Mr. DIBRELL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. MONEY. I ask that my amendment be read, as it has not yet been read.

The Clerk read as follows:

In lines 125 and 126 of the printed bill strike out the words "except as provided in section 25 of the said act," and after the word "law," in line 133, insert:

"*Provided*, That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails."

Mr. MONEY. Mr. Speaker, this amendment would have been put on in the House when the bill was under consideration before, but it escaped my attention as well as that of other gentlemen interested in the measure. Indeed, I thought it was a mistake in the print until I was informed to the contrary by the distinguished gentleman from Illinois [Mr. TOWNSHEND] in charge of it. For the bill as it stands now, even as amended by the Senate, re-enacts part of section 25 of the act of March 3, 1879, referred to, which repeals legislation had last year to this effect: That the rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be 1 cent for each four ounces or fractional part thereof, and shall be fully prepaid by postage-stamps affixed to said matter.

So it will be a re-enactment of this section 25, act of March 3, 1879, in the language of the bill, or it establishes a rate distinguishing between the publisher who sends his own publication and the citizen who sends a transient number of it. In other words, it provides a citizen may send a transient number for 1 cent for each four ounces or fractional part thereof, while the publisher shall be charged at the rate of 2 cents for four ounces. This is so manifestly unjust it will not be considered favorably a moment.

But a proper ruling on this subject would be that the law I have referred to was not exclusive but inclusive in its operations, and the publishers to whom Congress intended to be liberal, as shown by giving to them the privilege of sending out their publications at the rate of 1 cent per pound, could not have intended to charge them twice as much for transient numbers. Otherwise it would be so incongruous and unjust we can not consider for a moment Congress ever intended that any proper ruling of this kind would have such an effect.

But, Mr. Speaker, I want to be perfectly frank with the House in reference to this question, and will, therefore, state that there is something more than that in the amendment, and to which my friend from Illinois will doubtless object. If this amendment is adopted it will repeal also that provision of the act which provides that these papers shall not be delivered at letter-carriers' offices or delivered by carriers unless postage is prepaid at the rate prescribed by the act—that is to say 1 cent for each two ounces or fraction thereof, and not 1 cent for each four ounces, as provided for transient newspapers. That the gentleman from Illinois will object to, as I understand.

Now, this, in my opinion, and I call the attention of the House to it, is the most illogical portion of the whole postal law. You permit newspaper publishers in Brooklyn to send their daily publications to every solitary house in the city of New York at the lower rate of postage, while the New York publisher can not send his publications to his subscribers in his own city, except at the rate of 2 cents for each four ounces. Or, *vice versa*, the New York publisher can send to Brooklyn at the lower rate, while the Brooklyn publisher, to distribute his publications in his own city, has to pay 2 cents for each four ounces.

In the District of Columbia the New York daily newspapers are sent here at the rate of 1 cent per pound, but the Post, the Republican, the Star, the Critic, and other papers are required by the law to pay 1 cent for each two ounces on every newspaper that is sent through the mails to their subscribers in this District. You bring newspapers from Canada here and we distribute them at letter-carrier offices free of postage, because, according to the terms of the postal reciprocity treaty with Canada, we are compelled to admit them at their domestic rate, which is free, while our publishers in the same city where these papers are distributed must pay the higher rate of postage. They are distributed free of postage, and yet every newspaper publisher in the United States who mails a paper to his subscriber in the same city where the paper is published is compelled to pay 1 cent for each two ounces or fraction, notwithstanding the fact that there is no expense whatever for transportation. All the cities of the United States can send their papers into this city at 2 cents per pound now, and at 1 cent if this bill becomes law. It must be plain, therefore, that it is a question requiring careful consideration and correction at the hands of Congress.

Mr. BINGHAM. If this amendment is adopted it makes the law consistent with itself.

Mr. MONEY. Yes, sir; it makes it consistent with itself and also just and reasonable to all persons. I hope, Mr. Speaker, the proposition will be divided if an amendment should be offered by the gentleman from Illinois to the amendment which I have submitted, and that

the whole proposition will not be condemned on account of the one objection which he may urge against it.

Mr. TOWNSHEND. Mr. Speaker, I have no objection whatever to the first change that the gentleman from Mississippi suggests or wishes to make in this bill. If that was the sole object of his amendment I should not resist it, but, as he frankly states to this House, the amendment goes very much further. It would also enable newspapers to be distributed—their daily issues—by means of the letter-carriers of the cities where they are published. If, then, this amendment was incorporated in the bill, and became a part of the postal law, the newspapers would simply discharge the messengers or carriers who now convey their publications to subscribers and have them delivered by the mail-carriers at an enormously increased cost to the Government.

Mr. DINGLEY. But does not the gentleman know that that would be impracticable as far as daily newspapers are concerned?

Mr. TOWNSHEND. It would render a great increase of letter-carriers necessary, an immensely great increase over the present number.

Mr. BINGHAM. You accepted the same proposition exactly in the first session of this Congress, and it was passed in the bill word for word like this.

Mr. TOWNSHEND. I must decline, Mr. Speaker, to be interrupted; the gentleman can have his own time.

Now, this question has been up before the House many times, and has been several times considered and debated in Congress. It has been always voted down and defeated——

Mr. BINGHAM (interrupting). Not in this Congress.

Mr. TOWNSHEND. For the reason that it is believed it would be too severe a tax upon the Treasury to authorize the letter-carriers to distribute the newspapers in the cities where they are published. Why, take the great daily papers of New York alone; it would require a larger force of letter-carriers to distribute them to daily subscribers than are now employed in the city for the free-delivery system. It would greatly enhance the number and largely increase the expense of the Government to allow the distribution by carriers of these papers.

Now I would be glad to accept the gentleman's proposition if it only extended the privilege of allowing newspapers to send through the mails transient copies at the same rate that other people are paying to send them; but when he couples with that proposition another one imposing upon the Government the duty of delivering to subscribers by carrier the daily issues of such papers I can not consent to it for the reason I have stated.

And now again I recur to my point of order. I desire to call the attention of the Speaker to the fact that this amendment does change existing law without retrenching expenditures. On the contrary, in my judgment it will cause an immense increase of expenditure.

Mr. HOLMAN. Will the gentleman yield to me for a moment on the point of order?

Mr. TOWNSHEND. Certainly.

Mr. HOLMAN. The point of order seems to be that the gentleman proposes an amendment which changes the original text of the bill as it comes from the Senate.

Mr. MONEY. No such point of order has been raised.

The SPEAKER. It would make no difference whether that particular reason has been stated or not; if it changes what has been agreed upon by the two Houses it would not be in order.

Mr. HOLMAN. It changes the text of the bill as agreed upon, and is not an amendment of the Senate amendment.

The SPEAKER. The House can not now change a matter which has been agreed to by both Houses.

Mr. HOLMAN. That is the case here; and I supposed the attention of the Chair had been called to it. The last part of the amendment is right enough, because it relates to a portion which has been stricken out by the Senate; but the other part of the amendment relates to a portion of the bill that has been agreed to by both Houses.

The SPEAKER. That, of course, can not be done. Upon the other point suggested by the gentleman from Illinois the Chair does not understand that the second part of this proposed amendment actually increases the number of letter-carriers.

Mr. MONEY. It does not.

The SPEAKER. The gentleman from Illinois simply makes an argument that it may result hereafter in a necessity for an increase of that force.

Mr. TOWNSHEND. Will the Chair pardon me for saying this: The amendment does not retrench expenditures; and the rule is, unless an amendment retrenches expenditures, if it changes existing law, it is not in order? This amendment does not retrench expenditures. There is no need for an argument showing that it increases expenditures.

The SPEAKER. The Chair will call the attention of the gentleman from Mississippi [Mr. MONEY] to the fact that this changes existing law and proposes to diminish the receipts of the Government by requiring the Government to perform a certain service free which is now paid for under the statute. The Chair thinks that objection is fatal to the amendment. The first point of order made by the gentleman from Illinois was simply that it was too late to offer the amendment because the vote was being taken——

Mr. MONEY. Will the Chair permit me one word? There is no proposition here to make this service free. The amendment is simply a repetition of the existing law as to county newspapers and no others.

The SPEAKER. But it provides that they shall be carried free.

Mr. MONEY. Only as regards papers in the county where they are printed, which are already carried free.

Mr. TOWNSHEND. The Chair has not ruled on my other point.

Mr. BINGHAM. The amendment that provides for the carrying of newspapers free within the limits of the county where they are published is simply the re-enactment or repeating of existing law. That is all.

Mr. TOWNSHEND. Now will the Chair rule on my last point?

The SPEAKER. The Chair wishes to inquire what is the necessity for this amendment if it simply re-enacts existing law.

Mr. MONEY. Because the first amendment there repeals that section, and this re-enacts that portion of it.

The SPEAKER. The Chair, of course, will have to examine the statute.

Mr. TOWNSHEND. If I am allowed to make an explanation, I will say the text of the bill preserves the law as it now stands, prohibiting daily newspapers from being sent through the mail at the rate of 1 cent a pound in cities where they are published. Now the gentleman from Mississippi proposes to change that law by his amendment. I insist the rule says in peremptory terms that no change of existing law shall be ingrafted on an appropriation bill unless it reduces expenditures.

The SPEAKER. There is no difficulty as to what the rule is. But the gentleman from Mississippi [Mr. MONEY] insists and other gentlemen insist that this makes no change whatever in existing law, while the gentleman from Illinois says that it does.

Mr. TOWNSHEND. One portion of the gentleman's amendment—that which relates to the circulation of newspapers free in the counties of publication—does not change the law; but the latter portion——

The SPEAKER. The Chair has already decided upon the other portion.

Mr. TOWNSHEND. The gentleman's amendment so operates as to enable these newspapers to be carried by letter-carriers, which is prohibited by law. That is the point I make. It so operates as to secure the carrying of newspapers by carriers.

Mr. MONEY. If the argument of the gentleman from Illinois proves anything, it proves an increase of revenue to the Post-Office Department. The gentleman says the carriers will be loaded down with newspapers, while they do not now carry any of them. As the law now stands, none of these papers are delivered by the carriers; and the gentleman argues that they will be loaded down with them if we adopt this amendment. But I assert no publishers of daily newspapers can afford to use the letter-carriers for the delivery of their papers; they must be their own carriers. They must have their newspapers on the breakfast-tables of their subscribers and not await the slow action of the mail.

Mr. SKINNER, of New York. The same remark would not apply to weeklies and monthlies, would it?

The SPEAKER. The Chair thinks this amendment does not change existing law. The Chair has already decided upon that part of the amendment which proposes to strike out matter agreed to by both Houses.

Mr. TOWNSHEND. Now, if I understand the Chair and the gentleman from Mississippi correctly, he does not want to change in any wise the law at this time existing which prohibits the carrying of newspapers by letter-carriers.

The SPEAKER. The amendment does not refer to that subject at all.

Mr. TOWNSHEND. I call for the reading of the amendment.

The Clerk read the amendment, as follows:

After the word "law," in line 133 of the printed bill, insert:
"*Provided*, That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed in whole or in part where published, shall go free through the mails."

Mr. HOLMAN. Is that proposition germane to the Senate amendment?

The SPEAKER. The Chair thinks so. It relates to the rates of postage on mailable matter. But the Chair will call the attention of the gentleman from Mississippi to the fact which it has just discovered (because the amendment refers to the printed bill and the Clerk has before him the manuscript bill, the engrossed bill) that the gentleman's amendment does not relate to the Senate amendment at all, but to the text of the bill.

Mr. TOWNSHEND. That is one of the points that I have insisted upon ever since we began this discussion.

The SPEAKER. The Chair had already ruled out that part of the amendment which proposed to strike out the text; but it appears now that the other part of the gentleman's amendment as proposed does not affect any amendment made by the Senate, but changes the original bill and would insert new words in the original text.

Mr. HORR. Mr. Speaker, is it not in order now to have concurrence?

The SPEAKER. It is. The Chair thinks this whole proceeding is out of order. The difficulty on the part of the Chair arose from the

fact that the gentleman [Mr. MONEY] was referring to the printed bill while the Clerk had before him the engrossed bill.

Mr. MONEY. I was going by the printed bill, because I could not indicate the lines by number in any other way.

The SPEAKER. Certainly. The mistake resulted from the fact that the gentleman was looking at the printed bill while the Clerk had the engrossed bill.

Mr. TOWNSHEND. Regular order, Mr. Speaker.

The question was taken on concurring in the amendment; and there were ayes 95, noes not counted.

So the amendment was concurred in.

The Clerk read the next amendment (numbered 12), as follows:

Strike out the following:
"*Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885."

Mr. HORR. Mr. Speaker, I move that we concur in that amendment.

Mr. TOWNSHEND. Mr. Speaker, I hope that I shall be recognized as representing the Committee on Appropriations, and I desire to say that, in obedience to the order of that committee, I move to non-concur in that amendment.

Mr. BINGHAM. Mr. Speaker——

The SPEAKER. This is a proposition which may be debated five minutes on each side.

Mr. BINGHAM. I simply desire to say, Mr. Speaker, that concurrence in this Senate amendment now simply makes the action of the House consistent with the amendment adopted a few moments ago. That is all.

Mr. ADAMS, of Illinois. I did not understand the remark of the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. I said that concurrence in this amendment now is the logical sequence of the action of the House just taken.

Mr. TOWNSHEND. It is true, Mr. Speaker, as stated by gentlemen here, that concurrence in this amendment would carry into effect the amendment adopted a while ago; but I want to say before passing from this question—for I have no doubt the House will sustain the gentleman from Michigan [Mr. HORR]—that in concurring in this amendment the House is doing what I am satisfied it would not do if gentlemen would pause long enough to think of the effect of their action.

The Postmaster-General came before the Committee on Appropriations and said that under the law regarding sample copies of newspapers—no, I will take that back, not regular newspapers, but advertising sheets—sheets that are conducted in the interest of lottery schemes and used for mere advertising purposes were flooding the mails. He said that it was done under the clause of the law which permits sample copies to go through the mails at the rate of 1 cent per pound, and he desired to have that permission restricted; and the Committee on Appropriations agreed with him that it ought to be restricted. It is true that the Postmaster-General said he was willing to allow newspapers to send sample copies twice a year, but the Committee on Appropriations said: "If it is wrong to permit them to send sample copies oftener than twice a year, we should abolish the law altogether;" and the committee so acted.

My desire was that we should come to some agreement upon this question. I can see why allowing sample copies of legitimate newspapers, scientific journals, and other meritorious publications to go through the mails should be continued; but I am of opinion that it ought to be restricted to certain periods of the year. I am willing to allow publishers all facilities that are necessary in order to secure subscribers, and I am willing——

[Here the hammer fell.]

Mr. HORR. Mr. Speaker——

The SPEAKER *pro tempore* (Mr. COX, of New York). Debate is exhausted.

Mr. HORR. I think not, Mr. Speaker. The gentleman from Pennsylvania [Mr. BINGHAM] occupied only one minute, and I do not want to occupy more than another minute. I simply want to say that this is the sequence of the vote that we have just taken, and that it is necessary in order to carry out that amendment. It makes postage uniform for city papers, for country papers, and for all papers. It is right, and it ought to be adopted; and when the gentleman from Illinois [Mr. TOWNSHEND] says that if members would pause and think they would vote against it, he is mistaken. All that is required to make them vote for it is to pause and think—indeed, they will not have to pause—if they will simply think, they will vote for it.

The amendment was concurred in.

The Clerk read the next amendment (numbered 13), as follows:

Strike out the following:
"(13) That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so."

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to move that this amendment be non-concurred in. I make that motion.

The motion was agreed to.

The Clerk read as follows:

Fourteenth amendment:
Page 5, line 24, strike out "forty-nine" and insert "forty-five;" so as to read:
"For manufacture of stamped envelopes and newspaper-wrappers and letter-sheets, $745,000."

Mr. TOWNSHEND. As directed by the Committee on Appropriations, I move that the House concur in this amendment.

The motion was agreed to.

The Clerk read as follows:

Fifteenth amendment:
Page 6, after line 11, insert "office of superintendent of foreign mails."

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to move non-concurrence in this amendment.

The motion was agreed to.

The Clerk read as follows:

Sixteenth amendment:
Page 6, strike out in lines 12, 13, and 14 the following:
"For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000."
And insert the following:
"For transportation of foreign mails, including railway transit across the Isthmus of Panama, $800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move non-concurrence in this amendment.

The motion was agreed to.

The Clerk read as follows:

Seventeenth amendment:
Strike out section 3, as follows:
"That a special stamp"——

Mr. TOWNSHEND (interrupting the reading). Mr. Speaker, this and all the remaining sections of this bill, except the last one, relate to the special stamped envelope which the House provided for. I think members will not insist that these sections be read. I am directed by the Committee on Appropriations to move non-concurrence in the amendments, striking out the third, fourth, fifth, and sixth sections. I ask unanimous consent that the reading of those sections be dispensed with.

Mr. KEIFER. The gentleman's motion is to non-concur in Senate amendments numbered 17, 18, 19, and 20.

Mr. ANDERSON. What are those amendments?

Mr. KEIFER. They all relate to this one subject.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent to dispense with the reading of the seventeenth, eighteenth, nineteenth, and twentieth amendments of the Senate, and that they be non-concurred in. Is there objection? The Chair hears none.

Mr. TOWNSHEND. Now the only remaining amendment is to strike out the last section.

The Clerk read as follows:

Twenty-first amendment:
Strike out section 7, as follows:
"SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin-board in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance: *And provided also*, That no cost or charge to the Government shall be incurred in consequence of such instruction."

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to move non-concurrence in this amendment.

Mr. KEIFER. Pending that, I move that the House concur.

The SPEAKER. The gentleman from Illinois moves to non-concur, and pending that the gentleman from Ohio moves to concur. The question will be upon the motion to concur.

Mr. COX, of New York. I think that this section ought to provide a small appropriation for the purpose of carrying out its provisions. I move, therefore, to amend by striking out the proviso at the end of the section and inserting "and $500, or so much thereof as may be necessary, is appropriated for this purpose."

Mr. HOLMAN. I must make a point of order on that.

Mr. COX, of New York. I know it is subject to a point of order.

Mr. HOLMAN. This is a matter of purely local convenience.

Mr. COX, of New York. Will not the gentleman consent to an appropriation of $100?

Mr. HOLMAN. No, sir; I object to the provision.

Mr. COX, of New York. This is not a merely local convenience, for the information is sent all over the United States.

Mr. KEIFER. The gentleman from New York [Mr. COX] will himself admit that section 7 will be entirely inoperative without an appro-

priation; and it is not competent for him now to make an appropriation by way of amendment.

Mr. COX, of New York. Why not?

Mr. KEIFER. And it is quite anomalous to require the Postmaster-General through his subordinates to post a bulletin-board in the city of New York or anywhere else. The provision ought not to go into the bill; it does not belong there. By concurring in the amendment of the Senate the whole section will go out.

The SPEAKER. The Chair thinks the point of order against the amendment proposed by the gentleman from New York [Mr. COX] is well taken. The point of order is sustained.

Mr. COX, of New York. As the gentleman from Ohio [Mr. KEIFER] has discussed this question, I hope I may be allowed to say a word. All that we propose to do is simply to put this information on a blackboard in the post-office building in New York city for the information of newspapers and the public as to the arrival of foreign mail steamers, so as to prevent a monopoly of news by individuals or corporations. I proposed to insert a small appropriation, lest the Postmaster-General, if no money were appropriated, might hesitate to carry out the provisions of the section. But, even without an appropriation, I would like the section to remain, not as mandatory but as directory to the Postmaster-General.

Mr. KEIFER. This provision would require the Post-Office Department to keep posted on a bulletin-board intelligence as to the arrival of foreign mail steam vessels.

Mr. COX, of New York. It is done, anyhow.

Mr. KEIFER. If the gentleman intends the section to be merely directory, let him appeal to the postmaster of the city of New York, and not make a directory law on an appropriation bill. The section ought to be struck out.

The SPEAKER. The question is on the motion of the gentleman from Ohio to concur in the Senate amendment.

Mr. COX, of New York. I wish the gentleman from Indiana [Mr. HOLMAN] would withdraw his point of order; this is a very little thing.

Mr. HOLMAN. No, I must insist on it.

The question being taken on the motion to concur, there were—ayes 48, noes 19.

Mr. COX, of New York. I call for tellers. I think members misunderstood the proposition on which they voted. I do not believe it was generally understood that the Speaker had ruled my amendment out of order.

The SPEAKER. The Chair decided that the gentleman's amendment was not in order and it is not a part of the section.

Mr. COX, of New York. I think a good many members believed they were voting on my amendment.

The SPEAKER. The question was taken simply upon concurring in the amendment of the Senate to strike out the entire section. The gentleman from New York [Mr. COX] has demanded tellers.

Tellers were not ordered.

So the amendment was concurred in.

Mr. TOWNSHEND. I move the House request of the Senate a conference on the disagreeing votes of the two Houses on the amendments to the Post-Office appropriation bill.

The motion was agreed to.

The SPEAKER appointed, as the managers of said conference on the part of the House, Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HORR.

FORTIFICATION BILL.

Mr. HANCOCK. Mr. Speaker, I move to submit for adoption at this time the following resolution.

The Clerk read as follows:

Resolved, That the rules be suspended and that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill of the House 8279, making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes; said bill to be subject to general debate for two hours and then be considered under the five-minute rule.

Mr. RANDALL. Will the gentleman from Texas yield to me for a moment?

Mr. HANCOCK. With pleasure.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I move, Mr. Speaker, to take from the Speaker's table the Senate amendments to the Navy appropriation bill, for reference to the Committee on Appropriations.

Mr. TALBOTT. Will the gentleman from Pennsylvania intimate to the House when he will likely bring these amendments of the Senate back to the House for action?

Mr. RANDALL. Some time to-day, I hope.

Mr. TALBOTT. For action?

Mr. RANDALL. Yes, sir. I move, Mr. Speaker, that the amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, be taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

FORTIFICATION BILL.

The SPEAKER. The pending question is on the resolution of the gentleman from Texas in reference to the consideration of the fortification bill.

Mr. SPRINGER. I wish to ask the gentleman from Texas whether in the consideration of the fortification bill it would not save time as the question is resolved into one point to move to suspend the rules and pass the bill now.

Mr. HORR. No, sir.

The SPEAKER. Is a second demanded?

Mr. TALBOTT. Have all points of order been reserved against the bill and amendments?

Mr. HORR. I did not understand the gentleman from Illinois to do anything but to make a request of the gentleman from Texas.

Mr. SPRINGER. It is too late to reserve points of order on it as the bill is in committee.

The SPEAKER. All points of order were reserved.

Mr. HORR. The gentleman from Texas has not made any such request.

Mr. SPRINGER. I make it myself.

Mr. HANCOCK. I will accept the suggestion of the gentleman from Illinois if it be acceptable to the House.

Mr. HORR. Oh, no.

Mr. SPRINGER. I suggest that the debate be limited to one hour instead of two hours.

Mr. RANDALL. We have no objection to that.

Mr. HOLMAN. Half an hour would be ample.

Mr. THOMAS. Say three hours.

Mr. HORR. Three hours is but a small time. I wish to say there are two bills presented here.

Mr. RANDALL. Only one bill.

Mr. HORR. I beg pardon, there is another bill submitted as a substitute which was the bill prepared by the subcommittee itself; and it is no more than fair they should have time to discuss it.

Mr. RANDALL. Nothing unfair is intended.

Mr. HOLMAN. We all understand this question, and can vote on it at once.

Mr. HORR. We ought to have some time. I do not wish to delay the House.

The SPEAKER. Gentlemen will speak one at a time.

Mr. SPRINGER. I move that general debate be limited to one hour.

The SPEAKER. It can not be amended. It is a motion to suspend the rules.

Mr. SPRINGER. I ask the gentleman from Texas to modify it so as to make it one hour.

The SPEAKER. It is impossible to hear what is going on. Gentlemen will resume their seats. It is a resolution to suspend the rules and is not amendable. The Chair has indulged gentlemen in making suggestions with a view of securing some agreement. That is the only purpose for which debate can be allowed.

Mr. SPRINGER. I understand the gentleman from Texas agrees to modify his resolution to make it one hour.

Mr. HANCOCK. I adhere to the resolution.

The SPEAKER. Is a second demanded? If not, the question is on the adoption of the resolution which suspends the rules and takes the House into committee.

Mr. MCMILLIN rose.

The SPEAKER. It is not debatable.

Mr. MCMILLIN. I rise to make a parliamentary inquiry. Does it reserve all points of order?

The SPEAKER. It says nothing on the subject, and they are to be considered under the rules in the Committee of the Whole House on the state of the Union.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes; when the Speaker signed the same.

FORTIFICATION BILL.

Mr. MILLER, of Pennsylvania. What is the proposition before the House? It is utterly impossible to hear what is going on.

The SPEAKER. It is a resolution which has been read to suspend the rules and go into the Committee of the Whole House on the state of the Union and consider the fortification bill with general debate limited to two hours.

Mr. RANDALL. And afterward under the five-minute rule.

The SPEAKER. And then be considered under the five-minute rule.

Mr. REED, of Maine. That is all right.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in committee for the purpose of considering the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the

fiscal year ending June 30, 1886, and for other purposes, and by order of the House all general debate has been limited to two hours.

Mr. HANCOCK. Mr. Chairman, before proceeding with my remarks it is proper that I should ask consent to dispense with the first formal reading of the bill.

The CHAIRMAN. Without objection that order will be made.

There was no objection.

Mr. HANCOCK. It will be observed that there are two bills presented, the one by the committee and the other a proposed substitute offered by the gentleman from Louisiana. This bill is not responsive—the bill of the committee—to the estimates submitted by the Department making appropriations for our seacoast defenses. Nor is it responsive to the request for more money to make guns of larger caliber than those which have been purchased heretofore by the Government. For myself I do not profess to know very much about ordnance after you get beyond a double-barreled shot-gun. [Laughter.] I have had, therefore, to consider the subject, so far as I have had any connection with it, from the general practical effect of what has been done in this direction by the Government heretofore.

This bill has been drawn with a view mainly to try to avoid a needless and unprofitable expenditure of the public moneys in this direction, which has marked the policy of the Government for the last twenty or twenty-five years. Looking over the laws and the appropriation bills upon this subject we find that many millions of dollars have been used up by the Army and Navy without any profitable results to the Government, and I for one believe, and the majority of the Committee on Appropriations agree with me, that it would be better instead of going on making appropriations and spending money in fruitless efforts—efforts which amount to nothing as far as the necessary armament of war is concerned—to determine upon some plan and ascertain if possible what character of large ordnance can be made here which would be of a character suitable to us in the event of a war, and the like with reference to our seacoast defenses as to what fortifications would be necessary and the manner in which they should be constructed. To accomplish that purpose, Mr. Chairman, we have simply to follow the course which has been pursued by all of the great military powers of Europe, which we do in this bill in attempting to form a board with authority to take into consideration the question of construction, in fact, to consider the whole subject and to apply practical and thorough tests to the various kinds of ordnance up to as large sizes as those of 12-inch caliber and subject them to such tests as would determine their fitness for us in warfare.

To this end we have called in by this proposed bill all the branches of the Government at all connected with it in any way or responsible for the War Department of the Government. There is a proposition here, for instance, by the bill to bring together those from the Army whose business it is to inform themselves upon the subject, the Ordnance Department, and from the Navy, that they shall act in concert with the Secretary of War in examining whatever may be brought before their attention at all connected with the art of war. In doing this we also open the door wide to every individual citizen, whoever he may be, who supposes that he has the ability or the skill to produce a gun of the first quality to have it tested thoroughly in order to determine the question of its efficiency or not for the use of this Government.

Up to the present time and as late as last October, I believe, I noticed that the Secretary of the Navy, speaking of this subject, says that we have not a single gun of the first quality in this country; and he adds we have not a single vessel capable of encountering and resisting an attack from European vessels of the first class, or the war vessels belonging to any of the first class powers of the world. I, for one, am willing, and I think it is the disposition of Congress, to make liberal and generous appropriations for whatever may be found necessary to put the United States in a thoroughly effective condition when we have ascertained that we have the right character of weapons.

There is also a provision in the bill with reference to a uniform caliber of gun in all the branches of the service. At present in the Army and the Navy there is no uniformity in caliber. For some reason, which it is not necessary now to undertake to discover, the Army have adopted the even numbers, and consequently have guns of 6, 8, 10 inches and so on in caliber, all of even numbers; while on the other hand the Navy have 7, 9, 11, 13, &c., odd numbers. One of the great inconveniences arising from this difference, and an inconvenience not existing anywhere else on the face of the earth, especially among such nations as those we may without shame or blush look to for instruction in this respect, and whose rule in this regard is a uniformity of caliber which we may safely follow, is that now in the United States an officer in the Navy can not without instruction or experience handle guns of the Army, and *vice versa* an officer of the Army can not without previous training and experience handle guns of the Navy.

Another difficulty is that the ammunition for one class of guns will not do for the others. If the ammunition of one falls short, although the other may have a superfluity it can not be used to supplement the requirements of the other even in resisting an attack. The ammunition of the Army would be useless on board a vessel which was short of ammunition, and the ammunition of the Navy can not be used in a crisis by the Army. I find that the Military Committee of the House have thoroughly considered this subject and have formulated a report upon it, and I wish to invite the attention of the honorable gentleman from California [Mr. ROSECRANS], the chairman of that committee, to the subject.

The total amount appropriated by this bill is $955,000, as against $7,303,000 which have been submitted as estimates for 1886.

Before I conclude for the present I wish to state that I have consulted with a majority of the members of the Committee on Appropriations, and with the approval of those whom I consulted, and at the suggestion of General Benét, I will at the proper time offer this amendment in line 444: "For constructing and testing experimental gun-carriages;" and also in line 447, after projectiles, insert the words "gun-lenders." This, I think, is already included in the bill, but it is desired that there shall be no doubt upon the subject.

I reserve the remainder of my time until after I have heard the discussion from the other side.

The CHAIRMAN. The gentleman from Texas [Mr. HANCOCK] reserves the balance of his time. The gentleman from Michigan [Mr. HORR] is recognized.

Mr. HORR. Mr. Chairman, I desire to be stopped at the end of fifteen minutes, when I will yield fifteen minutes to the gentleman from Maine [Mr. REED] and thirty minutes to the gentleman from Louisiana [Mr. ELLIS], who will dispose of that half of the time as he sees fit.

Mr. Chairman, I antagonize the bill reported by the gentleman from Texas [Mr. HANCOCK], and am in favor of the bill reported by the subcommittee of which I have the honor to be chairman, but which was rejected by the full Committee on Appropriations. The bill which I favor carries nearly $5,000,000—$4,935,000 is the exact amount. This is divided up upon the principle of trying to build some fortifications and trying to manufacture some guns in this nation which shall be for the protection of our frontiers and worthy of our people.

I wish to say to the House on both sides that in my judgment the bills on fortifications, which we have been passing for the last ten years here in Congress, have been of no practical benefit to the United States. We do not give money enough to enable us to manufacture anything in this country that can be called a gun of large caliber.

The bill which I propose, and which we prepared, appropriates money enough to commence building forts at the large cities of the United States—New York, Boston, Philadelphia, Baltimore, and San Francisco. The bill of the committee appropriates almost nothing—only a few thousand dollars to take care of the forts, if you can call them such, that we have in the United States to-day. There is not a fort to-day in the United States that is worth taking care of. There is not a gun in the United States, with the exception of two or three that are now being manufactured, that are of any use whatever for heavy work.

Mr. WELLER. Why have not you Republicans done something about this in the last fifteen years?

Mr. HORR. We have been having a Democratic House mostly for ten years. The gentleman from Iowa can interrupt me in a minute, for I am coming to something that interests him.

I had hoped—and now I want to talk to my good friends on the Democratic side of the House—I had hoped that we were to enter upon a new era in doing things for the benefit of the people of this country under this glorious administration that is about to be inaugurated. I can not say that at the election I had an overabundance of confidence in the man who was elected to manage the affairs of this nation for the next four years. But I will say to my venerable friend from Connecticut [Mr. EATON] that my admiration for that man in the last few days has been increased. I hold here, Mr. Chairman, a letter, the first message given by the incoming President to the Congress of the United States, if I may call it a message. You have got an early man, at least. He is the first President of the United States who ever sent a message to Congress before he was inaugurated.

But I find in this message nothing but words of wisdom. To my astonishment almost every line of it commends itself to my judgment, and the one thing I regret is that such pearls had to be cast before such—Congressmen. [Great laughter.]

Why, Mr. Chairman, this letter recognizes the fact that the American Congress ought to take care of the interests of this great nation. It recognizes the fact that this Congress ought to do something to prevent the impending difficulties that hang over us in the financial world before we are dissolved by law and leave this Hall. I do not know what the notions of the incoming President are on this fortification bill. Has any member here a message from him on that subject? [Laughter.] Did the gentleman from Illinois [Mr. SPRINGER] speak to me?

Mr. SPRINGER. No, sir; I am not casting pearls now. [Laughter.]

Mr. HORR. It is to be hoped that the head of the incoming President is as level on this question of protecting this great American nation as it is on the question of whether we shall stop issuing the bogus dollars that now weigh down the vaults of our Treasury, and which you can not get into circulation among the people even by a high-pressure engine—it may go out for a day, but it will return again, and always must so long as it is not a good, honest dollar. I do hope that this new progressive party which is about to take charge of affairs will think of this matter seriously. Your President has started out right. It is not

modest in me perhaps to tell you that you men who voted against his instructions have started out wrong, and that your President will have to rely on the business sense of this side of the House in order to run this nation. Do you know the danger you are in?

Mr. SPRIGGS. That would be very dangerous.

Mr. SPRINGER. It would be a great calamity.

Mr. HORR. You want to call a halt, Brother SPRINGER. You have labored along for a quarter of a century to gain what you have reached now. Let it not vanish away by this nonsense of trying to create value by legislative enactments. Take a little business sense with you and look at this question from the standpoint of American statesmen. It is not presuming too much to say you can do it. It may be presuming a good deal, but not too much. [Laughter.]

Now, Mr. Chairman, I call the attention of this House to the fact——

Mr. COSGROVE. Will the the gentleman from Michigan allow me a question?

Mr. HORR. Yes, sir.

Mr. COSGROVE. Would you accept a place in the Cabinet? [Laughter.]

Mr. HORR. I could not conscientiously do it. My friend wants me to be the one hundred and seventy-ninth applicant for a place in the Cabinet, and I will not take any such position. I do not fancy the crowd it would throw me into. [Laughter.]

I am frank to say that the President-elect thus far is not troubled for applicants for those places. What may trouble him, though I hope it will not, will be to find men in his party who will rise to the magnificent common sense contained in that short letter and run our Government in accordance with its principles. If he can do that the nation will bless him, though I fear such work will cast dismay among the majority of you gentlemen on the Democratic side of the House. [Laughter.] Your votes drive me to that conclusion.

Now, Mr. Chairman, I yield to the gentleman from Maine [Mr. REED], having said all that I care to say by way of admonition to gentlemen upon that side of the House, and hoping they will reflect upon what I have said as coming, not from me, but from their leader, who, I am frank to say, has disappointed me favorably. It has been refreshing to me to find so much good sense from a quarter so unexpected.

Mr. REED, of Maine. Mr. Chairman, I do not propose to continue in the vein of the gentleman from Michigan [Mr. HORR]. I only wish to point out, so far as they may be found within this bill, some grounds for the expression of a hope that somewhere in the Democratic party may be discovered more sense and reason than seem to exist in the Democratic portion of the Committee on Appropriations. The Democratic party now has thrust upon it the business of doing something. For the last twenty-five years the only duty it has had has been the business of finding fault with everything. Now it has to take a positive stand, and we have had, thus far, two illustrations of the Democratic party in positive action. One was on the Navy bill, where we undertook to construct a navy by dismissing everybody that legitimately belongs to the business of constructing a navy; and now we have a bill for the creation of ordnance by wholesale contract, and having in it what seems to me to be one of the most transparent jobs that ever was presented for the consideration of Congress.

The first thing this bill provides with regard to ordnance is that the calibers and sizes of the guns in the Army and in the Navy shall be the same. Now that presupposes, if it is founded in sense, that the conditions of managing guns are precisely the same in both branches of the service, and yet it does not need extraordinary knowledge to call the attention of members of the House to the fact that guns belonging to the Army, in the fortification and in the field, are managed upon terra firma, and that there are no problems of flotation connected with them; while the guns on board ship have to be constructed and managed with regard to the floating of the ships and with reference to the service that is to be performed. Nothing can be more absurd than to confine us to 6-inch, 8-inch, and 12-inch guns on shore, and then to say that no ship shall carry a gun of an intermediate caliber. A ship may not be constructed to carry a 12-inch gun, and yet may successfully carry an 11-inch gun; but this bill provides that no 11-inch gun shall be made.

This bill not only fixes the caliber of the gun, but it fixes the length of the gun and says that it shall be the same in the Navy as in the Army. What can possibly be more absurd than a proposition of that kind, except possibly this proposition: that no gun shall hereafter be created until a 12-inch gun has been produced—God knows how! the language is "produced"—which shall answer certain conditions. Why, does not anybody who knows anything about this business know that the problems connected with the smaller guns are entirely different from the problems connected with the larger guns, and that we can to-day in this country produce smaller guns; but that in order to produce a 12-inch gun we have got to change the plant of every establishment engaged in manufacturing either guns or large metallic objects, and yet the construction of all smaller guns are to be stopped until this 12-inch gun shall be "produced." Now, how is it to be produced? By the Government? No; because there is no appropriation to do it. Again, it is to be a single-charge gun, and yet this bill appropriates $400,000, among other things, for the purpose of buying multicharge guns!

Why, just consider a moment what the effect of that is in connection with the paragraph on the fifth page of the bill. Here is the gun that is to be "produced:" As compared with a Krupp 12-inch gun our 12-inch gun is to weigh 60,000 pounds, is to carry a projectile of 600 pounds, and is to penetrate 13 inches; while a Krupp gun of 12-inch caliber weighs 109,000 pounds, carries a projectile of 1,000 pounds, and penetrates 24.3 inches. Now we are going to "produce," in some way or other, a gun that carries a projectile weighing only 600 pounds and penetrates only 13 inches, and when we have reached that marvel of ordnance science then at once and automatically this gun is to be bought in quantity, and one-half these guns are to be turned over to the Navy whether the Navy wants them or not, and the other half to the Army, and that is to be the pattern gun until another 12-inch gun is produced which will surpass that in some peculiarity. Why, sir, this is an attempt to make Government work automatically, and you will never succeed in doing that. You will never succeed wisely in eliminating the element of sound judgment, and the element of responsibility. The way to construct a gun, like the way to construct a navy, is to have the departments and the officers charged with that work fully informed, in full control, to have them manufacture or superintend the manufacture of guns, and be responsible for them and for the results.

I do not know precisely what kind of a gun these paragraphs cover or what contractor's maneuver it covers. But it does seem as if the language of the bill was arranged on purpose to fit a particular kind of gun and to give a particular contractor the benefit of all the manufactures of the Government hereafter; and all to result in the production of a gun, one totally inadequate to the demands of the Navy, of the Army, and of modern military science.

At its best here is a proposition to give us a gun which, as I have already said, carries only six-tenths of the weight of metal of the Krupp gun, and which penetrates only one-half the distance of the Krupp gun. If you look at the details of the tests which are to be made you will find that every one of them is involved in obscurity. A target, material not specified, is to be penetrated "fairly through." What do you mean by "fairly through?" I will tell you what you mean. You mean a dispute; you mean a pressure brought upon the examining board. You mean the clamor of contractors. Why do you say "fairly through?" Why do you employ such doubtful words?

Then again you limit the length of your gun by a proportion to the caliber and then apply that iron rule to both branches of service, and you limit the weight of your gun in direct proportion to the weight of the projectile. Why, that is to stop all future experiments in that direction; that is to limit and put in chains the progress of science upon these matters of practical importance.

Mr. THOMAS. Mr. Speaker, my objections to this bill and to its several provisions are noted down hastily in a memorandum which I shall read and which will convey to the House a better impression of the infirmities of the measure than I should be able to do if I spoke without notes.

Lines 54 to 66 inclusive provide that the calibers of guns for the Army and Navy shall hereafter be the same, that is, six inches, eight inches, ten inches, and twelve inches, and that no intermediate calibers shall be made; also, that all these guns shall be over thirty calibers long and shall weigh so much. Any given ship of war can carry a given number of guns of a given weight, and the space occupied by the guns and their weight, and therefore caliber, can not be determined by any such considerations as that the Army has guns of certain fixed dimensions. An ironclad of given displacement, for example, can carry two turrets with two guns in each turret. Now, supposing that 12-inch guns can not be carried, why should not 11-inch, or 11½-inch, be carried rather than 10-inch, as would be rendered necessary by the provisions of this bill? Given a certain weight for the ordnance outfit of a ship, and guns of a fixed caliber are the best, and that caliber, whatever it may be, should be used on that ship. The fact that all foreign countries build guns for their navies of irregular calibers is enough to condemn this part of this bill.

English naval guns are 4½-inch, 5-inch, 6-inch, 6.3-inch, 7-inch, 8-inch, 9-inch, 9.2-inch, 10-inch, 10.23-inch, 11-inch, 12-inch, &c.

The portion of the bill fixing the length and weight of guns would be well enough if ordnance development were at an end, but considering that a very small change in the nature of the powder used, or an improvement in the quality of the material of which guns are built, would at once render the present best length and weight of guns bad, it would seem that such restrictions were intended to prevent any further development of ordnance.

Lines 67 to 91 provide a test for guns to be manufactured by or for the United States. This test is both insufficient and so loosely drawn as to be uncertain in nature. What does "fairly through" mean? Is the plate to be backed; and, if so, with how much backing, and how braced? What is the quality of the plate to be? Some plates could be pierced by almost anything.

This clause also prevents any further work being done on the guns for the cruisers, and, in fact, puts a stop to all work on guns for the Army or Navy till a 12-inch gun has been made. For this the Navy has no money, the Committee on Appropriations having refused the money asked for the steel for a 12-inch gun.

Lines 115 to 141 provide for the purchase of 100 12-inch guns with

10,000 projectiles at an expense of $3,600,000 from the first person who shall make one of these guns to withstand the insufficient test previously stated. In other words, the Army and Navy are to have 100 12-inch guns of inferior power forced upon them. All that is required of these guns is that they shall each stand ten rounds fired rapidly. Those that burst are to be rejected and the rest accepted until 100 are taken. No matter if every other gun bursts the rest must be taken.

The practical result of the bill will be to saddle the United States with 100 useless cast-iron guns of inferior power and of unknown quality at an expense of $3,600,000, when if such guns were of any use they could be made by the United States at less than one-quarter this amount. Indeed these guns could probably be made by the Government from its old cast-iron smooth-bores for about one-tenth the amount asked in the bill.

Mr. ELLIS addressed the committee. [See Appendix.]

Mr. CURTIN. Mr. Chairman, I am sure I can not say in three minutes anything which will influence this committee. I am in favor of the substitute, and I regret very much the eloquent speech of the gentleman from Michigan [Mr. HORR] who opened the debate in opposition to the bill reported by the majority of the committee, and who I understand is in favor of this substitute. It was a fair and, as politics go, a reasonable political speech; but it was not in favor of the bill, and it may have excited prejudice on this side of the House, which I desire to dissipate by saying that in my judgment it was not in harmony with an occasion like this, involving the question of the defense of our country by the best and most enlightened modern methods. Sir, no man who reads can be insensible to the fact that there is a condition of unrest across the water. There are coalitions forming there which are inconsistent with peace in the near future. Before this year closes Europe may be involved in another war. It is about time; and how can we tell, Mr. Chairman, that we also may not be involved in that war?

The CHAIRMAN. The time of the opponents of this measure has been exhausted. There remain fifty minutes to be used by the advocates of the measure. Does the gentleman from Texas [Mr. HANCOCK] desire to occupy the time?

Mr. HANCOCK. I yield fifteen minutes to the gentleman from California [Mr. ROSECRANS], if he wishes to use it.

Mr. ROSECRANS. Mr. Chairman, I desire to submit a few remarks upon this bill of the committee. First, I wish to call attention to what has been said concerning the preservation of our fortifications for seacoast defense. It has been said that they are of no account whatever, and probably it is better that I should state at the outset in what sense that is true. At the time they were planned the theory was to bring to bear upon any channel leading to the place to be defended a sufficient number of guns to make it too perilous and damaging for the enemy to justify the loss and risk of entering, if not to make it utterly impossible, and to place those guns beyond the reach of a *coup de main*, beyond the reach of being grabbed by a land force. Our fortifications were planned on a calculation of the average speed attainable by sail propulsion, and the guns were the best that were then known. Since that time the substitution of steam propulsion has altered entirely the conditions of defense, making it impossible to deliver many shots from the same gun on any vessel entering a harbor at the speed at which she can go under steam.

The second, change of defensive conditions. Instead of wooden walls, easily penetrated by the shot of the guns with which we formerly armed our forts, we have now to contend with iron armor, which can not be pierced by these shots. But while on these accounts our fortifications are inadequate to meet the exigencies of defense at the present time, let it not be supposed they are entirely useless. The honorable gentleman from Louisiana [Mr. ELLIS], if I heard him aright, said that our fortifications were but "man-traps." But I have only to remind him of the resistance which Fort Sumter was able to oppose to all our attacks.

Mr. ELLIS. Against what kind of guns?

Mr. ROSECRANS. The best we had, and the best we have had since.

Mr. ELLIS. How would that fort have stood against modern artillery?

Mr. ROSECRANS. It offered such resistance that we were unable to take it.

Mr. ELLIS. Does the gentleman know the penetrating capacity of modern guns—that they penetrate sixty-three feet of sand?

Mr. ROSECRANS. These new exigencies, these new conditions required for the defense of our forts, necessitate the invention and application of new methods of protecting the guns both from being captured by escalade and from being dismounted and destroyed by the shot of the enemy. It is not to be imagined that we are without some idea of what we have to do—that we must have some kind of metallic protection against these heavy penetrating shot. But it has not yet been determined precisely what are the plans best adapted to secure the result with greatest economy and efficiency. Therefore this bill proposes to have that matter investigated between now and the 1st of next December. It seems to me the committee bill is very reasonable in this respect.

A few words now with respect to the provisions of the bill concerning heavy breech-loading armor-penetrating guns—the uniformity established by the bill in the construction hereafter of guns of the same caliber for the same class of guns or the same general dimensions, range, and penetrating power.

On this subject a great deal has been said which I think would not have been said if gentlemen had had more experience. When I took command of the Army of the Cumberland I had in a single brigade two, three, and in some instances four different calibers of muskets. There was just as good reason then for that variety of calibers as there is now for the existing varieties of calibers for guns of about the same power, or that we should have all sorts of calibers for the Army and the Navy. I was obliged with great care to shift and change the muskets of the troops under my command, so that the men of one brigade might be armed with guns using ammunition of one caliber, to prevent the perils and damage arising from mistakes in the distribution of ammunition which could not be used by the troops who had exhausted their supplies in action or being without ammunition because they could not get ammunition of the requisite caliber.

Mr. Chairman, on these points connected with heavy breech-loading guns I think I shall more completely reach the ears of this House by sending to the desk to be read the first and second pages of the report which I hold in my hand.

Mr. ELLIS. What report is it?

Mr. ROSECRANS. The report of the Committee on Military Affairs made at the present session; and I will state before the Clerk begins reading that it will be seen this matter has undergone investigations by Congress as long ago as the Fortieth Congress, when a powerful report was made setting forth the difficulties which this bill is intended to remedy. The passages which I ask the Clerk to read are brief but well-considered.

The Clerk read as follows:

Mr. ROSECRANS, from the Committee on Military Affairs, submitted the following report (to accompany bill H. R. 8242):

The Committee on Military Affairs, to which was referred the bill H. R. 8041, respectfully reports:

It has heard statements from the Chief of Ordnance, and the testimony of others respecting heavy ordnance, and has arrived at the conclusion that the best interests of the country demand that such tests be made as will enable us to determine the highest attainable standard of heavy ordnance.

Your committee sees many good theoretical reasons why the calibers, lengths, and projectiles of heavy breech-loading guns should be uniform, and no valid ones why they should not be so.

But it also perceives numerous practical reasons for such general uniformity. To prevent rival systems of constructing cannon for Army and Navy uses, from introducing useless varieties and rendering comparisons of relative utility difficult and indeterminate; to make ammunition for like calibers available both on land and sea; to simplify its preparation, reduce its cost, diminish liability to mistakes in sending supplies of ammunition, are ends very desirable to be attained.

This is well set forth in the following extracts from Senate report 226, third session, Fortieth Congress, the whole of which is printed in the appendix hereto:

"A further difficulty, calling for a remedy, lies in the want of co-operation between the War and Navy Ordnance Bureaus. Great diversity exists in the practice of the two branches of the service respecting the arms adopted, and the manner of proving, mounting, and using the same. The calibers, models, chambers, and ammunition of the Navy guns are entirely unlike those in use in the Army. For example, the Navy 12-pounder boat howitzer has a caliber of 2.4 inches, while the Army 12-pounder guns are of the calibers of 3, 3.2, 3.67, and 3.8 inches. The chamber of the Navy gun is of parabolic form, while the Army gun either has a cycloidal chamber or none at all. The models of the two guns are entirely different, so that neither could be used on the carriage of the other; the Army guns being furnished with trunnions, and the Navy gun having, in some cases, the loop and loop-bolt of the old carronade. The system of sighting is also different. A gunner in one arm of the service, without special instruction, could not use a gun belonging to the other; one being graduated to seconds of time of the flight of the shot, and the other to degrees of elevation. The Navy has 8, 9, 11, and 13 inch smooth-bores, while the Army guns are of the calibers of 6, 8, 10, and 12 inches. In the guns of the two branches of the service there is no uniformity, in either rifle or smooth-bore, in the twenty calibers adopted below the caliber of the 32-pounders. It is impossible to use Navy ammunition in an Army gun or Army ammunition in a Navy gun.

"Co-operation between the Army and Navy while in active service is thus greatly restricted, and in some cases has been entirely prevented. Offensive operations on the part of a joint expedition of the two might be brought to an end by the want of projectiles for the land forces, while the ships of the Navy possessed a surplus of the very articles required, which could not be used by the land forces. Not a single advantage is claimed for this lack of uniformity, while the disadvantages are very numerous and apparent. It has grown out of the fact that officers in the two branches of the service have succeeded in securing the adoption of their own inventions, and the rivalry existing between them has prevented fair competitive trials of the various devices and systems advocated by each, neither being willing to admit the merit of the other's inventions, or to utilize the knowledge gained either by their successes or failures. The experiments, being duplicated on account of this jealousy, have been, necessarily, needlessly expensive. A further increased expense results, in time of war, from maintaining two separate organizations for the procurement of arms. The two ordnance departments are brought into competition with each other in the matter of contracts and purchases of war material from the private workshops and factories of the country, thus putting the Government in the attitude of bidding against itself."

An existing and natural tendency to minimize the available inventive talent of the country in heavy ordnance matters will be to some extent counteracted by the provisions of this bill, which encourages inventors, at their own expense, to construct and test heavy armor-penetrating, breech-loading guns, by insuring them a fair application of the Government tests, and, in case of success, a limited order for furnishing such approved guns at moderate prices.

The existence of the above-named tendency was set forth in Senate report 243, third session, Fortieth Congress, submitted by Mr. Howard, from which the following extracts are made:

"Instead of encouraging the inventive talent of the country, these officers seem to have constantly discouraged it, and many complaints of improper and oppressive treatment have been made before the committee by persons who have

sought to draw the attention of the proper authorities to what were supposed to be vital principles connected with their art.

"Another difficulty that has retarded progress in the science of ordnance has been the fact that prominent officers have been inventors of arms, and have possessed sufficient influence to secure the adoption and retention in service of their inventions, frequently without due regard to the question of real merit, and to the prejudice of other and better devices brought forward by citizens, or developed in other countries."

The result of the testimony taken before your committee, and hereto appended, leads it to the conviction:

1. That the strains due to the expansive force of the gases generated in the gun by combustion of power are vastly modified by those which are due to molecular forces induced by the inequalities of temperature and of strains in the successive layers of particles proceeding from the interior to the exterior of the gun when heated by rapid service.

2. That the construction of breech-loading armor-penetrating guns is as yet unsettled, and must be tentative and expensive.

3. That guns of small caliber are less liable to these inequalities than those of larger mass, because these inequalities of temperature are more readily adjusted within thinner metal than when there is greater thickness and slower equalization of temperature within the resisting mass.

4. That therefore the well-attested facts are the success, in service, of guns of small caliber, made even of cast-iron, and the well-known failure of even steel guns of large caliber, when fired under conditions necessarily producing great inequalities of temperature within their mass.

5. That even steel guns which withstand the tests when the firing is slow and time is given for the equalization of temperature, fail when fired rapidly.

6. That these molecular strains exist in steel as well as in cast-iron, and when time enough has been given for the gradual adjustment of these molecular strains to equilibrium, even cast-iron may exhibit comparatively enormous resistance to the strains of firing.

7. That therefore the idea that our only hope lies in steel guns has been proven to be unsound by experience, and a careful consideration of the facts already known shows that it would be premature to commit ourselves to the construction of steel breech-loading guns of large armor-penetrating power.

In view of these facts the law should require uniformity in the calibers, construction, and projectiles used in all services, and inducements should be held out to private parties to compete for superiority by such acceptance and contract as the bill provides.

To accomplish these desirable results your committee recommends the passage of the accompanying substitute bill, which is amendatory of the original in a few important particulars.

[During the reading of the foregoing, when the time of Mr. ROSECRANS expired, Mr. HANCOCK yielded him additional time.]

Mr. ROSECRANS. I wish only to add that it is not at all certain we have reached conclusions that can be depended upon as to the usefulness of steel for heavy guns. It is quite certain that while other metals, even cast-iron, may answer when used for light guns, yet heavy guns made even of steel may fail. It is not to be assumed, therefore, that we ought to launch out at once upon large expenditures for this purpose when we know the Chief of Engineers has testified that we can not successfully prepare for the manufacture of steel guns, now supposed to be as good as can be gotten, without the expenditure of many millions of dollars running through eight or ten years. If we were to-day to make such expenditures as are proposed in the substitute bill we would be simply spending money. It seems to me far better for Congress to secure a clear, comprehensive summary of the results of the experience of other nations, and after getting this information to determine what we had better do—what plans can be adopted most economically and successfully.

Mr. ELLIS. Has the gentleman read the report of the gun-foundry board?

Mr. ROSECRANS. I have.

Mr. ELLIS. Does not that contain the conclusions of the world after the best experiments?

Mr. ROSECRANS. Not fully so; but it is the best report we have up to this time.

[Here the hammer fell.]

Mr. MCADOO. Mr. Chairman, an intelligent foreigner, if he had been in this Chamber a few moments ago and listened to the learned and oracular gentleman from Maine and the irrepressible gentleman from Michigan, would, were he ignorant of the facts of the situation, have deplored that these gentlemen did not belong to a party that had entire charge of our fortifications, and that the country had been compelled to lose the services of men who know so much from a scientific point of view as to how our fortifications should be constructed and how our guns should be built. He would have said to himself: "If these gentlemen had charge as leaders of a controlling party of such matters for two or three years, surely the harbors of the country would have all the protection they require." But when he learned that these gentlemen have been the leading members of an administration that has had charge of the fortifications and guns of this Government for the last twenty-two years, his astonishment would know no bounds. That they should know so much, be so aggressive and progressive, and yet have accomplished so little, would puzzle any one a great deal. If we have no forts or guns or ships, whose fault is it? That the Democratic party should find itself on coming into power with worthless vessels, crumbling forts, and ancient, ineffective guns on its hands is certainly not its fault. Money enough has been expended to have had these arms of the service modern, efficient, and in excellent condition.

Why, they turn to this side of the Chamber and say, "Look at the guns you propose to build," and we retort, and I think we can do it with a great deal of force, "Look at the guns you have built." For what was the Government gentlemen were responsible for distinguished in the way of ordnance? Well, it produced one man known as the great gun-burster, and he burst about all the guns they made. Why, during the twenty-two years they have administered the Government they have not produced a single gun that is capable of taking place in modern warfare. The only thing they did was to leave on our hands a lot of old antedated and antediluvian smooth-bores, and apparently made them to burst at an enormous expense to the Government.

I am in favor of the committee's bill in preference to the substitute of the gentleman from Louisiana [Mr. ELLIS]; and I wish to say right here in answer to the criticism of my distinguished and able friend and colleague on the Naval Committee, the gentleman from Illinois [Mr. THOMAS], that I think the bill of the gentleman from Texas [Mr. HANCOCK] is not defective in that it prescribes what shall be the caliber of guns and prohibits intermediate calibers. It says the caliber of our new guns shall be six, eight, ten, and twelve inches.

My friend from Illinois says some vessels will be able to cary 11-inch guns which can not carry 12-inch, and it is therefore unreasonable and is not a suitable proposition to limit the guns to those calibers. That would be true, Mr. Chairman, if we had a great navy upon which we were going to put these guns; but we are building a navy, we are laying the foundation of one, I trust; and while we are doing that we can plan our guns while we are building the vessels, for we have no vessels now worthy of carrying any good guns.

The gentleman says it is like putting an 8-foot man in a 6-foot bed—you would either have to lengthen the bed or shorten the man. But, sir, we neither have the bed nor the man, and we are going to make the bed and then the man—to make a navy and then the guns, and therefore it is not an unreasonable or unjust proposition in this bill to have the caliber of these guns restricted and classified. Such guns will make ammunition uniform and facilitate its distribution in both Army and Navy.

I object to the substitute for another reason. While I do not share the views of pessimistic gentlemen on the floor of this House who are always prophesying that war is upon us, that Europe is now to invade our coasts, that we are about to be embroiled in international difficulty, yet I do not share the opinions of optimistic gentlemen who cry war will never come. I wish to be reasonably prepared for war, and I tell gentlemen who are so alarmed and advocate so much the building of these fortifications, that the day of these old forts is past. The only way you can protect your harbors is by the torpedo-boat and the torpedo and submarine mining system. It has been demonstrated after elaborate, intelligent, and searching inquiry in England that torpedo-boats and the torpedo system are the only possible way for keeping out foreign invasion of your harbors.

I ask in this connection to have the Clerk read an extract in reference to torpedo-boats, from a recent publication which has stirred up the British Parliament. It is part of a series of articles in the Pall Mall Gazette and entitled "The truth about the navy."

The Clerk read as follows:

"Why do you worry so much about torpedo-boats?" we asked a first-class naval officer the other day.

"Worry about torpedo-boats!" said he, "I don't worry about torpedo-boats. It is our want of torpedo-boats that worries me, and would worry England if war were to break out. You have published Mr. Donaldson's paper on torpedo-boats, an excellent paper, but like every one who writes for you he understands his case."

"But are they really so indispensable? Many officers pooh-pooh them. For instance, Hobart Pasha in the North American Review for November."

"All the pooh-poohing in the world will not get rid of facts, and here are five facts about torpedo-boats which can not be disputed:

"1. Actual experiment has proved that on an ordinary night the boats can approach unperceived to within a thousand yards of the ship attacked, though the most powerful electric lights be kept bearing on their line of approach.

"2. From the time the torpedo-boats are first seen till they discharge their Whitehead torpedoes with absolute certainty of hitting is on an average about thirty-six seconds.

"3. During this thirty-six seconds the guns of the attacked ship fire at random, as owing to the darkness the sights can not be effectively used and the distance altered one hundred yards every six seconds.

"4. A foreign experiment has proved that on the torpedo hitting it makes a hole about seventy square feet in the bottom of such a powerful ironclad as the Hercules.

"5. The most powerful pumps mounted in any ironclad will only keep out the water which comes in through an 18-inch hole in the bottom of the ship. Yet with all that we have fewer boats than France."

Mr. MCADOO. I want to see as the crowning glory of the Democratic administration, which the gentleman from Michigan has so pleasantly hailed this morning, the restoration of the public domain, the preservation of the lands of the people, the upbuilding in an honest way of an effective navy, and the proper protection of our harbors. But I am in favor of doing it honestly.

I object to the substitute for this, that it limits proposals for building these guns, and guns are the only things in this bill, to two firms in the United States. The bill of the chairman of the subcommittee of the Committee on Appropriations invites the whole United States to competitive contract for them. I read from the report of Mr. Benét, brigadier-general and Chief of Ordnance:

The South Boston Iron Works and the West Point Foundry are the only ones that have now any portion of the plant and experience. Both of these have made guns for the United States during the last half-century and have always given satisfaction.

Therefore we find that there are only two places in the United States where you can have a gun built if you spring the question on the public now. If to-morrow you gave contracts out to get guns by the terms

of this substitute bill, you must go to the South Boston Iron Works, or to the West Point Foundry. There is no other place where you can get them. These are undoubtedly two most excellent establishments, of which all Americans may be proud, and I am in favor of American material and American manufacture against the world. We are too great, the national genius is too great, to allow of our paying tribute to England or any other country, whether in making guns or plows, monster engines or delicate machinery. Within our own country, with all due respect to these great enterprises, competition must be absolutely free and fair.

Here, under fair competition, the intelligent labor of American freemen shall, on American soil, from American material, build and equip an American navy. The ringing hammers of Elswick and the Clyde must not, as they fashion our shields of war, make mockery of our idle mechanics. Here the earth is rich in minerals, our artisans and officers fertile in resources, thousands of industrious hands ready for the task, and here our guns should be built to give employment and make happy the homes of the men whose courage and patriotism will make them invincible in war.

Now, what does the bill say on that point—that they shall make a contract? With whom? With the manufacturer who has the material. All you have to do then is that the Secretary of War should look around and find the place where there is the best plant at present, and where they have the best material, and there make the contract.

When he does look around, however, what does he find? He can see but two places where these conditions are complied with, and there he must make the contract. Moreover it says:

Provided further, That out of the first annual appropriation of $1,500,000, not exceeding $500,000 may be expended for such 12-inch mortars as may be approved, subject to the test of those mortars just completed.

I ask the gentleman from Louisiana, who built the mortars just completed? If I am not mistaken they have been built at these places. It is then virtually a contract by bill in favor of these two establishments. I ask the House then as between a bill giving fair, open, and frank competition and this substitute, which must, from the necessities of the case, be in favor of these two establishments, which is the fairest and which the better bill? If we are to build up the Navy, as I know we will; if we are to proceed reasonably and scientifically to protect our harbors, let the work be marked by Democratic honesty in the doing of it. I hope that when four years have rolled around, when the twenty-five years, and may be more, of Democratic administrations have rolled around, that there will not be a blot nor a stain of the old infamous contract system, of the old jobbery and robbery which have characterized the administrations of a period gone by on the records of the Democratic party in its administration of the Government.

[Here the hammer fell.]

Mr. KEIFER. It is due to myself to say that when I take the floor in the time given me by the gentleman from Texas [Mr. HANCOCK] it is with the understanding that I am not favoring the committee's bill in its full scope, but only in part of its details. I believe it has been held, under the rules of this House, that in general debate upon a general appropriation bill in Committee of the Whole a member may talk upon any subject he chooses to select within the range of legislative matters. And accordingly my distinguished friend from Michigan [Mr. HORR] has undertaken to discuss in some relation the silver question, and especially the relation of the President-elect, Mr. Cleveland, to the Democratic party. I do not have very much criticism to make upon what he said except that I do not wish it to go unchallenged that all the statements contained in the recent letter of Grover Cleveland are pure pearls. I do not suppose that he has had much time recently to examine this financial question in all its phases, but it is hardly fair to allow it to go forth as a statement uncontradicted that the greenback and United States Treasury notes are only redeemable in gold coin, which is assumed in the letter the distinguished gentleman from Michigan chooses to in his way compliment.

Mr. Cleveland also assumes that unless we suspend the coinage of the standard silver dollar the time will come when we will not have gold enough in the Treasury of the United States to pay all the "gold obligations of the United States and to redeem all the United States notes called greenbacks." I quote a portion of the letter:

Silver and silver certificates have displaced and are now displacing gold, and the sum of gold in the Federal Treasury now available for the payment of the gold obligations of the United States and for the redemption of the United States notes, called greenbacks, if not already encroached upon is perilously near such encroachment. These are facts which, as they do not admit of difference of opinion, call for no argument.

What gold obligations of the United States are outstanding? None were ever issued. United States obligations are all payable in coin. He could not have referred to gold certificates, for they are based on gold bullion or coin specially held for their redemption. I supposed that everybody knew that under the law the United States may redeem the greenback at pleasure in coin. I have supposed that under the law the greenback could be redeemed at the pleasure of the Government in gold or silver coin. Is not that right, my friend from Texas?

Mr. MILLS. I think so.

Mr. KEIFER. There then does seem to be some difference of opinion on what the writer chooses to call "facts."

Now, there is another thing I wish to say in relation to this matter and which relates to the central idea in the letter. He says in effect that we must suspend the coinage of the silver dollar in order that we may appreciate silver so as to prevent what he calls the grave calamity of the parting of the metals. According to the judgments of the most of men we suppose that so long as we utilize, use, and find a market for silver bullion that we are appreciating it and not depreciating it. But the statement of this letter is that if the United States ceases to coin silver bullion and quits the use of silver metal at all it will cause it to bear a higher price. That is simply absurd. My idea is, and it is demonstrated by the recent market quotations of the price of silver bullion in the markets of the world, and especially in the London market, that if we do suspend the coinage of the silver dollar silver bullion will cheapen and the difference between the gold coin and the standard silver dollar will widen. The breach will inevitably widen from the moment we demonetize silver in the United States, and gold will at once be at a premium.

Now I am about done with that letter.

Mr. BRUMM. I desire to suggest the inquiry whether that has not been demonstrated conclusively by the demonetization of silver in Germany and this country.

Mr. KEIFER. It has been demonstrated everywhere. But it is not entirely correct to talk about gold and silver in the way that is mentioned in the letter. We have, according to the last monthly statement, of gold coin and gold bullion in the Treasury of the United States and gold certificates that are held by the Treasury $259,567,000. There are outstanding gold certificates $134,279,000; the difference between the two being $125,288,000 gold in the Treasury as against $41,581,000 in silver in the Treasury over and above the outstanding silver certificates. The standard silver dollars in the United States Treasury over what is necessary to redeem outstanding silver certificates is only $41,581,000. We have coined under the act of February, 1878, $193,500,000 of standard silver dollars, and through the use of the silver certificates they are much more largely in use than is generally supposed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I am allowed two minutes more, and in that time I will close.

Now, Mr. Chairman, I am only giving some of these figures in order that gentlemen who may want to study this question may do it. I wish to say, for it is the only opportunity presented to me, that I am opposed to merely suspending the coinage of the standard silver dollar. I was willing that there should have been debate upon that subject in the House in order that we might have disclosed what we think is entirely in the business interest of this country.

Now, Mr. Chairman, recurring to this bill, I do not believe in spending any more money upon forts or guns that in the general judgment of the men skilled in warfare, both land and naval warfare, are utterly valueless. I must content myself in the limited time I have with saying that I am opposed generally to the bill reported by the committee.

I want to say one word with reference to the calibers that are spoken of in this bill and which have been criticised. I wish it were possible for us to have uniform calibers for guns, both in the Army and Navy, in order that there might not be difficulty in getting ammunition to suit the various calibers, as stated by the gentleman from California [Mr. ROSECRANS]. But I agree in the main with the criticism on this part of the bill offered by the gentleman from Louisiana [Mr. ELLIS].

[Here the hammer fell.]

Mr. HANCOCK. I have neither the time nor the inclination to depreciate the Republican or exalt the Democratic party. I do not know whether it is possible to meet the requirements of the gentleman from Maine [Mr. REED] or the gentleman from Michigan [Mr. HORR] as to the degree of ability, intelligence, and statesmanship which they find deficient and so lamentably wanting in the Democratic party. Probably the only way that could be done, Mr. Chairman, would be by incorporating those gentlemen into the party; and that being an impossibility we will have to submit to the want of ability that characterizes the Democracy. No other individuals probably in America could supply that deficiency; and as they are not attainable we have to mourn the inability to meet the requirements. [Laughter.]

I do not pretend to be an expert in ordnance and may well submit to the severe animadversions of the gentleman from Louisiana [Mr. ELLIS] in characterizing the bill reported by the committee as imbecile, brainless, and nonsensical. He speaks with that degree of confidence that no one can doubt his sincerity; but he might be very much in the category of a certain quadruped which is more characterized by courage than discretion.

I am not called upon to criticise the gentleman's bill. If it were passed I think I should not risk my reputation as a prophet if I should say no gun would ever be produced under it that would stand the test necessary for its being reliable when in use in actual battle. I do not think one gun would ever be produced at all; for, unless I mistake the provisions of the gentleman's bill, it does not provide there should be; but a very large amount of money would be taken from the Treasury for expenditure elsewhere extending over a period of five years.

Mr. ELLIS. The gentleman has not read the substitute or he would not make that assertion.

Mr. HANCOCK. I have read one substitute. I do not know how many there are.

Mr. ELLIS. Only one. It is the bill the gentleman agreed to.

Mr. HANCOCK. I did not agree to it.

Mr. ELLIS. The gentleman agreed to report it.

Mr. HANCOCK. I agreed that it might be offered as a substitute. I do not know that I understand it correctly. I do not know that I understand this bill correctly. If I do, I do not think the gentlemen who oppose it understand it in the light that I understand it. It seems that the gentleman from Louisiana has become a monometallist, and thinks steel is the only thing that can be used; it is with him the metal of metals. Nothing else need be looked at as adequate to meet the requirements of the art of war except steel.

Now, Mr. Chairman, I do not give you my views upon this subject; for really I am not sufficiently versed in it to have a definite opinion of my own, but I have inquired wherever I thought I could get information on the subject. I have asked the ordnance officers of the Army for a single instance in which a steel gun had stood twenty consecutive fires as in battle without bursting, and even General Benét himself could not produce such an instance.

Mr. ELLIS. Do you want an instance as stated in the official report?

Mr. HANCOCK. Yes, sir.

Mr. ELLIS. The bombardment of Alexandria.

Mr. HANCOCK. I am to come to that in a moment. The gentleman need not get nervous.

Mr. ELLIS. I see no reason why I should get nervous.

Mr. HANCOCK. Then there is the more reason for keeping cool. The gentleman refers to the bombardment of Alexandria. I speak here from the official record, and it is proclaimed in the Senate of the United States, and incorporated in the appendix to this report, that there was no such firing in the bombardment of Alexandria as would be a sufficient test of the reliability of such guns in battle.

Mr. ELLIS. That Senator is your authority, is he?

Mr. HANCOCK. No, sir; the history of the transaction is the authority. And your own report shows that the intervals between the firing were from fifteen to twenty minutes. And then the Senator says——

Mr. ELLIS. What Senator is that?

Mr. HANCOCK. He is not from Louisiana.

Mr. ELLIS. Where is he from?

Mr. HANCOCK. I do not care about naming Senators. The gentleman can look for himself. He will find it on pages 208 and 209 of Senate Report 169, Forty-seventh Congress, second session.

Mr. ELLIS. Will my friend give me the name of the Senator?

Mr. HANCOCK. A distinguished Senator said in debate——

Mr. ELLIS. Will my friend give me the name of the Senator?

Mr. HANCOCK. It was Senator BUTLER, I believe. He said:

I wish to call the attention of the Senate to one fact. In the siege of Alexandria the other day, which is said to have been one of the most remarkable of all the naval exploits in history in the particular of its being an engagement in which the heaviest missiles were thrown, and in the largest number, one of the British ships, firing at very slow time, perhaps not repeating its fire oftener than twenty minutes' interval, was compelled to retire after one day's action and go to an island in the Mediterranean Sea for a new armament. * * * Every shot she expended cost the British Government a thousand dollars; and yet at the end of a single day of slow action that ship was compelled to retire to an island in the Mediterranean, where they had reserves of artillery, for a new armament. The result will be shown when the report of this naval engagement at Alexandria comes to be made up by scientific men, as the actual facts as stated prove that there is something, even among the English guns and German guns and French guns, which is still very imperfect, and which I trust very much will be supplied by American genius.

I have confidence in the capacity of our inventors to accomplish and master any improvement that needs to be mastered for the success of our Navy in the future and for the defense of our coast.

Mr. Chairman, I too have abundant confidence in American genius—abundant confidence that if it be permitted to enter the lists of competition it will be able to remedy this defect and secure the desired result. I do not think gentlemen need to disturb their souls by reason of the danger of Krupp coming over here and taking a contract to make these guns, and thereby depriving the American people of the advantage and the glory of supplying their own wants in this particular by their own productions. Why, sir, at the rate proposed to be paid you could head him off by the tariff you would impose so that he could not sell his guns for sufficient to pay the duty on them. No one supposes there is any purpose to go outside of this country to procure these guns. The idea is to develop our own resources and to do that in antagonism to this club which exists here and which is always found arrayed against every great individual enterprise that is proposed—I mean the Army and Navy. Sir, if I had the power (as unfortunately I have not power to do a great many things I would like to do) I would abolish both of those institutions before the sun went down. [Laughter.] I would abolish the Military Academy at West Point and the Naval Academy at Annapolis.

We pay large sums annually to graduate young men at those institutions, and yet now, when we have gone far into a century of their existence, we find that they have not graduated a single engineer of national repute—not one; and when the clouds of war gathered over this country (which can never be alluded to with any pleasure) where did you find your generals to lead your armies to victory? Everybody knows that they were not found in the ranks of the Army or in the service of the Government at that time.

Mr. JOSEPH D. TAYLOR. How about General Lee?

Mr. HANCOCK. Oh, he led his army the other way.

Mr. JOSEPH D. TAYLOR. But he was a graduate of West Point all the same.

Mr. HANCOCK. Mr. Chairman, we are graduating young men at those institutions so rapidly that we can not find places for them. Of course there is nothing more delightful to them than to graduate there and get their diplomas and get their commissions and draw their pay, and then devote themselves to leading the german, in the matter of which they are said to attain a very high degree of proficiency [laughter], and whenever any proposition out of the ordinary rut is brought up this Army and Navy club comes forward to oppose it with some professional production like that which the gentleman from Illinois [Mr. THOMAS] has read here for the enlightenment of Congress—Congress, the body that should be ready to assume the responsibility of whatever legislation is necessary upon these subjects.

Mr. THOMAS. Mr. Chairman, I do not know by what authority the gentleman makes that statement as to what I read here.

Mr. HANCOCK. Oh, just from the character of the production itself, nothing else.

Mr. THOMAS. You thought it was a military academy production?

Mr. HANCOCK. It sounded very like it, and I have read a good many of them; but I do not know anything about the origin of that one, and probably I would not have taken this view of it if the gentleman from Illinois [Mr. THOMAS] had not found a "steal" in this bill. I do not know what particular facilities he may have for detecting steals, but I remember that on one or two previous occasions he has discovered "steals" in places where no one else expected their existence. The "steal" that he finds in this bill is the provision for securing, if it be possible, a 12-inch steel gun of a certain capacity, although for the construction of that gun the whole country is invited to come in and compete, and those who do compete are required to test the guns at their own expense. Mr. Chairman, if that is a provision for a steal I am inclined to think it is a kind of larceny that ought to be very much encouraged. [Laughter.] By this plan we shall probably be able to get a gun that will amount to something in less time than your Chief of Ordnance officially says it would take him to make one. As late as 1874 he testified as follows as to the time it would take him to make one or two guns—and he has not produced them yet. Speaking before the Senate committee, he says:

To return to the matter of steel guns, if Congress were to go into their fabrication I should begin by trying to make two 8-inch guns——

Mr. THOMAS. Whose statement is that?

Mr. HANCOCK. General Benét's. He goes on to say:

I presume that to make one with bands of steel and another wrapped round with wire would probably take me two years. If we succeed we should go on making steel guns of that caliber and at the same time take a step further——

[Here the hammer fell.]

Mr. HANCOCK. Mr. Chairman, I thought I had retained about eighteen minutes.

Mr. BAYNE. I ask unanimous consent that the gentleman from Texas [Mr. HANCOCK] have ten minutes more.

Mr. THOMAS. If the opponents of the bill are given the same courtesy I shall not object.

Mr. HANCOCK. Mr. Chairman, we are engaged in a discussion under the five-minute rule, and I move to strike out the last paragraph.

MESSAGE FROM THE SENATE.

The committee rose informally.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill and a joint resolution of the following titles:

A bill (H. R. 6089) for the relief of Moses F. Carleton; and

Joint resolution (H. Res. 342) with amendments, to authorize the printing of 400,000 copies of the report of the Commissioner of Agriculture for the year 1885.

The message further announced that the Senate had concurred in the amendments of the House of Representatives to bills of the following titles:

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas; and

A bill (S. 2262) granting a pension to Sedate R. Martin.

The message further announced that the Senate had passed a resolution providing for the printing of 5,000 copies of Executive Document 59, being the report of the delegates on behalf of the United States to the third international convention of the Society of the Red Cross of Geneva.

FORTIFICATIONS APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ADAMS, of Illinois. Mr. Chairman, before the reading of the bill begins I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS, of Illinois. I notice that this bill consists of only one section, and I desire to ask whether as the reading of the bill progresses I shall be at liberty to make a point of order against the proposition in any paragraph when it is reached.

The CHAIRMAN. The gentleman may make his point of order in the ordinary mode in which points are made during the consideration of general appropriation bills.

Mr. KEIFER. I ask unanimous consent to extend in the RECORD my remarks made this morning.

There being no objection, leave was granted.

Mr. HANCOCK. I ask that the first paragraph of the bill be read.

The CHAIRMAN. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, &c., That the sums of money herein provided for be, and the same are hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, namely:

For the protection, preservation, and repair of fortifications and other works of defense for the fiscal year ending June 30, 1886, $100,000, the same to be expended under the direction of the Secretary of War.

Mr. HANCOCK. For the purpose of continuing the remarks in which I was interrupted, I move to amend by striking out the last line of the paragraph last read.

I read further from the testimony of the chief of the Ordnance Department of the Army:

To return to the matter of steel guns,

If Congress were to go into their fabrication, I should begin by trying to make two 8-inch guns.

I presume that to make one with bands of steel and another wrapped around with wire would probably take me at least two years.

If we succeeded we could go on making steel guns of that caliber, and at the same time take a step further and try a 10-inch gun; that would take a year or two more.

Then if we were successful we could go to a 12-inch gun, which, of course, would require increased plant and heavier hammers.

I should say, if we had the means of going on, that in the course of eight or ten years we ought to have the requisite plant in this country to make guns of any size we might require; but we have not got it now; we have barely got heavy enough hammers for the smaller caliber of guns, such as 6 and 8 inch, and at several of our best establishments a steel ingot cast at one place has to be sent to another place to be forged; steel-making of a quality suitable for guns has not yet progressed beyond the experimental stage.

Mr. ELLIS. From what is the gentleman reading?

Mr. HANCOCK. From the testimony of General Benét.

Mr. ELLIS. When?

Mr. HANCOCK. Ten years ago.

Mr. ELLIS. Ten years ago!

Mr. HANCOCK. He stated that he might possibly be able to make such a gun as he described in two years if he had the money. Four million and a half of dollars have been expended; and as late as December 23, 1883, Hon. William E. Chandler, Secretary of the Navy, said in a speech at Philadelphia:

But for the restoration of the Navy, in the place of our obsolete wooden ships and smooth-bore guns, we need modern steel ships and high power rifled cannon, of which we have not one to-day.

This business takes a good deal longer than your paragon of ability in ordnance imagines. Ten years have gone by, and he has not yet completed the first gun; and I think it will take him the residue of this century to get out one gun according to the processes by which he proceeds.

In May, 1883, Admiral C. P. R. Rodgers, in an address at a banquet of the Society of the Army of the Potomac, at Washington, said:

We have not one large and efficient ship of war, and our few good sloops are not of the best type.

Mr. ELLIS. What is the date of that?

Mr. HANCOCK. I have already stated the date. The gentleman should come nearer; he is getting hard of hearing. Age is telling upon him, as it is upon myself. [Laughter.]

Admiral Rodgers says further:

So far as I know we have not one very good gun, of even moderate caliber, ashore or afloat, and what is more, I fear we have not the trained artisans and the forges to make them.

He did not know that General Benét had considered this subject in connection with the honorable member from Louisiana. That was Admiral Rodgers's opinion in May, 1883. So far as I can find there is no advance in this discovery of making everything out of steel and going to Krupp for it. I challenge the gentleman to bring forward an instance where one of the Krupp guns has stood the test of twenty consecutive fires, two or three a minute, as in battle. Krupp will not subject his guns to this test. He will send one of his guns down to the Italians, and let them have it as an ornament, afraid to fire it because the tests of these guns have usually killed more in the rear than in the front.

Mr. ELLIS. Why, Mr. Chairman, if the gentleman knew what he is talking about he would know that before Krupp ships a gun he tests it by rapid firing eight hours with battering charges.

Mr. HANCOCK. The gentleman will learn something if he will listen a moment, and not get impatient. I had several other short extracts which I had intended to read, but I will forego doing so because they irritate the gentleman. Here are some of the tests that Krupp himself makes:

In June, 1860, a 12-pounder Mersey steel gun was fired six rounds, at Shoeburyness, and burst.

What further do we have in the way of tests? Let me continue:

In November, 1861, a 20-pounder Krupp steel gun was fired two rounds, at Shoeburyness, and burst.

In March, 1862, a 30-pounder French steel gun was fired, at Gavres, and burst.

Mr. ELLIS. What was the date of that last test?

Mr. HANCOCK. You must listen a little closer as I read off the dates as it is a great trouble for me constantly to go back and repeat them. Besides I have not the time to spare. The last one was March, 1862. The next was in April:

In April, 1863, a 20-pounder Mushets steel gun was fired one hundred and thirty-two rounds, at Shoeburyness, and burst.

In 1864 a 9¼-inch Krupp steel gun was fired sixty-six times, in Russia, and burst.

I believe the gentleman will admit that all the Russian guns burst. [Laughter.] They have ordered, I see, some more of them, although they find after a short time they burst and kill a great many at the breech of the guns, but they have a great many Russians and do not seem to mind it. [Laughter.]

In June, 1866, a 9-inch Krupp steel gun was fired fifty-six times, in Russia, and burst.

There is no excuse for that, except incompetency or infidelity. We can make 6 or 7 inch guns here, I am satisfied. I believe that Yankee ingenuity is able to make guns of such caliber that will not burst. The great difficulty has been that as you increase the caliber you render the gun more and more liable to burst, until with some people—not with General Benét or my friend from Louisiana—it is not a proposition simply whether the thing is practical or not, for they have not discovered——

Mr. ELLIS rose.

Mr. HANCOCK. You and General Benét have been working on this for a great while.

Mr. ELLIS. Will the gentleman answer me a question?

Mr. HANCOCK. Yes, if I am able to do so.

Mr. ELLIS. If that is so and steel is condemmed, why has Krupp invested $30,000,000? Why has Sir Joseph Whitworth and Sir William Armstrong abandoned their own line and gone into it? Why has France and Italy and all the other great powers done the same thing?

Mr. HANCOCK. Do not make your question so long. In answer to the gentleman's question I will say that I suppose it is on the same principle that Worth, the great authority of female fashion in Paris, has invested everything he had on earth in his business [laughter] and so has made himself a millionaire. These other parties have got the world to believe, that is I suppose most of them have, that they are infallible—I know that you and General Benét do; that nothing but steel will do. I do not say that steel will not do. I say that all the experiments up to this time have proved to the satisfaction of my understanding that the best metal that can be used, that the best metal in the world according to experiments and experience of warfare, the best metal that can be used is bronze for guns from seven inches down. Whether it would resist the disposition toward elongation I do not know, but I have seen guns myself which had been reputed to be in use over a hundred years that were still sound.

Mr. ELLIS. Let me ask: the gentleman a question.

Mr. HANCOCK. Certainly.

Mr. ELLIS. Is it the unanimous opinion of the report of the foundry board, the latest authority, that steel is the best metal out of which to make guns?

Mr. HANCOCK. The gun-foundry board is made up of such persons that I am not willing to see the money of the people of the United States entirely intrusted to them. I want the different branches of the service to come in. If I could have my way I would put in a few shrewd Yankees and run the risk of their putting up a job. [Laughter.] But I do not think they could succeed while my friend from Indiana [Mr. HOLMAN] is in Congress when they came to ask for an appropriation.

There is nothing to be got out of this bill. All these experiments have to be made at the expense of the party producing the gun. They have to bear the whole expense of the tests.

I wish to call the gentleman's attention to the remaining instances of experiments with these guns. They are as follows:

In 1864 a 9¼-inch Krupp steel gun was fired sixty-six times, in Russia, and burst.

In August, 1865, a 9¼-inch Krupp steel gun was fired, in Prussia, and burst.

In 1862 an 8¼-inch Krupp steel gun was fired one hundred and nine times, in Russia, and burst.

In June, 1866, a 9-inch Krupp steel gun was fired fifty-six times, in Russia, and burst.

In 1866 a Krupp steel field-gun was fired, in Berlin, and burst, killing three cadets.

In January, 1867, a 7-inch Krupp steel gun was fired twice, at Woolwich, and burst.

On the 27th of September, 1867, a 4-pounder Krupp steel gun was fired, at Tegel, and burst, killing two men.

In July, 1867, a 8-inch Krupp steel gun was fired, on the Russian frigate Nywski, and burst, killing twelve men and wounding thirty.

In November, 1876, a 7½ French steel gun was fired, at Havre, and burst, killing one man.

In 1866 a 9-inch Krupp steel gun was fired, in Russia, and burst.
In 1868 a 9-inch Krupp steel gun was fired, in Cadiz, and burst.
In January, 1869, a 13-inch Krupp steel gun was fired, in Prussia, and burst into twenty pieces.
On the 29th of September, 1871, an 11-inch hooped Krupp steel gun was fired once, at Cronstadt, and burst into several pieces.

All the above facts are found recorded in the Journal of the Royal United Service Institution.

Mr. BUDD was recognized and yielded his time to Mr. HANCOCK.

Mr. HANCOCK. Now, Mr. Chairman, the gentleman from Maine [Mr. REED], for whom I have the greatest admiration, criticised very severely in his remarks on this bill the provision with reference to the construction of 12-inch guns, and said that it was an unnecessary expenditure of money to get the gun; that it would open up a big job and an opportunity to impose upon the Government, when if he had read the bill carefully he would have found that it confined it solely and alone to one single breech-loading rifled gun of twelve inches caliber, which shall be produced and subjected to such tests of power and endurance as may be prescribed, and at the expense of the party, in all respects, who presents such a gun.

The bill also provides that this gun shall be constructed before any contracts are entered into for cannon for the armament of our fortifications, and that it shall receive the favor of the board composed of the officers in whom the members on this floor have great confidence, whose report must be satisfactory before any contract is made. There is no intention to enter into the manufacture of a lot of worthless 8-inch or 10-inch guns. I do not undertake to say it will be entirely satisfactory in all respects, but it is well worth a trial to see whether such guns can be made in this country of sufficient power and endurance for all the purposes of our seacoast and harbor defenses.

Mr. REED, of Maine. Will the gentleman permit an interruption?

Mr. HANCOCK. Certainly.

Mr. REED, of Maine. The sixty-seventh and sixty-eighth lines of this bill declare that before any further contracts are entered into or expenditures made for cannon for the armament of fortifications except as herein provided a breech-loading rifled cannon of 12-inch caliber shall be produced, &c.

Mr. HANCOCK. That is just what I said.

Mr. REED, of Maine. Does not that inhibit the building of other guns until this provision has been complied with?

Mr. HANCOCK. Yes, sir; and I think it ought to.

Mr. REED, of Maine. And that is just what I complain of.

Mr. HANCOCK. It is the opinion of some experts that the amount of money expended—and I think that statement will be found also in the testimony of many officers of the Army and in the report of the Secretary of the Navy—that after spending millions and millions of money we have not succeeded in getting a gun either afloat or ashore which is a first-class gun; not one.

Mr. ELLIS. Everybody knows that, and that is just what I want to get.

Mr. HANCOCK. Then if everybody knows it do not take up my time in calling everybody's attention to it; at least you need not take up my time to tell everybody what everybody knows. [Laughter.] But I was going on to say that after twenty-five years of experimental work and vast expenditures of money we have not yet a single gun afloat or ashore of a first-class character. I shall say nothing about ships, for that has been provided for under a similar provision in another bill that is attempted here in regard to our fortifications and armament. But I think it is wise policy to let the next Congress, of which I shall not be a troublesome member, I am sure, have some data on which to act, so that when money is appropriated, and I hope millions of dollars will be, they may know how to apply such appropriations.

For I desire, Mr. Chairman, to see the country properly prepared to meet any emergency that may arise; but I do not wish to see the interests of a great people left alone to the engineering skill of one person because he says that in ten or twelve years he thinks he can make a gun. Let us find out if somebody else can not do a little better, and if they do to the satisfaction of the board, then the duty on the part of the American Congress is simplified; we will simply make generous appropriations to provide our seacoast cities and towns with fortifications and armament ample to resist any probable attack.

Mr. ELLIS. Are you willing to see that work go on?

Mr. REED, of Maine. If the gentleman will permit another interruption, if he intends to rely upon that board, why this particularity of detail in regard to this gun? It provides certain conditions which at least may be characterized as unusual; some of them seem to be rather strange, and appear to point to a particular gun or a particular manufacturer. If my opinion be correct, this should be explained by the gentleman from Texas or some other member of the committee.

Mr. HANCOCK. I know nothing of a particular case. But where a bill is general or broad in its extent all through, where its light falls upon the just and unjust alike, like the dews of heaven, I can not think that there is much danger in it.

[Here the hammer fell.]

Mr. THOMAS. Mr. Chairman, the distinguished gentleman from Texas a few moments since referred to me as the gentleman always able to detect a steal——

Mr. HANCOCK. Not always.

Mr. THOMAS. He says now I have not always been able to detect all the steals going on. Now, I defy the gentleman to produce from the CONGRESSIONAL RECORD one remark of mine, during the six years of my service in Congress upon this floor, where I have ever charged upon any member of this House that he has been guilty of a steal.

Mr. HANCOCK. Oh, I never thought of such a thing.

Mr. THOMAS. I suppose the gentleman indulged in ridicule in alluding to my course, because of the fact of my having called attention on yesterday, in the debate on the sundry civil bill, to the gentleman from Texas, as a member of the Committee on Appropriations, having provided for the State of Texas in that bill by two appropriations for public buildings.

A MEMBER. What two?

Mr. THOMAS. The gentleman inquires what two. I will be glad to inform him. I refer to the court-house and post-office at Dallas, Tex., for one, and to the public buildings and grounds at Galveston, Tex., for the other. Now, that is exactly where the shoe pinches.

I found fault with the Committee on Appropriations coming in here with a bill making special provision for public buildings in the States represented by members of that committee, when the other members of the House who wanted such appropriations were compelled to rely upon getting special bills passed. I denounced that as unjust. I denounce it now as unjust. I did not say there was a "steal" in it, but I called attention to the fact that those gentlemen having an opportunity to make special provision for their own States provided for them, and the gentleman from Texas [Mr. HANCOCK] is one of those to whom that remark applied.

Now, so far as my friend from Michigan [Mr. HORR] is concerned, although he is a member of that committee, I find that he did not provide specially for Michigan—why, I am unable to say, unless it is because the public service did not demand such an appropriation.

Mr. HORR. Will the gentleman permit me——

Mr. THOMAS. Just one moment.

Mr. HORR. Mr. Chairman, the fact that I got no extra appropriation in that bill for my State is owing to my excessive modesty, which has bothered me throughout my entire public life. [Laughter.]

Mr. THOMAS. Mr. Chairman, we have often observed here that modesty upon which the gentleman so justly prides himself, and perhaps we have never seen it so strikingly exhibited as in this instance in his failure to get a special appropriation for his State—a thing surprising from any point of view, but especially so when we remember that the gentleman is from Michigan. [Laughter.]

Mr. Chairman, the gentleman from Texas [Mr. HANCOCK] says that I have found a "steal" in this pending bill. In the remarks that I made a little while ago I said nothing about a steal. I simply said that while this bill purported to appropriate $955,000 it was in fact a bill for the appropriation of $3,600,000 in addition, and I said that it held within its scope a scheme to allow the "great American gunburster" referred to awhile ago by the gentleman from New Jersey [Mr. MCADOO] to buy guns of the Government at a quarter of a cent a pound and then sell them back to the Government slightly changed at 50 cents a pound.

I assert here, and I can demonstrate it by the highest authority, both naval and military, that the changes that are proposed to be made under this bill could be made at one-tenth of the proposed cost. Now, if the gentleman from Texas is caught with "the meat on his back" let him own up and not go around telling about "steals." [Laughter.] I have said nothing about steals in this connection; but I have said, and I say again, that while this bill pretends to appropriate $955,000 it really in fact appropriates $3,600,000, and involves apparently one of the worst jobs that has ever been proposed in Congress since I have been a member.

MESSAGE FROM THE SENATE.

The committee rose informally; and a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles:

A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 2949) for the erection of a public building at Fort Townsend, Wash.;

A bill (H. R. 3343) for the erection of a public building at the city of Auburn, N. Y.;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.; and

A bill (H. R. 6089) for the relief of Mrs. F. Carleton.

FORTIFICATION APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. DORSHEIMER. Mr. Chairman, the gentleman from Michigan [Mr. HORR] who is a member of the Appropriations Committee took occasion a little while ago to deliver his valedictory address to this House. I think this is also a suitable time for me to deliver my valedictory address, and inasmuch as the measure before us relates to heavy weights and big guns, perhaps there is some propriety in the choice of the gentleman from Michigan and myself of the time for delivering our valedictory addresses. [Laughter.] The gentleman from Michigan took the opportunity which the debate afforded him to deliver a glowing eulogy upon a late public act of the President-elect. We all upon this side of the House observed the evidence which he gave of a friendly disposition toward us with great pleasure.

I think I may describe the gentleman from Michigan as a man of a somewhat exuberant humor; but during this entire session a melancholy seemed to have settled down upon his spirit, and he has not shown his characteristic good nature. I was therefore surprised to find that the old faculty had returned to him to-day, and that the speech which he made here in eulogy of Governor Cleveland showed more of his humorous characteristics than any other speech which he has made during the present session. Was it an indication, sir, that the gentleman who has been melancholy at the prospect of going out of power finds that he may have an opportunity of returning to power?

Is it possible that the gentleman from Michigan has indicated here to-day his intention to support Governor Cleveland's administration, and his ambition, perhaps, to return to this House two years hence, to sit upon our side of it, and to enjoy what he has so long enjoyed, the delights of political place and power?

I think I may say, although I shall not be here to welcome him, that if he should come he will receive a cordial welcome from this side of the House, for we should be glad to have his very unusual faculties for debate always displayed as they were this morning in the eulogy of Democratic statesmen and in the defense of Democratic doctrine. [Laughter.]

The public act which was the subject of the eulogy of the gentleman from Michigan was the letter addressed to certain members of this House by the President-elect. Now, I agree with the gentleman that that letter contained an abundance of sound doctrine. I will, however, say, because I propose to be perfectly frank, and from a long knowledge of and personal acquaintance with the President-elect I know that his character and disposition dispose all men to frankness who deal with him as to public matters——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORR was recognized and yielded his time to Mr. DORSHEIMER.

Mr. DORSHEIMER. I should have preferred, inasmuch as the President-elect thought it desirable to address certain members of the House, that he had done what I have no doubt he will do upon the first occasion which the duties of his office shall furnish him, and that is to suggest to Congress some practicable method by which the circulation as coin of the two metals can be maintained and reconciled. For I do not believe it to be either desirable or possible that silver should be demonetized in this country. On the other hand, I think it is a part of true statesmanship to recognize the facts that exist and to bring about a reconcilement between these two currencies by a reconsideration of the ratio of their values.

In my judgment, the true solution is to make the silver dollar equal to the gold dollar, and if the silver dollar be made equal to the gold dollar there will be no reason for placing any restriction whatever upon its coinage. And indeed we might in that case safely make it the sole foundation of the paper money of the country. I believe in some such solution as the one I have suggested, although I wish to be deferential in expressing my views; for without reference to particular plans the result is what I would aim to accomplish, and that result in my judgment must be a reconcilement of this difficulty by placing the gold coinage and the silver coinage of the country upon an equality as to value.

How much time have I left?

The CHAIRMAN. The gentleman has one minute of his time remaining.

Mr. DORSHEIMER. Mr. Chairman, the time at my disposal will not permit me to go into the subject of the bill. I will, however, briefly state that in my judgment the time has arrived when sufficient appropriations should be made for the re-enforcement of our fortifications and for the provision of new and improved cannon. I am sorry to say that I do not think the bill offered by the committee accomplishes this. We should place in the hands of the Administration such a law as will enable it to procure the guns that are needed and to give to the fortifications the strength that they should have.

[Here the hammer fell.]

Mr. HORR. I have been very much instructed, not to say amused, by the fact that my friend from New York [Mr. DORSHEIMER] should have taken the peculiar view he did of my remarks in reference to the good sense exhibited in the letter written by his distinguished friend who is to become very soon President of the United States. I was not astonished that he should think it was an intimation that I was about to leave my party and go over to the Democracy, because I recollect it is the most common thing in the world for people to judge others by what they do themselves. [Laughter.] And I recollect it was only a little while ago when my friend was a rousing good Republican; and the moment the Republicans did not, as he thought, properly provide for him he trotted out and joined the Democrats. [Laughter.] I wish to say that is not my style. I believe in the Republican party and its principles. I am proud of its history and its record, and I hope to die believing in the principles that I have advocated up to this day during my whole life. I do not leave a party because it does not at all times keep me in place, nor would I under any conceivable condition seek refuge in the Democratic party. [Applause.]

I do not think my friend should complain because I happened to discover a little sense in something coming from a Democrat in the United States. [Laughter.] You ought not to complain at my giving notice of such a discovery. I know it is extremely rare. [Laughter.] Oh! how rare! [Laughter.] But when I find a Democrat guilty of using good common sense and stating it in good common English, my nature is such that I can not be unjust and deny him full credit for so unusual a gift. [Laughter.] If his party friends here had taken my advice they would not have given their President thus early the "black eye" that they administered to him the other day. My word for it, he did not deserve it nor did he expect it. [Laughter.] I say again, he did better than I supposed it was possible for him to do. I give him credit for it. And have I not the right to do that?

Mr. DORSHEIMER. Certainly.

Mr. HORR. I wish I could say as much for the Democratic majority here—not for you; you voted with him; it can not be on account of any sly way you have of being in the warming rays of the rising sun. [Laughter.] Mr. Chairman, as I said in good faith, I hoped when I read this letter that we were to have a new era. I did not make that remark for the purpose of lugging in politics. I did it for the purpose of illustrating that on this fortification bill I hoped some good sense would be exhibited, and that we would have in this new Democratic administration—I will not say a return but a resort to business principles; that we would build forts and defend our great cities; that we would have American steel and American guns; that our own factories would be set running, and that this would be done under an administration that I did not expect any great things of. I hope such will be the result. Your President has started right. Let us all stand by him—when he is right. When he is wrong I shall take the earliest opportunity to say so, and shall do it (now, take notice) while staying in the Republican party. [Applause.] I shall not go over to the Democracy to preach my politics.

[Here the hammer fell.]

Mr. WARNER, of Ohio, obtained the floor.

Mr. HANCOCK. I wish to remark that it is not proposed to build fortifications or fabricate guns of silver; and I submit that this debate should be confined to the subject before the Committee of the Whole.

Mr. ELLIS. I rise to a question of order. Is it in order, Mr. Chairman, upon amendments to this fortification bill to make political speeches upon silver?

The CHAIRMAN. The Chair thinks not.

Mr. ELLIS. Then I trust the Chair will confine gentlemen to the question under debate.

Mr. BLAND. That point ought to have been raised a little sooner.

Mr. WARNER, of Ohio. Mr. Chairman, this point of order is raised rather late. I understand very well that this is a fortification bill and that the question before the House relates to guns and fortifications—not to silver and gold. Nevertheless, Mr. Chairman, the silver question has been imported into the discussion; and I think it will not be considered out of place for me to say a word on it. Silver may come in play in payment of guns and fortifications.

The silver question is an economic question, not a political question. It is a question that concerns the world. It is not a question to be settled by reference to the opinion of any one. It is well understood that able men hold different views on this question. It is well understood, and has been I presume, that the President-elect entertained opinions not in harmony with all the members of this House. There is nothing strange in that fact. Republicans do not agree on it, and never have. Distinguished Republicans hold opinions entirely at variance with a majority of their party. There is nothing strange in that. The silver question belongs to a class of questions on which there are certain to be differences of opinion. It is a question of monetary science.

But I rise, Mr. Chairman, to say a word rather upon the alarm that has been sounded throughout the country that a financial crisis is about to overtake us unless the coinage of silver is stopped. I regret that time does not permit me to give reasons at length for the belief that there is no real foundation for such fears. A certain letter of the President-elect has been referred to. It is a letter evidently prepared with care and doubtless expresses his views on this important question. But that does not deprive a member on this floor from holding different views, and I frankly say that I hold views very different from those expressed in the letter referred to, and especially as to the danger of a financial crisis being about to take place.

I do not believe gold is going to a premium or that it is about to be expelled from this country. Our entire circulation, aside from gold, does not exceed $725,000,000.

Mr. BAYNE. I rise to a point of order. Unless these guns are to be constructed of silver the gentleman's remarks are out of order.

Mr. BUDD. The bill before the House provides for obtaining guns by competitive examination, without any regard to caliber or metal, and I submit that gentlemen have the right to propose brass if they wish to do so.

Mr. WARNER, of Ohio. I have no time to reply to interruptions of that kind, as they are not worth replying to. I was about to remark, Mr. Chairman, that with a currency aside from gold of less than $725,000,000 it is impossible that this currency should go below the par of gold. It is not in the power of the banks of this country, aided by all the banks of London, to put gold to a premium and keep it there so long as the volume of money in this country is kept down to as low a limit as $725,000,000. In other words, if that volume of money is not larger than is necessary to maintain prices in the United States at a level with international prices, then it is impossible for gold to go to a premium and stay there.

If the volume of money which any country has put into circulation is less than its distributive share of the world's money, then gold will flow to that country and stay there in sufficient amount to fill its channels of circulation to the international level of prices. That is our condition now. Six hundred million dollars of gold remain here because that amount falls to us as our share as supplemental to paper and silver. There is no instance in the history of the world where gold under circumstances that exist here now went to a premium.

Why, Mr. Chairman, the very attempt to put gold to a premium would put prices down here and gold would then come here as the cheapest market to buy in.

When prices go down, money goes up. To take gold out of circulation, then, would be to raise the value of silver and paper. Who ever knew of gold rising to a premium in a country where prices were falling? When money is cheap and abundant, prices rise; when it is scarce and dear, prices fall. When gold rises to a premium over other money it is because other money is cheap, not because it is dear or becoming dear—exactly the reverse of the conditions that exists here now. The alarm that has been sounded, therefore, is without foundation. The same thing was predicted a year ago, but the crisis did not come.

[Here the hammer fell.]

Mr. REED, of Maine. If the Chair will recognize me I will yield my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. I hope the Chair will do so.

The CHAIRMAN. The Chair has already recognized the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, as I am in favor of some measure to arm this country for its protection, I have not time in the allotment made me to make a political speech, as gentlemen make this discussion the occasion. I at times have made political speeches in my life [laughter]—occasionally for other people to get votes for them and frequently for myself, and have always found myself more zealous when I could secure votes for myself than for the opposing candidate. [Renewed laughter.] That is the case, no doubt, with the politicians who attempt to inject into this debate political matter having nothing at all to do with this bill. I, too, would be glad to make a political speech if this august assemblage could resolve itself into a town meeting, and I was a candidate for office. If that were the case, I would convince you of my right to your votes. [Laughter.]

But such is not the case, or this the place or occasion. This fortification bill is before the House and under discussion, and soon we will be called upon to vote upon it. I wish to say in the first place that I am in favor of liberal appropriations for the armament of this country for the defense of our extended coast line.

You must not drop into fancied security of peace so eloquently depicted by the gentleman from New Jersey [Mr. MCADOO]. Wars come suddenly upon humanity, and all nations should be prepared for such a calamity. The first man born into the world killed the next who followed him, and he was his brother, and from that day to this there has been no hour of the world's history when the people on the face of this earth were not somewhere engaged in warfare in some part of it. Historians and those who study the subject have ascertained the average length of peace among the most civilized nations is about twenty-five years, and that will be found to be the lessons of the past.

The war out of which grew our claims on account of French spoliations, and which claims remained unrecognized for eighty-five years, or until in this session, when Congress provided for their adjudication—that war burst as suddenly and unlooked for as lightning in January from the sky in the frozen north. It arose from the fact that this country, then in its infancy, negotiated treaties with other countries instead of regarding France as the exclusively favored nation, and the First Consul, with all the power at his command, proceeded to destroy our commerce on the high seas, and enlisted armies which threatened with war by invasion. The war of 1812 with England found this country without preparation. Their forces landed upon our shores, burned the old capitol standing where this building is now located, and ravaged the shores of the Chesapeake Bay and the Potomac River, closed the entrance to Philadelphia and all the ports along New England, and would have captured Baltimore but for Fort McHenry. In the poverty of the country, when her armies were defeated, peace was made with that country and concessions never again to be made with any nation. We had war with Mexico in 1846, and it came suddenly upon us. And who in this country can reflect without emotions of profound sorrow on the bitter war which broke out among our people in 1861 when in civil strife the country was drenched with fraternal blood. That unhappy war was far beyond the wisdom of mortality.

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. I will take the floor and yield my time to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Now, Mr. Chairman, when Frederick the Great penetrated into Silesia it was done so suddenly he was in the center of that country before his enemies were aware of it, and then he declared war against Austria. So, too, the war of 1866 fell suddenly on Europe. The French and German war, which resulted in the unity of the German Empire and the prostration of the French Empire and a change of government, came suddenly, and the success of the Germans followed preparation while in peace. I say, therefore, there is no sensible man on this floor—and I am aware I speak in the presence of enlightened men—who can look calmly and with philosophy on the coalitions forming in Europe who will not conclude they are not in harmony with the continued peace of that continent.

I do not suppose that 3,000 miles away we can be drawn into war if there should be hostilities in Europe, but nevertheless it may break suddenly upon this nation. With the telegraph and telephone, with rapid transit by steam, with the perfect preparation of the nations of Europe, ten days would bring to the harbor of New York a naval force which would pass the guns stationed in the fortifications there and lay under tribute that metropolitan city. I do not wish to say that may occur, but in the affairs of humanity we must stand prepared for national protection; for, gentlemen of the House of Representatives, under the Providence of God we are not exempt from the destiny of nations, and sufficient and prudent preparation in time of peace may save us millions of money in time of war as well as thousands of valuable lives.

I say the time for forts is not passed. Guns of sufficient caliber should be stationed in proper fortifications impenetrable, in casemates, in our harbors for their protection. You can station barbette guns of any weight and caliber protected from any ordnance that can be floated. You can make your forts of sand and mortar; you can make them iron-clad, or in turret, and by such works and ordnance the entrance to your great commercial cities shall be protected in time of peace for any emergency that may occur suddenly in time of war. For this I refer the House to the report of the Lieutenant-General, and refer to General Sheridan, the peer of any living soldier.

We are a great nation. Our commerce and our trade are with all the world. We are prosperous, with 60,000,000 of people; we are powerful, with men and money; and I regret all that has been said of the high regard and friendship of the people of Europe for the government of this country and its people. It is puerile sentimentality. I lived abroad for four years, and my association satisfied me there is not a government in Europe that has any partiality or friendship for this form of government. How can they? We never have been the propagandist of our ideas of government, and yet insensibly, constantly, and powerfully we have undermined the foundations of all the legitimist governments of Europe by our examples of liberty, social dead level, and equality. We have extended by our example of free government the influence of the masses of the people by giving them power heretofore centralized and held by legitimate, hereditary, traditional authority.

We have never attempted to preach the gospel of our political faith to foreign nations; our example and our success in the formation of this Government has demonstrated that, without the necessity of our becoming propagandists of our political faith; and with such teaching to all humanity, with the conflict of interests of the nation in which we are involved as an active agent, how can the governing classes look upon us with other than jealous eyes; and is it not wisdom not to be parsimonious in economy in peace and make preparation for the uncertainty of the future?

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, this annual scare in behalf of large appropriations has lost its novelty so far as I am concerned. The bill which the committee recommend is in the main based on the bill of a year ago. It was then accepted promptly by the Senate.

I want, for one, before I enter upon a system of seacoast defenses or the construction of new systems of fortifications, to provide that a plan shall be adopted which has been properly matured, so that I can judge of the amount of money required to be expended, and determine whether it is judicious to expend such an amount or not. Until that is done we have no guide.

That is one of the features of this bill proposed by the committee. Another is that it provides a thorough test as to the manufacture of large ordnance before embarking upon a wide sea of expenditure in that direction; for up to this time I have not been aware that there has been a successful termination of any of the experiments heretofore made.

Therefore it is desired that an effort shall be made to induce those

interested in this character of manufacture to see whether they can give us a sample test-gun that we can safely follow as our model in future.

Mr. ELLIS. Does the gentleman expect that anybody will provide money for the manufacture of that gun until some inducement is offered to do so?

Mr. RANDALL. I believe distinctly, under the provisions of this bill there will be a test made of a 12-inch gun. I believe the inducements are such as to warrant it.

Mr. ELLIS. Then I understand the gentleman gives his adhesion to the committee's bill.

Mr. RANDALL. I undoubtedly aided, with the rest of my colleagues on this side of the House, with the exception of the gentleman from Louisiana himself, in securing the reporting of this bill to the House. But I am not tenacious of my views in that respect. If there be a fault in the committee's bill let us amend it. I always stand open to enlightenment and to reason, and am ready to listen at all times and surrender my views to the views of gentlemen who know more of such subjects than I do.

I think this rule should be adopted on all questions of public policy. But gentlemen propose here in this substitute an expenditure covering a period of five years. They propose something entirely new in legislation. I am unwilling to give it my support. On the contrary, I think we have given ample power to the incoming administration to test a system or character of gun to be purchased and adopted as a governmental model of guns; and that the plan proposed in the majority report will give us through a board of engineers and competent officers some system of fortifications and armament of which we have not now the knowledge.

Mr. REED, of Maine. I desire to call to the attention of the gentleman from Pennsylvania the actual provisions of this bill. They provide that a cannon shall be produced of 12-inch caliber of 60,000 pounds weight, and fulfilling certain conditions. Now, there is no method of production provided. How can it be produced? Obviously in but one way, and that is by private enterprise. Now, will the gentleman from Pennsylvania tell this House what will be the probable cost of a plant necessary to produce a 12-inch gun of 60,000 pounds weight?

Mr. RANDALL. I answer that I am in favor of private enterprise taking hold of the matter, because——

Mr. REED, of Maine. Will the gentleman answer my question?

Mr. RANDALL. I am going to answer it.

Mr. REED, of Maine. I do not want the gentleman to occupy my time in making an argument.

Mr. RANDALL. I will answer the gentleman in my own way.

Mr. REED, of Maine. The gentleman declines to answer.

Mr. RANDALL. No, sir; I do not. I will answer in proper time.

Mr. REED, of Maine. I ask the gentleman to say whether $500,000 will purchase such a plant. He knows that it will not. What then is the proposition? As a practical man I ask him the question. It is that a gun shall be produced by competition among manufacturers, and the preliminary to that competition is the expenditure of from a half million to one million of dollars. Is that going to be done? Is any manufacturer in this country going to purchase a plant costing $500,000 or a million of dollars on the chance of his beating the gentleman who invented this description of gun? Everybody knows that there is going to be no practical result from this measure. We are only setting up and following a chimera. There is nothing in it. The gun is to be produced by competition, and the very entrance-money to the competition is at least a half million of dollars, probably a whole million. Now what do you say to that as practical men?

Mr. RANDALL. Mr. Chairman, I want to say that I am all the time for throwing the door open to private skill and energy, as well as private enterprise.

Mr. REED, of Maine. So am I.

Mr. RANDALL. And I believe that this bill will do it. And I want to go upon a new road, to bring in the skill and the enterprise and the capital of private individuals in this country. That road I believe will reach success as against a costly governmental failure. [Applause.]

Mr. BUDD. The gentleman from Maine [Mr. REED] a moment since spoke of the gun-factory plant as costing half a million dollars.

Mr. ELLIS. Nine hundred and sixty thousand dollars.

Mr. BUDD. The gun board, on page 43 of the report which I have in my hand, puts the cost at $150,000 only.

Mr. ELLIS. The gentleman can not be reading the report correctly.

Mr. BUDD. After giving that estimate they say:

This plant is capable of producing one 12-inch gun every three weeks or a proportionally larger number of smaller calibers.

Mr. ELLIS. From what page is the gentleman reading?

Mr. BUDD. Page 43, Senate Executive Document No. 13. There is shown there the cost of gun-factory plant up to 12-inch caliber, and it is said:

This plant does not include rough boring and turning.

Mr. REED, of Maine. Nor all the rest of it, either; that is the mere assembling.

Mr. BUDD. The report proceeds:

The parts are supposed to be supplied ready for finishing.

Mr. REED, of Maine. That is the mere assembling. I venture to say that instead of half a million dollars a million dollars is inside the figure.

Mr. BUDD. The gentleman asks where any inducements are offered in this bill to stimulate production of guns. I desire to state that according to this bill if a gun can be furnished that will stand the battle test the first producer of such a gun is entitled to a contract from the Government of the value of $3,600,000; and if that be not a sufficient inducement for private enterprise, then there can be none whatsoever. Three million six hundred thousand dollars is the first inducement offered to the successful American producer. Though the total plant might cost a million dollars, it must be remembered that after the manufacturer has produced his first hundred successful guns if he can furnish a gun answering to a better test than the test prescribed by this bill then he is entitled to a further contract. In other words, the bill itself provides a sufficient inducement for the establishment of a factory.

So far as the question of the best kind of metal for large guns is concerned that is a matter still in doubt. The bill proposed here by the gentleman from Louisiana, the substitute bill, provides for $7,500,000 to be given under direction of the Secretary of War to any person who may produce the material necessary for a gun, or who will produce a blank gun. I suppose the gentleman intends who will produce a finished gun. In other words, the committee's bill provides sufficient compensation for a gun which stands a prescribed test, what is known as the battle test; the substitute bill provides $7,500,000 for any man who will produce the material fit for a gun, or who will provide a blank; not a finished, gun. In either or any of these latter cases, if the substitute be adopted, that producer is entitled to and shall have the $7,500,000.

Mr. ELLIS. Provided he is the lowest bidder——

Mr. BUDD. And there are but two possible bidders in the United States.

Mr. ELLIS. And produces the material.

Mr. BUDD. Now, Mr. Chairman, a word more on this proposition. There has been no valid objection to the test provided here. The gentleman from Maine in speaking of the penetration of the celebrated Krupp gun states it is double this. I will ask the gentleman from Maine for his authority for the statement that the Krupp gun will penetrate three calibers.

Mr. REED, of Maine. I said twenty-four inches.

Mr. BUDD. That is the same thing.

Mr. REED, of Maine. The authority I give is the chief of the bureau of the Navy Department.

Mr. BUDD. I understood the gentleman to state it would penetrate double the amount required here as the war test.

Mr. REED, of Maine. That being thirteen inches.

Mr. BUDD. I make the assertion, and defy any member to produce an authority to the contrary, that the Krupp gun will not stand the test herein contained.

[Here the hammer fell.]

Mr. ELLIS. When the substitute I have offered shall come before the House I will try to speak to it. At present we have the bill of the committee.

Now I want to reply to the gentleman from Pennsylvania [Mr. RANDALL] who indorses the bill of the committee. In the first place, it tempts the foreigner to compete with your laborer. Does the gentleman approve of that? I want the people to know where he stands. Under the provisions of this bill the foreigner may compete; the Englishman, the German, the Frenchman may compete. Under this bill all the materials may come from abroad. Does the gentleman sanction that?

Mr. HUTCHINS. Will the gentleman from Louisiana allow me to ask him a question?

Mr. ELLIS. Yes, sir.

Mr. HUTCHINS. If the foreigner has stronger material than we can produce, can he not with that material beat us if we have an inferior article?

Mr. ELLIS. I will not suppose impossibilities. I know our ordnance officers tell me that within the last three months a concern in the district of the gentleman from Pennsylvania, or in his State, the Midvale Steel Works, has produced steel equal to the best English steel.

Mr. HUTCHINS. Now will the gentleman allow me to ask this question, which I asked him before? Would you use an article in the manufacture of a gun, or a ship, or a fortification inferior to that you could get abroad?

Mr. ELLIS. No, sir; I would not. Iron is iron, and steel is steel, and our mountains are full of iron, and our mechanics are full of genius; and our manufacturers are full of enterprise, and we can produce the best steel in the world.

Mr. HUTCHINS. Very well; but even with all this skill and genius, and with our mountains full of iron and coal, if you could get better guns abroad would you not purchase them?

Mr. ELLIS. I will not suppose such a case. I tell the gentleman no; I tell him emphatically no.

Mr. HUTCHINS. You would not even in time of war?

Mr. ELLIS. No; I would not permit such competition.

Mr. HUTCHINS. If the foreign material or the foreign article was better than you could make at home, would you not prefer to use it?

Mr. ELLIS. I would not use it.

Mr. HUTCHINS. Then you would go on spending the people's money for something that would not defend us, when you could get a better article and a useful one that would defend us by purchasing abroad?

Mr. ELLIS. No; I would not do that, because I hold we could get something at home that would defend us. I tell the gentleman that we have produced and can produce and will produce as good steel as any that is made in the world.

Mr. HUTCHINS. Then what is the danger from foreign competition?

Mr. ELLIS. I hope, Mr. Chairman, that I shall now be allowed to occupy my own time. As to the statement made here by the gentleman from California [Mr. BUDD], if he will look at this report he will find that the plant complete for a gun-finishing establishment is estimated to cost $960,000.

Mr. BUDD. It costs $570,000 to produce up to sixteen inches.

Mr. ELLIS. The mere assemblage of the tools will cost the amount I have stated—not the buildings, not the steel, but the mere tools.

Mr. BUDD. The plant itself.

Mr. ELLIS. The plant itself that is required, not for making but for finishing these guns—because you will find in this report that it is proposed that the private manufacturer shall furnish the steel and make the gun, and that the Government shall establish two plants, one for the Navy and another for the Army, to finish the guns, and this $960,000 is the cost of the mere tools for finishing purposes. Mr. Krupp's has cost $30,000,000. You gentlemen who live North, in or near the great manufacturing centers, ought to have more knowledge on the subject than I have, but I can not suppose that the plant for the manufacture of these guns could cost less than about $3,000,000.

Mr. BOUTELLE. Mr. Chairman, I desire to ask the gentleman from Louisiana [Mr. ELLIS] whether this board make any estimate of the cost of the entire plant?

Mr. ELLIS. They do not. They leave that, of course, to the manufacturer. They merely estimate what the Government would have to pay for the plant required, not to make the guns, but to finish them. Now, Mr. Chairman, the committee's proposition is that the manufacturer shall go to the expense of procuring the plant and the building and the material, and to the expense of finding and hiring labor to make the steel and to make the guns; and when that is all done, and when he has produced one 12-inch gun of the character and quality described, then if it stands the test and is satisfactory, the Government shall buy fifty of those guns, paying him at the rate of 50 cents a pound. That is, when the manufacturer has expended $3,000,000 on his plant, the Government would probably pay him back about one million and a half, leaving him a million and a half in debt.

Mr. HANCOCK. I move that the committee do now rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 8249) making appropriations for fortifications, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5364) granting a pension to William H. Whitcomb;
A bill (H. R. 5543) granting a pension to David M. Nagle;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 6011) granting a pension to Robert Cary;
A bill (H. R. 6029) for the relief of Jeremiah McCarty; and
A bill (H. R. 7617) granting a pension to Mrs. Mary Ann Gridley.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HANCOCK. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill; and pending that I move that all debate be limited to one minute upon the pending amendment and paragraph.

The SPEAKER. The gentleman from Texas [Mr. HANCOCK] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of a general appropriation bill; and pending that he moves that debate upon the amendment and paragraph under consideration be limited to one minute. The question is on the latter motion.

FILING OF REPORTS.

Mr. HAMMOND. Before the Chair puts the question upon again going into Committee of the Whole, I desire to make a request. There are quite a number of reports of committees ready to be presented; and the consumption of time in calling committees may be avoided by agreeing that reports which are ready, together with the views of the minority where there is dissent, may be deposited with the Clerk in the usual way.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] asks unanimous consent that an order may be made permitting committees that have reports ready for presentation to file the same with the Clerk, together with the views of the minority where there is dissent.

Mr. SPRINGER. Does that proposition include the printing of the reports?

Mr. HAMMOND. Oh, yes.

Mr. RANDALL. And let the reports go to the Calendar.

The SPEAKER. The Chair will see that they go to the proper Calendar. If there be no objection the order will be made.

There was no objection, and it was ordered accordingly.

FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER. The question now recurs on the motion of the gentleman from Texas [Mr. HANCOCK] that the House again resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair) and resumed the consideration of the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. Under the order of the House, debate on the pending paragraph and amendments thereto is limited to one minute.

Mr. ELLIS. I move to amend the pending paragraph by striking out "$100,000" and inserting "$1,500,000;" which is one-third of the amount required, according to the estimate of the engineers, to fortify the five deep-water harbors.

The question being taken, the amendment was not agreed to; there being—ayes 28, noes 97.

Mr. ELLIS. I move to strike out the paragraph and insert the following:

For the protection, preservation, repair, and for the construction of work on fortifications already begun, and for the construction of new works for the defense of the following-named ports: Boston, New York, Philadelphia, Hampton Roads, and San Francisco, $1,000,000.

Mr. HOLMAN. I think this proposition is subject to a point of order on the ground that it is new legislation and not in the interest of economy.

Several MEMBERS. Let us vote it down.

Mr. HOLMAN. Very well; I withdraw the point.

The question being taken, the amendment was not agreed to; there being—ayes 29, noes 89.

Mr. ELLIS. I now move to strike out the entire paragraph as a useless, senseless waste of money.

The amendment was not agreed to.

The Clerk read as follows:

And the President of the United States shall appoint a board, of which the Secretary of War shall be a member and president, to be composed of two officers of the Engineer Corps, two from the Ordnance Corps, two of the Artillery Corps of the Army, and two officers of the line of the Navy, which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defense best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances.

Mr. ELLIS. I move to strike out this paragraph and insert section 2 of the proposed substitute, which I suppose the Clerk has.

Section 2 of the proposed substitute is as follows:

SEC. 2. That for the purpose of aiding the Secretary of War in the expenditure and application of the sums hereby appropriated a permanent advisory board of five military officers is hereby created, consisting of the general commanding the division of the Atlantic, the Chief of Ordnance, the Chief of Engineers, the president of the ordnance board, and the commandant of the Willets Point Torpedo School, and two officers of the line of the Navy not below the rank of captain, to be appointed by the Secretary of the Navy; and should any vacancy at any time occur in said board, the same shall be filled by the Secretary of War or Navy, who shall detail the officer succeeding to the vacancy for service upon the board. Said board shall examine and report to the Secretary of War the different ports where fortifications are most needed, the kind and character of fortifications best adapted at each point, and the amount of said appropriation to be expended at each place; also the kind and character of guns, torpedoes, and torpedo approaches, and other means and appliances necessary for the defense of the country; and shall examine and report to the Secretary of War upon any subject pertaining to the expenditure of any money appropriated by this act which said Secretary may at any time require of them in writing. And no money for fortifications or heavy guns appropriated by this act shall be expended except upon the advice, counsel, and approval of said board. And the work to be done on the fortifications shall be by contract to the lowest responsible bidder, after due and legal advertisement according to law; and every contractor shall be required to furnish bonds equal in amount to the sum of one-half of his bid, with good and solvent security, approved by the Secretary of War, for the faithful and efficient performance of his contract; but all of said work shall be done upon plans and specifications furnished by and under the direction and supervision of the Secretary of War. The Secretary of War is authorized to detail to act as secretary to said advisory board a commissioned officer of the Army. And all expenses of said board incurred in the line of duty imposed by this act may be paid out of moneys herein appropriated.

Mr. ELLIS. The provision of the bill as well as the section which I propose to substitute provides for a board under whose direction whatever money may be expended in these examinations shall be disbursed.

I believe that my substitute is best inasmuch as it provides that this board shall be composed of officers of the highest grade—the very heads of those departments charged with this work of defense.

Mr. RANDALL. The gentleman's amendment would limit the scope of selection of the officers to compose this board.

Mr. ELLIS. I want to have on this board the very heads of the engineer, ordnance, and torpedo branches of the service.

Mr. RANDALL. I want the selection open so that skilled officers may be chosen from the whole Army; that the selection shall not be confined to designated officers.

Mr. BUDD. A few moments ago the gentleman from Maine stated that no company could go into the manufacture of these guns without an expenditure of half a million dollars. I said that the necessary additional plant, as stated by the board, need not exceed $150,000, and that there are companies in the United States having all the necessary plant. I desire now to call attention to the statement of Mr. William P. Hunt, president of the South Boston Iron Company, that his company has all the material necessary to turn out the largest guns.

Mr. ELLIS. Cast-iron?

Mr. BUDD. Yes, sir; but the additional cost to produce steel ones is not so great.

Now, the gentleman, speaking of the Krupp gun, gives, as I understood him, as authority General Benét, the present Chief of Ordnance of the Army of the United States.

Mr. HANCOCK. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANCOCK. The point I make is that the debate has been closed, and the gentleman therefore is out of order.

The CHAIRMAN. The committee has passed from the paragraph on which debate was closed.

Mr. HANCOCK. I intended to embrace the whole thing.

Mr. BUDD. Now, Mr. Chairman, the report of the committee, as I understand it, shows that this same able officer, two or three years since, went before an ordnance committee and staked his reputation upon the four guns of the Crispin pattern. Congress required a test of the guns on which General Benét, whom I highly regard as authority, thus staked his reputation, and those guns were tested and three out of the four burst; and the parts of the three guns which gave way were not those of cast-iron, but the steel parts. And yet this substitute bill provides for steel guns only.

At the time of the interruption I stated that the Krupp guns would not stand the battle test herein required. They may penetrate at slow shots two calibers and a little more; but I doubt whether there has ever been any large steel guns made or produced or offered or suggested that could fire the number of shots and deliver the amount of weight of projectiles per inch of caliber prescribed here, and within the same time. Krupp himself, with his larger steel guns, of which they speak, requires between the first and second shot an interval of from fifteen to twenty minutes. The unequal expansion and overheating from rapid firing would cause the steel portion of the guns to give way. I doubt whether there is any steel gun produced that can stand the test prescribed by this bill. Whether cast-iron guns can stand the test or not I do not know, but it is not proper, nor is it wise, to provide only for a metal that has not yet stood the test, in a bill giving seven and a half millions of dollars.

Mr. ELLIS. Does the gentleman know anything about the relative strength of steel and iron?

Mr. BUDD. I certainly do.

The CHAIRMAN. Does the gentleman from California yield to an interruption?

Mr. BUDD. Certainly; I will answer any question put to me.

Mr. ELLIS. Does not the gentleman know that the best iron guns, the 8-inch converted guns, which I am informed are shown hardly to be as strong as the original guns—does the gentleman know how much the charge of that gun is?

Mr. BUDD. No, sir; not exactly.

Mr. ELLIS. Does he know what its extreme charge is?

Mr. BUDD. I have not the data at hand. The gentleman asks me in regard to tensile strength, and I wish to inform the gentleman that the tensile strength of a gun is not the only necessary element in rapid firing. There is no strength in the world which will resist the expanding power of heat. It is not alone the force exerted on a gun, it is not alone the amount of the charge, it is not alone the weight of the projectile that will cause a gun to burst, but it is also the unequal expansion of metal from rapid heating. Weight, size, and metal have nothing to do with it, generally——

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. If the gentleman will now listen I will give him some figures, taken from actual experiment, showing the difference between the strength and power of iron and steel guns. An 8-inch iron gun carries a charge of forty-five pounds of powder. An 8-inch steel gun carries a charge of one hundred pounds, or twice as great. The projectile of an 8-inch cast-iron gun is one hundred and eighty pounds, while the projectile of the steel gun is three hundred pounds. The penetrating power of the 8-inch cast-iron gun is eight inches of iron at a thousand yards. The penetrating power of the steel gun at a distance of a thousand yards is twelve to fifteen inches. The range of the iron gun is four miles, while the range of the other is seven miles.

Mr. BUDD. The gentleman from Louisiana yields the remainder of the time to me?

Mr. ELLIS. I do.

Mr. BUDD. Now I ask the gentleman if these steel guns have been fired rapidly?

Mr. THOMAS. I will answer the question if the gentleman yields to me.

Mr. BUDD. I will.

Mr. THOMAS. There is one 6-inch gun, built at the navy-yard in Washington—a high-power breech-loading 6-inch gun—now at the naval testing-ground at Annapolis, Md., which has been fired two hundred and thirty times, and shows not the least sign of breaking up or giving way—a gun showing a muzzle initial velocity of 2,000 feet. That is the highest power ever reached.

Mr. BUDD. Oh, yes; that is a 6-inch gun, and the rule is that the thickness of the barrel is equal to the caliber of the gun, and hence the thinness of the outside metal of the small gun allows it to heat through rapidly, and it does not burst as readily as a large gun. Take a thin glass vessel, as thin as it can be made, and pour boiling water into it and it will not burst, though its resisting strength is slight. But if you take a thick glass and pour water of the same temperature into it you will find that it will not stand the strain, but will burst, though the resisting strength is great. The thinness of the inclosing walls allows the heat to expand the material equally, while thick walls restrain it, and the unequal expansion caused by the heat of the chamber causes the bursting of the shell.

You can not produce, and I defy any man supporting this substitute bill to give an example of it, a thick steel gun, I mean with a thick inclosing shell, which has been subjected to rapid and repeated firing that has not burst before it became thoroughly heated. It has not been done, and I will ask the gentleman on my right, Mr. THOMAS, who talks about these guns with six inches thickness of metal, if it is not a well-known fact that these re-enforced guns, what are known as the Crispin guns, burst—three out of every four of them—when subjected to the tests which I have just mentioned?

Mr. THOMAS. I understand that is true, and the reason was that they were made of two different metals of different textile strength and different degrees of ductility; hence the re-enforced guns, so far as this goes, have not proved successful. But we ask that they shall be made of steel of a certain quality, and that difficulty will disappear.

Mr. BUDD. You say that two metals were employed in the manufacture of these guns; now let me ask which gave way—was it the cast-iron or the steel that gave way?

Mr. THOMAS. It was the cast-iron in every instance.

Mr. BUDD. No, sir; the gentleman is mistaken. The steel gave way in every instance, as the reports show. I am perfectly willing to leave it to the gentleman from Louisiana, who proposes this substitute bill, whether I am not correct.

Mr. ELLIS. I handed to the gentleman from California the official report of the bombardment of Alexandria to which I wish again to ask his attention, and I think he will find his error.

Recently the report of the bombardment of Foo Chow by the French has been received where the modern steel gun was used continuously in action without injury, and with the most powerful results, against the opposing fortress—the most effective ever known in modern warfare.

Mr. BUDD. The report as I understand it makes quite a different showing.

Mr. ELLIS. The gentleman has the report.

Mr. BUDD. No; I handed it back to the gentleman. But that very report shows that one of the vessels, the Achilles, engaged in the bombardment of Alexandria had its steel guns disabled and it had to retire out of range to get a new armament.

Mr. ELLIS. I defy the gentleman to produce the evidence that the steel guns resulted in such a failure.

Mr. BUDD. The gentleman has the document before him, and I refer further to the London Times's account as stated in the committee's report.

[Here the hammer fell.]

Mr. BRUMM. Mr. Chairman, it seems to me that the material difference or the most important difference in the two bills rests upon this ground: The committee's bill says we do not know which is the best gun; and inasmuch as we are not sure which is the best gun, therefore we must build no guns at all but must experiment to find out which is the best; while the proposition of the minority bill is that we should go on and build guns under the best lights that we have, not only from our own experience but from the experience of other countries; and if that be true the distinction between them is in that. Why should gentlemen want us to wait, Micawber-like, until something may turn up and give us actually a perfect gun?

Mr. Chairman, it is the duty of Congress to provide for making guns for our defenses, and to make them now, and to make them of the best material and in the best manner known. As to the second proposition, that we must permit foreign competition in the manufacture of these guns, I want to say that our American manufacturers can produce the

steel and can make the guns equally as well as, if not better than, any foreign manufacturer.

But the danger in competition is this, that if we allow that competition the difference will be only in the price, not in the quality. If this Government is going to allow competition it will give the contract to the man who will make the guns cheapest; and the foreign manufacturer can make them cheaper, although he can make them no better. I believe it is the policy of this Government to encourage home manufacturers in this line as in all others, not only for the benefit to be derived, but that we may be able to make them, no matter with what country we may possibly get into a war. We should be able to rest upon our own resources, make our own guns, even though it should cost a farthing or two more. That is, in my judgment, all the difference there is between the two measures; and the question is whether Congress is going to take hold of the matter now or do nothing.

Mr. HANCOCK. Unless we can by consent close the debate I move that the committee do now rise.

The CHAIRMAN. The Chair will submit the motion, as no gentleman asks recognition for further debate. The question is on agreeing to the motion of the gentleman from Louisiana to strike out and insert, which has been stated.

Mr. ELLIS. I propose to substitute for the paragraph of the committee's bill constituting the board the section of the substitute bill making provision for the same purposes. My motion is to strike out from line 11 to line 28 in the committee's bill, on page 2, and substitute the second section of the substitute bill which has been read, which is the mere substitution of one board for another, only the board I propose is made of much better timber and more highly finished than the other.

The question was taken; and on a division there were—ayes 35, noes 97.

Mr. BROWNE, of Indiana. No quorum.

Mr. ELLIS. I will have to take tellers, I think, Mr. Chairman.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HANCOCK and Mr. ELLIS were appointed tellers.

The committee again divided; and the tellers reported—ayes 52, noes 112.

So the amendment was not agreed to.

The Clerk read the following paragraph:

For the expenses of said board, and for such plans, tests, and experiments as may be required to enable said board to determine upon the best methods of protecting batteries for defensive works, and for the purchase and erection of iron, steel, and composite armor in the form of sections of turrets, gun-shields, and iron embrasures, for actual competitive tests, or any other question connected with their duties, $300,000, the same to be immediately available.

Mr. ELLIS. I am hopeless of accomplishing anything by moving to strike out this paragraph. Yet, in the interest of economy, and informing the committee that these tests have been made and the engineering thought and information of the world is full of this question, I propose to try to save that $300,000 that some future legislators may make fortifications out of it. I therefore move to strike out the paragraph.

The question being taken on the motion to strike out, there were—ayes 22, noes 63.

So (further count not being called for) the motion was not agreed to.

The Clerk read the following paragraph:

For the purchase and competitive test of specimens of the various kinds of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration; for the armament of seacoast fortifications, including the manufacture of heavy guns and carriages; for the purchase or manufacture of multicharge guns, and testing the same; projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incidental thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $650,000; and not exceeding $15,000 thereof may be used for the expenses of experiments in the use of dynamite or other high explosive projectiles.

Mr. HANCOCK. I offer the amendment which is in the hands of the Clerk.

The Clerk read as follows:

After the word "consideration," in line 44, insert "for constructing and testing experimental gun-carriages."

In line 47, after "projectiles," insert "gun-loaders."

Mr. HANCOCK. This is a little more than a verbal amendment. It is offered at the instance of the committee.

The amendment was agreed to.

Mr. LONG. I move to strike out the last word.

So far, Mr. Chairman, this bill reported by the Committee on Appropriations is intelligible. In the first paragraph it provides for the preservation and repair of existing fortifications. In the following paragraphs it provides for the creation of an intelligent and capable board which shall examine this whole important question of a further general and adequate system of fortification, what defenses are necessary, the character and kind best adapted, the utilization of torpedoes, the purchase of movable submarine torpedoes, competitive tests, the investigation of multicharge guns, &c. I believe the Committee of the Whole realize the importance of these matters, both with a view of preserving what we have and of making intelligent provision for future work.

Further than that I for one am not willing to go in favor of this bill. But I give notice, and I believe I represent others on this floor, that if a motion which is proposed shall be made and carried to strike out all of the bill that follows, namely, all after line 53, I shall heartily give my vote for the previous paragraphs.

Why strike out the remainder of the bill? First, because it undertakes to deal with matters that are in some respects just the matters on which the board created in the second paragraph are to report to us next year for our consideration and action then. Second, because the provisions of the bill after line 53 are experimental in their nature, of doubtful utility, of uncertainty, and liable to create great expense. Suppose some manufacturer accumulates the plant necessary for and with a view to producing one of these great guns. Suppose he almost succeeds but barely fails. Suppose then he comes to Congress with a claim, saying he was induced to enter upon the experiment by this bill; that he went to an expenditure of nearly a million of dollars in getting his plant; that he is not satisfied with the examination and verdict of the board who have been appointed to test his work.

Taking into consideration the possibility of a claim of that kind, the uncertainties which attend the bill, the objections which have been made by members who have already spoken, the experimental character of the whole thing, and the fact that in the second paragraph you appoint a board who are to consider and report upon the whole question of fortification improvements, I believe our legislation will be wiser, more intelligent, and more beneficent if we stop at line 53, strike out the rest of the bill, and be content with it up to that point.

The CHAIRMAN. Does the gentleman from Massachusetts withdraw the formal amendment?

Mr. LONG. I withdraw it, at the same time asking if there is unanimous consent to move to strike out all after line 53?

Mr. ELLIS. Before we part from the section which has been last read I would like to amend it.

Mr. REED, of Maine. I ask unanimous consent that a motion may be now entertained to strike out the remainder of the bill after line 53.

Mr. ELLIS. Wait until we get there. I want to amend this paragraph.

Mr. RANDALL. I have no objection myself to including all of it in a single vote.

The CHAIRMAN. Does the gentleman from Louisiana yield?

Mr. LONG. I ask unanimous consent——

Mr. ELLIS. I want to know from the gentleman who drew this bill if he proposes to purchase every machine-gun that comes along before it is tested.

Mr. HANCOCK. I do not propose to purchase a single gun; but I do think it wise to provide a board to pass upon the quality of these guns and to say whether they are worthy to be purchased or not.

Mr. ELLIS. That is all right. Now make the language plain that these guns may be tested but not purchased.

Mr. HANCOCK. If they are tested and found satisfactory why not purchase them?

Mr. ELLIS. And there is a provision here also for purchasing the multicharge gun, when that gun has been reported against elaborately by our own ordnance officers.

Mr. BUDD. It is a fact shown by the experiments that the multicharge gun made a greater penetration per caliber than any other gun in the world. The officers of the Army in reporting against the multicharge gun compared it with 8, 10, and 12 inch guns to show the amount of penetration and they refused absolutely to compare it with guns of like caliber.

Mr. ELLIS. I ask the gentleman to produce his official authority for that statement.

Mr. BUDD. It is in evidence taken by your committee. When the gentleman says "produce your authority," I will state it is often impossible to get a report of the committee till some days after the bill is passed. I will refer to the report of the ordnance board of June 4, 1884, which says:

There seems to be no doubt that a higher energy has been obtained with this gun with its successive charges, and with moderate and safer pressure, than can result from any gun of the same caliber using only one charge.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles:

A bill (H. R. 1266) for the relief of Alexander D. Schenck;

A bill (H. R. 2722) for the relief of Martha Turner;

A bill (S. 3000) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 6067) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption;

A bill (H. R. 6940) granting a pension to Sarah M. Bissell; and

Joint resolution (H. Res. 324) authorizing the collector of the port of New York to deliver free of duty a silver cup won by Sergt. A. B. Van Heusen as a member of the American rifle team at Wimbledon, in July, 1883.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and asked for a committee of conference upon the same.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. BAYNE. Mr. Chairman, I hope that unanimous consent will be given to entertain a motion to strike out all of this bill after line 53. We shall then know whether we are to go on and perfect this measure or not, instead of being detained here striking out paragraph after paragraph. If one paragraph should go out, all should go out. Let us have unanimous consent to that effect, and let us have a vote upon it. If we strike out the remainder of the bill after line 53 our labors are finished. The committee can rise and the chairman can report the bill to the House.

Mr. REED, of Maine. I think that is what we had better do.

Mr. BAYNE. The contents of this bill, after line 53, are such as can not be considered judiciously or properly at this short session of Congress. We want more knowledge, more light, than we can get in this short session of Congress to give to this proposition an intelligent consideration. Therefore I hope that no member of the committee will object to the motion to strike out all after line 53.

Mr. REED, of Maine. I ask unanimous consent that that may be done.

Mr. ELLIS (to Mr. REED). It will take but a minute to perfect this paragraph.

Mr. REED, of Maine. If we do not strike it out, then the gentleman can perfect it.

Mr. ELLIS. But I am trying to perfect the preceding paragraph, and I ask the gentleman to withhold his request for a few minutes.

Mr. REED, of Maine. Oh, certainly; I will wait for that.

Mr. ELLIS. Mr. Chairman, I propose to amend by inserting in line 44, after the word "consideration," this provision: "No machine-gun shall be purchased until tested and approved by the board herein provided for."

Mr. RANDALL. Does the gentleman from Texas [Mr. HANCOCK] object to that?

Mr. HANCOCK. Yes.

The question was taken on the amendment; and there were—ayes 30, noes 43.

Mr. ELLIS. Mr. Chairman, I can not believe that the committee wants to buy inventions before they are tested—inventions which may prove useless; and I therefore must ask for tellers.

The CHAIRMAN. Tellers are demanded, and the Chair appoints the gentleman from Texas, Mr. HANCOCK, and the gentleman from Louisiana, Mr. ELLIS.

Before the count by tellers was completed,

Mr. ELLIS. Mr. Chairman, I withdraw the demand for tellers, and I will modify my amendment so as to read: "But no gun shall be purchased until tested and approved by the board herein provided for."

The amendment as modified was agreed to.

Mr. ELLIS. Now, I want to add the same proviso at the end: "That no gun shall be purchased until thoroughly tested and approved by the Department."

Mr. BUDD. I move to amend the amendment by striking out the words "and approved." The insertion of these words may defeat the entire purpose of the bill. The amendment of the gentleman from Louisiana rightly provides that no gun shall be purchased until tested; but the insertion of the words "and approved" would allow the Department to pass upon the metal itself.

A MEMBER. Oh, no.

Mr. BUDD. Yes, sir; I have no objection to a provision that any gun before being accepted shall conform to the test——

Mr. ELLIS. My object is to prevent the Government from purchasing or accepting under the provisions of this bill guns which may be useless.

Mr. BUDD. That is right.

Mr. ELLIS. Now we have organized Departments to which these subjects are committed. We must trust somebody. I think we should provide that no gun shall be purchased until it has been thoroughly tested and is approved by the Department.

Mr. BUDD. The Committee on Appropriations have provided for a test, and a gun which does not conform to the test should not be purchased; but the amendment of the gentleman from Louisiana requires the type of the gun to be approved by the Department, and this language may include the metal and everything else.

Mr. ELLIS. Ought it not be approved?

Mr. BUDD. Not necessarily.

Mr. ELLIS. Why not?

Mr. BUDD. If it meets the requirements of the test—if it will throw the number of pounds of projectiles required by the test—why should not the gun be accepted?

Mr. ELLIS. Are not the officers of the Department proper judges of such matters?

Mr. BUDD. Does not the gentleman remember that the officers of the Ordnance Department during the late war refused to accept the breech-loader upon the ground that it was unsafe, until long after it had shown its superiority to the muzzle-loader, and that therefore the late civil war was fought with muzzle-loading guns?

Mr. HANCOCK. Mr. Chairman, the effect of this amendment, whether that be its object or not, would be to neutralize the entire bill; and probably it is intended for that purpose. This amendment would take the jurisdiction of this matter out of the hands of the board provided for in the bill, and would allow the Department to pass upon any gun without having it tested by the board. I presume the object of the amendment was to undo and cancel the preceding portion of the bill. I trust the Committee of the Whole will vote down the amendment.

The CHAIRMAN. The question is upon the amendment of the gentleman from California [Mr. BUDD] to strike out in the amendment of the gentleman from Louisiana [Mr. ELLIS] the words "and approved."

Mr. BUDD. I modify my amendment so as to strike out the words "and approved" and insert "and found to conform to the requirements of this act."

Mr. ELLIS. All right; I accept that; it amounts to the same thing.

The question being taken, the amendment of Mr. BUDD was agreed to; and the amendment of Mr. ELLIS as amended was agreed to.

Mr. ELLIS. I move to amend by striking out in lines 44 and 45 the words "including the manufacture of heavy guns and carriages." It must be obvious that this language is mere surplusage. There is not money enough provided in the bill for this purpose. We have not determined the type of heavy gun that shall be constructed, nor even the kind of material that shall be used. Therefore this language is mere surplusage.

Mr. ROSECRANS. Mr. Chairman, this provision was inserted in view of the fact that a pneumatic gun-carriage for the purpose of handling heavy breech-loading guns has been invented, and after examination by the Ordnance Department an appropriation has been recommended for construction and test. Such a carriage is of vast importance. The invention appeared to be promising, and the inventor was too poor to try the experiment himself; hence the Department was willing to recommend an appropriation of $10,000 for the purpose of constructing a carriage of this description, with its appurtenances, and mounting the gun, if necessary.

Mr. ELLIS. I do not object to any test; but I do emphatically enter my protest against the purchase or manufacture by the Government of any patented invention until it is tested.

Mr. ROSECRANS. I think the gentleman did not understand my statement. The object is not to purchase this patent, but, as the inventor is too poor to make the experiment himself, and as the invention is one of probable utility, the proposition is to expend money enough to make one test of a pneumatic carriage for heavy breech-loading guns.

Mr. ELLIS. I do not believe the Government of the United States should embark in anything of the sort. If there be merit in it science will not be wanting in sight to see it and capital will not be wanting to carry it out. I do not believe the money of the whole people should be embarked for the private advantage of any one. While I want the Government to have the best, I want it to make a proper test before it purchases.

Now as to the manufacture of heavy guns, my friend from Pennsylvania [Mr RANDALL] will agree with me, and the gentleman from Texas [Mr. HANCOCK] must agree with me, in favor of striking out the words "including manufacture of heavy guns and gun-carriages."

Mr. RANDALL. I would suggest to the gentleman he should insert a provision that they should be tested before they are purchased. There is no harm in that.

Mr. ELLIS. One amendment at a time.

Mr. RANDALL. Do not strike them out, but let there be a provision put in that they shall be tested before they are purchased.

Mr. ELLIS. Does the gentleman refer to gun-carriages?

Mr. RANDALL. Both, for guns and gun-carriages.

Mr. ELLIS. I have moved that the words "including the manufacture of heavy guns and gun-carriages" should be stricken out.

Mr. RANDALL. Yes, and I suggest instead that the gentleman shall insert the words that they shall not purchase until tested.

Mr. ELLIS. That is already in the bill and this provision ought to go out.

Mr. RANDALL. There ought to be the same test for gun-carriages that there is for guns.

Mr. ELLIS. Unquestionably.

Mr. RANDALL. Then insert those words.

Mr. ELLIS. But you have not a gun to test.

Mr. RANDALL. I propose we shall test it before we proceed to purchase it.

Mr. ELLIS. But you have not any to purchase, even. The clause reads now, "including the manufacture and purchase of heavy guns and carriages."

Mr. BUDD. The word "purchase" is not there.

Mr. ELLIS. The words I move to strike out are "including the manufacture of heavy guns and gun-carriages."

Mr. RANDALL. What I wish to provide for is that no more than one gun of any type shall be manufactured until that type has been fully tested. I do not want to cut off the gun if it comes up on the test to what is desired.

Mr. ELLIS. Does the gentleman also propose to put in the test for gun-carriages?

Mr. RANDALL. Certainly; to test the gun-carriage as well as the gun.

Mr. ELLIS. That is already in, and I therefore insist on my motion to strike out the words "including the manufacture of heavy guns and carriages.".

The CHAIRMAN. The noes seem to have it.

Mr. ELLIS. I demand a division.

The committee divided; and there were—ayes 5, noes 63.

So the amendment was rejected.

Mr. REED, of Maine. I now ask that motion be stated to the committee.

The CHAIRMAN. The gentleman from Maine moves by unanimous consent that the question shall be taken on striking out all after line 53 in the bill.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. Does it include that the words proposed to be stricken out shall be considered as read?

Mr. BUDD. That is the purpose.

Mr. HAMMOND. I do not object if it includes all purposes.

Mr. REED, of Maine. I merely propose to test the sense of the committee. If the words are stricken out that is the end of it; but if they are not stricken out, then as now that portion of the bill will be open to amendment.

Mr. HAMMOND. I wish to have it considered as read. Really no motion is in order to strike out what has not yet been read.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Maine [Mr. REED]?

Mr. HAMMOND. If modified in that way I do not object.

Mr. BUDD. Of course we all consider it as having been read.

Mr. REED, of Maine. Yes; that is understood, but if that portion of the bill is not stricken out, then it is to be open to amendment.

Mr. THOMAS. Points of order can also be made if those words are not stricken out.

The CHAIRMAN. It will be considered subject to points of order also. Is there objection to the proposition of the gentleman from Maine?

Mr. HANCOCK. I object. [Cries of "Read!"]

Mr. REED, of Maine. I make the point of order that the pending paragraph is new legislation and obnoxious to our rules. I ask for a ruling of the Chair, and will not take up the time in the discussion of the point of order.

Mr. HANCOCK. There has been a misapprehension in reference to my objection. I do not object to testing the sense of the committee, but merely express my hope that the proposition will not be agreed to.

The CHAIRMAN. Is there further objection to the proposition of the gentleman from Maine, that all after line 53 in the bill shall be stricken out?

Mr. HAMMOND. The understanding being that that portion of the bill has been read through.

The CHAIRMAN. Is there objection?

Mr. REED, of Maine. And all points of order are reserved.

Mr. HANCOCK. I hope that motion will not prevail. The effect would be to neutralize almost entirely everything that has gone before. There would be little or nothing left for the board we deem so important and for whose establishment we have provided to act upon. Nor would there be any inducement to any persons to establish plants for the purpose of producing guns of a desirable character. You in effect strike out the object, the purpose, the aim of all the preceding portion of the bill if the motion of the gentleman from Maine shall prevail. It seems to me most remarkable, if it be the sentiment of this House we shall ascertain the proper gun, that it will agree now to strike out all this portion of the bill, the effect of which will be to render nugatory all that has gone before. Where will you get your guns for this board to test? Where will you get your ammunition?

Mr. LONG. Three hundred thousand dollars is appropriated for actual competitive tests in the preceding portion of the bill.

Mr. HANCOCK. But that does not apply to this subject.

Mr. LONG. Yes, it may be used for this purpose; it says for actual competitive tests, or any other questions connected with the duties of the board.

Mr. HANCOCK. And who is going to produce guns on such conditions? What inducement do you offer to any person to undertake the work? Let me ask the gentleman from Massachusetts, would any of your great manufacturers, would the gun foundry in Boston produce guns to have them tested at their own expense when there is nothing in the way of remuneration or inducement or advantage in the bill to give them any hope of repayment for the work if successful? The gentleman proposes to strike out all in the bill that provides any inducement to men to embark in this enterprise. He strikes out all that is likely to bring about the tests of the character that we desire and which can be accomplished in no other way at present in this country.

It leaves the bill a perfect waste and blank, without the remotest inducement to invite competition or excite emulation among manufacturers to provide the best quality of guns for the use of the Government. There is nothing to be accomplished by the bill with this stricken out. There is no object in being able to furnish guns to the Government, for there is no reward for successful enterprise. These provisions of the bill we believed to be absolutely essential to bring about some satisfactory results, and if stricken out the inevitable result is that nothing can be accomplished. I trust, therefore, the motion will not prevail; I hope it will be voted down, and the portions of the bill proposed to be stricken out will be adopted by the committee and made a part of the law.

Mr. REED, of Maine. Mr. Chairman, it is perhaps not necessary to repeat anything I have already said; but I want to call the attention of the House to the fact that this strikes out of the bill a proposition which seems to me to be futile, and which I am of the opinion has been already demonstrated clearly to be futile. It is a proposition which in a few words may be stated this way: We offer the manufacturers of guns a proposition to buy of them a certain kind of gun provided they come up to certain tests. Well, now, in order for them to compete for the contract of manufacturing these guns there is not a single one of them in this country that must not spend from $1,000,000 to $1,250,000 to get the plant. I have said before, and I repeat, that this is only following an illusion, and that we are sure simply to waste time by adopting a proposition of that kind.

My second objection is that the test of the gun is so worded that it will only lead to disappointment and disaster, and I think the terms of the test are such that there has been put upon the committee a set of words, a set of terms, which will result in the benefit of a single manufacturer, and one who has hitherto been a failure as a manufacturer of guns. [Cries of "Vote!" "Vote!"]

Mr. ROSECRANS. Mr. Chairman, in reply to the remarks of the honorable gentleman from Maine, I wish to call the attention of the committee to the first proposition he makes. He says it is entirely futile to attempt this. I want to ask the committee and gentlemen on this floor whether they think it futile to provide some regular dimensions of calibers for our guns? Why is it futile? You might as well say it is futile to provide regular calibers for muskets in the Army as for ordnance? It is ridiculous to assert the futility of such provisions for guns and at the same time to admit the utility of prescribing uniform calibers for muskets and small-arms.

Mr. REED, of Maine. Why have similarity in caliber both in the Navy and Army, and prohibit all else? That I discussed before.

Mr. ROSECRANS. In the first place, if you understand gunnery as well as other people do you would know more about it. You made it appear impossible or wonderfully strange that there should be any uniformity whatever. I would like to ask any gentleman on this floor to give any reason why there should not be uniformity when it facilitates the use and interchange of ammunition in use for like calibers in the Army and Navy.

Mr. REED, of Maine. I will give the gentleman an answer if he wants it.

Mr. ROSECRANS. Why not have uniformity to permit of interchange of ammunition on land and sea so that by manufacturing fixed sizes we can make no mistakes? Take, for instance, the ammunition for one of our 6-inch guns and see the advantage of uniformity of caliber. When a requisition is made for this character of ammunition it can go either for use by sea or land. Now, with regard to uniformity of length. There are cases where a manufacturer of ordnance makes a gun in which there is a slight variation sometimes in the length, or slight variance in the size of the bore. It creates the idea in the testing of the gun that there is an indetermination in the result or character of the tests; that they are not satisfactory, because it is said that perhaps one gun is an inch or two longer in the bore or there may be some little difference between them in other respects which gives a slight advantage. This difference leads to uncertainty in the tests. What we want in these engines of war is that they shall produce the desired effects with uniformity and that the projectiles, ammunition, and all that is needful for their service shall be as simple and uniform as possible, and equally available whether used by the Army or Navy.

Mr. ELLIS. Upon that same question this board is to pass.

Mr. ROSECRANS. The next proposition of the gentleman isthat it is uncertain. We know enough about ordnance and heavy ordnance to know that, if we can get a gun which will discharge a projectile with muzzle velocity sufficient to penetrate one and a half calibers into a steel plate, we shall have accomplished something in the right direc- and something which we have not before accomplished.

We know that this penetrative power depends upon two things. First, on the square of the velocity; secondly, on the mass of the projectile. Now, if a man comes and says, "Allow me to double the mass and diminish the velocity proportionately," we are willing he should do it.

I want further to call the gentleman's attention to this also: The passage of this bill does not in the least interfere with any operation we have in hand, nor any examination, nor any steps that we need to take for the future defense of our country. It only invites those gentlemen who have such confidence in their inventions and in their means of bringing those inventions to perfection that they are willing to accept of the inducement we offer, namely, "Gentlemen, if you want to make a gun, and if you can do it, set about it, and when ready apply for a test and you shall have it; and this is the test you shall have." And it gives a test, and it is a good test; there is no vagueness about it. The offer of pay for the accepted type-gun at a reasonable price, and a contract for fifty such, is only made to the first successful competitor, and to no others.

The price to be paid for these guns is not fixed, but the greatest which the act allows is less than what we are now paying, while any gun which will stand the required tests would be greatly superior to even the Krupp gun, the price of which, General Benét stated to our committee, is now about 55 cents per pound at the manufactory.

It is well to remember in this connection that to prepare and produce the Krupp guns here would require an outlay of many millions of dollars and ten years of time, and even were the attempt to be made it is uncertain when we should acquire the secrets of handling and of annealing such heavy masses so as to have a guaranteed success.

What then becomes of the claims made by the honorable gentleman from Louisiana, that to start upon this line of operation would be to benefit home labor and native genius?

Why, the committee's bill proposes to open the doors to American genius and American labor immeasurably in comparison. And the gentleman in one breath expresses his confidence in the superiority of our native genius and capacity to meet the national requirements for heavy armor-penetrating guns, and in the very next deprecates opening their production to competition for fear the foreigner would compete for and carry away the prize. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Maine [Mr. REED].

The question being taken, the chairman stated that in the judgment of the Chair the ayes had it.

Mr. BUDD. I call for a division.

The committee divided; and there were—ayes 74, noes 42.

Mr. BUDD. No quorum.

Mr. RANDALL. I hope the gentleman will not insist on that point.

Mr. BUDD. I withdraw the point as to a quorum.

So (further count not being called for) the amendment was agreed to.

Mr. HANCOCK. I move that the committee rise and report the bill to the House with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, had instructed him to report the same back to the House with sundry amendments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas; and

A bill (H. R. 3058) to amend section 1889, chapter 1, title 23 of the Revised Statutes of the United States, relative to general incorporation acts of Territories.

The message further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa.

FORTIFICATION BILL.

Mr. HANCOCK. I move the previous question on the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Is there a demand for separate votes on the amendments?

Mr. BUDD. I only demand a separate vote on the amendment to strike out the last portion of the bill.

The SPEAKER. Is there a demand for a separate vote on any other amendment? [After a pause.] If no other separate vote is demanded the question will be taken on the other amendments in gross.

The question being taken on the other amendments, they were agreed to.

The SPEAKER. The Clerk will now report the last amendment.

The Clerk read as follows:

Strike out all of the bill from line 54 to line 141, inclusive.

The portion of the bill which the amendment of the Committee of the Whole proposed to strike out is as follows:

That hereafter the calibers of all heavy single-charged rifled cannon shall be uniform for the Army and Navy, and shall be guns of six inches caliber, with projectiles of not less than one hundred pounds weight; eight inches, with projectiles of not less than two hundred pounds weight; ten inches, with projectiles of not less than three hundred pounds weight; and twelve inches, with projectiles of not less than six hundred pounds weight.

That hereafter no intermediate calibers shall be made; and all such cannon hereafter manufactured by or for the United States shall be breech-loaders, not less than thirty calibers in length of bore; and in all cases the cannon shall be one hundred times the weight of the rifle-projectiles therefor.

That before any further contracts are entered into or expenditures made for cannon for the armament of fortifications, except as herein provided, a breech-loading rifled cannon of 12-inch caliber shall be produced and subjected to satisfactory test of its power and endurance, under such conditions of rapid firing as to resemble, as nearly as possible, those existing in actual battle, by firing continuously for at least one hour at such rate as to deliver not less than 18,000 pounds of its proper projectiles in that time, or at the rate of 1,500 pounds per hour for each inch of diameter of its bore, and with such charges of powder as will impart to the standard weight and kind of projectiles such initial velocity as would be required to penetrate fairly through a solid iron target equal in thickness to one and one-half times its caliber at one mile range, which extreme proof is hereby declared to be the standard test to be applied to all single-charge trial guns hereafter to be manufactured by or for the United States. No single-charge gun shall be introduced into the service of the United States, of whatever kind, standard, caliber, or material, before a trial gun of the same material, caliber, and kind has been subjected to and has withstood this standard test, at the cost of the projector or producer of the gun, and under the inspection and direction of a commission of officers to be appointed for each test as hereinafter provided for.

That whoever shall first present such a breech-loading rifled cannon of 12-inch caliber, with the necessary projectiles of six hundred pounds weight, powder, implements, and ordnance supplies, shall, upon giving proper notice in writing to the President that he has it ready for trial at some convenient place, have the standard test applied by a commission to be appointed by the President for the purpose, and be composed of one officer of the Ordnance Corps, two officers of the artillery corps of the Army, and two line officers of the Navy; and in case it conforms to the standard herein established in all particulars and successfully endures the test, it shall be adopted as the standard type, and thereafter no other kind of 12-inch or any other smaller single-charge standard-caliber gun shall be procured for service until another and better 12-inch or other standard-caliber rifled cannon has been produced, and has successfully withstood the specified test, and has proved equal in all respects, and superior in some important particulars, such as power, endurance, or economy, to all previous ones tested and adopted as a standard, when the last and best of all shall be the standard for all guns of such calibers until one of higher standard shall have been produced and accepted as aforesaid.

That whoever shall first produce any such tested and accepted standard breech-loading rifled cannon as aforesaid shall have such gun received and paid for at a fair and reasonable cost by the Secretary of War, who, moreover, shall contract with said producer to furnish, within one year thereafter, fifty such guns and one hundred projectiles of the standard therefor for each gun, to be paid for, the guns at not to exceed 50 cents per pound and the projectiles at not to exceed 10 cents per pound. Each gun shall be tested by firing ten rounds with standard projectiles and powder used in the testing of the standard gun, and fired, as nearly as possible, with the rapidity required in actual practice in war; and no gun shall be received which does not withstand this test, and no gun shall be rejected which does withstand it; and he shall be entitled to have a like contract for the delivery of fifty such cannon, with projectiles, from the Secretary of the Navy.

That in case the said successful gun or guns shall have been produced by conversion of cast-iron smooth-bore guns now the property of the Government, the person or persons producing the same shall have the option of purchasing such other cast-iron guns belonging to the Government, for his use, as he may select, at the prices and on the terms now fixed by law. And the Secretary of War shall report to Congress, at the beginning of next session, all that has been done under the provisions of this act, with such recommendations as he may deem necessary.

The question being taken on agreeing to the amendment, there were—ayes 76, noes 51.

Mr. BUDD. No quorum.

The SPEAKER. The point being made that a quorum has not voted, the Chair will appoint as tellers the gentleman from California, Mr. BUDD, and the gentleman from Maine, Mr. REED.

The House again divided; and the tellers reported—ayes 131, noes 48.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HANCOCK. I demand the previous question on the passage of the bill.

The previous question was ordered.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brigadier-general of volunteers;

A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanhan;

A bill (H. R. 2722) for the relief of Martha Turner;

A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;

A bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co., certain duties paid

by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption;

A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;

A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Green; and

A bill (H. R. 847) for the relief of Francis B. Van Haesen.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;

A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 2949) for the erection of a public building at Port Townshend, Wash.;

A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 5452) for the relief of John W. Martin;

A bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000;

A bill (H. R. 6089) for the relief of Moses F. Carleton;

A bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy;

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;

A bill (S. 544) granting increase of pension to Elijah W. Penny;

A bill (S. 1877) granting increase of pension to John Hall;

A bill (S. 2245) granting a pension to William N. Morris;

A bill (S. 2302) granting a pension to John Lowe;

A bill (S. 2279) granting a pension to Lewis L. Canady;

A bill (S. 2367) granting a pension to Sarah A. White;

A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;

A bill (S. 2437) granting a pension to Mrs. Mary Gordon;

A bill (S. 2125) granting a pension to Sarah Jane Prince;

A bill (S. 2527) granting a pension to Robert Sheridan;

A bill (S. 2443) granting an increase of pension to Polly Young;

A bill (S. 1113) granting a pension to Anne E. Manchester;

A bill (S. 2153) granting a pension to Benjamin F. Brockett;

A bill (S. 1836) granting an increase of pension to Sarah Hague;

A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (S. 1633) granting a pension to James Bond;

A bill (S. 2268) for the relief of Robert J. Ballort;

A bill (S. 2607) granting a pension to Mary B. Holmes;

A bill (S. 1811) granting a pension to Anne T. Dicks;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;

A bill (S. 1911) for the relief Duncan L. Clinch;

A bill (S. 2262) granting a pension to Sedate P. Martin; and

A bill (S. 2620) granting a pension to James H. Boaz.

FORTIFICATION BILL.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to dispense with the yeas and nays on the passage of the fortification appropriation bill.

The SPEAKER. Is there objection? [After a pause.] No objection is made. The question is, Shall this bill pass?

Mr. RANDALL. I call for the yeas and nays. [Cries of "Too late!" Too late!"]

The SPEAKER. The Chair asked for objection and none was offered.

Mr. RANDALL. There was so much confusion that I did not hear the Chair. [Renewed cries of "Too late!" Too late!"]

The SPEAKER. The Chair thinks the objection comes too late.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. DIBBLE, by unanimous consent, introduced a bill (H. R. ——) to authorize the purchase of the real estate known as square No. 406 of the city of Washington for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. EATON. I move that the House adjourn.

Mr. RANDALL and others. Oh, no.

Mr. EATON. I withdraw the motion.

ARMY APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I rise to present a conference report, which I send to the Clerk's desk to be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 23, to the bill of the House 8120, making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same.

WILLIAM H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

WILLIAM B. ALLISON,
P. B. PLUMB,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the House conferees which accompanies this report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 23, to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year 1886, submit the following in explanation of the action recommended by the conference committee in the report submitted herewith.

The effect of the action recommended strikes from the bill as it passed the House the provision to amend article 94 of section 1342, so as to permit court-martial to sit during such hours as they might determine.

WM. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. KEIFER. Mr. Speaker, I desire one minute to say that the conferees on the part of the House were induced to agree to strike out the last section of the Army bill for the reason that they were persuaded that the articles of war to which that section related may need at an early time very general and substantial revision. That section (which was incorporated in this bill on my motion in the House) was in the right direction, and if the one to which it related were the only article of war needing revision we should have insisted upon the Senate agreeing to that provision of the bill; but, in view of what will be necessary in that direction in the near future, we thought it was best to ask the House to recede from its position, and we are unanimous in favor of the report.

Mr. FORNEY. Mr. Speaker, I move the adoption of the report.

The motion was agreed to.

Mr. FORNEY moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SALE OF SAC AND FOX RESERVATION.

Mr. PERKINS. Mr. Speaker, I move that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox reservation in the States of Nebraska and Kansas, and for other purposes, and consent to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER. The Chair will appoint as managers on the part of the House the gentleman from Texas, Mr. WELLBORN, the gentleman from North Carolina, Mr. SKINNER, and the gentleman from Kansas, Mr. PERKINS.

CLAIMS OF OFFICERS AND ENLISTED MEN.

Mr. ROSECRANS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3 and 4, and agree to the same, as follows:

No. 1. Page 1, line 4, after "officers," insert "and."

No. 2. Page 1, lines 4 and 5, strike out "and duly authorized laundresses."

No. 3. Page 2, line 3, insert after "war" "or hostilities with Indians."

No. 4. Page 2, line 7, after "reasonable," insert "useful, necessary, and proper for such officer or soldier while in quarters engaged in the public service in the line of duty: *And provided further*, That all claims now existing shall be presented within two years, and not after, from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction."

And the Senate agree to the same.

W. S. ROSECRANS,
GEORGE W. STEELE,
R. M. MURRAY,
Managers on the part of the House.

F. M. COCKRELL,
BENJAMIN HARRISON,
Managers on the part of the Senate.

The report was adopted.

Mr. ROSECRANS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT FOR INDIAN SUPPLIES.

Mr. STRAIT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 84) entitled "An act to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof," having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its amendment numbered 4, and in lieu thereof agree to the following:

"*Provided, however*, That said sum shall be charged to the unpaid annuities stipulated to be paid to the said Sioux Indians under treaties, but abrogated and annulled by the act approved February 16, 1863;" and the Senate agree to the same.

OLIN WELLBORN,
H. B. STRAIT,
R. S. STEVENS,
Managers on the part of the House.

ANGUS CAMERON,
JAMES H. SLATER,
H. L. DAWES,
Managers on the part of the Senate.

The report was adopted.

Mr. STRAIT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLACKBURN. I now move that the House take a recess until 12 o'clock to-morrow for the consideration of such business as may come before it other than contested-election cases.

Mr. WHITE, of Kentucky. I move to amend by providing for a recess until Monday morning at 9 o'clock.

Mr. TURNER, of Georgia. Does this proposition require unanimous consent?

The SPEAKER. The Chair will state that the latter part of the motion of the gentleman from Kentucky [Mr. BLACKBURN], excluding a particular class of business from consideration, requires unanimous consent.

Mr. BLACKBURN. Then I will make the motion that the House now take a recess until 12 o'clock to-morrow, and will state that so far as I can aid in preventing their consideration election cases will not be considered.

Mr. HUTCHINS. There is no such pressing necessity as to justify this proposition, and I protest in the strongest terms against this desecration of the Sabbath.

Mr. BLACKBURN. I withdraw the motion I have made, and substitute a motion that the rules be suspended so that the House now take a recess until 12 o'clock to-morrow, to proceed with legislative business other than contested-election cases.

Mr. WHITE, of Kentucky. I demand a second on the motion to suspend the rules.

Mr. BENNETT. I rise to a question of privilege, and call up the contested-election case of Frederick *vs.* Wilson, from the State of Iowa.

Mr. HAMMOND. I move that the House do now adjourn.

Several members addressed the Chair.

The SPEAKER. Debate is not in order. The Chair will state the position of the question. The gentleman from Kentucky [Mr. BLACKBURN] moves to suspend the rules so as to take a recess until to-morrow at 12 o'clock for the transaction of business other than contested-election cases. Pending that motion the gentleman from North Carolina [Mr. BENNETT] calls up the contested-election case from the State of Iowa; and then the gentleman from Georgia [Mr. HAMMOND] moves that the House adjourn, which is the first question to be voted upon and is not debatable or amendable.

Mr. WHITE, of Kentucky. I demanded a second on the motion of my colleague [Mr. BLACKBURN].

The SPEAKER. The Chair has not reached that point yet.

Mr. REAGAN. I suggest to the gentleman from Georgia to change his motion from that of adjournment to taking a recess until 9 o'clock Monday morning. [Cries of "Regular order!" "Vote!"]

Mr. BLACKBURN. If the Chair will hear me a moment [cries of "Regular order!"], I want to submit a motion that takes precedence of the motion of the gentleman from Georgia. I move that when the House adjourns to-day it adjourn to meet to-morrow at 12 o'clock.

The SPEAKER. That changes an order of the House, which is to meet at 11 o'clock. The question is on the motion to adjourn.

The House divided; and there were—ayes 80, noes 85.

Mr. HUTCHINS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 83, not voting 133; as follows:

YEAS—108.

Adams, G. E.	Dunham,	Ketcham,	Rowell,
Anderson,	Dunn,	Lanham,	Ryan,
Atkinson,	Eaton,	Lawrence,	Seymour,
Barksdale,	Ellwood,	Le Fevre,	Singleton,
Bayne,	Everhart,	Long,	Skinner, C. R.
Bland,	Ferrell,	McAdoo,	Smalls.
Boutelle,	Forney,	McComas,	Smith, H. Y.
Boyle,	Greenleaf,	McCormick,	Springer,
Bratton,	Hammond,	Miller, J. F.	Steele,
Breckinridge,	Hardy,	Mills,	Stephenson,
Broadhead,	Hart,	Muller,	Stewart, Charles
Brown, W. W.	Hatch, W. H.	Nelson,	Stewart, J. W.
Brumm,	Hemphill,	Parker,	Strait,
Buchanan,	Henderson, T. J.	Patton,	Struble,
Caldwell,	Hepburn,	Payne,	Sumner, D. H.
Campbell, Felix	Hewitt, A. S.	Pettibone,	Swope,
Campbell, J. M.	Hewitt, G. W.	Pierce,	Taylor, J. D.
Candler,	Hiscock,	Potter,	Thomas,
Clements,	Hitt,	Price,	Tillman,
Converse,	Hopkins,	Pryor,	Van Eaton,
Cox, W. R.	Horr,	Randall,	Wallace,
Craig,	Howey,	Ranney,	Washburn,
Crisp,	Hutchins,	Reed, T. B.	White, J. D.
Culberson, D. B.	James,	Reid, J. W.	Whiting,
Davis, G. R.	Jones, B. W.	Reese,	Wilkins,
Dixon,	Jones, J. H.	Riggs,	Wolford,
Dockery,	Keifer,	Rockwell,	York.

NAYS—83.

Adams, J. J.	Ellis,	Mitchell,	Shively,
Arnot,	English,	Morrill,	Skinner, T. G.
Bennett,	Ermentrout,	Murphy,	Spooner,
Bisbee,	Follett,	Mutchler,	Springer,
Blackburn,	Foran,	Ochiltree,	Stevens,
Breitung,	Funston,	O'Ferrall,	Stockslager,
Browne, T. M.	Goff,	O'Hara,	Sumner, C. A.
Budd,	Green,	O'Neill, Charles	Talbott,
Burnes,	Halsell,	Paige,	Taylor, J. M.
Cabell,	Hancock,	Peel,	Townshend,
Campbell, J. E.	Hill,	Perkins,	Turner, H. G.
Carleton,	Holmes,	Peters,	Valentine,
Cassidy,	Jeffords,	Poland,	Wadsworth,
Clardy,	Kleiner,	Post,	Ward,
Clay,	Lewis,	Pusey,	Warner, Richard
Cook,	Lovering,	Ray, Ossian	Weaver,
Cosgrove,	Lowry,	Robertson,	Wellborn,
Covington,	McCoid,	Rogers, J. H.	Wemple,
Curtin,	McMillin,	Rogers, W. F.	White, Milo
Dibble,	Matson,	Rosecrans,	Woodward.
Dorsheimer,	Milliken,	Seney.	

NOT VOTING—133.

Aiken,	Dowd,	Jordan,	Russell,
Alexander,	Eldredge,	Kean,	Shaw,
Bagley,	Elliott,	Kelley,	Slocum,
Ballentine,	Evans,	Kellogg,	Smith, A. Herr
Barbour,	Fiedler,	King,	Snyder,
Barr,	Findlay,	Lacey,	Stone,
Beach,	Finerty,	Laird,	Storm,
Belford,	Fyan,	Lamb,	Taylor, E. B.
Belmont,	Garrison,	Libbey,	Thompson,
Bingham,	Geddes,	Lore,	Throckmorton,
Blanchard,	George,	Lynam,	Tucker,
Blount,	Gibson,	Maybury,	Tully,
Bowen,	Glascock,	Millard,	Turner, Oscar
Brainerd,	Graves,	Miller, S. H.	Van Alstyne,
Brewer, F. B.	Guenther,	Money,	Vance,
Brewer, J. H.	Hanback,	Morgan,	Wait,
Buckner,	Hardeman,	Morrison,	Wakefield,
Burleigh,	Harmer,	Morse,	Warner, A. J.
Cannon,	Hatch, H. H.	Moulton,	Weller,
Chalmers,	Haynes,	Muldrow,	Williams,
Cobb,	Henderson, D. B.	Murray,	Willis,
Collins,	Henley,	Neece,	Wilson, James
Connolly,	Herbert,	Nicholls,	Wilson, W. L.
Cox, S. S.	Hoblitzell,	Nutting,	Winans, E. B.
Culbertson, W. W.	Holman,	Oates,	Winans, John
Cullen,	Holton,	O'Neill, J. J.	Wise, G. D.
Cutcheon,	Hooper,	Payson,	Wise, J. S.
Dargan,	Houk,	Phelps,	Wood,
Davidson,	Housenan,	Rankin,	Worthington,
Davis, L. H.	Hunt,	Ray, G. W.	Yaple,
Davis, R. T.	Hurd,	Reagan,	Young.
Deuster,	Johnson,	Rice,	
Dibrell,	Jones, J. K.	Robinson, J. S.	
Dingley,	Jones, J. T.	Robinson, W. E.	

So the motion was agreed to.

During the roll-call,

Mr. YORK moved to dispense with the reading of the names.

There was no objection, and it was ordered accordingly.

The following pairs were announced:

On all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.
Mr. NERCE with Mr. CHALMERS.
For the remainder of the day:
Mr. GLASCOCK with Mr. KEAN.
Mr. GEORGE with Mr. GIBSON.
Mr. BLANCHARD with Mr. KELLOGG.
Mr. BARR with Mr. GARRISON.
Mr. NICHOLLS with Mr. LYMAN.
Mr. BUCKNER with Mr. WAIT.
Mr. SNYDER with Mr. HANBACK.
Mr. HOLTON with Mr. WILSON, of West Virginia.
Mr. DINGLEY with Mr. MORSE.
Mr. HOUK with Mr. WILLIS.
Mr. MILLARD with Mr. ELLIOTT.
Mr. DAVIDSON with Mr. HARMER.
Mr. BREWER, of New Jersey, with Mr. MCADOO.
Mr. LAMB with Mr. HITT.
Mr. JONES, of Alabama, with Mr. KELLEY.
Mr. VANCE with Mr. STONE.
Mr. BALLENTINE with Mr. CUTCHEON.
Mr. COVINGTON with Mr. PHELPS.
Mr. WILLIAMS with Mr. FINERTY.
Mr. O'NEILL, of Missouri, with Mr. BINGHAM.
Mr. YAPLE with Mr. LACEY.
On this vote:
Mr. MORRISON with Mr. WILSON, of Iowa.
Mr. TULLY with Mr. A. HERR SMITH.
Mr. THOMPSON with Mr. RAY, of New York.
Mr. YOUNG with Mr. PAYSON.
Mr. HOBLITZELL with Mr. MILLARD.
Mr. FIEDLER with Mr. JOHNSON.
Mr. TURNER, of Kentucky, with Mr. BURLEIGH.
Mr. MURRAY with Mr. BOWEN.
Mr. AIKEN with Mr. EVANS.
Mr. GEORGE D. WISE with Mr. LIBBEY.
The vote was then announced as above recorded.

PRODUCTION OF PRECIOUS METALS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint of the production of precious metals in the United States during the calendar year of 1884; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

And then (at 6 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of citizens of New York, asking for the repeal of revenue tax on tobacco, &c.—to the Committee on Ways and Means.

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania for the passage of the bill placing General U. S. Grant on the retired-list as General—to the Committee on Military Affairs.

Also, petition of John Launitz and others, of Allegheny County, Pennsylvania, requesting Congress to take early action for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. BRUMM: Resolution of the Legislature of Pennsylvania in favor of the retirement of General U. S. Grant—to the same committee.

By Mr. R. T. DAVIS: Two petitions of citizens of Nantucket, Mass., on Indian affairs—to the Committee on Indian Affairs.

By Mr. FINERTY (by request): Petition of Henry Richards and others, praying for the investigation of certain proceedings in the United States district and circuit courts, eastern district of Louisiana, and the third judicial district of Dakota—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of George W. Brindell and 60 others, citizens of Manchester, Iowa, praying for legislation against Mormonism—to the same committee.

By Mr. HOPKINS: Resolution of the Legislature of Pennsylvania in favor of placing General U. S. Grant on the retired-list—to the Committee on Military Affairs.

Also, resolution of the Legislature of Pennsylvania in opposition to the abolition of the National Board of Health—to the Select Committee on the Public Health.

By Mr. HOWEY: Petition of Rev. J. G. Williamson, J. G. Huffman, and others, citizens of Hunterdon County, New Jersey, praying for early action looking to the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JAMES: Petition of Mrs. Lenette M. Frost, for extension of letters patent No. 51735 and reissues Nos. 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, to her as sole legatee and devisee of John K. Mayo, deceased—to the Committee on Patents.

Also, petition of 66 voters of Casenovia, N. Y., praying for early action upon the so-called Mormon question—to the Committee on the Judiciary.

By Mr. KEAN: Two petitions of citizens of Elizabeth, N. J., relative to the Mormon question—to the same committee.

By Mr. LANHAM: Petition of W. L. Sartwelle and others, of Comanche, Tex., on the Mormon question—to the same committee.

By Mr. LIBBEY: Petition of Philip Epstein and others, for relief—to the Committee on War Claims.

By Mr. MORRILL: Memorial of the Legislature of Kansas, asking for a general pension to the soldiers of the rebellion—to the Committee on Invalid Pensions.

By Mr. PATTON: Petition of Mrs. E. Tate, president of the Home Missionary Society of Tionesta, Pa., accompanied with 134 names from the same place, asking for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Report and resolution of the Board of Trade of the city of Albany, N. Y., in opposition to the passage of any act by Congress authorizing the erection of a bridge across the Hudson River at Storm King—to the Committee on Commerce.

By Mr. WASHBURN: Joint resolution of the Legislature of Minnesota urging upon Congress the immediate enlargement of the lockage of the Sault Saint Mary—to the Committee on Rivers and Harbors.

By Mr. WILKINS: Petitions of Rev. Thomas A. Kohr and 100 others, citizens of Palatha; of J. W. Lindstedt and 72 others, citizens of Mount Vernon, and of Rev. Faris Brown and 112 others, citizens of New Concord, Ohio, praying for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JOHN WINANS: Memorial of the State Legislature of Wisconsin for an appropriation for experiments with sorghum and improved methods of making sugar—to the Committee on Agriculture.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. W. W. BROWN: Joint resolutions of the Legislature of the Commonwealth of Pennsylvania.

By Mr. GEORGE: Of Charles H. Osterhaudt and 20 others, of Oregon.

By Mr. KEIFER: Of R. C. McLaughlin and 63 others, of Frampton; of Samuel Wise and 24 others, of Calla; of J. H. Kimball and 161 others, of C. R. Thomas and 45 others, of Prospect; of J. A. Boyer and 41 others, of West Liberty; of Isaac Ax and 40 others, of Beach City; of James Fanning and 104 others, of Forest; of W. D. Mathews and 60 others, of Mount Gilead; of Philetus Dow and 70 others, of Davis; and of Marvin F. Hasson and 101 others, of Centreburg, Ohio.

By Mr. MATSON: Of John H. Percy and 16 others, ex-Union soldiers, of Greencastle, Ind.

By Mr. RAYMOND: Thirty-four petitions of citizens of Dakota, and also one of 320 soldiers of Fort Meade, Dak.

By Mr. SPRIGGS: Resolutions of the Grand Army of the Republic, Department of New York.

SENATE.

MONDAY, *March* 2, 1885.

The Senate met at 9 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. HALE. I ask unanimous consent that the further reading of the Journal may be dispensed with. There has been ample time to prepare it, and I have no doubt it is entirely accurate.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the further reading of the Journal is dispensed with.

CREDENTIALS.

Mr. GIBSON presented the credentials of James B. Eustis, chosen by the Legislature of Lonisiana a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had concurred in the amendment of the Senate numbered 23 to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year 1886, and for other purposes.

The message further announced that the House had passed a bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June

30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIN WELLBORN of Texas, Mr. T. G. SKINNER of North Carolina, and Mr. B. W. PERKINS of Kansas managers at the conference on its part.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 544) granting increase of pension to Elijah W. Penny;
A bill (S. 1113) granting a pension to Anne E. Manchester;
A bill (S. 1612) granting a pension to Bryson R. McCartney;
A bill (S. 1633) granting a pension to James Bond;
A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
A bill (S. 1811) granting a pension to Anne T. Dicks;
A bill (S. 1836) granting an increase of pension to Sarah Hague;
A bill (S. 1877) granting increase of pension to John Hall;
A bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia;
A bill (S. 2125) granting a pension to Sarah Jane Prince;
A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 2245) granting a pension to William N. Morris;
A bill (S. 2262) granting a pension to Sedate P. Martin;
A bill (S. 2268) for the relief of Robert J. Ballort;
A bill (S. 2279) granting a pension to Lewis L. Canady;
A bill (S. 2302) granting a pension to John Lowe;
A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;
A bill (S. 2367) granting a pension to Sarah A. White;
A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
A bill (S. 2443) granting an increase of pension to Polly Young;
A bill (S. 2527) granting a pension to Robert Sheridan;
A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
A bill (S. 2607) granting a pension to Mary B. Holmes;
A bill (S. 2619) granting an increase of pension to Martha Hughes;
A bill (S. 2620) granting a pension to Thomas H. Boaz;
A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;
A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;
A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;
A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;
A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;
A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;
A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;
A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;
A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;
A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;
A bill (H. R. 2722) for the relief of Martha Turner;
A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;
A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;
A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;
A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;
A bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;
A bill (H. R. 4686) for the relief of Fendall Carpenter;
A bill (H. R. 5452) for the relief of John W. Martin;
A bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000;
A bill (H. R. 6089) for the relief of Moses F. Carleton;
A bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co., certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption;
A bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy;
A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy; and
A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental list of claims allowed by the accounting officers of the Treasury under the act of March 3, 1849. The Chair is not sure, but thinks the letter ought to be referred to the Committee on Claims.

Mr. JACKSON. The Committee on Claims has usually acted upon that class of cases. I suggest that the communication be referred to that committee.

The PRESIDENT *pro tempore*. If there be no objection, the communication, with the accompanying papers, will be referred to the Committee on Claims and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate received from the Secretary of the Navy for a combined coal-shed and store-house for the naval station at Port Royal, S. C.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LAND TITLES IN NEW MEXICO.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 4th and 20th instants, a letter from the Commissioner of the General Land Office, with accompanying papers, upon the subject of the fraudulent acquisition of titles to lands in New Mexico. The letter with the accompanying papers will be printed and referred to the Committee on Public Lands. [A pause.] The Chair sees that the documents are very voluminous, and will direct, if there be no objection, that the letter of the Secretary of the Interior and the letter of the Commissioner of the General Land Office be printed, and with the accompanying papers referred to the Committee on Printing, in order that the Committee on Printing may determine the question of printing them.

Mr. HILL. The time is very short now in which this matter can be considered. These papers are of very great importance, and I hope an order will be made to print them without a reference to the Committee on Printing, as it is so near the close of the session.

Mr. INGALLS. I should regret exceedingly to have an order made for the printing of the mass of papers sent in under the resolution, without their being examined by the proper committee. I think the rule requires it.

The PRESIDENT *pro tempore*. The first paragraph of the twenty-ninth rule leaves it in the discretion of the Senate whether to order the printing without a reference. It requires that such papers as these shall be referred to the Committee on Printing unless the Senate shall otherwise order. The Chair understands the Senator from Colorado to move that the Senate order that the papers be now printed. Is that the motion of the Senator from Colorado?

Mr. HILL. Yes, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion.

Mr. HAWLEY. The Senator will allow me to suggest that that is rather a formidable pile of papers, as the Chair has remarked. With the charge that is now upon the Printing Office anyhow, by reason of the particular time, I will not say that it would be impossible for the Printer to print those papers at once, for of course if everything else is sacrificed he can have them here to-morrow morning. The Printing Office can have almost anything in the world here in print in the morning, but in the course of proper business we should not get them under a week or ten days.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Kansas to move that the papers be referred to the Committee on Printing.

Mr. INGALLS. That is my motion.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Colorado the Senator from Kansas moves that the papers be referred to the Committee on Printing.

Mr. HILL. Is this subject open to debate?

The PRESIDENT *pro tempore*. The Chair thinks it is. The Chair will state the question. The Senator from Colorado has moved that the papers be printed. The Senator from Kansas thereupon moves that the papers, together with the motion or resolution to print them, be referred to the Committee on Printing. The Chair thinks that the motion of the Senator from Kansas is first to be put, so that the question is first on the reference.

Mr. HILL. I desire to offer briefly some explanation.

Mr. HOAR. Will the Chair be good enough, before the Senator from Colorado proceeds, to state what the papers relate to?

The PRESIDENT *pro tempore*. They relate to alleged frauds in respect of public lands in New Mexico. The mass of papers sent up is so large, it being the mass here on the table, that the Chair thought it fit to refer them to the Committee on Printing, but the Senator from Colorado desires that they be now printed.

Mr. HILL. Mr. President, on the 4th of February the Senate adopted a resolution, offered by me, directing the Secretary of the Interior to furnish to the Senate copies of the reports of F. D. Hobbs and R. A. Green, who held the official position of inspectors of land offices, in respect to the fraudulent acquisition of titles to the public lands in New Mexico, and of the testimony accompanying the reports.

The resolution further directed the Secretary of the Interior to furnish copies of "all papers on file relating to this subject."

I offered this resolution in consequence of information communicated to me by letters from well-known citizens of New Mexico, to the effect that the reports of Messrs. Hobbs and Green exposed great land frauds in New Mexico, in which the register of the land office at Santa Fé was an active participant, and involved the integrity of persons holding much higher official positions than that held by the register. These reports recommended not only that the register should be dismissed from the office, but that the United States attorney in New Mexico should be instructed to take measures to prosecute him and secure his proper punishment for various crimes and misdemeanors. Whether by a mistake or by inadvertence, it would appear that honest men were selected by the Secretary of the Interior to investigate these frauds, or at least that Hobbs and Green went to New Mexico with the intention of honestly discharging their official duties.

No action was taken on the reports, the one relating to the land office having been sent to the Interior Department on the 17th of July. The register was retained in his office by the Secretary of the Interior, boasting that he was "solid," to use his own expression, with the Secretary of the Interior, and would therefore be left undisturbed in his official position.

About the 16th of last month I received a letter from a prominent citizen of Santa Fé, from which I quote the following words:

In conversation with United States Prosecuting-Attorney Prichard, for New Mexico, he yesterday informed me that he had made application some six weeks or two months ago for copies of the reports of Messrs. Hobbs and Green, for the purpose of aiding him in prosecuting suits against certain parties indicted for irregular land transactions, whom he has reason to believe were mentioned in said reports, but up to this time has not been able to extort a reply from the Interior Department. He also informs me that by reason of said failure to respond to his request he finds himself sadly crippled in the discharge of his duties.

On the 20th day of February, ten days ago to-day, the President nominated Charles F. Easley to be register of the Santa Fé land district, in place of Max Frost, resigned. His resignation was plainly in consequence of the resolution of February 4 and of the disclosures sure to result from it. As strange as it may appear, it did not occur till nearly eight months after the report of Hobbs was received at the Interior Department, so much time being generously allowed him apparently to aid the parties who were extensively engaged in plundering the public domain to close up their transactions.

On the 19th of February, no copies having been sent to the Senate in compliance with the resolution of February 4, I called at the Interior Department to inquire as to the cause of what seemed to be an extraordinary delay. I was then informed that copies had been made of the reports of the inspectors, Hobbs and Green, and of the evidence accompanying the same, but that further time would be required to comply with the closing part of the resolution which called for copies of "all papers on file relating to this subject."

On the next day, February 20, the resolution was modified by the Senate, on my motion, by striking off the words which I have just quoted.

On the 24th of February, the copies not yet having been received by the Senate, I again went to the Interior Department to ascertain the cause of the continued delay.

I was then informed that the copies of all the papers called for by the resolution of February 4, as modified by the Senate, were complete, and nothing remained to be done except the writing of the formal letter of transmission to the Senate. The papers were not, however, sent to the President of the Senate till last Saturday, the 28th.

Now, Mr. President, I believe I am justified in saying that the resolution of the Senate has been complied with reluctantly and with unnecessary delay, and finally, when the papers come, within two or three days of the close of this Congress, a large mass of material is thrown in, which in no sense was called for under the modified resolution, to embarrass the action of the Senate in the matter of ordering the papers printed.

The papers are of a character which requires that they should be printed for the information of Congress and the country. They embrace reports of important officials of the General Land Office and of evidence officially taken by them, which have been hidden from sight in pigeon-holes for nearly eight months, and the threatened publication of which has caused the flight of one of the implicated parties by a resignation of his office. It is true that this is only one of hundreds of cases of criminal misconduct, on which there is an imperative necessity that light should be thrown.

These papers relate to a subject about which the public mind is very sensitive, the administration of the public domain. There is a widespread belief that it is preyed upon and plundered by those who have no just right to it and in violation of the rights of the Government and of the people.

I trust that with this explanation the papers may be allowed to be printed. It is not necessary that they should be furnished to the Senate by the close of the Congress, but if they are ordered to be printed now they will come out in due time, and it is information which the public ought to have.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate agree to refer the papers, with the motion to print, to the Committee on Printing?

The motion to refer was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885 was read twice by its title, and referred to the Committee on Printing.

REPORT ON THE PRECIOUS METALS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution, received on Saturday from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1884 be printed, and that 9,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

PUBLIC BUILDING AT COUNCIL BLUFFS.

Mr. CAMERON, of Wisconsin. There is one House public building bill remaining on the Calendar. I ask unanimous consent that that may be taken up and considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 141) for the completion of a public building at Council Bluffs, Iowa.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 3, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the additional sum of $50,000 is hereby appropriated to erect a post-office, court-room, and internal-revenue building at Council Bluffs, Iowa, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved May 25, 1882. The limit of cost prescribed in said act is hereby extended, and no plan shall be approved which will involve an expenditure for site and building complete, including approaches, greater than the limit herein fixed.

Mr. ALLISON. I hope the amendment will not be adopted.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HOAR. I ask unanimous consent that it shall be in order to offer to the sundry civil appropriation bill when it comes up for consideration this amendment:

For the woman's department of the World's Industrial Exposition now held in New Orleans, $15,000.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that it shall be in order to offer the amendment which he has just sent to the desk. Is there objection?

Mr. GIBSON. I should like to hear the amendment read.

Mr. HOAR. It is merely to appropriate an additional $15,000 for the woman's department.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The Chief Clerk read as follows:

For the woman's department of the World's Industrial Exposition now held in New Orleans, $15,000.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. SHERMAN. What is the request?

The PRESIDING OFFICER. That the amendment just read shall be considered in order as an amendment to the sundry civil appropriation bill. Is there objection? The Chair hears none.

JOHN F. SEVERANCE.

Mr. DAWES. I am obliged to be absent from the Senate to-day, and I ask the Senate to take up the bill (H. R. 2268) for the relief of John F. Severance. It is a little House bill appropriating only $85.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $85, to be placed to the credit of the Post-Office Department, and directs the proper accounting officers of the Post-Office Department to credit John F. Severance, of Shelburne, Mass., in his account as postmaster, with that sum for loss by robbery of his post-office on the night of the 19th of June, 1878, without fault or neglect on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WOMAN SUFFRAGE.

Mr. HOAR. I give notice that to-morrow morning, after the reading of the Journal, at the first convenient opportunity, not to interfere with an appropriation bill, I shall ask the Senate to take up for consideration Senate joint resolution No. 19, being a resolution proposing an amendment to the Constitution of the United States to secure the right of suffrage to women. It is not proposed to debate that question, but merely to get a vote on it without debate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask leave to report from the Committee on Appropriations the sundry civil appropriation bill.

The PRESIDING OFFICER. If there be no objection the report will be received at this time.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, to report it with amendments.

The bill is on the table of Senators in print, with the amendments. I ask unanimous consent that the Senate now proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. McMILLAN. I rise to make an inquiry as to the effect of assent to that proposition. Does it affect the unfinished business of Saturday? Does it imply an assent that that shall be laid aside informally?

The PRESIDING OFFICER. It does not affect the status of the bill referred to by the Senator from Minnesota at this time in any manner whatever. If, however, the sundry civil appropriation bill should continue under consideration through the day and the Senate adjourn with it pending it would become the unfinished business.

Mr. McMILLAN. I have no objection to make to taking up the bill informally if it does not include an assent to laying aside informally the bill which was under consideration by the Senate on Saturday.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Minnesota that even if the sundry civil appropriation bill is not finished to-day, if the bill he refers to shall be laid before the Senate prior to adjournment it would be continued as unfinished business.

Mr. ALLISON. Do I understand the Senator from Minnesota to object?

Mr. McMILLAN. I do, if it implies assent that the bill forfeiting the land grant to the State of Iowa shall be laid aside informally.

Mr. ALLISON. I will say to the Senator from Minnesota that I do not wish to interfere with any of the pending business before the Senate further than is absolutely necessary to continue the consideration of the appropriation bill to-day until it is completed, as I am of the opinion that unless we complete the bill to-day we shall have an opportunity of sitting here some days after the 4th of March.

Mr. HARRISON. The Senator from Iowa will allow me to suggest that as I understand the Senator from Minnesota he is not apprehensive that the bill he has referred to may be interfered with, but his apprehension is that it may not be, and he desires the Senator from Iowa to move to proceed to the consideration of the appropriation bill so as to displace the other bill.

Mr. McMILLAN. For that purpose I will object to the consideration of the appropriation bill.

Mr. ALLISON. Very well; the Senator objects.

Mr. McMILLAN. Now I move to lay aside the unfinished business——

The PRESIDING OFFICER. That motion is not now in order. The morning business has not been completed, and the time for entertaining such a motion has not yet arrived.

Mr. HOAR. I ask unanimous consent to make a suggestion to the Senator from Minnesota.

The PRESIDING OFFICER. If there be no objection the Senator from Massachusetts will be heard. Is there objection? The Chair hears none.

Mr. HOAR. The Senator from Minnesota knows very well that I am opposed to the bill which he opposes, but it is always a mere question of a vote of the Senate. If the land-forfeiture bill remains the unfinished business, a vote of the Senate can lay it aside without debate. If, on the other hand, it does not remain the unfinished business but is displaced by the request of the Senator from Iowa to proceed to the consideration of the appropriation bill, a vote of the Senate can take it up without debate.

Mr. McMILLAN. Certainly; that is all I desire.

Mr. HOAR. So I suggest that it is hardly worth while to postpone the appropriation bill for an hour, which would be the effect of the Senator's position, because the Senator from Iowa can not get the bill up without unanimous consent until all the morning business is disposed of. It can not be done on motion, and as it runs the risk of some inconvenience to the Senate I hope the Senator from Minnesota will withdraw the objection.

Mr. McMILLAN. I desired to make an inquiry as to the effect of taking up the appropriation bill. I will withdraw the objection for the present.

The PRESIDING OFFICER. The Senator from Minnesota withdraws the objection heretofore made. Is there objection to the request of the Senator from Iowa that the Senate proceed to the consideration of the sundry civil appropriation bill?

Mr. CALL. I gave notice on Saturday that I should occupy the time of the Senate for a few minutes to-day in the consideration of a petition for the forfeiture of a land grant in the State of Florida. I make no objection to the request of the Senator from Iowa, the chairman of the Committee on Appropriations, to take up the appropriation bill, but I renew the notice I gave that when the bill is terminated I shall ask the Senate to give me the opportunity of being heard for ten or fifteen minutes upon the petition, which is lying on the table.

Mr. ALLISON. After the appropriation bill shall have been concluded, of course it is not my purpose to interfere with the wish of the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa that the Senate do now proceed to the consideration of the sundry civil appropriation bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill be dispensed with, and that as the reading progresses the amendments reported by the Committee on Appropriations may be considered.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate that the first or formal reading of the bill be dispensed with, and that it be read by paragraphs for amendment. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in the appropriations for the "Botanic Garden," in line 12, after the word "Congress," to strike out "four thousand six" and insert "seven thousand four;" so as to read:

Botanic Garden:

For concreting walks, reconstructing plant-house No. 13 with iron ribs, extending water supplies, and for general repairs, under the direction of the Joint Library Committee of Congress, $7,400.

The amendment was agreed to.

The next amendment was, after line 13, to insert:

UNDER THE STATE DEPARTMENT.

For payment, under the final award made by the late French and American Claims Commission against the United States, of the claims of French citizens against this Government, under the treaty of January 15, 1880, between this country and France, $625,566.35.

The amendment was agreed to.

The next amendment was, after line 21, to insert:

International boundary survey, United States and Mexico: To enable the President to execute the engagements of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $224,556.75, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for public buildings "under the Treasury Department," after line 32, to insert:

For court-house and post-office at Abingdon, Va.: For completion under present limit, $25,000.

The amendment was agreed to.

The next amendment was, after line 35, to insert:

For fitting up the building known as the "club-house," Sitka, Alaska, as a temporary jail, $5,000.

The amendment was agreed to.

The next amendment was, after line 37, to insert:

For repairing Government building for court-room at Sitka, $1,500.

The amendment was agreed to.

The next amendment was, after line 39, to insert:

For repairing Government building for court-room at Wrangel, $500.

The amendment was agreed to.

The next amendment was, after line 41, to insert:

For repairing court-room and jail at Ounalaska, $1,000.

The amendment was agreed to.

The next amendment was, after line 43, to insert:

For constructing a frame or log court-house and jail at Juneau City, $5,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 60 to line 82, inclusive, in the following words:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the city of Boston, Mass., to the highest bidder, after thirty days' notice in six of the principal newspapers published in the city of Boston, the land and premises known as the old United States court-house in said city, on the corner of Tremont street and Temple Place, the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than $225,000, with power to reject any or all bids and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof; and the cost to be paid from proceeds of sale. And it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property; and if it shall appear that the price above named is inadequate, he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of the said property, and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

The amendment was agreed to.

The next amendment was, after line 82, to insert:

For post-office and subtreasury at Boston, Mass.: For completion, $15,000.

The amendment was agreed to.

The next amendment was, after line 90, to insert:

For marine hospital at Cairo, Ill.: For completing hospital buildings, $7,000; and for filling and grading, $20,000; in all, $27,000.

The amendment was agreed to.

The next amendment was, in line 106, to reduce the appropriation "for court-house and post-office at Columbus, Ohio: For completion of building," from $110,000 to $50,000.

Mr. SHERMAN. I hope the Senate will not agree to this amendment. Indeed I am somewhat surprised that the amendment finds its place in this bill. So far as I know this is the only local item for the State of Ohio in the sundry civil bill, although I have not looked through the bill and can not say positively. This item of $110,000 is an increase of $60,000 beyond the legal limit fixed by the law originally for the construction of a public building at Columbus. The original plan, however, recommended by the Secretary of the Treasury, included this sum and more, but the Committee on Public Buildings and Grounds reduced the estimate of the Treasury Department without rhyme or reason, and reduced the building to a two-story structure in the capital of the State of Ohio, under the shadow of the State capitol, so that any one who saw the plan proposed which the Department was compelled to adopt for the public building at Columbus was ashamed that the United States should occupy such a position in such a place, it being the capital of the State where the State courts are held and where there are a great many public offices. It ought to be a building commensurate with the size of the city, the importance of the State, and the importance of the location.

It was some time before we could get the attention of Congress to the subject, the Treasury Department continually insisting that the plan they were compelled to adopt was inadequate to the place, and three times recommended an increase of the appropriation for the Columbus building; but for some reason it could not be adopted. Finally at the present session of Congress the Committee on Public Buildings and Grounds reported a bill increasing the allowance $60,000 upon an urgent estimate made by the Secretary of the Treasury that that was necessary to add an additional story to the building and give it a height somewhat proportionate to the surrounding buildings. That bill passed the Senate unanimously. The House of Representatives not being able to reach that bill on its Calendar, it being lumbered up with a multitude of bills on the Speaker's table, inserted the increased amount of appropriation necessary for that story in the sundry civil bill, so that it comes to us from the House. The House Committee on Appropriations, knowing that the House could not act on the Senate bill, knowing that that $60,000 additional was for the additional story required by the estimates of the Treasury Department, put it in on this bill.

Both Houses have agreed to the measure after debate and it now comes to us, and the Committee on Appropriations, I do not know for what reason—certainly they could not have known the facts which I have mentioned—have proposed to reduce the amount to $50,000, and thus compel the construction of a two-story building right at the corner of the great edifice built by the State of Ohio and at a less altitude than the surrounding stores and shops. If this amendment is adopted I would rather you should discontinue the building at Columbus. I suppose it was proposed probably pursuant to some general idea. At all events I trust this amendment will not be adopted.

Mr. ALLISON. The Committee on Appropriations are thoroughly familiar with every statement made by the Senator from Ohio. We understand from all the data in our possession that unless the sum allowed is enlarged as proposed in this bill the building at Columbus, Ohio, will be a two-story building, but that building stands precisely in the same relation to this bill that four or five or six other buildings do.

The rule adopted by the Committee on Appropriations is the rule of the Senate. We felt obliged in making these reports to stand by the rules of the Senate which require us not to interfere in these appropriation bills with the general legislation of Congress. What the Senator from Ohio says is perfectly true; the Senate did pass unanimously at this session a bill looking to the enlargement of the limit, that is, looking to the change of the law, but the House of Representatives have not passed that bill.

Mr. SHERMAN. They put it here.

Mr. ALLISON. I know they have made a provision here for the enlargement of the building; but the Committee on Appropriations believed that, so far as we were concerned, it was our duty to report these bills according to existing law, and we have done so in every instance. Of course Columbus had to stand with the other instances in this bill, and there are five or six of them. They ought all to stand or fall upon the decision of the Senate with reference to this particular amendment now under consideration. I think they substantially stand upon the same condition of facts.

Mr. MORRILL. Will the Senator allow me to ask him whether his committee hold that the recommendation of an amendment by a standing committee is not in order whether there is any previous law for it or not?

Mr. ALLISON. Our committee were not required to decide that question. Of course——

Mr. DAWES. There is a law against it; not the absence of a law for it.

Mr. MORRILL. There is a rule which provides that a standing committee may move amendments.

Mr. ALLISON. The Senator from Vermont is asking me a question which does not come up in this discussion. He asks me whether an amendment reported by a standing committee of the Senate is in order in the judgment of the Committee on Appropriations. We do not decide that question. If an amendment is proposed by a standing committee of this body, it is in order to offer it whether the Committee on Appropriations agree to it or not, and therefore we deprive no committee and no Senator of its or his just rights under the rule.

I believe the statement made by the Senator from Ohio to be substantially true. I believe that this appropriation for the building at the city of Columbus, Ohio, is a wise appropriation, but that we could not consider it in the Committee on Appropriations under the rules which the Senate has laid down for our guidance, and we have rigidly adhered to the rules established by the Senate for our conduct, and merely appropriated according to existing law. If the laws are to be changed let them be changed by the Senate acting on reports of committees of the Senate having authority to change them. That is the only reason why this amendment is proposed by the Committee on Appropriations.

Mr. BECK. Supplementing what the Senator from Iowa has said somewhat, I desire to say that I hope the Senate will consider this case carefully, because it will settle all the disputed questions relative to public buildings. All stand upon the same footing, and this is as meritorious as any of those which will be affected by the decision of the Senate.

The Supervising Architect of the Treasury came before us in this and other cases, and especially in this case at Columbus, and said if we would give the $60,000 additional beyond what is provided by law he could make a fire-proof building with an additional story, a building which would be a credit to the country, and if he did not get that amount he could not. I state it as broadly as the Senator from Ohio stated it, I believe it ought to be done; but the law prohibits it as the law stands to-day, and the Committee on Appropriations have been told over and over again that we had no right to make appropriations in violation of law, for it is in violation of law, as we understand it, until Congress passes an act extending the limit, which I think they ought to do in this case. If the Senate see fit to vote that this provision ought to go in extending the limit in this case, then I for one will move in five or six other cases that the limit shall be extended, because they are meritorious cases as well as this.

If we can make appropriations in excess of the limit provided by law and in violation of law, then we shall be at sea and get back to where we were ten or fifteen years ago. I remember once—and the Senator from Massachusetts [Mr. DAWES] will recall the fact—we limited the New York post-office to $3,000,000, and we put penal clauses in the law to punish those who exceeded the limit. It was not a year before they spent the $3,000,000, and had not progressed beyond the first story.

We then gave them $1,500,000 more, making $4,500,000, and we put other penal clauses in, but they paid no attention to them. They got up to $6,000,000, and after three laws passed against giving beyond the limit, they got it up to $9,000,000 before completing the building.

The Boston post-office had a limit of a million and a half, and I think it got up to $4,000,000 before it was through, just defying the law. The Committee on Appropriations were denounced in both Houses because they were compelled to yield to pressure; and this committee determined—I was one of them—to make the statement that this building ought to be made three stories and fire-proof, that a law ought to be passed by both Houses authorizing the extension of the limit; and if the Senate desire now to order the committee to add $60,000 to this when there is no law authorizing it but a law prohibiting it, I for one shall willingly acquiesce in all the other cases; but the difficulty is that if you do that then we shall originate public buildings. If the committee reports in favor of one, we can fix no limit to the power of the Committee on Appropriations. The moment you break down the rule and adopt the suggestion of the Senator from Vermont that when a committee favorably recommends a building we can go on and erect it for what we please and extend the limit *ad infinitum*, there is no telling what the Committee on Appropriations can not do.

Mr. VAN WYCK. Will the Senator allow me to ask a question?

Mr. BECK. Yes, sir.

Mr. VAN WYCK. I ask the Senator if he thinks it worth while to discuss the binding force of a rule made by the Senate when the Senate violates that rule day after day whenever it suits its purpose?

Mr. BECK. The Senator can answer that as well as I can. I do not propose to go into that. I have said all I care to say. I believe the motion is right; and if the Senate think they can do it and keep a proper check on appropriations for public buildings hereafter, I have no objection; but it is a dangerous thing.

Mr. COCKRELL. I desire to say that as a member of the Committee on Appropriations I dissent *in toto* from the supposed rule of the Senate and of the committee. I say that the Committee on Appropriations had a perfect right to adhere and agree to this provision of the House bill, without any violation of law or the violation of any rule of the Senate; and I desire to say now that that committee was not unanimous in its recommendation, and I disclose no secret of the committee when I say that, and I think if it had been polled it would have been very difficult to tell on which side the majority would have fallen.

Mr. President, it is a question of business and common sense. The Supervising Architect of the Treasury Department has in this case, in a case at Saint Joseph, Mo., one at Hannibal, Mo., and one at Jefferson City, Mo., and one in nearly every State in the Union made an estimate of the amount necessary to complete public buildings according to the law authorizing their construction. The officers have partly done the work of completing them according to that, but they find that to make those buildings fire-proof and what they ought to be they must have an additional appropriation and they have estimated the amount, and the Secretary of the Treasury and the Architect recommend the appropriation of it.

Now they say here that in Columbus, Ohio, they can complete the building two stories high and not fire-proof, according to the original law. The question is, shall we force the completion of the building two stories and not fire-proof, and inside of a few years have to put on another story or two or construct a new building? That is the question. We have already abandoned a number of inferior and too small buildings which had been erected at the public expense and that amounted to nothing. You take the case at Hannibal, Mo. Seventy-five thousand dollars was appropriated there. They have partly constructed the building—it is not fire-proof—with $75,000, but with the addition of $18,000 they can make a fire-proof building, one that will stand indefinitely, and the Architect says that it is for the best interests of the public service and the Government that the increased appropriation of $18,000 shall be made. And will the Senate say that in order to conform to some mysterious law or rule which some one has established we will disregard the public interests and put up an indifferent and inferior building, one that in a few years will necessarily have to be repaired?

It does seem to me the plainest proposition that was ever submitted to the Senate, that the very best interests of the public service, the interests of the tax-payers of this country, require that we shall not accept this amendment proposed by a bare majority of the Committee on Appropriations, and which I do not conceive is required by any law or rule of the Senate.

Mr. BECK. One word more and I am done. The Senator from Missouri and myself do not differ at all except in this: I claim that when the necessity for changing these buildings and making them fire-proof was made so apparent the Supervising Architect of the Treasury and the persons interested ought to have laid those facts before the Committee on Public Buildings and Grounds, and a bill ought to have been reported which could be passed through both Houses in two days, extending the limit fixed by law. Then the Committee on Appropriations would have had no trouble about it; but when there is a law prohibiting us from doing anything——

Mr. SHERMAN. Will the Senator from Kentucky allow me to interrupt him? I am not quoting the proceedings of the House of Representatives when I state to the Senate that I know from the best information possible that after we passed the bill extending the plan and requiring a third story to be built it could not be taken up in the House. It was covered over by the mass of bills there; and the Committee on Appropriations of the House adopted this as a means of carrying out and really passing the Senate bill. It was because they could not get at that bill.

Mr. BECK. The Senator from Ohio understands exactly the difference between the Senator from Missouri and myself, that we as a committee were compelled to obey existing law and could not make new ones.

Mr. SHERMAN. What law?

Mr. BECK. The law limiting the total cost of the building at Columbus to $150,000.

Mr. SHERMAN. This bill is full of change of the law. Take the very next page, to which I call the attention of the Senator. On that page I find an appropriation for the extension and completion of the public building at Des Moines.

Mr. BECK. Congress has passed an act authorizing it. There are a dozen cases of that sort. There were eight bills passed by the Senate on Saturday authorizing such increases.

Mr. SHERMAN. The changing of a plan by law is a violation of our rule, according to this construction.

Mr. BECK. Oh, no! Whenever a law is passed authorizing it, the Committee on Appropriations appropriate according to law.

Mr. SHERMAN. Let me answer one other point made by the Senator from Kentucky, if he will allow me.

Mr. BECK. Certainly.

Mr. SHERMAN. The Senator says, with great propriety and force, that ten or twelve years ago there was the gromest abuse by the Executive Departments in regard to appropriations for public buildings. They disregarded all limits of laws, and if a million dollars were appropriated they would go on and devise plans for four millions. But that was all corrected, and the Senator from Kentucky will, I think, bear witness that during the time I held the office of Secretary of the Treasury we required the law to be followed in every case, and there was not a solitary case where the expenditure went one single dollar beyond the amount limited by law. But that does not prevent Congress from making these changes, and I do not see why Congress may not do it here.

Mr. BECK. I think Congress can do it here if they see fit, but I do not think the Committee on Appropriations could report in favor of it without reporting a violation of law. Congress can make the change.

Mr. SHERMAN. If the committee have any trouble about it, the Senate may solve the whole matter.

Mr. FRYE. There is no rule of the Senate preventing it.

Mr. SHERMAN. No rule prevents it.

Mr. CONGER. Mr. President, I think the committee misunderstand the law on this subject. There is no limitation upon the committee and no limitation upon the Senate by any law which I know of which has been passed as to the amount that is to be appropriated for a public building. It is as much open to the exercise of the discretion of the Senate as is the passage of any other law. To prevent the abuses which have been referred to there is a limitation upon the Architect in preparing the plans that he shall not prepare plans which will require a greater expenditure than the amount appropriated.

Mr. CAMERON, of Wisconsin. Will the Senator yield to me on a privileged matter?

Mr. CONGER. I yield to the Senator from Wisconsin without losing my right to the floor.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

Mr. CAMERON, of Wisconsin, submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 84) entitled "An act to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof," having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its amendment numbered 4, and in lieu thereof agree to the following:

"*Provided, however*, That said sum shall be charged to the unpaid annuities stipulated to be paid to the said Sioux Indians under treaties, but abrogated and annulled by the act approved February 16, 1863."

And the Senate agree to the same.

ANGUS CAMERON,
JAMES H. SLATER,
H. L. DAWES,
Managers on the part of the Senate.

OLIN WELLBORN,
H. B. STRAIT,
R. S. STEVENS,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. GROOME submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 847) for the relief of Francis B. Van Haesen; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, in line 106, to reduce the appropriation "for court-house and post-office at Columbus, Ohio: For completion of building," from $110,000 to $50,000.

Mr. CONGER. Mr. President, I was stating when I was interrupted that the limitation referred to by the committee was a limitation upon the Supervising Architect of the Treasury commanding him not to make plans for a building that would cost more than the amount appropriated. There is no restriction upon the Senate; no restriction in that law upon Congress. Under our rules amendments to increase appropriations are provided for, and there is nothing to limit making an amendment in this respect in the Senate, provided it is not new legislation. If the Supervising Architect reports to Congress that if he does make an estimate according to the appropriation which has been made the building would be unfit for the service, that the amount is not sufficient, then it comes back to Congress again to say whether they will make an additional appropriation, and it is no violation of law for Congress to entertain the proposition to increase an appropriation to such an amount as may be deemed necessary. I do not think the Committee on Appropriations have any right to construe a limitation upon the Architect of the Treasury as a limitation upon their power to recommend legislation to the Senate.

Mr. HARRISON. Mr. President, for one I am entirely at a loss to understand how the Committee on Appropriations can find any difficulty under our rules in agreeing to this legislation proposed by the House. The chairman of the Committee on Appropriations says it changes existing law. What if it does?

Mr. ALLISON. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. ALLISON. Does the Senator think the Committee on Appropriations could have increased this appropriation to a million dollars?

Mr. HARRISON. I think the Committee on Appropriations could have suggested any limit they pleased, and if the Senate ratified it that would be the law.

Mr. ALLISON. No doubt of that; I suppose we can do it; but was it within our province to make appropriations beyond the limits of existing law? That is the question.

Mr. HARRISON. There is no rule of the Senate that prohibits the change of existing law in an appropriation bill, and never was. That is the rule of the House as we understand it, but the rule of the Senate simply is that general legislation shall not be proposed on an appropriation bill. Our Rule XVI makes explicit provision for introducing new items of appropriation and for increasing items of appropriation upon the recommendation of standing committees of the Senate. Now, this appropriation and others like it in this bill—there is one which is local to Indiana—have not only been recommended by the particular committee having this subject in charge, the Committee on Public Buildings and Grounds, but the Senate has ratified the recommendations of that committee by the passage of several bills. So these propositions to increase the appropriations for these public buildings are not only recommended to the Committee on Appropriations by the appropriate standing committee of the Senate, but the Senate has added its sanction by passing the bills as separate propositions.

This is not general legislation, and that is the only limit upon our committee. It has been decided by the Chair, and by the Senate upon appeal, that any legislation which exhausted itself with the expenditure of an appropriation was not general legislation.

Mr. HARRIS. Will the Senator from Indiana allow me to ask——

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. HARRISON. Certainly.

Mr. HARRIS. I quite agree with the Senator that Congress having passed a bill authorizing the construction of a public building, if it had done no more it would have been perfectly legitimate, in my opinion, for the Committee on Appropriations to have made such appropriation as, in the light of all the facts, they deemed necessary to carry out that object; but where Congress authorizes the construction of a public building and by statute prohibits an appropriation beyond a given amount, does the Senator from Indiana hold that in the face of that statutory limitation the Committee on Appropriations is justified in appropriating or proposing to appropriate money that goes beyond the limit fixed by law and stands upon the statute-book so fixed and unchanged?

Mr. HARRISON. I will adopt the New England fashion of responding to the Senator from Tennessee by asking him a question. I ask the Senator what rule of the Senate prohibits it?

Mr. HARRIS. I have not asserted that any rule of the Senate prohibited it, but a statute prohibits it is the point I suggested to the Senator from Indiana.

Mr. HARRISON. It is a novel doctrine that a statute puts a limitation upon the power of Congress, that an act of Congress limits the power of Congress to change it. The limitation put by that statute is a limitation upon the executive officers of the Government; it is not a limitation upon the power of Congress to change it at any moment it pleases by a concurrent vote of the two Houses. We have prohibited the Supervising Architect from making an estimate or from making plans beyond a certain amount; it is a limitation upon the power of the executive officers; and I do not think the Senator from Tennessee, when he reflects a moment, will hold to the proposition that that limitation of law binds us or binds any committee of this body as to recommending a change of the existing law.

So, then, there is no limitation under our rule; we are perfectly free. The Committee on Appropriations was and the Senate is, in the aspect in which this stands, perfectly free to deal with this question, and it seems to me that the reason sometimes given why the Committee on Appropriations should not deal with these questions does not at all apply in these questions, because as I have said we are not throwing upon the committee the duty of investigating the proper cost of a public building anywhere. The appropriate committee has done that, and not only has it done it and recommended this increase, but the Senate has already given its concurrence in that recommendation. So I submit that the Committee on Appropriations were amply equipped to deal with this question, in the first place because the Committee on Public Buildings and Grounds had dealt with it, and in the second place because the Senate itself had dealt with it.

Mr. INGALLS. Mr. President, I do not understand that the Committee on Appropriations differ materially with those Senators who have spoken upon this subject. I listened with much interest to what the Senator from Kentucky said when he was replying to the Senator from Ohio. It appeared to me that he must have listened with great attention to the prayer of the Chaplain this morning, for his appeal appeared to be "lead us not into temptation, but deliver us from evil." He said there was really no objection whatever to the suggestion made by the Senator from Ohio that the building ought to be enlarged, that additional stories should be placed upon it, and that it should be made fireproof; but he said the Senate should not yield to this importunity because, if it did, the last safeguard to the virtue of the Committee on Appropriations would be swept away; there was no longer any hope that they would refuse to yield to the solicitations from every quarter unless the Senate acceded to the amendment reported by the committee, and refused to listen to the Senator from Ohio.

Mr. President, that is a pretty feeble appeal to make to this body. If the Senator from Kentucky has no stronger foundation on which to stand than that, I must say that I think his appeal was one rather to disregard the amendment than to agree to it.

Mr. President, this is not in any manner whatever general legislation. It can not be construed into general legislation. The Senator from Indiana has properly placed that before the Senate. It is not that species of legislation against which the rule of the Senate was intended to guard, and the Committee on Appropriations themselves appear to have acted with singular disregard of the rule. I observe that they have placed in this bill changes of existing law by their own motion. They affirm that it is a rule that should govern them, to the violation of the provisions of which attention has been called in a case where Congress during the session has enacted a bill for the construction of a public building. Now they place on page 12, for instance:

For court-house and post-office at Troy, N. Y., $100,000.
For court-house and post-office at Tyler, Tex., $50,000.
For court-house and post-office at Wichita, Kans., $50,000.

These are absolutely new appropriations. They are not provided for by law, because I heard the bill for the appropriation for the public building at Wichita read this morning at the Secretary's desk. It has passed both Houses of Congress, but it has not been approved by the President, and therefore is not a law of Congress. It is no more a law of Congress than the appropriation for the building at Columbus is a law of Congress. It will be a law of Congress whenever it is approved by the President; but the Committee on Appropriations have no right to assume that these enactments are to be approved by the President. It is just as much a violation of the rules of the Senate to put those appropriations in here as it is to disregard the appropriation that came from the House of Representatives about the Columbus building. I hope we shall have some consistency about this matter; that the Committee on Appropriations will adhere, if they intend to enforce this rule, logically to the suggestions of the rule, and not refuse to agree to

one appropriation and at the same time insert others upon grounds that can not be supported by the facts.

I trust, sir, that the Senate will agree with the Senator from Ohio, that they will permit the appropriation to stand as it came from the House, because we have just as much right to say in this bill that the limitation for the construction of a public building shall be extended as we have to say that an appropriation for a building not warranted by law shall be inserted in the bill.

Mr. CALL. Mr. President, with all the constructions which have been placed on this rule of the Senate, it has never before been contended that it prohibited the Committee on Appropriations or the Senate from accepting a provision that came from the House. The point has been made that we could not amend, by inserting general legislation upon an appropriation bill, the action of the House on a bill coming here; and in this case this is the action of the House, and it is only proposed to accept that action and concur in it by adopting the bill as it came from the House. But the Committee on Appropriations is now holding that it was not competent for that committee to report to this body accepting the provision which came from the House of Representatives.

It has never before been contended that the rule of the Senate went so far as that. Certainly, however, the committee were justified in saying that this was a proposition to impose general legislation upon an appropriation bill, for the statute which provides for a public building and proposes that it shall not exceed a certain amount is a law; and it only illustrates the impropriety of that rule of the Senate, for it can not be distinguished from general legislation. It does not exhaust itself any more than any other appropriation does. It is simply a law providing for a public building and declaring that that public building shall not exceed a specified amount. Sir, I hold that there is a duty of the Senate imposed by the Constitution, and that the committee have no right to withhold their assent from such a proposition when it is a matter of public interest, when the good of the public service requires that an appropriation shall be increased and the proposition is sent here from the House in an appropriation bill increasing it, and we are required by the public necessities to increase it. In such a case I think it is the duty of the committee to report that increase and to adopt it.

So far as this provision is concerned coming here from the House and requiring a mere acceptance of the provision by the Senate, not being an amendment, which might be prohibited under the strict technical construction of the rule, there can be no ground of reason for objecting to the clause. It is a heresy in reasoning as it is in law to suppose that the functions of this body in appropriating public money are limited by the action of any past Congress, and I shall not cease so long as I remain here, to protest against the idea upon which our rule is based, that there is anything in the action of any past Congress which can limit this Congress in its action.

Mr. MILLER, of New York. This seems to me to be a very plain and simple matter. Congress in its power exercised for years has passed a number of bills for the erection of various public buildings. The bill in this case limited the amount of money which could be expended by the Secretary of the Treasury in obeying the law and in erecting the building, and by law the Supervising Architect has been restrained from making a plan for any building which would exceed the amount of money appropriated in the various bills; but in the exercise of his duties and powers as Supervising Architect he has reported to the Secretary of the Treasury that a number of buildings have been ordered by Congress which can not be properly constructed for the amount of money to which they were limited in the original bills, and he has recommended an additional appropriation in a number of cases. His recommendations go to show that the buildings ordered heretofore can not be constructed in a fire-proof manner; that several of them can not be constructed of sufficient size to accommodate the public business of the country at the points where they are located. The recommendation comes here that the limitation of appropriation be changed and that the amount of money appropriated be increased. Certainly it is within the province and power of Congress to change the limit of appropriation for any public building. It is not in defiance of any law now existing upon the statute-book, because it is simply a change of the law, which we have a perfect right to make and which we should make.

As a business question, then, it simply amounts to this: Shall we compel the Supervising Architect to go on with these buildings, and erect buildings which are not fire-proof and will not answer the public purposes of the Government, or shall we, following his recommendation, so change those limitations, so add to the appropriations that the buildings when completed shall be perfect and fire-proof and shall be of sufficient size to accommodate the public business of the Government at these various places? There is nothing in existing law, there is nothing in the rules of the Senate which prohibits this; and judging from the arguments which have been made by the Appropriations Committee, chiefly by the chairman and by the Senator from Kentucky, it must be evident to the Senate that the Appropriations Committee desire this body not to concur in the amendment which they have proposed. I trust that the Senate will meet the Appropriations Committee in that spirit and disagree to their amendments in all these cases.

Mr. MITCHELL. I desire to ask the Senator a question. I find upon the statute-book, in the Revised Statutes, section 3734, in these words:

Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; and the cost of each building shall not exceed the amount of such estimate.

I ask the Senator whether that does not come within this provision of Rule XVI:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Mr. MILLER, of New York. It has been stated here repeatedly that these amendments can not be considered general legislation, and even if they were general legislation they would not come under the provisions of this rule, because this legislation comes to us from the House. The House had a right to put it in, and all the Senate can do is to agree to it or strike it out. We can not change the provision which the House has put into the bill. That rule refers to amendments suggested in the Senate, and not to bills of the House.

Mr. MITCHELL. I ask further whether during this session this body has not repeatedly decided that certain provisions coming from the House were within that clause of Rule XVI and not in order?

Mr. MILLER, of New York. The Senate has never decided anything of the kind, but it has repeatedly decided through the Chair directly to the contrary, and on every occasion during this session when that question has been submitted to the judgment of the Senate it has, I think, without any exception, held directly to the contrary. In the case of every amendment upon the Post-Office bill, which passed the other day, the Senate held directly the opposite. It has never held to any such doctrine as the Senator states.

Mr. MITCHELL. One word in reply to what the Senator said. My recollection is entirely different from that of the Senator, and I think the RECORD will bear me out that the Senate has repeatedly decided the other way and sustained the President of the Senate in making that decision. It is true sometimes it has broken down that ruling.

Mr. MILLER, of New York. If the Senator will put that question to the Chair for an answer I shall be entirely satisfied with the answer he will receive.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations in line 106.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 8, nays 46; as follows:

YEAS—8.

Allison,	Dawes,	McPherson,	Morgan,
Beck,	Edmunds,	Mitchell,	Pugh.

NAYS—46.

Bayard,	Cullom,	Jackson,	Pendleton,
Blair,	Dolph,	Jonas,	Pike,
Bowen,	Fair,	Kenna,	Sabin,
Brown,	Frye,	Lapham,	Sawyer,
Call,	George,	McMillan,	Sherman,
Camden,	Gorman,	Mahone,	Vance,
Cameron of Wis.,	Groome,	Manderson,	Van Wyck,
Chace,	Hampton,	Maxey,	Vest,
Cockrell,	Harrison,	Miller of Cal.,	Voorhees,
Coke,	Hawley,	Miller of N. Y.,	Wilson.
Colquitt,	Hoar,	Morrill,	
Conger,	Ingalls,	Palmer,	

ABSENT—22.

Aldrich,	Hale,	Logan,	Sewell,
Butler,	Harris,	Platt,	Slater,
Cameron of Pa.,	Hill,	Plumb,	Walker,
Farley,	Jones of Florida,	Ransom,	Williams.
Garland,	Jones of Nevada,	Riddleberger,	
Gibson,	Lamar,	Saulsbury,	

So the amendment was rejected.

Mr. SHERMAN. I suggest to the Senator from Iowa to insert the words "extension and" at the beginning of line 106.

Mr. ALLISON. I have no objection to that.

Mr. SHERMAN. That will make it uniform with the other public-building items.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend the clause by inserting the words "extension and" before the word "completion" in line 106; so as to read:

For court-house and post-office at Columbus, Ohio: For extension and completion of building, $110,000.

If there be no objection, the amendment will be received and considered as agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 107, to insert:

For court-house and post-office at Concord, N. H.: For completion under present limit, $100,000.

The amendment was agreed to.

The next amendment was, after the word "for," at the end of line 111, to strike out:

Completion of the building, $25,000; and the cost of said building, including site, shall not exceed $100,000.

And insert:

Approaches, fencing, and grading, $15,000.

So as to make the clause read:

For court-house and post-office at Dallas, Tex.: For approaches, fencing, and grading, $15,000.

Mr. BECK. According to the vote taken by the Senate in the Columbus case, I think the committee ought not to ask that that amendment be adopted.

Mr. COKE. I hope the Senate will not concur in this amendment.

Mr. ALLISON. This case stands precisely on the footing of the case just decided by the Senate. This clause as it stands is an extension of the limit $25,000.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations.

The amendment was rejected.

The next amendment was, after the word "dollars," at the end of line 117, to insert "to be immediately available;" so as to make the clause read:

For court-house and post-office at Denver, Colo.: For continuation of building, $28,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 118, to insert:

For court-house and post-office at Detroit, Mich.: For continuing work on same, $100,000.

Mr. PALMER. I offer the following amendment as a substitute for the amendment of the committee:

For the execution of the provisions of the act of Congress entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, A. D. 1882, or for the execution of the provisions of the act of Congress entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," as the Secretary of the Treasury may determine according to law, $200,000.

Mr. ALLISON. If I can I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The Chair thinks it subject to a point of order on the amount; it increases the amount reported by the committee; but it is not subject to a point of order on what it declares, as it refers to laws existing.

Mr. ALLISON. I hope the Senator from Michigan will not insist upon the phraseology that he has inserted there with reference to the two laws, but that whatever amount is appropriated will be appropriated as is proposed by the committee.

Mr. MORRILL. I ask the Senator from Iowa to accept an amendment on line 102, after the word "same"——

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. PALMER] is entitled to the floor.

Mr. CONGER. My colleague [Mr. PALMER] yields to me for a moment. I do not understand that any point of order lies against the amount here proposed under any law or rule. There are still several hundred thousand dollars of the estimate for this building that have not been appropriated, so that my colleague's amendment does not increase the amount beyond the sum already provided either by the former law or by the present one recently passed. I hope the Senator from Iowa will not insist on the point of order as to the amount. That matter was presented to the committee by my colleague, and there is no necessity for insisting on a mere form.

Mr. ALLISON. I will say with reference to the amount that we had the Surpervising Architect of the Treasury before the committee with reference to the various public buildings authorized by law. We asked him the question as to the amount of money he needed to economically continue the construction of the buildings authorized by law, and the recollection of the committee is that he stated that if had $250,000 for the current year it would be as much as he could economically expend on the building at Detroit. There is now a balance of $149,000 of the appropriation of last year remaining unexpended, and we add $100,000 in this bill, making $250,000 in round numbers that will be at the disposal of the Treasury if the amendment proposed by the committee shall be adopted.

Mr. BECK. Then we had another trouble, which I will call attention to, that there is some difficulty about a change in the site. That I think is going to cause some delay, and therefore the Architect could not expend all that is proposed, because of the delay likely to grow out of that condition of affairs.

Mr. PALMER. I will come to that if the Senator will give me an opportunity. In 1882 a public-building bill was passed for Detroit appropriating $600,000 if a new site was obtained, and $500,000 if it was not obtained—that is, if the old Government property there was used for a site. The building was commenced; some progress has been made; and this Congress has passed another bill increasing the limit to $900,000, and opening the question of choice of site. That is the reason of the phraseology in the amendment that I sent up. I have no objection to withdrawing that if the Senator from Iowa, the chairman of the Committee on Appropriations, will permit me to change the phraseology of the appropriation in the bill.

Mr. INGALLS. I did not understand from the reading of the amendment to what the discretion of the Secretary of the Treasury applies.

Mr. PALMER. To the selection of a site according to the terms of the recent bill. That bill has been passed by both Houses; it has gone to the President, but has not yet been returned with his signature. It opens the whole question. The first bill is involved in the second. If the second fails the first stands. There is no objection to an increase, because the limit under the old bill has not been reached.

Mr. COCKRELL. I would suggest to the Senator that probably the bill he refers to will become a law before this bill becomes a law, as it has already passed the House and Senate, and this will be one of the last bills signed.

Mr. ALLISON. We make no point on that. I will say that the amendment of the Senator from Michigan is still within the present limit of the law. The present limit of the law is $500,000, and there has been appropriated about $250,000; so that the amendment is within the limit of the law as it now stands. But if the Senate will bear with me one moment, I wish to suggest that we ought to perhaps obey a law that has not yet passed, though I hardly see how we could do so. The facts are that here is an old building in Detroit; authority was given some years ago to enlarge and extend it, and an appropriation of $250,000 was made for that purpose. One hundred thousands dollars and over of that sum has been expended at the present site. Now it is proposed, as I understand, to change the entire site of the building, and commence the erection of an absolutely new building with a limitation of $900,000 for its construction. Is not that what is proposed under the law?

Mr. PALMER. The Senator is correct.

Mr. ALLISON. The Committee on Appropriations believed that it was a wise thing to give $100,000 in addition to the amount already in the Treasury for this purpose without committing the Senate to this question of a change of site and a new building.

Mr. PALMER. I will say in reply that I do not think in either case the change will be made unless it be made by the Secretary of the Treasury; it is very doubtful if it will be made; but the question is opened by the bill recently passed, and if a change is made the present appropriation, or what remains of it, the unexpended balance, will not more than buy a new site. The property that the Senator from Iowa speaks of as having been purchased for this site is worth all the money that it has cost. There can be no loss to the Government in either event; but the question of the location of the building is reopened. If the site is changed we shall want more than $100,000 additional. If it is not changed, $100,000 will be sufficient. When there is a law already fixing the limit at $500,000, of which $250,000 is unexpended, it seems to me as if the Senate would be taking sides for keeping the location where it is, instead of opening it, as the bill just passed contemplates, and leaving it within the discretion of the Secretary by adopting the committee's amendment in the language proposed.

Mr. HARRISON. May I ask the Senator from Michigan if the bill opening the question of location has already passed both Houses and gone to the President?

Mr. PALMER. It has.

Mr. HARRISON. Would it not answer the Senator's purpose to let this stand simply by an increase of the amount, and then the other bill being signed by the President will settle the matter, without putting in any additional words here?

Mr. PALMER. It would if it were not for the phraseology of this amendment. I want to make it so clear that the man who runs may read. "For continuing the work" might be construed by some of our people as committing me to the present building, although I do not think that would be a fair construction. I would say:

For public building and site at Detroit, Mich., $200,000.

Leaving out the rest of that clause. I should be satisfied with that.

Mr. MORRILL. I hope the Senator from Michigan will not insist upon that, because that would be taking sides on the question of the site. My own opinion is very decided that there ought not to be a change of site. The present building is right in the heart of business, on the borders of the lake, in the midst of the greatest part of the mercantile and law business of the city. If the appropriation is made it is all that is needed; and so far as a new site is concerned, if that should be decided upon, it would take some considerable time to obtain the authority of the Legislature in relation to it, and it would probably take a considerable time to compose the quarrels of the city in relation to the building. I hope, therefore, the Senator will not ask the Senate to decide the question of a site at this time.

Mr. HALE. If the Senator desires to change the location of the Detroit post-office and custom-house from the center of business where it is now and where it accommodates the business of that city, let him say so in terms, because what he suggests, an appropriation for a site, is pregnant with the idea of a change of location. The Senator must see that as plainly as I do.

Mr. PALMER. If the Senator will permit me, that is the reason why I submit the amendment I do, expressing no opinion in regard to the site. Whatever my opinion may be on that subject, I do not declare it. I do not propose to take a hand upon either side of the controversy. It was on that ground that the amendment I sent up was couched in the language it was. I ask the Secretary to read it. I think the Senator from Maine, who was not in at the time, may have a little light thrown upon the question when it is read.

The PRESIDENT *pro tempore*. The amendment will be again read if there be no objection.

The CHIEF CLERK. It is proposed to strike out the paragraph comprised in lines 119 to 121, inclusive, and to insert:

For the execution of the provisions of the act of Congress entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, 1882, or for the execution of the provisions of the act of Congress entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," as the Secretary of the Treasury may determine according to law, $200,000.

Mr. HALE. The reason why the clause is put in as it stands in the bill is that this is a begun building. Whatever additional accommodations Detroit has for post-office and custom-house business, whether it be in one place or another, there has been money already expended. Whether it shall be on the old site or on a new site is to be settled hereafter through the Secretary of the Treasury. The committee thought that without in any way committing itself upon that question, it being undoubtedly a continuing work, the increasing of the appropriation should be left in that way.

Then the law squarely says, and it has already been passed, that the whole subject shall be taken up by the Secretary of the Treasury, and he shall consider and determine where this additional work of providing additional accommodations for Detroit shall be done. I can not believe that any Secretary will change the site. I do not believe the Senator himself would want the site changed.

I hope the Senator will not insist upon his amendment on this statement. Under the act the Secretary will go on and settle it, and then this work which has been begun will be continued with the additional accommodations for Detroit. If he takes it up at a new place, and thereby removes it from the business center, the responsibility must be with him. I hope the Senator will not insist on the amendment, because evidently it will (and I know the sentiment of many business men in Detroit) be construed as committing both the Senator and this body and Congress in favor of a new location; and I do not think the Senator ought to press that.

Mr. PALMER. In regard to the merits of the location, with the quarrel, as I said before, I will have nothing to do; my opinion shall not be heard upon that point. What I care for more is to satisfy the people whose interests in the aggregate are greater than mine or those of any other Senator present. It was on that account that I did not want the appropriation even by implication to limit the location of the building to where it is now.

Mr. HALE. There is no danger of that.

Mr. PALMER. I will withdraw my amendment and modify the clause in the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan withdraws the amendment he has already offered, and offers an amendment to the amendment of the Committee on Appropriations.

Mr. PALMER. I move to strike out and insert so as to make the clause read:

For public buildings at Detroit, Mich., $200,000.

Mr. HALE. That of course carries with it in as clear terms as possible that this is to be a new building.

Mr. PALMER. I can not see how the Senator from Maine makes out that this is to be a new public building.

Mr. HALE. That is the language used where we appropriate for a new public building. It is for a public building.

Mr. PALMER. I propose to make it read "for public buildings at Detroit, Mich." There are no new public buildings there. I think not a stone has been laid, so that it can not by implication affect the site.

Mr. HALE. That is a worse amendment, if the Senator will allow me, than the other. It carries with it the idea of an entirely new building.

The PRESIDENT *pro tempore*. The amendment now proposed by the Senator from Michigan will be read.

The CHIEF CLERK. In line 119 it is proposed to strike out the words "court-house and post-office," and in line 120 to strike out the words "for continuing work on the same, one," and to insert "two;" so as to read:

For public buildings at Detroit, Mich., $200,000.

Mr. PALMER. That is the amendment I now propose, and I hope it will be adopted by the Senate. It seems to me to be the fairest and most equitable way in which the appropriation can be put without committing any one to the site.

The PRESIDENT *pro tempore*. The Chair on reflection is still of the opinion that unless there is an estimate for more than $100,000 for the year, the amendment is subject to the point of order made by the Senator from Iowa. The Chair thinks the language of Rule XVI in regard to carrying out provisions of an existing law or a treaty applies to a case where there is an obligation on the part of Congress to do something which requires the payment of money; and as these public buildings are authorized, if there be not an estimate the Chair thinks the amendment is not in order. There are a great many analogous and similar cases where the increase of appropriation would be enormous under any other construction of the rule. The Chair thinks that the motion to increase the recommendation of the committee from $100,000 to $200,000 is not in pursuance of the estimate of the head of the Department, and does not fall within the provision of carrying out the provisions of existing law, as the Chair understands the rule to mean, as an obligation of the United States to enter into which requires the payment of money; but the Chair understands the Senator from Michigan to say that it is in pursuance of an estimate.

Mr. PALMER. It is in pursuance of a general estimate, but not, as I understand, of an annual estimate. I was not aware that such an estimate was required every year where a work was continued.

The PRESIDENT *pro tempore*. Does it appear in the regular estimates of the Treasury Department for the expenses of the coming year?

Mr. HALE. No, sir; it does not.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate if the Senator from Michigan desires. The Chair thinks it does not fall within the provision of the rule about carrying out the provisions of an existing law, inasmuch as the Chair thinks, as he stated, that that means where the existing law requires an appropriation to be made, not merely where it authorizes an appropriation to be made.

Mr. CONGER. One law has been passed authorizing the expenditure of $500,000 on the building. Another law, which may or may not at this hour of the proceedings have been approved, has increased that to $900,000. Only $250,000 have been appropriated of the $500,000 which were authorized to be used for the building. Now, I think, under any rule, there may be under that law $250,000 more appropriated right along, which has been authorized; and, under the new law, if it should come here approved in half an hour, there would be $400,000 additional which might be appropriated. There is no request that there shall be an amount appropriated beyond the provisions of either of the laws.

The PRESIDENT *pro tempore*. The Chair does not put it on the ground that the last act of Congress has not been approved by the President, because if a bill of the Senate alone were passed which required the appropriation of money, an amendment appropriating the sum would be within the rule. But as the law only authorizes the carrying on of a public work and limits the extent to which the expenditure shall go, the Chair is of opinion that it does not fall within the meaning of the rule as an amendment which the Senator from Michigan may offer to carry out the provisions of an existing law. The Chair thinks that that has always been construed to mean, and it is clear that for the purposes intended by the rule it should mean, that the provision heretofore passed should require an appropriation to be made and not merely authorize an appropriation.

Mr. CONGER. I do not know that the Chair quite understood the point I made. It is that under the prior law, leaving the present law out of consideration entirely, there are still $250,000 authorized by law to be appropriated for the purpose. If the Senator from Massachusetts [Mr. HOAR] will allow me to finish my remarks, directed to the Chair, it might perhaps be better.

The PRESIDENT *pro tempore*. The Chair understood the point of the Senator. The Chair thinks that under the rule the Senator can not move to increase the appropriation reported by the committee, on the ground that the provision in the act authorizing the building is only a limitation of expenditure and does not require that any money shall be appropriated whatever.

Mr. CONGER. Under the same phrase an appropriation was put in here for the increase of the appropriation at Columbus.

The PRESIDENT *pro tempore*. The Chair understands that; but that was put in on the report of a committee, and that may be done whether against the law or pursuant to the law.

Mr. CONGER. There may have been a mistake in regard to it. Both the Senators from Michigan personally appeared before the committee and requested the committee to fix the amount at $250,000, and presented that as an amendment which they wished to have reported by the committee. If it gives any more formality to have an amendment sent up to the desk without reading and referred, without anybody knowing what it is, to the committee, than to go to the committee and present the amendment directly to them, we should understand that.

The PRESIDENT *pro tempore*. If the amendment had been reported from the Committee on Public Buildings and Grounds, or any other appropriate committee, and sent to the Committee on Appropriations, then the difficulty would not have existed. The Chair understands the amendment to be submitted by one of the Senators from Michigan in his individual right as a Senator.

Mr. CONGER. The committee informed the Senators from Michigan, they acting under their supposed construction of the rule, that they could not recommend it because they had already struck out every such provision from the House bill. Now, the Senate has overruled that, and by consequence it should overrule the decision against the amendment proposed by Senators to the committee, as I have stated.

Mr. ALLISON. There is no estimate whatever for the building at Detroit in the Book of Estimates for the coming year. The change of limit has been made at this session. We called the Supervising Architect of the Treasury before us with a view of inquiring of him what amount he could economically expend at Detroit, Mich., for the building, and he stated to us $250,000. Then we investigated the amount remaining on the 1st day of January unexpended under former appro-

priations and found $149,000. So the building at Detroit, if the amendment proposed by the committee shall prevail, will have $250,000 for whatever purpose the law authorizes it to be used.

Mr. CONGER. I desire to call the attention of the Chair to the first clause of Rule XVI. I submit that if we have been mistaken in the law it is a new ruling, I think, of the Chair. The first clause of Rule XVI, as to amendments to appropriation bills, says:

No amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, &c.

Now, we find on the statute-books a law which authorizes the construction of a building at Detroit, and limits the amount to $500,000. We find that there have been appropriated under that provision $250,000. The law authorizes the expenditure of $250,000 more.

I do not know why it is, with a rule which provides that no Senator shall pass between the Chair and the speaker, that shall not only be done, but the attention of the Chair, to whom a Senator is addressing his remarks, should be obstructed by it. Twice during the course of my remarks that has been done, and I object to it now and hereafter.

The rule provides that no amendment shall be received—

Unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

We come with the first of these propositions, the provisions of an existing law, and we ask to increase an appropriation under the provisions of an existing law within the limits which that law prescribed. Why is not that of equal force with the estimate of the Treasury Department or with the recommendation of a committee? I call the attention of the Chair to that point, and ask, within this provision of an admitted existing law by which a building not to cost more than $500,000 shall be built, and there remaining a margin of $250,000 of appropriation to carry out that law, why an amendment to increase the amount within that limit is not in order under Rule XVI?

The PRESIDENT *pro tempore*. The reason why the Chair expressed the opinion, which he will however gladly leave to the Senate for its determination, was that all the operations of the Government are carried on under the provisions of existing law—ships are built, forts are built, guns are made, the Indian service is carried on, and so on. The Chair thinks that this rule was intended to mean and has always been construed to mean (this part of the rule has stood for more than twenty years, the Chair thinks) that the right to move by an individual Senator, without taking the judgment of a committee and their recommending it, and it then being sent to the Committee on Appropriations, is the right of an individual Senator to move such an amendment, without having it referred, as would carry out the provisions of existing law which require the expenditure of money; in other words, an obligation that the money shall be expended for the purpose proposed. With any other construction the Chair thinks the rule would be of no value at all, because almost every item which proposes to spend money in a bill an existing law authorizes to be done. But, as the Chair stated, the Chair will submit to the Senate the question as to this amendment being in order, it increasing the sum recommended by the committee.

Mr. LAPHAM. Allow me to make a single suggestion. In the last Congress on an appropriation bill I offered just such an amendment as this, appropriating money for a public building in Brooklyn, and the Senator from Iowa made a point of order on it. The then occupant of the chair, when I called his attention to the fact that the limit proposed by my amendment was within the act authorizing the erection of the building, overruled the point of order, and held that it was admissible, and the amendment was carried by the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the present occupant could not have been in the chair at the time. He remembers no such precedent.

Mr. LAPHAM. No; it was in the last Congress, when Judge Davis was in the chair. The decision was made by him. I cite it simply as a precedent.

The PRESIDENT *pro tempore*. The Chair will submit the question of order to the Senate. Is the Senate ready for the question? Senators who are of opinion that the amendment proposed by the Senator from Michigan [Mr. PALMER], increasing the sum recommended by the Committee on Appropriations, is in order, will say "ay;" those of the contrary opinion will say "no." [Putting the question.] The noes appear to have it.

Mr. PALMER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. I should like to know exactly the point which is presented. What is the amendment decided to be out of order?

The PRESIDENT *pro tempore*. No amendment is decided to be out of order. The Chair is submitting the question to the Senate.

Mr. COCKRELL. What is the particular amendment?

The PRESIDENT *pro tempore*. The particular amendment is to increase the appropriation for the public building at Detroit from $100,000 to $200,000. The Committee on Appropriations report an amendment providing an appropriation of $100,000. The Senator from Michigan moves to increase that sum to $200,000. The question is whether the amendment increasing the sum above that recommended by the committee, not having been reported from a standing or select committee and referred, is in order, there being no estimate of appropriation for it.

Mr. PALMER. I will state that the amendment would have been referred to the committee if I had not understood from the committee that the appropriation to be recommended by them was $250,000. They probably, in making the statement that they did to me, took the unexpended balance of $148,000 or $149,000, and then this $100,000 additional, making $249,000; but I understood that they were to report an appropriation of $250,000, and I told them I wanted but $200,000. Those are the facts; and it is through no laches of mine that the amendment was not formally offered in the Senate and referred to the committee before to-day. I supposed that this item would come in at $200,000 or $250,000 by way of recommendation. I think under the circumstances the amendment I propose should be received and adopted.

Mr. ALLISON. I hope the Senate will not, under a desire to accommodate the Senators from Michigan, establish a rule which would allow any amendment offered to an appropriation bill to be increased upon the motion of a Senator. That rule never has prevailed in the Senate, and it seems to me it would be a very dangerous one to establish.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Michigan in respect of its increasing the sum recommended by the Committee on Appropriations in order? Senators who are of opinion that it is in order will as their names are called answer "yea;" the contrary, "nay."

The question being taken by yeas and nays, resulted—yeas 22, nays 28; as follows:

YEAS—22.

Brown,	Ingalls,	Miller of N. Y.,	Van Wyck,
Chace,	Lapham,	Mitchell,	Vest,
Conger,	McMillan,	Palmer,	Voorhees,
Cullom,	Mahone,	Riddleberger,	Williams.
Dolph,	Manderson,	Sabin,	
George,	Miller of Cal.,	Sawyer,	

NAYS—28.

Aldrich,	Dawes,	Hampton,	Morrill,
Allison,	Edmunds,	Harris,	Pike,
Beck,	Frye,	Jackson,	Platt,
Camden,	Garland,	Jonas,	Plumb,
Cameron of Wis.,	Gibson,	Kenna,	Pugh,
Coke,	Gorman,	Maxey,	Slater,
Colquitt,	Groome,	Morgan,	Vance.

ABSENT—26.

Bayard,	Fair,	Jones of Florida,	Saulsbury,
Blair,	Farley,	Jones of Nevada,	Sewell,
Bowen,	Hale,	Lamar,	Sherman,
Butler,	Harrison,	Logan,	Walker,
Call,	Hawley,	McPherson,	Wilson.
Cameron of Pa.,	Hill,	Pendleton,	
Cockrell,	Hoar,	Ransom,	

The PRESIDENT *pro tempore*. The Senate decides that the amendment, so far as it increases the sum, is not in order.

Mr. CONGER. I feel an embarrassment about this matter that I do not like to feel. The chairman of the committee stated, and I could not find it at the moment turning to it, that there was no estimate for this appropriation in the Book of Estimates, and the Chair so put the proposition. I was spending my time as rapidly as I could to find the estimate.

I make the same request of the officers that I have of Senators, that they do not address the Chair when I am addressing him about a matter for his own personal consideration.

The PRESIDENT *pro tempore*. The Chair thinks that it is necessary for the officers to address the Chair about current business even when Senators are speaking. They will try not to interrupt the Senator.

Mr. CONGER. Then perhaps the same courtesy which requires a Senator to suspend until a message from the House shall be received might be extended satisfactorily. It comes so often I should like to have some rule about it.

The PRESIDENT *pro tempore*. The Senator from Michigan will proceed.

Mr. CONGER. The Chair made his ruling on the statement of the chairman of the Committee on Appropriations that there was no estimate for this additional money. I find on page 143 of the Book of Estimates for public works:

Detroit, Mich.: Court-house, post-office, &c., completion under present limit, $250,000.

It is under the head of total amount to be appropriated this year; and if there is not an estimate for that, there is not an estimate for an item in the whole bill, for it turns on exactly the same rule. I will send this to the Chair; it is exactly in the same line and mode and manner as every estimate in the book. I submit that it is a little irregular to rule the amendment out on statements made contrary to the fact when the estimate is before us. It is at page 143. I do not like to be the subject of that kind of information.

Mr. ALLISON. At the moment I supposed there was no estimate. I think the Senator from Michigan makes a fair criticism. I withdraw my statement.

Mr. CONGER. Then, the statement being withdrawn, I suppose the amendment does come within the proper ruling of the Chair and may be offered.

The PRESIDENT *pro tempore*. It appears in the estimates of appropriations as submitted. The Chair thinks that should be considered as an estimate affirmative. It appears to be for the coming year. So the Chair thinks on that point it is in order. It was understood when the Chair submitted the question of order to the Senate that there was not an estimate for it.

Mr. CONGER. I know it was so stated; and I was unable at the moment to find the estimate.

Mr. ALLISON. I will state to the Senator from Michigan that it is impossible for me to keep in my memory every item of appropriations estimated for or not estimated for by hastily glancing at the Book of Estimates. I supposed at the moment that this item was not estimated for.

Mr. CONGER. I do not question at all the correctness of the information of the chairman of the committee at that time, but it affects very seriously a matter of interest to us, and therefore I called attention to it.

The PRESIDENT *pro tempore*. If there be no objection the amendment that was ruled out on a vote of the Senate will be received. The Chair hears no objection. The question is on agreeing to it. The amendment will be again read.

The CHIEF CLERK. In line 119 strike out the words "court-house and post-office" and insert the words "public buildings;" in line 120 strike out the words "for continuing work on same, one" and insert the word "two;" so as to read:

For public buildings at Detroit, Mich., $200,000.

Mr. HALE. I suggest to the Senator from Michigan that the first amendment submitted by him would be more satisfactory than the one that he has put in now.

Mr. PALMER. Does the Senator say that the first amendment would be more satisfactory to him?

Mr. HALE. Neither of them suits me, but I think the first is the better one. I have been looking at it since I was on the floor before.

Mr. PALMER. I will resume my position and take the first amendment.

The PRESIDENT *pro tempore*. The amendment was returned to the Senator from Michigan. It is not now at the desk.

Mr. PALMER. I send up the amendment again.

The PRESIDENT *pro tempore*. The Senator from Michigan modifies his amendment. It will be read as modified.

The CHIEF CLERK. Strike out the paragraph from line 119 to line 121, inclusive, and insert:

For the execution of the provisions of the act of Congress entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, 1882; or for the execution of the provisions of the act of Congress entitled "An act to provide for the purchase of a site and the erection of a public building at Detroit, Mich.," as the Secretary of the Treasury may determine according to law, $200,000."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan to the amendment reported by the Committee on Appropriations.

Mr. MORRILL. I ask to insert at the end of the amendment the words:

Under the limits of existing law.

I do not want to increase the amount beyond the sum of $500,000.

Mr. PALMER. I accept that amendment.

The PRESIDENT *pro tempore*. The Senator from Michigan modifies his amendment. The question is on agreeing to the amendment to the amendment as modified.

Mr. HALE. The Senator from Michigan, as I understand, under this amendment which he offers, does not in any way consider that it affects or influences the question of a new site or building upon the old site?

Mr. PALMER. No, sir.

Mr. HALE. And he has no such intention?

Mr. PALMER. The intent is to leave that entirely to the proper authorities. There is not the slightest wish on my part, nor on the part of any one else that I know of who has spoken for this amendment, to influence the location of the site.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the concurrent resolution for the printing of 3,500 copies of the first and second volumes of "Decisions relating to the public lands," prepared under the direction of the Department of the Interior.

The message also announced that the House had concurred in the resolution of the Senate for the printing of 3,000 copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations committed prior to the 31st of July, 1801.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 121, to insert:

For court-house and post-office at Des Moines, Iowa: For extension and completion, $45,000.

The amendment was agreed to.

The next amendment was, after line 124, to insert:

For custom-house at Dubuque, Iowa: For approaches, grading, fencing, and paving, $8,000.

The amendment was agreed to.

The next amendment was, in line 133, after the word "building," to strike out "eighty-five" and insert "thirty-five;" so as to make the clause read:

For court-house and post-office at Fort Wayne, Ind.: For completion of building $85,199.12.

Mr. ALLISON. That should be "$60,000" instead of "$35,000," under the ruling of the Senate.

Mr. HARRISON. How does the Senator get at $60,000 instead of $85,000?

Mr. ALLISON. I will explain it. At this session of Congress a law was passed for the public building at Fort Wayne making an appropriation in the law itself.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment of the committee, in line 133, by striking out "thirty-five" and inserting "sixty" before the word "thousand."

Mr. VOORHEES. Eighty-five thousand dollars is the amount named in the bill as it came from the House. Why is 60,000 proposed?

Mr. ALLISON. Because at this session of Congress the limit of the Fort Wayne building has been extended $25,000; and in the act extending the limit there is an appropriation of $25,000; and with the $60,000 there will be a sufficient sum under the new limit.

Mr. VOORHEES. My reason for inquiring is that the House makes the sum $85,000. The explanation of the Senator from Iowa is satisfactory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 139, after the word "acquire," to strike out "such" and insert "three;" in line 140, after the word "additional," to insert "lots of;" in same line, after the word "ground," to insert "adjoining those already purchased;" and in line 142, after the word "exceeding," to strike out "twenty" and insert "ten;" so as to make the clause read:

The Secretary of the Treasury is hereby authorized, out of any money heretofore appropriated for the purpose of purchasing a site and erecting a public building in the city of Galveston, Tex., to purchase and acquire three additional lots of ground adjoining those already purchased for a public building in Galveston, Tex., as he may deem necessary, at a cost not exceeding $10,000.

The amendment was agreed to.

The next amendment was, after line 143, to insert:

For custom-house at Galveston, Tex.: For completion under present limit, $37,500.

The amendment was agreed to.

The next amendment was, in line 149, to increase the appropriation "for court-house and post-office at Greensborough, N. C.: For approaches, grading, fencing, and paving," from $5,000 to $7,500.

The amendment was agreed to.

The reading of the bill was resumed, and lines 150, 151, and 152 were read, as follows:

For post-office at Hannibal, Mo.: For completion of building under present limit, $37,500.

Mr. ALLISON. In line 151 I move to strike out the words "under present limit" and to strike out "$37,500" and insert "$55,500."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 152, to insert:

For court-house and post-office at Harrisonburg, Va.: For approaches, grading, fencing, and paving, $7,500.

The amendment was agreed to.

The next amendment was to increase the appropriation "for court-house and post-office at Jackson, Tenn.: For approaches, grading, fencing, and paving," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 160, after the word "for," to strike out "completion of the building, $32,000; and the entire cost of said building, including site, shall not exceed $132,000," and to insert

"approaches, grading, fencing, and paving, $10,000;" so as to make the clause read:

For court-house and post-office at Jefferson City, Mo.: For approaches, grading, fencing, and paving, $10,000.

Mr. ALLISON. Under the decision of the Senate that amendment should not be agreed to.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair did not hear the Senator.

Mr. ALLISON. This amendment should be disagreed to if the Senate intends to adhere to its vote in the Columbus, Ohio, case.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 167, to increase the appropriation "for custom-house and post-office at Kansas City, Mo.: For completion of approaches, clock, and sewer connections," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, after line 167, to insert:

For court-house and post-office at Marquette, Mich.: For completion under present limit, $50,000.

The amendment was agreed to.

The next amendment was, after line 170, to insert:

For court-house and post-office at Keokuk, Iowa: For purchase of site and completion of building, $100,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 174 to 177 inclusive; as follows:

For custom-house and post-office at Saint Joseph, Mo.: For continuation of building, $50,000; and the entire cost of said building and approaches, including site, shall not exceed $300,000.

Mr. COCKRELL. That amendment is to be disagreed to under the same rule

Mr. VEST. That amendment comes under the same rule as the Columbus case.

The PRESIDING OFFICER. The question is on agreeing to the recommendation of the committee to strike out the clause.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 179, to increase the appropriation "for court-house and post-office at Louisville, Ky.: For continuation," from $75,000 to $200,000.

The amendment was agreed to.

The next amendment was, after line 185, to insert:

For court-house and post-office at Macon, Ga.: For purchase of site and commencement of building, $75,000.

The amendment was agreed to.

The next amendment was, to strike out from line 192 to line 196 inclusive, in the following words:

For post-office, internal revenue, and other Government offices at Minneapolis, Minn.: For continuation of building, $110,000: *Provided*, That the entire cost of such building shall not exceed $500,000.

Mr. SABIN. I ask the Senate to non-concur in the recommendation of the committee.

Mr. ALLISON. That is one of the cases that come under the ruling of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 198, before the word "repairs," to strike out "completion;" so as to make the clause read:

For custom-house at New Orleans, La.: For repairs, plumbing, and drainage, $15,000

The PRESIDING OFFICER. The question is on agreeing to this amendment.

Mr. BECK. I do not quite understand. Is the Minneapolis matter passed? I do not object to the disagreement with the committee's amendment, but I desire to strike out the proviso, which reads:

Provided, That the entire cost of said building shall not exceed $500,000.

The PRESIDING OFFICER. The Chair will inform the Senator from Kentucky that the question now is on striking out the word "completion," in line 198.

Mr. BECK. I ask consent to go back to that proviso for a moment.

Mr. ALLISON. If we go back to that we shall have to go back to the others. I consented myself to reject that amendment with a view that those provisions should all stand upon an equality.

The PRESIDING OFFICER. If there is objection, in the opinion of the Chair——

Mr. BECK. The vote was taken while I was on my feet trying to be heard. I was willing that the amendment of the committee might be disagreed to, but that did not dispose of the paragraph, and the Secretary commenced reading before I could get a chance to say a word.

Mr. ALLISON. Very well; I shall make no point on that.

The PRESIDING OFFICER. If no objection is made the Senate will return to the consideration of the amendment proposed by the committee, beginning in line 192. The Chair hears no objection. The question recurs on agreeing to the amendment of the committee striking out the clause.

Mr. BECK. I move to amend the amendment by striking out the proviso beginning at the word "provided," in line 194, down to and including the word "dollars," in line 196, and for this reason: This provision has not passed either House. The House of Representatives, as we know, passed this bill under a suspension of the rules, so that the House really never saw it. There is no court held at Minneapolis. The internal-revenue business there amounts to almost nothing, simply the watching of wholesale and retail liquor dealers and cigar-makers; and for a post-office building alone to have a $500,000 limitation, when it started, I believe, with $110,000, ought not to be. I am willing to vote all the money that they ask and let the limitation be fixed hereafter when the House and the Senate and the appropriate committees of each House shall have had a fair chance to look at it.

I desire to give Minneapolis all that the bill proposes to give it, but I do not wish to make any provision by which they will erect a $500,000 building simply for a post-office and for internal-revenue offices, when the internal-revenue business amounts to almost nothing. The courts are held at Saint Paul, within six or seven miles of Minneapolis. The communications between the two cities are constant; every half hour I believe. There is no pretense that anything is needed except a good post-office building, with a room or two in it for the internal-revenue collections. Minneapolis is a great city and a growing city, and the building ought to be a handsome one because it is a handsome city, but $200,000 or $250,000 at the outside is all that could be properly expended in justice to the other parts of the country and the buildings in the other cities of the country simply for a post-office in that city.

That is the reason why I desire now to strike out the limitation while giving the money that the House has given.

Mr. SABIN. I trust that the amendment of the Senator from Kentucky will not prevail. The city of Minneapolis is a city containing 140,000 or 150,000 inhabitants. It is a city the growth of which has been almost phenomenal and the growth of which in the future can scarcely be estimated. The amount named in the bill, $500,000, is not an exorbitant sum considering the location and the prospects of that city situated in the heart of the great Northwest.

I trust that the paragraph will remain as it came from the House and that the proviso will be retained.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky to the amendment of the Committee on Appropriations. [Putting the question.] The noes appear to have it.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. Let the amendment to the amendment be read, so that Senators may understand it.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The CHIEF CLERK. After the word "dollars," in line 194, strike out the following proviso:

Provided, That the entire cost of such building shall not exceed $500,000.

The question being taken by yeas and nays, resulted—yeas 20, nays 35; as follows:

YEAS—20.

Bayard,	Coke,	Ingalls,	Pendleton,
Beck,	Colquitt,	Jackson,	Plumb,
Brown,	Garland,	Maxey,	Slater,
Butler,	Hampton,	Morgan,	Vance,
Call,	Harris,	Morrill,	Williams.

NAYS—35.

Aldrich,	Dawes,	Jones of Nevada,	Platt,
Allison,	Dolph,	Lapham,	Sabin,
Blair,	Fair,	McMillan,	Sawyer,
Camden,	Frye,	Manderson,	Sewell,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Vest,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Voorhees,
Chace,	Hoar,	Mitchell,	Walker.
Conger,	Jonas,	Palmer,	Wilson.
Cullom,	Jones of Florida,	Pike,	

ABSENT—21.

Bowen,	Gorman,	Logan,	Saulsbury,
Cockrell,	Groome,	McPherson,	Sherman,
Edmunds,	Hale,	Mahone,	Van Wyck.
Farley,	Hill,	Pugh,	
George,	Kenna,	Ransom,	
Gibson,	Lamar,	Riddleberger,	

So the amendment to the amendment was rejected.

The PRESIDING OFEICER. The question recurs on agreeing to the amendment proposed by the committee, which is to strike out from and including line 192 to and including line 196.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations in line 198, before the word "repairs," to strike out the word "completion."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 199, to insert:

For court-house and post-office at New York, N. Y.: For iron shed for shelter of mail-wagons and force employed in delivery of mails, and for extension of mezzanine gallery for the proper accommodation of the postal business, $35,000.

The amendment was agreed to.

The next amendment was, after line 204, to insert:

For court-house and post-office at Oxford, Miss.: For approaches, fences, grading, and paving, $7,500.

The amendment was agreed to.

The next amendment was, after the word "for," at the end of line 208, to strike out "continuation" and insert "completion;" and in line 210, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

For post-office and court-house at Peoria, Ill.: For completion of building under present limit, $75,000.

Mr. CULLOM. In line 210 I move to strike out the words "seventy-five," before "thousand," and insert "one hundred;" so as to read "$100,000."

Mr. ALLISON. I hope the Senator will not insist on that.

Mr. CULLOM. I hope the Senator will hear me for a moment.

Mr. ALLISON. I will.

Mr. CULLOM. The item that I propose to amend is in reference to the court-house at Peoria, Ill. I think the amendment which I suggest ought to be adopted. As most Senators perhaps know, the business at that city is very large, and the building that would be built if completed under the statute as it stands to-day would not be near sufficient to accommodate the public interests in that city.

As the Senator from Iowa will see, under the form of the amendment proposed by the Committee on Appropriations, the building would necessarily have to be completed with the $75,000 appropriated in the bill. The building has been in progress and is now up to the top of the second story, and is waiting for the determination by this Congress whether there shall be an additional appropriation so that a third story may be put upon the building, which will make it sufficient to accommodate the public interests.

This is just one of that class of cases where clearly the equity and right in the premises would justify the amendment which I have asked to be adopted, and I hope the Committee on Appropriations will make no objection to it, at least so far as a point of order is concerned, so as to let the Senate vote upon the question whether they will agree to the increased appropriation which I propose.

I might go into a general discussion of the vast amount of revenue which is collected in that city and the public business done there, so as to show conclusively that the building if finished under the present law will not be sufficient to accommodate the public interests. It will either have to be finished as a two-story building and an insufficient one, or it will have to stand there for another year, unless my amendment is adopted. I hope, therefore, that the chairman and other members of the Committee on Appropriations will make no objection to the amendment, and allow the $25,000 increase which I propose.

Mr. ALLISON. For the building at Peoria, Ill., the limit is $225,000. That certainly ought to build a very good building at Peoria. The estimate for this year is only $75,000. I trust therefore that the Senator from Illinois will not at this moment press his amendment.

Mr. CULLOM. The Secretary of the Treasury has recommended that this increase be made, and that it be made at this session in view of the fact that the building has reached a point of construction where it will either have to be completed under the appropriations now made or stand until another session of Congress. I give my word to Senators upon this question that unless the appropriation is increased the building will not be sufficient in size to accommodate the public interests in that city.

Mr. ALLISON. I wish to ask the Senator if the building can be changed in its general plan by the amendment proposed.

Mr. CULLOM. It can be changed by adding a story to the building. It is a two-story building as originally designed. It is built up to the top of the second story. All that is necessary is to go on with the third story and make the building larger.

Mr. ALLISON. I can not understand why it requires over $200,000 to build a two-story building.

Mr. CULLOM. The Senator will understand that some $45,000 of the original appropriation went to the purchase of ground upon which the building was to be located, which reduced the amount for the building. I desire the Senate to understand that the city of Peoria is a city which pays more taxes than almost any other city in this country and consequently has more need of a public building.

Mr. ALLISON. Notwithstanding that, I must make the point of order upon the Senator's amendment.

The PRESIDING OFFICER. The Senator from Iowa raises the point of order upon the amendment proposed by the Senator from Illinois. The Chair is of opinion that the point of order is well taken.

Mr. CULLOM. I do not like to appeal from the decision of the Chair, but I insist that the amendment ought to be adopted. I hope the Committee on Appropriations will not stand here and raise a technical point where there are other buildings just exactly like it, so far as merits are concerned, but which do not happen to be in the same category on the question of order and get through, while some are ruled out. I shall have to appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The "ayes" appear to have it. The "ayes" have it. The decision of the Chair is sustained.

Mr. CULLOM. I ask that the President of the Senate submit the question to the Senate not technically upon the question of order, but upon the point whether the amendment may be allowed to be made to the bill.

Mr. FRYE. That can not be done, Mr. President.

Mr. HARRIS. The question of order has been raised and settled. I suggest to the Senator from Illinois that he may perhaps in some measure accomplish his object by asking the Senate to disagree to the committee amendment striking out the word "continuation" and inserting the word "completion" in line 209.

Mr. CULLOM. If the Senate refuses to increase the amount, then I ask that the word "completion" be stricken out, and that the word "continuation," which the committee proposed to strike out, shall be allowed to stand in the bill.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that there is no pending proposition to increase the amount except as made by the Committee on Appropriations. The Senator's amendment has been ruled out of order.

Mr. CULLOM. Then I move that the word "completion" be stricken out and that the word "continuation," which the committee has reported to strike out, be allowed to remain in the bill.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Illinois that all that would be necessary would be for the Senate to disagree to the amendment reported by the committee, which would leave the word "completion" to stand.

Mr. CULLOM. I will put it in that form.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, in line 209, to strike out the word "continuation" and insert the word "completion."

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Committee on Appropriations, in line 210, to increase the appropriation from $50,000 to $75,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 211, after the word "for," where it occurs the second time, to strike out "completion of building, $30,000," and insert "approaches, fencing, grading, and paving, $10,000; so as to make the clause read:

For post-office at Poughkeepsie, N. Y.: for approaches, fencing, grading, and paving, $10,000.

Mr. MILLER, of New York. That is the same as the Columbus and other cases. I wish to have the amendment disagreed to. I understand the committee have given their consent to that. This is one of the cases already decided, and by the understanding of the committee these amendments are to be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

The next amendment was, to strike out the following clause, from 214 to 238, inclusive:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the city of Philadelphia, Pa., to the highest bidder, after thirty days' notice in four of the principal newspapers published in the city of Philadelphia, in one or more lots, the land and premises known as the old court-house and post-office in said city, lying upon Chestnut street and extending back to Library street, and between Fourth and Fifth streets, and adjoining the present custom-house site in said city; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than $200,000, with power to reject any or all bids and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale; and it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property, and if it shall appear that the price above named is inadequate, he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of the said property, and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

The amendment was agreed to.

The next amendment was, after line 241, to insert:

For post-office at Reading, Pa.: For purchase of site and completion of building, $80,000.

The amendment was agreed to.

The next amendment was, after line 244, to insert:

For public building at Richmond, Va.: For enlargement of building, $50,000.

The amendment was agreed to.

The next amendment was, after line 248, to insert:

For post-office at Sacramento, Cal.: For purchase of site and completion of building, $100,000.

The amendment was agreed to.

The next amendment was to strike out lines 258 and 259, as follows:

For post-office and court-house at Syracuse, N. Y.: For completion of building, $56,000.

Mr. LAPHAM. That is one of the cases in which the Senate has already overruled the committee. I hope the Senate will disagree to that amendment. It comes within the same class.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 265, to insert:

For court-house and post-office at Troy, N. Y.: For purchase of site and commencing the erection of building, $100,000.

The amendment was agreed to.

The next amendment was, after line 268, to insert:

For court-house and post-office at Tyler, Tex.: For purchase of site and completion of building, $50,000.

The amendment was agreed to.

The next amendment was, after line 271, to insert:

For court-house and post-office at Wichita, Kans.: For purchase of site and completion of building, $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 282, 283, and 284, in the following words:

Extensive repairs to roof, $6,400; and annual repairs to Treasury building, $6,000; in all, $12,400.

And in lieu thereof to insert:

Extensive repairs to roof, renewal of old concrete floors, replacing worn and worthless water-closets, and annual repairs to Treasury building, $27,000.

The amendment was agreed to.

The next amendment was, in line 292, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, and other public buildings under the control of Treasury Department, $175,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 305 to line 315, inclusive, in the following words:

That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building and approaches thereto than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for.

The amendment was agreed to.

Mr. VEST. I offer the following amendment, after line 315, to insert——

Mr. ALLISON. I ask the Senator to withhold that until after the committee amendments are disposed of. That was the understanding.

The PRESIDING OFFICER. The Chair thinks that was the understanding of the Senate.

Mr. ALLISON. That I believe is the rule of the Senate also.

The PRESIDING OFFICER. The Chair thinks it is. The reading of the bill will be continued.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "light-houses, beacons, and fog-signals," in line 319, to increase the item of appropriation "for establishing a light on Romer Shoal, in the lower bay of New York," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 323, to insert "to be immediately available;" so as to make the clause read:

Winter-Quarter Shoal light-ship, Virginia: For the construction and establishment of an iron light-ship, with a fog-signal, for Winter-Quarter Shoal, Virginia, $30,000, to be immediately available.

The amendment was agreed to.

Mr. ALLISON. There was one light-house omitted, and I move to insert, after line 323, from the Committee on Appropriations:

For the construction of a light-house at Plantation Inlet, near the mouth of Chesapeake Bay, $25,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 326, to increase the appropriation "for a light-house and fog-bell on Bush's Bluff, Elizabeth River, near Norfolk, Va.," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 332, before the word "thousand," to strike out "five" and insert "ten;" and in the same line, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

Hunting Island light-station, South Carolina: For protecting the site of the light-house at Hunting Island, South Carolina, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 334, after the word "for," to strike out "continuing" and insert "completing;" and in line 336, before the word "thousand," to strike out "thirty" and insert "seventy;" so as make the clause read:

Mosquito Inlet light-station, Florida: For completing the light-house at Mosquito Inlet, Florida, $70,000.

The amendment was agreed to.

The next amendment was, in line 338, to increase the appropriation "for establishing a light at Anclote Keys, Florida," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, after line 342, to insert:

For the establishment of a small range-light at Northwest Passage, Key West, Fla., $200.

The amendment was agreed to.

The next amendment was, after line 348, to insert:

Hell Gate electric light, New York: For the purchase of land for the site of the electric-light tower already established at Hallet's Point, near Hell Gate, New York, $20,000.

The amendment was agreed to.

The next amendment was, after line 355, to insert:

Pipe Island light-station, Michigan: For establishment of a light upon Pipe Island, Michigan, to form a range to guide into the Detour Passage, Saint Mary's River, $10,000.

Mr. CONGER. I move to amend by adding the words "to be immediately available." There can be no objection to that.

Mr. ALLISON. I hope the Senator will not do that. There is no reason for making any one of these items immediately available more than another except where the work can be completed during the current year.

Mr. CONGER. This is a small range-light. It can be completed in a month or six weeks at the most.

Mr. ALLISON. Very well. I had rather agree to it than spend time upon it.

Mr. CONGER. All right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 359, to insert:

Saint Mary's River ranges, Michigan: For erecting range-lights to guide through the dredged cut in Saint Mary's River, near Round Island, Michigan, $12,000.

Mr. ALLISON. Let the same amendment be made to that.

Mr. CONGER. I move the same amendment there.

To be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 366, after the word "dollars," to insert "to be immediately available;" so as to read:

Detroit River light-house: For the completion of the light-house at or near the mouth of the Detroit River, in Lake Erie, $18,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 370, to increase the appropriation "for continuing the construction of a light-house on Northwest Seal Rock, off Point Saint George, California," from $30,000 to $75,000.

The amendment was agreed to.

The next amendment was, after line 371, to insert:

Angel Island fog-signal, California: For establishment of a fog-signal on Angel Island, San Francisco Bay, California, $4,500.

The amendment was agreed to.

The next amendment was, in line 376, after the word "establishing," to strike out "complete;" and in line 378, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

Destruction Island light-station, Washington Territory: For establishing a first-order light and fog-signal on Destruction Island, Washington Territory, $40,000.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 379 to 381, inclusive:

That appropriations made by this act shall not be available before the 1st day of July, 1885, except where expressly provided herein.

The amendment was agreed to.

The next amendment was, in line 432, to reduce the total amount of the appropriation "for pay of crews of surfmen employed at the life-saving and life-boat stations during the period of actual employment," &c., "and miscellaneous expenses that can not be included under any other head of life-saving stations on the coasts of the United States," from $730,000 to $710,000.

Mr. CONGER. I desire to ask the chairman of the committee whether the wording of this provision would not exclude payment to those members of the Life-Saving Service who have become disabled and under an act of Congress are entitled to pay for the year following whether in service or not, or, if they are dead, their widows. I fear that is not included in this. I call attention to the clause from line 412 to 432.

Mr. ALLISON. That is in the language of last year's bill.

Mr. CONGER. Since that time we have passed a law giving one year's salary to persons injured while in actual duty.

Mr. ALLISON. I believe at this session some law has been passed giving additional pay or pension to these people.

Mr. CONGER. At the close of the last session.

Mr. ALLISON. I can not state to the Senator whether the language here employed would cover the provisions of that law or not. There is no special estimate that I know of covering that provision. We had the chief the Life-Saving Service before us and he assented to this provision.

Mr. CONGER. That may have been provided for in the general bill.

Mr. ALLISON. I will say to the Senator that the committee did not specially examine that. We took it for granted that the chief of this service, who is usually pretty prompt and pretty vigorous in asking for whatever is necessary to maintain the establishment, would have called attention to it if it was wrong. I think the Senator will find that there is no difficulty in the way.

Mr. CONGER. If it may be understood that if, after examining the general bill making appropriations for that service it is found not to be provided for in that, we may return to this and offer an amendment to secure those who have been injured in the service and their widows——

The PRESIDING OFFICER. The Chair understands that the whole bill will be open to amendment after the committee amendments have been disposed of.

Mr. CONGER. I will wait until that time and examine the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment in line 432.

The amendment was agreed to

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 435, to increase the appropriation "for establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States" from $25,000 to $50,000.

The amendment was agreed to.

Mr. MILLER, of California. I desire to ask the chairman of the committee if the chief of the Life-Saving Bureau made any statement as to the proposed necessities of the service for new life-saving stations? I see the committee have increased this item from $25,000 to $50,000, but as I am advised the whole amount of $50,000 is needed for new stations on the Pacific coast alone.

Mr. ALLISON. Some two or three years ago we passed a bill providing for forty new life-saving stations, and the chief of the Life-Saving Service said to us that with this $50,000 he could establish ten new life-saving stations, and that that was about the required number for the next fiscal year. He did not state where they were to be located.

Mr. MILLER, of California. That is satisfactory.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following clause, from line 450 to line 453:

That the Secretary of the Navy be, and is hereby, directed to transfer to the Treasury Department, for use as a revenue cutter in the waters of Alaska, the Bear, one of the vessels of the late Greely relief expedition.

The amendment was agreed to.

The next amendment was, in line 503, to increase the appropriation "for salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters, where necessary, and similar incidental expenses of 1,015 light-keepers and fog-signal keepers," from $575,000 to $585,000.

The amendment was agreed to.

The next amendment was to increase the appropriation "for expenses of light-vessels: For seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of thirty light-ships," from $220,000 to $230,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 514, to strike out "twenty" and insert "twenty-five;" so as to make the clause read:

For expenses of buoyage: For expenses of raising, cleaning, painting, repairing, removing, and supplying losses of buoys, spindles, and day-beacons, and for the maintenance of whistling-buoys and bell-buoys, and for chains, sinkers, and similar necessaries, $325,000.

The amendment was agreed to.

The next amendment was, in line 518, before the word "thousand," to strike out "fifty" and insert "seventy;" so as to make the clause read:

For expenses of fog-signals: For establishing, renewing, duplicating, and improving fog-signals and buildings connected therewith, and for repairs and incidental expenses of the same, $70,000.

The amendment was agreed to.

The next amendment was, at the end of line 530, to insert the following proviso:

Provided, That so much as may be necessary of the unexpended balance of the appropriation for lighting and buoyage of the Mississippi, Missouri, and Ohio Rivers for the fiscal year ending June 30, 1884, may be used to defray the expense of repairing the light-house tender Lily, damaged by fire September 20, 1884.

The amendment was agreed to.

The reading of the bill was continued to the end of line 547.

Mr. CONGER. I desire to call the attention of the chairman of the committee to this paragraph, ending in line 547:

For maintenance of lighted buoys: For the maintenance of light-buoys now in use, $5,000.

I move to strike out the words "now in use," so that the Light-House Board may change the light-buoys from point to point, as may be necessary.

Mr. ALLISON. That amendment is not in order now.

The PRESIDING OFFICER. The Chair will state to the Senator that under the order of the Senate the amendments of the Committee on Appropriations are being disposed of. It will be in order when the bill has been read through to propose other amendments.

Mr. CONGER. I will reserve it, then, until the reading is completed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for Coast and Geodetic Survey," in line 569, after the word "Head," to strike out "seven thousand five hundred" and insert "nine thousand;" and in line 570, after the word "dollars," to insert "of which sum $1,500 shall be immediately available;" so as to make the clause read:

For continuing the survey of the coast of Maine eastward from Englishman's Bay toward Quoddy Head, $9,000, of which sum $1,500 shall be immediately available.

The amendment was agreed to.

The next amendment was, after the word "Sound," at the end of line 575, to strike out "thirteen thousand" and insert "fifteen thousand five hundred;" and after the word "dollars," in line 576, to insert "of which sum $2,500 shall be immediately available;" so as to make the clause read:

For continuing resurvey of Long Island Sound, $15,500, of which sum $2,500 shall be immediately available.

The amendment was agreed to.

The next amendment was, in line 654, before the word "thousand," to strike out "thirty-eight" and insert "forty-two;" so as to make the clause read:

And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, $142,500.

The amendment was agreed to.

The reading of the bill was continued to the end of line 623.

Mr. ALLISON. In line 622 the committee authorize me to move to strike out "five" and insert "eight."

The PRESIDING OFFICER. The first "five" or the second?

Mr. ALLISON. The first "five."

The PRESIDING OFFICER. The Senator from Iowa proposes in line 622 to strike out "five" and insert "eight;" so as to make the clause read:

For continuing the topographical survey of the coast of Southern California, including the necessary supplementary surveys near San Francisco, $8,500.

The amendment was agreed to.

Mr. ALLISON. I will say that at a later stage that will require an amendment in line 493. I will call attention to it later. It will necessitate the rechanging of totals to the amount of $3,000.

The PRESIDING OFFICER. The amendment referred to by the Senator from Iowa will be stated by the Chief Clerk.

The CHIEF CLERK. In line 493 strike out "$350,000" and insert "$353,000."

The PRESIDING OFFICER. The Chair believes that is the amendment intended to be proposed by the Senator from Iowa. It can be acted on now.

Mr. ALLISON. That is not the place. I will reserve that for the moment.

The reading of the bill was continued to the end of line 626.

Mr. MILLER, of California. There is an error in line 625. The name "Sancelito" should be "Saucelito." I move to strike out "Sancelito" and insert "Saucelito."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, before the word "thousand," in line 654, to strike out "thirty-eight and insert "forty-two."

Mr. ALLISON. It should be $42,800.

The PRESIDING OFFICER. The Senator from Iowa proposes to amend by inserting "eight hundred."

Mr. ALLISON. Strike out "five" and insert "eight."

Mr. MILLER, of California. The addition should be $3,000.

Mr. ALLISON. Ten per cent. of these appropriations is reserved interchangeably.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be considered as agreed to if there be no objection. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to, so as to make the clause read as follows:

And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, $142,800.

The PRESIDING OFFICER. It is the duty of the Chair, the hour of 1 o'clock having arrived, to lay before the Senate the unfinished business, which is the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the regular order may be informally laid aside in order that we may proceed with this appropriation bill.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the regular order be informally laid aside in order that the Senate may continue the consideration of the appropriation bill.

Mr. McMILLAN. I desire to inquire what the regular order now laid before the Senate is.

The PRESIDING OFFICER. The title will be read again.

The SECRETARY. A bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. McMILLAN. May I inquire if that is the bill which was under consideration on Saturday at the adjournment?

The PRESIDING OFFICER. The Chair understands that it is.

Mr. McMILLAN. Then I object.

The PRESIDING OFFICER. The Senator from Minnesota objects.

Mr. McMILLAN. If the Senator from Iowa will yield to me I will move that the bill be laid upon the table. It has already occupied one day of debate.

Mr. ALLISON. I ask unanimous consent to say a word.

Mr. McMILLAN. I do not yield.

The PRESIDING OFFICER. The Senator from Minnesota declines to yield.

Mr. ALLISON. Is he making a speech?

Mr. McMILLAN. I am making a statement. That bill has occupied one entire day of the Senate's time in debate, and it would occupy two or three days more if there were that much of the session remaining. It is interfering seriously with business, and I move that the bill be laid on the table.

Mr. ALLISON. Pending that motion——

The PRESIDING OFFICER. The motion of the Senator from Minnesota is not debatable.

Mr. ALLISON. I understand that; I do not propose to debate it; but pending that motion, I ask unanimous consent that the bill may be informally laid aside, in order that we may proceed with the appropriation bill, and pending that I desire unanimous consent to say one word.

The PRESIDING OFFICER. If there is no objection the Senator from Iowa will be allowed to make a statement.

Mr. ALLISON. I hope the Senator from Michigan will not interpose an advantage which he has at this moment to get rid of another bill which I do not propose to interfere with one way or the other. I ask what has never before been denied, unanimous consent to proceed with the appropriation bill without affecting the pending orders, whatever they may be.

Mr. McMILLAN. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection to the Senator from Minnesota being heard? The Chair hears none.

Mr. McMILLAN. I do not think that the chairman of the Committee on Appropriations has pursued a proper course in making the remarks he has in using the power of the Committee on Appropriations to protect this bill which I have moved to lay on the table. To attempt to raise an issue between me and the Senate in regard to the merits of this motion is not I think entirely fair. I present no contest of that kind. I desire to proceed with the bill the Senator has had before the Senate this morning; and it is for the reason that I desire the sundry civil bill to be disposed of without interruption that I make this motion. It will take no time to dispose of this motion except what is required to take the vote of the Senate; and to attempt to antagonize it with the weight of the Committee on Appropriations is not, I think, exceedingly fair.

Mr. WILSON. Mr. President——

The PRESIDING OFFICER. The Chair will say to Senators that the pending motion is not a debatable motion. If any Senator asks unanimous consent to be heard the Chair will put the request of the Senator.

Mr. WILSON. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. WILSON. I do not desire to antagonize the appropriation bill with the pending order. I desired and suggested to the Senator from Minnesota that we allow this to be laid aside informally in order that the Senate might proceed with the consideration of the appropriation bill; and when that shall have been completed, if the Senator from Minnesota desires then to make his motion to lay the bill on the table, he can do so and have a test vote. But I do not desire that advantage taken now when the Senate is anxious to proceed with this appropriation bill. Let it go over informally, and when we shall have concluded the appropriation bill, then if he desires to take a test vote on the motion to lay on the table I shall have no objection, for I do not desire to occupy the time of the Senate on that bill. I shall not, if we come to the discussion of it, occupy more than five minutes of the time of the Senate in what I desire to submit concerning it.

Mr. McMILLAN. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota is not in order.

Mr. ALLISON. I object to any further debate.

The PRESIDING OFFICER. Objection is made to debate.

Mr. McMILLAN. I desire to withdraw——

Mr. ALLISON. I object.

The PRESIDING OFFICER. Does the Senator rise to debate the question?

Mr. McMILLAN. No, sir; I do not rise to debate it. I yield to the power of the Committee on Appropriations and withdraw the motion.

The PRESIDING OFFICER. The Senator from Minnesota withdraws his motion.

Mr. ALLISON. Now I ask unanimous consent——

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the pending question be laid aside informally, and that the Senate continue the consideration of the sundry civil appropriation bill? Is there objection? The Chair hears none.

Mr. ALLISON. Now I desire to say to the Senator from Minnesota that it is both unjust and unfair to the Committee on Appropriations to assert that they are interposing anything here, and I do not wish that imputation to be cast upon the committee. I only ask in this regard that this bill, whatever it is, shall be treated as everthing else informally laid aside in order that the business of the Senate may be proceeded with in reference to appropriations.

Mr. McMILLAN. In justice to myself I desire to say that the time consumed in opposing this motion has been much greater than would have been consumed in taking a vote of the Senate upon the motion to lay the bill on the table. This is a question of great importance, involving public and private rights, and it is my duty as a member of the Senate to take all the opportunities I have to protect those rights. The Senator from Iowa in charge of this bill, it seems to me, has interfered with the motion that I had made without any necessity for doing so.

RETURN OF A HOUSE CONCURRENT RESOLUTION.

The PRESIDING OFFICER laid before the Senate the following resolution of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1885.

Resolved, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the concurrent resolution of February 27, 1885, providing for the printing of the first and second volumes of "Decisions relating to the public lands," which was by mistake communicated to the Senate as having passed the House.

The PRESIDING OFFICER. Will the Senate agree to the request of the House of Representatives for the return of this resolution?

There being no objection, the request was granted.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa;

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kerwin, in the State of Kansas;

A bill (H. R. 1266) for the relief of Alexander D. Schenck;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 2268) for the relief of John F. Severance;

A bill (H. R. 3058) to amend section 1889, chapter 1, title 23 of the Revised Statutes of the United States, relative to general incorporation acts of Territories;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;

A bill (H. R. 6940) granting a pension to Sarah M. Bissell;

A bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American rifle team at Wimbledon, in July, 1883.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I ask consent to make a report at this time so that it may be placed on the Calendar without printing, as I wish to call it up to-day.

I am directed by the Committee on Finance, to whom was referred the bill (S. 2669) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind., to report it without amendment. I do not ask that the report be printed. We have adopted the House report, and therefore it is not necessary to print it.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, reported it without amendment, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 2872) granting a pension to Jacob Funkhouser, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, transmitting, in compliance with law, an abstract of the military force of the United States, reported it back with a recommendation that it be printed; which was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (Mr. HARRIS in the chair) presented a petition of the department encampment of the Grand Army of the Republic of Indiana, praying that General U. S. Grant be immediately placed on the retired-list of the Army on full pay; which was ordered to lie on the table.

Mr. MILLER, of California. I ask unanimous consent to present a joint resolution of the General Assembly of the State of California, in regard to the Indian-war debt of that State. I do so because I desire it to go before the Committee on Appropriations before the deficiency bill is acted on.

The PRESIDING OFFICER. If there be no objection, the resolution of the Legislature of California will be received, read, and referred.

The resolution was read, and referred to the Committee on Appropriations, as follows:

Assembly joint resolution No. 73, adopted March 30, 1878.

Resolved by the assembly of the State of California (the senate concurring), First. That our Senators be instructed and our Representatives requested to urge upon Congress the immediate payment of all bonds, coupons, and certificates of coupons issued by the State of California for expenses incurred in the Indian wars which have not been paid by the General Government. Second, That his excellency the governor be requested to cause a statement of all such bonds, certificates, and coupons, and of the circumstances connected therewith, to be prepared by the comptroller, and upon such statement being prepared to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates. Third. And that he forward a copy of these resolutions to each of our Senators and Representatives in Congress.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, Thomas L. Thompson, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of assembly joint resolution No. 73, adopted by the Legislature of the State of California on the 30th day of March, 1878, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 3d day of January, A. D. 1885.

[SEAL.]

T. L. THOMPSON,
Secretary of State.
By A. E. SHATTUCK *Deputy.*

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to present several joint resolutions of the Legislature of Pennsylvania.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CAMERON, of Pennsylvania, presented a joint resolution of the Legislature of Pennsylvania, in favor of the passage of an act placing General U. S. Grant on the retired-list; which was ordered to lie on the table, and be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 13, 1885.

Whereas the bill providing for the retirement of General U. S. Grant is still pending in Congress, the dilatory action of that body tending to create a feeling of indignation among the people, who believe that the most generous treatment of this distinguished soldier and patriot is the merest justice; and

Whereas it is the sense of the General Assembly of this State that only the promptest action in passing the said bill can keep apace with the increasing age and failing strength of the great soldier, and that the debt due him from his country should be acknowledged while yet it may lighten the increasing cares of his life: Therefore

Be it resolved (if the senate concur) That our Senators be instructed, and our Representatives in Congress be requested, to use their earliest and utmost efforts to pass the bill placing General U. S. Grant on the retired-list.

Extract from the Journal of the House of Representatives.

GEO. PEARSON,
Chief Clerk of the House of Representatives.

IN THE SENATE, *February* 19, 1885.

The foregoing resolution concurred in.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

Approved the 25th day of February, A. D. 1885.

ROBERT E. PATTISON,
Governor.

Mr. CAMERON, of Pennsylvania, presented a joint resolution of the Legislature of Pennsylvania, favoring the passage of an act granting pensions to the surviving soldiers of the Mexican war; which was ordered to lie on the table and be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 6, 1885.

Whereas there is now pending in the House of Representatives of the United States a measure known as the "Mexican pension bill," which provides for the pensioning of the surviving soldiers of the United States who participated in the war with Mexico, as well as to facilitate the speedy settlement and allowance of claims of disabled soldiers and sailors who participated in the battles for the supremacy of the Union in the war of the rebellion; and

Whereas the Government of the United States is abundantly able to provide a pension for the soldiers and sailors of the country whose sacrifices have given us a restored Union and a united people: Therefore,

Be it resolved (if the senate concur), That our Representatives in Congress be requested to support said Mexican pension bill with the Senate amendments, and to use their utmost endeavors for its speedy consideration and passage before the termination of this Congress, in order that good faith may be kept and justice done to the nation's defenders.

Resolved, That this resolution, with the preamble, be printed, and a copy, properly attested, forwarded to each of Pennsylvania's Representatives in the national Congress.

Extract from the Journal.

GEO. PEARSON,
Chief Clerk House of Representatives.

IN THE SENATE, *February* 11, A. D. 1885.

The foregoing resolution concurred in.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

Approved the 19th day of February, A. D. 1885.

ROBT. E. PATTISON.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
Harrisburg, February 19, A. D. 1885.

PENNSYLVANIA, *ss:*

I do hereby certify, that the foregoing and annexed is a full, true, and correct copy of the resolution of the General Assembly of the Commonwealth of Pennsylvania in relation to the "Mexican pension bill," now pending in the Congress of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed, the day and year above written.

[SEAL.]

JNO. C. SHOEMAKER,
Deputy Secretary of the Commonwealth.

In the name and by the authority of the Commonwealth of Pennsylvania.

ROBERT E. PATTISON, *governor of the said Commonwealth. To all to whom these presents shall come, sends greeting:*

Know ye, that the attestation or certificate hereunto attached is in due form and made by the proper officer, and that John C. Shoemaker, whose name is subscribed thereto, was at the time of subscribing the same, and now is, deputy secretary of the Commonwealth, duly appointed and commissioned, and full faith and credit are due and ought to be given to his official acts accordingly.

Given under my hand and the great seal of the State, at Harrisburg, this 19th day of February, in the year of our Lord 1885, and of the Commonwealth the one hundred and ninth.

[SEAL.]

ROBT. E. PATTISON,
Governor.

By the governor:

W. S. STENGER,
Secretary of the Commonwealth.

Mr. CAMERON, of Pennsylvania, presented a joint resolution of the Legislature of the State of Pennsylvania, remonstrating against the abolishment of the National Board of Health; which was referred to the Committee on Epidemic Diseases, and ordered to be printed in the RECORD, as follows:

IN THE SENATE, *February* 20, 1885.

Resolved, That the senate (the house concurring) do earnestly request our Senators and Members of the House of Representatives at Washington to oppose any effort to abolish the National Board of Health in the face of the approach of the cholera.

Extract from the journal of the senate.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

IN THE HOUSE OF REPRESENTATIVES, *February* 24, 1885.

The foregoing resolution concurred in.

GEO. PEARSON,
Chief Clerk of the House of Representatives.

Approved the 26th day of February, A. D. 1885.

ROBERT E. PATTISON.

EDUCATION EXHIBITS AT NEW ORLEANS.

Mr. BLAIR. I ask unanimous consent to introduce a resolution calling for a report from a Department:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of the Commissioner of Education of the exhibition of education at the World's Industrial and Cotton Centennial Exposition at New Orleans, La.

Mr. ALLISON. That is a little premature, I think.

Mr. BLAIR. It is not to print it. It is simply to transmit it to the Senate.

Mr. ALLISON. How can the report be ready when the exposition is going on now?

Mr. BLAIR. It will be here to-night if it is not here now.

Mr. ALLISON. I object, and ask that the resolution be printed.

The PRESIDING OFFICER. The resolution will lie over and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Pennsylvania, submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. SAWYER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

Mr. MORGAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the sundry civil appropriation bill (H. R. 8256).

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "pay of field officers of the Coast and Geodetic Survey," after line 685, to insert:

For pay of four assistants, at $1,550 per annum, $6,200.

The amendment was agreed to.

The next amendment was, in line 689, before the word "assistants," to strike out "nine" and insert "five;" and in line 690, before the word "thousand," to strike out "thirteen" and insert "seven;" so as to make the clause read:

For pay of five assistants, at $1,500 per annum, $7,500.

The amendment was agreed to.

The next amendment was, at the end of line 704, before the word "hundred," to strike out "twenty-four thousand nine" and insert "twenty-five thousand one;" so as to make the clause read:

Total pay in field, $125,120.

The amendment was agreed to.

The next amendment was, in the appropriations for "pay of office force for the Coast and Geodetic Survey," in line 707, to increase the appropriation "for one general office assistant" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 878, before the word "hundred," to strike out "twenty-seven thousand four" and insert "twenty-eight thousand two;" so as to make the clause read:

Total for pay of office force, $128,278.82.

The amendment was agreed to.

The next amendment was, under the head "Miscellaneous objects under the Treasury Department," in line 950, before the word "thousand," to strike out "twenty" and insert "forty;" so as to make the clause read:

Expenses of the national currency: For paper, express charges, and other expenses, $40,000.

The amendment was agreed to.

The next amendment was, in line 954, before the word "thousand," to strike out "thirty" and insert "forty; so as to make the clause read:

Distinctive paper for United States securities: For paper, including mill expenses, transportation, examination, counting, and delivery, $40,000.

The amendment was agreed to.

The next amendment was, in line 956, after the word "coin," to strike out "that" and insert "for transportation of silver coin, $50,000; and in expending this sum;" so as to read:

Transportation of silver coin: For transportation of silver coin, $50,000; and in expending this sum the Secretary of the Treasury, &c.

The amendment was agreed to.

Mr. ALLISON. What has become of the amendment from line 956 to 970?

The PRESIDING OFFICER. The question has just been taken on the insertion of the words:

For transportation of silver coin, $50,000; and in expending this sum—

Mr. ALLISON. All right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "Treasury," at the end of line 958, to strike out the words "be, and he is hereby" and insert "is;" and in line 960, after the word "subtreasuries," to strike out "and mints;" so as to read:

The Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so.

The amendment was agreed to.

The next amendment was, in the proviso to the clause in relation to the "transportation of silver coin," after the word "applicants," in line 964, to strike out:

The expenses of such transportation shall be paid from the fund arising from the profits accruing from the coinage of the standard silver dollar, which is hereby appropriated for that purpose.

And in line 969, after the word "this," to strike out "paragraph, so far as the sum relates to the Treasury or subtreasuries," and insert the word "appropriation;" so as to make the proviso read:

Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall annually report to Congress the cost arising under this appropriation.

The amendment was agreed to.

The Secretary read the clause of the bill from line 971 to line 974, inclusive, as follows:

Transportation of gold coin: For the transportation of gold coin from San Francisco to New York, $100,000; the same to be immediately available.

Mr. INGALLS. I should like to hear from the chairman of the Committee on Appropriations on the subject of the amount of gold coin in San Francisco, and why it requires to be transported at the expense of the Government to New York.

Mr. BECK. I rose for that purpose, and to add that I hope the chairman of the committee will now tell the Senate the exact condition of things in regard to these matters. We had more trouble about this than perhaps any other item in this bill, and the chairman of the committee knows all about it.

Mr. ALLISON. Mr. President, this is a provision inserted in the House of Representatives for the transportation of gold coin from San Francisco to New York. This appropriation was made after an investigation of an executive document, the number of which I have on a memorandum, but I do not remember it exactly. I think it is House Executive Document 106, in which the Treasury Department asked for an appropriation of $500,000 for the transportation of silver coin between subtreasuries and for the erection of further vaults for the purpose of containing the silver coin. The House instead of adopting the suggestion made in this report, authorized the transportation of gold coin from San Francisco to New York.

The facts are that there are now in San Francisco $56,000,000 of gold coin in the subtreasury at that place. There are also in the subtreasury at that place 19,000,000 silver dollars. There are in the mint at San Francisco 32,000,000 of silver dollars.

Mr. INGALLS. Are these deposits of gold and silver coin the product of the mint at San Francisco, or are they received in the course of the payment of customs and other duties?

Mr. ALLISON. The great body of the gold coin at the San Francisco subtreasury is the accumulation of years, which comes there from the production of gold on the Pacific coast. It is utterly impossible under existing law and in the regular range of commerce and trade between the Pacific coast and the Atlantic coast for this silver or this gold to reach the Atlantic coast. The exchanges of course are all in favor of the Atlantic coast, while both gold and silver are produced on the Pacific coast. So it is an inherent difficulty not only with reference to silver but with reference to gold coin that there is an accumulation on the Pacific coast. The Committee on Appropriations believed that it was a wise thing to transfer this gold coin or a portion of it to the Atlantic coast from the Pacific coast.

Mr. INGALLS. Why?

Mr. ALLISON. For the purpose of having it nearer the range of the great commercial transactions of our country.

Mr. INGALLS. But we have a great deal more than we can use now in the Treasury. Why should there be $56,000,000 more brought here?

Mr. ALLISON. I will answer the Senator. There is a constant accumulation at the San Francisco mint and at the San Francisco subtreasury, and there is now in the subtreasury all the coin that it has room for, and therefore the committee believed that this provision was a wise one in relieving the subtreasury at San Francisco and transporting this gold coin to New York.

Mr. INGALLS. All of it?

Mr. ALLISON. Not all of it.

Mr. INGALLS. How much?

Mr. ALLISON. The provision here will transfer $40,000,000 of gold coin from San Francisco to New York at the rate of $2.50 a thousand, which is the charge made by the express companies, and is said to be the lowest charge for the work.

We have added to this provision a clause authorizing an appropriation of $50,000 for the transportation of silver coin between the subtreasuries, and the committee made inquiry both of the Director of the Mint and of the Assistant Secretary of the Treasury, who was before us, why it was that there was this great accumulation of silver in San Francisco and this great cry against the accumulation in San Francisco when there was nothing said about the accumulation of gold there. It is now within the power of the Treasury Department to transfer these thirty-two million silver dollars from the mint in San Francisco to the Treasury at Washington, or the subtreasury at New York, if they desire to do so, without an appropriation, because the profits that are derived from the coinage of silver can be used under existing law to transport any portion of the silver dollars from the mints to any subtreasury.

So the cry made for appropriations and for additional vault room San Francisco, as it appeared to the committee, was unnecessary, from the fact that if there is an undue accumulation of silver at the mint there the Department can transfer that silver, if they choose, to any subtreasury in the United States or to the Treasury here in Washington, where there is now room for $36,000,000 of silver in the vaults already prepared in the Treasury.

For these reasons the committee not only agreed to the provision in this bill for the transportation of gold coin, but they also have inserted a provision which will enable the Treasury to make such manipulations and changes of the silver coin now in the different subtreasuries as will relieve the Treasury entirely from the necessity of building any more vaults for the storage of silver dollars.

Mr. MILLER, of California. The committee have done exactly what they should have done. There is a large accumulation of both silver and gold coin in San Francisco, because that is the largest mint there is in the United States, and it is in the region of silver and gold production.

Mr. INGALLS. Does this gold and silver all belong to the United States Government?

Mr. MILLER, of California. It does.

Mr. INGALLS. How did they get possession of this fifty-six millions of gold coin?

Mr. MILLER, of California. I do not know how they got possession of it. It was coined at the mint.

Mr. INGALLS. The Government does not buy gold as it does silver for the purpose of coinage.

Mr. MILLER, of California. The Government receives it, though, from the owners of gold bullion for coinage at the Mint, and exchanges greenbacks for it. In that way the United States have accumulated in San Francisco a large amount of gold, and really there is not vault-room sufficient in the subtreasury or in the mint in San Francisco for all the gold and silver there accumulated, and the vaults there should be relieved by the transfer of the coin from the Pacific coast to the eastern coast, where the coinage is needed and where the disbursements take place.

This proposition of the committee is not only in the interest of the Government, but it is good policy and good sense to do precisely what they have proposed.

Mr. BECK. It seemed to me that the transportation companies charged an enormous price for the work they do. When this question came up we sent for the Director of the Mint and Assistant Treasurer and everybody who knew anything about it. It seemed to me that the idea of paying $100,000 to carry gold coin from San Francisco to New York was altogether extravagant; but when the facts were laid before us and the charges made against private individuals for the same work were explained, I did not see how to find fault, and therefore I have no objection to make to the amendment.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 974, to insert:

Transportation of silver coin: For transportation of silver coin between subtreasury offices, $50,000.

The amendment was agreed to.

The next amendment was, after line 1041, to insert:

Smithsonian Institution building: For finishing and completing the furnishing of the eastern portion of the Smithsonian Institution building, $5,600.

The amendment was agreed to.

The next amendment was, in line 1089, before the word "thousand," to insert "and twenty;" so as to make the clause read:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, for all public buildings under the control of the Treasury Department, including the public building at Cleveland, Ohio, and including marine hospitals, and for furniture, carpets, chandeliers, and gas-fixtures for new buildings, $320,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The reading of the bill was continued to line 1129.

Mr. ALLISON. In line 1128, before the word "thousand," I move to strike out "fifteen" and insert "twenty;" so as to read:

For the protection of sea-otter hunting-grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue-steamers for the protection of the interests of the Government on the sea-islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, $20,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1129, to insert:

National Board of Health: For salaries and expenses of the National Board of Health, $15,000.

The amendment was agreed to.

The next amendment was, after line 1132, to insert "For suppression of epidemic diseases;" and after the word "danger," in line 1143, to strike out "the same to be expended under the direction of the Marine-Hospital Service;" so as to make the clause read:

For suppression of epidemic diseases: The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum reappropriated therefor by the act approved July 7, 1884, together with the further sum of $300,000, the same to be immediately available, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

The amendment was agreed to.

The next amendment was, after line 1145, to insert:

That the Secretary of the Treasury is hereby authorized to issue a warrant in favor of the Hartford and New York Transportation Company for the sum of $6,479.32, which sum is hereby reappropriated, being the amount appropriated for said Hartford and New York Transportation Company under the act approved July 7, 1884, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and now unpaid.

The amendment was agreed to.

The next amendment was, after line 1157, to insert:

To enable the Secretary of the Treasury to reimburse ex-President R. B. Hayes for amount paid for expenses of the commission appointed to go to Louisiana in April, 1877, $3,960.73.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Navy Department," in line 1168, after the word "Surgery," to strike out "one thousand five hundred" and insert "three thousand;" so as to make the clause read:

To enable the Secretary of the Navy to pay to W. P. Wood for services rendered in connection with the detection and exposure of parties concerned in defrauding the Bureau of Medicine and Surgery, $3,000: *Provided*, That this sum shall be accepted by the said Wood in full compensation for such services.

The amendment was agreed to.

The reading of the bill was continued to the end of line 1176.

Mr. McPHERSON. Before any action is taken on that clause I should like to offer an amendment.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair will state to the Senator from New Jersey that under the agreement amendments are not now in order except those proposed by the Committee on Appropriations.

Mr. McPHERSON. I reserve my right, then, to offer an amendment to this clause.

The PRESIDING OFFICER. The Senator will have that right.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out the clause from line 1183 to line 1188, inclusive, as follows:

To pay in full the claim of the New England Transportation Company, of New Haven, Conn., for repairs to certain barges belonging to that company which were injured by collision with the United States steamer Tallapoosa, in July, 1884, $76.50.

The amendment was agreed to.

The next amendment was, in line 1198, after "California," to strike out "continuation" and insert "completion;" in line 1199, after "dry-dock," to strike out "one hundred and seventy" and insert "three hundred and sixty;" and in line 1203, after the word "all," to strike out "two hundred and twenty-six" and insert "four hundred and sixteen;" so as to make the clause read:

Navy-yard, Mare Island, California: Completion of stone dry-dock, $360,000; for continuing artesian well, $10,000; for iron crane, $40,000; to complete sewerage system, $6,000; in all, $416,000.

The amendment was agreed to.

The next amendment was, after line 1204, to insert:

For the care and preservation of the building on Coaster's Harbor Island formerly known as the "asylum," and the adjoining buildings and grounds, given to the United States for naval purposes by the State of Rhode Island, to be used for an advanced course of instruction for naval officers, and for improvements, furniture, fixtures, heating, lighting, water, and for books and stationery, $11,000; for pay of one clerk to officer in charge of building, $1,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, in the appropriations "Under the Department of the Interior," after line 1217, to insert:

For an additional Assistant Secretary of the Interior, who shall be known and designated as First Assistant Secretary of the Interior, $4,500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1222 to line 1231, inclusive, as follows:

The Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to reproduce and bind 5,000 copies of maps showing the growth of industrial art; 3,500 for the use of the House, 1,000 for the use of the Senate, and 500 for the use of the Interior Department, the cost of which to be paid out of any surplus money heretofore appropriated to defray the expenses of the exhibit of the United States at the World's Fair at New Orleans.

The amendment was agreed to.

The next amendment was, after line 1231, to insert:

The representative of the Department of the Interior appointed by executive order dated May 13, 1884, as a member of the Government board charged with preparing a departmental exhibit for the United States at the World's Industrial and Cotton Centennial Exposition at New Orleans, is hereby authorized to have reproduced 5,000 copies of the "Growth of industrial art," illustrated, prepared by him for said exposition, and to pay the cost of the same out of the amount heretofore appropriated for paying the expense of the departmental exhibit under his charge: *Provided*, That the unexpended balance to the credit of said departmental exhibit is sufficient to pay the cost of such reproduction and all other expenses incident to said exhibit. Of said reproduction 1,200 copies shall be for the use of the Senate, 3,500 copies for the use of the House of Representatives, and 300 copies for the use of the Department of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "public buildings," after line 1250, to insert:

Interior Department building: For completion of the reconstruction of the east wing of the Department building, $160,000.

Mr. PLATT. Should that be the east wing?

Mr. ALLISON. Yes, sir, the east wing.

Mr. PLATT. I wish to say just one word, not in opposition to this amendment but on a subject to which it relates. I am very glad that the repairs of the Interior Department building are to be completed. It has been a good many years since the fire occurred which rendered those repairs necessary, and I think there has been no public building in Washington that has needed the expenditure of Government money to be made upon it as much as this building of the Interior Department.

But what I rose to say was this: I felt it my duty at the last session of Congress to call the attention of the Senate to the fact that building was entirely unsuitable and entirely too small to accommodate the business of the Interior Department. At that time I urged upon Congress also the separation of the Patent Office from the Interior Department and the creation of it into a new department or a new bureau.

It has not seemed practicable to accomplish anything by pressing that at the present session of Congress. I want now to say that immediately upon the opening of the next Congress I propose to introduce bills and to press them with all my power to secure two objects: to separate the Patent Office from the Interior Department in some way, and to build another building either for the Interior Department or for the Patent Office.

The Patent Office and the Land Office have grown so and will grow so in the future, and the work of those two offices is now so much behind by reason of the fact of insufficient accommodations, that it becomes an absolute necessity, as I believe, that the Patent Office shall be separated from the Interior Department and that a new building shall be provided. I wish to say just that much here. I should be glad to enlarge upon it, but I know how valuable the time of the Senate is in these last hours and I will not enlarge.

Mr. ALLISON. I desire to say only one word in response to what the Senator from Connecticut has said. The present Interior Department building is now incomplete with reference to its fire-proof qualities from the fact that the east wing has not a fire-proof roof. The north wing, the west wing, and the south wing have all been repaired and new roofs provided for those wings. The Secretary of the Interior said to us that if this appropriation was made it would enable him to make the entire roof of the building fire-proof, and would also enable him to supply a place for one hundred additional clerks now needed, and also give some additional room to the Patent Office; so that whatever may be done in the future in the direction suggested by the Senator from Connecticut, it is important that this work should be done in order to complete the present building.

Mr. PLATT. The chairman of the committee did not understand me as making any objection to the amendment.

Mr. ALLISON. No, I did not.

Mr. PLATT. I am aware of the fact that more room is to be provided for the operations of the Interior Department, but I also believe—and I think the Secretary of the Interior, and the Commissioner of Patents, and the Commissioner of the General Land Office would all agree—that when the new room is provided that is about being furnished, the accommodations will still be insufficient. The Interior Department is growing all the while and must grow as the country grows, and the commencement of a new building in the very near future is an imperative necessity, as I believe.

Mr. ALLISON. I quite agree with the Senator. We are now paying $68,000 per annum rental for buildings for the Interior Department in this city.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1254, to insert:

For construction of coal-vaults on west wing of the Department building, and repairing pavement, $6,000.

The amendment was agreed to.

The next amendment was, at the beginning of line 1258, to strike out "for casual repairs of the Interior Department building;" so as to make the clause read:

For casual repairs of the Department building, $5,780.

The amendment was agreed to.

The next amendment was, after line 1264, to insert:

For completing the cleaning of the outside walls of the House and Senate wings of the Capitol, and the approaches thereto, $3,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1273 to line 1278, as follows:

For constructing terrace north of the Capitol, section marked B, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, $21,500.

And in lieu thereof to insert:

For continuing the construction of the terrace and grand stairways of the Capitol, as shown on plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, $350,000.

Mr. MORRILL. I understand that the committee by mistake left out the following words, and I move to amend by inserting them:

And this appropriation shall be immediately available.

Mr. ALLISON. I have no objection to that, though I suggest to the Senator that there was no mistake about it.

The PRESIDING OFFICER. If the Senator from Iowa does not object the amendment of the Senator from Vermont will be received at this time. The question is on that amendment to the amendment.

The amendment to the amendment was agreed to, adding:

And this appropriation shall be immediately available.

The amendment as amended was agreed to.

The next amendment was in the appropriations for "Hot Springs improvement," after line 1223, to insert:

To construct a reservoir for hot water on the Government reservation at Hot Springs, Ark., in order to provide for an adequate supply of hot water for the Army and Navy hospital and bath-houses, $30,000.

The amendment was agreed to.

The next amendment was under the head "expenses of the collection of revenue from sales of public lands," in line 1336, to increase the appropriation "for incidental expenses of the several land offices" from $165,000 to $180,000.

The amendment was agreed to.

The next amendment was, in line 1352, after the word "hearings," to insert "to be;" in the same line, after the word "held," to insert "and investigations to be made;" in line 1356, after the word "law," to strike out "twenty-five" and insert "ten;" and in line 1357, after the word "dollars," to insert "and the Secretary of the Interior shall report in detail all expenditures under the four preceding paragraphs;" so as to make the clause read:

For expenses of hearings to be held and investigations to be made by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $10,000; and the Secretary of the Interior shall report in detail all expenditures under the four preceding paragraphs.

The amendment was agreed to.

The next amendment was in the appropriations for "surveying the public lands," after the word "hundred," in line 1373, to insert "and fifty;" and in line 1388, after the word "exceeding," to strike out "fifty-five" and insert "fifty;" so as to make the clause read:

For surveying the public lands, $350,000, at rates not exceeding $9 per linear mile for standard and meander miles, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines; or where, for any cause not provided for by law, in Oregon or Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, he may allow a sum not exceeding $12 per linear mile for standard lines, $10 for township lines, and $6 for section lines; and of the sum hereby appropriated not exceeding $50,000 thereof may be expended for occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal fields, and timber districts, and for the making of such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

The amendment was agreed to.

The next amendment was, in line 1427, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, $25,000.

The amendment was agreed to.

The next amendment was to strike out the clause from lines 1428 to 1432, inclusive, as follows:

For establishing initial monuments of a permanent character to govern mineral survey, in order to secure accuracy in survey of mineral claims, and to connect the monuments with each other and with the public lands, $7,000.

The amendment was agreed to.

The next amendment was to strike out the clause from lines 1433 to 1436, inclusive, as follows:

For purchase of iron monuments, cost of transportation to the offices of surveyors-general, and storage, to mark the lines of public surveys passing over public lands devoid of timber and stone, $7,000.

And in lieu thereof to insert:

Provided, That all appropriations herein under public lands shall be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects," in the appropriations for the "Government Hospital for the Insane," in line 1515, after the word "dollars," to insert "to be immediately available;" so as to read:

For completion of stock and hay barn, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 1515, to insert:

For erection of cottage at the cemetery, $800.

The amendment was agreed to.

The next amendment was, after line 1517, to insert:

For dining-hall for the detached buildings, $9,500.

The amendment was agreed to.

Mr. ALLISON. I think the amendment should be modified. It should be:

For dining-hall in such building.

It can be corrected hereafter, though, and I will let it pass.

The PRESIDENT *pro tempore*. Does the Senator make any motion at this time?

Mr. ALLISON. No; let it stand as it is.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1519, to insert:

For purchase of additional land for farming purposes, $6,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Howard University," after line 1538, to insert:

For repairs of buildings, $5,000.

The amendment was agreed to.

The next amendment was, after line 1539, to insert:

For increase of library, of cabinet, and of philosophical and chemical apparatus, and improvements in the rooms containing the same, $3,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "Freedmen's Hospital and Asylum," in line 1547, after "subsistence," to strike out "twenty-two" and insert "twenty-three;" in line 1551, before "thousand," to strike out "thirteen" and insert "fourteen;" in line 1556, after the word "thousand," to insert "five hundred;" and in the same line, after the word "all," to strike out "forty-nine thousand" and insert "fifty thousand five hundred;" so as to make the clause read:

For subsistence, $23,000; for salaries and compensation of the surgeon-in-chief, two assistant surgeons, engineer, clerk, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $14,000; for rent of hospital buildings and grounds, $4,000; for fuel and light, clothing, bedding, forage, transportation, medicines, and medical supplies, repairs and furniture, and other absolutely necessary expenses, $10,500; in all, $50,500.

The amendment was agreed to.

The next amendment was, after line 1557, to insert:

For purchase of one force-pump, to be immediately available, $400.

The amendment was agreed to.

The next amendment was, in the appropriations for "National Museum," in line 1565, to strike out the word "preversation" and insert "preservation;" and in line 1570, before the word "thousand," to strike out "ninety-one" and insert "ninety-six;" so as to make the clause read:

For the preservation of collections of the National Museum: For the preservation and exhibition and increase of the collections received from the surveying and exploring expeditions of the Government, and other sources, including salaries or compensation of all necessary employés, $96,000.

The amendment was agreed to.

The next amendment was, to strike out from line 1585 to line 1589, inclusive, in the following words:

Tenth Census: That the twenty-second section of the act entitled "An act to provide for the taking of the tenth and subsequent censuses," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. ALLISON. The Senate will observe that this provision repeals an important section of the act authorizing the taking of the Tenth Census. That provision was put in that act after a very full debate and discussion in both Houses, and it seemed to the Committee on Appropriations that it ought not to be in this way repealed on an appropriation bill.

Mr. HALE. Will the Senator read that section?

Mr. ALLISON. I send the section to the desk to be read.

The PRESIDENT *pro tempore*. If there be no objection the section will be read.

The Secretary read as follows:

SEC. 22. That if any State or Territory, through its duly appointed officers or agents, shall, during the two months beginning on the first Monday of June of the year which is the mean between the decennial censuses of the United States is by this act directed to be taken, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States and shall deposit with the Secretary of the Interior, on or before the 1st of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior that such schedules and reports have been duly deposited, pay, on the requisition of the governor of such State or Territory, out of any funds in the Treasury not otherwise appropriated, a sum equal to 50 per cent. of the amount which was paid to all supervisors and actual enumerators within such State or Territory at the United States census next preceding, increased by one-half the percentage of gain in population in such State or Territory between the two United States censuses next preceding: *Provided*, That the blank schedules used for the purposes of the enumeration herein provided for shall be similar, in all respects of form and size of heading and ruling, to those used in the census of the United States.

Mr. CHACE. That refers to a provision for taking a semi-decennial census by the States.

Mr. ALLISON. That is the provision.

Mr. CHACE. In my opinion it ought to be repealed. I think this clause should be left in the bill. It will be impossible for the Census Department to collate, tabulate, and prepare these statistics and get through with them before the end of this decennial period. I understand that very few States have taken any steps under this provision of law, and unless action under it is arrested now it will be too late, and as a result the Government will be called upon to expend this money without any material benefit to any interest.

Mr. ALLISON. That may be; but I will say to the Senator from Rhode Island that four or five or more States have already taken steps under this provision, and it seemed to the Committee on Appropriations that if it was important to repeal this provision of the law some effort in that direction ought to have been made before the last day preceding the final adjournment of this Congress.

Mr. CHACE. I agree that this whole matter ought to have been brought before the Senate earlier; but I should like to ask the chairman of the committee what information the committee had in regard to what steps have been taken by the States. My information is that there has been really no step taken by any of the States, but I may be misinformed. Is the committee in possession of any information in regard to that matter?

Mr. ALLISON. Of course the investigation of the committee on this subject was of a very summary character. We did understand that four or five States had already taken some steps in compliance with this provision of law, and believing that that was the case, and also believing that it was impossible and improper to repeal this important provision on this appropriation bill, the committee struck out the clause.

Mr. HOAR. I hope the present law will stand and that the amendment will be adopted. In Massachussetts I have no doubt, though I have had no communication with the office very lately, they are making their preparations to have a thorough census taken in 1885. It seems hardly in good faith for the Government to make the repeal at so late a day.

Mr. MORRILL. I also add my hope that this law will not be repealed. It will be a vast advantage to the whole country to have this census taken at the semi-decennial period in order to compare the results of one period with another, to correct any errors that may be made. Whether there are few or many States that are now taking steps with these semi-decennial censuses, I hope they will not be interrupted, and if they were to be interrupted undoubtedly a claim would be presented to us for all expenses, and therefore it would be economy for us to go on under the present law.

Mr. HOAR. I should like to say one thing further. It seems to me it is very important to maintain the present policy, so that sooner or later all the States will get into the habit of having a census taken every ten years. It is a great assistance. In the first place, they get in every State a body of trained enumerators who within five years have taken a census, and the National Government has not anybody ready for that work.

Mr. ALLISON. I will state an additional reason which operated on the minds of the committee, which was that this law certainly ought not to be repealed as respects the taking of the census now in 1885 because certainly some States, and perhaps a good many, have acted under it, and therefore it ought not to be repealed for 1885, and if not for 1885, then we have ten years in which to repeal it.

Mr. MANDERSON. I desire simply to say in response to the inquiry of the Senator from Rhode Island, who, as I understand him, desired to know if the States had taken steps under this law, that the State of Nebraska has passed the necessary act to take a census for 1885 and I understand the officials, the census-takers, have been appointed under that law.

Mr. ALLISON. Iowa has also.

Mr. MANDERSON. The Senator from Iowa informs me that the State of Iowa has passed similar legislation and has taken steps to take a census in 1885.

Mr. MORRILL. And New Hampshire and New York also.

Mr. MANDERSON. There are four States which have complied with this provision. I hope the recommendation of the committee will be sustained.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment of the Committee on Appropriations to strike out the clause which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for the Rock Island arsenal, in line 1596, to increase the item of appropriation "for armory-shop K, an iron-finishing shop," from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, in line 1601, to increase the appropriation "for commencing and completing fire-proof stone building for offices for both the armory and arsenal" from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was, after line 1602, to insert:

For erecting lumber storehouse, $14,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1666 to line 1673, inclusive, as follows:

That the Secretary of War is authorized and directed to sell at public auction, after due advertisement, and at prices not less than those fixed by the board of appraisers in each case, the following arsenals, namely: Allegheny arsenal, Pennsylvania; Augusta arsenal, Georgia; Indianapolis arsenal, Indiana, and Kennebec arsenal, Maine; and the money so received, after paying the necessary expenses of sale, shall be covered into the Treasury.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," in line 1695, before the word "repair," to insert "construction and;" so as to make the clause read:

For construction and repair of iron fences, $500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1714 to line 1718, inclusive, as follows:

That the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations on Pennsylvania avenue between Thirteenth and Fourteenth streets.

The amendment was agreed to.

The next amendment was, in line 1760, after the words "Washington Monument," to strike out:

For completion of interior stairways and platforms, $25,000; insertion of presentation blocks, $6,000; cementing interior walls, $2,000; paving the floor and

covering drum-pits, $2,000; closures of doorways and passages, $5,000—in all, $40,000—to be expended under the direction of the Secretary of War.

And in lieu thereof to insert:

For completion of the Washington Monument, namely: For iron work of stairs and platforms and elevator frontis, engine-house and approaches, insertion of presentation blocks, cementing interior walls, paving floor and covering drum-pit, closures of doorways, doors, and passages, change in elevator-car and machinery, new boiler-house and boiler, office expenses, including rent of necessary office-rooms, and for each and every purpose connected with the completion of the monument, $75,000, to be expended under the direction of the joint commission created by the act of August 2, 1876.

The amendment was agreed to.

The next amendment was, in line 1779, after the words "Yorktown monument," to strike out—

That not exceeding $5,000 of the unexpended balance of the appropriation for the erection of the Yorktown monument may be expended, under the direction of the Secretary of War, for the erection of an iron railing around said monument.

And in lieu thereof to insert:

For the care and protection of the Yorktown monument, $2,500, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in the appropriations for "Army and Navy hospital, Hot Springs, Ark.," in line 1797, to increase the appropriation "for completely furnishing the hospital, including furniture for rooms for patients (officers) and of wards for enlisted men, necessary bedding, hospital clothing, and miscellaneous articles," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "military posts," in line 1802, after the word "dollars," to strike out:

Fifteen thousand dollars of which sum may be used for the purchase of a site near Atlanta, Ga., for the erection thereon of a ten-company post.

So as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $165,000.

Mr. BROWN. Mr. President, I trust the motion to strike out will not prevail in that case. The object of the appropriation of $15,000 is the purchase of a site for military barracks at or near Atlanta, Ga. While General Sherman was General of the Army he strongly recommended the permanent establishment of barracks at Atlanta. The present Secretary of War, Mr. Lincoln, also recommends it. Soon after the war there were military barracks established there which were known as the McPherson barracks, which were upon lands leased by the Government from a man named Alexander. The barracks were built up and were very comfortable. At the end of the lease, however, there being some doubts about the title of the land upon which they were located, there being a disagreement between the land-owner and the Government, the barracks were abandoned; but since that time General Sherman has still insisted that for strategic purposes as well as on account of the health of the place barracks ought to be established there.

As the appropriation now stands there will be no chance for the expenditure of any portion of the money at the military post at Atlanta for the reason that it confines the appropriation to the construction of buildings or the enlargement of a military post. The object here, the lease having expired and the old barracks having been given up, is to purchase a proper site for the location of the barracks that they may be built upon it. Only the small sum of $15,000 is considered necessary for that purpose.

I may remark in this connection that there are troops kept at either Charleston or New Orleans every winter; and on account of the healthfulness of Atlanta they are transferred to Atlanta in the summer season. For the last three summers they have been kept near Atlanta in their tents, there being no other provision made for them. The War Department thinking that the proper location for them, has transferred them there even without any buildings, and has kept them there during each of the last three summers.

I do not know upon what ground it is that the committee propose to strike out the appropriation, but I trust it will not be done.

If there is further objection to retaining the clause I shall ask leave to have read a letter of General Sherman, and also a letter of the Secretary of War, Mr. Lincoln, on the subject.

Mr. ALLISON. The provision which the committee recommend to to be stricken out is a provision which would involve the Government in a very large expenditure of money at Atlanta, Ga., within the heart of the Union. Our posts are now on the frontier. The expenditures for the construction of permanent posts are almost wholly, in fact I believe wholly, in that region, and the committee did not believe that it was a wise thing now to enter upon the construction of expensive permanent posts in the interior of our country. The same reason which I think substantially would apply to Atlanta, Ga., would apply to other strategic points on the Atlantic coast.

Mr. COLQUITT. Mr. President, I could hardly catch the remarks made by my friend from Iowa; but, if I understood him correctly, I think there can be a very sufficient answer made to his suggestion. The military officers who have control and jurisdiction of this question advise that these barracks should be built. They do so as a question of humanity, because they are intended to preserve the life and the health of the troops, and also because this is an important strategic point. They, themselves, are the best judges as to whether it is well located or not in that city. The troops are placed there summer after summer with a view to avoid malaria by reason of the latitude in which the barracks are placed. It is purely a question as to whether they shall be made comfortable by a proper building, or whether they shall be exposed to all the vicissitudes of the weather by living in tents. That is the only question which is involved.

Mr. BROWN. Before the amendment is voted upon, I should like to have read the letter of General Sherman, and also the letter of Mr. Lincoln, the Secretary of War, on this question. I ask for the reading of General Sherman's letter.

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

I also inclose you an extract of an inspection report I made to the Secretary of War (McCrary) February 5, 1879, in which I expressed my judgment of the importance of the military authorities maintaining possession of this property for sanitary and strategic reasons. I am of the same mind still, and since the Eighteenth Infantry has been sent to Montana have broken up the garrisons at Charleston and Savannah and transferred them to McPherson barracks, which is now the headquarters of the Fifth United States Artillery.

I do not regard the rental of $4,000 and taxes as excessive, but still prefer that the United States should buy outright the title, providing it can be bought at a fair market price.

Assuming $4,500 as the annual rent, and capitalizing at 7 per cent., would give $65,000 as the value of the ground. I think a thousand dollars per acre would be a fair price, or say in round figures, $50,000.

If the lessor, Thomas Alexander, can make a good title to the satisfaction of the Attorney-General, and if the State of Georgia will relinquish jurisdiction as is required by existing laws, I surely will recommend that the United States purchase the site of the ground in Atlanta known as McPherson barracks.

You may construe this letter as official if you have occasion to make such use of it.

I am, with respect, your friend and servant,

W. T. SHERMAN, *General*.

Mr. BROWN. Now I ask to have read an extract from the report of General Sherman to the Secretary of War on the same question.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

Mr. ALLISON. What is the date of the letter just read?

The PRESIDENT *pro tempore*. It is dated January 16, 1880.

Mr. ALLISON. Five years ago.

The Chief Clerk read as follows:

And if the ground on which McPherson barracks stand were the property of the United States, I would advise the retention there of this regiment for reasons similar to those which apply to the Saint Paul, Omaha and Leavenworth, but unfortunately the ground, some fifty acres, is private property, leased for a term of years which has expired, and now it is retained from year to year at a rental of $4,000. High, healthy, and admirably placed, the buildings are numerous, well designed, and seemingly well built on brick foundations, and would with care and ordinary repair last twenty-five years. They were built for and are ample for a whole regiment.

Atlanta is geographically so placed that this regiment could reach Wilmington, N. C., Charleston, Savannah, Tallahassee, Pensacola, Mobile, New Orleans, or Nashville by rail in twenty-four hours. Even if we must use this regiment of infantry in the Indian country this year, I think it will be good military policy to retain the barracks, subject to the rental of $4,000 for the headquarters and the greater part of the Fifth Artillery, leaving mere fort-keepers on the coast, ready to re-enforce them on the shortest notice. Most of our Gulf posts and south Atlantic posts are subject to yellow fever, and Atlanta is the surest and easiest place of refuge.

With great respect, yours, truly,

W. T. SHERMAN, *General*.

Mr. BROWN. The honorable chairman of the committee seems to object to the date of the letter of General Sherman.

Mr. ALLISON. No, I do not object to it; I merely inquired as to the date.

Mr. BROWN. He made a note of it at least, that it has been some years ago. I now desire to have read a letter from the Secretary of War dated December 9, 1884, since the present session of Congress convened.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Secretary will read the letter.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, December 9, 1884*.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, asking to be informed of the present state of the matter of establishing a military post at Atlanta, Ga., and what are the prospects of the same.

In reply, I have the honor to advise you that although this Department has desired to establish a military post at that point, especially for sanitary reasons, no direct provision has been made therefor. By the act making appropriations for sundry civil expenses, approved July 7, 1884, there was appropriated the sum of $200,000 "for the construction of buildings at, and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary." It will be observed that this appropriation makes no provision for the purchase of land, and gives no authority for doing so out of the appropriation. Communications have been received at this Department offering to sell land for this purpose, but it has not been possible to give any consideration to them by reason of this lack of authority to complete the matter. Of the appropriation of $200,000 there remains $100,000 still available for the purposes expressed in the act.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. N. J. HAMMOND, M. C., *Washington, D. C.*

Mr. BROWN. It will be observed that the Secretary of War favors this location on account of sanitary and other reasons that he mentions.

but can not construct the buildings there for the reason that the language of the act precludes that use of the appropriation, the appropriation being for the construction of buildings and the enlargement of military posts, and there being in fact no buildings there and no military post; the old post that was held under the lease has been given up; the Government owning none there, the general appropriation does not cover the case.

Last year Atlanta was stricken out of the sundry civil appropriation bill on the ground that the Secretary of War would be left to his discretion in the matter, but it turns out that under the construction of the statute he had no such discretion, and can not have until some part of the fund is set aside specifically for the use of purchasing the location.

The honorable chairman of the committee refers to the fact that the Indian wars are conducted upon the frontier. That is true; but I believe we might say with great propriety that the Indian wars are about at an end. It is not at all probable that the Government of the United States will in the future have much trouble with Indian wars. The Indians are generally located upon reservations; they are under control; there is some system about their management, and we shall have little more trouble there.

It is much more likely that our next uses for the military may be somewhere in the reach of the coast of our own country, and it is therefore judicious I think on the part of the military authorities—at least they practice it—to keep some of the troops every year along upon the Southern coast, where they would be nearer at hand in case of an emergency of the character to which I allude. But whenever the summer season comes, on account of the unhealthfulness of the climate on the coast, they at once transfer the troops to Atlanta; they are thrown into camp there without buildings, and remain in that condition.

Under these circumstances, as the General of the Army lately in command, and the Secretary of War at the present session of Congress recommend an appropriation of this character, and this $15,000 is all that is asked to purchase the site, I trust there will not be further opposition to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations that the clause be stricken out.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 33; as follows:

YEAS—13.

Allison,	Garland,	Miller of N.Y.,	Sherman.
Beck,	Harrison,	Mitchell,	
Chace,	Hawley,	Platt,	
Edmunds,	Ingalls,	Sawyer,	

NAYS—33.

Blair,	George,	Lapham,	Sabin,
Bowen,	Gibson,	McPherson,	Sewell,
Brown,	Gorman,	Mahone,	Van Wyck,
Camden,	Groome,	Manderson,	Voorhees,
Cameron of Pa.,	Hampton,	Maxey,	Walker,
Coke,	Harris,	Morgan,	Williams.
Colquitt,	Jackson,	Pendleton,	
Cullom,	Jonas,	Pike,	
Frye,	Jones of Nevada,	Pugh,	

ABSENT—30.

Aldrich,	Dolph,	Lamar,	Riddleberger,
Bayard,	Fair,	Logan,	Saulsbury,
Butler,	Farley,	McMillan,	Slater,
Call,	Hale,	Miller of Cal.,	Vance,
Cameron of Wis.,	Hill,	Morrill,	Vest,
Cockrell,	Hoar,	Palmer,	Wilson.
Conger,	Jones of Florida,	Plumb,	
Dawes,	Kenna,	Ransom,	

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for the "Signal Service," in line 1811, after the word "agriculture," to strike out "of" and insert "throughout;" so as to make the clause read:

For the observation and report of storms: For expenses of the meteorological observation and report of storms by telegraph and signal, or otherwise announcing the probable approach and force of storms, for the benefit of the commerce and agriculture throughout the United States, as follows, &c.

The amendment was agreed to.

The next amendment was, in line 1815, after the word "reports," to strike out "and messages over commercial lines, and for the rent of leased lines;" and in line 1817, before the word "thousand," to strike out "thirty-six" and insert "forty;" so as to make the clause read:

For telegraphic reports, $140,000.

The amendment was agreed to.

The next amendment was before the word "thousand," in line 1828, to strike out "five" and insert "seven;" so as to make the clause read:

For continuing the connections of signal stations at life-saving stations and light-houses, including services of operators, repairmen, materials (such as cable, wire, poles, and insulators), and general service connected therewith, $7,500: *Provided*, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary).

The amendment was agreed to.

The next amendment was, in line 1838, before the word "thousand," to strike out "forty" and insert "forty-three;" so as to make the clause read:

For rent, hire of civilian employés, furniture, light, heating supplies, stationery, ice, repairs, and other expenses of offices maintained for public use in cities and ports receiving reports, outside of Washington, D. C., $43,000.

The amendment was agreed to.

The next amendment was, in line 1848, after the words "telegraph lines," to strike out "including rents of offices, salaries of civilian operators and repair-men, lights, supplies, and general repairs;" so as to make the clause read:

For maintenance and repair of military-telegraph lines, $34,000.

The amendment was agreed to.

The next amendment was, in line 1869, after the word "exceed," to strike out "four" and insert "five;" and in line 1871, after the word "of," to strike out "three officers" and insert "one officer lately;" so as to read:

And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed five commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law, and of one officer lately serving in the Arctic seas.

The amendment was agreed to.

Mr. ALLISON subsequently said: I ask unanimous consent to go back to line 1871, in order to make a little correction that I intended to make at the moment, but the Chief Clerk, much to my gratification, reads rapidly, and I escaped it. I ask to insert in that line "two officers" instead of "one officer;" so as to read:

And of two officers lately serving in the Arctic seas.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the amendment suggested by the Senator from Iowa will be entertained at this time, and that modification will be made. The Chair hears no objection, and the clause is so modified.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "regular supplies" for the Signal Service, after the word "cents," in line 1918, to strike out the following clause:

And hereafter there shall not be allowed for forage, straw, or shoeing for any greater number of horses and mules in the Signal Service than is herein provided for.

The amendment was agreed to.

The next amendment was, in line 1945, after the word "Signal Corps," to strike out "84,108" and insert "93,960;" and after the word "all," at the end of line 1948, to strike out "85,608" and insert "95,460;" so as to make the clause read:

Barracks and quarters: For commutation of quarters to enlisted men of the Signal Corps, $93,960; work and supplies at Fort Myer, Virginia, $1,500; in all $95,460.

The amendment was agreed to.

The next amendment was, after line 1972, to insert:

That the joint commission, consisting of three Senators and three Representatives, to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, provided for in the act entitled "An act making appropriations for sundry civil expenses of the Government," &c., approved July 7, 1884, be, and the same is hereby, continued, with power to sit during the recess of Congress in the city of Washington; and the said commission shall report to their respective Houses on or before the third Monday in December, 1885, or as soon thereafter as may be, by bill or otherwise; and the present President *pro tempore* of the Senate and Speaker of the House of Representatives shall appoint respectively a Senator and Representative to take the places on said commission of the Senator and Representative whose terms of office expire with the present Congress.

The amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

NAVAL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I move that the Senate insist upon its amendments in which the House has not concurred, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PLUMB, and Mr. BECK were appointed.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. VAN WYCK submitted the following resolution; which was re-

ferred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Improvement of the Mississippi River be directed to prepare a detailed statement of the expenses of the improvements of the Mississippi River and its tributaries with a view to ascertain the amounts expended for purpose of commerce, the amount expended to protect the lands adjoining from the ravages of the rivers, to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

SARAH B. JACKSON—RATES OF PENSION.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 5600) for the relief Sarah B. Jackson.

EVENING SESSION.

Mr. ALLISON. I wish to state that in the judgment of the Committee on Appropriations a night session this evening will be desirable. I move that the Senate take a recess from 6 o'clock until 8 o'clock. I should like to finish the sundry civil appropriation bill before the recess, if possible.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Iowa moves that the Senate take a recess this evening from 6 to 8 o'clock.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. CONGER. I ask permission to make a report from the Committee on Commerce.

The PRESIDING OFFICER. Is there objection? Hearing none, the report will be received.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes, to report it with sundry amendments.

The PRESIDING OFFICER. The bill will be printed and go to the Calendar.

Mr. CONGER. I ask, in order that it may be before the Senate, that the Chair will instruct the clerks to have the bill printed and returned to the Senate as soon as possible.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "miscellaneous objects," in line 2018, after the word "monument," to insert "in lieu of headstones;" so as to make the clause read:

For erecting a monument, in lieu of headstones, at Baxter Springs, Kans., to the memory of Union soldiers killed at or near that place on the 6th day of October, 1863, $4,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 2027, before the word "thousand," to strike out "one hundred and sixty" and insert "seventy-five;" and after the word "dollars," in line 2028, to insert:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of said sum shall be paid directly to the owners of the property.

So as to make the clause read:

To enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown reservation, Texas, and to pay and extinguish all claims for the use and occupancy of said reservation by the United States, the sum of $75,000: *Provided*, That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of said sum shall be paid directly to the owners of the property.

Mr. COKE. Mr. President, I hope the amendment of the committee will not be concurred in. I make no objection to the proviso. I simply object to striking out $160,000 and inserting in lieu thereof $75,000.

The object of this appropriation is to enable the Secretary of War to acquire title to the Fort Brown reservation at Brownsville, on the Rio Grande, in Texas. In 1846 the Government of the United States took possession of three hundred and fifty-eight acres of land at that point, having a frontage on the Rio Grande River of a mile and a half, comprising a part of and adjoining the city of Brownsville, a city of 7,000 or 8,000 inhabitants. The Government has held and occupied that land for now nearly forty years, has never paid one dollar of rent for it, and the owners of the land are paying to the State of Texas, as I perceive from papers submitted to the Committee on Appropriations, some years as high as $1,000 a year taxes upon it.

There have been repeated efforts made here to get something for this land by the owners. These efforts have always failed.

In 1853 an officer of the United States Army appeared by petition in the district court of the county of Cameron, of which Brownsville is the county seat, and instituted proceedings for the condemnation of this land in order that the Government of the United States might acquire it. Proceedings were had, and a verdict of the jury was rendered assessing the value of the land. I will read the verdict:

We, the jury, assess the value of the lands mentioned in said application at $50,000.

This was in 1853. Subsequently a judgment was rendered by the district court of Cameron County, from which I will read:

And it is further ordered, adjudged, and decreed that upon the payment by the United States of the said sum aforesaid of $50,000, together with the interest thereon, from said 29th day of November, 1853, at and after the usual lawful rate of 8 per cent. per annum, into the First National Bank of the city of Galveston, to be disposed of as hereinafter provided, the whole right, title, and interest of both the said city of Brownsville and of the said Marie Josefa Cavazos, deceased, and also of the said Pedro G. Cavazos, her successor in interest in and to the said lands and premises, shall vest forever in the United States of America for the uses and purposes as prescribed and provided in and by the statute aforesaid.

Under this decree, a portion of which I have read, if you compute the interest at 8 per cent., the legal rate of Texas, you will see that the amount appropriated by the bill is insufficient to pay it. The House provides $160,000 as payment for the amount. It is simply a computation of the interest with a liberal deduction upon the amount of the judgment and decree of the court. This judgment and decree is alleged to have been irregular in some respects. The fact that the jury assessed the land at $50,000 and that the assessment was a fair and reasonable one I do not think is controverted by anybody. It gives us the best and most reliable basis we could possibly have for arriving at the value of the land which the Government is bound to have for military and strategic purposes on that border.

The Quartermaster-General, to whom a letter was addressed by the Secretary of War, makes this reply:

Respectfully returned to the honorable the Secretary of War, with the report, as follows:

"In the opinion of the Quartermaster-General the rental value of the site of Fort Brown from 1846 to 1866 was at least equal to $2,500 per annum, which, for twenty years, makes a sum of $50,000. There is no question in his mind that from 1866 to date the value of the rental, considered relatively to prices paid for similar property in the State of Texas, was and is at least $3,500 per annum, which, for eighteen years, gives a sum of $64,800, or a total sum of $114,800."

In addition to that is the $50,000 of assessed value for the title.

The difference between this calculation and the sum named in the bill, namely, $21,200, is a fair, equitable amount to offset deferred payment and the natural differences of opinion that arise in determining values of this land. It was alleged in 1873 and 1874 that the property was taxed at or about $1,000 per annum.

That is, by the State of Texas.

Estimates of the value of this site have varied from $25,000 to $75,000.

Mr. ALLISON. Why does the Senator call it a jury?

Mr. COKE. What is the question asked by the Senator?

Mr. ALLISON. Does the Senator from Texas now allude to the appraisal made in 1853?

Mr. COKE. I allude to the appraisal made in 1853.

Mr. ALLISON. I ask the Senator why he calls that a jury?

Mr. COKE. I call it the verdict of a jury because I have a printed record here, and the verdict is:

We, the jury, assess the value of the lands mentioned in said application at $50,000.

E. B. KATMAN, *Foreman*.

Mr. ALLISON. What is the date of that?

Mr. COKE. That was in 1853. I show you here, in addition to the computation of the Quartermaster-General for rental, $50,000 for the title assessed by a jury, which has never been paid, which would make $164,000; and if you discard the rental and claim title under the decree of the court, I show you that 8 per cent. interest upon the amount will come to more than the amount in the bill.

The bill, after the gravest and most deliberate consideration in the other House, is presented here with $160,000 as the amount which ought to be paid, and I submit to the Senate that the Government of the United States ought to pay it. The Government has had possession of the land since 1846, has never paid one dollar of rent, has never paid one dollar of interest, and year after year when the owners of the land appear here and ask for relief, if they get it in the other House it has been stricken down in this body. It was so at the last session of the Senate, when there was a debate upon this very item and it was stricken out. The applicant comes here again, armed with a certificate from the Quartermaster-General, who approves the amount named in the bill as just, and states that there has been a liberal deduction made from it, and that the balance should be paid.

I submit that the amendment of the committee should not prevail, and that the sum of $160,000 should be paid for the land. I make no objection to the remainder of the amendment contained in the proviso, that is—

That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of said sum shall be paid directly to the owners of the property.

I make no objection to that; I desire the United States Government to get a clear title; but I do submit that when the Government takes three hundred and fifty-eight acres of land belonging to a citizen, and holds it from 1846 until now, the Government ought to pay for it. The citizen can not sue the Government. He can not dispossess the Government. He can not sell to another. He is bound to submit to the

Government. The Government has never claimed to own this land. The title of the applicant for relief is admitted to be good. The Senate can not resist the justice and equity of this appropriation, indorsed as it has been by the House.

Mr. MAXEY. Mr. President, this same item was before the Senate once before, and I presented my views in regard to it. If the Senate could now, as ordinarily, listen attentively to a plain statement of the facts there could be no question as to the result.

The importance of Brownsville as a strategic point was discovered by General Taylor in 1846. He established what is known as Fort Brown, which was besieged from Matamoras in 1846, and held it. From 1846 to the present hour that has been used and occupied as a fort by the United States every year with the exception of the four years during the late war. There has been no general of the United States Army in the command of the Department of Texas who has not felt that the holding of Fort Brown was an essential point in the line of the Rio Grande frontier defense.

The United States have held that land from that day to the present and have never paid any rent upon it. They have put, I will venture to say, at the lowest (the Quartermaster-General puts it much higher) a half-million dollars of improvements upon it. The United States have no title to that property. They have expended that money in the form of improvements. Those improvements belong, under every law ever written upon the statue-book, to the owner of the soil. Here the proposition is to settle upon the basis of $160,000, which not only covers the value of the property itself, but it covers all the rental from its first occupation by the United States to the present time.

I apprehend that the reason why the title was not first obtained before these great improvements were placed there was because there was a suit pending involving, if I remember correctly, eleven leagues of land embracing these three hundred and fifty-eight acres. The suit was brought in the United States circuit court, the case of Trevino rs. Cavazos, which was appealed, and was decided after a most elaborate argument by the Supreme Court of the United States, whereby the title was affirmed. That was since the war. It was only after that time that the United States could have obtained a title from anybody.

Every year from that time on the attempt has been made to settle this thing, and there has been no settlement for some reason unknown to me. Although the House have regularly sent this item up, we meet with disturbance in the subcommittee of the Committee on Appropriations, and it is stricken out or the amount reduced. If there is an item in the bill which should be allowed, this is the item, and I only ask that the Senate will consider what has been said in regard to it, believing as I do that if the Appropriations Committee understood it as my colleague understands it, as I understand it, as the member from Texas in the Appropriations Committee of the House understood it, Judge HANCOCK, who urged it there, there would be no difficulty whatever in settling this question.

I submit the question in the hope that the Senate will not concur with the action of the Committee on Appropriations. My point, as was made by my colleague, advises only the non-concurrence in the striking out of $160,000 and the insertion of $75,000. So far as the proviso is concerned, that no part of this sum shall be paid until the complete title is vested in the United States, I say that is right; it ought to be there. So far as the other part of the proviso is concerned, that the full amount of said sum shall be paid directly to the owners of the property, I believe that to be right.

I think the secret of all this opposition is that the opinion of the committee is that perhaps there is some great scheme about this matter in the hands of parties who have been urging it. If the money shall be paid directly to the owners of the property, the question will be settled, and that is all that I want done. I want the money paid to the owners, whoever they are. I do not know who they are. I want it paid to those, whoever they are, and I do not want any dollar of it paid until the title is first completely and fully vested in the United States.

Mr. ALLISON. After what has been said by the two Senators from Texas, I shall occupy only a moment. As the Senators from Texas say, this is an old matter. In the first place, it has no business on this bill. It is purely a private claim, and it is a private claim that so far as I know has never been considered by any of the standing committees of this body. If I am mistaken in that statement, I hope the Senators from Texas will correct me.

Mr. MAXEY. It has never been objected to on that ground. On the contrary, if the position of the Senator from Iowa is a tenable one for an argument, the whole clause should be stricken out, but the committee recognize the validity and propriety of it by simply reducing the amount.

Mr. ALLISON. I have stated the first objection I have to this matter, that it ought to be considered by the proper committee of the Senate and by the proper committee of the House of Representatives, which is the Committee on Military Affairs.

In 1846, as I understand, the Army on its way home from Mexico established a post at what is now the city of Brownsville, Tex. At that time there was no city there. There were perhaps fifty or one hundred people there. The Government of the United States established at that point for defensive purposes a military post, and it has held that post from that day until this. In 1853 the city of Brownsville, then having grown up under the shadow of this post, made claim to the ownership of this land and made a request, or at least General Van Vliet, who was then in the command there, an officer of the Army at that post, summoned a jury for the purpose of ascertaining the value at that time of these three hundred and fifty-eight acres. He had no authority to summon that jury.

No Secretary of War, no superior officer, required him to summon a jury for that purpose. The United States at that time had a proper right to make a claim to the ownership of this ground; but a jury was then summoned, and I believe that jury from the neighborhood of Brownsville did find that the United States ought to pay $50,000 for these three hundred and fifty-eight acres of land, and from that time until within two years there has not been a reason given why the United States should part with any of its money for this purpose. The title was in dispute absolutely from 1853 until 1879. Am I mistaken in the date, because I state it from memory?

Mr. COKE. I will state, if the Senator will permit me, that the judgment to which I referred him just now provides that the money shall be paid into court, to be held there to await the decision of the court as to the title, and the money shall be paid to whoever was found to own the lands.

Mr. ALLISON. The judgment of the jury, that is, a neighborhood jury of the city of Brownsville, provided that the money should be paid into the court by the United States. The United States never paid any money into court; there never was any pretense that it ought to pay any money into court, and in 1878 the heirs, whose names I have forgotten——

Mr. MAXEY. Trevino rs. Cavazos is the style of the case which was decided by the Supreme Court.

Mr. ALLISON. The heirs of the Cavazos estate were adjudicated to be the owners of this property in 1879. Then appeared this claim. Last year it was found upon the sundry civil appropriation bill in the form of an appropriation for rental $121,000 as it came to us from the House.

Mr. MAXEY. I will ask the Senator from Iowa if under every principle of a court of equity, the title being in dispute and a third party being the occupant, he would not have a right to have interpleaded and to have the fact determined as to whom he should pay the money; and if, after the title was determined, it was not the duty of the Government to pay whoever the title was proved to be in? I ask if the Government is estopped, if the Government is relieved from paying the rent because the title was in dispute? It belongs to whoever owns the title surely.

Mr. ALLISON. There never has been any proper adjudication of this question.

Mr. MAXEY. An appeal was taken to the Supreme Court of the United States and it was there decided.

Mr. ALLISON. It was decided as to whom the property belongs, but there never has been any adjudication as to how much rent should be paid or how much the Government of the United States should pay for the property.

What I object to is that this question comes in here from the House of Representatives this year on an appropriation bill for the purchase of the property at $160,000, when last year it came in the same appropriation bill for rent at $121,000. If the Government of the United States is under obligation to pay anybody for the land, for the use of it from 1846 until 1885, let the proper committees of the Senate and House of Representatives take up that question and examine it with care and scrutinize every question involved, and see to it that the Government of the United States has a proper title to the property, and also investigate as to the question whether it is a wise thing for the Government to have this property at all, whether we should not abandon the property rather than pay the amount claimed for it.

Mr. COKE. Let me suggest to the Senator that I make no objection to the proviso put upon the clause by the Senate committee, which provides that none of the money shall be paid until a perfect title is given to the Government.

Mr. ALLISON. I understand; but there is still a question beyond that. The United States has since 1846 made certain improvements upon the property. Now, it is an open question whether the Government of the United States should buy the property at all, or whether it should not abandon it to its uses rather than pay even the $75,000 which is proposed here to be paid. The Committee on Appropriations were led to believe by the investigation they made last year that if we had appropriated $75,000 in the bill of last year we could have then secured an absolute title to the property, although, of course, there was no formal statement made by the owners of the property that they would take $75,000 for it. Now it has grown to $160,000 in a single year, and comes here again upon an appropriation bill.

I submit to the Senators from Texas and to the owners of this property that, having waited from 1846 to 1885, they can wait one year longer until the Government of the United States, through its proper officers

and through the proper committee of this body and of the House of Representatives, can have an investigation of all the facts connected with this case, and then pay for it.

But the Committee on Appropriations were willing, in order that the question might be finally settled and disposed of, to pay these people what they have reason to believe they were willing to accept only a year ago, $75,000, for all the rental and for every claim in connection with this property. I submit to the Senate that the proposition to pay $160,000 for the property, with no further information than we now have respecting it, would be an unjust payment from the Government of the United States to the persons who have been claiming this property from 1853 until 1879.

Mr. COKE. Mr. President, I have to say in reply to the Senator from Iowa that he makes precisely the proposition now that was made a year ago when this same question was up, that is, to wait another year.

Mr. ALLISON. The Senator will bear in mind that last year we struck the whole provision out.

Mr. COKE. I know it was stricken out, but it was discussed here, and it was said that the Government of the United States ought not to pay a rent, but should own the land. The facts are that the Government has this land in possession, has had it in possession since 1846; that there are three hundred and fifty-eight acres of it, that it fronts the Rio Grande for a mile and a half adjoining a flourishing and prosperous city of 7,000 or 8,000 inhabitants, and that the Government has never paid one dollar of rent nor one dollar of consideration for the possession and use and enjoyment of it. There never has been any pretense that the Government owned the land.

The only reason why payment for it has not been sought earlier was because the land has been in litigation, and the Government said to the litigating parties, "Whenever you settle your lawsuit over the land we will take it at a fair price." It is a fact that in 1853 General Van Vliet, an Army officer stationed at Brownsville, went into the district court of Cameron County on his petition asking for a condemnation of the land to the use of the Government of the United States. The question of its value was submitted to a jury. The jury assessed it at $50,000 in 1853, and the court said that 8 per cent. interest must be paid upon the money until it was paid into a bank in Galveston. Now, if you assess interest upon the $50,000 from 1853 to this time it exceeds the amount named in the bill. If, however, you say that no title was vested then, and if you pay rent, according to the statement of the Quartermaster-General of the Army the rental will exceed the amount in the bill. I care not which horn of the dilemma you take, the bill is a just one, and unless the Government of the United States proposes to repudiate an honest debt and to take with a strong hand property belonging to citizens the clause should be agreed to as it passed the House, and those people should be paid for the land.

The question about referring this matter to another committee is an after-thought of the chairman of the Committee on Appropriations. He struck out $160,000 and inserted $75,000 and added a proviso. Does not this show that the committee took jurisdiction over it and considered it? If the committee can consider it, can take jurisdiction over it for the purpose of paying $75,000, ought not the same jurisdiction to enable the committee to do full justice if the land is worth $160,000 and allow the whole amount?

I hope that the Senate will not permit the rights of the owners of this land any longer to be deferred, but will reject the amendment and cause the Government of the United States in good faith to pay those people for that which it has enjoyed the exclusive possession of since 1846 and upon which it has placed more than half a million dollars' worth of improvements.

Mr. MAXEY. The proposition of the Senator from Iowa in regard to the bill is very heroic, but not very well bottomed in judgment, in my opinion. He says it would be better for the Government to abandon the post. There never has been a general of the Army who has occupied it, never a department commander of Texas who has not regarded it not only as an important point but as a supply depot for the Rio Grande frontier. It faces the city of Matamoras, by far the most important city on the Lower Rio Grande in Mexico. It was regarded from the beginning by General Taylor as a strategic position, and has been held so from that time to the present.

I ask if there is any honesty in holding a man's property against his consent without paying rent? The Government has never paid a dollar of rent from the time it first occupied it to the present. It holds it by the strong hand. The Government has put half a million dollars of improvements on that land, and yet the proposition is made by a committee charged with managing the money of this country to throw away that half million dollars, to throw away a strategic position, because forsooth the committee is unwilling to agree with the House.

The chairman says it ought to have been submitted to some committee of the House for investigation. How do you know that it has not been so submitted? It came here from the House of Representatives in due form. How do you know the manner in which the provision got on the bill in the House? It is here. It comes to us regularly, it is just, and the Government will get at least a half million dollars more than the value of the property for the $160,000. The title is not in the United States; it never has been in the United States. If there was any way whatever of bringing an action of ejectment against the United States, as there would be against a private citizen, all the fixed and permanent improvements built by the United States would pass along with the soil, the improvements would go with the soil; but the United States occupies this position: "You can not sue me; I have got your land; I shall not pay you any rent; I shall keep your land." That is the position. We ask for a settlement. The proposition made by the House is perfectly fair. Not a reason has been given by the Senator in charge of the bill why the position of the House is not entirely fair, and I ask the Senate to non-concur in the action of the committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations.

Mr. ALLISON. I will modify the amendment of the committee. I do not want, even by implication, to say that we are obliged to pay $75,000. In line 2028, after the word "of," in the proviso recommended by the committee, I move to strike out "this sum" and insert "the purchase-money;" and in line 2030, to strike out "said sum" and insert "the purchase-money;" so as to read:

Provided, That no part of the purchase-money shall be paid until a complete title is vested in the United States; and the full amount of the purchase-money shall be paid directly to the owners of the property.

The PRESIDENT *pro tempore*. The amendment to the amendment will be agreed to if there be no objection. The question now is on the first amendment of the Committee on Appropriations, in line 2027, striking out "$160,000" and inserting "$75,000."

The question being put, there were on a division—ayes 12, noes 17; no quorum voting.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 24; as follows:

YEAS—15.

Allison,	Chace,	Hoar,	Plumb,
Blair,	Dawes,	McMillan,	Sewell,
Cameron of Pa.,	Edmunds,	Miller of N. Y.,	Wilson.
Cameron of Wis.,	Harrison,	Mitchell,	

NAYS—24.

Brown,	Harris,	Mahone,	Sawyer,
Call,	Jackson,	Manderson,	Vance,
Coke,	Jones,	Maxey,	Van Wyck,
Fair,	Jones of Florida,	Pendleton,	Voorhees,
Gibson,	Jones of Nevada,	Pugh,	Walker,
Hampton,	McPherson,	Riddleberger,	Williams.

ABSENT—37.

Aldrich,	Dolph,	Ingalls,	Platt,
Bayard,	Farley,	Kenna,	Ransom,
Beck,	Frye,	Lamar,	Sabin,
Bowen,	Garland,	Lapham,	Saulsbury,
Butler,	George,	Logan,	Sherman,
Camden,	Gorman,	Miller of Cal.,	Slater,
Cockrell,	Groome,	Morgan,	Vest.
Colquitt,	Hale,	Morrill,	
Conger,	Hawley,	Palmer,	
Cullom,	Hill,	Pike,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on inserting the proviso.

The Secretary read the proviso from line 2028 to line 2031, inclusive, as follows:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States, and the full amount of said sum shall be paid directly to the owners of the property.

Mr. ALLISON. I desire to ask unanimous consent to modify the amendment—and I suppose the Senator from Texas will not object to this modification—so that it will read:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States, and the full amount of the price, including all claims for rents, shall be paid directly to the owners of the property.

What I desire is to cover not only the purchase-money for the property, but also the arrears of rent. Therefore I insert after the words "amount of" the words "the price, including rent."

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend the proviso so as to make it read:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of the price, including rent, shall be paid directly to the owners of the property.

The PRESIDENT *pro tempore*. Is there objection to the modification? The Chair hears none. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. VAN WYCK. I call the attention of the committee to the provision at the top of page 83 appropriating $5,000 to Mrs. Mary T. Barnes, widow of the late Surg. Gen. Joseph K. Barnes, "for especial and meritorious services rendered by her husband in the last illness of President Garfield."

I supposed all the expenditures for attendance on President Garfield were provided for in 1882, when some $57,000, I think, was appropriated to cover all the expenses and services in connection with that matter. I remember very well that when the proposition was made here

to increase the pension of the widow of Surgeon-General Barnes from $30 to $50 a month, one of the reasons urged why that increase should be made was on account of the services of her husband in attending upon General Garfield; and now we find an item placed in this bill, after all that has been done, of $5,000 to be paid to the widow of General Barnes. I call the attention of the chairman of the Committee on Appropriations to that item.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him whether it is not a fact that Surgeon-General Barnes refused to accept any compensation because he was a public officer? Is not that the fact?

Mr. VAN WYCK. I do not know whether he refused to accept it or whether he was unable to receive anything because he was in the employ of the Government in its highest medical position as Surgeon-General of the Army. I do not know whether it was delicacy on the part of General Barnes or whether it was impossible for him to obtain from the Government anything more than the compensation he was receiving. At all events, the fact is that $57,000 were appropriated in 1882 to cover all the expenses attending service upon General Garfield and his burial. It was even provided that extra compensation might be given not to exceed three months' pay to any employé who had been especially faithful to the dying President. Now, after that whole matter was settled in 1882, and when, as I say, since that time Mrs. Barnes has had her pension increased from $30 to $50, and one of the reasons alleged was that her husband had rendered efficient service in attendance on General Garfield, the Appropriations Committee ask us to appropriate $5,000 to Mrs. Barnes. It at least, I think, requires a little explanation. I move that that item be stricken out.

The PRESIDENT *pro tempore*. It will not be in order to make that motion until the amendments of the Committee on Appropriations are gone through with. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2056, after the words "Garfield Hospital," to strike out:

For the support and medical treatment of thirty-seven transient paupers, medical and surgical patients, in the city of Washington, under a contract to be made with the Garfield Hospital by the Surgeon-General of the Army, $7,500.

And in lieu thereof to insert:

For maintenance, to enable it to provide medical and surgical treatment to transient persons unable to pay therefor, $7,500.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for the publication of the Official Records of the War of the Rebellion, both of the Union and confederate armies," after the word "dollars," in line 2086, to insert the following proviso:

Provided, That the time during which said publication shall be subject to the order of Senators, Representatives, and Delegates shall be extended from July 1, 1885, to July 1, 1886.

The amendment was agreed to.

The next amendment was, after line 2090, to insert:

Fort Leavenworth military reservation: For the improvement of roads on the Fort Leavenworth military reservation, to be expended under the direction of the Secretary of War, $12,000.

The amendment was agreed to.

The next amendment was, after line 2094, to insert:

Quartermaster and commissary depot at Saint Paul, Minn.: For the completion of the public building for a quartermaster and commissary depot at Saint Paul, Minn., to be used as offices for officers of the Department of Dakota, and for heating the same, $30,000.

The amendment was agreed to.

The next amendment was, after line 2100, to insert:

For purchasing hospital and other records of the war pertaining to the New England Soldiers' Relief Association, $5,500.

The amendment was agreed to.

The next amendment was, after line 2103, to insert:

Sea-wall at Governor's Island, New York Harbor: For sea-wall around Governor's Island, $40,000.

The amendment was agreed to.

The next amendment was, after line 2106, to insert:

For the purpose of erecting a statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General La Fayette and his compatriots, $50,000.

The amendment was agreed to.

The next amendment was, after line 2110, to insert:

That the Secretary of War, the chairman of the Joint Committee on the Library, and the Architect of the Capitol are authorized to contract for and erect the said statue, and to designate a suitable public reservation in the city of Washington as the site for said statue.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Department of Justice," after line 2226, to insert:

Reform School, District of Columbia: For repairs to buildings, including new roof on main building and new piers in basement, $1,800.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate, agreeably to its request, the bill (H. R. 5800) for the relief of Sarah B. Jackson, with the Senate amendments thereto.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purpose.

The message further announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WALDO HUTCHINS of New York, and Mr. JOHN D. LONG of Massachusetts managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof; and it was thereupon signed by the President *pro tempore*.

SAC AND FOX AND IOWA INDIAN RESERVATION.

Mr. DAWES. The Senator from Iowa yields to me to call up a conference report.

The PRESIDENT *pro tempore*. On what bill?

Mr. DAWES. On House bill No. 6658, to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes.

The PRESIDENT *pro tempore*. The message of the House is that it has concurred in the Senate amendments, which disposes of the bill without any report from the conferees. It supersedes a conference report.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SARAH B. JACKSON—RATES OF PENSION.

Mr. VAN WYCK. I wish to ask for a committee of conference on the disagreeing votes of the two Houses on House bill No. 5800, just returned from the House.

The PRESIDENT *pro tempore*. Is there unanimous consent that this bill from the House be now laid before the Senate?

Mr. ALLISON. I make no objection.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 5800) for the relief of Sarah B. Jackson. This bill passed the Senate with amendments, which have been sent to the House of Representatives, but are now returned pursuant to the request of the Senate.

Mr. VAN WYCK. I merely ask for a conference with the House on the amendments.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate request a conference with the House of Representatives on its amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MITCHELL, Mr. VAN WYCK, and Mr. JACKSON were appointed.

COINAGE OF SILVER.

Mr. ALDRICH. I wish to be allowed to offer a joint resolution at this time.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. 135) requesting the President to enter into negotiations with foreign powers to secure an agreement for the free coinage of silver; which was read the first time by its title and the second time at length, as follows:

Resolved by the Senate, &c., That the President of the United States is hereby requested to enter into negotiations with the States of the Latin Union, and such other foreign powers as he shall deem advisable, with the purpose of securing such treaties with them as shall bind the nations agreeing thereto to open their respective mints to the free coinage of silver with full legal-tender power, at such uniform ratio to gold as shall be agreed upon.

Mr. ALDRICH. I ask that the joint resolution go over until to-morrow when I shall call it up.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The Secretary resumed the reading of the bill. The next amend-

ment of the Committee on Appropriations was, to strike out the following clause from lines 2230 to 2232, inclusive:

Penitentiary for Utah Territory: For construction and completion of the penitentiary for Utah Territory, $50,000.

Mr. HARRISON. I desire to inquire of the chairman of the Committee on Appropriations why that appropriation is proposed to be stricken out. I call the attention of the Senator from Iowa to the two appropriations for a penitentiary in Utah and Montana. I have myself no information as to the situation of Utah, but I have as to the situation in Montana, and I do not think the appropriation there ought to be stricken out.

Mr. ALLISON. I can furnish the Senator from Indiana with some information on both provisions; I do not mean new information, not information unknown to him. Last year we inserted in the civil sundry appropriation bill an appropriation of $26,000 to complete an addition to the penitentiary at Deer Lodge, in Montana.

Mr. HARRISON. We have not got to that yet. It is the Utah case that is before us now.

Mr. ALLISON. I understood the Senator to make inquiry about both.

Mr. HARRISON. I did about both.

Mr. ALLISON. There was a special provision in that law requiring this sum to complete the penitentiary in Montana. In Utah there is a provision here for a penitentiary to cost $50,000. There is nothing to support that except a simple estimate of the Treasury Department in the Book of Estimates. There were no papers, no statements that this was important at this immediate time; and inasmuch as there were a large number of amendments made by the Senate to this bill for important and necessary appropriations, we supposed that the people of Utah could get on for another year without a penitentiary.

Mr. HARRISON. I have no information about the situation in Utah as to their need of a penitentiary, and therefore I make no objection to that amendment being agreed to; but I desire to be heard upon the next one.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the clause from lines 2233 to 2235, inclusive, as follows:

Penitentiary for Montana Territory: For completion of the penitentiary for Montana Territory, $25,000.

Mr. HARRISON. The Government made an appropriation some years ago for the construction of a penitentiary in Montana. Plans were furnished for the building, which consisted of a central building intended to be used chiefly for offices and two wings in which the cells were to be situated. The construction of this building was entered upon, and one of the wings was first constructed when the appropriation to which the Senator from Iowa refers of $25,000 in the last Congress to complete the building there was made. The question was presented to the governor of the Teritory, through whom, and under whom, it was to be expended, as to how it could be expended. Of course it was practically impossible to go to work to construct the other wing, which would thus have left two isolated, unconnected wings of the penitentiary. So that money was expended in part in the construction of the central building, which was to connect the two wings, and I have seen a statement from the gentleman who was in charge of construction that they have out of that appropriation accumulated at the penitentiary a very large part of the material that will be necessary to complete the other wing; but the appropriation was not sufficient in carrying out the plan to construct the central part and also to provide the other wing.

Now the situation of things in the Territory as to the necessity for an enlargement of the penitentiary is represented to me by Hon. John Coburn, who is one of the justices of that Territory, to be as follows: He says that the penitentiary has only twenty-eight cells, and that there are more than one hundred and twenty prisoners, and that it was so overcrowded and the condition of the convicts such as to render the building unwholesome, and that the courts were compelled to make orders that the prisoners of the Territory, instead of being sent to the penitentiary, should be lodged in the county jails of the counties where they have been convicted.

There are but two courses open to us. One is to finish the building and make it useful for the purpose for which it was started, because the plan has been established, the foundations are in, one wing and the central building are built, and the simple question now is whether we shall stop or complete the structure according to the original design, and furnish that Territory with some adequate place for the confinement of its prisoners.

Mr. BECK. The sundry civil appropriation bill for the current year which was approved on the 7th of July last contains this provision:

To erect the unfinished portion of the United States penitentiary at Deer Lodge, Mont., and to complete the same in accordance with the original plans, $15,000: *Provided*, That the work shall be carried on under the direction and general supervision of the governor of the Territory of Montana.

That they undertook to do, and when they came to ask us for $25,000 more without explaining why they had made that expenditure necessary under a law that required the building to be done for $15,000, we thought——

Mr. HARRISON. The Senator from Kentucky will allow me?

Mr. BECK. Certainly.

Mr. HARRISON. It was simply impossible. That was all there was about it. The Government was requiring work that would cost forty or fifty thousand dollars to be done for $15,000.

Mr. BECK. No complaint seems to have been made in regard to it as far as we know except that they had adopted plans inconsistent with the act of Congress.

Mr. HARRISON. But the very law which the Senator cites shows that plans had already been adopted before that appropriation was made.

Mr. BECK. But we have had no information so far as I know, or so far as anybody else knows, unless it be from Judge Coburn, that they have attempted to carry out the act; and in the face of facts like these it would hardly seem proper for us to make further appropriations.

Mr. HARRISON. Perhaps I was remiss in not bringing to the attention of the Committee on Appropriations the information I have. I tried to find to-day, but have mislaid it, the report from the gentleman who was put in charge of the construction by the governor, in which he sets out all the facts, some of which I have outlined, one of which is that one wing has been built. Here was $15,000 appropriated. They could not enlarge the cell accommodations of the penitentiary with $15,000. If they constructed the wing without any central part to protect it, they would have there two isolated buildings. That money was expended in part in completing the central part of the building according to the original plan, and he reports that they have accumulated a large amount of material there which can be used in the residue of the work. But there is no use of saying when a plan has been entered upon that will cost $50,000 the building shall be completed for $15,000.

Mr. BECK. All I desire to say is that we have had struggles all the time to make our officials comply with the law, and we had no information given us and no good reason assigned why they do not comply with it, and in the absence of such information, having a positive law that required it to be done, and no excuse being offered to us nor any fact laid before us, we did not feel at liberty to insert $25,000 more. That was all there was of it, I think.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations. [Putting the question.] The noes appear to have it.

Mr. HARRISON. I ask a division on that question. It is one of so much interest to the Territory of Montana that I am sure that if Senators would think of it for a moment they would not refuse this appropriation. There is an unfinished, ragged building, totally inadequate to confine the prisoners of the Territory. What sort of economy is there on the part of the Senate in refusing to give money to go on with it? We have to finish it at some time. I ask for a division.

The PRESIDENT *pro tempore*. On this question a division is demanded by the Senator from Indiana.

The question being taken, there were on a division—ayes 22, noes 21.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. This is a proposition to appropriate $25,000 in a case where a year ago the Committee on Appropriations stated that $15,000 would complete the building.

Mr. HARRISON. That is just the absurdity of this proposition. The Government made a plan for a penitentiary in Montana, as I have said, that would cost perhaps $50,000—I do not state the amount accurately—and after they had spent $20,000 or $10,000 or $15,000, then the Committee on Appropriations decree that $15,000 shall finish it. If the decree of the Appropriations Committee was sufficient to make $15,000 do the work of $40,000, there might be some sense in that statement. It simply means that you will not finish it at all. Fifteen thousands dollars will not go any further than the number of days' work and the amount of material that it will buy, no matter what the Committee on Appropriations say about it.

Mr. ALLISON. The Committee on Appropriations care nothing about this any more than other Senators. We have no interest in it except to carry on the public service. The Committee on Appropriations make no statement about this. The people who proposed this penitentiary, the responsible officers of the Government, came before the committee last year and expressly stated that if we would appropriate $15,000 they would complete this building according to the original plan, and we appropriated it. Now they come in here, or somebody does through the House of Representatives, and propose that $25,000 more shall be allowed, and I suppose next year they will propose $50,000 more.

Mr. HARRISON. What does the Senator propose—to let them go without a penitentiary or any building?

Mr. ALLISON. I do not propose to do anything now except to strike out this appropriation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Appropriations, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 24; as follows:

YEAS—30.

Allison,	Dawes,	Harris,	Plumb,
Bayard,	Edmunds,	Ingalls,	Ransom,
Beck,	Garland,	Jackson,	Vance,
Brown,	Gibson,	Jonas,	Vest,
Call,	Gorman,	Jones of Florida,	Walker,
Cameron of Wis.,	Groome,	Morgan,	Williams.
Cockrell,	Hale,	Pendleton,	
Coke,	Hampton,	Pike,	

NAYS—24.

Cameron of Pa.,	Harrison,	Miller of Cal.,	Sawyer,
Chace,	Hawley,	Miller of N. Y.,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Cullom,	Lapham,	Morrill,	Van Wyck,
Dolph,	Mahone,	Platt,	Voorhees,
Frye,	Manderson,	Pugh,	Wilson.

ABSENT—22.

Aldrich,	Fair,	Lamar,	Riddleberger,
Blair,	Farley,	Logan,	Sabin,
Bowen,	George,	McMillan,	Saulsbury,
Butler,	Hill,	McPherson,	Slater.
Camden,	Jones of Nevada,	Maxey,	
Colquitt,	Kenna,	Palmer,	

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "Miscellaneous," in line 2290, after the name "Charles J. Guiteau," to insert "to be immediately available;" so as to make the clause read:

The Attorney-General is authorized and directed to pay to Charles H. Reed and George Scoville, attorneys at law, any sums, not exceeding $3,000 to Charles H. Reed and not exceeding $2,000 to George Scoville, for services rendered in the case of the United States *vs.* Charles J. Guiteau, to be immediately available.

Mr. VAN WYCK. In regard to the item——

The PRESIDENT *pro tempore*. Does the Senator from Nebraska object to that amendment making the appropriation immediately available?

Mr. VAN WYCK. Yes, sir; I object to that, and I propose to make a motion to strike out the paragraph. I object to the amendment of the committee, and in order that this thing may be fully understood, as it has been several times in Congress I understand, to allow something to the counsel for Guiteau, I want to know whether there is any statute under which the Appropriations Committee advise this amount. If so, I will withdraw my objection to it; but if it is purely arbitrary, if it is assuming to do what the Committee on Appropriations say they can not do, then I should like to be advised of that fact.

Mr. ALLISON. I know of no law which authorizes the payment of this money and the Committee on Appropriations have no care respecting it. It comes here I believe for the third time in a House bill, certainly the second time, and the Committee on Appropriations in view of all the circumstances surrounding it did not care to strike it out. That is all I desire to say about it; I do not care to defend or oppose it.

Mr. PLUMB. The only time this matter has hitherto been before the Senate was I think two years ago when I moved the provision as an amendment to the deficiency bill, and it was adopted by the Senate. It was rejected in the committee of conference and therefore did not become a law. I think myself the payment ought to be made. A poor creature shot the President of the United States. He was entitled to a fair trial. He had no money. His brother-in-law volunteered to defend him. I do not know anything about the character of that defense; because that is not material to what is before the Senate now; but in addition to that a prominent lawyer of the city of Chicago, at the solicitation of the defendant himself, was engaged as counsel, and devoted some months of service to the preparation necessary to defend this party, and did defend him to the best of his ability. The result of that trial is known. No payment was made to either of these counsel because the defendant had no money to pay the necessary expense of that defense. It is not obligatory on the United States Government to pay for that service; but it was a state trial, it was a trial in the outcome of which the people of the United States had great interest, and I think it is no more than proper that the Government should pay for this service.

But I do not care so much for that as I do for the insinuation which was contained in the remark of the Senator from Nebraska against the Committee on Appropriations because this item was found in the bill as it came from the House and there was no law authorizing it to be paid. Mr. President, there is no law for one-half of the appropriations contained in this bill. They are appropriations from year to year for the purpose of carrying on the United States Government. If we are to wait until a law is passed authorizing every particular thing necessary to be done to carry on all the Departments of the Government, then of course the functions of the Committee on Appropriations will necessarily be largely diminished and many of these items will be stricken out.

In this case, however, the Committee on Appropriations on the part of the Senate simply accepted what the House had said as an expression of their judgment that at all events whatever doubt there might be it ought to be resolved in favor of the payment, as they have done in regard to a large mass of appropriations to be found in other portions of this bill.

Mr. GARLAND. Some two years ago this matter came before the Committee on the Judiciary upon an inquiry, if I recollect correctly, suggested by the Senate, to inquire whether there was any authority under the law to pay for services of this character. The committee were of opinion that there was no law authorizing it, but they were unanimously of the opinion that payment should be made to these counsel of a reasonable sum for their services. I do not remember that there was a single member of the committee who doubted the propriety of making such a payment, although the committee answered in the negative, that there was no existing statute then authorizing it.

Mr. VAN WYCK. Mr. President——

Mr. HARRIS. If the Senator from Nebraska will allow me I desire to suggest to him that it is not now in order for a Senator to move to strike out this paragraph, but it will be so as soon as the committee's amendments have been acted upon. I suggest to him that we go on through the bill, and if he will at that time move to strike out the paragraph I shall be glad to vote with him.

Mr. VAN WYCK. I will assent to that in a moment, because it is opportune to say now that we have been endeavored to be held in line by the Appropriations Committee. Against them no word must be said for their strict adhesion to the rules of this body, and for their observance of the law. It has been stated to us at the commencement and day after day that these rules, so mysterious in their creation and in the construction that has been placed upon them, and even the mysterious conduct of the Appropriations Committee, if I may say it without any offense, rendered it necessary that we should understand, particularly in the light of many things that have been said to-day, whether there was a statute requring this, or whether it was in conformity with rule. My friend from Iowa says that he has no particular concern about this matter and the committee have none. Very well, I have no particular concern about this matter, but I have as to the rules and the impulses of action.

The provision was placed in this bill by the House. The chairman of this committee says there have been other things placed in the bill by the House of Representatives which the Appropriations Committee insisted should be stricken out. Why, then, did their adhesion to this rule give out? About the time they stuck this appropriation here at the end of the bill they got wearied in well-doing, wearied in following the rules of this body which were supposed to be framed for their guidance when they desired them to be, and then when they get near the end of the bill and become weary this rule is so elastic that they draw themselves out from under the yoke.

Is it not a strange spectacle here this evening that we are to be instructed first that there is no law under which this appropriation can be made, and next that it is a violation of the rules of this body; and now the Senator from Iowa says there is no statute, and the Senator from Kansas and other members of the Appropriations Committee say there is no obligation on the General Government to pay this money? Then why pay it? There is no statute requiring it, no obligation on the Government to pay it except that there was a poor wretch indicted for crime. Do the Appropriations Committee stumble over the rules of this body and discharge their duty in that way in regard to every poor creature who happens to be a defendant in a suit where the Government is the prosecutor? No, sir.

I only desired to stop long enough to call attention to this, because before we finish the consideration of this bill I propose to ask the Senate to do some things standing just where the Senator the chairman of the committee stands, and where that other distinguished member of the committee, the Senator from Kansas, places himself on this item.

I will now consent to the suggestion of the Senator from Tennessee that the matter may be withheld until we get through with the committee's amendments.

Mr. PLUMB. There can be no regret at the occurrence of this debate because it has given the Senator from Nebraska an opportunity to exploit himself; but it is not proper that the statement should go without any objection, that this amendment is in opposition to the rules of the Senate. It is not in opposition to the rules of the Senate, because it is not general legislation.

But, as I said before, there is found in this bill probably one-half of the paragraphs and probably one-half of the gross appropriations and items that have no warrant in the command of existing law. There is no requirement that we should make appropriations for the prosecution of claims; there is no requirement that we should make appropriations for the extension of the Reform School in the city of Washington; there is no requirement that we should continue the completion of the road at Baton Rouge, La., to the national cemetery. There are all through this bill appropriations of different characters that are not required in deference to existing law; that is to say, there is no specific law requiring the appropriation to be made. This is of a character of appropriations that have been made from time to time which in the judgment of Congress, without any legal obligation, are proper to be made. I do not say that this appropriation is one of that overshadowing character which requires us to incur the hostility of the Senator from Nebraska, nor that we should detain the Senate to hear either his speech or mine in regard to it; but it is one of those things which commend themselves, if not to my judgment, at least to my sense of that which is fair and

decent on the part of the Government, and I think the appropriation ought to be made.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee inserting the words "to be immediately available," in line 2290.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2291, to insert:

To enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of the seventeenth and eighteenth volumes of the Opinions of the Attorneys-General, $1,000.

The amendment was agreed to.

The next amendment was in the appropriations for "United States courts," in line 2318, to increase the appropriation "for fees of United States commissioners, and justices of the peace acting as United States commissioners," from $100,000 to $125,000.

The amendment was agreed to.

The next amendment was, after line 2339, to insert:

UNDER THE POST-OFFICE DEPARTMENT.

To pay rent of building occupied by the Washington city post-office, at a rate not exceeding $5,000 per annum, $5,000; and for payment of rent of same from November 15, 1884, to the close of the current fiscal year, at same rate, $3,125.

Mr. WILSON. I move to add "to be immediately available." That is in the nature of a deficiency, but providing for the next year as well. We provide for it all here.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "House of Representatives," in line 2371, to strike out:

One chief page, Alvin H. Pickens, $900.

And insert:

For one chief page, Alvin H. Pickens, at the rate of $900 per annum, from April 4, 1885, to June 30, 1886, $1,180.

The amendment was agreed to.

The next amendment was, after line 2377, to insert:

To pay the four pages now employed by resolution of the House the same compensation and for the same period as is provided for the payment of session pages employed by the House, $270, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 2382, to insert:

To reimburse the postmaster for postage-stamps, $70, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 2384, to insert:

To reimburse N. A. Fuller, late cashier in the office of the Sergeant-at-Arms of the House of Representatives, for payment of a certain check forged in the name of a member of the House in August, 1883, $105.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "the World's Industrial and Cotton Centennial Exposition," in line 2393, after the first word "For," to strike out "the purpose of aiding" and insert "final aid to;" so as to read:

For final aid to the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, &c.

The amendment was agreed to.

The next amendment was, in line 2396, before the words "hundred thousand," to strike out "three" and insert "four;" so as to read:

For final aid to the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of $400,000, to be immediately available, and to be used first in payment of the indebtedness now outstanding of said exposition, &c.

Mr. SHERMAN. This question is rather an embarrassing one to me. When an appropriation of $300,000 was proposed, although I could see some considerations favoring it I had not fully made up my mind on the subject. I should like to have some further and satisfactory reason for increasing the amount from $300,000 to $400,000. I think the Senator from Iowa should be able to give the Senate a pretty full explanation of this matter. I regard it as a very unfortunate thing that this great exposition should have been convened, and that it is found without money, in bad credit. Perhaps circumstances might justify us in coming to its rescue, and it is now proposed to increase the amount of the appropriation made by the House. I think the Senator ought to state the ground for that proposition.

Mr. HARRISON. I suggest that the Senator from Iowa give us some reason for increasing the appropriation $100,000 and for giving any more money to this exposition.

Mr. ALLISON. Mr. President, I presume every Senator understands, as well as the Committee on Appropriations understand, the situation of the New Orleans Exposition. Two or three years ago we passed a law on this subject, in which we expressly provided that the Government of the United States in no respect should be responsible for a single dollar, but that it should only lend its money to this exposition. I think that act was passed in 1882.

Mr. HARRISON. February 10, 1883, is the date of the act.

Mr. ALLISON. I did not remember the exact date. At that time it was expressly stated and understood that the Government of the United States should in no sense take any control or have any responsibility respecting this New Orleans Exposition. The President of the United States, however, at that time was required by that act to invite foreign governments to participate in the exposition. Last year the management of the New Orleans Exposition came to Congress and asked Congress for a loan of $1,000,000 in order to enable them to properly and respectably conduct this exposition. It was represented then that this sum, if loaned by the Government of the United States, would be repaid; and representations were made to both Houses showing how easy it would be from the receipts of this exposition to reimburse the United States for the advance of $1,000,000.

The law of last year, which I have not before me, was prepared with considerable care in the Committee on Appropriations, and a number of amendments were inserted on the floor of the Senate for the purpose and with the view of making it certain that the amount of money appropriated under that act should first be properly expended; and, secondly, that at some time the United States should be reimbursed. So the management went on, and this exposition, instead of being opened at the time fixed, did not open until about the middle of December or perhaps the 1st of January, and from that time up to certainly about the middle of February it was an absolutely losing performance. Although it was not stated to the Committee on Appropriations, I believe personally from the papers that the committee examined and the statements made that from this time forward the exposition will be practically a losing business; it will not be, to say the least, more than self-sustaining. The Government of the United States last year expressly provided, as it did two years ago, that under no circumstances whatever should we be called upon again for any further payment of money.

The situation, as I understand it, to-day is this: There are some thirty or forty foreign governments represented at the exposition, at least a large number, and they are respectably represented. The exposition itself, so far as the exhibition is concerned, is a success. These governments are represented at the exposition. Of course they knew nothing of our internal arrangements here with reference to it. They did not know that these managers two years ago, when they secured the authority of the United States, expressly pledged themselves not to make any request to Congress for an appropriation. These foreign governments probably do not know that last year we expressly stipulated that only the million we gave should be required of the United States.

Now it is a question for the Senate, and every Senator can judge for himself, whether or not we should appropriate anything. If we appropriate nothing, in my judgment the exposition can not last a month. If we appropriate $300,000, the probability is that it will survive to the middle of April or the first of May. If we appropriate $400,000, in my judgment it will be able to get on until the 1st day of June.

That is all there is in this case. The Committee on Appropriations believe that if $300,000 is appropriated now, at the next session we shall probably be called on for $300,000 more. We hope that by the amendment which we have inserted here, this final appropriation of $400,000 will finish up this exposition in a way at least not disgraceful to the United States.

Mr. SEWELL. I desire to ask the chairman of the Appropriations Committee to refer to the proviso of the act granting the loan of a million dollars. It expressly provides for a guarantee by a bond of $300,000 for the faithful performance of the duty. What has become of that bond?

Mr. ALLISON. I do not know what has become of it, but I presume the bond was given and, of course, it can be enforced.

Mr. SEWELL. Allow me to read the provision.

Mr. JONAS. If the Senator will permit me, I will——

Mr. SEWELL. Allow me to read the provision. I read from the law:

Provided further, That no greater amount shall be expended or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in, by the subscribers to the capital stock and by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the World's Industrial and Cotton Centennial Exposition, or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space to be determined by the President of the United States for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president, secretary, and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration.

On the passage of that bill, looking at it in a purely commercial point of view, I had the honor to use the following language on a motion

made to reduce the appropriation or the loan, as it was said to be, to $500,000. I said:

Mr. President, I made the motion for the reduction of this amount, as I supposed that we should never get a cent of it back. Judging from my experience as a business man and a transportation man, in view of the location of this proposed exposition, I would give it as my judgment that none of this money will ever come back. If the exposition were to be located at a central point like Saint Louis, or Chicago, or Cincinnati, where the surrounding population is very dense and where the modes of communication are so frequent that large masses of people could be transported there, I would say that the money might come back, but at New Orleans it is almost an impossibility. The people that come from Mexico and other southern countries will be a very small drop in the bucket. It requires a large mass of population to make an exposition of this kind pay. Therefore I moved to reduced the amount, as I thought $500,000 was enough for the Government to contribute to what is practically to be a local exposition.

At that time it was stated that $700,000 had then been subscribed for this exposition. I have understood since from very good authority that not more than $500,000 has been paid in unto this day and that the city of New Orleans, which reaps great benefit from it, paid $100,000, while the exposition managers have spent $130,000 upon permanent improvement of the park where it is located.

I do not think that the United States Congress has a right to squander the money of the people in this way. The appropriation of a million dollars, ostensibly obtained as a loan but really a gift from the pockets of the people of the country, ought to have been enough under prudent management, under a faithful performance of the contract entered into for which they gave a bond of $300,000, to have carried it through.

I do not believe that three or four hundred thousand dollars now will make it a success. You will then have a deficiency, in my opinion, of half a million dollars afterward. I am opposed to the amendment of the committee, and I move to non-concur in it; and I give notice that I shall move to strike out the whole clause afterward.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Committee on Appropriations.

Mr. PLUMB. I voted against the proposition of the Senator from New Jersey, when the original appropriation was before the Senate, believing that a million dollars was necessary in order that the exhibition might properly be carried on and that the people of the country could afford to lend to the exhibition, and if necessary give that amount, in order that there might be a reasonable degree of success attained at least. I have been very much disappointed at the result. I have no doubt there is an exposition that is in a manner creditable to the people of the United States at New Orleans; but I am not satisfied that the promises which were made in order to obtain the appropriation of $1,000,000 have been kept, nor am I satisfied that they were made in good faith at the time they were made as an inducement to the appropriation of $1,000,000 heretofore made.

I am now prepared to vote with the Senator from New Jersey to strike out the entire appropriation. I shall cast the vote with considerable regret, but I believe that the circumstances are such that that is due to the case as it is now presented, and I am led to believe from representations which have been made to me—and I am not permitted to doubt either the fact or their authenticity—that if a collapse should come to that exposition revelations will be made in regard to the expenditure of the million dollars we have already appropriated which will startle the people of the United States.

I, for one, plant myself upon the repeated declaratious contained in the various statutes on this subject: First, that the United States were not to be responsible at all, and that in the next place it was not to be a responsibility beyond the million dollars appropriated; and believing as I do that the people of Louisiana and the people of New Orleans have not only not done what they ought to have done but that they have not kept faith with the United States in regard to the dealings between the United States and them in regard to the exposition, I am prepared to say that I believe it to be the duty of Congress to refuse to appropriate any further money for the purpose of carrying on this exposition; and I say that, as I remarked before, with great regret.

The State which I have the honor in part to represent on this floor has there an exhibition of the products of that State, which is in line with the exposition which that State has made at other places in the Union, and which is worthy of the State, and it has there a commissioner and assistants for the purpose of making that exposition what it ought to be. The people of the State of Kansas looked to that exposition with a great deal of interest and have attended it in large numbers; but their confidence, as well as the confidence of Congress, and of the people of the United States, in my judgment, has been forfeited by what has occurred in the expenditure of this million dollars and in the failure of the people of Louisiana and the people of New Orleans to keep faith with the Government in regard to their subscriptions and to do what they ought to have done, and what it was manifestly their duty to do, to make this exposition a financial success. Believing that, I shall vote to strike out this entire appropriation. I regret that the House committee and the Senate committee should have felt under constraint to appropriate one single dollar.

Mr. HARRISON. Mr. President, the information which the chairman of the Committee on Appropriations furnished to the Senate in reference to this matter was not satisfactory to me, for one.

Mr. ALLISON. I have been interrupted two or three times.

Mr. HARRISON. I will yield to the Senator now in a moment after indicating to him the direction in which I should like to have information. I notice that this amendment proposed by the Senate committee contains a proposition of this kind, that—

No part of the foregoing sum shall be paid until statements and exhibits in detail, satisfactory to the Secretary of the Treasury, are made of all expenditures under the appropriation made by act of July 7, 1885, and that said expenditures have been made for the purposes and in the manner provided for in said act.

I submit to the Senator from Iowa that that audit of the accounts of the New Orleans Exposition ought not to be referred to the Secretary of the Treasury to take place after we have appropriated $400,000 more. It should have been made and submitted to the Congress of the United States, and I am in hopes that the Senator from Iowa and the committee will be able to furnish the Senate with some information as to what the expenditures have been in connection with this exposition, what they have been for, how much has been received from private sources, what the present debts of the association are, what its receipts and its expenditures are per day, and its salaries, in order that we may have some intelligent understanding of what we are doing here.

I should like to have the item of salaries especially, so as to see how many of these gentlemen have been supported out of this appropriation and at what rate per annum. I should like to know what the prospect is of winding the thing up and when it is intended to be wound up. The Senator intimates that $300,000 may not keep it going thirty days or sixty days at least, and that $400,000 may carry it to June. If we have become committed to this enterprise in such a way as to make the United States responsible for its debts, I think we ought to consider the question as to what is the best way out. Perhaps we had better wind it up, take an account of the assets, and pay the debts if we are liable for them.

It does seem to me that to ask an appropriation of $400,000 in the face of the protestations and promises and repeated declarations of the managers and promoters of this exhibition that they would not ask as a gift one cent from the United States, that it was simply a loan of the credit of the United States, that the million dollars would be returned, and when we are now met with the statement that we are not to have one dollar of the million dollars returned to us, and if we are to follow that million with nearly half a million more, we ought to have from those who have represented this exposition a strict, detailed, and business-like statement of what they have done with the money. It should have been laid in printed form on the desk of every Senator and Member before this proposition was brought under discussion. It should not be asked to refer it to an executive officer of the Government to look into these things, lodging in him the discretion to send $400,000 more after the million that has gone.

It seems to be conceded all around from statements on this floor by members of the Appropriations Committee who have looked into the subject, it seems to be conceded in the public press, that there has been the most gigantic and magnificent mismanagement of this exposition that ever characterized any public enterprise. I should like to have from the Senator from Iowa, if he has it, some statement of what this association have been doing with this money. I should like to know whether it is true that the city of New Orleans has given $100,000 and that permanent improvements which will remain in her park for more than the sum she has donated have been taken out of this money.

For one I shall not vote for this, if at all, until there has been a full *exposé* of all these matters.

Mr. ALLISON. Mr. President, the Senator from Indiana says that this proposition should not have been presented here by the Committee on Appropriations until a full printed statement was presented with it of all the facts connected with the New Orleans Exposition. Why, Mr. President, does not the Senator from Indiana know that this bill itself did not reach the Committee on Appropriations until last Friday night at 10 o'clock? Does he expect the Committee on Appropriations to go through a hundred pages of a bill between Friday night at 10 o'clock and Sunday night at midnight, and then present here on the tables of Senators at 9 o'clock on the following morning full details of every item in this bill—does he expect that of the Committee on Appropriations?

Mr. HARRISON. I do not, and I was not referring to the Committee on Appropriations as to its being any part of their duty, but I say the promoters of this proposition who ask this additional $400,000 should have furnished it.

Mr. ALLISON. So I agree.

Mr. HARRISON. I agree that the Committee on Appropriations of the Senate have not had time to deal with this bill as they ought, that it has come here so late that they must necessarily give it a hasty consideration. But if there has not been time to examine this matter thoroughly, then I can only blame the Committee on Appropriations for making any proposition to donate money at all. I think they should have said we have not time to go to the bottom of this, and until we do we decline to take any step.

Mr. ALLISON. The Committee on Appropriations take no responsibility in reference to this measure that is not taken by every Senator on this floor. We only have recommended in this amendment a statement that if we appropriate at all we ought to appropriate $400,000

Mr. MILLER, of California. I should like to ask the Senator why they have recommended the additional $100,000?

Mr. ALLISON. I will state that before I take my seat. The Committee on Appropriations when this bill came before them made a request of the management who asked this appropriation for every item suggested by the Senator from Iowa. We asked them to send to us a detailed statement of the expenditure not only of the million dollars appropriated by the Government, but of all the money received by the management. We also asked them to show us in detail from what sources they received money in addition to the money received from the Government, and I have before me and have in these papers the response made by the management to the Committee on Appropriations.

The whole amount received by this management on account of this exposition, outside of the receipts at the gates, is $1,630,968. Of that sum $1,000,000 was appropriated in the act making a loan to the exposition; $584,000 has been paid in by the State of Louisiana and by individual subscriptions in the city of New Orleans and by persons in Louisiana. Of subscriptions from other sources, one item is $15,000, another $20,000, and another $11,800. These put together make a total sum of $630,968.

I am giving now the statement sent to the committee by Mr. E. A. Burke, the director-general of this exposition and the responsible manager of it, so far as I know, in reference to its finances.

When we appropriated a million dollars last year or loaned it to this exposition we were told that there were $800,000 of subscriptions in round numbers to the exposition in the city of New Orleans and in the State of Louisiana. We were told that these subscriptions were coming in, that every dollar of them would be paid, and when we came to insert that sum, as we did originally in the first draught of our appropriation, they said it would be impossible within the brief time to get it to the committee to collect the $800,000 in full; but they said it would be collected, and we inserted the $500,000 alluded to by the Senator from New Jersey.

I have stated the receipts. The expenses are also given in this paper in general, and the detailed expenses are in papers which I have before me. They state that for construction $1,000,000 has been expended; for machinery, $150,000; for grounds, grading, draining, fencing, &c., $100,000; for distribution to States and Territories, $235,000; for commercial department, $50,000; educational department, $50,000; woman's work, $50,000; agricultural department, $50,000.

Mr. CONGER. I ask the Senator if there is any expense for the Red Cross Association who have brought from foreign countries and all parts of the United States exhibits for the exposition?

Mr. ALLISON. That is not especially mentioned.

Mr. CONGER. I desire to say that individuals out of their own private means have paid the expenses which were to have been met by this management, and they have left ladies in charge of these associations with a good deal of expense out of their own purses, and have not as yet relieved and will not, if we vote $400,000 more, relieve those private persons who have been engaged in making the exhibition of that kind both in Europe and the United States, but leave them to pay their own expenses.

Mr. ALLISON. Of course I can only give in a general way the statements of the managers.

Mr. CULLOM. Did the Senator state that several hundred thousand dollars were distributed to the States? Is there an itemized account showing the amount each State has received?

Mr. ALLISON. There is among these papers an itemized account. Of course the States and Territories had allotments made to them.

Mr. INGALLS. Was that allotment a loan or a gift?

Mr. ALLISON. I suppose it was a gift; that is to say, the managers allowed the State of Kansas, for instance, $5,000.

Mr. INGALLS. Out of the Government loan?

Mr. ALLISON. Out of the general fund.

Mr. SEWELL. Will the Senator state whether it was given to the State or to individuals in the State? The State of New Jersey appropriated $10,000.

Mr. ALLISON. It was given to the executive officers of the State in every instance, I believe, and applied or managed by the governor of the State.

Mr. CHACE. Does the Senator from Iowa say that these amounts were paid over in full to the States?

Mr. ALLISON. I am saying nothing. I repeat what I said before that the Committee on Appropriations could only take the statements of the management in reference to this matter. I do not know that one dollar was paid to any State or to any State agent. I am only stating what the management stated to us.

Mr. CULLOM. When the Senator gets to that point I should like to have him read the paper showing the amount that each State has received, if he has such a document in his possession.

Mr. ALLISON. If I can find it I will read it. This is the statement with reference to the expenditures for the original purposes of the exposition. It is claimed by the management—and I am only speaking with reference to their statement—that because of the general situation at New Orleans, because of the difficulty in the means of transportation, and because of the general delay, the increased cost of the buildings for the opening of the exposition amounted in round numbers to $370,000. They also submitted to us a statement of the indebtedness up to this time.

Mr. HARRISON. May I ask the Senator what the aggregate of the expenditures is?

Mr. ALLISON. The aggregate of the expenditures up to February 1, including, of course, the liabilities of the exposition—as shown by this statement—amounts to $2,070,000, but the aggregate expense of the construction of buildings prior to the opening of the exhibition was $1,709,000.

The detailed statement the Senator from Illinois asked for I have here now for each State and Territory.

The real trouble with this exposition is that it has been, with the exception of a few weeks, an absolute loss from the beginning, and in my belief it will be an absolute loss from now until the time it closes.

I have before me a statement of the daily receipts of the exhibition from its opening on the 15th of December down to and including February 13. The daily receipts ranged from $466 one day, $640 another, $592, $769, and so on, running up to $2,235, and so on up to February, when the receipts increased from $2,000 to $3,000 per day. After the period known as Mardi Gras the receipts ran up for several days to $10,000, $8,000, $7,000, $6,000, $5,000, and $4,000. From the 1st day of February the receipts averaged over $6,000. They now average, I believe, about $2,500 per day, or nearly that sum.

Mr. HARRISON. Will the Senator allow me to ask him a question as he goes on? I notice from his statement that the total receipts have been $1,630,000. That, I understand, was up to the 1st of February.

Mr. ALLISON. Yes, sir.

Mr. HARRISON. The expenditures up to the 1st of February were $2,070,000.

Mr. ALLISON. Yes, sir.

Mr. HARRISON. In other words, there was an excess of expenditures over receipts of $439,000.

Mr. ALLISON. Yes, sir.

Mr. HARRISON. Now I want to ask the Senator if that debt has been reduced since?

Mr. ALLISON. The debt has been reduced by the receipts during February.

Mr. HARRISON. Has the debt been actually reduced?

Mr. ALLISON. I will say to the Senator—but I trust the Senator will not expect the Committee on Appropriations to go into a detailed account of dollars and dimes with reference to this matter—that there has been a reduction, so that at this time the indebtedness of the establishment is $383,071.

Mr. HARRISON. That was what I wanted to get at. Then nearly all this money, $400,000, is to be applied to pay debts, and they will start with a balance of $20,000 of this appropriation on the next experiment.

Mr. ALLISON. Very likely.

Mr. INGALLS. Is this indebtedness of $380,000 exclusive of the million they owe to the United States Government?

Mr. ALLISON. Yes, sir.

Mr. INGALLS. Then they owe $1,380,000.

Mr. ALLISON. One million three hundred and eighty-three thousand dollars; but it is hardly worth while to appropriate money to pay ourselves. During the month of January and perhaps in a portion of December the cost of managing this affair for each day amounted to an average of over $3,000, probably an average of $3,500; I do not remember the exact average.

Mr. HARRISON. May I ask the Senator whether in the statement as made of the reduction of the debt during the month of February, which I believe included the Mardi Gras celebration, the salary account for that month has been paid, or whether it is due on the 1st of March, so that it remains in doubt whether there has been any reduction?

Mr. ALLISON. I think very likely the suggestion of the Senator may be correct. I think it will be left very much in doubt on the 1st of March whether there has been any reduction, and I think when the 1st of April comes there will not only be no reduction but there will be a deficit of several thousand dollars even if we appropriate this $400,000, unless this management can secure money from some other source than any known to the Committee on Appropriations or known to the managers themselves. It is a question whether the Congress of the United States, having reference to our obligations and to the invitations we have extended to other governments, shall give this sum of money to keep the exhibition going until the time prescribed in the law for its closing, or whether we shall abandon it now.

That is all the question. Therefore the Committee on Appropriations provided that this money should be expended by one of our own officers, that he should not expend it for this purpose until he was satisfied that every dollar that was appropriated as a loan last year had been faithfully and honestly expended not only for the purposes indicated in that law but in the manner indicated in that law.

Mr. HARRISON. The appropriation that the Senate provides for in this bill simply pays debts. It is probable when all the accounts are in, it is a close shave whether it will pay the existing debt.

Mr. ALLISON. I think it is.

Mr. HARRISON. How do we get any guarantee that it will run to May?

Mr. ALLISON. None whatever.

Mr. HARRISON. Then is it not likely that it will be compelled to stop at once, or that we shall have to follow this appropriation with two or three hundred thousand dollars more?

Mr. ALLISON. Very likely both.

Mr. HARRISON. If it runs to May the Senator thinks we must add to this appropriation two or three hundred thousand dollars more?

Mr. ALLISON. I think so, unless you make the $100,000 additional appropriation we propose to that made by the House.

Mr. HARRISON. Even if you make that, it only pays the present debt.

Mr. ALLISON. The gentlemen who appeared before the committee stated that if the $100,000 which we add to this bill should be appropriated they would be able to run this exposition until the 1st day of June. I have serious doubts about that.

Mr. HARRISON. Were those the same gentlemen who said the money would be repaid?

Mr. ALLISON. One of them. I have said all I care to say with reference to this exposition. I do not think it stands in a creditable way either to the management or to the United States, and it is a question what we shall do with it under the circumstances. The Committee on Appropriations, or at least a majority of them, believed that under the circumstances surrounding this case it was a wise thing for us in a guarded way to give final aid to this exposition to the extent named in this clause.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. MILLER, of California. I wish to ask the Senator in regard to this bill if any premiums have been paid or awarded to the States yet, and whether in the calculation of $400,000 there has been taken into consideration what is awarded on premiums?

Mr. ALLISON. Certain premiums have been awarded; I do not remember the amount; I think $17,000. Of course that constitutes one of the debts of the association.

Mr. MILLER, of California. This speaks of debts to foreigners or foreign nations. Will the Senator explain what those debts are; how this exposition became indebted to foreign nations, and what the amount is?

Mr. ALLISON. I think the amount is an unknown quantity, though it is not large. This management made certain arrangements with foreign governments to send their exhibits here and agreed to pay freights and some other things in connection with the foreign exhibits. A portion of those expenses have not been paid; premiums have been awarded to exhibitors from foreign countries which have not been paid. I do not think any statements I have before me give in detail the amount of these debts, but it is stated at $17,000; but when the exposition is closed I believe it will amount to over $60,000.

Mr. MILLER, of California. There is a difference between foreigners and foreign nations. I do not see how a foreign nation would bring itself to contemplate taking money of this association for freights on their own exhibits.

Mr. ALLISON. I do not think we owe any foreign nation anything on this account.

Mr. MILLER, of California. I hope not.

Mr. ALLISON. If we do we will try to pay it in some other appropriation bill.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

Mr. MITCHELL. I desire to say one word in favor of this amendment. A large number comparatively of the business men from the State of Pennsylvania, and principally of Philadelphia, have been in attendance on this exposition. I saw a party of them on their return a few days ago. They all gave a glowing account of the exposition in so far as the exhibits are concerned, and without exception they are men of judgment. Those whom I have conversed with, and those whom I have seen, say we ought to make this appropriation. I myself have given some attention to it, and I believe we ought to do it. If we have made a mistake in this matter we made it when we gave the loan in the first instance. As I regard it, the honor, the credit, the good name and fame of this nation are involved in this transaction, and it becomes us to consider that, Mr. President. I shall do it. I would vote very cheerfully even for more than is proposed by the amendment.

I have some knowledge myself in regard to matters of this kind. I was instrumental in a small way in the inauguration of the Centennial Exposition. I know what it costs to set such a work as that in operation and to carry it through. I think people in and about Philadelphia contributed about two millions and a half of dollars, the State of Pennsylvania contributed from its treasury a million dollars, the Government of the United States I believe a million and a half.

Mr. SEWELL. Loaned it.

Mr. MITCHELL. They should have given it, as I thought then and as I think now.

Mr. FRYE. Do not forget to state that the United States compelled the repayment of every dollar of the appropriation made to the exhibition at Philadelphia, and my recollection is, with interest. ["No!" "No!"] Well, without interest. Every dollar of the loan was repaid.

Mr. MITCHELL. I should not have forgotten to state that. The managers of the exposition undertook to do it and they were able to do it because there was a great central point, a great patriotic object and feeling lying at the bottom of that exposition which is not present in this case to sustain this work.

The gentlemen who were here the other day said to me—and they were very familiar with the work done in Philadelphia—that the work now being done in New Orleans, in extent of buildings erected, of opportunity for exposition, and the exposition itself, is fully equal to that at Philadelphia, and the only thing seeming to be wanting is the gate-money to be received from visitors there; and I trust when the genial sun of spring shall come and enter into the hearts of the people of the North that they will go to New Orleans and make that exposition a success in that respect. In view of the figures presented by the chairman of the Committee on Appropriations I believe they will and I think they ought.

Mr. SEWELL. Will the Senator from Pennsylvania allow me to ask him does he know whether those persons had subscribed money and were desirous of getting it back?

Mr. MITCHELL. I do not know; but I think none of them were in that category. One of them, with whom I talked more particularly than with the others, is a prominent business man in Philadelphia and is a patriotic gentleman. He was engaged in the work of the Centennial Exposition. His heart was in that, and it is in this, and he feels precisely in regard to this matter as he did in regard to that, so far as the Government and its obligations are concerned.

Mr. BLAIR. Mr. President, I voted for this original appropriation, and I am very glad that I did so. I wish I had voted for a larger one and that more had been appropriated and more had been expended. Why, sir, we expended in the preparation of the Philadelphia Centennial Exposition, as I have been informed in the items given here to-day, over $7,000,000 in making that exposition ready to be seen. Here is an exposition located in a portion of the country unaccustomed to making expensive demonstrations of this or perhaps of any other kind, without the necessary means and facilities for intercommunication, unused to this sort of thing, and yet the precise point of the whole country where an exposition was needed for its industrial and its educational effects, and with an amount of money less than $2,000,000.

Whatever they may have done in the way of bad appropriation, whatever they may have done in the way of imprudent expenditure, whatever they may have done in the way of corrupt expenditure, which is hinted at darkly here, but of which there is no evidence in existence as far as I know, with an expenditure of less than $2,000,000 they have prepared an exposition which in many and in important particulars surpasses that of the Centennial. I do not make this assertion wildly or blindly. At least one hundred of the most intelligent citizens of my own State, including the governor of the State, have recently visited the exposition, and I have talked with a great many of them.

The governor was familiar with the Centennial Exposition; so was his wife, a very intelligent woman, as capable of judging in regard to a matter of this kind as any lady almost in my acquaintance; and they and others of this party who went there to observe, and who did observe, as I believe, impartially, prominent men in both political parties, say to me that this exposition in its substance is superior to what they saw and were familiar with at Philadelphia, and this is in the preliminary stage. It has had no visitors of any great consequence as yet. Their facilities for reaching the point of exhibition from where most of the people are obliged to stay in the city, the four miles travel, are thus far very inferior indeed, and, of course, there has not been a great amount of travel to the exposition. The number of visitors has not as yet been large.

Our friends here talk about the United States collecting its money back again, but they did not get that million and a half dollars back again until the Centennial Exposition was over and until there had been a chance for receipts out of which the remuneration was to be made. Now we are holding our friends at the South responsible for accomplished results; we are holding them to, what I think it is very unjust to hold them to, the accomplishment of results at this comparatively early period. Of course it is to be understood that it has taken longer to make this ready, and the weather itself has been inhospitable and unfavorable. Everything has been done at a great disadvantage, and done by a class of people who are not accustomed to make expenditures of this description and who naturally might be somewhat tardy, who might be excused if they failed even without being charged with fraud and corruption, unless we have the evidence of it.

I believe that if this exposition is treated in a good-hearted way, with a national feeling, with a spirit of brotherhood such as we ought to begin to entertain toward all portions of our country, and if we give them three or four or five hundred thousand dollars more to help them along and to let this exposition last another year, it will be a magnificent success of which the American nation may well be proud; and even if it is not, as compared with what was done at the North nine years ago, I say that in my belief the educational effects upon the southern por-

tion of our country and upon the northern portion of our people who may see fit to visit that part of the nation, and the adjacent nations, will fully justify the million or the million and a half which we have given. I trust the committee will be sustained in making this amendment to the bill, and that if a larger amount is thought to be necessary even that may be voted.

Mr. JONAS. Mr. President——

Mr. HOAR. I understand that it is proposed to take a recess at 6 o'clock. That has been ordered, and I desire to ask the Senator from Louisiana whether or not he desires to have what he says broken into, or would he prefer to have the recess taken now?

Mr. JONAS. I should be glad to have it taken now.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. SEWELL. Will the Senator withdraw the motion for a moment?

The PRESIDING OFFICER. The Chair will inform the Senator from Massachusetts that at 6 o'clock, by a resolution passed at an earlier hour, it is the duty of the Chair to announce a recess until 8 o'clock.

Mr. HOAR. I move that the Senate now take a recess until 8 o'clock.

Mr. SABIN. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota.

The motion being put, there were on a division—ayes 25, noes 16.

Mr. VAN WYCK and Mr. BAYARD called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 19; as follows:

YEAS—25.

Aldrich,	Dolph,	Miller of Cal.,	Plumb,
Blair,	Harrison,	Miller of N. Y.,	Sabin,
Brown,	Hawley,	Mitchell,	Sawyer,
Butler,	Hill,	Morgan,	Sewell.
Cameron of Wis.,	McMillan,	Morrill,	
Chace,	Mahone,	Palmer,	
Conger,	Manderson,	Platt,	

NAYS—19.

Bayard,	George,	Lamar,	Vance,
Beck,	Gibson,	Pendleton,	Van Wyck,
Call,	Gorman,	Pugh,	Vest,
Cockrell,	Harris,	Ransom,	Walker.
Coke,	Jonas,	Saulsbury,	

ABSENT—32.

Allison,	Fair,	Ingalls,	Maxey,
Bowen,	Farley,	Jackson,	Pike,
Camden,	Frye,	Jones of Florida,	Riddleberger,
Cameron of Pa.,	Garland,	Jones of Nevada,	Sherman,
Colquitt,	Groome,	Kenna,	Slater,
Cullom,	Hale,	Lapham,	Voorhees,
Dawes,	Hampton,	Logan,	Williams,
Edmunds,	Hoar,	McPherson,	Wilson.

The PRESIDING OFFICER. The yeas have it, and the Senate decides in favor of an executive session; but the hour of 6 o'clock having arrived——

Mr. CONGER. Mr. President——

The PRESIDING OFFICER. Under a resolution of the Senate passed at an earlier hour of the day, the Senate now takes a recess from this time until 8 o'clock to-night.

Mr. CONGER. Which I move to reconsider. I move to reconsider the motion by which the Senate agreed to take a recess.

The PRESIDING OFFICER. In the execution of the order of the Senate the Chair has announced that the Senate has taken a recess from 6 to 8 o'clock.

Mr. CONGER. I addressed the Chair.

The PRESIDING OFFICER. The Chair decides that the Senator from Michigan made his motion too late, because the Chair had announced the execution of the order.

Mr. CONGER. Mr. President, I addressed the Chair two or three times.

The PRESIDING OFFICER. The Chair is quite aware of that fact.

Mr. CONGER. And the Chair refused to recognize me. ["Order!"]

The PRESIDING OFFICER. The Chair is quite aware of the fact that the Senator addressed the Chair when the Chair was announcing the order of the Senate previously made.

Mr. CONGER. And it was to prevent that announcement that I exercised my privilege of addressing the Chair.

The PRESIDING OFFICER. The Chair begs to state to the Senator from Michigan that the Chair understood it to be the duty of the Chair to execute the order of the Senate, and not to allow the order to be interfered with by the appeal of any single Senator. The Senate is in recess until 8 o'clock to-night.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

EXECUTIVE SESSION.

The PRESIDING OFFICER (Mr. HARRIS in the chair). In obedience to the order made just before the recess, the Chair directs the Sergeant-at-Arms to clear the galleries and close the doors in order that the Senate may proceed to the consideration of executive business.

Mr. ALLISON. Is it in order now for me to move that the doors be opened?

The PRESIDING OFFICER. Not until the order has been executed.

The doors having been closed, the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

REPORTS OF COMMITTEES.

Mr. BLAIR. I ask unanimous consent to submit two reports from the Committee on Pensions.

The PRESIDING OFFICER. The reports will be received if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 603) granting a pension to Rachel Nickell; and

A bill (H. R. 7907) granting a pension to Matilda Cody.

Mr. DAWES, from the Committee on Appropriations, to whom was referred the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment recommended by the Committee on Appropriations, in line 2396, before the word "hundred," to strike out "three" and insert "four," so as to read:

For final aid to the World's Industrial and Cotton Centennial Exposition, now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of $400,000.

Mr. JONAS. Mr. President, it would seem from the objections which are made to the amendment and the item of appropriation now under consideration as if Senators in the opposition considered that it only concerned the State of Louisiana and the people of New Orleans whom I in part represent. It is true that this great exposition is held in the city of New Orleans. It is not true that it is held particularly under the auspices of the people of that city or the people of Louisiana. The exposition is held in pursuance of an act of Congress approved February 10, 1883, not introduced either in the Senate or in the House by any representative from the State of Louisiana, and not emanating particularly from the people whom I represent. The preamble to that act sets forth:

Whereas it is desirable to encourage for celebration the one hundredth anniversary of the production, manufacture, and commerce of cotton, by holding, in the year 1884, in some city of the Union, to be selected by the executive committee of the National Cotton Planters' Association of America, an institution for the public welfare, incorporated under the laws of Mississippi, a world's industrial and cotton centennial exposition, to be held under the joint auspices of the United States, the said National Cotton Planters' Association of America, and of the city in which it may be located, and in which cotton in all its conditions of culture and manufacture will be the chief exhibit, but which is designed also to include all arts, manufactures, and products of the soil and mine; and

Whereas such an exhibition should be national and international in its character, in which the people of this country and other parts of the world who are interested in the subject should participate, it should have the sanction of the Congress of the United States.

That act was passed, and in pursuance of its authority the National Cotton Planters' Association selected the city of New Orleans as the city in which the exposition should be held, much, I may say *en passant*, against the wish of a large portion of the commercial community of that city who have since contributed to its success, and who at the time entertained honest doubts (desirous as they were that the exposition should be held) whether New Orleans occupied the proper geographical position in which to hold such an exposition.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Louisiana to yield to me for a moment that I may submit a conference report on the legislative appropriation bill.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. JONAS. Certainly.

Mr. ALLISON. I move that the Senate proceed to the consideration of the conference report on the legislative appropriation bill.

The PRESIDING OFFICER. It is a privileged report that the Senator has a right to make at any time.

Mr. ALLISON. I present the report and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8129) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 15, 16, 17, 18, 19, 20, 38, 42, 43, 44, 47, 63, 64, 65, 66, 67, 75, 79, 81, 82, 88, 89, 90, 91, 92, 102, 106, 107, 108, 113, 114, 121, 122, 126, 128, 129, 130, 131, 133, 134, 137, 138, 139, 140, 141, 142, 143, 144, 145, 173, and 174.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 27, 28, 29, 31, 32, 33, 35, 37, 40, 41, 45, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 68, 70, 71, 72, 73, 74, 77, 80, 83, 84, 85, 86, 87, 93, 94, 95, 96, 97, 99, 100, 104, 109, 110, 111, 112, 115, 117, 118, 119, 120, 125, 132, 136, 150, 151, 153, 155, 157, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, and 171, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,418.90;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-seven;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "One fireman, $1,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$147,831.80;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: On page 7 of the bill, in line 5, after the word "labor," insert the words "including $5,000 for rent of Senate committee-rooms;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$990,849.10;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,161.65;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For postage-stamps for the officers of the House of Representatives: For the Sergeant-at-Arms, $50; the Clerk, $50; the Doorkeeper, $50; and the Postmaster, $100; in all, $250;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Restore the number proposed to be stricken out by said amendment, and on page 31, in line 11 of the bill, after the word "each," insert: "six assorters of money-orders at $840 each;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$506,030;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: On page 69, in line 4 of the bill, after the word "four," insert the following: "One of whom shall be employed on the general index;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,700;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,120;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"That a committee consisting of five members-elect to the House of Representatives of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives of the Forty-eighth Congress, shall prior to the first Monday of December next inquire into and investigate the expenditure of appropriations for Indians under treaty for their support, for their education and otherwise, and whether any changes should be made in said appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees and visit the places where appropriations mentioned herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee or any subcommittee thereof shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay the expenses of said committee hereby authorized and of witnesses that may be summoned before it is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available, and payable on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "one skilled laborer, $840;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,420;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to he amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all that follows the word "dollars" on page 85, in line 20 of the bill, down to and including line 22, and in lieu thereof insert the following: "And the Secretary of the Interior shall, in submitting the estimates annually for the expenses of this bureau, give in detail the number and salaries of officers and employés therein;" and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$72,000;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 92 of the bill, in line 2, after the word "dollars" where it first occurs, insert the following: "each; one female messenger, $840;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,900;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$118,800;" and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: On page 95 of the bill, after line 10, insert as a new paragraph the following:

"For the following for the additional buildings for the money-order and Sixth Auditor's offices, namely: For heating apparatus and fuel, $1,200; gas, $400; furniture for the money-order office, $500; miscellaneous items, $500; four watchmen, three laborers, and three charwomen at $180 each; in all, $3,160."

And the Senate agree to the same.

On the amendments of the Senate numbered 1 and 29 the committee of conference are unable to agree.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. ALLISON. I desire to say that in the bill every item has been agreed to by the conference except the one item relating to clerks of Senators. There are two amendments involved in that question.

The PRESIDING OFFICER. Does the Senator desire the Senate to take any action in respect to the disagreeing votes?

Mr. ALLISON. I do not.

Mr. INGALLS. I should like to ask the Senator from Iowa, for the information of the Senate, whether all the provisions the House of Representatives asks for their force were agreed to by the Senate.

Mr. ALLISON. I will say in response to the Senator from Kansas that they were all agreed to so far as the House force is concerned.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8138) making appropriations

for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 13 and 15, and agree to the same.

On the amendments of the Senate numbered 3, 4, 5, 6, 16, 17, 18, 19, and 20, they have been unable to agree.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.

Mr. PLUMB. The points of difference between the two Houses were the proposition of the Senate to authorize the Postmaster-General to pay the rent of third-class post-offices, the proposition of the House that the Bureau of Engraving and Printing should enter into competition with private parties for the production of postage-stamps and stamped envelopes, the proposition of the Senate that to the Postmaster-General should be committed a discretion in regard to the payment of a proper sum for the carrying of foreign mails, the proposition of the House that a special 10-cent stamp should be provided, and that consequent upon that there should be a special delivery of letters in cities of a certain size, and also the amendment of the Senate to the proposition of the House in regard to the pay of railroads, the Senate having added to the sum proposed by the House $490,000.

The conferees have agreed upon the settlement of all these differences except that in regard to the payment of the rent of third-class post-offices, the compensation for the carrying of foreign mails, and the 10-cent stamp or special delivery of letters. In the matter of the increase of the appropriation for the payment of railroads for the transportation of mails the Senate conferees agreed to recede. In regard to the proposition that the Bureau of Engraving and Printing should enter into competition with private parties for the manufacture of postage-stamps and stamped envelopes, the House conferees agreed to recede, leaving, as I have before stated, these three items in controversy still before the two Houses so far as the committee of conference is concerned.

I ask the Senate to concur in the report of the committee of conference.

The report was concurred in.

Mr. PLUMB. I move that the Senate further insist on its amendments to the Post-Office appropriation bill not so far agreed on by the two Houses, and ask of the House of Representatives a further conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment in line 2396, to strike out "three" and insert "four," so as to make the appropriation for the World's Industrial and Cotton Centennial Exposition $400,000; on which the Senator from Louisiana [Mr. JONAS] is entitled to the floor.

Mr. JONAS. I was saying when interrupted that the act of Congress authorized the Cotton Planters' Association, who originated the exposition, and who are an important and respectable agricultural association of this country, to locate the exposition, which they did, at New Orleans. I take occasion here frankly to say that in my opinion it would have been better had they chosen Atlanta, or Nashville, or even Louisville, although that city is outside of the cotton belt. They are all greater centers of population, and I believe the exposition would have been a greater financial success if located in either of those cities. But it was located in New Orleans, and without any action or volition on the part of the people of that city.

The act also provided:

That the President of the United States may, upon the recommendation of the executive committee of the National Cotton Planters' Association of America, appoint six United States commissioners, and, upon the recommendation of the majority of subscribers to the enterprise in the city where it may be located, may appoint seven United States commissioners, who together shall constitute a board of management of said World's Industrial and Cotton Centennial Exposition.

SEC. 3. That the President of the United States may, on the recommendation of the governors of the various States and Territories of the Union, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

Under the above provisions the President appointed six commissioners, and he also appointed seven other commissioners, who were chosen by the subscribers, who subscribed some $500,000 to the stock of this enterprise. These constituted the board of managers, appointed and commissioned by the President, with full faith and authority given to them by the President under the provisions of the act of Congress.

Here I take occasion to say that this board of management thus constituted is chosen from the best, the most prominent, the most reliable, and the most successful business men of the city of New Orleans and its vicinity. They were appointed irrespective of politics, and most of them are men out of politics, but actually representing both political parties.

I take further occasion to say that the director-general of the enterprise, who has been held forth as its head and front, is not a member of this board of managers. He is an executive officer, and whatever power he possesses, whatever acts he has performed, or whatever disposition he has made of the moneys which were in his possession, has been under the control and by the direction and advice and the vote of this board of managers.

Some $584,000 were subscribed to this enterprise by citizens of New Orleans and other persons interested in its success. The President in the mean time was authorized by another provision of the act, which I shall read, to issue invitations to foreign governments:

SEC. 9. That the President be requested to send, in the name of the United States, invitations to the governments of other nations to be represented and take part in said World's Industrial and Cotton Centennial Exposition, to be held in some city of the United States, to be hereafter selected as aforesaid.

He issued such a proclamation calling on the nations of the earth to send their exhibits to this great world's exhibition to be held in the city of New Orleans under the provisions of this act of Congress. The States all appointed commissioners who were commissioned by the President, and a like invitation was extended to the States and Territories of the Union to send their exhibits to this exhibition. It grew into such grand proportions, so much beyond the conception of its projectors, so large a space was asked for by the exhibitors, so generous a response came from all parts of the world from the nations of the earth who desired to participate, that it became evident that those who had originated the exhibition would not be able to carry it out. It originated with the poor; its managers were poor; the people of the section in which it was to be held were poor. They were utterly unable to meet its immense growth, which had passed beyond their most sanguine expectations, and they came in good faith to Congress to ask for a loan of $1,000,000, which was accorded to them by the act approved May 21, 1884.

This million dollars has been expended. The exposition which was to have opened on the 1st of December opened on the 16th. It opened like all gigantic enterprises of the kind—behindhand, and wanting in detail and perfection. Very little could be done in the summer. The exhibitors sent forward their exhibits all at once. It was impossible to locate them and get them into position in time for the opening; and when the opening came, instead of the weather being as it usually is, mild, genial, and balmy, suitable not only for the prosecution of outdoor work for the completion of the exposition, but inviting to every one for recreation and enjoyment, for the first two months New Orleans was visited with such wintry weather as has never been known within the memory of the oldest inhabitant—constant rain, cold almost equal to that in this latitude, mud which rendered the roads impassable and which protracted the transportation of the machinery and heavy exhibits; in short, weather which kept off the crowd of visitors who were expected to be present and to pay by their attendance the expenses of the exposition. There were two months of almost absolute disappointment; almost two months of absolute loss of revenue; and it was not until the 27th day of January that the gate receipts began to pay the current running expenses of the exposition.

I believe that the managers of the exposition were acting in good faith when they came to Congress and asked for this loan.

Mr. HARRISON. Will the Senator from Louisiana allow me to ask him a question?

Mr. JONAS. Certainly.

Mr. HARRISON. What has he to say to the statement of the chairman of the Committee on Appropriations, that when they came before that committee asking the loan of $1,000,000 they represented that they had *bona fide* and reliable subscriptions to the amount of $800,000 when it appears they had but a little over $500,000?

Mr. JONAS. I think that my friend, the chairman of the Committee on Appropriations, is mistaken. I think they represented to him that they expected and hoped to raise $800,000; that they had over $500,000 subscribed and they expected to increase it to $800,000. The fact is they had over $600,000 subscribed and $584,000 have been actually paid.

I repeat, they were in good faith when they asked for this loan. I thought they were too sanguine. I never dreamed when I advocated the loan that they would be able to repay it to the Treasury. I believe they were in good faith in thinking that they could pay it, or some portion of it, anticipating as they did that the receipts would be large, and that the whole world would flock to visit the exposition. Situated as it is, at one of the extremities of the Union, almost as remote as if it were in a foreign country, with a sparse population in the adjoining States, and one illy prepared to bear traveling or other expenses, I never dreamed that it would be self-sustaining, but I thought that it would be honestly managed, that it would pay its current expenses, and that what was realized beyond the current expenses would go into the Treasury to the credit of the loan, and that the exposition

would be a great and beneficial enterprise which would repay a hundred-fold to the people of this country the paltry amount which was borrowed from the Treasury to carry it on and make it a success.

Mr. President, I wish for a moment to indulge in some comparisons between this exposition and the one held at Philadelphia. There are represented in this exposition forty-six States and Territories and twenty-one foreign governments. The total space occupied in Philadelphia by the State exhibitions was 21,711 square feet; in New Orleans it is 327,198 square feet. It will be observed from the above that the actual area of space for exhibits at New Orleans is more than fifteen times that of the Philadelphia Centennial Exposition. The area of the official buildings in Philadelphia was 2,505,789 square feet; in New Orleans it covers 2,726,305 square feet. The principal buildings at the international exhibition in New Orleans cover 2,370,855 square feet; in Philadelphia they covered 2,044,542 square feet; in London in 1862, 1,400,000 square feet; in Paris in 1878, 456,923 square feet; in Vienna in 1873, 430,500 square feet; and in the small but brilliant exposition in Atlanta in 1881, 107,520 square feet—less than one-twentieth that occupied by the New Orleans Exposition, and occupied and filled by actual exhibits. Now let me give a comparison of the cost of the various buildings erected by the management at New Orleans and Philadelphia. The buildings in Philadelphia cost $5,242,295; in New Orleans $989,211, or less than one-fifth of that amount.

Mr. President, much has been said about the improvements of the ground. My friend from New Jersey [Mr. SEWELL] called attention to a fact, stated also in argument in another place, that the city of New Orleans subscribed but $100,000 to the exposition, and that $140,803 had been expended in the improvement of the public park of that city, in which the exposition is being held, and he called attention to what he said was an injustice that New Orleans should receive back from the improvement of her public park a larger sum than she subscribed to the exposition. The improvement of the grounds upon which an exposition of this kind is to be held is as legitimate an expenditure as the erection of the necessary buildings. Let me call attention to the difference between the amount expended in the improvement of this unoccupied and waste space of ground called by courtesy a park, in which the exposition is held in New Orleans, and the immense amount expended on the beautiful Fairmount Park, opposite the city where the Senator resides and in sight of his home.

At New Orleans the cost of the park improvement was $140,803; in Philadelphia, $922,782.

Now, Mr. President, the city of New Orleans, he says, derives the benefit resulting from this improvement. Can it be taken away? This money is expended for grass plots, for gravel walks, for pavements, for grading, for cementing, for draining—all for the purpose of making this park beautiful and useful for this exposition. Can it be taken up and given to the Government? Do the Government needs require this park to be reduced to its original condition, that of a morass or wilderness, where all this work would be destroyed? Does the gentleman ask that, and was that done with Fairmount Park in 1876?

Again, a large portion of the expenditure for the improvement of this park was for a wharf. This park is on the Mississippi River. The most convenient mode of reaching the fair is by steamboat running from New Orleans some six miles up to the park. A great many of the exhibits have been carried that way. Boats coming down the river land their passengers and freight there. It was necessary for that purpose to build a wharf, and the expense of building that wharf forms part of the amount which has been expended in the improvement of the park.

Now, Mr. President, I will come to the whole cost of this exposition, and first I will ask my friend the Senator from Connecticut [Mr. HAWLEY], who was the president of the Philadelphia Centennial, what was the whole cost of that exposition?

Mr. HAWLEY. I am sure I can not say at this moment what the entire expenditure was. I have not looked at the figures for two or three years.

Mr. JONAS. Was it not in the neighborhood of seven or eight million dollars?

Mr. HAWLEY. I should say in general it was.

Mr. JONAS. It was in the neighborhood of seven or eight million dollars. This exposition is larger than that at Philadelphia, occupying more space, with larger exhibits, and, as it now stands almost fully completed—the greatest exposition that the world has ever seen, and I bring the testimony of gentlemen of Philadelphia to that effect, the distinguished editor of the Philadelphia Times, the mayor of Philadelphia, and others—has cost altogether, including the debts which they now ask Congress to pay, a little over $2,000,000—$630,000 subscribed, $1,000,000 loaned by the Government, and a deficit of near $400,000, making in all some $2,000,000, as compared with seven or eight million dollars spent for the Philadelphia exposition. Does this show extravagance or mismanagement? Does it show waste or corruption? The buildings are there; the exhibits are there. The exhibition as a success is equal to if it does not excel the one at Philadelphia, and the expense is a little more than one-fourth of its cost, including the $400,000 of debt, which we are now asked to pay.

The director-general, when he appeared before the Appropriations Committee and made his estimates for the exposition, estimated that it would cost some $1,700,000. Its cost, including large expenses which have been caused by the delay consequent upon the late opening and the extra expenses of transportation of freight owing to the weather, counting in all the expenses which had to be paid in consequence of these things, is some $2,000,000, scarcely $300,000 over the original estimate.

Is this an evidence, I ask again, of misappropriation of funds in an enterprise so great as this? Are there any people in this country so experienced in the creation and management of these great enterprises as to entitle them to be able to calculate to a dollar, or even within half a million of dollars, what shall be the necessary expense and outlays? Scarcely a gentleman builds a house but finds the outlay 10, 15, or 20 per cent. greater than his estimates made by a careful architect. And this great exposition, a novelty to us, with which every man concerned was entirely unacquainted, in which not one man engaged had one dollar's worth of interest except his subscription on which he expected no dividend or return, the director-general even without a salary, because he invested it in stock and gave that stock away to a charity—does this expenditure, I say, show on their part mismanagement or corruption? The Committee on Appropriations may not have had time thoroughly to examine all the papers referred to them, but what evidence is afforded that there has been any mismanagement on the part of the managers?

My friend, the Senator from Kansas [Mr. PLUMB], says that when the matter comes to be examined things will be developed that will startle the country. I will ask my friend where there is lurking in these expenditures anything which when discovered and exposed to the world (as it is provided by this bill it shall be before a single dollar is taken out of the Federal Treasury) will show any corruption? My friend, I am satisfied, makes this statement without consideration, and has no evidence on which to base the charge.

Mr. President, in these expenditures the managers have paid $192,000 to the States. They gave $5,000 to each State which made an exhibit. At the time this was done many of the State Legislatures had not provided by appropriation for their State exhibitions, and where they did provide an appropriation it was in many cases too small; and this money was taken and used in every case, and used effectively, by the various commissioners from the States in order to perfect and install their exhibits. The management paid $265,000 for the Government building. At Philadelphia the Government erected and paid for the Government building. It was provided by law when the loan was made that the management should erect the Government building in a style suitable for the exhibition of the United States, and this was done at an expense of $265,000.

In addition, over $20,000 was paid for the installation of the Government exhibition and State exhibits, making a total of over $480,000 paid out of this $1,600,000 by the management for the installation of the United States and State exhibits.

Mr. President, this exposition finds itself in debt some $400,000. This debt is for balance due on the buildings and their erection, it is for salaries, it is for freights, it is for costs of installation, it is for electric lights, portions due the States and Territories; it is, the managers say, all an honest indebtedness; and if it is not, they can not get one dollar of this appropriation which they now ask. They ask, or rather it is asked for them by the commissioners of the States and the committee of exhibitors, that the Government pay this $400,000 in order to put this exposition in running order and enable it to maintain itself on its daily receipts.

The chairman of the Committee on Appropriations has expressed his disbelief in the ability of the exposition to maintain itself even if this relief is afforded. Mr. President, I differ with him. There is no doubt that it will be self-sustaining. Its running expenses have been reduced now to some $2,500 a day, and they will not exceed, even if this appropriation is made, $2,800 a day, which includes advertising, which has been temporarily suspended; and its receipts now average $5,000 a day. They have been $10,000. The receipts yesterday were $5,300. During Lent, after the carnival is over, and with fine weather such as may be expected in March, April, and May, there is no reason to doubt that the receipts daily will be fully double the amount required to pay the current running expenses of the exposition. Of course whatever surplus there is goes to the Government. There are some additional expenses which will have to be paid in the shape of premiums not yet declared.

They find themselves crippled with this debt. Their daily receipts will not pay their indebtedness, or will not pay it as fast as is required. They have creditors who have been long waiting, who should have been paid in December, in January, or February. They can not wait the slow process of the collection of the amount by the daily receipts. They are pressing. They have it in their power to have a receiver appointed and to stop the exposition; they have it in their power to destroy it just as it is beginning to be profitable, just as it is beginning to be successful, and just as it is beginning to be such an exposition that the whole country and the whole world can be proud of. It is impossible for them to raise the money to discharge these debts, and the committee appointed by the commissioners from the different States and the committee appointed by the exhibitors come to Congress and ask for fur-

ther relief. They do it not because of any failure of the city of New Orleans; they ask it not on behalf of the city of New Orleans; they ask it not on behalf of the State of Louisiana; they ask it from no sympathy or consideration for the managers of this exhibition, and I am not here to defend them except as the figures defend them. They are, many of them, friends of mine; they are among the best of my constituents; I feel every sympathy for them; but I am not prepared to say that they have not made mistakes.

I am not prepared to say that they may not have spent more money than experts would spend under the same circumstances; I am not prepared to say that some of their contracts may not have been improvident and that some small portion of this money may not have been wasted; but suppose it has been, we are brought face to face with the fact that this exhibition is about to fail and that it has not the power or the means of helping itself. We are told by the commissioners of the different States and the exhibitors that the President of the United States under the authority of an act of Congress has invited them there, that their States have expended $30,000 or $40,000 apiece, that the exhibitors have gone to a heavy expense, that the foreign exhibitors have brought expensive and immense exhibits from all parts of the civilized world and from the far East, at a heavy expense to this exposition, on the faith of the Government and under the invitation of its President. They say to the Government, "You have no right to decree that the exposition shall perish." They say it not in the interest of the people of Louisiana, because the interest of the people of Louisiana forms but a small portion of this great and grand exposition.

This exposition brings to them but little of profit except they hope that it will advertise the manifold advantages of their soil and their climate, as they hope it will also draw attention to all their sister States of the South. They say they ask it for themselves, for the citizens of Minnesota, and Indiana, and Kansas, and Iowa, and New Hampshire, and Vermont, and Maine, and New Jersey. They ask it for your constituents, for your fellow-citizens who have sent their exhibits there under heavy expense and who are threatened with ruin unless the exposition can be carried on for three months longer. They tell you it can not last unless they have relief, and it can not stand up under its present burden of debt. These commissioners and exhibitors, intelligent men, whose report is before you, tell you that with this assistance it can not only pay its running expenses from day to day but can earn some money with which to pay back to the Government a portion of the money which it advanced.

The House of Representatives voted $300,000 with a restriction. The list of debts shows that $383,000 are due. Seventeen thousand dollars, not included in this, for which the Committee on Appropriations have the figures, bring up the amount to nearly $400,000. These debts are honestly due; they are due to citizens of all parts of the country; they are due, many of them, for premiums; they are due for objects specifically set forth in a detailed account furnished to the Committee on Appropriations.

There is no reason why, if we pay one dollar, we should not pay all. There is no reason why $400,000 should not be appropriated as well as $300,000. There is no reason why Congress should say that the debts due to persons outside of the State of Louisiana are to be paid with this $300,000 and that not a dollar is to be paid to honest creditors within the State of Louisiana. What sin have the people of Louisiana committed except that this great exposition and world's wonder is now being held on their soil and within their territory—what sin have these creditors living in Louisiana committed, who have given their time and their labor to the perfection of this great enterprise, that they should be denied payment when creditors in other portions of the Union are provided for?

The amendment of the Senate Committee on Appropriations simply proposes, if the theory is correct, if we are bound to pay these debts, if the national honor is involved, if we have made ourselves responsible morally if not legally that this exposition shall be carried on successfully until the last of May, as we told the nations of the earth it would be when we invited them to it—if there is a necessity in order to do that that this debt should be paid it should be paid in full, $400,000 instead of $300,000, and there should be no restriction preferring one creditor to another. I would say right here that the class of creditors who are to be excluded from any participation in this appropriation are that class of creditors who can do the exposition more harm, whose claims will be more urgent than those urged by any other class, as they are mostly mechanics and laborers, who under the law of Louisiana have a lien on the buildings, have a lien on everything on which they can place a hand, a lien which perhaps many of the foreign creditors have not under our system of laws.

I do not care to pursue this subject any further. The testimony of the whole world has pronounced this exposition a great success. It is not a financial success. It never will be; I never hoped it would be; and there never has been such an exposition held in the wide world which was a financial success, whether at Vienna or London or Paris, or even at Philadelphia. In Philadelphia the money loaned by the United States was paid back to the Government, but not a cent I believe was divided among the stockholders. The Government loan was paid and seven or eight million dollars were spent.

Mr. HAWLEY. Lest I might forget it, I beg to say here that 22½ per cent. was paid to the stockholders. It may have been a little more, but I think that was the percentage.

Mr. JONAS. Twenty-two and one-half per cent. was paid and 77½ per cent. was lost where the exposition was visited by 150,000 people a day for weeks together; there were over 100,000 visitors every day in this great center of population.

I have never hoped that this would be a financial success, but, as the Senator from New Hampshire has well said, it is, notwithstanding, a great success. It is an educator of the people. The country could well afford to pay for it five times as much as it has cost. Now, when we are at the fruition of our hopes, when this great exposition is complete, when it offers educational privileges such as have never been seen before in this country, we are threatened with a total destruction and loss because it is pressed down with $400,000 of debt which is due.

Mr. BAYARD. Will the Senator from Louisiana yield to me for a moment?

Mr. JONAS. Certainly.

Mr. BAYARD. I remember very well in 1872 the Centennial Exposition at Philadelphia was first suggested to Congress, and by the express condition of that act the Government of the United States, while extending a national invitation to visitors, was expressly exempted from any contribution for the cost; but as time went on the collapse of 1873 occurred, and the States that were formerly willing and able to have made subscriptions to carry out the object of that exposition were unable to complete their engagements. Then the bill to appropriate one million and a half to aid that exposition came before the Senate, and it was urged that by the express terms of the act authorizing the Government to become the host of foreign guests and invite them here no dollar of the expense was to fall upon the Federal Treasury; but Congress realized that a public depression and that a great public distress had fallen upon the people of the country in the shape of a financial collapse, and that the States were not able to carry out the original design; and therefore, despite the fact that Congress had expressly excepted any obligation to pay at all in assistance of that exposition, the appropriation of one million and a half dollars was made.

In the present case it strikes me that much that is similar in fact has occurred. When this Cotton Exposition at New Orleans was first set on foot all was fair and entirely prosperous in our land. But to-day we all realize that there is great depression, there is great suffering. There is a large amount of idleness among those who are employés and there is great loss to those who employ them. The state of affairs, then, is quite similar and the cause is almost the same that induced the Congress of the United States in 1874 to make a contribution which it had expressly resolved against two years before, simply because a change of affairs had taken place all over the country.

I believe to-day that a large cause of the want of receipts at the New Orleans Exposition is the simple poverty of our people. Men who were well off two years ago do not feel themselves able to-day to meet the expense, and for that reason a great commercial project is in straits—an object that we are seeking to accomplish under the commercial power of the Constitution, and which has been repeated over and over again by the Government of the United States sending ships carrying freight free, with the contrivances of American skill and industry, to the exhibitions at Paris, at Vienna, and at London. If we could afford and could find power to contribute thus to the education of other nations and to expositions in foreign countries, surely that power must be given us when we are dealing with part of the United States themselves.

If there has been, as I submit, a change and a check—a temporary check I hope and believe in the prosperity of our affairs—we will recognize that fact to-day just as the Congress of 1874 recognized the fact then that the contributions which were expected then failed because of a public distress. The contributions which were expected from private sources are now withheld because of public distress, and there is no reason why Congress should not step forward now and for a great public end make as fair and liberal a contribution proportionately as it did ten years ago to the great exposition at the city of Philadelphia.

Mr. JONAS. I was going to say that the proviso which the Senate Committee on Appropriations has inserted provides that—

> No part of the foregoing sum shall be paid until statements and exhibits in detail, satisfactory to the Secretary of the Treasury, are made of all expenditures under the appropriation made by act of July 7, 1884, and that said expenditures have been made for the purposes and in the manner provided for in said act.

I submit that if there has been any improvident or improper expenditure, it must all be accounted for satisfactorily before this money can be expended. Here I desire to state to my friend from Indiana, who asked a question of the chairman of the Committee on Appropriations to-day, that the exposition closes on the last day of May, and that it is necessary that the aid should be extended now if at all, and that at the next session of Congress this appropriation would come too late, the exposition would have fallen, would have passed into ruin, and it would be impossible to resuscitate it.

Mr. HARRISON. As the Senator has turned his attention to me, I should like to ask a question.

Mr. BROWN. I had risen to ask a question, but I will yield.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Indiana?

Mr. HARRISON. The Senator from Louisiana addressed his remarks to me, and therefore I address him. I beg pardon of the Senator from Georgia. It appears from the statements which have been laid before the Senate that the entire amount of the $400,000 suggested by the Committee on Appropriations of this body will be insufficient to pay the existing debts of the management.

Mr. JONAS. No, sir; I beg the Senator's pardon. It appears that it will be sufficient to pay the debts.

Mr. HARRISON. Well, suppose it be sufficient, as the Senator says; what has the Senator to say as to the future prospects of the exposition between now and May?

Mr. JONAS. I have said that the daily receipts now are double the amount of the expenditures, and there is every reason to expect that that will continue so to be until the close of the exposition.

Mr. HARRISON. The Senator has said now——

Mr. JONAS. The daily expenditures are $2,500, and the daily receipts are over $5,000.

Mr. HARRISON. Has that been true on every day during the Mardi Gras celebration at New Orleans?

Mr. JONAS. That has been true every day since Mardi Gras, during Lent, which is the dullest period of the year in New Orleans. The receipts on Saturday last were $5,300.

Mr. BROWN. Some remarks have been made during the discussion in reference to the management of this fund. I desire to ask the Senator from Louisiana if the management disbursing these funds were not appointed by the President of the United States?

Mr. JONAS. I have so stated.

Mr. BROWN. And they disbursed no money except by resolution signed by their treasurer, and on check signed by the treasurer and auditor.

Mr. JONAS. They do not; they have a treasurer and auditor.

Mr. BROWN. But all their vouchers are presented to the Secretary of the Treasury; and do they not undergo the same scrutiny that is required in the case of all Government expenditures?

Mr. JONAS. I am so informed.

Mr. BROWN. Then how is it possible for a misappropriation of funds to have occurred?

Mr. JONAS. I believe the only way it could be insinuated that there has been mismanagement has been in extravagance in expenditures; perhaps they have made improvident contracts; perhaps they have paid more for buildings and more for materials than they should. There is no evidence of it, but I say that as the expenses are some $400,000 more than the estimates, it is possible that there may have been some mistakes.

Mr. BROWN. Was there not as much done there for the $2,000,000 as for the $7,000,000 in Philadelphia?

Mr. JONAS. There has been, and I have argued that this proves that there could have been no mismanagement or improper expenditure.

Mr. BECK. Mr. President——

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Kentucky to yield to me for a moment. I desire to move, as I see the legislative appropriation bill is still on the table, that the Senate further insist on its amendments to that bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Iowa moves that the Senate further insist on its amendments to the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Mr. MORRILL. Do you not want to ask for a conference?

Mr. ALLISON. I do not ask for a conference.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. BECK. I listened to all that has been said in regard to the necessity of the granting of an additional sum to the New Orleans Exposition. I confess I listened with some prejudice when the statements were first made; but after looking over the whole ground I was entirely convinced that we ought to give the $300,000 that the House suggested, and then if we intend to do any good at all we ought to make the aid $400,000, and there end our contribution to the exposition.

The chairman of the Committee on Appropriations has gone over the whole ground. He has stated all that any member of the committee can state as to our reasons for acting as we propose. I do not believe that any additional argument on my part can add anything to what he has said; and as we have only one more working day before this Congress dies, and as the deficiency bill and the fortification bill and the river and harbor bill and this bill, together with a number of other bills yet in conference, have to be disposed of, I hope and trust that we shall endeavor to close this debate, and vote one way or the other, and let this bill get through, as it must be passed. If what has been said will not induce gentlemen to vote for the appropriation, nothing that I can say, or that any other member of the committee can say, I think, will change the mind of a single Senator. Time is extremely valuable, and I will not therefore venture to say more than to urge very prompt action in regard to this bill, or we are not going to get away on the 4th of March with our work well done.

Mr. WILLIAMS. I do not want to make a speech, but simply, as this is perhaps the last time I shall ever address the Senate, to express my amazement that the Senate of the United States has hesitated one moment in voting for this amendment of the Committee on Appropriations.

Now, what is this case? The House of Representatives have sent to us on this appropriation bill a clause appropriating $300,000 in further aid to the exposition at New Orleans; and the Senate Committee on Appropriations propose to increase that by $100,000; and a paltry $100,000 is the sole subject of all this lengthy discussion.

What is the exposition? Is it the exposition of New Orleans? No, sir. Is it the exposition of Louisiana? No, sir. Of the South? No, sir; nor of the West; but of the whole country.

This exposition started with the intention first of being merely an exposition of cotton production and the manufactures thereof. It was widened to embrace all the agricultural interests of the South and West. Finally Congress took hold of it, and they said, "We will widen the basis of your operations, we will make the exposition national, we will make it international, we will give you a million dollars to make it the greatest exposition this country or the world has ever seen." It became by that solemn act of Congress a national concern. It is our exposition and not the exposition of Louisiana or of New Orleans. It was placed at New Orleans because that was the most convenient point for the South American and Central American republics, with whom it is our interest to cultivate the most intimate relations, and to extend our commerce and trade by every means in our power, and also for Mexico, the greatest of all our sister republics upon this continent.

The President of the United States was directed by an act of Congress to invite all the nations of the earth to participate in this grand international exposition to be held at New Orleans. He invited them, and they have come. New Orleans is merely the place where the exposition is located. It is the grand banquet hall, and we are the representatives of 55,000,000 people in entertaining all the nations of this earth. And yet we hesitate, we higgle about adding $100,000 to the appropriation made by the House to prevent this exposition from failing.

Why, Mr. President, I have seen within two days five hundred people who have just returned from that exposition. Many of them have seen the great expositions in London, in Vienna, in Paris, and in Philadelphia, and they all concur in saying that this is the grandest one that has ever been had on the face of this earth. Mexico alone, our sister republic that lies along our borders for more than a thousand miles, occupies five acres of ground in the display of her products alone. There is not one republic of the whole Central or Southern American States that is not represented there to-day; nor is there a civilized nation in Europe or in Asia that has not its exhibition there to-day.

These are the commercial views, but there are moral and political and social views as well. It is a bringing of our people together from every section of this broad country; and the way to make its people love each other more is to make them know each other better. Whenever you bring them together and let them associate with each other, as these exhibitions have always done, the country is greatly benefited, prejudices go away, sectional prejudices drop from off them, and they fraternize at once. They are the occasions when all commune together, and they erect their altars upon which all the sections after their long estrangements may come and renew their vows of patriotism upon a common altar of a common country.

These are some of the advantages, and if the sum was $5,000,000 instead of $400,000 I should say it was money well expended, for we should have a return in time of $500,000,000 for it. Since I have been in the Senate I have never been narrow or sectional in any of my views. I have always stood up for what I thought was the true interest not only of my section, but of the whole country. I have voted away millions and hundreds of millions, or aided in doing it, of the people's money for general purposes that were not confined to my section alone, and I do not believe it is possible that any Senator on either side of the House can have any such view in this matter. I have voted money for internal improvements, I have voted for all public purposes, for education, for pensions, and I voted the other day to put General Grant upon the retired-list. When a great man like Grant, the chief soldier of his age, twice President of the United States, and a man who had filled the largest place in the world's eye of any living mortal, is broken down in health and constitution and weighed down by years, I have felt it to be unjust not to place him on the list of the Army, and I voted for it and I am proud and glad that I did.

I can not believe that there is any Senator who on this question is actuated by a sectional motive. The interests of the Southern country, industrial, commercial, moral, and social, are all to be advanced by

this, and it is a paltry sum to be appropriated for such a grand purpose.

These are the reasons for which I shall vote for the amendment of the committee.

Mr. ALLISON. Mr. President, I ask unanimous consent that the debate upon this amendment and the other amendments to this bill may be confined to five minutes for each Senator under the usual five-minute rule.

Mr. VAN WYCK. Put it on this clause.

Mr. ALLISON. Well, for the present I will ask unanimous consent to confine debate to five minutes by each Senator on this amendment.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that debate on the pending amendment shall be confined to five minutes.

Mr. ALLISON. And on all amendments to this clause.

The PRESIDING OFFICER. Debate on all amendments to this clause of the bill. Is there objection?

Mr. HAWLEY. I am going to say a few words, but I will do my best to keep within the five minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. HAWLEY. I do not object.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. HAWLEY. No doubt there were elements of weakness in this scheme from the beginning. One of them was obviously, as the Senator from Louisiana has admitted, placing the exposition at New Orleans with the Gulf on one side and a thinly settled country all around it. It was different at Philadelphia at least in this: that Philadelphia was the center of perhaps 4,000,000 people who could leave home in the morning, spend some hours, and get back at night; but it is quite useless to discuss that now.

The difficulty in the case is that the United States has made itself in a sense responsible to the world for the exposition; that it openly did so with the experience of the Centennial Exhibition before it. It authorized or directed the Secretary of State to invite foreign nations to come here and join in the exhibition, and loaned the enterprise a million of dollars. That gave a start, particularly to foreign exhibitors, and they came there. We knew the experience which had been had before. I feel under some sort of obligation to the foreign exhibitors. Some one says we have nothing to pay them. I can not help feeling that there is a little moral and equitable obligation at least. If there should happen to be awarded thirty, forty, or sixty thousand dollars to foreign exhibitors, and then the management at New Orleans should turn around and say, "We are quite unable to pay," and a foreign exhibitor writes to his minister at Washington and he says, "The Secretary of State for the United States gave a cordial invitation to our country to go there, and its citizens have gone from Belginm or France; they were cordially invited to come and they did come"—these are the things that trouble me.

I can criticise the management very easily. Any man of business experience can criticise the management of the exhibition to some extent. It was a mistake, I think, to make an offer of $5,000 to each of the States and Territories to get their exhibits there, to get them to make exhibits. The business of a corporation of an exhibition is in the first place to prepare the ground, to put up buildings, and see that they are ready for exhibits; but it is not to undertake to prepare those exhibits, or to bring them down, or to put them in the building even. That is the business of the exhibitors.

The management should have left it to the patriotism and enterprise of the States to pay the expenses for going down, but they have paid out $192,000 (and you might as well charge it out of the Government's million) to the States to bribe and stimulate them to go with their exhibits. I am not scolding about it, but I think it was an error in the management, an error in the general policy of such an exposition.

Again, I do not see why they should pay out $6,000 or $7,000 for railways. I suppose they will say that they got into some controversy with the railway companies, and those corporations had not enterprise enough to lay their tracks to the buildings in the way they ought. At any rate the management felt absolutely compelled, in order to do anything in that direction, to spend $6,000 or $7,000 on branch railroads running to the exposition. That, whether a misfortune or otherwise of judgment, it is too late to inquire into. There it is as one of the expenditures.

Then they spent money on the Government building there. There were $265,000 of the million that went toward governmental and State purposes. We ought not to find fault with them about that; we ought not to speak as if they had wasted the million dollars, for they have not done it. If their extraordinary figures, as published in the National Republican of Friday, the 27th, are correct, they have done remarkably well in some respects. I do not see how they have covered so many acres and have a construction account for buildings of only $900,000. There certainly can not be much robbery in that feature. I do not know where the robbery can be discovered in it by my casual observation.

My friend from Louisiana—I am hurrying through as rapidly as I can—made a comparison or two for the sake of praising the managers at New Orleans, which seemed slightly to reflect on the Philadelphia exhibition. Let me explain. He says that the buildings at Philadelphia cost $5,242,000 against $969,000 at New Orleans; but remember that the State of Pennsylvania put up a Memorial Hall there, at a cost of $1,000,000, to be a permanent memorial of the celebration. We covered as much ground and found as much room by the expenditure of seventy-five or a hundred thousand dollars. We did not put that million in our actual account; we did not place that among our obligations, and did not put that into the stock at all. The State of Pennsylvania contributed a million-dollar building; but it was nothing to us. It goes into the $5,000,000, however. So of the beautiful Horticultural Hall, which was a permanent decoration of the ground and is there now. It is the Horticultural Hall of the city of Philadelphia, part of its park. That accounts for the cost of our buildings.

The PRESIDING OFFICER. The Senator's five minutes have expired.

Mr. VAN WYCK. I hope unanimous consent will be given to the Senator to proceed.

Mr. HAWLEY. I will go on as rapidly as any other man and get through as soon as I can, and that briefly. Horticultural Hall is the permanent property of the city of Philadelphia, in that park.

Again, the Senator from Louisiana says the cost of preparing the grounds in Philadelphia, such as grading, draining, bridges, fences, &c., amounted to $922,782. I had forgotten the figures. Perhaps that is correct. That is not large; but that was done by the city of Philadelphia as permanent improvements of the magnificent Fairmount Park, and there it is to show for itself to-day and it did not cost us a cent. He compares the $922,000 with $180,000 that the management have spent on the ground at New Orleans. The management have spent a-out of the general fund and leave it for the city. The city of Philadelphia spent it for the exhibition, and there it is. So the Philadelphia exposition, instead of being $700,000 behind the New Orleans, was $130,000 ahead of it so far as the park business is concerned. I say that by the way lest I might seem to submit to some things that are possible reflections.

Remember in behalf of this enterprise that they were seeking to crowd the railroads at a time when all the fall crops were rushing there; remember the extraordinary season, the flood and rain, the difficulties in getting to the ground; remember the inevitable delay in opening because this affair was not done in season, the foreign exhibits were not ready quite in season; and the people who went there for the first three weeks sent home very unfavorable reports about all the matters of personal comfort, especially the ease of access to the grounds, &c. Those things were a great discouragement. Take the blocking of the railroads, for example. They had to bring in 10,000 tons of goods there, and they crowded up the roads and side-tracks for miles. The railroads were overwhelmed, and so were the exhibitors.

There is one error in the exhibition, let me say in passing, that has pressed upon every exhibition of the sort. I have been to many other places and seen them. It is the temptation of size. A man will come along there with ten pianos, with ten rakes, or ten reapers and mowers, and wants to make a grand exhibition, covering a space as large as this Chamber. You tell him one single mower and reaper is enough, you tell him one Steinway grand is as good as fifteen, and you condense the space to the size of a common bed-room and crowd him into it with his one piano. I mention that by way of illustration. Size is not necessary as the gauge of excellence.

I am not willing to believe from what has been said that this is not really an admirable exhibition. In one feature I am sure they have done better than was done in Philadelphia, and that is in getting fine collective exhibits from a larger number of States. The States exhibited a good deal in Philadelphia, but their exhibits were largely scattered, and they did not to a sufficient extent make agricultural and geological and mining collective exhibits, as Kansas did, to its great benefit without doubt. None of these exhibitions ever paid, none of them ever came near paying in any country in the world, in the ordinary acceptation of the term. They are supported by subscriptions of private stock and by the contributions of governments, and yet there has never been a good one held that was not worth ten dollars to the country for the one that was expended on it. There never has been one of these great international exhibitions held that did not to a large extent revolutionize the industry and the manufactures of the country in which it was held. It was eminently so as far as that of 1851, the famous Crystal Palace exhibition in London, was concerned. The history of every branch of art and manufacturing industry shows it was so with the Philadelphia Exposition, which had an enormous advantage over all others in being the centennial of a sacred event.

I am entirely willing to vote this appropriation. I regret the necessity of doing it; I wish the management could have avoided it. I do not see the evidence of the corruption charged. I think it will be worth what it has cost to the country. I think it is doing good with the extraordinary exhibit that it has brought there from Mexico, for that is remarkable, and so with Costa Rica and various South American and Central American countries that are there with exhibits.

Bad as these statements look to-day that there is no prospect of our

getting back any of our million dollars, it is going to be worth what it costs to the country, and the shortest way out of the woods is the daylight ahead instead of the darkness backward, in my opinion.

Mr. HARRISON. Mr. President, when this scheme was inaugurated—and I was one of those who voted for the act loaning a million dollars—we were advised by the Committee on Appropriations that they had by very stringent provisions in the bill protected the United States against any liability for any debt which might be incurred. The chairman of the Appropriations Committee then so advised us. He mentioned another caution or restriction which was contained in the bill which prohibited the management from incurring any debt. We were not only to be non-responsible for any debt, but the management in regard to the million dollars were put under prohibition by law at the time from creating any debt. Now we are confronted with a debt that I do not think any Senator will doubt to be less than half a million dollars on the statements that we have had here to-day. We are met with the statement from the chairman of the Committee on Appropriations, who has given careful attention to it, that this money will barely, if so much as, pay the present existing indebtedness, and that he anticipates that the receipts will fall behind the expenses from now until the close of the exhibition.

Mr. President, the question is how are we to deal with this question? The men who came here and represented to us that this could be managed in such a way as to return the million of dollars to the Government come now and tell us that our million is gone beyond hope, that they are a half million in debt, and they bring here a statement of accounts that to my mind is perfectly satisfactory as proving that the half million dollars will not more than set them on their feet to-day to enter upon another course of debt-making in the management of the exposition.

You talk about the value of this exposition. The value of an exposition is in the dissemination of knowledge which induces people to go and see it. There is little value in an exposition that is not able by reason of location or for any other reason to attract people there to see it. You disseminate knowledge of machinery and of textile fabrics, you disseminate knowledge of the fabrics and manufactures of other countries, by bringing in contact with them, so that they may have a sight of them, a multitude of people; and this object has failed entirely at New Orleans, and I predict to-night that if we pass this appropriation we shall be called upon at the next session of Congress to give a half million more to pay the debts of the New Orleans Exposition.

Will the Senator from Iowa tell me upon what principle it is that he says we will pay any debt this management owes to the citizen of any other State except Louisiana? Are the Senators from Louisiana going to support that proposition making a discrimination against their own citizens? How shall we answer a citizen of Louisiana, or any other citizen, if he comes here at the next Congress and says to us, "I have a debt against that management which is just as honest and valid a debt as the debt of the citizen of Pennsylvania that you have paid, and I want you to pay mine." I say, Mr. President, that though the Appropriations Committee have put in the beginning of this amendment again the expression "for final aid to the World's Industrial and Cotton Centennial Exposition," it will not be final. We have heretofore said we were not responsible for these debts. By this amendment we assume responsibility for them, and attempt to limit that responsibility to debts to non-residents of Louisiana. I say that discrimination can not be maintained in justice; and if this $400,000 fails to pay off the debt existing now, or the debt that may be incurred, I want to know what answer any Senator will have to make next Congress when they come up and ask us to pay those debts. There is no answer. We are committed to the proposition to see this exposition through, cost what it will.

[Here the hammer fell.]

Mr. GIBSON. Mr. President, I will not detain the Senate by any general argument in favor of this amendment, but I desire to say that the chief difficulty which the management of this exposition have had to deal with is in the bad weather. It has already been shown by my colleague, in his able speech on this subject, how well the money has been used by the management of this exposition; how in comparison with the exposition at Philadelphia they have achieved much more with the money which they have expended at New Orleans than was accomplished in Philadelphia for the same amount.

The great difficulty, as I said, in New Orleans is that in the months of December and January we had heavy rainfalls. The whole earth became saturated; there was a perfect quarantine around this exposition, a mud quarantine, that absolutely cut off the exhibitors from getting their exhibits into the buildings. That condition of things not only prevented the completion of the exhibits, but indisposed people from visiting the exposition; and these two causes combined made it a failure for two months. But with the coming of good weather, with the increase of facilities for travel, with the completion of all the exhibits both of foreign nations and of the several States of our Union, I believe that the increase of receipts will be very large. In fact we already see that the increase of receipts has gone up within the last few days from one to three, four, and five thousand dollars a day. I say therefore to the Senator from Indiana that there will be no failure from this time until the closing of the exposition. The same causes which have brought failure up to this time will no longer exist, and for one I am perfectly willing to give the Senator a guarantee that I will not vote for another appropriation at the next Congress for the exposition in New Orleans.

Mr. HARRISON. How can the Senator refuse to do it if he votes for this?

Mr. GIBSON. I can refuse to do it by answering "nay" when my name is called and by serving notice now that I will not vote for another appropriation; and I am willing to make that guarantee because I believe——

Mr. HARRISON. I do not want to take it out of the Senator's time, but I ask consent to put a question. The money is first to be applied to pay debts to individuals and corporations; then to pay the awards. Suppose there should not be enough to pay the awards, would the Senator vote for an appropriation to meet them?

Mr. GIBSON. You may suppose anything, and if I regarded this exposition with the same feeling that the Senator from Indiana does now I would have voted against the original loan of $1,000,000, and I would vote to-day against this $400,000 appropriation; but I believe that this is a worthy exposition; I believe that it is going to be successful and that the management will be able to pay off every dollar of expense incurred from this time on.

The Senator asked me if I was willing to vote for this amendment which makes a discrimination against the citizens of Louisiana who may be employed in this exposition, the laborer or mechanic. I will answer the Senator that I am willing to vote for this bill just as it stands. I am willing to make the discrimination. Why? Because I believe the exposition is going to be a success and that they will earn enough from their receipts to pay off the laborers and the mechanics; and more than that, I will state to the Senator that under the laws of Louisiana the laborer and mechanic have a lien upon the buildings of the exposition, which secures them amply. So then we are making no discrimination which will be effective against the laboring men who give their time and their services in New Orleans to this exposition. I do not believe that there is a Senator here who would be willing to make such a discrimination. They are amply protected.

All I desired to do was to give the assurance to the Senate that this board of management is composed of able, of conscientious, and of intelligent citizens of Louisiana, appointed by the President of the United States, who will handle these funds properly, and when the time comes to render their account I venture to prophesy that that account will be found exact in every respect.

[Here the hammer fell.]

Mr. BECK. The Senator from Louisiana has answered the question I rose to ask him, and has removed the difficulty suggested by the Senator from Indiana, when he has assured the Senate that the discrimination in this bill is right because in Louisiana mechanics by the law of that State have a lien, while others have not.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. HALE. Is it in order now to move to strike out the amendment?

The PRESIDING OFFICER. What amendment does the Senator refer to?

Mr. HALE. I have not been in. The question now is on agreeing to the amendment?

The PRESIDING OFFICER. On agreeing to the amendment reported by the Committee on Appropriations, which will be read.

The CHIEF CLERK. In line 2396 it is proposed to strike out "three" and insert "four;" so as to read:

Not to exceed the sum of $400,000.

Mr. HALE. I have no objection to the vote being taken upon that; and whatever may be the result, then if I shall get the floor I shall move to strike out the whole clause.

Mr. SEWELL. I gave notice of a motion of that kind.

Mr. HALE. That I did not know. Of course I will not interfere with the Senator from New Jersey. I only want the question raised on that proposition.

Mr. HOAR. The Senate gave unanimous consent this morning that it should be in order for me to move an amendment which was sent to the desk. I suppose regularly I ought to wait until the bill is completed before moving that amendment, but it will be certainly much more convenient to the Senate to have me move it now, and if there be no objection I should like to modify that amendment somewhat. Perhaps the best way would be to make the amendment after the vote has been taken on this, but if the Senate think it should come out of the $400,000, I can make it in that form in the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. HARRISON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. PLUMB (when Mr. BUTLER's name was called). The Senator from South Carolina [Mr. BUTLER] and myself are paired on this question. If he were here, the Senator from South Carolina would vote "yea."

Mr. MAHONE (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were here, he would vote "yea" and I should vote "nay."

Mr. PLUMB (when his name was called). On this subject I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I have a general pair with the Senator from Illinois [Mr. LOGAN], but I observe that on this question his colleague votes "yea," and he consents that I should vote. I vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I am paired on this question with the Senator from Florida [Mr. JONES].

The result was announced—yeas 40, nays 16; as follows:

YEAS—40.

Allison,	Fair,	Jones of Nevada,	Pendleton,
Bayard,	Garland,	Lamar,	Pugh,
Beck,	George,	Lapham,	Ransom,
Blair,	Gibson,	McMillan,	Sawyer,
Brown,	Groome,	McPherson,	Vance,
Call,	Hampton,	Maxey,	Van Wyck,
Cockrell,	Hawley,	Miller of N. Y.,	Vest,
Coke,	Hoar,	Mitchell,	Voorhees,
Conger,	Jackson,	Morgan,	Walker,
Cullom,	Jonas,	Palmer,	Williams.

NAYS—16.

Aldrich,	Dolph,	Harris,	Platt,
Cameron of Wis.,	Edmunds,	Harrison,	Sewell,
Chace,	Frye,	Ingalls,	Sherman.
Dawes,	Hale,	Morrill,	Wilson.

ABSENT—20.

Bowen,	Farley,	Logan,	Plumb,
Butler,	Gorman,	Mahone,	Riddleberger,
Camden,	Hill,	Manderson,	Sabin,
Cameron of Pa.,	Jones of Florida,	Miller of Cal.,	Saulsbury,
Colquitt,	Kenna,	Pike,	Slater.

So the amendment was agreed to.

Mr. HOAR. I move to amend the bill, after the word "department," in line 2412, by inserting the words:

Also for the woman's department of the said exposition, $15,000.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the order of the Senate was to proceed with the reading of the bill and the amendments of the Committee on Appropriations, and the point to which the amendment of the Senator is directed has not yet been reached in the reading. The last reading ended at line 2396 where "three" was stricken out and "four" was inserted. The Senator will withhold his amendment until the point to which it applies is reached. The reading will proceed.

The reading of the bill was resumed and continued to line 2412.

Mr. HOAR. I now make a motion——

The PRESIDING OFFICER. Is it a motion to amend the next amendment reported by the committee?

Mr. HOAR. No, sir. I had unanimous consent from the Senate to make this motion this morning.

The PRESIDING OFFICER. The Chair was not informed of that. Pursuant to consent, the Senator from Massachusetts may offer his amendment.

Mr. HOAR. After the word "department," in line 2412, I move to insert:

Also for the woman's department of the said exposition, $15,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to add to the clause making appropriation for the "World's Industrial and Cotton Centennial Exposition," after the word "department," in line 2412, the following clause:

And no part of the foregoing sum shall be paid until statements and exhibits in detail, satisfactory to the Secretary of the Treasury, are made of all expenditures under the appropriation made by act of July 7, 1884, and that said expenditures have been made for the purposes and in the manner provided for in said act; and the Secretary of the Treasury shall report to Congress, at the beginning of the next session, all such detailed statements made to him of the expenditures under said appropriation and also under this appropriation; and the necessary expenses of these examinations shall be paid from this appropriation.

Mr. MAXEY. On account of the amendment of the Senator from Massachusetts, the word "sum," in line 2412, should be in the plural. It should be "sums."

Mr. HOAR. The best mode of reaching that would be to transfer my amendment to the end of the clause.

Mr. MAXEY. The word "sum" would refer to the last appropriation.

Mr. ALLISON. In this amendment the date of the act should be May 21, 1884, instead of July 7, 1884.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment of the committee by striking out "July 7" and inserting "May 21."

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "public printing and binding," after the words "two million," at the end of line 2435, to insert "five hundred thousand;" so as to read:

For the public printing, for the public binding, and for paper for the public printing, including cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,500,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, &c.

The amendment was agreed to.

The next amendment was, in line 2441, to increase the appropriation "for printing and binding for Congress, including the proceedings and debates," from $1,084,500 to $1,350,625.

The amendment was agreed to.

The next amendment was, in line 2444, to increase the appropriation for printing and binding "for the State Department" from $8,400 to $10,500.

The amendment was agreed to.

Mr. HOAR. I desire to inquire of the Chair, before the Secretary proceeds further, whether an amendment was assented to which was suggested by the Senator from Texas, in line 2412, changing the word "sum" to "sums?"

The PRESIDENT *pro tempore*. It was not.

Mr. HOAR. It was understood by several Senators that it was assented to. I ask unanimous consent then to return to that line and to change the word "sum" to "sums." Otherwise it would apply only to the $15,000.

Mr. MAXEY. It ought to be amended.

The PRESIDENT *pro tempore*. The Senator from Massachusetts and the Senator from Texas ask unanimous consent that in line 2412 the word "sum" be changed to the word "sums." Is there objection? The Chair hears none, and it is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 2446, to increase the appropriation for printing and binding "for the Treasury Department" from $234,800 to $293,500.

The amendment was agreed to.

The next amendment was, in line 2448, to increase the appropriation for printing and binding "for the War Department" from $123,200 to $154,000.

The amendment was agreed to.

The next amendment was, in line 2451, to increase the appropriation for printing and binding "for the Navy Department" from $52,900 to $66,125.

The amendment was agreed to.

The next amendment was, in line 2454, to increase the appropriation for printing and binding "for the Interior Department" from $292,800 to $366,000.

The amendment was agreed to.

The next amendment was, in line 2458, to increase the appropriation for printing and binding "for the Department of Justice" from $6,300 to $7,875.

The amendment was agreed to.

The next amendment was, in line 2460, to increase the appropriation for printing and binding "for the Post-Office Department" from $158,500 to $198,125.

The amendment was agreed to.

The next amendment was, in line 2463, to increase the appropriation for printing and binding "for the Agricultural Department" from $15,700 to $19,625.

The amendment was agreed to.

The next amendment was, in line 2465, to increase the appropriation for printing and binding "for the Supreme Court of the United States" from $6,500 to $8,125.

The amendment was agreed to.

The next amendment was, in line 2468, to increase the appropriation for printing and binding "for the supreme court of the District of Columbia" from $800 to $1,000.

The amendment was agreed to.

The next amendment was, in line 2469, to increase the appropriation for printing and binding "for the Court of Claims" from $6,500 to $13,125.

The amendment was agreed to.

The next amendment was, in line 2471, to increase the appropriation for printing and binding "for the Library of Congress" from $9,100 to $11,375.

The amendment was agreed to.

The next amendment was, after line 2479, to insert:

To enable the Public Printer to continue the operations under joint resolution approved February 6, 1882, for the removal and storage of certain property of the Government mentioned therein, $3,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 2485, to insert:

To enable the Joint Committee on Public Printing to complete the preparation, proof-reading, indexing, and revising the classified, analytical, and descriptive catalogue of Government publications, and of publications of public interest purchased by the United States for use or distribution, $600, or so much thereof as may be necessary for the final completion of the work, which may be expended as additional pay or compensation to any officer or employé of the United States, the same to be immediately available.

The amendment was agreed to.

The next amendment was to strike out the clause from line 2496 to line 2499, inclusive, as follows:

For payment to sixty-one printers regularly employed on the CONGRESSIONAL RECORD, $60 each, for time unemployed during the present session, $3,660.

Mr. VOORHEES. I rise to oppose that amendment, and say that in my judgment the Appropriations Committee of the Senate is wrong in proposing to strike out this clause.

In composing and preparing the CONGRESSIONAL RECORD it is necessary to employ and keep ready on hand a large number of printers. Now and then there are days when no work is necessary to be done. These men are then out of employment for a week or two at a time. Thus when we take a recess, when the per diem of our own employés of the Senate is going on, these men are docked for a loss of time. They are very illy able to afford such a deprivation on their part, and they are kept on expense and held to be in readiness to go to work on our motion. They were, in fact, so during the Christmas holidays. I certainly hope the Senate will not oppose the retention of what was ingrafted in the bill by the House.

I do not wish to detain the Senate upon the subject. I have looked over, however, the memorial of these compositors, and I am satisfied of the justice of their claim. I hope, therefore, the amendment proposed by the Committee on Appropriations will not be concurred in, but that the bill may be left to stand as it came from the House.

Mr. HARRIS. I should like to inquire of the Senator from Iowa, the chairman of the Committee on Appropriations, if these printers are paid higher wages than printers are ordinarily paid.

Mr. VOORHEES. I will answer. I presume they are, but they work all night. It is the hardest work known to the craft. There is nothing like it, and nobody but able-bodied men fit to go into the field can stand the work for any length of time. It is hard, long night-work, in which men break down to my certain personal knowledge, and we throw those men off pay whenever we take a recess for a few days, as we did at Christmas, while we make it necessary for them to be ready to resume work. This is an injustice which we do not practice with any other employés of the Government. They earn their pay, fully earn it.

In response to the Senator from Tennessee I say if they are paid a little more than others they are not paid enough in excess of others. I know what kind of work they have to do. I take it for granted they are paid more, though on that subject I have not very accurate knowledge whether they are paid in excess of other printers or not.

Mr. HARRISON. If my colleague will yield to me a moment, I will say to him that in conversation with one of these printers from my State employed on the RECORD, I asked of him the question which the Senator from Tennessee has just propounded, and he told me that they were not, that really they could not earn as much as men doing the same kind of night-work on a newspaper when they had regular work.

Mr. HARRIS. I will say that in consultation with one of these printers to-night I was informed that they were paid the usual wages of job printers. If that be so, I think there is absolute justice in retaining the House provision and paying them for the time that they are held on duty and yet not permitted to work.

Mr. ALLISON. Since the RECORD has been printed at the Public Printing Office the type-setters have been paid by the thousand ems. This is the first instance that I know of where they have asked Congress to give them additional compensation. There are a large number of them. I believe nearly all the printers in the Public Printing Office are paid in this way, and if we are to pay any portion of the printers in the Public Printing Office because for a day or two for some reason or other, or even for a week, there is no type-setting to do, we shall enter upon a system of extra compensation which will result in very large sums of money being paid from year to year.

Mr. BLAIR. I had occasion to inquire into this matter a little, and suggested to the printer who came to me with it the same view of the subject which the chairman of the committee has now presented to the Senate, why it was that for the first time they made this claim, because it seemed to me it would be setting a dangerous precedent, and that the Senate would hesitate to allow the bill to remain as it came from the House making this appropriation. He said to me that this was an exceptional year; that during those days from the 22d of last December to the 7th or 8th of January this year they had had no work whatever. Why it had been so he hardly knew, but always hitherto they had been allowed to work and had worked during the vacation; while others were enjoying their holidays they had work and they were paid, paid by the job; but this year, although they were kept there on duty and were losing their time while others were being paid, the Public Printer gave them no work at all. Hence they thought it was just that they should receive their compensation as usual. They were there in readiness to work and had every reason to suppose that they would be employed as usual, but they failed to get work. They needed the work; others were having it when they were doing nothing, and they thought they should have pay for that time.

Mr. MAXEY. I had a conversation with a young man of intelligence employed upon the RECORD. I asked him in respect to the way they were paid. He informed me by the thousand ems, as he called it, or some expression of that kind; I do not know anything about the work.

During the recess no RECORD is published. Their work is night-work necessarily. That corps is organized, and organized to keep up the RECORD, which is the finest printing that is done, I venture to say, in America or anywhere else. When we are off taking a recess we draw our pay; and when we keep those men here there is no justice to my mind in requiring them to live off of what they have made by hard labor until we get ready to put them back to work.

I think the action of the House is precisely right, and that it is just and fair. We had as well stop our pay, and I think we ought to stop our pay when we take a recess and none of us are tired and there is no need for taking a vacation. We did not do that, and I do not see why these men should not get their rights.

Mr. CONGER. Almost all the other employés of the Government are paid one-twelfth of the time of the year for a leave of absence of thirty days in each year. These printers are required to excel in their profession, and the accuracy and promptness with which the RECORD is published shows perhaps that they are the best skilled printers in the world. That is said of them. In the short session they have but three months' service altogether here, or about that during the year, and it is absolutely necessary in order to carry on the business of printing for the Government that there should be kept here the best printers in the world during the time of the session of Congress, so that the work may be done promptly; and it has always required to be well paid. The work must be done at night, after 11 or 12 o'clock, to have the RECORD ready for the Senate at 8 or 9 o'clock in the morning. It leaves but a small portion, three months, with the recess which we have in the short term, for them to work, and they stay expecting continuous work. So some of these printers, a committee of them, told me that this year there has been, for some reason, a lack of work. They have no leave of absence. They are paid solely for the work they do.

I think it is no more than right, especially in the short session, that they should be paid some compensation for the time they are required to be here to be ready to carry on the printing of the Government.

If they receive but little if any more than they could receive for work in other cities, and I think the law requires them to be employed at what would be called the average wages in other large cities of the country, it seems to me just and right that these men, required to be here, required to excel in their labor, required to do night-work, required to keep up printing at whatever cost of labor and time, who are deprived of employment for some days in the winter, should receive this compensation, and I shall vote most cheerfully to keep the provision in the bill.

Mr. PLUMB. Mr. President, this thing is not very large, and I heartily indorse all that has been said about the character of the work that these men do; but I have never heard it suggested that they were not paid composition wages satisfactory to them. It has been frequently said to me that they are paid higher than is paid for similar composition by private parties. I am willing to admit that taking the scale of wages which the Government pays as compared with the wages paid for similar services by private parties we ought to pay these people more. I think that generally those who are employed in the Government Printing Office by the month or by the year are not paid any more or perhaps not as much as the Government pays in other departments.

There is no question, as I said, about the excellence of the work, but I ask Senators to consider that here is a character of work which has been done by the piece. I do not say whether wisely or not, but it has been done by the piece; that is to say, by the thousand ems. It is work which pertains to the session, and that session is always interrupted during the holidays. It is a necessary part of the understanding with which these people engage in the work when they undertake it that there will be a vacation during the holidays. As I understand, those who work upon the RECORD are specially allotted there to work, and when that fails of course they do not get other work.

Mr. BLAIR. Will the Senator allow me to say that I asked particularly as to that point, and I was informed by one of these men that during the vacation they have always hitherto received other work, so that they were kept employed upon books and other publications, and they were really drawing pay precisely as though they had been at work upon the RECORD; but this year they were obliged to remain, and for some reason, by no fault of theirs, the ordinary extra work furnished during vacation failed them.

Mr. PLUMB. I do not think that is quite true. Besides, I think it will be found that those who work this year do not work next year, and so on; that is, the force changes from time to time.

But I want to call the attention of the Senate to the fact that there is in the Government Printing Office a very considerable force of women and men, very largely women, engaged in what is known as piece-work, in the binding department, and in stitching and various kinds of work of that class. I know of my own personal knowledge that a very con-

siderable portion of that force is furloughed from time to time, a day or two days, a week or two weeks, during which no pay is allowed at all; and that is totally unexpected; that is to say, it comes at times that can not be anticipated. It is not like the ordinary interreguum that occurs in the publication of the RECORD every year and which is thoroughly understood, and yet these poor women, and men also, who work at this piece-work only get wages for the actual number of hours that they work, and some of them are now down almost to the starvation point by reason of the fact that there is not work enough. Some very hard cases have come under my observation, and I have sometimes thought that perhaps we ought to change the method of doing the work in the Government Printing Office and make it all time-work instead of piece-work.

It would not bother me a great deal to vote to pay these people so far as this case is concerned, if you regard this simply as a donation, or extra compensation, or whatever you may call it, to meet an unforeseen emergency; but I wish to call attention to the fact that there are other classes of people in the Government Printing Office and in the Government employ elsewhere who are equally meritorious, and who are doing a great deal of printing, as the Senator from Iowa says, where the work is carried on by the piece also; and if we are to establish the rule that when we get a person in our employ for one day, or for one month, or for two months, working by the piece, the moment the employment commences we are under some obligation to make it continuous, and to pay not what they earn but what they might have earned. If we attempt that it opens up a pretty wide door.

It seems to me that while in this particular case there is something to be said, that is not the strongest argument which has been presented to me. I have heard a very intelligent printer who presented this memorial, and the strongest part of the claim that he urged to me was that since the session opened there had not been as many speeches made as usual this year, and consequently the RECORD was "light," as he expressed it, all the way through. I think some guileless gentlemen like the Senator from New Hampshire, the Senator from Michigan, or the Senator from Indiana ought perhaps to feel some special responsibility in this matter, in that we have not padded the RECORD this year as much as usual, and therefore the very just anticipation was not realized, because I admit that a failure to realize on an investment of this kind would be one of that peculiar character of unforeseen emergencies to which the Government ought to respond.

No doubt the work during the winter has been, as these men say, "light." They have not realized the profit for their labor which they expected, and their labor has been, as everybody knows of course who sees the RECORD every day, as it always has been in fact since I have known anything about the RECORD, of a very conspicuous character; but it is a kind which the Government has paid for, and as to the price of it there has been heretofore no controversy.

As I said, I should not object to giving this extra pay if that was all there was of it, but it seems to me it is opening up a very wide door; and when I think of the pale-faced women I have seen there, who are eking out a miserable pittance, hovering between life and death, confronted almost by starvation, in almost nakedness, who are working by the piece, and who by reason of the frequent furloughs are not able to earn more than the money which is necessary, as I said, to barely keep their breath in their bodies, I feel as though there was even a stronger claim than this, and that perhaps we ought to reorganize this service in such a way as to have either a less force continuously employed, or to have some fair understanding in regard to the portion of time in which employment shall be given, so that claims of this kind may not arise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the Committee on Appropriations.

The question being put, there were on a division—ayes 14, noes 29.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired on this question with the Senator from Tennessee [Mr. HARRIS].

Mr. PLUMB (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

The roll-call was concluded.

Mr. CALL. I desire to announce that my colleague [Mr. JONES, of Florida] is detained from the Senate by sickness. He is paired with the Senator from Nevada [Mr. JONES].

The result was announced—yeas 13, nays 34; as follows:

YEAS—13.

Allison,	Colquitt,	Fair,	Vance.
Beck,	Dawes,	Morrill,	
Cameron of Wis.,	Dolph,	Sawyer,	
Chace,	Edmunds,	Sherman,	

NAYS—34.

Bayard,	Hampton,	Manderson,	Sewell,
Blair,	Harrison,	Maxey,	Van Wyck,
Call,	Hawley,	Miller of Cal.,	Vest,
Conger,	Hoar,	Miller of N. Y.,	Voorhees,
Frye,	Ingalls,	Mitchell,	Walker,
Garland,	Jackson,	Palmer,	Williams,
Gibson,	Jones,	Pendleton,	Wilson.
Gorman,	Lapham,	Pugh,	
Groome,	Mahone,	Ransom,	

ABSENT—49.

Aldrich,	Cullom,	Kenna,	Plumb,
Bowen,	Farley,	Lamar,	Riddleberger,
Brown,	George,	Logan,	Sabin,
Butler,	Hale,	McMillan,	Saulsbury,
Camden,	Harris,	McPherson,	Slater.
Cameron of Pa.,	Hill,	Morgan,	
Cockrell,	Jones of Florida,	Pike,	
Coke,	Jones of Nevada,	Platt,	

So the amendment was rejected.

Mr. ALLISON. I will venture on behalf of the Committee on Appropriations to offer one more amendment, which is to supply an omission. In line 129, I move to strike out "$5,000" and insert "$7,500;" so as to read:

For court-house and post-office at Frankfort, Ky.: For paving, fences, and grading approaches, $7,500.

The amendment was agreed to.

Mr. ALLISON. In line 130 I move to strike out "$5,000" and insert "$7,500;" so as to read:

And for retaining-wall of lot, $7,500.

Mr. HARRISON. Are the amendments the Senator is proposing to the item for the public building at Frankfort suggested by the estimates, or what reason is there for changing the appropriation?

Mr. ALLISON. They are in the Book of Estimates and recommended by the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 131 I move to change the total by striking out "$10,000" and inserting "$15,000."

The amendment was agreed to.

Mr. ALLISON. The committee have instructed me to offer one more amendment, but I shall not offer it at this moment.

Mr. SHERMAN. I have two amendments reported from the Committee on the Library which have been twice passed upon favorably by the Senate on previous appropriation bills. I shall offer them again. First, at the end of line 2115, I move to insert as a new paragraph:

To enable the Joint Committee on the Library to purchase the portrait of General George H. Thomas, by Miss C. S. Ransom, $10,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. MORRILL. I desire to ask the Senator from Ohio if he considers that a work of art worth the sum of $10,000.

Mr. SHERMAN. This proposition has been debated very often and I believe has received the assent of the two Houses acting separately at different times. I believe it is a work of great merit. It has been debated and discussed here before, and I do not propose to debate it now. I think it is a work of very remarkable merit, a picture of very great value. The lady herself puts a higher value upon it. The Senate has twice agreed to pay her $10,000 for it. Once the House agreed to pay her $10,000, but it could not be acted upon in the Senate. I hope the portrait will be purchased, and I believe it will be if the Senate will now consent to the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The question being put, there were on a division—ayes 16, noes 21; no quorum voting.

Mr. SHERMAN. There is a quorum present, and I wish to state a little more fully about the picture. I do not care to enter into a debate at this late hour.

The PRESIDENT *pro tempore*. The Chair thinks a quorum is present, so the Senator may proceed, if there be no objection.

Mr. SHERMAN. This picture has been settled on by the Grand Army of the Republic, as evidenced by petitions signed by tens of thousands of soldiers which are on the files of the Senate Committee on the Library. The subject has been canvassed for some ten years, and these soldiers, who have taken great pride in the character and services of General Thomas, have selected this as a proper memorial of that great soldier. The work has been submitted time and again to the inspection of the most critical of all persons, and it has been agreed on all hands to be the best picture that has ever been made of General Thomas, it having been taken from life and representing a scene of actual war.

The picture was painted at great expense, the lady having occupied three or four years of her time in making it. It has been selected by the persons who honor the memory of General Thomas as the best possible memorial that could be made of him. It is a very large picture, representing besides the figure of General Thomas on horseback a scene at one of the great battles of the war.

I hope the Senate will not go back upon its action heretofore but will vote this appropriation. Although it is a large sum for a picture, yet it is one of those historical pictures which will ornament the Capitol and will be regarded with favor not only by the soldiers who wish to commemorate and give honor to the merits of General Thomas, but I believe will be regarded as a favorite picture in the Capitol. It is intended for one of the panels of the Capitol.

I know there is a quorum present, and I shall ask for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered.

Mr. WILLIAMS. I desire to ask the Senator from Ohio who painted the picture.

Mr. SHERMAN. Miss Ransom.

Mr. WILLIAMS. What is the price?

Mr. SHERMAN. Ten thousand dollars. It is a very large and a very costly picture.

Mr. VOORHEES. Mr. President——

Mr. SHERMAN. Before the Senator from Indiana proceeds, I wish to say that this matter has come to me partly by inheritance. This picture has been chosen by at least three or four different Joint Committees on the Library, and I believe by their unanimous vote.

Mr. VOORHEES. I simply desire to say that from the fact that I have been connected with the Committee on the Library ever since I have been a member of this body, I have a very considerable knowledge of this great painting. I desire to say further that I am satisfied this proposition represents the expressed wishes of more than half a million of survivors of the late war on the Union side. It is a great and powerful painting of a very great, strong soldier. The war was prolific of great men on both sides. The time will come when they will all be preserved. We are a great people, making a great history, and it is a part of our policy to preserve in a reasonable way the monuments, statues, and paintings of men who have distinguished themselves in American history.

But few men have made a stronger impression on the American mind than General George H. Thomas, and I should regret extremely if the Senate of the United States should reject the only worthy painting that has ever been presented of him. The Government owns no painting of General George H. Thomas, and there are those instances connected with his service which endear him to the public mind almost if not quite as much as any other Union general.

We make this one purchase; it is $10,000. It is a small sum to perpetuate and hand down to posterity a faithful likeness of the general whom it represents.

I hope, after years of association with the subject, that the Senate will honor itself by accepting this painting. I only wish that every eye in this body could see it as I have seen it and as others have. It is on exhibition now in the Hall of the House of Representatives, and is a great and noble painting. While the sum sounds large for a portrait, yet it is not large. Estimated as other nations estimate and prize their paintings worthy of a government's possession, it is not a large price.

I could say more, but I hope I have said enough. I shall vote for the amendment with great pleasure, and in doing so I know that I vote to comply with the wishes which have been expressed here in the petitions, I think I do not exaggerate in saying, of more than half a million American citizens—over 500,000 people—because this is the picture designated and desired and petitioned for by the entire Grand Army of the Republic.

Mr. VEST. I should like to inquire of the chairman of the Committee on the Library, who has brought forward the amendment, if this is one of the pictures against the purchase of which the Academy of Fine Arts, Philadelphia, have made public protest?

Mr. SHERMAN. I do not know of any such protest by the Academy of Fine Arts. I know some gentleman, signing himself as a member of the Academy or Society of Fine Arts, has sent here criticisms of the picture; but I suppose there never was a picture of mortal man painted, including the famous and grand pictures of La Fayette and Washington in the Hall of the House of Representatives, that has not been equally criticised.

Who would take $10,000 for either of those great portraits? The name, the association, and all the surroundings will make this picture more and more valuable and more and more historic. Who has not criticised the great paintings which surround the dome of the Capitol? Even John Randolph made one of those pictures ridiculous by his sharp and acute wit. Yet there is not a man in America who would wish the Government to sell the picture of the Declaration of Independence for $100,000. I am told that Mr. Thackeray also pronounced it as outrageous. Mr. Randolph thought there were too many legs in it, and various criticisms of that kind have been made upon it.

I am not an artist; I am not even a judge of paintings. I should not consider my opinion as worth anything; but I place reliance upon the fact that so many men who loved Thomas, and with whom he is a hero, think that this is a great picture, and they have seen it and observed it, and many persons with whom I have conversed and whose opinion is certainly worth consideration speak of it as a grand picture, a picture that will be immortal, or one that will last at least as long as the canvas endures. I do not regard the criticism of a single person as of great weight, because there never was a painting which did not encounter that kind of criticism even from artists. Sometimes there are no people more uncharitable in regard to the work of other artists than artists themselves.

Mr. VEST. I am not placing myself on any pedestal as an artistic or esthetic critic. I never saw this picture, but I certainly would attach a good deal of weight to the opinion of the Academy of Fine Arts of Philadelphia, because if there is any tribunal in this country competent to pass an opinion upon paintings it is that association of gentlemen.

Mr. VOORHEES. May I ask the Senator from Missouri whether the members of the Academy of Fine Arts in Philadelphia have seen this picture?

Mr. VEST. I do not pretend to say whether they have seen it or not. I saw the statement in a newspaper, published over the signatures of the members of that academy. I suppose they had seen it. They pronounced it a "daub;" I believe that is the language that was used. I have never seen the picture, and I simply speak of this statement because I take it that gentlemen of their position would not make a false public statement and risk their reputation upon it. It is not fair to assume that they did it from any hostility to this lady. As to General Thomas, it is perfectly useless to talk about bringing his character in question here, and to say it is a painting worthy of General Thomas. As a matter of course it might be some tribute to his memory, but it will not if it is a caricature, as those gentlemen say, in which case it would be an injustice to his memory to make the purchase.

As to the size of the painting, we are certainly not buying it by the square inch. In this Capitol to-day there are daubs, actual caricatures, almost acres of canvas. Right here in this Capitol is a painting in which absolutely there are six toes to the foot—a thing of which a charcoal sketcher would be ashamed. We have paid thousands of dollars for these paintings. I do not pretend to say that this is one of them, but I say that I shall not vote $10,000 after the Academy of Fine Arts, or members of it, men of reputation, have pronounced it to be a painting which is not worthy to be purchased by the United States Senate. I shall defer to their opinion.

Mr. VOORHEES. I know that thousands of men who served with General Thomas and saw him daily in battle, on the march, and everywhere else, have risked their reputations in certifying in the strongest manner that this is a noble and faithful representation of him. I could enumerate names. I need not do so perhaps. I could commence, however, with General Sherman and go through the list of distinguished men who knew General Thomas and who recommend the purchase of this picture as a faithful and worthy representation of him to posterity. I had rather abide by their judgment than by the newspaper criticism of men representing themselves to belong to some academy of art.

There is not a work of art in this Capitol which has not been written down as a wretched failure by somebody or other, whether the person has ever seen it or not. I do not agree with the Senator from Missouri that the Capitol is disfigured with daubs. I do not know where they are. Is it the picture of Perry's battle on Lake Erie over yonder? Is it Chapultepec here? Is it the painting of the Yellowstone Cañon and the Colorado scenes? Are those daubs?

I say with the Senator from Missouri that I do not set myself up as an art critic, and yet I believe I have a loving eye for things that are beautiful, and I can see coarse and incongruous features in paintings when they are there. I have lingered by the panels which are adorned with paintings about this Capitol perhaps as much as any other gentleman, and have seen what it was good to see and what it was evil to see.

I confess that this wholesale sweeping denunciation of the works of art in the national Capitol never commended itself to me. I do not speak this of the Senator from Missouri; I am speaking now in more general terms of that iconoclastic spirit which moves around and seeks to destroy everything that everybody else has done—the destructive spirit which has criticised Houdon's statue of Washington and everything else that has been done here. Nothing is done right in the eyes of some people.

All I desired to say was that I placed my approval of this picture upon the testimony of those who are better capable of judging than the Academy of Art, or Science, or whatever it may be, over at Philadelphia. [Manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will take into custody any person violating the rule of the Senate in making any symptoms of applause or disapproval of any of the proceedings of the Senate, and his officers will execute the order. The question is on agreeing to the amendment proposed by the Senator from Ohio, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 27, nays 22; as follows:

YEAS—27.

Aldrich,	Frye,	Jones of Nevada,	Palmer,
Blair,	Gorman,	Lapham,	Platt,
Chace,	Harrison,	Mahone,	Sherman,
Conger,	Hawley,	Manderson,	Van Wyck,
Cullom,	Hill,	Miller of Cal.,	Voorhees,
Dawes,	Hoar,	Miller of N. Y.,	Wilson.
Dolph,	Ingalls,	Mitchell,	

NAYS—22.

Bayard,	Garland,	Jones,	Ransom,
Brown,	Gibson,	Kenna,	Vance,
Coke,	Groome,	McPherson,	Vest,
Colquitt,	Hampton,	Morgan,	Walker.
Edmunds,	Harris,	Pendleton,	
Fair,	Jackson,	Pugh,	

ABSENT—27.

Allison,	Cameron of Wis.,	Logan,	Sabin,
Beck,	Cockrell,	McMillan,	Saulsbury,
Bowen,	Farley,	Maxey,	Sawyer,
Butler,	George,	Morrill,	Sewell,
Call,	Hale,	Pike,	Slater,
Camden,	Jones of Florida,	Plumb,	Williams.
Cameron of Pa.,	Lamar,	Riddleberger,	

So the amendment was agreed to.

Mr. SHERMAN. On page 87, after the amendment just agreed to, I move to insert:

To enable the Joint Committee on the Library to purchase the painting of the Electoral Commission of 1877, by Mrs. C. Adele Fassett, $15,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 31; as follows:

YEAS—25.

Allison,	Hawley,	Manderson,	Sewell,
Blair,	Hoar,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Ingalls,	Miller of N. Y.,	Voorhees,
Conger,	Jones of Nevada,	Mitchell,	Wilson.
Dawes,	Lapham,	Palmer,	
Dolph,	McMillan,	Platt,	
Harrison,	Mahone,	Sawyer,	

NAYS—31.

Aldrich,	Frye,	Jackson,	Plumb,
Bayard,	Garland,	Jonas,	Pugh,
Brown,	George,	Kenna,	Vance,
Call,	Gibson,	McPherson,	Van Wyck,
Coke,	Gorman,	Maxey,	Vest,
Colquitt,	Groome,	Morgan,	Walker,
Cullom,	Hampton,	Morrill,	Williams.
Fair,	Harris,	Pendleton,	

ABSENT—20.

Beck,	Chace,	Hill,	Ransom,
Bowen,	Cockrell,	Jones of Florida,	Riddleberger,
Butler,	Edmunds,	Lamar,	Sabin,
Camden,	Farley,	Logan,	Saulsbury,
Cameron of Pa.,	Hale,	Pike,	Slater.

So the amendment was rejected.

Mr. HOAR. On page 87, after the amendment last adopted, I move to add the following paragraph:

For the purchase of five manuscript volumes, being the letter-books of William Vans Murray, formerly minister of the United States at the Hague and at Paris, $1,500.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. HOAR. This comes from the Committee on the Library. These letters have been very carefully examined by the committee and by Mr. Spofford. They are historic documents of great importance in our documentary history. Mr. William Vans Murray was our minister at the Hague, and was one of the three commissioners sent to France in John Adams's time, in the time of the Directory and the early part of the French revolutionary period. Among other very interesting matters is the account of a visit to him by La Fayette when he left the prison at Olmutz.

I shall not detain the Senate by going into a full discussion of the matter, but these manuscripts are of great historic importance, and would be of great value to our library. The committee were of opinion that they are worth the price which we have fixed upon them. The owner thought he ought to receive a much higher price.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to; there being on a division—ayes 25, noes 18.

Mr. CULLOM. I ask the chairman of the Committee on Appropriations to consent to turn back to line 240, so that I may move to strike out three words.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that the whole bill is now as in Committee of the Whole and open to amendment.

Mr. CULLOM. The chairman of the committee will not object. In line 240, after the word "building," I move to strike out the words "under present limit;" so as to read:

For post-office and court-house at Quincy, Ill.: For completion of building, $47,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. CULLOM. In line 209, after the word "building," I move to strike out the words "under present limit;" so as to read:

For post-office and court-house at Peoria, Ill.: For completion of building, $76,000.

Mr. CAMERON, of Wisconsin. I will inquire what the present limit is?

Mr. CULLOM. The present limit is just what the bill appropriates, but the Senate has passed a bill appropriating an additional sum, which will probably pass the House; hence those words are not needed there. There can not be any objection to striking them out.

Mr. CAMERON, of Wisconsin. I object.

Mr. CULLOM. Then I move to strike them out, if the Senator does object.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois.

Mr. HARRISON. The chairman of the Committee on Appropriations makes no objection to this amendment.

Mr. CULLOM. I so understand it.

Mr. CAMERON, of Wisconsin. It is not subject to a point of order.

Mr. HARRISON. I say the committee do not oppose it.

Mr. CULLOM. I understand the chairman of the committee has assented to striking out those words in both places.

The amendment was agreed to.

Mr. MAHONE. I offer an amendment which is in conformity with the action of the Senate in respect to the public building at Columbus, Ohio. The amendment I propose is recommended by the Committee on Public Buildings and Grounds re-enforced by the recommendation of the Secretary of the Treasury. After line 107 I move to insert:

For making the public building at Harrisonburg, Va., fire-proof, $15,000.

Mr. ALLISON. Is that amendment in order?

The PRESIDING OFFICER. The Senator from Virginia states that it is offered by the direction of the Committee on Public Buildings and Grounds.

Mr. MAHONE. It was before the Committee on Appropriations, and I understand it was left out simply because the committee had agreed not to report a number of amendments of this character.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. MAHONE. I move to insert after the amendment just adopted:

For making the public building at Abingdon, Va., fire-proof, $12,000.

The amendment was agreed to.

Mr. MAHONE. I move to insert after the amendment just adopted:

For enlarging the plan of the public building at Lynchburg, Va., and making the same fire-proof, $25,000.

Mr. ALLISON. Has this amendment been referred to the Committee on Appropriations?

Mr. MAHONE. It was referred to the Committee on Appropriations and it is recommended by the Secretary of the Treasury.

Mr. ALLISON. And by the Committee on Public Buildings and Grounds?

Mr. MAHONE. Yes, sir. It was referred to your committee, but was not reported because you concluded to report no amendment of that character. However, that rule was changed after the adoption of the amendment of a similar nature in respect to the public building at Columbus, Ohio.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. ALDRICH. After line 1214 I move to insert:

Naval training station, Coasters' Harbor Island, Rhode Island: For completing wharf and for the maintenance and repair of sea-wall, roads, and grounds, and the necessary labor and implements required for the proper preservation of the same, $25,000.

Mr. ALLISON. I raise a point of order on the amendment.

Mr. ALDRICH. I think it is not subject to the point of order. On page 150 of the estimates submitted by the Secretary of the Treasury will be found estimates for this work, $60,000.

Mr. ALLISON. Is the amendment reported from any committee, I will ask the Senator?

Mr. ALDRICH. It is not subject to the point of order, I think, under the last sentence of the first clause of the sixteenth rule.

The PRESIDING OFFICER. The sixteenth rule provides that—

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. ALDRICH. I send to the Chair the estimates of the Department.

The PRESIDING OFFICER. If it is in pursuance of an estimate, the Chair holds that the amendment is in order.

Mr. ALLISON. It is estimated for.

Mr. ALDRICH. The estimate is $60,000. It is to continue work already in progress. I ask only for $25,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORMAN. After line 344 I move to insert:

For the establishment of range-lights at the new cut-off channel entrance to Baltimore, Md., $25,000.

Mr. ALLISON. Is that estimated for?

Mr. GORMAN. It is. It is to be found in the Book of Estimates, page 146.

Mr. ALLISON. Then under the ruling of the Chair I suppose it is in order.

The PRESIDING OFFICER. If it appears in the estimates the Chair thinks it is in order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PALMER. I move to amend the substitute I offered this morning by inserting after the word "Michigan," in line 11 of said substitute, the words "approved March 2, 1885."

The PRESIDING OFFICER. Does the Chair understand the Senator to move to amend a substitute which was adopted as in Committee of the Whole to-day?

Mr. PALMER. Yes, sir.

The PRESIDING OFFICER. The Senator's amendment will not be in order until the bill shall have been reported to the Senate.

Mr. PALMER. I shall reserve that amendment for a separate vote there.

Mr. VOORHEES. I am authorized by the Committee on the Library to move to insert at the end of line 2115, after the amendment agreed to on that page:

For the purchase of 1,000 copies of the work entitled Original Portraits of Washington, by Elizabeth Bryant Johnston, to be distributed to public libraries under the orders of the Senate, $12,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VOORHEES. This amendment is authorized by the Committee on the Library. For many years past this lady has been engaged in securing the authentic original portraits of Washington and in giving their history. The result is a volume which I hold in my hand, one of the most creditable volumes to industry and ability that I have known published in the last quarter of a century, throwing vast light upon the history of the most important character in American annals. In order to give a better idea than I could otherwise do, I shall take the liberty of reading a paragraph or two from the preface to the work. After some preceding remarks the author says:

The large number of portraits proven to have been original may provoke a smile in the reader, as they have amused the writer, and will suggest, to one who has given the matter only passing attention, an overproportion of personal vanity on the part of Washington. This is an unjust conclusion; for the truth is developed, that the American hero was made a martyr to the devotion of his friends at home and his admirers abroad. We have him presented as citizen, soldier, statesman, and patriarch. Artists followed him through campaigns, visited him at Mount Vernon, sketched him on parade, in the council-room, at dinner, drew his features in the church and in the theater. Washington was proverbially a bad sitter; and he became so restive under these increasing demands, that he was wont to declare, even in the earlier years of his military career, that each yielding to such requests should be the last; but he finally, not very gracefully it must be confessed, would submit to the inevitable. Old comrades naturally desired a counterpart of the face and form they had watched in many an hour of peril; women often asked the favor of a portrait of the leader of the armies in which their husbands and their sons fought; artists were sent by monarchs and nobles of Europe to secure an accurate rendering of the features of the citizen of the New World who commanded their veneration. In the history of man there is not to be found a parallel to the wide-reaching respect and admiration given personally to Washington; nor has a century subdued the world's ardor. In 1863, while ascending a mountain road near Lake Lugano, Italy, an American traveler entered a small pavilion, a wayside resting-place, wherein he found only a bust of Washington. It bore no inscription, but was in itself an eloquent tribute from some lover of liberty.

This book presents a correct, reliable history of every original picture known of Washington from the time when at 25 years of age he was sketched on ivory by Copley in Boston. The circumstances of that first picture which is known of Washington are as follows: After the fatal battle of Braddock's Field he was sent for to Boston to be inquired of there as to that campaign, and while there the handsome, splendid, young Virginia colonel, less than 25 years of age, was painted by that great artist Copley, and it is here and its history given. From that time until Washington was painted in his old age by Gilbert Stuart and various other eminent artists, embracing the Peales, father and son, and Rembrandt Peale, the authentic history of each original portrait is given here.

I feel that to the youth and to the aged also of American readers this would be one of the most instructive books that could be given to the public by the Congress of the United States. I do not know whether the love of the Father of his Country has waned or not. I do not think it. From what I have recently seen, I am inclined to regard this as a good year for Washington memorials, and in presenting this noble monument to history I feel that I am doing something worthy of the name of the man who is here commemorated.

I know how inadequately my remarks do justice to this subject, but I submit, after full consideration by the committee, that we have done what will commend itself to the public justice, and this book, being purchased, will be placed in the public libraries of the country, one of the handsomest, one of the noblest, and best executed works that ever was presented to Congress for adoption.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

The question being put, there were, on a division—ayes 19, noes 27.

Mr. VOORHEES. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 32; as follows:

YEAS—21.

Beck,	Hill,	Mahone,	Voorhees,
Blair,	Hoar,	Miller of Cal.,	Williams,
Cameron of Wis.,	Ingalls,	Mitchell,	Wilson.
Dawes,	Jones of Nevada,	Palmer,	
Frye,	Lapham,	Sewell,	
George,	McMillan,	Sherman,	

NAYS—32.

Allison,	Fair,	Jackson,	Pendleton,
Bayard,	Garland,	Jonas,	Platt,
Butler,	Gibson,	Kenna,	Plumb,
Coke,	Gorman,	McPherson,	Pugh,
Colquitt,	Groome,	Manderson,	Sawyer,
Conger,	Hampton,	Maxey,	Vance,
Dolph,	Harris,	Miller of N. Y.,	Van Wyck,
Edmunds,	Harrison,	Morgan,	Vest.

ABSENT—23.

Aldrich,	Chace,	Jones of Florida,	Riddleberger,
Bowen,	Cockrell,	Lamar,	Sabin,
Brown,	Cullom,	Logan,	Saulsbury,
Call,	Farley,	Morrill,	Slater,
Camden,	Hale,	Pike,	Walker,
Cameron of Pa.,	Hawley,	Ransom,	

So the amendment was rejected.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to offer an amendment, to come in after line 315.

Mr. VOORHEES. Will the Senator from Missouri allow me a moment? I desire to inquire whether I can renew my amendment again in the Senate.

The PRESIDING OFFICER. The bill is in Committee of the Whole.

Mr. VOORHEES. Then I give notice I will renew the amendment in the Senate.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. VEST] will be read.

The CHIEF CLERK. On page 14, after line 315, it is proposed to add:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Montpelier, in the State of Vermont, a substantial and commodious public building, with fire-proof vaults, for the use and accomodation of the post-office, court-house, and internal-revenue office. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $75,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and for the purposes herein mentioned the sum of $75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Vermont shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

Mr. VAN WYCK. By direction of the Committee on Public Buildings and Grounds I submit the following amendment, to come in immediately after the amendment just adopted:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to procure a proper site, and cause to be erected thereon a suitable building, with fire-proof vaults, in Nebraska City, Nebr., for the accommodation of the United States district court, post-office, and other Government offices in said city, at a cost not to exceed $75,000, including cost of site; and the said sum of $75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose herein mentioned: *Provided*, That no money shall be used or applied for the purpose mentioned until a valid title to the land for the site of such building shall be vested in the United States; and no expenditure of money shall be made on the building proposed to be erected on said site until the State of Nebraska shall duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

Mr. ALLISON. Is this amendment subject to a point of order?

The PRESIDING OFFICER. The Senator from Nebraska states that by direction of the Committee on Public Buildings and Grounds he offers the amendment. The Chair thinks the amendment is in order. The question is, will the Senate agree to it.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment, to come in after line 315.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation for the United States circuit and district courts, post-offices, and other Government offices, at the city of Wilmington, in the State of Delaware. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $250,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Delaware shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ALLISON. I ask if that amendment is in order?

Mr. BAYARD. The amendment is a bill reported by the Committee

on Public Buildings and Grounds at the present Congress, which has already passed the Senate, is now pending before the House, and has been reported favorably there.

The PRESIDING OFFICER. If the Senate has passed the bill authorizing the completion of such a building, the Chair holds the amendment to be in order under Rule XVI. The question is: Will the Senate agree to the amendment proposed by the Senator from Delaware?

Mr. MILLER, of New York. Do I understand that the Committee on Public Buildings and Grounds propose to put upon this bill all the public buildings bills which have passed this body, and which have not yet passed the House of Representatives? If so, I see no objection to it; but if not so, I call upon the chairman of the Committee on Public Buildings and Grounds to report as an amendment to this bill a bill which passed here at the last session for a public building at Saratoga, N. Y. That bill has been reported favorably in the House of Representatives, but, owing to the condition of business there, it has not passed. If the Public Buildings Committee propose here to do this I call upon that committee to treat all public buildings on an eequality and all Senators on the same footing in this matter. I ask for an answer from the chairman of the committee.

Mr. MAHONE. Mr. President, the Committee on Public Buildings and Grounds is not undertaking to do any such thing as the Senator understands. It does not propose to report as an amendment to this bill all the bills that have passed the Senate and failed in the House, but there are extraordinary cases——

Mr. MILLER, of New York. The Senator will pardon me for a moment.

Mr. MAHONE. Allow me to finish and then I will yield entirely. There are extraordinary cases; there are some of the States that have had no public buildings during this Congress, and there are others that have had two and some as high as three buildings, and the committee think in those cases, where no buildings have been allowed to a State by the passage of a bill through both bodies, it is but fair they should have an opportunity to put one building on this bill for such States. That is the state of the case.

Mr. MILLER, of New York. I simply desired to have a statement made by the chairman of the committee as to the grounds on which they make exceptions in these cases. I have noticed that two or three bills have been offered here as amendments, and when they have been presented the Senators presenting them stated they did so by instruction of the Committee on Public Buildings and Grounds, which made them in order. Now another amendment is offered for another public building, the bill for which has passed this body either at this session or the last, and upon that ground it is to be put upon this bill.

I think that the Committee on Public Buildings and Grounds should treat all these applications alike. I do not care for one to enter into any unseemly scramble for my State or my constituents. They have been fairly treated and I have no disposition to find any fault with any of these measures; but it does seem to me that if the Senate now put upon this bill amendments for public buildings such as have passed the Senate during this session or the past, but have failed in the House, the committee should take up all those bills and put all of them upon this measure as amendments. I submit to their own sense of fairness and propriety to do it. I do not propose, as I said, to enter into any scramble on this matter. I leave it to the committee to decide for itself what it will do.

Mr. MORRILL. Mr. President, it is but due that I should make a statement in relation to this matter. I understand that thus far there has been but one building put upon this bill that has passed the Senate heretofore. It was proposed by the Senator from Delaware to put one on that has passed the Senate, and the Committee on Public Buildings and Grounds have not moved as an amendment the bill proposed by the Senator from Delaware, which I think is a meritorious case and ought to go on. That proposition has not been before the Committee on Public Buildings and Grounds. The amendment reported by the Senator from Missouri for Vermont, I will say, is to supply the capital of the State. There has not been any money appropriated for the State of Vermont for public buildings in the last thirty years. Every other State in the Union, so far as I know, has had a public building erected at the capital of the State. This bill passed two years ago and it passed again this year, and it is recommended in the House by the Committee on Public Buildings and Grounds, and I do not suppose there is a member at this end of the Capitol or the other who would vote against it. So far as the Committee on Public Buildings and Grounds are concerned, they have done this more at their motion than my own.

Mr. MITCHELL. I should like to ask the Senator from Vermont a question. Do I understand him to say that the amendment now proposed has not passed the Senate and has not been considered by the Committee on Public Buildings and Grounds?

Mr. MORRILL. The bill has passed the Senate heretofore, but has not been referred to the committee to be considered on this appropriation bill.

Mr. MITCHELL. Has it passed the Senate during this session?

Mr. MORRILL. During this Congress.

The PRESIDING OFFICER. The Chair will state to the Senator from Pennsylvania that on the question of order which was raised by the Senator from Iowa on the amendment of the Senator from Delaware it was held that as a bill authorizing the construction of this building had passed the Senate and was now pending in the House of Representatives, the amendment was in order. The question is, Will the Senate agree to the amendment of the Senator from Delaware?

The amendment was agreed to.

Mr. MILLER, of New York. I offer the following amendment, to be inserted after the amendment just agreed to:

For the purchase by the Secretary of the Treasury, from the present owners, the property in the town of Middletown, Richmond County, New York, known as the Seamen's Retreat, consisting of thirty acres, more or less, and buildings thereon, together with a water front of six hundred feet, more or less, the same to be used for the purpose of a marine hospital at the port of New York, $280,000.

I will occupy the attention of the Senate but a moment on this question. The United States Government is now occupying this ground and building as a marine hospital. It has been occupying it for two years under a contract which expires on the 1st of May next, at which time if the premises should not be purchased by the United States Government the Government will be without any marine hospital at the port of New York. While we have a marine hospital at nearly every other important port in the country, the United States Government has never owned and maintained a marine hospital at the port of New York. Before it leased these premises it had been in the habit of farming out the sailors who needed treatment there to the various hospitals about the city. A short time ago it erected a temporary hospital on Bedloe's Island, but it has been compelled to abandon it on account of the erection of the Bartholdi statue. Two years ago it leased these premises, and the Secretary of the Treasury makes this recommendation:

The recommendations heretofore made for the establishment of a national snug harbor, or sailors' home, are also renewed.

The recommendation of the Surgeon-General for the purchase of the Seamen's Retreat property at Staten Island, New York, as recommended by my predecessor, which recommendation was subsequently adopted by the Committee on Commerce of the present Congress (Report No. 1039), is respectfully renewed, and early action on the part of Congress is suggested. Without action the service at New York will probably be without a hospital when the lease of the building terminates, in May next. A return to the old contract system, formerly in vogue at that port, would, in my judgment, be highly injurious to the service.

I have here also the report of the Surgeon-General of the Marine-Hospital Service, urging in the strongest manner the purchase of this property; and, as I have already said, it has been two years in the control of the Government, under a lease, with the privilege of purchasing it at the expiration of the lease. The lease expires in May of this year.

This hospital and grounds belong to a number of charitable institutions, the Marine Society and the Seaman's Aid Society, and it has been leased by them to the Government of the United States. They have no longer any use for it; and if not purchased by the Government the property will undoubtedly be broken up and subdivided, and thus the Government will be prevented from continuing the lease or purchasing the property at any future time. It is undoubtedly one of the most desirable points in the harbor of New York for a marine hospital, and certainly the Government ought to have a marine hospital at that port.

The price here fixed has been agreed on by an appraisal and is undoubtedly a fair price; it is not excessive in any way; and it has been recommended now by two successive Secretaries of the Treasury that the premises should be purchased, and, if purchased, the amount paid for them will be much less than the cost of any marine hospital now at any of our prominent ports. The marine hospital at Boston cost $393,000; the one at Chicago has cost $420,000; the one at San Francisco, an old one, which is now being rebuilt, cost $231,000; the one at Detroit $109,000; and the marine hospital at New Orleans cost over $500,000.

This is entirely in the interest of the Marine-Hospital Service and in the interest of the Government.

Mr. MORRILL. May I ask the Senator from New York a question?

Mr. MILLER, of New York. Certainly.

Mr. MORRILL. Have not at the present session two bills passed for New York, one for Saratoga, and one for Troy? That is my recollection.

Mr. MILLER, of New York. I am not now talking about a building at Saratoga or any other place. My amendment is for a marine hospital at the port of New York.

Mr. MORRILL. A moment ago the Senator was talking about fair play to all the States.

Mr. MILLER, of New York. I was talking about fair play for all the States, and I still stand here to talk for fair play for all the States.

This is asked for by the Secretary of the Treasury and the Surgeon-General of the Marine-Hospital Service. It is not asked for by the people of the State of New York. It is not a public building to be used in the public service in the State of New York. It is a marine hospital for the care of the sailors of our marine. Quite likely some of them may come from the good State of Vermont and many of them from the States of Maine and Massachusetts, but certainly the Government ought to maintain a marine hospital in the port of New York.

A hospital tax has been levied upon the sailors of this country, and more than 15 per cent. of the entire sum heretofore collected has been collected at the port of New York, and yet during all these years it has been levied without any marine hospital at New York, and the sailors

have been farmed out to different hospitals scattered about the city and neighborhood, thus preventing any proper control or any proper management of the Marine-Hospital Service. This is undoubtedly a cheap property and should be bought. I submit the question.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. McPHERSON. I move to strike out from line 1172 to line 1176, as follows:

To pay in full the claim of the owners of the schooner Druid for damages occasioned by the collision of that vessel with the United States steamer Powhatan, in October, 1883, $11,519.88.

And in lieu thereof to insert:

That the claim of the former owners of the schooner Druid for damages caused by the collision of said schooner with the United States steamship Powhatan be, and the same is hereby, referred to the Court of Claims, under the provisions of section 1055 of the Revised Statutes.

Mr. ALLISON. Is that amendment in order?

Mr. McPHERSON. It is an amendment to the text of the bill. I am very much surprised that a provision has found its way into this bill for the Government to pay out the sum of $11,519.88 for this vessel, when, taking the whole testimony presented in the case, it is shown conclusively that the Government is not liable at all. The libellants in a case of collision certainly have to prove that they are without fault themselves, and that the opposite party is in fault. In this case no such proof has ever been made. The Government should not pay a dollar of this claim until such time as the Court of Claims has adjudicated upon it and declared it to be valid.

The first board of inquiry that was organized to act upon this case declared that there was only a sum of about $2,500 due for damages to the Druid. The captain of the Druid himself declared that he lost his head and ran his vessel against the Powhatan. The second board of inquiry were authorized only to investigate as to the value of the cargo and the value of the ship, without determining in any manner as to the liability of the Government. A claim for over $11,000 has found its way into the bill from the House of Representatives when last year it was rejected both by the House and by the Senate for the very reason I am now stating. It is presented here again. The Government is not liable for certainly more than $2,000 or $2,500 at the outside, and the claim is to be paid for $11,000. There certainly can be no hardship in permitting the libellants in this case to go to the Court of Claims and prove their case if they have a good one, but certainly the Congress of the United States should not make an appropriation to pay a sum of money which has no foundation in justice or right.

Let me say still further while on my feet that when the collision took place between these vessels it was in broad daylight. The vessels were nearing each other in opposite directions. The Druid had just as much opportunity of keeping out of the way of the Powhatan as the Powhatan had of keeping away from the Druid. The captain himself declared that he changed his helm and therefore threw his vessel against the Powhatan, seemingly for no purpose in the world except to wreck her, that he might make the Government pay for her. After the wreck the board of inquiry declared that the only damage the Druid had sustained was the loss of her spars and sails. Two Government officers from the Powhatan followed the vessel to port, and it was there discovered (contrary to what had been alleged by the owners of the Druid) that the vessel was not leaking. These two officers declared that she had not sprung a leak, that the cargo was not injured in the least. The second board of inquiry appointed by the Secretary of the Navy never saw the Druid at all, never had the opportunity of investigating the question as to whether she was damaged or not. I claim that the part of prudence and right in this matter would be to refer this whole case to the Court of Claims and let them decide whether the libellants have any claim or not.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is in order. As a proposition to pay a private claim it would be indefensible; but being merely a proposition to amend a provision in the bill relative to a private claim, the Chair thinks the amendment is in order. The question is on agreeing to it.

The amendment was agreed to.

Mr. McMILLAN. I offer an amendment, which I send to the desk, to be inserted after the last appropriation for public buildings offered this evening. This is an amendment which has been recommended by the Committee on Public Buildings and Grounds; and a bill for the improvement has passed the Senate and has been reported favorably in the House also.

The PRESIDENT *pro tempore*. Has this amendment been referred to the Committee on Appropriations?

Mr. McMILLAN. The amendment has been referred to the Committee on Public Buildings and Grounds, reported favorably, and referred to the Committee on Appropriations by the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Minnesota will be read.

The SECRETARY. At the end of the amendments already adopted, after line 315, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices, at the city of Winona, Minn. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for his purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal law of said State and the service of any civil process therein.

That the sum of $20,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and toward the construction of said building.

The amendment was agreed to.

Mr. GROOME. Mr. President, I offer the following amendment, to come in after the one just adopted:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, custom-house, and other Government offices, at the city of Annapolis, Md. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of $100,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided further*, That no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Maryland shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ALLISON. I make the point of order on this amendment.

Mr. GROOME. I will state that this measure has already passed the Senate unanimously as a bill, and hence I do not think it subject to the point of order.

The PRESIDENT *pro tempore*. Has it been reported from a committee and referred to the Committee on Appropriations?

Mr. GROOME. It has not been referred to the Committee on Appropriations as an amendment to this bill.

The PRESIDENT *pro tempore*. The Chair thinks then it is not in order.

Mr. GROOME. But I think the case is exactly like that of the State capital of Vermont. Certain it is this is a building for a State capital. It is for the only State capital I think in the Union for which steps have not been already taken to provide a public building. I hope, therefore, that the point of order will not be pressed if the amendment is amenable to the point.

The PRESIDENT *pro tempore*. The Chair thinks if it has not been reported from the Committee on Public Buildings, and referred to the Committee on Appropriations, it is not in order under the decision of the Senate this morning on the yeas and nays after discussion as to the meaning of the words "carrying out an existing law" or "a bill or resolution previously passed by the Senate during that session."

Mr. GORMAN. A moment ago, in a case precisely similar at Montpelier, Vt., where the bill had passed the Senate at the last session and been reported from the Committee on Public Buildings and Grounds, the Chair held that under the rule that was in order, and it was inserted on this bill within the last half hour.

The PRESIDENT *pro tempore*. The present occupant of the chair was not present at that time.

Mr. GROOME. It was on the strength of that decision that I have moved the amendment.

The PRESIDENT *pro tempore*. The Chair bases his opinion on the distinctive decision of the Senate this morning after discussion and upon the yeas and nays as to the meaning of the words of the rule.

Mr. CAMERON, of Wisconsin. In the Vermont case the amendment had been introduced and referred to the Committee on Public Buildings and Grounds, reported back favorably from that committee, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That makes quite a different question.

Mr. CAMERON, of Wisconsin. Quite a different case. So that was clearly in order under the rule.

The PRESIDENT *pro tempore*. The Chair, unless the point of order is withdrawn, feels bound to hold that the amendment is not in order.

Mr. MILLER, of California. I offer an amendment which has been reported from the Committee on Foreign Relations, and referred to the Committee on Appropriations.

The CHIEF CLERK. After line 30, on page 2, it is proposed to insert:

To enable the President to bestow testimonials, as recommended in his message of January 27, 1885, upon those officers and subjects of the Russian Government who extended aid and comfort to the survivors of the Jeannette Arctic exploring expedition and assistance to the parties dispatched by the Government of the United States to relieve and succor the said survivors, and to convey to the Government and people of Russia an expression of the high appreciation in which the Government and people of the United States hold the humane services so rendered, the sum of $15,000 or so much thereof as may be necessary, the same to be immediately available.

Mr. MILLER, of California. That is recommended by the President to reward those people who aided the Jeannette, the list of which is given in the report made by the committee and which is contained in the President's message. I presume there will be no objection to the amendment.

Mr. ALLISON. Is this amendment from the Committee on Foreign Relations?

Mr. MILLER, of California. Yes, sir; and was referred to the Committee on Appropriations and overlooked in some way.

Mr. ALLISON. Not overlooked.

The PRESIDENT *pro tempore*. The Chair understands the Senator from California, the chairman of the Committee on Foreign Relations, to state that this amendment has been reported from the Committee on Foreign Relations and referred to the Committee on Appropriations in time.

Mr. ALLISON. I did not hear the reading of the amendment, being occupied at the moment.

The PRESIDENT *pro tempore*. The amendment will be again read.

Mr. ALLISON. I do not ask it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. MILLER, of California. I have another amendment of the same character. This amendment was reported from the Committee on Foreign Relations and referred to the Committee on Appropriations. I move to insert it immediately after the amendment just adopted:

To enable the President of the United States to send a delegate to represent the Government of the United States at the jubilee to be held by the Statistical Society in London in the month of June, 1885, the sum of $2,000, or so much thereof as may be necessary, to be immediately available.

That society meets in London, and the Secretary of State has recommended that a delegate be sent, and one ought to be sent.

Mr. ALLISON. That proposition was also referred, I believe.

Mr. MILLER, of California. It was.

Mr. VOORHEES. I did not hear distinctly what this was.

Mr. MILLER, of California. A meeting of the Statistical Society at London in grand convention.

Mr. VOORHEES. Why is it called a jubilee?

Mr. MILLER, of California. I do not know.

Mr. HOAR. Are other nations represented as nations, or are these societies represented?

Mr. MILLER, of California. The societies.

Mr. HOAR. Why should this Government be represented at an association of societies?

Mr. MILLER, of California. Because other governments are represented by sending delegates. It is recommended by the Secretary of State.

Mr. BUTLER. I should like very much to see a statistical jubilee.

Mr. VOORHEES. May I inquire of the Senator from California whether it is recommended to us by the Secretary of State as a jubilee?

Mr. MILLER, of California. Yes; it is.

Mr. VOORHEES. It is his designation?

Mr. MILLER, of California. Yes, sir.

Mr. BUTLER. A statistical jubilee?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California.

The amendment was rejected.

Mr. BUTLER. I offer the following amendment, to come in after line 288, on page 12:

For court-house and post-office at Greenville, S. C.: For purchase of site and commencing erection of public building, $50,000.

Mr. ALLISON. I make the point of order on that.

The PRESIDENT *pro tempore*. Has the amendment been reported from a committee?

Mr. BUTLER. It has not been reported from a committee, but a bill has passed the Senate making an appropriation of $50,000 for that building on two occasions.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. BUTLER. I submit, of course.

Mr. MILLER, of New York. I offer the following amendment, to come in after the last amendment adopted——

The PRESIDENT *pro tempore*. The last amendment adopted was that on the motion of the Senator from California, on page 2.

The CHIEF CLERK. On page 14, after the amendments already agreed to, it is proposed to insert:

That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults, for the accommodation of the United States court, post-office, and other Government offices, at Saratoga Springs, State of New York. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for said building shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

That the sum of $50,000 is hereby appropriated for the purchase of a site and commencement of work.

Mr. ALLISON. I make the point of order on that.

The PRESIDENT *pro tempore*. Is the amendment reported from a committee?

Mr. MILLER, of New York. What is the point of order?

Mr. ALLISON. It is not reported from any committee.

Mr. MILLER, of New York. The bill from which this amendment is copied was reported from the Committee on Public Buildings and Grounds, and passed this body in the last Congress.

The PRESIDENT *pro tempore*. Has it been reported as an amendment from any committee and referred to the Committee on Appropriations.

Mr. MILLER, of New York. I think not.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. MILLER, of New York. The decision of the Chair heretofore has been the other way, as I have understood it.

The PRESIDENT *pro tempore*. The present occupant of the chair was not present when any other decision was made. In the case referred to the Senator from Wisconsin stated that the amendment was reported by a committee and referred to the Committee on Appropriations.

Mr. MILLER, of New York. I am unfortunate, then, in not getting in my amendment earlier in the evening.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds to offer an amendment, to be inserted between lines 288 and 289. This amendment comprehends the full text of a bill that was passed by the Senate a few days ago for the purchase of square 406 in this city. It passed the Senate unanimously, and has been reported by the House committee, but no action has been taken on it in the House. The necessity for the purchase of this square comes from the pressing demand for a city post-office in Washington; in addition to which it is conceded that sooner or later, and none too soon, the Government must acquire this piece of property for the enlargement of the Post-Office Department building, already largely insufficient for the proper and convenient conduct of the business of that Department.

This piece of property embraces 86,000 square feet when you take in the street, measuring 25,000 square feet, which the Government may take in after the acquirement of this square. The square now brings in a rental of $43,500, or 7 per cent. upon the price it is proposed to pay for the property. In addition to all this the Post-Office Department is now paying $14,500 rent for buildings in part upon this very square and for a city post-office, of all of which the Government may be relieved upon the acquisition of this piece of property, since there are buildings upon the square that will fully and conveniently serve the purposes of the city post-office until you are ready to proceed with the construction of a suitable building.

That is the state of the case, Mr. President, and this amendment is now before the Senate coming from the Committee on Public Buildings and Grounds duly referred to the Committee on Appropriations, and, as I said, is the full text of a bill that passed the Senate but a few days ago.

Mr. ALLISON. It seems to me that it is not quite enough to have had this referred to the Committee on Appropriations. It seems to me to be legislation for the purchase of property. If I can make that point on it I shall be glad to do so.

The PRESIDENT *pro tempore*. The Chair does not think it falls within the rule of general legislation.

Mr. ALLISON. Then I make no point.

Mr. MORRILL. I desire to say that this has been recommended since the passage of the bill by the Senate by the Committee on Public Buildings to the Committee on Appropriations, and it is not any singular way of doing business. The National Museum was reported by that committee in the same way and put onto a sundry civil appropriation bill.

Mr. ALLISON. I make no point of order.

Mr. MORRILL. So was the Bureau of Engraving and Printing, and so was the Agricultural Department. In fact there is hardly any other way you can get a building for this city through Congress except upon an appropriation bill.

I wish to say that there is a very urgent necessity that this building should be erected, and erected promptly. If this ground is taken with the buildings upon it, the Le Droit building alone will furnish better accommodations than we now have in the present building that is rented by the Government for a city post-office, and there are several other buildings that are now rented by the Government for the Post-Office Department. There is a building in this square that is rented by the Government, and also a building on Ninth street, all for the Post-Office Department.

This is obviously an economical thing for us to do. There is not a shadow of doubt but what the property, if it can be purchased at the price these parties have agreed to sell it for, would be a good bargain for the Government.

Mr. MAXEY. I would ask the Senator from Vermont, as a member of the Committee on Public Buildings and Grounds, whether or

not, after making ample provision on that plot of ground for the city post-office, there is not enough ground to be used for the use and benefit of the Post-Office Department?

Mr. MORRILL. Very much; and buildings that would be occupied by the Department. If the city post-office was put up on Ninth street, between E and F, there would be other buildings which could be used that would save the Government a large sum of money; but the main building, with the exception of the city post-office, might be delayed for some years.

Mr. MAXEY. It is more convenient to the Post-Office Department than any other plot of ground which can be obtained.

Mr. MORRILL. Undoubtedly.

Mr. PLUMB. I do not know very much about property in this city, but I do know that there is a very widespread impression based on apparently good foundation that the price proposed to be paid for this property is at least $150,000 too great, and that the Government in making this purchase is really bulling the real-estate market in the city of Washington. It does not signify to us that if we buy this property and do certain other things we shall save a little money on the basis of a 4 per cent. or a 3 per cent. investment; the question at the bottom of it all is, can this property be purchased at a suitable price, such as it is worth in the real-estate market and as private parties would have to pay for it? Taking the information that I have, my judgment is—a judgment not very securely founded, I admit, but still it is the judgment on which I am bound to act, and which I should act upon as a private individual—that this private property is put at a very much higher price than its value. If I may allude to what has taken place elsewhere, I may say that the Senate in one of its amiable moods, and with that consideration which it always has for a very large sum of money—for I believe it will let through any bill at any time for a half million dollars, while it will higgle with parsimonious persistency over a bill appropriating fifty or sixty dollars for somebody—but in that mood in which it finds itself occasionally the Senate passed this bill; it went to another body which I am not authorized to mention, but like the man who, when approached on a horse-trade, said he could not trade on Sunday, because it was against his religion, but if it was not Sunday he would say that he would pay $20 to boot; and so I can say in reference to this other place, or if it was not that other place I would say that the committee of that body——

The PRESIDENT *pro tempore*. The Chair thinks the Senator is not in order. He is alluding to a report in another body.

Mr. PLUMB. If on reflection the presiding officer thinks that is against the rule I will withdraw the remark; but I will say that a body of men—not the House of Representatives, but a body of men charged with the duty of investigating this subject—say upon their responsibility that $500,000 is an ample price for this property; and now the Senate is proposing to take a short cut to get around that opinion, and in the closing hours of this session, by means of a committee of conference, to avoid the collision and the wreck that would apparently follow from that collision with another portion of this legislative body, and complete the purchase of this property in defiance, as I believe, of what is just, of what is right, of what is fair, of what is prudent, and of what is due to this body and to all other legislative bodies having to deal with the public money. I do not think that is the proper way of conducting legislation.

Mr. MAHONE. Mr. President, I think if the Senator from Kansas had given a little more attention to the subject rather than been content to state some impression which he has formed from floating statements, he would have had no such opinion as that to which he has given expression.

I hold in my hand letters from nine respectable, responsible real-estate owners in the city of Washington. I do not know a single one of these gentlemen; I never saw one of them; but they have addressed letters to the committee, and I have read them all. They all agree that the price proposed to be paid for this property, which is by agreement to the extent of the whole square save about four little pieces involving $100,000, is quite fair. We shall see who they are in a moment. They all agree that the price proposed to be paid is below the value of the property saving one, who thinks it is a little above the value.

Now, let us see who they are. I shall not look inside the letters, but give the names from the outside of the evelopes. Hufty & Dyer, real estate, insurance, stock, and note brokers. The most of these gentlemen—indeed all of them—disclaim any connection or any interest whatever in the sale of this property, but they have been called upon——

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator yield to the Senator from Kansas?

Mr. MAHONE. In a moment. They have been called upon by some of the citizens here who seem to be interested in the procurement of this most suitable site for the post-office, and have given expression to their judgment.

John Sherman & Co., real estate and loans; Duvall & Marr, real estate and insurance; Parker & Townsend, real estate and brokers; B. H. Warner; George Truesdell; F. H. Smith & Son; Fitch, Fox, and Brown; Thomas J. Fisher & Co., real-estate agents. These are the parties from whom the letters come. If the Senator from Kansas would like to be better informed, he can take the letters.

Mr. PLUMB. I am glad to have those names go on record, as they will add to the circulation of the paper in which they appear. What the Senator says confirms me in two things, one of which I am very sorry to be confirmed in, and that is that the Senator from Virginia does not seem to understand how people are influenced. Did you ever hear of a real-estate agent who did not, like Paul, magnify his office? Is it not the line of business of all these gentlemen to enhance by representations the value of all property in Washington? They do not have this particular site for sale, but they have other property for sale, the price of which will largely be based on the price the Government pays for this property in the city of Washington if it purchases it.

The one thing these gentlemen are interested in is to establish the fact that property in Washington is greater in value than the price being offered, in order that they may get thereby more business to do; and if they can get the Government into this laudable enterprise of bulling the real-estate market as I said, thereby they will get more percentage and their customers will get greater gains. I may not know as much about this ground as the members of the Committee on Public Buildings and Grounds, but I do believe that if the Government were to-day to invite real competion for a site it could save $100,000. That is not much I know, the present impression being that the great burden we are laboring under now is how to get rid of the money we have in the Treasury; and of course under that idea the larger the appropriation the more beneficial it is.

The Senator from Maine [Mr. FRYE] says we are getting rid of the surplus fast enough to-night. I think that is so myself, and if we shall sit here until morning, and the Committee on Public Buildings and Grounds have the floor, and a few more enterprises of this kind shall be brought into the bill, the surplus will be less to-morrow morning than it was yesterday morning certainly.

Mr. President, I think in regard to this matter that it has not had proper consideration. I do not believe this is the way to buy property either in Washington or elsewhere, and I especially think in regard to this purchase there ought to be some competition, so as to bring the price down to that level which would naturally prevail in dealing between private individuals. We have had some experience of that kind heretofore; at least we have had some observation of the result of this method of buying property. If we were to go around anywhere in the city of Washington and ask owners what they would sell their property for in the absence of competition, we may be certain that the price they offer would be a very large percentage above what they themselves actually believe its value to be.

I am willing, as far as I am concerned, to build a post-office in Washington, although the business I have with it does not seem to impress me with the need of that institution very much. I do not think there is very great want for it, but still I am willing to have it, willing to take the steps necessary for the purpose of getting it; but I want to do it on some basis which shall be just and open, in which we shall seem to be applying the ordinary rules of private business to the transaction of public business.

Mr. BUTLER. Then why not authorize a commission to purchase a site for a post-office?

Mr. PLUMB. I would go in for something of that kind. I honestly believe that $150,000 less, certainly $100,000 less, would buy this block if we in the mean time, by our proposition to buy it, do not enhance its value in the minds of those who have it to sell.

Mr. President, there will be, as there always is properly under proper circumstances, more or less competition in regard to the location of public buildings. I have in my mind the capital of a State where property was needed for a Government building. The people owning adjoining property bid for the location of the United States building, and they paid large sums for the property in order to get the location in a certain place. They knew its value to them. It brought them business. They were willing to pay for it. Competition of that kind is proper and fair. I do not say it could be instituted in this particular case, but I do say that when we come to buy this property, in view of all the circumstances surrounding the transaction of public business here and the general extravagance which prevails and which we are all the time cultivating by the money we are paying out and by the salaries we are paying, we ought to secure fair and free competition. In regard to public buildings, about which there is no perishing interest at the present moment, if we can not wait, if we must go ahead *solens volens*, at least we ought to go ahead with some decent regard for the practices which obtain in transacting private business.

I therefore hope this amendment will not be put on. It is going to be put on now in the expectation that it will escape the final judgment of the other branch of the Legislature. That is what it means. It is absolutely known, I think, that the House of Representatives will not agree, as an independent proposition, to this purchase in the terms proposed by the Committee on Public Buildings and Grounds. It is, therefore, sought to get around that judgment which has been substantially expressed, and in this way by means of a conference committee and the consent, grudging or otherwise, given by these men in the expiring

hours of the session and under the fear of an extra session if the concession is not made, that this will be done which otherwise would not be done.

Mr. MORRILL. I do not like to have this measure "whistled down the wind" in this kind of style. The Committee on Public Buildings and Grounds have had this subject under consideration for at least half a dozen years. They have investigated various sites throughout the city. I have no doubt that we could go out beyond the boundary and get competition and get for a small sum a site that would not be appropriate or at all suitable for the post-office building; but to get a site where it will be proper to locate such a building we shall have to pay for it. And when we are investigating this subject it is well that we should have some forecast and look out for the future. We not only need a post-office for the city accommodation, but we need such a building largely for doubling the accommodations of the General Post-Office. There is no question but what the General Post-Office must have accommodations double their present amount, and that in a very short time. This site is adjoining the General Post-Office; that building can be extended on to Eighth and Ninth streets to very great advantage, and there will be ample room to accommodate the General Post-Office and the city post-office. So far as the price is concerned I have examined it with some particularity, and there is but one piece of property that I think is overvalued, and that the Government had the option of taking for a year or two at $90,000. The present holders of it have raised their price to $115,000, which I think is extravagant, and I should be glad to have that appraised by a jury appointed by the court; but beyond that I venture the prediction that the Government will not only buy this specific piece of property as the only one that can accommodate the General Post-Office and the city post-office, but that they will buy it and pay more than 25 per cent. more for it than what has been proposed and what the Senate has heretofore agreed to.

Mr. BUTLER. May I ask the Senator from Vermont how the Committee on Public Buildings and Grounds arrived at the value of this property?

Mr. MORRILL. They arrived at it in the first place by looking at the assessment and then by having an agent go around and see each one of the parties and obtain the lowest terms. We informed them in the first place that $500,000 was all we would give for the whole square, and we squeezed the major part of them to a very low price; and there is only one piece of property that the Government had the option of for two or three years which I think is held at an extravagant price.

Mr. VOORHEES. May I ask the Senator from Vermont whether it is designed to close Eighth street, between E and F?

Mr. MORRILL. It is designed to cover the whole space from F to E street.

Mr. VOORHEES. And to close Eighth street?

Mr. MORRILL. To close Eighth street so as to make the General Post-Office a building of the same size as the Patent Office, to match that in point of distance from one end to the other.

Mr. HARRIS. From Seventh to Ninth streets.

Mr. PLUMB. If this purchase be effected I hope it will be effected before the RECORD comes out to-morrow, because I have no doubt ——

Mr. MORRILL. Let me say one word. Some gentlemen contend for this without any expectation that it is going to carry, with the potential influence of the Senator from Kansas and with the tired, jaded look of my friend the chairman of the Committee on Appropriations; and I have no doubt they will fling out all our amendments without a single tear in either eye.

Mr. PLUMB. I do not happen to be on the conference on the sundry civil bill; but the reference to me is somewhat gratuitous. I was going to say that if we are to buy this property for the sum proposed we ought to buy it to-morrow, because after what the Senator from Vermont has said it is plain to be seen that these property-holders have the Government in a hole. We can not have a post-office that is a post-office which will be what a post-office ought to be, unless we have it on this particular spot of ground; and after the very lurid statement of his in regard to the value of that property I shall do justice to the modesty of the ordinary real-estate owner of the city of Washington when I say that I think he will find some way, particularly after the RECORD is published to-morrow and comes under his observation, to raise the price of the property 25 per cent., especially after the Senator from Vermont has stated the manner in which they applied the screws to some of the property-owners to get them down in order that the balance might get up, just as one part of a feather-bed rises when you put down any other part. So I think that the moment we attempt to establish the average, the general average after that statement will rise to the highest peak of price established by any owner in any part of the square. I think this debate has perhaps—and I may say that I fear I have contributed to that—enabled these people to put on the screws so that this property will cost even a great deal more than is now proposed.

But, seriously, it seems to me that this is not the way for the Government to purchase property in the city of Washington or elsewhere. I know that it does not purchase it that way out West; it does not purchase it that way anywhere, so far as I know, except in the city of Washington. In the desire to beautify the capital of the nation, and to spend public money for the benefit of this community, all considerations of propriety, of justice to the tax-payer, of business principles that ought to govern the just transaction of the Government business like that of private individuals, seem to be lost sight of.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on certain amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 1 and 29 to said bill, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. HOLMAN of Indiana, Mr. JOHN HANCOCK of Texas, and Mr. J. G. CANNON of Illinois managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6658) to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes; and it was thereupon signed by the President *pro tempore* of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Virginia [Mr. MAHONE].

Mr. VEST. I simply wish to say in regard to the remarks of the Senator from Kansas that the Committee on Public Buildings and Grounds—and I say it without personal reference to myself—have done the very best they could in regard to this matter. For two years past, anticipating the very thing to which the Senator from Kansas has alluded, that when we had concluded that this block opposite the General Post-Office building was the most eligible site its price would rise, had a paper drawn up and signed by nearly all the property-holders pledging themselves not to charge over a certain price for their property. It is true that after this paper was signed by the large property-owners a few others stood off. That is always the case and is inevitable. Every lawyer who has had experience in regard to the adjustment of estates in bankruptcy or the settlement of failing firms knows that invariably there are a few, generally small, creditors, who will stand out from any arrangement in the hope that they will be paid in full; and so in this instance five or six of the small property-owners in the block refused to sign the paper as soon as they ascertained that the Government wanted the property, but all the large property-owners agreed to reasonable terms, and some of them put their property in under the appraised value. I beg to say, after serving on the Committee on Public Buildings and Grounds for six years, that this is the fairest transaction that I have ever known where the Government was a party to a proposed purchase of property for a Government building.

Now I want to call the attention of the Senator from Kansas to one fact, because he has not examined this matter as the committee has that has had it in charge. The Government, for 35,000 feet of ground on the site of the old city post-office where it is now, were asked $400,000. For sixty thousand and more feet in a much more favorable locality near the General Post-Office we are asked $640,000, and that is in a portion of the city where property is advancing in value, on F street, one of the best squares in the entire city, and I think is by far the best site for the location of the post-office.

These are the facts. In my judgment it is the best bargain the United States can obtain. The large property in this block can not go back in value. The property is advancing in that locality, and in the course of twelve months if we want this same block we shall be compelled to pay, in my judgment, 25 per cent. more in order to obtain it.

Mr. PLUMB. It seems to me that if the committee have been at this about six years they ought to have found a way of getting a bill through both Houses without coming in at this moment and asking to put it on an appropriation bill, not for the purpose but still with the effect of getting around the adverse action of the House, and therefore preventing it practically from receiving concurrence.

Mr. MORRILL. I will say to the Senator that the bill has been reported in the House, but the chairman of the committee informed me yesterday that he feared he would not be able to get any action upon it. It has been reported, and reported favorably.

Mr. PLUMB. For $500,000, a hundred thousand dollars less than is here proposed.

The PRESIDENT *pro tempore*. It is not in order to refer to proceedings of the other House.

Mr. VEST. I want to state to my friend that the Senate Committee on Public Buildings and Grounds have done everything that could be done by mortal men in regard to this matter. The chairman of that committee and myself took a carriage and went in bad weather and looked at each one of these sites. On three separate occasions I have

been over them. We have attempted to guard the interests of the Government in every possible way; we have shut out all lobbyists; we took this agreement from these property-owners in order to prevent the advance of property as soon as they found the Government wanted it. As I said, five or six of the small property-owners held out. The gentlemen who were the large owners told us they thought the entire property could be obtained for $500,000, and I will do them the justice to say—the chairman of the committee has the papers—that those gentlemen acted fairly, and reduced their price in order to bring it within the $500,000; but I believe there were six of the smaller property-owners who nearly doubled the valuation.

If any others can do this business any better, I hope they will take it in charge. For myself I am tired of it. We have done everything we could, and because this bill has not passed, and because we have acted as faithfully as possible, we are told now, "Do not put it on an appropriation bill."

Mr. PLUMB. It seems to be confessed that this ground is to be sold to the Government at a great value, because while certain large property-owners would not ask beyond the real value—and I do not know anybody who would sell for less than real value to the Government—certain others wanted more. That brings it back to the point I started with. Here is $140,000 to be given more than this property is really worth.

Mr. MAXEY. My judgment about it is that the sooner the Government gets possession of this property the better. It is the only block of ground that can be purchased which is adapted, first, to the city post-office, and, second, to the extension of the Post-Office Department. You can not combine both purposes in any block of ground except this. Years ago, when the city post-office was in the Post-Office Department building, the Department building was then large enough to accommodate all the business of the Post-Office Department and the city post-office. The country has been rapidly increasing. They have had to take out the city post-office; and not only have they had to do that, but the Government has had to rent another piece of ground, for which we pay about $14,000 a year, to carry on the business of the Post-Office Department. This country is rapidly increasing in population, and as it increases in population every one connected with the post-office business knows that the postal business increases with the population of this country.

Now you have a chance to get a piece of ground, which added to the present Post-Office Department, will answer for years and years to come; and it is a most unwise thing, in my judgment, for this Government to let the proposition pass by.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MITCHELL. In line 276 I move to strike out the words "under present limit" and insert "and for the purchase of additional ground one hundred and," so as to read:

For court-house and post-office at Williamsport, Pa.: For completion of building and for purchase of additional ground, $125,000.

Mr. ALLISON. I raise the point of order on that amendment.

Mr. MITCHELL. I hope the Senator will not raise the point of order in this case. If it is made, at all events I have here a recommendation of the Architect of the Treasury Department, who says that this appropriation is necessary. That work has been suspended now for a year and a half. A portion of the ground which is desired for the building is condemned and waiting the action of Congress. That condemnation is now interfered with by an application to the court to set it aside. The case was recently postponed until after the 4th of March, in hopes that Congress would make an appropriation for this public building.

This is one of the most important towns in Pennsylvania as respects the question of public buildings. The United States courts are held there, and have been for a great many years. Twenty counties of the State do their legal business at that place so far as they do it in the United States courts. The internal revenue collected at the town is very large, amounting to about a quarter of a million dollars a year. The receipts of the post-office during the last year were $31,991. There are over half a million people who are concerned in the business of the United States court held at that point.

The town of Williamsport manufactures between 3,000,000 and 4,000,000 feet of lumber every year. There is the largest manufactory at that point of lumber in the United States east of Michigan. The internal-revenue offices are also there. The Government has to pay, I think, a thousand dollars a year for rent of the post-office, and of course it has to pay rent for all the other offices of the United States.

An appropriation of $100,000 was made. It was found that no lot in that city could be purchased at any eligible point for less than $40,000. I know that seems to be a large sum, but the surroundings of the place are such that it was impossible to get an eligible site for less than that amount. The work itself was delayed for about two years in order to get a lot even as cheap as that. Three judges of the common pleas court adjoining that county were appointed, and finally selected a place which was to cost $60,000. That the Secretary of the Treasury would not purchase under the appropriation which was made. Afterward they secured a portion of the square for a little less than $20,000, I believe, and the rest of that square has been condemned, and it cost $20,500 according to the condemnation. That is now pending. So it will cost $40,000 to secure the land for the building, and the recommendation of the Architect of the Treasury, which I hold in my hand, is that the appropriation here desired is absolutely necessary in order to construct a proper building in that place. A bill is pending in the House of Representatives and has been favorably reported by the committee there.

The PRESIDENT *pro tempore*. It is not in order to refer to reports in the House of Representatives or proceedings there, as affecting the action of the Senate.

Mr. MITCHELL. I perhaps may be allowed to state that the gentlemen representing the Committee on Public Buildings of that body have recommended that this amount be inserted in this bill. I hold in my hand a paper signed by them to that effect.

I trust the point of order will not be made and that the Senate will adopt this amendment. I do not know how I can very well go home through the city of Williamsport in my old Congressional district, which I represented in the House of Representatives for four years, or I shall have to go some other way, unless the Senate will do me the kindness to put this amendment in the bill. It is an appropriation which I think must and will be made. The work is suspended; the Government is at a considerable cost to take care of the property, and the Architect of the Treasury wishes to have the appropriation made now.

The PRESIDENT *pro tempore*. Is the amendment reported from the Committee on Appropriations?

Mr. ALLISON. It is not.

Mr. MITCHELL. Let me say further that, as I understand, in two or three instances the Senate has agreed to do precisely what I desire shall be done in this case. It has done so in the case of the amendment which was inserted on the suggestion of the Senator from Missouri. On page 7 the bill as reported from the committee reads:

For post-office at Hannibal, Mo.: For completion of building under present limit, $37,500.

That has been increased to $52,500, an increase of $25,000, and the words "under present limit" have been stricken out.

I understand that to be in effect precisely what I propose here. I think the same thing has been done in other instances.

I did all I possibly could in this case. I introduced the amendment as intended to be proposed to this bill and had it referred to the Committee on Appropriations, but that committee, obeying, as I suppose they thought they were doing, the rule of this body, declined to insert any of these propositions. I understood that if any of them were to be inserted this one would be. I hazard the statement there has been no case presented to this body which deserves its recognition so strongly or at least more strongly than this.

The PRESIDENT *pro tempore*. Is the amendment reported from a committee?

Mr. MITCHELL. Unfortunately it is not reported from the committee. That is what I desired, but the committee declined to report it, as they declined in other cases, I understand.

The PRESIDENT *pro tempore*. Was it reported from any other committee and referred to the Committee on Appropriations?

Mr. MITCHELL. I think that committee has not reported it.

The PRESIDENT *pro tempore*. Then the amendment is not in order.

Mr. MITCHELL. I am sorry for it.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the first and twenty-ninth amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, insisted upon by the Senate, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate still further insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

AMENDMENTS TO APPROPRIATION BILL.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; and

A bill (S. 2666) to provide for the printing of the report and proceed-

ings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

The message also announced that the House had agreed to the resolution of the Senate for the printing of the annual volumes of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882.

The message further announced that the House had agreed to the resolution of the Senate for the printing of the report of the Commissioner of Fish and Fisheries for the year 1885.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CONGER. I give notice that as early in the morning, after the Senate meets, as possible I shall call up the river and harbor appropriation bill and ask its consideration by the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I move to insert after line 21:

Subject to the deduction provided for in the tenth article of the convention between France and the United States, concluded on the 15th day of January, A. D. 1880.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. CONGER. How would it read? What is it about?

The PRESIDENT *pro tempore*. It is a deduction provided for in the treaty with France for French claims from the sum to be paid for the expenses. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLER, of California. I offer an amendment which was submitted and referred to the Committee on Appropriations, and which is estimated for in the Book of Estimates. After line 1634 I move to insert:

For reclaiming eighteen and three-quarter acres of marsh land of the Benicia arsenal grounds, $10,000.

This is estimated for in the Book of Estimates, Public Works, page 155. It is a much-needed improvement. It is estimated at $35,000. I only put in $10,000 in my amendment.

Mr. ALLISON. I make the point of order that the amendment is not reported from any committee.

Mr. MILLER, of California. Under the sixteenth rule I think it is in order. It was estimated for.

The PRESIDENT *pro tempore*. The Chair thinks it is estimated for in the sense in which the construction usually has been put upon it. It is a submitted estimate, and it has been the practice of the Senate to treat such estimates as being within the rule. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MITCHELL. In line 276, I move to strike out the words "under present limit twenty-five," and to insert in lieu thereof "seventy-five." This would be an increase of $50,000 for the public building at Williamsport. The Architect of the Treasury Department in a letter which I hold in my hand recommends an increase of $100,000. As I have stated, unless something is done there now, nothing can be done in relation to this matter. I trust the Senator from Iowa will find that there is no occasion for any objection at this point in view of what has been done in other instances precisely like it without objection coming from that source. I appeal to him to read industriously the items in the appropriation bill to which I refer while this amendment is being adopted.

Mr. ALLISON. The amendment is in order to strike out "under present limit." I do not make a point of order on that.

The PRESIDENT *pro tempore*. Does the Senator from Iowa make the point of order?

Mr. ALLISON. I make the point of order on the increase of appropriation. I do not make the point on the first part of the amendment.

The PRESIDENT *pro tempore*. The Chair feels bound to sustain the point of order. It increases the amount.

Mr. MITCHELL. The amendment I proposed was to strike out the words "under present limit," and to increase the appropriation from $25,000 to $75,000. I can see no object in striking out the words "under present limit," as the appropriation which remains in the bill is not in excess of the limit already fixed by existing law.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Pennsylvania to offer an amendment increasing the sum from $25,000 to $75,000?

Mr. MITCHELL. Yes, sir; that would be the effect of the amendment.

The PRESIDENT *pro tempore*. That the Chair thinks is not in order. It increases an item in the appropriation bill, and that is against the rule.

Mr. MITCHELL. It ought to be in order after what has taken place.

The PRESIDENT *pro tempore*. The rule positively prohibits it.

Mr. BECK. I only rose to say before the Chair ruled—I do not know that I desire to say it now—that the motion which would seem to be more in order than any other is a motion that the Senate does not intend to pass a sundry civil appropriation bill.

Mr. DOLPH. In the item in regard to the New Orleans Exposition, I move to strike out all from and including the word "for," in line 2393, down to and including the word "published," in line 2405, and to insert:

For the purpose of paying the indebtedness now outstanding of said exposition which is due to foreigners and foreign nations, and all premiums heretofore awarded or which may be hereafter awarded by said exposition to foreign exhibitors in accordance with the lists of awards heretofore published, the sum of $50,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. I do not propose at this late hour to make a speech. Some Senators who spoke upon the amendments proposed by the committee to this appropriation suggested that the United States by reason of having invited foreign nations were under some sort of moral obligation to foreign exhibitors and to foreign nations as to debts which were owing by the exposition to foreign exhibitors and foreign nations, and as to premiums which had been awarded or should be awarded. I have been told by the chairman of the Committee on Appropriations that probably the indebtedness to foreigners would not exceed $30,000 or $25,000. The amendment offered by me proposes an appropriation of $50,000, or so much thereof as may be necessary, for the payment, first, of all the indebtedness of the exposition to foreign exhibitors or foreigners, and next, to the premiums which have been awarded or shall be awarded. I suppose it will meet the views of those Senators who think we are under some obligation to foreigners.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was rejected.

Mr. DOLPH. I offer still another amendment. I move to strike out all from the word "due," in line 2399, to and including the word "published," in line 2405, and to insert:

To foreigners and foreign nations; secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition to foreign exhibitors; thirdly, in the payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations other than foreigners and foreign nations; fourthly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition to other than foreign exhibitors in accordance with the lists of awards heretofore published.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. This proposed amendment does not increase the amount of the appropriation, but it provides for its application, first, to the debt due to foreigners and to foreign nations; second, to premiums which have been or shall be awarded to foreign exhibitors; third, to debts due to others than foreigners; and, lastly, to the payment of premiums to others than foreign exhibitors. The object of the amendment is to get rid of our supposed obligation to foreign nations and to foreigners, so that when at the next session an application is made for another appropriation of half a million dollars we shall not have our obligation to foreigners used as an argument for making the appropriation.

The amendment was rejected.

Mr. VAN WYCK. In lines 2014, 2015, and 2016 I move to strike out the appropriation of $5,000 to the widow of Surgeon-General Barnes. I fail to perceive any reason for this appropriation. I remember that when it was proposed to raise the pension of Mrs. Barnes from $30 to $50 a month one of the arguments used in the Senate was on account of the meritorious services performed by her husband in waiting upon General Garfield during his sickness. Why a proposition now comes to pay her $5,000 for those services, I am at a loss to know. In 1882, $57,000 was appropriated for payment for the medical attendance and expense of attending upon General Garfield's sickness and burial. I think $37,500 was assigned for medical attendance, and a board was provided in that act to determine and designate how the division of the $37,500 should be made. That I supposed was the end of the matter, and ample provision made; but now at this late day, after the widow has been compensated by the highest rate of pension on the ground of the services of her husband, we are asked to appropriate in bulk $5,000 for what? That is a proper inquiry, for what? It is to be given to the widow of Surgeon-General Barnes, and then the question arises again, for what? I move that it be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The question being put, it was declared that the noes appeared to prevail.

Mr. VAN WYCK. I call for a division.

There were on a division—ayes 2, noes 25; no quorum voting.

Mr. EDMUNDS. There is no quorum; let us have the yeas and nays. That is the shortest way.

Mr. ALLISON. I trust the Senator from Nebraska will withdraw his demand for a division.

Mr. VAN WYCK. If it is any accommodation to the Senator, I will withdraw it.

Mr. ALLISON. It is no accommodation to me. It is only a question as to whether the bill shall pass before the 4th day of March or not.

Mr. VEST. Let us have another division.

Mr. CULLOM. I think there is a quorum in the Chamber.

The PRESIDING OFFICER. The Chair is satisfied that there is a quorum, and if there is no objection the demand for a division will be regarded as withdrawn, and the motion to amend will be regarded as rejected.

Mr. ALLISON. I offer an amendment from the Committee on Appropriations. After line 110 I move to insert:

For continuation of the public building at Council Bluffs, Iowa, $50,000.

Mr. CONGER. I should like to hear that amendment read.

The Chief Clerk read the amendment.

Mr. VAN WYCK. Let it be read again, please. What is the State?

The amendment was again read.

Mr. VAN WYCK. May I ask where that amendment comes from? Not knowing, I will raise the point of order, and then I will obtain the information.

Mr. ALLISON. It comes from the Committee on Appropriations.

Mr. VAN WYCK. Is it just reported?

Mr. ALLISON. I have authority to report it. I will state to the Senator and to the Senate that for two days last week I was obliged to be out of the Chamber. There were some eight or ten public-building bills voted on in the Senate, all of them passing. I not being in the Chamber on account of the business of the Committee on Appropriations, the Council Bluffs bill was not called up. It was called up, I believe, this morning, if this is still Monday, and passed. The Committee on Appropriations authorized me to move to insert this provision in the pending bill. I state the facts. If any Senator desires to raise the point of order upon the amendment, he can do so, and if the point is sustained I shall have discharged my duty as chairman of the Committee on Appropriations and as one of the Senators from my State.

Mr. BECK. The Committee on Appropriations in view of all the facts gave unanimous consent that this amendment should be moved, whatever that is worth.

Mr. FRYE. The bill authorizing the expenditure has passed the Senate.

Mr. CAMERON, of Wisconsin. It passed the Senate to-day, so that the amendment is not subject to a point of order.

Mr. FRYE. The amendment is in order.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 2473, I move to change the word "sum" to "sums;" so as to read:

And no more than an allotment of one-half of the sums hereby appropriated shall be expended in the two first quarters of the fiscal year.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HARRISON. I desire to reserve a separate vote in the Senate on the amendment as to the Montana penitentiary building.

Mr. SEWELL. I desire to reserve the paragraph in relation to the Cotton Centennial Exposition for a separate vote. I gave notice that I should move to strike out that section in the Senate.

Mr. HARRIS. I call the attention of the Senator from Michigan [Mr. PALMER] to the fact that in Committee of the Whole an amendment which he moved and which was agreed to he subsequently desired to amend, and he must move his amendment before the amendment is concurred in.

Mr. PALMER. I desire to offer an amendment to the amendment.

Mr. ALLISON. I ask that the amendments not reserved may be considered together.

The PRESIDING OFFICER. If there be no other amendment reserved the question will be taken upon concurring in all the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PALMER. My amendment to the amendment made as in Committee of the Whole is, after the word "Michigan," in line 11 of the substitute for lines 119, 120, and 121, to insert "approved March 2, 1885."

The PRESIDING OFFICER. If there be no objection, that amendment will be made and the amendment will be concurred in as amended. The next reserved amendment will be read.

The CHIEF CLERK. Page 91, beginning at line 2233, the Senate, as in Committee of the Whole, agreed to strike out the following paragraph:

Penitentiary for Montana Territory: For completion of the penitentiary for Montana Territory, $25,000.

Mr. HARRISON. The Senate has voted to-night, I do not know how many hundreds of thousands, up into the millions, perhaps, for the construction of public buildings where the buildings provided for have been a mere matter of convenience to those having business with the Government. I believe that the completion of the penitentiary in Montana is more than a matter of convenience; it is a question of the humane treatment and the safe-keeping of prisoners in that Territory. It does seem to me that the Senate ought to consent to make the appropriation provided for in the bill as it came to us from the House.

Mr. BECK. After the debate this afternoon I examined all the past appropriation acts, and I could find only $4,000 appropriated before, and that with the $15,000 makes only $19,000. I am inclined to think that the Senator from Indiana is right, and that we have not given enough for that building. I for one shall vote to non-concur. I thought we had given a good deal more before.

The PRESIDING OFFICER. Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was non-concurred in.

The PRESIDING OFFICER. The Secretary will report the next reserved amendment. Does the Chair understand the Senator from New Jersey to move to strike out?

Mr. SEWELL. I move to strike out the whole paragraph relating to the World's Industrial and Cotton Centennial Exposition.

The SECRETARY. It is proposed to strike out, beginning at line 2391, down to and including line 2423, as follows——

Mr. HOAR. I ask unanimous consent that the words be not read. The paragraph is very long.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to dispense with the reading of the paragraph. The Chair hears no objection.

Mr. SEWELL. I ask for the yeas and nays on my motion to strike out.

The yeas and nays were ordered.

Mr. BECK. There is some misapprehension about the meaning of the vote. Will the Chair please state the question?

The PRESIDING OFFICER. The Senator from New Jersey moves to strike out the provision contained in lines 2391 to 2423, inclusive, relating to the Centennial Cotton Exposition.

Mr. BAYARD. There seems to be some misapprehension in regard to it. A vote in the affirmative will destroy the appropriation.

The PRESIDING OFFICER. It strikes out the entire provision relative to the Centennial Cotton Exposition.

Mr. BAYARD. Then it amounts to a clear issue for or against the appropriation.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from New Jersey to strike out the paragraph.

The Secretary called the roll.

Mr. CAMERON, of Wisconsin (after having voted in the affirmative). I am paired with the Senator from Georgia [Mr. BROWN]. I had authority, however, to vote if it were necessary to make a quorum; but as there is a quorum without my vote, I shall withdraw it.

Mr. PENDLETON. I am paired on this question with my colleague [Mr. SHERMAN]. I should vote "nay" if I were not paired.

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were present, I should vote "yea."

The result was announced—yeas 10, nays 35; as follows:

YEAS—10.

Chace,	Hale,	Mahone,	Wilson.
Dolph,	Harris,	Plumb,	
Frye,	Harrison,	Sewell,	

NAYS—35.

Allison,	Conger,	Jonas,	Palmer,
Bayard,	Cullom,	Jones of Nevada,	Sabin,
Beck,	Dawes,	Lamar,	Sawyer,
Blair,	George,	McMillan,	Vance,
Bowen,	Gibson,	McPherson,	Van Wyck,
Butler,	Gorman,	Maxey,	Vest,
Call,	Hawley,	Miller of Cal.,	Voorhees,
Cockrell,	Hoar,	Mitchell,	Williams.
Coke,	Ingalls,	Morgan,	

ABSENT—31.

Aldrich,	Farley,	Lapham,	Pugh,
Brown,	Garland,	Logan,	Ransom,
Camden,	Groome,	Manderson,	Riddleberger,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Saulsbury,
Cameron of Wis.,	Hill,	Morrill,	Sherman,
Colquitt,	Jackson,	Pendleton,	Slater,
Edmunds,	Jones of Florida,	Pike,	Walker.
Fair,	Kenna,	Platt,	

So the motion to amend was not agreed to.

Mr. PLUMB. By the authority of the Committee on Public Buildings and Grounds I move, after line 277, to insert:

For court-house and post-office at Fort Scott, Kans.: For purchase of site and erection of building thereon, $50,000.

The amendment was agreed to.

Mr. BLAIR. By authority of the Committee on Public Buildings and Grounds I move, after line 315, to insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with commodious fire-proof vaults, for the accommodation of the post-office, pension office, the United States courts, internal-revenue office, and other Government offices, at the city of Manchester, in the State of New Hampshire. The site, and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $300,000: *Provided*, That no money to be appropriated for this purpose shall be available until a valid title to the site shall be vested in the United States, and the State of New Hampshire shall have ceded her jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That the site shall leave

the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys. That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purpose provided in this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The noes appear to have it. The noes have it. The amendment is not agreed to.

Mr. BLAIR. Mr. President, I desire to say a word. There was a bill introduced, for the purpose of the construction of this building, at the last session, which passed the Senate, appropriating $300,000, the estimate having been made by the Treasury Department.

Mr. BUTLER. May I inquire what the question is before the Senate?

The PRESIDING OFFICER. The bill is still open to amendment in the Senate. The Senator from New Hampshire has the floor.

Mr. ALLISON. From the statement made by the Senator from New Hampshire the amendment is liable to a point of order, which I make.

The PRESIDING OFFICER. The amendment has been rejected by a vote of the Senate.

Mr. BLAIR. I do not understand that it is subject to the point of order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BLAIR. I wish to have it understood by the Senate, as the proposition is to be voted upon on its merits, that at the last session a bill was introduced for the construction of a public building at Manchester, N. H.

Mr. ALLISON. I inquire what amendment is pending?

The PRESIDING OFFICER. The bill is still before the Senate and open to amendment. The Chair supposes that the Senator from New Hampshire desires to offer an amendment. He is entitled to the floor.

Mr. BLAIR. I have offered an amendment, which I understand to be pending.

The PRESIDING OFFICER. It has been rejected by a vote of the Senate.

Mr. BLAIR. I do not understand how that can be, Mr. President. I addressed the Chair before the vote was announced, and I desired to be heard upon it.

The PRESIDING OFFICER. The Chair did not so understand the Senator from New Hampshire.

Mr. BLAIR. It was a misapprehension of the presiding officer, then.

The PRESIDING OFFICER. The Chair regrets it.

Mr. BLAIR. May I be heard?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BLAIR. I do not wish to move another amendment. I desire to be heard upon the amendment which I have offered.

The PRESIDING OFFICER. That amendment has been rejected by a vote of the Senate.

Mr. BLAIR. I ask unanimous consent that the vote by which the amendment was rejected may be reconsidered.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the vote——

Mr. BUTLER. I object, Mr. President.

The PRESIDING OFFICER. Objection is made. Are there further amendments to be proposed to the bill?

Mr. BLAIR. I wish to say before I sit down, having the floor, that during the short period I have been in the Senate I have never known a presiding officer to decline to allow a question to be reput when a Senator rose and declared that he addressed the Chair with the hope of being heard upon the merits of the proposition, as I now state, although technically there may have been a declaration of the decision of the Senate.

The PRESIDING OFFICER. Are there further amendments to the bill in the Senate? If there are none, the question is on ordering the amendments to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLISON. I submit the following statements for publication in the RECORD:

SUNDRY CIVIL APPROPRIATION BILL, 1886.

Amount of estimates for 1886	$32,236,402 22
Amount of House bill	22,201,077 22
Increase made by the Senate committee	3,519,099 33
Amount as reported to the Senate	25,720,176 55
Amount of appropriations for 1886	22,290,434 30
The bill as reported is, less than estimates	6,606,225 67
The bill as reported exceeds the appropriations for 1886	3,430,742 25

The changes in the amounts of House bill made by the committee are as follows:

Increase:	
For Botanic Garden	2,800 00
For payment of French claims	833,536 35
For survey of Mexican boundary	224,856 78
For the following public buildings:	
Abingdon, Va	25,000 00
Alaska	13,000 00
Boston, Mass	15,000 00
Cairo, Ill	27,000 00
Concord, N. H	100,000 00
Detroit, Mich	100,000 00
Des Moines, Iowa	45,000 00
Dubuque, Iowa	8,000 00
Galveston, Tex	87,500 00
Greensborough, N. C	2,500 00
Jackson, Tenn	5,000 00
Harrisonburg, Va	7,500 00
Kansas City, Mo	5,000 00
Marquette, Mich	50,000 00
Keokuk, Iowa	100,000 00
Macon, Ga	75,000 00
New York city	85,000 00
Oxford, Miss	7,500 00
Peoria, Ill	25,000 00
Reading, Pa	80,000 00
Richmond, Va	50,000 00
Sacramento, Cal	100,000 00
Troy, N. Y	100,000 00
Tyler, Tex	50,000 00
Wichita, Kans	50,000 00
Treasury building, Washington, D. C	14,600 00
Repairs and preservation of public buildings under Treasury Department	25,000 00
Total increase of public buildings	1,152,600 00
Light-houses, as follows:	
At Romer Shoal, New York	5,000 00
At Bush's Bluff, Virginia	5,000 00
At Hunting Island, South Carolina	5,000 00
At Mosquito Inlet, Florida	40,000 00
At Anclote Keys, Florida	5,000 00
At Hell Gate, New York	10,000 00
At Northwest Passage, Florida	200 00
At Pipe Island, Michigan	$10,000 00
At Northwest Seal Rock, California	45,000 00
At Angel Island, California	4,500 00
At Saint Mary's River, Michigan	12,000 00
At Destruction Island, Washington Territory	15,000 00
Life-Saving Service (net)	5,000 00
Keepers of light-houses	10,000 00
Light-house vessels	10,000 00
Buoyage expenses	5,000 00
Fog-signals	20,000 00
Coast Survey	4,000 00
National currency expenses	20,000 00
Distinctive paper, United States securities	10,000 00
Transportation of silver coin	100,000 00
Smithsonian Institution repairs	5,600 00
Furniture and repairs, public buildings	20,000 00
National Board of Health	15,000 00
Payment of W. P. Wood	1,500 00
Navy-yard, Mare Island, California	190,000 00
Coasters' Harbor Island	12,000 00
Assistant Secretary of the Interior	4,500 00
Interior Department building repairs	166,000 00
Cleaning walls of Capitol	3,000 00
Capitol terraces	328,500 00
Hot Springs Hospital improvement	30,000 00
Surveying public lands	46,000 00
Insane Hospital improvements, &c	16,300 00
Howard University	8,500 00
Freedmen's Hospital	2,900 00
National Museum	5,000 00
Rock Island arsenal	29,000 00
Washington Monument	35,000 00
Yorktown monument	2,500 00
Army and Navy hospital	5,000 00
Signal Service	18,852 00
Fort Leavenworth military reservation	12,000 00
Quartermaster and commissary depot at Saint Paul	30,000 00
Purchase of hospital records	5,000 00
Sea-wall at Governor's Island	40,000 00
Statue of La Fayette	50,000 00
Reform School building, repairs	1,800 00
Publishing opinions of the Attorney-General	1,000 00
Fees of United States commissioners	25,000 00
House of Representatives	785 00
Washington city post-office, rent	8,125 00
New Orleans Exposition	100,000 00
Public printing	500,000 00
Building for storage, &c., Public Printer	3,800 00
Reimbursement of ex-President R. B. Hayes	3,950 73
Total increase	4,072,885 83
Public buildings:	
Total increase public buildings	1,152,600 00
Total reduction public buildings	390,000 00
Net increase	762,600 00
Reduction on public buildings:	
Columbus, Ohio	60,000 00
Dallas, Tex	10,000 00
Fort Wayne, Ind	50,000 00
Galveston, Tex	10,000 00
Jefferson City, Mo	22,000 00
Saint Joseph, Mo	50,000 00
Minneapolis, Minn	110,000 00
Poughkeepsie, N. Y	20,000 00
Syracuse, N. Y	58,000 00
Total reduction on public buildings	390,000 00
New England Transportation Company	76 50
Fort Brown reservation, purchase of	85,000 00
Penitentiary in Utah	50,000 00
Penitentiary in Montana	25,000 00
Office of Public Printer	3,600 00
Total reduction	853,736 50
Net increase made by Senate committee in House bill	3,519,099 33

INDIAN APPROPRIATION BILL.

Mr. HARRIS obtained the floor.

Mr. DAWES. I wish to submit a conference report.

The PRESIDING OFFICER. The report will be received, being privileged.

Mr. HARRIS. I yield to the Senator from Massachusetts for that purpose.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 7970, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 7, 8, 20, 25, 37, 55, 58, 59, 60, 61, 62, 66, 67, 72, 80, 81, 83, 99, 100, 101, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 18, 19, 21, 22, 24, 29, 30, 32, 33, 34, 36, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 63, 64, 65, 71, 73, 79, 85, 86, 87, 88, 89, 90, 91, 92, 96, 97, 98, 102, 103, 105, 107, 108, 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "of," where it first occurs, insert the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the name of "Tonacket" and in lieu thereof insert "Tonasket;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the word "the," in line 22, on page 2 of the bill, insert the following: "Amount due and unpaid and including the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the paragraph proposed to be inserted by said amendment restore the matter proposed to be stricken out, adding thereto the following: "That the claim of certain individual members of the Pottawatomie Nation of Indians, their heirs or legal representatives, for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of the treaty of August 7, 1868, be, and the same are hereby, referred to the Court of Claims for adjudication; and said court shall, in determining said cause, ascertain the amounts due and to whom due by reason of actual damage sustained. And said cause shall be tried without delay as hereinbefore provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,597,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventy-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$83,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That jurisdiction is hereby conferred upon the Court of Claims to hear and determine any claim which may be set up by Belva A. Lockwood against the Eastern Band of Cherokee Indians for alleged professional services rendered to said Eastern Band;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$930,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$595,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "*And provided further*, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general educational fund for the preceding fiscal year has been expended; and said report shall embrace number and kind of school-houses erected and their cost, as well as cost of repairs, name of every teacher employed and compensation allowed, the location of each school and the average attendance at each school; and the first said annual report shall give a like full and detailed statement of all such expenditures heretofore made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: On page 49, in line 17 of the bill, strike out the words "five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,500;" and the Senate agree to the same.

On the amendments of the Senate numbered 9, 12, 13, 14, 26, 27, 28, 35, 41, 42, 74, 75, 76, 110, 111, 112, and 113, they have been unable to agree.

H. L. DAWES,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

R. JOHN ELLIS,
W. S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

The report was concurred in.

Mr. DAWES. There are several disagreements, the result of the conference, which will cause some discussion. It is suggested that the question upon the disposition of the amendments still pending be postponed until after an adjournment. I have no objection to that course; but I will go on with a discussion at this time if the Senate prefer.

Mr. HARRISON. I wish to ask the Senator from Massachusetts if he will yield to a suggestion. There are quite a number of pension bills reported favorably from the Committee on Pensions the consideration of which I understand the chairman of the Committee on Pensions desires to move. He does not intend to call up any contested cases, but only those bills which are reported favorably. They must be acted upon to-night in order that they may be properly enrolled. If the Senator will allow the Indian appropriation bill to lie over, I would suggest that we take up those pension bills. I think we can dispose of them in a very few minutes.

The PRESIDING OFFICER. The Chair will state that the Senator from Tennessee [Mr. HARRIS] had been recognized and was upon the floor, and yielded to the Senator from Massachusetts to make a conference report.

Mr. DAWES. If it is agreeable I will let this matter lie over informally to be taken up when the Senate again convenes.

Mr. PLUMB. Has the report been concurred in?

The PRESIDING OFFICER. The report has been concurred in, but it does not dispose of all the amendments to the Indian appropriation bill.

Mr. DAWES. Does this leave it the unfinished business to come up when the Senate again meets?

The PRESIDING OFFICER. The Chair understands that it being a conference report it will be privileged, and can be moved at any time.

Mr. DAWES. The conference report has been adopted, but there are disagreeing votes. In what manner will they come before the Senate if we take a recess at this time?

The PRESIDING OFFICER. On a motion to recede or a motion to insist and ask for a further conference.

Mr. DAWES. I should like to have an understanding that this matter be laid aside informally to be called up when we meet again.

Several SENATORS. Ask for unanimous consent.

Mr. DAWES. I will ask for unanimous consent to that arrangement.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the further consideration of the report of the conference committee be informally laid aside to be resumed at the next meeting of the Senate. Is there objection? The Chair hears none.

BRANNIN, SUMMERS & CO.

Mr. HARRIS. I ask unanimous consent to proceed to the consideration of the bill (H. R. 652) for the relief of Brannin, Summers & Co. It is a bill that has had six reports, I think, in its favor and not one against it.

Mr. MITCHELL. I desire, if it is the wish of the Senate to continue further in session, to take up the pension bills on the Calendar.

The PRESIDING OFFICER. The Senator from Tennessee has been recognized by the Chair, and asks unanimous consent for the consideration of a House bill.

Mr. MITCHELL. I was not aware of that.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Tennessee?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 652) for the relief of Brannin, Summers & Co. It directs the Secretary of the Treasury to pay Brannin, Summers & Co., of Louisville, Ky., $9,568.62, in full for duties paid by them in certain proceedings *in rem* brought by the United States against certain sugars, in the United States court for the district of Kentucky, alleged to have been fraudulently imported through the custom-house at New Orleans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON THE PRECIOUS METALS.

Mr. MANDERSON. I ask unanimous consent to make several reports from the Committee on Printing, which seem to be important.

I am directed by the Committee on Printing, to whom was referred the following concurrent resolution, to report it without amendment:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1884 be printed, and that 9,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDINGS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to compile a statement showing the number of public buildings constructed and authorized to be constructed under existing laws for each State, the amount expended or authorized for each such building from the first public building constructed to the 4th of March, 1885, and to report such statement to the Senate in December next; and for such purpose the said committee be authorized to employ a clerk at the usual compensation until the 1st of December next; to be paid from the contingent fund of the Senate.

COMMITTEE ON RULES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be, and is hereby, continued and authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, to report it without amendment; and I ask for its present consideration:

Resolved, That the Committee on the Improvement of the Mississippi River be directed to prepare a detailed statement of the expenses of the improvements of the Mississippi River and its tributaries with a view to ascertain the amounts expended for purpose of commerce, the amount expended to protect the lands adjoining from the ravages of the rivers, to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HARRISON. Would it not be cheaper to put these clerks on the annual roll?

The PRESIDING OFFICER. The Chair thinks it would. The question is on agreeing to the resolution.

The resolution was agreed to.

TOWN LOTS IN PERU, IOWA.

Mr. PLUMB. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa. It is a bill which has passed the Senate twice heretofore, and has now come to us from the House. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT TAX SALES.

Mr. INGALLS. I ask for the present consideration of the bill (H. R. 8236) relating to sales for taxes in the District of Columbia. It is a bill which was previously under discussion, and I believe all objections have been withdrawn.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to the present consideration of the bill?

Mr. MORGAN. I object.

The PRESIDING OFFICER. The Senator from Alabama objects.

OUTERBRIDGE HORSEY.

Mr. GORMAN. I ask unanimous consent for the consideration of the bill (H. R. 4069) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the commissioners of the District of Columbia to examine the claims of Outerbridge Horsey, assignee of T. B. Winter, for medicines furnished the poor of the sixth council district in the District, and ascertain forthwith what, if any, sum be due and unpaid thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HARRISON. I ask the unanimous consent of the Senate to proceed now to the consideration of House pension bills on the Calendar reported favorably.

Mr. CULLOM. That is exactly what I was going to ask myself.

Mr. HARRISON. There are quite a number of them, and it is only proposed to take up the unobjected cases. They are House bills, and unless they are considered to-night it will be impossible to enroll them.

Mr. BUTLER. Before the Senate proceeds with the consideration of the bills to which the Senator from Indiana calls attention, I ask him to allow me to call up House bill 1401.

Mr. HARRISON. I would gladly consent to let the Senator from South Carolina call that bill up, but I am pressed by Senators about me to yield in the same direction. I hope the Senator will let us go on with this other order now. We shall have time for that bill to-morrow. There are several other bills in which I have friends who are interested, that I should like to have considered now if it were not for the necessity of considering the pension bills.

Mr. VEST. Let me ask the Senator from Indiana what objection there can be to taking up the House bills on the Calendar in their order?

Mr. HARRISON. These are House pension bills that I propose to have considered.

Mr. VEST. Why not take up all House bills? I have a bill here in which I or my constituents have no more individual interest, only as much as the constituents of other Senators, which I have been trying to get up—a bill entirely in the interest of valuable property and human life.

Mr. CULLOM. If the Senator will allow me to suggest one reason why I think the order ought to be carried out—there is quite a large number of these pension bills and they can be passed more quickly than any other class of bills, and go to the enrolling clerk so as to give him time to get the work up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana to proceed to the consideration of House pension bills reported favorably from the Committee on Pensions?

Mr. BUTLER. I object.

The PRESIDING OFFICER. There is objection.

Mr. HARRISON. Let me appeal to my friend from South Carolina not to make that objection.

Mr. BUTLER. I shall insist on it.

Mr. HARRISON. Here are perhaps seventy-five or eighty of these pension applicants whose bills have passed the House.

The PRESIDING OFFICER. The Senator from Indiana may proceed by consent; otherwise he is out of order.

Mr. VEST. Now I ask the Senator——

Mr. HARRISON. I have not yielded the floor. I desire to move, then, if we are to be met with this sort of resistance, that the Senate proceed to the consideration of the first one of the House pension bills on the Calendar.

Mr. CULLOM. It is House bill 7718, Order of Business 1357.

The PRESIDING OFFICER. The Chief Clerk will report the title of the bill referred to by the Senator from Indiana.

Mr. BUTLER. I object.

The PRESIDING OFFICER. The Chief Clerk will report the title of the bill. The Senator from Indiana moves, as he has a right to move, that the Senate proceed to its consideration.

The CHIEF CLERK. "A bill (H. R. 7718) restoring John Snyder to the pension-roll."

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the bill. [Putting the question.] The "ayes" appear to have it.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. PENDLETON. I am paired with my colleague [Mr. SHERMAN], but inasmuch as there is no quorum voting I shall vote. I vote "yea."

The result was announced—yeas 31, nays 5; as follows:

YEAS—31.

Allison,	Frye,	McMillan,	Pendleton,
Beck,	Gorman,	Mahone,	Plumb,
Blair,	Hale,	Manderson,	Sabin,
Bowen,	Harris,	Maxey,	Sawyer,
Conger,	Harrison,	Miller of Cal.,	Vest,
Cullom,	Hawley,	Mitchell,	Williams,
Dawes,	Jones of Nevada,	Morgan,	Wilson.
Edmunds,	Lamar,	Palmer,	

NAYS—5.

Bayard,	Call,	Coke,	Vance.
Butler,			

ABSENT—40.

Aldrich,	Farley,	Jonas,	Pugh,
Brown,	Garland,	Jones of Fla.,	Ransom,
Camden,	George,	Kenna,	Riddleberger,
Cameron of Pa.,	Gibson,	Lapham,	Saulsbury,
Cameron of Wis.,	Groome,	Logan,	Sewell,
Chace,	Hampton,	McPherson,	Sherman,
Cockrell,	Hill,	Miller of N. Y.,	Slater,
Colquitt,	Hoar,	Morrill,	Van Wyck,
Dolph,	Ingalls,	Pike,	Voorhees,
Fair,	Jackson,	Platt,	Walker.

The PRESIDING OFFICER. No quorum having voted, it is the duty of the Chair to order a call of the roll. The Secretary will call the roll of the Senate.

The Secretary called the roll, and 34 Senators answered to their names.

The PRESIDENT *pro tempore*. Thirty-four Senators have answered to their names—not a quorum.

Mr. ALLISON. I move that the Senate take a recess from now until 9 o'clock this morning.

The motion was agreed to; and (at 2 o'clock and 30 minutes a. m., Tuesday, March 3, 1885) the Senate took a recess until 9 o'clock a. m.

MORNING SESSION.

The PRESIDENT *pro tempore* (at 9 o'clock and 15 minutes a. m., Tuesday, March 3). The time of the recess has expired. At the time the recess was taken there was no quorum present, and there seems to be no quorum present at this time.

Mr. DAWES. I move a call of the Senate.

The PRESIDENT *pro tempore*. The roll of the Senate will be called.

The Secretary called the roll, and 21 Senators responded to their names.

The PRESIDENT *pro tempore*. Only twenty-one Senators have answered to their names. There is no quorum present.

Several Senators entered the Chamber.

Mr. ALLISON (at 9 o'clock and 45 minutes a. m.). Is there a quorum present, Mr. President?

The PRESIDENT *pro tempore*. There is not. Thirty-seven Senators are now present.

Mr. FRYE and Mr. MAXEY entered the Chamber.

The PRESIDENT *pro tempore*. A quorum of Senators has now appeared. The Senate proceeds to the consideration of the motion to take up the bill (H. R. 7718) restoring John Snyder to the pension-roll.

Mr. CONGER. Mr. President——

Mr. DAWES. I ask the Senator to give way.

Mr. CONGER. Let that bill be passed and I will give way. I have been waiting all winter to pass that bill.

Mr. DAWES. I have been waiting all winter to pass the Indian appropriation bill.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRISON. If I may be allowed to make a suggestion, I ask unanimous consent now that we proceed to the consideration of the pension bills reported favorably, and when that consent is obtained, if it is, then of course I will give way to the Senator from Massachusetts.

Mr. DAWES. I should be very glad to do that, but it is perfectly apparent that if the Indian appropriation bill can not go to the House now——

Mr. HARRISON. I am going to give way as soon as I get unanimous consent.

Mr. DAWES. Why do you want to get consent of the Senate and then not use it?

Mr. HARRISON. I intend to use it; but it simply gives the conference committee report a chance to get in.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Indiana that he ask unanimous consent to take up pension bills after the Indian appropriation bill is disposed of.

Mr. HARRISON. That is exactly what I propose to do.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the report of the conferees on the Indian appropriation bill be now considered, and that immediately after the disposition of that the Senate take up the House pension bills.

Mr. HARRISON. Reported favorably.

The PRESIDENT *pro tempore*. House pension bills reported favorably. Is there objection? The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I beg pardon of the Senate for taking any considerable portion of their time this morning. I wish to state the condition of this bill and the final disposition of it by the two bodies.

The Senate and the House have now come together upon everything in this bill that pertains to an Indian appropriation bill. It has been some time since this bill passed the Senate, and perhaps it is proper that I should state the condition of it in the beginning, and that will show the condition of it at this time.

It came over from the House with the ordinary appropriations for the Indian service loaded with a large amount of what are called depredation claims and burdened with a large amount also of general legislation upon important matters. The Senate at that time sustained the Committee on Appropriations in stripping the bill of everything except what pertained to the appropriations. It went back to the other branch with the Senate rejecting by way of amendment the entire body of depredation claims and substituting in their place a provision which seemed so wise that the conferees on the part of the House have agreed to it, looking to safeguards and clearer light upon the subject of depredation claims, and also with all the independent legislation stricken out of it.

The conferees have agreed on all matters in the bill pertaining to appropriations, and it comes back to the two Houses to say whether it shall be an appropriation bill, or shall be an appropriation bill and a private claims bill and also a bill to carry general legislation.

As the Senate sustained the Committee on Appropriations in striking out all the independent legislation, I have to say that this was the first bill I believe in which the committee's determination that they were instructed by the Senate came before this body and the Senate sustained the committee in every respect and struck out every particle of that legislation. Since then the course of the Senate in reference to other matters, while the committee have been compelled to adhere to the resolution and rule of the Senate, has somewhat weakened the conference committee, and this conference committee have resolved to submit the question to the Senate, and the conferees on the part of the House to the House.

The conferees on the part of the Senate have been severely criticised publicly and in this body for resisting the introduction of legislation into this bill which of itself the public have come to consider very important. It was. It was in vain that the committee at the time it was considered pointed out defects in this legislation, admitting its general purpose to be wise and that if in independent bills where it could be perfected it would be eminently proper to consider it. It seems to have been in vain for them to try to make others understand outside of this body, and even the body itself, that under the rules we could not perfect this proposed legislation.

I have felt that it is necessary to ask a vote of the Senate upon some of these propositions, at the same time voting to adhere to the rule of the Senate, and to point out what are the defects in these measures that render it improper that in their present shape they should go on the statute-book; and for that purpose I would, if it were proper, if there were any such motion known to parliamentary law as receding from our amendment with an amendment, make that proposition; but there is no such motion known to parliamentary law. There are but two motions that can be made in reference to this independent legislation. One is to insist upon our amendment striking it out, and the other is to recede from it. The only way it seems to me that we can make known to those who demand that we yield this legislation what is the matter with it beside the rule, is to propose an amendment here and let it go into the RECORD, and that will show what if this were in a place where under the rules we could adopt it in our opinion it ought to be; and therefore I desire to call attention to one or two of these provisions.

The first to which I desire to call attention is that one which seems to have attracted attention in the other body and throughout the country as one of vital importance. It is what is called the crimes act, for the first time proposing to punish Indians like white men, in the same courts for the commission of crimes—a very important provision and one which the demands of the Indian service are very urgent for; and yet the provision, which is section 11 of this House bill, proposes in the first place—unfortunately in its phraseology, not in its intent—to take away from State courts, whether there be a reservation in the State or not, in Massachusetts or Connecticut, as well as any other State where there is a reservation, jurisdiction over the commission of an offense if either party to it be an Indian, and transfer it bodily to the United States courts. If any Indian should come from Nebraska to Massachusetts and there fall into a quarrel with any white man there or an Indian there the State courts of Massachusetts, if this were a valid provision, would lose all control over that offense, and it would be taken into the United States courts. It is sufficient to say that the Constitution would not permit that, and therefore if this provision were taken, as we are obliged to take it as it stands or strike it out, it would be well in this respect.

It then goes on further and attempts to establish the civil jurisdiction of the United States courts among the five civilized tribes where they have their own courts, and where we have solemnly by treaty covenant declared that they shall have them exclusively, and where we have no right to interfere. Therefore I would propose, and I should like to have it go upon the record so that people may not say we are against this provision—I would propose if it were in order that instead of this provision the following be adopted; but it is impossible under our rules that it can be done:

That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

Now, in order to ascertain whether the Senate are willing to recede from the amendment which strikes out the defective provision which I have pointed out, I move that the Senate recede from their amendment striking out the defective provision, and I say that I shall vote against the motion myself; and I only make the motion to ascertain by a yea-and-nay vote of the Senate what is the sentiment of the Senate upon the subject. If it were in our power I would propose to offer the amendment which I have just read.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Will the Senator from Massachusetts indicate the number of the amendment to which he refers?

Mr. DAWES. It is numbered 113.

The PRESIDING OFFICER. The Senator from Massachusetts

moves that the Senate recede from its amendment numbered 113, which will be read.

The CHIEF CLERK. Amendment numbered 113 is to strike out section 11, in the following words:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do; and in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation: *Provided further*, This act shall not be so construed as to confer jurisdiction upon either the State or Federal courts to execute the laws of any of the five civilized tribes in the Indian country: *Provided further*, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes and white people of the Indian Territory in cases of debt on contract or torts committed upon the personal property of any person either in or out of said Indian Territory.

Mr. FRYE. I should like to inquire, if the Senator can with propriety reply to the inquiry, whether or not the amendment which he proposes has been submitted by the Senate conferees to the consideration of the conference committee?

Mr. DAWES. If there is no impropriety in answering the question, I will state that I have reason to believe that that would be adopted by the conference if the Senate should insist upon its amendment. If the Senate recedes, following my motion, against which I shall vote myself, it puts into the law the defective measure which I have pointed out.

Mr. FRYE. And if the Senate insists, probably the modified amendment will be inserted?

Mr. DAWES. Yes, sir. If it were in order I would move to recede with an amendment substituting that for the present section, but it is only because it is not in order and there is no way that the Senate can reach it except by insisting and indicating in this way what the Senate would like——

Mr. SHERMAN. I would a great deal rather hear the Senator make the motion to insist upon the amendment.

Mr. DAWES. The only reason I move to recede and then vote against it is because there is a feeling elsewhere that we prevent the Senate by our course from receding and taking these provisions; and I want it to be understood that I submit this plainly to the Senate, whether they will recede or not.

Mr. SHERMAN. The old rule—I have stated it two or three times and am almost ashamed to repeat it again—is that where a legislative provision is proposed by either House and readily accepted by the other it is all right; but where it is objected to by the other body the House proposing it has no right to insist on it under parliamentary custom.

Mr. DAWES. We have preached that doctrine the last three or four weeks so long and so ineffectually to other ears than our own that we are utterly helpless. Now, I do not propose to ask a yea-and-nay vote on the formal motion to insist. I know the law is just what the Senator says.

Mr. SHERMAN. I beg pardon of the Senator. The Committee on Appropriations have not put their conduct on the right position. I do not want to find fault with them, because they are doing the very best they can; but I say there never was a rule of the Senate that forbade legislation to be put upon an appropriation bill. It has been done time out of mind. The ground is that when we propose legislation that the House object to we must at once abandon it. When they propose legislation, as they have a right to do, the rule is the same; but we have no right to say that they can not put legislation on an appropriation bill, and therefore it is out of order for us to complain of the House of Representatives for putting legislation on appropriation bills. We have no business with that. They have the right to make their rules, and they can put all the legislation of Congress, repeal all the statutes of the United States, on an appropriation bill, and we have no right to complain if they do it in any way they choose, either by unanimous consent or by their rules. But when they do anything in that respect which we do not like we can simply say, "No; we will not agree to that; first, because it is wrong, and next, because we do not want it on an appropriation bill;" and in that event, whenever that disagreement occurs, the House proposing the legislation is bound to recede according to parliamentary law, and they will do it always. If they insist and insist and insist they have a right to do so, but they have no right under parliamentary laws; they have the power to do it, but they have no right to insist ultimately upon independent legislation on any appropriation bill to which the other House objects.

Mr. INGALLS. Suppose they do insist?

Mr. SHERMAN. Then the Senate would be perfectly right in adhering to its disagreement, and instead of making a motion to recede I would simply say, "Upon that amendment we adhere." Then I would stand upon that until the crack of doom!

Mr. DAWES. No Committee on Appropriations that ever I served on in this body ever took the ground that the House had not, under its rules, the right to put independent legislation on an appropriation bill. We have not gone before a conference on any such weak ground as that. We have admitted that they had the right under their rules to put it there; but we have submitted to them that it was unwise to put it there. We have told them that under our rules we were bound hand and foot and could not perfect their independent legislation, and there was another reason why they should not force us into that position; and another one was the reason assigned by the Senator from Ohio—and that reason has never been set aside by any committee of conference in which I have been—namely, that when either House proposes independent legislation in an appropriation bill and insists upon it and the other House resists it, the proposing House must yield in order to let the appropriation bill go through. That is sound, and that is an argument in a committee of conference that has always been urged; but the others have not been lost sight of.

Now, Mr. President, the reason why I desire to have a yea-and-nay vote upon the motion to recede is so that if I go into another conference I can meet the committee of conference on the part of the House by saying that I have presented their question precisely as they wanted it submitted. They have sent up this defective legislation, and up to this time they are insisting upon it. I come back and say if the Senate is willing to take such defective legislation the responsibility is off the shoulders of the conferees; I submit it fairly to the Senate. I submit it in such a form that it will give them the best opportunity of acting, and the responsibility shall be upon the Senate.

It will take no longer to take a yea-and-nay vote on a motion to recede than it will on a motion to insist. Nobody will ask a yea-and-nay vote on the formal motion after this is acted on, and so I hope the Senator from Ohio will see the wisdom of the Senate presenting this question fairly, so that the House will have no occasion to complain that we refuse to take the sense of the Senate on this matter, and I hope there will be a yea-and-nay vote on the motion to recede.

The PRESIDENT *pro tempore*. On this question the yeas and nays are called for.

The yeas and nays were ordered.

Mr. PLUMB. Mr. President, this question has assumed very considerable proportions by reason of the contention between the two Houses on this very important proposition, and also by reason of the fact that we are in the very closing hours of the session confronted with the possibility, to say nothing more, of an extra session of Congress growing out of this contention. The subject has never assumed any very great importance to my mind heretofore; but the events of this session have impressed upon me more strongly than I ever expected I could have been impressed in that way with the utter unwisdom and legislative unsoundness of the position of the House of Representatives in assuming to legislate upon important matters on appropriation bills; and that is true, as it seems to me, from every possible standpoint from which it can be viewed.

Take, for instance, the legislation which is on the Indian bill and which is now under consideration on the motion of the Senator from Massachusetts. As it came to us it had not received practically the consideration of the House of Representatives, it had not received the consideration of the Appropriations Committee even, and if it had the subject was not germane to the jurisdiction of that committee, and it was a subject which that committee, in the multitude of its other business, could not properly consider anyhow. In point of fact it was put on in the House, and when we come to consider it we find that it not only violates solemn treaty obligations of the nation, but it is absolutely unconstitutional.

Now what shall we do? That is a very grave question. The House people say, "Amend it; we will consider this thing on its merits, and if you will show us wherein we are wrong we will amend it." The answer to that is twofold. In the first place our rules do not permit us to do that. We have got to take the chances of a unanimous agreement upon the modification of an important measure, and which in the shape it comes to us from the House is pregnant with the great consequences which may grow out of any measure which violates a treaty and is also unconstitutional. In answer to that the House conferees say, "That is your fault and not ours; it is your rules, therefore, that are obstructing this matter, and not our rules." My answer to that is this: Take the Senator from Massachusetts, who I am willing to follow as a lawyer and as the chairman of the Committee on Indian Affairs, and as a Senator versed in all the intricacies of the law on this very important question; but is he himself willing to accept a snap-judgment such as he may form in the hurried hours of conference on this question? I say he is not, because he has said so himself.

In the next place, this measure ought to be discussed in the Senate; and no man can say with reference to a proposition of this kind thus hurriedly fixed up that if it were submitted to the mature judgment of the Senate it would not receive important modifications in the discussion which must necessarily ensue if it came forward as an independent proposition.

But there is another important objection, and that is this: We have had a great deal of discussion as to the relative powers of the two Houses of Congress in regard to the origination of appropriation bills. The Senate has yielded in effect to the demand of the House that it, and it alone, has the power to originate appropriation bills. But this is going a step further. It is yielding to the demand of the House that they shall originate not only appropriation bills but by the means of appropriation bills they shall originate all other substantive legislation to be passed upon by Congress. It is even stronger than that. Taking into account what has occurred within the last few days, it is a proposition that the Appropriations Committee of the House shall originate all the legislation to be passed upon by both branches of Congress, because that committee has so managed its affairs, or has been so managed, that it has been impossible that legislation should pass the House that did not come from that committee, whether it were in the shape of measures originating in the House or in the shape of measures which originated in the Senate and passed the Senate and had gone to the House and were on the Speaker's table.

But it is even more than that. It is not only the Appropriations Committee, but it has been in the power, as has been amply demonstrated in the last few days, of a single individual member of the House and of that committee, to do all the things I have mentioned in the nature of coercion in regard to that legislation, and in the absorption not only of the functions of the House but the functions of the Senate as well. We have seen how near the magnificent will-power of one man could bring Congress to the danger of an extra session of Congress, pregnant as I believe that event would be with the gravest consequences to the people of the United States.

Mr. President, all these reasons conspire to make me immovable, as an individual member of this body, upon this question of yielding upon these propositions, so far as they involve at least important legislation.

Mr. BECK. I desire to ask the Senator from Kansas for his views in regard to an argument we often hear. Five of the most important appropriation bills that have come over to us have come laden down, some of them, with legislation, within the last week of the session. We come at once to look at them; we can not examine them without sitting up all night, as our Committee on Appropriations has had to do for a week past. Might there not be some joint rule, some arrangement, something requiring that the bills should come to the Senate within a reasonable time, or that we should take some step ourselves to lay such bills before the Senate, because under the present system we can not really consider them at all, as they are held back so long that it is an impossibility to do it? And why ought not some modification be made, so that we can at least see them and consider them, by originating them ourselves if they are not presented within sixty days, or do something; for at present we can hardly do anything else than take what is sent to us?

Mr. PLUMB. That is a question which can be discussed incidentally here. The propriety of the course intimated can be suggested, and perhaps it ought to be done; but that is a question which relates to the practice of the other House of Congress. It is something which they ought to do themselves in some effective way. The mere question of method amounts to nothing. If they are to preserve their own control of legislation, I can conceive of no more gross confession of legislative incompetency than has been manifested within a stone's throw of where we are now during the last thirty days, and, in fact, during this entire session of Congress. The absolute helpless condition of things existing has impelled the sending to the Senate of one appropriation bill, involving an appropriation of $22,000,000, without the consideration of any item in it with one single exception, and that one not germane to the carrying on of the operations of the Government; and another bill, the deficiency bill, was passed in the same way without any opportunity to debate, and under the whip and spur of an apparent necessity to do it in that way in order to avoid the graver consequences of an extra session.

Mr. INGALLS. Has the deficiency bill yet been reported from the Senate committee?

Mr. PLUMB. The deficiency bill is now in the hands of the committee of the Senate, and will be reported to-day.

Mr. PLUMB. The bills thus passed receiving no consideration at the hands of the House, subjected to no scrutiny there, submitted to no debate and no amendment, coming here in the way they did, imposed upon the Appropriations Committee of the Senate a double responsibility. We are in the habit, as all of us are, of being enlightened from time to time when bills are on their passage with the arguments for or against not only the bills themselves, but the several items which they contain as found in the speeches reported in the RECORD every morning; and although not permitted to give it any very great weight directly, we are in the habit of giving great consideration to matters which, having been subjected to discussion in the other branch of Congress, have received its final judgment in the shape of a vote following such discussion.

But, Mr. President, bills have come to us this year without any such aid to their enlightened consideration here; and, in addition to that, they have come here with legislation of an important character, which I have spoken of; and the Senate has been characterized during the last week or ten days as deliberately designing to bring about an extra session of Congress because, forsooth, it insisted that it would not take legislation of that kind upon appropriation bills. And though we have been ready here at all times to consider these measures promptly as they came over, to give them ample consideration if time were allowed us, the endeavor is made to put us in the wrong in this very important matter.

The sundry civil bill which passed last night received the consideration of every single moment of time of the subcommittee and of the full Committee on Appropriations of the Senate that elapsed from the moment it was received from the House until it was reported to this body; and so with the deficiency bill; and the Senate committee was obliged to do in two days what the House required three months to do. The deficiency bill, as the Senator from Massachusetts reminds me, has been subjected to the same process, the committee taking it the moment it came over and sitting night and day in its consideration in order that they might in some decent way discharge their duty to this body before presenting it here.

Mr. President, this is a grave question with reference not only to the condition by which we are confronted now, but with reference to our future relations to the legislation of this country. If it is suggested that this legislation ought to come in the shape of separate bills, we are confronted with the statement that under the rules of the House no legislation can be put through there unless it is put through under the whip and spur of an appropriation bill; and there we land at last in that final confession of legislative incompetency which has borne the fruits which I have brought to the attention of the Senate, not only in the passage of two bills, among the largest appropriation bills for carrying on the Government, under a suspension of the rules and without the consideration of any but one single item in both of them put together, and in the final passage of a river and harbor bill giving a lump sum of $5,000,000 to be expended pro rata upon public works named in the preceding year's bill, which is not only a similar confession of incompetency but is a criminal expenditure of the public money because, as every man knows who voted for it and as every other man knows who has given it any consideration whatever, three-fourths of that money must necessarily be wastefully and wickedly expended, substantially without any returning result to the Government.

Mr. INGALLS. By a Democratic Secretary of War.

Mr. PLUMB. I do not know how much or how little that might aggravate the case, nor do I speak now to characterize this with reference to the political complexion of either House of Congress. I had occasion to say some disagreeable things once about the House of Representatives of a Congress that happened to have a majority of my political faith.

I think if this difficulty is not inherent in the system, at any rate it is incrusted by time, and nothing but some drastic remedy can ever be effectively applied to relieve us from similar straits to that which we are now in and from the grave consequences with which we are confronted.

Mr. President, if there is to be an extra session of Congress, if we shall go hour by hour steadily and resistlessly up to the time when by the Constitution the session of both Houses is to cease, it will not be because this body in all its parts has not done its duty in regard to appropriation bills. It will be because of the fact that crude and undigested measures have been sent to us here, and sent to us in the closing hours of the session, with a demand that we should bolt them entire, take them as they came, abandon our own prerogatives as Senators, give up the co-ordinate position of this body, and simply record the will of the House of Representatives, which has practically sought, whether intentionally or not, to drag the Senate at its heels; and not only that, but in doing so to give to the country legislation which its own conferees admit is in violation of treaties, in violation of the Constitution, subversive of private right, crude, ill-digested, and unworthy of the name of legislation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 346) authorizing the immediate payment of the officers and employés of the Senate and of the House for the month of March, 1885; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM H. FORNEY of Alabama, and Mr. THOMAS RYAN of Kansas managers at the conference on its part.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. DAWES. I ask unanimous consent to take up the message from the House of Representatives accompanying the civil sundry bill.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil

expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist on its amendments and accede to the request of the House for a conference.

Mr. HOAR. I do not desire at this time of the session to detain the Senate by a discussion——

The PRESIDENT *pro tempore*. The Senator will pardon the Chair. Does he desire to discuss the motion of his colleague on the sundry civil bill?

Mr. HOAR. No, sir; I desire to discuss the subject which the Senator from Kansas was discussing.

The PRESIDENT *pro tempore*. The sundry civil bill is before the Senate, and the question is: Will the Senate agree to the motion of the Senator from Massachusetts [Mr. DAWES]?

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

Mr. HOAR. Mr. President, I do not expect to discuss at this time of the session the very interesting and important matters which the Senator from Kansas [Mr. PLUMB] has touched, but I think it proper after what he has said to remark that while his criticism upon the condition of affairs presented at the present Congress by the conduct of the two branches is undoubtedly sound, and while the Senate could have and would have dealt carefully, prudently, at any rate considerately with all the great matters of legislation if they had been presented to us for our consideration from the other branch as they might have been, yet the evils of which he complains can never be corrected without a change in the time of the assembling of the two Houses of Congress for legislative purposes.

There is no reason why the habits which were formed when the country contained a population of five, ten, or fifteen millions should be maintained by the Legislature of a country containing fifty or sixty millions with its large commercial and other business interests. Now there is no reason why the time of stimulating and pleasant weather in this climate from the 1st of October to the 1st of December should not be spent in legislation, especially in the session which ends under our arrangement on the 4th of March. I hold that it will be the duty of Congress at a very early day to provide by law for the assembling of Congress at a day as early as the 1st of October, certainly in the year when the session ends on the 4th of March.

Mr. HALE. Does the Senator believe that it would be possible on the year of the Presidential election, which occurs in November, for any great public business to be attended to and well done at any time previous to that election, or perhaps immediately succeeding it, unless an interval of a few weeks elapsed?

Mr. HOAR. A vacation of two weeks could be had, if it were necessary, consistently with the general plan which I have stated; but if it could not, it certainly is of more importance to the country that the great legislative subjects should be dealt with conscientiously and considerately than it is that the particular gentlemen who belong to this or the other branch of Congress should take part in the campaign. It is certainly more important that legislation should be dealt with than that we or they should be attending to the interests of our own election or re-election.

Mr. HALE. I agree fully with the Senator from Massachusetts that there should be some equalization in some way of the two sessions of Congress; but it has occurred to me always in thinking of it that the direction was more favorable toward utilizing the spring months, March and April, in the alternate year, so that we should have the benefit of a lengthened session that might be ended before the summer heats set in, and give us at least five months for the shorter session. I agree fully with the Senator that we can not remedy this almost intolerable evil until something is done in that direction.

Mr. HOAR. As I said, I did not rise to enter into a discussion of the details of this difficulty in our legislative processes and habits. We have practically every other year a session of Congress of ten weeks, deducting the ordinary time taken for the Christmas holidays. The particular time of meeting or separating of course will be adjusted at a time when that can be considered; but I think it proper to state to the Senate and the country my own conviction that this change is a change which we must enter upon the consideration of when we assemble again next winter.

Mr. DAWES. Now I hope we may have a vote, and I hope the Senate will understand that the vote upon receding will be the judgment of the Senate whether they desire this defective legislation in the bill or not.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. DAWES] that the Senate recede from its amendment numbered 113 to the Indian appropriation bill, and on this question the yeas and nays have been ordered.

Mr. INGALLS. Do I understand that the Senator from Massachusetts invites the Senate to assent to a violation of its rules by the adoption of general legislation on an appropriation bill?

Mr. DAWES. I am sorry the Senator has not been listening so that he could better understand the Senator from Massachusetts.

Mr. INGALLS. I have unfortunately been absent from the Chamber.

Mr. DAWES. I beg the Senator's pardon for the remark I made. The Senator from Massachusetts stated that he made this motion with the intention of voting against it himself in order to get the judgment of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion that the Senate recede from this amendment, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 4, nays 47; as follows:

YEAS—4.

Butler,	Coke,	George,	Maxey.

NAYS—47.

Aldrich,	Edmunds,	Jonas,	Platt,
Bayard,	Fair,	Lapham,	Plumb,
Beck,	Frye,	McMillan,	Ransom,
Blair,	Garland,	Manderson,	Saulsbury,
Brown,	Hale,	Miller of Cal.	Sewell,
Camden,	Hampton,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Harris,	Mitchell,	Vance,
Cockrell,	Harrison,	Morgan,	Van Wyck,
Conger,	Hawley,	Morrill,	Vest,
Cullom,	Hoar,	Palmer,	Voorhees,
Dawes,	Ingalls,	Pendleton,	Wilson.
Dolph,	Jackson,	Pike,	

ABSENT—25.

Allison,	Gibson,	Lamar,	Sawyer,
Bowen,	Gorman,	Logan,	Slater,
Call,	Groome,	McPherson,	Walker,
Cameron of Pa.,	Hill,	Mahone,	Williams.
Chace,	Jones of Florida,	Pugh,	
Colquitt,	Jones of Nevada,	Riddleberger,	
Farley,	Kenna,	Sabin,	

So the motion was not agreed to.

Mr. DAWES. I will not ask for the yeas and nays on any other of these amendments. I will indicate what the difficulty is with them and put upon record the amendments that would be satisfactory to the committee of conference.

The one hundred and eleventh amendment is to strike out a proposition to try to prevent the selling of intoxicating liquors to Indians, a very proper provision if properly worded and a measure which is greatly demanded, and which has attracted great attention among all those who have had anything to do with Indians. It is a very desirable thing, but the way in which it is put forth in this provision, section 9, is such that the committee if it were in an independent bill would not feel at liberty to support it without modifications. It starts out in this way:

No ardent spirits shall be introduced, under any pretense, into the Indian country.

It then goes on to provide how it may be done. The committee would propose this simple provision in the place of it; if it were in their power under the rules of the Senate they would offer this as a substitute for it:

That every person who sells, exchanges, gives, barters, or disposes of any spirituous liquors, beer, wine, or any intoxicating beverage to any Indian under the charge of an Indian superintendent or agent, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000.

That takes and gathers together in what we suppose to be a proper form for a criminal act all the elements which are contained in this section, and other elements.

Mr. BUTLER. May I inquire of the Senator from Massachusetts if he does not consider that general legislation on an appropriation bill?

Mr. DAWES. Most certainly, and under the rules I say I can not offer it.

Mr. President, there is a provision here designed to authorize the President of the United States to disarm Indians. There is a condition of things on some of the reservations perfectly alarming so that it is necessary to take the arms, Winchester rifles, away from the Indians; but the provision is of such a character as instead of producing peace and safety among the Indians will only irritate them and thwart the very purpose in view. It ought to be amended so that when a Winchester rifle is taken from an Indian, at the same time he will have offered to him the full pay for his rifle; and that is the objection to this as independent legislation.

There is one other matter that I desire to call the attention of the Senate to which has been discussed here a good many times and which it is desirable that the Senate should have some positive position upon; and that is in relation to Oklahoma. There is a provision, section 10, in this bill which I ask the Secretary to read.

The Chief Clerk read as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. DAWES. It so happens that the Senate on several occasions have expressed a desire to accomplish the very purpose indicated in that section, but they have all along accompanied it with a declaration that until that negotiation shall have brought forth some result those who are now defying the laws of the country and declaring that they will go upon that land, lawfully or unlawfully, shall be kept off. The President of the United States has on two occasions called upon Congress to clothe him with power, to amend an existing statute of the United States which only imposes a fine upon those who willfully commit trespass upon Indian reservations.

The whole trouble in Oklahoma has grown out of that fact. The man at the head of these bands has from time to time led innocent and deluded people into that country; he has then been arrested and fined, and taken the poor-debtor's oath, and the next day snapping his fingers in the face of the officers of the law, gone and gathered a new band. The Senate of the United States has passed a bill amending that law, simply imposing in addition to the fine, or instead of the fine, in the discretion of the court, a short term of imprisonment. That bill has twice passed the Senate, but for some inscrutable reason it has failed to reach the form of law.

Now while the committee are willing and desirous to open negotiations for that property, it is the opinion of some of the committee at least that opening negotiations in the form here proposed is an invitation to all those who can go with impunity upon that land to hurry there, gathering as they are now under some mysterious impression that on the 5th of March they will be at liberty to go there whether the law be regarded or the law be violated.

I propose if that provision is adopted in any way to add to it that section of the bill which has already passed the Senate for the very purpose, simply adding to the existing penalty a short imprisonment, so that if those who demand to have that country opened are honest and really desire to have it opened for honest homesteaders, they will agree to join us in providing that until it is opened law-breakers shall not go down there and possess the land in advance of the honest homesteader. That is the purpose of the amendment, and if it were in order I should offer as a substitute for that section what I send to the desk.

Mr. CULLOM. I inquire of the Senator if the amendment he proposes is the same bill that we passed here a few days ago?

Mr. DAWES. Yes; the same bill in substance.

Mr. CONGER rose.

Mr. DAWES. I will answer the Senator from Illinois before I yield to the Senator from Michigan. It is a provision in the bill authorizing negotiations, with the second section of the bill passed the other day added to it, and that second section is the existing statute with the additional penalty.

Mr. CULLOM. As I understand it, the section that was read as having come from the House is one of the sections of the bill that was passed here the other day.

Mr. DAWES. It is in substance, with some change of phraseology. The second section of the bill we passed the other day I would propose to add to that if it were in order.

Mr. CULLOM. I only desire to say that I hope the section that is in the bill, if nothing else gets in there on the subject, will be left there, but I have no objection to the addition of what the Senator has sent to the Chair to be read.

Mr. DAWES. In reply to that I would say that I would as a Senator have no objection to that section if I did not think that, left alone, instead of producing peace it would increase the difficulty by inviting lawless people, proclaiming to them, "This is about to be opened; first come first served;" and the bands now gathering for an incursion into that territory will be stimulated in my opinion to be there in advance of the honest settler. That is my only objection to it as it stands.

HOUR OF MEETING.

Mr. CONGER. Mr. President, in order that the legislative Journal and RECORD may be kept right to-day, I move that when the Senate adjourn to-day it adjourn to meet at 12 o'clock meridian.

Mr. ALLISON. I would suggest to the Senator from Michigan that he make that 1 o'clock.

Mr. CONGER. Very well; I so modify the motion.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Michigan moves that when the Senate adjourn to-day it be to meet at 1 o'clock on the 3d day of March. The question is on that motion. [Putting the question.] The noes have it.

Mr. CONGER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. GEORGE. I understand it is proposed to adjourn until 1 o'clock to-morrow.

The PRESIDENT *pro tempore*. This is the 2d of March in the legislative session of the Senate.

Mr. GEORGE. Then it is proposed to meet at 1 o'clock to-morrow.

The PRESIDENT *pro tempore*. One o'clock of the 3d of March is the time proposed for meeting.

The Secretary proceeded to call the roll; and Mr. ALDRICH and Mr. BAYARD responded to their names.

Mr. SHERMAN. I should like to make a statement of about two or three minutes in regard to a matter rather in the nature of privilege.

The PRESIDENT *pro tempore*. The roll-call has commenced on the motion of the Senator from Michigan, and two Senators have answered. The Chair has only waited for order to be restored to have the call proceed.

The roll-call was resumed and concluded, and resulted—yeas 33, nays 15; as follows:

YEAS—33.

Aldrich,	Garland,	Mitchell,	Sewell,
Beck,	Hampton,	Morgan,	Sherman,
Brown,	Harris,	Morrill,	Slater,
Butler,	Harrison,	Palmer,	Vance,
Call,	Hawley,	Pendleton,	Vest,
Camden,	Jackson,	Pike,	Walker.
Coke,	Jonas,	Pugh,	
Colquitt,	McMillan,	Ransom,	
Conger,	Maxey,	Saulsbury,	

NAYS—15.

Allison,	Cullom,	Lapham,	Plumb,
Bayard,	Dawes,	Manderson,	Van Wyck,
Blair,	Edmunds,	Miller of N. Y.,	Wilson.
Cameron of Wis.,	Ingalls,	Platt,	

ABSENT—28.

Bowen,	Frye,	Hoar,	Mahone,
Cameron of Pa.,	George,	Jones of Florida,	Miller of Cal.,
Chace,	Gibson,	Jones of Nevada,	Riddleberger,
Cockrell,	Gorman,	Kenna,	Sabin,
Dolph,	Groome,	Lamar,	Sawyer,
Fair,	Hale,	Logan,	Voorhees,
Farley,	Hill,	McPherson,	Williams.

So the motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I do not care to have the amendment read if it may go into the RECORD.

The PRESIDENT *pro tempore*. It will be printed in the RECORD, if there be no objection.

The amendment is as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress. And every person who, without authority of law, enters and shall be found upon the lands described in the first section of this act, with intent to occupy any such lands or reservation, or any part thereof, shall for the first offense, upon conviction thereof, pay a fine of not more than $500, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court; and for every subsequent offense shall, upon conviction thereof, pay a fine of not more than $1,000 and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court and forfeited, one-half to the informer and the other half to the United States.

Mr. DAWES. I also send up an amendment as a substitute for section 8, which I ask may be printed in the RECORD.

The PRESIDENT *pro tempore*. That will also be printed in the RECORD, if there be no objection.

The proposed amendment is as follows:

SEC. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition or munitions of war, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That this provision shall not apply to the five civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best to preserve peace and prevent depredations. All arms thus taken shall at the time they are taken be appraised and the value of such appraisement be at once paid to the Indians entitled thereto, and said arms shall be sold and the proceeds thereof paid into the Treasury. The Secretary of War shall make all needful regulations for carrying out this section and report his doings thereunder to Congress, and the money necessary to carry into effect the provisions of this section is hereby appropriated.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; and

A bill (S. 2866) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

INAUGURATION CEREMONIES.

Mr. SHERMAN. I ask the attention of the Senate for a minute or two to a matter personal to the Senate I may say, and personal perhaps to myself and to other members of the committee on inauguration arrangements. I notice in the newspapers and in other places that an impression prevails that the committee on arrangements appointed by the Senate to take charge of the inauguration ceremonies have departed from the established rules in respect to the conduct of the ceremonies. I wish now to correct that impression, and to say that in all respects the rules adopted now and published in the programme laid upon the tables of Senators conform to all the precedents of the past except some changes which have been made in favor of the House of Representatives.

It is complained that the committee of arrangements is composed only of representatives of the Senate and not of the House. We have had the precedents examined, and find that that has been the case always, for the simple reason that the Senate being a permanent body it is the only body in existence after 12 o'clock on the 4th of March. Therefore a committee of three members of the Senate has uniformly regulated the ceremonies.

It has also been complained that a discrimination has been made against the members of the House of Representatives. So far from that being the case the programme is much more considerate as to the members of the House of Representatives than any programme ever before adopted.

I have had all the programmes hunted up. The one issued at the time Mr. Buchanan was inaugurated was the first that I witnessed after I was a member of either House of Congress. We went back to the inauguration ceremonies at the time of Mr. Polk's inauguration, and have followed since in that line. I shall read an extract from these proceedings showing where the changes have been made in favor of the House of Representatives and in no respect whatever discriminating against them.

At the inauguration of President Polk, for example, on the 4th of March, 1845, the privilege of the floor of the Senate Chamber was given to "Senators and others who, by the rules of the Senate, and the arrangement of the committee, are entitled to admission, as follows: The President-elect, the ex-Presidents, the Chief-Justice and associate justices of the Supreme Court, the diplomatic corps, district judges of the United States, heads of Departments and bureaus at the seat of Government, officers who by name have received the thanks of Congress for their gallantry and good conduct in the service of their country or who have received medals by a vote of Congress, and any persons entitled to a seat on the floor of the Senate, including the governor for the time being of any State or Territory of the Union, the ex-governors of the several States, such gentlemen as have been heads of Departments or members of either branches of Congress."

No other mention was made of gentlemen who had been members of the House of Representatives which had just expired by limitation. Nor was any mention made of the members-elect of the new House, yet to be organized.

In the order of procession from the Senate Chamber to the eastern portico the Supreme Court led the way, followed by the President-elect, the ex-Presidents, the Senate, the diplomatic corps, the mayors of Washington, Georgetown, and Alexandria, and then—"the other persons before admitted on the floor of the Senate."

"On reaching the front of the portico," the programme goes on to state, "the President-elect and Chief-Justice will take the seats provided for them. The ex-Presidents, the committee of arrangements, and associate justices of the Supreme Court will occupy a position several feet in the rear of the President-elect. The Vice-President, Secretary, and members of the Senate will occupy parallel lines next in rear. The diplomatic corps will occupy the next position, and the space immediately in their rear is assigned to the late Speaker, Clerk, and ex-members of the Senate and House of Representatives.

It will be seen that according to the old formula the House of Representatives was not recognised in the proceedings as an existing body, it having expired before the ceremonies commenced, but they were recognized as persons who had been members of Congress. There has been a gradual change in favor of a more marked recognition of the House of Representatives, and now we have adopted a still more marked change in favor of the House. Here is the order in which the procession is to be formed on the 4th of March:

Members of the Senate.
The diplomatic corps.
Heads of Departments.
The retired General of the Army, the Lieutenant-General of the Army, the Admiral of the Navy, and the officers of the Army and Navy who, by name, have received the thanks of Congress.
Members of the House of Representatives elect, governors and ex-governors of States.

It will be seen that in the programme forty years ago the heads of Departments, all the heads of bureaus and various executive offices that were then in existence, together with the governors and the ex-governors of the States preceded the House of Representatives. But this has been gradually changed, and the House of Representatives is recognized as a constituent body although it has ceased to exist.

I hope, therefore, if anybody in either House of Congress or any one among the people of this country thinks that the Senate of the United States have sought in any way to make any discrimination or cast any disparagement on the House of Representatives, either past or present, he will be disabused by this correction of the record.

My friend from Connecticut [Mr. HAWLEY] has hunted up all the precedents since the time of which I spoke, and it is found that in every case there has been a marked discrimination in favor of the House of Representatives by the programme now laid upon the table.

I am not at liberty to refer to what occurred in the other House, but I am told that some complaint has been made that the members of the House of Representatives come in here and take their seats in the rear of the Senate. The truth is Senators concentrate themselves in as small a space as possible and give the members of the House of Representatives two-thirds of all the room of the Senate. That has been done during the eight times I have witnessed these ceremonies. Consequently there has been no discrimination made in that respect. I should be very sorry indeed if some of the sensitive gentlemen of the House of Representatives or of the Senate should think that any discourtesy whatever of the slightest shade has been cast upon the House or its members. Certainly no man in this body, or I think in Congress, has a more profound respect for the House of Representatives than I have and I would stand by their rights and their privileges and by the utmost courtesy which has ever been given to them from the beginning of the Government to this time.

I make this statement merely to disabuse the minds of gentlemen who may have been misled by remarks made in the heat of passion probably, or without a consideration or examination of the subject.

Mr. HAWLEY. As a member of the committee of arrangements, the Senate will pardon me if I put upon record, now that the matter has been referred to, one or two references to other occasions than the one spoken of by my colleague on the committee.

I have in my hands a copy of the programme for the inauguration of President Buchanan. I will read from it only that which describes the march from the Senate Chamber. It was the old Senate Chamber then.

The Marshal of the District of Columbia.
The Supreme Court of the United States.
The Sergeant-at-Arms of the Senate.
The committee of arrangements.
The President of the United States and the President-elect.
The Vice-President and the Secretary of the Senate.
The members of the Senate.
The diplomatic corps.
Heads of Departments, governors of States and Territories, the mayors of Washington and Georgetown, and other persons who shall have been admitted into the Senate Chamber.
On reaching the front of the portico, the President-elect will take the seat provided for him on the front of the platform.
The ex-President and the committee of arrangements will occupy a position in the rear of the President-elect.
Next, in the rear of these, the Chief-Justice and the associate justices of the Supreme Court will occupy those seats on the left; and the Vice-President, Secretary, and members of the Senate, those on the right.
The diplomatic corps will occupy the seats next in the rear of the Supreme Court; heads of Departments, governors and ex-governors of States and Territories, and ex-members of the Senate, ex-members and members-elect of the House of Representatives in the rear of the members of the Senate.

Representatives were mentioned lastly, and as individuals, not as a House, perhaps because one House has just expired and the new one had not been organized. I will admit that there was an apparent discourtesy at that time in that merely incidental reference to members and members-elect of the House of Representatives.

Mr. FRYE. Is this proceeding by unanimous consent?

The PRESIDING OFFICER (Mr. INGALLS in the chair). So the Chair understands.

Mr. FRYE. I give notice that when the Senator from Connecticut is through I shall object.

Mr. HAWLEY. I shall have no objection to the objection at that time.

I desire to put on record a similar statement in regard to the inauguration on the 4th of March, 1865. Substantially the same method was followed in all respects, ex-members and members-elect of the House of Representatives in the rear of members of the Senate.

I wish to put upon record also the programme of the 4th of March, 1881, in which was substantially the same thing, and where the diplomatic corps, heads of Departments, members of the House of Representatives and members-elect, governors and ex-governors of States, &c., are so designated and not otherwise.

In the programme adopted at this time, modeled upon that, there is scarcely a change worth mentioning. I think it just as well that this should be put on record because of criticisms which have been made elsewhere.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa;

A bill (H. R. 652) for the relief of Brannin, Summers & Co.; and

A bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair understands the Senator from Massachusetts [Mr. DAWES] to have the floor upon the disputed amendments to the Indian appropriation bill.

Mr. DAWES. The Senator from Kansas [Mr. PLUMB] desires to take the floor. I have nothing further to submit at present.

Mr. PLUMB. I have detained the Senate a good deal on this question already, but I wish to call the attention of the Senate to the difference between this and an ordinary legislative proposition contained in a bill which has been the subject of dissent on the part of the Senate. We have been in the habit of giving to the President of the United States and to the heads of Departments, &c., authority, and, in fact, requiring them, during the vacation of the Senate to do certain things which we think are necessary for our information in regard to legislation which is likely to come before us at a succeeding term.

In the fortification appropriation bill, which will be before the Senate in a few minutes, provision is made for a board to examine the seacoast of the United States, and ascertain and recommend to Congress where fortifications should be built; and so in all appropriation bills. In the legislative appropriation bill which passed a provision was stricken out by the Senate, on which I find our conferees yielded, on authorizing a commission to visit the Yellowstone Park; and so with commissions to visit Indian schools and things of that kind for the purpose of more thoroughly informing the legislative mind than it otherwise would be informed in regard to the subject.

This provision, however, has assumed the proportions of a national question in which there is great danger, as I think, of some untoward result happening very soon. I feel that while this is far from what I should like to have, if it is even half a loaf, still, whether half a loaf or an ounce, it is better than no bread, as I think. This being the only thing which can be done, it seems to me that the Senate ought not to stickle on the question of legislation which is simply of that character which is the inevitable accompaniment of an appropriation bill. It seems to me I may say this without subjecting myself to that criticism which the Senator from Massachusetts has been so quick to visit upon me, that I am here doing those things which are disturbing the public peace. I assure him that conscientiously I believe that the passage of this provision in the bill will tend to prevent a rupture and conserve the public peace.

Mr. DAWES. I should not like to have that statement, the last part of the sentence, go on the record. The Senator is the last man that I would intimate would disturb the public peace. I believe the Senator conscientiously thinks that this is the only way to preserve it.

Mr. PLUMB. The Senator said the other day in debate just such remarks as I made led to all the trouble. While I acquit him of any design to reflect upon me, at the same time he can not resist the opportunity, as he never can, of hitting somebody under the fifth rib. But I appeal to him, notwithstanding that disposition of his, to give to this matter the consideration of his well-formed judgment and of that conscience which he brings to the discharge of his duties here, and let this matter, simply a negotiation, be conducted, which the President of the United States might feel a constraint about otherwise, to go on during the recess of Congress. I believe it will have a sedative effect. I believe the moment we manifest a disposition to do something in this direction it will have the effect of largely preventing the flocking of people to that quarter.

As I said, this is not what I wanted. I have earnestly contended here for affirmative legislation which I believe Congress ought to pass in regard to this land settlement. It seems to me if Congress believes, as it apparently does by the votes it has given, that something of this kind must be done, then to say so in this emphatic and affirmative way will have of itself a very considerable effect in restraining from doing that which the judgment of Congress says can not be legally done.

Mr. MANDERSON. Will the Senator from Kansas yield for a question?

Mr. PLUMB. Yes, sir.

Mr. MANDERSON. I desire to ask the Senator whether the so-called Oklahoma clause in the bill suits him as it was passed by the House, or if he proposes to amend that.

Mr. PLUMB. It does not suit me in any way, but at the same time I am advised by parliamentary authority to which I always bow that it has to be taken exactly as it is or not at all. It being a House proposition, it can not be amended by the Senate, and is therefore beyond our jurisdiction even in committee of conference, as I think it has been stated to us in an authoritative way by the presiding officer of this body; but certainly it can not be amended here. If it were our proposition we could amend it, and being a House proposition the House can amend it, but we can not touch it. We have got to take it as it is, legislation and all, without any change.

Mr. DAWES. If the Senator will permit me, I suppose it is perfectly competent for the committee of conference to modify it in any way. I now ask that the Senate insist upon its disagreeing votes and ask for a new committee of conference.

Mr. MANDERSON. I ask that a separate vote be taken on the amendments numbered 27 and 28. I think that the Senator from Massachusetts will not object to that.

Mr. DAWES. Very well; and let the Senate now insist on all the rest.

The PRESIDING OFFICER. The Secretary will report the amendment reserved by the Senator from Nebraska.

The CHIEF CLERK. Amendment numbered 28: Page 20, line 27, strike out all down to and including the word "act," in line 10, on page 21, as follows:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederate Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. MANDERSON. The other amendment to which I referred is that which makes the same extension of time to those who purchased the Omaha lands. I think it is the amendment immediately preceding.

The PRESIDING OFFICER. What motion does the Senator from Nebraska desire to submit in regard to the amendment?

Mr. MANDERSON. I am willing to submit them both, by unanimous consent, to a vote of the Senate, because they both involve the same principle.

Mr. DAWES. Let us insist as far as we can, and then take the vote on the other amendments.

Mr. PLUMB. I ask that the vote be reserved on what is called the Oklahoma provision of the bill.

The PRESIDING OFFICER. The Secretary will report the amendment desired to be reserved by the Senator from Kansas.

Mr. DAWES. The Senator from Nebraska wishes a separate vote on amendments numbered 27 and 28, and the Senator from Kansas on amendment numbered 112.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts is that the Senate insist upon the other amendments?

Mr. DAWES. Yes, sir.

The PRESIDING OFFICER. Are there any other amendments to be reserved?

Mr. MILLER, of California. I wish to have amendment numbered 25 reserved, the Hogan claim.

The PRESIDING OFFICER. The clerks will make a memorandum of it. If there is no objection the amendments other than those reserved will be considered as insisted upon. The question now recurs whether the Senate will further insist upon its amendments numbered 27 and 28.

Mr. MANDERSON. I desire simply to call the attention of the Senate to the character of those two amendments.

Mr. DAWES. The Senator will reach what he is after if he moves to recede. That takes precedence of a motion to insist.

Mr. MANDERSON. I move that the Senate recede from its amendments numbered 27 and 28. The different provisions of the bill upon which the Senate insists I understand are those which are objectionable in themselves as the bill came from the House. The Senator from Massachusetts, the chairman of the Committee on Indian Affairs, has suggested to the Senate what there is objectionable in the clause which provides for the jurisdiction of courts over offenses committed by Indians off their reservations. He has given his suggestions as to the objections to the clause which provides punishment for the sale of liquor to Indians, and he mentioned the amendment that he would propose to the clause regarding the purchase of arms, and the amendment also to the Oklahoma provision, which is yet to be considered.

But I do not understand that the Committee on Indian Affairs has any objection whatever to the extension of the time for the payment of the remaining purchase-price of the lands sold by the Omaha and Otoe Indians.

This extension of time has been recommended by the Secretary of the Interior, and it would be certainly a great hardship to those people if it was not extended. The extension is properly guarded. The consent of the Indians must be obtained. When this matter was under discussion before I heard no one in the Senate make any objection to it whatever on the ground of merit, but it was conceded to be most righteous and just legislation. I hope the Senate will recede from the two amendments I have indicated.

The PRESIDING OFFICER. The Senator from Nebraska moves first that the Senate recede from its amendment numbered 27.

The question being put, there were on a division—ayes 7, noes 40.

Mr. VAN WYCK. I shall ask for the yeas and nays, and I desire to say a word on the subject. This is one of the cases where the rules are a stumbling-block in the way of accomplishing something which receives the unanimous consent of both Houses. We are instructed as to the meaning and extent of the rule. I think possibly an hour was spent this morning, several hours are spent every day, as to the meaning of the rule which requires that no general legislation or new legislation shall be placed upon an appropriation bill. It would be well if the rules were first made and then construed, so that legislation

which commends itself to the judgment of every man should be placed upon an appropriation bill.

The Senate have no trouble while wrangling with the House about their rules as to the power which the House exercised in this matter. They have no difficulty in concurring with the House in a matter of doubtful legislation, and even placing legislation upon an appropriation bill which is of a doubtful character. Only a few days ago, on an appropriation bill from which the House itself had stricken the legislation recommended by its own committee, when the House was placing itself in accord with the rules of the Senate by refusing legislation upon an appropriation bill when the Committee on Appropriations of this body refused to place it in the bill as a recommendation from them, the Senate interposed and placed legislation upon the bill against the recommendation of the Committee on Appropriations of this body and against the position of the House of Representatives. I refer to the legislation which placed a subsidy for steamships upon an appropriation bill. The Senate did it in defiance of our rules; it did it in defiance of the action of the House of Representatives, and the Senate insisted that that legislation should go upon an appropriation bill, and it was done.

Here is an innocent measure. The Committee on Indian Affairs recommend it unanimously, and no one in this body or out of it ever knew the Committee on Indian Affairs to recommend anything wrong. The Committee on Indian Affairs in the other House were in favor of it, and yet a proposition to benefit the Indians and to benefit the white man, unanimously approved, causes the stern virtue of this body to rise in indignation and declare that one of its rules is about to be put in peril.

We seek to do justice to the white settlers, and that is where the trouble is. We seek to do justice to the five hundred families of white settlers upon the Omaha and Otoe lands who by reason of adverse circumstances are not able to make the Senate hear them. They are not entitled to consideration, while John Roach, Jay Gould, and C. P. Huntington can stand at the entrance of the other end of this Capitol and have their lobbies at your doorways and demand that the American Senate shall violate its own rules.

That is the explanation. It is understood in this body. It is understood by the country at large. If any suggestion could be made that there was any possible injustice in the proposition, then it would be well to stop to consider it for a moment. But there is nothing of that kind. The Indians have been benefited by the large price paid for this land. It was assessed honestly, liberally, at a large price. We buy the Indian lands in the Indian Territory; we drive them off of the land and pay them 30 cents an acre. These lands in the Omaha and Otoe reservation brought from $7 to $15 per acre, and were bought by honest purchasers, settlers who benefit the nation, and they are paying 6 per cent. interest to the Indians.

By reason of adverse circumstances, the low price of grain, and the high rate of transportation, they are unable to meet the payment due. Unfortunately they are in a country where it is really cheaper to buy corn for fuel than to buy coal. Those are the men who are stretching forth their hands in their poverty and adverse circumstances and asking the American Congress to do no wrong to anybody, not to harm the Indian, but to benefit him.

The Senate will remember that when this money is paid by the white man it does not go into the pocket of the Indian himself, but it is paid to the General Government and the General Government invests it for him and pays him a certain rate of interest upon it. The money today is drawing 6 per cent. interest, and if it remains unpaid a year longer at 6 per cent. interest the Indian is benefited. If it is paid to the Government of the United States the Indian gets less interest. I know not how much interest he will get, but not to exceed 5 per cent. By and by I suppose the Government will only want to pay the Indian 3 per cent. interest, because that is the rate of interest that it is desired to apply to the immense indebtedness of the subsidized railroads.

Of course Senators and other gentlemen feel as friendly to the Indian as the Committee on Indian Affairs in this body, who insist that the Government should pay no more interest to the Indian than it receives on its own debt from wealthy corporations presided over by the Gonlds and Huntingtons of this country. The result would be an actual injury to the Indian, because in a little while he would receive only 3 per cent. upon his money. Now from the settler and purchaser he obtains 6 per cent.

Those are the facts of the case. It is but justice to the Indian. This proposition requires his assent. We only ask now that the bill shall retain the legislation which the House put on it, and let the settler and the purchaser understand that the Indian is to be protected while he injures no one.

It may be that because this proposition is so plain and so equitable, so just and so honest, the Senate adheres stubbornly to its rule. Certainly it is strange in these last hours of the session that this matter which commenced nearly on the first day of the session continues to the last. But the rules are in the way. What do they mean? They are a very convenient resort when Senators desire certain things not to appear upon an appropriation bill; then they are used as a stumbling-block; but when other legislation is required and desired, then there is not a word of objection raised on account of the rules.

Now, Mr. President, I hope——

Mr. DAWES. You hope we shall have a vote.

Mr. VAN WYCK. Yes; I hope we shall have a vote, and I hope we shall have a vote that will be a little in the interest of justice and equity, and in the interest of the class of men who are not able to send lobbies here at great expense, who are not able to employ the most learned intellect, who have not the power to go into your large cities or into either branch of Congress and lay their hands upon the legal talent which may be there and ask that they shall rise up and defend their claims. There is nothing of that kind. All they can rely upon is the petition which they send here to plead for the recognition of a few of the principles of justice. That is all they can ask in this case.

Mr. MILLER, of New York. The Indians do not get any of this money.

Mr. VAN WYCK. I have been standing here talking to the Senator from New York, who was right within the sound of my voice, and who I am pleased to see paid attention to what I was saying, but he now rises up and says that the Indians do not get any of this money. That is just what I was trying to tell the Senator, that the Indians do not get this money. In no way do the Indians get this money. They obtain only the interest on the money. I was trying to show my friend the Senator from New York that it was in the interest of the Indians that the interest should be paid to them.

I shall not say anything more on this question. I have got the Senator from Massachusetts I think calm and quiet and not so nervous. I will therefore ask that we may have a vote upon this matter. I should like to have a vote which would be in consonance with the views of the Committee on Indian Affairs of this body, and that is to retain this legislation upon the bill. Therefore, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Is the motion to further insist?

The PRESIDING OFFICER. The question is on the motion to recede from the amendment numbered 27. As the Senate acted on the bill by striking out the paragraph, the Senator from Nebraska [Mr. MANDERSON] moves that the Senate recede from its amendment, which would leave the paragraph standing in the bill.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 13, nays 33; as follows:

YEAS—13.

Blair,	George,	Palmer,	Wilson.
Bowen,	Manderson,	Sewell,	
Cameron of Wis.,	Maxey,	Van Wyck,	
Cullom,	Miller of Cal.,	Vest,	

NAYS—33.

Aldrich,	Dawes,	Jackson,	Pike,
Allison,	Dolph,	Jones,	Platt,
Bayard,	Edmunds,	Jones of Florida,	Pugh,
Beck,	Garland,	McMillan,	Saulsbury,
Butler,	Hale,	Miller of N. Y.,	Vance,
Camden,	Hampton,	Mitchell,	Walker.
Chace,	Harris,	Morgan,	
Coke,	Hawley,	Morrill,	
Conger,	Ingalls,	Pendleton,	

ABSENT—30.

Brown,	Gibson,	Lamar,	Sabin,
Call,	Gorman,	Lapham,	Sawyer,
Cameron of Pa.,	Groome,	Logan,	Sherman,
Cockrell,	Harrison,	McPherson,	Slater,
Colquitt,	Hill,	Mahone,	Voorhees,
Fair,	Hoar,	Plumb,	Williams.
Farley,	Jones of Nevada,	Ransom,	
Frye,	Kenna,	Riddleberger,	

So the motion to recede was not agreed to.

The PRESIDENT *pro tempore*. Amendment numbered 28 is not yet disposed of.

Mr. MANDERSON. I do not care about pressing a vote upon that. I withdraw my motion to recede from it.

Mr. DAWES. I move that the Senate insist upon the amendments numbered 27 and 28.

The PRESIDENT *pro tempore*. The Senator from Nebraska withdraws his demand for a separate vote on amendment numbered 28. The Senator from Massachusetts moves that the Senate insist upon its amendments numbered 27 and 28.

The motion was agreed to.

The PRESIDENT *pro tempore*. Amendment numbered 35 was reserved on the request of the Senator from California [Mr. MILLER].

Mr. DAWES. I wish to say in reference to that amendment that it is one of the depredation claims. I think it is the best of them all, but they all ought to go together. If any one of them is admitted they ought all to be admitted; but, on the other hand, they all ought to be referred for examination.

Mr. MILLER, of California. I move that the Senate recede from its disagreement on that amendment, and I wish to take the sense of the Senate upon my motion.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate recede from the amendment numbered 35, the nature of which has been stated.

Mr. INGALLS. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. Amendment numbered 35 is to strike out lines 959 to 965, in the following words:

For the payment by the Secretary of the Interior to J. M. Hogan, of Stockton, Cal., the sum of $6,600, out of the funds herein appropriated for the Shoshone Indians, the same being a claim for damages caused by depredations of said Indians, and examined, and approved, allowed, and reported to Congress by the Department of the Interior, $6,600.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from California that the Senate recede from the amendment just read.

Mr. COCKRELL. Is it in order to move that the Senate adhere to its action in striking out?

The PRESIDENT *pro tempore*. The motion to recede has precedence.

Mr. COCKRELL. I hope the Senate will not recede.

Mr. MILLER, of California. I hope it will.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to recede.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The next is amendment numbered 112, which will be read.

The CHIEF CLERK. Amendment numbered 112 is to strike out section 10, as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. VEST. I sincerely hope that the Senate will accede to the provision inserted by the House. We are now in the last hours of this Congress. Since this matter was up for discussion in the Senate I have received a pamphlet published by the leader of these so-called Oklahoma boomers, in which a plausible argument is made, obviously prepared by a man of ability, taking the position that the Indians have no title whatever to these lands and that they are open to settlement by citizens of the United States.

Unless this legislation is had now we must expect that we shall inevitably have a condition of affairs in that Territory which will be dangerous, to say the least, to the peace of the entire southwestern portion of this country. We ought to make no mistake about this matter. The men who are there, hovering upon the borders of that Territory, intend to occupy it unless the Congress of the United States forbids it.

So far as the rule is concerned I was really in hopes that after the performance of yesterday and last night it would not seriously be invoked here again. Last night we placed upon the sundry civil bill pages of new legislation by the unanimous vote of the Senate, and today when an emergency comes upon us which involves the peace of an entire section of this country and brings us face to face with a most serious crisis, we are told that the rule must stop this legislation.

If there is a single Senator in this body who will say now that in his opinion the legal position which the House and Senate have both assumed in regard to the rights of these Indians is not correct, I shall have nothing more to say upon this subject. I have yet to hear a single Senator say that Congress is not right in saying that its honor, that justice, that the public peace, all require that negotiations should be opened with these Indian tribes, and that their title, whatever it may be, should be extinguished.

Mr. DAWES. If nobody disputes that proposition I should like to have the Senator answer a question. He has stated that the persons hovering upon the borders of that Territory propose to go in there unless Congress prohibits them. I ask him if he has any objection to adding to this section a prohibition to their going in until it is settled?

Mr. VEST. I voted for the bill which contained that clause and it had my full concurrence, as the Senator from Massachusetts very well knows.

Mr. DAWES. There would not be anybody objecting to this proposition if it had that added to it.

Mr. VEST. If such a clause should be added to the section now it would absolutely destroy it. The House would agree to no such legislation. I am not here to discuss that, however.

This provision does not go as far as I would have it go; but it is all that we can get here now, in the very last moments of the session. To put on the clause which is urged by my friend from Massachusetts, and to which I heartily assent, would be simply to destroy what little of value there is in sight at this time.

Mr. PLUMB. It can not be put on now.

Mr. VEST. It can not be put on now, as the Senator from Kansas says. I am no skilled parliamentarian, but I understand it is amenable to a point of order. I have not raised that; but I sincerely hope that the Senate will do all that can be done now at this point of time and agree to the legislation proposed by the House of Representatives.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Missouri to make any motion?

Mr. VEST. No, sir.

The PRESIDENT *pro tempore*. There is no motion pending before the Senate.

Mr. DAWES. I move that the Senate insist upon its amendment numbered 112.

Mr. VEST. I will move that the Senate recede from the amendment.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Massachusetts that the Senate insist upon the amendment, the Senator from Missouri moves that the Senate recede, which latter motion has precedence.

The question being put, there were on a division—ayes 24, noes 14; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, I am disposed to think that the significance of this vote is not fairly understood by the Senate. If I am correct, if the Senate recedes the proposition will be left in the bill as it came from the House of Representatives. Am I correct?

Mr. ALLISON. You are.

Mr. INGALLS. The chairman of the Committee on Appropriations informs me that I am correct, and when he says that I am correct, I have a double assurance.

I have no doubt that within forty-eight hours from this time 20,000 people by concerted action will move upon what are known as the Oklahoma lands with the intention of forcibly occupying them, and that they will be prepared to maintain that occupancy by a resort to arms if need be. I do not think that any graver complication will confront the administration that is just dawning upon us, whose crepuscular light we already see in the eastern sky, than that which will devolve upon it in consequence of the movement of what are known as the boomers upon Oklahoma.

President Arthur felt called upon in pursuance of treaties made with the five civilized tribes of Indians, and under the laws of the United States, to direct that a colony as he believed illegally settled upon those lands should be removed by force of arms, and a small army of the United States, or a small portion of the small army of the United States, under the command of an eminent general, was directed to proceed to that territory for the purpose of expelling some four hundred or five hundred men who had intrenched themselves in that locality. The first manifestation of force made against them was not sufficient to overawe them. They successfully resisted the force which was sent against them, and it was not until re-enforcements had been sent that at last they finally yielded, "folded their tents like the Arabs and silently stole away;" but with the express declaration that upon the 5th of March they should rendezvous upon the southern limits of the State of Kansas in such numbers as they could assemble for the purpose of repeating their assault upon the authorities, and with the further assurance, in some way obtained, that this movement would be with the concurrence and approbation of the incoming administration.

Mr. CULLOM. Will the Senator allow me to interrupt him simply for the purpose of saying that I have had several letters from men who were engaged in this movement stating that over 2,000 would start on the 5th of March for the country the Senator is speaking of?

Mr. DAWES. Why on the 5th of March?

Mr. CULLOM. I am not able to answer that question, but I suppose it is on account of what the Senator from Kansas has suggested.

Mr. INGALLS. Whether that is an instance of *post hoc* or *propter hoc*, whether it is cause and effect or whether it is coincidence, this deponent sayeth not. But there will be a great many times two thousand men ready, in my judgment, on the 5th of March to take up their line toward the Oklahoma region. To reach that they must pass over territory which it is admitted they are forbidden by law to traverse. It is alleged that there are some eight or ten million acres of land there held by the United States Government as public lands of the United States within the limits of the Indian Territory.

Mr. VEST. Fourteen million acres.

Mr. INGALLS. Fourteen million acres, the Senator from Missouri tells me, circumscribed, a sort of Mediterranean region that is included, a *mare clausum*, surrounded on all sides by territory over which confessedly no white man has a right to pass.

Mr. BUTLER. May I ask the Senator from Kansas whether the commanding officer of the United States troops has not been ordered to prevent such an invasion of that Territory?

Mr. DAWES. Certainly he has.

Mr. INGALLS. Certainly he has. I understand that orders have been issued by the President of the United States directing the military force of the Government to assemble upon the frontier for the purpose of preventing this threatened invasion; but, sir, the star of that eminent commander is about to set. Within a very brief space of time the command of that majestic body of men known as the Army of the United States will have passed from the great general who now has control of it to the still greater general who will shortly be its commander-in-chief. What course he will see fit to take of course is yet in the womb of the future; but it is undoubtedly true that these men assume that in some mysterious way or other the policy of the Government is to be changed, and that after the 5th day of March (and the Senator

from Massachusetts is as able to answer his conundrum as I am) the military force is to be withdrawn, and the avenues are to be widely opened through which those men may proceed to occupy that territory.

There are no public lands of the United States within the limits of what are commonly known as the Oklahoma lands. They were ceded to the United States for a specific purpose, well defined in the treaty of contract by which the contracting parties agreed, and that was that they should be used for occupation by other friendly Indian nations or by the freedmen of the civilized tribes who had formerly owned and occupied them.

There have been many injurious statements sedulously made public in connection with those lands. Among other things, it has been said that the Senate of the United States was preventing the occupation of the lands by homestead settlers in the interest of the great cattle corporations which it was alleged had grazing leases thereon, and that we were standing here as an impassable and insuperable barrier to the occupation of that territory by the homestead settlers of the United States. I feel called upon to say that having been for a considerable space of time a member of the Committee on Indian Affairs of the Senate, which has had under consideration by order of the Senate the question as to the propriety and the legality of the grazing leases which have been hitherto made by Indian tribes to various citizens in different portions of the Republic, there is not a grazing lease that covers one single rood of that country.

There is not upon all the area that is known and recognized and described upon the map as the Oklahoma region a single hoof of stock that is grazed by any white man under any contract, assumed or direct, permitted or not permitted by any authority whatever, either by the Indians or by the United States Government. It is as absolutely free from all occupation as was the Garden of Eden before our first parents were placed therein, and it is surrounded by a territory upon every square foot of which stands the angel of the law with the flaming sword of a statutory prohibition declaring that under penalty no man shall be permitted to go thereon.

Sir, I take occasion to say further, because many of my own constituents have been stigmatized in connection with this matter as being lawless, violent, disorderly citizens, who were in some way or other stimulating this movement, engaged in hostile demonstrations against the peaceable Indians in that Territory, that to the best of my knowledge and belief this movement has neither the sympathy nor the support of any considerable number of the inhabitants of the State of Kansas. By its propinquity, by its neighborhood, by its being a conterminous region, it has so happened that these lawless adventurers, these people who have not the fear of the law before their eyes, these men who are homeless and who always want to go wherever they are forbidden to go, have made the State of Kansas the rendezvous, the stamping-ground upon which they have assembled for the purpose of organizing their colonies and carrying on their attempted operations for the occupation of this territory; but the people of Kansas, in my judgment, do not desire that there shall be any unlawful occupation of that region, for they know just as well as I know, just as well as every Senator who hears me knows, that if the amendment which is proposed by the Senator from Massachusetts to the bill shall be agreed to, it means not only the occupation of the Oklahoma lands properly so called, but it means the absolute subversion and destruction and overthrow of the autonomy of the entire Indian country.

We are not without lessons; we are not without experience in these matters. It is in the memory of many of those who now sit around me that but a few years since the Sioux occupied what is known as the Black Hill region, the Deadwood country. It was held by the sanction of a treaty as consecrated, as binding as that which now controls this land in the Indian Territory; and I say that the Cherokee Nation there have a parchment title to 19,000,000 acres under the sign and seal and superscription of the President of the United States guaranteeing them in the possession of that land by a title as indisputable, as irrefragable, that is as binding in law as that by which any Senator here holds the title to the home which he occupies.

This movement that is being made upon the Oklahoma region simply means that all that autonomy shall be overthrown; that that whole area which we now describe as the Indian Territory shall be given up to white occupation upon such terms as the white occupants who may unlawfully go there shall see fit to prescribe.

Mr. President, this matter should give us pause. It is a very grave situation. It may be that before the sun shall have twice risen upon this Capitol there will be an armed conflict upon the territory of the United States between misguided and misinformed citizens and the Army of the United States under orders from its Commander-in-Chief. I know that such a controversy can have but one issue. I should regret more than words can express to have the blood of American citizens shed in an effort, whether it may be well intentioned or whether it may be in deliberate violation of law, to obtain for themselves homes upon what they believe to be the public lands of the United States.

Sir, there is but one way to avoid it, and that is for the Senate of the United States this day not to invite those men to go there by a promise that there is to be a negotiation entered upon for the purpose of quieting title, not to invite them to go there by telling them that in twelve months from this time it will be lawful for them to be there, but to say that the treaties of the United States are to be respected, that the force of the United States is to be employed until the Indian title to the land is extinguished to prevent any occupation of that territory under any pretext whatever.

I have been astonished—and the Senator from Massachusetts frequently astonishes me—to hear the Senator from Massachusetts deliberately advocate a policy here which he has been, I believe, among the foremost hitherto to resist, by asking the Senate to recede from its amendments, practically for the purpose of enabling the committee of conference to agree to amendments which he says will be satisfactory to the Senate conferees if it can be accepted by the House. I hope I do not misunderstand the Senator; I do not desire to do so; but I gather from his statement that he wishes the Senate to depart from its rule and practice; and he has given notice of an amendment which he says would be satisfactory to him, and which he would offer in the Senate if the rules of this body permitted him so to do.

The Senator from Massachusetts knows that I speak in entire kindness to him, not with any desire, in a hostile spirit, to criticise him, but in view of the emergency which is before us, dangerous, violent, whose ends can not be foreseen, I say that I am surprised that the Senator from Massachusetts should say that he will ask the Senate conferees to agree to the amendment he has proposed, and which if I understand the rules of the Senate is not admissible and could not be retained under the practice we have adhered to thus far this session. I wish the Senator would state to me if I misapprehend him. I do not desire to do so.

Mr. DAWES. The Senator has, I do not know that I ought to say strangely, but he has greatly misunderstood me. The Senator first has misunderstood me in the fact that he thinks I want the Senate to recede from its amendment when I distinctly stated that I wanted the Senate to insist upon it. It is the Senator's colleague who asked the Senate to recede. The Senator misunderstands me further if he understands me to be in favor of any infraction of the treaties of the United States, which I agree with him in saying have made the title of the Indians to that land perfect.

Mr. INGALLS. May I interrupt the Senator? Was I mistaken in supposing that the Senator from Massachusetts tendered an amendment to the provision of the House which he said would be satisfactory to the conferees, and that he would offer it in the Senate if the rules permitted him to do so?

Mr. DAWES. No; fortunately the amendment which I propose is not satisfactory to any other conferee but myself. All the other conferees, I am sorry to say, are for taking that provision of the bill just as it is. I have insisted upon it that I would not agree to that proposition unless there was annexed to it the provision that until the arrangement was made it should be a penal offense for men to go down into that Territory without authority of law. I was for accomplishing just exactly what the Senator from Kansas says. I stand here to vindicate the incoming administration from any aspersion thrown upon it in advance by the statements of the Senator from Missouri and both the Senators from Kansas. I do not believe that those who are gathering on the border of Kansas have the slightest intimation from any one authorized to speak for the incoming administration that it will flinch one hair's breadth from an honest, honorable, steady, and firm administration of the law. I vindicate it from the aspersion thrown upon it. I do not know that anybody will thank me for any words of defense in reference to the administration, but I do not for a moment believe that the executive power of this Government has been intrusted to any hands that will for an instant consider the question whether they will maintain the law or not.

But, sir, I look at this question in the future. That country must be opened to settlement. My desire is that it shall be opened according to law and upon just and fair terms. My desire is that the incoming administration shall be authorized to negotiate with these Indians for this vast tract of country that they can not occupy, but which is theirs to dispose of.

They will part with it at some time, *nolens volens*; whether they will or not, they will part with it; and it is my desire, in vindication of the rights of the Indians as well as of the law of the United States, that when they part with it they shall part with it upon fair and just terms agreed to by themselves. But while the negotiation is going on I want the arm of the United States strengthened in an effort to keep lawless trespassers from that land. I do not want the negotiation to go on while the land has been taken possession of by trespassers and law-breakers, such as those described by the Senator from Kansas.

If there is any difference between him and me it is only this: I say that that land must some time or other be opened to the homesteader. I want it paid for, and I want the honest homesteader to have it after it is paid for. That is the only difference. Therefore it is that I want the amendment which I have offered added to that provision authorizing negotiations, if that provision passes at all.

I am not here to advocate or countenance the violation of the sacred treaties with those Indians. I am here to vindicate them and preserve them, and preserve their rights.

Mr. VEST. Mr. President, the Senator from Kansas is right when

he states that there is not a single hoof of cattle upon what is properly denominated Oklahoma; but the Senator must understand that the men who are leading this lawless immigration into the Indian Territory claim that the Oklahoma country does not comprise 1,200,000 acres of land in the center of the Indian Territory, but 14,000,000 acres of land, being one-half of the western half of the entire Territory, and upon that land there are thousands of head of cattle to-day.

Mr. INGALLS. Not on the Oklahoma land.

Mr. VEST. I say not upon Oklahoma proper, but Mr. Couch in the pamphlet which he has distributed all over the West, and a copy of which I have, claims that Oklahoma means the western half of the whole Indian Territory, the land purchased from the Cherokees, from the Creeks, from the Choctaws and Seminoles, altogether amounting to 14,000,000 acres.

Mr. INGALLS. He may say that, but he knows better.

Mr. VEST. I am speaking of the effect of that pamphlet, plausibly and ingeniously written, made for the purpose as an appeal to ignorant persons in order to induce them to join him in this incursion in violation, as I hold, of the law of the land and the rights of the Indian tribes.

So far as the declaration of Mr. Couch and the leaders of this immigration is concerned, in which it is said or intimated that the incoming administration will protect them in violating the laws of the United States, it is unfair, unjust to the administration of Mr. Cleveland, about to go into existence, and it is particularly unfair to the members of the Democratic party in the two Houses of Congress.

The legislation which the House of Representatives, a Democratic body, proposes, and which we are now considering, is in direct opposition to the position assumed by these boomers under the leadership of Mr. Couch. The pamphlet to which I have alluded assumes that the Indians have no title whatever to a single foot of this land, but that it is public domain and therefore these people have the right to go upon it for homestead or pre-emption. The Senate of the United States and the House of Representatives of the United States have both declared in their respective provisions that the Indians have a title, and that that title should be secured by negotiation by the Chief Executive.

The proposition to negotiate, and which recognizes the title of the Indians, was twice proposed on this floor by a Democratic Senator. The provision which recognizes the same thing comes from a Democratic House of Representatives, and the assumption, or intimation, or suspicion that the administration of Mr. Cleveland is in sympathy, directly or indirectly, with any violation of the law and intends to violate any treaty made with these Indian tribes, springs alone from the desperation of the adventurers who are attempting to violate the law, and not from the constituted authorities of the Democratic party in this body or in the other.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the motion of the Senator from Massachusetts [Mr. DAWES] that the Senate recede from its amendment numbered 112, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is detained on business connected with the Senate. I do not know whether he is paired or not.

The roll-call having been concluded, the result was announced—yeas 18, nays 24; as follows:

YEAS—18.

Camden,	George,	Maxey,	Vest,
Cockrell,	Hampton,	Pugh,	Walker,
Coke,	Jones of Florida,	Saulsbury,	Williams,
Colquitt,	M'Pherson,	Slater,	
Garland,	Manderson,	Van Wyck,	

NAYS—24.

Aldrich,	Dawes,	Hoar,	Pike,
Allison,	Edmunds,	Ingalls,	Platt,
Blair,	Groome,	Jones of Nevada,	Sewell,
Butler,	Hale,	Lapham,	Vance,
Chace,	Harris,	Mahone,	Voorhees,
Conger,	Harrison,	Morrill,	Wilson.

ABSENT—34.

Bayard,	Fair,	Kenna,	Pendleton,
Beck,	Farley,	Lamar,	Plumb,
Bowen,	Frye,	Logan,	Ransom,
Brown,	Gibson,	McMillan,	Riddleberger,
Call,	Gorman,	Miller of Cal.,	Sabin,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hill,	Mitchell,	Sherman,
Cullom,	Jackson,	Morgan,	
Dolph,	Jones,	Palmer,	

So the Senate refused to recede.

Mr. DAWES. I now move that the Senate insist upon its disagreeing vote.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate insist on its amendment numbered 112.

The motion was agreed to.

Mr. DAWES. Now I move that a committee of conference be asked.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate request of the House of Representatives a conference on the disagreeing votes of the two Houses on the several amendments still open on this bill.

The motion was agreed to.

By unanimous consent, the conferees on the part of the Senate were authorized to be appointed by the President *pro tempore*; and Mr. DAWES, Mr. PLUMB, and Mr. RANSOM were appointed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; and it was thereupon signed by the President *pro tempore*.

PENSION BILLS.

The PRESIDENT *pro tempore*. It is the duty of the Chair now to lay before the Senate the first pension bill, according to the unanimous order of the Senate, being the bill (H. R. 7718) restoring John Snyder to the pension-roll.

Mr. BLAIR. I wish to remind the Chair that unanimous consent was given that the unobjected pension cases should be immediately disposed of as soon as the Indian appropriation bill was out of the way, and that time having come, I ask that under that unanimous consent we proceed now to dispose of the unobjected pension cases.

The PRESIDENT *pro tempore*. The Chair was under the impression that this was the first bill moved by the Senator from Indiana yesterday.

Mr. BLAIR. That is the first case; but I wish it understood that it comes up under unanimous consent to dispose of all like it.

The PRESIDENT *pro tempore*. That was precisely what the Chair stated, that it was his duty under the unanimous order of the Senate to lay this bill before the Senate as the first on the list. The bill is before the Senate as in Committee of the Whole.

Mr. WILSON. I ask unanimous consent to make two favorable reports from the Committee on Pensions in order that they may be considered.

The PRESIDENT *pro tempore*. Is there objection to receiving the reports? The Chair hears none.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8155) granting a pension to Addie L. Moore; and

A bill (H. R. 8237) granting a pension to Mary J. Dickson.

W. H. MURDAUGH.

Mr. GARLAND. I wish to ask the Senator from New Hampshire if he will allow me to make a report from the Judiciary Committee.

Mr. BLAIR. Certainly.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia, have directed me to report it without amendment. I wish to ask the Senate, under the instruction of the committee, to have the bill put on its passage. It is a disability bill, which will excite no debate, and it is the last one of the lot.

Mr. BLAIR. I can not assent to the request of the Senator. I think it justice that we proceed with the pension bills. There are some ninety of them, and I think we ought to insist on their being now heard.

Mr. ALLISON. I rise to make a privileged report.

The PRESIDENT *pro tempore*. The Chair understands the Senator from New Hampshire to object to the request of the Senator from Arkansas, and the bill reported by him will be placed on the Calendar. Pending the bill now before the Senate, the Senator from Iowa is recognized.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I present the report of the conference committee on the pension appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

W. B. ALLISON,
H. L. DAWES,
WILKINSON CALL,
Managers on the part of the Senate.

JOHN HANCOCK,
JOHN F. FOLLETT,
W. D. WASHBURN,
Managers on the part of the House.

Mr. ALLISON. I move that the Senate agree to the report.

The report was concurred in.

The PRESIDENT *pro tempore*. Does that complete the bill?

Mr. ALLISON. That completes the bill.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The bill before the Senate will be read.

Mr. HALE. The Senate has proceeded with such unexampled dispatch in the transaction of public business for the last three hours that

I have some hesitation in asking it now to proceed to consider the deficiency appropriation bill. It is a long bill of ninety-odd pages, and it ought to be sent to the House of Representatives as soon as possible. There are now but twenty-three hours and one-fourth left in which all the business needed to be done can be transacted, and, therefore, I ask unanimous consent that the Senate proceed to consider the deficiency appropriation bill. I am ready to report it.

Mr. BLAIR. Here are nearly one hundred of these pension bills, and they all come from the House. It is necessary that they be acted upon almost immediately or they must fail, and I have no doubt that they can be disposed of inside of an hour. I hope the Senator from Maine will not press for unanimous consent under the circumstances, for it would force me to do what I should very much dislike to do, object, at least for a little while.

Mr. HALE. I report from the Committee on Appropriations the regular annual deficiency bill with amendments.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent for leave to make a report from the Committee on Appropriations at this time. Is there objection?

Mr. BLAIR. I do not object to the report unless it displaces the existing order.

The PRESIDENT *pro tempore*. The report does not displace it. If there be no objection, the report will be received.

The Senator from Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, reports it with amendments.

Mr. HALE. I move that the Senate proceed to consider the bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BLAIR. I must object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. I think there ought to be no collision between these pension bills and that very important measure. It can not take over an hour, probably not over three-quarters of an hour, to dispose of all the pension business.

Mr. HALE. The Senator must take the responsibility if he thinks there is anything now of more importance than this great appropriation bill. If it is put through, everybody knows that the pension bills will surely go through. I have done my duty in reporting it and in exhausting my parliamentary right in seeking to get this bill up. I shall not trouble the Senate again about it until it is entirely ready to go on; and if the Senator chooses to object of course I can not hinder him.

Mr. BLAIR. I would like to inquire of the Senator in charge of this bill if he can give any intimation as to the probable length of time it will consume in consideration?

Mr. HALE. I do not think it will be a long bill. I do not think there are matters upon it that will raise any issue requiring debate. I presume it will pass as fast as the Secretary can read it.

Mr. BLAIR. I ask unanimous consent that this bill reported by the Senator being taken up, the pension bills may be considered immediately after it is disposed of.

Mr. HALE. Would not that follow as a matter of course?

Mr. ALLISON. I will say to the Senator from New Hampshire that there is still another appropriation bill that ought to be disposed of, and I presume it will not take much time, but there are some differences between the two Houses which ought to be submitted.

Mr. BLAIR. I ask the unanimous consent indicated; that is, that upon the disposition of the bill reported by the Senator from Maine, the deficiency bill, and the fortification bill, the pension bills on the Calendar may then be immediately considered.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the deficiency bill being taken up and disposed of, and the fortification bill, the Senate will then take up and dispose of the House pension bills favorably reported. Is there objection?

Mr. CONGER. If there be no objection, that would imply that the Senate agrees to take up the fortification bill and the deficiency bill first. There is before the Senate the river and harbor bill, which has in point of time of report precedence, and I shall take, as I gave notice last night, the earliest opportunity to call the attention of the Senate to that bill. I object to this proposition, because it implies that the other two bills mentioned shall have some precedence of the river and harbor bill.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HARRISON. I do not think it implies what the Senator from Michigan says. It is simply as to what shall be done after these two appropriation bills are disposed of. It does not imply, I think, that he may not get precedence over these two bills with the river and harbor bill.

Mr. CONGER. It was tacitly understood, in fact unanimous consent was given, that when the Indian appropriation bill was disposed of, except on consent about pension bills, the river and harbor bill should be taken up. Notice was given to that effect the first thing this morning, and I must insist on that bill coming in before either of the other appropriation bills, or at least after the deficiency bill.

Mr. ALLISON. I desire to say to the Senator from Michigan that I was present and heard him give that notice. I did not think it was at all necessary for me or for any member of the Committee on Appropriations to give notice that we would insist on taking up the regular appropriation bills when they were presented. I supposed that that was thoroughly understood in the Senate and agreed to by every Senator on this floor. So there was no unanimous consent, I submit to the Senator from Michigan, that the river and harbor bill should be taken up.

Mr. CONGER. No; the Senator misunderstood me. I said that I agreed to unanimous consent being given to take up pension bills, and I gave notice that as early as possible, and not to interfere with that unanimous consent, I would call up the river and harbor bill, and I intend to carry out that notice.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. Pending the consideration of the present order of the Senate, the request of the Senator from New Hampshire having been objected to, the Senator from Maine asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to consider the deficiency appropriation bill. Is there objection?

Mr. CONGER. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. Is it in order now to move——

The PRESIDENT *pro tempore*. It is not in order.

Mr. HALE. When will be the time that that can be done?

The PRESIDENT *pro tempore*. The Senate will be obliged either to rescind or execute the order it has made that the House pension bills favorably reported be considered and disposed of in order.

Mr. HALE. Let me say that I have had great doubt about the possibility in the little time remaining of getting through all the mass of business required to be done. This has added almost immeasurably to that danger. The Committee on Appropriations certainly has done its duty; it has worked day and night; it has spent its days and nights upon these bills; it has pushed them before the Senate whenever opportunity has offered. It has now done its best to get this great appropriation bill before the Senate in order that it may be passed and sent to the House and become finally, through the processes of parliamentary law, a statute upon the law-books of the land. That is all the Committee on Appropriations can do; and the Senate must of course take the responsibility of the situation that will from now until 12 o'clock to-morrow be upon it.

Mr. BLAIR. I desire it to be observed that the failure of the motion of the Senator from Maine depends upon the objection of the Senator from Michigan rather than the Senator from New Hampshire.

Mr. HALE. I understand that the Senator from Michigan antagonizes a possible or conjectural river and harbor bill with the likelihood of getting through other business in order that we may complete it during this session.

Mr. BLAIR. I wish further to say that when the moment comes—I do not know just when it is—when the Senator from Maine can make his motion under the rules of the Senate, I will not further oppose it.

Mr. COCKRELL. Mr. President, unfortunately under the rules of the Senate this deficiency bill can only be considered now by unanimous consent. It was only reported to-day and one objection kills it. I desire Senators to know the exact weight of responsibility that rests upon them when they refuse to permit this bill to be considered now.

Mr. BLAIR. Will the Senator permit me to ask him upon what Senator the responsibility of this objection rests?

Mr. COCKRELL. I do not know, but upon whatever Senator refuses unanimous consent of the Senate to the consideration of the bill. I hope that unanimous consent will be given in order that we may dispose of it. We have worked in the Appropriations Committee as faithfully as men could work Saturday night, Sunday, Sunday night, and all the time. We have gotten the bills here at the earliest possible day, and now we are ready to dispose of them. There is only this bill and the fortifications bill, a very small bill, only three pages and a half, besides the bills that are in conference. Some of us who are attending to this bill ought now to be in conference; and, unless we get prompt action upon this bill, we can not give attention to the other bills which are now in conference and get them disposed of at this session, and the passage of some of those bills is an absolute necessity to prevent an extra session of Congress.

Mr. CONGER. I do not bear very lightly the reflections of the Senator from Missouri. I do not know by what authority the Committee on Appropriations can come here and talk about their arduous labors and their precedence here over any other committee. There is a committee in this body charged with a general appropriation bill, and as rapidly as it was possible after that bill came from the House Friday night, as soon as they could take it up Saturday the Committee on Commerce took up that bill and considered it as carefully as they had time to do, and ordered it to be reported to the Senate as it was yesterday in calendar time and to-day in legislative time. It has the precedence, and the only point about it is that one objection before adjournment would carry the bill over, as it would the deficiency bill or any other bill reported to-day.

I made the motion early in the day that the Senate adjourn by 1 o'clock so that we could close the legislative day, and I now move that the Senate adjourn, the order having already been entered, as I understand, that when we meet again it be at 1 o'clock.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate do now adjourn.

Mr. HALE. Will the Senator withdraw his motion for a moment?

Mr. BLAIR. The pension bills are the unfinished business.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion of the Senator from Michigan.

Mr. HALE. The Senator will withdraw his motion for a moment.

Mr. CONGER. But I do not yield the floor.

Mr. HALE. I only wish to make a suggestion. If the Senate adjourns and we begin a new day at precisely 1 o'clock, we have got to go through with all the formal proceedings required on beginning every new day. Certain motions can not be made for an hour after we begin that day, and the Journal must be read unless there is unanimous consent to dispense with it.

Mr. CONGER. The motion is not debatable. I have not yielded for debate. I insist on the motion.

Mr. HALE. I only wish to say——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HALE. If we do not adjourn we can go right on.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Michigan that the Senate do now adjourn. [Putting the question.] The noes seem to prevail.

Mr. CONGER. I desire the yeas and nays.

The PRESIDENT *pro tempore*. All this debate is proceeding by unanimous consent. The Senator from Michigan calls for the yeas and nays.

Mr. CONGER. As I stated, one objection——

The PRESIDENT *pro tempore*. Debate is not in order. The yeas and nays are called for on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 41, nays 19; as follows:

YEAS—41.

Aldrich,	Colquitt,	Jonas,	Saulsbury,
Allison,	Conger,	Jones of Florida,	Sewell,
Bayard,	Dolph,	Kenna,	Sherman,
Beck,	Garland,	Lamar,	Slater,
Brown,	George,	McPherson,	Vance,
Butler,	Groome,	Maxey,	Vest,
Call,	Hampton,	Mitchell,	Walker,
Camden,	Harris,	Morgan,	Williams.
Chace,	Harrison,	Platt,	
Cockrell,	Hawley,	Pugh,	
Coke,	Jackson,	Ransom,	

NAYS—19.

Cameron of Pa.,	Frye,	Miller of Cal.,	Plumb,
Cameron of Wis.,	Hale,	Miller of N. Y.,	Sawyer,
Cullom,	Hoar,	Morrill,	Voorhees,
Dawes,	Ingalls,	Pendleton,	Wilson.
Edmunds,	Manderson,	Pike,	

ABSENT—16.

Blair,	Gibson,	Lapham,	Palmer,
Bowen,	Gorman,	Logan,	Riddleberger,
Fair,	Hill,	McMillan,	Sabin,
Farley,	Jones of Nevada,	Mahone,	Van Wyck.

So the motion was agreed to.

The PRESIDENT *pro tempore* (at 1 o'clock p. m., March 3). The Senate stands adjourned until March 3, at 1 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 2, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

The Journal of the proceedings of Saturday was read and approved.

Mr. RANDALL. I ask for the regular order.

FRENCH SPOLIATION CLAIMS.

Mr. BRATTON, from the Committee on Printing, submitted the following report:

The Committee on Printing, to which was referred the resolution of the Senate of January 24, 1885, as follows:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 3,000 copies of the communication of the Secretary of State, containing a list of claims against France by reason of spoliations prior to the 31st of July, 1801, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House of Representatives"—

having duly considered the same, recommend that the House concur therein.

The motion was agreed to.

Mr. BRATTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF A SENATE RESOLUTION.

The SPEAKER. The Chair lays before the House the following resolution, which is rendered necessary in order to correct a mistake which has been made in the transmission of a resolution to the Senate.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the concurrent resolution of February 27, 1885, providing for the printing of the first and second volumes of decisions relating to the public lands, which was by mistake communicated to the Senate as having passed the House.

The resolution was adopted.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, under instructions from the Committee on Appropriations I report back the bill (H. R. 8239) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1886, and for other purposes, with the Senate amendments thereto, and ask unanimous consent to consider the same immediately in the House as in Committee of the Whole on the state of the Union under the five-minute rule.

There was no objection.

The SPEAKER. The Senate amendments will be reported.

Mr. RANDALL. I ask that these amendments be read, and I will then state after each has been reported to the House the recommendations of the committee in regard to the same.

Mr. HISCOCK. I think these amendments should be considered in the House as in Committee of the Whole.

Mr. TALBOTT. I was just going to make that suggestion.

Mr. RANDALL. That is the effect of my motion, unless some gentleman objects to it.

Mr. HISCOCK. There will be no objection to their consideration in the House as in Committee of the Whole with the understanding, of course, that they are to be considered under the five-minute rule.

The SPEAKER. That of course will be the order of the House. The Clerk will report the first amendment.

The Clerk read as follows:

On page 1, line 13 of the printed bill, strike out "one."

Mr. RANDALL. That is a mere clerical error, this word being printed twice in succession. The committee recommend concurrence.

I must request, Mr. Speaker, that there be order upon the floor, as it is almost impossible to proceed in the prevailing confusion.

The SPEAKER. The Chair will state that at this stage of the session it is very important to transact business as rapidly as possible; and but little progress can be made unless order is preserved upon the floor. The Chair hopes gentlemen will preserve order.

Mr. RANDALL. In this first amendment, as I have said, the committee recommend concurrence.

The motion was agreed to.

The second amendment was read, as follows:

In line 21 of the printed bill strike out "nine" and insert "ten;" so that it will read "ten naval constructors," &c.

Mr. RANDALL. The committee recommend concurrence in the second Senate amendment, as also in the third amendment, as they bear relation to each other.

The amendment of the Senate is in obedience to the requirement of existing law.

The amendment was concurred in.

Amendment numbered 3 was read, as follows:

In line 22, strike out "ten" and insert "nine."

Mr. RANDALL. As I have just said, the committee recommend also concurrence in this amendment.

The amendment was concurred in.

Amendment numbered 4 was read, as follows:

On page 74 of the printed bill, line 75, strike out after the word "pilotage", the words "bringing home the bodies of naval officers who have died or may hereafter die abroad while on duty."

Mr. RANDALL. Mr. Speaker, the House inserted that provision because we believe that where a naval officer died while on duty abroad his remains should be brought home at the expense of the Government. It is a question that appeals to our good feelings, and what I deem to be a case of humanity. I have nothing further to say except that the committee recommend non-concurrence.

Mr. TOWNSHEND. Will the gentleman allow me a moment?

Mr. RANDALL. There is no disposition to concur.

Mr. TOWNSHEND. I only desire to say that I fully indorse what the gentleman says. I have a case now in my own hands where a young naval officer died abroad while on service at Nagasaki, Japan, and his remains are there without an effort to bring them home.

Mr. THOMAS. I think it would be inhuman to strike this out. It ought to be adhered to.

Mr. RANDALL. The committee recommend non-concurrence in the amendment.

The motion to non-concur was agreed to.

Amendment numbered 5 was read, as follows:

On page 4, line 76, strike out "valubles" and insert "valuables."

Mr. RANDALL. That is the correction of an error of engrossment. The committee recommend concurrence.

The amendment was concurred in.

Amendment numbered 6 was read, as follows:

In lines 112 and 113, page 6, under the heading "Bureau of Navigation," strike out "$67,500" and insert "$100,000."

Mr. RANDALL. This amendment relates to the amount appropriated for the Bureau of Navigation. The committee recommend non-concurrence. I have no doubt when it comes into conference a settlement will be quickly reached.

The amendment was non-concurred in.

Amendment numbered 7 was read, as follows:

After line 113 insert as follows:
"For special ocean surveys and the publication thereof, $10,000."

Mr. RANDALL. The committee recommend non-concurrence; but I desire to say that there is an inclination on the part of the committee to favor this proposition. We propose, however, that it shall be non-concurred in in connection with another matter. The two questions may be adjusted together.

Mr. BLOUNT. What is the other matter?

Mr. RANDALL. The next item.

The amendment was non-concurred in.

Amendment numbered 8 was read, as follows:

After the seventh amendment insert as follows:
"For publication of professional papers, $10,000."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment numbered 9 was read, as follows:

After line 133 insert the following:
For the purchase or manufacture of steel guns of small caliber for ships now in service, and for testing the same at the naval ordnance proving-ground, $81,000.

Mr. RANDALL. We recommend non-concurrence.

Mr. REED, of Maine. I hope the gentleman from Pennsylvania will give us some reason for non-concurring.

Mr. RANDALL. This is an item which relates to the purchase or manufacture of small steel guns costing from $2,000 to $4,000 each. The committee considered this proposition before sending the bill to the Senate and thought it was unnecessary. But the Senate has inserted it and the committee desire non-concurrence with a view to having further light, if there be any, from the Department in connection with the subject. The Committee on Appropriations originally were as a whole opposed to the purchase or manufacture of these guns by the Government.

The question being taken on non-concurring, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. RANDALL. I call for a division.

The House divided; and there were—ayes 81, noes 25.

So (further count not being called for) the amendment was non-concurred in.

Amendment numbered 10 was read, as follows:

Page 7, line 138, after the words "completion and," insert the word "public;" so that it will read:
"For the completion and public test of two breech-loading rifle cannon of the larger calibers now in course of construction for the Navy, with carriages and ammunition for both, $80,000."

Mr. RANDALL. We recommend concurrence.

The amendment was concurred in.

Amendment numbered 11 was read, as follows:

Strike out all after the word "dollars," in line 141 on page 7, down to and including line 153 on page 7, namely, the following:
"*Provided*, That the test shall be conducted as follows: With battering charges for two hours, and under the most rapid continuous rate of firing, as near as may be like the conditions of a hotly contested battle; then with the service charge not less than five hours. Permission, with ample notice to be present, shall be given to all persons who indicate a desire to examine the preliminary preparation and witness the firing. Expenditures of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated. And all the facts and incidents of the test shall be reported to Congress by the Chief of the Bureau of Ordnance as soon thereafter as possible."

Mr. RANDALL. The committee recommend non-concurrence.

Mr. THOMAS. I would like to ask the gentleman from Pennsylvania whether this amendment does not stop the construction of the guns which are almost completed now for the new cruisers.

Mr. RANDALL. It has no connection whatever with any armament incident to the new cruisers. I will state for the information of the House to what it relates.

There are now in course of construction at the Washington navy-yard two 10-inch guns. We in this bill give sufficient money for their completion, to wit, $80,000. The House thought it prudent to add the character of test which should be given to these guns prior to their being placed in use on board ship. The Senate has seen fit to strike that out. The House considered that the severest test should be applied to these 10-inch breech-loading steel guns, because probably in the event of their proving a success they will become the type of that sized gun, and because we are admonished by the history of the late civil war that the severest test should be applied to this character of gun. We remember that even guns of smaller caliber than these, the guns, for instance, at Fort Fisher, were more dangerous to us than they were to the confederates in that struggle. There were said to have been eleven of the confederates injured, while forty-odd of the Federals were injured by the bursting of our own cannon.

It is rather surprising that there should be any disinclination on the part of the Department to have a full test as to these guns. It does not indicate to me that confidence in their manufacture which they ought to have, and that is the reason why the committee insist upon this character of test as necessary.

Mr. THOMAS. Mr. Speaker, I quite agree with the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], that the greatest test should be given to these guns, and I think it ought to be a public test.

Mr. RANDALL. That is provided for in the bill.

Mr. THOMAS. I do not object to non-concurrence. I simply rose for the purpose of asking whether this prevents the completion of the 6-inch and 8-inch guns which are being built at the Washington navy-yard in addition to the 10-inch gun, but I see by reading the amendment that the language is this: "Expenditure of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated." So it will be seen that this does not affect the 6-inch and 8-inch guns which are building, but is intended to apply only to the two 10-inch guns, and I think that is right.

The amendment was non-concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles:

A bill (H. R. 2268) for the relief of John F. Severance; and

A bill (H. R. 44) for the completion of a public building at Council Bluffs, Iowa.

The message also announced that the Senate had agreed to the report of the committee of conference upon the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and to provide for the payment thereof.

NAVAL APPROPRIATION BILL.

Amendment numbered 12 was read, as follows:

Strike out "three" and insert "four."

Mr. RANDALL. Mr. Speaker, that relates to the amount of the appropriation, and the committee recommend that the House non-concur, with the view of reaching an agreement.

The amendment was non-concurred in.

Amendment numbered 13 was read, as follows:

After the word "hundred" insert "and twenty-five;" so that it will read, as the total appropriation for the Bureau of Equipment and Recruiting, "eight hundred and twenty-five thousand dollars."

Mr. RANDALL. The committee recommend non-concurrence in that amendment.

The amendment was non-concurred in.

Amendment numbered 14 was read, as follows:

Strike out the words "car-tickets."

Mr. RANDALL. The Senate desires to cut off the supply of car-tickets to employés of the Department, and the committee recommend concurrence.

The amendment was concurred in.

Amendment numbered 15 was read, as follows:

After the word "hundred" insert "and fifty;" so that it will read "$250,000," as the total appropriation for the Bureau of Yards and Docks.

Mr. RANDALL. That also relates to the amount of the appropriation, and the committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment numbered 16 was read, as follows:

Strike out the words: "And if the Secretary of the Navy shall not be able to maintain properly the whole number of naval hospitals now kept open on the amounts hereby appropriated for the maintenance of a civil establishment at naval hospitals, he shall close those which are least necessary to the service, and provide for the patients now cared for therein at such other naval hospitals as may be most convenient."

Mr. RANDALL. That clause was originally placed in the bill at the first session of the Forty-seventh Congress. The Committee on Appropriations deem it a wise provision because it prevents a deficiency; and if sufficient money should not be appropriated for the maintenance of all these hospitals, then the provision is that such of them as can be safely closed shall be closed by order of the Surgeon-General.

Mr. THOMAS. Mr. Speaker, the enactment of this provision has been three times recommended by the Secretary of the Navy——

Mr. RANDALL. And it has been inserted in the law.

Mr. THOMAS. I say it has been recommended three times by the Secretary of the Navy, and it meets the unanimous concurrence of the Committee on Naval Affairs. I will not take time to state them, but there are other reasons than those given by the chairman of the Committee on Appropriations why this amendment should be non-concurred in.

Mr. RANDALL. I am obliged to the gentleman.

The amendment was non-concurred in.

Amendment numbered 17 was read, as follows:

Strike out the words "and car-tickets."

Mr. RANDALL. That amendment, like number 14, relates to the use of car-tickets by employés.

Mr. KEIFER. Mr. Speaker, I wish to say in regard to this amendment, as well as in relation to the one numbered 14, under the head of

Bureau of Equipment, that while I am willing that the amendment shall be concurred in, it seems to me that we are simply prohibiting the supply of car-tickets and leaving persons who may have to be transported to various points on the business that they are engaged in to ride in carriages at a much greater cost to the Government.

Mr. RANDALL. I do not know where there is any appropriation made in any of these bills for carriage-hire.

Mr. KEIFER. But there is plenty of money to be used for carriage-hire made under the head of "incidental expenditures."

The amendment was concurred in.

Amendment numbered 18 was read, as follows:

Page 10, line 3, strike out "ten" and insert "fifteen;" so as to make the appropriation for necessary repairs of naval laboratory, naval hospitals, &c., $15,000.

Mr. RANDALL. This amendment relates to the amount of the appropriation. The committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment numbered 19 was read, as follows:

Page 10, line 13, strike out "eighty-five" and insert "one hundred;" so as to make the appropriation for provisions of seamen and marines, &c., $100,000.

Mr. RANDALL. This amendment also relates to the amount appropriated. The committee recommend non-concurrence, with a view to reaching an amicable adjustment in conference.

The amendment was non-concurred in.

Amendment numbered 20 was read, as follows:

Page 10, line 21, strike out "car-tickets."

Mr. RANDALL. I move to concur in this amendment.

The amendment was concurred in.

Amendment numbered 21 was read, as follows:

Page 11, line 16, strike out "30" and insert "20;" so as to make the proviso read:
"*Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material."

Mr. RANDALL. Mr. Speaker, upon the recommendation of the committee in this case, which is to concur in the amendment of the Senate, I am not a proper spokesman for the committee. I will yield to some other member—the gentleman from Massachusetts [Mr. LONG] or the gentleman from Ohio [Mr. KEIFER]—and after an explanation on that side of the question I shall take the liberty to give the views of the minority of the committee on this matter.

Mr. LONG. I move that the House concur in this amendment of the Senate.

Mr. RANDALL. That is the recommendation of the committee.

Mr. LONG. That is the recommendation of the majority of the committee. This is the same question which has been discussed and settled two or three times heretofore. For two or three years we have been proceeding under the policy embraced in the amendment of the Senate—that no repairs of wooden ships of war shall exceed 20 per cent. of the estimated cost of a new ship of the same size and like material. The figures show that the great extravagance in our naval establishment has arisen from repairs made upon our wooden ships, which in some cases have amounted to two, three, or four times the original cost of the vessel. Unless we are to go back to the era of wooden ships, we should concur in the Senate amendment.

All the more necessary is this in view of the fact that our Navy consists of old wooden vessels; and unless we continue the present policy of restricting repairs to 20 per cent. we shall be spending all our money in repairs of vessels which when repaired will be of no value.

I move that the House concur.

Mr. RANDALL. Mr. Speaker, a minority of the committee would have preferred that this point might go to the committee of conference. The real question involved is how soon we shall get rid of the wooden vessels in the Navy. This naturally depends upon how fast we construct steel vessels to take their places. The minority of the committee thought we should not be too rapid in dispensing with our wooden vessels until we are assured of their substitution by steel vessels; and that until the purpose of Congress in this particular is manifest, the limit of repairs might properly be placed at 30 per cent. For the current year under the two six-month bills and for the prior year the limit has been 20 per cent. This is about what is involved in the amendment. There are some gentlemen so zealous in behalf of steel vessels that I fear they think the taking away of wooden vessels now in the Navy will increase the rapidity with which a new navy may be constructed.

Mr. COX, of New York. Mr. Speaker, when the other day the question came up about finishing the New York, I dropped a remark which I think will apply to this business of wooden ships. As in an army we may need artillery, infantry, and cavalry—all three—so in our Navy we may need wooden ships, iron ships, and steel ships. There is not a very great difference between 20 per cent. and 30 per cent., and we need not take up much time upon it. I would be willing that the House non-concur, and let the question be settled in conference. We must have some wooden vessels. We cannot improvise all at once a steel navy. We have here propositions for steel cruisers which I hope will be concurred in; and, at the same time, I hope we shall non-concur in the amendment as to the finishing of the wooden vessel, the New York. I think it would be well to give the committee of conference a little leeway that they may adjust or, if you please, "trade" on this business, in order that the bill may provide for these various arms of our service.

Mr. KEIFER. Mr. Speaker, in answer to the remarks made by the distinguished gentleman from New York [Mr. COX], I desire to say that while it may be possible we ought to have various kinds of vessels in our Navy, yet at the same time we have no vessels that rise to the dignity of war vessels. Our vessels are all wooden vessels now; and we do not wish that all the money Congress sees fit to expend for the building up of a navy shall be spent in repairing old obsolete wooden ships.

I desire to understand exactly what this proposition is, because the same form of amendment will be found further along in this bill. The amendment of the Senate proposes that no part of the sum appropriated shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 20 per cent. of the estimated cost of a new ship of the same size and like material. If we agree to the limitation of 20 per cent.—that is, one-fifth of the cost of a new ship of the same size and like material—we shall have enough wooden ships of that kind, I think, to answer all the purposes that the gentleman from New York expects to be served by wooden ships. The limitation of 30 per cent. allows nearly one-third of the original cost to be spent in repairing a wooden vessel which we have no use for when constructed. These vessels are all upon old models—all obsolete. If we keep up such a policy we can spend from year to year on these old vessels more than enough to make a good navy.

Mr. COX, of New York. Will the gentleman from Ohio yield to me?

Mr. KEIFER. Certainly.

Mr. COX, of New York. Suppose we compromise this matter at 25 per cent.

Mr. ELLIS. No.

Mr. KEIFER. If the gentleman chooses to make that amendment it can be submitted to the House. I wish to say there is some present promise that we are going to have finished the best cruisers which we have commenced constructing; we are going to finish the monitors; we are proposing to do something also in the way of building the best ship that floats on the waters according to the best and most approved model. We have now this in prospect, but we shall limit ourselves a little on these old obsolete tubs. That is the position I take, that we will spend money enough, that we will keep enough of this class of vessels, if we are allowed to spend up to 25 per cent. of the value of a new ship of the same size and model.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. RANDALL. I understand, Mr. Speaker, that the gentleman from Ohio has not suggested any amendment.

Mr. KEIFER. No; I have not moved any amendment.

Mr. COX, of New York. I move to concur with the amendment.

The SPEAKER. The gentleman will state his amendment.

Mr. COX, of New York. I move to insert 25 instead of 20, so it will provide that it shall not exceed 25 per cent. instead of 20 per cent.

The SPEAKER. Does the gentleman from New York wish to be heard on his amendment?

Mr. COX, of New York. For a moment only. All I have to say in this in response to what has fallen from the gentleman from Ohio [Mr. KEIFER], that many of these wooden vessels are not obsolete tubs. They are made of good timber. The New York when completed will be built of perfectly good timber, and the new engines to be placed in these vessels will be of the most recent origin. So the remark of the gentleman does not altogether apply to the wooden vessels, and I hope we may have some of these old wooden vessels which may serve admirably in the uses of the Navy. Therefore, I say 20 per cent. will apply to the repair of more vessels than 30, and a fair compromise between the two I think would be 25 per cent., which amendment I have proposed.

Mr. HEWITT, of New York. I should like to ask my colleague where these new engines are to come from.

Mr. COX, of New York. I suppose they will come from the future.

Mr. HEWITT, of New York. Out of what fund—how are they going to be paid for?

Mr. COX, of New York. Is there nothing in the bill as to that object?

Mr. HEWITT, of New York. My colleague says they will put improved engines upon these vessels of the Navy.

Mr. COX, of New York. Evidently they would, or they would not be made hereafter.

Mr. HEWITT, of New York. Why, they have to be made, and out of what fund is it to be done?

Mr. COX, of New York. That will be attended to hereafter; if not this year, why, then, the next.

Mr. RANDALL. It will come out of the fund for steam-engineering, $950,000.

Mr. O'NEILL, of Pennsylvania. Now, Mr. Speaker, I desire to reply to a remark made by the gentleman from Ohio [Mr. KEIFER] a moment or two ago in reference to the models of our ships, he deprecat-

ing the use of the models of the old tubs, as he calls them, which were designed years ago. I say, sir, in the interest of the Navy it is to be regretted that the old models have not been adhered to in building ships, both iron and wooden. I will state this fact, which may be information to the gentleman from Ohio, that the old frigates United States and Constellation, wooden ships, built in this century, have never been surpassed in speed. Those are the models which ought to be adhered to. The frigate United States was the fastest sailing vessel in the United States Navy in her day, and the fastest sailing naval vessel in the world. The Constellation came just after her in speed, and the old Constitution not much behind.

I am speaking, Mr. Speaker, in the interest of the old models, and I assert it here that there never has been any improvement since those days in building naval vessels for speed. I do not deprecate the idea, therefore, that we shall adhere to those old models if we want quick sailing vessels.

Mr. KEIFER. Then had we not better build new ships than repair old ones?

Mr. O'NEILL, of Pennsylvania. The ships were built with great care; they were built in the navy-yards of the country. Every piece of wood or other material used in their construction was properly inspected before being allowed to go into their construction. The ship-builders of those days produced vessels which could sail away, if necessary, from the greater fleets of England during the war of 1812. I consider the naval architecture since, as a general thing, to be comparatively a failure in regard to speed.

One vessel I will refer to which gentlemen will recall, and that is the Princeton, which was built under the auspices of a Democratic administration. Everything was allowed to be put in here. She was constructed in accordance with the ideas of Commodore Stockton of that day, who supervised the construction of that vessel. She was a failure. So it has been with vessels since then. Hence, I say, do not let us depreciate the older ship-builders of the country, those who produced ships that could sail away from the hostile fleet if that fleet was stronger than one of our naval vessels.

[Here the hammer fell.]

The SPEAKER. The gentleman from New York has three minutes of his time left. Does he claim it?

Mr. COX, of New York. Yes; and I will yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, with regard to the amendment of the gentleman from New York [Mr. COX], I believe it is hardly worth while—it is simply making two bites of a cherry. The Senate have determined on 20 per cent. The question with the House is whether we will amend by making it 30 per cent. This is not permanent legislation. It applies merely to the present year. It is carrying out the policy of the last two years. Our Navy is in a transition state. All our wooden vessels are very old, and most of them if repaired at all would exceed the limit.

Experience has shown that the great expense connected with the Navy arises from the repair of these old wooden vessels. It will reduce that expense and the extravagance which has heretofore applied to their repairs to keep that limit down, as proposed by the Senate amendment. Let us, therefore, during this transition state, keep it down to the lowest point. When we have reached another period, and when our Navy rests upon a basis of iron or steel vessels, we can then afford to change this limit, but not now.

I will yield the remainder of any time that remains to the gentleman from Louisiana [Mr. ELLIS].

Mr. ELLIS. Mr. Speaker, I trust that this House will restrict repairs upon these wooden ships as much as it possibly can. In the first place, sir, they are all of a type that is passing away. Wood in naval construction is a thing of the past. So far as ship-building is concerned its day is over, and the enormous repairs that have been put upon our ships in the past has been the graveyard of our Navy. Year after year we have been repairing these old wooden vessels at a cost which would have given us a modern navy. Let us take the Tennessee, the best vessel of our Navy, and the only one which ranks as a first-class vessel, and I quote with reference to that from a speech of my honorable and distinguished friend from New York [Mr. HEWITT], every word of which is verified by the official reports. His description of the Tennessee is complete and conclusive. He shows that the repairs to the hull of this vessel and other incidental repairs, during the Robeson administration of the Navy Department, was $1,434,500. That is the Tennessee, our best vessel afloat, which was built in 1844, and the only vessel upon our register which ranks as a first-class ship of war. The reports, as I have said, show that the statement of the gentleman from New York is verified, and that during that administration the expense of the repairs of this ship reached nearly a million and a half of dollars. That would have been ample to have built a modern cruiser——

[Here the hammer fell.]

The SPEAKER. Debate is exhausted upon this amendment.

Mr. ELLIS. I have not exhausted five minutes, certainly.

The SPEAKER. The gentleman has exhausted the remainder of the time of the gentleman from Massachusetts.

Mr. HUTCHINS. I move to make the limit twenty-six.

Mr. ELLIS. I move to strike out the last word.

The SPEAKER. The gentleman from New York moves an amendment which is in order. He moves to amend the amendment by striking out twenty-five and inserting twenty-six.

Mr. HUTCHINS. Mr. Speaker, it seems to me the question for the House to consider now is not whether we are to have a navy of wooden ships, but whether we are to have any navy at all left after the expiration of two years.

Now, Admiral Porter recommended that this limit should be fixed at 40 per cent.; and for one I prefer to take his judgment as head of the Navy Department to risking my own in a question of this kind. But the Bureau of Construction and Repair recommend that we fix the limit at 33⅓ or 33, I believe, and the committee after considering the question have decided to fix it at 30, in which form it passed the House and went to the Senate, where it was reduced to 20.

Now, Mr. Speaker, we have in our Navy Department at the present time thirty-one vessels of war available; that is to say, one of the first class, eleven of the second class, and nineteen of the third class. Under the limit proposed by the committee at the expiration of one year from this time eleven, or more than one-third of the available fleet of to-day, will be stricken from the rolls of the Navy; and if we pass this amendment at 20 or 25 per cent. at the expiration of two, or at most three, years we will not have a ship left. Now, the only proposition is to extend the Navy by improving the modern ships or repairing them, making them available for some time for service, until we have devised some plan for the permanent increase of the Navy. As yet no plan has been devised.

There is no certainty whatever that within a year or two we shall have another steel cruiser, and certainly it does not seem to be the part of wisdom or policy on the part of the legislators of this country to deprive the nation of any navy at all, even if it be a wooden navy, until we have something to take its place. It is like a man burning the house in which he lives before he has completed a new one into which he can move. All that gentlemen say of the expense in connection with the wooden vessels is true, but do not let us discard them, in the face of the recommendation of the Navy and the Bureau of Construction and Repair, until we have something to replace them with.

Let us keep the limit of their repair down to 30 per cent. I hope it will be the will of the House to reject the motion to concur in the Senate amendment, and let the matter at least go to a conference committee, where, after a full consideration of the subject, we can doubtless arrive at some arrangement or conclusion that may be satisfactory both to the Senate and to the House.

Mr. ELLIS. Now, Mr. Speaker, to resume where I left off. I desire again to call the attention of the House to the cost of this only first-class vessel, the Tennessee. This vessel has a speed of fourteen knots per hour.

Mr. HUTCHINS. You speak of the Tennessee?

Mr. ELLIS. Yes, sir.

Mr. HUTCHINS. She goes off under this amendment in a year.

Mr. ELLIS. Ah! she is rated as a first-class vessel, the best in your Navy and of a type you want to keep up.

Mr. HUTCHINS. She would not come in under this limit.

Mr. ELLIS. I do not yield. I trust the gentleman from New York will possess his soul in patience. As a coal-consumer she consumes now 2.95 pounds per hour of horse-power; while your modern engine consumes one and one-third pounds per hour of horse-power. She is an enormous coal-consumer. She is too slow for any purpose. And yet the gentleman would have this Government enact a law which would permit this vessel to be absolutely built over, when she would be of no use in war or in peace.

Mr. HUTCHINS. I desire to correct the gentleman.

Mr. ELLIS. I decline to yield. I know the views of the gentleman from New York, and so does the House.

Now, what does the Secretary of the Navy tell us? He gives you a long catalogue of vessels that have not been repaired but have been absolutely built over; more having been expended on their repairs under that enormously wasteful system than the vessels originally cost; enough to have made modern vessels in the place of every one of them.

The gentleman from New York knows we have no vessels; this matter of repairs amounts absolutely to the building of the vessel or the rebuilding it over, and thus perpetuating in the Navy of the United States a type and class and character of vessels that are insufficient in war and no credit in peace.

Now, how long is the country to be subjected to this wasteful and extravagant process? How long are you to keep this open grave for our hopes for a navy? For as long as we have a few old rotten, obsolete hulks on the sea, just strong enough to bear the flag and not strong enough to defend it, I am persuaded the views of certain gentlemen will prevail and that we will not embark in the work of building a navy. I say let these old vessels pass away. I would not spend a dollar in repairing them; but when they become totally unfit I would sell them and get rid of them. Let the people know we have not a navy, and then they will fill this Hall with Representatives up to their thought, up to their wealth, up to their ideas of national power and glory, who will compel the building of a modern navy.

Mr. HUTCHINS. I withdraw my amendment and move to amend by making it 27 per cent.

I am sure the gentleman from Louisiana means to treat this question fairly. He has selected the Tennessee, and he founds all his argument on the condition of that ship as a reason why no money, not a dollar, should be expended on the repairs of the present Navy.

If the gentleman from Louisiana had read the report of the Secretary of the Navy he would have seen he was dealing unfairly with this subject. The Secretary says at page 14 of his report:

> The available cruising sea vessels of the Navy are the following: One first-rate, the Tennessee, of 4,840 tons displacement.

He means by that first class, not that it is in the best repair; because on the same page he says:

> Of the above list it is reported that the following will be condemned when surveyed, as they can not be repaired under the law: Tennessee, Lackawanna, Powhatan, and Wachusett.

Now, the gentleman from Louisiana has been talking here about the Tennessee, which the Secretary of the Navy tells us under the law, as it stands, of the 30 per cent. clause, can not be repaired. He says that we propose to appropriate a sum of money here to rebuild that vessel. My answer is, under that law that vessel can not be repaired. It is only those in good condition which can be repaired; and it is only for a temporary purpose, that the American flag may be seen at some masthead until we can agree among ourselves to provide for the construction of such navy as this Government ought to have.

I withdraw the amendment, and hope that the 30 per cent. limit will be adopted.

Mr. HISCOCK. I move to amend by striking out "25" and inserting "26."

Mr. Speaker, this is the old contest which we have had before in the House, striving to support the navy-yards; and every one who has a navy-yard in his neighborhood is in favor of the 30 per cent. limit.

Mr. HEWITT, of New York. Does the gentleman seriously mean to make that statement? I have a navy-yard in my immediate neighborhood and I am not in favor of that limit.

Mr. LONG. And I am not.

Mr. HISCOCK. I will not undertake to say that there are not some exceptions.

Mr. HUTCHINS. Will the gentleman answer me a question?

Mr. HISCOCK. There may be some exceptions, and I will except gentlemen from the State of New York.

Mr. HUTCHINS. That is not the point of my question.

The SPEAKER. Does the gentleman from New York [Mr. HISCOCK] yield?

Mr. HISCOCK. I do not yield further.

I have before me a statement of the expenditures upon these old ships. The investigation of that subject in the past resulted in the establishment of this limitation of 20 per cent. Twenty per cent., I believe, is the law to-day.

Mr. LONG. And has been for two years.

Mr. HISCOCK. And has been for two years, and I am not sure but it has been for three years. Now, as a matter of course, when you carry the limit up to 30 per cent. you increase the employment in the navy-yards.

Now I do not say that my colleague from New York, Mr. HEWITT, or my other colleague from New York, Mr. HUTCHINS, is influenced by that, but it is wooden ships that are to be repaired, and the moment you carry the expenditure up to 30 per cent. you increase the amount of work in these navy-yards, and the interests of locations, the interest perhaps of Brooklyn, the interest of League Island, the interest of all the navy-yards and of the communities in the vicinity of those navy-yards, is in favor of the highest amount.

Mr. KELLEY. Mr. Speaker, I beg leave to say, as representing one of the League Island districts, that I am in favor of the smallest limitation. I want to get rid of these wooden hulks.

Mr. HISCOCK. The gentleman from Pennsylvania [Mr. KELLEY] has always occupied that position, but I believe that his colleague, Mr. O'NEILL, who is always looking after his navy-yard with great industry and great intelligence, always antagonizes the gentleman from Pennsylvania [Mr. KELLEY] upon that subject. Now, sir, I will call the attention of the House and of my friend from New York [Mr. HUTCHINS] to the remarkable statement which was sent to us at the beginning of this Congress in regard to the ships now borne upon the register. Upon those vessels since they have been borne upon the register we have expended for repairs $41,200,000, and those vessels cost only $40,000,000. Therefore it appears that we have expended upon them for repairs since they have been borne on the register more than they originally cost. Are we to continue this policy? I say, sir, that if we are to have a new navy, an iron and steel navy, we can do for a while with a less number of these old ships, and save this money and devote it to the construction of new cruisers, and I believe that will be a much better use to make of it. I yield now to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I have only a word to say. The proposition is made to expend 30 per cent. upon the repairs of these ships. I am informed by the gentleman from Maine [Mr. DINGLEY], who is thoroughly well posted in all naval matters, that these vessels were constructed during the war and soon after the war, when the cost of building ships was very high. Unseasoned timber was used in their construction; they were not enduring; and if this appropriation be made on the basis of 30 per cent. of the original cost, it will amount now to 50 per cent. on the estimated present cost of such vessels. If we appropriate even 20 per cent. now, it will be perhaps equivalent to 50 per cent. of the real value of the vessels, so that in two years the appropriation will reach what would be the full par value of these vessels if constructed in times like these. I can not imagine what business principles enter into a proposition of that kind, and I am surprised that such a proposition should come from this economical Committee on Appropriations.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I desire to say a word in reply to the gentleman from New York [Mr. HISCOCK]. I am here, sir, as an advocate of building ships in the navy-yards of the country. I do not hold, however, that there should be no ships built by contract, but *pari passu* with the building of naval vessels in the navy-yards I would like to see contractors build ships in their private ship-yards. I stand here, sir, as I have always stood, as an advocate of the League Island navy-yard, and to assert that for the purposes of building vessels of war it is not equaled by any navy-yard in the country; and in this connection I desire to bring to the recollection of the House the fact that one of the gentlemen who in a former Congress was foremost in advocating the closing of that yard by legislation was my friend from New York [Mr. HISCOCK].

The League Island navy-yard is in the neighborhood of the city a part of which I represent upon this floor. In that city there are mechanics unsurpassed in their skill in ship-building, either iron ships or wooden ships, either building a new vessel from the keel up or repairing an old one; and such vessels as have been built or repaired at the League Island navy-yard, the Quinnebaug and the Ossipee, for instance, have had less money expended upon them in comparison with the amount of work necessary to be done than any vessels which have been repaired at any other navy-yard in the country. I say this in respect of the mechanics and ship-builders in the city of Philadelphia, that they possess the highest skill, developed by long experience, in the construction of ships and in the production of models of naval architecture, and I predict that before long Congress will have to re-establish the League Island navy-yard, for it is the only place in this country where iron naval architecture can be profitably carried on.

Mr. POTTER obtained the floor.

Mr. RANDALL. After the gentleman from New York [Mr. POTTER] has spoken I shall move to close debate upon this paragraph.

The SPEAKER. On the Senate amendment and the amendments thereto?

Mr. RANDALL. Yes.

Mr. HISCOCK withdrew his formal amendment.

Mr. POTTER. I renew the amendment. I quite agree, Mr. Speaker, that this nation should have a navy equal to its great wants and its great duties. We should not be behind any of the other nations of the world in this respect. But, sir, there is unanswerable force in the suggestion of the honorable member, my colleague, from New York [Mr. HISCOCK], that it is of higher importance than any question of 5 or 10 or 15 per cent. that the flag of our country be kept afloat until we shall introduce and produce vessels of iron that shall supplement those that we now have to bear our flag. For one, sir, I am willing that the naval authorities who have recommended that this limit shall be kept at 30 per cent., or as near that as possible, shall have their way. I desire that the flag of my country, if it can not float upon iron ships, shall at least, until we have such ships, float wherever possible upon the best ships that we have.

Mr. RANDALL. I now move to close debate on this amendment of the Senate.

The motion was agreed to.

The SPEAKER. The first question is upon the amendment of the gentleman from New York, Mr. POTTER, to the amendment of the gentleman from New York, Mr. COX.

Mr. POTTER. I withdraw it.

The SPEAKER. The question is now upon the amendment of the gentleman from New York, Mr. COX, to strike out "twenty" and insert "twenty-five."

The amendment was not agreed to; there being—ayes 12, noes not counted.

The question being then taken upon the motion of Mr. LONG to concur in the amendment of the Senate, there were—ayes 61, noes 83.

Mr. LONG. I call for the yeas and nays.

The yeas and nays were ordered, 53 voting in favor thereof.

SURVEY OF NAPA RIVER, CALIFORNIA.

The SPEAKER. Before the vote is taken, the Chair, if there be no objection, will lay before the House several executive communications and personal requests.

There was no objection.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of

Napa River, California; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF CASHIE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Cashie River, from its mouth to Windsor, N. C.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF DARIEN HARBOR, GEORGIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Darien Harbor, Georgia; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD.

The SPEAKER also laid before the House a letter from the president of the Washington and Georgetown Railroad Company, transmitting the annual report of that company; which was referred to the Committee on the District of Columbia.

J. R. SANTOS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a dispatch from the consul-general of Guayaquil relative to the citizenship of J. R. Santos; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. YORK, for Tuesday and Wednesday next, on account of sickness.

To Mr. MILLER, of Pennsylvania, until Tuesday next, on account of serious illness in his family.

To Mr. JOHNSON, from attendance in the evenings for the remainder of the session, on account of sickness.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD was granted as follows:

To Mr. BUDD, on the fortification appropriation bill.

To Mr. STOCKSLAGER, on the bill (H. R. 7523) defining the duties of the Supervising Architect, and for other purposes.

WITHDRAWAL OF PAPERS.

Mr. STEELE, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of George W. Osborn without leaving copies, there having been no adverse report.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans.;

A bill (H. R. 1266) for the relief of Alexander D. Schenck;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 3058) to amend section 1889 of chapter 1, title 23 of Revised Statutes of the United States, relative to general incorporation acts of Territories;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;

A bill (H. R. 6940) granting a pension to Sarah M. Bissell;

A bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (H. Res. 124) authorizing the collector at the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen as a member of the American Rifle Team, at Wimbledon, in July, 1883.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the return, in compliance with the request of the House, of concurrent resolution of the House of February 27, 1885, providing for the printing of the first and second volumes of decisions relating to the public lands.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question recurs on concurrence in the twenty-first amendment of the Senate, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 115, nays 151, not voting 58; as follows:

YEAS—115.

Adams, G. E.	Dingley,	Kean,	Rockwell,
Adams, J. J.	Dixon,	Keifer,	Rowell,
Aiken,	Dunham,	Kelley,	Russell,
Anderson,	Ellis,	Ketcham,	Ryan,
Arnot,	Ellwood,	Lacey,	Smalls,
Atkinson,	Evans,	Lawrence,	Smith, A. Herr
Barksdale,	Everhart,	Libbey,	Smith, H. Y.
Barr,	Findlay,	Long,	Spooner,
Bayne,	Finerty,	Lyman,	Steele,
Bisbee,	George,	McCold,	Stephenson,
Blanchard,	Guenther,	McComas,	Stewart, J. W.
Boutelle,	Hanback,	McCormick,	Stone,
Bowen,	Hancock,	Millard,	Strait,
Breitung,	Hart,	Money,	Talbott,
Brewer, F. B.	Hatch, H. H.	Morrill,	Taylor, J. D
Brewer, J. H.	Henderson, D. B.	Nelson,	Thomas,
Brown, W. W.	Hepburn,	Ochiltree,	Valentine,
Browne, T. M.	Hewitt, A. S.	O'Hara,	Wait,
Brumm,	Hewitt, G. W.	Parker,	Wakefield,
Burleigh,	Hiscock,	Payne,	Washburn,
Campbell, J. M.	Hitt,	Payson,	Weaver,
Cannon,	Holmes,	Perkins,	Wemple,
Cassidy,	Holton,	Peters,	White, J. D.
Craig,	Horr,	Pettibone,	Whiting,
Culbertson, W. W.	Houk,	Poland,	Wilson, James
Curtin,	Howey,	Post,	Woodward,
Cutcheon,	Jeffords,	Price,	Worthington,
Davis, G. R.	Johnson,	Ranney,	York.
Davis, R. T.	Jones, B. W.	Riggs,	

NAYS—151.

Alexander,	Dorsheimer,	Jones, J. H.	Rogers, W. F.
Bagley,	Dowd,	Jones, J. K.	Seney,
Ballentine,	Dunn,	Jordan,	Seymour,
Beach,	Eaton,	Lanham,	Shively,
Belmont,	Eldredge,	Le Fevre,	Singleton,
Bennett,	Elliott,	Lewis,	Skinner, T. G.
Bingham,	English,	Lore,	Slocum,
Bland,	Ermentrout,	Lowry,	Spriggs,
Blount,	Ferrell,	McAdoo,	Springer,
Boyle,	Fiedler,	McMillin,	Stevens,
Breckinridge,	Follett,	Matson,	Stewart, Charles
Broadhead,	Foran,	Maybury,	Stockslager,
Buchanan,	Forney,	Miller, J. F.	Storm,
Buckner,	Fyan,	Mills,	Sumner, C. A.
Budd,	Garrison,	Mitchell,	Swope,
Burnes,	Geddes,	Moulton,	Taylor, J. M.
Cabell,	Gibson,	Muldrow,	Thompson,
Caldwell,	Glascock,	Muller,	Tillman,
Candler,	Graves,	Murphy,	Townshend,
Carleton,	Green,	Mutchler,	Tucker,
Clardy,	Greenleaf,	Nicholls,	Tully,
Clay,	Halsell,	Oates,	Turner, H. G.
Clements,	Hammond,	O'Ferrall,	Turner, Oscar
Cobb,	Hardeman,	O'Neill, Charles	Van Alstyne,
Connolly,	Hardy,	Paige,	Vance,
Converse,	Harmer,	Patton,	Van Eaton,
Cook,	Hatch, W. H.	Peel,	Wallace,
Cosgrove,	Hemphill,	Pierce,	Ward,
Covington,	Henley,	Potter,	Warner, A. J.
Cox, S. S.	Herbert,	Pryor,	Warner, Richard
Cox, W. R.	Hill,	Pusey,	Willis,
Crisp,	Hoblitzell,	Randall,	Wilson, W. L.
Culberson, D. B.	Holman,	Reagan,	Winans, E. B.
Davidson,	Hopkins,	Reid, J. W.	Wolford,
Davis, L. H.	Houseman,	Reese,	Wood,
Deuster,	Hunt,	Robertson,	Yaple,
Dibrell,	Hurd,	Robinson, W. E.	Young.
Dockery,	Hutchins,	Rogers, J. H.	

NOT VOTING—58.

Barbour,	Henderson, T. J.	Murray,	Struble,
Belford,	Hooper,	Neece,	Sumner, D. H.
Blackburn,	James,	Nutting,	Taylor, E. B.
Brainerd,	Jones, J. T.	O'Neill, J. J.	Throckmorton,
Bratton,	Kellogg,	Phelps,	Wadsworth,
Campbell, Felix	King,	Rankin,	Wellborn,
Campbell, J. E.	Kleiner,	Ray, G. W.	Weller,
Chalmers,	Laird,	Ray, Ossian	White, Milo
Collins,	Lamb,	Reed, T. B.	Wilkins,
Cullen,	Lovering,	Rice,	Williams,
Dargan,	Miller, S. H.	Robinson, J. S.	Winans, John
Dibble,	Milliken,	Rosecrans,	Wise, G. D.
Funston,	Morgan,	Shaw,	Wise, J. S.
Goff,	Morrison,	Skinner, C. R.	
Haynes,	Morse,	Snyder,	

So the amendment was non-concurred in.

During the roll-call,

Mr. RANDALL moved that the reading of the names be dispensed with by unanimous consent.

There was no objection, and it was ordered accordingly.

The following pairs were then announced:

On all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. RANKIN with Mr. RICE.

Mr. NEECE with Mr. CHALMERS.

For this day:

Mr. KELLOGG with Mr. BLANCHARD.

Mr. JONES, of Alabama, with Mr. STRUBLE.

Mr. O'NEILL, of Missouri, with Mr. HENDERSON, of Illinois.

On this vote:

Mr. CAMPBELL, of Ohio, with Mr. HAYNES.

Mr. DIBBLE with Mr. BELFORD.

Mr. SNYDER with Mr. GOFF.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the Senate amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2268) for the relief of John F. Severance; and

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

REPORT OF CAPT. M. A. HEALY, UNITED STATES REVENUE MARINE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the report of Capt. M. A. Healy, U. S. R. M., on the cruise of the revenue-marine steamer Corwin in the Arctic Ocean; which was referred to the Committee on Printing.

Mr. HISCOCK. I move that the question of printing extra copies of that valuable report be referred under the rule to the Committee on Printing.

The SPEAKER. That question will be referred to the Committee on Printing, when it will then become a privileged matter.

Mr. HISCOCK. So I suppose, and that is what I desire.

NAVAL APPROPRIATION BILL.

The SPEAKER. The Clerk will read the next amendment of the Senate.

Amendment numbered 22 was read, as follows:

Strike out the following: "For the completion of the New York, $400,000."

Mr. RANDALL. The Committee on Appropriations recommend non-concurrence; and as this subject was very fully discussed when the bill was under consideration some days ago, I feel justified in demanding the previous question.

Mr. HISCOCK. It seems to me we should have some discussion on this question of concurrence or non-concurrence in the amendments of the Senate in striking out this paragraph.

Mr. REED, of Maine. I think we are entitled to a discussion under the order of the House.

The SPEAKER. Under the order of the House there will be discussion for five minutes on each side.

Mr. RANDALL. Very well; let each side state the case.

Mr. KEIFER. I move to concur in the Senate amendment.

The SPEAKER. Of course the question will be on concurrence.

Mr. RANDALL. The Committee on Appropriations recommend non-concurrence.

Mr. KEIFER. Mr. Speaker, I have a very bright hope that the House will so vote, looking at the provisions of this bill for the support of the Navy, that it shall be something more than a mere nominal navy, and in that view I ask the amendment of the Senate striking out this appropriation of $400,000 be concurred in. As we all agree, I believe, this money is to be expended upon an old frame of a ship of an obsolete model, and which when finished at this vast cost will be of no possible use or value to the country in time of war.

As has been already said here on this floor in debate on this bill, this is a vessel without speed in comparison with the naval vessels of the world of to-day. It would have a speed of about twelve knots an hour, perhaps not even so much as that, and it would be incapable of catching a vessel on the high seas that it could whip; and what is still worse, it could not run away from anything on the high seas, and everything could whip it that could catch it. It would be of no value in coast defense. It would be of no value at sea in time of war. It is well known that this is a mere frame-work of a ship called the New York, on the stocks in the Brooklyn navy-yard. It has some wooden ribs, and has some of the skeleton of a great ship; but it has been standing now for a full score of years in that unfinished condition, and no Congress up to this time has deemed it worth while to expend any money toward its completion. All of a sudden, however, it occurs to the House of Representatives of the United States to expend $400,000 in trying to put the ship in a condition that it can be launched upon the waters.

But nobody pretends that it will be of any value except my distinguished friend from New York [Mr. COX] who I see before me, and another distinguished friend from Maine [Mr. DINGLEY] on this side of the House, both of whom agreed in the course of debate some days ago that it would be valuable, possibly, in case we should need another ship to keep a naval school in, tied up somewhere in some harbor of the United States. This is the best and the sole purpose to which the vessel could be applied in case the vessel was ever finished. We have, as my friend from Massachusetts [Mr. RANNEY] suggests to me, sufficient of these old wooden ships well fitted for the business of teaching a naval school in at some point along the coast, without the necessity of embarking in the construction of others for that purpose. This vessel, therefore, is not needed for that.

It is beyond comprehension that we should be able to find a body of men insisting upon completing it. The amount to be expended upon it if completed would build some sort of a vessel valuable at least for coast defense; but this expenditure, in addition to what has been already expended on this vessel, is an absolutely useless expenditure and waste of the public money, and ought not to receive the sanction of this House. It would be simply money thrown away, and resolves itself into a mere matter of squandering the public funds.

Mr. RANDALL. Mr. Speaker, this provision was recommended by the Committee on Appropriations, and was adopted by the House after a full debate. The Senate has non-concurred, and the Committee on Appropriations again recommend non-concurrence in their amendment. I do not think any further debate is necessary; but I will yield two minutes to the gentleman from New York, Mr. COX, and two minutes to the gentleman from New York, Mr. POTTER.

Mr. COX, of New York. Mr. Speaker, my friend from Ohio [Mr. KEIFER] has taken occasion, as he did some time ago in the debate on this subject, to indulge in a spirit of ridicule toward the construction of this ship by calling it an old, obsolete type, or tub, or something of that sort. I wish to say to the House, and to the gentleman from Ohio, that it is nothing of the kind. In the Forty-seventh Congress a report was made by a committee on this very subject; and they reported as to the New York that it should be built. They show that the vessel was commenced in 1865; that it is a vessel of twenty-one guns, with 2,490 tonnage and 4,070 displacement; and as to its present condition and location, it is shown by the tabulated statement accompanying the report as a partly completed vessel or frame on the stocks in New York, built of live-oak, and worthy of being finished. That report, the substance of which I have merely alluded to, was made to the Forty-seventh Congress by that very committee, and I call the attention of the gentleman from Ohio to the fact, that recommended the construction of the steel cruisers for our navy of the future.

And now to show that this is not a matter brought up in a hurry, without debate and without proper consideration or proper examination, I hold in my hand another report, which was quoted by myself the other day in reference to this New York, a report made from the Bureau of Construction and Repair to the Secretary of the Navy for the year ending June 30, 1884, in which it will be found, and I will have it printed, but will now only say to my friend from Ohio that this report by Naval Constructor Wilson strongly recommends the completion of this ship. He says, to quote his own language:

The bureau strongly recommends the completion of the frigate New York at the Brooklyn navy-yard. This vessel has been on the stocks in one of the shipbouses since 1866; and from the fact that she was in frame before work was suspended on her, and was neither ceiled nor planked, the air has freely circulated through her timbers, and to-day they are as hard as bone and probably in better condition than any frame timbers ever put in a ship. If completed with materials that have been preserved by the Thilmany process for preserving ship timber, she would make a useful and most efficient ship of her class for twenty years. Although designed in 1863, she is an exceedingly fine model, and if finished will give us a first-class flag-ship. She can carry a battery as heavy and equally as well arranged for head and stern fire as the new cruiser Chicago has. Her length on the mean load line is 315 feet, extreme breadth of beam 47 feet, depth from lower edge of rabbet of keel to lower port sill on gun deck 25 feet 11 inches. She is designed to have a ship's rig, having 24,000 square feet of sail surface in her ten principal sails. Her displacement at a draught of 18 feet 9 inches forward, and 21 feet 5 inches aft, would be equal to 4,937 tons, and her lowest port sill on the gun deck would be 8 feet above water. The plans for finishing this vessel are in such a condition that they could be completed in a very short time, and the work on her, if authorized, could be pushed to completion and the vessel put afloat within six months from the time it is resumed. To permit of doing this work without having to draw so heavily upon the regular appropriations for construction and repair, the bureau has estimated for $400,000, which it is thought will be sufficient to complete her.

All I have to say, then, is that inasmuch as the skeleton of this vessel is in a first-class condition, and as it has been recommended for completion by competent naval authorities, I hope the good work will go on, and we will furnish machinery in the future by which she may be made useful, if not upon the sea as a belligerent in time of war, at least for other purposes in connection with our naval service.

[Here the hammer fell.]

Mr. POTTER. Mr. Chairman, I have only time to say that in my judgment this ship should be completed. We have won nearly all we have won by our Navy in the past in wooden ships; and to whatever extent the construction of iron ships will be carried there will be always ample room and ample demand for the use of ships like this. She has cost already many hundreds of thousands of dollars, all of which is either to be thrown away or else we must make this appropriation to complete her. She is a new ship and will be one of the best of her kind in the Navy when completed; and, as I have said, there will be always places in the naval service where ships of this character will be needed, both in time of war and in peace.

In war we need transport ships; in war we shall always need ships under circumstances where this ship will serve better than the iron ship. I hope the House will stand by the committee and insist upon the completion of this ship.

Mr. THOMAS. I move to amend by striking out "$400,000" and inserting "$200,000."

Mr. RANDALL. I give notice that after the gentleman from Illinois has been heard I shall move to close debate.

Mr. THOMAS. I offer this amendment in order that I may reply to the statement made by the gentleman from New York [Mr. COX], the chairman of the Committee on Naval Affairs, with reference to the recommendation for the rebuilding of this vessel. I happened to be a member of the Naval Committee at the time this recommendation was made and before it was certainly known we could furnish the materials and build steel vessels in this country. Since then it has been shown we can not only manufacture the steel, but we can manufacture the ships, as the new vessels which will soon be completed demonstrate.

I desire to call the attention of the House to a letter I have received from the Admiral of the Navy. And however little or however much the members of this House may know about naval architecture and ships of war it is safe to say that David D. Porter, Admiral of the Navy, knows something. He has written to me in reference to this vessel, and he says:

An item is introduced appropriating $400,000 to finish a wooden ship—

The New York—

whose hull was modeled twenty years ago, and which will cost $1,000,000 before she is finished.

Why, two shells from this little gunboat would set her on fire and completely destroy her.

I have given the experience of fifty-five years to the naval service.

If Congress thinks proper to go to work and build a wooden vessel upon plans that were prepared twenty years ago, and which, when finished, will scarcely have speed enough to get out of her own way, and will be but a duplicate of the Tennessee, with a vulnerability greater than ships had at the time she was planned, owing to the increase in the size of guns and shell, well and good.

It is said the reason for building her is because we must have something to represent us abroad until iron or steel ships are built, but that would be a poor representation of a nation's progressiveness which would offer a ship to the eyes of the European world that was twenty years behind the time and built of a material that no naval power on the earth would think of using for a fighting ship.

Even the Chinese deride the old wooden ships that we send abroad. Of course, Europeans know how useless they are. What we want for immediate use is something to defend our coasts.

These are the words of wisdom which have fallen from the lips and pen of the Admiral of the Navy, and they meet the concurrence of every man who has looked into this question of the construction of the Navy. These wooden ships have passed out of date. They are no longer useful. Take, for instance, the Michigan, to which I referred on another occasion. She was built forty years ago. She cost about $500,000; and in the forty years she has been afloat she has cost less to keep her in repair than any wooden vessel now afloat has cost for the same purpose in five years; while the Kearsarge, the Powhatan, the Lancaster, and any number of wooden vessels I might mention, and to which the attention of Congress has been called by an executive document frequently read here, have cost for repairs twice, ay, three times as much, as their original cost. To-day if this bill becomes a law they will be stricken from the Navy Register, because even 30 per cent. will not keep them afloat and make them efficient even for surveying vessels.

I hope the amendment of the Senate will be agreed to.

Mr. RANDALL. I hope the House will sustain the recommendation of the committee. I move to close debate on the amendment of the Senate and the pending amendment.

The motion was agreed to.

Mr. THOMAS. I withdraw the amendment.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. KEIFER] to concur in the Senate amendment striking out the lines which have been read.

Mr. KEIFER. I think we may as well have the yeas and nays.

On the question of ordering the yeas and nays there were ayes 48—not one-fifth of the last vote.

Mr. KEIFER. I call for tellers.

Tellers were ordered, 40 members voting therefor.

Mr. RANDALL. I perceive that the demand for yeas and nays can not be beaten, and therefore to save time I am willing that they shall be ordered by consent.

There was no objection.

The question was taken; and there were—yeas 100, nays 151, not voting 73; as follows:

YEAS—100.

Adams, G. E.	Craig,	Hatch, H. H.	Lacey,
Adams, J. J.	Culbertson, W. W.	Haynes,	Laird,
Aiken,	Cullen,	Henderson, D. B.	Lawrence,
Anderson,	Curtin,	Henderson, T. J.	Libbey,
Arnot,	Cutcheon,	Hewitt, A. S.	Long,
Barr,	Davis, G. R.	Hiscock,	Lyman,
Bayne,	Davis, R. T.	Hitt,	McCold,
Blabee,	Dixon,	Holmes,	McCormick,
Boutelle,	Dunham,	Holton,	Millard,
Brainerd,	Ellwood,	Horr,	Morrill,
Breitung,	Evans,	Houk,	Nutting,
Brewer, F. B.	Findlay,	Howey,	Ochiltree,
Brewer, J. H.	Flaerty,	James,	O'Hara,
Browne, T. M.	Guenther,	Jeffords,	Parker,
Bruman,	Hanback,	Jones, S. W.	Payne,
Campbell, J. M.	Hancock,	Kean,	Payson,
Cannon,	Harmer,	Keifer,	Perkins,
Cassidy,	Hart,	Kelley,	Peters,
Pettibone,	Skinner, C. R.	Stone,	Weaver,
Poland,	Smalls,	Strait,	White, J. D.
Ranney,	Smith, A. Herr	Taylor, J. D.	White, Milo
Reed, T. B.	Spooner,	Thomas,	Whiting,
Rockwell,	Steele,	Valentine,	Wilson, James
Rowell,	Stephenson,	Wait,	Wise, J. S.
Russell,	Stewart, J. W.	Washburn,	York.

NAYS—151.

Alexander,	Dorsheimer,	Kleiner,	Singleton,
Bagley,	Dowd,	Lanham,	Skinner, T. G.
Ballentine,	Dunn,	Le Fevre,	Slocum,
Barbour,	Enton,	Lewis,	Spriggs,
Barksdale,	Eldredge,	Lovering,	Springer,
Beach,	Elliott,	Lowry,	Stevens,
Belmont,	English,	McAdoo,	Stewart, Charles
Bennett,	Ermentrout,	McMillin,	Stockslager,
Blount,	Everhart,	Maybury,	Storm,
Boyle,	Ferrell,	Miller, J. F.	Sumner, D. H.
Bratton,	Fiedler,	Mills,	Swope,
Breckinridge,	Follett,	Mitchell,	Talbott,
Buchanan,	Forney,	Muldrow,	Taylor, J. M.
Buckner,	Fyan,	Murphy,	Tillman,
Burnes,	Garrison,	Mutchler,	Thompson,
Cabell,	Geddes,	Neece,	Tully,
Caldwell,	Glascock,	Nicholls,	Turner, H. G.
Campbell, Felix	Graves,	Oates,	Turner, Oscar
Campbell, J. E.	Green,	O'Ferrall,	Van Alstyne,
Candler,	Greenleaf,	O'Neill, Charles	Vance,
Carleton,	Halsell,	O'Neill, J. J.	Van Eaton,
Clay,	Hammond,	Paige,	Wallace,
Clements,	Hardeman,	Patton,	Ward,
Collins,	Hardy,	Peel,	Warner, A. J.
Connolly,	Hatch, W. H.	Phelps,	Warner, Richard
Converse,	Herbert,	Pierce,	Wellborn,
Cook,	Hewitt, G. W.	Potter,	Wilkins,
Cosgrove,	Hill,	Pryor,	Willis,
Covington,	Hobilitzell,	Randall,	Wilson, W. L.
Cox, S. S.	Holman,	Reagan,	Winans, E. B.
Cox, W. R.	Hopkins,	Reid, J. W.	Winans, John
Crisp,	Houseman,	Reese,	Wise, G. D.
Culberson, D. B.	Hunt,	Robertson,	Wolford,
Davidson,	Hurd,	Rogers, J. H.	Wood,
Davis, L. H.	Hutchins,	Rogers, W. F.	Woodward,
Deuster,	Jones, J. H.	Seney,	Worthington,
Dibrell,	Jordan,	Seymour,	Yaple.
Dockery,	King,	Shively,	

NOT VOTING—73.

Atkinson,	Funston,	Money,	Ryan,
Belford,	George,	Morgan,	Shaw,
Bingham,	Gibson,	Morrison,	Smith, H. Y.
Blackburn,	Goff,	Morse,	Snyder,
Blanchard,	Hemphill,	Moulton,	Struble,
Bland,	Henley,	Muller,	Sumner, C. A.
Bowen,	Hepburn,	Murray,	Taylor, E. B.
Broadhead,	Hooper,	Nelson,	Throckmorton,
Brown, W. W.	Johnson,	Post,	Townshend,
Budd,	Jones, J. K.	Price,	Tucker,
Burleigh,	Jones, J. T.	Pusey,	Wadsworth,
Chalmers,	Kellogg,	Rankin,	Wakefield,
Clardy,	Ketchum,	Ray, G. W.	Weller,
Cobb,	Lamb,	Ray, Ossian	Wemple,
Dargan,	Lore,	Rice,	Williams,
Dibble,	McComas,	Riggs,	Young.
Dingley,	Matson,	Robinson, J. S.	
Ellis,	Miller, S. H.	Robinson, W. E.	
Foran,	Milliken,	Rosecrans,	

So the amendment was non-concurred in.

On motion of Mr. RANDALL the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. JONES, of Arkansas, with Mr. HOOPER, for the remainder of the day.

Mr. RIGGS with Mr. JOHNSON, on this vote.

Mr. DIBBLE with Mr. MILLER, of Pennsylvania, on this vote.

Mr. SNYDER with Mr. GOFF, on this vote.

Mr. BUDD with Mr. GEORGE, on this vote.

Mr. CLARDY with Mr. BELFORD, on this vote.

Mr. FORAN with Mr. CHALMERS, on this vote.

Mr. BLACKBURN with Mr. BINGHAM, on this vote.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote by which the amendment was non-concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Amendment numbered 23 was read, as follows:

Strike out the word "thirty" and insert the word "twenty;" so that, if amended, the proviso will read:

"That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 20 per cent. of the estimated cost," &c.

Mr. RANDALL. The committee recommend concurrence, but there has been an indicative vote of the House this morning in the other direction.

Mr. KEIFER. There is no objection to taking the judgment of the House.

Mr. RANDALL. In obedience to the instructions of the committee I make the motion that the House concur, but I express an individual hope that the House will vote that down.

Mr. LONG. I suggest that that amendment and the next one be taken together.

Mr. KEIFER. Make the motion to non-concur in the twenty-third and twenty-fourth amendments.

Mr. RANDALL. That would be in harmony with the action of the House this morning.

The SPEAKER. If there be no objection, the House will non-concur in these two amendments.

There was no objection; so the amendments were non-concurred in.

Amendment numbered 25 was read, as follows:

Strike out "warves" and insert "wharves."

The amendment was concurred in.

Amendment numbered 26 was read, as follows:

Strike out "car-tickets, $200."

The amendment was concurred in.

Mr. KEIFER. Mr. Speaker, I wish to make a suggestion. I think the Committee on Appropriations were unanimous in agreeing that the remainder of the amendments of the Senate should be non-concurred in. I do not mean that all the members of the committee were in favor of non-concurrence in each of these amendments, but they were agreed that that was the best policy.

Mr. RANDALL. In accordance with the suggestion of the gentleman from Ohio [Mr. KEIFER], for which I am indebted to him, I move that the House non-concur in the remaining amendments of the Senate.

The SPEAKER. If there be no objection, the remainder of the Senate amendments to this bill will be non-concurred in.

Mr. COX, of New York, and Mr. TALBOTT. There is objection.

The SPEAKER. Objection is made.

Mr. TALBOTT. I make no objection except as to amendment 28.

Mr. RANDALL. The Committee on Appropriations, as stated by the gentleman from Ohio [Mr. KEIFER], reached a unanimous conclusion as to the remainder of the Senate amendments to this bill, that they should be non-concurred in. The subjects all relate to each other; the amendments are interwoven, as it were, one with another, and the committee have also, in some degree, discussed the position to be taken by the conferees. I hope the suggestion of the gentleman from Ohio [Mr. KEIFER] will be assented to.

Mr. KEIFER. I want it understood that we do not necessarily disagree with the substance of all these amendments, but we do agree that it is a wise policy to go into conference upon them.

Mr. RANDALL. We all agree as to the increase of the navy, and as to the propriety of making the Secretary of the Navy and the heads of bureaus the responsible parties in the construction of these vessels.

The SPEAKER. If there be no objection——

Mr. COX, of New York. Objection has been made.

The SPEAKER. The Chair understood that objection was made only to non-concurrence in the twenty-eighth amendment.

Mr. COX, of New York. I understood the gentleman from Pennsylvania [Mr. RANDALL] to say that he proposed to non-concur in all the rest of the Senate amendments.

Mr. RANDALL. Yes.

Mr. COX, of New York. Now I should think that gentlemen on both sides might be willing to take the sentiment of the House in relation to these things. Let them make the motion to non-concur and let the House act upon it.

Mr. RANDALL. We do move to non-concur.

Mr. COX, of New York. The amendments are quite different in character. Here is a motion to strike out what the House has already inserted and insert something else.

Mr. RANDALL. That is the Senate amendment, and we propose to non-concur.

Mr. COX, of New York. Then, further along, in another amendment, come the monitors. Now, some gentlemen here do not want to vote for the monitors.

Mr. RANDALL. Well, you are not voting for them by non-concurrence.

Mr. COX, of New York. I know I am not, but I may want to vote for some of these other propositions.

Mr. RANDALL. Well, if you want to you can vote for the cruisers.

The SPEAKER. The amendments must be acted upon separately unless unanimous consent is given to act upon them all together. Objection is made, and the Clerk will read the next amendment.

Amendment numbered 27 was read, as follows:

Strike out the words "To complete the construction of the steel cruiser of not less than 5,000 nor more than 6,000 tons displacement, and the armament therefor, authorized by act of Congress August 5, 1882, $1,780,000, or so much thereof as may be necessary: *Provided*, The Secretary of the Navy shall approve of the construction of said vessel."

Mr. RANDALL. I move the previous question on the motion to non-concur in that amendment.

The amendment was non-concurred in.

Amendment numbered 28 was read, as follows:

Insert:

"To enable the President to strengthen the naval establishment of the United States by additional vessels of the best and most modern design, having the highest attainable speed, the sum of $1,895,000 is hereby appropriated, to be expended as follows and under the following limitations:

"For the construction of two cruisers of not less than 2,000 nor more than 5,000 tons displacement, costing, exclusive of armament, not more than $1,100,000 each; one heavily armed gunboat of about 1,400 tons displacement, costing, exclusive of armament, not more than $320,000; and one light gunboat of about 800 tons displacement, costing, exclusive of armament, not more than $[illegible]; and authority is hereby given for the construction of said four vessels, at not exceeding the total cost for each above specified, in accordance with such final plan as may be determined upon, after a revision and reconsideration of all designs which have been heretofore made, and in the manner and conformity to the conditions and limitations provided for the construction of the new cruisers in the acts of August 5, 1882, and of March 3, 1883."

Mr. RANDALL. Under instruction of the Committee on Appropriations—I believe without dissent—I move non-concurrence.

Mr. TALBOTT. I move to concur with an amendment to insert the word "steel" between "two" and "cruisers;" so as to read "two steel cruisers."

Mr. RANDALL. I ask the previous question on my motion and on the amendment.

Mr. COX, of New York. Mr. Speaker, with the permission of my friend from Pennsylvania [Mr. RANDALL], I desire to state that the Committee on Naval Affairs, of which I am chairman, favor, I believe almost unanimously, some attempt of this kind to increase our navy. We are not wedded to wooden vessels, although I voted for one of them. We are perfectly content with the increase of steel cruisers of the description embraced in this amendment of the Senate. I should think, as I have already said, that my friend from Pennsylvania and the gentlemen who may be on the conference committee would be glad to have an expression of the opinion of the House upon this matter.

Mr. RANDALL. Both sides of the House, as represented upon the Committee on Appropriations, favor an increase of the navy, and have joined in recommending non-concurrence, with a view to reaching a conclusion which will give us an increase of the navy.

Mr. COX, of New York. Is not the gentleman from Pennsylvania opposed to this 20 per cent. amendment?

Mr. RANDALL. I am not opposed to the object of the Senate amendment—the increase of the navy, but I think that the Committee on Appropriations, after a full discussion of this subject, will indicate a way in which it can be better and more expeditiously done and place the responsibility for the construction of the ships upon the Secretary of the Navy and the heads of the respective bureaus.

Mr. COX, of New York. That is not included in this amendment.

Mr. RANDALL. Well, we are going to try to reach it by non-concurrence.

Mr. COX, of New York. By a conference?

Mr. RANDALL. Yes, sir. I think I have stated fairly the position of gentlemen on both sides of the House.

Mr. KEIFER. As I have already stated, while we favor non-concurrence, we are in favor of this proposition to construct new cruisers.

Mr. RANDALL. I think I have stated the position of the other side of the House on this question as fairly and fully as that of gentlemen on this side.

Mr. TALBOTT. Mr. Speaker, have I any time for debate at all on this question?

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to close debate.

Mr. RANDALL. I want to test the wish of the House as to ordering the previous question.

Mr. TALBOTT. I think we may reach an agreement here among ourselves in the House without losing time by a vote.

The SPEAKER. The question is upon the motion of the gentleman from Pennsylvania to close debate.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. After the statement made by the distinguished chairman of the Committee on Appropriations, I trust that my friend from Maryland [Mr. TALBOTT] will withdraw his amendment and let the conference committee do all they can to initiate this movement.

Mr. RANDALL. That is what we are all striving for on both sides of the House.

Mr. TALBOTT. Well, Mr. Speaker, I desire to say one word. The Committee on Naval Affairs, who ought properly to have charge of such matters, believe that this is good legislation contained in this amendment.

Mr. RANDALL. Very well; the recommendation of the Committee on Naval Affairs shall have full consideration in the conference.

The SPEAKER. The first question is upon the amendment of the gentleman from Maryland.

Mr. TALBOTT. I withdraw it.

Mr. RANDALL. As I understand, objection will now be withdrawn to the proposition of the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I renew my proposition to non-concur in all the remaining amendments.

The SPEAKER. That can be done only by unanimous consent.

Mr. RANDALL. There is no objection now.

The SPEAKER. If there be no objection, the remaining amendments of the Senate will be considered as non-concurred in. The Chair hears no objection, and it is so ordered.

Mr. RANDALL. I now move to reconsider the action of the House on those various amendments, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BELFORD. I rise to a question of order. The disorder is so great that gentlemen in this part of the Hall have been unable to hear a single remark of the gentleman from Pennsylvania or other gentlemen touching these appropriations.

The SPEAKER. The Chair thinks the point of order well taken. The Chair has endeavored by all the means in his power to preserve order. There is so much conversation on the floor and in the rear of the seats that it is impossible to transact the public business. The Sergeant-at-Arms will request gentlemen to take their seats and cease conversation.

ORDER OF BUSINESS.

Mr. BENNETT. I rise to a question of privilege, and call up the contested-election case of Frederick vs. Wilson, from the State of Iowa.

Mr. MILLS. I hope the gentleman from North Carolina will yield a moment to allow me to offer a resolution.

The SPEAKER. The gentleman from North Carolina [Mr. BENNETT] calls up for consideration the contested-election case of Frederick vs. Wilson.

Mr. VALENTINE. On that I raise the question of consideration.

Mr. MILLS. I ask the gentleman to allow me a moment to introduce a resolution which will cause no debate.

Mr. TURNER, of Kentucky. I call for the regular order.

The SPEAKER. The gentleman from Kentucky on the right demands the regular order.

PRIVILEGES OF REPRESENTATIVES IN INAUGURATION CEREMONIES.

Mr. MILLS. I move to suspend the rules and pass this resolution——

Mr. SPRINGER. I believe there is no objection to this matter of the gentleman from Texas.

The SPEAKER. There is objection.

Mr. SPRINGER. It relates to the inauguration ceremonies.

The SPEAKER. The resolution of the gentleman from Texas will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved by the House of Representatives, That the committee appointed to arrange the inaugural ceremonies for the 4th instant having declined to give to the Representatives in Congress their proper place, we will decline to take any part in said ceremonies at the Capitol.

Mr. MILLS. I move to suspend the rules and pass this resolution.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. KEIFER. Let it be read again.

The SPEAKER. The resolution will be read again, and the Chair asks gentlemen to preserve order.

The resolution was again read.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. HAMMOND. I object.

Mr. MILLS. I move to suspend the rules and pass this resolution. It is a resolution which reflects the wishes of a large number of gentlemen on this floor.

Mr. RANDALL (to Mr. MILLS). Call the previous question.

Mr. MILLS. I move to suspend the rules. No previous question is necessary. The resolution affects the dignity of the House.

The SPEAKER. The gentleman from Texas moved that the rules be suspended. That can only be done by consent of the gentleman from North Carolina [Mr. BENNETT] who holds the floor to call up an election case.

Mr. MILLS. I ask the gentleman from North Carolina to yield to me, as this question which I present affects the dignity of the House of Representatives.

Mr. SPRINGER. I do not see the necessity of taking up the time of the House in a matter of this character.

The SPEAKER. The Chair has already stated that the motion to suspend the rules can not be submitted without the consent of the gentleman from North Carolina, who has the floor on a contested-election case.

Mr. MILLS. I appeal to the gentleman from North Carolina to yield to me the floor.

Mr. BENNETT. I will yield the floor to the gentleman from Texas.

Mr. MILLS. I will demand the previous question.

The SPEAKER. Then the gentleman from Texas moves to suspend the rules and adopt the resolution.

Mr. WILLIS. I understand the gentleman from Texas moves the adoption of the resolution, and on that motion demands the previous question.

The SPEAKER. Objection has been made to the introduction of the resolution, and the gentleman from Texas has moved to suspend the rules and adopt it.

Mr. HAMMOND. I demand a second under the rule.

The SPEAKER. The Chair will appoint as tellers the gentleman from Georgia, Mr. HAMMOND, and the gentleman from Texas, Mr. MILLS.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; when the Speaker signed the same.

PRIVILEGE OF THE HOUSE—INAUGURAL CEREMONIES.

The House divided; and the tellers reported—ayes 138, noes 8.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rule of the House thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. MILLS. I demand the previous question on the adoption of the resolution. We do not want debate. It affects the dignity of this House.

The SPEAKER. Then if no debate is desired the question will be on the motion to suspend the rules and adopt the resolution.

Mr. HAMMOND. What becomes of the fifteen minutes of debate on either side?

The SPEAKER. The Chair announced there were thirty minutes allowed for debate, fifteen minutes in support of the motion and fifteen minutes against it. It was then stated on the floor that no debate was asked by the gentleman from Texas. Does the gentleman from Georgia desire to debate it? [Cries of "Vote!" "Vote!"]

Mr. HAMMOND. I ask to debate it.

The SPEAKER. Then the gentleman is entitled, under the rules of the House, to fifteen minutes, and will proceed.

Mr. HAMMOND. Mr. Speaker, I regret very much that I am so hoarse that it will be very difficult for me to be heard. But I feel that we are about to do, under passion, a very unseemly thing. On the 4th of March a President of the United States is to be inaugurated. It is usual that the House of Representatives shall be present with the Senators and other public officials to witness that great event. And now we are about to pass, without debate, and as I understand it, in childish pique, a resolution that we will decline to be present on that important occasion because it is charged that somebody has offered us a slight. I deny it. The Senate had no such intention. If this House believes it had, there is a dignified way of asserting and maintaining the dignity of this body. I say that a resolution that declares that, because we sit behind the other gentlemen in the Senate Chamber, therefore we will not sit there at all, is puerile. I had the pleasure of a like seat when Garfield was inaugurated. The House sat there and no man dreamed that he was insulted by his location.

Whence comes this sudden notion of insult to the House. Why is it wrong that the members of the House of Representatives should sit in the rear? There will be the Supreme Court and the diplomatic corps and the Senate and all the rest in the Senate Chamber. Some must sit behind. I maintain that true dignity consists in taking the seat that is offered; for they are all equally honorable and of equal importance. It is childish to quarrel about location in that small assembly hall.

I speak earnestly because I feel earnestly. Instead of maintaining its dignity at this moment the House is in danger of losing its dignity. If there has been any slight, it has been entirely unintentional. The Senate never intended to insult us or in any way to inflict upon us a slight of any sort.

Will any gentleman tell me wherein this inauguration differs from any other? Will any gentleman tell me it is any more dishonorable on the 4th of March to sit behind them than it was to sit behind them when we attended the Washington Monument ceremonies?

Mr. BELFORD. If the gentleman will allow me I will tell him.

Mr. HAMMOND. I yield for five minutes to the gentleman from Tennessee.

Mr. BELFORD. You ask questions and then you decline to have them answered.

Mr. YOUNG. I shall hardly require that much time, Mr. Speaker, to enter my earnest protest against this hasty and inconsiderate action. I seems to me that we owe it to ourselves and we owe it to the occasion to conduct ourselves with somewhat more of dignity.

Mr. VALENTINE. I ask the House be called to order and that members be requested to take their seats. It is impossible to hear what is going on.

The SPEAKER. Members can hear much better in their seats than when crowded in the area in front of the reporters' desk.

Mr. YOUNG. It may be true, Mr. Speaker, that the Senate has not been quite so considerate in this matter as it ought to have been. It may be they have shown some discourtesy to the House. Admitting all that to be true, does it furnish any justification to the House to show equal if not greater discourtesy to the President of the United States by refusing to be present when he is inaugurated? Perhaps it would have been better, and I think myself it would have been, if the Senate had conferred with the House before arranging this programme for the inauguration. Possibly it was an oversight. I can not think

any discourtesy or indignity was intended on the part of the Senate toward the House of Representatives. Whether that is so or not, we owe it to ourselves, it seems to me, to take the usual part the House of Representatives has always taken on occasions of this sort.

It would present a most unseemly spectacle to the country if one branch of the legislative department of this Government, and the largest branch, too, should absent itself altogether, and under a resolution favorably adopted, when the President recently elected by the people is about to be inaugurated. I hope, sir, the House will calmly and dispassionately consider this matter before they adopt the resolution offered by the gentleman from Texas. I have nothing more to say.

Mr. HAMMOND. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes.

Mr. HAMMOND. I yield two minutes to the gentleman from North Carolina [Mr. COX].

Mr. COX, of North Carolina. Mr. Speaker, this is an unusual resolution which is proposed at this time for our adoption in connection with the inauguration ceremonies about to take place. If I am correctly informed, the method now proposed by the committee on arrangements is the method that has been uniformly followed in similar ceremonies heretofore, and if I am mistaken in that respect I shall be glad to stand corrected by any gentleman on the floor.

I am perfectly satisfied that no discourtesy is intended to the House on the part of the Senate, and that the gentlemen who made the arrangements, providing the order of proceeding on that day, intended no discourtesy. We are acting to-day in the eyes of this country and of the world; and what a spectacle would we present, not only to our own people but to foreign nations, if one body of the great national Legislature of America should stand upon a mere matter of courtesy or form, and absent itself from this great inaugural ceremony to which the people of the whole country are invited? It seems to me, therefore, before any action is taken such as this resolution contemplates, that it would be at least courtesy to the Senate to signify our disapproval in another manner. I think myself we are making a great deal about a matter which does not justify any such course; and before this body commits itself to the action suggested by this resolution I trust it will deliberate upon the question, and deliberate gravely and dispassionately and not hastily and inconsiderately.

This is too grave a question to be disposed of in this hasty manner; and I trust we will consider the spectacle presented, as I have said, to our own people as well as to the civilized world—that the more numerous branch of the national Legislature by resolution propose to absent themselves altogether, taking no part in the inauguration ceremonies of the President because of an imaginary slight or discourtesy. It will not add to the dignity of this House to adopt such a resolution. It is our right as the Representatives of the people who send us here to be present, and they expect us to be present, and in my judgment nothing but a very grave and momentous occasion should prevent our attendance.

[Here the hammer fell.]

Mr. HAMMOND. I yield two minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Speaker, my first impression was in favor of adopting the resolution which has been read, but a moment's reflection convinces me that it is unwise. If the Senate or the committee on arrangements had deliberately intended this as a discourtesy, or as a slight upon us, then, sir, I feel it would be unworthy of this House to notice it. If on the contrary it did not so intend it, and I am persuaded and advised that such is the fact, it is equally beneath the dignity of this House to give it further consideration. My own judgment is clear that it would be but child's play for the House of Representatives of the United States to take such notice of the action of this committee, whether it is intentional or unintentional, as would place us in an unfavorable and ridiculous attitude before the country.

[Here the hammer fell.]

Mr. HAMMOND. I now yield one minute to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, I think one minute will suffice for me to say that this programme is no departure from precedents. It can have nothing offensive as a purpose. It will be the sixth inaugural ceremony that I have attended consecutively; and I have never seen one in which, under a programme identical with the one now submitted, the members of the House could all or any great part of the House get into the Hall of the Senate. I think it would be better if the Senate and the House should take the rear and leave the distinguished guests to the body of the Hall; but such has not been the case, and precedents are all in harmony with the programme now submitted to the House. I think it would dishonor this House in refusing to attend the ceremonies upon such an apparent slight.

[Here the hammer fell.]

Mr. HAMMOND. I think the House has now had time to think, and if so, I know it is ready to vote. I have no intention myself of allowing a Republican Senate, if it wishes to keep me away from seeing Grover Cleveland inaugurated, to perform that act. It is the first chance I have ever had to see a Democrat inaugurated, and I intend to see it. [Applause.] I do not intend that any supposed insult upon the dignity of this body shall keep me from my proper place as one of the Representatives of the people to witness the inauguration of that man in whose hands they have committed administration for the next four years. [Applause.] And I trust that when the House comes to vote it will change its front as solidly as under quick excitement it voted the other way ten minutes ago.

Mr. MILLS. I yield five minutes to my colleague from Texas [Mr. REAGAN].

Mr. HAMMOND. I submit after the gentleman from Texas [Mr. MILLS] had stated there would be no debate in favor of the proposition that there can be none.

Mr. MILLS. That proposition is absolutely ridiculous.

The SPEAKER. The Chair of course can not prevent under the rules of the House fifteen minutes being occupied in support of the proposition.

Mr. HAMMOND. I am glad, then, the gentleman thinks it will take fifteen minutes to make the House do wrong.

Mr. MILLS. I hope the gentleman will sit down and contain himself for the balance of the day. I yield five minutes to my colleague [Mr. REAGAN].

Mr. REAGAN. The President of the United States is to be inaugurated and the two Houses of Congress are to adopt the usual courtesies and regulations for the witnessing of that inauguration. The two Houses make up the Congress of the United States. It is not composed of a Senate alone. Each House is entitled to be respected and to have its voice in making the appropriate arrangements and to occupy its proper position in the ceremonies connected with the inauguration. The Representatives of the American people should not permit the Senatorial branch to take absolute, unqualified control of the inauguration of the President, ignoring the people's Representatives, and after they have accommodated themselves on the right of the President who is to be inaugurated and placed diplomats, judges, heads of Departments, bureau officers, military officers, and everybody else in the second place of honor, condescending to place the three hundred and twenty-five Representatives of the American people in the last place of honor instead of consulting them and permitting them to occupy the place that common right and common decency and courtesy demand for them.

Mr. GLASCOCK. Will the gentleman from Texas allow me to ask him a question?

Mr. REAGAN. I have not time; but I will hear the gentleman's question.

Mr. GLASCOCK. I want to ask the gentleman this question: At the time the ceremonies will take place what Congress will be in existence?

Mr. REAGAN. Until 12 o'clock of that day this House is in existence, and a number of Senators will have no longer tenure than the whole of the House; and it is the Congress of the United States that ought to make arrangements for the inauguration of the President according to custom and precedent. It is not for a single body of this Congress to dictate to the other co-ordinate branch of Congress and to assign it a subordinate and inferior position. If that is done it can not be otherwise than an intentional and deliberate discourtesy on the part of the Senate. I feel that the Representatives of the people will degrade and dishonor themselves if they do not resent that discourtesy, and that we could not answer to our constituents any more than we could answer to future Houses of Representatives if we permit this degradation.

I regret, Mr. Speaker, that any such question should have arisen. But common courtesy and the rules of propriety demanded that there should have been a joint committee of the two Houses of Congress to have made these regulations, and not that one House should set itself above everything else. I ask by what authority, by what law, by what custom does it assume this new prerogative of absolutely controlling the inauguration of the President?

They go further, and provide that if it is an inclement day the President shall be inaugurated in the Senate Chamber instead of in the Representatives' Hall, before the Representatives of the people, and where a larger number of the people of the country at large can be witnesses of that ceremony. It seems to be a close corporation, arranging everything to suit itself and manifesting deliberate discourtesy to the House, a discourtesy which if not resented ought to degrade and dishonor the men who submit to it.

Mr. MILLS. I yield five minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. JOHN S. WISE. I rise in support of this motion because I look upon this as simply one of the many slight outcroppings of a growing evidence of an assumed superiority supposed to exist in the Senate of the United States. I believe that the theory of this Government is that it consists of three departments—legislative, executive, and judicial. I see in the programme which is announced here an arrangement whereby the executive department is represented, where the judicial department follows, where the Senate assumes to represent the legislative department of this Government, and allows us, the poor House of Representatives, to follow along as the little dog under the wagon of the entertainment. [Laughter.]

Now, sir, I am not willing to accept that back seat and be quiet. I

do not approach this subject from any personal standpoint, because my own time here is too short to fight for any particular precedence. But I do feel that it involves a question of representative dignity in the House of Representatives that we have no right to ignore or to pass over.

This is not an isolated example of the assumed superiority of the Senate of the United States, a superiority which they are inclined to make grow and grow, which exhibits itself in the little social courtesies of the Capitol, which year by year expands so that we, the Representatives of the people, coming directly from the people, and having more right to represent the people than its intermedistes, come to ask ourselves, "On what rich meat have these our Cæsars fed?"

I say I would like to know by what process of reasoning not only Senators but Senators-elect are given five tickets apiece to this entertainment when Representatives have two, and Representatives-elect, who were elected at the same time that Grover Cleveland was made President of the United States, are ordered to stand out in the cold while the Senate takes the first place. I had rather be a doorkeeper in the House of Representatives than a prince in such a palace of Senators. I care not what may be the result of this resolution, but I am glad of an opportunity here and now to enter an emphatic protest on behalf of the Representatives of the people against these gradual encroachments of this would-be aristocratic body, the Senate of the United States.

It is our right to be there as a co-ordinate body. It is our right to be there as their equals in all respects. I believe that the principle announced by this resolution is right, and that if we can not be there as co-ordinates and equals, the most proper thing for us is not to go at all.

Mr. O'NEILL, of Missouri. Go as individuals.

Mr. JOHN S. WISE. Yes; go as individuals. I, too, like the gentleman from Georgia [Mr. HAMMOND], desire to see this inauguration. He wants to see it because it is the first inauguration of a Democratic President he has seen for a long time. I want to see it because I think it entirely likely that this is the last one I shall have an opportunity of seeing for a long time. [Laughter.]

Mr. HENLEY. I am sorry to hear that the gentleman is not coming to Washington again.

Mr. YOUNG. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG. I desire to be informed if it is in order at this time to offer a substitute for the pending resolution.

The SPEAKER. Of course not. This is a proposition to suspend the rules.

Mr. MILLS. Is my time exhausted, Mr. Speaker?

The SPEAKER. The gentleman from Texas [Mr. MILLS] has six minutes of his time remaining.

Mr. MILLS. Mr. Speaker, in the outset of the remarks which I shall submit for the consideration of the House, I feel that I ought to make a very low bow to the gentleman from Georgia [Mr. HAMMOND] for the magisterial manner in which he came down and paraded himself in the arena and lectured this great body, the Representatives of fifty millions, ay, sixty millions of people, for their puerility and childishness in proposing to maintain the dignity and the equal rank of the Representatives of the people in the great and solemn transaction of the inauguration of a republican-democratic President of the United States. I use those terms in their large sense, not in their partisan sense.

I use the expression by way of contrast with the idea of a "scepter," which the gentleman from Georgia [Mr. HAMMOND] spoke of a while ago. Sir, it has always been an object of the chiefest concern among the people of England to maintain the dignity of the House of Commons, which they in their affection have characterized as "the breath of the English people." They have never been willing to accept any affront either from kings or lords, and they have maintained that great representative body in all its power and prestige by resisting every attempt to humble it or to make it inferior, either in the law-making power of Great Britain or in anything else pertaining to its character and history. The gentleman from Pennsylvania [Mr. KELLEY] stated a moment ago that all the precedents were in accord with the idea of the House of Representatives marching at the rear as is proposed in this instance. I have been able to find but one such precedent, and that was in 1877 when the Senate took one side and the House of Representatives the other.

We are told, sir, and it is an old story which we all understand, that the Senate and the House of Representatives are co-ordinate branches of the legislative department of this Government, equal in dignity, equal in authority, equal in importance; but now apologists rise upon this floor and tell us that we ought not to offend against propriety by taking this proposed action when we are assigned to a place in the rear, while the Senate and the heads of Departments and the diplomatic corps are given a superior position. I agree with the gentleman from Georgia [Mr. HAMMOND] and other gentlemen here, that we are going to see the inauguration of the President, but we are not going at the tail end of the procession with the boot-blacks; we are not going there as Representatives of the people to take a place in the rear.

Let us go there, but let us occupy the exalted position that all the American people occupy. Let us take our places with our constituents and look on with them at the inauguration of our President. [Applause.] He is our President; he is the President of all parties; he is the President of the people of the United States. He takes the oath of office, not in the Senate, not in the House of Representatives, but before the eyes of the assembled multitude of his fellow-citizens, and there we as individuals, as his fellow-citizens, will go to see him inaugurated as our Chief Magistrate. But, sir, we owe it to the dignity of this House, we owe it to the people whom we represent, not to accept for this great representative body the inferior station which the Senate has assigned to us, and I trust that we will so declare by this vote to-day.

Mr. HUTCHINS. While agreeing with much that has been said on both sides of the House, I move to lay the resolution on the table.

Mr. MILLS. That can not be done.

Mr. HAMMOND. Mr. Speaker, I believe I have a minute and a half remaining.

The SPEAKER. That is the fact.

Mr. HAMMOND. I yield that time to my colleague [Mr. BLOUNT].

Mr. MILLS. How much time have I?

The SPEAKER. One minute.

Mr. BLOUNT. Mr. Speaker, like my colleague from Georgia [Mr. HAMMOND] I am apprehensive that in this matter we are acting under the impulse of temper and under a misunderstanding of the facts. The venerable gentleman from Pennsylvania [Mr. KELLEY] rises in his place and tells this House that he has witnessed the inauguration of six Presidents of the United States, and that the position assigned to the members of the House of Representatives under this programme is in accord with what he has witnessed on those several occasions.

Mr. REAGAN. Will the gentleman allow me——

Mr. BLOUNT. I will not allow the gentleman to interrupt me. I trust that I may use this minute and a half as I see fit.

Mr. REAGAN. The gentleman ought not to flinch at a fact.

Mr. BLOUNT. I do not "flinch at a fact." The gentleman from Texas has misstated the facts.

Mr. REAGAN. I have not.

Mr. BLOUNT. I will refer to the printed order of arrangements, which every gentleman has at his desk. It distinctly states in the first place that the diplomatic corps "will occupy seats on the right of the Chair," that is, of the President of the Senate; and then after giving the position of ex-Presidents, ex-Vice-Presidents, and Justices of the Supreme Court on the right of the Chair, and heads of executive departments, the retired General of the Army, &c., on the left of the Chair, governors and ex-governors of States, commissioners of the District of Columbia, &c., east of the main entrance, the programme states that "members and members-elect of the House of Representatives will occupy seats on the right of the Chair, next to the diplomatic corps."

This is the arrangement in the Senate Chamber; and the gentleman from Pennsylvania tells us that it has been uniformly the arrangement heretofore. I trust, sir, that as the people of this country, and especially the democratic people of this country, are gathering here to witness this inauguration, we shall not do what my friend and colleague has characterized as a puerile thing.

[Here the hammer fell.]

Mr. MILLS. The gentleman from Georgia [Mr. BLOUNT] refers to the arrangement in the Senate Chamber. When the Senate gets into its position, and when the invited guests who come in before the House of Representatives all get their places, the members of this House can stand in the corridors, as they have done heretofore. I was speaking of the position on the platform; and in relation to this I will read from the order of arrangements that the gentleman may understand it:

The Senators take their position on the right. Why? Because it is the first post of honor. Why, then, should not the House of Representatives take the place immediately on the left? But that is given to the diplomatic corps.

The diplomatic corps will occupy the seats on the left of the President. Heads of Departments, the retired General of the Army, the Lieutenant-General of the Army, the Admiral of the Navy, and the officers of the Army and Navy who, by name, have received the thanks of Congress, governors and ex-governors of States, and ex-members of the Senate, will take seats west of the President.

The Members and Member-elect of the House will occupy seats reserved for them in the rear of the above.

That is the position of the House of Representatives; and it means to place the military in advance of the civil branch of this Government, which has never been done before.

[Here the hammer fell.]

Mr. FINDLAY. I call for the yeas and nays.

The SPEAKER. The question is upon the motion made by the gentleman from Texas to suspend the rules and pass the resolution, on which the yeas and nays are demanded.

Mr. McMILLIN. I rise to a parliamentary inquiry. Would not a substitute be in order by unanimous consent?

The SPEAKER. Anything can be done by unanimous consent.

Mr. FINDLAY. I object. Let us have the yeas and nays. I hope we shall vote down this frivolous and foolish resolution.

The yeas and nays were ordered.

Mr. EATON. Mr. Speaker, I rise to make an inquiry. I am aware that this resolution is not amendable; but I desire to appeal to the good sense of the members all over the House——

Mr. BLOUNT. Debate is not in order.

Mr. EATON. Can we not lay this motion on the table and let a committee be appointed by the Chair to confer with the Senate on this subject?

The SPEAKER. That can only be done by unanimous consent.

Mr. EATON. I hope there will be unanimous consent.

Many MEMBERS. Regular order.

The SPEAKER. Objection is made.

Mr. YOUNG. I ask unanimous consent that the resolution be again read. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded on all sides of the House; but if there be no objection the resolution will be again read; and the Chair asks gentlemen to stop conversation while this is being done.

The Clerk again read the resolution.

The SPEAKER. On the motion to suspend the rules and adopt this resolution the yeas and nays have been ordered. The Clerk will call the roll.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. 732) granting a pension to William Weddingfield;
An act (H. R. 256) granting a pension to Mary A. Land;
An act (H. R. 891) granting a pension to Reuben J. Ebberman;
An act (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;
An act (H. R. 1759) granting a pension to Robert Patterson;
An act (H. R. 2068) granting a pension to James H. Reid;
An act (H. R. 1046) granting a pension to Mary A. Griffin;
An act (H. R. 2284) granting a pension to Elizabeth Fowler;
An act (H. R. 2537) granting a pension to Hugh Ryan;
An act (H. R. 2539) granting a pension to George W. Kiser;
An act (H. R. 2894) granting a pension to Henry Rodenback;
An act (H. R. 3605) granting a pension to Eliza Sluss;
An act (H. R. 3728) granting a pension to Charles P. Mahan;
An act (H. R. 3749) granting a pension to William Bolwork;
An act (H. R. 4833) granting a pension to Louisa Earle;
An act (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
An act (H. R. 5124) granting a pension to Samuel Z. Cooper;
An act (H. R. 5555) granting a pension to James Frazier;
An act (H. R. 6235) granting a pension to Eliza J. Norris;
An act (H. R. 6044) granting a pension to Eliza Pigeon;
An act (H. R. 6310) granting a pension to Benjamin P. Lowell;
An act (H. R. 7094) granting a pension to Samuel M. Bartlett;
An act (H. R. 7175) granting a pension to James O. McKenna;
An act (H. R. 7256) granting a pension to John A. Vanderhoff;
An act (H. R. 7336) granting a pension to T. A. Morton;
An act (H. R. 7338) granting a pension to Chloe A. Whipple;
An act (H. R. 7709) granting a pension to Louisa A. Ester;
An act (H. R. 7722) granting a pension to Almira K. Parker;
An act (H. R. 7731) granting a pension to Lois B. Smith;
An act (H. R. 7822) granting a pension to Spencer Van Loan;
An act (H. R. 4079) granting a pension to James D. Kirk;
An act (H. R. 7724) granting a pension to Lydia Wetherbee;
An act (H. R. 7952) granting a pension to Julia Hartley;
An act (H. R. 7773) granting a pension to William E. Ayers;
An act (H. R. 8133) granting a pension to Thomas McGill;
An act (H. R. 8038) granting a pension to Harriet A. B. Corts;
An act (H. R. 6205) granting a pension to Catharine S. Edmondson;
An act (H. R. 4189) granting a pension to Caroline Van Norton;
An act (H. R. 4098) granting a pension to William Gibbons;
An act (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
An act (H. R. 3701) granting a pension to James Bradford;
An act (H. R. 3681) granting a pension to William L. Sloan;
An act (H. R. 2325) granting a pension to Helen M. Harrison;
An act (H. R. 2282) granting a pension to Adolph Weach;
An act (H. R. 2138) granting a pension to Martha Angell;
An act (H. R. 1984) granting a pension to Robert M. McKirley;
An act (H. R. 1502) granting a pension to William Robinson;
An act (H. R. 5813) granting a pension to Rachel Smith;
An act (H. R. 5062) granting a pension to Jane Hilton;
An act (H. R. 4837) granting a pension to Charles H. Phillips;
An act (H. R. 4548) granting a pension to Cordelia Gale;
An act (H. R. 4266) granting a pension to Margaret A. Ringwalt;
An act (H. R. 6826) granting a pension to Rebecca Kupp;
An act (H. R. 6835) granting a pension to Bernard Donohue;
An act (H. R. 6653) granting a pension to Mary C. Axline;
An act (H. R. 6196) granting a pension to R. D. Lawrence;
An act (H. R. 5508) granting a pension to Isaac P. H. Caldwell;
An act (H. R. 5207) granting a pension to Adalbert Stickney;
An act (H. R. 7315) granting a pension to Frederick P. Dearth;
An act (H. R. 7313) granting a pension to Charles W. Baldwin;
An act (H. R. 6965) granting a pension to David T. Dudley;
An act (H. R. 6966) granting a pension to Wealthy H. Seavey;
An act (H. R. 7571) granting a pension to Cornelia V. Blackburn;
An act (H. R. 7673) granting a pension to Adeline E. Chadbourne;
An act (H. R. 7386) granting a pension to Eliza M. Byers;
An act (H. R. 7302) granting a pension to Elizabeth Smith;
An act (H. R. 3402) for the relief of Jacob J. Morningstar;
An act (H. R. 7092) for the relief of Anthony Beyer;
An act (H. R. 5069) for the relief of Elizabeth A. Springsteed;
An act (H. R. 5929) for the relief of Abigail Henry;
An act (H. R. 7308) for the relief of David Fried;
An act (H. R. 7524) for the relief of Lavina Heth;
An act (H. R. 5762) for the relief of Ann Lumphrey;
An act (H. R. 4061) for the relief of William C. H. Bowman;
An act (H. R. 3000) for the relief of William R. Miller;
An act (H. R. 8033) granting an increase of pension to George W. Clark;
An act (H. R. 8104) granting an increase of pension to George S. Hawley;
An act (H. R. 7732) granting an increase of pension to Edward P. Quinn;
An act (H. R. 7672) granting an increase of pension to Elbert Hewitt;
An act (H. R. 2136) granting an increase of pension to Merlin C. Harris;
An act (H. R. 7602) to grant a pension to Harriet M. Baily;
An act (H. R. 6018) increasing the pension of George Tapp;
An act (H. R. 7561) to allow a pension to George F. West;
An act (H. R. 4317) increasing the pension of Julia A. Chambers;
An act (H. R. 7262) increasing the pension of Elmina P. Spencer;
An act (H. R. 5969) increasing the pension of Frederic S. Rich;
An act (H. R. 3352) to restore the name of Warren Sams to the pension-roll;
An act (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
An act (H. R. 1164) to restore to the pension-roll the name of Elmer Stough;
An act (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
An act (H. R. 7707) to pension Holden Cook;
An act (H. R. 1711) granting a pension to Frederick Nelson, T. Caine, and Henry C. Sanders;
An act (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;
An act (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
An act (H. R. 8273) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia;
Joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the international polar expedition to Point Barrow, Alaska;
An act (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.;
An act (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes;
An act (H. R. 4247) granting a pension to Anna Maria Ressler;
An act (H. R. 2344) for the relief of Melissa G. Polar;
An act (H. R. 6287) for the relief of John H. Johnson;
An act (H. R. 7373) for the relief of Sarah A. Burchfield;
An act (H. R. 3336) for the relief of Sherman C. Perry;
An act (H. R. 3355) for the relief of Mary Mulholland;
An act (H. R. 7002) for the relief of Harriet L. Stevens;
An act (H. R. 5123) granting a pension to Frederick Braunwald;
An act (H. R. 5925) granting a pension to Margaret A. Berry;
An act (H. R. 5374) granting a pension to Phillip Wiggins;
An act (H. R. 6596) granting a pension to John Hazlewood;
An act (H. R. 6928) granting a pension to Leonard King;
An act (H. R. 2627) granting a pension to Noah Caton;
An act (H. R. 7696) granting a pension to Thomas D. Fitch;
An act (H. R. 4263) granting a pension to Elizabeth Hood;
An act (H. R. 7869) granting a pension to Emeline L. Fitch;
An act (H. R. 2540) granting a pension to Priscilla J. Small;
An act (H. R. 2539) granting a pension to Christiana Almier;
An act (H. R. 3994) granting a pension to William Strickland;
An act (H. R. 3751) granting a pension to Francis Curran;
An act (H. R. 6948) granting a pension to George W. Eagles;
An act (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
An act (H. R. 1219) granting a pension to Charles Hendrix;
An act (H. R. 1653) granting a pension to John R. Hurlbart;
An act (H. R. 1898) granting a pension to Harriet Armstrong;
An act (H. R. 6798) to grant a pension to Lloyd W. Hixon;
An act (H. R. 7769) to grant a pension to Joseph R. Dodds;
An act (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey; and
An act (H. R. 7292) to increase the pension of Jacob Wiener.

PRIVILEGES OF THE HOUSE—INAUGURAL CEREMONIES.

The SPEAKER. The question is on the motion of the gentleman

from Texas to suspend the rules and adopt the resolution of the gentleman from Texas [Mr. MILLS].

The question was taken; and it was decided in the negative—yeas 55, nays 185, not voting 84; as follows:

YEAS—55.

Aiken,	Culbertson, W. W.	Hatch, W. H.	Pryor,
Anderson,	Curtin,	Henderson, D. B.	Randall,
Barksdale,	Davis, G. R.	Henley,	Reagan,
Belford,	Deuster,	McAdoo,	Shively,
Bisbee,	Dorsheimer,	McMillin,	Smalls,
Bland,	Dunham,	Miller, J. F.	Stewart, Charles
Breckinridge,	Dunn,	Mills,	Tillman,
Brumm,	Eldredge,	Nelson,	Weaver,
Caldwell,	Ellwood,	Nicholls,	Weller,
Campbell, Felix	Follett,	Ochiltree,	Willis,
Cobb,	Fyan,	O'Ferrall,	Wise, J. S.
Collins,	Green,	O'Hara,	Worthington,
Cook,	Hancock,	Payson,	Yaple.
Craig.	Hardy,	Pettibone,	

NAYS—185.

Adams, G. E.	Ferrell,	Le Fevre,	Skinner, T. G.
Adams, J. J.	Findlay,	Long,	Slocum,
Alexander,	Finerty,	Lore,	Smith, A. Herr
Atkinson,	Forney,	Lovering,	Smith, H. Y.
Bagley,	Forney,	Lowry,	Spooner,
Ballentine,	Funston,	Lyman,	Spriggs,
Barbour,	Garrison,	McComas,	Springer,
Barr,	Geddes,	McCormick,	Stephenson,
Beach,	Glascock,	Mahon,	Stevens,
Belmont,	Goff,	Mayberry	Stewart, J. W.
Bennett,	Graves,	Mitchell,	Stockslager,
Bingham,	Greenleaf,	Money,	Storm,
Blount,	Gunther,	Morgan,	Sumner, C. A.
Boutelle,	Halsell,	Morrill,	Sumner, D. H.
Boyle,	Hammond,	Moulton,	Swope,
Bratton,	Hardeman,	Muldrow,	Talbott,
Brewer, F. B.	Harmer,	Muller,	Taylor, J. D.
Brewer, J. H.	Hart,	Murphy,	Taylor, J. M.
Broadhead,	Hatch, H. H.	Neece,	Thomas,
Browne, T. M.	Hemphill,	Nutting,	Thompson,
Buchanan,	Herbert,	Oates,	Townshend,
Buckner,	Hewitt, A. S.	O'Neill, J. J.	Tucker,
Burleigh,	Hewitt, G. W.	Paige,	Turner, H. G.
Cabell,	Hill,	Parker,	Turner, Oscar
Campbell, J. R.	Hitt,	Patton,	Valentine,
Campbell, J. M.	Hobbitzell,	Payne,	Van Alstyne,
Candler,	Holman,	Peel,	Vance,
Carleton,	Holmes,	Perkins,	Van Eaton,
Cassidy,	Hopkins,	Peters,	Wadsworth,
Clay,	Horr,	Phelps,	Walt,
Clements,	Houseman,	Pierce,	Wallace,
Converse,	Howey,	Poland,	Ward,
Covington,	Hurd,	Post,	Warner, Richard
Cox, W. R.	Hutchins,	Pusey,	Wemple,
Crisp,	James,	Ray, Osman	Whiting,
Davidson,	Jeffords,	Reed, T. B.	Wilkins,
Dibble,	Johnson,	Reid, J. W.	Wilson, W. L.
Dibrell,	Jones, E. W.	Reese,	Winans, E. B.
Dingley,	Jones, J. H.	Robertson,	Winans, John
Dixon,	Jordan,	Rockwell,	Wolford,
Dockery,	Kean,	Rogers, W. F.	Wood,
Dowd,	Kelley,	Rowell,	Woodward,
Elliott,	Ketcham,	Russell,	York,
English,	Lacey,	Ryan,	Young.
Ermentrout,	Lamb,	Sasey,	
Evans,	Lanham,	Seymour,	
Everhart,	Lawrence,	Skinner, C. R.	

NOT VOTING—84.

Arnot,	Davis, R. T.	Laird,	Rogers, J. H.
Bayne,	Eaton,	Lewis,	Rosecrans,
Blackburn,	Ellis,	Libbey,	Shaw,
Blanchard,	Fielder,	McCold,	Singleton,
Bowen,	George,	Millard,	Snyder,
Brainerd,	Gibson,	Miller, S. H.	Steele,
Breitung,	Hanback,	Milliken,	Stone,
Brown, W. W.	Hayes,	Morrison,	Strait,
Budd,	Henderson, T. J.	Morse,	Struble,
Burnes,	Hepburn,	Murray,	Taylor, E. B.
Cannon,	Hiscock,	Mutchler,	Throckmorton,
Chalmers,	Holton,	O'Neill, Charles	Tully,
Clardy,	Hooper,	Potter,	Wakefield,
Connolly,	Houk,	Price,	Warner, A. J.
Cosgrove,	Hunt,	Rankin,	Washburn,
Cox, S. S.	Jones, J. K.	Ranney,	Wellborn,
Culberson, D. B.	Jones, J. T.	Ray, G. W.	White, J. D.
Cullen,	Keifer,	Rice,	White, Milo
Cutcheon,	Kellogg,	Riggs,	Williams,
Dargan,	King,	Robinson, J. S.	Wilson, James
Davis, L. H.	Kleiner,	Robinson, W. E.	Wise, G. D.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. STORM. I ask unanimous consent to dispense with the reading of the names.

Mr. PETERS. I object.

The Clerk then recapitulated the names of those voting.

The following additional pair was announced:

Mr. KLEINER with Mr. CUTCHEON, for the rest of the day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate requested the House to return the bill (H. R. 5800) for the relief of Sarah B. Jackson.

Also, that the Senate insisted upon its amendments, disagreed to by the House of Representatives, to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, and asked a further conference with the House on the disagreeing votes thereon; and had appointed Mr. HALE, Mr. PLUMB, and Mr. BECK as managers at said conference on the part of the Senate.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I move that the House accede to the request of the Senate for a further conference on the naval appropriation bill.

The motion was agreed to.

The SPEAKER announced as the managers on the part of the House at said conference Mr. HUTCHINS, Mr. RANDALL, and Mr. LONG.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. If there be no objection, in pursuance of the request of the Senate, the bill (H. R. 5800) for the relief of Sarah B. Jackson will be returned to the Senate.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from North Carolina calls up the contested-election case of Frederick against Wilson, from the fifth district of Iowa; against which the gentleman from Nebraska [Mr. VALENTINE] raises the question of consideration.

SALE OF SAC AND FOX RESERVATION.

Mr. PERKINS. Pending that, Mr. Speaker, I rise to submit a conference report.

The SPEAKER. That is privileged, and the gentleman will send it to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate insist on and adhere to all its amendments made to the said bill.

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

OLIN WELLBORN,
T. G. SKINNER,
B. W. PERKINS,
Managers on the part of the House.

H. L. DAWES,
BENJ. HARRISON,
RICHARD COKE,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6658) "to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes," submit the following in explanation of the action of the conference committee as submitted in the accompanying report:

The amendments made by the Senate do not change any of the provisions of the bill (H. R. 6658) except to reduce the amount authorized to be expended by the Secretary of the Interior from thirty thousand to ten thousand dollars, and extends the provisions of the bill to the Iowa tribe of Indians and reservation, which has already been recommended by the Committee on Indian Affairs and the Commissioner of Indian Affairs. These Indians live together and ask for this legislation.

OLIN WELLBORN,
B. W. PERKINS,
T. G. SKINNER,
Managers on the part of the House.

Mr. PERKINS. I move that the House concur in the report of the committee of conference.

The motion was agreed to.

Mr. PERKINS moved to reconsider the vote by which the report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter matter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is, Will the House now proceed to the consideration of the contested-election case of Frederick *vs.* Wilson, from the State of Iowa?

Mr. VALENTINE. I would like to ask unanimous consent to see if it is not possible that an arrangement can be made for taking up these election cases without any delay, and considering them in the regular order in which they were reported. In the first place I wish to state that there is no disposition on the part of the minority of the Elections Committee to stand out or make any fight against the consideration of the cases in their order. There are four cases reported from the Elections Committee. Some have been here for ten months and some not more than ten days. We are ready to proceed with the consideration of these cases in the order in which they were reported by the committee to the House, provided that fair consideration and fair debate be given to them, and that we proceed at once in that manner. If the chairman of the committee then will inform the minority of the committee that he will call up the cases in their order as they are now before the House, there will be no objection on this side.

Mr. TOWNSHEND. I desire to say that it is my intention to call up for consideration the report on the Post-Office bill.

Mr. HORR. Why don't you call it up now?

Mr. TOWNSHEND. I am not prepared to call it up just now, but

give notice that even if this election case is gone into I shall call it up as soon as it is ready.

The SPEAKER. The notice is unnecessary, since the conference report is a privileged matter and can be called up at any time.

Mr. BENNETT. In answer to the question put by the gentleman from Nebraska [Mr. VALENTINE] I wish to say——

Mr. TOWNSHEND. Let me give notice to the House——

Mr. BENNETT. I can not yield now.

Mr. TOWNSHEND. I do not propose to interfere with you, but wish to make a suggestion——

The SPEAKER. The gentleman from North Carolina is recognized on a subject before the House.

Mr. TOWNSHEND. Allow me a single word. I will not interfere with the gentleman's motion.

Mr. BENNETT. Not a word now.

The SPEAKER. The gentleman declines to be interrupted.

Mr. WASHBURN. Regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order, which is equivalent to an objection.

The question is, Will the House now proceed to the consideration of the election case?

The question was taken; and on a division there were—ayes 106, noes 0.

Mr. VALENTINE. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. VALENTINE and Mr. BENNETT were appointed tellers.

The House again divided; and the tellers reported—ayes 134, noes 0.

Mr. VALENTINE. No quorum.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ADAMS, of New York, addressed the Chair. [Cries of "Regular order!"]

Mr. ADAMS, of New York. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of New York. I desire to know if it will be in order after this contested-election case is over to bring up for consideration and disposal the bankruptcy bill.

The SPEAKER. That can only be done by unanimous consent or by a motion to suspend the rules; and that is not in order when any other matter of higher privilege is before the House.

Mr. BENNETT. If in order, I would like to answer the question put by the gentleman from Nebraska [Mr. VALENTINE].

The SPEAKER. That may be done by unanimous consent.

Mr. ADAMS, of New York. I object.

The question was taken; and there were—yeas 164, nays 4, not voting 156; as follows:

YEAS—164.

Alexander,	Dorsheimer,	Le Fevre,	Skinner, T. G.
Bagley,	Dowd,	Lovering,	Slocum,
Ballentine,	Dunn,	Lowry,	Snyder,
Barbour,	Eaton,	McAdoo,	Spriggs,
Barksdale,	Elliott,	McMillin,	Springer,
Beach,	Ellis,	Miller, J. F.	Stewart, Charles
Belmont,	English,	Mills,	Stockslager,
Bennett,	Ermentrout,	Mitchell,	Storm,
Blackburn,	Finerty,	Money,	Sumner, C. A.
Bland,	Follett,	Morgan,	Sumner, D. H.
Blount,	Foran,	Moulton,	Swope,
Boyle,	Forney,	Muldrow,	Talbott,
Bratton,	Fyan,	Muller,	Taylor, J. M.
Breckinridge,	Garrison,	Murphy,	Thompson,
Broadhead,	Geddes,	Mutchler,	Tillman,
Buchanan,	Glascock,	Neece,	Townshend,
Buckner,	Green,	Nicholls,	Tucker,
Budd,	Greenleaf,	Oates,	Tully,
Cabell,	Halsell,	O'Ferrall,	Turner, H. G.
Caldwell,	Hammond,	O'Neill, J. J.	Turner, Oscar
Campbell, Felix	Hancock,	Paige,	Van Alstyne,
Campbell, J. E.	Hardeman,	Patton,	Vance,
Candler,	Hardy,	Peel,	Van Eaton,
Cassidy,	Hatch, W. H.	Pierce,	Wallace,
Clay,	Hemphill,	Post,	Ward,
Clements,	Henley,	Potter,	Warner, Richard
Cobb,	Hewitt, A. S.	Pryor,	Wellborn,
Connolly,	Hewitt, G. W.	Pusey,	Weller,
Converse,	Hill,	Randall,	Wemple,
Cook,	Hobbitzell,	Reagan,	Wilkins,
Cosgrove,	Holman,	Reid, J. W.	Willis,
Covington,	Hopkins,	Reese,	Wilson, W. L.
Cox, W. R.	Houseman,	Riggs,	Winans, E. B.
Crisp,	Hunt,	Robertson,	Winans, John
Culberson, D. B.	Hutchins,	Robinson, W. E.	Wise, G. D.
Curtin,	Jones, B. W.	Rogers, J. H.	Wolford,
Davidson,	Jones, J. H.	Rogers, W. F.	Wood,
Davis, L. H.	Jordan,	Seney,	Woodward,
Deuster,	King,	Seymour,	Worthington,
Dibble,	Lamb,	Shively,	Yaple,
Dibrell,	Lanham,	Singleton,	Young.

NAYS—4.

Adams, J. J.	Brewer, F. B.	Everhart,	Morse.

NOT VOTING—156.

Adams, G. E.	Atkinson,	Bingham,	Bowen,
Aiken,	Barr,	Bisbee,	Brainerd,
Anderson,	Bayne,	Blanchard,	Breitung,
Arnot,	Belford,	Boutelle,	Brewer, J. H.
Brown, W. W.	Hanback,	Love,	Rosecrans,
Browne, T. M.	Harmer,	Lyman,	Rowell,
Brumm,	Hart,	McCold,	Russell,
Burleigh,	Hatch, H. H.	McComas,	Ryan,
Burnes,	Haynes,	McCormick,	Shaw,
Campbell, J. M.	Henderson, D. B.	Mahon,	Shelhamer, G. R.
Cannon,	Henderson, T. J.	Mayberry,	Smalls,
Carleton,	Hepburn,	Millard,	Smith, A. Herr
Chalmers,	Herbert,	Miller, S. H.	Smith, H. Y.
Clardy,	Hiscock,	Milliken,	Spooner,
Collins,	Hitt,	Morrill,	Steele,
Cox, S. S.	Holmes,	Morrison,	Stephenson,
Craig,	Holton,	Murray,	Stevens,
Culbertson, W. W.	Hooper,	Nelson,	Stewart, J. W.
Cullen,	Horr,	Nutting,	Stone,
Cutcheon,	Houk,	Ochiltree,	Strait,
Dargan,	Howey,	O'Hara,	Struble,
Davis, G. R.	Hurd,	O'Neill, Charles	Taylor, E. B.
Davis, R. T.	James,	Parker,	Taylor, J. D.
Dingley,	Jeffords,	Payne,	Thomas,
Dixon,	Johnson,	Payson,	Throckmorton,
Dockery,	Jones, J. K.	Perkins,	Valentine,
Dunham,	Jones, J. T.	Peters,	Wadsworth,
Eldredge,	Kean,	Pettibone,	Walt,
Ellwood,	Keifer,	Phelps,	Wakefield,
Evans,	Kelley,	Poland,	Warner, A. J.
Ferrell,	Kellogg,	Price,	Washburn,
Fielder,	Ketcham,	Rankin,	Weaver,
Findlay,	Kleiner,	Ranney,	White, J. D.
Funston,	Lacey,	Ray, G. W.	White, Milo
George,	Laird,	Ray, Osman	Whiting,
Gibson,	Lawrence,	Reed, T. B.	Williams,
Goff,	Lewis,	Rice,	Wilson, James
Graves,	Libbey,	Robinson, J. S.	Wise, J. S.
Guenther,	Long,	Rockwell,	York.

So the House agreed to consider the contested-election case of Frederick *vs.* Wilson.

Mr. HENLEY. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. ANDERSON. I object.

The following additional pairs were announced:

Mr. GIBSON with Mr. MCCORMICK, for the rest of the day.

Mr. AIKEN with Mr. KELLEY, for the rest of the day.

Mr. DOCKERY with Mr. EZRA B. TAYLOR, on the Frederick-Wilson election case.

Mr. MUTCHLER with Mr. BRUMM, on the Frederick-Wilson election case.

Mr. MILLER, of Pennsylvania, with Mr. DAVIS, of Missouri, on the Frederick-Wilson election case.

Mr. MUTCHLER. I am paired with the gentleman from Pennsylvania, Mr. BRUMM, but have voted as I understand Mr. BRUMM is present.

Mr. BLANCHARD. I voted to make a quorum although paired. Understanding that more than a quorum has voted, I withdraw my vote.

The result of the vote was then announced as above stated.

Mr. ADAMS, of New York. I move that the House do now adjourn.

Mr. ANDERSON. I move to adjourn.

The SPEAKER. The gentleman from North Carolina [Mr. BENNETT] has the floor.

Mr. REED, of Maine. The gentleman from New York [Mr. ADAMS] stood ready to move as soon as the vote should be announced that the House do now adjourn, and made that motion.

The SPEAKER. But the gentleman from North Carolina having the election case in charge, which the House has just agreed to consider, addressed the Chair and was recognized.

Mr. REED, of Maine. A motion to adjourn after a vote of that kind is always in order.

The SPEAKER. The Chair did not hear the gentleman from New York make the motion before the gentleman from North Carolina was recognized. The gentleman from North Carolina, in fact, addressed the Chair before the result was announced.

Mr. REED, of Maine. The gentleman from New York stood there in front of the Chair and sought recognition.

The SPEAKER. But the gentleman from North Carolina was on the floor and addressed the Chair.

Mr. REED, of Maine. After such a vote as has just been taken a motion to adjourn is always in order when a gentleman takes the floor and makes that motion immediately on the announcement of the vote.

The SPEAKER. If the gentleman from New York states that he made the motion before the Chair recognized the gentleman from North Carolina, the Chair, as he always does, will accept the gentleman's statement.

Mr. ADAMS, of New York. I do not make that statement.

Mr. REED, of Maine. The gentleman from Kansas, Mr. ANDERSON, also made the motion.

Mr. ANDERSON. I made that motion.

The SPEAKER. The gentleman from Maine now claims that another gentleman made the motion to adjourn.

Mr. REED, of Maine. I do. The gentleman from Kansas moved to adjourn.

The SPEAKER. The Chair did not hear either of the gentlemen make the motion to adjourn till after the gentleman from North Carolina had been recognized. But if the gentleman from Kansas states

he made the motion to adjourn before the gentleman from North Carolina took the floor and was recognized, the Chair will entertain his motion.

Mr. ANDERSON. I can not state that. I made the motion as quickly as I could; but in the confusion I can not say whether I made it before the gentleman from North Carolina was recognized or not. Gentlemen standing around me say I did.

The SPEAKER. There is so much confusion on the floor that it is impossible to transact business. If gentlemen will resume their seats the Chair will endeavor to see that the public business is transacted in an orderly manner. The House will be in order.

The Chair will state that the gentleman from North Carolina [Mr. BENNETT] rose in his place and addressed the Chair before the result was announced, but the Chair did not then recognize the gentleman. Immediately upon the announcement of the result the gentleman from North Carolina again addressed the Chair, and the Chair recognized him, not having heard any motion made before that time.

Mr. VALENTINE. Mr. Speaker, I desire to say that I heard the gentleman from Kansas [Mr. ANDERSON] make his motion to adjourn before the gentleman from North Carolina was recognized.

The SPEAKER. But the gentleman from Kansas himself declines to state that he made that motion before the gentleman from North Carolina was recognized.

Mr. ANDERSON. Mr. Speaker, all that I desire to state is this: I did make the motion as promptly as I could make it, but in the confusion I could not hear whether the gentleman from North Carolina was recognized at that time or not.

The SPEAKER. The Chair so understands the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. Gentlemen standing around me say my motion was in time.

The SPEAKER. But other gentlemen say it was not, and the Chair, having recognized the gentleman from North Carolina [Mr. BENNETT], can not decide that question.

Mr. REED, of Maine. Mr. Speaker, I desire to make a statement.

The SPEAKER. The gentleman from Maine is recognized to make a statement.

Mr. REED, of Maine. I presume that the rule of parliamentary law is very plain and simple. It is not a race on the part of the Speaker or on the part of a member as to recognition. It is not for the Speaker to turn to ward a member and recognize him and thereby prevent a motion to adjourn. I am sure that would not be the view of the present occupant of the chair. The motion to adjourn is a privileged motion which takes precedence of recognition, and if a gentleman was standing on the floor and making every effort to be recognized to make that motion, and the Chair turned to another gentleman and recognized him, and then the gentleman who was first trying to get recognition for the purpose of making a motion to adjourn should make that motion, the Chair would be bound to recognize him and to put the motion.

The SPEAKER. The Chair, of course, would not endeavor to give one gentleman an advantage over another on the floor. When the Chair announced the result he had already turned toward the gentleman from North Carolina [Mr. BENNETT], because that gentleman was in charge of this matter and had addressed the Chair. The Chair thereupon recognized him. Afterward it was claimed that the gentleman from Kansas [Mr. ANDERSON] had made a motion to adjourn before the recognition of the gentleman from North Carolina [Mr. BENNETT].

Mr. REED, of Maine. But if another gentleman had previously moved to adjourn before the gentleman from North Carolina—— [Cries of "Regular order!"]

The SPEAKER. The Chair thinks the gentleman from North Carolina [Mr. BENNETT], under the statements made by the two gentlemen who claim to have made motions, is entitled to the floor. [Renewed cries of "Regular order!"]

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. BENNETT. Mr. Speaker, the returning board of the State of Iowa——

Mr. RANNEY. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RANNEY. The resolution in this case has not been read.

A MEMBER. Are we not entitled to have the report read?

Mr. TOWNSHEND. Mr. Speaker, the gentleman from North Carolina [Mr. BENNETT] has the floor, and desires to be heard:

The SPEAKER. The Chair is aware that the gentleman from North Carolina has the floor.

Mr. RANNEY. Mr. Speaker, I raise the point of order that the resolution has not been read.

The SPEAKER. The resolution was read on Saturday.

Mr. RANNEY. The report of the minority was read, but not the report of the majority.

The SPEAKER. Both the resolution reported by the minority and the one reported by the majority were read on Saturday.

Mr. REED. But that is not to-day. We voted not to consider the case then.

The SPEAKER. The Chair is not aware of any rule which would authorize gentlemen to demand the reading of the resolution in the time of a gentleman already on the floor, but of course every gentleman has a right to have the resolution read before it is voted upon.

Mr. VALENTINE. Mr. Speaker, I submit that the Chair had no right to recognize a gentleman to debate the resolution until it had been read or stated to the House.

The SPEAKER. The Chair will examine the rule. [After a pause.] The Clerk will read the rule.

The Chief Clerk read as follows:

RULE XVI.

2. When a motion has been made the Speaker shall state it, or, if it be in writing, cause it to be read aloud by the Clerk, before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

The SPEAKER. The Chair thinks that if this rule is insisted upon the resolution must be read or stated before it can be debated.

Mr. VALENTINE. Now, Mr. Speaker, I insist that the resolution be read, and that opportunity be given to all members alike for recognition to debate it.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That James Wilson——

Mr. HISCOCK. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Is it in order to move that the House now adjourn?

The SPEAKER. The Chair thinks not while the Clerk is reading the resolution.

Mr. HISCOCK. I move that the House do now adjourn.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] has asked for the reading of the resolution.

Mr. HISCOCK. Yes; but we are transacting business, and any business can be interrupted by a motion to adjourn.

The SPEAKER. The Chair thinks not. The Chair thinks the gentleman can not stop the reading of a paper which has been demanded as a matter of right. The Clerk will read.

The Clerk continued and concluded the reading of the resolution, as follows:

Resolved, That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House.

Mr. HISCOCK and Mr. ANDERSON. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] moves that the House do now adjourn.

Mr. ANDERSON. Pending that, I move that the House take a recess until 7 o'clock this evening.

Mr. HISCOCK. Pending that, I move that when the House adjourn it adjourns to meet to-morrow at 4 o'clock.

The SPEAKER. That would be to change the order of the House.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Mr. Speaker, I make the point of order that the gentleman from North Carolina [Mr. BENNETT] is now entitled to the floor to debate the proposition before the House. When this matter was called up it was stated that it was the contested-election case of Frederick against Wilson. The question of consideration was then raised and the question was submitted, Will the House now proceed to consider this question?—the question then stated to the House and then before the House. I see the Speaker shakes his head.

The SPEAKER. The question then before the House was merely the question of consideration.

Mr. SPRINGER. But what were we to consider? The resolution which has been read; and the House voted to consider it. If gentlemen had desired to have that resolution read, it was their province to ask it when the question of consideration was raised. The question of consideration being raised, it could only be upon the resolution and upon nothing else; and the House has decided now to proceed to the consideration of the resolution, notwithstanding gentlemen absented themselves and broke a quorum.

The gentleman from North Carolina was then recognized, and proceeded to debate—began his speech; and he is now entitled to occupy the floor for one hour on that question.

The SPEAKER. The question which was pending before the House when the resolution was read was not the question whether the report should be adopted or not; the question then was whether the House would consider it or not.

Mr. SPRINGER. But after the House determined that it would consider it then the question was upon the resolution.

The SPEAKER. But the attention of the Chair having been called since that controversy arose to the fact that the resolution had not been read, and the question had not been stated, the Chair was bound, in accordance with the rules, to hold that it was not yet before the House, and that therefore the gentleman from North Carolina could not debate it.

Mr. SPRINGER. The Chair did not get my point. The point I make is this: If gentlemen had desired the resolution read it was their

duty to call for its reading when the question was put to the House upon consideration. The question then before the House was, Will the House now consider this resolution? That question having been submitted, the House voted to consider it; and consideration means debate. The gentleman from North Carolina had the floor and began to debate the question, and he is entitled to speak an hour before he can be taken from the floor without his consent.

The SPEAKER. But the point made by gentlemen on the other side, after the gentleman from North Carolina had been recognized by the Chair, was that under the rules of the House there was then no question before the House which the gentleman from North Carolina could debate, because the resolution had not been read nor had the Chair stated the question to the House.

Mr. SPRINGER. What have we voted on then?

The SPEAKER. The Chair under the rules was obliged to sustain that point of order, and holds that at the time the gentleman from North Carolina took the floor there was in fact no question before the House.

Mr. SPRINGER. What, then, did the House vote on by yeas and nays?

The SPEAKER. That was the question whether the House would consider the matter at all.

Mr. SPRINGER. Whether it would consider this resolution; there is nothing else before it.

The SPEAKER. The Chair thinks the distinction is very plain——

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. There is a question of order pending. The Chair thinks the distinction is very plain and obvious between the question whether the House will consider the report at all and the question whether the House will adopt the report.

Mr. SPRINGER. Now I make this further point—that the gentleman from North Carolina, having this report and resolution in charge, was first entitled to recognition when the House voted to take it up.

The SPEAKER. The Chair has decided that he was entitled to the floor as soon as the question was before the House for debate, and that he could be prevented from taking the floor only by a privileged motion under the rules.

Mr. ANDERSON. I rise to a parliamentary inquiry. Pending that, is a motion to take a recess until 7 o'clock in order?

The SPEAKER. The motion to adjourn has precedence over a motion to take a recess.

Mr. ANDERSON. But still the motion to take a recess may be pending?

Mr. VALENTINE. I move that when the House adjourns to-day it be to meet on Wednesday next, at 10 o'clock.

Mr. SPRINGER. That is out of order.

The SPEAKER. That motion is not in order, because it changes a standing order of the House. The question is on the motion to adjourn.

The question being taken, there were—ayes 37, noes 78.

Mr. ANDERSON. No quorum.

The SPEAKER. A quorum is not necessary on this question.

Mr. VALENTINE and others called for the yeas and nays.

The yeas and nays were ordered, 48 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 11, nays 194, not voting 119; as follows:

YEAS—11.

Adams, J. J.	Brewer, F. B.	Culbertson, W. W.	James,
Atkinson,	Brewer, J. H.	Cullen,	Johnson.
Bingham,	Browne, T. M.	Hatch, H. H.	

NAYS—194.

Alexander,	Cook,	Graves,	Matson,
Bagley,	Cosgrove,	Green,	Maybury,
Ballentine,	Covington,	Greenleaf,	Miller, J. F.
Barbour,	Cox, S. S.	Halsell,	Mills,
Bayne,	Cox, W. R.	Hammond,	Mitchell,
Beach,	Crisp,	Hardeman,	Morgan,
Belford,	Culberson, D. B.	Harmer,	Morse,
Belmont,	Curtin,	Hatch, W. H.	Moulton,
Bennett,	Davidson,	Hemphill,	Muller,
Blackburn,	Davis, G. R.	Henderson, T. J.	Murphy,
Bland,	Davis, L. H.	Hewitt, A. S.	Mutchler,
Blount,	Davis, R. T.	Hewitt, G. W.	Neece,
Boyle,	Deuster,	Hill,	Oates,
Brainerd,	Dibble,	Hobbitsell,	O'Ferrall,
Bratton,	Dibrell,	Holman,	O'Hara,
Breckinridge,	Dockery,	Hopkins,	O'Neill, J. J.
Broadhead,	Dorsheimer,	Houk,	Paige,
Brown, W. W.	Dowd,	Houseman,	Patton,
Bruman,	Dunn,	Howey,	Pierce,
Buchanan,	Eaton,	Hunt,	Peel,
Buckner,	Eldredge,	Hutchins,	Perkins,
Budd,	Elliott,	Jeffords,	Peters,
Burnes,	Ellis,	Jones, B. W.	Post,
Cabell,	English,	Jones, J. H.	Potter,
Caldwell,	Ermentrout,	Keifer,	Pryor,
Campbell, Felix	Everhart,	Ketcham,	Pusey,
Campbell, J. K.	Ferrell,	King,	Randall,
Campbell, J. M.	Fiedler,	Lamb,	Reid, J. W.
Candler,	Findlay,	Lanham,	Reese,
Chardy,	Follett,	Le Fevre,	Riggs,
Clay,	Foran,	Long,	Rockwell,
Clements,	Forney,	Lore,	Rogers, J. H.
Cobb,	Funston,	Lovering,	Rogers, W. F.
Connolly,	Garrison,	Lowry,	Ryan,
Converse,	Glascock,	McMillin,	Seney,
Seymour,	Storm,	Turner, Oscar	Weller,
Shively,	Sumner, C. A.	Valentine,	Wemple,
Singleton,	Sumner, D. H.	Van Alstyne,	Whiting,
Skinner, T. G.	Swope,	Vance,	Wilkins,
Slocum,	Talbott,	Van Eaton,	Willis,
Smith, A. Herr	Taylor, J. D.	Wadsworth,	Wilson, W. L.
Snyder,	Taylor, J. M.	Walt,	Winans, John
Spooner,	Thomas,	Wallace,	Welford,
Spriggs,	Thompson,	Ward,	Wood,
Springer,	Tillman,	Warner, A. J.	Worthington,
Stevens,	Townshend,	Warner, Richard	Yaple,
Stewart, Charles	Tucker,	Washburn,	York.
Stockslager,	Tully,	Weaver,	
Stone,	Turner, H. G.	Wellborn,	

NOT VOTING—119.

Adams, G. E.	Goff,	Lyman.	Reed, T. B.
Aiken,	Guenther,	McAdoo,	Rice,
Anderson,	Hanback,	McCold,	Robertson,
Arnot,	Hancock,	McComas,	Robinson, J. S.
Barksdale,	Hardy,	McCormick,	Robinson, W. E.
Barr,	Hart,	Millard,	Rosecrans,
Bisbee,	Haynes,	Miller, S. H.	Rowell,
Blanchard,	Henderson, D. B.	Milliken,	Russell,
Bonnelle,	Henley,	Money,	Shaw,
Bowen,	Hepburn,	Morrill,	Skinner, C. R.
Breitung,	Herbert,	Morrison,	Smalls,
Burleigh,	Hiscock,	Muldrow,	Smith, H. Y.
Cannon,	Hitt,	Murray,	Steele,
Carleton,	Holmes,	Nelson,	Stephenson,
Cassidy,	Holton,	Nicholls,	Stewart, J. W.
Chalmers,	Hooper,	Nutting,	Strait,
Collins,	Horr,	Oathtree,	Struble,
Craig,	Hurd,	O'Neill, Charles	Tayler, E. B.
Cutcheon,	Jones, J. K.	Parker,	Throckmorton,
Dargan,	Jones, J. T.	Payne,	Wakefield,
Dingley,	Jordan,	Payson,	White, J. D.
Dixon,	Kean,	Pettibone,	White, Milo
Dunham,	Kelley,	Phelps,	Williams,
Ellwood,	Kellogg,	Poland,	Wilson, James
Evans,	Kleiner,	Price,	Winans, R. B.
Finerty,	Lacey,	Rankin,	Wise, G. D.
Fyan,	Laird,	Ranney,	Wise, J. S.
Geddes,	Lawrence,	Ray, G. W.	Woodward,
George,	Lewis,	Ray, Osian	Young.
Gibson,	Libbey,	Reagan,	

So the House refused to adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, requested a conference on the disagreeing votes of the two Houses on the bill (H. R. 5800) for the relief of Sarah B. Jackson, and stated that it had appointed Mr. MITCHELL, Mr. VAN WYCK, and Mr. JACKSON as conferees on its part.

IOWA ELECTION CASE.

During the roll-call the following additional pairs were announced:

For the rest of the day—

Mr. GEDDES with Mr. HOLMES.

Mr. BALLENTINE with Mr. LAIRD.

Mr. YOUNG with Mr. HOLTON.

Mr. MURRAY with Mr. STEELE.

Mr. NICHOLLS with Mr. WAKEFIELD.

Mr. GEORGE D. WISE with Mr. LIBBEY. If present, Mr. WISE would vote in the negative.

The vote was then announced as above recorded.

Mr. HEPBURN. I move that the House take a recess until 9 o'clock this evening.

Mr. ANDERSON. I move the House take a recess until 11 o'clock to-morrow.

The SPEAKER. Gentlemen will submit their motions one at a time. As the Chair understands, the gentleman from Nebraska moves the House take a recess until to-morrow at 11 o'clock.

Mr. HEPBURN. I move that the House take a recess until 9 o'clock.

Mr. VALENTINE. Mr. Speaker, I did not make a motion that the House take a recess until 11 o'clock to-morrow morning, but I will move now that the House take a recess until 10 o'clock to-night.

The SPEAKER. Several gentlemen made motions at the same time, and the Chair may have been mistaken.

Mr. MORRILL. I ask by unanimous consent to take up from the Speaker's table the message from the Senate asking for a committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5800) for the relief of Sarah B. Jackson, and to move that the conference asked for be agreed to.

The SPEAKER. That is not in order just now. It is a privileged matter, but it does not stand on the same footing with a conference report.

Mr. SPRINGER. What is the question before the House?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moves that the House take a recess until 10 o'clock this evening.

Mr. HEPBURN. And I move to amend that motion so the House shall take a recess until 9 o'clock this evening.

Mr. PETTIBONE. And I move to still further amend by making it 8 o'clock this evening.

The SPEAKER. The gentleman from Iowa moves to amend by saying 9 o'clock, and the gentleman from Tennessee moves still further to amend by inserting 8 o'clock to-night.

Mr. ANDERSON. And now I move the House adjourn.

Mr. SPRINGER. These are all dilatory motions, and I ask notice be taken of that fact. I have been informed that the contestee in this case has said time and again he would not make any objection to the consideration of this case. [Cries of "Order!"] I ask [cries of "Order!"] that the assurances of the gentleman from Iowa [cries of "Order!"] that there should be no contest and no filibustering in this case—— [Cries of "Order!"]

Mr. WELLER. Mr. Speaker, I move that all these motions be laid on the table.

The SPEAKER. The Chair will entertain no motion whatever until gentlemen resume their seats and order is restored.

The question is first on the motion of the gentleman from Tennessee [Mr. PETTIBONE] that the House take a recess until 8 o'clock this evening.

Mr. RANDALL. If taken at all it should be until 8.

Mr. ANDERSON. Let us have a division on that vote.

The House divided; and there were—ayes 4, noes 44.

Mr. VALENTINE. No quorum has voted.

The SPEAKER. The Chair will appoint as tellers the gentleman from Nebraska, Mr. VALENTINE, and the gentleman from Illinois, Mr. SPRINGER.

The House again divided; and the tellers reported—ayes 0, noes 103.

Mr. VALENTINE. No quorum has voted.

Mr. HEPBURN. I move that there be a call of the House.

The House divided; and there were—ayes 43, noes 54.

Mr. HEPBURN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 50, nays 168, not voting 106; as follows:

YEAS—50.

Adams, G. E.	Dunham,	Nutting,	Spooner,
Adams, J. J.	Greenleaf,	O'Hara,	Stockslager,
Anderson,	Guenther,	Parker,	Strait,
Atkinson,	Hanback,	Payne,	Swope,
Barr,	Hatch, H. H.	Peters,	Taylor, J. D.
Bisbee,	Henderson, D. B.	Ray, G. W.	Valentine,
Collins,	Horr,	Ray, Ossian	Washburn,
Culbertson, W. W.	James,	Rockwell,	Weaver,
Cullen,	Jeffords,	Rowell,	White, J. D.
Davis, G. R.	Lacey,	Russell,	Wilson, James
Davis, R. T.	Libbey,	Skinner, C. R.	Wise, J. S.
Dingley,	McComas,	Smalls,	
Dixon,	Millard,	Smith, H. Y.	

NAYS—168.

Alexander,	Davidson,	Jones, J. K.	Rogers, J. H.
Arnot,	Davis, L. H.	King,	Rogers, W. F.
Bagley,	Dibrell,	Lamb,	Seney,
Ballentine,	Dockery,	Lanham,	Seymour,
Barbour,	Dorsheimer,	Le Fevre,	Shively,
Barksdale,	Dowd,	Lewis,	Skinner, T. G.
Bayne,	Dunn,	Long,	Slocum,
Beach,	Eaton,	Lore,	Smith, A. Herr
Belford,	Eldredge,	Lovering,	Spriggs,
Belmont,	Elliott,	Lowry,	Springer,
Bennett,	Ellis,	McMillin,	Stevens,
Bland,	English,	Matson,	Stewart, Charles
Blount,	Everhart,	Maybury,	Sumner, C. A.
Boutelle,	Ferrell,	Miller, J. F.	Sumner, D. H.
Boyle,	Findlay,	Mills,	Talbott,
Brainerd,	Follett,	Money,	Taylor, J. M.
Bratton,	Forney,	Morgan,	Thomas,
Breckinridge,	Graves,	Muller,	Townshend,
Brewer, F. B.	Green,	Murphy,	Tucker,
Brewer, J. H.	Halsell,	Mutchler,	Tully,
Broadhead,	Hammond,	Neece,	Turner, H. G.
Browne, T. M.	Hardeman,	Oates,	Turner, Oscar
Brumm,	Hardy,	Ochiltree,	Van Eaton,
Buchanan,	Hatch, W. H.	O'Ferrall,	Wallace,
Buckner,	Hemphill,	O'Neill, Charles	Ward,
Budd,	Henderson, T. J.	O'Neill, J. J.	Warner, Richard
Cabell,	Henley,	Paige,	Wellborn,
Caldwell,	Hepburn,	Patton,	Weller,
Campbell, Felix	Hewitt, A. S.	Peel,	Wemple,
Campbell, J. E.	Hewitt, G. W.	Pettibone,	White, Milo
Campbell, J. M.	Hill,	Pierce,	Whiting,
Candler,	Hoblitzell,	Poland,	Wilkins,
Carleton,	Holman,	Post,	Willis,
Clay,	Holmes,	Potter,	Wilson, W. L.
Clements,	Houseman,	Pryor,	Winans, E. B.
Cobb,	Hopkins,	Randall,	Winans, John
Converse,	Howey,	Reagan,	Wise, G. D.
Cook,	Hutchins,	Reed, T. B.	Woodward,
Cosgrove,	Johnson,	Reese,	Worthington,
Cox, W. R.	Johnston,	Riggs,	Yaple,
Crisp,	Jones, B. W.	Robertson,	York,
Culberson, D. B.	Jones, J. H.	Robinson, W. E.	Young.

NOT VOTING—106.

Aiken,	Covington,	Fyan,	Holton,
Bingham,	Cox, S. S.	Garrison,	Hooper,
Blanchard,	Craig,	Geddes,	Houk,
Bowen,	Culbertson,	George,	Hunt,
Burleigh,	Curtin,	Gibson,	Hurd,
Burnes,	Dargan,	Glascock,	Jones, J. T.
Brown, W. W.	Deuster,	Goff,	Jordan,
Campbell,	Dibble,	Hancock,	Kean,
Cannon,	Elliott,	Harmer,	Keifer,
Cassidy,	Ermentrout,	Hart,	Kelley,
Chalmers,	Evans,	Haynes,	Kellogg,
Clardy,	Fiedler,	Herbert,	Ketcham,
Cheadle,	Finerty,	Hiscock,	Kleiner,
Connolly,	Funston,	Hitt,	Laird,
Lawrence,	Murray,	Rosecrans,	Throckmorton,
Lyman,	Nelson,	Ryan,	Tillman,
McAdoo,	Nicholls,	Shaw,	Van Alstyne,
McCoid,	Payson,	Singleton,	Vance,
McCormick,	Perkins,	Snyder,	Wadsworth,
Miller, S. H.	Phelps,	Steele,	Wait,
Milliken,	Price,	Stephenson,	Wakefield,
Mitchell,	Pusey,	Stewart, J. W.	Warner, A. J.
Morrill,	Rankin,	Stone,	Williams,
Morrison,	Ranney,	Storm,	Wolford,
Morse,	Reid, J. W.	Struble,	Wood,
Moulton,	Rice,	Taylor, E. B.	
Muldrow,	Robinson, J. S.	Thompson,	

So a call of the House was not ordered.

The following additional pairs were announced:

Mr. ERMENTROUT with Mr. HARMER, on all political questions, until further notice.

Mr. DARGAN with Mr. FINERTY, for the rest of the day.

Mr. BUCKNER with Mr. WAIT, for this day.

Mr. DIBBLE with Mr. GEORGE, for to-day.

Mr. VANCE with Mr. SMITH, of Pennsylvania, for this day.

Mr. JORDAN with Mr. DINGLEY, until 7 p. m.

Mr. WARNER, of Ohio, with Mr. HOUK, until 8 o'clock p. m.

The result of the vote was then announced as above recorded.

Mr. HEPBURN. I move to reconsider the vote by which the House refused to order a call of the House.

Mr. ANDERSON. And I move to lay that motion on the table.

The SPEAKER. The motion to reconsider will be entered.

Mr. RANDALL. I would like to make a brief statement, and with the consent of the House.

The SPEAKER. Without objection the gentleman will proceed. [Cries of "All right!"]

Mr. RANDALL. It is probable that we shall be compelled to stay late to-night, perhaps until to-morrow morning, and I think it will be for the comfort of both sides that we now take a recess until 8 o'clock, so as to allow members of the House an opportunity to get their dinner.

The SPEAKER. That is the question now pending before the House. The amendment proposed by the gentleman from Tennessee is that the House shall now take a recess until 8 o'clock.

Mr. ANDERSON. Will the Chair state the question?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moved that the House take a recess until 10 o'clock to-night. The gentleman from Iowa [Mr. HEPBURN] moved to amend that motion by taking a recess until 9 o'clock; and the gentleman from Tennessee [Mr. PETTIBONE] moved to amend the amendment by making the hour 8 o'clock, which is now the pending question.

Mr. RANDALL. I suggest to the House that we adopt that with unanimity, and we can commence anew at 8 o'clock.

The SPEAKER. Does the gentleman from Iowa withdraw the motion to reconsider?

Mr. HEPBURN. I do.

Mr. ANDERSON. I withdraw the motion to lay on the table.

The SPEAKER. The question is on the amendment to the amendment proposed by the gentleman from Tennessee [Mr. PETTIBONE] that the House now take a recess until 8 o'clock.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The motion as amended was then agreed to; and accordingly (at 5 o'clock and 23 minutes p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. VALENTINE. I move that the House do now take a recess until 10 o'clock to-morrow morning.

Mr. HEPBURN. I move to amend by making it 9 o'clock.

The SPEAKER. The Chair will state the motion of the gentleman from Nebraska.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will state the motion, after which the Chair will hear the gentleman from Illinois.

Mr. SPRINGER. I desire to know, in the first place, what is the pending question.

The SPEAKER. The pending question is on the adoption of the report of the majority of the Committee on Elections in the contested-election case.

Mr. SPRINGER. Upon that I wish to be recognized.

The SPEAKER. But the gentleman from Nebraska has made a motion that the House take a recess, which is a privileged motion.

Mr. SPRINGER. I desire to ask if it is not in order to proceed to the discussion of the election case.

The SPEAKER. Not pending a motion for a recess.

The gentleman from Iowa moves to amend the motion so as to make the recess until 9 o'clock.

Mr. PETTIBONE. I move a further amendment to the amendment, that the recess be taken until 8 o'clock to-morrow morning.

Mr. ANDERSON. I move that the House adjourn.

Mr. SPRINGER. If gentlemen have got through with their motions, I would like to state that the contestee in this case agreed that there should be no filibustering in connection with it [cries of "Regular order!"], and in view of that agreement I ask that gentlemen now cease their filibustering and let us go on with the case.

Mr. ADAMS, of New York. There never was any such arrangement made.

Mr. SPRINGER. I say that an agreement was made on the part of the contestee [loud cries of "Regular order!"], and I want to inform members on that side of the House [resumed cries of "Regular order!"] that this case will be before the House, notwithstanding their efforts. [Cries of "Regular order!"]

The SPEAKER. The question is upon the amendment proposed by the gentleman from Tennessee to the amendment of the gentleman from Iowa.

Mr. HEWITT, of Alabama. I make a point of order upon that last amendment.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I understand that the gentleman moves that the House take a recess until 10 o'clock, another until 8, and another until 9. That is an amendment in the third degree, and if I am correct in the statement it is not in order.

The SPEAKER. The gentleman is mistaken. There was a motion to take a recess until 10 o'clock, to which an amendment was offered making it 9 o'clock, and the amendment to the amendment by the gentleman from Tennessee, which is now the pending question, until 8 o'clock. The question is on the latter motion.

The question was taken; and on a division there were—ayes 2, noes 27.

Mr. VALENTINE. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. VALENTINE and Mr. SPRINGER were appointed tellers.

Mr. SPRINGER. I move that there be a call of the House.

The SPEAKER. The House is now taking a vote.

The House again divided; and the tellers reported—ayes 3, noes 42.

Mr. VALENTINE. No quorum.

The SPEAKER. A quorum has not voted.

Mr. VALENTINE. I move a call of the House.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 26, noes 31.

Mr. HEPBURN. I call for tellers.

Tellers were not ordered, only 22 members voting therefor—not one-fifth of a quorum.

So the motion for a call of the House was not agreed to.

Mr. ADAMS, of New York. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of New York. I have a resolution to offer which bears directly on the question before this House, namely, the contested-election case of Frederick vs. Wilson.

The SPEAKER. A quorum has not appeared and no business is in order except a call of the House or a motion to adjourn.

Mr. SPRINGER. A quorum not being present would it be in order now to proceed to discuss the question before the House?

The SPEAKER. The question before the House is on the motion for a recess and the amendments thereto.

Mr. SPRINGER. That is a mere dilatory motion which gentlemen are urging for revolutionary purposes. [Cries of "Regular order!"]

Mr. VALENTINE. The gentleman form Illinois is out of order.

Mr. SPRINGER. I have a right to be out of order when revolution is afoot.

Mr. GEORGE D. WISE. I move that the House do now adjourn.

The qestion being taken on the motion to adjourn, the Speaker stated that the "noes" seemed to have it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 38, noes 56.

So the House refused to adjourn.

Mr. BENNETT rose.

The SPEAKER. The gentleman from North Carolina.

Mr. BENNETT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNETT. What is the next question before the House?

The SPEAKER. The question before the House is on the motion for a recess. The first question is on the amendment to the amendment, which is now pending.

Mr. VALENTINE. On which no quorum appeared.

Mr. SPRINGER. Does not a motion to adjourn supersede all those motions for a recess?

The SPEAKER. It does not supersede them; it has priority over them.

Mr. CANNON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Would it be in order for me to ask unanimous consent that the gentleman from North Carolina [Mr. BENNETT] and the gentleman from Illinois [Mr. SPRINGER] have leave of absence until to-morrow?

Mr. SPRINGER. What was the question of my colleague? That chunk of wisdom has been lost, I am afraid, not only to this generation but to posterity. That cannon exploded in mid-air; nothing was heard of it. [Cries of "Regular order!"]

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa [Mr. HEPBURN].

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. VALENTINE. I call for a division.

The House divided; and there were—ayes 3, noes 36.

Mr. VALENTINE. No quorum.

Mr. SPRINGER. I move that there be a call of the House, a quorum not having voted.

The question being taken on Mr. SPRINGER's motion, the Speaker stated that the "ayes" seemed to have it.

Mr. ANDERSON. I call for a division.

The House divided; and there were—ayes 53, noes 25.

Mr. VALENTINE. Upon this question I call for the yeas and nays.

The yeas and nays were ordered, 43 members voting therefor.

The question was taken; and there were—yeas 129, nays 61, not voting 134; as follows:

YEAS—129.

Alexander,	Dunn,	Lowry,	Stevens,
Bagley,	Eaton,	McComas,	Stewart, Charles
Bayne,	Eldredge,	Matson,	Stone,
Belmont,	Elliott,	Maybury,	Storm,
Bennett,	Ellis,	Miller, J. F.	Sumner, C. A.
Blackburn,	English,	Mills,	Swope,
Blount,	Ermentrout,	Mitchell,	Talbott,
Breckinridge,	Fiedler,	Money,	Taylor, J. D.
Broadhead,	Findlay,	Murphy,	Taylor, J. M.
Brown, W. W.	Follett,	Mutchler,	Thomas,
Browne, T. M.	Forney,	Neece,	Thompson,
Brumm,	Garrison,	O'Ferrall,	Tully,
Buchanan,	Gibson,	Patton,	Turner, H. G.
Burnes,	Graves,	Payson,	Van Alstyne,
Cabell,	Greenleaf,	Peel,	Vance,
Caldwell,	Halsell,	Pettibone,	Van Eaton,
Campbell, J. E.	Hammond,	Pierce,	Wallace,
Candler,	Hancock,	Post,	Ward,
Carleton,	Hardeman,	Potter,	Warner, A. J.
Clay,	Hatch, W. H.	Pryor,	Warner, Richard
Clements,	Hewitt, G. W.	Pusey,	Wellborn,
Cobb,	Hill,	Randall,	Weller,
Connolly,	Hopkins,	Reese,	Wemple,
Cook,	Houseman,	Riggs,	Willis,
Cosgrove,	Hutchins,	Robertson,	Wilson, W. L.
Cox, W. R.	Jones, B. W.	Rogers, J. H.	Winans, E. B.
Crisp,	Jones, J. H.	Rosecrans,	Wise, G. D.
Culberson, D. B.	Jordan,	Seymour,	Woodward,
Davidson,	Kleiner,	Shively,	Worthington,
Davis, L. H.	Lamb,	Skinner, T. G.	Yaple.
Deuster,	Lanham,	Slocum,	
Dockery,	Lewis,	Snyder,	
Dowd,	Lore,	Springer,	

NAYS—61.

Adams, G. E.	Evans,	James,	Peters,
Adams, J. J.	Everhart,	Jeffords,	Price,
Anderson,	Funston,	Johnson,	Rowell,
Barr,	Goff,	Kean,	Ryan,
Bisbee,	Guenther,	Keifer,	Smalls,
Boutelle,	Harmer,	Libbey,	Smith, H. Y.
Breitung,	Hart,	McCoid,	Stewart, J. W.
Cannon,	Hatch, H. H.	McCormick,	Stockslager,
Craig,	Haynes,	Millard,	Strait,
Culbertson, W. W.	Henderson, D. B.	Morrill,	Townshend,
Cullen,	Hepburn,	Nelson,	Valentine,
Davis, G. R.	Hitt,	Ochiltree,	Washburn,
Dingley,	Holman,	O'Hara,	Weaver.
Dixon,	Holmes,	Parker,	
Dunham,	Houk,	Payne,	
Ellwood,	Howey,	Perkins,	

NOT VOTING—134.

Aiken,	Curtin,	Jones, J. K.	Paige,
Arnot,	Cutcheon,	Jones, J. T.	Phelps,
Atkinson,	Dargan,	Kelley,	Poland,
Ballentine,	Davis, R. T.	Kellogg,	Rankin,
Barbour,	Dibble,	Ketcham,	Ranney,
Barksdale,	Dibrell,	King,	Ray, G. W.
Beach,	Dorsheimer,	Lacey,	Ray, Ossian
Belford,	Ferrell,	Laird,	Reagan,
Bingham,	Finerty,	Lawrence,	Reed, T. B.
Blanchard,	Foran,	Le Fevre,	Reid, J. W.
Bland,	Fyan,	Long,	Rice,
Bowen,	Geddes,	Lovering,	Robinson, J. S.
Boyle,	George,	Lyman,	Robinson, W. E.
Brainerd,	Glascock,	McAdoo,	Rockwell,
Bratton,	Green,	McMillin,	Rogers, W. F.
Brewer, F. B.	Hanback,	Miller, S. H.	Russell,
Brewer, J. H.	Hardy,	Milliken,	Seney,
Buckner,	Hemphill,	Morgan,	Shaw,
Budd,	Henderson, T. J.	Morrison,	Singleton,
Burleigh,	Henley,	Morse,	Skinner, C. R.
Campbell, Felix	Herbert,	Moulton,	Smith, A. Herr
Campbell, J. M.	Hewitt, A. S.	Muldrow,	Spooner,
Cassidy,	Hiscock,	Muller,	Spriggs,
Chalmers,	Hoblitzell,	Murray,	Steele,
Clardy,	Holton,	Nicholls,	Stephenson,
Collins,	Hooper,	Nutting,	Struble,
Converse,	Horr,	Oates,	Sumner, D. H.
Covington,	Hunt,	O'Neill, Charles	Taylor, E. B.
Cox, S. S.	Hurd,	O'Neill, J. J.	Throckmorton,

Tillman,	Wakefield,	Williams,	Wood,
Tucker,	White, J. D.	Wilson, James	York,
Turner, Oscar	White, Milo	Winans, John	Young.
Wadsworth,	Whiting,	Wise, J. S.	
Walt,	Wilkins,	Wolford,	

So the motion was agreed to.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON, Mr. ADAMS, of Illinois, and Mr. BROWNE, of Indiana, objected.

The Clerk read the names of members voting.

The following additional pairs were announced from the Clerk's desk:

Mr. JOHN S. WISE with Mr. TURNER, of Kentucky, on this vote.

Mr. TUCKER with Mr. LONG, on this vote.

Mr. HEMPHILL with Mr. O'NEILL, of Pennsylvania, for the remainder of the day.

Mr. WINANS, of Wisconsin, with Mr. YORK, for the remainder of the day.

Mr. WHITE, of Minnesota, with Mr. DIBRELL, for the remainder of the day.

Mr. SUMNER, of California, with Mr. ROCKWELL, for the remainder of the day.

Mr. GLASCOCK with Mr. NELSON, for the remainder of the day.

Mr. CONVERSE with Mr. STORM, for the remainder of the day.

Mr. HISCOCK with Mr. DORSHEIMER, for the remainder of the day.

The result of the vote was then announced as above stated.

Mr. BROWNE, of Indiana. Mr. Speaker, I move to reconsider the vote by which a call of the House has been ordered.

Mr. SPRINGER and Mr. HEPBURN moved to lay the motion to reconsider on the table.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order. I desire to ask how the gentleman from Indiana [Mr. BROWNE] voted.

The SPEAKER. The Chair is informed that the gentleman from Indiana voted "ay."

Mr. BROWNE, of Indiana (to Mr. SPRINGER). I voted "yea" on purpose, my friend.

The SPEAKER. The question is on laying the motion to reconsider on the table. [After a pause.] The "ayes" seem to have it.

Mr. VALENTINE. Mr. Speaker, I think we had better have the yeas and nays on this.

The question was taken; and the yeas and nays were ordered.

The question was taken on laying the motion to reconsider on the table; and there were—yeas 138, nays 70, not voting 116; as follows:

YEAS—138.

Alexander,	Deuster,	Lanham,	Slocum,
Bagley,	Dockery,	Le Fevre,	Snyder,
Barbour,	Dowd,	Lewis,	Spriggs,
Bayne,	Dunn,	Lore,	Springer,
Belford,	Eaton,	Lowry,	Stevens,
Belmont,	Eldredge,	McAdoo,	Stewart, Charles
Bennett,	Ellis,	Maybury,	Stockslager,
Blackburn,	English,	Miller, J. F.	Storm,
Bland,	Ermentrout,	Mills,	Swope,
Boyle,	Ferrell,	Mitchell,	Talbott,
Breckinridge,	Fiedler,	Morgan,	Taylor, J. M.
Broadhead,	Findlay,	Murphy,	Thompson,
Browne, T. M.	Finerty,	Mutchler,	Townshend,
Buchanan,	Follett,	Neece,	Tully,
Budd,	Garrison,	Oates,	Turner, H. G.
Burnes,	Gibson,	O'Ferrall,	Van Alstyne,
Cabell,	Greenleaf,	O'Neill, J. J.	Vance,
Caldwell,	Halsell,	Patton,	Van Eaton,
Campbell, Felix	Hammond,	Peel,	Wallace,
Campbell, J. E.	Hancock,	Pettibone,	Ward,
Candler,	Hardeman,	Pierce,	Warner, A. J.
Carleton,	Hatch, W. H.	Post,	Warner, Richard
Clardy,	Henderson, T. J.	Potter,	Weller,
Clay,	Hewitt, G. W.	Pryor,	Wemple,
Clements,	Hill,	Pusey,	Wilkins,
Cobb,	Holman,	Randall,	Willis,
Connolly,	Hopkins,	Reese,	Wilson, W. L.
Cook,	Houseman,	Riggs,	Winans, E. B.
Cosgrove,	Hunt,	Rogers, J. H.	Wise, G. D.
Cox, S. S.	Hutchins,	Rogers, W. F.	Wolford,
Cox, W. R.	Jones, B. W.	Rosecrans,	Woodward,
Crisp,	Jones, J. H.	Seney,	Worthington,
Culberson, D. B.	Jordan,	Seymour,	Yaple.
Davidson,	Kleiner,	Shively,	
Davis, L. H.	Lamb,	Skinner, T. G.	

NAYS—70.

Adams, G. E.	Ellwood,	Kean,	Rowell,
Anderson,	Evans,	Keifer,	Ryan,
Atkinson,	Everhart,	Lacey,	Skinner, C. R.
Barr,	Forney,	Libbey,	Smalls,
Blebee,	Funston,	McComas,	Smith, H. Y.
Bouelle,	Glascock,	McCormick,	Spooner,
Breitung,	Goff,	Millard,	Stephenson,
Brown, W. W.	Harmer,	Morrill,	Stewart, J. W.
Brumm,	Hatch, H. H.	Nelson,	Strait,
Cannon,	Henderson, D. B.	Nutting,	Struble,
Craig,	Hepburn,	O'Neill, Charles	Taylor, J. D.
Culberson, W. W.	Hitt,	Payne,	Thomas,
Cullen,	Holmes,	Payson,	Valentine,
Davis, G. R.	Herr,	Perkins,	Wadsworth,
Davis, R. T.	Houk,	Peters,	Washburn,
Dingley,	Hewey,	Ramsey,	Weaver.
Dixon,	Jeffords,	Ray, Osmian	
Dunham,	Johnson,	Reed, T. B.	

NOT VOTING—116.

Adams, J. J.	Foran,	Long,	Robinson, J. S.
Aiken,	Fyan,	Lovering,	Robinson, W. E.
Arnot,	Geddes,	Lyman,	Rockwell,
Ballentine,	George,	McCold,	Russell,
Barksdale,	Graves,	McMillin,	Shaw,
Beach,	Green,	Matson,	Singleton,
Bingham,	Guenther,	Miller, S. H.	Smith, A. Herr
Blanchard,	Hanback,	Milliken,	Steele,
Blount,	Hardy,	Money,	Stone,
Bowen,	Hart,	Morrison,	Sumner, C. A.
Brainerd,	Haynes,	Morse,	Sumner, D. H.
Bratton,	Hemphill,	Moulton,	Taylor, E. B.
Brewer, F. B.	Henley,	Muldrow,	Throckmorton,
Brewer, J. H.	Herbert,	Muller,	Tillman,
Buckner,	Hewitt, A. S.	Murray,	Tucker,
Burleigh,	Hiscock,	Nicholls,	Turner, Oscar
Campbell, J. M.	Hoblitzell,	Ochiltree,	Walt,
Cassidy,	Holton,	O'Hara,	Wakefield,
Chalmers,	Hooper,	Paige,	Wellborn,
Collins,	Hurd,	Parker,	White, J. D.
Converse,	James,	Phelps,	White, Milo
Covington,	Jones, J. K.	Poland,	Whiting,
Curtin,	Jones, J. T.	Price,	Williams,
Cutcheon,	Kelley,	Rankin,	Wilson, James
Dargan,	Kellogg,	Ray, G. W.	Winans, John
Dibble,	Ketcham,	Reagan,	Wise, J. S.
Dibrell,	King,	Reid, J. W.	Wood,
Dorsheimer,	Laird,	Rice,	York,
Elliott,	Lawrence,	Robertson,	Young.

Mr. WELLER. Mr. Speaker, I move to dispense with the reading of the names.

Several members objected.

The following additional pairs were announced from the Clerk's desk:

Mr. JONES, of Alabama, with Mr. MILLIKEN, for the remainder of the day.

Mr. JOHN S. WISE with Mr. TURNER, of Kentucky, on this vote.

The SPEAKER. On this question the yeas are 138 and the noes are 69. The ayes have it; the motion to reconsider is laid on the table; a call of the House is ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate further insisted upon its amendments numbered 3, 4, 5, 6, 16, 17, 18, 19, and 20 to the bill (H. R. 8135) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, disagreed to by the House, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. BECK as conferees on the part of the Senate.

ORDER OF BUSINESS.

A call of the House having been ordered, the Clerk proceeded to call the roll, when the following members failed to answer to their names:

Aiken,	Fyan,	King,	Rankin,
Ballentine,	Geddes,	Laird,	Reagan,
Barksdale,	Glascock,	Lawrence,	Rice,
Beach,	Hardy,	Lovering,	Robinson, J. S.
Bingham,	Haynes,	Lyman,	Robinson, W. E.
Bowen,	Hemphill,	McCold,	Shaw,
Campbell, J. M.	Henley,	Miller, S. H.	Singleton,
Chalmers,	Herbert,	Milliken,	Steele,
Collins,	Hewitt, A. S.	Morrison,	Sumner, D. H.
Converse,	Hoblitzell,	Moulton,	Taylor, E. B.
Covington,	Holton,	Murray,	Throckmorton,
Curtin,	Hooper,	Nicholls,	Tillman,
Cutcheon,	Jones, J. K.	Paige,	Walt,
Dargan,	Jones, J. T.	Peters,	Williams,
Dibble,	Kelley,	Poland,	Winans, John
Dibrell,	Kellogg,	Price,	Young.

The SPEAKER. Before the names of the absentees are called, the Chair desires to lay before the House some requests of members to be excused from attendance on account of sickness.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. DIBRELL, for the remainder of this day, on account of sickness.

To Mr. CUTCHEON, for the remainder of the day, on account of sickness.

To Mr. GLASCOCK, for the remainder of the day, on account of sickness in his family.

To Mr. STEELE, for the remainder of the day, on account of sickness.

To Mr. BALLENTINE, for the remainder of the day, on account of sickness.

Mr. HAMMOND. Mr. Speaker, I ask leave of absence for the remainder of the day because I am suffering from a cold, accompanied with neuralgia.

There being no objection, Mr. HAMMOND was excused.

Mr. PERKINS. I ask that my colleague, Mr. PETERS, be excused from attendance this evening. He has been here, but is now absent upon duty as a member of the Committee on Enrolled Bills, having gone to the Executive Mansion.

There being no objection, Mr. PETERS was excused.

Mr. PARKER. I ask leave of absence for the gentleman from Connecticut, Mr. WAIT, who desired to be excused as he was not feeling well this evening.

There being no objection, Mr. WAIT was excused.

Mr. JORDAN. I ask that my colleague, Mr. GEDDES, be excused from attendance this evening. He has gone home sick.

There being no objection, Mr. GEDDES was excused.

Mr. MUTCHLER. I ask leave of absence for my colleague [Mr. CURTIN] on account of indisposition.

There being no objection, Mr. CURTIN was excused.

Mr. HEWITT, of Alabama. I ask that my colleague, Mr. HERBERT, be excused from attendance this evening on account of sickness in his family.

There being no objection, Mr. HERBERT was excused.

Mr. HEWITT, of Alabama. I ask also that my colleague, Mr. WILLIAMS, be excused from attendance on account of sickness.

There being no objection, Mr. WILLIAMS was excused.

Mr. BROWN, of Pennsylvania. I ask that my colleague, Judge KELLEY, be excused from attendance this evening.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] has leave of absence from all evening sessions.

Mr. MILLS. I ask that my colleague, Mr. THROCKMORTON, be excused on account of sickness.

There being no objection, Mr. THROCKMORTON was excused.

Mr. VALENTINE. I ask that all members be excused until tomorrow morning at 9 o'clock.

The SPEAKER. The Clerk will now report the names of the absentees, after which the doors will be closed.

Mr. RAY, of New Hampshire. I am requested to ask that the gentleman from Pennsylvania, Mr. LAWRENCE, be excused from attendance this evening on account of sickness.

Mr. HEPBURN. I object.

The SPEAKER. Objection being made, the gentleman from New Hampshire moves that the gentleman from Pennsylvania be excused on account of sickness.

The question being taken, there were—ayes 96, noes 13.

Several MEMBERS. No quorum.

The SPEAKER. A quorum is not necessary upon this question.

Mr. HEPBURN and others called for tellers.

Tellers were ordered; and Mr. RAY, of New Hampshire, and Mr. HEPBURN were appointed.

The House again divided; and the tellers reported—ayes 93, noes 12.

Mr. HEPBURN. On this question I call for the yeas and nays.

The yeas and nays were ordered, 54 voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

It further announced that the Senate further insists upon its amendments numbered 1 and 29 to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

IOWA CONTESTED-ELECTION CASE.

The SPEAKER. The question recurs on the motion to excuse the gentleman from Pennsylvania [Mr. LAWRENCE], on which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 203, nays 10, not voting 111; as follows:

YEAS—203.

Adams, G. E.	Cassidy,	Goff,	Kleiner,
Adams, J. J.	Clay,	Graves,	Lanham,
Alexander,	Clements,	Green,	Libbey,
Anderson,	Cobb,	Greenleaf,	Lore,
Arnot,	Collins,	Guenther,	Lowry,
Atkinson,	Connolly,	Halsell,	McAdoo,
Bagley,	Cook,	Hanback,	McComas,
Barbour,	Cosgrove,	Hardeman,	McCormick,
Bayne,	Cox, S. S.	Harmer,	McMillin,
Belmont,	Craig,	Hart,	Matson,
Bennett,	Crisp,	Hatch, H. H.	Millard,
Blanchard,	Culbertson, W. W.	Hatch, W. H.	Miller, J. F.
Bland,	Cullen,	Haynes,	Mills,
Blount,	Davidson,	Henderson, D. B.	Mitchell,
Bouelle,	Davis, L. H.	Henderson, T. J.	Money,
Boyle,	Davis, R. T.	Hepburn,	Muldrow,
Brainerd,	Deuster,	Hewitt, G. W.	Muller,
Breckinridge,	Dixon,	Hiscock,	Murphy,
Breitung,	Dockery,	Hitt,	Mutchler,
Brewer, F. B.	Dorsheimer,	Holman,	Neece,
Brewer, J. H.	Dowd,	Holmes,	Nelson,
Broadhead,	Dunham,	Hopkins,	Nutting,
Brown, W. W.	Dunn,	Houk,	Ochiltree,
Buchanan,	Elliott,	Houseman,	O'Hara,
Budd,	Ellwood,	Howey,	O'Neill, Charles
Burleigh,	English,	James,	O'Neill, J. J.
Burnes,	Ermentrout,	Jeffords,	Paige,
Cabell,	Evans,	Johnson,	Parker,
Campbell, Felix	Everhart,	Jones, B. W.	Payne,
Campbell, J. E.	Ferrell,	Jones, J. H.	Payson,
Candler,	Forney,	Jones, J. K.	Peters,
Cannon,	Funston,	Jones, J. T.	Pettibone,
Carleton,	Garrison,	Kean,	Post,
		Kellogg,	

Phelps,	Rowell,	Stewart, J. W.	Vance,
Post,	Russell,	Stockslager,	Van Eaton,
Potter,	Seney,	Stone,	Wallace,
Pryor,	Seymour,	Strait,	Warner, A. J.
Pusey,	Shively,	Struble,	Warner, Richard
Randall,	Skinner, C. R.	Sumner, C. A.	Washburn,
Ranney,	Skinner, T. G.	Swope,	Weaver,
Ray, G. W.	Slocum,	Talbott,	Wellborn,
Ray, Osmian	Smalls,	Taylor, J. D.	White, J. D.
Reed, T. B.	Smith, A. Herr	Taylor, J. M.	Whiting,
Reid, J. W.	Smith, H. Y.	Thomas,	Willis,
Reese,	Snyder,	Thompson,	Wilson, W. L.
Riggs,	Spooner,	Townshend,	Winans, E. B.
Robertson,	Spriggs,	Tully,	Wise, G. D.
Rockwell,	Springer,	Turner, H. G.	Wood,
Rogers, J. H.	Stephenson,	Turner, Oscar	Woodward,
Rogers, W. F.	Stevens,	Valentine,	Yaple.
Rosecrans,	Stewart, Charles	Van Alstyne,	

NAYS—10.

Barr,	Clardy,	Hill,	Price.
Blebee,	Cox, W. R.	Horr,	
Caldwell,	Follett,	Pierce,	

NOT VOTING—111.

Aiken,	Findlay,	Laird,	Robinson, W. E.
Ballentine,	Finerty,	Lamb,	Ryan,
Barksdale,	Foran,	Lawrence,	Shaw,
Beach,	Fyan,	Le Fevre,	Singleton,
Belford,	Geddes,	Lewis,	Steele,
Bingham,	George,	Long,	Storm,
Blackburn,	Gibson,	Lovering,	Sumner, D. H.
Bowen,	Glascock,	Lyman,	Taylor, E. B.
Bratton,	Hammond,	McCold,	Throckmorton,
Browne, T. M.	Hancock,	Maybury,	Tillman,
Brumm,	Hardy,	Miller, S. H.	Tucker,
Buckner,	Hemphill,	Milliken,	Wadsworth,
Campbell, J. M.	Henley,	Morgan,	Walt,
Chalmers,	Herbert,	Morrill,	Wakefield,
Converse,	Hewitt, A. S.	Morrison,	Ward,
Covington,	Hoblitzell,	Morse,	Weller,
Culberson, D. B.	Holton,	Moulton,	Wemple,
Curtin,	Hooper,	Murray,	White, Milo
Cutcheon,	Hunt,	Nicholls,	Wilkins,
Dargan,	Hurd,	Oates,	Williams,
Davis, G. R.	Hutchins,	O'Ferrall,	Wilson, James
Dibble,	Jones, J. T.	Perkins,	Winans, John
Dibrell,	Jordan,	Peters,	Wise, J. S.
Dingley,	Keifer,	Poland,	Wolford,
Eaton,	Kelley,	Rankin,	Worthington,
Eldredge,	Ketcham,	Reagan,	York,
Ellis,	King,	Rice,	Young.
Fiedler,	Lacey,	Robinson, J. S.	

So the motion that Mr. LAWRENCE be excused was agreed to.

During the roll-call,

The following additional pairs were announced.

Mr. WARD with Mr. LAWRENCE, for the rest of the day.

Mr. HARDEMAN with Mr. JOHNSON, for the rest of the day.

The vote was then announced as above recorded.

Mr. VALENTINE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEWART. I ask now, Mr. Speaker, that my colleague, Mr. POLAND, be excused.

The SPEAKER. The noes seem to have it.

Mr. ANDERSON. I demand a division.

The House divided; and there were—ayes 44, noes 24.

Mr. RANDALL. I desire to make a suggestion to the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection, and the gentleman will proceed.

Mr. RANDALL. The report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, has come over from the Senate, and if proceedings are dispensed with under the call of the House that report can be taken from the Speaker's table and acted upon.

Mr. ANDERSON. Can not that be done by unanimous consent, the present business before the House standing just as it is?

The SPEAKER. If further proceedings under the call are dispensed with the pending motion can be resumed. These proceedings grow out of the fact of no quorum having voted on the motion before the House.

Mr. VALENTINE. I ask by unanimous consent to dispense with all further proceedings under the call.

Mr. O'NEILL, of Missouri. I object.

Mr. RANDALL. Then I move to dispense with all further proceedings under the call.

The motion was agreed to.

LEGISLATIVE, ETC., BILL.

Mr. HOLMAN. I rise to a privileged question. I submit the report of the conference committee on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill, and also the statement, under the rules, of the conferees on the part of the House.

The SPEAKER. The Clerk will read the report.

Mr. ANDERSON. I wish to make a parliamentary inquiry; is this privileged over the pending motion?

The SPEAKER. It is. The Chair will state that a conference report has priority over everything except the reading of the Journal, the call of the roll, or a division of the House.

Mr. WHITE, of Kentucky. I rise to a question of order. I desire to know whether this bill is not subject to debate under the five-minute rule.

The SPEAKER. It is subject to debate under the hour rule, unless the previous question is ordered on the report. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 15, 16, 17, 18, 19, 20, 38, 42, 43, 44, 47, 63, 64, 65, 66, 75, 79, 82, 83, 88, 89, 90, 91, 92, 102, 104, 107, 108, 112, 114, 121, 122, 123, 129, 130, 131, 133, 134, 137, 138, 139, 140, 141, 142, 143, 144, 173, and 174.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 27, 28, 30, 31, 32, 33, 35, 37, 40, 41, 45, 46, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 68, 70, 71, 72, 73, 74, 77, 80, 81, 84, 85, 86, 87, 93, 94, 95, 96, 97, 99, 100, 104, 109, 110, 111, 112, 115, 117, 118, 119, 120, 132, 136, 168, 151, 153, 155, 157, 159, 162, 163, 164, 165, 166, 167, 168, 169, 170, and 171, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,418.19;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-seven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "One fireman, $1,089;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$147,888 89;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: On page 7, in line 5, after the word "labor," insert the words "including $5,000 for rent of Senate committee-rooms;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,849.10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,161.08;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For postage-stamps for the officers of the House of Representatives: for the Sergeant-at-Arms, $50; the Clerk, $50; the Doorkeeper, $50; and the Postmaster, $200; in all, $250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Restore the number proposed to be stricken out by said amendment, and on page 31 in line 11 of the bill, after the word "each," insert "six assorters of money-orders at $940 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$904,020;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "67;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: On page 60, on line 22 of the bill, after the word "four," insert the following: "One of whom shall be employed on the general index;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,220;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,120;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: "That a committee consisting of five members-elect of the House of Representatives of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives of the Forty-eighth Congress, shall prior to the first Monday of December next inquire into and investigate the expenditure of appropriations for Indians under treaty for their support, for their education, or otherwise, and whether any changes should be made in such appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees and visit the places where appropriations mentioned herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee, or any subcommittee thereof, shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay the expenses of said committee hereby authorized, and all witnesses that may be summoned before it, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available and payable on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "one skilled laborer, $900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,420;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all that follows the word "dollars," on page 85, in line 20 of the bill, down to and including line 22, and in lieu thereof insert the following: "And the Secretary of the Interior shall, in submitting the estimates annually for the expenses of this bureau, give in detail the number and salaries of officers and employés therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: "In lieu of the sum proposed insert "$73,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 92 of the bill, in line 2, after the word "dollars," where it first occurs, insert the following: "One female messenger, $840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$118,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: On page 95 of the bill, after line 10, insert as a new paragraph the following:

"For the following, for the additional buildings for the money-order and Sixth Auditor's offices, namely: For heating apparatus and fuel, $1,300; gas, $400; furniture for the money-order office, $500; miscellaneous items, $800; four watchmen, three laborers, and three charwomen, at $180 each; in all, $2,100."

And the Senate agree to the same.

On the amendments of the Senate numbered 1 and 29 the committee of conference are unable to agree.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the conferees on the part of the House accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8179, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1886, submit the following, in explanation of the accompanying conference report:

The conference committee have agreed upon all of the one hundred and seventy-four Senate amendments except those numbered 1 and 29, which involve the appropriation of $39,432 for clerks to Senators who are not chairmen of committees.

The bill as it is agreed upon, and including the amount involved in said amendments 1 and 29, appropriates in all $21,309,398.70, being $153,490 more than as it passed the House, $40,671.93 less than as it passed the Senate, $2,843.15 less than the law for the current year, and $976,201.35 less than the estimates which were submitted.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. HOLMAN. Mr. Speaker, I desire to submit only a few facts in regard to the substance of that report and to call the attention of the House to the one proposition which is still in difference between the two Houses. It will be a very brief statement that I shall make.

There were one hundred and seventy-four amendments made to this bill by the Senate, adding $153,490 to the amount. The bill as it would be amended by the report of the conference committee appropriates $80,671.93 less than the amount added to the bill by the Senate. The bill as amended would appropriate a trifle less than the law of the present year—$2,843.15.

The amendment of the Senate which is the subject of disagreement is amendment numbered 29. I ask that that amendment may be reported to the House.

The Clerk read as follows:

For clerks to Senators who are not chairmen of committees, at $6 per day, $39,432.

Mr. HOLMAN. The amendment numbered 1 is simply a matter of footing. If this amendment should be either adopted or rejected it changes the footing; so that amendment numbered 1 is a mere matter of form. But the amendment which has now been read, that numbered 29, involving $39,432 for clerks of Senators, gives the subject-

matter of dispute. It is upon that that the committee have not been able to agree.

There are two matters to which I wish to call the attention of the House before asking a vote upon the proposition I have just referred to. The first is as to the act of the Senate touching the employés of the House; and I feel the more in duty bound to call attention to this particular amendment from the fact that it concerns the House Committee on Appropriations. The Senate of its own motion increased the salary of the clerk of the Senate Committee on Appropriations from $2,500 to $3,000, and also the salary of the chief clerk of the House Committee on Appropriations from $2,500 to $3,000.

These two amendments, one affecting the House and the other the Senate, are Senate amendments and have both been concurred in by the conferees. I shall not suppose the House will deem it important to inquire how this conclusion was arrived at. As I have stated this report concurs in these two amendments of the Senate, the one affecting their own body and the other affecting the House. So much for that. I was the more desirous of calling the attention of the House to it because it is a matter affecting the Committee on Appropriations.

There is another amendment to which I wish to call the attention of the House for a moment. It is amendment numbered 135. I ask that it may be reported to the House, being a change in the provision as it passed the House by the act of the conferees.

The Clerk read as follows:

Amendment 135: Strike out all after line 11, on page 79, down to and including line 8, on page 80, and insert the following:

"That a committee consisting of five members-elect of the House of Representatives of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives of the Forty-eighth Congress, shall, prior to the first Monday of December next, inquire into and investigate the expenditure of appropriations for Indians under treaty for their support, for their education, or otherwise, and whether any changes should be made in such appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park, and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees and visit the places where appropriations mentioned herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee, or any subcommittee thereof, shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay the expenses of said committee hereby authorized, and of witnesses that may be summoned before it, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available and payable on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time."

Mr. MILLS. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. HOLMAN] whether this amendment was put in the bill by the Senate or by the conference committee.

Mr. HOLMAN. The original proposition was put in the bill by the House.

Mr. MILLS. Was it not stricken out in the House on the point of order?

Mr. HOLMAN. No. It went to the Senate; the Senate struck it out, and then the conferees restored it with some change in the phraseology.

Mr. MILLS. It ought to be stricken out.

Mr. HOLMAN. Mr. Speaker, one additional fact I wish to mention, and it is a subject to which I wish to call the attention of the Post-Office Committee. The conferees have restored the office of superintendent of foreign mails, and have provided for the same body of employés in that branch of the postal service with the same salaries as in the existing law.

I believe that those are all the changes which have been made in the bill since it left the House, and I now call the previous question——

Mr. CANNON. I ask my colleague on the committee from Indiana [Mr. HOLMAN] to yield to me for a moment.

Mr. HOLMAN. How much time does my friend from Illinois wish?

Mr. CANNON. Very little.

Mr. HOLMAN. Five minutes?

Mr. CANNON. I think that will be enough.

Mr. HOLMAN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, my colleague on the committee [Mr. HOLMAN] has called attention to an amendment made by the Senate increasing the salary of the clerk of the Appropriations Committee of the Senate $500, and also increasing the salary of the clerk of the House Committee on Appropriations $500. The House conferees concurred in both those amendments, and I wish to state very frankly that I, as one of the conferees, not only concurred in the amendments but did so heartily, because I believe they are right. I am not so familiar with the clerk of the Senate Committee on Appropriations (although quite familiar with his work) as I am with the clerk of the House Committee on Appropriations.

Most members of the House are familiar with him and his work, and I say to the House that, from the fact of these appropriation bills involving an examination of the whole civil service of the Government from beginning to end, and requiring a technical and correct knowledge of the whole of that service, it must be apparent to every member that the duties of the clerks of these committees are very onerous. Especially in this true under the peculiar rules of the House, by which, to a great degree, appropriation bills are made to carry through the chief part of the legislation that each and almost every member of the House desires carried through. I do not propose to discuss that matter now, except to say that I hope that in the future our rules may be so amended that the committees of this House can have measures which they recommend considered under the rules. As I was saying, gentlemen can readily see that the clerks of these two great appropriations committees require to have a close and technical knowledge of the matters covered by these bills, and that such knowledge on their part can be and is of immense advantage in the preparation of the appropriation bills. I think the two clerks in question have that knowledge. More than that, when it is considered that the appropriations made by these bills aggregate over a hundred million dollars every year and that they are passed together at the close of the session of Congress, gentlemen can see at once that these officers require not merely knowledge but capacity and integrity. I think that these qualities are to be found in these two clerks, and while I have no doubt that there are many other gentlemen throughout the country who could be educated to do this work I have no hesitation in saying that I do not believe there are two others in the United States who without that education and training would be one-half as competent as these gentlemen are, and I believe that $3,000 is a small salary rather than a large one to pay them. Therefore I, for one, heartily concur in the amendment of the Senate increasing their salaries.

Mr. SKINNER, of New York. How many clerks does the increase apply to in each committee?

Mr. CANNON. One.

Mr. HOLMAN. Mr. Speaker, my special purpose in calling attention to this action of the Senate in increasing the salaries of these two clerks was to bring to the notice of the House the fact that the Senate, while resisting any interference by the House with Senate employés or their salaries, thought proper to increase the salary of an employé of the House. That was the point to which I wished especially to call the attention of the House. Now, Mr. Speaker, I move that the House insist on its disagreement——

The SPEAKER. The Chair will state that the first question is upon the adoption of this report.

Mr. HOLMAN. Then I call the previous question on adopting the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. HOLMAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I now move that the House further insist on its disagreement as to the twenty-ninth amendment of the Senate, and ask a further conference.

Mr. CANNON. Pending that motion, I move that the House recede.

The SPEAKER. The motion to recede takes precedence.

Mr. CANNON. I would like to occupy the floor a minute or two on this question.

The SPEAKER. The Chair will state the question. The gentleman from Indiana [Mr. HOLMAN] moves that the House further insist on its disagreement to the twenty-ninth amendment of the Senate and ask a further conference. Pending that the gentleman from Illinois [Mr. CANNON] moves that the House recede from its disagreement to the Senate amendment and agree to the same.

Mr. HOLMAN. How much time does the gentleman wish?

Mr. CANNON. I believe I have the floor.

The SPEAKER. Under the rules the question is first upon the motion to recede.

Mr. HOLMAN. Certainly; but I had a right to insist on the previous question upon my motion. I was only giving way so that the gentleman's motion might come before the House before the previous question had been called.

The SPEAKER. Still the motion of the gentleman from Illinois [Mr. CANNON] is of higher privilege than that of the gentleman from Indiana.

Mr. HOLMAN. But the gentleman could not take me off the floor.

The SPEAKER. There must be an opportunity under the rules to make this motion of higher privilege.

Mr. HOLMAN. Then I will call the previous question after the gentleman has concluded.

Mr. CANNON. Mr. Speaker, this amendment is as follows:

For clerks to Senators who are not chairmen of committees, at $6 per day during the session, $39,432.

The amendment provides for thirty-one Senators' clerks, at $180 a month in round numbers, for a session of seven months. I have moved that the House recede from its disagreement and agree to this amendment, and I will state very briefly why.

Prior to the extension of this Congress the Senate by resolution provided these clerks for Senators who were not chairmen of committees, and provided for their pay from the contingent fund of the Senate, and we had to concur in increasing the contingent fund. At the last session

the Senate, when it came to consider the legislative appropriation bill for the current year, placed upon that bill an amendment substantially the same as this.

The matter was fought at great length, there having been conference after conference between the two Houses, the Senate insisting that it had the right to regulate its own affairs so far as the conduct of the business of the Senate was concerned. Let that be as it may, it is certainly the fact that on a fair, square vote, upon a motion to recede, just such a motion as I now make, this House did recede; and there was put in the bill for the current year an appropriation similar to this.

This year when this bill was considered in the House we omitted this appropriation. The Senate put this amendment upon the bill; it came back to the House; we non-concurred, and the question went to a conference.

Now, I would be very willing, ordinarily, to have another conference upon this question—a third and a fourth, for that matter, though I do not know exactly what good it would do unless to call the attention of the country to this subject. Ordinarily, I say, I would be willing for further conference, but when I recollect that to-morrow is the last legislative day of this Congress, I realize there is not much time for that kind of thing; so I think I am authorized to say that in the end the House will do just what we did last session, and what I propose to do now.

One word upon the merits of this amendment. The gentleman from Texas [Mr. MILLS] offered to-day a resolution that this House should not participate in the inaugural ceremonies because he thought members of the House had been given a back seat. Well, to be frank about it, I did think that the Senate had not treated the outgoing and the incoming members of this House with any very great courtesy; yet I did not mind that much, because the matter was all "dress parade." Neither the House nor the Senate is required under the Constitution or the laws to be present at those ceremonies. Feeling, therefore, that the matter was not of much importance, I contented myself with not voting at all. But here is a proposition to which in substance the House has already assented. This appropriation has run for two years.

This is the second year that this amendment has come to us upon this bill, to give to Senators who are not chairmen of committees clerks at $180 a month. I have thought that if Senators had these clerks the members of the House ought to have the same assistance for themselves. We are a co-ordinate branch of the Government, representing the people, coming near to them—coming more directly in contact with them day by day, week by week, and year by year, with our elections every other year, than the Senators do. We hold positions of equal dignity, positions which, in the years immediately succeeding the adoption of the Constitution, were considered if anything of superior dignity, men of great ability preferring to come here rather than go to the Senate.

I have thought, I say, the House ought to take the same things conceded to the Senate by the House. What prevents them from doing it? I think members of the House are afraid—that they have not the courage to do it.

A MEMBER. Try us.

Mr. CANNON. Everybody understands, of course, they are willing to do it; but they have not done it.

I must confess two years ago when the Senate passed the resolution in reference to these clerks I thought it might attract some attention in the country; that they might be blamed for so doing; but strange to say I do not suppose there are 1,000 people in the United States outside of the District of Columbia who know Senators have these clerks. If they do, I apprehend most of them approve of it, for I have not seen any condemnation in the public prints, nor have I heard a single word of denunciation hurled against them from the stump.

A MEMBER. Most of them think it is right.

Mr. CANNON. The gentleman says most of them think it is right. I did not move an amendment for members of the House because of my remembrance of the fate of a precisely similar motion, and because I was satisfied there was no use in doing so. I venture, however, to say and to hope that at the next session of Congress, early in the session, one of two things will be done, namely, either that this appropriation under the law as it is now provided shall be refused to Senators to pay for personal clerks, or the House shall insist it shall be regulated by law and their salaries somewhat decreased, and the members of this House, a co-ordinate of the National Legislature, shall demand for themselves that while they assume the responsibility of granting this to the co-ordinate branch of the Legislature they shall assume for themselves the same right. [Applause.]

Mr. BELFORD. Is it not a fact that I introduced a resolution giving to each member a clerk, and is it not a further fact that you voted against it?

Mr. CANNON. I do not recollect how I voted; I do not think the yeas and nays were taken or any record of that vote. I recollect, however, that the gentleman did offer that resolution. I think I do. He has offered a great many resolutions and has made a great many demands, as I remember pleasantly, to empty, as he says, the Treasury of the United States. Now, I do not care about emptying the Treasury of the United States.

Mr. BELFORD. You will remember about emptying the Treasury before you are two years older.

Mr. CANNON. I now yield for five minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, at the organization of our Government the House of Representatives was considered to be the important branch of the National Legislature. The Senate was adopted as a body that represented the States, and this House was the great, important representative body of the American people. But the bicameral system was adopted when we had two Houses. Nobody dreamed for years that the House of Representatives was not equal in power, equal in importance, equal in dignity, equal in prerogative, equal in privilege, equal in deed and in fact in all respects with the House at the other end of the Capitol. But, sir, within a few years that House has encroached upon the rights of this House, little by little, as abuses always grow and arbitrary power always gains upon the right, until to-day they boldly avow superior prerogative and privilege, and we bow down on our knees and grant it unto them.

The gentleman talks about the rights of the House after having voted with the vast majority of this House to take in one of the most important transactions of the people of the United States a secondary position, not by the side of the Senate of the United States where our fathers placed this body. They have placed the diplomatic corps, blazing with the tinselry of foreign decorations, on the right, where this House of Representatives ought to be. Instead of occupying our rightful position we have been located to the rear. Heads of Departments were placed next in importance to the diplomatic corps, and behind them came the Army, with the clanking of sabers, while far to the rear were located the representatives of the American people. And the gentleman from Illinois voted that the representatives of the people by being so placed were rightfully located.

Mr. CANNON. If my friend will allow me——

Mr. MILLS. The gentleman from Indiana [Mr. HOLMAN], your colleague, voted with you, although he first voted through the tellers and voted on the Representatives' side of the question. [Laughter and applause.]

Mr. CANNON. If my friend will allow me——

Mr. MILLS. I will.

Mr. CANNON. I was not present when that vote was taken, and therefore did not vote at all.

Mr. MILLS. I take it all back then. I thought you did. [Laughter.] There are so many here who did as I have accused my friend from Indiana of doing that I must be pardoned for my mistake in his case. One hundred and twenty-six went through the tellers and voted to maintain the dignity and the rights of the House of Representatives, but when the yeas and nays came to be taken that vote dwindled down to 55 for and 185 against. [Laughter and applause.] I came to this House twelve years ago, and by the grace of God two years after I came here the Democratic party came into power in this House and at once commenced to cut down the salaries of officers. It commenced to reduce the expenditures of the Government. We began upon the line of economy, but at the other end of the Capitol that body which represents nothing, is responsible to nobody, refused to accede to the reductions we then made, but on the contrary established a distinction between their officials and the employés of this House by insisting that their employés should receive higher pay than ours. The House then agreed to it and still continues to agree to it. Two years ago they came in with a provision to allow each Senator to have a clerk at $6 a day or $180 a month. How did this House of Representatives, representing the horny-handed Democracy of the country, behave? We said we would not agree to give them these clerks, but the Senate insisted and we kneeled down in submission and gave it to them out of the public Treasury of the United States. They claimed it as their right and they have ever since received it. To-day they propose to put you away to the rear during the ceremonies of inaugurating the Chief Magistrate of the country, and yet one hundred and eighty-five representatives of the people of the United States said that was the proper position for us to occupy. It is against all this I enter my solemn protest.

The SPEAKER. The gentleman's time has expired.

Mr. CANNON. I yield now for five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I am also permitted to offer an amendment to the amendment of the gentleman from Illinois. My amendment is in the form of a motion to concur in the Senate amendment with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out amendment numbered 29 and insert "for clerks to Senators and Representatives who are not chairmen of committees, at the rate of $180 per month during the session, $200,300."

Mr. HOLMAN. Is that amendment germane?

The SPEAKER. The Chair thinks so. It is offered as a substitute for the Senate amendment.

Mr. KEIFER. It is to concur in the Senate amendment with an amendment.

Mr. HOLMAN. But it is subject to the point of order as any other

question coming before the House, that is to say, it involves an expenditure of money, and is subject to consideration in the Committee of the Whole.

The SPEAKER. The Chair will state the point of order, and will be glad to hear the gentleman from Ohio upon it.

The gentleman from Indiana makes the point of order that under the rules of the House the proposed amendment must have its first consideration in Committee of the Whole House on the state of the Union because it proposes to increase expenditures.

Mr. KEIFER. I would like to be heard on that.

Mr. SPRINGER. I make the further point of order that it changes existing law and does not retrench expenditures.

Mr. KEIFER. That has nothing to do with it now, for we are considering the proposition of the Senate, which is subject to amendment in the House.

I submit the other point is made too late for the purpose of having this amendment of the Senate go to the Committee of the Whole House on the state of the Union, and for the reason that we have entered upon the consideration of it in the House. It has been debated and we are proceeding with its consideration in the House; and, therefore, it is too late now to make the point of order as against that amendment.

The SPEAKER. The point of order is not made against the Senate amendment.

Mr. KEIFER. But my amendment comes in in consequence of the fact that we are considering the Senate amendment in the House against which no point of order was made. Having this Senate amendment before us in the House by failing to make the point of order against it, we are considering it in the House subject to be amended in such way as our rules prescribe; and when an amendment to a Senate amendment is offered it is too late then, of course, to make the point of order that the Senate amendment must go to the Committee of the Whole.

Under Rule XX Senate amendments which would be liable to the point of order if originating in the House may be sent to the Committee of the Whole House on the state of the Union on the point of order, but it must be the original proposition as it came from the Senate.

I am not able to give exactly the language of Rule XX; but that rule, the language of it, applies to the Senate amendment, and the point of order was not made against the Senate amendment. I submit, then, that it is proper under our rules to offer to a Senate amendment another amendment which is proper to be offered or which is germane to the subject-matter of such an amendment when acting on it in the House as we are here.

The SPEAKER. The question was presented at the last session of Congress and the Chair made a ruling upon it then, but has never been entirely satisfied that it was altogether correct. The Chair will cause the Journal entry to be read.

The Clerk read as follows:

The House then proceeded as the regular order of business (as a privileged question) to the consideration of the bill of the House (H. R. 3459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and amendments of the Senate thereto, pending when the House took a recess on yesterday; the pending question being on the following amendment of the Senate, namely: "Page 74, after line 27, insert: 'For necessary and special facilities on trunk lines, one hundred and eighty-five.'" Pending which Mr. HORR moved that the House recede from its disagreement to the said amendment, and agree to the same with the following amendment:

"Strike out the words 'one hundred and eighty-five' and insert in lieu thereof 'two hundred and fifty.'"

Pending which Mr. HOLMAN made the point of order that the said amendment under clause 3 of Rule XXI was not in order, for the reason that said appropriation was for a purpose not authorized or specified by law or for work already in progress.

The Speaker overruled the said point of order on the ground that the proposition to which the amendment was offered was properly before the House and was amendable, without regard to the rule applicable to an original amendment proposed in the House.

The SPEAKER. It will be observed that the question presented in that case was on an amendment which proposed simply to increase the amount appropriated by the Senate amendment for the same purpose provided for in the Senate amendment. The gentleman from Ohio now submits a proposition which is to make an appropriation for a different purpose from that provided for in the Senate amendment.

Mr. REED, of Maine. But it is a legitimate amendment to the Senate amendment.

The SPEAKER. It is germane. But that is not the question. The question is whether it is competent under the rule of the House, which the Chair will cause to be read, to propose an amendment in the House to a Senate amendment which provides for an appropriation for a different purpose from that provided for by the Senate amendment unless it shall have its first consideration in Committee of the Whole.

Mr. REED, of Maine. I would like after the rule is read to be permitted to say something on this point of order.

The SPEAKER. The Chair will then hear the gentleman.

Mr. SPRINGER. I suggest to the Chair that this comes within clause 3 of Rule XXI. It changes existing law.

Mr. KEIFER. That has nothing to do with it now.

The Clerk read clause 3 of Rule XXIII, as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorising payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. REED, of Maine. Let me suggest to the Chair that the gist of that rule, so far as it applies to the present question, is to be found in the last two lines:

And a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

This evidently refers to a bill which is before the House; and any proposition in such a bill subject to the points of order would carry the bill with it.

We found before the adoption of the twentieth rule that when the Senate made such an amendment it did not become subject to the point of order. We therefore made a further amendment in Rule XX, which declared that any proposition originating in the Senate in the form of of an amendment to a House bill should go the Committee of the Whole upon a point of order, provided it would have been subject to that point had it first come up in the House. Now, then, the House had the option of sending this matter to the Committee of the Whole.

The SPEAKER. Not this matter, because this comes up now on a conference report.

Mr. KEIFER. I suggest to the Chair that this is not on a conference report. It is an amendment disagreed to by the House and on which the conferees have not agreed.

The SPEAKER. It comes before the House by reason of the presentation of a conference report; otherwise it would not be before the House.

Mr. REED, of Maine. But the point of order was never made and that amendment was never sent to the Committee of the Whole.

Now, it must be certainly in order for the House to amend the proposition of the Senate. We can not be cut off from a due consideration and amendment of a proposition originating in the Senate by a rule which refers only to the consideration of a bill of the House originating in the House.

Mr. RANDALL. Will the gentleman from Maine allow me to ask him a question?

Mr. REED, of Maine. Certainly.

Mr. RANDALL. I ask him whether the proposition of the gentleman from Ohio [Mr. KEIFER] does not change existing law?

Mr. KEIFER. That does not affect it.

Mr. REED, of Maine. That does not affect it in any way. That is in another section of another rule.

Mr. RANDALL. That is the point of order made by the gentleman from Illinois [Mr. SPRINGER].

Mr. REED, of Maine. What the gentleman from Pennsylvania refers to is the third clause of Rule XXI. We are talking now about the third clause of Rule XXIII. That clause refers to a bill originating in the House and can not be made to apply to an amendment which originates in the Senate. That would clog the free action of the House which ought to have the power to amend any proposition of the Senate before agreeing to it. And the proposition as to the free right of the House to agree to an amendment of the Senate with an amendment, I submit to the Chair, becomes much stronger at this last stage than ever before; and unless there be some positive rule requiring it we should not be hampered by the suggestion that we should go into Committee of the Whole.

Mr. KEIFER. Will the Chair allow me to make a suggestion which I think has not yet been made? This clause of the bill has been considered in the House, and the point of order was not made against it that it had first to be considered in Committee of the Whole House on the state of the Union; and it is probable it could never be made against it after we had passed upon it once in the House. When these amendments came up first after the return of the bill from the Senate, this amendment, like all other Senate amendments to this bill, was considered in the House and was disagreed to. Then was the time, I maintain, if ever, for the point to be made that the amendment should have its first consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks so, too, but this proposition was not then before the House at all. This proposition now comes before the House for the first time.

Mr. KEIFER. Then if the original Senate amendment, to which my motion relates, could not be sent to the Committee of the Whole House on the state of the Union either under Rule XX or under paragraph 3 of the rule which the gentleman from Maine [Mr. REED] has just read, it would be impossible to consider it anywhere else. My proposition is one that must go with the Senate amendment, and can not be considered anywhere else. If it is germane to that amendment (and that is conceded), then it can only be considered because we are considering the Senate amendment, and under our rule we may concur in a Senate amendment with an amendment.

My proposition could not be sent to the Committee of the Whole on the state of the Union unless the original Senate amendment could be sent there. I agree that if we were considering Senate amendments on a bill when they first come here, and we reached one of this character, any gentleman might make the point of order that that amendment must go to the Committee of the Whole House on the state of the Union

and the Chair would hold, as it has held, and as it did hold on the Mexican war pension bill, that certain amendments should go for consideration to the Committee of the Whole House on the state of the Union; but we have passed that stage with this Senate amendment and are now in the House considering it, and while it is true that we are considering it because a conference report is brought in here, that report does not include this at all, but simply disagrees to it and leaves the House to consider whether or not it will agree to the amendment or concur in the disagreement of the conferees. My amendment is here because the original proposition is here, and that is all there is of it.

Mr. RANDALL. Mr. Speaker, I desire to say a word as to the point of order made by the gentleman from Illinois [Mr. SPRINGER]. It is not denied that the proposition which the gentleman from Ohio [Mr. KEIFER] has introduced changes existing law. I maintain that, this being a general appropriation bill, the gentleman's proposition is subject to the point of order provided for in the twenty-first rule, whether in Committee of the Whole or in the House. And further, I submit, to strengthen that position, that this is an original proposition, upon which that rule could not be made to operate at all except when it is introduced and known to the House.

Mr. REED, of Maine. Then why did the gentleman from Pennsylvania [Mr. RANDALL] cause to be enacted Rule XX? Because if his argument amounts to anything it must cover amendments that came from the Senate.

Mr. RANDALL. That rule relates to a case where the Senate provides for an object different from that contained in the bill as it passed from the House.

Mr. REED, of Maine. Mr. Speaker, I must say that I am surprised to hear the gentleman from Pennsylvania [Mr. RANDALL] contend that the third section of Rule XXI has anything to do with this matter.

Mr. RANDALL. Mr. Speaker, the point of order made by the gentleman from Illinois [Mr. SPRINGER] is, in my judgment, a valid point of order and ought to be ruled upon.

The SPEAKER. The question of order is made against this amendment upon two grounds: first, that being an original proposition here in the House to appropriate a certain sum of money for a certain purpose, it must have its first consideration in Committee of the Whole on the state of the Union; and secondly, that it changes existing law and does not retrench expenditures. The Chair has caused to be read a decision made at the last session, in which it was held that a proposition made upon the floor of the House, when a Senate amendment was under consideration, to increase the amount proposed to be appropriated by the Senate for the same purpose for which the appropriation was proposed by the Senate need not necessarily have its first consideration in Committee of the Whole on the state of the Union; but this, as the Chair has remarked before, is a different proposition from that.

This amendment proposes not simply to increase—not at all to increase, so far as the Chair sees—the amount which the Senate proposes to appropriate as compensation for its own clerks, but to add the clerks of the House, and thereby make an appropriation of something over $200,000 for another purpose than that provided for in the Senate amendment. Now the rule of the House is that every proposition involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. REED, of Maine. Of a bill?

The SPEAKER. Of a bill.

Mr. REED, of Maine. Has actually commenced?

The SPEAKER. But the rule includes all propositions or proceedings touching the appropriation of money. Of course the amount involved does not affect the principle or the construction of the rule, but the Chair may be permitted to allude to that for the purpose of illustrating the importance of the rule. If it is in order to add to a Senate amendment, for a different purpose than that to which the amendment relates, the sum of $100, without first considering the proposition in Committee of the Whole, it is equally in order to add $10,000,000, and if the Chair were to hold that such an amendment as that could be considered in the House without having its first consideration in the Committee of the Whole, clearly the spirit of the rule would be violated. The Chair thinks that, this being an original proposition in the House and for a purpose not provided for in the Senate amendment, it must have its first consideration in the Committee of the Whole on the state of the Union.

Upon the other question, the Chair held during the last session that when a Senate amendment providing for an appropriation not authorized by existing law came to the House, it was in order for the House to amend it by adding other appropriations relevant to it, although not authorized by existing law, because otherwise the House would have no power to amend a Senate amendment which proposed to appropriate money for purposes not previously authorized by law. But upon the first ground the Chair thinks this amendment is not in order.

Mr. REED, of Maine. Is it in order to go into Committee of the Whole for the consideration of this amendment?

The SPEAKER. The Chair prefers to hear gentlemen on that question.

Mr. REED, of Maine. Does the Chair decide it not in order because it must first be considered in Committee of the Whole?

The SPEAKER. Not in order to be offered in the House and considered in the House. If the Chair entertains it as pending in the House he supposes he must put the question upon it.

Mr. REED, of Maine. But the Chair will see that his ruling requires foresight on the part of members as to what amendments are going to be offered; and the amendment of the Senate must be sent to the Committee of the Whole upon the strength of amendments which it is proposed subsequently to offer. The Chair can not desire to come to that conclusion. This rule must be construed all together; and the concluding language is:

And a point of order under this rule shall be good at any time before the consideration of a bill has been commenced.

Now we have commenced the consideration; and I submit that the point of order is not good under the rule. True, the first clauses of the rule are general—

All motions or propositions involving a tax or charge upon the people, &c., shall be first considered in a Committee of the Whole.

But that is limited by the subsequent language of the rule:

And a point of order made under this rule shall be good at any time before the consideration of a bill has commenced.

If it is good before that time the implication of the rule must be that it is not good after that time; and we have entered upon the consideration of this matter.

The Chair will see at once by the condition to which his construction would reduce the House that such can not possibly be the intention of the rule, for the Chair has to rule out this amendment as not being in order because offered in the House.

The SPEAKER. Certainly, because, as the Chair has already said, if the point of order had been made against the Senate amendment when it was presented to the House it would necessarily have had its first consideration in Committee of the Whole on the state of the Union, and then this amendment could have been offered and considered. But that point of order was not made. The House determined not to consider this Senate amendment in Committee of the Whole on the state of the Union, but to consider it in the House; and this is an amendment which the Chair thinks can not be considered in the House without being first considered in the committee.

Mr. REED, of Maine. Then how would the Chair construe this last part of the rule—because our sole purpose is to arrive at some reasonable construction——

The SPEAKER. Certainly; that is the only purpose of the Chair.

Mr. REED, of Maine. How would the Chair construe this last part of the rule:

And a point of order made under this rule shall be good at any time before consideration of a bill has commenced.

Does not that imply that the point of order shall not be good after consideration has commenced?

The SPEAKER. But there was a time when a mere point of order would have taken this amendment to the Committee of the Whole House on the state of the Union; and gentlemen who desired to offer amendments increasing the appropriation or making appropriations for other purposes had a right to take it there for that purpose and offer their amendments. But that was not done; that point of order was not made; and the Senate amendment is now before the House for consideration in the House.

Mr. REED, of Maine. But not for amendment.

The SPEAKER. For proper amendments—for amendments which are in order.

Mr. REED, of Maine. Is there anything in the rule which says we shall not offer an amendment of this sort?

The SPEAKER. There is a rule which says that a proposition of this kind shall have its first consideration in Committee of the Whole.

Mr. REED, of Maine. But that rule also says:

And a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Meaning it shall not be good afterward.

The SPEAKER. But the House is not considering a bill; it is considering a Senate amendment. That is the original proposition.

Mr. REED, of Maine. If the House is not considering a bill, then the third clause of Rule XXIII is not applicable.

The SPEAKER. The Chair thinks that clause of the rule relates to any resolution, proposition, or proceeding.

Mr. REED, of Maine. But the language of the rule refers entirely to a bill, and the Chair must see that——

The SPEAKER. The Chair will read it again:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money——

Mr. REED, of Maine. Yes, sir.

The SPEAKER (reading)—

or bills making appropriations of money or property——

Mr. REED, of Maine. Yes, sir.

The SPEAKER—

or requiring such appropriations to be made, or authorizing payment out of appropriations already made.

Now, "all proceedings touching appropriations of money" are as much embraced by the rule as what is technically called a bill.

Mr. REED, of Maine. But then comes the rest of the rule:

And a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, I submit to the Chair that this rule never contemplated the present situation; that this was an omitted case, just as that which was remedied by Rule XX was an omitted case; and the Senate having made an amendment, and no point of order having been made upon it in the House, which would have carried it to the Committee of the Whole, it became open for amendment. Now, the amendment of an appropriation bill naturally involves either the increase of an appropriation or the decrease of it or a change of its character; and the House can not have free way on such a matter unless it has the right to amend it not only by increasing the amount which the Chair has already decided is proper, but by varying the object for which the appropriation was made.

The Chair makes a distinction which I think on reflection he will see is not sound. That is, that there is a difference between changing the amount and changing the nature of the object for which the amount is appropriated. Provided it is germane it is just as proper to change the object as it is to change the amount, and the Chair already having ruled on a previous occasion, and properly I think, the amount can be changed, surely it follows logically the object also may be changed. And I think the difficulty which has arisen in this case has arisen from laying too much stress on the earlier words of the rule and not bearing in mind the fact that the rule must be construed all together.

The SPEAKER. If the gentleman's construction of the rule in this particular is correct, then the Chair made a great mistake in deciding the amendments to what is known as the Mexican pension bill must have their first consideration in the Committee of the Whole House on the state of the Union, because the point of order was not made before the consideration of the bill was commenced, but was made on each amendment as it was reached.

Mr. REED, of Maine. That came under Rule XX, which provides any amendment of the Senate to any House bill shall be subject to the point of order.

Mr. KEIFER. The Chair was exactly right as to the amendments to the Mexican pension bill, because they came under another rule.

The SPEAKER. The Chair has great difficulty in determining whether——

Mr. REED, of Maine. That is an important point.

The SPEAKER. The Chair has great difficulty in determining whether it is his duty to decide an amendment out of order and exclude it from the consideration of the House because it ought first to be considered in committee, or whether it is the duty of the Chair to rule simply that it must have its first consideration in the Committee of the Whole House on the state of the Union and allow it to be offered, with the right to go into the Committee of the Whole House on the state of the Union for the purpose of considering it. That is a question, so far as the Chair knows, which has never been presented or discussed in the House.

Mr. REED, of Maine. Perhaps we might go on with the other amendments.

Mr. KEIFER. That is all there is of it.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I desire to know when it will be in order to move that this House adjourn. [Cries of "No!"]

The SPEAKER. The Chair has only one object in view, and that is to give a construction to this rule that will be in accordance with its spirit and not establish a precedent which the House may desire to escape from hereafter. It is an entirely new question, so far as the Chair knows, whether the fact that the proposition must have its first consideration in the Committee of the Whole House on the state of the Union absolutely excludes its presentation in the House, or whether the simple effect of it is to allow it to be presented, if germane and unobjectionable in other respects, and then have its consideration in the Committee of the Whole House on the state of the Union. If the gentleman from Indiana knows of any ruling the Chair will be glad to have his attention called to it?

Mr. HOLMAN. I wish to say, Mr. Speaker, that in reference to the particular letter of Rule XX it is clear, considering the purpose of the rule and its spirit, that it would be impossible with any safety to the deliberations of the House to adopt any other construction than that adopted by the Chair. I submit that after this discussion we should dispose of this amendment to the Senate amendment. I trust my friend from Illinois will allow me to call the previous question.

Mr. CANNON. I have promised to yield to the gentleman from Kansas. I will then allow the gentleman to take the floor for the purpose of demanding the previous question. All I wish to do is to dispose of the amendment.

Mr. JOSEPH D. TAYLOR. I move the House adjourn.

Mr. KEIFER. The gentleman does not have the floor to submit that motion.

The SPEAKER. The Chair is inclined to think, after as careful examination of this rule as he is able to make under the circumstances, that to hold that the amendment could not be entertained might result in preventing the House from making very necessary amendments to Senate amendments, and that the Chair ought therefore to allow an amendment to the amendment to be entertained and have its consideration in the Committee of the Whole House on the state of the Union. The Chair makes that ruling because great inconvenience and injustice might result to the House itself from any other construction of the rule.

Mr. KEIFER. I hope the gentleman will not make any objection to granting unanimous consent to consider it in committee.

A. MEMBER. Consider it in the House as in committee.

Mr. HOLMAN. I object.

Mr. SPRINGER. It is still in order to make the point that the amendment is not germane to the amendment of the Senate.

The SPEAKER. That has been substantially decided.

Mr. SPRINGER. This has not been made as yet, however; it may have been referred to casually in the statement of the Chair. I desire to call attention to the fact that it is not germane to the pending proposition, for the reason that it is a distinct, additional, substantive proposition. The fact that if a proposition before us which allows clerks to Senators is not to be amended as matter germane to it by giving clerks to the House of Representatives, no more than it would be germane to give additional clerks to the President or to the legation at Paris or to any department here. Simply because clerks are provided here for Senators that does not make it germane to give clerks to any other department of the Government.

Mr. KEIFER. We can not hear the gentleman from Illinois here, but I supposed I was entitled to the floor.

The SPEAKER. The Chair thinks it is germane. It relates to the subject of clerks for members of Congress. The fact that the Senate amendment provides simply for clerks to members of the Senate does not preclude the right of the House to so amend as to pay clerks of members of the House. Suppose, for instance, the question was as to the compensation of the clerks of the Senate committees or the officers of the Senate, might it not be amended by adding the clerks or officers of the House? The Chair thinks it could. If you take it in the narrowest sense of course it relates only to the subject of clerks to the individual Senators; but the Chair thinks that would be an exceedingly narrow construction to put upon it and one not warranted by the rule.

Mr. BLAND. I understand that this is now being considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana objected.

Mr. KEIFER. I understood he withdrew the objection.

Mr. HOLMAN. No, sir; I think the House does not intend to increase our own salaries; that is practically the effect of this proposition, if adopted. It amounts substantially to that.

Mr. BLAND. How, then, can we consider it?

The SPEAKER. By going into Committee of the Whole.

Mr. KEIFER. If we have a little order in the House I think we can get through this without any difficulty. I want to avoid making the motion if I can that the House resolve itself into Committee of the Whole on the state of the Union. I am willing, if unanimous consent can be given to consider this in the House as in Committee of the Whole, to limit the time for debate as much as the gentleman desires.

Mr. HATCH, of Missouri. One minute, then.

Mr. SPRINGER. I make the point of order that it is not in order to move at this time that the House resolve itself into Committee of the Whole House on the state of the Union. That can only be done under a suspension of the rules, and the House is not now in a condition where that motion to suspend the rules can be made. We can not go into the committee without a suspension of the rules, and that motion is not in order.

The SPEAKER. On what ground?

Mr. SPRINGER. Because another proposition is pending.

The SPEAKER. Another proposition was pending when this conference report came in; but this is a privileged report and has suspended the consideration of this subject.

Mr. SPRINGER. The conference report did that; but here is another proposition that was not embraced in the conference report.

The SPEAKER. But the House is actually considering it.

Mr. SPRINGER. But not in Committee of the Whole. It would not, of course, be in order to refer the conference report to the Committee of the Whole or to lay it on the table. Mr. Blaine held that to be the construction of the rule. He held that the House must act upon it.

The SPEAKER. The gentleman from Illinois is aware of the fact that the House has disposed of the report of the conference committee by

adopting it, and the matter before us now is not the report of the conference committee, but a particular Senate amendment which the gentleman moves to concur in with an amendment. The subject, however, was brought before the House by the conference report.

Mr. RANDALL. But if the question goes to the conference committee it takes the whole subject.

The SPEAKER. It takes the proposition before the House of course.

Mr. SPRINGER. But this bill came from the conference committee. It is the report of that committee, and we are now considering a part of the conference report; and if you can refer this portion of the conference report to the Committee of the Whole House on the state of the Union, you can dispose of all conference reports by referring them to the committees of the House, which would be a means of defeating all legislation.

The SPEAKER. It does not refer the conference report which has been disposed of by the House. It only refers a particular amendment on which the point of order is made.

Mr. SPRINGER. But the conference report is this bill.

The SPEAKER. The conference report is upon the disagreeing votes of the two Houses, or rather on the amendments of the Senate to the House bill. The conference report does not relate to any part of the bill to which the two Houses agree; and hence no part of the bill would go to the Committee of the Whole House on the state of the Union excepting such amendment as the point of order may lie against. It has all been disposed of but the one single question which is now before the House for consideration.

Mr. SPRINGER. But if we go into Committee of the Whole, then where would it be?

The SPEAKER. The gentleman from Ohio asks unanimous consent to consider it in the House as in Committee of the Whole. He states that he will agree to such limitation upon debate as the gentleman from Indiana will suggest.

Mr. RANDALL. That is objected to.

Mr. BLAND. I wish to reserve the point of order that this changes existing law and does not retrench expenditures.

The SPEAKER. That point of order has been disposed of. The Senate amendment changes existing law also.

Mr. HOLMAN. Mr. Speaker, I regret to seem to stand in opposition to the general sentiment of the House, but gentlemen will see exactly the position in which the conference committee would be placed if they themselves consented voluntarily that this amendment should be submitted.

Mr. KEIFER. But the conference committee would not be responsible for what we may decide.

Mr. HOLMAN. I trust the gentleman will not misapprehend what interpretation would be fixed upon our action in that respect if the members of the conference committee consent that such proposition shall go before the House.

Mr. KEIFER. Then we can go into Committee of the Whole House, and I shall have to make that motion.

Mr. HOLMAN. I greatly prefer voting for an increase of our salaries directly than to vote for the increase in this indirect way, for that is simply what it amounts to, and for one I can not consent to that.

Mr. KEIFER. The gentleman will see the time in the remaining part of this session, short as it is, as he did in the last, when we will agree to pay certain clerks $180 a month, at the same time refusing to pay them $100 a month in connection with paying clerks for members of the House $100 a month.

Mr. HOLMAN. The conferees on the part of the House recommend to the House to insist on its disagreement to the amendment of the Senate. What more could they do? They have done that. And if now they voluntarily consent by their own act that that provision shall be enlarged from $39,000 to over $200,000 in what position does that place them? It is a position which I for one can not consent to occupy.

Mr. KEIFER. Is the gentleman from Indiana not in error when he says the conferees on the part of the House recommend the House to insist on its disagreement? Do not they say only they disagreed with the conference on the part of the Senate as to that amendment? They do not say anything on the subject of what the House should do.

Mr. HOLMAN. What more could we do than disagree?

Mr. KEIFER. One of the conferees on the part of the House has already moved that the House shall recede from its disagreement to the Senate amendment.

Mr. HOLMAN. I speak of the act of the majority of the conferees.

Mr. McMILLIN. I beg the gentleman to remember that one man does not constitute a majority of the conferees. A majority favor nonconcurrence, and they should be sustained by the House.

Mr. KEIFER. In order to have this proposition considered I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. MORSE. I understood the Chair to rule that that required unanimous consent.

The SPEAKER. The Chair has made no ruling upon that subject.

Mr. MORSE. Then I object; and we will have a ruling.

The SPEAKER. The Chair will rule when the point is made. Under the rules of the House it is not in order to move to go into Committee of the Whole House on the state of the Union till after the morning hour has been occupied or dispensed with, and neither has been done to-day.

Mr. REED, of Maine. Then we will have to stop with the bill.

Mr. KEIFER. I think paragraph 9 of Rule XVI applies to this motion.

The SPEAKER. Clause 9 of Rule XVI provides that—

> At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

Mr. KEIFER. Under the circumstances and with very great regret I shall be obliged to withdraw this proposition.

Several MEMBERS. Why withdraw it?

Mr. KEIFER. There is a variety of opinion as to whether this should be insisted upon. We cannot finish this bill to-night perhaps if we insist upon this amendment.

The SPEAKER. The gentleman can insist upon it in the conference.

Mr. KEIFER. I will be entirely candid and will say I am afraid of the conferees on the part of the House, although I know the Speaker will appoint very excellent men. I wish it were possible to instruct the conferees to agree to such a proposition as this before agreeing to provide for the payment of Senators' clerks at $180 per month.

New, as I have a few minutes of time yielded to me by the gentleman from Illinois [Mr. CANNON], I will at least state what will be the effect of such an amendment. The proposition if it were adopted would cut down the pay that is proposed to be given to Senate clerks from $6 a day, or $180 a month, to $100 a month, and it would give to each Representative not a chairman of a committee a clerk during the session, paying him at the rate of $100 a month. There would be some economy in the matter of paying the Senate clerks, and we would not pay a large price to the clerks of the members of the House.

In a long session, the average of which is seven months, it would be $700 for the clerk; in the short session about $300; in an entire Congress $1,000 would be paid to the clerk of each Representative and each Senator, except the clerk that was appointed by the chairman of a committee either of the Senate or of the House; and that clerk would be left to receive the same pay as he now receives, $6 a day, and he ought to have the difference. He, as the clerk to the committee, has the committee work to do, and presumably a good deal of work for the chairman of the committee.

Allow me to say, as I am about to take my leave of the Congress of the United States, that the people of this country would gladly give clerks to members, and be willing they should be paid out of the United States Treasury if they knew how much better a Representative a member would be if he had a clerk. I venture to state here in this presence that there is no member of this House who does not occupy more than four-fifths of all his valuable time in looking after matters that are entirely and wholly disconnected with his legislative duties, and while he is doing that he is cut off from the necessary work that he should do in following legislation, in studying the subjects of legislation, in good reading, in close investigation; he is cut off from that and he is tired and wearied out writing letters and going for this thing and for that for his constituents. All that may be proper enough in itself, but it results in this, that he is so weary and tired that he is unable to discharge his duties here upon the floor or in committee.

I know that members of this House of Representatives who do much work on the floor and in committee are men who fail in a large sense to please their constituents at home. And why? They do not write enough letters; they do not run enough errands; they do not devote their time sufficiently to attend to little things for their constituents, but are devoting their time to the things they came here to attend to.

I take it that no person will be offended when I say that practically nineteen Representatives on the floor of this House out of every twenty are utterly disqualified by reason of this for properly discharging their legislative duties. Now, it is a very proper thing to attend to the correspondence connected with the Pension Office. It is a matter of sentiment with us, and we all do it, or try to do it. It is a very proper thing to do, and so are a multitude of other things that we have to do in connection with the Land Office and the Indian Office and the other public offices. All these things we could do if each member had a clerk recognized as the clerk of a particular member. The clerk could attend to the correspondence; he would be received by the heads of Departments and the heads of the different bureaus; he would have the *entrée* anywhere he chose to go on this business, and he could attend to these matters as well as the member, and the member might be devoting himself to study, to investigation, to the duties that belong to him as a Representative here.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Yes, sir.

Mr. McMILLIN. Do not the members know the duties that they assume when they seek the votes of their constituents?

Mr. KEIFER. Oh, yes.

Mr. McMILLIN. And do they not accept the office with that knowledge?

Mr. KEIFER. Oh, yes; they know the burdens, and when they get here—I say it without intending to give offense to anybody—they fail to do the things they ought to do, and do first those other things which their constituents, as individuals, require them to do, but which are no proper part of the duties of a Representative in Congress. I know this. I am perfectly well aware of it. We are all guilty of that. A man will tramp about this city from Department to Department all the morning and he will hasten away from his seat during the sessions of the House; he will grow tired and weary, and the day will pass by, and he will give no sort of attention to the legislation of Congress. He does this because he feels that if he does not write to "John Smith" promptly and get his little matter through some Department he will make an enemy at home.

We ought to be above it. But if we are to do these things, if we are required to do them, let us have this aid. I say "us," although I am not included for the future. If this amendment should be agreed to in the conference committee it would not affect me; it would go into effect in the Forty-ninth Congress. I am speaking, therefore, as one having no sort of interest in this proposition except the great interest which we all have that Representatives in the Congress of the United States shall be placed in that position with relation to their constituents that they can discharge their proper duties here.

If this provision were adopted legislation would go on more rapidly and it would be better done, for each member each day could know that he was free to set about his legislative duties and not to have his time taken up in answering letters and running errands. Mr. Speaker, this is no new trouble, nor did it originate in America. Edmund Burke, when taken to task on a certain occasion for not coming to visit his constituents for a long period of time, responded and said, "While I have not been among you, I have run my very legs off in London doing your errands." We are running our legs off doing errands, and while we are doing that we are not doing the duties we are sent here to do.

The question was taken on the motion of Mr. CANNON, to concur in the Senate amendment; and there were—ayes 34, noes 59.

So the amendment was non-concurred in.

Mr. HOLMAN. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the amendment of the Senate and ask a further conference.

Mr. HISCOCK. May I inquire of the gentleman from Indiana [Mr. HOLMAN] if he expects the Senate will yield?

Mr. HOLMAN. I am not able to tell.

Mr. HISCOCK. Have you the slightest idea that the Senate will yield?

Mr. HOLMAN. I have no other information than the gentleman from New York has himself, but I trust that the Senate will see the propriety of yielding this point.

Mr. HISCOCK. You have been in conference with the Senate and must have formed an opinion.

Mr. HOLMAN. As far as I am concerned as one member of the House I do not propose that this amendment of the Senate shall be adopted. I propose to do all I can to prevent it.

Mr. HISCOCK. I simply want to know what we have before us, even if it goes to the extent of an extra session.

Mr. ANDERSON. Yes; I will stand up for an extra session rather than agree to this amendment.

Mr. REED, of Maine. Mr. Speaker, I simply desire to call attention to the fact that last session at 10 o'clock in the evening we voted against giving the Senate an extra $30,000, because, although nothing was said about it, it was understood that the money was for clerks, and at 4 o'clock next morning the House voted for the Senate proposition pure and simple. I mention this merely as an interesting historical fact.

Mr. CANNON And Mr. Speaker, I want to say that, in my opinion, this House, inside of twenty-four hours, will do exactly what it has now refused to do.

Mr. WARNER, of Ohio. But we must save our money now for public buildings.

Mr. REED, of Maine. Mr. Speaker, I want to add that I voted steadily against the proposition, both at 10 o'clock and at 4 o'clock.

Mr. SPRINGER. It is time enough to cross that stream when we come to it.

Mr. HOLMAN. I desire to say a single word before submitting the motion for the previous question. If the House proposes to have a further conference on this proposition, I must protest that gentlemen here, especially my colleague on the committee [Mr. CANNON], who it is to be presumed will be one of the managers on the part of the House in the further conference, should not notify the Senate that within twenty-four hours the House will recede from its disagreement. I do not think my friend is justified in indulging in that prediction. Such a result may take place; but I do not propose for one to advertise the other House that the present action upon our part is not a *bona fide* and honest expression of the conviction of the House that the Senate ought not to increase the salaries of Senators, especially in this indirect way.

Mr. CANNON. The gentleman from Indiana [Mr. HOLMAN] is no more opposed to Senators having these clerks than I am.

Mr. HOLMAN. So I understand.

Mr. CANNON. I wish to add that if, perchance, I am to be one of the managers on the part of the House in the further conference upon this bill, it may be that I was guilty of an indiscretion in making the remark that I did. But I wish to call the attention of the gentleman from Indiana, who is an older member than I am, to the fact that I did but follow in his wake when he, who will also probably be one of the conferees, announced that he never had assented and never would assent to this proposition, and would do all he could to defeat it.

Mr. SKINNER, of New York. May I ask the gentleman from Illinois a question?

Mr. CANNON. Yes, sir.

Mr. SKINNER, of New York. Is it true that under this provision thirty-one Senators who are not chairmen of committees will be entitled to clerks?

Mr. CANNON. Yes, sir.

Mr. SKINNER, of New York. And that the salary of each clerk at $180 a month for a long session of seven months will be $1,260?

Mr. CANNON. Yes, sir.

Mr. SKINNER, of New York. Now I would like to know what difference there is between passing an amendment in this guise and voting to each of these United States Senators $1,260 extra compensation from the United States Treasury. As a rule Senators are able to hire clerks from their own private means; while Members of the House of Representatives, who spend their time and money in the service of their constituents, working night and day, depriving themselves of social comfort with their families, are asked to vote Senators this extra compensation.

I hope that the conferees on the part of the House will hold out until 12 o'clock on the 4th of March in their resistance to this demand, and if necessary will allow an extra session to come rather than agree to this amendment.

Mr. HOLMAN. I call for the previous question.

The previous question was ordered, and under the operation thereof the motion of Mr. HOLMAN that the House further insist on its disagreement to the twenty-ninth amendment of the Senate and ask a further conference was agreed to; and the Speaker announced the appointment of Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON as conferees on the part of the House.

The SPEAKER. What motion does the gentleman from Indiana [Mr. HOLMAN] make as to the other amendment—the amendment numbered 1?

Mr. HOLMAN. As to that amendment, which is formal, I make the same motion—that the House further insist on its disagreement and ask a further conference.

The SPEAKER. If there be no objection, that order will be made.

There being no objection, it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6658) to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes.

CATTLE TRAFFIC IN THE WEST.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Chief of the Bureau of Statistics in response of the resolution of the House calling for information in regard to the ranch and range cattle traffic in the Western States and Territories; which was referred to the Committee on Agriculture, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I wish to inquire whether it is now in order to proceed with the consideration of the election case? If so, I hope we shall go on with it.

Mr. ANDERSON. I call for the regular order.

The SPEAKER. The question is on the motion to take a recess.

Mr. SPRINGER. That was certainly superseded by all these intervening matters.

The SPEAKER. Under what rule?

Mr. SPRINGER. Unanimous consent was given——

The SPEAKER. It required no unanimous consent. The conference report was a privileged matter, and simply suspended the proceedings which were going on—did not terminate them.

Mr. VALENTINE. The first question is upon the motion for a recess till 8 o'clock.

A MEMBER. Make it 9.

The SPEAKER. The first question is upon the amendment of the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa [Mr. HEPBURN.] The amendment of the gentleman from Tennessee proposes a recess till 8 o'clock to-morrow morning.

Mr. VALENTINE. I understand there is a desire on the part of members on both sides that we now take a recess until 9 o'clock. If

that be the general desire, I suggest that the amendment fixing 8 o'clock be withdrawn, so that we may vote at once on the amendment of the gentleman from Iowa [Mr. HEPBURN] proposing 9 o'clock.

Mr. SPRINGER. I propose to stay here till the House settles this question of the right of a member to his seat; and I ask every man who desires the question shall be settled to stay here until it has been settled. [Cries of "Regular order!"]

A MEMBER. What is the question?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moved that the House take a recess until 10 o'clock——

Mr. RANDALL. I hope that will not prevail.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moved to amend by fixing 9 o'clock, and the gentleman from Tennessee [Mr. PETTIBONE] moved a further amendment to fix 8 o'clock. The question is now on the amendment of the gentleman from Tennessee.

Mr. RANDALL. Mr. Speaker, it is desirable that we should sit here until we receive from the Senate the sundry civil appropriation bill, so we may take action upon the amendments of the Senate, and if the action of the House requires it, that the disagreements of the two Houses may be sent to a conference committee, and the managers of said conference appointed on the part of the House.

Mr. SPRINGER. That is right; and while we are waiting I insist we shall proceed with the discussion of the question of the right of a member to his seat upon this floor.

Mr. VALENTINE. Would it not be in order, Mr. Speaker, for the House now to designate the conferees who shall act on the sundry civil bill when it comes over from the Senate?

Mr. RANDALL. The House must concur or non-concur in the amendments of the Senate.

Mr. VALENTINE. It seems to me by unanimous consent we can non-concur and order the appointment of the conferees on the part of the House.

The SPEAKER. The House can not act on a matter that is not before it.

Mr. HOLMAN. I hope the gentleman from Pennsylvania, chairman of the Committee on Appropriations, will give to the House such information as he may possess as to the probability of the sundry civil bill being reported during the night.

Mr. RANDALL. It may be 2 o'clock or it may be 3.

Mr. VALENTINE. It may be daylight or 5 or 6 o'clock in the morning; and what is the use of our staying here during all these long hours and tiring ourselves out when we have so much work to do to-morrow and to-morrow night?

Mr. HORR. The Senate are debating the question yet.

Mr. RANDALL. It ought to come here to-night, and the conferees ought to be able to sit as early as 7 o'clock in the morning.

The SPEAKER. If the Chair may be allowed to state, he was informed that the Senate will pass the bill before it takes a recess or adjourns.

Mr. RANDALL. My information comes from what I believe is an authentic source that the Senate will probably finish the bill by 2 o'clock.

The SPEAKER. The question recurs on the motion of the gentleman from Tennessee [Mr. PETTIBONE] that the House shall take a recess until 8 o'clock in the morning.

Mr. BLAND. I ask by unanimous consent that we take a recess until half past 1 o'clock.

The SPEAKER. That is objected to by the gentleman from Illinois.

Mr. SPRINGER. We must keep the members of the House here if we are to have any business done before 2 o'clock in the morning.

Mr. BLAND. There is no quorum here now, and by taking the recess I suggest it will save the clerks, who are now nearly worn out. [Cries of "Regular order!"]

Mr. HEWITT, of Alabama. I move that after 2 o'clock nothing shall be done except the consideration of the sundry civil bill when it comes from the Senate, and that then we shall take a further recess until 9 o'clock in the morning.

Mr. WELLER. I demand the regular order.

The SPEAKER. The regular order being demanded, the question recurs on the motion of the gentleman from Tennessee, to take a recess until 8 o'clock in the morning.

The House divided; and there were—ay 1, noes 44.

Mr. VALENTINE. No quorum has voted.

The SPEAKER. The Chair will appoint as tellers Mr. SPRINGER and Mr. WELLER.

Mr. VALENTINE. By way of compromise, I ask the House to agree to take a recess until half past 1 o'clock for the purpose of considering the sundry civil bill as it comes from the Senate; that a motion may be considered as made and agreed to to non-concur in the Senate amendments; and that then the Speaker shall have power to appoint the conferees on the part of the House, after which the House will take a recess until 9 o'clock to-morrow morning.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri, in the chair). Is there objection to that?

Mr. VAN EATON. Yes, I object.

Mr. VALENTINE. Then let us have the result announced of the vote by tellers.

The House again divided on Mr. PETTIBONE's motion to take a recess until 8 o'clock; and the tellers reported—ayes 6, noes 24.

Mr. VALENTINE. Still no quorum has voted.

Mr. ANDERSON. I move the House do now adjourn (12 o'clock and 15 minutes a. m., March 3).

Mr. HEWITT, of Alabama. We either ought to adjourn or take a recess.

The House divided; and there were—ayes 29, noes 60.

So the House refused to adjourn.

Mr. LAMB. I ask by unanimous consent the House take up the Mexican pension bill.

The SPEAKER *pro tempore*. The question again recurs on the motion to take a recess until 8 o'clock to-morrow morning.

The tellers will resume their places, as a quorum has not yet voted.

Mr. RANDALL. I move that the House take a recess until 2 o'clock.

The SPEAKER *pro tempore*. Is there objection?

Mr. VALENTINE. I object, unless some understanding can be reached.

Mr. HEWITT, of Alabama. With the understanding that nothing shall be done except to receive the amendments of the Senate to the sundry civil bill and send them to conference.

Mr. LORE. I object.

Mr. RANDALL. I move the House take a recess until 3 o'clock.

Mr. SPRINGER. That is not in order, unless the previous motions to take a recess are withdrawn.

The SPEAKER *pro tempore*. The motion of the gentleman from Pennsylvania is not in order except by unanimous consent.

Mr. VALENTINE. I object.

Mr. HOUK. I ask unanimous consent of the House that I may be heard for one minute in regard to a matter of great importance to a very large number of people.

Mr. BENNETT. I call for the regular order.

Mr. HOUK. I ask unanimous consent—— [Cries of "Regular order!"] If the House will listen to me but for one minute——

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. HOUK. I would be glad if the House would give me unanimous consent for one minute——

The SPEAKER *pro tempore*. Objection is made.

Mr. HOUK. I appeal to gentlemen to give unanimous consent that I may make a brief statement. Here is a bill—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair, without objection, will recognize the gentleman from Tennessee for one minute.

Mr. SPRINGER. I object.

Mr. BLAND. Regular order.

Mr. HOUK. Here is a list of the names of persons whose accounts have been audited by the Departments of the Government——

Mr. BLAND. I have objected to this all the while.

The SPEAKER *pro tempore*. The Chair recognized the gentleman for one minute.

Mr. BLAND. Well, he can have one minute, if that is all, as far as I am concerned.

Mr. HOUK. Mr. Speaker, this bill has been passed every session of Congress heretofore as a matter of course.

Mr. HOLMAN. For sixteen years.

Mr. HOUK. Is contains the claims which have been audited by the various Departments of the Government after the most careful scrutiny and investigation.

There are a very large number of these claims contained in this bill, and, as I have said, it has been invariably passed heretofore, generally under a suspension of the rules. Here we are now within twenty-four hours of adjournment. If this bill does not pass these people will be compelled to wait more than twelve months for honest debts which have been thoroughly investigated, considered, allowed, recommended, and audited by the authorized auditing officers of the Government. I appeal, then, to members to let this bill be taken up and passed. It has always passed heretofore almost unchallenged.

Mr. KEIFER. Has that been reported by a committee of this House at this session?

Mr. HOUK. Yes, sir.

Mr. KEIFER. What committee?

Mr. HOUK. The Committee on War Claims. I say this, Mr. Speaker: that committee has gone into the most careful scrutiny of this matter; has looked into every case, with very few exceptions, covered by this bill, and in the view of that committee it is absolute justice to these claimants that this bill should become a law. It is one of the appropriation bills of Congress, and ought to be passed. I ask gentlemen, therefore, to let us take it up and pass it. I refer to the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] in support of what I have said as to this bill heretofore.

Mr. BLOUNT. Let me ask the gentleman a question. Does this bill contain anything but audited accounts?

Mr. HOUK. No, sir; not a thing, as I understand it; and I ask my colleague on the committee [Mr. ROWELL] to state what course the committee has taken in the examination of the accounts?

Mr. COX, of North Carolina. Has not the minute expired?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for a moment or two.

Mr. ROWELL. Mr. Speaker, in regard to this bill permit me to say that the committee examined into every claim allowed by the auditing officers of the Government, taking up claim after claim and looking carefully through them as has never been done before. They took up the cases in their order and threw out on amendments and motions some five or six claims that they thought ought not to have been audited, and reported the bill by the unanimous vote of the committee after a close scrutiny and careful examination of nearly every one of the claims that came in.

Mr. McMILLIN. Mr. Speaker, I hope I may be indulged to make a very brief statement in reference to this bill. I wish to say that the request of my colleague from Tennessee is one that ought to prevail. As has been stated by him, this bill pertains to claims all of which have been audited by the accounting officers of the Government, and all of which have been in the first place examined by quartermaster's agents of the United States and approved by the Quartermaster-General.

Mr. LAMB. What sort of claims does this bill contain?

Mr. McMILLIN. Audited war claims; and I may be permitted to say to my friend from Indiana that if it does not contain claims of citizens of his State it is the first bill bearing the claims so reported from the Quartermaster-General in the course of my experience in Congress that they were not interested in, for they suffered losses of this kind.

They are what is known as the 4th of July claims, under the act passed on the 4th of July, 1864, which provided for the payment of claims of citizens for property taken for the use of the Army of the United States. These claims are examined by quartermasters' agents throughout the country in States to which the act applies, and reported to the accounting officers of the Department, and are transmitted to Congress after thorough examination.

Mr. THOMPSON. And it has been uniformly passed.

Mr. HEWITT, of Alabama. What States are interested in this matter?

Mr. McMILLIN. It pertains to a great many of the States; to all of the border States, I believe.

Mr. HEWITT, of Alabama. Yes; Kentucky and Tennessee.

Mr. McMILLIN. All the border States. In response to the gentleman from Alabama who asks what States it applies to I will say that I do not remember how many are represented in this bill, but heretofore bills which have been passed embraced the States of Kentucky, Tennessee, Ohio, Indiana, West Virginia, Maryland, and probably others.

Mr. PETTIBONE. Missouri.

Mr. McMILLIN. Yes; Missouri and Pennsylvania. I do not know what other States have been embraced in it.

Mr. HEWITT, of Alabama. Mr. Speaker, I must object to this proceeding.

Mr. McMILLIN. I do hope the gentleman from Alabama will not interpose an objection to this. The Government has owed these claims for more than twenty years, and to fail to pay them now is an outrage against every citizen and an unjustifiable postponement of justice. These unfortunate claimants do not get a cent of interest during this long delay. What justice is there in postponing payment?

Mr. HEWITT, of Alabama. I have a claim here for a citizen of my own district in Alabama, which is just as meritorious and honest a claim as any of these, and I can not pass that claim through this House.

Mr. McMILLIN. Let us take it up then and pass it. I hope I have fairness enough to do at least justice to any citizen of this Republic.

Mr. HEWITT, of Alabama. Unless we can pass that claim I shall object to this.

Mr. McMILLIN. I will aid the gentleman in his efforts to get a meritorious claim through.

Mr. ROGERS, of Arkansas, rose.

Mr. SPRINGER. I desire to say to both the gentleman from Tennessee and——

The SPEAKER. The Chair has recognized the gentleman from Arkansas.

Mr. ROGERS, of Arkansas. Mr. Speaker, I have consumed during the present session of Congress but very little of the time of this House, and I appeal now to members on the ground of humanity that they may hear me for two or three minutes upon a subject foreign to this one we have under consideration, but of importance to the people of my State.

Mr. VALENTINE. If we are to go into any new subject I must object.

Mr. ROGERS, of Arkansas. I would feel that I was neglecting a public duty if I failed to call the attention of this House to this matter if an opportunity is offered me to do so.

On the Speaker's table is a Senate bill authorizing the construction of a Federal jail at Fort Smith, Ark.

Mr. ROBERTSON. I rise to a question of order. Under what rule is this debate now going on?

The SPEAKER *pro tempore*. By unanimous consent.

Mr. ROBERTSON. I object

The SPEAKER *pro tempore*. Objection is made.

Mr. CANNON. Is it not too late to make objection after the gentleman from Arkansas commenced speaking?

Mr. TUCKER. It seems we are all giving our experiences. I would like to give mine. One gentleman has spoken of claims that the Government has owed for twenty years. I have a bill on the Speaker's table that has passed the Senate, to restore to a constituent of mine $400 that were taken from him by unjust taxation seventeen years ago. I want to have that bill pass the House so that this man may have his money returned to him. I appeal to the House to let that bill be taken up and passed.

Mr. HEWITT, of Alabama. I would like to tell my experience also.

Mr. VALENTINE. I ask unanimous consent that the election case be withdrawn so as to allow all these matters to be brought up.

Mr. TUCKER. I appeal to the gentleman from Nebraska [Mr. VALENTINE], my colleague on the Judiciary Committee, to allow this bill to be taken up.

The SPEAKER. All this is proceeding by unanimous consent.

Objection was made.

Mr. WELLER. I hope the Chair will not be partial, so as to fail to recognize me.

Mr. BLOUNT. I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Georgia making a statement?

Mr. ROGERS, of Arkansas. Unless I be permitted to go on, I object.

Mr. BLOUNT. I have no objection to the gentleman from Arkansas being heard.

Mr. WELLER addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Iowa rise?

Mr. WELLER. I rise for the express purpose of being recognized by the Chair. [Laughter.]

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Iowa that he can not recognize him unless he discloses for what purpose he desires to be recognized.

Mr. WELLER. I will state what I propose. I desire to secure unanimous consent for the present consideration of the joint resolution (H. Res. 252). I send it to the Clerk's desk.

Mr. VAN EATON. I object, unless the gentleman provides for the payment being made in standard silver dollars.

Mr. WELLER. I do.

The SPEAKER. The gentleman from South Carolina [Mr. BRATTON] has a privileged report from the Committee on Printing in reference to the eulogies on the late Senator Anthony. It is a privileged report, although not as against the election case. Is there objection to the gentleman from South Carolina making the report?

There was no objection.

EULOGIES UPON THE LATE SENATOR ANTHONY.

Mr. BRATTON, from the Committee on Printing, reported back with a favorable recommendation the bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony.

The bill was read, as follows:

Be it enacted, &c., That there be printed of the eulogies delivered in Congress upon the late Henry B. Anthony, a Senator from Rhode Island, with an account of his funeral, prepared under the direction of the Joint Committee on Public Printing, 12,000 copies; of which 4,000 shall be for the use of the Senate and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury is hereby directed to have printed a portrait of said Henry B. Anthony to accompany said eulogies; and for engraving and printing said portrait the sum of $500, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The question is on ordering the bill to be read a third time.

Mr. SKINNER, of New York. Would it be proper to amend so as to give the Senate 8,000 copies and take 4,000 copies for the House?

The SPEAKER. That amendment is in order, if the gentleman desires to offer it.

Mr. SPRINGER. What is the amendment?

The SPEAKER. None has been offered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRATTON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRINTING OF REPORT—WASHINGTON MONUMENT CEREMONIES.

Mr. DORSHEIMER. I ask unanimous consent to call up the Senate bill providing for the printing of the proceedings had here on the occasion of the dedication of the Washington Monument. The House passed a resolution and sent it to the Senate, which has not been acted

upon by the Senate. The Senate passed a bill covering the same subject, differing somewhat from the House resolution. The bill is now on the Speaker's table.

Mr. HOLMAN. That is right.

The SPEAKER. The gentleman from New York asks unanimous consent to take up the Senate bill indicated. The title will be read, after which the Chair will ask for objections.

Mr. ADAMS, of New York. While that bill is being looked for I ask unanimous consent——

The SPEAKER. There is one request for unanimous consent now pending. There can not be two pending at the same time.

The Clerk read the title of the bill, as follows:

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed under the direction of the Committee on Printing; and that 26,500 additional copies be printed, 8,000 copies of the same for the use of the Senate; 16,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. General P. H. Sheridan, United States Army, to the civil and military organizations which participated in the proceedings; 500 copies for the Washington National Monument Association for distribution among its members; 500 copies for distribution by Col. Thomas L. Casey, engineer, among the mechanics and workmen employed in the erection of the monument; 500 copies to the Hon. R. C. Winthrop; and 500 copies to the Hon. John W. Daniel; and for the purpose of defraying the expense of printing the attached card the sum of $2,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DORSHEIMER. I will state to the House that the only respect in which this bill differs from the resolution already passed by the House is that the bill provides for the printing of the engraved card, which was not provided for by the resolution, and this bill also provides for giving five hundred copies to each of the two orators. Those are the only respects in which the bill differs from the resolution already passed.

Mr. WELLER. Mr. Speaker, I desire to inquire if the bill is open to amendment?

The SPEAKER. It is.

Mr. WELLER. I move that the bill be amended so as to make the number of copies 35,000, the distribution to be in the same ratio as provided in the bill.

The SPEAKER was proceeding to put the question when Mr. WELLER withdrew the amendment.

Mr. DORSHEIMER. Mr. Speaker, I now demand the previous question on the passage of the bill.

Mr. SKINNER, of New York. Mr. Speaker, I wish to ask my colleague [Mr. DORSHEIMER] how many copies this bill would give to each Senator and how many to each Member of the House.

Mr. DORSHEIMER. I have not figured it up—it provides for 8,000 copies for the Senate, and 16,000 for the House.

Mr. SKINNER, of New York. It gives every Senator 105 copies and every Member 49 copies.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DORSHEIMER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. ROGERS, of New York. Mr. Speaker, I desire to make two privileged reports from the Committee on Printing, which I send to the Clerk's desk.

Mr. SPRINGER. Mr. Speaker, are these reports subject to objection when they are read?

The SPEAKER. They are subject to the question of consideration.

Mr. SPRINGER. Is this a conference report?

The SPEAKER. It is not. It is a privileged report from the Committee on Printing, as the Chair understands.

Mr. SPRINGER. But it can come in only by unanimous consent. I do not know what matters they relate to, and I may desire to object.

The SPEAKER. The Chair does not know with certainty that this is a privileged report; but certain reports from the Committee on Printing are privileged.

Mr. SPRINGER. Not as against the present order, which is the question of the highest privilege, the right of a member to his seat.

The SPEAKER. The pending question is on a motion for a recess.

Mr. SPRINGER. There is a contested-election case pending.

The SPEAKER. There is no question pending on the report of the Committee on Elections.

Mr. SPRINGER. Let this report from the Committee on Printing be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 25, 1885.

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1883 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication, and 10 per cent. thereto added; illustrations to be obtained by the Public Printer under the joint direction of the Committee on Printing.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ASTRONOMICAL OBSERVATIONS.

Mr. ROGERS, of New York, from the Committee on Printing, reported the following concurrent resolution:

IN THE SENATE OF THE UNITED STATES, *February* 25, 1885.

Resolved by the Senate (the House of Representatives concurring), That the annual volume of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 copies for the use of the House, and 800 copies for the use of the Navy Department, or for sale at the cost of paper and printing, in accordance with section 422 of the Revised Statutes of the United States.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FOURTH OF JULY CLAIMS.

Mr. BLOUNT. Mr. Speaker, a while ago I asked unanimous consent to make a statement in reference to Executive Document 119. The gentleman from Arkansas [Mr. ROGERS] objected, but he withdraws his objection.

Mr. ROGERS, of Arkansas. I withdraw the objection.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to make a statement. Is there objection?

Mr. VALENTINE. Regular order.

Mr. ROGERS, of Arkansas. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] demands the regular order, which cuts off all requests for unanimous consent.

Mr. ROGERS, of Arkansas. This is a matter of a good deal of interest.

The SPEAKER. The gentleman must make his appeal to the gentleman from Nebraska. The Chair has no discretion in the matter.

Mr. VALENTINE. Mr. Speaker, I withdraw my objection to the gentleman from Georgia making his statement.

Mr. BLOUNT. Mr. Speaker, Executive Document 119 is a letter from the Secretary of the Treasury, transmitting a list of claims which have arisen under the act of July 4, 1864. By virtue of that act the Quartermaster-General, the Commissary-General, and the Third Auditor of the Treasury are required to examine and consider certain claims, and it is made the duty of the Secretary of the Treasury to report them to Congress at each session. In the Forty-fourth Congress this document, covering claims amounting to about $500,000, was reported by Mr. Eden, of Illinois, then chairman of the Committee on War Claims. It passed the House at both sessions of that Congress by unanimous consent, and it has always passed without objection until, I think, the last session of the last Congress, when some objection was made, but I believe it finally passed the House. This time the claims amount to only $228,000. Now, the law did not contemplate that these claims should be examined by the House. The act provided that they should be examined by the Quartermaster-General, the Commissary-General, and the Third Auditor. They have always passed in the way I have stated, and I think it will be a great injustice to these claimants if this bill does not now pass. This is not the case of ordinary claims on the Calendar which we reserve to ourselves the right to examine. These are cases the examination of which has been delegated to the officers I have designated, and I trust that the House will see the justice of doing what has been done heretofore in reference to these cases and allow them to pass without objection. The committee have reported these claims unanimously.

Mr. HEWITT, of Alabama. Mr. Speaker, I would like to say to the gentleman from Georgia [Mr. BLOUNT] that the House may get at the bill to which he refers by simply disposing of this contested-election case.

Mr. KEAN. You want to take $11,000 out of the Treasury on that.

Mr. WELLER. Well, if he is entitled to it give it to him.

Mr. KEAN. But he is not.

Mr. BLOUNT. My friend understands very well the difficulty there is in getting an election case out of the way.

We have been in a minority ourselves, and have had some difficulty of this sort. I trust that neither this election case nor any other reason will prevent the House from doing what it has always done, and rightly done, with reference to these audited claims.

Mr. MCMILLIN. This claim ought to be passed, and I hope the gentleman from Alabama will make no objection.

The SPEAKER. Is there objection?

Mr. SPRINGER. I object. I would be delighted to have this bill passed; and I ask gentlemen on the other side to cease their opposition to this election case, and let us fix a time to consider and dispose of it, and then we can take up these other matters. I think the right of a member to his seat on the floor is a question of the highest importance. [Cries of "Regular order!"]

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa, the amendment of the gentleman from Tennessee being for a recess till 8 o'clock to-morrow.

The question being taken, there were—ayes 28, noes 45.

Several MEMBERS. No quorum.

Tellers were ordered; and Mr. SPRINGER and Mr. HEPBURN were appointed.

Mr. O'NEILL, of Missouri. I desire to know whether it requires a quorum to vote down a motion for a recess.

The SPEAKER. It requires a quorum to decide it either way.

Mr. O'NEILL, of Missouri. Another tribute to our rules.

The House again divided; and the tellers reported 1 in the affirmative, 36 in the negative—no quorum voting.

During the count by tellers the following proceedings took place:

Mr. WELLER. Mr. Speaker, would it be in order for me to ask unanimous consent for the consideration of joint resolution 252?

The SPEAKER. The House is taking a vote.

Mr. KEAN. I ask unanimous consent that the House take up the joint resolution to print the annual report of the Smithsonian Institution.

The SPEAKER. A vote of the House is being taken.

Mr. GIBSON. I am led to believe there will be no objection to putting upon its passage the bill which I hold in my hand. I am assured by some gentlemen who have been objecting to general business that they think this bill ought to pass.

The SPEAKER. But the House is taking a vote.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate further insisted on its amendments numbered 1 and 29 to the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

PUBLIC BUILDING AT SAN FRANCISCO.

Mr. BUDD. I ask unanimous consent for the consideration of Senate bill 147. I do not think any one will object.

A MEMBER. What is it about?

Mr. BUDD. It is for the erection of a post-office building in San Francisco.

Several members objected.

Mr. BUDD. We never have had a post-office building there. Our postal business is done away down on the old water-front, in a little cubby-hole. San Francisco has 300,000 inhabitants.

Mr. WELLER. I rise to a point of order. Is it proper for the gentleman to proceed after objection has been made?

The SPEAKER. Not without unanimous consent.

A MEMBER. There was no objection to the gentleman proceeding with his remarks.

The SPEAKER. Objection was made to considering the bill, but no objection was made to the gentleman proceeding with his statement.

Mr. BUDD. As the time is not being occupied with anything else, I hope I may be allowed to conclude my statement.

In 1860 the tonnage of San Francisco was 235,000; in 1882 it had a tonnage of more than 1,000,000 tons. In 1860 its imports amounted to more than $9,000,000; in 1882 to over $51,600,000. In 1860 the exports were more than $2,900,000; in 1882 over $52,400,000. The postal revenue for 1860 was $154,872; in 1882 it amounted to $558,133; and to-day San Francisco, one of the largest and most important cities in the United States, yields a net revenue of some $400,000.

Mr. KEAN. How much has been spent there on public buildings?

Mr. BUDD. Not a single dollar has been spent on a post-office building.

Mr. KEAN. What other public buildings are there?

Mr. BUDD. The Government has built a mint there, of which the Democracy will have control in a few days.

The building in which our post-office business is now transacted is down on the old water-front and is very inconvenient, not sufficient to afford proper facilities to our people. We are using for a post-office the lower floor and basement of the old custom-house. This bill is a Senate bill, and should become a law; hence I ask that it be now taken up and passed.

Mr. HEWITT, of Alabama. I suggest that the gentleman have this measure attached to the sundry civil bill in the Senate.

Mr. BUDD. This bill has already passed the Senate; it passed there more than a year ago, and has since been on the Speaker's table. It should pass here. I know this requires unanimous consent on account of the state of present proceedings. Let it pass. [Cry of "Regular order!"]

Mr. WELLER. I rise for the purpose of asking unanimous consent to permit my resolution to be read to the House. I do not think there will be any objection to it.

The SPEAKER. That is not the regular order, and the regular order has been demanded on both sides of the House.

Mr. WELLER. I was trying to get rid of that.

The SPEAKER. The gentleman will get rid of it only by having it withdrawn. [Cries of "Regular order!"]

The question is on the motion of the gentleman from Tennessee to take a recess until 8 o'clock in the morning. [Putting the question. After a pause.] The noes seem to have it.

Mr. HEPBURN. I demand a division.

The House divided; and there were—ayes 12, noes 31.

Mr. WELLER. No quorum.

Mr. HEWITT, of Alabama. As the House has refused to take a recess I ask unanimous consent——

The SPEAKER. The regular order is insisted upon. The point of no quorum has been made, and the Chair will appoint as tellers Mr. PETTIBONE and Mr. WELLER.

The House again divided; and the tellers reported—ayes 4, noes 19.

Mr. BUDD. I move to take up Senate bill 147. The objection made by the gentleman from Alabama will be withdrawn.

The SPEAKER. The gentleman from North Carolina [Mr. SKINNER] objected.

Mr. SKINNER, of North Carolina. I do not object.

The SPEAKER. The Chair thought the gentleman did object.

Mr. HEPBURN. I move there be a call of the House.

The House divided; and there were—ayes 18, noes 37.

So the motion was disagreed to.

Mr. JOHN S. WISE (at 1 o'clock and 40 minutes a. m., March 3) moved that the House adjourn.

The motion was disagreed to.

Mr. PERKINS. I ask this bill be read from the Clerk's desk. [Cries of "Regular order!"]

The SPEAKER. Objection is made.

Mr. PERKINS. I think there will be no objection to it.

Mr. LEWIS. Would it be in order to make a statement in which I am interested?

The SPEAKER. It would be if the demand for the regular order is withdrawn. Is the demand for the regular order withdrawn?

Mr. SHIVELY and others objected.

Mr. CALDWELL. I ask to have read for information a resolution for the payment of the employés for the month of March. It is the usual resolution. These boys can not get away unless it is passed. [Cries of "Regular order!"] I hope objection will be withdrawn. [Cries of "Regular order!"] This is simply to make available the pay of the employés for the month of March. [Cries of "Regular order!"] It was done at the last session, and ought to be done now.

The SPEAKER. Is the regular order insisted upon?

Mr. COOK. I demand the regular order of business.

Mr. PERKINS. I move to take a recess.

The SPEAKER. All the motions to take a recess that can be made have been made.

Mr. CALDWELL. My motion is to make available the pay of the employés for the month of March.

Mr. ENGLISH. Otherwise they will have to remain here.

Mr. CALDWELL. I hope the gentlemen will not insist upon the regular order.

The SPEAKER. Does the gentleman from Iowa withdraw his demand for the regular order?

Mr. COOK. The regular is called for by the gentleman from Indiana [Mr. SHIVELY].

The SPEAKER. Does the gentleman from Indiana insist upon it?

Mr. SHIVELY. I do.

Mr. WELLER. I feel I have not been fairly treated. Other matters of less importance than mine have been considered. [Cries of "Regular order!"] The distinguished gentleman from Kentucky [Mr. BLACKBURN] says he has no objection to it.

Mr. ROGERS, of New York. I ask to submit a report from the Committee on Printing.

The SPEAKER. It is not now in order; the division of the House discloses the want of a quorum.

Mr. CALDWELL. I hope there will be no objection to the passage of the resolution for our worthy and courteous employés. [Cries of "Regular order!"] I understand there is no objection.

The SPEAKER. There are demands for the regular order on both sides of the House, and they are in the nature of objections.

Mr. HEWITT, of Alabama. I have a bill here that I know nobody will object to [cries of "Oh, no; of course not"], and I send it up with

the report, and ask that the report and the bill may be read for the information of the House. [Cries of "Regular order!"]

The SPEAKER. The demand for the regular order of course stands until it is withdrawn by gentlemen who make it.

Mr. BURNES. I think I can make a statement that will interest the House—a patriotic suggestion—— [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Tennessee.

Mr. BURNES. I believe unanimous consent is given me to make a brief statement of one minute and a half.

Mr. HUTCHINS. Regular order.

Mr. WELLER. I now ask unanimous consent that the joint resolution of the House No. 258 may be read for the information of the House.

The SPEAKER. The regular order is demanded.

Mr. WELLER. I understand that, Mr. Speaker, but I am going to importune gentlemen to permit me to have this read because I know it will be agreed to. [Laughter.]

The SPEAKER. If gentlemen will withdraw their demands for the regular order, of course the Chair will recognize the gentleman.

Mr. JOHN S. WISE. Regular order.

Mr. KEAN. I move a call of the House.

The question was taken; and on a division there were—ayes 29, noes 36.

So the call of the House was not ordered.

Mr. WELLER. No quorum. I think we ought to have members present to transact the public business.

The SPEAKER. A quorum is not necessary on this motion.

Mr. WELLER. Can I now ask unanimous consent to call up this resolution? I ask to have it read.

The SPEAKER. The Chair can not entertain the request pending the demand for the regular order.

Mr. JOHN S. WISE. I move that the House do now adjourn.

The question being taken; there were on a division—ayes 28, noes 42.

So the motion was not agreed to.

Mr. GUENTHER. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table Senate bill 636, providing for the erection of a public building at Oshkosh, Wis., and put it upon its passage. [Cries of "Regular order!"]

The SPEAKER. The demand for the regular order cuts off such requests.

Mr. GUENTHER. I sincerely hope that no gentleman will insist upon the demand for the regular order as against this bill, which is a very meritorious and important measure.

The SPEAKER. The Chair must recognize the demand for the regular order.

Mr. JOHN S. WISE. I move that the House take a recess for thirty minutes.

The SPEAKER. That, of course, could only be done by unanimous consent, for the reason that all motions in reference to a recess that are permissible under the rule are already pending.

Mr. JOHN S. WISE. I make this motion, Mr. Speaker, in all seriousness, and ask the unanimous consent of the House to that effect. I understand that the sundry civil bill will be here within that time, and I am anxious in making the motion, because we are merely exhausting the Speaker and doing nothing.

Mr. WELLER. If the gentleman would not submit so many motions he would not exhaust the Speaker so much.

The SPEAKER. The Chair repeats that the motion could only be entertained by unanimous consent. [Cries of "Regular order!"]

Mr. BRECKINRIDGE. We ought to take a recess to give the reporters and other officers of the House some opportunity to rest.

The SPEAKER. The regular order is the motion of the gentleman from Tennessee to take a recess.

Mr. McADOO. I move a call of the House. I wish to preserve the order and dignity of the House and the decorum of our proceedings, and therefore submit that motion.

Mr. BRECKINRIDGE. I demand the yeas and nays on the motion.

Mr. MILLS and others. Let us have the yeas and nays.

Mr. BRECKINRIDGE. I think it is only proper that we should give the reporters some rest; and I hope that we will at least put a stop to unnecessary talking if we can not proceed with the public business.

The question was taken; and on a division there were—ayes 25, noes 29.

So the yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll.

Mr. LACEY. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. LACEY. If this vote discloses the absence of a quorum can we proceed to the consideration of any business whatever until a quorum shall appear?

Mr. REED, of Maine. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. HUTCHINS. How did you vote?

Mr. REED, of Maine. It does not make any difference how I voted. I voted the right way, of course.

Mr. MILLS. I called for the yeas and nays on the motion so as to give the reporters a little rest.

Mr. HUTCHINS. Has the gentleman the right to make the motion to reconsider?

The SPEAKER. Any gentleman has the right to move a reconsideration when there is no record of the vote, the presumption being that all voted on the prevailing side.

Mr. REED, of Maine. We do not want to wear out our clerks in this way. It is not right, and there is no necessity for calling the roll on this motion.

The question being taken on the motion to reconsider the vote ordering the yeas and nays, it was agreed to—ayes 45, noes 21.

Mr. WARNER, of Ohio. Now, Mr. Speaker, out of consideration for the Speaker himself, for the reporters, and the clerks, while we are waiting for the sundry civil bill to come from the Senate, I suggest that by unanimous consent we take a recess for thirty minutes.

Mr. RANDALL. I can state, if the House will permit me, that I have information of the passage of the sundry civil bill by the Senate, and I think it will be here within half an hour.

Mr. HOLMAN. It is very proper that we should take a recess for half an hour while waiting for that bill.

Mr. WARNER, of Ohio. I ask by unanimous consent that the House may now take a recess for thirty minutes.

Mr. MILLS. That is right; give all a rest for that length of time.

Mr. BLOUNT. I desire to make a parliamentary inquiry. Suppose we should have a yea-and-nay vote and it should disclose the fact that no quorum is present, would not the Chair be compelled to take official notice of that fact, and would we not be placed in the position of being unable to transact any other business whatever until a quorum had appeared?

The SPEAKER. The Chair thinks when the record shows on a call of the yeas and nays there is not a quorum present business must cease until a quorum appears.

Mr. WARNER, of Ohio. I ask that by unanimous consent a recess be taken for thirty minutes.

Mr. BROWN, of Pennsylvania. I hope not. If the House will allow me I should like to entertain it for a few moments with the consideration of a bill for the erection of a public building at Williamsport, Pa.

The SPEAKER. There is a matter pending. Is there objection to the request of the gentleman from Ohio [Mr. WARNER] that the House take a recess for thirty minutes?

Mr. SPRINGER. All other motions for a recess being withdrawn?

Mr. WARNER, of Ohio. Nothing is withdrawn.

The SPEAKER. The gentleman from Illinois can object if he desires to do so.

Mr. SPRINGER. I desire, if this request for a recess be agreed to, that all other motions be withdrawn.

Mr. HEPBURN. You know we will not do that.

Mr. MILLS. Let us take a recess and rest the clerks.

The SPEAKER. Is there objection to the request made by the gentleman from Ohio?

There was no objection; and accordingly (at 2 o'clock a. m. Tuesday, March 3) the House took a recess for thirty minutes.

AFTER RECESS.

The recess having expired, the House reassembled at 2 o'clock and 30 minutes a. m. Tuesday, March 3.

PAYMENT OF CONGRESSIONAL EMPLOYÉS FOR MARCH.

Mr. CALDWELL. I ask unanimous consent to introduce a joint resolution for the immediate payment of the officers and employés of the Senate and of the House for the month of March.

Mr. BROWN, of Pennsylvania. I believe I had the floor at the time the House took the recess.

Mr. CALDWELL. I am satisfied if this joint resolution be understood there will be no objection to it. It is simply to pay in advance the employés of the Senate and of the House for the month of March. It is not extra pay. They are on the annual roll. It is simply a matter of accommodation to gentlemen who have constantly accommodated us.

The SPEAKER. Is there objection?

Mr. HOLMAN. Let the resolution be reported.

The joint resolution was read, as follows:

A joint resolution authorizing the immediate payment of the officers and employés of the Senate and of the House for the month of March.

Resolved, &c., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay to the officers and employés of the Senate and of the House borne upon the annual roll their respective compensation, including the Capitol police, for the month of March, 1885, as soon as practicable after the adjournment of this session of Congress.

Mr. HOLMAN. I would suggest that that is hardly broad enough. It applies only to the employés on the annual roll. There is a very considerable class who are not on the annual roll, but who are paid for

the long session for eight months and for the short session for four months. This would not apply to them. I suggest this course: that the joint resolution shall be passed when, after consultation with the Clerk, it is ascertained exactly what class of persons are entitled to receive the compensation for the month of March. I am satisfied that they are a much larger class than those named in the joint resolution. Quite a large number of persons are employed for the session, which means four months, and yet they would not get the pay for that additional month under this resolution. I suggest that after consultation has been had with the Clerk as to what the terms of the joint resolution exactly should be, it should then be submitted to the House and passed.

Mr. RANDALL. I am inclined to think the session clerks will get their salaries independent of this resolution.

Mr. CALDWELL. They will.

Mr. HOLMAN. If the gentleman from Pennsylvania [Mr. RANDALL] is certain that this is right I have no objection.

Mr. CALDWELL. This is in the exact terms of the resolution which has been passed heretofore session after session.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution (H. Res. 346) was read three times, and passed.

Mr. CALDWELL moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I ask unanimous consent to call up the bill H. R. 8102. I wish to state this bill makes no appropriation. The facts are these——

Mr. BROWN, of Pennsylvania. I understand that I am entitled to the floor; but I will yield for a few moments to the gentleman from Tennessee [Mr. McMILLIN].

The SPEAKER. The Chair does not know that the gentleman from Pennsylvania is entitled to the floor.

Mr. McMILLIN. I will state to my friend from Pennsylvania [Mr. BROWN] a fact that I think will be sufficient to justify the indulgence he has kindly yielded me. A railroad is organized to be built to some coal mines in my State. A fellow-citizen of the gentleman from Pennsylvania is interested therein. It is an immense enterprise, and they can not proceed without the right to cross the Cumberland River. It is a bill for the purpose of giving the assent of Congress to the construction of a bridge. I hope there will be no objection.

The SPEAKER. Is there objection?

Mr. KEAN and Mr. VALENTINE. Let the bill be read.

The SPEAKER. The Clerk will report the bill.

The bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers was read at length.

Mr. VALENTINE. The House seems now to be in a state of good feeling. I ask unanimous consent——

The SPEAKER. One matter is now pending.

Mr. VALENTINE. Unanimous consent was not given for its consideration. I said, "Read the bill first." I ask this of the House. We have to wait until the sundry civil bill comes from the Senate. I ask that while we are waiting its arrival the Speaker proceed to recognize gentleman to call up bills for consideration under the morning-hour rule, which allows ten minutes for debate—five minutes in favor of the bill and five minutes against it.

Mr. COOK. I object.

Mr. VALENTINE. Then I give notice that nothing shall be passed here to-night with my consent.

Mr. WILKINS. Did not the objection to the consideration of the bill called up by the gentleman from Tennessee [Mr. McMILLIN] come too late? The Speaker asked if there were objections, and there were none.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] said, "Let the bill be read."

Mr. McMILLIN. The gentleman withdraws his objection.

Mr. VALENTINE. I do, if the objection is withdrawn to my request for the consideration of bills under the ten-minute rule. Does the gentleman from Iowa [Mr. COOK] withdraw his objection?

Mr. BROWN, of Pennsylvania. I understand the objection is withdrawn on both sides.

The SPEAKER. It is not withdrawn.

Mr. COOK. I want to say that, believing the Constitution imposes on the House the duty of judging of the election of one of its members whose case is now before the House, nothing shall be transacted until this case is disposed of.

Mr. BOUTELLE. Mr. Speaker, as the gentleman from North Carolina [Mr. BENNETT] seems to have withdrawn, probably to take a nap or for some such purpose, I suggest that we lay aside the election case. [Laughter.]

Mr. VALENTINE. Mr. Speaker, I am requested by a number of members that I repeat the proposition I made a while ago asking unanimous consent that until the sundry civil bill reaches the House the Speaker now entertain motions under the special rule for the consideration of such bills as members may call up, leaving the general status exactly as it is at present.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] asks unanimous consent to proceed under the special rule of the House recently adopted until the sundry civil appropriation bill is received from the Senate.

Mr. RANDALL. I object.

Several MEMBERS. Regular order!

Mr. CALDWELL. Mr. Speaker, I hope it will be in order for me to state one thing: The gentleman from Pennsylvania [Mr. BROWN] yielded the floor to me a while ago, and as an act of courtesy and as an act of justice to him I ask that he be permitted to resume it now.

Mr. WELLER. Mr. Speaker, I understand there has been a ruling on that point.

The SPEAKER. The regular order has been demanded. Is the demand for the regular order withdrawn?

Mr. CALDWELL. As I understand it, the gentleman from Pennsylvania [Mr. BROWN] had the floor without objection.

The SPEAKER. Before the recess the gentleman from Pennsylvania [Mr. BROWN] rose and stated, according to the recollection of the Chair, that he had a matter with which he proposed to "entertain" the House, but somebody objected, and immediately the recess was taken. The gentleman did not submit any motion. The gentleman from Pennsylvania [Mr. BROWN] now asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill in relation to a public building at Williamsport, Pa.

Mr. VALENTINE. Regular order.

Mr. McMILLIN. Mr. Speaker, I do not understand that the objection to my bill is insisted upon, and I hope it will not be.

The SPEAKER. The Chair does not understand that the objection has been withdrawn.

Mr. GIBSON. Mr. Speaker, we may just as well understand this matter. This stream to which that bill relates is a navigable one, which is being improved by this Government at great expense, and I object to building any bridge across it unless after a thorough investigation.

Mr. McMILLIN. It has been investigated. The report of the Secretary of War is here. He submitted the question to the local engineers and the matter was delayed until their reports came, and they are embodied in the report of the Secretary.

Mr. GIBSON. I just want to go further, Mr. Speaker, and say that no drawbridge across a running stream——

The SPEAKER. There is nothing before the House. The regular order is insisted upon on both sides of the House.

Mr. VALENTINE. Mr. Speaker, we shall need a quorum hereafter a few minutes, and I think we had better send for one. There will be nothing further done here to-night without a quorum. The gentleman from Pennsylvania [Mr. RANDALL] wants a quorum, and I think we had better have a call of the House. I make that motion.

The question was taken on ordering a call of the House; and there were—ayes 26, noes 41.

So the motion was not agreed to.

Mr. HEWITT, of Alabama. Mr. Speaker, I move that the House now take a recess.

Mr. BISBEE. Mr. Speaker, is it in order to ask unanimous consent to move to suspend the rules to pass the bill for the relief of General Grant?

The SPEAKER. Not while the regular order is insisted upon. The gentleman from Pennsylvania [Mr. BROWN] states that the objection to the request made by him to take up a public-building bill is withdrawn.

Mr. RANDALL. I object.

Mr. VALENTINE. There is no quorum here, so we can not do any business. The gentleman from Pennsylvania [Mr. RANDALL] wants a quorum.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table——

The SPEAKER. Objection is made and the regular order is demanded by gentlemen on both sides of the House, so that the Chair can not entertain a request for unanimous consent.

Mr. TUCKER. I will ask the House, if I can get attention for a moment——

The SPEAKER. Objection is made.

Mr. TUCKER. Who makes the objection?

The SPEAKER. Several gentlemen are demanding the regular order and insisting that no business shall be done except the regular business before the House.

Mr. McADOO. Mr. Speaker, I move that the House take a recess.

The SPEAKER. That motion can be entertained only by unanimous consent, because, as the Chair has stated several times, all the motions that can be made with reference to a recess, under the rules of the House, are now pending.

Mr. TUCKER. The objection is withdrawn.

The SPEAKER. Is the demand for the regular order withdrawn?

Several MEMBERS. Regular order.

The SPEAKER. The Chair does not understand that it is withdrawn. The regular order is demanded. The regular order is the amendment offered by the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa [Mr. HEPBURN] to the motion made by the gentleman from Nebraska [Mr. VALENTINE].

The House divided; and there were—ayes 24, noes 32.

Mr. HOUK. No quorum.

Tellers were ordered; and Mr. COOK and Mr. HOUK were appointed.

The House proceeded to divide; but before the tellers announced the result of the count the following proceedings took place:

Mr. VALENTINE. I move that the House adjourn.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). That motion is not in order. The House is dividing.

Mr. ADAMS, of New York. I rise to a parliamentary inquiry. Is it in order to move to suspend the rules in order to take up and put on its passage Senate bill 1372, to establish a uniform system of bankruptcy throughout the United States?

The SPEAKER *pro tempore*. The House is dividing, and the motion is not in order.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, a gentleman who has just returned from the other end of the Capitol states that the Senate has taken a recess until 9 o'clock to-morrow morning. If that be true, I do not see any necessity of our remaining here longer.

Mr. BURNES. Mr. Speaker, will this House hear the story of two men who entered the Army at the beginning of the war as private soldiers and after serving bravely for four years under the flag that hangs so gracefully over your head, sir, met with a misfortune which a bill now pending in this House is designed to remedy? For four years as private soldiers they marched to "the music of the Union."

A MEMBER. Do they want an appropriation?

Mr. BURNES. They ask no appropriation; they ask a simple act of justice. Entering the Army as poor boys, and serving through the war, they earned the rank respectively of colonel and lieutenant-colonel. Commissions were sent to them from the War Department, but unfortunately these commissions arrived a day or two after these soldiers were mustered out.

They ask no pay, no emoluments. They simply ask at the hands of the country the honor of these titles of colonel and lieutenant-colonel, which they won. The bill has passed the Senate of the United States, and has been reported favorably by a committee of this House, the report being made by the gentleman from Indiana [Mr. STEELE]. The bill asks no appropriation of money; it proposes nothing but to do an act of simple justice to these plain men who fairly earned this distinction.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BURNES] asks unanimous consent to call up for immediate consideration the Senate bill to which he has referred. Is there objection?

Mr. VALENTINE. I object.

Mr. DAVIS, of Illinois. Let the bill be read subject to objection.

Mr. VALENTINE. I object.

Mr. McCOMAS. Let the report be read.

Mr. VALENTINE. There must be a quorum here before any further business is done.

Mr. BURNES. I believe it is the right of a member desiring to call up a bill to have it read before objections are made.

The SPEAKER *pro tempore*. The House is dividing. The proposition of the gentleman from Missouri requires unanimous consent, and objection has been made.

Mr. HATCH, of Michigan. I move that the House adjourn.

The SPEAKER *pro tempore*. The tellers have not reported the result of their count, and the motion of the gentleman from Michigan is not in order.

Mr. HATCH, of Michigan. Are the tellers going to stand there all night?

The SPEAKER *pro tempore*. The Chair hopes gentlemen will vote. No quorum has voted.

Mr. BELFORD. I ask unanimous consent to take from the Speaker's table for present consideration Senate bill 1504. Let it be read, subject to objection.

The SPEAKER *pro tempore*. The gentleman from Colorado asks unanimous consent——

Mr. HATCH, of Michigan. How can that motion be entertained if the motion to adjourn is not in order?

The SPEAKER *pro tempore*. The gentleman from Colorado [Mr. BELFORD] asked for unanimous consent.

The title of the bill was read, as follows:

A bill (S. 1504) for the erection of a public building at Pueblo, Colo.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WARNER, of Ohio. That is provided for in the sundry civil appropriation bill.

Mr. BELFORD. It is not.

The SPEAKER *pro tempore*. Is there objection?

Mr. VALENTINE. I object to any business proceeding until there is a quorum.

Mr. BELFORD. Is it possible for me to say that a man from a Western State objects to a Western measure?

The SPEAKER *pro tempore*. The gentleman from Colorado is not in order.

Mr. VALENTINE. I am very sorry——

Mr. BELFORD. You are the only one in this House that objects, and I want the RECORD to show it.

Mr. ADAMS, of New York. I ask unanimous consent to offer the following resolution——

Mr. WELLER. I object.

Mr. ADAMS, of New York. Let it be read for information.

Mr. WELLER. No, sir. I have been trying to get my joint resolution read for information. I will withdraw my objection if I can have my joint resolution read for the information of the House.

The SPEAKER *pro tempore*. The gentleman from Iowa is not in order.

Mr. CASSIDY. I ask the House to allow me to have considered a bill to pay a postmaster in my State $171 on account of vouchers which were burned. The claim is duly authenticated by the Post-Office Department. It is a small matter and I ask that it be considered. It is a Senate bill, which has the recommendation of the Department and has been unanimously reported by the committee that have examined it.

The SPEAKER *pro tempore*. Is there objection?

Mr. VALENTINE. I object.

Mr. ADAMS, of New York. I understand that the gentleman from Iowa [Mr. WELLER] withdrew his objection to my resolution and there was no other objection that I heard.

The SPEAKER *pro tempore*. The gentleman from Nebraska has objected to the consideration of any measure.

Mr. ADAMS, of New York. The gentleman from Nebraska states to me that he did not make any objection.

Mr. VALENTINE. I did not object to the reading of that resolution. If I understand its purport I think it is in the line of our duty to-night. I have heard of it but have not heard it read.

Mr. ADAMS, of New York. I call for the reading of my resolution.

Mr. WELLER. I have not withdrawn my objection.

Mr. HEWITT, of Alabama. Shortly after the close of the late war—— [Laughter and applause and cries of "Regular order!"]

The SPEAKER *pro tempore*. The tellers will announce the result.

Mr. COOK. Eleven ayes and 25 noes.

Mr. HEWITT, of Alabama, rose. [Cries of "Regular order!"]

Mr. JOHN S. WISE. I ask to take up the Blair educational bill. I believe we are agreed on that. I hope there will be no objection. It is an important measure.

Mr. KEAN. I object.

Mr. JORDAN. I ask to take up a bill. [Cries of "Regular order!"]

The SPEAKER. The regular order has been called and gentlemen say they will object to any measure.

Mr. WELLER. I withdraw my objection to the reading of the proposition of the gentleman from New York [Mr. ADAMS]. [Cries of "Regular order!"]

The SPEAKER. It is entirely useless to ask unanimous consent so long as there are calls for the regular order. It makes a great deal of labor for the Official Reporters of the House, and amounts to nothing. Whenever the demand for the regular order is withdrawn the Chair will take pleasure in recognizing gentlemen.

Mr. ADAMS, of New York. I understood the gentleman from Iowa withdrew his objection.

Mr. VALENTINE. I understand the gentleman's resolution is in reference to the subject we are acting on. If so, I should like to hear it read.

Mr. HATCH, of Missouri. I demand the regular order of business.

Mr. KEAN. Would it be in order to take a recess for fifteen minutes?

The SPEAKER. It will not, as all the motions for a recess that can be entertained have been made. The tellers report 11 ayes and 27 noes.

Mr. VALENTINE. No quorum (3 o'clock and 40 minutes a. m. March 3). I move that the House do now adjourn.

The House divided; and there were—ayes 26, noes 34.

Mr. VALENTINE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 34, nays 52, not voting 238; as follows:

YEAS—34.

Adams, J. J.	Dixon,	Kean,	Smalls,
Barr,	Everhart,	Lacey,	Stephenson,
Bisbee,	Goff,	Lewis,	Thomas,
Boutelle,	Hasbrock,	McComas,	Tillman,
Breitung,	Hart,	O'Hara,	Valentine,
Brown, W. W.	Hatch, H. H.	Parker,	Weaver,
Bruman,	Haynes,	Perkins,	Wise, J. S.
Cannon,	Hepburn,	Peters,	
Cassidy,	Houk,	Rowell,	

NAYS—52.

Arnot,	Dibble,	Lore,	Rogers, W. F.
Bagley,	English,	Lowry,	Shiveley,
Belford,	Ferrell,	Mills,	Snyder,
Blount,	Funston,	Murphy,	Springer,
Bratton,	Gibson,	Mutchler,	Swope,
Budd,	Halsell,	O'Ferrall,	Taylor, J. M.
Burnes,	Hatch, W. H.	O'Neill, J. J.	Van Eaton,
Cabell,	Hewitt, G. W.	Patton,	Wallace,
Caldwell,	Hill,	Post,	Warner, A. J.
Carleton,	Hutchins,	Randall,	Warner, Richard
Clay,	Jordan,	Ranney,	Weller,
Cook,	Kleiner,	Reece,	Wolford,
Davis, G. R.	Long,	Rockwell,	Woodward.

NOT VOTING—238.

Adams, G. E.	Dunn,	Lamb,	Ryan,
Aiken,	Eaton,	Lanham,	Seney,
Alexander,	Eldredge,	Lawrence,	Seymour,
Anderson,	Elliott,	Le Fevre,	Shaw,
Atkinson,	Ellis,	Libbey,	Singleton,
Ballentine,	Ellwood,	Lovering,	Skinner, C. R.
Barbour,	Ermentrout,	Lyman,	Skinner, T. G.
Barksdale,	Evans,	McAdoo,	Slocum,
Bayne,	Fiedler,	McCold,	Smith, A. Herr
Beach,	Findlay,	McCormick,	Smith, H. Y.
Belmont,	Finerty,	McMillin,	Spooner,
Bennett,	Follett,	Matson,	Spriggs,
Bingham,	Foran,	Maybury,	Steele,
Blackburn,	Forney,	Millard,	Stevens,
Blanchard,	Fyan,	Miller, J. F.	Stewart, Charles
Bland,	Garrison,	Miller, S. H.	Stewart, J. W.
Bowen,	Geddes,	Milliken,	Stockslager,
Boyle,	George,	Mitchell,	Stone,
Brainerd,	Glascock,	Money,	Storm,
Breckinridge,	Graves,	Morgan,	Strait,
Brewer, F. B.	Green,	Morrill,	Struble,
Brewer, J. H.	Greenleaf,	Morrison,	Sumner, C. A.
Broadhead,	Guenther,	Morse,	Sumner, D. H.
Browne, T. M.	Hammond,	Moulton,	Talbott,
Buchanan,	Hancock,	Muldrow,	Taylor, E. B.
Buckner,	Hardeman,	Muller,	Taylor, J. D.
Burleigh,	Hardy,	Murray,	Thompson,
Campbell, Felix	Harmer,	Neece,	Throckmorton,
Campbell, J. E.	Hemphill,	Nelson,	Townshend,
Campbell, J. M.	Henderson, D. B.	Nicholls,	Tucker,
Candler,	Henderson, T. J.	Nutting,	Tully,
Chalmers,	Henley,	Oates,	Turner, H. G.
Clardy,	Herbert,	Ochiltree,	Turner, Oscar
Clements,	Hewitt, A. S.	O'Neill, Charles	Van Alstyne,
Cobb,	Hiscock,	Paige,	Vance,
Collins,	Hitt,	Payne,	Wadsworth,
Connolly,	Hoblitzell,	Payson,	Wait,
Converse,	Holman,	Peel,	Wakefield,
Cosgrove,	Holmes,	Pettibone,	Ward,
Covington,	Holton,	Phelps,	Washburn,
Cox, S. S.	Hooper,	Pierce,	Wellborn,
Cox, W. R.	Hopkins,	Poland,	Wemple,
Craig,	Horr,	Potter,	White, J. D.
Crisp,	Houseman,	Price,	White, Milo
Culberson, D. B.	Howey,	Pryor,	Whiting,
Culbertson, W. W.	Hunt,	Pusey,	Wilkins,
Cullen,	Hurd,	Rankin,	Williams,
Curtin,	James,	Ray, G. W.	Willis,
Cutcheon,	Jeffords,	Ray, Ossian	Wilson, James
Dargan,	Johnson,	Reagan,	Wilson, W. L.
Davidson,	Jones, B. W.	Reed, T. B	Winans, E. B.
Davis, L. H.	Jones, J. H.	Reid, J. W.	Winans, John
Davis, R. T.	Jones, J. K.	Rice,	Wise, G. D.
Deuster,	Jones, J. T.	Riggs,	Wood,
Dibrell,	Keifer,	Robertson,	Worthington,
Dingley,	Kelley	Robinson, J. S.	Yaple,
Dockery,	Kellogg,	Robinson, W. E.	York,
Dorsheimer,	Ketcham,	Rogers, J. H.	Young,
Dowd,	King,	Rosecrans,	
Dunham,	Laird,	Russell,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. PRYOR with Mr. BAYNE, till morning.

Mr. VANCE with Mr. ANDERSON, for the day.

Mr. LE FEVRE with Mr. WILSON, of Iowa, until morning.

Mr. PAIGE with Mr. LAIRD.

Mr. PIERCE with Mr. DINGLEY.

Mr. WILSON, of West Virginia, with Mr. SPOONER.

Mr. DUNHAM with Mr. COX, of North Carolina, until 10 o'clock to-morrow.

Mr. PUSEY with Mr. HOLMES, until 9 o'clock March 3.

Mr. MORGAN with Mr. MORRILL.

Mr. DEUSTER with Mr. HENDERSON, of Illinois.

Mr. JONES, of Wisconsin, with Mr. McCORMICK, for the day.

Mr. ERMENTROUT with Mr. BRAINERD, for the rest of the day.

Mr. ROSECRANS with Mr. WADSWORTH, for the rest of the day.

Mr. TALBOTT with Mr. RANNEY, for the rest of the day.

Mr. DOWD with Mr. WHITE, of Kentucky, for the rest of the day.

Mr. MILLARD with Mr. ARNOT.

Mr. BISBEE with Mr. DAVIDSON.

Mr. MILLS with Mr. PAYSON.

Mr. STOCKSLAGER with Mr. LIBBEY, for the rest of the day.

Mr. WOOD with Mr. RAY, of New Hampshire.

Mr. TOWNSHEND with Mr. BREWER, of New York.

Mr. PEEL with Mr. NELSON.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Tennessee for a recess.

Mr. RANDALL. I desire to say that my information from the Senate is that the sundry civil bill can not be here until 5 o'clock, and I make the motion that the House take a recess until 9 o'clock.

Mr. JOHN S. WISE. I move that the House do now adjourn. [Cries of "Regular order!"]

Mr. HUNT. I object.

Mr. VALENTINE. I make the point of order that there are amendments pending now in the second degree.

Mr. RANDALL. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent that the House take a recess until 9 o'clock this morning.

Mr. McCOMAS. Say 10 o'clock.

Mr. RANDALL. No; 9 o'clock. That is as late as we ought to make it.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

And accordingly (at 3 o'clock and 50 minutes a. m. Tuesday) the House took a recess until 9 o'clock a. m.

AFTER RECESS.

The recess having expired the House (at 9 o'clock a. m., Tuesday, March 3, 1885) resumed its session.

Mr. VALENTINE. I move that the House take a further recess until 10.55 o'clock to-day.

Mr. RANDALL. I object to a recess, and hope the motion will not prevail.

Mr. PETTIBONE. I move to amend the motion by taking a recess until 10.50 o'clock.

Mr. RANDALL. I wish to state to gentlemen that the sundry civil bill will be here in a few moments.

Mr. HEPBURN. I move to amend the amendment by taking a recess until 10.45 o'clock.

Mr. SPRINGER. Gentlemen on the other side are making a sad mistake in filibustering this way.

Mr. VALENTINE. Gentlemen will judge for themselves on that point.

BRIDGE OVER THE CUMBERLAND AND CANEY FORK RIVERS.

Mr. McMILLIN. Mr. Speaker, I now ask unanimous consent to take up the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers, and put it upon its passage. I think there can be no objection to this bill; which has been already read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

Be it enacted, &c., That the East and Middle Tennessee Railroad Company be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Cumberland River at the most accessible point in or near the corporate limits of Carthage, county of Smith, and State of Tennessee. Said bridge shall be constructed to provide for the passage of railroad trains and wagons and travelers across said river.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route; and it shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than one hundred and sixty-four feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty-four feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel at an accessible point, and the spans shall not be less than one hundred and sixty feet in the clear, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That the said draw shall be opened promptly by said corporation, upon reasonable signal, for the passage of boats; and said corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and shall also place and maintain such chess-booms and other guides necessary for the safe passage of vessels and other water-craft as may be required by the Secretary of War. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of said corporation; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the middle district of Tennessee in which any portion of said obstruction or bridge may be located, or in the circuit court of the State of Tennessee for that circuit: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operations of the same: *And provided further*, That the right is reserved to regulate tolls and freights over said bridge.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his consi-

nation and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

SEC. 6. That the East and Middle Tennessee Railroad Company is hereby also authorized to construct a railroad bridge over the Caney Fork River at such point between the mouth of said river and the Buffalo Valley as may be necessary in the building of their road, subject to the provisions and limitations contained in the preceding sections.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. VALENTINE. I ask unanimous consent to take up the following Senate bill——

Mr. SPRINGER. I object.

Mr. VALENTINE. That is the usual magnanimity of the gentleman.

Mr. SPRINGER. I object to any unanimous consent for gentlemen who obstruct the public business.

Mr. McMILLIN. I hope the gentleman from Illinois will not insist on his objection.

Mr. SPRINGER. Gentlemen have seen fit to filibuster away the time of the House. Now I do not propose that they shall pass bills through by consent. One thing certain, they can not filibuster away the inauguration of Mr. Cleveland, which will take place to-morrow in spite of them.

Mr. VALENTINE. I supposed the gentleman would object. It is not unexpected. It is his usual courtesy to this side.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 2686) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor.

Mr. SPRINGER. I object.

Mr. BROWN, of Pennsylvania. Very well.

Mr. ROGERS, of Arkansas. I ask unanimous consent to call up from the Speaker's table for present consideration a Senate bill.

Mr. RANDALL. Is that the jail bill?

Mr. ROGERS, of Arkansas. Yes, sir.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment bills and joint resolution of the following titles, namely:

A bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and provide for the payment of Outerbridge Horsey, assignee;

A bill (H. R. 612) for the relief of Brannin, Summers & Co.;

A bill (H. R. 449) to provide for the appraisement and sale of lands in the town of Peru, Dubuque County, Iowa; and

Joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885.

It further announced that the Senate had passed a resolution providing for the printing the report of the Director of the Mint on the production of precious metals in the United States for the year 1885; and further that the Senate had passed with amendments the bill (H. R. 8956) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, in which the concurrence of the House was requested.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. In compliance with the unanimous wish of the members of the Committee on Appropriations I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, and to move that the House non-concur in the Senate amendments, that they be printed, and that a conference be asked with the Senate.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill with Senate amendments, for the purpose of non-concurring in the Senate amendments and asking a committee of conference.

Mr. BROWN, of Pennsylvania. I object.

Mr. ROGERS, of Arkansas. I believe there is no objection to the bill which I desire to call up. I should like very much to make a statement in explanation of it.

Mr. RANDALL. I shall object to anything of that kind until the public business can be attended to.

Mr. O'NEILL, of Pennsylvania. I would suggest that we should proceed to pass the Senate pension bills which have not yet been acted on.

Mr. RANDALL. I shall object to everything until the public business is attended to. I move to suspend the rules and that the House non-concur in the Senate amendments to the sundry civil appropriation and ask for a committee of conference.

The question being taken on Mr. RANDALL'S motion, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 16, noes 4.

Mr. HEPBURN. No quorum.

Mr. RANDALL. I move a call of the House.

The question being taken on Mr. RANDALL'S motion, the Speaker stated that the "ayes" seemed to have it.

Mr. BRUMM. I call for a division.

The House divided; and there were—ayes 14, noes 6.

So the motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer:

Adams, J. J.	Dixon,	Lacey,	Rockwell,
Aiken,	Dorsheimer,	Laird,	Rogers, W. F.
Alexander,	Dowd,	Lamb,	Rosecrans,
Anderson,	Dunn,	Lanham,	Rowell,
Arnot,	Eaton,	Lawrence,	Russell,
Atkinson,	Elliott,	Le Fevre,	Seney,
Bagley,	Ellis,	Libbey,	Seymour,
Ballentine,	Ellwood,	Long,	Shaw,
Barbour,	English,	Lovering,	Shively,
Barksdale,	Ermentrout,	Lowry,	Singleton,
Barr,	Evans,	Lyman,	Skinner, T. G.
Bayne,	Everhart,	McAdoo,	Slocum,
Beach,	Ferrell,	McCoid,	Smalls,
Belford,	Fiedler,	McComas,	Smith, A. Herr
Belmont,	Findlay,	McCormick,	Smith, H. Y.
Bennett,	Finerty,	Maybury,	Snyder,
Bingham,	Foran,	Miller, J. F.	Spooner,
Bisbee,	Forney,	Miller, S. H.	Spriggs,
Blanchard,	Funston,	Milliken,	Steele,
Bland,	Fyan,	Mills,	Stephenson,
Blount,	Garrison,	Mitchell,	Stevens,
Boutelle,	Geddes,	Money,	Stewart, Charles
Boyle,	George,	Morgan,	Stewart, J. W.
Brainerd,	Gibson,	Morrill,	Stockslager,
Bratton,	Glascock,	Morrison,	Stone,
Breitung,	Graves,	Morse,	Storm,
Brewer, F. B.	Green,	Moulton,	Struble,
Brewer, J. H.	Greenleaf,	Muldrow,	Sumner, C. A.
Browne, T. M.	Guenther,	Muller,	Sumner, D. H.
Buchanan,	Halsell,	Murphy,	Talbott,
Buckner,	Hammond,	Murray,	Taylor, E. B.
Burleigh,	Hancock,	Mutchler,	Taylor, J. D.
Burnes,	Hardeman,	Neece,	Taylor, J. M.
Cabell,	Harmer,	Nelson,	Thomas,
Caldwell,	Hatch, H. H.	Nicholls,	Thompson,
Campbell, Felix	Hatch, W. H.	Nutting,	Throckmorton,
Campbell, J. E.	Hemphill,	Oates,	Tucker,
Campbell, J. M.	Henley,	Ochiltree,	Tully,
Candler,	Herbert,	O'Ferrall,	Turner, H. G.
Cannon,	Hewitt, A. S.	O'Hara,	Turner, Oscar
Carleton,	Hill,	O'Neill, J. J.	Van Alstyne,
Cassidy,	Hitt,	Paige,	Van Eaton,
Chalmers,	Hoblitzell,	Parker,	Wadsworth,
Clardy,	Holman,	Payne,	Wait,
Clay,	Holmes,	Peel,	Wakefield,
Clements,	Holton,	Perkins,	Warner, A. G.
Cobb,	Hooper,	Peters,	Warner, Richard
Collins,	Hopkins,	Phelps,	Weaver,
Connolly,	Houk,	Pierce,	Wellborn,
Converse,	Houseman,	Poland,	Weller,
Cosgrove,	Howey,	Post,	Wemple,
Covington,	Hunt,	Potter,	White, J. D.
Cox, S. S.	Hurd,	Price,	Whiting,
Cox, W. R.	Hutchins,	Pusey,	Wilkins,
Craig,	James,	Rankin,	Williams,
Crisp,	Jeffords,	Ranney,	Willis,
Culberson, D. B.	Johnson,	Ray, G. W.	Winans, John
Culbertson, W. W.	Jones, B. W.	Ray, Ossian	Wise, G. D.
Cullen,	Jones, J. H.	Reagan,	Wise, J. S.
Curtin,	Jones, J. K.	Reed, T. B.	Wolford,
Cutcheon,	Jones, J. T.	Reid, J. W.	Wood,
Dargan,	Jordan,	Reese,	Woodward,
Davis, G. R.	Keifer,	Rice,	Worthington,
Davis, R. T.	Kelley,	Riggs,	York,
Deuster,	Kellogg,	Robertson,	Young.
Dibble,	Ketcham,	Robinson, J. S.	
Dingley,	Kleiner,	Robinson, W. E.	

Mr. KING. I move to dispense with further proceedings under the call of the House.

The question being taken on Mr. KING'S motion, it was agreed to—ayes 24, noes 0.

So further proceedings under the call were dispensed with.

Mr. RANDALL. I now ask action on the pending motion.

The SPEAKER *pro tempore* (Mr. BLACKBURN). The pending motion is that offered by the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and take from the Speaker's table the sundry civil appropriation bill for the purpose of non-concurring in the Senate amendments and asking a committee of conference.

Mr. RANDALL. And printing the Senate amendments.

The question being taken on Mr. RANDALL'S motion, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. HANBACK. I call for a division.

The House divided; and there were—ayes 33, noes 3.

So (further count not being called for and two-thirds having voted in favor thereof) the motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. RANDALL, Mr. FORNEY, and Mr. RYAN.

ORDER OF BUSINESS.

Mr. HISCOCK (at 9.30 a. m., Tuesday, March 3). I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 25, noes 23.

Mr. HEWITT, of Alabama. I call for the yeas and nays.

The yeas and nays were ordered, 19 members voting therefor.

The question was taken; and there were—yeas 25, nays 63, not voting 236; as follows:

YEAS—25.

Adams, G. E.	Hart,	Millard,	Rowell,
Bisbee,	Henderson, D. B.	Morrill,	Skinner, C. R.
Bowen,	Henderson, T. J.	O'Hara,	Thomas,
Brewer, F. B.	Hepburn,	Parker,	Valentine.
Cox, S. S.	Hiscock,	Peters,	
Goff,	Horr,	Pettibone,	
Hanback,	Howey,	Price,	

NAYS—63.

Blackburn,	Everhart,	Lore,	Swope,
Breckinridge,	Ferrell,	McMillin,	Taylor, J. M.
Brewer, J. H.	Follett,	Matson,	Tillman,
Broadhead,	Forney,	Moulton,	Townshend,
Brown, W. W.	Halsell,	Murphy,	Vance,
Budd,	Hammond,	Mutchler,	Wallace,
Caldwell,	Hardy,	Neece,	Ward,
Candler,	Harmer,	O'Neill, Charles	Warner, A. J.
Cook,	Haynes,	Patton,	Washburn,
Cox, W. R.	Hewitt, G. W.	Payson,	Weller,
Davidson,	Jones, B. W.	Pryor,	White, Milo
Davis, L. H.	Kean,	Randall,	Wilson, James
Dibrell,	King,	Rogers, J. H.	Wilson, W. L.
Dunham,	Lanham,	Rosecrans,	Winans, E. B.
Eldredge,	Lewis,	Springer,	Yaple.
Ermentrout,	Long,	Strait,	

NOT VOTING—236.

Adams, J. J.	Dibble,	Ketcham,	Rogers, W. F.
Aiken,	Dingley,	Kleiner,	Russell,
Alexander,	Dixon,	Lacey,	Ryan,
Anderson,	Dockery,	Laird,	Seney,
Arnot,	Dorsheimer,	Lamb,	Seymour,
Atkinson,	Dowd,	Lawrence,	Shaw,
Bagley,	Dunn,	Le Fevre,	Shively,
Ballentine,	Eaton,	Libbey,	Singleton,
Barbour,	Elliott,	Lovering,	Skinner, T. G.
Barksdale,	Ellis,	Lowry,	Slocum,
Barr,	Ellwood,	Lyman,	Smalls,
Bayne,	English,	McAdoo,	Smith, A. Herr
Beach,	Evans,	McCoid,	Smith, H. Y.
Belford,	Fiedler,	McComas,	Snyder,
Belmont,	Findlay,	McCormick,	Spooner,
Bennett,	Finerty,	Maybury,	Spriggs,
Bingham,	Foran,	Miller, J. F.	Steele,
Blanchard,	Funston,	Miller, S. H.	Stephenson,
Bland,	Fyan,	Milliken,	Stevens,
Blount,	Garrison,	Mills,	Stewart, Charles
Boutelle,	Geddes,	Mitchell,	Stewart, J. W.
Boyle,	George,	Money,	Stockslager,
Brainerd,	Gibson,	Morgan,	Stone,
Bratton,	Glascock,	Morrison,	Storm,
Breitung,	Graves,	Morse,	Struble,
Browne, T. M.	Green,	Muldrow,	Sumner, C. A.
Brumm,	Greenleaf,	Muller,	Sumner, D. H.
Buchanan,	Guenther,	Murray,	Talbott,
Buckner,	Hancock,	Nelson,	Taylor, E. B.
Burleigh,	Hardeman,	Nicholls,	Taylor, J. D.
Burnes,	Hatch, H. H.	Nutting,	Thompson,
Cabell,	Hatch, W. H.	Oates,	Throckmorton,
Campbell, Felix	Hemphill,	Ochiltree,	Tucker,
Campbell, J. E.	Henley,	O'Ferrall,	Tully,
Campbell, J. M.	Herbert,	O'Neill, J. J.	Turner, H. G.
Cannon,	Hewitt, A. S.	Paige,	Turner, Oscar
Carleton,	Hill,	Payne,	Van Alstyne,
Cassidy,	Hitt,	Peel,	Van Eaton,
Chalmers,	Hoblitzell,	Perkins,	Wadsworth,
Clardy,	Holman,	Phelps,	Wait,
Clay,	Holmes,	Pierce,	Wakefield,
Clements,	Holton,	Poland,	Warner, Richard
Cobb,	Hooper,	Post,	Weaver,
Collins,	Hopkins,	Potter,	Wellborn,
Connolly,	Houk,	Pusey,	Wemple,
Converse,	Houseman,	Rankin,	White, J. D.
Cosgrove,	Hunt,	Ranney,	Whiting,
Covington,	Hurd,	Ray, G. W.	Wilkins,
Craig,	Hutchins,	Ray, Ossian	Williams,
Crisp,	James,	Reagan,	Willis,
Culberson, D. B.	Jeffords,	Reed, T. B.	Winans, John
Culbertson, W. W.	Johnson,	Reid, J. W.	Wise, G. D.
Cullen,	Jones, J. H.	Reese,	Wise, J. S.
Curtin,	Jones, J. K.	Rice,	Wolford,
Cutcheon,	Jones, J. T.	Riggs,	Wood,
Dargan,	Jordan,	Robertson,	Woodward,
Davis, G. R.	Keifer,	Robinson, J. S.	Worthington,
Davis, R. T.	Kelley,	Robinson, W. E.	York,
Deuster,	Kellogg,	Rockwell	Young.

So the motion was not agreed to.

On motion of Mr. HARDY, the reading of the names of members voting was dispensed with.

Mr. STOCKSLAGER. Mr. Speaker, I call up the bill (S. 1040) to provide for the erection of a public building at New Albany, Ind., and move to suspend the rules and put it upon its passage.

The SPEAKER *pro tempore*. That is not in order except by unanimous consent.

Mr. STOCKSLAGER. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. STOCKSLAGER] asks unanimous consent to take up the bill the title of which he has indicated. Is there objection?

Mr. VALENTINE. Oh, there is no use in talking about it.

Mr. ROWELL. I object.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask unanimous consent to take up and pass Senate bill 2449——

Mr. VALENTINE. Regular order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent to call up the bill which he has indicated, but objection is made.

Mr. WELLER. I object.

The SPEAKER *pro tempore*. Objection has already been made.

Mr. WELLER. Mr. Speaker, I ask unanimous consent to call up for present consideration joint resolution (H. R. 252) authorizing the Secretary of the Treasury to use all the unappropriated money in the Treasury for the redemption of United States bonds, and for other purposes. [Laughter.]

Several members objected.

LEAVE OF ABSENCE.

Mr. HENDERSON, of Illinois, by unanimous consent, was granted leave of absence until 11 o'clock to-day, on account of important business.

ORDER OF BUSINESS.

Mr. VANCE. Mr. Speaker, I ask unanimous consent that members on the right and on the left of the Chair be recognized alternately to call up bills by unanimous consent. I think an arrangement of that kind can be made which will be satisfactory to gentlemen on both sides.

Mr. HEWITT, of Alabama. Mr. Speaker, I ask unanimous consent that we proceed for one hour under the special rule of the House for the consideration of bills which are not objected to by as many as ten members; leaving the election case and all other pending matters in *statu quo*.

Mr. STRAIT. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The gentleman from Alabama has a request for unanimous consent pending.

Mr. SPRINGER. Mr. Speaker, I move that the House do now adjourn.

The House divided; and there were—ayes 42, noes 21.

Mr. BUDD. I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 12 members only voted in the affirmative—not a sufficient number.

So the yeas and nays were not ordered.

The motion to adjourn was agreed to; and accordingly (at 10 o'clock a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Resolution of the Legislature of Kansas, asking that unpensioned ex-soldiers of the Union be pensioned—to the Committee on Invalid Pensions.

Also, petition of 50 citizens of Washington, Kans., for early action on the Mormon question—to the Committee on the Judiciary.

By Mr. ARNOT: Petition of citizens of New York, asking for the repeal of the revenue tax on tobacco, &c.—to the Committee on Ways and Means.

By Mr. BAGLEY: Memorial of Charles Stoughton, a citizen of the United States, relative to the Harlem River and other public improvements—to the Committee on Commerce.

By Mr. BEACH: Resolutions of the Legislature of the State of New York, in reference to a national board of health—to the Select Committee on the Public Health.

By Mr. BLACKBURN: Petition of Mrs. E. E. Riley, of Henry County, Kentucky—to the Committee on Invalid Pensions.

By Mr. DEUSTER: Joint resolution of the Legislature of Wisconsin, against the importation of foreign labor under contract—to the Committee on Labor.

By Mr. EVANS: Joint resolution of the Legislature of Pennsylvania, requesting members of that State to oppose any effort by Congress to abolish the National Board of Health—to the Select Committee on the Public Health.

Also, resolution of the Legislature of Pennsylvania, urging the passage of the bill to put General U. S. Grant on the retired-list—to the Committee on Military Affairs.

By Mr. EVERHART: Resolution of the Legislature of Pennsylvania.

opposing the abolition of the National Board of Health—to the Select Committee on the Public Health.

Also, resolution of the Legislature of Pennsylvania, urging the passage of the bill to relieve General Grant—to the Committee on Military Affairs.

By Mr. FORAN: Petition of John A. Seymour and 30 others, citizens of Parma, Cuyahoga County, Ohio, praying for the immediate enactment of suitable legislation to prevent the evils of Mormonism—to the Committee on the Judiciary.

By Mr. FUNSTON: Petition of 148 citizens of Iola, Kans., asking for action on the Mormon question—to the same committee.

Mr. GUENTHER: Memorial of the Legislature of the State of Wisconsin, asking for an appropriation of $50,000 for experiments relating to the making of sorghum sugar—to the Committee on Agriculture.

Also, resolution of the Legislature of the State of Wisconsin, asking for the passage of the bill relating to the prohibition of foreign contract labor—to the Committee on Labor.

By Mr. HILL: Petition of S. S. Bacon and others, of Putnam County, Ohio, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOUSEMAN: Resolution of the Legislature of Michigan, for the passage of Government telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. B. W. JONES: Memorial of the Wisconsin Legislature, on imported contract labor—to the Committee on Labor.

By Mr. PARKER: Resolutions of the Legislature of the State of New York, in relation to the National Board of Health—to the Select Committee on the Public Health.

By Mr. OSSIAN RAY: Papers relating to the claim of John Reeves—to the Committee on Claims.

By Mr. THOMPSON: Petition of Richard T. Yeatman, first lieutenant Fourteenth United States Infantry, to amend military record—to the Committee on Military Affairs.

Also, petition of Capt. James B. Sinclair, United States Army, retired, to have construed the act approved July 15, 1870, to ascertain amount of arrears due him under said act—to the same committee.

By Mr. VAN ALSTYNE: Joint resolution of the Legislature of New York, recommending the passage of an act to authorize the construction of bridges, &c., for public improvement—to the Committee on Commerce.

Also joint resolutions of the Legislature of New York, recommending an appropriation for the National Board of Health—to the Committee on Appropriations.

By Mr. A. J. WARNER: Petition of C. H. Grosvenor and others, citizens of Athens County, Ohio, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. MILO WHITE: Joint resolution of the Legislature of the State of Minnesota, urging the enlargement of the Sault Saint Mary's Canal—to the Committee on Rivers and Harbors.

By Mr. WHITING: Petition of citizens of Worcester County, Massachusetts, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. JOHN WINANS: Joint resolution of Legislature of the State of Wisconsin, to prevent importation of foreign labor under contract—to the Committee on Labor.

By Mr. YAPLE: Concurrent resolution of the Legislature of Wisconsin, relative to the Sumner postal telegraph bill—to the Committee on the Post-Office and Post-Roads.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. CUTCHEON: Of citizens of Luther, Mich.

By Mr. EVANS: Resolutions of the Legislature of Pennsylvania.

By Mr. KEIFER: Of W. M. Abbott and 63 others, of Belle Centre; of James A. Mayer and 61 others, of Cardington; of Lewis W. Hebenthal and 122 others, of Dunkirk; and of Erastus Wilcox and 16 others, of Pharisburg, Ohio.

By Mr. MORRILL: Memorial of the Legislature of Kansas.

By Mr. STEVENS: Of Mrs. Maria Turner, of Lockport, N. Y.

By Mr. WHITING: Of citizens of Orange, Amherst, Northfield, &c., Mass.

SENATE.

TUESDAY, *March* 3, 1885.

The Senate met at 1 o'clock p. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The PRESIDENT *pro tempore*. The Journal of the proceedings of yesterday will be read.

Mr. COCKRELL. I ask unanimous consent that the reading of the Journal of yesterday's proceedings be for the present dispensed with.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The reading of the Journal will be proceeded with.

The Secretary proceeded to read the Journal of the proceedings of Monday, March 2.

Mr. MITCHELL (at 1 o'clock and 10 minutes p. m.). I move to dispense with the further reading of the Journal, with a view to ask the Senate to take up House pension bills favorably reported from the Committee on Pensions, and put them on their passage at this time.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Pennsylvania asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. Objection is made. The reading of the Journal will proceed.

Mr. DAWES (at 1 o'clock and 15 minutes p. m.). I ask unanimous consent to call up the fortifications appropriation bill for consideration at this time.

The PRESIDING OFFICER. The Chair thinks the objection of the Senator from Kansas to the request that the reading of the Journal be dispensed with still stands, and that the request of the Senator from Massachusetts is not in order. The reading of the Journal will proceed.

Mr. PLUMB. It is always in order to ask unanimous consent.

Mr. DAWES. I did not hear any objection.

Mr. HARRIS. It is certainly in order for the Senator from Massachusetts to ask unanimous consent of the Senate to dispense with the further reading of the Journal.

The PRESIDING OFFICER. That was not the request that the Senator from Massachusetts made. Pending the reading of the Journal the Senator from Massachusetts asked that the Senate proceed to the consideration of the fortifications bill.

Mr. DAWES. I ask unanimous consent to proceed to the consideration of the fortifications bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent that the further reading of the Journal be dispensed with?

Mr. DAWES. Certainly.

The PRESIDING OFFICER. The Chair will submit the question to the Senate. Is there objection?

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Kansas objects. The Secretary will proceed with the reading of the Journal.

The Secretary proceeded with the reading of the Journal.

Mr. DAWES (at 1 o'clock and 25 minutes p. m.). May I renew my request for unanimous consent to dispense with the further reading of the Journal?

The PRESIDING OFFICER. The Chair thinks that the objection made by the Senator from Kansas must be considered as still operating.

Mr. DAWES. There is always a *locus penitentiæ*.

The PRESIDING OFFICER. The Senator from Kansas has not withdrawn his objection. The Chair thinks it must be treated as pending.

Mr. DAWES. I have no doubt the Senator from Kansas has already repented.

Mr. HALE. It is a very interesting article that is being read.

The PRESIDING OFFICER. The reading will proceed.

The Secretary continued and concluded the reading of the Journal.

The PRESIDING OFFICER. The Journal will be approved unless there is objection.

CREDENTIALS.

Mr. MILLER, of California, presented the credentials of Leland Stanford, chosen by the Legislature of California a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of February 20, 1885, a report of the Commissioner of Railroads upon the subject of the transmission of telegraphic messages by corporations affected by the act of July 1, 1862; which was referred to the Committee on Railroads, and ordered to be printed.

The PRESIDING OFFICER laid before the Senate a letter from the commissioners of the District of Columbia, submitting as a partial reply to Senate resolution of June 24, 1884, sundry statements showing tax collections, receipts, and disbursements on account of the water department and expenditures for streets and roads from 1875 to 1884, &c., and asking to be relieved from further action under the resolution; which was referred to the Committee on the District of Columbia, and ordered to be printed.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of the Interior, transmitting a letter of the Commissioner of the General Land Office in which it is stated that the information called for by Senate resolution of the 26th ultimo regarding illegal timber-land entries, &c., in the Humboldt land district, California, can not be furnished during the present session of Congress; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. INGALLS. Is not that in connection with a response previously made to a resolution offered by the Senator from Colorado [Mr. HILL]?

The PRESIDING OFFICER. The Chair understands that it is another matter.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 346) authorizing the immediate payment of the officers and employés of the Senate and of the House for the month of March, 1885, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS.

The PRESIDING OFFICER presented a memorial of the Temperance Alliance of the District of Columbia, remonstrating against the passage of the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2462) giving a military record to James King, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of John H. Stewart, praying an amendment of the act of Congress approved July 28, 1866, relating to bounties, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 7990) granting a pension to Joseph Sansom, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 5922) for the relief of George D. Guthrey; and

A bill (H. R. 5953) granting a pension to Zenas Hamilton.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following report; which was ordered to be filed:

The Committee on Claims, to whom was referred the petition of F. Barnard and others, of Texas, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 199) for the relief of the heirs of Richard W. Meade, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Printing, to whom were recommitted the following joint resolutions, reported them adversely and moved their indefinite postponement; which was agreed to.

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

LAND TITLES IN NEW MEXICO.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the letter of the Secretary of the Interior in response to a resolution of the Senate calling for copies of all the papers relating to alleged fraudulent land entries in New Mexico, and to move that the usual number of this report, with the accompanying papers, be printed as a Senate document.

The motion was agreed to.

INDIAN EDUCATION.

Mr. MANDERSON. I am directed by the same committee to report back the letter of the Secretary of the Interior transmitting, in answer to a Senate resolution of the 23d instant, a report of the Commissioner of Education regarding the progress of Indian education and civilization, and to move that the usual number of that document be printed.

The motion was agreed to.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. ALDRICH, from the Committee on Transportation Routes to the Seaboard, who were by resolution of the Senate of July 6, 1884, "authorized to sit at any place within the United States during the recess of Congress, by subcommittee or otherwise, to take testimony for the purpose of preparing statistical data relative to freights, commodities, and prices, for the period from 1873 to the present time, the committee to report by bill or otherwise, and that the necessary expense thereof, including the services of a clerk, be paid out of the expenses for special and select committees, &c., of the contingent fund of the Senate," submitted a report; which was ordered to be printed.

BILL INTRODUCED.

Mr. MILLER, of New York (by request), introduced a bill (S. 2671) to extend the patent of Royal E. House for the improvements in electro-phonetic telegraphs; which was read twice by its title, and referred to the Committee on Patents.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers; in which it requested the concurrence of the Senate.

COMMITTEE ON STEEL-PRODUCING WORKS.

Mr. HAWLEY. Last July the Senate appointed a select committee of five to make a series of inquiries prescribed in the resolution concerning the production of steel, the manufacture of ordnance, the building of ships, the building of guns, &c. Every one remembers how busy last autumn was, how many of our committee were occupied in the Presidential campaign; nevertheless the committee met and visited the ship-yards and foundries at Boston, the harbor at Newport, establishments in New York, Philadelphia, Chester, Johnstown, Pittsburgh, and a subcommittee went to California and examined a new mine and new products there. We have collected for our report and have in type that which will make a very valuable appendix of five or six hundred pages; but with the hurry and interruptions I have spoken of, the committee could not complete, as it desired to do, its report this winter. I make, therefore, this report of progress, and leave it for the Senate to say what we shall do hereafter. I will say individually that I should like to go on with this work. It is not expensive, as we have managed it economically, and the material before us is rich. We think we have a very valuable appendix so far, but we can do very much better if we can go on through the coming recess.

The PRESIDING OFFICER. The Senator from Connecticut does not ask any order.

Mr. MORGAN. From the same committee I report the following resolution, and ask for its present consideration:

Resolved by the Senate, That the select committee "to inquire as to the capacity of steel-producing works in the United States" be continued, with leave to complete the duties assigned to them by the resolutions of the Senate, and with the powers conferred upon them heretofore by the Senate, and that they report to the Senate at the session in December, 1885.

The PRESIDING OFFICER. Is there objection to the present consideration of this resolution? The Chair hears none.

The resolution was considered and agreed to.

W. H. MURDOUGH.

Mr. RIDDLEBERGER. I am free to confess that I do not know whether I am in order or not.

The PRESIDING OFFICER. The Chair will be unable to inform the Senator until he knows what his purpose is.

Mr. RIDDLEBERGER. I want to ask unanimous consent to take up the bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia.

Mr. MANDERSON. I certainly do not desire to interpose any objection to that, but I hope the Senator from Virginia will allow us to get through routine business.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Virginia that the morning business has not yet been concluded, while it is in order at any time to ask unanimous consent.

Mr. RIDDLEBERGER. Then I withdraw the request. I want to make it during the day. I trust I shall be pardoned for being mistaken as we have two days here in one and I can not tell which day it is.

RAILROAD BRIDGE IN TENNESSEE.

Mr. MANDERSON. I desire to submit a resolution and ask that it may be read and now considered.

The PRESIDING OFFICER. The Senator from Nebraska offers a resolution which will be read.

Mr. HARRIS. Will the Senator from Nebraska yield to me for a moment that I may ask the Chair to lay before the Senate a House bill?

Mr. MANDERSON. Certainly.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers was read twice by its title, and referred to the Committee on Commerce.

COMMITTEE TO VISIT ALASKA.

Mr. MANDERSON submitted the following resolution:

Resolved, That a select committee of five Senators be appointed by the Chair, to proceed to Alaska during the recess of Congress, and inquire into and investigate the operation of the act of May 17, 1884, "providing a civil government for Alaska;" whether the system of government established by said act is adequate for the maintenance of order and the protection of the rights of persons and property; whether the said act is being properly executed by the officers appointed under the same; the condition of the natives or Indians of said Territory; their relations to the Government of the United States, and what legislation is required for their proper management; the condition and character of mines, mining claims, and mining titles; the character of land tenures, or possessory or other titles to lands; the present condition and value of the public buildings belonging to the United States in said Territory; the manner in which the laws relating to customs and other laws and regulations have been and are

now being executed. Also to inquire into and investigate the past and present condition of the seal fisheries of the Pribolov Islands; whether the Alaska Commercial Company has heretofore complied, and is now complying, with the terms of its lease from, and its agreement with, the United States, and the laws relating to said seal fisheries, or whether the said company has heretofore violated or is now violating the same in any manner; whether the officers of the Government appointed to see that said laws and the conditions of said lease are executed have been and are faithfully performing their duties; and whether the system in operation is adequate and proper for guarding and protecting the interests of the Government and the rights of said company in relation to said seal fisheries. Also, to inquire into the natural resources of said Territory, the character and value of its present and probable products; whether the general land laws, or laws relating to timber or mining lands, should be extended over said Territory; and to examine generally into all matters relating to the development of the said Territory and to the prosperity and welfare of its people. Said committee shall have power to sit in the vacation of the Senate at any place in the United States, to send for persons and papers, to examine witnesses, to appoint a clerk and a stenographer, and shall make report, with their recommendations in respect to future legislation to the Senate at the next regular session of Congress. The expenses of said committee, of the clerk, stenographer, witnesses, &c., shall be paid out of the contingent fund of the Senate, to be certified by the chairman of the committee and audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. COCKRELL. I think that had better be printed so that we can see it.

The PRESIDING OFFICER. The resolution will be printed and lie over.

ORDER OF BUSINESS.

Mr. HALE. The first hour of the morning business having expired I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. BLAIR. I hope the unfinished business will first be laid before the Senate.

Mr. MILLER, of New York. Mr. President——

The PRESIDING OFFICER. The motion of the Senator from Maine is not subject to debate. The Senator from New Hampshire simply requests that the unfinished business be first laid before the Senate. The Chair is of the opinion that under the unanimous consent given, the pending order would now be the consideration of House pension business reported favorably on the Calendar; but if the motion of the Senator from Maine is agreed to, the pension bills will of course be displaced.

Mr. BLAIR. I hope the Senator will ask that the regular order be informally laid aside.

Mr. HALE. I have no objection.

Mr. ALDRICH. I rise to a parliamentary inquiry. I did not understand whether the Senator from Maine or the Chair stated that the morning hour had expired. I was about to present a report from a committee.

The PRESIDING OFFICER. The Chair is of opinion that the morning hour by analogy, if not by the rules, expired at 2 o'clock, and in that sense the motion made by the Senator from Maine is in order.

Mr. ALDRICH. I was not aware of any rule of analogy that applied in the Senate, and I should be very glad if the Chair would cause any such rule or practice to be read.

The PRESIDING OFFICER. The Chair confesses that he is unable to find a rule that is adapted by the express mention of hours to the circumstances of this day.

Mr. HALE. If my motion carries I shall have no objection to yielding for reports to be presented and some light, formal business that will not occupy time.

Mr. BLAIR. I supposed it to be the duty of the Chair irrespective of a motion to lay the unfinished business before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which is the bill (H. R. 7718) restoring John Snyder to the pension-roll. Does the Chair understand the Senator from Maine to move to proceed to the consideration of the bill named by him or to ask that the pending order be informally laid aside?

Mr. HALE. Let it be informally laid aside.

The PRESIDING OFFICER. The Senator from Maine asks that the pending order be laid aside informally and that the Senate proceed to the consideration of the deficiency bill. Is there objection? The Chair hears none.

Mr. RIDDLEBERGER. I do not want to object, but I want to ask the Senator from Maine if he will not allow me to call up a bill that will not require debate, and not require one minute to pass it.

Mr. HALE. I should like to do that. I should like to oblige the Senator from Virginia, but there are a dozen Senators who proffer the same request. I am under some burden of responsibility about pushing this appropriation bill. ["Go ahead!"]

The PRESIDING OFFICER. Debate is not in order. The deficiency appropriation bill is before the Senate.

Mr. RIDDLEBERGER. I object, Mr. President.

The PRESIDING OFFICER. The Chair understood that unanimous consent had been given, and the order was executed by laying the bill before the Senate.

Mr. RIDDLEBERGER. I had not yielded the floor, and I object only because I want to pass my bill, and I think the Senator from Maine will allow me to do it.

The PRESIDING OFFICER. The Chair is of the opinion that the condition of business is this: The Chair called for unanimous consent on the request of the Senator from Maine. No objection was made. The Chair then declared that unanimous consent was given and the Senate has proceeded to execute its order, and the deficiency appropriation bill has been laid before the Senate.

Mr. RIDDLEBERGER. The Chair had recognized me and I still held the floor.

The PRESIDING OFFICER. The Senator from Virginia is mistaken. The Chair had some time before recognized the Senator, but after that time several Senators were recognized by the Chair.

Mr. HALE. I can solve this trouble very easily. I am willing that the appropriation bill be informally laid aside that the Senator from Virginia may make his report.

W. H. MURDAUGH.

Mr. RIDDLEBERGER. I want to pass a bill. I move to take up House bill 8183, and I desire to state that the only reason I have been so persistent about it grows out of the fact that this man was an Army officer and did happen to owe what he did not know he did owe the United States. The committee declined to remove his disabilities on that account. The fact never having been communicated to him until last week, he has come here and squared his accounts, and I think he ought to have his political disabilities removed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in favor thereof.)

COMMITTEE ON TRANSPORTATION.

Mr. CULLOM. In connection with report made by the Senator from Rhode Island [Mr. ALDRICH] I ask leave to submit the following resolution:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during the recess of Congress by a subcommittee or otherwise, to employ a stenographer, and with the same authority given the committee under the resolution of July 6, 1884.

The PRESIDING OFFICER. Is there objection to the present reception of this resolution? The Chair hears none, and the resolution is before the Senate.

Mr. MILLER, of New York. I ask that it lie over.

The PRESIDING OFFICER. The Senator from New York objects to its consideration, and the resolution will lie over.

Mr. CULLOM. I hope the Senator will not do that.

RAILROAD BRIDGE IN TENNESSEE.

Mr. VEST. I desire to make a report from the Committee on Commerce.

The PRESIDING OFFICER. The report will be received if there be no objection.

Mr. VEST. I am instructed by the Committee on Commerce to report favorably without amendment the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers.

Mr. CONGER. I ask that that bill be considered at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SHERMAN. It seems to me we ought to go on with the appropriation bill.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Michigan.

CLAIMS FOR HORSES AND OTHER PROPERTY.

Mr. COCKRELL. I ask unanimous consent to have the Committee on Claims discharged from Executive Document No. 101, being a letter from the Secretary of the Treasury transmitting a supplemental list of claims allowed by that Department under the act of March 3, 1883, for horses and other property lost in the military service, which was referred by mistake to the Committee on Claims and ought to have gone to the Committee on Appropriations for insertion in the deficiency bill. I move that the Committee on Claims be discharged from the further consideration of the document and that it be referred to the Committee on Appropriations.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

Mr. HALE. I ask that the first or formal reading of the bill be dispensed with, and that it be read for consideration, the amendments of the Committee on Appropriations being first passed upon as they are reached in the reading.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Maine. Is there objection? The Chair hears none, and that order will be taken.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Department of State," after line 11 of section 1, to insert:

For salary of stenographer to the Secretary of State from March 15 to June 30, 1885, $594.74.

The amendment was agreed to.

The next amendment was, after line 15, to insert:

To enable the Department of State to ascertain what records or other documents are in existence either in France or Spain or the French colonies affecting the rights or claims of American citizens under the act of Congress approved January 20, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801," and to procure said records and documents, or certified copies thereof, the sum of $5,000, in addition to the sum already appropriated for that purpose, this amount to be expended under the direction of the Secretary of State and to be immediately available.

The amendment was agreed to.

The next amendment was, after line 28, to insert:

For payment of a draft of T. McF. Patton, United States consul at Osaka and Hiogo, Japan, drawn in payment of salary of the interpreter at said consulate for the third quarter of 1884, $82.98.

The amendment was agreed to.

The next amendment was, after line 33, to insert:

To pay to Louise R. S. Wing, the widow of E. Rumsey Wing, late minister of the United States to Ecuador, a sum equal to the salary of said minister for six months, in addition to all legal allowances.

The amendment was agreed to.

The next amendment was, after line 37, to insert:

To pay to Louise F. Hunt, the widow of William H. Hunt, late envoy extraordinary and minister plenipotentiary of the United States to Russia, a sum equal to the salary of said minister for six months, in addition to all legal allowances.

The amendment was agreed to.

The next amendment was, under the head of "Foreign intercourse," after line 43, to insert:

For payment of the annual rental of legation buildings in Tokio, Japan, up to March 15, 1885, $3,400.

The amendment was agreed to.

The next amendment was, after line 74, to insert:

To enable the accounting officers, without the payment of any money from the Treasury, to allow from the unexpended balance of said appropriation for the fiscal year 1883 the amount disbursed by G. H. Heap, secretary of legation at Constantinople, during the fiscal year 1884, in excess of the appropriation for that year, being a deficiency for the fiscal year 1884, $550.

The amendment was agreed to.

The next amendment was, after line 98, to insert:

To enable the accounting officers to pay to George P. Pomeroy, late agent and consul-general of the United States at Cairo, Egypt, the amount allowed under section 1740 of the Revised Statutes for his transit from his late post (at Cairo) to his residence in the United States, namely, from July 6, 1884, to August 9, 1884, no appropriation for the salary of the agent and consul-general at Cairo having been provided in the act making appropriations for the consular and diplomatic expenses of the Government for the fiscal year ending June 30, 1885, approved July 7, 1884, being a deficiency for the fiscal year 1885, $475.54.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 114 to line 117, inclusive, as follows:

To reimburse Thomas B. Van Buren for expenses incurred by him in the fiscal year 1876 for the relief and transmission to the United States of three discharged naval seamen, $47.

The amendment was agreed to.

The next amendment was, after line 117, to insert:

To enable the Secretary of State to pay the bills of expenses incurred from May 4, 1883, to September 6, 1883, inclusive, by F. W. Rice, then consul of the United States at Colon, in caring for an American vessel, the Mary C. Comery, abandoned by her master and crew in the harbor at that place, $534.50.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the appropriations for "independent Treasury," after line 201, to insert:

For depositary, in addition to his pay as postmaster, being for the service of the fiscal year ending June 30, 1879, $1,500.

The amendment was agreed to.

The next amendment was, after line 205, to insert:

For depositary, in addition to his pay as postmaster, $700, being the difference between the amount of salary per annum of this officer, $1,500, as fixed by the act of May 8, 1872, and the amount appropriated for the fiscal year ending June 30, 1880.

The amendment was agreed to.

The next amendment was, under the head of "Territories," to strike out the clause from line 237 to line 253, inclusive, as follows:

And all suits or proceedings pending in the district courts of Dakota and Washington Territories at the time of the passage of said act, and which would, if instituted after the passage of said act, be required to be brought in the new districts created and provided for in said act, may be transferred by consent of parties to said new district courts, and there disposed of in like manner and with like effect as if the same had been there instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts respectively in the same manner and with like effect as if they had issued or had been taken in reference thereto originally; and the counties of Skamania and Spokane, in said Washington Territory, shall constitute part of the fourth judicial district thereof until the Legislature shall meet and otherwise provide.

Mr. McMILLAN. I ask unanimous consent that that amendment may be passed over without action at present. The Senator from Massachusetts [Mr. HOAR] is interested in it.

Mr. VOORHEES. I rose for the purpose of asking an explanation of why the clause is stricken out. I concur with the Senator from Minnesota that it should be allowed to pass over.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that this amendment proposed by the Committee on Appropriations be passed over for the present.

Mr. McMILLAN. There is a report from the Committee on the Judiciary of the Senate affecting the question involved in this clause, and the Senator from Massachusetts is absent from the Chamber at present.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and the amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Engraving and printing," to strike out lines 286 and 287, as follows:

For paper, express charges, and printing of national-bank notes, $43,000.

The amendment was agreed to.

The next amendment was, after line 287, to insert:

For engraving, printing, and finishing United States notes, gold and silver certificates, registered bonds for transfers, and other securities, $80,000.

The amendment was agreed to.

The next amendment was, after line 290, to insert:

For engraving (except face-plates), printing, and finishing circulating notes for national banking associations, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "United States Fish Commission," after line 299, to insert:

For propagation of food-fishes, $12,000.

Mr. MORGAN. I desire to ask the Senator from Maine how this money is to be expended—under whose charge and direction?

Mr. HALE. Perhaps the Senator knows that this is all under the charge of the Fish Commission, of which Professor Baird is the head. It is simply the continuation of the great work which is being done under that commission of propagating the different kinds of food-fish and distributing them throughout the country.

Mr. MORGAN. Under the direction of Professor Baird?

Mr. HALE. Yes.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations "for repairs to the vessels of the United States Fish Commission," after the word "cents," in line 310, to strike out:

And the assistant to the United States Fish Commissioner authorized by the act of March 3, 1883 (Statutes at Large, volume 22, page 628), shall hereafter be designated as assistant commissioner.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous, Treasury," after line 330, to insert:

For payments of judgments and awards against the United States, $70,000, or so much thereof as may be necessary, to pay the judgments and awards made in pursuance of an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin," approved March 3, 1875, and on which judgments and awards no appeal is pending, or on which the time for an appeal has expired, and on which the liability of the Government is established: *Provided, however*, That no part of the money hereby appropriated shall be available except on the certificate of the Attorney-General to the Secretary of the Treasury that the liability of the United States is established, and then only in an amount to be by him fixed, not exceeding the amount of the judgment or award.

The amendment was agreed to.

The next amendment was, after line 376, to insert:

To pay A. W. Bash, on account of expenses of collecting the revenue from customs prior to July 1, 1882, $746.

The amendment was agreed to.

The next amendment was, after line 380, to insert:

To pay Phelps, Stokes & Co., on account of refunding taxes illegally collected prior to July 1, 1882 (internal revenue), $4,020.36.

The amendment was agreed to.

The next amendment was, after line 394, to insert:

Fuel, light, water, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal service, for all public buildings under control of the Treasury Department, being a deficiency for the fiscal year 1885, $75,000.

The amendment was agreed to.

The next amendment was, after line 410, to insert:

For payment to the credit of the Union Pacific Railway Company (Kansas division) for transportation furnished January 10, 1876, on account of the ethnological exhibit of the Smithsonian Institution at the international exhibition, Philadelphia, 1876, $33.40.

The amendment was agreed to.

The next amendment was, after line 434, to insert:

For payment of the expenses of the committee of the National Academy of Sciences incurred in preparing answers to inquiries of the joint commission considering the Government surveys, $219.90.

The amendment was agreed to.

The next amendment was, under the head of "National Board of Health," after line 450, to insert:

To pay Michael Coulan for services as messenger in the National Board of Health from July 24, 1879.

Mr. HALE. Let that amendment be passed over informally.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the amendment will be passed over informally. The next amendment reported from the Committee on Appropriations will be announced:

The next amendment was to strike out the clause from line 454 to line 456, inclusive, as follows:

That all laws and parts of laws authorizing the establishment of the National Board of Health be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, in the appropriations "for payment of the judgments of the Court of Claims," in line 542, to reduce the appropriations for the claim of Austin Messinger from $5,826 to $2,040.

The amendment was agreed to.

The next amendment was, in the same clause, line 544, to increase the appropriation for the claim of "William Roeber" from $2,040 to $5,826.

The amendment was agreed to.

The next amendment was, in line 552, before the name "Bendel," to strike out "R." and insert "B.;" so as to read:

B. Bendel & Co., $2,600.

The amendment was agreed to.

The next amendment was, in line 555, to insert "the initial R." before the name "Rootes;" so as to read:

Thomas R. Rootes, $375.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 575.

Mr. HOAR. I ask the attention of the Senator from Maine for a moment. I ask unanimous consent to insert in this paragraph:

Edward Bradbury, $1,950.

He has obtained, I am informed, a judgment of the Court of Claims for that sum, and the certificate of the court was sent to the committee, but it was overlooked, I suppose.

Mr. HALE. Will the Senator inform me whether the time in which an appeal may be taken has expired?

Mr. HOAR. That is covered by the proviso beginning in line 573:

Provided, That none of the aforesaid judgments shall be paid until the right of appeal shall have expired.

He will have to wait fifteen months.

Mr. HALE. There are a great many claims where judgments have been rendered. The rule of the committee is to insert only those where the right of appeal has expired. The proviso was put in as a matter of extra precaution, but the rule is not to pay any judgment until the time for taking an appeal has expired.

Mr. HOAR. I was not informed on that point. I shall withdraw the request for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 575, to insert:

To pay Albert Grant for interest at 5 per cent. per annum on judgment of Court of Claims for $14,016.29, from January 17, 1870, the date the original transcript was filed with the Secretary of the Treasury, until paid, a sufficient sum to pay the same, the principal of the judgment having been appropriated for at the last session of Congress.

Mr. JACKSON. Is that amendment open to a question of order? If so, I raise the question of order on it.

Mr. BAYARD. It is a private claim.

Mr. JACKSON. It is a private claim, and never has been considered by any committee.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. JACKSON] raises a question of order on the amendment on the ground that it is a private claim.

Mr. JACKSON. It was never considered by any committee, and there is no recommendation from any department to pay it.

The PRESIDING OFFICER. If it be a private claim, the Chair does not hesitate to rule the amendment out of order.

Mr. JACKSON. It certainly is.

Mr. HALE. The Senate Committee on Appropriations does not propose to put any private claims upon the bill. This item was put upon it, being regularly sent by the Secretary of the Treasury in a letter accompanying the documents with the decision of the court, and considerations touching the case, and upon that the committee inserted the item.

The PRESIDING OFFICER. Is it to pay a judgment of the Court of Claims?

Mr. HALE. It is to pay a judgment of the Court of Claims.

The PRESIDING OFFICER. It being to pay a judgment of the Court of Claims, the Chair would hold the amendment to be in order.

Mr. JACKSON. I will explain in what way it is to pay a judgment of the Court of Claims.

Mr. HALE. It is not like the other judgments, of course.

Mr. JACKSON. No; it is not like the other judgments. The judgment was rendered for the principal in June, 1883. The claimant declined to take the principal unless he was allowed interest, and he is here claiming interest for thirteen years prior to the rendition of the judgment. The question of interest is the only question in the case. No adjudication has ever been made as to that; there has been no report of any committee made upon it, and there has been no recommendation of any department upon it. I think the amendment is clearly out of order.

Mr. BAYARD. Independent of that, would it not be an entire violation of the rule of the Government in respect to interest? Every other man with a judgment in the Court of Claims loses his interest. That forms a part of the hardship of all appeals from the judgment of the Court of Claims. I have known men whose whole fortunes were hung up in a judgment found in the Court of Claims, and who were kept without interest until an appeal to the Supreme Court could be had, and then, when the judgment was affirmed, not a dollar of interest went with the money.

The PRESIDING OFFICER. As there is no agreement as to the precise state of facts upon which the opinion of the present occupant of the chair on the question of order would depend, the Chair will submit the question of order to the Senate.

Mr. BLAIR. I wish to state the facts in regard to this case as I understand them. In 1867 Albert Grant, the claimant, constructed a public building in Philadelphia by contract with the Government. Certain extra work was required, alterations were made as the construction went along, for which the contractor was to be compensated by extra pay. After the building was completed a controversy arose as to the amount which should be paid the contractor for the extra work and it was adjudicated in the Court of Claims. The contractor claimed $48,000 as extra pay.

The question arose whether he was to be paid $48,000 or $34,000. Testimony was taken and the court adjudicated the claim, and by its minutes rendered a judgment for the amount of $48,000. When the judgment came to be entered on the record, the judge who extended it, by an accident took the wrong bill of items, the wrong aggregate, which amounted to $34,000 instead of that which amounted to $48,000, so that the record by mistake gave the claimant only the smaller sum, and thus the judgment was extended. Thereupon the claimant, finding the judgment thus erroneously entered, and needing the money that was evidenced by the judgment, filed according to law his transcript of the record as it then stood in the Treasury Department before the Comptroller and obtained his $34,000.

As to the law bearing upon the question of interest, I ask the attention of the Senator from Delaware, for this is a very important matter to a man who is not likely to live a great while, and who has had a fifteen years' controversy to get his just dues adjudicated to him. I understand the state of the law to be that where a judgment has been obtained in the Court of Claims in favor of a party, he thereupon filing a transcript of that judgment before the Treasury Department becomes entitled from that date to interest upon the judgment. On January 17, 1870, Mr. Grant filed a transcript of the judgment of the Court of Claims, and received the amount of $34,000. Thereupon he applied to Congress for permission to go to the Court of Claims to re-examine its minutes and records, showing what its decision was intended to be, what its record should have been made. After being bandied about from one House of Congress to another, year after year, with a great many favorable reports, and sometimes the bill passing in one House and not in the other, in the year 1883 an act was finally passed authorizing the Court of Claims to reopen its judgment, and to make it as they originally designed to make it, $48,000.

In accordance with the provisions of that act, early in 1884, I think, the court proceeded to re-examine the case, found all the allegations of Mr. Grant to be as I have stated, and rendered a judgment *nunc pro tunc* for the balance, $14,000, rendering a judgment as of the date of the original judgment and as verging in and being a part of the original judgment.

Mr. JACKSON. Will the Senator yield to me in that connection?

Mr. BLAIR. Certainly.

Mr. JACKSON. The Senator is mistaken about the judgment having been rendered *nunc pro tunc*. I have it before me. The judgment was rendered just for the $14,000 in June, 1883.

Mr. BLAIR. I do not understand that to be the way, but supposing it to have been the way of it——

Mr. JACKSON. It is the way.

Mr. BLAIR. The judgment was rendered. All the items are in the report and in the papers as they were before the committees of both Houses of Congress, from year to year, showing that the balance was precisely the sum for which the second judgment was rendered. Thereupon the Attorney-General made his appeal to the Supreme Court of the United States. I have here the decision of the Supreme Court, and that I understand to be substantially to the effect that this sum of $14,016.29 was a part, and should have been made a part, of the original judgment, and should have been so recorded. That can not be controverted at all. So the judgment of $14,016.29 is really and truly a part of the original amount adjudicated to be due in the year 1869, and on which Albert Grant was rightfully entitled to interest from the time when he filed his transcript of the original record, which, erroneously made, did not happen to include it, but which should have included it upon the minutes of the court itself.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Hampshire as stating that the jugdment of $14,000 was paid?

Mr. BLAIR. I have not stated that as yet. I am coming to that point.

The PRESIDING OFFICER. Will the Senator allow the Chair——

Mr. BLAIR. I am stating the nature of the $14,000 judgment, that it was to correct an error, a mistake of the court, the agent of the United States, in making up the record of its original finding. By an accident, by a mistake, the court took a list of items, amounting to $34,000, when its own judgment and its own minutes, its own decision, showed that it designed to render a judgment of $48,000. After years of effort in both Houses of Congress, Mr. Grant finally succeeded in getting an act through Congress authorizing the court to correct that mistake, and when the mistake was corrected it was designed to be corrected in such a way as to give him the benefit of his original judgment at the time of the close of the original controversy; that is, $48,000.

Now, to proceed: At the last session, I think, but I am not quite sure, an appropriation to satisfy this judgment was asked for, and it was made.

The PRESIDING OFFICER. Will the Senator allow the Chair to inquire as to the precise facts which would control the decision of the Chair upon the question of order? Was the judgment rendered by the court for the $14,000 a balance paid to the claimant, and is this a claim for interest supposed to have accrued before that payment was made?

Mr. BLAIR. The appropriation for the principal was made, but the claimant applying at the Treasury for his money, expecting the interest as a matter of course upon the judgment as from January, 1870, was told by the Treasury officials that it would be unsafe for him to take the principal until the interest itself was in form appropriated for. Therefore he has allowed the principal to remain in the hands of the Treasury Department, and comes here asking for this formal appropriation for the amount of interest; so that no money whatever under the appropriation for the payment of this judgment, either principal or interest, has ever been received by the claimant.

That is the precise fact upon the point in regard to which the Chair asked. The claimant now asks an appropriation covering in direct terms the interest, and expects with the appropriation of the last session and this appropriation for the interest, to get the entire amount due by reason of the mistake made by the court in 1870.

The PRESIDING OFFICER. Does the Chair understand the Senator to state that the appropriation contained in the amendment is to cover interest that is supposed to have accrued upon the principal of the debt?

Mr. BLAIR. Yes, sir; upon this balance.

The PRESIDING OFFICER. Then the Chair does not hesitate to rule the amendment to be out of order.

Mr. BLAIR. I desire to ask the Chair to state the ground of his decision, because undoubtedly the ruling may be right.

The PRESIDING OFFICER. The Chair holds that the claim is a private claim, and being so it is out of order on this appropriation bill.

Mr. BLAIR. I do not myself understand how that can be the case. The interest is a part of the judgment.

The PRESIDING OFFICER. Does the Senator from New Hampshire appeal from the decision of the Chair?

Mr. BLAIR. I do not take an appeal from the decision of the Chair, but it results in a very great injustice.

The PRESIDING OFFICER. The reading of the bill will proceed.

The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," after line 584, to insert:

Metropolitan police, contingent expenses: To pay Washington Gas-Light Company, gas for police headquarters, May and June, 1879, $50.85.

Executive office, contingent expenses: To pay the Public Printer for printing and binding three hundred copies of Report of Commissioners for 1881, $341.71.

The amendment was agreed to.

The next amendment was, after line 607, to insert:

Assessor's office: To pay G. A. Hall the difference between salary as messenger, at $50 per month, and salary as clerk, at $1,200 per annum, from July 1, 1882, to June 1, 1883, eleven months, he having performed the duties of clerk during that time, being for the service of the fiscal year 1883, $550.

The amendment was agreed to.

The next amendment was, after line 615, to insert:

Furniture for new school buildings: To pay J. W. Boteler & Son for furniture for Analostan school, being a deficiency for the fiscal year 1883, $6.50.

The amendment was agreed to.

The next amendment was, after line 619, to insert:

Miscellaneous expenses: To pay H. Cowling for use of carriage for Senate Committee on the District of Columbia in visiting charitable and reformatory institutions, being for the service of the fiscal year 1883, $19.50.

The amendment was agreed to.

The next amendment was, after line 649, to insert:

To pay F. H. Bates for services as military instructor at the High School, $300.

The amendment was agreed to.

The next amendment was, in line 653, to reduce the appropriation "for repairs to school buildings, being a deficiency for the fiscal year 1884," from $364.17 to $64.17.

The amendment was agreed to.

The next amendment was, after line 672, to insert:

And any balances of appropriations for the District of Columbia under the head of improvements and repairs for the fiscal year 1885 that remain unexpended June 30, 1885, may be applied to meeting deficiences in any item of appropriations for the improvement or repair of streets and county roads for the same year.

The amendment was agreed to.

GEORGE E. SPENCER.

Mr. JONES, of Nevada. I ask that the pending order may be laid aside informally in order that I may call up a resolution on the Calendar which was reported from the Committee on the Contingent Expenses of the Senate.

Mr. PLUMB. I do not know to what the Senator refers; but would it not be better for us to take up such things after the passage of the appropriation bill rather than to do it now?

Mr. JONES, of Nevada. This will only take a moment.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas to interpose an objection?

Mr. PLUMB. I do not want to object, but I have a number of bills here that I should be glad to have taken up.

Mr. HALE. The resolution now called for will involve no debate, I understand.

Mr. JONES, of Nevada. It will lead to no debate.

The PRESIDING OFFICER. The Senator from Nevada asks the unanimous consent of the Senate that the appropriation bill may be informally laid aside in order that the Senate may proceed to the consideration of a resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution will be read for information.

The resolution was read, as follows:

Resolved, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of $7,132, being the amount actually and necessarily expended by him in maintaining his title to his seat.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada to lay aside informally the appropriation bill and consider the resolution just read? The Chair hears no objection. The resolution is before the Senate, and the question is on agreeing to it.

Mr. COCKRELL. I simply desire to say that I am opposed to the principle involved in the resolution. It is vicious. In my opinion there is no justice or equity in it. I do not desire now to consume any of the time of the Senate in stating further my opinion in regard to it.

The resolution was agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "War Department," to strike out the clause from line 741 to line 751, inclusive, as follows:

For payment of taxes upon lots numbered 6 and 7 in square numbered 169, Washington, D. C., assessed prior to July, 1874, including interest and cost of advertising, being for the service of the fiscal year 1885 and prior years, $542.20; and the Attorney-General of the United States is hereby directed to proceed against the warrantors upon the covenants in the conveyance to recover back said sum, in the name of the United States.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Quartermaster's Department," to strike out the clause from line 760 to 763, inclusive, as follows:

To pay to Mrs. M. L. Eddins, holder of claim of Meader and Morris for amount found due for Army transportation, 1881 and prior years, $42.90.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 764 to line 769, inclusive, as follows:

To pay William H. Farrell amount of claim allowed under incidental expenses Quartermaster's Department, and reported to Congress in House Executive Document No. 153, page 36, Forty-eighth Congress, second session, $68.90.

The amendment was agreed to.

The next amendment was, in line 799, to increase the total amount of the appropriation for the various expenses of the Quartermaster-General's Department from $15,000 to $50,000.

The amendment was agreed to.

The next amendment was, after line 804, to insert:

To John Finn, $2,800, being the purchase-price for mules bought from him in November, 1864, and payable from the appropriations for "Transportation of the Army and its supplies, 1882 and prior years" (fiscal year 1865), which is exhausted.

The amendment was agreed to.

The next amendment was, to strike out the following clause from line 812 to line 814, inclusive:

For necessary improvements and construction of quarters for the non-commissioned staff of the Army, $18,079.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," after line 821, to insert:

Increasing the water supply of Washington, D. C.: For completing payment for land taken for a reservoir under the act to increase the water supply of the city of Washington, and for other purposes, approved July 15, 1882, in addition to a like amount appropriated for the same purpose by act of July 7, 1884, $87,500: *Provided*, That this appropriation shall be subject to the same provisions and restrictions named in said act of July 15, 1882.

The amendment was agreed to.

The next amendment was, in the appropriations for the Signal Service, after line 867, to insert:

Means of transportation, namely: For one horse, to replace one rendered unserviceable since appropriation for present fiscal year was passed, $200.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects," after line 912, to insert:

Pay of two and three year volunteers: For payment of arrears of pay, &c., to officers and men who served in the war of the rebellion, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, $50,000.

The amendment was agreed to.

The next amendment was, after line 919, to insert:

Bounty to volunteers and their widows and legal heirs: For payment of amounts of bounty to volunteer soldiers who served in the war of the rebellion, and their widows and legal heirs, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, $60,000.

The amendment was agreed to.

The next amendment was, after line 926, to insert:

Bounty under act of July 28, 1866: For payment of amounts of additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1880 and prior years, $50,000.

The amendment was agreed to.

The next amendment was, after line 933, to insert:

Commutation of rations to prisoners of war and soldiers on furlough: For payment of amounts which may be certified to be due by the accounting officers of the Treasury Department for commutation of rations to prisoners of war in rebel States and soldiers on furlough, being for the service of the fiscal year 1871 and prior years, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," after line 949, to insert:

To pay the Harlan and Hollingsworth Company for the use and occupation of their ship-yard by the ironclad Amphitrite, and the care of said vessel, and expenses to which they were subject for watching and storage of turrets, pilot-houses, guns, &c., from July 8, 1876, to December 29, 1882, $57,987.

Mr. McPHERSON. Before that amendment is voted on I should like to ask the Senator from Maine who has charge of the bill if there was an agreement between the Navy Department and the gentlemen whose names appear in these amendments as to the amount to be paid for the service rendered. It seems to me to be a most extraordinary thing that the United States must pay for three of the iron-clad monitors a sum equivalent to almost $200,000 for the care of those ships in ship-yards. I was not aware that any agreement had been reached between the Navy Department and these gentlemen; and certainly I was not aware that so large a sum had been allowed them. Can the Senator give me the information?

Mr. HALE. The Senator undoubtedly knows that these ironclads remained in the yards of the ship-builders for several years, no appropriations having been made by Congress for continuing the work upon them. They occupied conspicuous places in the yards, and of course were in the way of other business. The contractors had no power to remove them. Finding that Congress did nothing, attention was called to the subject, and the Secretary of the Navy was directed by a resolution, or a clause in an appropriation act, to appoint a commission to consider the whole subject and report what amounts were fairly due the owners of these ship-yards for the use of their property during those years by the Government.

The amounts inserted here by the committee are the amounts reported by that commission, not varying at all in any particular. They are the same amounts which were inserted last year and passed by the Senate, but thrown off in a conference between the two Houses. That is why they are put on this year.

Mr. McPHERSON. Do I understand the Senator to say that a board of naval officers was appointed by the Secretary of the Navy to adjust this claim between the Navy Department and the three different firms named?

Mr. HALE. Not to adjust, because that depends upon Congress giving the money.

Mr. McPHERSON. To recommend?

Mr. HALE. Yes, to fix the amount. In one case at least one of the owners of the yards felt so aggrieved that he declined to take the amount reported and refused in any way to submit his claim to the Navy Department. It was only after much controversy and after the recommendation had been made that the others should be appropriated for, that he came in and agreed to take the amount fixed upon in full provided it should be appropriated.

Mr. McPHERSON. This is a matter with which I suppose I ought to be as familiar as the Senator from Maine, serving on the Committee on Naval Affairs with him, but it has entirely slipped from my recollection. I understand this action to have been taken under the authority of a resolution of Congress directing the Secretary of the Navy to adjust the claims of these gentlemen. Will the Senator inform me still further, because his recollection of the matter is certainly better than my own, what other directions were given to the Secretary of the Navy touching these ships? Were they to be removed from these different navy-yards and stored somewhere, or are they there still subject to the same expense each year that has been laid upon them between the years 1877 and 1882?

Mr. HALE. It is not a very easy matter to remove them. One of them is in California. One of them has been launched and taken around to the navy-yard at Washington for her armor and armament. The others are in yards on the Atlantic coast.

Mr. McPHERSON. This bill only speaks of three, the Amphitrite, the Terror, and the Puritan. As to the one in California the resolution, I believe, did not touch that ship, because it is in the navy-yard in California. As to the Monadnock it was held in possession of the Government and was in the Government yard at the time when the resolution was passed directing the Secretary of the Navy to make the adjustment. But as to the three ships named here, are they still in the yards of Mr. Roach, Mr. Cramp, and the Harlan & Hollingsworth Company?

Mr. HALE. As I have said, two of them are in those yards. The Monadnock has been removed from the private yard where she was to the navy-yard at Mare Island in California. The other two remain, and work has since been done upon them by the contractors under the appropriation of three years ago. If Congress appropriates as is covered in the naval appropriation bill this year as reported by the Senate Committee, it is expected that work will go on and they will be completed. Of course while they are being worked upon and the contractors are spending money upon them, completing them, no charge is made for rent. No charge would have been made undoubtedly had the work gone on from the beginning, but the long delay of years was so burdensome that the owners of the yards felt that they had a claim for rent.

The whole matter was submitted to this commission. I will say to the Senator that I never heard any fault found with the amounts reported except by the owners of the yards. They did complain.

I do not think it is strange that the Senator does not have this item in his mind. I did not get it precisely in the Naval Committee, but more because of my familiarity with the appropriations here and in the other branch years ago. Otherwise I should not have had it in my mind.

Mr. McPHERSON. If the Senator will bear with me a moment longer, it seems to me as though there was no intention on the part of Congress to complete these ships, and therefore I did expect that when the committee proposed any legislation touching them they would certainly provide in some way that the Government should take possession of them and take them from these different ship-yard establishments, and place them in their own navy-yards, where, at least, we should not be subject to the annual expense of care and storage. That was the reason why I made the inquiry.

Mr. CAMERON, of Wisconsin. I wish to ask the Senator from Maine whether in his opinion these amendments are or are not for the purpose of paying private claims, and if so, whether they are in order under Rule XVI.

Mr. HALE. They are based upon a resolution of Congress directing an investigation to be made, and the items have been regularly sent in by the Department. That has been done for years.

Mr. CAMERON, of Wisconsin. There is another amendment proposed by the committee on page 52. I desire to make the same inquiry in regard to that amendment.

Mr. HALE. When we get to that I shall look it up.

Mr. CAMERON, of Wisconsin. If the Senator will turn to that page he will find it beginning in line 1263. My reason for making the inquiry is because I have an amendment myself which I desire to propose, and it seems to me that it stands on the same basis substantially with that amendment.

Mr. HALE. The committee has endeavored not to put any claims upon the bill. If the Senator makes a point of order upon that amendment when we reach it, and the Chair rules it out, of course it is not a thing that I can in any way object to, and I shall not.

Mr. CAMERON, of Wisconsin. I do not propose to make a point of order upon it, but if it be in order I do not see why the amendment insisted upon by the Senator from New Hampshire [Mr. BLAIR] was not in order.

Mr. VAN WYCK. Will the Senator from Maine give a little more information in regard to the three vessels which are named that have been watched and looked after in the three separate yards? Were these vessels in the course of construction? Were they being built?

Mr. HALE. They had been begun by the Government under contract. When the controversy arose in the year 1877 the Secretary of the Navy gave directions that work should cease. After that they hung there, an interrupted work, nothing being done upon them; there was no expenditure of money upon them by the contractors, but they were using up quite a portion of the yards.

Mr. VAN WYCK. Had the Government commenced to build the vessels?

Mr. HALE. Certainly.

Mr. VAN WYCK. In its own yards?

Mr. HALE. No; the Senator does not understand. The Government commenced them by contract in the yards of the ship-yard owners and then suspended work and left the vessels in the yards on the stocks, where they could not be removed, and were so occupied, using up large portions of the yards of the ship-yard owners and contractors without any fault on their part. They were continually beseeching the Government to go on and finish them and get them out of the way.

Mr. McPHERSON. I believe we are acting upon the amendments of the committee at present, and that they will be open to amendment after we get through with the list.

Mr. HALE. Undoubtedly.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 957, to insert:

To pay William Cramp & Sons for the use and occupation of their ship-yard by the ironclad Terror, and for care and storage of the turrets, guns, &c., from July 8, 1876, to December 30, 1882, $75,790.

The amendment was agreed to.

The next amendment was, after line 963, to insert:

To pay John Roach for the use and occupation of his ship-yard by the ironclad Puritan, and for the care of said vessel and storage of her turrets, guns, &c., from July 8, 1876, to December 29, 1882, $99,201: *Provided*, That no moneys hereby appropriated for the above three mentioned ships shall be paid except upon full receipt and discharge of all claims of the parties to whom the same may be paid for care and storage of said vessels, turrets, guns, &c., for use and occupation of these several yards.

The amendment was agreed to.

The next amendment was, in the appropriations for "naval establishment," after line 996, to insert:

For payment to the following newspapers for advertising proposals for new steel cruisers for the United States Navy, in May, 1883, namely: Sunday Chronicle, Washington, $99.45; Sunday Herald, Washington, $128.25; National Republican, Washington, $184.50; in all, $412.20.

The amendment was agreed to.

The next amendment was, after line 1021, to insert:

To pay amounts found due by the accounting officers on account of actual expenses, being for the service of the fiscal year 1883, $1,680.

The amendment was agreed to.

The next amendment was, after line 1096, to insert:

For payment to Lieut. W. H. Jaques, United States Navy, for actual and necessary expenses incurred in obtaining information while performing the duties as secretary to the gun-foundry board organized by the President in accordance with the act of Congress approved March 3, 1883, $180.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," after line 1104, to insert:

For reconstructing Interior Department (heating apparatus), $18,849.

The amendment was agreed to.

The next amendment was, after line 1107, to insert:

To pay amount found due by the accounting officers to the Central Pacific Railroad Company on account of contingent expenses General Land Office, being a deficiency on account of the fiscal year 1883, $43.80.

The amendment was agreed to.

The next amendment was, in the appropriations for "public lands service," in line 1124, to increase the appropriations "for incidental expenses of the several land offices" from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, after line 1124, to insert:

To pay amounts found due by the accounting officers on account of contingent expenses of land offices, being a deficiency for the fiscal year 1883, $62.28.

The amendment was agreed to.

The next amendment was, after line 1128, to insert:

To pay amounts found due by the accounting officers on account of depredations on public timber, being a deficiency for the fiscal year 1883, $1,641.87.

The amendment was agreed to.

Mr. HOAR. The Senate passed over in consequence of my momentary absence an amendment proposed by the committee to strike out certain language on page 11. I should like to ask the Senator from Maine to consent to go back to that amendment now, because the Senator from Oregon [Mr. SLATER] who knows something about it is unwell and desires to leave the Chamber. He does not wish to stay very long. Therefore I should like to go back to it now.

The PRESIDING OFFICER. Is there objection to going back on the request of the Senator from Massachusetts to page 11? The Chair understands that that amendment was passed over informally. If there be no objection the Senate will consider the proposed amendment now. The amendment will be read.

The SECRETARY. The committee report to strike out from line 237 to line 253 in the following words:

And all suits or proceedings pending in the district courts of Dakota and Washington Territories at the time of the passage of said act, and which would, if instituted after the passage of said act, be required to be brought in the new districts created and provided for in said act, may be transferred by consent of parties to said new district courts, and there disposed of in like manner and with like effect as if the same had been there instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts respectively in the same manner and with like effect as if they had issued or had been taken in reference thereto originally; and the counties of Skamania and Spokane, in said Washington Territory, shall constitute part of the fourth judicial district thereof until the Legislature shall meet and otherwise provide.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the committee.

Mr. HOAR. My knowledge of this subject comes very largely from a communication made to me by the chief-justice of Washington Territory, who is a very able and excellent lawyer, and who is a relative of mine, for whose statements I am quite willing to vouch. Technically this clause comes within the principle which the Committee on Appropriations have applied, with the assent of the Senate; it is certainly barely over that line; but I think if the Senator from Maine will hear the statement which I will take but half a minute to make he will be willing to retain the provision for the present.

We passed last year an act for the redistricting of Washington Territory, and by a mistake which was made in the House, not in the Senate, two of the counties, the county of Spokane and the county of Skamania, were left not in any jurisdiction of any court, and the inhabitants of those counties are without judicial protection unless this paragraph can be enacted. As we are providing generally for the expenses of the justices and for the judicial expenses of the Territories, there would seem to be no harm under the circumstances in letting this go in.

That relates to the last clause in the paragraph. In regard to the other part of it I will state that these Territories, by the rapid growth of population and the filling up in certain counties, have got into a condition where for ordinary purposes of justice the inhabitants in some counties were obliged to travel more than two hundred miles to get justice, and that was corrected by a new judicial distribution. The new judicial distribution has created courts which have very small business at first. The old courts are crowded, and the inhabitants of some of those counties have to travel a long distance to the courts, which are overcrowded with work in places, instead of being able to go with their neighbors and with all the persons whose cases arise at present to courts in their own neighborhood.

This paragraph merely provides that where both parties agree they may transfer a case from the court under the old arrangement to the court under the new. Both the Oregon Senators are generally familiar with the condition of this matter so far as it relates to Washington Territory, and the Delegates of both these Territories are very earnest to have this done. I hope, therefore, that the honorable Senator from Maine will allow the paragraph to stand in the bill without a contest.

Mr. HALE. The Senator from Massachusetts knows "a hawk from a handsaw" as plainly as any man in the Senate. He must see clearly that this is a pure piece of legislation. It is an elaborate and well-devised plan relating to the judiciary of Dakota and Washington Territories. It has no more to do with a deficiency appropriation bill providing for defects in appropriations for the current fiscal year than it would have to do with an appropriation for furniture in the Senate Chamber. It is a clear exercise on the part of the House of their undoubted right, under their rules, to put legislation on an appropriation bill. I do not raise any question as to its being good legislation.

Mr. HOAR. If the Senator will pardon me, it is a good deal less than what he states in one particular. It is not a well-devised scheme of new legislation. It is merely the correction in the first particular of a slight error, a slight imperfection, which works great injustice in some localities in general legislation, which passed both Houses last year.

Mr. HALE. It is a pure piece of legislation which should have been considered either by the Committee on Territories or the Committee on the Judiciary.

Mr. HOAR. It has been so considered.

Mr. HALE. Quite likely it is wise legislation. I am bound to accept what the Senator from Massachusetts has said; I believe I fully concur with him as to the need of it; but I repeat it has nothing whatever to do with a deficiency appropriation bill. It is for the Senate to settle the question, and if the Senate desires to keep this piece of legislation upon the deficiency appropriation bill I shall lose no sleep about it. A vote can be very readily taken and settle it at once. I do not care to say anything more about it.

Mr. SLATER. I will say just a word in regard to this clause. In the act referred to in the paragraph preceding that which is proposed to be stricken out by the committee, a mistake crept in by which two new counties in Washington Territory were left out. The people of those counties are entirely without judicial process. They are not able to go into court in civil matters or in criminal matters. This paragraph which the committee report to strike out is the only hope they have of being relieved from that condition. That being the case, although it is a pure piece of general legislation, I trust that the Senate will refuse to strike out the clause. It is very important to those people. Many crimes are being committed there for which there is no remedy and no means of prosecuting them.

The PRESIDING OFFICER. The question is on agreeing to the

amendment of the Committee on Appropriations to strike out the paragraph in question.

The amendment was rejected.

The PRESIDING OFFICER. The Senate will return to line 1134.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out the clause from line 1171 to line 1175, inclusive, as follows:

For payment of amount found due to McBroome and Taylor for surveying private land claims in New Mexico, being a deficiency for 1881 and prior years, $208.53.

The amendment was agreed to.

The PRESIDING OFFICER. The clerks are uncertain. The bill has pencil marks striking out what follows line 1175.

Mr. HALE. I called the attention of the Secretary to that. The next paragraph is to be stricken out.

The PRESIDING OFFICER. The matter proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out from line 1176 to line 1210, inclusive, in the following words:

Tenth Census:

That the office of the Tenth Census is hereby abolished, and the terms of office of the Superintendent and of all employés appointed under the provisions of the act of March 3, 1879, entitled "An act to provide for the taking of the tenth and subsequent censuses," or of any subsequent act relating to the Tenth Census, shall cease and terminate from the date of the passage of this act; and no further expenditures, whether for salaries or expenses, shall be made on account of the Tenth Census, except as hereinafter provided. The unfinished work of the Tenth Census shall be completed in the office of the Secretary of the Interior, to whom the records and other property of the Census Office shall be transferred; and the Secretary of the Interior is authorized to appoint, from the date of the passage of this act, and for the term of one year from date of such appointments, a clerical force for duty in said division, which force shall consist of one clerk of class 4; one clerk of class 3, who shall also be a practical printer; one clerk of class 2; one clerk of class 1; and one copyist, at $900 per annum; and for payment of the salaries of such force the sum of $6,900, or so much thereof as may be necessary, is hereby appropriated; and any balances of appropriations for the Tenth Census heretofore made which shall remain unexpended at the date of the passage of this act shall be applied to the liquidation of any liabilities for the work of the Tenth Census which have been incurred heretofore and remain unpaid at such date; but this provision shall not apply to any unexpended balance of the appropriation for printing the report of the Tenth Census made by act of August 7, 1882, but such balance shall be applied as provided in that act.

The foregoing provisions relating to the Tenth Census shall take effect from the passage of this act.

The amendment was agreed to.

The next amendment was, after line 1214, to insert:

To pay Miss Emma Dowell for clerical services rendered in the Interior Department in July, 1882, $89.25.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; that it had concurred in the amendments of the Senate numbered 3, 4, 5, and 6 to the said bill, and that it further insisted on its disagreement to the amendments of the Senate to the said bill numbered 16, 17, 18, 19, and 20; that it asked a further conference on the disagreeing votes of the two Houses thereon, and that it had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the further conference on its part.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Indian affairs," after line 1262, to insert:

For amount due to Isaac G. Baker for one hundred and sixty-two head of beef-cattle taken by Fort Peck Indians October 14, 1878, while in process of delivery under his contract dated June 21, 1878, $5,820.20.

Mr. DOLPH. I should like to inquire of the Senator from Maine having charge of this bill how this amendment comes into the bill? It appears on the face of the amendment to be provision for payment for an Indian depredation. At the last session of Congress I introduced a bill to provide for a commission to audit such claims of citizens of Oregon and the adjacent Territories, and I understand that the committees have uniformly reported against the payment of such claims. I should like to ask if the amount of this claim has been ascertained by the judgment of any court, or audited by any officer of the Government under any authority of Congress?

Mr. HALE. In some of these cases it is pretty difficult to tell whether the transmission to Congress by the Secretary of the Treasury or the heads of Departments makes them technically estimates. In some cases the Secretary sends in terms just as much an estimate as there is in the Book of Estimates, recommends the appropriation, and it is referred to the Committee on Appropriations and is considered by the committee as an estimate under the rules, and therefore not subject to the point of order. In other cases the Secretary will transmit the papers with a favorable recommendation, and there are variations and shades and degrees about that. The committee thought that in its spirit this came under the head of a matter that was considered and determined upon favorably by the head of a Department, and so recommended it and put it in; but if the Senator makes a point of order and the amendment is ruled out, the Committee on Appropriations would consider hereafter that it would not be authorized to put in such a provision.

Mr. DOLPH. I will state to the Senator that I offered and had printed and referred to the Committee on Appropriations an amendment to provide one appropriation for the payment of the claims which had been audited and settled under the act of August 7, 1882, which the committee did not see fit to adopt.

Mr. HALE. Was it transmitted by the Secretary of the Treasury?

Mr. DOLPH. The estimate was transmitted by the Secretary of the Treasury, with an estimate, and I proposed to offer it in the proper place, but I can not find that this claim for Indian depredations was audited at all. I ask unanimous consent that this may be passed over until after the reading of the bill is concluded; and I will offer my amendment in connection with this to come in on this page, and meanwhile I will see if there is any estimate for it.

Mr. HALE. To that I have no objection, or the Senate may strike out the item if it pleases.

Mr. DOLPH. I do not make any point of order, but ask that the amendment may be passed over to be considered in connection with one I shall offer.

The PRESIDING OFFICER. The amendment will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1269, to insert:

For amount due to the Globe Printing Company, of Saint Louis, Mo., for advertising for proposals for Indian supplies and stock-cattle in March and April, 1884, as per certificate of Second Comptroller, December 22, 1884, being for the service of the fiscal year 1884, $197.34.

The amendment was agreed to.

The next amendment was, after line 1277, to insert:

To reimburse the Creek Nation for liabilities incurred in defraying the expenses of its delegation while engaged in negotiating the treaty of 1862, so much of their funds erroneously used to pay expenses of taking a census in 1868, not exceeding the sum of $1,482, is hereby reappropriated from the amount of $1,944.64 of the appropriation provided for taking said census carried to the surplus fund.

The amendment was agreed to.

The next amendment was, after line 1287, to insert:

To enable the accounting officers to adjust certain appropriations on the books of the Department, the sum of $728.77 is hereby reappropriated; $628.77 thereof to be carried to the credit of the appropriation "fulfilling treaties with Creeks, proceeds of lands," and $100 to "payment to certain Creek Indians for individual reserves sold, and so forth," being amounts found due these appropriations in the adjustment of the accounts of W. H. Garrett, late Indian agent.

The amendment was agreed to.

The next amendment was, after line 1298, to insert:

The Secretary of the Interior is hereby authorized and directed to pay to the heirs of certain Osage Indians, killed while on a hunt on Medicine Lodge Creek, in 1873, the balance on hand of the sum of $3,000 appropriated by act approved March 3, 1877, "to reimburse the Osages for losses sustained, and in accordance with pledges by their agent," amounting to $2,451.50, which is hereby reappropriated for this purpose.

The amendment was agreed to.

Mr. MILLER, of New York. Before proceeding further with the bill I desire to ask unanimous consent to offer an amendment at this point, as I am called away for an hour or more, and can not be present perhaps when the committee amendments are concluded. The amendment can now be offered by unanimous consent, I understand.

Mr. HALE. Let us hear what it is?

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. After line 1349 it is proposed to add:

For the completion of the pedestal for the statue of Liberty Enlightening the World, to be erected on Bedloe's Island, in New York Harbor, $100,000, to be expended under the direction of the officers of the organization which has charge of the erection of said pedestal and statue.

The PRESIDING OFFICER. Is there objection to the Senator from New York offering this amendment at this stage of the proceeding?

Mr. HALE. I do not object to its being offered now, but I must raise the point of order on it.

The PRESIDING OFFICER. The Chair hears no objection to the Senator from New York proposing his amendment at this time.

Mr. MILLER, of New York. It is entirely useless for me to offer the amendment if the point of order is raised. I have talked with all the members of the committee and a large number of Senators, and I think that after a two or three minutes' statement the amendment will not be objected to. I understand very well that it can not go on if the point of order is insisted upon.

The PRESIDING OFFICER. Does the Senator from Maine object to the amendment?

Mr. HALE. I withhold the point of order until the Senator makes his statement.

Mr. MILLER, of New York. It has been generally supposed that the erection of the pedestal of this statue was a matter belonging entirely to New York or the citizens of the State of New York. This is a mistaken view of the situation. The people of France as a whole have made the gift of the statue, here described as the statue of Liberty Enlightening the World, to the people of the United States as a memorial of one hundred years of our history as a Government. That has been accepted by the people of the United States through an act of Congress. Nothing has ever been done by the State of New York or by the people of the city of New York officially in connection with this thing.

All the proceedings heretofore have been through the Congress of the United States. For this purpose an act of Congress was passed naming the place where this statue should be erected. Congress might have brought it here to Washington or have sent it to Philadelphia or to San Francisco or to any other point; but by an act of Congress it was decided that it should be erected upon a Government island in the harbor of New York. I will read the resolution of Congress:

Whereas the President has communicated to Congress the information that citizens of the French Republic propose to commemorate the one hundredth anniversary of our independence by erecting, at their own cost, a colossal statue of Liberty Enlightening the World, upon a pedestal of suitable proportions, to be built by private subscription, upon one of the islands belonging to the United States in the harbor of New York; and

Whereas it is proper to provide for the care and preservation of this grand monument of art, and of the abiding friendship of our ancient ally: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to accept the colossal statue of Liberty Enlightening the World, when presented by citizens of the French Republic, and to designate and set apart for the erection thereof a suitable site upon either Governor's or Bedloe's Island, in the harbor of New York; and upon the completion thereof shall cause the same to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic; and he is hereby authorized to cause suitable regulations to be made for its future maintenance as a beacon, and for the permanent care and preservation thereof as a monument of art and of the continued good-will of the great nation which aided us in our struggle for freedom.

In pursuance of this joint resolution of the two Houses of Congress General Sherman was designated by the President to make a selection, and he made the selection of Bedloe's Island in the harbor of New York, and upon that island, by voluntary subscriptions, there has been expended up to the present time $160,000 in laying the foundation for this pedestal. This amount of money has now been expended, and the work has been brought to a point where the pedestal is but begun. It is estimated that it will cost $130,000 to erect the pedestal upon this foundation. It is impossible by voluntary contributions or subscriptions to raise the necessary amount for the completion of this great work, but it is believed by citizens of the city of New York that if the Government will appropriate $100,000 the additional $30,000 necessary can be raised, and that the work can go on. A number of leading citizens of the State of New York have formed an organization for this purpose, and they have been diligently at work for several years in raising money for this purpose, and, as I have already stated, they have raised and expended $160,000.

This work was entirely voluntary. We had a perfect right in New York, and the whole country had, to call upon the Government of the United States to pay the entire expense. It is a governmental affair. The Congress of the United States has accepted this gift from the Republic of France, and it has already ordered a ship of war to go to France and bring out this statue. It is to be brought out in May next. When it arrives here, unless this money shall be granted, it will of necessity go into store somewhere and remain there for years unless the Government shall appropriate this money. The people of New York city feel that they have done their full share and more than their full share in thus raising $160,000. I might go on and read the report which has been made by the Committee on the Library of the House, but it is not necessary to do so. This matter has been fully considered by the Committee on the Library both in the House and in the Senate, and they have reported a joint resolution, and they have hoped to secure a hearing for it in the House of Representatives and secure its passage, but the condition of business for the past few days has been such as to prevent any possibility of reaching the resolution in the House.

There is no other parliamentary way left, with which I am at all cognizant, by which it may be reached except, by unanimous consent, putting it on this bill. I appeal to the entire Senate to withhold all objection and to allow this to go upon the bill. Certainly the demand of the people of New York that this shall be done is proper and just, and I think that with the law on its side it has still higher claims upon us than the New Orleans Exposition had for calling for another appropriation of $400,000; but for one I believe that it was just and proper that Congress should carry that out. Now, shall we appeal to the Government to give $100,000 to complete this great statue? Certainly it will be nothing less than a national disgrace if it shall so happen that after Congress has passed a law accepting this statue from the Government and people of France it shall fail to provide any just and proper place for its erection. One hundred and sixty thousand dollars has already been expended. The association in New York undertakes to raise $30,000 more, and with the $100,000 asked for here the work can be completed, and when completed it will be one of the greatest works of art in the world. The entire height, base, pedestal, and statue, will be over three hundred feet.

I feel that nothing more is necessary to be said on my part. The chairman of the Library Committee, the Senator from Ohio [Mr. SHERMAN], is present and can state, if it should be necessary, still further reasons in this direction. I believe that this appeals to the proper feelings of all Senators and that there certainly can be no objection to the proposition. If there is any objection in the House, that will arise in the conference committee, and it can there be cared for. There is no other possible way of reaching it.

Mr. HALE. It is not a pleasant thing to object to the appropriation of money for an object of this kind that appeals to good taste and to the imagination, and, as the Senator from Ohio [Mr. SHERMAN] suggests, to patriotism perhaps; but there is a duty that rests upon any one in charge of an appropriation bill, to keep from it, if possible, by invoking points of order, appropriations that have not been fully considered by the Committee on Appropriations for subjects-matter that are not properly considered on appropriation bills and which ought to be considered by other committees.

We are now in the last twenty-four hours of this session of Congress, of this entire Congress, and all the time up to now for two years has been at the disposal of the Committee on the Library or any other committee properly having jurisdiction of this subject to report a bill giving this money, to put it through the two Houses, and let the country make a gift of this large amount of money for the purpose indicated by the Senator from New York; but it is not a proper thing for a deficiency appropriation bill to be put on in these last waning hours. However good it may be, it is a clear case of an enterprise begun without any expectation of calling upon the Government, and when at last it drags and lags refuge is taken in a call upon the Treasury.

Mr. MILLER, of New York. I appeal to the Senator to allow me to interrupt him at that point.

Mr. HALE. Certainly.

Mr. MILLER, of New York. I am very certain the Senator could not seriously make the statement which he now makes if he had at all considered this measure. It was never a matter of private enterprise. It was never undertaken or projected in any way by the people of the State of New York. Congress, acting independently and by itself and without any consultation or communication with any official in New York, in the city or in the State, decided to accept this statue from the people of France, and by an act of Congress, which I have read, it decided to locate it upon Bedloe's Island in the harbor of New York. A number of patriotic citizens there undertook to raise by voluntary subscription sufficient money to build a proper pedestal for it. They have been laboring earnestly in that direction for two years.

The Committee on the Library have not acted upon it at all this session, because it was still hoped that some large-minded philanthropist would come forward and pay the whole sum that was necessary to do this work; but thus far it has not been done. But this committee of citizens in New York has by voluntary subscriptions raised $160,000. There was no necessity, in my judgment, there was never any duty or obligation upon any committee in New York, to raise a single dollar. The Government of the United States having accepted this statue from the people of France should have provided a proper base or pedestal for it out of the public Treasury, but the people of New York undertook to do it. They have gone thus far; and now it is in such a condition that if this money is not granted, and if the pedestal should not be completed by the time the statue will arrive from France, it must necessarily go into some storehouse and lie there until the Government shall provide for it.

As to putting the amendment upon this bill, I understand full well that it is out of order; but if my attention had been called to it three or four days ago I should have taken the proper means to have made it in order.

The committee in New York were operating with the committee of the House of Representatives. They thought they could there succeed and get it through. It has been reported favorably in the House. I have no doubt that it will pass there almost unanimously, if it can be reached. I have no doubt also that if the question could be brought up separately in this body it would receive almost a unanimous vote here. But my attention was only called to-day to it, and to its condition. There is no possible way of reaching it except the way now proposed; that is, by unanimous consent; and certainly if it is not done now, the demand will come again at the next session, and again and again until the Government will finally do it. Shall the people of the State of New York say to the people of France, "We have accepted from you the most wonderful statue ever erected by the hand of man," and when it arrives in our country, after a notice of two or three years that it is coming, then will Congress say, "We will not even grant the paltry sum of money necessary to erect a pedestal on which to place it?"

This is to be when erected one of the wonders of the world. The bronze statue of the Goddess of Liberty Enlightening the World placed on the pedestal on Bedloe's Island will be over three hundred feet high.

I trust the Chairman of the Committee on the Library will feel called upon to say a few words in regard to this, because he has had this matter before him; it is no new matter to him. The amendment ought to have been reported here in a proper way so as to have made it in order; and if it had been so reported and had been in order, I have no doubt that more than three-fourths of the Senators would have gladly

voted for it. I appeal to the Senator from Maine who has this bill in charge to listen to the Chairman of the Library Committee, and then to finally withhold his objection and permit the Senate to vote upon the amendment.

Mr. SHERMAN. I supposed myself that this had been provided for, and I am surprised to find the condition in which this proposed appropriation now is. The only point of order that can be made against it is that one day's notice has not been given to the Committee on Appropriations; but the Chair knows very well that this bill really is now being acted on by unanimous consent. It is only by unanimous consent that it can be read the third time to-day. It can not be read twice on the same day except by unanimous consent, and the gentleman having charge of this bill must know that the only objection that can be made against this amendment is the fact that one day's notice of it has not been given to the Committee on Appropriations. But this subject is matter of public notoriety. It has been acted on by a committee; it is reported by a committee; it is pending in the House on the report of a committee. It seems to me, therefore, that it is pretty hard to have this item ruled out upon an objection that can be taken to the whole bill. We went through the form of an adjournment a few hours ago merely to get this bill up in order to give it a chance to be passed to-day. I think the Senator from Maine would not be violating his duty if he would allow this to pass *sub silentio*, if the Senator is willing. If a majority of the Senate is not clearly in favor of it, I would not be for putting it on the bill. I do not see why it has not been put on before in the House, as there is a general sentiment in favor of it.

As to the propriety of the Government of the United States paying this sum there is not the slightest doubt in my mind. This is a great work of art, not for the city of New York, but it is an act of patriotism, an act of friendly feeling for a great and powerful Republic. The French and American Republics are akin to each other and have many ties binding them together, and this kindly feeling has been expressly emphasized and very properly emphasized by the gift of the people of France of this beautiful work of art, and all that is requested of us is that we find a suitable location for it. The Government of the United States did that. They accepted this gift by a formal act of Congress. They designated the chief military officer of the country to go and select a site for it. That officer did, with the approval of Congress, select a site in the harbor of New York, a little island that there stands in the midst of that great harbor. And the citizens of New York have contributed more than one-half the expense of the foundation; and shall we not complete it?

I supposed myself that this had already been provided for. There was no doubt about it in the Committee on the Library. We believed that it was the duty of the Government to do something—after having accepted the gift to at least receive it and give it a place. Therefore I hope the Senator from Maine will allow the vote to be taken by the Senate; and if the Senate does not by two-thirds or more vote to put it on, I would not ask to put it on, but it ought to be put on now.

The PRESIDING OFFICER. Does the Chair understand that the point of order is made against the amendment?

Mr. HALE. After these appeals and invocations I give it up. I will withdraw the point of order and let the Senate vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Post-Office Department," after line 1369, to insert:

Railway post-office-car service: To supply a deficiency in the appropriation for railway post-office-car service, $100,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1397 to line 1401, inclusive, as follows:

To enable the accounting officers of the Treasury to settle the accounts of Seymour W. Tullock, late acting postmaster at Washington, D. C., on account of stationery for the fiscal year 1882, $202.21.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1418 to line 1421, inclusive, as follows:

For allowance for clerk-hire to postmaster at Richmond, Va., on account of the fiscal year 1882, $236.50.

The amendment was agreed to.

The next amendment was, after line 1421, to insert:

For balance of expenses incurred by E. B. Dawson, late postmaster, Boonton, N. J., in connection with pursuit of parties who robbed the post-office in Boonton, N. J., in April, 1882, $93.62.

The amendment was agreed to.

The next amendment was, after line 1426, to insert:

To pay E. A. Grant, late postmaster, Fargo, Dak., for clerk-hire, being for the service of the fiscal year 1882 and prior years, $6,930.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," after line 1468, to insert:

To pay John F. Cadwallader the sum of $682.75, being the amount due him for writing up back records of the United States district court at Springfield, Ill., between October 1, 1883, and December 20, 1883.

The amendment was agreed to.

The next amendment was, in line 1478, to increase the appropriation "for fees and expenses of marshals, United States courts," from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was, in line 1491, to increase the appropriation "for payment of district attorneys and their assistants" from $35,000 to $40,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1495 to line 1499, inclusive, as follows:

For payment of Andrews and Thornburg on account of fees of district attorneys and their assistants, being a deficiency for the fiscal year 1882, $2,367.05.

The amendment was agreed to.

The next amendment was, after line 1499, to insert:

For payment of the following claims on account of fees of district attorneys, being a deficiency for the fiscal year 1882, to wit: To William A. Cook, $1,000; to E. B. Smith, $2,000; to Andrews and Thornburg, $2,367.05; to J. K. Porter, $5,000; to W. D. Davidge, $5,000; in all, $15,367.05.

The amendment was agreed to.

The next amendment was, in line 1518, to increase the appropriation "for fees of commissioners and justices of the peace acting as commissioners" from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, after line 1531, to insert:

For rent of United States court-rooms, $3,616.40.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1542 to line 1545, inclusive, as follows:

To pay to Charles Pinckney, on account of support of prisoners United States courts, 1882 and prior years, $281.

Mr. BROWN. That is a just claim, but I understand it is included in another item where several other claims of like character are grouped together. That being the case, I have no objection to its being stricken out here.

Mr. COCKRELL. That claim is included in the provision in section 2, from lines 115 to 117:

For support of prisoners, United States courts, 1882 and prior years, $3,674.50.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the clause.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1545, to insert:

To pay W. W. Kerr the balance due him for services as special assistant United States attorney rendered in May and June, 1883, $1,612.55.

The amendment was agreed to.

The next amendment was, in line 1559, after the words "sum of," to strike out "two thousand six hundred and fifty" and insert "five thousand;" so as to make the clause read:

To pay John G. Thompson the sum of $5,000, being the amount allowed to him for expenses, labor, and attention in respect to the said case.

The amendment was agreed to.

The next amendment was, after line 1566, to insert:

PUBLIC PRINTING AND BINDING.

For printing and binding as follows: For the Interior Department, $50,000; for the State Department, $5,000; and for the Court of Claims, $4,000; in all, $59,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 1581.

Mr. PLUMB. I say to the Senator from Maine having this bill in charge that the sundry civil bill contains a provision for the expenditure of a sum of money out of the money charged to the Patent Office, and I think an exception ought to be made in this paragraph about the New Orleans Exposition in favor of that appropriation.

Mr. HALE. I have on my desk an amendment covering the point raised by the Senator from Kansas, which I propose to offer after the first reading of the bill has been finished. It will settle what the Senator from Kansas desires.

Mr. PLUMB. Very well.

The reading of the bill was resumed. The next amendment of the Committe on Appropriations was, after line 1581, to insert:

SENATE.

For salaries of officers and employés for the fiscal year 1885, $7,304.
For horses and wagons, $500.
For folding documents, $1,000.
For furniture and repairs, $7,000.
For expenses of inquiries and investigations ordered by the Senate, fiscal year 1884, $444.
For expenses of inquiries and investigations ordered by the Senate for the fiscal year 1885, $15,000; and that the four select committee clerks now employed by the Senate and paid out of this appropriation be paid the same compensation and for the same period as is provided for the payment of session clerks employed by the Senate.
For clerks to Senators, $6,852.
For miscellaneous items, $27,000.
For pay C. H. Hitchcock for services as messenger from 18th day of April to 31st of July, 1884, $410.07.

For pay Thomas W. Manchester for services as messenger from 15th day of April to 31st of July, 1884, $425.90.
For Beverly Hudnell for services as laborer from 15th day of May to 31st of July, 1885, $145.
For W. P. Brownlow for extra services in folding-room up to May 25, 1885, $240.
For Ross Broadhead for extra sevices as clerk in folding-room from July 1, 1884, to January 1, 1885, $300.
For W. H. May for services as messenger from 1st of August, 1884, to 30th of November, 1884, $477.40.
For A. A. Johnson for extra services as skilled laborer and acting messenger from January 22, 1884, to March 4, 1885, $574.56.
For W. B. Clark for extra services as laborer up to March 4, 1885, $180.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," in line 1650, in the clause making appropriations for allowance for expenses incurred in contested-election cases, to change the name "I. H. McLean" to "J. H. McLean."

The amendment was agreed to.

The next amendment was, after line 1709, to insert:

To pay Rider Henry and John J. Coughlin for services rendered in the Clerk's document-room, $242.50 each; in all, $485.

The amendment was agreed to.

The next amendment was, in line 1717, after the words "enable the," to insert "Secretary of the Senate and the;" and in line 1719, before the words "House of Representatives," to insert "Senate and;" so as to make the clause read:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employés of the Senate and House of Representatives borne on the annual and session rolls on the 3d day of March, 1885, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available.

The amendment was agreed to.

Mr. PLUMB. I move to strike out of line 1720 the words "annual and" where they occur, so that the month's pay will only apply to the session employés and not to the annual employés.

Mr. HALE. I ask the Senator to let this go until we get through with the reading of the bill, as I have an amendment to offer to the clause that will bring up this question.

Mr. PLUMB. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1740, to insert:

To pay Willis H. Allen, assistant clerk of the Committee on Ways and Means, for additional compensation, $400.

The amendment was agreed to.

The next amendment was, in section 2, in line 13, after the word "session," to insert "and for other items;" so as to read:

SEC. 2. That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1884 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Executive Document No. 153, Forty-eighth Congress, second session, and for other items, there is appropriated as follows, &c.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "claims allowed by the First Comptroller," in the appropriations for "State Department," in line 17, after the word "years," to strike out:

Except the claims numbered 104374 and 100910 in said Executive Document No. 153, $108.98.

And insert:

One thousand four hundred and forty-seven dollars and twenty cents.

So as to make the clause read:

For salaries, consular service, 1882 and prior years, $1,447.20.

The amendment was agreed to.

The next amendment was, in section 2, after line 22, to insert:

For contingent expenses of United States consulates, 1882 and prior years, $70.02.

The amendment was agreed to.

The next amendment was, in section 2, after line 28, to insert:

TREASURY DEPARTMENT.

Internal revenue:
For redemption of stamps, prior to July 1, 1882, $487.27.
For refunding taxes illegally collected, prior to July 1, 1882, $8,216.83.
For refunding taxes illegally collected under the direct-tax laws, prior to July 1, 1882, $24.02.
For expenses of assessing and collecting internal revenue, 1875 and prior years, $102.48.
For salaries and expenses of collectors of internal revenue, 1882 and prior years, $44.61.
For salaries and expenses of supervisors and subordinate officers of internal revenue, 1877 and prior years, $12.50.
For salaries and expenses of agents and subordinate officers of internal revenue, 1882 and prior years, $444.
For punishment for violation of internal-revenue laws, 1882 and prior years, $5.

The amendment was agreed to.

The next amendment was, in section 2, after line 54, to insert:

Miscellaneous objects:
For labor and expenses of engraving and printing, 1882 and prior years, $234.67.
For refunding to national banking associations excess of duty, prior to July 1, 1882, $1,059.05.

The amendment was agreed to.

The next amendment was, in section 2, after line 61, to insert:

Interior Department:
For contingent expenses, General Land Office, 1882 and prior years, $49.50.

The amendment was agreed to.

The next amendment was, in section 2, after line 65, to insert:

Public-land service:
For contingent expenses of land offices, 1882 and prior years, $25.22.
For salaries and commissions of registers and receivers, 1882 and prior years, $495.31.
For depredations on public timber, 1882 and prior years, $253.15.
For examinations of the public surveys, 1882 and prior years, $121.
For contingent expenses, office of surveyor-general of Louisiana, 1882 and prior years, $1.
For contingent expenses, office of surveyor-general of Utah, 1882 and prior years, $12.50.
For surveying the public lands, 1882 and prior years, $2,437.57.
For surveying public and private lands, 1879 and prior years, $98.
For 5, 3, and 2 per cent. fund to States, prior to July 1, 1882, except the claim numbered 25251, $12,376.08.

The amendment was agreed to.

The next amendment was, in section 2, after line 102, to insert:

For fees of district attorneys, United States courts, 1882 and prior years, $760.

The amendment was agreed to.

The next amendment was, after line 105 of section 2, to insert:

For fees of clerks, United States courts, 1882 and prior years, $65.49.

The amendment was agreed to.

The next amendment was, after line 108 of section 2, to insert:

For fees of jurors, United States courts, 1882 and prior years, $62.20.

The amendment was agreed to.

The next amendment was, after line 111 of section 2, to insert:

For fees of witnesses, United States courts, 1882 and prior years, $347.88.

The amendment was agreed to.

The next amendment was, after line 114 of section 2, to insert:

For support of prisoners, United States courts, 1882 and prior years, $3,674.50.

The amendment was agreed to.

The next amendment was, after line 117 of section 2, to insert:

For rent of court-rooms, United States courts, 1882 and prior years, $730.

The amendment was agreed to.

The next amendment was, after line 120 of section 2, to insert:

For miscellaneous expenses United States courts, 1882 and prior years, $1,418.90.

The amendment was agreed to.

The next amendment was, after line 123 of section 2, to insert:

For expenses of Territorial courts in Utah, 1882 and prior years, $54.50.

The amendment was agreed to.

The next amendment was, after line 126 of section 2, to insert:

For fees of supervisors of elections prior to July 1, 1882, $35.

The amendment was agreed to.

The next amendment was, after line 128 of section 2, to insert:

Claims allowed by the First Auditor and Commissioner of Customs: For life-saving service, 1882 and prior years, $31.15.
For salaries of light-house keepers, 1882 and prior years, $129.56.

The amendment was agreed to.

The next amendment was, after line 136 of section 2, to insert:

For expenses of collecting the revenue from customs, prior to July 1, 1882, $25,028.04.

The amendment was agreed to.

The next amendment was, in section 2, after line 175, to insert:

Interior Department:
For buildings at agencies, and repairs, 1882 and prior years, $801.57.
For contingencies of the Indian Department, 1882 and prior years, $3,436.06.
For incidental expenses, Indian service in Arizona, 1882 and prior years, $3,156.50.
For incidental expenses, Indian service in California, 1882 and prior years, $13.93.
For incidental expenses, Indian service in Nevada, 1882 and prior years, $653.06.
For incidental expenses, Indian service in Oregon, 1882 and prior years, $1,483.35.
For pay of Indian agents, 1882 and prior years, $981.30.
For pay of interpreters, 1882 and prior years, $109.51.
For support of Apaches of Arizona and New Mexico, 1882 and prior years, $13,905.72.
For support of Indians of Fort Peck agency, 1882 and prior years, $211.41.
For support of Sioux of different tribes, including Santee Sioux of Nebraska, 1882 and prior years, $157.05.
For telegraphing and purchase of Indian supplies, 1882 and prior years, $1,910.40
For transportation of Indian supplies, 1882 and prior years, $1,992.20.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Third Auditor and Second Comptroller," in section 2, after line 225, to insert:

To pay the tenth installment of the war claim of the State of Massachusetts, $20,770.39.

The amendment was agreed to.

The next amendment was, after line 228 of section 2, to insert:

For payment of the twenty-fifth installment of the war claim of the State of Ohio, $2,152.05.

The amendment was agreed to.

The next amendment was, after line 231 of section 2, to insert:

For payment of the twelfth installment of the war claim of the State of Pennsylvania, $4,378.30.

The amendment was agreed to.

The next amendment was, after line 265 of section 2, to insert:

For incidental expenses, Quartermaster's Department, 1882 and prior years, $2,862.11.

The amendment was agreed to.

The next amendment was, after line 269 of section 2, to insert:

For transportation of the Army and its supplies, 1882 and prior years, $71,590.08.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Fourth Auditor and Second Comptroller," in section 2, after line 351, to insert:

For the payment of claims for difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court in the case of the United States vs. Graham, $209,534.36.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Sixth Auditor," to strike out the clause from line 358 to line 363, inclusive, of section 2, as follows:

For this amount deposited by Charles Barrett with bid, under advertisement of February 10, 1881, and covered into the Treasury, remitted by authority of the Postmaster-General dated September 30, 1884, $4,000.

The amendment was agreed to.

The next amendment was, after line 363 of section 2, to insert:

For deficiency in the postal revenues, 1882 and prior years, except the claims numbered 1203, 137, 74, 77, and 138, $20,994.60.

The amendment was agreed to.

The next amendment was, in section 2, line 375, after the word "cents," to insert the following proviso:

Provided, That the said sums herein provided for and allowed under said act approved March 3, 1883, shall be paid directly to the parties named, respectively, in said Executive Document No. 153.

So as to make the clause read:

For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenues, 1882 and prior years, $140,498.79: *Provided*, That the said sums herein provided for and allowed under said act approved March 3, 1883, shall be paid directly to the parties named, respectively, in said Executive Document No. 153.

The amendment was agreed to.

The next amendment was, in section 3, after line 3, to insert:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

Treasury Department:

For vaults, safes, and locks for public buildings, 1881 and prior years, $1,276.92.

The amendment was agreed to.

The next amendment was, after line 9 of section 3, to insert:

Interior Department:

For contingent expenses, office of Secretary of the Interior, 1881 and prior years, $12.96.

The amendment was agreed to.

The next amendment was, after line 13 of section 3, to insert:

Public-land service:

For Geological Survey, 1881 and prior years, $46.17.

For surveying private land claims in New Mexico, 1881 and prior years, $298.53.

For contingent expenses, office of surveyor-general of Nebraska and Iowa, 1881 and prior years, $77.80.

For contingent expenses, office of surveyor-general of Florida, 1881 and prior years, 95 cents.

For contingent expenses, office of surveyor-general of Colorado, 1881 and prior years, $476.31.

The amendment was agreed to.

The next amendment was, after line 29 of section 3, to insert:

Department of Justice: For support of prisoners, United States courts, 1881 and prior years, $120.

The amendment was agreed to.

The next amendment was, in section 3, in the appropriations for "War Department claims allowed by the Third Auditor and the Second Comptroller," after line 59, to insert:

For Army transportation, 1881 and prior years, $148,536.37.

The amendment was agreed to.

The next amendment was, in section 3, in the appropriations for "Navy Department claims allowed by the Fourth Auditor and the Second Comptroller," in line 93, after "1881," to strike out:

Except the claims set forth in said Executive Document No. 55, on pages 26 and 27, beginning with the claim No. 6071, and extending down to the claim No. 6168, inclusive, $8,110.95.

So as to make the clause read:

For pay of the Navy, prior to July 1, 1881, $31,833.66.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill is concluded, and the printed amendments of the Committee on Appropriations are disposed of.

Mr. COCKRELL. On page 84, at the end of line 289 of section 2, is an estimate of deficiencies sent in by the Treasury Department. There is a supplemental document to House Executive Document No. 153, which has been put in, but the committee did not have it until this morning. It was first sent to the Committee on Claims by mistake.

It is Senate Executive Document No. 101, Forty-eighth Congress, second session, being a letter from the Secretary transmitting a supplemental bill of claims allowed by the accounting officers of the Treasury under the act of March 3, 1849, for horses lost in the service. I move the following amendment to cover that estimate, to come in on page 84 after line 289 of section 2:

To enable the Secretary of the Treasury to pay the claims allowed by the Third Auditor and Second Comptroller under the act of March 3, 1849, for horses and other property lost in the military service, as reported in Senate Executive Document No. 101, Forty-eighth Congress, second session, by the Secretary of the Treasury, $10,486.35.

The amendment was agreed to.

Mr. HALE. There are one or two matters that I wish to propose. On page 64, line 1564 of section 1, after the word "law," I move to insert "for professional services in the above case."

The amendment was agreed to.

Mr. HALE. On the next page, 65, in line 1581, at the end of the line—I call the attention of the Senator from Kansas, as this amendment is to meet a suggestion made by him—I move, after the word "Department," to insert:

Subject to the provisions affecting the same in the sundry civil appropriation bill passed at this session.

The amendment was agreed to.

Mr. HALE. On page 39, at the end of line 940, I move to insert:

The salaries and traveling expenses of the Mississippi River Commission, and for salaries and traveling expenses of assistant engineers under them, and for office expenses and contingencies, $30,000.

Mr. McMILLAN. For what year is that? Is that a deficiency?

Mr. HALE. No.

Mr. McMILLAN. What is the item for?

Mr. HALE. For the next fiscal year. They are cared for, under the appropriation now operating for the present year, until July.

Mr. McMILLAN. There is some legislation about to take place in the river and harbor bill, if passed, that may affect them.

Mr. HALE. If the Senator thinks the river and harbor bill is likely to go through——

Mr. McMILLAN. I think certainly it will, of course.

Mr. HALE. Then I withdraw the amendment.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The amendment is withdrawn.

Mr. HALE. Now on page 71, line 1721, after the words "1885," I move to insert, "including the Capitol police." That will make the item conform to the bill of last year.

Mr. PLUMB. I wish to object to the application of this principle of a month's extra pay to the annual employés of this body; and I think perhaps we ought to settle that question before the amendment of the Senator from Maine is voted upon, because if the motion I make shall prevail his amendment will require to be stricken out. I agree that if we pay the annual employés a month's extra pay we ought to include the Capitol police; but I think we ought not to pay any of them an extra month's pay. If I can have the attention of the Senator from Maine for a moment I will suggest to him that he withhold his amendment until the vote is taken on the amendment I propose in line 1720, for the reason that if my motion prevails his will then have to be stricken out as being against the sense of the Senate.

Mr. HALE. What does the Senator propose?

Mr. PLUMB. I propose to strike out the words "annual and" before the word "session," in line 1720. If the Senate strikes those words out, then the insertion of the words the Senator proposes will be unnecessary. If they are not stricken out the Capitol police ought to be included.

Mr. HALE. I think the Capitol police are on the annual roll.

Mr. PLUMB. They are.

Mr. HALE. Then the Senator's amendment should come first, and I will withdraw mine for the present.

Mr. PLUMB. I move to strike out in line 1720 the words "annual and."

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In line 1720, before the word "session," it is proposed to strike out "annual and;" so as to read:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employés of the Senate and House of Representatives borne on the session rolls on the 3d day of March, 1885, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available.

Mr. PLUMB. The facts are that many of these employés render about four or five or six months' service in a year. They are already paid a very large sum for the service they render as compared with any persons not in Government employment. They render good service unquestionably; but it seems to me to be wrong to take these people who are paid annual salaries of large sums and give them a month's extra pay. There is some reason for giving it to a Government employé who comes here from a distant part of the country for three months at a short session and five or six at a long session, who has to go back in the interregnum and have no pay during the time he is absent; but to give it to people whose pay goes on all the time, to the Secretary of the Senate whom we pay about $5,000 a year, and the Sergeant-at-Arms and all the officials to whom we pay large sums, seems to me to be a wrong application of the public money.

I think we might as well draw the line here as anywhere. We are

of course under certain obligations to these people around us all the time who render valuable services and whose relations are agreeable, and we may feel called upon to do this as a gracious thing; but we should remember that we are not taking the money out of our own pockets. We ought to have some consideration for the public Treasury, which ought not to be raided in this way.

Mr. HALE. I think the Senator from Kansas is right. The committee took the provision as the House had prepared it, and also following the bill of last year, which covered both the session and the annual employés; but I think the considerations that are presented by the Senator from Kansas have great force, and I do not oppose his amendment.

Mr. FRYE. Is not there a little difficulty even with that amendment if it should be adopted?

Mr. PLUMB. We can perfect the section further whenever the Senate adopts the principle.

Mr. FRYE. Let me call the Senator's attention to the fact that there are some six or eight committee clerks who are not annual, and yet, by reason of the committees having been allowed by resolution to continue, they practically become annual.

Mr. PLUMB. I understand that, and I think there might be some other modification of the section; but the principle I am striving for is embodied in the amendment which I have proposed. If the Senate will adopt that we can adjust the provision to the facts of the case, I think.

Mr. HARRISON. The proposition of the Senator from Kansas is very plainly right. Where a clerk is paid by the year for twelve full months when he is certainly not engaged in general about his committee-work more than ten months in two years, or not half the time, the proposition to put him on the same level with the session clerks and employés who come here from distant homes, perhaps to serve three months, is not just. They have the expense of coming here and the expense of returning home at the end of three months. There seems to be a very plausible reason why that class of clerks should have some extra compensation, especially at the short session; but the reason does not apply at all to those who are on the annual roll of the Senate. There is no reason why clerks who are not employed more than half the time about their official duties should have thirteen months' pay in the year given to them. The suggestion of the Senator from Kansas is eminently right. Last night, through the Committee on Contingent Expenses, three of the clerks of committees who were proposed to be made annual but were not made so, were, by order of the Senate constituting those committees to continue during the vacation, practically made annual. So the clerks of those committees will be drawing $6 a day for every day of the vacation. I think that also ought to be guarded against.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. I move to amend by inserting after line 1743——

Mr. McMILLAN. Is the amendment from the committee?

The PRESIDING OFFICER. The Chair supposed it was.

Mr. PLUMB. No; not from the committee.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which will be read.

The CHIEF CLERK. On page 72, after line 1743, it is proposed to insert:

To pay Fred C. Peck additional compensation for services rendered the Committee on Invalid Pensions of the House of Representatives during the present session of Congress, $200.

Mr. PLUMB. I will state that I offer the amendment at the request of the Committee on Invalid Pensions of the House, who say that their clerk is only a session employé and by reason of the condition of the work he has been obliged to do a larger amount than usual, and they have unanimously asked that this be inserted in this bill.

Mr. CAMERON, of Wisconsin. Why did not the House provide for it?

Mr. PLUMB. They state in regard to that that the manner of passing the bill over there was so mysterious that they did not succeed either in getting a sight at the bill nor at the Committee on Appropriations in considering it.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. I offer the following amendment to come in after line 758 on page 32:

To pay Albert H. Emery, of the city and State of New York, in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise in any way on account of said machine, the sum of $200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. HALE. I must make the point of order, of course.

The PRESIDING OFFICER. The Senator from Maine objects and raises the point of order.

Mr. CAMERON, of Wisconsin. Under what provision of Rule XVI is the point of order made?

Mr. SHERMAN and others. It is a private claim.

Mr. HALE. The committee examined this matter and, while they had a great deal of sympathy with this case, were clearly of opinion that it was a private claim. I do not suppose the Senator himself will claim that it is otherwise.

Mr. CAMERON, of Wisconsin. I observe that other private claims have been put on this bill, and some have been put on by the committee. I called the attention of the Senator from Maine to one private claim.

Mr. HALE. I am glad the Senator speaks of that, for I looked afterward to the papers and found that, instead of being a claim, it was a regular estimate sent in by the Secretary of the Treasury asking for an appropriation as a part of the regular estimates.

Now, I do not know of a single private claim that the committee has put upon this bill; but, as I said a little while ago, it is pretty difficult at times to draw the line exactly as to where communications from Departments make a case come under what is called an estimate, and, therefore, bring it within our rules; and the committee may err at times and places in that regard, because it is hard to find just the point where this rule applies.

This case was looked upon as a clear and undoubted claim. These pressures come every year upon the committee to put meritorious claims, if they are meritorious, upon the bill, and the committee strives to keep them off and strives in one direction. It certainly has not any partiality. If it has any in this case it is in favor of the claim.

Mr. HOAR. I hope if the objection can be waived in this case, or if it be a question of doubt with the Senator from Maine, the doubt will be resolved in favor of the claim.

Mr. HALE. I did not mean to intimate that there was any doubt. I think it is a clear case.

Mr. HOAR. I am not sure about that. Here is one of the great debts and obligations of the Government to a great public benefactor, who has done one of the most important public services that in a civil way could be rendered to the country and to the age. His invention is of great importance.

Mr. VOORHEES. May I inquire of the Senator from Maine whether it is not true that there are a number of individual payments provided for in this bill, as much so as this would be? Unless I am mistaken there are payments provided for claimants, or whatever you please to call them, those who have claims against the Government.

Mr. HALE. There are hundreds of individual matters upon this bill, but they are sent in by the Departments after the accounts have been considered and audited by the proper auditing officers, and have become therefore established as a debt againt the Government, and are transmitted by the Secretary of the Treasury under estimates for appropriations. This is nothing of that kind.

Mr. VOORHEES. I beg pardon. This has been estimated for heretofore. It has been sent here from a Department; it has been reported upon by a committee of this body and referred to the Committee on Appropriations from the Committee on Claims. I never knew a claim to have a higher standing so far as its sources are concerned.

Mr. HOAR. Here is an item which catches my eye now, put on by the committee of their own motion:

To pay Rider Henry and John J. Coughlin for services rendered in the Clerk's document-room, $242.50 each; in all, $485.

If that should be put on for a service rendered at the request of one of the branches of Congress, why should not compensation be made to a man who, at the urgent request of one of the Departments of this Government, invented a machine which has produced such wonderful results?

Mr. HALE. Matters touching employés about the two Houses of course do not come under the rule about estimates from the Departments; they are never considered as coming under that rule.

Mr. HOAR. There is not an estimate in this case.

Mr. HALE. But it is not submitted as an estimate for an appropriation.

Mr. PLATT. I should like to inquire of the Chairman of the Committee on Claims whether this claim has ever passed the Senate, and, if so, how many times?

Mr. CAMERON, of Wisconsin. It has passed the Senate twice at least; I think three times.

Mr. COCKRELL. No; twice.

Mr. CAMERON, of Wisconsin. It has been favorably reported twice in the House, but has never been reached in that body.

Mr. PLATT. I saw the Senator having charge of this bill yield to the manifest desire of the Senate a little while ago to appropriate $130,000 for the purpose of erecting a pedestal for a statue of Liberty Enlightening the World in the harbor of New York; and I think if he did that, he might yield for this very just claim to be paid.

Mr. CAMERON, of Wisconsin. I called the attention of the Senator from Maine to an amendment put into the bill by the Committee on Appropriations on page 52. The provision of Rule XVI under which the amendment I offer is claimed to be subject to a point of order is paragraph 4:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provis-

tions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Now, whether or not the amendment on page 52 is, in the language of the rule, made "to carry out the provisions of an existing law or a treaty stipulation" we do not know. If it be, then it is subject to a point of order, because it does not appear upon the face of the amendment that it is made to carry out an existing law or a treaty stipulation. Now, what, if anything, has the Senator from Maine to say to that?

The PRESIDING OFFICER. The Chair would rather leave the question to the Senate, whether this amendment is in order or not, finding differing opinions upon it.

Mr. SHERMAN. I have been listening to hear some Senator say that this was in order, that it was not a private claim.

Mr. HALE. Nobody has claimed that it is in order. Nobody doubts that it is a private claim, except perhaps the Chair.

The PRESIDING OFFICER. This is certainly a private claim, and the Chair supposes under that provision of the rule it is out of order.

Mr. CULLOM. I offer an amendment to the bill, coming in after the end of the one hundred and sixty-seventh line, on the eighth page.

Mr. ALLISON. I move that the Senate take a recess from 6 to 8 o'clock, as we shall undoubtedly be up all night.

Mr. HALE. Let me suggest to the Senator from Iowa not to make an iron rule about a recess, because if we were within five or ten minutes of finishing this bill it would be of great importance to gain the two hours of the recess. I think we shall finish the bill before 6 o'clock, and I hope the Senator will withdraw the motion.

Mr. ALLISON. I withdraw the motion at present.

The PRESIDING OFFICER. The amendment of the Senator from Illinois [Mr. CULLOM] will be read.

The CHIEF CLERK. The proposed amendment is to add after line 167:

For old custom-house, Saint Louis, Mo., paving Third street front, $1,041.74.
For paving Olive street front, $946.49.
For paving and curbing street on north front of the court-house and post-office at Springfield, Ill., $870.85.
For paving Halstead street adjacent to marine hospital in Lakeview, Ill., $251.

The amendment was agreed to.

Mr. McMILLAN. I desire to offer an amendment to be inserted after line 1633. It was submitted and referred to the Committee on Appropriations, but in the hurry of the discharge of their duties it was overlooked. It is recommended by the Sergeant-at-Arms, just as in the case of the other employés similarly situated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be read.

The CHIEF CLERK. After line 1633 of section 1 it is proposed to insert:

To pay George F. Potter, an employé of the Senate post-office, $520, being the difference between the pay of a laborer and that of a clerk from February 6, 1884, to March 4, 1885.

Mr. PLATT. I feel bound to say, as a member of the Committee on Contingent Expenses, that there are many claims of that same nature which the committee has been very much importuned to report favorably upon, and we have declined to do it.

Mr. McMILLAN. This claim is in the same situation as the other claims of Senate employés inserted in the bill. I do not know that the amendment was referred to the Committee on Contingent Expenses of the Senate. It was referred to the Committee on Appropriations, and it has the approval and indorsement of the Sergeant-at-Arms, just as the items embraced in the bill on pages 66 and 67 have.

The amendment proposes to pay the amount named to one of the employés of the Senate who received the wages of a laborer while performing the duties of a clerk, and very important duties. He is detailed at the city post-office and superintends the distribution of all the mail for the Senate post-office. He is an expert in that matter, and performs very faithful and efficient service.

The amendment has taken the course that all the amendments inserted in the bill have taken; and the Committee on Appropriations merely overlooked it in the hurry of the discharge of their duties.

Mr. PLATT. This claim I understand to be one of a number that seem in some way or other to have been laid before the Committee on Appropriations, while others of like character have been laid before the Committee on Contingent Expenses. There are a variety of cases where for one reason or another a person has been put upon the laborers' roll here, and was glad to be put upon it, but has been assigned to the performance of the duty of a messenger, or person receiving higher pay, and he was very glad to do that work. The practice is that after a while they come in and ask for the difference between a laborer's pay and a messenger's pay or the pay of a person of higher salary.

A good many of these cases have been brought to the attention of the Committee on Contingent Expenses, and I feel bound to say, in the absence of the chairman of that committee, that we have felt that such a person ought to receive the salary of the office which he accepted and not of the office the duties of which he performed when he was undoubtedly very glad to perform them.

Mr. McMILLAN. I have not heard of any such objection made by the Senator from Connecticut in regard to similar items which are in this bill, although they were adopted in his presence. The services performed in this case are of a highly meritorious character. The person who discharges these services is an expert in regard to post-office matters. He superintends the distribution of the entire mail for the Senate from the city post-office. He is there constantly laboring, and is very diligent. This is certainly a very meritorious case, and as similar amendments in other instances have been passed this one should receive the same consideration.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota.

Mr. BROWN. I ask for a division.

There were, on a division—ayes 6, noes 25; no quorum voting.

Mr. SHERMAN. There is a quorum present.

The PRESIDING OFFICER. The Chair thinks there is a quorum present.

Mr. McMILLAN. I hope the Senator from Connecticut will withdraw his objection unless there is something very important about it upon which he must insist. Here are claims of this character which the Senate has voted in favor of on this bill, and in this case there has been an omission merely through an inadvertence and an oversight. The amendment has received the same indorsement and the same attention which the other claims inserted in the bill have received.

The PRESIDING OFFICER. No quorum has voted. The Chair must ascertain the presence of a quorum first before entertaining any business.

Mr. HARRIS. I demand the yeas and nays as the shortest way of developing the presence of a quorum.

The PRESIDING OFFICER. The Chair begs leave to suggest that there is a quorum in the Chamber, if Senators will oblige the Chair by voting. If there be no objection, the Chair will again put the question.

Mr. SABIN. I trust that the objection to the amendment will be withdrawn. I know something of this case. I have been informed by the postmaster and by several members of the Department that this is one of the most worthy objects which could be presented; that this gentleman is doing clerical work in the Department, and is working at least an average of fourteen or fifteen hours a day. He is a very efficient and experienced clerk, and has been transferred there from the laborers' roll.

I believe there has not been a more meritorious amendment offered to the bill than the one which has been offered by my colleague. I certainly hope that in this case this small pittance will not be denied by a discrimination against this gentleman.

Mr. BROWN. My objection is——

The PRESIDING OFFICER. The Chair thinks the debate ought not to be entertained without the consent of the Senate. The Chair will hear the Senator from Georgia, if there be no objection.

Mr. BROWN. I ask unanimous consent to say a word in reply to the Senator from Minnesota, as he was heard on the other side. I object to the amendment as a precedent and think it is a dangerous one. I do not care to enter into a discussion of the question at this stage of the proceedings, but I do not think I ought to withdraw the call for a division, because it is very evident that a large majority of the Senate is opposed to this claim. I will ask the Senator from Minnesota whether it would not be more appropriate that he should withdraw the amendment?

Mr. McMILLAN. If Senators insist upon taking the yeas and nays and opposing this claim I suppose it will follow that when we come into the Senate with the bill those Senators will move to strike out all claims of a similar character.

Mr. BROWN. I have not heard of any other claim of a similar character.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. The Chair must put an end to this condition of uncertainty. The debate is proceeding by unanimous consent. The last vote disclosed that no quorum was present.

Mr. PLATT. I ask unanimous consent to say a word.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and unanimous consent is given.

Mr. PLATT. If claims have been already put in the bill of the nature of the one proposed by the Senator from Minnesota, which I did not suppose had been done, and if they have received the sanction of the Committee on Appropriations, I do not propose to make a point against a single claim which has been overlooked.

Mr. HALE. The Committee on Appropriations in considering all these subjects touching the Senate employés had of course very little information, and sent for the Secretary of the Senate and the Sergeant-at-Arms. The matters which they presented, upon their statement that they had been investigated and were known to be right and just, the committee put in. The case now presented by the Senator from Minnesota was not brought before the committee by the Sergeant-at-Arms, but he stated to me after the bill had been reported that he would have done with that claim as he did with the others if his attention had been called to the case; that he was in favor of it. So I did not make any point against it for the reason which now animates the Senator from Connecticut.

Mr. PLATT. I withdraw my objection to the amendment.

Mr. HALE. Then let us take a vote on the amendment.

The PRESIDING OFFICER. If there be no objection the Chair will take another division.

The amendment was agreed to; there being on a division—ayes 23, noes 19.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes; that the House concurred in the ninth, twelfth, thirteenth, fourteenth, twenty-sixth, thirty-fifth, forty-first, forty-second, seventy-fifth, and seventy-sixth amendments of the Senate to the said bill; that it further insisted on its disagreement to the twenty-seventh, twenty-eighth, one hundred and tenth, one hundred and eleventh, one hundred and twelfth, and one hundred and thirteenth amendments of the Senate to the said bill, and agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. JOHN ELLIS of Louisiana, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. THOMAS RYAN of Kansas managers of the further conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

Mr. HARRIS. I wish to present an amendment which I reported from the Committee on Epidemic Diseases, which was referred to the Committee on Appropriations, and was omitted, I think, as a mere oversight by the Committee on Appropriations. But before asking action upon the amendment I call the attention of the Senator from Maine to the fact that the paragraph embraced in lines 451, 452, and 453 is an amendment reported by the Committee on Appropriations and was not acted upon when the bill was being regularly read for action upon the amendments of the committee.

The PRESIDING OFFICER. The present occupant of the chair was not here at the time.

Mr. SHERMAN. In order to expedite business I make the suggestion for the unanimous consent of the Senate that as soon as this bill is disposed of we shall proceed to the consideration only of pension cases reported favorably, and none others, or probably that a recess be taken until 8 o'clock.

Mr. HARRIS. I suggest to the Senator from Ohio that we conclude the appropriation bill before we try our hand as to what we shall do next.

Mr. SHERMAN. I am afraid we shall be in a few minutes without a quorum, and then we shall have tied ourselves here, and may waste two or three hours.

Mr. HALE. I hope we may finish the bill in fifteen minutes, and then take a recess for two hours.

Mr. COCKRELL. It is exceedingly important that we should dispose of the fortification bill this evening, and I think it can be done in fifteen minutes when we get through with this bill.

Mr. HALE. Let us get through with this bill first.

The PRESIDING OFFICER. The Senator from Tennessee has called the attention of the Senate to an amendment which was informally passed over.

The Chief Clerk will report the amendment recommended by the Committee on Appropriations.

The CHIEF CLERK. After line 450, the committee reported to insert:

To pay Michael Conlan for services as messenger in the National Board of Health from July 24, 1879, to——

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HARRIS. This man was employed as a messenger in the National Board of Health. Every dollar of salary that was due him for the time he served was paid him, but I find in the sundry civil appropriation act of 1883 that there was an appropriation to pay him for the same services over again to the extent of two hundred and forty-eight dollars and some cents. I think this amendment ought to be rejected. That is all I have to say about it. I am indifferent as to what is done with it.

The amendment was rejected.

Mr. HARRIS. Now I ask action upon the amendment which I sent to the desk.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. Beginning at line 441, it is moved to strike out all down to and including the word "dollars," in line 450, in the following words:

For salary of the secretary of the board from April 1, 1884, to March 1, 1885, $3,130.
For pay of messenger from July 1, 1884, to March 31, 1885, $900.
For rent of building from July 1, 1884, to March 31, 1885, $900.

And to insert:

For per diem and expenses of members of the board, including the salary of the secretary, from April 21, 1884, to June 30, 1885, $5,000; for rent, light, fuel, stationery, telegrams, and postage, $1,400; for salaries of employés, $[illegible]; for incidental expenses, $300; in all, $7,900.

Mr. HALE. As I understand the amendment, from listening to it, it is meant to carry the appropriations through the remainder of the fiscal year, instead of stopping in March.

Mr. HARRIS. That is the precise point. The House appropriation covers the deficiency to the 31st day of March, but does not extend it to the end of the fiscal year.

Mr. HALE. I do not object to that amendment.

The amendment was agreed to.

Mr. HAMPTON. In section 2, after line 61, I move to insert:

Ten thousand five hundred dollars, to refund to persons money collected from them without warrant of law as in payment of dues under the direct-tax laws, in accordance with the recent decision of the Court of Claims in the case of Joseph W. Harrison vs. the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. HAMPTON. Before the amendment is acted on I beg to say that there was a typographical error in the print in the name of this man, which I have corrected. The printed copy reads "James W. Harrison." The name is "Joseph W. Harrison." I offer the amendment in accordance with a letter of the Secretary of the Treasury, recommending that—

Ten thousand five hundred dollars should be appropriated to refund to persons money collected from them without warrant of law as in payment of dues under the direct tax-laws, in accordance with the recent decision of the Court of Claims in the case of Joseph W. Harrison vs. the United States.

It is accompanied by a recommendation for its favorable consideration by Congress and signed "H. McCulloch, Secretary."

Mr. HALE. I do not understand that this is a judgment of the Court of Claims, but it is a claim based upon some principle enunciated or established in a decision of that court. While that might entitle it to the consideration of the proper committee, I am very clear that it should go to some other committee than the Committee on Appropriations, and therefore I must make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HAMPTON. I suggest to my friend from Maine that this amendment was by the decision of the Chair referred to the Committee on Appropriations, and I thought it was simply an accident that it had been omitted.

Mr. DOLPH. After line 1489 I move to insert:

To enable the Secretary of the Treasury to settle and pay the accounts of Edward S. Kearny, late United States marshal for the district of Oregon, from March 3, 1884, to August 4, 1884, $2,820.46, or so much thereof as shall be necessary.

Mr. HALE. Let me ask the Senator from Oregon if there is a regular estimate from the Secretary of the Treasury with a recommendation of the appropriation.

Mr. DOLPH. It comes with a recommendation from the Committee on the Judiciary. It was introduced by the Senator from Vermont [Mr. EDMUNDS]. It was referred to the Senate Committee on the Judiciary and reported favorably from that committee. I take that to be the judgment of the committee that it is a proper amendment to the bill.

The facts are simply that the term of Mr. Kearny, the United States marshal for Oregon, expired on the 3d of March, 1884. He held over because his successor was not appointed until the 1st of August, 1884. He earned his fees and paid money for the expenses of the courts. When he came to the Treasury Department to settle his accounts the officers there held that because the court did not make an order on the 3d of March appointing him they could not pay the expenses out of the regular appropriation. This is simply an appropriation to enable the Secretary to settle for his fees during the interim.

As I said, we have the judgment of the Committee on the Judiciary that it is a proper amendment; and more than that, I offer it under a clause precisely similar in the bill authorizing the Secretary of the Treasury to settle the accounts of Paul Strobach, late United States marshal for the southern district of Alabama, almost in identical language, which is already in the bill. It involves no appropriation. It simply authorizes the adjustment of the accounts and makes the appropriation to pay them when they are adjusted. It authorizes the settlement of accounts which accrued in the ordinary business, in the performance of the official duties of the marshal for the district, and the only reason why he was not paid without an appropriation by Congress was that there had been a neglect of the court to enter an order on the 3d of March that he should act as marshal. But he did hold over as he supposed under the original appointment with his bondsmen, and performed the services.

Mr. HALE. Did the Committee on the Judiciary report this as an amendment to the appropriation bill, sending it to the Committee on Appropriations?

Mr. DOLPH. They did, and it went to the Committee on Appropriations in connection with another amendment. Both were submitted at the same time. One of the amendments submitted by me

was adopted by the committee, and this amendment, I suppose, was accidentally omitted.

The amendment was agreed to.

Mr. GORMAN. After line 379 I move to insert:

To reimburse Grafton Munroe, postmaster at Annapolis, Md., for losses by burglary February 4, 1884, as follows, namely: For postage-stamps, $3,655.52; for postal funds, $2,430; and for money-order funds, $659.61.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. GORMAN. There can be no question about this amendment. I offered it in the Senate, and it was referred to the Committee on Appropriations, accompanied with a letter from the Postmaster-General, in which he states the fact of the burglary and loss at the Annapolis post-office and that the whole matter had been investigated by the Department.

The act of 1882 provides for the adjustment of these claims except for postal funds. The amount of those funds lost was $2,430.

Annapolis, the capital of Maryland, is, I believe, the only State capital in the Union where provision has not been made for a post-office building. A temporary affair is rented, which is far from being burglar-proof. The young gentleman who is now postmaster at Annapolis met with this loss, and it has left him absolutely bankrupt.

I hold in my hand a letter from the Postmaster-General, in which he says he has had the affair investigated, and that the amounts other than that for postal funds the Post-Office Department would allow, but under the act of 1882 he can not allow for postal funds without further legislation. It is a perfectly just and meritorious claim, and all the provisions of the rule have been complied with.

Mr. HALE. That is the kind of claim which is continually being reported by the Committee on Post-Offices and Post-Roads. I must make the point of order against it.

The PRESIDING OFFICER. The Senator from Maine makes the point of order. The Chair holds that the point is well taken.

Mr. MORGAN. At the last session of Congress a committee was raised in the Senate and another committee was raised in the House for the purpose of investigating the capacity of this country for producing iron, steel, &c. The two committees, having precisely the same duties, during the recess of Congress acted jointly on several occasions. They procured, as was mentioned by the chairman of the committee to-day, a good deal of information of a valuable character. The House expiring to-morrow at 12 o'clock, it can not by resolution appoint a committee. That can only be done by an act of Congress.

It has been brought to the attention of the Senate committee by members of the House that it is very desirable that these two committees should be maintained in some way, so that they may continue their joint action during the coming recess. The Senate this morning authorized its committee to sit in the vacation and to proceed to complete this very important work.

The committee of the Senate to inquire into the capacity of steel-producing works in the United States have instructed me under the circumstances to present an amendment and to ask that it may be placed upon this bill. I wish to remark before the amendment is read that it must be in its nature until the 1st of June a deficiency, because there is no money remaining appropriated now, so far as I am advised at least, out of which the House committee could be supplied. I ask the attention of the Senate to the amendment. After line 1743 I move to insert:

To defray the necessary expenses of the select committee of the House of Representatives, raised under a resolution of the House adopted July 6, 1884, to inquire as to the capacity of steel-producing works in the United States, and for other purposes, $3,000. And said committee, with its present membership, is continued as a commission until January 1, 1886. Said sum shall be immediately available.

Mr. HARRISON. Do I understand this item to relate to a House committee?

Mr. MORGAN. Yes; it is to enable the House to continue its committee. Otherwise it could not do so.

Mr. HARRISON. Have these committees been ordered separately, and are they acting together?

Mr. MORGAN. They have been appointed separately and are acting together, and without this amendment the House portion of the committee falls entirely, and we shall lose the benefit of their services and of the experience they have gained.

I wish to make one further remark. This very important matter, as I conceive it to be and as every Senator here will admit it is, will depend for its success, and more particularly for its speedy success, upon the concurrence of the committees of the two Houses.

Mr. MILLER, of New York. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. MILLER, of New York. As I understand, the amendment proposes to provide for the House portion of the Joint Committee on the Library or the Committee on Rules.

Mr. MORGAN. It is neither. It is to inquire into the steel-producing capacity of the United States.

Mr. MILLER, of New York. But the present House of Representatives dies to-morrow at 12 o'clock. Perhaps the gentlemen who now compose the committee have not been re-elected. I do not see how we can create such a committee.

Mr. MORGAN. All the members who were appointed on that committee have been re-elected to the next House. The amendment proceeds to constitute the House part of the committee a commission.

Mr. MILLER, of New York. I have no objection at all to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SABIN. After line 1430, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Clement A. Lounsberry, postmaster at Bismarck, Dak., the sum of $750, that being the amount expended by said Lounsberry in the payment of clerks necessarily employed in said office from April 1, 1881, to June 30, 1882, and which amount was disallowed in the settlement of his accounts.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. SABIN].

Mr. SABIN. The substance of the amendment is a bill reported from the Committee on Post-Offices and Post-Roads, which is on the Calendar. It is a shortage due the Department by the postmaster at Bismarck, which was occasioned by extra clerk-hire during the three or four years when the Northern Pacific Railroad was being constructed and when a large and unexpected mass of post-office business accumulated in his office. The Department are insisting, of course properly, upon a settlement of the accounts, and are threatening unless the same be settled at once the arrest of the ex-postmaster.

Mr. Lounsberry is one of the best citizens in that Territory. He is one of the pioneers. He was a gallant soldier, and he settled at Bismarck during its early days. He is entirely financially incapacitated to meet this demand upon him. It is a thoroughly worthy and meritorious allowance, and I trust there will be no question about the Senate allowing the claim.

Mr. HALE. I must pursue the same course in this case that I have pursued in others, and make the point of order upon the amendment.

The PRESIDING OFFICER. The Chair must decide that the amendment is out of order.

Mr. CONGER. Before the Chair decides the amendment to be out of order I wish to call the attention of the Chair to the question. This amount is recommended by the Postmaster-General. It was estimated for and recommended to Congress to be passed. It has all the indicia of a regular estimate for an appropriation to be made in this bill.

Mr. HALE. I suggest to the Senator that it is not the Postmaster-General who has the authority by law to submit estimates, but it is the Secretary of the Treasury. The heads of other Departments do not submit estimates to Congress. All their estimates are revised by the Secretary of the Treasury, who then submits them to Congress.

Mr. CONGER. That may be a very good statement of fact, but it has nothing to do with our rule.

Mr. WILSON. I will state that this case was referred to the Committee on Post-Offices and Post-Roads and that committee unanimously reported the bill which has been used for the purpose of presenting this amendment. The amendment is in the precise language of the bill reported by the Committee on Post-Offices and Post-Roads. In his communication to the House committee the Postmaster-General used this language:

On account of the large registry business, and the large amount of free business originating in the several Government offices located at Bismarck, there is no doubt that the clerical force employed by the postmaster was needed to conduct the business of the office.

He paid his money, his vouchers were presented, and, as I said, the Committee on Post-Offices and Post-Roads reported unanimously in favor of the passage of a bill for his relief.

Mr. CONGER. One of the provisions of the first paragraph of Rule XVI is that such an amendment shall not be in order "unless the same be moved by direction of a standing or select committee of the Senate," which has been done in this case, "or proposed in pursuance of an estimate of the head of some one of the Departments." What is a Postmaster-General but the head of some one of the Departments?

Mr. HALE. But the Postmaster-General does not submit estimates to Congress. The Senator, I presume, is aware that all the estimates come from the Secretary of the Treasury. He is the revising power. The propositions which are sent to Congress, and come before the Committee on Appropriations, are some of them from the Postmaster-General through the Secretary of the Treasury, thereby making it an estimate, or from the Secretary of the Navy through the Secretary of the Treasury, thereby making it an estimate, but it is never considered an estimate regularly made unless transmitted by the final scrutinizing power.

Mr. CONGER. I should like to have the decision of the Chair whether the rule is to be construed to read:

Or proposed in pursuance of an estimate of the head of some one of the Departments through the Secretary of the Treasury.

I supposed we had rules that were intelligible to a common understanding, and I claim to have at least the ordinary understanding of language.

Mr. HALE. Has this ever been estimated for by the Postmaster-General?

Mr. CONGER. Yes, sir; and recommended to Congress for passage.

Mr. HALE. Where?

Mr. CONGER. In a printed document sent to the House, which is to be found in Senate report No. 1024.

Mr. HALE. I have not looked at that document, but I am informed by members of the committee who have considered the question that this item has never been estimated for.

Mr. CONGER. I have read, I think, the proposition of the Postmaster-General.

Mr. HALE. There may be a letter from him.

Mr. CONGER. It is an estimate.

Mr. HALE. Hardly.

Mr. CONGER. The Senator undoubtedly withdraws the point he made about an estimate coming from the Secretary of the Treasury to be effective.

Mr. HALE. No; I do not withdraw it. I do not know what the course has been in the Senate, but I know the law requires that all estimates shall be submitted by the Secretary of the Treasury, and that everything in relation to estimates comes through that channel.

Mr. HOAR. If the Senator will pardon me for making a statement from memory, I think I am not mistaken in saying that a letter from the head of a Department coming in while an appropriation bill is on its passage, long after the regular estimates are made at the beginning of a session of Congress, applies; and items of proposed expenditure have been repeatedly sent in by every Department.

Mr. HALE. The Senator is much older in Senatorial life than I am, but I know that in looking at estimates one of the questions which the committee considers is that the estimate must go through the revising power. The Secretary of the Treasury frequently cuts down the estimates of other Departments.

Mr. CONGER. In that way, according to the rule, there would be no such thing as "an estimate of the head of some one of the Departments" unless the Secretary of the Treasury consented.

The PRESIDING OFFICER. It is the opinion of the Chair that under the existing law this is not an estimate of the head of a Department unless it comes in accordance with law through the Secretary of the Treasury. The Secretary of the Treasury revises and submits these estimates. It is a good foundation.

Mr. CONGER. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Michigan will wait until the Chair has concluded his remark. The Chair is of opinion that it would be an excellent basis of a bill to pay the claim, but if a technical objection is made that it is not an estimate in the sense of the law, the Chair is of opinion that the point is well taken.

Mr. CONGER. Unless the estimate comes through the Secretary of the Treasury?

The PRESIDING OFFICER. Yes.

Mr. CONGER. From that I appeal. I appeal from that construction of the last part of the first clause of Rule XVI, which reads "or proposed in pursuance of an estimate of the head of some one of the Departments."

The PRESIDING OFFICER. The Senator from Michigan appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The noes appear to have it. The noes have it. The Senate decides that an estimate of the head of some one of the Departments is an estimate in the sense of the sixteenth rule.

Mr. CONGER. I suppose the amendment is now regularly before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HALE. Now let us see whether the Postmaster-General has ever estimated for this item. I make that point of order, and I should like to have the Chair rule upon it.

Mr. CONGER. I will read the letter of the Postmaster-General:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., April 5, 1884.

SIR: Your letter of the 24th ultimo to the Postmaster-General, inclosing Senate bill 1694, for the relief of Clement A. Lounsberry, postmaster at Bismarck, Dak., has been referred to this office.

In reply you are informed that the claim of Mr. Lounsberry appears to be for the sum of $750 alleged to have been expended by him for clerk-hire, from April 1, 1881, to June 30, 1882, in excess of the authorized allowances made by this office; and from a letter addressed to this office by Mr. Lounsberry, the amount claimed is itemized as follows:

Paid to Frank D. Bolles:	
Second quarter, 1881	$150
Third quarter, 1881	150
Fourth quarter, 1881	150
First quarter, 1882	150
Paid to C. M. Lounsberry:	
Second quarter, 1882	150
Total	750

It also appears from his statement that during the year 1881 his total expenditure for clerk-hire was $1,150, or $450 in excess of the amount allowed by the Department; and in 1882 he paid $1,200 for clerk-hire, or $475 more than his allowance for clerks. During the year 1883 $2,029.83 was expended for clerk-hire, or an excess of $609.83 more than the regular allowance for clerks; but out of the surplus fund for clerks in post-offices at the close of the fiscal year ending June 30, 1883, the sum of $404.13 was approved and allowed by this office.

The gross receipts which accrued at the Bismarck post-office during the years in question were as follows:

1881	$6,872 61
1882	7,816 97
1883	10,473 30

On account of the large registry business, and the large amount of free business originating in the several Government offices located at Bismarck, there is no doubt that the clerical force employed by the postmaster was needed to conduct the business of the office.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. JAMES F. WILSON,
Chairman Subcommittee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

Mr. HALE. What I asked for was the estimate of the head of the Department. There has been nothing thus far that even under such a construction of the rule as the Senate has just placed upon it would let this claim in. The paper that has just been read is nothing but a communication from one of the subordinates of the Post-Office Department.

Mr. COCKRELL. Will the Senator from Michigan allow me to read the law on this point?

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. CONGER. Yes, sir.

Mr. COCKRELL. I read from the deficiency act of last session, which is now the law, page 254:

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

Mr. CONGER. That does not change the question of the construction of the rule at all.

The PRESIDING OFFICER. It fortifies the opinion of the Chair, however.

Mr. CONGER. It adds to the opinion perhaps.

The PRESIDING OFFICER. The opinion of the Chair remains as it stood.

Mr. HALE. I make the point of order that there is not even the estimate of the head of a Department for the amendment. If the Chair will look at the communication which the Senator from Michigan has just read he will see very clearly that it is not such an estimate. Does the Senator from Michigan claim that what he has read is the estimate of the head of a Department?

Mr. CONGER. I claim that it is from the Post-Office Department, and that it is from the proper officer who has charge of this branch of the service.

Mr. HALE. But the rule of the Senate which has been invoked and which the Senate sustained says "the head" of a Department. There is no subordinate in the Department who can fill that bill. The amendment is clearly out of order even upon the Senator's interpretation.

Mr. CONGER. Mr. Hatton is the Postmaster-General.

Mr. HALE. He was not at the time he wrote the letter. I do not think we had better have much more of this discussion, Mr. President.

The PRESIDING OFFICER. The Senator from Maine raises the point that the amendment is not the estimate of the head of a Department. The Chair did not ascertain the fact from the communication which was read. Was that from the head of a Department?

Mr. CONGER. It was from the then Assistant Postmaster-General, who is now the head of the Department.

The PRESIDING OFFICER. The Chair decides that the point of order is well taken. The estimate was not made by the head of a Department.

Mr. CALL. After line 1633 I move to insert:

For compensation to T. B. Kelcher from December 1, 1882, to February, 1883, as a skilled laborer and acting messenger, $250.

That is a similar case to the other items which have been adopted in the bill. It is a case which is well known to myself and to the Senator from Connecticut [Mr. PLATT] on the Committee on Patents. It has been recommended by the Sergeant-at-Arms.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was agreed to.

Mr. HALE. I offer an amendment which was offered once before, which the committee inadvertently left out. At the end of line 907 I move to insert:

For salaries and traveling expenses of the Mississippi River Commission, and for salaries and traveling expenses of assistant engineers under them, and for office expenses and contingencies, $50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maine.

Mr. CONGER. Is there any law for it?

Mr. HALE. It is simply continuing the Mississippi River Commission.

Mr. CONGER. Why in this bill? I make the point of order that the amendment is not estimated for.

Mr. HARRISON. It has been estimated for. These are regular officers of the United States upon regular salaries. They are officers of the Mississippi River Commission.

Mr. MILLER, of New York (in his seat). Their offices ought to be abolished.

Mr. HARRISON. The Senator from New York remarks *sotto voce* that the offices ought to be abolished, but until they are abolished I take it that their salaries ought to be paid. There can be no question, as the Senator from Maine will verify, that the estimates are in the Book of Estimates to pay the salaries of these officers.

The PRESIDING OFFICER. Does the Senator from Michigan make a point of order upon the amendment?

Mr. CONGER. It may be in the Book of Estimates, but I do not find it.

The PRESIDING OFFICER. The Chair can not speak of his own knowledge. The Senator from Maine will inform the Chair whether these items are in the Book of Estimates.

Mr. HALE. I can not put my hand on the place, but I have no doubt they are. It is a regular established branch of the Government that is appropriated for every year.

Mr. HARRISON. What has that to do with the question when the amendment is reported from the Committee on Appropriations?

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. CONGER. I did not hear it stated that the amendment was reported by the Committee on Appropriations. I thought it was offered by the Senator in charge of the bill. I will ask whether it was reported from the committee.

Mr. HALE. It was reported by the committee.

The PRESIDING OFFICER put the question on agreeing to the amendment and declared that the "noes" appeared to prevail.

Mr. HARRISON. I wish to say just one word. I can not understand what Congress could mean, while the law remains constituting certain officers with a certain fixed annual salary, if the Congress of the United States shall refuse to pay their salaries. It does seem to me that the Senate of the United States is not ready to take that action. Here are these gentlemen constituting the commission—Major Harrod of Louisiana, Judge Taylor, and others. They have their offices and the expenses of rent incurred in pursuance of law; and yet the Congress of the United States proposes to say to that body of gentlemen, "We shall not pay you one cent."

Mr. HOAR. They could recover in the Court of Claims.

Mr. HARRISON. Undoubtedly they could. They could recover their salaries. It is an obligation which can not be affected by rejecting this proposition. It strikes me that Senators certainly have not realized this proposition, or they would not be voting here to refuse to pay an officer who is just as much entitled to his salary as any Senator who sits in his seat here. It would be just as fair a proposition to strike out this appropriation as to leave out of an appropriation bill the provision for the pay of Senators.

Mr. DOLPH. I should like to ask the Senator from Indiana if it is customary to make an appropriation in a deficiency bill for the salaries of regular officers of the Government?

Mr. HARRISON. This appropriation should not have been here; it should have been in the legislative, executive, and judicial appropriation bill, or in the sundry civil appropriation bill. It has been put in one of those bills from year to year. This amendment is copied exactly from those acts, except that the annual amount appropriated heretofore has been $75,000 and the Committee on Appropriations have reduced it to $50,000. It is copied literally from the sundry civil appropriation act as it has passed the Senate year after year since the commission has been in force, except that the amount has been reduced by $25,000. This is not the appropriate bill, but on account of that omission it is entirely proper to have it inserted here, and the committee reported to place it here.

Is it to be supposed that those gentlemen could be removed by a failure to make the necessary appropriation, without any notification of dismissal, without a repeal of the law, having established, in pursuance of law, an office in Saint Louis, having incurred obligations for rent, having civil clerks and employés, having a large amount of Government property in their charge which must be cared for and stored and put out of the way if it is not to be used? Is it to be supposed that Congress has suddenly determined that it will pay them nothing, that it will not pay the rent of the offices they occupy, that it will pay them no salaries, that it will not give them a dime to travel to places where their implements of work are, in order to see that they are not put out of the way? I am sure Senators are not in favor of such a proposition.

Mr. HALE. Let us have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. VANCE. In section 2, line 373, I move to increase the appropriation for compensation of postmasters, readjusted under the act of March 3, 1883, from $140,498.79 to $240,498.79.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

Mr. WILSON. I am very glad to know that that amendment has at last been able to get before the Senate. For the last hour, representing the action of the Committee on Post-Offices and Post-Roads, I have been trying to get such an amendment before the body, and I congratulate the Senator from North Carolina upon his success.

Mr. VANCE. Mr. President, I wish to submit a brief word of explanation.

Under the law authorizing the salaries and payments to postmasters to be readjusted the Auditor has been readjusting them by States, and there has been heretofore a refusal to pay any until the whole were readjusted. The appropriation in the bill is intended to enable the postmasters to be paid as fast as their claims are audited and readjusted. The Auditor reported that on the 1st of January there were one hundred and forty-odd thousand dollars due; that by the 4th of March there would be $200,000 readjusted and ready for payment, and a still greater amount before Congress assembled again in December. In order to prevent those postmasters whose accounts may be properly readjusted under the law from having to wait for another appropriation I propose to make this appropriation $240,498.79 instead of $140,498.79.

Mr. WILSON. The amendment should be, I think, in several divisions, and in order to present it in accordance with the statement made by the acting Postmaster-General, I move to amend the amendment offered by the Senator from North Carolina, in lines 373, 374, and 375, by striking out "40,498.79" and inserting "78,481.23;" so as to read:

For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenues, 1882 and prior years, $278,481.23.

Mr. HALE. That makes the exact amount which has been reported as readjusted to this time?

Mr. WILSON. It does. In a letter addressed to the President of the Senate, the acting Postmaster-General says, with reference to this very estimate:

The total amount found due to the postmasters by adjustments completed to date is $178,481.23.

Mr. HALE. That is right. That should go in of course. The House did not report an amount large enough.

Mr. WILSON. That is the first amendment I desire to offer.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa to the amendment proposed by the Senator from North Carolina.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WILSON. In line 375, after the word "cents," I move to insert:

For compensation of postmasters to be readjusted under said act during the remainder of the present fiscal year, $200,000.

Mr. HALE. I make the point of order upon that amendment.

Mr. WILSON. I wish to state that in the letter of the acting Postmaster-General from which I have read he makes this statement:

The probable approximate amount that will be found due in the adjustments made within the present fiscal year, with the present clerical force, may be stated at $255,436.

Inasmuch as this is an approximate statement, I have reduced the amount from $255,436 to $200,000, which will furnish an amount possibly large enough to meet the accounts that will be adjusted during the remainder of the present fiscal year.

The Senator from Maine who has charge of the bill raises the point of order against the amendment. I wish to state, in the first place, that this is in a certain sense an estimate of the head of a Department, although it does not come in the form prescribed by the law read by the Senator from Missouri a short time since. It does not seem to me that it is obnoxious to the point of order, notwithstanding it does not conform in that respect. This is in every proper sense connected with the business of the office for this year a deficiency. There has been no appropriation made for it, although under the general law these accounts should have been paid out of the current appropriations for the salaries of postmasters, and then the item would have come before Congress in the form of an estimate for a deficiency in connection with the appropriation.

Mr. HARRIS. I dislike to raise a question of order, but in view of the late hour of the day, it being the last day of Congress, I beg to state to the Senator from Iowa that a question of order is not debatable under the rule.

Mr. WILSON. The Senator from Iowa begs to state to the Senator from Tennessee that he is well advised of that, but he desired to explain the amendment.

Mr. HARRIS. Then I rise to a question of order, and my point of order is that the Senator from Iowa is out of order.

The PRESIDING OFFICER. A point of order is not debatable.

Mr. WILSON. I am entirely aware of that, but I was proceeding, as I supposed, by unanimous consent.

The PRESIDING OFFICER. The Chair desired information upon

the amendment to decide the point of order. He is not now aware of the precise nature of the amendment proposed. The amendment will be again read.

The CHIEF CLERK. In section 2, line 375, after the word "cents," it is proposed to insert:

For compensation of postmasters to be readjusted under said act during the remainder of the present fiscal year, $200,000.

Mr. HALE. There is no estimate for it here.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment is not in order.

Mr. WILSON. Of course I do not desire at this time, and with a Senate which would probably disclose the want of a quorum, to take an appeal from the decision of the Chair, although I believe that on a presentation of the question the amendment would be found to be in order.

Mr. BROWN. We had hoped to get through with the bill before this hour. As there is no telling how long we shall be detained in discussion here——

Mr. HALE. We are almost through. I think we can finish the bill in five minutes.

Mr. BROWN. If we can get through with it soon, all right; but I was going to make a motion to take a recess.

Mr. MILLER, of California. I move to add to the bill the following paragraph:

For payment of laborers and others for services rendered, &c., in the construction of the light-house at Point Concepcion, California, as follows: Employés, Point Concepcion light, $3,784.70; Miguel Ortego, $480.14; Charles Ashton, $270; Pigeon Point light-station, $980.99; sundry small bills, $1,200.98; Martin and P. B. Murphy, $10,000; O. B. Shaw, $1,748.87; in all, $18,465.65, in accordance with the recommendation of the Secretary of the Treasury of February 21, 1883 (House of Representatives Executive Document No. 87, Forty-seventh Congress, second session).

Mr. HALE. I raise the point of order on the amendment.

Mr. MILLER, of California. I wish to debate the point of order so far as to say that this is a deficiency because of the sums due for labor and material furnished in the construction of the light-house. The appropriations were made and the money was stolen by the Government officers having it in charge, and these people were never paid. The amount was estimated for by the Secretary of the Treasury, February 21, 1882. The whole case is explained in Executive Document No. 87, Forty-seventh Congress, second session.

Mr. HALE. There is no estimate for this appropriation.

Mr. MILLER, of California. This is the estimate.

Mr. HALE. That is an old letter to the last Congress. There is no estimate for this Congress.

The PRESIDING OFFICER. The Chair holds that the point of order is well taken, there being no estimate.

Mr. HALE. Now I hope we shall have a vote on the bill. I know other Senators feel as I do.

Mr. HARRIS. I wish to take not a second in order to put the conferees of the Senate on the same footing with the House conferees in reference to the little extra allowance made to their employés by the bill. In line 1717, after the word "Senate," I move to strike out "and the Clerk of the House of Representatives;" and in line 1719, after the word "Senate," I move to strike out the words "and House of Representatives." That will put the conferees of the two Houses upon exactly the same ground in respect to this little petty appropriation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER subsequently said: The Chair is informed by a message from the Senator from Oregon [Mr. DOLPH] that in the deficiency bill there is a paragraph on page 52 which was temporarily laid aside and not finally acted upon.

Mr. HALE. That is well enough. There is no harm done.

Mr. DAWES. If it is in the text, it is all right.

The PRESIDING OFFICER. It is reported to the Chair that the amendment on that page was informally laid aside and no action was taken.

Mr. COCKRELL. It has not been adopted and is not in the bill, and the bill is passed without it.

Mr. HARRIS. I move to reconsider the vote by which the bill was passed, so as to agree or disagree to the amendment. We relieve ourselves of all questions by acting on that motion. I ask unanimous consent that the votes by which the bill was passed and ordered to a third reading be reconsidered for the purpose of acting on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the votes passing the deficiency bill and ordering it to a third reading be reconsidered. Is there objection? The Chair hears none. The deficiency appropriation bill is still in the Senate and open to amendment, and the amendment proposed by the Committee on Appropriations will be read.

The CHIEF CLERK. On page 52, after line 1262 of section 1, the Committee on Appropriations propose to insert:

For amount due to Isaac G. Baker for one hundred and sixty-two head of beef-cattle taken by Fort Peck Indians October 14, 1878, while in process of delivery under his contract dated June 21, 1878, $5,830.20.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. DAWES. I ask that the pending order be informally laid aside.

Mr. BLAIR. I ask that the regular order be laid before the Senate.

The PRESIDING OFFICER. The regular order will be laid before the Senate. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 7718) restoring John Snyder to the pension-roll."

Mr. DAWES. I ask that that may be informally laid aside to take up the fortification bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the regular order be laid aside informally that the Senate may take up the fortification bill. Is there objection?

Mr. CONGER. I object.

Mr. DAWES. I move to take up the fortification bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves to take up the fortification bill. The question is on that motion. [Putting the question.] The ayes appear to have it.

Mr. CONGER. Mr. President——

The PRESIDING OFFICER. A motion to lay aside one bill to take up another is not debatable.

Mr. CONGER. Is it amendable? If it is, I move to take up the river and harbor appropriation bill instead.

The PRESIDING OFFICER. The Chair will put the question again. The question is on the motion of the Senator from Massachusetts to lay aside the pending order and take up the fortification bill.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania. Mr. President——

Mr. DAWES. I suggest that we can pass this bill in ten minutes.

Mr. CAMERON, of Pennsylvania. If the Senator will permit me to have five minutes in executive session I will consent. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. We can pass the fortification bill in five minutes. There are only three pages of it.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. DAWES. Now I hope we shall proceed with the fortification bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes.

Mr. DAWES. I ask unanimous consent that the bill be read for amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be read for amendment.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in line 14, after the words "Ordnance Corps," to strike out "two of the artillery corps of the Army," and after the word "Navy," in line 15, to insert "and two civilians;" so as to read:

And the President of the United States shall appoint a board, of which the Secretary of War shall be a member and president, to be composed of two officers of the Engineer Corps, two from the Ordnance Corps, two officers of the line of the Navy, and two civilians, which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances.

The amendment was agreed to.

The next amendment was, after the word "appliances," in line 20, to insert:

And for the necessary and proper expenses of said board in the discharge of said duty the sum of $25,000, to be immediately available, is hereby appropriated; and the report of said board shall be transmitted to Congress by the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out the clause from line 26 to line 33, inclusive, in the following words:

For the expenses of said board, and for such plans, tests, and experiments as may be required to enable said board to determine upon the best methods of protecting batteries for defensive works, and for the purchase and erection of iron, steel, and composite armor in the form of sections of turrets, gun shields, and iron casbramurs, for actual competitive tests, or any other question connected with their duties, $200,000, the same to be immediately available.

The amendment was agreed to.

The next amendment was to strike out the clause from line 46 to line 51, inclusive, as follows:

For the purchase and competitive test of specimens of the various kinds of

machine-guns now in use, and of any others which may be presented and deemed worthy of consideration, but no type of machine-gun shall be purchased until tested and approved by the board herein provided for; for constructing and testing experimental gun-carriages.

Mr. HAWLEY. I desire to object to that amendment of the committee, because I wish to leave the War Department open to the right to purchase machine-guns. They are wholly constructed out of the appropriations in the fortification bill. They are in the estimates of the Treasury Department, in the recommendations of the Board of Ordnance, sanctioned by the Secretary of War, desired by all men who study fortifications or study the subject in any way. Now, I should like to ask the Senator in charge of this bill how he proposes to have the money here appropriated, $450,000, spent; at what shops, on what kinds of guns?

Mr. DAWES. That is set forth in what remains of this provision.

Mr. HAWLEY. No guns are described.

Mr. DAWES. The reason the committee proposed to strike out the "machine-guns" was because they thought that "machine-guns" are generally understood to be the Gatling gun, which is no part of the armament of a fortification; and therefore, inasmuch as this bill is confined simply to the preservation of the fortifications and the expenditure of this small sum of $450,000, we would not connect that with the manufacture of the Gatling gun. The committee have no hostility to the Gatling gun. Even if there had been in this bill a specified sum for Gatling guns it would have presented a different question from what it did; but under this provision as it came to us $450,000 is to be expended, the entire sum for the Gatling guns. We have purchased Gatling guns every year, and I think we ought to keep up the purchase of Gatling guns. I do not know of any other.

Mr. MILLER, of California. But yet there are others.

Mr. HAWLEY. He is ignorant; I will educate him.

Mr. DAWES. I do not know that it is worth while for me to talk any further about that.

Mr. HAWLEY. I quite agree.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Massachusetts is entitled to the floor.

Mr. DAWES. I will call the attention of the Senator to this provision in the fortification bill:

For the purchase and competitive test of specimens of the various kinds of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration, but no type of machine-gun shall be purchased until tested and approved by the board herein provided for.

Without saying how much, how many guns, or what kind of guns, but any that the board may suggest, even to the extent of the entire appropriation, which is $450,000.

I do not know anything about guns, I am informed by the Senator from Connecticut, and that is true. It was unkind in him, however, to tell the Senate of it; but I do know this, that we have been from year to year appropriating a certain sum for Gatling guns. They cost about $1,500 apiece, and we have appropriated something like $25,000 each year for the purchase of Gatling guns. There is no disposition that I know of anywhere to take the whole range of invention and experiment upon Gatling guns and appropriate $450,000 for the purchase of as many as may be approved by this board.

I venture, without having any special knowledge of machine-guns, to state these considerations as the reasons which influenced the committee.

Mr. HAWLEY. Now, Mr. President, I wish to observe to the Senator from Massachusetts that when he said he was not aware of any other kind of machine-gun than the Gatling gun he displayed a very lamentable lack of common information on the subject.

Mr. DAWES rose.

Mr. HAWLEY. I have the floor.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor.

Mr. DAWES. You are touchy about it.

Mr. HAWLEY. The first man touchy was the distinguished Senator from Massachusetts.

Mr. DAWES. I never discovered that I was touchy.

Mr. HAWLEY. I wish to call attention to the Book of Estimates, on page 159.

Armament of seacoast fortifications, including the manufacture and conversion of heavy guns and carriages.

When I asked the Senator kindly what was to be done with the $450,000, I had not in view that "conversion of heavy guns and carriages." I do not believe that it is of much practical use to take the old cast-iron gun and enlarge the bore, say half an inch or so, and put an iron or steel tube into it, and then put into it an elongated projectile two and a half times heavier than the original round-shot for which the gun was intended, to make the world believe you have a good rifled cannon. You have not; the metals are not homogeneous. The gun is really virtually weakened by taking out that cast-iron which is bored out from it. The shock of the explosion of the powder goes through that fine tube of steel. The gun is really, in my judgment, a weaker gun than it was before; and you do not deceive the military world into the belief that you have got good rifled cannon along your shores. The estimate here is frank about it.

That is from gentlemen supposed to be learned in their profession. They know very well that machine-guns are of the highest possible use in fortifications; that they cover and protect the curtains and the ditches; that modern engineers delight to put them in their fortifications all about Europe, and not only there but they put from two to ten of them upon their ships, various kinds of machine-guns, not alone the Gatling gun, made in my own town, to which the Senator from Massachusetts endeavored to add a little significance of sarcasm by saying, eight or ten times over, "the Gatling guns"—not the Gatling guns of Hartford alone, but the Nordenfeldt gun of Great Britain and the Gardner guns of Hartford, and the Hotchkiss gun made by another Connecticut Yankee in Paris, in Berlin, and in London.

There is a great range of them, from the ounce ball up to the 6-pound ball, and we have on this committee fired a 6-pound cannon from our shoulders, traversing the gun from right to left and elevating and depressing it, and firing a 6-pound steel shot that will go two, or three, or four miles with considerable accuracy.

The Senator speaks alone of the Gatling guns. I am very proud of the Gatling guns, but they are only a small part of those necessary. The Hotchkiss gun has its place as a most admirable and most wonderful and useful weapon.

I do not ask to say in the bill "Gatling guns." I say "machine-guns," and let the Ordnance Department take its choice for the different uses, whether a Gardner or a Gatling or a Hotchkiss, for the Hotchkiss differs from the others in certain military uses and possibilities.

The bill as it stands proposes—

For the armament of seacoast fortifications, including the manufacture of heavy guns and carriages—

It has omitted the conversion. I do not object to that—

projectiles, gun-loaders, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $450,000.

That devotes the whole of it to the armament of seacoast fortifications, including the manufacture of heavy guns and carriages, except the incidentals referred to below.

I wanted to know from the Committee on Appropriations, for it is an important committee, and sounds well, whether they had in view at all the manufacture of a single cannon of modern style and power, a single steel-rifled gun of six or eight or twelve or sixteen inches caliber, such as we have got to have, and guns that will cost from $25,000 to $100,000 apiece.

I wish this appropriation were $5,000,000 and directed the establishment of a Government gun-foundry which should be complementary to a dozen manufacturing establishments which would furnish the pieces of the steel gun to the gun-foundry of the Government, there to be assembled and put in the form of a magnificent weapon, a modern magnificent rifled cannon. But this is paltering with the condition of the country, which is virtually defenseless on the seaboard. We have not a gun that will penetrate the better armored ships, not one along the whole coast. Those ten and fifteen inch guns will crush vessels that can come in our harbors; but if you wish to arm harbors where eighteen to twenty foot ships can come you are helpless, and they are our great harbors. You are helpless along the entire coast. Four hundred and fifty thousand dollars will not make the steam-hammer that is necessary to build the cannon we ought to have now, and it will take you two years to build your steam-hammer—at least that.

I think it is quite competent in this view of the condition of this country and its coast and the condition of modern ships for me to ask, independent of this question of machine-guns, what we mean when for this defenseless country of 57,000,000 people and abundant revenue $450,000 is appropriated for the manufacture of guns, and heavy guns at that. I would have left there a discretion, as in previous bills, limited, if you choose, by a separate paragraph, to apply $20,000 for the purchase of machine-guns; but I would have adopted very nearly the paragraph recommended by the Ordnance Department. I will move to amend these few lines before striking them out or before taking the question on striking out.

For the purchase of machine-guns now in use and of any other which may be presented and deemed worthy of consideration.

Then strike out the reference to the board, because the paragraph providing for the board has been stricken out. I move to amend by striking out first, in line 46, after the word "purchase," all down to and including the first word "of," in the next line, as follows:

And competitive test of specimens of the various kinds.

My object will be to follow it by striking out the words in the forty-ninth line, beginning with "but" and running down to "carriages," in line 51; so that the paragraph would read:

For the purchase of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration.

Then—

For the armanent of seacoast fortifications, including the manufacture of heavy guns and carriages, &c.

Which would it is true lump up the whole expenditure of $450,000. I will intrust the War Department not to spend $450,000 on machine-guns. I am willing to trust them with the discretion to buy a few or whatever they think it is better to buy.

My first amendment is in line 46, after the word "purchase," to strike out down to and including the word "guns," in the next line.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be reported.

The CHIEF CLERK. After the word "purchase," in line 46, it is proposed to strike out—

And competitive test of specimens of the various guns.

So as to read:

For the purchase of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut.

Mr. DAWES. Mr. President, I can not quite understand what occasion there has been for the Senator's indulgence in the tone of remark which has seemed to please him at this time. I wish to say that if in any remark I made upon his inquiry of me what we proposed to do with these $450,000 when I remarked that we proposed to do what was specified in what remained of the paragraph there was anything that either was calculated to pain the Senator from Connecticut or to justify his retort, I am very sorry for it and withdraw it. I have to say, however, that the remarks of the Senator do not seem to me to be called for or to be such as any gentleman ought to tolerate from another.

The Senator is quite right in saying that this is a meager bill, and I would say myself a contemptible bill. The War Department has estimated for this purpose seven or eight million dollars, and I myself would be glad to vote for an appropriation of four or five millions in accordance with an amendment that was proposed to this bill elsewhere. I think it is a shame that the Government of the United States appropriates only this pitiful sum for this purpose, and I quite agree with the Senator from Connecticut in his description of the state and condition of the fortifications in this country. But we are within a few hours of the last moment of this session. We have this bill here before us. We know that elsewhere the temper of another body is such that it is impossible to go beyond this. The test has been made elsewhere whether we would, as becomes the nation and its necessities and its exigencies, make appropriations for fortifications; and that test has failed, and there has come simply enough to take care and preserve the property on hand with the addition of this $450,000.

Under these circumstances the Committee on Appropriations thought it was best to get as much of this concentrated in the latter part of this section as possible. They did not think there was that need of any particular machine-gun in force as there was for other material and other expenditures provided for here. If I hurt the feelings of any one because I used the words "Gatling guns," I got it from the Senator's colleague upon my inquiry of him. I know there are other guns, the Hotchkiss gun and all manner of guns—so many of them that if I could have the pride of manufacturing them in the locality where I reside I would be glad to see any amount of money appropriated for the manufacture of them all and the purchase of them all. But so long as we can appropriate only $450,000, I do not propose for one to give unlimited authority to the Ordnance Department to expend the whole of it, if they pleased, in purchasing all kinds of machine-guns, wherever manufactured.

We last year appropriated $25,000 for the purchase of machine-guns of the latest improvement.

We had before us Gatling himself and his latest improvement, and it was for the purchase of $25,000 worth, about ten or twelve of these guns, that we made that appropriation last year. If it had been in that form, and if the Senator should make his amendment in that form, not specifying any particular gun, but the latest improvement of guns, I would not object to it.

If the Senate desire to put it in the power of the department without specification of how much of this meager sum of $450,000 shall be expended for one thing and how much for another, the Senate will do it. But in my opinion, when the estimate was made for the expenditure in all these ways, it was upon a scale at the Ordnance Department which called for an expenditure of $6,000,000 or $7,000,000; but when the appropriation is scaled down to this which may be properly called a very small and miserable bill, it is better, in my opinion, that it be not put in the power of the Ordnance Department to expend it all upon machine-guns or fuses or anything of the kind.

Last year we appropriated in these words, and we have adopted this year as nearly as we can the precise words:

For the purchase of machine-guns of the latest improvement, $20,000.

For the armament of seacoast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun-construction while employed in Ordnance Bureau, $400,000; and not exceeding $15,000 thereof may be used for the expenses of experiments in the use of dynamite or other high explosive projectiles.

That is the phraseology substantially which is left in this bill at this time.

Mr. HAWLEY. Excepting——

Mr. DAWES. Excepting $25,000 for machine-guns. I do not object to putting that in that shape.

Mr. HAWLEY. I will not say another word if the Senator will assent to that.

Mr. DAWES. Most certainly.

Mr. HAWLEY. I will say nothing about the striking out of this, it being understood that I will offer in place of it the little paragraph that was in last year's appropriation bill.

Mr. DAWES. I will not object to that myself.

The PRESIDING OFFICER. Does the Senator from Connecticut withdraw the amendment proposed by him?

Mr. HAWLEY. I withdraw the amendment.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations, to strike out from line 46 to line 51, inclusive.

The amendment was agreed to.

Mr. HAWLEY. Now, if I am permitted to do so, I will move to insert just before this the words of last year's appropriation:

For the purchase of machine-guns of the latest improvement, $20,000.

In place of what has just been struck out.

Mr. DAWES. That is satisfactory to me.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 53, after the word "carriages," to strike out:

For the purchase or manufacture of multicharge guns, and testing the same.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHRISTOPHER PHILLIPS.

Mr. MORGAN submitted the following resolution; which was ordered to lie on the table:

Resolved, That the sum of $41 be paid to Christopher Phillips out of the contingent fund of the Senate for labor performed for the Senate under employment of the Sergeant-at-Arms from November 10 to December 1, 1884.

RAILROAD BRIDGE IN TENNESSEE.

On motion of Mr. CONGER, and by unanimous consent, the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-one minutes spent in executive session the doors were reopened.

RECESS.

Mr. HAWLEY (at 7 o'clock and 40 minutes p. m.). I move that the Senate take a recess till 9 o'clock p. m.

The motion was agreed to; and the Senate took a recess until 9 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 9 o'clock p. m. and resumed its session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of 9,500 additional copies of the treaties and conventions transmitted to the Senate by the President in his message of January 23, 1885.

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

Mr. SHERMAN. I ask consent that the Senate proceed to the consideration of Order of Business 1466, being a bill to authorize the issue of a duplicate certificate.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate now proceed to the consideration of Order of Business 1466, being the bill (S. 2669) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHERMAN. I will say that this is like the ordinary case of lost bonds where the proof is clear and the Secretary of the Treasury

recommends it, the amount being beyond the authority of the Department to grant relief.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN H. DUNPHE.

Mr. HOAR. I move to proceed to the consideration of Order of Business 1047, House bill 754.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of Order of Business 1047, being the bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts.

Mr. CONGER. I feel it my duty to ask the Senate to consider the river and harbor bill, as I am instructed by the Committee on Commerce to do.

Mr. HOAR. This will take but a moment.

Mr. CONGER. If the Chair recognizes——

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts that the bill named by him be now considered.

Mr. BLAIR. I ask unanimous consent to be allowed to say a word to the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. BLAIR. I rose with the design of asking unanimous consent that the Senate now proceed to consider all unobjected House bills favorably reported and upon the Calendar. That, I think, would be in accord with the general sentiment of the Senate, and it is very evident that unless some understanding of that kind is arrived at we shall have nothing but a maelstrom of confusion and very little accomplished.

Mr. MCMILLAN. You had better confine your request to pension bills.

Mr. BLAIR. I would be glad to do so, but I can not without meeting objection.

Mr. MORGAN. I ask the Senator from New Hampshire what is the meaning of "unobjected?"

Mr. BLAIR. Bills that are unobjected will be those that on being presented to the Senate will not be objected to.

Mr. MORGAN. What becomes of the bills that are objected to?

Mr. HOAR. I hope my little motion will now be put.

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. HOAR. I ask the Chair to put the question.

Mr. MORGAN. With that understanding——

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent. The Chair hears no objection.

Mr. MORGAN. I wish to say that with the understanding that the objection may be made at any time, I shall not object to the suggestion of the Senator from New Hampshire. What I wish to understand is whether if an objection is made it will be treated as under Rule VIII, so that the Senate can proceed notwithstanding an objection to consider a bill.

Mr. BLAIR. There is no such understanding as that.

Mr. MORGAN. Then I will object.

Mr. BLAIR. But an objection would carry a bill over.

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The Senator from Alabama objects to the proposition of the Senator from New Hampshire. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts, was considered as in Committee of the Whole. It provides for the payment to Nathan H. Dunphe of $2,400, in full compensation for twenty-five hogsheads of sugar which were seized in the State of Louisiana, in the year 1863, by the military authorities of the United States, turned over to the Quartermaster's Department, and properly accounted for by that department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. DAVIS.

Mr. WILLIAMS. I desire to call up a bill that is on the Calendar improperly marked as a Senate bill on the Calendar, Order of Business 1043. It is marked Senate bill 568.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate now proceed to the consideration of Order of Business 1043, the title of which will be read.

The SECRETARY. A bill (S. 568) for the relief of John B. Davis.

Mr. WILLIAMS. I ask the chairman of the committee——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. WILLIAMS. The chairman of the Committee on Claims reported the bill.

The PRESIDENT *pro tempore*. Debate is not in order except by unanimous consent.

Mr. WILLIAMS. I want to substitute the House bill.

Mr. CAMERON, of Wisconsin. First get this bill up.

Mr. WILLIAMS. I thought it was up.

Mr. CAMERON, of Wisconsin. No; the Senator from Kentucky desires to substitute a House bill for the Senate bill 568.

The PRESIDENT *pro tempore*. The bill has not been taken up. The motion of the Senator from Kentucky applies to the bill the title of which has been read. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 568) for the relief of John B. Davis.

It provides for paying to John B. Davis, late contractor on mail-route No. 7506, Arkansas, $10,943.16, in full payment for transporting the United States mails between Memphis, Tenn., and the mouth of White River, Arkansas, and from thence to Devall's Bluff, in Arkansas, in the years 1868, 1869, and 1870.

Mr. WILLIAMS. Now I ask to take up the House bill and substitute it for the Senate bill. The chairman of the Committee on Claims knows all about the case. I know it passed the House.

The PRESIDENT *pro tempore*. The House bill is not in possession of the Chair or the Secretary. It is supposed to be in possession of the committee to which it has been referred.

Mr. WILLIAMS. I ask that the committee be discharged.

The PRESIDENT *pro tempore*. Does the Senator know whether the bill has been reported?

Mr. WILLIAMS. I move that the Committee on Claims be discharged from the further consideration of the House bill and that it be substituted for the Senate bill.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky send to the Chair a copy of the bill from which he desires the Committee on Claims to be discharged?

Mr. ALDRICH. While that bill is being looked for I ask leave to call up a joint resolution.

The PRESIDENT *pro tempore*. The Senator from Kentucky is entitled to the floor.

Mr. ALDRICH. The Senator from Kentucky yields to me for the purpose of asking consent to take up Senate joint resolution 135. It is on the table now.

Mr. CONGER. I object to giving place to any one else if the Senator from Kentucky is not to go on. If not, I desire to make a motion to take up the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the bill now before the Senate being laid aside informally to proceed to the matter mentioned by the Senator from Rhode Island. Senate bill 568 is now before the Senate.

Mr. WILLIAMS. While the clerks are hunting for that bill, I ask the Senate to take up House bill 1198, Order of Business 762.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kentucky that a copy of the House bill to which he refers is now here, but the bill itself is in possession of the Committee on Claims, having been referred to that committee by order of the Senate.

Mr. WILLIAMS. I move that the committee be discharged from its consideration and that the bill be taken up by the Senate.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the Committee on Claims, to whom was referred the bill (H. R. 653) for the relief of John B. Davis, be discharged from its further consideration. Is there objection? The Chair hears none. The committee is discharged from the further consideration of the bill. It is now before the Senate. Is there objection to its present consideration?

Mr. PLATT. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. PLATT. Is there a report?

The PRESIDENT *pro tempore*. There is a report on the Senate bill.

Mr. PLATT. I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Connecticut demands that the report of the committee be read. It will be read.

The Secretary read the following report, submitted by Mr. JACKSON January 21, 1885:

The Committee on Claims, to whom was referred the bill (S. 568) for the relief of John B. Davis, having examined the same, make the following report:

That this claim has been repeatedly examined and favorably reported upon by committees of the Senate and House. At the third session of the Forty-fifth Congress it was considered and favorably reported by the Senate Committee on Post-Offices and Post-Roads. At the second session of the Forty-sixth Congress it was again favorably reported by the same committee. At the third session of the Forty-sixth Congress it was favorably reported by the House Committee on the Post-Office and Post-Roads. At the first session of the Forty-seventh Congress it was favorably reported by the Senate Committee on Claims (Report No. 262). And at the first session of the Forty-eighth Congress the House Committee on Claims reported upon it favorably.

The facts of the case are clearly and correctly set forth in Senate Report No. 737, third session of Forty-fifth Congress, which your committee adopt, as follows:

"The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1857) for the relief of John B. Davis, having had the same under consideration, ask leave to report:

"That in the year of 1867 John B. Davis was a contractor with the Post-Office

Department for the transportation of the mails by steamers from the mouth of White River to Jacksonport, in Arkansas.

"The mail matter for the central and western portion of the State of Arkansas, and for the northern part of Texas, was chiefly collected and concentrated at Memphis, in the State of Tennessee, carried by a line of steamers to the mouth of the White River, and from that point by petitioner's steam vessels to Devall's Bluff, on the White River, and thence by rail to Little Rock and other points west.

"The schedules for arrivals and departures of the vessels were so arranged, and by contract with the Post-Office Department, that the mails from Memphis and the West reached the mouth of White River ten or twelve hours after the petitioner's boats left that point, thus causing three or four days' delay in the entire mail service of all points west of Devall's Bluff.

"Great complaint was made by the press and people of Arkansas and Texas on account of these delays. In this state of affairs a special agent of the Post-Office Department directed Mr. Davis to extend his service and carry all the Arkansas mails through from Memphis to the mouth of White River. This service was performed once each week from the 1st July, 1867, until the 31st day of the same month, and from the 1st August, 1867, until the 31st March, 1868, twice each week, the petitioner having purchased another steamer to enable him to do this work.

"The Post-Office Department recognized this service, and in the month of May, 1868, paid Mr. Davis for the weekly service at the rate of $5,000 per annum, and for the semi-weekly at the rate of $10,000 per annum.

"Mr. Davis continued to carry these mails semi-weekly until the 21st March, 1868, but has never been paid therefor.

"In reply to a communication addressed by the committee to the Postmaster-General, asking information as to the nature of the service rendered, and the authority under which Mr. Davis acted, the Second Assistant Postmaster-General, on the 29th May, 1878, stated 'that the certificate of the postmaster at Memphis shows the service to have been performed' from the 1st April, 1868, to the 21st March, 1868, 'but no payment was made after 31st March, 1868, as no satisfactory evidence of proper authority for the performance of the same was presented to this office until after the time had elapsed within which the appropriation for those years could have been used.'

"And in a letter dated 13th June, 1878, the same officer says that his predecessor 'deemed the authority from the special agent for the service was exhausted when' payment was made to the 31st March, 1868, and therefore declined further recognition of it.

"The committee is convinced that a valuable service was rendered by Mr. Davis, and with the knowledge of the Post-Office Department, and that some compensation should be made to him; but the committee has no means of ascertaining all the facts connected with these transactions, nor is it able to determine what would be a reasonable compensation.

"Since that time the Second Assistant Postmaster-General, in a letter addressed to the attorney for the claimant, states that 'should the contractor be paid for service between Memphis and the mouth of White River at the same rate as paid him for the service within the route under contract, the compensation would be at the rate of $5,657.83 per annum,' and, according to this estimate, there should be paid to the claimant the sum of $10,943.16.

"The committee are of opinion that the rate of compensation is reasonable, and recommend the payment of said sum, and the passage of the accompanying bill as a substitute for the bill referred.

"The bill thus recommended was identical with that under consideration, directing that Davis should be paid the sum of $10,943.16, in full payment for transporting the United States mails between Memphis, Tenn., and the mouth of the White River, Arkansas, and from thence to Devall's Bluff, in Arkansas, in the years 1868, 1869, and 1870."

Your committee believe that this conclusion reaches the merits of the case, and report the bill back to the Senate with the recommendation that it be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *March* 3, 1885.

Ordered, That the Clerk be directed to request the Senate to return to the House the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Kansas make any motion?

Mr. PLUMB. It is proper that the bill should go back to correct an error which was made in the last message accompanying the bill.

The PRESIDENT *pro tempore*. The bill can not be returned except by an order of the Senate.

Mr. PLUMB. I move then that the bill be returned on the request of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate numbered 3, 4, 5, and 6 to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; that it further insisted on its disagreement to the amendments of the Senate to the said bill numbered 16, 17, 18, 19, and 20; that it agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that it had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the further conference on its part.

The message also announced that the House had passed a concurrent resolution for the printing of 5,000 copies of the report of Capt. M. A. Healy, United States Revenue Marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations.

CRUISE OF THE CORWIN.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing.

IN THE HOUSE OF REPRESENTATIVES, *March* 3, 1885.

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department.

RIVER AND HARBOR BILL.

Mr. CONGER. I move that the Senate take up the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate now proceed to the consideration of House bill 8280.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I ask unanimous consent that the bill be read by paragraphs for amendment.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the bill be read by paragraphs for amendment, and that the amendments of the Committee on Commerce be considered as the reading proceeds. Is there objection? The Chair hears none.

Mr. BLAIR. I ask that the bill may be laid aside informally in order that the Senate may proceed to the consideration of House bill 7718, Calendar number 1357, restoring John Snyder to the pension-roll.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks——

Several Senators objected.

Mr. BLAIR. I desire to modify my request. I ask unanimous consent that this bill be laid aside informally temporarily, and that the Senate proceed to consider the unobjected House pension bills favorably reported and upon the Calendar.

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. Objection is made.

The Secretary proceeded to read the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The first amendment of the Committee on Commerce was, in line 5, after the word "direction," to strike out "and with the approval;" in line 6, after the words "for the," to strike out "preservation and continuation of such" and insert "construction, continuation, repair, and preservation;" in line 8, before the word "public," to strike out "uncompleted;" and in the same line, after the word "designated," to strike out "for improvement;" so as to read:

That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, continuation, repair, and preservation of the public works mentioned and designated in an act entitled, &c.

The amendment was agreed to.

Mr. HARRISON. I want to ask the Senator from Michigan whether the amendment which has just been agreed to, striking out the words "for improvement," would not include, by its reference to the act making appropriations approved July 5, 1884, rivers and harbors that were designated by that act simply for survey. I think the language used in the House bill would discriminate between objects named in the river and harbor bill to which reference is made for improvement and other rivers and harbors designated for survey, and that by the amendment which the committee have recommended, and which the Senate has now agreed to, these appropriations would be extended to objects named in the river and harbor bill referred to simply for survey.

Mr. CONGER. I think not, and by the terms of this bill the appropriation made in this bill is to be distributed proportionately to the amounts appropriated in the last bill. There was no appropriation in the last bill for any of the works which came under the head of surveys and examinations. The appropriations for surveys are made in a round sum, to be expended by the Secretary of War for various purposes, and that appropriation remains; but when you turn to this bill none of the money appropriated here would go to the objects there designated for surveys and examinations, because no appropriation was made for them.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 13, before the word "millions," to strike out "five" and insert "ten;" and in the same line, before the word "millions," to strike out "five" and insert "ten;" so as to read:

The sum of $10,000,000, which sum of $10,000,000 shall be applied by the Secretary of War to each of said public works, respectively, in proportion to the sums appropriated for such works in and by the said act.

Mr. MORRILL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CONGER. In reporting this bill we increased the amount of the appropriation. The committee considered that the appropriation

of five millions to carry on works for which almost fourteen millions were appropriated last year——

Mr. MAXEY. We are all very anxious to hear the Senator from Michigan explain the bill, but we can not hear a word, there is such a noise and buzz in the galleries and on the floor.

The PRESIDENT *pro tempore*. Senators will please cease conversation and be seated. Senators and others in the rear of the seats will cease coversation. There must be absolute silence in the galleries. There are a great number of persons present and a very slight conversation among them makes a loud noise in the Chamber. The Senator from Michigan will proceed.

Mr. CONGER. I remarked that in the appropriation bill for rivers and harbors last year there were thirteen million and in the neighborhood of nine hundred thousand dollars appropriated; in round numbers about $14,000,000. I think I may say with the approval of all who carefully examined that bill during the last year that both in the House and in the Senate as far as the results go the examination of the several objects of appropriation was very full and unusually complete. On the re-examination of the bill in the Senate there were less at least than the usual number of appropriations made for unworthy objects in the usual sense of the word.

In the examination of the bill last year by the Senate Committee on Commerce it was the opinion I think of all the members of that committee that the examination of the several items of appropriation was very thorough, and that the appropriations were properly made. Liable to some objections as all appropriation bills frequently are for some inconsiderate appropriation, the Committee on Commerce are of opinion, and I join in that opinion myself, that the appropriation made in last year's river and harbor bill on the whole, saying nothing of the amount but the distribution of the sum total, was as judiciously and carefully made as in any bill that had ever passed Congress.

Now there comes to us from the House of Representatives not an itemized appropriation bill—and I regret very much that a proper itemized bill should not have come to the Senate—but an amount in gross by the terms of the bill to be apportioned to all the uncompleted works mentioned for appropriation in the last bill in the same proportion that appropriations were made for the several works in that bill except in the case of Galveston Harbor, Tex., where by the request of the Senators from that State and the Representatives in the House of Representatives no appropriation was put in the bill, the gentlemen from that State hoping to pass a separate bill for Galveston Harbor, and therefore in this bill there is a proviso that the appropriation for Galveston shall be as though $250,000 had been appropriated in last year's bill, and another provision is that where works have been completed with the money appropriated during the last year sufficient to complete the work, the money appropriated last year for them shall remain in the general account to be apportioned among the remaining works.

If it be true that the $14,000,000 appropriated last year was appropriated with reasonable care and prudence in proportion to the necessities and merits of the different works, then the appropriation made this year when apportioned pro rata to the several remaining works will also be properly and fairly distributed. At any rate that is the only alternative. The bill has come to us with this appropriation of $5,000,000. It came here on Friday night last, was laid over until Saturday under the rules, was referred to the Committee on Commerce on Saturday last, and yesterday the Committee on Commerce devoted all the time they could spare from their duties in the Senate in the examination of the bill. The result of the conclusion to which the committee came, although I think the regret was universal in the committee that a specific appropriation for each work had not been made in the bill sent from the House, was that no bill could now be prepared with an itemized statement, and that the only way to secure any appropriation whatever to carry on these great public works in all parts of the country during the ensuing year depended upon taking the House bill, amending it as the committee might think best, and reporting it to the Senate for its consideration.

The appropriation of $5,000,000 would give a trifle over one-third of the appropriations of last year to the several works named in last year's bill. In the smaller appropriations there would hardly be appropriation enough to warrant the continuation of work upon the improvement, and in all other cases, large or small, the preparations for work, the plant required, the distribution of the officials of the Engineer Department through the several works and their care would seem to absorb so much of it as to make it hardly worth while to stop there. Then if the appropriation of $5,000,000 was proper and correct in principle, or as near correct as any bill could be prepared, the appropriation of enough more to make the appropriations that were made available for the large and small improvements throughout the country was thought to be more desirable.

I may say, Mr. President, that in the appropriations of last year the rule of the committee was to give from one-quarter to one-third in the general run of the estimates of the engineers. So in round numbers one-third of the estimates of the engineers for the necessary work on all the great improvements throughout the country was contributed by the bill of last year. By the House bill about one-third of the amount appropriated last year is appropriated, or a little more than one-third. Last year we appropriated $14,000,000, and this year by the House bill $5,000,000 is appropriated. The committee thought, and I think, that if the appropriations were reasonably right and proper in the bill of last year, and if the uncompleted works are apportioned in the same proportion of those appropriations, extending the total amount to $10,000,000, there would be a sufficient sum to carry on with economy and with real benefit to the country as to each of these improvements the work for the ensuing year.

It is proper that I should say to the Senate that upon inquiry at the Engineer Department it has been found that owing to the lateness of the season when the last river and harbor bill was passed there remains on hand for the several works for which the expenditure was authorized somewhere in the neighborhood of $9,000,000, which is as yet unexpended. I think the 5th of July was the time when the last bill was passed, but before the bill had become a law and before the appropriations could be arranged for distribution and the work commenced upon them, especially in the North, the cold weather and stormy season had commenced, and in many cases but little work was done. With some of the Southern appropriations, where work could be done longer in the season, more has been done; but there will be a great balance of appropriation; and with this appropriation, whether it be $5,000,000 or $10,000,000, there will be money in the hands of the Secretary of War to prosecute vigorously, economically, and successfully the work on those great improvements for which the commerce of the country is so desirous.

Another inducement with me—I do not speak in behalf of the committee—is that if no appropriation bill should be passed this year except for the expenditure of the amount remaining on hand, there will be no further work upon these several improvements. Perhaps there has been no year for the last decade where the necessities of making these improvements for the benefit of commerce, for cheapening transportation, for giving safety and security in harbors to the vessels which carry the freight of the country, were more apparent than this year.

In addition to that there has been no time when such works could be carried on more economically in my opinion than during the coming season. All over this land, throughout all the regions where these appropriations are expended, business languishes, labor for the laboring man is scarce. There is no time when it would be more of a Godsend to the workingmen in every part of the country where these appropriations will be expended, and they will gladly work for less wages in these hard and troublesome times than they would demand at other times. And I confess that I am influenced somewhat in my desire to have this bill passed from the consideration that it will give at least $10,000,000 of work scattered through every part of the country to those who are lacking employment and lacking bread.

Mr. LAPHAM rose.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Michigan yield to the Senator from New York?

Mr. CONGER. Yes, sir.

Mr. LAPHAM. I desire to know if the Senator is informed as to what amount of the appropriation of last year is unexpended?

Mr. CONGER. I have just made a statement of that; the Senator did not hear me. As we learn at a late date, within a few days, February 23, from the Secretary of War or the Engineer Department, the amount unexpended and ready to be expended on all the public works of the country is about $9,000,000.

Mr. LAPHAM. Then with this ten millions there will be nineteen millions appropriated.

Mr. CONGER. That would extend until another river and harbor bill shall take effect, which will be probably in the usual way at the long session some time late in the summer of next year, giving for the two seasons about $19,000,000.

Almost from the necessity of the case the appropriations for making these improvements throughout the great extent of our country in view of the great number of them carried on at the same time have been small. They have been too small for economic work by the Government on these improvements; and the people of the country have waited year after year for such improvements in the navigable rivers, for such harbors of refuge as should bring safety to its commerce, for the deepening of channels, for all the improvements embraced in this bill. They have been waiting year after year for the completion of these works, so that the produce of the farmer and the mechanic may be cheapened in its transportation and that the monopoly of the railroads may be met and counteracted by these great highways of the people in the transportation of their produce.

I feel an assurance that, with the increased appropriation which the Senate Committee on Commerce have recommended and with the amount now on hand, the work of carrying on these improvements by the Secretary of War and the Engineer Department will be commenced with vigor, will be pushed forward with success, and that the people scattered as they are all through this land who desire work and desire labor will receive the benefit from this expenditure which results so directly in the improvement of the water courses and harbors of the United States.

Now, sir, each Senator will judge for himself whether the reasons which I have suggested should have any weight, and will judge whether this be a good year, a proper time in which a liberal appropriation

should be made for these works, both for the finishing of the works themselves and for furnishing in that act the means of living to labor and the wages of labor to so many thousands of people not in one locality but scattered through every State and every Territory of the land.

I submit, sir, these suggestions for the consideration of the Senate. I have said already that this bill does not come to the Senate in the form I could have desired. I have said already that for myself I would much rather, if we could have had the time to have it prepared, have a bill as a substitute for this looking over all the reports of the engineers, studying them as carefully as we are wont to do in other years, with which we could come to the Senate with every single appropriation fortified by the reports of the engineers and sanctioned by the judgment of the committee and of the House. That can not be. Either this bill must, in some form, amended or otherwise, receive the sanction of the Senate, or we shall have no additional appropriations to carry on these great works, which I believe are so desirable and so necessary for the growth and welfare of the commerce of the United States.

Mr. FRYE. Mr. President, I disagreed with the majority of the Committee on Commerce and was opposed to the report of any river and harbor bill as such at this session. I was not opposed to it because I am opposed to improving our rivers and harbors. I was born a Whig, and that was one of the early doctrines of the Whig party, and I adhere to-day to that early doctrine, the importance of improving our rivers and harbors. But, sir, I regard this bill as bad legislation, unintelligent, and unintelligible; and there is no excuse in the world for it in my judgment. There have been three months for the preparation of a river and harbor bill by a committee elsewhere, whose only business was to prepare a river and harbor bill, an intelligent river and harbor bill, and send that to the Senate. No such bill has come to the United States Senate; but as the distinguished Senator from Michigan well says, within the last three days of the session a proposition comes here to appropriate $5,000,000 to be expended according to a river and harbor bill passed one year ago.

Suppose only $5,000,000 are appropriated. There are from seventy-five to one hundred items in the river and harbor bill referred to below $10,000 each; there are a dozen or twenty down to $1,000, $2,000, and $2,500; and if the Secretary of War is obliged to follow out the behest of this bill, then he is to put on these rivers and harbors from two hundred to six hundred dollars each. What important rivers they must be if such an amount of money can be of any commercial use!

There are, I say, from seventy-five to one hundred items less than $10,000. The proposition to appropriate $10,000,000 does away in part with that argument; but after a consideration of two months the river and harbor bill reported to the House of Representatives at this session left out from forty-eight to fifty of the items contained in the old river and harbor bill. Then if the Secretary of War is obliged to follow the law of Congress he will be compelled to appropriate of the $10,000,000 a portion to from forty-eight to fifty rivers that the River and Harbor Committee after two months' consideration decided were not entitled to a dollar.

I say you may look at it as you please, and there is no excuse to be offered to this country for making a lump sum appropriation by a river and harbor bill. The Senator says there are nearly $10,000,000 left of the old bill to-day. If so, nothing will suffer. It may be said that this money is necessary to keep improvements in repair. That is not true, because in the river and harbor bill passed at the last session we put in a provision as section 4 which says:

> And for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury.

So, Mr. President, if there are works to-day that are suffering or that will suffer next year for want of repair and proper attention, there is a provision which authorizes the engineer in charge to make his demand upon the Secretary of the Treasury, and the Secretary of the Treasury to pay without limit any sums of money that may be necessary to preserve the Government works and keep them in repair. So there is not that excuse for this haste.

I am not going to weary the Senate with discussion; I am going to conclude with simply this proposition: It seems to me that the United States Senate owes to itself a duty in these premises, and it owes to this great country another duty in the premises, and that is to see to it when five or ten millions of dollars are appropriated that every item of appropriation shall have received proper, judicious, careful consideration by some committee of the Congress of the United States. It seems to me that the Senate owes a duty to itself, and that duty certainly can be performed without stopping the functions of this great Government. Where no Department is to suffer, where you do not take the Army or the Navy or the Judiciary by the throat and tell them to stop their lives, where nothing can suffer, surely the Senate owes to itself the duty not to make into law that which has received not one single hour's consideration by either the Committee on Commerce or the Committee on Rivers and Harbors in either branch of Congress, and can not receive in this branch over two hours' consideration, and did not receive in the House of Representatives thirty minutes of consideration.

For these reasons, sir, I oppose any appropriation whatever.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. PENDLETON. I desire unanimous consent at this time to offer a resolution, and I ask its immediate consideration.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The resolution will be read for information, when the Chair will ask for objection.

The Chief Clerk read the resolution, as follows:

> *Resolved*, That the thanks of the Senate are due, and are hereby tendered, to the Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, for the courteous, impartial, and able manner in which he has presided over its deliberations and fulfilled the duties of its President *pro tempore*.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. It is before the Senate.

The resolution was agreed to unanimously.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce, in line 13, striking out "five" and inserting "ten."

Mr. COKE. Mr. President, the bill reported from the Committee on Commerce is not such a bill as I would have preferred. I am not at all enamored of it, but I do believe it is better than no bill at all. It is not the fault of the Committee on Commerce of the Senate that a better bill is not before this body, that we have not here an itemized and specific bill. That committee has had no time to perfect such a bill. It is presented here as it came from the House, with amendments in accord with the theory of the bill, as the best the committee was able to do under the circumstances.

The last river and harbor bill passed amounted, I will say, in round numbers, to $14,000,000. The pending bill, as reported from the Senate committee, appropriates ten million of dollars, to be apportioned among the different public works in proportion to the amounts given to them in the last river and harbor bill. That something is necessary to be done, that some appropriation ought to be made, no Senator here, no member of either House questions. We have a system of public works embracing all the rivers and harbors in the country, works progressing to-day and dependent upon the appropriation to be made at this session of Congress for their continuance. Not only that, but the Government has at all these points property or plant which it is necessary shall be protected and preserved from waste and destruction which will ensue from non-use. An appropriation for this purpose is absolutely necessary.

The House has failed to send us a specific bill making an appropriation severally for each one of these public works. The Senate Committee had not the time and the Senate has not the time to make specific appropriations for each one of them, and there is no other alternative left us than to accept the bill before us or have nothing. We can do nothing else but make an appropriation as this bill makes it, *in solido*, trusting to the discretion of the Secretary of War and the Engineer Department to expend the money judiciously for the conservation of the great interests for which it is appropriated.

The honorable Senator from Maine says that he opposes any river and harbor bill constructed in the lump as this is. Mr. President, can we afford to throw away the large percentage of the work already done, to be lost from the failure of an appropriation? Can we afford to devote to destruction and waste the Government plant and property employed in every river and in every harbor of the United States in carrying on these public works? We can not. If we can not, then we must appropriate; and as we can not make specific appropriations, we must appropriate in the lump, as is done in this bill.

Shall we cease to improve our rivers and harbors? We can not afford to do this. Let it be remembered that cheap transportation is the one thing needful in this country, and that how to break down railroad monopoly and secure reasonable freight rates for our products is the great question of the day.

The recent debates in this and the other House of Congress, and especially before the Commerce Committee of the House, participated in by the ablest men in the country in and out of Congress, and especially by the most distinguished experts in railroad and other transportation, while showing great variety and difference of opinion in every other respect, all concur in ascribing to the navigable waters of the country a greater influence as competing factors in bringing down freight charges on railroads than all other agencies combined.

Water competition is universally admitted to be the best, most reliable, and most certain regulator of railroad charges of any other, and where it exists the most desirable. This is a great fact which can not be controverted or ignored. The producers of this country, the people

who create its wealth, are suffering from being compelled to give too large a proportion of their products as consideration for carrying the remaining part to market. The people of Kansas, of Nebraska, and other States are giving one bushel of corn for carrying another bushel to market. This instance is only an illustration of what is being done in a greater or less degree in respect to all the products of this country, and the wisdom of Congress is loudly invoked for relief. The cost of transportation to market is burdening the producers and taxing the consumers almost beyond their powers of endurance. We have endeavored during this session to legislate in the interest of these people in the regulation of interstate commerce, but have failed to accomplish anything. All concur in the opinion that a large measure of relief will come from opening up and clearing out our navigable waters. Is not this great object a worthy one, and ought we not to pursue it and reap for our people the benefits of its accomplishment? If there are those who doubt, are not the opinions of enlightened men who entertain no doubt such as impose the duty upon Congress to make the effort—to try the experiment if they choose to so term it? There can be no question about this.

It is true, Mr. President, that the House of Representatives has sent us a bill that we do not prefer, that we do not like, yet it is better than no bill at all. It has been amended—"five million" stricken out and "ten" inserted. Why can we not pass that bill? We can intrust the matter to the Secretary of War, to the Chief of Engineers. We abide by their discretion in all the river and harbor bills we pass to a considerable extent. Why can we not trust them on this bill as we have done on others when we have so great a stake at issue?

There is no reason in the world why we should not pass this bill. If it was a specific bill making specific appropriations for each public work, I should prefer it as you would, sir; but we can not have that. There is no time to perfect such a bill.

Mr. KENNA. Will my friend from Texas allow me to ask him a question?

Mr. COKE. Certainly.

Mr. KENNA. I do not understand the position occupied by my friend from Texas in his statement that this is not a bill specific in its application to every work provided for by the last river and harbor bill passed by this Congress. My understanding of the provisions of the present bill is that it appropriates $10,000,000, to be expended in proportion for the prosecution of every work provided for in the last bill.

Mr. COKE. Certainly.

Mr. KENNA. The only difference, therefore, as I understand the situation, is that this bill appropriates ten millions and the last bill appropriated $14,000,000 for the prosecution of identically the same general works on rivers and harbors; and I deny that this bill vests any discretion whatever in any officer in any Department of this Government which was not vested in that same officer, in that same Department, by the provisions of the last river and harbor bill. The only difference on earth is the difference in amount. By the last bill we appropriated an aggregate sum of $14,000,000, the bill describing in detail the particular works to be prosecuted under it and the expenditure of the money provided for. By this bill in a lump we appropriate $10,000,000 to be expended in proportion for the several works throughout the country provided for in the last bill.

Mr. COKE. There is no difference of opinion between the Senator from West Virginia and myself. I supposed that the Senate understood that this bill appropriated in the lump, as I stated in the commencement of my remarks, for apportionment among the several works specifically appropriated for in the last river and harbor bill, and I stated in the last observation I made before the Senator from West Virginia rose, that we reposed, in every river and harbor bill yet passed, to a certain extent, in the judgment and discretion of the engineers and of the Secretary of War, and no more in this than in the others, but the same in this as in the others.

Mr. KENNA. I did not exactly understand my friend before as I understand him now. We are not exactly on the same line in the discussion of this bill, and my object in interposing was not so much to interrupt my friend the Senator from Texas as to make understood the fact that this bill does not invest the Secretary of War or any officer of this Government with any discretion whatever in the expenditure of any dollar appropriated by it.

Mr. COKE. I take issue with the Senator from West Virginia. I read from the bill the following provision:

That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War——

Mr. KENNA. If my friend will allow me to continue the reading of the same section——

Mr. COKE. I will continue the reading.

Mr. KENNA. If you please.

Mr. COKE. It continues:

For the construction, continuation, repair, and preservation of the public works mentioned and designated in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENNA. And now will my friend allow me to continue the reading? The same section of the same bill continues:

In proportion to the sums appropriated for such works in and by the said act.

So that there is no discretion whatever vested in the Secretary of War, except to expend the $10,000,000 appropriated by this act upon the same works whose improvement is provided for by the last act in proportion to the sums appropriated by the last act for the said works.

Mr. COKE. The Senator from West Virginia has stated simply what I had stated before, but now I call attention to a fact to show that the Secretary of War has discretion and that he exercises discretion. In the very bill to which the honorable Senator refers by which $14,000,000 was appropriated at the last session of Congress, which the Secretary of War was directed to expend, there is of that appropriation now on hand nearly $10,000,000 unexpended, because in his discretion the Secretary of War has chosen not to expend it.

Mr. KENNA. Oh, Mr. President, if the Senator will pardon me—I do not want to interrupt my friend——

The PRESIDING OFFICER. The Senator from West Virginia will not interrupt until the Chair has an opportunity of learning whether the Senator from Texas yields.

Mr. COKE. I do.

Mr. KENNA. I certainly do not wish to interrupt my friend from Texas, but the statement which he submits to the Senate now of the amount of money on hand for the prosecution of these various works is a statement based upon the report of the Secretary of War of the 1st of July last. We all know that, and we all know that since that time the demands of the current fiscal year have come into requisition, and none of us know to-day what amount is still on hand.

Mr. FRYE. The report was made February 23, and covered up to that date.

Mr. COKE. Yes, sir; February.

Mr. KENNA. But pardon me one moment further. If the Senator refers to the recent special report, then he omits from the calculation of that report the amount engaged by contracts entered into prior to and up to last July, and, therefore, the same application applies. The contracts for all the great works that are being prosecuted by contract were entered into prior to the 1st of July last, and every dollar that applies to the consummation of those works and the satisfaction of those contracts up to that time, not actually paid, is still on hand even to this very moment.

Mr. COKE. Now I hope, Mr. President, that I shall not be interrupted further.

I repeat my assertion that the Secretary of War and the Chief of Engineers have under this bill the same discretion that they have under all other river and harbor bills, and that under all river and harbor bills they have discretion to expend or not to expend the money, because it is a notorious fact that they do absolutely refuse to expend money under appropriations made under directions like those contained in this bill when in their judgment the expenditure of the money would result in no public good. Nothing is more common than this, and a volume of the Engineer's reports can not be found which does not show repeated instances of it.

I know that in my own State under a bill like this there are appropriations which have lapsed repeatedly because the engineers have decided that the money ought not to be expended, that the appropriation was not large enough for instance to justify the expenditure of the money, and in that fact is found the reply to the argument of the honorable Senator from Maine against this bill, where he says there are so many of these appropriations which will be whittled down so under this bill that it will be useless to attempt to expend them. In reply to that I have to say that this very discretion exercised by the Engineer Department and by the Secretary of War will prevent an expenditure of a dollar of those appropriations which are believed to be insufficient to accomplish any real good. So that so much of the argument of the honorable Senator from Maine as is directed against this bill on account of the smallness of some of the appropriations which will be brought down so low that no good can be accomplished with them fails.

I repeat I would have preferred that each one of the public works appropriated for had been named in the bill, but they could not be named. There was no time for it; there was no time for amendment. We could do nothing else but bring in a bill in the lump, *in solido*, and we have got to take that sort of a bill or have no appropriation for the improvement of rivers and harbors at all; and I do contend, Mr. President, that the object for which this Government first commenced the great work of improving the rivers and harbors of this country is too great, too far-reaching in importance, and affects too large a proportion of the people of this country, to be abandoned or deferred for any light or transient cause, and that if we can not get the best bill that can be made for the purpose we ought to be willing to accept the best that under the circumstances can be brought before the Senate at this time, and such a one is the bill which has been reported from the Committee on Commerce.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon,

and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. JAMES N. BURNES of Missouri, and Mr. JOHN D. LONG of Massachusetts managers at the conference on its part.

Mr. COCKRELL. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. MORRILL. Mr. President, I am always glad to support any river and harbor bill, but I think this bill is perhaps one of the most preposterous that was ever presented. It is true we have sometimes had bills proposed in bulk to pay a lumpsum and leave it in the discretion of the Secretary of War. I believe that would be much better than the bill now presented, for this bill is hampered by the river and harbor act of last year. If Senators will look at the act we passed last year, ten pages long in close print, and then look at the estimates this year, they will find that in many instances there has been a less sum asked for this year than was appropriated last year. Of course it follows that works which are progressing and which have arrived at any near degree of completion do not require as much money in the succeeding year as in the past. It will be noticed also that a considerable number of the ports and harbors that were appropriated for last year are omitted this year in the estimates.

Mr. HOAR. I should like to ask the Senator from Vermont whether the point which he makes, that it might take a small sum to complete works which are near completion, is not provided for in the proviso, beginning in the sixteenth line of section 1 of the bill:

Provided, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates.

Mr. MORRILL. The Senator from Massachusetts knows that none of these works are ever completed. There is always room for the expenditure of a little more money. Who is to decide whether they are completed or not? The bill now before us provides that the money shall be expended in exact proportion to what was appropriated for each work in the former bill.

There is another difficulty about the bill. Throughout the whole act of last year there were various provisos and conditions upon which the appropriations were made. In the present bill there are no conditions whatever. If the port or place has been barely mentioned, then the money may be expended there.

Under these circumstances it seems to me that the bill is a bill that will work badly. Some of the places which require very little money may get enough and perhaps too much; while others which require more will hardly get a pittance. In the estimates of this year there are many points where appropriations are asked for which are not even named in the bill of last year, and it ought to be supposed that the expenditure of last year would diminish largely the amount required to be appropriated this year.

Again, the bill as now proposed to be amended appropriates a larger sum than the Department have estimated would be requisite. They have only asked for $8,000,000, and now it is proposed by the Committee on Commerce to increase the sum to $10,000,000, although by the statement of the Senator from Maine no longer ago than the 23d of February there was not less than $9,000,000 on hand. Last year the appropriation was for $14,800,000, and now, with the amount on hand and what is proposed there will be $19,000,000 to expend—a larger sum by $4,000,000 and over than was appropriated last year.

Under these circumstances I do not feel at liberty to vote for the bill. I think the committee should have distributed the appropriation where it was most needed; but under the conditions of the bill, without any discretion left to the Secretary of War, it must be distributed exactly according to the act of last year.

Mr. HOAR. The Senator from Vermont has made two objections to the bill.

Mr. MORRILL. I make three.

Mr. HOAR. One is that there are many works mentioned in the act of last year which a small sum only will be required to complete, and that the allotment made under the bill may be considerably more than those works need. I am surprised, knowing the usual candor of my honorable friend, at the answer he made when I called his attention to the proviso in the bill which reads:

Provided, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates.

How could the honorable Senator think of his answer to that proposition when he says we all know that these works are never completed? Who is to determine the matter? The Secretary of War will not spend more than he thinks is necessary to complete the work, and he can not spend as much as he thinks is necessary to complete it unless it is a sum within the limit of the appropriation for the present year.

Mr. MORRILL. I should like to have the Senator refer me to some document which will show the exact amount necessary to complete any one of these works.

Mr. HOAR. The present Book of Estimates is the document.

Mr. MORRILL. The estimates are not for completion, but for continuation in a majority of cases.

Mr. HOAR. Yes, they are, largely. The original estimate of a work is always an estimate which gives the amount necessary to its completion. Then it goes on from year to year giving the amount that could wisely and profitably be expended in a particular year.

The Senator says that there are conditions and provisos in the last act and they are not repeated here. I think any lawyer would say that the legal effect of the bill is to leave the appropriation under existing conditions.

Mr. MORRILL. It does not say so.

Mr. HOAR. That is the legal effect. The sums being appropriated for such works conditionally, the condition would attach. I suppose the Senator would have no sort of objection to adding after the words "in proportion," in the fifteenth line of section 1, the words "and upon the condition therein expressed," or words the effect of which would carry over the condition of the appropriation.

Mr. MILLER, of New York. Mr. President, it is a matter of personal regret to myself that I feel compelled to oppose the passage of the present river and harbor bill. It is well known to my associates on this floor that I have hitherto favored such bills which have been brought before this body, and that I have given much labor and study to the improvement of the rivers and harbors of our country. I have held, and still hold, that all proper appropriations for the improvement of our rivers, our harbors, and the canals which are under the control of the General Government are the wisest expenditures of public money that can possibly be made. Outside of the Post-Office Department no appropriations which we make bring back as sure and as quick a return to the people in actual profit as proper appropriations for our rivers and harbors.

But with my sense of public duty as a legislator I can never consent to give my vote or my voice for a measure which has received no consideration at the hands of the appropriate committee of this body. That is the condition of this bill. I do not stand here to charge dereliction of duty upon the co-ordinate branch of the Legislature, but for one I should be glad to see the rules of the Senate so amended that this body would never give a moment's consideration to any general appropriation bill which did not come to this body from the other House at least thirty days before the day of final adjournment.

If the Senate of the United States is to be charged with the duty of legislation, if we as the representatives of our several States are to be held responsible for public legislation, and particularly for the appropriations of money out of the Treasury, then certainly we should exercise our constitutional right of originating appropriation bills and passing them through this body; or if we are to follow the custom which has hitherto prevailed and permit the other House to originate all general appropriation bills, we should insist now and at all times that the co-ordinate branch of this Legislature should send us those bills in time, so that we may give them careful consideration.

No appropriation bill that comes before this body requires so much time, so much consideration, so much examination by committees and experts, so much study, thought, and work on the part of the committee having it in charge as does the river and harbor bill. It requires an accurate knowledge of every harbor, of every important river, and of all the canals which are under the control of the Government before the committee can act intelligently.

It does not follow that we can this year take the bill of last year and appropriate money in accordance with the provisions of that act. The engineers who have the work in charge are continually learning from month to month and from year to year that many of the appropriations and much of the work hitherto done have been experimental, and that a change is required in plan, or that the work should be entirely abandoned. By no possibility, in my judgment, could any general appropriation bill be so illy taken as the criterion for a coming year as the ordinary river and harbor bill.

It is an open secret that the committee in the other branch of this Legislature which considered this question from the opening of the session in December down to last week, instead of adopting and following the act of last year, failed to make any appropriations for nearly——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair must remind the Senator from New York that it is not in order to refer to the action of the other House.

Mr. MILLER, of New York. It has already been referred to here by every speaker who has spoken. I am not referring to the action of the House, but I am referring to what is known and what every one knows to have been the action of a certain committee having this matter in charge. I think I may say within the parliamentary rule that certain persons attempting to make up a river and harbor bill left out of it nearly fifty distinct appropriations which were contained in the bill of last year, showing most conclusively that by their investigations and by the light which had come to them during the past year it was found that we did not need any bill like the bill of last year, but that we needed a new bill, with new provisions, with a large number of new appropriations in it, and with a large number of the old appropriations left out of it.

I gave my support to the bill of last year. As a member of the Committee on Commerce I took great interest in its consideration in that committee, and labored long and heartily upon it. The Committee on Commerce of this body made many radical changes in it. The committee struck out very much of what was generally believed to be unwise appropriations, but I regret to say that in the final consideration of that bill by the conference committee of the two Houses very much of the legislation which the Committee on Commerce had stricken out of it was put back, and that in that shape it finally passed this body and became a law.

But it needs no particulars in my judgment to condemn this bill. We are coming in my opinion to a condition in legislation upon rivers and harbors which calls for a halt. The people of this country are demanding not that the appropriations for rivers and harbors shall be limited to $5,000,000 or $10,000,000 or $15,000,000 per annum, but they are demanding that the appropriations shall be made for the great public works according to the necessities of the country.

A great change has come about in our merchant marine within the past fifteen or twenty years. In short, within the past five years the draught of nearly all sea-going vessels has increased from sixteen or eighteen feet to twenty, twenty-two, twenty-six, twenty-eight, or even thirty feet of draught of water. The result is that nearly all of our great harbors, or what were known as great harbors a few years ago, upon the Atlantic coast are now not able to admit into them the great ships of the merchant marine which come to them. At the port of New York, through which three-quarters of all the foreign commerce of this country passes, a large number of the foreign steamers running to and from that port to-day are not able to pass over its bar with more than three-quarters of a load. If that obstruction should be removed it would reduce the cost of transporting every bushel of wheat and corn which is sent abroad. To do the work there the appropriation carried in a river and harbor bill should be not less than $1,000,000 per annum. To give it a paltry $150,000, as it would have under this bill, would amount to nothing. It would be a waste of the money.

I appeal to the Senator from Texas in regard to his own great port of Galveston, to say to this body of what value will be the $200,000 which would go to that port under the provisions of this measure as it now stands if it should pass. If the Senator were to answer that question he could only say that it would be of no avail whatever. The works contemplated at Galveston require an expenditure of several million dollars. We have spent there a large sum already. It seems to be the opinion to-day and the growing opinion of civil engineers that the work at Galveston Harbor has thus far been largely a mistake—a mistake either in plan or in construction, it matters not which. If anything is to be done for the great State of Texas, which is an empire in itself—and certainly it should have a harbor into which the greatest ships floating from the sea could come at all times—the appropriation for Galveston Harbor should not be $150,000 or $200,000, but it should be all the money which the engineers can wisely expend in a fiscal year. Less than that is folly; less than that is wastefulness. It is a waste to spend only $200,000 a year upon Galveston Harbor. It would scarcely keep the work moving; it would scarcely keep it in proper repair.

Shall we go on in this way from year to year scattering our appropriations upon little rivers, many of which may be of value to their localities, many of which undoubtedly are, if not all of them, but certainly many of them are simply of local importance? They are streams which can be used for rafting lumber. Surely that is an industry demanding our consideration perhaps, but notwithstanding, the people of this country claim and will demand at our hands that in the distribution of the public moneys upon our rivers and harbors the great ports of this country shall be opened, and shall be opened in such a way that the ships of the present day can find easy ingress and egress.

What I have said of Galveston is true of the great works which are going on at the mouth of the Saint John's River. The Saint John's River is the artery of the State of Florida. The mouth of that river ought to be opened so that all the large steamers which desire to go there can get in. The appropriation which would come to that river by this bill would be of little or no avail. The appropriation for that river should be such that the work can be pushed to speedy completion, and then the great State of Florida will be developed. But we give it a paltry $150,000 or $200,000 under this bill—I do not know the exact amount—which will scarcely keep the dredges and the machines of the Government going. In other words, the money will be squandered, and this appropriation will be unwisely expended.

What is true of the mouth of the Saint John's River is true of Charleston Harbor. There we have undertaken large works, to deepen the water over the bar and to admit large ships to come into that port so as to carry the cotton grown in the adjacent country to England. The appropriation made under this bill, if it shall become a law, will do little or no good there.

Thus I might go on and specify item after item. I believe also that the large sum given in this bill to the Mississippi River and to the Missouri River will be largely wasted. I believe that the present condition of the improvements of both those rivers calls for a halt; that it calls for a full consideration as to whether the money heretofore expended has been wisely expended.

I want to say for myself that I am for the improvement of the Mississippi River and its navigation; I have always voted for it; but I believe that no bill should pass until that matter is fully considered by the Committee on Commerce, and until we have fully satisfied ourselves in regard to the criticisms which are now being made throughout the length and breadth of the country upon the improvement of the Mississippi River. Statements are made which require our careful consideration, going to show that very much of the work which has been done under these large appropriations has proved a failure; that it has shown that the work laid out by the commission and the engineers is to-day largely experimental. If it is experimental it can do no harm to make it wait for another year, until the money has been expended which is now in the hands of the Secretary of War for it, and that then we may carefully and considerately determine whether we shall continue the improvement of the Mississippi River upon the present plan. It is well known to every member of the Senate that the great engineering authorities of this country and of the world are not in harmony upon this question; that there is a great dispute going on as to the wisdom of the present system of improving the Mississippi River.

Now as to the Missouri River. Last year in the river and harbor bill we created a commission for the Missouri River, thus to a certain extent taking it out of the hands of the engineers of the Army and out of the control of the Secretary of War. I am satisfied that that was unwise. I am satisfied that in the very near future we shall substantially abandon all improvements upon the Missouri River. I understand that at the present day—I am so told by a Senator who knows—there is not running upon the Missouri River a single through steamer, that what is called through trade or traffic upon it has been substantially abandoned, and that the traffic upon the river now in steamboats is carried on only in stretches between some important places. If this be true, then certainly we ought to go slowly in appropriating large sums for that river. It is undoubtedly true that in the development of that country to the present time the river has been of much value, but it seems now that it is largely supplanted by the great number of railroads which have been built throughout that country, and which have shortened the distance of transportation over that hitherto upon the river.

Be that as it may, I hold it to be the duty of the Senate to see to it that no important legislation, certainly no bill carrying $10,000,000, shall pass this body without having proper time for consideration in the Committee on Commerce to which it was committed. The bill came to this body on Friday last. It did not fully reach the committee, printed and by reference, until Monday of this week. As the Senator from Texas said, there was no alternative left us save to take the bill with a few general amendments upon it, or to abandon it for this session.

But certainly the blame does not lie at our doors. The Committee on Commerce have been waiting for this bill for weeks and weeks, asking in our own way when it would come to us, until finally one Senator not a member of the committee took the liberty of introducing a complete river and harbor bill and sending it to the committee. But as this body has, I believe, in nearly all its past history waited for these bills to come to it from the co-ordinate branch of the Legislature, so we waited for this bill. It comes to us in the closing hours of this session.

Two years ago when a bill came to us not in this shape, when a bill came to us from the House of Representatives in complete and full detail, item for item, if I remember correctly, it reached us some three or four days earlier in the session than this bill reached us. That bill went to the Committee on Commerce, and what was the result? The Committee on Commerce reported back to this body that it had not sufficient time to consider that bill, and that it would make no report upon it, and the bill failed. However, no great evil effects came to the country from the failure of that bill. That bill, like this, contained petty appropriations by the hundred. It did not contain proper and

sufficient appropriations for the great works of this country and I do not know that its failure occasioned great loss to the works. I have seen no report tending to show that any great loss came to the public works of this country by the failure of that bill.

Certainly the House of Representatives should have taken warning by that action of this body and should have sent us this bill two months ago. It could easily have done so. It could have sent us a bill which we could have considered fully and definitely; but now it comes to this, that another body, sitting in another portion of this Capitol, can take into its own hands all the appropriations for the management of this great Government, including every department, the Army, the Navy, the Post-Office, the legislative, executive, and judicial departments, and it can hold the bills until within twenty-four or forty-eight hours of the adjournment under the Constitution, and it can then bring in those bills here and say to us: "Take them; pass them as we have made them, or there shall be no bills, or you take the responsibility of forcing an extra session."

We are not sent here to legislate in any given number of days. We do not hold our offices for months; we hold them for years. If the public business of the country demands that this national Legislature should remain in continuous session for three hundred and sixty-five days in the year in order to complete properly the public business, then I hold it to be our duty to stay here and to give to the public business all our time. It is for that purpose that the States which have sent us here have given us our commissions. We can not excuse ourselves in the manner suggested by the Senator from Texas. It is no reason whatever in my judgment to say that this bill must pass as it is or there will be no appropriation for rivers and harbors and that the great works of this country will go to ruin and destruction.

I believe that it is in the interest of all the public works of this country, I believe it to be in the interest of Galveston Harbor, in the interest of the Saint John's River, in the interest of the Mississippi River, of Charleston, of Baltimore, of Philadelphia, of New York, of Boston, of Portland, and of all the great lakes that this bill should fail here and now. If it does fail here, if the Senate says to the other branch we shall not consider a bill sent to us in this manner, then the House will hereafter give us time for pause and consideration, and when another Congress shall meet, whether it shall be in December or within thirty days, then I think any committee of either House having this matter in charge will take it up in entirely a different temper and spirit from that which they have exercised in preparing this measure, and they will come to view these great works in their proper light, and when they make appropriations they will be made properly.

Mr. President, can we not adopt the plan followed by our near neighbors across the border in Canada? When any great public work there is devised and money is appropriated for it, there is appropriated at one time sufficient to furnish and complete the work. If it should be discovered that it required $20,000,000 to complete any harbor in that country and the engineers could use but $5,000,000 per annum, the appropriation would be for $20,000,000 to be used at the rate of $5,000,000 per annum. Then the work could go with speed and with proper consideration for economy, and such appropriations as that would be in my judgment wise and economical.

It is not the amount of money carried in this bill which forms the objection to it. The amount of money carried in this bill is not one-third of what it should be for the great harbors and rivers of this country. The waste, the absolute waste of this measure is that it gives out the money in driblets to great works. It gives it out in such driblets that it barely maintains the work.

We have been working at Galveston Harbor now for a number of years, I do not know just how many. We have increased the depth of water over the bar I think three inches by the last measurement. If we shall go on with the appropriations here to be made in this way, the successor of the Senator from Texas, ay his successor in the third or fourth generation, will be in his seat before a steamship drawing thirty feet of water can cross the bar at Galveston Harbor. Nothing can be done in this way.

The Republic of France appropriates in round numbers $20,000,000 for her rivers and harbors, but when she wants to make a great improvement she puts down the money in an appropriation bill for the whole thing and orders it to be done in the shortest time possible. That is economy; that is wisdom; that is business. If any business man wanted to improve his plant, if any great railroad corporation wanted to improve its plant in order that it might do its business more profitably and cheaply, it would make its improvements at once. It would not make them as we are making these appropriations.

I say then the time has come to call a halt in appropriations for rivers and harbors, and to set ourselves to work in this body and in the other branch of the Legislature to see if we can not revolutionize the entire system of making these appropriations. Let us take up the great public works, many of which I have mentioned and many others quite as important which I have not mentioned, and see to it if we can not devise means by which they shall be pushed to rapid completion. For instance, if the depth of water over the bar at New York could be increased from twenty-four feet to thirty feet, it would save to the farmers of the West more in one year than all the money which has been appropriated for rivers and harbors in the past four or five years. So with the other great ports of our country.

I am not making any attack upon the smaller ports or upon the less important points. They are undoubtedly necessary to their people. No bill probably will pass which does not carry wise and just appropriations for smaller rivers and for smaller harbors; but in making this distribution I hold it to be necessary for the good of the whole country that these appropriations should be made in such a way and in such a manner as to enable these great works to be prosecuted rapidly to completion. Otherwise we are constantly losing the interest upon the money put into them. We get no benefit from the moneys thus expended until the work is substantially completed.

Mr. President, I shall detain the Senate but a few moments longer upon this question. I hold that if this bill should fail here by the action of the Senate, the Senate can in no way be held responsible to the country for the failure of a proper river and harbor bill. I believe there is not a Senator upon this floor who has not had from his constituents numerous applications by commercial bodies to be heard upon this measure, and to be heard upon new appropriations proposed to it. For one I have had a large number of communications from the people of my State asking to be heard upon the river and harbor bill, suggesting amendments and improvements over the action of last year. I have said to them all, when the river and harbor bill is properly before the committee the committee will hear you and will decide upon the claim which you may propose. What is to be the answer now that I shall give to my constituents? That the river and harbor bill came into our hands forty-eight hours before the final adjournment of Congress, and that this body, equal in power in the legislation of this country, yielded all its rights of amendment, all its rights of consideration in the committee, that it denied its doors and its committee-room to the people of this country who desired to be heard upon it, and that we took this bill ready-made to our hands.

It can not be argued that if this bill shall fail the great public works upon our rivers and harbors will suffer for repairs or by damage by the storms or elements. The river and harbor act of last year in section 4, as read to this body a short time ago by the Senator from Maine, shows that the Secretary of War has absolute power to maintain all the present works in their entirety and to repair any and all damage which may be done to them by the elements. Therefore the argument that if we fail to pass this bill the public works will greatly suffer by damage, by decay, falls to the ground; there is absolutely nothing in it.

I repeat that I believe it to be in the interest of the improvement of our great public works that this bill should fail. If I did not so believe I should be compelled to give it my assent, for I hold that no one of the great States of this Union is so much interested in the improvements of rivers and harbors as my own State, the State of New York. There is not a dollar of all the money carried in these bills to be properly and wisely expended upon any river throughout the entire length and breadth of this country which does not bring an immediate profit to the State of New York. We send our ships to every port upon the Atlantic coast, upon the Gulf, and upon the Pacific; we send our commerce and our produce to every port upon the great lakes, and whatever is done by Congress to improve these great water ways and these great harbors brings profit to the commercial interests of the State of New York.

The advancement of the interests of commerce has made the Erie Canal absolutely free. It has demanded, however, and has asked through its Legislature this winter, that Congress shall provide for the building of the Hennepin Canal. I believe that to be a wise recommendation to this body. I believe that that work should be done by the Federal Government. Certainly the State of New York, after having expended more than $60,000,000 on the Erie Canal and having made it free to the commerce of the country, has a right to ask that other great works which shall be a benefit to the whole people shall be prosecuted by the Federal Government. It has done this. It has asked through its Legislature for many other important works.

Resolutions have come to me as one of the representatives of that State. Shall my answer be that, as Senator from the State of New York, I consented to the passage of a river and harbor bill without giving it thirty minutes' consideration in the committee, without being able to add any item of appropriation to it, without hearing any of the delegates of the great commercial bodies of the city of New York upon the necessity of deepening the water over the bar at the entrance of New York Harbor?

Shall I give that answer to my constituents? Mr. President, I can not. I stand here, though I say it with great regret, opposed to this bill; for hitherto I have supported these bills. I have labored for a proper river and harbor bill at all times, and I regret that this bill did not come to us in time at this session of Congress in order that the Committee on Commerce might give it careful consideration, and that every section and portion of our country might be heard, and properly heard and properly cared for.

I believe, then, that this bill should fail for the best interests of the whole country. I believe it should fail for the interests of this body, if hereafter we are to exercise our just right and control in the public legislation of this country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN HANCOCK of Texas, Mr. WILLIAM H. FORNEY of Alabama, and Mr. WILLIAM D. WASHBURN of Minnesota managers at the conference on its part.

The message also announced that the House had passed the joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

The message further announced that the House had passed a joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts; and it was thereupon signed by the President *pro tempore*.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I ask that the message from the House in reference to the fortification bill be now laid before the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

The PRESIDING OFFICER subsequently said: The Chair substitutes the Senator from Kansas, Mr. PLUMB, for the Senator from Iowa [Mr. ALLISON] as a conferee upon the part of the Senate upon the disagreeing votes of the two Houses on the fortification appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, 74.

That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Strike out section 11 of the bill of the House and insert the following in lieu thereof, to wit:

"That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes respectively. And the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above crimes against the person or property of another Indian, or other person, within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States."

And the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.
E. JOHN ELLIS,
WM. S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

Mr. VEST. As I understand the report——

Mr. DAWES. The Senator does not want to make his motion until after the report is concurred in.

Mr. VEST. No, I do not want to make my motion now, but I want to understand the report. As I understand it the House recedes from all its amendments except what is known as the Oklahoma amendment. Is that correct?

Mr. DAWES. That is correct.

Mr. VEST. There was so much talking I could not hear the reading of the report.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. DAWES. I will state the condition of the bill at this time. On this last conference report the Senate recede from its amendments numbered 27 and 28 in reference to the Otoe and Omaha Indians, and also the North Carolina appropriation. The House recedes from its disagreement with the Senate in all of the legislative matter except the one called the crimes act. In that they agree with the Senate with an amendment which has been read and concurred in. There is nothing now open except the amendment of the Senate striking out the provision called the Oklahoma matter, and upon that the two committees propose to take again the judgment of their respective bodies.

Mr. VEST. I move that the Senate recede from that amendment.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate recede from its amendment numbered 112.

Mr. SHERMAN. I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. Amendment No. 112 is to strike out section 10, as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. DAWES. I do not wish to consume the time of the Senate a single moment except merely to state this case. The proposition in the bill is to open negotiations with the Indians in the Indian Territory for the cession of this land.

Mr. SHERMAN. That is the House proposition.

Mr. DAWES. That is the House proposition. The Senate have stricken out that proposition. The conferees on the part of the Senate have been from the beginning willing to take that proposition if there would be annexed to it a provision to keep people off from that land until the negotiation is consummated. To that the House conferees refused to agree, and the question is whether we shall open negotiations for that Territory under circumstances such as were described here this afternoon, that will invite thousands of people down there in advance to take possession of that land, so that when the title become ours there will not be left a foot of it for an honest homesteader.

All that the conferees on the part of the Senate ask is that a provision shall go along with the negotiation which shall keep trespassers and maranders and lawbreakers from the land. If the negotiation has an honest purpose, a purpose in an honest way to extinguish the Indian title and open up to homesteaders that land, I can not understand why any one objects to keeping trespassers off it until the honest homesteader can go and take his land. I do not understand why it is that people insist upon the negotiation but refuse to keep the land from the trespasser while the negotiation is going on. If the House provision remains in the bill, when the negotiation shall have been consummated there will be five men already there for every one hundred and sixty acres of land.

Mr. BROWN. Is the provision just read the House proposition?

Mr. DAWES. The provision just read is the House proposition and the Senate struck it out. The Senate conferees offered to take it provided there was added to it the provision which has passed the Senate twice, making trespass upon the Indian lands a misdemeanor, declaring that until these men can lawfully go upon this land it shall be a misdemeanor for them unlawfully to enter upon it and take possession of it.

The whole trouble has arisen from the fact that the existing law has only imposed a fine upon trespassers upon the Indian land, and this man Payne and this man Couch have gone on there with their followers, making their followers believe that they could obtain homsteads there, and when the United States has taken them to Fort Smith and imposed the fine upon Payne and upon Couch they would take the poor debtor's oath the next day, and turn around and go to Kansas and in a week have another body of deluded men ready to go down there. They have gone through with that ceremony week after week and month after month, and the President in his messages has asked Congress to make it a misdemeanor. The Senate has twice passed that proposed law, and all that the conferees on the part of the Senate ask is that that shall be a part of the negotiation. Yet those who claim that their only desire is to fairly negotiate to open this land to the honest settler refuse to give the honest settler a chance, and I cannot understand how it is.

Mr. VEST. Suppose the conferees on the part of the Senate succeed in striking out the provision which was placed in the bill by the House of Representatives, what is the condition them of this Oklahoma question? It is exactly in the condition it has been in for the last five years, subjected annually to these raids on the part of these lawless and desperate men. What do we propose ourselves if we strike out the provision of the House and force this legislation, as the Senator from Massachusetts would have it? Do we make this thing any better? Does he give us any remedy? Does he stop these lawless raids?

Mr. DAWES. I will state to the Senator that we propose the remedy, but those who want this provision of the House refuse to take the remedy along with it.

Mr. VEST. I have never from the beginning of this discussion six years ago failed to declare that those people had no right to go into that territory. I offered the first resolution which was offered in the Senate which is now embodied in the bill reported by the Senator from Massachusetts and for which I voted, declaring that these raids were unlawful, in violation of the statutes and in violation of the treaties made with the Indians.

Mr. DAWES. I understand the Senator to take that position. I have no complaint to make of the Senator's position, but I do not understand why those who insist upon the negotiation without the remedy say that all they want is to give the honest homesteader a chance. He would have no chance.

Mr. VEST. I hold that it is wise statesmanship to take the best you can get. We can not force the House of Representatives, and I am not here to argue that question. We can not force them, it seems, to give up this provision. They adhere to it; and now the alternative is presented to us to let this thing stay as it is or to attempt a partial remedy when we can not achieve a complete one. Couch and his men, who now lead this desperate invasion into that Territory, assert that there is no Indian title to the land. We assert upon the contrary that there is one. The provision of the House of Representatives says that there is an Indian title, and says we shall treat these Indians fairly and purchase whatever right they may have. Is there nothing in that? For the life of me I can not understand how the provision of the House invites them to go into that Territory.

The Senator from Kansas [Mr. INGALLS] stood here to-day and told us that 20,000 armed men were hovering upon the border of Oklahoma ready to go in upon the 5th of March, and yet we are to do nothing. When we say to those people there is an Indian title, when the Congress of the United States says by the House provision you must wait until we have negotiated with the Indians and purchased their title, how is it possible that we invite immigration? Does anybody suppose that if we do nothing those men will stay out of that Territory? Do we not know, did not the Senator from Kansas himself declare on this floor that unless we passed the provision of the House, those people are ready and are claiming that the new administration would protect them in this lawless invasion of the territory of Oklahoma?

Mr. President, if we recede from the amendment we simply assert what is the law, and if those people then go in they go in over the United States Army. After all, it is not the law of Congress, it is the armed force of the country that must keep them out. They propose to go. They propose to resist this Army. They were ready during the past winter to resist it and nothing drove them out except famine. If General Hatch had risked an engagement he would have found that those men would have willingly gone into battle with his troops, but the unusual inclemency and rigor of the winter, unparalleled before in that latitude, and the want of provisions drove those people out. Now we are told, as we have been told for six years, "Let this thing alone; let those people go; can not we still keep the Army there; can not we fully rely on the Army?"

All I propose is to start in the right direction by extinguishing the Indian title. I am in favor of using as much force as any Senator on this floor in order to preserve the peace and see that the laws of the United States are respected and enforced; but I say if you can not get the full remedy, take all that is possible; and unless we take the remedy the House proposes we get nothing.

Mr. MAXEY. I can not see why it is that the chairman of the Committee on Indian Affairs, who is the Senator in charge of the Indian appropriation bill, should object so strenuously to the action of the House proposed to be stricken out by the Senate. It is conceded by him, it is conceded by all, that this country, which formerly belonged to the Creeks, the Cherokees, and Seminoles, and which is assigned and specified in the clause inserted in the bill by the House, is unnecessary for the Indians and ought to be used for homestead purposes. The Senator in charge of the bill states that; the Senator from Missouri states that.

Now, why should this provision be stricken out? Whatever title, if there be any left in the Cherokees, the Creeks, and the Seminoles, the provision proposes that the United States shall acquire by a fair and lawful treaty. The Senator from Massachusetts does not object to that, he says, but he thinks the provision should go further and embrace a clause laying a heavy penalty upon those who enter into that country. That is his objection to it. If the Senate does not recede and this paragraph is stricken out what becomes of his proposed amendment? As the Senator from Missouri has well said, you leave things in the exact condition they have been in for the last six years, and which has caused such great disturbance.

But has not the Government of the United States the power now to get those people out? It has been proven conclusively during the present session of Congress that this Territory is not subject at public or private sale to entry for homestead or any other purpose. It is conceded that it is unlawful for any one to enter upon or attempt to occupy that country. That is conceded everywhere. If it be unlawful now for that to be done, it is the duty of the President, in the faithful execution of the laws, to keep all persons out. That he has done, and the strong arm of this Government properly exercised can continue to do that. In the mean time here is a lawful measure not to deprive the Indians, if they have any right, of that right by a lawless method, but a fair and honorable proposition to invest the President of the United States with the lawful power to enter into negotiation to acquire whatever title those Indians may have.

In my judgment the provision of the House is a proposition in the interest of peace; it is a proposition in the interest of the Indians. It is a proposition which, carried into operation, will produce the very effect which the Senator from Massachusetts says he desires to produce; it will open up this vast country to settlement by honest, upright, hard-working people who seek homes.

It is idle for any man to close his eyes and say that that great country unoccupied by a human being should be kept for all time to come in that situation when there are so many laboring, toiling, poor men anxious to secure a home for themselves, their wives, and their children. It should be done, and it is in the book of fate that it shall be done, and if done let it be done lawfully. The House have so provided. The provision of the House is a wise provision.

But the Senator from Massachusetts has changed front on this Indian bill since the other day. When some of us wanted to have depredations committed by these Indians paid for he insisted that it should not be done. He said that was legislation on an appropriation bill and a violation of the rule of the Senate. Now he comes forward and proposes legislation upon this same appropriation bill, just as in the same bill he proposed legislation pointing out a new mode and method for settling for those depredations, still insisting when the other side wanted legislation that that was a violation of the rules of the Senate.

Mr. President, it would be a wise thing to do as proposed by the House, and for one, detesting lawlessness in every shape and form, having no sympathy with these boomers in any sense of the word, having no sympathy with lawlessness in any sense of the word, I say here is a lawful method pointed out for a peaceable settlement of this difficulty, and in the mean time the power of the Government is ample to protect that country. The Senator from Kansas himself stated that there was not a single head of stock in all that Oklahoma country belonging to a white man, and the charge that this country was sought to be held up and kept for the Western cattle-men is untrue in fact, for there are no cattle there and no cattle-men there.

The Secretary of the Interior states that no contract has ever been made for that country. That is a matter of official note. So these stories designed and intended to enable men by the strong arm to go in there and unlawfully hold that country are not true. The Government has had the power to keep them out. The Government has exercised that power and exercised it wisely. Take your 22,000 men in buckram—at least I presume those to be so who are talking about going in there on a raid in forty-eight hours—and I venture to say that the President of the United States will keep off those men. If this measure is passed as it was designed to be passed a peaceful and lawful acquisition of the entire title of those Indians will be obtained by the President of the United States. Then the country will be opened out for homestead purposes and be in a thriving, a prosperous, and a habitable condition, occupied by men who have acquired their homes by honest and lawful obedience to the law and by the exercise of honest industry.

Mr. President, I hope the Senate will recede from that. We have heard a great deal said about the course of the House, and many criticisms have been made upon it here. What is this? Here is a proposition, a lawful proposition, and the attempt is to drive the House of Representatives into doing that which they tell you they will not do. Can you drive them any more than they can drive you? No. You ought to put something more in the provision, it is said; that is all. You want to increase, in other words, the penalty which now exists by law. There is a penalty now. The act forbidden is unlawful now. You want to increase the penalty, because you assume that which is not true, that the Government has not both the will and the power to protect that country. It has both the will and the power. It has done it hitherto successfully, and it will do it again. Adopt this, and the title of the Indians is extinguished honestly and lawfully for a sufficient consideration paid them from the Government, and then the country will be opened to homesteads, and the great object, which the Senator from Massachusetts says he desires, that these lands shall be secured to citizens for homestead purposes, is accomplished.

The PRESIDING OFFICER. The question is, Will the Senate agree to the motion of the Senator from Missouri [Mr. VEST] that the Senate recede from its amendment?

Mr. DAWES. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. Will the Chair state the question again?

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. VEST] that the Senate recede from its amendment to the Indian appropriation bill.

The Secretary proceeded to call the roll.

Mr. SEWELL (when his name was called). On this question I am paired with my colleague [Mr. MCPHERSON].

Mr. SAWYER (when his name was called). I am paired on this vote with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 33, nays 27; as follows:

YEAS—33.

Bayard,	Cullom,	Jonas,	Pugh,
Brown,	Fair,	Jones of Nevada,	Vance,
Butler,	Garland,	Kenna,	Van Wyck,
Call,	George,	Lamar,	Vest,
Camden,	Gibson,	Mahone,	Walker,
Cameron of Pa.,	Gorman,	Manderson,	Williams.
Cockrell,	Hampton,	Maxey,	
Coke,	Hill,	Miller of Cal.,	
Colquitt,	Jackson,	Plumb,	

NAYS—27.

Aldrich,	Dolph,	McMillan,	Platt,
Allison,	Frye,	Miller of N. Y.,	Ransom,
Blair,	Harris,	Mitchell,	Riddleberger,
Cameron of Wis.,	Harrison,	Morgan,	Sabin,
Chace,	Hawley,	Morrill,	Sherman,
Conger,	Hoar,	Palmer,	Wilson.
Dawes,	Lapham,	Pike,	

ABSENT—16.

Beck,	Groome,	Logan,	Sawyer,
Beveridge,	Hale,	McPherson,	Sewell,
Edmunds,	Ingalls,	Pendleton,	Slater,
Farley,	Jones of Florida,	Saulsbury,	Voorhees.

So the motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 100) authorizing the printing of certain naval and military reports.

The message also announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

THE RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CONGER. I have but one or two remarks to make in reply to the statements which were made first by the Senator from Vermont——

Mr. ALLISON. I ask the Senator from Michigan to yield.

Mr. CONGER. I should have been through with my few remarks if other Senators would stop talking, and when I say a few words I shall yield.

The PRESIDING OFFICER. The Senator will suspend until gentlemen resume their seats in the rear of the bar of the Senate and Senators resume their proper seats and cease loud conversation.

Mr. CONGER. Mr. President, I should like very well, if time would permit and the patience of the Senate would allow it, to discuss still further some of the propositions which have been made by the Senator from Vermont and the Senator from New York; but the Senator from New York did so happily put his opposition to this bill into an argument in its favor, in every sentence he uttered showing the necessity of an increase of the amount of the appropriation in this bill, that I was thankful to him with humble reverence for having done better and made a more forcible and effective speech in favor of my bill in the desperate energy with which he opposed it than I could do it. So much for the Senator from New York.

With the Senator from Vermont I have another question to settle. The father of the Senate, the man to whom I look with upturned eyes, when he is standing, and to whom I bow with reverence when he is sitting, the embodiment of truth, the perfection of all comity and fair-dealing, tells the Senate that the estimates for river and harbor appropriations this year are only $8,000,000. He is not here, or else I should say some pleasant things in regard to him. I have in my hand the Book of Estimates submitted to Congress on the 1st of December, and here are the items of the river and harbor bill that were then estimated for, the amount estimated as necessary and proper to carry on the works for this year, and the footing is $34,507,630 instead of $8,000,000. Added to those are over five millions of estimates sent in as special estimates from the Engineer Department by the Secretary of War, making the total estimates for these very works, rivers and harbors, for this year's bill, over $40,000,000 instead of $8,000,000.

I enter into no controversy with the Senator from Vermont. I know he must have inadvertently and unadvisedly made this statement, that in his zeal to attack this bill and to belittle it he found somewhere in the Book of Estimates, at the end of some calculation, the figures $8,000,000, and he thought they applied to rivers and harbors. I do not believe he would misrepresent by one cent's worth the amount of any estimate or of any appropriation. I believe it would be impossible for him knowingly or willfully to do anything of that kind, but it is none the less due that I should say to the Senate that here [exhibiting] is the Book of Estimates, and if they will look on the one hundred and sixty-ninth page they will find the footing of the estimates for river and harbor appropriations necessary for this year, and they amount to over $34,000,000.

Now, sir, I shall not detain the Senate by further remarks. I should like to have an expression of the sentiment of the Senate. I should like to know it as early as possible, that I, too, may take my rest as the others do. If the Senate decline to take further consideration of this bill, if they are ready to tell the country that all these great improvements shall languish, shall die, I want to know it. If the Senate are ready to-night or at any other time to say that these works which have done more to extend population and immigration and improvement and to build up our country clear through from the Atlantic to the Rocky Mountains than all other means put together, I want to know it. Beginning with our Atlantic harbors and threading up the streams and the rivers and the lakes far up even to the Yellowstone and to the foot-hills of the Rocky Mountains this system has proceeded; and on the other side there are the improvements of the Columbia and the Snake which make the means of communication between the Pacific and the interior portions of the Atlantic slope, thus becoming for a year or for ten years or for fifty years the means of unheard progress and comfort and growth and prosperity to the people and of cheapness of transportation and the means of immigration into the vast unsettled regions which yet demand assistance.

The Senate of course can do it if they choose. I have no other interest in it than the rest of the Senate. I thank God that around the State in which I live are the deep waters of the great lakes. From the center outward of the two peninsulas of Michigan there are distances to be traversed by land of but one hundred miles, or forty miles, or twenty miles, or ten miles, or five miles to reach the borders of these lakes, and we have communication by short railroads and by great lakes by which we can go out from our beautiful State into all the surrounding world with our products cheaper than similar products can be brought from the interior States of the West. And yet we need constant improvement, and we have the expense of the transportation of our products reduced one-half by the very bills which have been passed from year to year, and the prosperity which we have received is beginning to be felt in all the Southern States in the regions where there are no railroads. Such rivers as the Tennessee and the Cumberland and the Warrior and all those streams that glide through the interior parts of those States, as well as the great water courses, are gradually being opened up, until produce and coal and iron, which are found in abundance in Georgia and Alabama and on these minor streams, the Tennessee and the Cumberland and other rivers, can now be transported to market and have a value where ten years ago the coal-mines themselves were utterly worthless, because the black diamonds slept in the hills and there was no way of transporting them to market.

But, sir, I do not design to dwell upon this subject. I say now, once for all, all that I desire to say. By the order of the Committee on Commerce I have reported the bill to the Senate. By their action, whether wise or unwise, such amendments have been proposed to the bill as that committee thought proper; and every member of the committee has been for years conversant with every single appropriation that has been heretofore made, and has read the great text-books of the engineers page by page, report by report, not only of the principal engineers in charge, but of every one of their assistants. Members of the committee know all these and have read them as a child would read his hornbook. They are not ignorant of these works.

The Senator from New York could draw with his pencil on paper, so often has he looked over these reports and so often has he studied them, a plan of all these improvements, and, if his memory served him, he could put down the amounts appropriated each year and the improvements made each year. He talks about little streams. Sir, the Mississippi River in its grand, magnificent flow is the result of the million little rills and creeks and rivers and streams that flow from all that great empire of the Mississippi Valley. They unite and form the magnificent Father of Waters. So with commerce: commencing in the little rills, flowing into larger streams of commerce, it swells and grows in its progress to the markets of the world until it becomes the grand, magnificent commerce of the United States of America, unequaled in all the broad world; for there is no internal and coastwise commerce of any nation on the globe, fed as it is by the little streams from the counties and the States of this Union, that compares in grandeur and magnificence and benefit to the people at large with the commerce of our country.

We can smother it, but we can not dam up the big streams; we can not by words, even by the speeches of the Senator from New York, powerful as his speeches are and gigantic as his lungs are, split off the rocks. To make Hell Gate navigable takes time; it takes blasting of rocks; it takes penetrating into the cavernous recesses of Hallet's Point to blow away those obstructions; and the Senator is impatient that we can not remove these rocks in a year; he is impatient that we can not make appropriations enough to deepen the bar at the lower entrance of New

York Harbor to thirty or thirty-two feet in a year. We commenced it for him; we gave him liberal appropriations for it.

I do not like to say that it was mean in him to talk as he has spoken about this bill. I would say of myself, without fear of contradiction, that because Hallet's Point has not appropriation enough in this bill, and because the outer harbor and the bar at Sandy Hook do not have appropriation enough in this bill, I oppose it, if I opposed it as he does; but I will not say it of the Senator from New York. I believe he is moved by higher motives than I dare ascribe to myself. It is the good of the whole country, the grandeur of the great streams of commerce and great rivers to be improved, that are the cause of the unconcern with which he looks on the humble, feeble things in this way which contribute to the great whole. It is that which makes him oppose this bill.

Now, Mr. President——

Mr. ALLISON rose.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. ALLISON. I have not asked the Senator to yield.

Mr. CONGER. The Senator from Iowa is one of those men to whom I am compelled to yield, because he is chairman of the Committee on Appropriations, and I want a thing or two in the appropriation bills sometimes. [Laughter.]

Mr. ALLISON. I am very much obliged to the Senator. I wish to make a report from the Senate conferees on House bill 8256, being the sundry civil appropriation bill.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OEFICER. Does the Senator submit a report from a conference committee?

Mr. ALLISON. Yes, sir. I submit the report of the committee of conference on the sundry civil bill, House bill 8256.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the House on the amendments of the Senate to the bill of the House 8256, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 45, 46, 70, 71, 73, 78, 84, 92, 102, 103, 104, 105, 106, 118, 126, 128, 137, 138, 143, 148, 154, 156, 159, 160, 167, 168, 170, 172, 175, 182, 185, 188, 199, 201, 204.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, 9, 10, 15, 28, 29, 30, 31, 32, 44, 65, 67, 68, 69, 72, 76, 77, 79, 80, 81, 83, 85, 86, 87, 89, 94, 95, 96, 97, 98, 99, 111, 112, 113, 114, 116, 117, 121, 122, 123, 127, 133, 134, 135, 139, 144, 145, 147, 149, 151, 152, 153, 155, 161, 163, 164, 169, 171, 174, 177, 178, 181, 183, 184, 187, 188, 189, 190, 191, 200, 202, 203, 205, 206, 207, 208, 209, 210, 211, 213, 214, and 231, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$594,288.04;" and strike out from said amendment the words "subject to" and insert in lieu thereof "being the amount of said awards after;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Extensive repairs to roof, $6,400; and annual repairs to Treasury building, $8,600; in all, $15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$162,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$580,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 100 and 101, and agree to the same with an amendment as follows: In lieu of the sums proposed insert "$146,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$127,673.82;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$201,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Strike out in lines 10 and 11, page 23 of the bill, the word "annually;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$210,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$276,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$138,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$885,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216 to 229, inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For printing and binding for Congress, including the proceedings and debates, $1,215,862.50; for the State Department, $9,460; for the Treasury Department, $934,180; for the War Department, $128,600 (of which sum $12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, $98,512.50; for the Interior Department, $329,400 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $7,067.50; for the Post-Office Department, $178,312.80; for the Agricultural Department, $17,062.50; for the Supreme Court of the United States, $7,212.50; for the supreme court of the District of Columbia, $800; for the Court of Claims, $11,812.50; and for the Library of Congress, $10,237.50; and no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that in addition thereto in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: Add at the end of the amendment the following: "*Provided*, That the building now occupied for storage purposes shall be surrendered as soon as the building provided for in this act is ready for occupancy;" and the Senate agree to the same.

On amendments numbered 4, 6, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 66, 128, 124, 131, 132, 136, 140, 141, 142, 166, 173, 193, 194, 195, 196, 197, and 198 the committee have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

SAM. J. RANDALL,
WILLIAM H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

Mr. ALLISON. As this is an important bill perhaps I should state briefly the amendments disagreed to.

It will be observed by looking at the bill that all the amendments of the Senate relating to public buildings have been disagreed to with three or four minor exceptions, those being the buildings in Alaska, and one or two merely verbal amendments with reference to other public buildings.

There is also a disagreement with reference to the survey of the Mexican boundary, and a disagreement with reference to the several propositions in the bill looking to the sale of property belonging to the Government.

Mr. MORRILL. May I ask the Senator from Iowa whether the conferees on the part of the Senate disagreed to the provisions of the House bill in relation to public buildings?

Mr. ALLISON. Unfortunately the bill is in such shape by the votes

of the Senate that all the House provisions are beyond the control and direction of a committee of conference. Every provision I believe with reference to public buildings inserted in the bill originally by the House of Representatives was agreed to by the Senate; and I might add by way of suggestion to the Senator from Vermont that most of the amendments on this subject were put on in the Senate over the judgment of the Committee on Appropriations as originally reported in the bill.

With the exception of public buildings most of the other matters in dispute have been either compromised or adjusted. I could go into detail on several amendments, but I will not occupy the time of the Senate in doing so, though I shall be glad to answer any question that may be suggested by any Senator in reference to any amendment to the bill.

The PRESIDING OFFICER (Mr. INGALLS). Will the Senate agree to the report of the committee of conference?

The report was concurred in.

Mr. ALLISON. I move that the Senate further insist on the amendments left undisposed of by the conference report and ask a further conference with the House.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers;

A bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia; and

A bill (H. R. 653) for the relief of John B. Davis.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CULLOM. I do not know whether the Senator from Michigan has concluded his remarks or not.

Mr. CONGER. I said, sir, that the estimates were $34,000,000 instead of $8,000,000. I have the record to show it. I mean the estimates of the engineers who by the law of Congress are required to report to Congress the estimates of the amount that, in the language of the law, can be profitably expended in each fiscal year on each of the uncompleted works mentioned. When these go to the Secretary of the Treasury, who is not supposed to know anything of these bills, he gives a lump estimate for rivers and harbors. His lump estimate is $8,000,000. The Secretary of War and the board of engineers, on whom we rely in regard to the river and harbor bill, say $34,000,000. I presume that is the explanation of the mistake of the Senator from Vermont. That is all I have to say.

Mr. CULLOM. Mr. President, I shall not undertake to detain the Senate by a general discussion of this subject at any great length, but I desire to say that I have been unable to see any substantial reason why this bill ought to pass. And it does seem to me that appropriating millions of dollars and spreading the money over places which have been surveyed and examined years ago is not the proper manner of legislation in disposing of such large sums of money collected from the people by taxation. I have been impressed since I have been in the Senate with the fact that every year the Congress of the United States is becoming less and less careful in the manner of appropriating money. There seems to me to be less disposition to deliberate, to consider and discriminate carefully in the consideration of such bills than there used to be years ago in the Congress of the United States. I believe it is true that this is the first time, for many years at least, that the Senate of the United States has been willing to come forward, or has shown any disposition to come forward, and pass a river and harbor bill appropriating five or ten million dollars in the lump, to be distributed on the basis of a pro rata distribution based upon a bill previously passed.

So far as I am concerned, while I am for rivers and harbors, while I believe and have always believed that it was important to the commerce and business interests of this country that the rivers and the lakes and the canals and the harbors surrounding and distributed through this country should all be cared for and improved, yet I do not believe that we ought to adopt the plan which has been suggested by this bill.

Then, sir, there is another thing. Even though the last river and harbor bill did not appropriate a sufficient amount of money to care for and keep in a state of repair all the rivers and harbors and canals, yet if Senators will refer to the law that we passed a year ago they will observe that there is a provision in that law which gives the Secretary of War absolute authority to any extent that may be necessary to expend whatever may be required in keeping in repair the rivers and harbors and canals that are mentioned in the law then passed. I am of the opinion that the Senate has not had its attention called to the fourth section of the law that we passed one year ago, and I desire to read it for the information of the Senate:

SEC. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water-craft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair.

That provision of law gives the Secretary of War absolute power without stint, without limit as to amount, with nothing upon which to base his action under this section except the report of the engineer. I say that for every single piece of work that is mentioned in the law of 1884 the Secretary of War can draw upon the Treasury of the United States for whatever amount of money is needed for the purpose of keeping the rivers, canals, and harbors, the public works mentioned in that law, in absolute and perfect repair. If that is true and that is the letter of the law, I submit to the honorable Senator from Michigan and to every other Senator on this floor whether so far as relates to the question of keeping in repair these works, which have been the burden of the argument of gentlemen in favor of this bill, there is any occasion for its passage at all, because I say under section 4 of the law we passed last year the Secretary of War has a right to draw from the Treasury millions of dollars, if he chooses to do so, where the engineers say the money is needed, in order to keep those public works in repair.

Then I insist that so far as that argument goes there is no necessity for this new bill which has been brought in here, passed by the House of Representatives, appropriating $5,000,000, and doubled by the committee of the Senate, making it $10,000,000, placing it in the hands of the Secretary of War to be distributed pro rata under the law of last year. So far as concerns the repair and preservation of the works, there is no occasion for the bill at all, not one single iota of need for it, as I insist.

Mr. CONGER. Will the Senator yield to me to answer?

Mr. CULLOM. I have no objection to the Senator answering now.

Mr. CONGER. Section 4 of last year's act provides:

That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water-craft through any canal or other work for the improvement of navigation belonging to the United States—

No toll collected—

and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay—

What?—

the actual expenses of operating and keeping said works in repair.

Who operates a lake, who operates a river? Canals are operated by locks. It is only such kind of works as are operated by laborers employed on them that this provision applies to.

Mr. CULLOM. This provision of the law provides that all the public works shall be kept in preservation by the Secretary of War, or he has the right to do it under this law.

Mr. CONGER. "Said works," not all works.

Mr. CULLOM. The law says——

Mr. CONGER. "Said public works." That is, canals——

Mr. CULLOM.

And for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works.

What does that mean? That means any other public works that are mentioned in the law of 1884.

Mr. CONGER. Works that are operated.

Mr. CULLOM. I do not care whether a public work is upon the coast or upon Lake Michigan, whether it is a canal or the Mississippi River improvement, if it is a public work mentioned in the law of 1884, and if it needs preservation, if it needs repair, the Secretary of War has a right to draw his warrant upon the Treasury, and the Secretary of the Treasury is authorized and directed by law to pay it; and the Secretary of War is authorized under that statute to spend twice as much as is proposed by the liberal Committee on Commerce of the Senate when they come into the Senate, after a half-hour's consideration of the bill, and report a measure doubling up what the other branch sends over to us to be appropriated.

Sir, I insist that there is no occasion for any bill being passed at all this year so far as the preservation of the public works is concerned, and the burden of the speech of the Senator from Michigan who brings this bill in here is that unless we appropriate $10,000,000—not five, but ten millions—the public works of this country are going to wreck and ruin.

Now, sir, while I am in favor of harbors and their improvement and enlargement where necessary, while I desire to see the Mississippi River improved and cleared out so far as its navigation is concerned, so that steamboats upon that river can run with safety, while I am in

favor of the improvement of whatever harbors there may be upon the lakes or the coast, yet I am not willing as one Senator, however much my own State may be interested in the subject, to come in here and support this sort of omnibus bill appropriating $10,000,000 without any consideration whatever from the Senate committee or from anybody else so far as the Senate knows.

I say, sir, it is an unheard of thing for a Senate committee to bring in a bill of this kind with scarcely a moment's consideration of it, and then double up the amount the other branch of Congress has sent to us. Not only that; but other Senators have referred to another feature in connection with this subject. This bill, as I have said, and as every other member who has talked about it has said, appropriates money based upon the law of 1884. In other words, the harbors, the canals, the rivers on which money was to be spent by the law of 1884, where the works are not completed, are to get their pro rata share of the $10,000,000 proposed to be appropriated by this bill. Another committee of this Congress which has sat and investigated this subject for three months we are told—or at least I find that statement in the RECORD—after deliberate investigation, after months of investigation, after reading and rereading perhaps the reports of the engineers and of the Secretary of War upon this question, concluded that there was no propriety in appropriating for a portion of the places that are specified in the law of 1884. I find a list in the CONGRESSIONAL RECORD upon this subject of a river and harbor bill, and it is to be read in connection with the remarks made by a distinguished member of Congress of the United States, who said:

I submit to the House a list of the forty-three public works to which I refer.

These public works are works which a committee of the Congress of the United States has determined after investigation ought not to have any more moneys spent upon them at all; and yet under this bill, if we pass it, those different places as well as others get their pro rata of the $10,000,000 we are sending out to them to be expended. This is the list:

Portland, Me	$30,000
Scituate, Mass	10,000
Block Island, R. I	15,000
Black Rock, Conn	20,000
Oak Orchard, N. Y	5,000
Pensacola, Fla	55,000
Cedar Keys, Fla	5,000
Neches River, Texas	7,000
Harbor of refuge, near Cincinnati	17,000
Ice-harbor, at Belle River, Mich	2,000
Pensaukee, Wis	5,000
Stockholm, Lake Pepin, Wisconsin	15,000
Harbor, Redwood, Cal	3,000
Coos Bay, Oregon	30,000
Cocheco River, New Hampshire	28,000
Merrimac River, at Rock's Bridge, Massachusetts	8,500
Taunton River, Massachusetts	26,500
Gedney's Channel, through Sandy Hook Bar, New York	200,000
Corsica Creek, Maryland	5,000
Harbor at entrance Saint Jerome's Creek, Maryland	15,000
Harbor at Beaufort, N. C	20,000
Edenton Bay, North Carolina	10,000
Trent River, North Carolina	10,000
Contentnea or Moccasin River, North Carolina	5,000
New River, North Carolina	5,000
Scuppernong River, North Carolina	2,000
Saint Jones River, Delaware	10,000
Escambia River, Florida	3,000
Black Warrior River, Alabama	50,000
Horn Island Pass, Mississippi	5,000
Bayou Pierre, Louisiana	3,000
Loggy Bayou, &c., Louisiana	5,000
Tangipahoa River, Louisiana	2,000
Survey of Arkansas River from Little Rock	19,000
Arkansas River at Pine Bluff	55,000
Saline River, Arkansas	5,000
Grand River, below Grand Rapids, Mich	25,000
Mouth and harbor, Cedar River, Michigan	15,000
Mokelumne River, California	8,500
Colorado River	25,000
Mouth of Columbia River, Oregon and Washington Territory	100,000
Lake City, Minn	15,000
Falls of Saint Anthony, Minnesota	10,000
Total	910,000

Here are forty-three works where, under the law of 1884, we are to go on making expenditures of money after a committee of Congress have investigated the subject until they have become thoroughly satisfied, and they say that in all those places there should be no more money spent; and yet in our liberality we come in here with a bill of $10,000,000 and we propose to give them the money, to place the money in the hands of the Secretary of War, as one Senator has stated, without qualification and making it obligatory upon him to spend the money in these places, and yet after thorough investigation it is decided by an honorable committee that has the subject in charge in the Congress of the United States that no one of them ought to have a single dollar this year.

Is that the way to legislate the people's money out of their pockets? Ought we not to take our stand and say and declare to the country that we will not make these great appropriations of five or ten million dollars without knowing for what the money is to be spent, and whether in the interest of the public it ought to be spent at the places where it is to be spent?

I repeat again that I am in favor of appropriations for rivers and harbors and canals, and all the water-way improvements of the country where the National Government rightfully under the Constitution ought to take hold of them and make the improvements necessary. I believe for one, as the honorable Senator from Texas [Mr. COKE], I think, stated to-night, that it was one of the most potent means of controlling the question of transportation in this country, cheapening transportation in the interest of the great mass of the people of the country who are to be fed, and who have to buy the goods and products of the producers of the land.

Mr. WILLIAMS. Will the Senator from Illinois allow me to draw his attention to the proviso at the end of the clause?

Provided, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates.

I want to know of him if he understands that by this provision any of these works can get any more money than is necessary to complete them. None of these old works that are not embraced in the present estimates can get a dollar.

Mr. CULLOM. I understand that if a work is completed according to the original estimates and the original design, the Secretary of War can not spend any more money there; but if a committee or the Congress of the United States should determine that the enterprise was not one that ought to be prosecuted further and the people's money spent in improving it further, the Secretary of War has no discretion in the premises, but he must go on and complete the work whether it ought to be done or not—even though in the judgment of the standing committee of the Congress of the United States it should stop—unless we succeed in passing a law to stop it. That is the trouble about this bill. We start in here upon the idea that the law we passed last year was perfect, that it was right in all its provisions and particulars, and that we ought to follow it up and make whatever appropriations are necessary to carry out the original design in connection with each one of the places named, while the fact is that it is the duty of the Congress of the United States to examine actually every one of these places, these harbors or canals or rivers or whatever they may be, and see whether it is the duty of Congress to make any further appropriation or not. We do not do it for the sake of getting rid of work. I do not say that with any reference to our honorable committee in the Senate, because they have had no opportunity of considering this bill, I know very well, as the bill only came to them yesterday or the day before, and they could do but one of two things: one was to report the bill as they have done, perhaps without adding to it another $5,000,000, and the other was to report what I think they ought to have done, that they had not had time to consider such a bill as ought to be passed and therefore report against any river and harbor bill during the present session of Congress. That would be my idea of it; but the honorable committee have done what they thought was best, I have no doubt, and I have no fault to find with them, but I do not agree with them.

But I say, Mr. President, that it seems to me the time has come, and I know of no better time than this very year 1885, at the close of this short session of Congress, for the Senate of the United States to say, and say unqualifiedly, that we will not pass a river and harbor bill appropriating $10,000,000 unless we are given time to investigate every item of it and see whether what we are doing is right or wrong; but if it goes over, and if that provision that I read were not in the law and the works had to stand still, if you please, for six or eight or ten months, until the next session of Congress, we would still be acting wisely, and the people would see the fact that we were not in a condition to determine this great question in the twenty-four hours left us, and that we insisted upon what every man in this nation, in my opinion, should insist upon, that no such bill as this ought to pass appropriating this much money unless we had more knowledge of what we were doing in reference to it.

The Senator from Michigan insists that there are $34,000,000 estimated for appropriations for rivers and harbors and canals, &c. The Senator from Vermont insists as I understand it—and I think he is correct about it—that while the estimates of the engineers scattered over these places, including little rivers and rivulets and harbors and lakes and canals, figure up $34,000,000, yet the Secretary of War, as I understand, only comes in here with estimates for $8,000,000. Is that so or not?

Mr. MORRILL. Let me read to the Senator the estimate. It seems that sometimes gentlemen who undertake to explain the estimates have not read the book. I understand the statement was made that the estimates for this year were $34,000,000. If the Senator who said that had looked at the heading and the notes he would have found this:

The following statement is not furnished as a part of the "annual estimates for the public service" required by the act of March 3, 1875 (18 Statutes, page 479), to be furnished by the Secretary of War to the Secretary of the Treasury; but is inserted as a convenient and customary summary of items taken from the annual report of the Chief of Engineers for the year 1884, showing, under the provisions of the act of Congress approved March 2, 1867 (14 Statutes, page 421), "the amount that can be profitably expended in the next fiscal year" on each of the uncompleted works mentioned.

For the amount that can be profitably expended in the next fiscal year the Secretary only submits as his estimate for this year $8,000,000.

Mr. CULLOM. Now what is the situation? In the face of the estimate of the Secretary of the Treasury we come in here and propose to

give $10,000,000 in a lump without investigation, when the Secretary only recommends $8,000,000, and in the face of the fact, too, as has been stated, and I suppose correctly, that we have nearly $10,000,000 of the old appropriation under the law of 1884 on hand. That is the situation.

I submit whether, under this state of facts, we should rush headlong and make an appropriation of this sort without the investigation or consideration which I think it demands. I should like to see every dollar appropriated, I repeat, for every river, harbor, and canal, either inland, or on the lakes, or on the seashore, that is necessary to the public interest. I repeat that I am in favor of improving the rivers and I am in favor of improving the harbors on the lakes and on the seacoast, and I am in favor of digging canals wherever they may be necessary in the interest of the commerce of this country. I assert that the water ways of the country are, after all, the main reliance upon which the people of this country must depend in regulating the commerce of the country.

The Senate has had something to do this winter upon the question of regulating inland commerce. It was my privilege to bring in a bill here from the Committee on Railroads for that purpose. That bill went through the Senate of the United States after amendment, and I had hoped up to this hour almost that we might secure some legislation upon that subject which would secure some sort of control of the railroad transportation of the country. I suppose, however, that any bill upon that subject is going to fail for the present session. While that kind of legislation is, in my judgment, important in the interest of the people of the country, yet it is of as much importance that the water ways, the rivers, lakes, and canals of the country should be improved as well, because after all they are the regulators of the railroad companies of the country. The statistics show that during the period when we have lake transportation for instance from the West to the East, the rate of freights is very much cheaper than during the winter season when the lakes are closed with ice. I wish to give a brief statement upon that subject.

The gentleman who has been referred to frequently this winter in the discussions upon the subject of interstate commerce—I refer to Albert Fink, who is the great railroad man of the country; I do not mean as the owner, but who perhaps knows as much about the control and management of railroads as any other man in the nation—testifies that water transportation after all is the great regulator of the price of freights upon railroads. Let us see what the statistics show. The Committee on Transportation Routes to the Seaboard has been at work during the past vacation a part of the time and during the present session of Congress collecting statistics upon this subject, a portion of which was submitted by the chairman of that committee this afternoon. In looking over those statistics I find that the average rate charged for wheat per bushel by the water routes from Chicago to New York for the period from May to December during the year 1883 was 9 cents; the average all-rail charge for the same period was 15 cents. The average all-rail charge for the period from January to April, which is during the winter months, and November and December, 1883, was 18 cents. The rate was 9 cents by water and 15 by all rail during the open season and 18 cents by all rail during the winter season of the year. In 1876 the averages were, respectively, 15.6 by water, while they were 25.8 by rail from January to April, and 18 cents from April to December.

These statistics show the importance to our people of improving the water ways of the country as a means of regulating commerce, or, in other words, regulating between the East and the West on the railroads the freight rates of our corn and wheat, our products and manufactures coming this way, and the goods and other articles which are manufactured in the East and transported to the West. So, no man can say that as a matter of fact the improvement of the water ways of the country is of no importance to the people of this country.

I insist that we ought to do everything that can be done in the direction of the improvement of the water ways and the harbors of the country, but I am not willing to fold my arms and vote for a bill appropriating $10,000,000 when, by the very testimony before the Senate, a portion of the money will be spent where it is not needed, and when, under the law which we passed last year, the Secretary of War has absolute power already to preserve the public works of the country from now on for all time so far as I know, or until that law is repealed.

Mr. President, I shall not detain the Senate any longer.

Mr. FRYE. I move to lay the pending amendment on the table.

The motion was not agreed to.

PENSION BILLS.

Mr. MITCHELL. Mr. President, within eleven hours the Forty-eighth Congress will terminate. There are upon the Calendar of the Senate a little over one hundred private pension bills.

I desire in this connection, while not strictly pertaining to the subject under consideration by the Senate, but with a view to making a motion, to give a report of the condition of the pension business of the Senate during this Congress.

The whole number of pension cases introduced during the Forty-eighth Congress was 1,294. Of these 571 were Senate bills, 611 were House bills, and 112 were petitions. There were 587 cases reported favorably—139 Senate bills, 439 House bills, and 9 petitions. There were reported adversely 410 cases—267 Senate bills, 104 House bills, and 39 petitions. The total number of reports amounts to 997—on Senate bills, 406; on House bills, 543; and on petitions, 48. During the Forty-sixth Congress the whole number of reports was 674, as compared with 997 during this Congress. In the Forty-seventh Congress the whole number of reports was 479. There are still undisposed of pending in the Committee on Pensions 165 Senate bills, 68 House bills, and 64 petitions—in all, 297. Of these 927 pending claims, there is evidence before that committee in only 50 of them.

I should state that since these figures were made, five or six additional reports have been submitted to the Senate, so that there have been more than 1,000 reports made from that committee. Of the 1,000 cases reported a little over one hundred remain undisposed of, and I think it is due to the claimants, it is due to the Senate, it is due to the House of Representatives, where these bills were considered, for every one of them is a House bill, that we now proceed to the consideration of those bills. Therefore, I move that the Senate now proceed to the consideration of the bill (H. R. 7718) restoring John Snyder to the pension-roll.

Mr. COCKRELL. Do I understand the Senator to ask to proceed to the consideration of favorably reported House bills?

Mr. MITCHELL. I move to proceed to the consideration of this one particular bill; but if the Senate will consent I shall be very glad to go on with the favorably reported House bills in their order.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CONGER. If that motion is carried will it set aside the consideration of the river and harbor bill?

The PRESIDING OFFICER. It will.

Mr. CONGER. Then I desire to say——

The PRESIDING OFFICER. The motion is not open to debate.

Mr. CONGER. I ask permission to make a remark.

The PRESIDING OFFICER. The Senator from Michigan asks permission to make an observation on the pending question, which is not debatable. Is there objection?

Mr. MITCHELL. If I may have an opportunity to reply, I shall have no objection; otherwise I must object.

The PRESIDING OFFICER. The Chair can not make any bargains. Does the Senator from Pennsylvania object?

Mr. MITCHELL. I am not disposed to object under the circumstances.

The PRESIDING OFFICER. The Senator from Michigan will proceed.

Mr. CONGER. I have been anxious, and am still as anxious as any one can be, for the passage of the pension bills. I have offered repeatedly, if consent could be given, that the river and harbor bill should be set aside informally in order to take up the pension bills. The Senate has declined to do that. I have since learned from one of the clerks at the desk that all the House pension bills favorably reported have been enrolled on the supposition that they would not be amended; so that the hurry there was to pass those bills that they might be enrolled is removed, and I think we can go on with the river and harbor bill and dispose of it one way or the other.

Mr. FRYE. But at the present rate of speed we shall not get through with the bill until next March.

Mr. CONGER. We can vote on the bill, I suppose, one way or the other.

Mr. FRYE. I do not know about that.

Mr. CONGER. In order that these pension bills may be disposed of I will agree to do what I have offered to do heretofore at any time. If the Senate will consent to set aside the river and harbor bill informally and take up House pension bills favorably reported and proceed with their consideration, I shall make no objection. I myself have offered that the bill be laid aside informally and that the House pension bills be taken up.

Mr. MITCHELL. In view of the statement made by the Senator from Michigan, I will now ask unanimous consent that the Senate proceed to the consideration of House pension bills reported favorably, laying aside the pending bill informally.

SIGNAL REGULATIONS AT SEA.

Mr. VEST. I ask unanimous consent to make a statement. I believe it is the first time I have ever asked to make a statement out of order.

The PRESIDING OFFICER. If there is no objection, the Senator from Missouri will proceed.

Mr. VEST. I deem it a public duty to ask the Senate, without reference to any other bill that is pending, to consider a bill reported from the Committee on Commerce, passed unanimously by the House, which places the ocean signal service of the United States in accord with that of the other maritime nations of the world. The State Department has particularly requested the passage of the bill. If it is not passed tonight, the result will be that the signals of our ships upon the ocean will be isolated and not in accord with those of other maritime nations.

It is in the interest of property and life. The bill has been standing back this entire session and part of the last session; I have never been able to get it up.

Mr. MITCHELL. I shall have no objection to the consideration of the bill to which the Senator refers, but after that is disposed of, I think if we can go on with the pension bills, all of us can get some favors of that kind and do everything that ought to be done.

Mr. VEST. I ask the Senate to consider the bill to which I have referred.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the Senate may now consider the bill (H. R. 5692) to adopt the Revised International Regulations for Preventing Collisions at Sea.

Mr. CONGER. Setting aside the river and harbor bill informally.

Mr. FRYE. Unanimous consent does that.

Mr. CONGER. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. SEWELL. I call the attention of the Senator from Missouri to the fact that I have an important amendment to offer to the bill, one which I submitted to the Senator from Missouri some time ago. The bill leaves out an important provision which I desire to correct by offering a substitute for the second section. The amendment requires that sailing vessels shall give notice of their approach to a steamer or other vessel at night by the flash of a torch. That is a very important provision, owing to the fact that sailing vessels can not very well signal at night under international regulations. The regulations are made more with a view practically to steam service. I will read for the information of the Senate the syllabus of an important case decided by the Supreme Court lately, where a Norwegian bark was run down by the steamer Belgenland:

This reasoning, however, will not apply to the bark; those on board that vessel knew that their side lights were invisible to the steamer, because those of the steamer were invisible to them. They knew also that the steamer had not the knowledge of the vicinity of the bark, because the bark carried no masthead light.

The appearance of the steamer's masthead light alone was notice to them of the necessity of giving some warning by rocket, fog-horn, or flare-up light of the approach of the two vessels, and no attempt was made to notify the steamer. (The Milanese, 43 Law Times, N. S., page 107, a case which will be presently referred to.) This necessity created the statute which makes the exhibition of a torchlight obligatory, on American vessels, to steamers approaching at night. Under these circumstances the courts of this nation to which the owners of the Norwegian bark have applied for redress recognize, as a rule of reasonable precaution for safety at sea, that some action should be taken by the sailing vessel to notify an approaching steamer.

The statutes of this nation enforce by fine and penalty on their own vessels the precaution which safely requires. But the American statute did not create a new and an artificial rule like some adopted by common consent, which requires one or another of the vessels to give way or hold its course; but it enforces a precaution which experience has shown to be requisite to avoid collision at night.

The fine imposed by the American statute is not enforceable upon foreign vessels; but although its penalties can not be enforced against them, yet a foreigner who seeks redress in the courts of the United States submits that his conduct and that of the party impleaded shall be construed by those rules which that forum applies to the case.

I submit that as a decision of the Supreme Court, showing the absolute necessity to navigation on the high seas of retaining the provision. Therefore I offer as a substitute for the second section the following:

SEC. 2. That nothing in this act shall be construed to repeal any of the provisions of section 4234 of the Revised Statutes requiring all sail-vessels on the approach of any steam-vessel during the night-time to show a lighted torch upon the point or quarter to which such steam-vessel shall be approaching, and that all other laws or parts of laws inconsistent with the foregoing Revised International Rules and Regulations for the navigation of all public and private vessels of the United States upon the high seas and in all coast waters of the United States are hereby repealed, except as to the navigation of such vessels within the harbors, lakes, and inland waters of the United States; and that this act shall take effect and be in force from and after the 1st day of September, A. D. 1884.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. VEST. The object of the bill reported by the Committee on Commerce is to do away with the very evil—for it is an evil—which is embodied in that amendment. At present we have a signal service upon the ocean which is confined to the United States alone. If the amendment should be adopted, it simply preserves a section of the Revised Statutes which provides for a signal which no other nation has. What the bill seeks to bring about is uniformity, and I can not better explain that than by reading a very brief communication from the Secretary of State:

On the 2d of October last a note was received by this Department from Hon. L. S. Sackville West, Her Britannic Majesty's minister at this capital, announcing that the international regulations for preventing collisions at sea, which have been adopted by all the leading maritime powers of the world except this country, came into force on the 1st day of September last.

As the statutes of the United States regulating the sailing of American vessels conflict in important particulars with the international regulations now observed by all other civilized nations, there is constant danger of the occurrence of collisions involving serious loss of life and property, owing to the fact that American ships are required by our statutes to conform to rules in conflict with those observed by the ships of all other maritime powers.

As it is understood that the international regulations in question are entirely acceptable to American ship-owners, it is highly important that Congress should with as little delay as possible bring the provisions of our statute into conformity with the international regulations for preventing collisions at sea.

A copy of the note from the British minister is annexed.

Mr. SEWELL. I will say to the Senator from Missouri that that does not apply in any way to the torchlight signal.

Mr. VEST. No, it does not; it is not intended to apply to it.

Mr. SEWELL. I have some knowledge of the torchlight signal, having spent several years at sea, and I know what it is.

Mr. VEST. The very object is that the vessels of the United States shall not have signal-lights different from those of other nations. I do not pretend to have any maritime knowledge such as the Senator from New Jersey has, but suppose that an American vessel has its torchlight, and a Norwegian or a French ship is approaching, they will not know the meaning of the torchlight.

Mr. SEWELL. They will know that a torchlight is there, and that it indicates that there is something on the ocean.

Mr. VEST. They will know by the international signal code which we are attempting to adopt in this country. Here we are running under signals peculiar to ourselves. The very object which the State Department has in view is to have a system of signals known to the whole maritime world. Now the Senator from New Jersey wants to put in a provision for a torchlight which is found in a section of the Revised Statutes and is found nowhere else. The result would be that an American ship would have a torchlight; a foreign pilot does not know what that means; he does not know any such signal.

Mr. SEWELL. The torchlight certainly does not indicate anything except that there is an obstruction on the water; that there is a vessel approaching. It does not indicate what the other regulations are provided for. There can be no objection to the amendment. It will not hurt the bill.

Mr. VEST. We can not pass the bill into a law if it is amended here now.

Mr. SEWELL. There is no reason why the Senator from Missouri could not ask for a committee of conference with the other House.

Mr. VEST. That would be equivalent to the loss of the bill. I shall abandon it if it is amended. The provisions of the bill specify the lights which are to be carried both by steamships and by sailing-vessels. This article covers any case:

ART. 6. A sailing ship under way or being towed shall carry the same lights as are provided by article 3 for a steamship under way, with the exception of the white light, which she shall never carry.

These lights are known to the whole maritime world. The bill is recommended by the State Department after conference with the British minister and the authorities of other maritime nations. The only question presented to Congress is whether we shall have a system of signals peculiar to ourselves, or whether we shall have the signal-lights which are known to all other nations, the meaning of which is evident to them. If the bill is amended now, that is the end of the bill; it can not become a law at this Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 8279, making appropriations for fortifications and other works of defense and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the said amendment insert the following: "And for the necessary and proper expenses of the said board and for the compensation of two civilians at $10 per day while so employed in the discharge of said duties the sum of $40,000, to be immediately available, is hereby appropriated; and the report of said board shall be transmitted to Congress by the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For the construction of testing experimental wagon-carriages, for the purchase or manufacture of a multicharge gun and testing the same for;" and the Senate agree to the same.

H. L. DAWES,
F. M. COCKRELL,
P. B. PLUMB,
Managers on the part of the Senate.

JOHN HANCOCK,
WILLIAM H. FORNEY,
W. D. WASHBURN,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. HAWLEY. I wish to move, or I shall ask unanimous consent, if there is a pending order, to take up a bill. I shall not be able to be here after 9 o'clock, and my chances are getting very bad. I have been waiting for a long time.

The PRESIDING OFFICER. The Chair will state that the condition of business is somewhat complicated. The river and harbor bill having been laid aside, the Senator from Pennsylvania [Mr. MITCHELL] moved to proceed to the consideration of a pension bill. That was

laid aside informally, at the request of the Senator from Missouri [Mr. VEST], to take up the bill which has just been passed.

Mr. HAWLEY. I now stand where the Senator from Missouri stood.

Mr. MITCHELL. I should be very glad to yield to the Senator from Connecticut, but I fear if that is done other Senators will desire to have the floor and there was a sort of understanding that we should go on with pension bills, get through with them, and then be liberal to each other. So far as I am concerned, I should be glad, after the pension business is disposed of, that the names of Senators should be called in alphabetical order, and that each Senator should have the right to ask unanimous consent for the consideration of a bill, and in that way we can clear the Calendar very rapidly of those measures which ought to pass.

The PRESIDING OFFICER. This debate can only proceed by unanimous consent.

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the consideration of the pension bills.

The PRESIDING OFFICER. That is not necessary. The Senator has already moved to proceed to the consideration of the first pension bill on the Calendar. Does the Senator desire an agreement to take up all the pension bills?

Mr. MITCHELL. Yes; I ask that the Senate proceed now to the consideration of all House pension bills favorably reported.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to the consideration of pension bills from the House favorably reported by the Senate Committee on Pensions.

Mr. MITCHELL. Laying aside the pending measure informally.

Mr. MAXEY. Am I in order in saying a word on that request?

The PRESIDING OFFICER. If there is no objection, the Senator from Texas will proceed.

Mr. MAXEY. I only wish to say that I belong to two committees which have very important bills pending. I am very willing that the request of the Senator from Pennsylvania shall be carried into effect if it is understood then that other Senators will have more of a fair show than we have had on account of pension bills during the present session. All I want is to secure the consideration of other House bills which are important and ought to be passed.

Mr. HARRIS. If the Senate will indulge me for a single moment——

The PRESIDING OFFICER. The Chair hears no objection.

Mr. HARRIS. I am quite satisfied that if we get the pension bills favorably reported out of the way we shall accomplish a good deal more than by scrambling along in an attempt to get other measures up while the pension bills have not been considered.

Mr. MAXEY. I agree with that, and I have so stated.

Mr. HARRIS. I hope the Senate will proceed to the consideration of pension bills favorably reported.

Mr. MITCHELL. I trust so; I think we can get through with them in an hour.

Mr. HAMPTON. The Senator from Pennsylvania was kind enough to say that he would waive his request for a moment until I called up a bill, but I think the plan he suggests is so much the best that I shall not avail myself of his kindness, hoping that when we get through with the pension bills we may dispose of some of the other House bills which are on the Calendar.

Mr. MITCHELL. I am very much obliged to the Senator. I hope that we shall now proceed to the consideration of the first pension bill on the Calendar.

Mr. JACKSON. Has it been agreed that the pension cases shall be taken up?

The PRESIDING OFFICER. The Chair understands that unanimous consent has been asked and given by the Senate that the House pension bills favorably reported and now upon the Calendar shall be considered.

Mr. CONGER. The river and harbor bill being informally laid aside.

The PRESIDING OFFICER. That is the understanding, that the river and harbor bill be informally laid aside.

MARY ALLEN.

Mr. JACKSON. I will ask then to take up House bill 2100.

Mr. HARRIS. Let them be taken up in their regular order.

Mr. JACKSON. But this is a bill which will be passed over under the order to consider bills favorably reported, and I wish to make an explanation in reference to it.

Mr. MITCHELL. Very well. Let that bill be taken up first.

Mr. JACKSON. The bill stands upon the Calendar as adversely reported. Since the adverse report was made it has been called to my attention by one of the Senators from Kansas, and he has shown me evidence of the fact which removes the ground on which it was adversely reported. That ground was that the militia regiment of which the husband of the claimant was a member was not called out and in the service of the United States at the time the disability was contracted; but it is evident that that was a mistake; and instead of recommitting the bill I ask that it be taken up and passed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chief Clerk will report the bill referred to.

The Chief Clerk read the bill (H. R. 2100) granting a pension to Mary Allen, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mary Allen, widow of John Allen, late a private in Company H, Seventy-second Regiment Missouri Enrolled Militia.

The PRESIDING OFFICER. Did the Chair understand the Senator from Tennessee to say that the bill had passed and stood on a motion to reconsider?

Mr. JACKSON. No, sir; it stands on an adverse report; but facts which have since come to my knowledge show that the report ought not to have been adverse and that the bill should be passed.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

JOHN SNYDER.

The PRESIDING OFFICER. The pension bills on the Calendar favorably reported will now be considered in their order, under the unanimous agreement of the Senate.

The bill (H. R. 7718) restoring John Snyder to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of John Snyder, formerly of Company I, One hundred and twenty-ninth Regiment of Indiana Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION D. EGBERT.

The bill (H. R. 2975) granting a pension to Marion D. Egbert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN L. KNICK.

The bill (H. R. 1866) granting a pension to Calvin L. Knick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Calvin L. Knick, late a private in Company E, One hundred and forty-fifth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN BAUMAN.

The bill (H. R. 6357) granting a pension to Christian Bauman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christian Bauman, late a private in Company A, Fifty-eighth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. F. M. NORTON.

The bill (H. R. 8189) granting a pension to Mrs. F. M. Norton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. F. M. Norton, widow of James H. Norton, deceased, late a private in Company G, Eighty-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STOCKTON.

Mr. COCKRELL. I ask consent to make a short statement, and then to ask action on a bill which is on the Calendar.

The PRESIDING OFFICER. If there be no objection, the Senator from Missouri will proceed.

Mr. COCKRELL. I call the attention of the Senate to the bill (H. R. 2377) granting a pension to James Stockton, which was some time ago reported adversely by the Senator from Tennessee [Mr. JACKSON] on the ground that Mr. Stockton was not acting under orders of United States officers. There is no question on earth about the disability and his being entitled to a pension. He was pursuing a bushwhacker when his horse was shot, and his arm which was hurt has since been amputated. There is no question about that. We have since discovered evidence showing that the force under which he was acting was acting under the authority of United States officers. I ask that the bill be taken up and passed.

Mr. JACKSON. That evidence has been shown since the adverse report was made, and it stands as does the Mary Allen case.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2377) granting a pension to James Stockton. It proposes to place the name of James Stockton, formerly of Company D, Thirty-first Regiment Missouri State Militia, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER WEIDE.

The bill (H. R. 7485) granting a pension to Alexander Weide was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alexander Weide, late captain of Company C, Third West Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS JEFFRIES.

The bill (H. R. 200) granting a pension to Thomas Jeffries was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Jeffries, late a private in Company C, of the One hundred and twenty-sixth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MILK.

The bill (H. R. 5309) for the relief of Charles Milk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Milk, late a member of Company B, One hundred and fifty-second Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LINA J. STEARNS.

The bill (H. R. 8082) granting a pension to Lina J. Stearns was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lina J. Stearns, widow of Oliver F. Stearns, late a private in Company F, Sixteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MILKEY.

The bill (H. R. 5378) granting a pension to Henry Milkey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Milkey, late a private in Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERDINAND HERCHER.

The bill (H. R. 8948) to increase the pension of Ferdinand Hercher was considered as in Committee of the Whole. It proposes to increase the pension of Ferdinand Hercher, late a hospital steward in the United States Army, to $24 per month, in lieu of the pension now allowed him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OCTAVIA A. NEWHALL.

The bill (H. R. 5330) granting a pension to Octavia A. Newhall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Octavia A. Newhall, widow of Everett Newhall, late a private in the Fifth Regiment of Massachusetts Volunteers, Company F.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSANNA RILEY.

The bill (H. R. 7810) granting a pension to Rosanna Riley was considered as in Committee of the Whole. It proposes to place the name of Rosanna Riley on the pension-roll at $18 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET FLAHERTY.

The bill (H. R. 7853) granting a pension to Margaret Flaherty was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $8 per month, the name of Margaret Flaherty, dependent stepmother of Bartlett Flaherty, late a private in Company F, Third Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BEAN.

The bill (H. R. 1710) granting a pension to George W. Bean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Bean, late a private in Capt. P. W. Connover's company of Utah militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. THOMAS.

Mr. HALE. I ask the indulgence of the Senate, as I can be absent only a few minutes from a conference committee, to take up two bills which I may not have any other opportunity to ask to have taken up. If they give rise to any debate I shall not press their consideration. The first is House bill 691, which has been reported favorably by the Finance Committee.

Mr. JACKSON. Is that a favorable report?

Mr. HALE. Yes; it is a unanimous report in favor of the passage of the bill.

By unanimous consent, the bill (H. R. 691) for the relief of William W. Thomas was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William W. Thomas, of Portland, Me., $309, being the amount of coupons of United States bonds lost by him, and now unpaid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLERK OF COURT OF ALABAMA CLAIMS.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims. I wish to say that while the bill appears to be adversely reported, it has been reconsidered, and it now stands on the Calendar as a favorable report, I understand.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the salary of the clerk of the Court of Commissioners of Alabama Claims shall hereafter be at the rate of $4,300 per annum.

Mr. JACKSON. I should like to inquire what salary the clerk is now receiving.

Mr. FRYE. Two thousand five hundred dollars; but the court is to last only about nine months more, and for four months it only had two judges, and there is an enormous amount of work to do. The claimants pay the salary themselves, and nine-tenths of them ask that the salary of the clerk shall be increased as proposed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. VINCENT PHELPS.

Mr. PLUMB. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps.

Mr. MITCHELL. How many more members of the Committee on Appropriations will come in with special requests?

Mr. PLUMB. This is the pension bill about which I spoke to the Senator. He will not object.

Mr. MITCHELL. Is it not one of those to be reached?

Mr. PLUMB. No; it will not be reached under the order in which the Senate is proceeding.

The PRESIDING OFFICER. The question is not debatable except by unanimous consent. Is there objection to the consideration of the bill indicated by the Senator from Kansas [Mr. PLUMB]?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name Vincent Phelps, late a captain and assistant quartermaster in the United States Army.

Mr. PLUMB. I will state that, while the bill appears on the Calendar as having been reported adversely, the Senator from Iowa [Mr. WILSON] who reported it assures me that since it was reported testimony has been laid before him which removes the objection there was to it, and that if that testimony had been before the committee at the time the report was made the bill would have been reported favorably.

Mr. WILSON. The statement of the Senator from Kansas is correct. If the testimony which has come to my notice since the report was prepared and presented to the Senate had been before us at that time I should have reported the bill favorably.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF A. J. GUTHRIE.

Mr. BECK. I ask unanimous consent for the consideration of two little bills which have been reported favorably by the Committee on Claims. There is less than $500 in each of them, and I am afraid I shall not have much chance to be in the Senate again before final adjournment. The first is the bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. We have proceeded now only ten minutes under the order of the Senate, and I do not think we can get through with the pension bills if we go on in this way.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. MITCHELL. I am not disposed to object to the application of the Senator, because he is on the Committee on Appropriations.

Mr. BECK. It will not take five minutes, and I am obliged to be out on the business of the Committee on Appropriations.

Mr. MITCHELL. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the legal representatives of A. J. Guthrie, deceased, of Louisville, Ky., $302.20, for services rendered and money advanced in taking care of property of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN TAYLOR & SON.

Mr. BECK. I ask unanimous consent for the consideration of another little bill, which appropriates only a little over $100, House bill 1109.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1198) for the relief of John Taylor & Son. It directs the Secretary of the Treasury to pay to John Taylor & Son $149.50, as full compensation for lumber used by the United States Army, as appears from evidence on file in the Third Auditor's Office, Treasury Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. H. HAMMOND.

Mr. MAXEY. The Senator from Pennsylvania [Mr. CAMERON] feels an interest in a bill unanimously reported from the Military Committee, not a dozen lines long, and on account of his sickness he has requested me to ask unanimous consent for its consideration. It is a Pennsylvania case. I ask unanimous consent to consider the bill (H. R. 1327) for the relief of J. H. Hammond.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to J. H. Hammond, of Philadelphia, $2,000, in full for the loss of the barge William T. Anderson while in the military service of the United States by charter, as fully appears by papers now on file in the office of the Third Auditor of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN C. HARRISON.

Mr. MITCHELL. I hope that the Senate will now proceed to dispose of the remaining pension bills on the Calendar.

The PRESIDING OFFICER. That is the order of the Senate. The House pension bills will be laid before the Senate in their order on the Calendar.

The bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $30 per month, the name of Jonathan C. Harrison, late a private in Company B, Fifty-second Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH PARRY.

The bill (H. R. 5554) granting a pension to Sarah Parry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Parry, widow of Thomas Parry, late a private in Company F, Thirtieth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHINESE INDEMNITY FUND.

Mr. PENDLETON. I ask unanimous consent to proceed to the consideration of House bill No. 1004.

Mr. MITCHELL. There is not a Senator here whom I should like more to oblige than the Senator from Ohio if it were possible for me to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. MITCHELL. I must object.

Mr. PENDLETON. I hope the Senator will not insist on his objection. The bill will not lead to much discussion, I am certain. It is a very short bill and it ought to be passed.

Mr. MITCHELL. I will yield with the understanding that we shall then proceed with the pension bills.

Mr. PENDLETON. If the Senator has only a certain number of pension bills that he wishes to have passed at this time, I shall not press my request.

Mr. MITCHELL. I do not desire to object.

The PRESIDING OFFICER. The Chief Clerk will report the bill by title, and the Chair will then ask if there is objection to its consideration.

The CHIEF CLERK. "A bill (H. R. 1004) relative to the Chinese indemnity fund."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BLAIR. That bill must lead to discussion, it seems to me. If it does not lead to discussion I shall not object; but I must reserve the right to object.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the bill? The Chair hears none.

Mr. BLAIR. Can I not reserve the right to object if the bill leads to discussion, and then call for the regular order?

Mr. FRYE. It will not lead to discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the President to cause the residue of the indemnity received from China, which is now in the custody of the Secretary of State and known and designated in the accounts and reports of the Department of State as the Chinese indemnity fund, to be converted into coin, and provides that $583,400.90 shall be returned to the Chinese Government, and the balance of the fund, if any, be covered into the Treasury of the United States, and the Secretary of State is to pay from the fund to the executors of Charles E. Hill $130,000 upon receipt of a release in full for all claims upon China for the use and loss of the steamer Keorgeor in or about the year 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE E. BAILEY.

Several Senators addressed the Chair.

Mr. MITCHELL. Regular order.

The PRESIDING OFFICER. The Chief Clerk will report the next House pension bill.

The bill (H. R. 1235) granting a pension to Annie E. Bailey was announced as next in order, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension-roll the name of Annie E. Bailey, widow of First Lieut. William C. Bailey, of Company B, Fourth Regiment West Virginia Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. IDA P. BELCHER.

The bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher was considered as in Committee of the Whole. It proposes to place the name of Ida P. Belcher, widow of the late Capt. Edwin Belcher, of Company E, Seventy-third Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB LAFFERTY.

The bill (H. R. 5148) granting a pension to Jacob Lafferty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Lafferty, a private soldier in the late war of the States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVENPORT AND ROCK ISLAND STREET RAILWAY COMPANY.

Mr. ALLISON. I ask the Senator from Pennsylvania to yield to me for one moment that I may ask the Senate to pass a bill which has passed the House unanimously and has received a unanimous report from the Senate Committee on Military Affairs. I think it will take but a moment. It is House bill 445, Order of Business 1257.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERRITORIAL SUPREME COURT APPEALS.

Mr. EDMUNDS. I ask that the Senate take up for consideration House bill 6220, reported favorably from the Committee on the Judiciary.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories. It provides that no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the Territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of $5,000. But this shall not apply to any case wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States; but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF LANGLEY B. CULLEY.

Mr. GROOME. Mr. President——

Mr. CONGER. I now ask in behalf of the poor soldiers that they may have a chance. We have gone around once. I will not make the request though until the Senator from Maryland [Mr. GROOME], who is sick, has a chance.

Mr. GROOME. I ask the Senate at this time to proceed to consider the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the heirs of the late Langley B. Culley, a naval constructor in the Navy, $2,300, in payment for all services now due the heirs of Culley from the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS M'DOWELL.

Mr. CONGER. Now I hope we shall go on with the pension bills.

Mr. MITCHELL and Mr. HAWLEY. Regular order.

The PRESIDING OFFICER. The next House pension bill will be stated.

The bill (H. R. 7572) granting a pension to Amos McDowell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos McDowell, late a member of the Forty-sixth Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCRETIA G. RIPLEY.

The bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucretia G. Ripley, widow of Edward F. Ripley, deceased, who enlisted as a private in Company H, Eighteenth Regiment of Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LYDIA S. HUGGINS.

The bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins was considered as in Committee of the Whole. It proposes to place the name of Mrs. Lydia S. Huggins, mother of Rufus A. Huggins, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN EDMISTON.

The bill (H. R. 4605) granting a pension to Ellen Edmiston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Edmiston, widow of Elias Edmiston, late of Company A, Fifty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID SEARS.

The bill (H. R. 8091) granting a pension to David Sears was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Sears, late a private in Company D, Eighty-first New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DYE.

The bill (H. R. 8229) to grant a pension to James Dye was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Dye, late an assistant surgeon in the service of the United States, of the Twenty-first Regiment of Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH KALER.

The bill (H. R. 7169) granting a pension to Elizabeth Kaler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Kaler, foster-mother of George W. Kaler, late a private in Company E, Eighty-seventh Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CREET H. DOUGHERTY.

The bill (H. R. 383) granting a pension to Creet H. Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Creet H. Dougherty, late of Company E, Tenth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

The bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint was considered as in Committee of the Whole. It proposes to increase the pensions of all soldiers and sailors of the United States who have had an arm taken off at the shoulder-joint, caused by injuries received in the service of their country while in the line of duty, and who are now receiving pensions, to the same amount that the law now gives to soldiers and sailors who have lost a leg at the hip-joint.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE HELTON.

The bill (H. R. 8069) granting a pension to Catharine Helton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Helton, dependent mother of Calvin Helton, late of Company I, Twenty-fourth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER GREENOUGH.

The bill (H. R. 7434) granting a pension to Sylvester Greenough was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sylvester Greenough, a soldier of the Mexican war, Black Hawk war, and Florida war, and late a private in Company E, Thirty-seventh Regiment Iowa Volunteer Infantry (Gray Beard Regiment), at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK G. MAINE.

The bill (H. R. 7000) for the relief of Clark G. Maine was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clark G. Maine, late a private in Battery E, First New York Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA ALLEN.

The bill (H. R. 7938) granting a pension to Amanda Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda Allen, mother of Charles F. Allen, late of Company B, One hundred and fifty-fourth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD W. BARNES.

The bill (H. R. 7502) granting a pension to Richard W. Barnes was considered as in Committee of the Whole. It proposes to place the name of Richard W. Barnes, late a private in Company A, Eighth Regiment Iowa Volunteer Cavalry, on the pension-roll, at $30 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

L. W. PITTS.

The bill (H. R. 7803) granting a pension to L. W. Pitts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of L. W. Pitts, late of Company B, Third Regiment Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID N. BRYAN.

The bill (H. R. 4216) granting a pension to David N. Bryan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David N. Bryan, late a private in Company D, Seventy-eighth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISON MITCHELL.

The bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT HARPER.

The bill (H. R. 8090) granting a pension to Albert Harper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert Harper, late of Company G, Ninth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BOYLE.

The bill (H. R. 389) granting a pension to John Boyle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Boyle, late a private in the Tenth Battery Indiana State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. H. COLEMAN.

The bill (H. R. 6982) granting a pension to W. H. H. Coleman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of W. H. H. Coleman, late a private of Company B, Eleventh Regiment Pennsylvania Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH TYLER.

The bill (H. R. 4055) granting a pension to Sarah Tyler was considered as in Committee of the Whole. It proposes to place the name of Sarah Tyler, dependent mother of William Tyler, deceased, late of Company B, Fifty-second Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTHER HUDSON.

The bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS JONES.

The bill (H. R. 5191) granting an increase of pension to Augustus Jones was considered as in Committee of the Whole. It proposes to increase the pension now allowed to Augustus Jones, a soldier of the war of 1812, from $8 to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BIEDERBICK.

The bill (H. R. 7933) granting a pension to Henry Biederbick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Biederbick, late a hospital steward in the United States Army, and one of the survivors of the late Greely expedition to Lady Franklin Bay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH RAIBLE.

The bill (H. R. 3947) granting a pension to Joseph Raible was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Raible, of Indiana, who lost an arm above the elbow, during the war, while firing a salute, at the city of Indianapolis, under the direction of the quartermaster-general of Indiana, and to pay him $30 per month, in lieu of all other pensions now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL JOHNSON COFFIN.

The bill (H. R. 4363) for the relief of Lieut. Nathaniel Johnson Coffin was considered as in Committee of the Whole. It proposes to increase the pension now granted to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry, in the late war of the rebellion, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. KINMAN.

The bill (H. R. 7177) granting a pension to William H. Kinman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Kinman, formerly of Company F, Thirty-fourth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O. GARDNER.

The bill (H. R. 7178) granting an increase of pension to John O. Gardner was considered as in Committee of the Whole. It proposes to increase the pension of John O. Gardner, formerly of Company A, Ninth Maine Volunteers, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M'ALPIN.

The bill (H. R. 7503) for the relief of Daniel McAlpin was considered as in Committee of the Whole. It proposes to remove the charge of desertion against Daniel McAlpin, Sixteenth United States Infantry, war of 1812, and directs the Secretary of the Interior to place his name on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M'INTOSH.

The bill (H. R. 2085) granting a pension to Joseph McIntosh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph McIntosh, late of the Thirty-ninth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANCEY G. DARRAH.

The bill (H. R. 8187) granting a pension to Chancey G. Darrah was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Chancey G. Darrah, late of Company E, Sixteenth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SPARR.

The bill (H. R. 7340) granting a pension to John Sparr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Sparr, of Batavia, N. Y., late of Company C, Third Regiment New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARLAN JACKSON.

The bill (H. R. 4458) granting a pension to Harlan Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harlan Jackson, late of Company L, Sixth Regiment Kansas Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDISON M. COPEN.

The bill (H. R. 8136) for the relief of Addison M. Copen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Addison M. Copen, late of Company I, Third United States Dragoons, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA O. ZEIGLER.

The bill (H. R. 4878) granting a pension to Emma O. Zeigler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma O. Zeigler, widow of W. A. Zeigler, late captain of Company —, First Regiment West Virginia Infantry Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRIGSBY FOSTER.

The bill (H. R. 5740) for the relief of Grigsby Foster was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Grigsby Foster, late a private in Company E, Seventh Regiment West Virginia Volunteer Cavalry, now a resident of Lucas, Lucas County, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH CONNOR.

The bill (H. R. 411) granting a pension to Elizabeth Connor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Connor, widow of William Connor, deceased, late a private in Capt. Paterson Bain's company in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLY ROBERTS.

The bill (H. R. 1142) granting a pension to Nelly Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nelly Roberts, dependent mother of Fred Sawyer, alias Bond, late a private in Company G, First United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSE DOUGHERTY.

The bill (H. R. 6173) for the relief of Rose Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rose Dougherty, widow of John Dougherty, late of Company B, Thirty-seventh Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH W. CREIGHTON.

The bill (H. R. 5086) for the relief of Elizabeth W. Creighton was considered as in Committee of the Whole. It proposes to place the name of Elizabeth W. Creighton, widow of J. Blakeley Creighton, late a rear-admiral, on the pension-roll at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD WILCOX.

The bill (H. R. 6775) granting a pension to Edward Wilcox was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward Wilcox, an imbecile son of Leonard Wilcox, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and to pay his legally appointed conservator, for his use and benefit, a pension of $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA F. JUSTICE.

The bill (H. R. 5103) granting a pension to Joshua F. Justice was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joshua F. Justice, late a private in Company H, Second North Carolina Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL POND, JR.

The bill (H. R. 4668) for the relief of Nathaniel Pond, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathaniel Pond, jr., now of Faribault, Minn., formerly a private soldier in Capt. James Gray's company of Vermont militia in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELIZABETH A. RANDALL.

The bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall, late captain of Company G, Seventh Regiment of Vermont Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD DILLON.

The bill (H. R. 2457) granting a pension to Richard Dillon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Richard Dillon, late a private in Company B of the One hundred and first Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to third reading, read the third time, and passed.

JAMES M. PIKE.

The bill (H. R. 3340) granting a pension to James M. Pike was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James M. Pike, late second corporal of Company C, Fifth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M. M'CHESNEY.

The bill (H. R. 7863) granting a pension to Thomas M. McChesney was considered as in Committee of the Whole. It directs that the name of Thomas M. McChesney, of the township of Cranbury, in the county of Middlesex, New Jersey, shall be placed upon the list of invalid pensioners, as though he had been regularly mustered into the service as an enlisted man in Company M, Ninth New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. CHASE.

The bill (H. R. 6904) for the relief of John F. Chase was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John F. Chase, formerly a member of Company B, Eighteenth Regiment New York State Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE C. BUCK.

The bill (H. R. 5146) granting a pension to Jesse C. Buck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse C. Buck, late a private in the Third Pennsylvania Heavy Artillery, One hundred and fifty-second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. FARNSWORTH.

The bill (H. R. 8152) for the relief of William D. Farnsworth was considered as in Committee of the Whole. It proposes to place the name of William D. Farnsworth, dependent father of Edward Farnsworth, late of Company E, Twentieth Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM STANSBERRY.

The bill (H. R. 7993) for the relief of William Stansberry was considered as in Committee of the Whole. It proposes to place the name of William Stansberry, late of Company A, Third West Virginia Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN ARNDT.

The bill (H. R. 7992) for the relief of Christian Arndt was considered as in Committee of the Whole. It proposes to place the name of Christian Arndt, late of Company H, Ninth Minnesota Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. ALDEN.

The bill (H. R. 6960) for the relief of Charles L. Alden was considered as in Committee of the Whole. It proposes to place the name of Charles L. Alden, of Company C, Second Minnesota Infantry, on the pension-roll, at the rate of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEBERT TONEY.

The bill (H. R. 7447) granting a pension to Sebert Toney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sebert Toney, late a private in Company B, Thirty-seventh Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCY PARR.

The bill (H. R. 8142) granting a pension to Mrs. Lucy Parr was considered as in Committee of the Whole. It proposes to place the name of Lucy Parr, widow of Samuel B. Parr, late of Company I, Fourth Regiment Iowa Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ROYAL.

The bill (H. R. 5304) for the relief of Mary Royal was considered as in Committee of the Whole. It proposes to place the name of Mary Royal, widow of William Royal, deceased, late a private in Company I, Fifty-ninth Regiment of Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK HUTTEN.

The bill (H. R. 7170) for the relief of Frederick Hutten was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Hutten, formerly of Company K, Thirteenth Regiment Indiana State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDSON BOSTWICK.

The bill (H. R. 7334) granting a pension to Judson Bostwick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Judson Bostwick, of Arcade, N. Y., late of Company F, Fifth Regiment New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MURPHY.

The bill (H. R. 7047) granting a pension to Patrick Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Murphy, late a private in the Second Independent Battery, Ohio Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARDON H. MOREY.

The bill (H. R. 7728) for the relief of Pardon H. Morey was considered as in Committee of the Whole. It proposes to allow to Pardon H. Morey, of Chautauqua, Chautauqua County, New York, late a private in the Seventh Company, First Battalion New York Sharpshooters, a pension for single inguinal hernia, in addition to that now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL J. BENNETT.

The bill (H. R. 552) granting a pension to Lemuel J. Bennett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lemuel J. Bennett, late of Company ——, First Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHAEL A. QUEEN.

The bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen, was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Rachael A. Queen, dependent sister of Jonathan Queen, late of Company F, Fifth California Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM COVER.

The bill (H. R. 4021) granting a pension to Abraham Cover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abraham Cover, late first lieutenant of Company M, Sixth Regiment Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA BECK.

The bill (H. R. 5728) granting a pension to Anna Beck was consid-

ered as in Committee of the Whole. It proposes to place the name of Anna Beck, widow of August Beck, late of Company F, Seventh New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE D. BRENT.

The bill (H. R. 7248) to increase the pension of Jane D. Brent was considered as in Committee of the Whole. It proposes to increase the pension of Jane D. Brent, widow of Thomas L. Brent, late captain of Company—, Fourth Regiment Artillery of the regular Army of the United States, to a rating of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD KRAEMER.

The bill (H. R. 1873) for the relief of Edward Kraemer was considered as in Committee of the Whole. It proposes to increase the pension of Edward Kraemer, formerly a member of Company F, Twelfth Regiment Illinois State Volunteers, to $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. MILTON.

The bill (S. 2668) granting a pension to John M. Milton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John M. Milton, dependent father of Charles A. Milton, late a private in Company B, Second Regiment New Hampshire Volunteers, and at the time of his death a medical cadet.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. GRENNON.

The bill (H. R. 3735) granting a pension to Mary A. Grennon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Grennon, widow of William H. Grennon, late of Company M, Fourteenth New York Heavy Artillery, at the rate of $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHILDREN OF F. F. KISLINGBURY.

The bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the minor children of the late Lieut. Frederick F. Kislingbury, Eleventh United States Infantry, and to pay to each of them a pension at the rate of $10 per month, and until they severally attain the age of 21 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB FUNKHOUSER.

The bill (H. R. 2872) granting a pension to Jacob Funkhouser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Funkhouser, of the county of Preston, West Virginia, a private soldier of the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL NICKELL.

The bill (H. R. 603) granting a pension to Rachel Nickell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Nickell, widow of Asbury Nickell, late of Company I, Forty-seventh Regiment Kentucky Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA CODY.

The bill (H. R. 7907) granting a pension to Matilda Cody was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Matilda Cody, widow of John Cody.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. DICKSON.

The bill (H. R. 8237) granting a pension to Mary J. Dickson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Dickson, dependent sister of Sylvester R. Dickson, late a private in Company A, Eighty-third Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDIE L. MOORE.

The bill (H. R. 8155) granting a pension to Addie L. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Addie L. Moore, widow of Camillus A. Moore, late a private in Company E, Seventy-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SANSOM.

The bill (H. R. 7990) granting a pension to Joseph Sansom was considered as in Committee of the Whole. It proposes to place the name of Joseph Sansom, late of Company F, Twenty-sixth Regiment Kentucky Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COL. HENRY J. HUNT.

Mr. HAWLEY. I ask unanimous consent for the consideration of the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint and place Col. and Brvt. Maj. Gen. Henry J. Hunt on the retired-list as a major-general, with the rank, pay, and emoluments of a major-general of the United States Army on the retired-list, to date from September 14, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on agreeing to the preamble.

Mr. HAWLEY. I do not care about the preamble except that a change would send the bill back to the House. The preamble is true, though verbose.

The preamble was agreed to.

Mr. INGALLS. I ask unanimous consent that House bill 8236, Order of Business 1435, which was under debate last evening, may be now considered.

The PRESIDING OFFICER. Will the Senate consent to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The PRESIDING OFFICER. The bill has been read, and the question is on agreeing to the amendments proposed by the Committee on the District of Columbia. Several amendments proposed in the Senate, the Chair understands, have been agreed to.

Mr. INGALLS. I move in accordance with a suggestion made by the Senator from Alabama [Mr. MORGAN] who objected last night, to strike out in line 5, before the word "levied," the words "or assessments;" so as to read:

That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser.

The amendment was agreed to.

Mr. CONGER. Is there any other place where the words "or assessments" occur?

Mr. INGALLS. No, there is no other place.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. INGALLS. I move that the Senate insist on its amendments and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. ALDRICH, and Mr. INGALLS were appointed.

APPEALS IN HABEAS CORPUS CASES.

Mr. MCMILLAN. I ask unanimous consent to take up the bill (H. R. 5691) amending section 754 of the Revised Statutes. The bill allows an appeal in habeas corpus cases to the Supreme Court.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the consideration of the bill named by him. Is there objection?

Mr. CONGER. I desire to say that I see almost every Senator here——

The PRESIDING OFFICER. The Senator from Michigan may proceed by unanimous consent, there being no objection.

Mr. CONGER. If the bill is taken up I suppose I may proceed.

The PRESIDING OFFICER. The question of taking up the bill by unanimous consent is not debatable, but the Chair will hear the Senator from Michigan if there be no objection.

Mr. CONGER. I see Senators all around the floor with their hands full of bills and with more vigor and energy than I have ever seen heretofore in the Chamber, in the four years I have been a member of the Senate, in getting bills through. I stand here as the representative

of the Committee on Commerce with a bill which should be disposed of one way or the other, and I am not responsible for the manner. I wish to make a proposition, and if the Senate will accede to it, very well. If it can be agreed that at a quarter past 3 the consideration of the river and harbor bill shall be resumed without further interruption until the Senate disposes of it in some way, I shall yield to any Senators who want to pass their little bills, subject to conference reports; and I will agree also that the time occupied by conference reports may be taken out.

The PRESIDING OFFICER. The Chair will ask unanimous consent.

Mr. CONGER. I will say half past 3.

Mr. PLUMB. I think the Senator from Michigan makes the request a little more sweeping than he intends. He does not mean to propose that the river and harbor bill shall remain before the Senate and displace all other business, appropriation bills and reports of committees of conference and things of that kind, but he simply desires that the consideration of the bill shall be resumed or continued at that time, subject to the necessary interruptions.

Mr. CONGER. I do not claim that the Senate shall make any particular disposition of the bill, but that it shall be resumed and not be displaced again by these appeals for unanimous consent, subject to reports of conference committees always.

The PRESIDING OFFICER. Is there unanimous consent to the request of the Senator from Minnesota [Mr. MCMILLAN] to take up the bill named by him?

Mr. CONGER. Is the understanding which I proposed one which the Senate adopts?

Mr. MILLER, of New York. I do not see how the Senate can make any agreement of that kind. The Senator from Michigan can call up his bill at any time he sees fit. All the business being done is being done by unanimous consent. The Senator can call up his bill at any time he sees fit. Why not wait until he decides to call it up?

Mr. CONGER. We may as well have an understanding now, and then I should feel better satisfied.

Mr. MILLER, of New York. Some measure we desire to pass may be pending at that time. There is no object in giving unanimous consent now.

The PRESIDING OFFICER. The Chair will ask unanimous consent for the request of the Senator from Minnesota to take up the bill named by him, after which the Chair will recognize the Senator from Michigan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5691) amending section 764 of the Revised Statutes. It proposes to amend section 764 of the Revised Statutes so as to read:

From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the preceding section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. MCMILLAN. The other bill to which I referred was House bill 6760, in which the chairman of the Committee on Appropriations is interested.

The PRESIDING OFFICER. The Chair promised to recognize the Senator from Michigan [Mr. CONGER].

Mr. CONGER. I will yield on the supposition that the Senate will accede to my request.

Mr. MCMILLAN. This House bill will take but a short time.

Mr. CONGER. I yield once more to the Senator from Minnesota.

Mr. ALDRICH. I object to this manner of farming out the floor.

The PRESIDING OFFICER. There has been no farming out of the floor. The Chair recognized the Senator from Michigan, who was in charge of the matter which was before the Senate and which has been laid aside by these formal applications.

Mr. MCMILLAN. The Senator from New York has had several opportunities——

The PRESIDING OFFICER. The question is not debatable. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of Order of Business 1329, being the bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. There is an amendment proposed by the Committee on Commerce inserting an additional section.

Mr. MCMILLAN. I shall ask the Senate to non-concur in that, as the provisions contained in the proposed section I find are embraced in section 8 of the last river and harbor act.

The PRESIDING OFFICER. If there be no objection the reading of the amendment will be dispensed with. The committee withdraw the amendment, the Chair understands.

The bill was reported to the Senate without amendment.

Mr. SEWELL. I ask the Senator from Minnesota whether that is a bill for a bridge across a Government reservation?

Mr. MCMILLAN. No, sir; it is across the Mississippi River at Rock Island—a railroad bridge.

Mr. CULLOM. It is entirely separate from the Government reservation.

The bill was ordered to a third reading, read the third time, and passed.

STATE NATIONAL BANK OF BOSTON.

Mr. JACKSON. I ask the Senate to take up House bill 2263, Order of Business 1068.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass. It refers to the Court of Claims the claim of the State National Bank of Boston for the sum of $100,000, in gold, deposited by the bank in the subtreasury of the United States at Boston, February 28, 1867.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. THOMAS J. JONES.

Mr. MAXEY. I ask unanimous consent to call up House bill 6533, order of Business 1425, unanimously reported by the Committee on Military Affairs without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6533) for the relief of Dr. Thomas J. Jones. It directs the Secretary of the Treasury to pay to Dr. Thomas J. Jones, of Warren County, Kentucky, $300, for medical services rendered the Eleventh Regiment Kentucky Infantry Volunteers during the months of October, November, and December, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. JOHN B. READ.

Mr. PUGH. I ask the Senate to take up House joint resolution 170, Order of Business 542.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent to call up a joint resolution the title of which will be read.

The CHIEF CLERK. "A joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made."

Mr. CAMERON, of Wisconsin. Let the joint resolution be read for information.

Mr. PUGH. The facts are stated in the report. The joint resolution commits the Government to nothing. It was unanimously reported by the Committee on Military Affairs.

The PRESIDING OFFICER. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to organize a board of officers, of not less than three in number, selecting the same from the ordnance and artillery arms of the United States service, who shall examine all the facts relative to the said claim of Dr. J. B. Read, and ascertain whether the United States have made any use of any invention of the said Read in projectiles; whether the same, if so used, were used under any contract, express or implied; whether he consented to the use of said projectiles by the confederate government against the United States, and whether his invention was used by the United States; to what extent, if any, his invention was so used, and whether such use was valuable to the United States, and if so, what sum, if any, under the circumstances of the use, the United States ought in justice to pay for the same; and that such board do make their report thereon with all convenient speed to the Secretary of War, to be by him transmitted to Congress, for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by them.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CONGER. I have objected on two or three occasions against the consideration of this measure. Since that time I have examined the papers in regard to it, and as I find it is proposed to refer the claim to a board for examination and for report to Congress, I have no further objection to the passage of the resolution.

Mr. HARRISON. There is an amendment proposed by the Committee on Military Affairs, I think.

Mr. PUGH. There is no amendment.

Mr. HARRISON. Is this a House resolution?

The PRESIDING OFFICER. It is a House resolution.

Mr. HAMPTON. The amendment referred to is embodied in the text of the resolution.

Mr. HARRISON. I move then to amend after the words "United States"—I have not the House resolution before me——

Mr. HAMPTON. At line 12.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the amendment which was proposed to the Senate print of the resolution is incorporated in the House resolution now before the Senate.

Mr. HARRISON. So I understand, but I desire to move an amendment. Not having the Senate print of the resolution before me I am

not able to indicate the place except by reading the clause. I see here the words:

Whether he consented to the use of said projectiles by the confederate government against the United States.

The Secretary will notice that clause. After the words "United States," I move to insert:

Or otherwise gave aid and comfort to the rebellion.

The PRESIDING OFFICER. The Senator from Indiana moves an amendment, which will be read:

The CHIEF CLERK. On page 2, line 12, after the word "States," it is proposed to insert:

Or otherwise gave aid and comfort to the rebellion.

So as to read:

Whether he consented to the use of said projectiles by the confederate government against the United States, or otherwise gave aid and comfort to the rebellion, &c.

Mr. HAMPTON. I was about to say to my friend from Indiana that if an amendment is put upon this resolution now it will insure its defeat. We, after full discussion in the Military Committee, and I think on the suggestion of the Senator from Illinois [Mr. LOGAN], the chairman of the committee, put in these words:

Whether he consented to the use of said projectiles against the United States.

After this amendment in committee, and after this resolution has come to us having passed the other branch of Congress with this amendment, I submit to the Senator from Indiana that an amendment now will defeat the whole measure. I think that it is so guarded that when the report is made to Congress there is no possibility of the Government being implicated in any improper expense. I trust he will not press the amendment.

Mr. HARRISON. Mr. President——

Mr. PUGH. Will the Senator allow me to make a statement?

Mr. HARRISON. Certainly.

Mr. PUGH. Dr. Read was over 60 years of age when the war commenced. During the war he was surgeon in the University of Alabama of the cadets. This claim of his had its origin in a patent that was granted by this Government in 1856, and it grows out of a contract with the Government of the United States by which he surrendered his patent for experiment by the Government of the United States until it became satisfied that it would be of value. It was left to an Army board which was created by the Secretary of War to ascertain whether the invention was a success and what its value would be to the Government. It is the first instance in history where an inventor has surrendered to the Government a patent to experiment with until it became satisfied of its use and the value of the use. This claim is founded on a contract with the Government where there has been no compensation. The Read shell was used by the confederate government during the war. He never has received one dollar's compensation from this Government or the confederate government. It is a great discovery, and all the projectiles now in use by the Government of the United States are founded upon the discovery of Dr. Read.

This resolution creates a board of Army officers in pursuance of the terms of the contract, and that is the reason this resolution authorizes the creation of the board. It is required by the contract he made with the Government, and the only power this board has is to ascertain the facts, report them to Congress, and let Congress act upon the facts. It commits the Government to nothing on earth. It is harmless at any rate. I know this old gentleman well. He is a man of high character, a man of science and education. He is now over 75 years of age, and if this resolution fails to pass now the feeling of disappointment will go with him to the grave.

Mr. HARRISON. It seems to me that as this was to be submitted to a board, and Congress was to act on the report of the board, the scope of the inquiry should be enlarged and that we should know not only whether this gentleman consented to the use of his projectile by the confederate government against the United States, but what his attitude was toward the Government of the United States during the war. As this question is yet to come before Congress, and as that point can be discussed at that time and investigated by the committee if necessary, I withdraw the amendment at the solicitation of the Senator from California [Mr. MILLER].

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PUGH. There is a Senate resolution which has become the House resolution, and I simply ask for the indefinite postponement of the Senate resolution.

The PRESIDING OFFICER. The House resolution has not yet passed.

Mr. PUGH. It is Senate resolution No. 67.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PUGH. Now, I move that the joint resolution (S. R. 67) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, be postponed indefinitely.

The motion was agreed to.

JOHN P. PETERSON.

Mr. PIKE. I desire to call up and have disposed of House bill No. 6270, Order of Business 1290.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (H. R. 6270) for the relief of John P. Peterson.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for the payment to John P. Peterson, late a private of the Capitol police, of $237.60, being the 20 per cent. additional compensation allowed him under joint resolution giving additional compensation to certain employés in the civil service of the Government at Washington, approved February 28, 1867.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. DAVIS.

Mr. PIKE. I offer the following order:

Ordered, That the vote of the Senate of January 7, 1885, transmitting the claim of William H. Davis, together with all papers, vouchers, and proofs connected therewith, to the Court of Claims under the provision of article 1, section 1059 of the Revised Statutes of the United States, for consideration and final adjudication, be rescinded and annulled; and that the said court be requested to return to the files of the Senate all papers, vouchers, and proofs which have been transmitted to them under said vote.

The order was agreed to.

PAY OF PASSED ASSISTANT ENGINEERS, UNITED STATES NAVY.

Mr. MAHONE. I ask that the Senate proceed now to the consideration of House bill No. 1401, Order of Business 766.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy. It provides that passed assistant engineers of the Navy shall receive during the third five years after the date from which they take rank as passed (first) assistants, when at sea, $2,450; on shore duty, $2,250; on leave or waiting orders, $1,900; during and after the fourth five years from such date, when at sea, $2,700; on shore duty, $2,350; on leave or waiting orders, $1,950.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CITIZENS OF MARION COUNTY, TENNESSEE.

Mr. HARRIS. I ask unanimous consent of the Senate to proceed at this time to the consideration of House bill No. 4684, Calendar No. 1423.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee. By its terms the claims of certain citizens of Marion County, Tennessee, for quartermaster's stores and commissary supplies alleged to have been taken from them by United States troops during the late war, and known as claims filed before the "Jasper board," so called, are referred to the Quartermaster-General of the Army, who is to have full jurisdiction to examine and consider the claims, and make report thereon to Congress as in cases provided for in the second and third sections of the act to restrict the jurisdiction of the Court of Claims, &c., approved July 4, 1864.

The bill was reported from the Committee on Military Affairs with an amendment.

Mr. HARRIS. I ask that the Senate disagree to the amendment. It is not material.

Mr. CONGER. Let it be read.

Mr. HARRIS. It will be read, of course.

The CHIEF CLERK. In line 7, after the word "referred," it is proposed to insert "to;" so as to read:

And they are hereby referred to the Quartermaster-General, &c.

The amendment was rejected,

Mr. HAWLEY. What committee is this from? I do not recall it.

Mr. HARRIS. The Committee on Military Affairs.

Mr. HAWLEY. I did not recall the bill.

The bill was reported to the Senate without amendment.

Mr. DOLPH. I should like to have the Senator in charge of the bill make a statement in regard to it.

Mr. HARRIS. The Senator from South Carolina [Mr. HAMPTON] reported the bill from the Committee on Military Affairs. If the Senator from Oregon will look to the bill he will see that it simply refers the claim to the Quartermaster-General, and he is only authorized to report to Congress whatever he may find to be the merit or want of merit in the claim.

Mr. DOLPH. I do not know what this is. We do not have these bills in hand when they are jumped upon us in this way before we know what the order of business is. We do not always hear it. I ask to have the bill read again.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

Mr. DOLPH. I should like to know who these "certain citizens" of Tennessee are and what the "Jasper board" is. Not having been on the committee or seen the report, I do not know anything about the bill.

Mr. HARRIS. The report of the committee is No. 1519. I have it

in my hand. The "Jasper board" is evidently a military board organized by the general commanding for the purpose of investigating these claims, which did investigate them and report upon them. The only effect of this bill is to remove the statute of limitations and allow the Quartermaster-General to investigate them, and when he has investigated them to report to Congress the result of the investigation.

Mr. DOLPH. I should like to have the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. HAMPTON February 27, 1885:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4684) "for the relief of certain citizens of Marion County, Tennessee," have considered the same, and beg leave to report the bill back to the Senate, recommending its passage.

In the seventh line of the printed bill the word "to" has been accidentally omitted, and the proper correction is made by the committee.

Accompanying the bill is the report from the Committee on War Claims of the House of Representatives, which is made a part of this report, as explanatory of this case.

[House Report No. 230, Forty-eighth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1492) for the payment of certain awards in favor of parties therein named, submit the following report:

It appears from the records and evidence in reference to the subject-matter of this bill, obtained from the War Department and filed in this case, that Maj. Gen. George H. Thomas, commanding the Department of the Cumberland, on the 8th day of February, 1864, issued the following order, viz:

[Special Field Orders No. 329—Extract.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, December 8, 1863.

* * * * * * *

A board of commissioners, consisting of the following-named officers and citizens, is hereby appointed for the purpose of adjusting the claims of the citizens of Marion County, Tennessee, against the United States Government for damages done their property in the occupation of said county by the United States troops.

Detail for the board.—Brig. Gen. James B. Steedman, U. S. V.; Colonel Post, Fifty-ninth Illinois Volunteers; Lieut. Col. I. P. Kerr, Seventh Illinois Volunteers; William Pryor, esq.; A. Kelly, esq.

The assistant adjutant-general of Brigadier-General Steedman will act as recorder.

The board will commence at Jasper, Tenn., December 10, at 9 a. m., or as soon thereafter as practicable.

By command of Major-General Thomas.

WM. M. MICHAEL, *A. A. G.*

This order was issued in pursuance of the policy of the Government recognizing individuals who were public enemies by laws of war by reason of their residence as friendly to the Government, for the purpose of encouraging a sentiment of loyalty to the Federal Government within the insurrectionary territory.

Before any proceedings were had under the order, except the receipt of claims for adjudication, a supplementary order was issued, as follows:

[Special Field Orders No. 81.—Extract.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, March 21, 1864.

XI. The following-named officers and citizens are relieved from further duty as members of the board of claims instituted by Par. XVI, S. F. O. No. 39 (C. S.), from these headquarters: Capt. J. W. Moore, Twenty-third Missouri Infantry; Lieut. H. A. Ford, Nineteenth Michigan Infantry; Mr. J. P. Thompson.

XII. The following-named officers and citizens are detailed as members of the board of claims instituted by Par. XVI, S. F. O. No. 39 (C. S.), from these headquarters: Maj. E. A. Griffin, Nineteenth Michigan Infantry; Lieut. Leroy Cahill, Nineteenth Michigan Infantry; Dr. John B. Armstrong.

By command of Major-General Thomas.

W. D. WHIPPLE,
Assistant Adjutant-General.

The docket of cases heard by and before this board, and the awards made therein, now on file in the War Department, shows that there was filed with such board for hearing four hundred and seventy-three claims.

The hearing before the board commenced March 28, 1864, and seems to have been concluded April 13, 1864; and there was awarded for quartermaster's stores and commissary supplies to the several persons who could prove their loyalty and the taking and use of the stores.

The committee do not regard the payment of these awards as a question submitted to their decision upon the original facts on which the awards are based. They have been determined and allowed by a military board, called under the apparent sanction of the Government, and whose action seems to have been approved not only by the major-general commanding, but by the War Department, and they have not all been paid. The committee use the term "seems to have been approved," because the papers and record remaining in that Department show no disapproval, which may be said to be a negative pregnant, almost as strong as affirmative proof.

This board was composed of officers in actual service. It held its sessions in the vicinage of the claimants, and its facilities for proof were better than any civil tribunal that has been constituted to hear such claims; and your committee think its findings are entitled to credit.

It may be said, in addition, the Government afterward furnished tribunals to hear this class of claims. These claimants, presumably relying on the awards made by this board, have not prosecuted their claims elsewhere, and statutes of limitations have run against them. But the committee prefer to stand upon the awards made, as an adjudication of a court created by authority of the Government to hear and adjudicate claims of individuals against it, and to hold such adjudications not formally disapproved by the authority convening the court as final.

A small number of these claimants have been paid by special acts of Congress, the exact number the committee are unable to say. The proceedings of the "Jasper board" are now in the hands of the Quartermaster-General, and it seems to your committee that an investigation by the Quartermaster-General is a matter of necessity before intelligent action can be had upon these claims. The committee therefore report a substitute for the bill, conferring authority upon the Quartermaster-General to investigate these claims and to report the result, with his recommendation thereon, to Congress for its action in the premises.

We annex hereto a letter from General W. S. ROSECRANS, addressed to the committee, in reference to these claims.

APRIL 7, 1883.

Respectfully referred to the Committee on War Claims.

When the campaign of Chattanooga was planned the vital question of subsisting the army until the Tennessee River and the railroad could be opened was fully considered, and it was decreed necessary to look to Sequatchie Valley for such supplies as it could furnish—beef in small quantities and corn and grain were expected, to furnish the trains hauling supplies of provisions.

In fact, the movement of these trains was a supreme exigency, and added that Wheeler's and Forrest's raid across the country to Shelbyville to destroy our railway communication in October, made it necessary to send our cavalry up the Sequatchie Valley to follow the enemy across to McMinnville. They, of course, subsisted on the country, and had no time to make accounts of much that they took.

The commission ordered by General Thomas to make account and report on claims for supplies so taken is what I should have ordered had I remained in command. I should have made it as soon as the railway and river were opened. My reasons for it would have been those above mentioned, and the fact that the Marion County people were by me considered as Unionists in sentiment.

W. S. ROSECRANS.

The bill was ordered to a third reading.

Mr. DOLPH. I do not like to vote for a bill of this magnitude, containing so many claims and involving so large an amount, at so late a day in the session, without an opportunity to examine it as it ought to be examined, and without discussion. I fear we are opening a door that will prove troublesome hereafter, making a precedent that we shall not want to abide by.

Mr. HARRIS. I beg to say to the Senator from Oregon that he need have no apprehension of a precedent like this, for I repeat and I undertake to say that no Senator on this floor can read this bill and doubt the fact that all that it does is to authorize the Quartermaster-General to investigate and report to Congress, and when his report comes the Senator from Oregon and every other Senator can determine for himself whether there be merit or want of merit in the facts so reported.

Mr. DOLPH. That may be, but that is all we did under the act of July 4, 1864, and if this is a class of claims excluded by that act we ought not now at this late day to enlarge the scope of it to let in four hundred claims from the State of Tennessee.

Mr. HARRIS. The Senator from Oregon relies on the statute of limitations alone. I am willing to abide the vote of the Senate.

The bill was read the third time, and passed.

JOSEPH F. WILSON.

Mr. PLUMB. I ask unanimous consent that the Senate proceed to the consideration of the House bill 7522. It is a bill that passed both Houses of Congress at the last session, but was not signed by the President simply through mistake. It has passed the House unanimously at this session.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill (H. R. 7522) for the relief of Joseph F. Wilson be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, of a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to preemption or homestead settlement, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which tract was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by Josiah Smith, after his entry, sold and conveyed to Wilson, and of the title to and possession of which Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, 1880, by reason of a prior disposal of or a prior equitable title in and to the tract, as the court held and decided, to or in persons other than Josiah Smith.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILVER COINAGE NEGOTIATIONS.

Mr. ALDRICH. I ask the Senator to take up the joint resolution (S. R. 135) requesting the President to enter into negotiations with foreign powers to secure an agreement for the free coinage of silver.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CONGER. Will the Senator tell us what the object is?

Mr. ALDRICH. The resolution itself states better than I can. It is very short.

Mr. CONGER. Let it be read.

The PRESIDING OFFICER. The resolution will be again read.

The joint resolution was read, as follows:

Resolved, &c., That the President of the United States is hereby requested to enter into negotiations with the states of the Latin Union, and such other foreign powers as he shall deem advisable, with the purpose of securing such treaties with them as shall bind the nations agreeing thereto to open their respective mints to the free coinage of silver with full legal-tender power, at such uniform ratio to gold as shall be agreed upon.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The message also announced that the House had passed the joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes;

Joint resolution (H. Res. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885;

Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports; and

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

JOSEPH W. PARISH.

Mr. CULLOM. I ask leave to call up Order of Business 1275, being the bill (S. 2366) for the relief of Joseph W. Parish.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to Joseph W. Parish, late of Peoria, Ill., of $58,341.85, being the balance of money laid out and expended by him in the purchase of 17,232 tons of ice for the use and at the request of the Government of the United States, which were not afterward called for or taken by the Government, but were wholly lost to Parish.

Mr. HARRISON. From what committee does that bill come?

Mr. CULLOM. From the Committee on Claims, reported by the honorable Senator now in the chair [Mr. HOAR].

Mr. PLATT. Is there a report?

Mr. CULLOM. There is a written report.

Mr. HAWLEY. The Senator offered to yield to me. I should like to pass a resolution for printing—a matter of current business.

Mr. CULLOM. This bill will be disposed of in a moment. I will state to the Senator from Connecticut that the Senator from Massachusetts, who is a member of the Committee on Claims, made a written report, which is on file.

Mr. HARRISON. Is it a House bill?

Mr. CULLOM. No.

Mr. HARRISON. What then is the object of passing it here now?

Mr. PLATT. I understood that the order was to take up House bills.

Mr. HOAR. I think this is a House bill.

Mr. CULLOM. I hope there will be no objection to this bill. This man has been absolutely on the point of starvation trying to get the little sum that is due him.

Mr. HARRISON. Is this a Senate bill?

Mr. CULLOM. I think it is.

Mr. HARRISON. Then if it is, I object, because certainly there is no use at 3 o'clock in the morning of taking up a Senate bill here.

Mr. CONGER. I must insist on the river and harbor bill.

Mr. HOAR. I am quite confident this is a House bill.

The PRESIDENT *pro tempore*. The bill at the desk and on the files is a Senate bill, and the report shows it to be a Senate bill.

Mr. CULLOM. That was my understanding.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HOAR. I have charge of the bill. I hope the Senator from Illinois will withdraw it.

Mr. CULLOM. If the Senator who reported the bill asks me to withdraw it, I shall do so.

Mr. HOAR. It is a very plain case, and two minutes' statement would satisfy the Senate, but I do not see why we should take two minutes for a Senate bill now.

Mr. CULLOM. I do not know nearly as much about the case as the Senator from Massachusetts does, but I have been informed by the chairman of the Committee on Claims of the House that if we would take it up and pass it here, he thought he could get it through the House, and I feel that it is my duty to do everything I can to secure that end, because of my actual knowledge of the condition of the man and his family who is trying to get this little money. I hope the bill will be passed now.

Mr. HARRISON. If it is subject to objection I enter an objection, because it certainly is past belief that this bill can be got through the House in the condition of business there.

Mr. CONGER. Now I demand the regular order.

Mr. HOAR. I hope the Senator from Illinois will not persist in urging this bill.

Mr. CULLOM. I withdraw it with the understanding that if a corresponding bill should come over from the House I may be allowed to call it up for action.

Mr. HARRISON and others. Of course there will be no objection to that.

Mr. CULLOM. Now will the Senator from Michigan allow me to introduce a resolution?

Mr. CONGER. I do feel that I have yielded fifteen minutes more than was asked of me, and I must insist on the consideration of the river and harbor bill. I had agreed to yield to the Senator from Connecticut about a matter of printing which ought to be passed.

Mr. CULLOM. But I wish to offer a resolution.

Mr. MILLER, of New York. I ask to take up Order of Business No. 1337, being the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix.

The PRESIDENT *pro tempore*. There is one bill now before the Senate.

Mr. MILLER, of New York. I understood that was withdrawn.

Mr. CULLOM. I withdraw the Parish bill.

The PRESIDENT *pro tempore*. But the bill has been taken up and is before the Senate. The Senator can move to lay it on the table or to postpone it until to-morrow.

Mr. HOAR. I suggest that the bill be laid aside.

The PRESIDENT *pro tempore*. It can be restored to the Calendar.

Mr. CULLOM. That will do.

The PRESIDENT *pro tempore*. The bill will be restored to the Calendar.

ISAAC A. VERPLANK, DECEASED.

Mr. MILLER, of New York. Mr. President——

Mr. CONGER. The bill of which I have charge was informally laid aside for the passage of pension bills only. All these other bills have come in by a kind of understanding that at half past 3 we should resume the consideration of the river and harbor bill. If there is any faith in agreements, I want to go on with that bill now.

The PRESIDENT *pro tempore*. The Senator has a right to call for the regular order.

Mr. HOAR. I should like to appeal to the Senator from Michigan in regard to one matter of justice. The Senator from New York I think rose about the first, when I was in the chair, of the gentlemen who were recognized, but other gentlemen applied one after the other. I hope the Senator will allow him to make his motion. If he does, I shall feel relieved. It will not take two minutes, I understand, to dispose of his bill.

Mr. MILLER, of New York. I want House bill 4679 acted on.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix. Is there objection to the present consideration of this bill?

There being no objection, the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix, was considered as in Committee of the Whole. It provides for the payment to Sarah E. Webster, of Buffalo, N. Y., administratrix of Isaac A. Verplank, deceased, late a judge of the superior court of Buffalo, of the sum of money which was assessed as the income tax and was collected from and paid by Isaac A. Verplank to the Government of the United States, upon his salary as a judge of the superior court of Buffalo, N. Y., such tax having been declared unconstitutional by the Supreme Court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. A. CILLEY.

Mr. VANCE. I ask the consent of the Senate to call up——

Mr. CONGER. Now I claim the right to go on with the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from North Carolina has the floor to state his proposition.

Mr. VANCE. I ask unanimous consent to call up House bill No. 4856, Order of Business 1084.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent that Order of Business 1084, being the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina, be now considered. Is there objection?

Mr. CONGER. Is it an adverse report?

The PRESIDENT *pro tempore*. An adverse report.

Mr. VANCE. Yes, sir; there is an adverse report.

Mr. CONGER. Then I object to taking up the bill.

Mr. FRYE. It was an adverse report, because in the opinion of the committee the Commissioner of Pensions could grant the pension, but afterward on going down to see whether that could be done he persisted in refusing to grant it. There is no sort of question about the propriety of the pension.

Mr. VANCE. The committee expressly say that they report adversely without prejudice to the bill, because they think relief ought to be granted at the Department.

Mr. FRYE. The committee thought he ought to have arrears.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of C. A. Cilley, of North Carolina, late a major and assistant adjutant-general of United States volunteers and brevet colonel of United States volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF SOLDIERS' HOME.

Mr. HAWLEY. The Committee on Printing——

The PRESIDENT *pro tempore*. If the Senator from Michigan wishes to call for the regular order, the Chair will recognize him.

Mr. CONGER. I promised to let the Senator from Connecticut make his report, and then I shall call for the regular order.

Mr. HOAR. Let us have until 4 o'clock for general business.

Mr. CONGER. Oh, no; I can not.

Mr. HAWLEY. The Committee on Printing instruct me to recommend concurrence with the House in the passage of House joint resolution No. 367.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 367) providing for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Soldiers.

Mr. HAWLEY. The allotment of copies is quite disproportionate, but it is hardly worth while to send the resolution back with an amendment now.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. B. CORNELL AND OTHERS.

Mr. MILLER, of California. The Committee on Naval Affairs, to whom was referred the bill (S. 1172) for the relief of J. B. Cornell and others, have instructed me to report, in accordance with the resolution of the Senate of February 7, 1884, that they have referred this bill to the Court of Claims under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The report was ordered to be filed.

RIVER AND HARBOR BILL.

Mr. CONGER. Now, I call for the consideration of the bill which was laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Michigan calls for the consideration of the regular order, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes."

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Commerce, in section 1, line 13, before the word "million," to strike out "five" and insert "ten," increasing the total appropriation from $5,000,000 to $10,000,000. The Chair understands that the Senator from Maine [Mr. FRYE] has moved to lay the amendment on the table. The question is on the motion to lay on the table.

Mr. CONGER. I thought there was a motion to lay the bill on the table, which motion was lost.

Mr. FRYE. I moved to lay the amendment on the table. A vote was taken and I did not question the vote. I made the motion for the purpose of stopping further discussion at that time. The question is now on the amendment.

The PRESIDENT *pro tempore*. The question, then, after the explanation, is on agreeing to the amendment of the Committee on Commerce to strike out "five" and insert "ten;" so as to read "$10,000,000."

A division was called for.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PENDLETON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]; otherwise I should vote "nay."

Mr. PLATT (when his name was called). On this amendment and on this bill I am paired with the Senator from West Virginia [Mr. CAMDEN].

The roll-call having been concluded, the result was announced—yeas 27, nays 18; as follows:

YEAS—27.

Beck,	Dolph,	Jones of Nevada,	Pugh,
Blair,	Gibson,	Kenna,	Sabin,
Butler,	Hampton,	Lamar,	Sawyer,
Call,	Hawley,	Mahone,	Vance,
Chace,	Hoar,	Miller of Cal.,	Vest,
Coke,	Jackson,	Morgan,	Walker.
Conger,	Jonas,	Palmer,	

NAYS—18.

Bayard,	Frye,	Manderson,	Sewell,
Cameron of Wis.,	Harris,	Miller of N. Y.,	Van Wyck,
Colquitt,	Harrison,	Mitchell,	Wilson.
Cullom,	Ingalls,	Morrill,	
Edmunds,	Lapham,	Plumb,	

ABSENT—31.

Aldrich,	Fair,	Jones of Florida,	Ransom,
Allison,	Farley,	Logan,	Riddleberger,
Bowen,	Garland,	McMillan,	Saulsbury,
Brown,	George,	McPherson,	Sherman,
Camden,	Gorman,	Maxey,	Slater,
Cameron of Pa.,	Groome,	Pendleton,	Vorhees,
Cockrell,	Hale,	Pike,	Williams.
Dawes,	Hill,	Platt,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to insert as section 2:

SEC. 2. That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, and estimates of cost of improvements proper to be made at the following points, namely:

Harbor at Portland, Me.: To ascertain and report what further work, if any, is necessary at that locality.

Harbor at Camden, Me.

Big Rapids of Saint John's River, Maine.

Harbor at Wellfleet, Mass.

Taunton River, Massachusetts.

Vineyard Haven, Mass.

North River, in Salem, between Essex and North Bridges, Mass.

Duck Island Harbor, with a view to a harbor of refuge, Connecticut.

Susquehanna River between Owego and Binghamton, N. Y.

Channel between Jamaica Bay and Rockaway Inlet, Queens County, New York.

Harbor at Waddington, N. Y.

Mouth of the Patchogue River, New York.

Pond River, Kentucky.

The Secretary of War is directed to report to the next Congress whether or not the Government dry-dock at the Louisville and Portland Canal, Kentucky, is adequate for the purposes of commerce, and what alterations, if any, are necessary, and the cost of making the same.

Farm Creek, Illinois, with a view to changing its course.

The west channel of the Saginaw River opposite West Bay City, Mich., from the point where it intersects with the channel of said river heretofore excavated by the Government, and extending southerly on the west side of the middle ground.

Little River, Louisiana.

Bayou Rouge, Louisiana.

Harbor at Sandusky, Ohio, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.

Punta Rasa Harbor, Florida.

Kennebec River, from Augusta to Richmond, Me.

Biddle Point, at Mackinac Harbor, Michigan, with a view to a breakwater.

Pigeon River, Michigan.

Osage River, Missouri, from its mouth to Osceola.

Kaskaskia River, Illinois, from New Athens to mouth.

Islais Creek, California, off San Francisco Bay. A survey is directed to be made regardless of the fact of existing obstruction by the construction and maintenance of a bridge across the channel of said creek by the Protrero and Bay View Railroad Company.

Harbor of San Luis Obispo, Cal.

During the reading of the amendment,

Mr. VAN WYCK. Where is the item about Binghamton, N. Y.

The SECRETARY. In section 2, line 16.

Mr. VAN WYCK. I see.

Susquehanna River between Owego and Binghamton, N. Y.

The PRESIDENT *pro tempore*. The reading of the amendment is not yet completed. After it is read debate will be in order.

The reading of the amendment was concluded.

Mr. CONGER. In line 39 the word "Rasa" should be "Rassoe;" so as to read:

Punta Rassoe Harbor, Florida.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. HOAR. I move to amend the amendment by inserting between the eighth and ninth lines the words:

Harbor at Duxbury, Mass.

Mr. FRYE. I understood the Senator in charge of the bill to ask that the committee amendments should first be acted on.

Mr. HOAR. This is an amendment to a committee amendment.

Mr. FRYE. So it is.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Commerce.

Mr. HOAR. This is assented to by the chairman of the committee, who was going to move it himself.

The amendment to the amendment was agreed to.

Mr. FRYE. I desire to offer an amendment in line 7 of this section, after the word "Maine," to insert:

Harbor at Bath, Me.

Mr. CONGER. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. DOLPH. I desire to offer an amendment also. After line 51 of the proposed section 2, I move to insert:

Vancouver Harbor, Washington Territory.

The amendment to the amendment was agreed to.

Mr. SAWYER. I offer an amendment to add at the end of the proposed section 2:

Chippewa Harbor, in the State of Wisconsin, at and below Eau Claire, with a

view of ascertaining if the channel is changing, or the banks giving way to the injury of navigation, and, if so, what is necessary to remedy the same.

Mr. ALLISON. I ask the Senator from Wisconsin what he proposes to accomplish by this plan of a survey?

Mr. SAWYER. It is reported that the channel is changing there to the great injury of navigation. We want to ascertain that. That is all.

Mr. ALLISON. I think the engineer in that district could ascertain that very easily, without making special provision here.

Mr. SAWYER. They say they want a permission of law in order to do that.

Mr. ALLISON. Very well; I do not object to it.

The amendment to the amendment was agreed to.

Mr. BLAIR. I move to amend by inserting, after the word "Maine," at the end of line 8 of the proposed section 2:

Harbor at Portsmouth, N. H., from the sea to the wharves.
Little Harbor at Portsmouth, N. H., with a view to its improvement as a harbor of refuge.
Winnipiseogee Lake at the point called The Wiers, N. H.

The amendment to the amendment was agreed to.

Mr. SEWELL. I move, as an amendment to the proposed section 2, for surveys, to add after line 51:

For survey to determine cost of connecting Barnegat and Tuckerton Bays, New Jersey, by a channel six feet in depth.

The amendment to the amendment was agreed to.

Mr. MAHONE. After line 22 I move to insert:

Nansemond River, Virginia.

The amendment to the amendment was agreed to.

Mr. VAN WYCK. I am directed by the Committee on the Improvement of the Mississippi River and its tributaries to propose a few amendments to this bill, but I presume it is only section 2 which we are now considering. One is——

Mr. CONGER. Does it relate to a survey?

Mr. VAN WYCK. No; to actual business.

Mr. CONGER. That would come under section 3.

Mr. VAN WYCK. It is no survey; it has been established a long while.

Mr. CONGER. If it is not for a survey it ought not to be in this section.

Mr. VAN WYCK. It has got beyond that point.

The PRESIDENT *pro tempore*. The Senator from Nebraska proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert:

That the sum of $50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River at or near Eastport, opposite Nebraska City, which sum shall be expended under the direction of the Secretary of War.

Mr. CONGER. That is not proper in this section.

Mr. VAN WYCK. Is not this section 2?

Mr. CONGER. This section is for surveys entirely.

Mr. VAN WYCK. I beg pardon. I will present it wherever the Senator suggests. It comes from the Committee on the Mississippi River Improvement, and is therefore not subject to any point of order.

Mr. CONGER. It ought not to come in this section.

Mr. VAN WYCK. I withdraw it for the present.

Mr. CONGER. This section is only directing the Secretary of War to cause examinations and surveys to be made.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska withdraw his amendment?

Mr. VAN WYCK. I withdraw it.

Mr. CONGER. I offer an amendment to come in between lines 43 and 44 of section 2:

For a channel connecting Traverse Bay and Torch Lake, near Eastport, Mich.

The amendment to the amendment was agreed to.

Mr. CONGER. I ask for a vote now on the section as amended.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Commerce as amended.

Mr. CULLOM. What is the state of the bill?

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and section 2 is under consideration.

Mr. CULLOM. Has the reading of the bill been completed?

The PRESIDENT *pro tempore*. Not yet.

Mr. VAN WYCK. I do not like to call for a separate vote on all these propositions, but the Chief Clerk read one of the amendments of the committee about the Susquehanna River, I think, somewhere near the neighborhood of Binghamton, N. Y., and I felt curious to know what the point was for a survey of the Susquehanna River between Owego and Binghamton. It would seem to be idle. In high water you might raft logs up there. I hardly know what the object is.

Mr. CONGER. Section 2 and section 3 are amendments taken from the House river and harbor bill which was laid aside, but which the House had agreed upon for surveys and examination.

Mr. VAN WYCK. Then this committee know nothing about it except what the other committee told them?

Mr. CONGER. I do not know the object of making such an inquiry as that.

Mr. VAN WYCK. I was seeking to find out what the committee did know. I trust now the Senator will consent that that item be stricken out.

Mr. CONGER. I have no interest in it in the world. The New York members wish it in.

Mr. VAN WYCK. I suggest—the Senator may not know it—that the New York members must have intended that as a dry joke. [Laughter.] No, I do not want to press for a separate vote on a little matter of that kind.

Mr. CONGER. If the Senator moves to strike out that item I shall make no objection.

Mr. VAN WYCK. I move to strike it out. There is no reason for it, as the Senator when he comes to examine the matter will certainly see.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to amend the amendment by striking out in lines 16 and 17 of section 2 the words:

Susquehanna River between Owego and Binghamton, N. Y.

A division was called for on the amendment, and the ayes were 2.

Mr. CONGER. I withdraw the call for a division.

The PRESIDENT *pro tempore*. Did the Senator from Michigan demand the division?

Mr. CONGER. I simply wish no further count.

The PRESIDENT *pro tempore*. Did the Senator from Michigan demand the division?

Mr. CONGER. The Senator from Michigan did not.

The PRESIDENT *pro tempore*. Then the Chair can not allow the Senator from Michigan to withdraw the call.

Mr. CONGER. I suppose it was a little irregular, but I expressed my own opinion that there was no necessity for a further count.

Mr. HOAR. I withdraw the call for a division.

The PRESIDENT *pro tempore*. Did the Senator from Massachusetts call for the division?

Mr. HOAR. He did.

The PRESIDENT *pro tempore*. The call is withdrawn. The "noes" have it, and the amendment to the amendment is disagreed to. The question recurs on the amendment of the Committee on Commerce as amended, being section 2.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to insert as section 3 the following:

SEC. 3. That for examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, $100,000: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvment by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

Mr. VAN WYCK. If it be in order now I would move my amendment.

Mr. FRYE. No; your amendment ought to go on the first section.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska to the amendment will be read.

The CHIEF CLERK. The proposed amendment to the amendment is to insert:

That the sum of $50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, which said sum shall be expended under the direction of the Secretary of War.

Mr. CONGER. There is an appropriation in this bill and there was a large appropriation in the last bill for the different points on the Missouri River where the river commission desired that improvements should be made. They have the full power, as the Senator will see by looking at the river and harbor bill of last year, to direct at what points the improvements shall be made, and if I remember aright Eastport is one of the places in the last bill; and therefore as the appropriation in this bill is $10,000,000, to be apportioned to the same places as were named in last year's bill, I think he will find that the provision in the last law covers the case. If that is so, there is no necessity for the amendment.

Mr. VAN WYCK. I think the Senate will understand one thing right there in connection with that. It will illustrate a point which was made some time ago in the discussion of this matter, that there is a great deal of ingenuity about this bill. It is true, as the Senator says, that the last river and harbor bill appropriated $800,000 to be expended on the Missouri River from it mouth to Sioux City, a distance of a little over eight hundred miles. That bill provided for the creation

of a river commission for the Missouri River, and under the authority of the law the commission have met, and they have determined how this money shall be expended, and the commission, I will say to the Senator from Michigan, have provided that all moneys subject to their control and disposition shall be expended commencing at Kansas City and going toward the mouth of the river. Kansas City is about three hundred and eighty miles from the mouth of the river, while from the mouth of the river to Sioux City is a distance of eight hundred miles. So the river commission have resolved that whatever money they have to expend shall be expended commencing three hundred and eighty miles from the mouth and proceeding toward the mouth, leaving over four hundred miles, a wide river, a dangerous river, that has always required attention from the Government, with no sort of care and protection on the part of the Government.

This bill provides a pro rata amount of last year's appropriation, it is true, but suppose this bill gives $700,000 for the Missouri River, which would be the pro rata, it goes into the hands of the river commission, and they spend this money from Kansas City toward the mouth of the river; and I ask my friend if there will be a dollar for four hundred miles of the river between Sioux City and Kansas City. This illustrates the argument made a little while ago that there are places absolutely neglected by this bill and forty-three places provided for that do not need any further protection. There may be other places that ought to be brought forward in this connection, but my attention is called to this because I am interested in it.

Mr. CONGER. I think I am not mistaken. In the last river and harbor bill is this provision:

Improving Missouri River from its mouth to Sioux City, Iowa, including such harbors on said river as in the judgment of the board of engineers herein created will benefit commerce and navigation, $500,000.

Then it provides for the commission, a board of engineers to be created to consist of five members, three to be appointed from the Corps of Engineers of the Army and two from civil life; and it then continues:

That the said commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purposes of this act all appropriations or unexpended balances heretofore made for the improvement of said river, and which may hereafter be made for said river, or so much thereof as may be necessary, and shall prepare and submit, through the Chief of the Engineer Corps to the Secretary of War, to be by him transmitted to Congress at the beginning of the regular session in December of each year, a full and detailed report of all their proceedings and actions, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them.

The commission have charge of the river far above Eastport, and the commission have full power to expend the money on harbors or for improvements of the river at any point they deem necessary. I should dislike very much to take away a part of the power of the commission. It will have about $900,000 for that river if the bill passes as proposed. The bill under which the commission were created provides that they shall expend the money not only for the improvement of the river but for such harbors upon it as require improvement. I think it is very full upon that point. I hope the Senator will withdraw his amendment.

Mr. VAN WYCK. The Senator will see how full it is when I read to him what the commission created by the act has done. It has the whole power of expending money on the river and saying how the work shall be done. The Senator will see my point if he will give me his attention for a moment. I read from the report of the Missouri River Commission under date of December 9, 1884. After explaining how this money is to be expended and how the work shall be done, the commission say:

Holding these views, the commission have determined to concentrate their means and to apply them where there is the best promise of obtaining substantial benefits to the general commerce of the United States, at the earliest practicable date, and before the entire completion of the improvement. Evidently useful results can be most quickly obtained by improving the lower end of the river, providing an outlet to the Mississippi. Engineering necessities require that the work should progress down stream. The initial point must, therefore, be at some distance above the mouth. The commission have selected Kansas City, three hundred and eighty-six miles above the mouth, because it is the first important commercial center to be met with in proceeding upstream. They would have preferred an initial point at a less distance from the mouth than three hundred and eighty-six miles, but believing that no very great benefit would be conferred upon the commerce of the United States before the improvement shall extend from the mouth to Kansas City, they have allowed the following considerations to control, namely, that it was desirable to begin the work near a good base of supplies, and that some detached work had already been done here under previous appropriations which could be utilized as part of a general scheme of improvement.

My friend will see that while they have control of this river and the control of the money, they have actually resolved to commence work upon the river at a point three hundred and eighty-six miles from its mouth and then work toward its mouth.

Mr. CONGER. The bill allows them outside of the work generally on the river to improve particular harbors like this at Eastport.

Mr. VAN WYCK. They have this money for improving the river between the mouth and Sioux City; that is the appropriation, and they have a right to use that appropriation for improving the river and the harbors upon it. There is another appropriation for the rocks at Sioux City. Between Kansas City and Sioux City, four hundred miles, there is no provision available.

Mr. CONGER. The law gives them $500,000 to expend on the river and improving such harbors as require improvement on the whole length of the river.

Mr. VAN WYCK. Precisely; but they say that their purpose is, and they have so resolved, that they will expend that money by commencing three hundred and eighty-six miles from the mouth of the Missouri. That is the difficulty about the matter; and here we are to-day. These harbors may be washed away and commerce ruined. We use the term "commerce" in a Pickwickian sense principally in connection with this bill. It is not like the Susquehanna, that the Senator insisted upon. It is the other extreme. The Susquehanna is too dry and the Missouri is too wet; that is the trouble; and yet they must all be provided for in the same way. It seems the Missouri is a wet stream. That is the trouble. There is too much water there. We do not complain much of that about Washington, it is true, but on the Missouri they do complain of too much water.

Mr. CULLOM. Will the Senator from Nebraska allow me?

Mr. CONGER. I object to anybody being allowed to come in and interfere with this bill at present. I am tired of watching.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Nebraska has the floor.

Mr. VAN WYCK. I desire to show further from this report that what I say is correct.

Mr. CONGER. I will admit it all; I will admit everything you say.

Mr. VAN WYCK. Well, then, I will explain. They propose to expend the whole sum appropriated between Kansas City and the mouth of the river. It is true, as the Senator says, that the act of last year provided for improving Missouri River from its mouth to Sioux City, Iowa, including such harbors on said river as in the judgment of the board of engineers herein created will benefit commerce and navigation, $500,000.

I read the argument of the commission and their action in establishing the commencement of the work at Kansas City. They say:

The larger portion of the appropriation for the portion of the river below Sioux City has been allotted to the works to be executed at and below Kansas City. The programme which the commission have adopted is to make the improvement continuous, working downstream from Kansas City to the mouth of the river, applying all the means placed at their disposal, as far as possible, to this purpose, protecting land and building up new banks as this becomes necessary for the preservation of the channel.

Now I want to call the attention of the Senator from Michigan to the fact that there is only one exception between Kansas City and Sioux City. They intend to spend money on the portion from Kansas City to Sioux City, and they make only one exception.

The report continues:

It was found, however, that at Saint Joseph, Mo., a cut-off was threatened, which, if made, would have a far-reaching and injurious effect upon the stream, and that moreover there was a considerable amount of work there in place, executed under former appropriations, which, if left to itself, would be lost. These two circumstances combined seemed to justify making an exception in this case.

Now mark, they have examined the whole river, and they conclude to spend the money from Kansas City to the mouth of the river, and then they make an exception at Saint Jo.

These two circumstances combined seemed to justify making an exception in this case to the general rules established, and it was accordingly determined to complete the revetment of the banks in this vicinity. One or the other circumstance alone occurs elsewhere, but does not, in the judgment of the commission, justify a departure from the systematic plan proposed.

There is the plan. They have charge undoubtedly of this river, as the House and the Senate have so said, but they have in advance proclaimed how they will expend the money, and there is no provision anywhere for improving this river at Eastport where the Government has been protecting the harbor for years; there is no provision for protecting the river at Omaha where the Government has been protecting it for years; and instead of using the money appropriated for the eight hundred miles of river, this entire amount is to be used at the point I have designated.

What more need be said? If I have satisfied the brethren and they see the importance of this amendment, I am satisfied. Now I will say to my friend that the commerce of some of the rivers named in these bills is a myth. There are logs that float down the Susquehanna in high water. We have logs that float down the Missouri in high water, and we float other things besides logs; but I would say to my friends from the Susquehanna region that this matter of commerce on the rivers named in these bills is a myth.

I say to the Senator from Michigan that I think not a single steamboat has dared invade the waters of the Missouri during the last year. Look! a river like that, a little larger than the Mississippi, and yet its commerce is so shamefully neglected that not a single steamer paddles its way up and down that stream in a year! Look at the position we are left in. Beyond the Missouri River this Committee on Commerce can give no heed. The river needs aid; but it will not receive it at the hands of this commission, and the effect, I say to the Senator, will be the same upon the Mississippi River. After the Mississippi River Commission spend a few million dollars more, you will hear nothing of a steamboat coming up the Mississippi River; they will manage to impede the commerce.

Mr. HAWLEY. Will the Senator from Nebraska yield to me a moment?

Mr. VAN WYCK. For a moment.

Mr. HAWLEY. I would not in the slightest degree depreciate the value of his speech, but I beg leave to suggest that this Hall is to be put thoroughly in order, swept, many chairs brought in, the gallery swept, and various arrangements that I need not discuss made, before 9 o'clock. The attendants tell me they will need two hours or two hours and a half to put the place in order for a becoming appearance.

Mr. VAN WYCK. I do not propose to interfere with them.

Mr. HARRISON. I do not suppose the Senator from Nebraska intends to speak until 7 o'clock.

Mr. HAWLEY. I do not know what the arrangements might be about his speech. It is merely my duty as a member of the committee on arrangements for the inauguration ceremonies to make the suggestion. That is all.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the sixteenth amendment of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 17, 18, 19, and 20, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the further conference on its part.

Mr. VAN WYCK rose.

The PRESIDING OFFICER. Does the Senator from Nebraska desire to proceed?

Mr. VAN WYCK. If the Senator from Michigan can suggest to me a way in which we can get some relief on the Upper Missouri beyond the point fixed by the river commission, I shall be content, but I have reports here from the engineers of the Army——

The PRESIDING OFFICER. If the Senator from Nebraska will suspend for a moment the Chair will lay before the Senate a message from the House of Representatives. The Chair lays before the Senate the action of the House of Representatives agreeing to the sixteenth amendment of the Senate, and disagreeing to the amendments numbered 17, 18, 19, and 20, to the Post-Office appropriation bill, and asking for a further conference.

Mr. PLUMB. The only remaining ground of disagreement between the two Houses on the Post-Office appropriation bill is upon the provision inserted by the House in the bill providing for a special stamp for the immediate delivery of letters in cities of a certain size. This was rejected by the Senate Committee on Appropriations, in the first instance, on account of its being legislation, and also on account of some doubt as to the propriety of it as an original proposition.

The House has insisted on it somewhat strenuously, and by a vote just taken has still declined to agree to the Senate amendment striking it out. There is some necessity, I am told, for cleaning out this chamber before 7 o'clock, which will interrupt legislative proceedings somewhat, and after consultation with the conferees on this bill I feel constrained to make a motion that the Senate recede from its amendments striking out these provisions in the Post-Office bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate recede from its amendments numbered 17, 18, 19, and 20.

Mr. MORRILL. May I inquire of the Senator from Kansas whether the House has accepted what has been sometimes called the subsidy provision of the bill?

Mr. PLUMB. The House has accepted that amendment at last by a vote a few moments ago.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to recede from the amendments 17, 18, 19, and 20, disagreed to by the House.

The motion was agreed to.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CAMERON, of Wisconsin. I have an amendment I desire to propose to this bill, and I will ask my friend from Nebraska to withdraw his amendment so as to enable me to propose my amendment in order.

Mr. VAN WYCK. I suppose my amendment is in order.

The PRESIDING OFFICER. Does the Senator from Nebraska withdraw his amendment?

Mr. VAN WICK. No, sir. I very much dislike that we should be left entirely to the mercy of the elements on the Missouri River when it is the duty of the Government to protect us there certainly as much as from Kansas City to the mouth of the river. What may be the result of the labor of this commission is extremely doubtful. It is becoming very doubtful as to any good results from the Mississippi River Commission except the expenditure of millions of dollars without very much to show for it.

I fear very much that while these Army engineers are experimenting with theories on a small reach of the river the rest of that river and the inhabitants along its banks and their property will be subject to devastation by its ravages. Commerce, as I say, is being injured by the fact that there is no protection to the river except at a certain locality, and these men are possessed of the idea that by artificial banks built upon the margin of these streams they will restrain them within certain limits. That is the theory these men have, and we are paying millions of dollars to experiment, and these gentlemen are expending the money within a small limit that they may test their theory. They even propose to-day to test the effect of their experiment after they have for years been spending millions of dollars, and now, forsooth, they desire to take every dollar of the appropriation and put it within a few miles on the river to test an experiment.

Mr. GEORGE. Will the Senator from Nebraska allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. GEORGE. It is very late at night, or rather early in the morning, and I can not speak in a very loud voice, but I will try to make the Senator from Nebraska and the Senate understand me. The statement I desire to make to the Senator from Nebraska is that I think he is mistaken in supposing that the Mississippi River Commission is building or has built any very considerable amount of levees on the Mississippi River of late years. The few levees that are there were built in the main by the people who live in the delta.

Mr. VAN WYCK. Will the Senator tell us where they have been spending the large amount of money we have appropriated for the Mississippi River?

Mr. GEORGE. I believe if the Senator would see—and he has plenty of time now to do it—the reports of the Mississippi River Commission, he would find out all about that.

Mr. VAN WYCK. I ask the Senator if it is not the fact that the Mississippi River Commission are insisting upon spending the money within small spaces for the purpose of testing the effect of their experiment? Is that not the fact?

Mr. GEORGE. I do not know about that. This bill requires them to spend all the money granted under it at two points, Plum Point and Lake Providence reaches. I do not know whether that is important or not.

Mr. VAN WYCK. They are asking now to test this experiment.

Mr. DAWES. Will the Senator allow me to get a resolution passed?

Mr. CONGER. I object to the introduction of a resolution?

Mr. DAWES. I am sure the Senator will not object to it after a statement.

Mr. CONGER. There will be time enough for that after we dispose of this bill. I presume after the Senator from Nebraska has done, the Senate will dispose of the bill by a vote one way or the other. I have yielded all night long, and now I throw the responsibility upon the Senate. I intend to perform my duty by insisting that no other business shall be done until the Senate by a vote throw overboard this bill or adopt it.

Mr. DAWES. I have been necessarily absent from the Senate all the evening.

Mr. CONGER. The Senator can wait a few minutes. I have waited seven hours continuously.

The PRESIDING OFFICER. The Senator from Nebraska will proceed.

Mr. VAN WYCK. The commission say in their report:

The duties prescribed to the commission by the same act were—

To superintend and direct such improvement of said river, and to carry into execution such plans for the improvement of the navigation of said river from its mouth to its headwaters as may now be devised and in progress, and to continue and complete such surveys as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, and to consider, devise, and mature such additional plan or plans, and all such estimates as may be deemed necessary and best, to obtain and maintain a channel and depth of water in said river sufficient for the purposes of commerce and navigation [and], under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purpose of this act all appropriations or unexpended balances heretofore made for the improvement of said river, and which may hereafter be made for said river, or so much thereof as may be necessary.

There is no question as to what these commissions are endeavoring to do upon the Missouri River and upon the Mississippi River. What I ask is that a great portion of the Missouri River shall not be left powerless. These men are claiming the right and are exercising it to spend this money for the purpose of testing an experiment. That experiment is by levees, by banks to hold the river in check, and that they have never been able to do.

Now I will ask the Senator from Mississippi a question. He says that many levees have not been built by the Mississippi River Commission.

Mr. GEORGE. I said recently.

Mr. VAN WYCK. I was speaking about what the Mississippi River Commission had done. I did not say "recently."

Mr. GEORGE. I did.

Mr. VAN WYCK. The gentleman is very careful to speak that word

in a whisper. It was not understood. If they have not done it, it is because their money gave out; it was only then that the word "recently" applies. When they had the money to spend they spent it in the way I have stated.

Mr. GEORGE. There was very little money granted to the Mississippi River last year, only about $1,300,000.

Mr. VAN WYCK. Certainly not; we were reforming last year. Last year was the year of reform. Before that they had abundance.

Mr. GEORGE. I have never seen the abundance.

Mr. VAN WYCK. My friend evidently knows what the Mississippi River Commission have spent. He knows that for many years the people in that section have spent money in building levees, their own people, the communities have spent it. I will ask the Senator roughly how much has probably been expended for the purpose of building levees on the Mississippi River?

Mr. GEORGE. By whom?

Mr. VAN WYCK. Everybody outside of the Mississippi River Commission.

Mr. GEORGE I do not know.

Mr. VAN WYCK. Millions?

Mr. GEORGE. Yes; several.

Mr. VAN WYCK. The people have spent several millions and the Government has spent several millions. Do the levees protect that country or the river?

Mr. GEORGE. But sometimes they break.

Mr. VAN WYCK. Precisely; they break. That is the point. Now I ask my friend how often do they break?

Mr. GEORGE. They break whenever the water gets strong enough.

Mr. VAN WYCK. Just as I say, the trouble with the Western rivers is that they have too much water, and when the water comes it gets over that country and floods the Mississippi, and from the earliest days you have been trying to dam it out.

Mr. GEORGE. Is there much damming done down that way?

Mr. VAN WYCK. I think likely. The Senator from Wisconsin [Mr. SAWYER] was engaged in the lumber business. He knows. I will accept his amendment which he makes to me *sotto voce*. He says we have been trying to dam it in for years.

Mr. GEORGE. At this hour I do not regard it as exactly fair for the Senator from Nebraska to attack the levee system of the Mississippi River.

Mr. VAN WYCK. I only attack the levee system because I am speaking of the system of this commission. That is their system, the levee system. I ask my friend if that is not what they are proposing to do to-day, to apply the levee system? Is not that the proposition of this Mississippi River Commission?

Mr. GEORGE. The bill, as I understand it, proposes to take the work on the Mississippi River out of the hands of the commission and give it to the Secretary of War. That is the way I look at this bill. The commission are to have no duties, as I understand, after this bill is passed, except to draw their salaries. That is the plain meaning of this bill as I understand it. I call the attention of the Senator from Nebraska to the reading of the bill on that subject.

Mr. VAN WYCK. I have not time to read the bill just now. I will accept the gentleman's statement, if he says it is true.

Mr. GEORGE. I say it is true.

Mr. VAN WYCK. I do not so understand it. The commissions are continued in full force, both the Missouri River and the Mississippi River Commissions. We have been getting on the Missouri what they have been enjoying on the Mississippi for some years—spending money and doing no good.

Mr. GEORGE. Will the Senator let me read him part of this bill, so as to inform him on that very point?

Mr. VAN WYCK. Certainly.

Mr. GEORGE. On page 2 of the bill I call the Senator's attention to the second provision, which reads:

And provided further, That any money which shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the commission——

Mr. VAN WYCK. Precisely; "as established by the commission."

Mr. GEORGE. Let me read further. It continues:

To the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested; and the money thus allotted by this act for the improvement of the Mississippi River shall be expended by the Secretary of War and in accordance with plans approved by him.

Mr. VAN WYCK. Certainly. That does not establish what my friend says.

Mr. GEORGE. I should like to know what the Mississippi River Commission is to do in reference to spending the money granted by this bill?

Mr. VAN WYCK. It leaves the commission in full blast.

Mr. GEORGE. To draw their salaries?

Mr. VAN WYCK. No; the Secretary of War has what he always had, control over them. He has had control of them always. Their plans have been subject to his approval always.

Mr. GEORGE. I want to ask the Senator one question. What is left for the commission to do when the work has to be done under the direction of the Secretary of War and according to plans formed by him?

Mr. VAN WYCK. Under plans "approved" by him. My friend certainly understands the use of the language which is set forth so plainly. This Mississippi River Commission has always been subject to the control of the Secretary of War, as the Missouri River Commission has.

Mr. VEST. We have had that same provision in the river and harbor bill.

Mr. VAN WYCK. Yes; and yet my friend from Mississippi says the Mississippi River Commission is substantially abolished.

Mr. BUTLER. Except to draw their salaries.

Mr. VAN WYCK. Except to draw their salaries. I am surprised that the Senator, with his usual sagacity and acumen, should have made the mistake to suppose that the improvement of the river was to be taken from this commission when it is placed there more firmly than before. There is where I find the word "tested."

Mr. GEORGE. One of the remarkable virtues and beauties of this bill is that it undertakes to test the plans of the Mississippi River Commission by having the work done not by them, but by the Secretary of War, and not according to their plans, but according to the plans of the Secretary of War.

Mr. VAN WYCK. The gentleman will see, if he will examine, that this bill is drawn precisely as all other river and harbor bills. They are all under the control of the Secretary of War, to be expended by him, the money to be drawn through him and the plans to be approved by him.

Mr. GEORGE. Now, let us see about that.

Mr. VAN WYCK. This bill shows clearly; it provides as my friend read:

And provided further, That any money which shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river—

Confining the expenditure of money to these points—

now in progress of improvement, as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested.

That is all. That is where I started some time ago, and I would have been further on it if the gentleman had not interrupted me by endeavoring to show that the commission were substantially wiped out, when they are in greater force and power. All this money is to be expended at those two points in order to test the correctness of the plan of improvement of the Mississippi River Commission.

Mr. GEORGE. Will the Senator from Nebraska allow me to correct an error into which he fell in supposing this bill is a copy of previous bills on that subject?

Mr. VAN WYCK. It may not be a copy, but it is in the same spirit.

Mr. GEORGE. I call the Senator's attention to the paragraph on page 146, section 1, chapter 229 of the acts of the last session of Congress, in which he will find these words:

Improving Mississippi River from the head of the passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus, the deflection of the waters of Red River from the Atchafalaya, and keeping open a navigable channel through the mouth of the Red River into the Mississippi River; Continuing improvement, $1,350,000; which sum, together with the sums herein appropriated for the Mississippi River from the Des Moines Rapids to the mouth of the Ohio, shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission.

That is the way the last bill read. This bill provides that this expenditure shall be made according to the plans of the Secretary of War. By the last bill it was obligatory that the work should be done "in accordance with the plans, specifications, and estimates of the Mississippi River Commission." By the present bill the work is to be done according to plans approved by the Secretary of War. He is not obliged to follow the plans of the Mississippi River Commission. He may adopt the plans of any other person, provided only he approves them. The Mississippi River Commission having no power to do the work, and their plans not being obligatory on the Secretary of War, there is nothing left for them to do under this bill but to draw their salaries.

Mr. VAN WYCK. Not the plans of the Secretary of War, but it expressly provides that it shall be according to the plans of the commission. That is the point I was making, that the Mississippi River Commission have been expending money and producing practically no results.

Mr. CONGER. May I ask the Senator from Nebraska whether he is willing to have a vote on the amendment and let the bill either be passed or rejected?

Mr. VAN WYCK. In a few moments.

Mr. CONGER. Will he not now? He has spoken an hour. I wish

the country to know that every Senator here desires to vote, and the Senator from Nebraska, without talking to his amendment at all, occupies the time until it is too late to pass the bill.

Mr. VAN WYCK. Oh, no.

Mr. CONGER. I am ready to move to lay the bill on the table or to do anything to stop the waste of time which might be occupied with some useful legislation. The whole Senate is anxious for a vote, and the Senator from Nebraska comes in here just at the last end and by talking—without talking even to his own amendment, talking against time, which he has a right to do to defeat this bill—consumes time. All I desire is that the Senate and the country, from the remarks I make, shall see why I have not been able to press this bill to a vote.

Mr. VAN WYCK. What shall I do now? I should like the people to know also that there are four hundred miles of the Missouri River left out in the cold, and, at certain seasons of the year, out in the wet; four hundred miles that do not receive the fatherly care of this Government or of this Committee on Commerce; and I have a right to show that. This Government has neglected the river bank at Eastport until farms have been carried into the river—that is of no moment, I suppose—until hundreds of people like my friends in Mississippi have been driven from their homes; all they had on earth has been swept away by the ravages of that stream, and by the aid of their neighbors and friends they have received support, although they were not looked after so carefully as they would if an application had been made to the Government of the United States to furnish them with rations. That has never been done, although they suffered to an alarming extent, and that river has been left until its channel is ruined, and at this time, by reason of its having been left so, its course has changed and it has shot across a point of the country in a bend so that it devastates that country.

I do not put my amendment on the ground of the necessity of the people on the banks of the river, though I might properly do so. Evidently the channel of that portion of the river is to be ruined, and here are reports after reports establishing that fact. Year after year from 1877 to 1884 the Government has been making these improvements by appropriations meager it is true, but they have helped protect the channel of the river and keep it there, and protect the people living along its banks. I desire that the country should know that here money is to be expended in great sums, and when it is expended it goes to forty-three points where it is not called for, and many other points are left without receiving a dollar.

I only speak of what the Mississippi River Commission has been doing incidentally. I wanted to tell the Senate and the country that on the Missouri we desire not to be left to the tender mercies of a commission that wants to spend a million of dollars to test experiments and find out the correctness of theories, for that is all that has been done. My friend from Michigan will never live long enough, his children never will be old enough to see the Mississippi River protected in its channels by the scheme and project of the Mississippi River Commission. You will spend millions of dollars unless they are checked, enough to build a railroad on either bank of the Missouri and Mississippi Rivers from Sioux City to New Orleans, and you will have nothing then except the levees erected on the banks. You can build from Sioux City to New Orleans a railroad, you can build from Sioux City to the Atlantic a railroad, and you will then not have spent as much as the Mississippi River Commission will spend if they are allowed to go on testing their experiments and drawing million upon million from the Treasury of the United States.

I want the country to understand that men are not to be put down in this way by mere matter of trifling. Give, the House says, $5,000,000 in a gross sum without any regard to where it shall go, make surveys on the Susquehanna River between Owego and Binghamton, and then without any particular explanation as to where the money is to go, or what the necessity, $5,000,000 more is added by the Senate. We are asked to appropriate $10,000,000 without knowing where it is to go, to put it into the hands of men to experiment and carry out their theories when nine-tenths of the people living in the Mississippi Valley know that the commerce of that river and its waters never can be held within bounds.

My friend from Michigan will see the significance of these last remarks. I think I have established the facts sufficiently, and I am willing to take a vote on the amendment.

Mr. GEORGE. Before the Senator takes his seat I should like to make a correction of an error into which the Senator has fallen.

It is very well understood down there by all persons who study and give thought to this question that the levee system can be made very perfect and protect the country.

Mr. VAN WYCK. Why have you not done it in the last fifty years?

Mr. GEORGE. We have not had the money.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair must remind Senators that they should address the Chair and not each other.

Mr. GEORGE. That is the reason we have not done it.

Mr. VAN WYCK. Have not had the money! I think I have heard the gentleman and others from those States stand up in the Senate and say that those people in their municipalities, in their counties, and in their States had extraordinary advantages in raising money to build levees on the banks of the Mississippi.

Mr. GEORGE. I never heard that statement made.

Mr. VAN WYCK. Yes, sir; that statement has been made in this Chamber, that they had done all they could and more than they should have done; and that now the only thing left was after they had exhausted their resources and built levees that did not stand till the next spring tide came, to make another levy on the great Treasury of the United States. That is the kind of levy designed. I say to my friend that I want the people of this country to understand that is the kind of levies that are sought upon the Treasury. Five million in gross, says the House, and the Senate adds five million more—a small matter; and yet you can not hear about paying an honest claim of $100 to some poor fellow.

If you proposed to make reservoirs at the head of the Missouri River and the Mississippi, I could understand it; I think there would be something practical in that case. The trouble now is from too much water, and the reservoirs are to hold it, and damming it there would be a good deal better than damming it in the channel when you really have no channel. There will be a deeper damnation if this committee goes on expending $10,000,000, not seeming to know, and apparently not caring, where it is to be expended; and I say to my friend he will not live long enough, nor I, to see the result, but you let us proceed in the same course which has been going on since the creation of the Mississippi River Commission, and generations to come after us will rise up and not call us blessed.

No, sir; I prefer, as far as I may be able, to remove just a little of these curses in advance, and I desire the people to know just what is being done with these eight millions of dollars. You want certainly to keep open the water ways. We are in favor of that; we desire to do that, and that is the only possible excuse for the expenditure of this large amount of money, that it keeps open the water ways, and they are there as a standing menace to the aggressions, to the greed, to the extortion of railway corporations. If those waters are open it is a warning to the corporations that are sapping what little of the substance and prosperity of the people is left after the ravages of the rivers have overcome them. But if we only had nerve and courage we could get rid of this extortion a good deal easier than by spending these millions of dollars. We could build a railroad from Sioux City to New Orleans, as I have said, or could build a railroad from Sioux City to the Atlantic and have something to show for the money. You have not for what you bury in the Mississippi River; you have not to-day except as you protected the poor dwellers along the banks down there, and that you do not propose to do any more. That is the principal benefit that has been done.

Now, Mr. President, I think I have said enough even to satisfy the Senator from Michigan, and I should like to have a vote on my amendment. It is important. I do not want the gentleman to say that there is no report from the Engineer Department. Here it is:

Mr. CONGER. Read it.

Mr. VAN WYCK. I am afraid I shall not have time to read it all on this amendment, but I have another amendment. I have satisfied the Senator that this measure has been recommended from 1877 to 1884, recommended by every engineer officer who has been there spending money. I have the maps here. The Senate may be willing to see the maps. The maps show the course of this river and the necessity of this expenditure. Here they are, and if this does not satisfy the Senate then I may be under the necessity of reading these reports on another amendment, but I trust not.

I now ask for a vote on this amendment.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. GEORGE. Of course at this hour, now about 5 o'clock in the morning, and after the Senate has been in session about ten hours, I can not go into a defense of the levee system which has been so vigorously attacked by the Senator from Nebraska. Besides, it would be wholly unnecessary to do so.

I merely rose for the purpose of saying that according to my reading of the history of the Mississippi River it has been demonstrated to the reasonable satisfaction of every man who has given the subject attention that the levee system has proved a success, and that the water of that river can be easily kept within its banks if they are properly leveed.

In addition to that, the history of the river has shown that where the levees are on both sides the effect has been universally to deepen the channel of the river and to lower the flood-line, thereby improving greatly the navigation of the river and giving security from overflow to the adjacent country. That is all I will say now.

Mr. JONES, of Nevada. It seems to me apparent that any further discussion of this bill would be a mere waste of time, and I move to lay the bill on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada to lay the bill on the table.

Mr. CONGER. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. WALKER. My colleague [Mr. GARLAND], I understand, is paired with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were here, he would vote "nay."

The roll-call was concluded.

Mr. EDMUNDS (after having voted in the affirmative). The Senator from Arkansas [Mr. WALKER] has reminded me of a pair with his colleague [Mr. GARLAND] which I had forgotten. Our pair allows me to vote if it is necessary to make a quorum, but for the present I withdraw my vote, as I understand the Senator's colleague would vote differently from what I would vote. I beg to withdraw my vote.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT]. If my colleague were here, he would vote "nay."

Mr. COCKRELL. I am paired with the Senator from Ohio [Mr. SHERMAN]. I believe the Senator from Ohio would vote "yea." I ask the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. I think the Senator from Missouri may be free to vote. The Senator from Ohio would vote against the bill, I think.

Mr. COCKRELL. The Senator from Ohio would vote "yea" and I should vote "nay" upon this question.

Mr. CALL. My colleague [Mr. JONES] is detained from the Senate by illness, but is paired. If he were here, he would vote "nay."

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Allison,	Harris,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Harrison,	Mitchell,	Wilson.
Cullom,	Hawley,	Morrill,	
Frye,	Jones of Nevada,	Plumb,	
Hale,	Lapham,	Sewell,	

NAYS—31.

Aldrich,	Conger,	Jonas,	Pike,
Bayard,	Dawes,	Kenna,	Pugh,
Beck,	Dolph,	Lamar,	Sabin,
Blair,	George,	McMillan,	Sawyer,
Call,	Gibson,	Mahone,	Vance,
Chace,	Hampton,	Manderson,	Vest,
Coke,	Hoar,	Morgan,	Walker.
Coliquitt,	Jackson,	Palmer,	

ABSENT—28.

Bowen,	Fair,	Jones of Florida,	Ransom,
Brown,	Farley,	Logan,	Riddleberger,
Butler,	Garland,	McPherson,	Saulsbury,
Camden,	Gorman,	Maxey,	Sherman,
Cameron of Pa.,	Groome,	Miller of Cal.,	Slater,
Cockrell,	Hill,	Pendleton,	Voorhees,
Edmunds,	Ingalls,	Platt,	Williams.

So the motion was not agreed to.

SIOUX INDIAN LANDS IN DAKOTA.

Mr. DAWES. The Senator from Michigan consents to the offering of a resolution, which I send to the desk.

Mr. CONGER. I do not object to the offering of a resolution of inquiry.

Mr. DAWES. I ask that it may be acted upon at this time.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate what, if any, changes have been made in the boundary lines of the reservation heretofore occupied by the Sioux Indians at the Crow Creek agency in Dakota, and how much thereof, if any, has been opened for occupancy as public lands, how much remains in the occupation of said Indians, and the history of the title by which said reservation has been and still is occupied by Indians, and whether said Indians have been consulted in respect to, or have consented to, any change in such boundaries, together with copies of all orders and other papers in said Department concerning the same.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. What is the amendment? Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the end of section 3 it is proposed to add:

That the sum of $50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, which said sum shall be expended under the direction of the Secretary of War.

The question being taken by yeas and nays, resulted—yeas 8, nays 34; as follows:

YEAS—8.

Cameron of Wis.,	Lapham,	Miller of N. Y.,	Plumb,
Cullom,	Manderson,	Mitchell,	Van Wyck.

NAYS—34.

Aldrich,	Dawes,	Jackson,	Sabin,
Bayard,	Dolph,	Jonas,	Sawyer,
Beck,	Frye,	Jones of Nevada,	Sewell,
Butler,	George,	Kenna,	Vance,
Call,	Gibson,	McMillan,	Vest,
Chace,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Palmer,	Wilson.
Colquitt,	Harrison,	Pike,	
Conger,	Hawley,	Pugh,	

ABSENT—34.

Allison,	Farley,	Lamar,	Ransom,
Blair,	Garland,	Logan,	Riddleberger,
Bowen,	Gorman,	McPherson,	Saulsbury,
Brown,	Groome,	Mahone,	Sherman,
Camden,	Hale,	Maxey,	Slater,
Cameron of Pa.,	Hill,	Miller of Cal.,	Voorhees,
Cockrell,	Hoar,	Morrill,	Williams.
Edmunds,	Ingalls,	Pendleton,	
Fair,	Jones of Florida,	Platt,	

So the amendment to the amendment was rejected.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. CULLOM. I ask the Senator from Michigan to yield for the introduction of a resolution.

The PRESIDING OFFICER. Is there objection?

Mr. CONGER. Let the resolution be read.

The PRESIDING OFFICER. The resolution will be read for information.

The resolution of Mr. CULLOM was read, as follows:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during the recess of Congress, by a subcommittee or otherwise, to employ a stenographer, and with the same authority given the committee under resolution of July 5, 1884.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. PLUMB. I do not know that I object, but I should like to have the Senator from Illinois state what the purpose of the expedition is.

Mr. CULLOM. I will state it. The Senator may remember that during the last session of Congress the Committee on Transportation Routes to the Seaboard was given liberty to sit during the vacation and to make investigation so as to bring the report known as the Windom report from 1873 down to the present time. As every Senator knows, last year, after Congress adjourned, was not a period in which men could do very much work outside of the campaign. Hence, there was not a very considerable time spent in making the investigation, although the chairman of the committee, the honorable Senator from Rhode Island [Mr. ALDRICH], to-day made a considerable preliminary report, which, I think, when it is printed, will be found to contain a very great amount of useful information. There has been very little money indeed spent so far in making the investigation, and I hope there will not be very much spent, but still, for the purpose of completing the report, the committee ask that this liberty be given.

Mr. PLUMB. The Windom report was and is a very good document, but I had no idea it was a serial. I judge from the statement of the Senator from Illinois that it is to run in numbers through coming time. Of course, if it is to be continued for this year, next year we shall have another number added and so on.

I do not question that perhaps some investigation might properly be undertaken in regard to the very interesting subject which has been mentioned, but there is a confusion of jurisdiction, it seems to me. This whole subject was debated in the Senate somewhat exhaustively by the Senator from Illinois in a speech which he made on the interstate-commerce bill which bears his name, of which he need not be ashamed at all, and which passed the Senate. That bill came from the Committee on Railroads. If the Committee on Railroads had sufficient jurisdiction of this subject to report the bill which after ample discussion passed the Senate, it seems to me that we do not want to get another committee into that pasture.

Mr. CULLOM. I think if the Senator should examine the bulk of information, testimony, and statistics we have already gathered, he would find that they are very valuable, and if we had had that during this session of Congress we should have been much more enlightened on the subject of interstate commerce or its regulation than we were. I do not apprehend that there will be any conflict of jurisdiction of committees or anything of that sort; but when completed this will be a work which every Senator and the people of this country will be very glad to receive, I think.

Mr. PLUMB. That still does not meet the objection I make, which is that this subject has been committed by the recent action of the Senate to another committee. I do not know what is going to become of the Committee on Railroads in this matter. Is that committee to be laid on the shelf, or are they to carry on a similar investigation in the same field, with the power to report, &c.? If I may be permitted to do so, I suggest that if the committee of which the Senator from Illinois is a member have this useful information they might endow the Committee on Railroads with it, and we might therefore get all this very important subject together under one head.

The interstate-commerce bill which we passed, or a similar one, undoubtedly will be before us at the next Congress. Apparently that bill

can not now become a law. At once the question will arise in the Committee on Railroads, which has given this subject investigation and has made its report and submitted it on the floor of the Senate, shall that committee be ignored, and is the Committee on Transportation Routes to the Seaboard to take up that subject at the next session? It seems to me that this subject, as interesting as it is, as far-reaching as it is, and as proper for investigation as it is, ought to be committed to one committee, and that the committee once having had jurisdiction of it should retain it.

Mr. CULLOM. It has.

Mr. PLUMB. I do not see the force of having one committee to investigate the subject and another committee to consider and report a bill upon it.

Mr. ALDRICH. I have no doubt that the Senator from Kansas finds this a very interesting theme for discussion on the river and harbor bill, and I think his speech will apply about as well to the one as the other. The Windom report, to which he has alluded, contains certain very valuable statistics in regard to prices and rates of freight down to the year 1873. A great many things have happened since 1873, and in considering the question of interstate commerce it is very important, in my opinion, that all those statistics should be continued down to the present time. The space between 1873 and 1885 should be covered by the statistics in regard to the rates of freight and prices and receipts and shipments, so as to show the growth of the internal commerce of the country and to show the decrease or increase, whichever it may be, of the rates of freight from all the principal and from all the internal points.

The investigation so far continued has been entirely in regard to cereals, in which the State the Senator from Kansas represents has as large an interest as any State in the Union. If I had time to have the preliminary report read, which I presented to the Senate this morning, the Senator would find, I have no doubt, many very interesting facts in reference to the receipts and shipments of grain at various points in his own State, and the local and through rates of freight to other points contained in that report.

This matter has never been committed to the Committee on Railroads. It has never been under the jurisdiction of the Committee on Railroads. The investigation has been continued under the order of the Senate by the Committee on Transportation Routes to the Seaboard. It has never been in the charge or care of any other committee. There is no intention, I am sure the chairman of the Committee on Railroads knows, to trespass upon any of the rights or prerogatives of that committee.

It is a very interesting and important investigation, and if the Senate sees fit to put it in charge of the Committee on Railroads I am sure no member of the Committee on Transportation Routes to the Seaboard would find fault; but it is an investigation which should be continued and concluded by some one.

Mr. CULLOM. I have the honor of being a member of the Committee on Railroads, and I am sure that committee is not feeling at all jealous of the work of the Committee on Transportation Routes to the Seaboard. I hope the committee which now has charge of the subject will continue its investigation to the end.

Mr. PLUMB. Since I made the suggestion it has occurred to me that we might at least pacify the Committee on Railroads by giving them a similar junket.

Mr. CULLOM. They are not asking it.

Mr. PLUMB. A plaster of that kind goes a good ways. I presume some of the other committees, the Committee on Commerce, which deals with this question in part, as well as the Committee on Railroads and the Committee on Transportation Routes to the Seaboard, could partake of the same medicine.

Mr. CULLOM. There is no junketing in it.

Mr. PLUMB. I do not mean that offensively; but it all amounts to a certain degree of traveling.

Mr. CULLOM. Possibly not.

Mr. VAN WYCK. I will ask the Senator from Rhode Island whether all the information he desires is not to be found in the census reports?

Mr. ALDRICH. Not by any means. If it were there it would not be asked to have the investigation ordered. I am very sorry to say that no part of it is in the census reports.

The PRESIDING OFFICER. The question is on agreeing to the resolution proposed by the Senator from Illinois.

The resolution was agreed to.

RIVER AND HARBOR BILL.

The PRESIDING OFFICER. The Senate resumes the consideration of the river and harbor bill.

Mr. BLAIR. I trust that the Senator having charge of the pending bill, having due regard to all the circumstances which are so evident, will permit me to bring forward a few remaining pension bills for action by the Senate at this time. I wish to say that about two-thirds of the contested cases of widows of officers of high rank which have been considered by the committee at this session have already been passed by the Senate, and that all which have been brought to the attention of the Senate have been passed. Those which remain being of the same character, it seems to me just that they should be disposed of by the Senate. Some of them have been pending for nearly two years. These ladies have of course felt a very great anxiety in regard to the fate of their bills, and since the others have passed into law by the action of the Senate, of course they must feel a sense of injustice unless their cases are disposed of in like manner.

Mr. CONGER. I must insist on the regular order.

Mr. BLAIR. I hope the Senator will not insist on the regular order, for it is very evident the time consumed will be wasted, and this is really a very important matter. I have taken pains to see those members of the committee who have opposed the passage of these bills, or at least some of them, and they say that they must take the action of the Senate as equivalent to an instruction to the committee, and there is no danger of any opposition in the way of discussion. Nothing is necessary to be done but to call up the bills and take the action of the Senate upon them.

The PRESIDING OFFICER. The Senator from Michigan insists on the regular order.

Mr. BLAIR. I ask the Senator from Michigan to give me ten minutes.

Mr. CONGER. I have yielded to the Senator all this night long.

Mr. BLAIR. I beg the Senator's pardon.

The PRESIDING OFFICER. The Senator from Michigan insists upon the regular order. Does the Senator from New Hampshire ask for unanimous consent?

Mr. BLAIR. I move to lay the pending bill with its amendments on the table.

Mr. CONGER. That was the last motion.

Mr. BLAIR. There has been action since then.

The PRESIDING OFFICER. A question has been taken since that motion was made on the amendment offered by the Senator from Nebraska. The motion is in order. [Putting the question.] The "noes" appear to have it.

Mr. DOLPH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded?

Mr. BLAIR. It is not worth while, I suppose, to have a wrangle over the matter.

Mr. DOLPH. I withdraw the demand for the yeas and nays.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn. The motion to lay the bill on the table is lost.

Mr. BLAIR. The Senator from Michigan must know that time is going to waste, and that by objecting to my proposition to do a little act of justice, which would not take ten minutes, he does not hurry his bill any. I ask him once more to allow the pending order to be laid aside informally until these few pension matters can be acted upon by the Senate.

Mr. CONGER. I can not yield to that. The Senate has refused time and again to lay the bill on the table. A majority of the Senate has shown a disposition to act upon the bill in some way or other, and I should be unfaithful to the trust which is committed to me if I allow the time to pass on so, in case I can prevent it. I can prevent these things, and I must insist on the regular order.

Mr. BLAIR. The Senator should be consistent then. He permitted a resolution to come in which occupied more time than it would have taken to pass the bills which I am pressing upon the attention of the Senate.

Mr. CONGER. The Senator from Illinois said the resolution he desired to offer would take but one moment and would pass without opposition.

Mr. BLAIR. Precisely; and I say these bills will pass without opposition.

The PRESIDING OFFICER. The Senator from Michigan insists on the regular order.

Mr. BLAIR. I see that he does.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. MORRILL. I have an amendment to offer. In section 1, line 16, after the word "act," I move to insert the words "and subject to any conditions therein contained;" so as to read:

Shall be applied by the Secretary of War to each of said public works respectively, in proportion to the sums appropriated for such works in and by the said act, and subject to any conditions therein contained.

Mr. CONGER. I have no objection to that amendment.

The PRESIDING OFFICER. That appears to be an amendment to the text of the bill. The Senate has not yet acted upon the amendments offered by the committee.

Mr. MORRILL. The Senator in charge of the bill does not object to it. I think it is obviously needed.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator in charge of the bill accepts the amendment. The question recurs on the adoption of the third section proposed as part of the amendments offered by the Committee on Commerce.

Mr. HOAR. I rise to ask a question for the convenience of the Senate, whether any reason exists why we should not now take a recess until 9 o'clock.

Mr. PLUMB. I think it will be safer to wait for a few moments

until something is learned from the other House about the disposition of business there. That information has been sent for. It is manifest that a recess must be taken at some time before 12 o'clock, when the inauguration which is supposed to be impending is to occur, but the precise time is one of those things which ought to be pretty carefully considered.

Mr. HOAR. I suppose the engrossing and enrolling clerks can understand what is going to happen as well as any one else.

Mr. PLUMB. That information has been sent for, and will be here in a few minutes.

The PRESIDING OFFICER. The Chair thinks the chairman of the Committee on Appropriations will give the earliest possible information on that point. He has been conversed with several times. The question is on agreeing to the amendment of the Committee on Commerce to insert section 3.

The amendment was agreed to.

The PRESIDING OFFICER. This concludes the amendments of the Committee on Commerce.

Mr. VAN WYCK. I am instructed by the Committee on the Mississippi River Improvement to report another amendment to the bill providing for an appropriation of $50,000 at Omaha. Omaha is on the Missouri River, I will state for the benefit of Senators who do not seem to know very much about the geography of that part of the country.

The PRESIDING OFFICER. Will the Senator from Nebraska put his amendment in form?

Mr. VAN WYCK. It is in the same form precisely as my former amendment reported from the same committee, except that I insert Omaha. While the clerks are preparing the amendment I will say that I was just a little surprised at the vote of gentlemen on the other side of the Chamber. I remember a few years ago our friends had a great deal of horror of water in the Mississippi River.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;

A bill (H. R. 1198) for the relief of John Taylor & Son;

A bill (H. R. 1235) granting a pension to Annie E. Bailey;

A bill (H. R. 1327) for the relief of John H. Hammond;

A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;

A bill (H. R. 2085) granting a pension to Joseph McIntosh;

A bill (H. R. 4055) granting a pension to Sarah Tyler;

A bill (H. R. 5148) granting a pension to Jacob Lafferty;

A bill (H. R. 5554) granting a pension to Sarah Parry;

A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 7803) granting a pension to L. W. Pitts;

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 7938) granting a pension to Amanda Allen; and

A bill (H. R. 8090) granting a pension to Albert Harper.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments numbered 1 and 29 of the Senate to the bill (H. R. 8179) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have been unable to agree.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

W. S. HOLMAN,
J. G. CANNON,
Managers on the part of the House.

Mr. ALLISON. I move that the Senate further insist upon its amendments and ask for a further conference with the House.

Mr. PLUMB. Will the Senator from Iowa please state what the difference is about?

Mr. ALLISON. There are two amendments, I will state to the Senate, one only being material, the other being a summing up of the total of several items of appropriations. The amendment relates to the compensation of the clerks of Senators.

Mr. HARRIS. All of the other amendments have been agreed to in the bill?

Mr. ALLISON. Every other amendment has been agreed upon in the bill.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Iowa moves that the Senate further insist upon its amendments 1 and 29, and ask for a further conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

PROPOSED RECESS.

Mr. HARRIS. I should like to inquire of the Senator from Iowa what he thinks of the propriety of the Senate taking a recess, and if a recess, from when to when?

Mr. ALLISON. I will state that the legislative appropriation bill is of course undecided; the sundry civil bill is now pending in the House of Representatives and under consideration there with reference to the disagreeing votes between the two Houses. The naval appropriation bill is pending in the House of Representatives on the disagreeing votes of the two Houses. It will be absolutely necessary for the naval bill and the sundry civil bill to be put in conference again before a recess is possible, unless both bills are to fail.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The CHIEF CLERK. It is proposed to add to section 1:

That the sum of $50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Missouri River at or near Omaha, Nebr., which said sum shall be expended under the direction of the Secretary of War.

Mr. VAN WYCK. I do not desire to repeat the argument I made a little while ago in regard to my former amendment, but Omaha is decidedly as important as the other point named. Omaha is on the Missouri River. It is one of the termini of the Union Pacific Railroad. Opposite to Omaha is Council Bluffs, and between is the Missouri River. The channel and the current of the river at that point have for years needed protection from the General Government. At no time has the Government in its beneficence and liberality given sufficient to accomplish what ought to be done at that point, and the citizens of Omaha, like the citizens of Mississippi, have been under the necessity of contributing out of their surplus large sums of money for the purpose of keeping the river in check and control.

It follows as a necessary consequence if the bill is passed in its present form that Omaha will receive neither care nor attention from the General Government. I do not believe that even in the haste of passing this bill Senators desire to leave a strip of country four hundred miles in length along the Missouri River without any sort of care or protection on the part of the General Government. It does not seem possible. If that is to be the result, then this bill is wrong, and every Senator ought to admit it to be wrong, to reach the points sought to be reached by the bill in this blind way, the money to be divided pro rata among points provided for heretofore, when some of the points provided for heretofore are necessarily cut off by the action of the Missouri River Commission, which controls this matter. It is an injustice to that part of the channel; and I trust that the Senator having charge of the bill will excuse me if I feel it my duty to resist the appropriation of $10,000,000 when I know that four hundred miles of this river which has heretofore been protected by the Government will be left without any sort of protection or expenditure of money.

Whatever may be the distribution under any river and harbor bill there ought at least to be protection given at the points which need protection. That should be done. There is enough money expended in places where there is no necessity for an expenditure, but where there is actual necessity, as there has been for years at both of these points, they should not be left unprotected under the operation of the bill and the action of the Missouri River Commission.

My friend will see the point as to why I should resist the measure as it stands. It affects the State of Iowa as much as it affects the State of Nebraska. The point at Eastport, where the ravages were made, was in the State of Iowa, I understand, and Omaha is the place now suggested as the point which needs protection, and which it will not get under the bill unless my amendment is adopted. With $10,000,000 appropriated under the bill the people living at those two points will have to protect themselves in order to preserve the channel of the river. I can not for a moment conceive why the Senator in charge of the bill should object to my proposition. If he will look at the reports on this matter he will see the necessity of the proposed expenditure, and he will see that it can not be reached except by the adoption of the amendment which I have proposed.

It certainly seems a little strange that our brethren living along the Mississippi River, who are always ready and willing and anxious and persistent to get appropriations for their river, should deny justice by their votes, or that they should deny this necessary aid to four hundred miles of river front running from Kansas City to Sioux City. That may be all right. It is according to the view generally taken of the appropriation of money by a river and harbor bill. Certain points are selected to be benefited. Had not the Government been carrying on this

work for ten or a dozen years the question might be different; but it is no new matter.

I have made these suggestions to Senators because I supposed they did not exactly understand the locality there and the necessity of this work. That it is necessary can not be disputed by the Government itself, and when $10,000,000 is appropriated certainly a small sum should be distributed to points where there is an absolute necessity for the expenditure.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLUMB (when his name was called). I am paired on all questions relating to this bill with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. EDMUNDS. I am authorized by my friend from Arkansas [Mr. GARLAND] to vote whenever it is necessary to make a quorum, and I feel that it is necessary now. I vote "nay."

The result was announced—yeas 10, nays 29; as follows:

YEAS—10.

Butler,	George,	Mitchell,	Van Wyck.
Call,	Manderson,	Morrill,	
Cameron of Wis.,	Miller of N. Y.,	Sabin,	

NAYS—29.

Aldrich,	Dolph,	Hoar,	Pike,
Bayard,	Edmunds,	Jackson,	Pugh,
Beck,	Frye,	Jones of Nevada,	Sawyer,
Blair,	Gibson,	Kenna,	Vance,
Chace,	Hampton,	Lamar,	Walker.
Coke,	Harris,	McMillan,	
Colquitt,	Harrison,	Miller of Cal.,	
Conger,	Hawley,	Morgan,	

ABSENT—37.

Allison,	Garland,	McPherson,	Sewell,
Bowen,	Gorman,	Mahone,	Sherman,
Brown,	Groome,	Maxey,	Slater,
Camden,	Hale,	Palmer,	Vest,
Cameron of Pa.,	Hill,	Pendleton,	Voorhees,
Cockrell,	Ingalls,	Platt,	Williams,
Cullom,	Jonas,	Plumb,	Wilson.
Dawes,	Jones of Florida,	Ransom,	
Fair,	Lapham,	Riddleberger,	
Farley,	Logan,	Saulsbury,	

So the amendment was rejected.

Mr. PLUMB. I suppose the Senator from Michigan who has the bill in charge has some very good reason for pressing it upon the Senate at this quite inconvenient hour, and that he must have undoubtedly the impression that it will become a law. While I should regard that as a calamity of no mean proportions, I have no purpose of detaining the Senate for any great length of time, and do not do so at all with any view of impeding the passage of the bill, because there is plenty of time yet I observe by the movement of the clock, and there is not much of anything to do in order to get through with the business in time to avoid an extra session.

But it is just possible that, in the effort to pass this bill, that which we are now seeking to avoid and for which we are subjecting ourselves to a great deal of discomfort may come about. A little discussion now will not I think contribute either to that event or in any manner to the defeat of the bill, because I think a majority of the Senate are determined upon its passage; but the proportions of the bill and its terms are of that striking character which I think ought to have some comment.

Ever since I have had any familiarity with the river and harbor bills which have annually passed Congress, with the knowledge I have had of the manner in which the money has been spent, or rather misspent, and of the very meager results which have been obtained from that expenditure, I have felt that if there were any portion of the public moneys that were any worse in their expenditure and in the results obtained than another, it was in this matter of moneys that we appropriate for the rivers and harbors of the country. This is because there are certainly some very vital errors in the entire system.

In the first place, the money is spent by persons who are not civil engineers. We educate at West Point military engineers, and when a young man has graduated from the academy, for all the purposes for which an engineer is required, for the expenditure of large sums of money annually appropriated, he is called an engineer ready-made, and is assigned to duty upon some work of improvement of rivers or harbors, or both. It must be apparent to even the casual observer that for all practical purposes a large number of the young men who graduate at West Point as engineers can not be so except in name. Hundreds and thousands of men graduate from the law schools of this country who are not lawyers and never become such; and a man would be a rather poor client who would select any one as an attorney for the simple reason that that person had been graduated from a law school. Yet the United States Government commits from day to day and from month to month and year to year, as it has done for many years past, the erection of the public improvements of the character which are provided for in the river and harbor bills, and the improvements of rivers and harbors, and the consequent expenditure of large sums of money, to these men upon the theory that they are not only engineers but civil engineers, when in the majority of cases they are neither for any practical purpose.

In addition to that they lack the incentive to effort which always more or less characterizes men upon whose effort must depend their livelihood, because these are men who have before them that statutory promotion which is independent of any merit on their part, and therefore that inducement which leads to great human effort, which is the foundation of genius as applied to all the affairs of life, is absolutely and unqualifiedly lacking. I am not denying that there are very many eminent men among these engineers, and that they are up to the ordinary average of men as to morals, as to character generally, and as to what may be ordinarily termed capacity; but I am speaking of them as a class, and of the fact that we commit to them as a class this great responsibility, practically without any kind of consideration as to their special qualification for the work which they are to do.

In the next place, the system of appropriation has always been vicious. Instead of appropriating for important works sufficient money to carry them on as fast as they can be economically constructed or the improvements made, a small sum of money is given. In fact, in the large majority of the cases in which appropriations are made the very meagerness of the appropriation constitutes the argument for making the appropriation, because when you come to consider a bill which appropriates from $10,000,000 to $20,000,000, any one proposing to take so small a sum, so few ounces of the loaf as $10,000 or even $20,000, is rarely refused. It is almost impossible to say "nay," while so much is going, to one who is willing to take so small a share and keep his peace.

The result is that these bills are what are termed log-rolling bills. Conscientiously or unconscientiously, they embrace among their supporters the men and only the men whose immediate section of the country receive some alleged or supposed benefit on account of the expenditure. Therefore the bill ceases to be a national bill or a national appropriation in any sense or to be viewed from a national standpoint, but is considered chiefly with reference to the local advantage to be derived from it.

I have in mind a harbor on Lake Erie which needs improvement, and which has needed improvement for the past twenty-five years. Some fifteen years ago an estimate was made by the engineer officer in charge that $100,000 would construct jetties or parallel walls, extending outward into the lake from the shore to an extent which would enable the small creek which comes down from the hills to plow out a channel and keep that channel open. Considerable commerce has grown up at that point. It is a meritorious place so far as the necessities of the situation are concerned and the business to be done there. For the last ten years or more an appropriation varying from $10,000 to $20,000 annually has been made and spent at that particular place, and still $100,000 is yet required in order to complete the original improvement.

Substantially nothing has resulted from all the expenditure of that money, and why? That harbor is on the south shore of Lake Erie. In the winter-time the storms from the north east into the mouth of the creek which forms the opening of the harbor sand and débris, generally filling it up in such a way as to make it almost if not quite impassable to the schooners which bring there during the summer iron ore from the Lake Superior country, and carry back the coal from Pennsylvania. So in the spring, when the weather will permit of the commencement of work, the first duty of the engineer is to dredge out the sand, gravel, mud, drift-wood, and so on, which has been cast into the harbor during the winter-time. That work takes up from one-third to one-half of the appropriation. It is a work which has to be done early in the season in comparatively inclement weather, because it must precede the doing of any business at that harbor.

In addition to that, as the walls have been advanced very slowly into the lake by reason of the insufficiency of the appropriations, they are left in a ragged and unprotected condition each fall. The storms which bring the débris into the harbor of which I have spoken also break down the walls and destroy a large portion of the work done the preceding year. So there must be undertaken a very considerable system of repair in order to put the whole even in the condition in which it was left the fall before, and by the time those two things have been done the major portion of the money has been expended, the season is gone, and the next year sees a repetition of the same thing, and the next year, and so on. That could be made a very interesting sketch by one who had an eye to the comic side of that sort of performance, but to me it looks like a criminal waste of money. That I am assured and believe to be true, not only of one improvement, but of hundreds of improvements for which we annually vote money.

I wish that were all, or that even it were the chief objection to appropriations for rivers and harbors as we make them; but unfortunately it is not. Last year we witnessed the extraordinary spectacle of the city of Galveston, in the State of Texas, deliberately petitioning Congress not to make any appropriation in the river and harbor bill for the continuation of the improvement at that great harbor. I say great harbor. I do not speak of it as great because of its size, or the depth

of water, or the shelter which naturally exists there for shipping, but I speak of it as a great harbor because it is the nearest point upon tide water for the products of four great and important States. It is the point at which the products of those great States would encounter the world's commerce, and in which those products would be loaded into the bottoms that were to carry them to the foreign market which they are constantly seeking, if that harbor were properly improved, and if it did give facilities equal to the capital which is engaged in commerce upon its banks, and which is there actively, industriously, energetically, and wisely engaged in seeking to extend into that great interior portion of the country the instrumentalities which will enable the grain of that great section to be brought there for foreign shipment and for consumption.

That, as I said, was an extraordinary spectacle. The cry "Give!" "Give!" had at last found a surfeit. Galveston wanted no more of it, and why? Because Galveston had realized that every year, notwithstanding ample and large appropriations had been made for every year for a quarter of the century, the harbor of Galveston had not been improved, and that if anything it had grown worse under the manipulation of the Army engineers. So Galveston was constrained to cry out for a halt, and to ask and beseech Congress to make no more appropriations to be expended as the former ones had been, and to humbly petition Congress to adopt some other method of improvement if that harbor was to be preserved to the commerce of the Gulf of Mexico and the States which lie back of it.

It has been stated in a most cogent report made by the Committee on Commerce of this body at the last session, the Senator from Texas [Mr. COKE] being the organ of the committee for the purpose of making the report, that all the millions of dollars which have been spent at Galveston might just as well have been dumped into the sand of the Gulf of Mexico and covered up or otherwise destroyed as to have been spent there as we have been doing.

It is more than insinuated that the condition of things existing at Galveston exist at more than one port upon the Atlantic, and that appropriations are sought for by those who represent these localities not with any very abiding faith that they will result in anything good, but because, the system having been adopted, they are afraid to let go, and are living along and seeking after appropriations in the hope that some time something better will come of it than has yet resulted from the expenditure which has been made.

Now, these things being true, not being denied, being apparent and patent to every one, it seems to me that it is time that we call a halt in regard to this class of expenditures. We ought to be able to adopt some plan whereby the money will not only be well spent but improvements and repairs at harbors be made final, or at all events that the improvements sought, the depth of water to be gained, the essential thing to be obtained as the result of the expenditure, shall be had, leaving nothing but the ordinary current work of repairs to be appropriated for in the annual appropriation bill.

So far we have not reached anything that is desirable. So far we have practically nothing to show for all the millions of money which we have spent. There is not a harbor on all our 6,000 miles of coast which is sensibly improved to-day as the result of all the expenditure that has been made. There is not one at which there is not the same urgent cry and demand for more money coming from the reports of the engineers having the work in charge, the cry being just as loud and just as deep and just as urgent as it has been year after year for the past ten or fifteen years, or ever since the particular improvement was undertaken.

This work is carried on substantially without system. Each engineer is a law unto himself. He buys such machinery, such appliances, such buildings as he thinks are necessary, and there is nowhere lodged in the Engineer Department of the Government or elsewhere any authentic knowledge of the amount of property of that kind which the Government to-day owns as the result of the appropriations thus made for the improvement of rivers and harbors.

It was not long since the chief engineer of a work was called on for a report as to the amount of property and the kind of property pertaining to these improvements in the possession of the Government, and he replied that he was totally unable to tell. As I said before, the engineer revolves in his own sphere; he is practically subject to no control. He lets his own contracts; he determines as to whether contracts shall be let to the advantage of the Government or whether the work shall be done by the day. Under the operation of this system there has grown up a network of contractors extending from Alaska to Nova Scotia, having influence in politics, having influence in every direction, and who are found to be powerful enough to constrain the Congress to do that which the Congress knows to be unwise in the way of the expenditure of public money.

Mr. President, I do not object to the amount of money contained in this bill. I have never objected to any river and harbor bill because it contained ten, fifteen, or twenty millions, more or less. Given the necessity for the money; given the ability and the willingness to expend it properly for the purpose of securing the results which are sought, and I am willing to make this bill $50,000,000 each year; but I would rather vote $50,000,000 to obtain results than I would vote $5,000,000 or $10,000,000 to be cast away, the larger portion of it, as the result, I believe, of the present system of expenditure.

Why should we not select ten, twenty, fifty, or one hundred even, of the more important objects of expenditure, of the more important harbors upon our extended coast, of the more important rivers that traverse the country, and limit the expenditure to those until the improvements are completed, and spend as much money every single year as could be spent with economy in the direction of the completion of the particular improvements?

Mr. President, then, instead of having, as it is said now, millions and millions of dollars' worth of boats, derricks, and machinery of different kinds, and all the variegated plans that the ingenuity of these men with money without judgment has enabled them to get together, rotting and rusting upon more than 10,000 miles, yea, 20,000 miles, of ocean and lake coast and river border, we should have a compact plant, that could be moved from place to place as circumstances required, and the annual loss of which would not go up into the millions as it does now.

I think it is a confession of legislative incompetency to grapple with a subject of this kind, that Congress goes on year after year doing the idle, the vain, and the wicked thing that it does do.

But if the ordinary river and harbor bill is a confession of incompetency, what shall I say about this bill, a bill that contains no items of expenditure, that ignores everything which has been done heretofore, that proceeds upon the hypothesis that everything that was done last year was done illy and badly and so as to bring no results; and therefore that there is absolutely a sum required for each one of the items of expenditures of last year the present year.

We all know how this bantling came to be begotten. We know that after a struggle to satisfy the rapacious and hungry maws of all who clamored for some of the pork the banquet was found too small; there was not enough to go round. It was not within the sum of human ingenuity with all the millions in the Treasury to so adjust it as to satisfy the inordinate and extortionate demands of those who cried "give" and who wanted this money, not because of the public character of the work to be done, but because there was in it the element of local benefit; and thus in an effort to compromise among these contending factions, after giving away all pretense of any public concern or of any public object to be obtained in the bill, in this vain effort to satisfy everybody all being put upon one platform, the original bill had to be abandoned; and this monstrosity was sent to us with the statement accompanying it that it was expected the Senate would raise it. And then to avoid that same contention and scramble which had characterized the consideration of the original bill this was to be thrust upon the country by means of a committee of conference in the last hours of this session of Congress.

I had strong hopes that the Senate would not consent to such a piece of legislation. I felt as though I might from this vantage-ground properly characterize the action of other people elsewhere, but I do believe that I shall not do so without also characterizing this body, which seems to have given itself up to this same scramble, to this determination that there shall be a perpetuation of the old abuses, and that there shall be no reform in this method of expenditure of the public money.

I had it in mind to move some amendment, thinking possibly that in doing that I could make the bill better; but there are some expenditures in the West of a kind that can hardly wait that ought to be made, and yet I do not care to commit myself to anything, either to this bill as a work of art or to its plan or to any plan of any kind heretofore in use for this purpose. On the public grounds of the Fort Leavenworth military reservation there has been going on for years a great destruction of most valuable property by the ravages of the Missouri River. No attention has been paid to them. There have been found enough who would band themselves together to pass bills of this sort without giving any attention to a needed public improvement or to any sensible method of treating a great emergency.

Not only that, but at and near the second city of the State of Missouri, which unfortunately is also the commercial entrepôt for the State of Kansas, private property amounting to millions is daily threatened with destruction because of the fact that the men who have had charge of the improvement of that river, the money voted, as money has been voted for other places in these river and harbor bills, have loitered and lingered and magnified their office and dallied, as is their wont, year after year, doing nothing.

Three years ago when we made an appropriation for the Missouri River the engineer to whom that money was committed proceeded to purchase with it plant, and absolutely absorbed nearly every dollar of the $100,000 appropriated for that river in the purchase of plant. One would have supposed that with the millions which had already gone into that turbid stream there would have been somewhere some adequate plant; but no, the first opportunity was availed of to buy more, more boats, more machinery, more of the appliances supposed to be useful, and when they were purchased there was no money left for the improvement of the river, and for two years that plant thus purchased rotted and rusted away. It was the old story of a dollar for the dram and $10 for the trimming; millions for plant and not a cent for improvement.

That, I am satisfied, is not a solitary case; and while that has been going on this great river has been carrying away from its banks property to the amount of millions in value, and the people have been waiting and hoping and expecting that some time this circumlocution system would bring them a relief that has been often promised only to have the promise broken.

Mr. President, it would be a wise thing if Congress should refuse to pass this bill or any other such bill at this session, that it should then determine upon some plan whereby we may know what we need to do, and adapt the appliances necessary for the performance of the work; but so long as we go on appropriating money upon the basis on which we do appropriate it, giving every year millions of dollars to be thus sunk, thus wasted, we shall continue to do it, and nothing but a halt, nothing but a thorough investigation and overturning of the present system (which can only come when there is a halt) will ever bring us any nearer either to harbors or a fair, an honest, a decent administration of the public money.

I know I am talking to minds that are made up, and that this bill is ordained to go through and, I fear, become a law, and thus next year, and probably the succeeding year, we shall be confronted with the same condition of things; and yet, Mr. President, I do not feel as though I could discharge the duty that devolves upon me as one of those persons to whom is committed the responsibility of that portion of legislation which attaches to the Senate unless I did express my judgment, honest and as I believe not at all mistaken, in regard to the vice that inheres in this bill and all similar bills for the alleged improvement of rivers and harbors.

Mr. CONGER. Mr. President, I apologize to the Senator from Kansas for the wonderful effect he has been able to produce.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Michigan will do better. [Laughter.]

Mr. CONGER. To most of us it was only a tiresome and nettling kind of a speech, but I suppose very likely to those who sympathize with his effort to talk against time and kill this bill by loud voice and loud talk it was soothing. It did not entice me to respond because I did not agree with the Senator.

Mr. President, the Senator has reported several appropriation bills, more or less, and some, I think, at this session, and has come in with conference reports here toward the latter end of the time, proposed them as conference reports in the discharge of his duty upon the order of the Senate, and pressed them to a vote and to a conclusion one way or the other in the regular order of business so that Senators might say whether they desired the passage of a bill by concurrence in a conference report. I want to know if I had stood here last night and yesterday when he was presenting those reports and had talked and talked and talked till God was ashamed of me and the Senate scorned me, and had thus prevented the passage of appropriation bills necessary to carry on this Government, what would the Senator have thought of me?

Senators here desire to vote on this bill one way or the other, I do not know how. They have refused on three several occasions by a yea-and-nay vote to lay this bill upon the table and dispose of it in that way. They wanted a vote. Just as fast as we approach a vote the Senator from Nebraska, himself a power, himself able to resist the whole Senate, ay, the whole universe, in his talk, must needs be backed up by the Senator from Kansas to talk against time.

I noticed that the Senator from Nebraska was compelled to leave the Chamber just at the moment the Senator from Kansas took the floor and talked until his return. Now I do not complain of that. The rules of the Senate permit this talking. I know of no rule that can prevent me talking until 12 o'clock to-day and defeating the passage of every conference report and every bill, even if the Senator from Kansas reported them himself. But does that give me and does that give the other Senators who desire to vote upon a bill, to vote one way or the other, some in favor of its passage and some opposed to it—does that give us any fair chance as Senators, an equal chance in legislation, or any opportunity to satisfy our constituents that we have tried to do according to our judgment what we think they desire.

If there is any one thing that in my judgment is not bold and is not courageous, it is to take advantage of the absence of law and of power to compel forward the business of the Senate, to defeat brother Senators and deprive them of the opportunity of expressing their will, and by talking against time to prevent a vote for or against a measure. But the Senator has the right to do it. We have no rule that will compel the immediate consideration and vote upon any proposition.

But I pass that subject. The Senator from Kansas talks modestly, as if he supposed this bill could be passed. He knows that it can not be passed. He knows that he has the power to stand here and prevent Senators from voting upon this bill, and it is a mockery to tell us that we can pass the bill. I do not complain of this. It is the method and the manner that I complain of.

Mr. President, I am not surprised at this result. I have been told by those who pretend to know that the great improvement in transportation by deepening the water courses and improving the harbors of our lakes and of our rivers that permit a vessel carrying coal or iron or lumber to be loaded down to fifteen and sixteen feet where a few years ago it could only carry eight or ten or twelve feet draught at the most is interfering with railroads so much that they are alarmed at the competition which this great and grand system of improvements of water courses and river and lake navigation makes successful against railroads.

I do not know how they exert their influence; I do not know what measures they are taking to stop these grand improvements for the common people of the country; I do not know who their agents are—I have not been told; I do not know what kind of influences are thrown out and around to prevent the grand system of internal improvements from going forward and blessing the country as they have, but I was warned not only last year but this year that a combined effort would be made by some of the railroad monopolies to break down this system of competing water-line improvements. I think the work is going on.

A little bird whispers in my ear that the powers are moving—how, by what means, through whose energies I am utterly unable to say or even to conjecture. But the time has come now when this system of improvements for the people of the country against the monopolies of the country is having its effect in the Senate and in Congress. How long it will last, whether another year we can have an appropriation, whether these improvements shall continue to bless the people and cheaper transportation I can not tell. In my humble judgment the great conflict has commenced and is being carried on between the tremendous monopolies of the United States and the people's right of way over the water courses, God's highway on the land.

Somebody influences the opposition to these bills, somebody is to be hurt by the passage of these bills, somebody under one pretense or another urges the influence throughout the country, which you see in the newspapers and which you hear in conversation, urging that the improvement of rivers and harbors is a failure in this land, that it is all so badly managed, all so inefficient, there is so much waste, that the system had better be abandoned.

I had hoped we might come to a vote upon this bill; I had hoped even the bare chance of sending it back to the House for concurrence in the amendment might have been given to its friends, who are a majority of the Senate; but that seems not to be possible. I desire, however, the friends of this measure, as far as they feel disposed to do so, to stand by the bill in the interest not of monopolies but of the great improvements of the people of the United States, until it shall become evident who seeks to destroy it, so that the people in their own boats and on their own highways, free from toll to the capital of the nation, may discern who it is refuses to improve their highways and refuses to give them additional means of cheap transportation.

Why, sir, every eye is looking day by day to see what Congress will do, and whether all the legislation of this land is to be for the powerful and the wealthy and the corporations, or whether the rivers and the bays and the lakes and the harbors that give refuge to the poor sailor in the storm shall be improved and give greater facility of transportation, and give greater security in the tempest and in the storm.

But we are not to be permitted to have a vote. The great majority of the Senate are desirous to vote upon this question. I tell these Senators you are not to be permitted to have a vote. The debate is not for information, not to make amendments, not to improve the bill, but you are not to be permitted to vote upon it, and talking is the easiest way to prevent a vote.

Mr. PLUMB obtained the floor.

Mr. HALE. Will the Senator allow me to make a report?

Mr. PLUMB. Yes, sir.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I present the conference report on the deficiency appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 15, 16, 21, 28, 38, 39, 42, 45, 50, 63, 67, 69, 74, 76, 77, 79, 80, 84, 85, 87, 89, 180, 198, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 17, 19, 20, 23, 24, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 43, 44, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 68, 70, 71, 72, 73, 75, 78, 81, 82, 83, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, and 200; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: After the word "depositary," where it occurs in said amendment, insert the words "At Tucson, Arizona;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"The Attorney-General of the United States is required to investigate the judgments and awards against the United States arising under an act of Congress entitled 'An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin,' approved March 3, 1875, and to report to Congress at its next session whether the liability of the United States therefor is established, and what amount is justly due thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered from 115 to 119 inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employés of their respective Houses borne on the annual and session rolls on the 3d day of March, 1885, including the Capitol police, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: After said amendment insert as a new paragraph the following:

"For one page in the Clerk's office, under resolution of the House of December 3, 1884, from March 4 to December 7, 1885, at $2 per day, $556."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "five thousand dollars; said sum to be payable on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "including all such claims readjusted up to February 14, 1885, $178,481.23;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

JAMES N. BURNES,
JOHN D. LONG,
Managers on the part of the House.

Mr. HALE. I move that the report be concurred in.

The motion was agreed to.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. PLUMB. At the close of nearly two days' consideration of the river and harbor bill, without having said a word or made a motion or done anything at all except to vote upon the various motions on which the yeas and nays were taken, I made a speech of thirty minutes. The Senator from Michigan, who was so anxious to pass this bill, started in with a speech, I think, of about two hours in length, and he replied to me, in what I can not but consider as complimentary to the effort I made, in a speech of about the same length as mine.

I would be willing to leave, on that mere statement, the facts to the judgment of the Senate as to which had been the best friend of the river and harbor bill. But I desire to go further and say that when, in commencing my remarks, I disclaimed any intention of doing anything that should unnecessarily detain the Senate from the consideration of this bill I said exactly the truth. I had no intention of talking against it to consume time, and I did not know but that the Senator from Michigan was expecting that it would pass and become a law, because I could not attribute to any other feeling than that his effort to have it passed.

I shall not now, or at any other time, I hope, bandy epithets with the Senator from Michigan or any other Senator. I did not think he would do himself the injustice—because he would not be unjust to any one else—to repeat in this Chamber the idle and unfounded rumors that from time to time have been uttered about influences which affect the action of men on this floor. I think as he reflects on that he will be less and less satisfied with what he has said, either as a matter of courtesy to a brother Senator or as a matter of what is due to a body of which he is a very important and prominent member.

EXECUTIVE SESSION.

Mr. HAWLEY. There is some executive business that ought to be transacted, as I am advised. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

The PRESIDENT *pro tempore*. The doors will be closed; and, pursuant to the order of the Senate, the Sergeant-at-Arms will clear the Senate wing of the Capitol of all persons not entitled to admission thereto.

The Senate proceeded to the consideration of executive business; and after thirty-two minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WALDO HUTCHINS of New York, and Mr. J. D. LONG of Massachusetts managers at the further conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 200) granting a pension to Thomas Jeffries;
A bill (H. R. 389) granting a pension to John Boyle;
A bill (H. R. 691) for the relief of William W. Thomas;
A bill (H. R. 1004) relative to the Chinese indemnity fund;
A bill (H. R. 1615) for the relief of the heirs of Langley B. Culley;
A bill (H. R. 1710) granting a pension to George W. Bean;
A bill (H. R. 1866) granting a pension to Calvin L. Knick;
A bill (H. R. 2100) granting a pension to Mary Allen;
A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie;
A bill (H. R. 2377) granting a pension to James Stockton;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 2975) granting a pension to Marion D. Egbert;
A bill (H. R. 3947) granting a pension to Joseph Raible;
A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
A bill (H. R. 4605) granting a pension to Ellen Edmiston;
A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R. 5369) for the relief of Charles Milk;
A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 5692) to adopt the Revised International Regulations for preventing Collisions at Sea;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;
A bill (H. R. 6357) granting a pension to Christian Bauman;
A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
A bill (H. R. 7000) for the relief of Clark G. Maine;
A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims;
A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7485) granting a pension to Alexander Weide;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7503) for the relief of Daniel McAlpin;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7718) restoring John Snyder to the pension-roll;
A bill (H. R. 7810) granting a pension to Roseanna Riley;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7933) granting a pension to Henry Biederbick;
A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
A bill (H. R. 8082) granting a pension to Lina J. Stearns;
A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;
A bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

ERNEST H. WARDWELL.

Mr. HAMPTON. I ask the Senate to take up House bill 3236.

Mr. DOLPH. I object. I call for the regular order.

Mr. VAN WYCK. The Senator from South Carolina [Mr. HAMPTON] was very earnest in his appeal at one time this evening to have a little bill passed which is not a pension bill but in the nature of one, being for the benefit of a Federal soldier. It will take only a moment to pass it, and I wish the Senate would consent to let the bill pass.

Mr. DOLPH. I have been here all night. I should like to have made a speech upon the bill that is regularly under consideration, but I have not opened my mouth, hoping to get a vote. If the Senator from South Carolina has a bill that he desires to call up and it will not interfere with the bill under consideration, I shall be glad to give way; but if the Senator from Nebraska has any interest in it, after what has transpired to-night, I shall not consent.

Mr. VAN WYCK. I would not either if I were you.

Mr. HARRISON. I do not want to say anything myself on this bill, but as it is known to the Senator from South Carolina the Senator from Missouri [Mr. COCKRELL] desires to be heard on it when it is taken up, I have sent to the committee-room to see if he is there, as I promised to do

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). Is there objection to the request of the Senator from South Carolina? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3236) for the relief of Ernest H. Wardwell.

Mr. HARRISON. I ask that the report in that case made by the Senator from South Carolina [Mr. HAMPTON] may be read.

Mr. HAMPTON. I ask for the reading of the House report.

Mr. HARRISON. If the Senator is willing to wait until the Senator from Missouri [Mr. COCKRELL] comes in, I shall not take any part in this.

Mr. HAMPTON. The Senator from Missouri is coming in now.

Mr. COCKRELL. I ask for the reading of the report.

The PRESIDING OFFICER. Has the Senator from South Carolina the House report?

Mr. HAMPTON. Yes, sir.

The PRESIDING OFFICER. Will he send it to the desk?

Mr. COCKRELL. I would prefer that the Senator's own report be read.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that there is no Senate report.

Mr. COCKRELL. If the Chair has not got it, I can send it to him.

The PRESIDING OFFICER. The report will be read.

Mr. COCKRELL. I ask the Senate now, in view of the attempt to pass this bill, to pay attention to the report made by the Senator from South Carolina, which states the facts and the record in this case. The report is not very long.

The Chief Clerk proceeded to read the report submitted by Mr. HAMPTON, from the Committee on Military Affairs, April 16, 1884.

Mr. HAMPTON. I ask that the reading of that report may be dispensed with, for I find the bill will lead to opposition and I am not disposed to take up the time of the Senate in a discussion which I suppose will cause the defeat of the bill. But before doing so I wish to say that the report which was being read was made in April last, at the last session, an adverse report, before papers were referred to the committee which changed my mind, and when they were recommitted changed the opinion of the committee who authorized and directed me to make favorable report. This man, while technically not entitled to pay, I believe by all the rules of justice and right is entitled to it; and I think if the function of the Senate is to sit as a court of equity to do justice in such matters, the bill ought to pass. I withdraw the bill.

The PRESIDENT *pro tempore*. The bill will be returned to the Calendar if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

ORDER OF BUSINESS.

Mr. ALLISON. I desire to state that information from the House indicates that it will be impossible for perhaps an hour and a half, or at least an hour, to have returned to the Senate the sundry civil appropriation bill, which is the only appropriation bill now in conference, except the navy bill, which will probably be disposed of shortly. I therefore ask unanimous consent——

Mr. COCKRELL. What about the legislative bill?

Mr. ALLISON. The legislative bill will take no further time. I ask unanimous consent now that the Senate may be considered in session only for the purpose of appointing committees of conference.

Mr. CONGER. I object to unanimous consent being granted, and demand the regular order.

The PRESIDENT *pro tempore*. The Senator from Michigan demands the regular order, which is the river and harbor bill.

Mr. BLAIR. Mr. President, we came to the understanding before we went into executive session that three or four pension bills about which we had arrived at a substantial agreement should be passed, in analogy to the action of the Senate on other like bills. There are but four of them which should be taken up and disposed of. I ask that that may be done now. I have watched and waited a long time, and I think it is perhaps due to me that these bills should now be disposed of. They are very short. It will not take over five minutes to dispose of them.

The PRESIDENT *pro tempore*. The Chair begs leave to state to Senators that the doors of the Senate will be open, and of course the Senate will have to go on with business; but the only time to put the Senate Chamber in order for the inauguration of the President of the United States is between now and the time when the Senate will begin again its regular session, within an hour and a half. The Chair thinks it is his duty to call the attention of Senators to that fact. The Senate Chamber must of course be put in order; but having said that the Chair of course will make no motion or order.

Mr. BLAIR. Allow me until 8 o'clock and I will trouble the Senate no more with these bills. I only ask five minutes.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that pension bills be considered for five minutes.

Mr. CONGER. I desire one more effort to have a vote on the pending bill. It has been said by gentlemen who oppose it that as far as they are concerned they will make dilatory talk no longer, and I desire a vote.

The Chair will appreciate how I feel about this. For ten or twelve long hours I have stood at my post seeking to perform my duty, having reported this bill from a respectable committee of this House, however poor a service they may have done in that business, yielding continually for all pension bills, so there is not a single unobjected pension bill on the Calendar, and I have yielded from time to time to every demand on the assurance of my friends, at least, that we would come to a vote before giving this up. I ask a vote. I do not think there will be a division on this bill.

Mr. ALLISON. I think that if we undertake to vote on this bill or any other bill that is controverted it will be disclosed by the vote that there is no quorum. If the Senator will yield to me I will venture to make a motion that the Senate take a recess until half past 9.

Mr. CONGER. I will consent to lay the bill temporarily aside not to lose its regular order, for two purposes, one to allow the Senator from Iowa to make the motion he wishes to make, and another to allow the Senator from New Hampshire to get through his pension bills.

The PRESIDENT *pro tempore*. If there be no objection the river and harbor bill will be temporarily laid aside, to be the regular order on call.

FRANCES M'NEIL POTTER.

Mr. BLAIR. I ask to take up Calendar number 1016, being House bill 4822.

Mr. COCKRELL. I should like to hear what the case is before we consent.

The PRESIDENT *pro tempore*. The title of the bill will be reported.

The CHIEF CLERK. "A bill (H. R. 4822) for the relief of Frances McNeil Potter."

Mr. BLAIR. It is an increase of pension from $20 to $30 a month. It is the case of a lady now old. She has been pensioned at the rate of $20. She lost her son in the late war, and was the daughter of a very distinguished officer in the war of 1812. She is quite old and feeble, and this is an increase of $10 per month.

Mr. COCKRELL. The bill is reported adversely, and I hope the Senator will not insist on taking up these adverse reports.

Mr. BLAIR. It is one of the cases which were controverted by some members; but the Senate committee have substantially agreed to make no further contest, but take the action of the Senate as an instruction on this and three other like cases.

Mr. COCKRELL. The action of the Senate when there is no quorum means nothing, and I do hope the Senator will not press this bill with so much pertinacity. If he does I am compelled to stop the transaction of any business until there is a quorum. The Senate is not competent to do business unless there is a quorum, and if the Senator insists upon taking up these adverse cases I shall ask for a call of the Senate.

The PRESIDENT *pro tempore*. It is now 8 o'clock, and the Chair begs again to appeal to Senators to consent that business be suspended, except for the purpose of appointing conferees, in order that the Chamber may be put in order for the ceremonies the Senate has ordered to take place here. It is advisable, if it is to be done, that it should be done now.

DISCOVERY OF THE HUDSON RIVER.

Mr. HAWLEY. On the 28th day of February the Senator from Delaware [Mr. BAYARD] presented the petition of Gideon J. Tucker, an honorable citizen of New York, calling attention to certain alleged inaccurate statements in a book with which the Senate is very familiar: "The Public Domain: its history, with statistics. Public Land Commission; Committee on Codification. Prepared by Thomas Donaldson, of the commission and committee. * * * Prepared in pursuance of a joint resolution of Congress approved August 7, 1882. Washington: Government Printing Office, 1884."

The letter from Mr. Tucker was read in the Senate and referred to the Committee on the Library. Some of his remarks and criticisms were exceedingly severe. The gentleman, Mr. Donaldson, who prepared that book under the direction of the Secretary of the Interior, sends to me for presentation to the Senate and the Library Committee, with Mr. Tucker's letter, his brief and courteous response. I will not ask that it be read; I vouch for its being courteous and proper in every respect from a gentleman. I ask that this, with my statement, be inserted in the RECORD, and that the letter of Mr. Donaldson be then referred to the Committee on the Library.

The PRESIDENT *pro tempore*. If there be no objection it will be so ordered.

The letter is as follows:

WASHINGTON, D. C., *March 2, 1885.*

DEAR SIR: Answering the petition of correction of Mr. Gideon J. Tucker, a citizen of New York, referred to your committee by the Senate February 23, 1885, in relation to alleged errors in the work known as the Public Domain, compiled by myself, I have the honor to say that corrections of error in this work are a pleasure. My attention has before been called to errors, which have been promptly corrected, and I expect that more will be detected in the future.

The two clauses on page 30 which have stirred Mr. Tucker to become the tuneful muse of history and to be the vindicator of her truth will also be corrected.

The summary of colonization on page 30 (part of two clauses of which are objected to) is merely illustrative of the rapidity of immigration to the New World and the rage to colonize, and was inserted to show in part why so many overlapping and duplicate grants were made. It relates to colonization by Dutch as well as English.

On page 42 will be found under title "New York—colonization," in detail, the main facts of her colonization. This and other similar statements were inserted to show how title was obtained to the lands of the Colonies (subsequently States) some of which transferred their western possessions to the United States, which possessions now form a large portion of the Public Domain.

The historical data it was intended should be correctly stated.

The authorities cited on page 55, with the addition of O'Callahghan's History of New York, the publications of the New York Historical Society, and several others, were used for reference, and the alleged erroneous matter obtained from some of them. The limits of this paper prevent discussion of historical matters, neither would it be profitable or of interest to the integrity of the publication.

The corrections shall be made in the next edition on page 30, so as to conform to the data on page 42, to the end that it be shown that Mr. Tucker and his 2,000,000 friends, descendants of the Hollanders, who bought New York and Manhattan Island for $24 from the Indians instead of obtaining license to settle from King James I, are Dutchmen who purchased land, and not Dutchmen who squatted on English land, or received favors from an English King.

Very respectfully,

THOMAS DONALDSON.

Hon. JOHN SHERMAN,
United States Senate, Chairman Committee on the Library.

Mr. HAWLEY. I may add in passing just a word. Part of the controversy referred, if I recollect aright, to the alleged discovery of the Hudson River by Hendrick Hudson. A late history of Albany, by Mr. Weise, discloses the fact, I believe not fully announced before, that one Giovanni Verazzano, an Italian, under the patronage of the Dutch government, discovered the Hudson River some time before the famous Hendrick Hudson, in the year 1524. I wish to say that this letter is presented by me after consultation with the Senator from Delaware.

The PRESIDENT *pro tempore*. The paper will be printed in the RECORD and referred to the Committee on the Library.

SUSPENSION OF BUSINESS.

Mr. ALLISON (at 8 o'clock a. m., on Wednesday, March 4). I ask unanimous consent that no further business be done until half past 9 o'clock, but that the Senate in the mean time be considered in session for the purpose of appointing conferees only.

Mr. BLAIR. I object. There may be a quorum between now and half past 9. ["Oh, no!"]

Mr. COCKRELL. There will be no business done by the Senate even if there is a quorum.

The PRESIDENT *pro tempore*. If there be no objection it will be understood that there will be no other business done but receiving reports of conference committees until half past 9 o'clock, and that the Senate is to be considered in session for that purpose and for no other.

Mr. BLAIR. I withdraw the objection.

The PRESIDENT *pro tempore*. It is ordered accordingly.

SUNDRY CIVIL APPROPRIATION BILL.

At 8 o'clock and 45 minutes a. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, insisted on its disagreement to the Senate amendments undisposed of by the former conference, and agreed to certain amendments, accompanying the bill, to the sixty-sixth amendment of the Senate to said bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM H. FORNEY of Alabama, and Mr. THOMAS RYAN of Kansas managers at the further conference on the part of the House.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the sundry civil appropriation bill; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 3, 1885.*

Resolved, That the House insist upon its disagreement to the Senate amendments undisposed of by the former conference, and agrees to certain amendments, accompanying the bill, to the sixty-sixth amendment of the Senate to said bill, and also agrees to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. FORNEY, and Mr. RYAN be the managers on the part of the House.

Mr. ALLISON. I move that the Senate disagree to the amendments proposed by the House of Representatives to the sixty-sixth amendment of the Senate to the bill, and agree to the conference asked by the House of Representatives thereon.

The PRESIDENT *pro tempore*. Will the Senate agree to the motion of the Senator from Iowa? [Putting the question.] The "ayes" have it, and the motion is agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the report of the conferees on the naval appropriation bill, which was read.

The PRESIDENT *pro tempore*. The Chair thinks that action on this report does not come under the agreement of the Senate. It will lie on the table for the present, to be called up hereafter.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the twenty-ninth amendment of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and that it had concurred in the first amendment of the Senate to said bill with an amendment, in which it requested the concurrence of the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the first amendment of the Senate to the bill (H. R. 8138) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was, in lieu of the sum proposed by the Senate, to insert "$344,113.10."

Mr. COCKRELL. I move that the Senate concur in the amendment of the House.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate concur in the amendment proposed by the House of Representatives as stated in the message. The question is on agreeing to the motion.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

At 9 o'clock and 10 minutes a. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8236) relating to sales for taxes in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN F. FOLLETT of Ohio, Mr. WILLIAM L. WILSON of West Virginia, and Mr. LOUIS E. MCCOMAS of Maryland managers at the conference on its part.

The message also announced that the House had passed the bill (S. 2668) granting a pension to John M. Milton.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;

A bill (H. R. 2872) granting a pension to Jacob Funkhouser;

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 7907) granting a pension to Matilda Cody; and

A bill (H. R. 8237) granting a pension to Mary J. Dickson.

NAVAL APPROPRIATION BILL.

Mr. HALE (at 10 o'clock and 5 minutes a. m.). I call up the conference report on the naval appropriation bill and ask that it be read.

The PRESIDENT *pro tempore*. The report of the conference committee will be laid before the Senate.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill of the House 8230, making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 12, 14, 15, 18, 19, 20, 32.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 9, 11, 16, 21, 22, 23, 24, 27, 29, 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of said amendment insert the following:

"*Provided*, That nothing herein contained shall be construed to continue the existence of the naval advisory board or to prevent the Secretary of the Navy from constituting such other advisory board as he may deem necessary to aid in determining the plans and structure of such cruisers."

And the Senate agree to the same.

EUGENE HALE,
P. B. BLUMB,
J. B. BECK,
Managers on the part of the Senate.

WALDO HUTCHINS,
SAM'L. J. RANDALL,
JNO. D. LONG,
Managers on the part of the House.

Mr. HALE. I move that the report be concurred in.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 78) to provive for the retirement of Col. Henry J. Hunt as a major-general in the United States Army;

A bill (H. R. 383) granting a pension to Creet H. Dougherty;

A bill (H. R. 411) granting a pension to Elizabeth Conner;

A bill (H. R. 552) granting a pension to Lemnel J. Bennett;

A bill (H. R. 603) granting a pension to Rachel Nickell;

A bill (H. R. 1142) granting a pension to Nelly Roberts;

A bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity-pay to certain officers of the Navy;

A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;

A bill (H. R. 1873) for the relief of Edward Kraemer;

A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass;

A bill (H. R. 2457) granting a pension to Richard Dillon;

A bill (H. R. 3340) granting a pension to James M. Pike;

A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 3735) granting a pension to Mary A. Grennon;

A bill (H. R. 4021) granting a pension to Abraham Cover;

A bill (H. R. 4216) granting a pension to David N. Bryan;

A bill (H. R. 4458) granting a pension to Harlan Jackson;

A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;

A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;

A bill (H. R. 4878) granting a pension to Emma O. Zeigler;

A bill (H. R. 5103) granting a pension to Joshua F. Justice;

A bill (H. R. 5146) granting a pension to Jesse C. Buck;

A bill (H. R. 5304) for the relief of Mary Royal;

A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder joint;

A bill (H. R. 5691) amending section 764 of the Revised Statutes;

A bill (H. R. 5728) granting a pension to Anna Beck;

A bill (H. R. 5740) for the relief of Grigsby Foster;

A bill (H. R. 6270) for the relief of John P. Peterson;

A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones;

A bill (H. R. 6775) granting a pension to Edward Wilcox;

A bill (H. R. 6904) for the relief of John F. Chase;

A bill (H. R. 6960) for the relief of Charles L. Alden;

A bill (H. R. 7047) granting a pension to Patrick Murphy;

A bill (H. R. 7170) for the relief of Frederick Hutton;

A bill (H. R. 7177) granting a pension to William H. Kinman;

A bill (H. R. 7178) granting an increase of pension to John O. Gardner;

A bill (H. R. 7248) to increase the pension of James D. Brent;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 7340) granting a pension to John Sparr;

A bill (H. R. 7522) for the relief of Joseph F. Wilson;

A bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;

A bill (H. R. 7728) for the relief Pardon H. Morey;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 7938) granting a pension to Amanda Allen;

A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 7992) for the relief of Christian Arndt;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8069) granting a pension to Catherine Helton;

A bill (H. R. 8091) granting a pension to David Sears;

A bill (H. R. 8136) for the relief of Addison M. Copen;

A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen;

A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;

A bill (H. R. 8152) for the relief of William D. Farnsworth;

A bill (H. R. 8155) granting a pension to Addie L. Moore;

A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8187) granting a pension to Chancey G. Darrah;

A bill (H. R. 8229) granting a pension to James Dye; and

Joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

RIVER AND HARBOR BILL.

Mr. CONGER. What is the regular order of business?

Mr. FRYE. The river and harbor bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The regular order is the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CONGER. I ask unanimous consent that the bill be considered, read the third time, and passed.

The PRESIDING OFFICER. The Senator from Michigan asks the unanimous consent of the Senate that the bill the title of which has been named be taken up and passed.

Mr. CONGER. I ask unanimous consent that the bill just read by its title be taken up and by unanimous consent considered as read the third time and passed.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent that the bill the title of which has just been read shall be taken up and considered as read the third time and passed.

Mr. PLATT. I raise the point of order that the bill can not be passed in that way.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CONGER. I have not heard the point of order stated.

Mr. PLATT. The bill can not be passed in that way.

Mr. CONGER. I heard the Senator make a point of order, but I could not hear what it was so as to answer.

CHRISTOPHER PHILLIPS.

Mr. MORGAN. Mr. President, I move to take up the resolution I offered yesterday recommending the payment of a sum of money to Christopher Phillips for services.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that a resolution, which will be read for information, be taken from the table and considered.

The Chief Clerk read the following resolution, heretofore submitted by Mr. MORGAN:

Resolved, That the sum of $41 be paid to Christopher Phillips out of the contingent fund of the Senate for labor performed for the Senate under employment of the Sergeant-at-Arms from November 10 to December 1, 1884.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CONGER. Let the river and harbor bill be informally laid aside that this may be considered, not to lose its place in the order of business.

The PRESIDING OFFICER. Unanimous consent is asked. Is there objection to the present consideration of this resolution? The Chair hears none.

The resolution was agreed to.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the business pending when the active business of the Senate was suspended by unanimous consent. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes."

The PRESIDENT *pro tempore*. The bill is still in Committee of the Whole and open to amendment.

Mr. CONGER. Now I ask for a vote on the bill.

The PRESIDENT *pro tempore*. If no further amendment be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. PLUMB. I move that the bill do lie on the table.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I ask consent that the bill be informally laid aside.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside subject to call. Is there objection?

Mr. CONGER. Not with this motion pending.

Mr. PLUMB. I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Kansas asks leave to withdraw his motion to lay on the table. Is there objection? The Chair hears none. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside.

Mr. CONGER. For what purpose?

Mr. HOAR. Because there is an obvious impropriety in attempting to take up time with it now.

Mr. CONGER. One Senator is responsible.

The PRESIDENT *pro tempore*. Is there objection to the bill being informally laid aside?

Mr. CONGER. I know of no other business to occupy the attention of the Senate, and I should like a vote on the bill. The Senate has been waiting during the whole of the last twenty-four hours for an opportunity to have a vote.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PLUMB. I renew the motion that the bill do lie on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the bill lie on the table.

Mr. CONGER. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. COCKRELL (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]. Not knowing how he would vote if he were present, I shall not vote.

The roll-call having been concluded, the result was announced—yeas 28, nays 21; as follows:

YEAS—28.

Allison,	Dawes,	Hoar,	Pike,
Bayard,	Edmunds,	Ingalls,	Platt,
Blair,	Fair,	McPherson,	Plumb,
Brown,	Frye,	Manderson,	Saulsbury,
Cameron of Pa.	Hale,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Harrison,	Mitchell,	Van Wyck,
Cullom,	Hill,	Morrill,	Wilson.

NAYS—21.

Beck,	Dolph,	Maxey,	Vest,
Butler,	Garland,	Miller of Cal.,	Walker,
Camden,	George,	Palmer,	Williams.
Chace,	Gorman,	Sabin,	
Coke,	Jackson,	Slater,	
Conger,	Jonas,	Vance,	

ABSENT—27.

Aldrich,	Groome,	Lamar,	Pugh,
Bowen,	Hampton,	Lapham,	Ransom,
Call,	Harris,	Logan,	Riddleberger,
Cockrell,	Hawley,	McMillan,	Sawyer,
Colquitt,	Jones of Florida,	Mahone,	Sherman,
Farley,	Jones of Nevada,	Morgan,	Voorhees.
Gibson,	Kenna,	Pendleton,	

So the motion to lay the bill on the table was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes; and

A bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had passed the bill (S. 723) for the relief of Eugene B. Rail and others.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2668) granting a pension to John M. Milton;

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;

A bill (H. R. 7938) granting a pension to Amanda Allen; and

Joint resolution (H. Res. 347) to provide for printing additional copies of the report of the Committee on Military Affairs on investigation of national homes for disabled volunteer soldiers.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. From the conference committee on the sundry civil appropriation bill I make a report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 49, 70, 136, 142, 185, and 198.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 124, 125, 140, 166, 173, 193, 194, 196, 197, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 65, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Strike out of said amendment the words "to be used for an advance course of instruction for naval officers," and in lieu of the sum proposed insert "$8,000;" and strike out also, after the word "dollars," the following: "For pay of one clerk to officer in charge of building, $1,000; in all, $12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

Mr ALLISON. I move that the Senate agree to the report.

Mr. CONGER. I desire the Senator to state what amendments the Senate yield in regard to public buildings.

Mr. ALLISON. None whatever. All the public buildings inserted by the Senate, I will say to the Senator, except the Washington city post-office, are retained in the bill.

Mr. CONGER. And as they were?

Mr. ALLISON. As they were inserted by the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

DISTRICT TAX SALES.

Mr. ALDRICH. I present the conference report on House bill 8236.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8236) entitled "An act relating to sales for taxes in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, substituting for the words stricken out by the Senate the words "and the affidavit hereinafter required," and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

Strike out the following words:

"*Provided further*, That where the commissioners are satisfied that any lot is the actual homestead of the owner and that it comprises the principal portion of his estate, they may accept a sum in full payment of the same, not less than one-half of the assessed value of the lot."

And insert the following:

"*Provided*, That nothing contained in this act shall be construed to affect pending suits." And the Senate agree to the same.

NELSON W. ALDRICH,
JOHN J. INGALLS,
Managers on the part of the Senate.

LOUIS E. McCOMAS,
JOHN F. FOLLETT,
W. L. WILSON,
Managers on the part of the House.

Mr. MORGAN. I call for the reading of amendment No. 1, to which the House has disagreed.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Alabama calls for the reading of amendment No. 1. The Secretary will read the amendment.

The CHIEF CLERK. In line 3, after the word "taxes," the Senate struck out the words "or assessments;" so as to read:

That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, as provided by law, to a deed from the commissioners of the District, &c.

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is that the Senate concur in the report of the conference committee.

Mr. MORGAN. Mr. President, if I understand that, the agreement between the conferees of the House and the Senate keeps in the words in respect of special assessments. I object to the concurrence of the Senate in the amendment proposed by the conference committee.

Mr. ALDRICH. I am not able to hear what the Senator says.

The PRESIDING OFFICER. Will the Senate please be in order and cease conversation? The Senator from Alabama can not be heard.

Mr. MORGAN. The point I make is this: The Senate struck out so much of the bill as included "special assessments," and I understand that the report of the committee of conference restores those words to the bill. If that be the fact, I am opposed to concurring in the report. I do not know that I need to amplify the reasons; the Senate understands the reasons. It was somewhat discussed last night and I supposed it was thoroughly understood. I hope that the Senate will not concur in restoring the words stricken out by the Senate from the bill.

The PRESIDING OFFICER. The amendment will be read again for a better understanding of the point.

The CHIEF CLERK. In line 3, after the word "taxes," the Senate struck out the words "or assessments."

Mr. MORGAN. Do I understand that the House refuses to strike out those words?

Mr. ALDRICH. Yes, sir.

Mr. MORGAN. The words are retained in the bill?

Mr. ALDRICH. Yes, sir.

Mr. MORGAN. Then I hope the Senate will not adopt the report, but that we shall further insist upon that amendment.

The PRESIDING OFFICER. The question is, Will the Senate concur in the report of the committee of conference?

Mr. MORGAN. I ask for a separate vote on the first amendment.

The PRESIDING OFFICER. The Chair understands that that vote can not be taken, but it must be taken on the motion to concur.

Mr. MORGAN. Then I hope the Senate will not concur in the report.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALDRICH. The amendment is more important than any other part of the bill.

Mr. CONGER. That bill was passed this morning by the Senate with the express understanding that the words "or assessments" should be stricken out, and they were stricken out in the Senate, and then a conference was ordered on the part of the Senate, and the conference committee left the Senate and went into conference and agreed to restore the very words without the striking out of which the bill could not have passed the Senate to-day. It could not have been called up. It was only by consent and agreement that those words should be stricken out that the bill was enabled to be called up and acted upon. Now I ask the Senate to refuse to concur in the report, for I say it is contrary to the understanding and agreement and instruction to the conference committee.

Mr. ALDRICH. I was not present in the Senate at the time this bill was taken up and passed, and know nothing of any understanding in regard to this amendment. I was placed upon the conference committee, and found that the House would not agree to this amendment, and the Senate conferees were obliged to yield. The chairman of the Committee on the District of Columbia called the bill up, and if there was any such understanding in appointing the conferees he probably is aware of it. I know of no such understanding. I will say further, in reply to the Senator from Michigan, that the bill is right, and that it is worth nothing without those words. The bill might as well fail as to pass with those words left out.

Mr. BAYARD. I think it much better that the bill should fail than that it should pass without a very full understanding of its provisions. It affects the property of a great number of very poor people, and however desirable it may be to collect taxes it is not well to collect them at the cost of injustice. I hope the report will not be concurred in.

Mr. ALDRICH. All the amendments offered by the Senator from Delaware [Mr. BAYARD] are retained in the bill; all the amendments offered by the Senator from Tennessee [Mr. HARRIS], the Senator from Alabama [Mr. MORGAN], and all the other amendments affording additional protection and guards to tax-payers are retained in the bill.

Mr. MORGAN. The bill in the shape in which it is now presented to the Senate is simply a decree of forfeiture of the lands of some poor people in the city of Washington for the purpose of speculators. When this bill was called by the Senate last night objection was made to its being taken up. Thereupon Senators concerned on both sides agreed to take it up on the express understanding that these words were to be stricken out of the bill.

This bill has been pending in the Senate for several days. Amendments were offered and adopted by the Senate of an important character. When the bill was called up again for its final passage I had the honor of objecting to its being taken up out of its order for consideration. So the chairman of the Committee on the District of Columbia, in charge of the bill, had a conference with other Senators on this subject, and we agreed that these words should be stricken out of the bill; and under that condition this bill was taken up and put on its passage without further objection, and a committee of conference was immediately asked by the Senator who moved the bill. That is a somewhat novel proceeding; at the same time I think it is entirely legitimate; but the action of the Senate on the motion of the chairman of the Committee on the District of Columbia in striking out these words should have been considered and received by this committee of conference as an instruction that they should insist that these words should go out. This bill would never have passed the Senate with those words in it. The body of the Senate, I am quite satisfied, would have resisted the passage of a measure which would have taken from these people their homes.

Mr. VOORHEES. Will the Senator from Alabama allow me?

Mr. GEORGE. We can not hear a word the Senator from Alabama is saying. It is a very important question, and I should like to hear him.

Mr. MORGAN. I yield to the Senator from Indiana.

Mr. VOORHEES. I ask that the matter under consideration be laid aside informally for the purpose of taking up a bill which has just reached here from the House on a subject that the Senate has also passed a bill upon; but this is the only way in which to reach a conclusion. It is in regard to a lost certificate of deposit for one of the banks in Indiana, and is a matter in which the Finance Committee has been consulted and on which the House has acted. It is a bill to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

Mr. ALDRICH. In view of the evident intention to prolong the discussion upon the conference report, I will consent that it shall lay aside and will not ask any action, disclaiming at the same time any understanding or agreement, so far as I was concerned and which came within my knowledge, that this amendment was to be yielded to in committee or elsewhere.

The PRESIDING OFFICER. Is the suggestion of the Senator from Rhode Island agreed to that the conference report submitted by him lie on the table? The Chair hears no objection, and such will be the order.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PEOPLE'S NATIONAL BANK OF LAWRENCEBURG, IND.

Mr. VOORHEES. I now ask——

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

Mr. VOORHEES. I renew my request for the consideration of the bill just received.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. VOORHEES] asks the Senate to take up a bill on the table, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind."

By unanimous consent, the bill was read twice, and considered as in Committee of the Whole.

Mr. CONGER. I can not hear a word of the bill. Will the Senator state briefly what the bill is?

Mr. VOORHEES. It is a bill to authorize the Secretary of the Treasury to issue a duplicate for a lost certificate of deposit to one of the banks in Indiana.

Mr. CONGER. All right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ills., and Davenport, Iowa, and to establish it as a post-route; and

A bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

WITHDRAWAL OF PAPERS.

On motion of Mr. GROOME, it was

Ordered, That J. H. Kelley have leave to withdraw from the files of the Senate the papers in support of the bill to incorporate the North Capitol and Glenwood Cemetery Horse Railroad Company, subject to the rules of the Senate.

RETIRED GENERAL OF THE ARMY.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. INGALLS. I ask that the bill just received from the House of Representatives may be read at length.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Kansas asks that the bill just received from the House of Representatives be read at length. If there be no objection, the Secretary will read the bill at length.

The Secretary read as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been Generals commanding the Army of the United States or Generals-in-Chief of said Army, one person with the rank and full pay of such General or General-in-Chief, as the case may be; and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly.

[Applause on the floor and in the galleries.]

Mr. INGALLS. Mr. President, the nation knows who that "one person" means. I ask unanimous consent that the reference of this bill to a committee be waived and that it now be considered by the Senate.

Several SENATORS. It is a Senate bill.

The PRESIDING OFFICER. It is a Senate bill, and the House has passed it without amendment. No further action, in the opinion of the Chair, is necessary. [Applause in the galleries.]

NOTIFICATION TO PRESIDENT.

Mr. MORRILL. Mr. President, I offer the following resolution and ask for its present consideration:

Resolved, That a committee of two members of the Senate be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The resolution was considered by unanimous consent, and agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. MORRILL and Mr. HARRIS were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution "that a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment," and that Mr. WILLIAM M. SPRINGER of Illinois, Mr. S. S. COX of New York, and Mr. T. B. REED of Maine were appointed the committee on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2530) to authorize an additional appointment on the retired-list; and it was thereupon signed by the President *pro tempore*.

[The announcement of the signature of the President *pro tempore* was received with great applause on the floor and in the galleries.]

JOINT COMMISSION ON SIGNAL SERVICE, ETC.

The PRESIDENT *pro tempore*. The Chair will announce, in pursuance of the authority conferred by the sundry civil appropriation act in one of its clauses, that he appoints Senator MORGAN, of Alabama, to fill a vacancy in the joint commission, consisting of three Senators and three Representatives, to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 723) for the relief of Eugene B. Rail and others; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes;

An act (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof;

An act (S. 544) granting increase of pension to Elijah W. Penny;

An act (S. 723) for the relief of Eugene B. Rail and others;

An act (S. 1113) granting a pension to Anne E. Manchester;

An act (S. 1612) granting a pension to Bryson R. McCartney;

An act (S. 1633) granting a pension to James Bond;

An act (S. 1739) granting a pension to the widow and children of the late Byram Pitney;

An act (S. 1811) granting a pension to Anne T. Dicks;

An act (S. 1836) granting an increase of pension to Sarah Hague;

An act (S. 1877) granting increase of pension to John Hall;

An act (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia;

An act (S. 2125) granting a pension to Sarah Jane Prince;

An act (S. 2153) granting a pension to Benjamin F. Brockett;

An act (S. 2245) granting a pension to William N. Morris;

An act (S. 2262) granting a pension to Sedate P. Martin;

An act (S. 2268) for the relief of Robert J. Ballort;

An act (S. 2279) granting a pension to Lewis L. Canady;

An act (S. 2302) granting a pension to John Lowe;

An act (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

An act (S. 2367) granting a pension to Sarah A. White;

An act (S. 2437) granting a pension to Mrs. Mary Gordon;

An act (S. 2443) granting an increase of pension to Polly Young;

An act (S. 2527) granting a pension to Robert Sheridan;

An act (S. 2530) to authorize an additional appointment on the retired-list of the Army;

An act (S. 2546) granting a pension to Charlotte C. B. Hatch;

An act (S. 2607) granting a pension to Mary B. Holmes;

An act (S. 2619) granting an increase of pension to Martha Hughes;

An act (S. 2620) granting a pension to Thomas H. Boaz;

An act (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony;

An act (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument;

A bill (S. 2668) granting a pension to John M. Milton;

Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports;

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution; and

Joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

GENERAL ULYSSES S. GRANT.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message in writing from the President, which will be read:

The Chief Clerk read as follows:

To the honorable GEORGE F. EDMUNDS,
President pro tempore of the Senate of the United States:

SIR: The accompanying communication, although an executive message, may be read in open session.

CHESTER A. ARTHUR.

WASHINGTON, *March* 3, 1885.

The PRESIDENT *pro tempore*. The accompanying communication will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

I nominate Ulysses S. Grant, formerly commanding the armies of the United States, to be General on the retired-list of the Army, with the full pay of such rank.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, March 3, 1885.

[Great applause on the floor and in the galleries.]

The PRESIDENT *pro tempore*. Manifestations of applause are entirely irregular. The Chair asks unanimous consent that this nomination be now considered with open doors. Is there objection? The Chair hears none. The question is: Will the Senate advise and consent to this appointment? The Senators in the affirmative will say "ay."

The response was unanimously in the affirmative.

The PRESIDENT *pro tempore*. The "ayes" have it unanimously. [Great applause on the floor and in the galleries.]

Mr. CONGER. I move that the President be notified of the action of the Senate on that last nomination.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

NOTIFICATION TO THE PRESIDENT.

Mr. MORRILL and Mr. HARRIS, of the joint committee who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate, and,

Mr. MORRILL said: Mr. President, the joint committee appointed to notify the President of the United States that the Senate and House of Representatives were about to close their business by a final adjournment have performed that duty, and have been informed by the President that he has no further communication to make.

SWEARING IN OF VICE-PRESIDENT.

The Vice-President-elect (Hon. Thomas A. Hendricks, of Indiana) entered the Chamber, accompanied by Mr. SHERMAN, Mr. RANSOM, and Mr. HAWLEY, members of the committee of arrangements for the inauguration.

The PRESIDENT *pro tempore*. Senators, the Chair has the pleasure to announce that the Vice-President of the United States elect is in the Senate Chamber, and, if agreeable to him, the Chair will administer to him the oath of office.

Thereupon Mr. HENDRICKS took and subscribed the oath prescribed by law, and was conducted to a seat at the right of the President *pro tempore*.

The PRESIDENT *pro tempore*. Senators, we now close another epoch in the course of the Republic under the Constitution. The brief period of our national existence has, by the exertion of the co-ordinated forces of national and State systems, brought the experiment of free social and political government to an established and secure triumph.

I think I may safely say for us all that we believe that the long years to come in the future of the Republic will more and more increase the peace, liberty, order, and security of all the people of our country.

But perhaps it may not be improper for me to say that, in view of our recent experience, it may be doubted whether Congress can congratulate itself on being the best example of a legislative body conducting its business with that deliberate and timely diligence which is the inseparable handmaid of wisdom and justice, as well in the making as in the administration of laws. It is I think an evil of large and growing proportions that measures of the greatest importance, requiring much time for proper examination and discussion in detail, are brought to our consideration so late that it is not possible to deal with them intelligently, and which we are tempted (overtempted I fear) to enact into laws in the hope that fortune rather than time, study, and reflection will take care that the Republic suffer no detriment.

The Chair has heard with deep sensibility of the resolution you have

kindly adopted concerning the administration of his duties, and he begs to express sincerely his gratitude for it. If, in the course of the execution of his duties, he has (as he sometimes may have done) wounded the feelings of any Senator or officer of the Senate, he can truly say that he has not intentionally given offense to any one; and in closing this session of the Senate he assures every Senator, whether retiring or continuing in public duty, that he wishes for him every friendly good wish, and hopes that he may long enjoy all the happiness that can be realized by citizen or Senator.

He now declares the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 3, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

ORDER OF BUSINESS.

Mr. VALENTINE. Mr. Speaker, is it in order at this time, before the Journal is read, to move to take a recess? If so, I desire to make a motion to take a recess until 10 o'clock to-night.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moves that the House take a recess until 10 o'clock to-night. The Chair desires to state that, owing to the fact that the House was in almost continuous session from 11 o'clock yesterday until 4 o'clock this morning, the Journal is not completed.

A MEMBER. How soon will it be completed?

The SPEAKER. In about two hours, the Chair is informed.

Mr. RANDALL. Mr. Speaker, I move that the reading of the Journal be dispensed with for the present.

The SPEAKER. If there be no objection, the reading of the Journal will be dispensed with until it is prepared.

There was no objection.

Mr. SPRINGER. I move to suspend the rules and adopt an amendment to the rules of the House, which I send to the Clerk's desk to be read.

Mr. VALENTINE. I ask that my motion be put to the House.

Mr. SPRINGER. Pending a motion to suspend the rules there is but one motion—to adjourn—in order.

The SPEAKER. But the motion to suspend the rules is objected to because the gentleman from Nebraska insists on the regular order, which is the motion to take a recess.

Mr. VALENTINE. I insist upon that motion, Mr. Speaker.

Mr. SPRINGER. Mr. Speaker, as soon as the reading of the Journal is dispensed with is not a motion to suspend the rules in order?

Mr. VALENTINE. Mr. Speaker, the gentleman from Illinois [Mr. SPRINGER] is out of order.

The SPEAKER. It is not in order. In the first place, a contested-election case is pending.

Mr. SPRINGER. Then the Chair holds that this is the pending question?

The SPEAKER. The Chair so holds. The House decided on yesterday to consider the case, and the question was stated to the House in the form provided by the rules, that is by the reading aloud at the Clerk's desk of the resolution reported from the Committee on Elections. Pending that question the gentleman from Nebraska [Mr. VALENTINE] moves that the House take a recess. Now, even if the motion to take a recess were not pending, a motion to suspend the rules could not be entertained at this time if the regular order were insisted upon.

Mr. SPRINGER. The regular order being the contested-election case.

Mr. VALENTINE. Regular order.

The SPEAKER. The regular order is before the House; but pending that, a motion to take a recess and a motion to adjourn are in order under the rules.

Mr. LEWIS. But can there not be a motion to suspend the rules?

The SPEAKER. The difficulty is that there is a motion pending before the House; and pending that, a motion to suspend the rules can not be made if objected to. It can be done by unanimous consent, and the Chair has, upon two or three occasions, recognized gentlemen connected with appropriation bills to ask for unanimous consent to suspend the rules and the unanimous consent has been granted. [Cries of "Regular order!"]

Mr. HEWITT, of Alabama. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I desire to inquire whether, under the new rule assigning an hour each day immediately after the reading of the Journal for the consideration of bills to which there are not ten or more objections, that hour does not take precedence over the unfinished business.

The SPEAKER. The Chair thinks a contested-election case, being a matter of the highest privilege under the Constitution, is in order at all times, unless by unanimous consent, after the House has once determined to proceed with its consideration and after the question has been stated to the House, as was done in this case yesterday.

Mr. STOCKSLAGER. Does the Chair place that decision upon the ground that the election case is unfinished business?

The SPEAKER. Unfinished business, and also a privileged matter of the highest character, except reports from committees of conference.

Mr. STOCKSLAGER. Does either of these take precedence of the positive rule of the House that immediately after the reading of the Journal there shall be an hour set apart for the consideration of bills to which not more than ten members object?

The SPEAKER. The Chair thinks that it is a matter of the highest privilege, and, if insisted upon, it must be regarded as entitled to the floor. That has been the universal practice of the House. When the House has once engaged in the consideration of the contested-election case, it has gone on with it day after day immediately after the reading of the Journal.

Mr. STOCKSLAGER. Is that the case as against the morning hour?

The SPEAKER. Against everything except reports from conference committees, which under another rule of the House are in order at all times except when the Journal is being read, when the roll is being called, and when the House is dividing. The regular order is insisted upon.

Mr. PETERS. I desire to inquire whether by unanimous consent a resolution could be introduced for reference to the Committee on Accounts.

The SPEAKER. By unanimous consent anything can be done.

Mr. PETERS. I ask unanimous consent——

Mr. O'FERRALL. I object.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 449) to provide for the appraisement and sale of lots in Peru, Dubuque County, Iowa;

A bill (H. R. 652) for the relief of Brannin, Summers & Co.;

A bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee;

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; and

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

LEAVE TO PRINT.

The SPEAKER. The Chair submits a personal request on behalf of a gentleman who is absent from the House on account of sickness.

The Clerk read as follows:

Mr. THROCKMORTON asks leave to print in the RECORD remarks on his educational bill.

There being no objection, leave was granted.

ORDER OF BUSINESS.

The SPEAKER. The question is upon the motion of the gentleman from Nebraska [Mr. VALENTINE] that the House take a recess until 10 o'clock this evening.

Mr. HEPBURN. I move to amend that motion by striking out "10" and inserting "9."

Mr. CONVERSE. I rise to a point of order. My point is that after the motion was made last evening to take a recess until 9 o'clock the House adjourned, and therefore that motion is not the pending question.

The SPEAKER. It is not.

Mr. CONVERSE. But the question is on the demand for the previous question, as made by the gentleman from North Carolina [Mr. BENNETT].

The SPEAKER. The gentleman from North Carolina has not demanded the previous question.

Mr. CONVERSE. I so understood him.

Mr. VALENTINE. He never did make that motion. My motion is pending.

The SPEAKER. The Chair will state the situation; there is no difficulty about it under the rules. When the House took a recess until 9 o'clock this morning all other motions for a recess of course fell; and certainly when the House adjourned this morning all motions then pending for a recess fell. But as soon as the House reassembled, and immediately after the reading of the Journal was for the present dispensed with, the gentleman from Nebraska [Mr. VALENTINE] made a motion that the House take a recess until 10 o'clock this evening. That motion is now pending.

Mr. CONVERSE. I understood the gentleman to claim that it was unfinished business.

Mr. VALENTINE. Oh, no.

The SPEAKER. No; the Chair decided that the contested-election case was unfinished business. The gentleman from Iowa [Mr. HEPBURN] moves to amend the motion of the gentleman from Nebraska by striking out "10" and inserting "9."

Mr. PETTIBONE. I move to amend the amendment by striking out "9" and inserting "8."

The question being taken on Mr. PETTIBONE's amendment to the amendment there were—ayes 4, noes 41.

Mr. VALENTINE. No quorum.

Tellers were ordered; and Mr. VALENTINE and Mr. SPRINGER were appointed.

The House again divided; and the tellers reported none in the affirmative, 75 in the negative.

Mr. VALENTINE. No quorum.

Mr. BELFORD. I rise to a question of personal privilege. I demand that the rules of this House for which we have such a profound reverence shall be enforced; and I ask for the reading of the seventh paragraph of the fourteenth commandment of the House of Representatives. [Laughter.] I can not sit here and have gentlemen smoke all the time in the area in the rear of the seats.

The SPEAKER. The Clerk will read the clause of the rule indicated by the gentleman; and the Chair will call the special attention of members and officers of the House to this rule, because the matter to which the gentleman from Colorado has referred is one about which frequent complaints are made to the Chair.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

Mr. BELFORD. Now I ask that the Speaker, who is the organ of this House, shall direct the Sergeant-at-Arms under that rule to enforce its requirement. The general place of smoking is right in the rear of where I sit; and I say we should be exempt from this nuisance at least until to-morrow at 12 o'clock.

The SPEAKER. The gentleman has a right to insist upon the enforcement of the rule. It is the duty of the officers of the House named in the rule to see that it is enforced; and the Chair has only a day or two ago directed those officers to see that it is rigidly executed, because there is very great complaint to the Chair almost every day of the session in regard to the violation of this rule. The Chair hopes that members will respect the rule of the House, and if they desire to smoke will leave the floor for that purpose.

Mr. BROWN, of Pennsylvania. I ask by unanimous consent, Mr. Speaker, that the House now proceed to the consideration of bills under the new rule for one hour to-day.

Mr. BUDD. I have been seeking the floor for the purpose of making that motion in order that I might call up for consideration the San Francisco post-office bill.

Mr. WELLER. I object.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I rise, Mr. Speaker, for the purpose of submitting a privileged report, which I send up to the Clerk's desk to be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill of the House (H. R. 8126) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 12 and 15, and agree to the same.

On the amendments of the Senate numbered 3, 4, 5, 6, 16, 17, 18, 19, and 20 they have been unable to agree.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.
P. B. PLUMB,
WM. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement accompanying the conference report under the rule of the House.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8126) making appropriations for the postal service for the fiscal year 1886 submit the following written statement in explanation of the conference report:

The conference committee have agreed upon only three amendments of the Senate, and the action recommended thereon fixes the amount for railroad transportation at $14,620,000; strikes out of the bill the provision to require bids from the Bureau of Engraving and Printing for furnishing stamps, envelopes, and postal cards, and makes a verbal correction in the text of the bill.

The amendments disagreed upon relate to the rent of third-class post-offices, the question of foreign mail transportation, and the special stamp-delivery service.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.

Mr. TOWNSHEND. Mr. Speaker, it will be seen from the reading of the report that the conferees on the part of the House and Senate have reached an agreement on all amendments to the Post-Office appropriation bill except three. The first of those amendments is the one inserted by the Senate, extending the authority of the Postmaster-General to make contracts for lease of premises at the expense of the Government for third-class offices as well as first and second class offices. The second is the disagreement with that amendment of the Senate making appropriations for the ocean mail service. The third relates to the other sections of the bill, providing for the issuance of 10-cent special delivery stamps.

The conferees have declined to yield on the first of the amendments I have mentioned relating to leases for third-class offices for the reason we believe it opens the door to a much larger expenditure than at this time ought to be permitted. The number of post-offices in the United States reaches nearly 50,000. The number already where the Postmaster-General is authorized to make leases of buildings does not exceed four hundred, and they are of the first and second classes.

The number of offices of the third class amount to nearly 1,900, and by next year no doubt will reach 2,000. If this amendment is adopted, in my judgment it will render necessary we shall increase the appropriation necessary for leasing buildings for the purpose indicated nearly four times as much as is now provided for in the bill as it left the House. In other words it is believed, Mr. Speaker, by those who understood it properly, it will require an increase not less than $600,000, and may reach a million more than is provided by the amount passed by the Senate.

It is claimed by those who advocate this extension of the power of the Postmaster-General for leasing buildings for post-offices of the third class that it is not proper that a postmaster who receives $1,900 salary should be deprived of the privilege of having a post-office leased at the expense of the Government for his use and be compelled to pay rent out of his salary for the premises occupied by him as a post-office, whereas a postmaster receiving $2,100 under the law is entitled to receive additional compensation for rent as well as fuel and light.

In answer I would say it makes no difference where you draw the line, there will be some apparent hardship. If the Postmaster-General is authorized to make leases for second and third class offices, then those occupying fourth-class offices will come to Congress and demand, inasmuch as they receive salaries less than postmasters of the third class, that the Postmaster-General should have the right to lease buildings for post-offices for them at the Government expense. It has been thought in the past to be wise the line should be drawn at $2,000 salaried offices.

Mr. COSGROVE rose.

Mr. TOWNSHEND. I ask the gentleman from Missouri not to interrupt me now. When I have concluded my statement I will be glad to yield to gentlemen who desire to ask me any questions.

I wish, Mr. Speaker, the House fairly to understand the character of the legislation they are entering upon, for if you adopt this amendment of the Senate you should increase the appropriation three or four times as much as you have provided in this bill, and include four or five times as many offices as are now furnished at the Government expense.

I warn you now if you allow this number of post-offices to be provided at the Government expense for third-class offices it will not be long until the occupants of fourth-class offices in the United States will be clamoring for the same privilege. Then, of course, you will have to make provision, as I have already indicated, for nearly 50,000 post-offices. I will not dwell further on that point, as I wish to be brief in the remarks I make on this report, being conscious of the short time left us for the consideration of the great money bills, of which this is the largest in amount.

The next and most vital point of difference between the two Houses is that relating to the ocean mail service. The ground upon which the majority of the House conferees have declined to accede to the amendment of the Senate is that the legislation proposed is in the nature of a subsidy.

I am aware that many good and wise members upon this floor and in the Senate deny that this is in the nature of a subsidy. There is a difference of opinion upon that point; but I think reflection will convince fair minds that it is so. It is insisted that in the exercise of a wise and sound discretion on the part of the Postmaster-General he will not go to the full limit of 50 cents per mile, which the proposition authorizes, unless the amount of service to be rendered will fairly justify him in doing so; that he will necessarily take into consideration in awarding contracts for such service the character and actual value thereof. But, Mr. Speaker, that question is to be left in the hands of some one who is entirely unknown to us at present. We do not know what may be his

views on this question. We are groping in the dark in the adoption of such an amendment. We intrust to him an unwise and a dangerous power which will enable him to subsidize American lines if he shall be disposed to do so.

But, sir, we are met by the argument by gentlemen that as we have put the domestic mail service upon the basis of compensation for service rendered, and have intrusted to the Postmaster-General the discretionary power of making such contracts as he may in his judgment deem necessary for the interest of the public, that we could also with equal safety intrust to him the power to make contracts for mail service to foreign countries.

They insist that it requires no less ability and integrity for making contracts with the inland steamboat, the coastwise, and railway mail service than for making contracts to extend our foreign mail service on American vessels. One of the most forcible illustrations used for this argument was that of a gentleman, the other day, who asserted that if we can safely empower the Postmaster-General at his discretion to enter into contracts for the transportation of the mails from New York to Galveston upon an American steamer, we can with equal safety intrust to him the discretionary power of making contracts for the extension of that service across the Gulf of Mexico to Vera Cruz.

I admit that it is a very difficult question to answer, when gentlemen put the inquiry squarely: Why if you allow the Postmaster-General to exercise discretion in making contracts for the coastwise and inland steamboat service should there be any great apprehension of abuse of power in allowing him to exercise equal discretion in making contracts for conveying our mail to foreign countries? About the only answer I can make to that argument is that this amendment of the Senate is not of that nature exactly.

The proposition now under consideration raises the limit of the power of the Postmaster-General to contract, or rather puts it in his power to increase the compensation for mail service on American steamers to foreign countries from an aggregate of about $55,000 to an amount not exceeding $400,000. In other words, it repeals the present law fixing their pay at not exceeding the sea-going and inland postage for this service, and authorizes him to contract at a rate not exceeding 50 cents per mile.

It is contended, however, that the Government is paying some foreign lines of steamers carrying the mails from New York to Europe a higher rate per mile than that provided in this amendment—giving them more than 50 cents a mile. That is true in regard to one line—the North German Lloyd's; it was paid more than 50 cents per mile in 1883, and perhaps last year that line received nearly 70 cents per mile.

But gentlemen should remember that there is no comparison between the amount of mail carried on American mail steamers to the Southern and Pacific countries, to South America, Mexico, and Central America, to that carried on the North German Lloyd's line to Europe. Some gentlemen have not hesitated to advocate this proposition on the ground that even if there is a subsidy in this proposed increase of this ocean mail service it should be done for the encouragement and building up of the American merchant marine. They are willing to subsidize American steamers in order to secure for our flag a larger share of the commerce of the seas.

In answer to such suggestions, I want to say that I have full sympathy with every wise and just movement likely to increase our foreign commerce and the extension of our markets in the Southern and Pacific countries. It is well known that for more than a year I have been persistent in pressing upon the attention of Congress a proposition to form a commercial league of the nations on this continent, in character similar to the German Zollverein.

That scheme if carried into effect would far more effectually than subsidies rebuild and make prosperous our shipping interest, for it would provide that the maritime commerce between the United States and those countries should be carried on vessels owned by citizens of the countries embraced in the Zollverein. This would transfer to our flag nearly all the commerce among these countries which is carried on European vessels. If that proposition should be adopted there would be no possible need for subsidy.

If that is adopted the American merchant marine can not only successfully compete with the subsidized lines of Europe, but would enable us to rival if not outstrip any nation in the world in the commerce of the seas. For the purpose of showing the interest I have manifested in this subject before this amendment was offered, and to remove any impression that I am indifferent to the prosperity of our shipping interest, I will quote from my speech of January 10 last on the formation of an American customs union, as follows:

Perhaps there is no public question of paramount importance to that of rebuilding the American merchant marine and navy. I will not dwell here upon the causes which have produced the sad condition of our ocean commerce and the humiliating position of our flag on the seas. All recognize the insignificance of our shipping interest aside from our coastwise service. It has fallen from the proud position of rivalry with the greatest maritime powers under President Van Buren to the foot of the list under President Arthur. Then over 84 per cent. of our imports and exports were carried on American bottoms, now it has fallen to 16 per cent.

Twelve lines of steamers run to Europe from the Argentine Republic, but none to the United States.

It is stated in the daily press that last year only two American vessels sailed from New York to Europe, neither of which were steamers.

We are paying now over one hundred millions annually to foreign ships for carrying our commerce. Nothing can be done, in my judgment, which will more effectually and permanently rebuild our mercantile marine than the establishment of the American customs-unions.

One of the prime questions to be considered by members of the American customs-union would be the means of transit and intercourse, as between the United States and all those countries except Mexico the connection will be by water. Articles should be adopted by the Zollverein assembly which would apply the benefits of the freedom of commerce and exchange only to goods carried on vessels owned by the countries forming the union.

But by the establishment of an American Zollverein all countries outside of the verein would be excluded from the benefits and privileges I have indicated. This would give us control of the carrying trade of this hemisphere. It would revive our languishing shipping interest, and lift it from the foot of the list to the highest degree. We would eventually dethrone England's sovereignty of the seas and become the great maritime power of the world. For the great increase which that trade would give to our shipping would enable our ship-owners to compete for a fair share of trade in all the seas. It would send our flag to ports where it is now a stranger, and transport American products under an American flag on American bottoms to the markets of the world.

But, sir, anxious as I am to accomplish that result, I am opposed to subsidies. The plan I have suggested can not, however, obtain favorable action during this session.

Now we must return to the point practically before us: What is the compensation paid? As is well known, the law to-day provides that the Postmaster-General may compensate our foreign ships by paying them 2 cents as sea-going postage upon each letter carried.

The law does permit the Postmaster-General to pay the American steamers engaged in the carrying our foreign mails both the inland and the sea-going postage. The officials of that Department have not, as I understand, however, ever exercised that power; and the reason assigned by them is that the appropriations made by Congress will only permit them to pay American steamers the same amount as is paid to European steamers, or 2 cents per letter. What is the result? By referring to the report of the Postmaster-General of last year you will find there is some truth in the statement that some of the American lines running to the southern countries are inadequately compensated. And the same report shows us there is an extravagant allowance for carrying of our mails by some foreign lines to European countries.

There are two classes of vessels engaged in carrying our foreign mails. One is a class owned by Europeans almost exclusively engaged in carrying the mails from our Eastern ports to European ports. No American steamer crosses the Atlantic with an American mail upon it. The other class are vessels built in America and owned by citizens of the United States. American steamers are almost exclusively engaged in transporting our mails to Mexico, Central and South America, the West Indies, China and Japan, Australia, and the Sandwich Islands.

The North German Lloyd's, a foreign line from New York to Bremen, received last year an average of over $1,600 a trip for carrying the mail; whereas on American lines running to the southern and Pacific countries the compensation ran as low as $30 a trip. The lines from San Francisco to Japan and China received on an average about $125 a trip. The line running from New York to Aspinwall received about $131 per average trip. The vessels from San Francisco to China, travel a distance of about 7,000 miles, while from New York to Bremen the distance is only some 3,000 miles. From this it will be seen as claimed by the advocates of this amendment that the American line to China received only about one-thirteenth as much as the foreign line to Bremen, although it carried our mails over twice as far.

Now, why is this? It is because the basis upon which you make the compensation for the carrying of foreign mails is uniformly 2 cents per letter, and produces that result. I do not believe the basis is right. For whereas 2 cents as a basis does give to the European lines an excessive and extravagant compensation, the basis of 2 cents for these lines running south and southwest furnishes in most instances inadequate compensation. But so long as this basis stands this unequal and unfair result will follow.

As I have heretofore said, the immense amount of mails carried to European ports results in giving the large compensation to the lines to Europe which I have mentioned, while the smallness of the quantity of mail carried to southern ports results in the small pay received for carrying those mails under the present law. This basis allows no more pay for carrying a letter 3,000 miles than for carrying it 7,000 miles. This is wrong. In all our domestic service we take into consideration the distance, weight, and character of service performed in fixing mail-pay, and should do so in our foreign service.

My colleagues on the committee and myself have seen the inequality and injustice of this basis of compensation and have endeavored to find the way by which a just and fair basis can be established. My friend from Indiana [Mr. HOLMAN] and myself earnestly desire to find some plan whereby honest, just, and fair compensation may be made for the amount of service rendered by American steamers. While I admit that we ought to take into consideration the distance carried, we should also take into consideration the weight of the mails and the amount of service the vessels perform for the Government.

My colleague on the committee, Judge HOLMAN, suggests as some remedy for the injustice of this basis to American vessels that we direct the Postmaster-General to pay the American steamers both the inland and foreign postage; but, sir, we find great difficulty in formulating a plan which will do justice both to the Government and the carrier.

I am opposed to subsidies as undemocratic and unrepublican, as unsound governmental policy. I shall not vote for a subsidy for any purpose. I am told that England has built her up her merchant marine by means of subsidies in the nature of large mail-pay. Her main object, however, has been to keep open her communications with her colonies. I am told also that as soon as the Canadian-Pacific road is built she intends to subsidize a line running from Victoria to China and Japan, which will compete with the American line running from San Francisco. And we are told that she has now ships running from San Francisco to Australia, and that she is running a subsidized mail line to Brazil.

We are told that France has subsidized not only her foreign mail lines but also the commerce of her merchant marine by allowing 30 cents per ton for every mile of steam navigation by vessels built in her ship-yards carrying her flag, and 15 per cent. in addition thereto when the designs for the ships are submitted to and approved by the Navy Department. We are told the Brazilian Government subsidizes not only its own mail lines but English lines to the extent of over $1,000,000 per annum, and that it has even subsidized one of the American lines to the extent of $100,000 per annum.

But, sir, our institutions, our policy, and principles of government are antagonistic to the policies and the principles adopted and necessary in monarchies, which are founded largely on the idea of privileges to the few, and which lead to the building up of strong monopolies. I do not believe it wise that we should adopt such a policy. If we do not grant subsidies as inducements for carrying our mail in American steamers, what system should we adopt?

There is another plan suggested. It is that we shall empower the Postmaster-General to exercise the same discretion in compensating for our foreign mail service that he does in fixing compensation for our domestic mail service; that we shall give him power to make contracts for the service rendered on similar terms of our coastwise and inland service. That is a suggestion which, in my judgment, appeals much more forcibly to the sense of justice of those who wish to do their duty to the Government and the carriers of our mails on the ocean than does the idea of granting subsidies; but when you come to the consideration of this suggestion you find that as construed the statute limits the power of the Postmaster-General to making contracts for carrying the mails only to the extent of 2 cents and 5 cents per letter.

No such proposition, however, is before the House, and it is unnecessary for me to discuss it unless it is offered; but before I take my seat I want to call attention to another question regarding our foreign mail service. The Postmaster-General, in his report, and the superintendent of the foreign mail service both dwell with emphasis upon the act of last session repealing what is known as the compulsory law. The compulsory law that was in force until the last session of this Congress put it in the power of the Postmaster-General to force American steamers to carry our mails for the sea-going postage. He had the power to coerce them and he did coerce them at times when they insisted the compensation was inadequate.

It was claimed by the American steamship companies that this power of the Postmaster-General was exerted to an extent which caused actual loss upon some of the lines. I see that the report of the commission sent lately to Central and South America, just published, states that some of the lines to Central and South America and the West Indies have actually suffered loss on the mails they have handled. If this is true, no fair-minded person would deny that their compensation should be increased. I believe that is true of some of the lines, but not of all. The compensation for the line running to Brazil is perhaps sufficient; it gets over $800 per trip.

The Postmaster-General and the superintendent of the foreign mail service warn us if no change is made in the law as it stands, and those steamers refuse to carry the mails, serious interruption will be produced in our commercial relations and correspondence with those countries. The superintendent of the foreign mail service states that threats have been already made that the mails will be thrown off some of the lines running from San Francisco.

But, on the other hand, it is insisted that those lines will never throw off the mails, that the carriage of the mails is almost a necessity to them in the conduct of their business, that they can not well conduct their general business unless they carry the mails which enable the merchants of the countries between which they ply to communicate easily with each other, and that therefore no such danger will arise as the Postmaster-General and the superintendent of the foreign mail service seem to anticipate.

But, be that as it may, we ought not to force any body or company to perform service for the Government without just and fair compensation for the service performed. Let me say again that the gentleman from Indiana [Mr. HOLMAN], as well as myself, desires that something shall be done which will give these steamship lines fair, just, honest compensation for carrying our mails on the ocean. We do not desire to force the carriage of the mails at a loss. I wish to give full compensation for the amount of service performed; but I think this empowers the Postmaster-General in many instances to go beyond what may be properly regarded as reasonable and fair compensation for the service. In the absence of an agreement for a satisfactory plan we reported to the general committee the bill with provision for payment on the basis of the sea-going postage. And that action has been sustained by the House on a vote taken by yeas and nays.

The gentleman from Indiana [Mr. HOLMAN], as I have stated, at one time suggested that we might direct the Postmaster-General to give the American lines both the inland and the sea-going postage. I would be willing to accept such a proposition. If that were done, it would more than double the amount of their compensation. They are receiving now about $55,000 for carrying the American mails, and that proposition would give them over $130,000, nearly $140,000.

I know that when gentlemen here call attention to the inequality between the compensation of American steamers and that received by foreign steamers for mail service they bring to bear an argument which works upon the sympathies of many gentlemen in this House who would feel a pride in building up the merchant marine of this country. The figures do show, as they have asserted, that last year foreign steamers received $273,000 for carrying our mails to Europe, whereas the American ships received only about $55,000.

If the proposition I mentioned a moment ago be adopted the American steamers would receive somewhere in the neighborhood of $130,000 or $140,000. If they were given the sea-going and the inland postage, it would be a step in the direction of giving them fair and just compensation—much fairer than they receive under the present law. But unless something of that kind be done the House conferees, in order to be consistent with their principles and to obey the vote which has been taken upon a proposition substantially the same as this, must stand upon the position they have heretofore taken. We went into conference, backed by a vote of some 15 or 20 majority, refusing to accept a proposition similar to the one that the Senate has placed upon this bill.

Mr. Speaker, I have endeavored dispassionately, calmly, impartially to put before the House the arguments used on both sides of this question in order that the situation may be fully understood. Unless this House reverses the action it has heretofore taken by a pronounced vote I shall, if I go back into conference, stand in opposition to the amendment of the Senate. At the same time, if some proposition giving American steamers fair and just compensation for the amount of service performed can be agreed upon I should be glad to see it done, in order that the Government may be relieved from the dilemma that the Post-Office officials and others think it will be in after April next when the compulsory law will cease to operate. I wish to avoid any danger of interruption of our correspondence or commerce with foreign countries.

It is said that these lines, if the Department fails to make contracts with them, will at once advertise that they are willing to carry letters for merchants and other correspondents, and will fix such scale of charges as they may determine. If that were done it would still be a very inconvenient mode of conducting correspondence with foreign countries, because no matter what amount of stamps may be put upon a letter destined, for instance, for China, it is necessary when it reaches San Francisco that there shall be some authority there to negotiate with the vessel and the Department for carrying the mail.

In such a condition the public would be left entirely in the power of the steamship companies, who might tax them unjustly and oneroously for the service. But I am opposed to this amendment because it partakes of the nature of a subsidy; and I shall stand in opposition to it until this House shall otherwise direct.

Now, in regard to the last point of difference, the 10-cent specialty stamp. The proposition on that subject was put on this bill by a unanimous vote of the Appropriations Committee and by a unanimous vote of the House. The Senate has stricken it out upon the theory that it is general legislation. I find the construction of the Senate in that regard is this: Whenever any general legislation suits their views they have no hesitation in putting it upon an appropriation bill, as they did in regard to authorizing the Postmaster-General to lease premises for third-class offices; but when the Committee on Appropriations of the Senate, or the Senate itself, do not desire general legislation they fall back upon the technical rule and claim that they are not permitted under their rules to place general legislation upon an appropriation bill.

I do not desire to discuss this question further. How much time have I left?

The SPEAKER. Twenty-five minutes.

Mr. TOWNSHEND. I propose to yield the remainder of my time to the gentleman from Indiana [Mr. HOLMAN]. Before surrendering the floor I will make a motion to adopt the report. But I do not wish to cut off debate by other gentlemen. Does the gentleman from Michigan [Mr. HORR] desire to go on now?

Mr. HORR. I prefer to wait until I move to concur in the amendment as to mail transportation on American vessels. The first vote should be taken at once on adopting the report.

The SPEAKER. Does the committee of conference report a disagreement as to this amendment?

Mr. TOWNSHEND. As to three amendments.

The SPEAKER. Is this one of them?

Mr. TOWNSHEND. I am now moving to adopt the report.

The SPEAKER. The Chair is inquiring whether this is one of the amendments upon which the committee of conference has disagreed.

Mr. TOWNSHEND. It is.

The SPEAKER. Then it can not be disposed of until the report has been either agreed to or disagreed to.

Mr. TOWNSHEND. My motion is to adopt the report. I am not desirous, however, of cutting off debate on it.

Mr. BINGHAM. I desire to inquire whether if the conference report be first adopted we shall have debate distinctly upon this point?

The SPEAKER. The Chair can not state what debate will be allowed, because that is a matter which rests with the House. If the previous question should not be ordered, there will be debate as a matter of course.

Mr. TOWNSHEND. If it is not the desire to debate the motion, I will move the previous question.

Mr. BINGHAM. But we do desire to debate it.

Mr. HORR. And we do not wish to be cut off.

Mr. BINGHAM. We want our hour.

The SPEAKER. The Chair has stated that as soon as the House has disposed of the report of the conference committee, the amendments about which the committee disagree will then come up for consideration.

Mr. HORR. I will take the floor now, because I do not wish any question to arise afterward.

The SPEAKER. There can be no question as to the right of the House to consider each one of the amendments after the report has been agreed to.

Mr. HOLMAN. It seems to me, Mr. Speaker, it will be just as well to have the debate before the conference report is adopted as afterward.

The SPEAKER. That can be done, although it is not the regular order.

Mr. HOLMAN. I hope it will be granted.

The SPEAKER. If there is no objection that course will be pursued.

There was no objection, and it was ordered accordingly.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; when the Speaker signed the same.

RESIGNATION OF A MEMBER.

The SPEAKER also laid before the House the following communication:

HOUSE OF REPRESENTATIVES, *March 3, 1885.*

Hon. JOHN G. CARLISLE,
Speaker House Representatives, Forty-eighth Congress, U. S. A.:

I have the honor to inform you that I have resigned the office of Representative in the Forty-eighth Congress from the fourth Congressional district of Alabama, from and after the hour of 12 m. of the 3d day of March, 1885, and that said resignation has been forwarded to the governor of the State of Alabama, at Montgomery, Ala.

Most respectfully, your obedient servant,

GEORGE H. CRAIG.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I reserve my time.

Mr. HORR. Mr. Speaker, the amendment ingrafted upon this bill by the Senate in reference to the carrying of our foreign mails upon American steamships is the only one which I propose now to call the attention of the House to, and in doing so I wish to say that I hope the House in the end will agree in that Senate amendment, because I am satisfied it is a wise provision and one that ought to be adopted by the American Congress.

This bill as the Senate have amended it carries $400,000 for the purpose of paying for carrying our foreign mails in American ships; and let me read the provision to show you how wisely it is drawn:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, $400,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 30 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Mr. Speaker, this $400,000 covers the carriage of the mails in round numbers 1,750,000 miles. Understand me, the whole distance aggregates 1,750,000 miles that these vessels will travel for this $400,000.

How came we to be in the condition we are now in? I wish every member would give me his attention on this point. Formerly these ships received 40 cents a letter for over one-half of the ports to which they carried our letters; 25 cents a letter to China and Japan, and 30 cents a letter from the United States to Australia. September 15, 1874, a conference of nations met at Berne. There were twenty-one nations represented. They adjourned, and in 1875 reassembled at Paris, and there entered into an arrangement whereby this postage was cut down, and instead of being 25, 30, and 40 cents a letter, after that conference we have paid 2 and 3 cents only a letter.

Immediately after that conference every other nation of any dignity or magnitude on the face of the earth except ours gave extra compensation to their ships for carrying these mails. We cut down the price——

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri, in the chair). Gentlemen will suspend conversation upon the floor. Public business will be suspended until order is restored.

Mr. HORR. I was just about saying, Mr. Speaker, that international postal convention cut down the price, and while the American Government refused aid to her ships, England paid last year for this service over $3,000,000. She has paid as high as $6,000,000. She paid for her route to Japan and China alone last year $1,800,000. England paid out last year for her ships to the West Indies $400,000. The United States, this nation which we all feel so proud of, paid the magnificent sum of $3,600, and compelled American vessels to carry the mails for that mere pittance, which the officers of the vessels swear did not cover the expense of transporting the mails on shore and getting them aboard from the post-offices, to say nothing about carrying them. We paid last year for carrying our entire foreign mails $325,000. Italy paid $2,000,000. The Republic of France paid about $4,500,000, and England, as I have already stated, $3,000,000. You must remember that our American vessels are compelled to compete with ships receiving these large sums for the carrying trade of the world.

Now, mark this: We collected one million and a quarter of dollars last year out of foreign mails more than we paid for their carriage. Let me show the House what we are doing to-day, because I wish to reach this question of subsidy, which is such a bugbear in the minds of so many members here.

Formerly, as I have said, the ships received 40, 30, and 25 cents for carrying each letter. We cut the prices of a letter down from here to Australia, which is 6,000 miles, and compelled them to carry it that distance for 3 cents, precisely the same amount that they got for carrying a letter from Boston to Halifax, 578 miles. We compelled them to carry the mail to New Zealand, 5,000 miles, for the same price per letter we paid from New York to Havana, 1,280 nautical miles. We compelled them to accept pay for the long haul just as they got for the short haul. [Laughter.] My friend from Texas [Mr. REAGAN] is not here; that was for his benefit.

Now, gentlemen, what is this proposition? My friend from Illinois [Mr. TOWNSHEND] stated it correctly. It is simply to permit the Postmaster-General to let a contract for carrying the mails 6,000 miles and pay for it what the service is worth; just as you do from New York to Havana, 1,280 miles. We adopt this principle all over the United States on land; we do not pretend to carry letters just where they will pay by their postage for their carriage, do we? We carry the letters to points in the West or the South where every letter cost from one to five dollars a letter to deliver it, and we charge 2 cents for that letter and no more. We run our mails on land on the theory that we should deliver all the letters for our entire people at a cheap rate of postage; and by this amendment which the Senate adds to the bill it is intended to adopt in a small way that same principle and apply it to ocean postage. Now I did want to state these facts to the House, but it seems that they are not inclined to allow me to do it. I can not talk while everybody else is talking.

Mr. REAGAN. Permit me just here to congratulate my friend from Michigan on having at last got right on the question of long and short hauls.

Mr. HORR. When you apply it to the mails I am with you, because it is right. Indeed, Judge, I am always apt to be right; that is a peculiarity of mine. [Great laughter.]

Mr. REAGAN. No doubt right sometimes and wrong sometimes on such questions; but the gentleman thinks he is always right.

Mr. HORR. I should dislike to act, when I thought I was wrong, on any question. I am not very particular, Mr. Speaker, as I said, about whether I give the House the facts that I have prepared, or not. [Cries of "Go on!"]

Mr. RANDALL. If there is no desire to debate further, perhaps we can have the previous question.

Mr. HORR. We are met right on the threshold of this attempt with the acknowledgment on the part of the gentleman from Illinois that this compensation ought to be allowed, and with the admission on the part of the bulk of the House that these ships are getting now nothing in the shape of adequate compensation for the work they do. But the moment the question is started they all begin to cry out "subsidy!"

My friend from Pennsylvania here [Mr. BAYNE] closed this debate in this House a few days ago by a pious, moral lecture to the Democrats in reference to subsidies, and I never heard a man whose bowels yearned so wonderfully over anything as his did over the good that he was disposed to hope for from the Democratic party in this House while warning them of their danger. It was cheering. He went into the whole length and breadth of this subsidy question. He appealed to them not to be entrapped into a subsidy thus early in their accession to power.

Now, in all kindness to my friend from Pennsylvania, I want to call his attention to a fact, and I do so for his speech was a good one. It lacks simply one element so far as I can learn, which was this: It did not state correctly a single fact; that is all. What he stated for facts

were every one of them untrue; and that, I say, was the only element that was lacking to make it complete. The next day after he did the mischief he admitted himself on the floor of the House, in that honest way he always has, that when he stated to the House that the Pacific Mail Steamship Company had made dividends of 20 per cent. a year, that he had made a slight mistake in his figures, and that it should have been 5 per cent. instead of 20.

Mr. BURLEIGH. And that for only one year out of fourteen.

Mr. HORR. I have looked it up, and I call the attention of the gentleman from Pennsylvania to it. For the last year the Pacific Mail Steamship Company has paid three dividends of 1¼ per cent. per quarter. That is at the rate of 5 per cent. per year, isn't it? You New York men are all right on percents, and can tell me. Now, what is the result? I say to my friend from Pennsylvania that those are the only dividends they have paid in fourteen years. What have they done in fourteen long years? I will tell you: They have been to your State of Pennsylvania and they have put $9,000,000 into iron ships, building nineteen ironclads in the yards of your State, ranging from 2,500 registered tonnage to 5,000 registered tonnage; built nineteen as good ships as float in the merchant marine of the world, paid your manufacturers for them, you have got your money, and now the gentleman is afraid these ships will get a little something for their work. [Laughter.]

If there is anything a Pennsylvanian is boss at it is in always appreciating every kind of tax that comes into Pennsylvania's pocket. [Laughter.] I never knew one of them go back on his own State; and I like them for that. All they want is to broaden themselves out a little and do for this whole country what they never fail to advise for their State.

I have been in favor of the tariff on iron and things that have gone into those ships. I believe in it. You gentlemen of the Democratic party do not. But my friend General BAYNE and I agree upon that. Now, why should we compel them to build these ships in your yards and then deny them the right of fair compensation for carrying our mails?

"Oh, but," says my friend General BAYNE, "why Gould—yes, Gould owns some of this stock in that company." Supposing he does. Would the gentleman have the mails carried in American vessels owned by people who have not got anything? [Laughter.] That is what he intimates. How can you do that? He would have a big American marine built up by people who have not anything to build it with.

But, stop! I did not hear the gentleman make any vigorous speech against carrying the mails over the Union Pacific Railroad. We pay that railroad according to mileage just as I want to pay the ships. The gentleman's voice was silent as to that. But Gould owns, too, an immense extent in the Union Pacific, while Gould, Huntington, and the whole list the gentleman spoke of have not 5,000 shares to-day in the Pacific Mail Steamship Company out of the 200,000 shares. Who is it, Mr. Speaker, that owns the stock of this Pacific Mail Steamship Company?

Mr. KING. May I ask the gentleman from Michigan a question?

Mr. HORR. Certainly.

Mr. KING. I ask the gentleman if his proposition is to pay for the mails on steamships the same as for the mails on railroads?

Mr. HORR. This proposition is to let the Postmaster-General contract by the mile, just as we do with our coastwise vessels, just as we do with our railroad service, just as we do in the star-route service, provided he shall not give over 50 cents a mile; and he is to let it to the lowest bidder. As regards all other mail transactions we let the elements of weight and distance come in—do we not? Why, sir, on the star routes, if you should adopt this plan that you have adopted as to these American vessels, there would not be a letter carried through the West and South of this nation. There is not a Southern State, if I remember, that to-day collects postage enough to pay its share of the service. Suppose it does not, our theory is to deliver these mails to the people all over our country; and I would extend the principle and deliver them to every nation in the world at this low rate; but I would not take the money out of the poor American ships to pay the service with. I would pay it just as we do our railroad and star routes. Now another thing——

Mr. HUTCHINS. Will the gentleman from Michigan yield to me for a question?

Mr. HORR. Yes, sir.

Mr. HUTCHINS. What rate is paid the coastwise steamers?

Mr. HORR. The coastwise steamers now get, as I recollect, about 67 cents a mile on an average.

A MEMBER. Fifty cents a mile.

Mr. HUTCHINS. Why should there be that difference?

Mr. HORR. There should be no difference, except that coastwise steamers may carry a little more in weight than the vessels that go on those long routes.

Mr. ELLIS. But are they not protected against competition?

Mr. HORR. The American ships for which we are providing take a mail-bag and are gone twenty-six days with it. You compel them to receive for that work, for carrying a letter twenty-six days, just the same as they get for a day's travel from Key West across to Cuba.

Now what I want is simply this, that we should let the Postmaster-General pay these American vessels something near what they actually earn. It is fair; it is honest. They should be paid for the distance they haul our mails.

But I started to refer to what my friend from Pennsylvania [Mr. BAYNE] said, that of the amount proposed to be appropriated by the bill, when it embraced the sum of $600,000, the Pacific Mail Company would get $320,000. Where did the gentleman get at that fact? I ask the gentleman from Pennsylvania to say where he got it.

Mr. BAYNE. That is ascertained by the number of miles traveled by that line.

Mr. HORR. The gentleman's mathematics are wrong.

Mr. BAYNE. Then the gentleman from Maine [Mr. DINGLEY] is wrong. I took that statement from the speech of the gentleman from Maine.

Mr. HORR. That is generally very good authority.

Mr. BAYNE. I find it stated in his speech that there were 634,000 miles run last year by the Pacific Mail Steamship Company.

Mr. HORR. I find this to be the fact with reference to this amount of $400,000. If in a bidding the Pacific Mail Steamship Company should get the maximum amount, that is, simply get paid for the routes where there is no competition, at the maximum rate, it would get $46,000. If it gets the entire routes on which the line ran last year at the maximum price, it would get only $130,000.

I wish to say to the members of this House, after careful study of this question, that I believe the Senate has done a fair thing on this foreign carrying business. Can not we all of us rise to the dignity of doing a little something for American shipping? Can not we all of us consult and agree that right here and now at the close of this Congress we will commence a system of paying fair rates to the vessels that carry the American flag?

Why, gentlemen, this Pacific Mail Steamship Company that we hear so much about is owned by seven hundred different American citizens; it is almost all owned in this country. Now, Mr. Speaker, let me close by repeating what I have already said—that I hope we shall do justice to these vessels that carry the American flag; I do not care who owns them. This Pacific Mail Company that gentlemen talk about so much is the company that has carried our flag over one-third of the globe where it would not have been seen at any time within the last ten years but for that company's work. Should we be stampeded here because that steamship company gets a little pay? It has carried our mails for almost nothing for nine years—for less than enough compensation to pay the cartage at each end of its route. We have repealed that law. After the 1st of April next we can no longer compel these steamship lines to carry our mails for nothing. Now, this amendment of the Senate proposes that your Postmaster-General shall have the right to make contracts to pay these vessels what they really earn.

I appeal to this House, now approaching its close, to do this much for the American people and for American enterprise. I know that the gentleman from Pennsylvania [Mr. BAYNE] and all of you handy the word "subsidy." That is a ghost that has no terrors for me. I would vote for this proposition if it was $800,000, and I would do it from a sense of fairness. Why, sir, we made a million and a quarter dollars out of this service, taken as a whole, last year. Why then should we not let American ships that carry the American flag get pay for their work, when that entire service earns the money? I do believe that upon reflection this House will do justice to American shipping and give it at least what we give to foreign vessels for this mail service—because that is the Senate amendment. It divides the compensation evenly between the two. When we come to this vote I expect men who are always voting here to help England and against this country to vote against this amendment; but the men who believe in American commerce, in American shipping, in American prosperity, and in the American flag, ought to sustain this amendment, and so help to set our flag afloat once more upon the face of the ocean. I now yield ten minutes to the gentleman from New York [Mr. POTTER].

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] has thirty minutes of his time remaining.

Mr. DINGLEY. Mr. Speaker, I ask the gentleman from Michigan to yield to me for a moment to correct a misapprehension.

Mr. HORR. I yield to the gentleman for that purpose.

Mr. DINGLEY. In reference to the figures of the mileage of the Pacific Mail Steamship Company, I wish to state that the discrepancy between the figures presented by the gentleman from Pennsylvania [Mr. BAYNE] and those presented by the gentleman from Michigan [Mr. HORR] arises from the difference in the provisions of the two amendments. When the gentleman from Pennsylvania [Mr. BAYNE] spoke on this subject we had under consideration the amendment reported by the Committee on Appropriations which included American steamship lines running between the Atlantic and Pacific ports, and included only about one-half of the Pacific Mail Steamship Company's mileage; but this amendment as it comes from the committee confines the provision to the lines running to foreign ports, and they cover only the figures stated by the gentleman from Michigan [Mr. HORR]. So that both sets of figures are correct.

Mr. BRUMM. But the figures of the gentleman from Pennsylvania [Mr. BAYNE] do not apply to this bill, and the figures of the gentleman from Michigan [Mr. HORR] do.

Mr. POTTER. Mr. Speaker, I have listened with great attention to

the progress of this discussion, both when the bill was before the House previous to its passage and since it returned from the committee of conference. I have never for one moment doubted that it was and is the clear interest of this country and the clear duty of Congress to enable the Postmaster-General to make these contracts (originally proposed by this House, and now proposed in this Senate amendment in modified form) for the progress of the commerce and of every interest in this country. Sir, it is by the carrying of our mails and the carrying of our flag into the other nations of the earth and among them—the nations with which we are to build up our trade—that the hope of progress in the trade and commerce of this nation exists. It is by this more than in any other way that even the agriculturists and the producers of this country in every department of industrial activity are to be benefited and blest.

Let not those men who dwell upon the prairies, let not those men who participate in the magnificent and widely extended and growing interests of agriculture, fancy that ill is to come to them by opening the markets of the world, by carrying the American flag and sustaining it in every country and into every field of commerce and to every place where the products of their farms or the manufactures of our country (which are but the secondary and condensed products of their farms) are in demand. Sir, we can do nothing more important than to see to it that from this time forward there shall not be, on this continent at least, a nation or a port or a field of commerce where our flag is not seen, where it is not sustained, and sustained, I hope, upon American bottoms.

Now, sir, this is not a subsidy; it is not a proposition to bestow benefits upon a mail steamship company or upon any company. It is a proposition to take the initiative in advancing the commerce and the intercourse of this great nation of ours with the welfare and progress of which at this moment this American Congress is charged—it is that and nothing else. Are we to say that because this power may make it profitable for American citizens and American bottoms to carry the flag of our country and to maintain postal communication with the other nations of this continent, therefore we will not give the necessary authority? Why, sir, I hope these profits will be such that there will not be a port upon the continent, there will not be a field of commerce to which we can send our products where our flag will not go and our postal communications extend; and then as a necessary and an inevitable result the commerce of this country will spring up and we shall be repaid ten-thousand-fold. I hope, sir, that we shall concur without hesitation in this amendment of the Senate; and I only regret that it does not place a larger amount at the discretion of the Postmaster-General for the purposes of the amendment.

But, sir, this amendment is enough to start with; and I have no doubt that succeeding Congresses, with the approval and support of the united American people, will carry forward this policy until we shall have achieved what is our right and our duty—the possession and control of the markets and commerce of this continent, under our flag, for us and our children increasingly henceforth.

[Here the hammer fell.]

Mr. HORR. Mr. Speaker, I believe I have twenty-five minutes left. I would like to reserve that time until I hear from the opponents of the Senate amendment.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The gentleman has twenty-two minutes.

Mr. HORR. Well, I reserve that time.

Mr. BAYNE. Mr. Speaker, the gentleman from Michigan found fault with what I said the other day on the ground that in my remarks I did not correctly state the facts. One error into which he was led, because he had not taken into consideration the separate provision which was under consideration when we were discussing this matter before, has been rectified by the statement of the gentleman from Maine [Mr. DINGLEY]. Under the provision of this bill as it came from the Committee on Appropriations of the House, the Government was quite likely to pay to the Pacific Mail Steamship Company $312,000; and it was inevitable that the Government should pay to that company about $130,000, because the company has no competitor, no rival for the service over about 280,000 miles. Under the amendment adopted by the Senate, the amount which would be received by this steamship company from the Government is very considerably diminished. If the company gets the full 50 cents a mile, the amount in round numbers would be $150,000; because it traveled last year about 300,000 miles outside of what is cut off by the Senate amendment, as shown by the statement published in the speech of my friend from Maine [Mr. DINGLEY]. That matter is therefore out of the way. A matter in which I was mistaken on that occasion was that the steamship company had declared a dividend of 20 per cent. I corrected myself on the floor that very day; I did not postpone the correction until the next day.

Mr. DINGLEY. But the gentleman did not make the correction until after the vote.

Mr. BAYNE. I did not; but if I had known of the error before the vote, I should have corrected myself at once.

I do not regard that, however, as a very influential factor in this matter. I do not consider it a proper question for the House to consider whether this company is paying big dividends or little dividends. I have never learned that it is a part of the duty of Congress to help a corporation out because it is paying little dividends or to withdraw from a corporation just compensation for services rendered because it is paying big dividends; and therein the gentleman and I differ, and differ very widely, respecting this proposition.

Mr. HORR. Why, then, did the gentleman make use of that statement as an argument?

Mr. BAYNE. I did not propose to use it as an argument at all. The gentleman asked me what the capital stock was, with a view perhaps of showing that the company did not pay big dividends. I replied to him as best I could and according to the best information I had at the moment. I did not intend to use that statement as an argument, because I regard it as *ultra vires*, without any logical connection with the fair argument of this case, without any connection with the policy which should control in the legislation of this Government.

Whether a corporation pays a big dividend or a little dividend or no dividend is not a question that should decide the votes of members of Congress in making contracts on the part of the Government. We are not here to relieve insolvent or weak corporations; we are not here to give stocks in Wall street a "boom." That is none of our business here; at least it is not mine. And it is not my business here, although I am from Pennsylvania, to vote subsidies to corporations because they buy their iron in Pennsylvania. I hope I am influenced by larger motives than that. I should regard it as a bribe if I undertook to be governed by considerations of that kind in my public and official capacity here.

Mr. HUTCHINS. Every time you vote for a tariff you are recognizing such considerations.

Mr. BAYNE. Therein the gentleman grievously errs. Tariff and subsidy have no more connection than the antipodes. They are not at all alike in principle. They have no connection. One thing that I strenuously object to is that you adopt an odious policy and undertake to assimilate it with protection. The policy of protection in this country stands on its own feet.

Mr. HUTCHINS. Then why should you not protect the steamships?

Mr. BAYNE. Wait a moment.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] must not be interrupted without his consent.

Mr. BAYNE. One of the propositions I was anxious about was to save the tariff from the odium of subsidies. I regard the tariff for protection as identically the same thing applied to a nation which the law of every nation applies to every citizen, namely, that the citizen of the State is protected by the law in the enjoyment of property he may accumulate. The tariff law is nothing more than applying that same principle to this national family of ours. It is to protect our own people in the enjoyment of the property which they accumulate; and the relation of this nation to the other nations of the world is precisely analogous to that relation which exists between one family and another in our own social organism, or in the framework of our own ordinary society.

But when you levy taxes upon the people and get those taxes into the Treasury of the United States and pay them out in the shape of subsidies, you depart widely from the proposition that the American people should be protected as families are protected by the laws of society and by the laws of the land in the accumulation of the property each family may have.

Mr. HEWITT, of New York. Will my friend allow me to ask him a question?

Mr. BAYNE. I yield for a question to the gentleman from New York.

Mr. HEWITT, of New York. Does not the law and did not the law compel the Pacific Mail Steamship Company to buy American-built ships, or not?

Mr. BAYNE. I believe it did.

Mr. HEWITT, of New York. Very well; then if that is the fact were they not compelled to pay at least $2,000,000 out of their $9,000,000 in extra cost to the people of the State of Pennsylvania?

Mr. BAYNE. I do not think they were required to pay to the people of Pennsylvania.

Mr. HEWITT, of New York. No other iron ships——

Mr. BAYNE. My friend has asked me a question, and he will let me answer.

Mr. HEWITT, of New York. Certainly.

Mr. BAYNE. And, morever, I do not think they were required to pay it to the people of Pennsylvania——

Mr. HEWITT, of New York. Where were they to go?

Mr. BAYNE. My friend must permit me to answer. I can not submit to that sort of interrogation. I say that they were not required to pay it to the people of Pennsylvania, because if we had no manufacturing industries in this country they would have to pay equal prices to Europe.

Mr. HEWITT, of New York. Why?

Mr. BAYNE. One moment. I will not yield if you do not let me answer without constant interruption.

Mr. HEWITT, of New York. Very well.

Mr. BAYNE. Let me say to you if it had not been for the doctrine of protection there would have been no commerce in this country for the Pacific Mail Steamship Company to make it worth while that they should continue running their ships.

Mr. HEWITT, of New York. Where is it?

Mr. BAYNE. This company is paying a dividend of 5 per cent. quarterly, which makes a handsome showing. And while I am on that point I will call attention to some data which I have gathered from the Commercial Chronicle, as I have not had access to the reports of that company. I find in 1881–'82 the gross earnings of the Pacific Mail Steamship Company were $4,124,713; in 1882–'83, $4,102,764; in 1883–'84, $4,787,899. The expenses for the year first named were $2,223,036; for the second, $3,190,507; for the third, $3,394,419. The net earnings were $901,677 for the first, $912,257 for the second, and $1,393,480 for the third.

Mr. HORR. On a capital stock——

Mr. BAYNE. On a capital stock of $20,000,000.

Mr. HORR. All paid in.

Mr. BAYNE. I do not know. I understand that the misfortune of the company is that which has attended many other great corporations in this country, that it owes a large debt. It is paying 7 per cent. interest on a part of that debt, and it absorbs the profits of that corporation to pay the interest on that debt. I do not know how the business has been managed, what losses have been incurred; but if organized on the same principle and upon the same plan that many railroad corporations in this country have been, then the outfit has cost a great deal more money than the actual worth of the plant.

Mr. HEWITT, of New York. Did the Pennsylvania Steamship Company do any better?

Mr. BAYNE. I do not know.

Mr. HEWITT, of New York. Did it not break—were they not sold out?

Mr. BAYNE. I do not know whether they did or not, nor do I care. Nor can I declare whether this is a poor company or not, whether Mr. Jay Gould and Russell Sage and Sidney Dillon and the others have become poor or not. It is not the duty or purpose of Congress to relieve them from their embarrassments if that is so.

Mr. HEWITT, of New York. No one asks it.

Mr. BAYNE. I do not propose by any vote of mine to relieve those gentlemen from the misfortunes which may happen to come upon their business.

Mr. HUTCHINS. Will the gentleman permit me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. HUTCHINS. The gentleman has given a statement of the gross earnings of this Pacific Steamship Company. Now will the gentleman be so kind as to state the proportion of these gross earnings which have come into the Treasury of that steamship company in consequence of the reciprocity treaty with the Hawaiian Islands?

Mr. BAYNE. I do not know.

Mr. HUTCHINS. You should know, then, before you speak about it. The reciprocity with the Hawaiian Islands has done it.

Mr. BAYNE. I have not studied that matter up. It is altogether unnecessary for gentlemen to study up those questions.

Mr. HUTCHINS. Now I want the gentleman from Pennsylvania, if he will state it, to give an answer to this question. I want to know what he means by saying that they are "paying interest on a debt." I want him to be perfectly fair and say whether he intends to convey the idea that this company is in debt.

Mr. BAYNE. I mean to say——

Mr. HUTCHINS. I ask the gentleman the question plainly, if he means to say and reiterate to the House the statement that this company is in debt?

Mr. BAYNE. I did not say that.

Mr. HUTCHINS. Yes, you did. You said that owing to the percentage of interest paid on their debt—7 per cent.—they could not pay dividends.

Mr. BAYNE. I will tell the gentleman what I said: The statement that I made was obtained from a report in the Congressional Library, which the gentleman can see for himself if he chooses to look at it, taken from the Commercial and Financial Chronicle, a statement to the effect that this company was in debt and paying 7 per cent. interest on a large indebtedness, which absorbs, according to the statement, about $240,000 per annum.

Mr. HUTCHINS. But the gentleman——

Mr. BAYNE. Now I must decline to yield to the gentleman. I refer him to that statement. I saw that only a few minutes ago in the Commercial and Financial Chronicle, which I have understood to be good authority. It is said to be a reputable, reliable paper in commercial transactions; and the gentleman can find it in the Congressional Library if he chooses to look for it.

Mr. HUTCHINS. And I want to deny as a matter of fact that the company is in debt. I do not want the inference to be drawn from the statement of the gentleman that there is any such indebtedness.

The SPEAKER *pro tempore*. If the gentleman from Pennsylvania will yield for a moment the Chair desires to lay before the House an executive communication.

Mr. BAYNE. Very well.

ALLEGED FRAUDS IN OFFICIAL ENVELOPES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a schedule of papers accompanying letters from the Postmaster-General, addressed to the Speaker of the House of Representatives, under date of February 26, 1885, in regard to the annulment of certain contracts for furnishing post-office envelopes; which were ordered to be printed, and referred to the Committee on the Post-Office and Post-Roads.

POST-OFFICE APPROPRIATION BILL.

Mr. BAYNE. Now, Mr. Speaker, I shall detain the House but a short time——

Mr. HORR. Before the gentleman closes I would be glad to have him answer this point concisely: Why should these companies not get a fair pay for their work? Why should they not be paid all that they earn for the service?

Mr. TILLMAN. Whether they be rich or poor.

Mr. HORR. Yes, no matter what their financial condition may be.

Mr. BAYNE. That is just what I have said. It is identically my own proposition to give them fair pay for the service they actually render, and to give them this compensation whether they be rich and free from debt, or whether they be poor with heavy obligations; whether they pay dividends or do not pay dividends makes no difference whatever to me in determining that question. The fact that Jay Gould and those men associated with him are rich and own the corporation makes no difference to me in the question of paying this corporation a fair compensation for the service it may render to the Government.

Mr. BRUMM. Then why do you oppose this Senate provision?

Mr. BAYNE. I am willing to go further in this direction even than that. I am willing to pay, as suggested by the gentleman from Illinois in charge of this bill, the entire postal receipts of this Government from its foreign mail service to these companies of ship-owners for carrying the foreign mails.

Mr. DINGLEY. That would amount to about $1,700,000 per annum.

Mr. BAYNE. And I am willing to pay every dollar of it if you subject it to the condition that as to letting it out the lowest responsible bid shall be accepted.

Mr. DINGLEY. Is not that the proposition here?

Mr. BAYNE. No; the proposition is to give 50 cents a mile for this service, but not to the lowest responsible bidder. It is known that some of these lines have no competitor at all.

Mr. ELLIS. Only one of them.

Mr. BAYNE. And of course there will be but one bid for the service on such lines. It is not therefore open to that character of competition which I favor. It would be bid up to the 50 cents a mile limit at once by the company where there is no competition. It is ridiculous to suppose that it would not.

Now the gentleman from Michigan stated that the trouble with my speech a few days ago was that it lacked facts on which to base it. One correction was made by the distinguished gentleman from Maine [Mr. DINGLEY]. Another proposition of mine was that this steamship company received for this entire service last year $23,000, and that the proposition then before the House would have given that company in all probability $312,000. These were facts and they have not been denied, nor can they be denied successfully.

Mr. DINGLEY. That was the maximum amount.

Mr. BAYNE. I know that. I said in all probability it would reach that; and, mark you, they get for about 300,000 miles possibly $150,000, because for that amount of mileage there was no rival to this line, and as a matter of course they would get the 50 cents per mile.

Mr. DINGLEY. But for part of the mail line from San Francisco to China there is competition.

Mr. BAYNE. Oh, I am aware of that. I am taking the gentleman's own speech. I quoted that in making the statement that there was no competition for about one-half of the distance traveled of 288,000 miles.

Mr. DINGLEY. No; 231,000 miles, which includes the line from Panama to San Francisco.

Mr. BAYNE. Very well; but it is a very simple calculation to show that that amount of mileage would give one-half that amount of money. Now, that was a fact which I stated in the debate and nobody appears to have gainsaid it, the gentleman from Michigan or anybody else.

I made another statement, which was that these transcontinental railroad companies were paying this company a subsidy of $95,000 per month.

Mr. HORR. Will the gentleman from Pennsylvania permit me to interrupt him?

Mr. BAYNE. I will.

Mr. HORR. I have the figures and facts to show that they have received not a single dollar for anything except paying for the heavy freights that they actually transport—not one dollar for anything else.

Mr. BAYNE. I can refer to the Commercial and Financial Chronicle, to be found in the Congressional Library, which makes that statement, and I regard it as authoritative. I do not believe that a journal of that responsibility, acknowledged to be the leading financial journal in this country, whose quotations are regarded as *ex cathedra*—I do

not believe that that journal would make a misstatement of fact, or that if it did that misstatement would go over the country and remain unrefuted. And I say there is to be found in that journal the statement that the Pacific railroad companies pay to this steamship company $95,000 a month as a subsidy. And for what purpose can they pay that? Why, sir, that the steamship company may keep up its rates and thus not come into competition with the transcontinental railway companies.

How does my friend from New York [Mr. HEWITT] know that if this company would conduct its business on business principles and not keep up its rates to accommodate these transcontinental railway companies—how does he know but it would get in the natural course of business enough of freight to enable it to declare dividends of 6 or 10 or 12 or even 20 per cent? But meanwhile it is kept out of competition in the interest of these railroad corporations across the continent, and these railroad corporations and this steamship company are identical in many respects outside of that contract.

Mr. HEWITT, of New York. Will the gentleman allow me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. HEWITT, of New York. I ask the gentleman whether the cut-nail pool of Pittsburgh has succeeded in keeping up rates?

Mr. ANDERSON. Is it not the fact that the Pacific roads pay the Pacific Mail Company $90,000 a month to keep up rates?

Mr. HEWITT, of New York. I ask the gentleman from Pennsylvania, does not the cut-nail pool of his district accomplish that result?

Mr. BAYNE. What the cut-nail pool has to do with it I do not know. If what the cut-nail pool does is all wrong, it does not justify this wrong. My friend from New York, ordinarily very logical, is illogical on this occasion when he assumes to say because the nail pool of Pittsburgh does something wrong, therefore the steamship company and the transcontinental railroads may also do something wrong.

Mr. HEWITT, of New York. Is the gentleman from Pennsylvania against cut-nail pools?

Mr. BAYNE. I have nothing to do with that. Nail pools are not before Congress at this time.

Mr. HEWITT, of New York. The gentleman complains there is likely to be a pool in this matter. I want to know if he is sincere or not by inquiring if he is against pools in his own district.

Mr. BAYNE. My actions speak as to my sincerity. But because there may be pools in one section of country or another that is no reason why this great wrong should be inflicted on the American people. Congress having substantially built those transcontinental railways when the Government ought to have invested the money directly in them and owned them, those very transcontinental railways that we built by the aid of this Government pay out of their treasury to this Pacific Mail Steamship Company $95,000 a month to keep up rates, and then this steamship company, the beneficiary already of Congressional munificence, comes here and asks for a subsidy. It is certainly remarkable that any gentleman having the best interests of this country at heart should advocate a measure of that sort. I am amazed at it. I confess I am amazed that a corporation which is acting in this way toward the shippers and the business men and the farmers and all interested in transportation in this country should come here and ask for a bounty from the Government, and that anybody in Congress should be willing to confer such a benefit.

There is one thing, Mr. Speaker, the American House of Representatives should never do; and that is, it should never depart from the policy of paying for the services rendered to the Government only a fair equivalent. This is but the entering-wedge; $400,000 or $600,000 is a mere bagatelle. That will do nothing to promote American shipping; it will do nothing to encourage commercial relations with other countries. But this is the entering-wedge to get the Government once to adopt the policy of granting subsidies; and then, after we once enter upon this course, there will come to this Capitol from one point or another a lobby of influence and of power, and they will not ask for $600,000, nor $1,000,000, nor $2,000,000, but they will ask for five, or six, or eight, or ten, or twelve, or fifteen millions of dollars. And the effect will be, if we enter upon that policy, to admit a corrupt and corroding influence into the very halls of legislation.

Gentlemen cite foreign countries as having subsidized their shipping lines and built up a merchant marine. That is true enough. But what is the condition of those countries? Why, sir, England has contributed millions of pounds sterling for the purpose of establishing a merchant marine. She has succeeded in doing it, but what has she for that merchant marine? A part of that debt of over four thousand millions of dollars which rests like an incubus on the English people is the heritage left by the adoption of this policy to the people of England. France has pursued the same course and has a great debt from which, however, through her marvelous energy and enterprise, she will probably extricate herself. Spain aided her ship lines, and Spain on one or two occasions has repudiated the interest on her national debt, or failed to meet it. Italy also has adopted the policy of building up a marine in this way. It is like the management of a man who sets himself up in business, borrows his capital, goes to work and has the outward evidences of prosperity about him, but when the day of final judgment comes he must surrender his assets, and his liabilities will absorb them all.

Gentlemen talk about England and France and Italy. Why, sir, the exchequers of each of those countries have been depleted just to the extent that they have aided the establishment of these ship lines. This Government could appropriate five millions, or ten millions, or fifteen millions of dollars a year to establish a merchant marine if it chose to do it. We have the enterprise, the ingenuity, the material—everything that would be needed to establish and carry on such lines; but if we should do that, how would it be done? Simply by taking out the Treasury a certain amount of money raised by taxes on the people for other purposes; yet some men are so wise and so statesmanlike that they profess to see wisdom in that kind of policy. I venture to say, sir, that there is not a business man in this country who conducts his business on that principle who will not ultimately find himself in bankruptcy.

I hope the House will sustain its committee.

Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] has thirty minutes remaining.

Mr. BAYNE. I yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I propose to close the debate.

Mr. HORR. I do not think that is fair. I submit it to the Speaker and to the sense of fairness of the gentleman from Indiana [Mr. HOLMAN]. I took this debate on the amendment. On the amendment I was to vote to concur, which would have given me the close, and I submit that I should have it now, and I believe the judgment of the gentleman from Indiana will agree with mine on that point.

Mr. HOLMAN. I trust that the gentleman from Michigan [Mr. HORR] will not insist on that. The debate turns entirely upon the motion now pending, and I would not be treating my colleagues fairly if I did not insist on closing the debate. If the gentleman [Mr. HORR] does not wish to occupy the time I will move the previous question at the close of my remarks.

Mr. DORSHEIMER obtained the floor.

Mr. HORR. The gentleman from New York [Mr. DORSHEIMER] will occupy his own time.

Mr. HOLMAN. Mr. Chairman, I certainly can not consent to that. I have just stated to the gentleman from Michigan that if he did not desire to occupy the time, in the interest of the dispatch of the public business I would call the previous question.

Mr. HORR. Mr. Speaker, I never ask anything unfair. I intended to yield to the gentleman from New York [Mr. DORSHEIMER]; but it is insisted that I shall use my remaining time on a proposition of which I have the affirmative, which is that the House shall concur.

Mr. HOLMAN. How much time is the gentleman willing to yield to the gentleman from New York?

Mr. HORR. Eight minutes.

Mr. HOLMAN. Very well; I will follow him.

Mr. DORSHEIMER. Mr. Speaker, the term "subsidy" involves the idea of a gratuity. Now, I entirely agree with those who contend that the Government ought not to grant a gratuity for postal service. Indeed, I will go further, for I suppose that by this time it is well understood in the House that I am opposed to gratuities of any kind, whether given indirectly by tariff taxation or given directly by appropriations out of the Treasury. I would not stand here for a moment to contend in favor of granting gratuities to American steamship lines for carrying the mails.

The only reason which commends itself to my mind for giving to the Postmaster-General the power which is granted by the Senate amendment is that it enables him to pay a reasonable and proper compensation for the service which is rendered to the public. If the Postmaster General can now, under existing law, pay a reasonable and proper compensation for carrying the mails upon the high seas, then I see no reason for granting him any enlarged powers whatever. But, as I understand the subject, it is not now within his power to pay a proper compensation for what is not only a desirable but for what, I think, must be regarded as a necessary part of the public service. I understand that the compensation which is paid now for carrying the mails from San Francisco, China, and Japan amounts to $3,000 a year, and that under the law that is all the Postmaster-General can pay for that service.

Now I ask gentlemen—in particular I ask the gentleman from Pennsylvania who has just taken his seat, and who has professed himself willing to pay a proper compensation for the mail service—I ask him whether this is a proper compensation for carrying the mails from San Francisco to China and Japan?

Why, Mr. Speaker, this country now pays $26,000 a year for carrying the mails by water from Vicksburg to New Orleans, although there are railroads carrying the mails between those two cities. The Government now pays for carrying the mails between New York and New Orleans by sea $14,000 a year, although it is manifest that all the important part of the mails between those two cities must go by rail. Can any man contend that it is a fair thing to pay $14,000 a year to steamship lines for carrying the mails between New York and New Orleans,

and only $3,000 a year for doing the mail service between San Francisco and China and Japan?

I say, further inquiry will show gentlemen that the Post-Office Department pays more money for transporting the mails from San Francisco to the Yosemite Valley than it does for sending them from San Francisco to China and Japan.

I would give a Postmaster-General power, as this amendment does, to pay a proper compensation for performing the public service. I would not give him power to expend a dollar in the nature of a subsidy. I have no opinion which would justify me in advocating for a moment a gratuity to the Pacific Mail Steamship Company or to any other company. But it seems to me a monstrous thing to provide this miserable pittance for so great and important a part of the postal service of the United States.

What will happen if these steamers leave the mails on the docks at San Francisco, and if intelligence must be communicated either by cable or by sending the mails from New York to Liverpool and thence to China and Japan by the Isthmus of Suez? That must be the result of leaving this matter in its present situation. I ask the House to assent to the amendment of the Senate—not on the ground that I propose in this way to encourage American shipping at all; for I do not believe in governmental encouragement to any form of industry, whether it be American or foreign. All the protection our industries need is the just enforcement of equal laws. I ask that this amendment be assented to in order that the Department may have the means to pay a reasonable and proper compensation for a necessary and valuable part of the public service.

[Here the hammer fell.]

Mr. HORR. I yield three minutes to the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. Mr. Speaker, I do not propose to use these three minutes by offering any argument; it is too late for that. I shall use them only to state some facts which seem pertinent and from which gentlemen may draw their own conclusions.

The Pacific Mail Steamship Company has for fifteen years been doing the business of this Government for about nothing. During those fifteen years it has paid no dividends to its stockholders, directly or indirectly, to the best of my knowledge and belief, except during the last two years; and in these last two years it has paid a dividend of 5 per cent. for each year. That, certainly, is not excessive profit. The item of $95,000, which the gentleman from Pennsylvania stated in a manner which should suggest that it was a subsidy, is money paid for heavy freight which was transported by the steamships of this company because it could be in that way more cheaply transported than by the railway companies, who paid the steamship company which did the business.

During the last year the Pacific Mail Steamship Company has carried the mails of the United States 750,000 miles for $20,000; and of the service thus rendered none has been more valuable than that between this country and Australia. This has brought immediate and valuable results to our commerce. The company has been able to do this business (mark, Mr. Speaker) because the colony of Australia paid the line $400,000 for this service. But the colony of Australia, unwilling to pay exclusively for that which is a benefit to us as well as to it, has withdrawn the subsidy; and hereafter no steamship of the United States will carry our flag to Australia unless we pay for it.

So much for domestic history. Now for two statements connected with foreign commerce. The Peninsular and Oriental Steamship Company of Great Britain has for years received millions of pounds, in return for which it has carried the flag of Great Britain to the East, and brought hundreds of millions to British commerce. Yet nobody has ever objected to continuing the subsidy because the Duke of Westminster was one of its stockholders. Shall the name of Gould——

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I trust gentlemen will not overlook the fact that there are two Senate amendments pending, and that both of them are of importance. One only has been referred to in the present debate. The other will claim my attention for a moment.

By that Senate amendment authority is given the Postmaster-General to pay the rent of post-offices of the third class. That involves an increased expenditure for the present of a half million of dollars, and in the very early future of a million dollars. And that, too, Mr. Speaker, with the fact known to the House that during the last session of the last Congress a million of dollars was added to the expense of the postal system by a direct increase of the salaries of the postmasters, a greater portion of the benefits of which went to postmasters of the second, third, and fourth classes. Now it is proposed to add indirectly from a half million to a million more to the compensation of postmasters of the third class alone—a body of public employés now well paid for their services, and whose salaries greatly exceed the compensation paid for similar services in private employments.

I trust gentlemen will not be unmindful of the fact that, however important and valuable the postal service may be, while the duty rests upon Congress to make liberal appropriations for that branch of the public service, there is imminent danger that by successive increases of salaries of postmasters of the various grades you will make it the most extravagant and expensive Department of the Government. In fact, that result is already reached. The importance of this Department is seized upon for excessive and lavish expenditure. This fact appeared in the profligate and corrupt expenditure for the star-route service a few years ago, and also appears in the attempt to subsidize the foreign-mail service on this very bill. I know of no branch of the public service so exposed to profligate and dishonest legislation as our postal system, except that relating to the public land. The special importance of this postal service makes it a shelter for questionable appropriations and dishonest raids on the Treasury.

This valuable branch of the public service is being made use of as an agency by which, to an unwarranted extent, your Treasury is being depleted and the salaries of Government employés increased. The vast body of the employés in this Department, located in every Congressional district and efficient in public affairs and in influencing public opinion, presents an everlasting motive for increased expenditure and enlarged salaries.

I call the attention of gentlemen to the fact there is a remarkable increase made by this bill in the expenses of this Department involving an enormous deficiency for the coming year. I hope the proposed amendment of the Senate will be defeated by the intelligence and good sense of the House. But can I be hopeful of that result in view of our past experience?

SUBSIDY.

I come to the other proposition, the subsidy provision, which has been so ably debated—the Senate's proposed increase for the foreign-mail service to the extent of $375,000, making that appropriation in the aggregate, instead of $425,000, $800,000. The amount involved does not alarm me. It is a bagatelle. It is the principle upon which that proposed appropriation rests that fills me with alarm. This is in substance the same as the original proposition defeated in the House, except that it reduces the sum appropriated from $800,000 to $375,000, but the proposition to pay the ship 50 cents per mile for the round voyage without regard to the mail carried, instead of the sea postage on the mail carried, as now and for many years since allowed by law, remains unchanged.

The proposition involves a naked subsidy. It is not compensation, as heretofore, according to the service rendered, but upon the arbitrary basis of a simple subsidy without regard to service, that this proposition rests. It is an arbitrary compensation of so much for the distance the vessel travels per mile, not the value of the services rendered, that underlies this Senate proposition. It is unimportant whether the vessel carries a mail or not, if it carries one letter, the sea postage on which is 2 cents, or no letter at all, the subsidy of 50 cents per mile of ocean travel will be paid.

It has been argued that this is not a subsidy. What is a subsidy? I do not accept the definition of "subsidy" given by the gentleman from New York. It is in its main feature a naked gift. A subsidy in our Government and in all others is that measure of public policy which imposes a burden upon the whole people for the benefit of a favored citizen or of a particular class. I do not care in what form it makes its appearance, when the Government exercises the power of taxing the labor of the whole people and applies a portion of the means drawn from the labor of all to promote any special or particular form of industry, it is a subsidy. Such is the definition of "subsidy" even in its simplest form.

In the present instance it is proposed to encourage our foreign-ship-carrying trade by a subsidy in the most naked and odious form, not, by compensating the owners of ships for services rendered in carrying the mails, but upon the arbitrary principle of 50 cents per mile for the ship's voyage, whether a mail be carried or not, promoting the carrying trade at the expense of every other trade, and often it will be found that the trade promoted involves English and not American capital. It has been said by the gentleman from Michigan [Mr. HORR] that in former years a higher compensation was paid than the 2 cents per letter, being the sea postage.

But as far back as 1864, twenty-one years ago, in the midst of the war and an inflated currency, I find the Postmaster-General of that day, Postmaster-General Blair, making the following statement in regard to this service:

> It is not pretended that the compensation now paid is not sufficient for the service rendered. No private person—

And here I call the attention of the gentleman from Michigan—

> No private person—

Says the Postmaster-General—

> pays them for any kind of transportation at the rate paid by the Government for mail matter; and no persons were so much benefited incidentally as the owners of the ships, for the bulk of the correspondence—

And to this I especially invite the attention of the gentleman from Michigan—

> the bulk of the correspondence relates to the trade carried on by their vessels.

So, sir, with an extent of mails only equal to 1½ per cent. of the whole foreign mails of the United States transported to China and Japan the gentlemen insist on paying for that merely nominal mail matter 50 cents a mile, more than $3,500 per round trip, and that, too, whether

a single letter is carried or not. And all this in a special degree for the benefit of a corporation which has drawn several million dollars from your Treasury without consideration.

You confer upon the Postmaster-General the power to enter into contracts for the transportation of the mails with American vessels bound to foreign ports, and pay them 50 cents per mile for the entire distance traveled whether the mails are carried or not. That will not be denied, I presume. In what particular is that not correct? Yes, sir; common fairness ought to compel the admission that the carrying of the mails is a mere cover. It is a naked subsidy to enrich a few men at the expense of all other laboring interests.

But, sir, again are we confronted by the extraordinary information furnished by the gentleman from New York, who addressed the House so forcibly a few moments since, that the mails would not be carried unless this subsidy is paid. Does he mean that in our service, from our Pacific coast to China and Japan, and between San Francisco and New South Wales and Australia, there is no competition with the single American line, and therefore we are at the mercy of that line, whether the mails are carried or not, and must pay it for mail service, however small it may be, whatever that line may exact? Is it meant to compel the Postmaster-General, whatever be his views on the subject, and whether there is or is not a mail to carry, to pay to the Pacific steamship line the entire 50 cents per mile for the distance from San Francisco to China and Japan and return, for every trip the vessels of that line may make in its commercial business? Does the gentleman mean that, and that this extortion must be submitted to?

I think we shall not be subject to this extortion; for between San Francisco and China and Japan, as well as between San Francisco and Australia, there are competing lines. I admit there is but one line, the Pacific Mail Steamship Company, in this region of the oceans that carries the American flag, and yet it is only nominally an American line. A part, at least, of the capital of that company is European capital.

But there are competing lines that are carrying the foreign mails from our Pacific ports to-day in common with the Pacific Steamship Company, and have been doing so for years, and they are carrying them upon the basis of our present laws. They are not only carrying them upon that basis, but so far as I know without any complaint, for the compensation is now ample for the service rendered. Will the Pacific Steamship Company, the company fostered by your bounty in former years, built up by your bounty—will they refuse to carry your foreign mails at the present reasonable rates after taking millions of dollars from your Treasury on this same false pretense of promoting your commerce?

No gentleman need be apprehensive that a single letter will fail to be carried to any foreign port, whether in the South Pacific, China, Japan, or any part of the Atlantic or Pacific coast of South America, by reason of your resistance of this extortionate demand of a single corporation and because you refuse this naked subsidy. No, sir, the carrying of the foreign mails is a matter of common interest to all nations, and if vessels claiming to be American will not carry them without subsidy other vessels will, and are glad to do so, at the reasonable rates you have heretofore paid and which other nations pay.

No such apprehension need be felt, for no such disaster as a suspension of your foreign mails will follow. Your foreign mails will be carried as they have been for the last twenty years and upon the same reasonable basis of compensation. You are not at the mercy of the Pacific Steamship Company. I should consider it a great national misfortune if you were, for the national honor is of more moment than even your foreign mails, and, as gentlemen well know, that is involved in the subsidizing of that line.

But, Mr. Speaker, I come to another view of this matter—that presented by the superintendent of the foreign mail service, a gentleman who has been connected with this service for the last eleven or twelve years, and a man of wide experience in the needs of the service. I beg the indulgence of the House while I present his views. In a letter to me, of recent date, he says:

MY DEAR SIR: As requested by you, when I met you by appointment in your committee-room, I have looked over the Hunt bill—

He refers to the bill now pending in the House, which is embodied in this Senate amendment, but proposes $1 instead of 50 cents a mile as the subsidy for carrying the foreign mails—

and beg to hand you herewith some suggestions with regard thereto; and to add, reciting the general theory and tenor of the bill, payment for mail service to foreign parts on the basis of distance alone; first, that the views of this Department since my connection with this office, in 1874, have been adverse to that principle—

And I desire to call the attention of the gentleman from Michigan particularly to this point, for this, as I have said, is from the superintendent of foreign mails—

have been adverse to that principle and in favor of basing compensation upon weight of mails and distance (see Postmaster-General's report for 1883); and that foreign postal administrations, which heretofore have subsidized largely these steamships, are introducing this latter principle—

The principle of compensation according to the service actually rendered, and not the arbitrary proposition of this measure——

Mr. HORR. This is just what it is proposed to do here—to pay what the steamships earn.

Mr. HOLMAN. Oh, no; the reverse is correct. I continue to read—

are introducing this latter principle in recent contracts in preference to the subsidy plan. Great Britain, for instance, in contracts now in force for mail service to South America, the United States, the West Indies, and the west coast of Africa, pays for transportation on the basis of the amount of correspondence conveyed by the packet.

The postmaster-general of New South Wales, in his report for 1883, alluding to a contract made by his administration with the Oriental Steamship Company for mail conveyance between that colony and England, remarks as follows:

"Another important feature in the contract is that the government pays no fixed subsidy for mail-matter conveyed; a fair payment per pound being made to the company."

Thus showing that the system of paying large subsidies for the conveyance of ocean-going mails will be a thing of the past.

And yet, sir, the policy of Great Britain is invoked in behalf of the subsidy proposed by the pending measure. Even Great Britain abandons this monarchical principle of subsidy. Even she can not afford to tax all of her people for the benefit of the few.

Mr. DINGLEY. Will the gentleman from Indiana allow me a question?

Mr. HOLMAN. Yes, sir.

Mr. DINGLEY. Do I understand the gentleman from Indiana to say that the policy of Great Britain to-day is to pay a simple ordinary compensation for carrying its foreign mails?

Mr. HOLMAN. Yes, sir; I have read the statement of our foreign mails superintendent to that effect—so much per pound.

Mr. DINGLEY. How does it happen, then, that in the last report of the postmaster-general of Great Britain I find it stated in a table now before me that the amount paid for mail service to the West Indies and Mexico was $420,115, and that this amount was in excess of all amounts received from postage to those countries $265,000? That is according to the last report of the postmaster-general.

Mr. HOLMAN. I understand the gentleman's question, and my answer is simply this: The superintendent of our foreign mail service has submitted the letter I have just read to a committee of this House; and I certainly rely upon his statement with much greater confidence than upon any statement that comes through an unofficial channel.

Mr. DINGLEY. But here is the statement of the British postmaster-general.

Mr. HOLMAN. And here is the statement of the superintendent of your own foreign mail service, and he is as likely to be well informed as any of us.

Mr. DINGLEY. As the British postmaster-general?

Mr. HOLMAN. I suppose the gentleman does not question the authenticity of this document I have read. I will say to the gentleman from Maine [Mr. DINGLEY], as I have already said, that I have simply presented the language of the superintendent of our foreign mails. Upon his authority I make the statement that the policy of even Great Britain is to pay for the service rendered instead of on the principle of an arbitrary subsidy. But if Great Britain still adhered to the subsidy system it certainly would not modify the views of an American Congressman. Great Britain, by giving full effect to the principle of subsidy for centuries, has increased enormously her wealth, but it is the wealth that gives overgrown estates to the few and consigns the body of her people to poverty and wretchedness. Whether she abandons the subsidy system in her ocean postal service or not, the fact remains that her monarchical system of government rests on the principle of subsidy.

Such are the natural fruits of subsidy. It could always have been taken for granted that Great Britain would give up her subsidy system as the intelligence and power of her people increased. I hear with regret the oft-made appeal to the experience of foreign governments, when dealing with our American policy. Are we to adopt their policy and accept the inevitable results? Show me a single nation of Europe—England, France, Italy, Spain, or Portugal—that has attempted to promote special industries and commercial interests by payments from the public resources that has not produced sooner or later and perpetuated the same results; a class of men of excessive wealth and overgrown fortune, and a great body of wretched and impoverished people. Subsidy, in the nature of things, produces the extremes of wealth and poverty—a result fatal to a republic. Great estates and a people in wretchedness and poverty are the ripened fruits of subsidy in all lands and in every age. I do not think, sir, that gentlemen are happy in alluding to the policy of other governments when that policy has produced the poverty and misery of the many in the excessive enrichment of the few.

But, sir, we are told by the gentleman from New York that here in our own country, between New York and New Orleans and on our great railroad routes, we are paying vast sums of money for the transportation of our mails. Does the gentleman propose to compare the policy of this Government in diffusing intelligence among its own people to the policy it ought to adopt in its commerce with foreign powers?

Why was your Post-Office Department established as one of the great agencies of your Government? Why was it made one of the great Departments of your Government? It was not that it should be a source of revenue; it was not for the promotion of your commerce and your carrying trade, but it was to the end that intelligence should be everywhere diffused. The men who based their government on intelligence and virtue sought to utilize that agency for the universal diffusion of

intelligence. Therefore to every region of the United States, whatever the expense may be, the mails must be carried.

Such is not the state of things with reference to our relations with any of the foreign countries of the world. Between us and them it is simply a matter of national and commercial intercourse—nothing more. A single additional word. I have in a somewhat extended experience in Congress seen almost the rise of the direct subsidy system in this Government. It is a feature of modern times; the last quarter of a century covers almost entirely the period of subsidy in our Government. It acquired its greatest control of Congress when our people were watching with anxiety and alarm the movement of armies in our great civil war.

I have watched its workings during a period of more than twenty-five years. I saw the enormous grants carried through this House of lands intended by our fathers for homesteads for our people to the great corporations which now wield such fearful and perilous power in the affairs of this Government. I saw hundreds of millions of acres of the public domain granted away, in the spirit of subsidy, to a few favored citizens building up imperial fortunes and depriving millions of our people at an early period of independent homes. I saw the modest bill pass this House which granted the first subsidy to the line of vessels running between our shores and the Sandwich Islands; and the bill carried through to subsidize on the pretense of promoting the ship-carrying interest between New York and Brazil. I saw the passage of the first bill subsidizing the Pacific Mail Steamship Company; and, sir, every step that was taken in that march of subsidy was leading steadily toward the inevitably fatal result, and that result came, sir, when that company came into this Hall and demanded its additional subsidy of $500,000 a year for ten years, and filled the land with astonishment and shame. Do gentlemen wish to re-establish that period of national dishonor?

About twelve years ago, sir, under circumstances not unlike those around us, came the bill granting the additional subsidy of half a million to the Pacific Mail Steamship Company into this Hall. You had granted the first half-million per year for ten years, without its encountering anything but a fair and earnest opposition and with apparently an honorable support. I heard the bill read at that desk which was to grant the additional half a million a year for ten years. I saw the agencies by which it passed this House. I saw the events transpiring here which took $750,000 from your Treasury for purposes of national dishonor, which closed these doors forever against once honored representatives of the people. I saw those events, sir, and they shall never be repeated while I am here without one voice at least being raised against them. The gentleman from New Jersey [Mr. PHELPS] has spoken of the Pacific Mail Steamship Company as a corporation which has never received any aid or any adequate compensation for carrying your mails. Sir, you granted that corporation $10,000,000 by two acts of Congress.

Mr. HORR. When? Not this corporation.

Mr. HOLMAN. You granted the Pacific Mail Steamship Company $10,000,000 by two acts of Congress. You gave that last subsidy on the condition of the building of ships that were never built. I grant you those great subsidies were but partially paid; Congress in that hour of humiliation repealed the subsidies begot in dishonor. Who has not felt humiliated in recalling the history of that period? Commence with the first subsidy bill of our time, passed in 1862, only twenty-two years ago, and follow the history of that policy down to the time when that last subsidy of half a million was voted for the benefit of the Pacific Mail Steamship Company, a subsidy so promptly annulled by Congress when the method of its passage was disclosed, and you will find that you are all the time tracing the progress of national humiliation.

I trust, sir, as I have had occasion to say before, that at the very outset of this new epoch, at the beginning of a period of reform, Congress will promptly and with honorable emphasis defeat this measure. Subsidy has no place in a Democratic administration; but if you intend that the very fountains of law shall be stained and polluted, then organize once more the forces and give a new life to the spirit of subsidy; and then, sir, a sense of national shame will rest again upon the brows of the American people. How can it be otherwise? I speak, sir, in the interest of honest government. I speak for purity in legislation. I speak for that virtue upon which republicanism must rest, when I protest against measures of policy by which the interests of a few are promoted at the expense of the great body of our people. The rates paid for your foreign mail service is ample; this measure is not an honest provision for carrying the mails.

Mr. HORR. They have reduced it.

Mr. HOLMAN. Not a cent. The compensation is the same to-day that it was then.

Mr. HORR. How so?

Mr. HOLMAN. The sea postage then was the same as the sea postage now. Let my friend look at the law; he will see that the rate of 2 cents per letter has stood unchanged for twenty-two years.

Mr. HORR. Since 1874.

Mr. HOLMAN. The act of which the gentleman from Michigan [Mr. HORR] complains was passed years ago. The compulsory act was passed twenty-one years ago. Your Postmaster-General deemed the rate sufficient even when the purchasing power of your money was scarcely 50 per cent. of what it is at the present time. Yet now you revive the idea of encouraging your carrying trade—not your commerce, for that grows every hour, but your carrying trade—by taxing the whole people to build up the wealth of a few individuals.

I enter my protest against this measure as wholly un-American, and I indulge the confident hope that, with the experience which is yet fresh in the minds of all men, this perfidious and dangerous and corrupt policy will not be re-entered upon. I trust that in the closing hours of this Congress, when we are about to return to our homes to meet our constituents, we will resolve to meet them with the consciousness that we have again condemned as never to be repeated a measure of policy at war with our system of Government and hostile to the purity of our legislation.

Mr. HORR. Mr. Speaker, I believe I have eleven minutes left.

The SPEAKER *pro tempore*. The gentleman has eleven minutes remaining if he desires to use it.

Mr. HORR. I do. I yield six minutes of that time to the gentleman from South Carolina [Mr. TILLMAN].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The message further announced that the Senate further insisted upon its amendments numbered 9, 12, 13, 14, 26, 27, 28, 35, 41, 42, 74, 75, 76, 110, 111, 112, and 113 to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. RANSOM as the conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the year ending June 30, 1886, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. TILLMAN. Mr. Speaker, I purpose in the brief time allowed me to say a few words on the "subsidy" question. I for one shall vote to concur in the amendment of the Senate. The term "subsidy" has no terrors for me in this connection. There is no proposition in this amendment to take money out of the Treasury and donate it to any steamship company. It is simply a proposition by competition among shippers to do for our foreign commerce and intercommunication of our fellow-citizens the same thing that is done by the star-route service on the land. Suppose, sir, that our star service were confined to those routes upon which the revenue derived from 2 cents on each letter carried could pay the expense of the route. In that case not many routes could be maintained six months of the year. Why, sir, we pay seven or eight million dollars annually for the star service; and where does three-fourths of the money come from that sustains this service? It comes from New York, Philadelphia, and other large cities or depot towns on the great trunk lines of railroad where the revenue from postage is largely in excess of the expenditure.

I am astonished, sir, that the gentleman from Pennsylvania [Mr. BAYNE], hailing from a State that is almost unanimous for protection, should call the proposition of the Senate to develop our foreign trade and re-establish our merchant marine, which necessarily will re-establish our Navy—I say, sir, I am surprised that he should call this a "subsidy" and complain of it as such. While with one breath he does this, he thinks it only right that every steamship built in this country should be compelled to buy its iron and steel from the Pennsylvania mongers because no others in this country produce the materials that enter into iron-ship building. Sir, in that respect he is like many other gentlemen, many other communities, and even States of this Union—for free trade abroad, but monopoly at home.

Why, sir, it can not possibly take any money out of the Treasury if we concur in this amendment of the Senate. Already there is in the Treasury a surplus of $760,000 from foreign ocean postage, when you deduct the interior postage on the foreign mail matter. The Senate's amendment provides only that the Postmaster-General, if he thinks fit, may use as much as $400,000—a fraction more than half of the present surplus ocean postage—to subsidise, if you choose to call it so, our mail steamers to foreign countries with a view to establishing better communication, developing commerce, restoring our commercial marine and our Navy, which every American North, South, East, or West ought to pray and work to see revived. [Applause]. As I said a moment ago, there is no proposition here to take money out of the Treasury. There is to-day a deficiency of over $3,000,000 in the revenues of the Post-Office

Department on land; but for the surplus upon foreign ocean postage that deficiency would be $760,000 more. The proposition here is simply to let about half the surplus foreign ocean postage be used to develop our communication and commerce abroad just as all the home postage may be said to be used for the development of our star-route service. The sparsely settled agricultural and grazing sections of the South and West should be just to the commercial and manufacturing East.

[Here the hammer fell.]

The SPEAKER. The gentleman from Michigan [Mr. HORR] has five minutes remaining.

Mr. HORR. Mr. Speaker, I have heard nothing yet in this debate replying to the statement I first made that this Senate amendment simply pays these ships for the work they actually do, when you take into account the miles they must travel. Why has not somebody had something to say on this point which is the gist of this debate? My friend from Pennsylvania [Mr. BAYNE] skipped that branch of this question. No man has attempted to point out that this amendment gives excessive pay for the work performed. No one denies that it increases the present pay very largely; but my position was that it ought to be increased. If such is not the case why has not some one made it appear?

Let me again repeat, this proposition is not a subsidy. It does not pay a penny a mile more to our own vessels than we give to vessels carrying foreign flags. It is a simple proposition to pay what these steamers earn—that is all there is of it—as we do in the case of the coastwise service, or, as was suggested by my friend from South Carolina [Mr. TILLMAN], in the star-route service. If we should compel the contractors on the star routes to carry the mails for the small revenue derived from the few letters put into their bags, you would not have a mile of star service running in the United States in six weeks, because under such an arrangement the contractors could not live. We pay for carrying the mail on the star routes according to what it is worth, taking into account the distance traveled; and that is right. That is all we ask in regard to this ocean mail service. This is not a subsidy in any true sense. I would not care if it were.

I am ready to help build up the commerce on the great seas in behalf of my country, and to let other countries take care of themselves. The gentleman from Pennsylvania is happy when we will do anything to set the forges ablaze and the wheels running in Pennsylvania, but the moment we ask for fair pay for the work done by vessels built in the factories of his State, then he cries, "Subsidy!" Then he begins to use the clap-trap about Gould and somebody else to prejudice the minds of people and frighten them. Now, I do hope, Mr. Speaker, we shall rise above that kind of clap-trap. I use the word in a high literary sense, not intending to offend my friend from Pennsylvania. But it is the merest clap-trap to talk about subsidy and monopolies and corporations in connection with this Senate amendment, which simply makes a square business proposition to pay these steamers which are built in America and owned here what the work is worth for the miles actually traveled—nothing more.

This bill gives to American vessels just the same amount that it gives to the vessels of foreign countries. Is there a man here who to-day is going to vote against his own country and in favor of the rest of the world? If so, he parts company with me at once. I am for the United States of America first, and the rest of the world afterward—a good while afterward, too. If I had my way, I would build up this country and let the rest of the world take care of itself. When a statesman has properly attended to the interests of his own nation, he will have but little time for missionary work; what time he has I am willing he should use in that way. But this amendment of the Senate is in the interest of our own nation, our own people, our own commerce; and I believe this House will stand by this Senate amendment simply because it is just, because it is American, because it is solely in the interest of our own people.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Speaker, I desire to know how much time is left to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. There are thirteen minutes of the time of the gentleman from Indiana now remaining.

Mr. TOWNSHEND. I would like to know further what disposition the gentleman from Indiana proposes to make of that time.

Mr. HOLMAN. I believe the understanding was that I should yield to the gentleman from Mississippi for ten minutes, and that then the floor should be yielded to the gentleman from Illinois in order to call the previous question.

The SPEAKER *pro tempore*. The Chair will then recognize the gentleman from Mississippi for ten minutes.

Mr. MONEY. Mr. Speaker, in the short time allowed me I desire to ask the attention of the House to the first Senate amendment, which provides for leases of third-class post-offices. There is no distinction which can be made in justice between first, second, and third class offices.

And my friend from Indiana [Mr. HOLMAN] was mistaken when he said the difference only is in degree. The difference is marked in kind. Why should a man whose salary runs from one to two thousand dollars be compelled to pay his own rent, when a man whose salary is above that shall have his rent paid by the Government? There is no reason in it and there is no justice.

But, sir, when we reach the fourth-class postmasters whose salaries run from a thousand dollars down, there is a reason why they should not have a right to have their rent paid by the Government, because the man who holds a fourth-class office in a majority of cases does not hold it for the salary at all, but for the accommodation of his neighborhood.

Mr. BINGHAM. Is not that true of the third-class offices?

Mr. MONEY. Not at all. Fourth-class postmasters are men who are in business as merchants and shop-keepers of various kinds, and these men use the building as a post-office in which their proper business is conducted. This is not their vocation but their avocation and established place of business in which the post-office is located. There is no reason why the Government should pay them their rent, but when a man reaches a Presidential office, the third class being the lowest of that kind, he then conducts this business alone not connected with any other business whatever. This man must rent a building for special use and service of the post-office and for nothing else. He is unable to attend to the office which pays over a thousand dollars a year and also to attend to any other business. If he does the clerk-hire is entailed upon him for that purpose. Therefore it is reasonable and just in offices of the third class they should have their rent paid by the Government as in the case of second and third class postmasters.

The amount of increase has been fairly stated, I think, by my friend from Indiana [Mr. HOLMAN] to be about one-half million dollars. There are 1,838 post-offices of the third class. All these postmasters to-day pay their own rent. It can be said easily that these gentlemen have the great American privilege of resigning the office if it did not suit their purse and convenience. And so can any of us here resign.

But, Mr. Speaker, it is a question of justice whether we shall properly pay for the expenditures naturally attending the postal service of this country, and I hope this House will not be so niggardly as to refuse an appropriation of half a million dollars, or as much more as will be necessary to conduct its service.

Can any gentleman assign a good reason why a man holding a third-class office, whose pay is $1,950 a year, shall pay his own office-rent, while the man who gets $50 more shall have his rent paid by the Government?

Mr. LACEY. Will the gentleman allow me a question?

Mr. MONEY. Certainly.

Mr. LACEY. These third-class officers are paid by commissions on the receipts of their offices, and they nearly absorb entirely the amount of postal receipts in those offices.

Mr. MONEY. The gentleman is right to the extent that these salaries are based on the business that is done in these offices. But, Mr. Speaker, it is simply a question of justice to the House. Do you insist this one class of postmasters holding Presidential offices shall pay their own rent, while the second and third class offices have their rent paid by the Government? Not only do the first and second class postmasters have their rent paid for them, but the Government also supplies their lights and fuel and their incidental expenses. The postmasters of the third class have nothing of these things. It is only to extend to them the one single item of rent, and nothing more. They will still have their light and fuel, except in case of separating offices, to be paid out of their salaries as postmasters. There is no justice in this; there is no economy in this.

And suppose it costs not only half a million but a million and a half, is that any reason why it should be denied? Are we to adopt a principle that a citizen is to do as much as possible for as little as possible? Are we not to deal fairly and honestly and justly with our own people and our own Federal employés? Is there any reason why a man should be treated harshly and unjustly and illiberally by Congress because he happens to be an official of the Government? That is a rule of injustice that we do not carry out with regard to ourselves, or to any of the other officials connected with the Government except these third-class postmasters. Their case is a very singular one, without a parallel in any other service of the Government; and it is impossible for this House, in my opinion, to fail to concur in the amendment of the Senate.

I desire to yield the remainder of the time to the gentleman from New York [Mr. SKINNER] with the exception of one minute.

The SPEAKER *pro tempore*. The gentleman has four minutes remaining.

Mr. MONEY. I yield three minutes to the gentleman from New York.

Mr. SKINNER, of New York. Mr. Speaker, the Committee on the Post-Office and Post-Roads one year ago reported to this House a bill granting an allowance of rent to third-class post-offices. A bill now lies on the Speaker's table from the Senate having the same object in view. There are in this country to-day 50,000 post-offices.

Our friends upon the other side are beginning to think there must be a million or more, but I can tell them there are only 50,000. They are trying to stand from under the avalanche of letters and petitions pouring down upon them. But out of the 50,000 post-offices 48,000 of them are fourth-class offices; that is, offices paying an annual salary of from a thousand dollars down to 9 cents. There are only 81 first-class offices in the country; 404 second-class offices where the salary is $2,000 or upward, and 1,845 third-class offices ranging from $1,000 upward.

Now, the line is drawn at $2,000. Why not draw the line at $1,000? I will give one single illustration which will show the injustice of the

present law rating the compensation of these offices: Suppose the postmaster at an office receives a salary of $1,900. Out of this he must pay his own office-rent, his own clerk-hire, and pay for his fuel and all the incidental expenses of the office, all of which must come out of the $1,900. In the very same county a postmaster may receive a salary of $2,000, and when it reaches that sum the Government steps in and pays him his rent, his clerk-hire, his fuel, and all. Does anything better illustrate that verse in Scripture, which I will quote: "Unto every one that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath?"

[Here the hammer fell.]

Mr. MONEY. I now yield the remainder of the time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. The gentleman from Mississippi [Mr. MONEY] and the gentleman from New York [Mr. SKINNER] have so thoroughly covered the subject of the difference between the two Houses on this particular question, that I think one minute will be ample for what I desire to say. This fact I want to impress upon the House: in the rural sections of the country they will receive the full benefit of this proposed change in the law. Districts such as I represent will receive no benefit whatever. The Senate has sent here to this House from its Committee on the Post-Office and Post-Roads a bill covering this subject. That bill lies upon the Speaker's table. The Committee of the House have recommended a similar bill. That stands on the Calendar of the House. Had a day been given to the Committee on Post-Offices and Post-Roads for the consideration of their business in this Congress we would have carried this legislation through the House. It comes to this to-day——

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. BINGHAM. Why I hardly began, and had not reached my point.

Mr. TOWNSHEND. I move the previous question on the adoption of the report of the conference committee.

The previous question was ordered.

Mr. BINGHAM. We want to know how we can reach a vote on these separate amendments.

Mr. TOWNSHEND. After the adoption of the report we will have a vote taken upon each amendment separately, if desired.

The question being taken on the adoption of the report, it was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The first amendment was read, as follows:

Amendment numbered 3, page 2, line 16: Strike out the word "hereafter."

The amendment was concurred in.

The next amendment was read, as follows:

Amendment numbered 4, page 2, line 16: Strike out the word "lease" and insert "in the disbursement of this appropriation apply part thereof to the purpose of leasing."

Mr. TOWNSHEND. I move that the House further insist upon its disagreement to the amendment.

Mr. HOLMAN. I suggest to my friend that the next two amendments be read and coupled with this.

Mr. TOWNSHEND. I am willing to do that. Let them be read.

Amendment numbered 5 was read, as follows:

Page 2, line 17, strike out the word "and."

And amendment numbered 6:

Page 2, same line, after the word "second," insert the words "and third."

Mr. TOWNSHEND. I now move that the House further insist upon its disagreement to these three amendments; and upon that motion I call the previous question.

Mr. MONEY. I move that the House recede from its disagreement to the Senate amendments and agree to the same.

Mr. TOWNSHEND. What becomes of my motion?

The SPEAKER *pro tempore*. The motion of the gentleman from Mississippi [Mr. MONEY] has preference.

Mr. TOWNSHEND. I am aware of that; but I wanted to have the previous question ordered so as to prevent debate.

The SPEAKER *pro tempore*. But the motion of the gentleman from Illinois can not be put before the House till the motion of the gentleman from Mississippi [Mr. MONEY] is disposed of. The question is on the motion of the gentleman from Mississippi, which is that the House recede from its disagreement to the amendments of the Senate which have just been read and agree to the same.

The question being taken, there were—ayes 118, noes 18.

Mr. HOLMAN. As this matter involves half a million of dollars of additional salaries, I ask for the yeas and nays.

On the question of ordering the yeas and nays, there were ayes 25—not one-fifth of the last vote.

Mr. HOLMAN. Count the other side.

The negative vote being counted, there were noes 131.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered; and the motion of Mr. MONEY was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read amendment of the Senate numbered 16, as follows:

On page 8, lines 179, 180, and 181, strike out the following:

"For transportation of foreign mails including railway transit across the Isthmus of Panama, $425,000."

And in lieu thereof insert as follows:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, $900,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated."

Mr. TOWNSHEND. I move that the House further insist on its disagreement to this amendment; and upon that I call for the previous question.

Mr. HORR. I move that the House recede from its disagreement, and agree to the amendment of the Senate.

Mr. TOWNSHEND. And upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. Gentlemen who are opposed to this proposition I presume vote "no," and those in favor of it vote "ay."

The SPEAKER *pro tempore*. The question is on the motion submitted by the gentleman from Michigan [Mr. HORR] that the House recede from its disagreement to the Senate amendment and agree to the same. All in favor of that motion will say "ay" when their names are called, and those opposed to it will say "no."

The question was taken; and there were—yeas 128, nays 132, not voting 63; as follows:

YEAS—128.

Adams, G. E.	Davis, G. R.	Howey,	Phelps,
Adams, J. J.	Davis, R. T.	Hunt,	Poland,
Aiken,	Dingley,	James,	Potter,
Arnot,	Dixon,	Jeffords,	Pusey,
Atkinson,	Dorsheimer,	Johnson,	Ransey,
Bagley,	Dunham,	Kean,	Ray, G. W.
Barbour,	Elliott,	Kellogg,	Ray, Ossian
Barr,	Ellis,	Ketcham,	Reed, T. B.
Bingham,	Ellwood,	King,	Rockwell,
Bisbee,	Evans,	Lacey,	Rogers, W. F.
Blanchard,	Everhart,	Lawrence,	Rosecrans,
Boutelle,	Findlay,	Lewis,	Russell,
Brainerd,	Funston,	Libbey,	Skinner, C. R.
Breitung,	Garrison,	Lore,	Slocum,
Brewer, F. B.	George,	Lovering,	Smalls,
Brewer, J. H.	Glascock,	Lyman,	Smith, A. Herr
Broadhead,	Greenleaf,	McCormick,	Spooner,
Brown, W. W.	Guenther,	Millard,	Stephenson,
Brumm,	Hanback,	Miller, S. H.	Stevens,
Buckner,	Hancock,	Money,	Stewart, J. W.
Budd,	Harmer,	Morgan,	Strait,
Burleigh,	Hart,	Morrill,	Struble,
Campbell, J. M.	Hatch, H. H.	Moulton,	Taylor, J. D.
Cassidy,	Haynes,	Muller,	Thomas,
Clardy,	Henderson, D. B.	Mutchler,	Tillman,
Converse,	Hewitt, A. S.	Nutting,	Valentine,
Cox, S. S.	Hill,	Oates,	Wadsworth,
Culbertson, W. W.	Hiscock,	O'Hara,	Wait,
Cullen,	Hitt,	O'Neill, Charles	Wakefield,
Curtin,	Hobleitzell,	Payne,	White, J. D.
Cutcheon,	Holton,	Payson,	White, Milo
Dargan,	Horr,	Perkins,	Whiting.
	Houk,		

NAYS—132.

Alexander,	Dowd,	McMillin,	Spriggs,
Anderson,	Dunn,	Mason,	Springer,
Ballentine,	Eaton,	Maybury,	Stewart, Charles
Barksdale,	Eldredge,	Miller, J. F.	Stockslager,
Bayne,	English,	Mills,	Storm,
Beach,	Fiedler,	Mitchell,	Swope,
Belmont,	Follett,	Muldrow,	Talbott,
Bennett,	Foran,	Murphy,	Taylor, J. M.
Bland,	Geddes,	Neece,	Thompson,
Boyle,	Gibson,	Nelson,	Townshend,
Bratton,	Graves,	Ochiltree,	Tucker,
Breckinridge,	Guenther,	O'Ferrall,	Turner, H. G.
Browne, T. M.	Halsell,	O'Neill, J. J.	Turner, Oscar
Buchanan,	Hammond,	Paige,	Van Alstyne,
Cabell,	Hardy,	Patton,	Vance,
Caldwell,	Hatch, W. H.	Peel,	Van Eaton,
Campbell, J. E.	Hemphill,	Peters,	Wallace,
Candler,	Henderson, T. J.	Pierce,	Ward,
Cannon,	Hepburn,	Post,	Warner, Richard
Carleton,	Hewitt, G. W.	Price,	Weaver,
Clay,	Holman,	Pryor,	Wellborn,
Cobb,	Hopkins,	Reagan,	Weller,
Connolly,	Houseman,	Reid, J. W.	Wemple,
Cosgrove,	Jones, B. W.	Riggs,	Wilkins,
Cox, W. R.	Jones, J. H.	Robertson,	Willis,
Crisp,	Jones, J. K.	Rogers, J. H.	Wilson, W. L.
Culberson, D. B.	Jordan,	Seney,	Winans, E. B.
Davidson,	Lamb,	Seymour,	Wise, G. D.
Davis, L. H.	Lanham,	Shively,	Wolford,
Deuster,	Le Fevre,	Singleton,	Wood,
Dibble,	Lowry,	Skinner, T. G.	Woodward,
Dibrell,	McAdoo,	Smith, H. Y.	Worthington,
Dockery,	McComas,	Snyder,	Yaple.

NOT VOTING—63.

Bedford,	Goff,	Milliken,	Steele,
Blackburn,	Green,	Morrison,	Stone,
Blount,	Hardeman,	Morse,	Sumner, C. A.
Bowen,	Henley,	Murray,	Sumner, D. H.
Burnes,	Herbert,	Nicholls,	Taylor, E. B.
Campbell, Felix	Holmes,	Parker,	Throckmorton,
Chalmers,	Hooper,	Pettibone,	Tully,
Clements,	Hurd,	Randall,	Warner, A. J.
Collins,	Hutchins,	Rankin,	Washburn,
Cook,	Jones, J. T.	Reese,	Williams,
Covington,	Keifer,	Rice,	Wilson, James
Ermentrout,	Kelley,	Robinson, J. S.	Winans, John
Ferrell,	Kleiner,	Robinson, W. E.	Wise, J. S.
Finerty,	Laird,	Rowell,	York,
Forney,	Long,	Ryan,	Young.
Fyan,	McCold,	Shaw,	

So the motion to concur was not agreed to.

Mr. ROBERTSON. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. ANDERSON. I object.

Mr. WARNER, of Ohio. I would like to have my name recorded.

The SPEAKER. Was the gentleman from Ohio in the Hall when his name was called?

Mr. WARNER, of Ohio. I was not. If permitted to vote, I would vote "no."

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. RANKIN with Mr. RICE.

Mr. LONG with Mr. BURNES, on the Senate amendments to the Post-Office appropriation bill. Mr. LONG would vote "ay" and Mr. BURNES "no."

Mr. RANDALL with Mr. KEIFER, on the Post-Office appropriation bill. On the proposition for a subsidy Mr. RANDALL would vote "no" and Mr. KEIFER "ay."

Mr. MORSE with Mr. RYAN, on the Post-Office appropriation bill. Mr. RYAN would vote against the proposition for a subsidy and Mr. MORSE for it.

Mr. FORNEY with Mr. HUTCHINS, on the Post-Office appropriation bill. Mr. FORNEY would vote against the proposition for a subsidy and Mr. HUTCHINS for it.

Mr. BLOUNT with Mr. MURRAY, on the Post-Office appropriation bill.

Mr. HERBERT with Mr. WASHBURN, on the Senate amendment to the Post-Office appropriation bill.

Mr. ERMENTROUT with Mr. WILSON, of Iowa, on this vote.

Mr. YOUNG with Mr. STONE, on this vote.

Mr. HARDEMAN with Mr. HOLMES, on this vote.

Mr. CLEMENTS with Mr. PETTIBONE, for this day.

Mr. JONES, of Alabama, with Mr. KELLEY, for this day.

Mr. KLEINER with Mr. FINERTY, for this day.

Mr. COOK with Mr. MILLIKEN, on this vote. Mr. COOK would vote against the amendment and Mr. MILLIKEN for it.

Mr. JOHN S. WISE, who had voted "ay," said: I was announced as paired with Mr. MORRISON. I do not know how I became paired, but lest this should be regarded as a political question I withdraw my vote.

The result of the vote was then announced as above stated.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

Mr. TOWNSHEND. Mr. Speaker, my motion now is that the House further insist upon its disagreement to the Senate amendment; and upon that I demand the previous question.

The SPEAKER. The Chair understood that by an agreement made between the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Michigan [Mr. HORR] the debate was to be confined to the discussion of the conference report, which included debate upon these amendments as well.

Mr. TOWNSHEND. That is correct.

The SPEAKER. Therefore the previous question is not necessary.

Mr. TOWNSHEND. Very well.

The question was taken on the motion of Mr. TOWNSHEND that the House further insist upon its disagreement to the Senate amendments, and the motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk proceeded to read the amendment numbered 17.

Mr. TOWNSHEND. Mr. Speaker, all the sections that follow upon which there is a disagreement relate to the 10-cent stamp. I ask unanimous consent that the reading be omitted, and I move that the House further insist on its disagreement to those amendments.

The motion was agreed to.

Mr. TOWNSHEND. Now, Mr. Speaker, I move that the House ask a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HORR.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. Mr. Speaker, I ask unanimous consent——

Mr. VALENTINE. Regular order!

The SPEAKER. The Chair will state that the Journal of the House is now completed.

Mr. STOCKSLAGER. I will wait until after the reading of the Journal.

The SPEAKER. The regular order is demanded, so that at any rate the gentleman could not have his request granted. By order of the House the reading of the Journal was postponed until it should be completed. It is now ready and the Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday. After he had made some progress therein,

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to suspend the reading of the Journal in order that I may present a conference report.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] asks unanimous consent to dispense with the reading of the Journal.

Mr. WELLER. Mr. Speaker, does that mean that it shall be suspended entirely, or only for the time being?

The SPEAKER. It means that the reading of the Journal shall be dispensed with.

Mr. WELLER. I object.

Mr. ELLIS. I hope the gentleman will not object.

Mr. WELLER. If it was only for the time required for you to introduce your report I should have no objection, but when it is proposed to dispense entirely with the reading of the Journal, I do object.

Mr. ELLIS. Mr. Speaker, I move to suspend the rules and dispense with the reading of the Journal, and on that motion I call the previous question.

The SPEAKER. The previous question can not apply. Under the rules of the House, on a motion to suspend the rules thirty minutes is allowed for debate. The gentleman from Iowa [Mr. WELLER] does not object to the postponement of the further reading of the Journal until after the gentleman from Louisiana [Mr. ELLIS] has made his conference report.

Mr. ELLIS. Very well. I now submit the report and ask to have it read.

INDIAN APPROPRIATION BILL.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 7970, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 7, 8, 20, 25, 37, 55, 58, 59, 60, 61, 62, 66, 67, 72, 80, 81, 83, 99, 100, 101, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 18, 19, 21, 22, 24, 29, 30, 32, 33, 34, 36, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 63, 64, 65, 71, 73, 79, 85, 86, 87, 88, 89, 90, 91, 92, 96, 97, 98, 102, 103, 105, 107, 108, 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "of," where it first occurs, insert the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the name of "Tonacket" and in lieu thereof insert "Tonasket;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the word "the," in line 22, on page 2 of the bill, insert the following: "Amount due and unpaid and including the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the paragraph proposed to be inserted by said amendment restore the matter proposed to be stricken out, adding thereto the following: "That the claim of certain individual members of the Pottawatomie Nation of Indians, their heirs or legal representatives, for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of the treaty of August 7, 1868, be, and the same are hereby, referred to the Court of Claims for adjudication; and said court shall, in determining said cause, ascertain the amounts due and to whom due by reason of actual damage sustained. And said cause shall be tried without delay as hereinbefore provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,597,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$63,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That jurisdiction is hereby conferred upon the Court of Claims to hear and determine any claim which may be set up by Belva A. Lockwood against the Eastern Band of Cherokee Indians for alleged professional services rendered to said Eastern Band;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$530,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$565,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "*And provided further*, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general educational fund for the preceding fiscal year has been expended; and said report shall embrace number and kind of school-houses erected and their cost, as well as cost of repairs, name of every teacher employed and compensation allowed, the location of each school and the average attendance at each school; and the first said annual report shall give a like full and detailed statement of all such expenditures heretofore made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: On page 49, in line 17 of the bill, strike out the words "five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,500;" and the Senate agree to the same.

On the amendments of the Senate numbered 9, 12, 13, 14, 26, 27, 28, 35, 41, 42, 74, 75, 76, 110, 111, 112, and 113 they have been unable to agree.

E. JOHN ELLIS,
W. S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

H. L. DAWES,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. ELLIS. I ask that the statement of the House conferees which accompanies this report be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the Indian service for the fiscal year 1886, submit the following written statement in explanation of the accompanying report:

The bill as it is agreed upon appropriates $5,757,512.70, being $72,336.90 greater than as it passed the House, $120,742.80 less than as it passed the Senate, $101,890.21 less than the law for the current year, and $1,570,536.94 less than the estimates submitted for the fiscal year 1886.

The conference committee have been unable to agree upon the following amendments, namely:

On amendments numbered 9, 12, 13, 14, 26, 35, 41, 42, 75, and 76, which amendments on the part of the Senate strike from the bill as it passed the House provisions to pay claims for damages caused by depredations of certain Indians.

On amendment 27, which strikes out the provision to extend the time of payment of the purchase-money for the reservation of the Omaha tribe of Indians sold under the act of August 7, 1882.

On amendment 28, which strikes out the provision to extend the time of payment of the purchase-money under the sale of the reservation of the confederate tribe of Otoe and Missouria Indians.

On amendment 74, which strikes out the provision to pay the expenses of the delegates of the Eastern Band of Cherokees and for their services in visiting Washington.

On amendments 110, 111, 112, and 113, which strike from the bill sections 8, 9, 10, and 11 thereof.

E. JNO. ELLIS,
W. S. HOLMAN,
THOS. RYAN,
Managers on the part of the House.

Mr. ELLIS. I move the adoption of this report.

The report was adopted.

Mr. ELLIS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS. Mr. Speaker, in reference to this bill there are still two principal points of disagreement between the House and the Senate. In the first place the House inserted in the bill a number of items proposing to pay white citizens for depredations committed by the Indians, such payment being in accordance with treaty stipulation with the Indians. The Senate insisted that those items be struck out, upon the ground that there are already claims of this character to the amount of about $5,000,000 pending against the Indians, claims which have been accumulating since 1868, and have now reached this enormous sum.

The Senate, with a good deal of plausibility, thought we should not make "fish of one and flesh of another;" that we should not pay a portion of these claims and leave others unpaid, all of them being of equal dignity and having originated in the same way.

In the second place, they say these claims have not been fully examined—have not been examined with that care which should attend their examination. There is also some force in that.

In the third place, they say that numerous amendments were offered by Senators proposing to put a large number of these claims upon the bill; but upon the assurance of the committee that none of these claims were to be allowed the Senators withdrew uniformly such amendments.

This is one of the principal causes of disagreement between the House and the Senate on the bill. The House took the view that while it was impossible to pay all or even approximately all of these claims during this year, yet that some measure should be taken looking to their eventual payment; and, further, that a few of them should be placed upon the bill as somewhat in the nature of a warning to the Indians themselves that if they depredated upon the property of the white people their treaty funds should be held responsible for all damages. That is substantially the position of the House and Senate with regard to this particular point.

Mr. BLOUNT. I would like to ask the gentleman from Louisiana a question for information with reference to the auditing of these claims.

Mr. ELLIS. Certainly.

Mr. BLOUNT. I wish to ask my friend from Louisiana what office audited the claims that are placed in this bill?

Mr. ELLIS. The Indian Office.

Mr. BLOUNT. My object is this: as far as my information goes I am not aware that there is any officer who is authorized to audit that class of claims for reference to Congress, in order that appropriations may be applied for the purpose of their liquidation, as in the case of quartermaster's claims and others which are audited under the general law.

Mr. ELLIS. These claims have been audited by the Secretary of the Interior through the Indian Office, and have likewise been examined by the Indian Committees of the two Houses.

Mr. BLOUNT. I wish to know if they have been examined by any auditor or comptroller of the Treasury.

Mr. ELLIS. No.

Mr. BLOUNT. Then they do not come here as audited claims.

Mr. ELLIS. The law does not require it, but only that they shall be examined by the Secretary of the Interior through the Indian Office.

Mr. BLOUNT. This appears to be a new feature, this bringing in of the Indian depredation claims and making provision for their payment on an appropriation bill.

Mr. ELLIS. I beg the gentleman's pardon, it has been so for years and years. It was done in the appropriation bill of last year, and the year before that, and for many years prior. The Senate has always been putting some of these Indian claims upon the appropriation bills, and permit me to say it has been done in strict pursuance of treaty stipulations. I believe in every treaty which we have made with the Indians they have uniformly agreed that in cases where their people depredate upon the property of the whites an examination into the alleged depredations should be made by the Secretary of the Interior and the tribal fund held responsible for the damage.

Mr. BLOUNT. Will my friend allow me to say that I am quite sure, after six years' service on that committee, that they were carefully excluded from the Indian appropriation bill on the ground that there was no law authorizing it.

Mr. ELLIS. I will not challenge my friend's memory, and can only say that for the four years in which I have served on that committee these claims have been here.

Mr. BLOUNT. It may be that my friend consented. I did not.

Mr. ELLIS. The House proposed and the Senate conferees concurred that these claims shall undergo full and thorough investigation. The Senate proposes that an appropriation of $10,000 shall be made to enable the Secretary of the Interior to make a careful examination of all these claims and make a list of them as they are examined and approved by that commission, which list shall be presented to Congress so soon as the examination can be had for such action as Congress may deem wise or necessary to take; a measure in the wisdom of which I fully concur.

The second point of difference was in regard to the allowance due for the payment of a portion of the purchase-money for the Omaha Indian reservation; also in reference to extending the time for the payment of the purchase-money due the confederate bands of Otoes and Missouriss. The conference committee did not challenge the equity or wisdom of the provision, but they rested upon the ground that these provisions embodied general legislation and the Senate rules forbid general legislation upon an appropriation bill. That point we did not discuss very far with these gentlemen.

The third and last point of difference was in regard to the appropriation of $4,000 to pay some Cherokee delegates their traveling and other expenses (an amendment which was offered by my friend from North Carolina [Mr. VANCE] and I hope we will hear from him on that), incurred in representing the interests of their tribe here. These are, Mr. Speaker, in substance, the points of disagreement between the Senate and House conferees.

Mr. BUDD. May I ask the gentleman one or two questions?

Mr. ELLIS. Certainly.

Mr. BUDD. I do not see the gentleman from Georgia here, but is it not a fact that this is the first time that the House has placed the Indian depredation claims upon an appropriation bill?

Mr. ELLIS. It is, I think, since I have had anything to do with it.

Mr. BUDD. Is it not a fact that the Senate of the United States at the last session of Congress, and on the bill which passed the Senate and the House, insisted upon some thirty claims of this character?

Mr. ELLIS. That is correct, as I remember.

Mr. BUDD. And has not that been the practice of the Senate for years?

Mr. ELLIS. To the best of my knowledge, yes.

Mr. BUDD. For several years past?

The SPEAKER. What motion does the gentleman submit?

Mr. ELLIS. I have no motion to submit. I yield to my colleague on the committee [Mr. RYAN].

The SPEAKER. There is nothing before the House unless a motion is made.

Mr. ELLIS. I reserve the remainder of my time.

The SPEAKER. But the Chair desires to state the conference report has been disposed of, and unless some motion is made——

Mr. ELLIS. I will move, then, that the House insist on its disagreement to the Senate amendments.

Mr. RYAN. I was about to make the same motion in regard to Senate amendment numbered 9, with the view of testing the judgment of the House. We are so near the close of the session that for my own part I desire to throw the responsibility upon the House.

The difference between the two Houses or between the conferees on the part of the House and those on the part of the Senate relates to two subjects. One is the depredation claims that the House put upon this bill; the other is the legislation that the House put upon this bill. I want the House to clearly understand the issue; and then for myself (and I think for the other conferees) I desire to have the intelligent judgment of the House, and we shall act in accordance with such instructions as the House may give.

In regard to depredation claims, I have this to say: About $40,000—I have not figured it up to ascertain the exact amount—is appropriated out of the annuities due to Indians for the depredations that they have committed upon the property of white persons. This appropriation is made in accordance with treaty stipulations. Every claim put upon this bill has been audited in the manner prescribed by the treaty. First, the question has been submitted to the Indians themselves, and in almost every instance they agreed that the depredations were committed. Next, the agent at the agency investigated the claims. Next, the Commissioner of Indian Affairs investigated the claims and reported them to Congress, declaring that a certain amount was due. These were in turn referred by the House to the proper committee, the Committee on Indian Affairs, and in every instance where a depredation claim appears in this bill it was reported favorably by the Committee on Indian Affairs.

The Senate, I want to say in passing, for several years past has put similar claims audited in precisely the same manner upon these Indian appropriation bills, and the House agreed to them. But now the Senate conferees say in regard to these claims, "it is true these claims have been audited in accordance with treaty stipulations. They appear to be all right upon their face; but it is so late in the session that we can not ourselves personally investigate them, and we do not think it wise or prudent to agree to them unless we do investigate them." I think I have stated it fairly. All I care about it is that by a vote of this House it shall declare whether its managers shall insist upon the disagreement, or whether they shall surrender these claims. I have nothing further to say about them.

The other point of difference relates to legislation upon this bill. In regard to that its importance is conceded. Some of it is regarded as indispensable to the preservation of the public peace. Disorderly Indians, whose conduct of late created alarm along the border, armed with the modern rifle are daily committing depredations upon every species of property they can reach. We provide in this bill that the President may in his discretion take arms from those Indians and compensate them for them.

That is all there is of that provision. That is conceded to be just. With regard to one of these tribes, one of the most turbulent and disorderly, and one of the most savage we have to deal with, we are supplying them with appropriations exceeding $300,000 annually to feed them, as a gratuity. We are obliged to make contracts to supply them with food. The contractors by the terms of the contract are obliged to keep the cattle in the vicinity of those Indians to supply them week after week, and yet the Indians raid these herds of cattle and destroy them. What is the result? The result is that hereafter it will be almost impossible for the Government to make contracts to supply these Indians. It will only be able to do so by the contractor taking into consideration the great risk he has to incur, and therefore the Government will be compelled to pay a most extraordinary price for these supplies.

These Indians, as I have said, are armed with the modern rifle. It is from them we would take these arms and put them in the pathway of civilizing influences.

But the reply comes from the conferees on the part of the Senate: "This is legislation; it is late in the session; we do not think there is time sufficient for us to give a subject of this kind that serious and deliberate consideration that we should, and besides that it is a violation of the rules of the Senate and we can not agree to it."

Now, the Senate rule seems to be somewhat peculiar. If there be a Senate rule upon the subject, if I may judge from the action of the Senate upon appropriation bills at this session of Congress, it can have but one construction, and it is this, that that rule prohibits upon an appropriation bill legislation that originates in the House, but allows upon an appropriation bill legislation that originates in the Senate, because I see here in this very bill that there is legislation inserted by the Senate itself. In the face of that fact, admitting that this legislation is correct, admitting that it is important to the preservation of public peace on the border, they still say it is legislation originating upon an appropriation bill in the House of Representatives, and they therefore can not under their rules consider it. I have presented, I think, the whole subject so far as legislation is concerned in what I have said, because what I have said applies to the rest of the legislation in this bill.

I want to say further that another paragraph of legislation in this bill authorizes the President of the United States to negotiate with certain Indians in regard to opening a certain section of the Indian Territory now in dispute to settlement under the homestead law. That is a matter of great concern. A large number of the people of the country believe that the land in question is public domain. They believe that the Indians have no reserved interest in it, the fact being that the Government has paid for it what it agreed to pay for it, but the further fact being that it bought it from the Indians for a specific purpose.

That specific purpose the Indians hold to be a trust—that is, they claim that we hold it in trust for that purpose, and that we have no right to sell it for any other purpose. Now those people, believing it to be a part of the public domain, have been going upon those lands for the purpose of occupying them and making homes for themselves. The Army of the United States has been employed repeatedly to remove those people. It is but a few weeks ago that the saddest thing to every American heart that could possibly occur—a conflict of arms between the Army of the United States and citizens of the United States—was imminent, because those citizens believed, whether right or wrong, that they were entitled to carve out homes for themselves upon that portion of the public domain, as they regarded it. This provision simply authorizes the President to negotiate with those Indians regarding any rights they may have in those lands, in order that they may be lawfully opened to settlement. It is well known by everybody who reads the public prints that large numbers of our citizens are about to enter that Territory under the impression that they have the right to do so.

The Army of the United States is stationed there to prevent them. A conflict is imminent in the near future unless something be done to avert it. All this is admitted by the Senate and by the conferees of the Senate, but they say that legislation upon an appropriation bill is prohibited by the rules of the Senate, and that therefore they can not give this consideration. There are some other provisions to which they objected, and they suggested some amendments which the conferees on the part of the House readily acceded to. Now, we have to confront these facts and to act upon them by our votes, and so far as I am concerned I shall regard the action of the House as an instruction on these propositions, and I shall obey that instruction, whatever it may be.

With regard to legislation upon appropriation bills, I agree that as a rule it is wrong, but, under our system of rules, it seems indispensable occasionally to insert legislation in these appropriation bills. It is the fault of our system. It results from the fact that we have a system of rules relating to appropriations and to the Committee on Appropriations which clothe that committee with a power which I believe ought not to exist with any committee of this body. It is no answer to say that that power has not been exerted to the prejudice of the public interests. It is enough to know that it is possible that it may be. If I had anything to suggest in regard to this matter after four years' experience upon the Committee on Appropriations, it would be such a reform of the rules as would prevent that committee from reporting a bill to this House with any general legislation whatever in it, and I would add a rule to the same effect for the government of the House itself. Further, I would require the Committee on Appropriations to report the appropriation bills to the House within a reasonable time, so that they might receive fair and due consideration here by the Representatives of the people, and might then be sent to the other branch of the law-making power in time to receive fair and due consideration there. This would force the House to make rules to facilitate general legislation in an orderly way, instead of trying, as is done now, to put all such legislation on appropriation bills.

I want to add another thing before I yield the floor. It is this: Although we have a rule of the House authorizing legislation upon an appropriation bill, the practice has been that where one House puts upon such a bill legislation that is objectionable to the other, the House where such legislation originates surrenders it. Mr. Speaker, having made this statement with no other purpose than to impart to the House the facts so that we may vote intelligently, I now move, unless somebody else cares to talk——

Mr. BUDD. I would like to be heard on this question.

Mr. PETERS. I would like ten minutes.

Mr. RYAN. Very well; I believe the motion of the gentleman from Louisiana [Mr. ELLIS] was general.

Mr. ELLIS. It was general.

Mr. RYAN. Suppose you withdraw it and let us have a specific motion.

Mr. ELLIS. I withdraw it for that purpose. It was merely formal, at any rate.

Mr. RYAN. Now, Mr. Speaker, in order to test the judgment of the

House in regard to these claims, I move that the House insist upon its disagreement to amendment numbered 9.

The SPEAKER *pro tempore*. The Clerk will read the amendment.

The Clerk was proceeding to read the amendment,

Mr. HOLMAN. Mr. Speaker, I call the attention of the gentleman from Kansas [Mr. RYAN] to the fact that amendments numbered 9, 12, 13, 14, 26, 35, 41, and 42 relate to claims against Indian tribes, and appropriate money to pay them out of the annuities due to the Indians. Now, why not make the motion apply to all those amendments?

Mr. RYAN. I accept the suggestion of the gentleman from Indiana, and will make the motion apply to all those claims.

Mr. HOLMAN. Now, for the purpose of testing the sense of the House, I move that the House recede from its disagreement to these amendments.

The SPEAKER *pro tempore*. No separate vote is demanded. Is there unanimous consent? [After a pause.] The Chair hears no objection.

Mr. HOLMAN. Now, Mr. Speaker, all of these are claims against Indian tribes, and the money is to be paid out of the Indian annuities.

This list comprises a very small portion of the whole of these claims which have been certified from time to time to Congress from the Indian Bureau. I think these claims ought all to be considered together. Congress before authorizing payment should be better informed as to the character of the claims. The Indians are here insisting that a great many of these are not just and valid claims against them. The Senate maintains that the provisions for the payment of these claims are legislation upon an appropriation bill, and do not properly belong to such a bill. I therefore think that at this late hour of the session it is the part of wisdom for the House to recede from its disagreement and concur in the action of the Senate striking out the provisions for these claims.

Mr. PERKINS. Was there not an Indian depredation claim included in the sundry civil appropriation bill—a claim which has come to Congress within a month or two; and has not the Senate permitted that provision to remain in the sundry civil bill?

Mr. HOLMAN. Whether it has been permitted to remain I have not examined. But the fact is there is such a depredation claim on that bill, amounting, I think, to $47,000.

Mr. PERKINS. Yes, sir.

Mr. HOLMAN. That is, however, a very peculiar case. A contractor for furnishing supplies to the Indians had sustained heavy losses by Indian depredations, amounting, as he claimed, to $62,000, or, as found by the Indian Department, $47,000. The fact that this man was a contractor, and according to representations made to the Committee on Appropriations and to the Indian Bureau could not carry out his contract unless the Government promptly paid back to him out of the Indian funds the losses he had sustained, was the motive that induced the action of the Committee on Appropriations.

I now yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

The SPEAKER *pro tempore* (Mr. COX, of New York). The Chair will state the pending proposition, that debate may be relevant to the question. The gentleman from Kansas [Mr. RYAN] moves that the House insist on its disagreement to the Senate amendments in regard to depredation claims. The gentleman from Indiana [Mr. HOLMAN] moves that the House recede from its disagreement to those amendments, the numbers of which the Clerk will read.

The Clerk read as follows:

9, 12, 13, 14, 26, 35, 41, 42, 75, 76.

Mr. BLOUNT. Mr. Speaker, I trust the House will not insist upon having these claims remain in this bill. It has been stated here that claims of this character have for the last four years been placed upon Indian appropriation bills. It has likewise been stated that at different times the Senate has seen fit to put claims of this class upon the Indian appropriation bill. But, Mr. Speaker, the House desires to do what is right in reference to this matter. If heretofore the House has taken hasty action in violation of its rules, if in the past the Senate has taken hasty action in violation of sound and wise legislation, those precedents do not bind our judgment, and should not restrain us from doing at this time what is right.

It will be conceded that under the rules of this House claims belong to the Committee on Claims, and when reported from that committee must take their place upon the Calendar; that the appropriation bills provide money for the current expenses of the Government and do not include claims except a single class. Judgments are placed on the sundry civil bill; they do not go to the Committee on Claims, for they are based upon matters which have been judiciously examined, the Government having been concluded by that examination. So likewise in reference to claims which have been examined under the law by the auditors and comptrollers on behalf of the Government, the two classes of officers being a check upon each other. But in reference to claims for Indian depredations there is no provision of law which submits them to an auditor or comptroller for examination. They are casually examined in the Indian Department, are sent to this House, and should then properly go to the Committee on Claims or sometimes to the Committee on Indian Affairs.

If there is any class of claims that ought not to be placed on appropriation bills it is those against Indians. If there are any claims as to which we ought to be on our guard, ought to have our suspicions excited, it is claims against those ignorant savages. I think the Senate has rightfully refused to allow this class of claims to be placed on this bill. I care not what mistakes the Senate or the House may have made heretofore, wise legislation requires that we should exclude from appropriation bills claims in general, and especially this particular class of claims.

I remember that in the Forty-fourth Congress, when I first examined this matter, claims against the Indians came in and were referred to the Committee on Claims. I found they had not been examined as other claims usually were. The Committee on Appropriations refused to consider these claims at all; and the House declined to put them upon an appropriation bill. We may have been in error; but such was the practice; and I find now no argument for placing these claims on this bill, except the fact that the Senate did it at a given time, or that we have done it for one, two, or three years. I trust that we shall concur in the amendments of the Senate striking out these claims, especially in view of the fact that we are just approaching the adjournment of a Congress. I move concurrence in the amendments of the Senate relating to these claims.

Mr. RYAN. I yield ten minutes to my friend from California [Mr. BUDD].

Mr. BUDD. Mr. Speaker, the motion of the gentleman from Indiana [Mr. HOLMAN] is to recede from the position taken by the House conferees and, in effect, to indorse the action of the Senate in striking from the House bill certain allowed and approved claims for Indian depredations. I desire to state that having investigated this matter somewhat fully by reason of my constituents being especially interested, I have found this is one of the few occasions in which this House has incorporated in the appropriation bill any depredation claims. I find that it has been the custom of the Senate of the United States to put innumerable depredation claims upon the Indian appropriation bills, and it has waited until this time before it ever found a flaw in that mode of procedure or any cause of complaint. I find by looking at the RECORD of last year that the gentleman from Indiana [Mr. HOLMAN], who is now so quick to ask us to recede from our position, consented to the Senate tacking on many such claims and never made even the faintest protest! He did not even bring the matter to the attention of the House. At that time in conference, without instruction or advice from this body, the many Senate claims were agreed to; and now, when we learn from the RECORD that the Senate conferees in discussion, on the 14th of February, say they have examined these claims which the House placed on the bill and they have found them correct, and that their only objection to them was because of a little ruling of the Senate that legislation ought not to go on an appropriation bill——

Mr. LONG. Is not that rule general legislation?

Mr. BUDD. Yes; general legislation.

Mr. LONG. Is this general legislation?

Mr. BUDD. It is not general legislation; it is special, and in furtherance of the present law.

Mr. LONG. Then why is this obnoxious to the Senate rule?

Mr. BUDD. Simply because the Senate did not originate them, I presume.

Mr. LONG. Then I understand that is not the ground on which they object to them.

Mr. BUDD. Upon what ground do they object to them?

Mr. RYAN. I stated to the House, and I had hoped the gentleman had heard me.

Mr. BUDD. I did.

Mr. RYAN. The Senate conferees objected on the ground they had not time to examine these claims.

Mr. BUDD. Very good.

Mr. RYAN. And on the further ground that members of the Senate, representing claims from other parts of the country, insisted if these claims went into the bill those other claims must also go into the bill.

Mr. BUDD. I find by examining the record of this discussion in the Senate of the United States that the Senate committees have made a careful examination of several of these claims, and especially of claim of J. W. Hogan, of Stockton, struck out by amendment 35, and that two of the Senators who are now conferees on the part of the Senate, Senator DAWES and Senator PLUMB, both stated that from an examination of that claim they believed it was just and ought to be paid. That is claim 35. Gentlemen will find the statement of Senator PLUMB on page 1852 of the RECORD, and that of Senator DAWES on page 1857, this session.

Last year the Senate did not care whether or not the House had time to examine the claims, for it tacked on many of them and we concurred, but now when the House asks that a few of its citizens who have been long waiting for their dues shall be paid a sum aggregating only $40,000, the Senate of the United States says it will not pay our own needy citizens their just dues; yet on page 54 of this very bill it tacks on two pieces of new legislation, and provides for paying to Indians who have no funds or claims $50,000. In other words, they inject new legislation

into the bill in favor of Indians, and take out legislation carrying out existing law, simply because it recognizes a claim of a citizen against this Government.

Mr. Speaker, the history of the law on this subject is short. In 1834, by act of Congress, the United States guaranteed the payment from the general Treasury of all claims of its citizens for Indian depredations. In 1859 it guaranteed the payment from any Indian annuities that might be granted for the depredations of Indians. Every treaty entered into has a clause in it whereby the claim for a depredation is to be paid out of the annuities granted. Prior to 1870 these claims were presented to and proved in the Interior Department. They were then paid. In 1870 this law was so changed as to require a special appropriation in each case after the claim had been allowed. In the Hogan claim every requirement of law has been complied with. There is a requirement of a full and complete examination by the Commissioner of Indian Affairs.

It then goes to the Secretary of the Interior. It is passed upon by him and reported to Congress. Then under the law of the United States Congress is by special appropriation to provide for the payment of its own citizens for damages done by Indians out of the money which belongs to the Indians themselves.

The gentleman from Georgia [Mr. BLOUNT] favoring this motion says we ought to see right and justice done. Let me ask where is there greater right or justice than paying a claim like this after it has been allowed as by law required. If under the law a white man injures an Indian the law allows the Indian double damages. If under the law an Indian injures a white man the law says come to the Government, prove your claim, and it shall be paid. Here is a man by the name of J. M. Hogan, of my own town, who, twenty-odd years ago, was robbed of $30,000 worth of property by Indians, and who has been knocking for a quarter of a century at the doors of the Treasury for the payment of his just claim. It has been allowed for only $6,600, though the evidence shows his loss to have been the full amount alleged. It has been examined, approved, reported upon, passed unanimously by this House, and put into this bill and sent to the Senate, and Senator DAWES and Senator PLUMB, both of whom examined it, say that it is a just claim, and one that ought to be paid, which said matter was fully and clearly proved to them by Senator MILLER, of California, who, thank goodness, wishes to see justice done to all these claimants, and has worked hard to that end.

I ask the House then, in view of these facts, to vote down the motion of Judge HOLMAN to recede; to ask these people to see that our own citizens are treated with at least one-tenth part of the justice that is shown to the Indians throughout this country. Six millions of dollars for the Indians; $40,000 refused for just claims of our own citizens; a fine contrast.

Mr. RYAN. I will yield now one minute to my colleague on the committee, Judge HOLMAN.

Mr. HOLMAN. Mr. Speaker, the gentleman from California refers to the fact that the last Indian appropriation bill contained some thirty-two claims of this character, which were placed upon it by the action of the Senate. That is all very true, and I supposed the House itself and all gentlemen knew of the fact that these claims were on that last bill. There was no discussion on the subject whatever.

The facts presented now, however, with reference to the present bill are entirely different. Senators claim that they have not had time to examine the claims which the House has placed upon the bill, and can not concur in the adoption of the same until they have had an opportunity of advising themselves whether they are proper claims to be placed upon the bill or not. We are in the closing hours of the session. We have got to get together in some way; and in my judgment, if any vote is proper to bring the two Houses together, it is one involving a question submitted in a case of this character, where there has not been time for the other branch of Congress to make the proper investigation of the subject. I think for that reason it would be the part of wisdom for the House to recede from its disagreement to the amendment of the Senate in this respect.

Mr. ELLIS. Mr. Speaker, I simply wish to set the House right as to the law covering this case. The point is made by my friend from Georgia [Mr. BLOUNT] that these claims have no business on an appropriation bill of this kind. Now this bill is one which makes an appropriation for the current and contingent expenses of the Indian Department and for the fulfillment of treaty stipulations with various Indian tribes. That is the title of the bill itself. Claims of this character, it must be known to the House, do not take the course prescribed for other claims, which go through the routine and examination of the accounting officers of the Treasury. These come under a different heading, and are subjected to a different examination.

The first is a general law providing for the ascertainment of claims, which are audited by the accounting officers of the Department and transmitted to Congress for settlement, but the special law governing the payment of these Indian depredation claims expressly provides for their payment, under the treaty stipulations, out of the tribal funds. I turn to the book of treaties before me at random, and will read a sample of the law, which is substantially universal in its application to all these treaties. I will read from a treaty made with the Navajo Indians:

> If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajoes agree that they will, on proof made to their agent and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they willfully refuse so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this treaty or any others that may be made with the United States; and the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

So I turn to the treaty with the Arapahoes and the Cheyenne Indians, and I find a similar provision. The same stipulation is placed in all these treaties. You will find the same provision throughout all our dealings with them, that their tribal fund shall be held responsible for depredations committed by them; and the Commissioner of Indian Affairs is constituted the judge. Everybody, I presume, is familiar with the principle of law that when Congress has constituted a person or organization as the sole judge of a matter his judgment upon that subject is final. These claims go through that constituted tribunal.

The Committee on Indian Affairs, taking this view of the law, and in view of the fact of this consecrated practice to put claims year after year carrying out treaty stipulations by providing the money for their payment out of the tribal fund of the Indians on the part of the Senate of the United States, concluded to see if it would not be proper to do a little of that business themselves; and so in pursuance of that idea they put on these claims, which they hope will act as a check on further depredations of this character by letting the Indians know that their tribal funds will be held rigidly responsible for any mischiefs perpetrated by them.

Now, my friend from Indiana [Judge HOLMAN] alludes to the case of this contractor who could not carry out the provisions of his contract unless he was reimbursed from the tribal fund. But, sir, that is a mild, a very mild, case compared with claims presented here. Settlers' houses burned, their children murdered by their fireside, their stock killed, their fences destroyed, all they have on the face of the earth going to destruction in an hour beneath the mad wave of the savage barbarism of these people. These cases have been picked out here and put into this bill; cases of spoliation, murder, arson, the very worst that we could find; and they have not only been examined by the constituted authorities under these treaty stipulations with the Indians, but by the Commissioner of Indian Affairs himself, and they have been examined and recommended by the committee of the House.

Mr. RYAN. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker, I desire to express my profound gratitude to the gentleman from the State of Kansas who constitutes one of the peerage of the immortals that compose the Committee on Appropriations for according to me five minutes' time.

I have heard gentlemen here speaking with reference to these Indian depredations who have not seen an Indian in their lives and know nothing about the dangers that you, sir [Mr. COX, of New York, in the chair], and myself encountered years ago when riding on a stage-coach over the plains and through the mountains and looking with an anxious eye when we came to a curve to see whether the noble red man was not there with his rifle in his hand. Do you recollect it? [Laughter.]

The policy of this Government is simply that an Indian can plunder and rob you day after day, and if a white man insists upon his rights he can not get a single dollar by way of compensation for the injuries he has received. You know as well as I know that year after year we appropriate millions of dollars to support these Indians, not as paupers, but as the great wards of the nation. I say that an Indian, like a white man, should starve if he will not work. God made this country for men who labor and toil and struggle, and not for the sluggards that will neither work by day nor by night. And yet according to the policy of this Congress you allow them to burn houses, and steal horses, and kill people, and when those who have suffered at their hands come forward with a bill to compensate them for the injury they have experienced you say, "Oh, no; in the love of God and humanity we will not do this." [Laughter.]

What have you Eastern people been doing since the settlement of the Republic? You drove the Indians from New England because they were not a type of the survival of the fittest. You drove them from Pennsylvania. You drove them from Indiana. You drove them across the Mississippi River. You carried them at the ends of the tails of horses from Georgia into the Indian Territory; and there you gave them an acreage larger in extent than the State of Indiana; and there are but 15,000 of them there. Can not we get a little sense on this Indian question?

[Here the hammer fell.]

Mr. RYAN. I yield the balance of my time to the gentleman from New York [Mr. STEVENS] except one minute, which I reserve.

Mr. STEVENS. It is not my intention to detain the House long

with any remarks on this bill. The experience of the House to-day in discussing this question has been but a repetition of the experience of previous years.

I shall come at once to the question before the House, the propriety of insisting upon or receding from the disagreement to the amendments of the Senate. These claims under consideration, or most of them, were under existing law first sent to the Commissioner of Indian Affairs and the Secretary of the Interior, and from them after a careful consideration to this House, when they were referred to the Committee on Indian Affairs. Until within a few years authority was given to the Secretary of the Interior to examine the claims and to pay such amount as he thought fit. That legislation was changed, and the Secretary was prohibited from making payment until after Congress had authorized it.

The great bulk of the claims in this bill were in the early part of last session submitted to the Committee on Indian Affairs, and by the chairman of that committee were referred to various subcommittees. The members of those committees gave the various claims most careful consideration. They were the subject of much discussion in the committee, and in almost every instance the amount allowed by the Indian Department was considerably decreased. Thus decreased they were favorably reported by bill to the House and were placed upon the Private Calendar, and there these claims sleep and will sleep the final sleep, one that knows no waking, because the opinion of this House has apparently come to be settled that everything coming before it in the shape of a claim against the Indians in the shape of depredations contains more or less of a "steal." Prejudice has become so great that in almost every instance these claims year after year have been refused consideration, and, as has been very properly said by gentlemen who have preceded me, these settlers presenting the claims, whose cabins have been burned, whose stock has been driven off and killed, who have been robbed of the pittance which they as settlers on the public lands had gathered together by years of labor, have had no attention paid to them, in defiance of the stipulations of treaties existing between these tribes and the United States that all depredations and spoliations shall be paid for and taken from their treaty funds.

The Committee on Indian Affairs, in devoting the labor they did to these various Indian claims, were in hope some consideration would be paid thereto by this Congress. But I believe only one has been considered; and the Committee on Appropriations have followed the practice of previous years, when, having had the claims of various citizens brought to them by their Representatives on this floor, they have in the kindness of their heart put this claim and that claim and the other upon the appropriation bills owing to the pressure that was brought to bear upon them by members on the floor of this House; the result being that a few favored claims, without any reference to their real merit, have been paid, and in many instances some most deserving ones have not been paid.

Some criticism was indulged in in the Senate on the action of the Committee on Indian Affairs in this House; and I want to say, Mr. Speaker, in reference to some of the claims placed upon the bill by the Committee on Appropriations that they were never considered in the Committee on Indian Affairs.

And if the amount appropriated by them was wrong, it was not the fault of the Committee on Indian Affairs, because the bills were never considered by that committee. In the last session of this Congress the Senate, as has been stated, saw fit, under the pressure of Senators representing their constituents, to place a large number of these claims on the appropriation bill. The result was that the bills presented to this House and acted upon here received no consideration, and no payments were made for those losses. This year the Committee on Appropriations have been much more generous and liberal. They have placed a large number of these claims upon the bill very properly and very justly; for I believe that if all can not be paid it is better that some should be than none. The Senate, however, thought differently, and because they could not put upon the appropriation bill all that they desired to put there, as the gentleman from Kansas [Mr. RYAN] has stated, they cross all these claims off, and are disposed to pay none.

Now a word or two in regard to the consistency of the Senate, and a little something in regard to the consistency of our honorable Committee on Appropriations. The Committee on Appropriations placed upon the sundry civil bill, as has been stated, a claim of some $46,000 or $47,000. That case was never considered by the Committee on Indian Affairs; no report upon it has ever been made from that committee. I understand, however, that it is a just claim, and I take no exception to the Committee on Appropriations having made provision for its payment, but I want to call attention to the consistency of the Senate. The bill went to the Senate with that provision upon it, and although the Senate had struck from the bill all the appropriations for the payment of these depredation claims, yet no Senator raised his voice to draw attention to this claim, which was of exactly the same character, and the conferees on the part of the House who reported that fact here made no request of the House that it would reject that claim and insist upon its going off with the others.

In conclusion, Mr. Speaker, I only desire to say that I trust this House will insist upon these claims remaining in the bill. So far as I know, and so far as they have been considered by the Committee on Indian Affairs of this House, they are just and proper claims, and ought to be paid.

Mr. RYAN. Mr. Speaker, I now yield the balance of my time to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. The gentleman has one minute remaining.

Mr. HOLMAN. In that minute I desire to call the attention of the House to the fact that amendment No. 45, on page 47, is an amendment placed there as a substitute for a corresponding provision which was originally contained in the bill. It appropriates the sum of $10,000, to be used by the Secretary of the Interior in making a general examination, classification, and index of these claims, for transmission to Congress, not simply claims here included, but all these claims, amounting to millions of dollars.

It will be seen, therefore, that there is a general provision in this bill looking to the settlement of all these claims. I wish to call attention also to the fact that that amendment has been concurred in. One other word, which is all I feel at liberty to say: I admonish gentlemen on the floor of the House that on account of the condition of the appropriation bills the enrollment of them in time is going to be the greatest embarrassment in the way of the adjournment of Congress at 12 o'clock on the 4th of March. At the earliest moment these bills must go to the clerks for enrollment if they are to be ready in time. I now call the previous question on my motion.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Kansas [Mr. RYAN] to have modified his motion so as to make it a motion to recede?

Mr. RYAN. No, sir; I made the motion to insist. The gentleman from Indiana [Mr. HOLMAN] made the motion to recede.

Mr. ELLIS. To recede and concur in the Senate amendments.

The SPEAKER *pro tempore*. On that motion the gentleman from Indiana [Mr. HOLMAN] has called the previous question. Is there a second?

There was a second, and the previous question was ordered.

The question was taken on the motion of Mr. HOLMAN that the House recede from its disagreement and concur in the Senate amendments numbered 9, 12, 13, 14, 26, 35, 41, 42, 75, and 76, and on a *viva voce* vote the Speaker *pro tempore* declared that the ayes seemed to have it.

A division was called for; and there were—ayes 87, noes 41.

Mr. BUDD. No quorum.

The SPEAKER *pro tempore*. The point of no quorum is made, and the Chair will appoint the gentleman from Indiana, Mr. HOLMAN, and the gentleman from California, Mr. BUDD, to act as tellers.

The House again divided; and the tellers reported—ayes 111, noes 54.

So the motion of Mr. HOLMAN was agreed to.

Mr. ELLIS. I now move that the House further insist upon its disagreements to the amendments numbered 27, 28, 110, 111, 112, and 113. These amendments embrace the remaining points of difference between the two Houses.

Mr. RYAN. Those relate to legislation to which I have adverted.

The motion of Mr. ELLIS was agreed to.

Mr. ELLIS. I now move that the House ask a further conference with the Senate on the remaining differences between the two Houses.

The motion was agreed to; and the Speaker *pro tempore* [Mr. COX, of New York] announced the appointment of Mr. ELLIS, Mr. HOLMAN, and Mr. RYAN as conferees on the part of the House.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. I submit the conference report which I send to the desk.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.
>
> JOHN HANCOCK,
> JOHN F. FOLLETT,
> W. D. WASHBURN,
> *Managers on the part of the House.*
>
> W. B. ALLISON,
> H. L. DAWES,
> WILKINSON CALL,
> *Managers on the part of the Senate.*

The following statement, accompanying the conference report, was read:

> The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of pensions for the fiscal year 1886, submit the following in explanation of the action of the conference committee as submitted in the accompanying report:
>
> The bill agreed upon in conference appropriates $80,000,000 and is in exact terms as amended by the Senate.
>
> JOHN HANCOCK,
> JOHN F. FOLLETT,
> W. D. WASHBURN,
> *Managers on the part of the House.*

Mr. HANCOCK. I move that the report be adopted.

Mr. ROGERS, of Arkansas. I move to non-concur.

The SPEAKER. The report of the committee of conference must either be agreed to or disagreed to as an entirety. If the House should refuse to agree to the report, it would then be in order to take up the amendments of the Senate for such action as the House might think proper. But the report is treated as an entire proposition.

Mr. ROGERS, of Arkansas. Is it in order to move to disagree to the report?

The SPEAKER. If the motion to adopt the report be defeated, that action would be equivalent to disagreement; and then it would be in order to move that the House recede from its disagreement to any or all of the amendments or to make any other parliamentary motion.

Mr. HANCOCK. Upon my motion to adopt the report I move the previous question.

Mr. ROGERS, of Arkansas. I want to make a single statement, if the gentleman from Texas [Mr. HANCOCK] will permit me.

The SPEAKER. Does the gentleman from Texas permit the gentleman from Arkansas to make a statement?

Mr. HANCOCK. Yes, sir.

Mr. ROGERS, of Arkansas. I wish to say but a word. My idea was, if this motion should be voted down, to offer the pension-attorney fee-bill as an amendment to one of the amendments of the Senate. [Cries of "Regular order!"]

Mr. ROGERS, of Arkansas. That is all I have to say.

The previous question was ordered.

The question recurred on the adoption of the report of the conference committee.

The House divided; and there were—ayes 54, noes 19.

So the report was adopted.

Mr. HANCOCK moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House take a recess until half past 7 o'clock this evening.

The SPEAKER. The Chair will state to the gentleman from Indiana that all the motions which under the rules of the House can be pending at the same time in relation to recess are now pending, and these motions must be withdrawn or it must be done by unanimous consent.

Mr. HOLMAN. I ask unanimous consent then that the House take a recess until half past 7 o'clock this evening.

A MEMBER. Say 8 o'clock.

Mr. HOLMAN. I am quite confident the House can not with any safety go beyond half past 7.

Mr. ANDERSON. That is all right. If we have a recess until half past 7 it will give us an opportunity to get our dinners.

Mr. HOLMAN. We are expecting a bill in the House upon which action must be had.

Mr. HEPBURN. If unanimous consent be given, I understand the motion now pending will retain its status.

The SPEAKER. Not unless that be the understanding.

Mr. HEPBURN. We want that understanding.

Mr. COOK. If that is the understanding, I object.

The SPEAKER. The Chair thinks if the House takes a recess to a different time than that proposed by the motions pending, then those motions would fall.

Mr. HOLMAN. Those motions can be renewed at any time.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House shall now take a recess until half past 7 o'clock this evening.

There was no objection, and it was ordered accordingly.

RANGE AND RANCH CATTLE BUSINESS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting additional report in regard to range and ranch cattle business in the United States; which was referred to the Committee on Agriculture.

LEAVE OF ABSENCE.

Mr. WAIT, by unanimous consent, was granted leave of absence for this evening, on account of important business.

CLEPHANE & BOSWELL.

On motion of Mr. HAMMOND, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the claim of Clephane & Boswell, stenographers, for services in reporting the case of Kilbourn *vs.* Thompson, leaving no certified copies.

LEAVE TO PRINT.

Mr. STOCKSLAGER, by unanimous consent, was granted leave to print remarks in the RECORD on the general subject of public lands in connection with the various bills upon that subject.

W. W. WIGGINS.

On motion of W. JONES, of Wisconsin, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of W. W. Wiggins for increase of pension, there being no adverse report, without leaving certified copies.

HENRY MULLEN.

On motion of Mr. A. HERR SMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Henry Mullen (H. R. 4983, favorable report 357), without leaving certified copies.

W. H. PLUNKET.

On motion of Mr. FINDLAY, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of W. H. Plunket, no adverse report having been made in the House, as he has been informed and believes, without leaving copies.

VINCENT T. DONNELLY.

On motion of Mr. RANDALL, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Vincent T. Donnelly, executrix of the late Col. Peter Lyle, no adverse report having been made thereon, without leaving certified copies.

MRS. PHEBE W. ROSS.

On motion of Mr. O'HARA, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Phebe W. Ross, of Wilmington, N. C., no adverse report having been made thereon, without leaving certified copies.

And then (at 5 o'clock and 14 minutes p. m.) the House took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session.

ORDER OF BUSINESS.

Mr. ANDERSON. I move that the House take a recess for one hour.

Mr. MILLER, of Pennsylvania. I move that the recess be taken until 12 o'clock.

Mr. SPRINGER. I hope that will not be done. The Committee on Appropriations expect to come in with some reports presently.

Mr. PETTIBONE. I move that the House take a recess until 11 o'clock to-morrow morning.

The SPEAKER. That would be an adjournment.

Mr. BRUMM. I move to amend the motion by taking a recess until 10 o'clock to-night.

Mr. SPRINGER. When all gentlemen have submitted their various motions for a recess it will afford me great pleasure to state that no recess will be taken at all. [Laughter and cries of "Regular order!"]

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. BRUMM], that the House take a recess until 10 o'clock, being an amendment to an amendment, is first in order.

The question was taken; and on a division there were—ayes 6, noes 21.

Mr. MILLER, of Pennsylvania. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers, and Mr. MILLER, of Pennsylvania, and Mr. KLEINER were appointed.

The House again divided; and the tellers reported—ayes 9, noes 35.

Mr. ANDERSON. No quorum.

FRENCH SPOLIATION CLAIMS.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent to introduce a resolution, the purport of which is to cause the removal of certain papers now on the files of the House to the State Department. These are papers connected with the French spoliation claims, and the object of the resolution is to have them removed to the State Department, to be kept there, together with other papers pertaining to that subject, in accordance with the terms of the French spoliation act recently passed by Congress, which requires that all of these papers abroad shall be delivered at the State Department and filed with those already there and such others as may be put on file. There are a number of papers relating to these claims upon our files, and I suppose there will be no objection to this resolution.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to take from the files of the House all papers relating to the French spoliation claims and deliver the same to the Secretary of State to be filed in the State Department.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. MILLER, of Pennsylvania. If it does not interfere with the pending motions——

The SPEAKER. It will not interfere with any pending motion.

Mr. MILLER, of Pennsylvania. Then I have no objection.

The resolution was agreed to.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAGLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a private pension bill, being a House bill with Senate amendments, with a view to concurring in those amendments.

Mr. ANDERSON. All right.

Mr. HEWITT, of Alabama. Let us hear what it is.

Mr. BAGLEY. I refer to House bill 3467——

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 3467) granting a pension to H. D. Pryor.

Mr. BAGLEY. There are certain Senate amendments to this bill, to the text of the bill and to the title, and I ask that they be read with a view to concurring in them.

The SPEAKER. Without objection, the Senate amendments will be read.

The Senate amendments were read at length.

Mr. HEWITT, of Alabama. I should like to have some explanation from the gentleman who calls this bill up as to the effect of the bill before unanimous consent is given to its consideration.

Mr. HAMMOND. The easiest way to dispose of the matter is to make objection.

Mr. BAGLEY. Let me make a brief statement, and I am satisfied the gentleman will not insist upon his objection. This bill is intended to relieve the hardships imposed upon four or five widows under a misconstruction of the law by the Commissioner of Pensions. Their pensions were reduced under this decision $5 a month; and this is to restore them to their rightful amount, and that is all there is of it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAMMOND. I object.

Mr. ROBINSON, of New York. Mr. Speaker, I ask unanimous consent of the House to make a request and a very brief statement, which will not occupy more than a minute, in relation to a subject of personal interest to myself and in which I believe the House will feel an interest.

The SPEAKER. Is there objection to the request of the gentleman from New York? [Cries of "All right!"]

Mr. ROBINSON, of New York. Mr. Speaker, I have stood and sat here for a very long time watching and waiting to get an opportunity to make a personal appeal to the House by saying a word in behalf of an exceedingly worthy object. We introduced in this House a bill granting a pension to Mrs. Septimia Randolph Meikleham, the only surviving granddaughter of Thomas Jefferson, which proposed to give her $2,500 a year. Opposition was made, however, to the passage of that bill on the ground that it was establishing a precedent for making a special or civil pension list. I immediately afterward, on the 17th of last March, introduced a bill making her a donation, and all those who objected at that time to the bill, I understand, state now they will withdraw their objection to it. I introduced a bill, as I have said, which proposes to give her $50,000 as a donation.

If you give her back the Declaratton written by her grandfather I can get more than a hundred thousand dollars for it. I have seen those likely to oppose it, and they tell me that if I reduce the amount one-half they will not object. I now appeal to the House as the last word I may ever say in this city of Washington that this bill be taken up. It will not take two minutes, and I propose that we pass it and send it at once to the Senate. She is sick; her daughter is sick; one death has recently occurred in the family, and she is 71 years of age. The last request I make here is for your own honor and the glory of the country to permit me to introduce this bill and have it passed now.

The SPEAKER. The gentleman from New York [Mr. ROBINSON] asks unanimous consent to take up for present consideration the bill indicated by him. Is there objection?

Mr. HAMMOND. I object.

Mr. ROBINSON, of New York. I beg the gentleman to withdraw his objection. [Cries of "Regular order!"]

PRINTING OF TREATIES AND CONVENTIONS.

Mr. SMITH, of Pennsylvania, addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. SMITH, of Pennsylvania. I desire to make a privileged report from the Committee on Printing.

The SPEAKER. That is the regular order.

Mr. SMITH, of Pennsylvania. I am instructed by the Committee on Printing to report back the Senate concurrent resolution which I send to the desk and to move concurrence in the same.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the treaties and conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House, 4,000 copies for the use of the Department of State, and 1,000 copies for distribution by the Interior Department among public libraries not depositories under existing law; each Senator, Representative, and Delegate in Congress to designate two libraries to which copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

Mr. SMITH, of Pennsylvania. I move concurrence.

The resolution was concurred in.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VISITORS TO UNITED STATES MILITARY ACADEMY.

The SPEAKER announced the appointment of the following members as Visitors to the United States Military Academy: Mr. R. Q. MILLS of Texas, Mr. J. H. BLOUNT of Georgia, and Mr. WILLIAM D. KELLEY of Pennsylvania.

VISITORS TO UNITED STATES NAVAL ACADEMY.

The SPEAKER announced the appointment of the following members as Visitors to the United States Naval Academy: Mr. JOHN G. BALLENTINE of Tennessee, Mr. BENJAMIN LE FEVRE of Ohio, and Mr. JOHN R. THOMAS of Illinois.

TRUSTEES OF COLUMBIA HOSPITAL.

The SPEAKER announced the appointment of the following members as trustees of the Columbia Hospital for Women and Lying-in Asylum: Mr. GEORGE D. WISE of Virginia and Mr. L. E. MCCOMAS of Maryland.

COMMITTEE APPOINTMENTS.

The SPEAKER also announced the following appointments on committees:

Mr. B. F. SHIVELY, of Indiana, in place of Mr. Charles Shelley, on Committee on the District of Columbia.

Mr. JAMES W. REID, of North Carolina, on Committee on Levees and Improvements of Mississippi River.

ORDER OF BUSINESS.

Mr. SUMNER, of California, and Mr. ROWELL addressed the Chair.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. ROWELL. I ask unanimous consent to say a word. I desire to make a very brief statement in regard to the bill which I hold in my hand.

The SPEAKER. The gentleman from Illinois asks unanimous consent to make a brief statement in regard to a bill which he desires to call up. Is there objection?

Mr. BENNETT. I object.

Mr. ROWELL. The interests of the constituents of the gentleman who makes the objection are represented in this bill. [Cries of "Regular order!"]

Mr. COSGROVE. I ask unanimous consent to take from the Speaker's table for present consideration a Senate bill for the relief of S. W. Marston, formerly Indian agent at Union agency, in the Indian Territory. I believe no gentleman will object to this bill when it is understood.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. COSGROVE. I think the demand for the regular order is not insisted on.

The SPEAKER. The Chair has twice asked the question whether the demand for the regular order is withdrawn and it was not withdrawn.

Mr. COSGROVE. I ask unanimous consent; and if objection is not made, I hope the Speaker will give me recognition for the purpose I have indicated.

The SPEAKER. The gentleman from Missouri [Mr. COSGROVE] asks unanimous consent to take from the Speaker's table for present consideration the bill which he has indicated.

Mr. ADAMS, of New York. I object.

The SPEAKER. The Chair desires to state that when there is a demand for the regular order and it is not withdrawn, it is useless for the Chair to recognize gentlemen to ask unanimous consent. It only imposes additional labor on the Official Reporters of the House, and, of course, amounts to nothing, because the Chair can not under the rule entertain a request for unanimous consent when the regular order is insisted on.

Mr. COSGROVE. The gentleman from New York [Mr. ADAMS] withdraws his objection.

Mr. ADAMS, of New York. On the statement of the case presented to me by my genial friend from Missouri [Mr. COSGROVE] I withdraw my objection.

The SPEAKER. The gentleman from Missouri asked unanimous consent to take up for present consideration the bill indicated to which the gentleman from New York objected. The gentleman from New York now withdraws his objection. If there be no further objection——

Mr. PAYSON. The title of the bill has not yet been read. Let it be read subject to objection.

Mr. COSGROVE. It is Senate bill No. 1035, to authorize the Secretary of the Interior to settle the claim of S. W. Marston, late United States agent at Union agency, Indian Territory, for services and expenses.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRUMM. I object; but I would like to make a statement.

The SPEAKER. Objection is made.

Mr. BRUMM. If gentlemen will give us a chance to do what they agreed to last night I will withdraw my objection.

Mr. BELFORD. I rise to a question of order. It is impossible in the confusion even to hear what the Speaker says.

The SPEAKER. The Chair will suspend all business until order is restored on the floor.

Mr. WHITE, of Kentucky. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I send to the Clerk's desk a resolution, which I ask to have read.

The Clerk read as follows:

Resolved, That the Architect of the Capitol be, and he is hereby, directed to transfer from the Senate wing of the Capitol the life-size portrait of Henry Clay (by John Neagle, 1843) and place it on one of the walls within the Hall of the House of Representatives.

The SPEAKER. On what ground does the gentleman from Kentucky [Mr. WHITE] claim that this is a privileged matter?

Mr. WHITE, of Kentucky. Mr. Speaker, I claim that it is privileged because this picture is part of the property of the House of Representatives, and has been transferred from the House wing to the Senate wing of the Capitol, and I think that if possible it should be brought back to the House.

The SPEAKER. But under what rule of the House does the gentleman claim that this resolution is privileged? It does not come within the definition of any privileged question defined in any rule of the House. It is true, as the Chairs thinks, that the picture to which the resolution refers is the property of the House. It is also true, as the Chair is advised, that the Architect of the Capitol will return it here whenever there is a suitable place provided for its preservation.

Mr. WHITE, of Kentucky. There is so much noise that it is impossible to hear distinctly what the Chair has decided.

The SPEAKER. There has been no refusal on the part of any officer to return to the House of Representatives the picture to which the gentleman's resolution refers.

Mr. WHITE, of Kentucky. I understand that, Mr. Speaker, but that picture, which is a magnificent portrait of the greatest orator this country has ever produced, is now in the lobby of the second floor of the Senate wing of the Capitol. It is a very large portrait with a very large frame, and I have been making measurements to ascertain whether it could be put anywhere upon the walls. I think it can, and I think it should be brought back and placed here. [Cries of "Regular order!"]

The SPEAKER. The Committee on the Library and the Architect of the Capitol have control over all such matters. The regular order is demanded, and the tellers are still taking the vote.

Mr. COSGROVE. Mr. Speaker, I understand that the gentleman who objected a while ago to the bill which I proposed to call up withdraws his objection.

The SPEAKER. The regular order is demanded by two or three gentlemen.

The tellers reported the vote on the pending motion as ayes 10, noes 75.

Mr. HEPBURN. No quorum voting.

Mr. MILLER, of Pennsylvania. I move a call of the House.

The question was taken on the motion of Mr. MILLER; and there were—ayes 31, noes 59.

Mr. WELLER. No quorum, Mr. Speaker.

Mr. MILLER, of Pennsylvania. I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 40 members (more than one-fifth of the last vote) voting in the affirmative, the yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. DUNHAM. Mr. Speaker, I move that my friend the gentleman from Kansas, Mr. ANDERSON, be excused from voting on this roll-call.

The House divided on the motion of Mr. DUNHAM; and there were—ayes 17, noes 30.

Mr. DUNHAM. No quorum voting.

The SPEAKER. No quorum is necessary to decide any question incident to a call of the House.

Mr. DUNHAM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COSGROVE. Mr. Speaker, I rise to a parliamentary inquiry. If the gentleman from Kansas [Mr. ANDERSON] is excused, will it be competent for him to remain in the House and participate in its proceedings after he is excused?

The SPEAKER. Certainly. This is merely a motion to excuse him from voting on this question.

Mr. BELFORD. Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask whether in this House of Representatives, composed of 325 members, with a Democratic majority of 78, one man can impose upon us the hardship of all this tediousness? [Laughter.]

The SPEAKER. That is not a parliamentary inquiry. The Clerk will proceed with the call of the roll.

The question was taken on the motion of Mr. DUNHAM; and there were—ayes 40, nays 154, not voting 129; as follows:

YEAS—40.

Brewer, F. B.	Goff,	Payson,	Smith, A. Herr
Brumm,	Guenther,	Peel,	Smith, H. Y.
Budd,	Hanback,	Perkins,	Stewart, J. W.
Cook,	Henderson, D. B.	Peters,	Stone,
Cox, W. R.	Hiscock,	Pettibone,	Sumner, C. A.
Culberson, D. B.	Holman,	Phelps,	Townshend,
Davis, L. H.	Holmes,	Poland,	Wadsworth,
Dingley,	Holton,	Post,	White, J. D.
Dowd,	Ketcham,	Pusey,	White, Milo
Dunham,	McAdoo,	Smalls,	Winans, John.

NAYS—154.

Adams, G. E.	Dixon,	Le Fevre,	Spriggs,
Adams, J. J.	Eaton,	Long,	Springer,
Alexander,	Eldredge,	Lore,	Stephenson,
Bagley,	Ellwood,	Lowry,	Stevens,
Barksdale,	English,	McComas,	Stewart, Charles
Barr,	Everhart,	Matson,	Strait,
Bayne,	Findlay,	Maybury,	Swope,
Belmont,	Foran,	Millard,	Talbott,
Bennett,	Greenleaf,	Miller, J. F.	Taylor, J. D.
Bisbee,	Halsell,	Miller, S. H.	Taylor, J. M.
Blackburn,	Hammond,	Mitchell,	Thomas,
Bland,	Hardeman,	Money,	Thompson,
Boutelle,	Hardy,	Muldrow,	Tillman,
Boyle,	Harmer,	Murphy,	Tucker,
Brainerd,	Hart,	Mutchler,	Tully,
Breckinridge,	Hatch, H. H.	Neece,	Turner, H. G.
Broadhead,	Hatch, W. H.	Nelson,	Vance,
Brown, W. W.	Haynes,	Nutting,	Wakefield,
Browne, T. M.	Henderson, T. J.	O'Ferrall,	Wallace,
Buchanan,	Henley,	O'Hara,	Ward,
Buckner,	Hepburn,	O'Neill, Charles	Warner, A. J.
Cabell,	Hewitt, G. W.	O'Neill, J. J.	Warner, Richard
Caldwell,	Hill,	Patton,	Weaver,
Campbell, Felix	Hitt,	Payne,	Weller,
Candler,	Hopkins,	Pierce,	Wemple,
Carleton,	Houk,	Price,	Whiting.
Cassidy,	Houseman,	Pryor,	Wilkins,
Clardy,	Howey,	Ranney,	Willis,
Clay,	Hunt,	Reagan,	Wilson, W. L.
Cobb,	Hutchins,	Robertson,	Winans, E. B.
Cosgrove,	James,	Robinson, W. E.	Wise, G. D.
Cox, S. S.	Jeffords,	Rogers, J. H.	Wolford,
Crisp,	Johnson,	Rogers, W. F.	Wood,
Cullen,	Jones, J. H.	Rosecrans,	Woodward,
Davidson,	Kean,	Seymour,	Worthington,
Davis, G. R.	Kleiner,	Shively,	Yaple,
Davis, R. T.	Lacey,	Skinner, T. G.	Young.
Dibble,	Lamb,	Snyder,	
Dibrell,	Lanham,	Spooner,	

NOT VOTING—129.

Aiken,	Dunn,	Kellogg,	Rice,
Anderson,	Elliott,	King,	Riggs,
Arnot,	Ellis,	Laird,	Robinson, J. S.
Atkinson,	Ermentrout,	Lawrence,	Rockwell,
Ballentine,	Evans,	Lewis,	Rowell,
Barbour,	Ferrell,	Libbey,	Russell,
Beach,	Fiedler,	Lovering,	Ryan,
Belford,	Finerty,	Lyman,	Seney,
Bingham,	Follett,	McCold,	Shaw,
Blanchard,	Forney,	McCormick,	Singleton,
Blount,	Funston,	McMillin,	Skinner, C. R.
Bowen,	Fyan,	Milliken,	Slocum,
Bratton,	Garrison,	Mills,	Steele,
Breitung,	Geddes,	Morgan,	Stockslager,
Brewer, J. H.	George,	Morrill,	Storm,
Burleigh,	Gibson,	Morrison,	Struble,
Burnes,	Glascock,	Morse,	Sumner, D. H.
Campbell, J. E.	Graves,	Moulton,	Taylor, E. B.
Campbell, J. M.	Green,	Muller,	Throckmorton,
Cannon,	Hancock,	Murray,	Turner, Oscar
Chalmers,	Hemphill,	Nicholls,	Valentine,
Clements,	Herbert,	Oates,	Van Alstyne,
Collins,	Hewitt, A. S.	Ochiltree,	Van Eaton,
Connolly,	Hoblitzell,	Paige,	Wait,
Converse,	Hooper,	Parker,	Washburn,
Covington,	Horr,	Potter,	Wellborn,
Culbertson, W. W.	Hurd,	Randall,	Williams,
Curtin,	Jones, B. W.	Rankin,	Wilson, James
Cutcheon,	Jones, J. K.	Ray, G. W.	Wise, J. S.
Dargan,	Jones, J. T.	Ray, Ossian	York.
Deuster,	Jordan,	Reed, T. B.	
Dockery,	Keifer,	Reid, J. W.	
Dorsheimer,	Kelley,	Reese,	

So the motion to excuse Mr. ANDERSON from voting was not agreed to.

The following additional pairs were announced:

Mr. DUNN with Mr. VALENTINE, for the remainder of the session.

Mr. COLLINS with Mr. ROCKWELL, until further notice.

Mr. STOCKSLAGER with Mr. LIBBEY, until 11 o'clock p. m.

For the remainder of the day:

Mr. PAIGE with Mr. OCHILTREE.

Mr. OATES with Mr. HOOPER.

Mr. BALLENTINE with Mr. JOHNSON.

Mr. MCADOO, with Mr. BREWER, of New Jersey.

Mr. BEACH with Mr. PARKER.

Mr. AIKEN, with Mr. RAY, of New Hampshire.

Mr. WAIT with Mr. BUCKNER.

Mr. JONES, of Wisconsin, with Mr. MCCORMICK.

Mr. FIEDLER, with Mr. SKINNER, of New York.

On this vote:

Mr. ERMENTROUT with Mr. BREITUNG.

Mr. DAVIDSON with Mr. PHELPS.

Mr. CONVERSE with Mr. PRICE.

Mr. TURNER, of Kentucky, with Mr. WILSON, of Iowa.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore* (Mr. BAGLEY). The question now recurs on the motion for a call of the House, upon which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 141, not voting 129; as follows:

YEAS—53.

Adams, J. J.	Ferrell,	Lovering,	Swope,
Anderson,	Funston,	Millard,	Taylor, J. D.
Bayne,	Guenther,	Morgan,	Thomas,
Bisbee,	Hanback,	Muldrow,	Thompson,
Boutelle,	Hart,	Payne,	Van Alstyne,
Brewer, F. B.	Hatch, H. H.	Payson,	Washburn,
Browne, T. M.	Haynes,	Peters,	Weller,
Brumm,	Henderson, D. B.	Pusey,	White, J. D.
Budd,	Hepburn,	Shively,	Whiting,
Connolly,	Holmes,	Skinner, C. R.	Wise, J. S.
Davis, G. R.	Holton,	Skinner, T. G.	Wood.
Davis, R. T.	Hopkins,	Smalls,	
Dixon,	Kean,	Smith, H. Y.	
Ellwood,	Keifer,	Spooner,	

NAYS—141.

Adams, G. E.	Elliott,	Maybury,	Smith, A. Herr
Aiken,	English,	Miller, J. F.	Snyder,
Alexander,	Ermentrout,	Miller, S. H.	Spriggs,
Bagley,	Evans,	Money,	Springer,
Barksdale,	Findlay,	Morse,	Stephens,
Belmont,	Finerty,	Moulton,	Stewart, Charles
Bennett,	Glascock,	Muller,	Stewart, J. W.
Bingham,	Green,	Murphy,	Strait,
Blount,	Greenleaf,	Mutchler,	Sumner, C. A.
Boyle,	Halsell,	Neece,	Talbott,
Brainerd,	Hammond,	Nelson,	Taylor, J. M.
Breckinridge,	Hardeman,	Nutting,	Tillman,
Brown, W. W.	Hardy,	O'Ferrall,	Townshend,
Buchanan,	Harmer,	O'Hara,	Tucker,
Cabell,	Hatch, W. H.	O'Neill, Charles	Tully,
Caldwell,	Hewitt, G. W.	O'Neill, J. J.	Turner, H. G.
Campbell, Felix	Hill,	Patton,	Vance,
Campbell, J. E.	Hitt,	Pierce,	Van Eaton,
Candler,	Holman,	Peel,	Wallace,
Cannon,	Horr,	Perkins,	Warner, A. J.
Carleton,	Houseman,	Phelps,	Warner, Richard
Cassidy,	Howey,	Poland,	Wellborn,
Clardy,	Jeffords,	Post,	Wemple,
Clay,	Jones, J. H.	Price,	White, Milo
Cosgrove,	Jones, J. K.	Pryor,	Wilkins,
Cox, W. R.	Kleiner,	Ranney,	Wilson, W. L.
Culberson, D. B.	Lamb,	Ray, Ossian	Winans, E. B.
Cullen,	Lanham,	Reagan,	Winans, John
Curtin,	Lawrence,	Reid, J. W.	Wise, G. D.
Davidson,	Le Fevre,	Reese,	Wolford,
Davis, L. H.	Lore,	Robertson,	Worthington,
Deuster,	Lowry,	Rogers, J. H.	Yaple,
Dibrell,	Lyman,	Rogers, W. F.	Young.
Dockery,	McAdoo,	Rosecrans,	
Eaton,	McMillin,	Rowell,	
Eldredge,	Matson,	Seymour,	

NOT VOTING—129.

Arnot,	Dorsheimer,	Jones, J. T.	Robinson, J. S.
Atkinson,	Dowd,	Jordan,	Robinson, W. E.
Ballentine,	Dunham,	Kelley,	Rockwell,
Barbour,	Dunn,	Kellogg,	Russell,
Barr,	Ellis,	Ketcham,	Ryan,
Beach,	Everhart,	King,	Seney,
Belford,	Fiedler,	Lacey,	Shaw,
Blackburn,	Follett,	Laird,	Singleton,
Blanchard,	Foran,	Lewis,	Slocum,
Bland,	Forney,	Libbey,	Steele,
Bowen,	Fyan,	Long,	Stephenson,
Bratton,	Garrison,	McCold,	Stockslager,
Breitung,	Geddes,	McComas,	Stone,
Brewer, J. H.	George,	McCormick,	Storm,
Broadhead,	Gibson,	Milliken,	Struble,
Buckner,	Goff,	Mills,	Sumner, D. H.
Burleigh,	Graves,	Mitchell,	Taylor, E. B.
Burnes,	Hancock,	Morrill,	Throckmorton,
Campbell, J. M.	Hemphill,	Morrison,	Turner, Oscar
Chalmers,	Henderson, T. J.	Murray,	Valentine,
Clements,	Henley,	Nicholls,	Wadsworth,
Cobb,	Herbert,	Oates,	Wait,
Collins,	Hewitt, A. S.	Ochiltree,	Wakefield,
Converse,	Hiscock,	Paige,	Ward,
Cook,	Hoblitzell,	Parker,	Weaver,
Covington,	Hooper,	Pettibone,	Williams,
Cox, S. S.	Houk,	Potter,	Willis,
Crisp,	Hunt,	Randall,	Wilson, James
Culbertson, W. W.	Hurd,	Rankin,	Woodward,
Cutcheon,	Hutchins,	Ray, G. W.	York.
Dargan,	James,	Reed, T. B.	
Dibble,	Johnson,	Rice,	
Dingley,	Jones, B. W.	Riggs,	

So the motion for a call of the House was not agreed to.

The following additional pairs were announced:

Mr. CONVERSE with Mr. RICE, on this vote.

Mr. MILLS with Mr. STRUBLE, for the rest of the day.

The result of the vote was announced as above stated.

RECALL OF A BILL FROM THE SENATE.

The SPEAKER. The Chair asks unanimous consent that an order be entered requesting the Senate to return to the House the Post-Office appropriation bill with the amendments on which the two Houses have disagreed. There was a slight error in the message communicating the action of the House to the Senate; and this error ought to be corrected as early as possible. If there be no objection, a request for the return of the bill will be sent to the Senate.

There was no objection, and it was ordered accordingly.

CRUISE OF REVENUE-STEAMER CORWIN.

Mr. ROGERS, of New York. I rise to make a privileged report from the Committee on Printing.

Mr. MILLER, of Pennsylvania. I rose to make a motion to reconsider the vote by which the House refused to order a call. But I am willing to withhold the motion till the gentleman from New York has made his report.

The SPEAKER. The motion will be entered. It is a privileged motion.

Mr. ROGERS, of New York, from the Committee on Printing, reported the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healey, United States Revenue Marine, upon the cruise of the revenue-steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 copies shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for the use of the Treasury Department.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Pennsylvania [Mr. MILLER] has moved to reconsider the vote by which the House refused to order a call.

Mr. DUNHAM. I move that the motion to reconsider be laid on the table.

MRS. ANN E. GRIDLEY.

On motion of Mr. ELDREDGE, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Ann E. Gridley, without leaving copies.

COMMERCIAL RELATIONS WITH GERMAN EMPIRE.

Mr. EATON. I ask unanimous consent to present a report from the Committee on Foreign Affairs, which will take but little time of the House, while it is of interest to all the productive industries of the country. I ask the House to hear it read.

Mr. MILLER, of Pennsylvania. We have no objection, provided the motions will be considered as pending.

The SPEAKER. Unanimous consent to introduce a measure for consideration does not interfere except for the time being with the motions pending. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

The Committee on Foreign Affairs, to which was referred House resolution relative to duties by the German Empire alleged to be discriminating against the products of the United States, report:

That having had the resolution under consideration, your committee is of the opinion that the action of the German authorities has been unfavorable to the introduction into the German Empire of several of the products of the United States, to wit: pork, wheat, rye, and particularly petroleum.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That it is the sense of the House of Representatives that the President of the United States be requested to take immediate steps to secure to the United States equal benefits in the German Empire with other nations as to all articles of commerce of the United States under the most-favored-nation clause of the treaty of 1828 made with Prussia, and now in force between the United States and the German Empire.

Mr. EATON. I ask for the passage of the resolution.

The SPEAKER. Is there objection?

Mr. COX, of New York. I object. It is not anything but retaliation, which is never wise.

Mr. KEAN. I demand the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the motion of the gentleman from Illinois [Mr. DUNHAM] to lay the motion to reconsider on the table.

The House divided; and there were—ayes 39, noes 36.

Mr. KEAN. No quorum.

Mr. DUNHAM. I demand the yeas and nays.

The House divided; and there were ayes 45.

The SPEAKER. A sufficient number.

Several MEMBERS. Count the other side.

The other side was counted, and there were 32 in the negative.

So the yeas and nays were ordered.

The question was taken; and the question was decided in the affirmative—yeas 151, nays 55, not voting 117; as follows:

YEAS—151.

Adams, G. E.	Ermentrout,	Millard,	Snyder,
Aiken,	Evans,	Miller, J. F.	Spriggs,
Arnot,	Everhart,	Milliken,	Springer,
Bagley,	Ferrell,	Mitchell,	Stevens,
Barbour,	Glascock,	Money,	Stewart, Charles
Barksdale,	Graves,	Morgan,	Stone,
Belford,	Green,	Moulton,	Storm,
Bennett,	Halsell,	Muldrow,	Strait,
Blount,	Hammond,	Muller,	Sumner, C. A.
Boyle,	Hardeman,	Murphy,	Swope,
Brainerd,	Hardy,	Murray,	Talbott,
Breckinridge,	Hatch, W. H.	Mutchler,	Taylor, J. D.
Brown, W. W.	Haynes,	Neece,	Taylor, J. M.
Browne, T. M.	Henley,	O'Ferrall,	Thomas,
Buchanan,	Hepburn,	Patton,	Thompson,
Budd,	Hewitt, G. W.	Payson,	Townshend,
Cabell,	Hill,	Peel,	Turner, H. G.
Caldwell,	Hiscock,	Perkins,	Vance,
Campbell, J. E.	Hitt,	Peters,	Van Eaton,
Candler,	Hopkins,	Pettibone,	Wadsworth,
Cannon,	Howey,	Pryor,	Wakefield,
Clardy,	Hunt,	Pusey,	Ward,
Cobb,	James,	Ranney,	Warner, Richard
Collins,	Jeffords,	Reed, T. B.	Wellborn,
Connolly,	Jones, J. H.	Reese,	Wemple,
Cook,	Jones, J. K.	Riggs,	White, J. D.
Cosgrove,	King,	Robertson,	White, Milo
Cox, W. R.	Lacey,	Robinson, W. E.	Whiting,
Culberson, D. B.	Lamb,	Rogers, J. H.	Wilkins,
Curtin,	Lanham,	Rogers, W. F.	Willis,
Davidson,	Lawrence,	Rosecrans,	Wilson, W. L.
Davis, G. R.	Lore,	Rowell,	Winans, E. B.
Deuster,	Lowry,	Russell,	Winans, John
Dunham,	Lyman,	Seymour,	Worthington,
Eldredge,	McAdoo,	Shively,	Yaple,
Elliott,	McMillin,	Singleton,	York,
Ellwood,	Matson,	Skinner, T. G.	Young.
English,	Maybury,	Smith, H. Y.	

NAYS—55.

Alexander,	Dibrell,	Keifer,	Poland,
Anderson,	Dixon,	Kleiner,	Ray, Ossian
Atkinson,	Dockery,	Laird,	Reagan,
Barr,	Eaton,	Lovering,	Reid, J. W.
Bayne,	Finerty,	McCold,	Smalls,
Belmont,	Greenleaf,	McComas,	Smith, A. Herr
Bisbee,	Guenther,	Miller, S. H.	Spooner,
Blanchard,	Hanback,	Morrill,	Stephenson,
Bowen,	Harmer,	Nelson,	Tillman,
Brewer, F. B.	Henderson, D. B.	Nutting,	Van Alstyne,
Brumm,	Holmes,	Ochiltree,	Wallace,
Cox, S. S.	Houk,	O'Neill, Charles	Wise, J. S.
Cullen,	Houseman,	O'Neill, J. J.	Wolford.
Davis, L. H.	Kean,	Payne,	

NOT VOTING—117.

Adams, J. J.	Dornheimer,	Johnson,	Rockwell,
Ballentine,	Dowd,	Jones, B. W.	Ryan,
Beach,	Dunn,	Jones, J. T.	Seney,
Bingham,	Ellis,	Jordan,	Shaw,
Blackburn,	Fiedler,	Kelley,	Skinner, C. R.
Bland,	Findlay,	Kellogg,	Slocum,
Boutelle,	Follett,	Ketcham,	Steele,
Bratton,	Foran,	Le Fevre,	Stewart, J. W.
Breitung,	Forney,	Lewis,	Stockslager,
Brewer, J. H.	Funston,	Libbey,	Struble,
Broadhead,	Fyan,	Long,	Sumner, D. H.
Buckner,	Garrison,	McCormick,	Taylor, E. B.
Burleigh,	Geddes,	Mills,	Throckmorton,
Burnes,	George,	Morrison,	Tucker,
Campbell, Felix	Gibson,	Morse,	Tully,
Campbell, J. M.	Goff,	Nicholls,	Turner, Oscar
Carleton,	Hancock,	Oates,	Valentine,
Cassidy,	Hart,	O'Hara,	Wait,
Chalmers,	Hatch, H. H.	Paige,	Warner, A. J.
Clay,	Hemphill,	Parker,	Washburn,
Clements,	Henderson, T. J.	Phelps,	Weaver,
Converse,	Herbert,	Pierce,	Weller,
Covington,	Hewitt, A. S.	Post,	Williams,
Crisp,	Hoblitzell,	Potter,	Wilson, James
Culbertson, W. W.	Holman,	Price,	Wise, G. D.
Cutcheon,	Holton,	Randall,	Wood,
Dargan,	Hooper,	Rankin,	Woodward.
Davis, R. T.	Horr,	Ray, G. W.	
Dibble,	Hurd,	Rice,	
Dingley,	Hutchins,	Robinson, J. S.	

So the motion was agreed to.

MESSAGE FROM THE SENATE.

During the roll-call, a message from the Senate, by Mr. MCCOOK, its Secretary, announced the return, in compliance with the request of the House, of a bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

It further announced the passage of bills of the following titles:

A bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia;

A bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts; and

A bill (H. R. 8102) to give assent of Congress for the construction of the railroad by the East and Middle Railroad Company over the Cumberland and Coney Fork Rivers.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. If there be no objection the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, will be returned to the Senate with the corrected statement that the House agrees to the conference asked by the Senate on the disagreeing votes of the two Houses.

There was no objection, and it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. HEPBURN. There are many gentlemen on both sides of the House who have bills they desire to have considered, and I ask by unanimous consent they may be considered under the new rule, until a report from a committee of conference is read, the election case not to lose its present status.

The SPEAKER. The Chair will state the motion: The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent that the Speaker recognize gentlemen for the purpose of calling up bills under the special rule of the House, such recognition to continue until such time as a conference report is received.

Mr. HEPBURN. The election case not to lose its present status.

Mr. SPRINGER. I object.

The SPEAKER. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. MILLER] to the amendment proposed by the gentleman from Tennessee [Mr. PETTIBONE].

The question was taken; and on a division there were—ayes 12, noes 41.

Mr. MILLER, of Pennsylvania. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers, and Mr. MILLER, of Pennsylvania, and Mr. KLEINER were appointed.

The House again divided; and the tellers reported—ayes 9, noes 22.

Mr. HEPBURN. No quorum.

Mr. MILLER, of Pennsylvania. Mr. Speaker, I move a call of the House.

Mr. BELFORD. Pending that I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. Our fathers who established this Government had, as the fundamental principle, in view the formation of a government in which a majority should rule; and I desire to know whether one or two members on this floor can keep three hundred and twenty-five members here to-night doing nothing and depriving a member of his seat on this floor at the same time? [Cries of "Regular order!"]

The SPEAKER. That is not a parliamentary inquiry.

The gentleman from Pennsylvania [Mr. MILLER] moves a call of the House.

The question was taken; and on division there were—ayes 10, noes 35.

Mr. MILLER, of Pennsylvania. I believe I will call for the yeas and nays on that proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 45, nays 146, not voting 133; as follows:

YEAS—45.

Adams, J. J.	Dixon,	Jordan,	Smalls,
Anderson,	Dunham,	Long,	Struble,
Boutelle,	Ellis,	McComas,	Taylor, J. D.
Brewer, J. H.	Hart,	Miller, S. H.	Thomas,
Brewer, F. B.	Haynes,	Milliken,	Wakefield,
Brown, W. W.	Henderson, T. J.	Payson,	Washburn,
Browne, T. M.	Hepburn,	Peters,	Weller,
Brumm,	Hiscock,	Pettibone,	White, J. D.
Budd,	Holmes,	Phelps,	Woodward.
Cassidy,	Houk,	Price,	
Culbertson, W. W.	James,	Skinner, C. R.	
Davis, G. R.	Jeffords,	Skinner, T. G.	

NAYS—146.

Aiken,	Cosgrove,	Foran,	Keifer,
Alexander,	Cox, W. R.	Forney,	King,
Atkinson,	Crisp,	Funston,	Kleiner,
Bagley,	Culberson, D. B.	Glascock,	Lanham,
Barksdale,	Cullen,	Graves,	Le Fevre,
Belford,	Cutcheon,	Green,	Lore,
Belmont,	Dargan,	Greenleaf,	Lowry,
Bennett,	Davidson,	Halsell,	Lyman,
Bingham,	Davis, L. H.	Hammond,	McAdoo,
Bland,	Dibrell,	Hancock,	McMillin,
Blount,	Dockery,	Hardeman,	Maybury,
Boyle,	Dornheimer,	Harmer,	Millard,
Brainerd,	Dowd,	Hatch, W. H.	Miller, J. F.
Breckinridge,	Eaton,	Hewitt, A. S.	Money,
Cabell,	Eldredge,	Hewitt, G. W.	Morgan,
Caldwell,	Elliott,	Hill,	Murphy,
Campbell, Felix	English,	Hitt,	Mutchler,
Campbell, J. E.	Ermentrout,	Holman,	Oates,
Candler,	Evans,	Hopkins,	Ochiltree,
Carleton,	Everhart,	Houseman,	O'Ferrall,
Clay,	Ferrell,	Howey,	O'Hara,
Cobb,	Fiedler,	Hunt,	O'Neill, Charles
Connolly,	Findlay,	Johnson,	O'Neill, J. J.
Cook,	Finerty,	Jones, J. H.	Paige,

Patton,	Russell,	Sumner, C. A.	Warner, Richard
Payne,	Seney,	Swope,	Weaver,
Peel,	Seymour,	Talbott,	Wellborn,
Poland,	Shively,	Taylor, J. M.	Wemple,
Pryor,	Singleton,	Thompson,	White, Milo
Randall,	Smith, A. Herr	Tillman,	Wilson, W. L.
Ray, Ossian	Smith, H. Y.	Turner, H. G.	Winans, E. B.
Reagan,	Snyder,	Turner, Oscar	Wolford,
Reed, T. B.	Springer,	Vance,	Worthington,
Reese,	Stephenson,	Van Eaton,	Yaple,
Rogers, W. F.	Stevens,	Wallace,	Young.
Rosecrans,	Stewart, Charles	Ward,	
Rowell,	Storm,	Warner, A. J.	

NOT VOTING—133.

Adams, G. E.	Ellwood,	Lewis,	Robinson, W. E.
Arnot,	Follett,	Libbey,	Rockwell,
Ballentine,	Fyan,	Lovering,	Rogers, J. H.
Barbour,	Garrison,	McCold,	Ryan,
Barr,	Geddes,	McCormick,	Shaw,
Bayne,	George,	Matson,	Slocum,
Beach,	Gibson,	Mills,	Spooner,
Bisbee,	Goff,	Mitchell,	Spriggs,
Blackburn,	Guethner,	Morrill,	Steele,
Blanchard,	Hanback,	Morrison,	Stewart, J. W.
Bowen,	Hardy,	Morse,	Stockslager,
Bratton,	Hatch, H. H.	Moulton,	Stone,
Breitung,	Hemphill,	Muldrow,	Strait,
Broadhead,	Henderson, D. B.	Muller,	Sumner, D. H.
Buchanan,	Henley,	Murray,	Taylor, E. B.
Buckner,	Herbert,	Neece,	Throckmorton,
Burleigh,	Hoblitzell,	Nelson,	Townshend,
Burnes,	Holton,	Nicholls,	Tucker,
Campbell, J. M.	Hooper,	Nutting,	Tulley,
Cannon,	Horr,	Parker,	Valentine,
Chalmers,	Hurd,	Perkins,	Van Alstyne,
Clardy,	Hutchins,	Pierce,	Wadsworth,
Clements,	Jones, B. W.	Post,	Wait,
Collins,	Jones, J. K.	Potter,	Whiting,
Converse,	Jones, J. T.	Pusey,	Wilkins,
Covington,	Kean,	Rankin,	Williams,
Cox, S. S.	Kelley,	Ranney,	Willis,
Curtin,	Kellogg,	Ray, G. W.	Wilson, James
Davis, R. T.	Ketcham,	Reid, J. W.	Winans, John
Deuster,	Lacey,	Rice,	Wise, J. S.
Dibble,	Laird,	Riggs,	Wise, G. D.
Dingley,	Lamb,	Robertson,	Wood,
Dunn,	Lawrence,	Robinson, J. S.	York.

So a call of the House was not ordered.

The result of the vote was then announced as above recorded.

During the roll-call the following proceedings took place:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 653) for the relief of John B. Davis.

Also, that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to interrupt the roll-call to move that the House non-concur in the amendments of the Senate to the deficiency bill.

Mr. KEIFER. Had not we better concur, so as to wind it up as soon as possible?

Mr. RANDALL. There is no danger about getting through.

The SPEAKER *pro tempore* (Mr. KLEINER in the chair). Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none.

Mr. PRICE. I object. [Cries of "Too late!"]

Mr. RANDALL. No gentleman rose in his place to object.

Mr. PRICE. I now rise in my place and make objection.

The SPEAKER *pro tempore*. The Chair thinks it is too late.

Mr. KEIFER. We had better have order, so that we can know what is going on.

Mr. RANDALL. I move to reconsider the action of the House just taken; and also to lay that motion on the table.

Mr. ANDERSON. What is this question? I would like to know what is going on. I demand the yeas and nays on the motion just submitted.

Mr. RANDALL. I withdraw the motion to reconsider.

The SPEAKER. The Clerk will proceed with the roll-call.

Mr. RANDALL. Mr. Speaker, to save time on the deficiency bill, I request a conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the deficiency bill.

The SPEAKER. Without objection, the request will be acceded to.

There was no objection.

The SPEAKER appointed Mr. BURNES, Mr. RANDALL, and Mr. LONG as managers on the part of the House at said conference.

ORDER OF BUSINESS.

The roll-call was then resumed and concluded as above.

Mr. MILLER, of Pennsylvania. I ask unanimous consent that the House consider bills that may be called up by members under the new rule.

The SPEAKER. That request was made a few moments ago and was objected to.

Mr. SHIVELY and Mr. WELLER objected.

The SPEAKER. And is still objected to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts.

PRINTING OF REPORT ON NATIONAL SOLDIERS' HOME.

Mr. ROGERS, of New York. I present a privileged report from the Committee on Printing. I am directed by the Committee on Printing to report back with a favorable recommendation the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs to the House of Representatives on the investigation of the National Home for Disabled Volunteer Soldiers.

Resolved, &c., That in addition to the authorized number, 5,000 copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteers be printed, 1,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COSGROVE. I have asked unanimous consent to call up for consideration bill S. 1035. The gentleman who made the objection will withdraw it.

The SPEAKER. Several gentlemen made objection.

Mr. COSGROVE. I have seen, I think, all of them, and understand that they now withdraw the objection.

The SPEAKER. The Chair will again submit the request. The gentleman from Missouri asks unanimous consent to call up for present consideration the bill S. 1035, the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses.

The SPEAKER. Is there objection?

Mr. BRUMM. I object.

Mr. COSGROVE. Is it in order to ask a suspension of the rules to pass that bill?

The SPEAKER. It is not. There are motions pending before the House undisposed of.

Mr. WELLER. I ask unanimous consent for the present consideration of this joint resolution which I send to the desk. I ask that it be read.

Mr. PETERS. I object.

Mr. WELLER. I desire to importune the gentleman who has offered an objection that he withdraw it that the resolution may be read for the information of the House.

Mr. CONNOLLY. I object.

Mr. HEWITT, of Alabama. I ask unanimous consent that a recess be taken for fifteen minutes.

Mr. HUTCHINS and Mr. ANDERSON objected.

Mr. ANDERSON. If the present status of the motions is maintained I withdraw my objection.

The SPEAKER. But the Chair has already announced that if a recess is taken to a different time from that mentioned in the pending motions they will fall unless there be an agreement to the contrary.

Mr. ANDERSON. That was my understanding, and that is the reason why I objected.

Mr. HATCH, of Missouri. I ask unanimous consent that the House take a recess until half past 11 o'clock.

Mr. ANDERSON. I object.

Mr. BELFORD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I desire to inquire whether under the operation of the rules of this House a contested-election case involving the right of a member to a seat on this floor can be considered, and whether a few gentlemen can obstruct the consideration of that right recognized by the laws and the Constitution.

Mr. MILLER, of Pennsylvania. Oh, yes; they can do it.

Mr. BELFORD. I insist on a decision of that question whether two or three men in this House can deprive a member of his right to sit here and overcome the majority of the Representatives of the people.

The SPEAKER. The majority will govern under the rules of the House whenever a vote can be obtained under the rules of the House.

Mr. BELFORD. Now, was it not the intention—— [Cries of "Regular order!"]

Mr. BELFORD. This is the regular order. Was it not the intention of the fathers of this Republic that the majority should govern?

PRINTING REPORTS OF SMITHSONIAN INSTITUTION.

The SPEAKER. The gentleman from New York [Mr. ROGERS], chairman of the Committee on Printing, asks unanimous consent to present a report.

Mr. ROGERS, of New York. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution which I send to the desk.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was read, as follows:

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

Resolved, &c., That the annual reports of the Smithsonian Institution shall be hereafter printed at the Government Printing Office in the same manner as the annual reports of the heads of Departments are now printed for submission in print to the two Houses of Congress.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

HISTORY OF THE RED CROSS.

Mr. ROGERS, of New York. I also ask unanimous consent to report from the Committee on Printing for present consideration the Senate concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the History of the Red Cross from the stereotyped plates now at the Government Printing Office, for the use of the American Association of the Red Cross.

The SPEAKER. Is there objection?

Mr. HEWITT, of New York. I object.

ORDER OF BUSINESS.

Mr. WELLER. Can I now make the request that the joint resolution which I have sought to call up be printed in the RECORD?

Mr. LAMB and others objected.

Mr. KEAN. I ask unanimous consent to take from the Speaker's table for present consideration the joint resolution (S. R. 119) accepting the gift by William H. Vanderbilt and Julia Dent Grant, wife of General Ulysses S. Grant, to the United States of certain articles.

The SPEAKER. The gentleman from New Jersey [Mr. KEAN] asks unanimous consent to take up for present consideration the Senate joint resolution No. 119, the title of which he has just stated.

Mr. SPRINGER. I object.

Mr. BINGHAM. Let the matter be stated before objection is made.

The SPEAKER. The gentleman objects.

Mr. BINGHAM. Can not the resolution be read subject to objection?

The SPEAKER. It can not, if objection is made to the reading.

Mr. DUNHAM. May I ask, Mr. Speaker, who it is that objects?

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] objects.

Mr. MCADOO. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 1852) to regulate appointments and promotions in the staff of the Marine Corps, and I would like to say a few words by way of explanation. This relates to only two officers of the Marine Corps, both of whom have served over thirty-five years and have won laurels in the field in Mexico.

A MEMBER. Let the bill be read.

Mr. BRUMM. Regular order, Mr. Speaker.

Mr. WELLER. I am informed that there was a confusion of ideas as to whether the matter which I desired to call up was the resolution I hold in my hand or some other, and that the gentleman who objected did so under a misapprehension. [Laughter.] I now desire to renew my request.

The SPEAKER. Debate is not in order. Several gentlemen have objected, and gentlemen are now objecting. That being so, of course the Chair can not entertain a request for unanimous consent.

Mr. BINGHAM. Mr. Speaker, I think the gentleman from Illinois [Mr. SPRINGER], when he objected, probably misunderstood the proposition of the gentleman from New Jersey [Mr. MCADOO]. May not the joint resolution be read subject to objection?

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded by gentlemen on the left, and the Chair will now state that until the demand for the regular order is withdrawn, the Chair will not recognize any gentleman for a request for unanimous consent, but will proceed with the regular order.

Mr. WARNER, of Ohio. All right, Mr. Speaker. Let us have the regular order and peace.

Mr. WELLER. Will the Chair please state what is the regular order.

The SPEAKER. The Chair will do so as soon as the House comes to order. [After a pause.] The regular order is the question on the amendment proposed by the gentleman from Tennessee [Mr. PETTIBONE] to the amendment proposed by the gentleman from Iowa [Mr. HEPBURN], which is that the House take a recess until 10 o'clock. [After putting the question.] In the opinion of the Chair the noes have it.

Mr. MILLER, of Pennsylvania. I call for a division, Mr. Speaker.

The House divided; and there were—ayes 25, noes 41.

Mr. MILLER, of Pennsylvania. No quorum has voted.

The SPEAKER. The point is made that no quorum has voted. The Chair appoints as tellers the gentleman from Pennsylvania [Mr. MILLER], and the gentleman from Pennsylvania [Mr. ERMENTROUT].

Mr. DUNHAM. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. The motion being to take a recess until 10 o'clock to-night, and the hour of 10 o'clock having passed, does not that motion fall?

The SPEAKER. The Chair has nothing to do with that question. That may be a very good reason why the House should not agree to the amendment, but it was in order when offered. As many as are in favor of agreeing to the amendment will pass between the tellers and be counted.

Pending the count the tellers will suspend, in order that the House may receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, with amendments; in which the concurrence of the House of Representatives was requested.

The message further announced that the Senate insisted upon its amendments (disagreed to by the House) to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, agreed to the conference asked by the House of Representatives thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as conferees on the part of the Senate.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to call up the fortification bill, with the Senate amendments, for the purpose of moving to non-concur in the amendments and asking a conference.

Mr. BUDD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. An inquiry connected with this matter?

Mr. BUDD. Connected with this matter.

The SPEAKER. The gentleman will state it.

Mr. BUDD. After the conference report is made, will it be in order for a member to require the reading of any amendment and a separate vote on each amendment as reported by the conferees?

The SPEAKER. It will be in order for any member to require the reading of all the amendments, but it will not be in order for a member to demand a separate vote upon the amendments which have been agreed to by the conferees, because a conference report is one entire thing, and must be either adopted or rejected as a whole.

Mr. BUDD. But the amendments that are not agreed to?

The SPEAKER. The amendments that are not agreed to will be disposed of separately by the House. If there be no objection the amendments of the Senate to the bill of the House (8279) making appropriations for fortifications and other works of defense, and for the armament thereof, will be non-concurred in, and the House will ask a committee of conference.

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HANCOCK, Mr. FORNEY, and Mr. WASHBURN.

ORDER OF BUSINESS.

The SPEAKER. The tellers will resume their places and continue the count.

Pending the count by tellers the following proceedings took place:

Mr. NEECE. I ask unanimous consent to make a statement. I have a little bill here to remove the charge of desertion from the record of a young man who entered the Army under 18 years of age. At the battle of Pea Ridge, where he was wounded, he was, owing to that fact, marked improperly as a deserter. Going afterward into another regiment, he was killed in battle. His old father now wishes simply to draw his back pay. This bill has passed the Senate. It is Senate bill 445, for the relief of the heirs or legal representatives of Robert J. Baugness, deceased.

The SPEAKER. Is there objection to the present consideration of this bill?

Several members called for the regular order.

PRINTING OF NAVAL AND MILITARY REPORTS.

Mr. ROGERS, of New York. On behalf of the Committee on Printing I desire to have taken from the Speaker's table for present consideration the joint resolution (S. R. 100) authorizing the printing of certain naval and military reports. I think when the joint resolution is read there will be no objection to it.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there be printed at the Government Printing Office 4,500 copies of each of the following reports: The report of Lieut. Commander C. F. Goodrich, United States Navy, on the British naval and military operations in Egypt; the report of Lieut. Fisher M. Wright, United States Navy, on the operations of the French navy during the recent war with Tunis; the report of Lieut. Theodorus B. M. Mason, United States Navy, on the war on the Pacific coast of South America between Chili and the allied Republics of Peru and Bolivia; 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Navy Department.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Private Calendar——

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The House is dividing.

Mr. DUNHAM. I ask unanimous consent to vacate the order by which the House agreed to take up the contested-election case of Frederick vs. Wilson.

The SPEAKER *pro tempore*. The gentleman from Illinois is not in order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the fortification appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. ROGERS, of New York. In behalf of the Committee on Printing I desire unanimous consent to take from the Speaker's table, for concurrence in the amendments of the Senate, the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

The amendments of the Senate were read, as follows:

In line 1, strike out "400" and insert "310;" so as to provide for 310,000 copies.

In line 3, strike out "300" and insert "200;" and in line 5, strike out "70" and insert "80;" so as to provide 200,000 for the use of the House of Representatives and 80,000 for the use of the Senate.

Amend the title of the joint resolution by striking out "400" and inserting "310."

There being no objection, the House proceeded to the consideration of the amendments of the Senate; which, on motion of Mr. ROGERS, of New York, were concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLER, of Pennsylvania. The tellers who have been conducting the count upon the motion for a recess desire to report. They agree in the report which they send to the Clerk's desk.

The result was announced—ayes 26, noes 55.

Mr. MILLER, of Pennsylvania. It appears that there is no quorum. I move a call of the House.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. A paper published in New York called The Voice, which claims to be a temperance journal, has seen fit to publish the following paragraph about myself:

LEGISLATIVE MEASURES—DO THE WHISKY MEN WANT THE EARTH?

Mr. WHITE, of Kentucky, has introduced a bill into the House of Representatives providing that the office of Commissioner of Internal Revenue be abolished and the whole system of internal taxation done away with. This bill is said to have been framed at the instance of the whisky men. Mr. WHITE is the Congressman who recently applied an insulting term to Speaker CARLISLE.

That was sent to me by Mr. R. B. Neal, editor of Good Words, a temperance paper published in Louisville, Ky., otherwise I would not have seen it. Now, Mr. Speaker, if that came from a source claiming to be an enemy to the cause which I have advocated and maintained I should treat it with the same indifference I have treated hundreds of others of a similar character, but coming as it does from a paper professing the principles of temperance, of which I believe every member on this floor will accord to me that I have been a consistent and persistent advocate ever since I became a Representative in the Forty-fourth Congress and during the Forty-seventh Congress and also during the present Congress, I think it requires some personal notice at my hands.

Now, sir, it is a matter of record that in the Forty-fourth Congress I introduced a bill into this House for the prohibition by the national Congress of the sale of intoxicating liquors for any other purpose than mechanical, medicinal, or scientific. In the Forty-seventh Congress I introduced the same bill. In the Forty-eighth Congress I introduced a similar bill, slightly modifying it and providing for punishment, which before I had left to the wisdom of the committee. I will send to the Clerk's desk a copy of that bill to be read.

Mr. HENLEY. How long is this matter about being read to last?

Mr. CURTIN. What is it all about?

The SPEAKER *pro tempore*. The gentleman from Kentucky rises to a question of personal privilege and is stating his question of privilege to the House.

Mr. WHITE, of Kentucky. I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes.

Whereas the injurious effects from the use as a beverage of intoxicating liquors are universally admitted; and

Whereas spirituous liquors are powerful instruments for evil and corruption in our elections; and

Whereas the unbridled traffic in spirituous liquors promotes contentions, riots, ignorance, and poverty; and

Whereas the iniquity of alcoholism is visited through the parent "upon the third and fourth generations;" and

Whereas the effects of alcoholism are filling our prisons, houses of correction, and institutions of charity with criminals and sufferers, and covering the land with woe and misery: Therefore,

Be it enacted, &c., That on and after the 30th day of June, 1884, no person, except as hereinafter provided, shall manufacture or sell or keep for sale that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, or any other intoxicating liquor which can be produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of sugar. No person shall manufacture, sell, or keep for sale as a beverage any intoxicating liquor whatever, including ale, wine, and beer.

SEC. 2. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding $500, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 3. That no intoxicating liquors whatever, including ale, wine, and beer, shall be imported into the United States from any foreign port or place. All goods or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, merchandise, ship or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 4. That the Secretary of the Treasury shall, immediately after the passage of this act, advertise in twenty prominent newspapers, printed in as many cities in the United States, for proposals for citizens of the United States to manufacture alcoholic liquors for scientific, mechanical, and medicinal purposes, and to be sold, as nearly as may be, at the cost price, for scientific, mechanical, and medicinal purposes alone, under such regulations as the Secretary of the Treasury may from time to time direct.

SEC. 5. That the advertisement published under the preceding section must describe the kind of spirits required and must require the proposals to be accompanied with sufficient security for their performance.

SEC. 6. That the Secretary of the Treasury shall, by the 30th day of June, 1884, notify the lowest bidders whose sureties are deemed sufficient of the acceptance of their proposals.

SEC. 7. That nothing in the preceding sections shall prevent the Secretary of the Treasury from contracting from time to time for such distilled spirits as may be necessary to meet the demands for scientific, mechanical, and medicinal purposes.

SEC. 8. That nothing in the preceding sections shall be construed so as to limit the time of any license for the manufacture or sale of intoxicating liquors which is at present operating: *Provided*, That no extension of time nor any new license shall be hereafter granted for the sale of any intoxicating liquors whatever.

Mr. WHITE, of Kentucky. As I have said, the extract from The Voice was sent to me by the editor of a temperance paper in Louisville, Mr. R. B. Neal. Now that bill which the Clerk has read was referred to the Committee on the Alcoholic Liquor Traffic and was reported back by Mr. KLEINER, accompanied by the following report:

The Committee on the Alcoholic Liquor Traffic, having considered the bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes, report the same back adversely, and recommend that it lie on the table.

Mr. LORE. I make the point that this is not a matter of personal privilege.

The SPEAKER *pro tempore*. The gentleman from Delaware makes the point that the gentleman from Kentucky is not stating any question of personal privilege.

Mr. WHITE, of Kentucky. I thought that was admitted, Mr. Speaker, or I should have addressed myself to that point of order.

The SPEAKER *pro tempore*. So far as the gentleman from Kentucky has gone the Chair has been unable to see any question of personal privilege in what the gentleman has stated.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair. I understood the Chair would not decide until I had been heard.

Mr. HEWITT, of Alabama. I move to lay the appeal on the table.

Mr. WHITE, of Kentucky. I wish to call the attention of the Chair to Rule IX:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only.

Now, sir, here is a charge in the extract which I have just read from the New York paper, which was sent to me by my friend, the editor of a temperance paper in the city of Louisville, to whom I have already

referred, calling my attention to the fact this article in The Voice did me great injustice. Otherwise I would never have seen it. It charges me with preparing a bill in the interest of the whisky-men, in this article which is headed, "Do the whisky-men want the whole earth?" I claim this not only affects me as a Representative, but affects the honor and dignity of this House, for I am a member of this House; and if a member of the House, after having advocated certain principles, can introduce a bill that I have introduced here and then can present other bills which seem to favor the whisky interest, and can be justly charged that he is doing it for the whisky interest, then it does seem to me it rises to the dignity of a personal question at least.

It is to address myself to that question for which I have risen, and to recite the history of this subject and my action with it, that I began in the way I did, and no one made the point of order, or else I should have begun by reading the rule under which I made the point of order. But in order to save the time of the House and consume as little of its time as possible at this late date in the session I did not adopt that course.

I now yield the floor to the decision of the Chair. If I am entitled to the floor on that decision I will proceed; otherwise, I will take my seat.

The SPEAKER *pro tempore*. The gentleman presents, certainly, a question of personal explanation, but the Chair has been unable to see that a question of personal privilege under the rules of the House is presented, and which would give the gentleman the right to occupy the floor.

Mr. WHITE, of Kentucky. May I be permitted to call the attention of the Chair to the last sentence but one in the newspaper article to which I first called attention and which I have sent to the desk?

The SPEAKER *pro tempore*. The Chair will cause the sentence to be read.

The Clerk read as follows:

This bill is said to have been framed at the instance of the whisky-men. Mr. WHITE is the Congressman who recently applied an insulting term to Speaker CARLISLE.

Mr. WHITE, of Kentucky. The Chair will observe as stated in that article that a direct charge is brought against me. In response I wish to state that I have never in my life applied an insulting term or epithet to the Speaker of this House.

There is not a man on this floor who has a higher regard for the Speaker of the House than I have, and I am ready to offer the usual resolution complimenting him in the very highest terms on the fair, impartial, and proper manner in which he has discharged the duties of his office. The last clause but one in the article accuses me of having prepared or framed a bill at the instance of the whisky-men, and I claim in that I have the right not only to deny that charge, which I do most emphatically, but to show conclusively by the RECORD that it is false from the beginning to the end; and I was proceeding to address myself to that subject when I was interrupted by the gentleman from Delaware, who made the point that I did not present a question of privilege.

I understood the Chair had recognized it as such by allowing me to proceed for some time, and of course I did not have the rule read, for the reason that I did not suppose there could be any question as to the fact that I had the right to take the floor for that purpose. As I have said, I now yield to the decision of the Chair.

The SPEAKER. The Chair stated that it would hear the gentleman on his question of privilege, no point of order having been made. The Chair indulged the gentleman from the beginning of his remarks until the point of order was made. The gentleman from Delaware having made the point of order, the Chair was then ready to decide the question.

If, however, the gentleman desires to be heard further the Chair will indulge him.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I understand that the Post-Office appropriation bill is ready to be reported by the conferees, and I will yield for that purpose, but claim the right to take the floor afterward. If, however, the gentleman is not ready I will proceed with my remarks now.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Kentucky if he will yield to me to call up a bill for consideration.

Mr. WHITE, of Kentucky. I will yield to the gentleman with pleasure; not, however, to take me off the floor.

Mr. HEWITT, of Alabama. Of course not.

Mr. WHITE, of Kentucky. I have just promised that I would yield to the gentleman from Tennessee [Mr. MCMILLIN], and I now yield to him.

Mr. MCMILLIN. Mr. Speaker, I ask the indulgence of the House for a moment in which to make a statement concerning House bill No. 8177. This is a bill providing for the payment of certain claims authorized to be investigated and reported to Congress, and thus far it has been passed by every Congress to which they have been reported since 1864, when the original act authorizing them was passed.

Mr. HORR. These are what are known as the 4th of July claims?

Mr. MCMILLIN. Yes, sir.

Mr. HORR. I hope that will pass.

Mr. MCMILLIN. There never has been a single instance, from the vote on the passage of the original bill to this session of Congress, when this bill was reported that it was not passed. I hope the House will not make an exception in this case.

It is not possible under that law that the payment can be ultimately defeated. It must be paid at some time. The bill providing for the auditing of these claims requires that they shall be first examined by an agent of the Quartermaster's Department, then passed upon by the Quartermaster-General, and after that, to make assurance doubly sure, they are reported to the Third Auditor, and by him they are again investigated; and if they are found to be in accordance with the law and properly authenticated, they are recommended to Congress. That has been done heretofore uniformly, and the bill making these appropriations now, if I remember correctly, is some $40,000 less than the bill of last year. It has not been even the custom to read the bill heretofore. The committee after an examination reported favorably upon it, and I ask the House to give unanimous consent to take it up and consider it. It has never taken more than ten or twenty minutes to dispose of.

Mr. PUSEY. What is the aggregate amount of the bill?

Mr. MCMILLIN. Two hundred and twenty-one thousand dollars. The committee have amended the bill by striking out a certain class of claims not heretofore allowed, so as to secure perfect uniformity with bills passed heretofore. The claims stricken out amount to about $6,000.

I ask, therefore, that unanimous consent be given to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill and put it upon its passage.

A MEMBER. Is there any new legislation in the bill?

Mr. MCMILLIN. It contains no legislation whatever.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. SKINNER, of North Carolina. I object.

Mr. MCMILLIN. I hope my friend from North Carolina will not insist on his objection.

Mr. SKINNER, of North Carolina. Other bills just as worthy as this have been objected to when the request for unanimous consent was made; and I think that they are entitled to be passed just as well as this.

Mr. MCMILLIN. I appeal to the gentleman from North Carolina not to insist on his objection. If he does it will work great injustice to a large class of citizens. It is a bill which can not be defeated ultimately; it can only be postponed. Not even the interest has been paid on these claims for the twenty years that they have been due. I trust the gentleman will withdraw his objection. No man can question the justice of the payment under the law. I have co-operated with that gentleman in matters in which I know he sympathizes, and I ask him not to reward that co-operation by refusing consideration to this bill.

Mr. TILLMAN. If that gentleman withdraws his objection I will renew it.

Mr. MCMILLIN. I regret the gentleman's resolution to oppose this bill. A very large majority of the House favor it, but I know that pending the consideration of this election case the bill I have designated can only be taken up by unanimous consent.

Mr. SKINNER, of North Carolina. I withdraw the objection.

Mr. BUDD. I move to suspend the rules to take up and pass the House bill No. 147. I will state that the motion for a recess expired at 12 o'clock.

The SPEAKER. The motion of the gentleman from California is not in order except by unanimous consent. Even if all the motions for a recess had been dropped the question before the House would be upon the adoption of the report of the Committee on Elections. But the Chair thinks the motions for a recess have not been dropped, because they were in order when made.

Mr. BUDD. I understand the first motion was to take a recess until 12 o'clock. That was amended so as to take a recess until 11 o'clock, and a further amendment was offered to take a recess until 10 o'clock to-night. Now as the time for all of these recesses has expired I claim that the question upon them is not now in order, the House having neglected to pass upon it until the time has expired.

The SPEAKER. That may be a good reason why the House should not agree to those motions, but it is not a question of order.

Mr. BUDD. Can a recess be taken so as to be retroactive?

The SPEAKER. That consideration will govern gentlemen in their votes on the question.

Mr. ANDERSON. In one case the motion was for a recess until 10 o'clock to-morrow.

The SPEAKER. The Chair thinks the record shows distinctly that the first motion was to take a recess until 12 o'clock midnight. The proposition was then made to amend that so as to take the recess until 11 o'clock, and then there was a proposition to amend the amendment so as to take the recess until 10 o'clock to-night.

Mr. ANDERSON. The first motion was my own, to take a recess for one hour.

The SPEAKER. The motion to take a recess until 10 o'clock to-morrow would not be in order because the term of this Congress expires

on the 3d of March, and to-morrow would be the 4th, and the members of this Congress would not then be in office.

Mr. BUDD. I inquire of the Chair if a motion for a recess is in order when the proposed recess dates back of the time at which the question is taken?

The SPEAKER. But the motion for a recess was in order when it was made, and the Chair can not take away from the House the consideration of a motion which was in order when it was presented. That question is addressed to each member of the House, and must control his vote.

Mr. BUDD. Had a motion to adjourn been made and carried, would not that have killed the motion for a recess?

The SPEAKER. But there has been no motion to adjourn.

Mr. BUDD. But this afternoon there was a recess taken.

The SPEAKER. And it was when the House reassembled after the recess that these motions were made.

Mr. BUDD. I make the point of order that as the time has expired which was covered by the time mentioned in these motions for a recess, it is the same as if a recess had in fact been taken.

The SPEAKER. There has been no recess whatever since half past 7 this afternoon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 653) for the relief of John B. Davis; and

A bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] is recognized.

Mr. HEWITT, of Alabama. The gentleman from Kentucky [Mr. WHITE] yielded the floor to me, and I yielded to the gentleman from Tennessee [Mr. MCMILLIN] for a few moments to call up a bill. I will now yield the floor temporarily to the gentleman from Louisiana.

Mr. ELLIS. This is a matter to which I think there will be no objection.

The SPEAKER. The report which the gentleman from Louisiana proposes to make is always in order.

Mr. ELLIS. The Chair is a little in error; this is not a privileged report.

The SPEAKER. The Chair thought the gentleman had risen to present the report of a committee of conference.

RED CROSS ASSOCIATION.

Mr. ELLIS. I ask unanimous consent to pass the Senate joint resolution which authorises the loan to the Red Cross Association of twelve hospital tents. That society is now organizing a field hospital for the ex-Union and ex-confederate encampments at the exposition; and for the purpose of a free hospital they ask the Secretary of War for a loan of twelve tents. The Senate has passed the resolution, and I believe there will be no objection to its consideration by the House.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take up for present consideration the joint resolution which the Clerk will read.

The Clerk read the resolution, as follows:

Joint resolution (S. Res. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Association of the Red Cross for use in New Orleans.

The SPEAKER. Is there objection?

Mr. WHITE, of Kentucky. Can the gentleman from Louisiana take me off the floor?

Mr. ELLIS. I have no desire to interfere with the gentleman from Kentucky.

The SPEAKER. If unanimous consent is given it will not affect any matter now pending.

Mr. WHITE, of Kentucky. I have no objection. It ought to pass.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of War is authorized and directed to loan to the American Association of the Red Cross, for use by their branch in New Orleans at the World's Exposition grounds, twelve hospital tents and outfits; provided satisfactory security is given for the safe-keeping and return of the same.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. Mr. Speaker, I understand that the gentleman from North Carolina [Mr. SKINNER] withdraws his objection to the bill which I desire to call up.

The SPEAKER. But the gentleman from Illinois on the right [Mr. SPRINGER] demands the regular order.

Mr. WHITE, of Kentucky. Mr. Speaker, I believe I am entitled to the floor. The gentleman who has charge of the appropriation bill is not ready to report, as he was supposed to be, so I will proceed with my statement.

Mr. THOMPSON. Mr. Speaker, I ask my colleague from Kentucky [Mr. WHITE] to yield to me a moment to pass a pension bill for a poor widow.

Mr. BRUMM. Regular order.

Mr. THOMPSON. I appeal to the gentleman from Pennsylvania [Mr. BRUMM] to let me make a short statement.

Several MEMBERS. Regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes.

The message also announced that the Senate had receded from its amendment, numbered 112, to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. Mr. Speaker, I now desire to present the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes; and I ask that the report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, and 74;

That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: Strike out section 11 of the bill of the House, and insert the following in lieu thereof, to wit:

"That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny, in any Territory of the United States, or either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes respectively. And the said courts are hereby given jurisdiction of all such cases. And all such Indians committing any of the above crimes against the person or property of another Indian, or other person, within the boundaries of any State of the United States, or within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States."

And the Senate agree to the same.

R. JOHN ELLIS,
WM. S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

H. L. DAWES,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. ELLIS. Mr. Speaker, I move the adoption of the report.

The report was adopted.

Mr. ELLIS moved to reconsider the vote by which the report was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. ELLIS. The remaining point of disagreement between the two Houses upon this bill has been settled by the recession of the Senate.

A. K. SHEPARD.

Mr. HEWITT, of Alabama. I ask unanimous consent to have taken up for consideration at the present time the bill (H. R. 28) for the relief of A. K. Shepard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to A. K. Shepard, of Tuscaloosa, Ala., the sum of $17,000 out of any money in the Treasury not otherwise appropriated.

The amendment recommended by the committee was read, as follows:

Strike out "$17,000" and insert "$14,458.07."

Mr. HEWITT, of Alabama. Before objections are called for I hope the report will be read.

Mr. BROWN, of Pennsylvania. I shall not object, provided the other side of the House—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. LEWIS. I rise to a question of privilege. In order that the

question may be brought clearly before the House I ask the Clerk to read from the RECORD what I send to the desk.

The SPEAKER. If objection is made, of course the other matter of privilege must be settled first.

Mr. WHITE, of Kentucky. I understand that the gentleman from Louisiana [Mr. LEWIS] will occupy a very few moments.

Mr. HEWITT, of Alabama. Was my request objected to?

The SPEAKER. There were a great many objections.

Mr. HEWITT, of Alabama. Then I call for the regular order.

The SPEAKER. That has been called for; but the gentleman from Louisiana [Mr. LEWIS] states that he rises to a question of personal privilege. If it be a question of personal privilege, it of course interrupts the regular order.

Mr. LEWIS. I ask the Clerk to read what I send to the desk, and then I wish to make a statement to show that it is a matter of privilege.

The Clerk read as follows:

THURSDAY, *February* 12, 1885.

The recess having expired, the House (at 10 o'clock a. m., Friday, February 13, 1885) resumed its session.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. I move to concur in the amendments of the Senate to the bill (H. R. 5479) to prevent the unlawful occupancy of the public lands.

The SPEAKER *pro tempore*. The Senate amendments will be read.

The several amendments of the Senate were reported.

Mr. PAYSON. I move to concur in the amendments of the Senate.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Illinois a question: whether this has been considered by the Committee on Public Lands?

Mr. PAYSON. Yes, sir; and unanimously reported by the committee with that recommendation.

Mr. LEWIS. Now I desire to state to the House that that bill was passed through the House and the Senate amendments concurred in by virtue of the statement of the gentleman from Illinois that the matter had been considered and unanimously recommended by the Committee on Public Lands. And I wish to state to the House that it had never been referred to the Committee on Public Lands, and the amendments had never been recommended by that committee.

A MEMBER. Where is the question of privilege?

Mr. LEWIS. The question of privilege, as I understand——

Mr. DAVIS, of Illinois. I do not understand that this presents any question of privilege.

The SPEAKER. The Chair does not think it does.

Mr. DAVIS, of Illinois. I ask that the gentleman have the courtesy to speak on this when my colleague [Mr. PAYSON] is present.

The SPEAKER. The Chair thinks that it does not involve any question of privilege.

Mr. LEWIS. I hope I may be allowed to make a statement as to why I think it is a question of privilege. The bill as amended by the Senate made important changes in the bill as it passed the House. The bill as it came back from the Senate contained important amendments, which had been adopted by the Senate and which had not been considered by the committee on Public Lands of the House.

The bill as amended by the Senate was never referred to the Committee on Public Lands. I state this to be a question of privilege, because if that bill passed by virtue of a statement that the amendments of the Senate had been recommended by the Public Lands Committee and that statement be not correct, as I say it is not——

Mr. ROWELL. I object, in the absence of my colleague [Mr. PAYSON], to having anybody under color of a question of personal privilege say that my colleague has stated what is not true.

Mr. LEWIS. I do not desire to take any advantage of the gentleman from Illinois. He was in his seat when I came into the House to-night.

Mr. SPRINGER. I hope this may go over until my colleague comes in. There must be some mistake about this matter.

Mr. LEWIS. I am perfectly willing to wait till he returns. I only desire——

Mr. DAVIS, of Illinois. I object to further remarks on that subject.

The SPEAKER. The Chair does not see that any matter of personal privilege is involved. A bill may be passed by the House upon an erroneous statement of fact or upon unsound argument, but no question of privilege is therefore involved.

Mr. TOWNSHEND. Still when a question of this kind is raised it would be fair to allow my colleague to be heard.

The SPEAKER. That is another matter.

Mr. LEWIS. I desire to be heard in this matter. I wish to call to the attention of the House——

Mr. DAVIS, of Illinois. I call for the regular order.

The SPEAKER. Objection is made.

Mr. TOWNSHEND. I hope this matter will be allowed to wait until my colleague appears.

The SPEAKER. The regular order has been demanded by several gentlemen.

ORDER OF BUSINESS.

Mr. THOMPSON. Mr. Speaker, I desire consent to take up and pass a little pension bill for the benefit of a poor widow. It has already passed the Senate. [Cries of "Regular order!"]

The SPEAKER. Objection is made.

Mr. THOMPSON. No gentleman has risen in his seat and objected.

The SPEAKER. The regular order is demanded.

Mr. THOMPSON. I am satisfied that if my proposition is understood no objection will be made. This bill is for the benefit of a poor widow who lives in the District of Columbia, and has no representative on this floor. I ask that the bill be read. It is Senate bill 1446. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded by a number of gentlemen.

Mr. THOMPSON. This is only a little pension bill for a poor widow who has no representative on this floor.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers.

ORDER OF BUSINESS.

Mr. JOHN S. WISE. The regular order has not been demanded with reference to the proposition that I wish to submit.

The SPEAKER *pro tempore*. The regular order cuts off everything. The gentleman from Kentucky is entitled to the floor if he desires to proceed.

Mr. WHITE, of Kentucky. I have yielded now as far as I can, I think——

Mr. THOMPSON. I ask to have the title of this bill read. I am satisfied that there will be no objection.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill if there be no objection.

The Clerk read as follows:

A bill (S. 1446) granting a pension to Mrs. Lew Gobright McFalls.

Mr. MILLER, of Pennsylvania. I hope the demand for the regular order will be withdrawn to let this bill be passed. I have one myself I want to ask unanimous consent for.

Mr. THOMPSON. I have never asked the passage of a pension bill [cries of "Regular order!"], and I hope no objection will be made to this.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, what is this bill which The Voice criticises in the article I have called attention to? I desire to read it for the information of the House. It is a joint resolution which I introduced on the 26th day of January, 1885, No. 319.

Mr. LORE. I make the point of order that the gentleman does not state a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Kentucky will proceed, and the Chair will determine whether or not he presents a question of privilege. So far the Chair thinks the gentleman has not done so.

Mr. WHITE, of Kentucky. This is a joint resolution which I introduced in the following terms:

Whereas it has transpired that the Commissioner of Internal Revenue and the present Secretary of the Treasury have, by unwarranted regulation, assumed to extend the bonded period for distilled spirits for two hundred and eight days, in direct violation of the action of the Forty-seventh and Forty-eighth Congresses; and

Whereas the tobacco tax is an unnecessary burden upon the people, and is a fraud, useful only upon our statute-books for the purposes of the tobacco monopolists; and

Whereas the present system of internal-revenue taxation is far less beneficial to the people than useful to continue a highly protected and infernal industry, manipulated by unscrupulous capitalists, who strive to corrupt Congress and to control the Government in the interest of their monopoly of the tobacco and whisky trade; and

Whereas there is no longer any guarantee that the laws in relation to internal revenue will be honestly executed, although $5,000,000 be annually appropriated for that purpose: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all acts or parts of acts concerning the superintendence of the assessment or collection of any duties or taxes imposed by any law providing internal revenue be, and the same are hereby, abolished from and after July 1, 1885.

Now, Mr. Speaker, on that resolution this paper arraigns me as having prepared a bill in the interest of the whisky-men. It is well known to the House, because for four years the question has been discussed, that there is a whisky lobby in Washington, that there is a whisky combination, reaching from the great lakes to the Gulf and from the Atlantic almost to the Pacific Ocean, in favor of reducing the tax on whisky and intoxicating liquors generally.

When that was proposed in the Forty-seventh Congress I opposed it because it was giving to the whisky monopoly every cent that the tax was reduced. If there were 100,000,000 of gallons in bond and the tax was reduced from 90 to 50 cents it was equivalent to giving to the whisky ring $40,000,000, and hence I opposed it. But, sir, when in the Forty-seventh Congress a modified bill came into this House asking for the extension of the bonded period for two years, or practically a loan of the money invested in the whisky in bond——

Mr. LORE. Mr. Speaker, I must insist upon the point of order that the gentleman does not state a question of privilege, and beg the Chair to pass upon it. There is nothing in what he has stated to show that his character as a Representative on this floor has been assailed.

Mr. WHITE, of Kentucky. I suppose we had as well settle the question here, and I submit to the ruling of the Chair. The Chair understands the point I have made, and I submit to the ruling of the Chair.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that the Chair does not think the criticism of a newspaper upon the character or manner of introducing a bill in the House of Representatives is that sort of an attack upon a member in his representative capacity that raises it to the dignity of a question of privilege under the rules of the House.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair, and I desire to be heard on the appeal.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. WHITE, of Kentucky. Mr. Speaker, this is a very serious matter not only to me, but it is rapidly becoming one to the whole country. More than 150,000 people broke loose from the strong attachments of the Democratic and Republican parties to enter their protest against the proceeding of both parties at the last annual election.

Mr. TUCKER. I submit, Mr. Speaker, that the gentleman is not addressing himself to the appeal.

The SPEAKER *pro tempore*. The gentleman is entitled to be heard on the appeal.

Mr. TUCKER. But he is not proceeding in order, I submit, by addressing himself to the question on which he appeals.

Mr. WHITE, of Kentucky. I have listened to the gentleman from Virginia many a time, and must confess I have always been disappointed, because he seldom sticks to the text himself, and he ought not to object to my using some discretion in this matter.

The question of order, as I understand, that has been raised is whether the article which I have read constitutes a question of personal privilege. I believe it does, for reasons which I have partially stated and which I propose to submit.

The SPEAKER *pro tempore*. Will the gentleman yield a moment to receive a message from the Senate?

Mr. WHITE, of Kentucky. Certainly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the Senate further insisted upon its amendments disagreed to by the House of Representatives to the bill making appropriations for the sundry civil expenses of the Government, and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. ALLISON, HALE, and BECK as conferees on the part of the Senate.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky. I would like to explain that when I introduced the first resolution in the Forty-fourth Congress to prohibit the sale of intoxicating liquors as a beverage, I was then persuaded, as I am now thoroughly convinced, that the use of alcoholic liquors as a beverage was simply to imbibe a poison; and as the law prohibits the sale of prussic acid, of arsenic, and other poisons except under regulation, that there should be some power to prohibit the sale of intoxicating liquors which is dragging down to death hundreds of thousands of strong, able-bodied, right-minded men every year and making widows and orphans, filling the poor-houses, filling the jails, filling the penitentiaries.

Mr. TULLY. I rise to a point of order that the gentleman is not discussing the question before the House.

Mr. WHITE, of Kentucky. The report on that bill I have had read from the Clerk's desk, that it was beneath the dignity of this House. Subsequently I introduced a bill for a commission on the subject of the alcoholic liquor traffic. It is as follows:

A bill to provide for a commission on the subject of the alcoholic liquor traffic:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of seven persons, not more than four of whom shall belong to the same political party nor be advocates of prohibition, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union.

SEC. 2. That the said commissioners shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding $10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and for this purpose the sum of $10,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. It shall be the further duty of said commissioners to report the result of their investigation, with such suggestions and recommendations as they may see fit to make, and the expenses attending the same, to the President, within eighteen months after the passage of this act, to be transmitted by him to Congress.

The report on that bill I hold in my hand. It was submitted by Mr. ENGLISH, and is as follows:

Mr. ENGLISH, from the Select Committee on Alcoholic Liquor Traffic, submitted the following report, to accompany bill H. R. 2142:

The committee to whom was referred the bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic beg leave to report the bill back to the House with a recommendation that it do not pass.

The power to regulate the retail liquor traffic has, from the foundation of the Union, been regarded as the exclusive right of the States rather than of the General Government. Attempts have been made by some of the States to entirely prohibit the manufacture or sale of spirituous or malt liquors, but with little apparent success, and the interests of true temperance and sobriety, so much to be desired, would seem to demand wise and stringent restrictions and effective safeguards in connection with the liquor traffic rather than impractical efforts at absolute prohibition.

To the several States of the Union properly belongs the right to enact such local police regulations as will throw every proper restriction around the liquor traffic compatible with the personal and property rights of the citizen, but uniform police regulations enacted by Congress practically suited to the different wants and requirements of the people of all the various States would be difficult to frame and more difficult to execute. Any attempt to control the personal habits and private conduct of the individual should be opposed, so long as he does not interfere with the personal rights of others or the peace and order of society in general.

As it is a matter of grave doubt whether Congress has the right to regulate the liquor traffic in the several States of the Union, and as there seems to be no great pressing or urgent necessity for the passage of this bill, your committee hold that it is not advisable to attempt the exercise of doubtful powers by the General Government in these matters which appear more properly to belong to the States themselves.

Your committee therefore recommend that the bill be reported back to the House with a recommendation that it do not pass, and they ask to be discharged from the further consideration of the subject.

Now, sir, from that report any one can see that the House, representing the American people, does not believe that it is a matter for the National Government to meddle with. Again, in the Democratic platform [cries of "Vote!"] was a protest against sumptuary laws, and a declaration that all laws interfering with individual liberty should not be passed.

ORDER OF BUSINESS.

Mr. REED, of Maine. I understand the Committee on Appropriations have a conference report ready, and I know the gentleman from Kentucky will yield for its presentation.

The SPEAKER *pro tempore*. The gentleman has stated he would yield at any time for any motion coming from the Committee on Appropriations.

Mr. REED, of Maine. I hope we will attend to the business before us.

The SPEAKER *pro tempore*. No gentleman on the Appropriations Committee has taken the floor.

Mr. REED, of Maine. I call the attention of the House to the fact.

Mr. HOLMAN. The gentleman having charge of the bill, the chairman of the Committee on Appropriations, will be in the Hall in a short time.

Mr. REED, of Maine. I do not think we should be kept here in this scandalous way.

Mr. HORR. The bill has been here for more than an hour, and if we are not to consider it, I move the House do now adjourn. It has been withheld for some reason I know not of.

Mr. REED, of Maine. The way the House has been treated on these appropriation bills has been entirely without precedent.

Mr. TOWNSHEND. I have the report of the conference committee. [Cries of "Let us have it!"] I have preferred the chairman of the Committee on Appropriations should be present in the House when it should be considered. I have waited for some time for his return to the House. He has been busily engaged in a conference committee and has not been able to be here. I should prefer to wait until he comes here. [Cries of "Let us adjourn!"] If it is the demand of the House the bill shall be presented, I will yield to that desire. [Cries of "Present it!"]

Mr. MCMILLIN. I suggest to the gentleman it is within his discretion to call it up.

Mr. BINGHAM. It would be a wise discretion.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. Now, Mr. Speaker, having the concurrence of my colleague on the subcommittee, I present the report to the House.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments 16, 17, 18, 19, and 20 of the Senate to the bill (H. R. 8256) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have been unable to agree.

R. W. TOWNSHEND,
W. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
J. B. BECK,
Managers on the part of the Senate.

Mr. TOWNSHEND. The conference committee has been unable to agree upon either of the propositions on which the two Houses have dissented. I will say to the House now, frankly, that it does seem to me that we are brought face to face with the question as to whether this bill shall fail or whether we shall adopt the proposition submitted by the Senate, or whether some terms of compromise shall be submitted. We have been unable to agree upon any terms of compromise. I now desire to leave it to the House to decide the question as to what shall be done with regard to this bill. I yield the remainder of my time to my colleague, the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I am not able to agree fully with the views expressed by my friend from Illinois. I do not think the question is whether the House shall concur in the amendment of the Senate, the subsidy amendment, or whether this bill shall fail. The legislative powers of this Government are vested in two bodies—a House of Representatives and a Senate; and the question is presented whether the House shall recede from its disagreement or whether the Senate shall recede from its amendment, or whether this bill shall fail.

The general rule according to my experience—and I have had some experience on conference committees—has been that the House proposing a proposition, if it was resisted by the other, was the House that would recede. The party occupying the negative stands upon a different footing from the party that propounds the proposition. The rule of the Senate prohibits legislation upon an appropriation bill. The measure pending contains legislation.

It is a purely legislative provision, a provision that changes a very important provision of our statutes that has been in force for a great many years. It incorporates into our system of legislation touching postal matters a policy in violation of the fundamental principle on which our free institutions are founded.

There are therefore reasons why the House, knowing that men are amenable to the law of reason, may indulge the expectation that the usual result will follow in the case of this measure; first, that the Senate having propounded this proposition, and the House dissenting from it, will, according to the usual practice of legislative bodies, recede from its proposition; and secondly, that it will do so the more cheerfully because the proposition itself is in defiance of its own rules as well as in defiance of the rules of this House, being an independent legislative proposition upon an appropriation bill.

Mr. DINGLEY. I call the attention of the gentleman from Indiana to the fact that the very proposition now in controversy was ruled in order in this House by a chairman of the Committee of the Whole, and that his decision was sustained.

Mr. HOLMAN. And yet I indulge the belief that the distinguished gentleman who occupied the chair on that occasion, on reviewing that decision with opportunities for considering the precedents, would change that ruling. My friend does not attach, nor does any gentleman on this floor attach, any great importance to the action of the Committee of the Whole upon that ruling, as the first impulse on the part of the House or of the Committee of the Whole has always been to sustain the ruling of the officer occupying the chair, and more especially is that the case in the Committee of the Whole.

I therefore submit, Mr. Speaker, that the House may indulge the reasonable expectation that the usual course of legislation will take place with relation to this measure, and that it will be withdrawn by that legislative branch which has thought proper to present it when it is ascertained that it is not acceptable to the other branch of the legislative department. The interests of good legislation require it; the rules of parliamentary law as applied to the two branches require it; the rules of the Senate require it; the rules of the House of Representatives require it. If it was but an hour before the adjournment, within an hour of 12 o'clock to-morrow, gentlemen might entertain some apprehensions and might act upon the impulse and spur of the moment; but many hours will elapse before this Congress expires by the limitation of law, many votes can be taken, and many conferences can be had, and a just conclusion can be reached.

So I trust no gentleman will be induced to change his attitude upon this important question, the most important this House has been engaged upon in this or many preceding Congresses, under the impression that it involves in the least degree the question whether or not there shall be a called session of Congress, and I especially address gentlemen around me belonging to a great party whose great fundamental principle of equal and exact justice to all men is stricken down by this proposition, a proposition involving a principle of public policy that breaks into fragments the rock on which the great political party is founded which to-morrow, after a long period of time, becomes in a large degree responsible for the administration of this Government, and appeal to them to again reject this pernicious proposition and abide by the result.

Mr. BINGHAM. Then why did the gentleman report from the Committee on Appropriations a section almost exactly corresponding with this, and submit it to the House?

Mr. HOLMAN. I am not aware of having reported any such proposition as that pending.

Mr. HORR. We did report it, though.

Mr. BINGHAM. You reported an appropriation of $600,000 for this service on a lease of four years.

Mr. RANDALL. The House rejected that.

Mr. BINGHAM. Yes; but I am speaking of the Democratic committee, to which the gentleman from Indiana [Mr. HOLMAN] belongs.

Mr. HOLMAN. Excuse me, that because a majority of a committee of fifteen members, of which eight would constitute a majority, thought proper to report a given provision, that it must therefore be assumed that the provision was an expression of the Democratic sentiment, conceding that the majority of the committee was of that party, takes me by surprise; for a very small desertion from that majority would change the result, as it did in this instance. And, further, the gentleman from Pennsylvania [Mr. BINGHAM] ought to have observed, though perhaps it escaped his observation, that the moment that proposition came into the House the Democratic sentiment was instantly expressed by Democratic members of that committee, a sentiment which for nearly a century has been steadily asserted by that party of undying hostility to all forms of subsidy as the most odious form of class legislation, and that the measure so reported was promptly rejected by this House.

Mr. BINGHAM. By what majority?

Several other members also addressed Mr. HOLMAN.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Indiana [Mr. HOLMAN] if these interruptions are with his consent.

Mr. HOLMAN. I would of course prefer not to be interrupted, but will answer any questions.

The SPEAKER *pro tempore*. Then the Chair will undertake to see that the gentleman is not interrupted. The gentleman from Indiana [Mr. HOLMAN] will proceed.

Mr. HOLMAN. The proceedings of the committee-room of course can not be brought into debate. Mr. Speaker, I believe I have said about all that it is proper for me to say upon this occasion. I shall hold it to be a bad omen—and I know there can be but one response to that upon this side of the House—I shall hold it to be a bad omen if, when the great political party known throughout all its history as opposed to this class of legislation, on the eve of coming into power reverses its record and adopts the principle of subsidy—a principle which, prevailing in every government of Europe, has filled those lands with tears, poverty, and wretchedness, a policy which in all ages has brought misery upon mankind. The magnitude of the pending measure is not in the amount at stake but in the fatal principle involved.

Sir, the principle involved in this measure of subsidy caused the wretchedness in the Old World that drove our fathers to settle the forests of America, the oppression and injustice that gave courage to men and women to face the hardships and dangers of the New World rather than bear the wrongs of the Old. It is the principle on which monarchy is founded. The root of despotism and kingly institutions is found in this very principle of subsidy; and that a disciple of Jefferson, who saw in the equal rights of men the only guarantee of just government and human freedom—that a disciple of Jefferson should at the beginning of the second century of our Republic favor this monstrous principle of subsidy is beyond belief.

The teachings of that great apostle of freedom have ceased to speak to the hearts of men, if, in the American Congress, where his professed followers are in the majority, a principle like this, however disguised in form, however hidden by specious pretenses and obscure provisions, can command support. Sir, I trust no gentleman will be deceived, whatever attempts may be made to obscure it. This is a subsidy and not a mere compensation for services to be rendered; and if there have been expressions in approval of it by the great press of this country, the voice of the nation, they have escaped my observation.

Sir, I have had occasion twice already to refer to the progress of direct subsidy from the time when it made its first appearance in Congress within the last twenty-five years. It began with a small subsidy for the same avowed purpose as that expressed in this measure—the extension of commerce—of only $75,000 a year; then followed one of $150,000 a year; then a subsidy of half a million a year; then a half a million more a year to this Pacific Steamship Company, and then a sense of humiliation and shame fell upon this country—for the dishonor of Congress was the price of that subsidy! Such, sir, must be the current history of subsidy in this country whenever it is resorted to, from the fact that it is incompatible with the fundamental principles upon which republican institutions are founded and can only triumph in dishonor.

That such a measure can be carried through by the ordinary agencies of legislation can not be believed. Thirteen years ago, when less care than now was used as to the admission of strangers on the floor, this very Hall was, as it would be to-night in the absence of your severe rules, thronged with men who, in the name of commerce and the American flag, were demanding a subsidy of half a million a year in addition to half a million already granted for a period of ten years to a corporation now represented in your lobby. And, sir, your records show the dishonor that attended that measure; and the same pernicious, influences are sought to be brought to bear upon this Congress in its last hours to mar and blast its reputation.

I know, sir, I address a body of gentlemen, no one of whom can be

approached by the corrupt and seductive means then resorted to—influences which corrupt and pollute the fountains of law. But, gentlemen, the Forty-eighth Congress hastens to its close. In a few hours the knell of its existence will have been rung. We shall go to our homes; we shall meet our constituents; and I am confident that gentlemen returning to their constituents after having maintained here the principle of equal and exact justice to all men, the equal rights of all, and condemned the infamous policy which taxes all for the benefit of the few, will meet those constituents with clearer eyes, with a more confident front, with more manly self-respect and confidence than if they had permitted the seductive and delusive influences of the hour to control their sense of justice and voted for a measure which recognizes the right of Congress to give to the few the fruits of the labor of the many.

This is not in truth a just or important public measure, but a subsidy to plausible gentlemen who have the audacity to demand that which Congress has no right to grant—the promotion of their private fortunes at the expense of their fellow-citizens. Do you expect, gentlemen, that you will promote your carrying trade by these artificial means? I do not say your commerce, because your commerce increases every day and every hour. Did you increase your carrying trade by your first subsidy or your second or your third or your fourth, out of which, as shown before a committee of Congress, $750,000 was taken for corrupting the fountains of law in the American Congress?

At the very time when for the purpose as was claimed of promoting your carrying trade with China and Japan, you were paying a subsidy to this powerful corporation that now demands this subsidy, a line of steamships without subsidy was competing with it for the trade between your Pacific shores and the ports of China and Japan.

No, no, sir; never in the history of this country up to this hour has just and wise statesmanship imposed upon the whole people a charge and burden, advancing the fortunes of the few; and never can it be in the future while ours remains a government of the people. Never will it bring substantial benefit or advantage to the American people. It is the policy of Government which does not take from "the mouth of labor the bread it has earned" that give prosperity, strength, and true greatness to a Government like ours.

I trust, sir, that notwithstanding this measure comes upon us again at an unhappy hour—night is not a time for safe and prudent legislation—I trust, sir, that those who believe in the equal and just rights of men, who scorn the principle that the great mass of the people are born to toil that a few men may amass fortunes, will see to it that the corrupting and un-American principle of subsidy shall not obtain a triumph in this House. [Applause.]

Mr. TOWNSHEND. Mr. Speaker, how much time have I?

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). Thirty-five minutes.

Mr. TOWNSHEND. I reserve my time until gentlemen on the other side shall have been heard from.

Mr. HORR. I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. TOWNSHEND. I will call the previous question unless the gentleman——

Mr. HORR. The gentleman can not call the previous question while I have the floor.

The SPEAKER *pro tempore*. The gentleman from Michigan has the floor, and has not yielded. He moves that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. BAYNE. I rise to a parliamentary inquiry. Is it not essential that the report of the conference committee should be adopted before the motion of the gentleman from Michigan can be entertained?

The SPEAKER *pro tempore*. The committee of conference has simply reported disagreement; so that there is no report to adopt. The motion of the gentleman from Michigan is in order.

Mr. HORR. Mr. Speaker, I make this motion for the purpose of avoiding an extra session of the next Congress.

Mr. WILLIS. The Congress after the next Congress.

Mr. HORR. I did not understand what the gentleman said.

Mr. WILLIS. I said the Congress after the next Congress was the one I supposed you meant.

Mr. HORR. I meant what I said.

Mr. WILLIS. I withdraw my remark.

Mr. HORR. I do not want an extra session of the next Congress. The Senate conferees hold just this position: "Gentlemen," they say, "here is a measure that the Senate has repeatedly for five years adopted by large majorities. It is a proposition that came into the House from your Committee on Appropriations, who reported it after due deliberation as the thing needed for the country. It is true the House voted it down, but the Senate in its judgment repeated this year what it has done heretofore so many times, and put this provision on this bill."

Now they say they can not yield it. They have been yielding it so long that they think it is no more than fair the House should yield and adopt this plan for one year.

Mr. HEWITT, of Alabama. I do not wish to interrupt the gentleman, but I would like to ask him a question.

Mr. HORR. Very well.

Mr. HEWITT, of Alabama. Do I understand the gentleman to say that the Senate insists on this amendment?

Mr. HORR. I have said as much.

Mr. HEWITT, of Alabama. And that unless the House recedes the Senate will not make appropriation to carry on the postal system?

Mr. HORR. The gentleman knows that I have not stated any such thing.

Mr. HEWITT, of Alabama. Notwithstanding that, the amendment itself is in contravention of the rules of the Senate.

Mr. HORR. Mr. Speaker, it occurs to me, since this House has decided that it is proper on an appropriation bill, that it does not come with good grace from us to throw that matter into their faces.

But I was stating a fact. The Senate refused to yield, and I am very sorry the gentleman from Indiana should have talked here for half an hour in an appeal simply to the prejudice of the men here as politicians. This is not a political question that we are talking about. I call the attention of this House to the fact that I have not mentioned politics in this entire debate, and I can get at politics as quickly as any man in the world if you give me a live chance. [Laughter and applause.] But this is not a political question—it is a business question, pure and simple.

I have asked the gentleman from Indiana, and I now ask the gentleman from Pennsylvania—if he is here—to meet me on this one proposition. No man has yet answered it. This bill simply says that the incoming Democratic Postmaster-General may make such contracts with American vessels for carrying our foreign mails as he may now make with our coastwise vessels for carrying the mails on the coast.

Mr. BINGHAM. For one year only.

Mr. HORR. For one year only.

Mr. MORSE. Will the gentleman let me ask him a question?

Mr. HORR. Certainly.

Mr. MORSE. Does this apply to any particular line in this country now?

Mr. HORR. Certainly not.

Mr. MORSE. Then it is entirely optional with the Postmaster-General to use the appropriation or not as he may see proper.

Mr. HORR. Every dollar of it is left subject to his judgment. If he does not think the service demands that a contract should be made with any vessel or any route he need not make it.

And instead of my friend from Indiana arraigning Democrats here for voting on this thing, I say to you when you vote against this proposition you vote a lack of confidence in your own Postmaster-General, which does not come with good grace from you.

Mr. HOLMAN. Was not the subsidy to the Brazil line, to the Sandwich lines, the first subsidy to the Pacific Mail, and the second subsidy to the Pacific Mail left in like manner to the discretion of the Postmaster- General; and were they not regarded as no less subsidies on that account?

Mr. HORR. I am not compelled to answer that, because he assumes this is a subsidy. I deny it. It simply gives the Postmaster-General power——

Mr. HOLMAN rose.

Mr. HORR. Now wait. To let contracts by advertisements to the lowest bidder for carrying our mails on the high seas. There is no subsidy in that.

Mr. HOLMAN. Allow me to ask the gentleman a question.

Mr. HORR. Certainly.

Mr. HOLMAN. Was it not a subsidy to the Pacific Mail which lasted until 1882—a subsidy of $5,000,000?

Mr. HORR. What is the date?

Mr. HOLMAN. Begun in 1872 and ended in 1882. Was it not couched in the very same language as the proposition put by the Senate to this House?

Mr. HORR. Where was the trouble in those cases? Was it not in the officers executing the law? Can you not do better after all your experience, after all your years of hunger and thirst. [Laughter and applause.] Can not your Postmaster-General rise a little above such things? Have you learned nothing from your experience? Have you no confidence in your incoming Cabinet officers? But I want to go back to the original proposition. I have denied that this is a subsidy. It is a point you have not answered, and I have tried to get it answered in conference and out of conference, in season and out of season.

To-day you pay for carrying a letter 6,000 miles 2 cents, and you pay the same for carrying it 200 miles. Is that fair? Is it just? Will some one answer me that?

Mr. HOLMAN. My friend is too amiable to be severe. You pay under the 2-cent provision of sea postage the sum of $640 for every pound of freight carried. It is not astonishing, therefore, that the Postmaster-General said you are paying higher for this freight than any other.

Mr. HORR. I do not know what the gentleman is talking about. We pay no such price per pound. It is not a business that is paid by weight.

Mr. HOLMAN. Why not?

Mr. HORR. It is a mileage business. It is 2 cents for carrying a letter 6,000 miles, and 2 cents for carrying a letter 200 miles. I ask you, but you do not answer my question. Come, now, answer it. Is

it fair to give a ship no more for carrying our mails to China and Australia, a distance of 6,000 miles, than we pay from Boston to Halifax, a distance of 700 miles?

Mr. HOLMAN. You charge the same for transporting a letter of a citizen of New York to San Francisco as you would charge from Baltimore to Philadelphia.

Mr. HORR. Yes; but, my friend, you are unfortunate in your illustration. The question is not what the sender of the letter must pay, but it is this: What should the Government pay for carrying the letter? Should it not pay more for carrying a letter from New York to San Francisco than it does from Baltimore to Washington? The postage is the same in both cases, but not the price of carrying the mail.

Mr. HOLMAN. Yes; but if you give the vessel, whether it be American or foreign, the whole postage, is not that a fair pay for the service?

Mr. HORR. No, sir; that is a fair question but it answers itself, it seems to me. Such compensation is unfair for a long distance.

Mr. HOLMAN. Why?

Mr. HORR. I will try to explain it to the gentleman. If you give the man who carries the mail on your star route 300 or 500 or 1,000 miles just simply what the postage comes to, how many letters would be carried to your citizens throughout the United States over star routes, do you suppose? Can you answer me that? Do you think any would be carried? The distance traveled is the main thing.

Mr. HOLMAN. Did not the Postmaster-General answer that very well in his letter in 1864, under similar circumstances to this: that the larger portion of the mail carried, for which the vessel received the entire postage, was in matters pertaining to their own business?

Mr. HORR. Now, look at that for a moment; does not the gentleman know that the mail on every railroad in the United States, much of it, relates to business done right along the line of the roads?

Mr. BAYNE. Will the gentleman yield to me for a question?

Mr. HORR. Certainly.

Mr. BAYNE. If you have so much confidence in the incoming Postmaster-General, why not provide an appropriation of $500,000, or six or seven hundred thousand or a million of dollars, and let him make contracts with the lowest bidder for the ocean-mail service?

Mr. HORR. Why I have not expressed any of this alarming confidence in the incoming Postmaster-General. [Laughter.] I merely called upon the gentleman from Indiana to stand up for and stand by his own Postmaster-General, and the gentleman from Pennsylvania might probably stand with him. I do not claim any marvelous confidence in the coming man, but the gentleman from Indiana has no right to appeal here to Democrats to defeat this bill as Democrats, especially as the appropriation is to be expended under the administration of their own party.

Mr. HOLMAN. Now let me ask the gentleman another question?

The SPEAKER *pro tempore*. Does the gentleman from Michigan yield?

Mr. HORR. No; I will not yield any further, and such remarks would spoil any man's speech. [Laughter.]

Now, I do not wish to detain the House on this subject. I assert, and gentlemen on the other side do not answer it, that this is simply a proposition to pay proportionately by the mile for this service, just as we do in the star-route, in the railroad service, and the coastwise service, and as we ought to do on the ocean service for the work performed. And the Postmaster-General need not make a single contract with anybody under the terms of this bill if he does not get fair rates and if he does not think the service warrants such contract.

Now, what is the use of trying to higgle about this thing, or of lugging the cry of "politics" into it? This is simply a plain, business, common-sense proposition whether we shall stand by the vessels that carry the flag of our country, or stand by those that carry the flag of some other nation. This bill carries just the same—now mark it—the same amount of money for foreign ships as for American ships, and these American ships run within a little of precisely the same number of miles that the foreign ships do, and carry the mails over every single foot of the distance. It is a simple proposition to ask the people of this nation to do as well by themselves as they do for outsiders, and that is all there is in it.

For myself I am in favor of subsidies if need be to again set our flag afloat, but this is not a subsidy. I would have three times, ay, five times the amount in this bill if I could thereby once more put American ships on the highways of commerce and save to the people of this nation the $120,000,000 that we pay annually to foreign vessels for carrying our own products.

Mr. CLAY. But this would not do it.

Mr. HORR. This may not do it, but it is the entering-wedge; it looks to that result, and I trust may finally end in building up an American merchant marine that shall be worthy of this great American nation. [Applause.] And while we are trying to do it, instead of discussing it from a business standpoint our venerable friend from Indiana, with all of his experience, lugs in politics and tries to place you on that side of the House in a position of opposition to this measure proposed by the Senate by introducing something that does not apply to it at all—simply aims to defeat this bill by applying the party lash.

I have not appealed to my side of the House as Republicans; I appeal to both sides of this House as American citizens. And the American citizen is a higher title than any party name, is it not?

Mr. HOLMAN. I heard the same speech twelve years ago.

Mr. HORR. It was good then and is good now. I say, let us without reference to party stand by the interests of our own nation and provide for the prosperity of our own country. [Applause.] I yield ten minutes to the gentleman from Louisiana [Mr. ELLIS].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. ELLIS. For ten years I have consistently favored a measure like this. In ten minutes I can not speak adequately to its merits.

I desire, in the first place, to ask for information a question which has passed my lips frequently and has never been successfully answered yet. I ask, in what is this a subsidy more than that which you pay to your coastwise steamers, your inland transportation, your star routes, or your railroads? It is intended that your Postmaster-General shall, after advertisement, contract with American ship-owners to carry American mails in United States steamships. In what is it a subsidy? It is nothing in the world but a measure to give honest pay for honest service; it is that and nothing more.

Is it Democratic to say we shall take the services of these steamships for nothing? Ah! that is the policy of the gentleman from Indiana [Mr. HOLMAN]. He would revive that infamous law by which once the private property of citizens was confiscated for public use without due compensation. Now, sir, he has endeavored to crack the party lash. It has no terrors for me. Every time it is cracked I feel more and more determined to go on in my course independent of it. But I tell the gentleman from Indiana that Democrats who were Democrats before ever he was thought of for public life, who when he was a school-boy shaped and controlled the Democratic policy of the country, were in favor of measures akin to this. Shall I read what they say? I hold in my hand a collation of Democratic authorities. Was James K. Polk, of Tennessee, a Democrat? Listen to what he said:

> The enlightened policy by which rapid communication with the various distant parts of the globe is established by means of American-built sea steamers would find an ample reward in the increase of commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice—and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them, over and above the postages received.

That is from President Polk's annual message of December 7, 1847. Again, sir, I quote from the same authority:

> Our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products.
>
> The contracts for the transportation of the mail in steamships convertible into war steamers promise to realize all the benefits of our commerce and to the Navy which were anticipated. The first steamer thus secured to the Government was launched in January, 1847. There are now seven, and in another year there will probably be not less than seventeen afloat. While this great national advantage is secured our social and commercial intercourse is increased and promoted with Germany, Great Britain, and other parts of Europe.

That is from President Polk's annual message of December 5, 1848.

Now, I will quote from Senator Bayard, the father of the distinguished gentleman who is now at the other end of the Capitol. He said:

> I am willing to trust American skill and industry in competition with any people on the globe, when they stand nation to nation, without Government interference. But if the treasury of a foreign nation is poured into the lap of individuals for the purpose of destroying the interests of my country, or for building up a commercial marine at the expense of the commerce and prosperity of the United States, I, for one, will count no cost in countervailing such governmental action on the part of Great Britain or any foreign power.

Was Senator Badger, of North Carolina, a Democrat? Here is what he said on the question of the Collins subsidy. He said the question was one of "controlling importance;" it is a "mighty, peaceful, and important contest between the United States and Great Britain for supremacy;" and that "the question whether we would voluntarily surrender that which, to obtain and perpetuate, Great Britain would, without hesitation, sacrifice one hundred times the amount of money involved." I have not time to quote him further.

Was Lewis Cass a Democrat? He said:

> Well, sir, it is a question of protection—of high and important and holy protection—in the best sense of the term; the protection of our country, of our patriotic seamen, of our commerce, of our interests, of our honor, of our soil, of all that gives dignity and character to nations; protection against defeat, disgrace, and dishonor.
>
> This kind of protection to our commerce is as effectual as the protection afforded by expensive naval armaments.

Humphrey Marshall, of Kentucky, said he would vote for a subsidy to a line of mail steamers "to maintain a nursery for our Navy" and "to maintain a competition with the British lines."

Senator James C. Jones, of Tennessee, than whom Tennessee has hardly produced a more brilliant statesman, said:

> I should regard it as a national misfortune if the enterprise should fail. * * * I am willing to vote large and liberal allowance.

I might go on and accumulate authority after authority to show that the position assumed by the gentleman from Indiana is not Democracy, unless it be that latter kind of Democracy which seems to have no eyes for anything except a niggardly, pseudo, so-called economy. [Applause.]

Then, sir, why should we not treat these two vessels alike? Here are two vessels at a wharf in New York city, both built of iron, both built upon the same lines, with the same angles, both the same in power, both the same in registry, the same in armament—alike in everything—both American ships. One of them is engaged in the coastwise trade, and with her you contract for the carriage of your mails as you do with a steamboat in the inland mail service; you pay her upon an average 69 cents a mile; she is greeted often by a friendly port; there is no mark of hardship upon her; you protect her in a monopoly of the coastwise trade, and in addition you pay her a liberal compensation for the postal service she performs.

[Here the hammer fell.]

On motion of Mr. KING the time of Mr. ELLIS was extended, by unanimous consent, for five minutes.

Mr. ELLIS. Mr. Speaker, I was contrasting the treatment that we give to these two twin vessels of which I was speaking, both alike, both American ships bearing the American flag, both registered under the American customs laws.

I have shown you what we do with the one; but the other, what have we done with her for forty years? We have taken her absolutely for our public service without just compensation. It was the action of a Democratic Congress which repealed last spring the infamous law by which that was done. That law was repealed in the expectation that at this session we would take some action looking to adequate payment for this character of mail service. That ship goes across the ocean. It is she that brings in the imports from which you raise your revenue; it is she that goes abroad to find a foreign market for your ore products and all your surplus products. Oh, I wish that the gentleman from Pennsylvania [Mr. BAYNE] could get the soot and the dust out of his eyes and could climb up onto some high peak of the Alleghanies and look out upon the clear glistening ocean and upon the dark continents that rise out of it, and upon the multitudes there that wait for all that our factories can turn out, for our products of every kind that we can spare.

Oh, if you had control of those foreign markets! And you will achieve it if you put an American merchant marine upon the ocean; you will achieve it if you send American newspapers, American drummers, American merchants into those foreign lands. And if that were accomplished there would be no more strikes in our country, no more labor crises in Pittsburgh, but the smoke-clouds would hang perpetually over her and her fires of industry would never go out.

I trust that an enlightened public spirit, an enlightened public policy will prevail. I trust that this House will no longer quibble over this amendment. I trust that each man here feels entirely competent to take care of his own honor, without any suggestion from the gentleman from Indiana [Mr. HOLMAN].

Feeling thus, and acting in a broad and public-spirited way, you can not fail to take this policy which, if adopted, I believe will once more whiten every sea and gladden every continent with your sails and your flag, and bring to this country the greatest prosperity she has ever known. [Applause.]

Mr. HORR. I yield five minutes to the gentleman from Maryland [Mr. FINDLAY].

Mr. FINDLAY. Mr. Speaker, I dislike very much to follow what the gentleman from Louisiana has so eloquently said by an anecdote, but when I hear this talk about "subsidy," which, in my humble opinion, has nothing whatever to do with this case, and which strikes me as positively absurd, I am reminded of an anecdote related in the correspondence of Mrs. Carlyle. She tells a story of an old Scotch preacher who in a time of great rains in Scotland was prevailed upon to pray for a change. In the midst of his prayer for dry weather, and just as he had reached the most fervent part of it, there came a tremendous downpour of rain upon the roof of the church, threatening a deluge, and he burst out with the exclamation, "O Lord, this is too ridiculous!" Here is a plain business proposition before the House, and it should be so considered. It is a very easy thing to bandy epithets, to call hard names, and to impute false and dishonorable motives; but all that can not change the law or the facts of this case.

Yonder stately shaft which we have just completed to the spotless memory of the Father of his Country may in a short time have mud balls thrown at it by small boys or be otherwise disfigured; but the sturdy structure stands in secure repose upon its impregnable foundations. So it is with the law and the facts in this case. You can not change them. What is the law? We have abolished the compulsory feature, or it will cease to be operative on the 1st of April next. That is gone. The contractual feature remains. The Postmaster-General may contract to-day. But unfortunately there has been a limit fixed as to the compensation which he can award for this service. That limit is the sea and inland postage. Now, is that enough? That is the first question which we must meet. It has been shown time and again before our committee on shipping that it actually cost the Pacific Mail Steamship Company more money to transport the mail at Aspinwall to the post-office than it earned through the whole route. This, I say, is not fair.

Now, what is this provision? Is it to pay 50 cents per nautical mile? Is it to give what my friend from Indiana calls an arbitrary subsidy? No, sir; 50 cents a mile is a limit fixed, within which the Postmaster-General may contract, awarding the contract for the service to the lowest bidder. Is that a subsidy?

My friends are frightened at the word "subsidy." Do they know the origin of the term? Mr. Speaker, the old subsidium represented the third line of the Roman army in battle array; it was the reserve. And all I have to say is that you may put upon me the broad arrow-mark of a subsidist, if it is necessary in this sad day of the decadence of our commercial marine to call out all our reserves to put the flag where she can again chase her dancing shadow o'er forgotten seas. [Applause.]

Mr. HORR. I now yield five minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. Mr. Speaker, think of the new definition which the gentleman from Indiana [Mr. HOLMAN] has given of Democracy! But he has been met by my colleague [Mr. ELLIS], who has confronted him with a few eminent names of persons representing an opposite position. I might multiply them, Washington, Jefferson, Madison; in later times, Mr. King of Georgia, Mr. Polk of Tennessee, Mr. Soulé, Mr. Cass, Mr. Bayard, Mr. Badger. Without being guilty of disrespect, in a debate where we find ourselves opposed to the gentleman from Indiana, we might be satisfied to oppose these authorities to his individual view. We might, indeed, be excused if we were indignant with him. Fortunately for me, I venture to say, I am accustomed to consider questions without reference to appeals to prejudice. Fortunately for me, allow me to add, I am accustomed to be considered above all association with prejudices in matters which I undertake to discuss.

Mr. Speaker, I submit that it is unworthy of the topic which is before the House, unworthy of the House, unworthy of the gentleman from Indiana, unworthy of the public policy under consideration, to resort as the gentleman has to mere generalities and declamations concerning Democracy, and to appeals to prejudice without reference to any facts upon which to stand.

What is the truth here? Instead of taking the money of the many to enrich the few, as the gentleman wrongfully insists is the case, it is proposed out of the net revenues of the Post-Office Department arising from foreign-mail service to maintain and carry on for the benefit of the people that same service; out of the moneys so earned to take a part only to support the service; to unify the system upon which the postal service of the country is conducted; to put the service on the ocean somewhat upon a footing of equality with the service on land; to say to the man who embarks his capital in steamships, who risks the perils of the sea, who is willing to carry the flag of his country into foreign ports, to be the medium of communication between merchant and merchant—to say to him that he shall receive a portion out of the net revenues thus realized. Is not this doing what is honest? Is not this doing what is right? Is not this applying to the foreign-mail service the same principle which we are constantly and familiarly applying to the service on the land?

In addition to the considerations which have been addressed to the House, we are able to point to the experience of all mankind who have resorted to the encouragement of steam navigation upon the seas. The postal ship, Mr. Speaker, is the herald of civilization, because she is the means by which correspondence between foreign countries is conducted, because by that correspondence contractual relations are brought about, and by means of those contractual relations national wealth and maritime defense and national glory are prospered.

[Here the hammer fell.]

Mr. HORR. I now yield for five minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. KEIFER. As this debate is going to run along for some time I suggest that the gentleman from Texas, who has a conference report to submit, should be allowed to do so, so the bill may go to the enrolling clerks.

Mr. HORR. But not to be taken out of my time.

Mr. KEIFER. No; it will not be taken out of the gentleman's time.

FORTIFICATION APPROPRIATION BILL.

Mr. HANCOCK. I submit the following privileged report.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 8279, making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, and 6, and agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate

numbered 3, and agree to the same with an amendment as follows: In lieu of the said amendment insert the following: "And for the necessary and proper expenses of the said board and for the compensation of two civilians at $10 per day while so employed in the discharge of said duties the sum of $40,000, to be immediately available, is hereby appropriated; and the report of said board shall be transmitted to Congress by the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For the construction of testing experimental wagon-carriages, for the purchase or manufacture of a multicharge gun and testing the same for;" and the Senate agree to the same.

JOHN HANCOCK,
WILLIAM H. FORNEY,
W. D. WASHBURN,
Managers on the part of the House.

H. L. DAWES,
F. M. COCKRELL,
P. B. PLUMB,
Managers on the part of the Senate.

Mr. HANCOCK. I move the adoption of the conference report.

The report was adopted.

Mr. HANCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. HORR. I now yield to the gentleman from Virginia [Mr. JOHN S. WISE] for five minutes.

Mr. JOHN S. WISE. Mr. Speaker, at a later hour of this day we shall hear from the President-elect of the United States, but I do not believe that in all he will utter words of greater wisdom or of more earnest truth will fall from his lips than those which I read to-night from him as pertinent to the subject now under discussion.

A MEMBER. By whom?

Mr. JOHN S. WISE. Mr. Grover Cleveland, President of the United States.

In 1840 American vessels carried 82.9 per cent. of all our exports and imports; in 1860, 72.5; in 1869, 66.5; in 1870, 35.6; in 1880, 17.4; in 1882, 15.5.

The citizen of New York, looking beyond his State and all her efforts in the interest of commerce and national growth, will naturally inquire concerning the causes of this decadence of American shipping.

While he sternly demands of his home government the exact limitation of taxation by the needs of the State, he will challenge the policy that accumulates millions of useless and unnecessary surplus in the national Treasury, which has been not less a tax because it was indirectly but surely added to the cost of the people's life.

Mr. Speaker, I propose for a few moments to address myself to the proposition there discussed of building up American commerce by the disposition of some of that accumulated surplus.

Thirty-eight years ago I was born in Rio Janeiro and to-day reside in the city of Richmond, Va. It so happened that when thirty-eight years ago I first saw the light it was while the United States of America was enjoying that South American trade, and to-day the little remnant of it that is left to us is in great part in the city of Richmond.

Year by year the commerce of the United States with the South American continent has decayed. Year by year it has been driven from the markets of the world. Year by year the splendid flag which once floated from the peak of those bounding greyhounds of the sea, the American clippers, has been driven from the seas by the superior wisdom and superior push of other nations.

To-day the problem in the United States is how shall we revive the lost commerce and maritime importance of the United States, where shall we find a market for American productions; and the conclusion of those who have considered that subject are almost unanimous that the only hope of American manufactures is in the re-establishment of our trade relations with the South American continent.

This bill proposes not a subsidy. I wish to God it did. If I were autocrat of the destinies of American trade and commerce I would build the ships at Government expense, load them with the productions of American citizens, and if need be even give them to the American sailor who would sail the vessel bearing our flag and sell the products of American toil abroad until we had driven Great Britain from the land that God made our natural market, with its trade-winds blowing and currents of the sea flowing with all advantages in our favor. [Applause.]

But this bill does no such thing as that. It is in no sense a subsidy. Look at it as you will, it is but honest pay for honest work. It is true it makes a slight discrimination in favor of the American ship, as a carrier of our mails, as against the British, but even that is insignificant as compared with Great Britain's well-known rule, that no mail-bag from her territory anywhere shall ever lie upon the deck of any but a British ship.

When we consider the history of our languishing commerce the men in whose favor this discrimination is made appeal most strongly to our sympathy and sense of simple justice.

Through thirty years of seemingly studied strangling of our commerce by the policy that has been pursued, there have yet remained Americans who refused to forget the glorious days of the McKays, when the Stars and Stripes crossed the equator oftener than the St. Andrew's cross. Through thirty years of neglect of our merchant marine there have yet remained Americans who loved the old stories of the days when we challenged the supremacy of Great Britain on the high seas, who still thrilled with Perry's immortal words, "We have met the enemy and they are ours," or loved to dream of the old Constitution frigate and the legend of her glorious victory when—

The Guerriere frigate bold
On the foaming ocean rolled,
Commanded by proud Dacres so grandy, O,
With as choice a British crew
As a rammer ever drew,
They could lick the tars of France neat and handy, O;
But they never found their match
Till the Yankees they did catch,
For the Yankee boy for fighting is the dandy, O.

[Applause.]

Yes, through all these years the spirit which gave us these and a host of other splendid naval episodes in our early history has refused to be quenched. To the pushing energy of the American merchant—the hope of our maritime ascendency—which naturally turns him to the high seas seeking market for his goods, and which refuses to yield to neglect, folly, or adverse legislation, and to an honored few of our enterprising men of wealth, who know and feel how indispensable is our merchant marine to our future greatness in the markets of the world, is due the small fragment of bottomry and foreign commerce still left to us.

I say, Mr. Speaker, there have been men who believed in the ultimate supremacy of American commerce, who never despaired of the future of American commerce, and who through all these years have clung to the hope of renewed prosperity to American commerce and the shipping trade; and this bill proposes but a step, a proper step, in the direction of assisting them not by subsidy but by offering honest compensation for the honest work performed by patriotic American citizens. God grant that this Congress, which has done so little for the country in the way of positive legislation, may not do our own citizens this great wrong and by negation drive our last lingering hope of a merchant marine from the high seas with cold neglect while ample pay is provided in this very bill for like service by the ships of other nations. [Applause.]

[Here the hammer fell.]

Mr. HORR. I now yield five minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Speaker, this is not a political question in any sense of the word. It is purely an economic question, and I do not believe that any one will be terrified by the cry of "subsidy" that gentlemen are disposed to raise in this debate.

If it were a subsidy pure and outright the time has been when Americans even were not scared by the word. It may have been corruptly used, and every honest American rebels at corruption; but by subsidy properly used our American commerce in the past has risen to equal and excel that of the greatest commercial nations of the earth, and no American citizen had reason to hang his head or be ashamed.

Under subsidy we had a line of steamers that once floated upon the Atlantic under the flag of this country—the Collins line—and I well remember how every American's heart beat proudly as we read in the bulletins from time to time that the Collins line of steamers was the pride of the ocean. That was a subsidized line.

To-day, sir, in Philadelphia, right in the very city of my friend, the chairman of the Committee on Appropriations, the only line of American steamers that was owned by Americans and run by Americans has taken the American flag from her mast, and to-day floats the Belgian flag, and is subsidized by the Belgian Government.

Then, if it were a pure subsidy I would not be afraid. The time has come when the American people should not be scared by a shadow of past corruption summoned from the dead past by the able member from Indiana [Mr. HOLMAN].

Our merchant marine is a thing of the past and a dream of the future. It has no existence to-day, but we mean as far as we can to take the initiative steps to again rebuild that proud marine. This is a step in the right direction. The proposition before the House is not to subsidize these steamship lines, but to pay an honest compensation for the honest labor they perform. The labor performed is comparable, as stated by the member from South Carolina [Mr. TILLMAN], to the labor of transportation upon your star routes. Would you discontinue the service on every little postal star-route line throughout the country because of the star-route frauds?

Can we not distinguish between fraud and the just and honest application of an appropriation to the needs of a great service, while at the same time we are taking a step in the direction of progress? One promotes industry and builds up the marine; the other dwarfs not only the enterprise, but it degrades the man who is engaged in it. Now let us pay to these vessels, as we pay to the little star routes, a fair equivalent for the services rendered.

The Committee on American Ship-building and Ship-owning Interests, of which I have the honor to be a member, have carefully and honestly considered this matter, not only during this session but in the last session of Congress, in all of its phases. On that consideration we were unanimously of opinion that it was wise and beneficial. It was introduced in the appropriation bill presented by the Committee on Appropriations. And let me say that this is one of the means which will

enable us again to float our vessels on every ocean and in every sea, manned by American tars the equals of any in the world. [Applause.]

Mr. HORR. I reserve the balance of my time until I hear from gentlemen on the other side, having the affirmative of the proposition.

Mr. TOWNSHEND. I desire to know whether the gentleman has the conclusion. I think the discussion is proceeding under a motion I myself made, and I wish to have it stated.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that when he took the floor he made no motion.

Mr. TOWNSHEND. I supposed I had made a motion. It was my intention to do so.

Mr. HORR. I was speaking on my own motion.

The SPEAKER *pro tempore*. The motion of the gentleman from Michigan is the only one pending.

Mr. TOWNSHEND. It was my intention to move to further insist. But does the motion of the gentleman give him the right to close the debate?

The SPEAKER *pro tempore*. The gentleman from Michigan has the only pending motion.

Mr. TOWNSHEND. I yield five minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, I deem it fortunate that the advocates of this measure, thrust upon the House by the Senate, have pursued the line of debate that has characterized them this afternoon. The gentleman from Virginia [Mr. JOHN S. WISE] is so much in favor of subsidy that while he claims that this is not a subsidy, he wishes to God it was one. He would thank the Lord if he could get hold of a subsidy with a little firmer grip. The gentleman from Michigan [Mr. HORR] says that he is in favor of subsidy. And the gentleman from Maryland [Mr. FINDLAY], if I understood him correctly, thinks that he would not back off from it much if it would accomplish certain results.

Mr. FINDLAY. That is true.

Mr. MCMILLIN. The gentleman says that is true.

Mr. FINDLAY. Perfectly so.

Mr. MCMILLIN. Then we have the whole of the advocacy of this bill emanating from those who say subsidy is right. There is the issue, led on by the gentleman from Michigan who advocates subsidy, justifies subsidy, and the gentleman from Virginia who would thank God if it were more of a subsidy. The issue is squarely presented and gentlemen can meet it as they wish. For one, I do not follow any such lead.

The gentleman from Michigan says he is in favor of passing this because he is in fear of an extra session. In fear of an extra session! That great trepidation and horror seized him long ago; for the very first hour this subsidy made its appearance in this Hall he was one of its earliest and warmest advocates.

Others say they want it in order to build up a merchant marine. Who ever saw the marine of a country made great out of its public treasury? And who here will claim that even if that particular branch of the service could be made great it would be right to rob the widows, the orphans, and the laborers of the land in order to enrich the few who were able to build vessels for the sea?

I remember to have heard the gentleman from Michigan here declaiming most loudly and eloquently against general legislation on an appropriation bill. But when it comes in a form at least questionable if not a subsidy, he can gulp it down without any trouble. It gives him no difficulty to swallow it at all even on an appropriation bill; and we see him turning about-face on the subject of general legislation on appropriation bills.

Now the question is, shall we, because but a few hours more remain of the session, permit the Senate to dictate on an appropriation bill an appropriation of between half a million and a million dollars in a provision which is new legislation? For one, I say no. If it is meritorious, let it come up on its merits. Let us not be terrified into this. If you are terrified into this to-day you may expect to be so to-morrow in something else, the next session in another thing, and it will not be long before the Senate can dictate to the representatives elected directly by the people what shall be appropriated and how the law shall be changed on general appropriation bills.

Mr. TOWNSHEND. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I think I have said as much as I intended to say on this subject. We have listened to eloquent speeches; we have heard appeals made to our sentiment as Americans; we have heard appeals made to our desire that American commerce shall be extended and that the ocean shall be whitened with our sails; that we shall have a merchant marine that shall equal that of England. All these appeals have been applauded. I am as much an American as any man living, and it is because I am an American that I do not want my Government to enter on that which will sooner or later corrupt the very halls of its legislation.

There is an easy solution of all this, and it is this: Give to the Postmaster-General $500,000 or $600,000 and tell him to make his contracts with the lowest bidders for carrying the American mails. That is an easy solution of all this. But gentlemen are not willing to do it in that way. They say we must make contracts with certain ship-owners, and we must pay them 50 cents a mile unless some other American ship-owner shall come in and bid under them. And the contention is that we shall give power to the Postmaster-General to make the contracts in that way. And yet gentlemen have got up on the floor and denied that this was a subsidy; they have claimed that it was not a subsidy at all. Why this persistence in pushing and pressing this measure unless it means more than a bare compensation?

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. BAYNE. I do not yield. There is more in this than the payment of a fair compensation for the service rendered. It provides a subsidy.

Mr. BOUTELLE. Something more! Where?

Mr. BAYNE. If it did no more than to provide a compensation gentlemen would not so persistently insist upon it. It does more, it introduces the policy of subsidising our merchant marine.

Resistance is shown in favor of this measure, and at the same time it is claimed that it is not a subsidy, that it is but a compensation; and yet in the face of these facts gentlemen are not willing to give to the Postmaster-General $400,000 or $500,000 or $600,000 and to say to him, "Make your contracts for carrying the mails on the ocean, and let the contracts out to the lowest responsible bidders." That discloses the fact that a bounty is to be given, which to my mind is a bad policy for our Government to enter on.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MCADOO. Mr. Speaker, following up the illustration of the gentleman from Maryland [Mr. FINDLAY] with another, let me say that the speculations upon this floor as to what this provision is and whether it is a subsidy or not remind me of Mark Twain's story of the jumping frog. When the stranger first saw the jumping frog he said to the owner of it: "What might that be?" The owner of the frog replied: "It might be a canary; it might be 'most anything, but 'taint; it's a frog." So, sir, it seems to me that all this speculation as to whether this is a subsidy or whether it is a provision for fair and reasonable competition or simply pay for services rendered ends simply in this, that it might be anything, but, as its opponents charge, it is a subsidy; and, as a member of the political party in ascendency on this floor, I protest against what I consider the misrepresentation of illustrious names in our political history when they are cited here as advocates of the idea of subsidy. Not one word can be found in the speeches or writings of those illustrious men which can even be twisted to show that they favored the principle of subsidy.

Mr. ELLIS. Does not the gentleman know that the Collins line was sustained by a subsidy under Democratic legislation?

Mr. MCADOO. I can not yield now. My time will not permit it. Mr. Speaker, I have read the elaborate report of the distinguished Georgian [Mr. King] in the Twenty-ninth Congress, and I say to this House that in that report he was simply following out the line of thought of those illustrious statesmen who desired to build up a quasi navy in the then condition and style of war vessels, not to subsidize any commercial lines. Sir, I thought it was a most unfortunate thing for the advocates of this measure to take as illustrations of the benefits of subsidy the Collins line and the line to Brazil. The history of the subsidies to those lines shows this: that you never can, by artificial stimulus, build up American commerce. Our situation and conditions are unfavorable to such a policy. It is in opposition to the genius of our institutions.

Mr. SPRINGER. That is so.

Mr. MCADOO. You stimulated the Collins line with a subsidy, and when you withdrew that stimulus the patient receded into decay and death. France and England give subsidies. Their governments, unlike ours, are not wrenched and strained in principle by so doing. Moreover, their commerce so subsidized has a healthy normal life of its own. It does not exist on the stimulant alone. With them subsidy is correct in principle, and a natural home protection to their own interests.

When you subsidized the Brazilian line you did not add a dollar nor a pound to the value of your commercial relations with that country, and when the stimulus was withdrawn that line went down. American commerce will be built up, but it will never be built up by great public donations from the public Treasury. Mr. Speaker, in the short time allowed me I want to say this additional word. I hope this amendment will not be agreed to. The dignity of this House, which has protested by its vote on two several occasions against this amendment, is at stake. And, as a member of the political party on this side of the House, I would rather see a dozen extra sessions than to yield this the greatest principle that has been brought before the Forty-eighth Congress.

What is the distinguishing feature between government in the old world and government in the new? The great Jeffersonian idea, which the illustrious gentleman from Indiana [Mr. HOLMAN] has so eloquently spoken of, is that government is an umpire to see fair play between individuals while they compete on their merits. The old monarchical idea, whose practical fruits some of us so painfully remem-

ber, is to have a powerful and paternal government—subsidies for the few, that they may be enriched by the toil, the suffering, and the degradation of the many. Gentlemen have grown eloquent about the American flag being carried into foreign lands by subsidized vessels. It will not be a work of national honor, but, on the contrary, it will be a black stain upon our bright-hued flag when it is hoisted over vessels subsidized with the people's money drawn from the people's taxes, and used to enrich the few who may be the beneficiaries. [Applause.]

Mr. TOWNSHEND. I yield five minutes to the gentleman from Kentucky [Mr. CLAY].

Mr. CLAY. Mr. Speaker, the proposition we are to consider is whether the House shall concur in an amendment of the Senate which has been placed upon this bill in contravention of the rules of that body and against the will of this House. By the action of the House this subsidy clause was stricken from this bill. By the action of the Senate, contrary to the rules of that body, it was again put in the bill, and we are now called upon to pass upon that amendment made by the Senate.

Mr. Speaker, I appreciate the sentiment which has been uttered here by several gentlemen who have spoken in favor of this amendment—that it would be a matter of patriotic pride that the flag of our country should be saluted upon every sea. But, sir, no amount of subsidy can make that flag float free upon the ocean. The commerce of our country is bound hand and foot by a different idea, which has actuated our Government in its policy for many years—the principle of the tariff, which has prevented, and still prevents, free trade upon the seas. The proposition here is to give to the Postmaster-General the right to contract with American vessels for the carriage of our foreign mails, and those vessels are not to be paid merely for the services they render, but, as the gentleman from Indiana [Mr. HOLMAN] has stated, they are to receive a subsidy—the amount of money over and above what is earned in the line of service. To that I am opposed; against that I enter my protest; and if I were a conferee of the House, extra session or no extra session, I would oppose it until the clock struck the hour of 12 noon to-morrow.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Speaker, I have no desire to add anything to what I have said to-day upon this subject. There remain to me fifteen minutes, which I am disposed to donate to the House, recognizing its impatience for a vote. [Cries of "Vote!" "Vote!"] I will say in justice to the gentleman from Michigan [Mr. HORR] that he has ten minutes left; and I have no disposition to cut him off. [Cries of "Vote!" "Vote!"]

Mr. HORR. So far as I am concerned I would be willing to vote; but I promised five minutes to the gentleman from New York [Mr. DORSHEIMER].

Mr. TOWNSHEND. Will my friend from Michigan allow me at the suggestion of a colleague to make this statement: Some one has said this bill does not carry any appropriation for foreign-mail service. We have an appropriation in the bill as it left the House of $425,000 for foreign-mail service.

Mr. HORR. I yield five minutes to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Speaker, in the observations I made this afternoon I suggested it was possible that the service which has been performed between San Francisco and China and Japan could not be performed for the compensation which is now afforded to the Pacific Mail Steamship Company.

The distinguished gentleman from Indiana [Mr. HOLMAN] congratulated this House upon the circumstance (to use substantially his own language) that the country was not dependent upon the will of that steamship company; that there were competitors there ready to perform this service. Now let me say that the ocean service between San Francisco and Asia is performed alternately by two steamship lines, one American and the other an English line. The existing service can not be performed if the American line should refuse to carry the mails, unless the English line should double the number of its vessels now engaged upon the route. Does the gentleman from Indiana suppose that for $3,000 a year the owners of the English line would double their service? And if they would double their service, then I ask how long have we to listen to arguments addressed to this House based upon the idea that foreign countries are willing to perform a part of the functions of our Government? If that argument is to be addressed here——

Mr. HOLMAN rose.

Mr. DORSHEIMER. Do not interrupt me. If that argument is to be addressed here, I commend it to the economist of Indiana that he may address himself to a topic worthy of his genius, and in which a substantial saving might be made. I have no doubt that if we made the proposition to England to-morrow she would do the naval service of this country. I have no doubt that if we were to say to England to-morrow, "Come to us and perform our naval service or the service of our Army," England would only be too glad to do both. That would be a saving indeed. The economist from Indiana might then go to his constituents with bright plumes in his helmet, for he could say, "We have delivered the United States from a taxation of $50,000,000 by persuading the foreigner to furnish us our armies and our navies." [Applause.]

[Here the hammer fell.]

Mr. HORR. I desire to add a word in relation to the question asked by the gentleman from Illinois [Mr. TOWNSHEND] whether there is not already in this bill money for foreign-mail service. Of course there is; but $325,000 of it goes to foreign ships, and only $55,000 to American bottoms.

Mr. HUNT. That is economy, I suppose.

Mr. TOWNSHEND. Is not that the full estimate of the Department?

Mr. HORR. That is the full estimate. But the gentleman seems to think that it is all right to confine this appropriation in such a way that we pay the bulk of it to other nations.

Now I want to say a word to the gentleman from Pennsylvania [Mr. BAYNE]. He attacks the honor and integrity of men on this floor because, forsooth, we are in favor of some enterprise that somebody else is in favor of.

Mr. BAYNE. I deny that I attacked——

Mr. BOUTELLE. I protest against the gentleman from Michigan being interrupted.

The SPEAKER. The gentleman from Michigan must not be interrupted without his consent.

Mr. BAYNE. I deny that I attacked the honor or integrity——

Mr. HORR. Mr. Speaker, he insinuated that everybody——

Mr. BAYNE. I deny that I impugned the integrity of any gentleman on this floor.

Mr. HORR. If I can understand the English language he insinuated that there were improper outside influences that gave undue interest to those who advocate this proposition.

Mr. BAYNE. I said nothing of the sort.

Mr. HORR. I will say, then, that every gentleman about me misunderstood him.

Mr. BAYNE. I said nothing of the sort.

Mr. BOUTELLE. The imputation was plain, distinct, and unmistakable.

Mr. HORR. Now, Mr. Speaker, I propose to yield the residue of my time to the gentleman from South Carolina [Mr. TILLMAN]. I merely wanted to protest against this method of attacking everybody who happens to be in favor of anything that is advocated by men who know what they are about and who seek to build up this great country of ours.

Mr. HENDERSON, of Iowa. Why does the gentleman become so indignant at the imputation of the gentleman from Pennsylvania? [Cries of "Regular order!"]

The SPEAKER. The gentleman from South Carolina [Mr. TILLMAN] has two minutes.

Mr. TILLMAN. It is hardly worth while to attempt to say anything in two minutes.

Mr. RANNEY. I ask unanimous consent that the gentleman from South Carolina be allowed five minutes.

The SPEAKER. Is there objection?

Objection was made.

Mr. HOLMAN. I hope there will be no objection.

Mr. HORR. I call for the previous question on this vote.

Mr. RANDALL. I ask for the yeas and nays.

Mr. HOLMAN. The gentleman from Illinois is entitled to fifteen minutes of time.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Michigan [Mr. HORR] that the House recede from the disagreement to the amendments of the Senate, on which he demanded the previous question.

The previous question was ordered.

The question was taken; and it was decided in the affirmative—yeas 98, nays 89, not voting 136; as follows:

YEAS—98.

Adams, G. E.	Dunham,	Hunt,	Ray, Ossian
Adams, J. J.	Elliott,	James,	Reed, T. B.
Arnot,	Ellis,	Jeffords,	Rogers, W. F.
Bagley,	Evans,	Kean,	Rosecrans,
Barr,	Everhart,	Keifer,	Russell,
Belford,	Findlay,	Ketcham,	Skinner, C. R.
Bingham,	Follett,	King,	Smalls,
Blsbee,	Funston,	Lacey,	Smith, A. Herr
Blackburn,	George,	Lawrence,	Spooner,
Boutelle,	Goff,	Libbey,	Stephenson,
Brainerd,	Greenleaf,	Lore,	Stevens,
Brewer, F. B.	Hanback,	Lyman,	Stewart, J. W.
Broadhead,	Harmer,	Millard,	Stone,
Brown, W. W.	Hart,	Morgan,	Strait,
Brumm,	Haynes,	Morse,	Taylor, J. D.
Budd,	Henderson, D. B.	Nutting,	Thomas,
Burleigh,	Hill,	O'Hara,	Tillman,
Cassidy,	Hiscock,	O'Neill, Charles	Wallace,
Clardy,	Hitt,	Payne,	Washburn,
Curtin,	Hoblitzell,	Perkins,	White, J. D.
Davis, G. R.	Holmes,	Phelps,	White, Milo
Davis, R. T.	Holton,	Poland,	Wilkins,
Dingley,	Horr,	Potter,	Wise, J. S.
Dixon,	Houk,	Pusey,	
Dorsheimer,	Howey,	Ranney,	

NAYS—89.

Alexander,	Buchanan,	Carleton,	Cosgrove,
Bayne,	Cabell,	Clay,	Cox, W. R.
Belmont,	Caldwell,	Clements,	Crisp,
Boyle,	Candler,	Connolly,	Culberson, D. B.
Breckinridge,	Cannon,	Cook,	Dockery,
Eldredge,	Lowry,	Rogers, J. H.	Turner, Oscar
English,	McComas,	Rowell,	Vance,
Ermentrout,	McMillin,	Ryan,	Van Eaton,
Ferrell,	Miller, J. F.	Seney,	Warner, A. J.
Guenther,	Mitchell,	Seymour,	Warner, Richard
Halsell,	Murphy,	Shively,	Weaver,
Hardeman,	Mutchler,	Smith, H. Y.	Wellborn,
Hardy,	Nelson,	Snyder,	Weller,
Hatch, W. H.	O'Ferrall,	Springer,	Wemple,
Hemphill,	Paige,	Stewart, Charles	Willis,
Henley,	Patton,	Stockslager,	Wilson, W. L.
Howitt, G. W.	Peters,	Sumner, C. A.	Wolford,
Holman,	Pierce,	Swope,	Woodward,
Houseman,	Post,	Talbott,	Worthington,
Jones, J. H.	Pryor,	Taylor, J. M.	Yapie.
Jordan,	Randall,	Thompson,	
Lanham,	Reid, J. W.	Townshend,	
Le Fevre,	Reese,	Tucker,	

NOT VOTING—136.

Aiken,	Dibble,	Kleiner,	Rice,
Anderson,	Dibrell,	Laird,	Riggs,
Atkinson,	Dowd,	Lamb,	Robertson,
Ballentine,	Dunn,	Lewis,	Robinson, J. S.
Barbour,	Eaton,	Long,	Robinson, W. E.
Barksdale,	Ellwood,	Lovering,	Rockwell,
Beach,	Fiedler,	McAdoo,	Shaw,
Bennett,	Finerty,	McCold,	Singleton,
Blanchard,	Foran,	McCormick,	Skinner, T. G.
Bland,	Forney,	Matson,	Slocum,
Blount,	Fyan,	Maybury,	Spriggs,
Bowen,	Garrison,	Miller, S. H.	Steele,
Bratton,	Geddes,	Milliken,	Storm,
Breitung,	Gibson,	Mills,	Struble,
Brewer, J. H.	Glascock,	Money,	Sumner, D. H.
Browne, T. M.	Graves,	Morrill,	Taylor, E. B.
Buckner,	Green,	Morrison,	Throckmorton,
Burnes,	Hammond,	Moulton,	Tully,
Campbell, Felix	Hancock,	Muldrow,	Turner, H. G.
Campbell, J. K.	Hatch, H. H.	Muller,	Valentine,
Campbell, J. M.	Henderson, T. J.	Murray,	Van Alstyne,
Chalmers,	Hepburn,	Neece,	Wadsworth,
Cobb,	Herbert,	Nicholls,	Walt,
Collins,	Hewitt, A. S.	Oates,	Wakefield,
Converse,	Hooper,	Ochiltree,	Ward,
Covington,	Hopkins,	O'Neill, J. J.	Whiting,
Cox, S. S.	Hurd,	Parker,	Williams,
Culbertson, W. W.	Hutchins,	Payson,	Wilson, James
Cullen,	Johnson,	Peel,	Winans, E. B.
Cutcheon,	Jones, B. W.	Pettibone,	Winans, John
Dargan,	Jones, J. K.	Price,	Wise, G. D.
Davidson,	Jones, J. T.	Rankin,	Wood,
Davis, L. H.	Kelley,	Ray, G. W.	York,
Deuster,	Kellogg,	Reagan,	Young.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a bill of the following title, in which concurrence was requested:

A bill (S. 2668) granting a pension to John M. Milton.

The message further announced the passage of the following bills:

A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley;

A bill (H. R. 2154) for the relief of the legal representatives of A. J. Guthrie, deceased;

A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;

A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;

A bill (H. R. 1004) relative to the Chinese indemnity fund;

A bill (H. R. 691) for the relief of William W. Thomas;

A bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;

A bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea;

A bill (H. R. 2377) granting a pension to James Stockton;

A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 200) granting a pension to Thomas Jeffries;

A bill (H. R. 8062) granting a pension to Lina J. Stearns;

A bill (H. R. 5330) granting a pension to Octavia Newhall;

A bill (H. R. 1866) granting a pension to Calvin Knick;

A bill (H. R. 2975) granting a pension to Marion D. Egbert;

A bill (H. R. 5378) granting a pension to Henry Milkey;

A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 7810) granting a pension to Roseanna Riley;

A bill (H. R. 7853) granting a pension to Margaret Flaherty;

A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims.

A bill (H. R. 1322) for the relief of J. H. Hammond;

A bill (H. R. 5998) granting an increase of pension to Jonathan Harrison;

A bill (H. R. 1198) for the relief of John Taylor & Son;

A bill (H. R. 5554) granting a pension to Sarah Parry;

A bill (H. R. 5148) granting a pension to Jacob Lafferty;

A bill (H. R. 1235) granting a pension to Annie E. Bailey;

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 7603) granting a pension to L. W. Pitts;

A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;

A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;

A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;

A bill (H. R. 4055) granting a pension to Sarah Tyler;

A bill (H. R. 2085) granting a pension to Joseph McIntosh:

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;

A bill (H. R. 7434) granting a pension to Sylvester Greenough;

A bill (H. R. 7938) granting a pension to Amanda Allen;

A bill (H. R. 7000) for the relief of Clark Maine;

A bill (H. R. 7502) granting a pension to Richard W. Barnes;

A bill (H. R. 8090) granting a pension to Albert Harper;

A bill (H. R. 7938) granting a pension to Henry Beiderbick;

A bill (H. R. 6962) granting a pension to W. H. H. Coleman;

A bill (H. R. 389) granting a pension to John Boyle;

A bill (H. R. 7572) granting a pension to Amos McDowell;

A bill (H. R. 7169) granting a pension to Elizabeth Kaler;

A bill (H. R. 4605) granting a pension to Ellen Edmiston;

A bill (H. R. 5088) for the relief of Elizabeth W. Creighton;

A bill (H. R. 5309) for the relief of Charles Milk;

A bill (H. R. 5191) granting a pension to Augustus Jones;

A bill (H. R. 3947) granting a pension to Joseph Raible;

A bill (H. R. 6173) for the relief of Rose Dougherty;

A bill (H. R. 7503) for the relief of Daniel McAlpin;

A bill (H. R. 7447) granting a pension to Sebert Toney;

A bill (H. R. 2100) granting a pension to Mary Allen;

A bill (H. R. 7718) restoring John Snyder to the pension-roll;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; and

A bill (H. R. 6357) granting a pension to Christian Bauman.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following joint resolution (S. R. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885; when the Speaker signed the same.

POST-OFFICE APPROPRIATION BILL.

Mr. THOMAS. I ask unanimous consent to dispense with the reading of the names.

Mr. TOWNSHEND. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. BRATTON with Mr. WHITING, for the remainder of the day.

Mr. CAMPBELL, of Ohio, with Mr. WADSWORTH.

Mr. MORRISON with Mr. HOOPER.

Mr. DAVIS, of Missouri, with Mr. MILLER, of Pennsylvania.

Mr. ANDERSON with Mr. LEWIS.

Mr. HEWITT, of New York, with Mr. HENDERSON, of Illinois, on this vote. If present, Mr. HENDERSON would vote "no."

Mr. BLAND with Mr. LAIRD.

Mr. TULLY with Mr. ELLWOOD.

Mr. GLASCOCK with Mr. MCCOID.

Mr. OATES with Mr. HERBERT, on this vote.

Mr. O'NEILL, of Missouri, with Mr. WILSON, of Iowa, on this vote.

Mr. AIKEN with Mr. RAY, of New York, on this vote.

Mr. BURNES with Mr. LONG, on this bill.

Mr. MCADOO with Mr. BREWER, of New Jersey, on this vote. Mr. MCADOO would vote "no," Mr. BREWER "ay."

Mr. YOUNG with Mr. WAKEFIELD, on this vote.

Mr. TURNER, of Georgia, with Mr. PETTIBONE.

Mr. MILLIKEN. I am paired with the gentleman from Georgia [Mr. BLOUNT]. If he were present he would vote "no," and if I were not paired I should vote "ay."

Mr. WILKINS. Mr. Speaker, I desire to change my vote from "no" to "ay," for the purpose of moving a reconsideration of the vote just taken.

Mr. HORR. The vote has not yet been announced.

Mr. WILKINS. I give notice of my object in changing my vote.

Mr. HORR. The gentleman has not the floor. I am on the floor on my motion.

The result of the vote was then announced as above recorded.

Mr. HORR. Now, Mr. Speaker, I move to reconsider the vote just taken, and move to lay that motion on the table.

Mr. WILKINS and Mr. MCMILLIN demanded the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 23, noes 115 (the ayes not being one-fifth of the total vote).

Mr. MCMILLIN. I demand tellers on the yeas and nays.

Tellers were ordered.

Mr. ELLIS. We might as well have the yeas and nays at once.

Mr. HORR. Yes; if gentlemen want to kill time, all right. We will give them the yeas and nays.

Mr. MCMILLIN. We do not want to kill time; we want to kill steals.

The SPEAKER *pro tempore*. If there be no objection the Chair will again put the question on ordering the yeas and nays.

There was no objection.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. Before the Clerk proceeds to call the roll, if there be no objection, the Chair will submit certain personal requests of members.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBINSON, of New York, for this evening.

To Mr. GLASCOCK, for the balance of the day, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. STEWART, of Texas, to withdraw the original papers filed with the bill for the relief of Marcos Radich, without leaving copies on file, no report having been made on said bill.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. ROGERS, of Arkansas, to print remarks on House bill 7785.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question is on the motion submitted by the gentleman from Michigan to reconsider the vote by which the House receded from its disagreement to the Senate amendment, and also to lay that motion on the table.

The question was taken; and there were—yeas 102, nays 79, not voting 142; as follows:

YEAS—102.

Adams, G. E.	Dunham,	Horr,	Potter,
Adams, J. J.	Elliott,	Houk,	Ranney,
Arnot,	Ellis,	Howey,	Ray, Ossian
Bagley,	Evans,	Hunt,	Reed, T. B.
Barr,	Everhart,	James,	Rogers, W. F.
Belford,	Ferrell,	Jeffords,	Rosecrans,
Belmont,	Findlay,	Kean,	Rowell,
Bingham,	Follett,	Keifer,	Skinner, C. R.
Bisbee,	Funston,	Ketcham,	Smalls,
Bouteille,	George,	King,	Smith, A. Herr
Brainerd,	Goff,	Lacey,	Spooner,
Broadhead,	Greenleaf,	Lawrence,	Stephenson,
Browne, T. M.	Hanback,	Libbey,	Stevens,
Brown, W. W.	Harmer,	Lore,	Stewart, J. W.
Brumm,	Hart,	Lyman,	Strait,
Budd,	Haynes,	McComas,	Talbott,
Burleigh,	Henderson, D. B.	Millard,	Taylor, J. D.
Cassidy,	Henley,	Morgan,	Thomas,
Clardy,	Hepburn,	Nutting,	Tillman,
Curtin,	Hewitt, G. W.	O'Hara,	Wallace,
Davis, G. R.	Hill,	O'Neill, Charles	Washburn,
Davis, R. T.	Hiscock,	Payne,	White, J. D.
Dibble,	Hitt,	Perkins,	White, Milo
Dingley,	Hoblitzell,	Peters,	Wise, J. S.
Dixon,	Holmes,	Phelps,	
Dorsheimer,	Holton,	Poland,	

NAYS—79.

Alexander,	Green,	Pierce,	Thompson,
Bayne,	Guenther,	Post,	Townshend,
Breckinridge,	Halsell,	Pryor,	Tucker,
Buchanan,	Hardeman,	Pusey,	Turner, Oscar
Cabell,	Hardy,	Randall,	Vance,
Caldwell,	Hatch, W. H.	Reid, J. W.	Van Eaton,
Cannon,	Hemphill,	Reese,	Warner, A. J.
Carleton,	Holman,	Ryan,	Warner, Richard
Clay,	Jones, J. H.	Seney,	Weaver,
Clements,	Jordan,	Seymour,	Wellborn,
Connolly,	Latham,	Shively,	Weller,
Cook,	Lowry,	Skinner, T. G.	Wemple,
Cosgrove,	McMillin,	Smith, H. Y.	Wilkins,
Cox, W. R.	Miller, J. F.	Snyder,	Willis,
Crisp,	Murphy,	Springer,	Wilson, W. L.
Culberson, D. B.	Neece,	Stewart, Charles	Wolford,
Dockery,	Nelson,	Stockslager,	Woodward,
Eldredge,	O'Ferrall,	Sumner, C. A.	Worthington,
English,	Paige,	Swope,	Yaple.
Ermentrout,	Patton,	Taylor, J. M.	

NOT VOTING—142.

Aiken,	Bland,	Campbell, Felix	Culbertson, W. W.
Anderson,	Blanchard,	Campbell, J. R.	Cullen,
Atkinson,	Bowen,	Campbell, J. M.	Cutcheon,
Ballentine,	Boyle,	Candler,	Dargan,
Barbour,	Brewer,	Chalmers,	Davidson,
Barksdale,	Brentano,	Cobb,	Davis, L. H.
Beach,	Brown, P. B.	Collins,	Deuster,
Beale,	Brown, J. H.	Converse,	Detrick,
Blackburn,	Buckner,	Covington,	Dowd,
Blanchard,	Burnes,	Cox, S. S.	Dunn,
Eaton,	Jones, J. T.	Murray,	Steele,
Ellwood,	Kelley,	Mutchler,	Stone,
Fiedler,	Kellogg,	Nicholls,	Storm,
Finerty,	Kleiner,	Oates,	Struble,
Foran,	Laird,	Ochiltree,	Sumner, D. H.
Forney,	Lamb,	O'Neill, J. J.	Taylor, E. B.
Fyan,	Le Fevre,	Parker,	Throckmorton,
Garrison,	Lewis,	Payson,	Tully,
Geddes,	Long,	Peel,	Turner, H. G.
Gibson,	Lovering,	Pettibone,	Valentine,
Glascock,	McAdoo,	Price,	Van Alstyne,
Graves,	McCold,	Rankin,	Wadsworth,
Hammond,	McCormick,	Ray, G. W.	Walt,
Hancock,	Matson,	Reagan,	Wakefield,
Hatch, H. H.	Maybury,	Rice,	Ward,
Henderson, T. J.	Miller, S. H.	Riggs,	Whiting,
Herbert,	Milliken,	Robertson,	Williams,
Hewitt, A. S.	Mills,	Robinson, J. S.	Wilson, James
Hooper,	Mitchell,	Robinson, W. E.	Winans, E. B.
Hopkins,	Money,	Rockwell,	Winans, John
Houseman,	Morrill,	Rogers, J. H.	Wise, G. D.
Hurd,	Morrison,	Russell,	Wood,
Hutchins,	Morse,	Shaw,	York,
Johnson,	Moulton,	Singleton,	Young.
Jones, B. W.	Muldrow,	Slocum,	
Jones, J. K.	Muller,	Spriggs,	

So the motion to reconsider was laid on the table.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above stated.

Mr. TOWNSHEND. Now I ask for the reading of the next Senate amendment. There are a number of sections that cover the same object. I ask unanimous consent that the reading of those sections be dispensed with.

The SPEAKER *pro tempore*. Will the gentleman from Illinois state the amendment he desires the House to act upon, and whether he moves concurrence or non-concurrence?

Mr. TOWNSHEND. They are the last four amendments in the bill but one, those relating to the special 10-cent stamp.

The Senate amendments numbered 17, 18, 19, and 20 were read, as follows:

Strike out sections 3, 4, 5, and 6.

Mr. TOWNSHEND. I ask unanimous consent that the reading of those sections be dispensed with.

There was no objection.

Mr. TOWNSHEND. I move that the House further insist on its disagreement to the Senate amendments and ask a further conference.

Mr. MCMILLIN. I move to concur in the Senate amendments.

Mr. SPRINGER. I would like to have the gentleman from Illinois [Mr. TOWNSHEND] explain the effect of these amendments.

The SPEAKER *pro tempore*. The question is on the motion submitted by the gentleman from Tennessee [Mr. MCMILLIN] that the House recede from its disagreement to the Senate amendments and agree to the same.

The question being taken, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BINGHAM. I call for a division.

The House divided; and there were—ayes 78, noes 45.

Mr. SKINNER, of New York. No quorum. I ask unanimous consent to say a few words. These amendments are not fully understood by the House.

Mr. RANDALL. I suggest that debate has been exhausted.

Mr. SKINNER, of New York. I know it has, but I should like to be permitted to say a few words, that this matter may be understood by the House.

Mr. RANDALL. I appeal to the gentleman from New York to allow us to go on and dispose of the bill.

The SPEAKER *pro tempore*. The gentleman from New York makes the point of no quorum. The Chair appoints as tellers the gentleman from Tennessee, Mr. MCMILLIN, and the gentleman from New York, Mr. SKINNER.

Mr. TOWNSHEND. I ask the gentleman from Pennsylvania to consent that the gentleman from New York shall be allowed two minutes to explain the amendments.

Mr. SKINNER, of New York. I was deprived to-day of the privilege of having ten minutes on this question, which I had been promised.

Mr. MCMILLIN. If the request of the gentleman from New York is acceded to, will that dispense with the vote by tellers? I am willing to let the gentleman make his statement if that will shorten the time occupied in this matter.

Mr. BINGHAM. The gentleman does not yield his demand for tellers.

Mr. SKINNER, of New York. I hope the gentleman from Tennessee will consent that I shall have half the time which was promised me to-day to speak on this question, and which I gave up.

Mr. MCMILLIN. Gentlemen all around were insisting, not twenty minutes ago, that we were in danger of an extra session.

Mr. RANDALL. How much time does the gentleman desire?

Mr. SKINNER, of New York. Two minutes.

Mr. MCMILLIN. Very well; let the gentleman proceed.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York [Mr. SKINNER]?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The message also announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

Joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made;

A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;

A bill (H. R. 7522) for the relief of Joseph F. Wilson;

A bill (H. R. 6270) for the relief of John P. Peterson;

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;

A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones;

A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint;

A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;

A bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., to Davenport, Iowa, and to establish it as a post-route;

A bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army;

A bill (H. R. 1401) to amend section 1556 of the Revised Statutes giving longevity-pay to certain officers of the Navy;

A bill (H. R. 5691) amending section 764 of the Revised Statutes;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 4458) granting a pension to Harlan Jackson;

A bill (H. R. 1142) granting a pension to Nellie Roberts;

A bill (H. R. 4216) granting a pension to David M. Bryan;

A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8091) granting a pension to David Sears;

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 8229) to grant a pension to James Dye;

A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 383) granting a pension to Creet H. Dougherty;

A bill (H. R. 4878) granting a pension to Emma O. Zeigler;

A bill (H. R. 5740) for the relief of Grigsby Foster;

A bill (H. R. 7177) granting a pension to William H. Kinman;

A bill (H. R. 7992) for the relief of Christian Arndt;

A bill (H. R. 2872) granting a pension to Jacob Funkhouser;

A bill (H. R. 8237) granting a pension to Mary J. Dickson;

A bill (H. R. 603) granting a pension to Rachel Nickell;

A bill (H. R. 5146) granting a pension to Jesse C. Buck;

A bill (H. R. 4021) granting a pension to Abraham Cover;

A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 8155) granting a pension to Addie L. Moore;

A bill (H. R. 7907) granting a pension to Matilda Cody;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 7178) granting an increase of pension to John O. Gardner;

A bill (H. R. 6961) for the relief of Charles L. Alden;

A bill (H. R. 5728) granting a pension to Anna Beck;

A bill (H. R. 5103) granting a pension to Joshua F. Justice;

A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;

A bill (H. R. 3735) granting a pension to Mary A. Grennon;

A bill (H. R. 7248) to increase the pension of Jane D. Brent;

A bill (H. R. 3340) granting a pension to James M. Pike;

A bill (H. R. 7047) granting a pension to Patrick Murphy;

A bill (H. R. 552) granting a pension to Lemuel J. Bennett;

A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;

A bill (H. R. 7728) for the relief of Pardon H. Morey;

A bill (H. R. 5304) for the relief of Mary Royal;

A bill (H. R. 7340) granting a pension to John Span;

A bill (H. R. 8136) for the relief of Addison M. Copen;

A bill (H. R. 8187) granting a pension to Chauncey C. Darrah;

A bill (H. R. 6904) for the relief of John F. Chase;

A bill (H. R. 6775) granting a pension to Edward Wilcox;

A bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Scofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;

A bill (H. R. 411) granting a pension to Elizabeth Conner;

A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;

A bill (H. R. 1873) for the relief of Edward Kraemer;

A bill (H. R. 2457) granting a pension to Richard Dillon;

A bill (H. R. 7170) for the relief of Frederick Hutton;

A bill (H. R. 8152) for the relief of William D. Farnsworth; and

A bill (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen.

The message further announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House was requested:

A joint resolution (S. R. 135) requesting the President to enter into negotiations with foreign powers to secure an agreement for the free coinage of silver.

POST-OFFICE APPROPRIATION BILL.

Mr. SKINNER, of New York. Mr. Speaker, this provision in the bill is the result of a special recommendation by the President in his last message. It is supported by the recommendation of the Postmaster-General a year ago, and this year by the unanimous opinion of the Committee on the Post-Office and Post-Roads, and, as I understand, by the unanimous action of the Committee on Appropriations in putting it upon the Post-Office appropriation bill. The only objection thus far heard to it has been simply that the Senate did not deem it wise to place it on an appropriation bill. It is new legislation. We have conceded the legislation which the Senate asks; and now let us have this provision, which everybody who will read it carefully will understand is in the interest of every American citizen who desires to reap the full privileges of the postal facilities of this country.

Mr. HORR. I suggest to the gentleman to tell the House what it is.

Mr. SKINNER, of New York. It provides that if I desire to send a letter to my home to-night and I know it will reach there at 10 o'clock to-morrow night, I put on it a 10-cent stamp. When it reaches my home office it is taken from the post-office, and 8 cents out of the 10 are paid a messenger to take it to my home immediately. The system costs no man a cent who does not use it. It will not cost the Government a cent. There is a margin for all the expenses; and every man who has studied out this matter gives it as his firm impression that it will yield a handsome revenue to the Government.

[Here the hammer fell.]

Mr. MILLER, of Pennsylvania. Let us have a rising vote.

Mr. MCMILLIN. There have been already two votes on the proposition.

The SPEAKER *pro tempore*. The tellers will take their places.

The House divided; and the tellers reported—ayes 66, noes 79.

So the motion of Mr. MCMILLIN was not agreed to.

Mr. TOWNSHEND. Mr. Speaker, I move that the House further insist upon its disagreement to that amendment.

The motion was agreed to.

Mr. TOWNSHEND. Now, Mr. Speaker, I move that the House ask a further conference.

There was no objection.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HORR.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I present a conference report which I ask to have read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the House on the amendments of the Senate to the bill of the House 8264, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend as follows:

That the Senate recede from its amendments numbered 21, 45, 46, 70, 71, 73, 78, 84, 92, 102, 103, 104, 105, 106, 118, 126, 128, 137, 138, 143, 148, 154, 156, 159, 160, 167, 168, 170, 172, 176, 182, 185, 186, 199, 201, 204.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 28, 29, 30, 31, 32, 44, 65, 67, 68, 69, 73, 76, 77, 79, 80, 81, 83, 85, 86, 87, 89, 94, 95, 96, 97, 98, 99, 111, 112, 113, 114, 116, 117, 121, 122, 123, 127, 133, 134, 135, 139, 144, 145, 147, 149, 151, 152, 153, 155, 161, 163, 164, 169, 171, 174, 177, 178, 181, 183, 184, 187, 188, 189, 190, 191, 200, 202, 203, 205, 206, 207, 208, 209, 210, 211, 213, 214, and 221, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$504,283.04;" and strike out from said amendment "subject to" and insert in lieu thereof "being the amount of said awards after;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Extensive repairs to roof $8,000; and annual repairs and heating of building, $2,000; in all, $10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$162,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$560,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 100 and 101, and agree to the same with an amendment as follows: In lieu of the sums proposed insert "$145,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$127,678.82;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Strike out in lines 10 and 11, page 32 of the bill, the word "annually;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$276,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$126,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 216 to 233, inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For printing and binding for Congress, including the proceedings and debates, $1,258,562.50; for the State Department, $9,480; for the Treasury Department, $264,150; for the War Department, $126,650 (of which sum $12,650 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, $20,512.50; for the Interior Department, $522,450 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $7,887.50; for the Post-Office Department, $172,312.50; for the Agricultural Department, $27,062.50; for the Supreme Court of the United States, $7,312.50; for the supreme court of the District of Columbia, $900; for the Court of Claims, $11,312.50; and for the Library of Congress, $60,262.50; and no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the present fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that in addition thereto in either of said last quarters the unexpended balance of allotments for preceding quarters may be expended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: Add at the end of the amendment the following: "Provided, That the building now occupied for storage purposes shall be surrendered as soon as the building provided for in this act is ready for occupancy;" and the Senate agree to the same.

On amendments numbered 4, 6, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 68, 120, 124, 131, 132, 136, 140, 141, 142, 166, 173, 193, 194, 195, 196, 197, and 198 the committee have been unable to agree.

SAM. J. RANDALL,
WILLIAM H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. RANDALL. I will endeavor to be as brief as I can in order to explain the difference between the two Houses on this bill. To begin with, I move that the report of the conference committee be accepted, and upon that I demand the previous question.

The previous question was ordered; and under the operation thereof, the report of the conference committee was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUDD. I desire to have read that portion of the conference report relating to amendment No. 59.

Mr. RANDALL. That is not in this report. It is one of the disagreements in the committee.

Mr. Speaker, the bill as it went from the House to the Senate provided for appropriations aggregating $22,200,000, or thereabout; the Senate added about $5,500,000 to the bill. There has been reached an agreement between the two Houses on about $2,250,000 of the amount of the increase. There are now sixty disagreements, which aggregate in amount $3,250,000.

It is not for me to call in question the motives of men, but it is not improper for me to say what is the result of the action of men, and in that connection I can say that the conferees have found themselves in large degree compelled to consent to the increased appropriations, or else to endanger an extra session.

Mr. REED, of Maine. Let me ask the gentleman if these amendments were adopted by the Senate with the same amount of consideration that the bill had in the House?

Mr. RANDALL. I do not desire to be interrupted now. The gentleman is often facetious, but his arrow falls short in some cases, and it has done so in this instance.

Thirty-nine of these sixty amendments relate to public buildings which have been added by the Senate, and the appropriations involved in these thirty-nine amendments amount to an increase of expenditure of $1,637,500. The bill as it went from the House to the Senate provided for appropriations for public buildings to the extent of about $1,780,000, so that the Senate amendments practically double the appropriations for public buildings as provided by the House. If it is desired I will give the localities of the public buildings to which I have referred.

Mr. BROWN, of Pennsylvania. Let us have them.

Mr. WARNER, of Ohio. I should like to know the locations.

Mr. RANDALL. The first one relates to the court-house and post-office at Abingdon, Va. The next is the post-office and subtreasury at Boston, Mass. The next amendment relates to the marine hospital at Cairo. The next to the public building at Harrisonburg, Va. The next to Abingdon, Va., there being two appropriations, first for that public building and next to make it fire-proof, which involves two appropriations. The next amendment is to Lynchburg, Va., where a fire-proof building is also required.

The next amendment of the Senate is the provision for Concord, N. H., and the next at Council Bluffs, Iowa; the next at Detroit, Mich.; the next Des Moines; the next Dubuque; the next Frankfort, Ky.; the next is for Galveston, Tex.; the next for Greensborough, N. C.; the next for Hannibal, Mo.; the next for Harrisonburg, Va.; the next for Jackson, Tenn., and the next for Kansas City, Mo. The next provision of this kind is for Marquette, Mich., and the next for Keokuk, Iowa; the next for Elizabeth, Ky.; the next for Macon, Ga.; the next for Peoria, Ill.; the next for Quincy, Ill.; the next for Reading, Pa.; the next for Richmond, Va., and the next for Sacramento, Cal.

Mr. BUDD. Let me ask the gentleman if that is not simply carrying out an act of Congress that has been passed?

Mr. RANDALL. I will come to that in time. The next provision named by the Senate is for a public building at Troy, N. Y.

Mr. BURLEIGH. But that is provided by law already.

Mr. RANDALL. But the Senate have added this amendment to the bill as it left the House. That is what I am referring to. I am not saying that there is no law for it, but simply that the Senate added the appropriation for that purpose and the House and Senate conferees have been unable to concur as to it.

The next public building is at Tyler; the next at Wichita, Kans.; the next at Fort Scott; the next at Montpelier, Vt.; the next at Nebraska City; the next at Wilmington, Del.; and the next at Winona, Minn.

These are the public buildings that are in controversy between the two Houses, and I believe I have named them all.

The next point of difference relates to the site for the post-office in the city of Washington.

Mr. WARNER, of Ohio. The site alone?

Mr. RANDALL. The site alone. The Senate appropriates $640,000.

Mr. SPRINGER. For a particular site?

Mr. RANDALL. For a particular site.

Mr. McMILLIN. If it will not interrupt the gentleman from Pennsylvania, I think they have provided a further contingent expenditure which will bring it up to about $800,000, perhaps more.

Mr. RANDALL. When I come to ask a vote on this site of the Washington post-office there will be an opportunity to debate, and the case will be properly presented.

The miscellaneous items about which there is disagreement relate to the international boundary survey between the United States and Mexico; but I shall temporarily pass that over because the gentleman from Missouri [Mr. BURNES] will address the House in relation thereto.

The next disagreement is in relation to a provision which was inserted in the House bill as to public buildings:

That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for, and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of said building, &c.

Mr. HOLMAN. That last has been stricken out.

Mr. RANDALL. It is not stricken out yet, but I am going to suggest that we recede.

The next disagreement is in relation to a sum of money appropriated in connection with a certain commission which was appointed and sent to the State of Louisiana by Mr. R. B. Hayes.

The next is in relation to the care and preservation of a building on Coaster's Island, which is designed to be used as a school for an advanced course of instruction for naval officers.

The next relates to the training-school on Coaster's Island.

The next relates to the Interior Department building, the completion of the east wing.

The next relates to the construction of a terrace to the Capitol.

The next relates to the same subject in a different form.

The next relates to the construction of a reservoir for hot water on the Government reservation at Hot Springs, Ark.

The next relates to the Tenth Census. This provision was presented in the House by the gentleman from New York [Mr. COX]. It repeals the clause in the original law which obligated the Federal Government to pay one-half the expense of any State census.

The next relates to the removal of the iron fence around the reservation on Pennsylvania avenue between Thirteenth and Fourteenth streets.

The next relates to the completion of a commissary depot at Saint Paul, Minn.

The next relates to the completion of a sea-wall on Governor's Island, New York Harbor.

The next two relate to a proposition to erect a statue to the memory of General La Fayette.

The next relates to a clause providing for the purchase of a portrait of General George H. Thomas, by Miss C. S. Ransom, for $10,000.

The last two disagreements relate to the sale of two public buildings, one in Boston and the other in the city of Philadelphia.

The House inserted two provisions, one for the sale at public auction of the United States court-house in the the city of Boston, and the other relating to the sale of the post-office property in the city of Philadelphia which is now unoccupied.

I propose first to submit to the House the miscellaneous items, and I am willing that motions may be made to those items, only I desire that debate on the same may be as limited as possible. I will ask the Clerk to read the amendments.

Mr. PUSEY. I would like to ask the gentleman a question before he begins.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] yield?

Mr. RANDALL. Certainly.

Mr. PUSEY. I desire to ask the chairman of the Committee on Appropriations whether he construes the amendment in relation to the Council Bluffs appropriation as an increase of the appropriation, or is it simply to make $50,000 of the appropriation available.

Mr. RANDALL. Mr. Speaker, I will state this in connection with all these public-building appropriations, that when we entered upon the consideration of those thirty-nine additions or amendments to the bill we found it utterly impossible to classify them by any line based upon a principle. They seemed to have got into the bill under every conceivable condition.

Mr. WARNER, of Ohio. They got in, though.

Mr. RANDALL. They are not in yet.

Mr. PUSEY. Mr. Speaker, I will say in reference to the appropriation for the building at Council Bluffs——

Mr. RANDALL. Will not the gentleman please wait until we reach that subject?

Mr. PUSEY. Yes, sir. I will simply say that if it is an addition to the appropriation we do not want the money.

The Clerk was about to read the amendment numbered 61.

Mr. RANDALL. Mr. Speaker, I will not ask to have 61 read, because it relates to a proposition submitted by the gentleman from Indiana [Mr. HOLMAN], which was reported from the committee, but which, it was subsequently understood, would be changed by agreement. The Senate, however, are not willing, as far as I know, to have anything of that sort attached to the bill, alleging that it is new legislation.

The sixty-first amendment of the Senate was read, as follows:

Strike from the bill as passed by the House the following:

"That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building and appurtenances thereto than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for."

Mr. RANDALL. Unless the gentleman from Indiana [Mr. HOLMAN] who offered this proposition desires to speak, I will make a motion that the House recede from its disagreement to this amendment.

Several MEMBERS. That is right.

Mr. BUDD. Is it the Holman amendment?

Several MEMBERS. Yes, sir.

The motion of Mr. RANDALL was agreed to.

The one hundred and twentieth amendment of the Senate was read, as follows:

Insert after line 1417 the following:

"National Board of Health: For salaries and expenses of the National Board of Health, $15,000."

Mr. RANDALL. For two years there have been no appropriations made for the support of the National Board of Health. In the deficiency bill, however, the Committee on Appropriations provided for the payment in full of debts which have been created by the board. Notwithstanding the fact that during the current fiscal year and the last fiscal year there have been no appropriations for this board of health, they have incurred certain debts. Last year the House sought to abolish this board, believing that two agencies to accomplish one object were unnecessary and expensive. The Senate declined, however, to accept the legislation proposed by the House in the way of repeal, but concurred with the House in declining to make any appropriation for the conduct of the business of this board.

This year, as I said a moment ago, the Committee on Appropriations provided in the deficiency bill for the payment of all indebtedness thus far incurred by the board. We also attached a repealing clause, the fate of which I am unable to foretell. But the Senate has inserted this clause to continue the National Board of Health, and has made an appropriation of $15,000 to conduct its business. We do not propose that on this matter the House shall recede. We have given $340,000 to be placed under the control of the President to be used in the prevention of epidemic diseases, if the emergency should require the expenditure. As to the continuance of this board of health, we found ourselves disagreeing decidedly with the Senate conferees.

The House conferees—certainly a majority of them, and I think all of them—believed it unnecessary to continue this organization. We considered that this business could be as well performed by a single organization, the Marine-Hospital Bureau. Hence, on behalf of the committee, I move that the House insist on its disagreement as to this amendment.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The one hundred and twenty-fourth amendment of the Senate was read, as follows:

Insert after line 1445 the following:

"To enable the Secretary of the Treasury to reimburse ex-President R. B. Hayes for amount paid for expenses of the commission appointed to go to Louisiana in April, 1877, $3,950.73."

Mr. RANDALL. This matter is well understood by the House. I move that the House insist on its disagreement, and I ask a vote.

Mr. MILLIKEN. I hope the House will insist. I think that President Hayes had no business to send that commission down there to steal away the Packard legislature and give it to Nichols. I think that the thing ought never to have been done at all; and if he thought proper to do it, he should have done it at his own expense.

Mr. RANDALL. I have nothing to say on the question.

The motion of Mr. RANDALL was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The one hundred and thirty-first amendment of the Senate was read, as follows:

Insert after line 1498 the following:

"For the care and preservation of the building on Coaster's Harbor Island formerly known as the "asylum," and the adjoining buildings and grounds, given to the United States for naval purposes by the State of Rhode Island, to be used for an advanced course of instruction for naval officers, and for improvements, furniture, fixtures, heating, lighting, water, and for books and stationery

ery, $11,000; for pay of one clerk to officer in charge of building, $1,000; in all, $12,000.

Mr. RANDALL. Coaster's Harbor Island was presented to the United States by the State of Rhode Island. There is now there a naval training-school; and I suppose the House conferees would not have objected to continuing the appropriations necessary to make that school efficient.

But the amendment which has just been read was considered by a majority of the House conferees as an entering-wedge or incipient step to the organization of a new naval school which might in time grow into a school after the fashion of the Annapolis Academy for boys—this being for officers. It occurred to me at least that officers of the Navy would be best educated at sea rather than on land.

A MEMBER. They might get drowned at sea. [Laughter.]

Mr. RANDALL. In the light of this being a new organization of this sort the House conferees dissented from the Senate in this particular, and I ask the House to insist on its disagreement.

Mr. SPOONER. I desire to make a motion.

Mr. RANDALL. I will yield to the gentleman from Rhode Island for that purpose.

Mr. SPOONER. I move that the House recede from its disagreement to this amendment and agree with the Senate. The State of Rhode Island, as the chairman of the committee has said, made a gift of this island, which is most eligibly situated for the purpose and more adapted in every respect as a training-school, to the United States for the express purpose that it shall be used as a naval training-school. It is located on the border of the harbor of Newport, accessible by water and having advantages which could be possessed by scarcely any other locality which could be mentioned.

There is nothing peculiar, I submit to the chairman of the committee or the House—in fact it is proposed to have a school for the training of naval officers in the higher and advanced course of training beyond what our Naval Academy affords. It is in consonance with the march of improvement in naval architecture, naval warfare, and naval ordnance and matters pertaining to naval attack and defense. The torpedo station is in the same line of defense. The school for teaching the practice and for experimenting and making torpedoes is located in the same harbor of Newport and is separate from Coaster's Harbor Island only by a small expanse of water in the inner harbor.

It is not peculiar to the Navy alone to have advanced schools for officers. The artillery school at Fortress Monroe is of the same kind.

Mr. TALBOTT. Does the gentleman from Rhode Island think, after the course at Annapolis Academy and two years at sea, it is necessary to have these officers go again to Newport and attend this training-school? If so, I am opposed to it.

Mr. SPOONER. The idea is fully explained in Senate Executive Document No. 68 of the present session, from the Secretary of the Navy, which I ask the Clerk to read.

Mr. RANDALL. I hope not.

Several MEMBERS. Print!

Mr. SPOONER. No; I do not care to print. I am speaking for the purpose of calling the attention of this House to this matter, and I presume I have some right at least to occupy a small portion of the time in making such explanation. I ask to have the document read. I do not care to have the appendix read. The document occupies about a page and a half.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had receded from its amendments numbered 17, 18, 19, and 20 to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the year ending June 30, 1886, and for other purposes. [Applause.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SPOONER. The document is only a page and a half long, and will not take up much time in its reading.

Mr. ROSECRANS. I believe it should be read, and I also believe this school of practice is a good one.

The SPEAKER. Is there objection?

Mr. HOBLITZELL. I object.

Mr. SPOONER. Am I not entitled to have it read?

The SPEAKER. Objection is made to the reading of it by the Clerk.

Mr. SPOONER. Then I will read it myself. It is not the fault of the great body of this House that the appropriations have been delayed to this late hour. This bill is brought in here without giving any opportunity for discussion.

Mr. RANDALL. We have seven hours.

Mr. SPOONER. That is not my fault.

Mr. RANDALL. Neither is it mine.

Mr. SPOONER. I do not think it is the fault of this side of the House. I do not think it is the fault of the great body of the House.

Mr. BELFORD. I rise to a parliamentary inquiry. How can the gentleman from Rhode Island occupy the time of the House when the gentleman from Pennsylvania is on the floor? I want to know some of these puzzles.

The SPEAKER. The gentleman from Pennsylvania yielded to the gentleman from Rhode Island.

Mr. RANDALL. I yielded, but I only yielded for a few minutes. I want to get along as pleasantly as possible, and I hope the gentleman from Rhode Island will realize the necessities of the occasion.

Mr. SPOONER. That we may start perfectly fair from this point at least, I would inquire whether I did not make the motion now pending and whether I am not entitled to the floor on my own motion.

The SPEAKER. The gentleman from Pennsylvania moved the House insist and made some remarks upon that motion, and then yielded to the gentleman from Rhode Island who took the floor not in his own right, but during the time of the gentleman from Pennsylvania.

Mr. RANDALL. He made a motion of higher privilege than the one I made.

The SPEAKER. If the gentleman from Rhode Island had obtained the floor in his own right the Chair would have recognized him to debate the motion. But that is not the case.

Mr. SPOONER. Is not my motion a privileged one?

The SPEAKER. The gentleman from Pennsylvania.

Mr. WASHBURN. We will gain time by allowing the paper to be read.

Mr. SPOONER. It would have been read before this.

The House divided; and there were—ayes 37, noes 47.

Mr. SPOONER. No quorum.

Mr. SPRINGER. I hope the gentleman will not insist on that point; otherwise we can not get through with this bill. It will not change the result if the document is read.

Mr. SPOONER. It seems to me that if an important appropriation of this kind is to be stricken out of the bill when the estimates are before the committee, it ought to be done by a quorum of the House, at least.

Mr. MILLER, of Pennsylvania. There is evidently no quorum present.

The SPEAKER. Does the gentleman insist upon the point of no quorum?

Mr. SPOONER. I do not wish to put the House to any inconvenience or discomfort. I think, however, it is proper to have that letter of the Secretary read, which will give the House necessary information as to the importance of this matter. I desire to be perfectly courteous to gentlemen in charge of this measure, and if it be conceded to me that this letter of the Secretary of the Navy shall be read, and then I am permitted to occupy two or three minutes in addition, I will not press the matter of no quorum.

Mr. RANDALL. Do I understand the gentleman to say that if he has an opportunity to read that letter or report that he will not insist further on the demand for a quorum?

The SPEAKER. The gentleman states that if he is allowed to have the report read, and then two or three minutes in addition, that he will not insist upon the point.

Mr. RANDALL. Very well; I have no objection.

Mr. SPOONER. And with the understanding also that a vote shall be taken on my motion.

The SPEAKER. If there be no objection, the Clerk will read the report.

There was no objection.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, February* 11, 1885.

SIR: I have to acknowledge the receipt of a copy of a resolution adopted by the Senate on the 4th day of February, as follows:

"*Resolved*, That the Secretary of the Navy is hereby directed to report to the Senate what, if any, steps have been taken to establish an advanced course of instruction of naval officers at Coaster's Harbor Island, Rhode Island, and the reasons which have controlled the action of the Department."

The subject of an advanced course of instruction of naval officers was, May 3, 1884, committed by this Department to a board consisting of Commodore S. B. Luce, Commander W. T. Sampson, and Lieut. Commander C. F. Goodrich, who on the 13th of June, 1884, made a report recommending the establishment of such a course of instruction in the science and art of military and naval warfare and in international law and history. The method recommended is carefully outlined in the report, a copy of which is annexed to this communication.

As it was deemed advisable that the course of study should be made to supplement the present instruction of naval officers in torpedoes at Newport, R. I., and that the place should be selected where the Department is already in possession of the necessary grounds and buildings, the board recommended the establishment of the college of instruction at Newport.

In pursuance of the previous determination of the Department, and in accordance with the foregoing report, directions were given that preparation should be made for the course of instruction to be conducted at Coaster's Harbor Island, Newport, by General Order No. 325, issued October 6, 1884, a copy of which is herewith transmitted.

The reasons which have controlled the action of the Department are to be found in the recognized necessity for an advanced course of military and naval education in the United States. There are now existing three schools for the purpose in the Army and one in the Navy. The latter is at the torpedo station at Newport, where a class of officers is assembled for a few months in each year for instruction in the art of manufacturing and using torpedoes and torpedo explosives. The constant changes in the methods of conducting naval warfare imposed by the introduction of armored ships, swift cruisers, rams, sea-going torpedo-boats, and high-power guns, together with the more rigid methods of treating the various subjects belonging to naval science, render imperative the establishment of a school where our officers may be enabled to keep abreast of the improvements going on in every navy of the world. The torpedo school only partially fulfills the imperative requirements. The college is intended to complete the curriculum by adding to an extent never heretofore undertaken the study of naval warfare and international law and their cognate branches.

The great surplus of officers in the Navy makes it especially appropriate to require that at all times some of them not needed for actual duty shall be engaged in courses of professional study calculated to improve and qualify them for better service in the future.

In instituting this school of instruction at Coaster's Harbor Island, the Department, acting within the scope of its powers, has simply utilized public grounds and buildings, under its own immediate control, for a wise and beneficial purpose, and has detailed naval officers who can readily be spared to constitute the president and faculty of the college.

Very little expense will be incurred in carrying out the Department's plan, while the benefits to be realized by the Navy and the country will be of great importance. The subject is commended to the notice and favor of Congress.

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

The PRESIDENT *pro tempore of the Senate.*

Mr. SPOONER. Mr. Speaker, I simply want to say in addition that the building referred to here is already standing on this island, and it is for its repairs and preservation and for furnishing the same for use as a naval training-school that this appropriation is desired and was recommended.

I regret to have been obliged to submit this matter to the attention of the House at a time when I know it is weary of this long-continued session; and yet members who have given attention to the brief statement of the Secretary which has just been read must understand now, if they did not before, the desirability, I might say the necessity, for this appropriation for fitting our naval officers for modern naval service. It is in that line that this matter looks, and that this training-school is expected to aid and educate the officers of the Navy. I particularly ask the attention of the House to it now; and request that this very meritorious appropriation, less than the amount submitted, amounting in the aggregate to but $12,000, for the preservation of the building and the repair of a building which was a gift to the Government from my own State, shall be considered, and that the amount herein named be appropriated. I therefore ask a vote on my motion.

Mr. RANDALL. The House should not confound this appropriation for the training-school with the other proposition. They are two distinct amendments.

Mr. SPOONER. Why not confound them? How do they differ?

Mr. RANDALL. Because the next amendment relates to the training-school. This amendment relates to an institution for the higher education of the officers, and not an institution about to be established there.

Mr. SPOONER. I do not understand that there is anything more than a mere quibble of words in that. This is a training-school. I move, therefore, that the House recede from its disagreement to the amendment of the Senate and agree to the same.

The question was taken; and on a division there were—ayes 37, noes 48.

So the motion was not agreed to.

Mr. RANDALL. I now move that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 132) was read.

Mr. RANDALL. Now I want to say to the gentleman from Rhode Island that I think there can be a substantial result reached with reference to this amendment. I therefore ask a formal non-concurrence and that the House further insist upon the disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 36) was read.

Mr. RANDALL. I move that the House further insist.

The motion was agreed to.

The next amendment (numbered 140) was read, as follows:

Strike out of the House bill the words:

"For constructing terrace north of the Capitol, section marked B, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, $21,500."

Mr. RANDALL. The House was ready to appropriate a sum of money to complete the northern or Senate end as far as this terrace was involved. We prefer to see the completion of the work before we begin at the Senate end. The proposition, however, of the Senate includes the completion of the north end and part of the completion of the west. It involves a much larger sum. I move, therefore, that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment of the Senate was read, as follows:

Insert the following:

"For continuing the construction of the terrace and grand stairways of the Capitol, as shown on plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, $350,000; and this appropriation shall be immediately available."

Mr. RANDALL. This is of the same tenor as the other to which I have just referred, and I ask non-concurrence in the amendment.

Mr. ROSECRANS. That work ought never to have been begun.

Mr. RANDALL. I move that the House further insist upon its disagreement to this amendment.

Mr. WHITE, of Kentucky. I think the gentleman is entirely correct on that proposition. The idea of appropriating $350,000 to be expended for labor around this Capitol is simply a waste of the public money in the main, as we have seen it here year after year. Especially is this appropriate in view of what was done awhile ago when a bill to pay the small claims running from twenty dollars to two or three hundred or four hundred dollars, known as the 4th of July claims, which have been passed upon by the accounting officers of the Department, the loyalty of the claimants in each case fully proven, the amount of the claim satisfactorily established, and the Treasury Department having undertaken the investigation as well as the House committee and a report made by the gentleman from Tennessee, and yet these claims receive no consideration simply because of objection coming from members on that side of the House.

Mr. RANDALL. I am glad to know that the gentleman from Kentucky agrees with me on this point.

I now move to further insist on the disagreement.

The motion was agreed to.

The amendment (numbered 142) was read, as follows:

To construct a reservoir for hot water on the Government reservation at Hot Springs, Ark., in order to provide for an adequate supply of hot water for the Army and Navy Hospital and bath-houses, $30,000.

Mr. RANDALL. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The amendment of the Senate numbered 166 was read, as follows:

Strike out the following:

"Tenth census:

"That the twenty-second section of the act entitled 'An act to provide for the taking of the tenth and subsequent censuses,' approved March 3, 1879, be, and the same is hereby, repealed."

Mr. RANDALL. In the original law there was a provision made that where States in intermediate years undertook to take a census of their citizens the United States Government should pay one-half the expense. This clause was inserted at the instance of the gentleman from New York, the chairman of the Census Committee of the House. That gentleman has told me that the repeal of this clause in the original act would save a very large sum of money to the Government of the United States, running into one or two million dollars.

Mr. WARNER, of Ohio. How?

Mr. RANDALL. The Government of the United States by the original act agreed to pay one-half the expense of any State census that might be taken.

Mr. WARNER, of Ohio. Do you like that partnership?

Mr. RANDALL. I do not. I am a State-rights man, and I wanted the States to do this at their own expense.

Mr. WARNER, of Ohio. That is right.

Mr. RANDALL. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The amendment of the Senate numbered 173 was read, as follows:

Strike out the following paragraph:

"That the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations on Pennsylvania avenue between Thirteenth and Fourteenth streets.

Mr. RANDALL. This side of Fourteenth street on Pennsylvania avenue is a reservation that is surrounded by iron railings. It is practically useless as a place of resort. And as the general current of sentiment in cities is to take down railings and throw open such squares for public use the committee desired that that should be done there. The Senate object. I move that the House further insist on its disagreement to this amendment.

Mr. WHITE, of Kentucky. I desire to ask the attention of the chairman of the Committee on Appropriations to the paragraph in line 1998 which reads:

For construction and repair of iron fences, $500.

Is that still in the bill?

Mr. RANDALL. That is the general fund to repair any of the iron fences that surround the reservation.

Mr. WHITE, of Kentucky. Now, in regard to amendment numbered 173, to which the chairman of the Committee on Appropriations has called the attention of the House, if I understand it correctly the provision proposed to be stricken out is intended simply to remove an iron fence surrounding the reservation between Thirteenth and Fourteenth streets.

Mr. RANDALL. Yes, sir; the reservation facing the National Theater.

Mr. WHITE, of Kentucky. What I want to say about this is that it strikes me there is an incongruity in the two propositions.

Mr. RANDALL. Not at all. If the gentleman will pardon me for a moment I will explain.

Mr. WHITE, of Kentucky. What we ought to do is to remove all of these iron fences. No cattle or swine are allowed to run at large. These fences are unsightly and ought all to be removed. The botanical grounds are hidden from the view of visitors by the fences surrounding them. Franklin Square, one of the most beautiful squares in the city, has an iron fence surrounding it which ruins the whole effect. For proof of this you need only go to Farragut Square, and the one beyond that toward Georgetown, to Iowa Circle, to Lincoln Park, and

"

others railed in by these costly iron fences. I suggest that we strike out the paragraph at line 1998:

For construction and repair of iron fences, $900.

Mr. RANDALL. That is not now before us.

Mr. WHITE, of Kentucky. Then I move to amend the amendment which is before us by providing that the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations within the District of Columbia.

Mr. RANDALL. I would not like to agree to that without the approval of the officer in charge of those reservations.

Mr. WHITE, of Kentucky. There are the Agricultural grounds which are far more decorated and more beautifully laid out than the Botanical grounds. The grounds in the Botanical Garden railed in by these fences are in a slipshod condition and have an air of neglect about them. They look like a cheap diamond in a poor ring.

Mr. RANDALL. I admit that the general current of feeling as to these high iron fences in the large cities is changing and they are being removed, but there is no way of accomplishing that just now, and I hope the gentleman will not insist upon the amendment.

Mr. WHITE, of Kentucky. I do not see why we should not make this amendment. This is to remove the fences from the little flat-iron park near the theater. Why should not the direction be made general?

Mr. RANDALL. I am willing that the gentleman should test the sense of the House on his amendment.

The SPEAKER. Will the gentleman from Kentucky please state what is his amendment?

Mr. WHITE, of Kentucky. I move to strike out after the word "reservations," in line 2020, the words "on Pennsylvania avenue between Thirteenth and Fourteenth streets" and insert "in the District of Columbia."

Mr. RANDALL. The gentleman will have to make his motion in these words: "That the House agree to the Senate amendment with the further amendment" which he proposes.

Mr. WHITE, of Kentucky. I thank the gentleman from Pennsylvania for the suggestion. I modify my motion in that way, and the effect of my amendment would be to leave it in the discretion of the Secretary of War. As amended it would read:

That the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations within the District of Columbia.

It is obvious this action is needed.

But it is needed just as much in front of the market. It is needed more in these Botanical grounds, and it is needed as much in Franklin Square and some other squares. We want to beautify this city. That is what we appropriate the money for. We have landscape gardeners who lay out the grounds beautifully, and then we fence in those grounds with these high fences and walls, although no animal is allowed to run at large that could do them any harm.

The motion of Mr. WHITE, of Kentucky, that the House recede from its disagreement to this amendment and agree to the same with an amendment proposed by him was rejected.

Mr. RANDALL moved that the House further insist upon its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 193) was read, as follows:

Quartermaster and commissary depot at Saint Paul, Minn.: For the completion of the public building for a quartermaster and commissary depot at Saint Paul, Minn., to be used as offices for officers of Department of Dakota, and for heating the same, $30,000.

Mr. WASHBURN. Mr. Speaker, I move that the House agree to the Senate amendment. This building at Saint Paul is nearly completed. It is designed as a quartermaster and commissary depot. The people of Saint Paul gave the site; about $60,000 has been expended upon the building; it is a four-story building, and the amount named in this item is required to complete it and put in the heating apparatus, &c.

Mr. RANDALL. I suggest to the gentleman from Minnesota that we had better let that go into conference again.

Mr. BUDD. Mr. Speaker, I desire at this time to move that the House concur in this provision with an amendment which I send to the Clerk's desk. I will say that it makes no difference whether this amendment comes in at this place or in connection with any other provision for a public building. The amendment is to appropriate the sum of $350,000 for the purchase of a site in San Francisco for a post-office and court-house. It is unnecessary to state that the amount proposed to be appropriated for that purpose is less——

Mr. RANDALL. Mr. Speaker, I suggest that that amendment is not germane to the bill, and the gentleman had better withhold it for the present.

Mr. BUDD. Then I withdraw it for the present.

Mr. RANDALL moved that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 194) was read, as follows:

For purchasing hospital and other records of the war pertaining to the New England Soldiers' Relief Association, $5,000.

Mr. RANDALL. I move that the House further insist upon its disagreement to this amendment.

The motion was agreed to.

The next amendment (numbered 195) was read, as follows:

Sea-wall at Governor's Island, New York Harbor: For sea-wall around Governor's Island, $40,000.

Mr. RANDALL. I move that the House further insist upon its disagreement to this amendment.

The motion was agreed to.

The next amendment (numbered 196) was read, as follows:

For the purpose of erecting a statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General La Fayette and his compatriots, $50,000.

Mr. McCOMAS. Mr. Speaker, I desire to call attention to the remarkable language of this paragraph, which provides for the erecting of "a statue, with suitable emblematic devices thereon." Does that mean General La Fayette tattooed or otherwise ornamented? The idea seems very imperfectly expressed.

Mr. RANDALL. The House conferees were not aware that the Committee on the Library had ever considered this subject or had had an opportunity to view the plans, and in that condition of the case conferees on the part of the House not intending any disrespect whatever to the memory of General La Fayette, but, on the contrary, being deeply sensible of the great service rendered to the United States by that distinguished man, they yet felt that they would prefer that the House Committee on the Library should have something to say in relation to this matter.

Mr. McCOMAS. My only desire was to call the attention of the distinguished chairman of the Committee on Appropriations to the rather peculiar language of this paragraph.

Mr. RANDALL. I am not responsible for the language. It is a Senate amendment. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to amend so as to provide for the erection, not of a statue, but of a charitable institution for inebriates.

Mr. SPRINGER. Mr. Speaker, that amendment is not germane to the bill.

Mr. WHITE, of Kentucky. I think the RECORD will show that when the bill was brought in and read through here under a suspension of the rules, I called attention to the fact that there were enormous appropriations in it.

Mr. RANDALL. I am quite sure that the gentleman from Kentucky does not desire to put me to any personal inconvenience.

Mr. WHITE, of Kentucky. No more than the gentleman and the other members of the committee and the rest of his friends have put me to.

Mr. RANDALL. I am not aware that I have ever put anybody to personal inconvenience in this House.

Mr. WHITE, of Kentucky. This bill should have been reported a month or six weeks ago.

Mr. RANDALL. Oh, well, if the gentleman does not appreciate my courtesy I have nothing further to say.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I am opposed to erecting a statute to the memory of La Fayette; not that I do not love his memory, not that I do not appreciate the services he rendered to our country, but because I believe that to build a monument to anybody in this age when there are thousands and millions who can not get bread, when there are thousands of children that are not educated, that are not properly clothed, when there are millions of people in the United States who can not read or write—and I do not mean the colored people alone, for there are thousands of whites who can not read or write—I say, sir, that at such a time and in such a condition of things it would be better and wiser to offset some of the evil, to alleviate some of the suffering that humanity is heir to in this free land by erecting and maintaining charitable institutions rather than follow the example of the barbarous and half-civilized nations of the past in erecting these costly monuments.

Look at the monuments in this city. Look at the monument to Farragut; does any one feel proud of that? Look at the statue in McPherson Square; does any one who has ever studied a horse think that is a proper representation of a horse? There ought to be written under it, "This is a horse."

A MEMBER. That would not be true.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to amend this amendment so as to read, "For the purpose of erecting a charitable institution for inebriates on one of the public reservations in the city of Washington, to the memory of La Fayette and his compatriots, $250,000." If that amount is not enough, let some future Congress supplement it. Thus you will build an appropriate monument and one which the intelligent people of this country will appreciate far more highly than they will that pseudo-monolith sticking out of the mud of the Potomac Flats.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. WHITE] that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment.

The motion was not agreed to.

The question recurring on the motion of Mr. RANDALL, it was agreed to.

The one hundred and ninety-seventh amendment of the Senate was read, as follows:

Insert the following after line 2413:

"That the Secretary of War, the chairman of the joint Committee on the Library, and the Architect of the Capitol are authorized to contract for and erect the said statue, and to designate a suitable public reservation in the city of Washington as the site for said statue."

Mr. RANDALL. We propose in this case the same action as in the other; they may go together.

The SPEAKER. If there be no objection the House will further insist on its disagreement to this amendment of the Senate.

There was no objection.

The one hundred and ninety-eighth amendment of the Senate was read, as follows:

Insert after line 2418:

"To enable the Joint Committee on the Library to purchase the portrait of General George H. Thomas by Miss C. S. Ransom, $10,000."

Mr. RANDALL. I move that the House further insist on its disagreement to this amendment, and on that motion I demand the previous question.

The previous question was ordered; and under the operation thereof the motion of Mr. RANDALL was agreed to.

Mr. RANDALL. The next two amendments, the twelfth and the forty-ninth, can be considered together; and I presume it is not necessary to read them. One of the provisions which the Senate strike out relates to the sale of public property in Boston at a minimum price of $225,000. It is provided that if the Secretary of the Treasury should deem this price too low he may appoint a board that shall fix the minimum price. A similar provision is made in relation to the old post-office building in Philadelphia, $300,000 being fixed as the minimum in that case. I move that the House insist on its disagreement to these two amendments.

The motion was agreed to.

Mr. SPRINGER. The fifty-ninth amendment is the one proposing the purchase of a site for a new post-office in this city. The amendment is in several sections, the first being as follows:

That in order to provide additional accommodations for the Post-Office Department and an eligible site for a city post-office, the Postmaster-General, the Secretary of State, and the Secretary of the Treasury, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embraced in square numbered 406 of the said city, bounded by F street on the north, E street on the south, Eighth street on the east, and Ninth street on the west, at a cost all told not exceeding $640,000; and for such purpose that sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. RANDALL. I yield for a few moments to the gentleman from South Carolina [Mr. DIBBLE], a member of the Committee on Public Buildings and Grounds, who have considered this subject.

Mr. DIBBLE. Mr. Speaker, I do not think there was any difference at all in the Committee on Public Buildings and Grounds in regard to this matter. The Senate amendment is identical in its terms with a Senate bill which was referred to our committee, and which met with our unanimous disapproval in several of its features. We disapproved of this measure on two grounds, first, as to the amount; second, as to the frame of the bill (independently of the amount), for we believe it would allow opportunity for involving the Government in an unlimited expenditure in spite of the limitation named in the bill.

The amount proposed to be expended is $640,000. We had a report on this subject from an informal committee appointed jointly by the Senate and House Committees on Public Buildings and Grounds; and we had the assurance of this committee that the whole of this property could be bought for $500,000 and perhaps for less. We also had the letter of a part owner to the same effect. The committee generally agreed that this was the maximum limit to which the Government should go.

In relation to the manner in which the measure is framed, it provides in the first place for the absolute purchase by parcels of about two-thirds of that square—not quite two-thirds; and authorizes certain prices according to a schedule and set of bids made by certain owners of property or their agents. The area of that square is 60,000 square feet; the area to which these offers apply is a little less than 40,000 square feet—less than two-thirds. The exact area is 38,725 square feet. The bill undertakes to provide that the total cost of the square shall not exceed $640,000, yet it authorizes an expenditure of $538,500 for 38,725 square feet, leaving only $100,500 to buy more than half as much as the portion which is to cost $538,500.

Furthermore, the schedules and estimates which are incorporated in this bill differ from each other in several important particulars, including the dimensions of the lots, as mentioned in the schedule and the offer, respectively. No lawyer who has been in practice six months would consider a contract with this discrepancy as giving a binding and clearly defined agreement for a good title. No business man would act upon any such offer in his private affairs.

As to the other third part of the square we are informed that a portion of it is owned by minors, and another portion is church property. This third part embraces about 20,000 square feet; yet, without any positive assurance that the remainder of the square can be bought at a reasonable price, it is proposed in this measure to purchase the two-thirds, which is offered, parcel by parcel, and pay for it out of the Treasury. The result would be that after the Government had spent $540,000 it would own detached pieces of property scattered through this square, while as to other pieces, and in one instance where a party offers one piece he reserves another piece, the Government would be at the mercy of these owners. These are the reasons, briefly stated, why the Committee on Public Buildings and Grounds by a unanimous vote repudiated this plan of legislation.

Mr. RANDALL. I will yield now to the gentleman from Pennsylvania [Mr. BRAINERD] also a member of the committee.

Mr. BRAINERD took the floor.

Mr. DUNHAM. I wish to ask the gentleman from Pennsylvania a question. Do not let us debate this any longer, but let us vote. We are as ready to vote now as at any other time.

Mr. BRAINERD. I desire to oppose it, and I will not occupy but a minute or two. This provision which has been put on the sundry civil appropriation bill by the Senate ought not to be passed. I am fully satisfied of that from an investigation of the case, and our committee have fully investigated in reference to this property and considered it in all its aspects and we framed a bill providing for the purchase of this property for a sum not exceeding $500,000. That bill has been introduced and is now pending in this House.

On reliable information furnished to us this property can be purchased for $500,000 or less. I am informed its assessed value is a little over $300,000. In my judgment, if this purchase is authorized by Congress on the basis of $640,000, at least $140,000 of it is money that will go into the hands of private speculators, and for one I am not willing the Government shall be placed in the power of speculators under the provisions the Senate have introduced into this bill. Under those provisions this property would cost this Government an unlimited amount. The mode of acquirement of title in itself is sufficient to satisfy this House before the title shall be completed to that entire square, as contemplated by the purchase, it would cost this Government far above $1,000,000 instead of $640,000.

Mr. BUDD. I move to adhere. I do not think this ought to be sent to conference. If there ever was a job stuck into a bill this is the job.

The SPEAKER. If there be no objection, the question will be taken on the motion of the gentleman from Pennsylvania that the House insist on its disagreement.

The motion was agreed to.

Mr. SUMNER, of California. Mr. Speaker, I move to amend by adding to the last Senate amendment, appropriating for public buildings, an amendment providing an appropriation of $350,000 for the purchase of a site for a post-office in San Francisco.

Mr. WHITE, of Kentucky. Mr. Speaker, I rose in time to move an amendment about the property between F and E and Ninth and Tenth streets.

The SPEAKER. The House has passed away from that subject.

Mr. WHITE, of Kentucky. I think the Chair will agree with me that instead of buying this piece of property, it would be better to amend so that the Pennsylvania Railroad should be compelled to keep out of the public grounds, and we should take that building and turn it into a city post-office.

Mr. RANDALL. That is not germane. I ask the House further to insist on its disagreement to the fourth amendment, which relates to the international boundary surveys between Mexico and the United States. I should like that to go into the conference for some sort of adjustment.

The SPEAKER. It has not been read.

Mr. RANDALL. I think it has been read.

The motion was agreed to.

Mr. RANDALL. I ask that the vote be taken as a whole on the various propositions relating to public buildings, and on that I demand the previous question.

Mr. BROWN, of Pennsylvania. I have been on the floor addressing the Chair.

The SPEAKER. The gentleman from Pennsylvania has made a request which the Chair has not stated to the House. The gentleman asks the House to vote as a whole on propositions relating to public buildings.

Several members objected.

The SPEAKER. If that is acceded to, gentlemen might still offer their amendments.

Mr. POLAND. I desire to have a separate vote on amendment 62.

The SPEAKER. If gentlemen will indicate the amendment on which they ask for a separate vote, time will be saved.

Mr. STOCKSLAGER. I desire separate votes.

The SPEAKER. The Chair asks gentlemen to indicate all propositions on which they desire separate votes.

Mr. STOCKSLAGER. I desire to move an amendment.

The SPEAKER. The suggestion of the gentleman from Pennsylvania is objected to.

Mr. RANDALL. I ask the sixth amendment be read.

The Clerk read as follows:

For court-house and post-office at Abingdon, Va.: For completion under present limit, $25,000.

Mr. RANDALL. I demand the previous question.

Mr. WHITE, of Kentucky. What is the population? What is the necessity for it?

Mr. RANDALL. I think about 3,000, but I am not certain. I want to test the sense of the House whether they want any other buildings added to the million seven hundred thousand dollars which the Senate have passed.

Mr. BUDD. I think it will facilitate business if I can——

Mr. RANDALL. I will make a statement. If the House want additional buildings they can vote down the previous question. If the House wants there shall be a concurrence in all these propositions of the Senate they can take that vote. I demand the previous question. If that is voted down, then I am no longer in charge of this subject.

The SPEAKER. Of this particular amendment.

Mr. RANDALL. I did desire to have a single vote on these thirty-nine separate amendments which relate to the public buildings.

Mr. BUDD. I desire to make a statement to gentlemen of the House. If the gentleman from Pennsylvania will withdraw his demand for the previous question a moment——

Mr. RANDALL. I do not want to lose the floor.

Mr. BUDD. I will not take you off the floor.

Mr. RANDALL. I am willing to listen.

Mr. BUDD. In these amendments added by the Senate, and which you say contain additional appropriations for buildings, it will be found that some have already passed by separate bills in both Houses and have become laws. There are certain bills which have passed the Senate and the House, for instance the bill for the Sacramento post-office, providing that a post-office shall be erected there. But the bill is inoperative. It seems that in some of these bills the appropriating words have been omitted by some oversight, and consequently what is claimed as an increase or addition by the Senate is simply an appropriation to carry out laws that have been enacted. That is the reason why I ask to have a separate vote expressly upon that particular amendment.

Mr. WASHBURN. I move that the House recede from its disagreement to the amendments of the Senate, and agree to the same.

Mr. RANDALL. Does the gentleman make that motion as to all these separate amendments?

Mr. WASHBURN. I will amend my motion, and move that the House recede from all its disagreements to these amendments with an amendment.

Mr. BUDD. I must demand a separate vote.

The SPEAKER. That has been already demanded.

Mr. RANDALL. I demand the previous question.

The SPEAKER. The gentleman from Pennsylvania moves that the House further insist on its disagreements to the amendments of the Senate, and on that demands the previous question. Pending that motion the gentleman from Minnesota moves to recede from the disagreements and agree with an amendment, which is in order and not debatable pending the demand for the previous question. The gentleman will state the amendment.

Mr. BUDD. I want to say that a separate vote will be insisted on in this case.

Mr. STOCKSLAGER. Will the gentleman from Pennsylvania yield to me for an amendment?

Mr. RANDALL. Without waiving the right to call the previous question on the pending motion, I want to yield a moment to the gentleman from Indiana [Mr. STOCKSLAGER].

Mr. STOCKSLAGER. I wish to offer an amendment, but I prefer that a vote shall first be taken on the motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate further insisted upon its amendments, disagreed to by the House, to the bill making appropriations for the legislative, executive, and judicial expenses of the Government, and agreed to the conference asked by the House on the disagreeing votes on said bill, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL managers at said conference on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Chair will recognize the gentleman from Indiana if he desires recognition.

Mr. BAYNE. I rise to make a parliamentary inquiry. The motion of the gentleman from Pennsylvania, my colleague, is that the House disagree to all of these amendments, as I understand.

The SPEAKER. That was objected to, and a separate vote demanded upon each.

Mr. BAYNE. Then I ask the attention of gentlemen a moment. In the interest of harmony and the dispatch of the public business, I ask that unanimous consent be given that a vote be taken on all these amendments put in by the Senate at one time, and then if that is voted down, that gentlemen desiring to offer amendments shall have the opportunity to do so.

Mr. CASSIDY. I object.

Mr. RANDALL. I again make this suggestion: Let us take all of the amendments but the last in one motion, and that can be used as a basis for offering amendments up to a reasonable hour.

Mr. BUDD. No, sir; I will object to that.

Mr. RANDALL. I suggest that if the House will permit a vote to be taken on all the amendments except the last proposition, then that proposition can be submitted to a separate vote, and if the House desires further amendments all they have to do is to vote down the previous question.

Mr. BUDD. Why can not that be done on the first amendment?

Mr. RANDALL. Well, I want to expedite the consideration of the bill.

Mr. BUDD. It will expedite it just as much if the vote is taken on the first amendment.

Mr. RANDALL. I think not.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from Pennsylvania if it be true as alleged that the Senate has amended this bill by adding some four millions of dollars for public buildings?

Mr. RANDALL. No, sir; not so much.

Mr. WHITE, of Kentucky. About what is the amount?

Mr. RANDALL. In the neighborhood of $1,600,000.

Mr. POLAND. Excluding the post-office here?

Mr. RANDALL. Yes, sir.

Mr. SMITH, of Pennsylvania. I reserve the right to offer an amendment to this bill.

The SPEAKER. The gentleman can not reserve the right when the previous question is demanded.

Mr. SMITH, of Pennsylvania. I submit to my colleague that he should allow an amendment——

Mr. BUDD. I insist upon the regular order. The Speaker has decided that the vote must be taken separately when demanded.

The SPEAKER. The question is on ordering the previous question.

The House divided; and there were—ayes 62, noes 19.

Mr. BUDD. No quorum.

Mr. RANDALL. Mr. Speaker, I ask to lay aside this report and take up the naval appropriation bill.

Mr. BUDD. Regular order.

Mr. KEIFER. Can not this business be laid aside by a conference report?

The SPEAKER. The Chair thinks this is a conference report.

Mr. KEIFER. The conference report has been adopted. This is outside of the report—extraneous to it.

Mr. WASHBURN. It seems to me the whole matter can be arranged satisfactorily in a moment if gentlemen will hear a proposition.

Mr. RANDALL. I will submit a proposition. I am willing that these amendments may be offered, provided that gentlemen who offer them if they are voted down will not take advantage of the fact to require a quorum.

Mr. LEWIS. I am willing.

Mr. CASSIDY. And I shall not object.

Mr. BROWN, of Pennsylvania. That is exactly what I want. I have been wishing to get a vote on a bill of mine for a long time.

Mr. BUDD. I want to understand the question before giving my assent. This relates to any amendment that may be offered to this bill?

Mr. KEIFER. I have a little bill here.

The SPEAKER. Any amendment that would be in order under the rules of the House would be in order if the agreement should be concluded. Is there objection to the request?

Mr. WHITE, of Kentucky. That is but a part of the system upon which this bill has been passed.

The SPEAKER. That is not a matter to be discussed now.

Mr. WHITE, of Kentucky. I want to say I yield none of my rights to call a quorum, if I believe at any time a quorum ought to be demanded.

The SPEAKER. The gentleman from Kentucky objects to the arrangement proposed by the gentleman from Pennsylvania.

Mr. HATCH, of Missouri. I do not understand the gentleman from Kentucky to object. He merely stated his own position.

Mr. WHITE, of Kentucky. I stated I would not bind myself not to demand a quorum simply because gentlemen have bills that they want to go into this bill with the other buildings which some members of the House through influence with the House committee have put in, and which some members of the Senate have put in, having gone one better through members of the Senate committee. I do not propose to be bound by any agreement that shall prevent me from exercising my right to demand a quorum if I should think it necessary.

Mr. RANDALL. I understand the gentleman from Kentucky [Mr. WHITE] to object practically to the proposition I have made. I therefore ask to postpone the consideration of the sundry civil bill so as to enable the report of the committee of conference on the naval appropriation bill to be made.

Several members objected.

The SPEAKER. The Chair holds that the amendments which the House is now considering are not part of a conference report, and that the consideration of those amendments may be interrupted by a conference report, which is privileged under the rules of the House.

Mr. RANDALL. I present the conference report on the naval appropriation bill. And I will say that I desire to take the naval bill back into conference as quickly as I can.

Mr. BUDD. I desire to state at this point for the information of the gentleman from Pennsylvania [Mr. RANDALL] and others who may have misunderstood me that all I asked was that gentlemen who had amendments might have the right to offer them.

Mr. RANDALL. I have been generous in the highest degree, but I have been met by an objection which prevents me from proceeding with that part of the business which relates to the sundry civil bill. I have asked that the consideration of that bill be postponed until I can secure a quorum here to test the sense of the House on the Senate amendments.

NAVAL APPROPRIATION BILL.

The SPEAKER. The Clerk will read the conference report sent up by the gentleman from Pennsylvania.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, having met, after full and free conference have been unable to agree.

W. HUTCHINS,
SAM. J. RANDALL,
JOHN D. LONG,
Managers on the part of the House.
EUGENE HALE,
P. B. PLUMB,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. RANDALL. I would like to have order and I will make a statement to the House. The real difficulties as to the naval appropriation bill are not so great as the general disagreement reported by the conference committee would seem to indicate. There are but four or five real points in controversy about which the conferees on the part of the House and of the Senate do not seem at present to be able to agree.

The first relates to the $400,000 appropriation in reference to what is known as the wooden vessel New York, at Brooklyn, N. Y.

The next is the proposition of the Senate for the construction of two cruisers, which shall be from 3,000 to 5,000 tons displacement, and to cost $1,100,000, exclusive of the armament.

The next is as to a heavy gunboat of about 1,600 tons displacement, at a cost not exceeding $520,000 without the armament.

The next is as to a light gunboat of about 800 tons displacement, to cost about $275,000. And in this connection I will say the difficulty arose in the conference whether that board which now exists, known as the naval advisory board, should be given anything to do with the construction of the vessels to which I have just referred. The armament for these four vessels is appropriated for in the Senate amendment to the extent of $500,000.

The next is as to the item inserted by the Senate appropriating $2,000,000 for the commencement of work on the double turreted monitors, which will cost to complete, as is well known by all of us, $4,250,000.

Then again there is a proviso requiring that the purchase of the armor contracted for shall be free to open public competition. Not a word is there said as to domestic material.

The next difficulty is as to what is known as the Ericsson Destroyer, to which the conferees on the part of the House decline to assent.

In view of the proposition as to the two cruisers and as to the heavy gunboat and the light gunboat there was submitted a proposition in lieu of the one providing for the construction of the four vessels which I have named.

Mr. TALBOTT. Was that offered by the House conferees?

Mr. RANDALL. I offered it as one of the House conferees, and I believe I would have had, if the Senate conferees had assented, the concurrence of one of my associates, perhaps both. I do not know as to the gentleman from Massachusetts [Mr. LONG]; he can speak for himself. I ask the Clerk to read that proposition.

The Clerk read as follows:

These vessels are to be constructed of steel of domestic manufacture, having as near as may be a tensile strength of not less than 60,000 pounds to the square inch and a ductility in eight inches of not less than 25 per cent. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof in all its parts, including the hull, engines, and boilers, shall have been made and approved by the Navy Department. And after said drawings and specifications have been made and the contract entered into for building the same they shall not be changed in any respect, when the cost of such change in the construction shall exceed $500, except upon the recommendation of the chief constructor and the engineer in chief in writing and with the approval and upon the written order of the Secretary of the Navy. And if changes are thus made the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by the Navy Department through the proper bureaus; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of the Navy Department as to the amount of the increased or diminished compensation said contractor shall be entitled to receive in consequence of such change or changes.

In the event that the whole or any part of the vessels provided for are built by contract, such building shall be under contract with the lowest and most responsible bidder or bidders, made after at least sixty days' advertisement published in five leading newspapers, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions, as to bonds and security for the due completion of the work, as the Secretary of the Navy shall prescribe. And no such vessel shall be accepted unless completed in strict accordance with the contract: *Provided*, That the Secretary of the Navy shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use in the building of said ships or any of the parts thereof as fully and to as great an extent as the same can be done with advantage to the Government; *And provided further*, That at the same time that he shall advertise for proposals for contracts for the construction of said vessels, he shall cause estimates to be made of the cost of their construction in the navy-yards, which estimates shall be sealed and opened only on the day when the bids for contracts are opened, and if it shall appear to the satisfaction of the Secretary of the Navy that the work of construction can be better and more economically done in the navy-yards, he may with the approval of the President reject all bids and cause the work to be done in the navy-yards.

Mr. RANDALL. The view of certain gentlemen, whom I need not more particularly describe, was that these vessels should be confined in their construction to private contractors and that the navy-yards should have nothing to do with them; such being alleged to be the tendency of the popular mind. There was also the idea put forth that the navy-yards could not compete with private contractors in consequence of the eight-hour law, which it was said gave the private contractors an advantage of about 20 per cent. to begin with. But as one of the conferees I thought it would be an advisable provision, as it would prevent in some degree a combination against the Government among the few private contractors who construct these vessels, and that, as a means of preventing such combinations, we might bring in the Department to bid against them.

There was not much controversy as to the number of vessels to be built, but there was controversy as to whether we should place these two new cruisers, as provided in the Senate amendment, again under the control of the advisory board, and it was finally thought that that would be nothing more nor less than duplicating the cruisers now in the course of construction. In addition, one of the conferees desired that one of these vessels might be of such dimensions as would compare favorably with any battle-ship that is now afloat, and to that end it was desired that the restriction as to tonnage displacement which is provided for in the Senate bill should be fixed at between 3,000 and 5,000 tons and should be extended so that it might reach as high as 8,000 tons. I have stated the difficulties that presented themselves, but I think that perhaps an effort should be made to reconcile those differences by another conference, and for that purpose I ask that this House nonconcur and ask a further conference. I yield now to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, it is at this hour hardly worth any one's while, and I doubt if it is the wish of the House, to discuss at length the merits of the questions which are involved in this bill. The issue that is now before us is a practical one. If it be desired to escape the necessity of an extra session for the purpose of passing a naval appropriation bill one of two things must be done, as I am satisfied from my experience in conference during the last three or four hours. Either this House must make up its mind to agree to the following propositions: First, that the limit for repairs of wooden ships shall be 20 per cent.; second, that it is not worth while at present to enter upon the completion of the wooden ship New York; and third, that in moving for an increase of the Navy we adopt the general principle of empowering the Secretary of the Navy and the new administration to construct two cruisers, ranging from 3,000 to 5,000 tons displacement, together with one heavily armed gunboat and one lighter armed gunboat; leaving the character and description of the cruisers and gunboats to be determined by the incoming authorities—either this, or, on the other hand, we must lay aside all idea of an increase of the Navy during the present year and content ourselves with simply agreeing upon a bill which will pay the wages of the officers, sailors, and marines, keep the ordinary bureaus going, and let the incoming administration and the new Secretary of the Navy consider during the summer the whole general question of the increase of the Navy and report to the next Congress. These are the two plain practical alternatives that present themselves. It is a waste of time now to discuss the question of iron cruisers or wooden ships and all that.

Mr. MILLIKEN. Are those propositions demanded by the Senate?

Mr. LONG. If the gentleman will excuse me, I can not in terms say that they are. If they were I should not have the parliamentary right to say so. But I have stated the simple, plain question. I repeat it again, if we desire to avoid an extra session so far as this matter is concerned let us agree on a bill (and I am sure we can) to provide for the current force of the Navy, or let us agree to an increase of the naval force in the general manner embodied in the Senate amendment to this bill, which is iron ships instead of wooden, and no more repairs at great expense of our wooden navy. And, coming now to the details of the proposition of the Senate embraced in this bill, it is by no means a harsh or narrow one.

What is the proposition? It is: First, that there be appropriated money for the construction of two cruisers of not less than 3,000 or more than 5,000 tons displacement. That is all the limitation that is provided in the bill as to these two vessels. All the rest is left to the responsible head, the Secretary of the Navy, and to the President, his

superior. It goes without saying that in the construction of these two cruisers the best talent will be sought, the best designs and plans obtained, all the advantages of modern invention—speed, security, power, armament, all secured. Second, a heavily armed gunboat of about 1,600 tons displacement. Third, a lighter gunboat of about 800 tons displacement. As to these gunboats also no other limitation than their size and general description and cost is placed on the responsibility of the Department, except as follows: And, further, "authority is hereby given for the construction of said four vessels, at not exceeding the total cost for each above specified, in accordance with such final plan as may be determined upon, after a revision and reconsideration of all designs which have been heretofore made."

Not necessarily, it will be observed, to construct them at once, but leaving ample time for the Secretary to consider and mature the best plans. He may, if he pleases, take a whole year to consider and mature them, but after he has determined upon the plans then the vessels are to be constructed "in the manner and in conformity to the conditions and limitations provided for the construction of the new cruisers in the acts of August 5, 1882, and of March 3, 1883."

Those acts very carefully guard the contracts for the construction of these gunboats and cruisers. It is true that these acts require the advice of an advisory board, and I certainly should desire, so far as that advisory board is concerned, that that part of these acts should be waived in the construction of these vessels.

On this basis I believe we shall find elsewhere a readiness to unite with us cordially in putting it within the power of the new administration to construct these additions to our Navy varying in their type and size as described, with a large discretion conferred upon the new Secretary of the Navy, a discretion which certainly ought to be satisfactory to the incoming administration and to those who support it.

A MEMBER. What about the monitors?

Mr. LONG. With regard to the monitors I can only say, from such observation as I have had, that the consideration of them was not specially reached. While I believe they should be completed, and when completed will form a most important part of our harbor defenses, I do not believe the question of their construction at this particular time should or will stand in the way of an agreement between the two branches. I do think, however, we must make up our minds to abandon the idea of spending money on wooden vessels, either in the excessive repair of old ones or in the completion of the New York, and also to increase the navy in the manner proposed by the Senate, giving this large discretion to the incoming administration, and holding it to strict responsibility. Either there must be an agreement upon that basis, or else an agreement can undoubtedly be had upon a bill—if the Democracy care to go to the country on that—which shall simply appropriate money enough to keep the present navy going in a perfunctory way. The practical thing certainly for us to do at this precise moment of time is to insist and ask for a new conference.

Mr. WARNER, of Ohio. To go back into conference and agree on something.

Mr. LONG. Yes, sir.

Mr. TALBOTT addressed the Chair.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. RANDALL] has called the previous question. Does he yield to the gentleman from Maryland?

Mr. RANDALL. I have no objection; but the gentleman will bear in mind that only five hours of this session remain.

Mr. TALBOTT. And I hope the gentleman from Pennsylvania will bear in mind that the Committee on Naval Affairs has been ignored in this whole arrangement.

Mr. RANDALL. On the contrary, we have conferred constantly with individual members of the Naval Committee, and particularly with its chairman. How much time does the gentleman want?

Mr. TALBOTT. Five minutes will be sufficient.

Mr. RANDALL. Very well.

Mr. TALBOTT. Mr. Speaker, the Committee on Appropriations brought into this House some new legislation looking toward the reconstruction of the navy and the building of new vessels. That legislation was ruled out by the Chair on a point of order. An amendment was offered by myself making an appropriation for the only vessel that was authorised to be constructed. The Senate has struck out that provision and inserted some amendments. I wish to say that the amendments adopted by the Senate for the construction of the steel cruisers and their armament are substantially in accord with what the Committee on Naval Affairs believe to be right.

Mr. MCADOO. Except as to the monitors.

Mr. TALBOTT. I am only speaking of the steel cruisers. The Committee on Naval Affairs has a right to be heard on this question. I am not antagonizing the chairman of the Committee on Appropriations. All we ask is that this legislation be concurred in.

I agree to the proposition of the gentleman from Pennsylvania as to competition in the work of construction between the navy-yards and the contractors. I had prepared such an amendment myself, and had suggested the matter to some members of the Senate. An amendment of that kind, which will bring about competition between the bureaus of the Navy Department on the one hand and naval contractors on the other ought to be adopted. Now I ask the Committee on Appropriations to comply with the demand of the country and begin the reconstruction of a navy. That is all the Committee on Naval Affairs ask, and I am satisfied from what the gentleman from Pennsylvania [Mr. RANDALL] has said that he concurs in desiring this object.

I yield the residue of my time to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, both the Senate and the House are agreed that these cruisers should be built. I think the House will agree—I know this portion of it will—as to the monitors. Now we can have these cruisers; we can have them constructed to be the equals of the Esmeralda, the finest type of her class of vessel; and they can be built by the incoming administration; they can be built this year. I sincerely hope that the proposition of the gentleman from Pennsylvania, to which I agree in every particular, will be adopted by the House and sent to the Senate.

The SPEAKER *pro tempore*. The question is now on seconding the previous question.

The previous question was seconded.

The SPEAKER *pro tempore*. The next question is upon accepting the report of the committee.

The report was accepted.

Mr. RANDALL. I move that the House further insist on its disagreement to the amendments of the Senate and ask a conference.

Mr. THOMAS. Is it in order to move to concur in the amendments of the Senate.

Mr. RANDALL. I have moved the previous question.

Mr. THOMAS. That can not cut off the motion to concur.

The SPEAKER *pro tempore*. The motion to concur is in order, and it takes precedence of the motion of the gentleman from Pennsylvania.

Mr. THOMAS. At the solicitation of the gentleman having this bill in charge I withdraw my motion, so that the bill may go to a further conference.

The question being taken upon the motion of Mr. RANDALL that the House further insist on its disagreement to the amendments of the Senate and ask a further conference, it was agreed to; and the Speaker announced the appointment of Mr. HUTCHINS, Mr. RANDALL, and Mr. LONG as the conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 347) to provide for printing additional copies of the report of the Committee on Military Affairs on investigation of national homes for disabled volunteer soldiers.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the naval appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. PLUMB, and Mr. BECK.

SUNDRY CIVIL BILL.

Mr. RANDALL. I again ask to resume the consideration of the sundry civil bill.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). That is the pending question before the House.

Mr. RANDALL. I move that these gentlemen may be allowed to have their measures voted on. I want a vote on all but the last.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania moves to non-concur except as to the last amendment of the Senate.

Mr. BUDD. I move that the House concur in all but the last.

Mr. RANDALL. I ask that the same understanding shall be carried out as to a quorum and the yeas and nays.

Mr. BUDD. That is understood.

The SPEAKER *pro tempore*. The Chair understands that yeas and nays are not to be ordered on the point made of no quorum.

Mr. CASSIDY. What sort of amendments are in order?

Mr. WARNER, of Ohio. Will the Chair state the proposition?

The SPEAKER *pro tempore*. The proposition will be distinctly stated, so it may be understood. The gentleman from Pennsylvania moves that the House insist on its disagreement to the amendments of the Senate, except the last one. The gentleman from California [Mr. BUDD] moves to concur in all but the last. The question is first on the latter motion.

The House divided; and there were—ayes 74, noes 62.

Mr. RANDALL. I must ask for tellers to emphasize the vote. I have no means of getting the yeas and nays.

Tellers were ordered; and Mr. RANDALL and Mr. WASHBURN were appointed.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;

A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley;

A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 1866) granting a pension to Calvin L. Knick;

A bill (H. R. 2377) granting a pension to James Stockton;

A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;

A bill (H. R. 4605) granting a pension to Ellen Edmiston;

A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;

A bill (H. R. 5309) for the relief of Charles Milk;

A bill (H. R. 7434) granting a pension to Sylvester Greenough;

A bill (H. R. 7503) for the relief of Daniel McAlpin;

A bill (H. R. 7718) restoring John Snyder to the pension-roll;

A bill (H. R. 7810) granting a pension to Rosanna Riley;

A bill (H. R. 7853) granting a pension to Margaret Flaherty;

A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;

A bill (H. R. 8082) granting a pension to Lina J. Stearns; and

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton.

SUNDRY CIVIL BILL.

The House divided on Mr. BUDD's motion to concur in all the amendments but the last.

The House divided; and the tellers reported—ayes 77, noes 53.

So the motion was agreed to.

The SPEAKER *pro tempore*. The last amendment of the Senate will be read.

The Clerk read as follows:

Sixty-sixth amendment of the Senate:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices, at the city of Winona, Minn. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein."

The SPEAKER *pro tempore*. The Chair desires to have the attention of the gentleman from Pennsylvania. Is it intended that the question shall be taken on this amendment which has just been read?

Mr. RANDALL. That is the pending amendment.

Mr. THOMPSON rose.

Mr. STOCKSLAGER. I now move to concur in the Senate amendment with an amendment.

Mr. THOMPSON. I raise the question of order upon that paragraph of the bill.

The SPEAKER *pro tempore*. But the gentleman from Indiana offers an amendment——

Mr. THOMPSON. I made the point of order before that was offered.

The SPEAKER *pro tempore*. The Chair will entertain the point of order; but will first state the condition of the question.

The gentleman from Kentucky makes the point of order that the amendment just read by the Clerk must have its first consideration in a Committee of the Whole.

Mr. CASSIDY. That is contrary to the agreement. We have agreed to allow all amendments to be offered and every amendment to be voted on.

Mr. RANDALL. But gentlemen should discriminate. If this bill is loaded down no one can answer for it. I think the House had better not load it down or be unreasonable in its demand. An hour or two will be all the time that this bill can be kept away from the Senate.

Mr. CASSIDY. The agreement entered into by unanimous consent provides that all proper amendments shall be in order and be voted upon.

Mr. GOFF. That is the agreement.

Mr. CASSIDY. Yes, sir.

The SPEAKER *pro tempore*. The Chair will state the pending question. The gentleman from Indiana moves that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment which the Clerk will report.

The Clerk read as follows:

For court-house and post-office at New Albany, Ind., purchase of a site for erection of building, $100,000.

Mr. KEIFER. I move to amend the amendment by inserting what I send to the desk.

The SPEAKER *pro tempore*. The Chair would suggest that if amendments are to be offered in the ordinary manner as provided by the rule it would lead to confusion.

Mr. CASSIDY. It was expressly stipulated that all these should be in order, although no agreement was made as to how they should be presented.

Mr. RANDALL. Let a vote be taken on each one separately as it is offered.

Mr. CASSIDY. I do not want to limit that to two or three amendments which may be offered under the rule, but to allow all the amendments to be offered that are in order and take them up *seriatim* to consider them.

The SPEAKER *pro tempore*. If the gentleman from Ohio insists upon his motion, the Chair could not entertain or receive any more amendments until the motion is put to the House and determined.

Mr. CASSIDY. But that is not in accordance with the order of the House.

Mr. BUDD. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUDD. The Chair is deciding a point of order before it is raised.

The SPEAKER *pro tempore*. The gentleman from California will allow the Chair to state the question.

Mr. BUDD. But I claim that the Chair is deciding a question that is not raised.

Mr. CASSIDY. I submit that all the amendments on this subject should be sent to the Speaker's table or to the Clerk's desk and be considered as pending amendments under the order of the House, to be disposed of in their order.

Mr. RANDALL. But I desire to have a separate vote upon each.

Mr. CASSIDY. I submit to that, but every amendment that is pertinent to this bill should be presented at the Clerk's desk, and must be in order under the agreement.

Mr. BUDD. I rise to a parliamentary inquiry. I desire the gentleman from Pennsylvania to say, so that there may be no misunderstanding, as we are now proceeding by unanimous consent and by agreement, that a vote is to be taken upon these amendments in the House——

Mr. COSGROVE. I object to any other unanimous consents.

Mr. BUDD. It was understood that these propositions were to be voted on, each one separately and in order, to carry out that consent. When one is voted on then another one will be in order immediately, whether there be half a dozen pending or only two.

Mr. RANDALL. The Chair of course must state the recognitions as to who shall offer these amendments.

The SPEAKER *pro tempore*. The gentleman from Kentucky raises the question of order, which he will now state.

Mr. THOMPSON. The point of order I make is that each of these amendments must receive its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. But the gentleman made the point of order upon the Senate amendment, which was not subject to that point of order for the reason that it had been under consideration by the House for some time and was a part of the report which had been considered and without objection.

Mr. CASSIDY. It is too late to make the point of order upon it at this stage of the proceedings.

Mr. KEIFER. It is too late to make the point of order upon any of them.

The SPEAKER *pro tempore*. The House has considered the Senate amendments, and that question, the Chair will state to the gentleman from Kentucky, is now beyond the reach of the point of order. The House only divided the question, the first part of it having been considered and agreed to on a separate vote. The Chair will entertain a point of order upon the proposed amendments as they are submitted to the House.

The gentleman from Indiana moves that the House recede from its disagreement to the Senate amendment to this bill and agree to the same with an amendment, which the Clerk has reported.

Mr. RANDALL. On that I ask the previous question.

Mr. THOMPSON. Mr. Speaker, as soon as that amendment was read and before the gentleman offered an amendment I made a point of order upon it.

The SPEAKER *pro tempore*. The Chair distinctly stated that the amendment was in order and the gentleman from Kentucky made the point of order upon the Senate amendment, which had been under consideration.

Mr. THOMPSON. As soon as it was read I made the point of order.

The SPEAKER *pro tempore*. But it had been considered before and was simply a part of a divided question. It was not subject to the point of order.

Mr. BLACKBURN. I desire to offer an amendment to the amendment.

The SPEAKER *pro tempore*. It is in order, but the gentleman from Kentucky has made a point of order, which is pending.

Mr. BLACKBURN. And I ask that this amendment may be pending.

Mr. THOMPSON. I insist upon the point of order.

Mr. STOCKSLAGER. I desire to state the situation of the bill which I have asked to incorporate as a part of this proposition.

Mr. THOMPSON. I make the point of order on that.

The SPEAKER. The gentleman from Kentucky makes the point of order upon the amendment of the gentleman from Indiana.

Mr. CASSIDY. I submit that under the order of the House all proper amendments were in order to this bill.

Mr. BUDD. By unanimous consent.

Mr. BROWN, of Pennsylvania. And they can not be ruled out on points of order.

Mr. KEIFER. No; they must be taken up for consideration in the House under the order of the House.

Mr. STOCKSLAGER rose.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. THOMPSON] makes the point of order. The Chair will hear the gentleman from Indiana [Mr. STOCKSLAGER] on the point of order.

Mr. STOCKSLAGER. I submit that the point of order does not lie against this bill because it has been in Committee of the Whole House on the state of the Union and been favorably reported. Besides that, it was not raised in proper time.

Mr. CASSIDY. That is not the point. We made a stipulation that all amendments were to be in order.

Mr. RANDALL. I think if we have quiet and gentlemen will agree to take their turns we will get along a good deal faster.

The SPEAKER *pro tempore*. A point of order has been raised by the gentleman from Kentucky [Mr. THOMPSON]. The Chair desires that gentleman to state now what is his point of order.

Mr. THOMPSON rose.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Kentucky has risen to state his point of order.

Mr. THOMPSON. The point of order I make on the amendment of the gentleman from Indiana is that it makes an appropriation of money, and must receive its first consideration in Committee of the Whole House on the state of the Union.

Mr. KEIFER. Under what rule?

Mr. THOMPSON. In the second place, if, as the gentleman from Indiana says, this has been already considered and passed upon in Committee of the Whole House on the state of the Union, then it is the substance of another bill which has been passed upon by the House and it can not be put upon this bill.

Mr. KEIFER. That will not apply to my proposition.

Mr. STOCKSLAGER. The amendment I have offered is not the substance of a bill pending before the House in any sense.

Mr. THOMPSON. I do not understand that any amendment is pending except that of the gentleman from Indiana.

Mr. KEIFER. The Chair held that my amendment was in order as an amendment to the amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I ask that the consideration of the pending bill be postponed for the present, to give the gentleman from Missouri [Mr. BURNES] an opportunity of presenting a conference report, which is always in order.

The SPEAKER. That is in order. The conference report can interrupt this proceeding.

Mr. CASSIDY. But what we are now considering is a conference report.

The SPEAKER. The conference report on the sundry civil appropriation bill has been agreed to. The House is considering certain amendments to the bill.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I present the report of the committee of conference on the deficiency appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 15, 16, 21, 28, 33, 39, 42, 45, 50, 63, 67, 69, 74, 76, 79, 80, 84, 85, 87, 89, 180, 198, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 17, 19, 20, 23, 24, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 43, 44, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 68, 70, 71, 72, 73, 75, 78, 81, 83, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, and 200; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

After the word "depositary," where it occurs in said amendment, insert the words "at Tucson, Arizona."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert "$15,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of said amendment insert the following:

"The Attorney-General of the United States is required to investigate the judgments and awards against the United States arising under an act of Congress entitled 'An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin,' approved March 3, 1875, and to report to Congress at the next session whether the liability of the United States therefor is established, and what amount is justly due thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Insert after the words "thirty-five" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered from 115 to 119 inclusive, and agree to the same with an amendment as follows:

In lieu of the amended paragraph insert the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employés of their respective Houses borne on the annual or session rolls on the 3d day of March, 1885, including the Capitol police, one month's extra pay, at the compensation then paid them by law, which sum shall be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows:

After said amendment insert as a new paragraph the following:

"For one page in the Clerk's office, under resolution of the House of December 3, 1884, from March 4 to December 7, 1885, at $2 per day, $356."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "five thousand dollars; said sum to be payable on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "including all such claims readjusted up to February 14, 1885, $178,481.23;" and the Senate agree to the same.

JAMES N. BURNES,
JOHN D. LONG,
Managers on the part of the House.
EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. BURNES. I move the adoption of the report, and upon that motion I demand the previous question.

The motion was agreed to.

Mr. BURNES moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Several MEMBERS. Regular order.

Mr. BLACKBURN. Mr. Speaker, I ask the Chair to state the question that is before the House.

The SPEAKER *pro tempore* (Mr. SPRINGER). The House will resume the consideration of the amendments to the sundry civil appropriation bill; and the Chair desires to have a distinct understanding as to what was the agreement on that subject.

Mr. RANDALL. Mr. Speaker, I merely wish to say that unless this bill goes from the House by 8 o'clock this morning it will fail.

The SPEAKER *pro tempore*. The Chair desires to know what the agreement was with regard to the amendments to this bill—whether they were to come up subject to the point of order or whether they were all to be submitted and voted upon.

Mr. BUDD. They were to be submitted and voted upon, as the gentleman from Pennsylvania [Mr. RANDALL] has stated.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Pennsylvania [Mr. RANDALL] to state the agreement that was made. Was each amendment to be voted upon as it came up?

Mr. RANDALL. Each

The SPEAKER *pro tempore*. Then the Chair overrules the point of order made by the gentleman from Kentucky [Mr. THOMPSON].

Mr. MCMILLIN. Mr. Speaker, the RECORD will show the fact, but I say now there is not a word or a letter in the RECORD or the Journal that precludes the point of order.

Mr. WARNER, of Ohio. Mr. Speaker, when these amendments are offered they must be considered under the rules. The rules are not suspended.

Mr. BLACKBURN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear it as soon as order is obtained.

Mr. BLACKBURN. I desire to ask the Chair to state to the House the question now pending before the House.

The SPEAKER *pro tempore*. The Chair was about to state the question, but it depended somewhat upon whether the Chair could entertain points of order upon amendments offered to this bill. If points of order were to be made upon those amendments then the pending question would be upon the point of order raised by the gentleman from Kentucky [Mr. THOMPSON], but if points of order were not to be raised and each amendment was to be voted upon as it was offered then of course the Chair would overrule the point made by the gentleman from Kentucky [Mr. THOMPSON].

Mr. RANDALL. Mr. Speaker, my understanding was that these propositions were to be voted upon separately, but the RECORD and the Journal will show whether there was any reservation of points of order. That does not depend upon any member's statement.

Mr. CASSIDY (to Mr. RANDALL). Then that was an unfair proposition. We agreed upon our side that we would not raise points of order, and now——

Mr. RANDALL. I have raised no point of order.

Mr. WARNER, of Ohio. It is never unfair to stand by the rules.

Mr. CASSIDY. Well, if gentlemen are going to quibble about this they can not pass this bill.

The SPEAKER *pro tempore*. The Chair submits to gentlemen that unless they observe order no business can be done.

Mr. CASSIDY. But this is a special rule.

The SPEAKER *pro tempore* (Mr. SPRINGER). There seems to be a misunderstanding on the floor of the House as to what the order was. The present occupant of the chair was not presiding at the time this agreement was made, and will therefore ask the Clerk to read that part of the proceedings which relates to this subject.

Mr. STOCKSLAGER. Before that is done I desire to say a word. I insist again, as I have before repeatedly, that the point of order made by the gentleman from Kentucky was made too late.

Mr. RAY, of New Hampshire. I rise to a point of order.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that it was agreed by unanimous consent that amendments were to be offered and voted on separately.

Mr. BUDD and others. That is correct.

The SPEAKER *pro tempore*. It is the opinion of the Chair that the words "voted upon separately" were intended to allow amendments to be submitted upon their merits.

Several MEMBERS. That is right.

Mr. CASSIDY. That is all we want.

Mr. MCMILLIN. I insist that there never was any such agreement, and never could have been.

Mr. CASSIDY. The understanding was that we were to vote on these questions; and every proposition was to be voted on upon its merits.

The SPEAKER *pro tempore*. The Chair has stated that these amendments were to be voted upon—not ruled out of order by the Chair; therefore he will entertain them. They must be voted on separately; therefore the Chair will not entertain any motion to amend one proposition by adding to it another.

Mr. BLACKBURN. I rise to a parliamentary inquiry. I was recognized by the Chair and offered an amendment to the amendment submitted by the gentleman from Indiana.

Mr. KEIFER. That was after I had offered my amendment.

The SPEAKER *pro tempore*. The Chair understands that these amendments must be voted on separately. Hence it is not in order to move one as an amendment to another.

Mr. BLACKBURN. What becomes of the amendment to the amendment which the Chair recognized as submitted by myself?

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry; whether debate is cut off on these amendments?

Mr. RANDALL. The previous question is operating.

The SPEAKER *pro tempore*. The question is upon the amendment submitted by the gentleman from Indiana [Mr. STOCKSLAGER], who moves that the House recede from its disagreement to the Senate amendment just read and agree to the same with an amendment which the Clerk will read.

The Clerk read as follows:

For a court-house and post-office at New Albany, Ind.: For purchase of site and erection of building thereon, $100,000.

The question being taken on agreeing to the amendment of Mr. STOCKSLAGER, there were—ayes 56, noes 26.

Mr. WELLER. I make the point that no quorum has voted.

Mr. MILLER, of Pennsylvania. It was agreed that the point of "no quorum" should not be raised.

The SPEAKER *pro tempore*. The agreement was that no point of order should be made.

Mr. WELLER. I rise to a parliamentary inquiry. I desire to know whether there has been an agreement that the rules of the House shall be suspended.

Several MEMBERS. Certainly.

Mr. WELLER. I know of no such proceeding.

The SPEAKER *pro tempore*. There was unanimous consent that the point of "no quorum" should not be made.

Mr. SMITH, of Pennsylvania. And that the yeas and nays should not be called.

The SPEAKER *pro tempore*. The amendment of the gentleman from Indiana [Mr. STOCKSLAGER] is agreed to.

Mr. STOCKSLAGER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUDD. I move to reconsider the vote by which the previous amendment was adopted; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the motion to reconsider will be regarded as made and laid on the table in all these cases.

Mr. RAY, of New Hampshire. I move that the House recede from its disagreement to the Senate amendment, and agree to the same with the amendment which I send to the desk.

Mr. KEIFER. My amendment is pending and should now be submitted.

The SPEAKER *pro tempore*. It can make no difference to any gentleman whether he be recognized now or later. The Chair under this order will recognize all gentlemen desiring to offer amendments. The amendment of the gentleman from New Hampshire [Mr. RAY] will be read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with commodious fire-proof vaults, for the accommodation of the post-office, pension office, the United States courts, internal-revenue office, and other Government offices, at the city of Manchester, in the State of New Hampshire. The site, and the building thereon, when completed upon plans and specifications to be previously made, and approved by the Secretary of the Treasury, shall not exceed the cost of $200,000: *Provided*, That no money to be appropriated for this purpose shall be available until a valid title to the site shall be vested in the United States, and the State of New Hampshire shall have ceded her jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys.

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purpose provided in this act.

Mr. RANDALL. I move to amend by making it $100,000.

Mr. RAY, of New Hampshire. I wish to say a word.

Mr. WARNER, of Ohio. I made an inquiry a few moments ago of the Chair whether this amendment was open to debate.

Mr. RANDALL. I demand the previous question.

Mr. CASSIDY. Everything has been waived.

Mr. WARNER, of Ohio. Did the order of the House cut off debate?

The SPEAKER *pro tempore*. The Chair understood they were not to be debated.

Mr. CASSIDY. There was to be no demand for a quorum, and no yeas and nays insisted upon.

The SPEAKER *pro tempore*. The Chair must construe this order to accomplish what it was intended to accomplish, and debate would defeat that purpose.

Mr. MCMILLIN. I call for the reading of that part of the Journal which pertains to this understanding.

Mr. WARNER, of Ohio. I appeal from the decision of the Chair.

Mr. CASSIDY. No appeal is in order under the new rule of the House.

Mr. CONNOLLY. I rise to a point of order. I insist that members on the floor shall take their seats, so as to let us have a chance to know what is going on.

Mr. WARNER, of Ohio. I do not wish to take unnecessarily a single minute of our precious time this morning in making an appeal to the House. To load this bill up means the defeat of this bill and an extra session.

Mr. CASSIDY. I make the point of order that everything was waived except the single proposition of voting on amendments.

The SPEAKER *pro tempore*. If gentlemen wish to have amendments to the bill considered they must observe the rule of the House.

Mr. WARNER, of Ohio. It must be apparent to every gentleman on this floor that this method of offering amendments and loading this bill down will lead to its destruction.

Mr. CASSIDY. That is the order of the House, if the gentleman will permit me to inform him, which was unanimously agreed to.

The SPEAKER *pro tempore*. That is not a question of order.

Mr. WARNER, of Ohio. I did not rise to a question of order, but to appeal from the decision of the Chair.

Mr. CASSIDY. The gentleman is out of order.

The SPEAKER *pro tempore*. The gentleman from Ohio is not in order.

Mr. WARNER, of Ohio. I rose to take an appeal from the decision of the Chair that these amendments were not open to debate. If these amendments are to go on it means an extra session. I ask gentlemen not to insist upon it. If there were three or four or half a dozen I would not say a word, but there are not twenty minutes left, and the bill

number here can not be voted on in an hour. Having said so much, I will not insist on my appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from New Hampshire.

Mr. WELLER. I rise to a parliamentary inquiry. I wish to know if there is a new rule which prohibits any member making the point of no quorum, or demanding the yeas and nays, or offering other amendments or substitutes. If so it precludes the House from doing that which our conscience and our judgment dictate in the interest of our constituents. [Cries of "Vote!" "Vote!"]

Mr. CASSIDY. That is the new rule. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The House is operating under special agreement and the Chair is proceeding to carry it out.

The House divided; and there were—ayes 53, noes 43.

Mr. WELLER demanded tellers.

Tellers were not ordered—not one-fifth voting in the affirmative.

So the amendment was agreed to.

Mr. BLACKBURN. I move that the House recede from its disagreement to the Senate amendments, and agree to the same with the following amendment:

The Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase at private sale, or by condemnation in pursuance of the statute of the State of Kentucky, such lot or lots of land in the city of Lexington, in the State of Kentucky, as he may consider necessary as a convenient and proper site for a public building, and to cause to be erected thereon a suitable building, with fire-proof vaults extending to each story, for the use and accommodation of the post-office, internal-revenue offices, and other Government offices in said city; the site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and for the purpose herein mentioned the sum of $200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Kentucky shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The motion was agreed to.

Mr. KEIFER. I move the following amendment:

The Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Springfield, in the State of Ohio, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purpose herein mentioned the sum of $400,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States; and the State of Ohio shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. KEIFER. This bill passed the Senate, as I am informed, without opposition.

The amount proposed to be appropriated will be more than realized from the net revenues of the post-office at the city of Springfield, Ohio, within the time it will require for the erection of the building. I can not give the exact population of this city, but some estimate may be made from its voting population.

At the last November election the aggregate vote cast in Springfield was 7,905. The population of the city may from this be fairly estimated at about 40,000.

The gross post-office receipts for the year 1884 was $56,205.93, and the net revenue for same year was $37,204.67, although the letter-carrier system is maintained there.

The number of money-orders and postal notes issued in 1884 was 11,824, and the amount received for the same was $104,477.24.

The number of money-orders and postal notes received and paid in that year was 38,203, and the amount of the same for same time was $178,377.24. Registered letters to the number of 21,068 were received in that year.

Carriers delivered 2,577,073 pieces, collected from boxes 1,123,482 pieces, and handled 3,700,555 pieces in 1884.

The number of letters and postal cards dispatched was 2,338,344, and of pieces of second, third, and fourth class matter was 6,777,751.

This large amount of revenue received from and the immense business done at the Springfield office shows the necessity for having good and ample accommodations for mail matter, clerks, letter-carriers, &c. Springfield is a rapidly growing city both in population and business. In seven years the business of the post-office has increased more than 100 per cent. The population of the city is only a part of the post-office patrons, for there is a thickly settled region all around it.

Mr. Chairman, the rent paid or required to be paid for a suitable post-office and other Government offices at this place would more than pay the interest on the cost of the building.

The city of Springfield has had no appropriation for anything at any time, nor has any part of my district; but it has paid in internal-revenue, in net post-office revenue, and in other ways large sums into the United States Treasury.

Springfield is in the Miami or Mad River Valley, the richest portion of the United States, and it is rapidly becoming a great interior city. It is a manufacturing city. Above 50 per cent. of all the reapers and mowers made on the continent are made there.

There is also manufactured there grain-drills, corn plows and drills, thrashers, hay-rakes, turbine water-wheels, sewing machines, and numerous other articles in common use throughout the United States. Many things manufactured there are sold in Europe and South America.

It will be economy to erect a suitable public building at Springfield, at a cost for site and building not exceeding $100,000, and I hope no person will object to this bill.

Mr. WELLER. I move that amendment be laid on the table.

Mr. KEIFER. This, a city of 40,000 inhabitants—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order.

Mr. WELLER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I submitted a motion that this amendment do lie on the table.

Mr. CASSIDY. By unanimous consent we waived every motion of that kind in the agreement.

The SPEAKER *pro tempore*. The Chair thinks that would not be in accordance with the agreement. The motion of the gentleman, if adopted, would take the amendment and the bill itself to the table.

The question is on agreeing to the amendment of the gentleman from Ohio.

The question was taken; and on a division there were—ayes 53, noes 42.

Mr. THOMPSON. I make the point of order that a quorum has not voted.

Mr. CASSIDY and others. That point of order can not be made.

Mr. THOMPSON. I make the point of order that no quorum has voted.

Mr. RANDALL. I desire to make a statement.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania desires to make a statement to the House.

Mr. THOMPSON. I do not waive the point of no quorum on this question; I insist on it.

Mr. CASSIDY. But that can not be made, it having been expressly waived by unanimous consent in the agreement.

Mr. RANDALL. I ask the calm attention of the House for a few moments. I desire to say with perfect respect to every member here that this is a most unseemly procedure at this late hour in the session. We are proceeding in a manner that if persisted in will inevitably prevent the sundry civil appropriation bill from becoming a law, thereby forcing an extra session.

It is being endangered by the demands of individual members for public buildings. [Applause.] I therefore ask gentlemen to cease and let me get possession of this bill that I may get it to the Senate, secure a conference, and avoid an extra session. [Applause.]

Mr. THOMPSON. I rise to a question of order. [Cries of "Regular order!"]

Mr. RANDALL. I have given all of the time that could have been allowed to these different amendments. The Senate, as I am informed, will have to have its desks removed and changed in other respects with reference to furniture so as to provide for the inauguration ceremonies; and I beg of gentlemen here to let me have possession of the bill and cease offering these amendments.

Mr. BUDD. I desire right here to rise to a question of privilege.

Mr. BROWN, of Pennsylvania. We are taking up more time in this than would be occupied in adopting the amendments.

Mr. BUDD. I desire simply to state to the House in a very few moments one or two facts. [Cries of "Regular order!"]

Mr. THOMPSON. The point of order I make is that no quorum has voted.

Mr. KEIFER. That point of order can not be made under the agreement.

Mr. CASSIDY. I submit that no such point of order can be raised except upon two questions.

Mr. THOMPSON. If I can have the ear of the Speaker, and if the Speaker can hear me, I will try to state the point of order. Upon the last vote the Speaker announced 53 voting in the affirmative and 43 voting in the negative. I rose at once and demanded the presence of a quorum before that amendment should be adopted.

Mr. CASSIDY. But the House has already provided by unanimous consent substantially that no such point should be raised.

Mr. THOMPSON. The Constitution of the United States provides that this House can not discharge its duties unless there is a quorum on the floor, if any member shall demand it.

Mr. TALBOTT. The Constitution implies that when a motion is agreed to by unanimous consent it is supposed that every member is present.

Mr. THOMPSON. The whole House can not do away with the requirements of the Constitution.

Mr. WELLER. I would like to know if members of this House can override the Constitution.

Mr. THOMPSON. I desire to read from the Constitution——

Mr. RANDALL. Will the gentleman yield to me for a moment?

Mr. THOMPSON. Certainly.

Mr. RANDALL. I move to suspend the rules to concur in the amendments thus far inserted, and that a conference be appointed on the sundry civil bill.

Mr. CASSIDY. Well, you will have to get a quorum.

Mr. BUDD. I rise to a question of personal explanation.

The SPEAKER *pro tempore*. This question is not debatable.

Mr. BUDD. I understand I have the right to take the floor at any time on a question of privilege.

The SPEAKER *pro tempore*. The Chair will state the motion of the gentleman from Pennsylvania. The gentleman moves to suspend the rules and agree to the amendments thus far incorporated on this bill, and ask a committee of conference on the disagreeing votes of the two Houses.

Mr. RANDALL. This is the only relief I can get so as to secure control of this bill to get it to the Senate in time.

Mr. BUDD. On that motion I demand a second.

Now, if I can get two minutes to make a brief explanation I shall not press that demand.

Mr. THOMPSON. I ask unanimous consent that the gentleman be heard for two minutes.

Mr. BUDD. I will not occupy longer than that. [Cries of "Regular order!"]

Mr. THOMPSON. Can not the gentleman be heard for two minutes?

Several MEMBERS. Regular order.

Mr. BUDD. I withdraw the demand for a second.

Mr. CASSIDY. I renew it.

The SPEAKER. The Chair will appoint tellers.

Mr. CASSIDY and Mr. RANDALL were appointed tellers.

The House again divided; but before the announcement of the result of the vote,

Mr. CASSIDY withdrew the demand for a second.

The SPEAKER. Under the rules thirty minutes are allowed for debate.

Mr. RANDALL. I do not claim that time at present.

Mr. BUDD. I repeat, I will not occupy two minutes of the time of the House if it will give me its attention. I desire to state that this morning I asked the House to allow a vote to be taken on a bill which has been on the Speaker's table for nearly a year. That bill was unanimously passed by the Senate. I requested that it might be voted upon as an amendment to this bill. We went into this matter by common consent; there was no objection to it, and we passed other amendments.

There were certain agreements made on the floor solemnly that have been broken. I was on my feet at the first moment and offered an amendment, and members of this House went to the Speaker *pro tempore* and got him to recognize them, members who had not thought about it till after my amendment was offered.

A MEMBER. That was clever.

Mr. BUDD. And it was honorable, I suppose the gentleman will say. All I have to say is, that I understand this matter ought to be expedited and I want it expedited. The gentleman from Pennsylvania desires to get this matter to the Senate. He is the gentleman that demanded a separate vote upon each of the amendments. Let these amendments be considered as in the bill. But strike out the San Francisco post-office bill then, if you can, and I will not say a word about it.

Mr. STOCKSLAGER rose.

Mr. BUDD. I am not objecting to the amendment of the gentleman. I make this proposition to the gentleman from Pennsylvania [Mr. RANDALL]. Let all amendments offered be sent to the desk and be considered as in the bill, and if the gentleman wants to strike out San Francisco, and can do it, if I get a vote thereon I will not say a word. I do not wish to filibuster longer. We have now secured the $100,000 appropriation for the Sacramento public building, as well as other needed appropriations, and California has now over half a million appropriated by this bill. I ask the gentleman will he accept my proposition. It is in his power to strike these amendments out in conference, if the Senate conferees will agree and he does not wish an extra session. It is a fair proposition.

A MEMBER. You mean to strike them out in the conference.

Mr. BUDD. Yes; if you can. I mean the new amendments. Or take them all in if you do not want an extra session. We are putting the question of extra session or no extra session on the shoulders of the gentleman from Pennsylvania. Will the gentleman accept this proposition?

Mr. RANDALL. I will accept nothing.

Mr. BUDD. Then you can take the responsibility of the extra session.

Mr. RANDALL. What I want is to get this bill through, and the men who are standing here preventing this bill going to the Senate simply because they want to secure public buildings are the men who will have the responsibility of an extra session, if there should be one.

Mr. BROWN, of Pennsylvania. It is the gentleman himself who is preventing the bill going to the Senate.

Mr. BUDD. I ask the gentleman from Pennsylvania, who was it that stated in my hearing on Saturday that he did not want a session on Sunday?

Mr. RANDALL. I did not want a session on Sunday, and did not vote for it.

Mr. BUDD. You did not want a session on Sunday?

Mr. RANDALL. That is what I say; and I am on record.

Mr. BUDD. And I ask the gentleman from Pennsylvania who, on Monday night, broke the quorum but himself? And who forced this bill through the House without debate?

The SPEAKER. The gentleman from California will discuss the subject before the House under the rule.

Mr. BUDD. I was trying to make an agreement that would not be broken. I ask the gentleman from Pennsylvania, if he wants this bill put through, whether he will take the bill and strike out these buildings. I want to get to a vote on the San Francisco bill. I have been working hard for it. It has been on the Speaker's table for a year. It passed the Senate unanimously, yet it has not had a hearing here. My colleague, after deferring long to parliamentary etiquette and usage, has for a long time been working hard for its passage, as have I. It was understood and unanimously agreed in open House to-night that we should have a vote on this San Francisco building. If we had a vote it would pass surely. We offered it first of all these amendments. It should have been first in order of recognition. This was due it.

But the temporary chairman [Mr. SPRINGER] has persistently refused to recognize my colleague [Mr. SUMNER], who has the measure in charge. Influential members have gone to him and got him to overlook the demands of San Francisco and to ignore the fact that this amendment was first in the hands of the Clerk and should have been first in order. We have no remedy. The Speaker *pro tempore* may recognize whom he will. Give us a vote according to agreement, then in conference you may vote on striking out.

Mr. KING. Why strike them out after you put them in?

Mr. BUDD. If he can.

Mr. KING. And so prevent the passage of an act required to meet the necessities of the Government.

Mr. BUDD. I shall not force an extra session, as most of my objects have been accomplished, and I would not be justified in obstructing further. I have no fault to find with the gentleman from Pennsylvania [Mr. RANDALL], who is now working to prevent an extra session, nor the permanent Speaker [Mr. CARLISLE], who has been over-indulgent to our interests. I reserve the balance of my time.

Mr. RANDALL. I now ask a vote on my motion to suspend the rules.

Mr. SMITH, of Pennsylvania, addressed the Chair.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] declines to use his time. The gentleman from California who controls the time in opposition reserves such portion of his time as he has not used. Unless that gentleman yields for further debate there is nothing now in order but to take the vote. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and that the House recede from its disagreement to the Senate amendments that have been amended in the House, insist on further disagreement on those not yet disposed of, and ask a committee of conference.

The rules were suspended (two-thirds voting in favor thereof) and the motion was agreed to.

The SPEAKER. The Chair appoints as the conferees on the part of the House Mr. RANDALL, Mr. FORNEY, and Mr. RYAN.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. I submit the report of the committee of conference on the legislative appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments numbered 1 and 29 of the Senate to the bill of the House (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have been unable to agree.

W. S. HOLMAN,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. HOLMAN. The House is aware that two of the Senate amendments are still undisposed of. The one involves a mere matter of form and a question of computation; the other amendment, numbered 29, appropriating $39,400 for clerks for Senators, involves the only substantial question presented by the conference report and by this disagreement.

At so late an hour, Mr. Speaker, I hardly feel justified in asking for

a further conference; for I could give no assurance that it would result in anything else than a disagreement. And yet, sir, I am disinclined for myself to move a concurrence in the Senate amendment. I think that with more time to go upon than we have, or upon a bill of less importance, I should still insist upon a further conference. I leave the matter with the House.

The SPEAKER. The question is on the adoption of this conference report.

A MEMBER. Who makes that motion?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN]. The report leaves the amendments for action by the House. It proposes no action; it simply reports the facts.

Mr. HOLMAN (after a pause). Mr. Speaker, if no other motion is made, I shall move that the House still insist.

Mr. DOCKERY. Mr. Speaker, is it in order now to move to concur in the Senate amendments?

The SPEAKER. It is.

Mr. DOCKERY. Mr. Speaker, although wholly and utterly opposed to Senate amendment 29, yet, in view of the danger of an extra session, I now move that the House recede from its disagreement to that amendment and agree to the same.

The motion was agreed to.

Mr. REED, of Maine. I certainly hope, Mr. Speaker, that another year we may not have to vote on this matter three or four times.

Mr. HOLMAN. Mr. Speaker, I offer an amendment to the pending Senate amendment No. 1, which I send to the Clerk's desk to be read.

The Clerk read as follows:

In lieu of the sum proposed in the amendment numbered 1 insert "$344,-113.10."

The amendment was agreed to.

Mr. HOLMAN. That will require the action of the Senate; but I suppose no conference will be required upon it, as it involves merely a matter of computation. Mr. Speaker, I now move that the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with the amendment just read.

The motion was agreed to.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. McCOMAS. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 8236) relating to sales of real estate for taxes in the District of Columbia. I move to take it up with a view of moving that the House insist upon its disagreement to the Senate amendments and accede to the request for a committee on conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint as the conferees on the part of the House the gentleman from Ohio, Mr. FOLLETT, the gentleman from West Virginia, Mr. WILSON, and the gentleman from Maryland, Mr. McCOMAS.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. Mr. Speaker, I ask unanimous consent to concur in the following——

Mr. BROWN, of Pennsylvania. I object.

Mr. WARNER, of Ohio. Let it be read.

Mr. BROWN, of Pennsylvania. I object to its being read.

Mr. WARNER, of Ohio. This is a joint resolution authorizing the President to open communication with other nations with a view to establishing unlimited coinage, with silver a full legal tender.

Mr. BROWN, of Pennsylvania. I object.

Mr. DUNHAM. Mr. Speaker, I think the time for objection is after the resolution has been read.

The SPEAKER. A gentleman can announce that he will object to taking up a bill, and can also object to the reading of a bill.

Mr. TALBOTT. Mr. Speaker, I move to suspend the rules and take up the bill (H. R. 1146) to provide for the erection of a public building at Annapolis, capital of Maryland.

Several MEMBERS. Regular order.

Mr. ENGLISH. Mr. Speaker, I move to take up the bill (H. R. 1341) for the relief of John W. Blake.

Several MEMBERS. Regular order.

The SPEAKER. Objection is made. The regular order is called for.

Mr. WARNER, of Ohio. Mr. Speaker, is it in order to move to suspend the rules to pass this joint resolution?

The SPEAKER. It is in order. The Chair would entertain such a motion unless the point of order were made against it, but if the point of order were raised the Chair would be obliged to sustain it, because there are other matters now pending before the House.

Mr. WARNER, of Ohio. Mr. Speaker, I move to suspend the rules to take up and pass the following resolution——

Mr. BROWN, of Pennsylvania, and other members. Regular order.

Mr. WELLER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the following resolution, which I will read——

[Cries of "Regular order!"]

The SPEAKER. Objection is made, and the regular order is demanded on both sides of the House.

Mr. WELLER. Gentlemen object who have not even read this joint resolution or heard it read. Do they object to having it printed in the RECORD?

Mr. ENGLISH and others. Yes! Yes! [Renewed cries of "Regular order!"]

Mr. DUNHAM. Let us have a call of the House. I think it is perfectly proper that the people should know which of the members of the House attend to their duties here.

Mr. CASSIDY. Mr. Speaker, I ask unanimous consent to take up and pass a bill which involves only $170.

The SPEAKER. But the gentleman from Nevada [Mr. CASSIDY] is perfectly aware that objection is made to all such requests and that the regular order has been demanded by several gentlemen. If the Chair should continue to recognize gentlemen to make requests by unanimous consent when the regular order is demanded, the demand for the regular order would amount to nothing whatever.

Mr. CASSIDY. If the demand for the regular order is made, that is all right; but I did not observe that anybody was insisting upon it.

The question was taken on the pending amendment of Mr. PETTIBONE offered yesterday (Tuesday) to the motion that the House should take a recess until 10 o'clock p. m. on that day.

The House divided; and there were—ayes 4, noes 25.

Mr. WELLER. No quorum.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint the gentleman from Pennsylvania [Mr. MILLER] and the gentleman from Tennessee [Mr. McMILLIN] to act as tellers.

The House again divided; and the tellers reported—ayes 4, noes 16.

Mr. PETERS. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll. Before the names of the absentees were announced,

Mr. HOLMAN said: I move that further proceedings under the call be dispensed with by unanimous consent.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). Before the Chair announces the result of this roll-call he will recognize the gentleman from Nebraska [Mr. LAIRD], who desires to submit a request for unanimous consent.

Mr. LAIRD. Would it be in order for me to ask unanimous consent for the consideration of House bill 1737?

The SPEAKER *pro tempore*. The Chair recognizes the gentleman.

Mr. LAIRD. I ask unanimous consent to take up for present consideration the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 1737) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been or may hereafter be rendered by the United States circuit courts on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree duly certified, and also a certificate of the judge of said court rendering the same to the effect that such a decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of what he shall have paid, not exceeding $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid: *Provided further*, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him, without litigation, such Secretary shall pay to such person such sum as he has so paid, not exceeding $3.50 per acre, taking his release therefor as hereinbefore provided.

Mr. HOLMAN. I ask that an amendment to come in at the end of the bill may be read, and I hope the gentleman will accept it.

The Clerk read as follows:

Provided further, That the provisions of this act shall only extend to actual and *bona fide* settlers on the lands above specified and who settled on such lands prior to the said decision of the Supreme Court touching the title of said lands, and shall only entitle such settlers to the compensation already provided for to the extent of the lands so actually settled upon, not exceeding, however, one hundred and sixty acres.

Mr. HOLMAN. I trust this amendment will be accepted.

Mr. LAIRD. Very good; I will accept it.

Mr. BENNETT. I have been for some time on the floor to object to this bill.

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. LAIRD] asked unanimous consent to present the bill which has just

been read. After the reading of the bill, without objection, the gentleman from Indiana [Mr. HOLMAN] offered an amendment; and the question is now on that amendment.

Mr. BENNETT. Do I understand the Chair to hold that my objection will not now be entertained?

Several MEMBERS. Too late.

Mr. BENNETT. I rose in my place and hallooed at the Chair for the purpose of making this objection.

Mr. DUNHAM. I submit the Chair is not a telephone to be hallooed at.

Mr. BENNETT. Heretofore without exception—and I want to speak within bounds—when a proposition of this sort has been made the Chair has said "The bill will be read subject to objection." I rose for the purpose of availing myself of the benefit of that custom. I am here now for that purpose, and I object.

Mr. DAVIS, of Illinois. The amendment was offered before objection had been made.

The SPEAKER *pro tempore*. Before the Chair had opportunity to present to the House the request of the gentleman from Nebraska for unanimous consent the gentleman from Indiana [Mr. HOLMAN] obtained recognition, and asked to offer an amendment, which was read at the Clerk's desk, and is now before the House. The Chair did not hear the gentleman from North Carolina object till after the reading of the amendment.

Mr. BENNETT. This bill was called up once under the new hour rule, and the gentleman from Alabama [Mr. OATES], in whose judicious judgment I have the fullest confidence, objected to the bill, and cogently presented his views. If his statement was correct, this is not a righteous measure, and I object.

The SPEAKER *pro tempore*. If the gentleman from North Carolina states that he rose to object before the amendment was offered by the gentleman from Indiana, the Chair will recognize the objection.

Mr. BENNETT. I rose to object when the name of the gentleman from Nebraska was announced, and I demanded the regular order.

The SPEAKER *pro tempore*. The Chair is bound to accept the statement of the gentleman from North Carolina, who now objects to the present consideration of this bill.

PEOPLE'S NATIONAL BANK OF LAWRENCEBURG, IND.

Mr. HOLMAN. I wish at this late moment of the session to ask a favor of my fellow-members; and I request that they listen to the reading of a bill which I hold in my hand. When they have heard it, I know every gentleman here will see the justice of the measure and the propriety of its immediate passage. It concerns a bank; but the measure is no less meritorious on that account.

The bill was read, as follows:

A bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

Whereas the People's National Bank of Lawrenceburg, Ind., deposited with the assistant treasurer of the United States at Cincinnati, Ohio, on the 26th day of September, 1883, the sum of $10,000 in United States legal-tender notes, and received therefor a certificate of deposit numbered E 20068, in accordance with section 5193 of the Revised Statutes (act of June 3, 1872), and the same was lost or destroyed by the overflow of the Ohio River which overwhelmed said town during the month of February, 1884, and said certificate never having been found, and payment on the same having been stopped March 13, 1884; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue and cause to be issued to the People's National Bank of Lawrenceburg, Ind., a duplicate to said certificate of deposit numbered E 20068, for the sum of $10,000, so issued by the assistant treasurer of the United States at Cincinnati, upon such evidence of loss, and upon execution of such bonds of indemnity to the United States, and under such regulations in regard to issue and payment as he shall prescribe.

Mr. WELLER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman is not in order. The Clerk will continue the reading of the bill.

The Clerk concluded the reading.

Mr. WELLER. I repeat the question of order.

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. WELLER. I appeal from the decision of the Chair to the House.

The SPEAKER *pro tempore*. The Chair does not recognize the gentleman's appeal. The Chair will state the question. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent for the present consideration of the bill which has just been read. Is there objection?

Mr. WELLER. I object.

Mr. CASSIDY. I object unless the gentleman stipulates he will not object to my bill.

Mr. HOLMAN. All right.

Mr. CASSIDY. The gentleman first stipulates and then capitulates. [Laughter.]

QUESTION OF PRIVILEGE.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] states that he rises to a question of privilege. The Chair has recognized the gentleman, and hopes the House will allow him to be heard.

Mr. BAYNE. I only ask for a moment.

Mr. HOLMAN. Allow me to have my question by unanimous consent first——

Mr. BAYNE. I wish to occupy the time of the House but for a moment. During the discussion to-day on the Post-Office appropriation bill——

Mr. ELLIS. The House is in such disorder that we can not hear either the gentleman from Pennsylvania or the gentleman from Indiana.

Mr. BAYNE. During the discussion of the conference report on the disagreeing votes of the two Houses on the Post-Office appropriation bill——

Mr. WHITE, of Kentucky. I make the point of order that I am occupying the floor on a similar question.

Mr. BAYNE. I do not yield the floor.

The SPEAKER *pro tempore*. The gentleman from Kentucky did claim the floor prior to the gentleman from Pennsylvania, who rises to ask the attention of the House to a question of personal privilege. The Chair will recognize the gentleman from Kentucky next.

Mr. BAYNE. Mr. Speaker, during the discussion of the report of the conference committee on the Post-Office appropriation bill I made some remarks on the provisions of the Senate amendment respecting foreign-mail service. I learned from various sources, from a number of gentlemen, that in the progress of that debate it was generally believed in what I said I by implication had reflected on members of this House. I desire to say, in anything I said I had no intention in the world to reflect on any member of this House. That thought was entirely out of my mind. I had no such purpose, no such feeling.

My association with the members of this Congress has been of a pleasing and agreeable character. I know of no single member of this body with whom I have not had pleasant relations. I believe this body is the most intelligent, the most capable, the most distinguished legislative body in the civilized world [applause], and I am indisposed by word or deed to say anything that would cast a reflection on any single individual member of this body, and if my remarks were so construed by anybody I failed to make myself understood or my remarks were misconstrued. [Applause.]

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

The SPEAKER *pro tempore*. The Chair will state that he had recognized the gentleman from Indiana, who called a bill up to which objection was made, but it is now said that objection has been withdrawn.

Mr. TUCKER. I have not withdrawn my objection, and I desire to say to my friend from Indiana that if his measure can be heard and others can be heard, I will not object. I have been pressing for the consideration of a little bill for the week past. I am perfectly willing the gentleman's bill shall be considered, but I am not willing it shall be considered while all others are to be ruled out.

Mr. TOWNSHEND. Is it in order to move to go to the Speaker's table for the purpose of taking up the Mexican pension bill? [Laughter and applause.]

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Kentucky on a question of privilege.

Mr. TOWNSHEND. I understand the gentleman yields to me to call up the Mexican pension bill.

Mr. WHITE, of Kentucky. I will for that purpose.

Mr. TOWNSHEND. I move that the House go to the business on the Speaker's table for the purpose of taking up the Mexican pension bill.

Mr. TUCKER. I withdraw my objection to the bill of the gentleman from Indiana.

Mr. WHITE, of Kentucky. I only yielded to allow the Mexican pension bill to be called up.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Indiana. The objection made to his bill has been withdrawn. Is there further objection to the request of the gentleman from Indiana for the present consideration of the bill which has already been read from the Clerk's desk?

Mr. CASSIDY. It is on condition he will not object to our bills.

Mr. HEWITT, of Alabama. I demand the regular order of business.

Mr. HOLMAN. I believe it is in order, and I trust my friend will not object to my moving to suspend the rules and pass the bill.

Mr. MILLS. No quorum is present.

The SPEAKER *pro tempore*. Who objects to it?

Mr. HEWITT, of Alabama. I am perfectly willing to proceed under the new hour rule.

Mr. MILLS. We will all consent to that.

Mr. TOWNSHEND. Is my motion in order?

The SPEAKER *pro tempore*. The Chair decided it is not.

Mr. HOLMAN. I think the gentleman from Alabama withdraws his objection.

Mr MILLS. I move to dispense with all further proceedings under the call of the House.

Mr. HOLMAN. I hope the gentleman from Alabama will not object.

Mr. HEWITT, of Alabama. I would withdraw my objection if I did not believe the gentleman from Indiana would renew it.

Mr. HOLMAN. I shall not.

Mr. HEWITT, of Alabama. I withdraw the objection.

Mr. CASSIDY. I ask unanimous consent to proceed under the order requiring ten objections until the further order of the House.

The SPEAKER *pro tempore*. There is a question of unanimous consent pending before the House now.

Mr. WHITE, of Kentucky. I object to further interruptions, and desire to proceed with my remarks.

The SPEAKER *pro tempore*. The Chair will state the question before the House. The gentleman from Indiana asks consideration of a bill which has been read from the Clerk's desk. The demand of the gentleman from Alabama for the regular order has been withdrawn, and the Chair now asks, is there further objection to the present consideration of the bill presented by the gentleman from Indiana?

There was no objection.

Mr. HOLMAN. This measure was referred to the Committee on Ways and Means, and was reported unanimously by that committee by the gentleman from New York [Mr. HEWITT]; it has been recommended by the Secretary of the Treasury, and I trust it will be found that the measure is not only a proper one but eminently just. I hope it will be adopted.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. POST, of Pennsylvania. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. POST, of Pennsylvania. I desire to ask whether it is in order for this House under the order for a call of the House to transact any business.

The SPEAKER *pro tempore*. Except by unanimous consent.

Mr. STRAIT. I ask consent to take up a Senate bill for present consideration.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Minnesota to ask consent.

Mr. STRAIT. Then I ask unanimous consent that the Senate bill No. 1543, for the relief of Wilbur F. Steel, be taken from the Speaker's table and put upon its passage.

Mr. HEWITT, of Alabama. How does this bill get before the House?

Mr. BENNETT. Is that to be read subject to objection?

The SPEAKER *pro tempore*. It is.

The bill was read at length.

Mr. WELLER. I shall object to the consideration of that bill unless the gentleman be permitted to make a statement or explanation that will satisfy me as to its merits.

Mr. STRAIT. I apprehend that there will be no objection to the passage of the bill if I can have a very few moments for a brief explanation.

This gentleman purchased some years ago from a railroad company the portion of land referred to here; but it appeared when he was ordered by the railroad company to settle on the land and when a survey was made that it was not railroad land, but proved to be a school section of land.

Now this bill simply allows him to buy the lands while the territory is granted other lands in lieu of the lands thus taken up. It does not cost the Government anything. This has been recommended by the Commissioner of the Land Office, by the Secretary of the Interior, and has the indorsement of the Public Lands Committee of the House. This bill has also passed the Senate.

Mr. WELLER. I will ask the gentleman a question, whether this party was the original occupant of the land?

Mr. STRAIT. Yes, sir.

Mr. WELLER. And has continued so ever since?

Mr. STRAIT. Yes, sir.

Mr. WELLER. And made improvements on the land and cultivated it as his own?

Mr. STRAIT. Yes; he has improved these lands to the value of $25,000.

Mr. WELLER. Then I have no objection.

Mr. COOK. I have said that no bill should pass by unanimous consent from that side as long as it was engaged in this filibustering against the election cases.

Mr. STRAIT. Then I move to suspend the rules and pass the bill.

Mr. COOK. I demand the regular order.

Mr. CASSIDY. I desire to take up Senate bill 728, for the relief of Eugene B. Rail and others, and put it upon its passage. I believe there will be no objection to this bill if the House will hear it read.

Mr. NELSON. I rise to a question of order.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. NELSON. I do. I want to raise the question of order, if the Chair will allow me.

Mr. CASSIDY. Do you object to the bill on its merits?

Mr. NELSON. Under the rule adopted some days ago, what is sometimes known as the "ten-men" rule, it is not competent for the Chair to entertain a motion for unanimous consent. I claim that it is not competent except within the period fixed by the rule itself, until after the reading of the Journal, and the only motion that the Chair can entertain now is the motion to suspend the rules.

Mr. CASSIDY. I move to suspend the rules and pass the bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The regular order has been demanded.

Mr. BEACH. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the second call of the roll, or the call of members who did not respond on the first call.

Mr. WHITE, of Kentucky. Pending that I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair will state that there is a motion pending to dispense with the call. As soon as the Clerk has called the names of those who were absent on the first roll-call the question will be taken on the motion to dispense with all further proceedings.

Mr. WHITE, of Kentucky. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. My point of order is that when a motion was made for a call of the House by the gentleman from Pennsylvania it was then I rose to this question of personal privilege, and I was recognized by the Chair. I had proceeded with my remarks for some ten or fifteen minutes, when I yielded for appropriation bills, but I was to be recognized by the Chair as soon as the appropriation bills were disposed of. And I have yielded to gentlemen for unanimous consent. I do not wish to be dictatorial, or to take away from any gentleman his right of way to get unanimous consent. But since there is a determination not to yield for requests for unanimous consent by any one, I think I should now be allowed to proceed.

The SPEAKER *pro tempore*. The Chair recognizes the statement of the gentleman from Kentucky as correct, except that when the motion was made for a call of the House the gentleman from Kentucky did not assert his right to the floor. That matter is now pending, and as soon as it is disposed of the Chair will recognize the gentleman.

Mr. BAGLEY. I ask unanimous consent to call up for present consideration the bill S. 957.

Objection was made.

The SPEAKER *pro tempore*. The Chair can not recognize the gentleman for that purpose, the regular order being demanded. The Clerk will proceed to call the roll of absentees.

Mr. WHITE, of Kentucky. I ask the Chair if it is not manifestly unjust when a man rises and asks for unanimous consent on this floor and another member is not permitted to address the Chair on a question of personal privilege.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that a motion has been made by the gentleman from TEXAS [Mr. MILLS] to dispense with all proceedings under the call. But the names of absentees have not been called, and until that has been done the question can not be taken on the motion to dispense with further proceedings under the call.

Mr. WHITE, of Kentucky. But the gentleman from TEXAS can not take me off my feet to make a motion except by unanimous consent.

The SPEAKER *pro tempore*. That motion was made, and the gentleman from Kentucky was not at that time seeking recognition from the Chair. There is no question about the gentleman's right. The Clerk will call the roll.

The Clerk proceeded with the second call of the roll, when the following members failed to answer:

Anderson,	Dunn,	Lyman,	Singleton,
Atkinson,	Elliott,	Millard,	Skinner, C. R.
Barbour,	Ellwood,	Morrison,	Slocum,
Belmont,	Finerty,	Morse,	Smith, A. Herr
Bisbee,	Geddes,	Muller,	Smith, H. Y.
Blount,	George,	Murray,	Spooner,
Bowen,	Glascock,	Nutting,	Springer,
Brainerd,	Graves,	Oates,	Steele,
Brixton,	Hammond,	Ochiltree,	Stewart, J. W.
Brittain,	Hanback,	O'Hara,	Stone,
Brewer, F. B.	Henderson, D. B.	O'Neill, J. J.	Sumner, D. H.
Brewer, J. H.	Henley,	Peel,	Taylor, E. B.
Buckner,	Herbert,	Phelps,	Taylor, J. D.
Burleigh,	Hewitt, A. S.	Potter,	Throckmorton,
Campbell, Felix	Hitt,	Rankin,	Tully,
Campbell, J. M.	Holmes,	Ranney,	Valentine,
Chalmers,	Hooper,	Ray, G. W.	Wadsworth,
Clardy,	Hopkins,	Reese,	Walt,
Cobb,	Houk,	Rice,	Ward,
Covington,	Howey,	Robertson,	Wemple,
Cox, W. R.	Hutchins,	Robinson, J. S.	Wilkins,
Crisp,	Johnson,	Robinson, W. E.	Williams,
Culbertson, W. W.	Jones, J. H.	Rockwell,	Wise, J. S.
Ostheon,	Jones, J. T.	Rowell,	Wood,
Dargan,	Kelley,	Russell,	York,
Davis, R. T.	Kellogg,	Ryan,	Young.
Dunbar,	Lacey,	Sacey,	
Dowd,	Lore,	Shaw,	

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate agreed to the amendment of the House to the

first amendment of the Senate to the bill (H. R. 6179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message further announced that the Senate disagreed to the amendment of the House of Representatives to the sixty-sixth amendment of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; agreed to the conference asked by the House thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BECK to be the conferees on the part of the Senate.

ORDER OF BUSINESS.

During the second call of the roll,

Mr. HISCOCK said: I ask that all proceedings be suspended except the consideration of conference reports.

The SPEAKER *pro tempore*. The roll-call is almost completed, and there is a motion to dispense with all further proceedings under the call, which will be put to the House when the call is completed.

The call of the roll having been completed, the question was taken on the motion to dispense with all further proceedings under the call, and it was agreed to.

Mr. DUNHAM. I demand the regular order, Mr. Speaker.

Mr. CASSIDY. Mr. Speaker, I understand that the objection offered a moment ago to the matter I desire to call up has been withdrawn.

The SPEAKER *pro tempore*. The gentleman from Nevada is not in order. The Chair recognizes the gentleman from Kentucky [Mr. WHITE], who rises to a question of personal privilege.

Before the gentleman from Kentucky [Mr. WHITE] proceeds the Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

JAIL AT FORT SMITH, ARK.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting a report of the grand jury in regard to the jail at Fort Smith, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

By unanimous consent leave to withdraw papers was granted in the following cases:

To Mr. HEPBURN, in the case of M. C. Ridenour, without leaving copies, there having been no adverse report.

To Mr. MILLER, of Pennsylvania, in the case of House bill 6201 for the relief of Louisa J. Ray, there having been a favorable report.

To Mr. JONES, of Wisconsin, in the case of W. W. Wiggins for increase of pension, there being no adverse report.

To Mr. CONNOLLY, in the case of John C. Geyer, without leaving copies, there having been no adverse report.

LEAVE TO PRINT.

Mr. ELLIOTT, by unanimous consent, was granted leave to print in the RECORD some remarks on the contested-election case of Massey *vs.* Wise.

Mr. HART asked unanimous consent to print in the RECORD some remarks upon the legal questions involved in the case of Pool *vs.* Skinner.

Mr. RANNEY and Mr. PETTIBONE. I ask for the same privilege.

Mr. COOK. I object.

Mr. COX, of North Carolina. I object. The objection also applies to the request of the gentleman from Ohio [Mr. HART].

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky, addressed the House. [See Appendix.]

Mr. YOUNG. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. YOUNG. How much time has the gentleman from Kentucky?

Mr. WHITE, of Kentucky. I do not desire to occupy any more time.

The SPEAKER *pro tempore*. The gentleman from Kentucky has eight minutes of his time remaining.

Mr. YOUNG. I understand the gentleman from Kentucky is kind enough to yield to me.

Mr. WHITE, of Kentucky. Not just now. I desire to call the attention of the House and of the country to the fact that I am warranted by the encouragements of these whisky rings to move the abolition of the whole internal-revenue system. When only 14,000,000 gallons were made in 1883 there were $12,000,000 of taxes.

Mr. YOUNG. I must insist if the gentleman from Kentucky declines to yield to others that he must confine himself to the point of order which he got the right from the House to discuss.

The SPEAKER *pro tempore*. The gentleman from Kentucky is not discussing the point of order, but is discussing the bill.

Mr. YOUNG. Exactly; he is not discussing the point of order. I make the point his remarks are too wide a departure from the leave which he received to state his question of privilege.

The SPEAKER *pro tempore*. The gentleman from Kentucky has now seven minutes of his time remaining.

Mr. YOUNG. The Chair has not yet ruled on the question of order, and I ask him to rule whether the gentleman is in order in the discussion which he is now following.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. STIMPSON, one of its clerks, announced the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

QUESTION OF PERSONAL PRIVILEGE.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor on his question of personal privilege.

Mr. YOUNG. I insist that the Chair shall rule on my point of order.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman frankly that the point of order made by the gentleman from Tennessee, in the opinion of the Chair, is well taken as to a part of the remarks, but that for a portion of the time the gentleman has confined himself to the statement of facts. The Chair hopes the gentleman for the remainder of his time will confine himself to the appeal.

Mr. RANDALL. I ask the gentleman to yield to me for the purpose of submitting a privileged question.

The SPEAKER *pro tempore*. Does the gentleman yield for that purpose?

Mr. WHITE, of Kentucky. Certainly. Before yielding the floor, however, I ask permission of the House to extend my remarks and print some papers and extracts which I will not detain the House by reading.

There was no objection, and it was ordered accordingly. [See Appendix.]

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. I now call up the report of the committee of conference on the disagreeing votes of the two Houses on the naval appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill of the House 8239, making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 12, 13, 14, 15, 16, 18, 19, 20, 22.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 9, 11, 16, 21, 22, 23, 24, 27, 28, 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of said amendment insert the following:

"*Provided*, That nothing herein contained shall be construed to confirm the existence of the naval advisory board or to prevent the Secretary of the Navy from constituting such other advisory board as he may deem necessary to aid in determining the plans of structure of said cruisers."

And the Senate agree to the same.

WALDO HUTCHINS,
SAML. J. RANDALL,
JNO. D. LONG,
Managers on the part of the House.

EUGENE HALE,
P. B. PLUMB,
J. R. DOLE,
Managers on the part of the Senate.

Mr. RANDALL. It is proper, Mr. Speaker, to state to the House the substance of the agreement between the two Houses as reported by the conference committee. The final conclusion leaves the new vessel at the Brooklyn navy-yard without any appropriation to complete her. It leaves the 20 per cent. as the figure for the limit of regards to wooden vessels of the Navy. It provides for the building of two cruisers, one heavy gunboat and one light gunboat, leaving the responsibility for their construction with the Secretary of the Navy without interference by the existing advisory board, but permitting the President to create an advisory board if he may see fit.

It provides for the armament to the amount of $500,000 for these vessels. It leaves the monitors unappropriated for. The Senate recedes from the purchase of what is known as the Ericsson Destroyer, which involved an appropriation of $212,000. The Senate recedes from that position.

Mr. COX, of New York. I was not able to understand what the committee had done with reference to the monitors.

Mr. RANDALL. We did nothing; no appropriation was made for them.

I now ask the previous question upon the adoption of the report.

The previous question was ordered, and under the operation thereof the conference report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report

was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EUGENE B. RAIL AND OTHERS.

Mr. CASSIDY. Mr. Speaker, the gentleman who objected to the bill (S. 723) has withdrawn the objection, and I now ask consent for its present consideration.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That Eugene B. Rail, James H. Hardy, John M. Gearhart, George W. Hopkins, Lloyd Frizell, and Archibald N. Smith, sureties upon the official bond of David L. Gregg, given as security for the faithful performance by said Gregg of his duties as receiver of public moneys at Carson City, Nev., and dated June 17, 1865, be, and the said sureties and their personal representatives are hereby, upon the payment to the United States of the sum of $1,000, released and discharged of and from all and every obligation and liability whatsoever on account of said bond, or any breach thereof.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. CASSIDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7938) granting a pension to Amanda Allen.

THANKS TO THE SPEAKER.

Mr. KEIFER. I rise to submit a privileged resolution.

Mr. REED, of Maine. I wish to offer a resolution.

Mr. KEIFER. My resolution relates to the Speaker of the House. I ask its present consideration, while the Speaker is out of the Hall, and I hope every person will give attention while it is being read.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to Hon. JOHN G. CARLISLE, the Speaker, for the courtesy with which he has treated all its members, and for the ability and fairness with which he has presided over the deliberations of the House during the Forty-eighth Congress.

[Applause.]

Mr. KEIFER. I rise to ask that in taking this vote it be done by a rising vote, as a distinguished mark of respect to the gentleman whom it is intended to compliment.

Mr. WHITE, of Kentucky. I second the motion.

The SPEAKER *pro tempore*. The present occupant of the chair takes great pleasure in stating the question to the Representatives of the Forty-eighth Congress. All who are in favor of the resolution just read will rise and stand until counted. [After a pause.] Three hundred and twenty-four Representatives have voted, and the resolution is unanimously agreed to. [Loud and prolonged applause.]

THANKS TO HON. J. C. S. BLACKBURN.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Vermont [Mr. POLAND].

Mr. POLAND. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to the Hon. J. C. S. BLACKBURN, the Speaker *pro tempore*, for the ability and courtesy with which he presided over the deliberations of the House during the period he occupied the Speaker's chair.

The question being taken on the resolution, it was unanimously adopted.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I present a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8586) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 49, 88, 126, 142, 195, and 196.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 10, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 124, 138, 140, 166, 173, 193, 194, 196, 197, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: Strike out of said amendment the words "to be used for an advance course of instruction of naval officers;" and in lieu of the sum proposed insert "$8,000." Strike out also, after the word "dollars," the following: "For pay of one clerk to officer in charge of building, $1,000; in all, $12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000;" and the Senate agree to the same.

SAM. J. RANDALL,
W. H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. RANDALL. For the purpose of saving time and with a view to the quick transmission of this report to the Senate I refrain from making any other remarks than to announce to the House that when this conference report has been adopted this House will have finally acted upon every appropriation bill. [Applause.]

The SPEAKER. The question is on the adoption of the report.

The report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX SALES IN DISTRICT.

Mr. McCOMAS. I present a report by a committee of conference.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6286) entitled "An act relating to sales for taxes in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment substituting for the words stricken out by the Senate the words "and the affidavit hereinafter required;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

Strike out the following words:

"*Provided further*, That where the commissioners are satisfied that any lot is the actual homestead of the owner and that it comprises the principal portion of his property, they may accept a sum in full payment of the same, not less than one-half of the assessed value of the lot."

And insert the following:

"*Provided*, That nothing contained in this act shall be construed to affect pending suits."

And the Senate agree to the same.

L. E. McCOMAS,
JOHN F. FOLLETT,
W. L. WILSON,
Managers on the part of the House.

N. W. ALDRICH,
J. J. INGALLS,
Managers on the part of the Senate.

Mr. McCOMAS. I move the adoption of the report.

The SPEAKER. The question is on the adoption of the report.

The report was adopted.

Mr. McCOMAS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAGINNIS. Mr. Speaker, I ask unanimous consent to take up and put on its passage the Senate bill 2609, to provide permanent reservations for the Indians in Northern Montana, and for other purposes.

Mr. McMILLIN. Mr. Speaker, I rise to make a privileged report.

The SPEAKER. The gentleman from Montana [Mr. MAGINNIS] asks consent to take from the Speaker's table and put upon its passage a bill the title of which he has indicated.

Mr. MAGINNIS. This bill has been recommended by the Committees on Indian Affairs of both Houses and by all who are familiar with the subject.

The Clerk proceeded to read the bill.

Mr. BENNETT. Mr. Speaker, this is read subject to objection, is it not?

The SPEAKER. Of course.

Before the reading of the bill was concluded several members called for the regular order.

Mr. McMILLIN. Mr. Speaker, I rise to make a privileged report, which I will send to the Clerk's desk. It is a report of those claims referred by the Committee on Claims to the Court of Claims under the act of March 3, 1883. The Speaker entertained it and ordered it entered upon the Journal at the close of the last Congress, and I present it here now.

The SPEAKER. That was done by unanimous consent. There is no rule at all upon the subject.

Mr. RANDALL. Mr. Speaker, I move to suspend the rules and to take from the Speaker's table the Senate bill (No. 2530) known as the bill for the retirement of General Grant. [Applause on the Republican side].

Mr. BENNETT and other members. Regular order.

Mr. WELLER. Mr. Speaker, I object to the consideration of that bill.

Mr. RANDALL. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair has ruled repeatedly during the last two or three days that a motion to suspend the rules is not in order if objected to while other motions are pending before the House.

Mr. TOWNSHEND. I think that if the gentleman from Pennsylvania [Mr. RANDALL] will allow me to attach an amendment to that bill pensioning every Mexican soldier he may get it passed. [Cries of "Regular order!"]

Mr. COVINGTON. Mr. Speaker, I rise to make a privileged report.

The SPEAKER. The gentleman from Maryland [Mr. COVINGTON] rises to submit a privileged report.

Mr. RANDALL. Mr. Speaker, has the Chair decided that unanimous consent is required to entertain a motion to suspend the rules for the purpose of taking up and passing the bill that I have indicated?

The SPEAKER. The Chair has decided that under the rules of the House a motion to suspend the rules is simply a motion which, like any other parliamentary motion, is in order only when there is not another matter pending before the House.

Mr. RANDALL. Will the Chair please indicate what subject is now pending before the House which interferes with the opportunity I desire to have to move to suspend the rules for the purposes I have stated? [Cries of "Regular order!"]

The SPEAKER. The Chair will state that the report of the Committee on Elections in a contested-election case is pending.

Mr. RANDALL. I appeal to my friend from North Carolina [Mr. BENNETT] to take that obstruction out of the way. [Cries of "Regular order!"]

Mr. RANDALL. Then, Mr. Speaker, I move to suspend the rules and to lay on the table the report of the Committee on Elections. [Renewed cries of "Regular order!"]

The SPEAKER. The Chair does not think that motion to suspend the rules, if objected to, is any more privileged than other motions to suspend the rules.

Mr. STOCKSLAGER. There are several other motions pending before the House, motions to take a recess and for other purposes.

The SPEAKER. Yes; there are motions for a recess upon which the House has been trying to vote for nearly two days. The Chair has consistently ruled that a motion to suspend the rules is not in order while another motion is pending.

Mr. WILLIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

IOWA CONTESTED ELECTION.

Mr. WILLIS. If the House should take a vote on this contested-election case, then would not the motion of the gentleman from Pennsylvania be in order?

The SPEAKER. If the contested-election case were out of the way, the motion of the gentleman from Pennsylvania would be in order.

Mr. BENNETT. If this House will now consider the contested-election case of Frederick *vs.* Wilson, all objection to the motion of the gentleman from Pennsylvania [Mr. RANDALL] will be withdrawn. [Applause on the Republican side, and noisy demonstrations throughout the Hall.]

The SPEAKER. The Chair will entertain no motion and will recognize no gentleman until the House is in order. The Sergeant-at-Arms will see that gentlemen take their seats and order is restored.

The deputy sergeant-at-arms proceeded through the Hall bearing the mace. While he was attempting to restore order Mr. BENNETT addressed the Chair.

The SPEAKER. Gentlemen on the floor must be aware of the fact that it is utterly impossible to transact business unless we can have order.

Mr. WILSON, of Iowa (standing on a chair). Mr. Speaker——

Mr. BENNETT. Mr. Speaker, I want it distinctly understood (because I keep faith with men and women) [laughter] that the objection to the motion of the gentleman from Pennsylvania will be withdrawn if we can have this election case considered. I do not say more. I do not keep the indvidual consciences of members. God Almighty has made the human mind free, and gentlemen can vote as they please.

Mr. RANDALL. I appeal to the gentleman from North Carolina to take a vote on the election case at once, so that I may have an opportunity to call up this other bill.

Mr. BENNETT. I demand the previous question on the motion to proceed to the consideration of the contested-election case of Frederick *vs.* Wilson.

Mr. WILSON, of Iowa, rose and held up his hand as if seeking recognition from the Speaker.

Mr. ROBERTSON. The gentleman from Iowa [Mr. WILSON] desires to make a statement. I trust the Chair will recognize him.

The SPEAKER. The gentleman from Iowa [Mr. WILSON] desires to make a statement, and is recognized for that purpose.

Mr. WILSON, of Iowa. Mr. Speaker, if this House will vote to put General Grant on the retired-list, I am willing to be sacrificed after that. [Loud applause.]

Mr. BENNETT. I demand the previous question upon the resolutions reported by the Committee on Elections in the case of Frederick *vs.* Wilson.

The SPEAKER. But there are motions pending to take a recess, and amendments to such motions.

Mr. BENNETT. They are withdrawn by the gentlemen over the way.

Mr. MILLER, of Pennsylvania. I will state to the House that if they will permit a vote on the proposition of the gentleman from Pennsylvania we will withdraw all objection and take a vote immediately upon the proposition of the gentleman from North Carolina. [Cries of "Oh, no!"]

Mr. MILLER, of Pennsylvania. Well, then, in order that there may be no excuse, I withdraw my motion in order to permit a vote on the proposition of the gentleman from North Carolina, and I ask this House to act with fairness upon both votes.

Mr. BENNETT. I demand the previous question on the resolutions reported by the Committee on Elections in the case of Frederick *vs.* Wilson. [Cries of "Vote!" Vote!"]

The SPEAKER. There can be no vote unless gentlemen will preserve order. [Renewed cries of "Vote!" "Vote!"] The Chair will not entertain any motion or recognize any gentleman until order is restored. The Chair will state the question. The gentleman from North Carolina demands the previous question upon the adoption of the resolutions reported by the Committee on Elections in the contested-election case of Frederick *vs.* Wilson.

Mr. BARKSDALE. I move to take a recess until fifteen minutes before 12 o'clock. [Cries of "Oh, no!"]

Mr. SPRINGER. I submit the point that a motion for a recess is not in order pending the demand for the previous question.

The SPEAKER. Under what rule does the gentleman make that point of order?

Mr. BARKSDALE. I withdraw the motion for a recess.

The SPEAKER. Then the question is on ordering the previous question upon the resolutions reported by the Committee on Elections.

The previous question was ordered.

The SPEAKER. The question is now upon the adoption of the resolutions, which the Clerk will read.

The Clerk read as follows:

Resolved, That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That Benjamin T. Frederick was duly elected as a Representative in Congress from the fifth district of Iowa, and is entitled to be sworn in as a member of this House.

The question being taken, the resolutions were adopted. [Loud applause.]

Mr. BENNETT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BENJAMIN T. FREDERICK presented himself at the bar of the House and was duly qualified by taking the oath prescribed by law.

RETIREMENT OF GENERAL GRANT.

Mr. RANDALL. I now move to suspend the rules to take from the Speaker's table and pass Senate bill 2530.

The bill is as follows:

A bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been generals commanding the armies of the United States, or generals-in-chief of said Army, one person with the rank and full pay of such general or general-in-chief as the case may be, and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly.

Mr. McMILLIN. I demand a second on the motion to suspend the rules. [Derisive cries on the Republican side.]

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] demands a second. The Chair appoints as tellers the gentleman from Tennessee, Mr. McMILLIN, and the gentleman from Pennsylvania, Mr. MILLER. The tellers will take their places.

The House proceeded to divide; but before the result of the count by tellers was announced,

Mr. McMILLIN said: We agree to consider a second as ordered.

The SPEAKER. There are now thirty minutes allowed for debate, fifteen minutes in support of the proposition and fifteen against it.

Mr. RANDALL. I waive my right to debate.

The SPEAKER. The gentleman from Pennsylvania declines to occupy any time in support of the motion; and unless some gentleman takes the floor in opposition—— [Cries of "Vote!" "Vote!"] Gentlemen by these interruptions are simply delaying the consideration of the very measures they desire to advance.

Mr. McMILLIN. Mr. Speaker, in demanding a second I had no purpose to defeat action on this bill. As the Speaker and many other gentlemen will bear witness, I sought an opportunity to make a bare statement before it came to the point of demanding a second. Failing in that, my only remedy was to demand a second. I shall not occupy all the time assigned me. I simply ask the attention of the House

now to state that my opposition to General Grant's retirement heretofore and now has not arisen from any want of appreciation of his distinguished services, nor from any want of sympathy with his present physical condition. But through six years of service here, as all gentlemen who remember anything of my action will bear witness, I have in the case not only of Grant but of every other man I believe save one (who had been expelled from the Army)—certainly in the case of every one who voluntarily left the Army—I have entered my protest against putting him back in the military service for the purpose of retiring him on high pay.

It is a bad policy to adopt. It is one that can result in no good to the discipline of the Army—an Army which last year, I think the Secretary of War reports, had 30 per cent. of deserters. I do not speak of officers. But I oppose it because I think sound public policy demands that when a man of this Army for political honors leaves it and wears himself out in the political arena the Government is not under any obligation to give him a compensation of fifteen or twenty thousand dollars a year when he can not and does not render any service therefor.

Thus much, Mr. Speaker, I thought it proper to say. I have no feeling, as I have already said, against General Grant, but I think sound public policy dictates a different course from that which is proposed here to-day.

I now yield whatever time I have left to the gentleman from Indiana [Mr. MATSON].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

RETIREMENT OF GENERAL GRANT.

Mr. MATSON. Mr. Speaker, it has not been demonstrated to this House that General Grant is in actual need of this relief. There is no proof of that fact, while there are tens of thousands of men who served their country who are at this very hour in distress and in sore need of relief, and the pension of this Congress had better be given to them than to one who already has a sufficient income. When they have been relieved it will be time enough to relieve General Grant and others who are not in distress.

And, sir, for that reason I shall object to the passage of this bill. I have voted against retiring General Pleasonton, who it was alleged was forced out of the Army, and I have also voted against the retirement of General Averill, who was similarly required to leave the Army—he certainly did not leave it voluntarily. I could not, therefore, vote to retire General Grant after having made that record against these very gallant and meritorious officers.

Mr. GOFF. Is not this an exceptional case?

Mr. MATSON. The other is an exceptional case.

Mr. GOFF. And these cases are not alike.

Mr. MATSON. Will you pension one man and refuse to pension the others?

Mr. COX, of New York. I would pension him.

Mr. MATSON. Can you give it to him and refuse it to the others? [Cries of "Vote!"]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. McMILLIN demanded the yeas and nays.

The House divided; and there were—ayes 42, noes 133.

So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 79, not voting 46; as follows:

YEAS—198.

Adams, G. E.	Cox, S. S.	George,	Johnson,
Adams, J. J.	Culbertson, W. W.	Glascock,	Jones, H. W.
Anderson,	Cullen,	Goff,	Jones, J. K.
Atkinson,	Curtin,	Graves,	Jordan,
Bagley,	Cutcheon,	Greenleaf,	Kean,
Barr,	Dargan,	Guenther,	Keifer,
Bayne,	Davis, G. R.	Hanback,	Kelley,
Beach,	Davis, R. T.	Hancock,	Kellogg,
Bingham,	Deuster,	Hardy,	King,
Bisbee,	Dibble,	Hart,	Klemer,
Boutelle,	Dingley,	Hatch, H. H.	Lacey,
Brainerd,	Dornheimer,	Haynes,	Laird,
Bratton,	Dunham,	Henderson, D. B.	Lamb,
Breckinridge,	Elliott,	Henderson, T. J.	Lawrence,
Brewer, F. B.	Ellis,	Hepburn,	Le Fevre,
Broadhead,	Ellwood,	Hewitt, A. S.	Libbey,
Browne, T. M.	English,	Hiscock,	Long,
Brown, W. W.	Ermentrout,	Hitt,	Lore,
Brumm,	Evans,	Hobbitzell,	Lovering,
Budd,	Everhart,	Holmes,	Lowry,
Campbell, Felix	Ferrell,	Holton,	Lyman,
Campbell, J. E.	Fiedler,	Hopkins,	McAdoo,
Campbell, J. M.	Findlay,	Horr,	McCold,
Cannon,	Finerty,	Houseman,	McComas,
Carleton,	Follett,	Howey,	McCormick,
Cassidy,	Foran,	Hunt,	Maybury,
Cately,	Frederick,	Hurd,	Millard,
Collins,	Funston,	Hutchins,	Miller, S. H.
Connolly,	Fyan,	James,	Milliken,
Converse,	Garrison,	Jeffords,	Mitchell,
Morgan,	Phelps,	Snyder,	Vance,
Morrill,	Poland,	Spooner,	Wadsworth,
Moulton,	Post,	Spriggs,	Wait,
Muller,	Potter,	Steele,	Wakefield,
Murphy,	Pusey,	Stephenson,	Wallace,
Murray,	Randall,	Stevens,	Ward,
Mutchler,	Ranney,	Stewart, J. W.	Washburn,
Nelson,	Ray, Osmian	Stone,	Weaver,
Nicholls,	Reed, T. B.	Storm,	Wemple,
Nutting,	Riggs,	Strait,	White, J. D.
Ochiltree,	Robinson, W. E.	Struble,	White, Milo
O'Hara,	Rockwell,	Sumner, C. A.	Whiting,
O'Neill, Charles	Rogers, W. F.	Talbott,	Wilkins,
Paige,	Rowell,	Taylor, J. D.	Willis,
Parker,	Russell,	Thomas,	Wilson,
Payne,	Ryan,	Thompson,	Winans, John
Payson,	Seney,	Tillman,	Wise, J. S.
Perkins,	Seymour,	Townshend,	Worthington.
Peters,	Skinner, C. R.	Tully,	
Pettibone,	Smalls,	Van Alstyne,	

NAYS—79.

Alexander,	Crisp,	Lanham,	Singleton,
Ballentine,	Culberson, D. B.	McMillin,	Skinner, T. G.
Barbour,	Davidson,	Matson,	Smith, A. Herr
Barksdale,	Davis, L. H.	Miller, J. F.	Stewart, Charles
Belmont,	Dibrell,	Mills,	Stockslager,
Bennett,	Dockery,	Money,	Swope,
Blackburn,	Dowd,	Muldrow,	Taylor, J. M.
Blanchard,	Eaton,	Neece,	Tucker,
Blount,	Eldredge,	Oates,	Turner, H. G.
Buchanan,	Forney,	O'Ferrall,	Turner, Oscar
Buckner,	Geddes,	Patton,	Van Eaton,
Cabell,	Gibson,	Pierce,	Warner, Richard
Caldwell,	Green,	Price,	Wellborn,
Clay,	Halsell,	Pryor,	Wilson, R. B.
Clements,	Hammond,	Reagan,	Wise, G. D.
Cobb,	Hatch, W. H.	Reid, J. W.	Wolford,
Cook,	Hemphill,	Reese,	Wood,
Cosgrove,	Hewitt, G. W.	Rogers, J. H.	Woodward,
Covington,	Hill,	Roseorans,	Yaple.
Cox, W. R.	Jones, J. H.	Shively,	

NOT VOTING—46.

Aiken,	Dixon,	Morrison,	Springer,
Arnot,	Dunn,	Morse,	Sumner, D. H.
Belford,	Hardeman,	O'Neill, J. J.	Taylor, E. B.
Bland,	Harmer,	Peel,	Throckmorton,
Bowen,	Henley,	Rankin,	Valentine,
Boyle,	Herbert,	Ray, G. W.	Warner, A. J.
Breitung,	Holman,	Rice,	Weller,
Brewer, J. H.	Hooper,	Robertson,	Williams,
Burleigh,	Houk,	Robinson, J. S.	York,
Burnes,	Jones, J. T.	Shaw,	Young.
Candler,	Ketcham,	Slocum,	
Chalmers,	Lewis,	Smith, H. Y.	

So (two-thirds voting in the affirmative) the bill was passed.

Mr. WASHBURN. I ask unanimous consent to dispense with the reading of the names.

Mr. STOCKSLAGER. I object.

The Clerk proceeded to recapitulate the names, but before concluding the objection was withdrawn.

The following additional pairs were announced:

Mr. SLOCUM with Mr. YOUNG, on this vote.

Mr. HARMER with Mr. ROBERTSON, on this vote. Mr. ROBERTSON would vote "no."

Mr. MORSE. Mr. Speaker, I ask unanimous consent to record my vote.

The SPEAKER. Was the gentleman in the Hall when his name was called.

Mr. MORSE. I was unavoidably out of the Hall.

The SPEAKER. The Chair can not entertain the gentleman's request for unanimous consent under the rule.

Mr. MORSE. I wish to state that if I had been here I should have voted for the bill.

The result of the vote was then announced as above recorded, and was received with cheers and loud and prolonged applause.

Mr. SKINNER, of New York. Mr. Speaker, I ask unanimous consent that the Speaker of the House be directed to send a telegraphic dispatch to General Grant announcing the result of the vote just taken.

The SPEAKER. Is there objection to the motion of the gentleman from New York?

Mr. COBB (from his seat). I object.

Mr. MILLER, of Pennsylvania. Nobody rose in his seat to object.

Mr. KEIFER. The Speaker can send that dispatch anyway.

Mr. COBB. I withdraw the objection.

So the motion was agreed to.

LEAVE TO PRINT.

Mr. BARKSDALE. I ask unanimous consent to print some remarks on the bill for the retirement of General Grant.

Mr. SINGLETON. I also make the same request.

Mr. POST, of Pennsylvania. I ask unanimous consent that all gentlemen who desire to do so may have leave to print remarks on this bill.

There was no objection, and it was ordered accordingly.

PAYMENT OF STENOGRAPHER.

Mr. COVINGTON, from the Committee on Accounts, reported back favorably the following resolution; which was read, considered, and agreed to:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the service of stenographer to the Committee

on Public Buildings and Grounds in investigation in relation to purchase of site for post-office in Brooklyn, N. Y., as directed by resolution of the House; said payment of said stenographer to be upon vouchers approved by the chairman of said committee and by the chairman of the Committee on Accounts.

PUBLIC BUILDING, OPELOUSAS, LA.

Mr. LEWIS. Mr. Speaker, I move to suspend the rules, take from the Speaker's table Senate bill 634, for the erection of a public building at Opelousas, La., and pass it.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the city of Opelousas, in the State of Louisiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, post-office, internal-revenue and office, for other Government uses; the plans and estimates for said building to be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and at a cost which shall not exceed the sum of $50,000 when finally completed, including both the cost of site and building: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected (which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys) shall be vested in the United States, nor until the State of Louisiana shall have ceded jurisdiction over the same for all purposes, during the time the United shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

The SPEAKER. Is a second demanded on the motion of the gentleman from Louisiana to suspend the rules and pass this bill?

A second was not demanded.

The question was taken; and on a division there were—ayes 90, noes 11.

Mr. MORRILL. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. MORRILL and Mr. LEWIS were appointed tellers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed the bill (H. R. 7706) to authorize the Secretary of the Treasury to issue duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 723) for the relief of Eugene B. Rail and others.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. SPRINGER. Mr. Speaker, I ask consent to offer a resolution which is customary and necessary at this time in closing the session of the House.

The resolution was read, as follows:

Ordered, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The resolution was agreed to.

The SPEAKER appointed Mr. SPRINGER, Mr. COX of New York, and Mr. REED of Maine as such committee on the part of the House.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 2530) to authorize an additional appointment on the retired-list.

[Applause.]

Several MEMBERS. That is quickly done.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had appointed Mr. MORRILL and Mr. HARRIS a committee, to join such committee as may be appointed by the House, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close this session by adjournment.

PUBLIC BUILDING AT OPELOUSAS.

Mr. PAIGE. I move to suspend the rules——

The SPEAKER. The House is voting now on a motion to suspend the rules.

The tellers (Mr. LEWIS and Mr. MORRILL) reported that there were—ayes 167, noes 4.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

ORDER OF BUSINESS.

Mr. WINANS, of Michigan. I ask unanimous consent to call up for present consideration the bill (S. 671) for the relief of Elone A. Marsh and M. LaFevre. I beg to state that all the parties interested assent to the settlement made by this bill.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSON. I object.

GENERAL U. S. GRANT.

Mr. BOUTELLE addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Maine rise?

Mr. BOUTELLE. I ask unanimous consent to make an announcement that will occupy but a few seconds, and that I know will be of great interest.

There was no objection.

Mr. BOUTELLE. Mr. Speaker, I have the great pleasure of announcing to the representatives of the people that the Senate of the United States, in open session and by a unanimous vote, has confirmed the nomination of Ulysses S. Grant as General of the Army of the United States on the retired-list. [Applause.]

ORDER OF BUSINESS.

Mr. TUCKER. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 895) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison.

Mr. BREWER, of New York. I object.

Mr. ANDERSON. I withdraw the objection to the bill S. 671.

The SPEAKER. The Chair desires to lay before the House some personal requests of members.

WITHDRAWAL OF PAPERS.

Mr. BOYLE, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of S. Dillinger & Sons, there having been no adverse report thereon.

Mr. STOCKSLAGER, by unanimous consent, obtained leave to withdraw petitions filed by him for the passage of the Mexican pension bill with the Senate amendments without leaving copies.

Mr. WELLER, by unanimous consent, obtained leave to withdraw petitions filed by him in favor of the Mexican war pension bill.

Mr. HARDY, by unanimous consent, obtained leave to withdraw the papers in the case of Martin Van Ness; no adverse report having been made thereon.

LEAVE TO PRINT.

Mr. ELLIOTT, by unanimous consent, obtained leave to print in the RECORD some remarks on the contested-election case of Mazey vs. Wise.

NOTIFICATION OF THE PRESIDENT.

Mr. SPRINGER. The committee appointed on the part of the House to wait upon the President of the United States in conjunction with the committee appointed on behalf of the Senate have performed that duty, and report that the President has requested them to inform the two Houses of Congress that he has no further communication to make to them.

ENROLLED BILLS AND JOINT RESOLUTIONS.

During various periods of the last day's session the following reports were made from the Committee on Enrolled Bills, but not announced at the Clerk's desk:

By Mr. WARNER, of Tennessee:

A bill (H. R. 5692) to adopt the "Revised International Regulations for Preventing Collisions at Sea."

By Mr. HOLMES:

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution; and

Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports.

By Mr. SNYDER:

A bill (H. R. 7572) granting a pension to Amos McDowell;

A bill (H. R. 7836) for the relief of Mrs. Ida B. Belcher;

A bill (H. R. 7933) granting a pension to Henry Biederbick;

A bill (H. R. 6982) granting a pension to W. H. H. Coleman;

A bill (H. R. 7000) for the relief of Clark G. Maine;

A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims;

A bill (H. R. 7169) granting a pension to Elizabeth Kaler;

A bill (H. R. 7447) granting a pension to Sebert Toney;

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 3947) granting a pension to Joseph Raible;

A bill (H. R. 5191) granting an increase of pension to Augustus Jones;

A bill (H. R. 5330) granting a pension to Octavia A. Newhall;

A bill (H. R. 5378) granting a pension to Henry Milkey;

A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;

A bill (H. R. 6357) granting a pension to Christian Bauman;

A bill (H. R. 389) granting a pension to John Boyle;

A bill (H. R. 691) for the relief of William W. Thomas;

A bill (H. R. 1004) relating to the Chinese indemnity fund;

A bill (H. R. 2100) granting a pension to Mary Allen;

A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;

A bill (H. R. 2975) granting a pension to Marion D. Egbert;

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8155) granting a pension to Addie L. Moore;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7522) for the relief of Joseph F. Wilson;
A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7618) granting a pension to Henry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;
A bill (H. R. 7990) granting a pension to Joseph Sansom;
A bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;
A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;
A bill (H. R. 5740) for the relief of Grigsby Foster;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 6940) granting a pension to Sarah M. Bissell;
A bill (H. R. 7047) granting a pension to Patrick Murphy;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans.;
A bill (H. R. 603) granting a pension to Rachel Nickell;
A bill (H. R. 2158) for the benefit of John C. Herndon;
A bill (H. R. 3058) to amend section 1889 of chapter 1, title 23 of Revised Statutes of the United States, relative to general incorporation acts of Territories; and
A bill (H. R. 4382) for the relief of William H. Davis.

By Mr. NEECE:

Joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885;
Joint resolution (H. Res. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885;
A bill (H. R. 7993) for the relief of William Stansberry;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
A bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1885, and prior years, and other purposes;
A bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
A bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the year ending June 30, 1886;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7728) for the relief of Parten H. Morey;
A bill (H. R. 7803) granting pension to D. W. Pitts;
A bill (H. R. 7863) granting a pension to Thomas M. McChesney;
A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7992) for the relief of Christian Arndt;
A bill (H. R. 5691) amending section 764 of the Revised Statutes;
A bill (H. R. 6960) for the relief of Charles L. Alden;
A bill (H. R. 7170) for the relief of Fredrick Hutten;
A bill (H. R. 7177) granting a pension to William H. Kinman;
A bill (H. R. 7178) granting an increase of pension to John O. Gardner;
A bill (H. R. 7248) to increase the pension of Jane D. Brent;
A bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island;
A bill (H. R. 4216) granting a pension to David N. Bryan;
A bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport Iowa, and to establish it as a post-route;
A bill (H. R. 5146) granting a pension to Jesse C. Buck;
A bill (H. R. 5304) for the relief of Mary Royal;
A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint; and
A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes.

By Mr. PETERS:

A bill (H. R. 8237) granting a pension to Mary J. Dickson;
A bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000;
A bill (H. R. 6089) for the relief of Moses F. Carleton;
A bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy;
A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
A bill (H. R. 7907) granting a pension to Matilda Cody;
A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;
A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;
A bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;
A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;
A bill (H. R. 4686) for the relief of Fendall Carpenter;
A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;
A bill (H. R. 5452) for the relief of John W. Martin;
A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;
A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;
A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;
A bill (H. R. 2872) granting a pension to Jacob Funkhouser;
A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;
A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;
Joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers;
A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;
A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;
A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;
A bill (H. R. 1321) for the erection of a public building at Reading, Pa.; and
A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department.

By Mr. PERKINS:

A bill (H. R. 4055) granting a pension to Sarah Tyler;
A bill (H. R. 5148) granting a pension to Jacob Lafferty;
A bill (H. R. 5554) granting a pension to Sarah Parry;
A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;
A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;
A bill (H. R. 8090) granting a pension to Albert Harper;
A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;
A bill (H. R. 200) granting a pension to Thomas Jeffries;
A bill (H. R. 1198) for the relief of John Taylor & Son;
A bill (H. R. 1235) granting a pension to Annie E. Bailey;
A bill (H. R. 1327) for the relief of J. H. Hammond;
A bill (H. R. 1901) for the relief of Harrison Mitchell;
A bill (H. R. 2085) granting a pension to Joseph McIntosh;
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;
A bill (H. R. 8152) for the relief of William D. Farnsworth;
A bill (H. R. 8187) granting a pension to Chancey G. Darrah;
A bill (H. R. 8229) to grant a pension to James Dye;
Joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made;
A bill (H. R. 6270) for the relief of John P. Peterson;
A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones;
A bill (H. R. 6775) granting a pension to Edward Wilcox;
A bill (H. R. 6904) for the relief of John F. Chase;
A bill (H. R. 8069) granting a pension to Catharine Helton;
A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen;
A bill (H. R. 8136) for the relief of Addison M. Copen;
A bill (H. R. 4021) granting a pension to Abraham Cover;
A bill (H. R. 4458) granting a pension to Harlan Jackson;
A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;
A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;
A bill (H. R. 4878) granting a pension to Emma O. Zeigler;
A bill (H. R. 5103) granting a pension to Joshua F. Justice;
A bill (H. R. 5728) granting a pension to Anna Beck;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 1873) for the relief of Edward Kraemer;
A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;
A bill (H. R. 2457) granting a pension to Richard Dillon;

A bill (H. R. 3340) granting a pension to James M. Pike;
A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
A bill (H. R. 3735) granting a pension to Mary A. Grennon;
A bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army;
A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 411) granting a pension to Elizabeth Conner;
A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 1142) granting a pension to Nelly Roberts;
A bill (H. R. 1401) to amend section 1556 Revised Statutes, giving longevity-pay to certain officers of the Navy;
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Green;
A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 2722) for the relief of Martha Turner;
A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue offices, and for other Government purposes;
A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army, and brigadier-general of volunteers;
A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley; and
A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanhan.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced he had approved and signed bills and joint resolutions of the following titles, namely:
An act (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army;
Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology;
Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884;
Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;
Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey;
An act (H. R. 5938) to pension Julia A. Marcum;
An act (H. R. 3108) to protect the fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River;
An act (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption;
An act (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy;
An act (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;
An act (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;
An act (H. R. 2158) for the benefit of John C. Herndon;
An act (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;
An act (H. R. 4382) for the relief of William H. Davis;
An act (H. R. 4686) for the relief of Fendall Carpenter;
An act (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;
An act (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;
An act (H. R. 1266) for the relief of Alexander D. Schenck;
An act (H. R. 2722) for the relief of Martha Turner;
An act (H. R. 441) for the completion of a public building at Council Bluffs, Iowa;
An act (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;
An act (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;
An act (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;
An act (H. R. 1321) for the erection of a public building at Reading, Pa.;
An act (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;
An act (H. R. 2123) for the erection of a public building at Wichita, Kans.;
An act (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;
An act (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;
An act (H. R. 6011) granting an increase of pension to Robert Cary;
An act (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
An act (H. R. 5543) granting a pension to David M. Nagle;
An act (H. R. 5798) granting a pension to John E. Denham;
An act (H. R. 7617) granting a pension to Mrs. Ann E. Gridley;
An act (H. R. 5364) granting a pension to William H. Whitcomb;
An act (H. R. 6029) for the relief of Jeremiah McCarty;
An act (H. R. 6940) granting a pension to Sarah M. Bissell;
An act (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
An act (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy;
An act (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
An act (H. R. 4068) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia;
An act (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas;
An act (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others;
An act (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 847) for the relief of Francis B. Van Haesen;
An act (H. R. 2368) for the relief of John F. Severance;
An act (H. R. 1566) for the relief of O. S. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;
An act (H. R. 6658) to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes;
An act (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation in Nevada;
An act (H. R. 3593) for the erection of a public building at Chicago, Ill.;
An act (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;
An act (H. R. 5452) for the relief of John W. Martin;
An act (H. R. 6089) for the relief of Moses F. Carleton;
An act (H. R. 5747) to authorize the increase of the capital stock of the first National Bank of Larned, Kans., not to exceed $250,000;
An act (H. R. 3058) to amend section 1889 of chapter 1, title 23 of the Revised Statutes of the United States, relative to general incorporation acts of Territories;
Joint resolution (H. Res. 124) authorizing the collector of the port at New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American rifle team, at Wimbledon, in July, 1883;
An act (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes;
An act (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 8279) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes;
An act (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
An act (H. R. 652) for the relief of Brannin Summers & Co.;
An act (H. R. 653) for the relief of John B. Davis;
An act (H. R. 691) for the relief of William W. Thomas;

An act (H. R. 1198) for the relief of John Taylor & Son;
An act (H. R. 1327) for the relief of J. H. Hammond;
An act (H. R. 1873) for the relief of Edward Kraemer;
An act (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
An act (H. R. 4668) for the relief of Nathaniel Pond, jr.;
An act (H. R. 5086) for the relief of Elizabeth W. Creighton;
An act (H. R. 5304) for the relief of Mary Royal;
An act (H. R. 5309) for the relief of Charles Milk;
An act (H. R. 5740) for the relief of Grigsby Foster;
An act (H. R. 6173) for the relief of Rose Dougherty;
An act (H. R. 6270) for the relief of John P. Peterson;
An act (H. R. 6533) for the relief of Dr. Thomas J. Jones;
An act (H. R. 6904) for the relief of John F. Chase;
An act (H. R. 6960) for the relief of Charles L. Alden;
An act (H. R. 7000) for the relief of Clark G. Maine;
An act (H. R. 7170) for the relief of Frederick Hutten;
An act (H. R. 7503) for the relief of Daniel McAlpin;
An act (H. R. 7522) for the relief of Joseph F. Wilson;
An act (H. R. 7728) for the relief of Parten H. Morey;
An act (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
An act (H. R. 7992) for the relief of Christian Arndt;
An act (H. R. 7993) for the relief of William Stansberry;
An act (H. R. 8136) for the relief of Addison M. Copen;
An act (H. R. 8152) for the relief of William D. Farnsworth;
An act (H. R. 4679) for the relief of Sarah E. Webster, administratrix;
An act (H. R. 2963) for the relief of the State National Bank of Boston, Mass.;
An act (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts;
An act (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;
An act (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;
An act (H. R. 200) granting a pension to Thomas Jeffries;
An act (H. R. 383) granting a pension to Creet H. Dougherty;
An act (H. R. 389) granting a pension to John Boyle;
An act (H. R. 411) granting a pension to Elizabeth Connor;
An act (H. R. 559) granting a pension to Lemuel J. Bennett;
An act (H. R. 603) granting a pension to Rachel Nickell;
An act (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
An act (H. R. 1142) granting a pension to Nelly Roberts;
An act (H. R. 1235) granting a pension to Annie E. Bailey;
An act (H. R. 1710) granting a pension to George W. Bean;
An act (H. R. 1866) granting a pension to Calvin L. Knick;
An act (H. R. 2085) granting a pension to Joseph McIntosh;
An act (H. R. 2100) granting a pension to Mary Allen;
An act (H. R. 2377) granting a pension to James Stockton;
An act (H. R. 2457) granting a pension to Richard Dillon;
An act (H. R. 2872) granting a pension to Jacob Funkhouser;
An act (H. R. 2975) granting a pension to Marion D. Egbert;
An act (H. R. 3240) granting a pension to James M. Pike;
An act (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
An act (H. R. 3738) granting a pension to Mary A. Grennon;
An act (H. R. 3947) granting a pension to Joseph Raible;
An act (H. R. 4021) granting a pension to Abraham Cover;
An act (H. R. 4055) granting a pension to Sarah Tyler;
An act (H. R. 4216) granting a pension to David M. Bryan;
An act (H. R. 4458) granting a pension to Harlan Jackson;
An act (H. R. 4605) granting a pension to Ellen Edmiston;
An act (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;
An act (H. R. 4878) granting a pension to Emma O. Zeigler;
An act (H. R. 5103) granting a pension to Joshua F. Justice;
An act (H. R. 5146) granting a pension to Jesse C. Buck;
An act (H. R. 5149) granting a pension to Jacob Lafferty;
An act (H. R. 5330) granting a pension to Octavia A. Newhall;
An act (H. R. 5378) granting a pension to Henry Milkey;
An act (H. R. 5554) granting a pension to Sarah Parry;
An act (H. R. 5728) granting a pension to Anna Beck;
An act (H. R. 6357) granting a pension to Christian Bauman;
An act (H. R. 6775) granting a pension to Edward Wilcox;
An act (H. R. 6962) granting a pension to W. H. H. Coleman;
An act (H. R. 7047) granting a pension to Patrick Murphy;
An act (H. R. 7169) granting a pension to Elizabeth Kaler;
An act (H. R. 7177) granting a pension to William H. Kinman;
An act (H. R. 7334) granting a pension to Judson Bostwick;
An act (H. R. 7340) granting a pension to John Sparr;
An act (H. R. 7434) granting a pension to Sylvester Greenough;
An act (H. R. 7447) granting a pension to Sebert Toney;
An act (H. R. 7485) granting a pension to Alexander Weide;
An act (H. R. 7569) granting a pension to Richard W. Barnes;
An act (H. R. 7572) granting a pension to Amos McDowell;
An act (H. R. 7803) granting a pension to L. W. Pitts;
An act (H. R. 7805) granting a pension to Capt. Vincent Phelps;
An act (H. R. 7810) granting a pension to Rosanna Riley;
An act (H. R. 7853) granting a pension to Margaret Flaherty;
An act (H. R. 7863) granting a pension to Thomas M. McChesney;
An act (H. R. 7907) granting a pension to Matilda Cody;
An act (H. R. 7933) granting a pension to Henry Biederbick;
An act (H. R. 7938) granting a pension to Amanda Allen (enrolled and signed three times);
An act (H. R. 7990) granting a pension to Joseph Sansom;
An act (H. R. 8069) granting a pension to Catharine Helton;
An act (H. R. 8082) granting a pension to Lina J. Sterns;
An act (H. R. 8090) granting a pension to Albert Harper;
An act (H. R. 8091) granting a pension to David Sears;
An act (H. R. 8142) granting a pension to Mrs. Lucy Parr;
An act (H. R. 8155) granting a pension to Addie L. Moore;
An act (H. R. 8187) granting a pension to Chancey G. Darrah;
An act (H. R. 8189) granting a pension to Mrs. F. M. Norton;
An act (H. R. 8229) granting a pension to James Dye;
An act (H. R. 8237) granting a pension to Mary J. Dickson;
An act (H. R. 5191) granting an increase of pension to Augustus Jones;
An act (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;
An act (H. R. 7178) granting an increase of pension to John O. Gardner;
An act (H. R. 8048) to increase the pension of Ferdinand Hercher;
An act (H. R. 7248) to increase the pension of Jane D. Brent;
An act (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen;
An act (H. R. 7718) restoring John Snyder to the pension-roll;
An act (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
An act (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
An act (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;
An act (H. R. 1615) for the relief of the heirs of the late Langley B. Culley;
An act (H. R. 445) to empower the Secretary of War to permit the establishment under certain conditions of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;
An act (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa;
An act (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;
An act (H. R. 5692) to adopt the Revised International Regulations for Preventing Collisions at Sea;
An act (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route;
An act (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers;
An act (H. R. 5691) amending section 764 of the Revised Statutes;
An act (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee;
An act (H. R. 6290) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;
Joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers;
An act (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;
Joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885;
An act (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia;
An act (H. R. 1004) relative to the Chinese indemnity fund;
An act (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims;
An act (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint;
An act (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity-pay to certain officers of the Navy; and
Joint resolution (H. Res. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

On motion of Mr. HAMMOND, by unanimous consent, it was ordered that all members having reports authorized by committees may file and have the same referred to appropriate Calendars, with leave to the minority, if any, to submit their views on said reports.

Under the foregoing order reports were submitted and disposed of as follows:

Mr. SPRINGER, from the Committee on Expenditures in the Department of Justice, submitted a report (No. 2645) in writing, relating to defalcations of public officers and unsettled accounts; which, with an accompanying resolution, was ordered to be printed.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back the bill (H. R. 8281) for the relief of Thomas P. Westmoreland; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back without amendment the bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenditures; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. STEVENS, from the Committee on Indian Affairs, reported, as a substitute for H. R. 5427, a bill (H. R. 8282) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to lie on the table and be printed.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with an amendment the bill (H. R. 919) for the relief of Edward S. Armstrong; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported, as a substitute for H. R. 4507, a bill (H. R. 8283) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

On motion of Mr. PEEL, the Committee on Indian Affairs was discharged from the further consideration of House Executive Document No. 14, on the subject of the claim of the Old Settlers, or Western Cherokees, against the United States; and the same was ordered to lie on the table, and the accompanying report ordered to be printed.

Mr. COSGROVE, from the Committee on Private Land Claims, reported back with amendments the bill (H. R. 5746) authorizing the Commissioner of the General Land Office to issue a land-warrant for one hundred and twenty acres of land to the holder of warrant No. 51456, with certain provisions and upon certain conditions; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. DAVIS, of Illinois, from the Committee on Commerce, reported back without amendment the bill (H. R. 7591) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; which, with the accompanying report, was referred to the House Calendar, and ordered to be printed.

Mr. STEWART, of Texas, from the Committee on Foreign Affairs, to which was referred the resolution requesting the President to take all proper measures to induce the Government of Chili to pay to Wells, Fargo & Co. the value of certain bank-note forms and other property belonging to them, reported a joint resolution (H. Res. 345) for the relief of Wells, Fargo & Co.; which was read twice, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

Mr. CURTIN, from the Committee on Foreign Affairs, to which were referred certain messages of the President of the United States in relation to the participation of the United States Government in the Congo conference, submitted a report in writing thereon, accompanied by the following resolution, which was referred to the House Calendar, namely:

Resolved, That no prospect of commercial advantage warrants a departure from the traditional policy of this Government which forbids all entangling alliances with the nations of the Old World, and that the participation of the delegates of the United States in the so-called Congo conference, while carefully guarded, as your committee is informed, in the purpose to confine their powers to the consideration of commercial interests exclusively, is unfortunate in so far as it is a departure from the policy which forbids the Government of the United States to participate in any political combination or movement outside of the American continent.

Mr. BELMONT submitted the views of the minority of the said committee; which were ordered to be printed with said report.

Mr. HITT, from the Committee on Foreign Affairs, reported back without amendment H. R. 4002; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. FERRELL, from the Committee on War Claims, reported a bill (H. R. 8284) for the relief of Mrs. Elizabeth M. Johnson; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 996) for the erection of a public building at Camden, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back bills of the House of the following titles, with amendments (except the bill numbered H. R. 6030, which was reported without amendment); which were referred to the Committee of the Whole House on the state of the Union, and, with accompanying reports, ordered to be printed:

A bill (H. R. 3700) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire;

A bill (H. R. 6020) to provide for the erection of a public building at Montpelier, Vt.; and

A bill (H. R. 6957) providing for the erection of a public building at Springfield, Mass.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported without amendment the joint resolution (H. Res. 267) providing for the erection of a public building at the city of Texarkana, situate on both sides of the boundary line between the States of Arkansas and Texas; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 2895, a bill (H. R. 8285) for the erection of a public building at the city of El Paso, in the State of Texas; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to lie on the table and be printed.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 7729) to change the limit of appropriation for the public building at Rochester, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, to which was referred the letter of the Secretary of the Treasury transmitting report and accompanying papers of the commissioners appointed to appraise the premises, with the buildings and improvements thereon, bounded by West, Leight, Hubert, and Washington streets, in the city of New York, also submitted a report in writing thereon; which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 7800) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for H. R. 8265, a bill (H. R. 8287) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed and lie on the table.

Mr. GREENLEAF, from the Committee on Payment of Pensions, Bounty, and Back Pay, reported back without amendment the bill (H. R. 8235) for the relief of Ferdinand Plocher; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. GREENLEAF, from the Committee on Patents, also reported a bill (H. R. 8288) for the relief of James Albert Bonsack; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House, and ordered to be printed.

Mr. HENLEY, from the Committee on the Public Lands, reported a bill (H. R. 8289) to declare forfeited certain lands granted to the Southern Pacific Railroad Company by the act of Congress approved July 27, 1866; which was read twice, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back bills of the following titles, without amendment, accompanied by reports in writing thereon:

A bill (H. R. 8290) for the erection of a public building at Owensborough, Ky.; and

A bill (S. 505) for the erection of a public building at Huntsville, Ala.

Mr. BRAINERD, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 3621) in relation to the public building at Leavenworth, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate S. 2617, reported the same with amendments, accompanied by a report in writing thereon; which were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HEMPHILL, from the Committee on Expenditures in the Department of Justice, to which were referred certain charges against William Lawrence, First Comptroller of the Treasury, submitted a report (No. 2675) in writing thereon; which was ordered to be printed, and laid on the table.

Mr. ROSECRANS, from the Committee on Military Affairs, under instruction, by resolution of the House of May 26, 1884, to investigate the management of the National Home for Disabled Volunteer Soldiers, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

Mr. TULLY, from the Committee on War Claims, reported back with an amendment the bill (H. R. 1466) for the relief of the heirs of Thomas Black; which, with the accompanying report, was referred to the Committee of the Whole House, and ordered to be printed.

Mr. TILLMAN, from the Committee on Claims, reported back without amendment the bill (H. R. 1089) for the relief of the heirs of the late Solomon Spitzer; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. HART, from the Committee on Elections, to which was referred the preamble and resolution relative to the case of Hon. JAMES S. ROBINSON, a Representative from the ninth Congressional district of the State of Ohio, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

Mr. TUCKER, from the Committee on the Judiciary, under the resolution of January 15, 1884, instructing said committee to inquire whether the President, by and with the advice and consent of the Senate, can negotiate treaties with foreign governments by which the duties levied by Congress on importations can be changed or abrogated, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

Mr. SPRINGER, from the Committee on Expenditures in the Department of Justice, under instruction to investigate certain charges against Lot Wright, United States marshal for the southern district of Ohio, in relation to the election at Cincinnati, submitted a report in writing thereon.

Mr. EATON, from the Committee on Foreign Affairs, under instruction by resolution of the 23d ultimo to inquire into the alleged discrimination against American products by the German Empire, submitted a report in writing thereon, accompanied by the following resolution; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed:

Resolved, That it is the sense of the House of Representatives that the President of the United States be requested to take immediate steps to secure to the United States equal benefits in the German Empire with other nations as to all articles of commerce of the United States under the most-favored-nation clause of the treaty of 1828, made with Prussia, and now in force between the United States and the German Empire.

Mr. WARNER, of Ohio, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, under resolution of the House of January 12, 1880, continued by resolutions in the Forty-seventh and Forty-eighth Congresses respectively, submitted a report in writing in relation to claim agents and the administration of the Pension Office; which was ordered to be printed, and laid on the table.

Mr. BREWER, of New York, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, to which were referred bills of the House of the following titles, reported the same severally without amendment, accompanied by reports in writing thereon; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 1595) for the relief of Mary Ann King, mother of Andrew King; and

A bill (H. R. 8015) for the relief of Edward G. Pendleton.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back without amendment the bill (H. R. 7051) granting a pension to Mrs. Garetta H. Pierce; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back without amendment the bill (S. 2661) granting a pension to Miss Amelia J. Gill; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

On motion of Mr. STEVENS, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 3945) for the relief of A. L. Dickerman and others; which was ordered to lie on the table, and the accompanying report to be printed.

Mr. EATON, from the Committee on Foreign Affairs, to which was referred the message of the President of the United States, with the correspondence on file in the Department of State relative to the claim of William J. Hale against the Argentine Republic, submitted a report in writing thereon, accompanied by the following resolution; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed:

Resolved, That the President of the United States be advised to demand the attention of the Government of the Argentine Republic to the claim of William J. Hale, and to take such measures as in his judgment will assure the speedy settlement thereof.

On motion of Mr. EATON, the Committee on Foreign Affairs was discharged from the further consideration of certain resolutions submitted by Mr. BELMONT, Mr. FINDLAY, and Mr. ABRAM S. HEWITT in relation to the recent dynamite explosions in London; which were severally ordered to lie on the table and the accompanying report to be printed.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 677) for a public building at Monroe, La.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BLACKBURN, from the Committee on Rules, to which was referred the subject of the preparation of a general index of the Journals of Congress, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

UNITED STATES SURVEYS, ETC.

The SPEAKER announced the appointment of Mr. WAIT as a member of the joint commission on the part of the House to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, in place of Mr. LYMAN, whose term of office expires with the Forty-eighth Congress.

INDIAN SCHOOLS.

The SPEAKER announced the appointment of Mr. HOLMAN, Mr. W. H. HATCH, Mr. PEEL, Mr. CANNON, and Mr. RYAN as the committee of five members-elect of the Forty-ninth Congress to inquire into and investigate the expenditure of appropriations for Indian schools, &c., and also to inquire into the expenditure of public money and the administration of laws relating to the Yellowstone Park as provided in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, approved March 3, 1885.

FINAL ADJOURNMENT.

The SPEAKER (at ten minutes before 12 o'clock noon). Gentlemen of the House of Representatives: The work of the Forty-eighth Congress is now completed, and the time has come for the performance of my last official act as the presiding officer of this House. I should do violence to my own feelings and be guilty of the grossest ingratitude if I should declare a final adjournment without returning to you, individually and collectively, my sincere thanks for the complimentary resolution passed this morning. I thank you also, gentlemen, with equal warmth and sincerity, not only for the confidence reposed in me at the beginning of our labors here, but for the respect and courtesy which have characterized all your personal and official intercourse with me since that time.

The membership of this House is so large, its business is so great, and the struggle on the floor for priority in the consideration of measures is so earnest that without your cordial co-operation and support it would have been utterly impossible to conduct our proceedings in an orderly or regular manner. It is but simple justice to say that your support and co-operation have been promptly and cheerfully given in every emergency, and to that fact, more than to anything else, must be attributed whatever measure of success has attended my efforts to preserve order and facilitate the transaction of the public business. Very few, even among those who are best acquainted with our legislative history, have an adequate conception of the increased labors and responsibilities devolved upon Congress by the events of the last quarter of a century, and none, I am sure, who have not had actual experience can fully appreciate the difficulties attending the transaction of business in a body so large as this.

In the first Congress the House of Representatives consisted of only sixty-seven members—less than the present membership of the Senate. Now there are three hundred and twenty-five, besides the Delegates from the Territories. From the organization of the Government to the close of the Twenty-fifth Congress, a period of fifty years, there were introduced into the House, as shown by its records, 8,777 bills and joint resolutions; while during the two sessions of the present Congress, 8,630 bills and joint resolutions have been introduced—almost as many as during that half century. At present each one of our principal general appropriation bills embraces as much money as the whole amount of the net ordinary expenditures of the Government during the first nine or ten years of its existence, and the specific objects to be investigated and provided for in those bills have so increased in number that it has become a very considerable task even to enumerate them.

Although this House has passed a larger number of bills than any of its predecessors, except, perhaps, one or two which sat for a longer time, it is not at all strange, gentlemen, in view of the facts just mentioned, that it should be compelled to leave unfinished a very large percentage of the measures presented. It is evident that unless some constitutional or legislative provision can be adopted which will relieve Congress from the consideration of all, or at least a large part, of the local and private measures which now occupy the time of the committees and fill the Calendars of the two Houses, the percentage of business left undisposed of at each adjournment must continue to increase from year to year. It is not reasonable to suppose that an alteration of the Constitution can be effected, but it is worthy of serious consideration whether a general law might not be enacted which would authorize the several Executive Departments and the courts of justice to hear and determine these matters under such rules and regulations as

would amply protect the interests of the Government and at the same time secure to the citizen a more expeditious and appropriate remedy than is now afforded. If this shall be done time and opportunity will be afforded here for the deliberate consideration of those great public questions which the Constitution has committed to the legislative department, and something might be done to promote the welfare of the whole people without neglecting the special interests of any.

I congratulate you, gentlemen, upon the spirit of harmony and good feeling which has prevailed throughout your deliberations. It is true that wide differences of opinion have been developed and the largest liberty of debate has been exercised, but each member has honestly endeavored to respect and to protect the rights and privileges of his associates, and I am sure that no personal animosities have been engendered that will survive the close of your official relations. We shall part to-day better friends than when we met, and hereafter, I trust, we will all recall with pleasure the fact that we were associated as members of the House in the Forty-eighth Congress.

For my part I shall always consider myself indebted to you for the highest honor of my life, the honor of presiding over the deliberations of the American House of Representatives—a legislative body which, while it has always respected the just authority of the Government, has never failed to assert the rights of the people. When it ceases to do either it will no longer be an honor to preside over it.

Gentlemen, renewing my profound thanks for your assistance, for your forbearance, and for the expressions of esteem and confidence which you have just placed upon your record, and assuring each one of you of my best wishes for his success in every honorable aspiration, I now declare this House adjourned *sine die*.

[Loud and prolonged applause in all parts of the Hall and in the galleries.]

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of citizens of Bienville Parish, La., for increase of widows' pensions—to the Committee on Pensions.

By Mr. BRAINERD: Petition of citizens of Oil City, Pa., relating to the Mormon question—to the Committee on the Judiciary.

By Mr. W. W. BROWN: Joint resolution of the Legislature of Pennsylvania, protesting against the abolition of the National Board of Health—to the Select Committee on the Public Health.

Also, joint resolution of the Legislature of Pennsylvania, urging the placing of General U. S. Grant on the retired-list—to the Committee on Military Affairs.

By Mr. EVERHART: Petition of manufacturers of vinegar under act of March 1, 1879, denying allegations of New York State Cider Vinegar Association—to the Committee on Ways and Means.

By Mr. GUENTHER: Memorial of the Legislature of the State of Wisconsin, asking for the maintenance of the Sturgeon Bay and Lake Michigan Ship Canal—to the Committee on Rivers and Harbors.

By Mr. HAISELL: Petition of the Madison Female Institute; of the estate of John G. Holloway *et al.*, Thomas W. Campbell, assignee; of the estate of Albert Buford, J. W. McKnight, administrator, for reference of their respective claims to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. JEFFORDS: Petition of W. L. Gay, trustee of Mary D. Gay, L. W. Downs, and A. Verrett, asking that their several claims be referred to the Court of Claims—severally to the same committee.

By Mr. MILLARD: Petition of citizens of Waverly, N. Y., urging legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. PRYOR (by request): Petitions of the following persons for reference of their claims to the Court of Claims, namely: T. T. Tabb, trustee, and James T. King, of Virginia; James W. Gee, Eli N. Leay; Sarah Wright, W. A. Davis, administrator, R. R. Hightower, Horace H. Hamner, J. J. Wherry, Alfred Blackman, John A. Curtis, Madison Porter, Thomas J. Johnson, Joshua W. Elder, Allie A. Trice, Thomas L. Porter, administrator, Nimrod Porter, and John McQuiddy's estate, of Tennessee; Walter Rosser, Jesse Tilly, Thomas N. Allison, Archibold Rutherford, Maria Barier, Elizabeth Wallace, John Sullivan, William Hays, William Russell, Elisa J. Rudder, Israel Russel, and W. H. Christian, of Tennessee—to the Committee on War Claims.

By Mr. STEPHENSON: Joint resolution of the Legislature of Wisconsin, against the importation of foreign-contract labor—to the Committee on Labor.

By Mr. J. D. TAYLOR: Petition of Joseph Buchanan and 27 others, citizens of Steubenville, Jefferson County, Ohio, praying for the passage of one of the two bills now before Congress for the suppression of polygamy, declaring the so-called Mormon Church to be utterly alien and treasonable—to the Committee on the Judiciary.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. W. W. BROWN: Joint resolution of the Legislature of Pennsylvania.

By Mr. KEIFER: Of William H. Kennedy and 124 others, citizens of New Holland; and of Joseph W. Davis and 70 others, citizens of Mechanicsburg, Ohio.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Repeal of Certain Internal Taxes.

SPEECH

OF

HON. W. W. CULBERTSON.

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) repealing certain internal-revenue taxes.

Mr. CULBERTSON, of Kentucky, said:

Mr. SPEAKER: During the first part of the last session of Congress, more than a year since, I introduced a bill (H. R. 669) for the consideration of this House the provisions of which did away with the internal-revenue regulations imposed on tobacco so far as the planter was concerned. Several other bills were introduced of the same kind covering a broader field. Some of these bills were rejected; none of them met with favorable action, and it is in view of these facts that I beg to call the attention of the House to this subject, to the bill offered to-day.

Taxation in some form is of very ancient origin. With the formation of governments taxation began. Far back in the dim misty past, when Egypt was new, when the civilization of India, after deeply impressing its traces on Persia, Egypt, Greece, and Rome, had existed for ages, and was on the wane, even at the beginning of this ancient Indian empire, direct taxation was no new experiment.

In the treaties of the Persian emperors with conquered provinces the consideration of taxes played an important part. We find with the Hebrew tribes, as long as they were governed by the immediate direction of Almighty God, every male was taxed 30 cents. A tax was on the first fruits, and first born of the domestic animals; a first-born male of the family was taxed; a first and second tithe for the support of the Levites, and a tithe for the poor was collected. After this people selected a king, the tax was greatly increased. Houses and other property were taxed, and a tariff was levied on the import or introduction of foreign merchandise. King Solomon, who has the reputation of having been a very wise man, collected a large revenue, and the people were grievously taxed during his reign of glory. The stoning to death of Adoram, the revenue collector, and the secession of the ten tribes at the commencement of the reign of young Rehoboam, the wise man's son, indicate how oppressive had been the taxation. The Athenian republic imposed many kinds of taxes, a certain part of the product of mines, &c., and a tariff on imported goods from foreign countries. They avoided a direct tax. The common people paid no tax; but on the contrary large sums were expended by the government for public games and amusements. In Rome, under the republic, the spoils of conquered nations and their annual tribute defrayed the greater part of the expenses of the government. But after the empire almost every kind of tax was resorted to, regardless of the protests of the people. These taxes became most oppressive to the nation.

During the Middle Ages the kings lived off their lands, and in war their vassals, the barons and knights, furnished men and munitions for war. Venice first came near our modern model of taxation, imposing a direct tax on lands, a tax on goods manufactured, and a duty on goods imported. Various schemes and experiments were tried in all the nations of the earth, both ancient and modern, particularly in Europe, for the collection of a revenue. Some of these plans were of the most oppressive character, and it seems strange that in England and France, in comparatively modern times, no better methods were adopted. The crudest and most clumsy ways were often pursued, monopolies were often established by the governments, in fact were common. By selling certain privileges to individuals or companies the treasury was replenished. In this way the great East India Company was created and continued for many years; in fact it is in existence at this time. In France, about the year 1600, out of the vast revenues of the State collected, only one-fifth reached the treasury.

It is therefore made evident that no system had been recognized or established as a standard for the collection of taxes. It was done in a very loose manner, and was always felt to be a great burden by the people, who never ceased to complain. Consequently the effort by the people to accumulate wealth was stifled by the enforced taxes of the Government. From what has been said the fact will be recognized that in the manner of creating a revenue we are to some extent still experimenting. There is a wide difference of opinion as to the best mode of raising a revenue, but it may be safely said the true way to create a revenue is to do it in the manner that will cause the people to feel it least. All will agree to this. The question is how to do it. When we know it is only within the last one hundred years that the best methods of creating a revenue are beginning to be understood, it is not strange there should be a difference of opinion on this subject. But we are convinced the prevailing opinion and experience of the world is against direct taxation or internal taxes. Even in countries professing freedom of trade heavy duties are laid on goods brought from other nations to sell, competing with their own manufacture, and we find that all civilized nations have advocated and practiced this plan.

Having seen so much of the creation of revenues in other nations, we may now look at the United States. We have tried direct taxes four times, namely, in 1798, 1813, 1815, 1816. In all of these years the tax was upon lands, houses, and slaves, the slaves being taxed 50 cents each, little and big, and in each instance such was the outcry of the people against it the tax was in force but a single year. Indirect revenues, such as tariffs on imported goods, were in force all the time, and were the chief source of revenue to the country. In 1791 a tax on spirits distilled in the United States was imposed, ranging from 9 to 25 cents per gallon; stills were taxed 60 cents per gallon on their capacity. In 1794 taxes were fixed on carriages, retail dealers in spirits, snuff made in the United States, auction sales, refined sugar; and in 1797 stamp taxes were imposed on certificates, letters patent, insurance policies, bills of exchange, promissory notes, &c., thus fully establishing a system of internal revenue, which was commenced soon after the adoption of the Constitution.

In 1802 an act to repeal internal taxes swept away the tax on distilled spirits, license to retailers, sales at auction, stamps, &c. But in 1813 these taxes were restored, and the office of Commissioner of Revenue established; in 1815 the list of articles taxed was largely increased. The collection of internal taxes when our country was new caused great discontent among the people. Shay's rebellion in Massachusetts was one of the results of this discontent; the rebellion created great consternation and was only put down by the most prompt action and the loss of life. The whisky rebellion of Pennsylvania was quite a serious affair, requiring 15,000 troops, the personal supervision of Washington, the President and Commander-in-Chief of the Army. This rising of the people cost the Government near $2,000,000, and was the result of resistance to the collection of the internal-revenue taxes. The feelings of the people are fully made manifest by these disorders (have the people changed since then?); the failure of the Republic was imminent, and secession was talked of by those, many of whom had been most patriotic in the war for independence. The aversion of the people to internal or direct taxation has always been so great that such taxes have been repealed at the earliest practicable moment. This can not be denied.

The act of August, 1861, after a lapse of forty-five years, imposed a direct tax on States and Territories in proportion to the population of each. This mode of taxation was fair, was uniform, as the Constitution directs; not as now imposed. This act also provided for an income tax. As much as $61,000,000 was derived from this tax in one year. In July, 1862, the present internal-revenue law was adopted. The internal revenue collected from 1791 to 1849 was $22,000,000, ranging from $200 in 1843 to over five millions in 1816; the income from custom du-

ties or tariffs during the same period was nine hundred and forty-six millions.

In five years from June, 1863, to June, 1868, the receipts from internal revenue were $1,185,000,000. The amount received from customs duties in one year was over $179,000,000. During all these years the people have been patient, patriotic, and good-humored, because they thought the taxes were needed by the Government. But the time has come when the people demand the repeal of all internal-revenue laws, because they are no longer needed by the Government, as is admitted by all parties, and for the reason the collection of these taxes is in violation of the Constitution. After a fair and equal support of the Government, to sell the product of your labor freely and without restraint is an inherent right common to freemen; to deny it is to say you are not free. These laws force monopolies upon the nation, keeping the poor out of employment and favoring those in better circumstances, as we shall show. If a citizen buy of the Government the right to pursue a business, that business becomes a monopoly dangerous to the liberties of the people. Sanctioned and guarded by the Government such sales by the Government are excusable only in times of great distress and must be the last resort. The repeal of these laws is demanded because the collection of a tax from the people of a few States and not from the people of all the States is not uniform, as the Constitution provides.

The repeal of the internal-revenue law is demanded because it is unfair to make the people of one State or section pay thousands of dollars taxes that the people of another State or section are not required to pay. Fair and equal taxation is the demand of all spirited people. If the people of Kentucky pay taxes on their tobacco and other products to the amount of eighteen and a half million dollars per year, why should not the people of Ohio pay fifty-two million dollars, those of New York pay seventy-eight millions, and Pennsylvania pay sixty millions? Why should not the great State of Texas pay over twenty millions in place of the paltry sum of two hundred and ten thousand? The rich State of Iowa, which pays less than three millions tax, should pay more than twenty-five millions. These sums would be in proportion to the population of these States and in conformity to the provisions of the Constitution. This would be uniform, fair, and just. It would come up to the American idea of fair play. It is well known this is not the best mode of creating a revenue, for the reason, as has been repeatedly shown by argument and by most valuable experience, the foreigner pays the duty or custom tariffs, while the American citizen pays the tax of the internal-revenue laws. Besides all this, the first section of the Constitution says:

Direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.

Thus is made manifest the fear ever present in the minds of the fathers relative to unfair taxation. In the first section of their Constitution they provide that the direct taxation must be equal; that it must be in proportion to the population of each State.

Of course some will say this is not a fair argument; but will any one deny that the people of one State pay a tax to the Government ten times as much as the same number of people do in other States? Look at the difference in taxes paid. The six New England States, with a vote of 744,000, pays internal-revenue taxes amounting to $3,433,000; Illinois, with 672,813 votes, pays internal-revenue taxes amounting to $23,500,000; Iowa, with over 375,000 votes, pays internal-revenue taxes amounting to $2,757,000; Kentucky, with over 276,000 votes, pays internal-revenue taxes amounting to $18,500,000; Texas, with over 319,000 votes, pays internal-revenue taxes amounting to $210,150; New Jersey, with 261,210 votes, pays internal-revenue taxes amounting to $3,500,000; Ohio, with over 784,000 votes, pays internal-revenue taxes amounting to $13,500,000; Pennsylvania, with 899,778 votes, pays internal-revenue taxes amounting to $7,889,000; New York, with over 1,167,000 votes, pays internal-revenue taxes amounting to $13,760,000.

South Carolina, Georgia, Mississippi, Alabama, Louisiana, and Florida all only pay less than one and a half millions taxes. Kentucky, with less than one-fourth the vote of New York, pays eighteen and a half millions. This shows the inequality of the taxation of the different sections. It will be seen that the people of some States are forced to pay many times as much taxes as an equal number of people in a neighboring State.

Is this uniform taxation, as the Constitution provides? If the people of Kentucky or Illinois are heavily taxed, why should not the people of Ohio or Texas be taxed in the same proportion, so that 10,000 people in Texas will pay as much tax as the same number in any other State?

If a farmer wants to raise tobacco he may do so, but as a farmer he can only sell not to exceed one hundred pounds in the leaf to his farm hands, and may sell not to exceed one hundred dollars' worth to his neighbors or to any one by retail; all the balance of the farmer's crop of tobacco—five, ten, fifteen, or twenty thousand pounds—he is forced to sell to a tobacco dealer, who buys the right to deal in tobacco from the Government. The farmer is forced to exhibit to any revenue officer who may demand it a sworn statement of his sales of tobacco, number of hogsheads, cases, pounds, with the name and residence in each instance of the person sold to and the place where it was shipped to. If the farmer fails to do this he may be fined $500. The farmer must not twist or press his tobacco. Oh, no! this operation is reserved for a more favored class, who buy their right from the Government, and are called manufacturers. A little twist or roll of the tobacco which he has grown may get a respectable farmer into great trouble, because he has not bought the right to twist or roll his tobacco from a Government which does not need the purchase-money, and is resorting to every means to keep from collecting money from other people, as, for instance, the Spanish treaty of to-day; but the tobacco farmer must pay.

Remember the efforts made last session of Congress to reduce the tariff on the foreigner who wanted to sell his goods in the United States. "We have too much revenue" was the cry. Some will say this taxation is not direct, therefore the reasons do not apply to it. When the slaves were taxed fifty cents each, little and big, it was generally conceded this was direct taxation. No one has ever said it was not. And yet it is well known, beyond dispute, that in many instances the owners of these slaves had more to do with their origin and growth than the planter of tobacco has to do with any plant ever produced.

If to avoid this compulsory selling of his tobacco to certain parties authorized by the Government to buy it, and to get rid of the surveillance of the revenue officers, the farmer thinks he will become a free man, a tobacco dealer, as the law has it, he is badly mistaken, because the dealer can only sell to other dealers and to manufacturers, and he gets into a maze of book-keeping and laws which would compel him to hunt an expert to understand what the Government does want; and if he don't live up to the requirements of the law, he may be fined $5,000 and imprisoned one year.

If the farmer dares to twist his tobacco into the old-fashioned hanks, or if he makes cigars of his tobacco, he becomes a manufacturer; must hang out his sign announcing he is a manufacturer; must give bond in from two thousand to twenty thousand dollars, and is subjected to a whole book full of rules and regulations, which require a lawyer to get at the meaning, and if he fails to live up to these rules, laws, and regulations he may be fined $5,000 and imprisoned five years. If the farmer wants to sell his tobacco as other farmers sell their wheat, corn, or oats, he must pay $250 per year (before 1883 it was $500 per year) and $30 on each $1,000 he sells over $500, and he is subject to all the rules, fines, and annoyances that this inquisitorial mode of taxation can suggest. In the face of all these facts there are those who will tell you the planter is not taxed, and are surprised that he asks for relief.

These are some of the reasons why the planters of tobacco ask that the tax imposed on them shall be extinguished. Again, we say the Constitution explicitly and pointedly provides that such direct taxation shall be for the purpose of paying debts, and to provide for the common defense and general welfare of the United States. (See sections 1 and 8.) The spirit of these sections of the Constitution evidently is that such taxes are only to be levied in cases of emergency, when money must be had and can not be raised any other way. No one pretends that this tax is needed for the Government now, either to pay debts, for the common defense, or for the general welfare of the United States.

In fact, for the last year the great lamentation has been, "Our revenues are too large; how shall we reduce them?" There seems to be but one idea on this point, both political parties joining in the cry, "Too much revenue!" Now, if this is true, why single out the tobacco-planter for a tax? Is he peculiarly obnoxious to the Government? What has he done that above all other farmers he should pay a special and an onerous tax? We know most of these men are good citizens, patriotic and true, meriting no special punishment at the hands of the Government.

The prevailing and true principle of our Government is that free commerce and trade should exist between the people of the different States, and that the people of each State should have equal and the same rights under the General Government, and that all should be treated alike. This special direct tobacco tax violates this idea and provision of the Constitution, because the people of tobacco-growing States are made to pay a tax the people of other States do not pay either in kind or in amount. It is a class legislation, exempting the farmer who raises grapes, hemp, cranberries, &c., from a tax that the tobacco-grower is forced to pay. The welfare of the Government does not demand the tax; in fact the reverse is the case because the tax prevents the more general diffusion of the culture of tobacco throughout a country well adapted to its growth.

The small farmer, with little money and less knowledge of the law, fears to engage in tobacco-raising lest he fall into some of the many traps set for him by the law and the minions of the Internal-Revenue Department. The Chinaman who raises tea in China sends it to the United States and sells it free of duty or tax, while our tobacco-planter, who is a citizen of the United States, who may have risked his life and shed his blood for the glory and preservation of his Government and is liable to do so again at any time, who has for years paid State, county, and town taxes and spends all his money in the United States—this good citizen is taxed a special, additional tax on the product of his farm because he raises tobacco, while all the substance of the Chinaman and the money we pay him goes to support the glory of the Chinese Empire, which never has done us any good so far as heard from. What does the Chinaman or any other foreigner do for the United States in time of war or in paying State, county, or town taxes? Who fights our battles, defends our freedom, and makes the name of an

American citizen glorious? Not the foreigner, but our own native and adopted citizen. Why, then, do we tax this true man of our own country and let the foreigner go free?

Listen to what we have done during the last fiscal year. We have permitted the following sums of imported articles to be brought to the United States and sold free of duty or tax—two and a quarter million dollars' worth of horses, two and a quarter million dollars' worth of cattle, nearly two million dollars of quinine, fifty million dollars of coffee, one and a quarter million dollars of cotton, two and three-quarter million dollars of eggs, near two million dollars for bananas, ten fourteen million dollars, sugar seven million dollars, more than four and a quarter million dollars' worth of wood unmanufactured, and other articles to the amount of two hundred and ten million. While these vast sums were being sold here free of tax, and the money taken to foreign lands, our own citizens were being taxed for the privilege of raising tobacco. Has the Chinaman who raises tea in China or the negro who produces coffee in Brazil performed such signal and distinguished services to the United States that he can sell the produce of his farm here free of tax, while our good citizen, who defends his Government, pays all the ordinary taxes and the charitable assessments of his neighbors, is made to pay a special tax, an extraordinary tax, to that Government he has offered his life to save? Is this fair play? Is this justice? Is it an exercise of common sense? Is it not ingratitude of the grossest kind? Is it not oppression most foul? Is it a crime to raise tobacco, that he who engages in it must be punished by an extraordinary tax?

The collection of this tax is attended by rules, regulations, and circumstances which render it peculiarly offensive. As before said, many small farmers in remote regions are afraid to engage in tobacco raising because of the minions of the tax-law, who, in many instances, seek to entangle the planter in the meshes of the law, so that he, the minion, may get his blood-money in the shape of fees. No greater outrage was ever perpetrated on the people of this Republic than the continuance of this law without the shadow of an excuse.

Let us look at the workings of this law in many places. By hook or by crook a third-rate lawyer gets appointed United States commissioner by a United States judge, and is located in some remote town in the mountains, where the mass of the people, while brave, patriotic, hospitable, and naturally of good brain, are poor and not versed in the knowledge of the law. They live on small farms; many of them can only produce, as a cash product to pay their taxes, &c., tobacco, and brandy, the yield of their orchards. The United States commissioner is supplied with a deputy marshal and bailiffs, and the commissioner is ready for action. There must be one or two cases before him every day to make the office profitable. Warrants are procured for men who are dragged on foot ten, fifteen, twenty miles from their homes to this United States commissioner's court, where they are compelled to stay one or two nights, and must be put in irons, handcuffed, lest they get away.

When the prisoner comes into the august presence of this United States commissioner he is told that he is accused of selling a quart of brandy, or of selling his tobacco illegally. After suffering all this ignominy, frightening his family, and torturing his flesh and mind, he is generally declared innocent, and allowed to walk twenty miles to his home. But the United States commissioner gets his fees; so do the marshals, bailiffs, &c. This machine is kept going from day to day for the express benefit of these officers. What redress has the prisoner, without money or influential friends, or even knowledge of the law? None whatever. Who could have redress? This United States commissioner is only removed by the judge who appointed him, and he has become indifferent by use, as the butcher does to the plaintive bleat of the lamb.

About three times a year what is called a raid is ordered. The deputy marshal and a number of bailiffs start out; they ride as far away from the small towns as practicable, arrest from twenty to seventy-five men, who are brought before the United States commissioner, accused of distilling, selling brandy, tobacco, &c., illegally. The commissioner generally finds these men guilty, and orders them taken from two to three hundred miles to the United States circuit court for trial, being careful to see that there are nearly as many guards appointed as there are prisoners; the guards of course being his friends. This whole raid is made to show how vigilant these officers are and what a good work they are doing. In the United States circuit court most of the prisoners are found not guilty; but the United States commissioner, marshals, bailiffs, guards, witnesses, &c., are all paid their fees, and the poor prisoner, after being in jail for days or weeks, is turned loose to return to his mountain home as best he can.

Think of a man not guilty being taken, dragged suddenly, without warning, from an isolated home, a sick family, a frightened wife, hundreds of miles, to be gaped at, stared at by the idle crowd as he is pushed along as a criminal among strangers, who have been taught by the publications of the day to consider this the worst class of offenders!

Think of this monstrous outrage being perpetrated as a business, coolly and deliberately, to satisfy the cupidity of the minions of this tax law. We could readily believe this thing occurred in farmed-out Turkey, but many will doubt its existence in free America. But if the prisoner is found guilty in the United States court, what then? He is fined three, four, or five hundred dollars, and confined in jail six months. For what? For using the products of his little mountain farm as any and all freemen have a right to do. What gross outrages, thus perpetrated in the name of the United States! And this thing has gone on so long it has ceased to attract attention. We become used to anything, however much we are shocked at first.

Is it strange the officers of this law are hated and feared by the citizens? Is it wonderful they are shot down as a common enemy? I appeal to any freeman to know if he would not instinctively grasp his rifle at the approach of these minions of the law?

This is no imaginary sketch; too many sad cases of this kind make it true. Many, very many persons, will bear witness to the truthfulness of these statements, and will tell you it is not in the least exaggerated or colored. Objection is made to the tax on cigars of the same kind; in fact most of the reasons urged for not taxing the leaf-tobacco of the planter are appropriate for the cigar-maker. The tax favors monopolies or the large manufacturer, and destroys the small operator, whose capital is his hands and the knowledge how to work. The revenue officer is his Nemesis. Any person who will take the trouble to examine the Tax Manual for cigar-makers sent out by the Government will be surprised to find so much of it, and to see it is so hard to comprehend. One of our most distinguished public men has said of this book, to understand all the provisions and regulations embodied in it would require of an experienced lawyer much careful study. Its sections and paragraphs are numerous, and many of them convey their meaning by reference to other sections or paragraphs. For instance, on one page you will read: any manufacturer selling cigars or removing them from the place where they were made without complying with the requirements stated in Nos. 9, 10, 12, and 13 subjects such cigars to forfeiture, and incurs liability to fine and imprisonment.

Suppose a poor widow with a half-grown family wishes to engage in cigar-making, she must first communicate with the collector in a distant town, must pay a special tax for making cigars, must give a bond as cigar-maker, must buy stamps for the boxes before she can sell cigars out of the boxes, and must put them on the boxes; she must keep an account of the number of cigars she may make and the number she may sell, and must show on her books each purchase of leaf-tobacco, stems, or other material used in making cigars; she can not move these cigars from one house to another before paying the tax, nor can she move the cigars before bond is given. If any of these provisions are violated, she forfeits to the United States not only the cigars she has on hand, but all raw material, machinery, tools, implements, apparatus, fixtures, boxes, barrels, &c., together with her estate or interest in the building and the lot or tract of ground on which such buildings are located, with everything belonging thereunto.

When we view the gentle, paternal provisions of this law it is easily seen that poor women, and men too, are shut out from this industry, by means of which they could find employment for themselves and their children, giving to them a retired, quiet means of living. The business is given to the person with more money and experience in the law. Why is this? Does the nation need the taxes? Does an insignificant industry like this need to be surrounded with taxes, laws, regulations, and forfeitures sufficient to prevent the poor and timid from engaging in it? We answer no. During the last year, from one end of the land to the other, it has been proclaimed by all parties that our revenues are too large, and for this reason we have reduced our charge to the foreign producer bringing goods here to sell (see revenue act March 3, 1883), while we have starved the poor widow and her children at home. A shame it is!

Thus it will be seen that a large class of needy citizens, without money, are thrown out of an employment peculiarly suited to them, while it is given to the more prosperous person, who has money and may engage in any kind of business. Let us have fair play; the American citizen as much as any person in this world believes in justice, fairness, and honesty. The object of the Government ought to be to put all such employments into the hands of the needy, of the poor and the timid, who can not jostle through the crowd of more vigorous, grasping, and able persons. Let us remember that governments are formed for the happiness of the people, and that as governments are good the people will be happy.

When the silk industry came to Western Europe, the governing classes took the lead as an example in raising the silk-worm. It was a thing the most humble citizen could engage in, and the advantages were it gave to the country a valuable industry, and gave to the people who needed it employment in addition to their other avocations. Ought a government like ours to distinguish against the poor? Certainly not. This is essentially the poor man's government in theory; for God's sake and for the welfare of humanity let it be so in practice. We bought from foreigners, we imported nearly ten million dollars' worth of tobacco during the last year. More than $3,000,000 of this was paid out for cigars which ought to have been made at home. In place of trying to keep this large sum in America, we seem to be doing our best to prevent the product and the manufacture of tobacco at home. From the depths of the valleys, the tops of the mountains down to the vapory smoke of the cigar-store, the cultivation, manufacture, and sale of this weed, tobacco, is taxed, is hampered by perplexing laws, rules, and

regulations, repressing and hindering its growth and manufacture in the United States, while we send millions of money for tobacco to a despised foreigner without comment or remark. Think of it; $10,000,000 a year sent out of our nation never to return for tobacco which we can produce at home!

Few people know the work, the risk, and the vigilance required to be a successful tobacco-planter; his work is never done until the tobacco is in market. There is no crop raised which is attended with so much care and risk, and liable to so many vicissitudes, even without the hated tax. Why is it Congress has so tenaciously stuck to the tax on tobacco? There being no longer a need for the tax, as is generally conceded, the continuance of the law, as before said, being contrary to the spirit and even the letter of the Constitution, makes the tax still more of a mystery.

It is claimed the low-tariff people fear to take the internal-revenue taxes off lest the tariff must be increased on the product of the foreigner brought here to sell. If this is so, it clearly proves they prefer to tax our own citizen rather than tax the foreigner. They would rather see the ten millions go, never to return, than to relieve the tobacco industry of our own country. But, for argument's sake, admit the free-trader's theme, "the tariff is a tax," to be true, and that the tariffs must be increased if the tax of twenty-five millions is taken off tobacco. We say admit this; would it not be still better to have the whole nation pay the tax than to force a small industry confined to parts of a few States to pay it? Clearly the last shadow of an excuse is gone for the tobacco tax.

The experience of this nation has proven the people never wanted an internal tax. It is not the best mode of collecting a revenue in this country. These taxes are always felt to be oppressive by the people. While the revenue collected by the tariff on foreign importations is not felt by the people, because the foreigner pays it, as has been clearly shown by many arguments made on the tariff question during the last session of Congress, and by the active experience of the nation during the last twenty-five years, there may have been a time when the necessities of the Government called for these taxes; but that day, thank fortune, has gone, and no longer can this Internal Revenue Department be maintained. Away with its monopolies, oppression, and partial taxation! Away with its minions, suited for arrests, cruelty, and evil deeds!

Interstate Commerce.

SPEECH

OF

HON. JOHN B. STORM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 16, 1884,

On the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. STORM said:

Mr. SPEAKER: If there be any feeling of hostility to railroads in this House, I am sure that I do not participate in it. On the contrary, I regard them as indispensable instruments of modern civilization. I take no part in the denunciation of railroad corporations as such. There are enterprises too gigantic for unorganized individual effort. There are undertakings that can be carried out successfully only by associated capital, under the privileges of a liberal charter conferring perpetual succession and other immunities. Canals have been dug, streams bridged, mountains tunneled, and continents spanned by means of the advantages derived from incorporation and the bestowment of certain franchises, privileges, and immunities.

The question is often asked, Who owns the railroad? The railroad advocate says the stockholders. This is undoubtedly correct if by the question you mean to inquire as to the legal title to the property of the corporation. When the question is asked, For whose benefit is the corporation created? the railroad advocate again says for the stockholders. This answer is disputed, and I think I can show before I close my remarks, by citations from the constitution of my own State and of other States, that railroad corporations were created as well for the benefit of the public as for the private gain of the stockholder and incorporator.

The idea that a railroad company exists solely for the purpose of earning money for its stockholders, regardless of the interests of the public, is as unsound as the communistic idea that stockholders have no rights which the public is bound to respect. Were the restrictions and limitations imposed by the laws and constitutions of all the States upon corporations placed upon the ownership and management of private property, they would be denounced as agrarian, and no free people would submit to them. A correct idea on this subject will aid us very much in solving the question of interstate commerce and its regulation.

Had the true theory of the relation of railroads to the public always been kept in mind by State Legislatures and courts, had the law-making and law-construing powers kept in view the fact that railways were public highways and common carriers, the proposed legislation would not, perhaps, be necessary.

In the early history of my own State, when railroad building was in its infancy and needed encouragement, the Legislature and courts were favorably inclined in the granting of charters, passing of laws, and in construing them.

In the course of time the common-law theory was lost sight of. Railroads were no longer regarded as common carriers, but were empowered to enter into every conceivable kind of contract relations, acquire and hold lands, engage in mining and manufacturing, as fully and completely as individuals might.

Under this monstrous perversion of a just and correct theory that railroads were common carriers, we witnessed at once this strange and dangerous condition of affairs: Railways owning most of the coal lands of the State, and engaged in mining coal, manufacturing iron and steel, owning machine-shops and car-shops in which they manufacture not only their own rolling-stock but that of other railroads, and in fact doing all these things which private individuals alone should be empowered to do.

Sometimes, it is true, these things were not done directly by the corporations, but indirectly by an auxiliary corporation, in which the owners and managers are the same persons who own and manage the railroad to which the auxiliary corporation is a mere tender or feeder. This is only a mere evasion and subterfuge. These facts are well known to all who are acquainted with the history of my State.

It is needless for me to tell you what has been the result of such legislation. In one remarkable case it has proved disastrous to the corporation itself. But the far more serious result has been that individual enterprise in certain channels has been crushed out by overpowering corporate competition. The corporation not only owned the mine and mined its coal, but had exclusive control of the vehicle of transportation. The individual owner of a coal-mine, who is dependent on a railroad also engaged in mining its own coal, might as well own an iceberg in Alaska. Therefore, individual coal-mining in Pennsylvania will soon be a thing of the past. It is now monopolized by a few railroad companies who possess the power to crush out all competition. To-day the boundless mineral wealth and resources of Pennsylvania, sufficient in quantity to enrich a vast empire, is under the control of four or five railroad corporations. It is in their power to say how much coal shall be mined, or whether it shall be mined at all. They can dictate what shall be its price in Philadelphia, New York, or any other place on the Atlantic coast.

To such a pass had things come that in 1873 the people demanded a change in the organic law of the State. A convention was called; it was composed of the best men of the State; the result of their deliberations was our excellent constitution of 1874. These fundamental principles were, in substance, set forth in it:

1. Railroads are public highways.
2. Railroad companies are common carriers.
3. They shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.
4. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers.
5. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station.
6. No railroad corporation, or the lessees, purchasers, or managers of any railroad, shall consolidate the stock, property, or franchise of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line.
7. No corporated company doing business as a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles of transportation over its works.
8. No such company shall, directly or indirectly, engage in any other business than as common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business.
9. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad company or lessee, manager, or employé thereof shall make any preferences in furnishing cars or motive power.

Similar provisions, I might add, are to be found in the constitutions of Alabama, Arkansas, California, Colorado, Georgia, Illinois, Michigan, Nebraska, and Texas.

Had these principles been adhered to by the States in the beginning the Reagan bill, in my opinion, would not now be under consideration by us. But the evil had been to a great extent consummated. The remedy came too late. The sacredness of vested rights and the obligations of contracts implied in the charters of these corporations left the people in a measure remediless.

A partial remedy for the evils is still left in the bill under discussion, and for this reason I will give it my hearty support.

Mr. Speaker, I frankly acknowledge that my early prejudices and studies at first inclined my mind against the constitutionality of this measure. But after a careful and impartial examination of the whole subject, and hearing all that has been said for and against this bill, I have not the slightest doubt as to the power of Congress to pass it.

And I am as thoroughly convinced that there is a necessity for it. The clause of the Constitution which confers this power says, among other things, the Congress shall have power "to regulate commerce with foreign nations, and among the States, and with the Indian tribes." It is a simple, naked, unconditional grant of power by the States to Congress. The purpose for which this power is to be exercised is not mentioned, as is the case in some other grants. There is no other clause in the Constitution which in any way limits or restrains its general meaning, or even hints that it may, like the taxing power, be exercised concurrently with the States. It is a grant to Congress alone. The necessity for such a provision led to the convention which framed our Constitution. That incomparable instrument was not a mere theory emanating from the brain of a few metaphysical speculators, but grew out of the dire necessities of trade and commerce. The clause in question, with the exception of the words "and with the Indian tribes," was reported in the original draught of the Constitution, and was adopted without opposition.

The plain and simple meaning of this clause was not questioned until the year 1824, when the appeal of Gibbons *vs.* Ogden, reported in 9 Wheaton, page 1, came into the Supreme Court of the United States. The question before the court involved the constitutionality of an act of the Legislature of the State of New York granting to Robert R. Livingston and Robert Fulton the exclusive navigation of all the waters within the jurisdiction of that State, with boats moved by fire or steam, for a term of years. William Wirt, then Attorney-General of the United States, and Daniel Webster argued the case for the appellant and against the validity of the act in question. The speech of Webster was masterly and eloquent; the advocate was worthy of his cause; his argument was unanswerable. John Marshall was then Chief-Justice; among his associates were Bushrod Washington and Joseph Story. The Chief-Justice delivered the opinion of the court. That opinion alone would make the reputation of any jurist. In it he has ably sustained his lasting reputation acquired as the judicial expounder of the Constitution. That opinion will stand, while this Capitol stands, as a landmark of true constitutional interpretation.

It was then solemnly decided and settled that the power of Congress to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations and among the several States, and that it does not stop at the external boundary of the State; that this power has no limitations except such as are prescribed in the Constitution itself, and is exclusively vested in Congress, and no part of it can be exercised by the States. The Chief-Justice said:

The power to regulate commerce among the States is "to prescribe the rule by which commerce is to be governed." This power, like others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

Steam as a motive power was unknown when the Constitution was adopted. It was not until 1807 that Fulton applied it to the propulsion of boats. But when this case was decided the court said that the commerce clause applied to vessels propelled by steam or fire, as well as to those propelled by wind and sails. When this case was decided railroads and telegraphs were unknown; they have become two potential agents in inland and interstate commerce. Both have grown up within the last fifty years.

The opponents of the bill before us do not now deny the power of Congress to regulate commerce on the high seas and on the navigable rivers and lakes of the country, but say we have no right to do so when the commerce is carried on by means of railroads. What is the reason for this distinction? What is the annual value of our foreign trade? By the last report of the Secretary of the Treasury the total amount of our exports and imports, including merchandise, gold, and silver, amounted last year to $1,512,770,947, while the amount of merchandise carried by railways during the same period was, in round numbers, $15,000,000,000, or nearly ten times as much. How preposterous the idea that Congress can not, under the broad grant of power to regulate commerce "among the States" ("intermingled among the States," as Chief-Justice Marshall said in the case just cited), regulate this immense internal interstate commerce amounting to $15,000,000,000 annually! If we can not, then indeed our Constitution is "a rope of sand."

The Constitution is not a code; it does not attempt any definitions of the powers granted; it simply enumerates them. It enumerates the general principles upon which all free representative governments like ours must rest. It was not intended by those who framed it that it should be subject to frequent changes, and therefore they have made any attempt to change it exceedingly difficult. There were no amendments of the Constitution from 1804 to 1865, a period of sixty-one years, covering the whole period of steamboat, railroad, and telegraphic development—the most remarkable period of our country's history. It has not been found necessary whenever some genius has applied steam to move boats and railroad cars, or electricity to send messages with the speed of lightning, to go to work and change the Constitution. The framers of that instrument did not build in that way. When railroads and telegraphs came into use as instruments of commerce, they at once came under the clause of the Constitution which regulated the steamship in the navigable waters of the country.

Therefore it is that Redfield, who is acknowledged by every lawyer as high authority on all questions relating to railroads and to railway law, says in his admirable work on railways, page 720–722:

Those who assume that Congress has no power to regulate the traffic on these extended lines of railway, reaching from one end of the Union to the other, must, if they would meet the question fairly, either say the extended lines of railway, amounting to many millions annually, probably ten times as much as the entire commerce of the country at the time of the adoption of the Constitution, is not commerce at all, or, if it be, is not subject to any regulation or control whatever; for it is certain the States have neither the power nor capacity to regulate to any purpose or with any efficiency the interstate traffic. It must then come under the control of Congress or be left to its own devices and impulses—an experiment never tried in any other country.

In keeping with this thought is the opinion of Chief-Justice Waite in the more recent case of The Pensacola Telegraph Company *vs.* The Western Union Telegraph Company, reported in 6 Otto, page 9. The Chief-Justice says:

The powers thus granted are not confined to the instrumentalities of commerce, or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They are intended for the government of the business to which they relate, at all times and under all circumstances. As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

Here we see how the powers of Congress to regulate commerce are made "to keep pace with the progress of the country and adapt themselves to new developments of times and circumstances."

But further citations are not needed. I am content to rest the case on the authority of Marshall, Story, Kent, and Webster. Independent of authority and judicial decisions on the question of the power of Congress to regulate interstate commerce carried on by railroads, every principle of reason and common sense that applies this regulation to commerce carried on on the high seas and the inland waters of the country applies, *a fortiori*, to interstate commerce carried on by railroads. As I have just shown, the latter exceeds the former in amount nearly tenfold. The high seas, lakes, and navigable rivers are highways open to all. Competition there is as free as the air. It is not so with the railroad. No one can use its track without the consent of the company. Mr. Speaker, this bill does not propose to regulate the railroads of the country or to interfere in their management. It does not propose to even fix the price of freights or to injure to the extent of one dollar the $7,000,000,000 of capital said to be invested in the 125,000 miles of railways.

What does it propose to do? It proposes to bring the railroads engaged in interstate commerce back to the common-law theory that they are—

1. Public highways.
2. Common carriers.
3. That their charges must be reasonable for transporting freight and passengers.
4. That they must not make any unjust discriminations for like and contemporaneous services, and shall not charge more for a short than for a longer distance.

The bill seeks to accomplish these ends by, first, prohibiting any allowance of rebates or drawbacks, and, secondly, by prohibiting any combination for the purpose of pooling the freights of competing roads. In addition, the bill seeks to enforce compliance with its provisions by means of legal proceedings provided therein, and by means of fines and penalties. It only seeks to provide a sure, speedy, and effective remedy for the enforcement of those duties which the common law says every common carrier owes to the public. Who can say this is unjust?

Every one at all acquainted with the carrying trade as conducted by railroads in this country very well knows what these unjust discriminations and charges mean.

I live on the line of a railroad running from the Scranton coal-fields to New York city. I am fifty miles from the place where the coal is mined and loaded on the cars; New York is nearly one hundred and fifty miles from the mines. Yet a ton of coal costs the consumer living in Stroudsburg nearly $1 more than it does the consumer living in New York city. I might be willing to admit—and the bill under consideration allows it—that they should charge the consumer in my town the same as they do the consumer in New York; yet, in the name of justice, have they a right to charge more?

By this method it will be seen that the people along the line of the railroad receiving freights at non-competing points are virtually taxed to make up for what advantages the railroad may be deprived of at competing points.

Such a condition of things ought to cease. The bill says it must cease; the welfare of the nation says it must cease; the producer and consumer, the miner and manufacturer, the merchant and farmer—all say it must cease. We can not, we dare not grant a less measure of relief than the Reagan bill proposes.

Interstate Commerce.

SPEECH

OF

HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 11, 1884.

The House having under consideration the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce—

Mr. HEPBURN said:

Mr. SPEAKER: In my judgment there is no question that has occupied the attention of this Congress which is so important as this one, nor is there any in which the people of this country are so greatly interested. For more than ten years it has been the subject of frequent discussion inside and outside of these Halls. There is no doubt but that the Congress has the right and power to enact remedial legislation that may be necessary, or that the great question of transportation—the shipment of the labor products of the country, with all of the interests connected therewith—is too near an object of interest to the people of this country to be left in the hands solely of one party.

The object to be attained is, first, fair, reasonable, and uniform rates; and second, equal privileges. In many of the States these objects have been attempted through schedules of tariffs enacted by the legislatures. In the State in which I reside, more than ten years ago it was attempted to accomplish these objects by the establishment by law of tariff schedules. Experience showed that it was entirely impracticable to accomplish this object in this way. We know in the analysis of the thing which we call transportation that there are more than forty elements of cost, and it is not possible to find cases arising on different roads where these elements are found in the same proportion. The differences in grades, the difference in volume of traffic, the differences in the cost of construction, the differences of climate, the differences in the regularity with which shipments are distributed East and West or North and South contemporaneously—all of these elements, with many others, enter so largely into what may be a just rate as to make it impossible, in my judgment, by inflexible statutes to effectuate justice both to the shipper and to the carrier; so that in all of the States, I think, perhaps with one exception, the idea of regulation through these means has been abandoned, and we are compelled now to look to other remedies.

It is admitted that in many cases imposition is practiced by the carrier. Rates are often exorbitant, or they are fluctuating, or the privileges are not the same to all of the shippers. Privileges are granted to some that are not granted to others, thus giving to one man advantages in trade that another can not have, resulting in bankruptcies in some cases, and in others driving men from a chosen vocation and introducing such disturbances in business as are felt throughout entire communities. These conditions ought not to exist. Every shipper is entitled to a fair and reasonable rate, to uniformity in rates—that is, to know that the rate of to-day is not to be suddenly and ruinously increased—and to equal privileges as to time, cars, expedition, &c., under the same circumstances.

I have already said that in my judgment there ought to be a remedy, but the subject is of such a character and the interests are so great and of such diverse nature that we ought to approach it with very great care, lest, while we try to enhance, or improve, or protect the interests of the shipper, we destroy still other interests with which the prosperity of the country and its commerce are so closely interwoven.

In the State in which I reside, when the attempt was made ten years ago, through the adoption by statute of a schedule of tariffs to effect this remedy, it resulted in the almost total stoppage of construction of railways; so that during four years of the existence of that statute but little more than half the mileage was built as during the year preceding the passage of the statute, or the third year after its repeal. Men were unwilling to invest their capital in enterprises of this character where it was to be jeopardized, as it had been from the operation of an impracticable and ruinous statute. So that the people of the State, in order to secure the continuance of railway building, were forced to repeal that statute and to resort to an entirely different system of control.

We have now offered to us in the bill reported by the Committee on Commerce a system of control primarily through a commission. In the substitute offered by the gentleman from Texas we have offered a series of assumed remedies that are to be enforced by the courts by the ordinary processes and methods. In my judgment, the courts unaided can not afford adequate remedies. There are, perhaps, many provisions in the substitute of value if they could be enforced. But it is in the enforcement of these provisions where the great difficulty will be experienced. For example, it is provided that rates shall be reasonable, and if a shipper is overcharged, if he is charged an unreasonable rate for a service, he may recover triple damages, and in cases of willfulness he may have other recoveries. But in order to secure his remedy he must sustain the burden of proof. He must furnish the witnesses—witnesses who are from their knowledge of the subject at issue competent to speak.

Now, it is a truth that those persons who would be most competent to speak as witnesses, those familiar with all the facts, those who know all about the elements of cost that enter into a given shipment, are upon the other side of the question. He has no one who is able to speak and whom he can call as a disinterested and dispassionate witness. How is he to establish the fact that the rate which was charged was an unreasonable rate? Suppose he calls his witness to the stand, and the witness says, "This rate is an unreasonable one." He is subjected to a cross-examination: "How do you know, sir?" Perhaps the answer would be, "I have compared it with other shipments upon other roads." "Well, sir, do you know what the grades of that road are as compared with this? Do you know what are the effects of frost and snow upon that road as compared with this? Do you know how its traffic is distributed as to seasons of the year—whether or not it can use its cars continuously both ways of its traffic, or whether half of the time it has to haul its cars empty?" And so on to the end of the chapter, testing his knowledge as to cost of building, equipping, maintaining, and operating a railway.

The witness, doubtless, would have to answer that he had no information at all upon subjects of this kind; that he was not an expert or a specialist. Then how would it be possible for the suitor so situated, without expert testimony, to establish the proposition that the charge made by the carrier was an unreasonable one. And without doing this how could he maintain his standing in court? I insist, sir, that this difficulty is an insurmountable one in the great majority of cases. It is one that every man familiar with the methods of the courts will recognize and appreciate.

It seems to me that the provisions of this bill simply invite litigation; that they will flood our courts with innumerable suits without accomplishing any good for any person, except possibly the man who may institute the suit as an attorney, enabling him to secure from the railway company certain facilities for himself. The promise of the law is triple damages, and in some instances unusual costs—personal expenses and attorneys' fees. We know that in almost every county in every State there are practicing attorneys—men with little practice—who are constantly on the watch for this kind of litigation, who will institute a suit for an interest in the possible recovery, sometimes with no other expectation than to familiarize themselves with practice or bring themselves before the public. In some instances they would engage in this litigation with the hope of gaining from the defendant carrier an advantage for themselves alone, without any thought or care as to the effect of their counsel or action upon the interests of the man who, for the time, has given them employment.

I remember an instance in my own State. Under the statute that I have spoken of as having been repealed some years ago there was a provision authorizing a recovery in cases where a charge in excess of the statutory rate was made. An attorney brought a number of suits against a railway company, alleging in each suit an overcharge. Those suits have been standing upon the docket for several years; and the only cost to the corporation (they having investigated the matter and having found it was cheaper to pursue the course they did) was to give to the attorney who brought the suits an annual pass, which enables him to travel free over the road when and where he pleases. This species of "blackmailing" would in very many instances be resorted to and the dockets of the courts would be flooded with this class of suits, suits that would result in no good to the suitors, who were deluded into becoming plaintiffs and would only serve to harass the defendants into a resort to the questionable, reprehensible means that I have referred to. We ought not to invite men to this feast of unproductive litigation. It is not sound policy to do so, and it is a mockery to call this course a remedy for the evils for which the people demand a remedy.

If we really desire to give by law a remedy, let us amend and then adopt the bill of the Committee on Commerce. It proposes to establish a commission of three, to whom all men aggrieved by an interstate carrier may make their complaint. This commission must be composed of men who thoroughly understand the transportation question, men who are experts, men who have practical knowledge as to all the elements of cost in transportation, and who, under the provisions of the bill, may have access to the carrier's books, and may summarily examine the carrier's officers and servants, and this, too, without trouble or expense to the complainant. He but makes his complaint; the commission then takes the matter up; it becomes his champion in the investigation of his wrongs; it searches for witnesses if they are needed, and examines them with the intelligence of men thoroughly informed, and with the impartiality of men executing an important and honorable public trust. The commission, after the most searching and intelligent investigation, makes a report of its findings of fact, which, under the bill as it now is, furnishes the basis of future proceedings in the courts. These provisions are wise and helpful to the suitor, even if they went no farther, for he, under the committee's bill, still has his resort to the courts if he is so advised, but with this great advantage, he has the opinion of learned experts as to whether or no he has a meritorious case, entitling him to judgment.

Now, Mr. Speaker, with a very few amendments we could, in my judgment, greatly add to the merits of the committee's bill. Let us increase the number composing the commission to nine, appointing one from each judicial circuit. This larger number would diminish the possibility of the commission being dominated by railway influence, and by distributing the members to each judicial circuit would increase the information in regard to local necessities and influences that bear upon questions in dispute. Then by an additional amendment that would in all court proceedings give to the report of findings of the commission the status of *prima facie* truth, we would effect a change in the burden of proof that would give to the wronged complainant at least an equal standing in court. Under the substitute of the gentleman from Texas the complainant has the burden of proof, which from the nature of the controversy, and from the fact that competent witnesses are in the interest of his adversary, he can not meet. Under the other bill, amended as proposed, in all the court proceedings the burden of proof would be changed. The report of findings would establish the complainant's case. It would entitle him to a recovery of all his actual damages; and in case the wrong complained of is found to have been willful or continued after notice to desist therefrom, then he may have judgment "for costs, charges, counsel fees, expenses, and disbursements," unless the carrier is able to disprove the truth of the findings of the commission.

I shall seek at the proper time, Mr. Speaker, to have the bill amended as indicated, and with these amendments how much simpler would be the remedy offered to the wronged shipper. In the one case he is invited to a legal contest of the most unequal character. Often he is without adequate pecuniary means; without competent counsel; without judicious advice as to his mode of procedure; without competent witnesses, and with the burden of proof resting upon him. In the other case he is furnished a wise, honorable commission to inquire into his wrongs; to ascertain his grievances; to advise him as to his remedy; to testify in his behalf, if he has been wronged; and to shift from his weak and incompetent shoulders the burden of proof and cast it upon his adversary.

The fourth section of the substitute prohibits the carrier from charging a greater sum for a shorter distance than it charges for a longer distance. In other words, it says, in effect, to the carrier between Chicago and New York, "You must not charge less from Chicago than you do from points lying between Chicago and New York." "If you charge $75 per car from Fort Wayne to New York, then you must not transport a car from Chicago to New York for $50." The rate from Fort Wayne may be entirely reasonable. It may give entire satisfaction to the Fort Wayne shipper; still from Chicago to New York, being the greater distance, the rate per car shall not be less than $75, if that happens to be the rate from Fort Wayne to New York. In order to get the business at Chicago, at the assumed rate of $50 per car, the shipper is compelled to give at least as low a rate to every shipper at each intermediate point on his line.

I believe this provision to be most unjust and unnecessary, for it must be borne in mind that the prior sections of the bill provide for securing to the shipper from the intermediate point, as well as all others, a reasonable rate. Might we not pertinently inquire, "If the shipper at Fort Wayne has a rate that is reasonable, that is satisfactory to him, what business is it to him what lower rate the Chicago shipper receives?" Justice is done him. He obtains all that belongs to him. Why should he be concerned that his neighbor, who labors under the disadvantage of living at a point more remote from the seaboard, from the rivalries of carriers, from the greater volume of traffic from Chicago, or from the better terminal facilities furnished by that city, gets a rate that perhaps but simply covers the cost of handling his freight.

The State of Iowa is largely an agricultural State, and her rich fields yield an immense product beyond the possible consumption of her people. Her immediate market is the city of Chicago. Into that market she sends each year her fat cattle, numbered by many tens of thousands; her fat hogs (and their product), numbered by millions; her corn and wheat and other cereals, measured by tens of millions of bushels. The market of Chicago is all-important to the people of Iowa, and they are interested in the ability of the merchants of Chicago to pay the highest price possible for this immense surplus production. Whatever diminishes the power of the Chicago merchant to pay this highest price is a stab at the most vital interests of my State. Chicago is more than a thousand miles from the seaboard cities, to which at least 90 per cent. of all the products of Iowa in the end find their way; and it is their price at this ultimate market—the seaboard cities—that establishes the price given by the Chicago merchant to the Iowa farmers.

Hence, the rates of transportation between Chicago and Eastern cities is a matter of the highest consideration to us of Iowa. Chicago, because of the almost fabulous amount of freights that she furnishes; because of her unequaled terminal facilities for handling them cheaply and expeditiously; because of the large number of hostile and rival railways leading from her huge elevators and stock-yards eastward, and because she has during eight months of the year a water route to tide water, is able to secure for her shipments rates of transportation of an exceptionally low character. These low rates inure to our benefit. In proportion as they are increased or diminished so are the prices paid to us increased or diminished. If you compel the railroads to charge the Chicago shipper more for transporting the product he buys from us, he will protect his interest by paying us a less price for what he buys from us. We are unwilling that this should be done. And yet it is the result that must follow this legislation. No one believes that the rates from the intermediate point will be lowered to correspond with the terminal rates, but that the terminal or competitive rates will be raised. And it is that selfish end perhaps that is desired. Communities residing near the seaboard have great advantages over the people of my State because of their proximity to the great markets.

Our lands are as productive as the best; our people are as industrious, as frugal, and as skilled in agriculture as any to be found; yet the farmer near the Atlantic or the Gulf can produce twice the value from each acre that we can, simply because of his location. Is not this enough? In addition to this advantage of location must you take from us the slightly compensating advantage we obtain from the carriers because of the "long haul" they make for us. The principle on which this section is based is that of distance. It is the only factor considered, and if you carry it out it results in increasing the value of lands near tide water, and correspondingly diminishing the value of our lands. If distance is the only factor to be considered, then all of our products must be condensed in bulk in order to bear the charges of transportation to our ultimate market, or we must be ruined.

There are roads leading from Chicago eastward that are given great advantages by this section—those that connect with the roads through Canada. Those lines can defy the provisions of this bill and, because of the slightly lower rates they may give, divert the business from our own roads and deprive the roads running through the States of all of the Chicago business, crippling them to such an extent that the less rates sought to be secured to the intermediate station can not be given; for it certainly is true that as the volume of business done by a road is diminished its ability to do it cheaply is diminished.

I am not one of those who believe that pooling is necessarily and always harmful. On the contrary, I think pools in many instances beneficial. The objects to be sought by this class of legislation are not only reasonable rates but uniform rates. The shipper is greatly interested in uniform rates, not simply uniform as to person but uniform as to time. There are many business enterprises that must be carried over months of time. They can not be undertaken to-day and completed to-morrow, but weeks and months must elapse before they can be carried to successful ending. In order that they can be intelligently undertaken a knowledge of prospective rates of transportation must be had. Constant fluctuations in rates preclude this knowledge, and constant fluctuation is the rule where pools are inadmissible. Carriers become overeager to secure business, and offer undue advantages. These in turn are met by still lower rates, or by secret promises of drawbacks or rebates. And then follow disastrous wars in rates—wars that are disastrous to stockholders, and often most disastrous to shippers. In many instances these fluctuations in rates are as harmful to individuals, if not to entire communities, as exorbitant rates are. I can point to instances, many in number, where men possessed of skill in business, of large experience, and abundant means for the ordinary pursuit of their business, were ruined by these fluctuations in rates.

Many gentlemen who hear me may remember that a few years since the roads leading from Chicago to Missouri River points engaged in one of these wars. It was carried to such an extent that car-loads of cattle and hogs were carried from the Missouri River to Chicago for $1 per car. The result was that all cattle and hogs tributary to these points were hurried to the Chicago market without much regard to their condition, entirely breaking down prices because of the glut of the market. I knew many men doing business at interior points in Iowa and Missouri who months before had made purchases of cattle and hogs to be delivered at this time. They had to receive them, they could not hold them, and were compelled to throw them on the glutted and overcrowded Chicago market, to their utter and complete financial ruin. I am fully persuaded, Mr. Speaker, that these men, at least, with their bitter experiences, flowing from a want of uniformity in rates, would not approve of legislation that would prohibit stability in rates by prohibiting pooling.

But, sir, the substitute of the gentleman from Texas does not prohibit or propose to prohibit all pooling. It only prohibits money pools. Combinations to keep up rates do not meet with its disapproval. Now, sir, if there is anything objectionable of this nature it is such combinations. The public have no interest in the disposition of the money, but it has in the unjust combination by which the money is secured. If the policy of prohibiting combinations for securing rates is to be adopted, then it should not be confined to those alone where the resultant money is divided among the members of the combination. One of the objects that ought to be desired is the prevention of discriminations—not simply discriminations between the patrons of a given line, but between the shippers at a given point. Pooling prevents these discriminations. But here there is rivalry, and each carrier is doing the best possible for itself; the patrons of one road may for a time secure advantages; discriminations are made in their favor by the road they pat-

ronize over the patrons of another line. These may not exist for a long time, but often long enough to disturb business and give to some advantages not possessed by all.

I surely would not give countenance to those pools or combinations of any class that are entered into for the purpose of exacting exorbitant rates. All such are at war with justice and the true interests of trade; but on the assumption that a reasonable rate is secured, then, in my belief, combinations or agreements by which uniform, continuous rates are secured are not open to criticism. If all men have justice done them by securing a fair equivalent for the money they expend, I can not see how they are concerned in the final distribution of this money.

We have been told during the course of this long debate that no legislation of any character is necessary; that transportion, like all other "commodities," is obedient to the laws of supply and demand, and that effectual remedies are to be secured through competition. These gentlemen must forget that at much the greater number of points in this country there can be no competition, because there are no competitors; that much the larger number of points have but one carrier. Again, they fail to remember that competition is the exception when combination is possible; that interest and experience lead in the direction of combination. With the undoubted power that the Congress has to effect remedies by legislation, the inviting of competition through the building and operation of new lines of railway parallel to each other, in my judgment, is not in all instances the part of wisdom. The ability to carry cheaply is largely dependent upon the amount of freights to be carried. The company that moves fifty trains of loaded cars each day can do business much more cheaply than the company that moves but five trains, other things being equal. So that it often happens that increasing the number of carriers diminishes the power of all to carry at low rates.

Suppose that a given city has one line of railway that has the capacity to do all of the carrying trade of that city. Having it all, an amount that tests its capacity to the utmost, it can do the business at very low rates. Another parallel road is built. It does not increase the business to be done, nor does it increase needed facilities for doing the business; but it does decrease the capacity to do the business cheaply. Now, two sets of general and local officers are necessary, two tracks are to be kept in repair, the interest on the cost of two roads has to be earned—in short, very many of the expenses are doubled. The business is divided, and in order to earn a fair interest on the investment and to pay operating expenses, the first road is compelled to increase its charges. Is it not true that by unwise methods, striving unwisely for relief, adopting among others these false ideas of competition, and striving for the means with which to compete—rival parallel roads—we have in many instances put it out of our power to obtain those low rates that the necessities of those parts of the country that are remote from the great business centers so persistently and rightfully demand?

I have not the time, sir, to discuss all of the features of these two bills. I do not believe that either will accomplish all that is desirable. The difficulties in the way are many. I believe that it is the wish of the friends of both measures to do complete justice to all parties, but I have a decided preference for the committee's bill, if it can be amended in the manner I have suggested.

It has been suggested that a commission such as is contemplated by the bill of the committee would be the creature of the railroads. I do not believe this to be true. I have no sympathy with the man who thinks that in all of this land nine men can not be found of the needed intelligence, virtue, and firmness to execute this great trust. He who has so poor an opinion of his fellow-man must have the privilege of looking inwardly upon a very corrupt scoundrel, and gathered his knowledge of men from most unfortunate companionship.

It is my belief that if this bill becomes law there will be selected a commission from our most eminent men, men who are wise, honest, and courageous, and who would be inspired by a laudable ambition to solve the vexed questions involved in contentions between the people and the carriers; who would see to it that each party secured its full measure of justice—the people securing their transportation at rates that were reasonable and uniform, each man getting equal service as to time and expedition, and the carriers securing their just compensation on such terms as would do away with the ruinous traffic wars that are destructive not only to the uniformity of rates but the interests of stockholders.

This commissioner system where it has been tested has been of benefit. It may not have done all that its more impatient friends have expected or hoped for, but it has proven itself to be a long step in the right direction, and has inspired its friends with hope that, with such additions of power as future observations may show to be necessary, it will within reasonable time bring substantial relief from many pressing ills.

I will, Mr. Speaker, at the proper time, if I may be recognized, move the amendments that I have indicated to the bill of the Committee on Commerce, and, when so amended, strive to secure their passage. But, with the opinions I have of the disastrous effect the provisions of the fourth section of the Reagan bill would have upon the interests of my constituents, I can not give it my approval or vote.

Repeal of Certain Internal Taxes.

SPEECH

OF

HON. GEORGE E. SENEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES.

Monday, January 5, 1885,

On the bill (H. R. 5422) repealing certain internal-revenue taxes.

Mr. SENEY said:

Mr. SPEAKER: It is proposed by this bill to repeal the laws imposing internal-revenue taxes upon tobacco, snuff, and cigars, and the special taxes imposed upon the dealers in these articles, and to repeal also the laws imposing internal-revenue taxes upon liquors distilled from apples, peaches, grapes, and all other fruits—and also to authorize distilled spirits, except for use as a beverage, to be withdrawn from bond without the payment of the internal-revenue tax.

It is to be regretted that a measure of so much importance to the country is to be passed upon by the House upon less than an hour's consideration. A measure like this, to be properly understood, should be thoroughly discussed and without limit as to time, except the hour-rule of the House. But few of the many considerations bearing upon this subject can be thought of, much less understood, within the thirty minutes allowed for this debate. There is some reason not apparent for considering this bill in this hasty and unusual manner. When, at the last session, a bill for the reduction of the duties upon imports was before the House, time for its consideration was unlimited. More than one hundred members of the House spoke at length upon that measure. Two-thirds of the revenues of the Government were affected by that bill. Fully a month was occupied in its discussion. The entire country was deeply concerned in the debates and awaited with breathless anxiety the final deliberations of the House upon that measure. This bill is no less important. It, too, affects the public revenues, not only upon tobacco and spirits distilled from fruits, but upon spirits distilled from grain. Nearly $77,000,000 of our revenues, this bill, if made a law, will affect. My information is that the public revenues are growing less and the public debt more. This consideration, without any other, admonishes us that time for reflection and study is necessary. It is not likely that any other measure of finance or taxation will come before the House at this session.

The country is looking for no legislation by this Congress on matters of taxation. Upon the next Congress will devolve the duty of revising and reducing the existing tariff duties. Nothing, I insist, should be done at this time that will be in the way of the work expected from the next House. It has been stated that the passage of this bill will reduce the revenues $40,000,000. This of itself is an unanswerable objection to enacting this bill into a law. Pass this bill, and in the next Congress the law and its expected effect will be urged as reasons why the present duties on imports should not be disturbed. To the extent that we do away with internal-revenue taxes we can not hope for a reduction in tariff duties.

A reduction of $40,000,000 of internal-revenue taxation means that the public revenues then will be sufficient to meet the wants of the Government, and, therefore, further reductions in taxation can not be made. There are more than 3,000 articles upon which revenue is raised. Why remove the tax upon two and not remove it upon others, where the tax is equally objectionable and equally offensive? We tax heavily salt and sugar, also the cheaper cotton and woolen goods worn by the poorer classes of our people; why not reduce or repeal these taxes as well as the taxes on tobacco and fruit spirits? When the proper time comes, and surely it is not far off, I will cheerfully vote to reduce, if not to repeal, the tax on tobacco.

The tax on tobacco last year was $26,062,399. It bears heavily upon poor men, because as a rule they either chew or smoke tobacco. Tobacco is the poor man's luxury. Habit makes it a necessary, as much so as tea or coffee. Neither tea nor coffee pay a duty, and upon tobacco raised and manufactured in this country there should be no tax. To remove this tax now, and by this bill, may defeat other measures to relieve the laboring interests of the country from oppressive taxation. Now is not the time to legislate respecting this particular interest; nor is it the time to repeal the law imposing a special tax upon the dealers in tobacco. These special taxes amounted in 1884 to $1,302,926. They are onerous and unjust, and the law imposing them will, as I believe, be repealed in due time. When all taxable interests are before us, then the tobacco interest will, I feel sure, have rightful consideration.

The repeal of the law taxing tobacco, it will be noticed, is specially urged by the friends of the tobacco producer. As I understand this subject the tax is not paid by the producer. The consumer of tobacco pays the tax, and from him we hear no complaint. From what has been said in support of the bill I judge that the friends of the producer do

not object so much to the tax as they do to the manner in which the law providing for the tax is executed. If this be so, the real complaint is not against the tax, but against those who have to do with its levy and collection. If the objection is to the tax, the most that the producer can say against it is that it subjects him to some annoyance.

The tax on spirits distilled from fruits in 1884 amounted to $1,023,350. While the revenue from this source is comparatively small, the policy of removing the tax should have more than a moment's consideration. If distilled spirits are to be taxed no distinction should be made between fruit spirits and grain spirits. The fruit-grower and the grain-grower should have equal advantages. In taking the tax off of fruit, or its product, it ought not to be put on corn and rye, or their product. Should this bill become a law, spirits distilled from fruit will be untaxed, while spirits distilled from grain will be taxed 90 cents per gallon. This legislation will do the grain-growing farmer great injustice.

Repeal this law and a door for fraud stands wide open. The numerous frauds upon the revenue for twenty years past will be as nothing compared with those which will be perpetrated against the revenues should this law be repealed. With two kinds of distilled spirits, alike in appearance and not unlike in taste, how is the difference to be known except by a chemical test? With a tax of 90 cents a gallon upon the one and no tax upon the other, every cheat in the land would rub his hands in glee. The repeal of the law taxing fruit spirits would set in motion a thousand agencies to defraud the revenues. The market in a short time would be glutted with spirits called fruit spirits, but not distilled from fruit, nor from grain, but made from all sorts of fluids and substances, not excepting the deadly potions kept in the jars of the apothecary. Fruit spirits, pure and impure, doctored to improve their taste, look, and smell, would be on sale side by side with grain spirits wherever intoxicants are sold. The price of the one would be, say, 30 cents a gallon, or 3 cents a drink, or two for five; the price of the other, say, $1.20 per gallon, or 10 cents a drink, or three for a quarter. Under laws making such methods possible, how long would it be before the revenue from grain spirits would fall below the amount collected last year? In less than twelve months, in my opinion, the revenue from grain spirits would show a very large reduction. Grain spirits paid $70,631,860 internal-revenue taxes in 1884. Fortunate will it be if one-half of this sum is realized from this source in 1885 if this bill goes into a law.

It would, in my judgment, be far better to repeal all laws imposing an internal-revenue tax on distilled spirits than to vote off the tax on fruit spirits. While we would lose the revenue that distilled spirits pays we would not make countless frauds on the revenues possible, and the people would be saved from the fearful pests that are sure to come if fruit spirits go untaxed. In legislating respecting internal-revenue taxation no greater blunder could be made than to relieve the distillation of fruits from taxation and retain the tax upon spirits distilled from grain. As long as spirits distilled from grain are taxed, so long must a like tax be imposed upon spirits distilled from fruit. Competition between these two articles—apparently alike and for general purposes, the one satisfying as well as the other, differing in cost as 1 to 4—all experience and observation teach wrong if the cheapest does not hold the trade and the dearest be forced from the market.

The repeal of the law taxing fruit spirits would, as I believe, greatly impair all values invested in the business of distilling spirits from grain. The price of grain spirits on hand and for sale would be greatly reduced; indeed, it would be doubtful whether they would sell above the tax. Should we pass this bill, before the year closes there may be a necessity for reducing the tax on grain spirits, so that stocks on hand and what may be manufactured will yield some revenue to the Government, if no return to the manufacturer or dealer. Spirits distilled from grain will, unless I am mistaken, go down in price upon the passage of this bill. If corn, rye, barley, or wheat fall in price this might remind us that our legislation affects other interests beside those of the fruit-grower. Millions of money are invested in this business. It can not be otherwise than that the operation and effect of this repeal will depreciate the value of such property. The competition that would ensue between untaxed fruit spirits and taxed grain spirits would work ruin to many who for years have put their time, labor, and money into the manufacture and sale of spirits distilled from grain.

The interest served by a repeal of this tax, in dollars and cents, is too small and too unimportant to take chances on the mischief that may be done to the internal revenues, as well as to the investments of thousands of our deserving people.

There is another interest that appeals with more force for relief from internal-revenue taxation. More than $18,000,000 of our internal revenue comes from ale, beer, and porter, and from the tax imposed upon brewers and dealers in malt-liquors. The special tax imposed upon brewers and dealers should be repealed. There is no more reason for imposing a tax upon the business of making or selling malt-liquors than for imposing a tax upon the business of making or selling any other article which the people consume. If the dealer in tobacco, snuff, and cigars is to be relieved from the payment of special taxes, why not relieve brewers and dealers in malt-liquors from the payment of the same tax?

The removal of the tax on malt-liquors would reduce their price to the consumers. If a repeal of the law taxing fruit spirits will be of benefit to the fruit-grower, a repeal of the law imposing a tax upon malt-liquors would be of benefit to the grower of hops and barley. The one interest is as worthy of our favor as the other. Indeed, as between the two interests, malt-liquors, especially beer, has more claim to be freed from tax than fruit spirits. The consumption of beer is large, and yearly increases. The lovers of beer are to be found everywhere. Beer is the poor man's drink, and for this reason the price should not be increased by legislation. The general use of this mild and healthy stimulant has lessened greatly the use of distilled spirits as a beverage. The number of gallons of malt-liquors made in 1884 was 759,944,760. The internal-revenue tax was $17,573,722. Of fruit spirits 1,137,056 gallons were made in 1884. The tax is $1,137,056. What the people consume most should be taxed least.

Before we lessen the cost of apple-jack and peach brandy let us cheapen the price of lager-beer. The interest the least deserving ought not to have the first attention.

But the wrong, if not viciousness, of this measure does not stop here. The bill proposes to relieve from internal-revenue tax all spirits used for medicinal and mechanical purposes. In other words, it is proposed to tax spirits when used as a beverage 90 cents per gallon, and when used for any other purpose no tax shall be imposed. Spirits taxed and spirits not taxed! Distilled spirits are worth when made, say, 30 cents per gallon. Adding the tax, the price is $1.20 per gallon. This bill aims to put two prices, one low, the other high, upon the same article. When spirits are to be used mechanically or as a medicine, the price will be 90 cents less on the gallon than when they are to be used as a beverage. The price of medicine spirits will be 30 cents per gallon. The price of beverage spirits will be $1.20 per gallon. At the drug store, where spirits are supposed to be sold for medicinal and mechanical purposes only, their price will be 30 cents a gallon, and proportionally less by the pint or single drink. At the saloon, where spirits are sold as a beverage, the price would be $1.20 per gallon, and less for a less quantity. No saloon would have drug-store spirits, and no drug store would keep saloon spirits. What a revolution this bill, when a law, will work in the business at drug stores and saloons! Drug stores would become saloons or have saloon attachments, and saloons would be drug stores or have drug-store advantages. The wholesale or retail dealer, of course, might make mistakes in selling taxed and untaxed spirits from the same barrel.

But such mistakes are not likely to occur every time a sale is made. Two casks, one marked "medicine," the other "beverage," kept in different apartments, say, cellar and garret, would surely prevent these mistakes. Of course, every customer wanting spirits would inquire for medicine or mechanical spirits, and would be satisfied with no other kind. If he buys spirits for medicinal or mechanical purposes only, and subsequently changes his mind and uses a part of his purchase as a beverage, he will at once report to the dealer and pay the difference in the price.

Few persons keep spirits at their homes except for medicinal use or for the sake of the arts and sciences. All spirits bought and not used at the place where they are sold would be either mechanical or medicinal spirits. When a pint bottle, a quart flask, or a gallon jug is to be filled there will be no room inside for beverage spirits. When spirits can be bought, upon demand, at 30 cents per gallon, who will pay $1.20 for a gallon? The man who loves his country more than his own interests may. Large as the number of these patriots may be, little will they add to the revenues and less to the Government conscience fund!

The saloonist would certainly be in constant trouble if he could not sell beverage spirits from the medicinal spirits bottle or medicinal spirits from the beverage spirits bottle. Two bottles for the same article is one bottle too many. There is no difference in the article; the difference is in the bottle and in the price. The saloonist would make many mistakes. Persons drinking at the bar would frequently call for mechanical or medicinal spirits instead of beverage spirits, for no other reason than that the drink is the same, but the price under one name is four times less than under the other. Shakespeare was mistaken when he wrote, "There's nothing in a name."

What proportion of spirits sold for medicinal or mechanical purposes, under this changed law, would be used as a beverage? Who can estimate the quantity of spirits subject to the tax that would be retailed and wholesaled free from tax? He who sells and he who buys have the greatest temptation before them to wrong the revenues. No rules or regulations respecting this traffic could prevent these wrongs. Which kind, the taxed or the untaxed, would dealers sell the most of? The demand for untaxed spirits would be large. That for taxed spirits would be small. Sales for medicinal and mechanical purposes, for use in the arts, if you please, would largely increase, and for beverages would proportionally decrease.

The friends of prohibition, however, will find little to comfort them in this state of the traffic in intoxicants. The consumption of spirits as a beverage will be no less then than now. The chances are that this consumption will largely increase when spirits can be bought for 30 cents a gallon. All lawyers know the difficulties in the way of enforcing penal statutes and municipal ordinances regulating the traffic in intoxicating liquors. Every conceivable shift and device are used to

evade their operation and effect. With this experience what may be expected under laws taxing intoxicants when sold for one purpose and allowing them to be sold free from tax for other purposes? All accountability is with the seller and the buyer. The seller relies on the word of the buyer. This word is a legal excuse for the seller. The responsibility is with the buyer. His ingenuity will always be equal to the emergency.

When intoxicants are to be bought it is as easy to buy them for medicinal use or for mechanical purposes as it is to buy them for a beverage. After their purchase they may be put to such use as the purchaser may prefer. Repeal the law taxing fruit spirits and relieve all other spirits when not used as a beverage from taxation, and the next annual report of the Internal-Revenue Commissioner will show the wisdom or the folly of this measure.

Repeal of Internal Taxes on Tobacco, Fruit Brandies, and Distilled Spirits used in Manufacturing, Mechanical, and Industrial Arts.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) relating to duties on tobacco and distilled spirits.

Mr. STOCKSLAGER said:

Mr. SPEAKER: The objects of the bill under consideration, as stated by the gentleman having it in charge, Mr. HISCOCK, of New York, are, first, to repeal all of the internal-revenue taxes upon tobacco; second, to repeal the internal-revenue taxes upon distilled spirits so far as they are used and consumed in the manufacturing, mechanical, and industrial arts; and third, to repeal the internal-revenue tax upon brandies distilled from fruits.

The same gentleman estimates the decrease of the revenues of the Government which would be effected by its passage at $40,000,000. There is, perhaps, no one upon this floor more earnestly in favor of a reduction of taxation than I am. All taxation, in whatever form, is burdensome; but when equally distributed and based upon the property it is the duty of the citizen to bear the burden thus imposed to the extent, and to the extent only, which may be necessary for an honest, frugal administration of the affairs of the Government. Beyond this I think the Government has no right, constitutional or moral, to go. It has no right to deprive the citizen of his property except for public purposes. Unnecessary taxation is unjust taxation, and unjust taxation is legalized robbery.

Neither, Mr. Speaker, is there any member of this House more opposed than I am to accumulating a large surplus revenue in the Treasury. In addition to the wrong done the citizen in unjustly exacting it from him, it withdraws a large sum of money from circulation and is a fruitful source of extravagance and invites all kinds of jobs and unnecessary expenditures.

But, notwithstanding these facts, and the additional fact that all parties admit we now have a large surplus in the Treasury, accumulated by excessive taxation, I am not willing to begin the reduction upon the very last articles which in my judgment should be relieved of such taxes. While we have an annual interest charge of nearly $50,000,000, and a pension-list which now requires from $60,000,000 to $80,000,000, I for one shall never consent to the removal of $40,000,000 or any other portion of the tax on tobacco and liquors. They are taxes which are voluntarily paid. They are not in any sense necessaries, but luxuries which do not benefit the citizen and which the great body of the moral people of the country consider absolute evils, and think if deprived of their use entirely we would perhaps be better off. I am, therefore, in favor of collecting from liquors and tobacco the highest amount of tax consistent with an honest collection thereof.

It is the policy of all governments to make these articles contribute liberally to their support. In France it is a great monopoly, yielding large sums to the government, and I believe every civilized government in the world raises a considerable part of its revenues from tobacco and stimulants, including liquors, opium, &c. Besides, we are told by the gentleman from Kentucky [Mr. THOMPSON] and by other gentlemen that if we allow brandy or whisky to be distilled from fruit free of taxes, all that we consume of distilled spirits in this country will be immediately manufactured from these commodities, and the entire revenue now raised from this source, between seventy and eighty millions of dollars, will be lost. I doubt not this is correct. No whisky or brandy would be made of anything else than fruit, and it would all thus escape taxation. If some regulation could be made which would enable the farmers to distill their own fruit into brandy and put it upon the market without endangering the collection of the revenues from the large distilleries, and enabling them to commit frauds upon the Government, I should be glad to support some such measure. But, as I have shown, this bill has no such object.

The tobacco tax is about $25,000,000, all of which the Government would lose and the consumer would receive no benefit from it. I would reduce the revenues, Mr. Speaker, but I would not give the people free whisky and tobacco and high-taxed, high-priced food, clothing, and shelter. That is not my idea of taxation. Early in this Congress I introduced a bill which placed upon the free-list coal, salt, and lumber. And I am glad to say that the honorable Committee on Ways and Means of this House reported a bill at the last session putting these articles, and these only, upon the free-list. It was a part of the Morrison tariff bill, and the whole country knows that a little band of Democrats joined with the Republicans and prevented even a consideration of that bill. The placing of these articles alone upon the free-list would have relieved the people of taxation upon these necessaries of life to the extent of several millions of dollars. I can not refrain from quoting upon this point from the able speech delivered in this House by Hon. WILLIAM R. MORRISON, on the 15th of April, 1884, when that bill was under consideration:

FREE SALT, COAL, AND LUMBER.

To the list of articles now imported free of duty, amounting to nearly one-third of all our importations, it is proposed to add salt, coal, wood, and lumber. Salt is already freed from tax for fishermen, also for the exporter of meats, to lessen the cost of food to the people of other countries, not for our own; coal is untaxed for use on vessels having by law the exclusive right to the coasting trade, or engaged in the foreign carrying trade—a privilege denied to persons engaged in other pursuits. Such privileges and exemptions should not be confined to the few, but extended to all. It is now more than twelve years since the protectionists themselves, the late President Garfield among them, passed a bill in the House placing coal and salt on the free-list. Since then they have done nothing which so much commended them to the people.

The revenue from wood and lumber imported and hereafter to be admitted free of duty has in the ten years last past not much exceeded $10,000,000, or $1,000,000 per annum. The census returns show the domestic wooden products to exceed $500,000,000 per annum. If the average duty of 20 per cent. on the imported wood adds but 10 per cent. to the price of that produced here, its increased cost to the people has been $50,000,000 per annum, or $500,000,000 in the ten years. In these ten years, under pretense of taxing this article to secure $10,000,000 of revenue, we have compelled the people to pay $500,000,000 in bounty to encourage the destruction of forests and the felling of trees; and in the same time we have given more than 18,000,000 acres of land under the timber-culture act as bounty to encourage the planting of other trees and other forests.

To these reductions I would add a reduction of one-half of the tariff on sugar and molasses, which would lighten the burdens of the people on these articles of every-day consumption—articles of prime necessity—about $23,000,000. This I would do and do it at once, had I the power, and let the next Congress make a general revision of the tariff.

I can understand the reason why my friend from Pennsylvania [Mr. KELLEY] is in favor of this bill, ay, of going further and at one sweep wiping out the whole $121,000,000 of internal taxes annually collected from liquors and tobacco. The distinguished gentleman, in a speech made in Pueblo, Colo., two years ago, was reported in the American Protectionist of September 2, 1882, as making the following statement:

Now the Government wants so much money every year, and if it gets it out of internal taxes it does not want it out of duty; and I want you to bear that in mind. We raised last year $140,000,000 more than we needed, and hence the result is the corrupt legislation of this last session of this Congress (the first session of the Forty-seventh—a Republican—Congress). They said, Why, we have got the money there, it is lying dead, why not use it? * * * I say those are not only internal taxes, but they are infernal taxes.

"Infernal taxes," because they prevent the increase of the taxation, and consequently to a greater or less extent the increase of the cost, of the poor man's food, clothing, shelter, and other necessaries of life.

The alacrity with which gentlemen who believe as these distinguished gentlemen do support this bill is not at all surprising to me. The reason for it is given in the first sentence of the above quotation from Judge KELLEY's speech:

The Government wants so much money every year, and if it gets it out of internal taxes it does not want it out of duty; and I want you to bear that in mind.

They do "bear it in mind," and it is the key to their action. But I am at a loss to know upon what ground the persons who are not so solicitous for the people who use tobacco and whisky, but have a deep solicitude for the great body of the people who are bearing largely excessive and unnecessary burdens for the benefit of a few persons in order that they may make, as the last census shows they do make, 37 per cent. upon their investment, can support this measure.

I know very well, Mr. Speaker, that in certain sections of the country the people have been greatly oppressed and outraged in pretended attempts at executing the internal-revenue laws, and the whole system has thus become very odious to those people. But, Mr. Speaker, the objection to the whole matter is to the system of collecting the revenue and not to the law itself. This bill leaves all this objectionable machinery in force, and therefore gives no relief to those people. If this bill should become a law, it means an increase of the tariff. Are the people prepared for this? I think not. And I apprehend, Mr. Speaker, that the people who, flatter ourselves otherwise if we will, understand these great questions as they never understood them before, will hold us to a strict account for our action upon this bill. In the firm belief that I am right, and that my action is in the interest of the masses of the people of this country, I shall vote against this bill.

Repeal of Certain Internal Taxes.

SPEECH

OF

HON. WHARTON J. GREEN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) relating to duties on tobacco.

Mr. GREEN said:

Mr. SPEAKER: The bill under consideration, although it comes from the other side of the House, is so entirely consonant to my own feelings that I am compelled to yield it my vote and support.

In fact I take some credit to myself that the proposed repeal of tax on one of the articles enumerated—namely, fruit brandy—was the end in view of almost the very first bill introduced by me after qualifying as a representative of my people. It is House bill 4564, "to encourage the cultivation of fruits." It was so captioned in order to have it referred to a committee in which its fate was not prejudged. It was so referred to the Committee on Agriculture and a favorable report rendered which I had the honor to submit, only three gentlemen of that large committee opposing its adoption.

The main ground of objection to it was I believe mainly one of jurisdiction—that it should have been referred to the Ways and Means instead of to our committee. I nevertheless held, although but a tyro in parliamentary requirement, a suckling babe in the Manual and the Rules, that reference was final as to jurisdiction. As stated, that view was sustained by a three-fourths vote of the committee.

It failed for want of consideration in the last hours of the last session. Some of the reasons given for such abolishment of the tax on brandy distilled from fruits are set forth in the report which is here partially reproduced. The reasons for including tobacco are equally cogent:

Mr. GREEN, from the Committee on Agriculture, submitted the following report, to accompany bill H. R. 5510:

The Committee on Agriculture, to whom was referred the bill H. R. 4564, respectfully submit the following report:

Regarding all measures of legislation which are calculated to advance or retard the development of any branch or department of agriculture as falling within their legitimate scope of action, the committee, after careful consideration and with due regard for precedents, entered upon investigation of the bill aforesaid as one pre-eminently of the class named. They hold it axiomatic that whatever hampers agriculture, the noblest and most important of all the arts, is adverse to national progress and material prosperity, repugnant to the genius of our institutions and the spirit of the fundamental law, and can never be justified except in times of war, and then only by the most imperious public necessity.

Your committee furthermore believe it to be self-evident that a tax imposed on any product of the soil, whether in its crude state or on the manufactured article into which it is naturally convertible by the producer to enhance its marketable value, is a clog upon it tending to retard or restrict production of the natural article. It is demonstrable in Egypt, where each individual date-bearing palm tree is subjected to a fixed tax. A like capitation tax upon the vines of France or upon the wines would do more to throttle or exterminate the greatest marketable crop of the world than even the dread phylloxera has been able thus far to accomplish.

Your committee can see no greater reason for taxing apple or peach trees, or peach and apple brandy, in the United States, than the grape vines in France or the vine product resulting. The effect of such tax has long been obvious. They hold that the decadence of orchards in sections remote from market is directly traceable to cause assigned.

The committee are unable to see in the insignificant item of revenue derivable from this source a corresponding equivalent for the loss occasioned by it, monetary, sanitary, and dietary. If revenue is the aim, end, and ultimate intent of all justifiable taxation, it may well be asked, Why perpetuate a needless tax on any specific article of the soil, crude or manufactured, which requires a complex, organized machinery and an army of employés to collect it, and at a cost of at least 33 per cent., which gives to the collector and his deputies the opportunity, if it does not entail the necessity, for the exercise of arbitrary and tyrannical powers, unworthy any free people, but especially repugnant to the great English-speaking race, whose memory of traditions, coupled with liberty, antedates that of all others, and all for the paltry sum derived from this particular source? In fact, the Committee on Agriculture are not disposed to concede that any amount of revenue from this or other source, kindred or otherwise, can justify the slightest infringement of popular rights as regards the mode and agencies of collection. Domiciliary visit, arbitrary arrest, or destruction of private property, personal abuse, and possible murder, can sanction no taxation, however essential. And yet they would utter no word of complaint against the exaction if it can be shown that imperative public necessity authorizes a temporary and abnormal levy from direct or indirect source, always looking with jealous eye to abuses named, if not existing.

It is a reflection of Macaulay that ship-money (one of the prime causes that precipitated the great revolution) was not tyranny if it could be shown that the public exigencies demanded it; "but," he adds, "the edict of one of the Edwards, requiring the long toes of the shoes of the foplings of his day to be cut off, was, because an unwarranted exercise of arbitrary power." May not an onerous, unnecessary, and to all intents unproductive tax be likewise so classed?

The committee reiterate the opinion that the amount of revenue so derived is entirely disproportionate to the cost of collection, leaving out of account the objectionable features incident to the present mode of collection. Finally, the committee is impelled to the conclusion arrived at by considerations of public expediency next to those of individual reserved rights. The prevention of wastage of the country's resources by the repeal of laws tending thereto falls within the statesman's province as naturally as does the improvement of rivers and harbors and the encouragement of highways by which to run out produce to market.

The quantity of fruit which annually rots upon the ground and goes to waste, owing to bulkiness, perishability, and high rates of freight, would, if converted into compact and durable shape proposed, add tens of millions to the marketable products of the country, and consequently give fresh impetus to its material development. Actuated by these and other considerations, unnecessary to discuss, the committee have reported favorably on said substitute to House bill 4564, and recommend its adoption.

To-day my bill reappears. I recognize my little bantling in the borrowed swaddling clothes of the gentleman from New York [Mr. HISCOCK], and cosily cuddled up with its little twin brother Nicotine. Common consistency, not to speak of parental pride and affection, forbids a disavowal of my own offspring. It is not to be wondered that its putative father of to-day would like to claim the honor of its paternity, and that in view of recent events, occasioned by the unexpected stop in the turn of the political wheel, his party would not be averse to standing sponsor at the christening. It looks a little unnatural, it must be confessed, that the other side do not object to seeing their cherished war child, "Internal Revenue," throttled by this infant Hercules. While the motive might be open to suspicion, nevertheless I, for one, hail their conversion in this regard as an omen of good, and do not scorn their readiness to lend a helping hand. I know full well, my friends across the aisle, as you know too, that survival of "internal revenue" means patronage for us. And yet I say, with due deliberation, choke the war-born hydra.

It was your pet yesterday. There are some who would make it ours to-day, forgetting it may be yours again to-morrow. As ours, I would distrust it as a slimy and unclean thing. As yours, that was, or might perchance to be again, I loathe it, and spurn it, and fear it, as worse than the serpentine coil which crushed Laocoon. It is true that Governmental administration is just passing into the hands of the party to which I belong; and as a lover of ancient honesty, rational liberty, and old-fashioned methods, I pray God that the day be distant when the newly acquired scepter shall fall from them again.

But while we would have it so, it behooves wise statesmanship to look possibilities in the face. To realize that more unstable than water, more uncertain than a woman's preference or a jury's verdict, is that most potential element in free States called "popular favor." The party which goes into power to-day with a universal acclaim and flourish of trumpets may be execrated to-morrow and bid step down at the recurring count. Time and again, in recent years, have we seen the proudest pinnacle in the world attained by sheerest accident. An injudicious letter, a chance utterance, a Sybarite dinner, excess of the coward's virtue called prudence, these in turn have played their part in unmaking and therefore making Presidents. Nay, worse; a disappointed or venal ward politician can make himself the Warwick of the situation. Truly exclaimed old Mirabeau, "from the capitol to the Tarpeian is but a step." So realizing, it is well for "the party in" to prepare for the possible advent of "the party out"—to clip its nails, draw its teeth, or ham-string it for mischief. The measure under consideration is one of that sort. A patriotic party desires no undue power for itself. It will, though, if it be wise, guard against the repossession of such in an adverse party or hostile faction.

Thus much by way of preface and apology for supporting any radical measure originating at first or second hand on the other side of the Chamber; for my politics are of the Greek-fearing school. We come now to consider the merits of the measure. I start out, Mr. Speaker, with the broad assumption that unless party profession is a hollow cry, neither party on this floor can ignore or disregard any measure looking to rational tax reduction. The necessity for it is admitted by all, whatever the means to be employed. With a redundant revenue of over a hundred millions for each recurring year, it could not be otherwise. For one, I say if it can not be brought about in one way, then let us try some other. None on this floor surpasses me in espousal of tariff reduction. From my first acquaintance with Jeremy Bentham and Adam Smith, proximate free trade has been the creed of my political life. But inasmuch as tariff reform has been relegated to a future day, I am no less the advocate of "internal-revenue" reduction; and especially for internal-revenue modification as regards the mode, system, and manner of collection.

I repeat, Mr. Speaker, give us revenue reduction in one way or another; for to my thinking an overplethoric treasury is a standing menace to free states. Far better a small deficiency than an overflowing surplus; for recent years have shown in our own history, as all antecedent days have proven in that of older republics, that surcharged money-bags are no less pernicious to the state than to the citizen. In both cases they engender waste and extravagance, fraud and corruption, arrogant assumption in the possessor and truckling venality and subserviency in the dependents, followed unerringly by effeminacy and rot in both.

Under Pericles it was illustrated in Athens; in Rome, under the Cæsars; and in the mediæval republics of Italy under Guelph and Ghibeline; in Holland, Spain, and the Netherlands. Ay, Mr. Speaker, greed next to gratitude is the bane of republics. Redundant money-vaults are the precursors of dungeons. "Magnificent" spendthrifts, like "the Medici," deplete the first in constructing gorgeous works with mosaic pavements; but in building these they pave the way to tyranny.

If liberty be, as I believe, the greatest boon ever conferred on man,

most fortunate is man and state that is not cursed with redundant revenue.

Let others exult over ours, quintupled in two-and-twenty years, and expenditures in no wise laggard. To me it is food for gravest thought and most dread apprehension. Poverty and frugality are the handmaidens of liberty; wealth and waste the wet-nurses alike of despots and slaves. Perhaps I have followed the thought too far; but feeling impels to utterance, and drives me to express in most emphatic terms a no less abhorrence for a surplus than nature entertains for a vacuum. So believing, any rational scheme looking to a reduction of taxation and revenue, direct or indirect, shall have my sanction and support, until the lowest amount of the last essential to an economical administration is reached. That mode of collection of the first which most impinges on the freedom of the citizen and the rights of man will ever encounter my sternest opposition. Of that class, Mr. Speaker, I do not scruple to denounce our internal-revenue system of taxation as at present administered in the Southern States as one of the most corrupt and corrupting, iniquitous and tyrannical ever yet devised by the ingenuity of man. It is of a piece with the accursed "farming-out" system of old Rome, where the right to tax a province was let to the highest bidder, and that right was hardly circumscribed as to mode and amount which he was at liberty to wring from his wretched victims.

Under either of the two kindred systems the powers wielded by the tax-collector would be dangerous if reposed in the discretion of an Aurelius, an Aristides, a Hampden, a De Witt, a Sully, or a Washington; for, sir, power is indeed a dangerous thing by whomsoever wielded. It is rarely used and not abused, and never lightly yielded. Tell me not of the natural depravity of historical tyrants. The power to be a tyrant, as a rule, makes a tyrant. That power is most freely enjoyed (if not fully given) by the creatures now extorting my—I will not say curse, but "compliment." On the threshold of the throne young Nero wept because he had learned to write and had to sign the death-warrant of a subject. A brief space after the enjoyment of imperial power he wept again, but this time because his native city had not a single neck in order that he might decapitate it with a blow. For twice a thousand years his name has been the synonym for brute, monster, and demon. Had he not been "born in the purple" he might have been the Howard of his licentious age.

Shame, be it spoken, we in this boasted age of liberty and land of freedom have miniature upstart Neros by hundreds, and greater shame we tacitly recognize the powers claimed to tyrannize over their betters as legitimately conferred, instead of grinding them and the claimants into impalpable powder and scattering their vile dust to the four winds of heaven! Ay, Mr. Speaker, it is alas! too true that the tax-collector of the class described can be, and too often has become, as potential a factor in his little sphere in doing the devil's work as was Nero or Caligula, Caracalla, Commodus, or Domitian in their more extended field of action. I repeat, oh, shame! that Saxon men of the Angle cross should permit these petty and pusillanimous satraps to wield the powers of imperial despots. I shall not waste the time of the House with the supernugatory work of adducing proofs that such is the case. But in the light of day and in the face of Heaven I charge that such is the case—that some of these fellows of "the baser sort," "puffed up with a little brief authority, play such fantastic tricks before high Heaven as should make the very angels weep."

I arraign them, as a class, of high crimes and misdemeanors, in various ways and repeated instances; of violations of the law a hundred-fold greater than his who distills without license or otherwise evades the payment of the tax which constitutes their pretext for overriding, rough-shod, time-honored barriers. I charge them with perjury and subornation of perjury; of duplicity and espionage; of bribe-taking and bribe-giving; of connivance with frauds on the revenue which they are charged to collect; of extortion under threat and intimidation; of insolence of office most offensive and unwarranted; of forcible entry into the sanctity of homes; and, I blush to speak it, of violating, in one at least well authenticated instance in my State, that sanctity in a way most repulsive and loathsome to honest manhood. I charge them with provoking through premeditation and design innocent violations of the law by the ambiguity of instructions, that they might seize upon the property of honest and innocent men. I charge them with persistently tampering with the freedom of elections by bribery or intimidation. And, finally, Mr. Speaker, I charge them with murders many, most foul, and unprovoked.

If you ask how they elude the penalties attaching to such crimes, I reply, by the most monstrous perversions of law ever yet devised to shield such knaves. They claim, and have their claim allowed, that inasmuch as the offense is committed in the service of the Federal Government none but the Federal courts have jurisdiction of the case. Once there and the Government, by construction, becomes ostensibly their sponsor. The Government counsel are naturally disposed to look with lenient eye on "overzeal" in the Government service, and to relax correspondingly in their efforts to convict. They have even been known to shift about, and from prosecutor to become counsel for the defense. Hence the rogues, as a rule, almost always "go unwhipt of justice."

If I have been correctly informed by one qualified to know, not one of them has ever yet been convicted of capital felony in my State, and it is more than doubtful if in any other, although outraged public sentiment would have hung a score of them. These are grave charges to bring against any class of men, Mr. Speaker, and if unfounded should subject him making them to the contempt of all honest men. Do you ask for proofs? I will not refer you to popular rumor or the public prints. Go seek the evidence for much alleged, and you will find it embraced in reports of special Senate and House committees. Go ask Senator VANCE and Representative SPRINGER for corroboration, and unless I greatly err they will unearth it for you from the depth sof their voluminous reports

Believing, as I do, that such abuses are daily perpetrated under the guise of law, I were recreant to my manhood and sense of duty to my people did I fail to raise my voice against them or scruple to vote for any measure likely to curtail their abridgment or to confine the powers of those claiming the right to perpetrate and to perpetuate them. The bill under consideration is only a step in that direction, but still it is a step. If it can be shown, as shown it can be, that the revenue derivable from this source is out of all proportion to the vast machinery employed for its collection, that it is unnecessary and superfluous, that it is an unjust tax on agriculture, that its mode of collection is tyrannical and inquisitorial, and its moral effects pernicious, in Heaven's name, I ask, upon what ground can it be justified or defended?

A fig for all of your glittering and plausible dicta as to the propriety of taxing luxuries. None will deny that, other things being equal, luxuries as a rule are the most legitimate objects of taxation. But, Mr. Speaker, there is one luxury, and the greatest of them all, that ought to be as exempt from tax as the air of heaven, the water of the earth, or the light of the sun. True, it is a luxury which, in every age of the world, like other luxuries, has been enjoyed by precious few of our fellow-mortals, but in our day it is supposed to be the special and almost exclusive birthright of the great English-speaking race in every quarter of the globe. Unlike most luxuries its name is one most hated of tyrants and revered by freemen. The name of this precious and priceless luxury is liberty. No tax-law which infringes her domain shall ever receive my sanction or support. I trust that it has been shown that the internal-revenue laws as administered are a tax on liberty, or, what is the same, a violation of it. Rather than submit to the slightest infringement of that luxury I would much prefer to be taxed, as I now am, under protest, for almost all the necessaries of life.

Yea, Mr. Speaker, let not the tax-gatherer lay so much as his unhallowed little finger on that precious muniment transmitted by my fathers. If he attempts it, be he functionary of high or low degree, he does it at his peril. Some five score years and ten ago, Mr. Speaker, a trite but euphonic aphorism was born in this good land of ours to justify the taking of arms against recognized authority; or, to make it plain, to extenuate rebellion.

Popularized by passion, it flew from mouth to mouth with the rapidity of tongued flame on the grass blades of the prairie. It was heard in the shop and in the field, from the pulpit and the rostrum, in the marts of commerce and in the schools, and in the highways and the byways, until at length it became the slogan of a mighty revolution, surpassing in beneficent results all the struggles of recorded time. The cry went up, "Taxation without representation is tyranny."

The times, Mr. Speaker, call for a paraphrase of that now universally admitted truism, and here it is: "Taxation without occasion or necessity is no less tyranny, and the party which imposes it no less a tyrant and a robber."

The tax considered in the bill is most undoubtedly one of the class named. In behalf of thousands of honest men and good citizens, who are endangered by its continuance, I implore its abrogation. In the name of outraged personal liberty we ask relief; in the name of justice we demand its repeal. Convinced of the truth of allegations uttered, will any turn a deaf ear to the cry of distress of an outraged people covered by a common flag and entitled to the benefits of a community of laws? I can not believe, Mr. Speaker, that any here present will withhold redress, because there is not community of suffering. I scorn to think that, because exempt themselves, they can look with callous and indifferent eye on the wrongs endured by less fortunate countrymen. Gentlemen of the North, full well I know you feel it not—this outrage and oppression to which others are subjected. With you the tax-gatherer is the servant of the law and keeps within the pale of the law. With us he is above the law, or rather his lordly will and pleasure is a law unto himself.

You have a wide field of selection, whichever party is in power, of intelligent citizens and honest men, from which to select that august individual. The field of choice is sometimes circumscribed with us to political adventurers, tricksters, and time-servers to their superiors, but tyrants, as I have said, to those with whom they dare play the tyrant.

Ask yourselves whether such creatures, envenomed by the conscious contempt of their fellow-men, are fit depositaries of power rivaling that of a Roman proconsul or an Oriental rajah. If, as I hold, through mistaken views of the connection subsisting between our two systems of

taxation, it is impossible to sweep the entire swarm away, let us do the next best thing and abridge the vile brood to the full extent permitted by the bill under consideration. The loss to the Government of the few millions of revenue is a gain to the people of my own and sister States incalculable in dollars and cents. It is a resumption to that extent of endangered liberties and suspended franchises. It is a new birth to waning loyalty. It is an assurance to the sufferers and a rebuke to their would-be masters. Tell me not, Mr. Speaker, that a paltry peck or so of yellow dust outweighs these priceless boons. Blessings so weighed will ere long cease to be blessings to those exacting as well as to those furnishing.

One other thought, Mr. Speaker, and I have done. The fear exists with some that a reduction of the excise tax begotten of war necessity implies the necessary and indefinite continuance of the onerous war tariff. Could anything be more fallacious? Eliminate from the budget the hundred millions or so derived from the entire excise tax, and which in effect constitutes our present surplus, and then reduce the tariff by the horizontal scale to the average 15 or 20 per cent. contemplated by the Morrison bill, or even to 40 or 50 on some articles by a discriminating tariff schedule, and I have read the teachings of finance to little purpose if instead of reducing you do not increase the revenue derivable from customs duties. Take, for example, the items of woolen and cotton goods, steel rails, and sheet iron, now yielding virtually no revenue, owing to our prohibitory tariff on such articles, and reduce the tariff rates to that point where foreign competition could enter, and a fool, though blind, is bound to see that instead of diminution there must be an accretion of revenue from those several sources.

Syllabus. John Smith wishes a pair of coarse blankets, costing in Scotland $2 a pair. He can not get the Scotch blankets here because the custom-house gates are closed against them, owing to the 100 per cent. duty (proximate) which they would have to pay if entered. But still he pays to the home manufacturer the natural cost of the American blankets and the tax required to keep the foreign out. Reduce the tariff tax to that point which would enable the Scotchman to bring his in, say to 50 per cent., and is it not obvious that both Smith and the Government would thereby be a dollar better off—the first by saving what he would otherwise have had to pay to the home manufacturer, owing to the absence of competition, the last by the tax which Smith has now paid to the Government instead of the manufacturer? Again, the Baltimore and Ohio Railroad requires a thousand tons of steel rails. They would cost in Wales, if I have been correctly informed, about $18,000, and, naturally, delivered in New York not exceeding $20,000. But, Mr. Speaker, the Welsh or English rails are not to be had in New York for the reason that the Government has forbidden their importation as effectually by a prohibitory tariff tax as if it had imposed the penalty of decapitation on the importer. The railroad is driven to buy the American or home-made rails, and to pay $32,500 for them. Assuming that the figures are correct, is it not as obvious as the full moon of a starry night that the Baltimore and Ohio Company pays $12,500 tax to the American manufacturer of steel rails, but not a stiver to the Government? Let us now suppose that the tax is reduced to a figure, say one-half of what it now is, and the door thrown open to the European competitor, does it not follow as the night the day that the purchaser would save some five or six thousand dollars in tax to the home manufacturer, and the Government at the same time realize something like the same amount in the way of tax from customs duties? In view of the illustration, which is incontrovertible, who dare gainsay my proposition that the direct-tax system can be abolished root and branch, the indirect reduced, and the revenue maintained or even increased? So, off with the head of this objection to internal-revenue reduction or repeal. But if these luxuries must be taxed, and for one I am not stiff-necked about it, why can not the end be attained by leaving it to the States to do it?

Take my own State, Mr. Speaker, and let the amount of tax and stealage wrung from her by the gentlemen of the revenue department on the three taxable articles be diverted from Mr. McCulloch's receptacles and the pockets of the rogues and turned into the State's coffers, and I will agree to take the job, and pay a good bonus for the privilege, of carrying on the State government as now administered, support a munificent system of common schools, maintain a university or two, besides a home for disabled confederate soldiers and an orphan asylum, and relieve every other article in the State of one iota of taxation. Here is a fair proposition: if the tax must be imposed let the sheriff collect it.

Is it not equally plain that if the people are relieved of taxation on all other articles for State, county, and municipal revenue, that they could the better afford to submit to the requisite amount of indirect taxation which is required to carry on the General Government?

Is it not equally plain likewise that if the revenue official is divested of his Federal cloak of panoply and power he would quickly abate his august and insolent pretensions; that if left to State officials the cost of collection would be but a fraction and the stealage not a tithe of what it now is? I trust, Mr. Speaker, that in these rambling remarks some thought has fallen fit for reflection. If so, let us trust that the House will chew the cud, and that good results will follow.

Internal Taxes on Tobacco.

SPEECH

OF

HON. WILLIAM W. BROWN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) relating to duties on tobacco.

Mr. BROWN, of Pennsylvania, said:

Mr. SPEAKER: I shall vote for the bill under consideration with some reluctance. First, I am not certain that the revenues of the Government should be reduced, and, second, whether, if there should be any reduction, the reduction proposed in this bill does not go too far. If we were not about to have a change of administration, and that change in favor of the party of "revenue reform," so called—which means, as I understand it, a general assault upon customs duties—I would unhesitatingly vote against the bill. I would do so for the reason that I do not believe the income of the Treasury is a dollar too large. Pay the soldiers the pension which common honesty and a decent regard for the great service they have rendered their country demand, build the Navy which prudence dictates, provide for the construction of needed public buildings and improvements, and pay the balance upon the national debt as fast as it falls due or becomes payable, and it will be found that the surplus will not be troublesome.

But, sir, I know full well that there is to be a general demand by the majority for a reduction of import duties as long as there is the least show of excuse in the nature of surplus. The "surplus" is the ghost that haunts the incoming Democracy! It is a matter of which they know but little experimentally, and in some way it must be removed from their sight. Shall it be done by taking off the internal-revenue tax, or by a reduction of duties upon imports? This is the question I am compelled here and now to decide. To my mind it is only a choice between two evils. Of the two, the latter seems infinitely the more damaging to the people of the country than the former. Indeed, I think it can be clearly demonstrated that there is greater need of increasing duties on importations—if the general good is to be considered—than of reducing them. I attribute the present depression in business in this country, whereby thousands of laborers are thrown out of employment, entirely to the too great importation of cheap goods and cheap labor—which are exactly equivalent—and to the almost universal fear entertained by capital that the door is to be opened still wider for their advent. Induce the people to believe that they are to manufacture their own goods by their own laborers and with their own capital, and the matchless prosperity that preceded "tariff tinkering" will spring into full vigor again before the end of January.

Repeal of Certain Internal Taxes.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) repealing certain internal-revenue taxes.

Mr. OATES said:

Mr. SPEAKER: I shall vote against the bill, first, because I do not like the source from which it comes—the Republican side of the House, and without the sanction of any committee of the House; secondly, because I am opposed to repealing nearly all the internal-revenue duties and retaining all of the machinery and agencies for their collection. The Republican side of this House is almost without exception in favor of retaining the tariff at its present high rates, and the prime object of the bill under consideration is to so reduce the revenues as to render tariff reduction impracticable. I am in favor of a thorough revision of the tariff laws, which will be done at the next session of Congress.

I am in favor of fixing the rates of tariff duties, as a rule, at the difference in the cost of production abroad and in this country, and I believe that from such a tariff a greater amount of revenue will be derived than from the present laws. Then I will vote to totally repeal all internal-revenue laws. I had rather vote for such a repeal now than for this bill. The only reason why I do not now favor a total repeal is that it would produce a deficiency in the necessary revenues of the Government. I hope, however, that the time will soon come when the whole system will be wiped out.

Interstate-Commerce Bills—Some Discursive Observations.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 16, 1884,

On the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. SUMNER, of California, said:

Mr. SPEAKER: All who have spoken thus far in this debate appear to agree that some legislation should be had with reference to the subject in hand. The general concession is that public sentiment justly and imperatively demands action on the part of Congress in the premises. Even the gentleman from Pennsylvania [Mr. BOYLE], who in an able and candid speech presents objections to both pending measures and states why he can not support either of them, does not hesitate to imply that he would lend his sanction to a bill wisely designed to control in one or more particulars the matter of interstate commerce by railroad transportation. If we venture to assert or suspect that any gentleman here announced favor for the main proposition with the view and intent of securing a vantage-ground for more effective criticisms, for closer fulcrum of obstruction, it should not detract from the emphasis of congratulation at this time. For this dissimulation would be good testimony at this time. Here is a House of Representatives almost unanimous in its declaration that there should be Congressional legislation in some manner supervising and regulating interstate railroad traffic. There has been a majority heretofore but not such unanimity. Here is an advance, brought about by the public sentiment which exists and which it is believed will rapidly extend and deepen because of the enlightenment springing from this discussion.

Many of us can recall the time—long prior to the formal consideration of this topic in Congress—when in a few of the States it was vainly sought to obtain a full and patient hearing before legislative committees on the proposition of limiting tolls upon railroads within the boundaries of the respective Commonwealths. Then there was a short, sharp, and immediately successful confronting of all such propositions by boards of directors or their attorneys. It is true that then the evils to be complained of were not so great as now, leaving out of account the largely increased distances of travel and magnitude of investments.

Twenty years ago the monopoly of which we have now to complain in this relation was pointed out, was by isolated individuals publicly deprecated, was afterward protested and petitioned against by a few; and then, amid many derisive interruptions by the incredulous, the growth which it was destined to have, if unregulated and unchecked, was depicted in a sure word of prophecy. There has been an advance. Let us rejoice at this and let our satisfaction be enhanced by a knowledge of the indisputable fact that many prominent citizens who fifteen or twenty years ago were either indifferent on this subject, in spite of all appeals made to them in their private or representative capacities, or absolutely antagonistic to any such anti-railroad monopoly bills as those that have been offered at this term of Congress, are now among the foremost in advocating the legislation proposed by the substitute bill before the House. We will believe, indeed we know, that there has been an honest conversion here; while thousands of cunning demagogues without these walls appear to have discovered or to have come to the conclusion that it is more to their interest to speak as champions of the people's rights against the rapacity of oppressive railroad corporations than to earn a fee or accept a stipend in the ranks of the avowed agents of the great railroad and telegraph masters of the Union.

Let us see if we can get approximately at the surface-lettered opinion, disposition, willingness of the members of this House on this subject. Is it not already ascertained and disclosed that a bill providing simply for a commission of inquiry with respect to railroad management in this country would not meet with any objection from, but would have the affirmative support of all, the members who object to the substitute? If that be so, it might be asked, Why not consent to the preparation and presentaion of such a bill? And why not upon its passage claim an anti-monopoly victory? To do this would, in my judgment, be almost as much of a failure in responsive action and a pretense in profession and a sham in jubilee as to pass a telegraph-contract bill for the benefit of Norvin Green or Johnny Mackay, or both, and call it a postal-telegraph statute.

Many, and I think a majority, of the members of this House differ with those who at this time call for a national railroad commission, after the order provided in the committee bill—who call for this or argue against anything beyond it—because we are firmly of the opinion that such a commission would be of no practical benefit whatsoever to the producers and consumers of this country and to the real business interest generally affected by and related to interstate commerce. Passing from the challenge so often heard during the last decade, "You must not legislate at all," we come perhaps to the proposition "how not to do it." For one, I would infinitely prefer that we adjourn without legislation at all on this subject at this session, than place upon our statute-book a law for the organization of a board of commissioners such as is contemplated in the committee report. It would not be a mere failure to take aggressive action, it would be the enactment of a law that would practically put out of the hands of Congress for many years to come the power to initiate or to enforce remedial provisions on the subject. Of course it would be possible for Congress to legislate by repeal or amendment at a following session. But, guided by the lamp of experience, I speak of the practical effect.

If we pass a commission bill what will be the result? In view of all the surroundings of this case, and taught by our experience elsewhere, what would be the outcome? Except party exigency compelled the appointing power to immediately announce a choice (for a supposed party advantage in the *personnel* of the commission) there would be three or four months exhausted in consultation as to the best men for the place. Then as many months more for organization of the commission itself. Then at least six months for junketings from one end of the country to the other. Then six months more for arguments and consultations. And it would be immaterial whether the commission had absolute power to act on its own motion with respect to any particular road or company, or whether it had to be set in motion by the filing of a complaint and a prosecution for bare damages in a court of competent jurisdiction. And, by the way, following the provisions of the committee's bill, the aggrieved shipper must approach the august tribunal, into whose hands we shall have committed the power which was lodged with us, with as much introductory ceremony and tipping as would be required from a foreigner in order to secure a diplomatic audience with the Tycoon of Japan.

Within the last six months of the official life of the second, or four-year-term, commissioner—they holding, respectively, for two, four, and six years on first appointment—there might possibly be a little conceded shaving of the rates for one staple from the West to the East, with here and there a few other prescribed reductions; all of which would have been announced at as early a date whether there had been a commission in existence or not. Then and thereupon, of course, we should have elaborate eulogies of the members of this commission printed in a thousand and one newspapers of the land, whose editorial columns, alas! are always at the service of the monopolists when the exigency demands a publication of this nature. [See Appendix A.]

Then would come a second reorganization of the commission, and after that changes in conformity with the wishes of the railroad managers—a minimum of reductions for appearances' sake. These and the other two years with the same history. And by that time (are we fools that we do not know it in the light of the past?)—by that time these monopolists would have obtained such power, focalized in this direction, that they would be enabled to perpetuate the commission; strengthening it in isolated and exclusive powers; making sure that the members of it were their personal property and their ready, obsequious officers. All this is supposing that there would be any respect at all paid by the managements to the act of Congress—that they would not deny its validity from the outset, as some (shall I call them communists?) have declared that they would do. [See Appendix B.]

It might be said, if there was condescension for any rejoinder, "Do you mean to say that such a man as Mr. ——— would prove faithless to the people in the office of commissioner?" For a first response it could properly be answered that under the terms of this commission bill a commissioner might possibly act up to the line of his trust in good faith and yet accomplish nothing beneficial. But there is not time for me to go into the analysis of this committee bill with this point in view. It should be replied, "We do not know that the man whom you now suggest as a commissioner would be nominated or would accept." As a matter of fact we do not believe that some of the distinguished gentlemen whose names have actually been called out on the floor in this connection would take the office. If we are to enter into considerations like these, while we are making ready to evade our duty by transferring our authority, we may assume that there will be a different class of appointments from those which have been indicated.

Some one might hasten to say, "You are too suspicious; you are captious in your objections to the bill, and you are unwarrantably distrustful lest the very best men for the place should not be selected. You are singular in this." It is with great satisfaction that I heard the introducer of this substitute [Mr. REAGAN] say, as you will find his words recorded on the thirty-fourth page of the RECORD for this session:

> If we provide for the appointment of a railroad commission, either by the President or any other authority, however honest and patriotic his intentions may be in making such appointments, we must remember that the railroad corporations, few in number as to the heads that control them, can easily combine their influence and bring to bear by indirection, if they dare not do it directly, influences which will be likely to control in the appointment of commissioners. If we get commissioners appointed in the interests of these corporations we can hardly expect either recommendations or direct action that will materially benefit the people. It has been said that it was difficult even to get the representatives of the people to act on this great question. We know the power of these corporations (with their experts and other officers filling the committee-rooms and corridors, and often placing themselves upon the floor of this House, with their attorneys, the ablest in the United States, all of them paid out of the people's money by levying a little more tribute upon the people) to secure or prevent legislation. If Congress has found now for nine years the impossibility of legislating upon this question, what is to be the fate of the people if their interests are left in the hands of three men upon whom all these influences can be concentrated?

Now let there be given and heard and heeded a little simple hinting illustration of the possibility of imposition on the appointing power under the circumstances supposed. And the record which will be introduced will appear to have a second, a subordinate, but I think strong justification for its appearance when you shall have considered the character of this proposed commission—that is, a *railroad* commission—and the fact that some sectional lines would be appropriately recognized by the choosing power in making up a decision with respect to the appointments.

In one of the leading party organs of the Union, of issue Friday, December 12, 1884, the following statement appeared:

> During the last few days the belief has grown very generally among political experts that the Hon. Mr. ———, of the State of ———, will be Mr. Cleveland's ——— [mentioning the name of a Cabinet office]. * * * The most positive evidence has been developed that Mr. ———'s friends have already secured the influence of * * * and that of ex-Senator Gwin, of California. On this point there is not the remotest doubt.

This leading party organ, in the statement quoted, does but concur with a number of other influential party journals in conceding the great "influence" assumed or asserted to exist with respect to one of the very highest appointments that can come from the hand of the Chief Executive of the Union.

I invite attention to the extracts from the C. P. Huntington correspondence, which were brought out on the trial of the cause of Colton against the Central Pacific Railroad Company last winter, and published in the San Francisco Daily Chronicle. This is a case in which the widow of the late David D. Colton, of California, alleged that Huntington, Stanford, Crocker & Co. have sought and are seeking to defraud the Colton estate out of millions of dollars—a description of a browbeating visit by the courageous Crocker to the lone widow being a part of the testimony.

In 1875–'76, Mr. Huntington, vice-president of the Central Pacific Railroad Company, and with his brother directors in that company controlling if not exclusive owners in the Southern Pacific Railroad Company, desired to prevent a construction of a rival transcontinental railroad. To that end they had their lobby at work in this Capitol and sent their corrupt and corrupting agents throughout the country, especially to the Southern States, as will appear by the extracts from the papers which I present:

NEW YORK, *November* 10, 1875.

FRIEND COLTON: Yours of October 23, 1875, No. 85, is before me. Dr. Gwin is also here. I think the Doctor can do us some good if he can work under cover, but if he is to come to the surface as our man I think it would be better that he should not come, as he is very obnoxious to very many on the Republican side of the House, and then there is very many things about our business that he does not know and he has not the time to learn before Congress comes and goes. It was very unfortunate that he came over in directors' car with Mr. Crocker.

I received a letter to-day from a party in Massachusetts that said that Gorham and Sargent were very much offended because Gwin was, or rather had come over, to look after our interest in Washington. I am, however, disposed to think Gwin can do us some good, but not as our [avowed] agent; but as an anti-subsidy Democrat, and also as a Southern man, with much influence in the South, in showing the Southern people that the Texas and Pacific Railroad is in no way a Southern Pacific road, but a road that, if built by the Government, would prevent the Southern States from having a road to the Pacific for many years.

But Gwin must not be known as our man.

I received a letter from H. S. Brown this morning that "G." was for RANDALL or Walker. I send copy, with my reply.

Yours, &c.,

C. P. HUNTINGTON.

I can not stop to point out all the proper inferences that can be drawn—and that in some instances can not be disputed—from this correspondence. The Central Pacific Railroad Company hires and sends Dr. Gwin to the South, as ostensibly a next friend of the Southern people, to deceive and mislead;—the same Dr. Gwin whom leading organs of both parties now put forth as an indisputably powerful adviser of the incoming President. This adviser is found out and exposed as a flunky of the Central Pacific Railroad monopoly. How many other advisers that are in training are unknown in their monopoly bonds and maneuvers?

But let us proceed with the reading of this correspondence:

NEW YORK, *November* 11, 1875.

FRIEND COLTON: Your letters of October 26, 27, and 30 and November 2, Nos. 86, 87, 88, and 89, are received. I notice what you say in No. 86 as to Gwin not connecting with us, as far as the public are concerned.

Of course I agree with you, and I was much surprised when I heard he was coming over in the car with Crooker. I told the Doctor to-day that he did not want to connect with us, except so far as in his argument against subsidies he could say that the Southern Pacific Railroad Company was a powerful company, and could, and no doubt would, build to El Paso without any Government aid except the land grant that has already been given.

* * * * * * *

Yours, truly,

C. P. HUNTINGTON.

NEW YORK, *November* 12, 1875.

FRIEND COLTON: Your dispatch that you had sent $200,000, gold, is received. Dr. Gwin left for the South yesterday. I think he could do us considerable good if he sticks for hard money and anti-subsidy schemes; but if it was understood by the public that he was here in our interests, it would no doubt hurt us. When he left I told him he must not write to me, but when he wanted I should know his whereabouts, &c., to write to E. T. Colburn, Elizabeth, N. J.

I have had several interviews with the Houston and Texas Central Railroad people. It has a land grant to the west line of the State of Texas of 4,768,320 acres. It is owned by William G. Dodge, Moses Taylor, W. M. Rice, and other strong men of this city. I saw Dodge a few days since with a view to having them build to El Paso and we build to that point to meet them. He said they thought they would do it. He said he was opposed to the Government granting any aid to his or any other road. I have been sick ever since I saw him, so I went to-day and saw Moses Taylor. He said he liked the idea and that he would talk it up to his people, &c. There will be no Government aid granted this session, and if you can get the H. & T. Central to stand in with us and offer to build a line through, we build to El Paso from the west and they from the East, I think Scott's fish will be cooked.

Yours, truly,

C. P. HUNTINGTON.

NEW YORK, *November* 30, 1875.

FRIEND COLTON: * * * Gwin has just returned from the South. I am very busy, but just what I am doing it is not necessary to write in this letter.

Yours, truly,

C. P. HUNTINGTON.

NEW YORK, *December* 22, 1875.

FRIEND COLTON: * * * I think the Doctor [Gwin] will return to California in January. I have just returned from Washington. The Doctor [Gwin] was unfortunate about the railroad committee—that is, there was not a man put in the committee that was on his list, and I must say I was deceived. He was often with Kerr, and K. was at his rooms and spent nearly one evening. The committee is not, necessarily, a Texas Pacific, but it is a commercial committee, and I have not much fear but that they can be convinced that ours is the right bill for the country. If they could have been left as we fixed them last winter, there would have been little difficulty in defeating Scott's bill; but their only argument is, it is controlled by the Central. That does not amount to much beyond this: it allows members to vote for Scott's bill for one reason and give the other that it was to break up a great monopoly, &c. If these —— interviewers would keep out of the way it would be much easier traveling.

I send a few clippings.

Yours, truly,

C. P. HUNTINGTON.

NEW YORK, *December* 27, 1875.

FRIEND COLTON: * * * I notice what you say about the interest that Dr. Gwin should have, and I have no doubt that we shall agree about what his interest should be. * * * I get letters from Washington nearly every day that almost everybody is for Scott's Texas Pacific bill and that he (Scott) is sure of passing it, but he won't do it.

Yours, truly,

C. P. HUNTINGTON.

NEW YORK, *January* 3, 1876.

FRIEND COLTON: Yours of the 25th of December is received, with clippings from Los Angeles papers. If they could build railroads by resolution, I have little doubt every man would have one past his own door; but as roads can not be built in that way, some few will be compelled to walk just over the hill before they strike the iron track. I notice what you say of Dr. Gwin. He can cover more ground in a few minutes in one letter than we could in many years with the rail. * * *

Yours, truly,

C. P. HUNTINGTON.

NEW YORK, *February* 26, 1876.

FRIEND COLTON: I have been in Washington most of the time for several weeks past, which, with my other business, has kept me so very busy that I have neglected my correspondence. Your letters have, I think, all come to hand up to No. 141—that is, by putting in some without numbers, that by their dates have come in right to fill these missing numbers. I do not write you much about matters in Washington, but I am having the biggest fight I ever had there, and expect to win it.

Scott is doing his best, and has an army of men in the lobby to help him. He told me this week that he is sure to pass his bill. He said he would give us enough to do to take care of what we had without meddling with his. I said to him, with a smile, I hoped he would do nothing that would interfere with my helping him in his Texas and Pacific. I have sent H. L. Brown with Judge Ivans (Mr. I. is a citizen of Texas) to Texas to set that State right on the Southern Pacific, and I sent Doctor Gwin to Mississippi, Louisiana, and Alabama to set some back fires on Scott. I expect to weaken Scott much by this move. This fight will cost us much money, but I think it is worth it, as I have written you from time to time. I have been trying to work parties up that have interests in roads in Texas outside of Scott's interests, and they told me a few days since that if I would get up a bill I could use their names, and I at once done so, and they now like it very much, and I think it makes us stronger than we were without. I send copies of the bill with this—Senate bill No. 800. * * * Good articles in the California papers sent to our members of Congress would do good. They get many from our enemies which do hurt. Wingfielden gets nearly everything bad that is said about us I think. I have many things that I would like to say, but it is dark and I quit.

Yours, truly,

C. P. HUNTINGTON.

The people of the State of California, having suffered more from the exactions of railroad monopoly tyrants than the citizens of any other Commonwealth, entered upon a political campaign in 1882, during which the rival parties claimed precedence of each other in devotion to the interests of the people, as exemplified by platform and by nominations.

I will append to my speech the provisions of our constitution with respect to the board of railroad commissioners, by which it will be seen that they are given extraordinary and almost exclusive power in the premises. (See Appendix C.)

The platforms of the two parties were respectively claimed to be of at least equal strength and clearness on the subject of railroad domination and oppressive exaction; equally binding upon the nominees for the office of railroad commissioner in the line of enjoining and bending for radical action in the way of reducing charges for passenger and property transportation. Upon the Democratic party platform our nominees made unqualified and solemn pledges before the people. These followed an overwhelming Democratic victory. The three Democratic

nominees for railroad commissioners were elected by enormous majorities. It might be instructive to quote from their formal and their voluntary words of promise and assurance to the people. But shortly after their installation in office it became apparent that two of these commissioners were the creatures of the Central Pacific Railroad Company. They refused to give the people the relief that they reasonably demanded and which it was in their power to provide—which, we say, it was their duty to provide under their oaths as officers and their declarations on the campaign platforms.

Thank God, the Democracy of the State of California had the conscience and the courage to cast these creatures out of the party camp, by overwhelming vote at the succeeding State convention.

The Democratic party of California and the country is the party of anti-monopoly; and no one known or generally believed to be in favor of monopoly, or known to be in its political service should be elected by the Democracy to office; otherwise the party is an organized pretense and fraud. And the Democratic party must now and henceforth, to maintain or acquire ascendency, in conventions and in State Legislatures and in Congress show its faith by its works. The chosen must be faithful, the traitors must be branded and thrown out, or the party will meet with defeat and death. Neither Federal patronage nor State government control to-day, nor both, will much longer hold up any party banner when the organization is avowedly or secretly controlled by the oppressors of the people.

Now, if the majority of the people of the State of California could under the circumstances be so deceived and betrayed, how comparatively easy it would be—may we not reasonably believe—to impose upon the Chief Executive of this nation in the event of the passage of any railroad commissioner bill?

Such deceit and betrayal at a first election of railroad commissioners, or at the beginning of the agitation of the subject referred to, in any State, might not be surprising; but, considering the situation in California, the latest success of the conspiracy of treachery is something astonishing.

And now here comes a masquerading emissary of the Central Pacific Railroad Company, who was sent down into Southern States to beguile and delude the honorable people of that section, presuming upon and doubtless prevailing with and by reason of his nativity and early manhood associations (ah! how this quoted correspondence must stingingly touch the keen sense of honor and self-respect which has been the theme for just and superlative boast on the part of the Southern gentleman),—here, and now comes this private salaried messenger of C. P. Huntington & Co., on an unchallenged dress-parade as an "influential" counselor for the incoming Democratic administration! And if in view of all that has been said, and that is here restated, the leading party journals of our national and of our commercial metropolis can hold this person up as a worthy or potential adviser with respect to Cabinet nominations or appointments, what must, or might, or can be expected touching the nominations or appointments having direct regard to this very railroad management?

It could not be reasonably expected that the Chief Executive would appoint more than one commissioner from the list of intimate personal acquaintances. And the President-elect, as governor of New York, has confessed that he was deceived as to one of his State commissioner appointments. (See in Appendix I list of roads that, as an "influential" agent of Huntington and Gould, Dr. Gwin would represent. See stock and bond lists shown in Appendix F.)

That the chief appointing power must largely rely upon representations of accredited counselors from different sections of the Union is attested by no less an authority than General Garfield, who so declared in letters written during his candidacy for the Presidential office, when the pressure was heaviest upon him in the direction of almost unvarying civil-service retention. While in a majority of instances worthy appointments will be made, some mistakes will occur, and hence error would be most apt to be made here, as clearly but cautiously suggested by the gentleman from Texas. Why, then (leaving out for the moment all other considerations), delegate our power, run from our responsibility, with the possibility of bad substitutes, with the certainty that by such action the success of the cause of the people, here involved, will be indefinitely postponed?

The railroad lobby that is surging about this Capitol to-day desires a railroad commission. The members of that lobby who have spoken on this subject, where I have happened to be a listener to their remarks, have advocated that this Congress do not adjourn without the passing of a commissioner bill. It would appear to be an established fact that the monopoly speculators are aggressively seeking the establishment and organization of a national railroad commission.

Mr. Speaker, if an intelligent foreigner, worthy of the adjective, and yet almost, if not quite, unacquainted with the history of our affairs in connection with railroad management, should have come and sat in our midst during the past two weeks, what might have been his conclusion as to the attitude of disputants here, and the character of the men without, whose pecuniary investments are said to be most largely involved in our action on this question? There have been accusations, coupled with names, which might well have shocked him,—as one first observing the condition of our country in a picture drawn by Representatives here. The charges and the epithets might have seemed too severe. Were they justified? He hears no absolute denial in terms; no direct, specific attempt at vindication in response. But answering suggestions are made—one, particularly, by the gentleman from Michigan [Mr. HORR]—to the effect that the persons accused are honest, worthy gentlemen, conspicuous only because of their superior sagacity displayed in legitimate and laudable enterprise;—in very truth public benefactors and shining moral examples for the rising generations.

If an English gentleman was the auditor supposed, might he not in all sincerity, and without involving just challenge and charge against him on account of prejudice or bigotry, be thrown into a state of mind and opinion similar to that in which Sir Leicester Dedlock was habitually found? Would he not be apt to recognize in the gentleman from Kansas [Mr. ANDERSON] another Watt Tyler? Indeed, would he not be apt to conclude that some of these men who have been stigmatized as extortioners and oppressors were worthy to be classed with Arkwright and Stevenson and Murdock, of great mechanical and of railroad engineering fame? And regarding this substitute bill as having been passed, enacted into law, might he not agree in all the sentiment of apprehension displayed by Sir Leicester—though far from accepting the verbose expressions of the British baronet as given in Bleak House?

> Then upon my honor, upon my life, upon my reputation and principles, the flood-gates of society are burst open, and the waters have—a—obliterated the landmarks of the framework of the cohesion by which things are held together.

Suppose that he had only heard the gentlemen who have advocated the committee bill—for all of whom I have the greatest personal respect:—would he not have supposed that an effort was being made here to destroy "the business interests" of this country so far as they are involved in interstate railroad transportation?

In a majority of instances the speculating managers of the railroad monopolies of this country to-day are not and never have been, in the sense of actual and venturesome business men, engaged in the construction of railroads? Who built the Pacific railroads? The American people built them, by enormous subsidies, given—wastefully we now can see—by their Representatives and Senators. And following the grant of these subsidies came examining commission upon commission, under the original law, through which fraud after fraud was perpetrated, in false certifying to construction and its character—to the end of exhaustive chapters.

These men public benefactors! They are simply robbers. Oh, but they own and manage these roads now [and speculate with the thrice-watered stock that is said to represent capital invested]. Go look at the billowy track of the Central Pacific from Reno to Ogden, and the ricochetting line of the Texas Pacific from Mineola to El Paso! On the last-named railway the engine often sinks out of sight within half a mile of the station and rises to view within the mile beyond. Rails are laid on the lap of mother earth with hardly the preliminary labor of turnpiking. And for this so-called and commission-certified "first-class construction," section after section of public domain, and in one case thousands of dollars in United States bonds per mile, are awarded by the General Government. And over these roads the toll is nearly or quite as much again as that charged upon the line of well-constructed railways,—built by private capital. I will append also some instructive data bearing upon this subject. (See Appendix D.)

Public benefactors! You must have a board of commissioners, with great salaries assigned, with a retinue of officials, with free passes for the transporting of themselves and their officers from one end of the country to the other, with magnificently appointed headquarters at the capital of the nation; to inquire and inquire, and visit and revisit—a regal exchange of civilities—with Jay Gould and Cornelius Vanderbilt and Leland Stanford and C. P. Huntington and Charles Crocker and William M. Gwin—public benefactors, their agents, allies, and advocates!

All this while—since I first suggested his presence—I have been thinking about the impression on the stranger in our midst who has never heard that Jay Gould confessed that his ministers corrupted legislative candidates—being professedly Democrats in Democratic districts and Republicans in Republican districts—and that Vanderbilt dismissed the bearer of popular complaint against railroad management with "D—n the people." Starr King, twenty-five years ago, called the sharks in Panama Bay "the Vanderbilts of the sea."

It is said that the substitute bill is "inelastic;" that it is iniquitously iron-core and steel-clad. Seeking for an explanation of these terms by the context in speeches delivered here, you find that the principal objection and plea is against the provision that no more shall be charged for a short than for a long haul. My complaint against this bill would be that it is defective in this very direction; in that it does not provide for a maximum by figures herein contained. But the gentleman who presented the substitute provides for a maximum within the termini of a railroad line, at the nomination of the railroad companies themselves. I am confident that experience will prove the better way to be a figure-fixing of maximum rates on section divisions of road or otherwise; but in my judgment it can not justly be said that in this bill the limit is such that there will not be sufficient margin against intermediate stations. As I understand it—and I think that it can not

be construed otherwise—the limitation is on transportation straight forward on one and the same line. And under this legislation State boards of commissioners could so co-operate and agree as to do exact justice between the parties interested in any given instance of transportation. By rules in detail affecting charges for the carrying of property that was to go beyond State lines, adjoining Commonwealths—through these respective boards—could fix the tariff to a nicety of right. There is no item that belongs to the righteous consideration of the matter that could not be estimated and taken into consideration and acted upon to a fair and precise result by the conjoint action of State commissioners, overarched, so to speak, by the letter of this substitute bill enacted into law. And, indeed, unless I expected some such co-operation on the part of State commissioners in certain instances, I should offer and move the adoption of various amendments and additions to the text of the substitute.

Under this substitute railroad companies, without restriction as to added distance, may charge as much for a short haul as for a long one. While it is claimed that railroad companies should be privileged to charge more for a short than for a long haul, and while it is claimed that the license to charge as much for a short haul as a long one on the same road does not give sufficient latitude of discrimination against the intermediate points, we are wondering—at least I am—why there are not a great number of instances brought forth to support so remarkable a position. In all this discussion only one geographical dot is named which should be signalized by subjection to the rule of a greater charge for a shorter than a longer distance, and that point is Winona. And the article to be transported which figures in the parade is a bale of cotton. I think that this illustration has been sufficiently answered already, if by any possibility it requires an answer in order to gain or keep the balance of minds constituting majority in this House on this subject.

But I would like to call up to notice the general advantage which would belong in the Winona and Memphis case, as well as in all others of similar character that could be adduced. The railroad if properly built and equipped and managed has great advantages over the parallel or competing water way. There is speed and there is comparative safety. With respect to articles that are perishable in their nature, the railroad will always have a wide margin within which greater prices for carrying can be asked, as compared with water transportation, without losing patronage. I have not heard any one draw attention to this single surface fact, which belongs in the consideration of this matter; and on mentioning it in conversation I have been surprised to find that it had not long ago occurred to all engaged in this discussion. In many instances the celerity of land transportation is such a factor in determining by what route goods shall be carried that solely on this account a great percentage can be and undoubtedly is obtained by the railway at higher prices, in bidding against the steamboat or the canal-boat or the barge or the sailing vessel. The stating of such an undeniable and obvious advantage almost demands an apology.

Our Government has entered upon a vast scheme of harbor and river improvement, and in a majority of cases the prevailing argument has come to a foundation on competition with railroad carriage—for improvement of depth and width of channel in bay or estuary or lake or river or creek. Would it be accepted by any gentleman here in open confession that he was opposed to the building of the Mussel Shoals Canal on the Tennessee, or the dredging and snagging of the upper Red River, or the San Joaquin, or the Connecticut, because it will keep railroad fares at a low figure or because—as in the instance of the Tennessee River improvement—it will have the future effect to largely reduce railroad freight charges on several lines of road? If the Government, if Congress may constitutionally, may justly—ought in duty bound so to do—change raft rapids into safe steamboat water ways and convert shallow sloughs and brooks into navigable streams, when a first-mentioned and most desired effect will be the pulling down of some railway tariff to a reasonable scale, how comes it that it is beyond our authority or outside of policy and propriety for us to say distinctly that all freight and passenger fares shall be reasonable, and fix in precise terms a maximum for such charges?

Since river and harbor improvements began under our Government, many thousands of miles of streams have been rendered navigable by Congressional appropriation and work paid therefrom, while scores of harbors have been opened—sometimes created—on seashore and lake bank:—in evident, in announced and boasted endowments and labor against railroad company freight schedules.

Suppose that you could travel as fast by water as by rail. How absolute would this rivalry of the Government with private railroad corporations appear on nearly every occasion of river or port opening or improvement? I believe that soon we shall steam over the waters of the ocean and great lakes as rapidly, at least, as over the iron track, and will only be deprived of equal speed on the rivers by considerations of precaution against collisions in comparatively narrow channels and at sharp elbows in the course. In such an event the interference and alleged arbitrary impairing or destruction of private business enterprise, by our regular and systematic river and harbor cleanings, enlargeings and creations might be often considered by railroad monopolists as intolerably flagrant.

We have already established a precedent for Government construction and ownership of railways by the excavations made at Government expense for navigation, safe anchorage, and dock ground. And in almost every instance we have by such action cut down the rates of the railroads—some times as much as 70 per cent.

Leaving in part out of estimate our commerce with foreign countries, every harbor improvement is a measured blow at unreasonable railroad charges. But we have gone far beyond the line of navigation—that was early in the history of our national life constitutionally protected from any intrusion by dams and bridges;—and the demand is warranted for reasonable rates, ascertained and secured on simple and unembarrassed application to the courts of the country, with full and complete and final jurisdiction there under the precise letter of our laws.

Says the gentleman from Pennsylvania [Mr. BOYLE]:

> If Congress has the power to declare rates shall be reasonable, then Congress has the right to determine what are reasonable rates.

That proposition has not been fairly met since its utterance. Taking the affirmative on the premises, the conclusion seems to me to be irresistible—only changing the permissive to the imperative or obligatory phrase. Congress ought to exercise the claimed and generally conceded right. And if Congress can authorize and appropriate money for the building of canals and the converting of rivulets into rivers for navigable purposes, on distances competing with railroads, then surely Congress may prescribe limits to charges upon interstate commerce.

If Congress may create canals and rivers (and that, too, quite within one State), may it not build railroads? If we may build railroads may we not fix a maximum to railroad tariff? If we may aid, by land and money grants in the construction of a railroad, may we not construct and own and operate railroads, as a Government? In other words:—is it constitutional to give the lands and loan the money of the people to an individual or association for canal or railroad building, but at the same time unconstitutional for the Government to sell its lands and devote the proceeds to building a Government road?

It must come to a mere question of policy.

If we had reasonable fares, there would be no thought of exercising the power inherent in the Government to restrict and forbid.

Opposition to direct legislation on this subject by Congress, or favor for the passage of a commissioner bill—which amounts practically to the same thing at this time—is sought to be raised or nursed by an appeal to shippers or consignees at what have been called terminal points. Let us look at that for one moment. It has been said here or elsewhere with reference to this issue that San Francisco, for instance, is interested in defeating the passage of the fourth section of this substitute. Why? I like to meet these things fairly and frankly. Let us have the reason why? Because, forsooth, if as much is charged for hauling from New York to Winnemucca or Virginia City as the aggregate of through charges from New York to San Francisco and thence back to Winnemucca or Virginia City, the people of Winnemucca or Virginia City will do their trading in San Francisco rather than send their orders to New York or Chicago. Is that so?

In the first place, it is no part of the business of any railroad corporation to build up one locality to the detriment of another. If incidentally, under legitimate rule and management, it happens that the construction of a railroad through one town and into another changes the proportion of the population or the tide or amount of business, we may well join with the gentleman from Maryland [Mr. FINDLAY] in deploring the result—if we have friends in the depopulated district, or a lively wish and anxiety for all possible prosperity everywhere—while declaring that there is no just cause for complaint against the corporation. But when a railroad company starts out with or proceeds upon the proposition that they will in the way suggested, and as a part of a selfish scheme, contribute to the maintaining of business activities in one place, or the enhancing of them, to the detriment of another, it assumes a vocation that should be challenged by legislation. Fortunate are we if we have the privilege and prerogative of checking or stopping these plans and purposes.

As a matter of fact, the mere charge—unjust and extortionate as it is—of a freight tax from New York to Winnemucca or Virginia City equal to that which would be incurred by sending the goods direct to San Francisco and shipping them back to the points in Nevada which I have named, does not result in throwing business into San Francisco. I believe that the practice is to leave the freight as the train goes along, at Winnemucca or at Reno, though the tariff is as has been stated. Then the merchant at these Nevada towns, if he has any Eastern connections in the way of business, will certainly prefer to have his goods come with one straight shipment, even though he paid the amount that would be required for pulling them over the Sierra Nevadas and rolling them back. In order that the excess have any absolute weight in this direction the railroad company must charge more for shipping from New York to Winnemucca direct than for shipping to San Francisco and returning to Winnemucca; and will any one rise here and dare to put up that kind of a schedule as something that under any considerations whatever should be literally tolerated? Take that immense distance—across that range of the Sierras—and will you say that they may justly add yet more to the Winnemucca freights than the aggregate of charges

for transportation on the railroad from New York to San Francisco and back to Winnemucca on the same track?

I can not understand how this effort to deny the justice of the rule contained in the substitute bill as to long and short hauls can withstand a single night-watch of reflection, on the part of an unprejudiced legislator. The difficulty, as it seems to me, with my much-respected friends who live upon the Atlantic border, in the New England or in the central Commonwealths—the difficulty with them in these premises is that their judgments are warped by the statements and reasonings of the monopolists and their lawyers—who have had their attention so long—exclusively for years—largely through public journals—that they have been accustomed to respect, and that were once respectable, that they can not realize the effect of these discriminations—simple and unmistakable as it seems to us. Do they comprehend the magnitude of the possible and ofttimes the actual extortion in cases where the train goes out on the prairies and over the mountains,—long distances where there are no competing water ways and the parallel railways are at the same time many hundreds of miles distant in their transcontinental beds, and either under the same ownership or (what is practically the same thing) under a common agreement for schedule charges?

Mr. Speaker, did it ever occur to you why this proposition to charge more for a short haul than for a long haul is never brought to bear on passenger traffic? O, if these managers and speculators in railroad councils could only extract a little more from the traveler! It does cost as much to touch the borders of California with your foot by the Central and Southern Pacific Railroad routes as to ride to the harbor of San Francisco. But no need of this limitation there. Why not? Alas, for the inherent power of locomotion on the part of each individual and the degree of intelligence that characterises the very humblest and most unsophisticated of our immigrating population! For if more should be charged for a ticket from Castle Garden or the Union Depot in New York, or from the Baltimore and Ohio or the Baltimore and Potomac station in Washington, to Fort Yuma, or to Truckee, than for a ticket from the same starting places to San Francisco, it would not take a great while for the nine hundred and ninety-nine out of every thousand who might be interested in this traffic—all verdant of mind and guileless of "business" tricks as many of them are—to learn the advantage of purchasing a through ticket, and quietly stepping off at Fort Yuma or Truckee, or at other intermediate points of destination, when the train shall have there arrived. Ah, what a pity that these "generous" men—and I will refer more particularly to the use of this adjective by and by—did not have the power to lock people into their cars, not for temporary precaution, on a between-station trip, as is done in Europe, but by right inherent in them as toll-gatherers, and enduring under a ticket-commitment writ;—whose just privilege it was to compel the traveler to increase his mileage disbursements in proportion to the distance within a given section which he did not travel! Does this sound ludicrous? Or has it an exasperating suggestiveness?

And while we are on this point of prejudice, which it is sought to create or to extend or deepen at so-called terminal points, consider that if the goods are carried past an intermediate station and actually turned around and sent back to the ultimate destination without breaking bulk, no one outside of the railroad company at the terminal point is by any possibility benefited,—no more than if the goods were dumped out of the car at the intermediate station, although the schedule charge paid by the consignee be for through carriage and return. When you sift them there is not any substance of argument in all the volumes of words that have been shed abroad from monopoly headquarters in the oft-repeated and desperate efforts to breed favor for the atrocious extortions to which I have alluded, and against which it may be said that this substitute as it now reads will, when in statutory force, afford some, but yet inadequate remedy and relief. Here is something in the right direction, responsive to our pledges and immediate in its effects, so as far as it goes. (See Appendix E.)

The fact that some able gentlemen who are intensely hostile to the substitute bill support the committee bill inclusive and without qualification—the first sections of the latter providing for a limited appeal to the courts—is evidence contributing if not conclusive on the proposition that the commission half of the measure reported would prove, as I have tacitly assumed all through, to be the effective in the sense of being the superseding portion. We are not at liberty to assume that the Senate would, if presented with the committee's bill, strike off the seven paragraphs complained of and denounced by those who favor a commission.

In a speech delivered in this House on December 4 by the distinguished and all-accomplished gentleman from Massachusetts [Mr. LONG] it is stated:

> The 85,000,000,000 or more invested in the 125,000 miles of railroads in the United States pay only about 2 per cent. per annum to their stockholders.

This statement is presented in plausible juxtaposition, as though intended to show that the rates for transportation charged by the railroads are not excessive. While claim is not made on this basis precisely, not in so many words, the whole context of the paragraph helps to leave the impression indicated—in fact renders the statement argumentative, as remarked.

Let us examine this in the light of the indisputable record presented by Poor's Railroad Manual. I quote from a statement with respect to year ending December 31, 1882:

Total mileage of roads	112,412
Total capital stock	$3,456,078,196
Total funded debt	3,184,415,201
Total floating debt	255,170,502
Total	6,895,663,899

Now, it is upon this sum, which represents the total stock, bond, and floating debt of the railroads, that the insufficient, or at least not excessive, interest is said to be drawn.

Observe how this is answered—if answer seems to be necessary—by that which I shall now read from the same Manual and the same report:

> The increase of the shares, capital, and indebtedness of the railroad companies for three years ending December 31, 1882, was $2,023,646,842, or a cost of $70,000 per mile.
>
> Increase of debt during same period:

Funded debt	$864,926,029
Floating debt	98,289,910
Total	963,215,939

> Or about $30,000 per mile as the cash cost.
>
> It is safe to say that the actual cost of expenditure upon all the railroads within the United States within the past three years did not exceed $1,050,000,000, a sum $973,000,000 less than the increase, in the period named, of capital and indebtedness of the companies named.
>
> Of course such an enormous increase in liabilities is greatly to be regretted.

Now, assuming the above estimate of Mr. Poor to be correct as to the cash cost per mile of the road, and applying it to the total mileage and the total cost of the roads in the United States up to December 31, 1882, it appears that as $70,000 per mile (the stock and bonded cost) is to $30,000 per mile (the cash cost), so would $6,895,663,899 (the cost including watered stock and bonds) be to $2,955,284,528 (the cash cost). From which it will be seen that if, as asserted by the gentleman from Massachusetts, these railroads can now pay dividends of 3 per cent. on an average on their total shares and bonded and floating debt cost, they must of necessity be paying on an average fully 7 per cent. on their cash cost—on that sum which is the only true basis upon which to found estimates of profit.

But let us look at Mr. Poor's Manual again. In his book of 1884 he gives the following statistics on the railroads of the United States, up to December 31, 1883:

Total mileage	120,552
Total capital stock	$3,708,080,583
Total funded debt	3,455,040,383
Total floating debt	333,370,345
Total	7,496,471,311

> Miles of road completed in the three years ending December 31, 1883, 28,445.
>
> Miles completed during year 1883, 3,001.
>
> Increase of share, capital, and indebtedness of all companies for three years ending December 31, 1883, $2,093,433,054.
>
> The cost of new mileage as represented by share, capital, and debt, being about $70,000 per mile.
>
> Increase in debt for the three years ending December 31, 1883, was:

Funded debt	$924,164,440
Floating debt	169,880,406
Total	1,094,044,846

> Cost of the mileage constructed certainly did not exceed $30,000 per mile.

Assuming this to be correct and applying the rule of three to the problem, we find that on December 31, 1883, the sum is as follows:

As $70,000 per mile (the stock and bonded cost) is to $30,000 per mile (the cash cost) so would $7,496,471,311 (the stock and debt cost of 120,152 miles) be to $3,164,134,484 (the cash cost thereof).

So that it appears that the reputed cost of these roads is at least two and one-third times greater than the cash cost, taking Mr. Poor's Manual as our authority. And in this connection it should be borne in mind that Mr. Poor has evidently based his calculations as to the cost per mile entirely on the bonded and floating debt. Now, in nearly every instance these bonds are taken or sold by the contractors for less than par, leaving them (even with this discount) a large profit on the contracts. Hence it follows that the actual cash cost must average a good deal less than $30,000 per mile. (See Appendix F 1 and F 2.)

I was astonished to hear from the distinguished gentleman from Massachusetts this declaration:

> Rates are generally reasonable, and, on the whole, generous to the people.

While I would dislike to be considered hypercritical or too ready to draw out a possible latent meaning, I can not forbear calling attention to the significance that may well be attached to the last clause in this sentence,—"generous to the people." My honorable friend may have been far from purposing to convey the idea of lordly condescension which the adjective so used imports or as it might most naturally be interpreted in such a relation. "Generous to the people!" Inadvertently, no doubt, the gentleman has borrowed a phrase ready and agreeable in the mouth of the monopolists of this country, their agents and attorneys.

There is no recognition in any one of these speeches which are hostile to direct legislation on this subject, or opposed to sections of direct legislation unaccompanied by sections establishing a chancery commission, no recognition whatever of the fact that thousands upon thousands of miles of these roads have been built with the aid of subsidies and by land and bond gifts from every source competent to endow—the endowment in some of the Pacific roads far exceeding the cost of the road. "Generous to the people!" Go read the schedule rates, where you can find them, for transportation of persons and property on the Pacific railroads—over railroad tracks that, I repeat, for thousands of miles in the aggregate were literally laid upon the lap of Mother Earth [Appendix D], and even extended at great unnecessary curvature and angles in order to increase the distance upon which land sections and Government bonds might be demanded.

"Generous to the people!" Probably with respect to many local roads, and doubtless with respect to some in good old Massachusetts, the inquiry and effort in the management is to accommodate the people at most reasonable terms. But how can any one suppose that such is the attitude in which the great railroad magnates, who have been named, present themselves in their councils? Is it their inquiry, "How cheaply can we afford transportation and reap a fair profit from the actual investments in this or that road?" Does any one pretend that that is the question which they put to themselves and to each other? Why, in California they do not affect to deny, but distinctly and defiantly proclaim, a tariff based on "as much as the traffic will bear." Come now! of all the mockeries or jocularities that were ever indulged in in the name of "business interests," would not this be rightly accounted the superlative, transcendent, unsurpassable derision of the fact?

I am referring to the master speculators who control the long lines of railroad traffic. What reason or justice in seeking to institute a comparison or draw a precedent in advocacy of this commissioner proposition from the alacrity with which local railroad managers in the city of Boston, where there is a public sentiment that at times can not be withstood by any corporation within its boundaries, obey the demands of the people for depot space and convenience? I respectfully submit that such an illustration, with its avowed object, has about the same reason or logical force as was exhibited in the use of the tables of the honest but fanatical opponent of our district-school system, who traversed our country a few years since and sought to show that our popular educational privileges and arrangements should be abolished; by contrasting the number of young persons in the rural sections of Virginia, reported as suffering from diseases due to habits of dissipation, with the longer census of youths living amid the teeming populations of ocean-side cities and towns in New England, and similarly afflicted.

Mr. Speaker, the speculating managers and manipulators of railroad interests in this country have not treated the people "generously;" but quite to the contrary. These emperors within our Republic have not treated the people decently. (See Appendix G.) Were they not boastfully incorrigible we should have inclination to pray that without the restrictive force of law they might reform some of their methods altogether. It is true that they would not have made so many millions if they had dealt fairly by the people, instead of watering their stock and keeping up or increasing or insufficiently reducing their charges. By playing in the market, by gambling in the great exchange rooms, while they increased their shares or (occasionally) diminished them, and speculatingly increased or diminished their charges for transportation, and diminished (but never increased) the wages of the laborers on their lines, some men have amassed immense fortunes; have acquired millions in values where they might have had but one million under an honest management and control. I can not combat the probable truth of such statement or supposition. Vast wealth has come to the gambler where far less of riches would have been in all probability the recompense of the honest man engaged in the same enterprises. I am bringing a moral element into consideration. Will it provoke a smile or a laugh? Very likely. "Why," it has been and will be said, "anybody would have done the same thing under the same circumstances; anybody possessed of equal intelligence and an equal comprehension of the advantages of the situation—to the unscrupulous." I deny it. You say that these men have been or are generous to the people. I deny it. The record shows they have been neither generous nor honest. But I agree with you that they ought to have been honest and fair and just, and that then there would have been no need of national or State legislation of the character that is contemplated here. The world knows that they have not been honest, to say nothing of generous. For the venal world is deriding the man who would or does say that under similar opportunities he would not play the rascal and the extortioner in the same manner that Vanderbilt, Gould, Huntington, Stanford, and Crocker and their immediate associates have done.

In one breath it is said that this substitute bill will be destructive of business interests, and in the next breath it is declared that it will be a *brutum fulmen*. And then there comes an agreement that a commission which shall be above all things a board of inquiry, and secondarily and perchance a certificate-giver unto a victimized shipper on his road from a United States district attorney's office—where he must have paid his special fee—to a United States court of justice, is the right thing to be first-born of experimental legislative work here on this subject. All legislation of this kind, or of any kind on this subject at this time, may be said to be experimental. With the experience of the past, let us have a reasonable "experiment" now in the line of progress. The power belongs here, and should be kept here and exercised with direct lettering. Whatever inquiry is necessary should be made by the committees of this House, session by session and day by day. Pass this commission bill and you are building up a wall and bulwark for the railroad-stock manipulators and the monopolizing extortioners in railroad management.

Mr. Speaker, we must make further advance by legislation on this subject. We have no advance so far to chronicle;—save that exhibited in conceding that in deference to public sentiment some kind of legislation under this title must be had. But outside of the monopoly councils and stock exchanges there is ground and cause for the popular demand for reformatory legislation. It is notorious that there is corruption in every part of the Government by reason of the solicitations, first to the officers who administer the laws as they exist, and then addressed to the Representatives, as those Representatives propose, in obedience to popular requirement, to take some legislative action in the premises. State Legislatures and State commissioners can not reach this subject in its length and breadth. There must be action by the National Legislature; supervising, limiting, controlling, reforming. Corruption runs riot in the land. Jay Gould, C. P. Huntington, and associates unlock their vaults in every political campaign and disburse their greenbacks and their gold by hundreds of thousands of dollars to secure the election of men who will be their creatures or who will not be their antagonists. This is notorious. How long is this to continue? Bring these corporations down to reasonable fares and freight charges and they will have no motive for corrupting elections. Behold, now is the hour to lay the ax at the root of the tree.

Consider the magnitude and consequent prevailing strength of the temptation. Many a man goes into the halls of other capitols who could not be purchased in the corrupt sense for a hundred or a thousand or perhaps five or ten thousand dollars. But the offer comes for fifty and a hundred thousand dollars, and then he falls! So there is a judge upon the bench whose opinions and judgments may not be for sale in the thousands notch. But the hundreds of thousands or the millions which can overcome his virtue are at hand. What is the dire conjunction? It is an exigency and a competency. An exigency where it is worth thousands and tens and hundreds of thousands to a given corporation or association of corporations to prevent the passage of a certain bill or to secure the repeal or amendment of a particular statute. This being worth so much, as I have stated, it implies possession of the money by the corporation or corporations with which—howsoever it may be effectively applied—to secure the passage or defeat enactment. And so with the decisions of courts. Now it is worth millions of dollars to Jay Gould and C. P. Huntington and company to have and to retain and to enlarge the power which dwells in their hands to-day.

I will place in an appendix to my speech a list of the Huntington and Gould roads, as in itself sufficiently and appallingly indicative of the tremendous influence which these men and their partners can exert if and when disposed so to do. If this substitute bill is not indeed—or will not prove to be—a *brutum fulmen* on the statute-book, then it is worth thousands of dollars for the railroad magnates to defeat its passage. The temptation, the corrupting forces exist; and they will continue to be exerted, to demoralize and to debauch legislation through and through, until these tyrants are by some legislative methods displaced, dethroned, or compelled to transact their business within the lines of justice and right. It is remedial, reformatory, emancipating Congressional legislation, or it is Revolution.

The man in office once bribed is as an officer gone for all time. Those who have had to do with seducing him are thenceforth his masters while he remains in office and while he make a pretense to honor. When he becomes shameless, then he is comparatively worthless even in the eyes and according to the measurement of the monopolists.

How sickening is this spectacle! editors and clergymen prating about the corruption of the times and in the same hour landing to the skies the infamous wretches who of all others have most to do, have almost always something to do in an initiative and supporting sense, in polluting the national fountains of justice.

It has been said by some disputants here that they are not "opposed to railroads." Who is, pray? Certainly there is no one here of such feeble intellect that he can not comprehend in general the excellence of their achievement in civilization. The spectacle of a steam-engine in motion is one of ever fresh and abiding interest.

In his comedy of "The Flying Scud" Boucicault puts in the mouth of one of his characters an exclamation of surprise over the deplorable fact that so noble an animal as the horse should be the direct cause of such ineffable meanness in man. With far greater emphasis might we utter sentences of wonder over the greed and rascality that in a like sense of paternity might be attributed to the birth and splendid power of the iron steed.

It has been said that charges for railroad service are less in this country than in Europe. There are many reasons why they should be in some instances much lower here than there,—in cases where the lower rates can with truth be claimed. But it is also true that there is a gross deception in the figures that are sometimes given in this relation—a deception with respect to which there is often no guilt on the part of the speaker. When the class and character of conveniences afforded, un-

der the names of first, second, and third-class for passengers, and fast and special and slow for freight, are shown—for a full and comprehensive and therefore just comparison—these taken in conjunction with estimate of cost of construction, maintaining, &c., and dividends on actual cost—it will be seen that we are far behind the people of European nations in the matter of railroad accommodations at reasonable prices.

It has been repeatedly said or intimated that the railroad managers were continually and carefully studying the problems of transportation; that their time was largely absorbed in anxious efforts to graduate their rates on a correct basis or scale and develop traffic to the uttermost. On local lines there is such inquiry and endeavor; but with the great monopolists the fact is quite to the contrary. It is with these large stockholders and stock manipulators simply a proposition of how they can best make a tricky turn in the market by a change in the rates, or, which is more frequently the case, by stock sales or purchases on the instant adopted to "bull" or "bear" to their advantage. There never was in this country any systematic and extended study of the absolute and comparative cost of carrying different articles by rail until Albert Fink began his inquiries as to relative expenses and trade areas, on the Louisville and Nashville line and its branches and immediate connections.

On the Pacific coast, especially in California, the inquiry is made in each individual case: How much is the profit? or What will probably be the market price of this article now offered for transportation? What is this bushel of potatoes worth in Los Angeles? What will it bring the vendor in Tucson? These questions being answered, the freight is fixed at a sum that will absorb the larger part—from 70 to 80 per cent.—of the profits.

For pulling a car-load of watermelons and peaches last October from Fresno City to Modesto, Cal., a distance of about eighty miles over a level country, the charge was $95—nearly or quite twice as much as the charge would have been for similar carriage to San Francisco, one hundred and ten miles beyond Modesto on the Southern Pacific line. The consignees protesting, and refusing to unload the melons, and the item—one of many of like character—being of some value in the local campaign as an illustration of the extortions of the company, there came a telegram reducing the demand about 50 per cent. It was thought that on account of the property being of a quickly perishable nature the fruit merchants would be compelled to pay the enormous sum named on the hour of demand, but the Modesto market being unexpectedly supplied at the time, from sources and by means not necessary to mention here, the fact of threatened decay and destruction contributed to force the San Francisco agents—who were only faithfully carrying out their employers' general orders, to "charge all the traffic will bear"—to drop the price to an almost reasonable amount.

A few days ago a joint committee of the California State Horticultural Society, the State Fruitgrowers' Association, and the Viticultural Convention complained to one of the agents of the Central Pacific Railroad Company of San Francisco of the outrageous exactions of the monopoly; and it was shown how by a reduction of rates one-half the road would receive ten times as much freight as during the past season,—resulting in a profit to grower and railroad company, besides advantages of many kinds to people in Chicago, New York, and other Eastern cities. All this appears to have been news to the management that is so often represented in the attitude of desperate, midnight-oil contemplation and worriment on such subjects!

Give us a direct law and our people, individuals and voluntary associations, will do and perform all necessary work of inquiry and investigation that is needed outside of the fit and not properly delegated labor of committees of Congress. The true interests of all honest and worthy stockholders are to be conserved and promoted by straightforward prohibitory legislation without the intervening of commissions;—to say nothing whatever of our transferring our authority altogether.

The Union, Central, and Southern Pacific railroad charters expressly provide for fixing the passenger and freight fares on those roads by Congressional action—direct tariff-rating in a Federal statute—and in conformity with that provision I introduced bills at the last session which should now be on the statute-book. By reason of their explicit foundation, and because of the fact of far greater extortion by railroad management on the Pacific coast than elsewhere in the Union, such bills as Nos. 99 and 1803 should have first been presented and passed. That was in the natural order of things. But while we lament the failure to do the best that could have been done in the premises, let us not the less on that account give our hearty support to any and all measures in the class where the substitute bill of the gentleman from Texas belongs.

Pass this substitute bill, make the first reformatory trials under its sections, and then go on, as experience shall advise, to control with closer words these great lines of traffic, and the greater strain of corruption from monopoly sources will be checked; and ultimately it will be stayed when the bills which I introduced, and which were referred to the Pacific Railroad Committee, and which should have had precedence, shall have been enacted into law.

Mr. Speaker, attention has been drawn to the fact that the bill of the committee is peculiar, in that while it forbids pooling it directs the commission to inquire into the expediency of adopting such a prohibitory section. "First hang the man and then try him!" O, how we should have been criticised and ridiculed if we had been guilty of such written proposing. But to my mind this is not so strange, singular as it is, as the position of those who contend that pooling should be allowed, and that there should be no such maximum fixed for freight charges as is found in the fourth section of the substitute bill; and who at the same time concede that there are gross wrongs in the railroad management in our country, and favor the passage of a bill authorizing and creating a board of railroad commissioners. If pooling and rebating are not wrongs to be remedied by Congressional legislation, directly or indirectly, why have we not been told by the disputants to whom I have just referred what wrongs there are in the railroad management that call for any kind of interference by national legislation? Are not gentlemen who take the position indicated logically, absolutely self-accused to that extent that they have no argument in this forum on these points at this time? For it seems to be acknowledged that the greatest evils complained of under the general term "discrimination" are to be more particularly described by the word "rebates." The company's schedule certainly does not say that A shall be charged so much for the transportation of a certain class of goods and B, a merchant in the same city, shall be required to pay a different or a higher sum for the same service.

And there are so many contradictions in the same minute—made unwittingly or inadvertently, I have no doubt—by gentlemen opposed to this substitute bill, that I am at a loss as to which should be most prominently noticed, or which selected to the exclusion of the others. It is conceded that gross wrongs exist in connection with railroad management, and an adjacent declaration is that the conduct of business in this respect has not only been fair but generous. Some insist that rebates should be permitted and are absolutely necessary for the promotion of the "business interest" of the country. And then may follow an illustration which, if it have any force in such juxtaposition at all, is hostile to the general statement I have quoted. We have heard it declared upon this floor, in effect, that the great railroad monopoly speculators are honorable gentlemen, who have nobly earned their wealth and the eminence in power that belongs to the possession of great riches and the control of great enterprises; and immediately follow derisions and sneers and even the "chuckle" of gloating over the unsophisticated countryman who has been induced to invest his hard-earned store in railroad stocks and has become a victim to these same lords of transportation.

Mr. HORR, of Michigan, in his interesting speech of December 9, 1884, very cleverly undertook to defend and extol Messrs. Gould and Vanderbilt; giving them a credit, however, to which I think they have no right, but boasting of their market operations—which properly and indisputably belong in their peculiar crown of rejoicing. Mr. HORR said:

> Take for example the two men, Gould and Vanderbilt. I take them because they are the men who seem to be ever present in the minds of the gentleman from Texas [Mr. REAGAN] and the gentleman from Kansas [Mr. ANDERSON]. These men are said to have obtained vast wealth, but can any man here say that they have wrung it from the wages of the laboring masses? The roads they own and have built have been paid for.
>
> What an inadvertent or shrewd ignoring of the subsidies and securities by which the Pacific roads were constructed.
>
> The men who did the work, who handled the shovel and the pick, who furnished the ties and laid the iron, have all been paid for their labor. These men have made money, and made it very rapidly in two ways. First, they have taken property that has been badly managed until it could be purchased cheap, they have bought it on the market, and then, by good management, by putting brains into the business, have made the same property valuable. What was worth but little by their superior skill has come to be worth a good deal. Is not that legitimate gain? Such transactions benefit the owners, but they also benefit the country.
>
> Again, these men have undoubtedly made large sums in another way. Scattered all over the country are men who come to the conclusion that they are fitted for careers of speculation, and with their money they rush into Wall street to take a bout with these old "bruisers of the ring." [Laughter.] They at once tackle stocks—"buy long and sell short." A few weeks or months and the contest is over. The "lambs are shorn" and the leaders of the flock return to their fold "fatter and better fed." [Laughter.] The money thus accumulated does not come from the poor people, and takes nothing from the workingmen.

In all the leading current publications of the land, including the principal religious papers and periodicals, advertisements abound, calling upon the people to come forward and purchase these railroad stocks. Often in religious and other periodicals there are editorial indorsements of the stock advertised, or commendations so printed as to bear the appearance of editorial language to the inexperienced reader of such pages. And now the honorable gentleman from Michigan, without knowing it, echoes the laughing speech of "brainy and legitimate" stock-waterers and fleecers of honest, trustful, but simple-minded or unsuspecting men and women.

Mr. Speaker, one of these assertions must be wrong: either there is gross mismanagement requiring the intervention of Congressional legislation, or we have no right or duty in this line of labor as legislators. If there were no evils in the rule of railroad monopoly, justly complained of, provoking a desire and a disposition for Congressional legislative interference, why is not that fact made so plain by the managers, agents, and attorneys of these great corporations that there could not be any kind or sort of question or quibble with respect to it? If there be such wrongs as to admit of or call for Congressional interference, then they are so manifest in general and particular that there is no necessity for a commission of inquiry. The degree of clearness which will warrant or justify any legislation at all upon this subject makes it imperative upon us to legislate directly, without the intervention of an existing or a contemplated commission. I lay that down as a proposition, against which I challenge question or controversy.

"Business interests!" This is a pet phrase at which we must all stand aghast! I must confess that I lost respect for it as a brace of bullying words, to be thrown in the face of every man who seeks for reformatory legislation, when I heard it proclaimed and reiterated during the season when the conspiracy to defraud the people out of their choice for Chief Executive—in 1876–'77—was in process of confirmation and execution. In 1877 no less a man than Montgomery Blair boldly published a pamphlet, in which he declared that the railroad corruptionists were most instrumental in carrying through the plan for stealing the Presidency;—the telegraph monopoly sedulously and successfully co-operating with the pulsating cry of "Hush! The business interests of the country demand its consummation!"

"Business interests!" exclaims and reiterates Jay Gould (this benevolent patriarch—next friend of widows and orphans; who is accompanied in his daily rounds by a gentleman slugger and bully to guard against the affectionate demonstrations of the men and women whom he has befriended and enriched). Hear him! The same man who last summer publicly and conspicuously congratulated one man on his nomination for the Presidency; declaring in his Associated Press dispatches toward the close of the late campaign that his election was absolutely required by the "business interests" of the country; and then hastened to send a telegraphic message of congratulation to another and directly opposing candidate when it appeared that the latter had been chosen to our highest office; congratulating Mr. Cleveland substantially because of his approved official record as a conservator of the business interests of the country. Is it not about time that this phrase lost its blaze and blinding force?

Who is opposed—in all sobriety and common sense let us inquire—to the prosperity of any class or department of legitimate industry? What man of common, ordinary instincts and common honor is not allied in sympathy and hope and resolution with the sincere and intelligent spokesmen of honorable boards of trade and chambers of commerce and leagues of labor? Does Jay Gould or C. P. Huntington or Cornelius Vanderbilt or Norvin Green or Johnny Mackay—do they separately or collectively and exclusively represent the "business interests" of this country? (See Appendix K.)

Why, even the staid and conservative old New York Journal of Commerce has this to say, in a recent issue:

> Let any one visit the exchanges and look on a few minutes for himself; so *gambling hell* in any part of the world will show a madder throng or more passionate playing. This was formerly only true of the stock exchange, but it is becoming more and more the leading feature of the several trade exchanges, and shows the character of most of the *business* therein transacted.

Alas! too many people are dazed and stunned by the cheek-filling words and phrases projected with greatest emphasis by those who come from and represent the dens of the speculator, the stock-waterer, the railroad and telegraph monopolists:—even as of old men and women were awed into silence and subjection and craven submission by the lond and emphatic pulpit utterance of anathema blown from the lips of the fanatic and the bigot, the theological tyrant and inquisitor.

The real business interests of this country will be best subserved at this time, so far as interstate commerce is concerned, by the passage of laws that shall forbid and prevent the wrongs and evils that have been partially enumerated on this floor in the consideration of these measures. The true business interests of the people of this country are explicitly opposed to that theory of transportation charge which proclaims that the tariff should be as high as the traffic will possibly bear.

Mr. Speaker, I do not assume, much less assert, that the passage of this substitute bill, which in many particulars is not the bill which I would have drafted or originally urged upon the favorable attention of this Congress, will be a panacea for all our woes or bring us a business millennium. But it is a step in the right direction; it is a movement progressive, and not a pretense in any of its terms; nor are its sections collectively a proposition or a scheme to retire Congress from the consideration of the subject. The passage of this bill means progress. Whether it—by its present lettering and an honest, active administration under it—will very greatly and lastingly ameliorate and improve the condition of the producer, the trader, and the consumer, or not, it is a beginning of a legislative march of remedy and reform. Has it defects which will be disclosed by the first consideration of courts and shown so many that aggressive and wholesome application can not be had under it,—as would appear to be intimated by some of its opponents? Then future amendatory legislation must come. But if you pass a commission bill, you go back. And you do more than retreat from that combative representation line up to which I understand we have sworn to carry and keep our colors. You fasten a bad system of reference upon us which it may require many years to remove.

Mr. Speaker, what is to bind this great nation together? What are chief among many physical conveniences which ought to be practically at the command of all the people? Rapid intercommunication at reasonable rates; the quickest safe passage of persons and property, and of ideas of every salutary and enlightening sort, for the lowest reasonable sums. Uniform and universal privilege and right in this respect is what should be desired, demanded, obtained, and retained by the people of this country. Not merely cheap excursion rates or picnic party tolls, but the lowest reasonable fares for every-day travel; not only cheap press dispatches by telegraph, but the cheapest day rates for every one who wishes to correspond by telegraph. There is no method by which you can have this great facility and bond between and for all the people save by national, Congressional, direct-action legislation. Do what we will in our separate Commonwealths, lawfully conspire as much as we may between commissioners and commissioners in the one State and the others, the achievement and the consummation most needed, most essential for the approximate realization of that felicity and that unity which our Constitution by the very first lines of its introduction in problem and conditional prophecy promises and guarantees, can not be had nor hoped for without such sections as these in the volume of living Congressional laws.

We have not arrived in practice and accomplishment half way up to the mark of the high standard of political civilization which is justly illuminated by those words that remain to cheer and admonish us from that statesman, patriot, and martyr, Abraham Lincoln,—assuming for our Nation the closest approximation to the ideal Republic—"A government of the people, by the people, and for the people."

In part by false use and effective reiteration of a wise saying commended to our consideration—"That is the best government which governs least"—the Congressional legislation which ought to have been had has been misrepresented and refused. And these words have been text and plea, of considerable influence, used by the attorneys of railroad monopolies after enormous subsidies had been granted to private corporations at times when the Government could (and should) have built the roads for which endowment was given at less than one-third the recorded outlay for the same purpose from the people's Treasury and inheritance. It is time that the people acted upon their plain understanding of these matters. The general enlightenment is sufficient. There has been enough preliminary investigation. The subject is popularly comprehended and understood. In great patience, an afflicted people have too long borne the burden of these monopolies. The failure to accomplish that which is commonly and righteously desired at the hand of legislators in this country can not much longer be attributed to other than the most influential and really procuring causes.

"Business interests?" General prosperity? Yes. Abundant opportunity for labor and good wages and resultant happiness for the willing and honest citizen throughout the length and breadth of the land. How are these to be had to such degree and extent as to be characteristic? Expressing a proverbial condition of the Republic? Many things, material, political, moral, spiritual, must enter into the group of acknowledged and gratefully appreciated and jealously guarded and fostered causes. But let there be to-morrow from one end of this nation to the other and in all parts thereof intercommunication for persons and letters and property at the lowest reasonable sums, based upon actual cost, and all save the monopoly masters would rise up and rejoice in a Day of Deliverance from a tyranny unmatched in its meanness, into a new and glorious light of freedom, of privilege, and enjoyment. Not to-morrow will it come, but reason and sentiments of justice and patriotism combine to make us hope and resolve that by all our struggles, under divine guidance and favor we shall yet, in our generation, hail the opening of the era whereof we discern some reflected rays,—having heard the proclamation of its coming in the language of aspiration and benediction from our fathers.

APPENDIX A.

A comparatively few papers are kept on duty, as avowed monopoly sheets, all the time; most of the "organs," however, are on dress-parade "as anti-monopoly" until in a Legislative, or Congressional, or gubernatorial, or Presidential campaign their services—more efficient by reason of their masquerading hitherto or during the interim—are required by the master railroad and telegraph managers and speculators. Then they will be found (all the regular stipendiaries and the special attorney newspapers in harmony and concert) supporting the candidates that are desired and commended by Jay Gould, or Norvin Green, or Leland Stanford, or Johnny Mackay, or C. P. Huntington. So, largely by the aid of a venal press, the monopolists bamboozle and beguile, and are permitted to continue to rob the people.

APPENDIX B.

Since the date of the delivery of this speech, Mr. PHELPS, of New Jersey, has addressed the House and said:

"The railways, if these restrictions should become laws, will ostentatiously break them all. They will invite litigation until the wheels of the courts are clogged. That will challenge public attention, and public attention is redress. Or they will issue an order, which the whole railway system shall obey, that every locomotive from sea to sea shall stay in its roundhouse."

And this language has been approved by the New York Tribune and other organs of Gould, Vanderbilt, Huntington, Stanford, and Norvin Green.

APPENDIX C.

The following is the twenty-second section of the constitution of California, providing for a board of railroad commissioners, conferring exclusive powers upon the board, &c. The majority of the new board has proved recreant to pledges, platform and individual, and California is still subject to the grossest extortions in fares and freight charges:

"SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one railroad commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said commissioners shall be qualified electors of this State, and

of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company as stockholder, creditors, agent, attorney, or employé; and the act of the majority of said commissioners shall be deemed the act of said commission. Said commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpœnas and all other necessary process; to hear and determine complaints against railroad and other transportation companies; to send for persons and papers; to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the commission, shall be fined not exceeding $20,000 for each offense, and every officer, agent, and employé of any such corporation or company who shall demand or receive rates in excess thereof, or shall in any manner violate the provisions of this section, shall be fined not exceeding $5,000, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said commission shall be deemed conclusively just and reasonable, and in any action against such corporation and company by damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said commission shall report to the governor annually their proceedings and such other facts as may be deemed important. Nothing in the section shall prevent individuals from maintaining actions against any such companies. The Legislature may, in addition to any penalties herein described, enforce their article by forfeiture of charter or otherwise, and may confer such power on commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power by two-thirds vote of all the members elected by each house to remove any one or more of said commissioners from office for dereliction of duty, or corruption, or incompetency; and whenever from any cause a vacancy in office shall occur in said commission, the governor shall fill the same by appointment of a qualified person thereto, who shall hold the office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

APPENDIX D.

The time-card issued by the Union Pacific Railroad Company gives all the main stations along the line both of the Union and Central Pacific Railroads from Omaha to San Francisco, together with the distance of each from Omaha and elevation above sea-level. In this alone there is conclusive evidence to the mind of any one at all personally familiar with the route that the line from Reno, at the eastern foot of Sierra Nevadas, to Ogden, and especially in the State of Nevada, was built almost entirely without grading, cutting, or embanking. In other words, it was built without any attempt to make a regular grade, the rail being laid on the surface of the country.

Reno, Nev., is 4,497 feet above the sea-level, and from there I start the table.

The first column shows the station from which the comparison is made.

The second column the station where the comparison ends.

The third, altitude of last station made.

The fourth, distance in miles between the two stations named.

The fifth, increase in altitude between first station and last station on same line.

The sixth, decrease in altitude between the two stations named.

The seventh, average increase or decrease per mile (of altitude), which is presumed to show the grade per mile.

From—	To—	Altitude of last station.	Distance.	Difference in altitude. Increase.	Decrease.	
		Feet.	Miles.	Feet.	Feet.	Feet.
Reno	Wadsworth	4,077	34	.....	420	12⅓
Wadsworth	Mirage	4,277	26	200	.....	7⅞
Mirage	Granite Point	3,918	28	.....	359	12¾
Granite Point	Humboldt	4,236	42	318	.....	7⅝
Humboldt	Mill City	4,226	11	.....	10	⅞
Mill City	Winnemucca	4,332	29	106	.....	3⅔
Winnemucca	Golconda	4,385	16	53	.....	3⅓
Golconda	Stone House	4,422	24	37	.....	1½
Stone House	Battle Mountain	4,511	30	111	.....	3⅝
Battle Mountain	Be-o-wa-we	4,695	33	184	.....	5⅝
Be-o-wa-we	Palisade	4,841	18	146	.....	8⅛
Palisade	Carlin	4,897	9	46	.....	5⅛
Carlin	Elko	5,063	23	166	.....	7⅕
Elko	Halleck	5,230	24	167	.....	7
Halleck	Deeth	5,340	13	110	.....	8⅓
Deeth	Wells	5,629	20	289	.....	14⅖
Wells	Independence	6,007	15	378	.....	25⅕
Independence	Toano	5,973	21	.....	34	1⅔
Toano	Tacoma	4,812	26	.....	1,161	44⅔
			438	2,311	1,984	

Miles of track Reno, Nev., to Tacoma Station, 438.

	Feet.
Difference in altitude increases between stations, total	2,311
Decreases between stations, total	1,984
Total for 438 miles	4,295

Highest grade from station to station, as shown by above table, 44⅔ feet per mile; lowest, $\frac{11}{16}$ of a foot per mile; average, 9⅞ feet per mile.

APPENDIX E.

The following is the twenty-first section of the constitution of California, providing against the short-haul extortion. It was fully discussed in the recent California constitutional convention, and there adopted (and afterward by popular vote) by a large majority:

"No discrimination in charges or facilities for transportation shall be made by any railroad or transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port *at charges not exceeding the charges for the transportation of persons and property of the same class in the same direction, to any more distant station, port, or landing.* Excursion and commutation tickets may be issued at special rates."

APPENDIX F 1.

Stock, bonds, and mileage of principal railroads in the United States at the present time.

Company.	Miles.	Stock.	Bonds.	Stocks and bonds per mile.
Atchison, Topeka and Santa Fé	1,820	$56,913,000	$42,542,996	$54,646
Central of New Jersey	530	18,563,200	62,237,000	152,543
Central Pacific	1,215	59,275,500	82,054,680	93,394
Chesapeake and Ohio	521	32,818,110	32,528,500	125,425
Chicago and Alton	850	17,660,572	11,423,400	34,216
Chicago, Burlington and Quincy	3,998	79,055,000	85,030,186	41,041
Chicago and Northwestern	4,181	63,700,321	93,169,820	37,519
Chicago, Rock Island and Pacific	1,381	41,960,000	17,500,000	43,055
Chicago, Milwaukee and Saint Paul	4,760	47,445,244	102,727,000	31,548
Chicago, Saint Paul, Minneapolis and Omaha	1,280	31,916,700	21,636,800	41,823
Cleveland, Columbus, Cincinnati and Indianapolis	391	14,991,600	8,227,162	59,383
Delaware and Hudson	149	23,500,000	18,763,000	199,353
Delaware, Lackawanna and Western	887	26,200,000	.....	80,798
Illinois Central	2,607	39,000,000	17,996,000	28,398
Indianapolis, Bloomington and Western	344	10,000,000	14,137,300	70,166
Lake Shore	1,340	59,000,000	46,141,000	71,747
Long Island	182	10,000,000	5,394,019	84,582
Louisville and Nashville	2,065	25,000,000	74,530,962	48,199

Name of road.	Capital stock.	Bonded debt.	Stock and bonds per mile.	Miles of road.
Michigan Central	$18,738,204	$22,630,000	$126,120	284
Missouri Pacific	29,962,125	26,859,000	57,431	990
New York Central	89,428,300	49,997,233	140,408	993
New York, Lake Erie and Western	85,284,600	75,267,137	123,883	1,296
New York, New Haven and Hartford	15,500,000	5,000,000	79,766	257
Norfolk and Western	21,975,000	15,284,600	74,521	503
Northern Pacific	88,807,000	70,836,650	68,457	2,332
Pennsylvania	92,619,750	56,770,150	113,690	1,314
Philadelphia and Reading	34,734,675	124,363,685	170,706	932
Richmond and Danville	5,000,000	9,598,600	19,428	756
Saint Louis and San Francisco	25,000,000	24,102,000	63,275	776
Saint Paul, Minneapolis and Manitoba	20,000,000	33,518,000	44,498	1,203
Texas Pacific	32,161,900	43,283,139	50,736	1,418
Union Pacific	60,868,500	136,863,653	82,595	1,819

In some of the above the total debt does not show alone the cost of the road, as, for example, Delaware and Hudson has large amounts of coal lands.

APPENDIX F 2.

In the estimates of cost per mile of the Central Pacific, Union Pacific, and other roads the calculations have been for construction alone, and does not include railway stock, &c. The following letter is from the New York Times of December 31, 1884, and is instructive as to actual cost of railroad construction:

"THE MEXICAN NATIONAL RAILWAY.

"*To the Editor of the New York Times:*

"In your issue of 26th instant, a New Orleans correspondent charges extravagance in the construction of this road, alleging that it has cost $90,000 a mile to build road involving no difficulty or exceptional element of cost. This is so wide a misstatement of fact that I venture to ask a correction.

"In point of fact, $90,000 per mile is more than four times the cost of the construction and equipment of this road. The building being done in a foreign country has involved exceptional elements of cost, and much of it has been through a mountainous region, and in ascending the plateau from the level of the sea. Notwithstanding it is being built and equipped at an average cost of not exceeding $20,000 per mile—the original estimate. There are to-day nine hundred and ten miles constructed which have been built at a cash cost—leaving out rolling-stock and interest during construction—of $18,596,857, being $20,436 per mile, or $23,000 per mile including rolling-stock.

"This includes organizing the whole system, and the building of the most expensive section of the northern and southern ends, including one division from the City of Mexico to Tolnca—forty-six miles—crossing a mountain range at 10,000 feet above the level of the ocean, which cost about $75,000 per mile.

"There are also five hundred miles additional surveyed, located, and partially constructed. This mileage is to complete the link of three hundred and sixty-nine miles in the through line from the United States to the City of Mexico, and to finish one or two short branches to coal-mines and forests. Detailed estimates made by the best engineers show that this five hundred miles can be completed at an additional cost of $5,360,000, making, say, 1,400 miles, costing $23,956,857, or an average of $17,112 per mile. These five hundred miles can doubtless be built within the estimate above given if construction were entered on now, since labor and materials are cheaper than they were when these estimates were made, and the whole could be finished within nine months.

"When these 1,400 miles—the present 910 miles built and the 500 needed to complete the through line from the City of Mexico to the United States and round out the system—are finished they will have cost, including equipment, not over $20,000 per mile. For this the owners would have a property of superior solidity and excellence of construction. It is, I believe, the judgment of every railroad man who has visited that country that the American roads in Mexico built under the supervision of the Government and up to a standard required in their concessions are of a character heavier than those of the average railway in the United States.

"WILLIAM J. PALMER, *President.*

"NEW YORK, *Tuesday, December* 30, 1884."

APPENDIX G.

Says Mr. F. B. Thurber, of New York city, one of the leading grocery merchants of the world, in a recent communication:

"At this very moment coal combinations are laying an unjust tax of from one to three dollars per ton upon the coal consumers of this country; an oil monopoly exists which lays its heavy hand upon the light of the masses; both of these great monopolies were created and are fostered by the railways. The business of some communities is dwarfed, while that of others is unduly stimulated, by a disregard of the question of distance and the principle of the cost of the service; the natural currents of trade are dammed up or turned aside at the pleasure of corporate magnates, a case in point being that of the Pacific railways in accepting the bribe of the Spreckels' sugar monopoly to charge 2 cents on sugar from New York to San Francisco and but 1 cent per pound on the same article from San Francisco to New York. Instances of discrimination and favoritism by which one shipper is made rich and another poor are constantly coming to light, of which the recent case in Ohio of Schuremer, Scofield & Teagle against the Lake Shore Railroad is an illustration. In England, where railroads are operated by competing corporations, they are obliged to keep a book at every station for public inspection, giving the ruling tariffs of rates. It is natural that railways should prefer a railway commission, without laws and penalties, to guide them, just as it would be natural for the criminal classes to prefer a police force without specified laws and penalties against crime."

The farmers of the West are willing to divide with the railroads, but when it comes to giving up to the monopolies the entire proceeds of their labor they naturally object, and they are begining to think that something must be done for their own relief. It is plainly evident that the sentiment in favor of railway regulation by legislation is daily growing stronger.—*Omaha Bee*, December, 1884.

Cases can be cited by the score, and indeed hundreds, in Vermont, where the grossest discriminations are practiced between places and individuals in the same place, without the possibility of excuse. These "way freight" trains are every day delivering freight at one point at half what they charge at intermediate points, where the traffic is fully as large. It is not a question oftentimes of what they can afford to do, but of "what the traffic will bear" or what they have got to do in competition with other roads. The result is that nearly every town which is not lucky enough to have two roads competing for its patronage is bled unmercifully and unrelentingly, its prosperity throttled, its old industries driven away and new ones prevented from locating there. And it is all done really by the delegated authority of the State.—*Bennington* (Vt.) *Reformer.*

Every quarter of a cent decline in the price of wheat means a loss in the marketable value of the wheat crop of the country of $1,000,000, and within a few days the money value of the wheat crop has decreased well on to $20,000,000. But railroad rates remain substantially the same as a year ago, when wheat fetched $1 a bushel in Chicago, and in many cases, as we have shown, they are higher than they were. The papers are full of accounts of "pool" meetings to "restore rates temporarily cut by railroad wars," but there is never any meeting to "restore" the local rates between stations and non-competitive points, for these have never been let down. When the railroads have had good years they have doubled their stock, as the Rock Island did a few years ago, or they have accumulated a surplus like that of the Northwestern, which now amounts to $30,000,000, or they have stretched half way across the continent, like the Burlington.

When there come bad years, like these now upon us, the roads insist that the poor farmer shall still continue to make good all this pile of Wall-street fictions. He must go on paying dividends on the capitalization of all the locomotives, cars, and rails the roads ever had, although a large part of them have long since been worn out. The very repairs—made perhaps ten years ago—figure in the volume of the capital stock and clamor for dividends as loudly as the bogus stocks and bonds which have been created by construction frauds and Wall-street watering for the benefit of the managers. * * * Wall street has planted itself on what it fondly believed to be its impregnable power to extort what it wanted. "Only over our roads and on our terms shall you market your products."—*Chicago Tribune*, December, 1884.

Signs are cropping out in many quarters of the West of a spirit among the farmers that may give the railroads trouble. We hear from many sources reports that a sense of great irritation is spreading among the farmers. The low prices they receive for their stuff are giving a keener edge to abuses of which they have long been conscious, but which they have tolerated in the easy good-humor of their past prosperity. When the farmer received a dollar for every bushel of wheat he took to town, the fact that the only place at which he could sell his wagon-load was at the solitary elevator by the side of the track did not disturb him. He did not care that railroad rates were high—no harm to him, who was doing so well, if the railroads, too, did well. But when he receives only 48 cents a bushel in Dakota for No. 1 hard wheat, or 35 cents a bushel in Kansas, he sees a significance that before escaped him in several of the circumstances of the sale. If there was not a monopoly of the elevator business, and two buyers instead of one were bidding for his wheat, he might get a few cents a bushel more. If railroad rates were lower the price of wheat would be higher. The conviction grows on him that the railroad and the elevator are taking an unfair advantage of their "monopoly," and the conviction deepens into discontent, which, however unreasonably, threatens railroads generally with the resentment that should be aimed only at railroad abuses.

That there is such a feeling springing up among the Western farmers can not be doubted. The Omaha Bee declares that the people of Nebraska are in a state bordering on revolt. It prints entire an appeal issued by farmers to farmers of the sangriest tone. It begins with this not propitiatory invocation: "Farmers! Shall we suffer the curse of cross slavery forever? Are you cowards? Dare you not speak like men?" This is not an emanation, the Bee declares, from political mountebanks, but voices the sentiment of every farmer who has settled on the soil of Nebraska.

There is no lack of substantial grievances. The railroads have by special rates, special facilities, and other contrivances put the business of buying grain along their lines into the hands of monopolies. A single company or firm sometimes owns all the elevators along a railroad. What these elevators choose to pay the farmer must take. Then, while everything else has gone down, railroad rates are as high as ever, and in some cases higher. The pronunciamento from which we have quoted gives an instance: "But a short time ago," it says, "the Burlington and Missouri River road could carry corn to Chicago for 30 cents a hundred pounds. Now it wants 35 cents. What does this mean? It means just this: 'How much will you stand?'"

The Bee vouches for the fact that freight rates in parts of Nebraska are higher than they were in 1879. The people of Butler and Polk Counties alone could have saved $200,000 if their wheat and corn had been carried this year at the rates of 1879. In the case of a cattle shipment it mentions the rate in Nebraska was $42.85 per car for one hundred miles, while the same shipment was charged on its way through Iowa and Illinois but $9 per car for one hundred miles.

The chances that these extortions and inequalities will be heard from at the coming sessions of the Western Legislatures are exceedingly good. The Union Pacific makes a slight bend to the storm by reducing its rates, as just announced, 5 cents per one hundred pounds on grain. This is the right kind of policy, though not the right amount. A road which can sell and deliver for $6 a ton in Omaha coal which it has mined at Rock Springs, Wyoming, and has hauled eight hundred miles, can reduce its grain rates still more. One prominent railroad manager in the Northwest is reported to us to have adopted a different policy. He sees the coming storm, but instead of abating the abuses he is buying up Legislatures. He prefers to rely on the venality of a few men rather than to win the good-will of the people. Wise railroad men should heed the portents of public anger and put their houses in order. They must not only do something, but they must do the right thing. Corrupting Legislatures is but putting off the evil day and fattening a monster that will some day devour them. The only safe policy is to reduce rates, abolish discriminations, treat all alike, and build their prosperity on the good-will of the community.—*Chicago Tribune*, December, 1884.

One of the principal mining men of Utah recently declared that "with the present low rates for lead and high rates of transportation, we might as well turn our ores right over to the railroad companies." This was by no means an exaggerated statement of the condition of affairs in Utah, and matters have long been worse in Nevada. Hundreds of good mines, adjacent to the line of the Central Pacific Railroad Company, are idle to-day, as they have been for years, because the rates charged for transporting the ores to San Francisco, Salt Lake, or other points where facilities for reduction could be obtained, were too high to leave the mine owner any adequate compensation for his toil and risk in prospecting for ore, extracting it from the mine and hauling it to the railroad. The railroad will not fix a price per ton for hauling ores; it must have a percentage—"all that the goods will bear." The miner will be allowed enough to live upon, but the railroad must take the lion's share of the profit.

It is the tribute of the Turkish serf to the Sultan that the railroad barons have demanded and exacted, but a great change has come over the spirit of the American people of late. Its first manifestation was in the dethronement of the Republican party, which had become the subservient tool—the willing, obsequious slave—of the railway lords. Its culmination will be, let us hope, in stern but just legislation in the States and in Congress, and honest administration by the Democratic party of laws which shall deal out equal justice to the people and to the railroads.—*Virginia* (Nev.) *Chronicle*, December, 1884.

APPENDIX I.

The following will show list of roads owned by the Central Pacific or the Union Pacific—Stanford, Crocker, Huntington, Gould & Co.—or in which a portion of the directors are the same:

THE UNION PACIFIC SYSTEM.

1. Union Pacific. } Consolidation of Union Pacific.
2. Kansas Pacific. }
3. Denver Pacific. }
4. Julesburg Branch.
5. Omaha and Republican Valley.
6. Omaha and Nebraska and Black Hills.
7. Saint Joseph and Western.
8. Marysville and Blue Valley.
9. Echo and Park City.
10. Utah and Northern.
11. Colorado Central.
12. Denver, South Park and Pacific.
13. Lawrence and Emporia.
14. Junction City and Fort Kearney.
15. Solomon Railroad.
16. Salina and Southwestern.
17. Denver and Boulder Valley.
18. Golden, Boulder and Caribou.
19. Kansas Central.
20. Salt Lake and Western.
21. Oregon Short Line.
22. Greeley, Salt Lake and Pacific.
23. Carbondale Branch.
24. Nevada Central.
25. Manhattan and Northwestern.
26. Manhattan, Albany and Burlingame.
27. Central Branch Union Pacific.

The foregoing are all run by the Union Pacific and expense charged to the Union Pacific.

These roads are all under the care of one or more of the directors of the Union Pacific. They are the Dillon and Gould roads:

28. Canada Southern.
29. Utah Central.
30. Utah and Nevada.
31. Texas and Pacific.
32. Memphis and Little Rock.
33. International and Great Western.
34. Missouri, Kansas and Texas.
35. Missouri Pacific.
36. Saint Louis Bridge Company.
37. Saint Louis, Iron Mountain and Southern.
38. Saint Louis and San Francisco.
39. Sedalia, Warsaw and Southern.
40. Saint Louis, Salem and Little Rock.
41. Chicago, Saint Paul, Minneapolis and Omaha.
42. Sioux City and Pacific.
43. Delaware, Lackawanna and Western.
44. Erie and Pittsburgh.
45. New York, New Haven and Hartford.
46. New York, Lackawanna and Western.
47. New York and New England.
48. Delaware and Hudson.
49. Central Railroad of New Jersey.
50. Manhattan Elevated.
51. Chicago and Canada Southern.
52. Michigan Central.
53. Cincinnati and Northern.
54. Cincinnati, Indianapolis, Saint Louis and Chicago.
55. Wabash, Saint Louis and Pacific.
56. Chicago and Northwestern.

THE CENTRAL PACIFIC SYSTEM.

1. Central Pacific. } Consolidated with Central Pacific.
2. California and Oregon. }
3. San Francisco and Oakland. }
4. San Francisco and Alameda. }
5. San Francisco and Bay. }
6. San Francisco, Alameda and Stockton. }
7. Western Pacific. }
8. Yuba Railroad. }
9. Marysville. }
10. San Joaquin Valley. }
11. Southern Pacific of California. }
12. San Francisco and San José. }
13. Los Angeles and San Pedro. } Consolidated with Southern Pacific
14. Southern Pacific Branch. }
15. California Southern. }
16. Santa Clara and Pajara Valley. }
17. Colorado Steam Navigation Company.
18. California Steam Navigation Company.
19. Western Development Company, small line.
20. Los Angeles and San Diego.

21. Southern Pacific of Arizona.
22. Southern Pacific of New Mexico.
23. Sacramento and Placerville.
24. Stockton and Copperopolis.
25. Los Angeles and Independence.
26. Amador Branch.
27. Berkley Branch.
28. Northern Railway.
29. San Pablo and Tulare.
30. California Pacific.
31. Galveston, Harrisburg and San Antonio.
32. Pacific Improvement Company (bridge).
33. Chesapeake and Ohio.
34. Chesapeake and Ohio and Southwestern.
35. Kentucky Central.
36. Morgan's Louisiana and Texas steamship and railroad lines.
37. Texas and New Orleans.
38. Louisiana Western Extension Company of Texas.
39. Louisiana Western Extension Company of Louisiana.
40. Louisiana Central.
41. Elizabethtown, Lexington and Big Sandy.
42. Market Street Railroad (San Francisco).
43. Potrero and Bay View Railroad (San Francisco).
44. California Street Railroad (San Francisco).

CENTRAL AND UNION COMBINED.

1. Pacific Mail Steamship Company.
2. Occidental and Oriental Steamship Company.
3. Western Union.
4. Atlantic and Pacific.

RECAPITULATION.

1. Companies merged into Union Pacific and charged in expenses	27	
2. Companies controlled by same directors as Union Pacific	29	
		56
3. Companies owned by Central Pacific	16	
4. Other companies controlled by Central Pacific under lease and owned by its directors	17	
		33
5. Controlled by Central Pacific and Union Pacific jointly		4
6. Other companies in which Huntington has a controlling interest		12
Total		105

APPENDIX K.

It is in this immense increase of fictitious capital that is to be found the cause of the general distrust which prevails. From 1879 to near the close of 1883 a most singular delusion rested upon the public as to their value, and this delusion was taken advantage of on a vast scale by able and unscrupulous adventurers. Whatever was manufactured and put afloat was seized with avidity by an eager and uninformed public. The delusion was increased and prolonged by payments on a very large scale of interest and dividends from capital. In this delusion the most loud-mouthed and unscrupulous promoters usually had the greatest success. The delusion culminated about the time of the opening of the Northern Pacific, in connection with which visionary schemes of immense magnitude had been put upon the market. Their worthlessness and the rapid decline of their securities exerted a powerful influence over the public mind, which continues unchecked to the time of writing this.

If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,757,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. *If the fictitious capital could be eliminated from their accounts their success, as investments, would have no parallel.* If to net income be added the advantages that flow from them, the result would be a matter of especial wonder. Our railroads the past year transported over 400,000,000 tons of freight. At $25 a ton the value of this freight would equal $10,000,000,000.—*Western Insurance Review.*

Says the New York Shipping List and Price Current for January 3, 1885:

"Let capitalists once become convinced that the water has been squeezed out of these railroad properties and begin to invest in them, and the liberation of the enormous accumulation of idle money in the banks will follow, and the disappearance of this evidence of the stagnation of trade will be the first tangible proof that improvement has been inaugurated."

Saratoga Monument.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 4, 1884,

On the bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument.

Mr. COX, of New York, said:

Mr. SPEAKER: Perhaps no nation known to history had so remarkable a love of monumental glory as Greece. Athens was the eye of Greece, and Greece through Athens gave refinement to what Egypt gave to her. She gave symmetry, proportion, and glory to her temples and monuments in celebration of her heroes. It was a part of her religion. Her mythology exalted her heroes into demi-gods, and her gods were made monumental and immortal in every niche of her parthenons. It was a sign and a proof of the refinement of her civilization. It was an illustration of the remark of our revered ex-Governor Seymour, quite apposite to the present occasion, that national monuments not only mark but make civilization.

When Pericles proclaimed in his oration over the dead of Marathon that the "mighty monuments of Hellenic power were witnesses for Greece to make her the wonder of succeeding ages," he but anticipated, if he did not generalize upon, the primal virtues of such monumental testimony to heroism.

But, sir, time lapses and monuments decay. Perhaps there is nothing left but the living word of history. By the elemental, and I may say chemical, dissolutions of nature new forms and new orders are made in the economies of our star. Chaos becomes cosmos, and cosmos becomes chaos.

The monument which marks a great era in this new hemisphere most conspicuous, permanent, and patriotic in our history, is that which now attracts the attention of the American Congress.

One hundred and seven years ago, upon a peculiar and lofty ground of vantage, overlooking the Hudson, now the historic spot of America, was fought the decisive battle of our Revolution. Our independence turned upon this battle as the pivot.

Men like Horatio Seymour, Hamilton Fish, George William Curtis, William L. Stone, Benson J. Lossing, and John A. Corey organized the Saratoga Monument Association, under a New York charter, to make as memorable as stone and bronze can make them, the deeds of that battle-field.

Their monument has arisen! Their structure is completed! Over one hundred and fifty feet, a classic shaft arises, upon a bluff twice that altitude, and overlooking the rare scenery of our majestic Hudson. But it is not because of the scenery—hill and dale, sparkling water, beauteous woods, ethereal vault of blue, and misty mountains of enchantment—that this locality allures and holds the vagrant vision.

This monument is the cynosure of patriotism.

New York has given its $25,000; the United States has added its thirty thousand; the good people interested in this locality have added from their private store their ten thousand; and this organization, of which I have the honor to be a trustee, now asks of you enough for the completion of its sculptural and other adornments. It asks for this object forty thousand. This sum and object the Senate has approved. Is this House less generous and patriotic?

We come with our designs consummated. We come with niches prepared for the statues of the great generals of that day and of that conflict. We come with tablets in bronze, almost ready for their places. We come to ask you to engrave, by word and allegory, legends of beauty and inspiration, that will perpetuate the fame of the Schuylers, the Gateses, the Morgans, and I was about to say the Benedict Arnolds, who fought in that grand and decisive struggle.

There was an almost bitter rivalry between the generals of that Army. Bancroft detracts from the encomium due our officers. He praises the battle as that of "the husbandmen." He is not backward in giving to the negro a good share of the credit; but no history is just which fails to lift above mere local fame the names of such of the New England and Continental heroes as Cilley, Scammel, Livingston, Cook, Colburn, and Dearborn. They form a part of that gallaxy in whose honor the Saratoga shaft points starward.

How much, Mr. Speaker, depended upon the embattled courage and skill of that perilous hour! How wide and far-reaching are the results! How much of general interest hangs upon the events of that 17th of October, 1777, when Burgoyne surrendered upon these Saratoga plains and hills! The capital chapter, sir, of that Revolution, illumined with the prudence and valor of Washington, Greene, Knox, Wayne, La Fayette, Kosciusko, Steuben, Pulaski—men of every clime and race—here received a fitting and glorious *finale*. That army which left the shores of England with so much prestige and pride, proclaiming with supercilious vaunting its unjust and tyrannic insolence of control, heralding its audacious approach and its successful maneuvers and movements by the whoops of the "hell-hounds of savage warfare," marking its march, flanked by tory and Indian allies, in the consternation and desperation of the people of the colony and city of New York, was here discomfited, first upon the 7th of October, and ten days afterward by its humiliating capitulation!

The centuries come and go, but such deeds live forever. They live because they are mementoes of noble thought. Such thoughts are only not divine. The seminal and grand idea of Saratoga is independence. These men fought not for liberty. They never lost their liberties. They fought because their liberties, their English and colonial privileges, their God-given rights and their natural and just demands against a foreign foe and a despicable tyrant were disregarded and outraged.

Saratoga was the wand that "smote the rock of the national resources." It was the magic that revived the "dead corpse of public credit."

When the smoke of this struggle floated away from the Bemus Heights and hills around Schuylerville, the cloud of financial distress and of military gloom which shrouded the United Clonies and their Congress and armies parted. Through its rift appeared that blessed goddess which always appears, at least, in Homeric imagination, to give grace and glory to the struggles of heroic men.

This battle had more than usual significance. It led to the French alliance. It made possible, a hundred years afterward, through French art and genius, that lofty effigy for New York Harbor, of Liberty lifting up her torch, beckoning and illuminating all mankind by its radiancy.

The State of New York, which asks for this contribution from the Federal Treasury, has not been laggard in its own efforts to perpetuate Revolutionary memories. The final departure of the British troops from America, and the erection of a statue of Washington upon the spot where he took the oath of office as President, as well as another event already made memorable by a tablet at the Battery, where Washington bade farewell to his officers to surrender his commission and retire to his home, have been celebrated by the munificence and thoughtfulness of New York citizens.

But the event at Saratoga dominates all. It is full-orbed in splendor! It marks something that belongs not merely to the century gone by or to England and America, but to all ages and to mankind. The surrender at Saratoga was not merely the surrender of Burgoyne and his army; it was the surrender of a distant and haughty prince and an obsequious and corrupt Parliament to thirteen weak and remote colonies. It was the most conspicuous step in that grand march of events, so extraordinary and unexpected, that the English historian of our Revolution, Stedman, says that they bade "defiance to all human foresight," and which found their consummation at Yorktown. It was the flower of that fruit which gave us our matchless Constitution. It was a surrender, in advance, of this hemisphere to democratic-republican autonomy, in which public and personal, local and national, liberties are guarded with vestal vigilance under written charters, and where in the course of one century after the auspicious event nearly sixty millions of enfranchised people are encircled by a zone of felicities unexampled in the annals of mankind, and who, rising up, call the men of that day, that tried sinew and soul, blessed beyond most martial and civic heroes who have glorified our planet!

Internal Taxes on Tobacco.

SPEECH

OF

HON. JOHN V. L. FINDLAY,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) relating to duties on tobacco.

Mr. FINDLAY said:

Mr. SPEAKER: There are three propositions covered by this bill:

First, to repeal all taxes upon tobacco in any of its forms, and also the special taxes levied by way of license upon the business of dealing in tobacco and its products.

Second, to repeal the taxes upon distilled spirits so far as the same are used in manufactures and in the arts.

Third, to repeal the taxes upon brandy distilled from fruits.

The first two propositions have my cordial assent. I regard the tobacco tax as a burden, not so much upon the luxuries of the rich as upon the necessities of the poor. The vast bulk of it is paid by men who literally earn their bread by the sweat of their brows. The manufacturers of this product, particularly in the form of cigars, are hampered by restrictions which render the conduct of the business by men of small means exceedingly difficult, and to such as are without capital impossible. In this way an ordinary source of livelihood has been closed to hundreds who before the imposition of the tax earned an honest and secure subsistence by engaging in this manufacture.

The machinery for the collection of the tax has in more than one instance been oppressively set in motion so as to grind the face of the poor and destroy the weak in the interest of the rich and powerful. I am opposed to the tax itself and the modes by which it is collected, and, other things being equal, nothing would induce me to withhold my vote from a proposition for its repeal except an absolute necessity for revenue to meet the expenditures of the Government. The second proposition also meets my approval. It has been stated upon good authority that one-half of the alcohol made in the country is consumed in the arts; and as the bent of our present economic investigation seems to be the discovery of the means by which the cost of domestic manufactures may be diminished so as to give us a living chance in the markets of the world, I would favor any just measure which would place our manufactures upon a competing basis with the products of other countries.

There can be no justification for maintaining this or any other tax, except the requirements for revenue, and as there seems to be a concession underlying all these discussions, that the tax is not needed for revenue purposes, I can see no reason why it should not be abolished. I desire to say in passing, however, that it is by no means clear to my mind that the Treasury is in that plethoric condition which is made the subject of boast by one party and of reproach by the other. As I read the Secretary of the Treasury's report, there would have been a surplus of about $103,000,000 during the last fiscal year if there had been no debt to pay and none to provide for.

In point of fact, however, there was $46,000,000 in round numbers required for the sinking fund and $57,000,000 more actually applied in the redemption of the public debt, so that at the end of the year there was no surplus. The public debt bearing interest has been reduced, I believe, to somewhere in the neighborhood of $1,196,000,000, but as long as this amount is outstanding, to say nothing of the non-interest-bearing debt, some $636,000,000 more, I can not exactly see by what argument the theory of a surplus can be maintained, particularly when we add to this enormous sum a pension charge of about $60,000,000 per annum, which capitalized at 3 per cent. would equal $2,000,000,000 more. I understand, of course, that the contention is that as the national banking system is founded upon the public debt, and is very generally by most sensible people recognized as the safest and most beneficent system of banking the country has ever enjoyed, it would be unwise to nibble away the foundation by the redemption of Government bonds deposited to secure circulation. But this argument is by no means satisfactory to my mind.

Sooner or later, if the public debt is ever to be paid, this foundation must be swept away. It is not bed-rock, but the shifting sand, and all contrivances which attempt to evade or avoid the consequences of this fundamental weakness in the system will prove but temporary props to help us over a present difficulty. Still, for the sake of relieving our manufacturers and affording them every opportunity for competition, I would vote to remove the tax on spirits to the extent of their consumption in the arts. But both these propositions for the relief of tobacco and spirits are combined in the bill with a third, so extraordinary in itself and so inconsistent with the proposed relief to spirits as to impeach the good faith of any one less sincere and candid than the honorable gentleman from New York who stands sponsor for this measure. I allude to the third provision of the bill which proposes to exonerate brandy distilled from fruits altogether from the excise tax. It must be perfectly obvious at first sight that this free brandy, metamorphosed by ingenious transmutation into every species of beverage which the average American palate craves, would just as certainly drive out and supplant the old and tax-ridden brands of bourbon and rye as a debased circulating medium drives out honest money.

The business would become so profitable that grain grown for distillation would measurably cease, and in its stead farmers would go into the business of apple, peach, and grape culture. The increase of the brandy product would keep on until it finally secured full possession of the markets, and in a very short time the tax obtained from whisky would be so inconsiderable as scarcely to be worth the collecting. There is an irrepressible conflict between free and taxed spirits, in which the free by the natural laws of trade will inevitably get the better of the taxed.

But in addition to the loss of revenue to the Government a great injury would be inflicted upon the distiller of spirits from grain. It is just that kind of an injury which a government in the exercise of the taxing power should be careful not to inflict. This is a power which can only be legally exercised by methods which contemplate approximate equality. The Government has a right to go into the people's pockets and take from all alike, but it has no right to empty one man's pocket while it refuses to touch, let alone fill, another's.

There was a great deal said on a recent occasion somewhat famous in the discussions of this body about the iniquity of levying taxes upon the people for the support of the manufacturing interests of the country to the prejudice of the general consumer. But what representation of this alleged monopoly, however grossly exaggerated, can equal the picture of the Government freeing one class of its citizens entirely from a tax to which another class is subjected. Alcoholic liquor derived from the peach, presumably only to be used as a beverage, is to be freed from the tax, while the same article precisely, with the difference that it may be used also in the arts, is to pay at the rate of 90 cents on the gallon, and all this, too, in a bill the object of which seems to be to tax alcoholic beverages and to exempt alcohol when it takes other channels of consumption.

If the argument against its legality rested upon general principles alone, I do not think it could be successfully assailed. But, fortunately for the grower of grain and the distiller of that product, there is an old-fashioned instrument known as the Constitution of the United States which has, if I mistake not, an important bearing upon this subject. I have not the instrument before me, but one of its clauses after providing for the levy of the excise requires that it shall be uniform. To exempt alcoholic liquor distilled from fruits and to tax the same substance distilled from grain would not, in my opinion, be an uniform excise within the meaning of this requirement of the Constitution.

It would be to except one class of manufacturers from the operation of a burden which the framers of the Constitution intended to operate alike upon all persons embraced in the same class. It will not satisfy this rule of uniformity to group distillers of fruit brandy into one class and distillers of spirits from grain into another, and then claim that a uniform exemption of one class and a uniform taxation of the other, making no exception, either as to exemption or taxation, among the members of the respective classes, is all that the Constitution requires.

The classification itself is vicious and can not be maintained. The tax on distilled spirits is levied upon the proof and not on the wine gallon, and the reason of this is that a uniform tax could not be justly levied upon the mere liquid measure as the unit of valuation. The value of the spirits is tested by their strength, and not by mere quantity, and therefore a certain volume of alcoholic liquor, to be determined by a prescribed method, was made the standard of taxable value. The present rate is 90 cents on the proof-gallon, and every gallon of spirits containing the prescribed quantity of alcoholic liquor is subject to this tax.

If a distiller of brandy produces this taxable kind of alcoholic liquor, it matters not from what substance, he puts himself at once in that class of persons who are engaged in the manufacture of an article subject to a specific tax. To exempt him is to say that one man producing alcoholic liquor from one substance shall pay a tax, and another man producing identically the same article from a different substance shall be exonerated. Paper is produced from a variety of substances. Suppose there was an excise upon paper—as there once was, I believe—could this tax be sustained as uniform if paper made out of rags, for instance, was subjected to the tax, and paper out of wood exempted? If such a tax could be upheld as uniform, it might well be asked what is the meaning of this clause of the Constitution. Unless you give it the meaning which I am seeking to attach to it, it seems to me that it is without significance, a dead letter, and void.

It was put in the Constitution for the purpose of preventing unjust discriminations in the exercise of the taxing power, and if it is possible to invent a discrimination which has in it more of the elements of injustice than this I am at a loss to conceive what it would be. For these reasons, as the bill can not be amended so as to cover what I approve in it without embracing also what is manifestly unreasonable and unjust, I shall be reluctantly compelled to record my vote in the negative.

Department of Agriculture.

SPEECH

OF

HON. ORLANDO B. POTTER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, December 15, 1884.

The House having under consideration the bill (H. R. 1457) to establish a department of agriculture—

Mr. POTTER said:

Mr. SPEAKER: I claim to have as much interest in farming and in farms as any member on the floor. I was born on a farm, and reared on a farm, and practiced farming in my early manhood, and have returned to it now in mature years as a comfort and a business in which I delight.

But, sir, I have seen, with sorrow, a growing tendency of the General Government to take charge of all domestic affairs and concerns of the people of the several States. If there is anything that is of domestic concern, if there is anything which pertains to self-government of the people at home, it is agriculture. It has been carried forward to the high position it occupies in this country by competition of free and ambitious States rivaling each other in this noble work. It seems at last to have come to this, that the farmers are to be encouraged to come to Washington to get the seeds which they are to sow upon their farms, and be taught what breed of cattle they are to raise, and to learn those other things which can be learned better at their own firesides under the neighborhood rivalry of domestic life, where agriculture has its best stimulus and its greatest reward.

As was said, Mr. Speaker, by one much wiser than myself, when the farmers of this land shall have to make pilgrimages to Washington, either personally or through their representatives, or shall need to come here to be taught how, in their various latitudes and longitudes and climates, they are to carry on this great but domestic work of agriculture, its decadence and decay will have commenced.

To my mind, sir, unless we are to depart from the great purpose of this General Government, which was to secure local self-government to all the people of all the States, and are to deliver over to a central government at Washington legislative control of the domestic affairs of the people of the States, we should reject this bill. I hope, sir, that we will go no further in this direction.

There is nothing that the Commissioner of Agriculture can teach in reference to agriculture which our people do not know and which they can not practice for themselves.

This bill proposes no practical way in which to increase the knowledge of agriculture or advance progress in agriculture. It simply proposes to make another Cabinet office, to usurp by the General Government what belongs to the people of these United States. That is all it can accomplish.

[Here the hammer fell].

Saratoga Monument.

SPEECH

OF

HON. EDWARD WEMPLE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 4, 1884,

On the bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument.

Mr. WEMPLE said:

Mr. SPEAKER: The Saratoga Monument Association is incorporated under perpetual charter by the State of New York. This association is composed of patriotic citizens from many States of our Union. Hon. John H. Starin, of New York city, is its president, and among the list of trustees are such men as Horatio Seymour, Hamilton Fish, William L. Stone, Benson J. Lossing, George William Curtis, and others, of New York; General Kirke, of South Carolina; General Rodgers, of Rhode Island; Giles B. Slocum, of Michigan; and E. B. Canning, of Massachusetts.

This association has acquired title to four acres of land within the line of Burgoyne's intrenchments, overlooking the field of surrender, and have erected thereon a beautiful monumental shaft one hundred and fifty-five feet high. The exterior walls of this granite monument are now finished.

The board of trustees have most judiciously and economically expended the money intrusted to them. The structure has so far cost $65,000, $30,000 of which was appropriated by the General Government, $25,000 by the State of New York, and $10,000 were raised by private subscription. They have now to show for this a most handsome and artistic monument. It will require about $75,000 to finish this monument as desired.

This bill appropriates $40,000. If the General Government will give this amount we are assured that the State of New York will again contribute twenty-five thousand, and the board of trustees pledge themselves to again raise by private subscription the sum of ten thousand. With this amount they intend to place in the outside niches on three sides statues of General Schuyler, General Gates, and General Morgan. The fourth niche being left unfilled, with the name of Arnold engraved underneath.

On the interior of this monument they intend to place bronze historical tablets commemorative of incidents of the Revolution. Many interesting incidents will also be described in terra-cotta tablets, as the parties having this matter in charge find that they will be unable to raise money sufficient to have them placed in bronze.

Hon. Andrew D. White says of this part of the monument now completed:

Having traveled much over the world and seen many monuments erected in honor of distinguished men and in commemoration of noted events, I have difficulty in recalling one more interesting than that of the Saratoga monument. It presents in its intended sculptural decorations one of the best ideas ever embodied in a similar structure, namely: statues of the three generals who served their country at a most critical period of its history, leaving vacant a niche where would have been the statue of the fourth had he not become a traitor to his country.

For the past several years much interest has been awakened in the State of New York in our Colonial and Revolutionary history by holding centennial celebrations commemorative of these important events, and our patriotic citizens have with liberal hand erected many monuments marking these historical spots, and have for none of these asked any aid from the General Government; but the battle of Saratoga is characterized as one of the fifteen decisive battles of the world. It changed the nature of the war of the Revolution and secured for us the alliance of France.

"Here rebellion was made revolution, and the darkened hopes and drooping energies of the American Army revived. Until then the Declaration of Independence was but a declaration, a patriotic purpose, asserted in bold words by brave men, but on this ground it was made a fact by virtue of armed force."

Here the royal standard of Britain was lowered to the American flag; on this spot American independence was made a great fact in the history of nations. Therefore I trust there will not be one objection on this floor to the passage of this bill, which is for so patriotic and meritorious an object.

American Zollverein or Customs-Union of America—The most effectual Means for Securing Extension of our Commerce with Mexico, Central and South America, and to Rebuild our Merchant Marine.

SPEECH

OF

HON. RICHARD W. TOWNSHEND,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 10, 1885.

The House having under consideration the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes—

Mr. TOWNSHEND said:

Mr. SPEAKER: I send to the Clerk's desk a proposition which I intend to offer as an amendment to this bill. It is a copy of a joint resolution introduced by myself in this House January 7, 1884, about one year ago.

The Clerk read as follows:

That the President of the United States be, and he is hereby, requested to invite the co-operation of the governments of the American nations in securing the establishment of a commercial league by and between the said nations, to be known as the "Customs Union of America," the arrangement of a common basis of import duties from other countries than those which may compose said league, and that the commercial intercourse among the people of all the American states may be freed from the payment of any customs or other dues whatever, and that a common system of weights and measures may be also established for the purpose of facilitating such intercourse.

COUNTRIES EMBRACED IN THE ZOLLVEREIN.

Mr. TOWNSHEND. This is intended to be an initial step for the formation of a commercial league or trades-union of all the independent and sovereign governments of the American continent. It does not include any of the adjacent islands, nor does it embrace any of the provinces of European governments, because I think it best in this scheme to avoid any complications with European governments or interests, and confine it exclusively to American governments. There is more likelihood of securing unity among our own people by avoiding the influence of European powers through their American provinces and thereby avoid disputes among ourselves over the tariff.

It includes only the United States, the republics of Mexico, and Central and South America, and the Brazilian Empire.

NOT POLITICAL BUT COMMERCIAL IN ITS NATURE.

This proposition is not political in its character, but purely commercial. I do not believe it to be desirable or beneficial for us to make political conquest in any quarter. The welfare of these countries can be best promoted by the continuance of their separate and independent sovereignties. The territory subject to our political power is already large enough. I would rather see our flag supplant that of England over the commerce of the seas than behold it the symbol of political sovereignty over the whole American continent. We ought not to wish to govern the Spanish-Americans, but to trade with them. They will be unfriendly whenever we approach them with a menace against their independence, but will receive us with open arms when we come with the arts of peace, to show them the way and to assist them in the development of their marvelous resources and the promotion of their prosperity.

OBJECT OF THE PROPOSITION.

This proposition it will be seen has for its aim the establishment of free commerce among these countries, with a common rate of customs duties against the products of Europeans and others. It contemplates as a basis the same principles as that of the German Zollverein, and would result in bringing about the same freedom of trade on this continent as that which exists among the States constituting our nationality. It would open to our agricultural, manufacturing, and mineral products a free market in these countries, with protection against the competition of England, France, Germany, and the remainder of the world. The American Zollverein would accomplish for the American nations what the German Zollverein has done for the German states. It would develop into vast proportions the trade of the southern countries, which is now so insignificant in proportion to their population and natural resources, for as they become acquainted with our people and observe our mode of living and attainment in arts and sciences their desires for the comforts and conveniences of life will increase.

CAUSE OF PRESENT BUSINESS DEPRESSION.

The present general depression of business, paralysis of manufacturing industries, and low prices of farm products in this country are due to the limited extent of our foreign market. We do not produce too much, but our misfortune is that we can not sell what we produce; therefore our trade has become stagnant, and unless relief is found greater distress and financial ruin will follow. Bradstreet, in December last, estimated that there were 350,000 unemployed wage-workers in the United States. Three hundred and sixteen thousand two hundred and nineteen of these are enforced idlers. It is also well known that wages have been reduced from 10 to 30 per cent.

EXTENSION OF OUR FOREIGN MARKET THE REMEDY.

Now, how can we find relief from this condition of things? Will diminution of production produce relief? It might increase prices, but it would also increase the cost of living and the number of idle hands and paupers. The surest road to relief lies in the extension of our foreign markets. We must find sale for our surplus products. Where shall we look for these markets? Not to populous and wealthy Europe. She manufactures all the goods she needs, and it is claimed at a cheaper cost than we can furnish them to her. She will take from us only what she is compelled to have—breadstuffs and provisions. But we now supply her with all the agricultural products that she is compelled to take from us.

We can not find the market we seek among the barbarians of Africa. Europe controls the small trade of the few civilized peoples found there. Where, then, can we find this market? Why, sir, it lies at our door. It is nearer to us than to any other commercial nation. It is south and west of us. For the present I will confine my attention to that south of us. It is indeed marvelous, but it is true, that other nations of less enterprise and energy, much farther away, brave the dangers of the Atlantic Ocean, come to our door, and monopolize that market. How strange it is that a prize so much coveted, and in such easy reach, goes to others. Why is it so? Perhaps it is to some extent because we have been so much absorbed in the consideration of domestic issues and local interests that the vision of American statesmanship has only at long intervals been lifted beyond our borders. Let us put aside our domestic wrangles long enough to see if we can not promote the general welfare by finding a foreign market for the fruits of our labor and the employment of our capital.

THE ZOLLVEREIN BETTER THAN RECIPROCITY TREATIES.

I am gratified that the President has taken some steps to enlarge our foreign markets by negotiating the recent reciprocity treaties; and while I am not prepared to say what course I may take with regard to those treaties in their present form, I feel convinced that the proposition which I submit for a customs-union will far more effectually accomplish the object we have in view, for the reason that under the most favored nation clauses of existing treaties between the southern and European countries the same advantages offered us can be secured by them, thereby lessening the value of the privileges which may be obtained by us by such treaties.

But, if the southern countries will enter into such a commercial union with us as I propose, we shall secure such exclusive privileges and advantages as will enable us to take away from the European countries most of their valuable commerce on this continent. It would secure freedom of intercourse and exchange with the people of these countries, while at the same time it would set up a barrier against competition from other nations. It is claimed by many that without high protective duties our manufacturers can not compete with European nations within our own borders. How, then, can we hope successfully to do so in foreign lands unless we can obtain privileges not accessible to our competitors. From this point of view it will be admitted that a method must be devised which will restrict the power of our rivals in competing with us or we shall not be able to share to any considerable extent in the trade of the world. I do not admit that tariff protection is essential to commercial success at home or abroad. I will not, however, go into that question here. But will say, as enormous tariff duties are laid to raise revenues for the support of the southern governments all can see how greatly the advantage would be in our favor if our products should enter these countries free while European products should continue to be burdened with duties.

WHAT SHALL WE GAIN FROM SUCH A UNION?

Now let us see what we would gain by such an alliance. Fairer lands are not to be found beneath the sun than those lying south of us. Nature with her bounteous hand has endowed them with her richest blessings. She has favored them with more hidden mines of wealth, luxuriant vegetation, majestic trees, luscious fruits, and greater fertility of soil than she has any other. If their population and development of resources were commensurate with the earth's surface which they cover, the states established there would be among the most powerful of the world. It is to the acquisition of such a grand field for American enterprise and commerce that my proposition points the way. It was the land of semi-civilization, learning, wealth, and commerce when our own land was steeped in barbarism, ignorance, and abject poverty. They had educated people, palaces, temples, houses, and cities when the land we occupy was peopled with savages living in wigwams and the open air.

AREA AND POPULATION OF THESE COUNTRIES.

The Bureau of Statistics of the Treasury Department has very kindly furnished me tables showing the area and population of those countries, their capitals and principal seaports, which I will append to my re-

marks. I am also indebted to that bureau for some other valuable statistics that I may use in my remarks.

From these tables it will be seen these countries cover an area of 8,118,844 square miles, and have a population according to the latest reliable data of 42,770,374. The development of the internal resources of those countries and the more frequent intercourse with our own people which this Union will secure will vastly increase their population, wealth, and importance. This was the immediate effect of the creation of the German Zollverein upon the German states. The great natural advantage which we have over European governments will be seen from an examination of the distances between our chief seaports, those of the southern countries, and England.

Their ports on the Atlantic are part of the same coast-line with New York and New Orleans, and the Pacific ports occupy the same coast-line with San Francisco. We already have a continuous railway for shipments, without breaking bulk, from our railway systems to the heart of Mexico, which might and doubtless will be extended into every country in Central and South America, whereas over four thousand miles of ocean travel separate their nearest ports from European markets. The natural advantages, with others which would flow from the establishment of this commercial union, ought to give us nearly all the trade with these countries.

WHERE THE SOUTHERN COUNTRIES BUY THEIR IMPORTS.

Let us see from whom they now buy their imports.

The statistics for 1883 show the value of the imports of merchandise into the following nations of Mexico, Central America, and South America from the United States and Great Britain and France, as follows:

Imports of merchandise into—	From United States.	From Great Britain.	From France.
Mexico	$14,370,992	$9,058,669	$5,876,582
Central America states	1,936,813	3,617,591	440,904
Colombia	6,719,787	4,947,322	4,696,574
Venezuela	2,363,211	2,288,739	961,715
Brazil	9,159,330	33,460,531	11,989,411
Uruguay	1,385,735	7,081,352	4,099,055
Argentine Republic	3,357,670	20,277,328	19,807,159
Chili	2,837,551	14,598,780	5,811,913
Peru	487,360	4,791,881	1,600,287
Total	42,598,469	100,122,193	54,783,601

The total commerce of those countries was as follows:

Imports	$331,100,599
Exports	391,294,781
Grand total	722,395,380

Of the $331,100,599 merchandise sold to those countries the share of the United States was only $42,598,469. And yet we are their closest neighbor and have easiest access to them.

THE TRADE WITH CHILI AND PERU.

But see how humiliating is the insignificant share which we have in the import trade of Chili and Peru, as compared with that of our European competitors. England imported into these countries in 1883 $19,390,661; France imported $7,412,190; their imports from the United States were only $3,324,911. England sold them nearly six times as much as we did. The disparity in the trade with Peru is absolutely astonishing. England sold to the Peruvians $4,791,881; France sold them $1,600,287; and yet, with all our boasted enterprise, we only sold our Peruvian neighbors $487,360, notwithstanding Callao (Lima) lies on the same coast-line with San Francisco, whereas England, after traversing the Atlantic Ocean and incurring the hazards of a voyage around the Horn for a distance of 11,604 miles to the same port, or via Straits of Magellan of 10,162, or else by breaking bulk and crossing the Isthmus of Panama, a distance of 5,912 miles, outstripped us by selling the Peruvians nearly ten times as much merchandise as we did.

Surely these startling figures should put every American statesman on inquiry for some way by which we may obtain at least a fair proportion of the commerce of the continent on which we live. The census of 1880 revealed to us the fact that only 2 per cent. of our manufactures reached the foreign markets. Had it not been for our farm products, which constituted over 77 per cent. of our exports, our foreign commerce and financial condition would be subjects of pity, if not, contempt, with all civilized people. With such facts staring us in the face, is it to be wondered that we have stagnation in business and distress among our people? Can anything else be expected if we lack the wisdom and enterprise to sell our surplus products to our nearest neighbors, who would unquestionably rather deal with us than with countries across the seas? Financial ruin is inevitable to the manufacturer who can not sell his wares or the farmer who can not market his products.

HOW THIS TRADE MAY BE SECURED BY US.

We have the capacity to furnish all the merchandise that goes into these countries; but while of course this can not be expected, yet if the American Zollverein is established the foregoing figures would be reversed and our trade would exceed that of combined Europe.

As I have already intimated, the reason assigned by protectionists why our trade in the southern countries is so meager is because, owing to cheaper labor and abundance of capital in Europe, we can not compete with those manufacturing nations. On the other hand, free-traders insist that our inability for successful competition arises from the high price of raw material and cost of living, occasioned by high protective-tariff duties. Now, this scheme, if adopted, would obviate the difficulties which both of these theorists claim to exist, for by establishing a common rate of duties on European products, with a free market for all American products, we would be able to undersell our foreign competitors in the southern markets.

NO SERIOUS LOSS OF REVENUE ON ACCOUNT OF THIS UNION.

No serious loss of revenue to the United States would occur, for the reason that over 83 per cent. of our imports from these countries now come to us free of duty. On the other hand, all our exports into those countries are heavily taxed at their custom-houses.

The following table will show the amount of dutiable and free imports into the United States from the nations mentioned during the year ending June 30, 1883:

Countries.	Free.	Dutiable.
Mexico	$4,211,328	$3,965,795
Central American states	4,876,506	244,809
Brazil	38,902,469	5,585,990
Colombia	4,878,285	293,170
Argentine Republic	4,885,249	1,306,862
Venezuela	5,889,985	11,739
Uruguay	3,093,012	887,098
Chili	258,483	177,099
Peru	2,499,237	27,681
All other South American countries	1,600,736	1,977
Total	71,094,392	12,492,201

Our Louisiana sugar friends need not fear competition from the sugar-planters of those countries, for only $5,418,534 of sugar was imported from all those countries during that year.

Brazil sent us $44,488,958, and only took from us in exchange $9,252,894. Of the whole amount imported from that country $38,902,469 were free of duty, whereas everything sent to Brazil was heavily taxed. Not only does she tax all we send her, but she levies an export duty on all the coffee we buy from her, which constitutes $27,797,748, or nearly two-thirds of all our imports from that country. Our trade with Brazil is so greatly to our disadvantage as to make it a one-sided affair; she has the lion's share.

EFFECT OF THE ZOLLVEREIN ON COUNTRIES CONCERNED.

I believe that this union would, as in the case of the German Zollverein with Germany, stimulate the development of the resources of all the members of the union, would divert our southern republics from the tendencies to frequent revolution, and turn their attention to the cultivation of the arts of peace, and at no remote day make this the most prosperous continent known in history. It would at once infuse new life into the industries of the United States, and put in operation every silent factory, relight our forges, start every plow in the farm season, give employment to every idle hand, furnish remunerative use for every surplus dollar, and revive our industry of ship-building.

THE WAY TO REBUILD OUR MERCHANT MARINE AND NAVY.

Perhaps there is no public question of paramount importance to that of rebuilding the American merchant marine and navy. I will not dwell here upon the causes which have produced the sad condition of our ocean commerce and the humiliating position of our flag on the seas. All recognize the insignificance of our shipping interest aside from our coastwise service. It has fallen from the proud position of rivalry with the greatest maritime powers under President Van Buren to the foot of the list under President Arthur. Then over 84 per cent. of our imports and exports were carried on American bottoms, now it has fallen to 16 per cent.

Twelve lines of steamers run to Europe from the Argentine Republic, but none to the United States.

It is stated in the daily press that last year only two American vessels sailed from New York to Europe, neither of which were steamers.

We are paying now over one hundred millions annually to foreign ships for carrying our commerce. Nothing can be done, in my judgment, which will more effectually and permanently rebuild our mercantile marine than the establishment of the American customs-union.

One of the prime questions to be considered by members of the American customs-union would be the means of transit and intercourse, as between the United States and all those countries except Mexico the connection will be by water. Articles should be adopted by the zollverein assembly which would apply the benefits of the freedom of commerce and exchange only to goods carried on vessels owned by the countries forming the union. This is the only method which will secure

for us what the President in his last message expressed the hope of obtaining by reciprocity treaties, in which he says:

First, a series of reciprocal commercial treaties with the countries of America which shall foster between us and them an unhampered movement of trade. The conditions of these treaties should be the free admission of such merchandise as this country does not produce in return for the admission free or under a favored scheme of duties of our own products, the benefits of such exchange to apply only to goods carried under the flag of the parties to the contract; the removal, on both sides, from the vessels so privileged of all tonnage dues and national imposts, so that those vessels may ply unhindered between our ports and those of the other contracting parties, though without infringing on the reserved home coasting trade; the removal or reduction of burdens on the exported products of those countries coming within the benefits of the treaties, and the avoidance of the technical restrictions and penalties by which our intercourse with those countries is at present hampered.

I have already stated the reasons why I did not think exclusive advantages can be obtained by such treaties—because existing treaties between those countries and European nations entitle them under the favored-nation clauses to the same benefits and advantages that may be granted to us. But by the establishment of an American zollverein all countries outside of the verein would be excluded from the benefits and privileges I have indicated. This would give us control of the carrying trade of this hemisphere. It would revive our languishing shipping interest, and lift it from the foot of the list to the highest degree. We would eventually dethrone England's sovereignty of the seas and become the great maritime power of the world; for the great increase which that trade would give to our shipping would enable our ship-owners to compete for a fair share of trade in all the seas. It would send our flag to ports where it is now a stranger, and transport American products under an American flag on American bottoms to the markets of the world.

HOW TO REBUILD THE NAVY.

By rebuilding the American merchant marine we will lay the best foundation for rebuilding the American Navy. In the report of the Admiral of the Navy last year will be found the following observations:

I have long looked forward to the time when Congress would take some steps toward resuscitating our mercantile marine, which has long been languishing for the want of Government action in its behalf. A large number of merchant steamships would in time of war be an important adjunct to our regular naval force, for many of them would, with comparatively little alteration, make the best commerce-destroyers in the world, and also the best destroyers of commerce-destroyers.

This quotation renders any remarks of my own on this branch of the subject unnecessary.

As the German Zollverein united countries connected by land, no such immense advantages could result to the merchant marine of any of those countries as would be brought about by such a union among the American nations.

THE ZOLLVEREIN WOULD SECURE GENUINE RECIPROCITY.

An American customs-union would secure genuine reciprocity of trade and mutual advantage. It would bring to us products not adapted to our climate and which we must have in exchange for our surplus products, these, with but few exceptions, are not produced in those countries. There is a greater degree of reciprocity of trade on lines of longitude than on lines of latitude. In one case there is a similarity of products because of a similarity of climate; whereas in the other the products are different because of a difference of climate, and therefore the necessity and desire for interchange of commodities exist in the highest degree.

The Spanish-American countries have no factories of consequence. They will not, therefore, furnish competition with our manufacturers, but they will need our manufactured articles, as well as our breadstuffs and provisions, and we need their raw materials. Then let us freely trade.

ITS EFFECT ON ISTHMIAN CANAL QUESTION.

If such a league or union should be established it will be a matter of but little consequence by whose capital an isthmian canal is built, whether of France, England, or Germany, or of all united, for the community of interest among the states of the American zollverein would intensify the Monroe doctrine, and unite all the members of the union in opposition to any attempt at political or commercial dominance of any European power on this continent.

The difference of weights and measures existing between us can be equalized by the zollverein assembly.

THE MONETARY UNION AND SILVER COIN.

I see no reason why this union could not properly perform the functions contemplated by the excellent suggestion of the President in his last message for the establishment of a uniform currency basis for the countries of America, thereby utilizing the surplus productions of our mines and mints and removing all pretexts for the demonetization of silver. There is no need of the separate existence of what the President calls a "monetary union of America," for the American customs-union can carry out his idea, and by it, as he expresses it, the "output of the bullion-producing countries and the circulation of those which yield neither gold nor silver could be adjusted in conformity with the population, wealth, and commercial needs of each."

DISCRIMINATION AGAINST AMERICAN PRODUCTS IN EUROPE.

Some European countries have declared war upon the introduction of our meats and breadstuffs into Europe and have adopted measures discriminating against them. Heretofore they have based their opposition to our hog-products on the false pretense that they are affected with trichinosis, although the scientists of those countries have by the most thorough and convincing tests demonstrated the absolute falsity of the charge. In February, 1883, the German parliamentary bodies finally adopted enactments prohibiting their importation into that empire. I immediately presented to this House a joint resolution authorizing the President to adopt retaliatory measures against certain German imports; but this was done so near to the close of the then short session that it could not be reached for consideration. I presented a similar measure at the commencement of the next session applicable to other European governments which had pursued the same course, and it was referred to a committee, where it now lies, without final action. Three committees struggled for jurisdiction over that measure when it was presented; but it seems that their zeal over the question has ended.

When it is remembered that statistics show that we have in this country 47 per cent. of all the hogs in the world, I submit that our interest is large enough to deserve some protection against such unjust action.

France soon followed the course of Germany, but not content with assailing our meat product, she has restricted the importation of our breadstuff by burdensome taxation.

Emboldened by the supineness of the American Congress in the face of these outrages against our agricultural products, and the indifference manifested for the protection of these interests in the European markets, Austria is advancing to a position of open hostility to all American commerce in Europe.

EUROPEAN COALITION AGAINST AMERICAN FARM PRODUCTS.

She uses no mask of false pretenses that our merchandise is unwholesome, but openly advocates a continental coalition against the importation of any and all American farm products into Europe. To foster their agricultural interests and prevent competition from American farmers Austrian statesmen and press advocate the prohibition of our agricultural products as "the only salvation for the European peasant for the future." The Vienna Tagblatt urges as a reason for prohibition that the United States has vastly superior natural advantages in our immense area of fertile lands, capable of permanent and almost unlimited productiveness; that, having no standing army to maintain, the States do not take the working population away from the soil to make soldiers of them; our farmers are free from the immense burdens resting upon the agriculturists of Europe. "Therefore," says the Tagblatt, "American competition can only be overcome by shutting out the American from the European market." And it is asserted that the chief minister, Taaffe, is an advocate of the project.

Time will show whether the consumers in Europe will submit to a policy which will enormously enhance their cost of living, or whether discontent may not only grow into bread riots, but also to such formidable disturbances as will shatter the despotic governments guilty of making such oppressive laws. But there is enough in this movement to warn us that our domestic industries are seriously threatened. England is making considerable headway in finding new sources of supply of her breadstuffs in India, Australia, and other provinces of hers. If she should fall in with the Austrian movement, our agricultural interest will indeed reach a deplorable condition, unless we can find an outlet for our surplus in the southern and the Pacific Ocean countries. If we can control the southern markets through the agency of a zollverein, we may not only defy European combination, but we shall strike a blow against her manufacturing interest which will do her far more harm than any advantage she may gain by the prohibition of our agricultural products.

EFFECT OF THE ZOLLVEREIN IN GERMANY.

One of the most eminent living political economists has said that the German Zollverein was "the result of the highest sagacity, intelligence, and wisdom." Its wholesome and salutary action caused an immediate and marked improvement in the condition of the German states and the enlargement of their commerce. The progress of the Saxon cloth manufacturers in three years following their admission to the Union, from 1834 to 1837, is stated in an official report to have been greater than in the thirty years preceding.

PLAN OF THE GERMAN ZOLLVEREIN RECOMMENDED.

The proposition which I submit does not prescribe the terms upon which this union shall be formed. It merely authorizes the President to invite the co-operation of those governments in forming a union upon such conditions as their representatives may after due deliberation determine. There is nothing in this proposition that binds them to any conditions, but they are left perfectly free to decide whether any alliance will be desirable, and, if so, what shall be its nature. I believe they will find the plan of the German Zollverein most desirable. No doubt some of its features will be found incompatible with the institutions and conditions on this continent. All such can be modified or wholly rejected, and others substituted which may be found more suitable.

If the union is formed experience will in time, no doubt, show the need of change in the original terms of its organization, which can be made by the members of the union when their representatives assemble

at such stated periods as will be designated; for there should be annual or other regular meetings of the representatives of the nations concerned to consider the general welfare, hear complaints, adjust difficulties, and make such new enactments as may be required.

HISTORY AND NATURE OF GERMAN ZOLLVEREIN.

The German Zollverein has been tested by the experience of over sixty years. Such defects as were discovered have been remedied. Its members have during that long period sought harmoniously the utmost degree of practicability. The right and interest of all have been scrupulously guarded and respected. Each and all have derived inestimable advantages from its formation. The smallest and weakest States as well as the largest and strongest have been benefited. So successful and beneficent has been its results, that the eminent political economist McCulloch, in his great work, has declared of Prussia, who was chiefly instrumental in forming the union, that—

Next to the efforts of the Prussian Government to diffuse the blessings of education their efforts to introduce a free commercial system into Germany constitutes their best claim to the gratitude and esteem of their own subjects and of the world.

McCulloch defines the word zollverein (literally customs-union) as a compound word:

It means the association of a number of states for the establishment of a common customs law and customs line with regard to foreign countries, and the suppression of both for the intercourse of the states with each other within the border line. The compound word, however, has gained the meaning of a proper name for the German customs league.

The character of the Zollverein is described as follows by that eminent writer:

The first treaties in furtherance of this object were negotiated by Prussia with the principalities of Schwarzburg-Sondershausen and Schwarzburg-Rudolstadt, in 1818 and 1819, on the principle that there should be a perfect freedom of commerce between these countries and Prussia; that the duties on importation, exportation, and transit in Prussia and the principalities should be identical; that these should be charged along the frontier of the dominions of the contracting parties; and that each should participate in the produce of such duties in proportion to the population. All these treaties subsequently entered into have been founded on this fair and equitable principle; the only exceptions to the perfect freedom of trade in all the countries comprised within the league of tariff alliance being confined, first, to articles constituting state monopolies, as salt and cards in Prussia; second, to articles of native produce burdened with a different rate of duty on consumption in one state from what they pay in another; and third, to articles produced under patents conferring on the patentees certain privileges in the dominions of the states granting the patents. With these exceptions, which are not very important, the most perfect freedom of commerce exists among the allied states.

Since 1818, when the foundations of the alliance were laid, it has progressively extended, till it now comprises more than three-fourths of the Germanic states, exclusive of Austria. Ducal Hesse joined in the alliance in 1828, and Electoral Hesse in 1831; the Kingdoms of Bavaria, Saxony, and Wurtemberg joined it afterward, as have Baden, Nassau, and almost all the smaller states which have since been annexed to or are still nominally independent of Prussia, with the exception of Mecklenburg-Schwerin and Mecklenburg-Strelitz. * * *

Throughout the whole extent of this immense country, from Aix-la-Chapelle, on the eastern confines of the Netherlands eastward to Tilsit, on the confines of Russia, and from Stettin and Dantzig southward to Switzerland and Bohemia, there is nothing to interrupt the freedom of commerce. A commodity, whether for consumption or transit, that has once passed the frontier of the league may be subsequently conveyed, without let or hindrance, throughout its whole extent. Instead of being confined within the narrow precincts of their own territories, the products of each separate country of the alliance may be sent to every one else, so that each may apply itself in preference to those departments in which it has some natural or acquired advantage, and each has to depend for its success, not on the miserable resource of customs regulations, but on its skill and industry. The competition thence arising is most salutary, and, should the peace of Europe be preserved, we run little risk in saying that all sorts of industry will make more progress among the states comprised within the tariff alliance during the next ten years than they did during the half century previous to its being organized.

An assembly of representatives from the allied states meets annually to hear complaints, adjust difficulties, and make such new enactments as may seem to be required. The Prussian tariff has been adopted, with certain modifications. The duties are received into a common treasury, and are apportioned according to the population of each of the allied states. In addition to its other advantages, the new system has reduced the cost of collecting the duties to a mere trifle compared with its former amount, and has enabled hundreds of custom-houses and thousands of custom officers to be employed in the different departments of industry.

The discrepancy in weights and measures used in different parts of Germany occasioned considerable inconvenience, and it is important that the equalization of weights and measures, and their reduction to a common standard in all the allied states, is declared to be one of the objects of the league.

In order that the nature of the zollverein may be fully seen I will append to my remarks a translation of the more important clauses of the customs treaty of March 22, 1833, as I find it in the work I have heretofore mentioned, which clearly present the articles of that union.

WILL THE SOUTHERN COUNTRIES JOIN US IN SUCH A UNION?

It may be that some of the southern countries at first will hesitate to join us in such a league, as was the case at the beginning of the German league, but if only a few of those nations would join us at the beginning, I have no doubt all others, seeing the mutual advantages which would flow from such a union, would eventually seek admission into the alliance. This was the history of the German Zollverein. Yeates, in his work on Recent and Existing Commerce, when discussing the Zollverein, says:

Many states delayed joining, in the belief they would lose rather than gain. * * * Others did not like to merge their individuality, trivial as it was, in the convention, and were encouraged in a sort of independence by England and France.

Some who have commented upon this proposition have expressed the belief that the southern countries would not enter into such a union with us, because, as they derive most of their revenue from impost duties, the free introduction of American products would supply their markets and diminish their custom receipts to such an extent as to force them to some new method for collecting revenue. But, sir, if the plan of the German Zollverein is adopted, and we should follow the course pursued by Prussia, no such difficulty will arise. Yeates says:

Prussia made considerable sacrifices to conciliate the numerous German states whose predilections for Austria, jealousy of Prussia, or fears of self-immolation caused them to hesitate in joining the league. Thus, by the stipulation of proceeds according to population, Prussia should have received three-fourths of the tolls, but accepted five-elevenths.

The immense advantages otherwise gained by Prussia as the dominant nation in population, wealth, and industrial development fully compensated for all the sacrifices she made. The enormous advantages which would accrue to us; our superior producing power and capital, and the free introduction of our surplus products in those countries, as well as in many other ways, would undoubtedly far exceed any sacrifices we might make to induce our weaker neighbors to join us in this league. The large increase of our business resulting from our enlarged markets would cause such an increased demand for imports from other countries as would make good any loss of customs revenue by division among the other members of the union.

I shall advert to this question again and show by a comparison of facts and figures, based upon the trade statistics of all the countries which are eligible for membership in the customs league, that we shall gain more by the remission of duties upon our merchandise exported to countries in the zollverein than we shall lose upon the merchandise imported by us from them, and that both we and they shall be gainers as against the countries not admitted into the union.

Several of the southern countries by recently contracting commercial reciprocity treaties with us have manifested a strong desire to establish free commercial relations with us. When the commission authorized at the last session of Congress to gather statistics, &c., of the trade of those countries were in the City of Mexico a few weeks ago President Diaz assured the commission that his government was disposed to do everything possible to build up the trade and to facilitate the commercial relations of the two countries. He said Mexico is disposed and prepared to go as far in this direction as the Government of the United States.

The World's International Exposition at New Orleans would have been an auspicious occasion for the assemblage of such a meeting of representatives as is here contemplated, and had this proposition been adopted, as I urged in this House at the last session, time enough would have been afforded for the appointment of representatives by all the governments concerned. Even now its speedy adoption as an amendment to this bill would impress the agents and visitors from these countries to the New Orleans Exposition with its importance and practicability, and when they return to their home governments they would no doubt be largely instrumental in securing their favorable action. Some idea of the interest which they have taken in that exposition can be ascertained from the fact that Mexico appropriated $200,000 for her exhibits there, and has erected on the exposition grounds two large and magnificent buildings in the Mexican style of architecture.

But, sir, even if the representatives of those governments when they assemble should determine that it is unwise or inexpedient to establish such a union and separate without further action, much good would still result from this assemblage in directing the thoughts of the people of those lands to the benefits which will result to the general welfare by the cultivation of more intimate acquaintance and closer commercial relations than now exist.

EFFECT OF THE UNION ON OUR TRADE WITH WEST INDIES, CHINA, ETC.

The successful establishment of this union would lead to better trade relations with the West Indies and the countries bordering the Pacific Ocean, by means of which, if we do not outstrip Europe in those markets, we may at least obtain the share in that trade which our juxtaposition to those countries and our similarity of political institutions justify.

The West Indies imported	$117, 408, 154
The West Indies exported	130, 530, 540
Total	247, 938, 694
The United States sent there	33, 300, 832
The United States brought from there	88, 309, 091
	121, 609, 923

Of the $247,938,694 imported into the West Indies only $33,300,832 came from the United States.

The countries lying in and around the Pacific, facing the west coast of the United States, imported $529,553,000, of which the United States supplied the sum of only $20,497,000, or less than 4 per cent.

RICH RESULTS TO UNITED STATES.

If this Government will lead the way and secure this alliance with the southern countries we will speedily realise the rich results which will flow from the present southward tendency of material development, such as the projected routes across the isthmus connecting the two oceans, the extension of our railway system to the City of Mexico, the projected intercontinental railway through Southern Mexico and the fourteen other republics of Central and South America, the steamship lines in operation and projected from our Atlantic, Gulf, and Pacific ports to the Spanish-American ports and the countries in the Pacific.

CAN NOT BE ACCOMPLISHED BY WAR.

What we may achieve by this union can never be conquered by war. We want their friendship and trade. They can be obtained by the arts of peace, but not by the arts of war. For these purposes the pen is indeed mightier than the sword. Treat the southern countries as sisters in an American family of nations and they will follow our lead with love and pride. Such a policy will give us a position and power in the history of the world far greater and more enduring than that which Rome ever achieved by bloody conquests. Her policy provoked the hatred of the world, and she ruled it only so long as she was able to wield the sword of the world.

Peace hath her victories
No less renowned than war.

WHO WILL OPPOSE THIS PROPOSITION?

Now, who is there here that will oppose such a scheme? Will any advocate of protection do so? Surely he will not, for it extends the line of protection beyond the borders of the United States and embraces all the southern nations. It protects our manufactures not only against European competition in the United States, but also in Mexico, Central and South America. A protectionist who would oppose this proposal would advocate restrictions upon the commercial freedom among the States of this Republic.

Will any advocate of free trade oppose this proposition? Certainly he will not, for it enlarges the area of free trade and demonstrates its advantages over a restricted market.

Our farmers, mechanics, and capitalists are not afraid of competition from those southern countries. The only class who seem to hesitate moving in the direction I have indicated are politicians, who fear to grapple with new questions. Some of them are too busy in the pursuit of office to bestow attention and study upon questions broad enough to embrace a consideration of our commercial relations with the world.

This is not a partisan political question; it rises higher than partisanship; it is a question of the highest statesmanship. I am, however, convinced that the party which shows itself possessed of wisdom and progressiveness sufficient to enable it to rise above merely domestic issues and lead the way to securing our rightful share in the commerce of the world will in the future be awarded the greater glory and renown.

APPENDIX I.

Population of the capitals and principal seaports of Mexico and South America.

Capitals and seaports.	Year.	Population.
MEXICO.		
Mexico		250,000
ARGENTINE REPUBLIC.		
Buenos Ayres	1881	299,925
BOLIVIA.		
La Paz	(a)	26,000
Puerta de la Mar	1858	2,300
BRAZIL.		
Pará	(a)	20,000
Natal	(a)	10,000
Pernambuco	1872	116,671
Macayo	(a)	20,000
Bahia (San Salvador)	1872	128,929
Rio de Janeiro	1872	274,972
BRITISH GUIANA.		
Georgetown	1871	35,562
New Amsterdam	1871	5,445
CHILE.		
Santiago	(a)	150,367
Valparaiso	1874	97,575
DUTCH GUIANA.		
Paramaribo	1881	27,416
ECUADOR.		
Guayaquil	1871	22,000
FALKLAND ISLANDS.		
Stanley Harbor	1833	450
FRENCH GUIANA.		
Cayenne	1866	8,000
PARAGUAY.		
Asuncion	(a)	8,000
PERU.		
Lima	1874	101,488
Callao	1871	40,000
Islay	1870	2,000
Arica	1871	5,000
Iquique	(a)	1,000
Payta	(a)	2,000

Population of the capitals and principal seaports of Mexico and South America—Continued.

Capitals and seaports.	Year.	Population.
URUGUAY.		
Montevideo	1884	92,260
UNITED STATES OF COLOMBIA.		
Bogota	(a)	41,000
Colon (Aspinwall)	(a)	12,000
Panama	1870	18,378
Cartagena	1872	25,000
VENEZUELA.		
Caracas	1881	85,698
Cumana	1881	12,057
Puerto Cabella	1881	10,145
Maracaybo	1881	23,224
Barcelona	1873	7,647
COLOMBIA.		
Bogota	(a)	29,600
Panama	(a)	28,600

(a) Not stated.

APPENDIX II.

Statement showing the area in square miles and the number of inhabitants of Mexico, Central America, and South America, compiled from the latest and most reliable sources.

Countries.	Year.	Area.	Population.
		Sq. miles.	*Number.*
Mexico	1883	741,598	10,080,000
CENTRAL AMERICA.			
Guatemala	1880	41,830	1,224,602
Honduras	1877	47,099	351,700
San Salvador	1878	7,225	554,785
Nicaragua	1883	58,187	275,815
Costa Rica	1874	26,040	185,000
SOUTH AMERICA.			
Venezuela	1881	439,119	2,075,245
United States of Colombia	1881	504,778	4,059,689
Ecuador	1878	248,370	946,688
Peru	1878	508,380	3,374,689
Bolivia	1878	600,970	2,325,689
Chili	1882	182,790	2,224,689
Argentine Republic	1880	1,357,896	2,540,000
Uruguay	1885	72,151	935,287
Paraguay	.....	91,980	346,108
Brazil	1882	3,287,954	11,521,885
Falkland Islands	1891	7,600	1,852
		8,118,944	42,770,874

Sources of information: Johnston's Gazetteer, Almanach de Gotha, Statesman's Year Book, Whitaker's Almanack, Behmand Wagner's Population of the World, Commerce du Exterieur, Spofford's American Almanac.

APPENDIX III.

Statement showing the value of the foreign commerce (imports and exports of merchandise and specie) of Mexico, Central America, and South America.

Countries.	Year.	Imports.	Exports.	Total.
Mexico	.....	$30,271,000	$31,875,000	$62,146,000
CENTRAL AMERICA.				
Guatemala	1880	2,883,760	4,202,273	7,086,033
Costa Rica	1880	2,808,461	3,785,952	6,589,413
Honduras	1880	.....	1,805,000	1,805,000
Nicaragua	1882	3,196,900	3,820,000	7,016,900
San Salvador	1881	2,705,410	4,902,436	7,607,846
British Honduras	1883	1,311,957	1,473,917	2,785,874
Total	.....	12,906,486	19,440,478	32,346,966
SOUTH AMERICA.				
Venezuela	1876	2,908,371	3,109,737	6,018,108
United States of Colombia	1882	12,350,555	16,574,116	28,924,671
Ecuador	1882	.....	4,428,633	4,428,633
Peru	1877	19,488,351	32,008,423	51,496,774
Bolivia	1881	4,956,900	7,594,835	12,551,735
Chili	1883	49,655,720	72,716,000	122,371,000
Argentine Republic	1883	77,020,574	56,100,697	133,121,271
Uruguay	1882	18,941,777	22,920,000	41,861,767
Paraguay	1881	1,225,500	1,820,000	3,045,500
Brazil	1882	100,525,832	118,320,581	218,846,413
Falkland Islands	1883	297,591	411,582	709,173
Total	.....	287,981,111	350,979,000	637,960,413
Grand total	.....	331,159,599	391,294,781	722,305,979

APPENDIX IV.

Statement showing the quantities and values of domestic merchandise exported from the United States during the year ended June 30, 1883, to Mexico, the Central American States, the United States of Colombia, Venezuela, Brazil, Uruguay, the Argentine Republic, Chili, and Peru, respectively, compared with like exports to the same countries from the United Kingdom, France, and Germany, during the calendar year 1882.

MEXICO.

Articles.	From the United States.		From United Kingdom.	From France.	From Germany.
	Quantities.	Values.	Values.	Values.	Values.
Agricultural implements		$97,957			
Animals, living		167,071			
Beer, ale, and porter		149,103			$9,044
Breadstuffs		688,903			
Candles ... pounds	596,708	66,130			
Carriages, carts, and cars		839,386			
Coal ... tons	17,587	81,423			
Cotton, raw ... pounds	20,577,771	2,217,259			
Cotton, manufactures of		918,590	$4,176,163	$600,671	159,096
Drugs, chemicals, medicines, and dyestuffs		265,220		115,392	
Earthen, china, and glass ware		174,234		156,112	10,710
Fancy articles		104,392		477,097	
Hemp, flax, and jute manufactures, including cordage		46,123	4[illegible],593	26,551	
India-rubber and gutta-percha manufactures		57,372	107,637		3,332
Iron and steel, and manufactures of		3,772,287	3,048,526	228,176	82,586
Jewelry and other manufactures of gold and silver		52,626		145,037	183,498
Leather, and manufactures of		151,890		261,766	15,708
Oil, mineral ... gallons	1,854,434	270,918			
Ordnance stores		423,274			
Paper and stationery		180,538		a231,543	27,370
Provisions		343,965			
Quicksilver ... pounds	1,043,635	394,572			
Silk manufactures			39,034	187,417	24,276
Spirits, distilled ... gallons	36,281	27,946		172,417	
Sugar, refined ... pounds	625,714	63,027			
Tobacco, leaf ... pounds	1,091,034	127,522			
Wearing apparel		46,568	37,112	480,160	18,088
Wine ... gallons	23,055	19,461		684,161	
Wood, and manufactures of		1,385,420			
Wool, manufactures of		15,273		658,426	93,772
All other articles		842,602	1,219,594	1,040,756	70,448
Total		14,370,992	9,058,609	5,376,582	b698,768

CENTRAL AMERICAN STATES.

Breadstuffs		650,650			
Candles ... pounds	29,318	3,986	13,188		
Cotton manufactures		124,264	2,381,072	8,303	
Drugs, chemicals, medicines, and dyestuffs		39,573		18,094	
Earthen, china, and glass ware		16,355	28,664	24,936	
Fancy articles		10,855		9,220	
Fruits		11,845		9,492	
Hemp, flax, and jute manufactures, including cordage		18,286		3,451	
Iron and steel, and manufactures of		306,317	485,886	10,559	
Leather, and manufactures of		37,756		48,850	
Oil, mineral ... gallons	169,449	27,114			
Ordnance stores		25,481			
Paper and stationery		14,389		a18,190	
Provisions		139,251		14,717	
Silk manufactures			34,056		
Soap		12,426	10,701		
Spirits, distilled ... gallons	10,100	12,043		24,001	
Sugar, refined ... pounds	276,172	26,089			
Tallow ... pounds	285,102	27,469			
Wearing apparel		23,930	148,038	26,495	
Wine ... gallons	16,450	17,252		87,946	
Wood, and manufactures of		155,980			
Wool, manufactures of		4,315	121,361	47,596	
All other articles		230,987	394,025	89,054	
Total		1,936,813	3,517,591	440,904	(c)

UNITED STATES OF COLOMBIA.

Beer, ale, and porter		56,381	31,606		
Breadstuffs		414,334			
Candles ... pounds	93,879	12,825	28,430		
Coal ... tons	14,072	55,336	54,592		
Cotton manufactures		549,433	3,145,983	557,575	
Drugs, chemicals, medicines, and dyestuffs		333,207	11,183	84,157	
Earthen, china, and glass ware		45,481	23,646	43,877	
Fancy articles		72,518		335,722	
Fruits		15,804			
Hemp, flax, and jute manufactures, including cordage		67,575	261,225	17,064	
India-rubber and gutta-percha manufactures		39,210	48,890		
Iron and steel, and manufactures of		1,627,995	366,063	149,723	
Jewelry and other manufactures of gold and silver		48,983		24,709	
Leather, and manufactures of		111,998	63,050	749,321	
Oil, mineral ... gallons	257,437	43,222			
Ordnance stores		107,634	46,646		
Paper and stationery		140,434		a149,305	
Perfumery		27,306			
Provisions		1,098,221		54,821	
Silk manufactures				32,657	
Soap		80,126			
Spirits, distilled ... gallons	53,709	19,345		48,587	
Sugar, refined ... pounds	2,084,359	199,311			
Tobacco, and manufactures of		111,699			
Wearing apparel		85,475	154,287	828,881	
Wine ... gallons	10,410	8,724		317,156	

a Includes books and engravings.
b Includes the exports from Germany to Central American States.
c The exports from Germany to Central American States are included with the exports from Germany to Mexico, which see.

APPENDIX IV.

Statement showing the quantities and values of domestic merchandise exported from the United States, &c.—Continued.

UNITED STATES OF COLOMBIA—continued.

Articles.	From the United States.		From United Kingdom.	From France.	From Germany.
	Quantities.	Values.	Values.	Values.	Values.
Wood, and manufactures of		$470,212		$32,805	
Wool, manufactures of		6,669	$267,175	732,130	
All other articles		870,829	441,576	538,150	
Total		6,719,787	4,947,322	4,696,575	(a)

VENEZUELA.

Beer, ale, and porter		11,827	7,553		
Breadstuffs		659,664		9,003	
Coal ... tons	418	2,041			
Cotton manufactures		214,865	1,498,298	114,045	
Drugs, chemicals, medicines, and dyestuffs		107,469		50,600	
Earthen, china, and glass ware		28,175	3,397	19,535	
Fancy articles		18,471		49,530	
Fruits		7,288		24,970	
Hemp, flax, and jute manufactures, including cordage		83,354	205,984	6,996	
Iron and steel, and manufactures of		278,512	263,166	26,274	
Jewelry and other manufactures of gold and silver		4,316		10,147	
Leather, and manufactures of		7,695		109,108	
Oil, mineral ... gallons	645,881	77,188			
Paper and stationery		24,947			
Perfumery		8,717		48,805	
Provisions		474,298			
Silk manufactures				39,681	
Spirits, distilled ... gallons	83	127		6,459	
Tallow ... pounds	196,313	18,506		6,671	
Tobacco, and manufactures of		61,440			
Wearing apparel		482	12,000	69,378	
Wine ... gallons	1,860	1,781		166,294	
Wood, and manufactures of		75,995			
Wool, manufactures of		439	94,678	131,803	
All other articles		196,014	203,663	72,456	
Total		2,363,211	2,288,739	961,715	(b)

BRAZIL.

Agricultural implements		18,159			
Beer, ale, and porter		22,359	291,746		
Breadstuffs		4,620,596			
Carriages, carts, and cars		89,453		24,085	
Coal ... tons	704	2,823	1,020,480		
Copper, and manufactures of		622	391,095		
Cotton manufactures		612,828	15,778,098	535,980	$535,738
Drugs, chemicals, medicines, and dyestuffs		138,751	216,320	368,629	10,948
Earthen, china, and glass ware		46,275	637,127	202,580	63,070
Fancy articles		20,210		702,021	
Hats, caps, and bonnets		119	95,613	264,337	
Hemp, flax, and jute manufactures, including cordage		49,019	1,446,572	73,543	
India-rubber and gutta-percha manufactures		10,790	123,084		7,616
Iron and steel, and manufactures of		1,034,648	5,674,407	321,944	490,756
Jewelry, and other manufactures of gold and silver		40,346		378,222	437,920
Lead, and manufactures of		898	88,848		
Leather, and manufactures of		36,248	909,383	1,816,463	196,112
Lime and cement ... barrels	692	1,048	175,005		
Ordnance stores		9,164	364,131		
Oil, mineral ... gallons	6,309,611	713,861			2,618
Paints and painters' colors		1,080	161,680	46,205	
Paper and stationery		54,084		c361,204	
Perfumery		36,437		151,620	53,312
Provisions		554,057	21,184	1,760,418	
Seeds		887			
Silk manufactures			28,644	54,999	
Soap		127,652			8,568
Spirits, distillers' ... gallons	2,307	1,363		76,056	
Spirits of turpentine ... gallons	57,140	51,998			
Umbrellas		13	86,147		
Wearing apparel		17,172	367,246	1,249,132	121,380
Wine ... gallons				688,128	
Wood, and manufactures of		322,712		123,797	58,072
Wool, manufactures of		2,842	1,618,340	1,459,090	454,618
All other articles		433,831	4,055,381	1,330,958	551,922
Total		9,159,330	33,460,531	11,989,411	2,992,850

URUGUAY.

Agricultural implements		184,908			
Beer, ale, and porter		75	29,203		
Coal			369,081		
Breadstuffs		63,391			
Cotton manufactures		105,656	3,012,393	177,621	
Drugs, chemicals, medicines, and dyestuffs		22,198		50,566	
Earthen, china, and glass ware		4,419	93,865	69,675	
Fancy articles		359		139,773	
Hemp, flax, and jute, manufactures, including cordage		38,048	286,710	16,223	
Iron and steel, and manufactures of		83,567	1,384,408	16,063	
Jewelry, and other manufactures of gold and silver		100		8,734	
Leather, and manufactures of		1,313	29,807	307,876	
Oil, mineral ... gallons	1,504,673	168,556			
Paints and painters' colors		183	53,336		
Paper, and manufactures of		4,839			

a The exports from Germany to United States of Colombia are not separately stated.
b The exports from Germany to Venezuela are not separately stated.
c Includes books and engravings.

APPENDIX IV.

Statement showing the quantities and values of domestic merchandise exported from the United States, &c.—Continued.

URUGUAY—continued.

Articles.	From the United States.		From United Kingdom.	From France.	From Germany.
	Quantities.	Values.	Values.	Values.	Values.
Provisions		$34,368		$60,732	
Silk manufactures				39,975	
Spirits, distilled ... gallons	433,139	95,976		192,956	
Starch ... pounds	678,377	29,042			
Sugar, refined ... pounds	157,989	14,374		307,899	
Tobacco, and manufactures of		51,569			
Wearing apparel			$198,743	217,472	
Wine				1,300,699	
Wood, and manufactures of		357,241		33,641	
Wool, manufactures of			950,092		
All other articles		125,563	673,714	1,159,120	
Total		1,385,755	7,081,352	4,099,035	(a)

ARGENTINE REPUBLIC.

Articles.	From the United States. Quantities.	Values.	From United Kingdom. Values.	From France. Values.	From Germany. Values.
Agricultural implements		658,115			
Beer, ale, and porter		90	64,900		
Coal			375,451		
Cotton manufactures		609,107	6,655,985	550,719	$546,924
Drugs, chemicals, medicines, and dyestuffs		73,368	45,517	144,845	21,182
Earthen, china, and glass ware		13,735	214,379	237,458	27,846
Fancy articles		2,604		275,393	
Hemp, flax, and jute manufactures, including cordage		49,270	771,486	87,744	
Iron and steel, and manufactures of		495,017	5,725,648	743,807	321,300
Jewelry, and other manufactures of gold and silver		9,874		500,015	95,438
Leather, and manufactures of		5,346	268,908	1,836,745	55,454
Oil, mineral ... gallons	1,842,903	200,993			1,428
Ordnance stores		19,491	147,334		
Paints and painters' colors		978	152,458		
Paper, and manufactures of		18,324		6406,942	12,852
Provisions		52,524		132,821	
Silk manufactures				152,025	73,304
Spirits distilled ... gallons	392,474	71,091		408,331	
Starch ... pounds	1,112,322	47,733			
Sugar, refined ... pounds	217,482	18,758		975,496	c16,422
Tobacco, and manufactures of		107,962			
Wearing apparel		1,273	346,198	2,537,669	64,260
Wine				3,757,258	
Wood, and manufactures of		530,021		183,565	19,516
Wool, manufactures of		7,589	2,169,033	4,890,273	327,964
All other articles		364,437	2,340,042	2,026,053	43,316
Total		3,357,670	20,277,328	19,807,159	d1,627,206

CHILI.

Articles.	From the United States. Quantities.	Values.	From United Kingdom. Values.	From France. Values.	From Germany. Values.
Agricultural implements		97,462			
Beer, ale, and porter ... dozen	2,706	5,571	25,559		
Coal ... tons	1,679	7,112	497,381		
Copper, and manufactures of		769	67,863		
Cotton manufactures		538,279	5,928,409	424,622	647,122
Drugs, chemicals, medicines, and dyestuffs		51,392		113,663	6,902
Earthen, china, and glass ware		12,171	265,283	243,073	5,712
Fancy articles		2,314		252,216	
Hats				341,209	
Hemp, flax, and jute manufactures, including cordage		29,817	206,602		
India-rubber and gutta-percha manufactures		1,413	64,515		1,666
Iron and steel, and manufactures of		499,798	2,558,460	193,102	23,562
Jewelry and other manufactures of gold and silver		1,000		36,412	16,600
Leather, and manufactures of		6,049	64,321	577,814	19,278
Oil, mineral ... gallons	2,636,256	224,605			
Ordnance stores		18,693	150,862		
Paints and painters' colors		4,207	133,191		
Paper, and manufactures of		10,141		a125,757	9,758
Provisions		84,441		104,417	
Spirits, distilled ... gallons	124	285		70,053	
Spirits of turpentine ... gallons	92,238	44,792			
Sugar, refined ... pounds	3,609,340	334,656		615,053	
Tobacco, and manufactures of		10,157			
Wearing apparel		894	264,645	597,937	102,340
Wine				196,750	
Wood, and manufactures of		605,622		59,287	6,902
Wool, manufactures of		6,505	1,451,035	911,202	362,736
All other articles		239,406	2,920,654	979,336	133,042
Total		2,837,551	14,598,780	5,811,913	1,275,680

PERU.

Articles.	From the United States. Quantities.	Values.	From United Kingdom. Values.	From France. Values.	From Germany. Values.
Beer, ale, and porter ... dozen	449	897	29,418		5,712
Coal ... tons	123	513	177,618		1,190
Copper manufactures		24	19,359		
Cotton manufactures		42,263	2,325,951	57,595	133,510
Earthen, china, and glass ware		910	48,125		
Hats				170,928	
Hemp, flax, and jute manufactures, including cordage		7,752	99,792		17,374
Iron and steel, and manufactures of		73,134	811,085	51,775	
Leather, and manufactures of		846			10,472
Oil, mineral ... gallons	423,249	46,072			
Ordnance stores		300			

a The exports from Germany to Uruguay are included with the exports from Germany to Argentine Republic, which see.
b Includes books and engravings.
c Includes sugar, raw.
d Includes the exports from Germany to Paraguay and Uruguay.

APPENDIX IV.

Statement showing the quantities and values of domestic merchandise exported from the United States, &c.—Continued.

PERU—continued.

Articles.	From the United States. Quantities.	Values.	From United Kingom. Values.	From France. Values.	From Germany. Values.
Paper, and manufactures of		$1,170		$46,093	$2,618
Provisions		83,010		16,962	
Spirits and liquors				21,825	
Sugar, refined ... pounds	238,132	21,724			a3,332
Wearing apparel			$57,945	178,098	
Wine				68,837	1,666
Wood, and manufactures		113,659			238
Wool, manufactures of			481,045	338,897	65,450
All other articles		95,086	741,543	719,257	39,508
Total		487,360	4,791,881	1,690,287	301,070

a Includes sugar, raw.

APPENDIX V.

Statement showing the values of the principal and all other articles of imports into the United States from, and of exports from the United States to, the West Indies in 1883.

Countries.	Imports.	Exports.	Total.
Danish West Indies	$384,003	$702,126	$1,086,129
French West Indies	2,895,857	1,813,555	4,709,412
British West Indies	8,736,112	8,502,153	17,238,265
Dutch West Indies	882,058	589,612	1,471,670
Hayti	2,971,515	3,223,101	6,194,616
San Domingo	1,417,519	1,201,874	2,619,393
Cuba	65,544,534	15,103,703	80,648,237
Porto Rico	5,477,493	2,164,708	7,642,201
Total	88,309,091	33,300,832	121,609,923

APPENDIX VI.

The subjoined translation of the more important clauses of the customs treaty of March 22, 1833, sets the principles on which the German Zollverein is founded in a clear point of view:

Customs treaty, concluded March 22, 1833, between the Kings of Bavaria and Wirtemberg on the one part and the King of Prussia, the Prince Electoral Co-Regent of Hesse, and the Grand Duke of Hesse on the other part.

I. The existing customs-union between the states above named shall henceforth constitute a general union, united by a common system of customs and commerce, embracing all the countries comprised therein.

II. In this general reunion are also comprised the states which have already adhered, either for the whole of their territory or for a part, to the system of customs and commerce of one or other of the contracting states, having regard to their special relations, founded upon the conventions of adhesion concluded with the states which have intervened.

III. But there will remain excluded from the general reunion the parts separated from the countries of the contracting states which, because of their situation, are not yet included either in the reunion of the Bavarian or Wirtemberg customs or in those of Prussia and Hesse. Nevertheless, the regulations now in force to facilitate the commerce of these territories with the principal country will be maintained. Other favors of this kind can not be accorded without the unanimous consent of the contracting states.

IV. In the contracting states there shall be established uniform laws for the duties of import, of export, and of transit, except such modifications as, without injury to the common object, result necessarily from the particular legislation of each contracting state or from local interests. Thus, exceptions and modifications to the common tariff may take place as to rates of duties of entry or export and of transit (according as the direction of the routes of commerce may require) established upon articles recognized as of minor consequence in extensive commerce; provided always that these modifications be preferred by separate states, and that they shall not be disadvantageous to the general interests of the association.

The administration of the duties of import, export, and transit, as well as the organization of the authorities which are engaged therein, in all the states of the association, shall be established upon a uniform footing, having regard, however, to the particular relations existing in those countries. The laws and ordinances which, according to those principles, ought to be uniform in the contracting states, and which are to constitute the law of the tariff and the regulations of the customs, shall be considered as an integral part of the present treaty, and shall be published at the same time.

V. There can neither be alterations, nor additions, nor exceptions to the acts above mentioned (Article IV) but by the unanimous consent of all the contracting parties, and in the form required for the making (*confection*) of the laws.

The preceding applies equally to all the ordinances which would establish, for the administration of the customs, dispositions entirely different.

VI. Liberty of commerce and community of the receipts of customs, as regulated by the following article, will commence simultaneously with the operation of the present treaty.

VII. Dating from this epoch, all duties of import, of export, and of transit shall cease on the common frontier of the Bavaro-Wirtemberg and Prusso-Hessian customs reunions. All articles of free commerce in one of those territories may be imported freely and without duty into all the others, except only as follows:

a. Articles monopolized by the states (playing-cards and salt), conformable to Articles IX and X.

b. Indigenous articles, now subject in the interior of the contracting states to different duties, or excepted from all duty in one state and imported into another, and which according to Article II ought consequently to be subject to a duty of compensation.

Finally, *c.* Articles which without prejudice to patent rights or conceded privileges in one of the contracting states can not be imitated or imported, and ought consequently to be excluded during the existence of the patents and privileges from importation into the state which has granted them.

VIII. Notwithstanding the freedom of commerce and the exemption from duties established by Article VII, the transport of articles of commerce, subject by the common tariff to duties of import or export on the frontiers of the association, can not take place between the states of Bavaria and Wirtemberg and the states of Prussia, of Electoral Hesse, or of Grand Ducal Hesse, and reciprocally, except by the public roads, military routes, and navigable rivers. For this purpose there shall be established on the interior frontiers common bureaus of verification, to which the conductors of merchandise must, on exhibiting their licenses, declare what are the articles which they are employed to transport from one territory to another.

This disposition will not be applicable to retail commerce in raw materials, nor to the petty commerce of the frontiers or the fairs, nor to the effects of travelers. Process for the verification of merchandise will go no further than is required for security of the duties of compensation. (See Article VII, *b.*)

XIII. The contracting parties reciprocally renew their adhesion to the principle that the tolls or other charges in lieu thereof shall only be sufficient to defray the expense of maintenance and repairs of the roads, whether the tax be for the state or for private rights. It was thus that has been approved the supplement to the duty of customs created in Bavaria and Wirtemberg to replace the duty of tolls, paving, causeways, bridges, and generally of all analogous taxes.

The tolls, &c., now existing in Prussia, according to the general tariff of 1828, shall be considered as the highest rates, and shall not be exceeded in any of the contracting states.

In accordance with the principle thus announced, the individual duty for closing the gates of cities shall be abolished, as also the duty of paving of causeways where is still exists, and all paved roads will be considered as causeways of a description liable only to the duty on causeways established by the general tariff.

XIV. The contracting governments agree to unite their efforts to introduce into the states a uniform system of coins, weights, and measures, to commence immediately after the requisite negotiations for this purpose, and subsequently to direct their efforts toward the adoption of uniform custom-house weights.

The contracting states, in the impossibility of establishing this uniformity before this treaty goes into operation, agree, for facilitating the forwarding of merchandise where it has not already been done, to revise their tariff as to weights and measures, assuming for a basis the tariffs of the other contracting states. They will cause such modification to be published, for the government of the public and of their custom-house bureaus.

The common tariff (Article IV) shall be divided into two principal divisions, according to the system of weights, measures, and moneys of Bavaria and that of Prussia.

The declaration of the weights and measures of articles subject to duty shall, in Prussia, be according to Prussian weights and measures; in Bavaria and Wurtemburg, according to those of Bavaria; and in the two Hesses, according to the weights and measures there legally established. In expediting custom-house acts the quantity of merchandise must be expressed according to the two principal divisions of the common tariff.

Until the contracting states agree upon a system of common money the payment of duties in each state shall be made in the same currency as in use for payment of its other taxes. But from the present time the gold and silver coins of all the contracting states, with the exception of small money (*Scheidemünze*), shall be received in all the bureaus of receipt of the association, and for this purpose tables of value shall be published.

XV. The duties of navigation upon the rivers, comprising therein those which apply to vessels, shall always be mutually acquitted according to the acts of the congress of Vienna or of special conventions, upon all the rivers to which these regulations apply, unless other determinations be adopted in this respect.

The contracting states agree to enter without delay into negotiations for that which particularly regards the navigation upon the Rhine and the neighboring streams, in order to effect an arrangement by which the import, export, and transit of the productions of all the states of the union upon said streams shall be, if not absolutely free, at least relieved as far as possible from duties of navigation, under the reserve of charges of reconnaissance.

All the advantages granted by one state of the union to its subjects in the exercise of the navigation upon said streams shall extend equally to the navigation of the other associated states.

Upon the other streams to which neither the acts of the congress of Vienna nor any other treaties apply the duties of navigation shall be according to the special regulations of the governments interested. Nevertheless the subjects of the contracting states, their merchandise and vessels, shall throughout be treated on those streams with perfect equality.

XVI. Dating from the day on which the general custom-house regulations of the union shall come into operation, the duties of public stores (*étapes*) and of transshipments (*Umschlagsrechte*) which still exist in the territories belonging to the association shall cease, and no one shall be liable to forced delay, nor to the discharging and storage of this merchandise, except in cases authorized by the common regulations of the customs or navigation.

XVII. No duties shall be claimed for canals, locks, bridges, ferries, cranes, weighing, and storage, and the establishments destined to facilitate commerce shall not be allowed rent except when actually used. Charges can not be increased, and the subjects of the other contracting states shall be on a perfect equality with the subjects of the countries having those establishments.

If the establishments for weighing and cranes are only used by the custom-houses, no charge shall be made, if the articles have been previously weighed at a custom-house.

XVIII. The contracting states engage to continue their common efforts for the encouragement of industry by the adoption of uniform regulations, so that

the subjects of each state may enjoy as extensively as possible the privilege of seeking work and occupation in every other state.

From the coming into operation of the present treaty the subjects of any one of the contracting states trading or seeking employ in the territory of any other of those states shall not be subject to any impost which does not equally affect the native similarly employed. Manufacturers and merchants who are only making purchases for their trade, or travelers who have not goods with them, but simply patterns for the purpose of soliciting commissions, shall not, when thus employed, have any duty to pay in another state if authorized to carry on such commerce in the state where they have their domicile, or if employed in the service of native manufacturers or merchants.

When trading in the markets and fairs or when they are selling the produce of the soil and fabrics, in any one of the states of the association, the subjects of the other contracting states shall be treated in all respects as subjects of the same state.

XIX. The seaports of Prussia shall be open for commerce to all the subjects of the states of the union on payment of the same duties as are paid by Prussian subjects, and the consuls of the several states in the seaports or places of foreign commerce shall be bound, in cases of need, to assist with their advice and support the subjects of other contracting states.

XX. To protect against contraband their common custom-house system, and to insure the regular payment of the duty of consumption in the interior, the contracting states have concluded a reciprocal cartel, which shall be enforced as soon as possible, but, at the furthest, at the same time with the present treaty.

XXI. The community of receipts of the contracting states, stipulated by the present treaty, shall comprehend the product of duties of entry, of export, and of transit, in the Prussian states, the Kingdoms of Bavaria and Wirtemberg, the Electorate, and the Grand Duchy of Hesse, comprising therein those countries which have down to the present time acceded to the custom-house system of the contracting states.

The following are excluded from the community of receipts and remain reserved for the particular benefit of the respective governments:

1. The impost collected in the interior of each state of indigenous products, comprising therein the compensatory duties reserved in Article XI.

2. The toll on rivers, to which are applicable the regulations of the acts of the congress of Vienna or special conventions. (Article XV.)

3. Duties of paving, of causeways, of bridges, of ferries, of canals, of locks and ports, charges of weighing and storage, as well as similar receipts, whatever may be their name.

4. The fines and confiscations which, beyond the part allowed to informers, remain the property of each government throughout its territory.

XXII. The produce of the duties received into the common treasury shall be divided among the states of the association in proportion to the population which may be found in the union, subject to deduction, first, of the expenses specified in Article XXX; second, of the restitution of erroneous receipts; third, of the restoration of duties and diminutions made in consequence of special common conventions.

The population of every state which has entered or may enter into the association by treaty with one or other of the contracting states, under the engagement made by the latter to make an annual contribution for the participation of the former to the common revenue of the customs, shall be added to the population of the states which make this contribution.

There shall be made every three years, dating from a period to be hereafter fixed, an exact enumeration of the population of the associated states; the states shall reciprocally communicate the results thereof.

XXIII. All restitutions of duties not authorized by the legislation of the customs shall remain charged to the treasury of the government which shall have granted it.

Conventions hereafter to be concluded will regulate in what cases similar restitution may be accorded.

XXIV. In conformity with the object of this association of customs tending to facilitate a freer and more natural commercial intercourse, the favors accorded for the payment of custom-house duties at certain places in which fairs are held, especially the privileges of abatement (*rabat privilégien*), can not be extended to those states of the association where they do not exist. On the contrary, they shall be restricted and abolished as far as possible, regard being had to the means of subsistence of the places heretofore favored, and to the commercial relations which they have with foreigners; but others can on no account be granted without the general consent of the contracting parties.

XXXIII. There shall every year, on June 1, be an assembly of plenipotentiaries of the governments of the union, empowered generally to deliberate, and each state may send thither a duly authorized representative.

The plenipotentiaries will choose from among themselves a president, who, however, shall have no pre-eminence over the other members.

The first assembly shall be held at Munich.

At the close of each annual assembly the place of next meeting will be determined, having reference to the nature of those subjects which will then come under discussion.

XXXIV. The assembly of plenipotentiaries will have under its consideration the following subjects:

a. To consider the complaints which may have arisen in any of the states of the association concerning the execution of the general treaty, of special conventions, of the law, and of custom-house regulations, also of the tariff, when these shall not have been adjusted during the year by correspondence between the different ministers.

b. The definitive reparation among the states of the union of the total common receipts, based upon the observations made by the superior authorities, and verified by the central bureau, as may be rendered necessary by the common interests.

c. To deliberate upon propositions and suggestions made by the governments for the perfection of the administration.

d. Discussions upon alterations, demanded by any of the contracting states, in the laws, tariff, and custom-house regulations, as well as in the organization of the administration, and in general upon the development and perfection of the general system of customs and commerce.

XXXV. If in the course of the year, when the plenipotentiaries are not in session, extraordinary incidents should occur which require prompt decision on the part of the states of the union, the contracting parties will consult upon these through their diplomatic agents, or they will order an extra sitting of their plenipotentiaries.

Recent changes in the German customs-union.—The discussions in the assemblies of the league were, especially of late years, a good deal influenced by political considerations. A league denominated the Steuerverein had been formed in opposition to, or in rivalry with, the Prussian league by Hanover, Oldenburg, and Brunswick. It was evident, however, inasmuch as the interests of these and the other German states were identical, that it would be a great public advantage were these associations merged into one. But, owing to political, commercial, and financial jealousies, this desirable object was of very difficult attainment. At length these difficulties were surmounted, and a treaty negotiated between Hanover and Prussia on September 7, 1851, provided for the incorporation, from January 1, 1854, of the former, and the other states included in the Steuerverein, with the Prussian union. Some modifications were introduced by the treaty into the basis of the league, but they are of little importance except to the parties immediately interested.

Treaties with Austria.—More recently a great deal of discussion took place between Prussia and the subordinate German states on the one hand and Austria on the other in regard to the formation of a customs association which should include the latter; and in order to pave the way for this desirable consummation Austria issued a new tariff on November 25, 1851, in which she made many important modifications in the prohibitive system, on which she had previously acted at the same time that she established a free commercial intercourse between Hungary (which had previously a separate customs establishment) and the other states of the Empire. And though this wise and liberal measure has not yet led to the incorporation of Austria into the customs-union, it has led to the conclusion by her of several important commercial treaties. The first of these with Prussia was dated February 19, 1853.

The contracting parties engaged to suppress, with a few specified exceptions, all prohibitions against importing the products of the one into the territories of the other. They next established a complete freedom of trade between the two countries in all articles of raw produce; and they further stipulated that the duties to be imposed on manufactured products should be moderate and reasonable. It had a variety of other clauses, all of a liberal character. The duration of the treaty was limited to twelve years, so that it had expired and was renewed before hostilities broke out between Prussia and Austria. The war of 1866 affected the trade of Germany most injuriously, and by way of illustration we subjoin a statement referring to 1865 and 1866.

An account showing the proportion of the revenues of the German customs-union raised in the different states in 1865 and 1866, and the distribution thereof, according to their population, from Mr. Secretary of Legation Lawther's reports of July 28, 1866, and July 29, 1867.

States of the verein.	Import dues.		Export dues.		Total.	
	1865.	1866.	1865.	1866.	1865.	1866.
	Rix.	*Rix.*	*Rix.*	*Rix.*	*Rix.*	*Rix.*
1. Prussia	13,684,586	11,608,450	28,555	34,289	13,713,141	11,642,739
Hanover	1,946,319	1,884,333	2,691	4,832	1,949,010	1,889,165
Eelectoral Hesse	375,604	358,584	299	.....	375,903	357,584
Nassau	98,677	91,745	82	.....	98,759	91,745
Frankfort-on-Maine	822,207	745,713	16,842	882	839,050	746,594
Luxemburg	123,463	118,014	1,040	802	124,503	118,217
2. Bavaria	1,364,068	1,365,361	7,209	299	1,371,297	1,365,660
3. Saxony	2,669,631	2,383,512	3,881	21	2,673,512	2,383,533
4. Wirtemberg	455,845	507,523	814	.....	456,659	507,523
5. Baden	1,061,438	997,881	4,984	3,498	1,066,422	1,001,379
6. Grand Ducal Hesse	516,559	487,648	1,040	4	517,599	487,652
7. Thuringia	312,252	305,256	159	6	312,411	305,262
8. Brunswick	253,557	241,719	16	.....	253,573	241,719
Oldenburg	239,139	206,416	107	1,563	239,246	207,979
Total	23,923,365	21,301,155	67,720	45,596	23,991,085	21,346,751

Renewal of the Zollverein.—The German states lying to the south of the river Maine, having preserved their independence after the war of 1866, were not under any obligation to unite themselves, either politically or commercially, with Prussia, or even to renew the Zollverein, which the war had dissolved. However, a sense of their own interest subsequently induced the southern states not only to enter into military conventions with the Prussian Crown, but to continue members of the Zollverein upon an enlarged basis. On July 8, 1867, a new Zollverein treaty for a further term of years was concluded between the states of the North German Confederation and the South German states, namely, Bavaria, Wirtemberg, Baden, and Hesse-Darmstadt, the scope of which extends to the whole of Germany except Austria, inasmuch as the two Mecklenburgs and the three Hanse Towns, as members of the northern confederation, are parties to the last-mentioned treaty and are represented in the Zollverein councils.

Under the old system, questions were settled in the Zollverein conference, in which unanimity was required; whereas under the new treaty the legislative power is given to a federal council of fifty-eight members, in conjunction with a customs parliament. In the council Prussia has seventeen votes and a veto upon all alterations of existing laws; in other cases the majority of the council decides. Prussia having a casting vote. The customs parliament (which met for the first time in Berlin on April 27, 1868) is chosen upon the principle of universal suffrage by the people of the southern states, as well as of the states of the North German Confederation, and in it all resolutions are passed by an absolute majority. There is, therefore, every reason to believe that Prussia and the commercial states of the north will enjoy their due influence in the council of the new customs-union, and that the public opinion of the nation will be fully and fairly represented in the customs parliament.

A difficulty in the way of the accession of the two Mecklenburgs to the Zollverein system was found to exist in their treaty of 1865 with France, by the eighteenth article of which the Mecklenburgs had engaged not to raise their customs duties above the rate of $1 per centner, and not to introduce any new duties whatever. This difficulty has been removed. Prussia has consented to a reduction of the customs tariff on French wines and some other articles; and the two Mecklenburgs are left at liberty to enter the customs frontier of the North German Confederation, and to fulfill all their engagements as members of that alliance. The arrangements for that purpose are expected to be soon completed by the federal council, and the early admission of the two Mecklenburgs within the customs line may now be anticipated.

Schleswig and Holstein retained their old tariff for some time after their annexation to the Prussian monarchy, but toward the end of April, 1867, a royal ordinance put the Zollverein tariff into force within both duchies; and on November 15 they were formally included within the limits of the Zollverein itself. The town of Altona was, however, excepted, and has been allowed for the present to remain a free port, with similar privileges to those enjoyed by the neighboring territory of Hamburg. The transit duties formerly levied on goods passing through these duchies are now entirely abolished.

The tariff and regulations of the Zollverein were likewise applied to the Duchy of Lauenburg, as a part of the Prussian monarchy, on January 5, 1868, and the transit duties long charged on the passage of goods through that duchy were then abolished. By these several extensions the Zollverein frontier has been brought down to the Elbe, subject to the exemptions temporarily granted to Hamburg and Altona as ports of free importation.

Commercial treaties.—Among the commercial treaties lately concluded by the Zollverein, that with Austria, dated March 9, 1868, stands prominent on account of the reduction of duties and the increased facilities of traffic for which it stipulates. The provisions of the former commercial treaty, between the same parties, of April 11, 1865, are much enlarged; and in return for numerous reductions to be made by Austria the Zollverein pledges itself to lower its customs tariff as regards the importation of pig-iron, linen, yarn, wine, horses, and various other articles.

The export duties (with two or three exceptions) as well as the transit duties, are on both sides abolished. Of the advantages of the last treaty with the Zollverein, the united kingdom will partake in consequence of the "most favored nation clause" in our treaty with Austria. (Treaties, Austria.) A treaty of navigation with Italy had been previously concluded on October 14, 1867, and more recently, March 30, 1868, a treaty of commerce and navigation with Spain has been announced, whereby the Zollverein has the right of trading on the most favored footing with the European portion of the Spanish monarchy, and has conceded reciprocal privileges to Spain in the states of the union. The differential duties which have hitherto existed in Spain in favor of certain articles of French produce and manufacture have likewise been abolished in favor of the Zollverein.

In consequence of these and other changes the duties in the tariff of the German customs-union have undergone many modifications. But except on coarse and heavy goods they continue, speaking generally to be moderate. A declaration of April, 1869, for the admission duty free into Great Britain and the Zollverein of patterns and samples imported by commercial travelers has been published in the London Gazette.

The overtures made to Russia on behalf of the Zollverein have hitherto been unsuccessful. (Report of Mr. Ward, minister resident at Hamburg, of May 15, 1868.)

We have little doubt, should peace be preserved, that the advantages of which the Zollverein must be productive will be so many and so great that it will lay the foundations of a lasting intercourse of which we can neither foresee the extent nor the beneficial influence.

Issue of Circulating Notes.

SPEECH

OF

HON. GEORGE E. SENEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 15, 1885,

On the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

Mr. SENEY said:

Mr. SPEAKER: The bill before the House proposes to change, in a very important particular, the national banking law. Under section 5171 of the act a national banking association, upon a deposit of United States bonds, is entitled to have circulating notes not exceeding in amount 90 per cent. of the par value of the bonds.

The pending bill proposes to give to these associations circulating notes equal in amount to the par value of the bonds deposited. The necessity for making this change in the law is not very apparent. Reflecting upon the subject, with some care, I am unable to see why this change should be made. That the change, if made, will be to the advantage of the national banks no one, it is believed, will doubt. Most unquestionably it will add to the value of their franchises.

The change in the law will give to these banks 10 per cent. more of circulation than they are entitled to have under the law as it now is, and that, too, upon the bonds now on deposit as well as those hereafter to be deposited. The 10 per cent. of increase in circulation these banks will use at profitable rates in their business. If this measure has any other purpose than to enable national banks to add to their dividends, I hope it will be pointed out by those who would legislate in the interests of these moneyed institutions. I can not persuade myself to believe that any interests except those of the owners of national banks will be promoted if the proposed change in the law is made.

Why should we make a law to increase the gains of those who hold the capital stock in the 2,671 national banks of the country? Is there any good reason why the money-making capacity of these banks should be increased? Shall we give to them rights and privileges more valuable than those they now have? In a word, ought we to legislate into the hands of these shareholders capital with which to do business? That these banking associations desire this advantageous legislation is no reason why we should enact the pending bill into a law. All other interests of the country, I venture, are indifferent, if not opposed, to the proposed change in the law. No person outside of national banking circles asks for the change. Is it not our duty to move slowly and surely when legislating in the interests of the few? Special or class legislation should not be done hastily.

The national banking system is supposed to be a good one. Perhaps none better could be devised. At this time it ought not to be disturbed. Let it alone for the present. If the system is to be disturbed, it ought to be in the interests of better management and more security for depositors. It ought not to be disturbed in the interest of the banks. They ought to be content with what they have, without asking for anything more. The business of banking, under the national banking law, has been, and still is, prosperous and highly satisfactory in its returns. While other business interests are dull, and in many instances prostrate, there is little, if any, diminution in the profits of the national banks. So far as the public have knowledge, these institutions are sound and safely managed. There may be some that are not. It is to be hoped that the number is few. If we are to have banks of issue, let us be content, for the present at least, with those that we have and as they are. If more legislation is needed to perfect the national banking system, there are interests beside that of the shareholders to be considered.

The question before us has more than one side. Those who deposit their money in national banks have an interest in the legislation proposed by this bill to which we ought not to be indifferent. In voting upon this measure we must choose between the interests of the shareholders upon the one hand and the interests of the depositors and the public upon the other. That more legislation is needed to protect depositors in these institutions against loss from the inexcusable neglect and criminal conduct of stockholders, directors, and officers no one can deny. If, then, we are to legislate upon this subject, why not legislate for all interests instead of for one?

Is it said that no interests will be harmed if the national banks are allowed to increase their circulation 10 per cent. above the 90 per cent. authorized by existing laws? Let us consider this question for a moment. So far as the bill-holder is concerned he is protected against loss. For his bill the act provides that upon default of payment by the bank issuing it, it shall be paid in lawful money upon presentation at the United States Treasury. The act further provides that in case the proceeds of the bonds deposited to secure the bank's circulation is insufficient to reimburse the Government for the amount expended in paying the bank's circulating notes, then, for the deficiency, the Government shall have a first lien upon all of the bank's assets, and the deficiency shall be made good to the Government, out of these assets, in preference to any and all other claims whatsoever, except the costs and expenses of administering upon the assets. It will be seen, therefore, that if the circulation is equal to the par value of the bonds deposited a loss may occur, and when it does the depositors must bear it.

Authorize the circulation to be equal to the par value of the bonds deposited, and should evil come to a bank, unless its deposit bonds are at a premium, there will be a loss which the depositors must make good. In other words, the depositors in a national bank stand as security to the Government for the loss, when the bonds on deposit do not sell for enough to redeem the outstanding circulation of the bank and pay the costs to which the bill-holders are subjected in getting lawful money for their protested bills. And what security have the depositors for the payment of what the Government takes from them for the bill-holders, or for their own deposits? What remains, after the claims of the Government are satisfied, and after the Government's receiver and all of his servants, clerks, agents, and attorneys are paid in full, and after all other costs and expenses of converting the assets into money are settled, is dealt out to the depositors.

When a national bank fails and has but few assets their depositors realize, and so, too, does the public, that banking institutions organized under Federal law and bearing the name national are not any safer depositories for money than those doing business under a less pretentious title, and under laws made nearer their homes.

The depositors, then, are interested in the securities held by the Government for the redemption of circulation. When it is proposed to increase the circulation to the par value of the bonds, the depositors have an interest in the subject too important to be overlooked. Change the law as this bill proposes, and the security for deposits is lessened 10 per cent. The risk in depositing money in banks should not be increased by legislation. In legitimate banking, banks intentionally take no risks. When they loan money they exact security. When money is loaned to them the law under which they do business ought to provide all the security for its payment consistent with just and upright dealing.

It will be said that depositors in national banks have a security in addition to the assets of the bank. It is true that the shareholders in these banks are individually liable, equally and ratably, and not one for another, for all the debts of the bank to the extent of the amount of their stock at its par value in addition to the amount invested in their stock. With this security, good as it may be, depositors in national banks have failed to realize all of their dues. They need further security for their deposits. If legislation can give it, it ought not to be withheld. Remove the limitation upon the individual liability of the shareholders and the security for deposits would be largely increased. As a rule, laws creating and regulating corporations exempt or limit the individual liability of its members. With this rule I would not interfere unless to make banks exercising corporate powers an exception.

There is a necessity, I admit, for limiting the liability of shareholders in most corporations. There is no necessity for limiting their liability in banking corporations. The business of banking is not an experiment or a venture. It is not what is called an enterprise. There is no other business in which profit is more certain and sure. The risks are few; less, it is believed, than those of dealers in merchandise, at wholesale or retail. Their gains are supposed to be greater, and ordinarily their losses are less. Deposits in banks, to a large extent, are induced by a special trust and confidence in their safety. Receiving, as banks do, the money of hundreds and thousands, under a promise to repay upon demand, why should not all that their owners have be held to make good the promise?

In adding to the value of banking, under corporate laws, ought we not to lessen the risk of those who leave money on deposit? Why should

the owners of an incorporated bank be exempt from the liability imposed upon all unincorporated banks and imposed, too, upon merchants, traders, and all others engaged in ordinary business pursuits? Why should the people have less security for their deposits when made in a national bank than when made in a private bank? An individual is liable for all the debts he contracts. Two or more persons doing business together are severally and jointly bound for their debts. The principal is liable for the contracts of his agent made within the scope of the agency. This is believed to be the common law throughout the world.

According to the last report of the Comptroller of the Currency there are 7,448 banks and bankers in this country. Of this number, 2,308 are national banks, 1,728 are State banks, savings-banks, and trust companies, and 3,412 are private banks. As to the personal liability of the stockholders in these State and savings-banks and trust companies, I am not informed. All, I judge, are incorporated institutions. It is, therefore, not without pretense to say that in no case are the stockholders individually liable for the contracts of these corporations beyond twice the amount of their stock. From this report it appears that in nearly one-half of the places where money is left on deposit there is unlimited personal liability for its payment, while in the remaining half this liability exceeds in no case double the amount of capital stock. These banks of limited individual liability have six and a half dollars on deposit to one dollar on deposit in the banks of unlimited individual liability. In the interests of the people, and to protect them against loss, all limitations upon the liability of those who receive their money under an agreement to pay back on demand ought to be removed. Further than this, probably, legislation need not go. This far it ought to go. Those who own incorporated banks should be liable individually for all obligations the banks contract. The interests of the public require this measure of responsibility.

This may be an advance step, but it is a step in the right direction. The best interests of the people demand that it be taken. Some may refuse to join in a rightful movement against corporate interests. Others will move, if at all, with reluctance. Still the movement will go on with the approbation of the people until the members of banking corporations are subjected to the same rule of liability the law imposes upon all who do business without corporate powers. Few national banks, comparatively, have closed their doors against depositors, but when they have wreck and ruin were behind. Under existing laws the rights of depositors against the banking institutions of the country differ. Our legislation can do much to make the law of liability uniform. If a depositor puts his money into an unincorporated bank, all that its owners have may be subjected in payment. If he leaves his money in an incorporated bank, a part only of what its owners have can be seized. The balance, in many cases large, is secured to the owner, free from the depositor's touch and free from the law's process. Upon this balance the owner lives in affluence, while his unpaid depositor struggles through life in poverty.

This is not an exaggerated statement. Cases like this are not few. Many such are to be found here and there throughout the country. Against such wrongs I complain, and against the legislation that makes them possible I protest. Unjust legislation may be borne for a time, but sooner or later it gives way under the pressure of right. Individual liability of the owners of incorporated banks may not in all cases secure to their depositors their money, but in many instances it will make good what they would otherwise lose. Banking institutions are a public necessity, and the interests of the public should be protected to the extent that it can be done by legislation.

When those who own and control banks are held personally liable for what the banks do, better will be their management and more faithful and vigilant will their interests and the interests of those dealing with them be guarded. I know full well that in legislating to make stockholders in national banks individually liable for the engagements of the bank the liability of stockholders in the banks now organized would continue as fixed by existing laws. But in national banks organized after individual liability is imposed the stockholders would be subject to its rule. The security of depositors in national banks now organized, as well as those hereafter organized, would be strengthened by making more severe existing penalties against embezzlement and the misappropriation and unauthorized use of the bank's property, and by imposing heavy penalties upon stockholders and directors for a failure to make stated examinations into the condition and management of their bank. With these convictions as to what is due to those who put their money on deposit in national banks no measure which lessens the security they now have for its payment can have my support.

It will be urged, I know, that the credit of the Government is so high that its bonds sell at a premium, and that, therefore, there can be no risk in giving to the national banks circulation equal in amount to the par value of the bonds. The statement is common that the bonds of the Government will never be worth less than par, and that, therefore, the Government will never have occasion to take any part of the assets of a national bank from the depositors to reimburse it for loss in redeeming circulation. The value of our bonds depends more upon the future than upon the present condition of the country. He who states the mark at which these bonds will stand next year, or the year thereafter, or five or twenty years hence, talks about that which we all know he knows nothing about. Will the present value of these bonds be maintained always? In time of peace and plenty all believe that they will. Should war come, or a general disturbance in monetary affairs materially weaken confidence and trust, all paper values will shrink. Either or both of these calamities, much as we may wish or strive to avoid them, may come upon us.

We know not what a day may bring forth. It is within the recollection of all when the public debt grew in a single year from ninety millions to five hundred million dollars, and in three years thereafter it reached nearly three thousand million dollars. We should not forget that there was a time within the last twenty years when gold was worth nearly three times as much as the legal-tender issues of the Government. Then a bond of the Government having a par value of $285 maturing in three years, and bearing 7.3 per cent. interest per annum, was worth no more than one hundred gold dollars. Devoutly as it may be wished that the public credit may never fall below the great standard of value, still it may. And who can say that it will not? Our currency may depreciate in value, and so, too, all public securities. Legislating as we are to-day about the currency, we would be unmindful of our duty did we fail to look upon the dark as well as the bright side of the near or remote future.

Mr. Speaker, I shall vote against this bill, not because I am unfriendly to national banks, or their owners, for I am not, but because it is a species of legislation to which I am unalterably opposed. The legislation proposed by the bill is of a very special character. If it were in the interest of capital generally, and without particularizing, it would be less objectionable. But it is in the interest of capital invested in the shares of national banks. No other interests does the bill propose to benefit, except that of the owners of national banks. The mere passage of this bill will increase the value of national-bank shares, but nothing will it add to the value of any other property. This bill, should it become a law, will put into the hands of those who have capital invested in the stock of national banks $32,000,000. Upon the mere demand of these banks they will be entitled to receive from the Government this large sum of money upon their bonds now on deposit. The only consideration the banks pay for the use of this money for twenty years is 1 per cent. per annum, which is imposed as a tax upon circulation. This money the banks will loan at their counters—in my State at 8 per cent., in other States at rates less or more. It is safe to say that the national banks in the use of this $32,000,000 will make yearly, for twenty years to come, less the annual tax of 1 per cent., $2,000,000.

Who but the Government will loan money at 1 per cent. per annum? And to whom does the Government loan money, at any rate, low or high, except to the national banks? These banks give their money to the Government in exchange for the Government bonds bearing 3, 3½, 4, and 4½ per cent. interest per annum, and the Government gives its money to these banks at 1 per cent. per annum. This is said to be wise and good financiering for the Government. Fortunate, indeed, that the Government is strong and has the ability to stand such a drain upon its resources. An individual doing business upon the same plan would soon involve himself in bankruptcy and ruin.

But why should the Government furnish capital to a person, natural or artificial, with which to do business? If to the national banks, why not to banks organized under State laws? If to one class of incorporated banks, why not to another; why not to banks not incorporated? If to one person or corporation, why not to another? Capital may well congratulate itself upon the loyalty of its law-making friends.

Labor has no measure pending before Congress to add $2,000,000 a year for twenty years to its present earnings. If it had, what, may I ask, would be the chances for it to become a law? If we would legislate the use of $32,000,000 for twenty years to the workingmen and working-women of the country, many homes, needy and deserving, would be made cheerful and happy. Instead of improving the condition of those whose condition needs improvement, we better the condition of those who need no help. According to the report of the Comptroller of the Currency there are 2,671 national banks. The stockholders in these institutions, probably, do not exceed in number 100,000. Under this bill, the yearly dividends of these stockholders will be increased $2,000,000. In twenty years these increased dividends will amount to $40,000,000.

This bill, should it become a law, will put money into the purse of 100,000 persons. There are 50,000,000 people in this country, to whom this bill, if made a law, will be no benefit. Still it is pressed. Capital demands its passage. The few who have money invested in national-bank stock insist upon more protection to their interests.

Mr. Speaker, we hear much said, and glibly, too, here and before the people, about the relations of capital and labor and of their respective rights, interests, duties, and responsibilities. In the recent political contest each of the two great parties proclaimed themselves to be the friend of labor and of laboring men.

The utterances upon the stump and in the partisan press were so frequent and strong, that the average hearer and reader were unable to determine which of the two parties, if intrusted with power, would do the most for labor and the least for capital. Then, all past legislation in the interest of capital was sought to be excused upon any and every

ground. What legislation had done to increase the profits of labor required little time to tell. Promises were made and promises were taken that in the future labor should fare better than in the past. We are here fresh from the people and find capital again in its accustomed seat at the front, and labor in its usual seat, at the rear.

A recent cartoon in Punch shows a meeting between capital and labor before the election, and a meeting between capital and labor after the election. It must be seen to be appreciated; it can not be described. The picture has capital greeting labor warmly and cordially. This is before the election. After the election capital, in the words of the song, "Does not speak as they pass by."

Of labor it may be truly said that as yet it has put in no appearance in Senate or House. Seldom does it appear in either body. Capital we have with us always, and will, I suppose, as long as the Government endures. It intrudes upon this floor and into yonder Chamber. It crowds the corridors inside of this building and fills all of the outside approaches. Every department of the Government is pestered with its presence.

Capital is here to-day asking the representatives of the people to legislate in its interest. The national banks want us to do something for them. Much has legislation done for capital in the past. Largely have our laws added to corporate wealth. Lands acquired by the blood and treasure of the people have been given away, without stint or measure, to railroad corporations. These more than princely gifts have made some of these monopolies so arrogant that they would defy the legislation which they are unable to dictate. We have reason to believe that the day of their imperious rule is nearing its end.

In dealing with the corporations to whom we have been so generous we should meet every expectation of the people. With no unfriendliness to capital we can, as we should, oppose its exacting demands. Without disturbing in the least particular the national banking law, or the interests of those who own the capital stock of national banks, we may well refuse to enact a law which will give to this stock a value which its own earnings are unable to do. Legislation such as this bill proposes ought not to be sought. The interests to be promoted are those of a few persons engaged in a single pursuit. Banking is in no sense an industry, and its relation to labor is too distant to entitle it to what is called "protection." Will this House do for the national banks what the Republican Senate and the Republican House in the last Congress refused to do for the wool-growers of the country? Near two years have passed since the memorable struggle between the wool-growers and the woolen manufacturers in this Capitol.

The wool-growers, it will be remembered, asked for legislation protecting their labor. The woolen manufacturers demanded that their capital, instead of the wool-growers' labor, should have the protecting care of the Government. The result of this hand-to-hand contest between these conflicting interests is well known to the country. Before the Republican Tariff Commission, in the Senate, and in the House the friends of capital outnumbered and outvoted the friends of labor. The duty on woolen manufactures was not disturbed. The duty on wool was lowered near 3 cents per pound. By this legislation the woolen manufacturer buys the wool-grower's wool about 3 cents a pound less than he did for years before. What the wool-growers lose the woolen manufacturers gain. This is but one of the many victories capital has won in its conflicts with labor.

Shall I pause to inquire when, if ever, has labor scored an advantage over capital in a contest before the law-making power of the Government? What law passed by Congress has lessened the laborer's toil, or added a penny to his earnings? If there is one, except the eight-hour law, I beg to be informed, here and now. Statute after statute has been passed to make capital profitable. None have been passed giving to labor even what it earns. It is not to be denied that legislation, in many instances, has made employment for labor. This has been done in legislating in the interest of capital, when this interest and that of labor were inseparably connected. More than this has not been done. Beyond furnishing labor employment for capital's use, I know of no legislation directly promoting the interests of labor. Labor has had to be content with its wages. Capital, in addition to its own earnings, exacts all the earnings of labor above the price of a day's work.

When capital and labor, skilled, if not unskilled, work together why should not labor have some share, little though it be, of the profits? What has the average laboring man in middle life to show for his many years of daily toil? Little, indeed, of this world's goods. For the work of to-day he receives about the same wages that he received during all the years that are behind him. In old age strength fails him and his store is scant. But labor and its interests aside. Capital and its interests press on attention.

This bill would be relieved from much that is objectionable did it provide that the national banks should give as well as take. The increase in circulation contemplated by the bill will be worth to the national banks not less than 6 per cent. The tax of 1 per cent. on circulation will reduce the value of this increase to 5 per cent. To equalize the benefits of the bill between the Government and the banks the tax on the increased circulation might be raised to 5 per cent. If this tax is too high, it may be lowered to a figure that will make it equal to the rate of interest which the bonds securing the circulation bear. This view of the question is suggested by the argument of those friendly to the bill, that this measure is a public necessity. If this be true, then I insist that the interests of the public, rather than the interests of the national banks, be consulted.

Those advocating the interests of shareholders in national banks tell us that circulation upon 90 per cent. of the market value of the bonds deposited is unprofitable. Opposed to this statement is the fact that for the year ending November 1, 1884, the outstanding circulation of the national banks was $333,559,813. During this period one hundred and ninety-one national banks were organized, to whom circulation was issued amounting to $3,866,230. Is it not strange that new banks will organize and take circulating notes if circulation is without profit? Another fact is worthy of mention, that we have more national banks to-day than at any other time since the system was established. Still another fact should be stated, that of the ninety national banks whose corporate existence expired during the past year, eighty-three have been extended under the act of July, 1882.

These facts show that there is money in banking under the national banking law. If circulation is not profitable the business seems to have other profits which make dividends satisfactory to stockholders. It is true that there has been a decrease in the circulation of these banks of $8,284,017 in 1883, and of $24,170,676 in 1884. It may be that there will be a decrease in 1885 as large as in 1884. Who can say that this decrease is because circulation is unprofitable? That the circulation of national banks is less profitable now than in years past I am free to admit. This is not because circulation may not be employed at high paying rates. In this respect there has been little, if any, change. Nor is it because the volume of business has decreased, or the gains made at the counter are less.

One reason why circulation pays less now than heretofore is because the bonds on deposit to secure it bear interest at 3, 4, and 4½ per cent., instead of 5 and 6. Another reason is that these low-interest bonds are at a high premium, and the money invested in premium is idle and therefore unproductive. Still another reason is that the sum required to be kept at the Treasury to redeem circulation yields no income to the banks. Let it be said that circulation is the least profitable of the business authorized by the law regulating national banks. Is this a reason why legislation should be invoked to make it pay more than it does? These banks loan money at the highest interest rates; buy business paper at its value; discount bills; buy and sell exchange; deal in moneyed securities; receive interest on the bonds deposited for circulation; loan the circulating notes received on these bonds, and make collections in all parts of the country. By these methods and by others the dividends of national banks are earned.

In this reckoning no mention is made of the fact that the system of banking established by the national banking law itself has great compensating advantages. The popular belief is that national banks are safe, because supervised by the Government. This inspires the trust and confidence of the people. In addition to this the high character of those by whom, as a rule, they are directly controlled enable these institutions to secure deposits three times in excess of their own capital, which they loan out at high rates of interest. Another advantage is found in the fact that at this time there are 2,671 of these banks in operation. Located as they are, at every point in our vast country where there is banking to do, each uses the other as a correspondent, and this adds largely to their ability to command business at home and abroad.

Compare the earnings of capital invested in national banks with the earnings of equal capital invested in other legitimate business, and banking capital can make no complaint. Need this feature of the question be further elaborated? It is a fact known to all men that banking is a very profitable pursuit. What signifies it that circulation is the least in its items of profit? It is not every ware on the shelf of the merchant that sells at a profit. Yet, in merchandising wealth is accumulated. There are times when the products of the farm sell at prices less than remunerative. Yet, in husbandry there are substantial gains. It is not every working-day in the year that the mechanic and the laborer have employment. Still, the year does not come and go without giving some reward. Idle and unprofitable days are not uncommon in professional pursuits.

There is scarcely any business that has not its season of depression. Instead of complaining, the national banks ought to be gratefully content with their lot. For more than twenty years they have done business upon the capital of their owners, and upon the capital furnished them by the Government, in the shape of their circulating notes, in amount but 10 per cent. less than their own capital, and upon three times the amount of their own capital furnished by their depositors. Upon the capital furnished by the Government these banks pay 1 per cent. per annum. Upon that furnished by depositors it is safe to say that the use of one-half is without cost, and the use of the other half they have at very low rates of interest.

Investing capital in national banks enables its owner to draw interest upon not less than three times the amount invested, while the other business done by the bank, it is believed, goes far toward meeting its operating expenses. Under recent legislation these banks are author-

ized to continue their business for twenty years longer. If a business having these advantages is not sufficiently remunerative without further help from the Government, its end can not come too soon. Banking may be more profitable with than without circulation. But it is a significant fact that out of 7,448 banks in our country, only 2,671 have circulation; 4,777 banks manage to get along without circulating notes, and seldom, if ever, do they appear in this Capitol asking for money-making privileges.

Mr. Speaker, it is said by the friends of this bill that the public interests require that the national banks should have circulation equal in amount to the par value of the bonds they deposit. Supporting this assertion, it is argued that unless we allow them to increase their circulation to the par value of the bonds deposited they will not only decline to take circulation, but will retire, gradually or otherwise, as their interests may dictate, the circulation they have. All this means, I suppose, that if this bill is not passed all of the national banks will at once set to work contracting their circulation, and not stop until all is retired. This threat should excite no fears. It is true that existing laws give to the national banks an undue control over a large proportion of the currency of the country. This wrong should be remedied. If we are to look to these banks for a part of our currency they should be under a binding obligation to supply it, if needed. In authorizing them to issue circulating notes they should be required to maintain a circulation within fixed limits. The option to maintain or not to maintain circulation above a minimum amount should not be held by the banks. As the law now stands the business interests of the country are largely under the control of the national banks. Should they contract their circulation, little or much, there is no currency to take its place. One object in establishing the national banking system was to give to the people a safe and sound currency, and sufficient at all times to meet the business wants of the country. If, in this latter respect, the system is to be a failure, the sooner it is so understood the better.

The passage of this bill may increase circulation upon the bonds now on deposit $32,000,000. The contraction for two years past is less than $33,000,000. So that this bill may bring the circulation back to where it was two years ago. Will it do more? We will see presently that the only bonds available for deposit to secure circulation are the 4 percents, which mature in 1907. The premium on these bonds is so high that these banks say they can not afford to buy them to deposit for circulation, and for this reason, mainly, the passage of this bill is urged. The passage of this bill will, in my opinion, advance the premium. Banks that object to buying the 4 per cent. bonds at the present high premium will surely object to their purchase if the premium should be higher. Five per cent. additional premium will lessen materially the expected gain from 10 per cent. more of circulation.

Facts are stubborn things. It is impossible to change them by this bill. Much as it may be believed that this measure will put a stop to the contraction now going on in national-bank note circulation, my word for it, it will not, nor will it bring back the circulation to the point where it stood one year ago. The circulation of national banks is contracting, and will continue to contract, from causes which this bill, if made a law, will be unable to control. The credit of the Government this bill can not affect. This high credit is the force before which national-bank notes are retiring. As long as the bonds which secure circulation bear a low rate of interest and command a high premium the circulation of national banks will grow less and less, until sooner or later all are retired. In the light of the present surroundings there is reason to believe that it is only a question of time, and short at that, when the national banks will cease to issue circulating notes. For myself I do not believe that they will for any great length of time be able to maintain a circulation except at a sacrifice of the better interests of the people.

The national banking system when established was supposed to be a necessity of the war. The purpose of the system was to create a home demand for the bonds of the Government, rather than to make a currency system, either temporary or permanent. Before the war banks of issue were authorized by the States, and under their laws currency was issued. The genius of that distinguished citizen of my State, then at the head of the Treasury, the late Chief-Justice Chase, planned the system. The free-banking laws then in force in Ohio and New York, and it may be in other States, were the models used by the great Secretary in molding his work. In making a home demand for the bonds of the Government his labors were a complete success. The unfriendly legislation to banks issuing currency under State authority is a marked feature in the legislation of that period. Without the 10 per cent. tax imposed by Federal law upon bank issues authorized by State laws it is doubtful whether the national banking system would have come into general use. It will be remembered that banking capital was reluctant and slow to organize under the national banking law. Fortunately, the national banking system is no longer a necessary factor in maintaining the supremacy of the laws.

Reliance upon the national banks for our currency means a perpetuation of the public debt. To this public sentiment, as I understand it, is opposed. The gradual payment of the public debt is favored by the great body of the people. All legislation tending to make the public debt permanent, or postponing its payment to a too distant period in the future, outside of moneyed circles, will have few friends. Educated as the mass of the people are in the belief that a public debt, like a private debt, is a curse, the one is abhorred as much as the other. The circulation of the national banks is based upon the public debt. Without a public debt there would be no national-bank notes. To have the circulation of these banks equal to the currency wants of the people there must be more than an equal amount of public debt. If that part of the public debt bearing interest was now on deposit as the basis of circulation of the national banks, 90 per cent. of its amount would give but little more currency to the country than the amount we now have.

If the whole public debt, or a part less than the whole, is to be made permanent, and so kept, for the sole purpose of aiding the national banks to issue circulating notes, I am persuaded that a paper-money system less expensive would be more satisfactory to the people. The cost of maintaining a public debt amounting to several hundred million dollars for the mere use of the national banks would be little, if any, less than $25,000,000 a year. Such a tax for such a purpose I do not believe the people would cheerfully pay. The circulation of the national banks, I repeat, will contract in spite of all this bill may do. Their circulation in November last was $333,559,813. The bonds on deposit to secure this circulation are:

Three percents	$155,604,400
Four percents	116,705,450
Four-and-a-half percents	49,537,450

The amount of the 3 per cent. bonds outstanding in November last was $194,190,500. All but $38,486,100 are held by the national banks. The 3 per cent. bonds are payable at the pleasure of the Government. Every month their number grows less. Reduced taxation might temporarily check their redemption. But before this event is likely to occur all will be paid. At the end of two years it is more than probable that but few of the 3 per cent. bonds will be outstanding. This opinion is expressed by the Comptroller of the Currency in his last report, and is entertained generally by those who give attention to monetary affairs. It will be seen, therefore, that the 3 per cent. bonds are no longer available as a basis for national-bank circulation, and as these bonds are redeemed national-bank currency issued upon them must necessarily retire. Seven hundred and thirty-seven million six hundred and ninety-three thousand four hundred and fifty dollars of 4 per cent. bonds were outstanding in November, 1884. The national banks held near $117,000,000.

The estimated amount held by savings-banks and trust companies is near $300,000,000. Of the remainder, some are held by individuals as trust funds, some as permanent investments, and some are held on sale. Of those on sale, it is safe to say, the amount does not exceed $200,000,000, and equally safe is it to say of the others that but few could be bought by the national banks at a price they would be willing to pay. But whatever may be the amount of 4 per cent. bonds available as a basis for national-bank circulation, there is no reason for believing that the circulation of these banks will be increased by the purchase of 4 per cent. bonds. Should the premium on the 4 percents remain where it is or advance still higher, the national banks, or some of them, will doubtless dispose of a part if not all they hold to realize the high premium, and this, to the extent it is done, will also contract their circulation.

Of the 4½ per cent. bonds it is unnecessary to speak. They, too, are at a high premium, and this, as well as their early maturity, are reasons why they are unsatisfactory to deposit for circulation. To me it is plain that with the bonds we have the circulation of the national banks will contract to a point below that which is now maintained upon the 4 percents now upon deposit.

The fact that during the present year the corporate existence of seven hundred and twenty national banks will terminate is not to be overlooked in considering the question under discussion. The circulation of these banks is $107,484,115. Their bonds on deposit amount to $120,060,850. What proportion of this number will extend their corporate existence under the act of July, 1882, it is impossible to state. If circulation is no positive advantage upon bonds available as a deposit, it is not unreasonable to presume that one-fifth at least of the seven hundred and twenty will not renew their corporate life. From this cause, then, more or less of contraction must be expected.

With the 3 per cent. bonds out of the way, few of the 4 percents within reach, and some now on deposit sold, and 4½ percents undesirable, national-bank note circulation must stand ere long at less than $100,000,000, which is not equal to one-ninth part of the entire currency of the country.

In the absence of legislation, what is there to prevent the circulation of the national banks from contracting to a point where it will be unimportant in transacting the business of the country? So far as this bill authorizes the national banks to increase their circulation 10 per cent. upon the bonds they now have on deposit, it is a most tempting offer to those who own the stock in these banks. Such a large bonus in aid of a private interest is certainly unprecedented in legislation. If the offer should be taken, these bank owners will pocket what we give them and chuckle heartily at their good luck.

Shall we do anything to increase the circulation of national banks or do nothing, and in this way allow it to contract and eventually retire? In better words, what can be done to make national-bank notes in the future, as in the past, a part of the currency of the country? As long as these institutions issue circulating notes so long must there be security pledged for their redemption. Anything except the bonds of the Government ought not to be thought of as a security for the payment of these notes. Shall we make a bond for the sole use of the national banks? Unless this is done, I repeat, it is only a question of time when national-bank notes will be retired and their issue cease. How can this be done? The interest-bearing debt is $1,196,147,450 and the non-interest-bearing debt is $636,430,040. Of the interest-bearing debt the 3 and 4½ per cent. bonds might be refunded. These bonds appear to be the only part of the public debt which can be put at the service of the national banks. To refund these bonds the interest they will bear, for years and years, will add to the burden of the debt now borne by the people.

If we put the legal-tenders (greenbacks) into interest-bearing bonds, we lose them as currency, and to the extent of the interest they bear we make another debt for the people to pay. Do all that we can, and the best that we can, and it is uncertain whether or not national-bank currency can be preserved. Can a bond be made that will be acceptable to the national banks and acceptable also to the people? A long bond would not have general approval, and a short one would not be satisfactory to the banks.

If we are mindful of the people's interests we will make no bond which will rate in the money market above its par value. Three per cent. bonds are at a premium. This is suggestive that a long bond, bearing a less rate of interest, would maintain its par value. As long as the credit of the Government stands at its present high mark, a 2½ if not a 2 per cent. bond will rate at par. If a new bond is to be made I insist that it be made in the interests of the people rather than in the interests of the national banks. From the earnings of the people must come the money to meet the quarterly or semi-annual interest they will bear, and therefore the burden to be imposed ought to be made light. National bankers say they will have nothing to do with a bond bearing less than 3 per cent. interest.

In my judgment, the people will not consent to the issue of any other. This contention between opposing interests, it is suggested, may be adjusted by the repeal of the law imposing 1 per cent. tax upon the circulation of national banks. This proposition has few disinterested friends, and it ought not to be urged. If issuing circulating notes is an advantage to national banks, they should not be unwilling to pay for the privilege, especially when it is exclusive. State laws, it is believed, do not tax the circulation of national banks. If this be true, the 1 per cent. tax is all the tax that this species of property pays. The bonds upon which circulation issues are, as we all know, exempt from taxation. To this exemption there is an unwilling submission. Against the further exemption of capital from taxation the people will justly cry aloud.

If it be true, as national banks claim, that their profits from circulation are small, no harm will come to these institutions if all their circulating notes are retired. As banks of discount and deposit they would be useful to the public and profitable to their owners. The banks of discount and deposit regulated by State laws would be their competitors in business, and between the two systems the impartial judgment of the people would make choice.

But if national-bank notes are retired, what shall be the currency in its stead?

Our currency, at this time, consists of—

Legal-tenders (greenbacks)	$346,739,256
National-bank notes	333,559,813
Gold and silver certificates	257,799,441
Total	938,098,510

The notes of the national banks, it will be seen, constitute a little more than one-third of the currency of the country. If for national-bank note currency another can be substituted equally good, equally safe, and equally satisfactory to the people, the loss of national-bank notes soon would be forgotten.

The question as to what shall constitute our money and our currency seems to be a difficult one to settle. We have four kinds of money and four kinds of currency. Of the metals there is gold, silver, copper, and nickel. Of paper we have legal-tenders (greenbacks), national-bank notes, gold certificates, and silver certificates. Whether iron or lead, or both, will be added to the list of metals, or more paper issues, differing in kind, are yet to come—who knows? Four kinds of paper money, each unlike the other but all issued by the same authority, and circulating upon the same credit, may and possibly do show great financial wisdom, yet to the average mind it is beyond comprehension.

A thorough adept in matters of finance understands well why four printing presses, operated side by side in the same room, or in different rooms under the same roof, or in contiguous buildings, it may be, yet all under one superintendence, with the aid of paper and ink and the engraver's art, should make four kinds of paper money; but one unskilled in that science will have no other notion than it would be far better if it was one kind instead of four. But the money-changers understand the advantages of four kinds of paper money, if other people do not. The currency of this age will be a wonder to the people in the age that is before us.

What the country needs is a permanent solution of the currency question. It seems to baffle the financial genius of our times. Its ultimate solution rests with the financial genius of the future. He who shall unify it and make it for the people and of the people will have a name in the statute-book of our country more enduring than if chiseled in marble or brass. If we are unable to originate a currency uniform and permanent, we should legislate wisely respecting the makeshifts that we have.

If gold and silver certificates, either or both, were to be stricken from our currency list, the gold and silver interests would be in instant commotion. Retire the greenbacks and issue national-bank notes in their stead, and the moneyed interests in every part of our country would be glad. But retire the national-bank notes and in their place put the legal-tender issues of the Government, and we may well expect that for thirty days at least every national bank in the land would be draped in mourning. Every movement made in the interests of the people upon the subject of the currency appears to be antagonized by some selfish interest. If my judgment is not at fault, national-bank note circulation will be retired unless Congress comes to the rescue by legislating still further in the interests of the national banks and against the interests of the people. I am no advocate of what is called greenback doctrines. I still hold the hard-money faith, in which the Democratic fathers lived and died.

I would not pay off the public debt with the legal-tender issues of the Government; neither would I put afloat an undue amount of paper money, or any amount irredeemable. But if national-bank notes are to be retired from necessity or choice, their place must be filled. If this place can be filled with anything better than the legal-tender notes of the Government, say what it is, and my vote shall be for it. If a legal-tender currency is the best we have, and the best we are able to make, it is the currency that should come when national-bank notes shall go.

For many years the circulation of Government notes has been larger than the circulation of national-bank notes. It would, therefore, be no experiment to issue more of the former and less of the latter. Until the Supreme Court of the United States said Government notes are legal-tenders they were supposed to be no better, and by many not as good as national-bank notes. Had the law authorizing the issue of the greenback given it credit instead of discredit, the public debt at the close of the war would have been more like a mole-hill and less like a mountain in size.

As long as Government notes were not legal-tenders objections to their issue were not without reason. Now that they are legal-tenders, unquestionably they are the best paper-money we have. Until something better is suggested, I would have legal-tenders take the place which national-bank notes seem destined to vacate. Issue legal-tenders in lieu of 3 per cent. bonds, which are payable at the pleasure of the Government and amount to $194,190,500. Do this at once. This will stop the contraction now going on in national-bank note currency. Issue legal-tenders and with them pay the 3 per cent. bonds and near $6,000,000 a year will be saved to the people. The substitution of legal-tenders for the 3 per cent. bonds would retire all national-bank note circulation based on the 3 per cent. bonds, which amounts to about $140,000,000.

The circulation based upon the 4½ per cent. bonds must be about $44,000,000. When these bonds ($250,000,000) mature, six years hence, or sooner if it can be done to advantage, substitute legal-tenders, if not for all, then for such portion as the currency interests of the country may then require. Here again would be saved to the people $11,250,000 a year, which they now pay for interest on these 4½ per cent. bonds.

As long as silver certificates issue at the rate of $2,000,000 a month no harm can come to the business interests of the country if the national-bank-note circulation contracts as the friends of this bill say that it will. It is a fact well enough to bear in mind that while national-bank note currency is $24,170,676 less now than one year ago, silver certificates exceeding this amount were issued in the same year. So that as national-bank notes are being retired their place is filled with silver certificates. This is one way in which we may legislate to reduce taxation, and that, too, without disturbing in the least the business interests of the country.

These suggestions may be unwise. They are, however, the matured thoughts of many who would have the money affairs of the people managed with the same judgment that they manage with eminent success their own business interests.

We have heard read from the Clerk's desk letters from several gentlemen who are at the head of some of the largest national banks in New York. These gentlemen tell us that this bill ought to pass. Their opinions are influenced no doubt to some extent by self-interest. What they say may, and possibly does, reflect the opinion of all who own national-bank stock. It reflects none other. Against these interested opinions are the interests of many millions of people who have no connection with these moneyed institutions. The question is one of individual gain on the one hand and the public good on the other. Between these opposing interests I take my stand on the side of the people.

Whatever the national banks or their friends may say against the

policy that is suggested, they can not say that if pursued it will not save to the people $17,000,000 interest-money each year. They can not say that it will not give to the people a better currency than national-bank notes, a currency as good and as lasting as the Government itself.

Mr. Speaker, what I have said has been spoken in no spirit of unfriendliness to national banks or to the many honorable gentlemen connected with these institutions. With the stockholders and officers in many of them, in my own State, I have a personal acquaintance. It gives me pleasure to state that, without an exception, they are men of integrity and stand high in public esteem. Having no interest in banks, and in no way connected with them except when doing business at their counters, I can speak freely and disinterestedly about that which affects their interests upon the one hand and the interests of the people upon the other. What the 100,000 owners of national banks ask for in the pending bill is, in my judgment, antagonized by the interests of more than 50,000,000 of people. To favor such a measure I would be untrue to my own convictions and untrue to what I believe to be the convictions of those whose suffrages give me a voice and a vote in making laws for the American people.

French Spoliation Claims.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 14, 1885,

On the bill (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

Mr. ROBINSON, of New York, said:

Mr. SPEAKER: If age deserves respect, these claims must be considered highly respectable. They are venerable in years and sanctified in national gratitude. They were contracted over the cradle of the Republic and ratified at its baptism. They are rooted in the memories of Valley Forge and fragrant with the glories of Monmouth and Yorktown.

By the treaty of the 6th of February, 1778, we stipulated with France to give certain privileges to her ships and merchandise and to aid in protecting her in her possessions. Gladly did we make these stipulations, for Washington was sorely pressed, and the shadow of death seemed to have settled on our hopes of independence as the Father of his Country gathered his suffering children around him with scant food and shelter amid the gloom of Valley Forge. That gloom was dispelled by that treaty. A bright morning dawned upon the darkest night that ever brooded over patriotic hopes. The thunder of Knox's artillery and the gleam of Wayne's bayonets under Washington, aided by France, at Monmouth and Yorktown speedily secured our independence.

Pity it was that two such friendly powers should so soon come to distrust and injure each other. Jay's treaty with Great Britain, so acceptable to those who had not been weaned from their love of England, gave great offense to France and her friends on this side of the water. She thought that we should go with her against the world in the wild leap which she took for liberty after us, but the promises which seemed so reasonable to us in the gloom of Valley Forge were not deemed so desirable in the light of our independence. We failed to come up to her expectations in our support of her cause against her and our ancient enemy, and our statesmen sought wisely, perhaps, if not in accordance with our treaties, to "avoid entangling alliances." Her navy committed outrages upon the shipping and commerce of our merchants. The national convention of France decreed May 9, 1793, that "French ships of war and privateers may arrest and bring into the ports of the republic the neutral vessels which shall be laden, wholly or in part, either with articles of provisions belonging to neutral nations and destined to an enemy's port, or with merchandise belonging to an enemy," but by a subsequent decree declared "that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May." These and other decrees and proceedings under them were considered by our Government as in direct violation of the law of nations and of the treaties France had made with us, and Congress, by act of July 7, 1798, annulled these treaties. The right of our citizens to have compensation from France for these depredations was considered so clearly established that our Government in its instructions to our envoys to France, under date of October 22, 1799, declares:

First. At the opening of the negotiation you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make to the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures, or condemnation of their vessels and their property, under color of authority or commissions from the French Republic or its agents.

The executive Directory of France also declared again and again that their cruisers had committed unjustifiable depredations upon our merchants; but France claimed compensation for our non-fulfillment of the treaties with her, and that, if compensation were made, it should be mutual. We, in our extremity at Valley Forge, had stipulated that we should guarantee to France her present and future possessions in America, and that her privateers and prizes should enter our ports and depart at pleasure, while the privateers and prizes of the enemies of France were to be excluded. These and other stipulations in our treaty with France were of vast importance to her. She was at war with England, which had great interests in the West Indies. France, by having our ports as places of refuge, could easily annoy and injure England in her commerce in the West Indies. But our Government determined to maintain a strict neutrality and refused to France the advantages which our treaties with her gave her, and she very reasonably complained and claimed damages. Our ministers acknowledged the justice of her claims by offering terms for the modification of the treaties.

After long negotiations, serious complications, and much diplomacy a settlement was effected by the treaty of September 30, 1800, and its subsequent modifications, by which we were discharged forever from the onerous burdens of our treaties, made in the hour of need, and from all claim of indemnity for refusing to France the privilege they secured to her; and for these great advantages we paid France by offsetting against her demands the claims which our citizens had against her and for which we thereby became as clearly liable to our own citizens as if we had borrowed from them the money which France claimed we owed her for wrongs which we inflicted on her. Could any one, either in France or in the United States, have ever imagined that a government controlled by any sense of justice could so long delay the payment of so just a claim as this, and after eighty-four years of unjustifiable procrastination still persist in inflicting such injustice upon its own long-suffering citizens?

Soon after the making of this treaty numerous petitions were presented to Congress by merchants who had suffered by these spoliations. The first, I think, was presented by Mr. Samuel Smith, of Maryland, who was a brigadier-general in the Revolutionary war, and was afterward for many years a Representative and Senator in Congress. On the 5th of February, 1802, a committee was appointed by the House to consider these claims, and on the 15th day of March in that year Mr. Roger Griswold, of Connecticut, brought the subject before the House by the following resolution:

Resolved, That it is proper to make provision by law toward indemnifying the merchants of the United States for losses sustained by them from French spoliations, the claims for which losses have been renounced by the final ratification of the convention with France as published by proclamation of the President of the United States.

This was in the Seventh Congress, in which sixteen States and no Territory were represented, and this resolution was introduced in the House of Representatives, which then seemed to have more distinguished men than were in the Senate. Roger Griswold, Edward Livingston, Samuel L. Mitchell, Andrew Gregg, James A. Bayard, Samuel Smith, John Randolph, Nathaniel Mason, Thomas Lowndes, and John Rutledge were members. It was the first Congress held in the administration of Jefferson, and it was to this Congress that Mr. Jefferson delivered his message in writing sent by messenger. The former method was to have the two Houses listen to an address in person, and going in form to present their answer, which Jefferson considered too close an imitation of the royal mode of opening the British Parliament.

On introducing the resolution Mr. Griswold, Mr. Smith, Mr. Lowndes, Mr. Mitchell, Mr. Gregg, Mr. Bayard, and Mr. Rutledge spoke, and the House refused to consider the resolution by a vote of 33 to 54. On the 22d of April, 1802, the committee which had been appointed in February made a valuable historical report, which did not conclude with any recommendation of a mode of relief or even of investigation.

On the 24th of January, 1803, Mr. Mitchell, of New York, moved for the appointment of a committee by the following resolution:

Resolved, That a committee be appointed to inquire by what means the value or amount of property taken from citizens of the United States by the French during the late war in Europe can be best ascertained, and the several sorts of captures distinguished and classed, and report their opinion thereon to this House, to the end that indemnification may be made.

Near the close of the last session of the Seventh Congress Mr. Bayard brought the subject again before the House, and again the House refused to consider it, by a vote of 21 to 48. Among those voting for it were Messrs. Bayard, Griswold, and Mitchell. Among those voting in the negative was John Randolph. This delay or refusal to take up the subject was not the fault of the claimants, who kept pressing their claims, but of Congress, which refused even to inquire into the matter. The distinguished speakers in this debate have long since passed away. Samuel Smith continued in Congress over thirty years after this debate, and died at the age of 87 without seeing any progress made in settling these claims, on which he had presented the first petition to Congress. James A. Bayard, born in Pennsylvania, and dying seventy years ago in Delaware, where he had founded an illustrious family, left to his grandson, the present distinguished Senator from Delaware, the advocacy of the cause which he so eloquently sustained a quarter of a century before this grandson was born. Andrew Gregg was, ten years after this debate, still serving the State of Pennsylvania in the Senate of the United States, and as President *pro tempore* of that body. He removed in 1814 from his farm in the wilderness to Bellefonte.

Mr. Gregg was a fine specimen of the Irish element in the United States, of splendid bodily physique, large brain, and handsome face. It was from that race that these States inherited their fame for manly men and beautiful women. It was from this element that Pennsylvania obtained her long and illustrious race of heroes, statesmen, and scholars. Well, at Mr. Gregg's hospitable mansion at Bellefonte he welcomed a young Irish gentleman, handsome and highly educated and conversant with the classics and modern languages. To this accomplished gentleman Mr. Gregg gave his charming daughter in marriage, and in 1817 they presented him with a grandson inheriting the virtues of his race, and they named him, after his grandfather, ANDREW GREGG CURTIN. This child grew up from fair youth to bright manhood, and some forty years ago brought his beautiful bride to New Haven, in Connecticut. A handsomer couple never sat down to the famous table of the Tontine Hotel, beneath the shade of its overarching elms. It was there and then that I formed a most pleasing acquaintance with that young bridegroom who, after distinguished honors, borne with dignity at home and abroad, is now the distinguished chairman of the committee [on Foreign Affairs] which has introduced this subject into this House for our consideration to-day, and is blessed with a family of children and half a score of grandchildren worthy of their honored progenitors, and who is now speaking in the cause which engaged his grandfather's attention eighty-two years ago, and fifteen years before this grandson was born.

I have wandered into this digression, for which I hope my old-time friend will forgive me in referring so familiarly to himself and family, to show what delays these claims have encountered. Fifteen years before he was born his father-in-law was a leading figure in the discussion of these claims, and his grandchildren are witnesses of the debates on the same subject on which his grandfather and their great-great-grandfather spoke so many years ago. Had Charles Dickens taken the case of the French spoliation claims, in place of the chancery case of Jarndyce and Jarndyce in his Bleak House, what a far better picture he could have drawn of interminable delays. The case of which he speaks "commenced twenty years ago, in which from thirty to forty counsel had been engaged at one time, in which costs had been incurred to the amount of £70,000," was nothing to this spoliation claim, "although it had its worn-out lunatics in every mad-house and its dead in every church-yard; its ruined suitor with his slipshod heels and threadbare dress begging and borrowing through the round of every man's acquaintance, which gives to moneyed might the means abundantly of wearing out the right, which so exhausts finances, patience, courage, hope, so overthrows the brain and breaks the heart."

In his opening chapter of Bleak House you have the following vivid description of this matter if you only substitute "French spoliation claims" for "Jarndyce and Jarndyce:"

Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. The parties to it understand it least; but it has been observed that no two chancery lawyers can talk about it for five minutes without coming to a total disagreement as to all premises. Innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it. Scores of persons have deliriously found themselves made parties in Jarndyce and Jarndyce without knowing how or why; whole families have inherited legendary hatred with the suit. The little plaintiff or defendant, who was promised a new rocking-horse when Jarndyce and Jarndyce should be settled, has grown up, possessed himself of a real horse, and trotted away into the other world. Fair wards of court have faded into mothers and grandmothers; a long procession of chancellors has come in and gone out; the legion of bills in the suit have been transformed into mere bills of mortality. There are not three Jarndyces left upon the earth, perhaps, since old Tom Jarndyce, in despair, blew his brains out at a coffee-house in Chancery-lane; but Jarndyce and Jarndyce still drags its weary length before the court, perennially hopeless.

Thirty years after the first attempt to have these claims attended to, and fifty-two years ago, the question was again brought before Congress. Andrew Jackson was President, and Vice-President Martin Van Buren presided over the Senate. Daniel Webster, Silas Wright, Theodore Frelinghuysen, Samuel L. Southard, John M. Clayton, John Tyler, John C. Calhoun, William C. Preston, John Forsyth, Henry Clay, Hugh L. White, Thomas Ewing, and Thomas H. Benton were all members of the Senate. When shall we see such a galaxy again?

In the House were George Evans, Franklin Pierce, Rufus Choate, John Quincy Adams, Edward Everett, John Davis, Tristam Burges, Churchill C. Cambrelling, Dudley Selden, Aaron Ward (father-in-law of the distinguished gentleman from Pennsylvania), Samuel Beardsley, Millard Fillmore, Horace Binney, John Y. Mason, Henry A. Wise, George McDuffie, James M. Wayne, Richard H. Wilde (statesman, orator, and poet), Richard M. Johnson, John Bell, James K. Polk, David Crockett, Bailie Peyton, William Allen, Thomas Corwin, and Edward A. Hannegan. From such a Congress one would naturally expect honorable legislation.

On the 11th day of December, 1832, a bill to provide for the satisfaction of these claims was introduced in the Senate, and it was referred to a committee of five, of which Mr. Webster was chairman. On the 14th of January, 1833, Mr. Webster spoke upon it for two hours. It then went over till December 17, 1833, when Mr. Webster again spoke in its favor. He was followed by John Tyler, of Virginia, in opposition. Mr. Shepley, of Maine, spoke in its favor, giving a graphic history of the claims. Silas Wright, of New York, followed against the bill. Mr. Benton, of Missouri, also opposed the bill, declaring that "this bill, if passed, would be the most odious and unprincipled ever passed by Congress." Mr. Webster replied to Mr. Benton; John C. Calhoun, of South Carolina, spoke against it, and was answered by Mr. Clay and Mr. Webster. Mr. Bibb, of Kentucky, a quaint old gentleman with a cue and knee-breeches, and who was afterward Secretary of the Treasury in President Tyler's Cabinet, spoke in opposition, and on the 28th of January, 1835, the bill (appropriating $5,000,000) passed in the Senate—yeas 25, nays 21. Among the yeas were John Bell, James Buchanan, Henry Clay, John M. Clayton, Theodore Frelinghuysen, William C. Preston, Samuel L. Southard, and Daniel Webster. Among the nays were Messrs. Benton, Calhoun, and Wright.

The bill, however, was not reached in the House, and so failed to become a law.

Those who took part in this discussion have long since passed away. Webster and Wright, Clay and Calhoun, Benton and Bibb, all died over a quarter of a century ago, but still the French spoliation claims survive—Jarndyce and Jarndyce still drones on.

It is now forty-one years since I came to Washington to attend to the affairs of Congress. I then found the French spoliation claims a venerable but vigorous question in these Halls. Widows and orphans, who were born after their fathers had grown gray in the pursuit of these phantom claims, were prominent here at the hotels, or flitting between the two Houses and gazing from the galleries, and some of them shone at the White House and other receptions. The face of one of these is still as distinct before me as a photograph, though her name is forgotten. She was a beautiful young woman, with great wealth of hair and charm of face and figure, with a dash in her veins of blood of the Paul Jones family. She devoted herself to the work of popularizing these claims. She lived at the National Hotel, then known as Coleman's, and previously as Gadsby's. Willard's was then known as Fuller's Tavern, and was a popular resort for judges of good liquor. She was acquainted with all the leading Senators and Representatives, and had the enthusiastic support of Edward A. Hannegan, of Indiana, transferred from the House to the Senate, and noted for his impulsive Western oratory. She saw her hopes almost realized. She saw a bill for the payment of these claims passed both Houses but ruthlessly vetoed by President Polk. Her hair fell out, and its wealth of auburn turned to scattered silver. The roses withered from her cheeks, and her eyes grew dim through tears of disappointment, and finally she found rest in death, in a grave as dark as that in which her hopes for relief from Congress were buried. To whom she assigned her claims, or whether she sold them below their value, I know not, but I suppose her heirs or assigns have their longing eyes fixed upon this Capitol with a faith as firm as her own in her youthful days.

It is just forty years ago since James K. Polk was inaugurated President of the United States. At the head of his Cabinet was James Buchanan, who had eleven years before voted in favor of paying these bills. Robert J. Walker, William L. Marcy, and George Bancroft were also in his Cabinet. His administration began with the Twenty-ninth Congress, and among the prominent measures urged upon the attention of that Congress were these French spoliation claims. Forty-three years had then passed since they were first introduced into Congress, and forty more have now vanished into the eternities leaving these claims to-day unsettled at the door of this House. In the Senate of that Congress Vice-President Dallas presided with venerable white hair, which when these claims first came before Congress fell in clustered ringlets on the shoulders of a beautiful boy under 10 years of age. Among the Senators were David L. Yulee, Reverdy Johnson, Daniel Webster, Lewis Cass, Thomas H. Benton, Thomas Corwin, Sam Houston, and John C. Calhoun; all dead but Mr. Yulee, who still survives with many honors in the social circles of this metropolis. Among the Representatives I can, through the mist of vanished years, recall the voice and features of William L. Yancey, Alexander H. Stephens, Robert Toombs, Stephen A. Douglas, Jefferson Davis, Robert C. Winthrop, and Andrew Johnson; of these half-dozen three are dead and three survive—two of the survivors mourning with unchanged hearts over the lost cause and the other lingering on the border of that bourne from which when once crossed there is no returning, and whose voice perhaps from its farther side we shall hear by proxy in this House in a few days.

Well, a bill for the relief of these claimants passed both Houses during the Twenty-ninth Congress, and on Monday the 10th of August, 1846, President Polk sent his message vetoing it to the Senate. It appropriated five millions for the satisfaction of these claims. Mr. John M. Clayton and Mr. Webster made some remarks on the veto. The latter protested against the veto "as being a new and alarming extension of executive authority, not justified, not countenanced; finding no precedent, no apology in any previous exercise of executive power under the Constitution." This was the last day of the last session of the

Twenty-ninth Congress, and the bill for the relief of these claimants died with the veto.

In the Thirty-third Congress the bill was again introduced and passed both Houses, but it was again vetoed, by President Pierce, in 1855.

Sometimes Congress refused to consider the matter at all. Sometimes it passed one House and failed in the other. Sometimes it passed both Houses and failed by the interposition of the veto. Over forty times it has been examined by Congress and reports have been made upon it. Of these, thirty-eight were favorable and only two unfavorable. Clay and Clayton, Choate and Cushing, Bell and Everett, Sumner and Shepley, Frelinghuysen and Southard, Bayard and Buchanan, Preston and Ewing, all of them by speech or formal report advocating its passage, and here we are again to-day with the prayers of these petitioners begging that justice be no longer delayed. The Senate has already passed it. The President will not veto it. It is our duty this day and hour to pass it by a strong majority that justice may be triumphant and sickened hearts may be made glad, that hope shall be no longer deferred.

Power to Originate Appropriation Bills.

SPEECH

OF

HON. CHARLES T. O'FERRALL,

OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 23, 1885,

On the following resolution offered by Mr. HURD:

"Whereas certain bills appropriating money from the Treasury of the United States, originating in the Senate, have passed that body and have been sent to this House for its concurrence, which are now upon the Speaker's table, to wit, Senate bill No. 328, entitled 'A bill to aid in the establishment and temporary support of common schools,' and many others; and

"Whereas it is asserted that these bills are in violation of the privilege of this House to exclusively originate bills for raising revenue: Therefore,

"*Be it resolved*, That the Committee on the Judiciary be hereby directed to inquire into the power of the Senate to originate bills appropriating money from the Treasury of the United States, and report to this House at as early a day as practicable. And said committee shall have leave to report at any time."

Mr. O'FERRALL said:

Mr. SPEAKER: I must confess this resolution has taken me by surprise. The bill which it antagonizes has been pending in this House since the latter part of the last session of this Congress. Repeated efforts have been made to secure its consideration, which has been prevented by our rules, and now, as its friends begin to hope with confidence that it will not be postponed much longer, we are confronted by a motion which, if sustained, will almost surely work its defeat for this session. I take it that if the House refers this matter to the Judiciary Committee it will defer action on this bill until a report has been made by that committee. Without in any manner intending to intimate that the consideration of the resolution by the committee will be unnecessarily delayed, we all know that it will be days at least before a report can be submitted. Then the many appropriation bills undisposed of will be pressing for consideration and crowding out this as well as other bills. I regret, therefore, that the gentleman from Ohio [Mr. HURD] has seen proper to submit this resolution at this time. It seems to me it would have been much better if the gentleman had waited until the bill to which his resolution particularly refers had been reached, when full and ample time could be had for the discussion of the proposition embodied in his resolution.

But, sir, the resolution has been offered and this House must pass on it. What is it? What proposition does it contain? It contains a denial of the power of the other branch of Congress to pass the bill known as the educational bill. It denies the power of the Senate of the United States to originate a bill making an appropriation of money. The authority cited for this position is section 7, article 1, of the Constitution of the United States, which says:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Now, sir, to the common mind this section is plain and simple. Submit it to any plain, practical man, and he would be surprised to hear that any difference of opinion as to its construction or meaning could possibly exist. Take the words and analyze them in the light of their universal acceptation, and there is no mind at all acquainted with the English language that will not conclude that every word is unequivocal and not one has a compound meaning. But it is claimed by the distinguished gentleman from Ohio that the words "raising revenue" embrace the words "appropriating revenue;" that, as the power to originate bills for raising revenue rests exclusively in the House of Representatives, the power to originate appropriation bills also rests exclusively in this House.

Well, sir, it seems to me as clear as noonday that the terms "raise" and "appropriate" are as distinct in their meaning as "receive" and "expend," as "take in" and "let out," as "produce" and "consume." So that when the Constitution says that this branch of Congress alone shall have the power to originate bills to raise revenue, it meant by that to declare that this branch only could devise the means by which money was to flow into the Treasury for the support and maintenance of government, and to declare nothing more. But it is asserted by the distinguished gentleman that after money is raised, after it is collected from the people, it does not become "revenue" until it is appropriated, and that revenue is not "raised," in the meaning of the Constitution, until the money collected has been appropriated.

This is a proposition at variance with all my preconceived ideas as to the true, and proper, and generally accepted definition of the word "revenue." When I sought during the delivery of the gentleman's remarks to reconcile his definition of this very common word with my long understanding as to its meaning, I was confronted with this definition given by Webster and every lexicographer I have ever examined:

Revenue, 1. In a general sense, the annual rents, profits, interest, or issues of any species of property, real or personal, belonging to an individual or to the public. When used of individuals, it is equivalent to income. In modern usage, income is applied more generally to the rents and profits of individuals, and revenue to those of the state.

2. The annual produce of taxes, excise, customs, duties, rents, &c., which a nation or state collects and receives into the treasury for public use.

This definition does not say produce and expend, receive and discharge, collect and disburse, take in and pay out, raise and appropriate, but it simply declares that revenue is the money that is produced, received, collected, taken in or raised by or from taxes, excise, customs, duties, &c. The moment it reaches the treasury that moment it becomes revenue. Every dollar of the large surplus now hoarded in the vaults of the National Treasury is revenue—money collected from the people—though it remains unappropriated.

I must confess, Mr. Speaker, that had it not been for the earnestness with which the proposition embraced in this resolution was presented, and the eloquence and adroitness with which it was supported, I would not have allowed it to occupy one moment of my time in its consideration.

The school in which I have been taught has been that of a strict construction of the Constitution. I have been taught that the framers were careful in the selection of their language; that words were used in their ordinary meaning; that their purpose was to present a chart so plain that those who were to come after them could not misconstrue or misinterpret it.

It is true that with all their care questions of construction have arisen and the supreme judicial tribunal created by the Constitution has frequently been called upon to interpret its provisions. But, sir, in the very infancy of this Union, as far back as the year 1800, the great political revolution which swept over this country placed this Government upon the bed-rock of strict construction, not only as to the rights reserved to the States, but as to the powers of the co-ordinate branches of the Government in their relations to each other. At times when passion has run high and calm judgment has been dethroned there have been departures from this fundamental principle. They have been justified by the emergencies and excused by the dangers of the hour.

Now no dangers confront us, unless it be the danger which the gentleman from Ohio predicted in what he regarded as an encroachment of the Senate upon the power given to this House. I have tried to show that there was no encroachment.

In opposing this resolution, Mr. Speaker, I feel that I am following closely in the line of my teachings. Strict construction and giving to every word its ordinary meaning, confining the General Government and each of its branches to the powers expressly conferred or arising by necessary implication, have been the lessons taught me in the political school in which I have been reared. I shall not depart from these principles, and hence shall not vote for a resolution which in my opinion embodies a proposition of such broad construction that the most advanced constitutional latitudinarian can adopt it with perfect propriety.

But, referring to the danger which is thought by the gentleman from Ohio to threaten us if the power of the Senate to originate appropriation bills is recognized, I must say, with all deference, I think that all fears in that direction are not well-founded. The Senate of the United States is composed of gentlemen who in their love for the Constitution and regard for the interests of the people must be as sincere and ardent as the members of this House. They are citizens of the various States they represent, not foreigners. They represent no crowned head, no preferred classes, no dignitaries—they represent the States in their sovereign capacity.

I can see no danger in vesting in the Senate the power that is denied by the resolution. What matters it to this House whether they vote first or last on an appropriation bill if it is right? If a bill should come from the Senate that in the opinion of this body is wrong, why it can be throttled here. No appropriation bill can become a law except by and through the concurrence of this House. These are briefly my views, stated without any attempt at rhetoric.

Holding these views and looking with interest upon the fate of the bill at which this resolution in effect is aimed, I must express the earnest hope that the friends of this important measure will find no

constitutional obstacles in their way and will vote against this resolution, and thereby save the educational bill from its inevitable doom in the event of the passage of this resolution.

I speak for Virginia when I say that there is no matter of legislation before this Congress in which her people take as deep an interest as in this bill, which is to lift from her shoulders the burden under which she has been suffering for the last fifteen years and enable her to throw wide open the doors of her school-houses for the full benefit of all her children, high and humble, rich and poor, white and colored.

Great have been her tribulations and intense have been her trials, but with a courage that has never been daunted, a zeal that has never flagged, and a determination that has never wavered she has continued to promote as far as her weakened ability would allow, year by year, her free common-school system. She is looking now with yearning eyes to this Congress for relief. Will it come? I wish I could give an affirmative answer, but I can not; I can only wait and hope. I shall regard the vote on this resolution as a strong indication of the disposition of this House upon this important subject, which is presented in four propositions:

First. Will the General Government aid in eradicating the great evil of illiteracy that is now resting so heavily upon certain States?

Second. Will the General Government do its duty to those whom it clothed with the muniments of citizenship?

Third. Will the burden of educating 2,740,926 colored illiterates be permitted to rest upon eleven States with a white population of less than 8,000,000, while the other twenty-seven States and all the Territories, with a white population of 36,000,000, are burdened with the education of only 479,952 of this class?

Fourth. Must eleven States with an assessed wealth of only about $2,000,000,000 continue to have cast upon them the education of nearly seven-eighths of the colored illiteracy of this country, while the other twenty-seven States and all the Territories, with an assessed wealth of $15,000,000,000, shall escape with the education of only about one-seventh of this class?

Let this House ponder well these propositions, and let the gentlemen on this floor answer for themselves whether these are not wrongs that ought to be redressed. Let those of more favored States inquire within themselves whether it is just and right to continue this great inequality of burden. Let the spirit which the South has shown in regard to appropriations for the relief of those who have suffered by the misfortunes of war appeal in some degree for assistance in her behalf, and for the general welfare of the country. Let the dictates of right and justice and equity prevail, and Virginia and her suffering sister States will rejoice together over the passage of this bill and the great blessings that will flow from it.

Interstate Commerce.

The greatest good of the greatest number the final test of legislation.

Railroads should be made the useful servants, not the imperious masters, of the people.

SPEECH

OF

HON. BYRON M. CUTCHEON,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 16, 1884.

The House having under consideration the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce—

Mr. CUTCHEON said:

Mr. SPEAKER: All laws and lawmakers exist, or should exist, for the greatest good of the greatest number.

When any law or lawmaker ceases to serve that end, the one should be repealed, the other retired. It is to this ultimate and crucial test that every act of proposed legislation ought to be brought, and if it will not bear this test it ought to be rejected.

If the bill under consideration will effectuate the greatest good of the greatest number, then it ought to become a law; if it will not, then it should not become law. If the Reagan bill will subserve the good—the substantial good—of a greater number than the so-called commission bill, then the former bill should have preference to the commission bill. Let us have the best bill and the best law, whatever its parentage.

THE RAILROAD SYSTEM.

The railroad system of the United States is but fifty years old. It presents to us the most wonderful spectacle of rapid development and progress that the world has ever seen. In fifty years it has grown from nothing to 121,000 miles of road equipped and in full operation. It has become not only the highway of our commerce; it has become as well the chief vehicle of our civilization. This vast system has grown up in these few years under the imperious guidance of a natural law, which it can neither control nor override—the law of demand and supply.

The vast commerce which is carried by this railroad system flows in channels shaped by a law of nature as truly as the rivers that run to the sea, even though it may flow over mountain ranges, across apparently impassable gulfs, or great rivers; it flows from the springs of production to the great sea of consumption with an unerring course.

FRICTION INEVITABLE.

It was to be expected, nay, it was inevitable, that in the creation, organization, and operation of such a vast system inequalities, and perhaps abuses, would creep in. Like any machine just put in operation, there will be friction. It is our work to make that friction the least possible; and yet we shall need care and wisdom, lest in handling this system which has grown up under natural law we do not act against the law, disarrange the working of the whole, and do more harm than good.

In the course of this debate there have been, it seems to me, many unwarrantable assumptions, much ill-considered reasoning, and some utterances savoring more of prejudice than of logic. It seems to have been assumed, in some quarters, that not to be hostile to railroads is to be an enemy of the people; and, *vice versa*, that every friend of the people must, *prima facie*, be an enemy of corporations.

CORPORATIONS.

There are men who seem to shudder at the very name "corporation," and a chill goes over them as it does over a child when it hears of "ghosts" and "spooks." And yet without railroads the settlement and commercial development of the great interior regions and spaces of our country would have been impossible. Without corporations railroads would have been impossible. The enterprises are too vast, the amount of capital required too great, the combinations too extensive and complicated for individual management.

Ten, twenty, fifty, or a hundred upright and enterprising men, not one of whom has ever been accused in his community of being dishonorable, associate themselves together under the forms of law for the promotion of a common and beneficent enterprise. They become at once an "artificial person," a "soulless corporation." Their enterprise becomes "grasping greed." Their wealth becomes "bloated," and they themselves altogether the "enemies of the people!" The simple fact is that railroads can only succeed by serving the people. They can only succeed largely by serving the people well. A weak and sickly railroad is as impotent to serve the people as it is to pay its stockholders.

A railroad corporation, in order to do good service in bringing the producers and consumers of the country together, must be strong. It must have good road-bed, good track, good rolling-stock, good motive power. It must be capable of carrying much freight expeditiously and many passengers safely. A good railroad must be a strong one. The province of the legislator here is to see that their strength is not abused and that it is used for the greatest good of the greatest number.

THE CONSTITUTIONAL QUESTION.

The first question, which has been rather hinted at than raised, is, Has Congress the constitutional power to pass this bill or any such bill? In this case the grant is claimed to be express and to be contained in the words "to regulate commerce with foreign nations and between the several States." But this is not a bill to regulate the commerce so much as to regulate the carrier. Commerce is something broader and greater than carrying. Carrying is simply a means to commerce. So, while this may be a regulation affecting commerce it is something less than a regulation of the commerce itself. Of course the framers of the Constitution did not have the idea of railroads in their minds, for they were not yet conceived, at least not realized.

What was the evil to be remedied by this grant of power under the Constitution? It is easily gathered from the history of those times. Under the Confederation the several States had assumed to regulate trade between themselves and their adjacent States and to impose duties upon imports. On the other hand, the Confederation had no power to regulate commerce between the several States nor to raise revenue from imposts. Connecticut discriminated against New York and New York against Connecticut. The same was true of New Jersey and of other States.

It was this very evil of the want of power in the Confederation to regulate commerce between the several States, and thus to raise a Federal revenue, that led to the meeting of commissioners of Virginia and Maryland at Annapolis, which finally developed into the constitutional convention at Philadelphia, and eventuated in our present Federal Constitution.

I think that no one can read the history of those times without being satisfied that the framers of the Constitution had in mind when they granted to Congress the power "to regulate commerce between the several States" a very different thing from the regulation of common carriers, which is all that this bill amounts to. But it may be said the greater includes the less. The power to regulate the commerce includes the power to regulate the carrier. Let it be granted.

We have at last struck a subject where we are all agreed that the Constitution is safe from infraction. Even our friends, the strict constructionists, under the lead of that distinguished philoconstitutionalist, the gentleman from Texas, are able to put their fingers "into the very print of the nails," and upon the very words of the text and say, "Behold, here is the letter of the grant." The liberal constructionist is also content, knowing that no such mighty framework of government as this could exist and carry out its grand purposes without such a power to regulate commerce between its constituent Commonwealths, and are satisfied also that the right to exist as a nation implies the exercise of all needful power to effectuate the ends of its existence. So we are all agreed that we have the needed power to pass either of these bills.

DIRECTED AGAINST RAILROADS.

Railroads are the chief tools of commerce. Under our present system of civilization they are the great instruments of distribution of all that the world uses, produces, or consumes. They are simply the means of bringing the producer and the consumer together. They bring the farmers of Dakota, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Illinois into contact with the lumbermen and miners of Michigan, the coal and iron workers of Pennsylvania, the merchants and manufacturers of New York, and the operatives in the mills and factories of New England; and, *vice versa*, they bring the products of the mills and manufactories of New England and New York, the mines and furnaces of Pennsylvania and Ohio, and the lumber and iron of Michigan and Wisconsin to the doors of their consumers in the South, West, and Northwest.

Now, all true political economy, which ever has for its end the greatest good of the greatest number, demands that the producer and consumer be brought together with the least possible waste and loss in distribution or transportation of products. I believe we are all agreed upon that. In other words, "the greatest good of the greatest number" demands the cheapest possible transportation for the products of labor; the lowest possible freights in bringing "meat to the sower and bread to the eater"—and this especially for long distances, else the whole value of the product will be used in transportation, and nothing will be left to compensate the producer, and he, therefore, ceases to produce.

LONG HAULS AND SHORT HAULS.

Thus it is manifest that longest transportation must have cheapest rates—that the good alike of the producer and the consumer demands it. And they are "the greatest number."

Mr. Speaker, the great through trunk-lines of railroad, against which the Reagan bill is directed, were not constructed with reference to the local traffic along their lines so much as with reference to the carrying of this great interstate commerce, the bringing together of the great East and the great West—the seaboard and the markets of Europe on the one hand, and the great granary of the world in the basin of the Mississippi on the other.

It was not for "the local trade" that the Pennsylvania road scaled the cliffs of the Alleghanies, or that the Baltimore and Ohio climbed the Blue Ridge and crawled along the dizzy heights of the Cheat River gorge, or that the Central Pacific soared above the clouds of the Sierras or crowned the eternal buttresses of the Rockies.

Not for this the Southern Pacific spanned the unfathomed chasms of the Colorado and the arid wastes of New Mexico; and not for this the Northern Pacific leaped through 1,500 miles of wilderness to bind in iron bands the Pacific coast and the great chain of lakes so as to bring the commerce of the Orient to the doors of 56,000,000 of consumers. These grand highways of commerce and of migration are the connecting-link between vast masses, not only of our own populations, but they connect our entire national system of transportation with other nations and other continents. Their construction has been of untold value in the building up of local communities and the development of local trade. But they were not primarily built for the benefit of local trade. Local trade could not exist without them, and local trade owes everything, even its existence, to them. But we must seek and find "the greatest good of the greatest number" in protecting and promoting their through traffic. But we are met by the Reagan bill, which forbids discriminations, which bases rates largely upon one sole element or factor, and that is mileage.

It seems to me, Mr. Speaker, that it ought to be apparent upon its face how unwise a prohibition this would be. Is it not apparent that it would subordinate the good of great sections and vast Commonwealths to the welfare of comparatively petty communities?

This question of "long haul" and "short haul" has been so thoroughly discussed in this debate that I need consume but little time upon it.

Is it not apparent that the element of length of haul is one of the least factors in the cost of transportation?

Some of the neglected factors may be briefly named as follows:

1. Cost of construction of road.
2. The grade, and consequent motive power required to move a given tonnage.
3. The quantity to be handled and hauled.
4. The continuity of supply for hauling, whether permanent or transient.
5. The distance to be hauled without handling, breaking bulk, or breaking train.
6. The terminal facilities for handling.
7. The value of the tonnage, whether it be coarse lumber or valuable ore.
8. Competition with water ways or other great trunk-lines having greater facilities or shorter lines.
9. The development of new enterprises and new feeders to a road.

All these, and more, Mr. Speaker, must be taken into account in determining what discriminations will be equitable, proper, and wise under varying circumstances. These circumstances and equities can not be determined by a blind and inexorable law. There must be back of the law the quick human intelligence, the sound judgment and varied knowledge of the living judge or commissioner, with a certain discretion in the application of principles upon which we are all substantially agreed. I am therefore for the commission bill.

Then, Mr. Speaker, if this iron prohibition goes into effect, without such intelligent direction, what will be the effect? Will it be to bring local freights, those which accommodate the few, down, or will it be to send through freights, those that serve the many, up? It seems to me that the effect will be the latter, and that more will be lost, in the loss of the many, than will be gained in the gain of the few. It will put more money into the hands and pockets of the railroads, and will leave less as the portion of labor and production. It will waste in mere distribution what ought to be saved to the producer and the consumer. It will make dearer bread and meat for the millions of the East, and it will make dearer tools, lumber, salt, and iron for the millions of the West.

The local shipper may have to pay more to his first great competing point, which, I believe, is only and simply just; but he gets his freight cheaper beyond the competing point, and saves enough upon his incoming freight and in the reduced price of all that he consumes to more than compensate him for this discrimination.

I have not considered this question at all from the standpoint of the interest of the railroad. That is a matter of only secondary consideration. The railroad belongs to the few, and we are considering the interests of the many.

I am not "a railroad man" nor an "anti-railroad man." I never had a dollar invested in a railroad in my life. I never was employed by a railroad in my life. I have no interest in them except as they are the greatest factor in our new age of modern development. I see no prospect but that they must continue increasingly that greatest factor in all time to come. I want to see them made the useful servants and not the imperious masters of the people. I want to see them controlled for the greatest good of the greatest number.

And, Mr. Speaker, this matter of the proper subordination and regulation of railroad corporations and common carriers is one that is to a great extent solving itself in accordance with the universal law of supply and demand, of competition and division of profits.

This is remarkably exhibited in the tables prepared under the direction of the Chief of the Bureau of Statistics in his report on the relation of the railroads to commerce, some of which I will here insert, showing not only how competition has reduced the price of carriage by rail, but also, in the second table, how the competition of the great trunk-lines of railroad has reduced the price of transportation by lake and canal.

REDUCTION IN THE COST OF TRANSPORTATION AND THE CONCURRENT INCREASE IN THE VOLUME OF TRAFFIC.

During the last fifteen years the cost of internal transportation in this country has been greatly reduced. At the same time the volume of traffic has rapidly increased. This is clearly illustrated by the following facts:

Statement showing the reduction in freight charges per ton per mile on the New York State canals, and on the several leading trunk railroads of the United States.

Canals and railroads.	1868.	1873.	1883.
	Cents.	*Cents.*	*Cents.*
New York State canals*	.872	.887	.....
New York Central Railroad†	2.743	1.573	.91
Pennsylvania Railroad*	1.906	1.415	.819
New York, Lake Erie and Western†	1.81	1.454	.78
Boston and Albany Railroad†	2.811	1.958	1.19
Philadelphia and Erie*	1.609	1.135	.62
Lake Shore and Michigan Southern*	2.336	1.335	.728
Michigan Central*	2.45	1.891	.83
Chicago, Burlington and Quincy*	3.248	1.921	.....
Chicago and Northwestern‡	3.168	2.351	1.42
Chicago, Milwaukee and Saint Paul*	.....	2.50	1.39
Saint Louis, Iron Mountain and Southern*	.....	.....	1.56
Chicago, Rock Island and Pacific‡	.....	2.29	1.17
Illinois Central*	.....	2.20	1.43
Chicago and Alton*	.....	.....	1.13
Pittsburgh, Fort Wayne and Chicago*	.....	1.41	.79
Average on canals and railroads	2.295	1.737	.....
Average on railroads	2.453	1.803	1.055

* Year ended December 31. ‡ Year ended May 31.
† Year ended September 30. ‖ Year ended March 31.

From the available data presented in this table it appears that the average annual freight charge on the trunk-lines mentioned fell from 2.453 cents per ton per mile in 1868 to 1.803 cents per mile in 1873, and further to 1.055 cents per ton per mile in 1883. This important reduction in the cost of internal transportation by rail has been the combined result of new economies, improved facilities, and competition in transportation and in trade. The rapidly increasing volume of traffic has also been one of the important elements in cheapening the actual cost of transportation by rail.

The great reduction which has been made in transportation charges in the United States, in so far as relates to the agricultural interests of the Western and Northwestern States, is, however, more clearly illustrated by the following statement showing the average annual rates for the transportation of wheat from Chicago to New York from 1857 to 1884:

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1857 to September 1, 1884, inclusive.

Calendar years.	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1857	26.03	.....	.....
1858	17.03	.....	.....
1859	18.23	.....	.....
1860	25.58	.....	.....
1861	27.05	.....	.....
1862	27.08	.....	.....
1863	23.65	.....	.....
1864	29.11	.....	.....
1865	26.37	.....	.....
1866	31.36	.....	.....
1867	24.11	.....	.....
1868	24.54	29.0	42.6
1869	23.12	25.0	35.1
1870	17.10	22.0	33.3
1871	20.24	25.0	31.0
1872	24.50	28.0	33.5
1873	19.19	26.9	33.2
1874	14.10	16.9	28.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.7
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884, January 1 to September 1	6.60	9.75	13.0

*Including Buffalo transfer charges and tolls

It was not until about the year 1868 that the managers of the trunk-lines regarded the transportation of grain from Chicago to the seaboard as a source of profitable traffic.

The reduction in the average rates of transportation by lake and canal from 24.54 cents per bushel in 1868 to 6.50 cents per bushel in 1884, in the rates by lake and rail from 29 cents per bushel in 1868 to 9.75 cents per bushel in 1884, and in the "all-rail" rates from 42.6 cents per bushel in 1868 to 13 cents during the year 1884, has been the direct result of the sharp competition which has prevailed between the competing railroads, and with the water line formed by the lakes, the Erie Canal, and the Hudson River. This fall of rates has greatly stimulated the development of the agricultural resources of our highly productive Western and Northwestern States, and has tended enormously to increase the wealth of those States.

Many illustrations might be presented in order to show the great increase in the volume of traffic which, at the same time, has taken place. The following table is, however, sufficiently indicative of the whole subject, and in this connection must suffice:

Total number of tons (of 2,000 pounds) transported upon the New York State canals, the New York Central and Hudson River Railroad, the New York, Lake Erie and Western Railroad, and the Pennsylvania Railroad, each year from 1862 to 1882, inclusive.

Year.	New York State canals.*	New York Central and Hudson River Railroad.*	New York, Lake Erie and Western Railroad.	Pennsylvania Railroad Division.†
	Tons.	*Tons.*	*Tons.*	*Tons.*
1868	6,442,225	1,846,599	3,908,243	4,722,015
1869	5,859,080	2,281,885	4,312,209	5,402,991
1870	6,173,769	4,122,000	4,852,505	5,804,051
1871	6,467,888	4,582,056	4,844,208	7,100,294
1872	6,673,370	4,393,965	5,564,274	8,459,535
1873	6,364,782	5,522,724	6,312,702	9,211,231
1874	5,891,588	6,114,678	6,364,276	8,626,946
1875	4,859,858	6,001,954	6,239,946	9,115,368
1876	4,172,129	6,803,680	5,972,818	9,922,911
1877	4,955,953	6,351,356	6,182,451	9,738,295
1878	5,171,320	7,695,413	6,150,568	10,946,752
1879	5,362,372	9,015,753	8,212,641	13,684,041
1880	6,457,656	10,533,038	8,715,892	15,364,788
1881	5,179,192	11,591,379	11,086,823	18,229,365
1882	5,467,423	11,330,393	11,895,238	20,360,399
1883	5,664,056	10,892,440	13,610,623	21,674,160

*From annual report of auditor of canal department, State of New York.
† From annual reports of Pennsylvania Railroad Company.

From this table it appears that the tonnage transported on the New York Central and Hudson River Railroad increased from 1,846,599 tons in 1868 to 10,892,440 tons in 1883; that the tonnage transported on the New York, Lake Erie and Western Railroad increased from 3,908,243 tons in 1868 to 13,610,623 tons in 1883; and that the tonnage transported on the Pennsylvania Railroad increased from 4,722,015 tons in 1868 to 21,674,160 tons in 1883. The total tonnage transported by rail on these three roads increased from 10,476,857 tons in 1868 to 46,177,223 tons in 1883.

This clearly illustrates the enormous growth of the internal commerce of the United States by rail.

These tables abundantly illustrate and demonstrate how, without restrictive and crippling laws, other than the laws of trade and commerce, competition has brought down the cost of transportation, saving thousands of millions to the producers and consumers of the country, has stimulated and developed production and increased the volume of commerce and diffused activity and prosperity throughout the length and breadth of the land. This natural law is still operative, and this process is going on. These corporations are the creatures of the law, and we have the power to do with them as we will. We have the right to control them subject to the law of the greatest good of the greatest number.

But, Mr. Speaker, I suppose that even railroad corporations have some rights. I do not suppose that it is right to confiscate a railroad any more than it is to confiscate a farm, a shop, or a factory. They must take what the law gives them, or rather what it leaves them.

Transportation is a commodity the same as wheat or pork, or iron or cotton. It is governed by the same law of supply and demand, which is the law of gravitation of the economic universe.

Let us not seek to overturn the natural laws of trade, nor to undo the irrepealable law of the advantage of position. Every such attempt will prove a disastrous failure—more disastrous to the people than to the corporations. Let us rather work with the law, guiding, restraining, and correcting, but not contravening—seeking to remedy the undoubted evils of a new and rapidly changing civilization in a new and wonderfully developing country.

We have to-day as much railroad mileage as all the rest of the world combined. We also have the cheapest transportation and the best railroad service in the world, and, what is more, it is growing constantly better. The people are getting better and cheaper service every year. The people have no use for feeble and bankrupt railroads. Such roads render neither good nor cheap service.

There can be no real monopoly in railroad service in this country for any long time. With a great and rapidly increasing amount of capital constantly seeking investment, whenever one line becomes unduly profitable another will spring up by its side to share its business and divide its profits.

Mr. Speaker, the natural laws and forces of material development are moving in the right direction. We only need to work with these laws, and guide these forces, and we shall continue to see in the future, as in the past, the greatest good of the greatest number steadily and surely and inevitably evolved.

Holding this faith, I shall vote for the commission bill.

Repeal of Certain Internal Taxes.

SPEECH

OF

HON. ABRAM S. HEWITT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 5, 1885,

On the bill (H. R. 5432) repealing certain internal-revenue taxes.

Mr. HEWITT, of New York, said:

Mr. SPEAKER: I have warmly advocated the freeing from taxation of alcohol used in the arts. I have no objection to the repeal of the taxes on spirits distilled from fruit, because the revenue from this source is small and difficult of collection. I would gladly favor the repeal of the taxes upon tobacco if the state of the revenue would permit, because tobacco is the one luxury of the workingman. But I can not vote for the bill proposed to be passed by my colleague [Mr. HISCOCK], for the reason that the aggregate reduction in the revenue which it will cause will make it impossible to secure other reductions in taxation more important than those proposed by this measure. In other words, the passage of this bill will make it impossible to institute any comprehensive reform in the revenue system of the country.

Business is now stagnant and labor unemployed because we make our manufactured products artificially and unnecessarily dear by taxes on the raw materials used in the arts. We can get no relief from our troubles until we repeal the duties on raw materials. Such a repeal will enable us to produce goods more cheaply and sell them in the open markets of the world. Our labor will then find ready employment at good wages, because the money now exacted by taxes on raw materials will be added to the wages fund. Without a repeal of these duties our industry is hopelessly confined in a sepulcher from which there can be no resurrection, although there will be a judgment day for those who have caused the funeral.

Moreover, the passage of this measure will leave the incoming administration with an empty Treasury and compel it to increase the public debt. This branch of the subject has just been exhaustively treated by Mr. David A. Wells, whose statement I append to these remarks for the careful study of those who preach that the repeal of the internal-

revenue duties is necessary, possible, and desirable. For one, I know that it is not a feasible solution of our troubles, and I will do nothing which will impede the only practicable remedy which is to be found in the early repeal of all duties on raw materials:

National budget for 1885–'86, *classified and balanced.*

CLASS I—WAR TAXES AND OBLIGATIONS, DR.	
Interest on public debt, 1885–'86	$48,750,000
Pensions	60,000,000
Total	108,750,000
TAXES TO BALANCE, CR.	
Distilled spirits, internal revenue	79,000,000
Imported wines and spirits, duties	9,000,000
Fermented liquors, internal revenue	19,000,000
Fermented liquors, import duties	775,000
Total	107,775,000

NOTE.—From the above exhibit it will be seen that the financial burden of the war, so far as the interest on the national debt and current expenditures on account of pensions are concerned, can now be nearly met by taxes on a class of commodities which public sentiment almost unanimously regards as best fitted for taxation. Judging, furthermore, from experience, there can be but little doubt that the tax on domestic distilled spirits might be reduced to 50 cents per proof gallon with no loss to the revenue, but with great relief to the manufacturing interests of the country through the cheapening of alcohol, and also to the distilling and agricultural interests through the increased demand for grain for distilling and the increased industrial use of the resulting products.

CLASS II, DR.	
Legislative, executive, and judicial expenditures	$23,065,609
Foreign intercourse	1,623,176
Miscellaneous*	21,919,294
Total	46,608,079

*Under this head are grouped a large class of expenditures, mainly under the supervision of the Treasury Department, such as expenses of the mints, Coast Survey, independent treasury, judgments of Court of Claims, marine hospitals, repairs and care of public buildings, Department of Agriculture, drawbacks under the customs, &c.

TAXES TO BALANCE, CR.	
Tobacco, domestic, internal taxes	$28,000,000
Tobacco, import duties	8,000,000
Importations of silk, 50 per cent. of customs receipts*	11,000,000
Total	47,000,000

*The duties collected on the importation of silks—in the main articles of luxury—for the year 1882 aggregated $22,633,000. With increasing population, or an increase in national consuming power contingent on a return of prosperity, the revenues from this source will probably increase. With a moderate reduction of the rates now levied—50 per cent.—such an increase would not be problematical.

CLASS III, DR.	
Military establishment	$26,429,577
Public works	25,961,765
Total	52,391,342
TAXES TO BALANCE, CR.	
Sugars and molasses, import duties	54,000,000
CLASS IV, DR.	
Naval establishment*	17,000,000
Expenditure for new vessels, estimated	8,000,000
Total	25,000,000

*The expenditures of the Navy Department for the year 1883 were $15,283,437.

TAXES TO BALANCE, CR.	
Importations of silk, 50 per cent. of customs receipts	$11,000,000
Importations of fine cottons, customs receipts	11,000,000
Importations of fancy articles (pipes, perfumery, &c.) customs receipts	3,500,000
Total	25,500,000
CLASS V, DR.	
Interior Department and Indians	6,000,000
Postal service, deficiencies	4,826,000
District of Columbia	3,669,000
Miscellaneous, cost of collecting revenue, repayments of duties, &c.	21,112,155
Total	37,607,155
BALANCED BY RECEIPTS, CR.	
Public lands, sales	8,000,000
Pacific Railroads	3,000,000
Custom-house fees, fines, and penalties	1,074,000
Other fees, penalties, &c.	3,248,000
Profits on coinage, assays, &c.	4,100,000
Revenues District of Columbia	1,800,000
Tax on national-bank circulation	3,000,000
Other miscellaneous sources	7,600,000
	31,822,000
Import duties on opium, embroideries, jewelry, precious stones, and fine linens	6,000,000
Total	37,822,000
RECAPITULATION OF NATIONAL EXPENDITURES, 1885–'86.	
Class I.—Interest on national debt and pensions	108,750,000
Class II.—Executive, legislative, judicial, foreign relations, and miscellaneous	46,608,079
Class III.—Military establishment and public works	52,391,342
Class IV.—Naval establishment	25,000,000
Class V.—Interior, Indians, and miscellaneous	37,607,155
Total	270,256,576

The only other national expenditures prospective for the fiscal year 1885–'86 not embraced in the above exhibit are the "arrears" of pensions and the annual contribution to the "sinking fund" for the reduction of the national debt. Of the former it ought to be safe to say that they should be fairly balanced and paid off by the surplus revenues that will accrue over and above all ordinary expenditures (as above enumerated) before any legislation materially reducing taxation could now be enacted and take effect. Of the latter the amount required by statute for the year 1885–'86 is $48,571,861, a sum very nearly equivalent to the present requirement for interest on the debt.* Assuming the aggregate national revenue for the same year to be as estimated by the Treasury—namely, $330,000,000—then the surplus for the year would be $11,171,563, or, including the sinking fund, $59,743,000. Owing, however, to what has been termed the "elasticity" of our revenue, it is very probable that the surplus as thus figured may be increased to the extent of $10,000,000 to $15,000,000, and if national prosperity comes back such increase may be regarded as certain. But, on the other hand, if but a moiety of the appropriations recommended for gun-founderies, new armaments, river and harbor improvements, and Mexican war pensions be granted, there will be no increase, and, apart from the sinking fund, no surplus whatever. With these facts and estimates, the fiscal influence of the proposed Spanish and other treaties, and also of the scheme for repealing the remaining tobacco and other internal taxes can be readily appreciated.

If the Spanish treaty alone is ratified, the immediate loss to the existing revenues from imported sugars and tobacco, estimated by the Bureau of Statistics at $30,000,000, will more than exhaust any probable surplus for the next fiscal year over and above the sinking-fund requirements, and leave nothing available for other tax reductions. If the result of the Spanish treaty is to be followed, as is contemplated, by the negotiation of other treaties and the entire abolition of the present receipts from sugar imports, then the Government must materially reduce its current expenditures or impose new taxes.

If the remaining internal taxes on tobacco be repealed, as proposed by Mr. RANDALL and others, there will also be no immediate surplus revenues.

If the taxes on distilled spirits be repealed, as Mr. RANDALL has recently declared to be alike expedient and practicable, then the national revenues would fall short by the sum of $24,000,000 of meeting the estimated national expenditures of 1885–'86, even though the revenues should aggregate as large as in 1883–'84, namely, $348,519,000.

If the Government enters into obligations with Spain, Mexico, and the Hawaiian Islands not to levy import duties upon their several sugar products for a period of seven years, and so abandons an important source of revenue, and subsequent exigencies should necessitate any new and large measure of national expenditures, then, also, the creation and imposition of new taxes would be imperative.

The answer to a question which may naturally suggest itself in connection with this subject, "Why and in what respect are the national revenues likely to be less in 1885–'86 than in 1882–'83?" is to be found mainly in the circumstances that there is a falling off in receipts of duties from imports through depression in business of about $15,000,000 per annum, and in the internal revenues, through a reduction in 1883 of the taxes on tobacco, of some $26,000,000. And this reduction of the surplus through a reduction of the tobacco taxes strikingly illustrates the inexpediency of attempting to reform our national fiscal system with a view of reviving a depressed and stagnant industry by legislative action in answer to the demands of special interests; for while the reduction of the tobacco tax has greatly impaired the fiscal strength of the Treasury, it has been of but little benefit to the consumer of tobacco; has not increased our export trade to the extent of a single dollar, or done anything toward cheapening the cost, and so enlarging the markets, of any of our other products of industry.

On the other hand, more than $100,000,000 of imports can be named which go direct from the custom-houses to our manufactories and are used in the work of domestic production, and on which imports the Government exacts a taxation of more than the amount ($26,000,000) abated from the national revenues by the reduction of the internal revenue on tobacco. But $26,000,000 is 10 per cent. on $260,000,000 of domestic product—not one dollar's worth of which can be sold in the open market of the world in competition with like products of British or European industries, which are exempt from such taxation. And it is just this $260,000,000 of product which it is now most desirable to sell, and which if exempt from taxation could be sold, but which the markets of Cuba, Mexico, or the Sandwich Islands, singly or in the aggregate, have not the capacity to take even under the most favorable treaties and circumstances.

DAVID A. WELLS.

*By the act of 1862 "1 per cent. of the entire debt of the United States" is "annually set apart as a sinking fund for the purchase or payment of the public debt." And by the act of July 14, 1870, there is annually chargeable on the receipts from duties on imports "a sum for the payment of the public debt equal to the interest on all bonds belonging to the sinking fund." The sinking fund, therefore, annually increases while the interest on the principal of the debt by the action of the sinking fund annually decreases.

Rivers and Harbors.

SPEECH

OF

HON. RANSOM W. DUNHAM,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 20, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. DUNHAM said:

Mr. CHAIRMAN: A system of general internal improvements for the benefit of our commerce long ago became the settled policy of the United States Government. No one now doubts the propriety, the necessity, and the benefits our people have reaped as a result of the millions that have been appropriated.

So long as the public money is judiciously expended, so long as our commerce gains an advantage, so long as the people and their material interests receive proper and due consideration, to just this extent should the Government continue such appropriations.

No improvement is more needed, none more worthy, none so necessary as the proposed connection of the great lakes with the Upper Mississippi River by the construction of the Hennepin Canal.

In the interest of cheap transportation this canal is a necessity. In the interest of both the consumer and the producer this national work should be secured at once. In the interest of our foreign trade, our exports of American products, this improvement should not be delayed. It is so plainly to the advantage of our whole country that the Government can not afford to delay. The whole Northwest is directly and closely interested in its desire to push its productions to the markets of the world, and the people need this work to cheapen transportation for the necessaries of life. The financial interests of the United States desire this improvement, that our agricultural products may be furnished to Western Europe at such prices as will compete with our rivals in India, Australia, and Russia, and yet secure to our people a liberal recompense for their labor.

A short review of the agricultural situation may not be out of place here. Thirty to thirty-five years ago the people of New England depended for their supply of wheat flour largely upon Western New York, and the Genesee Valley to them at that time was their idea of agricultural perfection. A few years later the manufacturers of flour began to turn their faces westward, and soon Ohio and Indiana commenced to furnish the raw material, and the small vessels then plying upon the great lakes became the agencies of transportation, and Buffalo, Rochester, and adjoining cities kept their mills running through the labor of what was then called Western farmers.

Twenty-five years ago the great bulk of wheat sold in the Chicago market was raised within two hundred miles of that city. Not further back than ten years ago Western New York and Pennsylvania millers looked to Chicago for their supplies. Now the tide has changed, and materially so. The wheat arriving in Chicago travels a distance from the farms averaging three hundred and fifty to four hundred miles. The great State of Minnesota contains within its borders the grandest water power and the finest flouring-mills in the world.

These facts demonstrate that the agricultural products of America have "gone West." Our census reports show that the tendency of Eastern cities and States works to an increase of manufacturing centers. Millions of people live in our cities consuming rapidly of agricultural products—pressing and demanding a constant cheapening of prices.

The past year has been one of heavy production from farms. Other wheat-raising countries are trying to drive America from the wheat-consuming people of the world. Our Western farmers are to-day forced to sell their wheat at below the cost of raising, and this state of things can not go on.

We can not afford to lose our exportations of wheat and wheat flour; neither in the interest of our millions of consumers can we bring ruin upon our agriculturists by requiring them to sell their products below actual cost. If either of these disasters come upon us it must result in a serious disturbance of our financial affairs.

I now present a statement of our exports and imports of merchandise for each one of the past five years, ending with the 30th June, 1884. These figures do not include any stocks, bonds, gold, or silver, but only the value of merchandise, such as grain, provisions, cotton, &c., and the usual importations of foreign goods.

By this table it will be seen that our exports of merchandise for the past five years have been $626,773,717 in excess of our imports—a situation in our commercial affairs that all will admit to be greatly to our advantage. No one can fail to see that our financial prosperity as a nation and our happiness as a people rest largely on our being able to continue in so good a work as this.

Exports and imports of merchandise.

Years.	Exports.	Imports.
1880	$835,638,658	$667,954,746
1881	902,377,346	642,664,628
1882	750,542,257	724,639,574
1883	823,939,402	723,180,914
1884	740,513,609	667,697,693
Total	4,052,911,272	3,426,137,555

I now present a table showing the number of bushels of wheat and number of barrels of wheat flour exported from our country during the five years ending June 30, 1884:

Years.	Wheat.	Wheat flour.
	Bushels.	*Barrels.*
1880	153,252,795	6,011,419
1881	150,565,477	7,945,786
1882	95,271,902	5,915,686
1883	106,385,828	9,205,664
1884	70,349,012	9,152,260
	575,824,914	38,230,815

Converting the flour to wheat at the rate of 4½ bushels per barrel, and we have a grand total of 747,863,582 bushels of wheat as a part of our total exports of merchandise as given in the previous table.

I now present a table showing the value of the wheat and flour exported:

1880	$225,879,502
1881	212,745,742
1882	149,304,773
1883	174,703,800
1884	126,166,374
Total	888,800,191

By this it appears that the value of our wheat and flour exports for the past five years was $888,800,191, so that had we been unable to export any wheat or flour our exports would have fallen below our imports $262,026,474, a state of affairs that would have been a serious blow to our commercial and financial interests.

The present cost of getting wheat from Saint Paul to Chicago is about 12 cents per bushel. The United States engineers estimate that with the construction of the Hennepin Canal and the enlargement of the present Illinois and Michigan Canal the rate of freight can be reduced to 6 cents per bushel.

The State of Minnesota and the Territory of Dakota raised in the year 1884, according to the Government report, over 63,000,000 bushels of wheat, of which nearly 50,000,000 goes out of their section for a market. On this alone the Hennepin Canal will bring about a great saving of freight. Divide this amount by half and we have figures that speak strongly for this improvement. Present rates of freight by rail from points in Iowa west of Des Moines, also from Nebraska and Kansas to Chicago, vary from 14 to 22 cents per bushel on grain. Build the Hennepin Canal and a large reduction in rates must naturally ensue. The grain crops in the States and Territories tributary to this canal for the year 1884 aggregate over 800,000,000 bushels. While no such amount is shipped to market, still the influence of reduced cost of transportation bears in some proportion on the whole.

During the past summer grain that paid 12 to 15 cents per bushel to get to Chicago from points five hundred miles west was shipped by lakes and Erie Canal from Chicago to New York for 7 cents per bushel, a distance of nearly 1,500 miles.

Coal was carried by vessels from Buffalo and Erie to Chicago during the same season for 50 cents per ton, a distance of about 1,000 miles, while to go by railroad two hundred miles west of Chicago it costs $2 per ton.

In April, 1884, before the lakes were open grain was taken by Grand Trunk Railroad from Chicago to Montreal, thence by water to Liverpool, for less than 10 cents per bushel; perhaps an unusually low rate, but during the summer 12 cents per bushel was not an uncommon rate.

If we look back twenty-five years we find shippers paying 50 cents per bushel freight on grain from Chicago to New York by all-water route. At that time a vessel carrying 25,000 bushels on the lakes was unusual, the majority averaging eighteen to twenty thousand capacity. Now a steam-barge carrying 40,000 bushels takes in tow two others of fifty to seventy-five thousand capacity each.

I mention these facts to show the tendency of freights, but it is safe to say that the minimum figure has been reached at which rates can go on the lakes and Erie Canal.

What we now ask is a plan that will reduce the rates from the farms of the West to the great lakes. Water navigation has always been the great regulator, and nothing has yet been developed that disputes this proposition. True, competing railroads often make low rates, but frequently a water way is within reach and not unlikely is the power behind the throne.

For the past year our Western farmers have been compelled to sell their grain, especially their wheat, below the cost of production. Wheat at 25 to 50 cents per bushel is an absolute loss to the producer. We can not go any lower. We can not stand even present prices. If our farmers, to compete with India, must sell low, then a reduction must come in transportation. When it is demonstrated beyond a doubt that the building of a canal seventy-four miles in length will save millions of dollars either to the producer or the consumer, then it does seem unreasonable that the Government should hesitate as to its duty.

Two things will surely follow if the present low prices of our agricultural products are to continue—farmers must of necessity stop raising, and as a natural result an end comes to our exports. Two other certainties follow, high prices to our own home consumers and a disarrangement of our exchanges. Our imports will be liable to exceed our exports. Lose our exportation of wheat, and gold must leave our bank-vaults and go to Europe to make good the balance of trade.

I have referred in my remarks more particularly to wheat, because this great staple of the Northwest will feel the beneficial effects that will result from the building of the Hennepin Canal in a much greater degree than any other article.

It has been stated that New York built the Erie Canal. True, but it was at a time when the practice of our Government was against internal improvements. New York has drawn in tolls from the farmers of the West many millions of dollars, and, having realized some $35,000,000 more than it cost, she has only done an act of tardy justice in making free her canal navigation.

It is claimed that Illinois should build the Hennepin Canal. This is not proper, first, because if built by the State it would not be free; second, because her interest is very small. The States south, north, and west have a much larger interest than has Illinois in this matter. Is it unreasonable to ask the United States to do this work, when Illinois alone pays millions more every year into the National Treasury than this entire improvement will cost?

The claim has also been made that Chicago can afford to do this work. To those who are familiar with the facts, this is easily disproved. Chicago gets nearly all the Northwestern and Western products now, and will continue to get them. The course of trade is her way to reach the great lakes. Her position at the head of the lakes is absolutely impregnable; the trade does and will come to her.

The benefits arising from the construction of this canal will be gathered in equal parts by the consumer and the producer. No proposition for use of national funds is before Congress to-day having the merit and the necessity equal to this enterprise. Consumers and producers demand this appropriation. The necessities of commerce require that the work should be finished promptly.

I hope the members of this House, inspired by the patriotic motive to do what is right for all sections of our common country, will grant this request, coming, as it surely does, from more than 20,000,000 of people.

Various boards of trade and commercial organizations throughout the country have given strong expression of their views favorable to this necessary improvement, and that Congress may be informed as to the opinions of business men I publish a portion of their resolutions as an appendix to my remarks. Legislators will do well to respect the wishes of men who have spent their lives in building up commerce and who, by their experience, have justly earned a high regard for their opinions.

APPENDIX.

A NATIONAL WORK OF GREAT IMPORTANCE.

[Memorial of the Chicago Board of Trade, adopted October 26, 1881.]

Whereas this board is advised that a renewed effort is about to be made to direct the attention of the Congress of the United States to the question of constructing a short line of canal, of capacity equal to that which may be obtained in the Mississippi River between Rock Island and Saint Paul, from a point at or near Rock Island to the Illinois River at Hennepin, thus opening direct water communication between the upper Mississippi River and the lakes via the present Illinois and Michigan Canal; and

Whereas this work is of a national character, and of great importance as a means of cheapening the cost of transporting the products of the Northwest to foreign countries, and especially to the principal points of consumption in our own country, not only on such commodities as might seek that line of transport, but also on the perhaps larger volume carried by rail, as it, if completed, would act as an efficient regulator of railway tariffs, throughout a vast area of the most productive agricultural territory in the United States, on the well-known principle that rates of freight by rail are controlled by the rates current on and the possibility of diversion to the cheaper water routes; and

Whereas the estimated expenditure necessary to place this line in successful operation, as shown by the surveys of competent engineers in the United States service, is quite small in comparison with the great benefits to be secured to both producers and consumers by its construction: Therefore,

Resolved by the Board of Trade of the City of Chicago, That Congress be respectfully but urgently petitioned to grant at its next session an appropriation for this object, which will be sufficient to commence and prosecute the work with a vigor which will insure its completion with the least possible delay.

Resolved, That this expression be communicated to the President of the Senate and Speaker of the House of Representatives, with the request that it be laid before the honorable bodies over which they respectively preside, and also to the Senators and Representatives in Congress from this State, with the earnest request that they use all honorable means to secure favorable action by Congress on this subject.

A GREAT NATIONAL THOROUGHFARE, ENTITLED TO CONSIDERATION.

[Resolutions of the Buffalo Board of Trade, adopted December 10, 1881.

First. The Board of Trade in the city of Buffalo and State of New York most respectfully calls the attention of the Congress of the United States to the necessity for increased and cheaper facilities for transportation, for the following reasons: First, that the great extent of territory embraced within our limits, together with its rapid settlement and increased trade, which is now crowding our railways and water channels, with a prospect in the near future of assuming much larger proportions, calls loudly for prompt action, to the end that the general welfare shall be respected.

Second. That this board of trade and the commerce it represents have a direct interest in all water routes from the port of New York city by the Erie Canal and the great lakes to the Mississippi River, for we believe it is the most feasible and economical solution of the transportation question from the Northwest to the Eastern seaboard.

Third. And as a means to that end we are not only in favor of the speedy construction of the proposed Hennepin Canal, which will connect Lake Michigan with the Mississippi River, but we invite the attention of Congress to its importance as a link in a great national thoroughfare, and as such entitled to consideration and support.

Fourth. That our representatives in Congress, in both Houses, will best reflect our wishes by securing at this session of Congress an appropriation to build said canal.

Fifth. That the secretary of this board be instructed to forward to our Senators and Representatives in Congress a copy of these resolutions.

[Resolutions of the New York Produce Exchange, adopted by full meeting, December 20, 1881.]

THE UNITED STATES GOVERNMENT SHOULD UNDERTAKE TO BUILD THE HENNEPIN CANAL.

At a meeting of the board of managers of the New York Produce Exchange, held December 20, 1881, the following report of the committee on trade was submitted, and the recommendations contained therein were unanimously adopted.

F. H. PARKER, *President*.
PAUL BABCOCK, *Jr., Secretary*.

Your committee on trade, to whom has been referred the question of application to Congress for the building of the Hennepin Canal by the United States, have given to this subject the attention demanded by its important bearing on the internal commerce of the country, and respectfully report as follows:

In the opinion of your committee there can be little if any question that the proposed opening of a water way from the Mississippi River to the Illinois and Michigan Canal and the great lakes promises highly advantageous results, not only to the Northwestern States, but to the whole northern country east of the Mississippi River. Besides furnishing new means of transport to the Atlantic seaboard for the produce of Iowa, Minnesota, Nebraska, and other grain-producing States, such a canal would also act as a welcome regulator of railroad freights in the Northwest.

There can be little question, also, that neither private enterprise nor the State of Illinois, within whose territory the canal will be situate, nor any other State directly benefited, nor all these combined, will or can undertake an enterprise which is sure to meet the determined opposition of the railroad interest.

The question before us, therefore, simply is: Shall the United States build and maintain this canal, and can this exchange, in view of the well-grounded opposition to the policy of its internal improvements in general, consistently recommend such action on the part of the General Government?

After mature consideration your committee have come to the conclusion that this question should receive an affirmative answer from your board, and for the following reasons:

The ground on which the Hennepin Canal is to be built has been repeatedly surveyed, with a view to that improvement, by the United States Government, and by other competent parties; the practicability of the project has been established and the cost has been reliably ascertained. The scheme, therefore, can not be classed with a large number of internal improvements annually brought before Congress, which are indefinite in their scope and in the results expected, and of uncertain cost.

The Hennepin Canal further differs from many of those proposed improvements in so far as it is sure to benefit a very large section of country, our own State included. The General Government, further, seems to be committed to an extensive improvement of the Mississippi River, of which the Hennepin Canal may justly be considered part and parcel, and the fact that its construction would be to the benefit of the Northern States east of the Rocky Mountains, only strengthens its claims on the whole country, which for a long time to come is, according to the policy already adopted, to be taxed to the improvement of the Mississippi River in its southerly course.

Your committee therefore feel justified in recommending to your board the adoption of the following preamble and resolutions:

"Whereas the completion of a water way from the Mississippi River to Lake Michigan by the construction of the Hennepin Canal promises to realize advantages of national importance; and

"Whereas there are insuperable obstacles in the way of having such improvement carried out by private enterprise, or by the State immediately benefited; and

"Whereas the building of the Hennepin Canal may justly be regarded as part of the improvement of the Mississippi River: Therefore,

"*Resolved*, That in the opinion of the New York Produce Exchange the United States Government should undertake to build the Hennepin Canal and to maintain the same free for all time to come; and further,

"*Resolved*, That our Senators and Representatives be requested to join the representatives of other States in providing the necessary legislation for carrying out this plan."

L. F. HOLMAN, *Chairman*.
WALTER CARR.
JOHN SINCLAIR.
SAMUEL S. CARLL.
GUSTAV SCHWAB.

NEW YORK, *December* 19, 1881.

THE IMMEDIATE BEGINNING OF THE WORK IS DESIRED.

[Memorial of the General Assembly of Iowa.]

On February 4, 1882, the house of the General Assembly of Iowa unanimously adopted a preamble and resolutions, as follows:

"Whereas the agricultural, manufacturing, and commercial interests of the Northwest, and no less those of the entire country, are largely dependent for their development upon a full enjoyment of facilities for the transportation of products and commodities; and

"Whereas the two great interior water routes of transportation in the United States are those of the Mississippi River from north to south and of the lakes, with the Erie Canal and Hudson from west to east; and

"Whereas a direct all-water connection between these two great routes is indispensable to a complete service to the interests which so imperatively demand improved and cheaper routes of transportation, since without such a connection there can be no real use by the Northwest of a water route to the East, nor by the East to the Northwest; and

"Whereas the General Assembly of Iowa did in 1864, again in 1870, and still again in 1874, memorialize Congress for the construction of a canal to connect the Mississippi with the Illinois, on a line running eastward from or near Rock Island, while Governors Merrill, Carpenter, and Gear have also in their official communications urged that Congress should undertake that greatly needed work of improvement: Therefore,

"*Resolved*, That this house (the senate concurring) respectfully memorialize the Congress of the United States to authorize, provide for, and direct, at its present session, an early construction of a canal for commercial purposes from Hennepin, on the Illinois River, to or near Rock Island, on the Mississippi River.

"*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use all possible and proper exertions to secure from the body in which they respectively serve the passage of a bill at the present session ordering the immediate beginning of the work of constructing the canal herein mentioned, and to vote liberal appropriations therefor, to the end that the said canal may be completed and opened to the commerce of the country at the earliest possible date.

"*Resolved*, That a copy of these resolutions, duly signed by the speaker and attested by the clerk of this body, be forwarded to each of the Iowa Senators and Representatives in Congress, in order that the same may be duly presented to the respective bodies in which they serve."

On the 7th day of the same month, or as soon as the properly authenticated copy of the above could reach that body from the house and be brought up for action, the senate of the Iowa General Assembly also unanimously adopted the same memorial to Congress, in behalf of the long-desired canal.

WITHOUT SUCH A CONNECTION THERE CAN BE NO REAL USE BY THE NORTHWEST OF A WATER ROUTE TO THE EAST.

[Memorial of the General Assembly of Illinois.]

On March 27, 1882, the senate of the General Assembly, and on March 30, the house in the same body, respectively, adopted by a unanimous vote in each case the following as constituting a memorial to Congress:

"Whereas the agricultural, manufacturing, and commercial interests of the Northwest, and no less those of the entire country, are largely dependent for their development upon a full enjoyment of facilities for the transportation of products and commodities; and

"Whereas the two great interior water routes of transportation in the United States are those of the Mississippi River from north to south, and of the lakes, with the Erie Canal and Hudson, from west to east; and

"Whereas a direct all-water connection between these two great routes is indispensable to a complete service to the interests which so imperatively demand improved and cheaper routes of transportation, since without such a connection there can be no real use by the Northwest of a water route to the East, nor by the East to the Northwest:

"*Resolved*, That the senate (the house concurring) respectfully memorialize the Congress of the United States to authorize, provide for, and direct at its present session, an early construction of a canal for commercial purposes from Hennepin, on the Illinois River, westward to the Mississippi River, on the most feasible route.

"*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use all possible and proper exertions to secure from the body in which they respectively serve the passage of a bill at the present session ordering the immediate beginning of the work of constructing the canal herein mentioned, and to vote liberal appropriations therefor, to the end that the said canal may be completed and opened to the commerce of the country at the earliest possible date.

"*Resolved*, That a copy of these resolutions, duly signed by the president of the senate, the speaker of the house, and attested by the secretary of this body, be forwarded to each of the Illinois Senators and Representatives in Congress, in order that the same may be duly presented to the respective bodies in which they serve."

CONSTRUCTION OF THE HENNEPIN CANAL.

[Resolution passed unanimously by National Board of Trade, at Washington, January 23-25, 1884.]

Resolved, That the enlargement of the Illinois and Michigan Canal and the construction of the Hennepin Canal, connecting the Illinois and Mississippi Rivers, as by survey recently made by the Secretary of War, are necessary to control and materially reduce the cost of transportation from the fields of production to the great lakes, and that the cheapest possible transport from the interior to the seaboard is indispensable to the retention of foreign markets for our cereals.

[Resolution of Mississippi River Improvement Convention, at Washington, January 23, 1884.]

Resolved, That in the interest of cheap transportation, and to afford a choice of water routes to the seaboard, we regard connections between the upper navigable waters of the Mississippi and the great lakes as of great importance, and that Congress in making appropriations ought to have regard to the establishment of the free water communication between the valley of the great river of the West and the tide water of the East, in accordance with the recommendations heretofore made by the President of the United States in his special message on the subject.

Rivers and Harbors.

SPEECH

OF

HON. JOHN WINANS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WINANS, of Wisconsin, said:

Mr. CHAIRMAN: Our annual river and harbor bill is looked upon with suspicion by the people and the press, and justly so.

The one of 1882 is still fresh in our memories and will long live in the recollections of those who were identified with its passage and subsequently suffered defeat at the polls by the votes and voices of an indignant and outraged people. The then almost universal condemnation of the eighteen million river and harbor "steal," as it was characterized, was in no sense partisan, and the offending member, Democrat or Republican, was relegated to private life.

The bill under consideration carries some twelve millions, and if it becomes a law the Forty-eighth Congress will have appropriated to the alleged improvement of rivers and harbors upward of twenty-five millions of dollars. Will the country sanction this? Sir, in my judgment it will not, and should not, and, as a representative of a sentiment that I believe will condemn it, I must vote against this bill. Within its provisions are included many small streams unknown to commerce, and scarcely of sufficient importance to attract local attention, and we are asked to give the people's money to their attempted improvement—not to benefit commerce, but individuals and localities for purely selfish purposes.

I am, sir, in favor of judicious appropriations for the improvement of such of our great water ways as need improvement, as well as to such of our harbors as are really useful to commerce. But, sir, we have been attempting too much, and have accomplished too little to warrant the continuance of our large annual appropriations, and they have assumed the character of waste and extravagance.

Those who should know, and claim to know, say that the millions given to the Mississippi River are barren of results, and still more is demanded and will probably be given from year to year, until the people cry a halt and demand the evidence showing that its navigation has been improved or its commerce benefited.

One of the many objectionable features of the bill is the appropriation to the harbor at Galveston, Tex. If true, as charged and substantially admitted on this floor, that the Government of the United States has already expended in and about this harbor about $1,600,000, and has succeeded in increasing the depth of water in the channel only three inches, it would seem to the ordinary mind that it would be a waste of money to continue the work. If what has been accomplished has cost about $553,000 an inch, and at the rate of $6,400,000 a foot, it is apparent that by the time the depth of twenty-four feet is obtained—as proposed by the engineers—our Treasury would be bankrupted by the attempted improvement of this one harbor.

Another feature of the bill is the construction of the Hennepin Canal—connecting the waters of the Mississippi River with the great lakes. If this proposition stood by itself, and was to be considered on its merits, I should be inclined to favor it, believing that it would benefit the great Northwest and tend to cheapen our railroad freights. But being as it is, linked with so many other projects of more than doubtful propriety, I must vote against it. I have said enough, Mr. Chairman, to explain why I shall vote against this bill, and that is all I desired to do or care to say on the subject.

Mexican War Pensions.

SPEECH

OF

HON. JOHN W. McCORMICK,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 14, 1885,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. McCORMICK said:

Mr. CHAIRMAN: I beg the indulgence of the committee for a few general remarks on the subject of soldiers' pensions. No class of citizens of this Republic, whether in the ranks of the civilian, or in the higher one of official trust, can justly ignore the claims of those men who maintained the integrity of national union and honor. Even the men who fought against them in an effort to dismember the union of States owe them a debt of gratitude for their patriotism, bravery, endurance, and valiant conduct, which leaves us a nation saved, without a single star erased from the banner of union and liberty.

It is no small privilege to take part in the law-making power of the grandest and most powerful nation on God's footstool, while it is at the same time a privilege exacting from him who is so honored the highest sense of rectitude and integrity, loyalty and patriotism, free from any prejudice or sectional feeling in order to recognize the rights of all classes of citizens. It is an honorable thing to recognize merit under all circumstances, and to deal justly with the deserving. In all the history of the past we have the record of the achievements of those who have periled their lives in defense of home and native land, while it has been the pride of nations to properly estimate those achievements by suitable honors and rewards. As before the altar so before the ballot all men are equal.

No man who has a voice in the law-making power of such a republic as ours should dare, in the light of intelligence and true patriotism, to ignore the claims of the humblest citizen, not only to the full and untrammeled exercise of the elective franchise, but most especially in regard to the just claims of those who have periled their lives and their all to make our country what it is to-day.

During the sessions of the Forty-eighth Congress many just measures have come before us for consideration. Some of these have been promptly considered, and have been enacted into law. Others, equally meritorious, have have not fared so well. Of this latter class is the Mexican pension bill.

In my opinion a just criticism may be lodged against our action in regard to that important measure. The hearts of all loyal citizens of this country may well be pained at the filibustering and unnecessary delays that have accompanied this bill since it was first introduced in the House in the beginning of the first session of this Congress. And what has been the result of it all? The soldiers to whom it was intended to give relief, with their widows and orphans, who have asked at the hands of this Congress bread, have received a stone. Against such action I must utter my solemn protest.

In the light of all the facts connected with the consideration of this bill this Congress can take to itself but little credit for its action or want of action thereon, and so the whole country will judge of the matter. I believe that this measure as it came from the Senate should become a law before this session closes, as it easily might do if we are only willing to do right and deal justly and trample under foot our narrow differences as men and act the part of liberal-minded and true patriots.

The rights of the soldiers who fought the battles of the Mexican war demand it, and we do them great injustice by withholding their just dues. The widows and orphans of deserving Union soldiers demand it. The petitions of hundreds and thousands of the best citizens all over the country in thunder tones demand it, and yet we pass the matter by as of little moment.

The flimsy excuse that these petitions are worked up by interested claim agents, and on that account are not deserving the attention of this body, will not relieve us from responsibility nor answer for our neglect or delay in this important matter, and we will do well not to delude ourselves or hide behind such a flimsy subterfuge. These petitioners are in earnest in this effort, and they are already wearied by our delays and are in no mood to be trifled with, and we may as well be admonished of that fact.

If we do not heed those petitions we may in the future have occasion to regard their ballots when they again voice themselves in regard to those they place in official trust. When they so voice themselves their verdict will be right, and I believe and dare assert that our dilatory action on the Mexican pension bill will not stand the crucial test when it shall be applied, and it ought not to stand.

In this connection, Mr. Chairman, I would briefly refer to the Union soldier and express an opinion in regard to his relations to the civil service. These relations should have the widest and most liberal scope when they come to be applied to the veteran soldier who has done valiant service to his country. Without regard to the party in power, in the name of justice as well as of patriotism let his claims be recognized above all others when capacity and fitness attend those claims; and here, if nowhere else, let the principle "to the victors belong the spoils" be null and void, and leave these scarred and maimed heroes undisturbed in places of official trust. It certainly would only be a proper recognition of merit, of justice, and of right.

Rivers and Harbors.

SPEECH

OF

HON. THOMAS P. OCHILTREE,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 3, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. OCHILTREE said:

Mr. CHAIRMAN: The very able remarks submitted upon the Galveston Harbor proposition by my distinguished colleague [Mr. REAGAN], whose long, arduous, and eminent services at the head of the Commerce Committee of this House enabled him to speak with profound force and comprehensiveness upon such matters, also the eloquent speech of my other colleague [Mr. MILLS] supplemented by the exhaustive arguments of the gentleman from Louisiana [Mr. BLANCHARD], and the unanswerable statements of the gentleman from Arkansas [Mr. BRECKINRIDGE] would ordinarily preclude me from obtruding my views thereon, but the fact that I am here as the accredited representative of the devoted little city whose dearest interests are involved compels me to join my feeble voice to theirs in defense of the proposition under discussion, and to repel the unwarrantable and slanderous attacks made upon her and hers by this "bird that has (attempted) to befoul its own nest."

The distinguished gentleman from Illinois [Mr. THOMAS] has had read from the Clerk's desk an anonymous communication purporting to be an editorial from a Texas paper (God save the mark) animadverting upon the motives that actuate those supporting the item of this bill for Galveston Harbor.

From my knowledge of that gentleman, and his well-known appreciation of fair-dealing, I must confess I was astonished to see him aim this Parthian arrow, dipped in poison, malice, and slander, at the honorable gentlemen who advocate this measure upon this floor.

Sir, the delegation in this House from the State of Texas, of which I am the youngest and most humble member, are insensible to such attacks. They are men of such ability, such honor, such reputation, gained in cabinet and on field, bench, bar, and forum, through long and eventful years of public service, that they can treat with utter scorn and contempt any such imputation; so with regard to the gentlemen who compose the committee representing the city of Galveston, and so with the great journal published at that point that has been so wantonly assailed for the bold and determined manner in which it has seen fit to advocate the measure in question.

As the representative of the immediate locality proposed to be benefited, I may be allowed to speak from personal observation in respect to the futile efforts of the ablest of the Government engineers to cut a channel deep enough for our growing commerce through the bar that obstructs that harbor. I have no confidence in the scientific knowledge of any of these gentlemen as adapted to this particular work. I judge of their incapacity by the total absence of any favorable results accruing from their efforts there during the past ten years. No improvements can be expected from a continuation of the work either under their original or modified plans.

Engineering, sir, is a progressive art, embracing many sciences. In the line of discovery and progress no science has yet been fully matured. Theories are devised from the observation of facts or supposed facts; but when the scientists come to work upon new theories, it not seldom happens that they fail to obtain expected results, although it would seem that they ought to work to the end in view. The best engineers of the Army approved the plans of improvement at the Galveston Bar. These are the same gentlemen who condemned as impracticable, as unscientific, nay, as absurd, the plans of Captain Eads, the great civil engineer, for the improvement of the channel through the bars at the mouth of the Mississippi River. And now is it seriously proposed to give the direction of a great jetty work to engineers who have failed, and decline the services of the greatest and most successful engineer of the age?

The bitterest controversies that the reading public are treated to are the disputes of the scientists. Each school of science and art is in its own opinion as infallible as each religious denomination is in respect to its own peculiar tenets. Who is to decide between them? Let success in their undertakings determine. "By their fruits ye shall know them." Were the world to leave progress to be carried on by the great and learned scientists there would be little progress, and none at all if left to the smatterers and pretenders of that school. These gentlemen would not be able to agree in order to reach a starting point. The disciples of each school would know beyond any doubt whatever that the plans of the other were doomed to failure. We have progress and improvements, because while the graduates of rival schools are wrangling over their theories some practical man—for example, Captain Eads—puts them to the test of experiment, proves them by his works, and accepts the results as conclusive on the issues raised. In this manner that great engineer proved his superiority in genius and skill against the opposition and detraction of the whole corps of Army engineers.

The Galveston Harbor is obstructed by two bars—the inner and the outer bars—formed in part by the action of the tides and in part by deposits carried thereto by the currents of the rivers which empty into the Gulf of Mexico at this point. It is agreed on all sides that these bars can be removed by the tides and the friction of these river currents if their force were to be increased by confining their volume within a narrower channel.

Years ago Congress recognized the importance of Galveston as a commercial point and determined to remove the obstructions of these bars. At that time the depth of the water on the outer bar was twelve feet, and a depth of eighteen feet was then considered sufficient for navigation. A survey with this object in view was ordered. The result of this survey was reported by the Chief of Engineers of the Army in his annual report for 1874. The plan adopted was in the nature of a jetty. Under this plan, with various modifications in the construction, the work has been going on nearly ten years. A jetty wall four and one-quarter miles long has been constructed, no part of which is to-day visible. In that time over one million and a half dollars have been expended, and the depth of water on the outer bar, according to the survey made by the Government engineers in July, 1883, was still thirteen feet. The annual report of the Chief of Engineers for 1874 reports the depth of water at twelve feet. After this outlay, and this lapse of ten years, that official informs us that the board of engineers say in respect to a proposition to widen Galveston Harbor—

> Nothing should be done until the question of the *practicability*,—
>
> Practicability, mind you, sir—
>
> of permanently improving the outer bar shall have been demonstrated.

The engineer officers who have this improvement in charge admit that their attempts are even now but experiments, and that they are not—to quote their own words—in the "possession of facts and data calculated to throw a needed light upon the amount (of money) necessary to be expended for obtaining a proper depth on the bar." Now the question to be here decided is whether Congress will leave the work of opening our port to the great ships of the day to these experimentalists or place it in the hands of an engineer who has proved his ability and can estimate the cost—one who has offered to risk his own money on a result of thirty feet in the channel, a permanent result?

Mr. Chairman, the port of Galveston takes rank next after New Orleans, above all other Southern seaports, in her exports of cotton. The export of cotton from the United States in 1883 amounted to 4,626,808 bales. This was a larger quantity than that of any of the preceding years. Of this export New Orleans sent out 1,495,099 bales, Galveston 506,993 bales, Savannah 419,006 bales, Charleston 372,902 bales, Wilmington, N. C., 55,579 bales, and Mobile 45,270 bales. More than 11 per cent. of the total cotton export of that year was made from Galveston. If you will refer, sir, for a moment to our foreign commerce statistics, you will find that even during the previous year Galveston took rank as the seventh city of the Union in respect to the value of its commerce.

Here are the official figures showing that fact:

Value of the imports and exports of merchandise into and from the United States, by customs districts, during the year ended June 30, 1882.

Customs districts.	Exports.			Imports.	Total imports and exports.	Per cent. of total.
	Domestic.	Foreign.	Total.			
New York, N. Y	$347,308,334	$14,117,027	$361,425,361	$496,005,276	$857,430,637	55.42
Boston and Charlestown, Mass	61,273,101	1,083,648	62,356,749	42,552,075	137,908,824	8.72
New Orleans, La	94,838,634	268,680	95,107,314	9,596,762	104,704,076	6.77
San Francisco, Cal	44,139,303	820,117	44,959,420	45,702,530	90,661,950	5.86
Philadelphia, Pa	38,132,145	15,599	38,147,744	33,738,556	71,886,300	4.65
Baltimore, Md	54,956,050	47,301	55,003,351	14,596,179	69,602,530	4.50
Galveston, Tex	29,627,898	1,149	29,629,047	1,511,712	31,140,759	2.01
Savannah, Ga	22,813,347	.....	22,813,347	483,281	23,296,628	1.50
Charleston, S. C	22,573,167	60	22,573,227	498,821	23,072,118	1.49
Norfolk and Portsmouth, Va	18,445,548	.....	18,445,548	186,355	18,631,903	1.20
Huron, Mich	10,134,522	814,068	10,948,590	2,906,247	13,854,837	.90
Oswego, N. Y	1,453,346	11,824	1,465,170	8,341,324	9,806,494	.63
Minnesota, Minn	7,147,017	22,168	7,169,185	1,085,213	8,254,398	.53
Vermont, Vt	1,809,521	.....	1,809,521	6,194,886	8,004,407	.51
Buffalo Creek, N. Y	420,815	3,369	424,184	5,358,215	5,782,399	.37
Portland and Falmouth, Me	2,874,357	229,605	3,104,162	2,486,359	5,590,521	.33
Champlain, N. Y	1,901,819	5,400	1,907,219	3,124,968	5,032,187	.33
Wilmington, N. C	4,711,923	.....	4,711,923	247,910	4,959,833	.32
Detroit, Mich	2,647,379	173,583	2,820,962	2,056,979	4,877,941	.31
Chicago, Ill	3,714,805	8,743	3,723,548	649,090	4,372,638	.28
Willamette, Oreg	3,655,133	.....	3,655,133	433,130	4,088,263	.26
Richmond, Va	3,028,105	.....	3,028,105	442,364	3,470,469	.22
Niagara, N. Y	41,539	.....	41,539	3,270,671	3,312,210	.21
Mobile, Ala	2,837,496	.....	2,837,496	374,892	3,212,388	.21
Miami, Ohio	3,014,123	.....	3,014,123	4,578	3,018,701	.20
Oregon, Oreg	2,709,404	.....	2,709,404	269,512	2,978,916	.19
Oswegatchie, N. Y	849,774	1,442	851,216	2,044,525	2,895,741	.19
Corpus Christi, Tex	1,798,981	200,428	1,999,409	711,787	2,711,196	.18
Brazos de Santiago, Tex	1,102,861	286,204	1,389,065	801,447	2,190,512	.14
Pensacola, Fla	2,067,057	.....	2,067,057	29,073	2,096,130	.14
Puget Sound, Wash	1,770,219	.....	1,770,219	95,441	1,865,660	.12
Brunswick, Ga	1,553,447	.....	1,553,447	4,896	1,558,343	.10
Yorktown, Va	1,509,689	.....	1,509,689	18,255	1,527,944	.10
Paso del Norte, Tex. and N. Mex	.....	1,162,851	1,162,851	325,950	1,488,801	.09
Passamaquoddy, Me	447,229	76	447,305	872,305	1,319,610	.09
New Haven, Conn	257,352	11,705	269,057	1,049,008	1,318,065	.09
Key West, Fla	697,898	3,169	701,067	472,784	1,173,851	.08
Genesee, N. Y	304,485	.....	304,485	739,001	1,043,486	.07
Saluria, Tex	871,068	13,309	884,377	100,084	984,461	.06
Cape Vincent, N. Y	180,961	133,818	314,779	640,826	955,605	.06
Beaufort, S. C	770,996	.....	770,996	8,765	779,761	.05
Bangor, Me	116,106	.....	116,106	563,444	679,550	.04
Duluth, Minn	399,237	169,686	568,923	43,068	611,991	.04
All other ports	3,317,241	10,741	3,327,982	2,539,300	5,867,282	.38
Total	804,223,632	19,615,770	823,839,402	723,180,914	1,547,020,316	100.00

It would be an interesting piece of figuring to calculate the amount of public money spent in improving a score or more of the ports on this table and compare it with that spent at Galveston, whose commerce exceeds their aggregate imports and exports.

It would also be another interesting piece of figuring to calculate the amount which a saving of 5 cents a bushel on Western wheat and corn transportation would amount to annually, and how much of this saving might result from making Galveston a safe harbor for large ships.

Sir, the enormous and fast-growing commerce has to be lightered over the bar that obstructs our channel. Every dollar's worth passes over that bar. We are developing a large coasting trade and European trade, and our enterprising merchants are doing much to encourage the development of the much-desired South American trade. Coffee constitutes about one-half our imports. Our coastwise trade extends to every port of importance on the Gulf and Atlantic coasts. There are two lines of steamers in this trade to New York alone:

First. The Mallory line, direct, employing seven steamers, of an aggregate tonnage of 18,588 tons, making about eighty trips a year.

Second. The Morgan lines, one to New Orleans, of nine steamers, of less tonnage, making daily trips. And the other a weekly direct to New York.

Regarding foreign lines, the West Indian and Pacific Steamship Company, and other steam lines of British owners, cleared from Galveston in 1883 as follows:

Destination.	Steamers.	Tonnage.
Liverpool	34	44,296
Bremen	11	12,170
Havre	5	4,745
Revel	5	5,935
Genoa	1	851
North German Lloyd's to Bremen (German owners)	3	5,890

The following statement, made to the collector of the port last year, will show the total inefficiency of the present jetty system as designed by the Government engineers, even if they could make it come up to their greatest aim of eighteen feet of water on the bar:

GALVESTON, TEX., *June 4, 1884.*

SIR: In reply to your inquiry regarding steamers loaded by our firm at this port during the season of 1883-'84, the following is a complete list, showing tonnage, number of bales, and draught of water when loaded:

Name.	Net tonnage.	Bales.	Draught.
	Tons.	*Number.*	*Feet.*
Australia	1,090	5,939	20
Chilian	1,367	4,732	18
Hercules	764	2,278	16
Haytian	1,490	4,860	19
Westergate	1,179	4,509	16
Phœnix	1,150	4,362	16
General Roberts	936	3,997	15
Acton	1,066	4,130	15
Caur Beal	1,167	4,600	15
Bernard Hall	1,740	7,605	21

We also beg to hand you the following list of the West India and Pacific Steamship Company's steamers, for which we are the through agents at this port, and which call for homeward cargo for Liverpool. After discharging at South American and Mexican ports, the Australian, Chilian, Haytian, and Bernard Hall loaded here last season. The following list comprises all their steamers in the Gulf trade, namely:

Name.	Tonnage, gross.	Name.	Tonnage, gross.
Andean	2,147	Haytian	2,336
American	1,838	Jamaican	2,009
Australian	2,498	Texan	3,257
Bernard Hall	2,678	Venezuelan	1,090
Californian	1,831	West Indian	1,804
Caribbean	1,852	Yucatan	2,816
Chilian	2,118	Florida	3,270
Cuban	1,324		

All the above steamers draw from sixteen to eighteen feet in ballast, and from eighteen to twenty-two cotton-loaded. We may add that they always lighter all their cargoes at this port.

We remain, sir, yours, obediently,

WALTHEW & SONS.

A. G. MALLOY, Esq.,
Collector, Galveston.

True, they talk of a possible depth of twenty-five feet. But how, and when, and at what cost? Will they answer? No, sir; for this possible

result they ask an annual appropriation of $500,000 for an indefinite number of years—for their experimental work.

Mr. Chairman, the State of Texas is an empire of itself. Her own resources must soon be developed to an extent that will give the port of Galveston a commerce that would only be second to that of New York. Is it not the duty of Congress to make an outlet for this commerce, to give it a channel-way through the bar that now obstructs it, a channel of a depth sufficient to accommodate the class of large steamers that are now required for such trade? We want a depth of thirty feet at least in the channel, not thirteen feet or eighteen or twenty-five feet. No plan or even suggestion has been made by the Government engineers for such a depth, and yet gentlemen say "let these engineers have control of the work." This, too, sir, in face of the fact that their ten years' effort leaves the bar at just the same depth it was when they commenced it. The million and a half dollars expended by them has been thrown away—sunk out of view on the bar, dissipated at the bar—drank up as it were.

But it is not Galveston nor the great State of Texas that is alone interested in the opening of a 30-foot channel. Turn to your maps, sir, and you will see that Galveston is the natural outlet for that vast mining, grain-growing, stock-raising area of the Union west of the one hundredth parallel. I do not except any part of that vast region east of the Sierra Nevadas, and I would include the wheat lands of California also if we had the proper harbor accommodations. Our railroad connections extend even to them. Galveston is the natural outlet for all the exports of that area. Both time and money would be saved in the export of California wheat if we had a 30-foot channel through our bar. Iowa, Nebraska, and Kansas and the Territories to the west of them are as much interested in this improvement as Texas is. The opening of such a channel would benefit not Galveston alone, but also Chicago and Saint Paul, Detroit and Milwaukee, Saint Louis and Kansas City, Omaha and Denver, Shreveport and Vicksburg, Little Rock and Memphis, and a hundred other thriving young cities of the great Northwest and Southwest.

Our railroad connections extend to all of these. We will reach out and grasp with hooks of steel a half of a continent; and not content with domestic trade bonds alone, we extend our lines into the heart of Mexico by four different routes, namely, via Matamoras, Laredo, Piedras Negras, and El Paso, besides two lines of steamers to the Mexican ports of Vera Cruz, Tuxpan, and Tampico. All the vast trade that will be developed with Mexico by Galveston enterprise must come over these routes, and make that city the chief port of export and import for that new India—that country of untold wealth. Sir, I beg to say that these are not my own views alone; a recent official report of the Bureau of Statistics sets this forth very clearly. I will quote a few passages from it:

> The completion of the Mexican National and of the Mexican International Railroad lines will connect the chief centers of trade and industry in Mexico with the Texas railroad system, which, as already stated, depends chiefly upon the harbor of Galveston for the facilities of ocean commerce.
>
> In a recent report of this office in regard to commerce between the United States and Mexico it was shown that the trade between the two contiguous countries will hereafter be carried on chiefly over railroads. This appears evident from the following considerations: First, nine-tenths of the population of Mexico reside on the high table-lands, where are carried on the chief agricultural and mining industries of the country. Second, the hot, unhealthy belt of land along the Gulf coast (*tierra caliente*) is repellant to foreign commerce. Third, there is no port of Mexico on the Gulf north of Vera Cruz at which vessels can enter when drawing over ten feet of water, and south of that point there is no harbor at which vessels can enter when drawing over twelve to fifteen feet of water. Vessels of twenty-four feet draught may enter the harbor of Vera Cruz, but at that point are obliged to load and unload by means of lighters while lying half a mile from the shore.
>
> For these reasons it is apparent that upon the completion of the improvement proposed to be made at the entrance to Galveston Harbor, and of the railroads in Mexico in course of construction, that port will be the most accessible of all the Gulf ports for the commerce of the central and northern portions of Mexico with countries beyond the sea.
>
> The area in Mexico which will thus be brought within range of the commerce of Galveston is about as large as that of the State of Texas. The magnitude of this probable commercial development is of course a matter which can only be determined by the results of practical experience under the new conditions governing the commercial relations between the United States and Mexico introduced by the copstruction of railroads.

This view is fully supported by many of the best railroad men in the country, and by the boards of trade of the leading cities of the great West, all of which look to Mexico as a rich field for commercial enterprise and to Galveston as the entrepôt of the trade.

The following from the same report corroborates my statement in regard to the comparative extent and importance of the area of country which may be subserved by the port of Galveston:

> The entire territory of which Galveston would become the nearest and most accessible first-class seaport, namely, the States of Texas, Kansas, and Colorado, the Indian Territory, and the Territories of New Mexico and Arizona, with parts of contiguous States and Territories, has an area of about 797,000 square miles. This is equal to the aggregate area of the New England States, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, North Carolina, Kentucky, Tennessee, Iowa, Minnesota, Nebraska, the aggregate population of which States in the year 1880 was 35,756,780, as against a population of only about 3,000,000 within the area referred to as being embraced within the range of the commercial enterprise of Galveston under the favoring condition of a first-class harbor.
>
> The area of which Galveston would thus become the nearest and most accessible seaport is also equal to the aggregate area of Great Britain and Ireland, France, Spain, Italy, and the German Empire, the total population of which countries is about 163,000,000, and is fully equal to those countries in the extent of land susceptible to culture, in fertility of soil, and in all the capabilities of material prosperity.
>
> The comparison as to rainfall in this area and in the countries of Europe referred to is quite favorable to us. These facts suggest the possibility of an enormous increase of wealth and of population within this area described as being within the range of the commercial activities of Galveston. Evidently the present development of the resources of the State of Texas and of its neighboring States and Territories are to the possibilities of such development but as a beginning. The proposed improvement of Galveston Harbor has therefore a prospective importance vastly exceeding its value to interests which would thereby be subserved at the present time.

Adopt measures, proven measures, not mere experiments of theorists, of proven failures, but measures of successful, practical men, like Captain Eads, that will facilitate the entry of ships into all our harbors. Thus eliminate every removable obstruction from interstate and foreign commerce. Lighten the tolls and charges as far as you can. Offer encouragement to American capital to go into American ships. Encourage civil talent when Military Academy science fails to accomplish needed work.

If you have, under the power to "regulate commerce," the right to restrict its modes of business, you have *a fortiori* the right to make its channels and modes open and free. This is all that Galveston asks of you in the enactment of your commercial regulations. In this case, sir, we want the military power to be subordinate to civil administration; surface smattering to give way to solid learning and real ability, the pygmy to the giant.

If the plan of the Government engineers promised a favorable result, the citizens of Galveston would be the last people in the world to interpose any objection to its prosecution. The citizens of Galveston have thrown away a hundred thousand dollars of their own money in that plan. They object to any more public money being wasted in that plan. I protested for them against such a waste of money when last year's river and harbor bill was up for discussion. We denounce these Army engineers as incompetent. The public money appropriated by Congress has been spent by them in conducting a ten years' series of experiments; and yet the bar, like the flag, "is still there," but the jetty is nowhere. No one knows how much money the present works would cost or the time it would involve.

Mr. Chairman, I want this House distinctly to understand that it is admitted by the the highest of your engineer officers that if the so-called north and south jetties should ever be finished on the Galveston Bar according to the official plans the channel contemplated would not, even with the aid of auxiliary works, obtain a greater depth than eighteen feet. This is the depth gravely proposed by your Army engineers, in face of the fact that the class of steam-vessels now engaged in our cotton trade draw from sixteen to eighteen feet in ballast. Out upon such incompetence and absurdity.

I will not discuss the engineering questions involved in the submerged jetty system that has failed, or in the Eads jetty system that has been successful beyond promise. I will merely say that the latter system was invented—yes, I think I may justly say "invented"—by Mr. Eads, who, if not the most distinguished engineer of the age, takes equal rank with the most distinguished. By that system a pathway has been opened to the Great Eastern where a few years ago an ordinary coaster would have grounded on mud-banks. When the Galveston system of jetties was being planned Mr. Eads was engaged in constructing the Mississippi jetties. Without exception—I think I may say without exception—all the Army engineers who had anything to do with the Galveston Bar plan were unanimous not merely in opinion, but in positive assertion, that Mr. Eads's work must prove a total failure. They insisted that any improvement made at the mouth of the Mississippi River under the Eads plan would prove very temporary. There was no end of scientific argument pointing to the result. But Mr. Eads knew what he was doing. He was not conducting an experiment. On the contary, he knew he was right, and that his detractors were as ignorant of the real science of jetty construction as they were of the true theory of tide action on riparian deposits. He was willing to borrow the money to construct his jetties, and to have payment by the Government contingent on the successful results of his skill and labor, even to the smallest detail. The fame of his great engineering feat is now world-wide. Two continents are eager to employ him. His success is as brilliant as the failure of the Army engineers at Galveston is complete.

At the request of the citizens of Galveston, I should say, after repeated urging, Mr. Eads returned from Europe to examine the formation of their harbor obstructions and to consider the question of applying his jetty system for its removal. He made a thorough examination of the bar and of the work done by the Army engineers, and pledged his great reputation against any successful results from such work.

Urged by the solicitation of the people of Galveston and the entire Texas delegation in Congress, Captain Eads thereafter appeared before the committees of the House and Senate that had charge of this matter. This was last May. He presented his views with such force and clearness to these committees that no one who is now willing to give them a careful reading or who has read them impartially can fail to be convinced of the reckless extravagance and the total inutility of the work of the Army engineers at Galveston Harbor; whereas his argument in favor of his own plan bears not only the force of sound scientific reason, plainly presented even to the understanding of a layman, but also the

weight that comes with an argument illustrated by practical demonstration and the complete success of an engineering feat that was pronounced impossible by his opponents. Addressing the Senate committee, he said in respect to the present submerged jetties:

> Any appropriations to carry on the present plans will simply involve a waste of that much public money, because those plans are radically defective and never will accomplish the purposes designed.
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> * * * * * * * *
>
> To enable the committee to form an intelligent judgment upon the merits of the Galveston plan, and to forecast the probable results which will attend its completion, it will be important to refer to the general principles or natural laws which control the action of flowing water and its power to transport sand and other sedimentary matter, so far as these laws are involved in the jetty system. To enable the committee also to fully comprehend the reasons which actuated these officers in recommending the Galveston plan, it will be necessary to quote from their official reports some of the ideas which they then entertained, so that the committee may see how completely their plan harmonizes with the errors which possessed their minds at that time.
>
> If the natural laws referred to are clearly understood by the committee, it will have no difficulty in arriving at a correct judgment in the premises. The jetty system is a method of deepening and maintaining a channel across a shoal by such artificial works as shall compel the water flowing over the shoal to pass through a narrow channel. The principles involved in the system may be thus stated in brief:
>
> First. The current is caused by the fall of the water from a higher to a lower level, which fall is indicated by the slope or inclination of the surface of the water.
>
> Second. The friction of the bed over which the water flows is the chief element or force opposed to the current.
>
> Third. The force of the current will be increased by either increasing the slope of surface or by increasing the volume of water passing through the channel, or by increasing both.
>
> Fourth. The friction of the bed controls the velocity of the current just as the application of the brakes to a railway train going down grade without the aid of the engine regulates the velocity at which the train moves. The railway brakes and the friction of the bed are to this extent identical in their effect.
>
> Fifth. The friction increases just as the width of the bed increases. That is to say, if the bed of the channel be twice as great the friction will be twice as great. It is important to remember this fact as we proceed, because friction is one of the very important elements that are totally ignored in planning the Galveston jetties, as will be presently seen.
>
> Sixth. The power of water to transport sand increases with the square of the velocity of the water. That is to say, if the current be made twice as rapid it will be able to transport four times as much sand.
>
> Now, if we consider these simple facts in their application to the plan now being executed at Galveston, it will be apparent that if the jetties, instead of being located 12,000 feet a part (two and a quarter miles), were located, for instance, only 4,000 feet apart, the friction retarding the flow of the water through them would only be one-third as great. Hence, with the same slope of surface from Galveston Bay to the sea, or from the sea to Galveston Bay, the current through them would be greatly accelerated. And as the transporting power of the water increases with its velocity, it would, with this reduced width of channel be much greater, and it would more rapidly excavate and maintain a much deeper channel than could possibly be secured by the present design.
>
> The reason why these jetties were located so widely apart is to be found in the fallacious arguments which the officers responsible for the plan advanced regarding the reformation of the bar. Major Howell, discussing in 1874 the application of jetties at the mouth of the Mississippi, declared that "jetties will have to be built farther and farther out, not annually, but steadily every day of each year, to keep pace with the advance of the river deposit into the Gulf, provided they are attempted" (at the mouth of the Mississippi).

General Humphreys, Chief Engineer of the Army, considered the Eads plan impracticable. It may not be improper for me to quote the views expressed by that officer and other engineers of high military rank in regard to the Mississippi jetties when they were being constructed by Mr. Eads.

In 1874 the Chief of Engineers said, referring to the head of the South Pass of the river:

> The mean width of the pass is 700 feet, but a less width for the jetties must be taken if a channel way of suitable width with a depth of 27 feet at low water is to be attained. Assuming 500 feet for this width, then as the width of this bar, where the annual accretion of 111 feet is made, is 3,000 feet, we shall, with jetties 500 feet apart, have an annual advance of 670 feet.

General Newton said at the same time:

> It is evident that in proportion as the cross-section of discharge on the outer crest of the deposit or bar widens, its progress into the Gulf will become slower, and, on the other hand, if the cross-section be narrowed, the progress of the deposit will become more rapid. Whether the relative progress be in the simple inverse ratio of the width of discharge, or in some other, it is not important here to inquire. The essential fact that as the width of the cross-section diminishes the rate of progress of the bar into the Gulf must increase is self-evident.

What became of these confident predictions? Let Mr. Eads answer. He said to the Senate committee:

> General Newton undertook to show that, under the influence of jetties at the mouth of South Pass, to produce only twenty-five feet depth of water the advance of the bar would be at the rate of 2,240 feet per annum! As the jetties have maintained a 30-foot depth of channel for nearly five years, during all of which time there has been no occasion to extend them a single foot, and as there has been no indication of bar advance to justify a belief that it will be necessary to extend them a single foot during the next hundred years, it must be evident that all these distinguished officers were mistaken. If General Humphreys had been correct, I should have had to extend the jetties by this time nearly three-quarters of a mile; if General Newton had been correct, I would have to be at work to-day on the jetty ends two and a half miles farther out, where the water is one hundred and sixty feet deep; and if Major Howell had been correct, the jetties would be well on their way toward Cuba. When the stubborn facts of 1884 at the mouth of the South Pass are compared with these declarations, comment becomes unnecessary.
>
> That the entire board which approved Major Howell's plan for Galveston entertained the views expressed by these officers will be seen from the following quotation from their reports to the Chief of Engineers.
>
> Major Howell says (Report of Secretary of War, 1874, volume 2, part 1, pages 732, 733): "The jetties are expected to act as training-walls for the lower ebb channel, while the upper will pass over them. They are calculated to give a depth on the outer bar of from eighteen to nineteen feet, and at the same time only confine and direct so much of the ebb and flood currents as may be useful, thus preventing as great an advance of the bar gulfward as might be expected were the jetties built up to the plane of mean low tide."
>
> At page 737 of the same volume Messrs. Tower, Wright, and Newton say:
>
> "The letter of instructions before referred to imposes the condition that an increased depth of water shall be 'permanently' secured. If taken literally this condition can not, in the opinion of the board, be fulfilled by the present project, or by any other known method of improvement."
>
> This opinion regarding the impracticability of securing a permanent depth of channel is based upon this mistaken theory of bar advance.
>
> After submitting his estimate of the cost, Major Howell says:
>
> "After construction, these jetties will, from time to time, require extension to keep pace with the extension of the bar gulfward."

Mr. Eads's plan of jetty construction was condemned by these scientists on the false theory that in proportion as the channel was narrowed and deepened the greater would be the rate of the "bar advance"—the formation of another bar farther out. And they admitted that the like result would follow their own work on Galveston Bar. Following the theory of these gentlemen to its legitimate conclusion proves to the Senate committee that to obtain the maximum depth of eighteen feet over the outer bar, under the plan of the Government engineers, that "it followed, by their arithmetical theory, that the magnificent width of two and a quarter miles was necessary to be established between the two jetties to restrain the phantom of bar advance."

These gentlemen—

Said Mr. Eads—

> totally overlooked the fact that the friction through such a wide channel would neutralize the effect of the current, an increased force of which must be had to insure the deepening of the channel. Forgetful of the retarding effects of friction on such a channel, they then committed their crowning mistake of leaving enormous lateral outlets near the land, through each jetty, by which the current should be still more enfeebled.
>
> Another equally important principle involved in the jetty system was likewise overlooked by them. I allude to the effect of wave action upon the sandy bottom of the shores of the sea.

Mr. Eads then goes on in the address quoted from to show this effect and to explain the laws that control the formation of bars. I will, with the permission of the House, print what he says on this subject as an appendix to these remarks in the RECORD.

The Government engineers admit that their plan carries with it its own elements of failure. Improvement will only be temporary, and at best only eighteen feet of water. On a bar this should give a passage to ships drawing from twenty-five to thirty feet. What does Mr. Eads say as to his plan? Here are his own words:

> I have no hesitation in declaring that I can, beyond all doubt, and within a comparatively short time, give to Galveston as good, if not a better, channel than that through the jetties at the mouth of the Mississippi.

This is not the language of mere theory or experiment. It is the language of a man who knows exactly what he can do, who is willing to assume all financial risk, and to ask no pay until he produces the results he promises to perform. In short, Mr. Chairman, it is the language of Eads of Mississippi fame, the greatest of American engineers. Above and beyond all this he is willing to pledge to the success of his work the fame and reputation earned in a long and brilliant professional career, in which he has won honors which do not pale before those showered upon the constructors of the Suez Canal, the Mount Cenis Tunnel, or any of the other grand achievements of ancient or modern science.

Mr. Chairman, is not this a work of national importance? Is not the expense incident to its performance justified by the immensity of the interests of the State of Texas and the other States and Territories that look to Galveston as their nearest port of entry, and as a competing point for their traffic and travel? But I will speak of Texas alone—other gentlemen from the vast interior above us are more familiar with the wants and resources of that region.

In 1845 Texas was admitted to the Union with a population of about 170,000; now we have grown to a population of 2,150,000. In 1850, our area of improved farming lands was only 643,976 acres; now the area has grown to about 17,000,000 acres. The value of our real and personal property is not below $1,000,000,000 to-day. It is probably much greater in amount. Our agricultural products, including increase of cattle and sheep, are not less than $150,000,000 per annum in value. We stand in the first rank as cotton producers. In wool we will soon take the lead of every State in the Union. Our capacity for grain raising, especially wheat and corn, is unlimited. Our mineral resources are simply incalculable. People imagine that we have little or no timber. Why, sir, although most of our area is made up of rich, untimbered prairies, we have of pine land alone an area larger than the State of Indiana, although you might cross our State a dozen times on different lines and miss this little spot on our map, not much larger than one of our ordinary counties. I do not mean to belittle Indiana. It is great among the other States, but small in area when compared with Texas.

In 1860 we developed our railroad system to the extent of 300 miles; now we have considerably over 6,000 miles of railroad, valued at $160,000,000. Outside the State there are at least 5,000 miles of railroad connecting directly with us, all intent on finding an outlet at Galveston for their traffic. We are the banner cotton State, the banner beef and mutton and wool State. There is no agricultural product of importance that we can not raise in greater abundance than any other State in the Union. If you would allow us to make our own commercial regulations we would ask no help from the Government for our port of

Galveston. We would put in the jetties ourselves; we would sail our own steamships; we would send the Stars and Stripes into every sea and port of the world, and we would show you in a few years the second city of the Union in size, in population, in trade, in wealth, and in elegance. But you will not allow this; you insist upon controlling our port, in taking it under your jurisdiction, in saying what ships shall come and how they shall depart. Give us this small modicum of a right. We do not claim any exclusive privilege of track; we offer an outlet to the entire interior of the whole trans-Mississippi country. Our prosperity, the welfare of this region demand that this great work shall no longer be conducted as a mere experiment. Complete it, and all other communities under our flag must be advanced a thousand-fold beyond all the cost. Thus encourage to friendly industrial and progressive emulation the people of the great Southwest and open its ports to the granges and granaries of the vast interior of the continent, and thus perform your constitutional duty to so regulate commerce that no greater advantage by act of Congress shall be given New Orleans over Galveston, or New York or other Atlantic port over either.

APPENDIX.

[Extract from Mr. Eads's address on the improvement of Galveston Harbor, delivered before the Senate Committee on Commerce May 21 and 22, 1884.]

It is simply impossible to permanently maintain between submerged jetties any increase of depth, even if such jetties could produce it. It is necessary to explain wave action so that the committee will fully understand its bearing upon the question of bar advance, as well as upon the maintenance of the channel between the jetties.

The waves of the sea produce no continuously horizontal motion whatever in the water over which they are passing, unless the depth be so shallow that the crest of the wave, when it sinks, will feel the resistance of the bottom. When this occurs a motion of translation or horizontal motion, invariably toward the shore, is induced in the water. Of course, the higher the waves the greater will be the depth at which this horizontal movement will be produced. The waves of the Gulf of Mexico are not high enough to produce this effect sensibly in a greater depth than twenty-five or thirty feet. Waves result from the friction of the wind, and they increase in size in proportion to the "fetch" or distance they are driven under its influence. The fetch in the Gulf of Mexico is limited to about eight hundred miles, and the waves are not, therefore, excessively high. Large waves near the shore are always driven toward the shore, for the reason that a wind blowing off the land can not create them of any considerable magnitude near it, and because the shallower the water in which the waves are traveling the slower will be their progress; hence, if the waves are moving under an impulse parallel to the shore they will be moving at right angles to that shore, and the end of the wave nearest the land will move more slowly because it is in shallower depth. This will cause the waves to come obliquely upon the shore. Hence the horizontal or translatory motion of the water induced by the waves is always toward the land. As they move onward to the beach this horizontal motion increases in velocity until under its impulse the water is driven far out on shore.

Even under the influence of severe storms the transporting power in the Gulf waves is limited to the depth of twenty-five or thirty feet. It increases in strength as they roll into the shallower water; therefore when they rush out upon the beach they are highly charged with sediment; a momentary pause ensues before the retreat of the wave occurs, and during this pause the sand is dropped on the shore. As the return current starts from a state of rest it has less power to carry the sand down to the sea than the rapid current had to bring it out upon the shore. In addition to this, the retreating current has less volume, because during the momentary pause before the ebb sets in the volume of the water, which is one of the elements producing the current, becomes much less than it was when coming out onto the shore, much of it sinking into the beach, and, therefore, the return current, although induced by the steep slope, will be slower and incapable of transporting all of the sand back again.

In this way the sea waves are continually transporting sand shoreward on the sandy beaches of the sea, and where no littoral currents exist these beaches continue to grow seaward.

The water which issues from any tidal basin such as that at Galveston, or from any river, must struggle to reach the sea through the barriers of sand that are thus continually heaped up by the waves.

Now, as the influence of this action depends upon the height of the waves, it must follow that the deeper the mouth of the jetty channel is made the less will be the ability of the waves to create a bar in front of that channel. I think it would be simply impossible that the waves of the Gulf of Mexico should disturb the sand in the bottom of the channel twenty-five or thirty feet deep at the end of the jetties. This opinion is based upon experience and observation at the jetties of the Mississippi River.

Instead of there being a propriety in placing jetties two miles and a quarter apart at such a location as Galveston, through fear of an advance of the bar, it must be evident, for the reasons given, that they should be placed so as to create the deepest channel compatible with the safety of the jetties against being undermined, and with due regard to the economy of their maintenance. The closer together they are, within the limits of safety, the less will the friction of the bed retard the entry and exit of the water through them, the deeper will be the channel produced by the current, and the earlier will be the relief afforded to commerce. The deeper the channel the less possible will be the reformation of the bar in front of it. If they be placed too close together, the channel will become so deep that the jetties themselves will be undermined or the cost of maintenance be increased.

It must be evident to any engineer who takes up the study of a problem like this that these gentlemen entirely overlooked the effect of both friction and wave action in the location of their works, and were totally wrong in anticipating an advance of the bar; nor did they consider the effect of wave action in determining the height of their jetties. In a space of two and a quarter miles wide, and but from twelve to fourteen feet deep, with a bottom of quicksand, disturbed by every storm which sweeps across it from one side or the other, the wave action would be sufficiently energetic to fill up and obliterate any channel which the current in calmer weather might be able to excavate.

The height to which they limit the jetties must expose any channel excavated between them to serious interruption, if not obliteration, by the sands which would be transported from the outside of them into the jetty channel. They propose that only a portion of their jetties shall be built up to the level of mean low water, thereby leaving the tide to rise from one to four feet over the tops of the portions where they are highest.

The jetty system is essentially a system of conservation of the water and not one of diffusion. But, as if this facility of overflow were not a sufficient violation of the fundamental principle underlying the jetty system, they actually leave in their plan enormous outlets by which the lateral escape of the water through each jetty near the land will be made. (See plan of works in Colonel Mansfield's report of 1880.)

What is known on the Mississippi as the outlet system has undergone the most crucial scientific discussion and careful studying during the last eight or ten years. It has been condemned by the Mississippi River Commission, who were directed by Congress to examine and report upon it, and it has been also rejected by the action of several Congressional committees as a system wholly wrong in principle where the deepening of a channel is to be sought. Although this decision was arrived at four or five years ago, the experimental plan of the Galveston jetties has remained unaltered, and the flood-tides, whose volume should be retained in their outflow to deepen the channel, are allowed to escape over the whole length of the submerged jetties.

Under the mistaken idea of facilitating the inflow of the tide, oblivious of the fact that, if it be made to flow through one single channel of moderate width it will have less friction to retard it, and will more easily fill the bay than if it be made to come in through three wide ones, they proposed two lateral channels near the land end of the jetties. The one through the south jetty, as shown on the plans published in 1880, is a mile long; the one through the north jetty is 10,000 feet, and the one through the direct jetty channel is two and one-quarter miles, making a total width of over five miles. They seem to have wholly forgotten also that these lateral outlets will offer the readiest, shortest, and easiest route for the escape of the ebb tide, which must do all of the excavation required to secure and maintain the improved channel. They evidently believed when planning these novel works that the water will flow in through these short routes to the bay, but will go out through one three times as long to deepen their channel. If we suppose the height of the water at the present outlet of Galveston Bay, between Fort Point and Bolivar Point, to be twelve inches above the level of the Gulf beyond the bar, it will be seen that to reach this latter level through the jetties the water must travel about four and a half miles; which would give a slope of about two and a half inches per mile, whereas, through these great lateral outlets the water can reach the same level in a distance of a mile or two, by a fall more than two or three times as steep. It is, therefore, preposterous to suppose that the discharge of the bay will be made through the ends of the jetties and over the shallow part of the bar when it can be so much more easily discharged through these openings and over the jetties. But aside from this great error, which ignores one of the most elementary principles of hydraulics, namely, that water will flow by lines of least resistance, it is absolutely necessary that the jetties, to be successful, should be built up so high as to prevent not simply the waste of water over them, but also the wave action bringing sand over their tops from the outside into the improved channel.

General Newton, when discussing in 1874 the application of jetties at the mouth of South Pass, said (see report of Secretary of War, 1874, volume 2, part 1, page 885):

"The longitudinal section of its bar and bed by its irregularities indicates very clearly that the shoaling process is going on throughout, and that the pass at the present time is hanging between the condition of a live pass and a stagnant ditch, to the last of which results it must arrive if a revolution in the delta does not redeem it. And this most probable fate will be precipitated by applying the jetty system to its mouth."

In his official criticism of the bill which embodies my proposition to produce thirty feet of water at Galveston, at the sole risk of myself and associates, and without pay if we do not succeed, this same officer says:

"Should Congress be resolved to make a change in the administration of this work, at least it will be for the interest of the service to await the construction of the north jetty, and the observations of its effects which will lead to the possession of facts and data calculated to throw a needed light upon the amount necessary to be expended for obtaining a proper depth on the bar."

When we examine the reports of these officers and read the prediction of their chief regarding the South Pass of the Mississippi, which by his scientific reasoning was to be converted into a "stagnant ditch" by the application of jetties instead of being made by them, as it is, the grand highway of a nation's commerce, it can not be wondered that he should utter this plea for "the interests of the service," and declare that they will be promoted by the possession of facts and data by which a needed light can be thrown upon the problem they have in hand. The want of this "needed light" in 1874 caused the present Chief of Engineers not only to oppose the application of the proper method of securing deep water for the great valley of the Mississippi, but also to sustain a hopeless plan to give eighteen feet of water at the chief shipping port of a territory twice as large as Great Britain. And now, after losing ten years of precious time in this absurd experiment, he recommends that the interests of Texas and the vast section tributary to Galveston be subordinated to "the interests of the service;" and in admitting the lack of this "needed light," he virtually acknowledges what every citizen of Galveston well knows, namely, that the plan to which they are clinging so tenaciously is simply an experiment, which in ten years has produced no substantial benefit whatever, and from which it is utterly hopeless to expect any.

In comparing the cost of the jetties contemplated in Senate bill 1652 with those which were constructed at the mouth of the Mississippi River for five and a quarter million dollars, it will be observed that the distance to deep water across the bar at Galveston is more than twice as great as it was to the same depth at the mouth of the Mississippi. In other words, the jetties at Galveston must be more than double the length of those at the mouth of the Mississippi. The cost of extending works out into the sea to twice the distance involves a much greater cost than would be at first supposed, because the farther out from the shore the works extend the more exposed they become, the heavier they have to be constructed, and the greater is the danger to the boats, apparatus, &c., required in their construction. In addition to the length of jetties required, extensive works are needed to deepen the inner bar to create a depth of thirty feet to the harbor of Galveston. These works will need to be quite as extensive and quite as expensive as those which were required at the head of South Pass.

In comparing the amount of seven and three-quarter millions with the official estimates for the completion of the works at Galveston, it will be noted that these estimates do not include any works for the deepening of the inner bar. Upon this subject the board of 1874 says (see report of Chief of Engineers, volume 2, part 1, page 739):

"As regards the works within the bay, designed by Captain Howell for the purpose mainly of increasing the width of the harbor of Galveston and of improving the bar at its mouth, the board is of the opinion that nothing should be done till the question of the practicability of permanently improving the outer bar shall have been demonstrated, and it therefore expresses no opinion thereon."

The two jetties which are required at Galveston will have to be fully nine miles long, and will have to extend out into much deeper water than those designed by Major Howell. In addition to this, as I have already stated, it is absolutely necessary that they be built up, not simply to high tide, but very considerably above it, to prevent the sand from being brought over into the jetty channel from the shoals on the outer sides of the jetties.

Colonel Mansfield reports that the south jetty is only built up to mean low tide through a distance of about four and a quarter miles. The plans for the north jetty show that it is to be built up no higher and for a distance of only about one mile. It is, therefore, unfair, as well as idle, to attempt to compare the cost of this system of low submerged jetties from two to fourteen feet high, and not extending into deep water, with those which must, to be successful, extend out

into it and be built to twice or three times the average height of the other, for the reason that the cost of both systems will be as the square of their heights, other things being equal, while the extensions into the deep water will increase in a much more rapid ratio. Besides, the jetties must be capped with heavy concrete blocks or other substantial constructions to resist the force of the waves, whereas the jetty now built at Galveston has no such force to withstand in its submerged condition, and is proportioned accordingly.

In proportion as we build the jetties up to the surface of the water this force of the waves becomes more and more powerful against them. It must be apparent, then, that a jetty to resist their violence, and to stop them from breaking over into the channel, must be vastly stronger than if they be built only up to the level of mean low tide. Hence it is idle to attempt to compare the cost of jetties properly built up to the necessary height, and extending with that height from the land clear out to thirty feet water beyond the bar, with those which have been designed by the United States engineers for Galveston Harbor. As the tide sometimes rises three our four feet above mean low tide, the jetties will have to be built at least eight or nine feet higher than the one now completed by Colonel Mansfield.

The total cost of this jetty wrongly located, and of these insignificant proportions, has been $1,500,000, including the wrecked gabionnade on the north side of the channel.

If the plan of the Government at Galveston possessed real merit, it is not at all likely that the immense territory which is to be relieved by deep water at that harbor would attain the relief sought within the next fifteen or twenty years under the present system of appropriating money to carry on public works; and this system seems so securely fastened upon the country that there is no present appearance of its abandonment. It is not unlikely that if the method by which the mouth of the Mississippi River has been deepened had been placed in the hands of the United States engineers and appropriations for it had been doled out in the way in which they are voted from year to year the works would scarcely be completed to-day, whereas the commerce of the Mississippi Valley obtained its relief about seven years ago, at which time the depth through the jetties was sufficient to admit at least 90 or 95 per cent. of the commercial tonnage of the world, while for the last five years the depth has been amply sufficient for the largest steamers afloat.

By the proposition which I make it must be evident that it will be to the interest of myself and my associates to secure at the very earliest possible date the greatest depth of water which we propose to secure; and it is needless to say before this intelligent committee that the producers in the territory which is tributary to Galveston Harbor must annually save a sum far greater than that which it is proposed shall be paid for the entire work.

Rivers and Harbors.

SPEECH

OF

HON. RICHARD GUENTHER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the bill (H. R. 8139) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GUENTHER said:

Mr. CHAIRMAN: Having received the following telegrams, petitions, and resolutions relative to the improvement of the Fox and Wisconsin Rivers as a through route of transportation from the Mississippi to Green Bay, I take the opportunity offered to have them printed in the RECORD. At the same time I wish briefly to state my reasons why I, under the circumstances, do not see my way clear to comply with these requests. On Saturday last I advocated an appropriation for the improvement of the Fox River, without reference to its continuity with the Wisconsin River as a through route.

Although I fully believe that the interests of commerce will be sufficiently advanced by completing this projected through route so as to warrant an expenditure of perhaps $5,000,000, I still think that, in view of the opinions found in the report of the Chief of Engineers, the Committee on Rivers and Harbors was justified in not making an appropriation for it at present. At the same time I am warranted by this same report in asserting that the committee did wrong in not making an appropriation for the Fox River, and on Saturday I think I made this latter opinion perfectly clear to the members of this House.

The board of engineers appointed by order of the Secretary of War, and composed of Colonel Newton, Lieutenant-Colonel Abbot, and Lieutenant-Colonel Comstock, dated January 5, 1884, say, on page 1915 of the report of the Chief of Engineers:

The board have discussed the engineering features but have not reported upon the commercial value of the improvement of the route of the Fox and Wisconsin Rivers, which seems also implied in the words "whether in their judgment the interests of commerce and navigation will be advanced sufficiently to warrant the continuation and completion of the project," as the present moment appears a little premature; because additional and careful observations upon the Wisconsin are necessary to certify to the amount of the improvement made, and the feasibility and cost of making the improvement sufficient for the wants of commerce along a through route from west to east.

And further on, on pages 1916 and 1917, they say:

The value of a water route along the Fox and Wisconsin Rivers, as a means of through transportation from west to east, it will be conceded must mainly depend upon the improvement of the upper Mississippi, and the necessity for haste in prosecuting additional works of improvement is not therefore apparent, without looking to the further consideration that the cost of a water route along this line and its sufficiency, except through a canal along the banks of the Wisconsin, are not yet determined.

Colonel Houston in his report to the president of the board of engineers says, page 1928:

In view of what has been said, it would seem to be sound policy to suspend for the present the improvement of the Wisconsin River until at least it shall appear that the demands of commerce require it.

These opinions from the officer in charge of the work and a special board of engineers prompt me not to demand an appropriation this year for the through route, but insist upon it that the clause in the bill directing the Secretary of War to cause a further examination, with instructions to report to the next Congress the feasibility, cost, and propriety of continuing it, should pass, as well as my amendment to appropriate a sufficient sum for the prosecution of the improvement of the Fox River as an independent work. The following are the petitions, &c., referred to:

[Telegram.]

MADISON, WIS., *February* 12, 1885.

To Hon. RICHARD GUENTHER, *M. C.*:

At the request of many cities on the Fox and Wisconsin, I would urge an appropriation for the improvement of those rivers as of vital importance to this State.

J. M. RUSK, *Governor.*

We, the undersigned, owners and captains of vessels navigating the Fox and Wisconsin Rivers, view with alarm the doubt hanging over the appropriation for the continuance of the improvement of the Fox and Wisconsin Rivers, and therefore we earnestly petition you as representing our interest in Wisconsin, that you spare no efforts to secure the appropriation, believing as we do that the completion of this improvement will secure to the country a most valuable channel of commerce between the Mississippi and the lakes:

McKenzie Crawford, W. Colvin, B. H. Soper, G. Coughram, K. M. Hutchinson, W. D. Sherwood, R. C. Brown, F. E. Waite, O. Cook, Cook, Brown & Co., Martin T. Battis, Foote Bros. & Co., H. E. Manuel, H. L. Battis, Peter Chaubenmead, Geo. F. Stroud, O. Worden, J. M. Stroud, W. H. Hevy, J. B. Tolman, A. Conru, E. P. Bangs, Ole Olesen; Geo. W. Pratt, mayor of Oshkosh; S. Radford, Alf Ward, James P. Gould, James V. Jones, D. C. Bent, J. H. Weed, O. D. Peck, Orville Beach, S. Neff, S. O. Neff, Geo. Le Duc, N. C. Holmes, J. B. Walker, O. H. Manzer, Geo. Cardiff, Frank Leach, O. G. Cornish, A. M. Johnson, George H. Jones, D. M. Shea, E. B. Jones, E. D. Monroe, E. E. White, Thos. Roche, D. M. Bealls, B. Ellenwood, Bucksteff, Edwards & Co., Jos. Straughn, H. Strand, John H. Crawford, Henry C. Westphal, A. W. Farrand, Wm. H. Wyman, J. J. Parkman, John Kinsley, Chas. Kinsley, R. A. Sprecher, Henry Little, Ph. Goodman, C. H. Fishbeck, G. Schumacher, Ben. G. Kramer, P. Schumann, E. S. Purdy, W. B. Stevens, G. W. Morrison, J. E. Wells, D. G. Muir, D. Bresse, C. J. Loomis, Dan. Wells, Henry Ender, L. D. Comstock, Klenert Bros., D. C. Stephens, Jas. Gouran, Z. J. D. Swift, J. F. Culver, L. W. Barden, David Owen, C. C. Britt, M. W. Barden, D. G. Williams, C. Haertel, Sam. Schulze, L. E. Greenleaf, Chas. Mohr, C. T. Mohr, E. W. Moran, John Graham, J. E. Jones, Ferdinand Schulze, W. T. Parry, F. L. Sanborn, J. O. Prescott, E. K. Wayn, A. J. Turner, Chas. A. Calonius, Hans Z. Tougen, jr., and Chas. T. Dering.

GREEN BAY, WIS., *February* 9, 1885.

DEAR SIR: By order of the common council of the city of Green Bay, I have the honor of sending you a copy of the following resolution passed unanimously by that body on February 6, 1885:

Resolved by the common council of the city of Green Bay, That the members of Congress from the State of Wisconsin be, and hereby are, requested to use all honorable endeavors to acquaint the Committee of the House of Representatives on Rivers and Harbors with the importance of the improvements of the Fox and Wisconsin Rivers, and to obtain an immediate appropriation for the prosecution and completion of said work.

Resolved, further, That a copy of this resolution be forwarded by the city clerk to Senator SAWYER, and also, in view of the illness of our member, Hon. J. RANKIN, a copy be sent to Hon. RICHARD GUENTHER, who has always been an active and earnest friend of said improvement.

Very respectfully,

A. CHEHMAN, *City Clerk.*

Hon. R. GUENTHER, M. C., *Washington, D. C.*

[Resolutions of the Oshkosh Business Men's Association.]

Resolved, That we deem that the best interest of the country, especially that portion bordering upon the upper Mississippi and its tributaries, demand a liberal appropriation for the improvement of the Fox and Wisconsin Rivers.

Resolved, That we believe when the improvement of the Fox and Wisconsin Rivers is completed a large portion of the Northwest will be very much relieved of the burden at present imposed by the railroads for the transportation of the produce of that section of the country.

Resolved, That the secretary of the association forward a copy of these resolutions to our Senators and Members in Congress.

At a special meeting of the common council of the city of Neenah, Wis., held on the 7th day of February, 1885, the following resolution was unanimously adopted:

"*The mayor and common council of the city of Neenah to*

"*His Excellency Governor Jeremiah Rusk:*

"Whereas we deem the improvement and carrying on of interstate communication, and especially that of the Fox and Wisconsin Rivers, of great importance to the commerce of the Northwest, and especially to that portion of the country bordering upon the upper Mississippi and its tributaries; and

"Whereas the partial completion of the improvement of the Fox and Wisconsin Rivers, and the great interests which have grown up and depend upon the faithful execution of said work as undertaken by the Federal Government, demand that reasonable appropriations be made to aid in carrying on such improvement to its ultimate completion; and

"Whereas we believe that the carrying on and completion of this great line of water communication will result in greatly relieving the people of the Northwest from the burdens now imposed by railroad companies for the transportation of the produce of that section of the country, and work a lasting benefit to the commerce of the great Northwest, as well as a great local improvement to the country bordering on said route: Now, therefore,

"*Be it resolved by the mayor and common council of the city of Neenah*, That His Excellency Governor Jeremiah M. Rusk be requested to take such action as he may deem advisable for the purpose of securing the necessary appropriations for such work; and that the matter be brought to the immediate attention of our Legislature and members in Congress."

Adopted February 7, 1885.

GEO. A. WHITING, *Mayor.*

Attest:

J. C. KERWIN, *Clerk.*

Mexican Reciprocity Treaty.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the Mexican reciprocity treaty.

Mr. WOOD said:

Mr. SPEAKER: Legislation is proposed in this House to carry into effect the terms of the Mexican treaty. This treaty admits free of duty to our markets twenty-eight articles, all of which come in free under our tariff act excepting seven, and the treaty removes the tariff from these also. Mexico agrees to receive free of duty seventy-three articles from the United States, of which sixty-seven are now subject to pay an average Mexican duty of 80 per cent. of the appraised value. I regret that farm products of the United States are excluded, but it is worthy of our support for opening a new and extensive market for our machinery and manufactured goods. Should this treaty prove to be mutually beneficial to both countries, as I believe it will, it will be enlarged by another, to admit free of duties our agricultural products.

The producers of food and manufactured goods in the United States want to trade with the people of Mexico, as the volume of existing trade shows, though it is hampered by high duties in the revenue laws of both countries.

Mexico is our neighbor and only divided from the United States by a surveyor's line. She is bound to this country now by a complete railway system which promises a revolution in trade and business throughout her domain. The commercial advancement of this country, created by our capital and railway system, belongs to us. Shall the expanded trade of Mexico, through a railway system connecting her capital with the city of New York, go to other countries? The capitalists of the United States are developing this country, developing its trade; and shall other countries receive its advantages? If we do not command it other countries will, and our people will regret the loss of increased trade through their own work of development. What! Our capital invested, a railway built to the capital city of another country for the only purpose of increasing trade and commerce, and we refuse that trade and commerce by unfriendly laws on our statute-books? Developing Mexico with our railroad system and by our capital for the benefit of foreign countries! This House will not do that by refusing to pass this bill.

The trade of Mexico is not bound to any foreign country, and the Mexican people are willing to trade with us. What is the advantage of their trade? Mexico has a territory comprising 1,224,996 square miles and a population of 10,000,000 of people, and is therefore a country capable of a large and increasing trade with the United States. Her vast mineral wealth awaits development. Hear me while I review the tangible wealth of this republic, the greater part of which has gone and is going to other countries. The annual coinage of gold, silver, and copper averages $20,500,000. The whole amount of coinage since the establishment of the mints up to 1875 was $3,001,237,281.62. In the colonial period from 1537 to 1821 the amount of silver coined was $2,082,260,657.44; gold, $68,778,411; copper, $542,893.37; making a total of $2,151,581,961.81. Since the establishment of the republic, 1822 to 1875, silver coined, $797,055,080.71; gold, $47,327,383.11; copper, $5,272,855.93—a total of $849,655,319.84. Total silver coined, $2,879,315,738.21; total gold coinage, $116,105,794.11; total copper coinage, $5,815,740.30. Grand total coinage, $3,001,237,281.62.

In the last five years foreign capital has been invested in the mines, and the average estimate is twenty-one and a half millions per year, which would make $102,500,000 more, making the sum total up to the year 1880 of $3,103,737,281.62. It must be remembered that this immense metallic wealth came from the crudest process of mining and is the product of only a few of the valuable mines in this country. The best mines are not remunerative under the Mexican system of mining; but a rapid advancement is being made in reaching and reducing the valuable ores. Our successful mining system introduced there will develop fabulous wealth in the unexplored mines of Mexico. What other country on the globe can show such a precious metallic record? Where has this vast amount of coined gold, silver, and copper gone? It is not in Mexico.

If this coined wealth was in Mexico to-day it would give over $300 per capita for every man, woman, and child. The masses of the people are poor, but the nobility are rich. This great wealth grasped by the nobility caused vice, idleness, and usurpation, until that great country was many times torn and despoiled by the ravages of merciless armies and hordes of banditti. It was the turbulent spirit of the rich nobility, always struggling to rule the Government, and not the want of ample wealth, that has kept back Mexico to the rear of civilized progress and enlightenment. Where is this fabulous wealth? Other nations have it. For one hundred years the old countries of the East have carried away her gold and silver, given for the products of their laboring people sold in her markets. The United States has been a century witnessing this cash market go into other hands when she might have long ago called it her own. Will she refuse it now when it is within her grasp?

During years past the trade of foreign countries with Mexico was nearly a cash transaction with the latter, as you will see by the Mexican export of precious metals. During the fiscal year of 1882 and 1883 Mexico exported nearly $30,000,000 of gold and silver coin and bullion, while her whole export trade for the same year was about $41,000,000. Here was about $11,000,000 of exchange of products and $30,000,000 of precious metals paid and exported. You may examine the statistics of the Mexican export trade for many years past and you will find that this is the proportional average. Of this $41,000,000 of export the United States received only about $8,500,000, while $32,500,000 went to England, France, Germany, and other countries. What was this enormous sum of precious metals given for? For the same articles that this country is able to transport there and sell. If the history of trade in this country in the past is any guide for the future, our agricultural products, the products of our mills and factories will find in Mexico a willing market and coin payment.

A cash market for our products is the best in the world. Our whole country would soon feel a new life in every trade and business from the steady influx of the precious metals of Mexico, given for the products of our labor, capital, and skill. But what is the future of this undeveloped country of which we will partake if we pass this bill? The states of Zacatecas, Sonora, Chihuahua, Durango, San Luis Potosi, Hidalgo, Mexico, and Michoacan contain within their mountain ranges veins of gold and silver in inexhaustible riches. These and other states contain also metals and mineral substances, such as copper, iron, zinc, lead, magistral, antimony, arsenic, cobalt, amianthus, and copperas in exhaustless quantities, not mined at all. Carbonate of soda in unlimited supply is found on the lands around Lake Tezcoco.

The white and colored marble quarries attract the capital of Europe. The alabaster of Tecale, in the state of Puebla, with the platina and quicksilver mines, will add to accumulating wealth in the course of development. Then there is the full supply of the spices and all the fruits of the tropics of large commercial value. What was our trade with Mexico before the Mexican Central Railroad was built, built by the expenditure of sixty millions of money, mostly advanced and controlled by our own citizens?

In 1880, before the Mexican Central was built, we exported to Mexico $7,866,493 and imported from Mexico $7,209,593. We sold a little more than we bought.

In 1883, when this line of railroad was not completed, but in operation for a long distance in Mexican territory, we imported from Mexico $8,177,123, and exported to that country $16,587,620. We sold more than double the amount we bought. We therefore brought into this country over $8,000,000 of coin cash for our products. Since this line of railway has been completed to the City of Mexico and connected with our great network of railroads from east to west and north to south, I understand that the trade has more than doubled, though it is too early for the printed statistical report; yet who can doubt that our trade with this country is now in its infancy?

This treaty, if adopted, will give it a great stimulus and create a friendly confidence between the people and tradesmen of the two republics, and thereby her present trade and increased commerce in the future will be turned into our hands. What will we lose by fully adopting this treaty? The loss of revenue by admitting the seven additional articles free of duty only amounts to $89,658.59. We can well afford this loss. The sugar-planter of Louisiana objects. He has no cause for alarm. During the last fiscal year the import of sugar from Mexico was only 1,792,171 pounds, valued at $63,419. This limited import of sugar can not be considered competition with the home product. At the present time Mexico is not a sugar-producing country. She does not produce sugar enough for home consumption.

If this was a great sugar-producing country, would not the fact have been known to the ready capitalist of Europe long before this decade, and would they not have willingly developed sugar production there as they have done in Cuba, Porto Rico, and all the Spanish Antilles? The fact that the Mexican people are short of sugar supply argues well against great sugar production in Mexico. I would rather believe that with the increased trade which the treaty will give, our own sugar producers will find a market in Mexico. What will we sell to the Mexican people if this treaty is adopted? Chiefly our manufactured goods and machinery. Tools required for mining, wagons, carts, and carriages, railway coaches and railway equipments, clocks, pumps, and steam-engines, locomotives, iron and steel railway bars, iron beams, machinery and apparatus of all kinds for industrial, agricultural, and mining purposes, plows and plowshares, crude and refined petroleum, powder, stoves, staves, telegraph and barbed fence wire, all kinds of water-pipes, and many other articles.

I regard this treaty as the beginning of a great trade, and we should accept it as a beginning, fully believing that both the contracting parties will soon hereafter demand a new and enlarged treaty, admitting free the products of the farm.

I favor commercial treaties with all the South American states because their trade legitimately belongs to us and ours to them, as an American endowment; and this treaty, if successful, will be followed by others that will give us a wide trade with them. The rejection of this bill, in my judgment, would be tantamount to a declaration that we do not want any of the trade of other countries. It would be, in substance, an order to foreign tradesmen to stay away from our commercial centers and keep off of our business thoroughfares, and the cherished policy of two-thirds of the American people, of wider markets for the products of the farm, mills, looms, and furnaces would receive a wounding thrust in the very house of its declared friends.

I will not refuse a treaty because it excludes some of our surplus products and admits others. I would like all to be admitted; but if I can not sell agricultural products and can sell the products of our manufactories I would sell them, and *vice versa*. That would seem to be friendship and generosity to every industry in this country, which I would, with open hands, build up for the general good of the commonwealth.

Amicable trade relations with other countries is necessary; sooner or later we must seek the markets of other countries. This country to-day is burdened with overproduction. It demands relief by an untrammeled outlet to other markets.

In nearly every department of industry in this country there is greater production than consumption. It is a plethoric condition of business that rarely exists in any country. It demonstrates the fertility of our lands, the industry and economy of our people. It demonstrates the wealth of our mines and the climatic conditions essential to full and complete production. It demonstrates to the world our abundance of capital, capability and energy of our business men, who were willing to venture in the development of our natural resources, which have no equal in any other country. Endowed with richer resources than any other land on the globe, why will we cease to produce more than we consume? Why will we not sell our surplus bread and provisions to the millions barely subsisting to-day? Why will we not sell the surplus products of our looms, mills, and furnaces in all countries having no manufactories? This people can not stop production now. They are too far into the business to back out, and they will go on. What are our agencies of production?

During the last several years there has been a large import of producing laborers, who have located upon the rich lands of the great West, tilled the soil with care, and it yielded an immense surplus of the staple cereals. The young farmers every year leaving the homestead to open new farms, raise more than they consume. Inventive genius has in the last quarter of a century brought into use labor-saving machinery in a thousand forms, facilitating and rapidly advancing the work of agriculture. The handiwork of the inventor in the cotton and woolen mills, in the iron and steel industries, in the refineries, and other kinds of manufacture has caused a revolution in the rapidity of all manufactured products. All these, operating upon nature's rich and convenient resources, have given this plethoric condition, and I tell you it is likely to continue, for this country is not going backward and it can not stand still.

The cultivated farms will not cease to grow the golden grain; new farms will be added by the American boys, and the emigration of farmers from the old countries will not cease. Capital is always restless and best serves its master when in ceaseless activity, and it will turn the wheels of every manufacturing industry though it may be idle for a season. The great manufacturing plants of America can not long remain idle. The millions invested in them will not be permitted to rot and rust. How will you stop this plethoric growth? Not, I trust, by telling men to quit work; not by stopping the plow, the reaping and thrashing machines; not by closing down the mills and the factories. That would be business suicide. Will you order labor to cease, improvements to suspend, business to decline until the natural growth of the country comes up to the level of consuming its own productions? If so, how long must we wait?

The productive capacity of the farms and the manufacturing industries are far ahead of the consumptive power of the country. What is the remedy? It is wider markets. Sell everywhere. Make treaties, advantageous treaties, and sell. Sell our machinery and manufactured goods in one country and the products of the farm in others, if necessary. Go out into the world. Challenge England in all her ways over the sea. The sea is for America as much as it is for England. If any law on the statute-book forbids this market for the surplus products of our labor, repeal the law or amend it to aid present conditions rather than preserve it to hamper the best energies of the country. Remove trade restrictions and invite rather than repel the trade of nations. Send away the surplus to other markets and let the farmer's plow turn the soil, let the reaper do the utmost in gathering the harvest. Let the thoroughfares of trade be crowded in the movement of cereal surplus. Let the wheels of industry turn and send the manufactured products to countries where manufacturing is scarcely known and the end of stagnation in trade and plethora of business will come.

A fair commercial treaty between this country and the South American states would be the next movement of the treaty-making power, in case the pending treaty is confirmed. Our country should acquire the major part of the South American trade on equitable terms. What is the extent of this trade which other nations, more shrewd than our own, continually covet? Take the trade of Brazil, for example. Her trade with the United States, England, and France aggregates about $110,000,000, of which the United States take $50,266,000. The United States receives nearly one-half of the Brazilian export trade, yet Brazil receives from the United States only $8,695,000, while England sends to Brazil goods valued at $31,092,000, and buys Brazilian products to the amount of $29,835,000.

France sells in Brazil $15,657,000 and takes from Brazil $29,216,000. Here is the fact, that our imports from Brazil are nearly one-half of the total export of that country, and we sell there about one-ninth of the whole value of goods sent into that country. No country can prosper by such unequal commerce as our country has with Brazil. We buy of Brazil over $50,000,000 and Brazil buys about eight and a half millions from us. This trade could be equalized by a commercial treaty. The other South American states would follow the example of Brazil, and soon we would be master of the South American trade. The old countries of the East—England, France, and Germany—do not permit a plethoric condition of trade commodities at home. They load their merchant-ships and order them out to the sea.

It has just been officially announced that Germany has concluded a commercial treaty with the Transvaal Republic. England was a competitor in this treaty, but Germany outdid her. I want fair treaties, not one giving a foreign country advantages over us as the Spanish-American treaty does. By that treaty the United States takes about sixty millions of dollars' worth of the sugar and tobacco products of Cuba and the Antilles, while our trade with them can not exceed fifteen millions; and our loss of revenue would amount to nearly forty millions, and our people would not get free sugar at all. Under this treaty free sugar coming into our ports would not rule the price of sugar, but the imported sugars from other countries paying the duties would rule the price. Our Treasury would lose a large revenue, and the consumers of sugar would get no advantage in a lower price of that article.

I would not make sugar free. That step would be such a sacrifice of revenue that very little, if any, tax reduction could be made on other high-tariff articles necessary to the comforts of life. I object to the repeal of the tariff on any one or a number of articles unless it be salt, coal, and lumber. The reduction should be general throughout the list on the basis of true reform of the customs laws. To make sugar free is to continue the high tax on woolen, cotton, and iron and steel goods. I would treat all the industries alike.

It is said we have no merchant marine. I lament our weakness here; but if we encourage the trade of nations, soon America will have a grand merchant marine that will be a competitor of England and other countries. Every other civilized country sends away its surplus to other nations for barter and sale, and thereby keep their workingmen employed all through the year.

England sells her surplus wherever she can, so does Germany, so does France. Even Mexico and Brazil are doing the same thing. This country does not. She lags back in the wake of commercial progress with the world. Objection is made to this treaty because it abrogates the revenue laws. I do not want free trade. We must have a tariff. The question is, Shall it be a high tariff for the purpose of protection, or a tariff for the purpose of revenue? How high shall the tariff be? I say it should be high enough to bring to the public Treasury sufficient revenue. That is a pretty high tariff. Our Government requires about $200,000,000 of revenue from the tariff. That requires a pretty high duty, and while it raises enough revenue it gives $200,000,000 protection to home industries. Is that not enough protection? A revenue tariff is protection to the extent of the duty fixed. I would not favor any treaty that would materially interfere with the revenue basis.

Our country, acting upon the principle of national comity, should make a friendly power in Mexico, in whose territory there would be no enemy or neutral ground in the time of possible conflict between it and the strong nations of the east ever ready for war. The Monroe doctrine, adhered to by the United States, and the restless dissatisfaction with the Clayton-Bulwer treaty are going to precipitate a crisis at no distant day, and a clash of arms for mastery. In that time it is well for us if no foreign alliance be formed with Mexico. My friends, be not flattered into insensibility as to this coming issue by our power and prestige. It is coming; I tell you it is coming, and I beg you not to be idle in making complete defense on land and sea.

Again, shall we refuse this treaty and arrest our commanding power over contiguous territory, which will result in the ultimate extension of republican institutions until all the people of North America shall know one government and honor one flag?

I cordially support this bill to carry into effect the Mexican treaty, believing that is an important step in the direction of the world's commerce, which will bring employment to idle workmen, prosperity to the farmer, the mechanic, and the manufacturer.

Rivers and Harbors.

SPEECH

OF

HON. BURR W. JONES,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 3, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES, of Wisconsin, said:

Mr. CHAIRMAN: In the few minutes I shall occupy I only wish to state my reasons for declining to vote for this bill in its present form.

Last year we were told that the river and harbor bill had been somewhat increased beyond the orginal expectation by reason of the fact that in the previous year no appropriation had been made; that in fact it was two years' expenditure in one. Now there is no such excuse; and yet the bill has attained the handsome proportions of $12,300,000. Not only that, it begins by small appropriations three colossal schemes. It is said the improvement of Galveston Harbor, of the Hennepin Canal, and that of Sandy Bay will each cost about $8,000,000. There are not only millions in the bill, but millions yet to come.

I shall vote against the bill because it involves a greater expenditure of money than my judgment approves. The Secretary of War recommends about $4,000,000 less than is provided in this bill. In my judgment he recommends enough.

Extravagance is not the worst feature of the bill. The committee have again sanctioned what I regard as a very dangerous practice, to which I will now call attention. We employ Government engineers. We pay them liberally. The presumption is that they know something. Captain Eads would probably call this a violent presumption, and yet we have to indulge it. The engineers make their elaborate surveys. We pay the Public Printer thousands of dollars for printing their thousands of pages of reports.

The Committee on Rivers and Harbors come before us with their bill. They make their explanations. Their stereotyped argument is that this or that improvement is necessary because the Government engineers approve it. That this or that appropriation is not extravagant because it is only 25 or 30 per cent. of the estimate. In short, the whole bill is based every year upon these official reports. Those reports justify the committee when they come before us and they justify us before the people. And yet what practice is now sanctioned by this bill?

When the committee put in their bill $2,500 to improve the Withlacooche River, or the Choctawhatchee, or the Choptank, or Buttermilk Channel, or other rivers and creeks with euphonious names, they plant themselves on the report of the engineers.

Where the improvements are of such a character that the owner of a country mill-dam or the captain of a flat-boat could manage them with success, they invoke the science of the engineers. But when they come to the great enterprises in which millions of dollars are to be expended they ignore the engineers; they send them ignominiously to the rear.

There is, for instance, the project of the Hennepin Canal. It is true the language of the bill would give to the casual reader the impression that the work is to be carried on pursuant to the recommendation of the engineers. But the fact is that the committee utterly disregard the recommendations of the engineers by requiring that the canal shall terminate at or below Rock Island. This is not the route which the engineers approve. They report that by this route the distance from the upper Mississippi region is forty miles greater than by the Marais d'Osier route. That at the same time by the latter route the navigation over the Rock Island rapids is avoided. The engineers report that the cost of the northern or Marais d'Osier route would be less by a million dollars. I quote a few lines from the official report:

The Marais d'Osier route presents these advantages over the others: It is the shortest and most practicable line between the two rivers. The nature of the country through which it passes renders the construction of all work upon it easier, and hence its cost of construction less. The annual cost of maintenance is less. And it is more than likely the expense of extraordinary repairs and renewals will be less. The supply of water is the best and better regulated.

Are we all engineers? Have we such special knowledge of this subject that we should reject the only official report we have, and blindly commence spending $8,000,000 for a canal over a route which the engineers do not commend? Would we spend our own money after that reckless fashion? The Northwest may want a Hennepin Canal, but the tax-payers of the Northwest do not wish to join in paying $8,000,000 to project a canal over a route which must be a comparative failure. Probably nine-tenths of the freights to be transported over such a canal would come from the region north of Rock Island. The vast interests of the Northwest should not be sacrificed to the wants of any single city.

I claim, as I claimed one year ago, that if this canal is to be built it should be built on a route to be selected by competent engineers, responsible to the Government for their work. If after that precaution the work should prove a failure, we could not be accused of having disregarded the advice of skilled engineers and of squandering the public money in reckless caprice.

But this is not the most glaring instance of the practice to which I object. The bill contains an appropriation of $750,000 to be expended under the management of Captain Eads for the improvement of Galveston Harbor—the commencement of another $8,000,000 enterprise. What do we hear as the justification for this large expenditure? We are told that during the past ten years $1,500,000 have been expended in improving this harbor, and that it has been money thrown away. The gentleman from Louisiana [Mr. BLANCHARD] says that the depth of water has been increased three inches, and no more. Well, the river and harbor enthusiasts need not despair. At this rate of progress they will gain nearly a foot in thirty-six years; and in five hundred years, if the Treasury holds out and the Gulf of Mexico is not dry land, the requisite fourteen feet will be nearly won.

Members of the committee have argued upon this floor that thus far the work on Galveston Harbor has been a stupendous failure. I am not inclined to quarrel with them on that proposition. They may enjoy whatever solace there is in the triumph of that argument. But they ask us to take a long leap in the dark to the next proposition, which is that if we place Captain Eads in charge and expend $8,000,000 more the work will be a success.

Some of us can not help indulging the suspicion that no amount of money and no number of captains can avail to change the nature of the fickle quicksand of Galveston Harbor.

Captain Eads is of the opinion that the theory of the Government engineers is superlative folly. I have not had the pleasure of reading what the engineers say about Captain Eads. No doubt they heartily reciprocate his opinion, and return his compliment. Now, which side of this interesting quarrel are we to espouse? The committee have made their choice by routing the official board and installing Captain Eads. They propose by their bill to pay him a salary of $5,000 per year to carry on this work, for which the Government is to pay $8,000,000 or more. Not only that, they propose to pay him a commission upon such water as he can cajole into Galveston Harbor, provided it will only stay. It was stated on the floor by one of the committee that in addition to the yearly salary this bonus, if I may so call it, would amount to $50,000 or $60,000.

This bill commands the Secretary of War to immediately engage the services of James B. Eads. It seems to divest the War Department of all responsibility except that it is to provide with scrupulous care that Captain Eads receives his pay. For the purposes of this work Captain Eads is to be Secretary of War. True, it is not provided that he may wholly discharge the Secretary of War. Nor do I see any way in which the Secretary of War can discharge Captain Eads.

But I can easily see that a Secretary of War and the Chief of Engineers of the Government, having some proper sense of the responsibilities of their office, might regard it as something more than an affront to have foisted over them a new commander-in-chief, even though he be Captain Eads, and even though he wears the modest title of advisory engineer. Any one who will carefully read the provisions of this bill must conclude that Captain Eads is made by it the absolute autocrat of this vast enterprise.

But this is not all. The bill not only gives Captain Eads a patent on the Gulf of Mexico and Galveston Harbor, but on the Mississippi River. On page 39 of the bill provision is made for expending $2,800,000 on the Mississippi River. Heretofore these improvements have been managed by the Mississippi River Commission. This commission consists of seven commissioners, six of whom are engineers. They are each paid a salary of $3,500 per year.

By this bill Captain Eads virtually supersedes the commission, and yet the commission is not abolished. The commissioners have the poor privilege of preparing plans and estimates, but the Napoleonic Captain Eads is given the unlimited power to amend. By the scratch of his pen the plans of the commission become waste paper. In other words, these commissioners are made by this bill the handy and accommodating clerks of Captain Eads.

The office of advisory engineer is created with a salary of $3,500 per year. Now note the language:

And James B. Eads is hereby recommended to the President for that position.

If such a bill had been presented to Andrew Jackson for his signature he would have been very likely to say, in language more emphatic than I will use, that the appointment of officers belonged to him and that the recommendation of Congress would be valuable when asked for.

We are told that Captain Eads is a remarkable man. I am forced to believe it. If he were not he never could have induced this intelligent committee to come before the House with the remarkable propositions contained in this bill. But for one I can not sanction such legislation. I do not like to make the humiliating confession that there is but one man in America who knows anything about the improvement of rivers and harbors.

I am not inclined to condemn in this wholesale way the Government engineers. I am quite as willing to take their judgment upon this work or other works as that of Captain Eads. It is noticeable that Mr. Eads presents no plans, no estimates, no surveys to guide our judgment in this vast expenditure. He simply asks for a sublime faith in himself and for $8,000,000, and the work shall be done. But when I reflect that he is to have $5,000 per year, besides a royal bonus for his work on Galveston Harbor; that he is to have $3,500 per year for his services on the Mississippi River; when I hear it asserted that he is also to be handsomely paid by the city of Galveston, the whole business smacks too strongly of money for Captain Eads, that he should be accepted as an impartial witness. If the committee shall cling to all of the propositions contained in this bill I shall be neither surprised nor disappointed to see it meet with the utter defeat it will deserve.

Interstate Commerce.

SPEECH

OF

HON. WILLIAM E. ENGLISH,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 16, 1884,

On the bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. ENGLISH said:

Mr. SPEAKER: There are in this country, I believe, some 125,000 miles of railroad and $6,000,000,000 aggregate capital invested therein, and I should never advocate that any unjust course should be pursued by this House toward these great, necessary, and useful interests. But while I am opposed to any unjust action toward the railroad corporations, I am equally opposed to any unjust action by the railroad corporations. I shall not attempt to enter into any discussion as to the constitutional merits of the pending measures to regulate interstate commerce, but shall be content to leave that question where it rightfully belongs, to the courts of the country. In my humble judgment, Congress has the right to regulate commerce between the States; and of the pending measures I much prefer the bill of which my distinguished friend and near neighbor in this House, Judge REAGAN, is the author. It is simple, plain, and direct. It says what it means and means what it says. There is no circumlocution or ambiguity about it, but it strikes directly and forcibly at the evils that have arisen under the rule of corporate monopoly. Year by year, under the fostering rule of the party in power, the great railroad corporations of the country have become more and more grasping and arrogant and less regardful of the rights of all the people. Having "grabbed" the public lands right and left, in all directions, to the extent of hundreds of millions of acres, having fattened and increased at the expense of the nation, they have formed great and powerful pools and combinations which place the internal commerce of the country practically at their mercy; and their mighty influence, outstretching and far-reaching in every portion of the country, has in many instances influenced courts and controlled legislation, until, arrogant and inflated with unchecked power and unbridled success, they have ceased to consider that ordinary people have any rights which powerful and unscrupulous corporations are obliged to respect. The injurious effects upon the interest of the general public of these great corporation pools and combinations is so well expressed in the decision of the supreme court of Pennsylvania in the case of the M. R. R. Co. *vs.* Barclay Coal Company (68 Penn., 173) that I ask leave to quote it here:

The effects produced upon the public interests lead to the consideration of another feature of great weight in determining the legality of the contract, to wit, the combination resorted to by these five companies. Singly, each might have suspended deliveries and sales of coal to suit its own interests, and might have raised the price, even though this might have been detrimental to the public interest. There is a certain freedom which must be allowed to every one in the management of his own affairs. When competition is left free, individual error or folly will generally find a correction in the conduct of others. But here is a combination of all the companies operating in the Blossburg and Burday mining regions, and controlling their entire productions.

They have combined together to govern the supply and the price of coal in all the markets from the Hudson to the Mississippi Rivers, and from Pennsylvania to the lakes. This combination has a power in its confederated form which no individual action can supply. The public interest must succumb to it, for it has left no competition free to correct its baleful influence. When the supply of coal is suspended the demand for it becomes important and prices must rise; or, if the price goes forward, the price fixed by the confederates must accompany it. The domestic hearth, the furnaces of the iron-master, and fires of the manufacturer all feel the restraint, while many dependent hands are paralyzed and hungry mouths are stinted. The influence of a lack of supply or the rise in the price of an article of such supreme necessity can not be measured. It permeates the entire mass of the community and leaves few of its members untouched by its withering blight. Such a combination is more than a contract; it is an offense.

And in direct connection with this subject of railroad pools I desire to read a brief extract from the able argument made before the House Committee on Commerce by Mr. Chittenden, of New York, which sets forth with startling effect the immense and dangerous power of these great railroad confederations:

This pool commenced in 1877; it was then a pool contract between the four trunk lines centering in New York. It has grown and stretched out its arms and increased, just as an English judge said such contracts would grow and increase, until now it embraces certainly more than forty—that was the last enumeration I had—of the principal railroads of this country. There is in New York city an equipped and organized pool government. It has its executive committee of the trunk-lines, its executive committee of the pool, and another executive committee composed of one member from each pooling railroad; it has its board of arbitration, which is intended to take the place of the judiciary; it has its corps of—I do not know how many hundred—clerks, an enormous concern, and over it all is the emperor, the commissioner, Mr. Fink, who to-day exercises a power for good or evil over the commerce and products of this country greater not only than that of any of his contemporaries, but greater than any man ever before exerted in the United States of America. He and his imperial organization are as independent of the law as it is possible for man or State to be, and the whole charter or contract which binds these forty roads into this one copartnership and confederation, judged by the principles of the common law, is as unlawful and as much against public policy, if we are to accept the declarations of the judges of the common law, as the Louisiana State Lottery or any other similar institution which is confessedly without the pale of the common law.

I do not wish to appear, Mr. Speaker, as opposing wealthy corporate interests, whether it be railroads, telegraphs, banks, manufactures, or what not, merely because they are corporations—far from it; but I shall oppose them now, as I have always done in the past, whenever they become oppressive monopolists. I do not desire to appear as warring against any man individually because he chooses to invest his means in railroad or other corporations. Many worthy citizens are largely so interested. Capital always seeks the best obtainable investment by the natural laws of business, and no man is to be blamed for honestly investing his means in any legitimate business that pays him best. The railroad owner, the protected manufacturer, the banker, or whoever he may be, is not to be blamed because he has taken legitimate advantage of the partial legislation which, under Republican rule in the past, has been enacted to his benefit. The highly protected manufacturer, with a practical monopoly of his business, is not going to sell his goods for one dollar, even though that yields him a fair profit, where especial privileges enable him to successfully demand two dollars. A man may honestly avail himself of the advantages in business given him by the law, and at the same time recognize the injustice of that law. The evil in these cases is not so much with the individual benefited by the law as with the law itself and the people's representatives who make the law.

As for myself, in my course upon this floor, I have always endeavored to faithfully carry out the pledge I made to my constituents in my speech of acceptance, when unanimously nominated for Congress by the Democracy of the seventh Congressional district of Indiana. In referring to what my course would be if elected to Congress, I used these words:

When questions arise with the interests of grasping corporations or privileged classes on the one hand and the people on the other, you will find me on the side of the people every time. This was my platform as your representative in the last Indiana house of representatives, and this shall be my platform as your representative in the next United States House of Representatives.

And in view of that pledge I challenge the production of one vote of mine here that has not been in accord with it, or that was not right and just and for the best interests of my constituents. And in this connection I have been glad at every opportunity to vote to forfeit the outrageous land grants heretofore improperly made to these rapacious railroad corporations. I shall ever advocate the return of these millions of acres to the public domain, where they rightfully belong, and I was pleased to vote at the last session for the bill to amend the pre-emption laws with the amendment of my colleague Judge HOLMAN, providing that the public lands shall be henceforth reserved for actual settlers only. I had the honor also to vote last session for a bill which I still hope to see become the law—the bill to amend the Pacific Railroad act, and compel that giant corporation to pay over to the Government that which of right belongs to it. Mr. Speaker, I am glad to let the light of day shine upon any vote that I have recorded here. I have ever been present in my seat voting upon all important measures, and I have always voted against increased expenditures and increased appropriations, and have favored their reduction at every opportunity.

I have opposed the river and harbor bill and the educational bill, both of which in my opinion take millions upon millions of dollars from the Treasury without justification. I have supported every proposition here to better the condition of the laboring classes. I favored the bill to establish a bureau of labor statistics, and the bill to prevent the importation of foreign-contract labor into the country, as well as the bill to secure to working men the benefits of the eight-hour law, which has in many instances been persistently violated by Government officials. I have voted for all propositions to pension the Union soldier and his family, or to increase their pensions, and have voted at every opportunity to take up and pass the Mexican pension bill, with every amendment thereto in behalf of the Union soldier and his widow and children. These votes I know are approved by my constituents regardless of party. And that those who sent me here do not feel that I have violated the pledge I gave them when nominated, and that my course in Congress meets with their approbation, it is only necessary to call attention to the resolution of indorsement which was unanimously adopted at the last Democratic Congressional convention held in my district, and be-

fore which for personal and business reasons I declined to be a candidate for renomination. It was as follows:

Resolved, That we cordially approve of the action of the House of Representatives of the United States in placing Hon. WILL. E. ENGLISH in the seat of that body to which he was fairly elected in 1882. We hear with regret his wish and determination not to be a candidate for re-election, and we unqualifiedly express our confidence in him as a faithful representative.

That my vote in favor of this bill will meet with equal approbation at their hands I do not for a moment doubt. Mr. Speaker, that the Reagan bill has its defects is not unlikely, but in my humble judgment it is far preferable to the bill proposed by the committee. It creates no new offices, it establishes no commissions, but goes about correcting the evils from which the people are asking relief in a straightforward and business-like manner. Its intentions are plain, its methods are direct and simple. I believe it to be fair and just to the railroads and fair and just to the public. Did I not so believe it to be equally just to both I should not give it my support. But feeling that it is for the best interests of the whole people, I with pleasure record my vote in favor of the passage of the bill.

Pensions.

SPEECH

OF

HON. WILLIAM E. ENGLISH,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 10, 1884,

On the bill (H. R. 3947) granting a pension to Joseph Raible.

Mr. ENGLISH said:

Mr. SPEAKER: The soldier who applies for this relief is one of my constituents and is a respected citizen of Indianapolis, where I reside. And in this connection I desire to say to my esteemed friend from Virginia [Mr. GEORGE D. WISE] that in his speech against this bill at the session of last Friday night he unintentionally misrepresented my colleague from Indiana, the chairman of the Committee on Invalid Pensions [Mr. MATSON]. This applicant has never resided in my colleague's district, and he has no personal acquaintance with him or special interest in his success. Nor have I any personal interest in this bill other than that the right shall prevail.

This bill was originally introduced by my predecessor on this floor, and this applicant is not my political follower, but is an ardent opponent of the party to which I belong, and was equally ardent in his opposition to my election to Congress. But I do not allow political preferences to stand in the way when a gallant soldier's pension is to be considered. I am first, last, and all the time in favor of granting the fullest pension to every deserving soldier. I have so voted at every opportunity, and shall continue so to do. I only know in this case that this claimant was a gallant soldier in the hour that tried men's souls. I only know that he willingly responded to his country's call and was ever in the forefront of the battle in her behalf. I only know that he gave three of the best years of his life to her defense, and that he left home, family, and friends to undergo hardship and privation that the Government might endure.

I know his reputation to be that of a good citizen in peace and a gallant soldier in war, and I shall not split hairs as to the exact hour that he gave up his good right arm as a monument of his service to his country. I care not whether it was a few days before or a few days after, he was formally mustered out of the United States service. Sufficient that this disability was in fact the result of his service in the Army, and was received in the line of duty while fulfilling the commands of his superior officers, and while he was still practically (whether technically or not) in the Government service. I shall not look for far-fetched technicalities by which to avoid pensioning this gallant defender of the Union, but shall rather seek to find them in his behalf. I know his helpless condition, I know his earnest need, I know that he is deserving of his country's helping hand, and I know, Mr. Speaker, that this bill in justice ought to pass. And I sincerely trust that the objections urged by my friend from Virginia [Mr. GEORGE D. WISE] will not prevail against this measure of justice to a needy and worthy soldier. And, Mr. Speaker, I further hope that it will not be long until this House renders justice to every such crippled soldier in the land who is in need of Government aid.

I believe that we should be especially liberal with these maimed veterans who have suffered the loss of an arm or leg, and in some instances the terrible loss of both an arm and a leg. These poor disabled sufferers, undergoing a fate in many instances worse than death, must know great deprivation and want unless the Government is more liberal to them in the future than it has been in the past. The pensions now granted those suffering under this grade of disability, in my opinion, is manifestly too small. Let us not be niggardly with the one-armed and one-legged heroes who are still left with us. Sometime since I had the honor to introduce a bill in this House upon this subject which I still hope to see become the law (H. R. 7772). It provides that those who have lost an arm or a leg shall be given a pension of $50 per month, and those who lost both an arm and a leg shall be given $100 per month.

I understand that this is a larger pension than has ever been previously proposed for this class of pensioners, and I know that it has been intimated that I am disposed to be a little too liberal in this matter, but I prefer to err on the side of liberality in this regard rather than run the risk of doing too little. And in this bill now before us I believe the amount allowed ought in justice to this claimant to be increased to $50 a month. It is the duty of the Government to extend every possible aid to these crippled and maimed veterans, left helpless and dependent as a result of their sacrifices for the perpetuity of the Union. They are the nation's wards, deserving of every care, and should never be allowed to know want or penury. And, Mr. Speaker, I hold that this course should be pursued by the Government to all its dependent defenders who have become disabled from any cause whatsoever which is not the result of their own gross carelessness or wrongdoing. And holding these views, I have voted at every stage of our proceedings to take up and pass the Mexican pension bill, together with all the amendments thereto in the interest of the Union soldier and his widow and children.

I am glad of the opportunity to vote for the pensioning of both the Mexican and the Union soldier. They both deserve it, and it should be promptly and cheerfully granted them, and I most cordially approve the Senate amendments which increase the pensions of the widows and minor children of the Union soldier from $8 to $12, and which provide that the widows and minor children of the pensioned soldier shall be entitled to a pension without being required to show that his death was actually due to his service in the Army. However, in this short digression from my argument in behalf of my disabled constituent, I shall not be able, in the short time allowed me, to take up all these amendments in behalf of the Union soldier and fully discuss them, but they are all in the line of justice and right, and I shall content myself with merely incorporating them here without further comment other than to say that I warmly approve them all. They are as follows:

(15) SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

(16) SEC. 9. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

(17) SEC. 10. That if any invalid pensioner pensioned for a disability contracted in the military or naval service of the United States, and in the line of duty, has died or shall hereafter die, leaving a widow or minor child under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month under existing laws shall receive in lieu thereof $12 per month.

(18) SEC. 11. That pensions granted widows on account of minor children shall be continued without limit as to age, whenever it shall appear that such minors are of unsound mind or physically helpless, so as to render them incapable of earning a subsistence: *Provided*, That such widow retains the care, custody, and control of such minors; and in the event of the death or remarriage of such widow, or abandonment by her of such minors, then the pension and additional pension shall be continued to them in their own right, without limit as to age, during the continuance of such disability, payable to a duly constituted guardian.

(19) SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

(20) SEC. 13. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

(21) SEC. 14. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

Post-Office Appropriation Bill.

SPEECH

OF

HON. JONATHAN H. ROWELL,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ROWELL said:

Mr. CHAIRMAN: The constantly recurring discussion over the alleged extravagant prices paid to railway companies for carrying the mails has led the Committee on Appropriations to present upon this appropriation bill an amendment to the existing law in the shape of a new scheme by which to regulate the compensation for this service. I propose for a few minutes to address myself to a comparison of the merits and demerits of the present and the proposed law.

Of the present method of determining the prices to be paid for this service it can be fairly asserted that it has the merit of certainty; that there is very little latitude for discrimination or favoritism on the part of the Post-Office authorities—very little discretion as to whether the amount paid shall be greater or less than a certain fixed amount for similar quantities of mail carried. It has no maximums and minimums between which the Postmaster-General may select at pleasure, and consequently offers no inducement for interested parties to seek improperly to influence the judgment of that officer.

It will do no hurt to restate the method of determining this compensation under existing law for the purpose of the comparison I propose to make, although I may not be able to present it as concisely as has the gentleman from Michigan [Mr. HORR].

In the first place, the average daily weight of mail matter going over each of the various mail-routes is ascertained by actual weighing for a sufficient number of consecutive days to fix the average, and that average is the weight to be paid for for the succeeding four years, although we know by actual experience that this is an ever-increasing quantity, and in consequence we pay on a less number of pounds than is actually carried.

On a daily average weight of from twenty-five to two hundred pounds carried we pay $50 per mile per year for each mile of road. This amount diminishes by 10 per cent. and the remainder by 5 per cent. From two hundred to five thousand pounds the amount is gradually increased, under fixed rules, until it reaches $200 per mile, diminished by 10 and 5 per cent. as before. Above five thousand pounds the additional compensation is $1 for each eighty pounds, subject to the same per cent. of diminution. When the amount transported, not being classed mail, is sufficient to require one or more entire cars for its proper handling and distribution, an additional sum of from $25 to $55, owing to length, is allowed for each car so used.

The only discretion allowed in this whole business is in the determination of the number and length of cars required; and this is a very limited discretion, not easily susceptible of abuse. I do not discuss special fast-mail facilities, because these are determined by Congress in the annual appropriation bills and not by general law. In fixing compensation neither speed nor frequency of trips enter into the calculation, but a failure to make a trip as provided in the schedule subjects the railway company to fines and penalties proportioned to the failure and the amount allowed.

The railway companies on their part are required to transport the mails on passenger trains, to furnish apartments in express or baggage cars, fully equipped and of sufficient size to accommodate the postal clerk in his work, and transport the clerk without additional charge, subject to the additional pay for entire postal cars, as before stated. They are also required to receive and deliver the mail at all post-offices not more than eighty rods from their stations, without limit as to number—from all of which it certainly appears that we may always determine with mathematical accuracy the amount of money required annually for this service, subject to be diminished by fines and penalties and to be increased by the establishment of new routes.

The new scheme presented by the Committee on Appropriations goes upon an entirely different theory. It is a departure from all usual methods of ascertaining what is reasonable pay for all kinds of carrying business, and for that reason, if for no other, it should be examined with due caution. On the other hand it comes to us with the approval of a commission appointed to examine into this very matter, with the approval of the Post-Office Committee, and finally with the express sanction of the Committee on Appropriations—weighty reasons why we should not lightly reject it.

The elements which enter into this new method of ascertaining reasonable compensation are space occupied, approximately determined by weight, frequency of trips, and speed. It is assumed as an excuse for increased pay for increased speed and for increased trips that increased speed makes additional cost, and that it is reasonable to pay for each trip made although weight must necessarily be lessened to the trip.

The trouble with the theory is it includes the necessary assumption that railroads are built and operated primarily for the purpose of carrying the mail, and ignores every other incident of railway traffic, whereas in fact mail carrying is but an incident. The trains upon which the mails are transported being primarily run for passenger traffic, their speed and frequency are regulated by the demands of this business, so that ordinarily these elements do not affect the cost of carriage and ought not to be taken into consideration. Indeed, roads which transport very large mails, requiring three or four entire cars, are accommodated by being permitted to take one car with each passenger train instead of being required to take all the cars with one train, and thereby injure its usefulness for passenger business. On the other hand, the roads which do not require entire cars, by reason of the light mail, and where apartments in express or baggage cars are used as distributing offices, usually only utilize the surplus space in cars that must go with their trains, and it is of but slight consequence whether such apartments are used on one or on all of the passenger trains. I do not deny that there will be some increase of trouble and expense; my claim is that this additional expense is small and out of all proportion to the proposed increase of pay.

Now, let us examine the results of the proposed scheme. In the illustrations brought before the committee by the gentleman from Michigan [Mr. HORR] comparisons were made between the present cost and the cost by the proposed method on the assumption that the trains would continue to be run at the same speed as now, and that the space now used would continue to be occupied under the new system, not exceeding the maximum allowed, and that there would be no change in the number of trips.

I invite the attention of the House to a different kind of comparisons. Instead of making comparisons on the basis of present frequency, space, and speed, I call your attention to the permissible rates provided for in this bill in contrast with present rates. Taking the maximum space allowed on roads making six trips per week at a speed not exceeding twenty miles per hour, those roads which now receive $42.75 per mile per year, and from that up to any sum less than $64.12½, would receive $40.69 per mile. From a present compensation of $64.12½ to any sum less than $85.50 the new rate would be $46.95. From $85.50 to $128.65 the new pay would be $78.25. From $128.65 to $149.25 the change would be to $125.20. A present compensation of $181 would change to $140.85.

It will be noticed that all these smaller roads will have their compensation greatly decreased under this new method, taking the maximum space permitted, if there is no change in the number and speed of the trips—that great inequality is permitted, some suffering a small and others, as weight increases, a large deduction, and that the pay may, in the discretion of the Post-Office authorities, go much below the figures given. But the proposed act authorizes the Postmaster-General to cause the mails to be carried on two or more trains per day.

Now, notice the change that may take place nuder this authority. Roads now receiving $42.75 by making twelve trips per week may receive $81.38 per mile, or by making fourteen trips per week (two trains per day, including Sunday), $94.90 per mile. Roads now receiving $149.25 per mile, by doubling the trips may receive $203.45, or by including Sundays, so as to make fourteen trips, $237.25. Roads now receiving $181 by doubling the trips may receive $250.40, or by including Sundays, $292. And all this possible increase is made without any enhancement of speed, and on a majority of roads by simply utilizing the passenger trains now run and the surplus space in their express or baggage cars, and this too, as I have said before, without any considerable increase of cost to the roads. The great trunk-lines, where trips are more frequent, are secured by the bill like possibilities of greatly increased compensation over present rates; but owing to the fact that they are now paid extra for entire cars used, the possible increase per mile is not quite so extraordinary, except where the number of trips is largely increased.

Still another method of largely increasing the pay above the figures given on all the roads running their trains more than twenty miles per hour is afforded by the provision requiring the additional payment of one-tenth of a mile per linear foot of space used for every two miles of speed over twenty miles per hour; a poor gratuity, having none of the elements of reasonableness, because, as I have before stated, speed ordinarily is regulated by the demands of passenger business, and not by the requirements of the mail service.

It thus appears that instead of the present certain and unvarying compensation we have here an uncertain, varying rate, extremes well apart, between which to choose; an opportunity for the exercise of sound

judgment, I grant you, but a like opportunity for erroneous judgment, caprice, interested pressure, influences which in recent times have brought discredit upon the Post-Office Department and upon the nation. It offers inducements to every railroad company in the land to bring a pressure to bear upon the Post-Office authorities to expedite the mails, to work up a public sentiment along the various routes in the same interest, and thus make it a matter of personal concern to every member of Congress. On the other hand it gives to the Postmaster-General extraordinary power, power to hold over the heads of all railroad authorities the constant danger of diminished pay, and so secure subserviency through fear; power to bind them to him and his political fortunes through discriminating favors without violating a line or letter of the law, but in strict accordance with it; power to diminish or increase the sum annually paid for transporting the mails, by several millions of dollars, and no law or authority anywhere to prevent. Congress will be slow to vest such power in any officer.

The Democratic party can not afford to signalize its return to administrative control by taking so large a risk, considering its surroundings and the temptations which beset its pathway. It does not follow that no changes are necessary or desirable in the present method of compensating the roads for this service.

I have tried to point out the dangers lurking in this new scheme, and I may be permitted to suggest one or two reforms that ought to be made.

The closed mails carried in sealed cars on the great trunk-lines ought to be weighed separately from the mail carried in distributing-cars, and the pay for such carriage diminished. This is entirely practicable, and it seems to me reasonable. Instead of equal pay for all weight over 5,000 pounds when carried in post-office cars, considering that the use of the cars is paid for, there ought to be a decreasing scale for increased weight, with a fixed limit, to bring this service within the bounds of reasonableness and into harmony with other carrying business. A fixed rule regulating the length and number of entire cars to be paid for seems to me to be desirable. With these amendments to existing law we would have certainly reasonableness and correct business principles.

I invoke a candid consideration of these suggestions, and congratulate the House and the country on our escape, through the effectual instrumentality of a "point of order," from the dangers lurking in this new scheme—a scheme of possible, and therefore probable, plunder so long as our overfull Treasury remains a temptation to scheming and unscrupulous men.

Rivers and Harbors.

SPEECH

OF

HON. JOHN W. McCORMICK,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. McCORMICK said:

Mr. CHAIRMAN: The necessity of an appropriation of money from time to time for the improvement of rivers and harbors has long since become apparent to all persons interested in the business affairs and prosperity of the country.

The question is one that has long since engaged the attention of leading minds in regard to public affairs, and to oppose a just and economic application of money to the end in view would be to ignore the progress and logic of events. While honest differences of opinion may exist as to the amount of money required and the means by which it is to be applied, we must all agree as to the necessity of liberal appropriations in the interest of commerce and the cheap transportation of our native products.

It is a matter to be regretted in the discussion of so important a question as that of rivers and harbors, in which the interests of the whole people are involved, that a spirit of sectionalism or partisanship should have any controlling influence in those discussions, or that any special localities under such an influence be favored in any selfish spirit to the exclusion of others equally important and meritorious. The only beneficial result possible to be achieved by discussion from a sectional or partisan standpoint would be to elicit information as to the propriety of the application of money for those improvements which might the more properly and unselfishly come from other more dignified sources.

While it would undoubtedly be fair and just that well-considered and matured plans for the accomplishment in a proper order of succession, by reasonable appropriations, of those improvements which are most important, we should at the same time seek to avoid all lavish expenditures without due consideration and the well-established persuasion of their merit, based on proper information, suggested by the highest engineering skill and experience of the country. We can not afford to apply any haphazard methods here.

Our system of harbors and water ways is indeed a vast one, and without caution and care it is possible to sink countless sums of money in attempted schemes of improvement, however honestly intended, that may in the end prove utter failures.

In my judgment, that caution and care are highly essential in the consideration of certain portions of the bill now under discussion. Among others I would specially name the proposed Hennepin Canal project, the Galveston Harbor improvement, as well as some of the methods suggested for the improvement of the lower Mississippi River.

It is not for me to say what methods for these improvements are best; neither does it remain for me to say they are not of absolute necessity; but it will be conceded by every man on this floor that we should be informed to the fullest extent of inquiry and investigation of their practicability, and that the methods suggested for these improvements are likely to prove successful.

In my humble opinion, we have not yet obtained that very desirable information in the consideration of this bill.

The American people will not be disposed to complain at anything well done for the country to promote and advance the interests of agriculture, manufactures, and commerce, when they are assured that these interests of so great importance are being economically and properly managed.

If so persuaded, a sense of national honor and pride will be stimulated, that while millions upon millions of money are being expended in a well-devised system of internal improvements it is for the employment of labor, the creation of a diversity of industries, and for the convenience, safety, comfort, and welfare of the people, as well as of all the material and social interests of the country.

Such improvements would unite all portions of the country and bind and harmonize all sections and all classes as with bands of steel, and thus contribute greatly to make us the most wealthy, prosperous, and happy nation on the face of the globe. The natural facilities and resources of the country are already inviting thus the resources of wealth and genius, skill and energy to accomplish so desirable an end. As we look at the map of the United States, and trace our vast line of seacoast—the Atlantic on the east, the Pacific on the west, the great inland seas on the north, and the Gulf on the south—we become at once impressed with the magnitude of the work before us. Truly, in the language of Sacred Writ, "Deep calleth unto deep;" but the marriage of these can only be accomplished by a system of railroads and by the improvement of our vast natural inland facilities of water ways. These become the great arteries of communication and interstate commerce, whose competition must of necessity cheapen rates of freight and travel and thus prevent extortion.

The general course of our vast river system is from north to south, while that of our leading railroads is from east to west, and, as if ordered by Divine power for their highest good, they are thus naturally adapted to form our strongest bond of union and fellowship, based as they are on social and commercial interests rather than upon franchises, constitutions, and compacts.

The Congress of the United States has indeed a work of great magnitude before it in just such improvements of our rivers and harbors as will most fully secure the best facilities for the interchange of the products of the soil for those of the manufacturer and for the closest possible communication between all portions of the country for the welfare and happiness and the business prosperity of the whole people. Our resources, energy, thrift, and enterprise are such that no man who has a sense of national pride will for a moment admit that our progress shall be interrupted by shoals, quicksands, or snags from reaping the full advantage of our great natural facilities.

To my mind far more consideration should be given to the improvements suggested to secure such a result, and less to the disturbance of our revenue and protective system, the agitation of which is always more or less fraught with disaster to the manufacturing interest of the country and the employment of labor and wages. We need no foreign dictation in the development of our own resources. We need not be told by any foreign power what we ought to be, or what we ought to do; but self-respect and a proper regard for national prestige, safety, and honor would suggest to us the necessity and importance of an efficient protective system, merchant marine, and navy, and last, but not least in importance, the improvement of our rivers and harbors.

Hasty, spasmodic efforts, or ill-considered and poorly applied appropriations of money are not in order here, but on the contrary wise statesmanship and engineering skill combined in a just comprehension of the nature of the work to be performed should characterize every effort made to secure the end in view.

The American people, above all others, are disposed to think for themselves, and to become the powerful practical exponents of that thought in their political action.

We trust such thought may be stimulated and such knowledge be diffused among all classes of citizens on this and all other economic questions of national import, so as to place them forever above sectionalism and partisanship and beyond the control of the political demagogue.

The highest interests of statesmanship, the advancement of the industrial, commercial, and social welfare, the prosperity and happiness of all the people, demand it.

Rivers and Harbors.

SPEECH

OF

HON. CLIFTON R. BRECKINRIDGE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 3, 1885.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BRECKINRIDGE said:

Mr. CHAIRMAN: When the river and harbor bill was reported to the House I gave notice of my intention to bring in a minority report. I have been unable to write out that report; but in the course of my remarks I will bring before the House the propositions it would contain. I did not contemplate a dissent from anything in the bill reported by the committee, but an addition to the bill.

The committee made no appropriations for harbors upon the Mississippi River below Cairo. They made a proportionable appropriation for the river below Cairo as a unit; but they left out those additional recommendations of the commission for the respective harbors to which I refer.

It is of the utmost importance to the people of this country, and especially to those north of Cairo, that the unity of the plan of treating the river should not be interfered with. This is enforced from every source. If the appropriations are broken up into disconnected parts it destroys all continuous and contiguous treatment of the river. This, I say, can not be permitted by the great States north, east, or west of Cairo. The House knows very well that the river below Cairo is not being improved for the benefit of the sparse population upon its banks, but for the benefit of the whole Mississippi Valley, of which the lower part is the least part. There are, however, certain cities of commercial importance situated upon the banks of the lower river, and it can not be expected that the commercial interests centering at these points will be wholly unmindful of their own necessities and rights.

But the proposition has been brought forward that these ports are not harbors in the usual and commercial sense. This can never be agreed to. Over against it I lay the maintained policy of Congress in cases almost without number. The position of the committee is illogical, unusual, unjust, and unfortunate.

It was only last year that an appropriation was made for the Missouri River as a river. Before that the appropriations were for the improvement exclusively of the harbors upon that river; and all along the line of Congressional action we have these appropriations for the interior harbors of the country.

I consider, sir, that a harbor like that at the city of Memphis has a stronger claim upon Congress for attention than even those upon our seaboard. For instance, take the harbor at New York. The improvements there enter in no wise into the general plan of improvement to connect the Atlantic Ocean with Albany, while, on the contrary, an appropriation for the improvement of these harbors upon the Mississippi River—and I cite again the Memphis Harbor—are appropriations for improvements that will in all human probability in due time be links in the general system of the river improvement. There is not a dollar expended nor a lick of work done that is not expended and done where only general river improvement is carried on. It all would be done here in time anyway. The only question is, shall we do it a little quicker than we would in the ordinary course of events? And yet in the face of a settled question and in the face of this peculiar strength gentlemen hesitate. And why?

They say that in due time the general river improvement will cover the case. This is true; but this is selfish in our Northern friends to make us wait and suffer until we are relieved only as a tardy incident to their relief.

They say that such improvements would benefit private property. That is true; but if that is an unavoidable incident in the discharge of our bounden duty, should it grieve us? Why should that confuse our minds? I know the doctrine of riparian rights and risks. It is sound. But there is another question in this case. This is not a river landing, where a planter hauls cotton from his gin-house a few hours before the steamboat is due. This is the city to which he ships. This is the city to which he not only ships, but also to which hundreds of thousands of other people in the interior and among the uplands and mountains ship their produce, and from which they get their merchandise and manufactured goods of all kinds.

Here are the railroad centers. Here are the warehouses, the cotton compresses, the paved wharfs, the railroad inclines, and all the other needs and appurtenances of commerce. If these are destroyed the people who own them are losers. There is no doubt about that. But is no one else a loser? Is commerce not affected by the broad fundamental fact that it can no longer have a port here? It must either stand in its charges the expense of these risks or else it must go by rail to distant ports where stability is found, and of course that makes an equal charge upon the commerce. This may suit the railroads, but it will not pay the farmers and merchants. Who can gainsay this?

It is questionable whether Congress would sit still and see a city like Memphis, the second city of the South—for Louisville is hardly Southern—plunge headlong into the Mississippi River and be lost forever. As a case of urgency and distress the American heart would respond to it. Who would say no? We would curb the great river that we only have charge of and save the happy homes of 75,000 people.

But we do not need to go to this. This is not like a plantation landing. The landing may be swept away and the planter would want only a landing still. The untouched river bank is all he wants. But here are certain great centers, scattered over a thousand miles of river, and commerce must find stability there for its assembled needs, or else the thousands must pay tribute to less fortuitous conditions. The river is but little to these people if they can not do business upon its banks. I appeal to you then, gentlemen from the North, not to see only your own interests, not to disregard these righteous claims, and not to provoke a desperate struggle between yourselves and the commercial interests of the lower States.

And now there are two other points that I want to speak about as briefly as I can. In the first place I wish to speak of a few engineering features in connection with the Galveston Harbor improvement. As is known by this House we propose to throw overboard work there that has cost nearly $2,000,000, or at least what little is left of it, and to change the entire management of the work at that place. This is a very grave reflection upon the military engineers who have charge of this work, and there must be very grave reasons for so radical a step. I am one of those who believe that reasons exist not only sufficient to justify the proposed step but sufficient to make it absolutely obligatory upon us.

The Government work was begun there ten years ago. The survey and plans are given in the report of 1874. At an expenditure of several hundred thousand dollars a jetty of gabions was extended from what is known as Bolivar Point into the Gulf. General Newton figures it out in his letter to our committee that this gabionnade cost $169,000. Senator COKE, in the very able report he made to the Senate on behalf of the Commerce Committee of that body, figures the cost at $527,000. It is not easy from the Engineer's reports to fix the exact amount; but I have figured it up twice, and it is certain, if the reports be correct, that General Newton is far too low, and I am very much inclined to think that Senator COKE is too low.

It was expected, as you will see on page 867 of report of 1875 and on page 447 of report of 1877, that this north jetty would secure the desired depth of water there. However, nature has rebuked the disregard of her laws and the gabionnade is gone. There is not a vestige of the structure left. This was not due to quicksand or to any such cause. The gabions were no account to begin with, and had they been strong they would have been lost just the same. They exemplified what is known as the surmerged jetty, a novel species of structure that we are largely engaged in and with apparently no earthly sign of stability or success.

I have taken occasion, sir, to read the accounts of all the sea works in the world on the jetty plan that I could find, and I have a long list of them, and never was there any work of that kind undertaken, nor, indeed, was it ever suggested that I have been able to learn except once. The single suggestion that I speak of was in the course of the consultations of engineers and others with reference to the improvement of the mouth of the Danube. Sir Charles Hartley, the engineer in charge, stated that the plan of submerged jetties was "actually proposed to the commission by one of its technical advisers." It permitted the very force you propose to conserve to be dispersed and lost, for your only hope of power is in controlling the surface slope, which controls the currents at all depths, and they would serve no other purpose than that of "dangerous submarine reefs."

I respectfully refer those who may not have read the interesting paper I quote from to page 287, volume 21, Proceedings Institution Civil Engineers, London, to be found in the national Library.

That plan was adopted at Galveston by what is known as the gabionnade system. What is a gabion? A gabion is nothing but a huge lunch basket that is cemented on the outside as you cement the inside of a cistern, and that basket is filled with sand, is put in position, and was supposed to be irresistible to storms. These gabions did resist the storms, so far as being broken up is concerned, much better than they resisted some of the other effects of the storms and the effects of tidal currents. Being submerged, and the tides and waves sweeping over them with a dangerous overfall current, they were undermined. Footmats did not save them. The conclusion is well stated in the report of 1880, page 1226, where it says: "In fact, the gabionnade has essentially gone down below the original bottom."

And so they are gone, and that folly has not even its monument left. That would seem to have demonstrated the futility of putting down submerged jetties, for this submerged jetty was not undermined because it had the name of "gabionnade." No other name would have saved it.

In 1880 a new method of construction was adopted. Captain Howell was replaced with Major Mansfield, the present officer in charge. What is known as the fascine system, a partial copy of the Dutch works at the

mouth of the Maas, was adopted. But the copy is like "Hamlet with Hamlet left out." The Dutch works are high. These are to be submerged. The Maas has silt to protect the fascines. These have no hope of mud to protect them from the teredo, a most destructive sea-worm. And as for gathering sand, our last submerged jetty did not collect sand, as expected. It was left "standing in a trench without sand." How can this fare better when it is substantially the same shape and height? They seem to be repeating in principle, though in a little different form, the same error that was committed before.

Over $1,000,000 has been put out on this new work, and the people of Texas continued to pin their hope to the plan. That has gone on, sir, until it has been projected now some four and a quarter miles into the Gulf. All the prophecies with reference to it have failed.

There were plenty of prophecies of what would be the result of the present jetty at the different stages of its progress—prophecies of depth, of durability, and all that. I will treat of these more particularly later on. The people of Galveston put $100,000 of their own money into the work. But after severe disappointments and about nine years of trial they threw up the case, and last session the entire delegation from Texas, a delegation conspicuous for its ability and high character, told us frankly that further work upon this system was in their opinion a waste of time and money.

Now the question is, have we enough to satisfy us? But we must go further in our examination of the work and of the men who have control of it. This will help us to come to a right conclusion as to whether one or both should be put aside. Judging as laymen, we must be largely influenced by our confidence in the men. I will call attention to some of the statements of the engineers.

You will find, sir, in the printed remarks of my colleague on the committee, General BAYNE, of Pennsylvania, a letter from Colonel Merrill, an officer of the military Engineer Corps and who seems now to be a spokesman in this matter.

Colonel Merrill states that both the Chief of Engineers and the resident engineer deny that the north jetty has yet been located.

Now, in reference to that I want to call the attention of the House to page 1225 of the report of the Chief of Engineers for 1880. It reads:

> From its commencement, April 14, 1877, to January 1, 1880, the Bolivar pier—

Which is the north one—

> had been extended seaward from the beach 10,220 feet.

Now that statement is signed by General Newton himself, the present Chief of Engineers, who is quoted by Colonel Merrill as denying that this jetty has ever been located.

I can not comprehend, Mr. Chairman, how about two miles of this north jetty could be built, running through nearly three years, without having been located; nor can I understand how such a statement as has been presented to us can be thus solemnly certified to Congress for its guidance. Was anybody cashiered or complained of for that immense expenditure of the public funds in an unauthorized way? No, sir; and there was no occasion to do it, for it was on an accepted line. I have quoted from the last report of the board of engineers, and if you will look at their first report, in 1874, you will see that they therein make revised estimates for both the north and south jetty projected toward the outer bar, and they raise Captain Howell's estimate $635,401.50, making the total $1,759,401.85, instead of $1,124,000.35. The chart is referred to as showing the "parallel jetties," and the board takes no exception to that location, nor does it suggest any change. This report also is signed by General Newton himself. It is in the face of these facts and of many more like them, running all through the reports, that "both the Chief of Engineers and the engineer in charge deny that the north jetty has ever been located."

I will call attention to one other proof. Here is the chart with the report of 1880. It is the official map of the engineer in charge, Colonel Mansfield, with his signature upon it, and it is under these words: "Showing lines of proposed jetties." This chart is sent to Congress by the then Chief of Engineers, and it is in Colonel Mansfield's report, dated July 17, 1880, just thirty-seven days after the report of the board, of which General Newton was a member, and which gave advice to the Engineering Department to help it to a final conclusion. After it has been all digested we have this map, which the Chief of Engineers publishes with his report and without comment. Yet the north jetty is not located! I shall have occasion to refer to this map again, as well as to some of the very ample statements in this report about both of the jetties.

Thus you see both of these gentlemen are frequently and in the most conspicuous manner refuted by point-blank testimony over their own signatures.

Mr. WHITE, of Kentucky. May I ask the gentleman from Arkansas [Mr. BRECKINRIDGE] to give the date of that first statement?

Mr. BRECKINRIDGE. The date is not given, but Mr. BAYNE introduced it in his speech here on Saturday, and its general tenor indicates that it has been written quite recently.

Mr. BAYNE. I think you will find that it bears the date of January 21, 1885.

Mr. BRECKINRIDGE. It is certainly in this year. The date of the first statement from the reports is several years ago, during the progress of the work.

Mr. SPRINGER. If I do not interrupt the gentleman, I would like to ask him whether, in these comparisons that he is making, he may not be confusing the inner with the outer harbor?

Mr. BRECKINRIDGE. No, sir. The north jetty has nothing to do with the inner harbor. There is no possibility of that construction. The whole argument is predicated upon this plan, and here are the lines projected into the Gulf and drawings of cross-sections and all that.

Now, there is another statement made by the engineers, which goes to show how those gentlemen are dealing with this work, and how much confidence we can have that they know what they are about or that they would ever do any good there.

This statement is in regard to the width between jetties. This officer (Colonel Merrill) says that the statement that the width is to be two and one-fourth miles between the jetties is positively denied by the Chief of Engineers and by the resident engineer. We can only go upon the data given us by the Chief of Engineers, through the War Department, and sent here for our guidance.

Now, sir, here is this chart, indorsed by the final authority and after counsel, and the width is given. It is no "study" map, and it is not so given. You see by it that the outer ends are 12,200 feet apart, considerably more than two and one-fourth miles. The inner ends are somewhat wider. Here are the dividers [producing them], and I invite any gentleman to come here and take the measurement for himself and look at this chart.

Again, it is stated by this gentleman that the statement that there were to be outlets or gaps in the jetties is entirely untrue, that nothing of the kind is mentioned. He says, "I can find no authority for the existence of these outlets." I will only ask the House to look at the printed statements on that point. Colonel Mansfield states in his last report to Congress, which was under the eye of this engineer, that upon the chart he has shown the line of the north jetty—which of course is another place where the north jetty is located. But I am now discussing the question of outlets. I read from part 2, page 1298, report of 1884:

> Upon the chart is shown the line of the north jetty, as I propose. It is to project from a point abreast the 26-foot depth in Bolivar channel to 25-foot depth in the Gulf, &c.

Now, take the 26-foot point in Bolivar Channel and measure from that back to the shore, and you will find that it is over 6,000 feet out from the shore, leaving conclusively a gap of largely over a mile in extent. I furthermore state that while I have not seen the chart since it was sent to the Chief of Engineers, for our present advanced set of the report does not contain it, yet I did see it when I was in Galveston last fall, where I went in compliance with a promise I had made to the Texas delegation that I would go and examine into their wants. When I was in Galveston I saw the proposed chart, and it showed a gap of apparently several thousand feet between the shore and the inner end of the north jetty. But the statement I have quoted shows it, and of course the chart referred to is in the office of the Chief of Engineers and was examined by this officer, as he states. Then on page 1414—report of 1882—the board says: "It seems probable that they (the jetties) must be connected with the shore." Do these things indicate gaps or outlets?

The next question is as to the height of these jetties. It should be remembered that all the successful works of this character in the world (of which there are many instances, and some of them over a hundred years old) are jetties that are high enough to conserve the flow which they seek to direct upon the bar, and they are also high enough to prevent sand from being transported over them into the channel, and to prevent their being destroyed by the overfall of waves that would burrow beneath them. It is a great mistake to suppose that mere sand is a compressible base. The trouble with sand is that it is a movable base. In the report of 1880 the board say there is no more trouble here than on the bars of New England, that rubble would easily stand, and they give a cut of the shape it would take. When the foolish man built his house upon the sand, he had no trouble about the sinking of the sand; it was only when the rain descended and the floods came and the winds blew and beat upon that house that it fell, and great was the fall thereof—as was the case with the gabions, and as is the case with much of our sea-work at other places; which, however, I have not time to go into now. They deny that these jetties are to be submerged. If you will look on page 1229, report of 1880, you will find these words:

> It has always been assumed that the Galveston jetties are to be submerged.

And it goes on to say that "an average height of five feet above the sand" may "prove sufficient." This is signed by General Newton himself.

Now, as for Major Mansfield upon this point, turn to page 1211, same report. This language is dated in July, about a month after the board had given its counsel, and is sent to Congress in the following December as the conclusion of things. It is by Mr. Ripley, an assistant to Major Mansfield; and on page 1206 Major Mansfield says he is indebted to him for "so clear and comprehensive an exposition of our plans." The report says:

> The accompanying tracings show the form and position of each jetty. The south jetty, * * * commencing at the inner end for 4,080 feet the top, is five feet below the water. From this point it slopes up to the water surface.

And it never does get substantially above it. The north jetty amounts to the same thing.

Now, if you want an earlier expression upon this point, see page 733, part 1, report of 1874. Captain Howell, the officer in charge, says:

> They may be called submerged jetties, since they will not, except on a short portion of their lines, be built up to the plane of mean low tide, while for the greater part their tops will be five or six feet below that plane.

General Newton concurred in the report of that year that took no exception to this, but expressed the opinion that if the "piers proposed" were constructed the depth would be increased "in an important degree." Yet these gentlemen tell us that these jetties are not to be submerged. Pray, when and where and by whom have they been changed? Shall we look to the last report of all? I mean the last report of the board. Then see page 1454, report of 1882. It says:

> We advise that the jetty be almost if not wholly submerged, as originally intended by Major Howell.

And they speak of no part showing its head except "the outer ends." This language also is signed by General Newton, along with the other members of that board. And yet these gentlemen in question, who are our presumed hope, guides, and support—the ones that suffering commerce and a languishing State all look to—they come and certify such things to us, as if we would never look up their past reports, but would go on suffering forever, and forever sustaining them with the people's millions in wretched experiments that the great marine engineers of the world tell us are but child's play. It is in vain for these gentlemen to talk about this as a mere personal question, when the commerce of the country is suffering, or to denounce honorable merchants as "mercenaries," or an honorable and eminent American as being allied with such despicable characters, when they are failing in argument, failing in works, and even failing in statements of fact. I have been astounded at these proceedings.

I have been astounded at seeing a high officer of the Government certifying such gross inaccuracies to Congress, and so far forgetting himself as to indulge in billingsgate and slander toward a man and a set of eminent gentlemen who command the respect of all who know them. It has frequently been remarked with us that this at least seemed to be one project where all the lobbyists were left out, much, apparently, to their chagrin, and only plain, honest, earnest argument was employed, headed by such eminent gentlemen as our chairman of the Commerce Committee [Mr. REAGAN] and the other able and distinguished members from Texas and the eminent Senators from that State, a delegation, as a whole, that is an honor to our country.

And now, sir, I come to another feature that has lessened my confidence in the present administration of this work, and which helped to make me conclude that we need to employ some one else if we do not mean to mock the sufferings of 2,000,000 of people. On page 217, part 1, of the last report, the Chief of Engineers, General Newton, says the estimate of 1880 "contemplated the obtainment of a channel across the outer bar *at least twenty-five feet deep.*" The last words are in italics. Now, sir, there are two reports from the board in 1880, and both of them are signed by General Newton. One is dated New York, June 7, of that year; and on page 1221 of the report of 1880 you find it stated that the project they had been working under, with Major Howell in charge, contemplated "deepening the outer or Gulf bar from twelve to eighteen feet, possibly." No other contemplated depth is mentioned in the report of the board.

The other reports are the same way. Where, then, does the Chief of Engineers get his authority for making that statement to Congress? As a member of the board he has uniformly stated the contrary. There is, however, a place where he gets it, and it carries a moral with it. You will find on page 1214, report of 1880, a statement by Major Mansfield's assistant, Mr. Ripley, regarding the effect of the jetties he proposes. He says: "We should look with confidence for an extreme depth of not less than twenty-five feet." This is the only place in all the reports, from the beginning in 1873 down to this time, where any such mention is made. But General Newton says on page 8, in his letter to our committee, that "these reports have no other value save the authority of their authors." He further says that they are "without any sanction from the proper authority." Is the prophecy of this humble assistant of any "value" to him now? Has it "sanction from the proper authority?" Go back through all the "proper authority" and the maximum purpose stated anywhere is "possibly eighteen feet." How is this to deal with Congress? What hope can we have here?

I showed before that the report of Major Mansfield was what was sent to us for our guidance. He says on page 1206, once quoted, that this report of Mr. Ripley's is "a clear and comprehensive exposition of our plans." Now the Chief of Engineers adopts it, and let us see how he proposes to give us "at least twenty-five feet" of water.

Look at the chart, which is a part of the report, and is signed by Major Mansfield in official form, and look at the text on page 1211 and following:

> The south jetty has a total length of 15,330 feet, and extends from the 6-foot contour at its inner end to the 13½-foot contour at its outer end. Commencing at the inner end, the top for 4,080 feet is 5 feet below the water surface.
>
> * * * * * * *
>
> The north jetty has a total length of 8,090 feet, and extends from the outer end of the Bolivar gabionnade to the 12-foot contour across the bar.

We all know the history of those submerged gabions. Now, sir, here are these submerged jetties 12,200 feet apart—over two and a quarter miles—going scarcely to twelve feet depth, and they, according to this last complexion, are to give us "at least twenty-five feet" of water. Sir, comment is unnecessary.

But the humble assistant and the officer in charge, even when their reports are sent to us professing to be the plan, and that not dissented from by the Chief of Engineers in his accompanying report, are not "the proper authority." Are they "proper authority" now? Pray who is managing this business? The board says on page 1229, report of 1880, in speaking of these jetties:

> Neither, however, should be carried more than two miles seaward until the other has progressed nearly an equal ratio.

On page 1214, same report, the local engineer says:

> There can be no doubt, therefore, that the south jetty is the important one, and should be constructed first.

Now which has been done? There has been constructed nearly four and one-half miles of the south jetty and not a foot of the north jetty, unless it be a trial section. Was this according to the plan? Was it by authority?

The map of 1880, says General Newton, page 8 of letter, was a "crude idea." They had been at that work for seven years. Was it still "crude?" In 1881 and in 1882 they leave out the north jetty. In 1883 they locate it, he says, in a different position. Now in 1884 we seem to have another position suspended out in the sea. Is it still crude? I believe it is more crude to-day than it ever was. It is in an inextricable tangle, and neither plan nor men offer the slightest basis for hope.

Colonel Merrill also quotes from Major Mansfield and says the south jetty has not been completed. This point is important only as additional evidence of the kind of testimony we are getting and of the faith we can have in the way matters are going on. I will dispose of it briefly. (See report of 1883, page 1063.) Here is a letter from Major Mansfield to the mayor-elect of Galveston in regard to what it would take to complete this jetty. Congress had failed to pass a river and harbor bill the previous session. Galveston was willing to borrow money and give it to the work, though of course it concerns the whole State of Texas. Major Mansfield says:

> One hundred thousand dollars will keep the work on through the summer, and will effect the entire completion of the south jetty.

He got the money and spent it without trouble or delay to the "entire completion" of this jetty, and yet we have this unqualified statement made to us. All of the jetty had been raised to "its full height," except a 6,000-foot gap. They had concluded to bring the jetty higher than any plan had contemplated, and "the $100,000 is necessary to close this gap." Then the jetty will be "built up throughout to level of mean low water," which, as stated, was "entire completion." That is enough of this.

Here also Major Mansfield states that he expected this to obtain an 18-foot channel by the following fall, but the only effect of any note was the deepening of a trench on the wrong side of the jetty.

This brings me to the claim now made of the effect of this work upon the channel.

The Chief of Engineers says in his last report that there is "a very apparent improvement in depth over the outer bar."

Major Mansfield says, as quoted here by Colonel Merrill:

> The depth of water over the outer bar has been improved so that navigation has been benefited to the extent of about two feet, and this has been accomplished by the Government works, which consist of an incomplete jetty running from Fort Point out to the crest of the bar, a distance of four and one-quarter miles.

Now, the only way to tell what the effect of that jetty has been is to take the depth on the bar at the time it was begun and compare it with the depth on the bar after it is finished. On page 147 of the report for 1880 the Chief of Engineers says:

> The appropriation of $500,000 asked for is to be applied to building jetties of brush and stone directed toward obtaining an improved depth of water over the outer bar, where there is now but twelve and three-quarter feet.

Now turn to page 1301 of the last report, and we see that the present depth is stated at "thirteen feet," and as for any movements that have taken place the past year, they are summed up on page 1298 in the expression:

> No benefit to navigation has resulted yet.

And on the same page Major Mansfield himself says:

> The depth of thirteen feet at mean low tide in the jetty channel of one year ago has been maintained.

Mr. REAGAN. What is the date?

Mr. BRECKINRIDGE. August 28 of last year. It is the last report we have before Congress. Now, what was the original depth? The original depth was twelve and three-fourths feet, and they have got, as they certify in print here, thirteen feet, which is an increase of just three inches. As shown by their own printed statements it is only three inches, yet these gentlemen report to Congress, and one of them solemnly says, "there is a very apparent improvement in depth over the outer bar," and the other one says it is two feet.

Mr. SPRINGER. What is the difference between depth at low tide there and high tide?

Mr. BRECKINRIDGE. All measurements are calculated at mean

low tide unless expressly stated to the contrary. The rise of the tide there is a trifle over a foot.

A MEMBER. Perhaps they made a mistake.

Mr. BRECKINRIDGE. I think they did. The whole thing is a mistake. If they have made a single ordinary mistake they do not explain it. I will say that we have time and again tried to get the Chief of Engineers before the committee to inform us on the subject, but we have never been able to get him there. When we urged him to come——

Mr. WILLIS. I hardly think my friend ought to go that far. General Newton was invited before the committee, but replied he was on a court-martial.

Mr. BRECKINRIDGE. I am going to state that. Last year we invited the Chief of Engineers before our committee to give us information, and we were put off by some question of etiquette. I want to state here, as I understand it, and the chairman can correct me if I am wrong, that while we had discussed this question with Captain Eads, the engineer who represented one view, we invited the Chief of Engineers again, and he declined to come upon the statement that he was on a court-martial that was sitting in the city. Here is a great national work practically in his charge, and a committee of the Federal Congress is considering the matter in a short session; we invite him to meet us, and we are put off in this manner.

Mr. ROSECRANS. He was obliged by order of the Secretary of War to sit on the court-martial, of which the hours are fixed.

Mr. BRECKINRIDGE. If it is not a matter of discretion with him then it is all right. None of us seem to have thought of that. There was no court-martial before. It is doubtless as much our fault as his that the Secretary of War was not asked to let the court-martial wait a few hours on the wants of Congress. We have tried this two ways and during two sessions, and we must content ourselves with the printed testimony, which I have mainly gone over. I wish to condemn most strongly this whole way of dealing with the public interests.

Major Mansfield is quoted by Colonel Merrill as saying:

This structure is a most substantial one, and is not likely to deteriorate much.

I presume this means that the jetty is in a good state of preservation. I dislike very much to have to contradict that statement. It is very painful to me, as this whole business is, but I have no right to regard my personal reluctance. I hold in my hand the soundings I made on that jetty last autumn, being in company with Major Mansfield himself, and I estimate that not less than 50 per cent., as shown by the soundings on the crest of the jetty after you get a little out from the shore end, is gone. I have the soundings here in my note-book. Major Mansfield accompanied me in an open boat; I did a part of the soundings, and I had one of his employés do the other part of it, I taking down the notes as we went and making a summary statement of the first part. Major Mansfield may be erroneously quoted; but here are the facts, and they are my guide.

Mr. ROSECRANS. Will the gentleman permit a further question?

Mr. BLANCHARD. Let me ask the gentleman first when was that?

Mr. BRECKINRIDGE. It was last fall; in November of last year.

Mr. ROSECRANS. I desire to ask the gentleman (as it is necessary to know in connection with such measurements) from what surface he started?

Mr. BRECKINRIDGE. I took it from the usual surface of measurement adopted by the engineers. The point is that this jetty is stated in this report to have been brought up by them to mean low tide. That you find established on page 1033, report of 1882, and the oral statements also were made to me. Now, I took my soundings at an unusually low state of the tide, and consequently the statement I attack has all the benefits of the elements on its side. I find in my notes this remark: "The pilot says the water is lower than he has seen it in a long time."

Mr. ROSECRANS. Will my friend permit another question? Did you have any means of knowing how that measurement or point from which you measured compared with the bench-mark usually taken as the low-tide mark?

Mr. BRECKINRIDGE. The engineer who accompanied me, and also the marine men acquainted with the facts, informed me that at that time it was unusually low tide. The work had previously been a little out of higher water than that, and I am giving its present depth below a lower surface of water.

Mr. ROSECRANS. But the gentleman knows that there is a bench-mark from which such comparisons are made.

Mr. BRECKINRIDGE. Of course I do not question that. We all know that.

Mr. ROSECRANS. This bench-mark is the datum plane or line. I have had much experience in water measurement, and there may be in such cases a mistake in beginning the measurement from the wrong point, instead of taking a surface point or datum plane which has been established.

Mr. BRECKINRIDGE. Nothing can affect the practical fact that in what I was informed was an unusual low condition of the tide I made this sounding on that jetty, which, as we know, had been brought visibly up to the surface of the water and a little above it, and now, at unusually low tide, I found points—there were plenty of places even then—where a steamboat could run over the jetty, and I have the measurements here to show the facts.

Here they are, running ten, nine, and seven feet under water on the crest, though the average of course is less. Where there happened to be a spit of sand we would find it as shoal as three feet, or even eighteen inches; but the outer half of the jetty shows an average depth on the crest of, say, six and one-half feet, with an occasional high point. Near shore it is well preserved, owing to sand there, and to being much higher originally, as shown in the last report, than the other parts.

It is hardly necessary for me to carry this analysis further. I do not believe that there is a single essential statement in General Newton's letter, or in the joint paper from Colonel Merrill and Major Mansfield, that is not as erroneous as these propositions of which I have just treated. This work is but a sample of much that is going on all around the coast. We have made appropriations for other harbors under a species of protest, for we provide a temporary harbor board, to be composed mainly of men not associated with these wretched schemes, most of which assuredly should never have been begun, and that board is to report fully to the next Congress.

I am a plain, business man, and I try to look at things in a plain, common-sense way, and I think that surely there can be no bureau of the Government more sadly in need of refrom than this one is. The officers are free from corruption; but there is a thorough unfitness for this work. There is an easy-going, indifferent, unreliable way of doing things that needs to be stirred up and reorganized from the very bottom. The time has come for a change. The people won't stand this. They ought not to stand it. And we need to start a reform here in Congress. We should select proven ability for these works, settle upon works with greater care, and then make adequate appropriations for them. Unless we are going to complete a work in the right way it is a public duty that we should not undertake it at all.

Mr. ROSECRANS. That is right.

Mr. BRECKINRIDGE. And let me say here that this should not be a political bill, or a log-rolling measure, or a bill to distribute the public revenues, or anything of that kind. With due regard to the equities it should be a business measure for the improvement of the commerce of our country, with neither Democracy nor Republicanism in it.

Now we propose to employ an engineer second to none in the world, to supply the Secretary of War with money, and to tell him to improve this harbor according to the plans of a man in whom we have confidence. We are not here to do anything for him, but we want to hire him to do something for us. He can make nothing but his $5,000 a year and his $3,000 a foot. He has not the spending of a dollar. He tells us the work must be almost entirely of stone or concrete, and he tells us the approximate cost. We find it far less than the estimates of our engineers of cost for an equal extent of inferior work upon the basis of their South Pass estimates and allowing the usual per cent. for contingencies. This eminent engineer tells us that there is not a particle of doubt about making the work a success. But he will do it as all the great jetty works in the world are done.

How idle are estimates for the present plan! The work is located wrong to start with. Had this sort of work been located right we have no assurance that we have confidence in that any amount of money thus applied would ever get and maintain a good channel. The sea has destroyed all of the north jetty. The tide and teredo have destroyed nearly, if not quite, one-half of the south jetty. The bar would move seaward if the feeble things were finished, and leave you worse off than before. What is your condition now, after vast expenditures? What would it be in this line if you wasted millions in this way? Colonel Merrill says: "It is quite possible," in speaking of such work, "that one or the other [jetty] might require removal."

The doctrine laid down by Eads is to be sure you have mastered your subject before you begin work, and then push it with all possible speed. General Newton says Hartley's works at the Sulina mouth of the Danube "were eminently tentative in their character." I find the reverse to be the case. The first work was provisional, but the tracings were exactly the same, and when Hartley began his work he pushed out upon his lines with the utmost dispatch. The Dutch works of the Scheur branch of the River Maas, says General Newton, "is a case where heroic treatment has been applied, with the result of an immediate failure." The reverse is true. The treatment was feeble. The jetties were much wider apart than was the cut that supplied water for them; consequently a vast amount of dredging had to be done; and instead of the bar being dispersed by a vigorous current, it was simply turned over by slow degrees to be as bad an obstruction as it was before. They have since imparted energy to the current by adequate contraction.

Now shall we stop this trifling and give these people a harbor? Here are nine hundred miles of coast and not a harbor. Here is the first cotton-growing State in the Union, here is the first wool-producing State in the Union, here is the first cattle-raising State in the Union, here are over 2,000,000 of people, $120,000,000 annually of farm products, $1,000,000,000 of the people's wealth, 6,000 miles of railroads carrying their commerce, not to speak of adjacent States, and all are suffering from the lack of a harbor. The entire territory dependent is

equal to all of the New England States, and New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, North Carolina, Kentucky, Tennessee, Iowa, Minnesota, and Nebraska. Shall we give this region a harbor? I say yes, and I call the attention of Congress to the striking fact that from Hampton Roads, almost at the base of the Capitol, to the Mexican line, nearly 3,000 miles, there is only one harbor entrance where a first-class merchantman or a well-appointed man-of-war can float. That is the South Pass of the Mississippi River. Pensacola is questionable and uncertain.

Mr. DIBBLE. Will the gentleman from Arkansas permit me to interrupt him long enough to say that Port Royal, on the South Carolina coast, has twenty-six feet of water?

Mr. BRECKINRIDGE. The commerce of that point is so small that I did not remember it. I accept the statement of the gentleman. There seems to be that remote point which has twenty-six feet of water. But take a city like Wilmington or Savannah or Charleston or Mobile. They are all second or even third-class harbors; and our commerce must not be compelled to make the long and expensive hauls to New Orleans and Hampton Roads.

Mr. KING. Twenty-six feet of water does not admit a first-class man-of-war or modern merchantman.

Mr. DIBBLE. The Great Eastern only draws twenty-eight feet.

Mr. KING. In New Orleans a ship drawing twenty-nine or thirty feet can enter.

Mr. NICHOLLS rose.

Mr. BRECKINRIDGE. Do not talk across me. I have no time to yield for further interruption.

Now, Mr. Chairman, there is one other point I desire to discuss—and these remarks are much less complete and much less compact than I would like to make them.

I want to call attention to our action about the Mississippi River Commission. The bill shows that we provide for an advisory engineer for the commission, and we recommend that James B. Eads be appointed to the place, and we require the Secretary of War to carry on the improvement of that river according to the plans, &c., of the commission as the same may be approved or amended by the advisory engineer.

This, too, has been rightly called a radical step. Nothing of an ordinary character could justify us for a moment in taking such a step as this, and it is proper and unavoidable that the House and the country be given the reasons for our course. I will say that it is the result of the most mature consideration and counsel; and at a very full sitting of the committee, after long and protracted discussion, all present agreed to this step except my friend from Pennsylvania [Mr. BAYNE]. I do not consider it necessary to reply to the dissenting argument my friend has made. It needs no reply. It is proper to say that my friend from West Virginia [Mr. GIBSON], who also dissents, was not present at that meeting. His speech needs no reply. I can not but hope that had he been present and participated in our lengthy and earnest proceedings he would have concurred in our general purpose. But of course this is conjectural.

I will try to explain the reasons for our decision.

This commission was organized under an act approved June 28, 1879. It was composed of seven members: Col. Q. A. Gillmore, president of the commission; Maj. Charles R. Suter, Maj. C. B. Comstock, all of the Engineer Corps of the Army; James B. Eads and B. M. Harrod, civil engineers, and Hon. Benjamin Harrison, now a Senator from Indiana. The *personnel* has somewhat changed—Mr. Eads has gone out, Mr. Harrison has gone out; but I need not dwell upon that. In plain terms, they were to take charge of the whole question of the improvement of the Mississippi River from Cairo to the Gulf. Their jurisdiction is now somewhat enlarged. The idea of a board or commission for this vast and vital business was and still is a wise one.

After long and mature consideration the commission agreed upon a plan for the improvement of the river. That plan is set forth in their first report (Senate Executive Document No. 58, second session Forty-sixth Congress, and dated March 6, 1880). The report treats with great clearness of the philosophy of the case, and it lays down a plan of work in conformity thereto, reciting successful practice. It is not necessary for me to recite the accompanying dissenting report of Major Comstock and Mr. Harrison, for they concur in the general features and only dissent in "some less important points." This plan has received the approval of Congress and the country. This is evinced by several appropriations by Congress, aggregating over $8,000,000, which, with the appropriation in this bill, will amount to over $11,000,000. I do not include anything above Cairo. The people have applauded this; executives have recommended it, and both political parties in national convention have pledged themselves to the continuation of the work.

Now, sir, what is the plan to which we have pinned our faith, and of which we have no reason to doubt. I can best state it by reading extracts from the first report of the commission. On page 16 it says:

It has been observed in the Mississippi River, and is indeed true of all silt-bearing streams flowing through alluvial deposits, that the more nearly the high river width, or width between the banks, approaches to uniformity, the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends. * * * Uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by a corresponding deposit of silt at the deep places, and consequently greater uniformity of depth.

Uniform depth joined to uniform width—that is to say, uniformity of effective cross-section—implies uniform velocity, and this means that there will be no violent eddies or cross-currents, and no great and sudden fluctuations in the silt-transporting power of the current. There will, therefore, be less erosion from oblique currents and eddies, and no formation of shoals and bars produced by silt taken up from one part of the channel and dropped in another.

* * * * * * *

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars * * * and to build up new banks and develop new shore lines, so as to establish, so far as practicable, the requisite conditions of uniform velocity for all stages of the river.

* * * * * * *

This improvement can be accomplished below Cairo by contracting the low-water channel way to an approximately uniform width of about 3,000 feet, * * * by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

* * * * * * *

These constructions will commonly be open or permeable to such a degree that * * * they will sufficiently check the current to induce a deposit of silt in selected localities.

I could cite more, but this is enough. I will add, however, that another important feature was the closure of outlets of which the Atchafalaya was perhaps the most important. It was agreed to at once stop the enlargement of that outlet, but not to take further action until the report of Major Benyaurd, who was then making a survey of it, should be received. The estimated cost of the first step was $10,000.

I will now turn to the second report of the commission (there was another report the meanwhile, which, however, relates principally to other matters), which is dated November 25, 1881, and begins on page 2745 of the report of the Chief of Engineers of that year. In this report the commission shows that it has not silled the Atchafalaya, and it continues to promise that the initial step shall be taken. Running through the whole report there is a confusion of thought, and therefore I turn to the report of Mr. Eads, which accompanies the report of the commission, for a plain and clear restatement of the original plan of improvement. Mr. Eads, I believe, was also the author of the first report.

Mr. ROSECRANS. Did I understand the gentleman to say that the author of the first report was Captain Eads?

Mr. BRECKINRIDGE. It is so stated.

Mr. ROSECRANS. I wish to say that I have known that all along since I have known anything about engineering, and it is good sense.

Mr. BRECKINRIDGE. I will not go over Mr. Eads's reasoning about the Atchafalaya, in the course of which he urges most strenuously that immediate action be taken toward the closure of that perilous outlet, and says that the closure should be completed in "six years," so as to restrain "about one-sixth of its volume per annum." This general subject is also treated with the greatest clearness and ability in the report signed by the gentleman from Illinois [Mr. THOMAS] and the gentleman from Louisiana [Mr. ELLIS]—in their report accompanying the Burrows report. These two papers are masterly and complete, and no thoughtful man can read them without concluding that advocates of the "outlet" theory are among the most mistaken of men. There is no proposition more opposed to numberless facts, more inconsistent with reason, or more universally condemned by all classes of engineers. But Mr. Eads, in summing up the adopted plan on page 2775, says:

The plan of improvement recommended by the commission differs from any other previously proposed for the correction of the channel in the fact that it looks to a rectification of the high-water channel by the ultimate narrowing of these wide places as the *only* method by which a deep and uniform low-water channel can be permanently secured.

The wide places in the high-water channel create alternations of current velocity and steeper slopes to overcome the excessive frictional resistance. These cause the water to be highly charged with sediment at one part of its journey to the sea and much less highly charged at others. This creates scouring and depositing in the bed, and radical changes in the channel by the caving away of its banks.

By reducing these wide places to a width approximately the same as that of the narrow parts of the river the friction is reduced, a lower slope and uniform depth will be obtained, and the velocity of current will not be subject to its present changes. A uniform charge of current will result from uniform current velocity, and the caving of the banks will then be practically arrested, for the reason that when the water has the full charge of sediment due to its velocity it can carry no more, and can not, therefore, scour the channel more deeply, by which the undermining of the banks is effected.

Permanence of channel will not, therefore, be secured until these excessive widths are reduced. A less depth at low water than twenty feet will not insure stability of channel, for the reason that a less depth will result from only a partial reduction of the wide places. Permanence of channel will be attained only in proportion as uniformity of width of the high-water channel is attained, and when this is secured the depth at low water may be considerably more than twenty feet, but it will certainly not be less. The sooner these wide places are corrected the less will the improvement of the river cost.

* * * * * * *

There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel depth of twenty feet during the low-water seasons can be permanently secured throughout its entire course.

Upon the basis of this plan the commission estimated, on page 2752 of report of 1881, that the entire cost of improving the six reaches from Cairo to Red River, one hundred and eighty-four miles, would be $8,226,000, and for the entire river to that point $33,000,000. There was no material dissent from this.

After this the breach between Captain Eads and the majority of the commission further widened. Captain Eads contended for a faithful adherence to the plan and doctrine laid down, while the majority of the commission seemed unable to realize the fixed laws of nature; they never seemed to clearly grasp the problem in hand, and they varied and dallied as men often do in controversy and when they immediately confront a question too great for them, the principles of which in calm moments they clearly admit.

The very simplicity of the great question seems to baffle them. They failed to grasp the central facts and ideas. The result of this was that Captain Eads afterward resigned from the commission, it being an open secret that he did so in order to escape the responsibility of errors which he had clearly pointed out but could not avert. He did not participate in the proceedings of the commission after the report I have quoted from. The country did not appreciate the force of the weak tendency that had set in, and I know that it was only near the close of the last session of Congress that, for my own part, I became fully aware and seriously alarmed at the course the commission was taking.

It then began to appear plain to me that the commission was radically and fatally departing from the plan of work we thought they were pursuing, and I have since studied the reports with greater care than before, and I have renewed my examination of most of their work. This departure has been a growth. It has been like increasing weakness, until now the present report comes to us, and it contains plans and statements that must be squarely met by all who have real convictions or any high purpose in connection with the river.

I will trace this matter. In the next report after the one I last read from—that is in the report for 1882, after Eads had ceased to take a part in the proceedings—you find in a paper from Professor Mitchell, a member of the commission, a gentleman looked upon as simply a technical adviser, the following language on page 263:

Indeed, under the general rule that the bars form at the reversion points of curves it is evident that their position must vary as these curves vary, and that the holding of the curves by revetment or otherwise is an essential early step in the control of the river. It antedates logically the retrenchment which is to deepen the water at the bars.

This is a new doctrine. It is true it is put in an obscure place, and in very small print; but it comes, as by request, from one of the commission, and it seems as if they are seeking a new conclusion.

We had previously been told that to narrow these wide and shoal places by silt-arresting works was the *only* method by which a deep and uniform low-water channel can be permanently secured.

Of course this was to be in connection with high-water treatment.

We were also told that—

The wide places in the high-water channel create alternations of current velocity, &c.

And then that—

This creates * * radical changes in the channel by the caving away of its banks.

We were told that—

Permanence of channel will not, therefore, be secured until these excessive widths are reduced.

And that when we properly reduce these excessive widths where the bars are then—

Uniform depth will be obtained and the velocity of current will not be subject to its present changes.

When that is done—

A uniform charge of current will result.

And that—

The caving of the banks will then be practically arrested.

This stands to reason, and it has never failed in all its numerous practice. The professor loses sight of the cross-over bars in the channel, where you find from five to fifteen feet of water, while in the caving bends the water is, say, one hundred feet deep and often deeper. These submerged bars always join the lower and the upper ends of the dry bars, and they are not "at the reversion points of curves;" but they form just where the river passes the sustaining wall or bank that has been caving and spreads out and unloads at this wide and sluggish point in floods, preparatory to running with increased and destructive velocity into the next bend below. This is the bar that causes the mischief. This is the bar that was to be "scoured out" by contracting the dry bars just here and at their other parts as additional aid as the "*only*" method by which the river could possibly be improved. Now, this contraction upon these wide bars is to be preceded by something else.

If the Mississippi River were dry and you started in a buggy to drive down its bed from Cairo to the Gulf you would have a very up and down hill road to travel. In places you would be in a deep and narrow gorge, and again you would be upon a hill-top, nearly up to the brink of the bank, and a broad expanse of sand would stretch out perhaps for miles on either side of you. You would then be up on a sand bar, while your previous position was where there had been a caving bend. Now, suppose this bed be filled again with a great flood. You readily see that when the water gets to the broad and shallow bar it spreads out and loses a part of its velocity.

The velocity is also diminished by the friction opposed to the water by this vast exposure of bottom surface. A part of the sediment that the river was able to carry before it was thus retarded by dispersion and by friction is of course at once dropped to the bottom. Thus the bar goes on building down-stream, adding below what may be picked up at its head. But the water has a certain distance to fall before it reaches the Gulf, and it will make up for this almost no surface slope upon the bar by plunging headlong into the bend below, and in its new course it will pick up a new load of sediment from the bottom. This destroys the repose of the bank, and as soon as the sustaining pressure of the water is taken from the side of the bank by the falling of the water the bank will begin to cave in. They are land slides.

This new load of sediment will not be dropped until another wide place is reached, at which the river will again spread out and the same operation will be repeated, this new bar causing the same trouble below it that the previous bar has caused just above. Wide places and sand bars are exchangeable terms. I repeat that the cure laid down for this trouble is to remove the cause. That is to say, you will erect contraction works at the wide places so as to bring the river at that point to its normal and proper width. Then the river may want to spread, but you will not let it. If you do not let it disperse, then it can not drop its load of sediment. If it is kept loaded, then it can not take up any more load when it gets into the next bend. As I said before, the slope of the surface of the water is nearly level on a bar. As soon as it gets over the bar the slope of the water is steep compared to what it was on the bar, and of course the current is correspondingly swift.

But you will soon make the water cut out the bar, and you then not only send the current loaded into the bend, but you also, by the removal of the bar, have deprived the current of the cause of its excessive velocity. You have then brought about a general state of uniformity. Then it is that "the caving of the banks will be practically arrested." What revetting you then must do will be only an incident and easy to do. A good deal of this sort would be needed; but it will be easy to do, and comparatively inexpensive.

If it be said that the works are imperiled, I reply that you are putting them where the river is constructive and not destructive. You treat the river at its lazy parts and help it to follow its natural bent.

This then was to be done by proper contraction at the excessively wide places. The constructions for this purpose were to be "commonly open or permeable" so that they will sufficiently check the current to induce a deposit of silt in selected localities. They were to effect "the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel."

This is what was to be done, so that the water would be made to remove the bars, the cause of the caving, for surely we can do nothing unless we can hold the banks.

Now, however, they are not going to effect a cure by removing the cause, but by treating the effect. They have changed their views as to what is the cause. We shall see later on how futile it is to go into the teeth of the river in this way, and then we can better judge whether or not we ought to permit the commission to commit us to this change of plan.

What I have read from Professor Mitchell's paper prepares us to expect the expression in the main report, page 11, "the main item of cost will of course be the bank protection." This was the only prominent intimation then of these growing errors. It is very forcible in the light of later events.

And so matters go until near the close of last session we had the commission before the River and Harbor Committee. It is sufficient to say that their influence with the committee was much greater before we heard them than it was afterward. Soon after that we were startled with the information that the extensive revetment work at Memphis and in Hopefield bend was a total loss, and that great city was in imminent peril, with the vital interests of the vast commerce that seeks its facilities in equal danger. We found that the entire work there had been upon this new plan. Last session Congress gave $200,000 for the emergency, and we find that it too is being spent in the same way. Not a dollar has been or is being spent to remove the cause of all this trouble; that is, the bars above. They revet where the water is one hundred and one hundred and five feet deep, while just above lie the fatal bars, with some eight and twelve feet of depth. This is only a sample of vast quantities of work, nay, of the present prevailing policy. Reason and the adoption of the plan we thought they were adhering to has not prevented their going into this foolish and ruinous departure. Experience teaches them nothing. The current continues to come upon them with unabated fury, stripped of its load and ready for the fray, and poor obstinate man stands there fighting the laws of God.

Why not conform to nature and seek her potent aid? Is it because their great rival told them what to do and they are unwilling to learn? Are the public interests to suffer for this? Eads told them the truth. He understood the case. It is not Eads we are fighting for or the commission we are fighting against. It is the engineering truth we want, and he happened to understand it and these gentlemen do not. We are pressing forward for the public interests. Men must stand the consequences of their errors, and pique and pride can no more control the Mississippi River than could Canute, by waving his feeble scepter, cause the tide to recede. The plain Dutch have done with their seaworks what his majesty could not achieve.

Look further into their last report. You find estimates for various harbors on the river aggregating $2,014,000, and every dollar is for revetment. You find on page 4 that they propose a systematic course of revetment for the bends from Cairo down. This they propose to do and to let the river scour out its bars, &c., aided only by revetment, impossible as a first step, instead of proceeding in the line of nature's work. This work, as is clearly deducible from their estimates, will cost at the least over $130,000 a mile, including plant, while from what they are now trying at Memphis I think the estimate may be more safely put at $30 a foot than at $20, if it is to be carried to the maximum depth, and we have scarcely a hope of stability short of that. The same policy is largely practiced in the reaches under treatment. They estimated in 1880 that, say, $1,250,000 would complete Providence reach, and they have now spent, say, $2,000,000 on it, and the report says as much more is required.

For Plum Point reach they estimated less than $1,500,000, and they have spent over $2,000,000 on it, with the intimation of spending in all $4,000,000, with no limit then fixed. For one of the commission says, on page 32, that they will spend three times the original estimates on these reaches, and then the final sum is undetermined. The Atchafalaya is not even silled yet, and to-day the whole North is in grave danger of being cut off from the Gulf, and New Orleans is in grave danger of being cut off from the North. All this is the result of deviations from the adopted plan. There is a grave duty for us to discharge here. Can we permit this? Is there a gentleman here who ever dreamed of permitting these deviations from the adopted plan for treating the river? Can we countenance them for a moment by look, or word, or vote? How are we to act as custodians of the public funds and of this grand river? I expect accidents; I can pardon errors; but I can not condone this radical, fundamental, foolish, and ruinous change of policy.

Gentlemen, it must be done openly. It can not be hid in a corner. The plain way, the honest way, and the manly way is the only way. We must rebuke those who deserve it. We must in every way merit the confidence of the country. The country has given and will give freely of its money. It asks only frankness and candor of us. Can you fail to stop these departures? Can you ask money for these wretched experiments? Have you a particle of doubt of your true plan? The former offers untold expense and no results. The latter is reasonable in amount and has never failed. Where contraction has been only partially completed the results are perfect to that extent. Of course enemies to the West, the special pleaders of Eastern railroad corporations, will pervert the truth and seek to take advantage of our candor and of our dilemma; but we can not help this, and they can not fool the House or the people.

This is the condition in reports and from observation. We must make them go back to what we have confidence in. They must stop this ceaseless revetting, and first remove the bars which are the cause of the trouble. You never find a caving bend but what there is a bar above it. You never find a caving reach but what there is a bar in the middle and a surplus channel to be closed.

Mr. ROSECRANS. Will the gentleman permit an interruption?

Mr. BRECKINRIDGE. Pardon me; I have only a moment left. The statements I make are plain in the proof.

[Here the hammer fell.]

Rent for Third-Class Post-Offices.

SPEECH

OF

HON. CHARLES R. SKINNER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 12, 1885,

On the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. SKINNER said:

Mr. CHAIRMAN: I desire to present some reasons for the adoption of the amendment offered to this bill extending to post-offices of the third class allowances for rent, placing them upon an equal footing with post-offices of the first and second classes.

The present law is a manifest injustice to nearly 2,000 of the most faithful of our public servants—postmasters of the third class. It will be seen by a table annexed that the whole number of post-offices in the United States on the 24th of January last was 50,857. Of this number 48,525 are offices of the fourth class, embracing all offices where the salary is below $1,000 per annum. There are only 81 offices of the first class, 404 of the second class, and 1,847 of the third class. These are fairly scattered over the entire Union. There is little reason why the limit of allowance for rent should be reached when the second-class offices are supplied. It is frequently urged that post-offices of the third class are located in stores or places of business, and the salary shared by postmasters with merchants and others who actually transact the business. This impression is erroneous.

The statement may be true regarding a great number of fourth-class offices, but if members will take pains to investigate they will find that third-class offices are, with very few exceptions, located in rooms not connected with mercantile pursuits and the rent paid comes squarely out of the salary of the postmaster, in addition to demands upon him for clerk-hire, fuel, &c. I do not recall a single third-class office in the district I represent which is not wholly independent of any other business.

It seems to me selfish and unreasonable to allow rent to four hundred and eighty-five post-offices of first and second class and deny it to 1,847 post-offices of the third class, where the requirements are proportionably as great and where usually the officer devotes all his time and the whole of his salary in serving the public. The allowance asked for would result in more convenient offices and a better service to the people.

I had the honor to introduce a bill in the first session of the present Congress upon this subject, H. R. 5254, and by instruction of the Committee on the Post-Office and Post-Roads, on February 20, 1884, I submitted the following report:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 2410) to amend section 3860 of the Revised Statutes, allowing compensation to post-offices of the third class for office-rent, clerk-hire, &c., respectfully submit the following report:

The bill originally introduced and referred to the committee (H. R. 2410) was as follows:

"*Be it enacted, &c.*, That section 3860 of the Revised Statutes be amended so as to read as follows:

"'SEC. 3860. The Postmaster-General may allow to the postmaster at New York city, and to postmasters at offices of the first, second, and third classes, out of the surplus revenues of their respective offices—that is to say, the excess of box-rents and commissions over and above the salary assigned to the office—a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts; and no such allowance shall be made except upon the order of the Postmaster-General.'"

The purpose of the original bill was, by inserting the word "third" in the section above given, to extend to post-offices of the third class allowances of a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and incidentals, to be adjusted on a satisfactory exhibit of the facts, and made upon the order of the Postmaster-General. Allowances of a like character are now made by the section above referred to to post-offices of the first and second classes, which classes include all post-offices where the salary is $2,000 or over. There is a manifest injustice in making allowances for rent, clerk-hire, fuel, furniture, &c., at a second-class office, the salary at which is $2,000, and denying allowances at offices where the salary is $1,900, or less, down to $1,000.

With the exception of allowances sometimes made for distribution at separating post-offices, no postmaster at an office of the third class can, under the present law, receive any allowance for any of the expenses of conducting his office, and he is obliged to expend a large portion of his salary for office-expenses which the Government now allows to offices of the first and second classes. If it is right in one case it would seem to be right in the other.

The estimate of the Post-Office Department, submitted in a later portion of this report, for allowances referred to in the original bill to offices of the third class is $1,663,000, the number of offices being estimated at 1,800 on the 1st of July, 1884.

The committee have given the matter careful consideration, including the estimate above given, and after full discussion have adopted the following substitute for bill H. R. 2410, which is respectfully submitted:

"H. R. 5254, a bill to authorize the Postmaster-General to make allowances for rent to post-offices of the third class.

"*Be it enacted, &c.*, That the Postmaster-General may allow to the postmasters at offices of the third class, out of the surplus revenues of their respective offices—that is to say, the excess of box-rents and commissions over and above the salary assigned to the office—a reasonable sum for the necessary cost of rent, to be adjusted on a satisfactory exhibit of the facts; and no such allowance shall be made except upon the order of the Postmaster-General."

The purpose of the substitute is to authorize the Postmaster-General to make an allowance for a reasonable sum for rent only to post-offices of the third class. While the bill does not go as far as some members of the committee would desire, the substitute is accepted by them as a step in the direction of justice. It is believed that it will result in giving better accommodations to a large number of post-offices throughout the country, and thus directly benefit the people by giving them improved facilities for the transaction of postal business. The amount estimated, in order to carry out the provisions of this bill, as by a table attached hereto, is $432,000.

In his last report to the Postmaster-General the First Assistant Postmaster-General states as follows in reference to leases (see page 97 of the report of the Postmaster-General for 1883):

"During the year one hundred and fifty-six lease cases were prepared, and at the close of the year, June 30, 1883, one hundred and eighty-eight leases were in operation, involving an aggregate sum of $254,181 for rent.

"The leasing of buildings, rooms, and fixtures for postal purposes is one of the most important duties of this division, not only because the Government does not own suitable buildings for post-offices, but also because the additional facilities for the transaction of postal business secured by leasing better accommodations results in a better service and in largely increasing the revenues of the Department.

"This increase of revenue is substantial evidence that the people appreciate improvements in this direction. And there is room for advancement, for many of the first and second class offices, not to speak of the third class, in my opinion, are totally unfit for use, and the accommodations at a majority of the offices are not sufficient to meet the requirements of the present service.

"I am strongly of the opinion that it is the duty of the Government to furnish roomy and well-arranged offices for the transaction of the postal business. Such a policy will increase the revenues of the Department, and the citizens in the communities directly benefited will take pride in furthering the interests of the service. That this policy would be a wise one can not be doubted, especially when substantiated by the results obtained during the past year at nineteen first and second class post-offices, where new leases and improvements were made, as shown by the following tabulated statement."

The Postmaster-General also says, page 105 of his report:

OFFICE-RENT AT THIRD-CLASS POST-OFFICES.

In another part of this report (under the head of "leases") I touched upon the subject of the Government paying the office-rent at third-class offices. This is an important matter, as you know, especially to a class of meritorious postmasters. I consider these postmasters, as a class, the most deserving of attention at the present time; and, as I have heretofore said, it is a great hardship to compel them to pay their office expenses. I therefore recommend that provision be made for paying at least the office rent at offices of this class.

In this connection I desire to submit the following table:

Table showing the number of post-offices in each State and Territory, number of Presidential offices of each class, whole number of Presidential offices, number of offices of the fourth class, and also number of money-order offices and stations, January 24, 1885.

States and Territories.	Whole number of offices.	Offices of the first class.	Offices of the second class.	Offices of the third class.	Whole number of Presidential offices.	Offices of fourth class.	Money-order offices, January 1, 1885.	Money-order stations, January 1, 1885.
Alabama	1,378	1	3	18	22	1,356	90	.....
Alaska	7	.....	.....	.....	.....	7	.....	.....
Arizona	143	.....	1	5	6	137	16	.....
Arkansas	1,116	.....	4	14	18	1,098	99	.....
California	995	4	3	50	57	948	181	5
Colorado	506	1	4	28	33	473	81	.....
Connecticut	495	3	13	39	55	420	77	.....
Dakota	891	.....	6	35	41	850	105	.....
Delaware	124	1	.....	6	7	117	17	.....
District of Columbia	6	1	.....	.....	1	5	1	3
Florida	568	.....	2	13	15	553	58	.....
Georgia	1,364	2	4	23	29	1,335	107	.....
Idaho	175	.....	.....	5	5	170	23	.....
Illinois	2,184	5	25	160	190	1,994	575	8
Indiana	1,871	1	16	76	93	1,778	306	.....
Indian Territory	145	.....	.....	.....	.....	145	7	.....
Iowa	1,638	3	18	111	132	1,506	514	.....
Kansas	1,632	1	13	76	90	1,542	317	1
Kentucky	1,676	1	7	31	39	1,637	107	.....
Louisiana	601	1	1	10	12	589	66	1
Maine	1,010	2	7	28	37	973	119	.....
Maryland	830	1	4	14	19	817	63	.....
Massachusetts	785	6	25	86	117	668	180	16
Michigan	1,618	2	23	90	115	1,503	336	.....
Minnesota	1,107	2	8	42	52	1,055	182	.....
Mississippi	906	.....	4	19	23	883	100	.....
Missouri	1,986	3	5	70	78	1,908	300	3
Montana	229	.....	2	10	12	217	27	.....
Nebraska	965	1	6	44	51	914	179	.....
Nevada	140	.....	1	8	9	131	24	.....
New Hampshire	508	.....	6	26	32	476	78	.....
New Jersey	752	4	15	43	62	690	91	4
New Mexico	189	.....	3	4	7	182	25	.....
New York	3,148	10	45	166	221	2,927	486	18
North Carolina	1,846	.....	3	21	24	1,832	108	.....
Ohio	2,717	6	39	91	136	2,591	456	4
Oregon	463	1	1	13	14	448	62	.....
Pennsylvania	3,874	5	36	125	166	3,708	389	10
Rhode Island	126	1	4	6	11	115	21	.....
South Carolina	805	1	2	16	19	786	57	.....
Tennessee	1,842	2	3	22	27	1,815	118	.....
Texas	1,651	4	9	64	77	1,574	252	.....
Utah	240	1	1	3	5	235	23	.....
Vermont	516	.....	6	20	26	490	94	.....
Virginia	2,043	2	6	23	31	2,012	108	.....
Washington	351	.....	2	9	11	340	29	.....
West Virginia	1,139	1	2	14	17	1,122	62	.....
Wisconsin	1,480	1	15	67	83	1,396	266	2
Wyoming	106	.....	1	3	4	102	11	.....
Total	50,857	81	404	1,847	2,332	48,525	6,992	75

The estimate of the Post-Office Department furnished to me at the time the report was made (February, 1884), when the number of third-class post-offices was 1,745, was $419,975—a very insignificant amount when we consider the vast sum carried in the Post-Office appropriation bill, and when we consider further the great advantage to the general public in improved offices and increased facilities which would follow a small expenditure by postmasters in better equipping their offices for the convenience of the millions who use them.

A bill has already passed the Senate, and now lies upon the Speaker's table, as follows (S. 1508):

An act to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General may lease premises for use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding ten years; and whenever any building, or part of a building, under lease, becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

A similar bill was introduced by me at the first session of the present Congress, and reported favorably from the Committee on the Post-Office and Post-Roads. The report made upon that bill, April 12, 1884, is as follows:

Mr. CHARLES R. SKINNER, from the Committee on the Post-Office and Post-Roads, submitted the following report (to accompany bill H. R. 5091):

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5091) authorizing the Postmaster-General to lease premises for use of post-offices of the first, second, and third class, have had the same under consideration, and respectfully report:

The bill (H. R. 5091) as originally introduced is as follows:

[Here follows H. R. 5091, which is similar to Senate bill 1508, referred to above.]

A slight amendment was made to the bill by adding thereto the following words: "*Provided*, That this act shall apply to the District of Columbia."

The object of this amendment is to give the Postmaster-General authority to lease branch offices in the District of Columbia.

The necessity for the enactment of the proposed law lies in the fact that the Postmaster-General, under existing law, has no authority to lease a building for post-office purposes for a longer period than one year or beyond the life of the annual appropriation. The Court of Claims has recently rendered a decision upon this point. While leases are often made, in fact, for a longer period than one year, they are made without authority of law, and the Department can not be bound for more than one year.

In his last annual report (page 10) the Postmaster-General says in reference to leases as follows:

"The only authority for renting buildings to be occupied as post-offices is the annual appropriation for the payment of their rent. Under it the Department can not take a lease for more than one year. For obvious reasons landlords demand a higher rate for one year than for several years. It has been the practice of my predecessors to take leases from one to ten years, and sometimes for a longer period. All leases for more than one year are now made subject to the condition that Congress shall make the necessary appropriation to pay the rent. I recommend that authority be given to the Postmaster-General to rent at reasonable rates suitable buildings for four years, or such other time as may be deemed advisable."

The First Assistant Postmaster-General, in discussing the same subject (see page 105 of report of Postmaster-General, 1883), says:

"Great embarrassment in leasing buildings for post-office use now exists, on account of a lack of well-defined authority to make contracts beyond the fiscal year; or, in other words, in the absence of a special statute it is deemed best not to bind the Government for a longer term than the fiscal year covered by the appropriation applicable for the payment of rent. This should be remedied without unnecessary delay.

"One of the primary objects in making a lease for a term of years is a minimum rental. This can generally be secured when reasonable assurance can be given that the rent will be paid for four or more years, but parties having capital to put into buildings for postal purposes will not accept annual leases at low figures. The Government is therefore obliged to pay higher rates than private citizens; and, practically, leases are little more than yearly allowances for rent. In my judgment it will not be advisable to name a specific term of years. Generally the time should be limited to four years, but cases occur where it is in the interest of the Government to make contracts for five, six, and even ten years. I am of the opinion that the Department should have ample discretionary power in the premises; and I so recommend."

The committee believe that, as a plain business proposition, authority should be given the Postmaster-General to contract for leases for post-office purposes for such period as will secure to the Government the best facilities at the lowest price. It is no doubt apparent to all who will study the question that the enactment of this bill into law will result in a large saving to the Post-Office Department, with corresponding benefit as regards convenience and permanency.

The bill is carefully guarded, and gives full power to the Postmaster-General to cancel leases when the premises leased are in an unsatisfactory condition for post-office purposes. With the exception of the provision added to the bill by the committee, it is identical with a bill now on the Speaker's table, having passed the Senate on the 5th of March last.

The Postmaster-General and his associates earnestly desire the passage of the bill in order that the Department may act promptly in regulating leases now demanding attention, to the end that such action may be in the best interest of the Government.

The committee is unanimous in recommending the passage of the bill.

Suspension of Silver Coinage.

SPEECH

OF

HON. ABRAM S. HEWITT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1885,

On the provision of the sundry civil bill authorizing the Secretary of the Treasury to suspend the coinage of standard silver dollars.

Mr. HEWITT, of New York, said:

Mr. SPEAKER: At the present time all of our national obligations are paid in gold, or in greenbacks which are redeemable in gold, or in silver dollars or silver certificates which have up to this time been kept equivalent to gold. The gold dollar of 25.8 grains is by law the standard of value in the United States. Because the gold dollar is the standard of value we are enabled to make all domestic and foreign exchanges with ease and certainty and without discount for inequalities of value in money.

The maintenance of a uniform standard of value is a matter of primary concern to society, and is one of the fundamental conditions of good government and national prosperity. Any disturbance in the standard of value unsettles business, destroys confidence, and restricts the area of employment. No physical calamity, not earthquakes nor famines produce such disastrous results as a fluctuating standard of value.

If, therefore, we are threatened with such a calamity we owe it to the people to avert it by prompt action. The vote of every man in this House on the pending proposition to give authority to the Secretary of

the Treasury to suspend the coinage of silver during the ensuing fiscal year, in case he shall find that its continuance will destroy the equivalency which now exists between the various kinds of currency used as money, will depend upon the opinion he may form as to the probability of a suspension of payments in gold or its equivalent for the national obligations. Is there any reason to fear an early suspension of gold payments?

It is a fact that the silver dollars which we coin are to-day only worth for the metal they contain 83 per cent. of the gold value of a dollar. A month ago they were worth 85 cents each. It is well known that the money of lesser value, as soon as there is enough of it to meet the daily requirements of business, invariably drives the more valuable money out of circulation. It is therefore certain that the continued coinage of silver dollars, intrinsically worth less than the gold dollar, will sooner or later drive gold money out of circulation, It is only a question of amount, and therefore of time, if we go on coining silver dollars of less value.

Are we approaching an amount of silver coinage sufficiently large to begin the expulsion of gold at an early date? In the opinion of the most intelligent and skillful financial authorities the time is near at hand. We have coined nearly 200,000,000 of 83-cent dollars. It is found that the country uses about 100,000,000 of those dollars, mainly in the form of paper certificates, in its current operations. Beyond this amount there is a very prompt return of the excess to the Treasury, notwithstanding the most persistent efforts to keep them in circulation.

The silver saturation point has therefore been reached, and already in New York silver certificates are daily purchased for the payment of duties at one thirty-second per cent. discount. The Treasury has reached the point where its current regular receipts are mainly in silver certificates. Its gold balances have only been maintained by bearing the cost of transportation of bullion and coin at a very heavy and an increasing charge. The Secretary of the Treasury has warned us in his annual report that the time is not far distant when we shall pass from the gold to the silver basis unless the coinage of silver dollars shall be suspended. I think I am safe in saying that he has made strenuous and successful efforts to prevent the suspension of gold payments during his term of office, which will expire on the 4th of March. The steady progress toward such a state of the Treasury as will necessitate the stoppage of gold payments will be apparent from the following statements prepared at the Department, showing the percentage of gold secured from customs at New York has diminished from 49 per cent. in July to 19.7 per cent. in December, while during the same time the percentage of silver receipts has increased from 32½ per cent. to 43.9 per cent.

During the same time the net gold in the Treasury has run down from 61 per cent. to 52½ per cent., while the percentage of silver has risen from 10 to 19 per cent.

At this rate the suspension of gold payments is only a question of time, and there is danger that it may occur before Congress shall meet again in December. In that event the responsibility will be charged to a Democratic administration, and, in case we fail to take action to avoid it, upon a Democratic House. The former charge will be unjust; the latter charge will be true, because we can avert this calamity by giving to the new administration the power temporarily to suspend the coinage of silver in case it shall be found necessary in order to preserve the gold standard. This authority will not be exercised unless it shall be found to be necessary, but if the authority shall not exist, in case the necessity should arise, then the country will properly hold this side of the House responsible for the convulsion and distress which will surely follow.

If these views are correct no member will hesitate to vote for the proposed measure unless he desires to place the country on a silver basis. There may be gentlemen who think that this is a result desirable to be reached. I entreat them to consider well the consequences of their action.

All property or wealth is either visible or invisible. The bulk of the visible property, such as lands, houses, railways, factories, and stocks of merchandise and commodities of all kinds, is owned by the rich. The invisible property, on the other hand, is mainly owned by people of moderate means and by those who gain their daily bread by their daily labor. Labor is property, because it yields an income. It is usually the only property which the workman has to sell. If he possesses any other property beyond his household goods it is in the form of savings deposited with a benefit society or in a savings bank or, if he be somewhat forehanded, accumulated in the form of a life insurance. But his property is thus always invisible to the eye, although it has a money value in common with the visible and substantial property of the rich. Any change in the value of the money which measures his property is of no less consequence to the poor man than it is to the rich. Indeed it is of infinitely greater consequence, for if money be debased in value, that is, be diminished in purchasing power, all forms of visible property at once rise in price to make up for the diminution in the value of the medium of exchange. The rich man, therefore, who owns the visible property is not injured by the debasement of money, except so far as he has invisible property in the form of debts due from others. Against loss from this cause he can, and usually does, protect himself on long engagements by stipulating for payment in gold of a fixed standard of weight and fineness.

But the poor man and the working classes can not thus protect themselves. The wages which the workman receives are adjusted to the existing standard of value. When this is debased they do not rise in a corresponding degree. They are determined by demand and supply, and in times of depression in business like the present, when there are two men everywhere seeking for one man's job, a rise of wages is impossible. Debasement in the purchasing power of money at such a time means actual loss of wages to the extent of the diminution in the purchasing power of the circulating medium. But this is not all. His savings, whether in bank or benefit society or life insurance, shrink in exactly the same manner. These savings are out in the form of loans, repayable in the legal tender of the land, and will always be repaid in the cheapest legal tender. The effect therefore of debasing the money of the country is to rob the most deserving and industrious portion of the people of a portion of their daily earnings and accumulated savings.

It is estimated that the accumulation of the people in savings-banks, benefit funds, and life insurance exceeds $3,000,000,000; debasement in the currency to the extent of 15 per cent. means, therefore, a loss of $450,000,000, which will practically be transferred from the earnings and savings of the producing classes, the widows, orphans, and helpless members of the community, to the pockets of those who have borrowed the money in gold or its equivalent, and will return it in 85-cent legal-tender silver coin, if its production be continued so long as to drive gold out of circulation.

Does any man doubt that this result will follow from the continued coinage of silver? As surely as the pouring of water into a vessel will drive out the air just so surely will silver coin, or its representative in the form of silver certificates, drive gold out of circulation.

This continued coinage of silver is advocated by some gentlemen on the theory that it will make money plenty. This view proceeds upon the idea that the community will use an unlimited quantity of money; whereas the fact is that only so much money will be used as is necessary to make the daily exchanges, and the surplus if any lies idle. It will not be given away, nor will it be loaned upon securities that are not regarded as available. Hence to-day, with an excess of money greater than has ever been known in the financial world, it lies idle in the money centers, and is just as hard to procure elsewhere as it was prior to the existence of the excess.

When, therefore, silver coinage has been carried so far that it can no longer be exchanged for gold, as heretofore it has been by the practical redemption of the silver dollars with gold dollars at the United States custom-houses, where they are receivable in lieu of gold, then the intrinsic value of the silver dollar will assert itself, and gold will go to a corresponding premium.

The first effect will be a temporary contraction of the currency, whereby business will be deranged, and then a steady advance in the prices of all commodities, but not in the wages of labor, corresponding to the silver standard. Thus will occur the transfer of $400,000,000 to $500,000,000 of property from those who have earned and saved it to the pockets of those who have borrowed it. The result will be ruin to many, and a scandal to all who love justice.

Now, what possible justification can be offered for persisting in a course which must surely end in such a disgraceful and ruinous catastrophe?

The object is to restore bimetallism throughout the civilized world; that is, to return to the old fixed ratio of 15½ to 1 between silver and gold. If this result could be accomplished the prospect might justify great risks. But what prospect is there of such a result? Alone, it is confessed by the enlightened advocates of bimetallism all over the world, we can not succeed. We have tried it alone and failed. We have simply made a market for the silver which other nations have desired to sell. Since we began, instead of advancing in price, it has fallen in value from 55 pence to 48 pence per ounce. Indeed, it is absurd to suppose that the coinage of $24,000,000 a year could affect the price of $6,000,000,000 of silver, which is the estimated stock in the world. With help and universal agreement success might be attainable. But who will help us? We have tried to get co-operation and have failed.

One resource only is left to us; that is, to suspend the coinage of silver temporarily, and try further negotiations. I have myself no hope that such negotiations will succeed, but it is certain that there is no possibility of success until we stop the coinage of silver and force England, France, and Germany to face the consequences of the depreciation of silver in their oriental transactions.

For those who desire bimetallism this is the only possible chance. For those who believe as I do, that silver will henceforth occupy a subsidiary place in the money of the world, the suspension of silver coinage is a necessity in order to avoid greater evils, a more serious derangement of business, and an indefinite postponement to the revival of business, which can not occur until this disturbing cause, unsettling the measure of all values, shall be removed. As matters now stand there is no light from any quarter. There is plenty of idle capital but no confidence. There is plenty of idle machinery but no demand for its products. There is plenty of idle labor but no demand for its employment.

This is a land of plenty, filled to overflowing with the bounties of

nature, and yet we are hungry and naked and cold, perishing in the midst of abundance. The suspension of the coinage of silver will do more, in my opinion, to bring this deplorable condition of things to an end, in this country at least, than any other remedy which I can perceive or suggest. For the sake of suffering humanity let me entreat the House at least to try the experiment. It can do no harm, and it may be, as I believe it will be, the resurrection of the nation from the grave toward which its industries are tending with fatal strides.

TABLE A.—*Statement showing the cash in the Treasury and the proportion of gold, silver, and United States notes.*

Date.	Cash in the Treasury, less amount held for outstanding certificates.	Gold coin and bullion, less amount held for gold certificates.	Per cent. of net gold to net cash.	Silver dollars and bullion, less am't held for silver certificates.	Per cent. of net silver to net cash.	United States notes, less amount held for "currency certificates" (act June 8, 1872).	Per cent. of net notes to net cash.	Silver certificates issued in exchange for gold deposits during month.
1884.								
January 3	$252,849,272	$154,465,980	61.1	$27,169,227	10.7	$25,181,787	10.0	.....
July 1	252,548,777	133,729,954	52.9	43,189,403	17.1	27,998,891	11.1	$150,000
August 1	246,539,161	119,048,060	48.2	47,157,367	19.1	29,562,989	11.9	505,000
September 1	251,813,751	122,966,373	48.8	50,899,970	20.2	26,027,641	10.3	1,135,000
October 1	251,671,597	130,514,382	51.8	50,501,940	20.0	20,894,872	8.3	4,330,000
November 1	247,256,088	134,670,790	54.5	46,831,660	18.9	16,172,171	6.5	3,240,000
December 1	241,834,617	138,015,070	57.1	44,535,392	18.4	9,625,683	4.0	7,290,000
1885.								
January 2	239,423,682	141,641,222	59.2	36,815,537	15.4	10,940,772	4.5	575,000
February 2	234,673,005	124,744,078	53.2	41,698,078	17.8	13,892,412	5.9	(*)
February 24	241,196,823	126,638,630	52.5	45,760,197	19.0	18,413,439	7.6	(*)

*No issues since January 16, 1885.

TABLE B.—*Statement showing the receipts of the Government, the amount thereof received from customs, the receipts from customs at New York and the percentage of such receipts to the aggregate, and the kinds of money received in payment of customs at New York, with percentage.*

Month.	Total receipts.	Total receipts from customs.	Per cent. of total.	Receipts from customs at New York.	Per cent. of total.	Customs receipts at New York, paid in gold or gold certificates.	Per cent. of customs at New York.	Customs receipts at New York paid in silver dollars and silver certificates.	Per cent. of customs at New York.	Customs receipts at New York paid in United States notes.	Per cent. of customs at New York.
1884.											
July	$32,296,802	$17,450,528	54.0	$13,111,000	40.6	$6,519,000	49.7	$4,260,000	32.5	$2,332,000	17.8
August	39,394,611	18,413,709	46.7	12,828,000	32.6	5,871,000	45.8	4,176,000	32.5	2,781,000	21.7
September	30,698,655	17,602,633	57.5	11,992,000	39.0	4,090,000	34.1	3,777,000	31.5	4,125,000	34.4
October	26,941,019	15,183,179	56.3	10,369,000	38.5	2,635,000	25.4	3,344,000	32.2	4,390,000	41.4
November	23,343,182	11,727,835	50.2	7,712,000	33.0	1,563,000	20.3	3,265,000	42.3	2,884,000	37.4
December	23,112,018	11,557,897	50.0	8,083,000	35.0	1,590,000	19.7	3,550,000	43.9	2,943,000	36.4
Total six months	175,784,307	91,935,781	52.3	64,095,000	36.5	22,268,000	34.7	22,372,000	34.9	19,455,000	30.3
1885.											
January	26,615,211	14,522,162	54.5	10,298,000	38.7	2,848,000	27.6	4,192,000	40.7	3,253,000	31.6
Total for period	202,399,518	106,517,943	52.5	74,393,000	36.7	25,116,000	33.7	26,564,000	35.7	22,708,000	30.5

The Speedy Delivery of Letters.

SPEECH

OF

HON. CHARLES R. SKINNER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. SKINNER said:

Mr. CHAIRMAN: I desire to call the attention of this committee to the importance of the section of the bill now under consideration, and to give some reasons why it should become law. Sections 3, 4, 5, and 6 of the bill, embodying H. R. 1071 introduced by me at the opening of this Congress, and favorably reported from the Committee on the Post-Office and Post-Roads, is as follows:

SECTION 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

SEC. 4. That such specially stamped letter shall be delivered from 7 o'clock a. m. up to 12 o'clock midnight at offices designated by the Postmaster-General under section 1 of this act.

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

SEC. 6. That to provide for the payment of such persons as may be employed for this service the postmaster at any office designated by section 1 of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department.

Some of the reasons advanced in favor of this provision are given in a report made February 12, 1884, by instruction of the Committee on the Post-Office and Post-Roads, which report is as follows:

THE SPEEDY DELIVERY OF LETTERS.

The Committee on the Post-Office and Post-Roads, to whom was recommitted the bill (H. R. 1071) to provide for the more speedy delivery of letters at free-delivery offices, and a special stamp to insure said delivery, respectfully submit the following report:

The committee has carefully considered the provisions contained in the bill named, and submit herewith a substitute therefor, of which the following is a synopsis:

Section 1 provides that a special stamp of the face value of 10 cents may be issued whenever deemed advisable or expedient by the Postmaster-General. Whenever such stamp shall be attached to a letter in addition to the lawful postage thereon it shall be regarded as entitling said letter to immediate delivery within the carrier limit of any free-delivery post-office, whenever said office may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other city, town, or village containing a population of 4,000 or over, as determined by the last Federal census, whenever the said office is in like manner designated as a special-delivery office.

Section 2 provides that said specially stamped letter shall be delivered from 7 o'clock a. m. up to 12 o'clock midnight at offices designated under provisions of section 1.

Section 3 provides that such persons as are actually needed to deliver such specially stamped letters may, upon the approval of the Postmaster-General, be employed by postmasters at properly designated post-offices, who shall take a proper receipt upon the delivery of letters.

Section 4 provides for the payment of such persons employed in the following manner: Postmasters at special-delivery post-offices shall keep a record of the number of specially stamped letters received during each month, which number shall correspond with the number recorded in the receipt-books prescribed in section 1, and may pay to persons employed in this service a sum not exceeding 80 per cent. of the face value of the stamps so received and recorded each month, but in no case shall the compensation exceed $30 per month for each person.

By the provisions of section 4 it is rendered absolutely certain that the system proposed by the bill will prove itself self-supporting. Wherever a small number of such letters are received at any office, the compensation will be regulated by the number of specially stamped letters delivered, and not more than 80 per cent. of the face valuation of stamps received and recorded. This will leave a margin of 20 per cent. for the expense of preparing stamps and receipt-books. Wherever a large number are received and delivered at large post-offices, the compensation shall not exceed $30 per month. Section 4 also provides that nothing in the proposed act shall interfere with the prompt delivery of letters according to the present free-delivery system as prescribed by law or regulation.

The commitee believe that the provisions of the bill now presented have removed all reasonable objections which were urged against the bill heretofore considered. The bill is not designed to benefit any one city, but directly or indirectly every post-office under the Government. Were the system to be established at only one point, which is far from the design of the bill, it would be a benefit and a convenience to every person in the country who desired to employ the service to send a letter to that point. It therefore follows that the benefits will be enlarged and extended as the number of special-delivery offices is increased.

It may be called an innovation, but every step which has been taken to improve and enlarge the postal system of the country, by adding facilities or removing obstructions, may have as justly been thus classified. The issue of the first postage-stamp was an innovation, but its issue proved the wisdom of the suggestion. The disuse of the old regulation which required a post bill to be sent with each letter, and the sending of transcripts of all such bills quarterly to the Post-Office Department, was an experiment, but it proved labor-saving, economical, and convenient, and greatly hastened correspondence. The establishment of the registered-letter system, the money-order system, the free-delivery system, the postal-note system were all innovations in one sense, but experience has proved that they were great public wants which have proved more than self-sustaining, and they have all contributed largely to the convenience of the public, and to the perfection of the postal system. The reduction of letter-postage from 3 to 2 cents, less than a year ago, was an experiment, but it has pleasantly disappointed all fears respecting the inroads of the change upon the revenues of the Government, and little doubt is now expressed that the Post-Office Department will still prove self-sustaining notwithstanding the reduction.

The fullest discretion is given the Post-Office Department in inaugurating or extending the service proposed by this bill, and it contains no compulsory provision as to its establishment or continuance. Every precaution is taken, also, to render the system absolutely self-supporting, and the committee believe that when the system is once established and its advantages are fully understood it will yield a handsome revenue to the Government even at a greatly reduced rate, and the Government will be asked to extend the advantages offered generally throughout the country.

In this connection the committee submit the following extract from the report of the First Assistant Postmaster-General touching this matter:

"In view of the large excess of postage on local matter alone over the entire cost of the service ($1,021,894.01), and in view of the fact that experience has demonstrated that local correspondence is increased in proportion, especially in the large cities, and hence the postage on local matter in proportion to the facilities given, I have no hesitation in recommending its extension, nor in advising liberal appropriations to bring it up to the highest practicable standard in cities where it is now in operation.

"As stated in my last report, this service meets the general demands of business and social life, but fails to meet the dispatch required in the delivery of letters of exceptional importance.

"Letters are now delivered by carriers at stated hours during the day from about 7 a. m. to 6 p. m., the frequency of trips varying in different cities, and also in the same city, more frequent deliveries being made in the business, and less frequent in the surburban districts. Between these deliveries two or three hours frequently intervene in the larger cities, and a longer time in the smaller ones, where the deliveries are less frequent. Letters received, therefore, after the carriers go out on their trips, whatever their importance, must lie in the office till the next trip. After the close of the deliveries for the day carriers' letters must lie over till the next morning delivery, which delay, in many instances, fails to meet the wants of the writer or the object of the communication. Out of this want of a more speedy delivery have grown up in several of the large cities private enterprises which are now conducted in competition with this service, and are diverting from the legitimate revenues of the Department thousands of dollars yearly. The patronage bestowed on these enterprises evinces a public demand for a more speedy delivery of a certain class of correspondence. To meet this want and secure the entire postal business of this country, which properly belongs to the Department, it is suggested that a special stamp be provided, which, when affixed to a letter, whether mail or local, in addition to the ordinary postage-stamp, shall be regarded by the office addressed as entitling the letter to immediate delivery up to 10 o'clock p. m.

"To provide for the instant delivery of letters bearing this special stamp it is suggested that boys be employed and required to procure receipts from the party addressed, or some one authorized by him to receive such letters, in a book to be furnished for the purpose, which shall be kept in the office, and at all times subject to examination by an inspector of the Department."

Your committee have also consulted freely with the superintendent of the free-delivery mail service, and also with the most experienced inspectors of the same service, both of whom have had long experience ever since the service was established, and who have full knowledge of the details and possibilities of the service. They have no hesitation in assuring the committee that in their opinion the proposed system will be liberally used, and will prove self-supporting.

In view of all these considerations, your committee present the substitute with practical unanimity, confident that the bill has been improved by the changes made, and recommend its passage.

It will thus be seen that the Committee on the Post-Office and Post-Roads guarded the bill against misconception of its purpose or misconstruction of its application.

The system proposed certainly presents these advantages:

1. It will not cost the Government anything, but will most assuredly yield a profit.

2. It will not cost any individual anything who does not care to take advantage of its privileges.

3. Its expense will fall solely upon those who use it.

APPROVED BY THE PRESIDENT.

In his message to Congress at the opening of the present session, December 1, 1884, the President of the United States said:

The free-delivery system has been lately applied to five cities, and the total number of offices in which it is now in operation is one hundred and fifty-nine. Experience shows that its adoption, under proper conditions, is equally an accommodation to the public and an advantage to the postal service. It is more than self-sustaining, and for the reasons urged by the Postmaster-General may properly be extended.

In the opinion of that officer it is important to provide means whereby exceptional dispatch in dealing with letters in free-delivery offices may be secured by payment of extraordinary postage. This scheme might be made effective by employment of a special stamp whose cost should be commensurate with the expense of the extra service.

In some of the large cities private express companies have undertaken to outstrip the Government mail-carriers by affording, for the prompt transmission of letters, better facilities than have hitherto been at the command of the Post-Office.

It has always been the policy of the Government to discourage such enterprises, and in no better mode can that policy be maintained than in supplying the public with the most efficient mail service that, with due regard to its own best interests, can be furnished for its accommodation.

RECOMMENDED BY THE POSTMASTER-GENERAL.

In the report of the Postmaster-General for 1884 (page 13) that officer, who certainly has been in a position for many years to make a close study of the question, says in reference to a

SPECIAL STAMP FOR SPECIAL DELIVERY.

The necessity and demand in cities for prompt transmission and delivery of letters passing between business men and others has resulted in the establishment, in many places, of what may be termed letter-express companies, which, by the employment of messenger boys, are enabled greatly to facilitate intercourse of this character among merchants, professional persons, and others engaged in active life. It is done at a small expense and with so much system and promptness as seriously to diminish the revenues of the Department at several letter-carrier offices.

The patronage which is extended to these companies affords evidence that the free-delivery system, notwithstanding its facilities and benefits, has not progressed so far as to meet all the wants of energetic business life in large commercial cities. Therefore further improvement of the service in this particular should, in my judgment, be attempted, not only to prevent a loss of revenue, but with a purpose to make it as useful as possible. I am of opinion that the public have a right to expect that this Department should make the same effort to serve them promptly and faithfully in the transmission and delivery of letters as is done by private parties.

I know of no way in which this can be better accomplished than by the use of a special postage-stamp for letters mailed and intended for special and prompt delivery at free-delivery offices. This stamp should be of the denomination of 10 cents, and, when affixed to a letter, in addition to the proper postage charge, should insure for it as speedy a delivery as possible after its reception at any letter-carrier office. This outside distribution could be effected by employing messenger boys, at a small salary, and in such numbers as the circumstances should warrant. I am satisfied such an effort to accommodate the public would still further commend the free-delivery service to its patrons in the large cities where it is in operation.

HEARTILY INDORSED.

This provision then comes before us approved by the President, recommended by the Postmaster-General, and indorsed by two of the prominent standing committees of this House—the Committee on Appropriations, always careful, watchful, and conservative, and the Committee on the Post-Office and Post Roads—before whom it was considered patiently and critically. With these indorsements there should not be an objection to it or a vote against it.

I do not like to leave this subject without referring in this public manner to the interest manifested in this whole subject by Mr. Joseph S. Fay, of Boston, Mass. Among his many letters of interest and advice, I desire to append the following:

MAGNOLIA, FLA., *January* 28, 1884.

MY DEAR SIR: Professor Baird, of the Smithsonian Institution, has sent me a copy of a bill introduced by you "to provide for the more speedy delivery of letters," &c. This matter has been the subject of much conference between Professor Baird and me for a dozen years or more, and up to the present year I have vainly called official attention to it. It was noticed by Postmaster-General Ramsey, who asked how it could be done, and I answered by giving him just about the scheme which you embody in your bill in very concise, definite, and business-like terms, and that was the last I heard of it. I had renewed the agitation by addressing Postmaster-General Gresham, and, through a friend, Assistant Postmaster-General Hatton, and I am very glad you have taken the matter up so promptly and efficiently. It will be one of the most popular enactments possible if passed. It does not go far enough, and to be the most popular act ever passed it should embrace all post-offices as well as those of free delivery. The large profit on 10 cents in the cities would more than pay any loss on the less frequent country deliveries, and it would be a great boon to the people at large.

In Great Britain all letters are delivered free in the regular rounds of the postmen, but no country has yet adopted the special delivery of letters as soon as received at the office addressed. The United States will take the lead in this.

Your bill, though limited in its operation, is a step in the right direction, and if adopted and passed by Congress I predict that the experiment will be so successful that its extension to every post-office will soon follow.

I am here for a few weeks for my health, but my usual winter residence is in Boston, in summer at Wood's Holl, where at that season Professor Baird is located with the Fish Commission.

With no more interest than others in the measure you have so intelligently brought forward, I thank you sincerely for your part in its promotion for myself and in behalf of the public.

Yours, very respectfully, JOS. S. FAY.

Hon. CHARLES R. SKINNER,
Member of Congress, Washington, D. C.

P. S.—Mr. Morse, of Boston, knows who I am—only one of fifty millions—a private citizen.

Power to Originate Revenue Bills.

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 23, 1885,

On the following resolution, offered by Mr. HURD:

"Whereas certain bills appropriating money from the Treasury of the United States, originating in the Senate, have passed that body and have been sent to this House for its concurrence, which are now upon the Speaker's table, to wit, Senate bill No. 398, entitled 'A bill to aid in the establishment and temporary support of common schools,' and many others; and

"Whereas it is asserted that these bills are in violation of the privilege of this House to exclusively originate bills for raising revenue: Therefore,

"*Be it resolved*, That the Committee on the Judiciary be hereby directed to inquire into the power of the Senate to originate bills appropriating money from the Treasury of the United States, and report to this House at as early a day as practicable. And said committee shall have leave to report at any time."

Mr. WHITE, of Kentucky, said:

Mr. SPEAKER: It is rather late in the session for the gentleman from Ohio [Mr. HURD] to ask the House to call on the Judiciary Committee to define the words "raising revenue" as they occur in article 1, section 7, clause 3, and page 5 of the Constitution. His eloquent speech has the appearance of a premeditated and premature attack upon the Blair educational bill.

That bill is an effort in the right direction to dispel the dark cloud of ignorance which is not confined to any race nor any section of the United States. Its passage is demanded by the best interests of our common country. Until now the greatest opposition has come from the localities intended to be most benefited. The resolution before us, if carried, will tend to defeat the bill making an appropriation to supplement the common-school fund of the several States. You have the Democratic majority here to pass the resolution, but I desire to remind gentlemen on that side of the House that in the Democratic national platform adopted July 10, 1884, at Chicago will be found the declaration that your party believes in "a free ballot and a fair count," also in "the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship." Was that mere buncombe? The Republican party is committed to national aid to common schools for the benefit of all classes of society. We have an abundance in the Treasury and its expenditure is demanded by the great bulk of the people for the intellectual development of illiterate white and colored citizens more than for any other one purpose. Our future prosperity as a virtuous and intelligent people depends in a great measure upon the fate of the principle adopted by the Senate in the passage of the Blair bill, which appropriates $77,000,000 of the people's money for the education of the children throughout the land in the common schools of the several States.

As bearing on this subject, I append to my remarks the very instructive article on "The Freedman's case in equity," by Mr. George W. Cable, published in the January number of The Century for this year, to which I invite careful attention:

The greatest social problem before the American people to-day is, as it has been for a hundred years, the presence among us of the negro.

No comparable entanglement was ever drawn round itself by any other modern nation with so serene a disregard of its ultimate issue, or with a more distinct national responsibility. The African slave was brought here by cruel force, and with everybody's consent except his own. Everywhere the practice was favored as a measure of common aggrandizement. When a few men and women protested they were mobbed in the public interest, with the public consent. There rests, therefore, a moral responsibility on the whole nation never to lose sight of the results of African-American slavery until they cease to work mischief and injustice.

It is true these responsibilities may not fall everywhere with the same weight; but they are nowhere entirely removed. The original seed of trouble was sown with the full knowledge and consent of the nation. The nation was to blame; and so long as evils spring from it, their correction must be the nation's duty.

The late Southern slave has within two decades risen from slavery to freedom, from freedom to citizenship, passed on into political ascendency, and fallen again from that eminence. The amended Constitution holds him up in his new political rights as well as a mere constitution can. On the other hand certain enactments of Congress, trying to reach further, have lately been made void by the highest court of the nation. And another thing has happened. The popular mind in the old free States, weary of strife at arm's-length, bewildered by its complications, vexed by many a blunder, eager to turn to the cure of other evils, and even tinctured by that race feeling whose grosser excesses it would so gladly see suppressed, has retreated from its uncomfortable dictatorial attitude and thrown the whole matter over to the States of the South. Here it rests, no longer a main party issue, but a group of questions which are to be settled by each of these States separately in the light of simple equity and morals, and which the genius of American government does not admit of being forced upon them from beyond their borders. Thus the whole question, become secondary in party contest, has yet reached a period of supreme importance.

Before slavery ever became a grave question in the nation's politics—when it seemed each State's private affair, developing unmolested—it had two different fates in two different parts of the country. In one, treated as a question of public equity, it withered away. In the other, overlooked in that aspect, it petrified and became the corner-stone of the whole social structure; and when men sought its overthrow as a national evil, it first brought war upon the land, and then grafted into the citizenship of one of the most intelligent nations in the world 6,000,000 of people from one of the most debased races on the globe.

And now this painful and wearisome question, sown in the African slave-trade, reaped in our civil war, and garnered in the national adoption of millions of an inferior race, is drawing near a second seed-time. For this is what the impatient proposal to make it a dead and buried issue really means. It means to recommit it to the silence and concealment of the covered furrow. Beyond that incubative retirement no suppressed moral question can be pushed; but all such questions, lurking in the domain of private morals, spring up and expand once more into questions of public equity; neglected as matters of public equity they blossom into questions of national interest; and, despised in that guise, presently yield the red fruits of revolution.

This question must never again bear that fruit. There must arise, nay, there has arisen in the South itself, a desire to see established the equities of the issue; to make it no longer a question of endurance between one group of States and another, but between the moral *débris* of an exploded evil and the duty, necessity, and value of planting society firmly upon universal justice and equity. This, and this only, can give the matter final burial. True, it is still a question between States; but only secondarily, as something formerly participated in, or as it concerns every householder to know that what is being built against his house is built by level and plummet. It is the interest of the Southern States first, and *consequently* of the whole land, to discover clearly these equities and the errors that are being committed against them.

If we take up this task, the difficulties of the situation are plain. We have, first, a revision of Southern State laws which has forced into them the recognition of certain human rights discordant with the sentiments of those who have always called themselves the community; second, the removal of the entire political machinery by which this forcing process was effected; and, third, these revisions left to be interpreted and applied under the domination of these antagonistic sentiments. These being the three terms of the problem, one of three things must result. There will arise a system of vicious evasions eventually ruinous to public and private peace and liberty, or the will to a candid reconsideration of the sentiments hostile to these enactments, or else there will be a division, some taking one course and some the other.

This is what we should look for from our knowledge of men and history; and this is what we find. The revised laws, only where they could be evaded, have met that reluctant or simulated acceptance of their narrowest letter which might have been expected—a virtual surrender of those principles of human equity which the unwelcome decrees do little more than shadow forth. But in different regions this attitude has been made in very different degrees of emphasis. In some the new principles have grown, or are growing, into the popular conviction, and the opposing sentiments are correspondingly dying out. There are even some limited districts where they have received much practical acceptance. While, again, other sections lean almost wholly toward the old sentiments; an easy choice, since it is the conservative, the unyielding attitude, whose strength is in the absence of intellectual and moral debate.

Now, what are the gains, what the losses of these diverse attitudes? Surely these are urgent questions to any one in our country who believes it is always a losing business to be in the wrong. Particularly in the South, where each step in this affair is an unprecedented experience, it will be folly if each region, small or large, does not study the experiences of all the rest. And yet this, alone, would be superficial; we would still need to do more. We need to go back to the roots of things and study closely, analytically, the origin, the present foundation, the rationality, the rightness, of those sentiments surviving in us which prompt an attitude qualifying in any way peculiarly the black man's liberty among us. Such a treatment will be less abundant in incident, less picturesque; but it will be more thorough.

First, then, what are these sentiments? Foremost among them stands the idea that he is of necessity an alien. He was brought to our shores a naked, brutish, unclean, captive, pagan savage, to be and remain a kind of connecting link between man and the lower orders of human life. The great changes to result from his contact with a superb race of masters were not taken into account. As a social factor he was intended to be as purely zero as the brute at the other end of his plow-line. The occasional mingling of his blood with that of the white man worked no change in the sentiment; one, two, four, eight, multiplied upon or divided into zero, still gave zero for the result. Generations of American nativity made no difference; his children and children's children were born in sight of our door, yet the old notion held fast. He increased to vast numbers, but it never wavered. He accepted our dress, language, religion, all the fundamentals of our civilization, and became forever expatriated from his own land; still he remained, to us, an alien. Our sentiment went blind. It did not see that gradually, here by force and there by choice, he was fulfilling a host of conditions that earned at least a solemn moral right to that naturalization which no one at first had dreamed of giving him. Frequently he even bought back the freedom of which he had been robbed, became a tax-payer, and at times an educator of his children at his own expense; but the old idea of alienism passed laws to banish him, his wife, and children by thousands from the State, and threw him into loathsome jails as a common felon for returning to his native land.

It will be wise to remember that these were the acts of an enlightened, God-fearing people, the great mass of whom have passed beyond all earthly accountability. They were our fathers. I am the son and grandson of slave-holders. These were their faults; posterity will discover ours; but these things must be frankly, fearlessly taken into account if we are ever to understand the true interest of our peculiar state of society.

Why, then, did this notion that the man of color must always remain an alien stand so unshaken? We may readily recall how, under ancient systems, he rose not only to high privileges, but often to public station and power. Singularly, with us the trouble lay in a modern principle of liberty. The whole idea of American government rested on all men's equal, inalienable right to secure their life, liberty, and the pursuit of happiness by governments founded in their own consent. Hence, our Southern forefathers, shedding their blood, or ready to shed it, for this principle, yet proposing in equal good conscience to continue holding the American black man and mulatto and quadroon in slavery, had to anchor that conscience, their conduct, and their laws in the conviction that the man of African tincture was, not by his master's arbitrary assertion merely, but by nature and unalterably, an alien. If that hold should break, one single wave of irresistible inference would lift our whole Southern social fabric and dash it upon the rocks of negro emancipation and enfranchisement. How was it made secure? Not by books, though they were written among us from every possible point of view, but, with the mass of our slave-owners, by the calm hypothesis of a positive, intuitive knowledge. To them the statement was an axiom. They abandoned the methods of moral and intellectual reasoning, and fell back upon this assumption of a God-given instinct, nobler than reason, and which it was an insult to a freeman to ask him to prove on logical grounds.

Yet it was found not enough. The slave multiplied. Slavery was a dangerous institution. Few in the South to-day have any just idea how often the slave plotted for his freedom. Our Southern ancestors were a noble, manly people, springing from some of the most highly intelligent, aspiring, upright, and refined nations of the modern world; from the Huguenot, the French chevalier, the Old Englander, the New Englander. Their acts were not always right; whose are? But for their peace of mind they had to believe them so. They therefore spoke much of the negro's contentment with that servile condition for which nature had designed him. Yet there was no escaping the knowledge that we dared not trust the slave caste with any power that could be withheld from them. So the perpetual alien was made also a perpetual menial, and the belief became fixed that this too was nature's decree, not ours.

Thus we stood at the close of the civil war. There were always a few Southerners who did not justify slavery, and many who cared nothing whether it was

just or not. But what we have described was the general sentiment of good Southern people. There was one modifying sentiment. It related to the slave's spiritual interests. Thousands of pious masters and mistresses flatly broke the shameful laws that stood between their slaves and the Bible. Slavery was right; but religion, they held, was for the alien and menial as well as for the citizen and master. They could be alien and citizen, menial and master, in church as well as out; and they were.

Yet over against this lay another root of to-day's difficulties. This perpetuation of the alien, menial relation tended to perpetuate the vices that naturally cling to servility, dense ignorance, and a hopeless separation from true liberty; and as we could not find it in our minds to blame slavery with this perpetuation, we could only assume as a further axiom that there was, by nature, a disqualifying moral taint in every drop of negro blood. The testimony of an Irish, German, Italian, French, or Spanish beggar in a court of justice was taken on its merits; but the colored man's was excluded by law wherever it weighed against a white man. The colored man was a prejudged culprit. The discipline of the plantation required that the difference between master and slave be never lost sight of by either. It made our master caste a solid mass, and fixed a common masterhood and subserviency between the ruling and the serving race.* Every one of us grew up in the idea that he had, by birth and race, certain broad powers of police over any and every person of color.

All at once the tempest of war snapped off at the ground every one of these arbitrary relations, without removing a single one of the sentiments in which they stood rooted. Then, to fortify the freedman in the tenure of his new rights he was given the ballot. Before this grim fact the notion of alienism, had it been standing alone, might have given way. The idea that slavery was right did begin to crumble almost at once. "As for slavery," said an old Creole sugar-planter and former slave-owner to the writer, "it was damnable." The revelation came like a sudden burst of light. It was one of the South's noblest poets who has but just said:

> "I am a Southerner;
> I love the South; I dared for her
> To fight from Lookout to the sea,
> With her proud banner over me:
> But from my lips thanksgiving broke,
> As God in battle-thunder spoke,
> And that Black Idol, breeding drouth
> And dearth of human sympathy
> Throughout the sweet and sensuous South,
> Was, with its chains and human yoke,
> Blown leftward from the cannon's mouth,
> While Freedom cheered behind the smoke!"†

With like readiness might the old alien relation have given way if we could only, while letting that pass, have held fast by the other old ideas. But they were all bound together. See our embarrassment. For more than a hundred years we have made these sentiments the absolute essentials to our self-respect. And yet if we clung to them, how could we meet the freedman on equal terms in the political field? Even to lead would not compensate us; for the fundamental profession of American politics is that the leader is servant to his followers. It was too much. The ex-master and ex-slave—the quarter-deck and the forecastle, as it were—could not come together. But neither could the American mind tolerate a continuance of martial law. The agonies of reconstruction followed.

The vote, after all, was a secondary point, and the robbery and bribery on one side, and whipping and killing on the other, were but huge accidents of the situation. The two main questions were practically these: on the freedman's side how to establish republican State government under the same recognition of his rights that the rest of Christendom accorded him; and on the former master's side, how to get back to the old semblance of republican State government, and—allowing that the freedman was *de facto* a voter—still to maintain a purely arbitrary superiority of all whites over all blacks, and a purely arbitrary equality of all blacks among themselves as an alien, menial, and dangerous class.

Exceptionally here and there some one in the master caste did throw off the old and accept the new ideas, and, if he would allow it, was instantly claimed as a leader by the newly liberated thousands around him. But just as promptly the old master race branded him alas an alien reprobate, and in nine-tenths cases out of a hundred, if he had not already done so, he soon began to confirm by his actions the brand on his cheek. However, we need give no history here of the dreadful episode of reconstruction. Under an experimentative truce its issues rest to-day upon the pledge of the wiser leaders of the master class. Let us but remove the shrieking demagogue, and we will see to it that the freedman is accorded a practical, complete, and cordial recognition of his equality with the white man before the law. As far as there has been any understanding at all, it is not that the originally desired ends of reconstruction have been abandoned, but that the men of North and South have agreed upon a new, gentle, and peaceable method for reaching them; that, without change as to the ends in view, compulsory reconstruction has been set aside and a voluntary reconstruction is on trial.

It is the fashion to say we paused to let the "feelings engendered by the war" pass away, and that they are passing. But let not these truths lead us into error. The sentiments we have been analyzing, and upon which we saw the old compulsory reconstruction go hard aground—these are not the "feelings engendered by the war." Would that they were! Would that what we call the "feelings engendered by the war" and by reconstruction. They are older than either. But for them slavery would have perished of itself, and emancipation and reconstruction been peaceful revolutions.

Indeed, as between master and slave, the "feelings engendered by the war" are too trivial, or at least were too short-lived, to demand our present notice. One relation and feeling the war destroyed: the patriarchal tie and its often really tender and benevolent sentiment of dependence and protection. When the slave became a freedman the sentiment of alienism became for the first time complete. The abandonment of this relation was not one-sided; the slave, even before the master, renounced it. Countless times, since reconstruction began, the master has tried, in what he believed to be everybody's interest, to play on that old sentiment. But he found it a harp without strings. The freedmen could not formulate, but he could see, all our old ideas of autocracy and subserviency, of master and menial, of an arbitrarily fixed class to guide and rule, and another to be guided and ruled. He rejected the overture. The old master, his well-meant condescensions slighted, turned away estranged, and justified himself in passively withholding that simpler protection without patronage which any one American citizen, however exalted, owes to any other, however humble. Could the freedman in the bitterest of those days have consented to throw himself upon just that one old relation, he could have found a physical security for himself and his house such as could not, after years of effort, be given him by constitutional amendments, Congress, United States marshals, regiments of regulars, and ships of war. But he could not; the very nobility of the civilization that had held him in slavery had made him too much a man to go back to that shelter; and by his manly neglect to do so he has proved to us who once ruled over him that, be his relative standing among the races of men what it may, he is worthy to be free.

To be a free man is his still distant goal. Twice he has been a freedman. In the days of compulsory reconstruction he was freed in the presence of his master by that master's victorious foe. In these days of voluntary reconstruction he is virtually freed by the consent of his master, but the master retaining the exclusive right to define the bounds of his freedom. Many everywhere have taken up the idea that this state of affairs is the end to be desired and the end actually sought in reconstruction as handed over to the States. I do not charge such folly to the best intelligence of any American community; but I can not ignore my own knowledge that the average thought of some regions rises to no better idea of the issue. The belief is all too common that the nation, having aimed at a wrong result and missed, has left us of the Southern States to get now such other result as we think best. I say this belief is not universal. There are those among us who see that America has no room for a state of society which makes its lower classes harmless by abridging its liberties, or, as one of the favored class lately said to me, has "got 'em so they don't give no trouble." There is a growing number who see that the one thing we can not afford to tolerate at large is a class of people less than citizens; and that every interest in the land demands that the freedman be free to become in all things, as far as his own personal gifts will lift and sustain him, the same sort of American citizen he would be if, with the same intellectual and moral caliber, he were white.

Thus we reach the ultimate question of fact. Are the freedman's liberties suffering any real abridgment? The answer is easy. The letter of the laws, with but few exceptions, recognizes him as entitled to every right of an American citizen; and to some it may seem unimportant that there is scarcely one public relation of life in the South where he is not arbitrarily and unlawfully compelled to hold toward the white man the attitude of an alien, a menial, and a probable reprobate by reason of his race and color. One of the marvels of future history will be that it was counted a small matter, by a majority of our nation, for 6,000,000 of people within it, made by its own decree a component part of it, to be subjected to a system of oppression so rank that nothing could make it seem small except the fact that they had already been ground under it for a century and a half.

Examine it. It proffers to the freedman a certain security of life and property, and then holds the respect of the community, that dearest of earthly boons, beyond his attainment. It gives him certain guarantees against thieves and robbers, and then holds him under the unearned contumely of the mass of good men and women. It acknowledges in constitutions and statutes his title to an American's freedom and aspirations, and then in daily practice heaps upon him in every public place the most odious distinctions, without giving ear to the humblest plea concerning mental or moral character. It spurns his ambition, tramples upon his languishing self-respect, and indignantly refuses to let him either buy with money or earn by any excellence of inner life or outward behavior the most momentary immunity from these public indignities even for his wife and daughters. Need we cram these pages with facts in evidence, as if these were charges denied and requiring to be proven? They are simply the present avowed and defended state of affairs peeled of its exteriors.

Nothing but the habit, generations old, of enduring it could make it endurable by men not in actual slavery. Were we whites of the South to remain every way as we are, and our 6,000,000 blacks to give place to any sort of whites exactly their equals, man for man, in mind, morals, and wealth, provided only that they had tested two years of American freedom, and were this same system of tyrannies attempted upon them, there would be as bloody an uprising as this continent has ever seen. We can say this quietly. There is not a scruple's weight of present danger. These 6,000,000 freedmen are dominated by 9,000,000 whites immeasurably stronger than they, backed by the virtual consent of thirty-odd millions more. Indeed, nothing but the habit of oppression could make such oppression possible to a people of the intelligence and virtue of our Southern whites, and the invitation to practice it on millions of any other than the children of their former slaves would be spurned with a noble indignation.

Suppose, for a moment, the tables turned. Suppose the courts of our Southern States, while changing no laws requiring the impaneling of jurymen without distinction as to race, &c., should suddenly begin to draw their thousands of jurymen all black, and well-nigh every one of them counting not only himself, but all his race, better than any white man. Assuming that their average of intelligence and morals should be not below that of jurymen as now drawn, would a white man, for all that, choose to be tried in one of those courts? Would he suspect nothing? Could one persuade him that his chances of even justice were all they should be, or all they would be were the court not evading the law in order to sustain an outrageous distinction against him because of the accidents of his birth? Yet only read white man for black man and black man for white man, and that—I speak as an eye-witness—has been the practice for years, and is still so to-day; an actual emasculation in the case of 6,000,000 people, both as plaintiff and defendant, of the right of trial by jury.

In this and other practices the outrage falls upon the freedman. Does it stop there? Far from it. It is the first premise of American principles that whatever elevates the lower stratum of the people lifts all the rest, and whatever holds it down holds all down. For twenty years, therefore, the nation has been working to elevate the freedman. It counts this one of the great necessities of the hour. It has poured out its wealth, publicly and privately, for this purpose. It is confidently expected that it will soon bestow a royal gift of millions for the reduction of the illiteracy so largely shared by the blacks. Our Southern States are, and for twenty years have been, taxing themselves for the same end. The private charities alone of the other States have given twenty millions in the same good cause. Their colored seminaries, colleges, and normal schools dot our whole Southern country, and furnish our public colored schools with a large part of their teachers. All this and much more has been or is being done in order that, for the good of himself and everybody else in the land, the colored man may be elevated as quickly as possible from all the debasements of slavery and semi-slavery to the full stature and integrity of citizenship. And yet in the face of all this that the adherent of the old régime stands in the way to every public privilege and place—steamer landing, railway platform, theater, concert-hall, art display, public library, public school, court-house, church, everything—flourishing the hot branding-iron of ignominious distinctions. He forbids the freedman to go into the water until *he* is satisfied that he knows how to swim, and for fear he should learn hangs millstones about his neck. This is what we are told is a small matter that will settle itself. Yes, like a roosting curse, until the outraged intelligence of the South lifts its indignant protest against this stupid firing into our own ranks.

I say the outraged intelligence of the South; for there are thousands of Southern-born white men and women in the minority in all these places—in churches, courts, schools, libraries, theaters, concert-halls, and on steamers and railway carriages—who see the wrong and folly of these things, silently blush for them, and withhold their open protests only because their belief is unfortunately stronger in the futility of their counsel than in the power of a just cause. I do not justify their silence; but I affirm their sincerity and their goodly numbers. Of late years, when condemning these evils from the platform in Southern towns, I have repeatedly found that those who I had earlier been told were the men and women in whom the community placed most confidence and pride—they were the ones who, when I had spoken, came forward with warmest hand-grasps and expressions of thanks, and pointedly and cordially justified my every utterance. And were they the young South? Not by half! The gray-beards of the old times have always been among them, saying in effect, not by any means as converts, but as fellow-discoverers, "Whereas we were blind, now we see."

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*The old Louisiana Black Code says, "That free people of color ought never to * * * presume to conceive themselves equal to the white; but, on the contrary, that they ought to yield to them in every occasion, and never speak or answer to them but with respect, under the penalty of imprisonment according to the nature of the offense." (Section 21, page 164.)

†Maurice Thompson, in the Independent.

Another sort among our good Southern people make a similar but feebler admission, but with the time-worn proviso that expediency makes a more imperative demand than law, justice, or logic, and demands the preservation of the old order. Somebody must be outraged, it seems; and if not the freedman, then it must be a highly refined and enlightened race of people constantly offended and grossly discommoded, if not imposed upon, by a horde of tatterdemalions, male and female, crowding into a participation in their reserved privileges. Now, look at this plea. It is simply saying in another way that though the Southern whites far outnumber the blacks, and though we hold every element of power in greater degree than the blacks, and though the larger part of us claim to be sealed by nature as an exclusive upper class, and though we have the courts completely in our own hands, with the police on our right and the prisons on our left, and though we justly claim to be an intrepid people, and though we have a superb military experience, with ninety-nine hundredths of all the military equipment and no scarcity of all the accessories, yet with all the facts behind us we can not make and enforce that intelligent and approximately just assortment of persons in public places and conveyances on the merits of exterior decency that is made in all other enlightened lands. On such a plea are made a distinction and separation that not only are crude, invidious, humiliating, and tyrannous, but which do not reach their ostensible end or come near it; and all that saves such a plea from being a confession of driveling imbecility is its utter speciousness. It is advanced sincerely; and yet nothing is easier to show than that these distinctions on the line of color are really made not from any necessity, but simply for their own sake—to preserve the old arbitrary supremacy of the master class over the menial without regard to the decency or indecency of appearance or manners in either the white individual or the colored.

See its every-day working. Any colored man gains unquestioned admission into innumerable places the moment he appears as the menial attendant of some white person, where he could not cross the threshold in his own right as a well-dressed and well-behaved master of himself. The contrast is even greater in the case of colored women. There could not be a system which when put into practice would more offensively condemn itself. It does more: it actually creates the confusion it pretends to prevent. It blunts the sensibilities of the ruling class themselves. It waives all strict demand for painstaking in either manners or dress of either master or menial, and, for one result, makes the average Southern railway coach more uncomfortable than the average of railway coaches elsewhere. It prompts the average Southern white passenger to find less offense in the presence of a profane, boisterous, or unclean white person than that of a quiet, well-behaved colored man or woman attempting to travel on an equal footing with him without a white master or mistress. The holders of the old sentiments hold the opposite choice in scorn. It is only when we go on to say that there are regions where the riotous expulsion of a decent and peaceable colored person is preferred to his inoffensive company, that it may seem necessary to bring in evidence. And yet here again it is *prima facie* evidence; for the following extract was printed in the Selma (Alabama) Times not six months ago, and not as a complaint, but as a boast:

"A few days since a negro minister of this city boarded the east-bound passenger train on the E. T., V. and G. Railway and took a seat in the coach occupied by white passengers. Some of the passengers complained to the conductor and brakemen and expressed considerable dissatisfaction that they were forced to ride alongside of a negro. The railroad officials informed the complainants that they were not authorized to force the colored passenger into the coach set apart for the negroes, and they would lay themselves liable should they do so. The white passengers then took the matter into their own hands and ordered the ebony-hued minister to take a seat in the next coach. He positively refused to obey orders, whereupon the white men gave him a sound flogging and forced him to a seat among his own color and equals. We learned yesterday that the vanquished preacher was unable to fill his pulpit on account of the severe chastisement inflicted upon him. Now [says the delighted editor] the query that puzzles is, 'Who did the flogging?'"

And as good an answer as we can give is that likely enough they were some of the men for whom the whole South has come to a halt to let them get over the "feelings engendered by the war." Must such men, such acts, such sentiments, stand alone to represent us of the South before an enlightened world? No. I say, as a citizen of an extreme Southern State, a native of Louisiana, an ex-confederate soldier, and a lover of my home, my city, and my State, as well as of my country, that this is not the best sentiment in the South, nor the sentiment of her best intelligence, and that it would not ride up and down that beautiful land dominating and domineering were it not for its tremendous power as the *traditional* sentiment of a conservative people. But is not silent endurance criminal? I can not but repeat my own words, spoken near the scene and about the time of this event. Speech may be silvern and silence golden; but if a lump of gold is only big enough it can drag us to the bottom of the sea and hold us there while all the world sails over us.

The laws passed in the days of compulsory reconstruction requiring "equal accommodations," &c., for colored and white persons were freedmen's follies. On their face they defeated their ends; for even in theory they at once reduced to half all opportunity for those more reasonable and mutually agreeable self-assortments which public assemblages and groups of passengers find it best to make in all other enlightened countries, making them on the score of conduct, dress, and price. They also led the whites to overlook what they would have seen instantly had these invidious distinctions been made against themselves: that their offense does not vanish at the guarantee against the loss of physical comforts. But we made, and are still making, a mistake beyond even this. For years many of us have carelessly taken for granted that these laws were being carried out in some shape that removed all just ground for complaint. It is common to say, "We allow the man of color to go and come at will, only let him sit apart in a place marked off for him." But marked off how? So as to mark him instantly as a menial. Not by railings and partitions merely, which, raised against any other class in the United States with the same invidious intent, would be kicked down as fast as put up, but by giving him besides, in every instance and without recourse, the most uncomfortable, uncleanest, and unsafest place; and the unsafety, uncleanness, and discomfort of most of these places are a shame to any community pretending to practice public justice. If any one can think the freedman does not feel the indignities thus heaped upon him, let him take up any paper printed for colored men's patronage, or ask any colored man of known courageous utterance. Hear them:

"We ask not Congress, nor the Legislature, nor any other power, to remedy these evils, but we ask the people among whom we live. Those who can remedy them if they *will*. Those who have a high sense of honor and a deep moral feeling. Those who have one vestige of human sympathy left. * * * Those are the ones we ask to protect us in our weakness and ill-treatment. * * * As soon as the colored man is treated by the white man as a man, that harmony and pleasant feeling which should characterize all races which dwell together shall be the bond of peace between them."

Surely their evidence is good enough to prove their own feelings. We need not lean upon it here for anything else. I shall not bring forward a single statement of fact from them or any of their white friends who, as teachers and missionaries, share many of their humiliations, though my desk is covered with them. But I beg to make the same citation from my own experience that I made last June in the far South. It was this: One hot night in September of last year I was traveling by rail in the State of Alabama. At rather late bedtime there came aboard the train a young mother and her little daughter of 3 or 4 years. They were neatly and tastefully dressed in cool, fresh muslins, and as the train went on its way they sat together very still and quiet. At the next station there came aboard a most melancholy and revolting company. In filthy rags, with vile odors and the clanking of shackles and chains, nine penitentiary convicts chained to one chain, and ten more chained to another, dragged laboriously into the compartment of the car where in one corner sat this mother and child, and packed it full and the train moved on. The keeper of the convicts told me he should take them in that car two hundred miles that night. They were going to the mines. My seat was not in that car, and I staid in it but a moment. It stank insufferably. I returned to my own place in the coach behind, where there was, and had all the time been, plenty of room. But the mother and child sat on in silence in that foul hole, the conductor having distinctly refused them admission elsewhere because they were of African blood, and not because the mother was, but because she was not, engaged at the moment in menial service. Had the child been white, and the mother not its natural but its hired guardian, she could have sat anywhere in the train, and no one would have ventured to object, even had she been as black as the mouth of the coal-pit to which her loathsome fellow-passengers were being carried in chains.

Such is the incident as I saw it. But the illustration would be incomplete here were I not allowed to add the comments I made upon it when in June last I recounted it, and to state the two opposite tempers in which my words were received. I said: "These are the facts. And yet you know and I know we belong to communities that, after years of hoping for, are at last taking comfort in the assurance of the nation's highest courts that no law can reach and stop this shameful foul play until we choose to enact a law to that end ourselves. And now the East and North and West of our great and prosperous and happy country, and the rest of the civilized world, as far as it knows our case, are standing and waiting to see what we will write upon the white page of to-day's and to-morrow's history, now that we are simply on our honor and on the mettle of our far and peculiarly famed Southern instinct. How long, then, shall we stand off from such ringing moral questions as these on the flimsy plea that they have a political value, and, scrutinizing the Constitution, keep saying, 'Is it so nominated in the bond? I can not find it; 'tis not in the bond.'"

With the temper that promptly resented these words through many newspapers of the neighboring regions there can be no propriety in wrangling. When regions so estranged from the world's thought carry their resentment no further than a little harmless invective, it is but fair to welcome it as a sign of progress. If communities nearer the great centers of thought grow impatient with them, how shall we resent the impatience of these remoter ones when their oldest traditions are, as it seems to them, ruthlessly assaulted? There is but one right thing to do: it is to pour in upon them our reiterations of the truth without malice and without stint.

But I have a much better word to say. It is for those who, not voiced by the newspapers around them, showed both then and constantly afterward in public and private during my two days' subsequent travel and sojourn in the region, by their cordial, frequent, special approval of my words, that a better intelligence is longing to see the evils of the old régime supplanted by a wiser and more humane public sentiment and practice. And I must repeat my conviction that if the unconscious habit of oppression were not already there, a scheme so gross, irrational, unjust, and inefficient as our present caste distinctions could not find place among a people so generally intelligent and high-minded. I ask attention to their bad influence in a direction not often noticed.

In studying, about a year ago, the practice of letting out public convicts to private lessees to serve out their sentences under private management, I found that it does not belong to all our once slave States nor to all our once seceded States.* Only it is no longer in practice outside of them. Under our present condition in the South, it is beyond possibility that the individual black should behave mischievously without offensively rearousing the old sentiments of the still dominant white man. As we have seen, too, the white man virtually monopolizes the jury-box. Add another fact: the Southern States have entered upon a new era of material development. Now, if with these conditions in force the public mind has been captivated by glowing pictures of the remunerative economy of the convict-lease system, and by the seductive spectacle of mines and railways, turnpikes and levees, that everybody wants and nobody wants to pay for, growing apace by convict labor that seems to cost nothing, we may almost assert beforehand that the popular mind will—not so maliciously as unreflectingly—yield to the tremendous temptation to hustle the misbehaving black man into the State prison under extravagant sentence, and sell his labor to the highest bidder who will use him in the construction of public works. For ignorance of the awful condition of these penitentiaries is extreme and general, and the hasty, half-conscious assumption naturally is that the culprit will survive this term of sentence, and its fierce discipline "teach him to behave himself."

But we need not argue from cause to effect only. Nor need I repeat one of the many painful rumors that poured in upon me the moment I began to investigate this point. The official testimony of the prisons themselves is before the world to establish the conjectures that spring from our reasoning. After the erroneous takings of the census of 1880 in South Carolina had been corrected, the population was shown to consist of about twenty blacks to every thirteen whites. One would therefore look for a preponderance of blacks on the prison lists; and inasmuch as they are a people only twenty years ago released from servile captivity, one would not be surprised to see that preponderance large. Yet, when the actual numbers confront us, our speculations are stopped with a rude shock; for what is to account for the fact that in 1881 there were committed to the State prison at Columbia, S. C., 406 colored persons and but 25 whites? The proportion of blacks sentenced to the whole black population was 1 to every 1,488; that of the whites to the white population was but 1 to every 15,644. In Georgia the white inhabitants decidedly outnumber the blacks; yet in the State penitentiary, October 20, 1880, there were 115 whites and 1,071 colored; or if we reject the summary of its tables and refer to the tables themselves (for the one does not agree with the other), there were but 102 whites and 1,083 colored. Yet of 52 pardons granted in the two years then closing, 22 were to whites and only 30 to blacks. If this be a dark record, what shall we say of the records of lynch law? But for them there is not room here.

A far pleasanter aspect of our subject shows itself when we turn from courts and prisons to the school-house. And the explanation is simple. Were our educational affairs in the hands of that not high average of the community commonly seen in jury-boxes, with their transient sense of accountability and their crude notions of public interests, there would most likely be no such pleasant contrast. But with us of the South, as elsewhere, there is a fairly honest effort to keep the public-school interests in the hands of the State's most highly-trained intelligence. Hence our public educational work is a compromise between the unprogressive prejudices of the general mass of the whites and the progressive intelligence of their best minds. Practically, through the great majority of our higher educational officers, we are fairly converted to the imperative necessity of elevating the colored man intellectually, and are beginning to see very plainly that the whole community is sinned against in every act or attitude of oppression, however gross or however refined.

Yet one thing must be said. I believe it is wise that all have agreed not to handicap education with the race question, but to make a complete surrender of that issue and let it find adjustment elsewhere first and in the schools last. And yet, in simple truth and justice and in the kindest spirit, we ought to file one exception for that inevitable hour when the whole question must be met. There can be no more real justice in pursuing the freedman's children with humiliating, arbitrary distinctions and separations in the school-houses than in putting them upon him in other places. If, growing out of their peculiar mental structure, there are good and just reasons for their isolation, by all means let them be proved and known; but it is simply tyrannous to assume them without proof. I know that just here looms up the huge bugbear of social equality. Our eyes are filled with absurd visions of all Shantytown pouring its hordes of unwashed imps into the company and companionship of our once twenty-headed darlings. What utter nonsense! As if our public schools had no gauge of cleanliness, decorum, or moral character! Social equality? What a Godsend it would be if the advocates of the old Southern régime could only see that the color line points straight in the direction of social equality by tending toward the equalization of all whites on one side of the line and of all blacks on the other. We may reach the moon some day, not social equality; but the only class that really effects anything toward it are the makers and holders of arbitrary and artificial social distinctions interfering with society's natural self-distribution. Even the little children everywhere are taught, and begin to learn almost with their A B C, that they will find and must be guided by the same variations of the social scale in the public school as out of it; and it is no small mistake to put them or their parents off their guard by this cheap separation on the line of color.

But some will say this is not a purely artificial distinction. We hear much about race instinct. The most of it, I fear, is pure twaddle. It may be there is such a thing. We do not know. It is not proved. And even if it were established, it would not necessarily be a proper moral guide. We subordinate instinct to society's best interests as apprehended in the light of reason. If there is such a thing, it behaves with strange malignity toward the remnants of African blood in individuals principally of our own race, and with singular indulgence to the descendants of—for example—Pocahontas. Of mere race *feeling* we all know there is no scarcity. Who is stranger to it? And as another man's motive of private preference no one has a right to forbid it or require it. But as to its being an instinct, one thing is plain: if there is such an instinct, so far from excusing the malignant indignities practiced in its name, it furnishes their final condemnation; for it stands to reason that just in degree as it is a real thing it will take care of itself.

It has often been seen to do so, whether it is real or imaginary. I have seen in New Orleans a Sunday-school of white children every Sunday afternoon take possession of its two rooms immediately upon their being vacated by a black school of equal or somewhat larger numbers. The teachers of the colored school are both white and black, and among the white teachers are young ladies and gentlemen of the highest social standing. The pupils of the two schools are alike neatly attired, orderly, and in every respect inoffensive to each other. I have seen the two races sitting in the same public high-school and grammar-school recitation, reciting in the same classes and taking recesses on the same ground at the same time, without one particle of detriment that any one ever pretended to discover, although the fiercest enemies of the system swarmed about it on every side. And when in the light of these observations I reflect upon the enormous educational task our Southern States have before them, the inadequacy of their own means for performing it, the hoped-for beneficence of the General Government, the sparseness with which so much of our Southern population is distributed over the land, the thousands of school districts where, consequently, the multiplication of schools must involve both increase of expense and reduction of efficiency, I must enter some demurrer to the enforcement of the tyrannous sentiments of the old régime until wise experiments have established better reasons than I have yet heard given.

What need to say more? The question is answered. Is the freedman a free man? No. We have considered his position in a land whence nothing can, and no man has a shadow of right to, drive him, and where he is multiplying as only oppression can multiply a people. We have carefully analyzed his relations to the finer and prouder race, with which he shares the ownership and citizenship of a region large enough for ten times the number of both. Without accepting one word of his testimony we have shown that the laws made for his protection against the habits of suspicion and oppression in his late master are being constantly set aside, not for their defects, but for such merit as they possess. We have shown that the very natural source of these oppressions is the surviving sentiments of an extinct and now universally execrated institution; sentiments which no intelligent or moral people should harbor a moment after the admission that slavery was a moral mistake. We have shown the outrageousness of these tyrannies in some of their workings, and how distinctly they antagonize every State and national interest involved in the elevation of the colored race. Is it not well to have done so? For, I say again, the question has reached a moment of special importance. The South stands on her honor before the clean equities of the issue. It is no longer whether constitutional amendments, but whether the eternal principles of justice are violated. And the answer must, it shall, come from the South. And it shall be practical. It will not cost much. We have had a strange experience; the withholding of simple rights has cost us much blood; such concessions of them as we have made have never yet cost a drop. The answer is coming. Is politics in the way? Then let it clear the track or get run over, just as it prefers. But, as I have said over and over to my brethren in the South, I take upon me to say again here, that there is a moral and intellectual intelligence there which is not going to be much longer beguiled out of its moral right of way by questions of political punctilio, but will seek that plane of universal justice and equity which it is every people's duty before God to seek, not along the line of politics—God forbid—but across it and across it and across it as many times as it may lie across the path, until the whole people of every once slave-holding State can stand up as one man, saying, "Is the freedman a free man?" and the whole world shall answer, "Yes."

* See "The Convict Lease System in the Southern States," in the Century for February, 1884.—ED.

Rivers and Harbors.

SPEECH

OF

HON. RICHARD GUENTHER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 25, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GUENTHER said:

Mr. CHAIRMAN: I am not in favor of placing the improvements of rivers and harbors entirely under the control of the military branch of the Government by dismissing all the civil engineers now employed and replacing them by the lieutenants and captains of the Army. Mr. Chairman, I do not deem such a step one in the direction of progress, but rather the opposite. I do not think it would be in the interest of economy, but rather the reverse. It would, in my opinion, demoralize the whole Engineer Department by removing many gentlemen now employed upon the works of improving rivers and harbors, men who now perform a great deal of the brain-work, who furnish practical experience—the men who were educated as civil engineers—and supplanting them by the graduates of West Point, not even officers of the Engineer Corps, who, I grant, may be all good soldiers and first-class Army engineers, but who in the nature of things are not the best qualified to carry on great feats of hydrographic and civil engineering. I am in favor of a strict separation of the military and civil branches of the Government. My aim is to make our Army and Navy officers the peers of any in the world with reference to their specific calling. But, on the other hand, I want to make our public service as perfect as possible and completely free from military interference. For the problematic saving of $400,000, or even a good deal more, I am unwilling, if I can prevent it, to continue the anomaly of having the military assume or encroach more and more upon the civil branches, or what should be essentially a civil branch of Government.

Would you like to go back to the time before 1863 and place the Supervising Architect's office again under the charge of an officer of the Engineer Corps? Look at the public buildings erected before 1863, at their monotonous uniformity, their lack of architectural beauty, and compare them with similar structures built since that time. Mr. Chairman, this proposition intends to remove all the assistant engineers, all of whom are civilians.

Go through the whole list and you will find that the assistant engineers are not officers of the Army, are not graduates of West Point. Take the defenses of the Penobscot and Kennebec Rivers, Portland Harbor, and the navy-yard at Kittery, Me., and Portsmouth, N. H., improvement of rivers and harbors in the States of Maine and New Hampshire, and you find that while the officer in charge is an officer of the Corps of Engineers, a graduate of West Point, his assistant is a civilian and so is the draughtsman. The defenses of Boston and the navy-yard at Charlestown and improvement of rivers and harbors on the eastern coast of Massachusetts are in charge of an Army officer; his three assistants are civilians. The fort at Willets Point and Fort Schuyler, East River, New York, are in charge of a lieutenant-colonel in the Army; his assistant is a civilian; and so on through the whole list.

The Corps of Engineers, all of whom were appointed from the Military Academy, comprising the Chief of Engineers, colonels, lieutenant-colonels, majors, captains, first lieutenants, and second lieutenants, consists of one hundred and six officers. There are on the temporary roll, according to the Blue Book of 1883, the only one at my disposal, two assistant engineers; one at $4,200, the other at a salary of $3,600 per annum. They are civilians, residents of Washington, D. C. Why are they employed? Simply because they can not be spared. The number of assistant engineers, civilians, employed on the various improvements, with salaries from $100 to $250 per month, is two hundred and twenty-seven. You propose to turn out these two hundred and twenty-seven civil engineers and substitute in their places—whom? Army officers. You could not fill their positions by the members of the Corps of United States Engineers, because they are already employed; and besides, there are only one hundred and six.

You propose to take two hundred and twenty-seven officers from the Army, believing them to be competent to take the places of men who have devoted their life exclusively to the study of civil engineering, while these graduates of West Point for a few years while at the academy got a smattering of it, and since did not pay any attention to it at all.

You may just as well fill the places on the bench with graduates of West Point, for law is one of their studies. You have at the academy three professors of civil and military engineering and two professors of law. The course at the academy comprises tactics, with seven instructors; civil and military engineering, with three professors; natural and experimental philosophy, with three professors; mathematics, with nine professors; history, geography, and ethics, with two professors; chemistry, mineralogy, and geology, with four professors; modern languages, with seven professors; law, with two professors; practical military engineering, military signaling, and telegraphy, with two instructors; ordnance and gunnery, with two instructors; drawing, with four professors.

There are in the Engineer Department forty-eight draughtsmen, with salaries from $100 to $150 per month, not one a graduate from West Point. Why have they not been employed in that capacity, having had instruction in drawing by four professors? The reason is that they are not proficient, not having even attained that grade of perfection necessary for the proper discharge of the duties of a draughtsman.

I should be in favor of transferring the business of improving our rivers and harbors with reference to navigation to a civil department. It does not seem necessary, to my mind, that the luster of the Army officers should be thrown around the business of civil engineering.

I do not think that the best interests of this country demand that the 4,500 persons, non-civilians, employed in the improvements of rivers and harbors should be bossed by one hundred and six Army officers; that from ten to eighteen millions of dollars per annum should be expended under the control of these one hundred and six shoulder-strapped

aristocrats. Keep them in their proper sphere, educate them for the purposes of a military career but do not let them encroach upon the civil branches of life. Not even in Germany, in the country of military despotism, where man begins with the lieutenant in the army, are public works for the improvement of rivers and harbors for commercial and navigation purposes carried on by them, but by competent civil engineers, who had special training in their line and who devoted themselves solely to the study of their profession as civil engineers.

It is time for us to do away with the traditions of the past. If we can not employ the graduates of West Point for military purposes only, restrict their number in some way. Employ them, if you please, in the War Department in a clerical capacity, or let them do such engineering work as they are capable of, where they can make themselves useful in time of peace without detriment to the public service, but do not place them in positions for which civilians are much better qualified, and where, by reason of their lack of experience and proper training, they would waste much more of the people's money than their salaries would amount to were they kept on waiting orders. Do not establish a rule which would prevent us from availing ourselves of the services of the best engineering talent at our command and confining ourselves to the mediocrity of the Army and placing a civil branch of this Government entirely in the hands of overbearing martinets who usually look upon the civilians as inferior beings and who, in the security of life positions and pensions, of promotion not based upon true merit but on length of service, lack the stimulus that prompts men in civil life to excel; that ambition to work their way to the top of the ladder in their chosen profession on their own merits by hard work and incessant study.

Let us look for the bright flowers of civil-engineering genius, talent, and skill in the sunshine of civil, rather than in the cold, somber shades of military life.

Aid to Education.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 13, 1885,

On the educational bills before Congress.

Mr. WOOD said:

Mr. SPEAKER: The Blair and Willis educational bills provide that certain sums of money shall be distributed to the several States of the Union in proportion to illiteracy of the people in each of them. The provisions of these bills do not interfere with the educational system of any State, but direct that the money shall be used for educational purposes by aiding the common schools therein.

The troublesome question is the power of Congress to pass one of these bills. There is no express power in any provision of the Constitution authorizing Congress to enact a law for the purpose stated in either of them.

The several powers of the Constitution are—

First. Express powers.

Second. Implied powers.

Third. Incidental powers.

Fourth. Inherent power.

There is no controversy about the first power. I hold that Congress has power to pass one of these educational bills under any one of the other three powers. I will consider them in their order.

As to the second power I say there is not in the whole Constitution a grant of powers which does not draw after it other powers not expressed, but essential and vital to their exercise; not independent but auxiliary to the grant itself. No provision of the Constitution expressly excludes implied and incidental powers as did the Articles of Confederation. This subject is well considered in the Federalist, where cogent reasoning is applied to it.

What is the grant of power in the Constitution bearing upon the subject of these bills? Section 4 of the fourth article of the Constitution declares that—

> The United States shall guarantee to every State in this Union a republican form of government.

Here is a naked declaration of power. No way is pointed out, no means are defined to inform Congress how this power shall be executed. Now, every means that can be used consistent with the power to carry it into effect is implied from the nature of the original grant. Congress may adopt proper means to carry into effect this express power, whether it be military forces, peace commissioners, or by a compromise of the complaints of the people of the State against a republican form of government.

Many reasons might be assigned why the people of a State would not desire to maintain a republican form of government, but one strong one, among all others, might be that the people through ingnorance were incapable of self-government; incapable by illiteracy of participating in the affairs of the State through the exercise of suffrage.

If general ignorance is the cause Congress may exercise power to remove it, though years are required to do so, by liberal grants of money for the purpose of diffusing general intelligence and thereby creating respect among the people for a government republican in form, and a decent regard for the rights of mankind.

The Indians are incapable of self-government through illiteracy, and no republican form of government would be maintained by them, and now the Government is providing, as it has often done, for their education and mental elevation in order to make them law-abiding citizens and capable of self-government, and therefore fit to live under and support a republican form of government in the State where they may reside.

It is conceded that the colored people as a body in the South, where large numbers congregate, are incapable of understanding and maintaining a republican form of government in the absence of intelligent white people.

In such cases Congress may exercise the power to promote intelligence and education among them in order to make them self-governing, and therefore capable of maintaining independently of the power of the General Government a republican form of government. If general illiteracy among the people of a State is the cause of the failure of a republican form of government, Congress may donate money to remove the cause through educational means, and that is true where illiteracy is so dominant as to constitute a balance of power against intelligence or is a standing menace to the safety of the Commonwealth.

In such cases Congress may provide means to remove the cause and all threatening danger to a republican form of government. What is a grant of power without the employment of means necessary to its execution? The axiom is clearly established in law and in reason that whatever is required to be done the means to that end are authorized. Whenever a general power to do a thing is given every particular power necessary for doing it is given.

Suppose there is universal famine in a State, and the people thereof, starving in all its borders, organize in open rebellion against all State law and constitutional authority and annihilate the republican form of government therein existing?

In such a case Congress could order troops with bayonets, powder, and lead, to reduce the people to submission, or it may appropriate money to buy them bread and thus allay their opposition to State authority, and restore to the State a republican form of government.

There is no defined way to execute this general power of the Constitution. Congress itself is the sole judge of the means necessary to carry into effect this grant of power. Congress is the sole judge of the means necessary to carry into effect any grant of power in the Constitution, provided always that the means employed are properly incident to the express power. No one would claim that means used entirely foreign to the object to execute a power would be a proper execution of it. The manner of carrying into effect the great powers of the Constitution is left to the wisdom and conservative judgment of the legislator where the means of execution are not defined. Otherwise the creation of naked powers would be absurd, as they would remain forever dormant or in a paralytic state. Judge Story, writing on this question, aptly says:

> It would be almost impracticable, if it were not useless, to enumerate the various instances in which Congress, in the progress of the Government, have made use of incidental and implied means to execute its powers. They are almost infinitely varied in their ramifications and details.

But incidental powers are expressly conferred on Congress by the Constitution, and in these words:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

This provision constitutes Congress the judge of what laws are necessary to carry into effect the powers of the Constitution. Although it is surplusage under the reasoning of judicial decisions and eminent writers on constitutional powers, as it existed already as an incident, yet it does prove that the framers of the Constitution intended to leave the means of executing the powers to the deliberate judgment of the legislator.

Then the question is, Is general intelligence and enlightenment of the people supportive of a government republican in form? Does the intelligence of the people aid and maintain such a government? If so, Congress may adopt measures to that end.

I have briefly discussed the incidental powers of Congress and the implied powers of the Constitution, and I pass on to the inherent power of that instrument. This power sounds strange, but hear me through. In order that the application of this power may be more readily understood I make a statement of facts:

The real purpose of these measures is to provide means for the education of the colored people in the Southern States, although they embrace all classes of illiterate people in every State.

A few years ago 4,000,000 of illiterate colored people were released from slavery and the adult males clothed with all the rights, duties,

and conditions of American citizenship. No one pretends that they possessed any mental qualifications to become good citizens and an intelligent factor in the administration of the Government. The old ex-slaves can not be materially improved, but the young people can be taught the superiority of republican government, the rights and privileges it confers upon the citizen, respect and obedience for the laws of the State and Federal Union.

What is the foundation of the Federal Union? What is the basis of the General Government? The theory is that it rests only upon the consent of the governed. Who are the governed? I answer, all classes of the people, white and black. The people of their own free will can enlarge or restrict its powers, or change the system entirely, and do so peaceably and rightfully. The people are the sovereign. They rule through their own selected agents, who act by defined official powers. These are responsible to no sovereign save the sovereignty of the people, who hold them accountable for violations of official duties. In a word, the Federal system is in the hands of the people. They control by the elective franchise. Shall it be an intelligent franchise? They maintain it by consent and self-government. Need it be said that such a system of government can only be sustained and perpetuated by the virtue and intelligence of the people, and without which it could not long survive?

Now, there is a large percentage of unintelligent and illiterate people in this country exercising a fundamental power in the enactment and administration of law who can know nothing of the effect or benefit of it. Can they safely and independently execute so great a trust without any intelligent conception of the rights and duties of citizenship? Are they fit to deposit the ballot that may determine the destiny of the Republic? Are they fit to deposit the ballot to determine any policy of the Government? How can they select proper agents to administer the Government when they have no understanding of its powers and purposes? They can not pass judgment upon any policy beneficial or injurious to the commonwealth. This Government has been preserved through the predominance of general intelligence, and all will concede that it would long since have disappeared had ignorance and illiteracy dominated.

There are several hundred thousand of illiterate colored citizens in the Southern States, who were suddenly granted the obligations of citizenship without knowledge of its duties and responsibilities, and the number is increasing. This mass of ignorance, suddenly granted the highest boon in the power of mankind, American citizenship, may join a dangerous crusade against the best interest of the whole country. It is a lurking enemy around the basis of republican institutions, and a powerful element, if left alone, that may strike our federal system and threaten civil liberty. It is a mercenary and menacing power that may be ready to rend the Constitution itself.

I ask, does not the whole Constitution, as a means of government, permit the exercise of power to preserve itself? Can this organic law be dissolved because there is no express power therein given to preserve it against any preconceived contingency? When the foundation of republican government is being undermined, shall we say there is no power given to preserve it? Does not the organization of this Government as a whole carry with it at all times inherent power which may be exercised for its own safety? I answer, is not the power of preservation innate, inwrought in the organization, so as to be inseparable from the Government itself, inseparable as the "inherent qualities of the magnet," inseparable as the inherent rights of men to life and liberty? Is not preservative power so interwoven in the great framework that it can not be excluded? I would say preserve the Constitution and the Federal Government by express powers, if any there be, but if none, still preserve the Government. Though in doing so I employed means not named in the organic laws, yet I would have the Government left to all by the exercise of them.

When the very foundation of this Government, to wit, intelligence and virtue of the people, is being affected by growing illiteracy, can not power be rightfully exercised to prevent its continuance and preserve the structure? The central life of government holds ready all power on earth for its own preservation. All say there is ample power of preservation against all armed warfare. But is it the idea that the only mode of preservation is force, military force? Can not there be peaceful means used to preserve the Government, or is the military force the only one? When the increasing illiterate population, white and black, now numbering over 2,000,000 voters, uniting with powerful factions, give consent for some other worse form of government, then it is too late for peaceful remedies.

The will of the people to dissolve this Government for another is irresistible and there would be no contest about it. If the will of the people is an intelligent one, an enlightened one, the theory is it would stand as the best ever founded by mankind, but an illiterate or ignorant will might destroy the best for the worst ever produced. War powers, not given by any law, may be exercised as a state necessity. Peace powers may be assumed as a state necessity, for the Government may be peacefully dissolved as well as forcibly by war. The Government has a right to fortify itself against the attack of growing illiteracy, and in doing so it aids itself. When intelligence is generally diffused the Constitution is aided and strenghtened. Is that a harmful exercise of power? I think not, because it gives me my Government, after its exercise, better founded than it was before, and that can not be a violation of the Constitution.

The manumitted slaves enfranchised forced an unexpected mass of illiteracy into a political power in the affairs of government. It was the result of state necessity, which continues itself to make this new political force an intelligent and supportive power to the Government. We are brought face to face with a proposition that underlies the Government and all its civil institutions. All will admit that class ignorance and general illiteracy is inimical to a government founded on popular intelligence. It has contempt for law and all government policy, and is a sure element of disturbance and destruction wherever found. Men exclaim there is no danger, that the illiterate population is impotent for evil. I answer that the illiterate population of the whole country is a powerful factor for evil. It now holds the balance of political power!

The census returns of 1880 show 10,000,000 voters in the United States and Territories. The total number over 21 years of age who can not read or write is 4,204,363, of whom 2,056,463 are whites and 2,147,900 are colored, including 300,000 Indians and 100,000 Asiatics. Assume one-half are females, which leaves over 2,000,000 illiterate voters who can not write their names or read their ballots. The illiterate voters constitute one-fifth of the whole voting population; one voter in five can not read his ballot or write his name. Generally they are in the power of low demagogues, and possess no higher aim than prejudice, jealousy, and revenge. They can not tell the Constitution of their country, if under the eye, from the advertisement of a horse jockey! They know nothing of the laws of the State wherein they reside. To them the Declaration of Independence is a dark blank and the Bill of Rights an enigma. I read a part of the report of the committee on this subject:

> The illiterate voters of Maine, New Hampshire, Massachusetts, and Connecticut, of New York, New Jersey, Pennsylvania, Ohio, in short of every Middle, Southern, and most of the Western States, have power, if combined, to decide any political issue that is now, or for years is likely to be, pending between political parties. They represent ten of our fifty millions of people.

Illiterate voters of the States and Territories.

States and Territories.	White.	Colored.*	Total.
Alabama	60,174	206,878	267,052
Arizona	3,550	633	4,183
Arkansas	50,235	68,444	118,679
California	22,625	22,100	44,725
Colorado	7,055	455	7,490
Connecticut	23,339	1,497	24,836
Dakota	3,206	458	3,664
Delaware	6,462	7,935	14,397
District of Columbia	3,569	19,447	23,016
Florida	10,885	39,753	50,638
Georgia	71,693	247,318	319,011
Idaho	510	943	1,453
Illinois	99,356	10,397	109,753
Indiana	77,076	8,806	85,882
Iowa	35,815	1,958	37,773
Kansas	17,095	11,498	28,593
Kentucky	124,723	90,738	215,461
Louisiana	34,813	178,789	213,602
Maine	16,231	335	16,566
Maryland	34,155	66,357	100,512
Massachusetts	81,671	2,221	83,892
Michigan	48,291	3,758	52,049
Minnesota	27,645	769	28,414
Mississippi	27,789	208,122	235,911
Missouri	89,921	40,357	130,281
Montana	625	777	1,402
Nebraska	7,821	496	8,317
Nevada	1,807	1,638	3,445
New Hampshire	10,694	81	10,775
New Jersey	37,348	7,844	45,192
New Mexico	33,623	5,209	38,832
New York	182,050	10,134	192,184
North Carolina	116,437	174,152	290,589
Ohio	92,616	14,152	106,768
Oregon	2,904	2,387	5,291
Pennsylvania	174,286	15,551	189,887
Rhode Island	18,611	1,139	19,750
South Carolina	34,335	200,063	234,398
Tennessee	118,734	126,939	245,673
Texas	65,117	121,827	186,944
Utah	5,385	518	5,903
Vermont	12,872	129	13,001
Virginia	71,004	214,340	285,344
Washington	1,011	1,884	2,895
West Virginia	45,340	7,539	52,879
Wisconsin	45,798	981	46,779
Wyoming	285	144	429
Total	2,056,463	2,147,900	4,204,363

*Including Indians and Asiatics.

The people who intelligently support the General Government have a right to ask aid to arrest the growth of illiteracy. Their social relations, their business affairs, their personal safety are threatened by this element growing in their midst. There was a time when a certain class in Europe and America refused education of their children. Now they ask for it, not only on account of its elevating influence over the vices and on mind and morals, but for the aptitude and intelligence it gives to the manner of labor. They know now that an intelligent laborer is worth more than an ignorant one the world over. Intelligent labor means quick work, better work, and more work. An intelligent car-

penter or bricklayer will do more and better work than an ignorant one, command better wages and higher respect of the employer, all of which increases regard and dignity for labor. In every business relation the intelligent laborer is the best and safest employé, makes more for his employer, makes better wages for himself, and is a better citizen. The poor workmen of overcrowded Europe see the preferment of intelligent labor because of correctness of work and the saving of materials to the employer, and are using all means at command to educate their children. The old governments have responded liberally to their call, as I show by the following statistics, beginning with France:

Government aid to primary education.—In 1860 the government aid to primary education amounted to 5,434,636 francs; in 1870 (under the empire), 9,817,513 francs; in 1877 (under the republic), 22,035,760 francs. In 1882 the government aid will be about 50,000,000 francs, in order to enable all the communes to enforce the obligatory school law. In addition to the above amount the departments spend this year 25,000,000 francs, and the communes 60,000,000 francs for primary education. During the two weeks from April 15 to April 30, 1882, the government has spent 1,244,825 francs for new school-houses. The total amount spent by the government alone in 1881-'82 for all phases of instruction amounts to 114,353,941 francs, or $22,717,880.

2. BELGIUM.

The following table shows the government grants to education from 1831 to 1882:

	Francs.
1831	217,000
1843	466,000
1845	711,000
1852	1,230,000
1857	1,689,000
1864	3,707,000
1870	6,525,000
1873	11,500,000
1882	20,400,000

The population of Belgium is 5,403,006.

In 1830, when Belgium separated from Holland, there were only 1,146 public primary schools. In 1875, there were 4,152 public primary schools and 2,615 adult schools. In 1847, 41.06 per cent. of the conscripts were illiterate; in 1850, 35.35 per cent.; and in 1878, only 19.59 per cent.

3. ITALY.

Italy has a population of 28,209,620, and a school population (6-12) of 4,527,582. Of this number 2,057,977 attend school, against 1,604,978 in 1879. The number of public elementary schools has risen from 32,782 in 1870 to 41,108 in 1879. The annual grant to these schools in 1882 is 31,000,000 lire ($6,200,000). The 7,422 private elementary schools receive no state aid. In 1873 the government grant was 15,000,000 lire ($3,000,000); in 1876, 20,000,000 lire ($4,000,000); and in 1878, 24,000,000 lire ($4,800,000). This shows an increase of 16,000,000 lire, or $3,200,000 since 1873.

The above grants are made in addition to large buildings and gardens given for educational purposes in nearly every city and town of the kingdom.

According to the census of 1861, out of a population of 21,777,334, there were 16,999,701 who could neither read nor write—7,889,238 males, and 9,110,463 females.

In 1871, out of a population of 26,801,154, there were 19,533,792 who could neither read nor write.

The present minister of public instruction has taken energetic steps to provide accommodations for all the children of school age, and to enforce the law which makes attendance at school obligatory for all children between the ages of 6 and 12.

4. ENGLAND.

The annual parliamentary grants to elementary schools in England and Wales was: In 1840, £30,000; in 1850, £180,110; in 1858, £668,373; in 1862, £774,743; in 1863, £721,386; in 1866, £649,006; in 1867, £682,201; in 1868, £680,429; in 1869, £840,711; in 1870, £914,721; in 1873, £1,313,078; in 1875, £1,566,271; in 1877, £2,127,730; in 1879, £2,733,404; in 1882, £2,749,863.

The number of schools has risen from 10,751 in 1872 to 17,614 in 1880; the number of seats from 2,397,745 in 1872, to 4,240,753 in 1880; and the average number of children in attendance from 1,445,326 in 1872, to 2,750,916 in 1880.

The population of England and Wales is 25,968,286.

5. SCOTLAND.

Population, 3,734,370. The parliamentary grant to elementary schools amounts to £468,512 for 1882-'83. The number of elementary schools has increased from 1,962 in 1872 to 3,056 in 1880; the number of seats from 267,412 in 1872 to 602,054 in 1880, and the number of children in average attendance from 206,090 in 1872 to 404,618 in 1880.

6. IRELAND.

Population, 5,159,839. Number of elementary schools, 7,522. Number of pupils, 1,031,995. The parliamentary grants for popular education in Ireland amounted to a total of £2,948,669 in the ten years, 1860-'69; in 1868 it was £360,195; in 1872, £430,390; and in 1882-'83 it amounts to £729,868.

7. PRUSSIA.

Population, 27,251,067. The government expenditure for education amounts to $11,458,856 in 1882, against $10,000,000 in 1881. As nearly all the Prussian schools derive income from endowments, the government grants are chiefly devoted to the establishment of new schools and the improvement of old ones.

8. RUSSIA.

Russia, with a population of 78,500,000, and a school population of 15,000,000, has only 28,357 elementary schools and 1,213,325 pupils. The annual government grant to all grades of schools amounts to $9,000,000. Of this amount only $475,000 is devoted to elementary education. The finances of Russia exhibit large annual deficits, caused partly by an enormous expenditure for war, and partly by the construction of railways. According to official returns, the total war outlay incurred by Russia during the four years 1876-'79 amounted to $728,984,635.

The mass of the population of Russia is as yet without education. In 1860 only two out of every hundred recruits levied for the army were able to read and write, but the proportion had largely increased in 1870, when eleven out of every one hundred were found to be possessed of these elements of knowledge.

10. AUSTRIA.

Education until recently was in a backward state in Austria, the bulk of the agricultural population, constituting two-thirds of the empire, being almost entirely illiterate. During the last twelve years, however, the Government has made vigorous efforts to bring about an improvement by founding new schools at the expense of the state wherever the conveniences were too poor. A law was passed in 1868 making education obligatory for all children between the ages of 6 and 14.

The government expenditure for public education has increased from $2,800,000 in 1870 to $6,500,000 in 1881.

In this connection, as illustrating the educational impulse moving the whole British Empire, we annex the following data of schools in the Province of Ontario:

"The population of Ontario is 1,913,460, and the school population 489,924. In 1844 there were in the province 2,505 schools, with 96,756 pupils; in 1875, 5,058 schools, with 494,065 pupils; and in 1880, 5,245 schools, with 496,855 pupils. The total expenses for education were $275,000 in 1844, $2,227,694 in 1881, $3,258,125 in 1873, $3,453,210 in 1878, and $3,414,267 in 1880."

It will be observed that in every instance cited the nation assumes the duty and exercises the power not only of assisting but of controlling the subdivisions which make up the whole and provides for compulsory attendance of the child. The principle is fully recognized that when the general welfare demands, individuals and subdivisions must submit, if necessary for any cause, to receive compulsory blessings, coupled with which is the duty which implies the right of the whole to provide for the protection and safety of all the parts by the utmost exercise of its powers. True, their governments are not so complex as ours, but the principle is still the same. Self-preservation dictates this policy everywhere.

These statistics show that foreign governments aid the poorer classes to educate their children by very liberal grants, and they do so upon the ground that it makes a better, more moral, and more useful people. It makes life and property safer, and the Government stronger. It makes labor better and more useful in every condition of life. You can trust intelligence and skill, but you must watch ignorance all the time. The action of the old governments of the East is conclusive on the question of policy. They are not founded upon or dependent upon the will or intelligence of their people, while our Government is.

If important to them to encourage general education of the masses of the people how much more important it is to our own country, resting as it does upon the masses of the people; and more important to this country still because it is new and developing and unfixed, in comparison with the old governments. This Government is met with unsolved problems of legislation growing out of new conditions continually arising, which require intelligent thought by the people and their patient forbearance until wisdom leads the way through; and more still, because in this country there is a clash of conflicting interests arising from our multiplied resources, rapid development, and quick growth, which do not exist in any comparative degree in the old governments.

With them different interests are permanently fixed and move along in regular grooves, while in this country new and enlarged development is constantly going on, changing and overshadowing previous conditions, which often taxes the patient bearing of our intelligent people before a satisfactory adjustment is established. All must see, therefore, that general intelligence is the only anchor of domestic safety and the certain guarantee of peace.

I desire to read a part of the statement made by the committee on the Blair educational bill, which shows the number of illiterates in each State and the proportion of money due each under this bill.

States and Territories.	Number of illiterates in each State.	Proportion of $15,000,000 to each State.
Alabama	370,279	$1,127,869 83
Arizona	5,496	16,740 82
Arkansas	153,229	466,735 53
California	48,583	147,983 82
Colorado	9,321	28,373 77
Connecticut	20,986	63,933 36
Dakota	3,094	9,424 32
Delaware	16,912	51,514 96
District of Columbia	21,541	65,613 89
Florida	70,219	213,887 07
Georgia	455,683	1,360,596 42
Idaho	1,384	4,215 56
Illinois	96,899	294,889 21
Indiana	70,008	213,244 37
Iowa	28,117	85,644 38
Kansas	25,503	77,682 14
Kentucky	258,186	786,434 52
Louisiana	297,312	905,612 35
Maine	18,181	55,379 33
Maryland	111,387	339,284 80
Massachusetts	75,635	230,384 21
Michigan	47,112	143,503 15
Minnesota	20,551	62,598 35
Mississippi	315,612	961,354 15
Missouri	138,818	422,839 63
Montana	1,530	4,660 38
Nebraska	7,830	23,850 18
Nevada	3,703	11,279 34
New Hampshire	11,982	36,497 17
New Jersey	39,136	119,208 36
New Mexico	52,994	161,419 72
New York	166,005	505,539 75
North Carolina	367,890	1,120,692 94
Ohio	86,754	264,252 68
Oregon	5,376	16,375 30
Pennsylvania	146,138	445,135 35
Rhode Island	17,456	53,170 98
South Carolina	321,780	980,141 88
Tennessee	394,335	1,201,296 71
Texas	256,223	780,455 26
Utah	4,851	14,776 15
Vermont	12,993	39,576 68
Virginia	360,495	1,098,067 77
Washington	3,191	9,719 79
West Virginia	52,041	158,516 89
Wisconsin	38,693	117,858 88
Wyoming	427	1,300 64
Total	4,923,451	15,000,000 00

Mr. Chairman, I plead for the purpose of these measures because I

desire to see white and black, the poor and the ignorant, educated. I plead for them because the purpose is to create independent thought on all questions among the people receiving the benefits. I plead for them because they mean general intelligence and enlightenment. And lastly, I plead for them because they will make suffrage more sacred and the ballot more pure, which will ever uphold and maintain a republican form of government in every State of the Union and make stronger and better the bonds now holding the States together for the purposes of the best government of men.

General Grant.

SPEECH

OF

HON. OTHO R. SINGLETON,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. SINGLETON said:

Mr. SPEAKER: I wish to put upon record to-day something more than a mere negative vote upon this bill. I rise to protest against the establishment of a privileged class of citizens who are to be foisted upon the Government, draw money from the Treasury not needed for an economical support, but in this case to be added to an income of $15,000 a year—a sum greater than the estates of nineteen-twentieths of the people of the United States.

Although the Constitution of the United States discourages any legislation tending to build up one class of people at the expense of another, yet this bill, with some others heretofore passed, proposes to establish a privileged order of persons, pension them on the Government for life, mere fungi upon the industrial interests of the country, and I must say the outgrowth of a mawkish and morbid sentimentality. To bestow upon General Grant the gratuity of $17,000 per annum proposed in this bill would be to confer upon him that which was never offered to the Father of his Country, and which, if offered, would have been declined with that characteristic manliness and patriotism which prompted him to refuse a third term as President of the United States. The passage of this bill will certainly be a wide departure from the practices of the Government in its early history, and well calculated to awaken distrust and dissatisfaction in the public mind.

Every candid and impartial mind, in its efforts to comprehend the utility or justice of this measure, will want to know whether there is any pecuniary necessity in the case of General Grant which requires the passage of the bill; and if not, whether it will add anything to his reputation, or enhance in any way the public estimate of his civil or military services. I had supposed that having so large an annual income his best friends would not ask the passage of this bill upon the plea of pecuniary necessity. During his eight years' service as President he drew from the Treasury of the United States about $300,000, a large portion of it under a law which he, as a co-ordinate branch of the Government, aided in passing.

A donation of $250,000 was made him at one time by his friends and admirers, which is held in trust for his benefit, and, as stated before, yields him an annual income of $15,000. Besides this, houses and lots, horses and carriages, with innumerable other valuable presents, have been lavished upon him. Now, it is said that financial disaster has overtaken him. Suppose this to be true, whose fault is it? Has it come to this, that the Government is to become sponsor for or guarantor against all the financial blunders of General Grant? If so, when and where will the matter end? What distinguished gentleman will next apply?

The only bill bearing any analogy to this that ever received my support was the one which provided for retiring General Shields with the pay of brigadier-general. This was an exceptional case, growing out of his advanced age, his infirmity from wounds received in battle, and his absolute poverty. This was a case that pleaded trumpet-tongued for relief, and, I am proud to say, the House of the Forty-sixth Congress heeded the appeal and responded nobly to the call. A bill was passed with only 6 dissenting votes to retire him on a brigadier's pay, that the few days remaining of a well-spent life might be relieved from poverty and want. A nation's gratitude was due to this battle-scarred and maimed hero of two wars, and ex-Senator from three different States, whose pecuniary necessities were such that he was forced to pawn the swords bestowed upon him for gallant services in the field and deliver lectures to prolong existence.

This bill went to the Senate—may I be allowed to say a Republican Senate—and was there amended by adding to it the name of General Grant. Then was heard the potent voice of the Senator from Vermont, the author of this bill, inveighing in terms of animated rhetoric against its passage, either in its original or amended form. I read from the RECORD his own language.

Now, what is this species of legislation that we are called upon to pass? It is unequal; it is unjust; and it is contrary to any principle that the United States has ever before undertaken to advance or to enact into laws. General Shields has a pension, according to existing laws, that he has enjoyed for many years. This body has passed a bill increasing that pension, and I must presume that if he deserves it the other House will concur in the passage of that bill; and yet you propose to take this gentleman and another who has been added, and who ought to have been added if this sort of legislation is to proceed, as many others might be—you propose to take him and foist him into a branch of the public service with which he has no connection and which is founded upon a principle that does not apply to him at all.

If the Congress of the United States wish to give to General Shields the sum of $50,000, let them say so; but why do you take from the ranks of civil life one or two volunteer soldiers and place them in the regular Army of the United States by an act of legislation and an executive act, to the exclusion of those who have spent their whole lives in the military service of the country, and who beyond the number of three hundred are always from the retired-list? And in respect of these two individual cases the present law must necessarily exclude some two worthy persons who are now entitled to the places, under the regular law, that these persons would fill. If Senators believe that the people of the United States ask anything of this sort, if Senators believe that either of these two distinguished soldiers ask anything of this sort, then I think they are greatly mistaken.

His speech had the effect to defeat the bill, and the gallant Shields, wounded in the house of his supposed friends, mortified and chagrined at the ingratitude of his countrymen, soon passed away. Peace be to the ashes of the gallant dead!

But the friends of General Grant, nothing daunted by defeat, now that Shields is out of the way, have rallied again in the Senate and sent us the present bill. What change has come over the spirit of the Senate's dream? Where was the able and eloquent Senator from Vermont when this great wrong, as he had denominated it, was being perpetrated? Was it the poverty of General Grant that prompted the hot haste of the Senate in passing this bill with only a few moments' debate? Was not General Shields poor and infirm from wounds received in his country's service? Was it defeated in the Senate before upon principle? If so, what new revelation has dawned upon the minds of the former opponents of this bill? It is said that men change, but principles never. The passage of this Senate bill fully establishes the truth of this saying.

But it is said this gratuity, bounty, or pension, as it may be denominated by its friends, is to be bestowed for "public services." Does this refer to his military or civil services? If to the former, I will not attempt to underrate them. But concede all that is claimed for General Grant in a military point of view, and I insist that he has been fully rewarded for all his services. He has been honored by the American people as no other man save Washington was ever honored, and I am not sure that I ought to make this exception. Twice elected President of the United States, drawing for one-half the time double the salary paid to Washington; secured in ample fortune by his friends, which never happened to the Father of his Country; honored with a vote of thanks by Congress; his follies overlooked, his faults condoned, his friends rewarded, himself fêted and caressed *ad nauseam*, and his trip around the world attended with all the "pride, pomp, and circumstance" of a triumphal march, what of earthly good remains to be secured to a reasonable man? What but prurient ambition or greed of gain can make him appear at the bar of this House, in the person of friends, and plead for further honors or more ample fortune? Is the pecuniary debt of the country to General Grant never to be liquidated, the account never to be closed? Will he leave nothing to be enjoyed by others equally meritorious? I would not strip from his brow one laurel that has been placed there by public acclaim; but all that is excellent of earth is not embodied in any one man.

Surely he has been amply rewarded for all his military services. But overzealous friends point to his civil services, and claim for them such pre-eminence as to merit all the honors and rewards which a nation can bestow. This is doubtful ground and admits of disputation. When he entered upon the duties of President the country had but recently emerged from a civil war in which alienation of feelings between different sections had been engendered and a heavy public debt incurred. As a wise statesman it should have been his policy, as it was his duty, to reconcile as far as possible brethren estranged and set on foot measures of economy that the public debt might be extinguished at as early a day as possible. To this end every subordinate officer in the Government should have been held to the plumb-line of honesty and fidelity.

Did General Grant adopt this course? Let the history of his administration answer the question. Did he lift the Constitution from the dust into which the events of the war had cast it, and with the return of peace banish the maxim, *inter arma leges silent*? Did he give place to peaceful methods of legislation and judicial supremacy? What measures did he adopt to promote conciliation and harmonize estranged sections of our country? By whose orders were legislative assemblies in the States dispersed at the point of the bayonet? By whose order was a major-general of the United States Army sent to Louisiana with violent purposes in his heart, who, without stint, abused and maligned her people in a communication to the War Department, and manifested great anxiety to try, condemn, and execute her citizens by drum-head

court-martial? Who was it that removed the brave but generous Hancock from the position of military governor of the Southern military division of the United States because he declined to interfere with the civil authorities of the State of Texas by exercising military power? Who was it that instigated Congress to attempt the passage of the "force bill," under the provisions of which he, the President, would have secured the power to suspend the writ of habeas corpus in the States of Louisiana, Mississippi, and Alabama? Who was it that stationed troops at the polls on election days to intimidate voters and secure the election of his political friends? And in 1876, when the people of the United States had chosen Mr. Tilden President by a popular majority of 260,000 and by a majority of nineteen in the electoral college, who was it that massed troops in Washington, and placed them constructively at the doors of this Hall to overawe Congress and force a compromise, by which the people's rights were sacrificed, their ballots disregarded and a man installed into office who was never elected? Call you this quieting dissensions and promoting peace? If so, it was the peace which reigned in Warsaw.

But again: Did he manage our finances with that skill and economy which ought to challenge our admiration and secure our confidence? Under whose administration was silver demonetized and thereby one-fourth of our currency destroyed? Upon whose recommendation was the law passed declaring all our bonded indebtedness payable in coin, when by the terms of the contract it was payable in currency, thereby increasing the burdens of the people hundreds of millions of dollars? Whose Cabinet but his was ever defiled by the presence of a jobber in post-traderships, and, when impeached before the Senate with evidence sufficient to convict, was allowed to escape merited punishment by the tender of his resignation and its acceptance by General Grant? Whose friends but his ever organized themselves into a whisky ring to defraud the Government of its revenues, and, when overtaken and convicted after a fair trial, received pardon at the hands of the nation's Chief Executive? What administration but his, in a time of profound peace, before the war or since, up to its date, has cost the people $180,000,000 in one year?

Where now are the evidences of his financial ability, the triumphs of his statesmanship? What did he while in office but punish his supposed enemies and reward his friends, even to the extent of the most shameless and disgusting nepotism.

Mr. Speaker, I have spoken plainly because I feel strongly, but I have said nothing that the facts of history will not fully prove, and nothing but what it is my duty to say as a Representative upon this floor.

But lest I may be charged with prejudice and injustice, I will call to the stand a witness whose testimony General Grant's friends will not impeach, and whose whole experience as a public man, at the time of speaking, was had under Grant's administration—one who speaks in no uncertain terms nor minces language in his description of things. I read from the speech of Senator HOAR, of Massachusetts, delivered in the Senate on the occasion of the impeachment of Secretary Belknap. Mr. HOAR said:

My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of a Senatorial office. But in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt from friendliest lips that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of the three committees of Congress, two of the House and one here, that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President.

These things have passed into history. The Hallam or the Tacitus or the Sismondi or the Macaulay who writes the annals of our time will record them with his inexorable pen.

Mr. Speaker, so impressed were the people with the truthfulness of this word picture, drawn by a master hand, that at the next Presidential election General Grant's majority of 760,000 was overcome, and a majority of 260,000 given for Mr. Tilden, a difference of over one million votes.

Here, then, was a popular verdict as to the merits of General Grant's civil services, which, together with his rejection by his own party at Chicago as a candidate for the third term, ought forever to settle the question of his statesmanship and show to this House the folly of voting him a gratuity of $17,000 a year during the rest of his life.

The people have not asked it to be done, neither in primary meetings nor through their State Legislatures, although the matter has been under discussion for years. Dare we then say to the people, you must stint yourselves, eat coarse food, and wear threadbare clothing that General Grant, for the balance of his life, who has already been munificently rewarded for his services, "may fare sumptuously every day, and be clothed in purple and fine linen?"

If hero-worship in this favored land of ours has taken such deep root in the hearts of our people, and has attained to such stalwart growth as to secure their assent, much less the approval of this measure, then may we lament the degeneracy of the times, and exclaim in the impassioned language of another, *O tempora! O mores!*

General Grant.

SPEECH

OF

HON. ROBERT T. DAVIS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. DAVIS, of Massachusetts, said:

Mr. SPEAKER: I trust that this bill will pass the House with entire unanimity. It should pass, not only as the evidence of grateful appreciation of the priceless services of its illustrious beneficiary, but as an act of justice to the nation. It will prove to the present and coming generations that the Government of a free people is ready and willing to reward extraordinary instances of the most eminent public qualities when successfully exerted in critical periods of its history. And who is there who loves his country that is not proud of the military fame of our great commander—so inseparably and gloriously associated with the triumph of Union and Liberty—a triumph beneficent to every section and to all classes, and yet to be hailed South as well as North as the best possible result of that inevitable and giant conflict of forces in which the combatants on either side were irresistibly impelled by inherited and historic influences to assume their respective positions.

It is the glory of Grant that he successfully wielded the superior military resources of the Government against soldiers as brave and generals as skillful as our own—for they were each Americans, each inheritors of the best blood of historic races and of common traditions of civil and military greatness. And is it not to-day a cause of universal pride and joy that after the great conflict ended with its strange vicissitudes, its defeats and triumphs, the tears and sighs, the sorrow and despair of that great agony, the final victory was a victory of our country, our whole country, North and South, East and West, the vindication of its Constitution, and of the principles of the great Declaration, and the consecration of the national idea in the heart of every American. The clemency and generosity of our great leader in the hour of victory attests the grandeur of his character, and won for him the enduring esteem and admiration of the conquered, who were subdued not more by the fortune of war than by the generous kindness of the victor.

Unquestionably, more than any man who has yet lived, or it is to be hoped will live for a thousand years, Grant has given his country a military history. Vicksburg has no parallel in modern and but one in ancient history, when the greatest genius of antiquity led the victorious legions of Rome, whose conquering tread had resounded through subjugated nations and continents, against a fortified position held by an uncivilized though gallant foe; but nowhere was his greatness of soul so manifest as in the bloody and dreadful march through the Wilderness upon Petersburg and Richmond.

He knew well in advance the fearful cost of that campaign; knew that countless thousands of the noblest, best, and bravest of our sons must lie down in death that our country might live. He heard in anticipation the wail of horror that rose from every hamlet and hearth as those devoted men fell before the murderous fire of a gallant and determined enemy, who had staked all upon that issue, and were fighting under their chosen and superb leader with the courage of despair. He heard the censures, deep and bitter, which his apparently reckless waste of human life incurred.

The greatest poet of the last generation made inanimate nature sympathize with the inevitable fate of the soldiers who were marching to the most famous of European battles:

And Ardennes waves above them her green leaves,
Dewy with nature's tear-drops, as they pass,
Grieving, if aught inanimate e'er grieves,
Over the unreturning brave—alas!
Ere evening to be trodden like the grass
Which now beneath them, but above shall grow
In its next verdure, when this fiery mass
Of living valor, rolling on the foe,
And burning with high hope, shall molder cold and low.

How much more strongly do his mournful lines apply to this campaign of death.

Who doubts that through the dark cloud of battle he saw the majestic and benignant genius of his country beckoning him on to conflict and to victory, that above its din and tumult he heard its commanding voice saying, "Fail not, falter not; you are the chosen leader in this supreme moment; upon the issue of this campaign rests the destinies of unborn and untold millions of the race." That calm, determined, and heroic soul listened and obeyed; and the immortal field of Appomattox will testify forever to his glory and success.

It is for us, in behalf of our own and future times, to prove to this great citizen, now in his old age and visited by sickness, misfortune, and sorrow that a grateful country remembers and values his inestimable services.

American Citizenship.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 28, 1885.

The Resolution—Committee on Foreign Affairs—Expatriation and naturalization—Retaliation and reprisals—Algerine slavery—Efforts to change the law—W. E. Robinson's petition—The '48 troubles—Webster and Hulsemann—The Koszta case—The Fenian troubles—The Fortieth Congress—Charles Francis Adams—Consul West—The country roused—Bill on expatriation—Field day in the House—Bill discussed—The bill in the Senate—Lord Stanley surrenders—Discussion in Senate—Speeches on the bill—Passage of the law—The bill as passed—Opinions on the bill—A. S. Hewitt on W. E. Robinson—The Forty-seventh Congress—Americans in prison—Congress assembles—Numerous adjournments—The case comes up—The great difficulty—Was the imprisonment legal?—The yeas and nays—Delay in Committee on Foreign Affairs—Another field day—Gladstone perplexed—The right thing at last—British insolence—More resolutions—Incompatible with public good—The last efforts—Dishonoring our own record—Misrepresentations of the press—Ireland, why love her?—Irish heroes—Richard Montgomery—More Irish heroes—Joseph Reed—More heroes—Stark and Sullivan—A few more—Anthony Wayne—Other illustrious Irishmen—My labors—Injustice to Mr. Robinson—Annexation of Ireland—An exploded bomb—Letter from Mr. Bancroft—Ireland an American colony—Should be restored—An offer to my critics—Letter from Rev. Dr. Talmage—Other friendly testimonials—Fanny Parnell—Other letters—Looking back—Forty-two years—The Twenty-eighth Congress—Shall I return—True to American ideas—An immigrant's greeting—Hail brightest banner!

Mr. ROBINSON, of New York, said:

Mr. SPEAKER: On the 5th day of December last, now three months ago, I offered a resolution of inquiry which was on that day referred to the Committee on Foreign Affairs:

THE RESOLUTION.

The resolution offered and referred on said 5th day of December, 1884, reads as follows:

Resolved, That inasmuch as this House has the right and the desire, never yet fully granted or gratified, to obtain full information concerning the imprisonment of all American citizens recently arrested and imprisoned by the British Government as "suspects," the President is hereby requested to communicate in full to this House all correspondence by mail, telegram, and cable, whether in cipher or otherwise, between the State Department and our minister at London, and between the Department, our minister, and our consuls to and from each other, and to and from the persons so arrested and imprisoned, claiming to be American citizens, concerning the arrest and imprisonment more particularly of the following American citizens, to wit, Michael P. Boyton, William Brophy, Joseph Dalton, James F. Daly, M. B. Fogerty, John L. Gannon, Henry George, Michael Hart, M. Hickey, James Lynam, John R. McCormick, John McEnery, Daniel McSweeny, D. Hayes O'Connor, Henry O'Mahony, Philip O'Sullivan, Patrick Slattery, Joseph B. Walsh, and James L. White, and any others whose cases are known in the Department of State, with the dates of their several arrests, the specific charges, if any, against each, the dates when the attention of our minister or consuls was called thereto, the demands, if any, with dates, made for their trial or release, as provided in the law of July 27, 1868, the answers made thereto, the dates of their final release, with reasons therefor; whether any one of them was ever brought to trial, or found guilty; whether any demand for apology or indemnity has been made by any one of these citizens, or by their Government, for their unjust and lengthened imprisonment; what reply was made to the instructions given to our minister, as stated by the Secretary of State under date of August 5, 1882, the latest information vouchsafed to this House on this subject, when four of our citizens were still held without accusations because they refused to accept their release on degrading conditions, to wit, O'Mahony, McSweeny, Slattery, and Gannon, of whose release we have even now no official information; and that the President is hereby requested to communicate to this House the telegram the publication of which at the last-mentioned date the Secretary informed us was not "deemed compatible with the public interest."

COMMITTEE ON FOREIGN AFFAIRS.

I have no desire to say an unkind word of any member of the Committee on Foreign Affairs of either this or the last Congress, yet I may be permitted to say that during the entire continuance of both Congresses, during which insults and indignities have been offered to our citizenship such as have never before been offered or endured by any nation, we have had no report from that committee, to which such matters are referred and intrusted, upon these outrages, and we have experienced great delays in having mere resolutions of inquiry referred to that committee reported within the time prescribed by our rules. Several such resolutions of vital importance to the honor of our nation have been delayed for months, and many worthy of immediate and thorough investigation, including that now under consideration, have never been and never will be taken up or considered at all.

I am sure that a brief sketch of the history of this question of American citizenship must prove interesting to all American citizens, and that I propose now to give.

EXPATRIATION AND NATURALIZATION.

Although England at the close of our Revolutionary war had formally acknowledged our independence, she submitted to her destiny with great reluctance. Her military and naval officers missed no opportunity to show their contempt for ours, and many personal difficulties and duels resulted therefrom, in which the gallant Decatur was prominent, and English insolence was frequently chastised.

As early as 1797 fears were entertained that in case of war with England our naturalized citizens found fighting in our Army or Navy would be executed as traitors to their native country on account of England's claim to perpetual allegiance, by which they ignored our naturalization laws.

Accordingly, on the 17th day of June, 1797, a measure was introduced in Congress declaring the right of expatriation; on the 22d of that month it was fully discussed in the House of Representatives by Samuel Sewall and Harrison Gray Otis of Massachusetts, Albert Gallatin of Pennsylvania, William B. Giles and Thomas Claiborne of Virginia, Robert G. Harper, then of South Carolina, and others. It was finally postponed till the first Monday of November in that year, and was never taken up again.

THE SECOND WAR.

The outrages committed on our flag by England impressing our seamen on the ground that she could take her subjects anywhere and compel them to serve her cause on the ground of perpetual allegiance led to the second war, and during its continuance, on the 21st of January, 1814, Thomas B. Robertson, of Louisiana, offered a resolution in the House of Representatives providing for the appointment of a committee to inquire into the expediency of providing by law for the exercise of the right of expatriation, but after a lengthy discussion by Thomas J. Oakley of New York, John C. Calhoun of South Carolina, Nathaniel Macon of North Carolina, and others, it was laid on the table.

RETALIATION AND REPRISAL.

At the battle of Queenstown Heights, in the second war with England, General Winfield Scott was forced to surrender, with about three hundred men, to the superior forces of General Sheaffe. In the subsequent exchange of prisoners the British officers at Quebec selected those who, by confession or accent, were adjudged to be Irishmen, to be sent to England to be tried and hanged for high treason. Twenty-three were selected, some adopted citizens of the United States, and several had American families at home, whom they had left to fight for their adopted country. General Scott came on deck while this selection was going on and told the men to answer no more questions, and that the United States would not fail to avenge their gallant soldiers by retaliation or a refusal to give quarter in battle. The naturalized citizens were put in irons and sent to England. On the 13th of January, 1813, General Scott reported the facts to the Secretary of War, and the same day his letter was sent to Congress. On the 3d of March, 1813, a bill was passed in Congress vesting the President of the United States with the power of retaliation.

In the battle and capture of Fort George, May 27, 1813, General Scott made a great number of English prisoners, and from these he immediately selected twenty-three to abide the fate of the twenty-three Irish-Americans sent to England. This led to the taking of other hostages, men and officers whose lives depended on the fate of these twenty-three Irish-Americans. The number imprisoned by the British as hostages was very large. There were 1,200 American prisoners confined at one time at Chatham, and thousands of Americans, native and naturalized, impressed. After peace had been declared, these twenty-three Irish-Americans, after a confinement of over two years in British prisons, were returned to the United States, all but two who had in the mean time died natural deaths. The survivors received their land bounties and their long arrears of pay. General Scott's mode of protecting American citizens was different from the Lowell method.

Early in the second war the United States brig of war Nautilus was captured. Six of her crew were selected as British subjects to be sent to England and tried for their lives. Commodore Rodgers selected double the number of English prisoners, including a midshipman, whom he held as hostages for the captured Americans. They were all afterward released.

ALGERINE SLAVERY.

For many years Algerine slavery was the terror of the civilized world.

The appearance of a corsair of the Barbary powers created more alarm than the approach of a plague or the occurrence of an earthquake. Many of our citizens became the victims of this cruelty, and were thrown into dungeons and subjected to nameless sufferings. The gallant Decatur in 1805, and again in 1815, opened these prisons with the guns of our Navy. The Dey of Algiers held some of our citizens prisoners in 1815. Decatur sailed from New York on the 20th of May, in that year, with an American squadron. On the 15th of June he arrived at Gibraltar. On the 17th he attacked an Algerine frigate and captured her after two broadsides and the death of her admiral, and on the 28th appeared before Algiers and demanded the release of our prisoners. He gave three hours for the return of our citizens, and promptly on time they were restored to the Stars and Stripes.

There was no delay in examining passports or in picking flaws in the proof of citizenship. That was not the plan of Decatur. The thunder of his cannon shook the shores of the Mediterranean, and the blaze of his guns lighted the gloom of the darkest dungeons of Algerine slavery. Just before the expiration of the three hours' time appointed by Decatur a boat shot out from the shore. With his ringing trumpet he hailed the boat: "Are the prisoners here?" The response was, "They are, sir; every one." That was the American way of protecting American citizenship—so different from the Lowell method. In forty days after his departure from New York he had vindicated our flag and rescued our prisoners, and in seventy days had compelled three hostile powers to sue for peace on terms dictated from his own quarter-deck. His flag-ship was the Guerriere, captured by Hull from England, and another of his squadron was the Macedonian, taken by himself from the same power. No wonder that the Algerine said to the British consul, "You promised if America assailed us that your navy would be on hand; I see that two of your frigates are here."

EFFORTS TO CHANGE THE LAW.

On the 12th of February, 1814, William Findlay, of Pennsylvania, in discussing the supply bill to carry on the war, made a very important speech on the question of expatriation, but nothing was done to establish the right or provide for its exercise.

After the war, on the 15th of December, 1817, Mr. Robertson, of Louisiana, again introduced his measure in the House, and the resolution to appoint a committee to prepare a bill was adopted. One week afterward, on the 22d of December, Mr. Robertson reported from the committee a bill providing for the exercise of the right of expatriation, but after discussion by James Johnson, of Virginia, Lewis McLane, of Delaware, and others, it was defeated by striking out the first section by a vote of 70 to 58.

W. E. ROBINSON'S PETITION.

For a quarter of a century nothing more was done on this subject. In the Journal of the Senate of the United States for the 27th of February, 1842, page 176, the following entry appears:

Mr. Clay presented the memorial of WILLIAM E. ROBINSON, praying that the rights secured to native citizens may be extended to naturalized immigrants from foreign countries; which was referred to the Committee on Foreign Relations.

In that petition I said that—

No act of Congress, no decision of our courts has shaken the power of the feudal principle of perpetual allegiance, a principle at war with the spirit of our Revolution, which makes man the vassal of the lord and chains him to the soil on which he was born as the property of his superior. That England would still assert her power over our naturalized citizens in case of a war may be seen from the proclamation issued by George the Third in 1807, by which he recalled from foreign service all seamen and seafaring men who were natural-born subjects of Great Britain, and ordered them to withdraw themselves from such service and return home on pain of being proceeded against for a contempt, and that no naturalization papers would be respected.

I followed this up by sending several similar petitions to Henry Clay, of Kentucky, and in the Congressional Globe, second session Twenty-seventh Congress, reporting the proceedings in that body of March 29, 1842, at page 365, Mr. Clay declared that the United States would protect the naturalized citizen with the cannon of the country.

Senator Lewis F. Linn, of Missouri, who had served in the last war, called Mr. Clay's attention to the fact that during the war thirty-three soldiers of the American Army were made prisoners by British troops and sentenced to be executed because they were of British origin; but as peace was soon after declared the execution did not take place.

Mr. Clay said he recollected the incident referred to, and had the American soldiers been executed we should have retaliated by executing some British officers. He thought England would never act toward any of our citizens on the doctrine of perpetual allegiance—an exploded doctrine—a doctrine which could not be maintained in practice. He asked that the subject be referred to the Committee on the Judiciary.

WEBSTER AND CASS.

It is proper to notice here that in 1842 Mr. Webster, then Secretary of State, made very earnest efforts with and appeals to the British Government to surrender the claim of perpetual allegiance, but they were rejected or declined.

Lewis Cass also, in his able examination of the right of search, did much to establish the true American doctrine on this subject.

THE '48 TROUBLES.

The question then took another sleep for six years, till 1848, when the popular uprising in Ireland took place under Smith O'Brien. An Irish directory had been formed in New York, including Horace Greeley, Robert Emmet, Charles O'Conor, and John McKeon, all natives of this country except Robert Emmet. This directory openly advocated men, money, and arms to aid Ireland in her struggle for independence. No American was allowed to travel through Ireland unmolested, and numerous arrests of American citizens were made on the most frivolous grounds. Indeed, an order was issued by the British Government to arrest all Americans found traveling in Ireland, and among those arrested were James Bergen, of Boston, and Frank Ryan, of Cincinnati. I brought these cases to the attention of our Government.

James K. Polk was President, James Buchanan was Secretary of State, and George Bancroft was our minister to England. A long and angry correspondence between the governments ensued, but England delayed the release of our citizens till it suited her convenience. That correspondence was published on the call of Congress, and a newspaper called The People, published in New York, by Devin Reilly, John McClenahan, and myself, in its first number of January 13, 1849, reviewed that correspondence in a slashing article of six or eight columns, the ablest exposition of the question at issue ever published in the United States.

When it suited the convenience of England, and not before, our citizens were released, and Bergen and Ryan were welcomed to New York with a grand reception by Horace Greeley and others.

WEBSTER AND HULSEMANN.

The political earthquake of 1848 shook almost every throne in Europe, and kings and emperors were trembling at the progress of American ideas. As they regained confidence they renewed their efforts to curb that progress.

Our next difficulty about citizenship occurred with a continental power. During the Hungarian struggle for independence, in the memorable summer of 1849, the administration of President Taylor sent out Mr. A. Dudley Mann as American agent to visit Hungary and report on the real state of things in that country, with a view of being among the first to acknowledge her existence as an independent nation in case her brave defenders should succeed in placing her in that position. This fact having been communicated to Congress by President Taylor in a special message roused the wrath of Austria.

Chevalier J. G. Hulsemann was then the Austrian minister at Washington, and he addressed a lengthy and saucy letter to our Secretary of State, Daniel Webster, under date of September 30, 1850, in which he complains that Mr. Mann's instructions designated the Austrian Government as an "iron rule," and represented Kossuth, the rebel chief, as "an illustrious man," and said he made "ample allowance for the ignorance of the Cabinet at Washington" and the mendacious rumors of the American press.

This Austrian letter roused the feelings of the somewhat saturnine Secretary of State, but he restrained his wrath for nearly three months, and then, on the 21st of December, 1850, poured it out in a long letter rarely matched in diplomacy. He drew a vivid sketch of the progress, power, and extent of this country in comparison to which Austria was but as "a patch on the earth's surface," and he declared that it was not only our right but our duty to sympathize with the peoples of all countries trying to adopt institutions similar to our own.

THE KOSZTA CASE.

The next time in which this question came up was in 1853, in the celebrated correspondence between Chevalier Hulsemann and our Secretary of State, William L. Marcy, in which higher ground for protection of our citizens was taken by Mr. Marcy than had ever been taken before or since.

Martin Koszta, by birth a Hungarian and an Austrian subject, took an open and active part in the political movement under Kossuth in 1848–'49, designed to detach Hungary from the dominion of the Emperor of Austria. At the close of that disastrous movement Koszta, with many of his compatriots, fled from the Austrian dominions and took refuge in Turkey. Austria demanded their extradition, which Turkey firmly resisted. After long confinement at Kutaieh, they were in 1851 released on condition that they should go into foreign parts with the concurrence of Austria. Koszta came to this country, and on the 31st of July, 1852, before a proper tribunal in the city of New York, made a declaration under oath of his intention to become a citizen of the United States, renouncing all allegiance to any other state or sovereign, and particularly to the Emperor of Austria.

After remaining in this country one year and eleven months he returned to Turkey in an American vessel to attend to some private business. He landed at Smyrna and put himself under the protection of the American consul and claimed the right of a naturalized American citizen. After consultation the American chargé d'affaires *ad interim* at Constantinople and the American consul at Smyrna furnished Koszta with a tezkereh, a species of passport or letter of safe conduct, which foreign consuls have a right to give under Turkish law to those to whom they wish to extend protection. While waiting for an opportunity to return to

the United States he was seized by a band of lawless men, cruelly treated, and thrown into the sea. Immediately afterward he was taken up by a boat's crew lying in wait for him, belonging to the Austrian brig of war, the Huszar, forced on board, and there confined in irons.

This was on the 21st of June, 1853. Capt. Duncan N. Ingraham, now living in South Carolina, happened oppportunely to have come into the port of Smyrna with the United States sloop of war Saint Louis, and having learned that the design was to carry Koszta to Trieste, in Austrian territory, on consultation with our chargé d'affaires and consul, on the 2d day of July, 1853, he sent a message to the commander of the Huszar in which he demanded the surrender of Koszta into his hands, and if this was not complied with by 4 o'clock on the afternoon of that day he would take him by main force. Following this demand he drew his sloop of war up to within a half-cable's length of the Austrian vessel, loaded his guns, and got ready for action, when the Austrian yielded and agreed that Koszta should be delivered in charge of the consul-general of France until the difficulty was settled.

The Austrian Government addressed a circular letter of complaint to the principal European cabinets against the action of Captain Ingraham. The cabinets of St. Petersburg and Berlin instructed their representatives at Washington to intimate their general concurrence in the view taken by Austria, but on the 21st of September, 1853, by general consent of the parties concerned, Koszta was released and sailed from Smyrna for the United States on board the American bark Mimosa, and thus the matter of his personal liberty was settled. In the mean time Hulsemann had written an excited and lengthy letter to Secretary Marcy under date of August 29, 1853, in which he protests against Captain Ingraham's conduct as an act of war and calls upon the Government of the United States to surrender Koszta to Austria; to disavow the conduct of its agents in this Koszta affair; to "call them to a severe account," and to tender to Austria a satisfaction proportionate to the magnitude of the outrage.

To this Mr. Marcy replied in a long and vigorous letter, dated September 26, 1853, in which the American doctrine of the right of expatriation and the duty of our country to defend all persons clothed, however slightly, in American nationality are set forth in language which contrasts strongly with our doubtful diplomacy in these later days. The conduct of our consul, Mr. Offley, of Mr. Brown, our chargé d'affaires *ad interim*, and particularly of our gallant Captain Ingraham, was approved, and the demand of Austria for apology firmly rejected.

This was the high character of American citizenship and the invincible sanctity of protection to all persons who, even though not fully naturalized, were clothed with American nationality, which Mr. Marcy left to his successors in the State Department.

THE FENIAN TROUBLES.

But in 1866 England saw fit to insult our flag in her indiscriminate arrest of numerous American citizens. Some were native Americans, such as General William J. Nagle, Capt. John McCafferty, Capt. John McClure, and John H. Rogers (now a respected officer of this House). Most of them had served gallantly and with great distinction in the Union Army. General Nagle had prominently distinguished himself at the terrible battle of Fredericksburg. Col. John H. Gleason, Col. John W. Byron, General Thomas F. Bourke, Col. John Warren, Capt. Patrick J. Condon, Capt. John McClure, and many others who had won distinction and brevets on our battlefields, were cast into prison, some charged with crime and overt acts, but many of them on mere suspicion. Others were tried and convicted and punished for words spoken and acts done in the United States. To those who established their nativity in the United States—Nagle, McCafferty, and George Francis Train—a mixed jury of half aliens was accorded; but to those who were naturalized citizens of the United States equal privileges were denied. Their certificates of naturalization were treated, as described by the correspondent of the New York Tribune, as of "no more account than an old programme of the performance of Christy's Minstrels."

Notwithstanding the declaration of Mr. Clay that England would never dare to act upon the exploded doctrine of perpetual allegiance, England did act upon that doctrine, and made a marked and offensive difference between the native and naturalized citizens of the United States, and her judges announced that exploded doctrine in the most offensive way. Stephen J. Meany, John Warren, Eugene Costello, and others were held and punished for words and acts spoken and done in the United States.

While trial by a mixed jury was accorded to native American citizens, it was denied to all naturalized citizens on the specific doctrine of perpetual allegiance and in contempt of our laws of naturalization.

It is worthy of notice here that Secretary Seward submitted the question to Attorney-General Stanbery, whether our citizens had the right to claim a jury of half foreigners as provided in British law, and he gave his opinion that they could not claim it, while the British judges and lawyers decided that they could. They only denied it to naturalized citizens, and thus made an offensive distinction.

THE FORTIETH CONGRESS.

In November, 1866, members to the Fortieth Congress of the United States were elected, and fortunately among those so elected was myself. Under ordinary circumstances this Congress would not have met until the first Monday in December, 1867, but the quarrel between Congress and President Johnson resulted in its meeting on the 4th of March, nine months before its regular time.

Immediately after its organization, on the 7th of March, 1867, I offered the following resolution, which was unanimously adopted:

Resolved, That the President of the United States is hereby requested to communicate to this House all correspondence, documents, and proceedings in possession of the Departments relating to the arrest, imprisonment, and treatment of American citizens in Great Britain or its provinces within two years last past.

This resolution was answered by President Johnson on the 21st of March, 1867, and the House was informed that the publication of the correspondence might be detrimental to the public good.

On the 27th of March, 1867, Mr. Banks, chairman of the Committee on Foreign Affairs, by instructions of the committee, reported a resolution extending the sympathy of the House of Representatives "to the people of Ireland and of Canada in all their just efforts to maintain the independence of states, to elevate the people, and to extend and perpetuate the principle of liberty."

Mr. Banks yielded the floor to me as a member of the Committee on Foreign Affairs, and I stated that while I supported the resolution I was in favor of a much more decided expression of sympathy. I was followed by Mr. Pile, Mr. Banks, Mr. Washburne, of Wisconsin, Mr. Wood, and Mr. Eldredge, and the resolution was unanimously adopted.

Congress then adjourned over from March 30 till the 3d of July.

On the 10th of July, 1867, I obtained unanimous consent to introduce a resolution asking the Committee on Foreign Affairs "to report immediately whether any American citizen had been arrested, tried, or convicted and sentenced in Great Britain or Ireland for words spoken or acts done in the United States," and had read by the Clerk reports of the trial of Stephen J. Meany, with the comments upon it in the New York Herald of March 11, 1867. My resolution was unanimously adopted.

July 20, 1867, Mr. CULLOM, from the Committee on Foreign Affairs, reported a resolution asking the President of the United States for information on my resolution of the 10th. Mr. Banks presented a communication from the Secretary of State, reporting that the Department had heard of only one case, that of Captain McCafferty. I stated that the Department of State seemed to be ignorant of the fact known to almost everybody else, that Stephen J. Meany, William J. Nagle, and General Halpine had been so arrested. The resolution was unanimously adopted.

On this 20th day of July, 1867, Congress, by concurrent resolution, took a recess to the 21st day of November.

Four months then intervened, and in the mean time nothing had been done about our citizens in British jails, and immediately on the reassembling of Congress, on the 21st of November, I took the floor. I had been urging attention to the case of our citizens in several resolutions and speeches, but without much earnest support. A quarter of a century had passed since I had petitioned Congress through Henry Clay, of Kentucky, to declare the right of expatriation and that our naturalized citizens should stand on equal footing with our native citizens. Thrice the question had come before Congress, and, although advocated by such statesmen as Claiborne, Gallatin, Macon, Otis, and Calhoun, it had failed, and I resolved to make a determined and successful fight for it.

CHARLES FRANCIS ADAMS.

In the mean time our minister to England, Charles Francis Adams, was accused of neglecting our citizens then in British jails, and two men, claiming to be American citizens and known since then as two of the Manchester martyrs, had been sentenced to death on the 23d of November. Their friends claimed and they proclaimed in court that had it not been for the neglect of Mr. Adams their lives might have been saved.

Accordingly, on the first day of the reassembling of Congress, in order to call special attention to the subject and to obtain the floor on a privileged question, I moved to impeach our minister for neglect of duty, and to request the President to telegraph to Mr. Adams to demand his passports and return home. Also, that the Secretary of State be requested to impart to the House all information concerning our imprisoned citizens, "without reference to its public effect, to be considered if need be in secret session of the House."

After speaking a few minutes the House adjourned till Monday, the 25th of November, when I continued and concluded my speech, which was afterward printed in pamphlet form and widely circulated. I closed by declaring the principles on which the United States would act in protecting her citizens abroad: First, that no American citizen should be arrested in foreign countries without proper charges or sworn information, on which he was to have a fair and speedy trial, even under suspension of habeas corpus; second, that no American citizen without charge of crime should be ordered by any foreign government to quit its country; and, third, that the benefits of English law shall be fully accorded to adopted as well as native citizens—the same as to aliens of other countries. I also moved the following resolution, for action by the Committee on Foreign Affairs:

Resolved, That the committee be requested, at their earliest convenience, to report a bill or declaration providing for the expatriation of such of our citizens

as may wish to be naturalized in other countries, and how far we shall protect the rights of natives of other countries naturalized in the United States.

In the mean time, on the 23d of November, 1867, while I held the floor, the Manchester martyrs were executed. God save Ireland!

CONSUL WEST.

On the first Monday of December, 1867, the first session of Congress terminated, and immediately the second session was opened. Having received several letters from several of these American prisoners concerning the conduct of our consul at Dublin, W. B. West, I brought the matter before the House immediately on its assembling on the 2d of December, 1867, and moved that the Committee on Foreign Affairs inquire into Mr. West's conduct, and detailed the indignities heaped upon Capt. P. J. Condon, General Denis F. Burke, John H. Rogers, and others who had been imprisoned for months without any charge being brought against them, and were finally marched between police officers to the ships on which they were compelled to embark and leave the country. This was a clear infringement not only of national law but in violation of our treaties with England. Even in the Jay treaty it was stipulated that even in time of war citizens of the United States should be allowed a year to arrange their business in safety provided they violated no law.

THE COUNTRY ROUSED.

In the mean time vast meetings had been held in the principal cities of the Union. A meeting was held in Cincinnati, November 23, 1867, estimated at 50,000. The same evening a meeting of the soldiers of our late war, estimated at 7,000, was held in and at Cooper Union, and on the 26th another meeting at the same place, estimated at 10,000, and addressed by Horace Greeley, General Cochran, Judge Charles P. Daly, John McKeon, A. Oakey Hall, General Halpine, and others. At these meetings stirring resolutions were adopted sustaining my movements in Congress and returning thanks to me by name.

The day before I made the last speech above referred to, Mr. Norman B. Judd, a member from Illinois, who had been our minister to Prussia, called on me and informed me that he was going to make a statement supporting my views. Accordingly, as soon as I had concluded my remarks Mr. Judd took the floor and made a strong speech, which he opened as follows:

Mr. Speaker, I have listened with attention to the detail of grievances made by the honorable gentleman from New York [Mr. ROBINSON], and I say here and at this time that any member of this House who will listen to that detail of wrongs and not feel his blood flow a little quicker through his veins, is not the American citizen that I supposed him to be."

The public meetings in our large cities, and the joint resolutions adopted by the Legislatures of several States in favor of this measure, roused the country to active measures, and our Congressmen were not slow in taking the hint that this subject could not longer be neglected. On the floor of the House a dozen members were on their feet at one time clamoring for recognition. Numerous bills were presented during the months of December and January, which, with all my resolutions, joint resolutions of Legislatures, and the communications from the President and Secretary of State, were all referred to the Committee on Foreign Affairs. That committee consisted of N. P. Banks (chairman), Godlove S. Orth, SHELBY M. CULLOM, C. C. Washburne, Denis McCarthy, Austin Blair, Leonard Myers, W. E. ROBINSON, and George W. Morgan.

On the 20th of December, 1867, fretting under the delay of the committee, I obtained unanimous consent to read a long petition from General W. J. Nagle, dated Kilmainham Jail, November 25, 1867, and also a statement signed by the mayor, city clerk, and other officials of Brooklyn, and the sheriff of Kings County, demanding the immediate release of our citizens, all of which I had printed in the official record; and I offered the following resolution:

Resolved, That the President of the United States be, and hereby is, requested by this House to take immediate action on the cases of William J. Nagle and John Warren, now in British prisons, one held without trial since June 1, 1867, and the other convicted by a jury to which the challenge allowed by English law to citizens or subjects of other countries was refused; that a new trial be granted to one and a speedy trial to the other, or liberty to both.

Mr. Benjamin objecting, the resolution was not considered.

BILL ON EXPATRIATION.

On the 27th of January, 1868, Mr. Banks reported a bill which had been matured by the committee, which provided that if any naturalized citizens were wrongfully arrested, or held in any way liable to perpetual allegiance, the President should seize citizens or subjects of the power thus acting as reprisals or hostages.

On the 29th of January the bill came up for discussion, and half a dozen speeches were made upon it.

January 30 the discussion was continued, and six or seven more speeches were made.

FIELD DAY IN THE HOUSE.

February 3, 1868, was a grand field day in the House on American citizenship. Mr. Hopkins, of Wisconsin, presented the joint resolutions of the Legislature of that State declaring the duty of Government to protect our citizens abroad. After the morning hour had expired I rose and asked if it would be in order now to suspend the rules to introduce a resolution which I had in my hand. The Speaker [Mr. Colfax] ruled that a contested-election case was the first matter in order. After one speech had been delivered on the election case I asked unanimous consent to introduce my resolution. Several members called for the regular order, and my resolution was not received. I protested that American citizens are rotting in English jails and we can get in everything but their claims.

Mr. Eldredge, of Wisconsin, a few minutes later, got the floor and yielded to me. I introduced a long preamble reciting the facts in the trial of Stephen J. Meaney, John Warren, General Halpine, Augustus Costello, and W. J. Nagle, and a resolution requesting the President to examine these cases, and if he found the allegations in the preamble to be true to demand the immediate release of any and all our citizens charged with or convicted for words or acts spoken or done in the United States; to demand an immediate new trial for any American citizen who had been denied his challenge to the array of the jury on the ground of perpetual allegiance, and to demand the immediate release of William J. Nagle.

And in case of such demand being refused the President is hereby requested to order the arrest of and detain in custody any subjects or citizens of Great Britain who may be found within the jurisdiction of the United States, and to withdraw all intercourse of the United States with Great Britain.

Mr. Bingham, Mr. Maynard, and Mr. Banks objected, whereupon I moved to suspend the rules to enable me to offer the resolution. On a division there were—ayes 60, noes 36; and the motion to suspend the rules, requiring two-thirds, was lost, whereupon I demanded the yeas and nays, which were ordered, and resulted—yeas 97, nays 30. The Speaker declared that I was entitled to the floor for one hour. A very spirited debate ensued, Mr. Banks and Mr. Bingham opposing the adoption of the resolution and advocating its reference to the Committee on Foreign Affairs, Mr. Eldredge, of Wisconsin, and Mr. Pruyn, of New York, opposed its reference.

I wanted immediate action, and said:

The time is past when the British lion can trample upon American citizens with impunity. We should not sleep one night upon this matter. We can not stand by and see the flag of the Union made the foot-rug of Europe. British officials seemed to calculate that we would delay the vindication of American citizenship till eternity's bell should ring. This inquiry had been before the Committee on Foreign Affairs eleven months. What has been done? How long must our citizens pine in chains and dungeons before we can get some department to listen to their cry or shed a tear of pity over the clanking of their chains? Six, nine, ten, twelve months have elapsed, and still one hundred American citizens, American soldiers, without crime alleged against them, lie prostrate and helpless this day beneath the foot of this toothless, fangless British lion, and we can not get a vote to look into the matter. There is a bundle of dusty red tape which I want to cut in order to get at something immediately practical and effectual. The chains are on the limbs of American citizens.

The iron of the British despot is pressing on the bones of sovereigns superior to their sovereign, with more brain, more intellect, each one of them, than their sovereign has. And while we adjourn from day to day from our comfortable seats to our plentiful meals and our soft, downy beds, these American citizens, soldiers, heroes, are insulted in every quarter of Great Britain. We seem to be rolling a stone all the time uphill, and before we get it two steps up we are two steps down again. We are eating and drinking and faring sumptuously, and swinging round the circle of fashionable frivolity, while one hundred American citizens, unconvicted and charged with no crime, are to-day pining in cold, damp British jails, badly fed and poorly clothed, while no man is raising a hand to liberate them or a voice to comfort them or a cup of consolation to their quivering lips. I intend, God giving me strength, to press this subject in every way and without cessation. I have advocated and will continue to demand prompt and energetic action.

Mr. Banks, promising prompt action by the Committee on Foreign Affairs, moved to refer the whole subject to that committee. I protested that this would be death to the movement, but it was carried. I called the yeas and nays, which were ordered, and resulted—yeas 80, nays 39, not voting 69. Among those voting with me against the reference were Mr. BECK, of Kentucky; Brooks, of New York; Butler, of Massachusetts; HOLMAN, of Indiana; Judd, of Illinois; Kerr, of Indiana; Lawrence, of Ohio; Pruyn, of New York; RANDALL, of Pennsylvania.

The prisoners were allowed to remain in jail, some for another year, and all were released with broken health, and without remuneration for injuries and outrages inflicted on them.

BILL DISCUSSED.

The next day, February 4, the expatriation bill was again taken up, and four speeches were made upon it.

February 5 and 6 the question was further discussed.

February 10, 1868, the President sent in a lengthy answer to my resolution, including the correspondence on the arrest of our citizens. It was published in two volumes.

February 11 and 12 the bill came up again, and twenty speeches were made.

February 13 the bill was further discussed, and was then referred back to the committee, with many proposed amendments and substitutes which had been offered with the intention of having an amended bill matured and reported.

On the 17th of February Mr. Starkweather introduced a bill which passed the House in five minutes—yeas 114, nays 29—which appropriated $50,000 for the relief of our imprisoned citizens in Ireland.

On the 10th of March, after a month's deliberation, Mr. Banks reported a new bill, an improvement on the original bill, but retaining the vigorous clause for reprisals. Three speeches were made upon it, but the question of the impeachment of the President delayed its consideration till the 20th of April, when it was taken up, and after a dozen or more speeches, passed—yeas 104, nays 4. During the entire debate there was no speech made directly against the bill.

SPEECHES ON THE BILL.

From the Index to the Congressional Globe it appears that among those making more than one speech the following members spoke the number of times set opposite their names:

	Times.		Times.
Mr. Baker, of Illinois	5	Mr. Morgan, of Ohio	4
Banks, of Massachusetts	26	Orth, of Indiana	6
Boyer, of Pennsylvania	5	Paine, of Wisconsin	3
Butler, of Massachusetts	3	Pile, of Missouri	7
Chanler, of New York	4	Pruyn, of New York	4
Cullom, of Illinois	2	Robinson, of New York	6
Donnelly, of Minnesota	2	Spalding, of Ohio	2
Eldredge, of Wisconsin	2	Van Trump, of Ohio	7
Garfield, of Ohio	1	Wilson, of Iowa	5
Higby, of California	6	Woodward, of Pa	2
Ingersoll, of Illinois	3	Wood, of New York	2
Jenckes, of Rhode Island	8	Washburne, of Illinois	5
Judd, of Illinois	11	Randall, of Pennsylvania	2
Maynard, of Tennessee	4	Griswold, of New York	2

I may here state that during the entire discussion of this great question in the House of Representatives, James G. Blaine, of Maine, and JOHN A. LOGAN, of Illinois, both prominent members and ready debaters, never said a word upon it. The nearest approach either of them made to a speech was by Mr. LOGAN, who asked me some questions to which I replied.

THE BILL IN THE SENATE.

In three days, April 23, it was reported to the Senate, and referred to the Committee on Foreign Relations, consisting of Senators Sumner (chairman), Fessenden, Cameron, Harlan, Morton, Patterson of New Hampshire, and Johnson. In that committee it slept for two months, till June 23, when it was reported to the Senate.

Irritated at the long delay in the Senate on this bill in demanding the release or retrial of Warren and Costello, on the 15th day of June, 1868, I obtained unanimous consent to offer the following resolution, which was read, considered, and agreed to:

Resolved, That the President of the United States is hereby requested by this House to take such measures as shall appear proper to secure the release from imprisonment of Messrs. Warren and Costello, convicted and sentenced in Great Britain for words and acts spoken and done in this country by ignoring our naturalization laws; and to take such other measures as will secure their return to our flag with such ceremonies as are appropriate to the occasion.

LORD STANLEY SURRENDERS.

The next day, June 16, 1868, Lord Stanley addressed a note to Mr. Thornton, the English minister at Washington, in which he says that Her Majesty's Government were prepared to negotiate a naturalization treaty "and no longer hold to the doctrine of indefeasible allegiance."

On the 22d of the same month Mr. Secretary Seward addressed a note to Mr. Moran, our chargé d'affaires in London, inclosing my resolution of the 15th, at the request of the President, and calling attention to the bill then pending in the Senate (act of July 27, 1868), which had passed the House, requiring the President to make reprisals in case of a denial to naturalized Americans of the rights conceded to native American citizens. Mr. Seward directed that a copy of my resolution and his note should be left, after reading, with Lord Stanley.

Within a week afterward (June 28, 1868) Lord Stanley wrote a note to Mr. Thornton, which he was to show to Mr. Seward, leaving a copy, in which he acknowledges the receipt of Mr. Seward's note and my resolution, and stating that Her Majesty's Government had a sincere desire to dispose of the naturalization question in a manner satisfactory to both countries. He tried to answer my resolution by stating that Warren and Costello had cruised along the coast of Ireland with the intent to land men and arms in Ireland. He does not state under what law an American citizen could be punished in England for any intent he might have had while on American soil or on an American deck, if he did not attempt to carry that intention out by any overt act in British territory.

This correspondence may be seen at length in the Washington Daily Chronicle of December 4, 1868. It was copied from English newspapers and was not communicated to Congress by our Government.

Lord Stanley's declaration of England's willingness to surrender England's pet theory of perpetual allegiance to the American doctrine on expatriation and naturalization was cabled to Mr. Sumner, who read it to the Senate.

DISCUSSION IN SENATE.

July 10, Senator Conness, of California, a native of Ireland, succeeded in making the bill the special order for the next Monday, July 13. It came up as a special order, but went over. July 16 and July 17 efforts to take it up proved ineffectual. The committee seemed inclined to let the measure die, but public opinion had grown too strong to be trifled with. In the mean time both of the great political parties had made this question a principal plank in their platforms.

At length, July 18, 1868, it came up for discussion in the Senate and Mr. Sumner led off. The Senate committee had stricken out the House section for reprisals and insisted that the President should report to Congress. Five speeches were made; July 20, four more were made; July 22, eight or ten Senators spoke upon it, including Sumner, Conness, Buckalew, Williams, and Conkling.

July 23, debate continued at great length.

PASSAGE OF THE LAW.

Saturday, July 25, debate was resumed, and Congress was to adjourn Monday, July 27. The vote was taken and the bill passed—yeas 39, nays 5. On the same day it was sent to the House and immediately passed as amended by unanimous vote, and on the 27th of July, 1868, it was signed by President Johnson and became a law.

THE BILL AS PASSED.

As finally passed the bill is the great bulwark of American citizenship in foreign lands. In consequence of its passage treaties were made with us by England, Prussia, and other countries, and if faithfully executed will easily prevent the imprisonment of any innocent American citizen by any foreign government. It was practically ignored by Lowell in the outrages perpetrated on our citizens in 1881–'82. Its full text is as follows:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and

Whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and

Whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and

Whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

SEC. 2. *And be it further enacted*, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this Government, the same protection of person and property that is accorded to native-born citizens in like situations and circumstances.

SEC. 3. *And be it further enacted*, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

OPINIONS ON THE BILL.

How great and grand this law appears in our history may be seen by a few extracts from some of our leading statesmen during its passage through Congress, and afterward on various occasions:

Mr. Judd, of Illinois, formerly our minister to Prussia, and well acquainted with the question, addressed the House at length on the 2d day of December, 1867. He said he had listened attentively to the gentleman from New York [Mr. ROBINSON], and the question was a national one. "The honor and dignity of the nation were involved in the question, and to neglect or delay action upon it as it was now presented would sink this proud country almost out of the list of nations." He concluded his remarks by this expressive sentence:

"To settle this conflict upon the basis of Americanism would possess for me more attraction than the reputation of having purchased a hemisphere. I regard the protection of national citizenship as far above the acquisition of territory, and so I believe the future historian will write it."

Mr. WILSON, of Iowa (now Senator), chairman of the Judiciary Committee of the House of Representatives, in a speech delivered by him January 30, 1868, said:

"We are not now dealing with a mere question of election, nor playing a pleasing game for the votes of naturalized citizens. Whoever views the present occasion through such glasses will greatly mistake the magnitude of the proportions of the subject with which we are dealing. The stern fact that we are breasting the current and immemorial doctrine of most of the nations of the earth respecting the right of expatriation should place us on a higher plane of statesmanship than that which consults merely the present and transient effect of its action."

Speaking of the second section of the bill as it was finally adopted, protecting native and naturalized citizens alike, Mr. WILSON said:

"Thus far the section challenges the attention and practice of every nation from which we have drawn the foreign element of our population. It is affirmative, agressive, and boldly American. Let this be declared as the policy of this country and no one can mistake it. It is a grand assault on the miserable feudal doctrine of non-expatriation. It sounds like the deep-swelling tones of a nation whose origin and growth rest upon the right of expatriation. It is the voice of potential America riving the policies which assert the perpetual allegiance of a man to the place of his birth. It breathes the breath of life into that clause of the Constitution which declares that Congress shall have power to establish a uniform rule of naturalization. It gives vitality to this constitutional power, and elevates our naturalization laws above the level of cheats and snares."

Judge Woodbridge, of Vermont, one of the ablest men then in Congress, in his speech of February 12, 1868, said:

"No graver question has ever been presented before the American Congress. * * * In whatever aspect we view it, one of two results must inevitably follow: either successful negotiation or a foreign war. It is above party. It rises above the making and unmaking of Presidents. It assumes the proportions of a great national question, enunciating the inherent right of expatriation, and the determination of our Government to extend hereafter the same protection of person and property to the naturalized and native-born citizen."

Godlove S. Orth, of Indiana, long time a member of Congress and a distinguished member of the Committee on Foreign Affairs, at a meeting in Cooper Union, New York, held on the 3d day of April, 1882, said:

In 1868 the American Congress formulated for the first time into law the sentiment of protection to American citizens. Now, then, what is that law? It is as sacred to American citizens as any line in the Declaration of Independence. It is as important to the protection of the citizen abroad as the Constitution of the Government is important to the protection of the citizen at home. Under this law we plant ourselves, upon this law we stand, and from this law no

power on God's earth can move us. [Tremendous cheering, renewed again and again, the whole audience rising.]

In Barnes's History of the Fortieth Congress my biography was written by Horace Greeley while this measure was pending, and he refers to it in these words:

If this question shall be ultimately settled to the satisfaction of the large class more especially interested, the credit will be largely due to Mr. ROBINSON's ardent and indefatigable efforts.

And the New York Tribune, under better editorial influences than it now enjoys, published on the 14th of May, 1870, the ratification of the treaty with England, made in pursuance of the law of February 27, 1868. And Mr. Greeley, in his editorial, thus refers to it:

Yesterday's cable telegram informed us that the Royal assent was given to the British naturalization law. Thus England abandons her doctrine of perpetual allegiance and acknowledges the right of expatriation. It should not be forgotten that this measure owes its success in a large measure to WILLIAM E. ROBINSON, of Brooklyn, who first introduced and urged it through the Fortieth Congress, which Congress deserves the credit of having passed the law.

A. S. HEWITT ON W. E. ROBINSON.

On the 2d day of March, 1882, Hon. ABRAM S. HEWITT, of New York, delivered a speech in this House, from which I make the following extract:

In 1867 American citizens who had gone to Great Britain were seized, brought to trial, convicted, and put in prison. The excitement thus produced in the minds of our adopted citizens resulted in the election of Hon. WILLIAM E. ROBINSON to the Fortieth Congress, for the express purpose of securing such action on the part of the administration and such legislation from Congress as might be necessary for the protection of our naturalized citizens, resident or traveling in foreign lands. And this legislation he succeeded in securing; and after carefully examining the steps by which it was secured, I am prepared to say that he is fully justified in claiming the legislation of 1868 as his work, and in declaring in this House or elsewhere—

Alone I did it.

He claims no more than his just due when he asserts that prior to this legislation the feudal doctrine of perpetual allegiance, which is a doctrine of political servitude, had not been abandoned, except as the result of the war of 1812, by any leading European nation, but after our legislation of 1868 it was expressly abandoned by all of them; so that in fact the rights of our naturalized citizens were as fully recognized by the civilized world as our duty to protect them had been asserted in the war of 1812.

In securing this legislation there is a striking similarity between the scenes of disorder which we have recently witnessed, whenever my colleague from Brooklyn has taken the floor, and the occurrences of the Fortieth Congress. That Congress assembled in extra session on the 4th of March. On the 7th of March Mr. ROBINSON introduced the familiar resolution of inquiry, calling upon the President for information as to American citizens held under arrest in Ireland.

On the 20th March Secretary Seward sends a letter refusing to furnish the correspondence on the ground that its publication might be detrimental to the public interests. Congress then took a recess until the 3d of July, and on the 10th Mr. ROBINSON again renewed the subject in a resolution instructing the Committee on Foreign Affairs to report immediately whether American citizens had been arrested, tried, and convicted or sentenced for words spoken or acts done in the United States. Again there was a scene, but the motion was carried. On the 20th of July the State Department stated to the Committee on Foreign Affairs that it had no such information. On the same day Congress took a recess until the 21st November, and upon that day Mr. ROBINSON offered a resolution of impeachment against our minister to England, and made a speech in which he outlined the measures of legislation which were subsequently adopted. But at that time there was a scene as usual, and no action.

On the 2d of December, on the very opening of the second session, Mr. ROBINSON got the floor, and for an hour pressed his views, amid great opposition and excitement, upon the attention of the House. Up to this time he had stood alone in advocating the right of expatriation, but on this occasion Mr. Judd, of Illinois, came to his support in an able speech, and the resolutions of Mr. ROBINSON were referred to the Committee on Foreign Affairs, of which happily he was a member.

Then followed a series of vast public meetings over the whole country, in which the principles of Mr. ROBINSON's resolutions were indorsed, the result of which was that Congress was flooded with petitions and resolutions, showing that the country was thoroughly aroused on this question, so vital to the independence of the Republic. Nearly every member of the House was suddenly waked up to the magnitude of the question, so that in the course of a month a dozen or more bills and resolutions were introduced declaring for the right of expatriation and for the protection of our naturalized citizens.

On the 27th of January, 1868, Mr. Banks, chairman of the Committee on Foreign Affairs, reported a bill providing for reprisals as a remedy for the unjust arrest of our citizens. There is a change! The first report was a bill for reprisals. This bill was most elaborately discussed, all the leading members of the House taking part in the discussion. Meanwhile, the State Department relented and sent in the correspondence, filling now two bulky printed volumes. On the 18th of February the House passed, under suspension of the rules, in five minutes, a bill appropriating $50,000 for the relief of our citizens imprisoned abroad. The vote was 114 to 29, the negative votes being, with one exception, all cast by Republicans. On the 10th of March Mr. Banks reported an amended bill, which, after much discussion, was finally passed on the 20th of April, with only four votes in the negative, all Republicans. I have not time to follow the elaborate discussion which took place in the Senate, but the bill, with amendments, was finally passed by a vote of 39 yeas to 5 nays, the latter all Republicans. The House concurred in the amendments, and the act was approved by the President on the 27th of July, 1868, a day which witnessed a declaration of rights scarcely less important to the freedom of the world than the Declaration of Independence.

This was the work of my colleague, WILLIAM E. ROBINSON, and there is no man, not even a Republican, who can justly contest his claim to the credit of this great measure of justice and natural right.

The passage of this bill was followed by treaties in 1870 with Great Britain, France, Prussia, and other countries, recognizing the right of expatriation; so that now and henceforth international law recognizes no difference between native-born and naturalized citizens.

It has been necessary to recite the history of the passage of this bill at such length in order to refute the claim of the gentleman from Indiana, that the legislation of 1868 was due to the Republican party and is to be credited to their record. It was, in fact, not a party measure, and the best men on both sides contributed to its success; but so far as it was opposed, it was opposed only by Republicans. It owed its final triumph solely to the courage and persistence, in order and out of order—and generally the latter—of my ever-genial but sometimes rather impetuous colleague.

It was worth waiting for to have that tribute paid to me after fourteen years of misrepresentation. I can afford to wait for future tributes in coming years for my recent actions, which have been so perseveringly ridiculed, misrepresented, and belied. If these tributes are delayed till after my death they will be appreciated by my children, who have felt with me the great injustice done me by a licentious press.

It is a source of pride to me, and will be to my children, that I was privileged to achieve this great work for mankind, to revolutionize the law of nations, and to establish for the first time in the world's history that a man had a right to himself. Amid the clash of arms in our second war, waged upon this very question, while Decatur, Porter, Rodgers, Stewart, McDonough, Perry, and Blakeley at sea, and Macomb, Brown, and Jackson on land, all Irish, were struggling, at the cost of countless millions of money and thousands of precious lives, to establish the right of expatriation, an Irish boy was born in an humble cottage in Tyrone, who found his way to the Congress of his beloved adopted country, to whom the credit is given of accomplishing what our naval and military heroes whom I have named and our statesmen—Albert Gallatin, Harrison Gray Otis, John C. Calhoun, Nathaniel Macon, Lewis Cass, and Daniel Webster—failed to secure.

With that law on our statute-book and fearlessly administered there would have been no fear of any American citizen ever being held in a foreign prison again, even for one hour, without specific charges being made against him.

My first term in Congress ended on the 4th of March, 1869, and under the same system of misrepresentation about my devoting too much time to Ireland, &c., I did not receive a renomination.

THE FORTY-SEVENTH CONGRESS.

In November, 1880, new troubles for American citizens in Ireland were anticipated, and the people of Brooklyn returned me again to Congress. The administration of James A. Garfield came into power on the 4th of March, 1881, and about that time England, in defiance of our law and of her treaties with us, chose to fill her jails with guiltless American citizens. James Russell Lowell was our minister to England and James G. Blaine was Secretary of State.

Congress was not to assemble till the following December, but a special session of the Senate was called for the 4th of March, 1881, and on the 12th of April, on motion of Senator Burnside of Rhode Island, a resolution was adopted calling upon the President for information touching the arrest and imprisonment of Michael P. Boyton, who claimed to be a citizen of the United States. Mr. Boyton had a passport from the State Department certifying that he was a citizen of the United States. In December, 1880, and January, 1881, he was tried at Dublin, in common with prominent members of Parliament from Ireland and officers of the Irish Land League. As definite charges for commission of crime were made against him, and he had a reasonably speedy trial, he made no appeal for protection as an American citizen, and on the 25th of January, 1881, he was acquitted by a disagreement of the jury.

AMERICANS IN PRISON.

On the 2d of March, 1881, two days before the inauguration of Mr. Garfield, the British Parliament passed the "coercion act," which enabled their Government to arrest persons on mere suspicion; and on the 8th of that month, four days after Mr. Garfield's inauguration, Mr. Boyton was again arrested without any intention of trying him for or charging him with crime, but holding him for eighteen months at the discretion of the Lord Lieutenant. He at once telegraphed to Mr. Lowell, demanding the protection of his Government against this outrage, with a written protest against it.

I forbear through shame to go into the delays interposed in this case for a month or more, which time was diligently occupied by our minister and consuls in picking flaws in Mr. Boyton's certificate of citizenship. Our courts had properly long ago decided that in all such cases the certificate was *prima facie* evidence, and the examination of the details how the certificate was obtained should not be allowed to delay proceedings upon it. Mr. Boyton had his passport under the broad seal of the State Department. He had fought in our war and was on that ground entitled to citizenship. His father was naturalized, and had often voted in our elections, as he had done, and was just as much a citizen as James Russell Lowell; and yet the agents of our Government had managed to argue the seal of the State Department off our official documents, to favor the unjust and outrageous acts of the British Government upon our citizenship, and had refused to do anything for Mr. Boyton till this demand for information was made by the Senate.

And not only so, but this resolution which should have had an immediate answer was not even noticed, but was delayed for thirty-eight days, till the last day fixed for the adjournment of the special session, when no action could be taken upon it. And it was never referred to again. There it lies in the Senate without notice of the injustice done to Mr. Boyton.

One would naturally suppose that even if Congress was not in session the Government would take means to protect its citizens abroad. Other citizens had been arrested whose citizenship could not be questioned. In June and July, 1881, Mr. Henry O'Mahony, of Buffalo, John McEnery, and others were arrested, and their cases were brought to the notice of Mr. Lowell. June, July, August, September, October, November, and December of 1881, and January and February of 1882—nine months

passed, and yet Mr. Lowell, up to the 22d of February, 1882, made no report to the State Department, and the State Department seemed restful in blissful ignorance of their fate.

In March (3d), 1881, Mr. Joseph B. Walsh, Joseph Dalton, a native citizen of Kenosha, Wis., and others were arrested.

CONGRESS ASSEMBLES.

The Forty-seventh Congress came together on the 5th of December, 1881, and Mr. KEIFER, of Ohio, was elected Speaker of the House. No other business being transacted except the election of officers of the House.

NUMEROUS ADJOURNMENTS.

On the second day I rose to a question of privilege, but the Speaker ruled that the drawing for seats took precedence, and after the drawing the House adjourned until Friday, the 9th. On the 9th I again sought the floor, but Mr. Robeson, of New Jersey, moved to adjourn again till Tuesday, the 13th. I objected to adjournment, as I had important business to bring before the House. Mr. KELLEY, of Pennsylvania, asked if my resolution was so ephemeral that it would not keep till Tuesday, the 13th, and the House adjourned till the 13th. Here was over a week wasted without attempting to attend to any business, and the House refused to listen to the appeal of our imprisoned citizens, whose imprisonment was not ephemeral.

Upon the 13th the day was spent in calling for some thousands of bills. When this business was about half through the call was suspended, and Mr. Robeson, of New Jersey, moved to adjourn over three days more, till Friday, the 16th. I objected, and demanded the yeas and nays, but they were refused, and so all business went over; our citizens still in jail without a word of sympathy. It was also agreed that on the 16th the only business to be transacted would be to finish the call of States. I said I had matters of importance (the case of our imprisoned citizens) and I would object to any understanding that precluded me from calling up their cases. Mr. COX, of New York, said it was too late now to object. I replied that if my objection was too late I would fling it in notwithstanding its lateness.

The House met again on Friday, the 16th, and immediately after the reading of the Journal I said: "I have a resolution here" (the resolution about our imprisoned citizens). Mr. Burrows, of Michigan, called for the regular order, which the Speaker declared took me off the floor. I claimed my resolution as a matter of privilege. The Speaker ruled against me. I then said:

Our citizens are suffering unjust imprisonment abroad, and yet nobody can be heard in their behalf. The House will hear from me hereafter.

The call of States then proceeded, and when New York was called Mr. COX presented a resolution of inquiry about our imprisoned citizens, but no statement of their case was allowed, and the matter was referred to the Committee on Foreign Affairs. A petition at an earlier day had been presented by Mr. Upson, of Texas, from citizens of San Antonio, asking Congress to attend to their cases. After the call was completed as far as Rhode Island, the House, on motion of Mr. Robeson, of New Jersey, adjourned till Monday, the 19th. On Monday, the 19th, the call of States was concluded, and on motion of Mr. Robeson, of New Jersey, it was ordered that the House adjourn over till Wednesday, the 21st.

On the 21st the House met. The Speaker announced the committees, and after some unimportant business I asked for consent to offer a resolution concerning the imprisonment of our citizens by England. Mr. Robeson, of New Jersey, objected, and so on this 21st day of December, 1881, both Houses adjourned over till Thursday, January 5, 1882, and thus one whole month was wasted; and, although we had nothing else to do, not a moment could be spared for the consideration of the case of innocent citizens suffering unjust imprisonment for months, and Congress steadily neglecting and refusing to devote one minute to the consideration of their wrongs and sufferings.

On the 4th of January, 1884, the House reassembled, and soon after its opening Mr. Robeson again moved an adjournment over till January 9, which was carried.

THE CASE COMES UP.

On the 23d of January the question finally, after so much delay, came before the House. Congress had been in session for eight weeks, our citizens still in prison and no attention given them. Mr. Orth, of Indiana, reported from the Committee on Foreign Affairs that they had had certain resolutions, petitions, and memorials before them relating to the arrest of American citizens in Great Britain, and reported a resolution asking the President for information. I took the floor and commenced to speak, but before I concluded the announcement of the death of Senator Burnside came up in order, and the question went over till the 26th of January. On the 26th I continued and concluded my remarks. I referred to the correspondence on protecting American hog products in England while we refused any protection to living American citizens. I quoted from Lord John Russell's interference in the Madini case in Tuscany; to the case of English prisoners in Abyssinia, where England burned the capital and killed the king in rescuing her prisoners; to the case of Koszta, &c., and concluded by offering an amendment to Mr. Orth's resolution that the President be requested, if any American citizen is now detained in any British prison, to make the demand provided for in the act of July 27, 1868. I pronounced the other method a humbug. My amendment was ruled out of order, and the resolution was adopted.

THE GREAT DIFFICULTY.

This was the main difficulty. We kept resolving to inquire when we should have been demanding, and the Government kept all the time ignoring the law which, after such exhaustive debate, had been made for this very contingency, and of which the Secretary of State and our minister to England seemed never to have heard. My demand was that the law of July 27, 1868, should be followed and the demand therein provided should be made. Had this been done our citizens would not have been kept in prison one hour. I said the course pursued in inquiring and not acting would require a thousand years to get a fly out of a molasses cup.

The debate was continued, Mr. S. S. COX, Mr. Orth, Mr. Dunnell, and others taking part in it.

It is a curious fact that Mr. Orth, in ridiculing any attack on London, referred to the safety of London Bridge and the Tower of London recently attacked. It has been shown that if our demand for the release of our prisoners had been denied the destruction of London would not have been so difficult.

WAS THE IMPRISONMENT LEGAL?

In this debate and in the correspondence of the State Department with Mr. Lowell, the false idea was adopted that if England chose to imprison her own citizens on mere suspicion, under the suspension of habeas corpus, she could do the same with ours. This monstrous doctrine I challenged, and in order to have it settled I introduced the following resolution on the 6th of February, 1881:

Resolved, That the Attorney-General of the United States is hereby directed to communicate to this House his opinion in writing on the following question:

If JOSEPH WARREN KEIFER, Speaker of this House, of Alonzo B. Cornell, governor of the State of New York, or Charles Carroll, a laborer in the department of public works in the city of New York, being a citizen of the United States, visit any part of the British Empire, and should there be arrested without having committed any crime, and without any definite charge of crime being alleged against him, could the English Government, by suspending the habeas corpus, or otherwise, lawfully detain him indefinitely on suspicion, without trial or without any right in our Government to demand his release? Also his opinion on the application of the law of July 27, 1868, to such cases, and the President's duty under it.

The idea that England could arrest and keep in prison indefinitely, without trial, any of our distinguished citizens—say the Speaker of the House, or a governor of a State, or the humblest citizen of the Republic—who had committed no crime, by suspending law and proclaiming the district in which he was found, was so monstrous that I introduced this resolution, which was most sensible and timely. Had it been adopted, and had the Attorney-General answered it as it deserved to be answered, our citizens would have been instantly released. The Anglicised press, however, chose to pour its senseless ribaldry upon the resolution and upon its author; and on the 14th of February Mr. Orth, from the Committee on Foreign Affairs, reported it back with a recommendation to lay it on the table. On a division the vote stood—yeas 85, nays 45; from which it appeared that there were only forty-five members of the House caring enough for our citizens to inquire into the legality of their cruel imprisonment.

THE YEAS AND NAYS.

Mr. COX and myself demanded the yeas and nays. They were ordered, and resulted in the affirmative—yeas 117, nays 102. When the members could escape being put on record there were two to one against this very timely resolution, but when they had to go on record 102 voted against smothering the inquiry, and it was carried by a majority of 15. I give the yeas and nays without comment, as follows:

YEAS—117.

Aiken,	Farwell, Sewell S.	Miles,	Smith, A. Herr
Aldrich,	Fisher,	Moore,	Smith, Dietrich C.
Anderson,	Fulkerson,	Morey,	Spaulding,
Armfield,	Garrison,	Norcross,	Speer,
Atkins,	Grout,	O'Neill,	Stone,
Bayne,	Guenther,	Orth,	Strait,
Beltzhoover,	Hall,	Pacheco,	Thompson, Wm. G.
Bowman,	Hammond, John	Payson,	Tucker,
Briggs,	Hawk,	Peele,	Tyler,
Browne,	Hazelton,	Pierce,	Updegraff, J. T.
Burrows, Julius C.	Heilman,	Phister,	Updegraff, Thomas
Butterworth,	Hepburn,	Pound,	Urner,
Candler,	Hiscock,	Prescott,	Valentine,
Cannon,	Hoblitzell,	Ranney,	Van Aernam,
Carlisle,	Horr,	Ray,	Wadsworth,
Carpenter,	Houk,	Reagan,	Wait,
Cassidy,	Hubbs,	Reed,	Walker,
Caswell,	Humphrey,	Rich,	Ward,
Chalmers,	Jacobs,	Richardson, D. P.	Washburn,
Cook,	Jadwin,	Robertson,	Watson,
Cox, Wm. R.	Jones, James K.	Robeson,	Webber,
Crapo,	Joyce,	Robinson, Geo. D.	West,
Crowley,	Kasson,	Robinson, James S.	White,
Dawes,	Kelley,	Ryan,	Williams, Chas. G.
Deering,	Kenna,	Scoville,	Willits,
De Motte,	Lewis,	Shackelford,	Wilson,
Dowd,	Lindsey,	Shallenberger,	Wood, Walter A.
Dunnell,	Manning,	Sherwin,	
Errett,	Marsh,	Shultz,	
Evins,	Mason,	Skinner,	

NAYS—102.

Beach,	Bragg,	Clark,	Darrell,
Berry,	Brewer,	Clements,	Davis, G. R.
Black,	Brumm,	Cobb,	Davis, L. H.
Blackburn,	Buchanan,	Colerick,	Dibrell,
Blanchard,	Burrows, Jos. H.	Cox, S. S.	Dugro,
Bland,	Caldwell,	Covington,	Ellis,
Bliss,	Chapman,	Cravens,	Finley,
Blount,	Clardy,	Culberson,	Flower,
Ford,	Jones, George W.	Mutchler,	Stockslager,
Forney,	King,	Oates,	Thompson, P. B.
Geddes,	Ladd,	Phelps,	Tillman,
George,	Latham,	Randall,	Townsend, Amos
Gunter,	Leedom,	Rice, John B.	Turner, Henry G.
Hardenbergh,	Lord,	Rice, Theron M.	Turner, Oscar
Hardy,	Martin,	Richardson, John	Upson,
Harmer,	Matson,	Ritchie,	Vance,
Harris, Henry S.	McKinley,	Robinson, Wm. E.	Warner,
Haseltine,	McLane,	Rosecrans,	Wellborn,
Hatch,	McMillin,	Scales,	Wheeler,
Herbert,	Miller,	Scranton,	Whitthorne,
Hewitt, A. S.	Mills,	Shelley,	Williams, Thomas
Hewitt, G. W.	Morrison,	Simonton,	Wise, George D.
Holman,	Mosgrove,	Singleton, Jas. W.	Wise, Morgan R.
Hooker,	Moulton,	Sparks,	Young.
House,	Muldrow,	Springer,	
Hutchins,	Murch,	Stephens,	

So the report of the Committee on Foreign Affairs was agreed to.

The Democrats voting with the Republicans were 25; the Republicans voting with the Democrats, 18. Had the 25 Democrats voted with the great majority of their party the vote would have been—yeas 92, nays 127. Why these Democrats voted against their party I never could understand. The British minister here and the English Government interpreted it to mean that Congress did not really care whether Irish-American citizens were insulted or not. And the British minister thought it of importance enough to communicate my resolution and the vote "tabling" the same, which he informs his lordship was the same as killing it, in a special dispatch the very day the English victory was achieved in this House.

PUBLIC MEETINGS.

About this time the country became fully aroused to the importance of this question, and petitions, resolutions, and remonstrances came into Congress by the hundred. Meetings were held in all the leading cities of the Union and resolutions passed and forwarded to Congress.

At the meeting held in Buffalo, April 9, 1882, the chair was taken by Grover Cleveland, then the mayor of that city and now elected President of the United States. To that meeting I had been invited, both by letter and telegram, but could not get away from my duties here. In opening that meeting Mr. Cleveland took the correct ground and announced the American doctrine as follows:

We have a right to say and we do say that mere suspicion, without examination or trial, is not sufficient to justify the long imprisonment of a citizen of America. Other nations may permit their citizens to be thus imprisoned. Ours will not.

That is in glorious contrast to the monstrous doctrine allowed to dominate our diplomacy under Mr. Lowell:—that England by proclaiming a district in which she could find an American citizen might hold him on suspicion, without legal charge or trial, at her discretion or the will of the lord-lieutenant.

Many of the State Legislatures also passed resolutions, particularly New York, New Jersey, Illinois, &c., most of them mentioning me by name. Many of these resolutions were published in the CONGRESSIONAL RECORD. In the issue of March 17, 1882, appeared the following from my own city of Brooklyn:

JEFFERSON HALL, *Brooklyn, February* 16, 1882.

DEAR SIR: I have been instructed by the executive committee of the Land League of Brooklyn to inform you of their cordial and hearty approval of your action in regard to the incarceration of American citizens in British dungeons. May God speed you in your noble and heroic struggle. Please convey to the Representatives who have so ably sustained you our sincere and heartfelt thanks, and assure them that they, as you, shall ever retain a place in the hearts of all true Irishmen.

JAMES DIXON, *Secretary*.

Hon. WILLIAM E. ROBINSON.

The convention of delegates from the various Land League branches of Boston and vicinity, in March, 1882—

Resolved, That our thanks are eminently due and are cordially tendered to Hon. W. E. ROBINSON for his noble and manly exertions to obtain the release of American citizens now incarcerated in British prisons.

DELAY IN COMMITTEE ON FOREIGN AFFAIRS.

By a rule of the House all resolutions of inquiry from the President and heads of Departments shall be reported back within one week. The resolution asking information from the State Department about our imprisoned citizens was referred to the Committee on Foreign Affairs on the 23d of January, 1882. On the 14th day of February it was brought before the House and recommitted to the committee with instructions. That committee consisted of Messrs. Williams of Wisconsin (chairman), Orth, Kasson, RICE of Massachusetts, Dunnell, Lord, Walker, BLOUNT, Wilson, DEUSTER, and BELMONT.

The week passed, a month passed, and no notice was taken of it, while many of our citizens pined away dreary lives in British prisons. I did not desire to make myself too conspicuous, and should have preferred to have others move in the matter, but as no one did so I called up the matter on the 24th of March, 1882, and stated that if something were not soon done I should move to impeach our minister. At the request of members of the committee the matter was laid over.

On the 4th of April the President sent us a reply to the House resolution of January 31, with a letter from Secretary Frelinghuysen, and it contained just ten lines as printed in the RECORD, informing us that the negotiations had been "conducted in a spirit of entire friendship." The cruel incarceration of our innocent citizens did not create a ripple on the surface of our placidity! The next day, April 5, the President favored us with a larger installment of information in reply to our resolution.

Upon the 14th of April, 1882, Senator VOORHEES, of Indiana, made an eloquent speech on the case of Daniel McSweeney. The resolution which he offered and spoke upon was never afterward referred to.

April 22, 1882, came on and no report from the committee on the resolution of January 23. I had now waited another month, and as no one else took it up I asked, for information, how long we were to wait, and said, "This House is despised; the Government of England despises this country; what are we to do?" and I moved to discharge the committee and bring the matter before the House:

That committee is bound by our rules to report in one week. They have had it now three months before them, and we can not get a report, while our citizens are still in British jails.

On the 24th of April I again brought up the motion to discharge the committee and have the House act upon it immediately. At the request of the committee I allowed it to go over till the next day.

April 25 I brought up the subject again, and was antagonized by a contested-election case (Lynch against Chalmers). That question was voted down, and I again renewed my motion. Mr. Kasson and others contended that my motion was not privileged and therefore not in order, and Mr. Kasson raised the question of consideration. On a division there were 59 for considering my motion as a privileged question and 78 against it. I called for the yeas and nays, and they were ordered; and here a curious fact developed itself. Whereas I could only get 59 on a mere division, upon the yeas and nays, where every one was bound to put himself on record, I had 144 in my favor and only 62 against me.

ANOTHER FIELD DAY.

The question now came squarely for discussion, and we had a field day in the House. I spoke at length, and my speech was printed in pamphlet form and extensively circulated. It was of course ridiculed by the Anglicised part of our population, but it was liked by those who cherish American ideas. I was followed by Mr. COX, of New York, and Mr. Orth, of Indiana. The principal part of Mr. Orth's speech was devoted to throwing doubts on the citizenship of O'Mahony, and yet in that speech he read a letter from our consul at Cork, dated June 22, 1881, ten months before, stating that he had seen and forwarded to our minister at London the naturalization papers of Mr. O'Mahony.

What better proof of his citizenship was required? Nobody doubted their genuineness. It was said that O'Mahony held the position of poor-law guardian in Ireland, and that holding any such position was proof against his citizenship; while it is well known that Mr. Lowell himself holds a position under the British laws and was elected at his own wish lord rector of a British university. Is he therefore not a citizen of the United States?

I think it not out of place to say here that I had a statement of O'Mahony's case from himself, sent to me with the request that I would lay it before Congress, which I tried several times to do, but was refused even to have it printed in the RECORD, on the objection of an Englishman who was then a Representative from Vermont in this House.

Mr. Orth was followed by Mr. DEUSTER, the German member from Wisconsin, by Mr. Williams of Wisconsin, chairman of the Committee on Foreign Affairs, who suggested that the Gladstone government might be willing to grant our wishes concerning these prisoners, but were afraid of English sentiment, which placed them "between the devil and the deep sea." He delivered a fervent eulogy on Ireland, praising her virtues and picturing her wrongs, and said some complimentary things of myself. Mr. De Motte of Indiana, Mr. BLOUNT of Georgia, Mr. WILSON of West Virginia, and Mr. Lord of Michigan followed.

Mr. WILSON referred to the Eisenstrick affair between Germany and Nicaragua in 1876–'77 and 1878, in which, for less provocation than in these cases, Nicaragua was compelled to apologize, to salute the German flag, and pay $30,000. In this case the United States acted as arbitrator, but in our own case we did not demand a salute of our flag nor compensation to our citizens.

Mr. BLOUNT, of Georgia, in his speech referred to myself, and said:

I believe that the agitation in this House by that gentleman [Mr. ROBINSON] has produced speedy action on the part of this administration. I believe that for months before the matter had been allowed to lag.

At the conclusion of the debate the original resolution was modified by Mr. COX to the satisfaction of all parties and unanimously adopted. Thus my proposition to discharge the committee and adopt the resolution was successful.

It was at the conclusion of my speech that, after hearing the demands that were to be made and the successful issues to be anticipated, I indulged in this flight of fancy:

When I came here I found the American Eagle drugged and drowsy, his blood poisoned with political pyæmia, his beak filled with Lowell garbage, and his pinions wet with the mildew of monarchy. I roused him from his ignoble slumber, I brushed the mildew from his plumage, I gave his majestic voice to the music of liberty, and his imperial wing to fan the tempest and soar to the sun.

GLADSTONE PERPLEXED.

The pressure in the House of Representatives and the action taken thereunder by the President led to the relief of Ireland by the resignation of the lord-lieutenant and of Buckshot Foster. The Washington Post in its issue of May 6, 1882, remarked editorially:

Hon. WILLIAM E. ROBINSON, of New York, is a very modest man; otherwise he might claim the distinction of having forced the British Government to a change of policy.

Whether this remark was intended seriously or otherwise, there is a heap of truth in it.

The killing of Cavendish and Burke on that day was a terrible reverse to these feelings of triumph. It emboldened the oppressors of Ireland. It strengthened the Gladstone government and enabled it to hold on to power and to continue its insults to our citizens. Had it not been for their death our action on that 25th of April would have resulted in the unconditional release of our citizens and the destruction of Gladstone's administration.

On the 15th of May, 1882, I again brought the case of our prisoners before the House, who were still retained in prison, and inquired whether degrading offers had been made to our imprisoned citizens to accept their liberation on insulting conditions.

On the 23d of May the President sent some additional information concerning the prisoners.

On the 20th day of June, 1882, the committee having failed to report my resolution of May 15, I gave notice that if it was not soon reported I would move to take it from the committee and have it acted on in the House. I also mentioned that while in our great debate of April 25 we were told that only two American citizens were in prison, and that they would soon be discharged, there were now nine of our citizens lingering in British jails without charge of crime or hope of trial.

On the 28th of June Mr. Orth reported a resolution from the Committee on Foreign Affairs, as a substitute for mine of June 15, calling on the President for additional information, and inquiring whether any proposition had been made by any person holding office under our Government to any American citizen in British prisons to accept release upon conditions.

Mr. Orth moved the previous question, on which I called for the yeas and nays; but they were refused, and, under the rule, fifteen minutes only were allowed to each side.

THE RIGHT THING AT LAST.

Mr. Wilson occupied the half of the time allowed to the opposition, but as an improvement for the first time offered the resolution for which I had been all the time contending, to request the President to demand the release of our prisoners under the law of July 27, 1868.

Mr. Wilson was a member of the Committee on Foreign Affairs, and had the committee's consent to offer his resolution as his own but not as a resolution of the committee. At the suggestion of Mr. McLane, of Maryland, he omitted the words, "not amounting to an act of war," which are in the statute of July 27, 1868.

At the conclusion of Mr. Wilson's remarks I was allowed seven and a half minutes, which I indignantly declined, and denounced the frivolous conduct of our Government.

Mr. Wilson's resolution was passed unanimously. At a later hour he seems to have become frightened with the boldness and propriety of his own resolution, or to have been asked by others to modify the language by adding "in accordance with such precedents and usages as exist between the two governments." Where he got this phrase I do not know, but I know it is not in the law of July 27, 1868, and I objected and pronounced it nonsense and a weakening in the face of the enemy. Mr. Williams, chairman of the committee, said it was important if not vital, and the words were added. Without the modifications it was the only sensible resolution of the kind that had been offered. It was the resolution I wanted from the first, but for which I could not get a hearing. It was adopted, but no reply was ever made to it.

BRITISH INSOLENCE.

On the 3d of July, 1881, I introduced a resolution asking information from the Secretary of State relating to the conduct of the British minister in relation to the proceedings in Congress touching the imprisonment of our citizens in British jails.

It was an important resolution and should have been adopted. The British minister had actually gone to the Secretary's office to express not only his disgust with my pertinacity, but to question the conduct of Mr. Orth and of the House in passing resolutions distasteful to him and disrespectful to England. This insolence should have been noticed and rebuked. On the 25th of January, the day I made my first speech on the subject, Minister West wrote to Lord Granville as follows:

I called Mr. Frelinghuysen's attention to the terms of this resolution and to the language used in debate upon it. I remarked to Mr. Frelinghuysen that although not much importance need be attached to such language as that used by Mr. ROBINSON, still the wording of the resolution was calculated to produce a bad effect and might cause unnecessary irritation.

Imagine what Lord Granville would have said if our minister had gone to him to browbeat him for any speech made or resolution adopted in the House of Commons.

Yet so little notice was taken of this insolence except by myself that the committee never reported it back, and the Anglified press of the country, including the New York World, then claiming to be a Democratic organ and edited I believe by William H. Hurlbert, roundly abused me for daring to question the English minister's right to supervise our legislation, and that New York World, in its issue of July 4, 1882, took occasion to assure the British minister that I was of no importance—the very idea that West had previously communicated to Granville; and that same World, on that same national holiday, suggested that the press agent in Washington should suppress all mention of my doings. This idea was the last resort of the Anglified editors, which was in some respects afterward carried out, and wisely, too, for as long as the press published what I did, no matter how they abused me, the American people approved of it and I could well afford to let the Anglo-maniacs rave.

MORE RESOLUTIONS.

On the 17th of July, 1882, Mr. COX and myself both presented resolutions of inquiry concerning our imprisoned citizens, Mr. COX's inquiring more particularly about Mr. McSweeney. Mine was as follows:

Resolved, That the President of the United States is hereby respectfully but urgently requested to inform this House when it may expect an answer to its resolution of June 28—now twenty days ago—adopted unanimously, calling for any additional information not heretofore communicated to Congress relative to our citizens still suffering unjust imprisonment in British jails; and whether any proposition has been made to any American citizens to accept their release upon conditions; and whether he has yet made the demand which this House unanimously requested him to make forthwith on said 28th day of June, 1882, and to report all the facts and proceedings as soon as practicable in compliance with the imperative provisions of the law of July 27, 1868; and whether any correspondence has taken place with James Russell Lowell—nominally our minister to Great Britain, but really doing police duty and detective work under Lord Granville in discovering imperfections in certificates of American citizenship, even when certified under seal of our courts and State Department—relative to his resignation or recall, as requested by numerous petitions and resolutions presented to this House from the principal cities and States in the Union.

The same day, July 17, I also introduced the following additional resolution:

Resolved, That the Secretary of State is hereby directed to inform this House whether he can not now communicate the telegrams relating to our citizens in British prisons, the publication of which was thought to be incompatible with the public interest as expressed in his letter to the President of April 5, 1882, and that he is hereby directed to communicate every item of correspondence relating to these citizens, by mail or cable, not hitherto communicated, which, even if their publication may be deemed incompatible with the public interest, may be considered in secret session of this House or of its Committee on Foreign Affairs.

These resolutions of Mr. COX and myself were referred to the Committee of Foreign Affairs, and from that chamber of somnolency they never returned, and of course neither President nor Secretary felt called upon to give information.

INCOMPATIBLE WITH PUBLIC GOOD.

One of the monarchical ideas that have crept into our legislation is, that on resolutions of inquiry the phrase is introduced "if not incompatible with the public welfare." I fought against this phrase, and kept it out of my resolutions.

How ridiculous it is! Who has the right to judge of the public good if not the representatives of the people? The President is chosen as the head servant of the people; the Secretaries are his assistant servants of the people. Suppose the master of any establishment wants to examine into its affairs and asks the employés for information, and they should inform him that it is incompatible with the good of the establishment to communicate it! Congress is the master of all public business, including the public welfare, and they, not the President or his assistants, should judge what is or is not compatible with that public welfare. There is provision made for secret sessions of the House as well as of the Senate, and there all questions of compatibility to the public interests should be decided.

THE LAST EFFORTS.

On the 5th of August, 1882, the President sent his last message on the subject to the House. It was in answer to the resolution of this House of June 28. It should have been answered in twenty-four hours, but over five weeks were taken, and it was not sent in till Saturday afternoon, August 5, and Congress was to adjourn on Tuesday, the 7th. Of course no further notice was taken of it for that session, and no notice has been taken since, except the resolution which I am now trying to get this House to rescue from the Committee on Foreign Affairs before this Congress also goes into history.

In that last message the President informed us that four citizens still remained in prison—O'Mahoney, McSweeney, Slattery, and Gannon, the last named an American by birth; and we have no official information how, when, or on what terms they were released, or whether they were released at all. McSweeney got out, at any rate, for we saw him here during the last election, but no member of this House knows anything about the release of the others.

DISHONORING OUR OWN RECORD.

During the whole dreary discussion of this subject every one of these seventeen prisoners produced passports, or naturalization papers, and

in every case, even in the cases of native citizens, months were spent in diligent efforts to pick flaws in their title to citizenship. Had Decatur withheld his demand to the Dey of Algiers, or Captain Ingraham his demand on the commander of the Austrian man-of-war for the liberation of our citizens till the archives of our country were searched for proof of the regularity of the papers of their citizenship, the most brilliant passages of our diplomatic history would never have been written.

You may take all the cases in history where any nation has found any of its citizens imprisoned in foreign countries and you can not find any but our own which permitted the transgressing party to delay action by raising these quibbles. Mr. Boyton's claim was more easily proved than Mr. Blaine's would be. Mr. Boyton had the undoubted seal of the United States to prove his citizenship. Mr. Blaine could produce no proof that he was born here. What would he say if he were arrested in a foreign country and thrown into a loathsome prison and his Government refused to ask his release or speedy trial till they could spend some fourteen or eighteen months in hunting family Bibles or church records to ascertain his place of birth?

MISREPRESENTATIONS OF THE PRESS.

In my efforts in the Forty-seventh Congress to achieve the liberation of our citizens, as well as in my efforts to establish the great American doctrine of expatriation and naturalization, for which Mr. HEWITT so fully gives me credit, the Anglified press kept prating about my wasting the time of Congress in talking on Ireland. It will probably astonish those who read these remarks that during the entire four years of my service in the Forty-seventh and Forty-eighth Congresses, now closing, I have not spoken a single word upon any Irish subject. My speeches were all on great American subjects.

One of the silly stories told about me was that I had remarked, on one occasion, that I did not care to stay in the House because there was nothing going on there except some American business. Now, I believe I was foremost in opposing everything that was not American. I opposed the conferring of foreign decorations; I was opposed to thanking foreign despots for presents sent to us; I opposed all measures that were not truly American, and several foolish efforts to legislate for the benefit of foreign potentates are now hung up in the House on my objection; such as thanking England for the Alert, &c.

IRELAND—WHY LOVE HER?

But even if I had devoted some time to Ireland, we could hardly call her interests foreign subjects.

I confess that I have a warm spot in my heart for Ireland. Into that heart two eyes of Irish blue are ever looking. I have bathed my soul in her sorrows and flooded my memory with her sufferings. In fifty years absence from her I have felt increasing love for her, and the palpitations of her heart have throbbed unceasingly against my own.

You ask me why I, as an American, love her? I reply I could not be an American unless I did love her.

There is a fearful amount of woful or willful ignorance among our younger population in regard to the Irish element in this country and its services in the cause of our country. There is a moral deafness to her claims which must not be allowed to grow into a national disease. There were two parties in the Revolution, as there are now—the friends of England, who were the enemies of our independence, and the friends of Washington, who were mostly Irish and their descendants. At the Declaration of Independence I presume the Irish element was about two-thirds of our population. The people of New England had a strong infusion of Irish blood, which wrote its name in red letters at Lexington and Bunker Hill, at Bennington and Saratoga.

The English element were almost all against us. Fifteen hundred of them were driven to sea by Washington at Boston, on St. Patrick's Day, in 1776. The Irish troops from New Hampshire, Massachusetts (including Maine), New York, Virginia, Maryland, Delaware, North Carolina, and South Carolina, indeed from all the States or colonies, flocked to Washington's army, and the illustrious generals who stood around him were mostly Irish. A little Irish society in Philadelphia, of some hundred members, known as "The Friendly Sons of St. Patrick," furnished Washington more generals than all the descendants of the Mayflower, and of this society, composed exclusively of Irishmen, George Washington was a member, having been naturalized to fit him for membership. This incident shows how Washington loved the Irish and won his way into their society by becoming an adopted son of St. Patrick. Let us look at our Revolutionary battlefields and see what brilliant Irish officers were around Washington in every battle for our Independence. Here the Irish won the love of every true American and the hatred of every worshiper of England.

IRISH HEROES.

John Armstrong. He or his father emigrated from Ireland to Lancaster, in Pennsylvania. Distinguished in our Indian wars, commanding the expedition against Kittining in 1756, and among his officers Hugh Mercer, who afterward fell at Princeton. A brigadier in Washington's army, and commanded the Pennsylvania militia at Brandywine and Germantown. In Congress 1778–'87. His son, John Armstrong, prominent in Washington's army, and aid to General Gates and General Mercer, whom he carried dead from the field of Princeton, married a sister of Chancellor Livingston and aunt of Mrs. General Montgomery. His daughter married William B. Astor. Senator of the United States from New York, brigadier-general in the second war, and Secretary of War in President Madison's Cabinet. Left numerous distinguished descendants, among them his grandson, the present John Jacob Astor. His sons—four of them—his son John being aid to General Brown. Thus three generations of John Armstrongs conspicuous in their country's heroism.

Ephraim Blaine, one of whose descendants is James G. Blaine.

Richard Butler, elder of five brothers of the family of Ormond, in Ireland—distinguished at Saratoga and Stony Point, and fell in battle at St. Clair's defeat—his brothers William, Thomas, Percival, and Edward, all gallant officers, Thomas receiving the thanks of Wayne on the field at Monmouth, and of Washington at Brandywine, each of these five brothers giving gallant sons to the American Army. Percival's son, William Orlando Butler, of Kentucky, recently deceased, serving in the second war and that with Mexico, succeeding General Scott in chief command of our army in Mexico. In Congress four years and Democratic candidate for Vice-President in 1848.

Rev. James Caldwell, the fighting parson of New Jersey.

William Campbell, born in Virginia, of Irish parents, commanding at the important battle of King's Mountain, after a march of two hundred miles.

The sons of Benjamin Chambers, of Chambersburg.

The Clintons, of New York; General George, and General James, father of DeWitt Clinton.

John Dunlap, a native of Tyrone; an officer of Washington's body guard of Princeton and Trenton; the editor of the first daily paper published in the United States.

Rev. John Craighead, the fighting clergyman of Chambersburg, born in Ireland.

George Ewing, father of Thomas Ewing, who was United States Senator, member of the Cabinets of Harrison and Taylor, and father of Mrs. General Sherman.

John Fitzgerald, the favorite aid of Washington, one of the finest horsemen in the American Army.

John Gibson, and George, his brother, whose rifle sharpshooters were known as "Gibson's Lambs." Three generations of George Gibsons have distinguished themselves in the American Army.

Joseph Graham, of North Carolina, joined the Revolutionary army at the age of 19, received six saber wounds and three bullet wounds at Charlotte; fought at Cowan's Ford, defeated six hundred with one hundred men; commanded in fifteen engagements before he was 23; was a major-general in the second war; left twelve children, the youngest of whom was William A. Graham, Secretary of the Navy in Taylor's Cabinet, and Whig candidate for Vice-President on the ticket with Winfield Scott.

William Gregg, commanding the vanguard at Bennington.

Edward Hand, adjutant-general of the Revolutionary army, and major-general in Washington's provisional army in the threatened war with France, celebrated for his noble horsemanship.

John Hezlett (or Haslett as it is now spelled), commanding Delaware troops at Long Island and fell with Mercer at Princeton. His son Joseph, governor of Delaware.

William Irvine, illustrious general and trusted friend of Washington, commanded the advanced troops at Monmouth, commander of Pennsylvania troops to suppress the whisky rebellion. His brothers, Andrew and Matthew, distinguished in the war—Matthew the fighting surgeon of Lee's Legion, remarkable for personal manly beauty.

William Jasper, the brave Irish sergeant at Fort Moultrie, fell at the assault on Savannah.

John Kelly covered Washington's retreat from Princeton, destroying bridges in front of Cornwallis's pursuing forces, emerging from the river with a coat of frozen mail; died at 90 in Pennsylvania. His grandson, James H. Kelly, Senator from Oregon.

Simon Kenton, companion of Daniel Boone.

Henry Knox created and commanded Washington's artillery, and was with Washington in every one of his battles; Washington's Secretary of War and the Navy; founder of the Society of the Cincinnati.

James Knox, father of President Polk's mother.

John Lacy, a brigadier in the Army.

Andrew Lewis, born in county Donegal; his father, John, shot a landlord and emigrated to America. He had four brothers, all distinguished in the war and giving many distinguished sons to Virginia.

Benjamin Logan: his son William the first white child born in Kentucky; was United States Senator from that State.

Pierse Long, of New Hampshire.

Charles Lynch: his brother John founded Lynchburg, and his son Charles founded Lynch law and was governor of Mississippi.

Robert Magaw commanded the best disciplined troops in Washington's army.

Alexander Martin commanded a regiment at Brandywine and Germantown; governor of North Carolina, Senator of the United States.

Hugh Maxwell was a lieutenant at Bunker Hill and fought at Saratoga. His brother Thompson assisted in destroying the tea at Boston.

William Maxwell, conspicuous at Monmouth.

Denis McCarthy, one of the invited mourners at Washington's funeral.

Andrew McCrary, killed by a cannon-ball from the British fleet at Bunker Hill.

John McClure: his men were known as the "Chester Creek Rocky Irish" of North Carolina.

Major Macdonough, father of Commodore Macdonough, of Lake Champlain renown.

William McKee, of North Carolina, lieutenant-colonel in the Revolutionary war; his grand nephew was the distinguished Colonel McKee of the second war.

Captain Molly (Margaret Corbin), who on the fall of her husband took his place in serving a gun at Monmouth. Covered with blood and dust, she was presented by General Greene to Washington, who conferred upon her the rank of sergeant, and Congress voted her half-pay for life.

Richard Montgomery, the first general of the continental army that fell in the cause of American liberty. He was born in Convoy Castle, near the town of Raphoe, in County Donegal. His father's name was Thomas. He had two brothers, Alexander and John, and one sister, who married Lord Ranelagh. His brother Alexander represented the county for many years in the Irish parliament. I shall not pretend to sketch the life or services of General Montgomery. He came here in 1772 and married the eldest daughter of Chancellor Livingston, one of the great American family descended from old John Livingston, the Irish Presbyterian preacher. In 1789, thirteen years after her husband's death, this beautiful, gifted, and amiable lady visited Ireland to see Convoy Castle, on the banks of the Finn, now dear to her as her own Hudson. Her country had taken its place among the nations of the earth. Its liberator had just been inaugurated its first President, taking the oath of office before her father.

The rebels had become the heroes of history and Washington's name was everywhere almost idolatrously mentioned. Washington had furnished her with letters to distinguished persons in Europe, among others to Sir Edward Newenham, an Irish gentleman and a member of the Irish Parliament, who, on the death of Montgomery, appeared in Parliament and at levees in full mourning, to express his Irish sympathy with the then detested Revolution, and who presided at a public meeting in Dublin, held to reprobate and stop sending the military of the kingdom to the colonies and "hiring the Hessians and Hanoverians from the carcass butchers of Germany," and who had gathered in his elegant house in Dublin, in an apartment called his "American room," busts and pictures of Washington and other illustrious Americans, with Arnold's picture reversed and his treason written under it. Into this room Sir Edward introduced Mrs. Montgomery, which gave her much satisfaction. She had sent him Washington's letter, and he and Lady Newenham called upon her at Lord Ranelagh's, twelve miles from Dublin, and pressed her to accept the hospitality of their home, which she promised to do after visiting her gallant husband's relatives, whose descendants still own the grand old castle of Convoy.

The Duke of Leinster and the illustrious Lord Charlemont waited upon her. General Massey, with whom her husband was well acquainted at the first siege of Quebec, promptly paid his respects to her, and everywhere, particularly in Ireland, she was received with honor and homage. I think it a disgrace to America that the representatives of this grand Irish family, which furnished the first and grandest martyr to American liberty, should not have been invited with other welcome but less worthy guests to the grand centennial celebration of the crowning glory of Yorktown. It was but a poor return for the cordiality of that Irish hospitality that welcomed and worshiped the illustrious widow of our glorious American general.

MORE IRISH NAMES.

Alfred Moore, of North Carolina, afterward appointed by Washington judge of the Supreme Court.

James Moore, commanded at the battle of Moore's Bridge, North Carolina.

Daniel Morgan, the renowned hero of the Cowpens, born July 4, 1736, at Ballinasceen, in the County Derry, distinguished at the capture of Burgoyne. Trumbull puts him conspicuous in his picture of that event.

Stephen Moylan, one of five brothers, four of them dedicated to George Washington, the other to God and Ireland, as the Catholic bishop of Cork; founder of Moylan's Dragoons; a fine cavalry officer. Morgan and Hand of the rifles, Knox of the artillery, Moylan of the cavalry—all Irish.

Timothy Murphy, whose rifle brought down Frazer and saved the day at Stillwater.

Andrew Pickens served at Cowpens and Eutaw, married the celebrated beauty, Rebecca Calhoun, aunt of John C. Calhoun; his son and grandson governors of South Carolina.

Andrew Porter fought at Trenton, Princeton, Brandywine, and Germantown; received on the field of Germantown the thanks of Washington. His sons George B., governor of Michigan, David R., governor of Pennsylvania, and James M., Secretary of War in Tyler's Cabinet. His family giving the United States commodores, admirals, statesmen, and soldiers.

David Ramsay, historian, surgeon, and soldier in the war. His brother Nathaniel stayed disaster at Monmouth.

George Reed fought at Bunker Hill, Trenton, and Saratoga, and suffered at Valley Forge. His father-in-law, John Woodburn, was Horace Greeley's great-grandfather.

Joseph Reed was a great lawyer, a wise statesman, and a brave soldier. His grandfather came from Ireland to New Hampshire, and then to Trenton, N. J., where Joseph was born. His father, Andrew, was a Philadelphia merchant. Before the Revolution he wrote a series of able letters to Lord Dartmouth, giving the American view of the question. July 4, 1775, one year before the Declaration, he was appointed Washington's secretary at Cambridge, and remained the most confidential friend of Washington through the war. When he was away Washington would beg of him to return, as he knew no other person with whom he could live in unbounded confidence. Washington could find no other who could grasp the great problems with which he had to struggle, and he was in distress for want of him. It was to him that Washington, in the dark days, unbosomed himself to say that he wished he had, in place of accepting the chief command, retired to the back country and lived in a wigwam, if in doing so he could have justified himself to his conscience and to posterity.

Washington always had great faith in the Irish settlers of Western Virginia, and at one time said, if beaten along the whole seaboard he could retire to the mountains and there maintain the cause of freedom against the world. Washington went to Philadelphia in May, 1776, and induced Congress to appoint Reed adjutant-general, and as such he joined Washington in June in New York. It was he that refused to receive Lord Howe's letter to Washington unless it was properly addressed. He helped Washington in conducting the retreat from Long Island. He refused to leave the Commander-in-Chief in his difficulties, even when his wife Esther, whom he adored, wrote to him to come to her in sickness. In the retreat across New Jersey and at Trenton and Princeton Colonel Reed's services were conspicuous and valuable. It was he who at Washington's request reconnoitered the enemy before the battle of Princeton with six officers, chosen for their bravery and fidelity, including John Dunlap and James and Samuel Caldwell, natives of Ireland and members of St. Patrick Society. It was a bold and hazardous undertaking, but successfully performed, and the seven horsemen returned with twelve British dragoons, captured almost in sight of the British army. He was elected by Congress as brigadier-general, which he refused, but served, acting without rank or pay. He was chosen the first chief-justice of the State of Pennsylvania. This he declined and staid in the Army. He was again elected to Congress, and visited Valley Forge and made important reports to Congress. It was to him that the British commissioners offered $50,000 and any office in the colonies in the gift of His Majesty if he would desert the then almost hopeless cause of the Revolution, and that everything should be granted to the colonists except independence, and it was this grand Irish-American patriot that returned the noble answer:

I am not worth purchasing; but such as I am the King of Great Britain is not rich enough to do it.

That answer was given on a Sunday evening, at Philadelphia. The next morning Reed joined his friend Colonel Moylan, the Catholic Irishman from Cork, and with his dragoons crossed to Jersey and reconnoitered the rear of the splendid British army. News had come from Catholic France that her army and navy would be allied to ours. The gloom was lifted from Valley Forge. Washington's army again crossed the Delaware, and in one week after Reed had informed the British commissioners that all the gold in England could not bribe one Irish American patriot to betray the cause of freedom he was in the thickest of the fight at Monmouth, where Washington, on the 28th of June, 1778, informed His Majesty's general, through the roar of Irish Knox's artillery, the crack of Irish Morgan's rifles, the sweeping charge of Irish Moylan's dragoons, and the flashing foam of Irish Wayne's bayonets, that all the forces of the British Government could not crush the cause of Irish American liberty.

The three tempting offers that England made to Barry, Morgan, and Reed, all Irish, were all rejected. The fourth she made to Benedict Arnold, and it was accepted. In December, 1779, Reed was, by unanimous vote of both branches of the State government, elected president of the State of Pennsylvania, and was thrice re-elected, and it was in his presidency that Pennsylvania, the first of all the States, abolished slavery by a bill the inimitable language of which was from his pen. His epitaph, written by Washington's Attorney-General, truly characterizes this great Irishman's life as "active, useful, and glorious."

MORE HEROES.

Griffith Rutherford, a brave Revolutionary general, was born in Ireland and settled in North Carolina. He commanded a brigade at the battle of Camden. He emigrated to Tennessee and was president of its Legislative Council. North Carolina and Tennessee each named a county after him.

Thomas Robinson, a native of Ireland and resident of Delaware, a brother-in-law of Anthony Wayne, served in the Revolution as a brigadier-general. He was, I believe, the first American officer that appeared in his American uniform at Drury Lane Theater. He was received with cheers. A few moments afterward an officer in British uniform ap-

peared in an adjoining box, and was received with hisses. It was Benedict Arnold.

John Smilie, born at Newtonards, in Ireland, served in the Revolution, was a member of Congress for twenty years. He was chairman of the Committee on Foreign Affairs that reduced the time for naturalization from fourteen to five years, and who recommended the declaration of the second war with England.

The Smith family in the Revolutionary Army were generally Irish-among them the presidents of Hampden Sidney, Princeton, and Union colleges—Samuel Smith, captain in the Revolutionary war and major, general in the second, Madame Patterson Bonaparte's uncle, and Representative and Senator in Congress, and mayor of Baltimore at the age of eighty-four.

Richard D. Spaight, born in Ireland, fought at Camden—member of Congress, and governor or North Carolina.

STARK AND SULLIVAN.

John Stark, born in New Hampshire, his father being one of the first colony that settled at Derry, in that State. In looks, gesture, wit, and brogue John Stark was as Irish as if he had been brought up in Tyrone or Cork. I have often listened to Daniel Webster imitating John Stark's Irish brogue. When Jared Sparks, in 1834, commenced the publication of his American biography, he very properly selected this Irish-American hero and patriot as the first subject, and the biography is by Edward Everett. His parents were married in Ireland. He had seen long and severe service before the Revolution; but he entered the contest with the experience of age and the vehemence of youth. He fought at Bunker Hill. At Trenton he led the van of the right wing, under General Sullivan. He fought at Princeton; but it was at Bennington, August 16, 1777, that he crowned himself with immortal glory. That victory revived the drooping spirit of the country and led to greater victories. He was one of the oldest generals that entered the Revolutionary army, and was the last survivor but one (Sumter), and in 1822, at the age of 94, he died.

Walter Stewart was known as the "boy colonel" and the handsomest officer in the Revolutionary Army. He was born at Derry, in Ireland. He so thoroughly enjoyed the friendship of Washington that jealous rivals thought his promotion was due to partiality. He was colonel at twenty-one and afterward brigadier-general.

John Sullivan was one of the master minds and great generals of the war. He had two brothers, Ebenezer and Daniel. When the war commenced Daniel had two saw-mills in Maine, in what is now known as the town of Sullivan. To prevent the enemy from getting these mills he set fire to them and went into the war for American independence.

These O'Sullivans trace their heroic deeds back to days before the commencement of the Christian era. To their antique glory the English nobility are but mushrooms or toadstools. In the seventh century they were kings in Ireland. Philip O'Sullivan, of Ardra, was an officer in the Irish army at the seige of Limerick, and went with Sarsfield to France. His son John, born in the county of Limerick, 1692, came to America in 1723. On the way over he became acquainted with a young lady from the County Cork. They got married and settled in Maine, and called the place where they settled Limerick, where they died, he at the age of 106, she five years after him. They became the parents of four illustrious American patriots, Ebenezer and Daniel, already mentioned, and James, the eminent attorney-general and afterward the governor of the State of Massachusetts. John was their third son. He was a delegate to the first Continental Congress, and, only that his sword was wanted in the field, would have been a signer of the Declaration of Independence. He and John Langdon in 1774 seized the military stores at Fort William and Mary, afterward Fort Sullivan, at the entrance to the harbor at Portsmouth, N. H. This was the first military exploit in the Revolution, and, had it not been for the powder thus secured, Bunker Hill, which, for want of it, was a partial defeat, would have been an impossibility or a disaster. The first engagements in the Revolution at sea and on land were commanded by O'Brien and O'Sullivan. He was afterward, in 1775, sent back to Congress with his compatriot, John Langdon, who gave his plate and Tobago rum to enable John Stark, another Irishman, to conquer at Bennington, but he soon dropped the quill pen at Philadelphia for the steel pen of Bunker Hill and Trenton. After the fall of our Irish Montgomery and the death of his successor, Thomas, the command devolved on General Thompson, also Irish, and on the 4th of June, 1776, General Sullivan took command, the third Irishman who had chief command of the northern division of the Continental Army.

In August, 1776, he fought at the battle of Long Island. He was temporarily in command; but General Putnam coming with re-enforcements ranked him and took command. He was taken prisoner and afterward exchanged. In the retreat across New Jersey General Sullivan succeeded Lee and effected a junction with Washington. At the battle of Trenton Washington himself took command of one of the two columns and put Sullivan at the head of the other. Victory followed and Princeton succeeded, and Sullivan was there, again conspicuous and brave. In May, 1777, Washington organized his army into five divisions and gave Sullivan the command of one. At Brandywine and Germantown he displayed courage and bravery. At the latter Washington put him in command of his own and Wayne's divisions, and those two Irish generals had the advantage of the British troops till the other wing failed. They received the thanks of Washington. He was chief in command in Rhode Island and in the expedition against the Indians, over whom he gained a signal victory in 1779. He was afterward sent to Congress again, was attorney-general and president (thrice elected) of New Hampshire, and subsequently appointed United States judge by his old friend Washington, which he remained till his death in 1795. Much of the best blood of New England, in law, literature, and medicine, came from this Limerick family.

A FEW MORE.

William Thompson, born in Ireland, commanding eight companies of Pennsylvania riflemen, joined Washington in August, 1775; was commander of the Northern Army, and served till his death in 1781.

William Thomson, born in Pennsylvania of Irish parents, probably brother of Charles Thomson, the great secretary of Congress, served gallantly at the South, defeated the British at Sullivan's Island, for which he received the thanks of Governor Rutledge, the Irish governor of South Carolina.

John White, a Georgia colonel, son of an Irishman, with two officers and three men, captured a captain and one hundred and seven British regulars; severely wounded when Pulaski fell.

These are but a few of the hundreds of gallant Irish Revolutionary soldiers whose bravery and blood purchased American Independence. I mention in conclusion one more.

ANTHONY WAYNE.

It might have been better had I taken this brave soldier as the only theme and as a fair specimen of Irish-American soldiers in the Revolution. As it is, I must only very briefly refer to him. His grandfather lived in Ireland, where his son Isaac, the father of Anthony, was born. In 1722 the family settled in Pennsylvania, where, on the first day of the year 1741, Isaac's only son, Anthony, was born. His Uncle Gilbert was his teacher, and his nephew distracted the brains of two-thirds of the school by his boyish military exploits. At 26 he married into the Penrose family, of Philadelphia. When resistance to England began he mustered a volunteer corps, and in January, 1776, Congress made him a colonel of one of the regiments sent under Major-General Thomas to re-enforce the Northern army.

He was at the affair of Three Rivers, where his Irish fellow-officers, Thompson and Irvine, were taken prisoners. He saved the brigade from capture. In February, 1777, Congress made him a brigadier-general, and on the advance of the British general on Philadelphia and his subsequent retreat, Washington sent four corps in pursuit, and, what is remarkable, their four commanders were all Irish—Sullivan, Maxwell, Morgan, and Wayne, two native-born and two the sons of Irishmen. These Irish generals drove the British from New Jersey, and were warmly eulogized in Washington's report to Congress. At Brandywine and Germantown he was conspicuous. Of the two columns moving to the latter battle the right was commanded by two Irish generals, Sullivan and Wayne. Wayne drove the enemy two miles and carried his part of the field. His horse was shot under him, and he was wounded.

If others had done as well Germantown would have been our Yorktown. When the reverse came he covered the retreat and saved the army. At Valley Forge he again saved it; this time from starvation by successful foraging. When the British evacuated Philadelphia, Washington sent out his Irish general, Maxwell, to break down the bridges and obstruct the roads. He dispatched another of his Irish generals, Daniel Morgan, with six hundred troops, to assail the enemy's right flank, and he selected Wayne to command the thousand select soldiers to attack the rear of the enemy's army, and when the British turned upon Lee and La Fayette the field was saved by two Irish heroes, Wayne and Ramsay, till Washington had time to reorganize his shattered and retreating troops, and then, after pouring the storm of his rage upon Lee, he turned the storm of his Irish generals on the enemy. Morgan's rifles, Knox's artillery, and Wayne's bayonets, all Irish, under the incomparable Washington, a naturalized Irishman, routed the English forces, and the glory of Monmouth flung back its effulgence on the gloom of Valley Forge. Washington in his official report says: "The catalogue of those who distinguished themselves is too long to admit of particularizing individuals. I can not, however, forbear to mention Brigadier-General Wayne." In writing of the battle Wayne himself says that the Pennsylvania (Irish) troops showed the road to victory.

His great achievement, however, was at the storming of Stony Point. Washington thought it of the greatest importance that this stronghold of the Hudson should be captured, and of course chose this Irish-American general for the service. It was washed by the Hudson on two sides and covered by a marsh on the third side, which the tide overflowed. The hill was encircled by a double row of abatis, with strong breastworks on the summit, liberally supplied with artillery, and defended by six hundred veteran troops. On the 15th of July, 1779, Wayne marched to the performance of this mad work. Two other brave Irishmen served under him, Butler and Murphy. About an hour before he had written to a friend a note dated "Near the hour and scene of carnage," in which he says, "This will not reach your eye till the writer is no more." It was twenty minutes past midnight when, through the morass now overflowed by the tide, over the double row of abatis and the supposed impregnable works on the summit under a hot fire of musketry and a shower of shells and grape, the daring assailants rushed upon the enemy, not a ball in their muskets, but with Wayne's favorite weapon, the bayonet. A musket-ball struck Wayne on his head and he fell; but rising on one knee he exclaimed: "March on! Carry me into the fort; I will die at the head of the column." This was the most brilliant affair of the war. General Lee declared it the most brilliant exploit in military history.

After some other noted services, at Fort Lee and elsewhere, he again shone forth at Yorktown. He had hung upon Cornwallis's rear as he retreated to Yorktown, and at one time attacked the main army of the enemy with a mere handful of men, striking such terror into the heart of the British commander that he was afraid to attempt to capture his pursuers, which he could easily have done. At the investment of Yorktown, Wayne, with Clinton, another Irish general, opened the first parallel on the 6th of October, 1781. On the 11th the second parallel was commenced, and Wayne commanded. On the 14th, after dark, the attack on the two redoubts was made by La Fayette, and his chief support were two battalions of Pennsylvania (Irish) troops under Wayne, and on the 19th Yorktown surrendered, but it was Wayne all over, always ready, resolute, and rapid.

After Yorktown he was ordered South to support Greene. He rescued the State of Georgia from the enemy. His last service was to take possession of Charleston at the close of the war, and to conquer the Indians who had baffled Harman and defeated St. Clair. He died in 1796. Such are but a few of the labors and hardships these brave Irishmen endured to make a free home and a refuge for mankind.

All these, and hundreds of others, illustrious heroes in the Revolutionary war were Irishmen or sons of Irishmen—most of them born in Ireland.

OTHER ILLUSTRIOUS IRISHMEN.

I have not time to mention, as I intended, what services were rendered by Irishmen in other walks of life, in Congress, in the pulpit, at the bar, on the bench, in the Navy, as surgeons, as merchants with their money, and in all ways that secured our success.

The great captain, the first commodore of our Navy, John Barry, and Captain Porter, the present Admiral's grandfather, were conspicuous in that grand navy that has given us the records of Barry, Porter, Rodgers, Decatur, Stewart (Parnell's grandfather). Perry, Macdonough, Bleakly, and our present Admiral and Vice-Admiral Porter and Rowan, all Irish. The great men who advocated and declared our Independence, Thornton, Livingston, Smith, Taylor, Ross, Read, McKean, Lynch, Carroll, Rutledge, all signers, and above them all Charles Thomson, the secretary of Congress, born at Magherd, in the County of Derry, and all Irish.

The great Revolutionary governors of the States, Rutledge, of South Carolina; Burke, of North Carolina; Clinton, of New York; Read, of Delaware; Weare, of New Hampshire; Reed, of Pennsylvania; Livingston of New Jersey, and others, all Irish. Rutledge, Clinton, and Livingston, all governors in the heat of the Revolution, and all rendering great, transcendent services to our cause of freedom. Cochran and Ramsay, conspicuous among our surgeons, both Irish. But above all in the pulpit! Who can estimate the power of that pulpit, which gave hundreds of eloquent divines, particularly the Presbyterian Irish? I can mention only half a dozen. Rodgers, of New York; McWhorter, of Newwark; Caldwell, of Elizabethtown; Duffield, of Philadelphia; Patrick Alison, of Baltimore; Waddell, of Virginia, the celebrated blind preacher, and, grandly in the front of all, the illustrious Catholic archbishop of Baltimore, John Carroll. Thus, in the Army and Navy, in the pulpit and from Congress, America holds up the endless roll of her Irish heroes, and exclaims, "These are my jewels."

And he who can hear the name of Ireland mentioned with dishonor or refuses to join in the chorus of her praise is not a true American. Without Knox, Morgan, Montgomery, Reed, Stark, Sullivan, and Wayne we should have had no independence, and without Ireland we should not have had them.

MY LABOR.

Much pride I take in my course and in what I secured for American citizenship, yet no member of Congress ever attended more diligently to other public questions and matters of local interest to my constituents. I first introduced into Congress the bill for the public building in Brooklyn, and after fourteen years' absence came back to help it through. It was on my motion that the Brooklyn Bridge bill was carried through Congress in the last hours of the Fortieth Congress, and only for my prompt diligence that bill would have been delayed for two years.

In the Gowanus Bay improvement and in all improvements of New York Harbor, from Sandy Hook to Hell Gate, I was quite as prominent as any member from New York or Brooklyn. In the postal reform movement my speeches will not compare unfavorably with others. On American shipping, rivers and harbors, diplomatic matters, French spolination claims, on needy and worthy claimants for pensions, on the letter-carriers, and other public and private matters I fear not to appeal to my record, and I take especial pride in my speeches and services for the worthy granddaughter of the author of the Declaration of Independence.

SPEECH ON DIPLOMACY.

Perhaps my speech on diplomacy and decorations, delivered on the 14th of May, 1884, was the thing for which I got the most abuse. The columns of the anglified press fairly boiled over with vituperation. It seemed as if I had broken all the commandments at once and perpetrated other outrages too horrible to mention. I confess I was staggered and I sought advice. As soon as my speech was published I sent a copy of it, marked "personal," to my old friend Charles A. Dana, editor of the New York Daily Sun. It was a formidable octavo pamphlet of forty-eight pages, and I hesitated to ask him to read it through, but I begged of him to look it over at his leisure and tell me the worst; to pick out the worst paragraph he could find and publish it, with his opinion whether it was so horrible as had been represented in the press. In the Sun of July 14, 1884, the following editorial appeared, written by Mr. Dana himself:

INJUSTICE TO MR. ROBINSON.

The somewhat celebrated oration of Hon. WILLIAM E. ROBINSON, of Brooklyn, on diplomacy and decorations was delivered in the House of Representatives two months ago to-day, but it has only recently come to hand in the CONGRESSIONAL RECORD.

We have read this speech with considerable interest, for Mr. ROBINSON has been roundly abused for his utterances on that occasion, and we desired to see whether he had, in fact, lost all the good sense and bright wit which formerly distinguished many of his intellectual efforts.

We do not think that he has been so unfortunate. There is enough truth and there is enough lively enunciation of sound American doctrine in his remarks on sham diplomacy to make half a dozen good speeches. Whenever he is led into bitterness of sentiment or betrayed into hyperbolic phraseology, it is only because his hatred of humbug is genuine and hearty. The principles which he maintains are in the main correct; his language certainly does not lack vigor.

Two years ago Judge Black wrote to Mr. ROBINSON: "I can not but admire the man who has done as much as you have to make up and sustain the great issue between free government and despotic rule on both sides of the Atlantic." We can not see that Judge Black would have occasion, if he were still alive, to change his opinion of Mr. ROBINSON's course in Congress.

ANNEXATION OF IRELAND.

Another thing for which I got roundly abused, as if I had lost all common sense, was my joint resolution (House resolution 362, Forty-seventh Congress, second session) offered on the 26th of February, 1883, read twice, and ordered printed, and referred to the Committee on Foreign Affairs. It was offered at a time when "society" here was singing the praises of England and abusing Ireland. I introduced it more for the preamble than for the resolution, because that preamble contained more solid and undeniable truth than is generally in order in either House. I reproduce it here:

Joint resolution for the relief of England, the benefit of Ireland, and the glory of the United States.

Whereas there does not exist on the face of the earth to-day such a blot upon civilization as the English Government in Ireland: The people evicted from their ancestral homes and dying on the highways from famine; habeas corpus suspended; trial by jury abolished, and a whole people's lives and liberties left at the mercy of corrupt judges and perjured informers; strangers arrested without cause, and kept in prison without remedy; the people's chosen representatives in prison; newspapers suppressed and editors criminally punished for publishing the truth; foreign bayonets keeping in prison patriotic gentlemen, chosen by the people while so confined as mayors of their cities and representatives of intelligent constituencies in Parliament; red-handed murderers acknowledging their diabolical crimes, to the perpetration of which they were probably instigated by the minions of government, allowed to escape the punishment which they deserve on condition that they swear away the lives of less guilty men, whom they cajoled into their schemes of assassination, and throw cunningly concocted suspicions on wholly innocent men; curfew law enacted in one of the most refined capitals of Europe (Dublin), and hundreds of innocent and honorable men arrested on suspicion in attempting to make calls of business or pleasure in seasonable hours; hired detectives, equaling the adult male population of the city, dogging the footsteps of its people; the houses of the alien despots and of their bribed judges, spies, and informers guarded by foreign bayonets to shield them from the wrath of a people reduced to famine and driven to despair and madness by cruelties unparalleled in history, and a subsidized press and perverted machinery of public opinion employed to misrepresent to the world and to libel an oppressed people manfully contending against overpowering adversities for human rights; and

Whereas the people of Ireland are panting for republicanism, and alone among the peoples of Europe keeping alive the American ideas of Washington and Jefferson, that governments derive their just power from the consent of the governed, who have a right to alter or abolish oppressive government; and when a long train of abuses and usurpations evince a design to reduce the people to absolute despotism it is their right, it is their duty, to throw off such government; and

Whereas they alone among the nations cultivate the grand American sentiment that "Resistance to tyrants is obedience to God;" and

Whereas Ireland can never be conquered by England nor governed by her, except through butchery and blood, with which humanity has been shocked for seven centuries of unparalleled oppression, duplicity, and guilt, which must continue till some power shall interfere to cut the ligament of guilt that has so long tied the oppressed and oppressor together for mutual injury and destruction; and

Whereas it is the duty of civilized nations to protest against organized barbarism, and to terminate, if possible, a system of such shocking cruelty as the English Government in Ireland; and

Whereas Ireland was looked upon and appealed to by the patriots of the Revolution as one with them in the revolt against the English Government; that she furnished more troops to the Revolutionary army and more of its generals and other officers and left more of its gallant blood upon our battle-fields than any State in the Union; that peace should not have been agreed upon without including Ireland within the territory of the new Republic, and she should not have been left to be punished by England in revenge for the aid she rendered us, and to struggle alone for the doctrines of the Declaration of Independence till quenched in the blood of Emmet and Fitzgerald; and

Whereas Ireland is nearer to us and more necessary to our national safety than much of our acquired territory; that we need her for the eastern landings of our ocean ferries and cable anchorages; that her people and ours are sympathetic and congenial; that a vast majority of our people are of Irish extraction, and scarcely a family in Ireland that has not already one or more of its members honored in American citizenship; that while Ireland is a burden to England and a blot upon her name, in our Union she would rival New York, and be second to no State in the Union in wealth, intelligence, and culture; and

Whereas our country's greatest achievements have been the conquest, purchase, and emancipation of the Territories of Louisiana, Florida, Texas, and Mexico, all of which would be rivaled if not eclipsed by the restoration of the lost pleiad to the sisterhood of her love: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby requested to open communications with the Government of Great Britain to obtain its consent to the restoration of Ireland to the United States, by purchase or otherwise, as in the case of Louisiana, Alaska, and other portions of our territory.

AN EXPLODED BOMB.

That bomb exploded here right in "society," and such consternation was never seen in the British camp since Mad Anthony Wayne took Stony Point.

Now, those who read these preambles and this resolution can judge whether there is anything in them except their truth so terribly alarming. I know they were not popular in circles where the aristocracy were attending "a german" at the British embassy and the fascinating beauties of its attachés were "distributing the favors." But there was a heap of American truth and republican common sense in them. And here lies my great difficulty. The snobs who so largely control the press here do not think that anything American is really refined, and very few of them knew that Ireland had been looked upon by Franklin and other founders of our Republic as one of the revolted colonies.

LETTER FROM MR. BANCROFT.

A short time after offering my first resolution I called with my daughter upon Mr. and Mrs. Bancroft to take leave, at the close of the session, when he remarked that he had read my joint resolution and that I had got hold of the old American idea of Ben Franklin.

On my return to Brooklyn, I wrote to Mr. Bancroft on the subject and received in reply the following letter from the illustrious historian, which he dated on Saint Patrick's Day:

1623 H STREET, N. W.,
Washington, D. C., March 17, 1883.

MY DEAR SIR: I have your letter of March 8. You will find in my history, volume 5, page 24 of the so-called centenary edition, and in volume 8, page 53 of my octavo edition, a summary account of the plan inviting Ireland to accede to the union, and to save you trouble I inclose to you the pages to which I refer you. As you may like also to have the exact documentary authority, I add a copy of the first article, and the thirteenth of Franklin's plan of confederation and perpetual union. The whole plan of the confederation proposed on the 21st of July, 1775, you will find in Force's American Archives, volume 2 of the fourth series, pages 1867, 1868, and 1899.

It has given me much pleasure to reply to your inquiries.

Yours, truly,

GEORGE BANCROFT.

Hon. WILLIAM E. ROBINSON.

IRELAND AN AMERICAN COLONY.

The following is the thirteenth article of Franklin's plan of confederation referred to by Mr. Bancroft:

ARTICLE XIII. Any and every colony from Great Britain upon the continent of North America not at present engaged in our association may, upon application, and joining the said association, be received into the confederation, namely: Ireland, the West India islands, Quebec, Saint John's, Nova Scotia, Bermudas, East and West Floridas, and shall thereupon be entitled to all the advantages of our union, mutual assistance, and commerce.

I doubt whether any of the snobs who scribble lies about me from this metropolis know very much about our Revolutionary history, further than that their fathers had to leave the country. Let me suggest to them that if they will study my speeches they will acquire more American knowledge than they are ever likely to learn while drinking the Queen's health at the British minister's in champagne imported free of duty and in detriment to our tariff receipts.

SHOULD BE RESTORED.

When I offered this joint resolution I knew as well as I know now that the ignorant would ridicule the proposition; nor did I then nor do I now expect that so much common sense would be appreciated. Yet certain facts remain. Ireland never will submit herself to English rule. There is enemity between them which can never be eradicated. She has been, is now, and will be a burden to England. In every throb of her existence she is republican. She would bloom into a grand existence under our genial sway. The overarching heavens would ring with the music of Ireland's enrollment among the free States of the Union; and the desolations of Connemara would rejoice under the music of a thousand looms as Lough Corrib dances to the sea. Ireland wants us for the blessings we would confer and we want her for the eastern terminus of our steam-ferries and the anchorage of our cables. We can never be entirely independent till both ends of the Atlantic cable throb upon American soil. What is Florida, or Alaska, or any other acquisition of territory compared with what Ireland would be to our Union?

Outside of the hostile garrison, including the pay and pension roll and the absentee landlords that keep Ireland in bondage, there is not one honest Irishman that does not loathe English rule and who does not love the United States.

Henry Clay upon one occasion said that Kentucky was the Ireland of America, and that it seemed as if some convulsion of nature had separated Ireland from this country, where she naturally belongs. John Bright once expressed the hope that Ireland might be taken in tow and conveyed nearer to America. Horatio Seymour told Lord Houghton upon one occasion that at the end of the Revolutionary war we ought to have kept Great Britain, including Ireland, for a coaling station. Henry George, at the Saint Patrick's Day dinner in Brooklyn, in 1883, said:

I want to second the motion of Mr. ROBINSON for the annexation of Ireland.

AN OFFER TO MY CRITICS.

After every speech I made there were violent howlings from the pack that have been in full cry upon my footsteps. I have made many speeches on many subjects, of which about a dozen have been republished in pamphlet form, and I challenge my most virulent assailant to select from any of them a passage unworthy of myself or of the grand constituency I represent. If my challenge is accepted I shall furnish copies of all my speeches, and shall submit them to an impartial tribunal not of my own party and not of Irish sympathy. I should name any three prominent citizens—say Mayor Seth Low, General Horatio C. King, and Dr. Storrs, or Dr. Talmage, and if they will select any passage from any of my speeches which they will say is worthy of censure I shall acknowledge the truth of all the charges made against me.

LETTER FROM REV. DR. TALMAGE.

Upon all my speeches and acts here I hold numerous testimonials from literary men, journalists, venerable bishops and clergymen of all denominations.

First of all I take this letter, which I have just received from Rev. Dr. T. De Witt Talmage, whose church is in my district:

BROOKLYN, *February* 23, 1883.

DEAR FRIEND: I can not let your Congressional term of office close until I have thanked you for the able manner in which you have represented our city in the councils of the nation. From the time that, in my boyhood, I heard you make the most stirring and electrifying political address I have ever heard until the present time, I have watched your course with ever-increasing interest.

There have been passages in your speeches which are unsurpassed in the annals of American eloquence. With pen as well as voice you have done a service which ought to be an everlasting satisfaction. I have noticed that some of the finest and most graceful things you have said have been derided by those who had no capacity to appreciate them. But that is the lot of mortals.

Well done, good and faithful servant of God and country!

With congratulation and cordial greeting, yours, &c.,

T. DE WITT TALMAGE.

Hon. W. E. ROBINSON.

Where are my slanderers who say that I have not represented the intellectual portion of the Brooklyn people? That letter came so unexpectedly. I had not seen nor written to its distinguished author for months. I take pride in preserving it for the gratification of my children.

OTHER FRIENDLY TESTIMONIALS.

One of the most venerable and venerated Episcopal bishops in the United States, and not of Irish blood, who had read my speech on our imprisoned American citizens, for which I was so roundly abused, writing to his friend in Washington, says:

Oftentimes have I reverted to those very pleasant days spent with you; and of the many kind attentions of the Hon. Mr. ROBINSON. Please tell that kind friend that I not only received but read his speech with much pleasure. He does not seem to be much afraid of the British lion or to admire the English minister. I wish that there were in our legislative halls many more such honest and outspoken men.

Another clergyman, and one of the most accomplished doctors of divinity in Brooklyn, after reading the same much-abused speech, says:

I sincerely congratulate you on an effort which might well crown a lifetime of study. It has made you hosts of admirers throughout the length and breadth of the land and has made your constituents proud of you.

A gentleman connected with the Government here, not prejudiced by party or race in my favor, whose residence is in Brooklyn, writes:

As a constituent who has with silent interest followed your course in the House of Representatives, and heartily indorsed all public measures originated and supported by you, I deem this the proper time to express to you my sincere regret that your retirement will remove from Congress one of the nation's best counselors. The country can ill spare any of her broad, honest, fearless, and faithful servants, especially at a time which is pregnant with important issues.

I have before me hundreds of letters, which those so desiring can see, like these, from all professions and all denominations, which I shall not further refer to and should not have quoted only to counteract the idea so sedulously circulated in a prejudiced press that my conduct in Congress has not been laudable.

FANNY PARNELL.

A single sentence, however, from one of the many letters I have from the late Miss Fanny Parnell I must give:

I have read with the greatest interest your speech, in which you surpass yourself. I always read every line of all your speeches, for where should we be without the consistent and eloquent advocacy you have always given our cause? It does you, I think, the highest honor that the newspapers to which you allude should be hostile to you. We can tell what a man is just as well by the nature of his enemies as by the nature of his friends. Hoping you will continue with steady success your career as Ireland's advocate in America,

I remain, yours, very truly,

FANNY PARNELL.

Ireland never had a better friend than this gifted girl so lamentably taken away in early womanhood, the granddaughter of old Ironsides, Charles Stewart, and the sister of the illustrious Charles Stewart Parnell.

OTHER LETTERS.

There are many letters in my possession, running back for nearly fifty years, from distinguished men, bearing testimony to the importance of my labors in the cause of truth and true republicanism, from which I might quote largely similar complimentary tributes to myself. Among them are numerous letters from Henry Clay, Daniel Webster, Archbishop Hughes, Thurlow Weed, Ogden Hoffman, Horace Greeley, George Washington Parke Custis, Washington Hunt, William H. Seward, James T. Brady, Judge George W. Woodward, Jeremiah S. Black, General James Shields, General Thomas Francis Meagher, and other illustrious men, on subjects of public interest, in which my name is kindly and favorably mentioned. But I have neither time nor room now. At some future time, if life and health permit, I may publish them in a volume, which, aside from all personal matter, will be interesting to the public.

And now to conclude.

LOOKING BACK.

It is now within one year of half a century since, after a long voyage, I arrived in this my adopted, country. I was alone in a strange land, without friends or means of support. What money my venerated father could spare me on leaving home had been spent on the way, and on landing I changed my last sovereign for American coin, and soon after, on declaring my intention to become an American citizen, foresWore all allegiance to all kings, princes, and potentates whatsoever, and have ever since religiously kept my oath. The education I had received in Ireland enabled me, after brief reviewing and within a year, to enter Yale College. How I got through that venerable university is now to me a marvel and a mystery. My early inclinations to journalism enabled me to earn something in contributing to the editorial columns of the New Haven Daily Herald, while the venerable Thomas G. Woodward, its editor, took post-prandial naps in the editorial chair.

But even with this and other efforts I ran deeply in debt, some of which I paid off with interest when that increment exceeded the principal. My buoyant Irish temperament, and my tendency to oversleep the hour of morning prayer, threatened me frequently with college discipline. Some of my fellow-students who afterward became judges and ministers were so full of mischief that they could not keep it to themselves, the knowledge of which involved me in punishment which I did not deserve, except in refusing to betray. The sainted president of that institution, Jeremiah Day, and the illustrious Professor Silliman the elder, father of Professor Silliman recently deceased, often kindly excused my eccentricities, while others of the faculty were inexorable, and in due time I received my diplomas in regular form, and have ever since met a cordial welcome at alumni meetings and commencements. As years accumulate and age creeps upon me I feel every year an increasing desire to rest for a while my weary frame in the cool shade of the majestic elms that weave their groined arches over the college campus. My venerable teachers have almost all departed, and my younger companions are sinking on the downward slope of life, crowned with liberal honors in the public service of the Republic.

Of those whose acquaintance I made in New Haven I recall the venerable forms of Trumbull, the painter, Webster, the lexicographer, and Percival, the poet. Among my fellow-students were Chief-Justice Waite and Senator Evarts.

While in college I founded the Yale Banner and the Beta of Psi Upsilon, and on leaving was chosen valedictorian of my class before the literary society of "Brothers in Unity," of which I was also for a term president. There, too, I made the acquaintance of Horace Greeley, which ripened into friendship unbroken till his death. Soon after leaving college I became his assistant editor and Washington correspondent in the first half of the present century, and made myself a name of some importance. I was admitted to the friendship and enjoyed the hospitality of Henry Clay and Daniel Webster, of John C. Calhoun and John Quincy Adams and their illustrious contemporaries. That friendship I never lost and never forfeited which on my part has triumphed over death.

FORTY-TWO YEARS.

Forty-two years ago I took my seat in this House as a journalist, and am now the oldest Congressional character in Washington. When I took my seat the father of this House [Mr. KELLEY, of Pennsylvania] had been but just admitted to the bar, and for seventeen years afterward was not thought of for Congress till his controversy with the then youthful George Northrop.

THE TWENTY-EIGHTH CONGRESS.

It was the Twenty-eighth Congress in which I first took my seat. Among the Senators in that Congress were Richard H. Bayard (uncle of the present Senator), John J. Crittenden, Rufus Choate, Thomas H. Benton, Levi Woodbury, and James Buchanan; Calhoun, Webster, and Clay were not Senators in that Congress.

From my seat in this House in the old Hall, on the right of the Speaker, I daily looked down upon the venerable John Quincy Adams (the chair in which he sat is now in my possession in Brooklyn), and around him on the western side of the main entrance was Joshua R. Giddings, Dixon H. Lewis, Stephen A. Douglas, Robert C. Winthrop, Hamilton Fish, John P. Kennedy (Horseshoe Robinson), George P. Marsh, Alexander Ramsey, Thomas L. Clingman, and Alexander H. Stephens. On the eastern side were Robert Dale Owen, John P. Hale, Howell Cobb, John Slidell, Hannibal Hamlin, and Andrew Johnson. Wisconsin, Iowa, and Florida were Territories, the last named represented by David L. Yulee, now of Washington. With all these Senators and Representatives I was personally acquainted. All but six have crossed the dark river whose waters murmur through the vale before me.

From these and other great Gamaliels, at whose feet I sat for many years, I learned my Americanism, and I know that it is genuine—Webster, Clay, and Calhoun; John Quincy Adams, Seward, and Greeley; Cass, Crittenden, and Clayton; Silas Wright, Marcy, and Dickinson; Douglas, Lincoln, and Benton. These for thirty years were my friends and advisers. *Oh! si sic omnes!* Would that all around me in this House and in yonder Senate inherited the principles of those to whose seats they have succeeded! Give me back the fading glory of former years!

SHALL I RETURN?

Sir, is it any wonder that I should feel sad in addressing the House to-day, perhaps for the last time? I presume I can come back again, for I feel that a vast majority of the voters in my district regret that I am not again returned as their Representative. I was not defeated by the people. Had I been renominated I should have received the largest majority ever given to any Representative from Brooklyn. Indeed I was strongly urged to run without a nomination from either party, with assurances that I would be elected over both candidates. Had I done so many votes would have been lost to the party to which I belonged, and they were not chargeable with my defeat, and so I refrained. Still I may never return again. At my age the future is uncertain. I submit quietly to my fate, whatever it may be. I confess that I desired to come back again and my constituents so desired.

For useful work here I am now more competent than I ever was before, and if death claims me within the next two years I should have preferred to die in harness here. I return to my quiet home and my loving children and my still faithful constituency. I have fought the good fight; I have finished my course; I have kept the faith.

TRUE TO AMERICAN IDEAS.

I have tried to be true to American interests and to oppose all encroachments of foreign feeling and foreign fashions. Twice on the Holy Evangelists I forswore all foreign allegiance and vowed fidelity to the Stars and Stripes. Why did you make me swear against all foreign despots if you did not expect me to keep my oath? Before I touched your shores I was a republican, and soon, very soon, after landing I declared my intention of citizenship. I had heard of Washington and Jefferson and free America in songs and stories over my cradle.

I was born in that glorious era when the red flag of England went down beneath the starry banner in many a battle by sea and land, under American generals and commodores whose relatives were my father's neighbors. I had read of the majestic scenery of this great country, and I had grown up to love every famous name that lighted the page of American history; and when on that September afternoon in 1836 I floated into the harbor of New York and saw the American flag floating from mast and fortress I felt inspired. The fingers of early frost were dappling the foliage on either side in gorgeous colors. The wavelets broke into music on either shore, while far away the masts and spires of New York pierced the clouds, and up the majestic Hudson imagination quickly traveled to cataract and prairie; and under that inspiration I tried to express the feelings which filled my heart then, warm it now, and will throb in its emotions till death stills its pulsations:

Hail, brightest banner that floats on the gale!
Flag of the country of Washington, hail!
Red are thy stripes as the blood of the brave,
Bright are thy stars as the sun on the wave!
Wrapt in thy folds are the hopes of the free—
Banner of Washington! blessings on thee!

Mountain-tops mingle the sky with their snow;
Prairies lie smiling in sunshine below;
Rivers as broad as the sea in their pride
Border thine empires but do not divide;
Niagara's voice far out-anthems the sea—
Land of sublimity! blessings on thee!

Hope of the world! on thy mission sublime
When thou didst burst on the pathway of time
Millions from darkness and bondage awoke!
Music was born when Liberty spoke!
Millions to come yet shall join in the glee—
Land of the pilgrim's hope! blessings on thee!

Empires shall perish and monarchies fail,
Kingdoms and thrones in thy glory grow pale;
Thou shalt live on, and thy people shall own
Loyalty's sweet where each heart is thy throne!
Union and freedom thine heritage be,
Country of Washington! blessings on thee!

Public Buildings—The Evils of the Present System and the Remedy.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (H. R. 7323) defining the duties of the Supervising Architect of the Treasury, and for other purposes.

EARLY HISTORY OF PUBLIC BUILDINGS.

Mr. STOCKSLAGER said:

Mr. SPEAKER: There are now some two hundred public buildings belonging to the United States outside the District of Columbia, the greater number of which have been erected since 1865. The first law passed for the erection of public buildings is in section 3 of the act of July 16, 1790, "providing for the establishment of the temporary and permanent seat of the Government of the United States." It provides (Statutes at Large, volume 1, page 130):

* * * According to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year 1800, provide suitable buildings for the accommodation of Congress, and of the President, and for the officers of the Government of the United States.

Under this law the Executive Mansion was erected and the Capitol begun, but there is no record showing how much was expended upon the public buildings of the District of Columbia prior to 1803.

The next reference in the laws to public buildings is in section 3 of the act of February 25, 1799, "respecting quarantines and health laws," which provided—

That there shall be purchased or erected, under the orders of the President of the United States, suitable warehouses, with wharves and inclosures, where goods and merchandise may be unladen and deposited from any vessel which may be subject to a quarantine or other restraint, pursuant to the health laws of any State as aforesaid, at such place or places therein as the safety of the public revenue and the observance of such health laws may require.

The first appropriation to carry this act into effect was May 1, 1802, when there was appropriated $69,026.12. March 14, 1804, there was appropriated $5,000, and March 1, 1805, $15,533.21. Of these sums $73,654.18 was expended, as follows:

1802. Joshua Sands, for erecting storehouse and wharf on Staten Island, $15,070.85.

1804. David Gelston, New York, agent for purchase or erection of wharves and stores, $4,353.15.

1802. James Simmons, purchase of a house and lot on Sullivan's Island and erecting a wharf at Point Comfort, $8,220.18.

1802. Lazaretto, Philadelphia, $29,238.33.

1804–'06. Lazaretto, Baltimore, $15,161.27.

The first custom-house erected was at New Orleans, under appropriation of $20,000, February 13, 1807, of which sum $19,200 was used. It was built under the direction of the Secretary of the Treasury.

April 30, 1816, Congress appropriated $250,000, to be applied by the Secretary of the Treasury, under the direction of the President, in the hire, purchase, or building of custom-houses, warehouses, and stores in such manner as he shall deem most expedient.

March 3, 1817, $50,000 more was appropriated for purchasing or erecting, for the use of the United States, suitable buildings for custom-houses or public warehouses, in such principal district in each State where the Secretary of the Treasury shall deem it necessary for the safe and convenient collection of the revenue of the United States. April 9, 1818, $200,000 was appropriated, and March 3, 1819, $100,000. Of these sums $87,493.37 was returned to the Treasury. The remainder was expended on custom-houses at Alexandria, Va.; Baltimore, Md.; Boston, Mass.; Charleston, S. C.; New Haven, Conn.; New Orleans, La.; New York, N. Y.; Norfolk, Va.; Philadelphia, Pa.; Portsmouth, N. H.; Providence, R. I.; Salem, Mass.; Savannah, Ga.; Wilmington, N. C.

There were comparatively few public buildings erected during the first half of this century. At the close of the year 1849 there were only forty-one public buildings in the country outside the District of Columbia. Twenty-seven of these were custom-houses and fourteen marine hospitals. Twenty-eight of these were purchased, twelve built, and one, at Monterey, Cal., obtained by conquest. The system by which these were built was very imperfect, and when Hon. James Guthrie became Secretary of the Treasury, in 1853, he reorganized it. In his first annual report, December 6, 1853, he thus referred to the matter:

The construction of these buildings is confided to the Department, and almost everything but the amount of the appropriation left to the discretion of the Secretary. No system had been devised for the due performance of this duty, nor had the management of the business been confided to any particular branch of the Department. An architect had been employed in the Department at a salary of $3,000 per annum, with traveling expenses allowed when absent inspecting the works, &c. He was paid out of the several appropriations, according to the time given to each work. Local architects and superintendents had also been appointed, and were paid out of the appropriations, but there was no system of keeping or rendering accounts at the respective works, nor of keeping the same in the Department.

With a view to a more efficient management application was made to the Secretary of War for a scientific and practical engineer to be placed in charge of the construction of these buildings, and Capt. Alexander H. Bowman, of the Engineer Corps, was detailed and assigned to that duty. General regulations for the conduct of the business have been adopted and sent to those in charge of the respective works, and a department of construction organized for the supervision of the whole. * * * The architect has also been retained to aid the Department in his particular line.

This organization continued until 1862, the only change being that S. M. Clark succeeded Captain Bowman as engineer in charge in 1859–'60. He continued in charge until 1862. July 28, 1862, Isaiah Rogers was appointed to the head of the Department as Supervising Architect. He states that he was unable to make a report in 1862 "for the reason that the records of this office were so imperfect and confused that it was utterly impossible for me to procure the necessary information in time." A reorganization was effected, and it has continued with little change until the present time.

It seems that the expenses of the office were paid out of the expenditures for public buildings, a certain portion being charged to the appropriation for each building. In the appropriation act of March, 1864, the following clause was inserted in section 6, providing for increased clerical force in the Departments:

In the construction branch of the Treasury, one superintending—

"Superintending," evidently a slip of the pen—

architect, one assistant architect, two clerks of class 4, four of class 3, two of class 1, and one messenger at an annual salary of $600.

Appropriations were made in pursuance of this law, except that "superintending," before "architect," was changed to "supervising" in the act of March 4, 1865, until the act of July 20, 1868, when, after making the appropriations for the "construction branch of the Treasury," the law says:

And the clause in act of March 14, 1864, providing for the officers, clerks, and messengers in the construction branch of the Treasury Department, is hereby continued in force until July 1, 1869, and no longer.

The only effect of this repeal seems to have been that of causing a larger appropriation to be made the next year. Since that time there have been but slight changes in the organization of the Supervising Architect's Office.

THE POLICY OF ERECTING PUBLIC BUILDINGS.

The policy of erecting public buildings where they are needed for the transaction of Government business has been so long established and has been so uniformly practiced under every administration for fifty years that it may be assumed to have become a settled policy of the Government. The amount of money disbursed on account of the purchase or erection of public buildings outside of the District of Columbia from the foundation of the Government until the year 1850 was $3,931,974.68, and this sum was increased at the end of the fiscal year 1861 to $21,871,139.72. Unfortunately similar data can not be obtained for the following years, except with so great labor that it was impossible to have it completed in time to incorporate it here. But though there was a falling off in the amount appropriated during the years of the war, there has been a large increase in the appropriations for public buildings since that time. For the fiscal year ending 1871 there was appropriated over four million dollars for the erection of public buildings, and in 1880, for the fiscal year ending 1881, over four and a half millions.

It will thus be seen that for the first sixty years of the Republic, or from 1790 to 1850, the average annual expenditure for public buildings was but $65,535.82. But from 1850 to 1860 the average annual expenditure was $1,793,016.50. In 1870 $4,000,000, and in 1880 $4,500,000. The growth of this policy of the Government, though slow, especially prior to 1850, was steady, and since that time has been more rapid, and continued steadily through all the administrations and by all political parties.

It may be confidently assumed, therefore, that whatever individual members of this House may say, and whatever tactics they may adopt to prevent the majority of the members of this body from considering bills for the erection of public buildings, that policy will not be abandoned, but will continue to grow as the country grows, and the convenient and economical transaction of the growing and ever-increasing business of the Government shall require.

In the appendix will be found a statement showing amount of money expended for public buildings outside of the District of Columbia, by States, to the present time. This list was prepared with great labor by Mr. H. M. Beadle, clerk to House Committee on Public Buildings and Grounds, and is accurate.

NEED OF REORGANIZATION.

That there is need of a reorganization of the construction branch of the Treasury Department there can be no question. A department that spent over four million dollars in 1883, and three and a quarter million in 1884, should not only be organized by law, but have its powers, duties, and responsibilities well defined. This has never been done.

Secretary Guthrie put this branch of the Treasury in a much better shape than it had ever been before; but it was only by rule of the Treasury Department and not by law that it was done. Practically now, as Secretary Guthrie reported in 1853, "the construction of these buildings is confided to the Department, and almost everything but the amount of the appropriation left to the discretion of the Secretary."

Captain Bowman, the engineer in charge of these works, repeatedly recommended that the construction department of the Treasury be better organized, and that a system of erecting the public buildings be devised which would secure the speedy completion of the buildings, and thus prevent the waste and unnecessary expense which followed appropriations doled out in dribbles and want of a properly organized force to carry into effect the wishes of Congress. In his report of September 30, 1857, he says:

The duty of erecting these buildings devolves upon the Secretary of the Treasury, but he has no voice in designating the points at which they shall be located. No provision is made by law to enable him to discharge the duties assigned him in the construction of these buildings. The present bureau or office of construction, to which, under the Secretary of the Treasury, this duty is assigned exists, from necessity, without special authority of law. The large amounts appropriated annually for the erection of public buildings require, if the system is to be continued, a permanent organization of the office charged with the expenditures of the money so appropriated.

The change which was made in 1862, which put the control of this branch of the office under an architect instead of an engineer of the Army, was made by order of the Secretary, as the appointment of an "engineer in charge" was by the order of a former Secretary. It was not recognized by law until 1864, when certain offices were created for the "construction branch of the Treasury;" *but there has never been any law defining the duties of the officers and employés of that "branch" of the Treasury.*

One result of this lack of regulation by law is that numerous complaints have been made against this branch of the Treasury, and several investigations have been made by Congress and by the Treasury Department. The limits of cost of the buildings fixed by law was in many instances greatly exceeded. In fact, the Supervising Architect, in his report of October 31, 1868, said:

In the preparation of designs I have not considered myself limited by the amount of the appropriation made, except in cases where the cost was specially restricted to the amount, but have prepared designs for buildings large enough to accommodate the offices for whose use the building was intended, and not more costly than the importance of the locality and the dignity of the Government demanded.

There is now no check upon the Supervising Architect except the vigilance of the Secretary of the Treasury. His duties are largely technical, and such that the Secretary must rely upon him in almost everything pertaining to his office. A headstrong, rash Supervising Architect, not to say a corrupt one, may put the country to great expense. It is easy to cite cases in point. Let us take the New York post-office building as an illustration. Congress, by resolution of January 22, 1867, appointed a commission to purchase part of the City Hall Park of New York city for $500,000, and "to procure plans and estimates for a suitable building upon said site, to be submitted to the Postmaster-General and Secretary of the Interior, and should such plans and estimates meet their approval they shall communicate the same, with such additional suggestions as they may think proper, to Congress." The above-named officers approved of said report, and transmitted it to Congress February 25, 1868. The history of this we quote from the report of the Committee on the Post-Office and Post-Roads of the House (Report No. 58), second session of the Forty-first Congress, submitted April 14, 1870:

The report of the Committee on the Post-Office and Post-Roads in the Fortieth Congress formally approved of the plans of the commission and of the erection of a building in accordance therewith.

The architects who prepared the plans made careful estimates of the cost of the building, which amounted to, including a liberal allowance for contingencies, the sum of $3,542,920. Your committee examined these architects under oath, and they all reaffirmed the correctness of their plans and estimates. This plan proposed to utilize, by inclosing within the walls of the building all the ground embraced in the purchase. These plans were criticised and objected to by the Supervising Architect of the Treasury, chiefly, among other things, on account of the alleged extravagant cost of such a building, and also on the ground that the use of 58-feet girders, clear span, above the drive-way, "to support the floors and partitions," were a violation of sound principles of construction.

His estimates, however, did not materially differ from those of the New York architects for a building after their plan, but he claimed that a building of either granite or marble, of the same size and general style and plan, dispensing with what he thought was unnecessary iron work, could be constructed for much less. His estimate for a building according to the plans of the Congressional commission was $3,435,378.46. His estimate of a marble building, "first class," "equal capacity," &c., $2,495,212.22. And for a "granite building," "first class," "equal capacity," and similar design, was only $2,156,556.06. During the last session of the Fortieth Congress, without other legislation providing for the erection of such a building, an amendment was made to an appropriation bill appropriating $200,000 to commence the construction of a building.

Without any examination by the present Secretary or Postmaster-General of the plans provided by the commission, the Supervising Architect threw them aside, and prepared outline plans of his own that were not submitted to Congress (although they were formally approved by the above-named officers), and proceeded to expend the appropriation of $200,000 and an unexpended balance of about $280,000 of an appropriation made by Congress August 18, 1856, before the erection of this building was thought of, which was decided to be available for that purpose by the Comptroller of the Treasury, in the foundation of a building; and we are now called upon by the estimates to appropriate one million more to continue the work until the 1st of July, and one million five hundred thousand more to continue the work another year thereafter.

The Supervising Architect has made outline drawings and plans (besides the working plans of the basement or foundation) for a building embracing some 10,000 square feet less area than the one projected by the New York architects, and has furnished the committee with estimates showing that the building he is erecting will cost $3,864,068.83, being $1,707,533.77 more than his estimate of March, 1868, for a larger building. The Supervising Architect alleges that his estimate of March, 1868 (of $2,156,535.06), was made upon false quantities furnished him by his computer, as he believes intentionally, which, however, is denied by the computer, who verifies the computation and estimate he then made.

This building cost the Government in the end $9,311,690.67.

The post-office and subtreasury at Boston, Mass., is another example of the way laws have been evaded by the Supervising Architect. Congress provided for the erection of a post-office and subtreasury at Boston, and on April 13, 1870, enacted the following:

For continuing the work on the building for post-office and subtreasury in Boston, Mass., $500,000: *Provided*, That no part of this sum beyond the sum of $250,000, or any other sum appropriated for this purpose, shall be expended until a contract or contracts for the completion of the entire building, in conformity with plans to be approved by the Secretary of the Treasury and Postmaster-General, and at all times under their direction, shall be entered into with the lowest responsible bidder or bidders, and for a sum not exceeding $1,500,000, including all sums expended for that purpose, except that for the site; and the expenditure of any sum of money in violation of this proviso shall be deemed unlawful.

This limit was most forcibly affirmed in two subsequent acts, namely, that of July 15, 1870, and that of March 3, 1871. Notwithstanding this limit of $1,500,000 was so positively fixed by law, and the expenditure of the money made conditional on a contract or contracts for the completion of the building for that sum, plans and specifications were made for a much more costly building; and there was actually expended upon this building, over and above the cost of the site ($1,329,095.84), up to September 30, 1883, $4,303,681.19, and there remained in the Treasury at that time $196,518.03 to be expended upon it, and $50,000 more were appropriated July 7, 1884, for its completion, besides $30,000 for furniture, which was appropriated May 1, 1884. This has been done under the present laws controlling the expenditure of money for public buildings, and it may be done again, showing the necessity of further legislation upon the subject to prevent Congress being overreached by this department.

But perhaps a still more striking illustration of this vicious system, as well as the deception practiced upon the people through Congressional legislation, may be found in the case of the Philadelphia public building.

The limit of cost of the building was fixed by the original act, June 8, 1872 (Statutes at Large, volume 17, page 342), at $1,500,000. By act of March 3, 1873, the limit was extended to $3,000,000 (volume 17, page 523). The gentleman from Pennsylvania [Mr. RANDALL], on the 20th of February, 1873, in a speech in this House, approved of that extension of limit and supported the bill, but he added that he would oppose any further extension. (Globe, third session Forty-second Congress, volume 93, page 1548.)

The next year, however, on the 23d day of June, 1874 (volume 18, page 228), the limit of the cost of this building was again extended to $4,000,000, and, although the gentleman from Pennsylvania [Mr. RANDALL] was a member of that House at the time, I have been unable to find where he opened his mouth against that extension, although he had pledged himself to do so.

But the most astounding statement is yet to follow.

Notwithstanding this limit of $4,000,000, which was fully twice what it should have been, there has been expended on that building to this date $5,716,000, or $1,716,000 beyond this limit, every dollar of it, too, while the gentleman was Speaker of this House or a member of the Committee on Appropriations. Comment is unnecessary. I merely state the facts and defy contradiction. An impartial country will understand, and not fail to appreciate, how disinterested and how honest such individuals are when they cry combination against others, and filibuster against the consideration by the House of bills for public buildings, each standing upon its own merits, and to be fully considered and amended if the House desired to do so.

NECESSITY FOR STRICT LEGISLATION.

That there is a necessity for binding down the construction department of the Treasury so that the work on public buildings shall be done by contract, with every possible guard against any violation of the law, is shown by a history of what is called the

"FIFTEEN PER CENT. CONTRACTS."

The first we hear of these contracts was in 1862, when it was discovered by an investigation made by the Committee on Expenditures on Public Buildings of the House of Representatives. That committee in its report of July 10, 1862, cites the terms of a contract as follows:

For all carving or ornamental work such additional sums shall be paid as the superintending architect, or the duly authorized agent of the first part (the Secretary of the Treasury), shall ascertain to be its fair cost, increased by 15 per cent.

Under this contract the cost of much of the work on the Charleston (S. C.) custom-house and the Treasury building in this city was increased fivefold. A scandal followed, and the office of "engineer in charge" was abolished and the business put in charge of a supervising architect. C. P. Dixon seems to have had an interest in these contracts.

On the 1st of September, 1869, the Supervising Architect of the Trea-

ury, without proper advertisement, entered into a contract with this same C. P. Dixon as treasurer of the Dix Island Granite Company, of Maine. By the terms of this contract the Dix Island Granite Company was to furnish all the granite for the New York post-office building, and the Government was to pay in addition to a fixed price for the stone in the rough "the full expense and cost of such working, dressing, insuring, and boxing of said stone as may be required by the party of the first part (the United States) to be done at said quarry, increased by 15 per cent. thereof." The report of the Committee on the Post-Office and Post-Roads of the House, submitted April 14, 1870, contained the following comment on this contract:

Unless the expenditures for these purposes shall more carefully be scrutinized than usual, by competent and honest agents of the Treasury Department, it will be seen that a great facility would be offered to the Dix Island Company to augment the amount of such expenditures.

Similar contracts were made with the Old Dominion Granite Company, of Virginia; the Hurricane, the Bodwell and Clark's Island Granite Companies, of Maine, and the Cape Ann Granite Company, of Massachusetts; and the evils pointed out by the Committee on the Post-Office and Post-Roads were such as any thoughtful person might have foreseen—the cost of the work on all the buildings where this stone was furnished under these contracts was greatly increased.

The Dix Island Granite Company made a contract by which it was agreed that if they were ordered to employ at any one time more than one hundred granite-cutters they would erect for the Government suitable boarding-houses, storehouses, sheds, shops, stables, &c., and furnish steel for tools, and they were to receive from the Government 15 per cent. on the gross cost of all these buildings, tools, &c. In pursuance of this agreement the Government did order that some seven hundred extra stone-cutters should be employed, and buildings, shops, sheds, tools, &c., were furnished, costing a very large sum ($180,000), which was paid by the Government, with 15 per cent. additional.

When the contract on the New York building was completed, these buildings, shops, tools, &c., were ordered to be sold, and the sale was advertised; but somehow there was no bidder other than the Dix Island Granite Company, who bid them all in for less than $2,000. Shortly after another contract was made by this company to furnish stone for the Philadelphia post-office building, and these buildings, sheds, shops, tools, &c., were resold to the Government for a sum almost equal to their first cost.

To be more exact: The tools, buildings, furniture, &c., above referred to was appraised at $102,779.98. They were all sold to that company on the 1st day of December, 1873, for $1,461.35. The purchase-money was paid on the 24th day of August, 1874. They were purchased back again by the Government on the 24th day of April, 1875, at the sum at which they were appraised when sold by the Government, to wit, $102,779.98. The account would stand thus:

15 per cent. on original cost	$27,000 00
Profit on purchase.....$102,779 98, less $1,461 35=	101,318 63
15 per cent. on purchase from themselves	15,416 99
Or a clear profit of	143,735 62

in two years upon an investment of $1,461.35.

The amounts furnished for the New York post-office are as follows, as per statement of September 2, 1869:

Shops and sheds	$49,030 73
Labor	2,682,035 26
Material	137,008 57
	2,868,074 56
15 per cent.	430,200 00
Philadelphia building, 15 per cent.	106,010 47

These contracts were evidently not viewed with favor in the Supervising Architect's office, for Mr. Potter, in his report for 1875, says of them:

Upon my entry into this office there were in process of execution contracts for cutting granite for the superstructures of several of the largest buildings now being constructed under the supervision of the Treasury Department. These contracts, known as the percentage contracts, provide for the payment to the contractors of the actual cost of all labor and materials used in the work of cutting, dressing, and boxing the stone, increased by 15 per cent. of the same. While there are advantages in this system of executing this very important branch of the service, I am persuaded that it is founded in a mistaken principle, and that, as long as the profits to the contractors are in proportion to the extent of the expenses of their work, the Department will find great difficulty in keeping the cost of the same within reasonable limits.

In January, 1877, the contract with the Old Dominion Granite Company was modified with the consent of the contractors, who were to receive a fixed price per cubic foot for stone in the rough and also a fixed price per cubic foot for working, dressing, and boxing the same.

Secretary Sherman's attention was called to these contracts in 1877. The Attorney-General examined them at the former's request, and gave it as his opinion that the contracts might be canceled or modified. On the receipt of this opinion Secretary Sherman appointed Assistant Secretary French, Col. T. L. Casey, and Supervising Architect James G. Hill a commission to examine the contracts, and report "whenever in their opinion a legal contract could be made with the contractors for the completion of the work to prepare a form of such agreement to be submitted to the proper department for approval." This commission, strange to say, made no written report; but under their direction and with the consent of the contractors the other 15 per cent. contracts were modified as those of the Old Dominion Granite Company's contracts had been modified.

The committee, consisting of Hon. John C. New, Mr. D. S. Alexander, and Mr. W. F. MacLennan, appointed by Secretary Folger in 1883 to investigate the charges presented by Hon. Thomas H. Murch against Mr. James G. Hill, Supervising Architect, heard some evidence and made a report particularly upon the modification of these contracts. They avoided making any extended report, as the matter only came before them incidentally; but they said enough to show how these contracts trammeled the action of the officers of the Government, who evidently felt they were unfair and unjust to the Government, yet a delicate matter to get rid of. This committee says:

It is not claimed by the Supervising Architect that the prices under the modified contracts are as low as might have been obtained had the commission appointed by Secretary Sherman deemed it advisable to cancel instead of modify the existing 15 per cent. contracts, thus permitting them to readvertise for new proposals. But for reasons satisfactory to them and approved by Secretary Sherman, it was decided to be in the interests of economy to modify these contracts. * * * Upon the question whether it was in the interest of the Government to modify rather than to cancel these contracts your committee does not feel called upon to pass. We were not appointed to investigate that subject. Your committee find that the prices agreed upon were largely in excess of the then ruling market rates, and had the contracts been canceled and new ones made by advertising for proposals the Government would undoubtedly have secured these lower rates. But very important legal and prudential as well as economical considerations entered into the settlement of that question, which appear to have been weighed with great care and deliberation by the commission, whose work was subsequently approved by the Secretary of the Treasury.

Mr. Hill, in his report for 1877, in giving an account of the modification of these contracts, says the terms were not as favorable as the Government might have had by making new contracts, but that under the circumstances it was thought best to modify them. The Secretary of the Treasury evidently feared the courts might not take the same view of the contracts that the Attorney-General had taken, and that there might be a heavy suit before the Court of Claims over the matter if the contracts were canceled.

I think it is unnecessary to proceed with this part of the subject further; and I submit that a system under which such a great abuse could grow, in the face of the investigation and report of Mr. Farnsworth, ought not to continue another day.

MODIFICATION OF THE FIFTEEN PER CENT. CONTRACTS.

I wish to refer here to the result which followed a modification of these contracts. The modification consisted, in substance, in paying what had been rated as the cost of the work for cutting the stone. For instance, if the cutting of a stone under the 15 per cent. contracts was $1,200, the cost to the Government would be $1,380. Under the modified contract the cost of the same stone would be $1,200—a saving of $180 to the Government. But the contractor, instead of paying the workman $1,200 by day's work, at $4.50 per day, to cut the stone, paid him only $2.50 per day, and compelled him to cut it in one-third the time he had been given under the old contract, or gave him $400 for cutting the stone by the piece. The result was that the Government saved $180, the contractor made $800 instead of $180, and the workman lost what the contractor gained.

FAVORITISM.

There had also grown up in the Supervising Architect's Office a favoritism that was far from being conducive to the interests of the Government. The law regarding advertising for proposals for materials for Government use was either violated or evaded by sharp practices, and the supervision of the Secretary of the Treasury seems to have been insufficient to prevent abuses, which grow little by little, but which are none the less hurtful to good government. It is the tendency in the Executive Departments, greater now perhaps than in the years following the war, to exercise a discretion which the law does not give them, making it a rule to go the extreme verge of the law, instead of keeping clearly within its provisions, so that no one could charge them with exceeding the powers and duties assigned to them. And in this office the disposition to exceed its powers seems to have been marked from the very beginning. The committee appointed by Secretary Folger to investigate Mr. Hill reports many facts which go to show how the head of this branch of the Treasury Department violated, evaded, or exceeded the law. Even his predecessor, Mr. Potter, permitted the pressure to complete the New York post-office building to cause him to violate the law, so that in completing that building he had work done costing some $200,000 in excess of the appropriations.

The committee just referred to, appointed by Secretary Folger, in its report has this to say of the responsibilities of the Supervising Architect and the business which is necessarily left to his charge:

As the investigation progressed, your committee was impressed with the belief that the business of the Supervising Architect's Office has outgrown the system under which it is conducted. At the time of the organization of the office, in 1853, under Hon. James Guthrie, then Secretary of the Treasury, and perhaps for many years after, this system may have been sufficient for the purpose intended. But the business of the office has grown with the country, until the disbursements for a single year almost equal the aggregate amount expended outside the city of Washington for the first fifty years of this century. Since Mr. Hill's appointment, in August, 1876, the disbursements aggregate over twenty-three and a half millions. There are under his control one hundred and sixty-two public buildings outside the city of Washington, on which $1,088,973.32 have been expended for repairs under his direction. The last Congress provided for the erection of thirty-nine more, the appropriations for which aggregated $4,123,500. Each year new buildings are ordered, and all become a charge upon the Supervising Architect.

The discretionary power which must lie with the head of such an office is necessarily very great. He passes upon proposals, upon work to be performed, material to be furnished, prices to be paid, and then decides whether such proposals, work, material, and prices are acceptable to the Government. He assumes unrestricted power to plan buildings and equip them. He fixes the compensation of superintendents and inspectors, and he judges of the necessity and nature of repairs, alterations, and incidental additions.

In the case of the fire-proof shutters for the Cincinnati building he designates the firm to do the work, giving it to one not the lowest bidder by over $20,000. He passes upon a bill for extra work amounting to $26,000 on a contract that involved less than $200,000, and on his approval it was paid. He may award a contract to the lowest bidder and thereafter so change the plans as in effect to make a total abrogation of the contract, and the bills for extra work under such modified plans and specifications may grow to an enormous amount. This unlimited power that is assumed by the Supervising Architect would enable him, if so disposed, practically to abolish all competition in the interest of favorite contractors.

He gives an order for a safe or an elevator; he determines the slate-roof fastener to be used; he designates the person who shall be paid thousands of dollars for making plans for heating apparatus, and he decides whether this heating apparatus shall be for steam or hot water. Whether a wall shall be of brick or stone is for him to say. Everything entering into the construction of a building must have his approval, and every dollar disbursed is practically paid because he recommends it. A proper understanding of many accounts of his office requires a technical knowledge of the business, so that the Auditor and Comptrollers who pass upon them can know little more than is shown upon their face. His approval, therefore, becomes final. To give it is to secure the payment of the money; to withhold it is to send the claimant to Congress or to the Court of Claims.

Theoretically, these are the acts of the Secretary of the Treasury, for under the law he is charged with this duty, while the Supervising Architect is simply in charge of the duties pertaining to that branch of the Secretary's office. He is without authority, either by statute or departmental regulation, to make a contract, to accept a bid, to advertise for proposals, or in any way to bind the Government in any case. The circular issued by Secretary Sherman, and bearing date June 11, 1877, made the Assistant Secretary, Hon. H. F. French, the legally responsible head of the Supervising Architect's office, and for all purposes of legalizing the acts of the Supervising Architect this is better than if it were done directly by the Supervising Architect himself. But the discretionary power of the Supervising Architect can not be transferred by law or by regulation to the Secretary or either of his assistants, for the reason that the technical knowledge of an architect is or ought to be required for the determination of questions coming within this discretion. The Secretary, therefore, is compelled *ex necessitate* to rely upon the judgment and advice of Supervising Architect.

When placed at the head of the Committee on Public Buildings and Grounds I knew but little about the system under which our public buildings have been erected. In the short time which I have been connected with the committee I have devoted all my spare time to a study of the subject, and though I have not mastered it, I feel competent to speak upon it. Congress has not, it seems to me, legislated wisely in the matter. If my recommendations were of any weight, Congress would no longer legislate upon the subject in the manner it has been doing. It has been authorizing the erection of public buildings without sufficient knowledge of the wants of the localities where they were authorized, and in many cases it has been deceived by the representations made, not only as to the necessities of the public service at many places, but as to the cost.

Estimates have often been submitted with the deliberate purpose to mislead. I would recommend that hereafter Congress would pass no bill until it had before it all the information the Treasury Department could furnish on the merits of the several localities asking for public buildings. Then it can judge in which localities public buildings are most needed, and knowing what such buildings will cost, it will fully understand what it is doing. In providing for the erection of a public building the limit should be fixed and the whole amount appropriated at once, so that every part of the work may be contracted for at one time. If this is done, contracts can be obtained at less amounts than if the appropriations are doled out in small amounts every year. The buildings having been authorized, and the limit of cost fixed in each case, the necessity of extending the limit would be rare indeed.

THE COMMITTEE ON APPROPRIATIONS.

The Committee on Appropriations are not free from blame in making appropriations for public buildings, for it has often made appropriations for public buildings beyond the limit of cost fixed by law. It did this in several instances in the last session, and it has done so in every Congress for years. It has not given to the House the reasons for such extension. Such legislation has a germ of evil in it which has already developed into gigantic proportions. If Congress does not respect its own laws, but evades them by such phrases as "for the continuation (or completion) of the work" on a certain building, how can it expect the Executive Departments to respect them?

In the sundry civil appropriation bill, which was passed in this House a few days ago under whip and spur by a suspension of the rules, which cut off all debate except thirty minutes on a bill carrying $22,000,000, much of which was questionable, there were fifteen different instances of appropriations in excess of the limit fixed by law, in some of which the House Committee on Public Buildings and Grounds had reported adversely or had refused to report favorably. This is notably true of the appropriation of $20,000 to purchase land in Galveston, Tex.; $60,000 for an extension of limit at Columbus, Ohio, and an extension from $175,000 to $500,000 at Minneapolis, Minn. The following is a list of appropriations beyond limit in that bill:

Buffalo: Limit, $175,000; appropriated, including furniture, $225,000. Limit exceeded, $50,000.

Charleston, W. Va.: Limit, $75,000; appropriated, $90,853.30. Limit exceeded, $15,853.30.

Columbus, Ohio: Limit, $250,000; appropriated, $310,000. Limit exceeded, $60,000. Not favorably considered by House Committee on Public Buildings and Grounds.

Dallas, Tex.: Limit, $75,000; appropriated, $100,000. Limit extended by bill to amount of appropriation.

Galveston: For site, $20,000. Not favorably considered by House Committee on Public Buildings and Grounds.

Greensborough, N. C.: Limit, $50,000; appropriated, including approaches, &c., $55,000.

Jackson, Tenn.: Limit, $50,000; appropriated, including approaches, &c., $55,000

Jefferson City, Mo.: Limit, $100,0000; appropriated, $132,000, and limit extended to amount of appropriation.

Kansas City, Mo.: Limit, $300,000; appropriated, $365,000.

Saint Joseph, Mo.: Limit, $75,000; appropriated, $140,000; limit extended to $300,000.

Leavenworth, Kans.: Limit, $100,000; appropriated, $160,000.

Montgomery, Ala.: Limit, $125,000; appropriated, $165,000.

Minneapolis, Minn.: Limit, $175,000; appropriated, $300,000; limit extended to $500,000. House Committee on Public Buildings and Grounds agreed to report extension of limit to $300,000.

Poughkeepsie, N. Y.: Limit, $75,000; appropriated, $125,000.

Shreveport, La.: Limit, $100,000; appropriated, including approaches, &c., $105,000.

Syracuse, N. Y.: Limit, $300,000; appropriated, $308,000.

To these the Senate has added more than a million dollars. The Committee on Appropriations and the Supervising Architect of the Treasury have been the fruitful instruments through which this immense and in most cases unnecessary increase of the limit of cost of public buildings has been accomplished—the Committee on Appropriations by ignoring the work of the proper committee and arrogating to itself the right to determine these increases, and the Supervising Architect ignoring the action of Congress fixing limits of cost. It is sincerely to be hoped that in future there will be less of both.

NEEDS OF GOVERNMENT ONLY RULE TO DETERMINE PLAN AND KIND OF BUILDING

The needs of the public service, and that only, should be the guide of the size and style of the building to be erected. When that is ascertained the material for its construction and the style of its architecture must depend upon the locality and somewhat upon the climate. A wise architect would not construct a building in New Orleans on the same plan as he would a building in New York, although it was intended for the same purposes. The style and ornamentation ought to be becoming to the simplicity of a republican people.

PURPOSES OF THE BILL.

In drawing the bill, which I hope to have acted upon before the adjournment of Congress, I had before me two objects: first, to have the best designs for the public buildings which the genius and skill of our architects could devise; and second, to have them constructed of the best materials and in the most substantial manner, by a system that would prevent, as far as human foresight could provide, either fraud or favoritism. Will the House bear with me while I discuss these propositions?

COMPETITION.

Capt. A. H. Bowman, the engineer in charge, in his report of November 24, 1854, says:

The preparations of plans, specifications, estimates, and contracts in this office, under the immediate direction of the Department, where the number of occupants and the precise amount of business to be transacted in each building are known, has many advantages. Errors committed in buildings already in use can be avoided, a proper apportionment of office room made, and such an arrangement of the different offices as will facilitate the transaction of business effected. This can be better done when the conveniences and inconveniences of similar buildings are subjects of frequent discussion with those who occupy them than if the buildings were designed by some one less acquainted with the uses for which they are required, and who would probably be more likely to make a beautiful than a suitable structure.

This is the strongest statement made in favor of the Government's employing architects to design the public buildings to be erected by it that I have read. But it seems to me that if this argument was ever of great weight, it is less applicable now than when the report was made. "Architecture's noble art" was then known to but few people in this country; now in no country are there better architects practicing their profession in the United States. The amount of talent and vigor in the profession is seen in every part of the land, in the adaptation of structures to the uses for which they were intended, and at the same time in the designing of them according to well-matured views of harmony, beauty, and propriety. The architects outside of the construction branch of the Treasury are able to find out from observation of the public buildings already erected, and from conversation with those who use them, what is best suited to the public wants, as well as the Supervising Architect or his subordinates. I have not, however, my own opinion to depend upon. Mr. William A. Potter, late Supervising Architect, in his report of October 1, 1876, took the same position. He said:

I desire particularly to invite your attention to a subject which presented itself to me very shortly after my entering upon the duties of this office. I refer to the manner in which designs are prepared for the public buildings erected under the Treasury Department. These designs have heretofore been made by the Supervising Architect, and have been so made up to the present time, but the very strong reasons which present themselves against this practice have convinced me that it should be remedied as speedily as may be. I have given much thought to this subject, and while I am not now prepared to present for your consideration any specific plan by which the radical defects of this method of procedure in designing the public buildings throughout the country may be rem-

edied, the vital point of any system which may be adopted must be to remove the power from the Supervising Architect to make designs, and restrict his duties to those simply of a supervisory nature. I will, as concisely as possible, state what reasons have led me to form my opinions in regard thereto.

Experience has shown that it is difficult, if not impossible, to separate the office of the Supervising Architect from political control to a greater or less degree, and thus it is possible that the incumbent may be, both by nature and want of proper study and experience, totally unfit to fulfill this most responsible duty, and the country is liable thereby to be burdened by structures utterly lacking in those architectural qualities which should be found in the works of a great nation. The stamp of inefficiency so imprinted in the national architecture is not of a nature soon to pass away, for not only will it remain itself a monument to a vicious system, but its teachings for evil can never be fully estimated. But should this evil be escaped, there remain yet others.

The immense amount of routine work which occupies the attention of the Supervising Architect, the varied nature of the duties which devolve upon him, and the fact that he is at no time free from interruption, leave him no opportunity for the proper study of the designs which he is required to make. This work is done under all the disadvantages of want of time, want of quiet, and almost entire preoccupation with other matters, which must always result in work of an imperfect and unsatisfactory character. Architecture is an art, and like all arts he who practices it successfully must give himself up to it without restraint. No good work has ever been done without severe study, and the artist must be able to throw himself unreservedly into the contemplation of the problem. And, furthermore, the objects for which the buildings erected in this office are constructed are, with very slight exceptions, so nearly alike, that the difficulty, the impossibility, of endowing them with variety and individuality must be apparent.

These points are, in my opinion, beyond dispute, and I can not therefore allow this opportunity to pass without invoking your aid to remedy this state of things. I owe it first to myself, for I am before the people to be judged, as other men of my profession are who do not labor under the same difficulties as myself, and if my works fail of that artistic merit which the public have a right to expect, the blame is laid upon me, and not to the false system under which I work, and where it belongs. I owe it, further, to the profession of architecture, whose members have a right to their share in the honor of increasing the dignity and beauty of the art in this country, and whose work must do infinitely more to this end than the endeavors of any one man, be he ever so gifted. And, lastly, I owe it to the public, whose money I am placed here to watch, that it be faithfully and wisely expended, and that the best results attainable from it are achieved. I fail to do my whole duty in this, if I remain inactive in this direction; for by some other system than that now obtaining much better, more artistic, and worthy work can be done.

I can add nothing to the weight of these words, but I desire to call attention to the indorsement of Mr. Potter's recommendation by Mr. James G. Hill, who succeeded Mr. Potter as Supervising Architect, in his report for October 1, 1876, as follows:

I desire to call attention to the remarks in the last annual report of the Supervising Architect in regard to the manner in which designs for the public buildings are prepared, and to recommend the passage of an act by Congress requiring such designs to be obtained under competition, and that the duties of the Supervising Architect be restricted to those of a supervising architect.

Such a law is asked for by the architects of the country, who feel that the Government is not treating them as their character and talents deserve in providing that the public buildings shall be designed by one man, who holds the office of Supervising Architect, and Mr. Potter was only speaking the universal opinion of his fellow-architects when he recommended that the designing of public buildings be given to other architects. I think the character of the buildings erected since the war will show that the words of Mr. Potter were wise and timely.

The system by which designs for public buildings should be attained is by no means a settled question. If a private person wants a building erected he goes to the architect in whom he has greatest confidence and arranges with him for designs, or if the building is to be large and expensive he may ask several architects to make designs. But it has been found that in public business such a course would soon create scandal and lead to fraud and corruption. The best means so far devised is to have a board of competent persons to select one plan from a number of plans offered by architects competing for the first prize. If the board is composed of competent judges, and the competition is honestly and fairly conducted, the chances are that ninety-nine times in a hundred the best plan will be selected, and a good plan is sure to be secured in every instance.

The problem is to have a board of competent persons, free from any political bias, who will honestly conduct the competition. This bill provides that a board of seven persons, consisting of the Secretary of the Treasury, the Postmaster-General, the Attorney-General, the Chief Engineer of the Army, the Supervising Architect, the Architect of the Capitol, and an architect selected by the President, shall select the plans for the public buildings. The Secretary of the Treasury, the Postmaster-General, and the Attorney-General are put upon the board because they are at the head of the Departments which will occupy the buildings, and they ought to pass upon the arrangement of them.

Objection has been made that they can not understand architecture well enough to decide between plans. That is by no means certain. Men can often form a good judgment of things which they could not possibly make, and a board composed entirely of architects would not, in my opinion, be as successful as it would be if there were several laymen upon it. And who is a better judge of a building than the head of the Department which is to use it? The three architects on the board will be able to inform the others as to the points in architecture, and the Chief Engineer, who must be something of an artist, can judge between them. Other plans there may be, but none have been presented to me which promise to work as well as this. But if a better plan can be devised the committee will unhesitatingly accept it.

This board will also have charge of the selection of sites, the decision as to what materials shall be used in the construction of buildings, the letting of contracts, &c. There can not be much fraud practiced on such a board, and favoritism can not well find place among them; and under the rule that everything which is done must be published to the world, the chances are that neither extravagance nor corruption can gain a foothold in the board, and we shall have the public buildings designed and erected with as few faults and as few scandals as are possible among men.

PARTISAN POLITICS.

The evils of partisan politics are nowhere greater than when they are obtruded into the business of the erection of public buildings. If a Senator or Representative in Congress succeeds in having a public building in his State or district, the greatest harm that is done is that a building is erected which could have been done without for several years; but when they bring a pressure to bear upon the Architect's Office to have contracts let to persons solely on account of party reasons, or have superintendents of buildings appointed for the same reason, they often do great harm to the public interests.

To prevent such things the bill places the construction of the public buildings solely in the hands of the Supervising Architect, who is made responsible for the manner in which the work is done. And in order that he may have the whole matter in his own hands he is given the appointment of superintendents of buildings, for whom annual salaries are provided instead of a per diem wage, so that there may be no inducement to prolong the erection of a public building beyond the time necessary for its construction.

A few words more and I have done. There are few matters of greater importance than that of providing a new system under which public buildings may be erected. If this, which I have proposed and the committee have perfected, is not a good one, provide another, but do not let this Congress adjourn until we have attempted to adopt a new system of designing and constructing public buildings. To me it is of little importance how it is done or who does it so it is done well.

In criticising the conduct of the office of Supervising Architect I desire to say that there is no reason, in my opinion, to doubt the honesty or capacity of Mr. Bell, the present Supervising Architect. In the short time he has been at the head of the office I have seen nothing in the administration of its affairs that is not commendable. But the interests involved are too great to leave their determination to one officer, however capable and honest he may be, unless his duties and powers are defined and limited by law.

APPENDIX A.

RECAPITULATION BY STATES AND TERRITORIES.

States and Territories.	Amount appropriated.	Cost of building and site.
Alabama	$627,900 00	$608,593 14
Alaska	6,000 00	5,989 31
Arkansas	307,250 00	306,745 79
California	4,395,898 73	4,633,980 87
Colorado	288,377 99	112,532 83
Connecticut	1,087,886 46	1,086,582 42
Dakota	30,000 00	533 45
Delaware	103,500 00	102,924 97
Florida	470,425 00	196,172 36
Georgia	482,100 00	476,438 15
Idaho	116,740 15	118,991 05
Illinois	7,802,944 12	7,718,281 70
Indiana	954,900 00	836,652 91
Iowa	627,370 67	553,238 58
Kansas	456,200 00	350,965 09
Kentucky	1,301,770 33	1,043,817 22
Louisiana	5,542,991 22	5,398,252 01
Maine	2,107,407 15	2,078,008 23
Maryland	2,561,429 06	2,198,389 94
Massachusetts	8,336,563 60	8,239,675 48
Michigan	1,098,392 07	891,401 46
Minnesota	721,817 38	596,779 31
Mississippi	303,276 16	217,693 52
Missouri	7,143,091 20	6,960,806 18
Montana	107,301 18	107,278 93
Nebraska	629,326 00	627,943 06
Nevada	426,787 66	426,787 66
New Hampshire	274,300 00	231,967 34
New Jersey	708,719 31	648,744 11
New Mexico	100,000 00	97,824 86
New York	16,598,371 91	15,856,545 85
North Carolina	595,287 60	507,906 73
Ohio	7,722,754 37	6,854,234 28
Oregon	734,628 90	669,263 30
Pennsylvania	9,777,966 18	9,155,198 59
Rhode Island	354,777 68	326,463 23
South Carolina	3,521,396 58	3,396,883 90
Tennessee	1,833,915 09	1,432,932 12
Texas	464,500 00	338,437 95
Utah	65,000 00	64,998 90
Vermont	297,350 60	252,276 38
Virginia	1,057,345 39	907,484 03
Washington	145,545 75	79,897 83
West Virginia	451,411 00	447,076 80
Wisconsin	601,887 27	601,723 74
Wyoming	40,413 00	40,109 92
Totals	93,193,226 76	87,730,425 54

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site, and total cost of each building.

Locality.	Years appropriations were made.	Amounts appropriated.	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
ALABAMA.						
Mobile:						
Custom-house (old)	1828-'30	$16,500 00		$16,118 37		
Custom-house (new)	1850-'58	400,000 00	$15,000 00	390,964 93	$100,000 00	
Marine hospital	1837-'57	51,400 00	10,000 00	51,400 00	10,000 00	
Montgomery:						
Court-house and post-office	1880-'84	160,000 00	13,000 00	150,109 84	125,000 00	In course of construction.
Total		627,900 00		608,593 14		
ALASKA TERRITORY.						
Agency buildings on St. George and St. Paul Islands	1872	6,000 00		5,989 31		Site acquired from Russia.
Kodiac						Buildings transferred from War Department.
Sitka						Twenty-seven buildings acquired from Russia.
Total		6,000 00		5,989 31		
ARKANSAS.						
Little Rock:						
Court-house and post-office	1872-'84	248,000 00	29,729 25	247,665 18	100,000 00	Undermined by river.
Napoleon:						
Marine hospital	1842-'53	59,250 00	1,000 00	59,080 61		
Total		307,250 00		306,745 79		
CALIFORNIA.						
San Francisco:						
Appraiser's stores (old)	1854	100,000 00		99,598 14	*100,000 00	Site custom-house reservation.
Appraiser's stores (new)	1873-'80	840,000 00		840,000 00		Do.
Custom-house	1850-'56	793,562 39	150,000 00	774,389 75	*400 000 00	Location was changed and site purchased after limit was fixed.
Marine hospital (old)	1850-'58	224,303 96	600 00	224,303 96		
Marine hospital (new)	1873-'75	74,699 56		74,247 77		Site Government reservation.
Subtreasury	1874-'77	107,000 00	283,929 10	390,929 10		Old branch mint remodeled.
Branch mint	1864-'82	2,256,342 82	100,000 00	2,230,512 15		Includes machinery.
Total		4,395,898 73		4,633,980 87		
COLORADO.						
Denver:						
Penitentiary	1863-'67	45,000 00		44,154 84		Belongs to State.
Court-house and post-office	1882-'84	175,000 00	65,829 17		300,000 00	In course of construction.
Branch mint		68,377 99	25,000 00	68,377 99		
Total		288,377 99		112,532 83		
CONNECTICUT.						
Hartford:						
Custom-house and post-office	1872-'84	847,000 00		846,998 92	400,000 00	Site donated by city. First limit, $300,000.
Middletown:						
Custom-house	1832-'36	20,950 00	3,500 00	20,676 64		
New Haven:						
Custom-house (old)	1816-'19	7,481 88		7,481 88		
Custom-house (new)	1854-'58	190,800 00	25,500 00	189,770 40	88,000 00	
New London:						
Custom-house	1832-'34	21,654 58	3,400 00	21,654 58		
Total		1,087,886 46		1,086,582 42		
DAKOTA.						
Sioux Falls:						
Penitentiary	1881	30,000 000		533 45	30,000 00	In course of construction June 30, 1882.
DELAWARE.						
Dover:						
Post-office	1873-'78	62,000 00	10,498 55	61,828 97	40,000 00	
Wilmington:						
Custom-house	1852-'57	41,500 00	3,500 00	41,096 00	25,000 00	
Total		103,500 00		102,924 97		
FLORIDA.						
Key West:						
Custom-house (old)	1832-'39	6,125 00	1,000 00	6,125 00		
Court-house and post-office	1856-'57	44,000 00	3,000 00	3,091 74		
Marine hospital	1884	26,600 00	500 00	26,596 20		
Pensacola:						
Custom-house	1855-'58	51,000 00		49,177 43	*35,000 00	Site acquired from Spain. Building destroyed by fire December 11, 1880.
Court-house and post-office	1882-'84	200,000 00	19,547 60	39,961 41	200,000 00	In course of construction.
Marine hospital	1884	22,000 00		1,052 96		
Saint Augustine:						
Court-house	1832	5,000 00		5,000 00		Site and building acquired from Spain.
Saint Marks:						
Marine hospital	1854-'58	25,700 00		25,093 52		
Tallahassee:						
Court-house and post-office	1857	50,000 00		84 10		Balance covered into Treasury.
State-house	1839-'44	40,000 00		40,000 00	20,000 00	
Total		470,425 00		196,172 36		
GEORGIA.						
Atlanta:						
Court-house and post-office	1875-'80	275,000 00	20 59	272,734 59	110,000 00	Site donated.
Marietta:						
Court-house	1854	5,000 00		5,000 00		Permanent lease of rooms for United States courts.
Savannah:						
Custom-house (old)	1819	29,100 00		29,100 00		
Custom-house (new)	1847-'51	173,000 00	20,725 00	169,603 56		
Total		482,100 00		476,438 15		

* Building.

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site, &c.—Continued.

Locality.	Years appropriations were made.	Amounts appropriated.	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
IDAHO.						
Boisé City:						
Penitentiary	1867–'76	$41,740 15		$41,738 15		
Assay office	1869	75,000 00		77,252 90		Site donated.
Total		116,740 15		118,991 05		
ILLINOIS.						
Cairo:						
Custom-house	1857–'71	282,066 54		280,120 06		Do.
Marine hospital	1882	60,000 00	$15,031 46	42,136 21	$60,000 00	In course of construction.
Chicago:						
Custom-house and post-office (old)	1854	447,733 88	59,433 88	441,953 32	*153,000 00	Destroyed in great fire, 1871.
Bridewell dock			69,000 00	69,000 00		Old custom-house site exchanged for this.
Custom-house and post-office (new)	1871–'81	5,820,000 00	1,259,385 65	5,816,735 75	4,000,000 00	
Marine hospital (old)	1848–'54	57,712 00		57,436 67		Site owned by the United States.
Marine hospital (new)	1864–'73	421,652 43	10,000 00	421,528 90		
Galena:						
Custom-house	1856–'58	85,200 00	16,500 00	77,917 66	*50,000 00	
Marine hospital	1855–'58	51,238 24		48,797 58		Sold November 5, 1863.
Peoria:						
Post-office and court-house	1882	150,000 00	37,043 00	107,174 95	225,000 00	In course of construction.
Quincy:						
Post-office and court-house	1882	127,500 00	15,633 20	56,032 89	175,000 00	
Springfield:						
Court-house and post-office	1856–'70	299,841 03	9,000 00	299,447 71	*50,000 00	
Total		7,802,944 12		7,718,281 70		
INDIANA.						
Evansville:						
Custom-house and post-office	1873–'80	340,000 00	98,916 15	336,132 24	*200,000 00	
Marine hospital	1851–'57	62,500 00		57,899 02	15,000 00	
Fort Wayne:						
Court-house and post-office	1882	90,000 00	25,199 12	25,697 02	100,000 00	In course of construction.
Indianapolis:						
Court-house and post-office	1855–'81	387,400 00	47,160 00	386,763 12		
Terre Haute:						
Post-office, &c	1882	75,000 00	20,212 33	30,161 51	150,000 00	Do.
Total		954,900 00		836,652 91		
IOWA.						
Burlington:						
Marine hospital	1854–'58	29,045 15	4,500 00	28,445 59	*15,000 00	
Council Bluffs	1882	100,000 00	15,314 56	25,922 51	100,000 00	Do.
Des Moines:						
Court-house and post-office	1866–'71	248,437 00	15,000 00	248,434 12		
Dubuque:						
Custom-house and post-office	1856–'66	194,888 52	20,000 00	194,436 36	*88,000 00	
Fort Madison:						
Penitentiary	1838–'42	55,000 00		55,000 00		
Total		627,370 67		552,238 58		
KANSAS.						
Lecompton:						
Capitol building	1854–'55	50,000 00		49,539 10		Ceded to State.
Leavenworth:						
Court-house and post-office	1882	110,000 00	10,442 70	10,442 70	100,000 00	Building not begun.
Topeka:						
Court-house and post-office	1878–'84	296,200 00	10,000 00	290,983 29	*240,000 00	In course of construction. First limit, $200,000; second, $220,000.
Total		456,200 00		350,965 09		
KENTUCKY.						
Covington:						
Court-house and post-office	1873–'75	305,000 00	30,660 55	294,891 49	130,000 00	
Frankfort:						
Court-house and post-office	1882–'84	100,000 00	17,880 72	58,271 22		In course of construction.
Louisville:						
Custom-house and post-office	1851–'75	290,145 00	22,500 00	289,827 90	75,000 00	
Marine hospital	1842–'54	69,500 33	6,000 00	67,627 71		
Court-house and post-office (new)	1882	340,000 00	141,174 85	141,480 85	500,000 00	Building not begun.
Paducah:						
Court-house and post-office	1880–'84	135,500 00	7,447 50	133,397 28	100,000 00	In course of construction.
Marine hospital	1842	61,625 00	1,000 00	58,320 77		
Total		1,301,770 33		1,043,817 22		
LOUISIANA.						
New Orleans:						
Custom-house (old)	1807	20,000 00		19,200 00		Site owned by United States.
Custom-house (No. 2)	1820–'39	85,581 33		85,581 33		
Custom-house (new)	1845–'81	4,179,854 50		4,156,959 47		Do.
Marine hospital (No. 1)	1837–'50	134,696 00		122,722 70		
Marine hospital (No. 2)	1854–'58	529,810 84	12,000 00	529,810 84		Sold in 1873, but forfeited after $10,000 were paid.
Marine hospital (new)	1882	100,000 00	17,504 10	76,239 41	100,000 00	In course of construction.
Quarantine station	1857	50,000 00		42,544 24		Site donated by State.
Branch mint	18—	327,548 55		327,548 55		Site donated by city.
Pass à l'Outre:						
Boarding station	1856	12,000 00		12,000 00		Site donated by State. Building torn down and material used in building "The Jump."
Boarding station, "The Jump"				12,130 42		This is total cost to date.
Southwest Pass:						
Boarding station	1854	3,500 00	3,500 00	3,500 00		
Shreveport:						
Post-office and court-house	1882	100,000 00	10,015 05	10,015 05	100,000 00	Building not begun.
Total		5,542,991 22		5,398,252 01		

* Building.

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site, &c.—Continued.

Locality.	Years appropriations were made.	Amounts appropriated	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
MAINE.						
Bangor:						
Custom-house	1850–'70	$215,800 00	$15,000 00	$209,878 58	$50,000 00	
Bath:						
Custom-house (old)	1836	5,500 00				Covered into Treasury. Building obtained as a partial settlement of a judgment against Bath Bank.
Custom-house (new)	1850	105,391 25	15,000 00	99,849 95	25,000 00	
Belfast:						
Custom-house	1854	37,800 79	5,600 00	36,580 98	*20,000 00	
Castine:						
Custom-house	1833–'70	6,150 00	1,800 00	2,550 00		Building purchased and repaired.
Eastport						
Custom-house	1817–'53	37,534 40	5,814 71	36,044 00		
Ellsworth:						
Custom-house	1854–'58	24,809 68	3,000 00	23,397 32	*13,000 00	
Kennebunk:						
Custom-house	1832	1,600 00		1,575 00		Building purchased.
Machias:						
Custom-house	1867–'78	25,766 91	1,000 00	25,766 91		
Portland:						
Court-house and post-office	1866–'72	402,214 64		401,998 14		Erected on old custom-house site.
Custom-house (old)	1828–'48	22,100 00		21,584 31		
Custom-house (No. 2)	1849–'54	360,031 71		359,742 51		Building purchased and afterward rebuilt. Burned in 1866.
Custom-house (new)	1864–'72	545,906 99	40,500 00	545,900 23	*300,000 00	Act April 20, 1870, provides that no money shall be expended until contracts have been made to complete the building within the limit.
Marine hospital	1852–'70	112,000 00	12,446 15	109,519 50		
Rockland:						
Custom-house and post-office	1872–'76	145,000 00	12,000 00	144,828 11	50,000 00	
Waldoborough:						
Custom-house and post-office	1852–'54	25,000 00	2,000 00	24,324 68	12,000 00	
Wiscasset:						
Custom-house	1841–'78	34,710 78	1,800 00	34,468 03		Building purchased; afterward rebuilt.
Total		2,107,407 15		2,078,008 28		
MARYLAND.						
Baltimore:						
Court-house	1856–'66	309,000 00	50,000 00	255,158 97		In Supervising Architect's report these buildings are not rightly designated.
Court-house and post-office	1856–'72	350,000 00	200,002 00	349,735 94		Building purchased and repaired.
Custom-house	1817–'72	256,000 00	180,000 00	265,920 61		Includes two adjacent lots and buildings.
Appraiser's stores	1833–'46	285,657 99	30,000 00	284,499 76		
Lazaretto	1801–'37	46,771 07		45,703 88		
Post-office and court-house	1879	1,304,000 00	553,500 00	997,370 78	2,011,835 00	In course of construction.
Total		2,561,429 06		2,198,389 91		
MASSACHUSETTS.						
Barnstable:						
Custom-house	1855–'56	33,770 75	1,500 00	33,723 74	*20,000 00	
Boston:						
Court-house	1857–'58	110,000 00	105,000 00	110,000 00		Masonic temple purchased.
Custom-house (old)		29,000 00		29,000 00		
Custom-house (new)	1835–'73	1,194,562 00	180,000 00	1,192,721 27	†68,158 00	
Post-office and subtreasury	1868–'84	5,906,652 42	1,329,095 84	5,841,586 42	*1,500,000 00	In course of construction. No money to be expended until contracts to construct the building within the limit are made.
Chelsea:						
Marine hospital (old)	1892	15,000 00		14,842 34		
Marine hospital (No. 2)		32,171 39	4,068 00	32,168 06		
Marine hospital (new)	1855–'68	369,700 00	50,000 00	368,139 80		
Fall River:						
Custom house and post-office	1872–'81	518,000 00	132,856 65	492,953 99	200,000 00	Limit repealed 1875.
Gloucester:						
Custom-house and post-office	1854	53,000 00	9,000 00	49,858 32	*40,000 00	
New Bedford:						
Custom-house	1832–'50	31,745 00	4,900 00	31,740 00		
Newburyport:						
Custom-house	1828–'34	23,200 00	3,000 00	23,188 50		
Salem:						
Custom-house	1836	19,762 04	5,000 00	19,762 04		
Total		8,336,563 60		8,239,675 48		
MICHIGAN.						
Detroit:						
Court-house	1848–'51	1,000 90		1,000 90		Building purchased at sale on a judgment against Bank of Michigan for $33,415.70. Joint resolution March 3, 1843.
Custom-house and post-office	1855–'70	224,591 17	24,000 00	221,547 38	*118,000 00	
Marine hospital	1854	114,800 00	23,000 00	101,807 75	*75,000 00	
Custom-house and post-office (new)	1882	250,000 00	88,546 42	101,963 05	600,000 00	In course of construction.
Grand Rapids:						
Custom-house	1874–'78	212,000 00	69,996 01	211,409 04		
Marquette:						
Court-house and post-office	1882	50,000 00	7,316 00	7,765 00	100,000 00	Building not begun.
Port Huron:						
Custom-house and post-office	1872	246,000 00	5,205 00	245,508 34	200,000 00	
Total		1,098,392 07		891,401 46		
MINNESOTA.						
Minneapolis:						
Post-office	1882–'84	190,000 00	378 06	65,176 59	175,000 00	Site donated. In course of construction.
Saint Paul:						
Custom-house and post-office	1866–'73	445,317 38	16,000 00	445,299 38	*300,000 00	No money to be expended until contracts to complete building within the limit are made.
Stillwater:						
Penitentiary	1849–'55	86,500 00		86,303 34		Ceded to State.
Total		721,817 38		596,779 31		

* Building. † What "old building will bring" to be added to limit.

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site, &c.—Continued.

Locality.	Years appropriations were made.	Amounts appropriated.	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
MISSISSIPPI.						
Jackson:						
Custom-house and post-office	1881–'84	$115,000 00	$4,475 00	$73,130 46	$100,000 00	In course of construction.
Natchez:						
Marine hospital	1842–'56	66,750 00	7,000 00	66,750 00		
Oxford:						
Court-house, post-office, &c	1882	50,000 00	6,151 90	6,286 90	50,000 00	Do.
Pontotoc:						
Court-house	1854	4,000 00		4,000 00		
Vicksburg:						
Marine hospital	1850–'57	67,526 16		67,526 16		
Total		303,276 16		217,693 52		
MISSOURI.						
Kansas City:						
Custom-house and post-office	1878–'84	350,000 00	9,105 93	302,203 39	300,000 00	Do.
Hannibal:						
Post-office	1882	37,500 00	13,311 50	19,072 00	75,000 00	Do.
Jefferson City:						
Court-house and post-office	1882	100,000 00	10,342 55	15,602 55	100,000 00	Do.
Saint Louis:						
Custom-house (old)	1850–'61	376,600 00	37,000 00	375,118 00	*75,000 00	
Custom-house (new)	1870–'84	6,065,700 00	368,882 65	6,045,272 54	4,000,000 00	Do.
Marine hospital	1842–'74	123,291 20		90,882 20		Site ceded by War Department.
Saint Joseph:						
Post-office, &c	1882	90,000 00	11,770 00	12,655 50	75,000 00	In course of construction.
Total		7,143,091 20		6,860,806 18		
MONTANA.						
Deer Lodge:						
Penitentiary	1867–'75	48,795 00		48,772 75	40,000 00	
Helena:						
Assay office		58,506 18	1,540 00	58,506 18		
Total		107,301 18		107,278 93		
NEBRASKA.						
Lincoln:						
Court-house and post-office	1873–'80	199,500 00	436 35	198,916 27	130,000 00	Site donated.
Omaha:						
Capitol	1855–'71	58,336 00		58,332 34		
Court-house and post-office	1869–'75	371,500 00		370,694 44	100,000 00	Do.
Total		629,336 00		627,943 05		
NEVADA.						
Carson City:						
Branch mint		426,787 66		426,787 66		Site donated. Cost includes machinery.
NEW HAMPSHIRE.						
Portsmouth:						
Custom-house (old)	1816	8,000 00		8,000 00		
Custom-house (new)	1856–'58	166,300 00	19,500 00	165,670 96	*88,000 00	
Concord:						
Post-office, court-house, &c	1882	100,000 00	52,716 38	58,296 38	200,000 00	In course of construction.
Total		274,300 00		231,967 34		
NEW JERSEY.						
Jersey City:						
Custom-house and post-office	1873–'76	112,000 00	71,383 05	111,870 58	300,000 00	Building purchased and remodeled.
Newark:						
Custom-house and post-office	1854–'58	162,000 00	50,000 00	159,873 00	88,000 00	
Perth Amboy:						
Custom-house and post-office	1857	24,000 00	2,000 00	3,374 66		
Sandy Hook:						
Revenue office	1833–'35	719 31		719 31		Repairs. Building owned by United States.
Trenton:						
Court-house and post-office	1871–'78	410,000 00	82,375 93	409,906 56	250,000 00	
Total		708,719 31		685,744 11		
NEW MEXICO.						
Santa Fé:						
Capitol	1850–'60	130,000 00		77,837 59	130,000 00	
Penitentiary	1853	20,000 00		19,987 27		
Total		150,000 00		97,824 86		
NEW YORK.						
Albany:						
Custom-house and post-office	1872	780,000 00	155,700 90	761,500 90	500,000 00	In course of construction.
Brooklyn:						
Atlantic Dock stores	1856	100,000 00		100,000 00		Purchase of three stores.
Post-office	1881–'84	500,000 00	408,608 98	408,608 98	800,000 00	In course of construction.
Buffalo:						
Custom-house and post-office	1854–'57	290,800 00	45,000 00	280,165 08	88,000 00	
Canandaigua:						
Court-house and post-office	1856–'73	30,000 00		30,000 00		Perpetual lease of half the county court-house.
New York:						
Assay office		713,358 75	530,000 00	713,358 75		Building purchased.
Barge office	1867–'81	559,000 00	14,000 00	534,350 91		
Building No. 23 Pine street	1854–'59	11,000 00		10,362 40		For mortgage on building.
Custom-house (old)	1816	70,000 00		70,000 00		
Custom-house (No. 2)	1832–'60	1,138,181 57		1,131,714 46		
Custom-house Merchants' Exchange building	1865	1,000,000 00		1,000,000 00		Purchased.

*Building.

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site &c—Continued.

Locality.	Years appropriations were made.	Amounts appropriated.	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
NEW YORK—Continued.						
New York:—Continued.						
Court-house and post-office	1856	$9,327,295 96	$508,585 25	$9,311,690 67	$3,000,000 00*	Act of April 20, 1870, provides no money shall be expended until contracts are made to complete the building within the limit.
Subtreasury	1862–'78	261,700 00		256,051 77		
Ogdensburg:						
Custom-house	1856–'73	231,701 88	8,100 00	231,616 12	*100,000 00	
Oswego:						
Custom-house	1854–'58	131,100 00	12,000 00	131,088 15	*88,000 00	
Plattsburg:						
Custom-house and post-office	1855	79,900 00	5,000 00	71,366 38	*50,000 00	
Poughkeepsie:						
Post-office, &c	1882	75,000 00	37,164 87	43,194 37	75,000 00	In course of construction.
Rochester:						
Court-house and post-office	1882	220,000 00	75,655 43	86,956 21	300,000 00	Do.
Staten Island:						
Public stores	1859–'66	161,033 75		146,081 93		
Quarantine warehouse	1864	20,000 00		20,000 00		
Suspension Bridge:						
Custom-house	1867	6,000 00		6,000 00		Building purchased.
Syracuse:						
Post-office and court-house	1882	245,000 00	70,291 05	93,448 52	200,000 00	In course of construction.
Utica:						
Court-rooms	1850–'56	17,000 00		12,000 00		Perpetual lease of rooms in City Hall.
Court-house and post-office	1872–'82	413,500 00	161,192 25	405,990 25	200,000 00	
West Point:						
Custom-house	1855	6,800 00				Covered into Treasury.
Total		16,388,371 91		15,855,545 85		
NORTH CAROLINA.						
Charlotte:						
Branch mint		33,072 97	1,500 00	33,072 97		
Greensborough:						
Court-house and post-office	1882	50,000 00	13,400 00	13,537 50	50,000 00	In course of construction.
Ocracoke:						
Marine hospital	1842	10,000 00	1,100 00	8,927 07		
Plymouth:						
Custom-house	1849	100 00		100 00		Bought at marshal's sale 1839 of property of a public creditor.
Raleigh:						
Court-house and post-office	1857–'81	391,490 63	8,120 53	349,532 00	100,000 00	March 3, 1857, $41,879.47 returned to surplus fund.
Wilmington:						
Custom-house (old)		15,000 00		15,000 00		
Custom-house (new)	1843–'48	42,250 00		42,039 75	40,000 00	
Marine hospital	1855–'81	53,374 00	6,500 00	45,697 44		
Total		595,287 60		507,906 73		
OHIO.						
Cincinnati:						
Custom-house (old)	1850–'66	339,083 90	50,000 00	338,173 13	75,000 00	$46,671.13 was for alterations.
Custom-house and post-office (new)		5,800,000 00	708,035 60	5,362,473 74	3,500,000 00	In course of construction.
Marine hospital (1)	1854–'58	186,000 00		180,367 23		
Marine hospital (2)	1881	100,000 00	50,000 00	87,861 69		Do.
Cleveland:						
Custom-house	1856–'80	488,566 81	30,000 00	392,040 53		
Marine hospital	1842–'66	107,703 66	12,000 00	107,703 66		
Columbus:						
Court-house and post-office	1882–'83	200,000 00	59,326 74	95,949 30	250,000 00	Do.
Sandusky:						
Custom-house	1854–'71	86,450 00	11,000 00	84,121 23	*59,500 00	
Toledo:						
Custom-house (old)	1854–'66	89,850 00	12,000 00	89,717 34	*40,000 00	
Custom-house (new)	1880	325,000 00	53,251 70	205,826 43	*250,000 00	Do.
Total		7,722,754 37		6,854,234 28		
OREGON.						
Astoria:						
Custom-house	1851	116,128 90	7,900 00	76,047 85	10,000 00	
The Dalles:						
Branch mint		110,000 00		103,280 00		Site donated; work suspended.
Portland:						
Custom-house	1868–'75	396,500 00	15,000 00	396,379 71	100,000 00	
Penitentiary	1850–'55	60,000 00		60,000 00		
Salem:						
State-house	1848–'55	52,000 00		33,555 74		
Total		734,628 90		669,263 30		
PENNSYLVANIA.						
Erie:						
Custom-house	1849	29,000 00		29,000 00		Building purchased.
Court-house and post-office	1882	100,000 00	36,177 50	42,337 72	50,000 00	In course of construction.
Harrisburg:						
Post-office	1875–'77	410,000 00	110,927 88	400,984 32	*300,000 00	
Philadelphia:						
Appraisers' stores	1856–'72	779,905 55	250,000 00	648,201 23		
Court-house and post-office (old)	1856–'70	249,473 81	761,000 00	248,478 40		Building purchased.
Court-house and post-office (new)	1872	6,126,000 00	1,491,290 99	6,097,110 89	4,000,000 00	In course of construction; first limit, $1,500,000; second limit, $3,000,000.
Custom-house (old)		106,456 58		73,232 11		
Custom-house (new)	1844–'66	351,912 82		351,799 78		
Lazaretto	1802–'70	38,070 93		38,070 93		
United States Mint		413,504 16	31,666 67	413,504 16		
Pittsburgh:						
Court-house and post-office	1873	800,600 00	347,301 30	538,234 18	1,050,000 00	In course of construction. Citizens donated $46,176.30 for site.

*Building.

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site, &c.—Continued.

Locality.	Years appropriations were made.	Amounts appropriated.	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
PENNSYLVANIA—Continued.						
Pittsburgh:—Continued.						
Custom-house	1851–'60	$114,474 00	$41,000 00	$114,140 87		
Marine hospital (old)	1842–'52	71,171 96		71,171 96		Only site purchased.
Marine hospital (new)	1874	37,396 37	30,331 13	30,381 13		Building not begun.
Scranton:						
Post-office, &c	1882	75,000 00	35,474 67	35,474 67	$75,000 00	
Williamsport:						
Court-house and post-office	1882	75,000 00	22,081 24	22,081 24	100,000 00	Do.
Total		9,777,966 18		9,155,198 59		
RHODE ISLAND.						
Bristol:						
Custom-house	1855–'58	31,400 00	4,400 00	27,890 01	*12,500 00	
Newport:						
Custom-house	1828–'75	32,873 68	1,400 00	32,365 60		
Providence:						
Custom-house (old)		13,504 00		13,454 40		
Custom-house (new)	1853–'66	277,000 00	40,000 00	252,753 22	200,000 00	
Total		354,777 68		326,463 23		
SOUTH CAROLINA.						
Charleston:						
Court-house	1869–'80	48,602 08		48,159 88		Building purchased, old club house.
Custom-house (old)		90,596 56	60,000 00	90,561 61		Building purchased and repaired.
Custom-house (new)	1839–'75	2,808,915 43	130,000 00	2,802,625 52		
Marine hospital	1830–'45	38,382 76		33,235 77		
Columbia:						
Court-house and post-office	1857–'75	536,899 75	5,000 00	412,301 12	*75,000 00	
Total		3,521,396 58		3,386,883 90		
TENNESSEE.						
Jackson:						
Court-house and post-office	1882	50,000 00	6,848 67	73,130 46	50,000 00	In course of construction.
Knoxville:						
Custom-house and post-office	1856–'74	515,415 19	10,300 00	418,830 71	*88,000 00	
Memphis:						
Court-house and post-office	1857–'84	616,000 00	25,000 00	456,295 05	400,000 00	Part of site donated. In course of construction.
Marine hospital	1880–'84	76,000 00	5,693 17	50,840 63	30,000 00	In course of construction.
Nashville:						
Custom-house and post-office	1856–'82	546,500 00	38,500 00	433,835 27	150,000 00	
Total		1,803,915 09		1,432,932 12		
TEXAS.						
Austin:						
Court-house and post-office	1877	186,000 00		185,767 52	100,000 00	Site donated.
Dallas:						
Court-house and post-office	1882	75,000 00	11,346 95	18,095 65	75,000 00	$2,000 donated toward site. In course of construction.
Galveston:						
Custom-house and post-office	1854	116,000 00	6,000 00	113,954 78		Building not begun.
Custom-house	1882	87,500 00	20,620 00	20,620 00	125,000 00	
Total		464,500 00		338,437 95		
UTAH.						
Fillmore City:						
State-house	1850	20,000 00		20,000 00		
Salt Lake City:						
Penitentiary	1853	45,000 00		44,998 90		
Total		65,000 00		64,998 90		
VERMONT.						
Burlington:						
Custom-house and post-office	1854–'74	62,283 60	7,750 00	58,436 51	*40,000 00	
Marine hospital	1855–'58	45,650 00	1,750 00	37,174 53		
Island Pond:						
Custom-house	1866	10,000 00				Covered into Treasury.
Newport:						
Custom-house	1867	10,000 00				Do.
Rutland:						
Court-house and post-office	1856–'57	75,417 00	1,900 00	71,514 95	*25,000 00	
Saint Albans:						
Custom-house	1866	10,000 00				Do.
Windsor:						
Custom-house	1856–'64	86,000 00	4,700 00	85,150 39	*25,000 00	
Total		297,350 60		252,276 38		
VIRGINIA.						
Alexandria:						
County jail	1826–'28	11,699 16		11,699 16		
Court-house	1838–'44	18,550 00		18,550 00		Building purchased.
Custom-house (old)	1820–'22	8,246 46		8,246 46		
Custom-house and post-office (new)		75,715 50	16,000 00	73,591 82	*50,000 00	
Abingdon:						
Court-house and post-office	1882	25,000 00	157 43	157 43	50,000 00	Site not purchased.
Danville:						
Court-house and post-office	1880–'84	110,300 00	14,500 00	99,975 58	70,000 00	
Harrisonburg:						
Court-house and post-office	1882	50,000 00	12,011 00	12,011 00	50,000 00	Building not begun.
Lynchburg:						
Court-house and post-office	1882	75,000 00	14,144 70	14,687 70	100,000 00	Do.
Norfolk:						
Custom-house (old)	1818–'36	38,002 33		38,002 33		
Custom-house (new)	1849–'80	229,658 25	13,500 00	217,820 47	130,000 00	
Marine hospital	1800–'48	22,210 34		21,785 35		
Petersburg:						
Custom-house and post-office	1854–'70	113,200 00	15,000 00	111,183 33	*82,000 00	
Richmond:						
Custom-house	1852–'70	279,763 35	61,000 00	279,763 35	150,000 00	
Total		1,057,345 39		907,484 03		

*Building.

APPENDIX B.

Table showing the location of public buildings by States, the amount of appropriations, the cost of the site, &c.—Continued.

Locality.	Years appropriations were made.	Amounts appropriated.	Cost of site.	Cost of building and site.	Limit of cost.	Remarks.
WASHINGTON.						
Olympia:						
Capitol	1853–'75	$40,274 75		$12,079 35	$35,000 00	
Port Townsend:						
Marine hospital	1882	18,000 00	$18,000 00	18,144 00		Site and building purchased.
Steilacoom:						
Penitentiary	1857–'74	87,271 00		48,684 48	40,000 00	
Total		145,545 75		79,897 83		
WEST VIRGINIA.						
Charleston:						
Court-house and post-office	1881–'84	89,700 00	8,150 00	88,285 15	75,000 00	In course of construction.
Parkersburg:						
Post-office	1873–'78	243,000 00	17,841 40	240,299 07	150,000 00	
Wheeling:						
Custom-house	1854–'60	118,711 00	20,500 00	118,492 58	*88,000 00	
Total		451,411 00		447,076 80		
WISCONSIN.						
Madison:						
Court-house and post-office	1857–'72	350,062 74	10,865 94	349,938 68		
Milwaukee:						
Custom-house	1854	211,804 53	12,500 00	211,785 06	*98,000 00	
Public buildings when Territory		40,000 00		40,000 00		
Total		601,867 27		601,723 74		
WYOMING.						
Laramie City:						
Penitentiary	1870–'74	40,413 00		40,109 92		

*Building.

States and Territories.	Amount appropriated.	Cost of building and site.	States and Territories.	Amount appropriated.	Cost of building and site.
Alabama	$627,900 00	$608,593 14	Montana	$107,301 18	$107,278 93
Alaska	6,000 00	5,989 31	Nebraska	629,336 00	627,942 05
Arkansas	307,250 00	306,745 79	Nevada	426,787 66	426,787 66
California	4,395,898 73	4,633,980 87	New Hampshire	274,308 00	331,027 94
Colorado	288,377 99	112,532 83	New Jersey	708,719 31	685,744 11
Connecticut	1,087,886 46	1,086,582 42	New Mexico	150,000 00	97,824 86
Dakota	30,000 00	533 45	New York	16,398,371 91	15,805,545 85
Delaware	103,500 00	102,921 97	North Carolina	595,287 60	597,905 73
Florida	470,425 00	196,172 36	Ohio	7,722,754 37	6,854,294 33
Georgia	482,100 00	476,438 15	Oregon	734,628 90	688,232 30
Idaho	116,740 15	118,991 05	Pennsylvania	9,777,966 18	9,155,198 59
Illinois	7,802,944 12	7,718,281 70	Rhode Island	354,777 68	326,463 23
Indiana	954,900 00	836,652 91	South Carolina	3,521,396 58	3,386,883 90
Iowa	627,370 07	552,238 38	Tennessee	1,803,915 09	1,432,932 12
Kansas	456,200 00	350,965 09	Texas	464,500 00	338,437 95
Kentucky	1,301,770 33	1,043,817 22	Utah	65,000 00	64,998 90
Louisiana	5,542,991 22	5,398,252 01	Vermont	297,350 60	252,276 38
Maine	2,107,407 15	2,078,098 28	Virginia	1,057,345 39	907,484 03
Maryland	2,561,429 06	2,198,389 94	Washington	145,545 75	79,897 83
Massachusetts	8,336,563 50	8,239,675 48	West Virginia	451,411 00	447,076 80
Michigan	1,098,392 07	891,401 46	Wisconsin	601,867 27	601,723 74
Minnesota	721,817 38	596,779 31	Wyoming	40,413 00	40,109 92
Mississippi	303,276 16	217,693 52			
Missouri	7,143,091 20	6,860,806 18	Totals	93,193,226 76	87,730,425 54

Alcoholic Liquor Traffic Commission.

SPEECH

OF

HON. WILLIAM E. ENGLISH,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 23, 1885.

The House having under consideration the bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic—

Mr. ENGLISH said:

Mr. SPEAKER: As a member of the Committee on the Alcoholic Liquor Traffic, to whom this bill was referred, and as the author of the report made thereon to the House, I desire the attention of the House for a few remarks in connection therewith. This bill provides for the appointment by the President, by and with the advice and consent of the Senate, of a commission of seven persons to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and the general welfare of the people; and also to inquire as to the practical results of license and prohibitory legislation in the several States of the Union.

In so far as the proposed investigation of the said traffic relates to revenue and taxation, I am of the opinion that all necessary information important for the General Government to have on that subject is already accessible, and that there is no need of an investigation by a special commission. And in so far as it relates to its general economic, criminal, moral, and scientific aspects, and the practical results of license and prohibitory legislation in the several States, I am of the belief that it is better to leave these matters to investigation and regulation by the law-making power of the States themselves rather than by the General Government. This bill was referred by the Committee on the Alcoholic Liquor Traffic to a subcommittee of three, of which I had the honor to be the chairman. At the request of a majority of that subcommittee, I prepared the report which has been made to the House, and which was adopted by the full committee without change and with but one dissenting voice. Mr. Speaker, as is stated in that report, I can not see that there is any great, urgent necessity for the passage of this bill, even if it were admitted that Congress had the right to enact this sort of legislation.

Since 1873 the advocates of a national prohibitory law have been endeavoring to procure the adoption by Congress of legislation of this character, and I am in duty compelled to say that I can not conscien-

tiously support any measure here which looks to the enaction of absolute prohibition. I believe that the great majority of those who clamor for laws of this nature are conscientious and honest in their intentions, and firm believers in the theories which they advocate; but, Mr. Speaker, these are, in my opinion, theories which the history of past events show can never be made practical. I am earnestly in favor of every movement for the promotion of temperance and sobriety, and will support ever proper measure to that end; but I believe those interests to be injured rather than advanced by intemperate efforts at absolute prohibition. In several of the States strict prohibitory laws have been adopted; but it would seem that little success has followed the experiment, and that there has been no very apparent lessening of the evils of intemperance in those States.

In the State of Maine prohibitory laws have been upon the statute-books more or less continuously for thirty years, and yet I take it that it will not be positively claimed that the liquor traffic has been really suppressed in that State. And in the States of Iowa and Kansas the public press statements indicate that the efforts at absolute prohibition have not been conspicuously successful, and it would appear that one of the worst results of the law there has been to decrease the use of beer and other lighter and less harmful drinks and to greatly increase the use of strong drink of the worst grades manufactured. I clip the following from a leading Republican paper on the practical workings of the law in the State of Iowa:

> Conviction is made difficult from the fact that nearly all the business men are opposed to the law in sympathy with the liquor dealers. Formerly a large amount of beer was sold, but it is so bulky that its transportation and storage without detection is almost impossible, and as whisky can be carried about the person, whisky of the vilest quality is the only beverage.

I believe that the only true method of dealing with the liquor traffic is by a strong, stringent license system faithfully and rigidly enforced, and around which is thrown every wise, proper, and necessary restriction—a well-regulated and well-executed system, which will promote the virtues of sobriety and temperance, while duly regarding the personal and property rights of the citizen. There is an inherent disposition in all mankind to resent any unreasonable or arbitrary attempts to interfere with their natural rights, and laws to be effectively administered must be sustained by public opinion and must not conflict with the inalienable rights which naturally belong to a free people. Otherwise the evil aimed at will in the end rather be increased than diminished. These are among the important reasons why absolute prohibition never has been and in my opinion never can be really successful. The people demand reasonable and just laws faithfully executed rather than fanatical and impractical measures invasive of personal rights and not in accord with public sentiment.

Mr. Speaker, I have not arrived at my conclusions upon this important subject without due consideration. I have had previous occasion to give this matter much thought and investigation. At the time of my election to Congress this was the all-absorbing issue of the campaign. A prohibition amendment to the constitution of Indiana was pending, and upon this issue the two great parties divided—the Republicans favoring the submission and adoption of the amendment, and the Democracy in opposition thereto. I had the honor of presiding over the first convention held in the State that took a stand against the amendment, and the convention which unanimously nominated me as a candidate for Congress declared unconditional opposition to all prohibitory and sumptuary legislation; and upon this platform I was elected to Congress from a district heretofore Republican after an exceptionally close and exciting contest.

I gave the question a full investigation then, and I have still further investigated it during the consideration of the pending bill, and the more thoroughly I examine the subject the more strongly am I confirmed in my previous convictions of opposition to prohibitory legislation. However, I shall not detain the House further in this connection or attempt to discuss the bill fully in all its various aspects, but in conclusion will read the following extract from my report, previously made upon this bill, as more clearly setting forth my views upon this very important measure:

> The power to regulate the retail liquor traffic has, from the foundation of the Union, been regarded as the exclusive right of the States rather than of the General Government. Attempts have been made by some of the States to entirely prohibit the manufacture or sale of spirituous or malt liquors, but with little apparent success, and the interests of true temperance and sobriety, so much to be desired, would seem to demand wise and stringent restrictions and effective safeguards in connection with the liquor traffic rather than impractical efforts at absolute prohibition. To the several States of the Union properly belongs the right to enact such local police regulations as will throw every proper restriction around the liquor traffic compatible with the personal and property rights of the citizen, but uniform police regulations enacted by Congress practically suited to the different wants and requirements of the people of all the various States would be difficult to frame and more difficult to execute.
>
> Any attempt to control the personal habits and private conduct of the individual should be opposed, so long as he does not interfere with the personal rights of others or the peace and order of society in general. As it is a matter of grave doubt whether Congress has the right to regulate the liquor traffic in the several States of the Union, and as there seems to be no great, pressing, or urgent necessity for the passage of this bill, your committee hold that it is not advisable to attempt the exercise of doubtful powers by the General Government in these matters which appear more properly to belong to the States themselves.
>
> Your committee therefore recommend that the bill be reported back to the House with a recommendation that it do not pass, and they ask to be discharged from the further consideration of the subject.

Contested Election—Massey vs. Wise.

SPEECH

OF

HON. MORTIMER F. ELLIOTT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the contested-election case of Massey *vs.* Wise.

Mr. ELLIOTT said:

Mr. SPEAKER: Having submitted to the House the report of the committee in this case, I deem it my duty to state the reasons governing the majority in reporting that John S. Wise was duly elected a member of Congress from the State of Virginia and that he is entitled to retain the seat which he now occupies.

John S. Wise and John E. Massey were opposing candidates at the November election in 1882 for the position of Representative in Congress from the State of Virginia at large. According to the returns as certified by the State board of canvassers, Wise received at said election 99,992 votes, and Massey, his competitor, received 94,184 votes, giving Wise a majority of 5,808. The contestant seeks to overcome this apparent majority, and in his brief claims that the contestee received 15,712 illegal votes, which, deducted from the number of votes returned as cast for him, would elect the contestant by quite a decided majority. These votes, with a few exceptions, are claimed by the contestant to be illegal for the following reasons:

By the laws of Virginia the payment of a capitation tax of $1 prior to the day of election is made a prerequisite to the right to vote. A very large number of the citizens of Virginia neglected to pay the capitation tax assessed against them to the officers first charged with the collection of the same.

The revenue laws of Virginia so far as they relate to the questions involved in this case are as follows:

> SEC. 23. The treasurer (of each county or city), after ascertaining which of the taxes assessed in his county or corporation can not be collected, shall as soon as practicable in each year, after the 15th day of June, make out lists of three classes, to wit, first, a list of property on commissioner's land-book improperly placed thereon, &c.; secondly, a list of other real estate, &c.; and thirdly, a list of such of the taxes so assessed, other than on real estate, as he is unable to collect.
>
> SEC. 25. The first and third lists mentioned shall be verified by the oath of the treasurer and his deputies to the effect that they verily believe no part of the taxes or levies embraced has been or could have been collected.

Section 26 of same act provides that said lists shall be presented to the court, and the court, if satisfied as to their correctness, shall direct the clerk to certify copies thereof to the auditor of public accounts.

Section 29 of same act is as follows:

> A certified copy of the first and third lists heretofore returned shall be placed by the auditor of public accounts, within sixty days after receiving the originals, or as soon thereafter as practicable, in the hands of any sheriff, sergeant, constable, or collector for collection, the same to be accounted for within one year thereafter; said officers to have the same power of distress as treasurers, and shall account for the same in like manner, and he and his sureties shall be subject to all such remedies as are given to the Commonwealth against treasurers for failure to pay, and his compensation shall not exceed 20 per cent. of the amount collected and paid into the treasury.

Prior to the election in 1882 the auditor of public accounts, S. Brown Allen, appointed a collector for each city and county in the State and placed in their hands the delinquent personal property and capitation taxes which had been certified to him by the clerks of the different counties of the State.

The form used in making the appointment of collectors was as follows:

> DEAR SIR: Inclosed herein I send you a list of delinquent capitation and personal-property taxes for —— county for the year 1881, amounting to the sum of $—, and hereby appoint you collector of the same pursuant to section 29 of the act approved April 1, 1879, prescribing the duties of certain county officers, &c. You will please sign the inclosed receipt for said list, and, together with the bond herein duly executed, return the same to me.
>
> I am, very respectfully,
>
> S. BROWN ALLEN,
> *Auditor of Public Accounts.*
>
> To ——, Esq.

The testimony shows that the two collectors appointed by the auditor of public accounts issued capitation-tax receipts to the number of from fifteen to sixteen thousand. Perhaps twelve hundred of this number were issued either in blank without payment of the tax, or on election day. I am compelled to estimate the number issued in blank and on election day, as the witnesses are not able to state the number with accuracy. Indeed, they all say they do not know the number so issued.

The evidence shows that the remainder of the receipts were issued by the collectors prior to the day of election, and they were paid for and the names of the tax-payers were inserted in the receipts prior to their delivery. It is true that a great number of these receipts were paid for by and delivered to others than the persons against whom the taxes were assessed.

The contestant contends that the auditor of public accounts had no power to appoint collectors to receive the capitation tax, and that the payment of such tax to the collectors appointed by him was no payment, and the votes cast on such receipts were illegal and should be thrown out for that reason. Section 29 of the revenue laws of Virginia, which I have read, provides that the delinquent lists shall be placed by the auditor in the hands of any sheriff, constable, or collector for collection. It is contended by the contestant that the section referred to contemplates that the delinquent list shall be placed in the hands of an existing officer, and does not give the auditor power to appoint collectors. I think there is much force in this position, but I shall not attempt to elaborate my views upon it, as I do not deem it necessary to determine that question.

The auditor of public accounts was at the head of the revenue department of Virginia. He had the supervision of the collection of the delinquent personal and capitation taxes certified to him by the respective county clerks, and it became his duty under the law to place them in the hands of one or more sheriffs, sergeants, constables, or collectors for such purpose, and even if he was not authorized, under a proper construction of the revenue laws of Virginia, to select private persons as collectors, yet such persons so appointed to collect the delinquent taxes were acting under color of office, and the tax-payers were not bound, at the peril of forfeiting their right to vote, to know whether the auditor had exceeded his powers in appointing them.

The purpose of the law was to compel the payment of the tax, and that purpose was accomplished and the money reached the treasury through these collectors, the accredited agents of the auditor; and it would be manifestly unjust to hold that the citizens who paid their taxes in good faith to the persons held out by the auditor of public accounts as the proper ones to receive them should be disfranchised, because it is doubtful whether the auditor did not exceed his authority.

Auditor Allen did not inaugurate the practice of appointing tax-collectors to receive the delinquent personal and capitation taxes. John E. Massey, the contestant, was the auditor who preceded Allen, and he appointed collectors in every county of Virginia to receive the delinquent personal and capitation taxes.

Mr. Massey when he was auditor had no doubt of his right to appoint these collectors. He appointed them in 1880 and again in 1881, and in many instances Allen appointed the same persons who in previous years had been appointed by Massey.

I do not mean to be understood that Massey is estopped by his own conduct from saying that the appointment of these collectors was without authority of law; I refer to the fact merely to show that it had been the practice for two years prior to 1882 for the auditor to appoint these collectors, and that I think greatly strengthens my position that they were acting under color of office.

The contestant can hardly ask the House to say that these collectors were not acting under color of office. I judge that the friends of Mr. Massey would rather they had some other and better reason for overturning a majority of nearly 6,000 votes than that he did what he knew to be illegal or that he was profoundly ignorant of his duties.

A word in relation to the point made that the tax was not in all cases paid by the voter himself. The rule is well settled that a tax may be paid by an agent as well as by the person himself, and although the person paying the tax was not authorized to do so prior to its payment, yet the voter by accepting the receipt adopts the act and as of the date when the payment was made.

The courts have passed upon this very question, and I quote from the opinion in one of the cases I have examined.

In re District Attorney of Dauphin County, 11 Philadelphia Reports, 649, the court says:

> From the adoption of the Constitution in 1790 down to the present time the practice to pay taxes through an agent has always been held as good and valid as when done by the voter in person, and the presentation of the receipt at the polls and claiming the right to vote by virtue of it has always been considered sufficient evidence of the adoption of the agency.
>
> It is averred, however, in the petition, and when that is demurred to we must take it to be true, that these voters had their taxes paid without their knowledge or previous authority conferred on the person paying.
>
> We must hold in this as in other cases, that a subsequent ratification is equivalent to an original command. * * * The only doubt which can exist on this branch of the case arises out of the constitutional mandate that the tax must be paid at least thirty days before the election, and whether the voter is obliged to show that he assumed and acknowledged the payment by the agent before that time.
>
> On careful consideration we are satisfied that the ratification adopts the act as of the time of its performance. It is thus carried back by relation to that period. Such is the doctrine laid down by ancient and modern writers and by judicial decisions.

From what I have said my conclusions are obvious, that the votes cast on receipts issued by the tax-collectors appointed by the auditor of public accounts, which were paid for by the voters or other persons for them prior to the day of election, were legal votes, and were properly received and counted. If, however, I am not correct in this position, it is impossible to determine from the evidence for whom the persons who voted on these tax-receipts cast their ballots.

I am satisfied that a large portion of this vote in some of the counties was cast for Wise; and I have a suspicion that it was pretty generally cast for him throughout the State, but I challenge any man on this floor to make a list of a thousand persons by name who voted for Wise on these tax-receipts.

The evidence upon the subject is that the collectors were members of the Readjuster party; that Readjusters paid the taxes and took the receipts, that these receipts were used largely by the colored voters, and that as a class they favored Wise.

Under evidence so vague and uncertain as this where would you commence to throw out votes? Suppose you find John Jones on the list as having voted and he is also marked as a colored voter, could you throw out his vote and take it off Wise on the proof that the tax-receipts were issued largely to colored voters, and that they, as a rule, to which there were confessedly exceptions, favored Wise?

There is no proof as to who John Jones favored, what party he acted with, whether he voted on one of the tax-receipts issued by Allen's collectors or not, but from this exceedingly general evidence as to the political affiliations of the colored men as a class it is proposed to throw out his vote. How do you know he is not one of the colored men who voted for Massey; perhaps one who had not yet learned that Massey had ceased to be a Readjuster?

No rule has as yet been established by the courts or by Congress which would justify the indiscriminate throwing out of votes upon such loose and uncertain testimony.

I need not dwell longer on this branch of the case, as the minority of the committee in their report concede that it would be unwise under the circumstances to reverse the decision of the department of the State government which is in charge of the tax system of Virginia. The minority say:

> There can be no doubt that many capitation-tax receipts were issued in blank; that many were issued on the day of election, and that many were issued in gross and then distributed; and it is claimed with much force that any payment of taxes for delinquent voters without the authority previously given, especially when made by political agencies, approximates bribery.
>
> But we can not say that the evidence is clear that a sufficient number of votes illegal for any cause were cast for the sitting member to justify the rejection of his majority.

Thus it will be seen that all the members of the Elections Committee agree that Wise was duly elected. The case was heard at great length by the full committee, and their unanimous verdict ought to have some weight with this House. It is a case requiring weeks of patient investigation to understand, and this House of necessity, so far as the questions of fact are concerned, must depend largely upon the committee.

It is claimed, however, by the contestant and by the minority of the committee that the sitting member has since his election disqualified himself from holding the office of Representative in Congress. It is claimed that the contestee, after his term of office as Representative commenced, was appointed by the Attorney-General to an office under the United States, which he continued to hold until he qualified as a member of the House. Article 1, section 6, last clause, of the Constitution of the United States is as follows:

> And no person holding an office under the United States shall be a member of either House during his continuance in office.

The only evidence before the committee on the subject was the admissions of the contestee made during the arguments of counsel. He stated that on the 5th day of March, 1883, he was employed by the Attorney-General to assist the United States district attorney of Virginia in the trial of certain enumerated cases then pending in the United States district court of Virginia; that all the cases had not been disposed of, and that he expected to assist at the trial of the cases still undetermined when they should come on to be heard.

The contestee by the terms of his agreement with the Attorney-General was to receive for his services as special counsel in said cases not less than five hundred nor more than one thousand dollars, as the Attorney-General should thereafter determine.

Under these facts was the contestee appointed to an office within the meaning of the clause of the Constitution which I have quoted? And if the arrangement between him and the Attorney-General constituted him an officer, did he continue such officer after he qualified and entered upon the performance of the duties of a member of Congress?

The contestee was employed by the Attorney-General under section 363 of the Revised Statutes, which is as follows:

> The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain in the name of the United States such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counselors the amount of compensation, and shall have supervision of their conduct and proceedings.

It will be seen that the Attorney-General is not authorized to appoint an officer of the United States. He is simply authorized to retain and employ attorneys and counselors at law whenever in his judgment the regular law officers of the Government need assistance in the trial of cases in which the Government has an interest. To retain an attorney to assist in the trial of a case for the Government is no more the appointment to an office than the hiring of a lawyer by a private individual would be. The Government is the client of the attorney so hired, and his employment ceases with the entry of final judgment in the case he is employed to try, or sooner if the agent of the Government thinks proper to dismiss him and retain another attorney. When so retained the position of the attorney is essentially that of an employé under contract, the contract alone defining his duties and fixing

the measure of his compensation for the work he has agreed to perform. His duties are not defined nor is his compensation fixed by law. If he is an officer what is his name, what is his tenure, what his duties, and does the office continue in case of his death or resignation? Is he an officer when the jury retires for deliberation, and when the verdict is rendered and judgment entered does he cease to be one, and is the office itself abolished by the ending of the case?

If Wise had been employed to try one case he would have been an officer of the Government the same as though he had been retained to try fifty cases.

Suppose him to be trying the case on the day before the first meeting of the Congress to which he was elected, if the verdict is rendered on that day his term of office has expired before he is required to qualify as a member of Congress and his seat in this House has not been forfeited; but if the jury deliberate past midnight and the verdict is rendered in the afternoon of the next day, he was continuing in office under the Government at the time he qualified as a member of Congress and thereby forfeited his right to a seat in this House.

Is it not clear that Wise occupied a contract relation to the United States, and not that of an officer of the Government? He agrees for $1,000 to assist the Government in the trial of ten of her cases and receives a retainer at the time the agreement is made. Would he not have been liable under that contract if he had refused to perform it according to its terms? Could he have kept the retainer and refused to perform any service under the agreement?

The term "office" embraces the ideas of tenure, emoluments, and duties, and the latter must be continuing and permanent, not occasional and temporary. Authorities are numerous and satisfying on this question, and I will refer the House to a few of them. Chief-Justice Marshall, in United States *vs.* Maurice *et al.*, 2 Brockenbrough's Reports, says:

> Although an office is an employment it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to do an act or perform a service without becoming an officer. But if a duty be a continuing one, which is defined by rules prescribed by the Government and not by a contract, which an individual is appointed by Government to perform, who enters on the duties appertaining to his station without any contract defining them, if these duties continue though the person be changed, it seems very difficult to distinguish such a charge or employment from an office.

In United States *vs.* Hartwell, 6 Wallace, 385, the Supreme Court say:

> An office is a public station or employment conferred by the appointment of Government, and embraces the ideas of tenure, duration, emolument, and duties.

The case of the United States *vs.* Germaine (99 United States Reports, 508) is directly in point, and in principle rules the question raised in this case.

The defendant in that case was appointed by the Commissioner of Pensions to act as surgeon, under the act of Congress of March 3, 1873, which is as follows:

> That the Commissioner of Pensions be, and is hereby, empowered to appoint at his discretion civil surgeons to make the periodical examinations of pensioners which are or may be required by law, and to examine applicants for pensions when he shall deem an examination by a surgeon appointed by him necessary, and the fee for such examinations and the required certificates thereof in duplicate, including postage on such as are transmitted to pension agents, shall be $2, which shall be paid by the agent for paying pensions in the district in which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

He was indicted in the district of Maine for extortion in taking fees from pensioners to which he was not entitled. The law under which he was indicted is as follows:

> Every officer of the United States who is guilty of extortion under color of his office shall be punished by fine of not more than $500 or by imprisonment not more than one year, according to the aggravation of the offense.

The question presented to the supreme court was whether the surgeon was an officer of the United States. The court held that the defendant was not an officer of the United States, and in the course of the opinion use the following language:

> If we look to the nature of the defendant's employment we think it equally clear that he is not an officer. In that case (referring to United States *vs.* Hartwell, 6 Wallace, 385) the court said the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional and temporary. In the case before us the duties are not continuing and permanent, and they are occasional and intermittent. The surgeon is only to act when called on by the Commissioner of Pensions in some special case.

If this case is to be followed, it is clear that the contestee was not an officer of the United States at the time he qualified as a member of Congress.

The contestant in his original brief, when considering the power of the auditor of public accounts to appoint tax-collectors, states the position which I have taken on this question with much force. He says:

> One who performs duties under contract is not an officer, but one who acts under law prescribing and requiring their duties concerning the public seems to be considered an officer. * * * An officer is one who exercises a power continuously and as a part of the regular and permanent administration of the Government. * * * An office implies tenure, duration, fees, rights, powers, and duties [citing Burrill's Law Dictionary, 767].

If these extracts which I have read from page 3 of the contestants' original brief state the correct doctrine, what becomes of his subsequent allegation that the contestee was an officer of the United States?

I have taken more time, perhaps, than was necessary in discussing the question whether Wise was an officer of the United States by virtue of his contract with the Attorney-General. I do not think it very material to a proper decision of this case to determine whether Wise held an office under the United States at the time he qualified as a member of Congress. It has been many times determined by this House that a member-elect may continue to exercise the functions of an office under the United States which he held prior to his election or to which he was appointed after his election down to the time when the time arrives for him to enter upon the performance of the duties of a member of Congress.

When that time arrives he must make his election which of the two offices he will hold from that date. If he appears upon the floor of the House on the day it is organized and takes the oath of office, he elects to hold the office of Representative, and such election is equivalent to a formal resignation of the other office, and from that moment forward he can no more perform the functions of the other office than he could had he formally resigned and the resignation been accepted.

It is true that Wise stated before the committee that he expected to assist at the trial of the cases yet undisposed of, but I can not see how that is of a feather's weight. If he had been United States district attorney for Virginia on the first Monday of December, 1883, and as member of Congress elect he had appeared upon that day and been sworn as a member, would not such action on his part have operated as a legal abandonment of the office of district attorney, and could he have continued himself as such officer by his declaration made a month afterward that he intended to hold on to the office of district attorney?

If, instead of taking upon himself the obligations of a member of Congress the first moment he could do so, he had continued after the meeting of Congress to perform the duties of district attorney, his continuing to exercise the functions of that office would have been treated as an election to continue as district attorney and an abandonment of the position of member of Congress. The first moment he was under obligation to elect between the two offices he did so, and his right to the one, the duties of which he had been lawfully performing up to that time, was absolutely gone.

Authorities upon this point are more than abundant. I quote from McCrary on Elections, section 239:

> If there is a statutory or constitutional provision prohibiting the same person to hold both the offices at the same time, then of course the question of their incompatibility does not necessarily arise, for in such case the acceptance of the second is *ipso facto* the abandonment and resignation of the first, though the duties of the two may be entirely compatible.

In the case of General Robert C. Schenck it was held that his acceptance of the position of major-general of volunteers after his election as a Representative did not operate as a forfeiture of his seat as a member of Congress, he having resigned the position of major-general prior to the meeting of Congress. If he had not resigned but had appeared and qualified as a member of Congress the first moment he could have done so, such action on his part would have had the same effect upon the office of major-general as did his formal resignation.

The facts in General Blair's case were the same as in that of General Schenck's, except that Blair continued to hold his commission in the Army and to exercise his functions under it after the meeting of Congress. After the time came for him to enter upon the duties of member of Congress he continued to perform the duties of an officer of the Army, and this House held that by refusing to qualify as a member of Congress at the first opportunity, and continuing to act as an officer of the Army, he elected to retain his office in the Army and abandoned the office of member of Congress.

Mr. DAWES, the then chairman of the Committee on Elections, in the course of his very able report in the Blair case, says:

> A man in the discharge of the duties of one office is tendered another whose duties he is required to enter upon at a certain time, but the functions of both he can not perform. When the time arrives at which the duties of the latter office commence he is at liberty to choose. If he takes the latter the functions of the former, *ipso facto*, cease as the result of his choice. When he accepts one office the law interprets the act as a surrender of any incompatible office.

I again quote from McCrary on Elections, section 243:

> There can be no doubt but that the accepting of the office of Representative in Congress and entering upon the discharge of its duties amounts to a resignation and abandonment of any incompatible office previously held, and hence a formal resignation is not necessary in any such case.

My position on this case, briefly stated, is this: John S. Wise, the contestee, was duly elected by a majority of from four to five thousand votes over his competitor, John E. Massey, the contestant; that he did not at any time after the 3d of March, 1883, hold any other office under the United States, but that if he did, if what I call an employment to try a given number of cases should be held to be an office within the meaning of the Constitution, then that, under all the authorities on the subject, including the precedents in this House, he had a right to accept another office even after his election, and continue to exercise the functions thereof down to the time when he could qualify as a member of Congress. Then he was bound to elect which office he would hold, which he did by qualifying as a member of this House on the first day Congress convened. Such election was an abandonment of the office, if such employment can be dignified as an office, which he received by appointment from the Attorney-General.

There is not a single line of authority in conflict with these positions, especially the latter, and it seems to me that it is the imperative duty of the House to declare that John S. Wise is entitled to retain the seat he now occupies.

NOTE BY MR. TURNER, OF GEORGIA.—While the argument in this case was pending before the Committee on Elections on the question involved, Mr. Wise, in *propria persona*, stated in effect that he intended to continue in the position which he occupied under sections 363 and 366 of the Revised Statutes as special assistant to the United States district attorney of the eastern district of Virginia, and based his defense on this question upon the proposition that this position was not "any office" under the Constitution. It was on this account that the reports of the majority and of the minority of the committee did not discuss the effect of his qualification as a member of the House upon the tenure of his position under the Department of Justice. I reassert my entire confidence in the views presented in the minority report, and regret that I can not now present the argument in support of that report.

Refunding the Bonded Debt of the United States.

SPEECH

OF

HON. ORLANDO B. POTTER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 15, 1885.

The House having under consideration the bill (S. 1155) to provide for the issue of circulating notes to national banking associations—

Mr. POTTER said:

Mr. SPEAKER: In discussing this measure, with the disposition on the part of the House to close debate at an early hour, it is apparent to me that no such thorough discussion of the question as its magnitude demands can possibly occur. With regard to the bill now before the House, having given at least as much consideration as average men to this subject, I entertain the clear and undoubting opinion that instead of strengthening the credit of the country, instead of answering the end which it proposes to meet, it is likely it will tend strongly, and I believe it will be the first step that will inevitably lead, to the overthrow of our system of banking in this country.

What are the difficulties of the present hour? They are simply these, that the bonds of this country have gone to so high a premium under the operation of the laws that exist, that citizens can no longer profitably use them for purposes of banking. The difficulty is that the bonds that can now be used, that are not already due and payable, are at a premium—the four-and-a-halfs, due in about seven years, and the fours, due in twenty-two and a half years, are severally at a premium of from 12 to 14 and from 20 to 25 per cent.

What does this bill propose? It proposes inevitably to increase that premium and aggravate the difficulty. It proposes that banks shall be allowed to issue 10 per cent. more in bills upon the bonds. And what is the effect of that? To make the bonds worth for that purpose 10 per cent. more in market. The premium instead of being on the fours 22 to 25, as it has averaged during the last year, will be from 25 to 30 at least. Under the operation of the premium that exists, and has existed during the past year, bankers have been disposed to sell their bonds in order to realize the premiums and thus to diminish the circulation of the country. And yet we are asked to increase directly the premium upon the bonds in order that they may be profitably, as it is said, induced to increase circulation. That this bill can have no such effect, that with certainty it will have precisely the contrary effect, can not be doubted by any one who has studied the question.

But, sir, it is not merely this that is the only or principal objection to this bill. There is another objection that surely this House, in charge of the revenue legislation of this county, should not disregard. We owe, sir, a large debt, and there are but $190,000,000 of it payable within the next seven years. At the rate at which the public debt has been paid during the last two years we are inevitably confronted within two years or a little more from this time with this state of facts: With our Treasury full, perhaps overflowing, money piled up in the Treasury of the United States, and not one dollar of debt which we can pay for the next five years thereafter, we are asked by this bill to place the nation, of whose financial interests we are the guardians, and for which this House is responsible, upon its knees during those five years before the holders of the 4 per cent. bonds, to ask them at what price the nation may pay its debt!

Mr. KELLEY. Will the gentleman permit a question?

Mr. POTTER. I have but a short time, and I would rather not be interrupted.

By this legislation we are asked to raise the premium on these bonds to at least from 5 to 10 per cent., when we know that within two years this Government must be upon its knees before those very 4 per cent. bondholders, and must accept whatever terms they shall see fit to grant. If there were no other objectionable feature than that in this bill, it should restrain every member of this House from voting for such a proposition.

But, sir, there is still another objection to this bill that should be fatal to it. It is this: From the time that this system of banking and currency was established down to the introduction of this bill, down to this hour, there has never been a proposition entertained by either branch of this Government to do anything that should possibly interfere with what I at least regard, and what I know many others regard, as the very key to the permanency of the system. This system of banking is not one by which the Government becomes a banker, as is sometimes charged, not by which the Government undertakes the responsibility of the circulation, or, in fact, the redemption of the circulation. The redemption of the circulation and the responsibility for its issue is placed, where it should be placed, upon those citizens who associate together and issue money, providing for its redemption through the Government itself.

Now, sir, the cardinal principle of that system has been that the banks should themselves redeem the currency; that they should never be a favored class; that they should never place themselves in such a relation to the country that it should be taxed for the purpose of redeeming their circulation. From the beginning to this hour they have been required to deposit with the Government a margin of at least 10 per cent., together with the 5 per cent. redemption fund, making 15 per cent. upon the par of the bonds; so that, in actual fact, the banks have always, through the Government, provided for the redemption of their bills and for every expenditure concerning it.

While that condition lasts this system may continue in profitableness and in usefulness to the country so long as the debt continues. But when that keystone is removed, when the people find that we are exposing this nation to taxation to maintain a fund in the Treasury of the United States with which to redeem in gold the bills that the banks shall issue, then this system will perish, and it ought to perish. I, sir, have certainly no unfriendliness to the national banks. To the suggestion of their plan and in the maturing of it I gave a quarter of a century ago as much reflection as I was able to give to any subject. I have watched the working of the system from that time to this, and in the benefits it has conferred upon the country it has not gone beyond what I anticipated. It will continue to confer those benefits. It will continue to promote the prosperity of the country so long as it remains not a system of banking by the Government, but a system by which citizens, by associating themselves together and making the required deposit of national bonds, may, through the Government, issue a currency redeemable by their own money, their own deposits, in gold at all times. I beseech gentlemen, if they would preserve that system, if they would not, influenced by a temporary expediency, strike a death-blow to this financial system, not to pass this bill.

Look one moment at the actual facts. We are asked to authorize—to direct the Secretary of the Treasury to issue upon the 3 per cent. bonds notes to the full par value of the bonds. Now we are not yet six months removed from the time when, for at least one half month, in the greatest market in the world for these bonds, where the money of the country and of the Continent centers, these 3 per cent. bonds could not be sold at par; yet our money was not disturbed. Why was it not disturbed? Because every bill-holder as he looked at his bill and saw the quotation of the selling price of the bonds said, "Well, they can fall 10 per cent. more at least and still leave my money safe." So it was that through this great panic nobody, from the wealthiest to the humblest, neither the laborer nor the millionaire, no man, no matter how much he had to discharge or to receive, doubted for an instant that his money was good and equal to gold.

Pass this bill, and, when the next such crisis returns, that confidence will be gone, and gone forever. I do not believe that we can calculate upon such crises as being impossible or even improbable in the future, and if you pass this bill, when the next crisis arrives, at the very moment when we shall most need confidence and certainty in our money, we shall have instead a deep distrust, which will inevitably suspend specie payments throughout the country and bring upon us all the untold calamities which would result from such suspension.

I appeal to this House, as the guardians of the financial interests and financial safety of the country, not to remove this great safeguard for the mere purpose of enabling those who wish and expect to sell 4 per cent. bonds at a premium to realize that anticipation.

It is claimed on behalf of this bill that it will make the bank circulation sufficiently profitable to induce its increase. I have made a most careful examination of that subject and of the probable effect of the bill in that respect, and the result is that in no place, in no locality, where interest is materially above 7 per cent. can circulation be taken out under this bill except at a loss. Where 8 per cent. prevails there will be certain loss in circulation under this bill. Possibly it may enable the holders of 4 per cent. bonds in the great markets to realize. It may induce others in those markets still to try their hands at the business

and go into national banking; but beyond those great centers, at the very points from which the great body of the national currency now goes out, it not only affords no advantage, but it provides for nothing but positive and certain loss.

From a calculation carefully made upon this bill, it appears there is an absolute loss upon circulation where interest is 8 per cent. For the purpose of enabling those in the great centers who wish to realize the benefits of selling these bonds at the advance which this measure will cause, shall we in a great national system undertake to make this change which renders the issue of currency absolutely impossible without loss in every section where interest is worth 8 per cent.?

Mr. Speaker, I have prepared a bill which at the proper time I intend to offer as a substitute, by moving to recommit the pending bill with instructions to report the bill which I hold in my hand and which I send to the Clerk's desk to be read.

The Clerk read as follows:

A bill to refund the bonded debt of the United States at 2½ per cent. interest, to reduce taxation upon circulating bank-note currency, and to secure such currency against unnecessary disturbance and fluctuation by applying the national revenues economically to payment of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing interest at the rate of 4 per cent. per annum or 4½ per cent. per annum, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denominations of fifty, one hundred, five hundred, one thousand, five thousand, ten thousand, and fifty thousand dollars, of such form as he may prescribe, and bearing interest at the rate of 2½ per cent. per annum, payable semi-annually at the Treasury of the United States. Said 2½ per cent. bonds to be issued in exchange for 4 per cent. bonds shall be payable at the pleasure of the United States after the 1st day of July, 1907; said 2½ per cent. bonds to be issued in exchange for 4½ per cent. bonds shall be payable at the pleasure of the United States after the 1st day of September, 1891.

SEC. 2. In the said exchange of 2½ per cent. bonds for 4 per cent. and 4½ per cent. bonds, provided always the moneys on hand and applicable are sufficient, the Secretary of the Treasury is hereby authorized to pay such a sum in each case as shall be equal to the aggregate present worth of the quarter-yearly payments of interest from which the United States is released by such exchange, all interest in ascertaining said present worth being computed at the rate of 3 per cent. per annum, reinvested quarter yearly.

SEC. 3. All said 2½ per cent. bonds and the interest thereon shall be exempt from the payment of all taxes and duties of the United States and from taxation in any form by or under State, municipal, or local authority.

SEC. 4. On and after date of the approval of this act the duty upon the circulating notes of national banking associations shall be one-quarter of 1 per cent. each half year, the same to be ascertained and paid as now provided by law.

SEC. 5. When not otherwise provided by law the Secretary of the Treasury is hereby authorized to apply any moneys at his disposal for payment of the bonded debt of the United States either to the payment of the bonds redeemable at the pleasure of the United States or to purchase of bonds not due as will in his judgment cause the greatest saving of interest; and in determining this, the duty or tax received upon circulating notes of national banking associations shall be considered a deduction from the interest paid upon bonds held by the United States Treasury to secure said notes.

SEC. 6. Nothing in this act shall be construed to authorize any increase of the bonded debt of the United States, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 7. The Secretary of the Treasury is hereby directed to pay, out of any moneys in the Treasury not otherwise appropriated, the expense of printing and exchanging said bonds.

SEC. 8. This act shall take effect immediately.

Mr. WILKINS. Does the gentleman from New York offer this proposition now?

The SPEAKER. The Chair so understood the gentleman.

Mr. POTTER. I am simply giving notice that I shall offer it at the proper time in the proper way.

Mr. WILKINS. Is it read as a part of the gentleman's remarks?

The SPEAKER. It is read in the gentleman's time.

Mr. BUCKNER. Has the gentleman from New York any estimate as to the amount of the draft upon the Treasury which there would be in making the exchange which his bill proposes?

Mr. POTTER. I shall explain that point if I am allowed time. Although I had supposed this proposition to be pretty clear upon its face, I desire to say a few words in explanation of it. As I have said, the difficulty of the situation is the great premium upon our present bonds, in connection with the fact that after two years we shall have no possible means by which we can apply the moneys of the Government to the payment of the debt except upon the terms which holders of the 4 per cent. bonds may themselves choose to grant.

Now, what is the plain and obvious method of doing away with the difficulties of this situation? There is a plain open way, which any private individual, any member of this House in his own affairs, would have entered upon without consulting committees, without taking advice from any source other than his own judgment. This premium represents what? It represents exactly, or very nearly, the interest upon these bonds in excess of the market rate of interest upon them today. The premium has been, as I have said, from 21 to 25 per cent. during the past year. If any one will take the pains to compute he will ascertain that this premium represents exactly the present worth of what the excess of interest above 2½ per cent. will amount to during twenty-two and one-half years. If the bonds were reduced now to the market rate of interest which supports these securities at par, does anybody doubt that they would remain at par or very nearly par?

Now, the bondholders throughout the length and breadth of this country have signified their willingness to have not the premium, but that portion of the public debt represented by this excess of interest above 2½ per cent. paid at its present worth at this time, or at the convenience of the Government at any time in the future, and thereafter to hold their securities at a rate of interest which will maintain them at par and no more. We can pay that portion of the public debt to every national-bank bondholder with about $34,000,000. Thirty-four million dollars is the present worth of this excess of interest above 2½ per cent., which maintains these bonds at 112 to 114 and 122 and 125 in the market. I repeat, the holders of these bonds have with singular unanimity expressed their willingness to receive this present worth. What will be the effect of paying it?

If it should extend, as I believe from the consultations I have been able to make with the ablest and best posted men in the country on this subject it will extend, not only to the national banks, but to the great body of the savings banks, and to a very large part, if not all, of the private holders, except where the bonds are held in trust, the result will be that during the next twenty-two years the whole body of our debt will remain at about par. We can then, after paying this installment which we are now permitted to pay, proceed to pay the debt as we please; and one dollar in money will extinguish one dollar of the principal of the debt. By pursuing that course we shall save to this country in taxation many millions of dollars, and we shall relieve the nation from occupying the attitude of suppliants to the bondholders for the fifteen long years in which it may be engaged in paying the national debt.

Mr. BLOUNT. What would be the cost of the exchange of these bonds?

Mr. POTTER. The Secretary of the Treasury informs me that the cost of the whole exchange of the bonds will be but a few thousand dollars; a mere trifle. It is nothing but the printing of the bonds.

Mr. BLOUNT. I mean the cost of the exchange; the amount of money necessary to make the exchange.

Mr. POTTER. I have already stated approximately the amount of money necessary to refund all the bonds now deposited by the banks. To state it exactly, the amount is $34,388,400; and this is computed by the Treasurer's actuary and indorsed by the Secretary himself.

Mr. BLOUNT. I understood the gentleman to make an estimate of $250,000,000 before this.

Mr. POTTER. I am now speaking of the bonds deposited by the banks.

Mr. McMILLIN. There is another point in his bill which he offers as a substitute. It is known by law the Government is paying 4½ per cent. interest on these bonds. Now, your bill provides that the interest, with the stipulations provided in the bill, shall be paid at present, or when presented by the bondholders, and in making that payment or in ascertaining what the present worth is you only give the Government the benefit of 3 per cent. interest. How does the gentleman explain?

Mr. POTTER. I will explain it. Two hundred and fifty million dollars of these bonds which mature September, 1891, bear 4½ per cent. They were issued when that was the market rate of interest for such bonds, and the lowest interest at which money could be obtained. With regard to the 4 per cent., the same remark can be made. Since that time the rate of interest has changed in the country, owing to the increased credit of the country, and owing perhaps to the accumulation of money in the country. The rate of interest has materially fallen, to so great an extent that by the statements monthly laid before us from the Treasury those who have consulted them will have seen the highest rate which now can be realized by the purchase of Government bonds is from 2.45 to about 2.68 per annum. That is, the Government can not invest its money so as to realize more than 2.45 to 2.68 on its investment, and this even in case of bonds not held by the banks.

When they are held by the banks the Government makes only 2 1/15, because the bonds return in taxes 1 per cent. upon the 90 per cent. issued on the bonds, and nine-tenths of 1 per cent. deducted from the 3 per cent. the Government pays on the bonds, leaves the actual receipt on any portion of the debt held by the banks which the Government can pay 2.10 per cent. interest. This bill provides that the Secretary may in his discretion and as fast as he finds it for the interest of the country and no faster—not in the discretion of the bondholders; not upon a demand of the bondholders; not until the money is in the Treasury, which he can not use as profitably in any other way—refund those bonds so as to make upon the money used in refunding 3 per cent. compound interest on the actual investment for the whole twenty-two years; a rate one-half per cent. higher than has been realized or can be realized now under the present law.

Mr. McMILLIN rose.

Mr. POTTER. Let me go on. I have placed a provision made by the Secretary of the Treasury on the circular letter I took the liberty to send to members, showing also what would be the amount to be paid by the Government to enable it to realize 3½ per cent. instead of 3 per cent. upon the money used in refunding. I wish to say that a large part of these bonds are held in savings banks, some considerable part by private holders, and it can hardly be expected that savings banks or

private holders would refund these bonds and give to the Government the same rate of interest the Government is paying them.

Mr. McMILLIN. The point I have made to the gentleman is that we pay to these parties 4½ per cent. interest, but only go back in the proposed arrangement 3½ per cent. in discount.

Mr. POTTER. We must pay the bonds, principal and interest. Interest is as much a part of the debt as the principal. No difference can be made between the principal and the interest. The Government is under obligations to pay the whole debt, principal and interest, as the bond provides. But Government can not use its money in payment of its bonds so as to make over 2.10 per cent. in bank-held bonds, or in case of other bonds 2.45 per cent. to 2.68 per cent.

Government can not, like a private individual or a banker, loan out its funds at interest and thus realize a high rate. When its funds are accumulated in the Treasury in excess of the amount required for the current expenses of the Government, including all maturing obligations, this excess must either lie idle in the Treasury, abstracted and withdrawn from the currency and business of the country, earning no interest at all, or must be applied to payment of that portion of the public debt now due and payable, or to purchase of Government obligations not yet due. In no other way than one of these can the surplus in the Treasury be applied to extinguishment of the public debt. By a moment's reflection the honorable member from Tennessee [Mr. McMILLIN] can not fail to see that in purchasing the obligations of Government before maturity we must pay the market price of them, the price which they command in market. To ask the holders to surrender them to Government at less than their market price would be to ask them to give to Government a part of their present value without consideration. I do not think the honorable gentleman would advise a holder of these bonds, whether a savings bank holding them in trust for its depositors, or any other holder, that the bonds ought to be surrendered to Government for any price less than their market price at the date of surrender, or its equivalent to the holder, nor can he conclude that the Government will be wronged by taking up these 4 per cent. bonds by an exchange for 2½ per cent. bonds and the present payment of such sum as will realize to the holders the present market value of the 4 per cent. bonds, provided Government gains by such exchange great and manifest advantages to the country.

I desire now to call the attention of the House to some of the advantages which will be secured to the country by passage of this substitute bill. The bill gives greater freedom to the Secretary of the Treasury than he now has in payment of the public debt by relieving him from the necessity of applying surplus funds only to payment of bonds now payable at pleasure of Government when such application would injuriously disturb or contract the currency and endanger the business and prosperity of the country, and enabling him to apply such surplus either to the purchase of bonds not due or to refunding the debt into 2½ per cent. bonds or to the payment of bonds now payable at the pleasure of Government, as the interest of the country may require. Under the present law the surplus is applicable only to the payment of bonds due, and payable at the pleasure of Government. Of such bonds uncalled for payment there are but $184,190,500 all bearing 3 per cent. interest, of which $146,018,200 are held by national banks and deposited to secure national-bank circulation, and $38,172,300 by other holders.

By payment of these bonds deposited to secure circulation Government saves but 2.1 per cent. interest after deducting the tax received from the circulation secured by the same bonds. Payment of these bank-held bonds destroys the security for the bank notes to the amount of 90 per cent. of the bonds and contracts the bank-note circulation to the same amount, unless others bonds are purchased and deposited in place of the bonds paid. The only other bonds available for this purpose, not liable to immediate payment, are the 4 per cent. and 4½ per cent. bonds, which now bear so high premium that they can not safely and profitably be purchased by banks for this purpose. Payment, therefore, of the 3 per cent. bonds held by banks and now payable causes contraction of the currency and operates to discourage and paralyze business. If Government now had the option to pay other bonds at an equal or greater saving of interest than can be made by paying those held to secure the currency, and thus avoid disturbance and contraction of the currency, it can not be doubted it would be its interest and duty to pay such other bonds before paying those held to secure the currency.

This substitute bill provides such an option without injustice to any class of bondholders, and at the same time enables Government to realize a greater saving by .9 per cent. annually upon the amount applied to payment of the debt than can be realized by paying the bonds held to secure the currency. It also provides (section 5) that when greater saving to the country can be made by purchasing bonds not yet due than by payment of bonds due and payable at Government option, this may be done. This freedom of choice and action thus secured to the Secretary of the Treasury will enable him to protect the Government against corners by holders of Government bonds, and also enable that officer to go steadily forward in payment of the debt without the slightest disturbance to the currency, and in such way that this payment will constantly promote and invigorate the business of the country.

This bill, therefore, promotes and facilitates payment of the debt instead of postponing it. Under its operation the debt will be paid with less money and less taxation by very many millions than under the present law. Payment will proceed as fast as the surplus funds in the Treasury thus applicable warrant, and entirely at the convenience and under control of Government. By payment of this small installment—the present worth of the excessive interest now—all the funds will be reduced to par, and will continue at or near par during their entire payment. Each dollar applied to the public debt will extinguish a dollar of the debt, and the country will be no longer at the mercy of the bondholders in applying the surplus to payment of the debt.

Perhaps the greatest and most immediate advantage to the country from the passage of this bill will be the prompt and permanent restoration of confidence and certainty in its currency and business. By its passage every business man in the country will be made certain that the currency can not be capriciously or unduly contracted during the next twenty-two and one-half years, and that it will at all times be equal to gold. This is precisely the confidence which is necessary to, and must precede, the general and permanent restoration of prosperity throughout the country. With this confidence restored and based upon the sure foundation of a stable and sufficient currency, at all times and under all circumstances equal to gold, capital will no longer remain timid and idle, and labor no longer remain unemployed. An era of prosperity and healthy activity and progress will commence, which should have, and under wise legislation in these halls will have, no check for the next twenty-two and one-half years.

During this time coin will be largely accumulated in the country, and it will be the duty of those who shall then occupy the places which we now occupy to determine whether the interests of the country require that any portion of the currency shall longer rest upon the national credit. For one I am content to discharge my own duty in my own day, and to leave to those upon whom responsibility may then be placed to determine what the interests of the country may require twenty-two years hence. I know that if this bill passes my country will be paying a lower interest upon its debt than is paid by any other civilized country in the world; that upon the bonds of the nation securing this debt, which can at all times be purchased at or near par, citizens can always supply themselves with a currency sufficient for the advancing commerce, enterprise, and development of the country, everywhere of the same value and everywhere equal to gold within the boundaries of the Republic or the field of its commerce. And with this I am content, without anticipating the duties of another generation.

I can not close without reminding the House that the opportunity now offered may never again occur. There is no one who has examined the subject who can doubt that our debt may now be refunded at 2½ per cent., and by the same act the stability and sufficiency of the currency, equal always and everywhere to gold, be secured and made certain for the next twenty-two and a half years.

I appeal to the members on this floor, and ask whether the petitions and letters from all parts of the country from the business men and commercial bodies do not attest this. This is no plan to promote the interest of banks. I have never had an interest in a bank in my life. This bill seeks only to secure and make certain the stability and sufficiency of the currency for the next twenty-two and a half years while we pay the remainder of the debt. By passing it now we can restore confidence and prosperity to the country, and make certain that the currency cannot be injuriously contracted, but will be at all times adequate to the advancing wants of business and at all times redeemable in gold, not with the funds of the Government, provided through taxation, but with the funds of the banks themselves deposited with and held by the Government, in the 10 per cent. margin now sought by this Senate bill to be withdrawn and destroyed.

Let this be done and Government assume this burden of redeeming the bills of the banks, and these institutions and those interested in them will no longer ask that the interest upon the national debt be reduced to 2½ per cent., as they now do unanimously throughout the country. Government will then be left to its only remaining resources for maintaining the bonds always at par in gold—the payment of an interest high enough at all times to secure this, and a sufficient fund in the Treasury, provided and maintained through taxation of the people, to redeem the bills of the banks at all times and in all conditions of the finances and business of the country.

Our national banking system now unites the interests of the banks at all times and under all circumstances with the Government in the necessity to keep the national bonds above par. At its origin near twenty-four years ago, in urging its adoption upon Secretary Chase, I said:

It makes it for the direct interest of every bank and banker to keep the United States stocks above par. It also puts upon the banks, and not upon the Government, the redemption of the circulation, the Government only acting as trustee in selling the deposited stocks in case the bank fails to redeem.

This responsibility and interest ought never to be removed from those issuing national-bank notes upon the bonds of the nation, and can not be without destroying the keystone by which the banks of the country are made at all times to seek their own security and prosperity by supporting the credit of the country, upon which they and their business rest for their foundation.

Fortunately, banks, bankers, and business men throughout the country are now all united in the necessity of keeping high and uppermost the national credit. They are therefore now unanimous and earnest in favor of refunding the debt in 2½ per cent. bonds. While this situation continues Congress is master of it, and may secure the prosperity of the country—so far as stability and sufficiency of a currency at all times equal to gold can secure this—by the passage of this refunding bill and with the aid and acquiescence of all the bankers and business men of the country. This is the day of our opportunity. We can not let it pass unimproved without grave responsibilities to the country with whose interests we are now charged.

If it passes unimproved, other schemes like the one before us for promoting the interests of bondholders without regard to the interests of the country, and endangering if not destroying the redeemability of a bank-note currency in gold, will be pressed for enactment into law at our hands, and the opportunity of to-day may never again return. It certainly will never again return if the bill now before us—the McPherson bill—or any bill accomplishing the same objects which it will accomplish shall be passed.

I will print in connection with my remarks some tables illustrating these two bills and their operation.

Statement furnished by the Government actuary.

MEMORANDUM.

The present value of $1.50 a year, the excess of $4 over $2.50, for twenty-two and one-quarter years (the interval from April 1, 1885, to July 1, 1907), improved at 3 per cent. per annum, compound interest, reinvested quarter-yearly, is $24.28.7.

The same improved at 3½ per cent. per annum for a like period is $23.12.

The present value of $2 a year, the excess of $4.50 over $2.50 for six and five-twelfth years (the interval from April 1, 1885, to September 1, 1891), improved at 3 per cent. per annum, compound interest, reinvested quarter-yearly, is $11.63.4.

The same improved at 3½ per cent. per annum for a like period is $11.45.

E. B. ELLIOTT, *Government Actuary.*

UNITED STATES TREASURY DEPARTMENT, *January*, 1885.

Amount in money required in refunding under Potter bill:

For refunding all 4 and 4½ per cent. bonds now deposited as security for circulation, $84,388,400.

For refunding entire present capital of all national banks, $127,000,000.

For refunding entire amount of 4 and 4½ per cent. bonds now outstanding, $208,334,040.

Comparison of Potter bill and McPherson bill for earning value to a national bank of United States bonds deposited to secure circulating notes.

Assume $100,000 of 4 per cent. bonds—to-day's market being 122½ per cent.

IF FIVE PER CENT. PER ANNUM BE OBTAINABLE FOR LOANS.

Potter bill:		
On $100,000 bonds, annual interest at 2½ per cent		$2,500
Cash received in the exchange of 4 percents, 24½ per cent., $24,500, used at 5 per cent		1,225
Circulating notes, $90,000, used at 5 per cent	$4,500	
Less tax ¼ per cent., $450, and share of Comptroller's expenses, $50	500	
		4,000
		7,725
Ordinary investment of the money, viz, $122,500, at 5 per cent. per annum		6,125
Net gain from note issue per annum		$1,600
McPherson bill:		
Net income from bonds at 122½ per cent., under sinking fund requirement, and according to Government actuary's tables, 2.68 per cent		$2,680
$100,000 of notes used at 5 per cent	$5,000	
Less tax 1 per cent. $1,000, and share of Comptroller's expenses $50	1,050	
		3,950
		6,630
Ordinary investment of $122,500 at 5 per cent		6,125
Net gain from note issue		505
Difference against the McPherson bill		1,095

Say about 1 per cent. per annum greater profit from note issue under the terms of the Potter bill.

IF EIGHT PER CENT. PER ANNUM BE OBTAINABLE FOR LOANS.

McPherson bill:		
Net income from the 4 per cent. bonds, as above		$2,680
$100,000 note issue at 8 per cent	$8,000	
Less 1 per cent. tax and share of Comptroller's expenses	1,050	
		6,950
		9,630
Ordinary investment $122,500 at 8 per cent		9,800
Net, from the issue of circulating notes under McPherson bill, loss		$170

Say loss on circulation .14 per cent. per annum.

Potter bill:		
On $100,000 bonds, annual interest at 2½ per cent		$2,500
On cash received in the exchange $24,500, used at 8 per cent		1,960
Notes $90,000 used at 8 per cent	$7,200	
Less ¼ per cent. tax and Comptroller's expenses	500	
		6,700
		11,160
Ordinary employment of $122,500 at 8 per cent. per annum		9,800
Net, from the issue of circulating notes under the Potter bill, gain		1,360

Say profit on circulation 1.1 per cent. per annum.

General Grant.

SPEECH

OF

HON. JAMES M. RIGGS,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2330) to authorize an additional appointment on the retired-list of the Army.

Mr. RIGGS said:

Mr. SPEAKER: As I voted against a Senate bill a few days ago which provided specifically for the retirement of General Grant, and propose now to vote for the bill under consideration, I desire to say a few words, not by way of apology or excuse for the vote I propose to give on this occasion, but to explain a position which, unless rightly understood, might seem inconsistent.

The bill against which I voted so recently mentioned General Grant by name and provided for placing him on the retired-list of the Army. It was similar in structure to the bill passed last year for the retirement of General Porter, which was vetoed by the President, and was subject to at least some of the most serious objections which the Executive presented in his veto message on that occasion. To have passed that bill and sent it to the President for his signature could, in my judgment, have done no good. It might have compelled President Arthur to have stood apparently in the attitude of refusing to sign a bill to retire General Grant; but why should any one desire to do that? No good result could come from it. The fact that the bill was subject to such objections and could not receive the President's approval was a sufficient reason for voting against it.

The bill now under consideration has not those objectionable features, and if passed will no doubt receive the approval of the President, and while it does not name General Grant, but only provides "that the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been generals commanding the armies of the United States or Generals-in-Chief of said Army, one person; and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly," yet no one doubts that the President will, if it be passed, sign it, and, under its provisions, appoint General Grant; and no one can doubt that the Senate will give its consent to such appointment.

In fact, those who oppose the bill do so on the ground that General Grant will be the appointee under it if passed, while, as they insist, no such provision should be made for him. The gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Indiana [Mr. STOCKSLAGER] in their remarks have urged against this bill that its passage will be bad policy; and the gentleman from Indiana [Mr. STOCKSLAGER] says:

I am opposed to building up in this country the English system of civil pensions. England has to-day a civil pension-list of over $20,000,000. We are going rapidly in the same direction, and for one I enter my solemn protest against it.

I suppose we are all opposed to building up the English system in this country. But can we not pass the pending bill and permit General Grant to be placed on the retired-list without establishing the English system? Can we not trust ourselves?

If we can not, then our constituents ought not to trust us.

It is not proposed by any one to place General Grant on the retired-list for any service he has rendered the Government in a civil capacity. I am opposed to him in politics—have always been opposed to him; and had he been nothing more than twice President of the United States I would never vote to make any such provision for him as is now proposed. But he has been more, much more, than twice President.

Throughout the civilized world he is recognized as the chief military representative of this country. As a military man he is singularly esteemed by other nations. He is now in feeble health, and no doubt has but a short time to live. Under the circumstances is it wrong to do him the honor and the good now proposed? I think not. I believe my constituents will approve my action in voting for this bill. I believe nine-tenths of the American people will approve its passage. I believe the Congress and the people of this country can trust themselves to do this for the acknowledged military representative of our great Government without incurring the danger of building up an expensive, useless, and vicious civil-pension list, such as has been mentioned. I want to make a record here, so far as I am personally concerned, against such a list. It is wrong.

I will not vote for this bill because of anything General Grant did while President. He did much during that period which never did, and I presume never will, meet my approval. I will vote for it because he bore a most conspicuous and most honorable part in that great military struggle which determined whether the Government of our fathers should continue to exist in its entirety. I may be wrong, but if I am to err I prefer that the error shall be upon the side of generosity and good feeling.

One thing more and I will have said all I want to say. The gentleman from Indiana [Mr. MATSON] has said:

It has not been demonstrated to this House that General Grant is in actual need of this relief. There is no proof of that fact, while there are tens of thousands of men who served their country who are at this very hour in distress and in sore need of relief, and the pension of this Congress had better be given to them than to one who already has a sufficient income. When they have been relieved it will be time enough to relieve General Grant and others who are not in distress.

All that may be true. I have never understood that we pay pensions simply because the recipients are in distress. Our pension system was not devised for the mere purpose of dispensing governmental charity. Its object is to pay to those who serve their country in the military or naval service what they ought to have.

I admit there are many of the Union soldiers of the late war who are needy, but will a refusal to pass this bill benefit them? The only way to benefit them is to pass the legislation necessary to guarantee to them what they ought to have. I believe our pension laws ought to be amended, but refusing to pass the bill now under consideration will not amend them. This Government is able to do for General Grant what is proposed by this bill, and have enough left to pay pensions to all soldiers who ought to have them. Let both be done.

A genuine Government Postal Telegraph—A brief statement of some proceedings in the attempt to obtain the desired legislation—A comparison of plans, and a commendation of the true system.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 28, 1885.

On the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. SUMNER said:

Mr. CHAIRMAN: In this act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1886, it is provided, on page 64, that for telegraphic reports and messages over commercial lines and for the rent of leased lines $136,000 are appropriated; and scattered through the bill are provisions for the payment for telegraphing, among other items named under the different headings of the measure. This necessarily, without recourse to the extreme margin of license sometimes reached in the discussion of appropriation bills, gives opportunity for, if it does not invite, discussion on the subject of a genuine postal telegraph.

And, incidentally, advantage may be taken of this occasion to refer to some small criticism that has been made because of an amendment proposed and adopted in the House when the Army bill was under consideration. If the amendment referred to was unnecessary or out of place, then the Committee on Appropriations of the House of Representatives, by the insertion of some of the items to which I have referred, has been in error by unnecessary provisions for expenditures on telegraph account. But it has not been in error, and the criticism alluded to was as baseless as it was otherwise contemptible.

Here is an appropriation of $136,000, in payment for telegraphic reports and messages over commercial lines and for the rent of leased lines of telegraph, in the Signal Service of the United States. The actual value of the services thus provided for, the cost price to the telegraph companies, is far less than the aggregate of the appropriation (the Government paying more than it did thirteen years ago); but upon that subject it is not my purpose at present to dwell. That is an insignificant matter compared with the main proposition which is legitimately brought up for consideration at this time. If we are to continue to pay for services performed absolutely by third parties, when they should be rendered directly by the Government to itself, we may expect that extortion will be characteristic of the transaction.

A part of the functions of this Government as laid down in the organic law is the carrying of the mail for the inhabitants of the nation. The reasons which justified that provision of the Constitution on which I have already dwelt in connection with this subject—whereby the "transmission of intelligence" among the people was assumed as a Federal Government duty by our fathers—need not be recapitulated here; but for some of them I beg the present hearer or the future reader of my remarks to refer to a speech delivered by me on the subject of postal telegraphy at the former session of this Congress. The reasons of policy why the Congress of the United States should not fail to do its bounden duty and provide for a genuine Government postal telegraph are growing in importance and multiplying in number every year. And yet this Forty-eighth Congress is about to close without legislation upon this subject.

After earnest and strenuous efforts made from the very beginning of this term in behalf of the great, legitimate, and constitutional Government enterprise referred to, it may be worth while to inquire whether any progress whatever has been made touching this matter; what efforts have been made; what has been the character of such endeavors. Having regard to the circumstances, has there been progress by way of enlightenment in or out of Congress? Has the information imparted been manifestly or demonstrably adapted to and calculated for an advance in the struggle for emancipation and for popular rights and privileges in the premises?

Let us take a hasty and necessarily a superficial glance at a portion of the record.

On the first day for the introduction of bills, in the first session of this Congress, I presented for the consideration of Congress and the country the measure which I will place in the appendix to my remarks on this occasion. [See Appendix A.] It will be seen that whatever may have been its defects of detail it unquestionably provided for a complete network of telegraph lines to be constructed and owned and operated by the General Government, touching every post-office in the country south of the northernmost boundary of Washington Territory—every post-office situated in a town of four hundred inhabitants or more; and there was added the privilege and authority for the Postmaster-General to extend lines to post-offices in smaller villages along the routes, while provision was made for inquiry and preparatory work toward the construction of a cable line to our Alaska possessions. By the language of the bill work was to begin as nearly simultaneously as possible at the thirty-two different points named, and prosecuted with all possible dispatch. In the homely language of the market, it was undeniably a measure that "meant business." In a recent speech, January 29, 1885, by Hon. William Roche, before the members of the house of representatives of the Ohio Legislature, it has been characterized as "the only genuine postal telegraph bill ever presented to Congress." Mr. Roche is and for many years has been a practical telegrapher.

What was the situation when this bill was introduced? There is no time to enumerate all the difficulties or the obstacles that were confronted by those who advocated a postal telegraph act at such a time, but some of the hindrances to the favorable consideration ought to be set down, reviewed, and remembered.

As usual, the proposition for a postal telegraph was denounced and opposed in every way not only by the agents and emissaries but also by the highest officers of the Western Union Telegraph Company. It may be said that the officers were invited to put in an appearance on the occasion. Be it so. Let the forms stand as they may on the minutes. We all know perfectly well that with or without invitation they were here with their appliances to object and obstruct, and if possible defeat.

There was the usual laugh of the lobby, echoed and articulated in local and metropolitan dailies, but it must be confessed that there was not so much insolence at the beginning as has been witnessed on similar occasions at other Congresses. I remember, sir, when a president of the Western Union Telegraph Company actually sat in the chairman's seat of a committee of the House of Representatives and began the questioning of witnesses who had been by some means summoned to disclose facts touching the arrogance and extortions and outrages of a general character in connection with Associated Press dispatches—reversing the order of the courts, and cross-examining the person summoned at the very outset! Still, at our first session, last year, there was reliance upon this method for preventing fair and candid and earnest consideration. There was the guffaw of the official and his counselors and carriers.

What was my bill? How does it read as a financial proposition? "Why, it is ridiculous"—so it was said. The first speeches of the lobbyists and other agents who were brought here to attack every proposition relating to a postal telegraph were derisive. Anybody who happened to be elected to Congress could introduce a bill. That was an easy operation. And silly men might be expected to present foolish propositions. And bill No. 98, introduced by the member from California, was of this order. So it was said. In what respect was it of this order?

The idea of constructing a Government postal telegraph connecting the post-offices of the United States as before enumerated, at a total expenditure of $25,000,000! How absurd! Why, the Western Union Telegraph lines were said to be worth $120,000,000. Gentlemen who sit about me, honorable and intelligent Representatives, for whom my respect has deepened with every hour of communion, who were not and who did not affect to be closely informed upon the subject, reported to me these words of criticism, and I might say of contempt, with an inquiring inflection; with the question often plainly asked as to whether it was possible that a construction could be had for such a sum as I had provided, or that I could be guilty of submitting a plan and an estimate of cost that was so wholly impracticable, as was alleged by the talk of the gentlemen of the corridors and the reading-rooms of the hotels and the saloons and the streets?

Well, "any Representative can introduce a bill." The physical effort is not great. But what is the introduction of a bill, all things

considered? It is a challenge! That is what the Representative of intelligence and purpose having in hand such a subject does intend it to be, in the most militant sense.

Has there been no progress? Here was the general report—circulated these many years—to the effect that the Western Union Telegraph property with all its franchises and patents was worth $120,000,000. I said that for $25,000,000 you could build telegraph lines connecting every post-office where there were four hundred inhabitants or more, and supply with the necessary instruments and furniture strictly pertaining to the business of carrying the letters of the people by lightning. The appalling sum of the Western Union Telegraph Company at first was $120,000,000. But when the inquiry came into the committee-room at the other end of the Capitol, the unrecorded babble from the officials of the great monopoly fixed the value of the lines at not less than $100,000,000—a slight reduction for round numbers' sake? And so the report went into some of the newspapers of the country. My bill implied the declaration on my part that $25,000,000 would more than duplicate the Western Union lines. When the statements came to be made in form, uttered for record by the reporter, the estimate was $80,000,000 to $90,000,000. My bill was a challenge. I said that the absurdity was on the other side; that it was ridiculous to claim any such valuation. There was much of rising emphasis in these statements, and for the Western Union monopoly officers and agents it appears that the reiteration was tantalizing.

The inquiry at first was almost entirely confined to the Senate committee. The officers of the great monopoly and their immediate agents could hardly condescend to come to this end of the Capitol. But the investigation was going on here, and there was a little publicity gained for it. It became necessary, it would appear, that some notice should be taken of the challenge and the accompanying assertions made in the southern wing of the Capitol with reference to this matter. And right at this point let the importance of the statement of enormous cost be fully and explicitly understood.

Whenever the subject has been broached before a public audience during the last twenty years it has been said at the time by some honest listeners, or subsequently stated in the columns of some venal sheet published in the neighborhood, that it was reported that a Government postal telegraph would cost the nation over $100,000,000, and that a proportionate expenditure year by year would be required for maintenance and extension. Thousands upon tens of thousands of good people have had their minds closed at once to any consideration of this subject by this very statement. Such was the intention and effect of the original proclamation of cost—which the unsophisticated readers had been led to believe and the corrupt papers had been hired to repeat.

But it became necessary to take a little notice of the agitation that had been stirred up at this end of the Capitol of the nation. So an agent of the monopoly came over, and among other things graciously informed us at an open meeting of a committee that the Western Union Telegraph lines were worth from $70,000,000 to $80,000,000. A few days thereafter I received a letter from Hon. Gardiner G. Hubbard, informing me that a subcommittee of the House Committee on Post-Offices would hear him on the postal telegraph on the following morning at half past 10, and adding that he would be pleased if I would be present and ask any questions which I might desire to propound in the course of his remarks. This able and courteous gentleman has been for many years an advocate of a system of postal telegraphy known as the contract system; at first proposing to organize a company for the purpose of taking the contract. Mr. Hubbard has never disguised his plans or purpose in any respect, and he has plainly said that he and his associates could make money on a contract such as he has suggested with greatly reduced rates as compared with the tariff in existence at the time when he submitted his propositions. This personal statement is, of course, somewhat to one side, and is uttered because I do not wish to be placed in a false position with reference to this distinguished gentleman, for whom I have the highest personal respect.

Now, Mr. Hubbard has been studying this subject in America and Europe for many years. He is justly proud of his inquiries in this consideration and of the efforts which he has made, legitimately and honorably, in and around the Halls of Congress, with reference to this matter. And, therefore, it was with unusual and (as it appeared to me) with a severe emphasis that on the occasion to which I refer—to wit, on the 1st day of April, 1884—he said before the subcommittee of the Post-Office Committee of this House that the Western Union Telegraph lines could not be duplicated for less than $60,000,000. My sole question on that occasion was for a repetition of that statement on his part, that there might be no mistake as to what he said. He repeated the statement. And it was not strange to observe that it was immediately followed by an exclamation from some one in that open chamber—an honorable member of the House Committee on Post-Offices and Post-Roads—to the effect that then the stock of the company was "not so very much watered after all."

But my challenge remained in House bill No. 98. And thereafter in other forms I distinctly reiterated it; thereby confronting so able and intelligent a gentleman and so respected a personal friend as Mr. Hubbard. Even Mr. Hubbard had been grossly deceived. But it will transpire that I put him upon fresh inquiry.

Has there been any progress? I can go no further into detail in this branch of inquiry, and hasten to the conclusion. Within a few weeks after the date last named, Mr. Hubbard placed himself upon record before a Senate committee on post-offices as declaring that the Western Union lines were worth about $43,000,000; and that many would doubtless believe, and say, that his estimate was as much too high as others would contend that it was too low. All the time my challenge bill said $25,000,000. And we have now come down from $120,000,000 to $43,000,000—a paring down of $77,000,000.

Finally, a little over one month before the adjournment of Congress, a report comes from the Senate committee, in which we are informed that the Western Union lines are not worth above $30,220,965—a reduction of $90,000,000. Has there been any progress in practical enlightenment? (See page 6, report of Senate Committee on Post-Offices and Post-Roads, May 27, 1884.)

Mr. Chairman, the telegraph lines owned by the Western Union Telegraph Company are not worth $12,000,000. I intended, if I had had opportunity upon this floor at the last session, after the report from the subcommittee on postal telegraphy, to demonstrate that the wires, poles, insulators, and instruments belonging to that company could be duplicated for less than $15,000,000.

Mr. Chairman, a new member upon the floor of this House labors under great disadvantages, few of which are known to the general public, and none of which are fully estimated until experience has taught the lesson. The limitations of the rules are sometimes iniquitous; but the customs which no rules can at once do away with, and with reference to which we have hardly a right to complain, are of such a character as to forbid that frequent entrance upon debate which a gentleman endowed with an ordinary amount of modesty can only afford to do and maintain his self-respect after having established large relations of personal acquaintanceship. It is not a question of courage on the one hand, and I might say that it is not a question having in it much of the element of courtesy on the other. It is difficult to obtain recognition, not only here but before committees, when you are almost absolutely a stranger in a strange council; and hence I have to apologize for or explain with respect to my failure to speak out more freely here and elsewhere in formal manner on these and kindred subjects.

Under all the circumstances, I return in the circle of contemplation and retrospect with some sentiments of cheer over what has been accomplished.

There has been progress; at least the people of this country now know that the lines of the Western Union Telegraph Company are not worth $120,000,000, nor yet one-fourth of that amount.

And hundreds of thousands of our fellow-citizens know that the challenge has been made, which involves the assertion here that for less than $25,000,000 you can link every post-office south of the northernmost boundary of Washington Territory, and not representing over four hundred inhabitants, with the telegraphic wires, adequate to carry the letters of the people that are or will be ready for such transmission by a genuine Government postal telegraph at a reasonable charge.

Writes Charles E. Buell, one of the most experienced telegraph-line managers and instrument makers in this country, in a letter to me from Springfield, Mass., dated February 18, 1885:

> It would be of the greatest advantage to the Government and the people at large if an investigation could be made in Congress that would show the working conditions of the lines of all telegraph companies and their relations and contracts with railway and other corporations. In the first instance, the testimony of the officials and employés of the Western Union Telegraph Company would show that their lines are so dilapidated as to be worthless, and but for contracts with other companies could not deliver messages over long stretches.

And again, under later date, Mr. Buell says:

> It is believed that the entire property of the Western Union Telegraph Company could be shown to be worth not much, if any, over $10,000,000; and to pay dividends on their vast capital not only labor but the property is being sacrificed.

Observe that in this last quoted remark Mr. Buell, who is an authority on all such matters, refers deprecatingly to the outrageous wage-reduction, to which I shall hereafter more particularly refer.

But if my estimate of cost was "absurd," how much more ridiculous was the proposition to be found in House bill No. 98, which I introduced on the first bill day of last session, for a uniform rate throughout the Republic of ten words for 10 cents? Yet we had not proceeded very far in the inquiries instituted during the last session before the confession was made on the part of the Western Union Telegraph Company officials that in the event of a reduction of tariff to a maximum sum much larger than the one I had named, there soon would be a patronage amounting to 100,000,000 dispatches every year. On this I hastened to place the Simple Simon multiplication of tens—in a speech before a subcommittee of the House Committee on Post-Offices and Post-Roads—and to the astonishment of the great monopoly calculators the result was a gross income in one year of nearly one-half the amount required for the construction of the all-connecting system of lines. (See my speech before House Committee on the Post-Office and Post-Roads, March 25, 1884.) Thereupon, immediately after having declared that Government competition would necessarily and inevitably be ruinously absorbing in its grasp of public patronage, there was the low-voiced response about the competition of private lines. But if the private lines could not live or pay dividends to-day, with their monopoly, at the figures

proposed in the Senate bill, which are from 50 per cent. to five times as much as those proposed in my bill, how shall they live and compete with the Government and its uniform 10-cent rate throughout the country? Answer me that.

Mr. Chairman, there never was such cheatery in public declamation on any subject presented for the consideration of the American people and their Representatives as there has been with respect to telegraphy. The nine hundred and ninety-nine out of 1,000 citizens who have no special information on this subject (and this is no impeachment of their character for general intelligence) have been led to believe, for instance, that the cost of a local battery was $5 a day, when the expense for that time did not reach as many cents. And so far as possible the actual cost of everything connected with the business has been covered up, or has been magnified; and this has been done in conjunction with the systematic suppression of all information touching individual or organized efforts to bring about a reform with respect to telegraph management. These efforts for concealment and misrepresentation have largely contributed to keep the majority of our people in the belief that we are well served and judiciously and economically provided for by the telegraph monopoly of the land.

Has there been progress? I remember when first in my adopted and beloved State I began to agitate this question by the delivery of public lectures upon the subject, that I was surprised myself, even after what I had learned in private conversations, on discovering the lack of correct or exact information among the people on this subject. And so was I induced more and more to make such lecturing a part of my missionary service—a service by the way in which I intend to continue so long as I shall have strength of body and of mind and occasional opportunity for such public and patriotic service amid the exactions of a laborious professional life. For I regard the proposition for a genuine Government postal telegraph as the main question of importance before the people of this country; and I have become more and more convinced during the last twenty years of its due pre-eminence as a topic for popular and Congressional consideration.

Stop a moment to think—and when you are about to send a dispatch by telegraph or are writing a letter for which you anxiously wish the speediest delivery, give pause to reflect—about the advantage of an uniform rate of ten cents for ten words between all stations in this Republic. How much of your present mail correspondence could then go by lightning? What benefit, what satisfaction in such daily communications! How the pangs of partings would be assuaged! How the ties of friendships could be maintained and strengthened! What thousand and one misunderstandings would be prevented or corrected! And in business, how vast and incalculable the advantages to the common people! Well, your Government could and should give you this cheap method of intercommunication. O, citizens of the United States, your Government can do this and make a profit from the enterprise. Will Senators and Representatives be instructed accordingly within the next two years?

Ah! but you would interfere with a legitimate private enterprise, and by governmental interference you would "rob the widows and orphans" who have stock in the Western Union Telegraph Company. In this kind of speech the agents of Jay Gould and company did not fail to largely indulge before the committees at the last session. And as their drivel in this vein is in print, there can be no question of propriety in regard to referring to it. It is not shielded from answering or contemptuous notice by the "etiquette of committee confidence." Nay, it is a matter of monopoly newspaper appeal. Talk of that which is despicable in the way of statement or argument! I decline to repeat obvious replies to such appeals. But where do they come from? They come from men who have reduced the wages of the laborers in their employ to the point of poverty. They have within the past few years cut down from $100 a month to $56 a month as an average for operators upon their lines. How many poor widows and orphans have been pinched by the outrageous and grinding tyranny of wage-reduction that has been practiced against the worthy people by whose skill the telegraphic dispatches of the day are transmitted!

And in the same breath—for these things push in with the force of a flood—let it not be forgotten that it has even been a matter of boast, sometimes uttered above a whisper, that the work of the monopoly was more cheaply performed, so far as the operators and line-men were concerned, than it would have been, or would be, under direct Government postal telegraph management. And you are actually invited to maintain for your telegraphic intercommunication this monopoly because the corporation can exact from your citizens the severest toil requisite in the business for a sum far less than that which any administration of Federal Government would have the conscience to fix.

Has there been progress? Looking at the bills reported from the committees—bills for a contract by the Government for telegraphic service—we may reply both "Yes" and "No." Any reports bringing the subject up directly for discussion might be hailed as a sign of progress. We will glance at something of their origin and history. And in order to do so we must step back a little in the record of events.

I intended before arriving at this stage of my remarks to have drawn attention to the fact that whereas it had been stated in 1883 by the officers of the telegraph monopoly, or some of them, that it was impossible to reduce the then existing tariff of charges for telegraphic transmission without bringing financial disaster upon the corporation, as soon as it was ascertained that there was to be an active and earnest effort for Government postal telegraph at the first session of this Congress the tariff was reduced; and shortly afterward it was announced that profits and dividends would not be less on this account. The charge for a message across the continent was reduced from $1.50 to $1, although an appeal for such reduction between the shores had been met by the telegraph officers, a short time prior to the reduction, with declarations about the "absolute impoverishment" that would ensue upon such an act.

Here is testimony of a double consequence—having, in fact, three bearings. First, testimony to the fact that high telegraphic rates are kept up to prevent a certain class of people from using the telegraph lines for commercial purposes, in order that the telegraph monopoly may play with the markets of the country and the world. Second, here is testimony establishing either the ignorance or the unscrupulous character of the men of business who, being related to the monopoly as officers, undertake to say that a reduction will prove disastrous, when experience was ample to show them, and did past all question demonstrate to a candid judgment, that a reduction would result in no loss, if it did not produce additional gain. Third, there was testimony to the value of agitation on this subject, and agitation in the only form that is effective as against these monopolists—directed toward and existing in or about to exist in the Congress of the United States.

The first overland telegraph line from the Missouri River to the Pacific Ocean was constructed with money given by the General and by State Governments. The profits in the very first year after its construction amounted to as much as the original cost of the line. This much in passing.

It having been ascertained that great and unusually favorable interest had been aroused in the two Houses of Congress with respect to the proposition for a genuine postal telegraph, it became necessary that there should be a diversion. Or, if you please, outside of the old monopoly were persons of wealth who had observed or ascertained something with respect to the enormous profits connected with the telegraphic business, and who had been watching for an opportunity to lift up their little temporarily competing telegraphic enterprise into such formidable proportions as would enable them to call for a partnership, open or secret, with the Jay Gould corporation.

There may be some latitude of speculation as to the exact *status* of parties who now put in an appearance before the Legislature of the nation with a proposition for a contract—a so-called postal telegraph contract. Be that as it may, the inquiry, the investigation having for its object and outcome a genuine postal telegraph had reached such a point, had acquired such a momentum, that it was either considered dangerous by the existing great monopoly, and so demanded catching or counter propositions, or it was believed to be at a proper flood-tide for the little but rising rival speculators, when there appears in the literature of this subject what is known as the Johnny Mackay contract-job bill.

Now, I have not time to fully discuss the character of that measure, and to show as fully and unanswerably as I can that a contract-job postal telegraph—"postal telegraph," so called—would be of comparatively little advantage as compared with, or over and above, existing accommodations, and arrangements that are certain of existence in the future without governmental action in the premises. I must principally confine myself now to the history of the interjected scheme, and often leave my respected hearers to draw their own particular inferences as to origin, motives, &c., as the narrative proceeds, or as they do me the honor to look it over in the printed page.

The committees, and especially the members of the subcommittees, of the two Houses were apparently favorably impressed, as some of the individual members for years had been, with the project for a genuine postal telegraph. Now, then, who comes upon the scene? My personal knowledge of these particulars is of course mainly restricted to what occurred at this end of the Capitol.

There is produced a bill providing for a contract with the Johnny Mackay Cable and Postal Telegraph Company. It is brought here by none other than two persons formerly residents upon the Pacific coast, both of whom had long ago acquired an aromatic reputation as lobbyists and manipulators of Legislatures. In the room of one of these persons, whose character and reputation is clearly shadowed forth in what is known as the Huntington-Colton correspondence, this Johnny Mackay bill is first read by a distinguished and honored Representative, who is then and there advised that a genuine postal-telegraph system means "centralization;" and that this contract-job text presents the proper plan for legislation. The bill is brought into the committee-room not by the usual methods of introduction. And not until it has been partly considered by sections in committee, a consideration not theretofore accorded to some of the postal-telegraph bills that had been regularly introduced into this House, was it offered here and referred; a manifest attempt to impose upon the honorable gentlemen of the committee, who in their integrity and their simplicity it was probably hoped might possibly be betrayed into a sudden favorable report in behalf of the iniquitous lobby measure, the real character of which these honorable gentlemen did not at first for a moment suspect.

When Mr. Hubbard and associates came asking for a national charter and a contract, in years gone by, they said that they expected to make a profit from franchise and operations. But Johnny Mackay and his lobbyists endeavored to pose exclusively in the attitude of public benefactors!

Before the committee appears one of the two individuals to whom I have already referred, and as his appearance was heralded in advance and his words before the committee reported at length and printed in public newspapers—having been put in grammatical shape by the considerate reporter—there is no breach of committee etiquette in this announcement. He came to advocate the passage of the Johnny Mackay contract bill. And on his first or second appearance, when quickly questioned as to the value of the franchise he sought, he frankly or inadvertently admitted that it was worth $46,000,000 to his company to secure the privileges and prerogatives granted in his measure. There were two members of this House listening attentively, one of whom was accustomed to hear and record with accuracy the language of public speakers, who have reported and who can now testify to the fact of the making of this admission. Indeed the admission was caught up and italicized on the instant by one of these hearers. The injurious effect of such an admission upon the prospects of his bill flashed upon the mind of its advocate when I remarked that the people of the United States were entitled to that $46,000,000, retained in their own pockets or in their public Treasury or otherwise saved to themselves, if there was to be anything in the form of a governmental system of postal telegraph. Then came retraction or denial as to the utterance, and a desperate endeavor to support the denial by the evidence of those who failed to listen when the important confession was made.

But I assert it here who am entitled to speak on this subject, and competent withal. I say that if you pass a Johnny Mackay contract bill or any contract-job proposition of the kind that has been outlined before this Congress—and whether you intend it or not—you are in one way and another taking from the people of the United States within a decade of service or a seven-years' charter existence more than $46,000,000. And this is counting nothing beyond the mere fact of relative disadvantage in the payment of prices that are or will be far in excess of the tariff that should be; this is not taking into consideration the fact and inevitable effect of continuing to keep the commercial interests of this country, ay, and the political control of affairs to a great extent, under the espionage and at all times under the pressure and sometimes under the absolute and exclusive control or dictation of a telegraph corporation management.

It may be, it must be presumed that the contract-job gentleman had ciphered on profits of the seven years of permit to run a wire into the principal post-offices of the land, or take messages on a Government stamp and with Government connection prestige. Reflect upon the profits which this indicates as the fruits of the tariff then existing.

Mr. Chairman, why should the people of the United States pay from 50 per cent. above reasonable rates to ten times the figures on a reasonable tariff for telegraphic transmission of their letters? For the benefit of the few soulless incorporators. What else for?

Ah, but there are no sinister objects in the original propositions for a contract job such as was laid before honorable committees of this Congress in behalf of the Johnny Mackay combination. I declare that manifestly—on the very face of the submission—there were. But if you insist that there were not or could not have been, I might inquire why it was then that ten thousand shares of the stock of the so-called Postal Telegraph Company was sent to a member of this House, without request or agreement of any kind for a consideration, after he had been elected a member of this body? That honorable gentleman exhibited this stock to two of his fellow-members upon the floor of this Chamber before he returned it to the source of corruption from whence it came. If 10,000 shares were sent to one Representative, how many shares to other Representatives who returned the bribe without exposure? And what does this indicate as to the stock-watering process planned and already begun, in hope and expectation of the passage of a job-contract measure by the Senate and House of Representatives?

What the people need, what the people want and call for when they are enlightened upon this subject, what the people should have in the premises, is a genuine postal telegraph system, such as exists in every other civilized nation outside of the North American Continent; and anything short of this means not only all of the evil we at present suffer in the way of relatively extortionate charges for the transmission of letters by telegraph, but an increasing oppression in the form of wage-reduction, and multiplying and enlarging outrages in methods of manipulating the politics of the country for the benefit of soulless corporations and their retinue of agents and flunkies. This is the simplicity of the whole matter.

It is claimed that a contract-job plan for a postal telegraph exactly follows the present system of mail carriage on railroads and steamboats. I deny it. The real analogy in this connection is more aptly between the mail-bag and the electric wire—the former and its custodian being always the sworn employé of the Government, directly responsible to and paid by the Government, and none other. It will be remembered that when the first telegraph lines were constructed many simple-minded folks were led to believe or imagine that the noise or the music made by the playing of the wind on the strands and through the insulator passages was caused by the rushing of little rolls of letter pages through the belly of the wire. We now laugh at such imaginings, but they suggest a correct comparison at this time.

It is claimed that by the contract-job system the Government will obtain a postal telegraph for the people without the expenditure of a dollar from the national Treasury. There is a falsehood in this claim. But, as I have elsewhere and repeatedly shown, under my bill there would be no outlay required from the public Treasury save such as might be necessary for the engraving and the printing of the bonds for the loan authorized and a small additional expense, perhaps, on stationery accounts. I will append to my speech an editorial from a newspaper, the management of which is neither politically nor personally friendly to me, drawing special attention to this proposed people's loan for a people's line, and I will express here the hope that the readers of my remarks on this occasion will do me and will do the cause of a genuine postal telegraph the justice to note the provisions of my bill in the particulars just indicated. Mr. William H. Storey, a well-known and experienced telegraph superintendent, writes as follows to a member of this House:

The best brief argument in favor of Mr. SUMNER's bill is presented in the bill itself. It is on all accounts vastly preferable to the other bills on the same subject now pending in Congress.

Have we had any indications of popular demand as a direct specific result of the agitation in Congress, in this Forty-eighth term of the National Legislature?

April 12, 1884, Tammany Society, New York, by unanimous vote, adopted the following resolution, which was introduced by Hon. Henry A. Gumbleton:

Resolved, That we favor the passage of the Sumner bill, relating to the postal telegraph system, now pending in Congress, and believe that such a system honestly administered will give the people of this country a cheap and reliable means of communication under the management of able officers directly responsible to the people, and thus take this adjunct of the post-office out of the dangerous control of gigantic, corrupting monopolies.

The New York Anti-monopoly League and Lodges of the Knights of Labor, embracing or representing a membership of over one hundred thousand persons, passed a similar resolution.

Both houses of the Legislature of California promptly and by overwhelming vote approved the text of my bill. And this winter, without suggestion of mine, the house of representatives of the Ohio Legislature, by more than a two-thirds vote, passed a similar preamble and resolution. The fact that this preamble and resolution was defeated in the senate of the Legislature of Ohio only contributed to the emphasis of indorsement, inasmuch as it is notorious that agents of the Western Union Company brought all their accustomed appliances to bear in the city of Columbus in order to secure such a defeat; thus marking the appreciation which the monopoly has of the force of such approvals, and giving another exhibition—as announced by some of the papers in the interior whose correspondents and publishers are not bound by the Associated Press ligatures—of the corrupt motives, dispositions, and deeds of the masters of this great telegraph corporation.

Later still, both houses of the Michigan Legislature, as I am informed, without a dissenting voice passed this preamble and these resolutions:

Whereas the interests of the people of the State of Michigan, of whatever occupation, calling, or profession, and of every shade of political belief, demand that the Government of the United States undertake the business of transmitting by telegraph, "intelligence between the inhabitants of the land," as proposed by the measure now before Congress known as the "Sumner postal telegraph bill:" Therefore,

Be it resolved by the General Assembly of the State of Michigan, That we heartily indorse the postal telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER, of California, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the people of the United States.

Resolved, That our Senators and Representatives in Congress be, and are hereby, earnestly requested to support and by all honorable means endeavor to secure the passage of said bill.

Resolved, That the governor of Michigan be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Mr. J. B. Taltavall, editor and publisher of the Telegraphers' Advocate, writes to me under recent date that after a careful comparison of views the telegraphers of the country are practically unanimous in their support of my measure, "believing it to be in all respects a most excellent bill, and best adapted to give the country a true postal telegraph system."

Mr. Chairman, it is easy enough to bring forward propositions for which great ameliorating force and effect may be claimed by the adroit and audacious demagogue; against which the real monopolists and oppressors of the people will neither raise nor entertain any objection. In fact, it is a part of the policy of the monopolists of the country to encourage the introduction into legislative bodies, as well as to applaud the presentation before popular audiences, of propositions in which and by which it may plausibly be claimed that there is a remedy for a vast number of political evils or amelioration for some one great and growing social grievance, when in point of fact the propositions are of no practical value whatsoever. Indeed, we have probably all of us seen or heard commendations bestowed by monopolists upon plans of reform, to be accomplished through legislation and otherwise, which it was asserted and declared would be wholesale in scope and permanent and increasingly beneficent in effect. This is an old trick of the arch enemies of the people. The monopolists not only encourage but have learned to instigate and foster advocacies of the character indicated; and alas! some of their emissaries are to-day applauded by the multitude who have not as yet discerned the particular phase of imposition in which their present pets are engaged.

There should be no great or widespread mistaking as to the true radical reform proposition. The one that comes down to every-day service and touches the heart of the matter—this is of the kind of propositions that are abhorrent to the monopolists. And the men who suggest or promulgate or plead for them are hated and slandered and ostracized to the extent of the ability of the chief organized oppressors of the land. Now the monopolists are well aware of the fact that if the people through and by their Government once possessed the control and reasonable use of the telegraph as a transmitter of correspondence, there would be little less than a revolution in those departments of business and social activity that are affected by instantaneous and cheap intercommunication.

We have few noble specimens of metropolitan journalism in this country. Our leading dailies throughout the length and breadth of the land are as a rule the serfs of the telegraph monopoly. Some are most ably conducted in all respects; and yet when it comes to questions affecting the telegraph monopoly they are dumb or hesitate not to publish that which the mercenary masters of the great lines dictate or desire. And if you pass a contract-job bill they will remain the slaves of a telegraph combination, with its associated press attachment, the same as they now are and have been during the last twenty years of our national life.

With what unblushing impudence does the Jay Gould telegraph monopoly and its avowed and its secretly bound allies—some of the latter professing competition at this moment, perhaps—talk about the "partisan management" of a Government telegraph, when in addition to the record relating to this subject, to which I referred in my speech in this House one year ago, in addition to the record showing the contribution of the telegraph monopoly to the great "Presidential steal" of 1876–'77, we have the very recent history of the attempt to manipulate the news by telegraph in New York so as to defeat the will of the people as expressed by the vote of that Commonwealth at the last election!

The honest man connected with the management of the telegraph and news monopoly in New York city at the time alluded to—I refer to Mr. Henston (who ought to be summoned before a committee of inquiry appointed and empowered to investigate by the next Congress)—will testify to the shameless efforts of Jay Gould and others to misrepresent and misreport and otherwise give aid and comfort to a diabolical scheme for changing the true count of the ballots in the Empire State in November last, for the purpose of depriving Grover Cleveland of the electoral vote of that Commonwealth and transferring it to another. Finding that it was impracticable to carry out his plan and purpose in the direction indicated, Mr. Jay Gould gives the extreme illustration of his effrontery and his brazen hope to yet secure "amiable relations" with the incoming administration by telegraphing congratulations to the President-elect. I should add that report says that the hailing dispatch was appropriately and promptly consigned to the waste-basket.

Give us a genuine Government postal telegraph and you at once emancipate the press of this country from a thralldom that has prevented free thought and honest advocacy through the columns of the majority of the city dailies of our country.

Mr. Chairman, I am apprehensive, in fact I am convinced, that anything short of the comprehensive measure which proposes and disposes, plans, and appropriates money adequate to the construction of an entire network of telegraphic lines (such as is provided for in the bill which I have introduced) will not bring to our people the achievement designed and desired under the name of a postal telegraph. If you start out with the construction of skeleton lines—lines between principal cities—you will have competition concentrated side by side, with consequent losses to the Government, with resultant claims in favor of private management in all or in principal particulars, such as will end in the relinquishment of the Government enterprise.

The sum which I have set down as sufficient for the comprehensive construction is, as compared with benefits sure to follow, an insignificant price for the great achievement. Pass this, or a substantially similar measure, and let the administration proceed to faithfully act upon and under it, and there can be no manner of question that within a few short months the people of this country who are accustomed to correspondence will be transmitting a large proportion of their communications over the electric wire, and by their patronage yielding to the Government not merely a great interest upon the investment, but rapidly returning the capital sum itself into the coffers of the nation.

And pray do not forget that under the terms of House bill 98, which I will append to my speech, the General Government will not have to advance more than five or six thousand dollars—for bond and circular printing, &c.—in order to obtain for our people the vast and incalculable benefits of a genuine Government postal telegraph. To avoid the objection of "enormous cost to the Government," among other reasons, this plan of a popular loan was devised and submitted by me.

By the general contract-job bills which have been reported the figures are set at from 50 per cent. to ten times above the proper charges for the beginning of operations. The contract bills fix a tariff of 20 to 50 cents for ten-word messages. My bill is for a uniform charge not exceeding 10 cents for ten words between all offices. Pass bill number 98, or one of such a pattern, and within a few years the tariff therein prescribed may be reduced more than one-half, with a following patronage that will maintain the lines and provide good wages for the laborers engaged in operating and in preserving and extending the constructions. Nor will the time then be far distant when between all points in our great nation the lightning will take the plain text or the cipher of the citizen at rates that will literally rival in cheapness the postage charges of to-day. The people of this country should rise up as one person and demand the passage of a genuine postal telegraph bill.

APPENDIX A.

IN THE HOUSE OF REPRESENTATIVES, *December* 10, 1883.

Mr. CHARLES A. SUMNER, of California, introduced the following bill:

"A bill to enlarge the postal facilities of the people of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That to provide the people of the United States with such facilities for the transmission of letters, in addition to those now had by due course of mail, as are possessed and enjoyed by every other civilized nation, it is determined and declared that the postal system of the United States shall include and embrace a postal telegraph; and the Postmaster-General is hereby authorized, empowered, and instructed to proceed at once to prescribe or cause to be prepared plans and specifications for the construction of the lines of said postal telegraph; and actual work in the building of such lines shall be begun at as early a date as practicable; and the work of construction and extension of such lines shall be prosecuted until all the post-offices of the country, south of the northernmost boundary of Washington Territory, having a population of four hundred inhabitants or more, shall have been connected by such a number of postal-telegraph wires as will meet the requirements of the people for business and personal correspondence. Contracts shall be let, after due advertisement, for the work of construction and for the furnishing of materials, instruments, and office appointments, to the lowest responsible bidder or bidders, except as hereinafter provided.

"SEC. 2. That the better to carry out the purposes of this act the office of Fourth Assistant Postmaster-General is hereby created; and such officer, who shall be a competent and skillful electrician, shall be appointed in the same manner in which the other Assistant Postmasters-General are appointed, and with the same salary. The duties of such officer shall be, under the direction and subject to the supervision of the Postmaster-General, to exercise a general power of management and control over the administration of the telegraph, and to make an annual report thereupon to the Postmaster-General, which report shall show the amount of the receipts and expenditures of his office, the number of Government and other dispatches transmitted during the year preceding the date of such report, the number of miles of new lines constructed, the number of new offices opened, together with such information as may be specially required from him by the Postmaster-General of the United States.

"SEC. 3. That the construction of the telegraph lines contemplated under the provisions of this act shall be begun, as near as practicable, simultaneously at the following places, namely: Portland, in the State of Maine; Seattle, in Washington Territory; Boston, in the State of Massachusetts; Portland, in the State of Oregon; New York, in the State of New York; Philadelphia, in the State of Pennsylvania; Baltimore, in the State of Maryland; Washington, in the District of Columbia; Richmond, in the State of Virginia; New Berne, in the State of North Carolina; Charleston, in the State of South Carolina; Savannah, in the State of Georgia; Jacksonville, in the State of Florida; Mobile, in the State of Alabama; New Orleans, in the State of Louisiana; Galveston, in the State of Texas; Cincinnati and Cleveland, in the State of Ohio; Detroit, in the State of Michigan; Chicago, in the State of Illinois; Minneapolis, in the State of Minnesota; Omaha, in the State of Nebraska; Saint Louis and Kansas City, in the State of Missouri; Denver, in the State of Colorado; Salt Lake City, in Utah Territory; Yreka, Eureka, Sacramento, San Francisco, Los Angeles, and San Diego, in the State of California; and the work of construction shall continue with all reasonable dispatch along the routes selected by the Postmaster-General until every town in the United States of four hundred inhabitants or more, situated south of the northernmost boundary of Washington Territory, shall have been reached and connected by the telegraphic wires of the postal telegraph radiating from the principal points hereinbefore designated. But nothing in this section or act shall be construed so as to prohibit or restrain the Postmaster-General from establishing and maintaining postal-telegraph stations at any other post-offices than are herein embraced by the designation of a minimum population; the object and intent of this act being to establish and maintain a postal telegraph that shall ultimately, and as speedily as practicable, reach with its wires and its operating facilities every post-office of the United States; and the Postmaster-General is hereby authorized, empowered, and instructed to establish and open for business such postal-telegraph stations as he may, in his discretion, deem it wise or expedient to establish, and open for business along the routes prescribed by him in sparsely settled portions of this nation such stations as are, in his judgment, necessary or desirable for the proper maintenance of the through line or lines of the postal telegraph, or as are, in his judgment, required for the convenience of the people of the United States.

"SEC. 4. That the wires, cables, insulators, poles, troughs, instruments, and batteries of the postal telegraph of the United States shall be of the very best material procurable, adapted in every respect, so far as reasonably may be, for the highest efficiency and the most rapid performance of the work that will be required to be done by their agency.

"SEC. 5. That the local offices of the postal telegraph shall be established in the respective post-offices of the United States, in the cities and towns and villages on the routes designated, and the local management shall be under the supervision and direction of the postmasters in each city, town, or village so connected on the postal-telegraph routes as aforesaid. The compensation of the operators and messengers shall be paid from the receipts of the respective offices for postal-telegraph services: *Provided*, That during the first five years from and after the passage and approval of this act the Postmaster-General may meet and supply any deficiency in the receipts of any postal-telegraph office, as compared with the revenue derived from the dispatch of telegraphic messages or the sale of postal-telegraph stamps, by payments out of the fund arising from the sale of postal-telegraph bonds as hereinafter provided for; and the Secretary of the Treasury shall honor the drafts of the Postmaster-General in accordance with this section.

"SEC. 6. That the rates for the transmission of messages shall be 10 cents for each ten words or less, exclusive of the address and signature, and 5 cents for each additional ten words or less. The Postmaster-General shall arrange and provide for the transmission of messages from news associations and news agents to the newspapers of the country, at a rate not exceeding 20 cents for one hundred words. The Postmaster-General shall provide and publish rules and regulations to secure entire impartiality in the transmission of the press dispatches. But nothing in this act shall be so construed as to prohibit or restrain the Post-

master-General from reducing at any time the rates for transmission of dispatches between any points on any of the routes or lines of the postal telegraph.

"SEC. 7. That the Postmaster-General may, in his discretion, cause to be issued postal-telegraph stamps, of convenient denominations, which may be distributed for sale in the same way as are the existing postage-stamps. If such stamps shall be issued, no written telegraphic message or letter, except it pertain to the business of lines of the postal telegraph, shall be transmitted without such stamp or stamps affixed thereto, except as hereinafter provided; but such messages as would properly be inclosed and forwarded in a penalty envelope, by mail, may be sent free over the lines of the postal telegraph at all times, under such limitations as may be prescribed by the Postmaster-General. But nothing in this act shall be construed to prohibit or restrain the Postmaster-General from directing, in his discretion, that the postal stamps now existing shall be used and canceled upon such telegram-blanks as may be provided by him, or as may be sent forth under his direction to the postal-telegraph offices of the people of the United States. And the Postmaster-General shall cause to be issued blanks for telegraph messages, having word-spaces ruled thereon, with appropriate headings, and with such information and instructions printed on the face or on the back of said blanks as the Postmaster-General may direct; and the Postmaster-General may, in his discretion, cause to be issued blanks bearing an engraved stamp of an appropriate character, and of such denominations as he may select and determine. Blanks upon which foreign messages shall be sent may be prescribed and issued by the order of the Postmaster-General, so soon as he shall have made arrangements for the transmission of telegrams from terminal offices of the postal-telegraph department of the postal system to points beyond the jurisdiction of the United States of America, as hereinafter provided.

"SEC. 8. That the Postmaster-General shall cause to be issued postal-telegraph cards, of the denomination of 10 cents and 15 cents and 20 cents, on one side of which word-spaces shall be ruled for the writing of postal-telegraph messages. Such postal-telegraph cards may be deposited in any letter-post-box at a post-office where there is a postal-telegraph connection, or in any letter post-box which is or may be fixed on a letter-carrier route. If the number of words written on a postal-telegraph card so deposited as above does not exceed the limit prescribed by this act, these words, composing a message, shall be dispatched by the postal telegraph; all messages so received being sent in the order in which they reach the hands of the postmaster or his assistants; and the Postmaster-General may prescribe and publish rules and regulations for the transmission of messages, of the kind and character herein set forth, in penalty envelopes, to and from post-offices in the United States where postal-telegraph connection has been established and maintained.

"SEC. 9. That the money-order system existing and now in operation in the Post-Office Department shall, as soon as practicable, be adapted to the postal telegraph; and the charge for transmitting money-orders by the postal telegraph within the United States, wherever money-order offices are now or may be hereafter established, shall be the rates charged upon money-orders transmitted by mail, in addition to the regular charge for postal telegrams; but no postal-telegraph money-order shall exceed $50.

"SEC. 10. That the Secretary of the Treasury is authorized and instructed to issue bonds of the United States, in amounts not exceeding $50 each, and not exceeding in the aggregate value $25,000,000, redeemable in lawful money of the United States within twenty years, and payable within thirty years from the day of issue, bearing interest at the rate of 3 per cent. per annum, payable in lawful money of the United States, at the subtreasury in the city of New York, or in the city of Chicago, or in the city of San Francisco, on the 1st day of January and on the 1st day of July of each year. Each bond shall be sold separately, and shall bear interest from the 1st day of January or the 1st day of July next ensuing after the day of sale. Each postmaster in the United States is hereby authorized to act as an agent for the sale of such bonds; and the Postmaster-General shall cause to be issued a circular setting forth this fact of authority, and containing such directions in the premises as to him may seem best calculated to promote the sale of said bonds to the people of the United States, for and in behalf of the construction and establishment of the postal telegraph, in enlargement of the postal system of the United States. The proceeds of said sale or sales shall be devoted to the construction and maintenance of the postal telegraph of the United States, including payment for wires, cables, poles, troughs, insulators, batteries, operating instruments, and all office appointments, and the right of way, and any operating expenses not met by the receipts for the sending of messages or the sale of postal-telegraph stamps, and the sale of stamped postal-telegraph cards or stamped blanks, during the first five years from and after the date of the passage and approval of this act; and the Post-Office Department shall keep a separate account of all sales and receipts and of all expenditures connected with the construction, establishment, and maintenance of the postal telegraph of the people of the United States; and the Secretary of the Treasury shall honor all drafts of the Postmaster-General in accordance with the provisions of this section.

"SEC. 11. That the right of way is hereby granted for the construction of the lines of the postal telegraph over all the public lands of the United States; and there is hereby dedicated and granted for the use of the Government employés in the postal department of the United States so much of the public lands as may be needed for station building or workshops along the lines of said postal telegraph; and along and adjacent to said lines, on the public lands, it shall be lawful for the persons actually engaged in building such lines to cut poles and timber necessary for the work of construction, including timber for the building of houses on the public lands that may be required for stations or workshops at points distant from the thickly inhabited sections of the country; and the Secretary of the Interior shall recognize and respect this authority and license within fifty miles of the routes for the postal telegraph, on either side of the routes or way, selected on the public lands for the construction of the postal telegraph.

"SEC. 12. That the Postmaster-General may, in his discretion, construct an underground line of insulated wires or cables where and when, in his judgment, such underground line will be preferable to a line constructed by wires or cables stretched upon poles.

"SEC. 13. That the telegraph lines of the postal telegraph shall be constructed along or across or under any street, road, canal, railroad, or other public highway that the Postmaster-General may designate; and no one shall be allowed damages or rental for the right of way on said lines except the same shall not be upon a public highway.

"SEC. 14. That the Postmaster-General is hereby authorized and empowered to open for business, at the rates hereinbefore designated, or at less rates for transmission, any section of fifty miles of telegraph wire or wires completed in pursuance of the provisions of this act; and the Postmaster-General is hereby authorized and empowered to accept, as a part of the postal telegraph of the people of the United States, any section of fifty miles or more along the line of the routes designated by him, constructed subsequent to the passage and approval of this act: *Provided*, That the material used in said construction, and the character of the work performed in the building and maintenance of such section, shall be in conformity to the terms prescribed in section 4 of this act: *And provided further*, That the amount asked and paid for a perfect and complete title to such section of telegraph construction shall not exceed the lowest price at which the Postmaster-General could procure materials and construction of a precisely similar or equally excellent section of telegraph line on this prescribed route of the postal telegraph.

"SEC. 15. That the Postmaster-General shall, so soon as desirable and practicable, enter into negotiations and arrangements with the proprietors of telegraph lines or telegraph cables which extend from the United States into foreign countries, by which telegraphic messages may be forwarded between persons residing in the United States or sojourning therein and persons residing or sojourning in foreign countries, over the lines of the postal telegraph of this Government to and from the borders of the United States of America.

"SEC. 16. That the Postmaster-General is hereby authorized, as soon as he may deem it expedient, to seek to ascertain the best route for a line of telegraph wires or cables between some point in Washington Territory and the town or port of Sitka, in Alaska; and for this purpose he shall, through the Department of State or otherwise, inquire as to the terms and conditions upon which a telegraph line of wires or cables can be constructed through British Columbia and over or under waters within the jurisdiction of Great Britain, from the border of this nation in Washington Territory to the border of this nation in Alaska; and the Postmaster-General shall report the results of this inquiry in his next annual report to the President of the United States.

"SEC. 17. That all persons shall have the right to correspond by telegraph in the manner herein prescribed. Telegrams shall be privileged communications in law to the extent that private letters now are. They may be written in secret letters or cipher, and shall be transmitted in the order in which they are received at the several offices. All provisions of law relating to the secretion or destruction, or to the receipt, transmission, and delivery of mailed letters, and to the sale of stamps and stamped paper, and their improper use, shall, so far as pertinent, apply to telegrams and telegraphic stamps. Every postmaster shall be accountable for all stamps and stamped paper furnished to him. Any person connected with the post-office who shall willfully remove from any telegram any stamp affixed thereon, or who shall, contrary to his duty, disclose or in any way make known or intercept the contents of any telegram, or any part thereof, or who shall delay or hinder the transmission or delivery thereof, and any person who shall willfully or maliciously obstruct or postpone the transmission or delivery or divulge the contents of any telegram, or any part thereof, or who shall injure or destroy any of the property of the postal telegraph department of the system of the United States, or interfere with the working, repairs, or use of any line of the postal telegraph, shall, upon conviction in the district court of the United States for the district where such offense shall have been committed, or where such person shall reside, be subject to a fine not exceeding $500, and to imprisonment for a term not exceeding two years. It shall be the duty of the Postmaster-General to cause to be prosecuted all persons offending against any provisions of this section."

APPENDIX B.

The following convenient index and summary of House bill 98 is from the San Francisco Morning Call of January 2, 1885:

SUMNER'S POSTAL TELEGRAPH BILL.

"Congressman SUMNER's postal telegraph bill provides for the construction of new lines to every town in the United States containing four hundred inhabitants or more south of the northernmost boundary of Washington Territory. Separate provision is made for a line to Alaska. The rates proposed are 10 cents for ten words or less, exclusive of address and signature, and 5 cents for each additional ten words or less. The telegraph system is to be put under the direction of an official to be created and designated the Fourth Assistant Postmaster-General. The duties of the office shall be under the general supervision of the Postmaster-General, it being required, however, that the chief of the Telegraph Bureau shall be a competent electrician. Funds for the construction of telegraph lines are to be obtained by the sale of United States bonds ($25,000,000), bearing 3 per cent. interest, in amounts not exceeding $50 each, redeemable in twenty years from date of issue and payable in thirty years. The cities at which the interest is made payable are New York, Chicago, and San Francisco. Postmasters are authorized to act as agents for the sale of such bonds. The eighth section of the bill provides that the Postmaster-General shall cause to be issued postal-telegraph cards of the denominations of 10 cents and 15 cents and 20 cents, on one side of which word-spaces shall be ruled for the writing of postal-telegraph messages. These postal-telegraph cards may be deposited in any letter-post box at a post-office where there is a postal-telegraph connection, or in any letter-box on a letter-carrier route, and if the number of words written does not exceed the number paid for by the purchaser of the card the postmaster shall order them dispatched in the order in which they are received. This will enable persons desiring to pay telegraphic rates to deposit messages with as little trouble as a postal card is now sent.

"The ninth section places the money-order system now in operation in the Post-Office Department at the service of the telegraph bureau. The Postmaster-General is also authorized to contract with the owners of telegraph lines or telegraph cables which extend from the United States to foreign countries to forward messages to or from the United States. Such are the principal provisions of the bill. Other sections are devoted to details of construction and management, such as right of way, the right to cut timber necessary for stations and workshops, &c.

"Mr. SUMNER's bill is distinctly in the interests of the people. It provides for a telegraph service on the same principle as that upon which the mail service is now being conducted. Rates are fixed to cover expenses as nearly as may be, and the Postmaster-General may reduce rates when in his judgment the revenue warrants such a step. The issuing of bonds in denominations of not over $50 is an excellent provision. It will enable persons of small means to make safe investments and yet obtain some interest on their money. These bonds would at all times be worth their face and accrued interest in money. The word 'gold' does not appear in the bill. Bonds and interest are payable in lawful money. There is no attempt to create a favored class of investors at the expense of any kind of money the United States declares to be lawful. The people have as good a right to a telegraph service at cost as they have to a mail service at corresponding rates. The telegraph is now doing a large portion of the business once done by mail, and is to all intents and purposes a part of a complete mail system. The bill does not propose to purchase existing lines of telegraph. The question as to the right of the Government to compete with private parties in this business is not, of course, discussed in a bill. The right to accommodate the public is assumed."

APPENDIX C.

A POSTAL TELEGRAPH—A MORE RAPID METHOD OF CARRYING THE LETTERS OF THE PEOPLE.

Low uniform rates between all points: ten words for 10 cents, twenty words for 15 cents, thirty words for 20 cents, forty words for 25 cents.

A people's loan for a people's line. Bonds in the sum of $50 or less payable in twenty to thirty years. (See section 10.)

Impartial press reports guaranteed. Construction to be authorized simultaneously in all parts of the Union.

The people's line can be speedily built by the people, on the plans and specifications published by the Postmaster-General. (See section 14.) The people of each locality, on routes named, can proceed at once to build.

The profits of the telegraph monopolists, legitimate and by market secrets and manipulations, are enormous. The cost of the electrical force is nominal. The rates fixed in preceding bill will pay profits to the General Government. There never will be any speedy and permanent and perfect emancipation from telegraph monopoly, extortion, and tyranny save by a Government postal telegraph. The preceding bill is the only comprehensive and direct proposition for a complete Government telegraph now before Congress.

"Some that oppose a postal telegraph allege as a chief objection that it will be too great a power in the hands of any party, and will increase the facilities

for corruption in politics. The fact that the leaders of both parties are lukewarm toward the project is a pretty good indication that they do not regard it as much of a lever."—*Sacramento Bee.*

In the nature of the case, a Government postal telegraph could not be a party lever, as it has been under private monopoly management. No partisan advantage could be taken of a postal telegraph.

The New York Anti-Monopoly League has passed the following resolution:

"*Resolved*, That we call upon Congress in the name of the American people to take up at once and with earnest purpose those few great measures that are at this time of fundamental importance to the country; that we especially and emphatically call upon both Houses to take favorable action upon Mr. SUMNER's bill providing for a postal telegraph."

"Two bills designed to introduce and establish postal telegraphy in connection with the Federal postal service have been already offered in the present Congress. EDMUNDS has introduced one in the Senate and SUMNER another in the lower House. There can be no doubt that the Sumner bill is incomparably better than the other. Under the provisions of the Edmunds bill, it will require eight years for anything approaching the general introduction of postal telegraphy. Meanwhile the telegraph monopolists would continue to enjoy the immense revenues hitherto derived from fettering that great element of nature which Franklin's genius tendered as a blessing to mankind. The oppressive monopolies of railroad shipping, and manufacturing, while harmful in every State, have not been more boldly infamous in their careers than the monopoly of the telegraph privileges.

"While Edmunds has pretended to yield to the universal appreciation of this fact, he has yet marked his measure with the features of unnecessary delay. The relief demanded is of such a character that the people will not brook dilatory methods in obtaining it. And there is no reason why such relief should not come promptly. Sumner was loyal to this idea when he prepared his bill for the immediate introduction of postal telegraphy. This difference in the two bills recommends the latter to the people at large and the former to Gould and other telegraph kings. Of course, the Edmunds bill will not meet such hostility from the telegraph monopolists as will the Sumner bill. In this indication lies the reason why Sumner's bill may be most safely taken as a measure strictly in the interests of the public. It is an able measure, providing for all the minute details both respecting the introduction and control of postal telegraphy, and leaves no chance for delays in the immediate and general enjoyment of this great public blessing."—*Mariposa Herald.*

Hon. Cave Johnson, Postmaster-General under James K. Polk, reported to the President in 1846: "It becomes a question of great importance how far the Government will allow individuals to divide with it the business of transmitting intelligence—an important duty confided to it by the Constitution. In the hands of individuals or associations the telegraph may become the most potent instrument the world ever knew to effect sudden and large speculations (what a mantle of prophecy was on the old Democratic Postmaster-General!); to rob the many of their advantages and concentrate them on the few. If permitted by the Government to be thus held, the public can have no security that it will not be wielded for their injury rather than their benefit. * * * The use of an instrument so powerful for good or evil can not with safety to the people be left in the hands of private individuals."

Penny Postage.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 12, 1885,

On the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886.

Mr. ROBINSON, of New York, said:

Mr. CHAIRMAN: On the 16th day of December, 1881, now over three years ago, I offered a joint resolution to reduce the postage on single letters from 3 cents to 1 cent, which was read, ordered printed, and referred to the Post-Office Committee. That committee did not rise to the level of statesmanship, which required the passage of that bill. They afterward adopted a half-way measure, reducing postage to 2 cents. Had they adopted my suggestion the revenue on 1-cent postage would be greater now than under the 2-cent law.

At the opening of the next Congress, on the 11th of December, 1883, I again introduced a bill for a uniform 1-cent postage law. Again the committee have failed to rise to the level of statesmanship, and are urging half-way measures and driblets of reform, retarding the approach of that certainly coming day when a uniform penny postage will carry the correspondence of the American people to all parts of the United States. It is a mere question of time how long this reform can be delayed by the bunglers of legislation. It is as sure to come as the rising of to-morrow's sun.

On the 24th of September, 1882, I published a long letter in the New York Sun, in which I gave a history of our postal system and reasons for coming at once to a uniform penny rate of postage on all single letters; and on the 21st day of December, 1882, I delivered an extended speech on the subject advocating that rate.

After the introduction of my bill I received numerous letters from prominent men in all parts of the country approving the measure, and many newspapers and incorporated associations published articles and passed resolutions in favor of it.

The New York Grocers' Monthly Review of October 1, 1882, says:

Hon. W. E. ROBINSON, of New York, and Hon. John Hill, of New Jersey, are the two champions in Congress in favor of cheap postage. The cheap postal subject should enter largely into the discussion of the day, and should receive the attention and have the support of those Representatives who have the interest of the people at heart.

The American Grocer and Dry Goods Chronicle of December 18, 1884, says:

The penny postage bill (H. R. 1001) is by far the most important, and is not, as some may at first conclude, an impracticable measure or one likely to reduce the revenues of the Department. It was introduced in the House of Representatives December 11, 1883, by Hon. W. E. ROBINSON. It is more than probable that the first year of penny letter postage would find the Department self-sustaining. No other measure aiming to benefit the postal service will secure as great benefits to the people as Mr. ROBINSON's bill providing for penny postage. Give it encouragement by asking your Representatives in Congress to support it. Let every business man whom the provisions of the bill most directly affect write a personal appeal, backed up by weighty petitions, to his Congressman.

This advice was followed, and petitions were sent from a large number of individuals and associations.

The Brooklyn (N. Y.) Eagle of January 5, 1885, says:

Congressman ROBINSON's bill establishing a uniform rate of penny postage to any part of the United States is now waiting action in the House. There is a disposition to concede that the reduction of letter postage to 2 cents was but a half-way measure, the tendency of which was to interfere with the more radical change proposed. Strong efforts are being made to secure the passage of the bill. The business community is practically united in its support, and every day Congressmen are in receipt of letters urging them to vote for the change.

The present postage laws inflict upon the people the most unjust and offensive system of taxation. The people want cheap postage, and you refuse to give it to them. The conveyance of written sealed letters is the legitimate business of the post-office. It is not its business to become a common carrier nor to run package-express companies. If you can carry merchandise at 1 cent a pound you should not charge more than that for letters; and if 1 cent a pound does not pay expenses you have no right to impose a tax upon the letter-writing community for the benefit of other parties. If you can convey a pound of newspapers or of books for 1 cent you can convey a pound of sealed letters for 1 cent, and all that you charge over that is oppressive, unjust, and unequal taxation. Yet in this bill you propose to convey one kind of postal matter for 1 cent a pound and another kind for 32 cents a pound.

Mr. Cyrus W. Field, who is a millionaire, comes to the post-office in New York with a pound of his newspapers and asks how much it will cost to convey it to San Francisco. He is informed that it will be 1 cent. A poor widow who has a sick child in Newark wants to write a few words of consolation, and she presents a half or a quarter ounce of the same material and asks how much that will cost. She is informed that it costs 2 cents. She asks: "How can that be? This rich man can convey his package of paper at 1 cent a pound, and you will not let me send mine for less than thirty-two times as much; is that fair?"

The postmaster is dumb and she remains unable to solve the mystery of democratic postal equality. It is a democratic axiom that one class of people should not be taxed for the benefit of another class. Now, if you lay a tax for conveying half an ounce of matter for the letter-writer and only 1 cent a pound for the newspaper writer, you violate this democratic axiom and tax the former for the benefit of the latter. It is unjust taxation of the poor for the benefit of the rich. Every poor man's breakfast-table is taxed in favor of the wealthy monopolist.

While the people of the United States have been clamoring for postage reform, what reform has Congress granted? Last session you passed a law allowing transient newspapers to be sent at 1 cent for four ounces. There was little benefit in that to anybody. These transient newspapers are in a great measure sent by poor people in place of letters, conveying intelligence either by clandestine writing or signs. They accumulate in vast amounts of unclaimed matter, which are never delivered and give vast trouble to the post-offices throughout the country. Would it not be preferable to allow the people to write a letter of half an ounce at 1 cent than to burden the mails with matter at 1 cent for four ounces?

That reform was frivolous and useless. In this bill you propose to load the mails with matter at 1 cent a pound. Not one in a thousand will receive any benefit from it. You also propose to put the price of sealed letters at 2 cents an ounce. Very few desire this ridiculous reform or will be benefited by it. I understand that there are only about 5 per cent. of the letters sent through the mails that are over half an ounce. This reform, therefore, can benefit only five out of every hundred. It is intended to tax ninety-five of our people for the benefit of the five. Half an ounce is the proper standard weight for letters. The thousand millions of letters that are sent or will be sent yearly through our mails average less than one-third of an ounce. The reform wanted is for the ninety and five who want to send letters under half an ounce, and not for the five who make them over half an ounce. We want no driblets of reform. It is a vicious kind of legislation that enacts general laws as riders upon appropriation bills.

The country calls for a reform-postage bill to emancipate the letter-writers from the unjust burdens imposed upon them. Can we not have a committee on postage that will formulate and report a new and sensible postage law; that will find out what the conveyance of letters, the legitimate part of the post-office system, costs, and put upon each letter, which scarcely ever exceeds half an ounce, the proper paying charge for conveyance? The people have a right to have their letters conveyed at the lowest paying rates. Very few want any increase of weight, but all want a reduction of rate. No man dares and no man does deny that the first-class matter conveyed through our mails can be carried

and handled at 1 cent on the half ounce. Every cent collected on letters to make up for the losses on other matter is an oppressive tax on the people using the mails for their legitimate purposes. It is a wonder that they do not rise in rebellion against the outrage.

Now, I am not opposed to reducing the rate of postage on second-class matter or newspapers. I am in favor of every reduction that can be made upon the conveyance of public intelligence, but I am opposed to all legislation that compels the continuance of a system that robs the many for the benefit of the few. Make newspaper postage free if you like, and if it be a public benefit to have knowledge conveyed free, let it be charged to the Treasury, and not exacted by unjust taxation of 100 per cent. on the great mass of the people, who pay the postage on first-class matter and pay double what it costs.

I believe the time will come when postage on single letters will be reduced much below 1 cent, and that postage stamps will be sold at four or five for 1 cent. This will be the grand system of educating the people. Set all your people—men, women, and children, of all races and all conditions of life—to writing letters in place of spending their time in scenes of dissipation and folly, and you will soon have an educated and intelligent population.

Give us a well-digested and consistent postal law. Cut down the enormous folly of franking, abandon the abused system of penalty envelopes, abolish the postal-card abomination, encourage newspaper circulation by conveying them at the very lowest possible rates, but above all see that the sealed letters carrying messages of business, of sympathy, and of love shall be conveyed at their cost, and not taxed to favor other classes of postal matter. Let the rate of transportation on the 70,000,000 pounds of newspaper matter conveyed during the year, paying only about 3 per cent. of the postal revenue, be still further reduced if justice will allow, make it free if you please, but let the 35,000,000 pounds of letters, which pay nearly the entire amount of postal revenue, be relieved from the tax now unjustly imposed upon them to pay for the transportation and handling of other postal matter.

Abolishing the Internal-Revenue System.

Who steals my purse steals trash;
* * * * * * *
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed.

REMARKS

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885.

Rising to a question of privilege—

Mr. WHITE, of Kentucky, said:

Mr. SPEAKER: I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. A paper published in New York called The Voice, which claims to be a temperance journal, has seen fit to publish the following paragraph about myself:

LEGISLATIVE MEASURES—DO THE WHISKY MEN WANT THE EARTH?

Mr. WHITE, of Kentucky, has introduced a bill into the House of Representatives providing that the office of Commissioner of Internal Revenue be abolished and the whole system of internal taxation done away with. This bill is said to have been framed at the instance of the whisky men. Mr. WHITE is the Congressman who recently applied an insulting term to Speaker CARLISLE.

That was sent to me by Mr. R. B. Neal, editor of The Worker, a temperance paper published in Louisville, Ky., otherwise I would not have seen it. Now, Mr. Speaker, if that came from a source claiming to be an enemy to the cause which I have advocated and maintained I should treat it with the same indifference I have treated hundreds of others of a similar character, but coming as it does from a paper professing the principles of temperance, of which I believe every member on this floor will accord to me that I have been a consistent and persistent advocate ever since I became a Representative in the Forty-fourth Congress and during the Forty-seventh Congress and also during the present Congress, I think it requires some personal notice at my hands.

Now, sir, it is a matter of record that in the Forty-fourth Congress I introduced a bill into this House for the prohibition by the national Congress of the sale of intoxicating liquors for any other purpose than mechanical, medicinal, or scientific. In the Forty-seventh Congress I introduced the same bill. In the Forty-eighth Congress I introduced a similar bill, slightly modifying it and providing for punishment, which before I had left to the wisdom of the committee. I will send to the Clerk's desk a copy of that bill to be read.

Mr. HENLEY. How long is this matter about being read to last?

Mr. CURTIN. What is it all about?

The SPEAKER *pro tempore*. The gentleman from Kentucky rises to a question of personal privilege and is stating his question of privilege to the House.

Mr. WHITE, of Kentucky. I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes.

Whereas the injurious effects from the use as a beverage of intoxicating liquors are universally admitted; and

Whereas spirituous liquors are powerful instruments for evil and corruption in our elections; and

Whereas the unbridled traffic in spirituous liquors promotes contentions, riots, ignorance, and poverty; and

Whereas the iniquity of alcoholism is visited through the parent "upon the third and fourth generations;" and

Whereas the effects of alcoholism are filling our prisons, houses of correction, and institutions of charity with criminals and sufferers, and covering the land with woe and misery: Therefore,

Be it enacted, &c., That on and after the 30th day of June, 1884, no person, except as hereinafter provided, shall manufacture or sell or keep for sale that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, or any other intoxicating liquor which can be produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of sugar. No person shall manufacture, sell, or keep for sale as a beverage any intoxicating liquor whatever, including ale, wine, and beer.

SEC. 2. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding $500, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 3. That no intoxicating liquors whatever, including ale, wine, and beer, shall be imported into the United States from any foreign port or place. All goods or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 4. That the Secretary of the Treasury shall, immediately after the passage of this act, advertise in twenty prominent newspapers, printed in as many cities in the United States, for proposals for citizens of the United States to manufacture alcoholic liquors for scientific, mechanical, and medicinal purposes, and to be sold, as nearly as may be, at the cost price, for scientific, mechanical, and medicinal purposes alone, under such regulations as the Secretary of the Treasury may from time to time direct.

SEC. 5. That the advertisement published under the preceding section must describe the kind of spirits required and must require the proposals to be accompanied with sufficient security for their performance.

SEC. 6. That the Secretary of the Treasury shall, by the 30th day of June, 1884, notify the lowest bidders, whose sureties are deemed sufficient, of the acceptance of their proposals.

SEC. 7. That nothing in the preceding sections shall prevent the Secretary of the Treasury from contracting from time to time for such distilled spirits as may be necessary to meet the demands for scientific, mechanical, and medicinal purposes.

SEC. 8. That nothing in the preceding sections shall be construed so as to limit the time of any license for the manufacture or sale of intoxicating liquors which is at present operating: *Provided*, That no extension of time nor any new license shall be hereafter granted for the sale of any intoxicating liquors whatever.

Mr. WHITE, of Kentucky. Now that bill which the Clerk has read was referred to the Committee on the Alcoholic Liquor Traffic and was reported back by Mr. KLEINER, accompanied by the following report:

The Committee on the Alcoholic Liquor Traffic, having considered the bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes, report the same back adversely, and recommend that it lie on the table.

Mr. LORE. I make the point that this is not a matter of personal privilege.

The SPEAKER *pro tempore*. The gentleman from Delaware makes the point that the gentleman from Kentucky is not stating any question of personal privilege.

Mr. WHITE, of Kentucky. I thought that was admitted, Mr. Speaker, or I should have addressed myself to that point of order.

The SPEAKER *pro tempore*. So far as the gentleman from Kentucky has gone the Chair has been unable to see any question of personal privilege in what the gentleman has stated.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair.

Mr. HEWITT, of Alabama. I move to lay the appeal on the table.

Mr. WHITE, of Kentucky. I wish to call the attention of the Chair to Rule IX:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only.

Now, sir, here is a charge in the extract which I have just read from the New York paper, which was sent to me by my friend the editor of a temperance paper in the city of Louisville, to whom I have already referred, calling my attention to the fact that this article in The Voice did me great injustice. Otherwise I would never have seen it. It charges me with preparing a bill in the interest of the whisky men, in this article which is headed, "Do the whisky men want the earth?" I claim this not only affects me as a Representative, but affects the honor and dignity of this House, for I am a member of this House. If a member of the House, after having advocated certain principles, introduces a bill that I have introduced here and then can present other bills which seem to favor the whisky interest, and can be justly charged that he is doing it for the whisky interest, it seems to me it rises to the dignity of a personal question at least.

It is to address myself to that question that I have risen, and to recite the history of this subject and my action with it, that I began in the way I did, and no one made the point of order, or else I should have begun by reading the rule under which I made the point of order. But in order to save the time of the House and consume as little of its time as possible at this late hour in the session I did not adopt that course.

I now yield the floor to the decision of the Chair. If I am entitled to the floor on that decision I will proceed, otherwise I will take my seat.

The SPEAKER *pro tempore*. The gentleman presents, certainly, a question of personal explanation, but the Chair has been unable to see that a question of personal privilege under the rules of the House is presented, and which would give the gentleman the right to occupy the floor.

Mr. WHITE, of Kentucky. May I be permitted to call the attention of the Chair to the last sentence but one in the newspaper article to which I first called attention and which I have sent to the desk?

The SPEAKER *pro tempore*. The Chair will cause the sentence to be read.

The Clerk read as follows:

This bill is said to have been framed at the instance of the whisky men. Mr. WHITE is the Congressman who recently applied an insulting term to Speaker CARLISLE.

Mr. WHITE, of Kentucky. The Chair will observe, as stated in that article, that a direct charge is brought against me. In response I wish to state that I have never in my life applied an insulting term or epithet to the Speaker of this House.

There is not a man on this floor who has a higher regard for the Speaker of the House than I have, and I am ready to offer the usual resolution complimenting him in the very highest terms on the fair, impartial, and proper manner in which he has discharged the duties of his office. The last clause but one in the article accuses me of having prepared or framed a bill at the instance of the whisky men, and I claim in that I have the right not only to deny that charge, which I do most emphatically, but to show conclusively by the RECORD that it is false from the beginning to the end; and I was proceeding to address myself to that subject when I was interrupted by the gentleman from Delaware, who made the point that I did not present a question of privilege.

I understood the Chair had recognized it as such by allowing me to proceed for some time, and of course I did not have the rule read, for the reason that I did not suppose there could be any question as to the fact that I had the right to take the floor for that purpose. As I have said, I now yield to the decision of the Chair.

The SPEAKER. The Chair stated that it would hear the gentleman on his question of privilege, no point of order having been made. The Chair indulged the gentleman from the beginning of his remarks until the point of order was made. The gentleman from Delaware having made the point of order, the Chair was then ready to decide the question.

If, however, the gentleman desires to be heard further the Chair will indulge him.

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Mr. WHITE, of Kentucky. Mr. Speaker, what is this bill which The Voice criticises in the article to which I have called attention? I desire to read it for the information of the House. It is a joint resolution which I introduced on the 26th day of January, 1885—No. 319.

Mr. LORE. I make the point of order that the gentleman does not state a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Kentucky will proceed, and the Chair will determine whether or not he presents a question of privilege. So far the Chair thinks the gentleman has not done so.

Mr. WHITE, of Kentucky. This is a joint resolution which I introduced in the following terms:

Whereas it has transpired that the Commissioner of Internal Revenue and the present Secretary of the Treasury have, by unwarranted regulation, assumed to extend the bonded period for distilled spirits for two hundred and eight days, in direct violation of the action of the Forty-seventh and Forty-eighth Congresses; and

Whereas the tobacco tax is an unnecessary burden upon the people, and is a fraud, useful only upon our statute-books for the purposes of the tobacco monopolists; and

Whereas the present system of internal-revenue taxation is far less beneficial to the people than useful to continue a highly protected and infernal industry, manipulated by unscrupulous capitalists, who strive to corrupt Congress and to control the Government in the interest of their monopoly of the tobacco and whisky trade; and

Whereas there is no longer any guarantee that the laws in relation to internal revenue will be honestly executed, although $5,000,000 be annually appropriated for that purpose: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all acts or parts of acts concerning the superintendence of the assessment or collection of any duties or taxes imposed by any law providing internal revenue be, and the same are hereby, abolished from and after July 1, 1885.

Mr. Speaker, for that joint resolution The Voice of New York arraigns me as having framed a bill at the instance of the whisky men. It is well known to the House, because for four years the question has been discussed, that there is a whisky lobby in Washington, that there is a whisky combination, reaching from the great lakes to the Gulf and from the Atlantic to the Pacific Ocean, in favor of reducing the tax on whisky and intoxicating liquors generally.

When that was proposed in the Forty-seventh Congress I opposed it because it was giving to the whisky monopoly every cent that the tax was reduced. If there were 100,000,000 of gallons in bond and the tax was reduced from 90 to 50 cents it was equivalent to giving to the whisky ring $40,000,000, and hence I opposed it. Again, when in the Forty-seventh Congress a modified bill came into this House asking for the extension of the bonded period for two years, or practically a loan of the money invested in the whisky in bond, I opposed that also.

Mr. LORE. Mr. Speaker, I must insist upon the point of order that the gentleman does not state a question of privilege, and beg the Chair to pass upon it. There is nothing in what he has stated to show that his character as a Representative on this floor has been assailed.

Mr. WHITE, of Kentucky. I suppose we had as well settle the question here, and I submit to the ruling of the Chair. The Chair understands the point I have made, and I submit to the ruling of the Chair.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that the Chair does not think the criticism of a newspaper upon the character or manner of introducing a bill in the House of Representatives is that sort of an attack upon a member in his representative capacity that raises it to the dignity of a question of privilege under the rules of the House.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair, and I desire to be heard on the appeal.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. WHITE, of Kentucky. Mr. Speaker, this is a very serious matter not only to me, but it is rapidly becoming one to the whole country. At the last Presidential election more than 150,000 voters severed their strong attachments to the Democratic and Republican parties to enter their protest against the proceedings of both parties.

Mr. TUCKER. I submit, Mr. Speaker, that the gentleman is not addressing himself to the appeal.

The SPEAKER *pro tempore*. The gentleman is entitled to be heard on the appeal.

Mr. TUCKER. But he is not proceeding in order, I submit, by addressing himself to the question on which he appeals.

Mr. WHITE, of Kentucky. I have listened to the gentleman from Virginia many a time, and must confess I have always been disappointed, because he seldom sticks to the text himself, and he ought not to object to my using some discretion in this matter.

The question of order, as I understand, that has been raised is whether the article which I have read constitutes a question of personal privilege. I believe it does, for reasons which I have partially stated and others which I propose to submit.

The SPEAKER *pro tempore*. Will the gentleman yield a moment to receive a message from the Senate?

Mr. WHITE, of Kentucky. Certainly.

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Mr. WHITE, of Kentucky. I would like to explain that when I introduced the first resolution in the Forty-fourth Congress to prohibit the sale of intoxicating liquors as a beverage, I was then persuaded as I am now thoroughly convinced that the use of alcoholic liquors as a beverage was simply to imbibe a poison, and as the law prohibits the sale of prussic acid, of arsenic, and other poisons except under regulation, that there should be some power to prohibit the sale of intoxicating liquors which is dragging down to death hundreds of thousands of strong, able-bodied men every year and making widows and orphans, filling the poor-houses, filling the jails and the penitentiaries. I quote from the National Journal as follows:

[From the National Journal, December 17, 1881.]

OUR NATIONAL LIQUOR BILLS.

Estimates are made from time to time based on returns from the Internal Revenue Office, police and other places, hospitals, insane asylums, poor-houses, and other charitable institutions, from which it is calculated with reasonable certainty that our liquor bills amount yearly to not less than—

1. Direct expenses, $600,000,000.
2. Indirect expenses, $600,000,000.
3. Intemperance burns and destroys property amounting to $10,000,000.
4. It destroys 70,000 lives.
5. It makes 30,000 widows.
6. It makes 100,000 orphans.
7. It makes 500 maniacs.
8. It instigates 250 murders.
9. It causes 500 suicides.
10. It consigns to jail 500,000 criminals.
11. And greater even than all this, it endangers the inheritances of liberty left us by debauching the voters and making instruments for upholding corruption by means of the ballot-box.

Mr. TULLY. I rise to a point of order that the gentleman is not discussing the question before the House.

Mr. WHITE, of Kentucky. The report on that bill I have had read from the Clerk's desk, that it was beneath the dignity of this House. Subsequently I introduced a bill for a commission on the subject of the alcoholic liquor traffic. It is as follows:

A bill to provide for a commission on the subject of the alcoholic liquor traffic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President,

by and with the advice and consent of the Senate, a commission of seven persons, not more than four of whom shall belong to the same political party nor be advocates of prohibition, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union.

SEC. 2. That the said commissioners shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding $10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and for this purpose the sum of $10,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. It shall be the further duty of said commissioners to report the result of their investigation, with such suggestions and recommendations as they may see fit to make, and the expenses attending the same, to the President, within eighteen months after the passage of this act, to be transmitted by him to Congress.

The report on that bill I hold in my hand. It was submitted by Mr. ENGLISH, and is as follows:

Mr. ENGLISH, from the Select Committee on Alcoholic Liquor Traffic, submitted the following report, to accompany bill H. R. 2142:

The committee, to whom was referred the bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic, beg leave to report the bill back to the House with a recommendation that it do not pass.

The power to regulate the retail liquor traffic has, from the foundation of the Union, been regarded as the exclusive right of the States rather than of the General Government. Attempts have been made by some of the States to entirely prohibit the manufacture or sale of spirituous or malt liquors, but with little apparent success, and the interests of true temperance and sobriety, so much to be desired, would seem to demand wise and stringent restrictions and effective safeguards in connection with the liquor traffic rather than impractical efforts at absolute prohibition.

To the several States of the Union properly belongs the right to enact such local police regulations as will throw every proper restriction around the liquor traffic compatible with the personal and property rights of the citizen, but uniform police regulations enacted by Congress practically suited to the different wants and requirements of the people of all the various States would be difficult to frame and more difficult to execute. Any attempt to control the personal habits and private conduct of the individual should be opposed, so long as he does not interfere with the personal rights of others or the peace and order of society in general.

As it is a matter of grave doubt whether Congress has the right to regulate the liquor traffic in the several States of the Union, and as there seems to be no great pressing or urgent necessity for the passage of this bill, your committee hold that it is not advisable to attempt the exercise of doubtful powers by the General Government in these matters, which appear more properly to belong to the States themselves.

Your committee therefore recommend that the bill be reported back to the House with a recommendation that it do not pass, and they ask to be discharged from the further consideration of the subject.

Now, sir, from that report any one can see that the House, representing the American people, does not believe that it is a matter for the National Government to meddle with. Again, in the Democratic platform [cries of "Vote!"] was a protest against sumptuary laws, and a declaration that all laws interfering with individual liberty should not be passed.

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Mr. TOWNSHEND. Is it in order to move to go to the Speaker's table for the purpose of taking up the Mexican pension bill? [Laughter and applause.]

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Kentucky to a question of privilege.

Mr. TOWNSHEND. I understand the gentleman yields to me to call up the Mexican pension bill.

Mr. WHITE, of Kentucky. I will for that purpose.

Mr. TOWNSHEND. I move that the House go to the business on the Speaker's table for the purpose of taking up the Mexican pension bill.

Mr. TUCKER. I withdraw my objection to the bill of the gentleman from Indiana.

Mr. WHITE, of Kentucky. I only yielded to allow the Mexican pension bill to be called up.

I now ask the attention of the House to a letter from quite as prominent a temperance organ as the editor of The Voice. I refer to General Green Clay Smith, who was the Presidential candidate of the Temperance party in 1876.

Mr. Speaker, I shall print the entire letter of General Smith to which I have alluded, but I desire to call attention especially to one sentence which coming from such an authority offsets in my opinion the vile charge which has been brought against me by this pretended "Voice" of the temperance cause. General Smith says:

I am perfectly satisfied in my own mind, after a great deal of thought, that the true policy is to repeal the tax on all liquors and tobacco. The Government can not afford to derive revenue from crime. Sooner or later the practice will recoil with redoubled force on the nation. The sooner, therefore, we right ourselves in this matter the better. Throw the matter open free to all. Give the little man an equal chance with the big man, and by this means you destroy the ring monopoly absolutely.

The entire letter is well worth serious consideration. It is as follows:

LOUISVILLE, KY., *January* 24, 1885.

MY DEAR WHITE: Your letter received, and read with pleasure and proper consideration. You are clearly right; the great question before the American people is "How to manage and prohibit the manufacture and sale of liquors as a beverage." There are four essential points to be regarded and practiced in the introduction and accomplishment of any great and invaluable end: First, agitation; second, education; third, consecration; fourth, concentration. We have had for a great number of years agitation, and it seems we have about passed that step in this great work. We want now general education on the subject. The people must know the whole character, force, and power of the ring; its workings, internally and externally; its members, who they are and the amount of money employed in all its departments and for what purpose, and where it comes from and where it goes; the oppressions and crimes of every grade and the increase; the moral and religious wrongs and the effect on our civil and religious liberty. This education must apply to both state and nation, and both must be called upon to assist in its overthrow. This will bring us to consecration to principle. When men are properly educated then will they adhere to and dare to die for principle, and this leads of course to concentration of forces to the accomplishment of the end.

A party is needed for this work and it must be independent of all others, and by the might of its principles, the power and undeniableness of its facts, grow and strengthen until it will be respected and obeyed. We have reached that position; forever hereafter the great pivotal State of New York will be directed in its administrative power by the Prohibitionist. Not only New York but other States, for in the next national election we will poll from one to two millions of votes, if not more. We are educating rapidly, and our men are perfectly consecrated to their views and purposes, and the work of concentration is going on every day.

I am perfectly satisfied in my own mind after a great deal of thought that the true policy is to repeal the tax on all liquors and tobacco. The Government can not afford to derive revenue from crime; sooner or later the practice will recoil with redoubled force on the nation; the sooner therefore we right ourselves in this matter the better. Throw the matter open free to all, give the little man an equal chance with the big man, and by this means you destroy the ring monopoly absolutely. Our prison-houses to-day hold thousands of men who are no worse in any sense than the leaders and beneficiaries of the great whisky ring whose ill-gotten money pays them out of trouble and confinement. A tight place will only show what they would do—*vide* Buckanan & Bro., Louisville, Ky., and others, now of Canada.

We hold a prohibition and reform convention in this city 19th of March to consider the whole matter, and lay before the people such a platform as will meet the times. Good men from all parts of the State—of both the Republican and Democratic parties—write me, constantly advising the move and promising aid and votes.

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It is a beautiful idea in the administration of our affairs that an officer of his own volition can override the will of the people, expressed by their representatives, and absolutely do away with an act of Congress. While it is a fearful step, yet I am of the opinion it will inure to the benefit of our cause. A desperate move to defraud the Government and rob the people. Let the people know all about it, keep such acts before the minds of the honest, true citizens, and they will right matters ere long.

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Your friend, truly,

GREEN CLAY SMITH.

That I think is a fit and perfect answer to the misrepresentation of The Voice. But I desire to call the attention of this House to a better reason why I introduced joint resolution No. 319. The House will remember that Judge Folger, the late Secretary of the Treasury, held that nothing but Congressional legislation could postpone the collection of the whisky tax. But Secretary McCulloch or Commissioner of Internal Revenue Evans has extended the bonded period for distilled spirits by a simple ruling for six months beyond the time authorized by law. The Louisville (Ky.) Courier-Journal gives credit to Commissioner Evans, for whom it has acquired great affection, as follows:

GIVING MR. EVANS JUSTICE—THE COMMISSIONER NOT OPPOSED TO A LIBERAL POLICY TO THE WHISKY INTEREST.

[Special to the Courier-Journal.]

WASHINGTON, *January* 15.

The following paragraph appears editorially in the Louisville Evening Times of Tuesday:

"Col. Walter Evans, Commissioner of Internal Revenue, gives notice that he was, and still is, opposed to the policy recently adopted by the Secretary of the Treasury practically extending for seven months the whisky bond period. As Colonel Evans will soon return to Kentucky and re-enter State politics, we gladly put him on record in the matter as a foil against Johnny White's tomahawk."

In justice to Commissioner Evans your correspondent will state that he was not and is not opposed to the policy or the ruling of the Secretary of the Treasury. On the other hand, it is known here that the Commissioner of Internal Revenue was one of the firmest supporters of a liberal policy to the whisky interest, and as soon as the opinion of the Attorney-General was delivered it was he who made the regulations, and he was the only officer of the entire Government who could issue a regulation in the premises. The Secretary of the Treasury could not and did not make a regulation in the premises. The Commissioner, as the law exclusively authorizes, made the regulations, which were simply approved by the Secretary without the slightest change. The Secretary could neither make a regulation on the subject nor compel the Commissioner to make one. The law on that subject is plain.

What is the result? The result is that the whisky ring has circumvented Congress and laughs at those who are innocent enough to hope with Mr. BLOUNT, of Georgia, who introduced a bill to compel the collection of the whisky tax as required by law, as follows:

A bill to enforce the collection of taxes on distilled spirits in bonded warehouses.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, immediately on the expiration of the three years allowed for the payment of the tax on all distilled spirits in bonded warehouses, to proceed to collect the same, notwithstanding any action which may be begun after said time in the process for its exportation.

The fact must not be lost sight of that the chairman of the Committee on Ways and Means favored the extension of the bonded period for distilled spirits for two years, as shown by the following report, and will not likely object to any informality by the Commissioner of Internal Revenue favoring the whisky ring:

Mr. MORRISON, from the Committee on Ways and Means, submitted the following report, to accompany bill H. R. 5365:

The Committee on Ways and Means, having considered the subject of extending the time for the payment of the tax on distilled spirits now in warehouse, beg leave to report:

The production of distilled spirits in the United States has become larger than demanded by the market. The taxes are the largest paid by any domestic industry. It suffers in common with other industries from the present depression of trade. The burden from which it chiefly suffers is that directly imposed by the Government. Its relief would probably prevent serious disaster and bankruptcy not only to the interest itself, but to associate business interests. This bill proposes not to relieve any liability for taxes now imposed by law, but simply to postpone their payment for a period not exceeding two years, on condition of further security and of the payment of interest on the postponed taxes at the highest rate (of interest) paid by the Government on any of its bonded debt.

It is not without significance that Mr. HEWITT, of New York, in the course of the debate on the whisky-bonded extension bill, 1884, said:

Taxation has nothing to do with morality. I have been brought up to believe that taxation is for revenue, and for revenue only. * * * It is just as legitimate to produce whisky as it is to produce pig-iron.

Hon. T. F. BAYARD, who was dined and wined by the Louisville whisky men on his return a few years since from the Nashville horse-races, said of the whisky business:

The parties engaged in this business are citizens of the United States; their business is as honest and as honorable as any other.

Who can harmonize the assertions above with the National Democratic platform adopted at Chicago July 10, 1884, which declares the following doctrines:

We oppose sumptuary laws which vex the citizen and interfere with individual liberty.

We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes to be distributed among the States or the citizens thereof.

Now, Mr. Speaker, what are the facts about the growth of the whisky monopoly, which is not satisfied to attend to its own work of legalized death and destruction, but which seeks to control the government of States, the deliberations of Congress, and dictates to the Treasury officials how they shall perform their executive duties regarding the collection of taxes.

The following tables from the reports of the Commissioner of Internal Revenue will throw much light on the vexed subject:

Fiscal year ending June 30—	Quantities of spirits distilled from materials other than fruit.				Amount of tax collected:			Rates of tax per gallon on spirits distilled from materials other than fruit, from all materials whatever prior to that date.
	Produced.	Withdrawn, tax paid.	Remaining in warehouse June 30.	Exported.	On spirits withdrawn from warehouse for sale of spirits distilled from fruit.	From all other sources relating to distilled spirits.	Total.	
	Gallons.	*Gallons.*	*Gallons.*	*Gallons.*	*Gallon-tax.*			
1863 (ten months)	16,149,954	16,149,954			$3,229,991	$1,946,539	$5,176,530	20 cents.
1864	85,295,393	85,295,393			28,431,798	1,897,352	30,329,150	20 and 60 cents.
1865	16,936,777	16,936,777			16,007,707	2,723,715	18,731,422	$1.50 and $2.
1866	23,814,051	14,599,289	6,081,851		29,482,078	3,786,094	33,268,172	$2.
1867	32,269,629	14,148,132	17,887,272	4,654,816	29,164,409	4,378,843	33,542,952	$2.
1868	16,395,651	6,709,547	27,278,429	4,128,188	14,290,731	4,364,900	18,655,631	$2.
1869	53,367,884	61,183,559	16,685,166	1,173,226	33,735,324	11,335,907	45,071,231	$2 and 50 cents.
1870	71,337,099	76,339,807	11,671,886	915,629	39,245,099	16,360,995	55,606,094	50 cents.
1871	54,576,446	59,503,972	6,744,390	780,153	31,157,314	15,124,534	46,281,848	50 cents.
1872	68,275,745	64,914,471	10,103,392	950,213	33,117,789	16,357,727	49,475,516	50 cents.
1873	68,236,567	62,971,413	14,650,148	2,358,630	43,131,665	8,968,307	52,099,372	50 and 70 cents.
1874	68,805,374	61,763,700	15,575,224	4,060,160	43,807,094	5,636,996	49,444,090	70 cents.
1875	60,930,425	62,580,998	13,179,596	587,413	46,877,938	5,204,053	52,081,991	70 and 90 cents.
1876	57,959,647	56,989,389	12,565,850	1,308,900	51,390,490	5,035,875	56,426,365	90 cents.
1877	59,912,268	56,848,525	13,091,773	2,529,528	52,671,291	4,798,139	57,469,430	90 cents.
1878	56,103,053	49,571,128	14,088,773	5,499,252	45,626,533	8,794,283	50,420,816	90 cents.
1879	71,892,621	51,885,939	19,212,470	13,837,581	47,709,464	4,860,821	52,570,285	90 cents.
1880	90,355,270	61,100,362	31,362,869	16,765,666	55,919,119	5,266,390	61,185,509	90 cents.
1881	117,728,150	67,372,575	64,648,111	15,921,482	62,214,128	4,939,847	67,153,975	90 cents.
Total	1,090,372,004	946,864,930	294,856,861	76,470,837	707,209,362	127,781,017	834,990,379	

[NOTE.—The production for 1863 and 1864 includes spirits distilled from apples, peaches, or grapes.]

Statement of the aggregate quantity, in taxable gallons, of distilled spirits of the different kinds known to the trade, produced, withdrawn, and remaining in warehouse in the United States for the fiscal year ended June 30, 1884.

	Bourbon whisky.	Rye whisky.	Alcohol.	Rum.	Gin.
DR.	*Gallons.*	*Gallons.*	*Gallons.*	*Gallons.*	*Gallons.*
1. Remaining in warehouse July 1, 1883	55,837,112	17,897,295	229,523	512,892	72,702
2. Produced and bonded during the year	8,896,832	5,089,958	12,385,229	1,711,158	641,724
Total	64,733,944	22,987,253	12,614,752	2,224,050	714,426
CR.					
3. Withdrawn on payment of tax during the year	17,492,895	5,973,855	8,000,004	1,054,363	618,619
3. Lost by leakage or evaporation in warehouse	2,649,758	962,648	1,925	17,094	1,105
4. Withdrawn for export during the year	3,401,410	710,858	4,100,791	664,942	1,335
5. Withdrawn for scientific purposes	2,318	161	14,171		
6. Withdrawn for transfer to manufacturing warehouse	1,640	1,813	49,066	415	
7. Lost by casualty, &c., during the year	8,864	332,861	55,386		
8. Remaining in warehouse June 30, 1884	41,177,059	15,005,057	393,409	487,236	93,367
Total	64,733,944	22,987,253	12,614,752	2,224,050	714,426

	High wines.	Pure, neutral, or cologne spirits.	Miscellaneous.	Total number of gallons.
DR.	*Gallons.*	*Gallons.*	*Gallons.*	*Gallons.*
1. Remaining in warehouse July 1, 1883	207,969	1,062,401	4,680,099	80,499,993
2. Produced and bonded during the year	6,745,688	28,538,680	11,426,470	75,435,739
Total	6,953,657	29,601,081	16,106,569	155,935,732
CR.				
3. Withdrawn on payment of tax during the year	6,528,654	27,395,849	11,278,235	78,342,474
3. Lost by leakage or evaporation in warehouse	7,409	17,805	200,749	3,856,494
4. Withdrawn for export during the year	6,485	595,342	105,575	9,586,738
5. Withdrawn for scientific purposes		4,187		20,837
6. Withdrawn for transfer to manufacturing warehouse		159,897	1,219	214,050
7. Lost by casualty, &c., during the year	38		13,439	410,568
8. Remaining in warehouse June 30, 1884	411,071	1,428,000	4,507,352	63,562,561
Total	6,953,657	29,601,081	16,106,569	155,985,732

Table showing the stock on hand, production, and movement of spirits for the fiscal years 1880, 1881, 1882, 1883, and 1884.

	1880.	1881.	1882.	1883.	1884.
	Gallons.	*Gallons.*	*Gallons.*	*Gallons.*	*Gallons.*
Quantity of spirits actually in warehouses beginning of fiscal year	19,212,470	31,363,869	64,648,111	89,962,645	80,499,993
Quantity of spirits produced during fiscal year	90,355,270	117,728,150	105,853,161	74,013,308	75,435,739
Total	109,567,740	149,092,019	170,501,272	163,975,953	155,935,732
Quantity of spirits withdrawn, tax-paid, during fiscal year	61,100,362	67,372,575	70,730,180	75,441,087	78,342,474
Quantity of spirits withdrawn for exportation during fiscal year	16,765,666	15,921,482	8,092,725	5,826,427	9,586,738
Quantity of spirits withdrawn for scientific purposes, for use of United States, for transfer to manufacturing warehouse, destroyed by fire, allowed for loss by leakage in warehouses, &c.	337,843	1,149,851	1,715,722	2,708,446	4,503,969
Total	78,203,871	84,443,908	80,538,627	83,475,960	92,433,181
Quantity of spirits remaining in warehouses at end of fiscal year	31,363,869	64,648,111	89,962,645	80,499,993	63,502,551

	Gallons.
Scientific	20,837
Transfers	214,050
Casualties	410,588
Leakage	3,858,494
Total	4,503,969

The following statement shows the quantity of spirits, as per original gauge, withdrawn from warehouse for all purposes during the stated period, and the amount and percentage of leakage allowed thereon under the provisions of the act named:

Year.	Total quantity withdrawn.	Leakage allowed.	Percentage of withdrawals.
	Gallons.	*Gallons.*	
1880	78,199,283	75,834	.096
1881	84,335,900	811,466	.962
1882	80,281,611	1,231,336	1.533
1883	83,291,190	2,291,013	2.750
1884	92,022,593	3,858,494	4.193

The following statement shows the quantity and percentage of production of distilled spirits removed in bond for export during each fiscal year since the passage of the act of June 6, 1872:

Year.	Taxable (proof) gallons exported.	Percentage of production.
1873	2,358,630	3.45+
1874	4,960,160	5.90+
1875	587,413	0.96+
1876	1,398,900	2.25+
1877	2,529,528	4.22+
1878	5,499,252	9.80+
1879	14,837,581	20.63+
1880	16,765,666	18.55+
1881	15,921,482	13.52+
1882	8,092,725	7.64+
1883	5,826,427	7.19+
1884	9,586,738	12.70+

The following table shows the quantity of distilled spirits in taxable gallons, at 90 cents per gallon tax, placed in distillery warehouses during the fiscal year ended June 30, 1884, the quantity withdrawn therefrom during the year, and the quantity remaining therein at the beginning and close of the year:

Summary of operations at distillery warehouses for the year ended June 30, 1884.

Distilled spirits—	Quantity.	Total.
Actually remaining in warehouse July 1, 1883	80,499,993	
Not actually in warehouse, claimed to have been lost by casualty	449,606	
Withdrawn for exportation, proofs of landing not received	6,235,474	
Withdrawn for transfer to manufacturing warehouse, not yet received at warehouse	41,697	
		87,226,770
Produced from July 1, 1883, to June 30, 1884		75,435,739
Total		162,662,509
Withdrawn tax-paid (including deficiencies on export bonds and casualties disallowed)	78,366,625	
Exported, proofs of landing received	5,633,964	
Allowed for loss by casualty	589,789	
Withdrawn for scientific purposes and for the use of the United States	20,837	
Allowed for loss by leakage or evaporation in warehouse	3,858,594	
Allowed for loss by leakage in transportation for export, &c.	36,858	
Withdrawn for transfer to, and received at, manufacturing warehouse	170,238	
		88,676,905

Summary of operations at distillery warehouses, &c.—Continued.

Distilled spirits—	Quantity.	Total.
Withdrawn for exportation, proofs of landing not received	10,148,599	
Withdrawn for transfer to manufacturing warehouse, not received at warehouse	85,137	
Not actually in warehouse, claimed to have been lost by casualty	249,317	
Actually remaining in warehouse June 30, 1884	63,502,551	
		73,985,604
Total		162,662,509

SPIRITS WITHDRAWN FROM WAREHOUSES FOR SCIENTIFIC PURPOSES AND FOR THE USE OF THE UNITED STATES.

The quantity of alcohol withdrawn free of tax from distillery warehouses for the use of colleges and other institutions of learning in the preservation of specimens of natural history in their several museums, and for use in their chemical laboratories, and of spirits of various kinds for the use of the United States, amounted during the year to 20,837 gallons, or 7,888 gallons less than the quantity withdrawn during the previous year.

Number of persons who paid special taxes in each State and Territory during the special-tax years ending April 30, 1883 and 1884.

	1883.	1884.
Rectifiers	1,468	1,406
Retail liquor-dealers	187,871	180,068
Wholesale liquor-dealers	4,647	4,291
Manufacturers of stills	26	25
Brewers	2,378	2,240
Retail dealers in malt liquors	7,998	8,220
Wholesale dealers in malt liquors	2,582	2,705
	206,970	198,955
Retail dealers in leaf-tobacco	3	4
Dealers in leaf-tobacco	3,382	3,378
Dealers in manufactured tobacco	449,612	449,872
Manufacturers of tobacco	1,060	701
Manufacturers of cigars	16,724	15,349
Peddlers of tobacco	1,403	1,415
Dealers in leaf-tobacco, not exceeding 25,000 pounds	1,208	1,054
Total	680,362	670,724

Statement showing the number of grain and molasses distilleries registered in the United States during the fiscal years 1877, 1878, 1879, 1880, 1881, 1882, 1883, and for 1884.

	Number.		*Number.*
1877	684	1881	1,308
1878	682	1882	1,154
1879	883	1883	1,237
1880	1,057	1884	4,738

There are in the United States, according to Tenth Census,

	Total.	Male.	Female.
Saloon-keepers and bartenders	68,461	67,153	1,308
Traders and dealers in liquors and wines	13,500	13,368	132
Distillers and rectifiers	3,245	3,237	8
Traders and dealers in drugs and medicines	27,700	27,580	120

Even here in Washington city there are more than 1,200 places licensed to sell intoxicating liquors, and about three hundred of them

are on Pennsylvania avenue, between the President's mansion and this Capitol. And more disgraceful still, you sit here and without protest allow all kinds of intoxicating liquors to be sold in our Capitol restaurant.

I may be pardoned for quoting from my colleague from the second district of Kentucky, who alluded to me in his speech on March 22, 1884, as follows. Mr. CLAY said:

I take it there is no moral or religious question connected with the bill, and there should be none in the discussion of the question connected with it; and there will be none unless my colleague on the other side of the House from the State of Kentucky [Mr. WHITE] should deem it necessary to lug into this discussion some of his temperance proclivities and great moral ideas.

I need hardly say that the New York Voice and my colleague entertain views very diverse.

If my colleague intended by that remark to exhibit me to this House as a man having temperance proclivities, moral ideas, and religious convictions he has said it well. I trust I shall, in justice to God, my country, my constituents, and my family, always be able to view every question from a moral standpoint.

But if the gentleman sought to parade my views before the Representatives here as fine-spun theories, or to hold me up before the country as an extremist on religion or temperance, I simply say to him and to this House that I do believe in God, the maker and ruler of the universe, but I have never attempted to force my views on any one; and, as for temperance, I hold that every sound, mature person has "the right to life, liberty, and the pursuit of happiness" in his or her own way, provided they have due respect for the will of the majority, which must always govern in a republic.

Ten years ago, in my first candidacy for public office, I expressed my views on temperance and attempted to set them forth in a bill presented to the Forty-fourth Congress, which I reintroduced in the Forty-seventh Congress and again in this Congress (H. R. 596), which has been reported upon adversely by your Democratic Committee on Alcoholic Liquor Traffic. The bill to establish a commission to collect facts relative to the alcoholic liquor traffic met with the same fate at Democratic hands.

Again Mr. CLAY said:

The whisky that is now in bond in the State of Kentucky is held and owned by individual citizens throughout the United States, and they are calling upon you not to relieve them on account of the original plant in the manufacture, not to prevent a failure on account of their investment, but to relieve them against an excise tax which is 500 per cent. more than the value of the original plant.

Notwithstanding this fact, it remains true that the whisky men and their representatives protest against the repeal of the entire whisky tax. Like the tobacco monopolists, they want the system kept up, but favor an occasional reduction with timely notice.

I have consulted with my constituents in regard to the propriety of this move to abolish the internal-revenue system. It is well known in my State that the internal-revenue system has ceased to be what it was intended for, namely, an instrument to collect revenue to help pay off the war debt, and it has come to be a monopoly to protect the gigantic distilleries that make from one hundred to five hundred barrels of whisky a day. Those distilleries are the beneficiaries of an army of officers, who are paid $5,000,000 a year, and who go about hunting up and arresting the most ignorant and poverty-stricken people throughout the States of Georgia, Alabama, Tennessee, West Virginia, Kentucky, and other portions of the country on the most technical grounds.

Seeing that the tax was not going to be paid; seeing that from time to time whisky rings received the privileges which they desired, to wit: first, extension for sixty days; then, second, extension of the bonded period for distilled spirits for one year by a promise to pay interest; third, extension for three years without interest; then repeal of stamp taxes; after that the leakage clause of seven and a half gallons per barrel; then still further extension, in defiance of the action of Congress, for six months by a regulation of the Treasury Department which was without warrant of law.

On April 13 and 15, 1882, I called the attention of Congress to the insatiate demands of the whisky ring as follows:

Mr. Chairman, the Republicans of this House held a solemn caucus here and declared as Republicans, and published our actions to the public, that we would not reduce the tax on whisky from 90 to 50 cents a gallon, but in less than a fortnight the Committee on Ways and Means, for some unknown purpose, brought in a bill which was better for the large distiller and the bonded-warehouse man than would have been a reduction of the tax from 90 cents to 50 cents a gallon on whisky. This is a beautiful record to go before the country with, as accessories to the schemes of the Democratic party and renegade Republicans.

* * * * * * *

Now, observe that on November 1, 1881, there were 67,442,186 taxable gallons of spirits remaining in distillery warehouses, or more than the total amounts for the three years preceding 1881. But, sir, on the 1st of March, 1882, there were 69,243,835 gallons in distillery warehouses in three States alone—Kentucky, Maryland, and Pennsylvania.

The enormous profits realized under the Carlisle bill are not enough to satisfy the whisky kings. This success under three years' protection and gross indulgence makes them supercilious in demanding as a right the continuance of the policy adopted by the Democratic party.

Why, sir, I remember when in the Forty-fourth Congress the Democratic party, with thirty-two smelling committees, were night and day studying how to turn out public officials, cut down the salaries of poorly-paid clerks, cut off loyal claims, turning out one-armed and one-legged soldiers, and crippling and starving every branch of the Government to seem to save $40,000,000 in order to make a record before the country as great economists and retrenchers and reformers. Even the boss salary-grabber from Pennsylvania, the late Speaker RANDALL, joined in the Democratic war-whoop of "retrenchment and reform."

Now, I charge that under the operation of the old Carlisle bill every useful industry in the country has been badly damaged, and more than $40,000,000 of money which should have gone into the public Treasury have been given away to the large manufacturers and owners of distilled spirits. And now the perpetrators of this great wrong ask Republicans to become accessories to their criminal legislation, and to "show our faith by our works"—on the devil's side—by extending the bonded period indefinitely and pro rata "outage" for five years beyond the provisions of that Carlisle bill.

Why, sir, that bill extended the time from one to three years, and stopped charging for warehouse stamps (an item amounting to hundreds of thousands of dollars), also the charge of 5 per cent. interest formerly collected for all time over one year allowed in bond, and allowed shrinkage from one to seven and one-half gallons, according to time in bond. I assert, without fear of successful contradiction, that the Government lost more dollars by that Carlisle bill than the Forty-fourth Congress saved by its parsimony, and that its evil effects on the useful industries have been as harmful as the temporary Democratic ascendency was pernicious.

Now we Republicans are asked to condone this Bourbon Democratic legislation, and besides sanctioning what they have done to extend the bonded period five years longer, and allow five gallons for "outage" under the new law in addition to the seven and one-half gallons spirited away under the old law. Nor does it stop there. In the machinery of the extension bill passed by the House is a speculating scheme for special bonded warehouses which are to reap a harvest by storage charges imposed on small distillers, who are forced to remove their spirits to such special bonded warehouses. We are asked to open wide the doors to the largest whisky frauds, to prepare the way for the most unparalleled scandals which have ever been charged to the Republican party.

Sir, we shall need this money for the purpose of educating the people of the country. We shall need this money to improve our rivers and harbors. We need it to pay the pensioners of the country; and for many other useful and legitimate purposes. We owe to the Democratic party nothing, for that party, as Horace Greeley well said, had as its fundamental doctrine: "Love rum and hate niggers."

The Republican party has a mission. Its mission is to protect American labor from foreign cheap-labor products, to protect American citizens from kuklux klans and degrading influences at home and from insult and injury abroad. Its mission is to develop the mental, moral, and material resources of the nation, from the Atlantic to the Pacific, and from the great lakes to the jetties.

Its mission is to see that every American citizen is educated so as to vote his own sentiments intelligently, and that every man may vote once, and that his vote shall be counted as he wants it counted.

Its mission is to replace our old worn-out hulks in the Navy with new vessels, equal or superior to any in the world, that our nation may be prepared for any emergency.

Its mission is to develop the vast latent agricultural and mineral resources of our growing and prosperous country; to encourage honest, industrious, and decent immigrants to come and find homes among us; and to enact laws to prohibit the criminals, vagabonds, and moral lepers from touching our shores or desecrating our free institutions.

If the Treasury Department can extend the bonded period six months it may extend it indefinitely.

After six years' experience in Congress I am prepared to say that in my humble judgment more can be done to prevent the use of alcoholic liquors as a beverage by a total abolition of the internal-revenue system, with all of its machinery, than in any other way; and I therefore favor a remission of the vexed question to the several Congressional districts of the United States for settlement as shall seem to each of them wisest and best.

In conclusion, I beg to repeat to the House and to remind the country that the most fruitful source of crime, misery, poverty, and demoralization known to this country is due to the use of intoxicating liquors, and that the responsibility of correcting the evil rests with the people, first in their homes, then in the States, and finally in Congress and the Territories.

Mr. RANDALL. I ask the gentleman to yield to me for the purpose of submitting a privileged question.

The SPEAKER *pro tempore*. Does the gentleman yield for that purpose?

Mr. WHITE, of Kentucky. Certainly. Before yielding the floor, however, I ask permission of the House to extend my remarks and print some papers and extracts which I will not detain the House by reading.

There was no objection, and it was ordered accordingly.

General Grant.

SPEECH

OF

HON. BYRON M. CUTCHEON,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. CUTCHEON said:

Mr. SPEAKER: I am glad of the opportunity to vote to place General Grant upon the retired-list of that Army which more than any other living man he has rendered illustrious.

Whatever other names may live, whatever other names may perish in the annals of this land, the place of U. S. Grant is fixed in history as securely as that of Alexander, Cæsar, Bonaparte, or Wellington. He was the one general of our Army who always brought victory with him.

He came to Donelson, and Buckner surrendered.

He appeared before Vicksburg, and Pemberton and his thirty thousand became prisoners of war.

He came to our beleaguered Army at Chattanooga, and Mission Ridge and Lookout Mountain became at once and forever the synonym of glorious victory.

He came to the ever-gallant but often-baffled Army of the Potomac, and he never relaxed his iron grip upon the enemies of the Union until he sent them to their homes the paroled prisoners of the great Republic.

Victorious in battle, he was magnanimous in victory. His triumph was not more welcome to his friends and to the friends of the Union than was his magnanimity grateful and unexpected to the vanquished. The Revolution had but one Washington, the civil war can have but one Grant. By the side of the names of Washington and Lincoln the name of Grant will ever stand, one of the grand triumvirate of the first century of the Republic. No honors that we have paid and no benefactions that we can render can ever outmeasure the greatness of the obligation we owe him in the few remaining years of his life. There were single days when the value of the services of General Grant would outweigh them all. To say that General Grant has committed errors in both military and civil life is simply to say that he is human.

To say that his business disasters have been sad is simply to say that no man is equally great in all directions; and it appeals all the more strongly to our sense of gratitude for the great services rendered by him in the hour of our greatest need.

But above all errors and above all disasters he stands the great, heroic figure of this generation, the envoy of victory, the hero of Vicksburg and of Appomattox, the conqueror of peace, and the restorer of a reunited country.

We owe it to him, we owe it not less to ourselves, we owe it alike to the past and to coming generations, that neither the critic of the present nor the historian of the future shall be able to say, pointing to General Grant, that republics are ungrateful.

Let us then, forgetting all resentments, burying all animosities, foregoing all criticism, recognize in General Grant the embodiment of the spirit of patriotism and heroic sacrifice which made this second century of the great Republic possible.

General Grant.

"Gratitude is the curse of republics."

SPEECH

OF

HON. WHARTON J. GREEN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. GREEN said:

Mr. SPEAKER: At the risk of being thought churlish or ungracious, or of other imputation of motive, I am impelled by sense of duty to raise my voice and enter protest against the passage of the bill under consideration. I but anticipate the charge of sectional hostility which such opposition is sure to engender. Full well I know that the motives of any hailing from my quarter of our common country who dare oppose this and kindred measures are liable to misconstruction and certain of vituperation.

But, sir, no man is worthy to occupy a seat on this floor who permits himself to be tongue-tied by such puerile, personal considerations. God knows I am actuated by no latent sentiment of lingering hate in opposing this and kindred measures. Neither do I believe that others like situated are so actuated.

Brave men bear no malice after a fair fight, an honest hand-shake, and a genuine make-up. The opposite is equally certain. The skulker and the deserter, the bounty-jumper and the contractor, the home-guard, the blackguard, and the demagogue—all of whom, like the warhorse in Holy Writ, snuff the battle from afar—are implacable in hate, even twenty years after guns are grounded and sabers sheathed. Every side in every struggle turns out these valiant mouthers and strutters; harmless as doves in war, but mischievous as serpents in peace, or, as John Phœnix has it, "soldiers in peace, citizens in war." But take "the soldiers" in our terrific strife, and I venture to say that since the first recorded battle between brothers in the purlieus of Paradise never was there such deadly hate in battle or such mutual rubbing of eyes and genuine forgiveness after the smoke of battle was dispelled.

It is an English attribute, and we are English. The sword-wearers and the gun-bearers on the victor side held out the right hand of fellowship and said, "Let us be brothers again." After such a pass at arms none but heroes could do it, and none but men imbued with the spirit of freedom could say it. And may I not be pardoned for adding that none have ever accepted the dread arbitrament of battle with more composure and less complaint than the losing side, of which I was but an humble component, derided as rebels and belied as traitors by heroic "implacables" of genus named?

They dared, endured, and for opinion suffered as no mailed host has ever done as long as the clash of arms continued. But when "grim-visaged war had smoothed his wrinkled front," they went back to their desolated hearth-stones bearing little of this world's gear, and leaving even their hate behind.

As one of that fold, realizing full well that the cherished convictions of earlier years are dead and buried, but as an American citizen, and as a lawmaker, too, still wedded to the free traditions of my forebears, I venture to raise my voice, unattuned to eloquence, in honest and earnest protest against this unprecedented proposition. It is not done in the spirit of malediction of a confederate soldier, but of an American legislator. It is uttered in no carping spirit of reprisal or revenge for blasted hopes and dream dispelled by the would-be beneficiary. So far from it, Mr. Speaker, that were I his bosom friend, regard for his fair fame and good name would prompt even more strenuous hostility to this ill-advised step of his injudicious friends. For, sir, is it not an imputation upon the honor of the leading soldier of the victorious side to infer that he would take a service pension (and, say what you will, it is nothing more or less) while one is refused even to a meritorious drummer boy, whose rat-a-tat sounded charge or checked retreat in the great armies which he led? What better right the first man than the last man to a service pension? And I repeat, disguise it as you will, it is but such.

It were invidious to give to the first and withhold from the second, and so on to the last. Carried out to its legitimate conclusion, and so far from being cursed with a redundant revenue and overplethoric Treasury, as we now are, unless we curtailed our prohibitory tariff on many articles, there would soon be a lamentable deficiency. There is nothing like a fat pension-roll to make a lean treasury.

Good soldiers in war, synonym in time of peace for good citizens, are, I am sure, opposed to such a wholesale, bankrupting spoliation bill as one for general service pensions imports.

Again, Mr. Speaker, the passage of this bill, ay, its introduction, subjects the recipient of its benefits to the imputation of avarice, the besetting sin of senility and littleness, from which true greatness has ever been supposed to be exempt. Of a surety, Mr. Speaker, it is not the soldier vice. "On the contrary, quite the reverse." For near two hundred years we read of no great English speaking soldier who has tarnished his epaulets or his escutcheon with greed of gain. Ay, Mr. Speaker, since the great Marlborough, "little Jack Churchill," bartered a sister's honor, not to speak of his own, for pounds, pence, and promotion, a soldier with "an itching palm" has been the scoff and scorn of soldiers. There has been, there may be, there will be, freelances and soldiers of fortune, who are willing to pit blood 'gainst bounty, and who demand equivalent after, whether the first was spilt or simply endangered. It is simply a question of "barter" with Capt. Dugald Dalgetty. But while barter may be pardonable in a Shylock, where even a pound of live human flesh is involved, it is sickening, it is nauseating in a nation's idol, where the consideration is but an atom of honor.

Fancy him to whom yon proud pile was but yesterday completed, standing like suppliant or mendicant in yonder aisle, either in person or by proxy, hat in hand and begging recognition for service rendered. And the abject picture ever been presented to a country's scorn the shaft had never been erected. Such was the claim of Sulla, "the manslayer," who would throttle country and silence conscience to gain that which he most desired.

Aurelius, the grandest figure in ancient story, did not, he could not have done it. Aristides was a citizen of Athens, and had rendered some service to the State. He died, the purse-bearer of the State. He lived in penury and died a pauper, and was buried by charity, and yet no prince of recorded time has had his epitaph, and but few deserved it—the briefest, proudest, grandest ever chiseled by stone-worker.

Apposite to the bill, Mr. Speaker, candor compels the confession that I last session did tax my constitutional conscience to its utmost tension to vote for a kindred but I think much more meritorious measure.

To give its claims in brief:

Some forty years ago a President called for an army to uphold the honor of his country. The call was answered, honor was upheld, and more than an empire added. The roll of heroes who did it had dwindled down to a fraction. Borne down with wounds, and poverty, and age, this band of superannuated heroes did venture to ask an obolus of their country. I tried to say "No," but it was not in me to do it.

A Democratic House with singular unanimity accorded it. A Republican Senate thought proper to kill it with a rider. Now, sir, if these old veterans who had given us a foothold on the Pacific and extended our sway from ocean to ocean, worn down with years, and tottering on the brink of the grave, are not entitled to the poor pittance asked for, upon what principle of equity or propriety can younger soldiers in later wars expect a recognition of their service in the manner suggested in this bill?

Judged from the successful standpoint, no man can overrate the magnitude of the work he accomplished; but, I repeat, let us not, for his own sake as well as ours, insult him with a pecuniary recompense. Ay, let us not measure his merit by the metallic standard. Merit so measured is apt to dwindle in public esteem; to grow dim instead of brighter with advancing years. 'Tis an old saying: "Republics are ungrateful;" but of all men who have lived or died, none has less right to complain of the ingratitude of republics than he.

Perhaps had my lot been cast on this side of the Potomac instead of the other I might add that few have illustrated in their own person the force of the antithetical aphorism, "Gratitude is the danger, the curse of republics."

Better the Ostra of Athens or the Tarpeia of Rome to curb the undue and dangerous popularity of a favorite than the gratitude which would prompt a free state to establish a pernicious precedent in his behalf.

Mr. Speaker, I believe I am within bounds in saying that with the exception of two or three of his retiring Presidential predecessors, so far from their being men of wealth, there was not one of them that could be called moderately well off. The list includes the Sage of Monticello, author of the Declaration of Independence, and coadjutor of the bill of rights, and by common consent the wisest political thinker of the New World, if not of the world. He died almost in penury and left his family destitute.

And there was his neighbor, Madison, deep, learned, didactic, and abstruse, whose counsels had most contributed to shape that inspired instrument, revered by our sires next to the Bible, the Constitution of our country. He, too, died a poor man. They both had a neighbor, who was called to the same exalted post which they had filled. He it was who dared to flaunt in the faces of the potentates of the Old World his "doctrine," which, considering the time, would be thought impudent if it were not sublime, and made by force of public sentiment the recognized "doctrine" of all his successors. He died among strangers, and there too was he buried, for reason why, he left not the wherewith to pay hearse-hire back to his loved Virginia. Virginia brought him home and gave him a cubit of earth.

And after a pause stalks on and off the Presidential stage that sturdy, self-poised, self-reliant, and unbending nature, most aptly called "Old Hickory," who left his impress on his age and the age succeeding and the ages to succeed as few have done in the annals of time. He lived up to his salary in generous but unpretentious hospitality, as a gentleman President should, and went out a poorer man than when he entered. Each and all they served their country well, and died without a blot. In dire need, did either pray for pension? Woe had it been to injudicious friend had one dared done so for them. They were as poor but as proud as Scotch lords, and would have taken tendered bounty, from what source coming, as unpardonable affront.

Mr. Speaker, I do not underrate or decry either of their legitimate successors. But in the presence of this august body I dare swear that if they were not entitled to pecuniary recompense none other since has been. If they would have scorned it with disdain the propriety of any who have filled the high office which they adorned, asking for recognition of service rendered, may well be doubted.

The world has lately had cause to hope that he too was of the Catonian school. It was but the other day that the world was startled and his true friends delighted to read the head-line in the telegraphic column, "He declines;" and a few days later, "He declines again." It had been proposed by the highest recommendatory source to put him on the pension-list, but he declined with ungracious if not overzeal. Zealous friends started to raise another large fund for his benefit; but he declined again. A wealthy friend offers to tear up a hundred-and-fifty-thousand-dollar mortgage in his behalf, but again the proposition is vetoed. Even his enemies were forced to cry, "Bravo!" It is for him to say whether his enemies shall say, with show, "The previous baits were inadequate; a shark is never caught with a sardine hook."

In conclusion, Mr. Speaker, I ask this House through you if this great soldier is fit and meet object of charity? Unless he is belied he is the recipient of an annual income—placed by the considerate care of friends who gave it beyond even the reach of his honest creditors, and that is where no honest man should wish to have his money placed—greater than that enjoyed by either of his predecessors. If injudicious speculation or financiering has entailed upon him loss, whether that loss be the result of cupidity or overconfidence in another, be his the blame and be his the penalty. Thousands to-day are paying the penalty attaching to misplaced confidence in a wild-cat concern whose only basis of credit was his own great name, not for finance, but for Government patronage.

My sympathy, Mr. Speaker, is more with the confiding fools who fondly trusted that an institution paying 3 per cent. a month to the head of the firm was a fit depository for honest savings. Are these victims to be satisfied out of the amount asked for? Then add a cipher to the sum demanded and it will pay them a bare 1 per cent. per annum on their confidence deposits in that model banking-house. In the absence of specific statement by the framers of the bill we are constrained to believe that such purpose is foreign to the pension. But were it otherwise, I would still vote "no." "If that be treason," or to employ the *post bellum* euphemism, "disloyalty," any who please can make the most of it. I for one do not propose to stifle my conscience to prove my loyalty.

General Grant.

SPEECH

OF

HON. THOMAS J. HENDERSON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. HENDERSON, of Illinois, said:

Mr. SPEAKER: I have no disposition to discuss the merits of the bill to restore General Grant to the Army and place him on the retired-list with the rank and pay of General. If any man in this or any other age ever merited so distinguished an honor as this bill proposes to confer, it is General Ulysses S. Grant, and I believe it to be a reproach to the Republic which he contributed so much to save that the conferring of such honor upon him has been so long delayed.

I have no sympathy with those who stop to inquire into the income or the necessities of General Grant in the consideration of this bill, whether they favor or oppose its passage. If this bill is passed, as I earnestly hope it will be, it should be placed on higher ground, ground which is more honorable to the nation and to General Grant, than that of his misfortunes or his necessities. I wish in my heart the honor now proposed by this bill had been conferred upon General Grant with less reluctance, and when he was in the full vigor of his health and there was no question as to his necessities. It would have been far more honorable to him and to the country which he has served with so much distinction.

It will be remembered that in the Forty-seventh Congress a bill to place General Grant upon the retired-list of the Army passed the Senate and was referred by the House to the Committee on Military Affairs, of which I was then chairman. That bill was never reported back to the House by the committee. But it is due to myself and to some other members of the committee to say that we earnestly desired to report the bill back favorably to the House, and when a majority of the committee decided otherwise we prepared a minority report, but as the majority of the committee did not make a report to the House we were unable to present our views as the minority of the committee. And as the report then prepared and signed by Hon. ANSON G. MCCOOK, Hon. GEORGE R. DAVIS, Hon. HENRY J. SPOONER, and myself, members of the Committee on Military Affairs, briefly presents the reasons which controlled us in favoring the passage of the bill, I ask that the same may be incorporated into and made part of my remarks. It is as follows:

Mr. HENDERSON, chairman of the Committee on Military Affairs, submitted the following as the views of the minority:

The undersigned, members of the Committee on Military Affairs, to which committee was referred Senate bill 59, to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired-list of the Army, beg leave, in connection with the unfavorable report of the majority of the committee, to submit the following views of the minority:

Without intending to offer at any great length the reasons which induce us to favor the passage of said Senate bill, we are of the opinion that the distinguished services of General Grant during the late war of the rebellion are of such high character as to entitle him to the recognition by the Government which said bill proposes to make. Surely but few men, if any, in the history of the world have served their country with greater distinction and honor than Ulysses S. Grant did during the late war for the preservation of the Union.

Educated by his country as a soldier, when internal war threatened to overthrow the Government he at once offered his services to the governor of his State, and, beginning his career as colonel of an Illinois regiment, found himself at the close of the war at the head of the Army, with the highest military rank and distinction known to the country, and with a name and fame which will endure as long as the Republic lives, and which should be dear to the hearts of the American people as long as they shall be animated by a love of noble deeds and great achievements. And yet no recognition, we believe, has ever been made of the distinguished services of General Grant by the Government of the United States, which he did so much to preserve, further than a vote of thanks by Congress.

It is true a patriotic and grateful people twice elected him to the high and honorable office of President of the United States. But while that office is one of great honor, it is also an office of great labor and responsibility; and in order that General Grant might accept the office of President it was necessary for him to resign the office of General of the Army, a life office, which, in view of his illustrious services, he was, as we believe, fully entitled to hold and enjoy for the remainder of his life. And now that he no longer serves his country in a civil capacity, we feel that it will be but an honorable act for a grateful people to restore General Grant to the Army and place him upon the retired-list with that rank which he won by his exalted patriotism, his great military skill and heroic courage, in a time of great national peril.

We believe the illustrious name of Ulysses S. Grant should be borne on the rolls of the Army. It was at the head of the Army in a great war that he won his imperishable fame and renown, and in our opinion it is but a fit and proper thing to do to restore him to the Army and place him on the retired-list with the rank and pay of General. Such a distinction he well merits, and the act will honor the country as much as it honors General Grant. We are therefore of the opinion that said Senate bill should pass, and that we should thus show to the world that we remember with pride our heroic, patriotic sons, and are willing to honor their noble deeds and illustrious services.

THOS. J. HENDERSON.
ANSON G. MCCOOK.
GEO. R. DAVIS.
HENRY J. SPOONER.

Beginning of a Civil Pension-list—The Act placing General Grant on the Retired-list virtually a Civil Pension—Reasons why it should not pass.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill (S. 2539) to authorize an additional appointment on the retired-list of the Army.

Mr. STOCKSLAGER said:

Mr. SPEAKER: No man will go further than I will in according to General Grant due meed of praise for his great services to the country as a leader of our armies in the late war. I shall not seek to detract a single laurel from his brow, for whatever individuals may think, the civilized world has decreed and the future historian will accord to him a place as one of the greatest captains of this or any other age. Neither is it because I do not sympathize with him in his losses and in his physical suffering that I feel it my duty to oppose this bill. I appreciate his great military achievements and deeply sympathize with him in his distresses. But I am not one of the number who believe we should vote to appropriate the people's money, paid by them in sweat and blood, to bestow large sums upon any person, simply because misfortune has overtaken them or they are upon beds of sickness. We should not legislate upon any such principle.

Upon what grounds do the friends of this measure place it? It is hardly claimed, and certainly has not been demonstrated to this House, that General Grant is in need of this aid. Indeed, it is quite certain he is not. Mr. George W. Jones, editor of the New York Times, in a statement published in the New York Herald of November 30, 1884, after the financial misfortunes of General Grant had overtaken him, used the following language:

"It has been extensively circulated that the literary work of General Grant was all that the ex-President had to live upon during the coming years of his life, and therefore an interview was sought with George Jones, editor and proprietor of the New York Times, to whose exertions the raising of a trust fund of $250,000 in behalf of General Grant some years back was almost entirely due. Mr. Jones in a business-like way responded to all pertinent queries.

"'I'll tell you all about this,' said Mr. Jones, 'When the fund of $250,000 was complete, desiring to invest it in some permanent and safe way, I counseled with ex-Governor Morgan, who advised that it be invested in Wabash stock. I suggested that perhaps Governments would be better, as I could put it where a certainty of 6 per cent. per annum could be returned. The Governor explained to me that his suggestion applied to a section only of the Wabash road, which involved an investment only of some $2,000,000, from which the income was almost a certainty.

"'"For what,' said I, 'would you guarantee the income?'

"He replied that for 5 per cent. he would guarantee $15,000 a year for ten consecutive years. Whereupon I made the arrangement."

"Has that been regularly paid?"

"It has, down to date."

"Without exception?"

"Well, there was one time when it was not paid for a few weeks, but, upon the representation that it would be paid—as it since has been—we did not press the estate of Governor Morgan for the guarantee. It is arranged between the executors, as it was with Governor Morgan, that in default of the payment by the road the principal and interest should be returned to us in behalf of General Grant. That is as certain as anything can be in life. The original fund can not be touched and the per annum income is assured."

"Of one thing the public may be certain—the money was raised by Grant's friends for Grant. *It has been safely invested, and its income is abundantly guaranteed.* It was raised for Grant and Grant alone will have it.

From this uncontradicted statement it seems General Grant has an assured annual income of $15,000. Quite enough, I take it, for the comfortable support of himself and family. Then upon what other ground is it based? It must be sympathy and nothing more. But, sir, if I am called upon to legislate in favor of the objects of my sympathy, it will be for the poor wounded and disabled soldier who is in poverty and distress, and is unable to keep the "wolf of starvation" away from his door, and the widows and orphans of such brave soldiers as went down to death in defense of their country, who for years have been knocking at the doors of Congress and of your Pension Office, but who, on account of some technicality of the law, or some inabilty, perhaps on account of poverty, to make the necessary proof, are denied the little pittance for which they so humbly beg, and to which they are so justly entitled, but notwithstanding are permitted to go down to death feeling that a great injustice has been done them.

Sir, if the rules of this House must be suspended, in the name of the classes to which I have referred let us take up and pass the bill increasing the pensions of widows and orphans from $8 to $12 per month, dispense with the proof of prior soundness, repeal the limitation to the arrears-of-pensions law, pension the old veterans of the Mexican war, and thus make smooth the path of these poor, dependent, and helpless persons as they pass down the declivity of life into the "valley and shadow of death." They would not only be acts which appeal to our sympathies, but they are acts which are demanded by every consideration of justice and good faith, and are entirely in accord with the settled policy of the Government.

But I have a more serious objection than this to the placing of General Grant upon the retired-list of the Army.

It is a civil pension. General Grant is just as much a civilian to-day as General ROSECRANS or General SLOCUM, who are honored members of this House. They are both brave and noble soldiers, and performed valiant and distinguished military services for their country, but to grant them a pension or to place them upon the retired-list would be simply a civil pension or a retired-list for civilians. To this I am most earnestly opposed. I think it a dangerous precedent, and one to which I can never give my sanction.

I have uniformly opposed all such cases. I had the honor of making the first extended speech ever made in the American Congress against the anti-American, anti-republican principle of civil pensions. I opposed with all my might granting a pension to Mrs. Meikleham, Thomas Jefferson's granddaughter, who was said to be living upon the charity of friends, because of the dangerous principle involved. I also opposed placing General Pleasonton and General Averill who, it was alleged, and I doubt not truthfully, were forced to resign and did not leave the Army of their own accord, because of the same principle. And having made my record, I can not permit my sympathies or the appeals and clamors of the public to deter me from performing my duty.

The American people duly appreciated General Grant's military services, and revived for him the rank which was created for Washington; a rank which he might have held and enjoyed all the emoluments belonging to it during his life had he chosen to do so. But his political ambition led him into another field. He voluntarily gave up this exalted life position, which the people in their generosity and out of gratitude for his services gave him, and took the position of Chief Magistrate of the country, which he held for eight years, when he retired to private life and became once more a private citizen. This is certainly all the honor which any man could ask and all the country could give. Placing General Grant upon the retired-list will give him no additional honor, but will establish a precedent which will work incalculable mischief in the future.

Therefore, much as I appreciate General Grant's achievements, which are a part of the country's heritage, and deeply as I sympathize with him in his losses and his illness, I can not lend my voice or my vote to a measure which will give him no additional honor and nothing that he really needs, but will be another step in the direction of a civil pension-list such as England is to-day groaning under.

The Public Lands—Squandered on Railroad and other Corporations—Forfeiture of unearned Land Grants demanded by the People, but refused.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1885,

On the disposition of the public lands.

Mr. STOCKSLAGER said:

Mr. SPEAKER: For the second time in the history of our country the question of the disposition of the public lands has become a great overshadowing question. That question is now one upon which public opinion is greatly absorbed, and which is attracting more attention among thoughtful persons than any other public question which is now being agitated. And, Mr. Speaker, when we pass in review the history of the land question and the land systems of the countries of the Old World, its influence upon the patriotism and prosperity of the people and upon civilization, we can not wonder that the public mind when once aroused upon this great question will brook no delay, but demands that the most effective, rapid, and powerful remedies shall be applied to the change of the policy pursued by this Government for the last twenty years. The people demand that the fearful engine of the decimation and squandering of our public lands—granting them in large bodies to great corporations—shall be reversed, and we shall at once return to the true policy of the Government, the granting of the public land without cost, in small quantities, to actual settlers.

Mr. Speaker, I say it is the second time in the history of our country that this question has loomed up until it is considered one of transcendent importance. As far back as 1849 it was a prominent question in American politics. In that year, on the 24th day of December, the first homestead bill was introduced in the House by Hon. Stephen A. Douglas, and a similar bill was introduced in the Senate on the 7th day of

January, 1850, by Andrew Johnson. The agitation of the subject continued, and such measures were supported by such able and distinguished legislators as Douglas, Pendleton, Vallandigham, HOLMAN, and S. S. Cox.

When the Republican party met in national convention at Chicago in 1860 and put forth its platform, conspicuous among its principles therein enunciated was the following resolution:

That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the homestead policy which regards the settlers as paupers or suppliants for public bounty; and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

Thus recognizing the bill passed by the Democrats in the House as the correct principle upon the subject of public lands.

It is a part of the political history of the country that the Republican party was successful in that campaign, electing its President and securing control of Congress. It carried out its pledge to the people by the enactment of a homestead law. This was a beneficent law, and I am frank to confess that if it had been carried out in good faith and the principles contained in it applied for all time to our public domain, it would have been one of the greatest and most far-reaching measures ever enacted by a legislative assembly on earth. Considered in its effects upon the future of the country, while the Republic stands, it was of transcendent importance.

The peaceful repose of our country was soon disturbed by the clash of arms, and the attention of the great body of our people was so riveted upon that terrible conflict, which was to decide whether or not the Government should live, that the subject of the public lands was for years little thought of by the people.

But alas, sir, the representatives of the people, who had obtained power upon a pledge to apply the beneficent principles of the homestead law to the public domain, and while the people were lulled into repose by the passage of the law and their attention drawn away from the subject by the horrors of civil war, in violation of their pledges to the people and in betrayal of a high trust began a reckless and wholesale system of giving away the public lands that before had never been dreamed of.

The American people were amazed when they learned that on the 1st day of July, 1862, just forty-one days after the homestead law was approved, the same Congress, with a reckless disregard of their own action never before witnessed, granted to the Union and Central Pacific Railroads a magnificent belt of land forty miles wide, extending from the Missouri River to near the Bay of San Francisco, and containing, to the Union Pacific 16,115,000 acres and to the Central Pacific 15,260,000 acres.

Thus the homestead law, by which the millions of acres of unsettled land was pledged to the people as a heritage to the actual settlers—to the men of toil who would cultivate them and make them blossom and bloom and bear fruit—was violated, disregarded, and set aside, and a most gigantic system of reckless squandering of the lands inaugurated. This was an entire change in our land system, both in the manner of disposing of the public lands and of the amounts to be given. Before that date not a single acre of the public domain was ever granted to a railroad or other corporation. Donations of the public lands had been made from time to time to the States, aggregating in all 31,600,846 acres, for the purpose of being disposed of by the States in aid of education, for military roads, for internal improvements, and for railroads. But the grants were all to the States.

The first grant to a State for railroad purposes was to the State of Illinois, in 1850, for the Illinois Central Railroad, and was of the saved sections, six sections in width on each side of the road. That State in making the grant to the railroad wisely reserved to herself 7 per cent. of the gross earnings of this road, from which she is now deriving nearly a half million dollars annually, and which will for all time to come contribute largely to the expense of the State government. The grants which followed up to 1862 were generally limited to six sections per mile, and in most cases the sale of the land was restricted to actual settlers of one hundred and sixty acres each at $2.50 per acre.

As before remarked, until the Republican party came into power not an acre of the public lands had ever been granted to a railroad or other corporation.

The Republican party inaugurated a new policy, and it was kept up by that party until we find in round numbers 200,000,000 acres of the public domain granted to railroad corporations. It is difficult for the mind to grasp this vast quantity.

We see a belt eighty miles wide, extending from near Lake Superior to the Pacific Ocean, covering some of the best agricultural, pasture, and timber lands in the country, that has been granted to the Northern Pacific Railroad Company. Then we see a belt forty miles in width, from the Missouri River to near the Bay of San Francisco, held by the Union and Central Pacific Railroad Companies. Near the Pacific coast we see a belt extending longitudinally through California, owned by the Western and Southern Pacific Companies, which, as is well known, is owned and controlled by the same parties that own and control the Central Pacific. And we see a belt, forty miles wide, stretching through Kansas into Colorado and New Mexico toward Arizona and old Mexico, that is represented by the Atchison, Topeka and Santa Fé Railroad Company. Then another belt, eighty miles in width, extending across New Mexico and Arizona to near the Pacific, represented by the Atlantic and Pacific Company, being substantially the Atchison, Topeka and Santa Fé Company.

These are but a portion of the grand belts of country covered by these enormous grants.

The mind is staggered in an effort to contemplate this imperial estate granted to great corporations. It can only be grasped by comparison. You could carve out of it 1,250,000 homesteads of one hundred and sixty acres each. It is equal to two hundred and forty States the size of Rhode Island. It is equal in area to seven States like Pennsylvania, with her 45,215 square miles; four and one-half times as large as all the New England States; equal to the thirteen original States, which have 204,001,280 acres. The total area of Great Britain and Ireland is 74,137,600 acres, or but little more than one-third these grants. There is not among all the enlightened nations of modern Europe one that has an area which equals that of our railroad kings. The empire of Austro-Hungary and the kingdom of Italy, with Switzerland and the Netherlands added, have an area of only 250,012,720 acres.

The creation by law of this most gigantic land monopoly the world has ever seen must in the very nature of things be felt upon our institutions and upon our people. The example of the Federal Government has been followed by some of our States, which have granted millions of acres of their public lands to railroad corporations, or sold them in large bodies to individuals. All the barriers have been thrown down, and foreign and domestic capitalists have bean reaping a rich harvest for themselves in the purchase of vast areas of land. But so far as the people are concerned, they, through their unworthy representatives, have sown the wind, and they are destined to reap the whirlwind.

Land monopoly has been the curse of every country in the world where it has obtained. The people of the Old World have struggled for hundreds of years in vain and futile attempts to get back to a rational system of land holdings. The happy and contented Russian villagers who were made slaves by the great landlords have struggled for centuries to get back to their old system, and although their lot is now much improved, it is far from being desirable. England ever since she adopted the old feudal system, upon the invasion by the Normans, has struggled to obtain a rational system of land-holdings. Poor, unhappy Ireland, with her huge estates, is another familiar example. The only true system is that of a division of the land into small tracts among owners who reside upon and cultivate it.

The whole world's experience for thousands of years teaches this doctrine, and the nation which has such system to the fullest extent has the most prosperous people. In the proportion in which you reduce the small holdings of land, and as a consequence increase the number of large holders and tenant farmers and agricultural laborers, just in that proportion do you degrade the agriculturist and bring poverty and misery upon him.

Mr. Probyn, in his work entitled, "Systems of Land Tenure in various Countries," in discussing the land system of Ireland and in contemplating what an impartial man familiar with this subject in that country would suggest as reforms, says:

He would probably set aside primogeniture, entails, and strict settlements. On large estates held by corporations he would look with no friendly eye. The "dead hand" fills him with peculiar horror. He everywhere wishes to see the living hand grasping the living soil.

Mr. Francis A. Walker, in his very recent work entitled "Land and its Rent," in discussing the subject of small holdings and the advantages presented by such a system, says:

The "magic of property" in transmuting the bleak rock into the blooming garden, the barren sand of the seashore into the richest mold, has been told by a hundred travelers and economists since Arthur Young's day. In his tireless activity, "from the rising of the lark to the lodging of the lamb," in his unceasing vigilance against every form of waste, in his sympathetic care of the drooping vine, the broken bough, the tender young of the flock and the herd, in his intimate knowledge of the character and capability of every field, and of every corner of every field within his narrow domain, in his passionate devotion to the land which is all his own, which was his father's before him, which will be his son's after him, the peasant, the small proprietor, holds the secret of an economic virtue which even the power of machinery can scarcely overcome.

Let us see what the effect of this ominously wrong system has been upon the agriculturists of this country.

The following table exhibits the number of farms of different sizes held in the United States and Territories in 1870 and 1880 respectively:

Number of farms in United States in the census years 1870 *and* 1880.

	1880.	1870.	Increase+ Decrease—
Under three acres	4,352	6,875	— 2,523
Three to ten acres	134,889	172,021	—32,132
Ten to twenty acres	254,749	294,607	—39,858
Twenty to fifty acres	781,474	847,614	—66,140
Total decrease in the number of small farms in ten years			140,653
Fifty to one hundred acres	1,032,910	754,221	+278,689
One hundred to five hundred acres	1,695,983	565,054	+130,929
Five hundred to one thousand acres	75,972	15,873	+ 60,099
From one thousand acres up	28,578	3,720	+ 24,858
Total number of farms	4,008,907	2,659,985	+1,348,922
Total increase in the number of large farms in ten years			494,576

It will be observed that there has been a marked increase in the num-

ber of large farms, they having increased, from 1870 to 1880, 494,566, while the small farms have decreased in number 140,653. This speaks volumes, and to the student of history is a solemn warning, which fills his heart with sadness for the future of our country.

But, Mr. Speaker, we have not only made great land monopolists of corporations, which, as John Randolph, with bitter sarcasm, yet biting truth, declared, "have neither souls to damn nor bodies to kick," but aliens and foreign corporations are gradually absorbing vast tracts of our best lands, until we find that already it is but little trouble to set out a list of owners of an aggregate of more than 20,000,000 of acres in tracts ranging from 5,000 to 5,000,000 each. I append a list of a few of such alien holders. I doubt not a careful examination of the subject would develop a list much more extensive that the one given below:

An English syndicate, No. 3, in Texas	3,000,000
The Holland Land Company, New Mexico	4,500,000
Sir Edward Reid, and a syndicate, in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshall, & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Bryan H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterboro, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgass, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Brothers) Wisconsin	110,000
M. Ellerhauser, of Halifax, Nova Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Milwaukee	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

In addition to this, Mr. Speaker, we have interlopers, foreigners, and others, without any right whatever, squatting upon and fencing up tracts of thousands of acres of the public lands, and driving from them with shotguns the actual settlers who desire to make a home upon them. So great has this evil become that this House at this session has passed a bill to declare such inclosures a nuisance and providing penalties for thus fencing up the public lands. I append a list, furnished by the Secretary of the Interior in response to a resolution of Congress, which gives such as have been brought to the notice of the Secretary. How many more such cases exist and the thousands of acres included it is impossible to tell:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 23, 1884.

SIR: I am in receipt, by your reference, of a letter dated the 16th instant, from Hon. L. E. PAYSON, a member of the Committee on Public Lands of the House of Representatives, in which he asks to be furnished, for the use of the committee, such information and facts as may be in possession of the Department in regard to the alleged evils growing out of the unauthorized fencing of the public lands by individuals and corporations for grazing purposes and for the benefit alone of the parties making the inclosures, as well as suggestions as to a remedy for such evils.

In reply I have the honor to state that the following cases of unlawful fencing of the public domain have been submitted to you by this office with the recommendation that the Attorney-General of the United States be requested to have proper suits instituted to compel the removal of the fences, namely, the inclosure of W. J. Wilson, containing about 40,000 acres of public lands in Kansas and Nebraska, reported to the Department June 2 and October 9, 1883; the tracts fenced by Nichols, Beach & Co., Keith & Hershey, in Lincoln County, Nebraska, containing 1,063.31, 1,413.38, and 380.38 acres, respectively, reported to the Department September 1, 1883; the inclosure of about 5,000 acres of land in Mancos Cañon, Colorado, by John White, reported upon August 25, 1883; the inclosure of Weber Cañon, Colorado, containing about 6,000 acres, by one Alberson, reported upon September 27, 1883; the inclosure of Chick, Browne & Co., containing about 30,000 acres, in Colorado, reported December 17, 1883; and the Brighton Ranch Company's inclosure, containing about 52,000 acres of land in Custer County, Nebraska, reported to the Department January 10, 1884.

This office has been advised, through the Department, that the proper United States district attorneys have been directed by the Attorney-General to institute suits, as recommended, in all the cases except that of Chick, Browne & Co. Reports have been received by this office from one of the special agents, showing the fencing of two tracts of public lands in Eastern Colorado, one of which contains about 720,000 acres, and the other about 8,000 acres. No action has yet been taken on these reports on account of the large amount of other business which has precedence and demands immediate attention.

This office, having been advised through the Department of Justice that one Swan *et al.* had fenced a large tract of public land in Wyoming Territory, the agent was thereupon instructed to confer with the United States district attorney for said Territory, and to proceed to investigate the case with a view of obtaining such evidence as might be deemed necessary to sustain a suit which was proposed to be instituted against the parties on account of the fencing. The suit was afterward commenced in the supreme court of the Territory in the name of the United States, and a judgment obtained against the parties. (See Brainard's Legal Precedents, page 268.)

In the several cases referred to fraudulent entries were made by or at the instance and in the interest of the owners of the ranches of the valuable tracts within the inclosures, and in one case the parties entered, under the pre-emption law, all of the lands, or nearly so, upon which their fence was located, in the names of their relatives and employés, many of whom resided in the county, and none of whom ever attempted to comply with the law, evidently for the purpose of preventing settlers from taking the other lands within the inclosure.

There appears to be no law under which the parties can be prosecuted criminally for the fencing; and in order to maintain a civil suit it is necessary in the first place to have the case thoroughly investigated for the purpose of obtaining the exact description of the land inclosed and all facts in regard to the fencing; and then that these facts should be examined by this office, and if deemed sufficient, by this office submitted to the Department, and by the Department to the Attorney-General, and by him to the proper United States district attorney, who is required to examine the facts, prepare the papers, and see that proper service is had upon the parties, after which other long delays are necessarily caused in court. During all this time the intruders retain control over the Government lands, and legitimate claimants are prevented from going upon and purchasing the same. When judgment is obtained, if it should be in favor of the Government, its only effect is to compel the parties to remove their fences.

Your attention is respectfully called to my annual report for 1883 (page 30), in which I state, among other things in reference to the subject, that—

"The practice of inclosing public lands by private persons and companies for exclusive use as stock ranges is extensively continued in States and Territories west of the Mississippi River. These ranges sometimes cover several hundred thousand acres. Special agents report that they have ridden many miles through single inclosures, and that the same often contain much fine farming lands.

* * * * * * *

"Foreign as well as American capital is understood to be largely invested in stock-raising enterprises involving unlawful appropriation of the public lands. Legal settlements by citizens of the country are arbitrarily prohibited, public travel is interrupted, and complaints have been made of the detention of the mails through the existence of these inclosures. Reports have been received of the use of violence to intimidate settlers or expel them from the inclosed lands.

"A frequent incident to this control of large bodies of land is the acquirement of title by stock-owners to the valleys, water courses, and other especially valuable lands within the inclosures by means of fraudulent or fictitious entries caused to be made under the pre-emption, homestead, and desert-land laws. Investigations of such entries are in progress in several districts.

* * * * * * *

"I renew the application that an act be passed imposing penalties for the unlawful inclosures of public lands, and preventing by force and intimidation legal settlement and entry."

I would therefore suggest that it be recommended to Congress to pass a law making it a penal offense for any person to build or retain a fence, or to commit a trespass on any public land to which he has no claim under the laws of the United States, or to encourage or assist in any way others in building or maintaining fencing, or committing trespasses on said lands.

Very respectfully, your obedient servant,
N. C. MCFARLAND, *Commissioner.*

Hon. H. M. TELLER, *Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR, *Washington, March 3, 1884.*

DEAR SIR: Referring to our conversation on the subject of foreign companies controlling inclosures of the public lands, I send you the inclosed memorandum, which I think contains the facts you wanted. The land described, with the exception of perhaps a few thousand acres, is all Government land.

Very respectfully, yours,
H. M. TELLER, *Secretary.*

Hon. L. E. PAYSON, *House of Representatives.*

The Arkansas Cattle Company have fenced in the following described public land in the States of Colorado and Kansas, viz:

Beginning on the north bank of the Arkansas River, on the line between sections 19 and 20 in township 23 south, range 41 west, and running a northerly direction to section 20 in township 15 south, range 41 west; thence a northwesterly direction to section 29 in township 15 south, range 44 west; thence a southwesterly direction to southeast corner of section 36 in township 15 south, range 48 west; thence a southerly direction to the northeast corner of township 19 south, range 48 west, and thence a southeasterly direction to the bank of the river in section 26, township 22 south, range 46 west of the sixth principal meridian. Also all that other tract or parcel of land being on the south side of the Arkansas River, in Bent County, Colorado, and bounded as follows, viz: Beginning on the south bank of the Arkansas River on the east line of township 23 south, range 42 west, and running south on said township line to the south line of said township; thence west along the south line of said township to the middle of section 33 in said township, and thence north to the Arkansas River on the north line of section 21 in said township.

There appears to be about forty townships, or 921,600 acres, embraced in the inclosure.

On March 24, 1884, Secretary Teller sent to the House a supplemental report relative to unlawful fencing of public lands in the State of Nebraska. The report is a special one, made by United States deputy surveyor G. W. Fairchild. Mr. Fairchild says:

The whole country embraced in my contract (Northwestern Nebraska) is occupied and run by capitalists engaged in cattle-raising, who have hundreds of miles of wire fence constructed to inclose all desirable land, including water courses, to form barriers for their cattle and to prevent settlers from occupying the land. They also represent that they have desert and timber claims upon the land they have inclosed. Upon their fences they have posted at intervals notices as follows: "The —— who opens this fence had better look out for his scalp." The fences are built often so as to inclose several sections in one stock ranch, and the ranches are joined together from the mountains clear round to the mountains again. Persons going there, intending to settle, are also informed that if they settle on the land the ranchmen will freeze them out; and they will not employ a man who settles on or claims land, and that he can not get employment from any cattle-men in the whole country.

My chief object in addressing you is to report the wholesale destruction of valuable timber on the Government land of this whole region by the cattle-men, who pretend to own and raise it. There are acres after acres of bare stumps, which but a short time ago were growing timber. There were thousands of logs cut during last summer and hauled out to accessible points, to be used for fences, canals, landing-chutes, and houses in Nebraska and Wyoming.

With all the curses which we have heard heaped upon the land system of England and the land monopoly of England and Wales, it is no comparison to our own. The great landholders of England are mere "pygmies" when compared with our "giants." In a recent work entitled "Land and labor in the United States," by William C. Moody, the author, at page 88 of his book, gives the following as the size of English land holdings:

The following is a list of the whole number of land-owners in England and Wales who are possessed of 50,000 and more acres of land each, and the actual amount of their holdings, by which it will be seen that there are but three who own more than 100,000 acres each, and no one has an estate that reaches 200,000 acres:

Size of English land holdings.

Names of owners.	Acres.
Marquis of Ailesbury	55,051
Duke of Beaufort	51,065
Duke of Bedford	87,507
Earl of Brownlow	57,799

	Acres.
Earl of Carlisle	78,540
Earl of Cawdor	51,538
Duke of Cleveland	106,650
Earl of Derby	56,598
Duke of Devonshire	148,629
Lord Leconfield	66,101
Lord Londesborough	52,655
Earl Lonsdale	67,950
Duke of Northumberland	191,480
Duke of Portland	55,259
Earl of Powis	64,095
Duke of Rutland	70,039
Lady Willoughby	59,912
Sir W. W. Winn	91,032
Earl of Yarborough	55,370

The same author adds:

But in the United States, we have a saw-maker in Philadelphia with his 4,000,000 acres; two butchers in California with 800,000 and more acres; a cattle-raiser in New Mexico with his 750,000 acres; and numbers of them in Texas whose acres are counted by hundreds of thousands. In the great Northwest the land holdings for agricultural purposes—for grain, grass, and vegetables—by hundreds, range to 50,000 acres and upward, occupied by tenants, or machinery, or by both. The whole country, from the Mississippi to the Pacific, is dotted—no, they are not dots—is patched with these huge holdings. In comparison with the monopoly of the lands here shown that of the English landlords appears quite insignificant. And yet we are only in the third decade of our movement.

This great absorption of the public lands has gone on with such marvelous and startling rapidity that an examination of the History and Statistics of the Public Domain, just issued from the General Land Office, develops the fact that there remains to-day unoccupied less than 50,000,000 acres of agricultural public lands in the United States, and that includes the irrigable public lands.

Talk about giving the 2,000,000 soldiers who served in the last war one hundred and sixty acres of public land each! Every thinking person knows that the policy of the Republican party has made this wise and beneficent policy utterly impossible, and the pretense by the members of that party that any such thing is contemplated is, in the light of the facts, the sheerest nonsence. The lands which have been wantonly wasted by that party in building up giant land monopolies is sufficient to have given every soldier of all our wars now living and the widows of such as have died one hundred acres of the public domain. There is now left, after the fourteen years of uninterrupted Republican rule, of agricultural land less than one-fourth of an acre each.

But, Mr. Speaker, the Republican party had an opportunity afforded it to repair some of the wrong done the people of the United States in squandering 200,000,000 acres of the public domain upon greedy, grasping railroad corporations. In each grant made a time was fixed within which the roads should be completed. On the 2d day of May, 1862, the time for the completion of the last grant expired.

The time for the completion of the Northern Pacific grant of 47,000,000 acres expired on the 4th day of July, 1879. Some of the roads were never constructed at all, and many of them were not constructed within the time, but the Supreme Court having decided that these grants vested from the beginning in the corporations, and on the forfeiture of the grant an act of Congress is necessary to restore the lands to the public domain, the Departments of the Government treated these grants as still existing, notwithstanding the forfeiture. I present a table from the annual reports of the Secretary of the Interior for 1880-'81, volume 2, page 318, which presents in detail a large number of these grants at that time.

Land grants which have been forfeited by the failure of the corporations to complete their roads in conformity with law.

Name of railroad.	States in which located.	Grant by act approved—	Grant to—	Alternate sections within—	With indemnity within—	Extended by act approved—	Estimated quantity of lands granted.
							Acres.
Gulf and Ship Island	Mississippi	Aug. 11, 1856	State	6 miles	15 miles		652,800.00
Alabama and Florida	Alabama and Florida	May 17, 1856	States	6 miles	15 miles		419,520.00
Coosa and Tennessee	Alabama	June 3, 1856	State	6 miles	15 miles		132,480.00
Mobile and Girard	do	June 3, 1856	do	6 miles	15 miles		840,960.00
Coosa and Chattanooga	do	June 3, 1856	do	6 miles	15 miles		150,000.00
Alabama and Chattanooga, formerly Northeast and Southwest Alabama, and Wills Valley Railroads.	Alabama	June 3, 1856	State	6 miles	15 miles	Apr. 10, 1869	897,960.00
Pensacola and Georgia	Florida	May 17, 1856	do	6 miles	15 miles		1,563,729.87
Florida, Atlantic, and Gulf Central	do	May 17, 1856	do	6 miles	15 miles		183,153.99
North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas Railroad.	Louisiana	June 3, 1856	do	6 miles	15 miles		610,860.00
New Orleans, Baton Rouge and Vicksburg	do	Mar. 3, 1871	Company	20 miles	30 miles		3,800,000.00
Saint Louis and Iron Mountain	Missouri	July 4, 1866	State	10 miles	20 miles		640,000.00
Little Rock and Fort Smith	Arkansas	Feb. 9, 1853	States	6 miles	15 miles		1,009,298.34
	Missouri	July 28, 1866	do	10 miles	20 miles		
Detroit and Milwaukee	Michigan	June 3, 1856	State	6 miles	15 miles		365,430.00
Houghton and Ontonagon, formerly Marquette and Ontonagon.	do	June 3, 1856	do	6 miles	15 miles	June 18, 1864	552,515.24
		Mar. 3, 1865	do	10 miles	20 miles	May 20, 1868	
North Wisconsin, formerly Saint Croix and Lake Superior, and branch to Bayfield.	Wisconsin	June 3, 1856	do	6 miles	15 miles	May 5, 1864	1,408,455.69
		May 5, 1864	do	10 miles	20 miles		
Wisconsin Central, formerly Portage, Winnebago and Superior.	do	May 5, 1864	do	10 miles	20 miles	Apr. 9, 1874	1,800,000.00
Saint Paul and Pacific, Saint Vincent extension, formerly branch to Red River of the North.	Minnesota	Mar. 3, 1857	Territory	6 miles	15 miles	Mar. 3, 1873	2,000,000.00
		Mar. 3, 1865	State	10 miles	20 miles	June 23, 1874	
Saint Paul and Pacific, Brainerd branch, formerly branch to Lake Superior.	do	July 12, 1862	do	6 miles	15 miles	Mar. 3, 1873	1,475,000.00
		Mar. 3, 1865	do	10 miles	20 miles	June 22, 1874	
Hastings and Dakota	do	July 4, 1866	do	10 miles	20 miles		550,000.00
Oregon Central	Oregon	May 4, 1870	Company	20 miles	25 miles		1,200,000.00
Atlantic and Pacific	Various	July 27, 1866	do	Various			42,000,000.00
Texas Pacific	do	Mar. 3, 1871	do	do	do		18,000,000.00
		June 22, 1874					
Northern Pacific	do	July 2, 1864	do	do			48,215,400.00

Total number of acres embraced in these grants	128,472,161.13
Length in miles of railroads as definitely located	12,080.00
Number of miles of railroad completed before expiration of grants	3,151.28

Such was the condition of these grants when the Forty-seventh Congress assembled in December, 1882. The Republican party had a majority in that body. Already the murmurings of discontent at these immense grants and the demand for the forfeiture of every acre which had not been earned by the building of the roads according to contract were heard throughout the land. Early in January bills were introduced in the House by Judge HOLMAN, Judge COBB, and others, declaring these lands forfeited. That Congress was in session more than twelve months during its existence, and yet not a single acre of that land was forfeited.

That Congress adjourned and nothing was done toward forfeiting these lands which honestly belong to the people, but the great corporations were left in quiet possession of nearly a hundred million acres of land to which they had no shadow of a right. With that party the voice of the great corporations, of monopoly, is greater than the will of the people. It leans for support upon the thousands of corporations which its legislation has built up and fostered at the expense of the people.

But the sublimity of cheek necessary to promulgate the following resolution, which appears in the platform of that party adopted at Chicago last year, can only be found in the ranks of that party. Here it is:

The public lands are a heritage of the people of the United States, and should be reserved as far as possible for small holdings of actual settlers. We are opposed to the acquisition of large tracts of these lands by corporations or individuals, especially when such holdings are in the hands of non-resident aliens, and we will endeavor to obtain such legislation as will tend to correct this evil. We demand of Congress the speedy forfeiture of all land grants which have lapsed by reason of non-compliance with acts of incorporation in all cases where there has been no attempt in good faith to perform the conditions of such grants.

Mr. Speaker, if I am not incorrectly informed, on the very day and near the very hour that platform was adopted the members of that party upon this floor were filibustering against a bill to forfeit one of these

unearned grants. And it is a notorious fact that nearly all the opposition to the forfeitures came from that side of the House. Again, although some of the bills passed this House daily in the first session of this Congress, and many of them have been in the Senate for a long time, yet with one or two exceptions none of them have passed that body.

And, Mr. Speaker, the policy of that party is indicated not only by its action in Congress, but the whole country has just been startled to learn that one of the last acts of the retiring Secretary of the Interior has been to engage his whole force for days, and perhaps weeks, in issuing patents to the lands granted to what is known as the "Backbone land grant," in Louisiana, amounting to about 700,000 acres. Bills were pending in Congress at the time for its forfeiture, and an earnest protest signed by Senator VAN WYCK, Mr. COBB, Mr. HOLMAN, Mr. LEWIS, and Mr. HENLEY against issuing such patents. But the protest was unheeded, and the grant has been confirmed by letters patent.

THE RECORD OF THE DEMOCRATIC PARTY.

But, Mr, Speaker, let us look at the record of the Democratic party upon this subject. I have already shown that the first homestead bill ever introduced in this House was introduced by Stephen A. Douglas, and the first bill ever introduced in the Senate was by Andrew Johnson, both of whom were at the time leaders in the Democratic party. I have also seen that the Democratic party passed through this House the first homestead bill which was ever passed in it. I have also seen that the Democratic party during the nearly sixty years of its power in the Government never granted an acre of the public lands to a corporation. Hence, when that party surrendered power March 4, 1861, it did so with a homestead bill passed the previous Congress and our magnificent public domain carefully husbanded.

The uniform policy of that party had been to acquire and husband the public lands for the benefit of the Government and the people. The people having decided, at the last election, that the Republican party was unworthy, and elected a large majority of Democrats to this body, it became the duty of that party to respond to the voice of the people and restore to the public domain such of the public lands as were not earned and beyond the reach of forfeiture to the Government, to attempt, in some degree at least, to right the great wrong done them by the Republican party in violation of its pledges, and which it refused to right in the last Congress. How well that party has adhered to its antecedents and kept faith with the people a glance at our Calendar will show. I desire to call the attention of this House and the country to what has been done.

On the 21st day of January, 1884, the following resolution, introduced by Judge HOLMAN, passed this House:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration.

This resolution gave the Committee on Public Lands a right to report at any time, and distinctly committed the House to the repeal of the pre-emption and timber-culture laws and the disposal of the public lands to actual settlers under the homestead laws only.

As to the work done by this House during this Congress I refer to the following lists of bills passed by the House and of others reported favorably by the Committee on Public Lands but not yet passed:

LANDS FORFEITED TO THE UNITED STATES.

Bills passed the House declaring certain lands heretofore granted to the following railroads forfeited to the United States:

	Acres.
The Gulf and Ship Island Railroad	652, 800
Tuscaloosa and Mobile Railroad	688, 800
Coosa and Tennessee Railroad	140, 060
Savannah and Albany Railroad (estimated)	900, 000
New Orleans and State Line Railroad	120, 800
Little Rock and Fort Smith Railroad	1, 057, 024
Texas Pacific Railroad	14, 309, 760
Oregon Central Railroad	1, 130, 880
California and Oregon Railroad	2, 126, 526
Atlantic and Pacific Railroad	49, 294, 883
Sioux City and Saint Paul Railroad	85, 654
Total	71, 307, 134

LANDS FORFEITED TO THE UNITED STATES.

Bills pending in the House, favorably reported by the Committee, declaring certain lands heretofore granted to the following railroads forfeited to the United States:

	Acres.
New Orleans, Baton Rouge and Vicksburg Railroad	903, 218
Oregon and California Railroad	3, 701, 760
Marquette, Houghton and Ontonagon Railroad	627, 200
Ontonagon and Brulé River Railroad	232, 848
Marquette and State Line Railroad	540, 848
Northern Pacific Railroad (estimated)	48, 215, 040
Southern Pacific Railroad	7, 500, 000
H. R. 7238, to restore all lands held in indemnity limits for railroad and wagon-road companies, and for other purposes, over	100, 000, 000
	161, 720, 914

Of all these none but the grant to the Texas Pacific, 14,309,760, have passed the Senate and become law. Some others passed the Senate at the present session of the Forty-eighth Congress, but with such amendments as prevented them from receiving the sanction of the House.

The Committee on Public Lands have also favorably reported a bill prohibiting the holding of lands by aliens. The report made by Judge OATES, of Alabama, is a very able document, and presents very cogent reasons for the enactment of the bill into a law. It should be passed, and thus prevent the accumulation of lands in the hands of citizens of other governments who have no interest in our own except to speculate upon lands which should be given to actual settlers.

We have thus seen that while the Democratic party has been true to the people, and as between the people and the great corporations—aggregated capital and monopoly—they have stood by the people, the Republican party has violated its promises, betrayed the people into the hands of the corporations, and then refused them the partial relief which was still in reach and to which they were so justly entitled. And now to make their record still more sinuous they hypocritically declare that they are in favor of the forfeiture of these lands. It is not true, and I warn the people that that party will never forfeit these lands. Their professions in that direction are a mere hollow pretense and a sham.

And now in conclusion, Mr. Speaker, I desire to again say that I deem these measures of vast and far-reaching consequence. No man can study the land systems of the different countries of the world, as I have done within the last week, and observe how uniformly for hundreds of years the monopoly of land, the ownership of the land by the few, has brought poverty, misery, and distress, and how the opposite, or the division of the land and its ownership by the many, has had the opposite effect, without feeling deeply the importance of our action upon this subject; that notwithstanding the solemn warnings of history, we are rushing with headlong speed into the very system which has proven so baleful in other countries. Let us take warning and reverse our course ere it is too late.

Post-Office Appropriation Bill.

SPEECH

OF

HON. HENRY H. BINGHAM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 10, 1885.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8038) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes—

Mr. BINGHAM said:

Mr. CHAIRMAN: Before entering upon the discussion of the several paragraphs of the bill now before the House I desire to state, in view of the remarks made yesterday by the gentleman from Michigan [Mr. HORR], that the several sections of this bill referring to inland or railway mail transportation, as submitted by the committee, received the indorsement of the Committee on the Post-Office and Post-Roads. I desire to state, as one member of that committee, that they never received the unanimous approval of the committee; but, on the other hand, the bill as reported by that committee was essentially different in many particulars from the paragraph now under consideration. Beyond this simple statement upon the subject of inland mail transportation it is not my purpose at this time to discuss the general question.

Mr. TOWNSHEND. It is not different as to the principles of the bill. The gentleman will not claim that.

Mr. BINGHAM. No; not with reference to the general principles of the bill.

Mr. TOWNSHEND. Only different as to the rates.

Mr. BINGHAM. I desire to congratulate the Committee on Appropriations for their liberal and generous action in the make-up of this appropriation bill, especially with reference to the legislation included and submitted. I regard many of the paragraphs as more than wise and involving radical changes earnestly demanded by the people in the administration of the Department of Posts in this country. Permit me to state that to my mind it is a singular condition of public affairs, Mr. Chairman, that one of the most important committees of this House, the Committee on the Post-Office and Post-Roads, after having held their many meetings and formulated their public measures during two sessions of this Congress, should not have been allowed a single day for their discussion before the House.

It is but one of the very limited number of committees that has not been given a day in court for the consideration of their proposed legislation; and we come to this House to-day only after having made an earnest appeal to the gentleman in charge of this appropriation to consent to incorporate on the bill important amendments that should have been deliberated upon in the House and consummated after a full and fair debate, wherein the merits of the measures recommended and the convenience of the people might have had a hearing, and not under the rule be subject to a point of order when we come to consider the bill by paragraphs.

The measure to which I desire principally to refer in the half hour at my disposal is with reference to the change from one-half an ounce to one ounce as the maximum weight for the 2-cent rate. It is well for this House to understand the principle that in the classification of postages mail letters pay 64 cents a pound under our 2-cent rate; under the 3-cent rate they paid 96 cents a pound. Your newspapers issued from known offices of publication go through the mail at the rate of 2 cents a pound, and it is wisely proposed in this bill that they shall go at the rate of 1 cent per pound—sixty-four cents a pound for letter matter, 2 cents for newspapers; and I think the only bill that the Post-Office Committee has succeeded in carrying through this House during the present Congress was the reduction in the rate of the transportation on transient newspapers, carrying them through the mails at 4 cents per pound, or 1 cent for four ounces, instead of the old rate of 8 cents per pound.

The third-class matter is composed of circulars, books and general publications, which pay the 8-cent rate. Merchandise transportation pays 16 cents; and it is perhaps proper for me to state here that letter-matter, paying 64 cents per pound, makes the profit or net results to the Government by which the losses on the second, third, and fourth class mail matter are made up. Letter matter, in the collection of the revenues of the Post-Office Department, pays about 56 per cent. of the total.

I have made the statement as to the charges for the different rates of matter, in order to bring forcibly before the House the fact that while newspapers can go through the mails at 2 cents a pound sealed communications are charged at the rate of 64 cents a pound. This measure of reduction has not only received the examination of the Post-Office Department but it has been regarded as of so much importance that President Arthur, in his annual message, invited the attention of Congress to the subject.

Permit me to read his recommendation:

I approve the recommendation of the Postmaster-General that the unit of weight in the rating of first-class matter should be one ounce instead of one-half ounce, as it now is. In view of the statistics furnished by the Department it may well be doubted whether the change would result in any loss of revenue; that it would greatly promote the convenience of the public is beyond dispute.

Postmaster-General Gresham, in his last annual report to Congress, went into this subject critically and with great detail. The present Postmaster-General repeats the recommendation of his predecessor, and announces the fact that a change in the minimum basis of weight on letter-matter would be a change largely reaching the convenience of the people. I will read to the House his recommendation:

I renew the recommendation of my predecessor, that the unit of weight in rating letters and sealed packages (first-class matter) be changed from one-half ounce to one ounce.

By careful investigation in several large offices it is found that less than 6 per cent. of all the letters conveyed in the mails exceed half an ounce in weight. It is evident, therefore, that an increase of the unit of weight to one ounce would diminish the revenues but very little, and there is reason to believe this diminution would be more than compensated by the increased postage on small packages, which, heretofore sent as third or fourth class matter, would, in the event of the proposed change, be sealed and sent as first-class matter.

It is also believed the proposed change would result in a material saving of time to post-office clerks, by largely obviating the necessity of examining unsealed packages with a view of detecting written matter, and would diminish the number of losses in small packages, since sealed matter is less liable to loss than that which is unsealed.

This measure in addition has received the unanimous approval of your Committee on the Post-Office and Post-Roads; and had a day been given for the consideration of our bills I am well assured that after intelligent and full discussion this House would have approved the measure.

It is well for us to remember that there has been no change in the basis of weight in letter matter since 1851. There have been changes on all divisions covering every other classification of mail matter, but weight of letter matter stands to-day as it was enacted in 1851. Her Majesty's Government changed the basis of the weight of letters in 1871, and every succeeding report of the department points with gratification to the general public convenience secured by the change, not only so far as it concerns the demands of the people, but in addition refers to the increased revenues that came to the British service.

We have been instructed this much in the change of postage from 3 cents to 2 cents: that the people when they could give to their correspondence or their communications secrecy determined to accept a higher rate of postage, and sent their circulars or their postal-card communications through the mails as sealed correspondence. A change from 3 cents to 2 cents made this great inroad on the postal card, namely, the annual increase in the postal card averaged 14 per cent. Immediately upon the going into effect of the 2-cent rate the first year postal cards lost their average 14 per cent. increase, and decreased 4½ per cent. in circulation. They lost 14 per cent. plus 4½ per cent. the first year that the 2-cent postage went into effect.

There has been no means of determining the inroad that the 2-cent postage made on circular matter. But the Department states it has been immense. Therefore we have been instructed by that change that if you give a fair, cheap rate the people will avail themselves of the benefits of a sealed letter in preference to an open communication.

We to-day carry—that which the gentleman from Texas [Mr. REAGAN] fully understands—he long haul of all legal documents, insurance papers, bankers' communications that are weighty; but the moment that it comes to the question of a short distance the rate of postage at 64 cents a pound throws this vast amount of matter into the express companies, which receive the large benefits that should be diverted to the postal service. It is believed by the Post-Office Department that by the change from the basis of half an ounce to one ounce all this vast matter that to-day is carried the short distance by the express companies would come into the mail, where it properly belongs.

Another point. Sixteen cents a pound is the rate for what is called fourth-class matter—on merchandise. To go into the fourth-class rate the package must be left so open that examination may be made by the postal authorities. It is believed by the Department that a vast amount of this matter (if the rate was made 2 cents an ounce, or 32 cents a pound, instead of 64 cents a pound), that now goes as fourth-class, or merchandise, would be diverted also into the mails. And in that connection I desire to make this statement: Out of the losses that the Post-Office Department through their inspectors are called upon to investigate, there are ten losses in fourth-class matter to one loss in any other mail matter. Fourth-class matter, as I have said, is merchandise, and left open under the law. Therefore parts of it can be taken, or often, as is the case in small packages, the clerk or the post-office employé, having a knowledge of the contents of the package, appropriates it. It is believed that a large amount of this matter, if allowed to go through the mails at the 32-cent pound rate, instead of the 64-cent pound rate, would go sealed, and large benefits revert to the Department.

There is another matter in connection with this. It is stated by the Postmaster-General in his report, upon an examination that I asked for a year ago, and upon a second examination that I asked for in the month of December last, that the large offices of the country endeavored to estimate the actual weight and count the number of letters that exceeded the half-ounce weight. Two tests were made of this—three days a year ago, and three days last December. Those tests resulted in this wise: Six per cent. of the letter matter going through the mails exceeds the half-ounce weight; but 2 per cent. exceeds the half-ounce up to the one ounce. Therefore whatever might be the alleged or claimed loss to the Department by virtue of this change would be small, but 2 per cent. of the weight between the half-ounce and the ounce.

Remember, also, the fact that your revenues from letter matter in the Post-Office Department is 56 per cent. It is believed and confidently asserted by the Department that in the first year the increase from the conveyance through the mails of legal documents, bankers', communications, insurance papers, together with the vast amount of fourth-class matter that now goes as merchandise at 16 cents per pound, would not only fully compensate for that loss, but would in addition bring a profit to the Department. That is the judgment of the Department after two careful examinations into this entire subject.

One of the most troublesome questions of accounts in the Department with post-offices is that which is called the due or the underpaid postage. You get a letter of average size which turns the scale on half an ounce. You are called on to pay the deficient postage of 2 cents. Those letters go into the big offices, and as they are picked out by the clerks in separating the mail, are thrown aside.

They remain there until they go into the hands of the rating clerk. He takes those letters and places upon them stamps indicating the amount of postage due. That amount is charged either against the box department, if the letters are delivered through the boxes, or against the carrier department if they are delivered through the carriers. Then those departments make their collections and make their returns, thus requiring this additional amount of detail account work.

But should the parties to whom the letters are addressed not be found the letters upon which these stamps are placed, indicating that the postage has not been fully paid, have to go through all the ramifications of a return and a final sending to the dead-letter office, and there has to be a complete adjustment of the postmaster's accounts in order that he may receive credit for the debit charges for these 2-cent stamps, which is the rate over the half-ounce. It is one of the most complicated and troublesome accounts that postmasters have with the Post-Office Department, and it is believed by the Department that, in view of the amount of labor that is expended in all the branches of the office concerned, a change of weight from the half-ounce to the ounce would result in a dollar-and-cent benefit to the Government.

In the correspondence that the Department has had with half a dozen of the leading postmasters of the country—I mean the postmasters of the large cities—without a single exception every one has recommended this change as one that would meet the convenience of the people, and, they believe, at the same time bring revenue to the Department.

Mr. WEAVER. Does this bill make that change?

Mr. BINGHAM. This bill makes that change.

If we can consummate this proposed legislation we will have the cheapest letter-postage of any of the civilized nations of the world—2 cents for one ounce of letter matter for any distance.

Now, Mr. Chairman, in the limited time that is allowed me I desire to call the attention of the House to this general bill, which is before it for consideration. While I applaud the liberal spirit of the gentlemen who have incorporated in this bill wise legislation, I charge them at the same time with illiberality and an unfair and inadequate recognition of the wants of the people. It seems to me that the instruction that this House gave the Committee on Post-Offices and Post-Roads at the first session of this Congress should have borne fruit in their deliberations upon this bill. They came in here in the first session of this Congress with a bill reducing the appropriations from the amounts recommended by the Department between four and five million dollars.

What did this House do? On every item of reduction, without a single exception, this House accepted the recommendations of the Department and condemned the action of the committee in making the reductions. But it seems that has had no effect upon the committee, for it comes in to-day with the same items and with the same failure to recognise either the recommendations of the Post-Office Department or the judgment of this House.

Let me advert at this point to the one item of appropriation for the letter-carrier service. The Department asks $4,535,000. This bill proposes to appropriate $4,100,000, and yet in the exhibit of the gentleman [Mr. TOWNSHEND] he shows you that the service this year has expended under the appropriation $4,059,000. The constituency that I represent know the requirements and the necessity of the letter-carrier service. The great cities can not get along without it. The hundreds of thousands, the millions, of letters that pour into the offices of Philadelphia, New York, Boston, Chicago, and the other great centers must be got out of the offices as quickly as they get in.

The accumulation of mail matter is so rapid that it requires an output as rapid as the input, and that can be had only through the letter-carrier service. This bill appropriates $4,100,000 for that purpose. Your rate of appropriation for the current year is $4,050,000; but we find by the deficiency bill that, under the law made by this Congress granting the carriers leave of absence, the Department is $50,000 in deficiency. The Department has not violated the law in a single particular, but it will receive from this House the $50,000 deficiency under the law. The carrier service, as appropriated for under this bill, is exactly the same as the carrier service of this year, $4,100,000. Your carriers are paid under a general statute. The 4,000 carriers who are to-day doing that service get their promotion under a general statute. They go in at $600; after a year's service they receive $800; after another year's service they get $1,000. This bill, by $200,000, fails to meet the requirements of the law as it stands to-day on your statute-book.

The gentleman from Illinois [Mr. TOWNSHEND] speaks of the liberal spirit of his bill, yet he fails to appropriate up to the requirements of the law. What are you going to do in the large cities, with their 10 and 15 per cent. increase? You have got to meet it somehow. The recommendation of the Department simply asks that it shall be allowed the increase of facilities and of man force which is absolutely necessary to meet the increased demands of the mail service. Therefore I say to the House that the Committee on Appropriations have failed to be impressed by the judgment of the House, when, in the last session of this Congress, after full and intelligent discussion, the House voted the supplies that the Department had asked for.

The gentleman from Illinois [Mr. TOWNSHEND] in his bill makes a reduction of $3,800,000, under the recommendations of the Department in this wise: He makes a reduction of $2,000,000 in railroad transportation, and he makes a reduction of $700,000 in postmasters' salaries. If the gentleman had a desire to bring in a bill that would seem to be small in the amount appropriated, why did they not cut down the items of railroad transportation and postmasters' salaries? It makes no difference whether this House appropriates one million or five million dollars for those two items.

If the gentleman from Illinois [Mr. TOWNSHEND] wanted to impress the country with the limited amount of appropriations contained in this bill he might have made his reduction on those two items. Of the $3,700,000 reduction he has made $2,700,000 in those items. They are paid under the general statute. The general statute regulates the pay of postmasters as it regulates the pay for railroad transportation. The railroads do the work and send their bills to the Department. The postmasters do not send to the Department all the money they receive for the sale of stamps.

Under the law he retains and keeps out his own salary, sending to the Department only the surplus. Therefore, if the gentleman desired to impress the House with economy in his bill he might have made the item for postmasters' salaries and railroad transportation less than the sums appearing upon the face of the bill without hurting any one.

The Department came here last year asking for an appropriation of $50,000,000. The committee appropriated $49,000,000. Here in the deficiency bill already before the committee is an application, covering the several items of deficiency, for $1,100,000. For what they failed to appropriate last year for railroad transportation and for postmasters' salaries the Department comes in to-day with deficiencies, inviting the attention of Congress to the law governing the case; and your Committee on Appropriations will, of necessity, report the deficiencies favorably to the House because they come under the statute.

One other point. Clerk-hire for post-offices is another important item in the working of the Department. This bill on its face assumes to give $200,000 additional for clerk-hire for the next fiscal year as compared with the present fiscal year. The Department asks for $400,000 additional. What is the status of the clerical force of the postal service to-day? The Department has already communicated to Congress that there will be for this fiscal year a deficiency of $75,000 on clerk-hire. Therefore, if that deficiency is met by Congress, this bill will appropriate but $125,000 additional for the clerical force in the post-offices throughout the country. Eight thousand clerks in these post-offices are paid out of this appropriation.

There are 2,300 separating offices at which the compensation is paid out of this appropriation for clerk-hire. This bill virtually gives but $125,000 additional for this force. In other words, it will allow the appointment of about one hundred and fifty-six additional men for the entire service at a compensation of $800 per annum each. And in this large service, embracing 8,000 subordinates, not a man can receive promotion, not a man can receive increased pay. Every man will be required to remain at his present stipend, without any reward for long or faithful or valuable service.

In the first session of this Congress, when the Postmaster-General came in asking for an increase of clerical force, I then said that his estimates were too low, that the service could not live upon his recommendation. The truthfulness of the statement I then made is borne out to-day, when the Department comes to this House asking a deficiency appropriation of $75,000 for this service.

This bill allows under the general law the appointment by the Post-Office Department of postmasters and the establishment of new offices wherever they are required. The general statute allows this; and this bill, together with the general law, provides the compensation for these offices. Wherever over the country you want to locate new offices it can be done under the general statute, and the officers under that statute can receive their compensation.

Silver-Dollar Coinage.

SPEECH

OF

HON. AYLETT H. BUCKNER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 28, 1885,

On the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. BUCKNER said:

Mr. SPEAKER: Seven years will have expired in a few days since the coinage of the silver dollar of 412½ grains at the rate of over $2,000,000 per month was authorized by law. The number of dollars coined under the act of February 28, 1878, was 191,947,194 on the 1st day of this month. The price of silver bullion purchased under the continuing appropriation of that act has been as follows: March 5, 1878, $1.2029; March 10, 1881, $1.1390; February 4, 1885, $1.0629; and the sum paid for silver bullion has aggregated the sum of $168,777,370.22 up to December 31, 1884; and the question which presses upon the attention of Congress is whether the time has not arrived when wise policy demands of us that we shall stop this large expenditure of money, or in some way

modify the compulsory feature of the act under which this coinage is made.

It may be well to revert to the history of the passage of the act for the coinage of the silver dollar in order to discover the reasons of its enactment, and the circumstances and facts connected with its passage in the form we find it in our statutes. It is well known that the original bill authorized free and unlimited coinage, and was passed in this House during the Forty-fifth Congress on a suspension of the rules, without debate, on the motion of my esteemed colleague [Mr. BLAND], by more than a two-thirds vote. It was referred to the Committee on Finance in the Senate, where the questions involved in the bill had been much discussed in the debate on the resolution introduced by Senator Matthews, of Ohio, in reference to the payment of the public debt. The Committee on Finance in the Senate reported an amendment in the nature of a substitute for the House bill, substantially in the form now on the statute-book, with the exception of the section providing for the issue of certificates based on deposits of silver dollars, which was added to the substitute in the Senate.

The purpose of the Senate amendment was to give the difference between the market value of silver and the legal value of the dollar to the Government, instead of to the mine and bullion owners, as would have been the effect of the House bill. This difference in value was at the time between 8 and 10 per cent., and the amount of bullion authorized to be purchased was not less than two million and not more than four million dollars' worth per month.

And in order to obtain the co-operation of other nations in establishing and maintaining a fixed relation in the value of gold and silver, and thus assure an appreciation in the value of the latter metal, the President was authorized to invite a conference among the European nations interested in the full remonetization of silver and making a fixed ratio between it and gold. If silver had not been depreciated below the value of gold by causes too well known to require any recapitulation, it can not be doubted but that the Senate would have passed the Bland bill as it came from the House, and we should have put silver on the same footing with gold, and we should have had free coinage for both metals at the ratio of 16 to 1 of gold. And but for this disparity (of the two metals) in their commercial or market value there would have been at that time no necessity or propriety in having a conference with other nations with the view of fixing an international ratio between the two metals.

It was this depreciation of silver, as compared with gold, the hope that our monthly purchase of from two to four millions of bullion would bring silver to a parity with gold, and the desire on the part of this Government that it should have the assistance of other nations in restoring silver to its time-honored position as international money, that led to the rejection of its free and unrestricted coinage by the Senate, and forced that body to adopt as a substitute the measure under which we have been since operating—restrictive in the amount of bullion purchased, compulsory in the sum to be coined, and abnormal, extraordinary, artificial, and only adapted to the then existing monetary conditions. This substitute for the House bill was afterward vetoed by the President, and became a law by a two-thirds vote of both Houses, there having been a very brief discussion in this House, where the bill originated.

That it was a prevailing opinion among the ablest and most steadfast friends of bimetallism in the Senate that the effect of the passage of the Senate bill would be to increase the market value of silver to that of gold is established by the debates in the Senate during its pendency there. Senator JONES, of Nevada (volume 28, page 1081, CONGRESSIONAL RECORD, Forty-fifth Congress), is reported as saying:

> My own opinion is that, at the rate of 16 to 1, eighteen months will not have elapsed before silver will be back at its old place where it stood before demonetization took place, at 2 or 3 per cent. above gold, and that it will be the metal that will be excluded from the country.

Senator Thurman (page 1095) in the same debate said:

> Let me say to the Senate of the United States that this bill will bring back silver to its true value.

And in a colloquy with Senator Blaine as to the payment of United States bonds, on the same page, he is reported as follows:

> In three years hence not your silver dollar of 425 grains, nor any other man's dollar of 435 grains, nor any other man's dollar of 485 grains, but the dollar of 412½ grains will pay them at par with gold.

Senators Wallace, Ferry, and Windom (see CONGRESSIONAL RECORD, volume 28, page 1074) expressed similar opinions, and the former offered an amendment to the effect that if silver was worth less than .97 of a gold dollar after 100,000,000 had been coined under the present act the coinage under it should cease.

Mr. Speaker, I refer to the opinions of these distinguished advocates of the remonetization of silver to show that they hoped and believed that the effect of the act of February, 1878, would be to advance the market value of silver and bring it up to a parity with gold. When they refused to give the right of free and unlimited coinage to silver as gold bullion now has, and when they restricted the dollar coinage to a maximum and minimum sum, the profit or seigniorage to accrue to the Government, it is incredible that they expected to continue it if under its operations the then gap between silver and gold should not be closed. They could never have intended to invest hundreds of millions of dollars in the purchase of bullion after it was demonstrated that the divergence between the two metals was increased instead of being diminished, and after it was apparent that our standard dollar possessed no international function, but was dwarfed to a mere silver token.

Except that the effect of the act has been to remonetise the silver dollar and increase our domestic circulation the act of 1878 could not have been intended to be other than tentative, experimental, and temporary. And is there any doubt that its failure to equalise the value of the two metals has been demonstrated after our experiment of near seven years' duration? Shall we give it another trial of seven years more in order to be convinced that this Government, unaided and alone, can not bring the white metal up to the value of the yellow in the markets of the world? If it was experimental and not designed to be the permanent policy of the Government, why shall it be continued when in spite of our legislation and in defiance of our predictions and our hopes we find that the divergence in the value of the money metals in 1878, instead of being lessened, has doubled in 1885.

Mr. Speaker, it is somewhat remarkable that at the late silver convention held at Denver the present restricted coinage of the silver dollar was not only not defended, but impliedly condemned. The silver miners are not satisfied to receive for the one-half of the silver output 14 to 16 per cent. more than the other half commands in the market, and they therefore demand that restricted coinage of silver shall cease, and that the doors of the mints be opened to the free and unlimited coinage of the whole product of their mines. Such a proposition is absolutely preposterous and impracticable, after the experience of the last seven years, and in face of the fact that gold has been steadily advancing, or silver has been steadily declining, until the silver dollar is worth less than 85 cents as measured by gold, and that bimetallism has been losing ground among the nations of Europe from necessity and not from choice, since the passage of the act of 1878. If the purpose of the silver miners and bullion owners of the mountains is to make this country purely monometallic, and to discard gold as one of our money metals, in disregard of the teachings and practice of the founders of our Government, no more effective policy to that end could be adopted.

Our people are thoroughly bimetallic, and will never be content with a monetary circulation composed exclusively either of gold or silver. Their traditions as well as their interests demand the use of both metals—with the values of each regulated at such a ratio as that neither shall be degraded to the condition of a mere money token, and both shall perform their part in the commercial exchanges of the world on terms of perfect equality. This can only be done by the concerted action of the chief nations of Europe with our Government; and to bring about this concert of action the first step must be taken by us, and that step should be to suspend the operations of the silver-coinage act for a time, in whole or in part, and at once enter upon negotiations with European nations to establish a fixed ratio of valuation between the two metals, and open their mints to the free coinage of both gold and silver on such terms as may be agreed upon. If we pursue our present policy there is nothing more certain than that the gap between the market value of the two metals will continue to grow wider and wider, and this country will be compelled to make its choice between gold or silver monometallism. I would regard either as a great calamity to this country and the world, and I have an abiding conviction that the present is an opportune period for taking prompt and decisive action on this important question.

My reasons for this opinion must be stated very briefly and with but little elaboration. As I have said, the operations of the act of 1878 have failed to accomplish one of the chief results hoped and expected from it, and that was to bring silver to a parity of value with gold. The friends of bimetallism in Great Britain and on the continent of Europe regard it as an important step in the desired direction that the United States repeal or modify the provisions of this act. As evidence of this I make an extract from a letter from the secretary of the International Money Standard Association of Great Britain to a gentleman in the city of New York, in which he uses the following language:

> It is in times of sharply falling prices as at present that the association can count upon a better hearing, and the object of the association is, by the distribution of their own literature and through the press, to enlighten public opinion on the subject; but the turning point in the movement is generally supposed here to be the suspension of legal-tender silver coin on your side.

Surely the opinion of men, many of them of the greatest learning and practical experience in Europe, and not a few of them professed converts to bimetallism, who have witnessed the long-continued prostration of business and the fall of prices on the other side of the water, which they attribute to the demonetization of silver by Germany and other nations and the resultant appreciation of gold, should be heeded by the bimetallists of America. I am free to say that I believe that the cessation of our futile attempt to uphold the value of silver, without the help of other silver-using nations, will in all likelihood lead to its further depreciation and fluctuation in value, and thus may add to the embarrassments of trade and commerce between the nations of the world.

This may give strength and influence to the bimetallic movement among the rulers of Europe, and create a public opinion in favor of sup-

plementing the stock of gold with silver and of equalizing both metals as a necessity to the commerce and exchanges of the world. Desperate diseases, among peoples as among individuals, sometimes require desperate remedies; and as silver, by the mischievous action of governments, is the sick man of the monetary world, it may be that he will be sicker before he is better.

But if our policy of compulsory coinage has failed to produce the fruit anticipated from its adoption, its influence upon other nations has been positively deleterious to the cause of bimetallism on the Continent of Europe. Since 1878 Italy has resumed payment of her inconvertible paper, and has drawn upon the decreasing stock of gold to the amount of $80,000,000 for the purpose of resumption. Holland has put some millions of her depreciated silver on the market in order to replenish her stock of the yellow metal, and the little Kingdom of Greece is preparing to follow in the footsteps of Italy, while Austria-Hungary is reported to be making negotiations for $150,000,000 as a preparatory step to withdrawing her irredeemable circulation.

Thus state after state is engaging in the scramble for gold, not because the states prefer to resume on gold, but because resumption in depreciated silver would be no resumption, and because they are unwilling to become "the monetary India of Europe," the sink of all the debased metal of the continent. Is it not apparent that all Europe will in a few years close their mints against silver, except for the purposes of subsidiary coinage, and learn to rely upon gold exclusively as a money metal, unless some decisive steps are taken by the bimetallic nations of the world to arrest this gold monometallic tendency? It is the United States alone of all the great nations of the world that is attempting to uphold silver, and our efforts in that direction have produced a contrary effect by their failure to arrest the downward tendency of silver, and by the increasing number of nations that have become and will become gold monometallics. Let us proclaim to the world in some form that we will no longer bear this burden alone, but that others must share it with us; and when this resolution is once taken, I, in common with all the friends of bimetallism in other countries, will be greatly mistaken if the great and small powers of Europe do not agree upon a fixed ratio between the metals and again open their mints to the free coinage of silver as well as gold.

But, Mr. Speaker, what does this scramble for gold among the nations of the world mean? What influence has it had, and is it destined to have, on the commerce and the business of the world, on the prices of commodities, and the wages of the toiling masses? Is there any connection between the demand by the nations of the world for gold for monetary purposes and the general shrinkage in values, the fall in the prices of commodities and the depression in business that prevails in Europe and America, and in fact throughout the civilized world? Has the growing disuse of silver as money, and the consequent increased drafts upon the diminishing stock of gold, by the United States and the states of Europe, had any influence upon the prices of labor or its production? These questions are receiving the best thought of statesmen and economists, and they involve the gravest considerations touching the progress and advancement of civilization and the interest of our common humanity.

It is universally conceded that the stock of gold for many years past has increased little, if any, beyond the annual wastage and its use in the arts and manufactures and other uses than money. Its production, according to the estimate of the Director of the Mint, has fallen off in the last three years from $103,000,000 in 1881 to $94,000,000 in 1883, and at least one-half the yearly production is used by four of the great nations of the world for other purposes than money. The London Bullionist, an accredited authority on monetary questions, estimates that in 1874 the gold money in circulation throughout the world was $3,460,000,000 for a population of 90,000,000 then using it; whereas in 1884 it had increased to $3,895,000,000 for a population of 223,000,000.

In 1874, according to these estimates, the gold circulation was equal to $36 per capita, and in 1884 the gold circulation per capita was but $17 among gold-using peoples. In England it is conceded by many of her most eminent economists and statisticians that the purchasing power of gold has very largely increased owing to the absorption by Germany first, and then by the United States, of from seven to nine hundred millions of the world's supply of gold; and that the fall in the prices of commodities consequent upon this increased purchasing power has averaged from 25 to 60 per cent. on the leading and important articles of commerce. In fact, it is admitted by all that gold has grown and is growing scarcer, prices have declined and are now declining, and trade has suffered and is now suffering, not only in all parts of the European continent, but throughout the world, America included.

This unusual condition of things can not be attributed to any mere local cause, because the effect is general and not confined to any state or people. It exists as well in free-trade countries as in those that are more or less protective. It affects the productions of manual labor as well as the products of the factory and of machinery; and it includes the entire output of the farm as well as that of the mine and the shop. The cause of such universal depression in the prices of commodities must be as general and widespread as the effect. The fall in prices has been coeval with the demand made by Germany first, followed by the United States and other countries, on the world's diminished and diminishing supply of gold, and must continue with any additional strain upon this supply.

Gold is in fact the sole measure of the value of all commodities here and elsewhere throughout the civilized world. London is the clearing-house of all nations, and there gold is the yard-stick by which the values of all products are measured. For local exchanges paper substitutes and silver may and do affect domestic prices to a large extent; but the immense mass of silver francs in France and the two hundred and fifty millions of dollars, half-dollars, and quarter-dollars in the United States play no part either in the international exchanges of the world or in determining the prices of commodities in the great marts of trade abroad. Every additional state in Europe or elsewhere that goes upon the market to purchase gold for resumption or for the use of its people for circulation increases the purchasing power of this metal, and appreciates its value as compared with other commodities, including the silver of Colorado, the cotton of the South, the iron of Pennsylvania, and the wheat and provisions of the Northwest, and thus adds to the burdens of the tax-payer and the debtor.

It has been said by high French authority that France would have been hopelessly bankrupt in 1848 but for the great influx of gold from California and Australia, which created a degree of commercial prosperity which enabled the French people to surmount the difficulties in which they were entangled. In this country, as we all know, the product of gold from the mines gave an impetus to the prosperity of all classes that has never been surpassed before or since. If there is any truth in the theory that the amount of circulation stands in a certain relation to the question of price, and that a full and increasing circulation has the effect to advance prices, it must follow that a scant and decreasing circulation will create a fall in prices—such as we are witnessing at this time throughout the commercial world—and that shrinkage in values, being common to all nations and peoples and to every product of human labor, can be attributed to no cause that is not alike common to all nations and all commodities.

Are we then entering a long night of falling prices, depressed labor, and unprofitable business? Impressed as I am with the conviction that the business of the world can not be carried on without the use of both silver and gold, and sharing in the opinion of one of the most eminent statisticians and economists of Great Britain, expressed in the Paris conference of 1878, that the effort of more of the nations of the world to adopt the gold standard would produce a "tremendous crisis," and believing so long as we maintain our position of attempting and failing to uphold the value of silver that gold monometalism will from necessity be adopted by other important states, it seems to me that there can be no permanent and lasting improvements in prices of the leading articles of American production unless we remove what I conceive to be the chief obstacle to full remonetization of silver and the mints of Europe are opened to the coinage of silver. There will of necessity be an improvement in many branches of production, but prices will remain low and comparatively unremunerative.

The continued appreciation of the only standard of value, all other things being equal, will depress more or less the prices of all commodities, and especially the productions of my section and of the South. We must make one monetary mass of the gold and silver of the world if we would secure advancing or even stationary prices and give remunerative employment to labor. The two metals must be harnessed together at an agreed ratio of valuation, and they must each perform all the functions of domestic as well as international money. The mints of the important commercial nations must be opened to the free if not unlimited coinage of both gold and silver, so that each may exchange its silver for gold and gold for silver on the same terms as to value.

Both metals must be made to perform all the functions of money, in foreign as well as in domestic exchanges. Powerful, wealthy, and abounding in resources as we are we can no more accomplish these desired results unaided, and without the assistance of other nations, than I can transmit a letter to London or Paris at the same rate of postage as I can send it to Saint Louis, without the concurrence and agreement of Great Britain and France. The millions of coined silver in France and in the United States are, in the expressive language of the distinguished French bimetallist, M. Chernuski, but silver greenbacks. Their circulation is confined to prescribed limits, and perform but a part of the office of a circulating medium, while it should perform, with gold, the office of an international circulation. What the world needs is rated, not unrated, bimetallism, and this seems impossible under our present policy.

Mr. Speaker, I have not attempted to elaborate any of the propositions I have advanced. My purpose has been to present as concisely as possible some of the reasons which have brought me to the conclusion that the time has arrived when we should make known to the commercial nations of the world, alike interested with this Government in the full rehabilitation of silver and its restoration to its former place as one of its money metals, that we will no longer continue the efforts in which we have so signally failed. Nor have I thought it would add to our ability to solve the grave and momentous problem

before us to criticise either by way of condemnation or approval the errors, mistakes, or delinquencies of the executive officers of the Government in the execution of the dollar-coinage act. However much they may have failed to put into execution the intention of Congress as expressed in its legislation, and whatever may have been the hostility of Secretary Sherman or his successors to that legislation, it can have no legitimate influence on our opinions as to the present status of silver here and elsewhere to-day, and in helping us to a proper judgment as to our best policy in the future.

The acts of past administrations belong to history. It is the present and the future that concern us. It is of no avail to be told that silver has had no friends in the Treasury Department, and that the execution of the laws of Congress in its interest has been half-hearted and perfunctory, in response to the fact that silver has been declining in value every year since the passage of the act, after the extraordinary expenditure of $3 per capita of the whole population to bring about a parity of value between the two metals, or that prices of all commodities have declined and are declining in spite of our large gold, silver, and paper circulation. But if the past is to be resurrected to prejudice our judgments and disturb our reason, we should not forget to screen our own record—the record of the legislative department—as to the silver dollar.

Let us at least "take the mote out of our own eye before we cast out the beam out of our brother's." When we determined to substitute silver subsidiary coinage for fractional currency Congress ordered the latter to be destroyed as it was redeemed. Instead of requiring the destruction of the small-note circulation, filling the channels of circulation which the silver dollar should have supplied, we have to this day taken no step to prevent the circulation of even the one and two dollar bills, except those of the banks, and this was done under the provisions of the original national banking acts when both metals had been driven out of the country. Even in the last Congress the sum of $150,000 or $160,000 was appropriated to pay for the printing of new issues of one and two dollars, notwithstanding the boards of trade and the chambers of commerce in every city in the United States petitioned this House to provide for their early destruction in anticipation of the danger which these bodies now deem imminent. I doubt whether any people can parallel our extraordinary stupidity and extravagance in the treatment of the silver dollar.

We first invest millions to buy bullion to secure a plentiful circulation of silver dollars for the people. We are at all the expense of providing mints, and pay all the cost of coinage. Not satisfied with this, we appropriate year by year between one and two hundred thousand dollars to issue one and two dollar notes in sufficient quantities to drive the silver dollar into Government vaults, and being deposited there, silver certificates are issued with many of the functions of money, which become congested in the money centers and are exciting alarm among business men by their tending to drive both gold and greenbacks out of circulation. To complete this picture of folly and extravagance, we are called upon every now and then to expend large sums to make provision for the custody of our immense mass of coined silver, when, by proper legislation, three-fourths of the whole amount of the coined dollars would now be in the hands and pockets of the people and in bank vaults. Human ingenuity could not have devised legislation more unwise and extravagant, or better calculated to defeat one of the prime objects of coinage—that of providing a coin circulation for the people.

I have not called attention to this question on account of any apprehension of imminent financial disaster growing out of the withdrawal of our gold coinage consequent upon the accumulation of silver certificates in the channels of business and in the coffers of the Treasury. This dread of the future in the money centers in the present depression of trade and business will of itself tend to precipitate a financial panic; but with our present favorable trade balances, with large crops on hand, and the liquidation of indebtedness that has already taken place, there would seem to be no good reason for present alarm. That a much longer continuance of the policy of fabricating depreciated coinage and storing it in Government vaults, on which certificates having the function of discharging all indebtedness to the Government are issued, will in time bring the business of the country to an exclusive basis of unrated and depreciated silver would seem not to admit of question.

If that is desirable, we should certainly adhere to the present policy of buying bullion, for the longer it continues the cheaper we shall buy bullion, and the more dollars we shall store and the more vaults we shall build. I do not place my objection to a continuance of the purchase and coinage of silver to any fear of imminent financial disaster. I object to it because it is a demonstrated failure. I object to it because it involves a worse than useless expenditure of the people's money; I object to it because it creates a necessity for bimetallic nations in Europe to become gold monometallic; I object to it because it endangers the position of silver as the equal of gold as a money metal; I object to it because it is an obstacle to real bimetallism, and will intensify the demand for gold and prolong indefinitely the present shrinkage of values, the general depression of business and the disorganization of labor, and last, but not least, I object to it because it fetters and embarrasses the incoming administration, and transfers to it the heritage of probable financial disturbance in the not distant future.

Aid to Common Schools.

SPEECH

OF

HON. THOMAS HARDEMAN,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 26, 1885,

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. HARDEMAN said:

Mr. SPEAKER: I propose at the proper time to amend the bill under consideration, giving the power to the executive of a State, if deemed advisable by him, to appropriate ————, or so much thereof as may be necessary, for the establishment of a school or schools of technology in said State; and the further sum of $10,000 annually to maintain the same. If this bill is to become a law, and this vast amount of money is to be appropriated, as is alleged, for the education of the people, I insist that some portion of it be so applied as to confer practical benefits and results upon those upon whom it is expended. Friendly as I am, and have ever been, to the common schools of my State and the country, I am satisfied that if half of the money expended for their support had been applied to building up a system of technical training more good would have resulted to the State and country industrially, educationally, and morally.

I do not underestimate the advantages of universal education as an enlightening agency among the people, yet I can not indorse all that has been claimed for it upon this floor as a preventive of crime and immorality, for the statistics of the country do not verify the prophecies of educational enthusiasts that as you educate the people you would, to that extent, lessen vice and crime. In sorrow, yet truthfully, has it been said that—

> In spite of the vast amount expended in education; in spite of the improvements which have been going on for fifty years in philosophy and in methods of education; in spite of the vast multiplication of schools and colleges and the diffusion of free tuition, which has everywhere reduced the number of the illiterate; in spite of all this, the degeneration of society in happiness, in virtue, in health, in mental and physical capacities has been going on singularly parallel with the improved systems of education.—*Buchanan's Moral Education.*

The history of crime, says Samuel Royce (a learned investigator), in his work, Deterioration and Race Education, is but the history of our education. Professor John Draper, Herbert Spencer, Ruskin, Huxley, and other great thinkers have asserted that the common system of education as now practiced is not a conservative moral power in the prevention of crime, and the statistics of crime and immoralities, as furnished in reports of bureaus, prison-houses, and houses of reformation, confirm these assertions. Gladly would we disguise the fact if we could; but truth forces the confession that in this age of progress and educational advancement there has been a fearful increase in crime, in pauperism, intemperance, insanity, suicides, and disruption of marital relations. This increase has been charged against illiteracy; but the charge is not sustained by the tables of statisticians. Of 2,923 convicted and sentenced to the penitentiaries in New York in 1882, 2,499 could read and write, 2,127 drank; and of 17,341 arrests made by the police of New York in the months of October, November, and December, 1882, according to police reports, twenty-seven thirtieths could read and write. Richard Vaux, president of board of inspectors of the State penitentiary of the eastern division of Pennsylvania, in his State reports, says:

> Four times as many convicts during a period of twenty-six years were received in the east penitentiary of Pennsylvania who were educated to the extent of reading and writing as were wholly illiterate, and a far larger number of convicts have attended school than who never went to school.

I give his statistics showing the number received and the number and percentage of illiterates:

Years.	Received.	Illiterate.	Per cent.	Read and write.	Per cent.
1850 to 1859*	1,605	243	15.14	1,135	69.47
1860 to 1869	2,383	410	17.21	1,627	79.67
1870 to 1876	1,650	361	21.88	1,226	74.35

*Buchanan, Moral Education, 317; Samuel Royce, Deterioration and Race Education, volume 1, page 473, and volume 2, page 376.

Verifying his statement that "more persons convicted of crime are educated than those who are illiterate." Only 11 per cent. of the convicts in 1876 in the State of Massachusetts, says the report of the State commissioner, were illiterate, and it is charged in that same report "that there is hardly a State or country in the civilized world where atrocious and flagrant crimes are so common as in educated Massachusetts." (Samuel Royce, volume 1, page 462.)

The Philadelphia Times, in an article a few years since reviewing the condition of society and the frequency of crime among its people, says:

What a terrible satire upon our boasted free-school system! Nine-tenths of the young criminals sent to the penitentiary have enjoyed its advantages, but three-fourths of them never learned to do an honest stroke of work.

In the province of Ontario, from 1874 to 1880, of 3,859 persons committed to provincial prisons, only 14 per cent. were illiterate; 2,792 habitual drinkers. Of 264 persons committed in Connecticut in 1882, 253 could read and write; 11 could not; 55 were temperate; 209 intemperate. The statistics of Massachusetts are cited particularly, not to disparage that grand old Commonwealth, but because it is universally conceded that in education, refinement, ay 'in every thing that elevates a people and dignifies a State, she has generally led. For this reason I now refer to statistics furnished by herself as strongest proof that education and refinement have not lessened crime or pauperism. I quote from one of her State reports. In 1876 "only 11 per cent. of her convicts were illiterate; in 1880, 25 per cent.; in 1881, 23 per cent. Of 213 convicts in 1882, 172 could read and write, 41 were illiterate." "One in every 364 natives is poor, and 1 in every 546 a convict." "The amount of crime is above the general average of the United States, and the number of insane, idiotic, deaf and dumb, was 16,513. The objects of State charity had increased from 29,066 in 1872 to 82,997 in 1877. In 1876, 148,936 tramps were counted in her limits. In 1875, 20,000 were detained in her common prisons, 852 in that of the State; 1 in 22 of her general population were poor, 1 in 380 criminals."

This is indeed a sad showing for a State of her great enlightenment, but the history of Massachusetts, plainly told by her own statisticians, is but the history of other States almost her equal in educational advantages and refining influences. "In Maine population had increased from 1850 to 1880 one-seventh. Crimes, such as murder, arson, rape, robbery, and piracy, had tripled. Divorce, insanity, and suicides had all largely increased despite of temperance laws and New England education." (Buchanan's Moral Education, page 335.)

From 1820 to 1840, a period of twenty years, says Judge Stoddard, only two convictions for murder or arson are known to have occurred; in 1880 there were thirty-three prisoners for homicidal crimes alone. In the United States crime has outstripped population. In 1850 the population was 19,553,668; convicts, 5,645; 1 to every 3,463 inhabitants. In 1860 the population was 26,922,537; convicts, 19,086. In 1870 the population was 33,589,377; convicts, 32,901; 1 to every 1,021 inhabitants. (Boyce's Deterioration and Race Education, volume 1, page 36.)

The same may be said of other countries. According to Potter, crime has increased since the beginning of this century to 1850 in England and Wales to five times; in Ireland from 1805 to 1849 to twelve times; in Scotland from 1815 to 1849 to seven times. While the population increased 79 per cent., crime has risen 482 per cent. In Holland, according to Guringer, crime has increased 72 per cent., and the prisoners 34 per cent. These are not isolated examples of countries, or States of our own, for the statistics of other nations, and other States in our Government, give similar results and establish the fact that the educational system of this age "has but little restraining influence upon crime." Those same statistics prove also that it is not proof against pauperism, insanity, suicide, or intemperance.

It is asserted in these authorities that in Germany, France, and England 3, 4, and 5 per cent. of the population are paupers, or that 30,000, 40,000, 50,000 respectively of each million of their population are paupers. In 1847 every eighth man in London and every tenth man in England was a pauper. In 1852 every seventh man in Marseilles and every thirteenth man in Paris was a pauper. In 1855 every twelfth man in Italy, every sixth man in Belgium, and twice as many in Flanders were paupers. In 1869 Paris had 317,742 persons out of a population of 1,799,880 dependent upon public charity. Prussia gave relief to 4.89 per cent. of its entire population. Sweden, with a population of 4,000,000, had a pauper population of 148,000. Norway, with a population of 1,700,000, had 180,000. Denmark, with about the same population, had 74,324 paupers.

In Belgium in 1856, 226,000 families lived upon alms; 220,000 in utter misery; 273,000 in poverty; only 89,630 in comfort; or, to particularize, of its 908,000 families 446,000 are public paupers. Of every one hundred Belgians forty-nine lived in utter destitution, forty-two in poverty, only nine comfortably. In England the counties lying between London and the southern coast are by far less illiterate than the north-middle counties and have yet a great deal more pauperism. In the great State of New York, in our own country, the progress of pauperism is alarming and increasing yearly, rising from 58,219 in 1871 to 69,813 in 1884. In addition to this last number 122,391 were supplied by charities outside city and county poor-houses. The following table of statistics of the board of State charities in Massachusetts shows the increasing pauperism of that State: In 1872, wholly and partially supported, 29,066; 1874, 41,130; 1876, 73,739; 1877, 82,997. (Royce, Det. and Race Education, volume 1, page 277.)

So in many other States of this Union as the years roll on, the tide of pauperism swells in increased ratio. The history of pauperism is but the sad, sad history of suicide and insanity. "While the population in France," says the author last cited, "had risen from 31,858,937 in 1826 to 36,039,364 in 1850, or in ratio of 100 to 113, suicides had risen in the ratio of 100 to 209. In Denmark from 1835 to 1856 the proportion of suicides had risen from 219 to 392 in every million of population." In Prussia suicides had increased from 510 in 1823 to 2,180 in 1858. In most European countries suicides have increased from 3 to 5 per cent., while population has been 1.64 per cent—a sickening feature; and I call particular attention to the statement below:

In the suicides in a million population in France there were—farmers, 90; industrials, 128; liberal professions, 218; the poor, 509. (Royce, Det. and Race, volume 1, page 233.)

In the rural districts at a late period there were 110 suicides in a million population; in educated Paris 640; in Copenhagen 477; while in the least educated nations of Europe, the Spanish and Sclavonian, there was less than half the average rate of France, Germany, and England.

So the tables show the terrible fact of a yearly increase in insanity.

In England and Wales there were: Idiots and insane in 1859, 36,762; in 1869, 53,177; in 1876, 64,916.

In France in 1850, 20,061; in 1860, 28,761; in 1869, 38,545 in the asylums. These do not include the very large number in private institutions and homes.

In the Rhenish Provinces of Prussia the ratio of insane to population was, in 1828, 1 insane to 1,027 population; in 1856, 1 insane to 666 population.

In Wurtemberg, insanity had increased since 1832 76.3 per cent.; population, only 13.5 per cent.

Massachusetts, according to Dr. Irwin's health report, had an annual increase in 1867 equal to 1 for every 1,546; in 1871, 1 for every 1,389; in 1872, 1 for every 1,357 population.

In the United States, the increase in fifty-four asylums were: In 1839, 1,329 insane, 961 annual new cases; in 1849, 7,029 insane, 2,961 annual new cases; in 1859, 13,696 insane, 5,342 annual new cases; in 1869, 22,549 insane, 8,769 annual new cases.

Says this same author, volume 1, page 28:

The increase of insanity for a century has been steady, large, and universal in the ratio of the spread of our civilization. The universally educated Scandinavians have 3.4 insane in 1,000 population. The cultivated German, 3 in 1,000. The less educated Romanic nation, 1 in 1,000; and the most barbarous Sclavonic races, 0.6 in 1,000. Again, the ratio of insane to population is larger in cities than in the country, and the professionally educated, who compose 5.04 per cent. of the population, yield 13.8 of the insane.

The statistics might be further extended to show the increase of intemperance, divorce, and illegitimacy in our most thoroughly educated States; yet why continue the sickening recital, for the world knows notwithstanding this increase in crime and pauperism, suicide and insanity, that at no time in her history has so much money been expended in the education of the masses as is being annually spent in this age. The United States, with her $200,000,000 of school property, and $100,000,000 annually for teachers; England, France, Belgium, Germany, and other states, with millions of scholars and millions of money for their education, should verify the prediction that there would be a diminution of crime and pauperism and vagrancy and suicide and immorality. Yet says a learned investigator:

Alas, alas! nearly all statistical records seem to agree in the alarming fact that during all this development of education the misery and degradation of human beings has not been alleviated, but terribly aggravated.

Surely too much has been claimed by the friends of education in its preventing crime; for if the history of crime verifies the fact, despite of educational prognostics, that society has been degenerating in those great elements that make communities moral and governments sound and pure, there must be some mistake in the claim of its friends, or some fatal error in the educational systems as practiced. I am constrained to believe the fault lies *largely in the system.*

Read the works of the authors treating on crime and you will discover that their investigations lead them to the conclusion that work is the surest preventive. Does the education of this age fit a man for the "labor of life?" It is not broad and comprehensive enough for that. No one at all acquainted with our present systems (and they are so because of usuage and erroneous teachings) will deny that the tendency of our educated civilization is to degrade labor, thereby creating caste distinctions in society, thus lowering the social relations of those engaged in it—a result which is prejudicial to sound morals and good government. We need a system of education not designed for the benefit of the few, but for the elevation of the masses—a system where "the school and the scholar (do not) avoid the contact with the workshop and the mechanic." The need of the nation to-day is workers, and that system of education is best which fits the children of the nation for industrial pursuits, which not only furnish subsistence and a comfortable living, but elevate and dignify the character of those engaged in them. I agree with Mr. Blyth, who, in an address before the National Association of Social Improvement, said:

The aim of education is not to make reading and calculating machines, or manufacturers of Greek and Latin verses, but steady, intelligent, and thrifty men, practicing regular industry beneficially to society, and therefore profitable to themselves.

If the object of education is to benefit society, improve the public welfare, and give tone, character, and growth to a government and people, surely those engaged in the industries which underlie the foundation of society and the prosperity and wealth of the people should be taught the elements of such industrial knowledge as will best promote the

ends in view. The labor of the country is the capital of the country; if, therefore, education enhances the value of labor, then the more educated and skillful the labor the greater will be its productive power, and, proportionately, the increase of capital. These facts being established, the conclusion is irresistible, that the education of labor is essential to a people's growth and prosperity, and that in establishing a system of public education that one should be adopted which would best develop not only the productive elements of wealth, but of manly character and useful citizenship. A different kind of training from that of the present is required to prevent crime. More industrial education is demanded for the young, who by honest labor must make their way through life; for, as has been said by a board of prison management, "its benefit as a preventive of crime is being satisfactorily proven and in rescuing prisoners can not be too much emphasized."

One of the authors heretofore cited asserts that the learned Lieber in his Ethics of Politics "affirms that all his investigations lead him to the conclusion that modern crime is very much due to the want of fixed occupations;" *not to illiteracy*, but to idle training and habit, which "starve the masses, breed mutiny, and end in national suicide." This assertion is based upon facts disclosed in prison histories. Among 358 prisoners in one prison, he found only 1 in 7 who had a trade. Of 240 convicts in another prison only 12 had a trade. Of the criminals of 17 prisons in the United States in 1868, 79 per cent. were without trades. In these prisons, says one statistician, "there is seldom found a good carpenter, shoemaker, or blacksmith, and still less a good machinist or watchmaker."

In the elaborate table (already alluded to) of Richard Vaux of the convicts in the Eastern State penitentiary of Pennsylvania, for twenty-five years, I find, of prisoners confined from 1850 to 1859, 1,608, of which 1,217, or 75.52 per cent., had no trade; from 1860 to 1869, 2,383, of which 1,950, or 78.83 per cent., had no trade; from 1870 to 1876, 1,650, of which 1,463, or 88.66 per cent., had no trade. He has many pages of statistics, all showing, says the author from whom I copy, "how much the want of a trade and how little what we term education has to do with the perpetration of crime."

Every one who studies closely these statistics will be forced to the conclusion that educated idleness is more destructive to public morals and more prolific of crime than trained and occupied illiteracy. We want an education that will diminish idleness, and in so doing decrease pauperism and drunkenness and crime. We want, as has been well said, "more of the gospel of work" preached to our children, which shall lift them out of struggling poverty into a state of competency. Then crime will diminish and our prisons will remain comparatively empty. Teach the young to work; prepare them for it by proper education and they will more cheerfully pursue it, and thus you will have industrious young men earning an honest living and turning their backs upon crime and prison-houses.

This is no idle conjecture. In those places where industrial training has been taught for a series of years crime has diminished and pauperism has almost disappeared.

In Belgium, says one writer, "in districts in which industrial schools are in operation, vagrancy, that hot-bed of crime, has entirely disappeared, notwithstanding the large numbers of paupers she had in 1856 alluded to previously in this address. At Creuzot, a city of 25,000 population, in which industrial instruction has been in vogue since 1847, crime and even misdemeanors have almost entirely disappeared, and three policemen give the people full protection." This is asserted by all writers on the subject of crime: "that wherever industrial education has been established it has rapidly diminished it; and this can not be said of any other education." It is easy to assert that education diminishes crime—I mean a common education—but those who have examined and studied criminal statistics do not so testify.

Richard Grant White, a learned educator, in speaking of the public schools of New York, says:

That they exert any wholesome influence upon our society, either morally or intellectually; that they make their pupils better men and women, or better citizens, or that they fit them for the duties or the business of their lives, I do not hesitate to deny.

Again he says:

Nor do the records of crime justify the general assumption that public schools are a conservative moral force in society. * * * It would be interesting to know what proportion of our native criminals have been pupils of our public schools. * * * Judging by my observation, I would say that the proportion is very large, so large that if it was authentically ascertained the publication of it would produce a profound and painful sensation.

An instance of their number has been cited in the prison records of Massachusetts.

Professor John W. Draper, in a work upon physiology, asserts that—

Our common education has a tendency rather the reverse of restraining crime.

The commissioners of the State prison of Connecticut, in their report in 1875, say—

Millions are annually expended in this State to secure to our youth the advantages of a good, common-school education, with the general impression that such instruction is a sure preventive of crime. Without intending the slightest reflection against this happy conclusion, we find our penitentiaries are filling up with many well-educated young men, who, on investigation, have never been indentured to any regular trade or business, and without occupation are easily led into temptation and vice. * * * On a careful inquiry of our young prisoners we find it is not the want of a common-school education so much as the need of a good trade, with its habits of thrift, economy, and constant employment, that crowd our streets with paupers and our State prisons with convicts.

The importance of trade and occupation so thoroughly impressed the great founder of Pennsylvania, that among the ordinances framed by himself and adopted by his provincial council is the following:

Tenth. That while in England the children of the rich were too generally brought up in pride and sloth, good for nothing to themselves or others, in Pennsylvania all children of the age of 12 were to be brought up to some useful trade that there might be none of the worthless sort in the province, so that the poor might get plenty of honest bread by their work, and the rich, if brought low, might not be tempted to despair and steal.

This, sir, sounds the key-note to useful education and permanent prosperity. Professor Seelye says:

Men must be improved in order to be educated. Education follows as surely a moral improvement as flowers open to the sunlight; but education is as powerless to secure that improvement as is the plant the light and warmth by which it is quickened. No amount of intelligence ever saved any people, and the most costly educational system is consistent with and sometimes actually found in the most corrupt social state.

Greece, when her heavens shone with the light of learning and philosophy, when learned historians wrote and poets sang, was filled with depraved masses; her temples reeked with the blood of her murdered citizens; revolution after revolution convulsed the state until her liberties were destroyed and she fell a prey to contending factions. Rome, in the very zenith of her intellectual splendor, tyrannized over justice and religion and filled the pages of her history with crimes at which civilization yet pales. France was in a blaze of intellectual light and the fires of genius were burning with brightest luster when infidelity and corruption destroyed the church, overthrew her liberties, and deluged her land with the blood of anarchy and revolution. So passed away Egypt, the cradle of letters, and Assyria, and Carthage, and the land of the Saracens.

Away then with the idea that the education of the people will give stability to government, close our prison doors, and open the millennial gates! Such is not the lesson of history:

The practical teachings—

Says a learned writer—

of the early and happy days of Greece and Rome built up the state. The later grammarians and sophists ruined it.

Illiteracy *per se* is not the cause of crime; it is to be deplored, I grant you, but do not burden it with evils that lie not at its door. There will never be ignorance enough in this country to threaten its perpetuity, and if ever destroyed, which God forbid, it will be by those the world calls educated and learned. Pauperism and its offspring, intemperance and insubordination to authority, may be the rocks upon which this Government may be wrecked, and the study of the patriot should be how to prevent it. The preventive is found in that Heaven-ordained decree, "in the sweat of thy face shalt thou eat bread, till thou return unto the ground." To escape these evils we must elevate and educate the working people and popularize labor by educational preparation for the great work of life, and this can be best accomplished by a well-devised system of industrial training.

I repeat here what I once said to the agriculturists of my own State:

Begin the system. Educate your boys to work, work systematically, work intelligently, work scientifically, and labor will be no longer "subjected to social degradation," for it will be guided by education and identified with culture. In the language of one of England's royal family, "Let learning and earning go together." Make hand-work a part of the education of your children and they will grow up conscious of their ability to carve out their own fortunes and command while so doing the respect of their fellows and the confidence and support of society and government.

Dr. E. E. White, president of Perdue University, Indiana, in an address on "The relation of education to industry," says that of the three hundred and eighty-three occupations enumerated in the report of the census of 1870, one hundred and seventy-two of them are classed as manufactures, mechanical, and mining industries. In view of this large number of trades and mechanical industries, well may I exclaim, the trades are many, the learned professions are few; and while much has been done for the few, but little has been done by the people to dignify, develop, and perfect the productive industries of the many, forgetful as they are of the great truth that the practical business education of the people is the shortest road to material prosperity and national wealth. Not only is industrial education an effective moral agency but it is eminently conducive to the growth and development of a country. I quote again from my address:

History chronicles the fact that in those countries where industrial schools have multiplied the people have been elevated and their wealth increased. Society has been elevated, because the teaching of technics has multiplied handicrafts, encouraged labor, and given profitable employment to thousands who otherwise would have grown up in ignorance, pauperism, and crime. Wealth has been augmented because by the multiplication of industries and in the increased efficiency of labor engaged in them, the sources of production are increased and the difficulties of its attainment greatly diminished. These statements are justified by the teachings of all political economists, who assert that "the creation of all values can be traced to labor alone," and that the productiveness of labor depends upon its skill and intelligence.

One of our commissioners to the Paris exposition furnishes us a striking proof of the great value of technical training demonstrated by the results of the exposition of 1851 and 1867. In the former, Great Britain was awarded the palm of excellence in nearly all of the grand departments. In the mean time her continental rivals—France, Belgium and Austria—had diffused scientific and technical education (by a system of training school among their people) and

when another exposition was held in 1867, under the auspices of Napoleon III, and the awards were made, it was discovered Great Britain had excelled in but ten of the ninety departments. This was startling news to England. "The scepter was departing from Judah." A Parliament commission was appointed to investigate the causes of this overwhelming defeat, and these are some of the reports to the inquiry commission of July 2, 1867. Dr. Playfair says: "A singular accordance of opinion prevailed that our country had shown little inventiveness and made little progress in the peaceful arts of industry since 1862." I may add, during that interval these other countries, by means of training-schools in the trades, in weaving and mechanical schools, were making rapid advancement in industrial and skillful pursuits."

But to continue the reports, Professor Tyndall says: "I have long entertained the opinion that, in virtue of the better education provided by the continental nations, England must one day, and that no distant one, find herself outstripped by those nations, both in the arts of peace and war." Mr. Hurth says "I found that it was the want of industrial education in this country which prevents our manufacturers from making that progress which other nations are making. I found both masters and foremen in other countries more scientifically educated than our own. The workmen of other countries have a far superior education to our own, many of whom have none whatever. Their production shows clearly that it is not there a machine-working machine, but that brains sit at the loom and intelligence stands at the spinning-wheel."* This report to Parliament awakened England to a sense of her waning supremacy. The result was, says another authority, a grand educational bill was conceived and adopted, which established a general system of elementary and technical education (which is being taught in nearly one hundred schools of art), and upon which Great Britain is relying to regain her former prestige and pre-eminence. Nor are her expectations groundless, for the expositions of 1876 and 1878 established the fact that, under the system of art and trade educations, as now taught in their industrial schools at Bradford and Leeds and Huddersfield and other places, England is "again passing to the front" in the extent of production, and in the refinement of textile industries and technic culture.

Other countries now realize the importance of this training and are establishing industrial schools in every town and village. Prussia has about two hundred, Bavaria one hundred and fifty, Wurtemberg over fifty. Over eighty cities in France have them in operation, with over 30,000 pupils, and in her towns about three hundred smaller technical schools. England has eight hundred trade schools now in successful operation, with about 35,000 pupils. Germany swarms now with industrial schools. The United States had in 1876 seventy-five, giving instruction to 7,500 scholars. Every state should have a sufficient number to satisfy the increasing demand for technical training. Make your whole land a beehive.

Open to the young men of the country inviting fields of employment in its trades and industries, and they will not flock to the cities to crowd their dens of vice, nor resort to the overstocked professions or unremunerative occupations in counting-rooms and trade houses. So elevate your industries by proper education as to impress society with the theory "that industrial occupations are a proper basis of social distinction." Reorganize your educational system upon the basis of labor, giving every man according to his talent his own proper work, and "intelligence will be added to strength; beauty and harmony in the works of man will be followed by beauty and harmony in the character of man; and justice and goodness and truth will spread, and the country will be filled with peace and happiness."

This much I have thought my duty to say on the bill now under consideration, and I have said it not to disparage education or undervalue its benefits—far from it, for I most sincerely wish every child in this Union could read and understand our Constitution and the Holy Scriptures—but because I am thoroughly impressed with the conviction that our educational system should be reorganized on a basis of technical training, for "educated industry is indispensable to the perfection of moral character," and is the key-note in the song of social, material, and national prosperity. Educated hands and educated minds must move and direct the industries of the country. Mechanical philosophy is destined to relieve labor of its burden and toil of its care by subordinating natural agencies, animate and inanimate elements, to the necessities of man and the activities of life. These will be effected by a well-devised system of technical training.

To the laboratory and the workshop must we look for progress, development, society elevation, and national wealth.

Industrial training is the key given to man to open the gates to these great results. Upon it a people's character can be built, and the character of a people indexes their government. In the formation of that character much depends upon association and education, for it is molded in the important surroundings which God in his wise dispensation appointed for their happiness, their social development and moral government. In harmony with the design of His creation, man has been endowed with grand and superior attributes, to qualify him for his Heaven-appointed position as ruler of earth. That qualification consists in a proper practical education of head and heart and hands—an education superior to mere artificial accomplishments because of its adaptation to the utilitarian spirit of the age and the life-work of the people.

The civilization of the present is progressive and aggressive, and its practical requirements, its increasing avenues of industry, its stringent political economies, its far-reaching influences, all demand that those educational agencies be employed best adapted to the development of its moral, social, intellectual, and industrial energies. These agencies will be found in that system that contains the elements of productive education. Legislators, statesmen, philanthropists, moralists, educators, direct your energies, your talents, your time, and your means to this great national necessity. Then will your dreams of a higher civilization, of a purer private and public morality, of more personal independence and national prosperity, of more stable institutions and perpetual government be realized; for it will lessen crime, diminish pauperism, stimulate and diversify labor, elevate character, promote individual and public morality, multiply your industries, and give you men not only for society, but for the field, the workshop, the factory, the mine, the forum, the pulpit, and men for the commonwealth. Happy anticipation of glorious results. It fills the patriot's heart with joy and bids him withhold not his song of thanksgiving. If, then, it is to be the policy of this Government to build up an educational system in the States, I pray you inaugurate one which will embrace moral culture, industrial training, and technical knowledge, for upon this system alone can be built the superstructure of a people's greatness and a nation's perpetuity.

*Paris Exposition Report, 1878.

Rivers and Harbors.

SPEECH

OF

HON. THOMAS M. BROWNE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 24, 1885.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BROWNE, of Indiana, said:

Mr. CHAIRMAN: While I am in the fullest sympathy with those who oppose this bill, I have at no time during all this weary discussion obstructed its consideration. At all times I have favored meeting the important questions presented by it fairly, and submitting them to a vote on their merits. The responsibility of the legislation is on the majority, and there I propose it shall, so far as I am concerned, abide. I am not vain enough, sir, to think that any word of mine will change a vote, and I now offer a formal amendment solely for the purpose of putting on the record the reasons which lead me to vote against this measure. Having stated these reasons I will not again trespass on the patience of the committee nor interpose further to delay final action. Sir, portions of this bill are doubtless fit to pass into law, but as these can not be separated from the waste and extravagance of its other parts, I will vote against the whole of it.

In the first place I protest against the methods of river and harbor legislation as an ingeniously devised plan for catching votes from all sections by mixing large rivers and little rivers and no rivers with lakes, seas, inlets, canals, wharves, creeks, and every possible water way, natural or artificial, navigable or unnavigable, in the same bill and baiting each with an appropriation. A little brook grows to marvelous proportions under the influence of a generous appropriation. One of the manifest evils of this omnibus system of legislation is that it harnesses wise and ill-advised measures together and literally coerces Representatives to vote for the bad as the only means of securing the benefits of those of real merit. Here, in this bill, are expenditures that ought not to be made—expenditures that are but spoliations of the Treasury—inseparably tacked upon others demanded by the interests of national commerce, and we must accept both or get neither. Why load down the good by the vicious? Why not try every item on its own merits? Do not tell me that these expenditures are subjected to this test, for the contrary is within the knowledge of almost every gentleman here. How many are there this very day, sir, openly opposing this bill because their sections do not, as they think, sufficiently share in its bounties, and how many support it with zeal for no higher reason than is expressed by the slang phrase that has fallen from so many lips in this debate, "that they get some of the pork."

I submit, sir, that this is not statesmanship; that we should not thus deal with great public interests. For one I will not vote for a bill that squanders $2,000,000 or $3,000,000 of the people's money to secure the benefits of $10,000,000 judiciously appropriated. I must do this, in my judgment, if I support this bill.

During the debate on the river and harbor bill a year ago I had the temerity to assert the belief that the proposed improvement of the Mississippi River would be a failure, and as a consequence the expenditure a colossal waste. I think time and experience are demonstrating the correctness of that opinion. We inaugurated this system supposing its completion on the Lower Mississippi would involve an expenditure of less than $40,000,000, but it is now admitted that $150,000,000 will be required. This sum exceeds the total of all our past appropriations for the improvement of our national water ways. A stretch of river between Cairo and the Gulf is to swallow a sum exceeding all our expenditures for one hundred years for the benefit of our water navigation. In the presence of an expenditure so immense the representa-

tives of the people may well hesitate. There should be assurance that success will follow the investment before the money is voted.

My chief objection to this bill, I confess, sir, is its purpose to sink additional millions in the plan of the Mississippi River Commission, which is at best but an experiment. I make no pretense to a knowledge of the science of engineering, but our every-day observations are often more valuable than the conjectures and speculations of the scientific. In the debate to which I have made reference, in a brief discussion of this point, I said:

Mr. Chairman, I simply take the floor at this time for the purpose of saying that I believe it will be demonstrated in the future that this Mississippi River improvement plan is the colossal waste and extravagance of the age. I do not care if, in the improvement of the navigation of the river, it should result in reclaiming all of the inundated lands along the margin of the river—that is, if such shall prove to be the result of the plan intended in good faith for the improvement of the navigation of the river. Indeed, as I have had occasion to say once or twice already upon this floor in the discussion of this and kindred measures, I hope such may prove to be the result of any plan that may ultimately be successful in making its navigation complete. But I have said that I believed it would be demonstrated that this is a vast waste and a tremendous extravagance, because I do not believe it is within the power of science, by any manner of construction of embankments to confine the waters of the river within a narrower channel, to either improve the navigation of the river or secure from inundation the lands adjacent to it on either side.

I have myself seen the Mississippi River when it seemed to have no banks on either side. I was convinced, as I think every intelligent gentleman would be who has witnessed it in those days of flood, that it was not in the power of science or within the limits of the possibilities of the Treasury of the people of the country to levee the Mississippi River within such limits as will protect the riparian owners; and it is singular to me that this system adopted by the Mississippi River Commission is intended to improve the navigation where there is too little water, and also to continue the same plan when there is too much water. Now I can understand perfectly well that where the river is shoal, where the bed is wide, where the water is shallow, that by confining its waters by narrowing the channel you may improve the navigation; and if this system of levees or embankments, or whatever you may call it, was confined to such portions of the Mississippi River, I would have some faith in its ultimate success. But what is the truth? As was said by the distinguished gentleman from Ohio [Mr. WARNER], and I think I may say from my own knowledge of the Lower Mississippi River, for eight to ten months in the year there is abundance of water all the way from the city of Memphis to the city of New Orleans.

Indeed, the trouble that is experienced on the Lower Mississippi River is that there is too much water. And yet it is assumed here that an appropriation is to be made to make more navigable a river which is already too much so. What you gentlemen want—and you might just as well tell us so—on the Lower Mississippi River is not to improve its navigation when there is difficulty in getting your boats along over its sand-bars; but you want an improvement that will confine the waters of the stream within a channel when there is too much water there, and when your lands are inundated by it. And the Mississippi River Commission has adopted a plan to diminish the volume of water by attempting to confine it within narrower limits, when anybody, whether he is a scientist or otherwise, who knows anything of the laws of hydrostatics, knows that what you want when you have too much water is to get clear of it; and you may say as much as you please about Captain Cowden being a crank and all that, my belief is that the relief you seek can only be got by the outlet system, tapping the Mississippi River where there is too much water and drawing it off the surface.

The time was when the Lower Mississippi country was not inundated as it is now. And why? Because when the river was at flood the water escaped into your bayous and your lagoons and your lakes, and they were filled with water. Nature had made the outlet. It went when it left the river into these places, where it remained. But by the system of levees adopted by the States you endeavored to confine the river within its embankments; and a muskrat or a crawfish making a hole in the embankment, after a while the waters waging their war in that direction cut your levees, and your country became inundated. In the mean time, while in this way you rescued these low places, the result is they become filled, and now when your waters escape there is no place for them to go except all over the country, and you are inundated.

You have got to go back to the plan nature originally provided to make some way by which these waters may escape from the river. It may be necessary to sacrifice some portions of your lands, but not to the extent they are now being sacrificed by these inundations of the river.

It is assumed by gentlemen who favor this appropriation that the plan proposed by the Mississippi River Commission has not only been fully indorsed by the House, but that its success has been demonstrated. And they also attempt to close the controversy by asserting that the engineers who originated this plan are "the best in the world," using the language employed yesterday by the distinguished gentleman from Illinois [Mr. THOMAS].

Now, it is unfortunate for us that in this matter failure has no chroniclers. We might have learned very important lessons if we had only had some committee of this House to exhibit the frequent instances in which the plans of these distinguished engineers have proved failures. I do not doubt their capacity. I am not attacking their judgment. I am only assuming that the Mississippi River is too large for the science of the day. If I am not mistaken, distinguished engineers once hit upon a plan by which, as was supposed, they could deepen the Gulf of Mexico at Galveston. They supposed that if they would only dip out the quicksands they would get a greater depth of water. They forgot that quicksands, like water, will seek a level. It was about as impossible to deepen the harbor at Galveston by taking out the quicksand as it would have been to lower the waters of the Gulf by dipping with a tin-cup. After we had dumped something over a million of dollars in Galveston Harbor, even these distinguished scientific gentlemen came to the conclusion that their plan was a failure.

* * * * * * *

Now, it is a mistake to assume that the scientists of the country are in accord upon this plan. If I am correctly advised, this very plan of improvement was once passed upon by a board of distinguished engineers of the War Department, and they disapproved it. Before this commission had adopted it, before it was attempted to be put into operation at all, it was discussed and disapproved by gentlemen of science.

Now, Mr. Chairman, as I have no time to discuss some other questions in this connection, I desire to close by saying that I expect this bill will pass. Indeed I am not sure but it ought to pass. This is an experiment. I have made my prediction. It may be that I am not a prophet. I hope I am not. I sincerely hope that this plan may accomplish all that its friends anticipate. I am willing to see the sum of $1,000,000 appropriated for the purpose of testing the plan. I hope it will be appropriated. I should not have made these observations if there was not connected with this appropriation a further expenditure of fifty or perhaps one hundred million. Before we make any such expenditure let us test the plan.

I repeat, Mr. Chairman, that the plan of the commission is condemned by engineers of skill and of acknowledged learning. Less than a year ago I received a letter on this subject from a gentleman of high attainments and of large experience in hydrographic engineering. This gentleman was at one time an employé of the commission, and is at present sewerage commissioner of the city of Saint Louis. I refer to Robert E. McMath, esq.; and permit me now to read portions of his letter. He says:

Your remarks in the House on the bill appropriating $1,000,000 to the Mississippi lead me to address you. If you inquire who I am, I refer you to page 488 of current RECORD, where you will find my name as first on the list of employés of the River Commission, and my record can be traced continuously in United States Engineer reports back to 1866, then in Coast Survey to 1862. I have therefore had opportunity to know whereof I speak. As to the propriety of my speaking, the following from my letter to the Mississippi Commission, giving my reasons for resigning my position, will suffice:

"I am not in sympathy with the majority of the commission in their opinion as to the value of levees. Being fully convinced that the levees, so far from being a useful adjunct to channel improvement, is actually opposed thereto, I can not consistently occupy a position which involves a tacit acquiescence in the official policy."

You are entirely correct in saying that the weight of intelligent, scientific, and professional opinion is against the commission; and I think too little use is made of the fact that one of the commission is decided in his dissent from the conclusions of the majority, and that upon a vital point.

The points of the issue as now made up are:

First. The fundamental principle of the commission is misapplied, as will appear when their argument is reduced to syllogistic form. Major premise: Permanent increase of normal volume will cause enlargement of bed and eventually lessen the surface slope and lower the river in its bed. (True with limitations.) Minor premise: Levees permanently increase the normal volume. (Untrue in every sense.) Conclusion: Levees will lower the river in its bed, and so do away with overflow, while the enlarged bed will insure good navigation. (Untrue in every particular.)

Second. Levees were favored at the outset by the commission as "desirable adjuncts" to a plan of channel improvement by contraction. Now they are put forward as a "means of channel improvement." This change of ground discloses the distrust of the commission in the success of direct improvement by channel works. For no one can suppose that they seriously propose to pursue two distinct and rival plans of improvement. Grant what is claimed for either plan and the other is clearly superfluous.

If any would know why this distrust, let him inquire concerning the work done on the Missouri River, whose temporary promise gave occasion to much enthusiasm in regard to brush and wire-screen dikes. They have disappeared and leave no useful trace. The much-praised works on the Mississippi below Saint Louis are also failures in the essential matter of permanence of result. Their effect is to create detached sand bars, which may at the best develop into towheads or even into islands, but to be successful in any proper sense they should cause solid accretion to the main bank in the form of batture, with section as below:

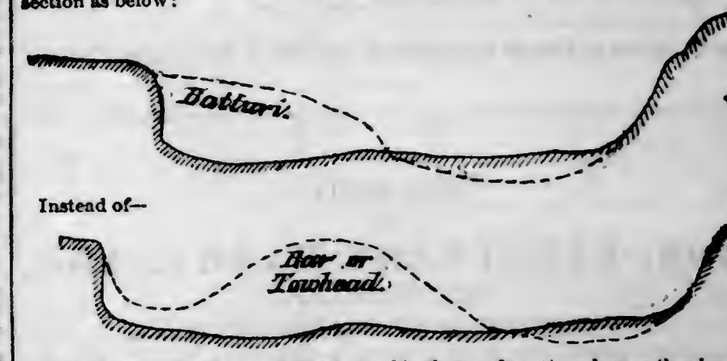

Both forms contract the water way, and both may for a time deepen the channel. Measured in cubic yards of deposit, or area of water surface changed into bar, dry at low stage, the one may be as great as the other, but in the matter of progress toward a permanent improvement one is real, the latter a delusion.

Third. The commission proposes to reconstruct levees below Red River, to prepare that section for a "volume much in excess of any known discharge," admitting that they expect and design to produce general enlargement of the river-bed by scouring. The first effect of scour would be to destroy the stable conditions now existing on the lower river. When and how will a new stable condition be established? The common-sense principle of "let well enough alone" ought to refute all the pretentious nonsense that could be written in favor of such a dangerous scheme.

I consider that I am serving my generation well in lifting a warning voice against the Mississippi scheme as it now stands.

I am not qualified to add anything to this reasoning. It speaks with "a warning voice," and we should pause and demand proofs of success before we proceed further with this giant enterprise.

It will be remembered that Hon. Robert E. Taylor, a member of the commission, in a very able argument defended its plan of improvement, and attempted to demonstrate its success by reference to specific instances in which the levee system had been tested. In answer to this my correspondent says:

Mr. Robert Taylor, in his article "How to Improve the Mississippi," in the North American Review for March, makes a very plausible argument for levees. Fortunately for the truth, he appeals to specific facts as supporting the theory. Every one of these cases, when fully stated and correctly interpreted, condemns concentration of flood volume. I showed this in a report to the commission, which, if not suppressed, will be printed in the report now in printer's hands. If Mr. Taylor knew of that document his use of the facts with incomplete statements of circumstances was willful perversion. If he did not know of it, either the committee on reservoirs, to which the report was made, concealed it from other members of the commission and kept them in ignorance, or else Mr. Taylor is convicted of forming his judgment without considering the evidence. I proved by the record that the Grafton case was wholly due to backed water while the Missouri was in flood; Hays Landing, to backed water while the Yazoo flood was discharging, and therefore overflow did not cause diminution of discharge or pile up the flood. The Clayton case is a crucial test of their theory, and condemns it, for the decrease of velocity occurred before overflow; and in the May rise, which did not reach overflow, the same decrease occurred—the effect when their assigned cause was wanting.

Mr. Taylor is an intelligent and most conscientious gentleman, and I have read this letter simply to show how his argument is met on a vital point by one who is equally honorable and perhaps better informed as to the facts than himself. I am sure Mr. Taylor has little doubt of the ultimate success of the commission plan, but I hazard nothing in saying that while this is true he admits that it is an experiment that may fail, and he believes it should be thoroughly tested at the Plum Point and Lake Providence reaches before proceeding further.

Since the last Congress several men of large experience in the navigation of our western rivers have written me on this subject. They agree in condemning the commission plan. I will give a brief extract from a letter of Mr. J. B. French, of Rising Sun, Ind. He writes:

Having noticed the proceedings of Congress, and having given some attention to that portion relating to the improvement of the Mississippi River, I would like to give my views about it. I will state that I am one of the oldest river-men now living on the shores of the Ohio. I boated continually for over forty years and have run on every kind of boat propelled by steam or floated by water. I commanded one of the first gunboats during the war. * * * I am satisfied that all that can be done to improve the navigation of the Mississippi is to employ enough snag and dredge boats to remove the snags and bars. * * * Signal lights should be kept at the regular crossings. The river runs between banks of sand and goes wherever the body of water is strongest, and no artificial means will change it. The work done won't stand two freshets. It will all wash away. * * * The Government built three dams below the falls many years ago; one at French Island, one at Three Mile Island, and one at Scuffletown Bar. When completed they stood six feet above low-water mark, but after the first high water you couldn't see a sign of either of them. A similar improvement made at the head of the Rising Sun Bar was all washed away, and this will be the fate of the work being done on the Mississippi River.

Captain French, in other portions of his letter, gives his knowledge of the effects of floods on the levees of the Lower Mississippi, and expresses the belief that no possible system of embankments will be able to confine the waters of the river within any reasonable channel. These are the views of a practical common-sense man—one who makes no pretensions to science, but who speaks from observation. He may be wrong. Those who oppose this expenditure may all be wrong, but I insist that they at least furnish reasons that make it our duty to stop and inquire before we further deplete the Treasury. I will detain the committee no longer. There are many other objections I would be glad to notice, but they must pass until some other occasion.

No Taxation to Create Office for the Benefit of Privileged Classes.

No class of mankind is born booted and spurred to ride over the rest.—*Jefferson.*

SPEECH

OF

HON. ETHELBERT BARKSDALE,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885,

On the bill to create the office of General of the Army for the benefit of ex-President U. S. Grant.

Mr. BARKSDALE said:

Mr. SPEAKER: To state the case precisely as it is, the object of the pending bill is to create a life office requiring no service, and bestowing a very large salary upon ex-President Grant. It proposes to take him from private life and put him on the retired-list of the Army, with the rank and grade of General of the Army of the United States, and with pay and emoluments amounting to $19,000 a year. Republicans who support it are actuated by partisan and sectional feelings. Democrats who favor it are prompted, as they frankly acknowledge, not by devotion to a sound principle of public policy, but to satisfy an unjust clamor which has been raised in some of the Northern States in consequence of pecuniary reverses that have overtaken the firm of which General Grant was a member, by reason of transactions of a questionable character.

A similar bill was before Congress soon after General Grant was thwarted in his ambition to be elected President for a third term, but, heeding the indignant remonstrance of the people on whom the burden of the proposed favoritism would have fallen, their representatives rejected it. The failure to pass it consigned it to the limbo of discarded schemes, and it was dismissed from the public mind. This is the condition in which it was placed by the judgment of the people when the members of the present Congress were chosen. Having reaped the emoluments of the highest military office under the Government for a term of years, having enjoyed the princely salary of President of the United States for eight years, which was doubled in its pay and quadrupled in its contingent emoluments for his benefit, having received voluntary contributions from partial friends (some of whom had become millionaires during his term of office) amounting to hundreds of thousands of dollars, General Grant closed his public career rich in money and in all the goods of this world. It would seem that he invested a part of this enormous wealth in a stock-jobbing enterprise, and lost by reckless endeavors to accumulate still more. In consequence of this loss, and avowedly to indemnify him at the expense of the people, the scheme to create a life office with a high salary has been revived. Its merits depend solely upon the ground that it is the duty of Congress to step aside from its prescribed sphere of action, take cognizance of the private affairs of ex-President Grant, and insure his losses by an appropriation from the public Treasury. This is the meaning of the bill; nothing more, nothing less.

Inasmuch as its advocates have based their support of it on the ground that it is a benefaction that should be bestowed upon a citizen who has rendered valuable service to the country and whose condition is necessitous, it is proper to state that they have not even that insufficient pretext. Ex-President Grant has a permanent investment of $250,000, which is entirely unaffected by the wreck of the financial ventures of Grant, Ward & Co. in Wall street. In proof of this assertion I will produce the uncontradicted statement of Mr. George W. Jones, of New York, through whose efforts the fund of $250,000, yielding an annual interest of $15,000, was raised. I will quote from the statement of Mr. Jones in the New York Herald of November 30, 1884:

It has been extensively circulated that the literary work of General Grant was all that the ex-President had to live upon during the coming years of his life, and therefore an interview was sought with George Jones, editor and proprietor of the New York Times, to whose exertions the raising of a trust fund of $250,000 in behalf of General Grant some years back was almost entirely due. Mr. Jones in a business-like way responded to all pertinent queries.

"I'll tell you all about this," said Mr. Jones. "When the fund of $250,000 was complete, desiring to invest it in some permanent and safe way, I counseled with ex-Governor Morgan, who advised that it be invested in Wabash stock. I suggested that perhaps Governments would be better, as I could put it where a certainty of 6 per cent. per annum could be returned. The Governor explained to me that his suggestion applied to a section only of the Wabash road, which involved an investment only of some $2,000,000, from which the income was almost a certainty.

"'For what,' said I, 'would you guarantee the income?'

"He replied that for 5 per cent. he would guarantee $15,000 a year for ten consecutive years. Whereupon I made the arrangement."

"Has that been regularly paid?"

"It has, down to date."

"Without exception?"

"Well, there was one time when it was not paid for a few weeks, but upon the representation that it would be paid—as it since has been—we did not press the estate of Governor Morgan for the guarantee. It is arranged between the executors, as it was with Governor Morgan, that in default of the payment by the road the principal and interest should be returned to us, in behalf of General Grant. That is as certain as anything can be in life. The original fund can not be touched and the per annum income is assured."

"Of one thing the public may be certain—the money was raised by Grant's friends for Grant. *It has been safely invested, and its income is abundantly guaranteed.* It was raised for Grant and Grant alone will have it."

This statement shows that if it is the duty of Congress to create the proposed sinecure for ex-President Grant on the ground of his poverty, the cause does not exist; hence, there can be no necessity for straining the Constitution to repair his losses by enforced taxation of the people.

The bill is in disregard of the real object of establishing a retired-list of the Army. The policy of a retired-list is founded upon the consideration that the pay of the officer is fixed at a rate so low as barely to afford him the means of living. Consequently when by long service or injuries received in the line of duty he is incapacitated for further service, it was deemed proper to place him on the list with enough pay to support him in his declining years.

To "retire" an officer presupposes him to be in the service. The beneficiary of this bill is not in the service; nor can it be said that a fortune of $250,000, with an assured yearly income of $15,000, is inadequate to his support. So far from being in the military service, he "retired" himself from it sixteen years ago for a consideration so valuable that neither he nor the country can have forgotten it. He left the Army voluntarily, that he might be clothed with the highest honors of the world—the Chief Magistracy of the United States.

The proposed measure is without precedent, as it is without even the shadow of justification. It is said that the office of Commander-in-Chief was created for George Washington after he had been President and had retired to the shades of Mount Vernon. But it is a calumny upon the memory of those who did it, to assert that it was intended to give him money, or to heap accumulated honors upon the head of him who was first in war, first in peace, and first in the hearts of his countrymen. It was to place him at the head of the Army in the threatened war with France. General Washington accepted the appointment with reluctance, and upon the condition that his pay should not commence until he had actually entered upon the duties of the office. There was no war; the conditions upon which the office was created failed, and the law was repealed. It is instructive to quote the language of General Washington in accepting the trust:

Feeling how incumbent it is upon every person of every description to contribute at all times to his country's welfare, and especially in a moment like the present, when everything we hold dear and sacred is so seriously threatened, I have finally determined to accept the position of Commander-in-Chief of the Army of the United States, with the reserve only that I shall not be called into the field until the army is in a situation to require my presence, or until it becomes necessary by the urgency of circumstances. * * * I take the liberty also to mention that I must decline having my acceptance considered as drawing after it any immediate charge upon the public, or that I can receive any emoluments annexed to the appointment before I am in a situation to incur expense.—*Marshall's Life of Washington*, volume 2, page 437.

The proposed measure is a violation of the objects for which our Government was founded. It is a departure from the fundamental idea figuratively expressed by Thomas Jefferson, that no class of mankind was born booted and spurred to ride over the rest. It is a long stride toward the establishment of privileged orders, which involves the overthrow of what was designed to be a plain government of the people and for the people; in disregard of the earnest warning of Andrew Jackson, that it is not in a splendid government, supported by powerful monopolies and aristocratic establishments, that the people will find happiness, and protection for their liberties, but in a just system, dealing equally with all and granting especial favors to none.

If there is one question more than any other about which my conviction is clear, it is that this measure is unjust to the people, unauthorized by the Constitution, and the establishment of a dangerous precedent. I would utter my solemn protest and record my vote against it, if I stood alone.

Alien Land-Owners in America.

Great estates destroy the spirit of patriotism in those who have everything and in those who have nothing.—SAINT PIERRE.

SPEECH

OF

HON. JAMES H. HOPKINS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 18, 1885,

On the bill (H. R. 2605) limiting the quantity of public lands which may be acquired or held by aliens within the jurisdiction of the United States.

Mr. HOPKINS said:

Mr. SPEAKER: No inspired prophet nor profane seer ever uttered a more pregnant warning than Goldsmith when he wrote:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

The primal curse, "in the sweat of thy face shalt thou eat bread," carried with it some individual compensations; and it is quite certain that that community is most prosperous where all men are producers. As idleness is debilitating and demoralizing, so industry and activity promote health and mental and physical vigor; and the greater the accumulation of application and force, the greater will be the development of the manhood of the people and the aggregate of its progress and power.

The power of wealth is not to be denied, but its power to curse is quite equal to its power to bless; and the unquestionable rule is that its concomitants and results are evil. The notable and noble exceptions in which it elevates and cheers and leaves its benediction upon mankind only make the rule all the more melancholy. Of the great, the gifted, and the good, whose words and deeds light up the pages of history, how few there are whose ambition had wealth for a handmaid, and how many whose incentive was inexorable necessity! And among the nations of the world from the beginning of time those have been the most powerful, prosperous, and happy where wealth has been most generally distributed. The philosophy of this is perfectly manifest. As the number of those having a substantial interest in a government increases there is a natural increase of the zealous defenders and earnest promoters of the welfare of that government.

If a few monopolize all the luxuries and appropriate most of the comforts of life, the many grow discontented and restless under suffering. And then, too, the possessors of great wealth are apt to intensify this feeling by an aggressive and inconsiderate exercise of their power. Power of all kinds seeks to increase and perpetuate itself, and is rarely tolerant in its use or scrupulous in its growth. And so while the rich become richer the poor necessarily become poorer. At length oppression breeds revolt; and the masses, maddened by despair, feeling they have already lost all, seek to obtain by force that which has long been denied them by peaceful means. Bayonets may pin them down and hold them in subjection, but the loyal love of the people is crushed, and their distress is a constant menace to the government under which these evils prevail.

Without pausing now to moralize upon the dissoluteness and vice into which the weaker possessors of great wealth are led, and the consequent enfeebling of their manhood and the pollution of the moral tone of society, I suggest this as another of the drawbacks and dangers to the stability and prosperity of the Government.

REPUBLIC'S SAFETY IN DIFFUSION OF WEALTH.

Mr. Speaker, these general truths have a special force when applied to republics, where large standing armies are obnoxious; where caste and classes are especially odious; where the government is built upon and upheld by popular suffrage. As Andrew Jackson well said:

It is not in a splendid government, supported by powerful monopolies and aristocratic establishments, that our people find their happiness or their liberties protection.

Our fathers builded with a wisdom almost, if not altogether, inspired when they erected our substantial, simple, but beautiful fabric, broad-based upon the people's will. If we would preserve that foundation in its original solidity and strength, we must take care that it is not undermined by discontent which grows out of a sense of wrong, nor overloaded by a gilded monarchical architecture grossly out of harmony with the grand design.

DANGERS OF LAND MONOPOLY.

Of all forms of wealth, that which confers the greatest power, and is, therefore, the most dangerous to any government, is the accumulation of vast bodies of land. A dependent tenantry, having no interest or hope of acquiring an interest in the soil, are but little better than vassals, and the owners of the fee are but little less than liege lords.

The ownership of a man's domicile, of the roof which covers his wife and children, is a power which fetters his freedom. What will a poor man not surrender to preserve a shelter for his family? The political power of a large landlord has been too often and too strikingly exhibited in England to need any argument to prove its danger in a republic. To be a freeholder carries with it a degree of freedom and independence. The man who can sit under his own vine and fig tree, who can set up his lares and penates in the sanctuary of his own home, feels dignified by the very fact, and is bound by gratitude and love to the government in which he feels he has a share and which secures and protects him in his domestic joys. No emotion of patriotism is so potent, no oath of allegiance so binding, as the consciousness that one has a material interest in the country, that its stability and prosperity will bless his household, and that he will have a share in all its glory and in all its power.

THE RIGHT OF GOVERNMENT OVER LAND-OWNING.

In view of these indisputable facts it seems to me, Mr. Speaker, that the policy and duty of our Government are plain. We should promote as far as possible the diffusion of wealth, not by any communistic leveling nor by any forced equalization of the results of individual enterprise and effort, but by encouraging and aiding the willing, by curbing the political power of wealth in so far as government may properly do so, and by prohibiting the acquisition by any one of immense areas of land and by increasing the number of freeholders throughout the country.

While government may not prevent or control the amassing by individuals of millions of dollars in personal property, it certainly may, and as certainly should, prevent all monopolies in land and all vast holdings which retard the growth and productiveness of the country, and serve only to build up a power inimical to the spirit of our institutions. I do not know, sir, that the power of the Government in this respect will be denied. The principle strikes me as indisputable; but to fortify principle with authority I refer to Vattel's Law of Nations, book 1, chapter 7, section 78, where the argument and the logical result are so clearly set forth:

The sovereign ought to neglect no means of rendering the land under his jurisdiction as well cultivated as possible. He ought not to allow either communities or private persons to acquire large tracts of land to leave them uncultivated. Those rights of common which deprive the proprietor of the free liberty of disposing of his land, which will not allow him to inclose and cultivate it in the most advantageous manner, those rights, I say, are inimical to the welfare of the state and ought to be pressed or reduced to just bounds. Notwithstanding the introduction of private property among the citizens the nation has still a right to take the most effectual measures to cause the aggregate soil of the country to produce the greatest and most advantageous revenue possible.

THE POLICY OF OUR FATHERS ON LAND DISTRIBUTION.

And the fathers of the Republic well understood the wisdom of that policy. It is true that immediately after the close of the Revolution the financial stress of the young Republic caused it to place in the market large blocks of land and to induce capitalists to invest. But in the plan for the disposition of the public lands prepared and submitted to Congress by Alexander Hamilton in 1790 he made provision for actual settlers only secondary to the discharge of the moneyed obligations of the country. And on March 3, 1801, Congress enacted the first "pre-emption" law. The fundamental idea of pre-emption privilege is to encourage actual settlers to go upon the public domain to build up houses and cultivate the soil. Thus early our national legislators discriminated in favor of the producers, the actual settlers, and against investors and speculators. The limitation of the quantity of land which each person might hold in this way was in the line of judicious action pointed out by Vattel. In furtherance of this same thought subsequent acts were passed; and in 1834 the tracts were subdivided into forty-acre lots, which, at the low price exacted, stimulated the energies and encouraged the hopes of the humblest, and at the same time added to the productive wealth of the nation.

But our Government went vastly beyond this in the same direction in 1862 when it enacted the homestead law. This inaugurated a new system, patriotic in its purposes, generous in its bounty, prolific in its results. Under its provisions the rich, broad acres smile a cordial welcome to the husbandman and strip their bosom of the wild flowers, that the healed wounds of the plowshare may soon be hid by a golden and gorgeous harvest. And while the desert is being made to blossom, waste places are becoming the happy homes of sturdy defenders of our country's flag.

It is true that unwise and profligate legislation of recent years has despoiled the people of much of their richest patrimony. But it is in

the power of faithful guardians to redress much of this great wrong and to arrest further encroachments of corporations and monopolists, and to preserve the residue of our domain for cultivation by our own citizens, who bear their full share of the nation's burdens and responsibilities.

THE DANGER FROM ALIEN LAND-OWNERS—OUR DUTY.

Mr. Speaker, I affirm that it is unwise, unjust, and unpatriotic to permit aliens, who owe no allegiance to our Republic, who have no interest in its prosperity, to seize upon the inheritance of its sons and to enrich foreign and possibly hostile governments with the wealth which should bless our own people and strengthen the power of our own nation.

LEGAL RIGHT TO PROHIBIT ABSORPTION OF THE PUBLIC DOMAIN BY ALIENS.

This country was dedicated as an asylum for the oppressed of all lands, and so it must remain forever. All who make this their home by voluntary adoption will be ever welcome. Those who assume the duties of citizenship shall always freely enjoy its rights and privileges. None other have any claim but that of ordinary hospitality. And it is wrong and unnatural to take the children's portion and give it unto strangers. The nation's duty in this regard was prescribed in the code of laws inspired direct from Heaven; and it is recognized in the common law of England, from which we derive our jurisprudence. In the first volume of Blackstone, 371–372, it is said:

If an alien could acquire a permanent property in lands he must owe an allegiance equally permanent with that property * * * which would probably be inconsistent with that which he owes to his own native liege lord; besides that, thereby the nation might be subject to foreign influence and feel many other inconveniences. Wherefore by the civil law such contracts were made absolutely void.

The reasons why an alien may not become an owner of the soil are strongly put in Calvin's case (7 Rep., 27):

1. The secrets of the realm might be thereby discovered. 2. The revenues of the realm (the sinews of war) would be taken and enjoyed by strangers. 3. It tends to the destruction of the realm by admitting strangers to fortify in the heart of the kingdom." (Note in 2 Blackstone, 249.)

And it is further held that—

Alienation of lands to an alien is cause of forfeiture * * * because of his incapacity to hold them. (2 Blackstone, 274–293.)

Vattel (Book 2, chap. 8, sec. 114, p. 677) states this as a recognized principle of the law of nations:

Every state has the liberty of granting or refusing to foreigners the power of possessing lands or other immovable property within her territory. * * * If the sovereign does not permit aliens to possess immovable property nobody has a right to complain of such prohibition; for he may have very good reasons for acting in this manner, and as foreigners can not claim any right in his territory, they ought not to take it amiss that he makes use of his power and of his right in the manner which he thinks most for the advantage of the state. And as the sovereign may refuse to foreigners the privilege of possessing immovable property, he is doubtless at liberty to forbear granting it except with certain conditions annexed.

A more modern writer, while admitting the right of a government to exclude foreigners from even temporary residence in its territory, doubts the wisdom of exercising that power under ordinary circumstances. But he adds that—

This right obviously includes the right of enacting that no foreigner shall become the proprietor of any part of that territory. The ownership of a foreign landholder may, upon the same principle, be subjected by the law of the occupant state to any special restrictions or burdens which may be thought expedient. (Phillips on Jurisprudence, sections 395–416.)

In this country the same general power of the Government is recognized, but its application has been liberalized by the spirit of our institutions and of our age.

In 2 Kent's Commentaries, page 62, it is said:

An alien may purchase and hold, but is in danger of being divested of the fee and having his land forfeited to the State upon inquest of office found. And if the alien sell land, the prerogative right of forfeiture is not barred by the alienation.

(See also Bouv. Law Dic., vol. 1, title "Alien," and numerous cases there cited.)

MODERN LEGISLATION MORE LIBERAL—THE RESULTS.

In the early days of our Republic a fear of foreign influence prompted the enforcement of the disabilities of aliens; and in almost every State the common-law doctrine prevailed that aliens could not hold real estate. But as we have become more self-reliant, and perhaps more impatient to dispose of our public lands and replenish the Treasury, the former policy has been relaxed. And I believe there are now but four States in which aliens are incompetent to own real property. These States are Alabama, Maryland, North Carolina, and Vermont.

The prohibition is in part removed in Illinois, New York, Rhode Island, Tennessee, and Virginia. In Arkansas, Delaware, Georgia, and South Carolina there is no inhibition after the foreigner has declared his intention of becoming a citizen.

Residence only is required in California, Kentucky, Mississippi, Missouri, and New Hampshire. Texas requires a declaration of intention as well as actual residence. All disabilities have been removed in Connecticut, Florida, Iowa, Maine, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Wisconsin.

In 1838 an effort was made to confine the benefits of the pre-emption law to citizens of the United States. But it failed, and the public lands are open to settlement by whoever chooses to occupy them upon filing a mere declaration of intention to become citizens; and even without such declaration millions of acres may be purchased in some of our States by an alien, and a non-resident at that.

Look at the result. The crowded populations of the Old World, tempted by the allurements of free or cheap homes in America, are swarming to our shores. And it is authoritatively stated that fully one-third of all foreigners arriving enter upon the public lands. We have densely populated cities, with too many poor and homeless people; periods of depression come upon all manufacturing and mining enterprises, and the surplus of idle men anxious for work is thereby increased. Surely it would be much wiser statesmanship to facilitate and aid in locating this class of our own citizens upon the unoccupied lands and make them self-supporting, while they swell the volume of the nation's wealth, rather than by an improvident bonus bribe to come here a heterogeneous mass of adventurers.

ABSENTEE LANDLORDS UNDESIRABLE.

But, Mr. Speaker, this influx of people who know nothing and care nothing about our form of government, whose immigration is prompted solely by sordid motives, is not the greatest danger we have to fear from our injudicious disposition of the public lands. One of the greatest curses of much-afflicted Ireland is her system of absentee landlordism. Much of her land is owned by men who seldom or never visit their possessions; who have no sympathy with the natives; who care nothing for their tenants except to wring from them every possible dollar of rental, which they spend in luxury abroad. Learning nothing from the history of that unhappy island, we are permitting the same system to be fastened upon many of our communities.

The glittering accounts of our prolific soil and the immense area of our pasture lands soon caught the eye of European capitalists. And our railroad companies, with a thrifty purpose of their own, stimulated the interest already aroused by free excursions in well-stocked palace cars, by which noblemen and other men of wealth saw the bounteousness of our prairies through the sparkle of champagne and the delicate smoke of pure Havanas; and the enormous returns which foreign investors received from their American cattle ranches still further inflamed the cupidity of their countrymen, and many others sought these rich fields of gain.

ALARMING EXTENT OF ALIEN HOLDINGS.

A year ago the London Economist felt called upon to try to check the spreading movement. It published a list of ten companies whose stock commanded a premium to five which were slightly below par. The journal referred to said:

Within a few months of their establishment a number of these companies had paid remarkably high dividends, and as this course had been pursued in the face of imperfect data and by writing up the value of their cattle—the market value of which had undoubtedly been rising rapidly—we took occasion to point out that those concerns had been over-hasty in dividing such profits, and that the mania for such undertakings which was then in progress in Dundee and Edinburgh, and which threatened to spread to London, was unwise.

But with dividends running up to almost 30 per cent. foreign capital eagerly seized upon the opportunity which our inconsiderateness presented, and already more than 20,000,000 acres have been absorbed by aliens. Allowing eighty acres to each household, we have thus permitted homesteads of 250,000 families, or a population of a million souls, to be wrested from us. We have recklessly permitted the birthright of our own people to be despoiled.

I have here an imperfect list of the holdings of aliens which ought to startle our legislators to a realizing sense of the public danger and of their manifest duty:

LANDS ACQUIRED BY ALIENS.

	Acres.
English syndicate No. 1 (in Texas)	4,500,000
English syndicate No. 3 (in Texas)	3,000,000
Sir Edward Reid, K. C. B. (in Florida)	2,000,000
English syndicate, headed by S. Philpotts	1,800,000
C. R., and Land Company, of London, Marquis of Tweedale	1,750,000
Phillips, Marshall & Co., of London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, headed by Mr. Rodgers, London	750,000
An English company (in Mississippi)	700,000
Duke of Sutherland	428,000
British Land and Mortgage Company	320,000
Captain Whalley, M. P. for Peterborough, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Hon. Robert Tennant, of London	230,000
Scotch Land Company, Dundee, Scotland	247,666
Lord Dunmore	100,000
Benjamin Newgas, Liverpool, England	100,000
Lord Houghton	60,000
Lord Dunraven (in Colorado)	60,000
English Land Company (in Florida)	50,000
English Land Company, represented by B. Newgas	50,000
An English capitalist (in Arkansas)	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir John Lester Kaye, Yorkshire, England	5,000
George Grant, of London (in Kansas)	100,000
An English syndicate (represented by Close Brothers) in Wisconsin	110,000
A Scotch company (in California)	140,000
M. Ellerhauser, of Nova Scotia (in West Virginia)	600,000
A Scotch syndicate (in Florida)	500,000
A. Boysen, Danish consul at Milwaukee (in Minnesota)	50,000
Missouri Land and L. S. Co., of Edinburgh, Scotland	165,000
English syndicate (in Florida)	92,000
Total acres	20,941,666

I append also a table of some of the stocks listed in London; but I have no means of ascertaining whether these are in addition to or are embraced in the schedule of lands just given:

Arkansas Valley Land and Cattle, limited; Cattle Ranch and Land, limited, preference; Colorado Ranch, limited; Dakota Stock and Grazing, limited; Hansford Land and Cattle, limited; Maxwell Cattle, 8 per cent. mortgage; Matador Land and Cattle, limited; Missouri Land and Live Stock, limited; Nevada Land and Cattle, limited; Powder River Cattle, limited, ordinary; Powder River Cattle, limited, preference; Prairie Cattle, limited, first issue; Prairie Cattle, limited, second issue; Prairie Cattle, limited, third issue; Swan Land and Cattle, limited; Texas Land and Cattle, limited; United States Cattle Ranch, limited; Western Land and Cattle, limited; Western Land and Cattle, limited, preference; Western Ranches, limited.

Remembering the millions upon millions of acres given away to enrich corporations, and these other millions which non-resident aliens have been allowed to acquire, we will be unjust to the present generation, unfaithful to those yet unborn, and untrue to the best interests of our country if we hesitate to stop this wasteful policy.

SQUATTER ROBBERS—THE GOVERNMENT'S DUTY.

But, Mr. Speaker, objectionable and alarming as is the exhibit I have already presented, there are still more shameful facts to be confronted. Not content with that which could legally be acquired under our lax legislation, there has been bold and defiant robbery of millions of acres of our public lands, without the payment of a single dollar to the Government, without the faintest shadow of title, without the slightest pretext of right. Foreigners have impudently seized upon, appropriated, inclosed, and are using vast areas of our land. The Commissioner of the General Land Office, in his report for 1883, says that, with limited means for investigation, "there were 1,237 cases of fraudulent entry reported." He also says:

The practice of inclosing public lands by private persons and companies for exclusive use as stock ranges is extensively continued in States and Territories west of the Mississippi River. These ranges sometimes cover several hundred thousand acres.

In his last report the Commissioner says:

Three thousand five hundred and thirty-one alleged fraudulent entries have been examined, and about 5,000 are awaiting investigation.

He further states that—

Thirty-two cases of illegal fencing of public lands have been examined and reported. The area inclosed in these cases aggregates 4,431,980 acres. * * * The extent to which public lands are so fenced may be inferred from the large amount found inclosed in the small number of cases examined.

It is not claimed that all of these depredators are foreigners, but many of them are, and all of them deserve the condemnation of an outraged people and such penalties as highwaymen suffer. The crime is aggravated, in that it is a double robbery of the nation and of her homeless citizens. No other nation upon earth would tolerate such a wrong to her citizens, such a wholesale larceny of her resources, such an insult to her dignity. A mere trespasser upon royal domains, a sportsman or a poacher who might kill a deer or rabbit upon royal preserves, would feel the swift vengeance of violated law. But the majesty of our Government is mocked, while her forests are being cut down and carried away, her pasture lands are appropriated, and her game is being murdered to give nobility a summer holiday!

In view of these facts we may well inquire—

Why prosecute the man or woman
Who steals the goose from off the common,
But leave the greater felon loose
Who steals the common from the goose?

We talk about enforcing the Monroe doctrine to prevent undue foreign influence, and yet we tamely look on while foreign capital and foreign power are fortifying themselves in our very midst and are insolently defying our nation's authority over her own domain. Surely it is time to call a halt. If we may not recover the lands legally held by aliens, we can and must sweep away the unlawful "squatters," and declare to all the world that our public lands shall henceforth be reserved for homesteads for our own citizens or as a bounty to the brave defenders of our flag.

BENEFICIAL EFFECTS OF SMALL HOLDINGS.

Mr. Speaker, I have already alluded to the right of the Government to secure the largest possible products from her aggregate soil. And I think there can be no question that the greatest results can be secured by the most general distribution of the ownership of land. Can there be any question of the comparative revenue from 80,000 acres owned by one man and that which would be derived from the same area divided among a thousand, each having the pride of ownership and stimulated by the knowledge that every improvement made, that every dollar's increase in value of product, will bring additional comforts to his own household?

In an elaborate review of "The present aspect of the land question," by William Fowler, M. P. (Cobden Club Essays, second series, page 165), the writer is constrained to say:

After perusing the reports of Her Majesty's representatives as to the tenure of land in Europe, I think any dispassionate person must admit that the ownership of small properties by a great number of peasants tends to the diffusion of happiness and comfort among the rural population to an extent to which we are too little accustomed.

And again (page 154), speaking of the tenant farmers, he says:

However abundant is the harvest gathered, they only gain indirectly, and they would be more than human if they labored for others as they would labor for themselves.

M. De Laveleye states the true philosophy of the distribution of land in these words:

The distribution of a number of small properties among the peasantry forms a kind of rampart and safeguard for the holders of large estates, and peasant property may, without exaggeration, be called the lightning conductor, that averts from society dangers which might otherwise lead to violent catastrophes.

DISTRIBUTION OF LAND IN EUROPE.

In France it was estimated before the loss of Alsace and Lorraine that 5,000,000 proprietors owned on the average seven and one-half acres each; that 500,000 proprietors of a higher class owned on the average seventy-five acres each, and that 50,000 great proprietors owned on the average seven hundred and fifty acres each.

In 1858, in the Rhine provinces and Westphalia, the average holding of each proprietor was but ten acres. In the rest of Prussia there were 1,300,000 proprietors, of whom one hundred and eight only had estates large enough to be rated over $7,500, and only about 16,000 had estates of more than four hundred acres, while about 350,000 had estates varying from twenty to four hundred acres, and the rest, some 925,000, owned less than twenty acres each.

Hon. George C. Brodrick, in a treatise upon "English lands and English landlords" (page 453–454), after reviewing the policy of different European governments, says:

Foreign experience teaches us that the instincts of proprietorship are cherished with the utmost intensity by peasant owners, who show mutual respect for the rights of property far beyond that which prevails in England.

This statement is entitled to all the greater weight in view of the proverbial pride which Englishmen feel in the laws, customs, and condition of their country.

In Mr. Brodrick's work I find the following authentic and instructive table:

Summary table of England and Wales.

Class.	Number of owners.	Extent in acres.
Peers and peeresses	400	5,728,979
Great land-owners	1,298	3,497,609
Squires	2,529	4,319,271
Great yeomen	9,585	4,783,627
Lesser yeomen	24,412	4,144,273
Small proprietors	217,049	3,981,806
Cottagers	703,289	151,148
Public bodies:		
The Crown, barracks, convict prisons, light-houses, &c.	14,459	165,437
Religious, educational, philanthropic, &c.		947,855
Commercial and miscellaneous		330,408
Waste		1,924,634
Total	973,011	34,523,974

The details of this table show the extent to which a landed aristocracy may absorb the territory of a country. It appears that twenty-eight dukes own 3,991,811 acres, that thirty-three marquises own 1,567,227 acres, that one hundred and ninety-four earls own 5,862,118 acres, and that two hundred and seventy viscounts own 3,780,009 acres, and that nearly one-half of the inclosed land in England and Wales belongs to a body numbering but 1½ per cent. of all the land-owners.

It further appears that in Scotland, where the total area is 18,946,694 acres, one man owns 1,326,000 acres, another has 431,000 acres, another 427,000 acres, another 306,000 acres, and twelve owners have 4,339,722 acres, about one-fourth of all Scotland. Twenty owners hold more than 120,000 acres each.

In Ireland, where the total area is 20,159,677 acres, one person owns 170,119 acres; twelve persons own 1,297,888 acres; two hundred and ninety-two persons own 6,458,100 acres—nearly one-third of the entire island; one thousand nine hundred and forty-two persons own two-thirds of the whole island.—*Financial Reform Almanac for 1885*, page 95.

With this exhibit before us can we wonder that there should be a feeling of great unrest among the landless and hopeless tillers of the soil? Can we wonder that the land question is the all-absorbing one in Great Britain? And the question which presses upon our consideration is whether we will learn a lesson from the experience of other nations, and avert, while we can, the evils and the dangers from which others suffer, or will calmly fold our arms and drift on to inevitable disaster.

OUR DANGER AND OUR DUTY.

Although we have successfully and even gloriously rounded the first century of our nation's existence, we must not forget that a hundred years in the life of a government is but as a day when it is past. And we must remember that there are forces more to be dreaded than the tread of hostile legions through the streets of our cities. We may encompass our frontiers with fortifications, our seacoast may bristle with cannon, ironclads may fill our harbors, but it will be all in vain if we permit the sappers and miners within to work on undisturbed. If we would preserve the Republic we must be true to the principles, the precepts, and the practices of its founders.

If we would perpetuate this Government, we must preserve its original simplicity and purity. We must discourage the building up of an aristocracy; especially must we prevent the growth of land monopolies.

We must protect our national domain from the rapacity of foreign capital, and from the influence and power which are thereby secured. We must maintain our broad acres for homes for the free and faithful citizens, and not permit them to be seized upon or despoiled by absentee aliens, giant corporations, or grasping speculators. When our great prairies shall be dotted over with the happy homes of our own people, we shall have secured contentment, prosperity, and peace at home, and respect and safety from abroad; and we can then realize the prophetic benediction of the psalmist:

The pastures are clothed with flocks; the valleys also are covered over with corn; they shout for joy, they also sing.

Aid to Common Schools.

SPEECH

OF

HON. J. W. THROCKMORTON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1885.

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. THROCKMORTON said:

Mr. SPEAKER: I am not prepared to support the pending measure, whether represented in the Senate or House bills. I concede, as fully as any gentleman on the floor, the importance and necessity of popular education to the perpetuity of republican government.

A people who possess the prerogative of self-government must acquire, by some means, the intelligence which will render the wise and healthy exercise of their sovereignty practicable. To realize that equality of rights which is the essential element in the American idea of republicanism, and to secure to the great masses the material conditions under which the race of life may be evenly run, I am prepared to go further, and advocate not only a universal elementary education that would make the citizens intelligent voters, but that technical instruction that would make them producers, and create a tax-paying, comfortable, and contented community.

I admit the historical fact that the founders of the Government, the fathers of the Constitution, have not only recognized the importance and necessity of popular instruction, but the obligation of the political communities of the Republic, State and Federal, in their sphere, and for the purpose contemplated in the laws defining these functions to foster and maintain institutions of learning.

Making these general concessions of the needs of the people and the powers and obligations of the General Government, I can not admit that the present measure finds a warrant in the Constitution. Congress has set apart at different times large bodies of the public lands for school purposes in the several States, and has appropriated the proceeds of the sales of the public lands for the same purpose. This action was legitimate, because it was the simple conversion by the Federal Government, the trustee of the people in the custody and administration of a common property, of lands held for their benefit and then devoted to their uses. This action, however, did not involve the question of taxation of one community for the support of the necessitous classes in another. Congress has also appropriated money for the establishment and maintenance of military and naval schools, military and marine hospitals, soldier's homes and asylums. This was legitimate, because it looked to meeting the wants created under legislation of Congress by agencies established by Congress and for the common purposes of defense from foreign and internal foes. In this the General Government was covered by an authorization embraced either in the declaration or just implications of the organic law. There are many acts of beneficence that may be constitutionally enacted by the Federal Government, and there are many that would bring relief to suffering and distress which are not warranted by the law which the Federal Government is under no obligation to do, and which the States should do and can do without violation of law and with greater and more permanently beneficent results.

I am prepared to recognize in all its significance the lesson taught by the statistical exhibits of ignorance presented by the advocates of this measure. This data makes an appeal that no thoughtful, patriotic man can ignore. It demands early and adequate action. There is a duty in this connection which, for its discharge, will demand positive effort by the authorities and concerted action by the citizens.

But I can not admit that the dangers to our institutions from this source are as imminent as the friends of this measure represent it to be; nor can I admit that it is of such a character and such volume as to be beyond the control of the local political communities in which it exists. In my own State, at least, we do not need the kindly interference which this contemplated measure proposes to extend.

The impression from the statistical exhibits is made that not only is the volume of ignorance, especially in the South, enormous and difficult to be handled, but that it is growing rapidly, is a result of permanent causes that inhere in society that are normal and not exceptional, and that it will never be as easily handled as now. I except to the correctness of the conclusion, whether it be found as a declaration or an implication.

The causes contributing this great volume of uneducated people to the voting classes of the South were abnormal and extraordinary—the sudden emancipation and franchisement of millions of uneducated negroes as an incident of the civil war.

The continuance of this state of things, without prompt correction, was referable to the poverty and destruction of values in that section, incident to the same cause. This section, though not as prosperous nor as rich as other more favored communities, is nevertheless steadily regaining her prosperity, and becoming financially more able to deal with this and other questions that draft upon the revenues of the state.

There will never be a period in which so much ignorance, at so inauspicious a time, can be suddenly and unexpectedly introduced into the political life of the country.

The darkest period, in this matter of popular ignorance, has been reached, and later statistics will show that improvement has commenced, and that the light from institutions of learning is everywhere, slowly it may be but steadily nevertheless, driving back the darkness and dispelling the gloom.

Mr. Speaker, apart from the constitutional difficulty that I have stated there are substantive objections that forbid my support of this measure. In my judgment it threatens the integrity of our republican institutions. The highest prerogative of political sovereignty is the right of the community possessing it to determine its own political relations at pleasure and upon its own judgment. At one period of our history this conception of sovereignty was the central idea in a powerful political school, which taught the doctrine that the Union was framed by sovereign communities, and that this prerogative of sovereignty still inhered in them, and could, when in their judgment necessary, be exercised. This theory of our governmental system has been abandoned. The popular judgment now concedes that the Union is indissoluble under the law, and if formed by sovereign States, this prerogative was exhausted and surrendered by the States when they ratified the organic law.

The people, through the forms of law, have fixed and determined the relations, jurisdictions, and powers of the National and State Governments; and the same Constitution that recognizes the paramount authority of the General Government within the sphere outlined in that instrument, also recognizes the status and prerogative of the community of States in the limits in which their authority is exercised. I believe that the preservation of these separate but harmonious jurisdictions is to be desired, not simply for economic purposes and for convenience in administering government over an extended area and a dense population, but those higher considerations—the protection of life and property, the preservation of order, the promotion of the prosperity and public content that underlie good government, and the preservation of the liberties of the people—all combine to demand that the integrity of our republican system as it substantially came from the hands of the fathers should be preserved.

This measure is not advocated on the ground that it is a charity to the States whose people would more immediately secure the benefits thereof. It does not proffer alms, but it proceeds upon the supposition that the National Government is performing a duty and is exercising the right that is implied in the existence of such an obligation. I do not admit that any such obligation on the part of the General Government or that any prerogative which is to be exercised to meet this obligation inheres in that Government. Texas has no moral or legal claim on the tax-paying people of Massachusetts by which the national authority could transfer the educational burdens of the first State upon the people of the latter.

This is not an obstructive nor technical vice, but a material and substantive defect in the contemplated legislation; and if such measures be initiated under the plea of exceptional need in certain States it will shock and damage our political system, and the derangement will be all the more dangerous because insidious, and not such as to arrest the attention of the superficial observer.

A further objection is that this movement tends to create out of the national authorities a great parental government, in which the people will become minors and seek the supervision of the national guardianship not only in their relations as citizens of the United States, but in their local domestic concerns, and a spirit of dependence will be bred foreign to the manliness that constitutes the strong element that marks the character of a free people. This parental relation is becoming in monarchical institutions, but is antagonistic to republican ideas. It suits a subject, but does not become a citizen. The government belongs to the people, it is their servant and creature, and not their master. The people demand honesty in the administration of affairs and justice in the execution of the laws, but they do not want charities and will secure no favors from their public servants.

There is another view worthy of consideration. In the economy of

nature there is no great success that does not demand as its necessary constituents the efforts and contributions of the parties who propose to enjoy this success. Superimposed greatness is of little worth, and that is to be sought and prized which is mainly achieved by the man who wears the laurel. We do oft, as Schiller suggests, "seek the help in others that is in ourselves," but greatness and comforts by individuals and communities can never be achieved in this way. Sacrifice, inconvenience, self-denial, painful exertion are not pleasant things, and human nature, except where necessity compels, does not voluntarily impose these burdens upon itself.

The relief sought in these measures is to be found among the people who live in the presence of these great educational needs; who witness and feel the evils of ignorance, its incompetency, its helplessness, its vices, and its woes.

Not accumulation but development is needed. Not aid from without, but the latent, sleeping energies from within must be awakened and organized before a permanent, healthy cure of popular ignorance can be effected. It will never be safe, sir, nor wise to do by proxy and substitute the important things of life that we are competent to do ourselves. The tenderest mother never developed her lusty boy into the strong man by bearing him in her arms through his youth lest he should stumble and fall and bruise his limbs. The blunders and falls of the child are the necessary conditions of the steady step and graceful movements of the youth and man.

If this measure becomes a law it may give temporary relief in some instances; it may put more children in the schools for a few years, and give a feverish, spasmodic energy to the cause of education, but it will breed an enervation that springs from the inactivity that outside help frequently produces, that will inconvenience the independence of the communities accepting it, destroy the self-reliance of the people, and in the end, I fear, put out of the schools more children than it puts in so soon as the helping hand of the General Government is withdrawn.

Finally, Mr. Speaker, this in my judgment will be a most dangerous precedent. The advocates of the measure allege the conditions that make this legislation necessary are exceptional, and that it is intended to be provisional in its character—limited in its operations by its own provisions, and that it is to recur in law subsequently only in the gravest emergencies.

Not questioning the sincerity of the declaration of gentlemen in this connection, I look with apprehension upon this, as I believe, innovation upon our traditions and institutions.

Think of an ignorance generally bred of indolence, and inspiring indolence in those who suffer from it, so great that fifty, seventy, or a hundred million of dollars are taken from the common fund contributed by the tax-payers of the whole country, and diverted to educational purposes in certain States through a period of ten years!

With such wild legislation, increasing the national appropriations by millions annually for the next ten years, when are the burdens of taxation, already so oppressive, to be lifted from the backs of the people? I ask you, sir, and I ask the members of this body, with increasing appropriations, already aggregating more than a million of dollars, for the education of a few thousand Indian youths, to supply the inordinate and growing demands of politicians for pensions, the pressing persistence for untold millions to clean out and improve unimprovable creeks, bayous, inlets, and insignificant water courses—how long will it be that you will have a surplus in your Treasury, and how long before your public debt will be discharged?

With this kind of legislation, instead of abolishing your internal taxes and placing articles of necessity on the free-list and reducing others now far too heavy to be borne with patience, you will have to devise new methods of taxation and new articles upon which to impose them.

Let this gigantic measure of a parental government become a law for ten years, my word for it, it will become a fixture never to be eradicated unless some great calamity befalls us and reduces our people to great financial distress. With it will grow up new offices, new political machinery will be constructed, new dependencies be created and new habits formed, new and additional taxes levied, and insensibly and necessarily a conflict will originate between the Federal and State jurisdictions, with all the probabilities that the national, the stronger of the authorities, will prevail, and by sufferance for a while exercise local functions and end by absorbing permanently the powers that sacredly belong to the States. You will witness first these complications, and finally a consolidated centralism that will destroy the simplicity and integrity of our system; the creation by new and increased processes of taxation of revenue surpluses that will breed corruption, and supply the occasion for disturbing and irritating intermeddling by the Federal authorities with the domestic administrations of the States.

I yield to no gentleman in my deep conviction on the subject of popular education, but I differ radically from them in my ideas of the best methods of accomplishing success. Except for the general and common purpose indicated in the Constitution for the National Government, remit the question of popular education to the several States, and keep it there sacredly. Let the local communities study and painfully appreciate their educational wants, and then, by taxation or other adequate means conjoined with the individual help of the citizen in his private capacity and aided by philanthropic men outside of the Commonwealths, address themselves to the solution of the question. Relief will not be long delayed, and when it comes it will be permanent, because healthy. No impairment of the simplicity and harmony of our splendid governmental system will be made in order to accomplish this result, and there is no State that can not meanwhile, until such accomplishment, "bear the ills" that it has not heretofore been able to cure.

It is urged that this is an opportune time, when there is such a large surplus in the Treasury, to divert these large sums of public moneys to private uses.

The existence of such a surplus in a time of peace, in the presence of great commercial distress from heavy taxation and industrial revulsions, is an outrage upon the people, and constitutes a severe reflection upon the wisdom of the party under whose administration and policy such a state of things became possible. Persistent ill-advised legislation has produced this plethoric condition of the Treasury, and presents the question to thoughtful men whether a system of revenue—the so-called protective system—that produces this immense collection of taxes beyond the wants of the Government in order to maintain the integrity of the system, is worth maintenance or deserves the confidence of the American people. This accrument from oppressive revenue laws should be converted to legitimate and needful wants, and not be squandered in projects of doubtful constitutionality, where new drains upon the Treasury will be created necessitating the imposition of increased burdens upon the people to meet them. Increase your Navy; improve your ordnance; make secure the seacoast defenses of your great commercial cities; improve your harbors and great water ways—streams upon which can float the nation's commerce—and not the puny streamlets within the States of no importance whatever; pay the pensioners who have just claims upon the country's gratitude; and if these legitimate demands do not exhaust the surplus so unwisely accumulated, apply the residue to the payment of the public debt, and thus place the Government in position to relieve the people of unjust burdens of taxation, and largely contribute thereby to both stability and progress the material and commercial enterprises of the country.

Rivers and Harbors.

SPEECH

OF

HON. JOSEPH D. TAYLOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 14, 1885.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. JOSEPH D. TAYLOR said:

Mr. CHAIRMAN: I notice in one of the morning papers a statement which I have repeatedly heard during the progress of this session of Congress, that certain bills now on the House Calendar, in which the people of this country take a deep interest, will never be considered, for the reason that certain distinguished Democrats pronounce them unconstitutional.

It will be remembered that when the pleuro-pneumonia bill was before this House at the last session—the only bill in the interest of the agriculturists of this country that has been considered by the Forty-eighth Congress—the most important feature of the bill was ruthlessly stricken out—indeed, the efficiency of the bill was destroyed—because the Democratic side of this House held it to be unconstitutional. They denied the constitutionality of any law that gave to the General Government the authority to place in quarantine any State, or any part of a State, in which this terrible disease was found to prevail, and hence this important bill to prevent the spread of contagious diseases among cattle, unanimously reported from the Committee on Agriculture, was rendered almost useless, because it was met with this so-called constitutional objection.

At this hour the nation sits in silence and waits with bated breath to know the result of the bills now pending in this House to provide national aid to facilitate the removal of the cloud of ignorance and illiteracy which now threatens the life of the Republic. The Committee on Education, of which I am a member, gave, during the first session of this Congress, careful consideration to this great measure. Delegations, petitions, and memorials came from every part of this broad land, importuning and pleading for the passage of a bill providing Government aid for the removal of the mass of ignorance which now stands as a threatening menance to a free government and a free people. A bill was reported and placed on the Calendar early in last session. A similar bill passed the Senate during the last session and now lies on

the Speaker's table. And yet up to the closing hours of this last session not a single moment has ever been given to the consideration of this great question in which 55,000,000 of people are deeply interested. Why is this? Why is the poor boon of a few hours' consideration denied a measure of such great importance? The answer is, that from a Democratic standpoint there is no warrant in the Constitution for the appropriation of money from the national Treasury for the education of the wards of the Republic.

The ecclesiastical supremacy of the Mormon Church, and the rapid spread of polygamy in Utah and adjoining Territories, is fast becoming a terror to American civilization and a danger to the liberties and purity of our people. The legislation of the last twenty years has signally failed in staying the onward march of this gigantic evil, and polygamy is more strongly intrenched at this hour than ever before. In the judgment of the best people in Utah it will not be long until the Mormon leaders will dictate the elections in all the region between the Rocky Mountains and the Pacific Ocean except California and Oregon, covering that fair land with an oligarchy that defies the pulpit, the press, and the legislation of the nation. The Committee on the Territories, of which I am also a member, by a strict party vote, refused to report favorably a bill, recommended repeatedly by President Arthur, creating a legislative commission for the Territory of Utah to take the place of the present Territorial government, under which Mormonism is constantly growing in wealth and power. This bill is known to have the support of ex-Presidents Grant and Hayes and of all the leading men in the country who have given this subject careful consideration, and yet it is denied consideration, as is also the Senate bill on the same subject, now on the Speaker's table, for the reason that in the judgment of the leading Democratic minds of this House all such legislation is unconstitutional and in conflict with their notions of State rights.

In view of these facts, and in view of the fact that these doctrines of "State rights" and "strict construction" meet us at every step in legislation when we propose to consider any great measure in which the whole country is interested, I have been waiting from session to session and from day to day, during the consideration of this river and harbor bill, to hear from the distinguished constitutional lawyers on the other side of this House in regard to the constitutionality of this bill. During all these long hours of discussion not one word has been uttered in regard to its constitutionality.

Why this marvelous silence? The men who are known on this floor and throughout the country as great constitutional lawyers, have seen proper, for some reason, not to discuss this phase of the bill or even to allude to it. I am anxious to know, and I think the country is anxious to know, where in the Constitution will be found that warrant which satisfies the Democratic mind that a bill like, this appropriating twelve or fifteen millions a year to the improvement of rivers and harbors, is constitutional. What paragraph or section in that great charter contains this authority? In other years the leaders of the Democratic party denied the constitutionality of all such measures. It is true the recent Democratic platform made at Chicago did what no other Democratic platform ever did before, recognized the great Mississippi River as a fit subject for national care and nurture, but we have not since then been informed whether that platform changes the meaning of the Constitution of the United States in the opinion of the Democratic party in other respects; and, if so, what part of the Constitution is to be interpreted as changing the immemorial orthodoxy of the time-honored Democratic party.

The Whig party in its day, and the Republican party since, has always contended for liberal appropriations for rivers and harbors; and to these two political parties we are indebted for the public sentiment that now prevails in this country in favor of increasing the facilities of commerce. Against this view the Democratic party has stood like a wall of fire for more than half a century, insisting that every such measure and every such appropriation was unconstitutional, just as they insisted at the last session that all of our protective tariffs are unconstitutional.

For myself I would gladly aid in building up our commerce at home and abroad, on land and on sea, and I would welcome all legitimate methods of cheapening transportation as being directly in the interest of the producer and consumer the world over; but I am opposed to this bill, and will be compelled to vote against it unless it can be so amended as to eliminate from it many of its objectionable features. I voted against the river and harbor bill passed at the last session, not because I was opposed to river and harbor bills, nor because there were not in it many worthy objects of national bounty, but because there were in it, in my judgment, many appropriations not demanded by the necessities of commerce, and there were omitted from it many objects more worthy of aid than those sought to be benefited. I did all I could to have that bill amended, as I have been endeavoring to have this bill amended, so that it would be worthy of support.

Before proceeding further, Mr. Chairman, I want to enter my protest against the accusation repeatedly made by the friends of this bill that those who oppose it are acting in the interest of railroads. I am under no obligations to any railroad company, and no railroad company is under any obligations to me. I have not traveled a single mile on a railroad pass since I have been a member of Congress, nor received from any railroad company, for myself or any of my friends, directly or indirectly, any favor or advantage of any kind whatever; consequently my opposition to this measure can not be attributed to this consideration. Besides, I voted for the Reagan bill, a bill that was top-heavy with anti-monopoly, not because I thought it such a measure as the country needed, but because I believed in the right of the General Government to control interstate commerce, and because I believed in the necessity of some legislation to check the rapacity and injustice of railroad domination. I relied on the Senate to so modify it by suitable amendment as to make it such a law as the country needs. And I am therefore unwilling that my opposition to this bill shall be attributed to any such motive.

The Forty-seventh Congress at its first session appropriated for rivers and harbors a little over $18,000,000, and the magnitude of the appropriation created a political ground-swell that drove from public life many of the most eminent men of the country. It was passed over the President's veto, and became a powerful factor in the campaign of that year. The second session passed no river and harbor bill, but quietly turned the rivers and harbors of the country over to the prudent care of the Democratic party, then assuming jurisdiction of appropriations. The first session of this Congress passed a river and harbor bill appropriating, when amended by the Senate, about $15,000,000. The present bill, if amended to the same extent, will appropriate $15,000,000 more, aggregating in two years the enormous sum of $30,000,000, the largest sum ever appropriated by one Congress for this purpose, making the expenditure for rivers and harbors of the Forty-eighth Congress larger by nearly $12,000,000 than the expenditure of the Forty-seventh Congress for the same purpose, and the largest appropriation ever made for this purpose by any Congress. How is this for Democratic economy? How is this for strict construction of the Constitution? And yet this is in keeping with Democratic professions and practices in other directions. If the Republican party were to propose to expend $30,000,000 for rivers and harbors during a single Congress the Democratic press would stir the country from one end to the other, but now it seems to be all right and strictly constitutional, so far as we can infer from continued silence.

I would like to understand the circumstances under which it is proposed to pass this bill. It has been charged on this floor, and the figures have been given, that the South is getting twice as much of this money as the North, taking into account not only the population but the commerce and income taxes of these sections. It was stated when the river and harbor bill was under consideration at the last session that the State of Kentucky, the home of the chairman of the Committee on Rivers and Harbors, received $568,000, while the records show that in the judgment of other Congresses Kentucky had only received in the aggregate $457,000 since the State has been in existence. The complaint is also made that this bill gives to Alabama $545,000, while it gives to Pennsylvania only $70,000, a State that pays into the United States Treasury seventeen times as much as Alabama, and is needing improvements of this kind much more than Alabama.

But I do not propose to discuss these questions. I want to call the attention of this committee to some other things which I regard of more importance. It does not seem to be understood that a river and harbor bill, as prepared in this Congress, is more for the political aggrandizement of the members of Congress in whose districts these appropriations are expended than for the good of commerce. Do not deceive yourselves with the idea that these appropriations have ever been recommended by any authority having any knowledge whatever of their merits. In the Book of Estimates you will find the names of three hundred and sixty rivers and harbors, and opposite each you will see the sum that the Chief of Engineers says can be "profitably expended" in the next fiscal year, aggregating the sum of $34,000,000. We have been informed by the committee that they aimed to appropriate 25 per cent. of the estimates on the rivers and harbors they selected from this list and incorporated into this bill. The fact that these rivers and harbors are found in the annual reports of the engineers, and in the Book of Estimates furnished by the War Department to each session of Congress, has given out the impression that these appropriations have the sanction and recommendation of the Secretary of War, based on the estimates and recommendations of the United States engineers. I do not want any member of this House to vote for this bill under this impression, an impression which seems to be a fair inference from many of the remarks and explanations made on this floor.

That there may be no doubt in regard to this matter, I will send to the Clerk's desk and have read a letter from the Secretary of War on this point, received within the past few days:

WAR DEPARTMENT, *Washington City, February* 2, 1885.

SIR: In reply to your letter of to-day, I have to advise you that my official estimate for the construction, completion, repair, preservation, and survey of harbors and rivers, to be expended upon such works as may be directed by Congress, amounts to $8,000,000, as will be seen by reference to page 164 of the Book of Estimates. This estimate, as do all other estimates submitted by the Secretary of War, implies a recommendation for an appropriation of that amount for the public service. No recommendation whatever of the Secretary of War is contained or intended to be implied in the detailed statement beginning on page 164 of the Book of Estimates and ending on page 169, that statement being, as is therein stated, a convenient summary of items taken from the annual report of the Chief of Engineers, in which report he is required by law to state the amount that can be "profitably expended" in the next fiscal year on each of the uncompleted works mentioned. It is not my understanding that in making a report of the amount that can be "profitably expended" any recommendation for the expenditure is intended; but it is assumed that appropriations having been made, the work is approved by Congress, and the signification is that the sum named in each case can be "profitably expended" so far merely as the prosecution of the work is concerned, without regard to the public importance of the same. By reference to page 66 of the annual report of the Chief of Engineers for the year 1884, you will find a full statement of the basis of his report as regards river and harbor improvements.

I am, very respectfully, yours,

ROBERT T. LINCOLN,
Secretary of War.

Hon. J. D. TAYLOR, M. C.,
Washington, D. C.

From this letter it will be seen that the Secretary of War recommends an appropriation of $8,000,000 for rivers and harbors, in a separate estimate, without undertaking to designate a single river or harbor on which any part of this sum shall be expended, leaving this to be done by Congress. He recommends this sum and no more, and yet this bill contains more than $4,000,000 more than his recommendation. Further along in the letter the Secretary expressly disclaims any recommendation, express or implied, for the statement beginning on page 164 of the Book of Estimates and ending on page 169, where will be found the three hundred and sixty rivers and harbors to which I have before referred. He says that this summary of items is taken from the annual report of the Chief of Engineers, not for the purpose of approval or disapproval, but for the purpose of stating the amount that could be "profitably expended" in the next fiscal year, as required by law. And he says that by the use of the words "profitably expended" no recommendation whatever is intended; that it is assumed by the officers of the Government that in cases where appropriations have once been made Congress has approved the work and assumed all responsibility as to its advisability. The only inquiry made by the engineers is how many men can be employed to advantage on the work, and how rapidly can it be profitably prosecuted, without any regard to the "public importance" or "commercial value" of the work when completed.

In further proof of this, I will call the attention of the committee to the following paragraph on page 67 of the last report of the Chief of Engineers:

It is proper to state that these annual estimates are made in compliance with the above-quoted requirements of law, and are not to be considered as carrying with them a recommendation of the officer in charge of the district or of this office, either in respect to the commercial value of the improvement or to the amount to be appropriated, other than for the most economical administration of works the prosecution of which had already been approved by Congress.

This shows conclusively what is meant by the words "profitably expended," and it shows that many of these rivers and harbors found their way into appropriation bills by the personal effort of members of Congress who were personally interested in the appropriations; and under the law, when an appropriation was once made, whether large or small, wisely or unwisely, thereafter these rivers and harbors thus preferred maintained their place in the Engineer's reports and in the Book of Estimates, and seem to have some sort of indorsement, when as a matter of fact they have not. Some of these works have been the objects of national bounty for half a century, though not continuously.

A good idea of the merit of some of the rivers and harbors in this bill can be gained from the result of an examination made under the act of August 2, 1882. This act required the engineer who surveyed the proposed improvements to report whether, in his judgment, the harbor or river was worthy of improvement, and whether the work was a public necessity. This provision only applied to the rivers and harbors of which new surveys had been ordered, and of the one hundred and forty-seven new surveys then ordered only seventy-six were reported worthy of improvement. Apply this ratio to the three hundred and sixty rivers and harbors in the Book of Estimates, placed there in part at least when no such precaution as this was taken, and you will have some idea of the unworthy appropriations which have, in the very nature of things, crept into this bill, saying nothing about the ponds, mill-dams, and trout streams that are unknown to any atlas or map ever published in this or any other country.

The remedy which I would propose would be to abolish the Committee on Rivers and Harbors, and also the Committee on Levees and Improvements of the Mississippi River—committees that can only accomplish the depletion of the Treasury and the waste of the public money—and appoint a river and harbor board, composed of skilled engineers, whose duty it shall be to survey and examine the rivers and harbors of the United States, and report annually to Congress, through the Secretary of War, what rivers and harbors should be improved in the interest of commerce, how much it would cost, and how it should be done. We have no more use for these two committees than we have for a committee on towpaths and turnpikes. Let the Commerce Committee take the report of this board and prepare a bill on rivers and harbors. The men who would compose this board could make a personal examination and survey of the rivers and harbors, and would be free from local interests and local bias.

The annual report of such a board would command the respect and confidence of Congress and the country, and would be a great improvement over the present plan, in which the facts come largely from interested members, and are laid before the House, which can not know, for it has no means of knowing, whether the appropriations are wise or unwise.

The length of time occupied in the consideration of this bill, the bitter denunciation of the River and Harbor Committee, the disgraceful wrangling witnessed on this floor during its progress, and the general want of confidence in the bill itself, show that there is something radically wrong. There is danger that a river and harbor bill will soon be stigmatized as a national scandal. The prospect of this bill becoming a law is diminished by the circumstances under which it was prepared.

The fact that the committee sat with closed doors, not permitting any member of Congress to appear before it; the fact that some members of Congress obtained the ear of a sufficient number of the committee, outside the committee-room, to get their schemes incorporated into the bill, while others did not; the fact that the States represented on the committee were accorded larger appropriations than some States not represented on the committee, all corroborate the point I make, that the plan under which a river and harbor bill is now prepared is all wrong. These complaints are not the fault of the committee; they are the fault of the method that now prevails; and it is the method, and not the committee, that should be condemned.

The community of interest created by putting so many objects of appropriation in one bill is not good legislation. It was repeatedly stated on this floor at the last session, as an excuse for filibustering to defeat the appropriations to construct Government buildings, that there was an implied conspiracy among the forty or fifty members who had bills of this kind then pending to help each other, because they were all supposed to have a common interest in that kind of legislation. Some of the most meritorious bills were denied consideration for this reason alone. I do not admit the justice of this claim, but if there was any ground for such an accusation, how much more objectionable is this river and harbor bill, which contains two hundred and sixty-eight distinct and separate appropriations. It is openly admitted that this has to be done in order to secure the passage of the bill. It is a common joke that the slices of pork must be generally distributed in order to get votes enough to pass the bill. Is this commendable legislation? There are probably a hundred rivers and harbors in this bill that ought to be stricken out, for which no appropriation ought to be made, but they are left there in order to make friends for the bill, appropriations which would never be made if each appropriation were required to be in a separate bill, and pass the House on its own merits.

Think of a bill like this, covering fifty pages, embracing two hundred and sixty-eight rivers, harbors, creeks, and ponds, scattered from one end of the land to the other, to each of which is apportioned a certain sum of money. In all the ages of the world no such bill was ever heard of before. No nation on the earth ever passed such a bill. Think of the piecemeal way of doing business contemplated in this bill. Think of carrying on at the same time two hundred and sixty-eight different public works, and only appropriating from year to year money enough to satisfy the hungry cormorants for whose benefit these appropriations seem largely to be made. Why not select, as other countries do, a few important improvements, and complete them as speedily as possible, and not have them dragging along through one or two generations, unfinished and incapable of use or benefit. If any work is of national importance, and is needed to open up new and cheaper lines of transportation, it is needed now, and should be completed as soon as possible. This manner of making appropriations is unbusiness-like and fearfully expensive. Fully one-half of the appropriations now made to rivers and harbors is wasted. This seems like a startling statement, but unfortunately it is too true, and a large share of this loss is attributable to the fact that the work is allowed to progress so slowly, to be exposed to floods and storms, delays and hindrances.

The people of this country want to know what advantages are to be derived from great public improvements; in what way their construction will benefit commerce, and to what extent trade will be facilitated and transportation cheapened. When this is known, the Government can act intelligently, and it should act speedily. De Witt Clinton built the Erie Canal, running from Lake Erie through the forests of New York to the tide water, a distance of three hundred and sixty miles, in about eight years, and at a cost of $7,000,000. M. De Lesseps built the Suez Canal, with its two harbors, connecting the Red and Mediterranean Seas, shortening the distance 3,700 miles, in eleven years. The Mt. Cenis Tunnel, through the Alps, eight miles in length, was built in thirteen years. The St. Gothard, another tunnel through the Alps, nine and one-quarter miles in length, was built in eight years. It would be well for us to pursue a similar course: first ascertain what improvements would be of the greatest benefit, and then complete them as speedily as possible, instead of distributing appropriations among two or three hundred rivers and harbors without regard to merit, and making the appropriations so small that none of them are completed.

Take for illustration the ice-harbor at Marietta, Ohio, at the mouth of the Muskingum River. In his first report the Engineer strongly urged the importance and economy of making an appropriation large enough to complete the work, but instead of this the miserable practice of doling out homeopathic appropriations has prevailed, and a small ice-harbor, supposed to cost a little over $200,000, begun in 1879, greatly

needed then as now, is still incomplete and incapable of being used. The Engineer, in his report made two years since, asked for an appropriation of $66,400 to complete the work, stating in his report that the cost of such improvements is greatly increased by being permitted to drag along during many seasons; and yet the present River and Harbor Committee only appropriated last year $30,000, and this year, when the Engineer asks for $51,400, the committee only appropriates $15,000, perhaps depending on the Senate to increase this sum, as it increased the appropriation last year, to $50,000. The result is that the floods and delays will make this work cost the Government thirty or forty thousand dollars more than it would have cost had the work been completed as speedily as possible, besides losing the use of the ice-harbor for five or six years.

This bill contains an appropriation for Sandy Bay Harbor, supposed by some engineers to cost over $10,000,000, and yet this bill only appropriates to this work $100,000. At this rate it would take a whole century to complete the harbor. If the necessities of commerce demand this improvement, the improvement should be made now, for we do not know what commerce will demand a hundred years hence. If these improvements are demanded by the increase of trade and the rapid growth of population, we should make them at once, if the appropriation should be double or triple what this bill contains. It is not so much whether the appropriations shall be a few thousands of dollars more or less that interests the people, as that there shall be a wise expenditure of the money thus appropriated and an adequate return for the same.

There is one class of improvements which seems to be entirely overlooked in this bill. No appropriation is made for the purpose of having an investigation of the causes and remedies of the destructive floods on the Ohio River, which are increasing from year to year. Is there no remedy? Are science and skill and engineering inadequate to avert this great annual calamity? A remedy was recommended many years since by an eminent United States engineer; and he proposed the same remedy which this bill proposes to apply to the Upper Mississippi—the construction of great reservoirs, which would hold back the water in times of flood and furnish it to the rivers for purposes of commerce in times of drought. You are proposing to expend millions of dollars in experimenting along the banks of the Mississippi River at its mouth and at Galveston. Why not spend some part of this sum in experimenting on the Ohio River?

One thing should be known and settled before we pass upon this bill; and that is, what is to be the policy of the Government in regard to these appropriations. If we are simply making a divide of the money, it should be determined on what basis the division is to be made. If the number of rivers is to be considered, Ohio must not be forgotten. We have the Miami and Maumee on the west, the beautiful Lake Erie on the north, the turbulent and treacherous Ohio on the south and east, and the Scioto and Muskingum across the interior, the latter being kept navigable the year through at the expense of the State. If the money is to be divided equally, or as nearly so as possible, among members of Congress, there are many members who are not receiving their quota. There seems to be a want of system and a want of a proper understanding in regard to these appropriations, and it is impossible to get the facts. One member says one thing and another says the contrary, one member of the committee makes one statement and another member makes another and a different statement, and we are left to grope our way through all this wrangle and confusion without any means of coming to an intelligent conclusion; and hence the suggestion that there should be constituted a river and harbor board composed, as I think, of three United States engineers, three civil engineers, and one from the Coast Survey; and I would be content if they were all United States engineers, in which event the appointment of this board would add nothing to the expenses of the Government. I have no sympathy with the assault which this bill makes on the United States engineers, nor do I believe that they constitute an "incubus of mediocrity," as has been charged in this discussion. The engineers of the United States on all the public works and on the coast surveys have shown themselves the peers of any civil engineers in this or any other country. Give them as much money and they will do as good work. Do not expect them to construct a work with $1,000,000 for which you would appropriate to a civil engineer a million and a half or two million dollars.

I shall not attempt to discuss in detail the various appropriations contained in this bill. Among the many schemes to squander the public money which it proposes the most startling and gigantic are the Sandy Bay Harbor, the Galveston Harbor, and the levee system of the Mississippi River; three schemes which will cost the Government, if ever completed, not less than $200,000,000; and it is very doubtful whether commerce or transportation would be benefited in the least. The numerous small improvements which possess no commercial value whatever are only less objectionable because they cost less money. And the consideration of the river and harbor bill of the last session, as well as this, discloses the fact that it is possible to strike out of the bill a proposed improvement in the North, but impossible to strike out a like objectionable one that happens to be in the South. The Southern members are uniformly more united on anything they undertake than the Northern members are.

No fact is better established than the statement, which has been repeatedly made on this floor, that the levees for which millions of dollars are being appropriated on the Mississippi River, the end of which no man can divine, are intended to benefit the land-owners along the river more than the commerce. And when this great river bursts through its levees, as it most certainly will—for it is often fifty miles wide and entirely beyond the control of human skill—the Government will be called upon to pay the damages resulting, as will be claimed, from broken levees. In my judgment the appropriations contained in this bill for the Mississippi River ought to be reduced at least one-half and applied only to the improvements now in progress.

Mr. Chairman, the House being in the Committee of the Whole on the state of the Union, I embrace the only opportunity I shall probably have to call attention to what I consider a shameless and tyrannical usurpation of power. This river and harbor bill has the right of way, and is given preference and priority over a score and more of bills a hundred-fold more important. It has occupied a great deal of time already, and will occupy much more time before it is completed, while it is impossible under the iron-clad rules of this House, which give the control of all legislation to a few individuals, to give any time whatever to other bills of more importance. Why should one bill be given weeks of time while others are not allowed a single moment? This is not all. This bill will pass if there is one more vote for it than there is against it, a preference which is not granted to other more deserving measures. I do not complain because this bill can be carried by a majority vote; I only complain because this rule is denied to other more meritorious bills. Let me call the attention of the committee to the record this House has made under the obnoxious and anti-republican rules which had their origin in a purpose to defeat and not to facilitate legislation.

This House has been importuned to restore the duty on wool by reenacting the law of 1867, an assurance given by the Democratic party of Ohio. State Legislatures have sent in their memorials and the shelves of the committee-room are crowded with petitions asking for the restoration of this law. Delegates from all parts of the country came here in person and presented the most convincing arguments. And yet the only time during the Forty-eighth Congress given to the consideration of this question, involving the prosperity of this great industry and the welfare of millions of people, was thirty minutes; and the only vote allowed was at a time when the bill could not pass unless it received two-thirds of the votes of the members. A river and harbor bill can pass by a majority vote under the present rules of this House, while a bill for which farmers plead can not become a law unless it receives a two-thirds vote, and in two years it never had but one opportunity to come before the House.

The Mexican pension bill as amended by the Senate, increasing the pensions of widows from $8 to $12 a month, dispensing with proof of prior soundness, substituting the widow for the deceased pensioner without further proof, relieving dependent parents who gave their only boy to their country, recognizing the wants of disabled soldiers who have no means of support, and providing for the blind, idiotic, and imbecile children of dead soldiers, though first on the Calendar, has only been given thirty minutes of time in which to be considered during this session, and the vote was taken when the bill could only be carried by a two-thirds vote. The river and harbor bill, which will probably appropriate $15,000,000 to rivers and harbors, is allowed all the time it wants and can be passed by a majority of one vote, while the Mexican pension bill that proposes to appropriate four or four and one-half millions to Mexican soldiers and twelve or twelve and one-half millions to Union soldiers can only be allowed thirty minutes during the whole session, and is rejected, when it has a large majority of the members of this House in its favor, because it has not two-thirds. The money proposed in the river and harbor bill would pension 250,000 soldiers and would gladden the hearts of a million people, including wives and children. The passage of the Mexican pension bill, which only provides pensions for needy soldiers, their widows and orphans, would give an impetus to trade and activity to business in all parts of the country where this money would find its way. The Government pays out annually in its various appropriations about $300,000,000, and yet the only Government money that reaches the country districts is the money appropriated to pay pensions, and this benefits the farmer, the mechanic, the grocer, the merchant, the business man, the laborer, and the entire community, almost as much as it does the pensioner, and yet it is impossible to secure the consideration of this bill.

Since the right of petition was first declared by "our fathers" to be a sacred and inalienable right, no Congress was ever so importuned by petitions as this Congress has been to pass this bill, and yet the voice of the people has been powerless to reach the party now in control of this House.

It has been shown on this floor by two votes that a majority of this House is in favor of the bankruptcy bill, and its friends believe that its passage would revive trade and improve business, and yet it can not pass and probably will not pass because there are not two-thirds in favor of it. It can only obtain thirty minutes' consideration and obtain a vote under a suspension of the rules when two-thirds are required to pass the bill. This is not true of the river and harbor bill.

The business interests of the country are suffering because of the constant contraction of the currency which is now going on, and yet while the river and harbor bill can occupy weeks of the time of this House, it is impossible for the Committee on Banking and Currency to secure any legislation whatever. The Senate bill to relieve the country in this respect passed the Senate at the last session and lies on the Speaker's table unable to get a moment's consideration, although it was introduced by Senator McPherson, a distinguished Democrat, and has the support of many Democrats in both Houses.

I have already named the Utah bill and the education bill, and I could name many other bills of like importance which have passed the Senate and are denied consideration in the House, the consequences of which must be borne by an indignant and suffering country. It will pass into history that the House is so organized as to defeat legislation; its rules are a stigma upon the nation, its legislation a disappointment to the people. The proceedings of the House are so manipulated as to pass certain favorite schemes and defeat certain important measures, without placing before the country just how or by what strategy this is accomplished; but the rules are fearfully and wonderfully made, and the domination of the ruling Democracy is complete.

Mr. Chairman, I want to impress the fact that this is a Republic, and that a majority should rule. The vote of the House should be taken, after reasonable debate, on all these important bills, and if a majority of the members of the House are in favor of a bill, and are willing to so record their votes, the bill should be allowed to pass. Let the party in power take the responsibility of legislation, and let all of these bills have a fair hearing and a fair vote. If we could take up twenty of these bills, give to each two hours' consideration, and then take a yea-and-nay vote, we would pass or reject all of them during the remainder of the session, and merit the gratitude and respect of the country.

Settlers and Purchasers of Lands in Kansas and Nebraska.

They are not mendicants, for when the hell-blasts of the drouth and the clouds of locust a few years ago reduced them to starvation they made no sign, asked no aid of the Government, as did those who saw their all devoured by the flames in Michigan or swept away by the floods of the Ohio or the Mississippi. They fought their battle alone, and what they ask now they ask not as alms but as justice, and to that answering justice in your consciences I commit their case, only regretting that my condition physically perhaps unfits me to represent them on this floor as they deserve to be represented.

SPEECH

OF

HON. JAMES LAIRD,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 19, 1885,

On the bill (H. R. 1737) for the relief of certain settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

Mr. LAIRD said:

Mr. SPEAKER: The wrong complained of is this: Between the 25th of March, 1870, and the 13th of April of the same year, some three hundred settlers, with their families, located 50,000 acres of the public domain in Nebraska and Kansas. This was taken almost entirely by homestead and pre-emption entries. The settlers complied with the law and obtained patents of the United States for their lands, which patents they hold to-day. They have been in peaceable possession under their entries and patents for fourteen years with the acquiescence of all the world. By their improvements they have increased the land in value from $2.50, the original cost, to $25 and $50 per acre.

The present value of their lands represents the toil of the working years of their lives. In 1880, in the circuit court of the United States for Nebraska, one hundred and sixteen of these settlers were subjected to a judgment of ouster from possession at the suit of five grantees of the Saint Joseph and Western Railroad, successor to the Kansas Northern Railroad and Telegraph Company, to which Congress, on the 23d of July, 1866, granted ten miles of land, alternate sections, on either side of their road "when definitely located." (14 Statutes at Large, 210.) This judgment was afterward, October 12, 1882, affirmed by the Supreme Court of the United States (see Van Wyck *vs.* Knevals, 16 Otto, 360). Suits against the balance of the settlers are now pending or have been since decided against them. When was the line of this road "definitely located" was the point in the litigation over these lands. The granting act took effect July 23, 1866.

The railroad did not accept the grant or do anything looking thereto until the 25th of March, 1870, when they filed in the Department of the Interior, with the Secretary thereof, the map of the definite location of their road, and thereby, as was ten or twelve years afterward decided by the United States Supreme Court, they became immediately entitled to each odd-numbered section of land belonging to the public domain for ten miles on each side of that definitely located line. Between the date of the granting act, July 23, 1866, and the filing of the map of definite location, March 25, 1870, the lands now in question had, of course, been open to settlement like any other portion of the public domain. The act of Congress did not locate the land granted, but left that to be done by the happening of an event entirely within the control of the railroad, that is, the definite location of their road.

On the 13th of April, 1870, the notice of the Secretary of the Interior withdrawing the lands covered by the grant from entry reached the local land office at Beatrice, Nebr., where alone they were subject to entry, and thereafter none were taken. The evidence taken in this case by the Senate committee of the Forty-seventh Congress shows that this withdrawal was the first notice that the settlers had of the existence or locality of the grant. It is to the lands taken between the date of the filing by the railroad of its map of "definite location," March 25, 1870, and the date of the notice of the withdrawal from market of the lands covered by the grant by the Secretary of the Interior, April 13, 1870, that the bill under consideration applies. The relief, if granted, will go to the three hundred people who, between those dates, in the most absolute good faith, pre-empted, homesteaded, or purchased some 50,000 acres of the lands held forth by the Government for sale and entry as public lands, and who now, under a decision of the Supreme Court of the United States, rendered after twelve years of peaceable possession under the authority of the patents of the United States, are told to "pay or go;" and unless this relief is granted, or they be able to "coin their blood," for they can not mortgage their "clouded" estates, the better part of these three hundred settlers, with their families, aggregating 2,000 people, must, by ejectment, become outcasts from homes made sacred by birth and death, driven forth by the power of the Government, whose patent they hold, from the land enriched by the best years of their brave lives and literally "watered with their sweat."

Mr. Speaker, it is difficult for a man having a face-to-face knowledge of the circumstances surrounding the settlers to speak with that temperance that befits the language of judgment when discussing the wrongs—I had near said outrages—perpetrated upon these people, now about to be dragged from their homes after having been harassed and impoverished by years of fruitless litigation, in which they have been driven from court to court in the name of "justice."

The case of Van Wyck *vs.* Knevals, before referred to, was a test case. Stripped of its legal verbiage, the point for decision was: if the lands within the territorial limits of the railroad grant were open to settlement until withdrawn, then the settlers had all the title to lands up to and including April 13, and Knevals and others—that is, the railroad—had none. If the lands were not open to settlement after the filing of the map of "definite location" by the railroad company, March 25, 1870, then Knevals and others—that is, the railroad—had all the title to the lands taken after that date, and the settlers had none. The circuit and the supreme court both held that the grant operated as a conveyance from the 25th of March, 1870, the day the map of "definite location" was filed, and that the lands covered thereby were not subject to entry thereafter, and that the settlers and purchasers took nothing by their patents, and that they held the legal title in trust for Knevals and others, and commanded the making of deeds in keeping with the decree in the circuit court, and the immediate delivery over of the possession of the lands held by them.

The decision, as above stated, was made in the face of the fourth section of the granting act, which was relied upon as limiting the operation of the grant until such time as the lands affected thereby were withdrawn from market—withdrawn from the public domain by the order of the Department having exclusive jurisdiction thereof, and which Department was acted upon by the railroad company by the filing of its map of "definite location." Section 4 of the granting act reads as follows:

That as soon as the said company shall file with the Secretary of the Interior maps of its line designating the route thereof, it shall be the duty of said Secretary to withdraw from the market the lands granted by this act in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

It is obvious from the reading of this section of the granting act that it was the intention of Congress to prevent conflicts of title between the grant and the claims of settlers locating thereon by limiting the moment at which the grant should operate as a conveyance to the time when such lands were withdrawn from market, and as a consequence "to subserve the public interest" by keeping the lands in market until withdrawn by the Secretary of the Interior. The railroad shall designate the land selected by it by filing the map of its line, then the Secretary of the Interior shall withdraw the lands, and when this is done the grant shall become operative. There was one thing to be done by the railroad company, namely, file its map; then follow two things to be done by the Secretary of the Interior "to effect the purposes of this act:"

First. Withdraw the lands from the "offered" lands of the public domain, and thus make them subject to the grant; and

Second. Do this in such a manner as would "subserve—that is, protect—the public interest."

Mr. Speaker, what "interest"—that is, what right—had the public

to be (subserved) protected in? They had the right to enter and take by homestead or pre-emption the offered portions of the public domain, and it was that right which Congress intended, and by this section (4) did protect, when it made the withdrawal of the land by the Secretary a coequal condition with the filing of the map by the railroad to the operation of the grant. Any other construction blots out the "public," the people, and holds the public domain, as well as private rights, at the gracious mercy of a pitiful association of land-grabbers; makes a great Department of the General Government, erected for the protection of the people and their patrimony, the public lands, a sort of automatic lackey of the will of a wandering "Will-o'-the-wisp" board of directors of a railroad company existing in "prospectus," who, at the time they filched these 50,000 acres of the people's land, had just that title to it, outside of this decision, that the bird of passage that takes its chance flight over Nebraska and Kansas has to the real estate its shadow falls upon.

It may be answered, in defense of this decision, that the construction contended for here would make the grant depend upon an act of the Secretary of the Interior, and that he might not act. The answer is obvious. A public officer is presumed to do his duty, and courts do not commonly found decisions upon a violation of a solemn presumption of law. Again, if the Secretary of the Interior should refuse to perform an official duty, he is a ministerial officer, and the writ of the court will compel him to do it. But if an act of Congress can not be made dependent on the act of a Secretary of the Interior, how much more so on the act of a railroad corporation? There was no land attached to the grant until the corporation selected it. That which it selected was up to the hour of the filing of its map public domain, "offered" land, and subject to entry under the laws of Congress and the regulations of the Interior Department by any qualified person.

How and when did it cease to be Government land? The court says on the moment the railroad filed its map.

Mr. Speaker, what notice had the people of this? None. What notice had the United States local land officers where these lands were subject to entry and were being taken? None; unless the court holds that the settlers and land officers—1,500 miles away—at their peril take judicial notice of the filing, in some pigeon-hole of the Department of the Interior, of a map of a projected possibility of a railroad. Do we hold our rights at the discretion of a railroad company? Are the great Departments of this Government only their proxies? The map was filed on the 25th of March, 1870. Notice of this "deadly" event reached the settlers, in fact, April 13, 1870, through the medium of that Department having the sole jurisdiction of such matters. According to the court, the lands had ceased to be public lands nineteen days before that date; nineteen days before any one knew it except the railroad company, for it is more than probable that the Secretary of the Interior did not know of it until immediately before the date of the withdrawal of the lands.

In the large sense in which a court might view a law which dealt with lands which they knew were then being daily and hourly taken up by settlers, and which law was to be strictly construed against the grantee, and which depended on some action of the Secretary of the Interior, and of the Interior Department, might not the "Secretary of the Interior" mean something more than the mere individual man? Were the ends of the law met when the map of the railroad reached his fingers, carried by some petty clerk of a railroad corporation into the pile of stone in the city of Washington called the "Interior" building? When the law commanded the filing of the map with that person it designated him officially; and does not the officer mean the office, the Department over which he presides? Did it not mean the system which centers in him, the interests he represents, the lands committed to his care, the rights of men and of things over which he has jurisdiction? The law says:

The Secretary of the Interior shall withdraw from market the lands granted by this act.

The court says this can have no force, for they were withdrawn by the filing of the map by the railroad, so that withdrawing them in the office of the Secretary in Washington, D. C., was withdrawing them in Nebraska, where my constituents were then taking them under the guarantee of the fourth section of the granting act, which commanded the Secretary of the Interior, upon the filing of the map, to protect the people from title-traps and deadfalls by withdrawing them from market, and which section the court refuse to construe as a part of the law, strangling the people's part agreeably to "justice."

From this is it to be argued that hereafter we shall, in dealing with a railroad company, take judicial notice of its acts the same as of the laws of Congress, the solemn decrees of courts, the proclamations of the Chief Executive, and the operations of nature? If this be so let us henceforth write our titles upon the sand and give our contracts, heretofore too sacred to be intrusted to the memory of man, in keeping to the winds of Heaven.

Mr. Speaker, I am humbly aware of the fact that it can, here or elsewhere, avail little to criticise or condemn the action of a co-ordinate branch of the Government, but the failure of this honorable court to consider or give force to a part of the law (that is, section 4 of the granting act) which, had it been done, would have saved my unfortunate constituents from ruin, has seemed to invite my attention as to an unwarranted invasion of the legislative department, which, as a member of this body, I must here respectfully resent.

In speaking of this decision I have endeavored to come as near the truth as the rules of this House and that "loving kindness" for the feelings of others—which always marks the course of debate in this House—would permit. And this I have done from the same sense of duty with which, had it been my lot to sit in this body at that time, I would have spoken my mind of the "Dred Scott" decision, which remanded one man to slavery, while this condemns hundreds to banishment from homes honestly earned, and to the attendant miseries of want and destitution.

Mr. Speaker, is it for this that the pioneer has fought? Is there no voice that pleads his cause who bravely holds his way along the front of civilization, laying deep and strong the foundations of a mighty State? From the toil and strife of these men sprang Kansas and Nebraska, the first anti-slavery States, even as in the olden time sprang the avenging Marius from the "dust and ashes." Thus born into the sisterhood of States, they have bloomed as might two purple flowers rooted in a pool of human blood. We know there is nothing in all the unstoried greatness of this class that of itself alone should speak to the judicial mind, but when laws are passed for their protection it is meet that those who sit upon the softly cushioned seats of advantage should heed those laws in a contest between abstractions (corporations) and such men. The human being is entitled to the benefit of the doubt; by how much more is he entitled to the benefit of the written law!

Mr. Speaker, the history of these cases in the Interior Department is worthy of a moment's notice, as it would seem to illustrate the unhappiness of those who do business with a "department of chance" (Interior) and afterward are so unfortunate as to encounter the overruling providence of that Department which is alone a law unto itself (judicial).

Against certain of the entries made by settlers on lands which would pass to the railroad, if its grant took effect from the date of the filing of its map, March 25, 1870, the railroad company filed contests, putting in issue the question as to when the grant took effect.

The local land office decided that the lands were subject to entry until they were withdrawn by order of the Secretary of the Interior, and that all entries made prior to April 13, 1870, were good. This holding of the local land office was in keeping with the rulings of the Department of the Interior since 1854.

In 1872, on appeal, this ruling of the local land office was reversed by the Commissioner of the General Land Office, and cash entry No. 3097 and homestead entry No. 4039 (test cases) were held for cancellation. This decision was in accordance with the holding of the Secretary of the Interior in the case of Boyd *vs.* The Burlington and Missouri River Railroad Company, decided April 28, 1871, wherein it was held that the grant of the corporation took effect from the date of the filing of the map; but in that case notice was brought home to the settlers. On appeal by the settlers from this decision the Secretary of the Interior (September 3, 1872) reversed the decision of the Commissioner of the General Land Office canceling such entries, and restored the settlers and purchasers to all their rights in respect to the same. At this point, and in the light of the decision reached in these cases by the Department of the Interior, I desire to call the attention of my honorable colleagues to circumstances of great and peculiar hardship to these settlers, springing from the conflicting decisions of the Department and the courts. The appeal to the Interior Department was mutual, and the result was on all hands acquiesced in as final. Had the Department ruled for the railroad company and given it the lands taken between March 25 and April 13, 1870, the settlers could have transferred their entries to even-numbered sections of Government land, which were exempted from the operations of the grant by the express terms thereof, and on compliance with the law have taken a perfect title thereto. There was at this time plenty of land vacant and available, but having in good faith filed on the odd-numbered sections, and the Government having accepted their entries, they were compelled, under the favorable rulings of the Secretary of the Interior, to proceed with and perfect their settlements or lose their homestead and pre-emption rights.

Mr. Speaker, and what was it to lose these rights? To these moneyless pioneers it meant not alone the loss of home, for home it was not; it meant the loss of the hope and possibility of a home. It was their all and the all of their children; it was their past, present, and their future. It was only an inchoate right to eighty or one hundred and sixty acres of the public domain, upon which to wage a hand-to-hand fight with the primordial elements of earth, air, and water, for a bare existence! Not much, but it was their all. Is there a man in this House who will join the Government in its mean attempt to rob them of it?

These settlers read the laws of Congress granting homesteads and pre-emptions to actual settlers; they read the instructions of the Department of the Interior, and they saw that they were within these. They read the decision in the contest case here referred to, and they said that is all right; that is in our favor. They read the platform of the great Republican party which promised them the earth if they would vote the straight ticket, and then they read the platform of the great Democratic party which promised them not only the earth, as the other platform did, but

everything over it and under it, and they said, "We are safe; our friends, the politicians, will take care of us," and they are still strong in that faith; they still hope to "read their titles clear" in the light of your promises; they still believe that Congress—this Congress, gentlemen—wants to and will do what is right. And so they come, stripped by legal jugglery of their homes, your "glorious birthright of the free" of the platforms and preambles, and holding forth their empty parchments ask you if you talk to them in two tongues; they demand that you make good in this foul day the fair-weather promise of the laws and the decisions of the great heads of Departments; they ask that we be big enough to do justice to the poor pre-emptor, homesteader, purchaser, farmer, even as to the great railroad corporations; they ask that we be estopped from taking advantage of our own wrong, and profiting by the deceiving advice and decisions of our trusted agents. They ask this, these brave "sons of earth," and with them join the voices of half a million of Union veterans, robbed also of their rights by the "law's delay." Thousands of pioneers and frontiersmen, men in Nebraska, Kansas, and in all the States and Territories west of the Missouri River, whose all was swallowed up in the flames of savage border war, and to whom the nation, by its settled policy, owes redress, join thousands of others, to whom the nation justly owes millions, in asking speedy justice. They ask, and if their most just demands be not answered by fulfillment it will become us all to "look that our walls be strong," for when they shall have roused the "sleeping thunder" of public opinion on the question of their rights, there will come a "change" indeed over the face of things political, and then this penal blindness to their rights will cease.

The remedy proposed is that the United States pay these settlers and purchasers what it has or may cost them to buy in the paramount title, in no case exceeding $3.50 per acre, except where court costs have been made, and in such cases to pay such costs in addition to the sum above named, in accordance with the provisions of the following bill, which was favorably reported from the Public Lands Committee of this House at the first session of this Congress. This is substantially the same bill which has twice passed the Senate of the United States, first during the Forty-seventh Congress, and again during the first session of this Congress, at which time it passed without a dissenting vote. It is as follows:

A bill for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been or may hereafter be rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such a decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of what he shall have paid, not exceeding $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid: *Provided further*, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him, without litigation, such Secretary shall pay to such person such sum as he has so paid, not exceeding $3.50 per acre, taking his release therefor as hereinbefore provided.

July 2, 1884, Mr. PAYSON, from the Committee on the Public Lands, submitted the following report to accompany the foregoing bill:

The Committee on the Public Lands, to whom was referred bill H. R. 1737, having had the same under consideration, report:

That by act of Congress, approved July 23, 1866, there was granted to the State of Kansas, for the benefit of what is now known as the Saint Joe and Denver Railroad, each odd-numbered section of land for ten miles on each side of its line, "when definitely fixed."

The railroad company did not accept the land granted, or do anything looking thereto, until the 25th of March, 1870, when they filed with the Secretary of the Interior the map of the line of definite location of their road. From the date of the granting act, July 23, 1866, to the performance of the first act of acceptance by the railroad, all the lands within the limits of the prospective grant had been open to settlement at the land offices of the Government, and were taken by settlers and purchasers without reference to the numbers of the sections, the same as any other public land. This state of things continued until April 13, 1870, when the lands within the limits of the grant as shown by the map of the line of definite location were withdrawn from market and from settlement, by order of the Secretary of Interior. It is with the settlers upon, or purchasers of, these lands between the dates named, *i. e.*, March 25, 1870, and April 13, 1870, that the bill under consideration seeks to deal, and the question arises in this way: When did the grant take effect—from the date of the filing of the map of the line of definite location March 25, 1870, or from the date of withdrawal of the land from entry at the local land office April 13, 1870?

The grantees claimed that the law operated as a conveyance from the 25th of March; the settlers and purchasers, that the grant was not operative until the withdrawal, April 13. The facts show that the first knowledge that the settlers or purchasers had that these lands were not properly subject to entry or were liable to be claimed by this or any other railroad, was that obtained through notice of their withdrawal from settlement at the local land office at Beatrice, Nebr., where they were alone subject to entry. Nor does it seem legally possible that they should know of such fact prior to April 13, the date thereof, for the *locus* to which the law in question might apply was made to depend upon a fact only within the knowledge of the grantees—namely, the filing of the map of the line of definite location, upon the establishment of which, subject to certain limitations, there passed to them, by virtue of the grant, the lands named therein.

One limitation upon the present operation of the grant, relied upon by the purchasers and settlers, was based on section 4 of said act, which is as follows:

"That as soon as the said company shall file with the Secretary of the Interior maps of its line designating the route thereof, it shall be the duty of said Secretary to withdraw from the market the lands granted by this act in such manner as may be best calculated to effect the purpose of this act and subserve the public interest."

Your committee are of the opinion that under such section it was the duty of the Secretary of the Interior to forthwith withdraw the lands subject to the grant (as fixed by the map) from market, that being the way "best calculated" to effect the purpose of the act, and the only way in which the public interest in the right of sale and entry therein could be secured (subserved) without a damaging interval between the withdrawal of the lands, by operation of law on the filing of the map of location, and their restoration to sale under the grantee contended for by the grantees, and that pending such withdrawal the lands were public lands, as to which the public had a perfect right of entry and purchase.

Whether according to law or not, this is what the land officers of the Government in fact did. Against certain of the entries so made the railroad filed contests, putting in issue the questions above stated.

The local land office decided that the lands were subject to entry until they were withdrawn by order of the Secretary of the Interior, and that all entries prior to April 13, 1870, were good.

It is not contended but what this holding of the local land office was in keeping with the ruling of the Interior Department since 1854.

In 1872, on appeal, this ruling of the local land office was reversed by the Commissioner of the General Land Office, and cash entry No. 3097 and homestead entry No. 4039 (test cases) were held for cancellation.

This decision was in accordance with the holding of the Secretary of the Interior in the case of Boyd *vs.* The Burlington and Missouri Railroad Company, decided April 28, 1871, wherein it was held that the grant of that corporation took effect from the date of the filing of their map. On appeal from such ruling, the Secretary of the Interior, September 3, 1872, reversed the decision of the Commissioner of the General Land Office canceling such entries, and restored the settlers and purchasers to all their rights in respect to the same.

The letter of the Secretary of the Interior transmitting that of the Commissioner of the General Land Office, giving the history of this controversy and his views on the bill in question, is given in full, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1884.

SIR: Senate bill 57, "for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas," was received by your reference of the 7th instant, and referred to the Commissioner of the General Land Office. I have the honor to inclose herewith copy of his report on the subject under date of the 24th instant.

Very respectfully,
H. M. TELLER, *Secretary.*

Hon. P. B. PLUMB,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 24, 1884.

SIR: I have the honor to acknowledge the receipt by your reference, for report, of a communication from Hon. P. B. PLUMB, chairman of the Senate Committee on Public Lands, dated the 7th instant, transmitting Senate bill No. 57, entitled "A bill for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas."

In reply I have to state the bill pertains to certain lands within the limits of the grant to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph, now known as the Saint Joseph and Denver City Railroad Company (14 Statutes, page 210).

The records of this office show that a map of the definite location of the Saint Joseph and Denver City Railroad, as adopted by the board of directors of the company March 21, 1870, was received in this office, with a letter from the then Secretary of the Interior dated the 28th of the same month.

By letter from this office, dated the 8th of April, 1870, the local officers of the several land districts in which the grant was located were directed to withdraw from sale or entry all the odd-numbered sections within the limits of the grant. This order was received at the local offices April 13 and 15, 1870, which dates were formerly held as the times when the right of the company vested to the lands granted.

Under that construction of the granting act entries were allowed to be made for lands within the limits of the grant until said dates, April 13 and 15, 1870.

This appears to have been the established rule of the office, in compliance with the provisions of the act approved March 27, 1854 (Revised Statutes, 2261). (See circular of February 10, 1870, Copp's Land Laws, page 468.)

That rule was subsequently changed by the opinion of Assistant Attorney-General Smith, concurred in by the then Secretary of the Interior, dated April 28, 1871, in the case of S. M. Boyd *vs.* The Burlington and Missouri Railroad Company (Copp's Land Laws, page 392), and afterward it was held by the Department that the right of the company attached on the day of the adoption of the line by the company, March 21, 1870.

March 25 and April 1, 1872, a number of entries which had been initiated between March 21 and April 15, 1870, were held for cancellation, so far as they included odd-numbered sections within the limits of the grant to said company.

Appeals were taken by parties in interest, and two cases, that of A. W. Nickell, cash entry No. 3097, and W. L. Cutler, homestead entry No. 4039, were submitted to the Department as test cases August 6, 1872.

September 3, 1872, the acting Secretary, W. H. Smith, held as follows:

"These entries and the others of like character were allowed under a ruling of your office then in force, to the effect that the railroad acquired no right to lands until the notice of withdrawal was received at the local office. You directed them to be canceled, pursuant to a later ruling of the Department on the subject.

"This ruling is intended to be prospective in its operation, and not to disturb past transactions. Your decision is therefore reversed."

* * * * * * *

In compliance therewith this office released that class of entries from suspension.

The Supreme Court of the United States, in the case of Van Wyck *vs.* Knevals, held that the right of the company attached on the day of the acceptance by the Secretary of the Interior of the map of the definite location of the road, which was March 28, 1870 (15 Otto, 360).

Under this decision, if the land was clear of adverse claims at that date, and

was entered or purchased from the Government prior to April 15, 1870, the patents issued thereon are invalid.

The pending bill proposes relief for that class of settlers or purchasers whose claims had their inception subsequent to March 28, 1870, in cases where the lands were not excepted from the operation of the grant by prior valid adverse claims.

It is apparent from the foregoing that settlers who, under the rulings of the Department, were permitted to initiate claims upon lands within this grant after said date, and subsequently received patents for the same from the Government, which the courts have declared invalid, have strong equities, and I think the proposition for their relief embraced in the bill as good as any that occurs to me and which would be practicable.

I think the bill should pass.

The bill referred by you is herewith returned.

I am, very respectfully,

N. C. MCFARLAND, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

In such determination of their rights the railroad company acquiesced. The purchasers and settlers complied with the laws, took patent to their lands, and for nearly ten years were left in peaceful possession under a title supposed to be the best in the United States.

It is important at this point, in determining the equities set up by the settlers against the Government, to observe, that had not this litigation as to their title taken place at the time it did the claim now advanced would have been in a great degree weaker than it is.

When their title was challenged by the railroad they promptly appealed to the Land Department authorities of the Government to know whether it was good or not and whether the Government could ultimately give them a perfect title. If they were ever to lose the land then was the time for them to know it. They had made little or no improvement; there was plenty of land near at hand as good as that taken, and to which they could unquestionably get a good title.

To mislead them then was to rob them of all opportunity to regain their loss save as they seek it now.

To their questions as to the legality of their holding, the Government, by its officers, answered, "You are all right; go ahead with your settlements, comply with the law, and you shall have a perfect title." They did so, built homes, reared families, improved their lands, paid taxes, and developed the country, trusting without suspicion to the official acts and decisions of all the officers of the Land Department. And now, when these men, stripped of the fruit of their toil by much and merciless litigation brought upon them by the errors of the Government they trusted, come and ask that they may be defended from ejectment and exile from their home by the payment to them of the money it has cost them to buy in the title which they have already bought of the United States, your committee submit that the Government is estopped from denying them relief—for to refuse would be for it to take the advantage of its own grievous errors.

Concerning the final overthrow by the courts of the patents of the Government held by settlers and purchasers to these lands, your committee find that prior to 1879 the Saint Joe and Denver Railroad had passed into the hands of a receiver, and that whatever lands it was entitled to under the grant in question had become the property of Sherman W. Knevals and others by purchase at judicial sale.

On the 3d of July, 1879, Knevals brought suit in the United States circuit court for Nebraska against one Judson R. Hyde, who recently prior thereto had purchased a portion of the land within the limits of this grant, the title to which had been acquired between March 25 and April 13, 1870. Knevals alleged that the granting act operated as a conveyance from the date of the filing of the map of the line of definite location of the road with the Secretary of the Interior, and that, as the grantee of the railroad, he was the owner of the same. The case was heard on demurrer to complainant's bill, the demurrer was overruled, and on October 11, 1879, Hyde having failed to answer, a decree was entered for Knevals. From this decree neither error nor appeal was prosecuted by Hyde. On or before June 18, 1881, seventy-nine other cases were brought by Knevals in the same court against as many different defendants, against all of whom he alleged a like course of action to that against Hyde.

All, or nearly all, of the persons so sued were then living on the land, to which they had acquired title by complying with the homestead or pre-emption laws. Those who had not taken patent to themselves held through others who had acquired it.

Knevals sought by his suits to have the legal title to the lands in question declared to be in him, and that the holders thereof held the same in trust for him, and for a decree commanding them to convey forthwith, and in default of this that the same be conveyed by a special master, and for possession.

The settlers and owners answered in substance that they were in possession under the patent of the United States, which they had acquired by compliance with law, and by virtue of which they were the owners of the land.

This litigation put in issue the same questions that had formerly been litigated before the Land Department and decided in favor of the purchasers and settlers. Stripped of its legal verbiage, the question was: If the lands within the grant were open to settlement until withdrawn, then the settlers had all the title to lands taken up to April 13, 1870, and Knevals had none. If they were not open to settlement after the filing of the map, March 25, 1870, then Knevals had all the title to lands taken after that and the settlers had none. November 18, 1881, a test case was tried on an agreed statement of facts, and a decree rendered for Knevals and against the settlers. From this decision an appeal was taken, September 9, 1882, to the Supreme Court of the United States, at the October term of which court, 1882 (see Van Wyck *vs.* Knevals, 16 Otto, 105 United States, 360), a decision was rendered affirming that of the court below, holding that the grant in question took effect as a conveyance March 25, 1870, and that the lands covered thereby were not subject to entry thereafter, and that the settlers or purchasers took nothing by their patent, and that they held the legal title in trust for Knevals, and commanded the making of a deed in keeping with the decree in the circuit court, and the immediate delivery over of the possession of the lands held by them.

Actions of like nature against one hundred and sixteen other defendants have been brought by the other purchasers and holders of the title of the Saint Joe and Denver Railroad, all of which are now pending, decided or undecided, which, following the precedent in Van Wyck *vs.* Knevals (16 Otto, *supra*), will be decided against the holders of patent from the United States.

With the decision in Van Wyck *vs.* Knevals, in the Supreme Court of the United States, ended the last hope of the settlers and purchasers for legal relief.

Anticipating the adverse decision in the Supreme Court, the settlers had applied to the Forty-seventh Congress for relief, stipulating with Knevals and others that pending the action of that body he would not press matters further in the courts until the expiration of the Forty-seventh Congress. A bill for the relief of settlers on and purchasers of this land, like the one now under consideration, passed the Public Lands Committee of the Senate, and the Senate itself at its first session, without objection, and came to the House, where, during the second session of that Congress, it received the unanimous approval of the Public Lands Committee, but was not reached for consideration by the House.

The effort to obtain Congressional relief having failed, and the stipulation with Knevals for delay having expired, the settlers were brought face to face with the fact that they had got to come to some settlement with Knevals or be driven from their homes. Knevals had put the master's deeds to their homes on record, was offering them for sale, had demanded possession, and upon its refusal was about to apply to the court for a posse to forcibly eject them from their premises. Under these circumstances the settlers and others were driven to a settlement, which was finally agreed on so far as the Knevals cases went, at the rate of $3.50 per acre and costs. To pay this the settlers and purchasers gave mortgages, or raised it as best they might, or lost the land.

As the question may arise as to whether settlement with Knevals could not have been effected for a less amount, it is fair to state to the House that your committee are satisfied from the evidence and circumstances in the case that this settlement was a remarkably reasonable one.

The land had risen in value with the improvements put upon it by the holders and the growth of the country to be worth from $10 to $25 per acre, so that Knevals, taking into account the expense of litigation, was getting little more, if not actually less, than Government price for the land; and again the settlers were paying what they did without any certainty of getting it back. Arrangements for a settlement of the other cases have been made with other grantees of the railroad at from $1 to $2.75 an acre, but in no case under this bill can they receive more than $3.50 per acre and costs where they have been subjected to the same. This guards against extravagant or collusive settlements. And this is the status of the case outside of Congress to-day.

At the present session of this Congress the bill under consideration has passed the Senate without opposition or an opposing vote.

The number of persons so far sued and subjected to adverse judgment is one hundred and ninety-six; the amount of land involved is 25,620 acres.

What additional number of persons are affected, and what further amount of land involved, your committee can not well determine. The amount of money required to make good the cases so far shown in the records of the court will not exceed $100,000, or less than one-half of the appropriation indicated by the bill; and that from all information brought to the attention of the committee the balance will be more than enough to protect from loss all other sufferers.

In reaching its conclusion in this case your committee have weighed with great care all the objections that have been made, and have reached their determination from what they believe to be the most enlightened views of policy. The appeal comes from, and the relief will go to, two hundred families of Kansas and Nebraska, who in good faith took these lands for homes when that country was a wilderness on the frontier, subject to the predatory raids of wild and hostile Indians. When they could have left the land and got other as good and beyond dispute, the Government, by its agents, bid them stay, and they did, and have seen the land rise from a worthless wilderness to become by their toil the home of beautiful plenty, and now, so far as their country and her courts are concerned, they are to be driven from their lands, robbed of their labors, and in the decline of life left homeless in the world, all because of the errors of the officers of the Government, to whom they now appeal, asking that it make good the promise of a good title, as evidenced by the patent which they hold. Probably fully four-fifths of these men were soldiers who fought four years for their country, and who on all accounts deserve a better fate, at the hands of a free nation which they fought to save, than so many Russian serfs, Irish tenants, or Mexican peons, whose ejectment under like circumstances we as a people would resent.

The bill as presented only asks relief for such persons, their grantees, heirs, and devisees, as under homestead, pre-emption, or other laws settled upon or purchased lands within the grant in question and to whom patents have been issued therefor, but against which decrees have been or may hereafter be rendered by the United States circuit court on account of the priority of the grant in question to the patents held by such persons, their grantees, *et al.*

As this requires all cases to be passed upon by the courts and the consequent expense of litigation to the holder of the patent, and of costs to be paid by the Government, your committee propose to amend the bill by adding after the word "aforesaid," in the last line, the following proviso:

"*Provided further*, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of the bill, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him without litigation, that such Secretary shall pay to such person such sum as he has so paid, not exceeding $3.50 per acre, taking his release therefor, as hereinbefore provided."

Amend the bill by adding after the word "of," in line 31, the words "what he shall have paid not exceeding."

And, as so amended, your committee recommend that the bill do pass.

Mr. Speaker, there has been no public discussion of this measure in this House; that in the Senate was entirely friendly. In the committee of the House the principal objection was to the establishment of a precedent of this kind. It was also urged that the act of 1825 fixed the liability of the Government in such cases and afforded all the relief that the settler was entitled to. The act of January 12, 1825 (4 Statutes at Large, 80), provides that in case of the failure of an entry or title the Government shall repay to the claimant what money it has received from him without interest. This would give a man who loses a patent to a homestead on which he had expended fourteen years of labor, and on which he had placed improvements worth thousands of dollars, all of which he has lost through ignorance of the agents of the Government, the magnificent sum of from $14 to $18 of his own money, and no interest even! To a pre-emptor it would return from $100 to $200, or from $200 to $400, according to the acreage of the tract purchased and whether in or out of railroad limits, which would likewise be his own money, and no interest!

The act of 1825 is entirely inadequate to meet this or any other case where an entryman on the public lands loses his land after patent. Nor was this law, in my judgment, ever intended to meet a case of this character or magnitude. It may be well calculated to reach the individual cases that often arise from clerical error, such as duplicate entries and like cases. Where the mistake, being immediately discovered, permits of adequate remedy through this law, the party suffers no great loss in the transfer of the entry, or the restorations of the right and the return of the fees.

The act of 1825, Mr. Speaker, is a law of Congress, not a law to it. It is well enough in its place, but it can no more reach and cover a case of this character and consequence than Congress could have met the demands of humanity from the forest-fires of Michigan or the floods of the Ohio and the Mississippi by referring the homeless, starving victims of those calamities to their several township boards for the care of the poor. And yet Congress granted these people relief to the extent of nearly a million of dollars, and this was done in the name of humanity! Here are three hundred or more settlers, representing with their

families fifteen hundred or two thousand people, human beings, driven, or about to be unjustly driven, from their homes! Will not this Congress do as much in the name of "justice" as it did in the name of "humanity?" Shall the Congress become a general insurer against the evil consequence of fire and flood and refuse to make good losses sustained entirely through the mistakes of its agents?

Gentlemen, I point you to where you have expended hundreds of thousands for a sentiment! Will you refuse the price of their homes to these men, who ask in the name of right? I heard you of the other side say, speaking of the relief to the Ohio and Mississippi sufferers, that you legislated "from the heart!" Are your generous impulses dead, or can they only be aroused through the medium of the senses? Must you see these pioneers drowning like the people in Mississippi, or burning like those in Michigan, before your spirits will rise above the barrier of the law of 1825 and grant them relief? If so, pardon me, but this after-death gratitude is more than we ask. If the souls of the gentlemen on the other side were so touched in the Ohio case by the sight of large quantities of a mysterious element called "water" as that they instantly voted $300,000 to avert the miseries threatened those who were at its mercy, may I not hope that the emotion is not dead, and that the $300,000 expressed for "sentiment's" sake at the first session of the Forty-eighth Congress is equal to a two-hundred-and-fifty-thousand-dollar act of justice in the second session of that same Congress.

Mr. Speaker, as to the matter of precedent, that objection is entirely prospective, for I do not understand that this bill is open to the objection that it is against any precedent already established by Congress. On the contrary, as I understand the case, it is supported by an unbroken line of precedents, from the Thirteenth Congress, in 1814, to the case of Myra Clarke Gaines, in the Forty-eighth Congress, 1884–'85, a bill for whose relief, it will be remembered, passed this Congress at its first session. This bill provided that Mrs. Gaines should be paid $1.25 per acre for 38,457 acres of land taken by the Government, and to which she was entitled by descent. The difference between the quantum of recovery in this case and that of Mrs. Gaines is explained by the fact that the land she claimed was wild and unimproved, while the land claimed by this bill owes its great value to the improvements put upon it during an occupancy of fourteen years by people who took it for a livelihood. The old cases condensed from the "State papers" are as follows:

In 1814 an act was passed granting indemnity to certain claimants of the public lands in the so-called "Mississippi Territory," lying west of Georgia and south of Tennessee (3 Statutes at Large, page 116). This act called for the payment of $5,000,000 to settlers and purchasers, as follows:

To the Upper Mississippi Company	$350,000
To the Tennessee Company	600,000
To the Georgia-Mississippi Company	1,550,000
To the Georgia Company, or persons claiming under said company	2,250,000
To citizen claimants	250,000
Total	5,000,000

These sums were granted upon memorials to Congress, in which the claimants, in one form or another, set up title to lands in said "Territory;" some under patents, &c., from Great Britain, some under patents, &c., from Spain, while others set up title under a sale authorized by a legislative act of Georgia passed in 1795, which latter, because of alleged fraud and corruption, was repealed a few months after its passage.

The United States Supreme Court held in 1810, in Fletcher *vs.* Peck, 6 Cranch, 87, that all these titles were valid, but they had become so "clouded" as to be practically valueless to the real owners. They might have brought suit, as was done in VanWyck *vs.* Knevals, to oust the settlers who were on the lands under deeds of quitclaim and release from the United States, but the claims were so numerous and the action of Georgia and the United States had been such as to indicate that both desired to compromise and settle the claims rather than permit the settlers to be ejected by proceedings at law.

The conflict of title arose in this way: Great Britain owned the "Mississippi Territory" prior to 1783, it being ceded that year to Spain, and by Spain to the United States in 1797–'98. Georgia claimed that this territory was secured for her, and not for the common benefit of all the States, as the General Government claimed.

Standing upon her assumed right to this territory, Georgia, by legislative act passed January, 1795, granted some of the lands lying in the said territory to individuals and companies. It was alleged that this act was procured by corruption and fraud, and it was repealed February, 1796, the object of the repeal bill being to cut off the purchasers. As heretofore stated, the United States Supreme Court (6 Cranch) held that the purchasers were *bona fide* claimants with no notice of alleged fraud, and that their titles, as well as the titles of those settlers thereon under patents, &c., from Great Britain and from Spain, were valid.

Prior to this decision the trouble apprehended was so serious in its proportions that as early as April, 1796, Congress passed an act for an amicable adjustment not only of the limits of Georgia, but to establish Mississippi Territory. This act provided for the appointment of three commissioners to meet a like number of commissioners on the part of Georgia to settle all the interfering claims that existed between claimants, Georgia, and the United States. This act also provided that the lands ascertained to belong to the United States in that territory should be sold by the General Government, and by another provision the Mississippi Territory, consisting substantially of the States (now) of Alabama and Mississippi, was established. It also provided that the rights of Georgia (pending the action of the commissioners) and of claimants were not to be impaired.

In 1800 Congress passed a supplemental act authorizing the Commissioners of the United States (and those of Georgia) to take a deed of cession from Georgia of the lands to settle all claims of settlers or claimants, or receive from them terms of compromise. Terms were proposed and the commissioners sent them to Congress.

On the 24th of April, 1802, Georgia passed a cession and compromise act, ceding to the United States her claims to the territory. This act was conditional:

First. That the United States pay Georgia from the proceeds of the sale of lands in that territory the sum of $1,250,000.

Second. All persons who were actual settlers in the aforesaid territory October 27, 1795, should be confirmed in their grants, made by either Great Britain or Spain.

Third. The United States might reserve 5,000,000 acres, or the proceeds thereof, to "satisfy, quiet, and compensate" such claimants other than those who had received grants from Great Britain and Spain. The other, it was understood, were the Georgia claimants, or purchasers under legislative act of 1795.

March 3, 1803, Congress passed an act (2 Statutes at Large, 229) "to dispose of the public lands south of Tennessee," that is, the lands in Mississippi Territory. This act confirmed the old grants made in various ways by Great Britain and by Spain; and by section 8 made provision for setting aside enough of the proceeds of the sales of the lands to "satisfy, quiet, and compensate" such "other" claimants as should appear, evidently meaning the Georgia claimants and other settlers who had entered and cultivated lands in said territory under license or in other manner by authority.

It would appear from memorials presented to the Thirteenth Congress, third session, that the General Government, up to that time (1814), had never indemnified the claimants, as it was clearly intended they should be under Georgia's deed of cession of 1802 and the act of Congress of 1803. The result was the passage of the act of 1814, authorizing the payment of $5,000,000 to the claimants, in order to save them harmless and to make good to the settlers their homes and firesides under the patents or releases issued to them by the General Government under the act of 1803. (Volume 2, American State Papers, Public Lands, pages 740, 743, Duff Green's edition, 1834.)

The second precedent is an act of Congress passed January 14, 1820 (6 Statutes at Large, 236), "An act for the relief of the legal representatives of Philip Barbour, deceased."

Philip Barbour's father located 2,000 acres of land in "West Florida" under the following circumstances. The father of Philip had served as a captain in the British army until the war in the American colonies terminated in 1763. In 1768 he settled in the (then) colony of West Florida, now Mississippi, and there located the land mentioned, living thereon up to the Revolution. For espousing the American cause he was seized and his personal property confiscated. When Spain, in 1789, obtained this territory from Great Britain, Barbour received Spanish confirmatory grants of his located lands. He lost his papers, and the United States coming into possession of the territory from Spain sold 1,500 acres of the 2,000 located by Barbour. The act passed was to give the son of Barbour relief, so as not to disturb the settlers under grants from the United States of lands which the General Government did not own. (See American State Papers, Public Lands, volume 3, page 345, House Report No. 282, Duff Green's edition.)

The third precedent to support this bill is found in an act passed by Congress May 26, 1824—

An act authorizing the President to ascertain the number of acres of land lying between the Ludlow and Roberts lines of survey in Ohio, the value thereof, exclusive of improvements, held by claimants under Virginia military-land warrants, and on what terms the claimants would release, &c. (4 Statutes at Large, 70.)

Twenty-one hundred acres of land were involved. In 9 Wheaton, 469, the legal question at issue between rival claimants was passed upon and a relief bill followed.

The House Public Lands Committee made a report on this case, in which it appears that the contending parties both claimed under a title derived from the United States, as is the case here. (See American State Papers, Public Lands, volume 3, page 620, House Report 410.)

The plaintiff claimed under a warrant granted to one of the soldiers of the Virginia line; the defendants claimed under a direct purchase from the United States Government and patent. The court, in 9 Wheaton, 469, held that plaintiff was entitled to recover.

The report on the act or bill was:

First. That the land involved was divided in small farms under a high state of cultivation and of improvement, owned by various individuals in moderate circumstances who are unacquainted with litigation and fearful of being dragged into a court of justice.

Second. That good faith required an exertion on the part of the Government to quiet in their possession persons who had expended their

all in purchasing and improving the lands for which they hold the patent of the United States.

Third. The committee did not say what measure of damages should be allowed, but did say that the "most liberal allowance should be extended" toward citizens; that in the Philip Barbour case (*supra*) the amount or basis of indemnity was the damages equal to the valuation.

In the Eighteenth Congress, second session, this matter again came up, Mr. Rankin making the report from the House Public Lands Committee. (Volume 4, American State Papers, Public Lands, Gales & Seaton's edition, 1859, page 66, House Report No. 441.) This report refers to the report *supra* (No. 410), and says:

Your committee are unanimously of the opinion that purchasers from the United States who purchased on the faith of the Government, who are understood to have made large improvements on the lands, ought not to be disturbed in their possessions and deprived of the fruits of their industry, provided the adverse claims can be quieted without an unreasonable sacrifice on the part of the Government. To a numerous class of valuable citizens, deprived of their homes after years of tedious and expensive litigation, the purchase-money and interest would be a very inadequate and unsatisfactory remuneration, while the Government, without having any regard to the claim which would be made for the valuable improvements of which citizens would be deprived, would be compelled to pay a much larger sum than that proposed in the compromise with the claimants under the Virginia military land-warrants.

The committee reported a bill authorizing the President to purchase the releases of all the settlers claiming title who had located prior to June, 1812, under their military-land warrants, between the Ludlow and Roberts lines.

The amount of money appropriated by the act of 1824 was $80,000, that being what it cost the Government to buy in the paramount title of those holding the Virginia military-land warrants.

The fourth precedent is as follows: In 2 Peters, United States Reports, 417, will be found the case of Reynolds *vs.* McArthur. The latter brought ejectment and recovered, and this decision was sustained. The facts were as follows: McArthur claimed under a patent of the United States, dated in 1812, founded on an entry and survey made in 1810, on a warrant granted for services in the Revolution. Reynolds claimed as assignee of one Van Meter, who had entered the same land at the Cincinnati land office. The theory of Van Meter's title was that the lands northwest of the Ohio River, between the Scioto and Little Miami, west of Ludlow's and east of Roberts's lines, which had been reserved to satisfy military bounties which Virginia had promised, had been (prior to 1810) withdrawn. The land office acted on that theory, but the court held not, and gave McArthur and all others similarly situated their titles. This called for relief to those who had taken and entered as had Van Meter. Hence we find that Congress passed an act, approved February 12, 1831, giving one Philip Doddridge (see 9 Wheaton, 469) the sum of $1,765.68 for seven hundred acres of land (taken as Van Meter's had been), with interest at 6 per cent. from 1825 (4 Statutes at Large, 440).

It is not my purpose to discuss the old cases; their application is obvious. It is, however, worthy of note that while the act for the relief of the settlers on the lands covered by the Virginia military-land warrants, passed May 26, 1824, is prior to the act of January 12, 1825, nevertheless the committee of the Eighteenth Congress answers the arguments made to-day under the act of 1825 when they say:

Your committee are unanimously of the opinion that purchasers from the United States who purchased on the faith of the Government, who are understood to have made large improvements on the lands, ought not to be disturbed in their possession and deprived of the fruits of their industry, provided the adverse claim can be quieted without an unreasonable sacrifice on the part of the Government. To a numerous class of valuable citizens deprived of their homes after years of tedious and expensive litigation, the purchase-money and interest would be a very inadequate and unsatisfactory remuneration.

Accordingly they report and the Congress passed a bill for the relief of those settlers, under which the United States expended $80,000 in buying in the paramount title to 2,100 acres of land, being at the rate of $38 per acre.

The fourth precedent cited, that of the bill for the relief of Philip Doddridge, demonstrates that the law of 1825 was not regarded by the then Congress as sufficient for the relief of cases like the one under consideration.

In citing precedents favorable to this bill I have not thought it necessary to refer to a numerous class of modern cases with which Congress is brought in contact nearly every time it goes to the Private Calendar. I refer to the bills for the relief of persons who have complied with the law as to settlement on homesteads and pre-emption, paid their fees and money, and yet can get no patent because the land has been previously patented or granted to another, and who, instead of receiving back their fees and money under the law of 1825, or that of 1828 to the same effect, ask Congress to give them another piece of land without settlement or the payment of fees. This Congress has done in hundreds of cases, thus putting afloat thousands of acres of scrip, some of which is very valuable. These settlers do not ask this; they ask what is less in point of value; they ask not for its scrip, but for their homes.

The gentlemen who oppose this bill because of the prospective operation of the precedent say that it will let in floods of claimants. Suppose it does. If they come with such a case as this Congress ought to welcome the opportunity to do them justice. But that this will result is refuted by the record. Seventy-one years have passed since, when, in 1814, the United States paid $5,000,000 to quiet title to lands, and in that time only three cases, excluding that of 1814, have been acted upon. Not an overwhelming flood, gentlemen! Only four cases, so far as I can discover, of direct money relief to settlers for the loss of title since the formation of the present Union—four cases in what is practically one hundred years. Four cases in the course of the settlement of a continent, one case to about every 15,000,000 of people, and gentlemen speak of a flood to spring from under this precedent. Where will it spring from—from the lands of the future? Where are they? We have the great Territories, mostly deserts, worthless unless irrigated; the mountains whose grim surfaces are valueless to all husbandmen unless they come to behold that which was written in the wrath of creation, the tragedy of material nature, and to gather the inspiration of that majesty which is beyond speech—the ice-fields of Alaska. There are other millions of acres that were flung into the insatiate maw of the corporations, and upon their rescue from the "lion's grip" depend the future of the public domain and the possibility of the other cases which gentlemen profess to fear.

The whole number of acres of the public domain granted in aid of railroads, canals, and military wagon-roads from 1824 down to June 30, 1880, is 155,504,994, of which 45,650,026 were patented or certified. Of the total, 7,372,882 acres were "patented or certified" under Fillmore's administration; under Pierce's administration, 14,886,396; under Lincoln's administration, 17,164,270; under Johnson's administration, 5,020,107; under Grant's administration, 1,203,689; showing the disappearance of land desirable even to railroads as a gift, and God knows what a railroad would not take as a gift no human being will want to pay for.

I take it that the Congress is not bound to a precedent like a bundle of little "nisi prius" lawyers; that each case which presents a principle will be decided upon that and not upon some future fear. I have scarcely found an opponent of this measure who has not frankly admitted that injustice has been done these settlers which he deeply deplored, and which, but for the precedent thereby to be established, he would willingly relieve.

Mr. Speaker, when my honorable colleagues refer to the precedents what do they mean? The precedents support this case. They must then, as I stated at the outset, refer to the prospective operation of this law. I submit it is not fair to answer a question of to-day by an objection of to-morrow. To-morrow never was a good answer to-day. Is this not the "begin-all" and "end-all" of the matter: What is wise—what is just? This answered all is answered, and I put that question to the conscience of you all. Gentlemen talk of the precedent of this case as though it would carry a penalty. There is no penalty to wisdom except that which comes from its disobedience, and justice is not pessimistic. This Congress has voted such relief in lesser cases almost every week of its existence; hence your objection to this case lies not to the right, but to the *quantum* of recovery; the settlers ought to have relief, but not what justice calls for.

Gentlemen tell me they would vote to repay to settlers what they have paid and interest. On the theory that this was not railroad land and only cost $1.25 an acre, the returns if it carried interest would amount to $3 per acre. If the settler paid double minimum price, as for land in railroad limits, $2.50 an acre, the return with interest would be $6 an acre. What they ask will not average the lesser amount, for in no case can they receive to exceed $3.50 an acre except where costs have been paid. But the objection to this system of reasoning is that it takes no account of those who have paid nothing but fees, having acquired title by homestead, by residence and improvement alone, and no return would be just that did not treat this most deserving class of men as the equals of any other claimant.

Some of my colleagues say they will vote to make the Government pay what the settlers paid without interest—the Government to pay for betterments (improvements). This would make it cost the Government not less than $10 an acre, nearly three times what is asked. All these settlers ask is what it costs them to buy in the paramount title. This they can get for not exceeding $3.50 per acre. If it costs more it is their loss, if less the Government's gain.

Some gentlemen express a fear that the passage of this bill will open the way for the relief of the settlers on the Des Moines River grant. I have studied that case, and without saying anything to the prejudice of claimants thereunder, I will say that there is no parity between the two, and the one will set no precedent for the other. The bill for their relief now before the House provides simply for the bringing of an action or actions by the United States to quiet their title, with the right on their part to join therein. In this connection I take the liberty to print in my remarks the following extract from the report of the majority of the Committee on Public Lands of the Senate, as bearing at least upon the sentiment of the bill under consideration:

Every interest, near or remote, connected with this unfortunate controversy will be promoted by the passage of the proposed bill; but the committee feel that the duty of Congress is especially to the poor and unfortunate people who went upon the lands in response to the invitation of the Government and in faith of its title. What they ask is moderate compared with their deserving, and it is difficult to see how objection can be made to a proposition that so serious and injurious a controversy shall be settled by the judgment of the highest court in the land.

And also the following from the report of the minority of that committee, as bearing directly upon the principle for which I contend in the bill under consideration:

Congress had better appropriate any amount of money to compensate the claimants of these lands for the losses they have sustained through the mistaken or improvident procedure of its land officers, than to attempt to avoid such a debt of justice by taking the land from one *bona fide* purchaser to give it to another *bona fide* pre-emptor or homestead claimant. It is better, in the opinion of the undersigned, that Congress should at once assume the duty and burden of making just compensation for losses that have been sustained by those who bought these lands from the United States, under the mistaken belief of the land officers that they were open to settlement and disposal as part of the public domain, and have lost the benefits of their purchases.

This report is signed by Senators MORGAN, DOLPH, GIBSON, and WALKER.

Mr. Speaker, these men are my constituents; they are more, my neighbors; they are still more, my comrades, for in the heroic days nearly nine-tenths of them were Union soldiers. This will not prejudice their case with you men of the South, for you were brave and must be generous and just. Nearly all of those for whom I plead are known to me personally, and accordingly I take a keen and personal interest in their rights and wrongs. I have known them from the "ground up," for I knew them when they lived in the earth, in "dugouts," and have watched them for years as they spread the seed and gathered the harvest which was the trust of the armies of laborers of the world. They have fought a brave fight and redeemed the desert of twenty years ago. They are of the class of men that Miller saw when he wrote these lines:

A race of unnamed giants these,
That moved like gods among the trees,
So stern, so stubborn-brow'd, and slow,
With strength of black-maned buffalo,
And each man notable and tall,
A kingly and unconscious Saul,
A sort of sullen Hercules.

They are not mendicants, for when the hell-blasts of the drought and the clouds of locust a few years ago reduced them to starvation they made no sign, asked no aid of the Government, as did those who saw their all devoured by the flames in Michigan or swept away by the floods of the Ohio or the Mississippi. They fought their battle alone, and what they ask now they ask not as alms but as justice, and to that answering justice in your consciences I commit their case, only regretting that my condition physically perhaps unfits me to represent them on this floor as they deserve to be represented.

Rivers and Harbors.

SPEECH

HON. M. C. GEORGE,

OF OREGON.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 18, 1885,

On the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. GEORGE said:

Mr. CHAIRMAN: I had intended to urge on this floor the adoption of amendments to several portions of the bill affecting my State, but on mature reflection, in view of the great difficulties in the way of successful amendment upon the House floor, the consequence of rejection, the impending dangers to the passage of any bill, and in view of past experience, I have deemed another plan of action more advisable and promising greater success ere this bill becomes a law.

I have ever been a friend of river and harbor improvement, full and broad in its spirit and nationality, and so long as I have a vote it shall be cast in favor of the use of our surplus public money for the public welfare. I must, however, take this occasion to call the attention of this House and the country to two of the great works in my State omitted in the bill as it stands.

I regret exceedingly that our committee has not included the improvement of the mouth of the Columbia River. Congress is committed to the work. Three years ago we appropriated $7,500 for a commission of engineers to examine and report on this project. Under that law a board of eminent engineers was constituted, who visited the locality and, so far as all practical purposes is concerned, unanimously agreed on the necessity, utility, and general plan of the work, and only differed in opinion as to the height to which the jetty would have to be raised and the distance out it would have to be projected, both of which points of differences experience must hereafter determine ere appropriation for that part is required. The minority thought that the good work could be accomplished without carrying the jetty so high or so far. The majority say as to height that—

The work proposed should be brought only to the level of low tide. If, however, experience should demonstrate the necessity for raising the jetty to any level greater than low water, it can be readily done on the lower jetty as a foundation.

As to length, they say:

This jetty is to stop short of a point three miles south of Cape Disappointment or be prolonged beyond it as experience may indicate to be necessary.

Another very gratifying feature is the reasonable prospect of the construction of this jetty at a cost much less than estimated by the engineers. In their report they say:

This jetty is expected to be mainly of stone, and the estimate is on that basis.

Speaking of substituting wood for stone, they use these words:

A favorable circumstance is the apparent absence over a considerable length of the proposed work of the sea-worm (*teredo navalis*) which in some other sections of the country proves so very hurtful to structures of which wood is a part, and practically prohibits its use for works of a permanent character.

The estimated cost was on the basis of stone and beton blocks as material, but if, as is recommended by the engineers, mattresses and piling can be used, the cost will be greatly decreased. Whatever other beneficial causes may exist this much is certain, that the great quantity of fresh water at the mouth of the Columbia River is death to that greatest enemy of woodwork, the teredo; besides, the sands, from the great natural causes constantly operating, will pile up around and through the jetty to the utter destruction of this worm even in salt water.

In addition to this we find the Chief of Engineers, in his report, saying that—

Experience on improvements at other Oregon coast entrances continues to be favorable for the prompt success and reduction of cost of the Columbia jetty.

Two years ago our House committee in the river and harbor bill gave the sum of $75,000 to commence this work under the recommendation of the board of engineers. This passed the House, but as the river and harbor bill died in the Senate it did not become a law. This was in the Forty-seventh Congress. In the river and harbor bill of last year this House concurred in a Senate amendment and $100,000 was voted to commence this great work; and now the Chief of Engineers asks for $500,000, and expresses the belief that the jetty it will enable to be constructed will "check the present shifting tendency of the channel southward, increase the depth, and give prompt relief to a large and increasing shipping."

Last December I introduced a bill to appropriate this sum. The importance of this work is national. Like some other great works located in my State its local benefit is not only to the State of Oregon but also to the Territories of Washington, Idaho, and a large portion of Montana. It will be also of national benefit in diverting a trade of a considerable portion of British Columbia into our territory.

This improvement will afford us over thirty feet of channel over the bar. The Columbia River entrance is directly out to the sea from the only break in a most formidable mountain range from Mexico to British Columbia. It will give us a great national harbor on the Pacific coast for the transcontinental trade to Asia; in fact, by it we promote the welfare of our whole commerce abroad.

I regret to learn that an erroneous impression exists in the minds of some of the members of the committee growing out of a supposed similarity of circumstances at the mouth of the Columbia River and Gulf ports where the prospective success of the submerged jetty system is being questioned.

At Galveston and other places the plan has been to build jetties over the bar, concentrating the flow of the water between the jetties, and thus clear out a channel between the jetty walls through the bar.

Engineers like Captain Eads claim that submerged jetties under such conditions will never do effective work for two reasons: First, the waste of water over them; and second, the deposit of sand between the jetties during every storm. They claim that the jetties should be carried above the sea-level in order to utilize the limited flow of water in many of these bays and outlets and thus secure sufficient scouring capacity. This, however, would not apply to the mouth of the Columbia River, where the flow is probably over five times as great as in the south pass of the Mississippi where Eads placed his famous jetties. So also with the other objection that the sand will wash over the submerged jetty in storms and fill up and obliterate any channel which the current in calmer weather might be able to excavate. This, even if true elsewhere, has no application to our work at the Columbia River entrance. There only one jetty is to be constructed—Cape Disappointment already forming the other. This jetty is not to be across any bar and is not intended to deepen any channel alongside of it as at Galveston and other points. The jetty is to be placed on Clatsop Spit and will be several miles inside of the bar, and when the plan is carried out the old situation will have been restored which gave us thirty-five feet over the bar as in 1791 and thirty-four feet in 1841.

So the objections to submerged jetties elsewhere do not apply to the Columbia River improvement, and even if they did we have already seen that the jetty can easily be raised to the sea-level. There can be no question about the perfect feasibility of this improvement.

Now a word, Mr. Chairman, concerning the other improvement left out by our House committee, namely, the one at Coos Bay. The Chief of Engineers in his last report informs us that notwithstanding "the natural channel was shifting and usually tortuous the amount already expended has afforded during the last three years a straighter and more stable channel." The estimates for the present year are $150,000, for which I introduced a bill early in the session. The Chief of Engineers says that he "expects the amount to make the depth permanent, which will have been gained, and further improve the channel direction, giving much benefit to a large and increasing coasting trade."

The local engineer states that "this stability is quite beneficial in

preventing delay of bar crossings." He speaks of increased confidence in the channel as evidenced by crossings in rainy and cloudy weather or even after night.

Again he says:

Formerly each tug could tow out but one deep-draught vessel on a tide from the anchorage below Empire City; now the tugs take out three or four each on a tide.

This is a very important work and will be of great benefit to a large and rapidly developing section of Oregon.

National Board of Health.

SPEECH

OF

HON. I. NEWTON EVANS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 25, 1885,

On the clause in the deficiency bill which abolishes the National Board of Health.

Mr. EVANS said:

Mr. CHAIRMAN: The Committee on Public Health, of which I have the honor to be a member, is specially charged with the duty of investigating and reporting on matters affecting the public health. The committee recently submitted its views, and by order of this House their recommendation that an appropriation be made for continuing the work of the National Board of Health was referred to the Committee on Appropriations.

That committee has assumed not only to ignore the recommendation of the Public Health Committee, which has carefully investigated the subject with every facility for ascertaining the needs of the country in this direction, but has also attempted to repeal general legislation on this appropriation bill.

The clause to abolish the board, as provided on page 13, line 301, can not but be regarded as new legislation. While it may not be subject to a point of order for the reason that it decreases expenditures, but for that reason, if for no other, it has no business in this bill. The object of a deficiency bill is to make appropriations to pay the expenses of the Government incurred in excess of the sums appropriated for the last fiscal year. This can in no wise be regarded as a deficiency, and therefore is not germane.

It is claimed that there is no need of a national board of health.

Are we to take the dictum of members of the Committee on Appropriations on a subject over which they have no jurisdiction as against the formal report of the committee to which this House has specially confided the care of health matters? Is the Appropriations Committee to say to us this is needed and that is not needed, as may best serve its purpose, and are we to tamely submit to its dictation and under its whip and spur fly as it directs? If such is to be the decision, the sooner the whole House is merged in one huge appropriation committee the better.

The interests involved in the question under consideration are of too grave a character, too far-reaching and important in their results, to be passed over lightly or to be brushed away with the stroke of a pen.

The protection of human life and the promotion of the public health are questions of vital importance. To none of greater moment can the attention of the private citizen or the legislator be directed.

The question has been asked by some of the members of this House, What has been the work of the National Board of Health and what good has it accomplished? In answer to their inquiries I beg leave to print the following, which is a part of their report for the year 1884:

II. The collection of information with regard to the sanitary condition of some of the principal cities and towns in the United States. Work in this direction was organized at the first session of the board by the printing, with additions and corrections, of a series of schedules of questions for the sanitary survey of a city; the original schedules for this purpose having been prepared several years previously by a committee of the American Public Health Association. A number of these schedules have been returned to the board properly filled up, and others are in course of completion. It is believed that the result has already been good in indicating the lines of inquiry which should be pursued by municipal authorities in relation to sanitary matters, and that hereafter a large amount of valuable information might be collected by this means.

III. The appointment of a commission to investigate yellow fever in the Island of Cuba, consisting of Dr. S. E. Chaillé and Col. T. S. Hardie, C. E., of New Orleans; Dr. John Guiteras, of Philadelphia; and Surgeon George M. Sternberg, United States Army.

From their report it appears that yellow fever must be considered as endemic in the Island of Cuba, and that for many years it has prevailed annually in the principal ports. The facts presented do not confirm the theory of the spontaneous origin of the yellow-fever poison on board ships, and make it improbable that the cleansing of the harbor of Havana and the constant renewal of its waters, however desirable, would prevent the infection of the shipping at this port.

IV. The standing committee of the board on sanitary legislation, consisting of Drs. H. I. Bowditch, S. M. Bemis, and Stephen Smith, employed a competent legal authority of Boston to collect and collate the sanitary laws of the United States and of the several States, including not only the statutes but the decisions of the several courts, on all questions involving the public health.

This compilation was of great practical interest and utility to all interested in sanitary legislation.

V. At the request of the board, an investigation as to the best method of determining the amount and character of organic matter in the air was undertaken by Professor Ira Remsen, of the Johns Hopkins University of Baltimore.

VI. An investigation as to the effects of disinfectants, and especially of those used for disinfecting inclosed spaces, was undertaken by Dr. W. S. Bigelow, of Boston, assisted by Dr. H. P. Bowditch, professor of physiology, and Dr. Wood, professor of chemistry of Harvard University, the whole being under the general direction and advice of Dr. C. F. Folsom, secretary State board of health of Massachusetts.

VII. An investigation as to the composition and merits of the various patent disinfectants was made at the request of the board by Professor C. F. Chandler, of Columbia College, president of the board of health of New York city.

VIII. An investigation as to the prevalence of adulterations in food or drugs in the United States, under the direction of Dr. H. A. Johnson, chairman of the standing committee on this subject. In this connection a paper upon the deteriorations and adulterations of food was prepared for the board by Dr. R. M. Kedzie, president of the State board of health of Michigan, and a paper on the adulterations of drugs by Professor L. Diehl, of Louisville, Ky.

IX. A preliminary inquiry as to the diseases of food-producing animals of the United States, and the legislation, whether State or national, which seems desirable in regard to this subject. This was under the direction of a standing committee of the board, composed of Drs. J. L. Cabell, T. S. Verdi, and P. H. Bailhache, and special reports upon the subject for this committee were prepared by Professor James Law, of Cornell University, New York, and by T. S. Verdi, member of the board.

X. An investigation of the flow of sewers in relation to their sizes and gradients was carried on under the direction of Col. George E. Waring, jr., of Newport, R. I., with a view to determining the most efficient and least expensive form of sewers.

It may be observed that the results of this investigation have already been of practical importance, since it was the presentation of a portion of these results to the committee charged with the sanitary survey of Memphis which led that committee to recommend a scheme for the sewerage of that city, based on the researches of Colonel Waring, estimated to cost about $225,000, in preference to a plan of sewerage prepared in the ordinary manner and estimated to cost $500,000.

XI. A sanitary survey of the eastern coast of New Jersey bordering on New York Harbor was made with the aid of this board, under the direction of the State board of health of New Jersey.

XII. A sanitary survey of the city of Memphis, Tenn., was commenced as soon after the close of the epidemic as possible, under the direction of a special committee of the National Board of Health, of which Dr. J. S. Billings was chairman. A preliminary report of this committee was prepared to meet the urgent demand on the part of the municipal authorities for advice as to the course to be pursued.

XIII. An investigation as to the hygiene of the mercantile marine and as to what legislation is expedient to improve its sanitary condition. Surgeon P. H. Bailhache, U. S. M. H. S., was especially detailed by the chief of that bureau to prepare this report.

XIV. An investigation by Dr. Elisha Harris, of New York, upon diphtheria as it occurred in Northern Vermont.

XV. An investigation by Professor Raphael Pumpelly, of the United States Geological Survey, upon the influence of various soils upon sanitation, especially with regard to drainage and methods of disposal of excreta.

XVI. An investigation by Drs. H. C. Wood and H. F. Formad, of Philadelphia, as to the effects of inoculating lower animals with diphtheritic exudation.

XVII. Researches by Dr. G. M. Sternberg, United States Army, upon suspended particles in the air of places liable to infection, which were commenced in Havana and continued in New Orleans. These researches included an investigation upon organized particles from swamps and other malarious localities, with the view of testing the accuracy of the observations of Klebs and Tomassi-Crudeli, and others, on the existence of spores alleged to be the producing cause of malarial fevers.

XVIII. A report by Dr. J. J. Woodward, United States Army, on the pathological history of yellow fever.

XIX. A report by Professor Abbe, of the Signal Service Bureau, on the possible relations between meteorological phenomena and vital statistics, and especially on the graphical methods of representing such data.

XX. An investigation by Col. G. E. Waring, jr., of Newport, R. I., on the influence on the water-seal of traps of different kinds of currents of water passing through them or through the pipes into which they deliver, under a variety of conditions, covering ventilation, copious or partial, and induced currents arising from the passage of water over the branches of different form and arrangement, including experiments with regard to siphoning and the best manner to secure an adequate flush for water-closets, drains, &c.

XXI. An investigation by Professor Ira Remsen, of the Johns Hopkins University, Baltimore, as to the amount of carbonic oxide in furnace-heated rooms.

XXII. The history of quarantine in the United States, exhibiting the occasions which give rise to quarantine legislation, or attempts at such legislation, by States or by the General Government, prepared by Dr. Stephen Smith, a member of the board.

XXIII. A report by Dr. Charles Smart on the water-supply of Mobile and New Orleans.

XXIV. A sanitary survey of selected portions of Baltimore city was undertaken by this board, in compliance with the request of the city council, by Dr. C. W. Chancellor, secretary of the State board of health.

XXV. Experimental investigations, by George M. Sternberg, surgeon U. S. A., relating to the etiology of the malarial fevers.

XXVI. A report upon the sewerage systems of the principal cities of Europe, by Rudolph Hering, sanitary engineer.

XXVII. An investigation on the best method of determining the quantity of organic matter in potable water, and the specific effects of variously contaminated water on the health of persons who have used it, by Prof. J. W. Mallet, of the University of Virginia.

XXVIII. An investigation into the sanitary condition of summer resorts, by E. W. Bowditch, sanitary engineer.

XXIX. An investigation into the conditions of arsenical poisoning by means of emanations from wall-papers, carpets, and other furniture containing arsenical coloring matter, by Professor Wood, of Harvard University.

XXX. An investigation into the conditions under which different styles of traps lose their water-seal by siphon action, by George E. Waring, jr., S. E., Edward S. Philbrick, C. E., and Ernest W. Bowditch, S. E.

XXXI. An inquiry into the causes and nature of malaria, with special reference to the conditions of its recent prevalence in the States of New York, Connecticut, Rhode Island, and Massachusetts, was commenced, with the approval and co-operation of the several State boards of health, who were to furnish the topographical and clinical data, while the scientific investigation of the essential nature of the malarial poison by experimental processes similar to those of Klebs, Tomassi-Crudeli, and Sternberg was assigned to Dr. J. D. Whitney, of Boston.

This investigation was regarded by this board as likely to lead to very important results in their bearing upon the public health of an extensive region recently invaded by malarial fever. It was clearly such an investigation as was within the scope of the duties assigned to the board by the act of March 3, 1879, and as relating to a subject in which the entire country is more or less interested, was one for which the service of a national board of health was eminently appropriate. It is deeply to be regretted, in the interests of the public health, that it has been necessarily abandoned for want of an appropriation applicable to such purposes.

XXXII. A report of the various forms of legislation by which, in this country, attempts have been made to secure registration of vital statistics, with appended copies of all the various acts passed up to the present time, together with a brief historical sketch of the progress of registration in each State and the results obtained. There is also appended a table showing the results of an analysis of the various registration laws, so arranged that each can be readily compared with the others in regard to any particular item.

The results of the investigations above referred to have, in those cases in which the work has been completed, been transmitted to Congress with previous reports. Despite the limited circulation which has been given to these reports (only the usual 1,200 copies of each having as yet been printed) it is difficult to exaggerate the interest which has been awakened in the subjects treated, both in our own and in foreign countries. It is with feelings of national pride that we are able to record the commendations pronounced upon these efforts by eminent scientists and sanitarians both at home and abroad. The demand for these reports, both from our own people and from foreign countries, has far exceeded the provision made by Congress, and it is earnestly recommended that additional copies be authorized. It can hardly be expected that provision can be made for supplying all applicants with copies, but it is respectfully submitted the value attached to these reports by the medical profession, by sanitary engineers, and others interested in the advance of sanitary science warrant the publication of a sufficient number of copies to enable us to supply the public and college libraries of the country and the Government and other sanitary organizations abroad.

SANITARY LEGISLATION.

The establishment of the National Board of Health and the success which attended its efforts in battling with the epidemic of 1879 awakened the liveliest interest in preventive measures throughout the country. The advantages to be derived from systematic organization and execution of sanitary regulations were practically demonstrated, and the methods of dealing with epidemics inaugurated by the board continue to receive universal support and co-operation. The impulse thus given to the study of all questions relating to general sanitation has resulted in a rapid increase in the number of State and local sanitary organizations. State boards of health or sanitary organizations bearing similar relations to the State governments are now provided for in twenty-seven States of the Union, while local organizations have been established in many of the important towns, as also in many of the counties throughout several of the States. In some of the States, notably in some of the Eastern and Western States, great improvements have been made and sanitary organizations perfected, which have not only already accomplished great good, but which also give promise of the most satisfactory results in the future.

To all efforts made to improve the sanitary condition of the country and prevent the spread of disease the national board has given its most earnest and hearty co-operation, and it is to be hoped that ere long there will be not only a State board of health in every State, but also a local board in every county and township throughout the country. It is to the application of preventive measures now known, and of others which will yet be discovered, that we must look, in a very great degree, for an improvement in the physical condition of the people, for a limitation upon the prevalence of disease, for a reduction in the rate of mortality among the people, and a consequent increase in both the available strength and wealth of the nation. Much has already been added to the average length of human life by the application of measures herein referred to; and the rapid development of our country and the extension of cities and towns in all portions of the land press home with constantly increasing importance the obligation resting upon those in authority to provide the means for carrying forward all investigations which promise, however remotely, to result in improving and preserving the public health.

In addition to the duty of guarding against the introduction of such diseases as yellow fever, cholera, and small-pox from abroad comes the duty of preventing the spread of these diseases in case they make their appearance in any of our ports. During the years 1881 and 1882 small-pox was introduced into this country from Europe by immigrants seeking homes in this country, and serious epidemics occurred in the Western and Northwestern States. Under rules and regulations adopted by the board and in co-operation with the State and local boards of health in the threatened and infected localities much was accomplished in the way of eradicating the disease and in providing against its introduction. The incubative period of this disease is of such duration as to enable persons exposed to its infection in European cities just prior to embarkation to reach the interior of this country before the eruptive stage is reached. In consequence, therefore, of the nature of the disease hundreds of persons in its earlier stages passed the Atlantic quarantines and were far upon their way toward their destination in the West before it could be known from what they were suffering. More than one hundred towns in the Western States were thus infected, and great expense and suffering entailed upon the people of those sections.

The health authorities in the States which were visited by these epidemics urge with great force that it is the duty of the Government to protect the people against the epidemics originating with immigrants who have not yet reached their destination—who have not yet become citizens.

The National Board of Health has been in existence since March, 1879, and during that period has rendered services to the country which can only be estimated by hundreds of millions of dollars. The effect of the report of a single case of yellow fever in the Mississippi Valley, in the absence of the power, influence, and regulations of the National Board of Health has been to depress the price of produce in Western markets to the extent of many thousands of dollars in a single day, the commerce of the entire Mississippi Valley has been disturbed, and uncertainty and dread have pervaded the cities and towns along all her rivers.

Compare the condition of things prior to the organization of the National Board of Health with that which has prevailed under its direction. In 1878, yellow fever swept from the Gulf of Mexico to Ohio. A hundred towns were invaded by the dread disease; desolation marked its course. Individuals, towns, cities, and States were powerless. The disease sped on; commerce was destroyed, and while the coffers of the sympathizing people of the North were unlocked and money was poured out with lavish hand to minister to the necessities of the sick and dying, all stood in awe, utterly helpless before the fell destroyer, until a hundred thousand cases and twenty thousand deaths made up the record of that fatal year.

Then came the call for a national board of health, and Congress was prompt to respond. With the recollections of 1878 still fresh in mind Congress hastened to provide for the board, clothed it with power, and furnished it with $500,000 to be used in protecting the country from the ravages of disease. Before the board had scarcely organized yellow fever broke out again. But mark the contrast. There are those on this floor who passed through those years of sorrow, grief, and death, and they can tell us of what use was the National Board of Health.

They can tell us that order was brought out of confusion; that confidence took the place of fear; that shotgun quarantines were banished; that commerce, controlled by sanitary regulations, went on unimpeded; that the disease, instead of spreading throughout the country, was confined almost wholly to the few towns in which it broke out early in the season. Instead of 100,000 cases there were but 2,000, and instead of 20,000 deaths there were 800. It may be argued that the material for yellow fever was used up in 1878; but the increased malignancy of the disease in 1879, as shown by the excessive mortality, which was 33 per cent. greater, demonstrates conclusively that but for the control exercised by the National Board of Health it would have spread far and wide.

As regards the effect upon the business of the Mississippi Valley in 1879, the secretary of the State board of health of Illinois states that the Illinois Central Railroad received from the South from July to October of that year over 100,000 tons of freight more than during the same period in 1878, while the passenger travel, which was almost wholly suspended in 1878, was scarcely interrupted in 1879, and that this result could not possibly have been reached without the co-operation of the National Board of Health, and that the utmost exertions of the board were required at all times to allay the fears of local authorities.

From that day to the present the people of the Mississippi Valley have known that epidemics can be controlled. From that day to the present they have been calling upon Congress to provide the board with means for protecting the people of the country.

The unanimous voice of the cities and towns, of railroad and steamboat companies, and State and local health organizations, was that the services rendered by the board were invaluable, and they are pressing us now to clothe the board with all the power necessary to continue its beneficent services.

But we are met with the reply that there is no need of two organizations to perform the same service; that the Marine-Hospital Service can do all that is needed to be done.

I do not propose to discuss or criticise the Marine-Hospital Service. As a medical man, I know for what purpose it was called into and is kept in being. Other members of the profession on this floor know as well as I the sphere of duties belonging to that service. Its field is in curative measures. It deals with sick sailors, while the National Board of Health operates in the field of preventive medicine, which is totally different, wholly foreign to the duties devolving legitimately upon the Marine-Hospital Service.

But whether the Marine-Hospital Service can perform satisfactorily to the country the duties belonging to the National Board of Health, I leave to the people and the various health organizations to say. The American Medical Association, the representative association of the profession in this country, has placed itself on record strongly in favor of supporting the National Board of Health, and their petition is now on the files of this House.

The American Public Health Association, embracing in its membership all the professions and many branches of business, numbering among its members the most distinguished sanitarians in the country, whose only aim is the public weal, this organization sends to us year by year its petition that the National Board of Health may be supported. Can it be alleged that these men, many of whom are dealing daily with disease in all its phases, do not know what is required? Shall we disregard the voice of the multitude, who tell us what the country needs, and be guided by the opposing voices of two or three who would destroy the national board?

Hear what the American Public Health Association says concerning the National Board of Health:

Resolved, That there is a work to be done by such a board which can not be done by any local or State board, and which is not, and can not be, adequately represented or fulfilled by any other branch of the national service, as illustrated in its inspections and inquiries into special conditions so serious as to be national rather than local; and its dealings with yellow fever and small-pox; in its places for consular health bills from foreign ports and refuge stations for a wide coast range; in its internal care over river and railroad transportation; in its investigation into malaria and other widespread causes of disease; in its valuable scientific and practical inquiries into the causes and courses of epidemics; in its comparisons of statistical facts, and in the widespread distribution of information most intimately affecting the vital conditions of our whole population.

Resolved, That while each State and each division of national service may contribute much aid in their respective spheres, we view with regret any curtailment of the functions of a board so constituted as to represent and unify the health interests of the entire nation.

Resolved, That we counsel the national board to continue all the work possible under the present restricted appropriations, and await with confidence the extension of its powers of usefulness, and that appreciation of its work for the past and its necessity for the future which can but result from a calm and careful estimate of the safeguards requisite for national health and prosperity.

Resolved, That the confining the work of the board to cholera, yellow fever, and small-pox is believed to be in the highest degree injudicious. It should have the full powers for investigation of all preventable diseases conferred upon it by its constituting act and be granted the funds necessary for this purpose;

and this should be done irrespective of the action which may be taken with regard to quarantine.

Resolved, That the members of the American Public Health Association hereby pledge their individual co-operation in endeavoring to secure such national legislation as shall insure to the National Board of Health such material aid as may be needful in carrying out with the greatest efficiency all measures pertaining to the interest of public health.

Resolved, That the advisory council of this association, representing, as it does, the sanitarians of the various States, be directed to use all laudable efforts to place before the President of the United States and the Congress at Washington and before members of Congress in their several States the very great importance to the welfare of the country of such action by the United States Government as shall increase to the fullest extent the means and powers of usefulness of the National Board of Health.

Resolved, That so long as the United States Government confines its maritime and inland quarantine service to the aiding of State and local boards of health, it is essential, for the best results, that such aid should be through channels most generally acceptable to State and local boards of health, whose co-operation is requisite; and we sincerely believe that the National Board of Health is the channel most generally acceptable.

In addition to these well-known associations we have the resolutions adopted by the Sanitary Council of the Mississippi Valley, together with their memorial to the President of the United States, asking—

That $100,000 be placed at the disposal of the National Board of Health, in the event of an outbreak of yellow fever, or other epidemic, on the coast of our country. That body can give confidence to the people of the valley as to the necessary precautions and safeguards yearly demanded by the exposure of our southern ports to ravages of yellow fever. Their inspection stations and the mode their officers have adopted in isolation and disinfection, establishing quarantine only when emergency or occasion demands it, have earned for the national board a degree of confidence that of itself alone is worth millions of dollars to the commerce of the country.

To supplant this body, or withhold from it the necessary funds to maintain inspection stations at all exposed points, will, in our humble judgment, clog the wheels of commerce, by bringing about a feeling of distrust on the first alarm, be it true or false, and cause recourse to the shotgun policy of quarantine, which can but prove destructive to the commercial interests of the Mississippi Valley, which in a measure affect those of the entire Union.

On motion, the draught of the memorial was approved, engrossed, and signed by the delegates from the States of Ohio, Indiana, Illinois, Kentucky, Tennessee, Missouri, Michigan, Wisconsin, Louisiana, Arkansas, and Mississippi, and directed to be forwarded to the President at Washington.

We also have the petition of the president and secretary of the State board of health of New York. In their own behalf, and on behalf of that organization, they say that notwithstanding there are now twenty-nine State boards in existence, "which are beginning a great work in and for their respective States, the particular function of the National Board of Health can not be exercised by any or all of these State boards." Neither the naval, the military, nor the Marine Hospital Service can in the least fill the position and exercise the functions of a national health service. The duty, dignity, and sanitary welfare of the nation seem alike to warrant the conclusion that the National Board of Health should, under the advice of the President, be charged with all duties for which it was called into existence, and that in its relations to the State, interstate, and international public health interests the confidence and regard which are entertained for the board should be sufficient for imparting to the board all the official dignity and right which its high character actually merits.

The nations and people in all lands have good reason to expect such a course to be pursued toward the National Board of Health of the United States. The people of the American States look for it and will demand it. Public hygienists understand the necessity for it, and they, with the statesmen of the nations, point to the fact that contagious pests which are current in the foreign cities and countries are soon current in the United States. Even leprosy of distant lands is among our people, and the fevers and contagia of immigrants are being planted where the migrants move from the Atlantic to the Pacific. The national board's work and its scientific researches in the arts of disease-prevention are national.

The undersigned are aware that the factious and acrimonious opposition and unworthy criticism which sprang up against the national board some months ago have been used as means for organizing a permanent kind of force against it at Washington; but this must not militate against the continued life and usefulness of that branch of the public service. It has the confidence and ardent good will of the State boards of health and of all the most trusted sanitarians in this country and in Europe.

We have also the memorial of the board of health of the State of Alabama. The resolutions of the Illinois State board of health, the State board of health of West Virginia, the State board of health of Michigan, the State board of health of Wisconsin, the County Medical Society of New York, the College of Physicians of Philadelphia, the South Carolina Medical Association, the board of health of Charleston, S. C., of the board of health of Memphis, of the Florida Medical Association, and last, but not least, the joint resolution of the senate and house of representatives of Pennsylvania, passed within the last few days, asking Congress not to abolish the National Board of Health.

The query may arise in the minds of some of the members of this House why was it necessary for these health organizations to petition Congress and the President of the United States not to cripple or abolish the National Board of Health? The reason is apparent: From selfish or jealous motives a factious opposition sprang up against the board; they succeeded in convincing that portion of the members of the House who have a mania for economy and reform that all the duties of the National Board of Health could be as efficiently performed by the Marine-Hospital Service. The Appropriations Committee accordingly, in 1882, incorporated into the sundry civil bill a provision that the board of health should not expend more than $125,000, and provided that no other moneys should be used for the purposes of the board; and March 3, 1883, they gave the board only $10,000. Last year (1884) they gave the board nothing, and they now come before this House not only ignoring the recommendations of the Public Health Committee to give the board $25,000 to pay their per diem and necessary expenses and to place at the discretion of the President of the United States $500,000 to be expended through such governmental agencies as he may designate, but they have inserted a clause in the bill to abolish entirely the National Board of Health.

Mr. Chairman, in view of the fact that all the health organizations of the country and the best sanitarians of the land are ardent advocates of a national board of health, I can not help regarding the action of the Appropriations Committee as unwise and inconsiderate, especially at this time, when we are supposed to be facing a most fearful and fatal epidemic, which has passed beyond the limits of its home in Asia to Southern and Western Europe. From past experience of all former epidemics of cholera, together with such frequent and rapid communication with England and the continent, we can not escape the conviction that we shall have more or less of this disease in proportion to the sanitary measures adopted in the United States the coming summer and autumn.

The protection of human life and the promotion of the public health is an important duty, which we as legislators have no right to overlook, and a fearful responsibility rests on those members of this House who would destroy any of the means, and especially the best organized means, at our command to prevent the introduction and spread of such a malignant, infectious, or contagious disease as that of Asiatic cholera.

Foreign governments have had for many years past national sanitary organizations, which they support and encourage by liberal appropriations. During this Congress we have appropriated $150,000 for the investigation and prevention of pleuro-pneumonia and other diseases of the lower animals; we appropriate annually for a light-house system, the object of which is the protection of life as well as property, more than $2,000,000, and for the Life-Saving Service notless than $700,000, and now we are told that $300,000 is enough to place in the hands of the President, and perhaps it is, if you are going to destroy the best and most efficient medium through which it should be used.

Mr. Chairman, I have not discussed the legal bearings of the question we are considering; I shall leave that to those whose profession is the law. Suffice it to say, that I believe Congress has power to regulate commerce for the purpose of giving greater security to the health and lives of her citizens, and the powers conferred by the Constitution in the general-welfare clause, when it becomes actually necessary for self-protection, fully authorizes the establishment and support of the National Board of Health.

In conclusion, I would say that from what the board has done in the past, for what its past success promises for the future, and in view of the threatened epidemic from abroad, I beg that every member on this floor who has the interests of his countrymen at heart will vote to strike out that clause in this bill which abolishes the National Board of Health.

Reciprocity with Mexico.

SPEECH

OF

HON. ABRAM S. HEWITT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 27, 1885,

On the bill (H. R. 7366) to carry into effect a convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883.

Mr. HEWITT, of New York, said:

Mr. SPEAKER: On the 4th of March next will begin the last Presidential term of the first century of our existence under the Constitution. It is difficult to form any just idea of the contrast presented by this country at this time with its condition at the time of the formation of the Government. That 3,000,000 of people have expanded into a population of nearly 60,000,000 in less than a century does not express the transformation which has taken place in the condition of the people. When the Revolution closed wealth had been destroyed. The men who had gained the victory staked everything on the great issue of freedom and independence. In the hour of victory, however, they found themselves without any of the luxuries of civilization. Food, indeed, they had, and shelter more or less comfortable, but the Continental army went home in rags, and often barefooted. Their families were clad in homespun; their money had become worthless, and they were reduced, in the small exchanges which they were able to make, to the rude process of barter. From Massachusetts to Georgia there was what Madison described as "a wonderful anarchy of trade."

What a contrast is now presented to this state of affairs! We are today the richest people in the world in the elements of power, whether for industry or for expenditure in war or peace. Under the policy laid down by the fathers who formed the Constitution our resources have been developed until we produce an excess of all the manufactured products which go to make up the comfort and life of modern civilization. I do not undervalue the stimulating effects of the protective policy under which the industry of this country has grown to its present gigantic proportions. I am not prepared to say whether the same results would or would not have been reached under a freer system of trade. I accept the situation as I find it, and I am willing to concede whatever merit may belong to the protective system for producing these vast results. What concerns me now is the fact that the capacity of this country to produce the staple articles needed by man for his comfort far exceeds the demand for these articles. I think the estimate which has been made of our ability in six months to produce all that we consume in a year is not exaggerated.

LESSONS OF THE ELECTION.

Such a state of things suggests the idea of general prosperity and universal comfort, and yet we stand face to face with the opposite condition of affairs. The most careful estimates show that in the midst of all this abundance about 13 per cent. of our laboring population are unable to get employment, and that their families are suffering for the necessaries of life. I doubt whether at any previous period in the history of the country so large a percentage of the laborers of the country have been out of employment. This fact, in my judgment, had more to do with the result of the late election than any of the causes to which the popular judgment has assigned the triumph of the Democratic party. When there is general employment and consequent contentment the popular judgment inclines little to change of administration. The people act upon the principle of *quieta non movere*, but when they feel the pinch of poverty, without pretending to settle the question of cause and effect, a change of government at least offers a reasonable and ready step toward a change of business.

The Republican party, to whom may be accorded the merit, whatever it may be, of persisting in the protective policy in their platform in Chicago, failed to realize the fact that the home market no longer afforded an adequate receptacle for the products of our industry. They offered no relief to a suffering people, but proclaimed in terms more decided than they had ever ventured before to use their adherence to the doctrine of protection for the sake of protection, and their reliance upon the home market for the products of industry. The common sense of the people realized what the Republican leaders failed to see, that the home market was no longer adequate, and that if the restrictive policy was persisted in we should perish in the midst of our abundance. The people, therefore, decreed a change, not merely of servants but of policy. The significance of the late election to my mind is the decision of the people in favor of wider markets for our manufactured products. The incoming administration will fail to give effect to the popular will unless most energetic steps are taken to make it possible for our people to reach the open markets of the world with the products of their industry.

THE RECENT TREATIES.

The present administration, which has shown that it is governed by very enlightened and conservative views, has not been slow to recognize the popular will as expressed in the late election. It is creditable to the administration that it has lost no time in striving to give effect to the will of the people. It has shown courage in recognizing the inevitable, even though it has been forced to abandon the declarations of the Chicago platform upon which the Republicans made the recent Presidential campaign. It would have been an absurdity for the administration to seek wider markets for commodities which could be supplied to our customers by other nations at lower cost than we could furnish them. Hence, by the very logic of the situation, the administration was compelled to declare in favor of free raw materials, by which alone the cost of our manufactured products could be reduced. We tax raw materials. We can not hope to compete with nations who work upon untaxed raw materials.

All provisions for drawbacks on the exportation of goods are troublesome and ineffective. Hence, looking out into the world to find a market for our manufactured products, the administration saw clearly that Europe was equally troubled with surplus products, and could take little or nothing from us but raw materials. It saw clearly that the great market for finished products was in our own hemisphere; that already we buy from the American nations far more than we sell to them, and that upon equal terms, on the well-recognized principle that all commerce is an exchange of equal values, we could get this business, provided we could offer commodities upon equally favorable terms. But it is evident that the only appeal which would be effective must be to the interests and not to the political sympathies of our neighbors on the south. The administration recognized the fact that treaties alone could not secure for us the markets which we desired, but that with the conditions for economical production equalized as they would be by the freeing of raw materials from duty we could hope to secure the trade of our neighbors, provided certain impediments in the way of navigation and special privileges conceded to other nations could be overcome. The administration, therefore, addressed itself to this great undertaking, and if it has failed in any respect it has not been for want of zeal, but rather for want of time to fully weigh and measure all the interests involved in so great a departure from our traditional policy.

Certainly no one can complain that it has not covered the field of operations with its diplomacy. It has given us treaties with Spain, with Nicaragua, with San Domingo, and a promise of treaties with all the other powers whose markets we can hope to secure. In fact, the public mind has been dazed by the exhibition to which it has suddenly been invited. After a long period of repose, as dignified as it was uneventful, the drama of the administration closes with a grand transformation scene, in which the glorious future of unrestricted commerce and of profitable exchanges is accompanied with the usual incidents of floods of light and tempting beauties, which I trust will not prove as illusory and tinseled as the scenes with which we are familiar upon the stage.

OBJECTIONS URGED.

My only concern with these treaties on the present occasion will be to distinguish them in their origin, their details, and their effects from the Mexican treaty now under consideration. I shall not attempt to pass judgment upon the merits or demerits of these new treaties. At the proper time they will come up for consideration, and at that time each member of this House must be prepared with his judgment. My purpose now is merely to show that the objections which have been made to the recent diplomatic achievements of the administration are not applicable to the Mexican treaty.

So far as I have been able to observe, the objections urged against the treaties now pending before the Senate are threefold: first, that the negotiation of these treaties forecloses the policy of the incoming administration; second, that so far as they affect the commerce and revenue of the country, the constitutional rights of Congress and of this House have been infringed by the initiative taken by the executive branch of the Government; third, that the effect of the proposed treaties will so far reduce the revenue as to make the tariff revision called for in the platforms of both parties difficult if not impossible.

Let us consider these objections briefly in detail for the sole purpose of ascertaining whether any of them are applicable to the Mexican treaty now under consideration. It is true that the new administration would find itself committed to a policy inaugurated by its predecessor in its closing hours, which might be embarrassing, because its scope and details might not meet with the approbation of the new administration after more careful examination and deliberation than can possibly be given to so great a question in the short time which intervenes between now and the 4th of March next. It is certainly true that this consideration is strengthened by the fact to which I have referred, that the new policy is a departure from the Republican practice and declarations, and is an attempt to put into operation the principles laid down by the Democratic platform, which declares itself to be in favor of an "American continental policy, based upon more intimate commercial and political relations with the fifteen sister republics of North, Central, and South America, but entangling alliances with none."

To the execution of this policy no doubt the incoming administration will direct its earnest energies, but if it should find in the way hasty and ill-considered arrangements already executed, especially if they should turn out to be unfavorable to us, it would be exceedingly difficult to secure the modifications required by equity and a due regard for our own interests. Moreover, in the past history of the country outgoing administrations have acted upon the theory of clearing the way for the new administration and of leaving it as free as possible for the inauguration of the policy indicated by the transfer of power from one party to the other party.

SEWARD'S VIEWS.

Mr. Seward, in 1853, speaking upon resolutions offered by General Cass in regard to our relations with Spain and the acquisition of Cuba, used the following language:

But while thus expressing my devotion to those principles I can not too strongly express myself against the manner in which they have been brought in issue here on this occasion. The issue is made at a time, and under circumstances, which render it inevitable that we must fail, signally fail, in maintaining the great principles which it involves.

This issue is raised at a wrong time. We are more than half way through a session constitutionally limited to ninety days, and engaged with vast and various subjects, which can not be disposed of without long and most discursive debate.

I think the issue is raised in a wrong way. Practically, and by custom, the President of the United States holds the initiative of measures affecting foreign relations. The President now in the Executive House will go out in thirty days, and his sanction, even if we had it, would therefore be of no value. But even that sanction, such as it would be, is withheld—and I must confess rightly withheld. The people have elected a new President, who is just ready to enter on administration, and upon whom the responsibilities of the conduct of foreign relations, for four years at least, must rest. Not only do we not know what his opinions on this question are, but our action would anticipate the publication of those opinions, and embarrass—is it too strong an expression to say, fatally embarrass—the incoming administration.—*Seward's Works*, volume III, page 61.

For one I am free to say that the views of Mr. Seward meet with my entire concurrence, and I think this House should act upon this view, and if the Mexican treaty came within the range of this doctrine I should cease to advocate its approval at this time. But there is no analogy in this respect between the Mexican treaty and the other treaties under consideration. The Mexican treaty was made on the 20th of

January, 1883, fully two years ago. The treaty was ratified by the Senate and by Mexico, and was reported favorably to the House for its approval before the recent Presidential conventions were held, and of course before the nomination and election of Cleveland. It is therefore absolutely free from the objection that in any respect it would tie the hands of the incoming President, for it was made and ratified by an administration in the regular course of its duties, and long in advance of the knowledge that there would be any change of administration whatever. The first objection therefore, it seems to me, is absolutely disposed of.

CONSTITUTIONAL OBJECTION.

The second objection to commercial treaties, that they infringe upon the constitutional rights of Congress to regulate commerce and of this House to initiate revenue measures, is one of a far more serious character. Recently in the Senate the doctrine has been advanced, so far as I know for the first time, that there is no constitutional power residing anywhere to make commercial treaties of any kind whatever. I shall leave the discussion of this question to gentlemen who profess to be learned in the Constitution, contenting myself with the observation that when this Government was formed it found three commercial treaties in existence which it recognized; that the administration of Washington proceeded to negotiate commercial treaties, and did negotiate the Jay treaty, which was approved by the House of Representatives; that every administration from the time of Washington to the time of Arthur has either negotiated, or attempted to negotiate, commercial treaties, and that no statesman of any standing has ever questioned the validity of such treaties. A distinguished Senator has indeed cited the great authority of Daniel Webster in opposition to treaties of reciprocity, but he gave no reference for his authority except that of a brother Senator, who, in his turn, did not state where the declaration was to be found. The language alleged to have been used by Webster is certainly peculiar. He is quoted as saying:

I hope I know the Constitution of my country better than to think a reciprocity treaty is constitutional.

I have searched the works of Daniel Webster in vain for this statement. So far from my finding it, I discover recommendations made by Mr. Webster, when Secretary of State, in favor of separate commercial treaties with the Hanse Towns, and the recommendation is based distinctly upon the ground that we may thus secure larger markets for our cotton, sugar, tobacco, and rice. There is the most distinct recognition of the right to make such treaties, the question only of expediency being submitted to the President. He says, in conclusion:

Such being the general nature of the association (Zollverein) and such our commercial intercourse with it, it becomes a matter of interest to consider how far our relations with its several members might be beneficially extended; and if it be thought advisable to enter into commercial treaties with them, or any of them, it will remain to be determined whether powers for such a purpose should be conferred upon the minister of the United States at Berlin, or some other diplomatic agency adopted, the general object being to seek the means of enlarging the consumption of the staples of the United States in Germany and of securing all practical benefit to their navigation.

But, if it be alleged that Webster drew a distinction between commercial treaties and treaties of reciprocity, and regarded the latter as unconstitutional, then the language of his speech made at Albany in 1844 would seem to determine what his views were beyond all question. He says:

We hear much of reciprocity, and I take the rule upon this subject to be well laid down by a distinguished gentleman from another section of the United States (Hon. Mr. Berrien, of Georgia) whom you will probably have the pleasure of hearing when I shall have relieved your patience, that reciprocity is a matter to be secured with foreign nations when it is evidently a true reciprocity, but I have yet to learn from some new dictionary that a system of reciprocity is a system with advantages only on one side. I am for reciprocity treaties—no, I will not say treaties, but arrangements, for the whole power over the subject lies with Congress and not with the treaty-making power. But I am for a real reciprocity; not such as was provided by the treaty arrangement lately negotiated, and which the Senate, greatly to their honor in my judgment, rejected. * * * It will, in my judgment, be one of the first duties of the new administration, if we get one, to revise the whole of that matter, to take care that we protect ourselves, and not to rely on the good-will of our national competitors.

Here is the most explicit declaration possible in favor not only of treaties of reciprocity, but of commercial conventions.

Again, in the letter which Mr. Cushing was to deliver to the Emperor of China, Mr. Webster uses the following language:

The Chinese love to trade with our people and to sell them tea and silk, for which our people pay silver and sometimes other articles. But if the Chinese and the Americans will trade, there should be rules, so that they shall not break your laws, nor our laws. Our minister, Caleb Cushing, is authorized to make a treaty to regulate trade. Let it be just. Let there be no unfair advantage on either side.

An extract from the speech of Mr. Webster, delivered in the Senate in 1846, in defense of the treaty of Washington, has been given in the newspapers as the authority for the statement that Mr. Webster held commercial treaties to be unconstitutional. But there is no warrant for any such conclusion. He merely reaffirmed his old position that the Executive and Senate alone cannot make such treaties, or arrangements, as he prefers to call them. He holds that they must have the concurrence of Congress. But even to this position he admits that there may be exceptions. His language is as follows:

It is true a treaty is the law of the land. But, then, as the whole business of revenue and general provision for all the wants of the country is undoubtedly a very peculiar business of the House of Representatives or of Congress, I am of opinion, and always have been, that there should be no encroachment upon it by the exercise of the treaty-making power, unless in case of great and evident necessity. There have been some cases of necessity, like that of the convention with France for the acquisition of Louisiana.

So far, then, as Webster is concerned there is no denial of the constitutional power to make commercial treaties or arrangements. He expressly affirms the power, but declares that it can not be exercised without the concurrence of Congress.

But it will be observed that Mr. Webster takes the ground that commercial treaties are subject to the superior action of Congress. He dissents from the view that they may be made by the President and Senate independently of the concurrent action of the House. In this respect he seems to stand upon the positions of the report made by the Committee on Foreign Affairs in the Twenty-eighth Congress, when the Wheaton treaty was under consideration, and finally rejected by the Senate. The language of this report was only partially quoted in the speech made by Senator MORRILL. I therefore give it in full, in order that the House may not be misled by the imperfect extract which has lately been reproduced in the Senate:

In the judgment of the committee, the Legislature is the department of Government by which commerce should be regulated and laws of revenue passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it, in terms, to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is, indisputably, that the control of trade and the function of taxing belong, without abridgment or participation, to Congress.

They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods, and of all parties and opinions. They think, too, that, as the general rule, the Representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly; may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes or rejects, than is within the competence of the executive department of the Government.

To follow, not to lead; to fulfill, not to ordain the law; to carry into effect by negotiations with foreign governments the legislative will, when it has been announced, upon the great subjects of trade and revenue; not to interfere with controlling influence, not to go forward with an ambitious enterprise. That seems to the committee to be the appropriate functions of the Executive.

Holding this to be the general rule upon the subject, the committee discern nothing in the object to be attained or in the difficulties in the way of attaining which should induce a departure from the rule. If Congress think the proposed arrangement a beneficial one, it is quite easy to pass a law which shall impose the rates of duty contemplated by it, to take effect when satisfactory information is conveyed to the President that the stipulated equivalents are properly secured.

If this view of the Constitution be accepted as correct, and it certainly received the approbation of a Senate of which were members Calhoun, Crittenden, Berrien, Badger, Corwin, Dix, Hamlin, Mangum, Bell, Davis of Mississippi, Mason of Virginia, and Johnson of Maryland, then it only remains to show that the Mexican treaty in its origin and negotiation and ratification follows the precise rule laid down in this report. The Executive did not originate this treaty, but it had its origin in the House of Representatives by a provision contained in the sundry civil bill passed August 7, 1882, which appropriated the sum of $20,000 for the payment of the expenses of a commission to negotiate the very treaty under consideration. The right of Congress to enact this legislation is found in the clause of the Constitution which confides to it the regulation of commerce. The duty of the President was thus pointed out to him, and in accordance with the will of Congress he appointed the commission, and the commission negotiated the treaty now awaiting the approval of this House.

It may indeed be said that the approval of the House is not necessary for a treaty thus negotiated. I do not propose to discuss this question. It is obvious that the President and Senate either have the right, or they have not the right, to proceed without the concurrent action of the House. If they have the right, then the treaty is a law to-day. If they have not the right, then the approval of the House is necessary to give effect to the treaty. If the House should give its approval when there is no real necessity for it, it is simply an act of supererogation which can neither add to nor take away anything from the force of the treaty. But let it be observed that from the time of the Jay treaty down to the present time the approval of the House has always been sought for treaties which affect the revenue.

The question therefore would seem to be foreclosed by precedents of the highest character and as venerable as the Government itself. The discussion may have some interest for metaphysical minds, and I shall not be disposed to question the right of any gentleman to show his skill in dialectics and in splitting hairs, but to the practical mind of the country it is a foregone conclusion that the approval of commercial treaties by the House is both necessary and desirable. If in addition to its approval its origination in the House be contended for, as it has been by every eminent authority, then the treaty under consideration comes within the rule; and, so far as I know, is the first commercial treaty that ever has had its origin in the House under the clause which confides to Congress the regulation of commerce. So far as this argument goes, therefore, the distinction between the Mexican treaty and the other ordinary treaties is thoroughly well defined.

REVENUE REFORM.

Lastly, it has been objected to the recent treaties that they will interfere with the revenue to such an extent as either to compel a hasty tariff revision or to postpone it indefinitely. I think it will not be questioned by the advocates of these new treaties that the change in the provisions of law relating to sugar will cause an immediate loss of revenue amounting to nearly $30,000,000. Moreover when it is objected to the Spanish treaty that it will transfer twenty-five or thirty millions of dollars from the Treasury of the United States to the treasury of Spain, the answer is given that the other treaties now under negotiation will make the supply of free sugar so large that the price will be reduced by the whole amount of duty remitted. If this be true, the loss of revenue will be fully $50,000,000. If the Nicaragua treaty should be ratified, there will be an additional demand upon the treasury for $4,000,000 to be loaned to Nicaragua, and for all the expense required for the construction of the canal. I think therefore it may be safely asserted that these treaties will seriously embarrass the revenue policy of the next administration.

The Secretary of the Treasury in his recent report estimates that the fiscal year ending June 30, 1885, will show a surplus of about $39,000,000, and about the same amount for the year ending June 30, 1886. But this surplus is subject to large reductions by proposed expenditures for the creation of a new navy, and the falling off in the receipts from customs has already made a serious inroad upon the estimated surplus. One of the best authorities on the subject of our finances, Mr. David A. Wells, has recently published a statement showing that there will be an available surplus of more than $11,000,000 for the year ending 1885-'86. The ratification of the proposed treaties therefore would leave a deficiency, according to the Secretary's estimates, of more than $10,000,000, and according to that of Mr. Wells and of other judicious financiers of more than $40,000,000. This result is certainly not the entertainment to which the new administration was invited when it was pledged by the Chicago platform to reduce the surplus and relieve the people from taxation.

The former result will indeed have been achieved by the loss of the duties upon sugar, but the question as to where the reduction ought to be made, whether upon food or clothing or the tools of trade and commerce, will be foreclosed, so that the very first act of the new administration would be, necessarily, to borrow money in order to meet the obligations of the Government. For one I am not prepared thus to embarrass the new administration. The consequences, internal and external, would be of the most serious character. The first session of the next Congress would be the scene of contention as to the means of carrying on the Government, in which all reasonable and judicious measures looking to the relief of raw materials from duty necessary in order to get any advantage out of the proposed treaties would be rendered impossible. We should thus lose all the valuable fruits of our negotiations, and will have substituted for a condition of comparative financial ease one of distress and embarrassment, which would only intensify the depression of business and the sufferings of the people.

But to this obvious objection the Mexican treaty is not open. Its ratification will reduce the revenue of the United States as estimated by the Bureau of Statistics by the sum of $89,658.59. The treaty therefore will not practically interfere with the current revenues of the country, and is thus entirely relieved from what would seem to be a fatal objection to the present ratification of the other treaties.

To show in convenient form the comparative concessions conceded by the two countries in the treaty under discussion I give the following:

Duties conceded by United States.			Duties conceded by Mexico.		
(5) 25	Sugar	$75,000	(60) 52	Petroleum	$472,045
(16) 10	Henequen, &c	48,207	(26) 15	Carriages, &c	175,000
(20) 15	Istle	32,500	(35) 66	Tools, &c	25,000
(28) 25	Tobacco, leaf	18,487	(44) 62	Sewing-machines	15,000
(15) 8	Fruits	4,000	(45) 40	Machines, &c	12,500
	All others	881	(13) 58	Stoves	9,000
			(51) 44	Naphtha	6,500
			(63) 14	Clocks	5,000
			(71) 68	Vegetables	4,000
			(59) 51	Crude petroleum	3,935
			(43) 61	Steam-engines	2,500
			(29) 21	Fruits	2,500
				All others	9,731
	Total	179,075		Total	742,351
	Difference in favor of United States (U. S. coin)	489,041		Reduced to United States coin at 90c	668,116

WARNER P. SUTTON,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Matamoras, August 11, 1883.

THE MEXICAN TREATY FREE FROM OBJECTION.

The Mexican treaty, therefore, being relieved from all the objections which have been urged against the more recent treaties, is not to be judged by the considerations applicable to them, but is to stand upon its own merits, and to be approved or rejected upon the sole consideration as to whether it is advantageous or not to this country when considered in its details and with reference to the larger issues which it presents, looking to the development of trade and more intimate relations between the two sister republics of the North American continent. Let us consider, then, the main objections which have been made against this treaty. So far as I may be able to ascertain, they may be summed up under four heads:

First. The theoretical objection that commercial treaties can not be defended on sound economical doctrines. In other words, that there should be no commercial treaties whatever between this country and other countries.

Second. That the growth of sugar in this country will be interfered with.

Third. That the provisions of the treaty will work injury to the tobacco interest.

Fourth. That the treaty does not secure free admission for our cotton fabrics into Mexico.

JEFFERSON'S VIEWS.

Let us consider these objections in order. I concede the theoretical objection to commercial treaties. It has nowhere been better stated than by Jefferson in his great report, made in 1793, upon the privileges and restrictions on the commerce of the United States in foreign countries. After enumerating these restrictions he says:

The question is in what way they may best be removed, modified, or counteracted. As to commerce, two methods occur: First, by friendly arrangements with the several nations with whom these restrictions exist; or, second, by the separate act of our own Legislatures for countervailing their effects.

There can be no doubt but that, of these two, friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness, the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified in that particular by mutual and equivalent measures, preserving it entire in all others.

It is impossible in language to give a clearer expression to the policy of universal free trade, which Jefferson saw was hopeless in his day, as it is hopeless in this. He therefore comes down to the policy of commercial treaties looking to reciprocal free trade between such nations as would join with us in making the necessary arrangements. In other words, he regarded commercial treaties as the initial step toward wider freedom of commerce. So far from condemning commercial treaties he advocates them, but always with the object of arriving at freedom and not at restriction. In other words, commercial treaties which remove obstructions to trade and break down barriers to commerce are to be sought for, but commercial treaties looking to the creation of new obstacles, or of special advantages in favor of the nations entering upon them, are to be reprobated.

In this respect the treaty under consideration conforms to the theoretical principles laid down by Jefferson, and I may add concurred in by all the advocates of free trade throughout the world. Even Cobden negotiated the French commercial treaty, and I take it that no one will question his devotion to theoretical principles. The fundamental condition in such treaties is that no advantage shall be sought after by either of the nations entering into such engagements which are not freely offered to all the world, if other nations are disposed to make the same engagements. The Mexican treaty fulfills this theoretical condition. So far as it provides for exchanges it makes no attempt to provide for a scale of duties, but the articles listed are made *absolutely free as between two countries*. The range of these articles is indeed narrow. I wish that it could have been extended so as to include all the productions of both countries, but so far as it goes it is a step in the right direction, which will inevitably lead to the further liberation of commerce between the two republics.

In another respect it is admirable. It does not seek to confine these privileges to the United States and Mexico. Both the contracting parties are left free to make similar arrangements with other countries, and it is a matter of congratulation that Mexico has already entered into similar arrangements with Germany and England. It is idle to expect that we can make sharp bargains by which we are to monopolize the commerce of any of our sister republics. Such bargains would fail, because they would be one-sided. We can not expect our neighbors to grant a monopoly of trade which will be profitable to us and costly to them. We can hope, however, to begin a system of free exchanges for our respective products which will be profitable to both, and thus perhaps lay the foundations, as Jefferson hoped to do, of a system by which free trade will spread over the universe, subject only to such taxation as may be necessary for the support of government.

POLICY OF JOHN QUINCY ADAMS.

Let it not be supposed that this policy is a new one, or that it has been forgotten from the time of Jefferson to the present day. When the Spanish colonies threw off the yoke of the mother country Monroe was President and Adams was Secretary of State. Their first act, after the recognition of the revolting colonies, was to send a minister to the new

governments charged with the duty of negotiating treaties of commerce and navigation with the new republics. Mr. Adams prepared an elaborate letter of instructions for the guidance of Mr. Anderson, in which the fundamental principle laid down was, that treaties of commerce and navigation should be "founded upon the basis of reciprocal utility and perfect equality." The language of Mr. Adams is so forcible and complete in stating the policy of this country that I deem it best to give it in full:

The only object which we shall have much at heart in the negotiation will be the sanction by solemn compact of the broad and liberal principles of independence, equal favors, reciprocity. With this view I recommend to your particular attention the preamble and first four articles of the first treaty of amity and commerce between the United States and France, concluded on the 6th of February, 1778. The preamble is believed to be the first instance on the diplomatic record of nations upon which the true principles of all fair commercial negotiation between independent states were laid down and proclaimed to the world. That preamble was to the foundation of our commercial intercourse with the rest of mankind what the Declaration of Independence was to that of our internal Government.

The two instruments were parts of one and the same system, matured by long and anxious deliberation of the founders of this Union in the ever-memorable Congress of 1776; and as the Declaration of Independence was the fountain of all our municipal institutions, the preamble to the treaty with France laid the corner-stone for all our subsequent transactions of intercourse with foreign nations. Its principles should be, therefore, deeply impressed upon the mind of every statesman and negotiator of this Union, and the first four articles of the treaty with France contain the practical exposition of those principles which may serve as models for insertion in the projected treaty, or in any other that we may hereafter negotiate with any of the rising republics of the south.

There is indeed a principle of still more expansive liberality which may be assumed as the basis of commercial intercourse between nation and nation. It is that of placing the foreigner, in regard to all objects of navigation and commerce, upon a footing of equal favor with the native citizen, and to that end of abolishing all discriminating duties and charges whatsoever. This principle is altogether congenial to the spirit of our institutions, and the main obstacle to its adoption consists in this: that the fairness of its operation depends upon its being admitted universally. For, while two maritime and commercial nations should bind themselves to it as a compact operative only between them, a third power might avail itself of its own restrictive and discriminating regulations to secure advantages to its own people at the expense of both the parties to the treaty. The United States have nevertheless made considerable advances in their proposals to other nations toward the general establishment of this most liberal of principles of commercial intercourse.

In all your consultations with the Government to which you will be accredited, bearing upon its political relations with this Union, your unvarying standard will be the spirit of independence and of freedom, as equality of rights and favors will be that of its commercial relations. The emancipation of the South American continent opens to the whole race of man prospects of futurity, in which this Union will be called, in the discharge of its duties to itself and to unnumbered ages of posterity, to take a conspicuous and leading part. It involves all that is precious in hope, and all that is desirable in existence, to the countless millions of our fellow-creatures, which, in the progressive revolution of time, this hemisphere is destined to rear and to maintain.

Mr. Clay, who succeeded Mr. Adams as Secretary of State, quotes the same instructions in his letter to Mr. Poinsett, who was charged with the negotiation of a treaty of commerce with Mexico. Mr. Van Buren, while he was Secretary of State, gives an elaborate history of the failure of the attempt to negotiate a satisfactory treaty of commerce with Mexico, and complains bitterly of the obstacles which had been interposed by Mexico to the final completion of such a treaty. Mr. Seward, during his troubled tenure of office, put himself upon record over and over again in favor of the same policy, and Webster's views on this subject are too well known to need repetition.

COMMERCIAL UNION BETWEEN MEXICO AND THE UNITED STATES.

At length a treaty, very limited indeed in its scope, but nevertheless embodying the fundamental principles thus enunciated by the greatest statesmen whom this country has produced, has been negotiated, and that, too, for the first time in our diplomatic history with any country. It proceeds upon a totally different idea from the reciprocity treaty with Canada. So far as it goes, it regards Mexico and the United States as integral parts of one commercial system. It proposes free-lists, not dutiable lists. It is an attempt to establish between the two countries the same condition of affairs that exists between the several States of the Union. It is to be regretted that it does not go further, that its range is limited; but it is the first step, and this step is in the direction of absolute freedom of exchange. I trust that this policy will not be departed from, that no attempts will be made to arrange dutiable lists as has been in the Spanish treaty, but that year by year we shall add to the free-list all articles subject to exchange between the countries, and thus gradually approach the time when there will be complete commercial equality between the two countries, while their political government shall be kept separate.

Aside from the general advantage of unrestricted commercial intercourse, there are between Mexico and the United States special reasons why no barrier should exist to interfere with their commerce. The two countries are the complements of each other geographically and physically. Between them they control the shores of the greatest inland sea known to the world. Together they produce almost every article known to the commerce of the world; they embrace every variety of climate; and to-day they are the great source of the precious metals which furnish the basis of the commercial transactions of the world. They alone represent the true idea of free government. They came into existence under very dissimilar circumstances—circumstances as favorable to us as they were unfavorable to Mexico. In their respective constitutions each embodied a fundamental error.

We incorporated slavery into our system; Mexico incorporated the church into its system. Whatever we have suffered has been due to these primary errors, and it is a suggestive fact, as stated by Senator Morgan, that these constitutional defects were eliminated at about the same time. Slavery perished with the rebellion, and the church ended its domination with the expulsion of Maximilian. Mexico is not to be judged by the same standard as the United States. For the first time in its history it has reached a period when social and physical development is possible. It has seized upon the opportunity with marvelous avidity, and our citizens have availed themselves of the opportunity with equal alacrity. More than 2,500 miles of railway have been constructed in Mexico by the aid of American capital. The connections between the two countries are now opened and will be largely increased during the next five years. Commerce is ready to take advantage of the new opportunities for exchange. The two countries supplement each other in their productions. Mexico produces many of the raw materials which we need, and we produce the manufactured products for which a nascent civilization affords an opening market.

How shall we begin? We can not expect that the prejudices of a hundred years will disappear in a day. We can not hope that antipathies of a generation will be overcome in an hour. We can not suppose that the ignorance due to a century of oppression will develop into the civilization which is the fruit of ages of effort. That Mexico is ready to open her gates to our highways and to offer us free exchange in any commodities is as surprising as it is creditable to her intelligence. That we should hesitate to take advantage of this enlargement of the area of freedom and of this new field for the exercise of our energies and the disposition of our products is simply to declare ourselves guilty of the stupidity and prejudices which we have been in the habit of charging upon others. I do not contemplate the possibility of such a result, but it would justly bring down upon us the ridicule of the civilized world.

LOUISIANA AND SUGAR.

And yet we are told that the treaty should be rejected because the sugar interest in Louisiana will be disastrously affected. I confess to considerable hesitation in dealing with this objection. Louisiana is a State in this Union very dear to the American heart. She perpetuates the memory of the wisest transaction in our history, in itself an answer to all criticisms upon the extent of the treaty-making power of the President and the Senate. Louisiana is a State which has suffered much, and the Democratic heart has gone out to her in many ways in love and sympathy. When she has been flooded we have not hesitated to open the Treasury to her relief. We are now engaged in an expenditure which will run up into the hundreds of millions of dollars for her protection against the ravages of the great river of the West. We have recently advanced from the Treasury of the United States a large sum of money to enable her to inaugurate an exhibition which is regarded as international, and in which Mexico, as chiefest of our neighbors, has been invited to take part.

To this invitation Mexico has responded with a liberality out of all proportion to her present means. We learn from the newspapers that the Mexican exhibits and the Mexican buildings and the Mexican band are the main attractions of the exhibition; and when the Representatives and the Senators of Louisiana asked us to come to her help, the principal argument which they offered was the enlargement of our business transactions and relations with the neighboring countries of Mexico and the South American republics. And now, when for the first time the door is opened for such transactions, Louisiana stands and forbids the bans. Upon what grounds does this protest rest? Surely not upon the ground that Mexico produces to-day even sugar enough for her own consumption. Surely not upon the ground that we are importing from Mexico any sugar which can interfere with the growth of Louisiana. The whole value of our imports of sugar from that country does not exceed $25,000 per annum. Is it upon the ground of growth of future competition?

Then we are driven to consider what justification Louisiana has for asking the people of this country to shut down the gates of commerce against our neighbors in order that Louisiana may profit and her people may grow rich at the expense of the other States of this Union. For let it be understood that the consumption of sugar in the United States has now reached such an amount that its value is equal to the whole value of the wheat flour consumed by the people of this country. If the proposition were made seriously to tax the flour of the country for the benefit of any State which produces that article the absurdity of such a suggestion would be apparent. Now, Louisiana has been a sugar-producing country from the time she first came into the Union. At one time she produced as high as 60 per cent. of the whole consumption. This production has, however, steadily diminished, until during the present year it is estimated that the production will not exceed 9.52 per cent. of the whole amount consumed.

The business is notoriously unprofitable and on the decline. Even of the small quantity now produced by Louisiana the quantity that could possibly come in from Mexico would be an inappreciable percentage, and yet Louisiana is willing to play the part of the dog in the manger, and prevent the achievement of the great benefits which will come from free commercial relations with Mexico, although no measurable damage can by any possibility be done to her by the provisions

of this treaty. Let us contrast the position of her Representatives with that of her eloquent Senator, who in 1879 uttered the following language on this floor:

The highest statesmanship is that which brings the nations of the earth into a closer and a more intimate friendly communication, which shall enable the people of our country to exchange the products of their labor with the least possible expense and delay for the commodities of other nations. Exchange is wealth, but there are political as well as economical considerations that should induce us to seek a close alliance with the people of Mexico. They are our neighbors. They constitute a sister republic. We can not remain indifferent or disinterested spectators of their fortunes or of the destiny of the 9,000,000 people whose possessions adjoin our borders for more than 2,000 miles.

I respectfully suggest that the Representatives of Louisiana on this floor shall adjust the account with the representative of Louisiana in the Senate.

In response to his eloquent appeal the House passed the following joint resolution, which received the votes of a large majority of the Representatives of the Southern States:

Joint resolution providing for a treaty with the Republic of Mexico.

Whereas it is the desire and wish of the Government and people of the United States of America to maintain the most amicable relations with the Republic of Mexico, as exemplified and set forth by the twenty-first and twenty-second articles of the treaty of Guadalupe-Hidalgo, of February 2, 1848, and reaffirmed by article 7 of the Gadsden treaty of December 30, 1853; and

Whereas it is believed to be manifestly to the interests of the peoples of both Governments to extend and increase, by all proper means, the exchange of products, and to facilitate and foster the most liberal commercial relations between the peoples of the two Governments; and

Whereas many citizens of the United States have invested their capital, and others are desirous of investing, in the Republic of Mexico, in mining, the construction of railroads, banking, farming, stock-raising, and merchandising, and in other enterprises, and in this view, with the purpose of increasing said investments, which are believed to be mutually beneficial to the peoples of both Governments, a treaty is deemed necessary; and

Whereas the territory known as the "Free Zone," on the Mexican border, has been the source from which violations of treaty stipulations, avoidance of tariff duties, and other irregularities have proceeded, and to maintain proper commercial and friendly relations between the two countries this Free Zone, or "Zona Libre," should be abolished; and

Whereas the present extradition treaty between the two countries has proved inadequate for the purposes for which it was made and entered into, and, with a view to the prompt rendition and punishment of fugitives from justice, further and more stringent treaty stipulations in this regard are necessary; and

Whereas citizens of either government residing in the other should be exempted from forced loans and illegal and onerous taxation or exactions: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to open diplomatic correspondence with the Government of the Republic of Mexico, with the view to enter into further treaty negotiations with said Government for the purposes indicated in the foregoing preambles; and that if, in his opinion, this object can be best accomplished by the appointment of one or more commissioners, not to exceed three, that he be requested to make such appointment; and the compensation of each of such commissioners so appointed shall not exceed $5,000, in addition to necessary expenses, to be allowed by the Secretary of State.

THE NEW SOUTH.

That objection to this treaty should come from the South is a marvel which can only be explained by ignorance of the resources for industrial activity with which that portion of the Union is endowed. The proximity of iron and coal along the great valley which skirts the Appalachian range from Virginia to Alabama will make that region in the future, when America shall be as densely populated as Europe now is, what England is to the commerce of the world. The concentration of capital and industry in the Gulf States will be the wonder of the world. The vast plateau of Mexico will be the reservoir into which their products will be poured, and he is the wisest statesman and the truest friend of the South, ravaged and destroyed as it has been by the fierce tide of war, who recognizes its destiny and makes provision in season for the markets which she will need when her industry reaches its normal development. Already the work is begun. Last year 1,865 new industrial establishments were founded in the South, with an aggregate capital of over $100,000,000; and yet last year was a time of general depression. But the ability of the South to grow and prosper when other sections of the land were forced to contract industrial operations has demonstrated her ability to compete with the world, if she can get access to the markets which are watered by the same seas as wash the shores of the Gulf of Mexico.

The steam-power of Great Britain is about one-third of the total power of the world employed in industrial pursuits. To-day the single state of Alabama is in advance of the productive power of Great Britain at the time when this Union was formed ninety-six years ago. In less than one hundred years the South will not only show a development equal to that of Great Britain, but with wise legislation she will produce more coal and iron, spin more cotton, wool, and silk, and compete successfully with the great mistress of commerce in the open market of the world. And yet there are gentlemen who oppose the initial steps necessary to secure this great result.

TOBACCO.

Another objection is alleged that Mexico can produce tobacco in such quantities and of such qualities as will interfere seriously with the tobacco interest of the United States. Among my constituents are the largest consumers and manufacturers of tobacco in the United States. Their interest in this question induced me to ask the question of the leading house as to the effect of the treaty upon our interest in this regard. The answer which I have received I shall give in full, as being conclusive upon this point, and made under circumstances so unusual, and showing such an intelligent desire to get at the truth, that I think it may be said to dispose of the whole objection, and to show conclusively that we have nothing to fear, so far as our tobacco is concerned, from the competition with Mexico.

OFFICE OF STRAITON & STORM,
NOS. 204, 206, AND 208 EAST TWENTY-SEVENTH STREET,
New York, December 12, 1884.

DEAR SIR: Your valued favor of 9th instant received.

In answer to the question whether the "free importation of Mexican tobacco will have any injurious effect upon the producer of domestic tobacco," I would say that two years ago, when the Mexican treaty was under consideration, and with the knowledge that under it Mexican tobacco would be admitted free into the United States, I made a trip in the interest of my firm to Mexico, and employed a gentleman to accompany me who had previously been engaged in the tobacco business in that country and a long resident of the same and thoroughly familiar with all the things pertaining to the subject.

After a careful investigation of the various tobaccos the product of Mexico, the use they made of the same, and the value they attached to it, I came to the following conclusions:

That in point of excellency and its usefulness it will not compare favorably with the tobaccos in the United States.

In its general character, the better portions of it resembled somewhat the tobaccos formerly raised in the State of Florida in appearance, which, like the Mexican tobacco, resembled in appearance the very inferior tobaccos grown on the Island of Cuba, and the aroma from which a cigar derived its excellency is entirely wanting in the Mexican tobacco, and the value claimed for it about threefold that which a superior tobacco in the United States would sell for, and probably not more than 25 per cent. of all the tobacco raised is fit for cigar purposes, in the general sense of the term.

The prices which ruled for the better portion was based upon the use that could be made of it in Mexico, which could scarcely be called legitimate. I made it my business to examine carefully into the manufacturing of cigars at Vera Cruz, which is the headquarters, and found that all the factories, without a single exception, were engaged in a close imitation of the Havana brands and styles, and thanks to the imported stamp which our Government thinks it wise to put on every box of imported cigars, they found a ready market for a time for their production in the United States.

The process is a very simple one. The "Alexandre" steamers that leave Vera Cruz weekly for New York, and stop at Havana on their way, would take on board a quantity of cigars that were in general appearance, brand, style, &c., a close imitation, as already stated, of the favorite brands in Havana. The same steamer would take on board at Havana another shipment of cigars. Both of these shipments would reach New York, be entered at the custom-house, and without actually smoking them it would take an expert to tell the genuine from the counterfeit.

The Mexican cigars could be and were sold profitably for not less than 25 per cent. lower than the genuine Havana cigars, and by this process the public was imposed upon with the assistance of the United States Government, and the reputation of the Havana manufacturers very much injured.

I came to the conclusion that whatever the future might accomplish in the way of improving the Mexican tobacco, it would be a great many years to come before there would be any likelihood of its being imported in the United States, inasmuch as our own product is decidedly superior in actual merit and at one-third of the cost. The best tobacco for cigar purposes in the United States could be profitably raised at a price to the farmer of from 10 cents to 15 cents per pound and net the raiser from $100 to $150 per acre, and the Mexican tobacco suitable for cigar purposes, even in their present depressed state of trade, will cost from 25 cents to 50 cents per pound to the farmer.

After a lapse of twenty months since my examination, and, misled by the various opinions favorable to the Mexican tobacco and the repeated assertions that there were tobaccos grown there far superior to anything that could be produced in the United States, my firm engaged the services of the gentleman who had accompanied me on the first trip to proceed to Mexico and make a further investigation of all the tobacco grown there in the various localities, and after a diligent examination of three months and forwarding us samples from the various points and our examination of the same at this end, my first impressions have been fully confirmed, and my firm has come to the conclusion that there is nothing in Mexican tobacco that can be advantageously and profitably used in the United States.

As an evidence of the earnestness in the pursuit of knowledge on this subject we inclose you copy of a letter, entire, to the gentleman acting for us, under date of November 10, 1884.

If I have erred in my conclusions as to this Mexican business, you will please attribute it to want of judgment, for I have certainly spared no pains to make a thorough investigation.

Believe me, dear sir, yours, very respectfully,

GEORGE STORM.

Hon. ABRAM S. HEWITT, M. C.,
Washington, D. C.

COTTON MANUFACTURES.

The last objection urged against the treaty is that it does not admit our cotton goods to free entry into Mexico. This is a complaint that ought not to be made by those who believe in the protective doctrine, but it may properly come from the advocates of free trade. I have already said that the treaty is open to the criticism of not having range enough, and that it can only be defended in that it is good as far as it goes. I wish it had gone further. The Mexican people clothe themselves in cotton goods. As yet they are largely home-made, but there are many cotton factories in Mexico. We are to-day exporters of cotton to that country. Our cotton goes in free, and if we do not sell the goods, as we would be glad to do, we do at least sell the raw material. If the latter had been made free, the Mexican cotton factories would have been ruined.

In the Democratic platform we lay down the distinct doctrine that changes in the tariff which we hope to make should be regardful of existing interests. Surely it does not lie in our mouths to criticise Mexico for taking reasonable care of interests which have been built up by protective duties. But on what theory shall we refuse to accept acknowledged benefits in the free introduction of many of our manufactures into Mexico because we can not get free admission for all? Progress is not revolution. So long as we get an entering-wedge we ought to be satisfied, and trust to the demonstration which even the restricted free ex-

changes we are able to make will furnish that a larger area of commercial freedom will be desirable to both countries.

THE PROSPECTS OF GROWTH.

Having thus disposed of the objections which have been urged to the ratification of this treaty, we naturally come to the consideration of the advantages which the two countries may hope to derive from the increased facilities for intercourse made possible by this convention. The trade of Mexico is not at present very large. The total value of its exports and imports for the year 1884 was about $92,000,000, but the share of this business which came to the United States amounted to about $22,000,000, not quite one-fourth of the whole amount. The division of this trade, which shows that we sold $12,700,000 to Mexico and took from her about $9,000,000, is very favorable to the United States. What is remarkable is the rapid increase of sales since the railways were begun, without any material change in the amount of imports from Mexico during the same period.

In 1880 we sold Mexico $7,800,000 worth of goods, and purchased $7,200,000 worth; and in 1881 we sold Mexico $11,000,000, and purchased $8,000,000; in 1882 we sold Mexico $15,500,000 and purchased $8,500,000; in 1883 we sold Mexico $16,500,000 and purchased $8,000,000; in 1884 we appear to have sold Mexico a little under $13,000,000 and to have purchased $9,000,000, the temporary falling off in sales being due probably to the withholding of orders in anticipation of the ratification of the treaty under consideration. A comparison of these figures with the business done with the South American republics serves to prove that limited as our commercial operations are with Mexico, they nevertheless equal the sales of goods to Cuba and exceed the sales to any other of the Spanish-American nations, and the trade has the great merit, not shared in by these nations, that we sell to Mexico more than we buy. It is therefore a business to be cultivated.

As to its future growth it is difficult to assign limits, but I think it may be predicted that the same results which have followed the introduction of railways in other countries will come to pass in Mexico. It has been found that the effect of railways in Europe and the United States has been to increase the volume of business fivefold in the course of fifty years, and the ratio of increase is an accelerating one. If the same rule shall hold good in Mexico, the business of that country would amount to $500,000,000 at the expiration of half a century, of which the United States would undoubtedly control more than one-half and probably two-thirds. That this expectation is not unreasonable will be evident from the fact that the foreign commerce of Italy, whose territorial area is only one-sixth that of Mexico, now amounts to over $500,000,000 per annum. The natural advantages of Mexico, with reference to the Gulf of Mexico and its own resources in the way of precious metals and in its admirable climate, certainly give it prospects of growth never possessed by Italy even in its palmiest days.

I am aware that a large portion of the population of Mexico is composed of Indians, who are not yet consumers of luxuries, and who do not require the appliances of a high state of civilization; but the Indians of Mexico are peculiar, in the fact that they are patient, industrious, temperate, and, with proper social order, economical and saving. The blood of this race runs in the veins of men who have contributed most to its regeneration—such as the great revolutionary leader Morelos, and the patriot Juarez, who overthrew Maximilian and restored the liberty of his country. The capacity of this race for social and industrial development can not be doubted, and it is but a reasonable deduction from the high civilization which it had achieved before the invasion of Cortez and the orderly government which it had created and maintained, that under the favorable conditions now secured the Aztec race will rapidly develop in all the elements of modern social and intellectual life.

In fact, more evidence of possible development is furnished to-day in Mexico than existed in England five hundred years ago. Now that the sunlight of civilization is beginning to dawn upon her magnificent territory, and that the blessings of social order are for the first time possible of achievement, and that communication with an inventive, progressive, and commercial people is made easy, we may reasonably anticipate a very healthful and rapid progress in all directions, and a growth of wealth equal if not greater than that which the last half century has produced in this country.

Up to this time, curiously enough, Mexico has suffered from the same evil which made the confederation of our States a failure. The right to impose duties on interstate commerce, although forbidden by the constitution of 1857, has been exercised up to the present time. It is only within the last month, since the accession of Diaz, that this evil has been abolished. The treaty under consideration stipulates for the abolition of these dues as to the articles covered by the treaty itself, and to that extent the gain to our commerce would have been considerable. But the total abolition, which has since been secured, will make it possible for unrestricted commerce in all articles to be carried on between our territory and every portion of Mexico. Our own experience of the rapid development of the internal commerce of this country after the adoption of the Constitution will serve to indicate the beneficent results in the large extension of trade which must inevitably and rapidly follow this great reform.

EUROPEAN COLONIAL POLICY.

But unless we take every opportunity to cement our relations with Mexico, and to remove as rapidly as possible the barriers which interfere with our commerce, we are in danger of losing all the fruits of the enormous expenditure of capital which has made this commerce with Mexico possible. Heretofore England and Germany have supplied the greater portion of the goods required for Mexican consumption, and the business of that country is very largely in the hands of the citizens of those two countries. Now, it will not escape notice that there has broken out, all of a sudden, a great and even bitter rivalry between England and Germany for the establishment and control of colonial possessions in the eastern hemisphere.

The policy of Germany has been boldly announced by Bismarck. Annexation of new territory in Africa and New Guinea has already been made, and both England and Germany are evidently determined to monopolize, so far as they can, the foreign commerce of the world. But among the possibilities of future growth there is not to-day on the habitable globe an opportunity which presents so many attractions as that which Mexico offers in her new birth, in her natural resources, in her productions, and in the inevitable growth of population which must follow the introduction of new lines of railway communication. Who can doubt that England and Germany will be ready to compete for this great prize, and any neglect on our part to take advantage of our superior position and of the opening of these new avenues of trade will only result in turning over to our commercial rivals the business which we have rejected?

The prize would have been seized long since, and indeed it was attempted to be seized when Maximilian came to Mexico, but for one consideration. The Monroe doctrine, announced in 1823 and affirmed and reaffirmed by every statesman and by every Congress that has had to deal with the question, has been a standing warning to the nations of Europe to keep their hands off from the American continent. Heretofore no occasion has arisen, except the invasion of Mexico by Maximilian at a time when we were powerless, which required us to put this doctrine in force. Even in that time of our trouble we were concerned only with the political phase of the Monroe doctrine, which had laid down the principle that the European system of government should not be re-established upon this continent. Fortunately for us, Mexico was able out of its own patriotism and glorious spirit of heroic sacrifice to protect its independence against the designs of foreign powers and to relieve us from the inevitable conflict which must have followed the close of our war of the rebellion if the empire of Maximilian had not come to a disastrous end. But the doctrine still survives, and the events of the time warn us that we may have to put it into practical execution at all hazards and at every sacrifice.

THE MONROE DOCTRINE.

It may indeed happen that this very treaty will present the issue which will require us to assert that phase of the Monroe doctrine which in our day has attracted little or no attention, but which when the doctrine was announced was by far the more important element in its constitution. We are accustomed to regard this doctrine as purely political, and intended to protect the North and South American continents from the establishment of European political jurisdictions within their limits. Monroe declared that—

> The political system of the allied powers—
>
> Meaning the Holy Alliance—
>
> essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere, but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Further on he says:

> It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness. Nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments and their distance from each other, it must be obvious that we shall never subdue them. It is still the true policy of the United States to leave the parties to themselves in the hope that other powers will pursue the same course.

Now, it is obvious that this declaration related distinctly to the reported determination of the Holy Alliance to restore the revolted colonies of Spain and Portugal to their former dependent condition. There is not even a declaration that the United States will actively interfere to prevent the attempt, if made, but the allied powers are warned that any such attempt will be regarded as a manifestation of an unfriendly disposition toward the United States. The attempt was not made, and hence the issue was never presented as to whether the United States

would at that period have actively interfered with force of arms to assist the revolted colonies which had established independent governments. But when these republics proposed to hold a congress at Panama to consider measures looking to their mutual protection, John Quincy Adams, who was the Secretary of State under Monroe, and is now well known to have written that portion of Monroe's message which will give immortality to his name, had become President of the United States, and in the exercise of his constitutional power had appointed delegates to the Panama congress.

In his message to the Senate giving the reasons for this appointment, he clearly defines what was meant by the political portion of the Monroe doctrine as quoted above. He states that one of the objects to be attained at the congress would be:

> An agreement between all parties represented at the meeting that each will guard *by its own means* against the establishment of any future European colony within its borders may be found advisable. This was more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations that they may feel it as an essential appanage to their independence.

On this subject Mr. Benton says:

> The circumstances of the communication render it incredible that Mr. Adams could be deceived in his understanding, and according to him this Monroe doctrine (according to which it has been of late believed that the United States were to stand guard over the two Americas and repulse all intrusive colonies from their shores) was entirely confined to our own borders; that it was only proposed to get the other States of the New World to agree that, each for itself and by its own means, should guard its own territories. And secondly, that the United States, so far from extending gratuitous protection to the territories of other states, would neither give nor receive aid in any such enterprise, but that each should use its own means within its own borders for its own exemption from European colonial intrusion.

It will thus be seen that the political portion of the Monroe doctrine is confined to very narrow limits, and does not commit this country, unless of its own free will, to interfere even if an attempt shall be made on the part of any European power to overthrow the independence of any American government. But there still remains the warning that such an attempt would be regarded as a manifestation of an unfriendly spirit to the United States, and this warning we certainly ought to be as ready to renew to-day, when we are the richest and most powerful nation in the world, as we were to give it when we were comparatively feeble and without the ability to enforce our declarations.

THE ESSENCE OF THE MONROE DOCTRINE IS COMMERCIAL.

But this portion of the Monroe doctrine was then, as it is now, of minor consequence compared with the declaration contained in another portion of the message, where it is asserted "as a principle in which the rights and interests of the United States are involved that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as a subject for future colonization by any European powers." This declaration may be called the commercial portion of the Monroe doctrine and contains its real essence. It had reference to a condition of affairs which happily has now passed away, but which constituted the great trial and grievance of the early political life of this Government. This system grew out of the navigation acts of Great Britain, and of the peculiar policy of the Spanish and Portuguese Governments, by which the colonies of each were only permitted to trade with the mother countries respectively.

After we had achieved our independence we found ourselves without the right to trade with the colonies of Great Britain, except upon sufferance. The trade which had existed between the West Indies and the American colonies prior to the war of the Revolution was large and important, but as soon as we became an independent power we found ourselves subjected to all the limitations which applied to other sovereignties. The situation became intolerable; and what was known as the colonial system was so odious that from 1789 until 1825 the history of our Government is a perpetual struggle to emancipate its commerce from the fetters of the colonial system of other countries. It is the one grievance in regard to which all our statesmen of all parties agreed. It was the great object of our diplomacy to secure the right to trade with all the world and the establishment of the principle that free ships make free goods.

During the administration of Monroe, and that of Adams which followed, our relations with Great Britain, who had permitted us by orders in council to enjoy the West India trade, were greatly strained by the revocation of these orders and by the ruin which was thus brought upon our mercantile interests. Hence, the thing uppermost in the minds of our statesmen was that the nations of the American continent should be free for commerce not only with each other but with all the world. And this explains how it came to pass that European colonization on the American continents was an idea absolutely offensive to our statesmen, and finally led to the declaration that it would not henceforth be tolerated. This is clearly set forth by Mr. Adams in the following extract from the exposition of his motives for approving the Panama mission:

> The late President of the United States, in his message to Congress of the 2d December, 1823, while announcing the negotiation then pending with Russia relating to the Northwest coast of this continent, observed, that the occasion of the discussions to which that incident had given rise had been taken for asserting as a principle in which the rights and interests of the United States were involved, that the American continent by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization by any European power. The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive.
>
> With the exception of the existing European colonies, which it was in no wise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this their independent condition, the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp, to the exclusion of others, a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The Government of Russia has never disputed these positions, nor manifested the slightest dissatisfaction at their having been taken. Most of the new American republics have declared their entire assent to them; and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American governments.

If any European power were to-day to attempt a system of colonization upon this continent, as they are attempting it in Africa, I take it that this Government would insist upon the doctrines here laid down, and would resist the attempt even at the cannon's mouth.

But it is quite possible that an independent country, preserving its political autonomy, may, as a matter of fact, occupy the position of a colony so far as its trade and commerce are concerned. If we reject the Mexican treaty we practically reject the Monroe doctrine, by turning that country, with its great resources and possibilities of infinite development, over to England and Germany.

It is perfectly competent for the three governments to make treaties by which the trade of Mexico shall be practically restricted and the United States excluded from all participation therein. Nor could we complain of such an exclusion if the proffer now made for larger commercial relations in the best possible form of free-lists, of reciprocal advantage, shall be rejected. In that event we shall see restored, as to our nearest and most important neighbor, all the evils of the colonial system, against which the Monroe doctrine was mainly directed. The evils of this system are still felt in our relations with Cuba, which has been brought to ruin by the continuance of the colonial system in limiting, so far as it is possible, its trade to Spain.

The Spanish treaty is an attempt to alleviate these evils, and our Government has been prepared to make great sacrifices in order that we may have a chance to sell our products to the island from which we buy so large a portion of our sugar. Let us look to it then that while we are striving to get rid of the evils of the colonial system so far as Cuba is concerned, we do not cause it to be re-established in Mexico, to become the fruitful source of contention and finally of open war, not only with Mexico but with her European allies, who have grasped the profits of her opening trade. If, then, we really believe in the Monroe doctrine, and are willing to act upon the experience and principles which gave it birth, we are bound to give our assent to the pending treaty.

HIGH WAGES AND CHEAP GOODS.

But it will be said that the assertion of the Monroe doctrine, and its recognition in this legislation, will not, and ought not, to give us the trade with Mexico, if we can be undersold by Great Britain and France and Germany. It is quite certain that most of the articles consumed by Mexico are more cheaply made and sold at a less price by our European rivals than we have been heretofore able to supply them. The opening of railway communication with Mexico will to some extent counterbalance this advantage, but we shall still be at a disadvantage in many kinds of business by reason of the higher prices of our goods, and hence we shall not be able to get the benefits anticipated from the establishment of more liberal principles of trade. This raises the question why our goods are dearer than those of our neighbors. We are told that these goods are produced abroad at a lower rate of wages than prevails in this country, and hence the products of human industry must be dearer here than in Europe.

This opinion is based upon the assumption that high wages make dear goods, but the fact is that the cheapest goods are made where the rate of wages is highest. Wages in Great Britain are higher than they are in France and Germany, and yet to-day France and Germany are found protecting themselves against the high wages of England and of the United States, while in the United States we are called upon to protect ourselves against the lower wages of England, France, and Germany. Here is a contradiction which I submit requires explanation from the advocates of the restrictive policy in trade. If England, with wages 58 per cent. higher than they are in France and 42 per cent. higher than they are in Germany, can undersell those countries in the open markets of the world high wages are no bar to the supply of cheap goods. If the United States, with wages 84 per cent. higher than they are in England, 205 per cent. higher than they are in France, and 162 per cent. higher than they are in Germany, can send flour, provisions, and grain to Europe in competition with the lower wages of those countries and with the still lower wages of Russia and India, then high wages can be no bar to unrestricted commerce in food products. The inference is irresistible that there is no necessary connection between cheap goods and the rate of wages.

If these goods are to be sold in the open markets of the world in competition with each other, then the wages will be that portion of the result which is left after paying for the materials and the capital employed in their production. The cheaper the raw materials, therefore, the higher

the wages will be; and hence nations who have cheap raw materials and who under no circumstances impose taxes upon them if they are brought from abroad, will always be able to pay higher wages than nations who have dear raw materials, or who make them dear by taxation. It may be asserted, therefore, that the high wages prevalent in the United States are simply the result of its superior natural resources; and if we would refrain from taxing those raw materials which we do not produce there is no reason why we could not compete for the commerce of Mexico, in all departments, with Great Britain and France and Germany, and still pay the higher wages which are prevalent in this country.

FREE RAW MATERIALS.

Our own wages are high because we have the most favorable conditions for production of all staple articles of any nation in the world. Wages will always be high in this country unless we voluntarily cut ourselves off from access to the open markets of the world by artificial additions to the cost of production, which we do when we put taxes upon raw materials. We have now reached a point of industrial development where there is an excess of productive power, where we produce more than we can consume. When that point is reached labor must either stand idle or its wages be reduced until our goods can compete with the cheaper goods of other nations. The excess must find foreign markets, and if we continue to tax raw materials the amount of tax must be deducted from the fund to be paid for wages. Hence the first step toward a larger commerce must be in the reduction of duties on raw materials.

This step is taken in the Mexican treaty. We shall at least get hemp and many other fibers, which are now heavily taxed, free of all duty; and, if this step be followed up by enlarging the free-list until all raw materials are made free, then we shall be prepared to go into the open markets of the world with our surplus products and sell them in competition with other nations, and bring back home an adequate return for the labor which is employed in their production. These steps once taken, progress toward freer trade will be rapid. *Nulla vestigia retrorsum.*

Such, stated as fully as the brief limits of debate under the rules will permit, are the reasons why the House should give its approval to the treaty with Mexico, made in accordance with its own initiatory action. Whether regarded from the narrow view of present selfish interest or from the broader aspect of future progress and development; whether looked at as a matter of pure business or from the standpoint of enlightened statesmanship, which ought to govern this great Republic in its intercourse and relations with the sister republics of the Western World, this treaty commends itself to the judgment, the conscience, and the liberality of the House as representing the intelligence and will of the people.

PRODUCTION AND DISTRIBUTION.

But these considerations, weighty as they are, and conclusive as I believe them to be, nevertheless shrink into comparative insignificance when subjected to the test of a broader view of the subject, a view which until this age of the world has never been within the range of human vision. The discoveries of science and the inventions of man, made since this country became a nation, have filled the world with wealth and created possibilities of development beyond the wildest dreams of fancy. Who can estimate the productive powers now subservient to the control of man, when all the forces of nature have been made obedient to his will? The world is not only rich in actual acquisitions, but the possibilities of production have far outrun the visible possibilities of consumption. And yet in an age when the average condition of the masses of mankind is on a higher plane of comfort and civilization than was dreamed of in the golden age of the poets, we are confronted with the painful fact that crowds of laborers, willing and anxious to earn their daily bread, are waiting all the day long in vain for the coveted opportunity to make an honest and honorable livelihood.

Nor is this statement true only in this country. It is true of all civilized countries, and the suffering is undoubtedly greater in proportion to the accumulated wealth of each. The world was never so rich as now, and yet never in its history was so many of its inhabitants uttering the warning cry of despair, "How long, oh Lord, how long?" Can it be that the discoveries of science, the development and application of physicial force, the increase of wealth, the progress of civilization, mean after all only the degradation of humanity and condemnation of great bodies of men to hopeless bondage and unutterable woe? The mere suggestion of such a result is a libel on the intelligence of man and a reproach to the goodness of Divine Providence.

There must be a better order. How to reach that order is the problem presented to the ingenuity, the intelligence, and the conscience of the age in which we live. Let us define the nature of the problem. The world is rich, and properly distributed there is enough to insure comfort to every human being who does not voluntarily forfeit the right to the blessings of existence. The power to increase riches is so developed that production is actually forced into suspension all over the world, because its fruits can not be distributed. And yet this stoppage of production only increases the number of idle hands and empty stomachs. But if all who have unsatisfied lawful desires were supplied there would be no surplus of products.

What, then, is the obvious conclusion? The machinery of distribution is plainly out of proportion to the machinery of production. The remedy thus becomes apparent. The distributing powers must be increased, and if there be any obstacles to distribution they must be removed. But the distributive agencies are already very complete, and many of them in such excess as also to be unprofitable and unemployed. Steamships are idle for want of freights and railways are running with trains only partially filled in every part of the world. There is therefore no lack of the direct means for a wider distribution of products. The difficulty, then, must be sought for in the causes which determine the use of the machinery of distribution. When we make this investigation we find in existence obstructive laws interfering with free exchange, doubtless designed to serve beneficial ends, which have long survived the useful purposes for which they were enacted. In other words, the natural exchanges between nations are forbidden by law.

Exchange of surplus commodities is therefore only made at a loss to be measured by the force of the artificial obstructions thus created, instead of the profit which each country would have derived from its superior resources for production in special directions. This loss must in all cases fall upon labor, and therefore be deducted from the wages of labor. The value of the productive power of the world has thus been diminished by the whole amount of unnecessary friction interposed by restrictive legislation. The loss thus produced is not felt until a nation reaches the stage of development in which its home market no longer suffices for the consumption of its industrial products. Then the surplus must be sold, or its labor will stand idle. This is our present case, and this is the problem with which every civilized country is now grappling. The inevitable results of domestic competition thus compel the adoption of the only possible solution of the problem. All laws which interpose artificial obstructions and create unnecessary friction must be repealed, not only in this country but throughout the world at large.

THE COMPETITION OF FREE COMMERCE BENEFICIAL.

Have we anything to dread from such a result? So far as competitive products are concerned, when commerce becomes free the survival in each branch of industry will be to the fittest. Who is the fittest in all the great staple products of commerce? The answer is that the fittest is the nation which can produce these products with the least expenditure of human labor. Now of all the countries in the world the United States is the best endowed with the natural elements of wealth. The labor devoted to its exploitation will therefore produce more value and be better rewarded than in any other country. We can, therefore, supply the world with our products on better terms than the nations who compete with us, and whatever may be the price of these products in the open markets of the world, the wages of labor in this country will always exceed the wages of labor elsewhere.

But with free commerce throughout the world, all labor will receive its natural reward without deduction from obstructive taxes and artificial friction. With unrestricted commerce, plenty will be a blessing and not a curse. Gluts of commodities will be impossible. The floods which overflow the banks of the Mississippi and the Amazon when they reach the ocean do not raise the general level to an appreciable extent. So in the vast commerce of the world, the excessive production of a single country will no longer be felt as a disturbing element, but will be a beneficent influence if it shall be found to cheapen the cost to the consumer.

These truths are beginning to dawn upon mankind, and the Mexican treaty is the first ray of actual light which has penetrated the atmosphere of error which has heretofore prevented us from taking full advantage of our unequaled resources and the opportunities for controlling the commerce of the world. By a happy chance, doubtless, the Mexican treaty strikes the keynote of the coming emancipation of the toiling masses of mankind, by providing for absolutely free exchanges within the limited range of the enumerated commodities. Let this example be continued and extended. Let us make no commercial treaties in which the principle of free exchange is not incorporated. Let us not attempt to procure special privileges from which other nations are excluded, but let every step be taken with a view to the abolition of restriction, to the opening of new markets in exchange for our own markets. This example will spread until the whole unbounded continent shall be ours for free exchange. With commerce thus liberated from its shackles, the beneficent laws of nature will assert themselves in the extinction of pauperism and the securing of universal comfort through the equitable distribution of the profits of industry. This beneficent result will surely be realized when no man willing to work shall be deprived by the operation of law of the opportunity to labor, and every man shall receive, as he will receive when commerce is free, "a fair day's wage for a fair day's work."

Thus will be answered the question formulated by a master-mind—a question which society must answer or disappoint the just expectations of humanity: "What are the best means consistent with equity and justice for bringing about a more equal division of the accumulated wealth of the world and a more equal division of the daily products of industry between capital and labor, so that it may become possible for all to enjoy a fair share of material comfort and intellectual culture, possible for all to lead a dignified life, and less difficult for all to lead a good life?"

I advocate the Mexican treaty because among its other merits it contains the germ of the solution of this great problem of the ages.

Appropriations to Banks of Issue.

When earth produces, free and fair,
  The golden, waving corn;
When fragrant fruits perfume the air,
  And fleecy flocks are shorn;
While thousands move with aching head,
  And sing this ceaseless song:
"We starve, we die; oh, give us bread!"
  There must be something wrong.

When wealth is wrought as seasons roll
  From off the fruitful soil;
When luxury from pole to pole
  Reaps fruits of human toil;
When from a thousand, one alone
  In plenty rolls along,
While others only gnaw the bone,
  There must be something wrong.

And when production never ends,
  The earth is yielding ever,
A copious harvest oft begins,
  But distribution, never;
When toiling millions work to fill
  The wealthy coffers strong;
When those are crushed who work and till,
  There must be something wrong.

When poor men's tables waste away
  To barrenness and drought,
There must be something in the way
  That's worth the finding out;
With surfeits one great table bends,
  While numbers move along,
While scarce a crust their board extends,
  There must be something wrong.

THEN LET THE LAW GIVE EQUAL RIGHT
  To wealthy and to poor;
LET JUSTICE CRUSH the arm of might;
  We ask for nothing more.
Until this system is begun
  The burden of our song
Must, and can be, this only one,
  There must be something wrong.

—*Miss Elisa Cook.*

SPEECH

OF

HON. L. H. WELLER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 15, 1885,

On the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

Mr. WELLER said:

Mr. SPEAKER: There are three bills under contemplated consideration at this time. The first is known as the McPherson bill, the second as the Dingley bill, and the third as the Potter refunding bill.

Of these three, in my opinion, the McPherson bill is the least objectionable; the Dingley bill the next most objectionable, and the Potter bill the very worst of all.

I desire in the commencement of my remarks to give a fair analysis of the terms of each of these three bills, and follow that by a comparison each with the other; and thereafter to show, as well as I may be able, the motives that have inspired the formulation and presentation of each of them to the House for its consideration and action, as well also the real inspiration that will prompt the efforts that may be made to secure the passage of the Potter bill as a substitute for the other two.

The McPherson bill in simple terms provides that the Secretary shall cause to be created and issued in blank, to be signed by the proper officials of each national-bank association desiring them, an additional volume of 10 per cent. in notes to be used as money—thus inflate the volume—at a cost to such association of less than 1 per cent. In short, where they now have under existing law ninety currency dollars on each $100 par value of the bonds deposited with the Comptroller of the Currency as security for the redemption of their circulating notes, they shall have one hundred. Should this bill be enacted into law, it would open the doors to a sudden inflation of the volume of currency notes—used as money—to the extent of from thirty-two to thirty-five millions. This additional sum would only cost the banks availing themselves of this law not to exceed 1 per cent. per annum, with the privilege to loan on or discount promissory notes or bills of exchange at a rate of interest varying from 5 per cent. per annum to as high a rate as unconscionable greed for money gain would permit the holder and owner of these currency dollars to take from the unfortunate borrower—the one who might need the life-blood of business enterprises and success to carry on his plans and purposes to proper development.

This bill has, under the existing circumstances of the general business of the country, but one redeeming feature, and that is to make it both possible and probable to immediately increase the volume of circulating bank notes used in lieu of money to the extent I have named, say thirty-two to thirty-five millions of currency dollars.

This is evidently the motive inspiring the creation and presentation of the bill now being considered. The volume of a substitute for money used as money, thus increased, would by its inevitable and irresistible influences inflate prices and produce spasmodic indications of prosperity; but only, as I view the question, at a first great cost to the people—the Government—in interest for the privilege of using them in business transactions, to be inevitably followed in course of time as the bonds held as security might appreciate in price, or surplus in the Treasury demand their withdrawal for cancellation, by a contraction of volume, and thus destruction of values, in ratio of shrinkage of the volume or number of units in circulation representing money, or indeed money itself. For the thing itself, as well as the representative of it, produces the same effect—results—so long as by the people, the business and labor wealth-producing classes, they are treated as money, insomuch as contraction or expansion of volume of units is concerned.

The Dingley bill provides that the sum of United States dollars (greenbacks, invidiously and inappropriately so called) now in the Treasury for the "redemption of notes of national banks" "failed," "in liquidation," and "reducing circulation," shall be taken out of the United States vaults of sacred trust for the purposes mentioned, and instead of longer being used as such sacred trust, to redeem such of the notes of national banks as have "failed," "gone into liquidation," "or may be retiring their circulation," as the sacredness of the now unrepudiated law provides they should be, that the Secretary of the Treasury purchase with this money, in the market, bonds with no limit restriction as to premium which he might pay the bondowner for his untaxed interest-accruing bond; but with the provision that these so purchased bonds should be put in the Treasury in the place and stead of the sacred trust redemption fund of United States notes, and while there, draw interest at the same rate as before, until the sum so accruing should equal the sum of the premium paid by the Secretary of the Treasury in the purchase of such bonds. Not only this, but to continue drawing interest at the same rate until the purchased bonds should mature for payment.

By the logic of implication, should this bill be enacted into law, as at present framed, not only would there be no actual redemption fund under present law for the notes of national banks "failed," "in liquidation," or "reducing circulation," save and except such a part of the bonds so purchased and placed as a substitute for the present $42,837,408 (see Treasurer Wyman's report, November 29, 1884) redemption fund, should be again thrown on the market for sale and sold at such price as they might bring to yield the needed sum; leaving the naked fact that all of such bonds so purchased and placed and remaining unsold would draw interest from one section of the Treasury to another, without displacing a dollar or adding a dollar to the aggregate fund in the Treasury.

Also the further naked fact, that the sum so paid for premium in the purchase of bonds under the terms of this bill would be a dead loss to the Government—the people—if for no other reason than this, that there was and is to-day (see report of Hugh McCulloch, Secretary of the Treasury, dated December 31, 1885) $194,190,500 of bonds redeemable and payable at the pleasure of the Government, drawing interest, untaxed, registered, fire-proof, burglar-proof, cyclone-proof, earthquake and volcano proof, blight, cholera and death proof; proof against winds, rains, floods, and diminution (save the people awake and so decree) ever eating, like the maw of a maelstrom; always yielding revenue, like the work of the devil; terrible as the awfully mysterious; gathering where they have neither plowed, tilled, nor sown; reaping by usury where they have no equitable rights—bonds! bonds!! bonds!!!—that by their own terms are payable at the pleasure of the Government—people; and in these same Treasury notes (greenbacks), as per the terms of a law made by Congressional enactment and executive approval March 18, 1869, which provides in express terms that the debt interest-bearing obligations of the United States may be paid in lawful money unless expressly provided that payment be made in gold or silver. The Revised Statutes of the United States, section 3588, reads as follows:

United States notes shall be lawful money and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

This law has never been repealed so far as I have been informed, and there has been no law enacted that changes the law existing at the time these bonds were created and put on the market for sale. If there had been a new law—a law setting forth different terms of payment of the public debt than the section I have referred to—than also is set forth in the law of July 11, 1862, entitled "An act to authorize an additional issue of United States notes and for other purposes," being chapter 160 of the laws relating to this question (this law of 1862 provides that these notes ($150,000,000 authorized thereby) "shall be receivable in payment of all loans made to the United States, and of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports and interest, and of all claims

and demands against the United States except for interest on bonds, notes, and certificates of debt or deposit; and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid"), then the evidences of the previous law in the hands of the people should have been canceled by payment.

It seems to me proper at this time to call attention to another feature of this same chapter of laws (1862), found in the same section 4 which I have above quoted. It is as follows:

And any holder of United States notes depositing any sum not less than $50, or some multiple of $50, with the Treasurer of the United States or either of the assistant treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 6 per cent. per annum, payable semi-annually, and redeemable at the pleasure of the United States after five years, and payable twenty years from the date thereof.

I refer to this feature of the law of 1862 for the reason that the report of Hugh McCulloch, of date December 31, 1884, states as follows:

Loan of July 12, 1882, authorizing act July 12, 1882, rate 3 per cent.; when redeemable, option United States; amount outstanding, registered, $194,190,500; interest due and unpaid, $17,619.88; interest accrued, $970,952.50.

Which in truth and fact is only a continuation of the loan of 1862, and thus payable in "lawful money" (*i. e.*, greenbacks)—United States notes. This same report of Hugh McCulloch states that there is of available cash balance in the Treasury, January 1, 1885, $140,811,929.92.

If the desire to inflate the volume of dollar units in circulation is an honest one, why did not the author of this Dingley bill introduce a measure providing that this $140,811,929.92 of available surplus should be used in the cancellation of the $194,190,500 of bonds now due and payable at the option of the Government? Is it not apparent, indeed an awfully naked fact, that there is a determination to increase the volume of money units in general circulation, and thus avert the "calamity" impending and in progress as the work of the manipulators of the Republican party, to the end of striking a blow at the proposed tariff reform projects the Democrats brought up for action last session, in a way that will result in the practical continuation of the bond debt as a basis for national-bank circulation, instead of increasing such volume as the result of taking such surplus cash in the Treasury, and with it pay the option bonds, cancel the debt to that extent, and thus stop the drain of interest from the people—the producers of wealth to an untaxed bondocracy? But let me go a little further with my analysis of this Dingley bill.

These United States notes (see Treasurer Wyman's report, November 29, 1884), in the sum of $42,837,408, were placed in the Treasury under a law and in accordance with its provisions as solemn as it was ever made, as a sacred trust fund, by the banks that had "failed," "gone into liquidation," or "were retiring their circulation," as a redeemer of such notes. The redeemer note, be it remembered, was and is a legal tender for all debts, public and private, except duties on imports and interest on the public debt, but the currency notes to be redeemed under this law were not such a legal tender; indeed as between the private debtor and creditor such national-bank notes have no legal-tender qualification whatsoever. Yet this Dingley bill proposes to stultify the act of Congress creating and repudiate the terms of this sacred trust; sacred as a solemn enactment of Congress; sacred as a redeemer for that to be redeemed, and in truth and fact the only redeemer under existing law except the holder be possessed of $50 or more of these United States dollars at one time and be in access to the subtreasury; sacred as a fiduciary trust between the national banks and the people, the Government being the trustee.

But another feature of this Dingley bill is that the bonds so purchased and deposited shall be, first, for the prompt redemption of outstanding (to be redeemed) national-bank notes.

How can such notes be redeemed with bonds, except the bonds so purchased and deposited be brought forth again and put on the market for sale at such price as they may bring? Then the interest the bill provides for accumulating until it shall equal the premium paid in the purchase of the bonds—what shall become of the excess, if any, that may accumulate therefrom to the time the said bonds may mature?

The bonds so purchased must be put in the place of the "sacred trust fund," and that fund belongs, first, to the people to redeem outstanding national-bank notes, and thereafter to those (the banks) which hypothecated the trust with the Government. In short, it seems to me that the accumulation of interest after the premium is made good will belong to the banks placing the trust. If so, then, to sum up in part, the bond-seller gets, first, the premium on sale of his bond over par—this he can loan at once; second, they get the face of the bond in United States dollars at par with gold dollars—these he can loan at once; third, they secure the suretyship of the United States Treasury for the safe-keeping of the bonds to redeem outstanding circulation, and also perform the scavenger part, getting in the notes outstanding subject to the terms of this bill; fourth, the opportunity to make a "spec" when the Treasury might be forced to resell the bonds for United States dollars with which to redeem the said national-bank notes; fifth, most certainly the banks, each, would be entitled to all the interest which might accumulate in excess of the premium paid and sum used in redemption; for this is positively a trust fund, to which no one has any right except the bill-holders for redemption purposes, and those who made the pledge. This would be a new banking system with the "turkey" all on one side.

The ostensible purpose was to increase the volume of money in circulation by liberating these $42,837,408 from Treasury imprisonment. The apparently real purpose, as developed by investigation, was to play a more subtle financial game of "heads I win and tails you lose" than any heretofore, whereby the rich become richer and the poor more poor.

On the 19th day of May, 1884, I introduced a joint resolution in words and figures following, to wit, which I have pressed to reach consideration and vote in season and out of season, because I believed the Dingley bill to be a cunningly devised scheme hidden under the plea of "more money needed," "volume too small," but with a real purpose to play millions into the hands of the bond-owners.

I now introduce as a part of my remarks the joint resolution I have referred to, and I demand that objection be made to each statement and paragraph that is declared not strictly true, as a relation of reasons, as well the wisdom of the policy invoked by the "resolution."

IN THE HOUSE OF REPRESENTATIVES, *May* 19, 1884.

Read twice, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. WELLER introduced the following joint resolution:

"Joint resolution authorizing the Secretary of the United States Treasury to use all the unappropriated and surplus moneys in the Treasury for the redemption of United States bonds, and for other purposes.

"Whereas it is currently reported and believed that great financial and business distress exists at New York and other sections of the country; and

"Whereas it is assumed that this financial and business distress is due to a marked scarcity of money to promptly meet current and matured obligations; and

"Whereas there are many millions of money now in the Treasury of the United States unappropriated, but subject to the order of this Congress; and

"Whereas the law of March 18, 1869, contained the following provision, to wit, 'but none of said interest-bearing obligations not already due shall be paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin;' and

"Whereas it is now and long time ago has been alleged that United States notes were convertible into coin at the pleasure of the holder, and also that bonds of the United States bearing a lower rate of interest than 3½ per cent. can be sold at par in coin: Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and instructed to use, as soon as may be, all of the surplus moneys in the Treasury for the redemption of bonds outstanding at a price not above par, and also to (so) purchase all bonds not subject to call or redemption that may be offered to the extent of moneys so available, and to receive and so pay for all bonds that may be offered; all of which bonds so received and paid for shall be canceled and destroyed, with their interest obligations."

This resolution passing both Houses and receiving Executive approval would make a way to get into circulation all the available money in the Treasury by payment and destruction of United States interest-bearing untaxed obligations to that extent.

I will now introduce as a part of my remarks the so-called Dingley bill, as presented to the House by the gentleman from Maine [Mr. DINGLEY] on February 18, 1884; also the reported amendments April 1, 1884, that a contrast between the bill as presented by the apparent author and the same as amended by the Committee on Banking and Currency may be seen, as also the further opportunity to contrast it with my "joint resolution" of May 19, 1884:

IN THE HOUSE OF REPRESENTATIVES, *February* 18, 1884.

Read twice, referred to the Committee on Banking and Currency, and ordered to be printed.

April 1, 1884. Reported with amendments, referred to the House Calendar, and ordered to be printed.

Omit the parts in brackets and insert the parts printed in italics.

Mr. DINGLEY introduced the following bill:

"A bill authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and is hereby, authorized, out of any lawful money deposited by national banks for the purpose of retiring their circulation, under the provisions of section 4 of the act of July 20, 1874, and of sections 5222 and 5230 of the Revised Statutes of the United States, and of section 6 of the act of July 12, 1882, to purchase, at current market rates, under such regulations as he may prescribe, such bonds of the United States [bearing interest at a rate in excess of 3 per centum; the bonds so purchased to be held in trust until their maturity for the payment of the circulating notes of the banks which have deposited lawful money for such payment: *Provided*, That the interest on such bonds so held in trust be applied first to the payment of the premiums paid for the bonds, and subsequently, with any excess of the proceeds of the bonds which may finally remain after the United States has been reimbursed for its outlay in retiring the notes, to form a fund for the redemption of the notes of such national banks as may become insolvent, and the securities of which on deposit with the United States for the redemption of their circulating notes may prove insufficient for such purpose] *as in his judgment will be for the interest of the Government, the bonds so purchased, together with the interest that may accrue on the same, to be held in trust and used for the payment of the circulating notes of the banks which have deposited lawful money for such payment.*

And indeed, Mr. Speaker, I deem it proper at this very time to introduce as a part of my remarks the McPherson bill, as also the Potter refunding bill, that a better opportunity may be had for not only those

who hear but for those who read hereafter the RECORD to fairly analyze and compare and thus discover the merits and demerits of each bill and my "joint resolution:"

IN THE SENATE OF THE UNITED STATES, *January* 17, 1884.

Mr. MCPHERSON asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, and referred to the Committee on Finance:

A bill to provide for the issue of circulating notes to national banking associations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon a deposit of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

POTTER REFUNDING BILL.

A bill to refund the bonded debt of the United States at 2½ per cent. interest, to reduce taxation upon circulating bank-note currency, and to secure such currency against unnecessary disturbance and fluctuation by applying the national revenues economically to payment of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing interest at the rate of 4 per cent. per annum or 4½ per cent. per annum, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denominations of fifty, one hundred, five hundred, one thousand, five thousand, ten thousand, and fifty thousand dollars, of such form as he may prescribe, and bearing interest at the rate of 2½ per cent. per annum, payable semi-annually at the Treasury of the United States. Said 2½ per cent. bonds to be issued in exchange for 4 per cent. bonds shall be payable at the pleasure of the United States after the 1st day of July, 1907; said 2½ per cent. bonds to be issued in exchange for 4½ per cent. bonds shall be payable at the pleasure of the United States after the 1st day of September, 1891.

SEC. 2. In the said exchange of 2½ per cent. bonds for 4 per cent. and 4½ per cent. bonds, provided always the moneys on hand and applicable are sufficient, the Secretary of the Treasury is hereby authorized to pay such a sum in each case as shall be equal to the aggregate present worth of the quarter-yearly payments of interest from which the United States is released by such exchange, all interest in ascertaining said present worth being computed at the rate of 3 per cent. per annum, reinvested quarter yearly.

SEC. 3. All said 2½ per cent. bonds and the interest thereon shall be exempt from the payment of all taxes and duties of the United States and from taxation in any form by or under State, municipal, or local authority.

SEC. 4. On and after date of the approval of this act the duty upon the circulating notes of national banking associations shall be one-quarter of 1 per cent. each half year, the same to be ascertained and paid as now provided by law.

SEC. 5. When not otherwise provided by law the Secretary of the Treasury is hereby authorized to apply any moneys at his disposal for payment of the bonded debt of the United States either to the payment of the bonds redeemable at the pleasure of the United States or to purchase of bonds not due as will in his judgment cause the greatest saving of interest; and in determining this, the duty or tax received upon circulating notes of national banking associations shall be considered a deduction from the interest paid upon bonds held by the United States Treasury to secure said notes.

SEC. 6. Nothing in this act shall be construed to authorize any increase of the bonded debt of the United States, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 7. The Secretary of the Treasury is hereby directed to pay, out of any moneys in the Treasury not otherwise appropriated, the expense of printing and exchanging said bonds.

SEC. 8. This act shall take effect immediately.

Mr. Speaker, I here introduce as a part of my remarks the calculations presented by the gentleman from New York city [Mr. POTTER] as his reasons why his views should be adopted, and also as an argument irrefutable why they should not be:

Comparison of Potter bill and McPherson bill for earning value to a national bank of United States bonds deposited to secure circulating notes.

Assume $100,000 of 4 per cent. bonds—to-day's market being 122½ per cent.

IF FIVE PER CENT. PER ANNUM BE OBTAINABLE FOR LOANS.

Potter bill:		
On $100,000 bonds, annual interest at 2½ per cent		$2,500
Cash received in the exchange of 4 percents, 24½ per cent., $24,500, used at 5 per cent		1,225
Circulating notes, $90,000, used at 5 per cent	$4,500	
Less tax ¼ per cent., $450, and share of Comptroller's expenses, $50	500	
		4,000
		7,725
Ordinary investment of the money, viz, $122,500, at 5 per cent. per annum		6,125
Net gain from note issue per annum		$1,600
McPherson bill:		
Net income from bonds at 122½ per cent. under sinking fund requirement and according to Government actuary's tables 2.68 per cent		$2,680
$100,000 of notes, used at 5 per cent	$5,000	
Less tax 1 per cent. $1,000, and share of Comptroller's expenses $50	1,050	
		3,950
		6,630
Ordinary investment of $122,500 at 5 per cent		6,125
Net gain from note issue		505
Difference against the McPherson bill		1,095

Say about 1 per cent. per annum greater profit from note issue under the terms of the Potter bill.

IF EIGHT PER CENT. PER ANNUM BE OBTAINABLE FOR LOANS.

McPherson bill:		
Net income from the 4 per cent. bonds, as above		$2,680
$100,000 note issue at 8 per cent	$8,000	
Less 1 per cent. tax and share of Comptroller's expenses	1,050	
		6,950
		9,630
Ordinary investment $122,500 at 8 per cent		9,800
Net, from the issue of circulating notes under McPherson bill, loss		$170
Say loss on circulation .14 per cent. per annum.		
Potter bill:		
On $100,000 bonds, annual interest at 2½ per cent		$2,500
On cash received in the exchange $24,500, used at 8 per cent		1,960
Notes $90,000 used at 8 per cent	$7,200	
Less ¼ per cent. tax and Comptroller's expenses	500	
		6,700
		11,160
Ordinary employment of $122,500 at 8 per cent. per annum		9,800
Net, from the issue of circulating notes under the Potter bill, gain		1,360
Say profit on circulation 1.1 per cent. per annum.		

Statement furnished by the Government actuary.

MEMORANDUM.

The present value of $1.50 a year, the excess of $4 over $2.50, for twenty-two and one-quarter years (the interval from April 1, 1885, to July 1, 1907), improved at 3 per cent. per annum compound interest, reinvested quarter-yearly, is $24.28.7.

The same improved at 3½ per cent. per annum for a like period is $22.12.

The present value of $2 a year, the excess of $4.50 over $2.50 for six and five-twelfth years (the interval from April 1, 1885, to September 1, 1891), improved at 3 per cent. per annum, compound interest, reinvested quarter-yearly, is $11.63.4.

The same improved at 3½ per cent. per annum for a like period is $11.45.

E. B. ELLIOTT,
Government Actuary.

UNITED STATES TREASURY DEPARTMENT,
January 9, 1885.

Amount in money required in refunding under Potter bill:

For refunding all 4 and 4½ per cent. bonds now deposited as security for circulation, $34,388,400.

For refunding entire present capital of all national banks, $127,000,000.

For refunding entire amount of 4 and 4½ per cent. bonds now outstanding, $208,334,040.

I say, Mr. Speaker, that I present these calculations with the statement of the Government actuary as an argument irrefutable why the Potter refunding scheme should be defeated by use of any and all the rules and parliamentary practice of this House. Further on I hope to show that we, the people, the Government, have a United States Constitution which estops any one Congress to make a law that a subsequent Congress can not repeal in every of its features, independent of whatsoever act or thing by any one may have been done under the act to be repealed.

So much unfair comment has been indulged in by a few members on this floor as to the motives that inspired me to introduce to the House (by consent that I had secured) as my own measure an exact copy of this Potter refunding bill, and have the same referred to the proper committee on January 14, 1885, the day previous to the one set for the consideration of the McPherson and Dingley bill, by former action of the House; and the further fact that I was thereafter on that day and the morning of the next so besieged by more than earnest importunities to withdraw from the committee and House my "Potter" (?) refunding bill, that I shall be excused for a brief digression to state why I so did introduce and have referred to the proper committee "a copy" of said bill as "my bill."

The House (very unwisely, I think) have a rule that no bill or joint resolution before the House for consideration or vote can be amended by offering as an amendment anything which is the substance of any other bill or joint resolution then before any committee. I, having knowledge of this rule (for it kept me from introducing some bills on questions of vital importance to the wealth producers), and being advised sufficiently well of the strategic purposes in hand that moved to the withdrawal from the committee by Mr. POTTER the Potter refunding bill (to offer it as a substitute for the McPherson and Dingley bills), I concluded, after being, as I thought, wisely inspired to whip the devil out of the Congressional paradise by ("strategy, my boy") introducing and having referred a copy of that same bill as my own, thus preventing it being offered as a substitute for any bill up for consideration, and thereby lay broad and deep the ("strategy, my boy") foundations for defeating the ("strategy, my boy") Potter refunding bill, and possibly also the McPherson and Dingley bills.

Mr. Speaker, why could not the author of the McPherson bill, recognizing as it did the need of a greater volume of money to assist commercial transactions and to stop the rapid diminution of market values, which recent contractions of volume of money and currency—and it makes no difference which, so as by comity each fills the business channels and arteries of productive forces as money—which, by the set and predetermined policy of the manipulators of the Republican party, had been set in operation, producing its inevitable results—I inquire, why could not the author of this proposed law have provided by or in it that any national bank "going into liquidation" or "retiring its circulation" should receive and by law be compelled to receive in exchange for its retiring notes secured by 100 per cent. of United States

bonds 100 cents in United States full legal-tender dollars, and that the bonds so deposited as security be canceled, with their interest obligations, and forever destroyed? Had this bill finally come before the House for its action on amendments to and substitutes for the original bill, I had purposed to offer as a substitute a bill providing that each national-bank note received at the proper governmental office for retirement should be immediately replaced by a United States full legal-tender dollar, and that an equal sum in dollar representation of the bonds held by the Treasury as security (?) for the redemption of such notes should be destroyed by final, full, and complete cancellation, with their interest obligations. Can any one present the first shadow of an argument why this should not be done?

Resumption of specie payments says that United States notes are at par with gold.

The national banks, by their friends in the Senate, say that the volume of money is too small for the business interest, and should be increased; such a measure as I propose would give them 100 cents on the dollar for their bonds in a lawful money, which is to-day the only redeemer for their notes of credit.

It would relieve the people from taxation to the extent of interest on such a sum of bonds as might thus be canceled.

It would stop contraction of volume of money or currency, and thus stop contraction of price values.

It would stimulate business enterprises and productive forces.

It would help to stop the making of millionaires on the one hand and paupers on the other. But this is not the policy of the manipulators.

Their policy, if one may judge of the course pursued, arguments made, and acts developed, is to confine the making and control of the volume of money to the monometallic standard of gold as a basis, and national-bank notes of credit as the only money and currency with which the business of the country can or may be carried on.

The blow that has recently, as well as continuously, from 1873, been struck at the "fathers'" silver dollar of 412½ grains nine-tenths fine was for the sole purpose of limiting the volume of money to such a sum in the aggregate and to the hands of such control as that price values, measured as they always are in a very large degree by volume of money in circulation, could be manipulated by a few to the detriment of the many.

This blow was not struck at silver until it was discovered that extraordinary productions of silver were continuously developing in the newly discovered mines of the West.

When these enormous productions were brought to light and confirmed as a fact, then the money-mongers—those that deal in money-lending, promissory notes, mortgages, bonds, stocks, and the securities (interest-bearing evidences of indebtedness) of the world (meaning personal, municipal, corporate, town, city, county, State, and national)—became alarmed, and secretly declared that such an increase to the volume of money would cause the price of labor and its products to go up in the market, while their notes, mortgages, stocks, bonds, and other securities would go down in the market.

In 1857 Germany demonetized gold at the bid of the money-mongers of the world, who had then taken alarm at the reported enormous production of gold from the recently discovered gold mines of California and Australia, claiming that gold for money-coinage purposes would soon become so abundant that gold money would nearly lose its value as money.

They advised the leading nations of the world to adopt their views for the reasons stated; and I do not question but that the policy of the single standard (?) of silver would to-day be fastened upon the leading nations of the world but for the later discovery that the gold mines were actually yielding very much less than was anticipated and silver mines more; hence the change of tactics.

I will here submit extracts and *verbatim* quotations from previous acts of Congress, from April 2, 1792, to date, for the purpose of showing that Congress, by its solemn acts of legislation in the past, by the people making the members thereof a congress, together with judicial construction of the high courts of their various acts, has ever held and made a shuttlecock of the material of which money shall be lawfully made; and to show that money in the United States has heretofore, and constitutionally so, been made in part of bronze, zinc, tin, nickel, silver, gold, and, best of all, paper; and to further show that the material of which money is made has nothing whatever to do with the money properties imparted to it by the supreme law-making power—the people—Congress.

That Congress has made full legal-tender debt-paying dollars of the same material and fineness, but of different weights of material, to circulate side by side, each the legal equivalent of the other as a purchasing or debt-paying dollar, and these also by the side of United States dollars that had no metal in them.

The following are the Congressional acts referred to.

April, 1792.—By the acts of Congress found first volume, chapter 16, page 248, passed April 2, 1792, the unit of value was made the silver dollar, and the following is the language of that law—part section 9:

Dollars or units—each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four-sixteenths of a grain of pure, or four hundred and sixteen grains of standard silver. Half-dollars—each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten-sixteenth parts of a grain of pure, or two hundred and eight grains of standard silver. Quarter-dollars—each to be of one-fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen-sixteenth parts of a grain of pure, or one hundred and four grains of standard silver. Half-eagles—each to be of the value of $5, and to contain one hundred and twenty-three grains and six-eighths of a grain of pure, or one hundred and thirty-five grains of standard gold.

Section 20, same act, states:

And be it further enacted, That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths. * * *

June, 1834.—An act of Congress passed and approved June 28, 1834; found chapter 95, volume 4, page 699, first section reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the gold coins of the United States shall contain the following quantities of metal, that is to say; each eagle shall contain two hundred and thirty-two grains of pure gold, and two hundred and fifty-eight grains of standard gold; * * * The half-eagle and quarter-eagle to be of relative qualities. * * * Every such eagle shall be of the value of $10; every such half-eagle shall be of the value of $5; every such quarter-eagle shall be of the value of $2.50; and the said gold coin shall be receivable in payment of all debts when of full weight according to their respective values; when of less than full weight, at less value, proportioned to their respective actual weights.

January, 1837.—In chapter 3, volume 5, page 136, approved January 18, 1837, of the acts of Congress entitled "An act supplementary to the act entitled 'An act establishing a mint, and regulating the coins of the United States'"—section 3 thereof reads as follows:

And be it further enacted, That the standard for both gold and silver coins of the United States shall hereafter be such, that of one thousand parts by weight, nine hundred shall be of pure metal, and one hundred of alloy; and the alloy of the silver coins shall be of copper; and the alloy of the gold coins shall be of copper and silver, provided that silver do not exceed one-half of the whole alloy.

SEC. 9. *And be it further enacted*, That of the silver coins, the dollar shall be of the weight of four hundred and twelve and one-half grains; the half-dollar of the weight of two hundred and six and one-quarter grains; the quarter-dollar of the weight of one hundred and three and one-eighth grains; the dime, a tenth part of a dollar, of the weight of forty-one and a quarter grains; and the half-dime, a twentieth part of a dollar, of the weight of twenty grains and five-eighths of a grain. And that dollars, half-dollars and quarter-dollars, dimes and half-dimes shall be legal tender, of payment, according to their nominal value, for any sums whatever.

SEC. 10. *And be it further enacted*, That of the gold coins, the weight of the eagle shall be two hundred and fifty-eight grains; that of the half-eagle one hundred and twenty-nine grains; and that of the quarter-eagle sixty-four and one-half.

And that for all sums whatever, the eagle shall be a legal tender of payment for ten dollars; the half-eagle for five dollars, and the quarter-eagle for two and a half dollars.

By sections 14 and 18 of this act the holders or owners of gold or silver can have the same coined for their sole use or benefit, when presented in sums of value of one hundred or more dollars, and suitable for mint purposes, at a charge for contingent expenses of the mint.

March, 1849.—Chapter 109 of volume 9, page 397, approved March 3, 1849, of the acts of Congress, first states that there shall be "struck and coined at the mint of the United States * * * coins of gold of the following denominations and values, namely, double-eagles, each to be of the value of twenty dollars or units, and gold dollars each to be the value of one dollar or unit."

Section 2 of this act reads as follows:

And be it further enacted, That for all sums whatever the double eagle shall be a legal tender for twenty dollars, and the gold dollar a legal tender for one dollar.

March, 1851.—By act of Congress approved March 3, 1851, three-cent pieces composed of three-fourths part silver and one-fourth part copper were made "lawful money" and a "legal tender" in payment of all debts of 30 cents and under.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That from and after the first day of June, eighteen hundred two (three) (in fact 1853) the weight of the half-dollar, or piece of fifty cents, shall be one hundred and ninety-two grains, and the quarter-dollar, dime, and half-dime shall be, respectively, one-half, one-fifth, and one-tenth of the weight of said half-dollar.

Section 2 said act of Congress reads:

And be it further enacted, That the silver coins issued in conformity with the above section shall be legal tenders in payment of debts for all sums not exceeding five dollars.

The latter paragraph of section 4 this act reads:

Be it further enacted, * * * *Provided, however*, That the amount coined in quarter dollars, dimes, and half dimes shall be regulated by the Secretary of the Treasury.

This last section, so far as my researches have discovered, was the very first act of Congress giving into the hands of one man, the Secretary of the Treasury, the autocratic power to restrict the coinage of silver into money on his sole judgment.

This act was approved by Millard Fillmore in the last month of his Presidency, *i. e.*, February, 1853, and was to take effect by section 8 thereof, June 1, 1853.

March, 1853.—By act of Congress approved March 3, 1853, a part of the act of Congress approved February 21, 1853, was repealed and instead thereof it was, "Be it enacted" that the act of February 21, 1853, "shall take effect and be in full force from and after April 1, 1853." * * * "And that hereafter the three cent coin now authorized by

law shall be made of the weight of the three-fifteenths of the weight of the half-dollar, as provided in said act, and of the same standard of fineness."

February, 1857.—By act of Congress, approved February 21, 1857, volume 11, page 163, relating to foreign coins and the coinage of the cent; section 1 thereof reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the pieces commonly known as the quarter, eighth, and sixteenth of the Spanish pillar dollar, and the Mexican dollar, shall be receivable at the Treasury of the United States and its several offices, and at the several post-offices and land offices, at the rates of valuation following—that is to say, the fourth of a dollar, or piece of two reals, at twenty cents; the eighth of a dollar, or piece of one real, at ten cents; and the sixteenth of a dollar, or half real, at five cents.

Section 4 of this act provides for the coinage of copper cents, composed of 72 grains, 88 per cent. to be of copper and 12 per cent. of nickel.

Section 3 of this act repeals all former acts authorizing the currency of foreign gold and silver coins, and declares that the same shall not be a legal tender in payment of debts.

April, 1864.—By act of Congress approved April 22, 1864, volume 13, page 54, the cent coined at the mint was made to weigh 48 grains, and be composed of 95 per cent. of copper and 5 per cent. of tin and zinc; also, a 2-cent piece of twice the weight of 1-cent pieces, but same material and fineness. By section 4 of this act these 1-cent pieces were declared a legal tender in any payment to the amount of 10 cents, and 2-cent coin to the amount of 20 cents.

Thus we see that twice the weight of the same material and fineness in one piece is made a legal tender in payment of debts for 20 cents, while the other piece, of the same material and fineness, but half the weight, is a legal tender for only 10 cents in one payment.

March, 1865.—By act of Congress approved March 3, 1865, volume 18, page 517, chapter 100, it was "Be it enacted" that there should be coined at the mint of the United States a 3-cent piece, of weight 30 grains of copper and nickel, the nickel not to exceed 25 per cent. of weight of material.

By section 3 of this act said 3-cent piece "shall be" a legal tender in any payment of the amount of 60 cents.

Section 6 of this act reads:

And be it further enacted, That the one and two cent coins of the United States shall not be a legal tender for any payment exceeding four cents in amount; and so much of the laws of the United States heretofore enacted as are in conflict with the provisions of this act are hereby repealed.

May, 1866.—By act of Congress approved May 16, 1866, chapter 81, volume 14, page 47, it was "Be it enacted" that there should be coined at the mint of the United States a 5-cent piece, the standard weight of which should be 77.16 grains composed of copper and nickel, the nickel not to exceed 25 per cent. of its weight.

By section 3 of this act it was "Be it enacted" that said coins shall be a legal tender in any payment to the amount of $1.

By section 5 of this act it was "Be it enacted" that the Treasurer and assistant treasurer should redeem these coins in national currency "when presented in sums of not less than $100."

March, 1871.—By act of Congress approved March 3, 1871, chapter 124, volume 16, page 580, it was "Be it enacted" that the Secretary of the Treasury is hereby authorized and required to redeem in lawful money, under such rules and regulations as he may from time to time prescribe, all copper, bronze, copper-nickel, and base metal coinage of every kind heretofore authorized by law, when presented in sums of not less than $20. * * *

February, 1873.—By act of Congress approved February 12, 1873, chapter 131, volume 17, page 424, it was "Be it enacted," by section 14 of this act, "that the gold coins of the United States shall be a one-dollar piece," "two-dollar-and-a-half piece," "three-dollar piece," "five-dollar piece," "ten-dollar piece," "twenty-dollar piece."

"The standard weight of the gold dollar shall be 25.8 grains .9 fine;" and the other gold coins same ratio, and each and all a legal tender in payment of all debts whatsoever; and the gold dollar declared the "unit of value." From 1792 to date of this act, the silver dollar—"Dollar of our dads"—had been by law of Congress the "unit of value."

This act demonetizes all silver coins in the United States previously coined, except the half-dollar, quarter-dollar, and dime, and enacts that these three silver coins, that is, 50, 25, and 10 cent pieces, together with the trade-dollar, composed of 420 grains of standard silver, should be a legal tender for any amount not exceeding $5 in any one payment.

Section 16 of this act demonetizes all minor or base metal coinage, and "enacts" that the minor coins of the United States shall be a 5-cent piece, a 3-cent piece, and a 1-cent piece, which shall be a legal tender for any amount not exceeding 25 cents in any one payment.

Section 17 of said act reads:

That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

By section 19 of this act the owners of gold and silver metal may, at their option, have the same cast into bars of fine metal, or standard fineness of not less than five ounces and stamped to prevent fraudulent imitations.

By section 20 of this act the owners of gold bullion may have the same formed into coin or bars for their benefit.

By section 21 of this act the owners of silver bullion may deposit the same at any mint, to be formed into bars or into dollars of the weight of 420 grains, troy, and no deposits of silver for other coinage shall be received.

March, 1875.—By the act of Congress approved March 3, 1875, chapter 143, volume 18, page 478, it was "Be it enacted" that there should be coined from time to time a 20-cent piece of the weight of five grams.

Section 2 of this act makes them a legal tender for any amount not exceeding $5 in any one payment.

April, 1876.—By act of Congress approved April 17, 1876, chapter 63, volume 19, page 33, it was "*Be it enacted*" that the Secretary of the Treasury is authorized to issue coins of the United States of the denominations of 10, 20, 25, and 50 cents silver pieces, standard value, in redemption of an equal amount of fractional currency, and thus continue, until the whole amount of such fractional currency outstanding is redeemed.

July, 1876.—By act of Congress approved July 22, 1876, volume 19, page 215, it was (this time) "*Resolved*" that the Secretary of the Treasury may issue silver coin from the Treasury not exceeding $10,000,000, in exchange for an equal amount of legal-tender notes, and said notes only to be reissued on the retirement and destruction of a like sum of fractional currency, and that when such fractional currency is so received it shall be destroyed.

Section 2 of this act destroys the legal-tender, debt-paying properties of the trade-dollar.

February, 1878.—By act of Congress, February 28, 1878, it was:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be coined at the several mints of the United States silver dollars of the weight of four hundred and twelve and one-half grains troy, of standard silver, as provided in the act of January eighteenth, eighteen hundred and thirty-seven, on which shall be the devices and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

Section 3 of this act authorizes the Secretary of the Treasury and assistant treasurers to receive these dollars on deposit in sums of not less than $10, and issue therefor certificates, "which shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

Section 4 of this act repeals all acts or parts of acts inconsistent therewith.

This act of Congress was vetoed by President Hayes, but was passed over his veto by a constitutional majority of each branch of Congress, and became a law February 28, 1878.

May, 1878.—By act of Congress approved May 2, 1878, it was "Be it enacted" that the coinage of 20-cent pieces is prohibited.

The Revised Statutes of the United States, title 39, page 708, under the head of "legal-tender," reads as follows:

SEC. 3584. No foreign gold or silver coin shall be a legal tender in payment of debts.

Under title 37, same book, page 696, we find as follows:

SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which at the standard weight of twenty-five and eight-tenths grains shall be the unit of value.

SEC. 3525. The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight.

SEC. 3513, Revised Statutes of the United States, page 696, states as follows: "The silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains, troy, the weight of the half-dollar should be twelve grams and one-half of a gram (*i. e.*, 192.9 grains); the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of the said half-dollar."

SEC. 3563. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

SEC. 3567. The minor coins of the United States shall be a legal tender at their nominal value for any amount not exceeding twenty-five cents in any one payment.

July, 1876.—By joint resolution of Congress, July 22, 1876, found in volume 19, page 215, section 2, said act, reads as follows:

That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Here we see that the big dollar of 420.9 grains fine has its legal-tender (debt-paying) qualities taken away by Congress.

SEC. 3588. United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

I quote the foregoing acts of Congress *verbatim et literatim*, when so marked, or state the substance of the facts in other sections designated, for the purpose of showing that Congress, by its solemn acts of legislation in the past, by the authority of the people making them a Congress, together with judicial construction of the high courts of these

various acts of Congress, has ever held and made a shuttle-cock of the material of which money shall lawfully be made.

These changes have been made, I aver, to keep the money volume so limited that the comparatively few could control it, and thus at pleasure manipulate prices against the interests of the many, thus creating a money aristocracy on the one hand and pauperized labor on the other.

The effect of volume of money on prices of labor and the products of labor, as well as the opportunity to secure a sufficient supply out of gold and silver to keep even step and pace with the business demands in this age of electricity, steam, and machinery, is better shown in the statements made by the Silver Commission in their report, first volume, from which I shall now quote liberally to further sustain myself in the positions taken.

SILVER COMMISSION, 1876—EFFECT OF VOLUME OF MONEY ON PRICES.

I now make quotations from the first volume of the reports of the Silver Commission, created by joint resolution of Congress, August, 1876.

This commission was to consist of three Senators, appointed by the Senate; three members of the House, appointed by the Speaker, and three experts to be selected by and associated with them.

The commission, as organized, consisted of Senators John P. Jones, Lewis V. Bogy, and George S. Boutwell; also Representatives Randall L. Gibson, George L. Willard, and Richard P. Bland.

The three experts were Hon. William S. Groesbeck, of Ohio; Professor Francis Bowen, of Massachusetts; George M. Weston, of Maine, secretary.

These nine gentlemen were members of the Republican and Democratic parties, but with singular fidelity to the trust, made extensive inquiries in the premises of their appointed duties, and submitted a report, which evidences the highest ability in comprehensive argument from fact statements, as also a most exhaustive inquiry in all the fields of information.

Their statements make it clearly evident that the doctrines and teachings of the National party are essential to the welfare of the whole people.

On page 66, volume 1, Reports of Silver Commission, we read that nine nations, with an estimated population of 768,944,456, have the so-called silver standard.

That of these nine Russia and Austria have legal-tender paper money.

On page 67, same volume, we read that there are fourteen nations, with an estimated population of 137,300,000, that have the so-called double standard of gold and silver.

Of these Italy has legal-tender paper money, but substantially no metallic money in circulation, while of these fourteen Holland, France, Belgium, Switzerland, and Spain have either limited or entirely suspended the coinage of silver.

Same page and book we read that there are seven nations, with an estimated population of 92,800,000, that have the so-called gold standard. This list of thirty nations does not include the United States, which to-day has a full or partial legal-tender money, with or without exceptions, gold, silver, nickel, copper, amalgam, and paper.

World's stock of gold and silver, 1848, on page 7, same book, we read as follows:

It is one of the common estimates that in 1848, the date of the California discoveries, the bullion value of the world's stock of plate, coin, and bars was $2,800,000,000 in gold and $4,000,000,000 in silver, but of coin and bars alone $1,200,000,000 in gold and $2,200,000,000 in silver. The total production of gold and silver in the five years ending with 1856 was $950,000,000, being an addition of only 14 per cent. to the total stock, inclusive of plate, or of 28 per cent. to the stock in coins and bars.

In twenty-eight years (that is, 1848 to 1875) ending with 1875, the aggregate production of gold and silver was $4,582,500,000.

By this report we find the sum of all productions of gold and silver, prior to 1875, in the world was $11,392,000,000, being in coin, bullion, bars, plate, watch-cases, bad teeth, finger, ear, and other rings, besides that employed in the arts and sciences in various ways.

On pages 47 and 48, same book, we read as follows:

The world has generally favored, theoretically, if not practically, the automatic metallic system, and adjusted its business to it. Some nations adopted one metal as their standard, and some the other, and some adopted both.

Those that adopted both served as a balance-wheel to steady with exactness their relative value. * * * While some nations have changed their money metal, or having had paper money, have resumed specie payments in one metal, the policy of a general demonetization of one of the metals was first broached only about twenty years ago. About ten years later a formidable propaganda was organized to fasten that policy upon the commercial world.

This new school of financial theorists advocate the retention of metal as the material of money, but favor its subjection to governmental interference in every respect. Whenever new mines are discovered or old ones yield or promise to yield more abundantly, instead of freely accepting their product in accordance with the automatic theory they advocate its rejection through the restriction or the absolute prohibition of the coinage of either or both metals, or through the limitation or the abolition of the legal-tender functions of one of them. Whenever the interests of the creditor and income classes seem to be in danger of being impaired by an increase in the volume and decrease in the value of money, or, in other words, by a general rise in prices, the modern theorists are clamorous in double-standard countries for the demonetization of one of the money metals, and in single-standard countries for the shifting of the money function from the metal which promises the most to the one that promises the least abundant supply.

They are extremely anxious for the retention of the metal of which the money standard is composed, when such metal is rising in value and prices are falling, and exceedingly apprehensive of the evil and inconvenience which they predict as sure to result from changing it. Whenever a fall in prices occurs, through either a natural or artificial contraction in the value of money, they maintain that it is due to antecedent inflation and extravagance, or to overproduction through persistent and reckless industry.

If the contraction be natural, that it can not be helped; and if artificial, that, though it may inflict great temporary losses on the masses of the people, it will be sure to result in their ultimate benefit, and they console the sufferers with the comforting (?) assurance that such contraction is necessary in order to reach the lowest depths of that "hard-pan" whose foundations they have previously undermined by demonetizing one of the metals, and upon which alone they claim that money, capital, and labor can securely and harmoniously rest. But when the material composing the standard is falling in value and prices are rising, they immediately discover that the maintenance of the value of the standard is the all-important consideration, and that its material is of no importance whatever, and should be at once changed to "redress the situation." After having reduced one of the metals to a commodity by depriving it of the money function, these theorists complacently point to the resulting fluctuations in its value as a justification of the act producing them, and as a conclusive proof of the unfitness for money of the demonetized metal.

* * * * * * *

If the world, or any considerable portion of it, should follow the teachings of this new school of economists, and discard one metal, and one-half of the automatic theory, it need not surprise them if the resulting financial and commercial disasters should teach and enforce the policy of discarding the other half of the theory and the other metal, and of establishing some system of money, however unscientific, under which all classes and interests could at least have an equal chance of protection.

On page 46, same book, we read the following concerning the "fiat-money school:"

They claim that every argument against investing with the money function a material not possessing intrinsic value is, when analyzed, an impeachment of the integrity and capacity of the people and of their fitness for self-government, and a claim that the regulation of the most important institution of civilization can be more safely remitted to the edicts of chance than to the guidance of human wisdom.

* * * That the failures of one age often become the established successes of the next. That every progressive movement of mankind has been tedious and toilsome, and has been accomplished only through trial, suffering, and the disappointment of repeated failures.

That every step of this progress has been impeded by a sinister conservatism, which glorifies everything, even tyranny and stupidity, if hoary with age, and always seeks to rivet the needs of the present to the decaying and imperfect systems of the past, and to deny to the human race the hopes and possibilities of the future. * * *

That in most countries coin money has been sometimes supplemented and sometimes superseded by promises to pay coin, which were always broken when coin was demanded.

That the next step in many countries has been a coinage maintained above its bullion value through limitation of quantity and the stamp of authority as in subsidiary silver coinages, and at the present time in the entire silver coinage in the states of the Latin Union. And that, since the success of this last step, in preserving, through limitation of quantity, a steadiness of money value above and wholly independent of intrinsic value has been assured, it would be presumptuous to affirm that the same means may not furnish, without any intrinsic value whatever, a better and steadier money than the world has ever seen.

INCREASING VOLUME—EFFECT.

On page 49, same book, we read:

Whenever gold and silver prices have become adjusted to a given stock of those metals, an increase of that stock, other things remaining unchanged, will cause a rise, and a decrease will cause a fall, in prices.

But under such conditions other things never do remain unchanged.

There are powerful causes, moral and material, which invariably operate, when money is increasing in volume, to moderate the rise in prices and to intensify their fall when it is decreasing.

Hence, the fall in prices caused by a decreasing volume of money would be much greater in degree than would be the rise caused by a proportionately increasing volume.

Whenever it becomes apparent that prices are rising and money falling in value in consequence of an increase in its volume, the greatest activity takes place in exchanges and productive enterprises. Every one becomes anxious to share in the advantages of rising markets. The inducement to hoard money is taken away, and consequently the disposition to hoard it ceases. Its circulation becomes exceedingly active, and for the very plain reason that there could be no motive for holding or hoarding money when it is falling in value, while there would be the strongest possible motive for exchanging it for property, or for the labor which creates property, when prices are rising. Under these circumstances labor comes into great demand and at remunerative wages.

This results in not only increased production, but increased consumption.

The wants and expenditures of laborers increase with their earnings.

Large enterprises, safe and unsafe, are at such times inaugurated by eager adventurers, and, as frequently as otherwise, upon insufficient capital.

On pages 49 and 50, same book, we read the most terrible indictment of the Republican party and its financial policy, from the administration of General Grant as President all along through the dark days and panic of 1873—"Black Friday"—and up to the date of an increasing volume of money in circulation, its effect on general prices of labor and the products of labor.

While discussing this feature of the money question by a system of quotations from eminent authority, the reader must always bear in mind that the legal value of a dollar, its multiples or parts, never changes, except to exist and not to exist.

DECREASING VOLUME—ITS EFFECTS.

At the Christian era the metallic money of the Roman Empire amounted to $1,800,000,000.

By the end of the fifteenth century it had shrunk to less than $200,000,000.

During this period a most extraordinary and baleful change took place in the condition of the world. Population dwindled, and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to

the most degraded conditions of serfdom and slavery. The disintegration of society was almost complete. The conditions of life were so hard, that individual selfishness was the only thing consistent with the instinct of self-preservation. All public spirit, all generous emotions, all the noble aspirations of man shrivceled and disappeared as the volume of money shrunk and prices fell.

History records no such disastrous transition as that from the Roman Empire to the Dark Ages. Various explanations have been given of this entire breaking down of the framework of society, but it was certainly coincident with a shrinkage in the volume of money, which was also without historical parallel.

The crumbling of institutions kept even step and pace with the shrinkage in the stock of money and the falling of prices. All other attendant circumstances than these last have occurred in other historical periods unaccompanied and unfollowed by any such mighty disasters.

It is a suggestive coincidence that the first glimmer of light only came with the invention of bills of exchange and paper substitutes, through which the scanty stock of the precious metals was increased in efficiency.

STEADINESS OF INCREASING VOLUME—ITS EFFECTS.

On pages 51 and 52, same book, we read as follows:

It is in a volume of money keeping even pace with advancing population and commerce, and in the resulting steadiness of prices, that the wholesome nutriment of a healthy vitality is to be found. The highest moral, intellectual, and material development of nations is promoted by the use of money unchanging in its value.

That kind of money, instead of being the oppressor, is one of the great instrumentalities of commerce and industries.

Page 52:

Steadiness in prices insures labor to all and exacts labor from all.

It gives security to credit and stability and prosperity to business.

It encourages large enterprises requiring time for their development, and crowns with success well-matured and carefully executed plans.

It discourages purely speculative ventures, and especially those based upon disaster.

It encourages actual transactions rather than gambling on future prices.

It metes out justice to both debtor and creditor, and secures credit to those who deserve it.

It prevents capital from oppressing labor and labor from oppressing capital, and secures to each its just share of the fruits of industry and enterprise.

It secures a reasonable interest for its use to the lenders of money, and a just share in the profits of production to the borrower.

It keeps up the distinction between a mortgage and a deed.

It insures a moderate competence to the many rather than colossal fortunes to the few at the expense of the many.

EFFECTS OF A DECREASING VOLUME OF MONEY.

On page 53, same book, we read:

While the volume of money is decreasing, even although very slowly, the value of each unit of money is increasing in corresponding ratio and property is falling in price.

Those who have contracted to pay money find that it is constantly becoming more difficult to meet their engagements. The margins of securities melt rapidly away, and the confiscation by the creditor of the property on which they are based becomes only a question of time.

All productive enterprises are discouraged and stagnate because the cost of producing commodities to-day will not be covered by the prices obtainable for them to-morrow. Exchanges become sluggish, because those who have money will not part with it for either property or services beyond the requirements of actual current necessities, for the obvious reason that money alone is increasing in value, while everything else is declining in price.

This results in the withdrawal of money from the channels of circulation, and its deposit in great hoards, where it can exert no influence on prices. This hoarding of money from the nature of things must continue and increase not only until the shrinking of its volume has actually ceased, but until capitalists are entirely satisfied that money lying idle on special deposit will no longer afford them revenue, and that the lowest level of prices had been reached.

It is this hoarding of money, when its volume shrinks, which causes a fall in prices greater than would be caused by the direct effect of a decrease in the stock of money.

Money in shrinking volume becomes the paramount object of commerce instead of its beneficent instrument.

Instead of mobilizing industry, it poisons and dries up its life currents. It is the fruitful source of political and social disturbance.

It foments strife between labor and other forms of capital, while itself, hidden away in security, gorges on both.

It rewards close-fisted lenders and filches from and bankrupts enterprising borrowers.

It circulates freely in the stock exchange, but avoids the labor exchange.

It has in all ages been the worst enemy with which society has had to contend.

On pages 53 and 54, we read (this was in August, 1876, and reviewed the continuing results of the panic of 1873):

The great and still continuing fall in the prices in the United States has proved most disastrous to nearly every industrial enterprise.

The bitter experience of the last few years has been an expensive but most thorough teacher.

It has taught capitalists neither to invest in nor loan money on such enterprises, and just as thoroughly has it taught business men not to borrow for the purpose of inaugurating or prosecuting them.

Of the few business enterprises now being successfully prosecuted, the larger part are based on a monopoly secured either by patents or exceptional conditions.

The business man has discovered that the less active and enterprising he is the better he is off.

The manufacturer avoids loss by damping down furnace fires and slowing down machinery.

The miners ascend from the dark and gloomy depths of the mine with a scanty pittance called wages to find in a famishing household a gloom that is more profound.

They await with heroic fortitude and a sometimes impatient hope the advent of another Sir Humphrey Davy, with a lamp capable of shedding light on the cause of existing evils, and of protecting them and all others who depend on their labor for their daily bread against a lingering misery more to be dreaded than the deathly danger that lurks in the treacherous fire-damp.

Securities have already become so impaired through falling prices that loanable capital has fled affrighted from the newer and more sparsely settled sections of the country, and accumulated in large amounts in the great financial centers where securities are more ample.

The personal and property securities of individuals have generally ceased to be available, except at the highest rates of interest, or at ruinously low valuations.

Money can be borrowed readily only upon securities, as bonds which are based on the unlimited tax-levying power of the Government, or upon the bonds and stocks of first-class trunk lines of railroad corporations, whose freight and fare rates are practically a tax upon the entire population and resources of the regions which they traverse and supply.

The competition among capitalists to loan money on these more ample securities has become very keen, and such securities command money at unprecedentedly low rates.

These low and lowering rates of interest, instead of denoting financial strength and industrial prosperity, are a gauge of increasing prostration.

The foregoing solemn statements of eminent men accord with the voice of history and of experience as well, that when one-half of the money of a people, or nation, is destroyed, or taken out of circulation, the remaining part must be in greatly increased demand, and correspondingly dear. In 1857 Germany demonetised gold, and the "hard-pan" advocates issued a formidable propaganda, on the discovering of gold in California and Australia, claiming that the productions of this precious metal (?) would soon become so abundant as to nearly lose its value for purposes of money.

CONTRACTION BY REFUNDING.

On page 7 of the report of the Comptroller of the Currency, United States of America, 1879, we find the following statements, namely:

During the following year it increased nearly seven hundred millions, reaching July 1, 1864, the sum of $1,815,784,370. During the next nine months to the close of the war, April 1, 1865, the debt increased at the rate of about two millions a day, or sixty millions a month, and for the five months next thereafter, at the rate of about three millions a day, or ninety millions a month, reaching its maximum on August 31, 1865 (see report of Secretary McCulloch, 1867, page 4; also his report of 1868, page 41), at which date it amounted to $2,845,937,630 (less cash in the Treasury, $95,218,055), and was composed of the following items:

Funded debt (includes $1,256,000 Pacific Railroad bonds)	$1,109,963,151 00
Matured debt	1,126,625 00
Temporary loan	107,148,713 16
Certificates of indebtedness	85,098,000 00
Five per cent. legal-tender notes	33,954,320 00
Compound-interest legal-tender notes	217,094,160 00
Seven-thirty notes	830,000,000 00
United States notes (legal-tenders)	433,162,000 00
Fractional currency	26,844,742 51
Suspended requisitions uncalled for	2,111,000 00
Total	2,845,937,630 56

On page 8, same book, we find the following:

This immense amount of temporary obligations was funded within the three years which followed the close of the war; and the skill and good judgment displayed in so doing can only be fully appreciated by those who are familiar with the difficulties and delicate conditions under which the work was accomplished.

The annual report of the Comptroller of the Currency, December 6, 1880, page 51, states as follows:

The following table exhibits the amount and kinds of outstanding paper currency of the United States and of the national banks on August 31, 1865, when the public debt reached its maximum, and annually thereafter at the dates named, with the currency price of gold and the gold price of currency at the same dates:

Legal-tender notes	$402,553,912
Old demand notes	402,985
Fractional currency	26,844,742
Notes of national banks, including gold notes	176,212,935
Aggregate	635,515,574

Now let us see how this Comptroller of the Currency can pervert facts, by comparing his report of 1879, page 7, with his report of 1880, page 51.

In 1879 report he gives outstanding on August 31, 1865, page 7, as follows:

Five per cent. legal-tender notes	33,954,320 00
Compound interest, legal-tender notes	217,094,160 00
Seven-thirty notes	830,000,000 00
United States notes (legal-tenders)	433,162,000 00
Fractional currency	26,844,742 51
Total legal-tender notes	1,540,453,701 51

In 1880 report, page 51, being for August 31, 1865:

Legal-tender notes	$402,553,912
Old demand notes	402,985
Fractional currency	26,844,742
Bank notes (national)	176,212,935
Total	635,515,574

It will be perceived that the report of 1879 does not include $176,212,955 of national-bank notes. Deduct this sum, then count the fractional currency and the 7.30 notes as legal-tender notes (see section 3596, page 708, Title XXXIX, Legal Tender, of the Revised Statutes of the United States), and you will find that, by these reports, there were in circulation of United States paper money in 1865, $1,540,453,701.51; while

by the report of 1880 there were only, in August, 1865, $635,515,574; all told, less national-bank notes, $495,301,619.

This showing does not take into consideration any gold or silver.

On page 15 of the report of the Comptroller of the Currency for 1879 the following table will be found, which shows the average value of the gold dollar in legal-tender paper dollars, during the month of July in each year, from and including 1865 to and including 1878, also the highest average market price of the articles named in Chicago same month and same year, for each of said months and years.

Year.	Gold.	Wheat.	Corn.	Oats.	Rye.	Pork.
						Per bbl.
1865	142.1	$1 15	$0 73	$0 55	$0 70	$31 00
1866	157.5	1 25	60½	33½	72	32 50
1867	139.4	2 11	53½	60½	1 20	24 00
1868	162.7	2 20	92½	69½	1 60	29 00
1869	136.1	1 30	97	71	1 10	33 75
1870	116.8	1 31½	93	53	88	30 50
1871	112.4	1 29	53½	50½	90	15 00
1872	114.2	1 32	42½	38	60½	16 00
1873	115.7	1 33½	38½	30	61	16 00
1874	110.0	1 17½	65½	59	1 00	24 50
1875	114.8	1 25½	76½	55½	1 08	21 10
1876	112.1	1 05½	48	30½	69	19 75
1877	105.8	1 45½	49½	33½	64	13 90
1878	100.6	1 10	41	27½	60	9 70

Wheat was highest May, 1867—$2.85 per bushel.
Corn was highest November, 1864—$1.40 per bushel.
Oats was highest June, 1867—93 cents per bushel.
Rye was highest April, 1869—$1.87 per bushel.
Barley was highest March, 1868—$2.55 per bushel.
Pork was lowest December, 1878—$8.00½ per barrel.

The Inter-Ocean, of Chicago, in its issue of July 20, 1878, editorially states as follows:

The anti-greenback papers of this city are in the habit of stating, every now and then, that the volume of currency has been but slightly decreased, and that the amount per capita in 1865 and 1878 varied very little, being from $14 to $15. The Inter-Ocean has taken occasion at various times to refute this assertion, and, in doing so, has given figures that can not be successfully disputed. We produce below a table compiled from official sources. We have added the year 1877, and also the population and the amount per capita to the table:

Year.	Currency.	Population.	Amount per capita.
1865	$1,651,268,373	34,819,261	$47 42
1866	1,608,703,736	35,397,148	50 76
1867	1,330,414,677	36,969,502	36 68
1868	817,190,760	37,016,949	22 08
1869	756,025,989	37,779,900	19 85
1870	740,089,179	38,558,371	19 00
1871	736,944,774	39,799,073	18 47
1872	736,349,913	40,978,697	17 97
1873	736,291,749	42,265,110	17 48
1874	779,081,589	43,850,756	17 80
1875	773,176,250	44,808,705	17 33
1876	735,356,823	46,294,344	15 89
1877	696,443,494	47,714,829	14 60

The currency included in the above amounts comprises demand and one and two year Treasury notes authorized by the acts of December 17, 1857, December 17, 1861, and March 3, 1863; temporary ten-day loan and one-year certificates of indebtedness; Treasury notes payable in two years and sixty days; 7.30 three-year notes; compound-interest notes, 3 per cent. certificates; non-interest-bearing demand and legal tender notes; fractional currency; State bank notes, and national-bank notes.

The bulk of these issues were made legal-tender by the Government, but that circumstance was not indispensable to constitute them parts of the money volume; for, was that necessary, then State bank and national-bank issues could not be counted as part of the currency, these never having been made legal tenders.

We are prepared to prove, however, that all the above issues were employed as currency, and were to make up the volume of circulating medium. The 7.30 three-year notes, whose circulation as currency is most scouted, were outstanding on the 1st of September, 1865, to the amount of $830,880,000, every dollar of which was legal-tender for its face value under the terms of the law "to the same extent as United States notes."

We have not the space or time now to dwell upon this part of the question, but we again state that these notes were employed as currency, as can be proved by the very highest authority.

It is, in our opinion, the highest of folly for the opponents of the so-called National party to deny facts so well established as is that of the contraction of the currency. If that party can not be defeated by a fair and honest statement of the truth, then it had better be allowed to win.

The Fifteenth General Assembly of Iowa, in 1874, had for its governor Cyrus C. Carpenter, and Joseph Dysart as lieutenant-governor. That Legislature, Republican in every department, passed the following joint resolutions, published with the "private and local laws" of the State at that session, at page 83, and in the house journal, commencing on page 236. In the session laws it appears as "joint resolution No. 14, for increase of currency," and is entitled:

Joint resolution memorializing Congress for an increase of the currency of the country.

Whereas the real and personal property of the country has increased nearly 200 per cent in the last decade, and the value of manufactured products more than doubled during the same time, while the amount of currency in circulation has been contracted about $200,000,000; and

Whereas we believe the amount of currency in the country, and especially in the Northwest, is inadequate to carry on the exchanges necessary for a healthy and prosperous condition of affairs; and, however desirable it may be to bring about specie payment, an undue contraction of the currency by which business is embarrassed and production impaired is not the proper method of obtaining that end: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That we request our Senators and Representatives in Congress to vote for such measures of relief as the present condition of the country demands, prominent among which, we believe, is a large addition to the present volume of currency of the country.

Resolved, That the secretary of state is hereby instructed to furnish each of our members of Congress with twenty-five copies of this resolution.

Approved, February 27, 1874.

Now, let us see how the Congress of the United States treated this reasonable and humane request of the Iowa Republican Legislature in 1874. The Comptroller of the Currency, in his report of 1880, page 51, states that in 1874, January 1, the aggregate legal-tender notes, old demand notes, fractional currency, notes of national banks, including gold notes, was as follows:

January 1, 1874	$777,874,367
January 1, 1875	782,591,165
January 1, 1876	763,523,690
January 1, 1877	714,094,356
January 1, 1878	699,443,922
January 1, 1879	666,642,684

By this table on page 51, report of 1880, there is shown to have been a reduction of $95,948,281.

Add this sum to the profound statement of the Iowa Legislature in 1874, "about (?) two hundred and fifty millions contraction" prior, and you have "about (?) $345,948,281," by this showing from the standpoint of Republican official integrity.

On page 15 of the Comptroller's report of 1879 he gives the value of the gold dollar in "legal-tender paper dollars" for each year from 1864 to 1879. (See page 22.)

WELLER'S FORMULA OF FIGURES.

We see that volume of money in circulation determines the commercial value or purchasing power of each "unit," or dollar. This being true, let us inquire what benefit increased volume of money would be to the producers of wealth (for labor produces all wealth except that which, "the first great cause," God grants); the farmer, mechanic, artisan, wage-worker, to those who have "nothing to sell" (?)—except labor.

Grant me Beecher-bread-and-no-butter price—$1 per day; 75 cents of this to provide a home, and feed, clothe, and educate the children and help Christianize society by building school-houses, pay taxes, recreation, contribute to charities, and pay the minister, &c. I have left, as a mathematical proposition, just 25 cents with which to buy my home, pay interest on my indebtedness, cancel mortgages and notes, and my annual share of the State and national bonds and interest thereon.

Now, if by reducing—contracting—the volume of money in circulation so that 50 cents will buy as much as a dollar would (and that is "hard-pan," "specie basis," resumption argument), why should I complain that my wages are reduced from $1 to 50 cents per day? If there is no just cause of complaint, why complain if the volume of money is reduced (contracted) so that 25 cents will buy as much as 50 cents? Or to 12½ cents per day, it buying as much in the market as the 25 cents formerly did?

Let us look at this matter a little. Why, if it makes no difference, should any one complain at having free coinage of silver, thus increasing the volume of money in circulation until $2 will buy no more than $1 formerly? Or to $4 per day for the ordinary wage-worker, it buying no more because of its cheapness (?) than the $1 or $2 at the former status of money matters? If sauce for the goose should be sometimes sauce for the gander—the rule working both ways ocrasionally—who should object?

I do, broadly and emphatically! I am a laboring man, a producer, a tax-payer, have a family of children I wish to educate, and provide them with a little surplus cash to start out in life with, and desire to build a better house, to contribute to public enterprises and public charities, which I can not do if all the cash net of my life's labors goes to pay interest to my cash creditors and the State and nation's bond creditors. So I desire a condition of things as to money matters that I can, with a given outlay of effort in a given time, lay by for my creditors and the nation's creditors the greatest possible sum of "legal-tender dollars," "lawful money," with which to cancel all my money obligations, thus stopping interest out, putting it by for the purpose named.

Be it remembered ever that the legal, debt-paying value of money never changes, except to exist and not exist. The legal debt-paying properties—the property imparted by the law-making power that creates money—never fluctuates; it is stationary, year in and out.

PROPOSITION DEMONSTRATED.

Wages per day.	Cost of living, &c.	Sum left.
$1 00	$0 75	$0 25
50	37½	12½
25	18½	06½
12½	09½	03½
2 00	1 50	50
4 00	3 00	1 00

I do not care to suggest more than $4 per day for wage-workers and mechanics, lest the simple suggestion should precipitate some "venerable" (?), "meek, and lowly follower" (?) with gray hairs sorrowing into an untimely grave.

Mortgaged home, $1,000.

Sum left.	Iowa rate 10 per cent.	Year's work.	Yearly interest.	Days needed.
		Days.		
$0 25	$100	313	$100	400
12½	100	313	100	800
06½	100	313	100	1,600
03½	100	313	100	3,200
50	100	313	100	200
1 00	100	313	100	100

Thus we see that, $1 per day and 25 cents "left," it takes 400 days to pay the interest, for interest and debt—national, State, and individual—must be paid out of "sum left" after cost of living is paid. This case, it taking 400 days to pay the interest and there being but 313 work days in a year, the debtor finds himself "short" 87 days. This is deferred by "credit note." But the next turn of the thumb-screws of contraction finds him short 487 days, which means credit gone for a chattel-mortgage substitute.

The next turn toward "hard-pan" finds the debtor "short" 1,287 days. This means a mortgage on everything, as well present as future.

The next turn reaches out to "specie basis" and "resumption," and the court of last resort—the high sheriff (?)—bids the debtor go! in the name of law, good order, and the Christian teachings of the nineteenth century, out into God's land, if he can find any that monopolists have not gobbled; or go, as the tramp, branded by law.

But of the up-turn to $2 per day, the "sum left" at this price, he pays his interest with 200 days' work, and has 113 left to work for wife, babies, home, improvement, with something to spare to pay the principal of debt.

But of the up-turn to $4 per day he pays his interest with 100 days' work, and has 213 left to apply for God, home, and humanity.

This means the debt honestly paid, the mortgage canceled, hopes realized, wife cheerful, children gay, hearthstone loves brightened, family educated, society built up—a better citizen—a man.

It means every reform possible that an intelligent, humane, Christian person in the whole world in the light of and in accord with true, sound philosophy should, could, or would conscientiously advocate.

The Iowa Legislature in 1874 by joint resolution requested Congress to put a stop to contraction; yet Congress, by act of June 20, 1874, section 4, chapter 343, volume 18, page 123, by "Be it enacted," gave permission to national banks to retire their circulation and withdraw their bonds by covering into the Treasury legal-tender notes.

Sec. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes, which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

Under this "Be it enacted" the banks retired millions, as shown by the Comptroller's report, page 51, 1880; property passed into the hands of the wealthy. In January 14, 1875, they secured the passage of another "Be it enacted," which enabled them, at the proper time, to issue more currency, bring on a business boom, so that they might unload their plunder, filched from labor at an enormous profit.

Law of January 14, 1875, quoted:

Sec. 3. That section 5177 of the Revised Statutes, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law, without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed.

And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued, until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Approved January 14, 1875.

An increase of the volume of money and currency under this "Be it enacted" began about 1880.

On page 11 of Comptroller's report, 1880, he states that the amount of coin and currency in the country on January 1, 1879, was $1,695,356,619. On the same page, in same table, that the amount November 1, 1880, was $1,302,798,480. This showing gives an increase since January 1, 1879, to November 1, 1880, of $347,441,861.

This does not consider silver certificates, increase of national-bank notes, importations, mining and minting of gold and silver and copper and nickel and tin and zinc into money since November 1, 1880, of which many millions have been added to the money and currency volume since above date, as see Comptroller's and Secretary's reports of 1881.

All the business boom this country has had in the last three years to speak of has come because of an addition to the money volume, coupled with the fact that John Sherman, prior to 1879, ordered, without authority of law, that greenbacks or Treasury notes should be received at par, same as gold, in payment of duties on imports.

John Sherman, in his report as Secretary of the Treasury, in 1880, page 13, states:

While no distinction as to value is made between coin and notes in business transactions, a marked preference is shown for notes, owing to their superior convenience in counting and carrying.

There is no law to-day authorizing the receipt of United States notes for duties on imports any more than there was on Black Friday.

There is no specie resumption to-day any more than when the credit-strengthening act of March, 1869, was passed for him who has has than $50.

The public faith of the United States was pledged in 1869 by solemn act of Congress to resume specie payments in 1869. Has that faith been kept?

The public faith was pledged by act of June 3, 1864, that not more than $300,000,000 of national-bank notes should be issued under that act, but this faith was broken by the act of January 14, 1875, that repealed the limit, and permitted any existing national banking association to increase its circulating notes without respect to said aggregate limit.

The public faith of the United States was pledged by act of June 30, 1864, that not more than $400,000,000 of United States notes (save $50,000,000 to redeem temporary obligations, temporarily required) should ever be issued, nor should any such notes issued under that act be used to redeem national-bank notes; yet this faith pledged has been broken.

The public faith of the United States was pledged in 1873 that the silver dollar of the United States containing 420.9 grains, fine silver should be a dollar and a legal tender in payment of any sum of debt not exceeding $5; but this faith and pledge were broken by the act of July 22, 1876.

So I could relate scores of instances in which Congress has pledged the faith of the United States to the execution of certain matters in which many citizens of the United States thereunder had entered, but which were blotted out by a repeal of the law creating the conditions, matters, and opportunities, and no hue-and-cry was even raised that Congress had been a party to a repudiation of plighted faith. Why? Because Congress has no power to repudiate; because no act of a Congress of to-day can be so solemnly made, plighting the public faith to anything, or its execution in the future, that the same or a future Congress has not the constitutional, legal, and equitable right to repeal, and that without reference to what may have been done under a former act or law.

This idea was clearly set forth in the opinion of the United States Supreme Court, 12 Wallace, pages 548 and 549, being the majority opinion of said court, which reads as follows on that point:

No one ever doubted that a debt of $1,000, contracted before 1834, could be paid by one hundred eagles ($1,000) coined after that year, though they contained no more gold than ninety-four eagles ($940) such as were coined when the contract was made and this not because of the intrinsic value of the coin, but because of its legal value.

Same book, page 549, the United States Supreme Court states:

Every contract for the payment of money, simply, is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is, therefore assumed with reference to that power. Nor is this singular. A covenant for quiet enjoyment is not broken, nor is its obligation impaired by the (we the people) Government taking the land granted in virtue of its right of eminent domain.

Congress has ever exercised the right to make and unmake a law, without reference to previous solemn enactments of the same or another Congress; and such laws have been sustained by the high courts as within the high prerogatives of the constitutional powers of Congress so to do at its pleasure.

This being true, and the high courts have ever so decided, then every bond of the United States, whether due or not, is payable at the pleasure of the Government (Congress and the Executive as agents) in any material (money) that Congress may declare to be money and a legal tender.

By the terms of existing law they all are payable in gold dollars.

By the terms of existing law they all are payable in standard silver dollars.

By the terms of existing law they are all payable in United States (legal-tender paper) dollars.

The volume of dollars in circulation is too small.

The McPherson bill so states in a straightforward, diplomatic way, and proposes to remedy the evil by a greater evil.

The Dingley bill so states in a Wall-street way, but proposes to remedy the difficulty at the expense of the people—the Government—and to the increased benefit of the infernal shylocks that feed and fatten as labor becomes impoverished by shylock usurpations.

The bankruptcies of the business of the country unmistakably declare that the volume of money is too small and are appealingly imploring Congress for relief, but unwisely for needed relief by methods wholly wrong.

Can any one tell me why the owner of silver bullion, "fit for coinage purposes," should not be permitted to have it coined into standard dollars at the proper expense of the owner, as under the law of 1837 it could be (all the bullion he or they might possess), he being compelled to take the coined dollars away and get rid of them as best he may, except for the reason that such a rule of law or permission under the law would increase the volume of money, and thus increase the value of labor measured in these dollars, the values of the products of labor measured in these dollars and others that might exist to swell the aggregate volume of dollars, the values of lands and their enforcements by labor? Also decrease the values of mortgages, stocks, and bonds measured in these "units" called dollars.

To-day the money-monger feeds his fast horses on cheap oats, his blooded stock on cheap corn and hay; eats sirloin steak, lean ham, and quail; drinks champagne, mint juleps, and mocha; sleeps luxuriously on an inverted hair mattress, patented wire, or swan's-down couch; smokes Connecticut seed-leaf, Havana filled, superb triple X cigars; attires daily in silks, fine linen, and broadcloth; domiciles in a palace wrought into existence by labor, and commands labor to supplement his luxurious desires by adorning his palace with the choicest productions of art and science.

To-day labor, that creates all wealth except that granted by the "first Great Cause least understood," is wallowing in the mire of hope, oftimes proving a "Sodom's apple," or drinking in the desperation of strikes, riots, or dynamite, or abandoned to the stolidity of "don't care."

To-day, the honest advocates of labor's rights in many instances are seeking to remedy the wrongs that the producing forces of our people are suffering under and from by extolling the merits of any and everything as a catholicon, except the right thing, a proper adjustment of the money question nationally.

I aver that there is but one strict criterion by which to determine the volume of money adequate to the proper business necessities of our people. First inquire the net income of wealth to the people of our nation in the aggregate, say for a period of ten years; then divide this result into ten equal parts, each part to represent the net increase for each year; and this last sum to represent the percentage per annum increase net on the sum of wealth each year found to exist; then inquire the prime factors producing such accretion. If we so do, the statistics furnished by reputable statisticians being brought to our aid, I aver we will find the following for the last twenty years: Rate of net increase of wealth less than 3 per cent. per annum average (say 3 per cent for easy reckoning). Now comes the question, who or what produces this wealth? We know that the blessings of God, scattered on every hand munificently, even to seeming profligacy in many places, as sunlight, water, soil, &c., is one of the first great factors in the production of wealth.

Labor is another great factor.

Money as an auxiliary in the production of wealth is the third.

These three—God's gifts, labor, and money—are the only prime factors in the creation of wealth.

Each of these three should receive a just and equitable part of the whole.

Now, let us make such division:

Give to God, in charities and the upbuilding of humanity in all wise ways and by the use of all wise means, say, one-third part or 1 per cent.

Give to labor 1 per cent.

Give the money-lender 1 per cent.

These three equal the whole.

A whole can not be made of less or more than all its proper parts.

But money from the hands of the lender to the borrower is to-day gathering from 3 to 48 per cent. per annum—say a general average of 10 per cent. per annum. This is 7 per cent. per annum more than God's gratis gifts, labor and money together, produce net each year.

This true, it is certain the money-lenders are by such rates absorbing each year not only all the net increase of wealth produced by the forces mentioned but must so absorb of the principal, and would long ago have had under their control and tyrannical dominion all of labor, lands, tenements, money, and the blessings of God (freely granted) which they could clutch in the grasp of infernal greed of gain but for the wonderful blessings (?) of bankruptcies, embezzlements, and defalcations, supplemented by the scythe of time and statutes of limitation, that take frequently the acquisitions of years by usury and strikes a jubilee balance in setting the debtors free.

This condition declares the volume of currency too small.

There are three constitutional methods to blot out this awful crime of usury.

First. By a constitutional amendment making it a high crime for any person, by himself or another, directly or indirectly, to bargain for or receive for the use of money a greater rate than 1 per cent. per annum. This is not practicable under existing conditions of public sentiment on the right to skin by usury.

Second. By exercising the high prerogatives with which the Constitution has endowed Congress, judicially affirmed by the United States Supreme Court, to create, and by proper, wise, and patriotic methods put, in course of time, into circulation such a volume of money as that by the law of supply and demand—the general supply so equaling the demand—the rate of interest in the general aggregate would not in the jurisdiction of our Government exceed 1 per cent. per annum. This method is not likely to be adopted, for the money-lenders of the world would combine all their most potential forces to destroy any government by war or otherwise which might so attempt to dethrone them and thus "bring down the rate of usance here with us in Venice."

Third. Authorizing the Secretary of the Treasury to create such a volume of full legal-tender United States dollars—being in addition to the possible volume of metal money with coinage of silver on the same basis as gold—as will supply the demand of each person able to give unquestioned real security for its repayment at the stipulated date, with interest and liquidated damages mentioned to cover all contingent costs of enforced collection, and loan the same through the agency of the executive of each State and by him through the agency of some proper county official to such of the people—the Government in part—as may desire to so borrow, having such unquestionable security to give for its prompt repayment, and at the stable, universal rate of 1 per cent. per annum. This method is not likely to be adopted, for I am certain that the money-lenders, stock-dealers, and money-security venders would "object," and under the rules of Congressional practice such "objection" would be declared good and valid and would obtain.

What are we to do? The great Northwest, the West, Southwest, and South, with their more than abundant natural resources, with millions of intelligent, energetic people, are suffering from a dearth of money volume. We are in the hands of the money-lender; seven-tenths of our wealth-producing possibilities are as though dead, because of a scarcity of money with which to mobilize the industries and render possible to consume all productions.

The money-lenders, watered-stock brokers, and security venders—speculators—are as 3 per cent., while the wealth producers are as 97 per cent.

The free coinage of silver would aid very much, and I aver that the silver dollar is pre-eminently a domestic dollar.

Who will pretend for a moment, if the coinage of silver was placed on the same footing as that of gold, that the market value of the silver that enters into the makeup of the "standard dollars" would be less than the market value of the gold that enters into the makeup of a gold dollar? I answer, no sensible, honest man. For the moment that free coinage of silver into dollars, present standard, was the law, every owner and holder of silver bullion fit for coinage purposes would say, I now have a market price established in free coinage, and will not sell my bullion for less than I can get at the mints in standard, full legal-tender at par with gold dollars; and, as with gold, I will take them away from the mint and get rid of them as best I can as money, and thus save the Treasury its present burden—under a false and malicious policy—from the necessity of enlarged appropriations for more vault room to keep such additions to the "money volume" from the people.

There are those who advocate putting into the silver dollar sufficient to make it an honest dollar, worth a dollar, intrinsically equal to the gold dollar.

Congress in 1834 wisely and patriotically solved the question of differences between the market value of bullion metal in the gold and silver dollar by passing an act that the gold dollar coined after that date should contain 6 per cent. less of gold metal than those coined prior to that date. The fathers well knew that the bullion value of the metal entering into the makeup of a metal legal-tender dollar should always be less, and materially less, than the legal value of the dollar so made.

Why not have this Congress learn wisdom from the statesmen of our country and pass a law taking 6 per cent. out of the coinage of all gold dollars coined after this date and thus serve the "king" gold dollar as Christ served Zaccheus of olden time, before he would permit equality of social relations?

The proposition is renewed to have a commission go to the kingdoms of other nations and secure an international standard of gold and silver money. The bare proposition is a declaration that there is no "money of the world." But the foolishness of the propositions is made most

apparent when we consider the character of these other governments, and discover that their system of government is wholly inimical to ours. Theirs is the one-man rule by right divine, a monarchy or semi-monarchy; ours, in theory at least, is a government of, by, and for the people.

Therefore these things and conditions that would build up a monarchy and make it strong—in money matters more especially than anything else—would make our Government as a government of, by, and for the people, weak; and if persistently pursued without serious hindrance, would drive us into a monarchy. That which would make our Government of, by, and for the people, strong in peace or war, strong in patriotism to principles, strong in general prosperity, would as surely weaken every government inimical to ours.

To make our Government weak in love of principles, patriotism, and prosperity—and I aver that unwise handling or dealing with the money question will have and irresistibly have more to do with such conditions than all other questions of state importance combined—then we shall have created conditions that will breed nihilism, communism, socialism, and agrarianism; also strikes, riots, and lockouts; but also lay broad, deep, and certain a field for dynamite and the dynamiter. We are certainly approaching the dread and awful time when science in the hands of ignorance, superstition, and outraged right will solve this labor-capital and money-capital problem, unless it be sooner solved by the wisdom, patriotism, and virtues of our national lawmakers in the interest of justice, equity, and humanity.

I here aver that the conditions of the people of a nation keep even step and pace with the volume of money per capita; with a large decrease in the volume of money per capita within the jurisdiction of any government, that population, commerce, arts, wealth, science, and true freedom will in exact ratio disappear; also, that all public spirit, all generous emotions, all the noble aspirations of man will shrivel and disappear until the conditions of life will become universally so hard that individual selfishness will be the only thing consistent with the instinct of self-preservation; and that this will occur as the volume of money shrinks and as prices thereunder must necessarily fall.

Here let me pointedly inquire of the ministry of the church of that Christ who lashed the money-changers out of his temple because they had made of it a den of thieves, as well of the humanitarian and philanthropist, also the business and producing forces of our social and civil society as to-day existing, how long can you afford to indorse the existing financial system, which I declare to be of more than national importance, fraught with the weal or woe of uncounted millions; yea, millions unborn, whose welfare both in time and beyond depends on the wisdom of your every word and deed, becoming as they do a part of the woof or warp of the fabrics of life's phases here and perchance hereafter?

How long can you afford to shut your eyes, your ears, your understandings, your very soul, to the great truths involved in a wise constitutional and patriotic solution practically of this financial question? It is not an easy matter to get religion on an empty stomach, or live it in the fullness and richness of possibilities while the toil-broken back is covered scantily with the coarsest of garb; the home—place where wife and children stay—is desolate of those products of toil that make it a pleasure to designate it as "our home;" or while crucifying circumstances may be patting juba on the spinal column of our richest hopes with the flax-hackle of adversity and disaster.

The few days that any of us can stay on the shores of time, with the fact that each of us will soon have to go down into the grave to rot and stink like other paupers, coupled with the fact that none of us can take with us gains our greed has won, that made others so poor indeed, and the other great fact that we must leave to our children and children's children the heritage as a legacy—the very government we help to create, which, as we wisely or unwisely do, will bless or curse them, should inspire each of us to seek the best good of the many by wise legislation, rather than of the few of whom our children and their children may not be.

Invalid and other Pensions.

SPEECH

OF

HON. JOHN H. ROGERS,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES.

Tuesday, March 3, 1885,

On the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886.

Mr. ROGERS, of Arkansas, said:

Mr. SPEAKER: I ask leave to read the following extract from the New York Herald, taken from its issue of the 19th or 20th of last month:

REMARKABLE LEGISLATION REGARDING THE FEES OF PENSION ATTORNEYS.

WASHINGTON, *February* 19, 1885.

The House yesterday by a very small majority defeated the consideration of the Senate bill to repeal the pension attorneys' fee act of July 4, 1884, which, it has been shown by the evidence taken before the Committee on Payment of Pensions, Bounty, and Back Pay, was lobbied through Congress by the hired counsel of a pension attorney in Washington. This Senate bill has had a remarkable history. The general provisions of it originated at the last session of Congress in the committee mentioned, and first passed the House as an amendment on the pension appropriation bill of that session. Under the rules of the Senate this amendment was stricken out. At this stage the pension attorneys began their work. By some means they succeeded in getting the subcommittee of appropriations to send to the Secretary of the Interior the various bills introduced in the two Houses on this subject and to ask his opinion upon them. By a curious coincidence, about the same time, the paid counsel of the pension attorneys appeared before the Secretary to discuss the character of the pension attorney fee bill that Congress should adopt.

It so happens that the bill sent by the Secretary of the Interior to the committees of the two Houses is the same bill agreed on in the conference committees of the two Houses, the effect of which permitted an increase of fees in all cases from $10 to $25, and operated retroactively, so as to cover all cases then pending, as well as those to be filed thereafter, and in a very large class of cases permitted new contracts to be filed for $25 in cases in which the full fee under the law had been already paid. It also made the Government an agent to collect unpaid fees in cases already allowed years ago. There were some 300,000 cases pending at the time the law passed, which, at $15, makes $4,500,000 taken by an act of Congress from the pension claimants, to say nothing of a class of cases in which a fee of $25 is allowed after the full fee under existing laws had once been paid.

Another remarkable coincidence is that at the very time this bill was in conference the attorney who employed counsel to secure the passage of that act was negotiating for and did purchase the business of another firm of attorneys, controlling about 40,000 claims, with the full knowledge of the Assistant Secretary of the Interior, the attorney who sold being in utter ignorance of the existence of this proposed legislation. It is a remarkable fact also that while the Secretary of the Interior voluntarily assumed, under oath, the paternity and responsibility for the operation and effect of this act, it was equally apparent that he did not understand its operations in at least one important particular, thus leaving the inference that this section of the bill at least did not originate with him; and, as it operated in the very highest degree for the benefit of the pension attorneys and against both pension claimants and the Government, it is fair to assume it originated with the beneficiaries under it, while, perhaps, nine-tenths of Congress did not know that there was such a law.

These facts being developed at this session, the House again passed the bill passed at its last session, so modified as to correct the act of July 4, 1884, as far as it was possible, it being put in as an amendment to the House pension appropriation bill. But, shocked at the developments touching the passage of the act of July 4, 1884, the Senate incorporated the provisions of the House amendment in a separate bill and passed it, and it is this bill, it is this Senate bill, that the House defeated the consideration of yesterday and sent to the Calendar to die.

Mr. Speaker, it is a shame that the truth of this article can not be questioned. On a former day of the present session, I tried to induce this House to repeal the act of July 4, 1884, and to correct the wrongs inflicted upon pension claimants by that act as far as could be done by its repeal and by new legislation. Inexplicably to me, unless it be attributed to a want of information touching either the repealing act or the act sought to be repealed, I was antagonized by dilatory motions until many members friendly to the bill, but deeply interested in other important legislation then pressing upon the attention of the House, were induced to deny the subject consideration and the repealing act was sent to the Calendar to die. We are now in the closing hours of the session, without time to consider with anything like deliberation bills appropriating millions of money. It is preposterous to criticise now this character of legislation or the reasons that have made it necessary. It is enough to know that no honest Representative can approve it or defend it here or elsewhere.

In this condition of things no hope can be entertained of correcting the evils flowing from the act of July 4, 1884, so justly criticised in the article just read. But I do not intend that this House shall close its labors until I shall have laid bare before the country the history of the legislation referred to in that article.

On the 20th of June, 1878, Congress passed an act regulating the fees of claim agents and attorneys in pension cases. It fixed the fee at $10 in all cases, and made it payable at any time, leaving the attorney to collect his fee in his own way. Under this law grew up a system of impositions, frauds, and villainies, difficult to believe and hard to describe. Claims utterly worthless, with no semblance of justice, were trumped up and filed, the attorney of course demanding and taking whatever he could get. Flaming advertisements were made the means of inducing the ignorant and unwary to send forward their claims and one, two, or five dollars as they could raise or afford.

Ex-Commissioner Dudley, upon whose testimony I hope, in view of recent events, I may not have to rely for much that I say, testified before the Committee on the Payment of Pensions, Bounty, and Back-Pay, of which I am a member, that "in point of fact, agents of this character filed a great many cases for confederate soldiers. They would file a case for anybody that they could get to make a claim, their object being merely to get the $10."

His testimony was corroborated by the Secretary of the Interior, when a witness before our committee.

The effect of all this was to choke the Pension Office. It could not cope with the flood of false and fraudulent claims that came in. It also tended to drive reputable attorneys from the business.

Our committee set to work early in the last session to correct this evil. Aided by the Commissioner of Pensions and some reputable attorneys of this city we took proof and examined carefully into the whole subject. As the result we formulated a bill which met the approbation of this House almost without a dissenting vote. It passed as an amendment to the pension appropriation bill of last session. Under the rules of the Senate it was stricken out of the bill.

Mr. Speaker, that bill met substantially the approbation of the then Commissioner of Pensions, as his testimony will show; and at least one

reputable attorney of this city, claiming to represent partially at least the respectable element of his profession, conceded that it was all that could be reasonably hoped for, and seemed satisfied. But there was one man at least who was not satisfied. He was a pension attorney. He controlled the largest pension business in this city or any other. He has according to his own testimony between 125,000 and 150,000 claims, good, bad, and indifferent. He was the owner of the National Tribune, a newspaper published in this city with a circulation of 112,000 subscribers, devoted, if he is to be believed, to "historical questions and to the interests of the soldiers." He is reputed to be rich and to have made it in the pension business. He was interested, deeply interested, in the pension legislation. No sooner had the Senate stricken out the House amendment to the pension appropriation bill of which I have spoken than he began his work. He began it in a business way—like a man of experience, like a man who wanted something and was willing to pay for it. He employed counsel, able counsel, experienced lawyers and legislators, and at a cost of $3,500 to aid him in promoting his interests.

Just how counsel earned the $3,500 does not appear; that he got value received is admitted.

It does appear, however, from the testimony, that this agent and his counsel called upon the subcommittees of the two Houses having in charge the pension appropriation bill, and who were subsequently appointed upon the conference committees to consider that bill, and induced them to send the various bills on the subject of fees for pension agents to the Secretary of the Interior and to ask his opinion as to the merits of the respective bills. It likewise appears that no sooner was that done than this same pension attorney and his counsel were on hand to argue *ex parte* the bill they wanted, and it also appears that the bill they advocated the Secretary recommended to the committees of the two Houses and it became a law on the 4th day of July, 1884. It is also true that the bill as it passed never saw the light in either House until it came in on a conference report during the last days of the session, and, so far as I know, passed without any member of Congress except the conference committees being aware that it was not the amendment which had previously passed the House. Such is the origin and history of the passage of the act of July 4, 1884.

Mr. Speaker, the investigation does not warrant the slightest belief that anything wrong was intended by the committees of conference. I am persuaded that they did not suspect any evil, or dream that they were being entrapped. Sir, I do not think there is anything in the testimony to satisfy a reasonable mind that the Secretary of the Interior was advised that the action of the subcommittee, in sending the bills to him and soliciting his opinion was not voluntary on their part. He denies all complicity in the action had by the pension agent and his attorneys in procuring the bills sent to him. He admits that they appeared and argued the subject before him; denies that it made any deep impression upon him. But nevertheless they got what they wanted. The pension attorney testified, "I was entirely satisfied with it," meaning the act of July 4, 1884, which was the bill the Secretary had recommended. Sir, it is highly probable that the pension attorney knew in advance what the Secretary's views on the subject were, for it appears in proof that while in the Senate he was on the Pension Committee and had favored substantially the same bill without some of the most obnoxious features of this one.

Mr. Speaker, the facts I have stated rest on the testimony of the Secretary of the Interior himself and the testimony of George E. Lemon, the pension attorney heretofore referred to. Let any one who doubts any part of this statement read the testimony of these witnesses and be satisfied. Mr. Speaker, it is to be regretted that truth demands that I shall disclose another chapter of the history of this act; and in doing so I shall rely on the testimony of two witnesses only, namely, the Assistant Secretary of the Interior, Mr. Joslyn, and George E. Lemon. It will be remembered in this connection that under the regulations of the Interior Department all matters touching pensions were referred to the Assistant Secretary of the Interior, and that he decided all appeals from the Commissioner of Pensions, and, in a word, had supervisory jurisdiction over that bureau. The Secretary often signed the orders and decisions, but he did so in a perfunctory way, and without question, relying upon the Assistant Secretary for the correct management of that bureau.

It appears from the evidence of the Assistant Secretary and George E. Lemon that for a long time prior to the passage of the act of July 4, 1884, a firm of attorneys, which we will call, for convenience, "The Fitzgeralds," for reasons not important to this discussion, had been suspended from practice in pension cases; that they controlled a very large business, say from 35,000 to 75,000 cases, good, bad, and indifferent; that a large part of this business affecting the interests of their clients was absolutely blocked in the Department, all of it perhaps imperiled, and the Pension Bureau greatly embarrassed thereby. George E. Lemon had for months been negotiating for the purchase of this business.

One of the obstacles to the purchase was the fact that "the Fitzgeralds" were suspended, and the practice of the Department was not to recognize the purchaser of the business of a suspended attorney. Upon just what principle of law or common sense this practice was made to rest it would puzzle a lawyer to tell. But it is nevertheless true, and the Assistant Secretary, Mr. Joslyn, says that Fitzgerald was restored to practice that he might sell to Lemon. True, the Secretary who made that order denied it, and the Assistant Secretary failed to explain the contradiction. The order was made on the 16th of June. The bills sent to the Secretary by the subcommittees were sent on the 9th of June, and on the day following the restoration of Fitzgerald the Secretary sent the bill he recommended to the subcommittees, which ten days later was favorably reported from the conference committees of the two Houses, and became a law July 4 following.

While the subject was under consideration Lemon and his attorney appeared and presented their objections to the House amendment and presented their own views. When the Secretary had decided the matter and sent the bill to the subcommittee Lemon called again and the Secretary says he thinks he gave him a draft of the bill. The Assistant Secretary must have known what had been done. He does not admit it nor deny it, but rather evades it. But "the Fitzgeralds" were in darkness, total darkness, of all that was going on. On the 20th of June that order restoring "the Fitzgeralds" was published by the Commissioner of Pensions. Then they could sell. What followed?

On the 24th of June "the Fitzgeralds" agreed with Lemon upon terms of sale, and a written memorandum was made and placed in the hands of an attorney to prepare the papers. The papers were not ready for execution until the evening of the 26th, the very day the Secretary's bill was agreed upon in conference; for it was reported to the two Houses on the morning of the 27th of June. I quote the testimony of Mr. Lemon, in response to questions put by myself, on this point:

Q. Since that law was passed have you not largely increased your business?
A. No; I do not think so.
Q. Have you not made purchases of claims from other pension agents?
A. No, sir; I have refused a large number of cases since the passage of that law.
Q. About the time of the passage of the law, or just before it, did you not buy out the business of other firms here?
A. Yes; I did last June, and I am sorry that I did so.
Q. Was that before or after the passage of the law?
A. It was before the passage of the law.
Q. How long before the passage of the law?
A. I think the purchase took effect on the 24th day of June, 1884, and the law was approved on July 4.
Q. Did you know where the act referred to was at the time you made this purchase—whether in the House, or in the Senate, or in the conference committee?
A. I think it was in conference committee. I am not sure about that. Of course I knew all about the progress of that legislation and everything concerning it.
Q. Did you call on any members of the House or of the Senate in connection with it?
A. Yes, sir; on a large number of them.
Q. Did you recommend any modification of the act as it had passed the House?
A. Yes; because there were several features in that bill that ought never to have passed the House.

True, Mr. Lemon subsequently, on page 130 of the printed evidence, after consulting as he says with his attorney, attempted to modify this evidence; but I submit its truth remains unshaken. In his efforts to get rid of this damaging evidence he was driven to contradict the Secretary of the Interior and himself as well, where he says on page 130 that "the first time I saw the text of this bill I saw it in the CONGRESSIONAL RECORD of June 28, 1884." For on page 106 the Secretary says that after Lemon and his attorney had appeared and stated their views and he had considered the subject and sent his bill to the subcommittees, that Lemon called again, and he, the Secretary, gave him, he thinks, "a copy of this same draught of the bill which I sent to Mr. FOLLETT."

So Lemon did call and ascertain what had been done. Lemon, on page 130, was finally forced to admit that this sale was consummated on the evening of the 26th of June, between 2 and 4 o'clock, the very day the Teller bill was agreed on in conference, *i. e.*, the bill of sale by Fitzgerald to Lemon was executed, the money paid, and the pension cases of Fitzgerald delivered to Lemon, and the same at once taken to the latter's office the very evening of the day the conference committees of the two Houses agreed to report favorably the Teller bill. It is certainly true, as Mr. Lemon says, that he knew "all about the progress of that legislation and everything concerning it."

One other significant fact just here; mark it well. From the 24th to the 26th of June, the time when this sale was being consummated, the Fitzgeralds' mail, by a written agreement then on file in the post-office of this city, was tied up, to be delivered to Lemon when the sale was consummated. How cunningly devised was this scheme; the pretense was that the purchaser was entitled to everything going through the mail to Fitzgerald after the 24th of June. Truly were the Fitzgeralds in the dark. Even the ordinary channels of information had been shrewdly closed to them. They had agreed to sell and further information on the pension business did not interest them. They awaited calmly the consummation of their contract, no doubt glad of the promised relief a sale would bring. If any one enjoys human misery, let him read the evidence of George E. Lemon, on pages 130 to 134, inclusive, where he tries to defend his conduct and reconcile it with the principles of honesty and sound morals. He presents at once a shameful and a shameless spectacle.

But this is not all. The story does not stop here. On page 134 Mr. Lemon testifies that the execution of the contracts by the Fitzgeralds and the payment of the money to them occurred between 2 and 4 o'clock on the evening of the 26th of June; that he had ordered the wagons to be on hand, and they were ready at Fitzgerald's office. Even this precaution was had. Why this indecent haste? He knew, Mr. Speaker, the importance of fastening his clutches upon Fitzgerald's business before the industrious newspaper men had sent their morning editions to every breakfast table. He was a newspaper man himself—the proprietor of a newspaper devoted "to historical questions and the interests of the soldiers."

Sure enough, the Star of this city, next day, gave notice that the conference committees had agreed to report favorably the Secretary's bill. Lemon testifies to this himself, on page 130, and I presume that is true. How he must have chuckled over the success of his work on the morning of the 27th of June. Thousands had slipped from the Fitzgeralds into his pockets, as cleverly as if done by the trick of a juggler. What honest man can suppress the hope that in some way he may be brought to understand "that nothing is so foolish as cunning?"

But, Mr. Speaker, one step further. On the very day of this sale, before 4 o'clock, when the Departments close, Mr. Joslyn, the Assistant Secretary of the Interior, at the solicitation of Lemon, prepared and the Secretary signed and issued this order:

DEPARTMENT OF THE INTERIOR,
Washington, June 26, 1884.

SIR: Herewith is transmitted to you a power of attorney from N. W. Fitzgerald, N. W. Fitzgerald & Co., S. C. Fitzgerald, and W. T. Fitzgerald, to George E. Lemon, and a letter of withdrawal of said parties and firm as pension attorneys, which, under the circumstances and the good standing of George E. Lemon, are approved by me.

You will therefore recognize George E. Lemon as attorney in all cases heretofore represented by said parties and firm, according to the terms of the papers herewith filed with you.

* * * * * * *

And in all cases of transfer from one attorney to another you will recognize such contracts as they may make touching attorneys' fees, &c. It is not material whether the attorneys' fees are paid to the original or substituted attorney, provided only one payment is made by the United States pension agent.

* * * * * * *

Very respectfully,

H. M. TELLER, *Secretary.*

The COMMISSIONER OF PENSIONS.

Here is the contract, or the paper referred to in that order or letter of the Secretary:

Articles of agreement made and entered into at Washington, District of Columbia, on this 24th day of June, A. D. 1884, by and between George E. Lemon, of the first part, and W. T. Fitzgerald, S. C. Fitzgerald, N. W. Fitzgerald, and N. W. Fitzgerald & Co., of Washington, D. C., of the second part, witnesseth:

That for and in consideration of $10,000, which is to be paid immediately upon the issuing of an order by the Secretary of the Interior, recognizing said Lemon as the substitute of the parties of the second part in business before that Department, the said parties of the second part, and each of them, hereby assigns, sells, and conveys to said Lemon all the claim and legal business, together with the good will thereof of them, or either of them, and the good will and ownership, together with the types and forms of the mailing list of the newspaper known as the Washington World and Citizen Soldier, including the right to prosecute all claims, applications, and suits pertaining to said business, and to collect and retain the fees therefor. This transfer includes the jackets, papers, evidence, letters, and books, with all the racks or troughs in which the pouches are now arranged, and all office tables, but no walnut desks; also, all pigeon-holes for filing or holding papers.

It covers and includes all claims and applications where either of the parties of the second part is, or may be, named as attorney, for pensions, bounties, land-warrants, additional homesteads, patents, arrears of pay or salary, or of allowances, balances due on contracts with the Government, changes of muster of officers, removal of charges of desertion, entries and contests respecting public lands, refundment or abatement of taxes, or duties, for lost horses, and other property taken, destroyed, used, or occupied by the Army, and, in fact, all claims whatsoever their nature, filed with either of the several Executive Departments of the Government, pending or settled; and all those that may have been or are now pending before Congress or the courts, and all other matters of business with the Federal Government whenever the parties of the second part or either of them are or may be attorney.

It covers and includes settled as well as unsettled claims, claims hereafter to be filed, as well as cases already filed, and gives to said Lemon full ownership of, and right to collect and retain whatever fees remain due and unpaid on cases heretofore settled; and the better to enable said Lemon to receive through the mail mail matter addressed to the parties of the second part, and pertaining to the business hereby transferred, the parties of the second part hereby covenant, agree, and order that all mail matter addressed to them, or either of them, or to the Washington World or to the Citizen Soldier or to the Washington World and Citizen Soldier within the next eighteen months, and thereafter, until we otherwise order, shall be delivered to said Lemon and may be opened by him.

Money due for advertising already done in the said newspaper remains the property of the parties of the second part, and is to be paid over to them by said Lemon as fast as collected, without charge for collecting the same; but money to become due for future advertising in said paper, as well as money due or to become due for subscription to said paper, are to be the property of said Lemon.

And the parties of the second part jointly and severally covenant and agree for himself, his heirs, and legal representatives that each of them will, whenever by said Lemon requested so to do, indorse *sans recours* drafts, checks, postal, or express-money orders, issued in payment of fees in the matters herein mentioned, and will execute such other and further instruments of writing as may be found proper and necessary in the process of the prosecution of said cases to enable said Lemon to fully represent the same as attorney, and to cash and realize the fees arising therefrom, and that they will not in any manner attempt to revoke the power of substitution given by them to said Lemon in said cases, or in any manner limit or disturb the transfer and sale hereby made; or re-engage in the business of prosecuting claims, or soliciting patents of the Government or publishing a soldiers' newspaper, and that after said eighteen months and the resumption of their mail by them they will promptly send to said Lemon such of said mail as may pertain in any wise to the business hereby transferred.

And the said Lemon, on his part, stipulates and agrees, that upon the issuing of an order by the Secretary of the Interior recognizing him as the substitute of the parties of the second part, as herein contemplated, he will pay to them in cash the said sum of $10,000.

It is expressly understood and agreed as a part of this contract, that said Lemon is not to be in any manner bound by or responsible for the fees that may have been advanced to said parties of the second part or either of them in any claim whatever, or required to render the services for which said fees were paid.

Witness our hands and seals at Washington, D. C., this 24th day of June, 1884.

GEORGE E. LEMON.
N. W. FITZGERALD.
N. W. FITZGERALD & CO.
WASHINGTON WORLD AND CITIZEN-SOLDIER.
S. C. FITZGERALD.
W. T. FITZGERALD,
By S. C. FITZGERALD, *his Attorney.*

Attest:
J. W. SMITH.
CHARLES W. SACKVILLE.

DISTRICT OF COLUMBIA,
City and County of Washington:

On this 24th day of June, 1884, personally appeared before me George E. Lemon, N. W. Fitzgerald, N. W. Fitzgerald, of N. W. Fitzgerald & Co., S. C. Fitzgerald, for himself and as attorney for W. T. Fitzgerald, and acknowledged the foregoing contract, power of substitution and attorney to be the voluntary act of them, and each of them, and of the said firm and of the said W. T. Fitzgerald for the purposes herein stated.

Witness my hand and seal at Washington, D. C., the day and year first above written.

M. M. KOHRER,
Notary Public.

In view of the circumstances these are remarkable documents. Lemon went alone when he got this order. It does not appear that he had ever previously mentioned the order to the Assistant Secretary, nor does it appear that the Secretary had known the pendency of negotiations for Lemon's purchase of Fitzgerald's business. But the Assistant Secretary knew it, for he testifies Fitzgerald was restored to practice that he might make the sale. Whatever may be the truth of this, Lemon got the order, and when he got it the contract referred to in it was not drafted. It was then in process of being drafted. Neither the Secretary nor the Assistant Secretary had ever seen it. This is admitted by them all.

Mr. Speaker, the haste was indecent, and the order in full keeping with the other facts I have detailed touching this scheme. It was quick work. There was no departmental red tape about it.

But—

If it were done, when 'tis done, 'twere well
It were done quickly.

For if not done quickly, if delayed a day, or two days at most, the world could have known of the agreement by the conference committee to report the act of July 4, 1884, to which the attention of Congress might have been particularly called, and the bill defeated, or the authority of the Secretary invoked to defeat this fraudulent scheme.

I leave the Assistant Secretary and Mr. Lemon, and his attorneys too, where the facts leave them, and without comment.

It does appear, from the Secretary's evidence, that while he signed the order referred to he relied on his assistant and knew nothing of what lay beneath the order he was induced to sanction.

Mr. Speaker, in these facts is to be found the interest of George E. Lemon in the passage of the act of July 4, 1884. Truly is he the soldier's friend. Indeed, he is himself "an old soldier."

It did not take long, Mr. Speaker, for this extraordinary order of the Secretary, when applied to the bill of sale from Fitzgerald to Lemon, to get the Pension Office in hot water, as this correspondence will show:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, July 14, 1884.

SIR: Referring to your letter of the 26th ultimo, transmitting the power of attorney from N. W. Fitzgerald, N. W. Fitzgerald & Co., S. C. Fitzgerald, and W. T. Fitzgerald, to George E. Lemon, I have the honor to invite your attention to the following facts:

1. In many instances the claimants object to the transfer, and desire to select their own agent, or prosecute their claims without such aid.

2. It appears in many claims that the Messrs. Fitzgeralds have been paid the fee, either in part or in full, and wherein there is nothing due for Mr. Lemon or any other agent to do, the claims being complete at the date of the transfer. Is it intended, as is held by Mr. Lemon, that he should be recognized to dispute of the expressed wish of the claimants, and is it your intention that in the numerous class of claims mentioned that Mr. Lemon is to be paid the fee notwithstanding the claim is complete and the claimant has paid Fitzgerald & Co.?

This letter is written in pursuance of our conversation of Friday last, in order that a full expression of your views upon the subject may be given for the guidance of the office.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

Order 103.] DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., July 30, 1884.

The following instructions of the honorable Secretary, of the 12th instant, in regard to payment of fees and transfer of business by one attorney to another, are published for the information and guidance of the office.

W. W. DUDLEY, *Commissioner.*

SIR: I have yours of the 14th instant concerning the collection of attorneys' fees in case of the assignment of business by one attorney to another. It was not my intention in allowing one attorney to transfer his business to another to allow additional fees to be collected for work completed and when the fee had been paid. In all cases where the work is but partially completed it will be impossible to determine what ought to be paid to the new attorney, and I must, therefore, leave the fee to be paid as the law directs.

If an attorney who has partially completed the work of a pension case and received his pay therefor, in whole or in part, refuses to complete the work so be

gun, he can not be compelled to do so, although for such misconduct he may be disbarred; but if he discontinues to practice, the Department is powerless to compel him to proceed or to punish him for neglecting to do so. If he assigns his business to another attorney, the claimant is not bound to recognize the assignee as his attorney; he may employ other persons to prosecute his claim, and the assignee so receiving the papers of claimant from the former attorney will be required by the Department to turn over to such claimant, on demand, any and all papers in his hands belonging to such claimant. But if the claimant chooses to recognize the assignee as his attorney, then he is bound to pay to such attorney the legal fee for his services, unless an agreement shall be made between the claimants and the assignee for a fee less than that established by law.

When the claimant has paid a portion only of the fee allowed by law, and only a portion of the work necessary to secure the pension has been performed by the attorney, it would seem to be but just that the assignee should be paid only for the work done by him; but it is impossible to determine the amount that ought to be paid for the services rendered by such assignee, and, therefore, I see no way but to allow the assignee to receive pay in all cases where he is required to do substantial service to his client. He should not be allowed to render service simply as a means of making a charge in cases completed by the assignor. Whenever the claimant has paid nothing, as I have before said, he should be required to pay the assignee whether he has rendered service or not, because the former attorney or assignor has made the last attorney or assignee his agent to collect such fee. The assignment of claims held by one attorney and in an incompleted state should not be allowed, except in such cases as appear to the Department to be necessary to the proper conduct of such cases in the interest of the claimant.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. W. W. DUDLEY,
Commissioner of Pensions.

This letter of explanation needs explanation. It is as clear as mud. The Assistant Secretary so found it when he tried and failed to explain it. The Commissioner of Pensions, Mr. Clark, tried it and he failed to make it very clear, and differed widely with the Assistant Secretary as to what the Secretary intended. The Secretary construed it to his entire satisfaction; but it would have been more creditable to his clever capabilities and amiable character if he had modestly declined.

I am not disposed to follow this branch of the subject further. One must read the evidence to enjoy the confusion of ideas that prevailed when the committee were seeking light on this transfer and these orders.

It is enough to say that the Department had never before denied a claimant under similar circumstances the right to select his own attorney.

I have recited these facts for a twofold purpose: First, to put the country upon notice how disinterested and tender is the affection of the chief pension attorney of this city for the soldier, and to gratuitously furnish him an article of an "historical nature," which the 112,000 subscribers of his newspaper will read with some interest perhaps, if not with pleasure. Of course nothing of "interest to the soldiers or historical in its nature" will escape so enterprising a gentleman and disinterested a philanthropist as he.

In the second place, this recital demonstrates how easy it is for us, in the faithful discharge of public duty, to innocently be made the instruments of the grossest wrong toward those we are bound by every principle of justice and fair dealing to protect.

I now turn to the act of July 4, 1884, that I may point out the iniquitous operation of that law, and how Lemon profited by it. When that act became a law there was on file in the Pension Office about 300,000 cases. These cases had been filed under the act of 1870 and the act of June 20, 1878. A very large number had been filed under the latter act, the fee allowed being $10, and the attorney compelled to collect the fee as he could. Many of the fees in these cases had been paid in full; some, perhaps almost all, in part. The attorneys had taken these claims under existing laws and agreed to do the work for that sum or less. The law forbade a greater fee than $10, and a contract for a greater sum would have been void.

In thousands of cases the work had been substantially done; in many instances decisions had been made and nothing left but for the Secretary to sign the certificates of allowance. In many cases under the latter act the certificates had been signed by the Secretary and the claimant had been drawing the pension for years, but in many instances had not paid all the attorney fees. The Department took no notice of the fees under the act of 1878, and its records showed nothing upon that subject. The certificate or check was given to the claimant and the Department had nothing to do with attorney fees. That was a matter for the attorney and his client to settle.

Such was the condition of things when the act of July 4, 1884, went into effect.

That act so changed the law as to allow an increase of fee of $15 in all cases pending, as well as to be thereafter filed, and it made it the duty of the Government to collect out of the first installment due the claimant all the fee not then paid in all cases disposed of or to be disposed of and to pay the same to the attorneys of record.

True, the additional $15 could only be paid to the attorney when he procured a contract from his client to that effect. True, also, by the terms of the act the client could not be compelled to execute it; but one needs only to read the evidence to see to what duress these poor and helpless people were subjected to procure these contracts. The law went into effect July 4, 1884. On January 15 following Lemon testified (see page 20) that he had secured 25,000 of the contracts. Assuming these 25,000 claims will be allowed, his clear profit at $15 a case is $375,000.

I hold, Mr. Speaker, that every one of these contracts is void for want of consideration. If I agree to defend a suit for you or to build you a house for a thousand dollars, and the work is begun and you come to me and without any new undertaking moving from me simply promise me a thousand dollars additional when I get through, the promise is void and you can not enforce it in a court of justice. It is just as void as if standing in my place I promise without consideration to give you my homestead to-morrow and execute to you a deed for it. There is no consideration to support the promise, and yet the Department has recognized this law and these contracts and has already paid out many thousands of dollars to pension agents, taken from the claimants who not only needed it but were justly entitled to it. How they procured these contracts may me seen by reading these circulars:

POSTAL CARD.

(Address:) Mrs. Geo. A. Matchett, Marietta, Ohio.

Memorandum from George E. Lemon, counselor at law and solicitor of patents and claims, 615 Fifteenth street N. W., Washington, D. C., P. O. Drawer 325.

Why do you not execute and return the articles of agreement or state your reasons for not doing so? Very few of my clients have failed to execute the contracts as authorized by law.

Please comply with my request by promptly executing both of the articles of agreement, and return them to me at once.

Let me hear from you by return mail, and oblige,

GEORGE E. LEMON.

Q. Is this [handing another card to witness] another of those circulars?

A. Yes; that postal card must have been sent from the office; but we make a distinction between postal cards and circulars.

The card was put in evidence, and is as follows:

POSTAL CARD.

(Address:) Mr. William H. Raynor, Ficeport, Queens County, N. Y.

Memorandum from George E. Lemon, counselor at law and solicitor of patents and claims, 615 Fifteenth street, N. W., Washington, D. C., P. O. drawer —.

All the papers in your pension case were transferred to me by Fitzgerald & Co., and with the approval of the honorable the Secretary of the Interior, as you have heretofore been notified.

You have as yet failed to execute and return the articles of agreement (authorized by law) which I sent you some time ago. Why have you not returned them? Both of the articles should be executed and returned to me.

Please attend to this at once, and let me hear from you by return mail.

Very respectfully,

GEORGE E. LEMON.

The chairman also put in evidence the following cards:

POSTAL CARD.

(Address:) Humphrey Burfield, Layman, Washington County, Ohio.

Why have you failed to execute the agreements which I sent you as to the fee authorized by law? They are the forms approved by the Department. Both articles should be executed and returned to me at once to be filed in the Pension Office. No fee can be paid me unless the Commissioner so directs. Please do this without delay. See circular and copy of the law sent you.

Yours, truly,

A. W. McCORMICK.

CINCINNATI, OHIO, *January*, 1885.

Remember, both "fee agreements," inclosed herewith, must be executed and returned promptly to us, in accordance with the requirements of the Commissioner of Pensions.

Very respectfully,

SOULÉ & CO.

These are samples of their methods of procuring contracts under this law.

Who will say that there is no duress and no wrong in this? Who will stand up and defend this wrong? Who, with a full knowledge of the facts, would have filibustered to defeat the consideration of a bill to repeal this act and restore the pension claimants to their rights? Mr. Speaker, I have now in my mind's eye a man who now resides in my district, a man who belongs to the command of your distinguished colleague on this side, General WOLFORD, who has in every instance stood by the interests of pension claimants, and who would suffer his right arm amputated before he would sanction this act—a man with a wife and five children, a man on crutches, paralyzed from his hips down, and who has a claim pending for a pension.

Let us take him as an example and assume a case of this sort. In his destitution and want he clings to the hope that his pension will come sooner or later. He has struggled and gotten all the evidence he could. He scratches about and pays $2 or $3, perhaps the $10 due under the act of 1878. His case is ready for adjudication. It is perhaps adjudicated, but the certificate not issued. Just at this juncture comes the act of 1884. At once his attorney sends one of these contracts with one of these circulars. Would he hesitate? He does not know the condition of his claim. He reads this peremptory circular from his attorneys. He says to himself: "I have done all I agreed. He ought not to demand it of me, but I am hungry and naked, my little ones are gaunt and cold. It will do me no good if I don't get it soon; perhaps it will do them no good either. If I do not sign it I may never get it; a half loaf is better than no bread." And he signs it and returns it. Who would take that money? No one, unless it be that class of lawyers—

> Who feed on crime and fatten on distress,
> And wring vile mirth from suffering's last excess.

No man can tell how many such cases as this have occurred. But suppose that contracts are obtained in the 300,000 cases now pending, the great majority of which sooner or later you and I know will be allowed. What does it amount to at $15 per case? The round sum of $4,500,000. If half are allowed, it foots $2,250,000. But this is not

all. It is shown in proof, admitted by the Secretary of the Interior, that in cases of transfers like that of Fitzgerald to Lemon the assignee can disregard the contracts between the assignor and his client and make a new contract and get the $25, and such has been the practice under this act. Read his evidence on page 120 to that effect.

But another feature of this act is that it makes the Government take a large part of its force in the Pension Office from its legitimate work, and put it to tracing down the amount of fees paid under the act of 1878, and to the collection of the unpaid attorney's fees and the payment of the same to the attorneys, and this not only in cases undisposed of but in cases disposed of years before the law was passed. It is supposed that 5 per cent. of the office are engaged in this work, and it must continue while there is a case undisposed of which was filed under the act of 1878.

The thing resolves itself into this: Three hundred thousand claimants are asking the Department to adjudicate their claims, now long delayed because the Pension Office is behind in its work. The Department replies, "We will do the best we can for you, but under the law we shall have to stop a large part of the force to collect and pay over fees to the attorneys who represent you; not fees which you justly owe, it is true, but fees which Congress has made it our duty to take from you and give to them. You must wait until this can be done." That is the simple, naked truth.

Mr. Speaker, it is due the Secretary of the Interior that while he frankly took upon himself the paternity of this unjust law he did not understand that its operation would be as I have stated, nor did he know that such had been the practice until his attention, while a witness before our committee, was called to it. To be more specific, he did know that the act operated retroactively, so as to allow an additional fee of $15 in all cases and to make it the duty of the Government to collect and pay over the attorneys' fees in all cases not disposed of; that was bad enough; but he did not know that the Government was compelled to collect the fees in cases disposed of when the act went into effect. He did not know that the Government was made an agent at its own expense, and the delay of other claims, to ascertain and collect stale attorneys' fees from its own pensioners.

That there may be no mistake about this I quote from the Secretary's evidence—first on pages 106, 107, and 108:

The CHAIRMAN. I think you have stated that this provision was your own recommendation—"that in all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney"?

The SECRETARY. Yes; that is my own recommendation.

The CHAIRMAN. Does not that require the Government to employ part of the clerical force of the Pension Office to go back over claims that have been allowed, and in which certificates had been issued, and deduct the fee from the pension which the pensioner is already receiving?

The SECRETARY. Oh, no; not at all.

The CHAIRMAN. Is not that the practice of the Pension Office, under it?

The SECRETARY. If it is, it is in violation of the statute. There is no authority for it under that law. The law refers to cases thereafter adjudicated. I saw no reason why an attorney who had conducted a case successfully for a fee of $10 should not be paid his fee by the Government the same as an attorney who had conducted one successfully for $25. I see none now. I think it is in the interest of the administration of the Pension Office and in the interest of justice that it should be done. But that does not justify the Pension Office in going back and saying to a claimant who got his certificate last year, "You owe this attorney $10." If the Pension Office has given that construction to the law it has made a mistake.

The CHAIRMAN. But the language is, "that in all claims allowed since June 20, 1878," where it shall appear that the fee of $10 has not been paid it shall be deducted from the pension.

The SECRETARY. That simply means all cases that were allowed and the certificates not yet issued. Cases are sometimes allowed a long time before they are finally settled. That is all that it means. That was its purpose and intention. I do not know what the Pension Office may have done under it.

The CHAIRMAN. You have read the testimony of the Commissioner of Pensions before the committee, have you not?

The SECRETARY. Not on that point. My attention was not called to it. I never heard it said before that such a construction could be put upon the law. Certainly that was not my intention, and that is not what I think the statute means.

The CHAIRMAN. What is your interpretation of the statute, then?

The SECRETARY. Simply that hereafter in all cases allowed but not settled (for instance when a claim is allowed the certificate does not issue for some time), instead of issuing a check for the full amount, the pension agent shall deduct the fee due to the attorney. But I never understood that, where a case was allowed and settled by the certificate going to the claimant the Pension Office would go back and deduct the attorney's fee.

The CHAIRMAN. And you are not aware that this is the practice of the Pension Office?

The SECRETARY. I am not aware that there ever has been such a practice. Certainly my attention has never been called to it.

The CHAIRMAN. Under the law of July 4, 1884, if an attorney comes to the Pension Office with a contract from the claimant in a claim which is completed as to all the testimony (complete as to everything except the issue of the certificate), he is allowed, is he not, to attach that contract to such a claim and receive $15 more, even if the full $10 fee allowed under the act of 1878 has been already paid?

The SECRETARY. I should think it likely that if a claimant, before a final adjudication of the claim, before the final determination of it (which is, as I understand, when the certificate goes out), sees fit to enter into a contract with an attorney to pay him a fee of $25, the Pension Office is bound to allow that fee to be deducted, provided the claimant had not paid any portion of the $10 fee.

The CHAIRMAN. But suppose he had paid the whole $10 fee?

The SECRETARY. Then probably he might make a contract, and the Pension Office might pay the attorney $15 more.

The CHAIRMAN. And that would attach, would it not, to a claim, although complete as to all the evidence, if the certificate had not been signed by the Secretary?

The SECRETARY. Very likely that is so, but I do not suppose that it would go back to a case in which the certificate had been signed. I do not suppose the Pension Office would recognize a contract of that kind. That would be the case that you first suggested.

The CHAIRMAN. Yes; as to the $10 fee. In the case that I first suggested no contract is needed. Now, take another class of cases where claims filed under the act of 1878 were not completed in the matter of testimony, but on which, under the act of 1878, the whole or a part of the fee of $10 had been collected. Does not this law permit in such cases a new contract to be filed for $25, and the whole $25 to be paid out of the pension?

The SECRETARY. Do you mean in addition to the $10?

The CHAIRMAN. In addition to the $10, or to any part of it that may have been paid.

The SECRETARY. I do not understand so.

The CHAIRMAN. Do you not understand that to be the practice of the Pension Office, at any rate in cases where a new attorney has been employed?

The SECRETARY. Very likely. When a new attorney comes in the Pension Office has not any control over the contract. Take the case of Mr. Fitzgerald. Suppose that Mr. Fitzgerald had received $10 in a case, and then he turns over his business to some other attorney. A claimant may make a contract with that attorney, and, of course, the Pension Office could not prevent that attorney getting his money. If the Pension Office should undertake to do that it would be saying to the claimant that he could not pay the proper amount that he is entitled to pay.

The CHAIRMAN. In such cases as I last referred to, suppose one attorney is substituted for another, and suppose the substituted attorney obtains a contract for $25 in cases where the whole or a part of the $10 fee had been paid. Would not the substituted attorney in such cases be allowed to receive the full $25?

The SECRETARY. That would depend upon the contract which the parties made.

The CHAIRMAN. You mean the contract between the assignor attorney and the assignee attorney?

The SECRETARY. No; but the contract between the claimant and the substituted attorney. The substituted attorney could not receive a $25 fee unless the claimant made a contract with him to that effect.

The CHAIRMAN. Then, if a substituted attorney makes a contract with a claimant for the whole $25 under the law, although he had previously paid a fee of $10, he is allowed to receive the whole $25, is he not?

The SECRETARY. Under the present act the claimant has not any right to pay any money to his attorney until there is a completion of the claim. Consequently, when he makes a contract he does not pay his attorney $10, and he can not do it. The attorney has not any right to take any money from the claimant until the completion of the case. If Mr. Fitzgerald or Mr. Lemon makes a contract with Mr. Jones to prosecute his claim and afterwards turns that contract over to John Smith, there has been no money paid under that contract, and therefore it is impossible under this system for one attorney to milk a claimant, and then turn over the case to another attorney and allow him to milk the claimant also, and then the second attorney to turn it over to a new man, and so on.

The CHAIRMAN. But where an attorney has milked a claimant under the act of 1878, a new attorney is now allowed under the act of 1884 to come in and milk him again, is he not, if he makes a contract?

The SECRETARY. Yes, if he makes a contract. Under the old system one attorney could get $10 out of a claimant and could then throw up the case, go away, and abandon it. The claimant would get another attorney, who would take another $10, and who would in his turn go away, and so on ad infinitum. Now that can not be done. That is why I objected to the old law. It gave too many opportunities for fraud.

The CHAIRMAN. About how many claims were on file in the Pension Office on the 4th of July, 1884?

The SECRETARY. I can not tell without a reference to the Commissioner's report.

The CHAIRMAN. I believe there were about 300,000 cases on file.

The SECRETARY. The Commissioner of Pensions can tell as to that. I would not venture to fix any figure.

The CHAIRMAN. Then this law which you recommended was made retroactive, was it not, to the extent of covering all the claims on file in the Pension Office that were filed under the act of 1878?

The SECRETARY. Provided that the claimant (who is supposed to have some sense in the matter always) saw fit to enter into a contract.

That evidence was given on the 29th of January last. On the following day (page 110) the Secretary testified as follows:

By Mr. ROGERS:

Q. You have stated that you had received the pension appropriation bill of the House when you prepared the bill which has become the law of July 4, 1884. Am I right in that?

A. I have no recollection of having received it; but, judging from my letter to Mr. FOLLETT, I must have had it, because I say in that letter that I have seen it. I have no distinct recollection of having it.

Q. You say, in answer to Mr. FOLLETT, that you have read that bill?

A. Yes.

Q. Turn to the bottom of your letter to Mr. FOLLETT and look at the last paragraph or two. Do you not find there that you state you have given the two bills careful examination?

A. Yes.

Q. You were aware, then, that this bill of the House did not permit pension attorneys who had undertaken to prosecute claims under the act of 1878 at $10 fee per case to make contracts in that class of claims, and to get $15 fee additional?

A. Yes; I think that that is so.

Q. You have stated that your bill did allow contracts to be made in that class of cases for the $15 additional fee.

A. I not only said so, but I think the bill itself shows it.

Q. Did you intend that it should operate in that way when you drafted the bill?

A. I intended that in every case which was not settled—which was still incomplete—the parties, if they saw fit to make a contract to give an additional $15, might do so. I did that *ex industria*, because I believed that to be in the interest of the soldier.

Q. Did you consult with Mr. Joslyn about your draught of the bill when it was under consideration, or after it was prepared, and before it was sent to the conference committee?

A. I do not think I did.

Q. Did you consult with any one else besides Mr. Lemon's attorneys, and if so, with whom?

A. I did not consult with Mr. Lemon's attorneys. Mr. Lemon's attorneys came to me and had their say, whatever it was. I then proceeded to prepare this bill myself after hearing their views on the subject.

Q. Without consultation with them?

A. Without consultation with them or any one else of which I have any recollection. If I consulted with any one, it was probably with the head of the miscellaneous division, but I do not think that I did even with him.

Q. State whether Mr. Wilson or Mr. Ingersoll, or whoever attorney it was that attended with Mr. Lemon, came to see you before or after you prepared the letter from the clerk of the Committee on Appropriations of the House?

A. I am not able to state that. Their coming did not make much impression on my mind. It was nothing unusual. I heard what they had to say, and I do not remember now what they did say. Whether it was before or after I received that letter from the clerk of the Committee on Appropriations, I have not the means of knowing.

Q. Did you know, or have any reason to believe, that Mr. Lemon or his counsel had been to see members of the conference committee before the Follett letter was written, touching the pension appropriation bill?

A. I do not think I had any knowledge at all on that subject. I do not know that I ever knew who the members of the conference committee were, except Mr. FOLLETT. I never saw any of them.

Q. You sent this bill which became a law to Mr. FOLLETT on the 17th of June, 1884?

A. Yes.

And on page 111 as follows:

Q. Mr. Fitzgerald was not reinstated until the 26th of that month. Am I right in that?

A. Mr. Fitzgerald was reinstated on the 16th of June. I have noticed in the record here that the statement was made that he was reinstated on the 26th. That is not correct. He was reinstated on the 16th. Of course he was practically reinstated when the opinion was written (which was before that time), but you will find that the letter reinstating him bears date the 16th of June.

Mr. ROGERS. I have not seen that letter.

The SECRETARY. I put it in yesterday. It is an error to say that the reinstatement of Mr. Fitzgerald was on the 26th of June. The order of the Commissioner of Pensions may have been issued on that date, but my action was on the 16th.

Q. You mean to say you signed the letter for his reinstatement on that day?

A. Yes, sir.

* * * * * * *

Q. You do not know when the fact of his reinstatement was made known to him?

A. I do not know. Of course I have no means of knowing. My letter went to the Commissioner of Pensions; but when the Commissioner of Pensions made the fact known I have no means of knowing.

Q. You do not mean to say that Mr. Fitzgerald was notified prior to the 20th?

A. He was not notified at all from our office. [After a whispered remark from Mr. McCammon.] Mr. McCammon tells me that Mr. Fitzgerald knew it the next day after my signing the letter, or the day afterward. After I had signed the letter I had nothing further to do with the matter, and my mind was not charged with it at all.

Q. State whether at any time between the 17th of June and the 24th of June following you were applied to by Mr. Lemon or his attorney for the order made by you on June 20th, and known as order No. 160.

A. I never was applied to by Mr. Lemon or his attorney or anybody in his behalf to make any order whatever at any time. I was in entire ignorance of the fact that Mr. Lemon was negotiating with Mr. Fitzgerald on the subject. I only knew that Mr. Fitzgerald proposed to sell his business from the fact that he came to me and told me that he proposed to sell it. I do not think he mentioned to me to whom he was to sell it. He asked me what I was going to do about it, and I told him in substance that I would be liberal with him and help him out. Mr. Lemon has never spoken to me on the subject concerning the sale in any way or manner except what he said to me yesterday in the presence of Mr. Walker.

And on page 112 the Secretary testified as follows:

By Mr. ROGERS:

Q. Are you aware that Mr. Joslyn has testified in this case that the reason why Mr. Fitzgerald was reinstated was that he might make the assignment to Mr. Lemon?

A. I am aware of that fact. As I stated yesterday, I think that Mr. Joslyn confounded the Webb case with the Fitzgerald case; for, in the Fitzgerald case, the only connection he ever had with it that I know of was to write that letter of June 26, or rather to present it to me, because it was Mr. Dawson who wrote it.

Q. Are you not mistaken about Mr. Joslyn confounding the Webb case with the Fitzgerald case? You say that Webb assigned his business before his reinstatement.

A. I can not explain Mr. Joslyn's statement, but I know very well that he did not have anything to do with the Fitzgerald case, and that he must have confounded it with some other case. I think that the only connection he had with the Fitzgerald case was to present to me the letter of the 26th of June, which bears his initials and which I signed.

And on page 118, and on the same day, the Secretary testified as follows (the subject under investigation being the construction of the act of July 4, 1884):

Mr. ROGERS. The proviso (as you use) modifies what has gone before. That is the object of a proviso. This proviso is "that in all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10 or any part thereof has not been paid he shall cause the same to be deducted from the pension and the pension agent to pay the same to the recognized attorney." There is another feature about it which I want to inquire into. Do you not see that, by the terms of this proviso, the Pension Office has placed upon it the collection of every unpaid fee or part of an unpaid fee where a claim had been allowed since 1878?

The SECRETARY. I understand that the Pension Office has so construed it.

Mr. ROGERS. Is not that the proper construction?

The SECRETARY. I thought yesterday that I should not so construe it. Upon reflection I am not clear whether I would so construe it now or not. But I say there can be no more objection to collecting the unpaid fee of $10 than to collecting the unpaid fee of $25 which the Pension Office is required to do. Under the act of 1878 the Pension Office was required to collect all those old fees that proved still outstanding. I do not desire to discuss with you the propriety of the act. It may not be a good act. That is a matter upon which you form your own judgment and I form mine.

Mr. ROGERS. But we wish to have your views upon it, as you are the author of the act, and I suppose that you would like to explain it.

The SECRETARY. I see no hardship in the law as it exists and as it is construed by the Department; but I should say that it did not strike me that the act went to that extent.

Mr. ROGERS. I will not press you, if you do not wish to interpret the act. I pass over to the last paragraph, section 4748, which reads as follows: "Any agent or attorney, or other person, who shall be engaged in prosecuting any claim for pension or bounty land, who shall, directly or indirectly, contract for, demand, or receive or receive a greater compensation for his services or services than is hereinbefore prescribed, or who shall wrongfully withhold from a pensioner or a claimant the whole or any part of the pension claim allowed or due such pensioner or claimant, or who shall violate any of the laws relating to the Department, shall be deemed guilty of a misdemeanor." Do the Department understand that the Commissioner of Pensions has authority to do, in the case without one of these fees he speaks of, after the allowance of the claim without violating the literal provision of this statute?

The SECRETARY. Possibly that is so. But that section was put in there for the purpose of putting as far as possible under the control of the Commissioner of Pensions this fee question, which I said the other day had been so great a trouble in the Pension Office.

There is but one fair inference to be drawn from the Secretary's evidence. It is clear he did not understand the bill he had recommended. The inference is that he, too, had been overreached. Lemon and his counsel had outwitted him also.

This proviso operated against the Government and the claimants; the pension attorneys alone were the beneficiaries under it. It is fair to assume that it originated with them. Mr. Lemon could, with eminent propriety, emulate the frankness and temerity of the Secretary and acknowledge his paternity of this feature of the Secretary's bill.

Whatever may be the Secretary's recollection as to the impression made upon him by Mr. Lemon's attorneys, he admits he did not comprehend the effect of this provision, and not comprehending it obviously did not originate it.

So outrageous did the Assistant Secretary regard this act of July 4, 1884, as construed by the Secretary and administered by the Commissioner of Pensions that he tried hard, in the Secretary's absence, to explain away its unjust operation and to fix the blame upon the pension officer. The Secretary was then out West, perhaps looking after Senatorial honors. But when he returned he repudiated the Assistant Secretary's explanations and constructions and substantially sustained the Pension Bureau in its administration of this law.

Let any who doubts read their evidence.

Mr. Speaker, not one of these obnoxious features which I have discussed was found in the House amendment which was stricken out in the Senate, and in place of which the Teller amendment was so adroitly substituted in conference. Our committee had carefully avoided these wrongs. There may have been errors in our bill, but if so they were our errors. We understood the bill at least, and thought it was right. If there were errors they favored the claimants. We were trying to do them justice. It was their interests we sought to promote. The bill we formulated twice met the approbation of this House. It met the approval of the Senate as a separate bill at this session.

At this late day, and when so modified as to correct the evils of the act of 1884 and do justice to the nation's pensioners, it has met with enemies on this floor, enemies willing to obstruct legislation, to defeat its consideration.

I hope it is not a source of consolation to those gentlemen, in view of what I have now said, to know that sitting in these galleries, yea, Mr. Speaker, almost over your own head, the chief beneficiary under this legislation, this self-constituted and proclaimed friend of the soldier, has been seen sitting through the long hours of the night, "waiting and watching," no doubt, to see whether this House would, like the Senate, rise up in its indignation and stamp the seal of its condemnation upon his atrocious conduct, and take from him his ill-gotten booty.

Whether this act is repealed or not I have done my duty to the House and to the country. I am gratified that the laborious work we have done will not all be in vain. It may serve to aid the new administration, to promote the efficiency of the work in the Pension Office, and to purify it of unworthy men.

If those whose duty it shall become to administer that office in future will go over the evidence now in print and accessible much will be found that will prove useful in the reorganization and purification of that branch of the public service. That a reorganization and purification are necessary there can be no doubt; that it will be done I have great faith.

Interstate Commerce.

SPEECH

OF

HON. JAMES LAIRD,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 16, 1884,

On the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. LAIRD said:

Mr. SPEAKER: It must be a matter of congratulation to the members of this House and to the country at large that this body is about to come to a vote upon the measure under consideration. This is true, not only by reason of the importance of the subject itself, which can not be overestimated, but so far as most of us are concerned, for another and a peculiar reason. There is scarcely a member of either party who has not heretofore been arraigned for suppositious prospective opposition to this bill or some future thereof.

Political hypocrites, demagogues, and Pharisees in politics—avowing themselves the only true exponents of anti-monopoly—have run an indiscriminate vendetta against all men who did not make the

air of October lurid with furious denunciations of the railroads. In their estimation no man who "loved the people" could exist otherwise than in a state of constant rhetorical explosion against monopolies. Their "pot-soon-hot" hatred of "corporations" found expression in words of great "sound and fury," signifying nothing. The people put their brief candle out, and defeat emptied the lofty speech of hypocritical profession from their lips; their hearts no longer palpitate with the desire of self-sacrifice; they no longer rush to "glory," although possibly to the "grave." They have lost their "grip" upon the wheel of fortune and must grovel on until another election gives them opportunity and license to practice their political three-card-monte schemes upon the people.

All honest men, here to do their duty without fear, favor, or hope of reward, who do not look over their shoulders for votes, but who find their recompense in the unassuming greatness of "duty done," will hail this opportunity to record themselves for the one or the other of these bills with great joy, and they will greet the passage of the measure receiving their support, possibly the passage of either, as the triumph of a cause none the less dear to them because they have come to its support through the doubt of well-meaning men, the misconstruction of fools and fanatics, and the "slings and arrows" of a misguided or an hireling press.

It is not my purpose, Mr. Speaker, to confound with frauds and fanatics that large and respectable class of my fellow-citizens who, in their zeal for railroad legislation, have found fault with all political parties and have withdrawn from them. The disinterestedness of their action proves the worth of their motives. Their efforts to accomplish the great work of the regulation of the railroads by means of a third party was a mistake, in my judgment, but that they were sincere in it I have no doubt; and sincerity, whether right or wrong, must always command the respect of candid men. Whatever may have been their opinion of the worth of the old parties and their representatives here assembled in this contest they must bow to the accomplished work and rejoice with us in the triumph of principles equally dear to all good men; and here, if we have contended for the right, and not alone for the advantage, does our quarrel end.

Mr. Speaker, there is a disposition on the part of the gentleman from Texas [Mr. REAGAN] to arraign the Republican party, as a party, for its attitude on the general question of railroad legislation. In his remarks on this subject, made to-day, that gentleman is reported as having read the following from the Republican national platform of June 5, 1884:

> The regulation of commerce with foreign nations and between the States is one of the most important prerogatives of the General Government, and the Republican party distinctly announces its purpose to support such legislation as will fully and efficiently carry out the constitutional power of Congress over interstate commerce.
>
> The principle of the public regulation of railway corporations is a wise and salutary one for the protection of all classes of the people, and we favor legislation that will prevent unjust discrimination and excessive charges for transportation and that shall prove to the people and to the railroads alike the fair and equal protection of the law.

This done the gentleman from Texas proceeded to say:

> I commend that to my Republican friends, who are so earnestly combating legislation of this kind. If some of the Republican members who have been discussing this question do show that they believe the people of the country have no rights which the railroads are bound to respect, they surely ought to manifest, outwardly at least, some respect for the political declarations which their national convention thought it necessary to make, in order to enable them to carry the recent election for President and Congress; or do they prefer that the public shall understand that this declaration was simply made to deceive the people and cheat them out of their votes by a false pretense? I must not be understood as applying these remarks to those Republicans who are trying, in good faith, as many of them are, to redeem the pledge of their party to the people on this subject.

This puts in issue the question of what the Republican party, as a party, has done or attempted to do on this question and renders pertinent a brief review of the history of the legislation now under consideration, and the attitude of the Republican party toward it.

Mr. Speaker, the Journals of this House show that on the 3d of December, 1873, Mr. Kendall (Democrat), of Nevada, introduced a bill (H. R. 206) "to require uniform rates for transporting freight and passengers by railroad companies and other common carriers, and to prevent and punish unjust discriminations in favor of or against persons and places." This bill was referred to the Railroad and Canal Committee, and not reported.

The record also shows that on the 4th of December, 1873, Mr. Hawley, of Illinois (Republican), introduced a bill (H. R. 143) "to regulate commerce among the several States;" which was referred to the Railroad and Canal Committee, and not reported.

And it also shows that on the same day Mr. McNulta introduced a bill (H. R. 150) on the same subject, which took the same reference and was not reported.

The record also shows that on the 5th of January, 1874, Mr. Killinger, of Pennsylvania (Republican), introduced a bill "to establish a uniform system of railroad transportation in all parts of the United States and Territories" (H. R. 571), which was referred to the Railroad and Canal Committee, and was likewise not reported.

We are further informed from the record that on the following day of the same year, Mr. McCrary, of Iowa (Republican), reported favorably from the Railroad and Canal Committee a bill (H. R. 1012) "to regulate commerce by railroads among the several States."

This bill, after being discussed in this House, passed this body on the 26th of March, 1874, by a vote of 131 to 116. Pending its passage the gentleman from Indiana (Mr. HOLMAN—Democrat) offered a substitute, which provided for a "board of railroad commissioners," to be named by the President, who were to examine and investigate the subject and to prepare a schedule of rates, the party aggrieved being remitted to the courts to recover damages for any violation of its provisions, or for the violation of any provisions which the commissioners should prescribe. An analysis of the vote by which the previous or main question was ordered on the passage of the McCrary interstate-commerce bill shows that the 121 votes cast for it were Republican except 5 which were cast by Democrats, namely, HOLMAN, Kendall, Luttrell, Robbins, and Wolfe; the 115 votes cast against it were Democratic, save 36.

The following shows the leading Republicans who advocated and voted for the motion, and leading Democrats who opposed and voted against the same:

Ayes—Republicans.	*Noes—Democrats.*
J. G. Cannon.	William H. Barnum.
O. D. Conger.	James B. Beck.
Henry L. Dawes.	R. P. Bland.
Charles Foster.	L. Q. C. Lamar.
W. P. Frye.	Samuel J. Randall.
B. F. Butler.	Fernando Wood.
James A. Garfield.	S. S. Cox.
Eugene Hale.	Heister Clymer.
George F. Hoar.	John Cessna.
G. G. Hoskins.	Eppa Hunton.
John A. Kasson.	William E. Niblack.
George W. McCrary.	Clarkson N. Potter.
G. S. Orth.	Milton Sayler.
Luke P. Poland.	P. B. M. Young.
Philetus Sawyer.	

Not only, Mr. Speaker, did the Democratic party in this House, with the exceptions named, do all it could to defeat the McCrary bill, but prior to that, during the third session of the Forty-second Congress, that party voted almost solidly to defeat and did defeat the motion of Mr. Hawley (Republican), of Illinois, to suspend the rules and pass a bill for the appointment of a board of commissioners to collect information concerning railroads and interstate commerce. The motion was lost—ayes 75, all Republican; noes 98, seventy-nine of whom were Democrats. (See House proceedings of January 27, 1873.) And thus was defeated in this House by the votes of the party of the gentleman from Texas the first measure looking to some basis for the relief of the people from abuses of the transportation companies—a measure born of the Republican party which he here arraigns; a measure receiving its almost unanimous support, and the unanimous opposition of the Democratic party. Thus far, at least, the "we-are-holier-than-thou" assumptions of the gentleman for his party receive little support from the hard facts of the record.

Mr. Speaker, the first bill that I have been able to discover, in a hasty research, introduced on this subject by the gentleman from Texas [Mr. REAGAN] is H. R. 674, in 1877. In the following year (1878) Mr. Watson (Republican), of Pennsylvania, introduced a bill on this subject (H. R. 2546), which was reported back to the House February 26, 1878, by the gentleman from Texas, by substitute (H. R. 3547). This was recommitted to the Railroad and Canal Committee and afterward favorably reported therefrom to the House May 2, 1878. This bill was discussed in the House; but it finally died on the hands of the gentleman from Texas [Mr. REAGAN] May 17, 1878; but not until he had offered a substitute for it and had conceded in debate that—

> As between trade centers this [that] bill may operate a change, and it is the object, and one of the great objects, of this [his] bill to produce a change.

The change sought to be accomplished by the gentleman was to prevent railroads from carrying through or long-haul freights (corn, wheat, hogs, and cattle) at low rates and local or parcel and package (short-haul) freights at high rates. That bill was regarded as obviously hostile to the agricultural interests of the great West, and to have enacted it into a law might have been to reverse the beneficent rule of "the greatest good of the greatest number," and substituted therefor the greatest good of the least number, because west of the Mississippi, where one out of a thousand only of the producers may be interested in cheap rates for small packages or parcel freights, nine hundred and ninety-nine of that thousand are interested in cheap long-haul rates on articles in bulk, such as corn, wheat, hogs, and cattle.

In 1883 the gentleman from Texas [Mr. REAGAN] introduced another bill on the subject, which was substantially the Watson (Republican) bill of 1878. In 1884 the gentleman from Texas [Mr. REAGAN] reported from the Committee on Commerce the bill under discussion (H. R. 5461), which was a substitute for sundry bills on the same subject, and to this bill, as reported by him from the committee, he offered a substitute known as "proposed substitute" for H. R. 5461. This substantially covers the entire period of attempted railroad legislation in this House, from its inception in January, 1873, to the offering of the

last substitute by the gentleman from Texas [Mr. REAGAN] in this final session of the Forty-eighth Congress. During that time the party of the gentleman from Texas has been in power eight years out of the twelve; the gentleman himself has been in Congress ten years of that period. I do not seek, Mr. Speaker, to detract from the motives nor the good work of the distinguished gentleman from Texas. I have a most profound regard for his ability, courage, and unselfishness as manifested in ten years of service dedicated to the cause of the people against monopolies.

In this he has rendered a service to all parties alike, to the country and its institutions. I only protest when the gentleman stoops from his loftly place in this controversy to assail the party which more than any and all others has been the ally of this cause, and often its leader. Among honest men the right and duty to regulate the transportation companies has never been an issue except as to means. There has been no two sides to it, any more than there are two sides to the golden rule. Wise men and honest men have differed as to the manner of procedure, and they differ to-day and always will; but conceding the need of regulation as I concede it, as without exception I believe every member of this House concedes it, there has never been any political differences on the subject, no more than there can be party differences on the question of the right of self-preservation. The people have never divided upon the question of the utility of the first law of nature, and they never will.

Mr. Speaker, it is not my purpose at this stage of the discussion to do more than call attention to certain great features of the committee's bill and contrast them briefly with the absence of like features in the substitute offered therefor.

The Reagan bill reported by the Committee on Commerce is as follows:

A bill to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all charges by any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, shall be "reasonable" for such service.

SEC. 2. That it shall be unlawful for any person or persons so engaged as aforesaid directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of compensation or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling the same under substantially similar circumstances; and all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being considered as one continuous carriage in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered as aforesaid by him or them, which, under similar circumstances, are not allowed to all other persons.

SEC. 4. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads; and it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 5. That the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 6. That any railroad company, officer of such company, or other person who shall violate any of the provisions of this act shall be liable to any person injured for the actual damages caused by such violation, which may be recovered in any State or United States court of competent jurisdiction. The court before which any such action is tried, if it shall be found that the violation was willful, or continued after the notice provided by the tenth section of this act, shall make an allowance by way of additional costs to the party injured sufficient to cover all his counsel and attorney fees, and all expenses and disbursements in the action, including his own necessary personal expenses.

SEC. 7. That any corporation or person violating this act is guilty of a misdemeanor, and subject to a fine of not exceeding $1,000 for each violation. The courts of the United States shall have exclusive jurisdiction of all prosecutions arising under this section. It shall be the duty of district attorneys of the United States to institute and prosecute to effect criminal proceedings for all such violations. The provisions of this section shall not apply to the first section of this act.

SEC. 8. That there shall be appointed by the President, by and with the advice and consent of the Senate, three commissioners, of whom one shall be of experience in the law and one of experience in railroad business, who shall be collectively known as the commission of interstate commerce of the United States, and shall be charged with the duty of carrying into effect the provisions of this act in respect of interstate commerce. One of said commissioners shall hold his office for the term of two years, one for the term of four years, and the other for the term of six years, to be respectively designated by the President, and thereafter said commissioners shall be appointed for the term of six years; and a commissioner appointed to any vacancy shall hold office for the unexpired term. Any one of said commissioners may be removed by the President for cause, but not otherwise. Said commissioners shall devote their whole time and abilities to the duties of their office, and shall not accept or engage in any office or employment inconsistent with the provisions of this act. If either commissioner, after his appointment, shall be, or shall become by inheritance or operation of law, pecuniarily interested in any railroad or railroad security, he shall, within thirty days, divest himself of such interest; and upon his failure to do so, or upon his voluntarily becoming interested in any such railroad or railroad security, his office shall become vacant. No commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest whatever. Each commissioner shall receive an annual salary of $7,500, payable like the salaries of the judges of the courts of the United States: *Provided*, That before entering upon the discharge of their duties they shall, in addition to the oath required of them by law, take and subscribe to an oath that they are neither directly nor indirectly interested in the ownership or earnings of any railroad company whatsoever.

SEC. 9. That the said commission shall exercise only the powers by this act conferred. Said commission may appoint a clerk, whose duty it shall be to keep a full and faithful record of the proceedings of said commission, and otherwise to assist the members thereof in the performance of their duties, and who shall receive an annual salary of $2,500; and also one accountant, at an annual salary of $2,500. The Secretary of the Interior, at the request of said commission, may also furnish the commission such additional clerical, engineering, expert, or other service as they may request and he shall deem proper. Actual and necessary traveling and other expenses incurred by said commissioners, or their employés under their orders, shall be allowed them, for which vouchers shall be rendered. The commissioners, their experts and clerks, may pass and repass over any railroad engaged in interstate commerce free of charge, whenever engaged in the performance of their duties under the provisions of this act, but neither shall accept any other pass, gratuity, or favor whatever from any railroad company.

SEC. 10. That any person complaining of anything done or omitted to be done by any railroad company or person in violation or contravention of this act may, in addition to the remedies hereinbefore provided, apply to said commission by petition in writing, which shall briefly state the subject of such complaint. If the petition is signed by any board of trade or other commercial body, or, when signed by an individual, if it bears the certificate of any district attorney of the United States, or of any district or county attorney, or officer corresponding thereto, of any State or Territory, that he has examined the facts and in his opinion the complaint of the complainant is well founded, the commission is hereby required to entertain and investigate the same. In all other cases the commission shall decide whether or not the petition ought to be proceeded with. The commission may, if they think fit, before requiring or permitting any formal proceedings to be taken on any petition, communicate the same to the railroad company against whom it is made, so as to afford them an opportunity of making such observations or taking such action thereon as they may think fit. The commission shall have power, and in a proper case is required, to cause a copy of the petition to be served upon the railroad company complained against, and to issue a notice requiring such company to appear before the commission and answer the said petition. The answer shall be in writing. After the answer is filed it shall then be lawful for the commission, if it shall think fit, to direct and prosecute, in such mode and by such persons or means as it shall think proper, all such inquiries into matters of fact as may be deemed necessary to enable the commission to form a just conclusion in respect of the matters of said petition. All the proceedings before said commission shall be directed by and under general orders, which shall secure to all persons interested reasonable notice and opportunity to be heard. If it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence adduced before it, or by the report of any person to whom the commission may have referred the inquiry, or any part thereof, that anything has been done or omitted to be done in contravention or violation of this act, by any railroad company or person so upon due and proper notice proceeded against, it shall be the duty of such commission to make and record its report in writing in respect of any such contravention or violation of this act, which report shall comprise and embrace the findings of the commission upon and in respect of all questions of fact in issue or involved in such proceedings. Within a reasonable time, not to exceed twenty days, after such report and findings are made by the commission, it shall cause a copy thereof to be served upon or delivered to the railroad company so found to have violated this act, to which shall be appended a notice to be issued by said commission to such company forthwith to cease and desist from such violation; and also to deliver to the district attorney of the United States for the district in which the act complained of occurred another copy of such report, findings, and notice.

SEC. 11. That upon notice that any such railroad company has neglected or refused to conform to the decision of said commission, and to desist from such violation or contravention of this act, it shall be the duty of such district attorney to apply by petition, in the name of the party aggrieved, to the circuit court of the United States for such district, for, and it shall be the duty of such court to grant, an order upon such railroad company to show cause why such company should not be enjoined and restrained against the continuance of such violation, and for such other order and relief in the premises as may be just and proper. For the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open, and the day on which any such order or decree is made shall be a special term of such court. Upon the service and return of such order to show cause, and notice to the parties interested, such court shall proceed in a summary manner to ascertain whether the said report and findings are true; and whenever said court shall be of opinion that such company has done or is doing any act in violation or contravention of this act in said report and findings described, it shall so adjudge; and it then shall be the duty of said court forthwith to issue a writ of injunction requiring said railroad company to desist from such violation, and in respect of the matters in said report contained to conform to and obey all the provisions of said act. Such court may enforce obedience to any such injunction, order, or decree, by any person or party, by fine, proceedings for contempt, and all other means within its lawful jurisdiction sitting as a court of equity. Any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard, by himself or counsel; and upon proof that any district attorney has failed in any proper case for the period of ten days to apply for such order to show cause, the court may permit such application to be made and prosecuted to effect by or in behalf of any person so interested. Such court may, in its discretion, award or deny costs to any party to such proceeding. In any case where the court shall adjudge that the violation of this act by any company has been willful, or continued after notice to desist therefrom, the court may award to any party injured such a gross sum by way of costs as will reimburse all his costs, charges, expenses, counsel fees, and disbursements, to be paid by such company.

SEC. 12. That the commission may make, and from time to time amend, such general orders as may be requisite for the order and regulation of proceedings before it, including all forms for proceeding, notices and the service thereof, and for the prescribing, directing, or regulating any matters authorized by this act. All the proceedings before said commission shall be upon reasonable notice to all parties interested, and such forms shall conform as near as may be to those in use in the courts of the United States. Any party may appear and be heard, in person or by attorney.

SEC. 13. That for the purposes of this act the commission shall, subject as in this act mentioned, have full power to ascertain and report upon all questions of fact arising under this act, and shall also have the powers following:

(a) They may, by subpœna or order to be served by a person by them authorized, require the attendance of witnesses, and of all such persons as they think fit to call before them, or before any person by them authorized to prosecute an inquiry.

(b) They may require the production of all books, papers, and documents relating to any matter before them, and to that end may invoke the aid of any court of the United States.

(c) Either of them may administer oaths and affirmations.

SEC. 14. That the principal office of the commission shall be in the city of Washington, where its general session shall be held and its records and archives be deposited. Whenever the convenience of the public or of the parties may be promoted, or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, or one of the persons named in the ninth section hereof, or by any person specially appointed by the commission, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact, and may specially delegate to the officer or person conducting such inquiry such powers to that end as are by this act conferred upon the commission and may be deemed necessary. Every vote and official act of either of the commissioners shall be entered of record. The commission may conduct its proceedings in such a manner as will most conduce to the dispatch of business and to justice; they may sit together or separately, and either in private or public, but any proceeding before them shall be public upon the request of either party thereto; and a majority of said commission may determine any question submitted. The commission shall prescribe a railroad year, and a system of reports covering said year to be rendered by railroad companies; examine the books and accounts of said companies at such times as may be deemed by them necessary; see that all United States laws relating to said companies are enforced; furnish such information to the several departments of the Government, or the Government directors of any of said railroads, in regard to the tariffs of fares and freight, or the accounts of said railroads, as may be required of them or as they may deem expedient; make an annual report of their doings to Congress on or before the 1st day of January of each year; and otherwise endeavor to procure the data necessary to the gradual enactment of an intelligent system of national legislation regulating interstate railroad commerce.

SEC. 15. That the Secretary of the Interior shall provide suitable offices and a room for the public sessions of the commission in the city of Washington. Witnesses summoned before the commission shall be paid the same fees as witnesses in the Federal courts, and depositions *de bene esse* and under commission may be taken to be used before the commission in the same manner and upon the same conditions as in such courts. The salaries and expenses of the commission shall be provided for, audited, and paid in the same manner as the salaries o judges and other judicial expenses.

SEC. 16. That said board of commissioners shall inquire into that method of railroad management or combination known as pooling, and state the result of their inquiry in their first annual report, and whether, in their judgment, any, and if so what, legislation is expedient in relation thereto.

SEC. 17. That nothing in this act shall apply to the carriage, storage, or handling of property wholly within one State or Territory and not destined for continuous carriage beyond such State or Territory, or to property carried for the United States, or to the transportation of persons or articles free or at reduced rates for State or municipal governments or for charitable purposes, or to or from public fairs and expositions for exhibition thereat.

SEC. 18. That in the construction of this act the phrases "railroad corporation" and "railroad company" shall be held to be synonymous, and to signify a corporation which either owns or operates a railroad as aforesaid, and shall include receivers, lessees, and trustees operating railroads, and all persons named in the first section of this act. The word "person" in this act includes plurality of persons, corporate and incorporate, and all persons in any manner engaged in interstate railway commerce in whatever capacity, whether as principals, agents, or employés.

SEC. 19. That the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for the uses and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto.

This bill provides for a commission whose duty it shall be to enforce its provisions.

The substitute offered for this bill by Mr. REAGAN does not provide for a commission. The substitute bill is as follows:

PROPOSED SUBSTITUTE.

To regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act; and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged by suit in any State or United States court or competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured sufficient to cover all his counsel and attorney fees. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee, of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

The Reagan bill, reported by the majority of the committee, provides both rights and remedies. It prescribes rules of action for the railroads and provides a commission to enforce those rules, and it further provides for the prosecution of any violation of the rules prescribed by the law or by the commission in the courts of the country and at the public expense. The Reagan substitute provides for no prosecution of any violation of its rules—neither by a commission, for which it does not

provide, nor in the courts of law. The committee's bill gives affirmative relief. If the Reagan substitute gives any new relief whatever it is entirely abstract; and so far as any enforcement thereof is concerned it is passive and negative, not positive and active as it should be.

The substitute bill provides that no interstate railroad shall charge or receive more from one person than from another for like service at a like time; that all charges shall be "reasonable;" that there shall be no rebates, drawbacks, or advantages in rates to any person.

It prohibits "pooling" by dividing the net proceeds; makes it unlawful for a railroad to charge more for a short than for a long haul; provides for the posting of schedules of rates and against changes thereof without notice; provides that for any violation of these provisions the guilty party shall pay therefor to the party damaged three times the amount of the damages actually sustained, and if the violation shall be found to have been willful, then the guilty party shall pay, as additional costs, a sum sufficient to cover all the attorney and counsel fees of the opposite party.

With the exception of the rule that no railroad shall charge more for a short than for a long haul of freights, and the provision concerning the posting of rates, the two bills are substantially alike, except in the remedies provided for a violation of their provisions. Aside from the rule of the substitute bill as to long and short haul rates, and the provision as to public notice of the rates to be charged by any railroad, neither bill adds anything to the legal rights now enjoyed by the people before the courts under the law as it now stands.

All the sections of substitute bill, except that as to long and short haul rates, are practically resolvable into the one provision of section 1 of both bills, to wit, all charges shall be "reasonable." This is no addition, then, to the law as already declared. See the leading cases—Munn vs. Illinois, 94 U. S. Supreme Court Reports, page 133, and cases cited; also Peck vs. The Chicago and Northwestern Railroad Company, 94 U. S. Reports 164, and cases cited.

The substitute bill declares the law—so far so good; but it makes no provision for its enforcement at the public expense or through a commission. The bill reported by a majority of the Committee on Commerce does both. The Reagan "proposed substitute" gives a right to sue—the citizen has that already; it prescribes rules of action for the railroads and consequences for their violation—the rules so prescribed already exist. The substitute says you can sue the railroad, and if found guilty this bill settles the rule of damages; that, too, is already settled. The farmers of Nebraska do not want a law that says you can sue a railroad. They know they have that inestimable privilege already. What they want is a law which shall provide that if the railroads do wrong, the Government, on the complaint of the citizen, shall prosecute that railroad for a redress of that wrong at its own expense.

The right to sue and be sued the producers have too much of already. They sue and are sued too often to appreciate as "good tidings of great joy" the much too naked "right" of walking into a court of justice armed with the Reagan substitute bill and calling the delinquent railroad to account, "sustained and cheered" with the knowledge that the Congress has assured them that if they will fight the judicial battle through at their own cost and expense to a successful termination great shall be their reward—"glad tidings of great joy" to the farmers of Nebraska; you can sue a railroad at your own expense, and after you have paid out a thousand dollars for counsel fees and expenses, and finally got a judgment for $10 actual damages you can recover three times that, $30, with the consciousness that the railroad company will contest the question of triple damages through the triple courts and defeat it in the end—after the litigation has swallowed up crops, cattle, and the very patented earth from beneath the farmer's feet.

The great day of the deliverance of production from the thralldom of monopolies has indeed dawned when the farmer is told that he can sue a railroad company. Since when could we not send "precepts to leviathan to come ashore," and since when could not our leviathan exercise his insolent privilege of not coming ashore until compelled? But the matter is easy, if the railroad leviathan does not come ashore and settle when you send him a summons, all you will have to do, dear Mr. Farmer, is to arm yourself with a copy of the Reagan substitute and go out into the legal deep after him and bring him in. But when you go out remember you must "paddle your own canoe." The substitute bill says to the producers of the trans-Mississippi territory, financially stripped naked by years of waiting for relief from unreasonable charges by the corporations, "Now, if you do not get what is right, go to law"—*i. e.*, launch yourself upon the troubled waters of the legal deep with the right of bankrupting yourself conferred by the Reagan substitute bill tied about your neck like a millstone. This substitute bill, unamended as it stands, bids the Davids of agriculture go forth and battle with the Goliahs of corporate power, to the end that the Davids shall not have the advantage in the strife it takes their slings and stones away from them, and then on top of that hamstrings them lest they get away after the fight is over. Let us take a practical illustration:

A farmer in Nebraska, we will say, has 500 bushels of corn or of wheat for market. He would have 30,000 pounds for shipment or 300 sacks of 100 pounds each. Suppose the railway company charged him 30 cents a hundred pounds to lay it down in Chicago, $90. Now, let us assume that the charge of 30 cents per hundred is excessive—extortionate, if you please, to the extent of say 10 cents per hundred. The "reasonable" total charge would be $60. The farmer would have cause to complain of the excess, to wit, $30. His right of action under the Reagan substitute bill would be to sue the railroad company for damages for the unreasonable charge, and if he recovered, the rule of damages (unconstitutional, so far as the supreme court of Nebraska is concerned; see A., T. & N. R. R. Co. vs. Baty, 6 Nebr., 37; see same holding in Michigan, Massachusetts, and Texas; Bay City and Saginaw R. R. Co. vs. Austin, 21 Mich., 401; Lewis vs. Webb, 3 Greenleaf, &c., 326; Holden vs. James, 11 Mass., 396; James vs. Reynolds, 2 Texas, 251) would be three times thirty, or ninety, dollars! Ninety dollars as the reward and as the result! Will Congress have done its duty by the people when it shall make a rehash of the common law and write it in a printed book covered with calfskin? Will Congress have done anything when it does this? These rules in their substance are written on the tablets of immemorial law, and are known to all men. If I hear the voice of the people aright it demands not rules but results.

What the producers of this country want is not mere abstract rules of law declaring rights already fixed. They want the rights they already have—those by this substitute more plainly set forth—enforced, and enforced at the public expense, either by a commission, or by litigation, or by both, but at the public expense. The Government created these corporations; now let it control them. What justice is there in locking in the millions of their "surplus(?)" money in idleness in the Treasury and bidding the people "have it out" with the railroads? Men who are for these people and of them, know what they want and can sympathize with them, know that they are sick and languishing and too poor to buy the medicine with which to heal themselves. Seeing them in this state, you write a recipe—a prescription—and you say, "Go purchase the medicine and be cured." There is the "rub;" they tell you they can not get the medicine; they are too poor; and, unless you will give them the medicine they say "Take back your prescription; take back your recipe; we can not heal ourselves with bits of paper marked with crooked marks. We can not protect ourselves with empty laws—with loud declarations of 'rights.'" The railroads, intrenched behind their millions, fortified in the places of power, laugh at and defy them, single-handed, to the legal test.

Under the Reagan bill, as reported by the majority of the committee, if a farmer is wronged he takes his complaint to his State district attorney, or, if more convenient, to the United States district attorney, who shall examine it, and if meritorious, says so; then he lays it before the commission provided in that bill and the board prosecutes it to a conclusion. If he can not find an attorney he can go to any board of trade and get their indorsement of his complaint, or he can make out his statement and send it to the commission direct, and they must investigate it, try it, put it through the courts, bring it to a judicial end. This is a contest between equals, a battle for the rights of a man, however humble, poor, and insignificant financially, in which the giant of corporate power finds its match in the giant of organic power, The government of the nation takes sides; not one man, but all men, for one man, speaking through the mighty potency of the Government. Thus by the committee's bill the faith of the nation is pledged to see fair play, and blind justice need not tremble for the poor.

Give me such a law and I can go back and face my constituents and feel that something has been done—that there had been a beginning of the end. Give me the Reagan "proposed substitute" bill, unless it be amended so as to provide for the public prosecution of complaints by the people by a commission or otherwise, and I go back to my people feeling that this House has frittered away its time and the people's demand in useless refinements of rules already in existence, in the creation of a statutory abstraction, empty of power, utterly impotent in the impending legal battle which must be fought out in the courts between the people and the railroads, hand to hand, dollar against dollar. In such a battle what the people want is not an airy abstraction to stand by like a mythical monster and idly view the strife. They want something which they can use, a weapon with which they can draw blood, judicial blood, and compel corporate respect for their rights. The railroads are not afraid of shadows; the abstractions of the common and statutory law granting "rights" to the people have confronted them since their creation, and they have driven on over both people and the laws together, making the same diabolical answer to all complaints, "the people" and the laws "be damned." What corporate power respects is not the law but the power behind the law—the dollars that stand for its enforcement! The one bill gives this power; the proposed substitute does not.

I am for the bill that says to the railroads, "Here is a just rule; obey it, peaceably, if you will, and all will be right; we do not want to punish nor to destroy you nor even cripple you; refuse to obey it and we will make you do it or break you to pieces upon the wheel of litigation." When this problem ceases to be a question between power and wealth (the railroads) and poverty and weakness (the producers), and becomes a contest between power and wealth (the corporations) and power, wealth, and authority (the Government), then the contest will end and justice will be done, and not before.

I am not saying, Mr. Speaker, that the committee bill is perfect. I hope to see it amended in some particulars; its powers should be

less circuitous, perhaps; but this remains of it after all is said: it does provide for the prosecution of meritorious cases to a judicial conclusion, and this without expense to the complainant. This the proposed substitute does not do, and failing in this it fails to meet the demands of the hour.

Mr. Speaker, permit me a word upon another feature of this discussion. It seems to be assumed here that the Reagan proposed substitute is the only measure that is anti-monopoly; that all other measures are monopoly measures. Many members may propose to vote for the substitute because it is championed by the distinguished anti-monopolist of Texas, feeling perhaps that if they follow him they are safe. But both bills are his; he leads both ways! The distinguished gentleman is no doubt a sincere opponent of corporate abuses, but so is every honest man. This is not a question of leaders; it is a question of measures. Mr. REAGAN is not the only anti-monopolist; various public men and organizations, investigators, and economists, not less distinguished for their identity with the anti-monopoly movement, have spoken and written on the subject, and an appeal to the record will show that Mr. REAGAN when he refuses to incorporate the commission system into his proposed substitute is decidedly out of accord with the declared wisdom of his anti-monopoly contemporaries. Let him add to his bill those provisions of the committee's bill that provide for the prosecutions of violations of the law, civil as well as criminal, at the public expense, and provide for a commission to enforce such law, and I will as gladly support the "proposed substitute" as the committee bill, with the exception of one section, which it is contended will operate against the interests of the great West, and upon that I withhold my decision for further investigation.

Is this Reagan "proposed substitute" the great anti-monopoly measure? If it is, why is it that the ablest individuals in the country belonging to that organization refuse it the full meed of their support? Perhaps a portion of the public press is mistaken about this substitute.

First. It is said that the "National Board of Trade and Transportation," soon to meet in Washington, will not indorse the Reagan "proposed substitute," and yet such distinguished anti-monopolists, leaders in fact in that movement, as A. B. Miller, F. B. Thurber, and others hold membership in that board. These gentlemen are said to object to this Reagan substitute on the grounds that while it commands "reasonable" rates it fails to prescribe what rates shall be deemed "reasonable," and they also object to this substitute because it fails to provide for a commission to enforce the law or the rules and regulations.

Mr. Speaker, if there is an intelligent so-called "anti-monopoly" sentiment extant in this country, as I believe there is, it is found in the suggestions emanating from the "National Anti-monopoly League." The founders of that organization are men of great moral worth, and perhaps of intellectual superiority on this question, and when such a man of that organization as L. E. Chittenden speaks on this subject you can be assured that he has given the matter careful consideration. He does not speak as a demagogue. And what does this league, through its organ, Justice, published in the city of New York, say about this Reagan substitute? It says it "does not provide for a board of railroad commissioners to see that its provisions are carried into execution, and to attend to the new and varied problems which are constantly arising in interstate commerce. To have such a commission seems to us equally as important as the law, and we can not understand why Mr. REAGAN does not join hands with Republicans who are free from railroad control in a commission, amend his bill so as to provide for a commission, and pass it."

Mr. Speaker, I assume that such men as L. E. Chittenden, F. B. Thurber, Ex-Senator Boyd, and A. B. Miller, of New York, are quite as good anti-monopolists as we find in Texas, Iowa, Kansas, or Nebraska even. At all events if I were to guide my action by pure anti-monopoly sentiment, undefiled and unpolluted by the greed for office or gain in other directions, I think I could safely follow the lead of the gentlemen whom I have mentioned rather than listen to political "coyotes" who burrow and have holes in New York and in Nebraska.

And on the point that a commission is necessary to enforce the "proposed substitute" the New York State Grange says the principles in the Reagan bill are entitled to consideration and support; they should be enacted into law "by the Federal and State governments, and, if need be, enforced by railroad commissioners."

Mr. Speaker, the prominent anti-monopoly idea is "enforcement"—not found in the Reagan substitute. All writers, economists, and thinkers on this question agree that whatever law may be passed or rules prescribed the ever varying attitude which commerce and railways present in a rapidly growing country should be under some supervision which shall possess within itself a deterrent power or preventive force. The value of such a power is illustrated by the practical workings of the British railway commission. I quote from The Railroad Problem, by Joseph Nimmo, jr., the able Chief of the Bureau of Statistics of the United States Treasury. Speaking of that commission, he says:

> For their third year in office the commissioners reported twenty-four judgments delivered and six working agreements between companies approved; for their fourth year, nineteen judgments delivered and five working agreements approved; for their fifth year, fourteen judgments delivered and five working agreements submitted for approval; for their sixth year, six judgments delivered and seven working agreements approved; and for their seventh year (only) nine judgments delivered and six working agreements between companies submitted for approval.

Take, as another illustration, the comparative quiet which reigns in all the States in which commissions now exist, and it goes a long ways to prove that a national commission would accomplish like results.

If it be said that a commission would not be able to handle all the cases or complaints which would arise, the answer is that as it would have no jurisdiction over any case save that pertaining to interstate commerce it might be that the number of these would not—even at the outset—exceed the cases which a board in any great State like New York has been called upon to adjudicate. Take the cases left to the English commission having jurisdiction of all those arising in England, Scotland, Ireland, and Wales, and what do we find? I quote again from Mr. Nimmo (*supra*). He says:

> The number of cases in which the powers of the commission have been invoked is surprisingly few, and even of the cases actually coming before the commission a considerable proportion has merely required its informal mediatorial offices in order to lead the parties in dispute to an adjustment of their differences. The specific cases passed upon, and the general rules evolved from the decisions of the commissioners in these cases, appear to have been regarded by the railroads as typical of the rules of policy which should govern them in their dealings with the public and to have met a cheerful acquiescence.

This is the result of nearly forty-four years of experience and investigation. Judge Cooley, of Michigan, in a very able article on the subject of the importance of an umpire between the public and common carriers, says:

> Commissions, if not hampered by excessive and perhaps mischievous legislation, can proceed with deliberation and caution; they can consult and act in concert wherever co-operation is essential; they can deal with peculiar difficulties upon a judgment enlightened by the special facts and uncontrolled by iron rules. In railroad questions we are, as yet, only in the morning twilight; no expert fully masters them in all their bearings; the results are often unexpected and confusing, and the highest wisdom of one year proves to be folly in the next.

In his last report upon the internal commerce of the United States, Mr. Nimmo, concluding a dissertation on the subject of controlling the railways, says:

> It is not the purpose to consider in this report the particular evils which may or do exist in this country as the result of the powers exercised by railroad companies, nor the measures adopted or proposed to be adopted for the prevention or correction of evils. That is regarded as outside the functions of this office, and as being a subject which would naturally command the attention of a national railroad commission.

Mr. Speaker, I have not sought to bring to bear a tithe of the valuable testimony extant going to show the probable value to the people of a national board of railroad commissioners. One of the most meritorious results, in my judgment, which would flow from the creation of such a board would be the value of the deterrent power it would possess, and the fund of information that would be disseminated among the people, enabling them and the railways to better understand their mutual relations.

Nor yet have I attempted to cover the grounds specifically which this railway problem presents. The subject is so complex and difficult in its many phases, the value of our internal commerce so great and its flow through well-settled channels so well fixed, that I can quite agree with what has been said here that we can best make some progress, but let our action be marked by "that frugality in the exercise of power which experience has proved wise, in order that enterprise may not be unduly trammeled," panics precipitated, business deranged and revolutionized.

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